Statement by Sir John Chilcot: 6 July 2016

We were appointed to consider the UK's policy on Iraq from 2001 to 2009, and to identify lessons for the future. Our Report will be published on the Inquiry's website after I finish speaking.

In 2003, for the first time since the Second World War, the United Kingdom took part in an invasion and full-scale occupation of a sovereign State. That was a decision of the utmost gravity. Saddam Hussein was undoubtedly a brutal dictator who had attacked Iraq's neighbours, repressed and killed many of his own people, and was in violation of obligations imposed by the UN Security Council.

But the questions for the Inquiry were:

- whether it was right and necessary to invade Iraq in March 2003; and
- whether the UK could – and should – have been better prepared for what followed.

We have concluded that the UK chose to join the invasion of Iraq before the peaceful options for disarmament had been exhausted. Military action at that time was not a last resort.

We have also concluded that:

- The judgements about the severity of the threat posed by Iraq's weapons of mass destruction – WMD – were presented with a certainty that was not justified.
- Despite explicit warnings, the consequences of the invasion were underestimated. The planning and preparations for Iraq after Saddam Hussein were wholly inadequate.
- The Government failed to achieve its stated objectives.

I want now to set out some of the key points in the Report.

First, the formal decision to invade Iraq, if Saddam Hussein did not accept the US ultimatum to leave within 48 hours, was taken by Cabinet on 17 March 2003. Parliament voted the following day to support the decision.

The decision was, however, shaped by key choices made by Mr Blair's Government over the previous 18 months – which I will briefly set out.

After the attacks on 11 September 2001, Mr Blair urged President Bush not to take hasty action on Iraq.

By early December, US policy had begun to shift and Mr Blair suggested that the US and the UK should work on what he described as a "clever strategy" for regime change in Iraq, which would build over time.

When Mr Blair met President Bush at Crawford, Texas, in early April 2002, the formal policy was still to contain Saddam Hussein. But, by then, there had been a profound change in the UK's thinking:

- The Joint Intelligence Committee had concluded that Saddam Hussein could not be removed without an invasion.
- The Government was stating that Iraq was a threat that had to be dealt with. It had to disarm or be disarmed.

- That implied the use of force if Iraq did not comply – and internal contingency planning for a large contribution to a military invasion had begun.

At Crawford, Mr Blair sought a partnership as a way of influencing President Bush. He proposed a UN ultimatum to Iraq to readmit inspectors or face the consequences.

On 28 July, Mr Blair wrote to President Bush with an assurance that he would be with him "whatever" – but, if the US wanted a coalition for military action, changes would be needed in three key areas. Those were:

- progress on the Middle East Peace Process;
- UN authority; and
- a shift in public opinion in the UK, Europe and the Arab world.

Mr Blair also pointed out that there would be a "need to commit to Iraq for the long term".

Subsequently, Mr Blair and Mr Straw urged the US to take the issue of Iraq back to the UN. On 7 September, President Bush decided to do so.

On 8 November, resolution 1441 was adopted unanimously by the Security Council. It gave Iraq a final opportunity to disarm or face "serious consequences", and it provided for any further breaches by Iraq to be reported to the Security Council "for assessment". The weapons inspectors returned to Iraq later that month.

During December, however, President Bush decided that inspections would not achieve the desired result; the US would take military action in early 2003.

By early January, Mr Blair had also concluded that "the likelihood was war".

At the end of January, Mr Blair accepted the US timetable for military action by mid-March. To help Mr Blair, President Bush agreed to seek a further UN resolution – the "second" resolution – determining that Iraq had failed to take its final opportunity to comply with its obligations.

By 12 March, it was clear that there was no chance of securing majority support for a second resolution before the US took military action.

Without evidence of major new Iraqi violations or reports from the inspectors that Iraq was failing to co-operate and they could not carry out their tasks, most members of the Security Council could not be convinced that peaceful options to disarm Iraq had been exhausted and that military action was therefore justified.

Mr Blair and Mr Straw blamed France for the "impasse" in the UN and claimed that the UK Government was acting on behalf of the international community "to uphold the authority of the Security Council".

In the absence of a majority in support of military action, we consider that the UK was, in fact, undermining the Security Council's authority.

Second, the Inquiry has not expressed a view on whether military action was legal. That could, of course, only be resolved by a properly constituted and internationally recognised Court.

We have, however, concluded that the circumstances in which it was decided that there was a legal basis for UK military action were far from satisfactory.

In mid-January 2003, Lord Goldsmith told Mr Blair that a further Security Council resolution would be necessary to provide a legal basis for military action. He did not advise No.10 until the end of February that, while a second resolution would be preferable, a "reasonable case" could be made that resolution 1441 was sufficient. He set out that view in written advice on 7 March.

The military and the civil service both asked for more clarity on whether force would be legal. Lord Goldsmith then advised that the "better view" was that there was, on balance, a secure legal basis for military action without a further Security Council resolution. On 14 March, he asked Mr Blair to confirm that Iraq had committed further material breaches as specified in resolution 1441. Mr Blair did so the next day.

However, the precise basis on which Mr Blair made that decision is not clear.

Given the gravity of the decision, Lord Goldsmith should have been asked to provide written advice explaining how, in the absence of a majority in the Security Council, Mr Blair could take that decision.

This is one of a number of occasions identified by the Inquiry when policy should have been considered by a Cabinet Committee and then discussed by Cabinet itself.

Third, I want to address the assessments of Iraq's weapons of mass destruction and how they were presented to support the case for action.

There was an ingrained belief in the UK policy and intelligence communities that:

- Iraq had retained some chemical and biological capabilities;
- was determined to preserve and if possible enhance them – and, in the future, to acquire a nuclear capability; and
- was able to conceal its activities from the UN inspectors.

In the House of Commons on 24 September 2002, Mr Blair presented Iraq's past, current and future capabilities as evidence of the severity of the potential threat from Iraq's WMD. He said that, at some point in the future, that threat would become a reality.

The judgements about Iraq's capabilities in that statement, and in the dossier published the same day, were presented with a certainty that was not justified.

The Joint Intelligence Committee should have made clear to Mr Blair that the assessed intelligence had not established "beyond doubt" either that Iraq had continued to produce chemical and biological weapons or that efforts to develop nuclear weapons continued.

The Committee had also judged that as long as sanctions remained effective, Iraq could not develop a nuclear weapon, and that it would take several years to develop and deploy long range missiles.

In the House of Commons on 18 March 2003, Mr Blair stated that he judged the possibility of terrorist groups in possession of WMD was "a real and present danger to Britain and its national security" – and that the threat from Saddam Hussein's arsenal could not be contained and posed a clear danger to British citizens.

Mr Blair had been warned, however, that military action would increase the threat from Al Qaida to the UK and to UK interests. He had also been warned that an invasion might lead to Iraq's weapons and capabilities being transferred into the hands of terrorists.

The Government's strategy reflected its confidence in the Joint Intelligence Committee's Assessments. Those Assessments provided the benchmark against which Iraq's conduct and denials, and the reports of the inspectors, were judged.

As late as 17 March, Mr Blair was being advised by the Chairman of the Joint Intelligence Committee that Iraq possessed chemical and biological weapons, the means to deliver them and the capacity to produce them. He was also told that the evidence pointed to Saddam Hussein's view that the capability was militarily significant and to his determination – left to his own devices – to build it up further.

It is now clear that policy on Iraq was made on the basis of flawed intelligence and assessments. They were not challenged, and they should have been.

The findings on Iraq's WMD capabilities set out in the report of the Iraq Survey Group in October 2004 were significant. But they did not support pre-invasion statements by the UK Government, which had focused on Iraq's current capabilities, which Mr Blair and Mr Straw had described as "vast stocks" and an urgent and growing threat.

In response to those findings, Mr Blair told the House of Commons that, although Iraq might not have had "stockpiles of actually deployable weapons", Saddam Hussein "retained the intent and the capability ... and was in breach of United Nations resolutions".

That was not, however, the explanation for military action he had given before the conflict.

In our Report, we have identified a number of lessons to inform the way in which intelligence may be used publicly in the future to support Government policy.

Fourth, I want to address the shortcomings in planning and preparation.

The British military contribution was not settled until mid-January 2003, when Mr Blair and Mr Hoon agreed the military's proposals for an increase in the number of brigades to be deployed; and that they would operate in southern, not northern, Iraq.

There was little time to prepare three brigades and the risks were neither properly identified nor fully exposed to Ministers. The resulting equipment shortfalls are addressed in the Report.

Despite promises that Cabinet would discuss the military contribution, it did not discuss the military options or their implications.

In early January 2003, when the Government published its objectives for post-conflict Iraq, it intended that the interim post-conflict administration should be UN-led.

By March 2003, having failed to persuade the US of the advantages of a UN-led administration, the Government had set the less ambitious goal of persuading the US to accept UN authorisation of a Coalition-led interim administration.

When the invasion began, UK policy rested on an assumption that there would be a well-executed US-led and UN-authorised operation in a relatively benign security environment.

Mr Blair told the Inquiry that the difficulties encountered in Iraq after the invasion could not have been known in advance.

We do not agree that hindsight is required. The risks of internal strife in Iraq, active Iranian pursuit of its interests, regional instability, and Al Qaida activity in Iraq, were each explicitly identified before the invasion.

Ministers were aware of the inadequacy of US plans, and concerned about the inability to exert significant influence on US planning. Mr Blair eventually succeeded only in the narrow goal of securing President Bush's agreement that there should be UN authorisation of the post-conflict role.

Furthermore, he did not establish clear Ministerial oversight of UK planning and preparation. He did not ensure that there was a flexible, realistic and fully resourced plan that integrated UK military and civilian contributions, and addressed the known risks.

The failures in the planning and preparations continued to have an effect after the invasion.

That brings me to the Government's failure to achieve the objectives it had set itself in Iraq.

The Armed Forces fought a successful military campaign, which took Basra and helped to achieve the departure of Saddam Hussein and the fall of Baghdad in less than a month.

Service personnel, civilians who deployed to Iraq and Iraqis who worked for the UK, showed great courage in the face of considerable risks. They deserve our gratitude and respect.

More than 200 British citizens died as a result of the conflict in Iraq. Many more were injured. This has meant deep anguish for many families, including those who are here today.

The invasion and subsequent instability in Iraq had, by July 2009, also resulted in the deaths of at least one hundred and fifty thousand Iraqis – and probably many more – most of them civilians. More than a million people were displaced. The people of Iraq have suffered greatly.

The vision for Iraq and its people – issued by the US, the UK, Spain and Portugal, at the Azores Summit on 16 March 2003 – included a solemn obligation to help the Iraqi people build a new Iraq at peace with itself and its neighbours. It looked forward to a united Iraq in which its people should enjoy security, freedom, prosperity and equality with a government that would uphold human rights and the rule of law as cornerstones of democracy.

We have considered the post-conflict period in Iraq in great detail, including efforts to reconstruct the country and rebuild its security services.

In this short statement I can only address a few key points.

After the invasion, the UK and the US became joint Occupying Powers. For the year that followed, Iraq was governed by the Coalition Provisional Authority. The UK was fully implicated in the Authority's decisions, but struggled to have a decisive effect on its policies.

The Government's preparations failed to take account of the magnitude of the task of stabilising, administering and reconstructing Iraq, and of the responsibilities which were likely to fall to the UK.

The UK took particular responsibility for four provinces in the South East. It did so without a formal Ministerial decision and without ensuring that it had the necessary military and civilian capabilities to discharge its obligations, including, crucially, to provide security.

The scale of the UK effort in post-conflict Iraq never matched the scale of the challenge. Whitehall departments and their Ministers failed to put collective weight behind the task.

In practice, the UK's most consistent strategic objective in relation to Iraq was to reduce the level of its deployed forces.

The security situation in both Baghdad and the South East began to deteriorate soon after the invasion.

We have found that the Ministry of Defence was slow in responding to the threat from Improvised Explosive Devices and that delays in providing adequate medium weight protected patrol vehicles should not have been tolerated. It was not clear which person or department within the Ministry of Defence was responsible for identifying and articulating such capability gaps. But it should have been.

From 2006, the UK military was conducting two enduring campaigns in Iraq and Afghanistan. It did not have sufficient resources to do so. Decisions on resources for Iraq were affected by the demands of the operation in Afghanistan.

For example, the deployment to Afghanistan had a material impact on the availability of essential equipment in Iraq, particularly helicopters and equipment for surveillance and intelligence collection.

By 2007 militia dominance in Basra, which UK military commanders were unable to challenge, led to the UK exchanging detainee releases for an end to the targeting of its forces.

It was humiliating that the UK reached a position in which an agreement with a militia group which had been actively targeting UK forces was considered the best option available.

The UK military role in Iraq ended a very long way from success.

We have sought to set out the Government's actions on Iraq fully and impartially. The evidence is there for all to see. It is an account of an intervention which went badly wrong, with consequences to this day.

The Inquiry Report is the Committee's unanimous view.

Military action in Iraq might have been necessary at some point. But in March 2003:

- There was no imminent threat from Saddam Hussein.
- The strategy of containment could have been adapted and continued for some time.
- The majority of the Security Council supported continuing UN inspections and monitoring.

Military intervention elsewhere may be required in the future. A vital purpose of the Inquiry is to identify what lessons should be learned from experience in Iraq.

There are many lessons set out in the Report.

Some are about the management of relations with allies, especially the US. Mr Blair overestimated his ability to influence US decisions on Iraq.

The UK's relationship with the US has proved strong enough over time to bear the weight of honest disagreement. It does not require unconditional support where our interests or judgements differ.

The lessons also include:

- The importance of collective Ministerial discussion which encourages frank and informed debate and challenge.

- The need to assess risks, weigh options and set an achievable and realistic strategy.
- The vital role of Ministerial leadership and co-ordination of action across Government, supported by senior officials.
- The need to ensure that both the civilian and military arms of Government are properly equipped for their tasks.

Above all, the lesson is that all aspects of any intervention need to be calculated, debated and challenged with the utmost rigour.

And, when decisions have been made, they need to be implemented fully.

Sadly, neither was the case in relation to the UK Government's actions in Iraq.

To conclude, I should like to thank my colleagues, our advisers and the Inquiry Secretariat for their commitment to this difficult task.

I also want to pay tribute to Sir Martin Gilbert, who died last year. As one of the pre-eminent historians of the past century, he brought a unique perspective to our work until he became ill in April 2012. We have missed him greatly as a colleague and friend.

The Report of the Iraq Inquiry

Executive Summary

Report of a Committee of Privy Counsellors

HC 264

Return to an Address of the Honourable the House of Commons
dated 6 July 2016
for

The Report of the Iraq Inquiry

Executive Summary

Report of a Committee of Privy Counsellors

Ordered by the House of Commons to be printed on 6 July 2016

HC 264

OGL

© Crown copyright 2016

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at
Iraq.Inquiry@Cabinet-Office.x.gsi.gov.uk

Print ISBN 9781474133319
Web ISBN 9781474133326

ID 23051602 46561 07/16

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

THE IRAQ INQUIRY

Address: 35 Great Smith Street,
London SW1P 3BQ

Website: www.iraqinquiry.org.uk

Committee: Sir John Chilcot (Chairman)
Sir Lawrence Freedman
Sir Roderic Lyne
Baroness Usha Prashar

10 Downing Street
London SW1A 2AA

July 2016

Dear Prime Minister

I am very pleased to send you the completed Report of the Iraq Inquiry, commissioned by the then Prime Minister The Rt Hon Gordon Brown MP, in 2009. Following final typesetting, it comprises an Executive Summary and 12 volumes of evidence, findings and conclusions.

The Report provides an impartial, fair and accurate account of events from which the Inquiry has drawn its conclusions, but which will also allow the reader to draw their own.

My colleagues on the Inquiry Committee and I would like to thank Dame Rosalyn Higgins and General Sir Roger Wheeler for their invaluable expert advice; everyone who appeared as a witness before the Inquiry and those who assisted them; the departments and agencies which have supported the Inquiry's gathering and declassification of material; and the Inquiry Secretariat, led by Margaret Aldred, all of whose members – temporary and permanent – have made an outstanding contribution of the highest quality over a sustained period.

Yours sincerely,

John Chilcot

SIR JOHN CHILCOT

EXECUTIVE SUMMARY

Contents

Introduction 4

Pre-conflict strategy and planning 5

The UK decision to support US military action 6

- UK policy before 9/11 6
- The impact of 9/11 10
- Decision to take the UN route 16
- Negotiation of resolution 1441 19
- The prospect of military action 21
- The gap between the Permanent Members of the Security Council widens 24
- The end of the UN route 30

Why Iraq? Why now? 40

- Was Iraq a serious or imminent threat? 40
- The predicted increase in the threat to the UK as a result of military action in Iraq 47

The UK's relationship with the US 51

Decision-making 54

- Collective responsibility 55

Advice on the legal basis for military action 62

- The timing of Lord Goldsmith's advice on the interpretation of resolution 1441 63
- Lord Goldsmith's advice of 7 March 2003 65
- Lord Goldsmith's arrival at a "better view" 66
- The exchange of letters on 14 and 15 March 2003 66
- Lord Goldsmith's Written Answer of 17 March 2003 67
- Cabinet, 17 March 2003 68

Weapons of mass destruction 69

- Iraq WMD assessments, pre-July 2002 69
- Iraq WMD assessments, July to September 2002 72
- Iraq WMD assessments, October 2002 to March 2003 75
- The search for WMD 77

Planning for a post-Saddam Hussein Iraq 78
The failure to plan or prepare for known risks 78
The planning process and decision-making 81
The post-conflict period 86
Occupation 86
Looting in Basra 86
Looting in Baghdad 88
UK influence on post-invasion strategy: resolution 1483 89
UK influence on the Coalition Provisional Authority 90
A decline in security 93
The turning point 96
Transition 97
UK influence on US strategy post-CPA 97
Planning for withdrawal 97
The impact of Afghanistan 99
Iraqiisation 101
Preparation for withdrawal 103
A major divergence in strategy 103
A possible civil war 104
Force Level Review 107
The beginning of the end 108
Did the UK achieve its objectives in Iraq? 109
Key findings 111
Development of UK strategy and options, 9/11 to early January 2002 111
Development of UK strategy and options, January to April 2002 – “axis of evil” to Crawford 111
Development of UK strategy and options, April to July 2002 112
Development of UK strategy and options, late July to 14 September 2002 112
Development of UK strategy and options, September to November 2002 – the negotiation of resolution 1441 113
Development of UK strategy and options, November 2002 to January 2003 113
Development of UK strategy and options, 1 February to 7 March 2003 114
Iraq WMD assessments, pre-July 2002 115
Iraq WMD assessments, July to September 2002 116
Iraq WMD assessments, October 2002 to March 2003 117
The search for WMD 117

Advice on the legal basis for military action, November 2002 to March 2003 119
Development of the military options for an invasion of Iraq 120
Military planning for the invasion, January to March 2003 121
Military equipment (pre-conflict) 122
Planning for a post-Saddam Hussein Iraq 122
The invasion 123
The post-conflict period 123
Reconstruction 124
De-Ba'athification 125
Security Sector Reform 125
Resources 126
Military equipment (post-conflict) 126
Civilian personnel 127
Service Personnel 127
Civilian casualties 128

Lessons 129
The decision to go to war 129
Weapons of mass destruction 130
The invasion of Iraq 133
The post-conflict period 134
Reconstruction 135
De-Ba'athification 137
Security Sector Reform 138
Resources 138
Military equipment (post-conflict) 139
Civilian personnel 140

Timeline of events 141

Introduction

1. In 2003, for the first time since the Second World War, the United Kingdom took part in an opposed invasion and full-scale occupation of a sovereign State – Iraq. Cabinet decided on 17 March to join the US-led invasion of Iraq, assuming there was no last-minute capitulation by Saddam Hussein. That decision was ratified by Parliament the next day and implemented the night after that.

2. Until 28 June 2004, the UK was a joint Occupying Power in Iraq. For the next five years, UK forces remained in Iraq with responsibility for security in the South-East; and the UK sought to assist with stabilisation and reconstruction.

3. The consequences of the invasion and of the conflict within Iraq which followed are still being felt in Iraq and the wider Middle East, as well as in the UK. It left families bereaved and many individuals wounded, mentally as well as physically. After harsh deprivation under Saddam Hussein's regime, the Iraqi people suffered further years of violence.

4. The decision to use force – a very serious decision for any government to take – provoked profound controversy in relation to Iraq and became even more controversial when it was subsequently found that Iraq's programmes to develop and produce chemical, biological and nuclear weapons had been dismantled. It continues to shape debates on national security policy and the circumstances in which to intervene.

5. Although the Coalition had achieved the removal of a brutal regime which had defied the United Nations and which was seen as a threat to peace and security, it failed to achieve the goals it had set for a new Iraq. Faced with serious disorder in Iraq, aggravated by sectarian differences, the US and UK struggled to contain the situation. The lack of security impeded political, social and economic reconstruction.

6. The Inquiry's report sets out in detail decision-making in the UK Government covering the period from when the possibility of military action first arose in 2001 to the departure of UK troops in 2009. It covers many different aspects of policy and its delivery.

7. In this Executive Summary the Inquiry sets out its conclusions on a number of issues that have been central to the controversies surrounding Iraq. In addition to the factors that shaped the decision to take military action in March 2003 without support for an authorising resolution in the UN Security Council, they are: the assessments of Iraqi WMD capabilities by the intelligence community prior to the invasion (including their presentation in the September 2002 dossier); advice on whether military action would be legal; the lack of adequate preparation for the post-conflict period and the consequent struggle to cope with the deteriorating security situation in Iraq after the invasion.
This Summary also contains the Inquiry's key findings and a compilation of lessons, from the conclusions of individual Sections of the report.

8. Other Sections of the report contain detailed accounts of the relevant decisions and events, and the Inquiry's full conclusions and lessons.

9. The following are extracts from the main body of the Report covering some of the most important issues considered by the Inquiry.

Pre-conflict strategy and planning

10. After the attacks on the US on 11 September 2001 and the fall of the Taliban regime in Afghanistan in November, the US Administration turned its attention to regime change in Iraq as part of the second phase of what it called the Global War on Terror.

11. The UK Government sought to influence the decisions of the US Administration and avoid unilateral US military action on Iraq by offering partnership to the US and seeking to build international support for the position that Iraq was a threat with which it was necessary to deal.

12. In Mr Blair's view, the decision to stand "shoulder to shoulder" with the US was an essential demonstration of solidarity with the UK's principal ally as well as being in the UK's long-term national interests.

13. To do so required the UK to reconcile its objective of disarming Iraq, if possible by peaceful means, with the US goal of regime change. That was achieved by the development of an ultimatum strategy threatening the use of force if Saddam Hussein did not comply with the demands of the international community, and by seeking to persuade the US to adopt that strategy and pursue it through the UN.

14. President Bush's decision, in September 2002, to challenge the UN to deal with Iraq, and the subsequent successful negotiation of resolution 1441 giving Iraq a final opportunity to comply with its disarmament obligations or face serious consequences if it did not, was perceived to be a major success for Mr Blair's strategy and his influence on President Bush.

15. But US willingness to act through the UN was limited. Following the Iraqi declaration of 7 December 2002, the UK perceived that President Bush had decided that the US would take military action in early 2003 if Saddam Hussein had not been disarmed and was still in power.

16. The timing of military action was entirely driven by the US Administration.

17. At the end of January 2003, Mr Blair accepted the US timetable for military action by mid-March. President Bush agreed to support a second resolution to help Mr Blair.

18. The UK Government's efforts to secure a second resolution faced opposition from those countries, notably France, Germany and Russia, which believed that the inspections process could continue. The inspectors reported that Iraqi co-operation, while far from perfect, was improving.

19. By early March, the US Administration was not prepared to allow inspections to continue or give Mr Blair more time to try to achieve support for action. The attempt to gain support for a second resolution was abandoned.

20. In the Inquiry's view, the diplomatic options had not at that stage been exhausted. Military action was therefore not a last resort.

21. In mid-March, Mr Blair's determination to stand alongside the US left the UK with a stark choice. It could act with the US but without the support of the majority of the Security Council in taking military action if Saddam Hussein did not accept the US ultimatum giving him 48 hours to leave. Or it could choose not to join US-led military action.

22. Led by Mr Blair, the UK Government chose to support military action.

23. Mr Blair asked Parliament to endorse a decision to invade and occupy a sovereign nation, without the support of a Security Council resolution explicitly authorising the use of force. Parliament endorsed that choice.

The UK decision to support US military action

24. President Bush decided at the end of 2001 to pursue a policy of regime change in Iraq.

25. The UK shared the broad objective of finding a way to deal with Saddam Hussein's defiance of UN Security Council resolutions and his assumed weapons of mass destruction (WMD) programmes. However, based on consistent legal advice, the UK could not share the US objective of regime change. The UK Government therefore set as its objective the disarmament of Iraq in accordance with the obligations imposed in a series of Security Council resolutions.

UK policy before 9/11

26. Before the attacks on the US on 11 September 2001 (9/11), the UK was pursuing a strategy of containment based on a new sanctions regime to improve international support and incentivise Iraq's co-operation, narrowing and deepening the sanctions regime to focus only on prohibited items and at the same time improving financial controls to reduce the flow of illicit funds to Saddam Hussein.

27. When UK policy towards Iraq was formally reviewed and agreed by the Ministerial Committee on Defence and Overseas Policy (DOP) in May 1999, the objectives towards Iraq were defined as:

> "... in the short term, to reduce the threat Saddam poses to the region including by eliminating his weapons of mass destruction (WMD) programmes; and, in

the longer term, to reintegrate a territorially intact Iraq as a law-abiding member of the international community."[1]

28. The policy of containment was seen as the "only viable way" to pursue those objectives. A "policy of trying to topple Saddam would command no useful international support". Iraq was unlikely to accept the package immediately but "might be persuaded to acquiesce eventually".

29. After prolonged discussion about the way ahead, the UN Security Council adopted resolution 1284 in December 1999, although China, France and Russia abstained.[2]

30. The resolution established:

- a new inspectorate, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) (which Dr Hans Blix was subsequently appointed to lead);
- a timetable to identify and agree a work programme; and
- the principle that, if the inspectors reported co-operation in key areas, that would lead to the suspension of economic sanctions.[3]

31. Resolution 1284 described Iraq's obligations to comply with the disarmament standards of resolution 687 and other related resolutions as the "governing standard of Iraqi compliance"; and provided that the Security Council would decide what was required of Iraq for the implementation of each task and that it should be "clearly defined and precise".

32. The resolution was also a deliberate compromise which changed the criterion for the suspension, and eventual lifting, of sanctions from complete disarmament to tests which would be based on judgements by UNMOVIC on the progress made in completing identified tasks.

33. Iraq refused to accept the provisions of resolution 1284, including the re-admission of weapons inspectors. Concerns about Iraq's activities in the absence of inspectors increased.

34. The US Presidential election in November 2000 prompted a further UK review of the operation of the containment policy (see Section 1.2). There were concerns about how long the policy could be sustained and what it could achieve.

35. There were also concerns over both the continued legal basis for operations in the No-Fly Zones (NFZs) and the conduct of individual operations.[4]

---

[1] Joint Memorandum by the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, 'Iraq Future Strategy'.
[2] UN Security Council Press Release, 17 December 1999, *Security Council Establishes New Monitoring Commission For Iraq Adopting Resolution 1284 (1999) By Vote of 11-0-4 (*SC/6775).
[3] UN Security Council, '4084th Meeting Friday 17 December 1999' (S/PV.4084).
[4] Letter Goulty to McKane, 20 October 2000, 'Iraq'.

36. In an Assessment on 1 November, the Joint Intelligence Committee (JIC) judged that Saddam Hussein felt "**little pressure to negotiate** over ... resolution 1284 because the proceeds of oil smuggling and illicit trade have increased significantly this year, and more countries are increasing diplomatic contacts and trade with Iraq".[5]

37. The JIC also judged:

> "Saddam would only contemplate co-operation with [resolution] 1284, and the return of inspectors ... if it could be portrayed as a victory. He will not agree to co-operate unless:
>
> - there is a **UN-agreed timetable for the lifting of sanctions**. Saddam suspects that the US would not agree to sanctions lift while he remained in power;
> - he is **able to negotiate with the UN in advance to weaken the inspection provisions**. His ambitions to rebuild Iraq's weapons of mass destruction programmes makes him hostile to intrusive inspections or any other constraints likely to be effective.
>
> "Before accepting 1284, Saddam will try to obtain the abolition of the No-Fly Zones. He is also likely to demand that the US should abandon its stated aim to topple the Iraqi regime."

38. In November 2000, Mr Blair's "preferred option" was described as the implementation of 1284, enabling inspectors to return and sanctions to be suspended.[6]

39. In December 2000, the British Embassy Washington reported growing pressure to change course from containment to military action to oust Saddam Hussein, but no decision to change policy or to begin military planning had been taken by President Clinton.[7]

40. The Key Judgements of a JIC Assessment in February 2001 included:

- There was "broad international consensus to **maintain the arms embargo** at least as long as Saddam remains in power. **Saddam faces no economic pressure to accept** ... [resolution] **1284 because he is successfully undermining the economic sanctions regime**."
- "Through abuse of the UN Oil-for-Food [OFF] programme and smuggling of oil and other goods" it was estimated that Saddam Hussein would "**be able to appropriate in the region of $1.5bn to $1.8bn in cash and goods in 2001**", and there was "scope for earning even more".

---

[5] JIC Assessment, 1 November 2000, 'Iraq: Prospects for Co-operation with UNSCR 1284'.
[6] Letter Sawers to Cowper-Coles, 27 November 2000, 'Iraq'.
[7] Letter Barrow to Sawers, 15 December 2000, 'Iraq'.

- "**Iranian** interdiction efforts" had "**significantly reduced smuggling down the Gulf**", but Saddam Hussein had "compensated by **exploiting land routes** to Turkey and Syria".
- "**Most countries**" believed that economic sanctions were "**ineffective, counterproductive and should now be lifted**. Without active enforcement, the economic sanctions regime" would "continue to erode".[8]

41. The Assessment also stated:

- Saddam Hussein needed funds "to maintain his military and security apparatus and secure its loyalty".
- Despite the availability of funds, Iraq had been slow to comply with UN recommendations on food allocation. Saddam needed "**the Iraqi people to suffer to underpin his campaign against sanctions**".
- Encouraged by the success of Iraq's border trade agreement with Turkey, "**front-line states**" were "**not enforcing sanctions**".
- There had been a "**significant increase in the erosion of sanctions** over the past six months".

42. When Mr Blair had his first meeting with President Bush at Camp David in late February 2001, the US and UK agreed on the need for a policy which was more widely supported in the Middle East region.[9] Mr Blair had concluded that public presentation needed to be improved. He suggested that the approach should be presented as a "deal" comprising four elements:

- do the right thing by the Iraqi people, with whom we have no quarrel;
- tighten weapons controls on Saddam Hussein;
- retain financial control on Saddam Hussein; and
- retain our ability to strike.

43. The stated position of the UK Government in February 2001 was that containment had been broadly successful.[10]

44. During the summer of 2001, the UK had been exploring the way forward with the US, Russia and France on a draft Security Council resolution to put in place a "smart sanctions" regime.[11] But there was no agreement on the way ahead between the UK, the US, China, France and Russia, the five Permanent Members of the UN Security Council.

---

[8] JIC Assessment, 14 February 2001, 'Iraq: Economic Sanctions Eroding'.
[9] Letter Sawers to Cowper-Coles, 24 February 2001, 'Prime Minister's Talks with President Bush, Camp David, 23 February 2001'.
[10] House of Commons, *Official Report*, 26 February 2001, column 620.
[11] Minute McKane to Manning, 18 September 2001, 'Iraq Stocktake'.

45. Mr Blair told the Inquiry that, until 11 September 2001, the UK had a policy of containment, but sanctions were eroding.[12] The policy was "partially successful", but it did not mean that Saddam Hussein was "not still developing his [prohibited] programmes".

The impact of 9/11

46. The attacks on the US on 11 September 2001 changed perceptions about the severity and likelihood of the threat from international terrorism. They showed that attacks intended to cause large-scale civilian casualties could be mounted anywhere in the world.

47. In response to that perception of a greater threat, governments felt a responsibility to act to anticipate and reduce risks before they turned into a threat. That was described to the Inquiry by a number of witnesses as a change to the "calculus of risk" after 9/11.

48. In the wake of the attacks, Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.[13]

49. The JIC assessed on 18 September that the attacks on the US had "set a new benchmark for terrorist atrocity", and that terrorists seeking comparable impact might try to use chemical, biological, radiological or nuclear devices.[14] Only Islamic extremists such as those who shared Usama Bin Laden's agenda had the motivation to pursue attacks with the deliberate aim of causing maximum casualties.

50. Throughout the autumn of 2001, Mr Blair took an active and leading role in building a coalition to act against that threat, including military action against Al Qaida and the Taliban regime in Afghanistan. He also emphasised the potential risk of terrorists acquiring and using nuclear, biological or chemical weapons, and the dangers of inaction.

51. In November 2001, the JIC assessed that Iraq had played no role in the 9/11 attacks on the US and that practical co-operation between Iraq and Al Qaida was "unlikely".[15] There was no "credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups". It was possible that Iraq might use WMD in terrorist attacks, but only if the regime was under serious and imminent threat of collapse.

52. The UK continued actively to pursue a strengthened policy of containing Iraq, through a revised and more targeted sanctions regime and seeking Iraq's agreement to the return of inspectors as required by resolution 1284 (1999).

---

[12] Public hearing, 21 January 2011, page 8.
[13] The National Archives, 11 September 2001, *September 11 attacks: Prime Minister's statement.*
[14] JIC Assessment, 18 September 2001, 'UK Vulnerability to Major Terrorist Attack'.
[15] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.

53. The adoption on 29 November 2001 of resolution 1382 went some way towards that objective. But support for economic sanctions was eroding and whether Iraq would ever agree to re-admit weapons inspectors and allow them to operate without obstruction was in doubt.

54. Although there was no evidence of links between Iraq and Al Qaida, Mr Blair encouraged President Bush to address the issue of Iraq in the context of a wider strategy to confront terrorism after the attacks of 9/11. He sought to prevent precipitate military action by the US which he considered would undermine the success of the coalition which had been established for action against international terrorism.

55. President Bush's remarks[16] on 26 November renewed UK concerns that US attention was turning towards military action in Iraq.

56. Following a discussion with President Bush on 3 December, Mr Blair sent him a paper on a second phase of the war against terrorism.[17]

57. On Iraq, Mr Blair suggested a strategy for regime change in Iraq. This would build over time until the point was reached where "military action could be taken if necessary", without losing international support.

58. The strategy was based on the premise that Iraq was a threat which had to be dealt with, and it had multiple diplomatic strands. It entailed renewed demands for Iraq to comply with the obligations imposed by the Security Council and for the re-admission of weapons inspectors, and a readiness to respond firmly if Saddam Hussein failed to comply.

59. Mr Blair did not, at that stage, have a ground invasion of Iraq or immediate military action of any sort in mind. The strategy included mounting covert operations in support of those "with the ability to topple Saddam". But Mr Blair did state that, when a rebellion occurred, the US and UK should "back it militarily".

60. That was the first step towards a policy of possible intervention in Iraq.

61. A number of issues, including the legal basis for any military action, would need to be resolved as part of developing the strategy.

62. The UK Government does not appear to have had any knowledge at that stage that President Bush had asked General Tommy Franks, Commander in Chief, US Central Command, to review the military options for removing Saddam Hussein, including options for a conventional ground invasion.

63. Mr Blair also emphasised the threat which Iraq might pose in the future. That remained a key part of his position in the months that followed.

---

[16] The White House, 26 November 2001, *The President Welcomes Aid Workers Rescued from Afghanistan.*
[17] Paper [Blair to Bush], 4 December 2001, 'The War against Terrorism: The Second Phase'.

64. In his annual State of the Union speech on 29 January 2002, President Bush described the regimes in North Korea and Iran as "sponsors of terrorism".[18] He added that Iraq had continued to:

> "... flaunt its hostility towards America and to support terror ... The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens ... This is a regime that agreed to international inspections – then kicked out the inspectors. This is a regime that has something to hide from the civilized world."

65. President Bush stated:

> "States like these [North Korea, Iran and Iraq], and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction these regimes pose a grave and growing danger."

66. From late February 2002, Mr Blair and Mr Straw began publicly to argue that Iraq was a threat which had to be dealt with. Iraq needed to disarm or be disarmed.

67. The urgency and certainty with which the position was stated reflected the ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment. It also reflected the wider context in which the policy was being discussed with the US.

68. On 26 February 2002, Sir Richard Dearlove, the Chief of the Secret Intelligence Service, advised that the US Administration had concluded that containment would not work, was drawing up plans for a military campaign later in the year, and was considering presenting Saddam Hussein with an ultimatum for the return of inspectors while setting the bar "so high that Saddam Hussein would be unable to comply".[19]

69. The following day, the JIC assessed that Saddam Hussein feared a US military attack on the scale of the 1991 military campaign to liberate Kuwait but did not regard such an attack as inevitable; and that Iraqi opposition groups would not act without "visible and sustained US military support on the ground".[20]

70. At Cabinet on 7 March, Mr Blair and Mr Straw emphasised that no decisions to launch further military action had been taken and any action taken would be in accordance with international law.

---

[18] The White House, 29 January 2002, *The President's State of the Union Address.*
[19] Letter C to Manning, 26 February 2002, 'US Policy on Iraq'.
[20] JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.

71. The discussion in Cabinet was couched in terms of Iraq's need to comply with its obligations, and future choices by the international community on how to respond to the threat which Iraq represented.

72. Cabinet endorsed the conclusion that Iraq's WMD programmes posed a threat to peace, and endorsed a strategy of engaging closely with the US Government in order to shape policy and its presentation. It did not discuss how that might be achieved.

73. Mr Blair sought and was given information on a range of issues before his meeting with President Bush at Crawford on 5 and 6 April. But no formal and agreed analysis of the issues and options was sought or produced, and there was no collective consideration of such advice.

74. Mr Straw's advice of 25 March proposed that the US and UK should seek an ultimatum to Saddam Hussein to re-admit weapons inspectors.[21] That would provide a route for the UK to align itself with the US without adopting the US objective of regime change. This reflected advice that regime change would be unlawful.

75. At Crawford, Mr Blair offered President Bush a partnership in dealing urgently with the threat posed by Saddam Hussein. He proposed that the UK and the US should pursue a strategy based on an ultimatum calling on Iraq to permit the return of weapons inspectors or face the consequences.[22]

76. President Bush agreed to consider the idea but there was no decision until September 2002.

77. In the subsequent press conference on 6 April, Mr Blair stated that "doing nothing" was not an option: the threat of WMD was real and had to be dealt with.[23] The lesson of 11 September was to ensure that "groups" were not allowed to develop a capability they might use.

78. In his memoir, Mr Blair characterised the message that he and President Bush had delivered to Saddam Hussein as "change the regime attitude on WMD inspections or face the prospect of changing regime".[24]

79. Documents written between April and July 2002 reported that, in the discussion with President Bush at Crawford, Mr Blair had set out a number of considerations in relation to the development of policy on Iraq. These were variously described as:

- The UN inspectors needed to be given every chance of success.
- The US should take action within a multilateral framework with international support, not unilateral action.

---

[21] Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.
[22] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.
[23] The White House, 6 April 2002, *President Bush, Prime Minister Blair Hold Press Conference.*
[24] Blair T. *A Journey*. Hutchinson, 2010.

- A public information campaign should be mounted to explain the nature of Saddam Hussein's regime and the threat he posed.
- Any military action would need to be within the framework of international law.
- The military strategy would need to ensure Saddam Hussein could be removed quickly and successfully.
- A convincing "blueprint" was needed for a post-Saddam Hussein Iraq which would be acceptable to both Iraq's population and its neighbours.
- The US should advance the Middle East Peace Process in order to improve the chances of gaining broad support in the Middle East for military action against Iraq; and to pre-empt accusations of double standards.
- Action should enhance rather than diminish regional stability.
- Success would be needed in Afghanistan to demonstrate the benefits of regime change.

80. Mr Blair considered that he was seeking to influence US policy by describing the key elements for a successful strategy to secure international support for any military action against Iraq.

81. Key Ministers and some of their most senior advisers thought these were the conditions that would need to be met if the UK was to participate in US-led military action.

82. By July, no progress had been made on the ultimatum strategy and Iraq was still refusing to admit weapons inspectors as required by resolution 1284 (1999).

83. The UK Government was concerned that the US Administration was contemplating military action in circumstances where it would be very difficult for the UK to participate in or, conceivably, to support that action.

84. To provide the basis for a discussion with the US, a Cabinet Office paper of 19 July, 'Iraq: Conditions for Military Action', identified the conditions which would be necessary before military action would be justified and the UK could participate in such action.[25]

85. The Cabinet Office paper stated that Mr Blair had said at Crawford:

> "... that the UK would support military action to bring about regime change, provided that certain conditions were met:
>
> - efforts had been made to construct a coalition/shape public opinion,
> - the Israel-Palestine Crisis was quiescent, and
> - the options for action to eliminate Iraq's WMD through the UN weapons inspectors had been exhausted."

[25] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

86. The Cabinet Office paper also identified the need to address the issue of whether the benefits of military action would outweigh the risks.

87. The potential mismatch between the timetable and work programme for UNMOVIC stipulated in resolution 1284 (1999) and the US plans for military action was recognised by officials during the preparation of the Cabinet Office paper.[26]

88. The issue was not addressed in the final paper submitted to Ministers on 19 July.[27]

89. Sir Richard Dearlove reported that he had been told that the US had already taken a decision on action – "the question was only how and when"; and that he had been told it intended to set the threshold on weapons inspections so high that Iraq would not be able to hold up US policy.[28]

90. Mr Blair's meeting with Ministerial colleagues and senior officials on 23 July was not seen by those involved as having taken decisions.[29]

91. Further advice and background material were commissioned, including on the possibility of a UN ultimatum to Iraq and the legal basis for action. The record stated:

> "We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions. CDS [the Chief of the Defence Staff, Admiral Sir Michael Boyce] should tell the US military that we were considering a range of options."

92. Mr Blair was advised that there would be "formidable obstacles" to securing a new UN resolution incorporating an ultimatum without convincing evidence of a greatly increased threat from Iraq.[30] A great deal more work would be needed to clarify what the UK was seeking and how its objective might best be achieved.

93. Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership between the UK and the US and setting out a framework for action.[31]

94. The Note began:

> "I will be with you, whatever. But this is the moment to assess bluntly the difficulties. The planning on this and the strategy are the toughest yet. This is not Kosovo. This is not Afghanistan. It is not even the Gulf War.

---

[26] Paper [Draft] Cabinet Office, 'Iraq: Conditions for Military Action' attached to Minute McKane to Bowen, 16 July 2002, 'Iraq'.
[27] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[28] Report, 22 July 2002, 'Iraq [C's account of discussions with Dr Rice]'.
[29] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[30] Letter McDonald to Rycroft, 26 July 2002, 'Iraq: Ultimatum' attaching Paper 'Elements which might be incorporated in an SCR embodying an ultimatum to Iraq'.
[31] Note Blair [to Bush], 28 July 2002, 'Note on Iraq'.

> "The military part of this is hazardous but I will concentrate mainly on the political context for success."

95. Mr Blair stated that getting rid of Saddam Hussein was:

> "... the right thing to do. He is a potential threat. He could be contained. But containment ... is always risky. His departure would free up the region. And his regime is ... brutal and inhumane ..."

96. Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.

97. Mr Blair thought it unlikely that Saddam Hussein intended to allow inspectors to return. If he did, the JIC had advised that Iraq would obstruct the work of the inspectors. That could result in a material breach of the obligations imposed by the UN.

98. A workable military plan to ensure the collapse of the regime would be required.

99. The Note reflected Mr Blair's own views. The proposals had not been discussed or agreed with his colleagues.

Decision to take the UN route

100. Sir David Manning, Mr Blair's Foreign Policy Adviser, told President Bush that it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

101. When Mr Blair spoke to President Bush on 31 July the "central issue of a casus belli" and the need for further work on the optimal route to achieve that was discussed.[32] Mr Blair said that he wanted to explore whether the UN was the right route to set an ultimatum or whether it would be an obstacle.

102. In late August, the FCO proposed a strategy of coercion, using a UN resolution to issue an ultimatum to Iraq to admit the weapons inspectors and disarm. The UK was seeking a commitment from the Security Council to take action in the event that Saddam Hussein refused or subsequently obstructed the inspectors.

103. Reflecting the level of public debate and concern, Mr Blair decided in early September that an explanation of why action was needed to deal with Iraq should be published.

---

[32] Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.

104. In his press conference at Sedgefield on 3 September, Mr Blair indicated that time and patience were running out and that there were difficulties with the existing policy of containment.[33] He also announced the publication of the Iraq dossier, stating that:

> "... people will see that there is no doubt at all the United Nations resolutions that Saddam is in breach of are there for a purpose. He [Saddam Hussein] is without any question, still trying to develop that chemical, biological, potentially nuclear capability and to allow him to do so without any let or hindrance, just to say, we [sic] can carry on and do it, I think would be irresponsible."

105. President Bush decided in the meeting of the National Security Council on 7 September to take the issue of Iraq back to the UN.

106. The UK was a key ally whose support was highly desirable for the US. The US Administration had been left in no doubt that the UK Government needed the issue of Iraq to be taken back to the Security Council before it would be able to participate in military action in Iraq.

107. The objective of the subsequent discussions between President Bush and Mr Blair at Camp David was, as Mr Blair stated in the press conference before the discussions, to work out the strategy.[34]

108. Mr Blair told President Bush that he was in no doubt about the need to deal with Saddam Hussein.[35]

109. Although at that stage no decision had been taken on which military package might be offered to the US for planning purposes, Mr Blair also told President Bush that, if it came to war, the UK would take a significant military role.

110. In his speech to the General Assembly on 12 September, President Bush set out his view of the "grave and gathering danger" posed by Saddam Hussein and challenged the UN to act to address Iraq's failure to meet the obligations imposed by the Security Council since 1990.[36] He made clear that, if Iraq defied the UN, the world must hold Iraq to account and the US would "work with the UN Security Council for the necessary resolutions". But the US would not stand by and do nothing in the face of the threat.

111. Statements made by China, France and Russia in the General Assembly debate after President Bush's speech highlighted the different positions of the five Permanent Members of the Security Council, in particular about the role of the Council in deciding whether military action was justified.

---

[33] The National Archives, 3 September 2002, *PM press conference* [at Sedgefield].
[34] The White House, 7 September 2002, *President Bush, Prime Minister Blair Discuss Keeping the Peace*.
[35] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.
[36] The White House, 12 September 2002, *President's Remarks to the United Nations General Assembly.*

112. The Government dossier on Iraq was published on 24 September.[37] It was designed to "make the case" and secure Parliamentary (and public) support for the Government's policy that action was urgently required to secure Iraq's disarmament.

113. In his statement to Parliament on 24 September and in his answers to subsequent questions, Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction. He said that at some point in the future that threat would become a reality.[38]

114. Mr Blair wrote his statement to the House of Commons himself and chose the arguments to make clear his perception of the threat and why he believed that there was an "overwhelming" case for action to disarm Iraq.

115. Addressing the question of why Saddam Hussein had decided in mid-September, but not before, to admit the weapons inspectors, Mr Blair stated that the answer was in the dossier, and it was because:

> "... his chemical, biological and nuclear programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now."

116. Mr Blair posed, and addressed, three questions: "Why Saddam?"; "Why now?"; and "Why should Britain care?"

117. On the question "Why Saddam?", Mr Blair said that two things about Saddam Hussein stood out: "He had used these weapons in Iraq" and thousands had died, and he had used them during the war with Iran "in which one million people died"; and the regime had "no moderate elements to appeal to".

118. On the question "Why now?", Mr Blair stated:

> "I agree I cannot say that this month or next, even this year or next, Saddam will use his weapons. But I can say that if the international community, having made the call for his disarmament, now, at this moment, at the point of decision, shrugs its shoulders and walks away, he will draw the conclusion dictators faced with a weakening will always draw: that the international community will talk but not act, will use diplomacy but not force. We know, again from our history, that diplomacy not backed by the threat of force has never worked with dictators and never will."

---

[37] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.
[38] House of Commons, *Official Report*, 24 September 2002, columns 1-23.

Negotiation of resolution 1441

119. There were significant differences between the US and UK positions, and between them and China, France and Russia about the substance of the strategy to be adopted, including the role of the Security Council in determining whether peaceful means had been exhausted and the use of force to secure disarmament was justified.

120. Those differences resulted in difficult negotiations over more than eight weeks before the unanimous adoption of resolution 1441 on 8 November 2002.

121. When President Bush made his speech on 12 September, the US and UK had agreed the broad approach, but not the substance of the proposals to be put to the UN Security Council or the tactics.

122. Dr Naji Sabri, the Iraqi Foreign Minister, wrote to Mr Kofi Annan, the UN Secretary-General, on 16 September to inform him that, following the series of talks between Iraq and the UN in New York and Vienna between March and July 2002 and the latest round in New York on 14 and 15 September, Iraq had decided "to allow the return of United Nations inspectors to Iraq without conditions".[39]

123. The US and UK immediately expressed scepticism. They had agreed that the provisions of resolution 1284 (1999) were no longer sufficient to secure the disarmament of Iraq and a strengthened inspections regime would be required.

124. A new resolution would be needed both to maintain the pressure on Iraq and to define a more intrusive inspections regime allowing the inspectors unconditional and unrestricted access to all Iraqi facilities.

125. The UK's stated objective for the negotiation of resolution 1441 was to give Saddam Hussein "one final chance to comply" with his obligations to disarm. The UK initially formulated the objective in terms of:

- a resolution setting out an ultimatum to Iraq to re-admit the UN weapons inspectors and to disarm in accordance with its obligations; and
- a threat to resort to the use of force to secure disarmament if Iraq failed to comply.[40]

126. Lord Goldsmith, the Attorney General, informed Mr Blair on 22 October that, although he would not be able to give a final view until the resolution was adopted, the draft of the resolution of 19 October would not on its own authorise military action.[41]

---

[39] UN Security Council, 16 September 2002, 'Letter dated 16 September from the Minister of Foreign Affairs of Iraq addressed to the Secretary-General', attached to 'Letter dated 16 September from the Secretary-General addressed to the President of the Security Council' (S/2002/1034).
[40] Minute Straw to Prime Minister, 14 September 2002, 'Iraq: Pursuing the UN Route'.
[41] Minute Adams to Attorney General, 22 October 2002, 'Iraq: Meeting with the Prime Minister, 22 October' attaching Briefing, 'Lines to take'.

127. Mr Blair decided on 31 October to offer significant forces for ground operations to the US for planning purposes.[42]

128. During the negotiations, France and Russia made clear their opposition to the use of force, without firm evidence of a further material breach and a further decision in the Security Council.

129. The UK was successful in changing some aspects of the US position during the negotiations, in particular ensuring that the Security Council resolution was based on the disarmament of Iraq rather than wider issues as originally proposed by the US.

130. To secure consensus in the Security Council despite the different positions of the US and France and Russia (described by Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York, as "irreconcilable"), resolution 1441 was a compromise containing drafting "fixes". That created deliberate ambiguities on a number of key issues including:

- the level of non-compliance with resolution 1441 which would constitute a material breach;
- by whom that determination would be made; and
- whether there would be a second resolution explicitly authorising the use of force.

131. As the Explanations of Vote demonstrated, there were significant differences between the positions of the members of the Security Council about the circumstances and timing of recourse to military action. There were also differences about whether Member States should be entitled to report Iraqi non-compliance to the Council.

132. Mr Blair, Mr Straw and other senior UK participants in the negotiation of resolution 1441 envisaged that, in the event of a material breach of Iraq's obligations, a second resolution determining that a breach existed and authorising the use of force was likely to be tabled in the Security Council.

133. Iraq announced on 13 November that it would comply with resolution 1441.[43]

134. Iraq also restated its position that it had neither produced nor was in possession of weapons of mass destruction since the inspectors left in December 1998. It explicitly challenged the UK statement on 8 November that Iraq had "decided to keep possession" of its WMD.

---

[42] Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.
[43] UN Security Council, 13 November 2002, 'Letter dated 13 November 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General' (S/2002/1242).

The prospect of military action

135. Following Iraq's submission of the declaration on its chemical, biological, nuclear and ballistic missile programmes to the UN on 7 December, and before the inspectors had properly begun their task, the US concluded that Saddam Hussein was not going to take the final opportunity offered by resolution 1441 to comply with his obligations.

136. Mr Blair was advised on 11 December that there was impatience in the US Administration and it was looking at military action as early as mid-February 2003.[44]

137. Mr Blair told President Bush on 16 December that the Iraqi declaration was "patently false".[45] He was "cautiously optimistic" that the inspectors would find proof.

138. In a statement issued on 18 December, Mr Straw said that Saddam Hussein had decided to continue the pretence that Iraq had no WMD programme. If he persisted "in this obvious falsehood" it would become clear that he had "rejected the pathway to peace".[46]

139. The JIC's initial Assessment of the Iraqi declaration on 18 December stated that there had been "No serious attempt" to answer any of the unresolved questions highlighted by the UN Special Commission (UNSCOM) or to refute any of the points made in the UK dossier on Iraq's WMD programme.[47]

140. President Bush is reported to have told a meeting of the US National Security Council on 18 December 2002, at which the US response to Iraq's declaration was discussed, that the point of the 7 December declaration was to test whether Saddam Hussein would accept the "final opportunity" for peace offered by the Security Council.[48] He had summed up the discussion by stating:

> "We've got what we need now, to show America that Saddam won't disarm himself."

141. Mr Colin Powell, the US Secretary of State, stated on 19 December that Iraq was "well on its way to losing its last chance", and that there was a "practical limit" to how long the inspectors could be given to complete their work.[49]

142. Mr Straw told Secretary Powell on 30 December that the US and UK should develop a clear "plan B" postponing military action on the basis that inspections plus the threat of force were containing Saddam Hussein.[50]

---

[44] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.
[45] Letter Rycroft to McDonald, 16 December 2002, 'Prime Minister's Telephone Call with President Bush, 16 December'.
[46] The National Archives, 18 December 2002, *Statement by Foreign Secretary on Iraq Declaration.*
[47] JIC Assessment, 18 December 2002, 'An Initial Assessment of Iraq's WMD Declaration'.
[48] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism.* HarperCollins, 2008.
[49] US Department of State Press Release, *Press Conference Secretary of State Colin L Powell, Washington, 19 December 2002*.
[50] Letter Straw to Manning, 30 December 2002, 'Iraq: Conversation with Colin Powell, 30 December'.

143. In early 2003, Mr Straw still thought a peaceful solution was more likely than military action. Mr Straw advised Mr Blair on 3 January that he had concluded that, in the potential absence of a "smoking gun", there was a need to consider a "Plan B".[51] The UK should emphasise to the US that the preferred strategy was peaceful disarmament.

144. Mr Blair took a different view. By the time he returned to the office on 4 January 2003, he had concluded that the "likelihood was war" and, if conflict could not be avoided, the right thing to do was fully to support the US.[52] He was focused on the need to establish evidence of an Iraqi breach, to persuade opinion of the case for action and to finalise the strategy with President Bush at the end of January.

145. The UK objectives were published in a Written Ministerial Statement by Mr Straw on 7 January.[53] The "prime objective" was:

> "... to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles ... as set out in UNSCRs [UN Security Council resolutions]. This would reduce Iraq's ability to threaten its neighbours and the region, and prevent Iraq using WMD against its own people. UNSCRs also require Iraq to renounce terrorism, and return captured Kuwaitis and property taken from Kuwait."

146. Lord Goldsmith gave Mr Blair his draft advice on 14 January that resolution 1441 would not by itself authorise the use of military force.[54]

147. Mr Blair agreed on 17 January to deploy a UK division with three combat brigades for possible operations in southern Iraq.[55]

148. There was no collective discussion of the decision by senior Ministers.

149. In January 2003, there was a clear divergence between the UK and US Government positions over the timetable for military action, and the UK became increasingly concerned that US impatience with the inspections process would lead to a decision to take unilateral military action in the absence of support for such action in the Security Council.

150. On 23 January, Mr Blair was advised that the US military would be ready for action in mid-February.[56]

151. In a Note to President Bush on 24 January, Mr Blair wrote that the arguments for proceeding with a second Security Council resolution, "or at the very least a

---

[51] Minute Straw to Prime Minister, 3 January 2003, 'Iraq - Plan B'.
[52] Note Blair [to No.10 officials], 4 January 2003, [extract 'Iraq'].
[53] House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.
[54] Minute [Draft] [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.
[55] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.
[56] Letter PS/C to Manning, 23 January 2003, [untitled].

clear statement" from Dr Blix which allowed the US and UK to argue that a failure to pass a second resolution was in breach of the spirit of 1441, remained in his view, overwhelming; and that inspectors should be given until the end of March or early April to carry out their task.[57]

152. Mr Blair suggested that, in the absence of a "smoking gun", Dr Blix would be able to harden up his findings on the basis of a pattern of non-co-operation from Iraq and that that would be sufficient for support for military action in the Security Council.

153. The US and UK should seek to persuade others, including Dr Blix, that that was the "true view" of resolution 1441.

154. Mr Blair used an interview on *Breakfast with Frost* on 26 January to set out the position that the inspections should be given sufficient time to determine whether or not Saddam Hussein was co-operating fully.[58] If he was not, that would be a sufficient reason for military action. A find of WMD was not required.

155. Mr Blair's proposed approach to his meeting with President Bush was discussed in a meeting of Ministers before Cabinet on 30 January and then discussed in general terms in Cabinet itself.

156. In a Note prepared before his meeting with President Bush on 31 January, Mr Blair proposed seeking a UN resolution on 5 March followed by an attempt to "mobilise Arab opinion to try to force Saddam out" before military action on 15 March.[59]

157. When Mr Blair met President Bush on 31 January, it was clear that the window of opportunity before the US took military action would be very short. The military campaign could begin "around 10 March".[60]

158. President Bush agreed to seek a second resolution to help Mr Blair, but there were major reservations within the US Administration about the wisdom of that approach.

159. Mr Blair confirmed that he was "solidly with the President and ready to do whatever it took to disarm Saddam" Hussein.

160. Reporting on his visit to Washington, Mr Blair told Parliament on 3 February 2003 that Saddam Hussein was not co-operating as required by resolution 1441 and, if that continued, a second resolution should be passed to confirm such a material breach.[61]

161. Mr Blair continued to set the need for action against Iraq in the context of the need to be seen to enforce the will of the UN and to deter future threats.

---

[57] Letter Manning to Rice, 24 January 2003, [untitled], attaching Note [Blair to Bush], [undated], 'Note'.
[58] *BBC News*, 26 January 2003, *Breakfast with Frost.*
[59] Note [Blair to Bush], [undated], 'Countdown'.
[60] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.
[61] House of Commons, *Official Report*, 3 February 2003, columns 21-38.

The gap between the Permanent Members of the Security Council widens

162. In their reports to the Security Council on 14 February:

- Dr Blix reported that UNMOVIC had not found any weapons of mass destruction and the items that were not accounted for might not exist, but Iraq needed to provide the evidence to answer the questions, not belittle them.
- Dr Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), reported that the IAEA had found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq although a number of issues were still under investigation.[62]

163. In the subsequent debate, members of the Security Council voiced widely divergent views.

164. Mr Annan concluded that there were real differences on strategy and timing in the Security Council. Iraq's non-co-operation was insufficient to bring members to agree that war was justified; they would only move if they came to their own judgement that inspections were pointless.[63]

165. On 19 February, Mr Blair sent President Bush a six-page Note. He proposed focusing on the absence of full co-operation and a "simple" resolution stating that Iraq had failed to take the final opportunity, with a side statement defining tough tests of co-operation and a vote on 14 March to provide a deadline for action.[64]

166. President Bush and Mr Blair agreed to introduce a draft resolution at the UN the following week but its terms were subject to further discussion.[65]

167. On 20 February, Mr Blair told Dr Blix that he wanted to offer the US an alternative strategy which included a deadline and tests for compliance.[66] He did not think Saddam Hussein would co-operate but he would try to get Dr Blix as much time as possible. Iraq could have signalled a change of heart in the December declaration. The Americans did not think that Saddam was going to co-operate: "Nor did he. But we needed to keep the international community together."

168. Dr Blix stated that full co-operation was a nebulous concept; and a deadline of 15 April would be too early. Dr Blix commented that "perhaps there was not much WMD in Iraq after all". Mr Blair responded that "even German and French intelligence were sure that there was WMD in Iraq". Dr Blix said they seemed "unsure" about "mobile BW

---

[62] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).
[63] Telegram 268 UKMIS New York to FCO London, 15 February 2003, 'Foreign Secretary's Meeting with the UN Secretary-General: 14 February'.
[64] Letter Manning to Rice, 19 February 2003, 'Iraq' attaching Note [Blair to Bush], [undated], 'Note'.
[65] Letter Rycroft to McDonald, 19 February 2003, 'Iraq and MEPP: Prime Minister's Telephone Conversation with Bush, 19 February'.
[66] Letter Cannon to Owen, 20 February 2003, 'Iraq: Prime Minister's Conversation with Blix'.

production facilities": "It would be paradoxical and absurd if 250,000 men were to invade Iraq and find very little."

169. Mr Blair responded that "our intelligence was clear that Saddam had reconstituted his WMD programme".

170. On 24 February, the UK, US and Spain tabled a draft resolution stating that Iraq had failed to take the final opportunity offered by resolution 1441 and that the Security Council had decided to remain seized of the matter.[67] The draft failed to attract support.

171. France, Germany and Russia responded by tabling a memorandum, building on their tripartite declaration of 10 February, stating that "full and effective disarmament" remained "the imperative objective of the international community".[68] That "should be achieved peacefully through the inspection regime". The "conditions for using force" had "not been fulfilled". The Security Council "must step up its efforts to give a real chance to the peaceful settlement of the crisis".

172. On 25 February, Mr Blair told the House of Commons that the intelligence was "clear" that Saddam Hussein continued "to believe that his weapons of mass destruction programme is essential both for internal repression and for external aggression".[69]
It was also "essential to his regional power". "Prior to the inspectors coming back in", Saddam Hussein "was engaged in a systematic exercise in concealment of those weapons". The inspectors had reported some co-operation on process, but had "denied progress on substance".

173. The House of Commons was asked on 26 February to reaffirm its endorsement of resolution 1441, support the Government's continuing efforts to disarm Iraq, and to call upon Iraq to recognise that this was its final opportunity to comply with its obligations.[70]

174. The Government motion was approved by 434 votes to 124; 199 MPs voted for an amendment which invited the House to "find the case for military action against Iraq as yet unproven".[71]

175. In a speech on 26 February, President Bush stated that the safety of the American people depended on ending the direct and growing threat from Iraq.[72]

176. President Bush also set out his hopes for the future of Iraq.

---

[67] Telegram 302 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution'.
[68] UN Security Council, 24 February 2003, 'Letter dated 24 February 2003 from the Permanent Representatives of France, Germany and the Russian Federation to the United Nations addressed to the President of the Security Council' (S/2003/214).
[69] House of Commons, *Official Report*, 25 February 2003, columns 123-126.
[70] House of Commons, *Official Report*, 26 February 2003, column 265.
[71] House of Commons, *Official Report*, 26 February 2003, columns 367-371.
[72] The White House, 26 February 2003, *President discusses the future of Iraq.*

177. Reporting discussions in New York on 26 February, Sir Jeremy Greenstock wrote that there was "a general antipathy to having now to take decisions on this issue, and a wariness about what our underlying motives are behind the resolution".[73] Sir Jeremy concluded that the US was focused on preserving its room for manoeuvre while he was "concentrating on trying to win votes". It was the "middle ground" that mattered. Mexico and Chile were the "pivotal sceptics".

178. Lord Goldsmith told No.10 officials on 27 February that the safest legal course for future military action would be to secure a further Security Council resolution.[74] He had, however, reached the view that a "reasonable case" could be made that resolution 1441 was capable of reviving the authorisation to use force in resolution 678 (1990) without a further resolution, if there were strong factual grounds for concluding that Iraq had failed to take the final opportunity offered by resolution 1441.

179. Lord Goldsmith advised that, to avoid undermining the case for reliance on resolution 1441, it would be important to avoid giving any impression that the UK believed a second resolution was legally required.

180. Informal consultations in the Security Council on 27 February showed there was little support for the UK/US/Spanish draft resolution.[75]

181. An Arab League Summit on 1 March concluded that the crisis in Iraq must be resolved by peaceful means and in the framework of international legitimacy.[76]

182. Following his visit to Mexico, Sir David Manning concluded that Mexican support for a second resolution was "not impossible, but would not be easy and would almost certainly require some movement".[77]

183. During Sir David's visit to Chile, President Ricardo Lagos repeated his concerns, including the difficulty of securing nine votes or winning the presentational battle without further clarification of Iraq's non-compliance. He also suggested identifying benchmarks.[78]

184. Mr Blair wrote in his memoir that, during February, "despite his best endeavours", divisions in the Security Council had grown not reduced; and that the "dynamics of disagreement" were producing new alliances.[79] France, Germany and Russia were moving to create an alternative pole of power and influence.

---

[73] Telegram 314 UKMIS New York to FCO London, 27 February 2003, 'Iraq: 26 February'.
[74] Minute Brummell, 27 February 2003, 'Iraq: Attorney General's Meeting at No. 10 on 27th February 2003'.
[75] Telegram 318 UKMIS New York to FCO London, 28 February 2003, 'Iraq: 27 February Consultations and Missiles'.
[76] Telegram 68 Cairo to FCO London, 2 March 2003, 'Arab League Summit: Final Communique'.
[77] Telegram 1 Mexico City to Cabinet Office, 1 March 2003, 'Iraq: Mexico'.
[78] Telegram 34 Santiago to FCO London, 2 March 2003, 'Chile/Iraq: Visit by Manning and Scarlett'.
[79] Blair T. *A Journey*. Hutchinson, 2010.

185. Mr Blair thought that was "highly damaging" but "inevitable": "They felt as strongly as I did; and they weren't prepared to indulge the US, as they saw it."

186. Mr Blair concluded that for moral and strategic reasons the UK should be with the US and that:

> "... [W]e should make a last ditch attempt for a peaceful solution. First to make the moral case for removing Saddam ... Second, to try one more time to reunite the international community behind a clear base for action in the event of a continuing breach."

187. On 3 March, Mr Blair proposed an approach focused on setting a deadline of 17 March for Iraq to disclose evidence relating to the destruction of prohibited items and permit interviews; and an amnesty if Saddam Hussein left Iraq by 21 March.[80]

188. Mr Straw told Secretary Powell that the level of support in the UK for military action without a second resolution was palpably "very low". In that circumstance, even if a majority in the Security Council had voted for the resolution with only France exercising its veto, he was "increasingly pessimistic" about support within the Labour Party for military action.[81] The debate in the UK was:

> "... significantly defined by the tone of the debate in Washington and particularly remarks made by the President and others to the right of him, which suggested that the US would go to war whatever and was not bothered about a second resolution one way or another."

189. Following a discussion with Mr Blair, Mr Straw told Secretary Powell that Mr Blair:

> "... was concerned that, having shifted world (and British) public opinion over the months, it had now been seriously set back in recent days. We were not in the right position. The Prime Minister was considering a number of ideas which he might well put to the President."[82]

190. Mr Straw recorded that Secretary Powell had advised that, if Mr Blair wanted to make proposals, he should do so quickly. The US was not enthusiastic about the inclusion of an immunity clause for Saddam Hussein in the resolution.

191. Mr Straw reported that Secretary Powell had told President Bush that he judged a vetoed resolution would no longer be possible for the UK. Mr Straw said that without a second resolution approval for military action could be "beyond reach".

---

[80] Note (handwritten) [Blair], 3 March 2003, [untitled].
[81] Minute Straw to Prime Minister, 3 March 2003, 'Iraq: Second Resolution'.
[82] Letter Straw to Manning, 4 March 2003, 'Iraq: Conversation with Colin Powell, 3 March'.

192. Mr Straw told the Foreign Affairs Committee (FAC) on 4 March that it was "a matter of fact" that Iraq had been in material breach "for some weeks" and resolution 1441 provided sufficient legal authority to justify military action against Iraq if it was "in further material breach".[83]

193. Mr Straw also stated that a majority of members of the Security Council had been opposed to the suggestion that resolution 1441 should state explicitly that military action could be taken only if there were a second resolution.

194. Mr Blair was informed on the evening of 4 March that US military planners were looking at 12 March as the possible start date for the military campaign; and that Mr Geoff Hoon, the Defence Secretary, was concerned about the apparent disconnect with activity in the UN.[84]

195. Baroness Amos, Minister of State, Department for International Development (DFID), advised on 4 March that Angola, Cameroon and Guinea were not yet ready to commit to a "yes vote" and had emphasised the need for P5 unity.[85]

196. Sir Christopher Hum, British Ambassador to China, advised on 4 March that, if the resolution was put to a vote that day, China would abstain.[86]

197. Sir John Holmes, British Ambassador to France, advised on 4 March that France's main aim was to "avoid being put on the spot" by influencing the undecided, preventing the US and UK mustering nine votes, and keeping alongside the Russians and Chinese; and that there was "nothing that we can now do to dissuade them from this course".[87] Sir John also advised that "nothing the French say at this stage, even privately, should be taken at face value".

198. Mr Igor Ivanov, the Russian Foreign Minister, told Mr Straw on 4 March that Russia had failed in an attempt to persuade Saddam Hussein to leave and it would veto a resolution based on the draft circulated on 24 February.[88]

199. France, Germany and Russia stated on 5 March that they would not let a resolution pass that authorised the use of force.[89] Russia and France, "as Permanent Members of the Security Council, will assume all their responsibilities on this point".

---

[83] Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session], Qs 151 and 154.
[84] Letter Watkins to Manning, 4 March 2003, 'Iraq: Timing of Military Action'.
[85] Minute Amos to Foreign Secretary, 4 March 2003, [untitled].
[86] Telegram 90 Beijing to FCO London, 4 March 2003, 'Iraq: Lobbying the Chinese'.
[87] Telegram 110 Paris to FCO London, 4 March 2003, 'Iraq: Avoiding a French Veto'.
[88] Telegram 37 FCO London to Moscow, 3 [sic] March 2003, 'Iraq: Foreign Secretary's Meetings with Russian Foreign Minister, 4 March'.
[89] *The Guardian*, 5 March 2003, *UN war doubters unite against resolution*; *The Guardian*, 6 March 2003, *Full text of Joint declaration*.

200. The British Embassy Washington reported overnight on 5/6 March that "barring a highly improbable volte face by Saddam", the US was now firmly on track for military action and would deal firmly with any efforts in the UN to slow down the timetable.[90]

201. The Embassy reported that the only event which might significantly affect the US timetable would be problems for the UK. That had been described as "huge – like trying to play football without the quarterback". The US was "therefore pulling out all the stops at the UN". The US fully understood the importance of the second resolution for the UK.

202. Sir Jeremy Greenstock advised that the US would not countenance the use of benchmarks. That risked delaying the military timetable.[91]

203. Mr Blair told Cabinet on 6 March that the argument boiled down to the question of whether Saddam Hussein would ever voluntarily co-operate with the UN to disarm Iraq.[92]

204. Mr Blair concluded that it was for the Security Council to determine whether Iraq was co-operating fully.

205. In his discussions with President Lagos on 6 March, Mr Blair stated that the US would go ahead without the UN if asked to delay military action until April or May.[93]

206. In his report to the Security Council on 7 March, Dr Blix stated that there had been an acceleration of initiatives from Iraq since the end of January, but they could not be said to constitute immediate co-operation.[94] Nor did they necessarily cover all areas of relevance; but they were nevertheless welcome. UNMOVIC was drawing up a work programme of key disarmament tasks, which would be ready later that month, for approval by the Security Council. It would take "months" to complete the programme.

207. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998 and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq's nuclear capabilities in the near future.

208. There was unanimity in calls for Iraq to increase its co-operation. But there was a clear division between the US, UK, Spain and Bulgaria who spoke in favour of a further resolution and France, Germany, Russia and China and most other Member States who spoke in favour of continuing to pursuing disarmament through strengthened inspections.

209. The UK, US and Spain circulated a revised draft resolution deciding that Iraq would have failed to take the final opportunity offered by resolution 1441 (2002) unless

---

[90] Telegram 294 Washington to FCO London, 6 March 2003, 'Personal Iraq: UN Endgame'.
[91] Telegram 353 UKMIS New York to FCO London, 6 March 2003, 'Iraq: 5 March'.
[92] Cabinet Conclusions, 6 March 2003.
[93] Letter Cannon to Owen, 6 March 2003, 'Iraq: Prime Minister's Conversation with President of Chile, 6 March'.
[94] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

the Council concluded, on or before 17 March 2003, that Iraq had demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament obligations and was yielding possession of all weapons and proscribed material to UNMOVIC and the IAEA.

210. President Putin told Mr Blair on 7 March that Russia would oppose military action.[95]

211. Mr Straw told Mr Annan that military considerations could not be allowed "to dictate policy", but the military build-up "could not be maintained for ever", and:

> "... the more he had looked into the Iraq dossier [issue] the more convinced he had become of the need for action. Reading the clusters document [a report of outstanding issues produced by UNMOVIC on 7 March] made his hair stand on end."[96]

212. Mr Straw set out the UK thinking on a deadline, stating that this was "Iraq's last chance", but the objective was disarmament and, if Saddam Hussein did what was demanded, "he could stay". In those circumstances, a "permanent and toughened inspections regime" would be needed, possibly "picking up some earlier ideas for an all-Iraq NFZ".

213. Lord Goldsmith sent his formal advice to Mr Blair on 7 March.[97]

The end of the UN route

214. When Mr Blair spoke to President Bush at 6pm on 7 March he emphasised the importance of securing nine positive votes[98] in the Security Council for Parliamentary approval for UK military action.[99]

215. Mr Blair argued that while the 17 March deadline in the draft resolution was not sufficient for Iraq to disarm fully, it was sufficient to make a judgement on whether Saddam Hussein had had a change of heart. If Iraq started to co-operate, the inspectors could have as much time as they liked.

216. In a last attempt to move opinion and secure the support of nine members of the Security Council, Mr Blair decided on 8 March to propose a short extension of the timetable beyond 17 March and to revive the idea of producing a "side statement" setting out a series of tests which would provide the basis for a judgement on Saddam Hussein's intentions.

---

[95] Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with President Putin, 7 March'.
[96] Telegram 366 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Foreign Secretary's Meeting with UN Secretary-General, New York, 6 March'.
[97] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.
[98] The number of votes required, in the absence of a veto from one or more of the five Permanent Members, for a decision to take action with the authority of the Security Council.
[99] Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 7 March'.

217. The initiative was pursued through intensive diplomatic activity to lobby for support between London and the capitals of Security Council Member States.

218. Mr Blair told the Inquiry:

> "It was worth having one last-ditch chance to see if you could bring people back together on the same page ... [W]hat President Bush had to do was agree to table a fresh resolution. What the French had to agree was you couldn't have another resolution and another breach and no action. So my idea was define the circumstances of breach – that was the tests that we applied with Hans Blix – get the Americans to agree to the resolution, get the French to agree that you couldn't just go back to the same words of 1441 again, you had to take it a stage further."[100]

219. In a discussion on 9 March, Mr Blair told President Bush that he needed a second resolution to secure Parliamentary support for UK involvement in military action.[101] He sought President Bush's support for setting out tests in a side statement, including that the vote in the Security Council might have to be delayed "by a couple of days".

220. President Bush was unwilling to countenance delay. He was reported to have told Mr Blair that, if the second resolution failed, he would find another way to involve the UK.

221. Mr Blair told President Bush the UK would be with the US in taking action if he (Mr Blair) possibly could be.

222. Sir Jeremy Greenstock reported that Dr Blix was prepared to work with the UK on identifying tests but had reminded him that UNMOVIC still lacked clear evidence that Iraq possessed any WMD.[102]

223. Mr Blair spoke twice to President Lagos on 10 March in an attempt to find a path that President Lagos and President Vicente Fox of Mexico could support.

224. In the second conversation, Mr Blair said that he thought it "would be possible to find different wording" on the ultimatum to Iraq. Timing "would be difficult, but he would try to get some flexibility" if the first two issues "fell into place".[103]

225. Mr Straw reported that Secretary Powell thought that there were seven solid votes, and uncertainty about Mexico, Chile and Pakistan.[104] If there were fewer than nine, the second resolution should not be put to the vote.

---

[100] Public hearing, 29 January 2010, page 127.
[101] Letter Rycroft to McDonald, 9 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 9 March'.
[102] Telegram 391 UKMIS New York to FCO London, 10 March 2003, 'Iraq: Second Resolution'.
[103] Letter Rycroft to McDonald, 10 March 2003, 'Iraq: Prime Minister's Phone Calls with Lagos, Bush and Aznar, 10 March'.
[104] Letter Straw to Manning, 11 March 2003, 'Conversation with US Secretary of State, 10 March'.

226. Mr Straw replied that "he was increasingly coming to the view that we should not push the matter to a vote if we were going to be vetoed"; but that had not yet been agreed by Mr Blair.

227. By 10 March, President Bush's position was hardening and he was very reluctant to delay military action.

228. When Mr Blair spoke to President Bush, they discussed the "seven solid votes" for the resolution.[105]

229. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote that Mr Blair had done most of the talking.[106] President Bush thought President Jacques Chirac of France was "trying to get us to the stage where we would not put [the resolution] to a vote because we would be so worried about losing".

230. Mr Blair had argued that if Chile and Mexico could be shifted, that would "change the weather". If France and Russia then vetoed the resolution but the "numbers were right on the UN", Mr Blair thought that he would "have a fighting chance of getting it through the Commons". Subsequently, Mr Blair suggested that a change in Chile and Mexico's position might be used to influence President Putin.

231. President Bush was "worried about rolling in more time" but Mr Blair had "held his ground", arguing that Chile and Mexico would "need to be able to point to something that they won last minute that explains why they finally supported us". President Bush "said 'Let me be frank. The second resolution is for the benefit of Great Britain. We would want it so we can go ahead together.'" President Bush's position was that the US and UK "must not retreat from 1441 and we cannot keep giving them more time"; it was "time to do this" and there should be "no more deals".

232. Sir David Manning sent the UK proposals for a revised deadline, and a side statement identifying six tests on which Saddam Hussein's intentions would be judged, to Dr Condoleezza Rice, President Bush's National Security Advisor, and to President Lagos.[107]

233. Mr Blair wrote in his memoir that President Bush and his military were concerned about delay.[108]

> "It [the proposal for tests/more time] was indeed a hard sell to George. His system was completely against it. His military were, not unreasonably, fearing that delay gave the enemy time – and time could mean a tougher struggle and more lives lost.

---

[105] Letter Rycroft to McDonald, 10 March 2003, 'Iraq: Prime Minister's Phone Calls with Lagos, Bush and Aznar, 10 March'.
[106] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[107] Letter Manning to Rice, 10 March 2003, [untitled].
[108] Blair T. *A Journey*. Hutchinson, 2010.

> This was also troubling my military. We had all sorts of contingency plans in place ... There was both UK and US intelligence warning us of the risk.
>
> "Nonetheless I thought it was worth a try ..."

234. Mr Blair also wrote:

> "Chile and Mexico were prepared to go along, but only up to a point. Ricardo made it clear that if there was heavy opposition from France, it would be tough for them to participate in what would then be a token vote, incapable of being passed because of a veto – and what's more, a veto not by Russia, but by France.
>
> "Unfortunately, the French position had, if anything, got harder not softer. They were starting to say they would not support military action in any circumstances, irrespective of what the inspectors found ..."

235. In a press conference on 10 March, Mr Annan reiterated the Security Council's determination to disarm Iraq, but said that every avenue for a peaceful resolution of the crisis had to be exhausted before force should be used.[109]

236. Mr Annan also warned that, if the Security Council failed to agree on a common position and action was taken without the authority of the Council, the legitimacy and support for any such action would be seriously impaired.

237. In an interview on 10 March, President Chirac stated that it was for the inspectors to advise whether they could complete their task.[110] If they reported that they were not in a position to guarantee Iraq's disarmament, it would be:

> "... for the Security Council alone to decide the right thing to do. But in that case ... regrettably, the war would become inevitable. It isn't today."

238. President Chirac stated that he did not consider that the draft resolution tabled by the US, UK and Spain would attract support from nine members of the Security Council. In that case, there would be no majority for action, "So there won't be a veto problem."

239. But if there were a majority "in favour of the new resolution", France would "vote 'no'".

240. In response to a question asking, "And, this evening, this is your position in principle?", President Chirac responded:

> "My position is that, regardless of the circumstances, France will vote 'no' because she considers this evening that there are no grounds for waging war in order to achieve the goal we have set ourselves, that is to disarm Iraq."

---

[109] United Nations, 10 March 2003, *Secretary-General's press conference (unofficial transcript).*
[110] The Élysée, *Interview télévisée de Jacques Chirac, le 10 mars 2003*. A translation for HMG was produced in a Note, [unattributed and undated], 'Iraq – Interview given by M. Jacques Chirac, President of the Republic, to French TV (10 March 2003)'.

241. By 11 March, it was clear that, in the time available before the US was going to take military action, it would be difficult to secure nine votes in the Security Council for a resolution determining that Iraq had failed to take the final opportunity offered by resolution 1441.

242. Mr Straw wrote to Mr Blair on 11 March setting out his firm conclusion that:

> "If we cannot gain nine votes and be sure of no veto, we should not push our second resolution to a vote. The political and diplomatic consequences for the UK would be significantly worse to have our ... resolution defeated ... than if we camp on 1441 ..."[111]

243. Mr Straw set out his reasoning in some detail, including that:

- Although in earlier discussion he had "warmed to the idea" that it was worth pushing the issue to a vote "if we had nine votes and faced only a French veto", the more he "thought about this, the worse an idea it becomes".
- A veto by France only was "in practice less likely than two or even three vetoes".
- The "best, least risky way to gain a moral majority" was "by the 'Kosovo route' – essentially what I am recommending. The key to our moral legitimacy then was the matter never went to a vote – but everyone knew the reason for this was that Russia would have vetoed."

244. Mr Straw suggested that the UK should adopt a strategy based on the argument that Iraq had failed to take the final opportunity offered by resolution 1441, and that the last three meetings of the Security Council met the requirement for Security Council consideration of reports of non-compliance.

245. Mr Straw also identified the need for a "Plan B" for the UK not to participate in military action in the event that the Government failed to secure a majority in the Parliamentary Labour Party for military action.

246. Mr Straw concluded:

> "We will obviously need to discuss all this, but I thought it best to put it in your mind as event[s] could move fast. And what I propose is a great deal better than the alternatives. When Bush graciously accepted your offer to be with him all the way, he wanted you alive not dead!"

247. There was no reference in the minute to President Chirac's remarks the previous evening.

---

[111] Minute Straw to Prime Minister, 11 March 2003, 'Iraq: What if We Cannot Win the Second Resolution?'

248. When Mr Blair and President Bush discussed the position late on 11 March, it was clear that President Bush was determined not to postpone the start of military action.[112] They discussed the impact of President Chirac's "veto threats". Mr Blair considered that President Chirac's remarks "gave some cover" for ending the UN route.

249. Reporting discussions in New York on 11 March on the draft resolution and details of a possible "side statement", Sir Jeremy Greenstock advised that the draft resolution tabled by the UK, US and Spain on 7 March had "no chance ... of adoption".[113]

250. In a telephone call with President Bush on 12 March, Mr Blair proposed that the US and UK should continue to seek a compromise in the UN, while confirming that he knew it would not happen. He would say publicly that the French had prevented them from securing a resolution, so there would not be one.[114]

251. Mr Blair wanted to avoid a gap between the end of the negotiating process and the Parliamentary vote in which France or another member of the Security Council might table a resolution that attracted the support of a majority of the Council. That could have undermined the UK (and US) position on its legal basis for action.

252. When he discussed the options with Mr Straw early on 12 March, Mr Blair decided that the UK would continue to support the US.[115]

253. During Prime Minister's Questions on 12 March, Mr Blair stated:

> "I hope that even now those countries that are saying they would use their veto no matter what the circumstances will reconsider and realise that by doing so they put at risk not just the disarmament of Saddam, but the unity of the United Nations."[116]

254. The FCO assessed on 12 March that the votes of the three African states were reasonably secure but Pakistan's vote was not so certain. It was hoped that the six tests plus a short extension of the 17 March deadline might deliver Mexico and Chile.[117]

255. The UK circulated its draft side statement setting out the six tests to a meeting of Security Council members in New York on the evening of 12 March.[118]

256. Sir Jeremy Greenstock told Council members that the UK "non-paper" responded to an approach from the "undecided six"[119] looking for a way forward, setting out six

---

[112] Letter Cannon to McDonald, 11 March 2003, 'Iraq: Prime Minister's Conversations with Bush and Lagos, 11 March'.
[113] Telegram 417 UKMIS New York to FCO London, 12 March 2003, 'Personal Iraq: Side Statement and End Game Options'.
[114] Letter Rycroft to McDonald, 12 March 2003, 'Iraq: Prime Minister's Telephone Conversation with President Bush, 12 March'.
[115] Public hearing, 21 January 2010, page 105.
[116] House of Commons, *Official Report*, 12 March 2003, column 288.
[117] Telegram 33 FCO London to Riyadh, 12 March 2003, 'Personal for Heads of Mission: Iraq: The Endgame'.
[118] Telegram 429 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Side-Statement'.
[119] Angola, Cameroon, Chile, Guinea, Mexico, Pakistan.

tasks to be achieved in a 10-day timeline.[120] Sir Jeremy reported that France, Germany and Russia all said that the draft resolution without operative paragraph 3 would still authorise force. The UK had not achieved "any kind of breakthrough" and there were "serious questions about the available time", which the US would "not help us to satisfy".

257. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution and, following the French decision to veto, the outcome remained open.[121]

258. Mr Straw described President Chirac's position as "irresponsible".

259. Mr Straw told Cabinet that there was "good progress" in gaining support in the Security Council.

260. Mr Blair concluded that the French position "looked to be based on a calculation of strategic benefit". It was "in contradiction of the Security Council's earlier view that military action would follow if Iraq did not fully and unconditionally co-operate with the inspectors". The UK would "continue to show flexibility" in its efforts to achieve a second resolution and, "if France could be shown to be intransigent, the mood of the Security Council could change towards support for the British draft".

261. Mr Blair agreed the military plan later on 13 March.[122]

262. On 13 March, Mr Blair and President Bush discussed withdrawing the resolution on 17 March followed by a US ultimatum to Saddam Hussein to leave within 48 hours. There would be no US military action until after the vote in the House of Commons on 18 March.[123]

263. Mr Blair continued to press President Bush to publish the Road Map on the Middle East Peace Process because of its impact on domestic opinion in the UK as well as its strategic impact.

264. Reporting developments in New York on 13 March, Sir Jeremy Greenstock warned that the UK tests had attracted no support, and that the US might be ready to call a halt to the UN process on 15 March.[124] The main objections had included the "perceived authorisation of force in the draft resolution" and a desire to wait for UNMOVIC's own list of key tasks which would be issued early the following week.

265. President Chirac told Mr Blair on 14 March that France was "content to proceed 'in the logic of UNSCR 1441'; but it could not accept an ultimatum or any 'automaticity' of recourse to force".[125] He proposed looking at a new resolution in line with

---

[120] Telegram 428 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Circulates Side-Statement'.
[121] Cabinet Conclusions, 13 March 2003.
[122] Letter Rycroft to Watkins, 13 March 2003, 'Iraq: Military Planning'.
[123] Letter Cannon to McDonald, 13 March 2003, 'Iraq: Military Timetable'.
[124] Telegram 438 UKMIS New York to FCO London, 14 March 2003, 'Iraq: 13 March'.
[125] Letter Cannon to Owen, 14 March 2003, 'Iraq: Prime Minister's Conversation with President Chirac, 14 March'.

resolution 1441, "provided that it excluded these options". President Chirac "suggested that the UNMOVIC work programme might provide a way forward. France was prepared to look at reducing the 120 day timeframe it envisaged."

266. In response to a question from President Chirac about whether it would be the inspectors or the Security Council who decided whether Saddam had co-operated, Mr Blair "insisted that it must be the Security Council".

267. President Chirac agreed, "although the Security Council should make its judgement on the basis of the inspectors' report". He "wondered whether it would be worth" Mr Straw and Mr Dominique de Villepin, the French Foreign Minister, "discussing the situation to see if we could find some flexibility"; or was it "too late"?

268. Mr Blair said, "every avenue must be explored".

269. In the subsequent conversation with President Bush about the French position and what to say when the resolution was pulled, Mr Blair proposed that they would need to show that France would not authorise the use of force in any circumstances.[126]

270. President Lagos initially informed Mr Blair on 14 March that the UK proposals did not have Chile's support and that he was working on other ideas.[127] He subsequently informed Mr Blair that he would not pursue his proposals unless Mr Blair or President Bush asked him to.

271. Mr Tony Brenton, Chargé d'Affaires, British Embassy Washington, reported that President Bush was determined to remove Saddam Hussein and to stick to the US timetable for action. The UK's "steadfastness" had been "invaluable" in bringing in other countries in support of action.[128]

272. In a declaration on 15 March, France, with Germany and Russia, attempted to secure support in the Security Council for continued inspections.[129]

273. At the Azores Summit on 16 March, President Bush, Mr Blair and Prime Minister José María Aznar of Spain agreed that, unless there was a fundamental change in the next 24 hours, the UN process would end.[130]

274. In public, the focus was on a "last chance for peace". The joint communiqué contained a final appeal to Saddam Hussein to comply with his obligations and to the Security Council to back a second resolution containing an ultimatum.

---

[126] Letter Rycroft to McDonald, 14 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 14 March'.
[127] Letter [Francis] Campbell to Owen, 14 March 2003, 'Iraq: Prime Minister's Conversation with President Lagos of Chile, 14 March'.
[128] Telegram 350 Washington to FCO London, 15 March 2003, 'Iraq'.
[129] UN Security Council, 18 March 2003, 'Letter dated 15 March 2003 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council' (S/2003/320).
[130] Letter Manning to McDonald, 16 March 2013, 'Iraq: Summit Meeting in the Azores: 16 March'.

275. In his memoir, Mr Blair wrote:

> "So when I look back ... I know there was never any way Britain was not going to be with the US at that moment, once we went down the UN route and Saddam was in breach. Of course such a statement is always subject to *in extremis* correction. A crazy act of aggression? No, we would not have supported that. But given the history, you couldn't call Saddam a crazy target.
>
> "Personally I have little doubt that at some point we would have to have dealt with him ..."[131]

276. At "about 3.15pm UK time" on 17 March, Sir Jeremy Greenstock announced that the resolution would not be put to a vote, stating that the co-sponsors reserved the right to take their own steps to secure the disarmament of Iraq.[132]

277. The subsequent discussion in the Council suggested that only the UK, the US, and Spain took the view that all options other than the use of military force had been exhausted.[133]

278. A specially convened Cabinet at 1600 on 17 March 2003 endorsed the decision that the diplomatic process was now at an end and Saddam Hussein should be given an ultimatum to leave Iraq; and that the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary.[134]

279. In his statement to the House of Commons that evening, Mr Straw said that the Government had reluctantly concluded that France's actions had put a consensus in the Security Council on a further resolution "beyond reach".[135]

280. As a result of Saddam Hussein's persistent refusal to meet the UN's demands, the Cabinet had decided to ask the House of Commons to support the UK's participation in military action, should that be necessary to achieve the disarmament of Iraq "and thereby the maintenance of the authority of the United Nations".

281. Mr Straw stated that Lord Goldsmith's Written Answer "set out the legal basis for the use of force".

282. Mr Straw drew attention to the significance of the fact that no one "in discussions in the Security Council and outside" had claimed that Iraq was in full compliance with its obligations.

283. In a statement later that evening, Mr Robin Cook, the Leader of the House of Commons, set out his doubts about the degree to which Saddam Hussein posed a

---

[131] Blair T. *A Journey*. Hutchinson, 2010.
[132] Telegram 465 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution: Statement'.
[133] Telegram 464 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution'.
[134] Cabinet Conclusions, 17 March 2003.
[135] House of Commons, *Official Report*, 17 March 2003, columns 703-705.

"clear and present danger" and his concerns that the UK was being "pushed too quickly into conflict" by the US without the support of the UN and in the face of hostility from many of the UK's traditional allies.[136]

284. On 17 March, President Bush issued an ultimatum giving Saddam Hussein 48 hours to leave Iraq.

285. The French President's office issued a statement early on 18 March stating that the US ultimatum was a unilateral decision going against the will of the international community who wanted to pursue Iraqi disarmament in accordance with resolution 1441.[137] It stated:

> "... only the Security Council is authorised to legitimise the use of force. France appeals to the responsibility of all to see that international legality is respected. To disregard the legitimacy of the UN, to favour force over the law, would be to take on a heavy responsibility."

286. On the evening of 18 March, the House of Commons passed by 412 votes to 149 a motion supporting "the decision of Her Majesty's Government that the United Kingdom should use all means necessary to ensure the disarmament of Iraq's weapons of mass destruction".

287. President Bush wrote in his memoir that he convened "the entire National Security Council" on the morning of 19 March where he "gave the order to launch Operation Iraqi Freedom".[138]

288. In the Security Council debate on 19 March, the majority of members of the Security Council, including France, Russia and China, made clear that they thought the goal of disarming Iraq could be achieved by peaceful means and emphasised the primary responsibility of the Security Council for the maintenance of international peace and security.[139]

289. UNMOVIC and the IAEA had provided the work programmes required by resolution 1284. They included 12 key tasks identified by UNMOVIC where progress "could have an impact on the Council's assessment of co-operation of Iraq".

290. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US airstrikes would be launched at 0300 GMT on 20 March.[140]

---

[136] House of Commons, *Official Report*, 17 March 2003, columns 726-728.
[137] Telegram 135 Paris to FCO London, 18 March 2003, 'Iraq: Chirac's Reaction to Ultimatum'.
[138] Bush GW. *Decision Points*. Virgin Books, 2010.
[139] UN Security Council, '4721st Meeting Wednesday 19 March 2003' (S/PV.4721).
[140] Letter Manning to McDonald, 20 March 2003, 'Iraq'.

291. Early on the morning of 20 March, US forces crossed into Iraq and seized the port area of Umm Qasr.[141]

292. Mr Blair continued to state that France was responsible for the impasse.

293. At Cabinet on 20 March, Mr Blair concluded that the Government:

> "... should lose no opportunity to propagate the reason, at every level and as widely as possible, why we had arrived at a diplomatic impasse, and why it was necessary to take action against Iraq. France had not been prepared to accept that Iraq's failure to comply with its obligations should lead to the use of force to achieve compliance."[142]

Why Iraq? Why now?

294. In his memoir, Mr Blair described his speech opening the debate on 18 March as "the most important speech I had ever made".[143]

295. Mr Blair framed the decision for the House of Commons as a "tough" and "stark" choice between "retreat" and holding firm to the course of action the Government had set. Mr Blair stated that he believed "passionately" in the latter. He deployed a wide range of arguments to explain the grounds for military action and to make a persuasive case for the Government's policy.[144]

296. In setting out his position, Mr Blair recognised the gravity of the debate and the strength of opposition in both the country and Parliament to immediate military action. In his view, the issue mattered "so much" because the outcome would not just determine the fate of the Iraqi regime and the Iraqi people but would:

> "... determine the way in which Britain and the world confront the central security threat of the 21st century, the development of the United Nations, the relationship between Europe and the United States, the relations within the European Union and the way in which the United States engages with the rest of the world. So it could hardly be more important. It will determine the pattern of international politics for the next generation."

Was Iraq a serious or imminent threat?

297. On 18 March 2003, the House of Commons was asked:

- to recognise that Iraq's weapons of mass destruction and long-range missiles, and its continuing non-compliance with Security Council resolutions, posed a threat to international peace and security; and

---

[141] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003, page 12.
[142] Cabinet Conclusions, 20 March 2003.
[143] Blair T. *A Journey*. Hutchinson, 2010.
[144] House of Commons, *Official Report*, 18 March 2003, columns 760-774.

- to support the use of all means necessary to ensure the disarmament of Iraq's weapons of mass destruction, on the basis that the United Kingdom must uphold the authority of the United Nations as set out in resolution 1441 and many resolutions preceding it.

298. In his statement, Mr Blair addressed both the threat to international peace and security presented by Iraq's defiance of the UN and its failure to comply with its disarmament obligations as set out in resolution 1441 (2002). Iraq was "the test of whether we treat the threat seriously".

299. Mr Blair rehearsed the Government's position on Iraq's past pursuit and use of weapons of mass destruction; its failures to comply with the obligations imposed by the UN Security Council between 1991 and 1998; Iraq's repeated declarations which proved to be false; and the "large quantities of weapons of mass destruction" which were "unaccounted for". He described UNSCOM's final report (in January 1999) as "a withering indictment of Saddam's lies, deception and obstruction".

300. Mr Blair cited the UNMOVIC "clusters" document issued on 7 March as "a remarkable document", detailing "all the unanswered questions about Iraq's weapons of mass destruction", listing "29 different areas in which the inspectors have been unable to obtain information".

301. He stated that, based on Iraq's false declaration, its failure to co-operate, the unanswered questions in the UNMOVIC "clusters" document, and the unaccounted for material, the Security Council should have convened and condemned Iraq as in material breach of its obligations. If Saddam Hussein continued to fail to co-operate, force should be used.

302. Addressing the wider message from the issue of Iraq, Mr Blair asked:

> "... what ... would any tyrannical regime possessing weapons of mass destruction think when viewing the history of the world's diplomatic dance with Saddam over ... 12 years? That our capacity to pass firm resolutions has only been matched by our feebleness in implementing them."

303. Mr Blair acknowledged that Iraq was "not the only country with weapons of mass destruction", but declared: "back away from this confrontation now, and future conflicts will be infinitely worse and more devastating in their effects".

304. Mr Blair added:

> "The real problem is that ... people dispute Iraq is a threat, dispute the link between terrorism and weapons of mass destruction, and dispute in other words, the whole basis of our assertion that the two together constitute a fundamental assault on our way of life."

305. Mr Blair also described a "threat of chaos and disorder" arising from "tyrannical regimes with weapons of mass destruction and extreme terrorist groups" prepared to use them.

306. Mr Blair set out his concerns about:

- proliferators of nuclear equipment or expertise;
- "dictatorships with highly repressive regimes" who were "desperately trying to acquire" chemical, biological or, "particularly, nuclear weapons capability" – some of those were "a short time away from having a serviceable nuclear weapon", and that activity was increasing, not diminishing; and
- the possibility of terrorist groups obtaining and using weapons of mass destruction, including a "radiological bomb".

307. Those two threats had very different motives and different origins. He accepted "fully" that the association between the two was:

> "... loose – but it is hardening. The possibility of the two coming together – of terrorist groups in possession of weapons of mass destruction or even of a so called dirty radiological bomb – is now in my judgement, a real and present danger to Britain and its national security."

308. Later in his speech, Mr Blair stated that the threat which Saddam Hussein's arsenal posed:

> "... to British citizens at home and abroad cannot simply be contained. Whether in the hands of his regime or in the hands of the terrorists to whom he would give his weapons, they pose a clear danger to British citizens ..."

309. This fusion of long-standing concerns about proliferation with the post-9/11 concerns about mass-casualty terrorism was at the heart of the Government's case for taking action at this time against Iraq.

310. The UK assessment of Iraq's capabilities set out in Section 4 of the Report shows:

- The proliferation of nuclear, chemical and biological weapons and their delivery systems, particularly ballistic missiles, was regarded as a major threat. But Iran, North Korea and Libya were of greater concern than Iraq in terms of the risk of nuclear and missile proliferation.
- JIC Assessments, reflected in the September 2002 dossier, had consistently taken the view that, if sanctions were removed or became ineffective, it would take Iraq at least five years following the end of sanctions to produce enough fissile material for a weapon. On 7 March, the IAEA had reported to the Security Council that there was no indication that Iraq had resumed its nuclear activities.
- The September dossier stated that Iraq could produce a nuclear weapon within one to two years if it obtained fissile material and other essential components

from a foreign supplier. There was no evidence that Iraq had tried to acquire fissile material and other components or – were it able to do so – that it had the technical capabilities to turn these materials into a usable weapon.

- JIC Assessments had identified the possible stocks of chemical and biological weapons which would largely have been for short-range, battlefield use by the Iraqi armed forces. The JIC had also judged in the September dossier that Iraq was producing chemical and biological agents and that there were development programmes for longer-range missiles capable of delivering them.
- Iraq's proscribed Al Samoud 2 missiles were being destroyed.

311. The UK Government did have significant concerns about the potential risks of all types of weapons of mass destruction being obtained by Islamist extremists (in particular Al Qaida) who would be prepared to use such weapons.

312. Saddam Hussein's regime had the potential to proliferate material and know-how, to terrorist groups, but it was not judged likely to do so.

313. On 28 November 2001, the JIC assessed that:

- Saddam Hussein had "refused to permit any Al Qaida presence in Iraq".
- Evidence of contact between Iraq and Usama Bin Laden (UBL) was "fragmentary and uncorroborated"; including that Iraq had been in contact with Al Qaida for exploratory discussions on toxic materials in late 1988.
- "With common enemies ... there was clearly scope for collaboration."
- There was "no evidence that these contacts led to practical co-operation; we judge it unlikely ... There is no evidence UBL's organisation has ever had a presence in Iraq."
- Practical co-operation between Iraq and Al Qaida was "unlikely because of mutual mistrust".
- There was "no credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups".[145]

314. On 29 January 2003, the JIC assessed that, despite the presence of terrorists in Iraq "with links to Al Qaida", there was "no intelligence of current co-operation between Iraq and Al Qaida".[146]

315. On 10 February 2003, the JIC judged that Al Qaida would "not carry out attacks under Iraqi direction".[147]

---

[145] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.
[146] JIC Assessment, 29 January 2003, 'Iraq: The Emerging view from Baghdad'.
[147] JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'

316. Sir Richard Dearlove told the Inquiry:

> "... I don't think the Prime Minister ever accepted the link between Iraq and terrorism. I think it would be fair to say that the Prime Minister was very worried about the possible conjunction of terrorism and WMD, but not specifically in relation to Iraq ... [I] think, one could say this is one of his primary national security concerns given the nature of Al Qaida."[148]

317. The JIC assessed that Iraq was likely to mount a terrorist attack only in response to military action and if the existence of the regime was threatened.

318. The JIC Assessment of 10 October 2002 stated that Saddam Hussein's "overriding objective" was to "avoid a US attack that would threaten his regime".[149] The JIC judged that, in the event of US-led military action against Iraq, Saddam would:

> "... aim to use terrorism or the threat of it. Fearing the US response, he is likely to weigh the costs and benefits carefully in deciding the timing and circumstances in which terrorism is used. But intelligence on Iraq's capabilities and intentions in this field is limited."

319. The JIC also judged that:

- Saddam's "capability to conduct effective terrorist attacks" was "very limited".
- Iraq's "terrorism capability" was "inadequate to carry out chemical or biological attacks beyond individual assassination attempts using poisons".

320. The JIC Assessment of 29 January 2003 sustained its earlier judgements on Iraq's ability and intent to conduct terrorist operations.[150]

321. Sir David Omand, the Security and Intelligence Co-ordinator in the Cabinet Office from 2002 to 2005, told the Inquiry that, in March 2002, the Security Service judged that the "threat from terrorism from Saddam's own intelligence apparatus in the event of an intervention in Iraq ... was judged to be limited and containable".[151]

322. Baroness Manningham-Buller, the Director General of the Security Service from 2002 to 2007, confirmed that position, stating that the Security Service felt there was "a pretty good intelligence picture of a threat from Iraq within the UK and to British interests".[152]

---

[148] Private hearing, 16 June 2010, pages 39-40.
[149] JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq'.
[150] JIC Assessment, 29 January 2003, 'Iraq: The Emerging view from Baghdad'.
[151] Public hearing, 20 January 2010, page 37.
[152] Public hearing, 20 July 2010, page 6.

323. Baroness Manningham-Buller added that subsequent events showed the judgement that Saddam Hussein did not have the capability to do anything much in the UK, had "turned out to be the right judgement".[153]

324. While it was reasonable for the Government to be concerned about the fusion of proliferation and terrorism, there was no basis in the JIC Assessments to suggest that Iraq itself represented such a threat.

325. The UK Government assessed that Iraq had failed to comply with a series of UN resolutions. Instead of disarming as these resolutions had demanded, Iraq was assessed to have concealed materials from past inspections and to have taken the opportunity of the absence of inspections to revive its WMD programmes.

326. In Section 4, the Inquiry has identified the importance of the ingrained belief of the Government and the intelligence community that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active and successful policy of deception and concealment.

327. This construct remained influential despite the lack of significant finds by inspectors in the period leading up to military action in March 2003, and even after the Occupation of Iraq.

328. Challenging Saddam Hussein's "claim" that he had no weapons of mass destruction, Mr Blair said in his speech on 18 March:

- "... we are asked to believe that after seven years of obstruction and non-compliance ... he [Saddam Hussein] voluntarily decided to do what he had consistently refused to do under coercion."
- "We are asked now seriously to accept that in the last few years – contrary to all history, contrary to all intelligence – Saddam decided unilaterally to destroy those weapons. I say that such a claim is palpably absurd."
- "... Iraq continues to deny that it has any weapons of mass destruction, although no serious intelligence service anywhere in the world believes it."
- "What is perfectly clear is that Saddam is playing the same old games in the same old way. Yes, there are minor concessions, but there has been no fundamental change of heart or mind."[154]

329. At no stage was the proposition that Iraq might no longer have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.

---

[153] Public hearing, 20 July 2010, page 9.
[154] House of Commons, *Official Report*, 18 March 2003, columns 760-764.

330. Intelligence and assessments were used to prepare material to be used to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.

331. Mr Blair's statement to the House of Commons on 18 March was the culmination of a series of public statements and interviews setting out the urgent need for the international community to act to bring about Iraq's disarmament in accordance with those resolutions, dating back to February 2002, before his meeting with President Bush at Crawford on 5 and 6 April.

332. As Mr Cook's resignation statement on 17 March made clear, it was possible for a Minister to draw different conclusions from the same information.

333. Mr Cook set out his doubts about Saddam Hussein's ability to deliver a strategic attack and the degree to which Iraq posed a "clear and present danger" to the UK. The points Mr Cook made included:

- "... neither the international community nor the British public is persuaded that there is an urgent and compelling reason for this military action in Iraq."
- "Over the past decade that strategy [of containment] had destroyed more weapons than in the Gulf War, dismantled Iraq's nuclear weapons programme and halted Saddam's medium and long range missile programmes."
- "Iraq probably has no weapons of mass destruction in the commonly understood sense of the term – namely a credible device capable of being delivered against a strategic city target. It probably ... has biological toxins and battlefield chemical munitions, but it has had them since the 1980s when US companies sold Saddam anthrax agents and the then British Government approved chemical and munitions factories. Why is it now so urgent that we should take military action to disarm a military capacity that has been there for twenty years, and which we helped to create? Why is it necessary to resort to war this week, while Saddam's ambition to complete his weapons programme is blocked by the presence of UN inspectors?"[155]

334. On 12 October 2004, announcing the withdrawal of two lines of intelligence reporting which had contributed to the pre-conflict judgements on mobile biological production facilities and the regime's intentions, Mr Straw stated that he did:

> "... not accept, even with hindsight, that we were wrong to act as we did in the circumstances that we faced at the time. Even after reading all the evidence detailed by the Iraq Survey Group, it is still hard to believe that any regime could behave in so self-destructive a manner as to pretend that it had forbidden weaponry, when in fact it had not."[156]

---

[155] House of Commons, *Official Report*, 17 March 2003, columns 726-728.
[156] House of Commons, *Official Report*, 12 October 2004, columns 151-152.

335. Iraq had acted suspiciously over many years, which led to the inferences drawn by the Government and the intelligence community that it had been seeking to protect concealed WMD assets. When Iraq denied that it had retained any WMD capabilities, the UK Government accused it of lying.

336. This led the Government to emphasise the ability of Iraq successfully to deceive the inspectors, and cast doubt on the investigative capacity of the inspectors. The role of the inspectors, however, as was often pointed out, was not to seek out assets that had been hidden, but rather to validate Iraqi claims.

337. By March 2003, however:

- The Al Samoud 2 missiles which exceeded the range permitted by the UN, were being destroyed.
- The IAEA had concluded that there was no Iraqi nuclear programme of any significance.
- The inspectors believed that they were making progress and expected to achieve more co-operation from Iraq.
- The inspectors were preparing to step up their activities with U2 flights and interviews outside Iraq.

338. When the UK sought a further Security Council resolution in March 2003, the majority of the Council's members were not persuaded that the inspections process, and the diplomatic efforts surrounding it, had reached the end of the road. They did not agree that the time had come to terminate inspections and resort to force. The UK went to war without the explicit authorisation which it had sought from the Security Council.

339. At the time of the Parliamentary vote of 18 March, diplomatic options had not been exhausted. The point had not been reached where military action was the last resort.

The predicted increase in the threat to the UK as a result of military action in Iraq

340. Mr Blair had been advised that an invasion of Iraq was expected to increase the threat to the UK and UK interests from Al Qaida and its affiliates.

341. Asked about the risk that attacking Iraq with cruise missiles would "act as a recruiting sergeant for a young generation throughout the Islamic and Arab world", Mr Blair responded that:

> "... what was shocking about 11 September was not just the slaughter of innocent people but the knowledge that, had the terrorists been able, there would have been not 3,000 innocent dead, but 30,000 or 300,000 ... America did not attack the Al Qaida terrorist group ... [it] attacked America. They did not need to be

recruited ... Unless we take action against them, they will grow. That is why we should act."[157]

342. The JIC judged in October 2002 that "the greatest terrorist threat in the event of military action against Iraq will come from Al Qaida and other Islamic extremists"; and they would be "pursuing their own agenda".[158]

343. The JIC Assessment of 10 February 2003 repeated previous warnings that:

- Al Qaida and associated networks would remain the greatest terrorist threat to the UK and its activity would increase at the onset of any military action against Iraq.
- In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists, including Al Qaida.[159]

344. Addressing the prospects for the future, the JIC Assessment concluded:

> "... **Al Qaida and associated groups will continue to represent by far the greatest terrorist threat to Western interests, and that threat will be heightened by military action against Iraq.** The broader threat from Islamist terrorists will also increase in the event of war, reflecting intensified anti-US/anti-Western sentiment in the Muslim world, including among Muslim communities in the West. And there is a risk that the transfer of CB [chemical and biological] material or expertise, during or in the aftermath of conflict, will enhance Al Qaida's capabilities."

345. In response to a call for Muslims everywhere to take up arms in defence of Iraq issued by Usama Bin Laden on 11 February, and a further call on 16 February for "compulsory jihad" by Muslims against the West, the JIC Assessment on 19 February predicted that the upward trend in the reports of threats to the UK was likely to continue.[160]

346. The JIC continued to warn in March that the threat from Al Qaida would increase at the onset of military action against Iraq.[161]

347. The JIC also warned that:

- Al Qaida activity in northern Iraq continued.
- Al Qaida might have established sleeper cells in Baghdad, to be activated during a US occupation.

---

[157] House of Commons, *Official Report*, 18 March 2003, column 769.
[158] JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq'.
[159] JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'.
[160] JIC Assessment, 19 February 2003, 'International Terrorism: The Current Threat from Islamic Extremists'.
[161] JIC Assessment, 12 March 2003, 'International Terrorism: War with Iraq: Update'.

348. The warning about the risk of chemical and biological weapons becoming available to extremist groups as a result of military action in Iraq was reiterated on 19 March.[162]

349. Addressing the JIC Assessment of 10 February 2003, Mr Blair told the Intelligence and Security Committee (ISC) later that year that:

> "One of the most difficult aspects of this is that there was obviously a danger that in attacking Iraq you ended up provoking the very thing you were trying to avoid. On the other hand I think you had to ask the question, 'Could you really, as a result of that fear, leave the possibility that in time developed into a nexus between terrorism and WMD in an event?' This is where you've just got to make your judgement about this. But this is my judgement and it remains my judgement and I suppose time will tell whether it's true or it's not true."[163]

350. In its response to the ISC Report, the Government drew:

> "... attention to the difficult judgement that had to be made and the factors on both sides of the argument to be taken into account."[164]

351. Baroness Manningham-Buller told the Inquiry:

> "By 2003/2004 we were receiving an increasing number of leads to terrorist activity from within the UK ... our involvement in Iraq radicalised, for want of a better word ... a few among a generation ... [who] saw our involvement in Iraq, on top of our involvement in Afghanistan, as being an attack on Islam."[165]

352. Asked about the proposition that it was right to remove Saddam Hussein's regime to forestall a fusion of weapons of mass destruction and international terrorism at some point in the future, and if it had eliminated a threat of terrorism from his regime, Baroness Manningham-Buller replied:

> "It eliminated the threat of terrorism from his direct regime; it didn't eliminate the threat of terrorism using unconventional methods ... So using weapons of mass destruction as a terrorist weapon is still a potential threat.
>
> "After all Usama Bin Laden said it was the duty of members of his organisation or those in sympathy with it to acquire and use these weapons. It is interesting that ... such efforts as we have seen to get access to these sort of materials have been low-grade and not very professional, but it must be a cause of concern to my former colleagues that at some stage terrorist groups will resort to these methods.

---

[162] Note JIC, 19 March 2003, 'Saddam: The Beginning of the End'.
[163] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 128.
[164] *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments, 11 September 2003*, February 2004, Cm6118, paragraph 22.
[165] Public hearing, 20 July 2010, page 19.

> In that respect, I don't think toppling Saddam Hussein is germane to the long-term ambitions of some terrorist groups to use them."[166]

353. Asked specifically about the theory that at some point in the future Saddam Hussein would probably have brought together international terrorism and weapons of mass destruction in a threat to Western interests, Baroness Manningham-Buller responded:

> "It is a hypothetical theory. It certainly wasn't of concern in either the short-term or the medium-term to my colleagues and myself."[167]

354. Asked if "a war in Iraq would aggravate the threat from whatever source to the United Kingdom", Baroness Manningham-Buller stated that that was the view communicated by the JIC Assessments.[168]

355. Baroness Manningham-Buller subsequently added that if Ministers had read the JIC Assessments they could "have had no doubt" about that risk.[169] She said that by the time of the July 2005 attacks in London:

> "... an increasing number of British-born individuals ... were attracted to the ideology of Usama Bin Laden and saw the West's activities in Iraq and Afghanistan as threatening their fellow religionists and the Muslim world."

356. Asked whether the judgement that the effect of the invasion of Iraq had increased the terrorist threat to the UK was based on hard evidence or a broader assessment, Baroness Manningham-Buller replied:

> "I think we can produce evidence because of the numerical evidence of the number of plots, the number of leads, the number of people identified, and the correlation of that to Iraq and statements of people as to why they were involved ... So I think the answer to your ... question: yes."[170]

357. In its request for a statement, the Inquiry asked Mr Blair if he had read the JIC Assessment of 10 February 2002, and what weight he had given to it when he decided to take military action.[171]

358. In his statement Mr Blair wrote:

> "I was aware of the JIC Assessment of 10 February that the Al Qaida threat to the UK would increase. But I took the view then and take the same view now that to have backed down because of the threat of terrorism would be completely wrong.

---

[166] Public hearing, 20 July 2010, pages 23-24.
[167] Public hearing, 20 July 2010, page 24.
[168] Public hearing, 20 July 2010, page 31.
[169] Public hearing, 20 July 2010, page 33.
[170] Public hearing, 20 July 2010, pages 33-34.
[171] Inquiry request for a witness statement, 13 December 2010, Qs 11c and 11d page 7.

In any event, following 9/11 and Afghanistan we were a terrorist target and, as recent events in Europe and the US show, irrespective of Iraq, there are ample justifications such terrorists will use as excuses for terrorism."[172]

The UK's relationship with the US

359. The UK's relationship with the US was a determining factor in the Government's decisions over Iraq.

360. It was the US Administration which decided in late 2001 to make dealing with the problem of Saddam Hussein's regime the second priority, after the ousting of the Taliban in Afghanistan, in the "Global War on Terror". In that period, the US Administration turned against a strategy of continued containment of Iraq, which it was pursuing before the 9/11 attacks.

361. This was not, initially, the view of the UK Government. Its stated view at that time was that containment had been broadly effective, and that it could be adapted in order to remain sustainable. Containment continued to be the declared policy of the UK throughout the first half of 2002.

362. The declared objectives of the UK and the US towards Iraq up to the time of the invasion differed. The US was explicitly seeking to achieve a change of regime; the UK to achieve the disarmament of Iraq, as required by UN Security Council resolutions.

363. Most crucially, the US Administration committed itself to a timetable for military action which did not align with, and eventually overrode, the timetable and processes for inspections in Iraq which had been set by the UN Security Council. The UK wanted UNMOVIC and the IAEA to have time to complete their work, and wanted the support of the Security Council, and of the international community more widely, before any further steps were taken. This option was foreclosed by the US decision.

364. On these and other important points, including the planning for the post-conflict period and the functioning of the Coalition Provisional Authority (CPA), the UK Government decided that it was right or necessary to defer to its close ally and senior partner, the US.

365. It did so essentially for two reasons:

- Concern that vital areas of co-operation between the UK and the US could be damaged if the UK did not give the US its full support over Iraq.
- The belief that the best way to influence US policy towards the direction preferred by the UK was to commit full and unqualified support, and seek to persuade from the inside.

---

[172] Statement, 14 January 2011, page 16.

366. The UK Government was right to think very carefully about both of those points.

367. First, the close strategic alliance with the US has been a cornerstone of the UK's foreign and security policy under successive governments since the Second World War. Mr Blair rightly attached great importance to preserving and strengthening it.

368. After the attacks on the US on 11 September 2001, that relationship was reinforced when Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.[173] The action that followed in Afghanistan to bring about the fall of the Taliban served to strengthen and deepen the sense of shared endeavour.

369. When the US Administration turned its attention to regime change in Iraq as part of the second phase of the "Global War on Terror", Mr Blair's immediate response was to seek to offer a partnership and to work with it to build international support for the position that Iraq was a threat which had to be dealt with.

370. In Mr Blair's view, the decision to stand alongside the US was in the UK's long-term national interests. In his speech of 18 March 2003, he argued that the handling of Iraq would:

> "... determine the way in which Britain and the world confront the central security threat of the 21st century, the development of the United Nations, the relationship between Europe and the United States, the relations within the European Union and the way in which the United States engages with the rest of the world. So it could hardly be more important. It will determine the pattern of international politics for the next generation."

371. In his memoir in 2010, Mr Blair wrote:

> "I knew in the final analysis I would be with the US, because it was right morally and strategically. But we should make a last ditch attempt for a peaceful solution. First to make the moral case for removing Saddam ... Second, to try one more time to reunite the international community behind a clear base for action in the event of a continuing breach."[174]

372. Concern about the consequences, were the UK not to give full support to the US, featured prominently in policy calculations across Whitehall. Mr Hoon, for example, sought advice from Sir Kevin Tebbit, MOD Permanent Under Secretary, on the implications for the alliance of the UK's approach to Iraq.[175]

373. Although there has historically been a very close relationship between the British and American peoples and a close identity of values between our democracies, it is an

---

[173] The National Archives, 11 September 2001, *September 11 attacks: Prime Minister's statement.*
[174] Blair T. *A Journey*. Hutchinson, 2010.
[175] Minute Tebbit to Secretary of State [MOD], 14 January 2003, 'Iraq: What If?'.

alliance founded not on emotion, but on a hard-headed appreciation of mutual benefit. The benefits do not by any means flow only in one direction.

374. In his memoir, Mr Blair wrote:

> "... I agreed with the basic US analysis of Saddam as a threat; I thought he was a monster; and to break the US partnership in such circumstances, when America's key allies were all rallying round, would in my view, then (and now) have done major long-term damage to that relationship."

375. The Government was right to weigh the possible consequences for the wider alliance with the US very carefully, as previous Governments have done. A policy of direct opposition to the US would have done serious short-term damage to the relationship, but it is questionable whether it would have broken the partnership.

376. Over the past seven decades, the UK and US have adopted differing, and sometimes conflicting, positions on major issues, for example Suez, the Vietnam War, the Falklands, Grenada, Bosnia, the Arab/Israel dispute and, at times, Northern Ireland. Those differences did not fundamentally call into question the practice of close co-operation, to mutual advantage, on the overall relationship, including defence and intelligence.

377. The opposition of Germany and France to US policy in 2002 to 2003 does not appear to have had a lasting impact on the relationships of those countries with the US, despite the bitterness at the time.

378. However, a decision not to oppose does not have to be translated into unqualified support. Throughout the post-Second World War period (and, notably, during the wartime alliance), the UK's relationship with the US and the commonality of interests therein have proved strong enough to bear the weight of different approaches to international problems and not infrequent disagreements.

379. Had the UK stood by its differing position on Iraq – which was not an opposed position, but one in which the UK had identified conditions seen as vital by the UK Government – the Inquiry does not consider that this would have led to a fundamental or lasting change in the UK's relationship with the US.

380. This is a matter of judgement, and one on which Mr Blair, bearing the responsibility of leadership, took a different view.

381. The second reason for committing unqualified support was, by standing alongside and taking part in the planning, the UK would be able to influence US policy.

382. Mr Blair's stalwart support for the US after 9/11 had a significant impact in that country. Mr Blair developed a close working relationship with President Bush. He used this to compare notes and inject his views on the major issues of the day, and it is clear from the records of the discussions that President Bush encouraged that dialogue and listened to Mr Blair's opinions.

383. Mr Blair expressed his views in frequent telephone calls and in meetings with the President. There was also a very active channel between his Foreign Affairs Adviser and the President's National Security Advisor. Mr Blair also sent detailed written Notes to the President.

384. Mr Jonathan Powell, Mr Blair's Chief of Staff, told the Inquiry:

> "... the Prime Minister had a habit of writing notes, both internally and to President Clinton and to President Bush, on all sorts of subjects, because he found it better to put something in writing rather than to simply talk about it orally and get it much more concretely ... in focused terms."[176]

385. Mr Blair drew on information and briefing received from Whitehall departments, but evidently drafted many or most of his Notes to the President himself, showing the drafts to his close advisers in No.10 but not (ahead of despatch) to the relevant Cabinet Ministers.

386. How best to exercise influence with the President of the United States is a matter for the tactical judgement of the Prime Minister, and will vary between Prime Ministers and Presidents. In relation to Iraq, Mr Blair's judgement, as he and others have explained, was that objectives the UK identified for a successful strategy should not be expressed as conditions for its support.

387. Mr Powell told the Inquiry that Mr Blair was offering the US a "partnership to try to get to a wide coalition" and "setting out a framework" and to try to persuade the US to move in a particular direction.[177]

388. Mr Blair undoubtedly influenced the President's decision to go to the UN Security Council in the autumn of 2002. On other critical decisions set out in the Report, he did not succeed in changing the approach determined in Washington.

389. This issue is addressed in the Lessons section of this Executive Summary, under the heading "The decision to go to war".

Decision-making

390. The way in which the policy on Iraq was developed and decisions were taken and implemented within the UK Government has been at the heart of the Inquiry's work and fundamental to its conclusions.

391. The Inquiry has set out in Section 2 of the Report the roles and responsibilities of key individuals and bodies in order to assist the reader. It is also publishing with the Report many of the documents which illuminate who took the key decisions and on what

---

[176] Public hearing, 18 January 2010, page 38.
[177] Public hearing, 18 January 2010, pages 77-78.

basis, including the full record of the discussion on Iraq in Cabinet on five key occasions pre-conflict, and policy advice to Ministers which is not normally disclosed.

Collective responsibility

392. Under UK constitutional conventions – in which the Prime Minister leads the Government – Cabinet is the main mechanism by which the most senior members of the Government take collective responsibility for its most important decisions. Cabinet is supported by a system of Ministerial Committees whose role is to identify, test and develop policy options; analyse and mitigate risks; and debate and hone policy proposals until they are endorsed across the Government.[178]

393. The *Ministerial Code* in place in 2003 said:

> "The Cabinet is supported by Ministerial Committees (both standing and ad hoc) which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level or, failing that, by clarifying the issues and defining the points of disagreement. Second, they support the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgement will be sufficiently authoritative to ensure that the Government as a whole can properly be expected to accept responsibility for it."[179]

394. The Code also said:

> "The business of the Cabinet and Ministerial Committees consists in the main of:
>
> a. questions which significantly engage the collective responsibility of the Government because they raise major issues of policy or because they are of critical importance to the public;
>
> b. questions on which there is an unresolved argument between Departments."

395. Lord Wilson of Dinton told the Inquiry that between January 1998 and January 1999, in the run-up to and immediate aftermath of Operation Desert Fox in December 1998 (see Section 1.1), as Cabinet Secretary, he had attended and noted 21 Ministerial discussions on Iraq: 10 in Cabinet, of which seven had "some substance"; five in DOP; and six ad hoc meetings, including one JIC briefing.[180] Discussions in Cabinet or a Cabinet Committee would have been supported by the relevant part of the Cabinet Secretariat, the Overseas and Defence Secretariat (OD Sec).

---

[178] *Ministerial Code*, 2001, page 3.
[179] *Ministerial Code*, 2001, page 3.
[180] Public hearing, 25 January 2011, page 11.

396. Similarly, Lord Wilson stated that, between 11 September 2001 and January 2002, the Government's response to international terrorism and the subsequent military action against the Taliban in Afghanistan had been managed through 46 Ministerial meetings.[181]

397. The last meeting of DOP on Iraq before the 2003 conflict, however, took place in March 1999.[182]

398. In April 2002, the MOD clearly expected consideration of military options to be addressed through DOP. Mr Simon Webb, the MOD Policy Director, advised Mr Hoon that:

> "Even these preparatory steps would properly need a Cabinet Committee decision, based on a minute from the Defence Secretary ..."[183]

399. Most decisions on Iraq pre-conflict were taken either bilaterally between Mr Blair and the relevant Secretary of State or in meetings between Mr Blair, Mr Straw and Mr Hoon, with No.10 officials and, as appropriate, Mr John Scarlett (Chairman of the JIC), Sir Richard Dearlove and Adm Boyce. Some of those meetings were minuted; some were not.

400. As the guidance for the Cabinet Secretariat makes clear, the purpose of the minute of a meeting is to set out the conclusions reached so that those who have to take action know precisely what to do; the second purpose is to "give the reasons why the conclusions were reached".[184]

401. Lord Turnbull, Cabinet Secretary from 2002 to 2005, described Mr Blair's characteristic way of working with his Cabinet colleagues as:

> "… 'I like to move fast. I don't want to spend a lot of time in kind of conflict resolution, and, therefore, I will get the people who will make this thing move quickly and efficiently.' That was his sort of characteristic style, but it has drawbacks."[185]

402. Lord Turnbull subsequently told the Inquiry that the group described above was "a professional forum ... they had ... with one possible exception [Ms Clare Short, the International Development Secretary], the right people in the room. It wasn't the kind of sofa government in the sense of the Prime Minister and his special advisers and political cronies".[186]

---

[181] Public hearing, 25 January 2011, page 11.
[182] Email Cabinet Office to Secretary Iraq Inquiry, 5 July 2011, 'FOI request for joint MOD/FCO memo on Iraq Policy 1999'.
[183] Minute Webb to PS/Secretary of State, 12 April 2002, 'Bush and the War on Terrorism'.
[184] Cabinet Office, June 2001, *Guide to Minute Taking*.
[185] Public hearing, 13 January 2010, page 28.
[186] Public hearing, 13 January 2010, pages 45-46.

403. In July 2004, Lord Butler's Report stated that his Committee was:

> "... concerned that the informality and circumscribed character of the Government's procedures which we saw in the context of policy-making towards Iraq risks reducing the scope for informed collective political judgement. Such risks are particularly significant in a field like the subject of our Review, where hard facts are inherently difficult to come by and the quality of judgement is accordingly all the more important."[187]

404. In response, Mr Blair agreed that:

> "... where a small group is brought together to work on operational military planning and developing the diplomatic strategy, in future such a group will operate formally as an ad hoc Cabinet Committee."[188]

405. The Inquiry considers that where policy options include significant military deployments, particularly where they will have implications for the responsibilities of more than one Cabinet Minister, are likely to be controversial, and/or are likely to give rise to significant risks, the options should be considered by a group of Ministers meeting regularly, whether or not they are formally designated as a Cabinet Committee, so that Cabinet as a whole can be enabled to take informed collective decisions.

406. Describing the important function a Cabinet Committee can play, Mr Powell wrote:

> "Most of the important decisions of the Blair Government were taken either in informal meetings of Ministers and officials or by Cabinet Committees ... Unlike the full Cabinet, a Cabinet Committee has the right people present, including, for example, the military Chiefs of Staff or scientific advisers, its members are well briefed, it can take as long as it likes over its discussion on the basis of well-prepared papers, and it is independently chaired by a senior Minister with no departmental vested interest."[189]

407. The Inquiry concurs with this description of the function of a Cabinet Committee when it is working well. In particular, it recognises the important function which a Minister without departmental responsibilities for the issues under consideration can play. This can provide some external challenge from experienced members of the government and mitigate any tendency towards group-think. In the case of Iraq, for example, the inclusion of the Chancellor of the Exchequer or Deputy Prime Minister, as senior members of the Cabinet, or of Mr Cook, as a former Foreign Secretary known to have concerns about the policy, could have provided an element of challenge.

---

[187] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.
[188] Cabinet Office, *Review on Intelligence on Weapons of Mass Destruction: Implementation of its Conclusions*, March 2005, Cm6492.
[189] Powell J. *The New Machiavelli: How to wield power in the modern world.* The Bodley Head, 2010.

408. Mr Powell likewise recognises the importance of having written advice which can be seen before a meeting, allowing all those present to have shared information and the opportunity to digest it and seek further advice if necessary. This allows the time in meetings to be used productively.

409. The Inquiry considers that there should have been collective discussion by a Cabinet Committee or small group of Ministers on the basis of inter-departmental advice agreed at a senior level between officials at a number of decision points which had a major impact on the development of UK policy before the invasion of Iraq. Those were:

- The decision at the beginning of December 2001 to offer to work with President Bush on a strategy to deal with Iraq as part of Phase 2 of the "War on Terror", despite the fact that there was no evidence of any Iraqi involvement with the attacks on the US or active links to Al Qaida.
- The adoption of the position at the end of February 2002 that Iraq was a threat which had to be dealt with, together with the assumption that the only certain means to remove Saddam Hussein and his regime was to invade Iraq and impose a new government.
- The position Mr Blair should adopt in discussions with President Bush at Crawford in April 2002. The meeting at Chequers on 2 April was given a presentation on the military options and did not explore the political and legal implications of a conflict with Iraq. There was no FCO representative at the Chequers meeting and no subsequent meeting with Mr Straw and Mr Hoon.
- The position Mr Blair should adopt in his discussion with President Bush at Camp David on 5 and 6 September 2002. Mr Blair's long Note of 28 July, telling President Bush "I will be with you, whatever", was seen, before it was sent, only by No.10 officials. A copy was sent afterwards to Mr Straw, but not to Mr Hoon. While the Note was marked "Personal" (to signal that it should have a restricted circulation), it represented an extensive statement of the UK Government's position by the Prime Minister to the President of the United States. The Foreign and Defence Secretaries should certainly have been given an opportunity to comment on the draft in advance.
- A discussion in mid-September 2002 on the need for robust post-conflict planning.
- The decision on 31 October 2002 to offer ground forces to the US for planning purposes.
- The decision on 17 January 2003 to deploy large scale ground forces for operations in southern Iraq.
- The position Mr Blair should adopt in his discussion with President Bush in Washington on 31 January 2003.
- The proposals in Mr Blair's Note to President Bush of 19 February suggesting a deadline for a vote in the Security Council of 14 March.

- A review of UK policy at the end of February 2003 when the inspectors had found no evidence of WMD and there was only limited support for the second resolution in the Security Council.
- The question of whether Iraq had committed further material breaches as specified in operative paragraph 4 of resolution 1441 (2002), as posed in Mr Brummell's letter of 14 March to Mr Rycroft.

410. In addition to providing a mechanism to probe and challenge the implications of proposals before decisions were taken, a Cabinet Committee or a more structured process might have identified some of the wider implications and risks associated with the deployment of military forces to Iraq. It might also have offered the opportunity to remedy some of the deficiencies in planning which are identified in Section 6 of the Report. There will, of course, be other policy issues which would benefit from the same approach.

411. Cabinet has a different role to that of a Cabinet Committee.

412. Mr Powell has written that:

> "... Cabinet is the right place to ratify decisions, the right place for people to raise concerns if they have not done so before, the right place for briefings by the Prime Minister and other Ministers on strategic issues, the right place to ensure political unity; but it is categorically not the right place for an informed decision on difficult and detailed policy issues."[190]

413. In 2009, in a statement explaining a Cabinet decision to veto the release of minutes of one of its meetings under the Freedom of Information Act 2000, Mr Straw explained the need for frank discussion at Cabinet very cogently:

> "Serious and controversial decisions must be taken with free, frank – even blunt deliberations between colleagues. Dialogue must be fearless. Ministers must have the confidence to challenge each other in private. They must ensure that decisions have been properly thought through, sounding out all possibilities before committing themselves to a course of action. They must not feel inhibited from advancing options that may be unpopular or controversial. They must not be deflected from expressing dissent by the fear that they may be held personally to account for views that are later cast aside."[191]

---

[190] Powell J. *The New Machiavelli: How to wield power in the modern world.* The Bodley Head, 2010.
[191] Statement J Straw, 23 February 2009, 'Exercise of the Executive Override under section 53 of the Freedom of Information Act 2000 in respect of the decision of the Information Commissioner dated 18 February 2008 (Ref: FS50165372) as upheld by the decision of the Information Tribunal of 27 January 2009 (Ref: EA/2008/0024 and EA/2008/0029): Statement of Reasons'.

414. Mr Blair told the Inquiry that:

> "... the discussion that we had in Cabinet was substantive discussion. We had it again and again and again, and the options were very simple. The options were: a sanctions framework that was effective; alternatively, the UN inspectors doing the job; alternatively, you have to remove Saddam. Those were the options."[192]

415. Mr Blair added:

> "Nobody in the Cabinet was unaware of ... what the whole issue was about. It was the thing running throughout the whole of the political mainstream at the time. There were members of the Cabinet who would challenge and disagree, but most of them agreed."[193]

416. The Inquiry has seen the minutes of 26 meetings of Cabinet between 28 February 2002 and 17 March 2003 at which Iraq was mentioned and Cabinet Secretariat notebooks. Cabinet was certainly given updates on diplomatic developments and had opportunities to discuss the general issues. The number of occasions on which there was a substantive discussion of the policy was very much more limited.

417. There were substantive discussions of the policy on Iraq, although not necessarily of all the issues (as the Report sets out), in Cabinet on 7 March and 23 September 2002 and 16 January, 13 March and 17 March 2003. Those are the records which are being published with the Report.

418. At the Cabinet meeting on 7 March 2002, Mr Blair concluded:

> "... the concerns expressed in discussion were justified. It was important that the United States did not appear to be acting unilaterally. It was critically important to reinvigorate the Middle East Peace Process. Any military action taken against President Saddam Hussein's regime had to be effective. On the other hand, the Iraqi regime was in clear breach of its obligations under several United Nations Security Council resolutions. Its WMD programmes posed a threat to peace. Iraq's neighbours regarded President Saddam Hussein as a danger. The right strategy was to engage closely with the Government of the United States in order to be in a position to shape policy and its presentation. The international community should proceed in a measured but determined way to decide how to respond to the real threat represented by the Iraqi regime. No decisions to launch military action had been taken and any action taken would be in accordance with international law.
>
> "The Cabinet, 'Took note, with approval.'"[194]

---

[192] Public hearing, 29 January 2010, page 22.
[193] Public hearing, 29 January 2010, pages 228-229.
[194] Cabinet Conclusions, 7 March 2002.

419. Cabinet on 17 March 2003 noted Mr Blair's conclusion that "the diplomatic process was at an end; Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary".

420. In Section 5 of the Report, the Inquiry concludes that Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March and explained the legal basis on which the UK could take military action and set out the risks of legal challenge.

421. There was no substantive discussion of the military options, despite promises by Mr Blair, before the meeting on 17 March.

422. In his statement for the Inquiry, Mr Hoon wrote that by the time he joined Cabinet, in 1999:

> "... the pattern of the organisation and format of Cabinet meetings was ... well established. Tony Blair was well known to be extremely concerned about leaks from Cabinet discussions ... It was my perception that, largely as a consequence of this, he did not normally expect key decisions to be made in the course of Cabinet meetings. Papers were submitted to the Cabinet Office, and in turn by the Cabinet Office to appropriate Cabinet Committees for decisions."[195]

423. Mr Hoon wrote:

> "At no time when I was serving in the Ministry of Defence were other Cabinet Ministers involved in discussions about the deployment of specific forces and the nature of their operations. Relevant details would have been circulated to 10 Downing Street or other Government departments as necessary ... I do not recall a single Cabinet level discussion of specific troop deployments and the nature of their operations."[196]

424. The Inquiry recognises that there will be operational constraints on discussion of the details of military deployments, but that would not preclude the discussion of the principles and the implications of military options.

425. In January 2006, the Cabinet discussed the proposal to deploy military forces to Helmand later that year.

426. The Inquiry also recognises that the nature of foreign policy, as the Report vividly demonstrates, requires the Prime Minister of the UK, the Foreign Secretary and their most senior officials to be involved in negotiating and agreeing policy on a day-by-day, and sometimes hour-by-hour basis.

---

[195] Statement, 2 April 2015, page 1.
[196] Statement, 2 April 2015, page 2.

427. It would neither be necessary nor feasible to seek a mandate from Cabinet at each stage of a discussion. That reinforces the importance of ensuring Cabinet is kept informed as strategy evolves, is given the opportunity to raise questions and is asked to endorse key decisions. Cabinet Ministers need more information than will be available from the media, especially on sensitive issues of foreign and security policy.

428. In 2009, three former Cabinet Secretaries[197] told the House of Lords Select Committee on the Constitution:

> "... each of us, as Secretary of the Cabinet, has been constantly conscious of his responsibility to the Cabinet collectively and of the need to have regard to the needs and responsibilities of the other members of the Cabinet (and indeed of other Ministers) as well of those of the Prime Minister. That has coloured our relationships with Number 10 as well as those with other Ministers and their departments."[198]

429. Lord Turnbull told the Inquiry that Mr Blair:

> "... wanted a step change in the work on delivery and reform, which I hope I managed to give him. Now ... how does the Cabinet Secretary work? You come in and you are – even with the two roles that you have, head of an organisation of half a million civil servants and in some sense co-ordinating a public sector of about five million people. You have to make choices as to where you make your effort, and I think the policy I followed was not to take an issue over from someone to whom it was delegated simply because it was big and important, but you have to make a judgement as to whether it is being handled competently, whether that particular part is, in a sense, under pressure, whether you think they are getting it wrong in some sense, or they are missing certain important things."[199]

430. The responsibility of the Cabinet Secretary to ensure that members of Cabinet are fully engaged in ways that allow them to accept collective responsibility and to meet their departmental obligations nevertheless remains.

Advice on the legal basis for military action

431. The Inquiry has reviewed the debate that took place within the Government and how it reached its decision.

432. The circumstances in which it was ultimately decided that there was a legal basis for UK participation were far from satisfactory.

433. It was not until 13 March 2003 that Lord Goldsmith advised that there was, on balance, a secure legal basis for military action.

---

[197] Lord Armstrong of Ilminster, Lord Butler of Brockwell and Lord Wilson of Dinton.
[198] Fourth Report from the House of Lords Select Committee on the Constitution, Session 2009-10, *The Cabinet Office and the Centre of Government*, HL Paper 30.
[199] Public hearing, 13 January 2010, page 3.

434. In the letter of 14 March 2003 from Lord Goldsmith's office to No.10, which is addressed in Section 5 of the Report, Mr Blair was told that an essential ingredient of the legal basis was that he, himself, should be satisfied of the fact that Iraq was in breach of resolution 1441.

435. In accordance with that advice, it was Mr Blair who decided that, so far as the UK was concerned, Iraq was and remained in breach of resolution 1441.

436. Apart from No.10's response to the letter of 14 March, sent the following day, in terms that can only be described as perfunctory, no formal record was made of that decision and the precise grounds on which it was made remain unclear.

437. The Inquiry was told, and it accepts, that it would have been possible at that stage for the UK Government to have decided not to go ahead with military action if it had been necessary to make a decision to do so; or if the House of Commons on 18 March had voted against the Government.

438. Although, when resolution 1441 was adopted, there was unanimous support for a rigorous inspections and monitoring regime backed by the threat of military force as the means to disarm Iraq, there was no such consensus in the Security Council in March 2003. If the matter had been left to the Security Council to decide, military action might have been postponed and, possibly, avoided.

439. The Charter of the United Nations vests responsibility for the maintenance of peace and security in the Security Council. The UK Government was claiming to act on behalf of the international community "to uphold the authority of the Security Council", knowing that it did not have a majority in the Security Council in support of its actions. In those circumstances, the UK's actions undermined the authority of the Security Council.

440. A determination by the Security Council on whether Iraq was in fact in material breach of resolution 1441 would have furthered the UK's aspiration to uphold the authority of the Council.

The timing of Lord Goldsmith's advice on the interpretation of resolution 1441

441. Following the adoption of resolution 1441, a decision was taken to delay the receipt of formal advice from Lord Goldsmith.

442. On 11 November 2002, Mr Powell told Lord Goldsmith that there should be a meeting some time before Christmas to discuss the legal position.

443. On 9 December, formal "instructions" to provide advice were sent to Lord Goldsmith. They were sent by the FCO on behalf of the FCO and the MOD as well as No.10.

444. The instructions made it clear that Lord Goldsmith should not provide an immediate response.

445. When Lord Goldsmith met Mr Powell, Sir David Manning and Baroness Morgan (Director of Political and Government Relations to the Prime Minister) on 19 December, he was told that he was not, at that stage, being asked for his advice; and that, when he was, it would be helpful for him to discuss a draft with Mr Blair in the first instance.

446. Until 7 March 2003, Mr Blair and Mr Powell asked that Lord Goldsmith's views on the legal effect of resolution 1441 should be tightly held and not shared with Ministerial colleagues without No.10's permission.

447. Lord Goldsmith agreed that approach.

448. Lord Goldsmith provided draft advice to Mr Blair on 14 January 2003. As instructed he did not, at that time, provide a copy of his advice to Mr Straw or to Mr Hoon.

449. Although Lord Goldsmith was invited to attend Cabinet on 16 January, there was no discussion of Lord Goldsmith's views.

450. Mr Straw was aware, in general terms, of Lord Goldsmith's position but he was not provided with a copy of Lord Goldsmith's draft advice before Cabinet on 16 January. He did not read it until at least two weeks later.

451. The draft advice of 14 January should have been provided to Mr Straw, Mr Hoon and the Cabinet Secretary, all of whose responsibilities were directly engaged.

452. Lord Goldsmith provided Mr Blair with further advice on 30 January. It was not seen by anyone outside No.10.

453. Lord Goldsmith discussed the negotiating history of resolution 1441 with Mr Straw, Sir Jeremy Greenstock, with White House officials and the State Department's Legal Advisers. They argued that resolution 1441 could be interpreted as not requiring a second resolution. The US Government's position was that it would not have agreed to resolution 1441 had its terms required one.

454. When Lord Goldsmith met No.10 officials on 27 February, he told them that he had reached the view that a "reasonable case" could be made that resolution 1441 was capable of reviving the authorisation to use force in resolution 678 (1990) without a further resolution, if there were strong factual grounds for concluding that Iraq had failed to take the final opportunity offered by resolution 1441.

455. Until that time, No.10 could not have been sure that Lord Goldsmith would advise that there was a basis on which military action against Iraq could be taken in the absence of a further decision of the Security Council.

456. In the absence of Lord Goldsmith's formal advice, uncertainties about the circumstances in which the UK would be able to participate in military action continued, although the possibility of a second resolution remained.

457. Lord Goldsmith provided formal written advice on 7 March.

Lord Goldsmith's advice of 7 March 2003

458. Lord Goldsmith's formal advice of 7 March set out alternative interpretations of the legal effect of resolution 1441. He concluded that the safer route would be to seek a second resolution, and he set out the ways in which, in the absence of a second resolution, the matter might be brought before a court. Lord Goldsmith identified a key question to be whether or not there was a need for an assessment of whether Iraq's conduct constituted a failure to take the final opportunity or a failure fully to co-operate within the meaning of operative paragraph 4, such that the basis of the cease-fire was destroyed.

459. Lord Goldsmith wrote (paragraph 26): "A narrow textual reading of the resolution suggested no such assessment was needed because the Security Council had pre-determined the issue. Public statements, on the other hand, say otherwise."

460. While Lord Goldsmith remained "of the opinion that the safest legal course would be to secure a second resolution", he concluded (paragraph 28) that "a reasonable case can be made that resolution 1441 was capable of reviving the authorisation in resolution 678 without a further resolution".

461. Lord Goldsmith wrote that a reasonable case did not mean that, if the matter ever came to court, he would be confident that the court would agree with this view. He judged a court might well conclude that OPs 4 and 12 required a further Security Council decision in order to revive the authorisation in resolution 678.

462. Lord Goldsmith noted that on a number of previous occasions, including in relation to Operation Desert Fox in Iraq in 1998 and Kosovo in 1999, UK forces had participated in military action on the basis of advice from previous Attorneys General that (paragraph 30) "the legality of the action under international law was no more than reasonably arguable".

463. Lord Goldsmith warned Mr Blair (paragraph 29):

> "... the argument that resolution 1441 alone has revived the authorisation to use force in resolution 678 will only be sustainable if there are strong factual grounds for concluding that Iraq failed to take the final opportunity. In other words, we would need to be able to demonstrate hard evidence of non-compliance and non-co-operation ... the views of UNMOVIC and the IAEA will be highly significant in this respect."

464. Lord Goldsmith added:

> "In the light of the latest reporting by UNMOVIC, you will need to consider extremely carefully whether the evidence of non-co-operation and non-compliance by Iraq is sufficiently compelling to justify the conclusion that Iraq has failed to take its final opportunity."

465. Mr Straw, Mr Hoon, Dr John Reid (Minister without Portfolio and Labour Party Chair) and the Chiefs of Staff had all seen Lord Goldsmith's advice of 7 March before the No.10 meeting on 11 March, but it is not clear how and when it reached them.

466. Other Ministers whose responsibilities were directly engaged, including Mr Gordon Brown (Chancellor of the Exchequer) and Ms Short, and their senior officials, did not see the advice.

Lord Goldsmith's arrival at a "better view"

467. At the meeting on 11 March, Mr Blair stated that Lord Goldsmith's "advice made it clear that a reasonable case could be made" that resolution 1441 was "capable of reviving" the authorisation of resolution 678, "although of course a second resolution would be preferable". There was concern, however, that the advice did not offer a clear indication that military action would be lawful.

468. Lord Goldsmith was asked, after the meeting, by Adm Boyce on behalf of the Armed Forces, and by the Treasury Solicitor, Ms Juliet Wheldon, in respect of the Civil Service, to give a clear-cut answer on whether military action would be lawful rather than unlawful.

469. On 12 March, Mr Blair and Mr Straw reached the view that there was no chance of securing a majority in the Security Council in support of the draft resolution of 7 March and there was a risk of one or more vetoes if the resolution was put to a vote.

470. There is no evidence to indicate that Lord Goldsmith was informed of their conclusion.

471. Lord Goldsmith concluded on 13 March that, on balance, the "better view" was that the conditions for the operation of the revival argument were met in this case, meaning that there was a lawful basis for the use of force without a further resolution beyond resolution 1441.

The exchange of letters on 14 and 15 March 2003

472. Mr David Brummell (Legal Secretary to the Law Officers) wrote to Mr Matthew Rycroft (Mr Blair's Private Secretary for Foreign Affairs) on 14 March:

> "It is an essential part of the legal basis for military action without a further resolution of the Security Council that there is strong evidence that Iraq has failed to comply

with and co-operate fully in the implementation of resolution 1441 and has thus failed to take the final opportunity offered by the Security Council in that resolution. The Attorney General understands that it is unequivocally the Prime Minister's view that Iraq has committed further material breaches as specified in [operative] paragraph 4 of resolution 1441, but as this is a judgement for the Prime Minister, the Attorney would be grateful for confirmation that this is the case."

473. Mr Rycroft replied to Mr Brummell on 15 March:

"This is to confirm that it is indeed the Prime Minister's unequivocal view that Iraq is in further material breach of its obligations, as in OP4 of UNSCR 1441, because of 'false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure to comply with, and co-operate fully in the interpretation of, this resolution'."

474. It is unclear what specific grounds Mr Blair relied upon in reaching his view.

475. In his advice of 7 March, Lord Goldsmith had said that the views of UNMOVIC and the IAEA would be highly significant in demonstrating hard evidence of non-compliance and non-co-operation. In the exchange of letters on 14 and 15 March between Mr Brummell and No.10, there is no reference to their views; the only view referred to was that of Mr Blair.

476. Following receipt of Mr Brummell's letter of 14 March, Mr Blair neither requested nor received considered advice addressing the evidence on which he expressed his "unequivocal view" that Iraq was "in further material breach of its obligations".

477. Senior Ministers should have considered the question posed in Mr Brummell's letter of 14 March, either in the Defence and Overseas Policy Committee or a "War Cabinet", on the basis of formal advice. Such a Committee should then have reported its conclusions to Cabinet before its members were asked to endorse the Government's policy.

Lord Goldsmith's Written Answer of 17 March 2003

478. In Parliament during the second week of March, and in the media, there were calls on the Government to make a statement about its legal position.

479. When Lord Goldsmith spoke to Mr Brummell on 13 March, they agreed that a statement should be prepared "setting out the Attorney's view of the legal position which could be deployed at Cabinet and in Parliament the following week".

480. The message was conveyed to No.10 during the morning of 15 March that Lord Goldsmith "would make clear during the course of the week that there is a sound legal basis for action should that prove necessary".

481. The decision that Lord Goldsmith would take the lead in explaining the Government's legal position to Parliament, rather than the Prime Minister or responsible Secretary of State providing that explanation, was unusual.

482. The normal practice was, and is, that the Minister responsible for the policy, in this case Mr Blair or Mr Straw, would have made such a statement.

Cabinet, 17 March 2003

483. Cabinet was provided with the text of Lord Goldsmith's Written Answer to Baroness Ramsey of Cartvale setting out the legal basis for military action.

484. That document represented a statement of the Government's legal position – it did not explain the legal basis of the conclusion that Iraq had failed to take "the final opportunity" to comply with its disarmament obligations offered by resolution 1441.

485. Lord Goldsmith told Cabinet that it was "plain" that Iraq had failed to comply with its obligations and continued to be in "material breach" of the relevant Security Council resolutions. The authority to use force under resolution 678 was, "as a result", revived. Lord Goldsmith said that there was no need for a further resolution.

486. Cabinet was not provided with written advice which set out, as the advice of 7 March had done, the conflicting arguments regarding the legal effect of resolution 1441 and whether, in particular, it authorised military action without a further resolution of the Security Council.

487. Cabinet was not provided with, or informed of, Mr Brummell's letter to Mr Rycroft of 14 March; or Mr Rycroft's response of 15 March. Cabinet was not told how Mr Blair had reached the view recorded in Mr Rycroft's letter.

488. The majority of Cabinet members who gave evidence to the Inquiry took the position that the role of the Attorney General on 17 March was, simply, to tell Cabinet whether or not there was a legal basis for military action.

489. None of those Ministers who had read Lord Goldsmith's 7 March advice asked for an explanation as to why his legal view of resolution 1441 had changed.

490. There was little appetite to question Lord Goldsmith about his advice, and no substantive discussion of the legal issues was recorded.

491. Cabinet was not misled on 17 March and the exchange of letters between the Attorney General's office and No.10 on 14 and 15 March did not constitute, as suggested to the Inquiry by Ms Short, a "side deal".

492. Cabinet was, however, being asked to confirm the decision that the diplomatic process was at an end and that the House of Commons should be asked to endorse the use of military action to enforce Iraq's compliance. Given the gravity of this decision, Cabinet should have been made aware of the legal uncertainties.

493. Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March, explained the legal basis on which the UK could take military action and set out the risks of legal challenge.

494. The advice should have addressed the significance of the exchange of letters of 14 and 15 March and how, in the absence of agreement from the majority of members of the Security Council, the point had been reached that Iraq had failed to take the final opportunity offered by resolution 1441.

495. The advice should have been provided to Ministers and senior officials whose responsibilities were directly engaged and should have been made available to Cabinet.

Weapons of mass destruction

Iraq WMD assessments, pre-July 2002

496. The ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, had underpinned UK policy towards Iraq since the Gulf Conflict ended in 1991.

497. While the detail of individual JIC Assessments on Iraq varied, this core construct remained in place.

498. Security Council resolutions adopted since 1991 demanded Iraq's disarmament and the re-admission of inspectors, and imposed sanctions in the absence of Iraqi compliance with those – and other – obligations. Agreement to those resolutions indicated that doubts about whether Iraq had disarmed were widely shared.

499. In parallel, by 2000, the wider risk of proliferation was regarded as a major threat. There was heightened concern about:

- the danger of proliferation, particularly that countries of concern might obtain nuclear weapons and ballistic missiles; and
- the potential risk that terrorist groups which were willing to use them might gain access to chemical and biological agents and, possibly, nuclear material, and the means to deliver them.

500. These concerns were reinforced after 9/11.

501. The view conveyed in JIC Assessments between December 2000 and March 2002 was that, despite the considerable achievements of UNSCOM and the IAEA between 1991 and December 1998, including dismantling Iraq's nuclear programme,

the inspectors had been unable to account for some of the ballistic missiles and chemical and biological weapons and material produced by Iraq; and that it had:

- not totally destroyed all its stockpile of chemical and biological weapons;
- retained up to 360 tonnes of chemical agents and precursor chemicals and growth media which would allow it to produce more chemical and biological agents;
- hidden a small number of long-range Al Hussein ballistic missiles; and
- retained the knowledge, documentation and personnel which would allow it to reconstitute its chemical, biological, nuclear and ballistic missile programmes.

502. The JIC also judged that, since the departure of the weapons inspectors, Iraq:

- was actively pursuing programmes to extend the range of its existing short-range ballistic missiles beyond the permitted range of 150km;
- had begun development of a ballistic missile with a range greater than 1,000km;
- was capable of resuming undetected production of "significant quantities" of chemical and biological agents, and in the case of VX (a nerve agent) might have already done so; and
- was pursuing activities that could be linked to a nuclear programme.

503. Iraq's chemical, biological and ballistic missile programmes were seen as a threat to international peace and security in the Middle East region, but Iraq was viewed as a less serious proliferation threat than other key countries of concern – Iran, Libya and North Korea – which had current nuclear programmes. Iraq's nuclear facilities had been dismantled by the weapons inspectors. The JIC judged that Iraq would be unable to obtain a nuclear weapon while sanctions remained effective.

504. The JIC continued to judge that co-operation between Iraq and Al Qaida was "unlikely", and that there was no "credible evidence of Iraqi transfers of WMD-related technology and expertise to terrorist groups".

505. In mid-February 2002, in preparation for Mr Blair's planned meeting with President Bush in early April 2002, No.10 commissioned the preparation of a paper to inform the public about the dangers of nuclear proliferation and WMD more generally in four key countries of concern, North Korea, Iran, Libya and Iraq.

506. When the preparation of this document became public knowledge, it was perceived to be intended to underpin a decision on military action against Iraq. The content and timing became a sensitive issue.

507. Reflecting the UK position that action was needed to disarm Iraq, Mr Blair and Mr Straw began, from late February 2002, publicly to argue that Iraq was a threat which had to be dealt with; that Iraq needed to disarm or be disarmed in accordance with the

obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.

508. The focus on Iraq was not the result of a step change in Iraq's capabilities or intentions.

509. When he saw the draft paper on WMD countries of concern on 8 March, Mr Straw commented:

> "Good, but should not Iraq be first and also have more text? The paper has to show why there is an exceptional threat from Iraq. It does not quite do this yet."[200]

510. On 18 March, Mr Straw decided that a paper on Iraq should be issued before one addressing other countries of concern.

511. On 22 March, Mr Straw was advised that the evidence would not convince public opinion that there was an imminent threat from Iraq. Publication was postponed.

512. No.10 decided that the Cabinet Office Overseas and Defence Secretariat should co-ordinate the production of a "public dossier" on Iraq, and that Mr Campbell should "retain the lead role on the timing/form of its release".

513. The statements prepared for, and used by, the UK Government in public, from late 2001 onwards, about Iraq's proscribed activities and the potential threat they posed were understandably written in more direct and less nuanced language than the JIC Assessments on which they drew.

514. The question is whether, in doing so, they conveyed more certainty and knowledge than was justified, or created tests it would be impossible for Iraq to meet. That is of particular concern in relation to the evidence in Section 4.1 on two key issues.

515. First, the estimates of the weapons and material related to Iraq's chemical and biological warfare programmes for which UNSCOM had been unable to account were based on extrapolations from UNSCOM records. Officials explicitly advised that it was "inherently difficult to arrive at precise figures". In addition, it was acknowledged that neither UNSCOM nor the UK could be certain about either exactly what had existed or what Iraq had already destroyed.

516. The revised estimates announced by Mr Straw on 2 May were increasingly presented in Government statements as the benchmark against which Iraq should be judged.

517. Second, the expert MOD examination of issues in late March 2002 exposed the difficulties Iraq would have to overcome before it could acquire a nuclear weapon. That included the difficulty of acquiring suitable fissile material from the "black market".

---

[200] Minute McDonald to Ricketts, 11 March 2002, 'Iraq'.

518. In addition, the tendency to refer in public statements only to Iraq's "weapons of mass destruction" without addressing their nature (the type of warhead and whether they were battlefield or strategic weapons systems) or how they might be used (as a last resort against invading military forces or as a weapon of terror to threaten civilian populations in other countries) was likely to have created the impression that Iraq posed a greater threat than the detailed JIC Assessments would have supported.

Iraq WMD assessments, July to September 2002

519. From late February 2002, the UK Government position was that Iraq was a threat that had to be dealt with; that Iraq needed to disarm in accordance with the obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.

520. The urgency and certainty with which the position was stated reflected both the ingrained beliefs already described and the wider context in which the policy was being discussed with the US.

521. But it also served to fuel the demand that the Government should publish the document it was known to have prepared, setting out the reasons why it was so concerned about Iraq.

522. In the spring and summer of 2002, senior officials and Ministers took the view that the Iraq dossier should not be published until the way ahead on the policy was clearer.

523. By late August 2002, the Government was troubled by intense speculation about whether a decision had already been taken to use military force. In Mr Blair's words, the US and UK had been "outed" as having taken a decision when no such decision had been taken.

524. Mr Blair's decision on 3 September to announce that the dossier would be published was a response to that pressure.

525. The dossier was designed to "make the case" and secure Parliamentary (and public) support for the Government's position that action was urgently required to secure Iraq's disarmament.

526. The UK Government intended the information and judgements in the Iraq dossier to be seen to be the product of the JIC in order to carry authority with Parliament and the public.

527. The Secret Intelligence Service (SIS) was commissioned by No.10 on 5 September to examine whether it had any additional material which could be included.

528. Mr Scarlett, as Chairman of the JIC, was given the responsibility of producing the dossier.

529. The dossier drew on the 9 September JIC Assessment, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios', which had been commissioned to address scenarios for Iraq's possible use of chemical and biological weapons in the event of military action, previous JIC Assessments and the subsequent report issued by SIS on 11 September.

530. The SIS report should have been shown to the relevant experts in the Defence Intelligence Staff (DIS) who could have advised their senior managers and the Assessments Staff.

531. Expert officials in DIS questioned the certainty with which some of the judgements in the dossier were expressed. Some of their questions were discussed during the preparation of the dossier. The text was agreed by Air Marshal Joe French, Chief of Defence Intelligence, at the JIC meeting on 19 September.

532. There is no evidence that other members of the JIC were aware at the time of the reservations recorded in the minute by Dr Brian Jones (the branch head of the nuclear, biological and chemical section in the Scientific and Technical Directorate of the Defence Intelligence Staff) of 19 September and that written by the chemical weapons expert in his team the following day.

533. The JIC accepted ownership of the dossier and agreed its content. There is no evidence that intelligence was improperly included in the dossier or that No.10 improperly influenced the text.

534. At issue are the judgements made by the JIC and how they and the intelligence were presented, including in Mr Blair's Foreword and in his statement to Parliament on 24 September 2002.

535. It is unlikely that Parliament and the public would have distinguished between the ownership and therefore the authority of the judgements in the Foreword and those in the Executive Summary and the main body of the dossier.

536. In the Foreword, Mr Blair stated that he believed the "assessed intelligence" had "established beyond doubt" that Saddam Hussein had "continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he had been able to extend the range of his ballistic missile programme". That raises two key questions.

- Did Mr Blair's statements in whole or in part go further than the assessed intelligence?
- Did that matter?

537. The Inquiry is not questioning Mr Blair's belief, which he consistently reiterated in his evidence to the Inquiry, or his legitimate role in advocating Government policy.

538. But the deliberate selection of a formulation which grounded the statement in what Mr Blair believed, rather than in the judgements which the JIC had actually reached in its assessment of the intelligence, indicates a distinction between his beliefs and the JIC's actual judgements.

539. That is supported by the position taken by the JIC and No.10 officials at the time, and in the evidence offered to the Inquiry by some of those involved.

540. The assessed intelligence had not established beyond doubt that Saddam Hussein had continued to produce chemical and biological weapons. The Executive Summary of the dossier stated that the JIC judged that Iraq had "continued to produce chemical and biological agents". The main text of the dossier said that there had been "recent" production. It also stated that Iraq had the means to deliver chemical and biological weapons. It did not say that Iraq had continued to produce weapons.

541. Nor had the assessed intelligence established beyond doubt that efforts to develop nuclear weapons continued. The JIC stated in the Executive Summary of the dossier that Iraq had:

- made covert attempts "to acquire technology and materials which could be used in the production of nuclear weapons";
- "sought significant quantities of uranium from Africa, despite having no active nuclear programme that would require it"; and
- "recalled specialists to work on its nuclear programme".

542. But the dossier made clear that, as long as sanctions remained effective, Iraq could not produce a nuclear weapon.

543. These conclusions draw on the evidence from the JIC Assessments at the time and the Executive Summary of the dossier, which are set out in Section 4.2. They do not rely on hindsight.

544. The JIC itself should have made that position clear because its ownership of the dossier, which was intended to inform a highly controversial policy debate, carried with it the responsibility to ensure that the JIC's integrity was protected.

545. The process of seeking the JIC's views, through Mr Scarlett, on the text of the Foreword shows that No.10 expected the JIC to raise any concerns it had.

546. The firmness of Mr Blair's beliefs, despite the underlying uncertainties, is important in considering how the judgements in the Foreword would have been interpreted by Cabinet in its discussions on 23 September and by Parliament.

547. In his statement to Parliament on 24 September and in his answers to subsequent questions, Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction; and that, at some point in the future, that threat would become a reality.

548. By the time the dossier was published, President Bush had announced that the US was seeking action on Iraq through the UN, and Iraq had agreed to the return of inspectors.

549. Rather than the debate being framed in terms of the answers needed to the outstanding questions identified by UNSCOM and the IAEA, including the material for which UNSCOM had been unable to account, the dossier's description of Iraq's capabilities and intent became part of the baseline against which the UK Government measured Iraq's future statements and actions and the success of weapons inspections.

550. As Section 4.3 demonstrates, the judgements remained in place without challenge until the invasion of Iraq in March 2003. Iraq's denials of the capabilities and intent attributed to it were not taken seriously.

551. As the flaws in the construct and the intelligence were exposed after the conflict, the dossier and subsequent statements to Parliament also became the baseline against which the Government's good faith and credibility were judged.

Iraq WMD assessments, October 2002 to March 2003

552. From October 2002 onwards, the JIC focused on two main themes:

- Iraq's attitude to the return of the inspectors and, from 8 November, its compliance with the specific obligations imposed by resolution 1441; and
- Iraq's options, diplomatic and military, including the possible use of chemical and biological weapons and ballistic missiles against Coalition Forces or countries in the region in either pre-emptive attacks or in response to a military attack.

553. In its Assessment of 18 December, the JIC made the judgements in the UK Government September dossier part of the test for Iraq.

554. The judgements about Iraq's capabilities and intentions relied heavily on Iraq's past behaviour being a reliable indicator of its current and future actions.

555. There was no consideration of whether, faced with the prospect of a US-led invasion, Saddam Hussein had taken a different position.

556. The absence of evidence of proscribed programmes and materials relating to the production or delivery of chemical, biological or nuclear weapons was attributed to Iraq's ability to conceal its activities and deceive the inspectors and the difficulties which it had been anticipated the inspectors would encounter.

557. The JIC Assessment of 11 October 2002 stated that a good intelligence flow from inside Iraq, supporting tougher inspections, would be "central to success".

558. A key element of the Assessments was the reporting and intelligence on Iraq's intentions to conceal its activities, deceive the inspectors and obstruct the conduct of inspections, particularly Iraq's attitudes to preventing interviews with officials who were

identified as associated with its proscribed programmes or who had been involved in Iraq's unilateral destruction of its weapons and facilities.

559. The large number of intelligence reports about Iraq's activities were interpreted from the perspective that Iraq's objectives were to conceal its programmes.

560. Similarly, Iraq's actions were consistently interpreted as indicative of deceit.

561. From early 2003, the Government drew heavily on the intelligence reporting of Iraq's activities to deceive and obstruct the inspectors to illustrate its conclusion that Iraq had no intention of complying with the obligations imposed in resolution 1441.

562. The Government also emphasised the reliability of the reporting.

563. The JIC's judgement from August 2002 until 19 March 2003 remained that Iraq might use chemical and biological weapons in response to a military attack.

564. Iraq's statements that it had no weapons or programmes were dismissed as further evidence of a strategy of denial.

565. In addition, the extent to which the JIC's judgements depended on inference and interpretation of Iraq's previous attitudes and behaviour was not recognised.

566. At no stage was the hypothesis that Iraq might not have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.

567. After its 9 September 2002 Assessment, the JIC was not asked to review its judgements on Iraq's capabilities and programmes which underpinned UK thinking. Nor did the JIC itself suggest such a review.

568. As a result there was no formal reassessment of the JIC judgements, and the 9 September Assessment and the 24 September dossier provided part of the baseline for the UK Government's view of Iraq's capabilities and intentions on its chemical, biological, nuclear and ballistic missile programmes.

569. Given the weight which rested on the JIC's judgements about Iraq's possession of WMD and its future intent for the decision in March that military action should, if necessary, be taken to disarm Iraq, a formal reassessment of the JIC's judgements should have taken place.

570. This might have been prompted by Dr Blix's report to the Security Council on 14 February 2003, which demonstrated the developing divergence between the assessments presented by the US and UK. Dr Blix's report of 7 March, which changed the view that Iraqi behaviour was preventing UNMOVIC from carrying out its tasks, should certainly have prompted a review.

The search for WMD

571. Section 4.4 considers the impact of the failure to find stockpiles of WMD in Iraq in the months immediately after the invasion, and of the emerging conclusions of the Iraq Survey Group (ISG), on:

- the Government's response to demands for an independent judge-led inquiry into pre-conflict intelligence on Iraq; and
- the Government's public presentation of the nature of the threat from Saddam Hussein's regime and the decision to go to war.

572. The Inquiry has not sought to comment in detail on the specific conclusions of the ISC, FAC, Hutton and Butler Reports, all of which were published before the withdrawal by SIS in September 2004 of a significant proportion of the intelligence underpinning the JIC Assessments and September 2002 dossier on which UK policy had rested.

573. In addition to the conclusions of those reports, the Inquiry notes the forthright statement in March 2005 of the US Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. Reporting to President Bush, the Commission stated that "the [US] Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. This was a major intelligence failure."

574. The evidence in Section 4.4 shows that, after the invasion, the UK Government, including the intelligence community, was reluctant to admit, and to recognise publicly, the mounting evidence that there had been failings in the UK's pre-conflict collection, validation, analysis and presentation of intelligence on Iraq's WMD.

575. Despite the failure to identify any evidence of WMD programmes during pre-conflict inspections, the UK Government remained confident that evidence would be found after the Iraqi regime had been removed.

576. Almost immediately after the start of the invasion, UK Ministers and officials sought to lower public expectations of immediate or significant finds of WMD in Iraq.

577. The lack of evidence to support pre-conflict claims about Iraq's WMD challenged the credibility of the Government and the intelligence community, and the legitimacy of the war.

578. The Government and the intelligence community were both concerned about the consequences of the presentational aspects of their pre-war assessments being discredited.

579. By June, the Government had acknowledged the need for a review of the UK's pre-conflict intelligence on Iraq. It responded to demands for an independent, judge-led inquiry by expressing support for the reviews initiated by the ISC and the FAC.

580. The announcement of the Hutton Inquiry into the circumstances surrounding the death of Dr David Kelly on 18 July, reinforced the Government's position that additional reviews were not needed.

581. The Government maintained that position until January 2004, backed by three votes in the House of Commons (on 4 June, 15 July and 22 October 2003) rejecting a succession of Opposition motions calling for an independent inquiry into the use of pre-war intelligence.

582. Mr Blair's initial response to growing criticism of the failure to find WMD was to counsel patience.

583. After the publication of the ISG Interim Report, the Government's focus shifted from finding stockpiles of weapons to emphasising evidence of the Iraqi regime's strategic intent.

584. Once President Bush made clear his decision to set up an independent inquiry, Mr Blair's resistance to a public inquiry became untenable.

585. After the announcement of the Butler Review, the UK Government's focus shifted to the content of the next ISG report, the Status Report.

586. The Government, still concerned about the nature of the public debate on WMD in the UK, sought to ensure that the Status Report included existing ISG material highlighting the strategic intentions of Saddam Hussein's regime and breaches of Security Council resolutions.

587. Mr Blair remained concerned about continuing public and Parliamentary criticism of the pre-conflict intelligence, the failure to find WMD and the decision to invade Iraq. After the reports from the Hutton Inquiry, the ISG and the US Commission, he sought to demonstrate that, although "the exact basis for action was not as we thought", the invasion had still been justified.

588. The ISG's findings were significant, but did not support past statements by the UK and US Governments, which had focused on Iraq's current capabilities and an urgent and growing threat.

589. The explanation for military action put forward by Mr Blair in October 2004 was not the one given before the conflict.

Planning for a post-Saddam Hussein Iraq

The failure to plan or prepare for known risks

590. The information on Iraq available to the UK Government before the invasion provided a clear indication of the potential scale of the post-conflict task.

591. It showed that, in order to achieve the UK's desired end state, any post-conflict administration would need to:

- restore infrastructure that had deteriorated significantly in the decade since 1991, to the point where it was not capable of meeting the needs of the Iraqi people;
- administer a state where the upper echelons of a regime that had been in power since 1968 had been abruptly removed and in which the capabilities of the wider civil administration, many of whose employees were members of the ruling party, were difficult to assess; and
- provide security in a country faced with a number of potential threats, including:
  - internecine violence;
  - terrorism; and
  - Iranian interference.

592. In December 2002, the MOD described the post-conflict phase of operations as "strategically decisive".[201] But when the invasion began, the UK Government was not in a position to conclude that satisfactory plans had been drawn up and preparations made to meet known post-conflict challenges and risks in Iraq and to mitigate the risk of strategic failure.

593. Throughout the planning process, the UK assumed that the US would be responsible for preparing the post-conflict plan, that post-conflict activity would be authorised by the UN Security Council, that agreement would be reached on a significant post-conflict role for the UN and that international partners would step forward to share the post-conflict burden.

594. On that basis, the UK planned to reduce its military contribution in Iraq to medium scale within four months of the start of the invasion[202] and expected not to have to make a substantial commitment to post-conflict administration.[203]

595. Achieving that outcome depended on the UK's ability to persuade the US of the merits of a significant post-conflict role for the UN.

596. The UK could not be certain at any stage in the year before the invasion that it would succeed in that aim.

597. In January 2003, the UK sought to persuade the US of the benefits of UN leadership of Iraq's interim post-conflict civil administration.[204] Officials warned that,

---

[201] Paper [SPG], 13 December 2002, 'UK Military Strategic Thinking on Iraq'.
[202] Minute CDS to CJO, 18 March 2003, 'Op TELIC: Authorisation for Military Operations in Iraq' attaching Paper CDS, 'Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)'.
[203] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to post-conflict Iraq'.
[204] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.

if the UK failed to persuade the US, it risked "being drawn into a huge commitment of UK resources for a highly complex task of administration and law and order for an uncertain period".

598. By March 2003, having failed to persuade the US of the advantages of a UN-led interim administration, the UK had set the less ambitious goal of persuading the US to accept UN authorisation of a Coalition-led interim administration and an international presence that would include the UN.[205]

599. On 19 March, Mr Blair stated in Parliament that discussions were taking place with the US, UN and others on the role of the UN and post-conflict issues.[206]

600. Discussions continued, but, as the invasion began:

- The UK had not secured US agreement to a Security Council resolution authorising post-conflict administration and could not be sure when, or on what terms, agreement would be possible.
- The extent of the UN's preparations, which had been hindered by the absence of agreement on post-conflict arrangements, remained uncertain. Mr Annan emphasised to Ms Short the need for clarity on US thinking so that UN planning could proceed[207] and told Sir Jeremy Greenstock that he "would not wish to see any arrangement subjugating UN activity to Coalition activity".[208]
- Potential international partners for reconstruction and additional Coalition partners to provide security continued to make their post-conflict contributions conditional on UN authorisation for Phase IV (the military term for post-conflict operations).[209]

601. Despite being aware of the shortcomings of the US plan,[210] strong US resistance to a leading role for the UN,[211] indications that the UN did not want the administration of Iraq to become its responsibility[212] and a warning about the tainted image of the UN in Iraq,[213] at no stage did the UK Government formally consider other policy options, including the possibility of making participation in military action conditional on a satisfactory plan for the post-conflict period, or how to mitigate the known risk that the UK could find itself drawn into a "huge commitment of UK resources" for which no contingency preparations had been made.

---

[205] Paper Iraq Planning Unit, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.
[206] House of Commons, *Official Report*, 19 March 2003, columns 931-932.
[207] Telegram 501 UKMIS New York to FCO London, 21 March 2003, 'Iraq Humanitarian/Reconstruction: Clare Short's Visit to New York'.
[208] Telegram 526 UKMIS New York to FCO London, 25 March 2003, 'Iraq Phase IV: UN Dynamics'.
[209] Paper FCO, 25 March 2003, 'Iraq: Phase IV Issues'.
[210] Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.
[211] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.
[212] Public hearing, 15 December 2009, page 5.
[213] Paper Middle East Department, 12 December 2002, 'Interim Administrations in Iraq: Why a UN-led Interim Administration would be in the US interest'.

The planning process and decision-making

602. As a junior partner in the Coalition, the UK worked within a planning framework established by the US. It had limited influence over a process dominated increasingly by the US military.

603. The creation of the Ad Hoc Group on Iraq in September 2002 and the Iraq Planning Unit in February 2003 improved co-ordination across government at official level, but neither body carried sufficient authority to establish a unified planning process across the four principal departments involved – the FCO, the MOD, DFID and the Treasury – or between military and civilian planners.

604. Important material, including in the DFID reviews of northern and southern Iraq, and significant pieces of analysis, including the series of MOD Strategic Planning Group (SPG) papers on military strategic thinking, were either not shared outside the originating department, or, as appears to have been the case with the SPG papers, were not routinely available to all those with a direct interest in the contents.

605. Some risks were identified, but departmental ownership of those risks, and responsibility for analysis and mitigation, were not clearly established.

606. When the need to plan and prepare for the worst case was raised, including by MOD officials in advice to Mr Hoon on 6 March 2003,[214] Lieutenant General John Reith, Chief of Joint Operations, in his paper for the Chiefs of Staff on 21 March[215] and in Treasury advice to Mr Brown on 24 March,[216] there is no evidence that any department or individual assumed ownership or was assigned responsibility for analysis or mitigation. No action ensued.

607. In April 2003, Mr Blair set up the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR), chaired by Mr Straw, to oversee the UK contribution to post-conflict reconstruction.

608. Until the creation of the AHMGIR, Mr Straw, Mr Hoon and Ms Short remained jointly responsible for directing post-conflict planning and preparation.

609. In the absence of a single person responsible for overseeing all aspects of planning and preparation, departments pursued complementary, but separate, objectives. Gaps in UK capabilities were overlooked.

610. The FCO, which focused on policy-making and negotiation, was not equipped by past experience or practice, or by its limited human and financial resources, to prepare for nation-building of the scale required in Iraq, and did not expect to do so.

---

[214] Minute Sec(O)4 to PS/Secretary of State [MOD], 6 March 2003, 'Iraq: Aftermath – Medium to Long Term UK Military Commitment'.
[215] Minute Reith to COSSEC, 21 March 2003, 'Phase IV Planning – Taking Stock'.
[216] Minute Dodds to Chancellor, 24 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

611. DFID's focus on poverty reduction and the channelling of assistance through multilateral institutions instilled a reluctance, before the invasion, to engage on anything other than the immediate humanitarian response to conflict.

612. When military planners advised of the need to consider the civilian component as an integral part of the UK's post-conflict deployment, the Government was not equipped to respond. Neither the FCO nor DFID took responsibility for the issue.

613. The shortage of expertise in reconstruction and stabilisation was a constraint on the planning process and on the contribution the UK was able to make to the administration and reconstruction of post-conflict Iraq.

614. The UK Government's post-invasion response to the shortage of deployable experts in stabilisation and post-conflict reconstruction is addressed in Section 10.3.

615. Constraints on UK military capacity are addressed in Sections 6.1 and 6.2.

616. The UK contribution to the post-conflict humanitarian response is assessed in Section 10.1.

617. At no stage did Ministers or senior officials commission the systematic evaluation of different options, incorporating detailed analysis of risk and UK capabilities, military and civilian, which should have been required before the UK committed to any course of action in Iraq.

618. Where policy recommendations were supported by untested assumptions, those assumptions were seldom challenged. When they were, the issue was not always followed through.

619. It was the responsibility of officials to identify, analyse and advise on risk and Ministers' responsibility to ensure that measures to mitigate identifiable risks, including a range of policy options, had been considered before significant decisions were taken on the direction of UK policy.

620. Occasions when that would have been appropriate included:

- after Mr Blair's meeting with Mr Hoon, Mr Straw and others on 23 July 2002;
- after the adoption of resolution 1441;
- before or immediately after the decision to deploy troops in January 2003;
- after the Rock Drill (a US inter-agency rehearsal for post-conflict administration) in February 2003; and
- after Mr Blair's meeting on post-conflict issues on 6 March 2003.

621. There is no indication of formal risk analysis or formal consideration of options associated with any of those events.

622. In his statement to the Inquiry, Mr Blair said:

> "... with hindsight, we now see that the military campaign to defeat Saddam was relatively easy; it was the aftermath that was hard. At the time, of course, we could not know that and a prime focus throughout was the military campaign itself …"[217]

623. The conclusions reached by Mr Blair after the invasion did not require the benefit of hindsight.

624. Mr Blair's long-standing conviction that successful international intervention required long-term commitment had been clearly expressed in his Chicago speech in 1999.

625. That conviction was echoed, in the context of Iraq, in frequent advice to Mr Blair from Ministers and officials.

626. Between early 2002 and the invasion of Iraq in March 2003, Mr Blair received warnings about:

- the significance of the post-conflict phase as the "strategically decisive" phase of the engagement in Iraq (in the SPG paper of 13 December 2002[218]) and the risk that a badly handled aftermath would make intervention a "net failure" (in the letter from Mr Hoon's Private Office to Sir David Manning of 19 November 2002[219]);
- the likelihood of internal conflict in Iraq (including from Mr Powell on 26 September 2002, who warned of the need to stop "a terrible bloodletting of revenge after Saddam goes. Traditional in Iraq after conflict"[220]);
- the potential scale of the political, social, economic and security challenge (including from Sir Christopher Meyer (British Ambassador to the US) on 6 September 2002: "it will probably make pacifying Afghanistan look like child's play"[221]);
- the need for an analysis of whether the benefits of military action outweighed the risk of a protracted and costly nation-building exercise (including from Mr Straw on 8 July 2002: the US "must also understand that we are serious about our conditions for UK involvement"[222]);
- the absence of credible US plans for the immediate post-conflict period and the subsequent reconstruction of Iraq (including from the British Embassy

---

[217] Statement Blair, 14 January 2011, page 14.
[218] Paper [SPG], 13 December 2002, 'UK Military Strategic Thinking on Iraq'.
[219] Letter Watkins to Manning, 19 November 2002, 'Iraq: Military Planning after UNSCR 1441'.
[220] Manuscript comment Powell to Manning on Letter McDonald to Manning, 26 September 2002, 'Scenarios for the future of Iraq after Saddam'.
[221] Telegram 1140 Washington to FCO London, 6 September 2002, 'PM's visit to Camp David: Iraq'.
[222] Letter Straw to Prime Minister, 8 July 2002, 'Iraq: Contingency Planning'.

Washington after the Rock Drill on 21 and 22 February 2003: "The inter-agency rehearsal for Phase IV … exposes the enormous scale of the task … Overall, planning is at a very rudimentary stage"[223]);

- the need to agree with the US the nature of the UK contribution to those plans (including in the letter from Mr Hoon's Private Office to Sir David Manning on 28 February 2003: it was "absolutely clear" that the US expected the UK to take leadership of the South-East sector. The UK was "currently at risk of taking on a very substantial commitment that we will have great difficulty in sustaining beyond the immediate conclusion of conflict"[224]); and
- the importance (including in the 'UK overall plan for Phase IV', shown to Mr Blair on 7 March 2003[225]) of:
  - UN authorisation for the military occupation of Iraq, without which there would be no legal cover for certain post-conflict tasks;
  - a UN framework for the administration and reconstruction of Iraq during the transition to Iraqi self-government.

627. Mr Blair told the Chiefs of Staff on 15 January 2003 that "the 'Issue' was aftermath – the Coalition must prevent anarchy and internecine fighting breaking out".[226]

628. In his evidence to the House of Commons Liaison Committee on 21 January 2003, Mr Blair emphasised the importance of the post-conflict phase:

> "You do not engage in military conflict that may produce regime change unless you are prepared to follow through and work in the aftermath of that regime change to ensure the country is stable and the people are properly looked after."[227]

629. On 24 January 2003, Mr Blair told President Bush that the biggest risk they faced was internecine fighting, and that delay would allow time for working up more coherent post-conflict plans.[228]

630. Yet when Mr Blair set out the UK's vision for the future of Iraq in the House of Commons on 18 March 2003, no assessment had been made of whether that vision was achievable, no agreement had been reached with the US on a workable post-conflict plan, UN authorisation had not yet been secured, and there had been no decision on the UN's role in post-conflict Iraq.

---

[223] Telegram 235 Washington to FCO London, 24 February 2003, 'Iraq: Day After: Rehearsal of Office of Reconstruction and Humanitarian Assistance'.
[224] Letter Williams to Manning, 28 February 2003, 'Iraq: Military Planning and Preparation' attaching Paper [unattributed], 28 February 2003, 'Iraq: Military Planning Update – 28 February 2003'.
[225] Paper Iraq Planning Unit, 7 March 2003, 'The UK overall plan for Phase IV'.
[226] Minute MA/DCJO to MA/CJO, 15 January 2003, 'Briefing to Prime Minister'.
[227] Liaison Committee, Session 2002-2003, Minutes of Evidence Taken Before the Liaison Committee Tuesday 21 January 2003, Q 117.
[228] Letter Manning to Rice, 24 January 2003, [untitled] attaching 'Note'.

631. UK policy rested on the assumption that:

- the US would provide effective leadership of the immediate post-conflict effort in Iraq;
- the conditions would soon be in place for UK military withdrawal;
- after a short period of US-led, UN-authorised military occupation, the UN would administer and provide a framework for the reconstruction of post-conflict Iraq;
- substantial international support would follow UN authorisation; and
- reconstruction and the political transition to Iraqi rule would proceed in a secure environment.

632. Mr Blair was already aware that those assumptions concealed significant risks:

- UK officials assessed that the Office of Reconstruction and Humanitarian Assistance (ORHA), the US body that would assume responsibility for the immediate post-invasion administration of Iraq, was not up to the task.
- Significant differences remained between UK and US positions on UN involvement, and between the UK and the UN.
- International partners were scarce and thought to be unlikely to come forward in the absence of UN authorisation.
- UK officials recognised that occupying forces would not remain welcome for long and threats to security could quickly escalate.

633. In the year before the invasion, Mr Blair:

- stated his belief in the importance of post-conflict planning on several occasions, including in Cabinet, in Parliament and with President Bush;
- requested advice on aspects of post-conflict Iraq (including for his summer reading pack in July 2002, for his meeting with President Bush on 31 January 2003, and twice in February 2003 after reading the JIC Assessment of southern Iraq and the Adelphi Paper *Iraq at the Crossroads*);
- at the meeting with Mr Hoon and the Chiefs of Staff on 15 January 2003, asked the MOD to consider the "big 'what ifs'" in the specific context of the UK military plan;
- convened a Ministerial meeting on post-conflict issues on 6 March 2003;
- raised concerns about the state of planning with President Bush; and
- succeeded in the narrow goal of securing President Bush's agreement that the UN should be "heavily involved" in "the post-conflict situation", a loose formulation that appeared to bridge the gap between US and UK positions on UN authorisation and the post-conflict role of the UN, but did not address the substantive issues.

634. Mr Blair did not:

- establish clear Ministerial oversight of post-conflict strategy, planning and preparation;
- ensure that Ministers took the decisions needed to prepare a flexible, realistic and fully resourced plan integrating UK military and civilian contributions;
- seek adequate assurances that the UK was in a position to meet its likely obligations in Iraq;
- insist that the UK's strategic objectives for Iraq were tested against anything other than the best case: a well-planned and executed US-led and UN-authorised post-conflict operation in a relatively benign security environment;
- press President Bush for definitive assurances about US post-conflict plans or set out clearly to him the strategic risk in underestimating the post-conflict challenge and failing adequately to prepare for the task; or
- consider, or seek advice on, whether the absence of a satisfactory plan was a sufficient threat to UK strategic objectives to require a reassessment of the terms of the UK engagement in Iraq. Despite concerns about the state of US planning, he did not make agreement on a satisfactory post-conflict plan a condition of UK participation in military action.

635. In the weeks immediately following the invasion, Mr Blair's omissions made it more difficult for the UK Government to take an informed decision on the establishment of the UK's post-conflict Area of Responsibility (AOR) in southern Iraq (addressed in more detail in Section 8).

636. In the short to medium term, his omissions increased the risk that the UK would be unable to respond to the unexpected in Iraq.

637. In the longer term, they reduced the likelihood of achieving the UK's strategic objectives in Iraq.

The post-conflict period

Occupation

LOOTING IN BASRA

638. As described in Section 8, UK forces entered Basra City on the night of 6/7 April 2003 and rapidly gained control, meeting less resistance than anticipated. Once the city was under its control, the UK was responsible, as the Occupying Power, for maintenance of law and order. Within its predominantly Shia Area of Operations, the UK assumed that risks to Coalition Forces would be lower than in the so-called "Sunni triangle" controlled by the US.

639. Before the invasion, the JIC and the DIS had each identified that there was a risk of lawlessness breaking out in Iraq, and that it would be important to deal with it swiftly. Others, including Mr Blair, Sir Kevin Tebbit and the Iraq Policy Unit, had recognised the seriousness of that risk.

640. However, the formal authorisation for action in Iraq issued by Adm Boyce on 18 March contained no instruction on how to establish a safe and secure environment if lawlessness broke out as anticipated. Although it was known that Phase IV would begin quickly, no Rules of Engagement for that phase, including for dealing with lawlessness, were created and promulgated before UK troops entered the country.

641. Both before and during the invasion Lt Gen Reith made the absence of instructions to UK forces covering what to do if faced with lawless behaviour by the Iraqi population in Basra explicit to the Chiefs of Staff.

642. Faced with widespread looting after the invasion, and without instructions, UK commanders had to make their own judgements about what to do. Brigadier Graham Binns, commanding the 7 Armoured Brigade which had taken Basra City, told the Inquiry that he had concluded that "the best way to stop looting was just to get to a point where there was nothing left to loot".[229]

643. Although the implementation of tactical plans to deal with lawlessness was properly the responsibility of in-theatre commanders, it was the responsibility of the Chief of the Defence Staff and the Chief of Joint Operations to ensure that appropriate Rules of Engagement were set, and preparations made, to equip commanders on the ground to deal with it effectively. They should have ensured that those steps were taken.

644. The impact of looting was felt primarily by the Iraqi population rather than by Coalition Forces. The latter initially experienced a "honeymoon period",[230] although the situation was far from stabilised.

645. Lt Gen Reith anticipated that UK forces could be reduced to a medium scale effort by the autumn, when he expected the campaign to have reached "some form of 'steady-state'".[231]

646. The JIC correctly judged on 16 April that the local population had high hopes that the Coalition would rapidly improve their lives and that "resentment of the Coalition ... could grow quickly if it is seen to be ineffective, either politically or militarily. Such resentment could lead to violence."[232]

---

[229] Private hearing, 2 June 2010, page 11.
[230] Public hearing Walker, 1 February 2010, page 16.
[231] Minute Reith to SECCOS, 14 April 2003, 'Phase 4: Roulement/Recovery of UK Forces' attaching Paper CJO, 14 April 2003, 'Phase 4 - Roulement/Recovery of UK Land Forces'.
[232] JIC Assessment, 16 April 2003, 'Iraq: The Initial Landscape Post-Saddam'.

647. By the end of April, Mr Hoon had announced that UK troop levels would fall to between 25,000 and 30,000 by the middle of May, from an initial peak of around 46,000.

648. Consequently, by the start of May there was a clearly articulated expectation of a rapid drawdown of UK forces by the autumn despite the identified risk that the consent of the local population was built on potentially vulnerable foundations, which could be undermined rapidly and with serious consequences.

LOOTING IN BAGHDAD

649. In the absence of a functioning Iraqi police force and criminal justice system, and without a clear Coalition Phase IV plan, looting and score-settling became a serious problem in Baghdad soon after the regime fell. The looting of ministry buildings and damage to state-owned infrastructure in particular added to the challenges of the Occupation.

650. Reflecting in June 2004, Mr David Richmond, the Prime Minister's Special Representative on Iraq from March to June 2004, judged that the failure to crack down on looting in Baghdad in April 2003 released "a crime wave which the Coalition has never been able to bring fully under control".[233]

651. After visiting Iraq in early May 2003, General Sir Mike Jackson, Chief of the General Staff, observed:

> "A security vacuum still exists [in Baghdad] ... particularly at night. Looting, revenge killing and subversive activities are rife … Should a bloody and protracted insurgency establish itself in Baghdad, then a ripple effect is likely to occur."[234]

652. Gen Jackson recognised that the UK's ability to maintain the consent of the population in the South depended on a stable and secure Baghdad, and advised:

> "The bottom line is that if we choose not to influence Baghdad we must be confident of the US ability to improve [its tactics] before tolerance is lost and insurgency sets in."

653. Gen Jackson, Major General David Richards (Assistant Chief of the General Staff) and Lieutenant General Sir Anthony Pigott (Deputy Chief of the Defence Staff (Commitments)) all offered advice in favour of deploying the UK's 16 Air Assault Brigade to Baghdad to support Coalition efforts to retrain Iraqi police officers and get them back on patrol.

654. However, the Chiefs of Staff collectively considered that the benefits of making a contribution to the security of Baghdad were outweighed by the risk that UK troops would be "tied down" outside the UK's Area of Responsibility, with adverse impact, and

---

[233] Telegram 359 IraqRep to FCO London, 28 June 2004, 'Iraq: Valedictory: The End of Occupation'.
[234] Minute CGS to CDS, 13 May 2003, 'CGS Visit to Op. TELIC 7-10 May 2003'.

advised on 21 May against deploying 16 Air Assault Brigade. The Chiefs of Staff did not conclude that the tasks it was proposed that 16 Air Assault Brigade should undertake were unnecessary, but rather that US troops would complete them.

UK INFLUENCE ON POST-INVASION STRATEGY: RESOLUTION 1483

655. On 21 March 2003, the day after the start of the invasion, Mr Powell and Sir David Manning, two of Mr Blair's closest advisers, offered him advice on how to influence the post-invasion US agenda. Key among their concerns was the need for post-conflict administrative arrangements to have the legitimacy conferred by UN endorsement. Such UK plans for the post-conflict period as had been developed relied on the deployment of an international reconstruction effort to Iraq. Controversy surrounding the launch of the invasion made that challenging to deliver; the absence of UN endorsement would make it close to impossible.

656. Discussion between the US and UK on the content of a new UN Security Council resolution began the same day. Resolution 1483 (2003) was eventually adopted on 22 May.

657. US and UK objectives for the resolution were different, and in several substantive respects the text of resolution 1483 differed from the UK's preferred position.

658. The UK wanted oil revenues to be controlled by an Iraqi body, or failing that by the UN or World Bank, in line with the pre-invasion promise to use them exclusively for the benefit of Iraq. Instead, resolution 1483 placed the power to spend the Development Fund for Iraq into the hands of the Coalition Provisional Authority (CPA), overseen by a monitoring board. That was in line with US objectives, but did not address UK concerns.

659. The UK considered that an Interim Iraqi Administration should have real powers, and not be subordinate to the CPA. Resolution 1483 said that the CPA would retain its responsibilities until an internationally recognised representative government was established. The text did not go so far as to require an interim administration to report formally to the CPA, as the US wished, but that was in effect how the relationship between the CPA and the Governing Council established by resolution 1483 operated.

660. The UK's policy position was that the UN should take the lead in establishing the Interim Iraqi Administration. Resolution 1483 gave the UN a role working with the people of Iraq and the CPA, but did not give it the lead. Evidence considered by the Inquiry suggests that there was consistent reluctance on the part of the UN to take on such a role and the UK position was therefore not wholly realistic.

661. Resolution 1483 formally designated the UK and US as joint Occupying Powers in Iraq. It also set the conditions for the CPA's dominance over post-invasion strategy and policy by handing it control of funding for reconstruction and influence on political development at least equal to that of the UN.

UK INFLUENCE ON THE COALITION PROVISIONAL AUTHORITY

662. By the time resolution 1483 was adopted, the CPA was already operating in Iraq under the leadership of Ambassador L Paul Bremer, reporting to Mr Donald Rumsfeld, the US Defense Secretary. There was no reporting line from the CPA to the UK.

663. The resolution's designation of the US and UK as joint Occupying Powers did not reflect the reality of the Occupation. The UK contribution to the CPA's effort was much smaller than that of the US and was particularly concerned with Basra.

664. The UK took an early decision to concentrate its effort in one geographical area rather than accept a national lead for a particular element of the Coalition effort (such as police reform). However, it was inevitable that Iraq's future would be determined in Baghdad, as both the administrative centre and the place where the power shift from minority Sunni rule to majority Shia rule was going to be most keenly felt. Having decided to concentrate its effort on an area some distance removed from the capital, the UK's ability to influence policy under debate in Baghdad was curtailed.

665. In Baghdad itself, the UK provided only a small proportion of the staff for the military and civilian headquarters. The low numbers were influenced in part by reasonable concerns about the personal legal liabilities of UK staff working initially in ORHA and then in the CPA, and what their deployment might imply about the UK's responsibility for decisions made by those organisations, in the absence of formal consultation or the right of veto.

666. The pre-invasion focus on a leading UN role in Iraq meant that little thought had been given to the status of UK personnel during an occupation which followed an invasion without Security Council authorisation. Better planning, including proper assessment of a variety of different possible scenarios, would have allowed such issues to be worked through at a much earlier stage.

667. There was an urgent need for suitably experienced UK officials ready to deploy to Baghdad, but they had not been identified (see Section 15).

668. No governance arrangements were designed before the invasion which might have enabled officials and Ministers based in London and Washington to manage the implications of a joint occupation involving separate resources of a very different scale. Such arrangements would have provided a means to identify and resolve different perspectives on policy, and to facilitate joint decisions.

669. Once the CPA had been established, policy decisions were made largely in Baghdad, where there was also no formal US/UK governance structure. This created a risk described to the Inquiry by Sir Michael Wood, FCO Legal Adviser from 2001 to 2006, as "the UK being held jointly responsible for acts or omissions of the CPA, without a right to consult and a right of joint decision".[235]

---

[235] Statement, 15 March 2011, page 22.

670. To manage that risk, the UK proposed a Memorandum of Understanding (MOU) with the US to establish procedures for working together on issues related to the Occupation, but it could not be agreed. Having supplied the overwhelming majority of the CPA's resources, the US had little incentive to give the UK an influential role in deciding how those resources were to be used, and the UK lacked the will and leverage to insist.

671. In the absence of formal arrangements, there was a clear risk that the UK would be inadequately involved in important decisions, and the UK struggled from the start to have a significant effect on the CPA's policies. This was a source of concern to both Ministers and officials in 2003, but the issue was never resolved.

672. Senior individuals deployed to Iraq by the UK at this time saw themselves either as working for the CPA in support of its objectives and as part of its chain of command, or as UK representatives within the CPA with a remit to seek to influence CPA decisions. No-one formally represented the UK position within the CPA decision-making process, a serious weakness which should have been addressed at an early stage.

673. Managing a joint occupation of such size and complexity effectively and coherently required regular formal and informal discussion and clear decision-making at all levels, both between capitals and in-country. Once attempts to agree an MOU had failed, the chances of constructing such mechanisms were slim.

674. In the absence of an MOU with the US, the UK's influence in Baghdad depended heavily on the personal impact of successive Special Representatives and British Ambassadors to Iraq and the relationships they were able to build with senior US figures.

675. Some instances of important CPA decisions in which the UK played little or no formal part were:

- The decision to issue CPA Order No.2, which "dissolved" (or disbanded) a number of military and other security entities that had operated as part of Saddam Hussein's regime, including the armed forces (see Section 12). This was raised informally by Ambassador Bremer in his first meeting with Mr John Sawers, Mr Blair's Special Representative on Iraq, who – unbriefed – did not at that point take a contrary position. The concept of creating a new army had also been raised by Mr Walt Slocombe, CPA Senior Adviser on National Security and Defense, in discussion with Mr Hoon. Dissolution was a key decision which was to have a significant effect on the alienation of the Sunni community and the development of an insurgency in Iraq, and the terms and timing of this important Order should have been approved by both Washington and London.

- Decisions on how to spend the Development Fund for Iraq, which resolution 1483 gave the CPA the power to make. CPA Regulation No.2 subsequently vested Ambassador Bremer with control of the Fund, effectively placing it under US control. This exacerbated concerns about the under-resourcing of CPA(South) as expressed in Mr Straw's letter to Mr Blair of 5 June 2003 (see Section 10.1).
- The creation of the Iraqi Central Bank as an independent body in July 2003 (see Sections 9.2 and 10.1). This came as a surprise to the UK despite the close involvement of officials from the Treasury in arrangements for Iraq's new currency and budget.
- The creation of a new Iraqi Central Criminal Court (see Section 9.2), the announcement of which UK officials could not delay for long enough to enable the Attorney General to give his view on its legality under the terms of resolution 1483.
- Production of the CPA's 'Vision for Iraq' and 'Achieving the Vision' *(*see Sections 9.2 and 10.1*).* Mr Sawers alerted the FCO to the first document on 6 July when it was already at an advanced stage of drafting, and by 18 July it had been signed off by the Pentagon. No formal UK approval was sought for a document which was intended to provide strategic direction to the Coalition's non-military effort in Iraq.

676. UK involvement in CPA decisions about the scope and implementation of de-Ba'athification policy is considered in Section 11.2.

677. In some areas, the UK was able to affect CPA policy through the influence that Mr Sawers or his successor Sir Jeremy Greenstock exerted on senior US officials. Both used their diplomatic experience to build connections with Iraqi politicians and contribute to the political development of Iraq. Instances of UK influence included:

- Mr Sawers' involvement in the plans for an Interim Iraqi Administration, in respect of which he considered that "much of the thinking is ours".[236]
- Sir Jeremy Greenstock's "two chickens, two eggs" plan, which overcame political stalemate between the CPA and Grand Ayatollah al-Sistani on how the new Iraqi Constitution should be created. The plan led to the 15 November Agreement which set the timetable for transfer of sovereignty to a transitional administration by 30 June 2004.
- Ensuring that negotiations on the content of the Transitional Administrative Law reached a successful conclusion. Sir Jeremy Greenstock told the Inquiry that he had prevented the Kurdish delegation from leaving, "which Bremer wasn't aware of".[237]

---

[236] Telegram 028 IraqRep to FCO London, 1 June 2003, 'Iraq: Political Process'.
[237] Private hearing, 26 May 2010, page 64.

- The level of female representation in Iraq's new political structures, including the 25 percent "goal" for members of the National Assembly set by the Transitional Administrative Law, which the UK pursued with some success.

678. In the absence of decision-making arrangements in which the UK had a formal role, too much reliance was placed on communication between Mr Blair and President Bush, one of the very small number of ways of influencing US policy. Some issues were addressed by this route: for instance, using his regular conversations with President Bush, Mr Blair was able, with some success, to urge caution in relation to the US operation in Fallujah in April 2004.

679. But the channel of communication between Prime Minister and President should be reserved for the most strategic and most intractable issues. It is not the right mechanism for day-to-day policy-making or an effective way of making tactical decisions.

680. It is impossible to say whether a greater and more formal UK input to CPA decisions would have led to better outcomes. But it is clear that the UK's ability to influence decisions made by the CPA was not commensurate with its responsibilities as joint Occupying Power.

A DECLINE IN SECURITY

681. From early June 2003, and throughout the summer, there were signs that security in both Baghdad and the South was deteriorating. The MOD's SPG warned that "more organised opposition to the Coalition may be emerging"[238] as discontent about the Coalition's failure to deliver a secure environment began to grow in the Iraqi population.

682. The extent of the decline in Baghdad and central Iraq overshadowed the decline in Multi-National Division (South-East) (MND(SE)). Food shortages and the failure of essential services such as the supply of electricity and water, plus lack of progress in the political process, however, began to erode the relationship between UK forces and the local population. The deterioration was exemplified by attacks on UK forces in Majar al-Kabir in Maysan province on 22 and 24 June.

683. As the summer wore on, authoritative sources in the UK, such as the JIC, began to identify issues with the potential to escalate into conflict and to recognise the likelihood that extremist groups would become more co-ordinated. The constraint imposed on reconstruction activities by the lack of security began to be apparent. Mr Sawers and Sir David Manning expressed concern about whether the UK had sufficient troops deployed in MND(SE), and about the permeability of Maysan's substantial border with Iran.

---

[238] Minute SECCOS to PSO/CDS, 10 June 2003, 'OP COS Paper: UK Contribution to Iraq: Strategic Intent and Direction' attaching Paper SPG, 9 June 2003, 'UK contribution to Iraq: strategic intent and direction'.

684. From early July, security was seen in Whitehall as the key concern and was raised by Mr Blair with President Bush.

685. A circular analysis began to develop, in which progress on reconstruction required security to be improved, and improved security required the consent generated by reconstruction activity. Lieutenant General Robert Fry, Deputy Chief of the Defence Staff (Commitments), reported "a decline in Iraqi consent to the Coalition in MND(SE) due to the failure by the Coalition to deliver improvements in essential services" and that Shia leaders were warning of a short grace period before further significant deterioration.

686. By the autumn of 2003, violence was escalating in Baghdad and attacks were becoming more sophisticated. Attacks on the UN in August and September, which injured and killed a number of UN officials including the UN Special Representative for Iraq, prompted some organisations to withdraw their international staff. Although Basra was less turbulent than the capital, the risk of a ripple effect from Baghdad – as identified by Gen Jackson in May – remained.

687. The JIC assessed on 3 September that the security environment would probably worsen over the year ahead. There had been a number of serious attacks on the Coalition in MND(SE), and Islamic "extremists/terrorists"[239] were expected to remain a long-term threat in Iraq. The UK's military and civilian representatives on the ground were reporting a growing insurgency in central Iraq.

688. Despite that evidence, military planning under the leadership of General Sir Michael Walker, Chief of the Defence Staff, proceeded on the basis that the situation in Basra would remain relatively benign.

689. The Inquiry considers that a deterioration in security could and should have been identified by Lt Gen Reith by the end of August 2003 and that the cumulative evidence of a deteriorating security situation should have led him to conclude that the underlying assumptions on which the UK's Iraq campaign was based was over-optimistic, and to instigate a review of the scale of the UK's military effort in Iraq.

690. There were a number of issues that might have been examined by such a review, including:

- whether the UK had sufficient resources in MND(SE) to deal with a worsening security situation; and
- whether the UK should engage outside MND(SE) in the interests of Iraq's overall stability (as had been advocated by Gen Jackson, Maj Gen Richards and Lt Gen Pigott).

691. No such review took place.

---

[239] JIC Assessment, 3 September 2003, 'Iraq: Threats to Security'.

692. There was a strong case for reinforcing MND(SE) so that it could handle its high-priority tasks (providing essential security for reconstruction projects, protecting existing infrastructure, guarding key sites and improving border security to inhibit the import of arms from Iran) effectively in changing circumstances. Those tasks all demanded a higher level of manpower than was available. Although additional military personnel were deployed in September 2003, mainly to fill existing gaps in support for reconstruction activities, their numbers were far too small to have a significant impact.

693. The failure to consider the option of reinforcement at this time was a serious omission and Lt Gen Reith and Gen Walker should have ensured that UK force levels in MND(SE) were formally reconsidered in autumn 2003 or at the latest by the end of the year. Increases in UK force levels in order to address the security situation should have been recommended to Ministers. Any opportunity to regain the initiative and pre-empt further deterioration in the security situation was lost.

694. In October, Sir Jeremy Greenstock reported that Lieutenant General Ricardo Sanchez, Commander Combined Joint Task Force-7, had "come to recognise that Coalition operations are at a standstill and that there is a need to regain momentum".[240] Doubts started to build about the chances of credible elections based on a legitimate constitution in the course of 2004 and work began to look for alternatives to the plan set out by Ambassador Bremer. The "bloodiest 48-hour period in Baghdad since March",[241] including an attack on the al-Rashid Hotel in Baghdad's Green Zone, was sufficient to convince some that a pivotal point in the security situation had been reached.

695. When President Bush visited London in November, Mr Blair provided him with a paper written by Sir Jeremy Greenstock which argued that security should be the highest priority in the run-up to June 2004, when the Iraqi Transitional Government would take power. Sir Jeremy suggested that troop levels should be looked at again and highlighted "the dangers we face if we do not get a grip on the security situation" as a topic that President Bush and Mr Blair needed to discuss in stark terms.

696. The constraints within which the UK was operating as a result of the limited scale of forces deployed in Iraq were articulated clearly for the Chiefs of Staff in December. Lt Gen Fry argued that a strategy of "early effect"[242] was needed which prioritised campaign success. Operation TELIC was the UK "Main Effort", but deploying additional resources in a way that was compliant with the Defence Planning Assumptions would require the withdrawal of resources from other operations.

697. On 1 January 2004, Sir Jeremy Greenstock wrote bluntly: "This theatre remains a security crisis."[243]

---

[240] Telegram 230 IraqRep to FCO London, 24 October 2003, 'Iraq: Security Update'.
[241] Telegram 1426 Washington to FCO London, 28 October 2003, 'Iraq: US Views 28 October'.
[242] Minute DCDS(C) to COSSEC, 5 December 2003, 'Op TELIC – Review of UK Military Strategy for Iraq'.
[243] Telegram 337 IraqRep to FCO London, 1 January 2004, 'Iraq: Six Final Months of Occupation'.

698. Despite mounting evidence of violent insurgency, the UK's policy of military drawdown in Iraq continued. After force levels had been reviewed in January, the rationale for continued drawdown was based on adjusted criteria by which the success of Security Sector Reform would be judged, meaning that such reform would be implemented "only to applicable standards for Iraq".[244]

THE TURNING POINT

699. February 2004 was the worst month for Coalition casualties since the fall of Saddam Hussein's regime. More than 200 people, mainly Iraqi citizens, were killed in suicide attacks. Attacks on the Iraqi Security Forces were increasing and concerns about Islamic extremists operating in Iraq began to grow. By the end of March, more than 200 attacks targeting Iraqi citizens were being reported each week.

700. In April, there was a sudden escalation in attacks by the Jaysh al-Mahdi (JAM) in Basra, described by the General Officer Commanding MND(SE) as "like a switch had been flicked".[245] In Fallujah, a US offensive which followed the ambush and murder of four security contractors provoked an angry response from the Sunni community.

701. The significant worsening of security, coupled with revelations of abuse by members of the US military of Iraqi detainees held in Abu Ghraib prison, led many of the Inquiry's witnesses to conclude that the spring of 2004 had been a turning point.

702. At the end of April, Mr Blair's analysis was that the key issue in Iraq was not multi-faceted, rather it was "simple: security".[246]

703. Despite the failing security situation in MND(SE) in spring 2004, Gen Walker was explicit that no additional troops were required for the tasks currently assigned to the UK.

704. The Chiefs of Staff maintained the view they had originally reached in November 2003, that HQ Allied Rapid Reaction Corps (ARRC) should not be actively considered for deployment to Iraq, even though:

- Iraq was a higher priority for the UK than Afghanistan;
- security in Iraq was clearly worsening and had been identified by Mr Blair as the key issue; and
- there had been a specific US request for deployment of HQ ARRC.

---

[244] Minute Reith to PSO/CDS, 29 January 2004, 'Op TELIC Force Level Review – Jan 04'.
[245] Public hearing Lamb, 9 December 2009, pages 67-68.
[246] Letter Rycroft to Owen, 26 April 2004, 'Iraq: 15 Reports for the Prime Minister'.

Transition

UK INFLUENCE ON US STRATEGY POST-CPA

705. In June 2004, the US and UK ceased to be Occupying Powers in Iraq and the CPA was disbanded. Responsibility for day-to-day interaction on civil affairs with the Iraqi Interim Government on civil affairs passed to the newly appointed British and US Ambassadors.

706. After the handover, the UK's priorities were to maintain the momentum of the political process towards elections in January 2005, and to ensure that the conditions for the drawdown of its forces were achieved.

707. Mr Blair and President Bush continued to discuss Iraq on a regular basis. It continued to be the case that relatively small issues were raised to this level. The UK took false comfort that it was involved in US decision-making from the strength of that relationship.

708. Themes which Mr Blair emphasised to President Bush included the acceleration of Security Sector Reform and the Iraqiisation of security, UN engagement, better outreach to the Sunni community (often referred to as "reconciliation"), provision of direct support to Prime Minister Ayad Allawi and better use of local media to transmit a positive message about the coalition's intentions and actions.

PLANNING FOR WITHDRAWAL

709. By July 2004, the UK envisaged that, providing the necessary criteria were met, there would be a gradual reduction in troop numbers during 2005 leading to final withdrawal in 2006, to be followed by a period of "Strategic Overwatch".

710. The most important of the criteria that would enable coalition troops to withdraw was the ability of the Iraqi Security Forces to take the lead on security (Iraqiisation). Having recognised that a stable and secure environment was the key factor on which progress in Iraq depended, by May 2004 the UK solution was "a better and quicker plan for building Iraqi capacity in the Police, Civil Defence Corps, the Army and the Intelligence Service".[247] This made sense in the long term but was unlikely to meet the requirement to regain control of Iraq rapidly in the face of a mounting insurgency. Reform of the Iraqi Security Forces is addressed in detail in Section 12.

711. By mid-August, the level of attacks against coalition forces had matched the previous peak in April of the same year. In September, Lieutenant General John McColl (Senior British Military Representative – Iraq) judged that the Iraqi Security Forces would not be able to take full responsibility for security before 2006.

---

[247] Letter Bowen to Baker, 13 May 2004, 'Iraq: Security'.

712. In September 2004, Gen Walker received a well-argued piece of advice from Lt Gen McColl which made clear that the conditions on which decisions on drawdown were to be based were unlikely to be met in the near future. Despite the warnings in Lt Gen McColl's paper and his advice that "the time is right for the consideration of the substantive issues",[248] the Chiefs of Staff, chaired by Gen Walker, declined to engage in a substantive review of UK options.

713. The Inquiry recognises that the scale of the resources which the UK might have deployed to deal with the issues was substantially less than the US could bring to bear. It is possible that the UK may not have been able to make a real difference, when the key strategic change that might have affected the outcome was the deployment of a much larger force. But proper consideration ought to have been given to what options were available, including for the deployment of additional personnel. Mr Straw raised the need for such a debate with Mr Blair in October.

714. The UK had consistently resisted US requests to deploy additional personnel, which Lt Gen McColl described as having "chipped away at the US/UK relationship",[249] but in October it was agreed that the Black Watch would be deployed to North Babil for 30 days to backfill US forces needed for operations in Fallujah. Approximately 350 personnel from 1st Battalion, the Royal Highland Fusiliers were also deployed to Iraq to provide additional security across MND(SE) during the election period in January and February 2005. The UK remained reluctant to commit any further forces in the longer term: when Dutch forces withdrew from Muthanna province, the UK instead redeployed forces from elsewhere in MND(SE) plus a small amount of additional logistic support.

715. In January 2005, Lt Gen Fry produced a thoughtful and realistic assessment of the prospects for security in Iraq, observing that "we are not on track to deliver the Steady State Criteria (SSC) before the UN mandate expires, or even shortly thereafter".[250] He judged that "only additional military effort by the MNF-I [Multi-National Force – Iraq] as a whole" might be able to get the campaign back on track. Lt Gen Fry identified three possible courses of action for the UK: increasing the UK scale of effort, maintaining the status quo or, if it were judged that the campaign was irretrievable, accepting failure and seeking to mitigate UK liability.

716. The Inquiry endorses Lt Gen Fry's assessment of the options open to the UK at this point and considers that full and proper consideration should have been given to each option by DOP.

717. In his advice to Mr Blair on 21 January, Gen Walker did not expose the assessment made by Lt Gen Fry that only additional military effort by the MNF-I might be able to get the campaign back on track.

---

[248] Minute McColl to CDS and CJO, 26 September 2004, 'Report 130 of 26 Sep 04'.
[249] Report McColl to CDS and CJO, 20 October 2004, 'SBMR-I Hauldown Report – Lt Gen McColl'.
[250] Minute DCDS(C) to APS 2/SofS [MOD], 11 January 2005, 'Iraq 2005 – a UK MOD perspective'.

718. On 30 January, elections for the Transitional National Assembly and Provincial Assemblies took place across Iraq. Security arrangements involved 130,000 personnel from the Iraqi Security Forces, supported by 184,500 troops from the MNF-I. The JIC assessed that perhaps fewer than 10 percent of voters had turned out in the Sunni heartlands and judged that "without Sunni engagement in the political process, it will not be possible significantly to undermine the insurgency".

719. In April, the JIC assessed that:

> "A significant Sunni insurgency will continue through 2005 and beyond, but the opportunities for reducing it appear greater than we judged in early February."[251]

THE IMPACT OF AFGHANISTAN

720. In June 2004, the UK had made a public commitment to deploy HQ ARRC to Afghanistan in 2006, based on a recommendation from the Chiefs of Staff and Mr Hoon, and with Mr Straw's support. HQ ARRC was a NATO asset for which the UK was the lead nation and provided 60 percent of its staff.

721. It appears that senior members of the Armed Forces reached the view, throughout 2004 and 2005, that little more would be achieved in MND(SE) and that it would make more sense to concentrate military effort on Afghanistan where it might have greater effect.

722. In February 2005, the UK announced that it would switch its existing military effort in Afghanistan from the north to Helmand province in the south.

723. In 2002, *A New Chapter*, an MOD review of the 1998 *Strategic Defence Review* (SDR), had reaffirmed that the UK's Armed Forces would be unable to support two enduring medium scale military operations at the same time:

> "Since the SDR we have assumed that we should plan to be able to undertake either a single major operation (of a similar scale and duration to our contribution to the Gulf War in 1990-91), or undertake a more extended overseas deployment on a lesser scale (as in the mid-1990s in Bosnia), while retaining the ability to mount a second substantial deployment ... if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war-fighting or to maintain them simultaneously for longer than six months."[252]

724. As described in Section 16.1, since 2002 the Armed Forces had been consistently operating at or above the level of concurrency defined in the 1998 SDR, and the continuation of Op TELIC had placed additional strain on military personnel.

---

[251] JIC Assessment, 6 April 2005, 'Iraq: The State of the Insurgency'.
[252] Ministry of Defence, *Strategic Defence Review: A New Chapter*, July 2002, page 14.

725. By May 2005, the UK had been supporting an operation of at least medium scale in Iraq for more than two years. The Ministerial Committee on Defence and Overseas Policy Sub-Committee on Iraq (DOP(I)) recognised that future force levels in Iraq would need to be considered in the context of the requirement to achieve "strategic balance" with commitments in Afghanistan, to ensure that both were properly resourced.

726. In July 2005, DOP agreed proposals for both the transfer of the four provinces in MND(SE) to Iraqi control and for the deployment of the UK Provincial Reconstruction Team then based in northern Afghanistan to Helmand province in the South, along with an infantry battlegroup and full helicopter support – around 2,500 personnel.

727. As described under the heading 'Iraqiisation' below, the proposals to transfer responsibility for security in the four provinces of MND(SE) to Iraqi control were based on high-risk assumptions about the capability of the Iraqi Security Forces to take the lead for security. If those assumptions proved to be inaccurate and the UK was unable to withdraw, agreement to the Helmand deployment in Afghanistan effectively constrained the UK's ability to respond by increasing troop levels in Iraq.

728. In January 2006, Cabinet approved the decision to deploy to Helmand. Dr Reid, the Defence Secretary, announced that the UK was "preparing for a deployment to southern Afghanistan" which included a Provincial Reconstruction Team as "part of a larger, more than 3,300-strong British force providing the security framework".[253]

729. The impact of that decision was summarised neatly by Gen Walker as:

> "Militarily, the UK force structure is already stretched and, with two concurrent medium scale operations in prospect, will soon become exceptionally so in niche areas."[254]

730. Niche capabilities such as helicopter support and Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) were essential to the successful conduct of operations.

731. From July 2005 onwards, decisions in relation to resources for Iraq were effectively made under the influence of the demands of the UK effort in Afghanistan. Although Iraq remained the stated UK main effort, the Government no longer had the option of a substantial reinforcement of its forces there, should it have considered one necessary. When the US announced in January 2007 that it would send a surge of resources to Iraq, the UK was consequently unable to contemplate a parallel surge of its own.

732. The impact of the decision to deploy to Helmand on the availability of key equipment capabilities for Iraq, and on the level of stretch felt by military personnel, is addressed in Sections 14 and 16.

---

[253] House of Commons, *Official Report,* 26 January 2006, columns 1529-1533.
[254] Letter Walker to Richards, 24 January 2006, [untitled].

IRAQIISATION

733. After becoming Defence Secretary in May 2005, Dr Reid had continued the policy of reducing UK troop levels based on the transition of lead responsibility for security to the Iraqi Security Forces (ISF). In one of his early acts as Defence Secretary, he announced the deployment of just over 400 additional personnel to enhance the UK's effort in training the ISF, which would "enable them to take on ever greater responsibility for their own security and so pave the way for UK troops to withdraw".[255]

734. The proposals for transfer of the four provinces in MND(SE) to Iraqi control agreed in July 2005 suggested transition from MNF-I to ISF primacy in Basra from March 2006, based on the assumption that the ISF would, by that point, be capable of taking on responsibility for security in what was likely to remain a very challenging environment.

735. There was sufficient reliable contemporary evidence available, including from the JIC and in reports from commanders in theatre, to demonstrate that the assumption that the ISF would be ready to take the lead in Basra by that point was probably unrealistic.

736. In September 2005, Mr Blair expressed his concerns about ISF capability, following reports of police involvement in attacks on the MNF in Basra. But despite concerns that had been expressed about the capacity of the ISF, Dr Reid recommended that a reduction in UK forces should take place in October or November 2005.

737. A few days after Dr Reid made his recommendation, the Jameat incident in Basra (see Section 12.1) raised questions about the ISF in MND(SE). Officials from the FCO, the MOD and DFID judged that the incident had highlighted the risks to achieving UK objectives in MND(SE), and that those risks had implications for military resources. Nevertheless, assumptions about ISF readiness were not re-examined by Ministers. The incident should have prompted a more searching analysis of whether the conditions necessary for drawdown were likely to be met within the planned timetable. Reluctance to consider the potential implications of the Jameat incident obscured what it had revealed about the security situation in MND(SE).

738. The critical importance of ISF capability in assessing readiness for transfer to Provincial Iraqi Control, on which UK plans to draw down were based, was emphasised by the 'Conditions for Provincial Transfer' published by the Joint Iraqi/MNF Committee to Transfer Security Responsibility, and by Dr Reid, who told DOP(I) that "successful Iraqiisation remains the key".[256] DOP(I) decided that Dr Reid should have lead responsibility for building the capacity of the Iraqi Police Service (IPS) in Basra in addition to his responsibility for the Iraqi Army.

739. In October 2005, Mr Blair asked for a major and sustained push to make progress on the ability of the ISF to take the lead on security. Gen Jackson raised concerns about ISF effectiveness in a minute to Gen Walker, and concluded: "it is not to our credit that

---

[255] House of Commons, *Official Report*, 25 May 2005, column 15WS.
[256] Paper Reid, 11 October 2005, 'Iraq: Security Update'.

we have known about the inadequacies of the IPS for so long and yet failed to address them".[257] The Assessments Staff reinforced the lack of progress in reforming the ISF.

740. In October 2005, the Chiefs of Staff made a stark assessment of the insurgency and coalition strategy in Iraq. They concluded that "Ministers needed to be clear that the campaign could potentially be heading for 'strategic failure', with grave national and international consequences if the appropriate actions were not taken".[258] Gen Walker judged that only 5 percent of UK military effort in MND(SE) was devoted to counter-insurgency operations. But neither Air Marshal Sir Glenn Torpy, Commander Joint Operations, nor Gen Walker reassessed UK force requirements in Iraq, based on those two assessments.

741. The security situation at this point should have resulted in a reassessment of the UK troop levels needed to achieve the UK's key outcomes in MND(SE). Although the responsibility for tactical decision-making rested with commanders on the ground, it was for Gen Walker to ensure that those commanders had sufficient resources to deliver.

742. The absence of additional resources placed further pressure on the UK's ability to deliver the conditions required for transfer. At the end of 2005 and in early 2006 there were further indications that the ISF were not ready to operate alone. The MOD reported to the final DOP(I) meeting of 2005 that the capacity of the Iraqi administration and security forces to assume responsibility, acknowledging the challenge of increasing sectarianism and militia infiltration, was one of the key challenges remaining.

743. In March 2006, the JIC again highlighted doubts about the ability of the Iraqi Army to operate without MNF support and concerns about the corruption and infiltration of the IPS.

744. US concerns about UK plans for the transition of Maysan and Muthanna to Iraqi control in May were such that Dr Reid adapted them to include a small residual team providing mentoring and support to the Iraqi Army.

745. Dr Reid continued to press ahead with drawdown and announced that troop levels would reduce in May 2006 from approximately 8,000 to around 7,200 based on "completion of various security sector reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre".[259] That rationale did not include an assessment of the effect of those tasks on the capability of the ISF.

---

[257] Minute CGS to CDS, 18 October 2005, 'CGS visit to Iraq: 10-13 Oct 05'.
[258] Minutes, 18 October 2005, Chiefs of Staff meeting.
[259] Letter Reid to Blair, 9 March 2006, 'Iraq: Force Level Review and Announcement'.

Preparation for withdrawal

A MAJOR DIVERGENCE IN STRATEGY

746. US and UK strategies for Iraq had in effect been on different courses since the UK decision to focus its attention on MND(SE) in 2003. As a result of that decision, the UK had acquired distinctly different priorities from the US. It was only marginally involved in the central tasks of stabilising the Iraqi Government in Baghdad and managing sectarian divisions, while it had come to see its main task in Basra as one of keeping the situation calm while building the case for drawdown.

747. For some time, there had been indications of tension between the US and UK regarding assessments of progress, and differing assumptions about whether plans were needed for long-term bases in Iraq. In May 2006, Mr Blair was told about "rumblings from the US system about UK failure to grip the security situation in what they regard as a strategically vital part of Iraq".[260] Gen Jackson felt compelled to report that:

> "The perception, right or wrong, in some – if not all – US military circles is that the UK is motivated more by the short-term political gain of early withdrawal than by the long-term importance of mission accomplishment; and that, as a result, MND(SE)'s operational posture is too laissez faire and lacks initiative ..."[261]

748. In January 2007, the divergence between US and UK strategies was thrown into sharp relief by President Bush's announcement that the US would adopt a new strategy, of which a prominent feature would be the deployment of a surge of US forces, primarily to Baghdad and its environs. UK assessments of the prospects for the new US policy were bleak, reflecting widespread pessimism about the prospects for Iraq. UK strategy continued to look towards withdrawal.

749. US concerns about the differences in approach were evident. In February 2007, Sir David Manning, British Ambassador to the US, reported that Secretary Rice had asked him "to tell her honestly whether the UK was now making for the exit as fast as possible".[262]

750. The divergence in strategies was also illustrated by the conditions-based process through which the four provinces in MND(SE) were transferred to Provincial Iraqi Control (PIC) during 2007. Although each transfer was signed off by senior members of the US military, there was persistent reporting of US concerns about readiness for PIC, whether the conditions had actually been met and the wider impact of transfer.

751. The US was also uncomfortable about arrangements made by the UK with a militia group in Basra which allowed the safe exit of UK troops from their main base in the city.

---

[260] Minute Phillipson to Prime Minister, 2 May 2006, 'VTC with President Bush, 1615 2 May 2006'.
[261] Minute CGS to CDS, 22 May 2006, 'CGS visit to Iraq: 15-18 May 06'.
[262] Letter Manning to Hayes, 1 February 2007, 'Conversation with the US Secretary of State, 31 January 2007'.

A POSSIBLE CIVIL WAR

752. By March 2006, senior members of the UK military were considering the possibility of civil war in Iraq, prompted by rising levels of sectarian violence and concerns that the Iraqi Government was "not ... perceived as even-handed in security issues".[263] The risk of civil war had been acknowledged by Prime Minister Ibrahim Ja'afari in the wake of the bombing of the al-Askari mosque in February. Although there was general agreement that the situation in Iraq did not constitute civil war, the risk that one might develop was considered to be real.

753. At this time, the presence in Iraq of the MNF was authorised by resolution 1637 (2005). The exchange of letters between Prime Minister Ja'afari and the President of the Security Council which accompanied the resolution clearly identified providing security for the Iraqi people as the reason why a continued MNF presence was necessary.

754. In late April, FCO officials were concerned that security in Basra was declining and that a determined and sustained effort, including a more assertive military posture, would be required to deliver the UK's objective of transferring Basra to Iraqi control by late 2006 or early 2007.

755. Accounts from mid-2006 suggested that security in MND(SE) was a significant concern, characterised by "steady, if generally unspectacular, decline"[264] and increased militia activity. The UK military's approach had generated US concern and the security situation was limiting UK civilian activity.

756. Gen Jackson's assessment in May of the short-term security prospects in Iraq was bleak. He judged that "what we will leave behind will not look much like strategic success. Ten years hence our strategy may fully bear fruit."[265]

757. After visiting Iraq in early May, Air Chief Marshal Sir Jock Stirrup, Chief of the Defence Staff, advised Dr Reid that there should be no change to the operational approach and that there were "compelling reasons" why the UK should "press on" with handing over security to Iraq, including to permit the UK's continuing build-up in Afghanistan.[266] ACM Stirrup identified the risk that UK withdrawal from Basra would be seen as a "strategic failure" and suggested that "astute conditioning of the UK public may be necessary" to avoid that.

758. ACM Stirrup's view that the UK should press ahead with drawdown despite the security challenges in Basra was not consistent with Government policy that withdrawal should be conditions-based.

---

[263] Minute Houghton to CDS, 5 March 2006, 'SBMR-I Weekly Report (201) 5 March 06'.
[264] Minute senior government official specialising in the Middle East to Dowse, 12 May 2006, 'Situation in Basrah'.
[265] Minute CGS to CDS, 22 May 2006, 'CGS visit to Iraq: 15-18 May 06'.
[266] Minute Stirrup to SofS [MOD], 8 May 2006, 'CDS Visit to Iraq and Afghanistan – 5-7 May 06'.

759. ACM Stirrup's acceptance that the "law of diminishing returns" was "now firmly in play" and that there was "an increasing risk" that UK forces would "become part of the problem, rather than the solution" had some validity: it was clear from accounts of the situation in Basra that UK forces were not preventing a steady decline in security. ACM Stirrup was also right to advise Dr Reid that the MNF in Iraq faced a "multifaceted", sophisticated and dangerous enemy; that serious issues remained in Basra (militia activity, poor governance, insecurity); and that it was possible the UK would be accused of strategic failure.

760. The established policy was that UK forces would withdraw as the capabilities of the ISF increased until responsibility could be handed over to the Iraqi Government. ACM Stirrup's proposed remedy of continued drawdown and managing public opinion did not mitigate the risk of strategic failure he described.

761. In the summer of 2006, in recognition of the need to stabilise Basra and prepare it for transition to Iraqi control, the UK developed the Basra Security Plan, "a plan to improve Basra through operations, high impact reconstruction and SSR [Security Sector Reform] ... lasting for up to six months".[267] The military element of the plan became known as Operation SALAMANCA and included operations against militia groups.

762. In August 2006, ACM Stirrup was asked to give direction on both seeking US help for Op SALAMANCA and the possibility of deploying UK forces to support US operations outside MND(SE).

763. While ACM Stirrup stressed the importance of senior Iraqi political support if Op SALAMANCA was to be a success, Lieutenant General Nicholas Houghton, the Senior British Military Representative – Iraq, indicated a concern that even with US support the capabilities available in MND(SE) might not be sufficient successfully to deliver Op SALAMANCA.

764. ACM Stirrup directed that it was acceptable for the UK to make use of US enablers, such as aviation, in MND(SE), but that, in general, commitments in MND(SE) were to be met by existing MND(SE) personnel (including contractors) and any shortfalls were to be identified and considered appropriately.

765. ACM Stirrup also directed that the deployment of UK troops to Multi-National Division (Centre South):

> "... crossed a clear policy 'red line' and seemed counter-intuitive, given that consideration was also being given to obtaining US forces for MND(SE). The UK needed to draw down its force levels as soon as practicable, both in MND(SE) and elsewhere."[268]

---

[267] Minute Burke-Davies to APS/Secretary of State [MOD], 24 August 2006, 'Iraq: Op SALAMANCA'.
[268] Minutes, 2 August 2006, Chiefs of Staff meeting.

766. The decision not to allow the use of US support in Basra was an important one. The Inquiry considers that the question of what was needed to make Op SALAMANCA a success should have been addressed directly by ACM Stirrup, whose response instead precluded proper consideration of whether additional UK resources would be required.

767. There was continuing resistance to any suggestion that UK forces should operate outside MND(SE) and there may have been concern that US participation in Op SALAMANCA would have led to an obligation on the UK to engage more outside MND(SE). This might not, as ACM Stirrup observed, be consistent with a commitment to drawdown, but might have reduced the risk of strategic failure.

768. The nature of Op SALAMANCA was constrained by the Iraqi Government in September 2006, so that the eventual operation (renamed Operation SINBAD) left "Basra in the hands of the militant militia and death squads, with the ISF unable to impose, let alone maintain, the rule of law".[269] This contributed to the conditions which led the UK into negotiations with JAM in early 2007.

769. Attempts were subsequently made to present Op SINBAD as equivalent to the 2007 US surge. Although there was some resemblance between the "Clear, Hold, Build" tactics to be used by US surge forces and the UK's tactics for Op SINBAD, the UK operation did not deploy sufficient additional resources to conduct "Hold" and "Build" phases with anything like the same strategic effect. The additional 360 troops deployed by the UK could not have had the same effect as the more than 20,000 troops surged into Baghdad and its environs by the US.

770. At the end of 2006, tensions between the military and civilian teams in MND(SE) became explicit. In a report to Mr Blair, Major General Richard Shirreff, General Officer Commanding MND(SE), diagnosed that the existing arrangement, in which the Provincial Reconstruction Team was located in Kuwait, "lacks unity of command and unity of purpose"[270] and proposed the establishment of a "Joint Inter-Agency Task Force" in Basra led by the General Officer Commanding MND(SE).

771. ACM Stirrup's advice to Mr Blair was that it was "too late" to implement Maj Gen Shirreff's proposal. That may have been the right conclusion, but the effect was to deter consideration of a real problem and of ways in which military and civilian operations in MND(SE) could be better aligned.

772. The adequacy of UK force levels in Iraq and the effectiveness of the UK's efforts in MND(SE) were explicitly questioned in Maj Gen Shirreff's end of tour report.

---

[269] Minute Shirreff, 21 September 2006, 'GOC MND(SE) – Southern Iraq Update – 21 September 2006'.
[270] Letter Shirreff to Blair, 29 December 2006, [untitled].

FORCE LEVEL REVIEW

773. The balance of forces between Iraq and Afghanistan was reviewed by DOP in February 2007 on the basis that the UK could only sustain the enduring operational deployment of eight battlegroups.

774. ACM Stirrup's "strong advice",[271] with which DOP agreed, was that the UK should provide two additional battlegroups to the International Security Assistance Force in Afghanistan, reducing the Iraq to Afghanistan battlegroup ratio from 6:2 to 5:3 and then 4:4.

775. This advice did not include an assessment of either the actual state of security in Basra or the impact on the UK's ability to deliver its objectives (including that drawdown should be conditions-based) and responsibilities under resolution 1723 (2006). The advice did identify US "nervousness" about the UK proposals.

776. In early May, Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, sought ACM Stirrup's advice on the future of the UK military presence in Iraq. ACM Stirrup advised that the UK should press ahead with drawdown from Iraq on the basis that there was little more the UK could achieve. There was "no militarily useful mission".[272]

777. Mr Blair was concerned about the implications of ACM Stirrup's position unless the political circumstances in Basra changed first. He commented: "it will be very hard to present as anything other than a total withdrawal ... it cd be very dangerous for the stability of Iraq, & the US will, rightly, be v. concerned."[273]

778. After visiting Basra again in mid-May, ACM Stirrup continued to recommend the drawdown of UK forces. But other contemporary evidence indicated a more negative picture of circumstances in Basra than ACM Stirrup's view that:

> "... the Iraqis are increasingly in a position to take on responsibility for their own problems and therefore they might wish to look to propose the south of the country as a model through which we can recommend a drawdown of forces."[274]

779. In July 2007, FCO and MOD officials recognised that leaving Basra Palace would mean moving to PIC in fact if not in name. Mr Brown, who had become Prime Minister in June, was keen that the gap between leaving the Palace and transfer to PIC should be as small as possible, since UK situational awareness and ability to conduct operations in Basra would be limited once the Palace was no longer in use.

780. During a visit to Iraq at the start of July, ACM Stirrup sought to convince senior US officers that Basra was ready for transfer to PIC on the basis that it would not be possible to demonstrate readiness until after the transfer had taken place.

---

[271] Paper MOD officials, 13 February 2007, 'Iraq and Afghanistan: Balancing Military Effort in 2007'.
[272] Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.
[273] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.
[274] Minute Poffley to PSSC/SofS [MOD], 17 May 2007, 'CDS visit to Iraq 13-16 May 07'.

General David Petraeus, Commanding General MNF-I, and Ambassador Ryan Crocker, US Ambassador to Iraq, remained "circumspect" on the timing of PIC.[275] They considered that there remained "significant problems" associated with "unstable politics" and "JAM infiltration" in Basra.

781. As they reached the end of their respective tours of duty, both Major General Jonathan Shaw, General Officer Commanding MND(SE) from January to August 2007, and Lieutenant General William Rollo, Senior British Military Representative – Iraq from July 2007 to March 2008, identified the impact of limited resources on the UK's military effort and questioned the drive for continued drawdown in Iraq in order to prioritise resources for Helmand. Maj Gen Shaw wrote: "We have been hamstrung for resources throughout the tour, driven by the rising strategic significance of the Afghan deployment."[276]

782. During a visit to Iraq in October 2007, ACM Stirrup was briefed by Major General Graham Binns, General Office Commanding MND(SE) from August 2007 to February 2008, that the ISF might have only limited ability to cope in the event that JAM resumed combat operations. The JIC and others also identified continued weaknesses in the ISF. Their "ability and willingness to maintain security in the South remains patchy and dependent on MNF training, logistic and specialist air support".[277]

THE BEGINNING OF THE END

783. On 27 February 2008, the JIC assessed security prospects in the South at the request of the Permanent Joint Headquarters (PJHQ): security in Basra remained a concern.

784. In March 2008, Prime Minister Maliki instigated the Charge of the Knights to tackle militia groups in Basra. That such an important operation came as a surprise was an indication of the distance between the UK and Iraqi Governments at this point.

785. When the Charge of the Knights began, the UK found itself to be both compromised in the eyes of the Iraqi Government and unable to offer significant operational support, as a result of the tactical decision to negotiate with JAM1 and the absence of situational awareness in Basra after withdrawing from the Basra Palace site.

786. On 1 April, ACM Stirrup briefed the Overseas and Defence Sub-Committee of the National Security, International Relations and Development Committee (NSID(OD)) that the UK military task would be complete by the end of 2008; its timetable would not be affected by the Charge of the Knights.

---

[275] Minute Kyd to PS/SofS [MOD], 5 July 2007, 'CDS visit to Iraq 1-3 Jul 07'.
[276] Letter Shaw to Houghton, 14 August 2007, 'Post operation report Shawforce Jan-Aug 07'.
[277] JIC Assessment, 27 February 2008, 'Iraq: Security Prospects in the South'.

787. ACM Stirrup's conclusion that there was no need to review UK drawdown plans was premature in the light of both the level of uncertainty generated by the Charge of the Knights and continued questions about the ability of the ISF to take the security lead in Basra.

Did the UK achieve its objectives in Iraq?

788. From mid-2005 onwards, various senior individuals – officials, military officers and Ministers – began to consider whether the UK was heading towards "strategic failure" in Iraq.

789. The term "strategic failure" was variously used to mean:

- the development of a widespread sectarian conflict or civil war in Iraq;
- "victory" for terrorist groups;
- collapse of the democratic process;
- failure to achieve the UK's objectives;
- failure to achieve a stable and secure environment in Basra;
- the collapse of the UK/Iraq relationship;
- the division of Iraq and the end of its existence as a nation state;
- damage to the UK's military and political reputation; and
- damage to the relationship between the US and UK.

790. None of the contemporary accounts that the Inquiry has considered reached the conclusion that strategic failure was inevitable, although most recognised that without some form of corrective action it was a serious risk.

791. Although the UK revisited its Iraq strategy with considerable frequency, no substantial change in approach was ever implemented: UK troop numbers continued to reduce; the size of the civilian deployment varied very little; the Iraqiisation of security and handover of responsibility to the Iraqi Government remained key objectives.

792. The Iraq of 2009 certainly did not meet the UK's objectives as described in January 2003: it fell far short of strategic success. Although the borders of Iraq were the same as they had been in 2003, deep sectarian divisions threatened both stability and unity. Those divisions were not created by the coalition, but they were exacerbated by its decisions on de-Ba'athification and on demobilisation of the Iraqi Army and were not addressed by an effective programme of reconciliation.

793. In January 2009, the JIC judged "internal political failures that could lead to renewed violence within and between Iraq's Sunni, Shia and Kurdish communities"[278] to be the greatest strategic threat to Iraq's stability.

---

[278] JIC Assessment, 28 January 2009, 'Iraq: Threats to Stability and UK Mission Change in 2009'.

794. The fragility of the situation in Basra, which had been the focus of UK effort in MND(SE), was clear. The JIC assessed that threats remained from Iranian-backed JAM Special Groups, and the Iraqi Security Forces remained reliant on support from Multi-National Forces to address weaknesses in leadership and tactical support. Even as UK troops withdrew from Basra, the US was sufficiently concerned to deploy its own forces there, to secure the border and protect supply lines.

795. In 2009, Iraq did have a democratically elected Parliament, in which many of Iraq's communities were represented. But, as demonstrated by the protracted process of negotiating agreements on the status of US and then UK forces in Iraq, and the continued absence of a much-needed Hydrocarbons Law, representation did not translate into effective government. In 2008, Transparency International judged Iraq to be the third most corrupt country in the world, and in mid-2009 the Assessments Staff judged that Government ministries were "riddled with" corruption.[279]

796. By 2009, it had been demonstrated that some elements of the UK's 2003 objectives for Iraq were misjudged. No evidence had been identified that Iraq possessed weapons of mass destruction, with which it might threaten its neighbours and the international community more widely. But in the years between 2003 and 2009, events in Iraq had undermined regional stability, including by allowing Al Qaida space in which to operate and unsecured borders across which its members might move.

797. The gap between the ambitious objectives with which the UK entered Iraq and the resources that the Government was prepared to commit to the task was substantial from the start. Even with more resources it would have been difficult to achieve those objectives, as a result of the circumstances of the invasion, the lack of international support, the inadequacy of planning and preparation, and the inability to deliver law and order. The lack of security hampered progress at every turn. It is therefore not surprising that, despite the considerable efforts made by UK civilian and military personnel over this period, the results were meagre.

798. The Inquiry has not been able to identify alternative approaches that would have guaranteed greater success in the circumstances of March 2003. What can be said is that a number of opportunities for the sort of candid reappraisal of policies that would have better aligned objectives and resources did not take place. There was no serious consideration of more radical options, such as an early withdrawal or else a substantial increase in effort. The Inquiry has identified a number of moments, especially during the first year of the Occupation, when it would have been possible to conduct a substantial reappraisal. None took place.

---

[279] CIG Assessment, 21 July 2009, 'How Corrupt is Iraq?'

Key findings

Development of UK strategy and options, 9/11 to early January 2002

799. The following key findings are from Section 3.1:

- After the attacks on the US on 9/11, Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.
- Mr Blair took an active and leading role throughout the autumn of 2001 in building a coalition to act against that threat, including taking military action against the Taliban regime in Afghanistan.
- Mr Blair also emphasised the potential risk of terrorists acquiring and using a nuclear, biological or chemical weapon, and the dangers of inaction.
- In relation to Iraq, Mr Blair sought to influence US policy and prevent precipitate military action by the US, which he considered would undermine the success of the coalition which had been established for action against international terrorism. He recommended identifying an alternative policy which would command widespread international support.
- In December 2001, Mr Blair suggested a strategy for regime change in Iraq that would build over time, including "if necessary" taking military action without losing international support.
- The tactics chosen by Mr Blair were to emphasise the threat which Iraq might pose, rather than a more balanced consideration of both Iraq's capabilities and intent; and to offer the UK's support for President Bush in an effort to influence his decisions on how to proceed.
- That remained Mr Blair's approach in the months that followed.

Development of UK strategy and options, January to April 2002 – "axis of evil" to Crawford

800. The following key findings are from Section 3.2:

- The UK continued to pursue implementation of the "smarter" economic sanctions regime in the first months of 2002, but continuing divisions between Permanent Members of the Security Council meant there was no agreement on the way forward.
- In public statements at the end of February and in the first week of March 2002, Mr Blair and Mr Straw set out the view that Iraq was a threat which had to be dealt with.
- At Cabinet on 7 March, Mr Blair and Mr Straw emphasised that no decisions had been taken and Cabinet was not being asked to take decisions. Cabinet endorsed the conclusion that Iraq's weapons of mass destruction (WMD)

programmes posed a threat to peace and endorsed a strategy of engaging closely with the US Government in order to shape policy and its presentation.

- At Crawford, Mr Blair offered President Bush a partnership in dealing urgently with the threat posed by Saddam Hussein. He proposed that the UK and US should pursue a strategy based on an ultimatum calling on Iraq to permit the return of weapons inspectors or face the consequences.
- Following his meeting with President Bush, Mr Blair stated that Saddam Hussein had to be confronted and brought back into compliance with the UN.
- The acceptance of the possibility that the UK might participate in a military invasion of Iraq was a profound change in UK thinking. Although no decisions had been taken, that became the basis for contingency planning in the months ahead.

Development of UK strategy and options, April to July 2002

801. The following key findings are from Section 3.3:

- By July 2002, the UK Government had concluded that President Bush was impatient to move on Iraq and that the US might take military action in circumstances that would be difficult for the UK.
- Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership with the US and setting out a framework for action.
- Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.
- Mr Blair's Note, which had not been discussed or agreed with his colleagues, set the UK on a path leading to diplomatic activity in the UN and the possibility of participation in military action in a way that would make it very difficult for the UK subsequently to withdraw its support for the US.

Development of UK strategy and options, late July to 14 September 2002

802. The following key findings are from Section 3.4:

- In discussions with the US over the summer of 2002, Mr Blair and Mr Straw sought to persuade the US Administration to secure multilateral support before taking action on Iraq; and to do so through the UN. They proposed a strategy in which the first objective was to offer Iraq the opportunity and last chance to comply with its obligations to disarm.
- If Iraq did not take that opportunity and military action was required, the UK was seeking to establish conditions whereby such action would command multilateral support and be taken with the authority of the Security Council.

- Mr Blair also decided to publish an explanation of why action was needed to deal with Iraq; and to recall Parliament to debate the issue.
- The UK made a significant contribution to President Bush's decision, announced on 12 September, to take the issue of Iraq back to the UN.
- Statements made by China, France and Russia after President Bush's speech highlighted the different positions of the five Permanent Members of the Security Council, in particular about the role of the Council in deciding whether military action was justified. As a result, the negotiation of resolution 1441 was complex and difficult.

Development of UK strategy and options, September to November 2002 – the negotiation of resolution 1441

803. The following key findings are from Section 3.5:

- The declared objective of the US and UK was to obtain international support within the framework of the UN for a strategy of coercive diplomacy for the disarmament of Iraq. For the UK, regime change was a means to achieve disarmament, not an objective in its own right.
- The negotiation of resolution 1441 reflected a broad consensus in the UN Security Council on the need to achieve the disarmament of Iraq.
- To secure consensus in the Security Council despite the different positions of the US and France and Russia, resolution 1441 was a compromise containing drafting 'fixes'.
- That created deliberate ambiguities on a number of key issues including: the level of non-compliance with resolution 1441 which would constitute a material breach; by whom that determination would be made; and whether there would be a second resolution explicitly authorising the use of force.

Development of UK strategy and options, November 2002 to January 2003

804. The following key findings are from Section 3.6:

- Following the adoption of resolution 1441, the UK was pursuing a strategy of coercive diplomacy to secure the disarmament of Iraq. The hope was that this might be achieved by peaceful means, but views differed on how likely that would be.
- The UK Government remained convinced that Iraq had retained prohibited weapons and was pursuing chemical, biological and ballistic missile programmes in contravention of its obligations to disarm; and that the absence of evidence of weapons and programmes was the result of a successful policy of concealment.

- By early January 2003, Mr Blair had concluded that Iraq had had "no change of heart" and military action to remove Saddam Hussein's regime was likely to be required to disarm Iraq.
- The US Administration was planning military action no later than early March.
- Mr Blair and Mr Straw concluded that a second UN resolution would be essential to secure domestic and international support for military action. In the absence of a "smoking gun", that would require more time and a series of reports from the UN inspectors which established a pattern of Iraqi non-compliance with its obligations.
- Mr Blair secured President Bush's support for a second resolution but did not secure agreement that the inspections process should continue until the end of March or early April. That left little time for the inspections process to provide the evidence that would be needed to achieve international agreement on the way ahead.

Development of UK strategy and options, 1 February to 7 March 2003

805. The following key findings are from Section 3.7:

- By the time the Security Council met on 7 March 2003 there were deep divisions within it on the way ahead on Iraq.
- Following President Bush's agreement to support a second resolution to help Mr Blair, Mr Blair and Mr Straw continued during February and early March 2003 to develop the position that Saddam Hussein was not co-operating as required by resolution 1441 (2002) and, if that situation continued, a second resolution should be adopted stating that Iraq had failed to take the final opportunity offered by the Security Council.
- On 6 February, Mr Blair said that the UK would consider military action without a further resolution only if the inspectors reported that they could not do their job and a resolution was vetoed unreasonably. The UK would not take military action without a majority in the Security Council.
- Mr Blair's proposals, on 19 February, for a side statement defining tough tests for Iraq's co-operation and a deadline of 14 March for a vote by the Security Council, were not agreed by the US.
- The initial draft of a US, UK and Spanish resolution tabled on 24 February, which simply invited the Security Council to decide that Iraq had failed to take the final opportunity offered by resolution 1441, failed to attract support.
- Throughout February, the divisions in the Security Council widened.
- France, Germany and Russia set out their common position on 10 and 24 February. Their joint Memorandum of 24 February called for a programme of continued and reinforced inspections with a clear timeline and a military build-up to exert maximum pressure on Iraq to disarm.

- The reports to the Security Council by the IAEA reported increasing indications of Iraqi co-operation. On 7 March, Dr ElBaradei reported that there was no indication that Iraq had resumed nuclear activities and that it should be able to provide the Security Council with an assessment of Iraq's activities in the near future.
- Dr Blix reported to the Security Council on 7 March that there had been an acceleration of initiatives from Iraq and, while they did not constitute immediate co-operation, they were welcome. UNMOVIC would be proposing a work programme for the Security Council's approval, based on key tasks for Iraq to address. It would take months to verify sites and items, analyse documents, interview relevant personnel and draw conclusions.
- A revised draft US, UK and Spanish resolution, tabled after the reports by Dr Blix and Dr ElBaradei on 7 March and proposing a deadline of 17 March for Iraq to demonstrate full co-operation, also failed to attract support.
- China, France and Russia all stated that they did not favour a resolution authorising the use of force and that the Security Council should maintain its efforts to find a peaceful solution.
- Sir Jeremy Greenstock advised that a "side statement" with defined benchmarks for Iraqi co-operation could be needed to secure support from Mexico and Chile.
- Mr Blair told President Bush that he would need a majority of nine votes in the Security Council for Parliamentary approval for UK military action.

Iraq WMD assessments, pre-July 2002

806. The following key findings are from Section 4.1:

- The ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, had underpinned the UK Government's policy towards Iraq since the Gulf Conflict ended in 1991.
- Iraq's chemical, biological and ballistic missile programmes were seen as a threat to international peace and security in the Middle East, but overall, the threat from Iraq was viewed as less serious than that from other key countries of concern – Iran, Libya and North Korea.
- The Assessments issued by the Joint Intelligence Committee (JIC) reflected the uncertainties within the intelligence community about the detail of Iraq's activities.
- The statements prepared for, and used by, the UK Government in public from late 2001 onwards conveyed more certainty than the JIC Assessments about Iraq's proscribed activities and the potential threat they posed.

- The tendency to refer in public statements only to Iraq's "weapons of mass destruction" was likely to have created the impression that Iraq posed a greater threat than the detailed JIC Assessments would have supported.
- There was nothing in the JIC Assessments issued before July 2002 that would have raised any questions in policy-makers' minds about the core construct of Iraq's capabilities and intent. Indeed, from May 2001 onwards, the perception conveyed was that Iraqi activity could have increased since the departure of the weapons inspectors, funded by Iraq's growing illicit income from circumventing the sanctions regime.
- In the light of sensitivities about their content and significance, publication of documents on 'Iraq's Weapons of Mass Destruction', 'Weapons Inspections' and 'Abuse of Human Rights' was postponed until the policy on Iraq was clearer.

Iraq WMD assessments, July to September 2002

807. The following key findings are from Section 4.2:

- The urgency and certainty with which the Government stated that Iraq was a threat which had to be dealt with fuelled the demand for publication of the dossier and led to Mr Blair's decision to publish it in September, separate from any decision on the way ahead.
- The dossier was designed to "make the case" and secure Parliamentary and public support for the Government's position that action was urgently required to secure Iraq's disarmament.
- The JIC accepted ownership of the dossier and agreed its content. There is no evidence that intelligence was improperly included in the dossier or that No.10 improperly influenced the text.
- The assessed intelligence had not established beyond doubt either that Saddam Hussein had continued to produce chemical and biological weapons or that efforts to develop nuclear weapons continued. The JIC should have made that clear to Mr Blair.
- In his statement to Parliament on 24 September 2002, Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction; and that at some point in the future that threat would become a reality.
- The dossier's description of Iraq's capabilities and intent became part of the baseline against which the UK Government measured Iraq's future statements and actions and the success of weapons inspections.
- The widespread perception that the September 2002 dossier overstated the firmness of the evidence has produced a damaging legacy which may make it more difficult to secure support for Government policy, including military action, where the evidence depends on inferential judgements drawn from intelligence.

- There are lessons which should be implemented in using information from JIC Assessments to underpin policy decisions.

Iraq WMD assessments, October 2002 to March 2003

808. The following key findings are from Section 4.3:

- The ingrained belief already described in this Section underpinned the UK Government's position that Iraq was a threat that had to be dealt with and it needed to disarm or be disarmed. That remained the case up to and beyond the decision to invade Iraq in March 2003.
- The judgements about Iraq's capabilities and intentions relied too heavily on Iraq's past behaviour being a reliable indicator of its current and future actions.
- There was no consideration of whether, faced with the prospect of a US-led invasion, Saddam Hussein had taken a different position.
- The JIC made the judgements in the UK Government September dossier part of the test for Iraq.
- Iraq's statements that it had no weapons or programmes were dismissed as further evidence of a strategy of denial.
- The extent to which the JIC's judgements depended on inference and interpretation of Iraq's previous attitudes and behaviour was not recognised.
- At no stage was the hypothesis that Iraq might no longer have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.
- A formal reassessment of the JIC's judgements should have taken place after Dr Blix's report to the Security Council on 14 February 2003 or, at the very latest, after his report of 7 March.
- Intelligence and assessments made by the JIC about Iraq's capabilities and intent continued to be used to prepare briefing material to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.
- The independence and impartiality of the JIC remains of the utmost importance.
- SIS had a responsibility to ensure that key recipients of its reporting were informed in a timely way when doubts arose about key sources and when, subsequently, intelligence was withdrawn.

The search for WMD

809. The following key findings are from Section 4.4:

- The search for evidence of WMD in Iraq was started during the military campaign by Exploitation Task Force-75 and was carried forward from June 2003 by the Iraq Survey Group (ISG). The UK participated in both.

- As the insurgency developed, the ISG's operating conditions became increasingly difficult. There was competition for resources between counter-terrorism operations and the search for WMD evidence, and some ISG staff were diverted to the former.
- Mr Blair took a close interest in the work of the ISG and the presentation of its reports and the wider narrative about WMD. He raised the subject with President Bush.
- The Government was confident that pre-conflict assessments of Iraq's WMD capabilities would be confirmed once Saddam Hussein's regime had been removed.
- It quickly became apparent that it was unlikely that significant stockpiles would be found. This led to challenges to the credibility of both the Government and the intelligence community.
- There were soon demands for an independent judge-led inquiry into the pre-conflict intelligence.
- The Government was quick to acknowledge the need for a review, rejecting an independent inquiry in favour of reviews initiated by the House of Commons Foreign Affairs Committee and the Intelligence and Security Committee of Parliament.
- The Government's reluctance to establish an independent public inquiry became untenable in January 2004 when President Bush announced his own decision to set up an independent inquiry in the US.
- Faced with criticism of the pre-conflict intelligence and the absence of evidence of a current Iraqi WMD capability, Mr Blair sought to defend the decision to take military action by emphasising instead:
  - Saddam Hussein's strategic intent;
  - the regime's breaches of Security Council resolutions; and
  - the positive impact of military action in Iraq on global counter-proliferation efforts.
- The ISG's principal findings – that Iraq's WMD capability had mostly been destroyed in 1991 but that it had been Saddam Hussein's strategic intent to preserve the capability to reconstitute his WMD – were significant, but did not support statements made by the UK and US Governments before the invasion, which had focused on Iraq's current capabilities and an urgent and growing threat.
- The explanation for military action put forward by Mr Blair in October 2004 drew on the ISG's findings, but was not the explanation given before the conflict.

Advice on the legal basis for military action, November 2002 to March 2003

810. The following key findings are from Section 5:

- On 9 December, formal 'instructions' to provide advice were sent to Lord Goldsmith. They were sent by the FCO on behalf of the FCO and the MOD as well as No.10. The instructions made it clear that Lord Goldsmith should not provide an immediate response.
- Until 27 February, No.10 could not have been sure that Lord Goldsmith would advise that there was a basis on which military action against Iraq could be taken in the absence of a further decision of the Security Council.
- Lord Goldsmith's formal advice of 7 March set out alternative interpretations of the legal effect of resolution 1441. While Lord Goldsmith remained "of the opinion that the safest legal course would be to secure a second resolution", he concluded (paragraph 28) that "a reasonable case can be made that resolution 1441 was capable of reviving the authorisation in resolution 678 without a further resolution".
- Lord Goldsmith wrote that a reasonable case did not mean that if the matter ever came to court, he would be confident that the court would agree with this view. He judged a court might well conclude that OPs 4 and 12 required a further Security Council decision in order to revive the authorisation in resolution 678.
- At a meeting on 11 March, there was concern that the advice did not offer a clear indication that military action would be lawful. Lord Goldsmith was asked, after the meeting, by Admiral Boyce on behalf of the Armed Forces, and by the Treasury Solicitor, Ms Juliet Wheldon, in respect of the Civil Service, to give a clear-cut answer on whether military action would be lawful rather than unlawful.
- Lord Goldsmith concluded on 13 March that, on balance, the "better view" was that the conditions for the operation of the revival argument were met in this case, meaning that there was a lawful basis for the use of force without a further resolution beyond resolution 1441.
- Mr Brummell wrote to Mr Rycroft on 14 March:

  > "It is an essential part of the legal basis for military action without a further resolution of the Security Council that there is strong evidence that Iraq has failed to comply with and co-operate fully in the implementation of resolution 1441 and has thus failed to take the final opportunity offered by the Security Council in that resolution. The Attorney General understands that it is unequivocally the Prime Minister's view that Iraq has committed further material breaches as specified in [operative] paragraph 4 of resolution 1441, but as this is a judgment for the Prime Minister, the Attorney would be grateful for confirmation that this is the case."

- Mr Rycroft replied to Mr Brummell on 15 March:

  > "This is to confirm that it is indeed the Prime Minister's unequivocal view that Iraq is in further material breach of its obligations, as in OP4 [operative paragraph 4] of UNSCR 1441, because of 'false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure to comply with, and co-operate fully in the interpretation of, this resolution'."

- Senior Ministers should have considered the question posed in Mr Brummell's letter of 14 March, either in the Defence and Overseas Policy Committee or a "War Cabinet", on the basis of formal advice. Such a Committee should then have reported its conclusions to Cabinet before its Members were asked to endorse the Government's policy.
- Cabinet was provided with the text of Lord Goldsmith's Written Answer to Baroness Ramsey setting out the legal basis for military action.
- That document represented a statement of the Government's legal position – it did not explain the legal basis of the conclusion that Iraq had failed to take "the final opportunity" to comply with its disarmament obligations offered by resolution 1441.
- Cabinet was not provided with written advice which set out, as the advice of 7 March had done, the conflicting arguments regarding the legal effect of resolution 1441 and whether, in particular, it authorised military action without a further resolution of the Security Council.
- The advice should have been provided to Ministers and senior officials whose responsibilities were directly engaged and should have been made available to Cabinet.

Development of the military options for an invasion of Iraq

811. The following key findings are from Section 6.1:

- The size and composition of a UK military contribution to the US-led invasion of Iraq was largely discretionary. The US wanted some UK capabilities (including Special Forces), to use UK bases, and the involvement of the UK military to avoid the perception of unilateral US military action. The primary impetus to maximise the size of the UK contribution and the recommendations on its composition came from the Armed Forces, with the agreement of Mr Hoon.
- From late February 2002, the UK judged that Saddam Hussein's regime could only be removed by a US-led invasion.
- In April 2002, the MOD advised that, if the US mounted a major military operation, the UK should contribute a division comprising three brigades. That was perceived to be commensurate with the UK's capabilities and the demands of the campaign. Anything smaller risked being compared adversely to the UK's contribution to the liberation of Kuwait in 1991.

- The MOD saw a significant military contribution as a means of influencing US decisions.
- Mr Blair and Mr Hoon wanted to keep open the option of contributing significant forces for ground operations as long as possible, but between May and mid-October consistently pushed back against US assumptions that the UK would provide a division.
- Air and maritime forces were offered to the US for planning purposes in September.
- The MOD advised in October that the UK was at risk of being excluded from US plans unless it offered ground forces, "Package 3", on the same basis as air and maritime forces. That could also significantly reduce the UK's vulnerability to US requests to provide a substantial and costly contribution to post-conflict operations.
- From August until December 2002, other commitments meant that UK planning for Package 3 was based on providing a divisional headquarters and an armoured brigade for operations in northern Iraq. That was seen as the maximum practicable contribution the UK could generate within the predicted timescales for US action.
- The deployment was dependent on Turkey's agreement to the transit of UK forces.
- Mr Blair agreed to offer Package 3 on 31 October 2002.
- That decision and its potential consequences were not formally considered by a Cabinet Committee or reported to Cabinet.
- In December 2002, the deployment of 3 Commando Brigade was identified as a way for the UK to make a valuable contribution in the initial stages of a land campaign if transit through Turkey was refused. The operational risks were not explicitly addressed.
- Following a visit to Turkey on 7 to 8 January 2003, Mr Hoon concluded that there would be no agreement to the deployment of UK ground forces through Turkey.
- By that time, in any case, the US had asked the UK to deploy for operations in southern Iraq.

Military planning for the invasion, January to March 2003

812. The following key findings are from Section 6.2:

- The decisions taken between mid-December 2002 and mid-January 2003 to increase the combat force deployed to three brigades and bring forward the date on which UK forces might participate in combat operations compressed the timescales available for preparation.

- The decision to deploy a large scale force for potential combat operations was taken without collective Ministerial consideration of the decision and its implications.
- The large scale force deployed was a one-shot capability. It would have been difficult to sustain the force if combat operations had been delayed until autumn 2003 or longer, and it constrained the capabilities which were available for a UK military contribution to post-conflict operations.

Military equipment (pre-conflict)

813. The following key findings are from Section 6.3:

- The decisions taken between mid-December 2002 and mid-January 2003 to increase combat forces and bring forward the date on which UK forces might participate in combat operations compressed the timescales available for preparation.
- The achievements made in preparing the forces in the time available were very considerable, but the deployment of forces more quickly than anticipated in the Defence Planning Assumptions meant that there were some serious equipment shortfalls when conflict began.
- Those shortfalls were exacerbated by the lack of an effective asset tracking system, a lesson from previous operations and exercises that the MOD had identified but not adequately addressed.
- Ministers were not fully aware of the risks inherent in the decisions and the MOD and PJHQ were not fully aware of the situation on the ground during the conflict.

Planning for a post-Saddam Hussein Iraq

814. The following key findings are from Section 6.4, and relate to evidence in Sections 6.4 and 6.5:

- Before the invasion of Iraq, Ministers, senior officials and the UK military recognised that post-conflict civilian and military operations were likely to be the strategically decisive phase of the Coalition's engagement in Iraq.
- UK planning and preparation for the post-conflict phase of operations, which rested on the assumption that the UK would be able quickly to reduce its military presence in Iraq and deploy only a minimal number of civilians, were wholly inadequate.
- The information available to the Government before the invasion provided a clear indication of the potential scale of the post-conflict task and the significant risks associated with the UK's proposed approach.
- Foreseeable risks included post-conflict political disintegration and extremist violence in Iraq, the inadequacy of US plans, the UK's inability to exert significant influence on US planning and, in the absence of UN authorisation

for the administration and reconstruction of post-conflict Iraq, the reluctance of potential international partners to contribute to the post-conflict effort.

- The Government, which lacked both clear Ministerial oversight of post-conflict strategy, planning and preparation, and effective co-ordination between government departments, failed to analyse or manage those risks adequately.
- Mr Blair, who recognised the significance of the post-conflict phase, did not press President Bush for definite assurances about US plans, did not consider or seek advice on whether the absence of a satisfactory plan called for reassessment of the terms of the UK's engagement and did not make agreement on such a plan a condition of UK participation in military action.

The invasion

815. The following key findings are from Section 8:

- It took less than a month to achieve the departure of Saddam Hussein and the fall of Baghdad.
- The decision to advance into Basra was made by military commanders on the ground.
- The UK was unprepared for the media response to the initial difficulties. It had also underestimated the need for sustained communication of key strategic messages to inform public opinion about the objectives and progress of the military campaign, including in Iraq.
- For any future military operations, arrangements to agree and disseminate key strategic messages need to be put in place, in both London and on the ground, before operations begin.
- The UK acceded to the post-invasion US request that it assume leadership of a military Area of Responsibility (AOR) encompassing four provinces in southern Iraq, a position it then held for six years, without a formal Ministerial decision and without carrying out a robust analysis of the strategic implications for the UK or the military's capacity to support the UK's potential obligations in the region.

The post-conflict period

816. The following key findings are from Section 9.8, and relate to evidence in Sections 9.1 to 9.7:

- Between 2003 and 2009, the UK's most consistent strategic objective in relation to Iraq was to reduce the level of its deployed forces.
- The UK struggled from the start to have a decisive effect on the Coalition Provisional Authority's (CPA's) policies, even though it was fully implicated in its decisions as joint Occupying Power.

- US and UK strategies for Iraq began to diverge almost immediately after the conflict. Although the differences were managed, by early 2007 the UK was finding it difficult to play down the divergence, which was, by that point, striking.
- The UK missed clear opportunities to reconsider its military approach in Multi-National Division (South-East).
- Throughout 2004 and 2005, it appears that senior members of the Armed Forces reached the view that little more would be achieved in MND(SE) and that it would make more sense to concentrate military effort on Afghanistan where it might have greater effect.
- From July 2005 onwards, decisions in relation to resources for Iraq were made under the influence of the demands of the UK effort in Afghanistan. Although Iraq remained the stated UK main effort, the Government no longer had the option of a substantial reinforcement of its forces there.
- The UK's plans to reduce troop levels depended on the transition of lead responsibility for security to the Iraqi Security Forces, even as the latter's ability to take on that responsibility was in question.
- The UK spent time and energy on rewriting strategies, which tended to describe a desired end state without setting out how it would be reached.
- UK forces withdrew from Iraq in 2009 in circumstances which did not meet objectives defined in January 2003.

Reconstruction

817. The following key findings are from Section 10.4, and relate to evidence in Sections 10.1 to 10.3:

- The UK failed to plan or prepare for the major reconstruction programme required in Iraq.
- Reconstruction was the third pillar in a succession of UK strategies for Iraq. The Government never resolved how reconstruction would support broader UK objectives.
- Following the resignation of Ms Clare Short, the International Development Secretary, and the adoption of UN Security Council resolution 1483 in May 2003, DFID assumed leadership of the UK's reconstruction effort in Iraq. DFID would subsequently define, within the framework established by the Government, the scope and nature of that effort.
- At key points, DFID should have considered strategic questions about the scale, focus and purpose of the UK's reconstruction effort in Iraq.
- The US-led Coalition Provisional Authority excluded the UK from discussions on oil policy and on disbursements from the Development Fund for Iraq.
- Many of the failures which affected pre-invasion planning and preparation persisted throughout the post-conflict period. They included poor

inter-departmental co-ordination, inadequate civilian military co-operation and a failure to use resources coherently.

- An unstable and insecure environment made it increasingly difficult to make progress on reconstruction. Although staff and contractors developed innovative ways to deliver projects and manage risks, the constraints were never overcome. Witnesses to the Inquiry identified some successes, in particular in building the capacity of central Iraqi Government institutions and the provincial government in Basra.
- Lessons learned through successive reviews of the UK approach to post-conflict reconstruction and stabilisation, in Iraq and elsewhere, were not applied in Iraq.

De-Ba'athification

818. The following key findings are from Section 11.2, and relate to evidence in Section 11.1:

- Early decisions on the form of de-Ba'athification and its implementation had a significant and lasting negative impact on Iraq.
- Limiting de-Ba'athification to the top three tiers of the party, rather than extending it to the fourth, would have had the potential to be far less damaging to Iraq's post-invasion recovery and political stability.
- The UK's ability to influence the CPA decision on the scope of the policy was limited and informal.
- The UK chose not to act on its well-founded misgivings about handing over the implementation of de-Ba'athification policy to the Governing Council.

Security Sector Reform

819. The following key findings are from Section 12.2, and relate to evidence in Section 12.1:

- Between 2003 and 2009, there was no coherent US/UK strategy for Security Sector Reform (SSR).
- The UK began work on SSR in Iraq without a proper understanding of what it entailed and hugely underestimated the magnitude of the task.
- The UK was unable to influence the US or engage it in a way that produced an Iraq-wide approach.
- There was no qualitative way for the UK to measure progress. The focus on the quantity of officers trained for the Iraqi Security Forces, rather than the quality of officers, was simplistic and gave a misleading sense of comfort.
- After 2006, the UK's determination to withdraw from Iraq meant that aspirations for the Iraqi Security Forces were lowered to what would be "good enough" for Iraq. It was never clear what that meant in practice.

- The development of the Iraqi Army was considerably more successful than that of the Iraqi Police Service. But the UK was still aware before it withdrew from Iraq that the Iraqi Army had not been sufficiently tested. The UK was not confident that the Iraqi Army could maintain security without support.

Resources

820. The following key findings are from Section 13.2, and relate to evidence in Section 13.1:

- The direct cost of the conflict in Iraq was at least £9.2bn (the equivalent of £11.83bn in 2016). In total, 89 percent of that was spent on military operations.
- The Government's decision to take part in military action against Iraq was not affected by consideration of the potential financial cost to the UK of the invasion or the post-conflict period.
- Ministers were not provided with estimates of military conflict and post-conflict costs, or with advice on their affordability, when decisions were taken on the scale of the UK's military contribution to a US-led invasion of Iraq, and on the UK's role in the post-conflict period. They should have been.
- There was no articulated need for additional financial resources for military operations in Iraq that was not met.
- The arrangements for funding military Urgent Operational Requirements and other military costs worked as intended, and did not constrain the UK military's ability to conduct operations in Iraq.
- The controls imposed by the Treasury on the MOD's budget in September 2003 did not constrain the UK military's ability to conduct operations in Iraq.
- The Government was slow to recognise that Iraq was an enduring operation, and to adapt its funding arrangements to support both military operations and civilian activities.
- The arrangements for securing funding for civilian activities could be slow and unpredictable. Some high-priority civilian activities were funded late or only in part.

Military equipment (post-conflict)

821. The following key findings are from Section 14.2, and relate to evidence in Section 14.1:

- Between 2003 and 2009, UK forces in Iraq faced gaps in some key capability areas, including protected mobility, Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) and helicopter support.
- It was not sufficiently clear which person or department within the MOD had responsibility for identifying and articulating capability gaps.

- Delays in providing adequate medium weight Protected Patrol Vehicles (PPVs) and the failure to meet the needs of UK forces in MND(SE) for ISTAR and helicopters should not have been tolerated.
- The MOD was slow in responding to the developing threat in Iraq from Improvised Explosive Devices (IEDs). The range of protected mobility options available to commanders in MND(SE) was limited. Although work had begun before 2002 to source an additional PPV, it was only ordered in July 2006 following Ministerial intervention.
- Funding was not a direct barrier to the identification and deployment of additional solutions to the medium weight PPV gap. But it appears that the longer-term focus of the Executive Committee of the Army Board on the Future Rapid Effect System programme inhibited it from addressing the more immediate issue related to medium weight PPV capability.
- The decision to deploy troops to Afghanistan had a material impact on the availability of key capabilities for deployment to Iraq, particularly helicopters and ISTAR.

Civilian personnel

822. The following key findings are from Section 15.2, and relate to evidence in Section 15.1:

- Before the invasion of Iraq, the Government had made only minimal preparations for the deployment of civilian personnel.
- There was an enduring gap between the Government's civilian capacity and the level of its ambition in Iraq.
- There was no overarching consideration by the Government of the extent to which civilians could be effective in a highly insecure environment, or of the security assets needed for civilians to do their jobs effectively.
- The evidence seen by the Inquiry indicates that the Government recognised its duty of care to UK-based and locally engaged civilians in Iraq. A significant effort was made to keep civilians safe in a dangerous environment.

Service Personnel

823. The following key findings are from Section 16.4, and relate to evidence in Sections 16.1 to 16.3:

- In 2002, the UK military was already operating at, and in some cases beyond, the limits of the guidelines agreed in the 1998 *Strategic Defence Review*. As a result, the Harmony Guidelines were being breached for some units and specialist trades.
- The Government's decision to contribute a military force to a US-led invasion of Iraq inevitably increased the risk that more Service Personnel would be put

in breach of the Harmony Guidelines. The issue of the potential pressure on Service Personnel was not a consideration in the decision.

- The MOD planned and prepared effectively to provide medical care in support of Operation TELIC.
- There were major improvements in the provision of medical care, mental healthcare and rehabilitative care available to Service Personnel over the course of Op TELIC.
- Most of the contacts between the MOD and bereaved families were conducted with sensitivity. In a few cases, they were not. The MOD progressively improved how it engaged with and supported bereaved families, in part driven by consistent public and Ministerial pressure.
- The Government's decision in 2006 to deploy a second medium scale force to Helmand province in Afghanistan further increased the pressure on Service Personnel, on elements of the MOD's welfare, medical and investigative systems, and the coronial system.
- Much of the MOD's and the Government's effort from 2006 was focused on addressing those pressures.
- The MOD should have planned and prepared to address those pressures, rather than react to them.
- The Government should have acted sooner to address the backlog of inquests into the deaths of Service Personnel. The support it did provide, in June 2006, cleared the backlog.
- The MOD made a number of improvements to the Board of Inquiry process, but some proposals for more substantive reform (including the introduction of an independent member) were not fully explored. The MOD significantly improved the way it communicated with and supported bereaved families in relation to military investigations and inquests.
- The MOD was less effective at providing support to Service Personnel who were mobilised individually (a category which included almost all Reservists) and their families, than to formed units.

Civilian casualties

824. The following key findings are from Section 17:

- The Inquiry considers that a Government has a responsibility to make every reasonable effort to understand the likely and actual effects of its military actions on civilians.
- In the months before the invasion, Mr Blair emphasised the need to minimise the number of civilian casualties arising from an invasion of Iraq. The MOD's responses offered reassurance based on the tight targeting procedures governing the air campaign.

- The MOD made only a broad estimate of direct civilian casualties arising from an attack on Iraq, based on previous operations.
- With hindsight, greater efforts should have been made in the post-conflict period to determine the number of civilian casualties and the broader effects of military operations on civilians. More time was devoted to the question of which department should have responsibility for the issue of civilian casualties than it was to efforts to determine the actual number.
- The Government's consideration of the issue of Iraqi civilian casualties was driven by its concern to rebut accusations that Coalition Forces were responsible for the deaths of large numbers of civilians, and to sustain domestic support for operations in Iraq.

Lessons

825. In a number of Sections of this Report, the Inquiry has set out explicit lessons. They relate in particular to those elements of the UK's engagement in Iraq which might be replicated in future operations.

826. The decision to join the US-led invasion of Iraq in 2003 was the product of a particular set of circumstances which are unlikely to be repeated. Unlike other instances in which military force has been used, the invasion was not prompted by the aggression of another country or an unfolding humanitarian disaster. The lessons drawn by the Inquiry on the pre-conflict element of this Report are therefore largely context-specific and embedded in its conclusions. Lessons on collective Ministerial decision-making, where the principles identified are enduring ones, are an exception. They, and other lessons which have general application, are set out below.

The decision to go to war

827. In a democratic system, public support and understanding for a major military operation are essential. It is therefore important to guard against overstating what military action might achieve and against any tendency to play down the risks. A realistic assessment of the possibilities and limitations of armed force, and of the challenges of intervening in the affairs of other States, should help any future UK Government manage expectations, including its own.

828. When the potential for military action arises, the Government should not commit to a firm political objective before it is clear that it can be achieved. Regular reassessment is essential, to ensure that the assumptions upon which policy is being made and implemented remain correct.

829. Once an issue becomes a matter for the Security Council, the UK Government cannot expect to retain control of how it is to be discussed and eventually decided unless it is able to work with the interests and agendas of other Member States. In relation to Iraq, the independent role of the inspectors was a further dimension.

830. A military timetable should not be allowed to dictate a diplomatic timetable. If a strategy of coercive diplomacy is being pursued, forces should be deployed in such a way that the threat of action can be increased or decreased according to the diplomatic situation and the policy can be sustained for as long as necessary.

831. The issue of influencing the US, both at the strategic and at the operational level, was a constant preoccupation at all levels of the UK Government.

832. Prime Ministers will always wish to exercise their own political judgement on how to handle the relationship with the US. It will depend on personal relationships as well as on the nature of the issues being addressed. On all these matters of strategy and diplomacy, the Inquiry recognises that there is no standard formula that will be appropriate in all cases.

833. Whether or not influence has been exercised can be difficult to ascertain, even in retrospect. The views of allies are most likely to make a difference when they come in one side of an internal debate, and there are a number of instances where the UK arguments did make a difference to the formation and implementation of US policy. The US and UK are close allies, but the relationship between the two is unequal.

834. The exercise of influence will always involve a combination of identifying the prerequisites for success in a shared endeavour, and a degree of bargaining to make sure that the approach meets the national interest. In situations like the run-up to the invasion of Iraq:

- If certain measures are identified as prerequisite for success then their importance should be underlined from the start. There are no prizes for sharing a failure.
- Those measures that are most important should be pursued persistently and consistently.
- If it is assumed that a consequence of making a contribution in one area is that a further contribution would not be required in another, then that should be made explicit.
- Influence should not be set as an objective in itself. The exercise of influence is a means to an end.

Weapons of mass destruction

835. There will continue to be demands for factual evidence to explain the background to controversial policy decisions including, where appropriate, the explicit and public use of assessed intelligence.

836. The Inquiry shares the Butler Review's conclusions that it was a mistake not to see the risk of combining in the September dossier the JIC's assessment of intelligence and other evidence with the interpretation and presentation of the evidence in order to make the case for policy action.

837. The nature of the two functions is fundamentally different. As can be seen from the JIC Assessments quoted in, and published with, this report, they contain careful language intended to ensure that no more weight is put on the evidence than it can bear. Organising the evidence in order to present an argument in the language of Ministerial statements produces a quite different type of document.

838. The widespread perception that the September 2002 dossier overstated the firmness of the evidence about Iraq's capabilities and intentions in order to influence opinion and "make the case" for action to disarm Iraq has produced a damaging legacy, including undermining trust and confidence in Government statements, particularly those which rely on intelligence which cannot be independently verified.

839. As a result, in situations where the policy response may involve military action and the evidence, at least in part, depends on inferential judgements drawn from necessarily incomplete intelligence, it may be more difficult to secure support for the Government's position and agreement to action.

840. The explicit and public use of material from JIC Assessments to underpin policy decisions will be infrequent. But, from the evidence on the compilation of the September dossier, the lessons for any similar exercise in future would be:

- The need for clear separation of the responsibility for analysis and assessment of intelligence from the responsibility for making the argument for a policy.
- The importance of precision in describing the position. In the case of the September dossier, for instance, the term "programme" was used to describe disparate activities at very different stages of maturity. There was a "programme" to extend the range of the Al Samoud missile. There was no "programme" in any meaningful sense to develop and produce nuclear weapons. Use of the shorthand CW or BW in relation to Iraq's capability obscured whether the reference was to weapons or warfare. Constant use of the term "weapons of mass destruction" without further clarification obscured the differences between the potential impact of nuclear, biological and chemical weapons and the ability to deliver them effectively. For example, there would be a considerable difference between the effects of an artillery shell filled with mustard gas, which is a battlefield weapon, and a long-range ballistic missile with a chemical or biological warhead, which is a weapon of terror.
- The need to identify and accurately describe the confidence and robustness of the evidence base. There may be evidence which is "authoritative" or which puts an issue "beyond doubt"; but there are unlikely to be many circumstances when those descriptions could properly be applied to inferential judgements relying on intelligence.
- The need to be explicit about the likelihood of events. The possibility of Iraq producing and using an improvised nuclear device was, rightly, omitted from the dossier. But the claim that Iraq could build a nuclear weapon within one to two

years if it obtained fissile material and other essential components from foreign sources was included without addressing how feasible and likely that would be. In addition, the Executive Summary gave prominence to the International Institute of Strategic Studies suggestion that Iraq would be able to assemble nuclear weapons within months if it could obtain fissile material, without reference to the material in the main text of the dossier which made clear that the UK took a very different view.

- The need to be scrupulous in discriminating between facts and knowledge on the one hand and opinion, judgement or belief on the other.
- The need for vigilance to avoid unwittingly crossing the line from supposition to certainty, including by constant repetition of received wisdom.

841. When assessed intelligence is explicitly and publicly used to support a policy decision, there would be benefit in subjecting that assessment and the underpinning intelligence to subsequent scrutiny, by a suitable, independent body, such as the Intelligence and Security Committee, with a view to identifying lessons for the future.

842. In the context of the lessons from the preparation of the September 2002 dossier, the Inquiry identifies in Section 4.2 the benefits of separating the responsibilities for assessment of intelligence from setting out the arguments in support of a policy.

843. The evidence in Section 4.3 reinforces that lesson. It shows that the intelligence and assessments made by the JIC about Iraq's capabilities and intent continued to be used to prepare briefing material to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.

844. The independence and impartiality of the JIC remains of the utmost importance.

845. As the Foreign Affairs Committee report in July 2003 pointed out, the late Sir Percy Cradock wrote in his history of the JIC that:

> "Ideally, intelligence and policy should be close but distinct. Too distinct and assessments become an in-growing, self-regarding activity, producing little or no work of interest to the decision-makers ... Too close a link and policy begins to play back on estimates, producing the answers the policy makers would like ... The analysts become courtiers, whereas their proper function is to report their findings ... without fear or favour. The best arrangement is intelligence and policy in separate but adjoining rooms, with communicating doors and thin partition walls ..."[280]

846. Mr Straw told the FAC in 2003:

> "The reason why we have a Joint Intelligence Committee which is separate from the intelligence agencies is precisely so that those who are obtaining the intelligence are

---

[280] Cradock, Sir Percy. *Know your enemy – How the Joint Intelligence Committee saw the World*. John Murray, 2002.

> not then directly making the assessment upon it. That is one of the very important strengths of our system compared with most other systems around the world."[281]

847. The FAC endorsed those sentiments.[282] It stated that the JIC has a "vital role in safeguarding the independence and impartiality of intelligence"; and that the "independence and impartiality of its own role" was "of the utmost importance". It recommended that Ministers should "bear in mind at all times the importance of ensuring that the JIC is free of all political pressure".

848. In its response to the FAC, the Government stated:

> "We agree. The JIC plays a crucial role in providing the Government with objective assessments on a range of issues of importance to national interests."[283]

The invasion of Iraq

849. The military plan for the invasion of Iraq depended for success on a rapid advance on Baghdad, including convincing the Iraqi population of the Coalition's determination to remove the regime.

850. By the end of March, the Government had recognised the need for sustained communication of key strategic messages and improved capabilities to reach a range of audiences in the UK, Iraq and the wider international community. But there was clearly a need for more robust arrangements to integrate Coalition efforts in the UK, US and the forces deployed in Iraq.

851. The reaction of the media and the Iraqi population to perceived difficulties encountered within days of the start of an operation, which was planned to last up to 125 days, might have been anticipated if there had been more rigorous examination of possible scenarios pre-conflict and the media had better understood the original concept of operations and the nature of the Coalition responses to the situations they encountered once the campaign began.

852. The difficulty and complexity of successfully delivering distinct strategic messages to each of the audiences a government needs to reach should not be underestimated. For any future military operations, arrangements tailored to meet the circumstances of each operation need to be put in place in both London and on the ground before operations begin.

---

[281] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq,* HC 813-1, paragraph 153.
[282] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq,* HC 813-1, paragraphs 156-157.
[283] Foreign Secretary, November 2003, *The Decision to go to War in Iraq Response of the Secretary of State for Foreign and Commonwealth Affairs,* November 2003, Cm6062, paragraph 27.

853. When the UK acceded to the US request that it assume leadership of a military Area of Responsibility encompassing four provinces in southern Iraq, it did so without a robust analysis either of the strategic implications for the UK or of the military's capacity to support the UK's potential obligations in the region.

854. A step of such magnitude should be taken deliberately and having considered the wider strategic and resource implications and contingent liabilities.

855. That requires all government departments whose responsibilities will be engaged to have been formally involved in providing Ministers with coherent inter-departmental advice before decisions are taken; the proper function of the Cabinet Committee system.

The post-conflict period

856. The UK had not participated in an opposed invasion and full-scale occupation of a sovereign State (followed by shared responsibility for security and reconstruction over a long period) since the end of the Second World War. The particular circumstances of Op TELIC are unlikely to recur. Nevertheless, there are lessons to be drawn about major operations abroad and the UK's approach to armed intervention.

857. The UK did not achieve its objectives, despite the best efforts and acceptance of risk in a dangerous environment by military and civilian personnel.

858. Although the UK expected to be involved in Iraq for a lengthy period after the conflict, the Government was unprepared for the role in which the UK found itself from April 2003. Much of what went wrong stemmed from that lack of preparation.

859. In any undertaking of this kind, certain fundamental elements are of vital importance:

- the best possible appreciation of the theatre of operations, including the political, cultural and ethnic background, and the state of society, the economy and infrastructure;
- a hard-headed assessment of risks;
- objectives which are realistic within that context, and if necessary limited – rather than idealistic and based on optimistic assumptions; and
- allocation of the resources necessary for the task – both military and civil.

860. All of these elements were lacking in the UK's approach to its role in post-conflict Iraq.

861. Where responsibility is to be shared, it is essential to have written agreement in advance on how decision-making and governance will operate within an alliance or coalition. The UK normally acts with allies, as it did in Iraq. Within the NATO Alliance, the rules and mechanisms for decision-taking and the sharing of responsibility have been developed over time and are well understood. The Coalition in Iraq, by contrast,

was an ad hoc alliance. The UK tried to establish some governance principles in the Memorandum of Understanding proposed to the US, but did not press the point. This led the UK into the uncomfortable and unsatisfactory situation of accepting shared responsibility without the ability to make a formal input to the process of decision-making.

862. As Iraq showed, the pattern set in the initial stage of an intervention is crucial. The maximum impact needs to be made in the early weeks and months, or opportunities missed may be lost for ever. It is very difficult to recover from a slow or damaging start.

863. Ground truth is vital. Over-optimistic assessments lead to bad decisions. Senior decision-makers – Ministers, Chiefs of Staff, senior officials – must have a flow of accurate and frank reporting. A "can do" attitude is laudably ingrained in the UK Armed Forces – a determination to get on with the job, however difficult the circumstances – but this can prevent ground truth from reaching senior ears. At times in Iraq, the bearers of bad tidings were not heard. On several occasions, decision-makers visiting Iraq (including the Prime Minister, the Foreign Secretary and the Chief of the General Staff) found the situation on the ground to be much worse than had been reported to them. Effective audit mechanisms need to be used to counter optimism bias, whether through changes in the culture of reporting, use of multiple channels of information – internal and external – or use of visits.

864. It is important to retain a flexible margin of resources – in personnel, equipment and financing – and the ability to change tactics to deal with adverse developments on the ground. In Iraq, that flexibility was lost after the parallel deployment to Helmand province in Afghanistan, which both constrained the supply of equipment (such as ISTAR) and took away the option of an effective reinforcement. Any decision to deploy to the limit of capabilities entails a high level of risk. In relation to Iraq, the risks involved in the parallel deployment of two enduring medium scale operations were not examined with sufficient rigour and challenge.

865. The management, in Whitehall, of a cross-government effort on the scale which was required in Iraq is a complex task. It needs dedicated leadership by someone with time, energy and influence. It cannot realistically be done by a Prime Minister alone, but requires a senior Minister with lead responsibility who has access to the Prime Minister and is therefore able to call on his or her influence in resolving problems or conflicts. A coherent inter-departmental effort, supported by a structure able to hold departments to account, is required to support such a Minister.

Reconstruction

866. The starting point for all discussions of reconstruction in circumstances comparable to those in Iraq between 2003 and 2009 must be that this is an area where progress will be extremely difficult.

867. Better planning and preparation for a post-Saddam Hussein Iraq would not necessarily have prevented the events that unfolded in Iraq between 2003 and 2009. It would not have been possible for the UK to prepare for every eventuality. Better plans and preparation could have mitigated some of the risks to which the UK and Iraq were exposed between 2003 and 2009 and increased the likelihood of achieving the outcomes desired by the UK and the Iraqi people.

868. From late 2003, successive reviews of the UK's approach to post-conflict reconstruction, later expanded to include the broader concept of stabilisation, resulted in a series of changes to the UK's approach to post-conflict operations. Despite those changes, many of the shortcomings that characterised the UK Government's approach to pre-conflict planning and preparation in 2002 and early 2003 persisted after the invasion.

869. The UK Government's new strategic framework for stabilisation, the new machinery for inter-departmental co-ordination and the enhanced resources now available for stabilisation operations continue to evolve. If future changes are to increase the effectiveness of UK operations, they must address the lessons for planning, preparation and implementation derived from the Iraq experience.

870. The lessons identified by the Inquiry apply to both the planning and preparation for post-conflict operations, of which reconstruction is a major but not the sole component, and to post-conflict operations themselves.

871. Analysis of the available material must draw on multiple perspectives, reflect dissenting views, identify risk – including that associated with any gaps in knowledge – and consider a range of options.

872. Information must be shared as widely across departments as is necessary to support that approach.

873. Gathering information and analysis of the nature and scale of the potential task should be systematic and as thorough as possible, and should capture the views and aspirations of local communities.

874. Plans derived from that analysis should:

- incorporate a range of options appropriate to different contingencies;
- reflect a realistic assessment of UK (and partners') resources and capabilities;
- integrate civilian and military objectives and capabilities in support of a single UK strategy;
- be exposed to scrutiny and challenge at Ministerial, senior official and expert level;
- be reviewed regularly and, if the strategic context, risk profile or projected cost changes significantly, be revised.

875. A government must prepare for a range of scenarios, not just the best case, and should not assume that it will be able to improvise.

876. Where the UK is the junior partner and is unable during planning or implementation to secure the outcome it requires, it should take stock of whether to attach conditions to continued participation and whether further involvement would be consistent with the UK's strategic interest.

877. Public statements on the extent of the UK's ambition should reflect a realistic assessment of what is achievable. To do otherwise is to risk even greater disillusionment and a loss of UK credibility.

878. Departmental priorities and interests will inevitably continue to diverge even where an inter-departmental body with a cross-government role, currently the Stabilisation Unit (SU), is in place. Therefore, co-operation between departments needs continual reinforcement at official and Ministerial levels.

879. The Head of the SU must be sufficiently senior and the SU enjoy recognition inside and outside government as a centre of excellence in its field if the Unit is to have credibility and influence in No.10, the National Security Council, the Treasury, the FCO, DFID and the MOD, and with the military.

De-Ba'athification

880. After the fall of a repressive regime, steps inevitably have to be taken to prevent those closely identified with that regime from continuing to hold positions of influence in public life. The development of plans which minimise undesired consequences, which are administered with justice and which are based on a robust understanding of the social context in which they will be implemented, should be an essential part of preparation for any post-conflict phase. This should include measures designed to address concerns within the wider population, including those of the victims of the old regime, and to promote reconciliation.

881. It is vital to define carefully the scope of such measures. Bringing too many or too few individuals within scope of measures like de-Ba'athification can have far-reaching consequences for public sector capacity and for the restoration of public trust in the institutions of government.

882. It is also important to think through the administrative implications of the measures to be applied and the process for their implementation.

883. The potential for abuse means that it is essential to have thought-through forms of oversight that are as impartial and non-partisan as possible.

Security Sector Reform

884. An SSR strategy should define the functions of different elements of the relevant security sector and the structures needed to perform those functions. Considering those questions should drive a robust debate about how security requirements might change over time.

885. An understanding of the many different models that exist internationally for internal security, policing and criminal justice is essential. But those models cannot be considered in isolation because what works in one country will not necessarily work in another which may have very different traditions. It is therefore critical for the SSR strategy to take full account of the history, culture and inherited practices of the country or region in question. The strategy also needs to be informed by the views and aspirations of the local population.

886. A strategy should set out the desired operating standard for each function and state how that differs, if at all, from what exists. In doing so, the strategy should specify where capacity needs to be developed and inform a serious assessment of how the material resources available could best be deployed.

887. It is essential that the UK has an appropriate way to measure the success of any SSR plan. If a clear strategy is in place and has taken account of the views of the local population, the indicators of that success should be obvious. It should rarely concentrate on a one-dimensional set of numbers but instead be a more qualitative and rounded assessment.

Resources

888. The direction in the Ministerial Code that the estimate of a cost of a proposal should be included in the memorandum submitted to Cabinet or a Ministerial Committee applies equally to military operations. When evaluating military options it is appropriate to consider financial risk alongside other forms of risk. While governments will rarely wish to preclude options solely on the basis of cost, they must also recognise that, over time, cost may become an issue and make it difficult to sustain a military operation over the longer term.

889. Strategies and plans must define the resources required to deliver objectives, identify the budget(s) that will provide those resources, and confirm that those resources are available.

890. In developing strategies and plans for civilian/military operations, a government should address the impact of the different mechanisms used to fund military operations and civilian activities and the extent to which those mechanisms provide perverse incentives for military action by making it easier to secure funding for agreed military operations than for civilian activities.

891. A government should also address its explicit and implicit financial policy that, while there should be no constraint on the provision of funding for military operations, it is reasonable that for the same civilian/military operation, departments should find funding for new civilian activities from within their existing budgets, which are likely to be fully allocated to existing departmental priorities.

892. A government is likely to embark on major civilian/military operations such as Iraq only rarely.

893. A government should recognise that, in such operations, the civilian components (including diplomatic activity, reconstruction and Security Sector Reform) will be critical for strategic success, may be very substantial, and must be properly resourced.

894. One arrangement would be to create a budget for the civilian components of the operation, under the direction of a senior Minister with lead responsibility and in support of a coherent UK strategy. Once allocations were made from that budget to individual departments, the allocations would be managed within departments' legal and policy constraints. Such an arrangement should:

- ensure that UK strategy was resourced;
- promote joint working;
- minimise the potential for gaming;
- be able to respond to in-year priorities; and
- reduce the amount of time that Ministers and senior officials need to spend arguing about funding individual activities.

895. The Inquiry recognises that, since 2003, significant changes have been made to the UK's strategic and operational approach to reconstruction and stabilisation, including to the arrangements for funding such operations.

Military equipment (post-conflict)

896. In deciding to undertake concurrent operations in Iraq and Afghanistan, the UK knowingly exceeded the Defence Planning Assumptions. All resources from that point onwards were going to be stretched. Any decision which commits the UK to extended operations in excess of the Defence Planning Assumptions should be based on the most rigorous analysis of its potential implications, including for the availability of relevant capabilities for UK forces.

897. At the start of Op TELIC, the MOD knew that it had capability gaps in relation to protected mobility and ISTAR and that either could have a significant impact on operations. Known gaps in such capabilities should always be clearly communicated to Ministers.

898. The MOD should be pro-active in seeking to understand and articulate new or additional equipment requirements. The MOD told the Inquiry that there was no simple

answer to the question of where the primary responsibility for identifying capability gaps lay during Op TELIC. That is unacceptable. The roles and responsibilities for identifying and articulating capability gaps in enduring operations must be clearly defined, communicated and understood by those concerned. It is possible that this has been addressed after the period covered by this Inquiry.

899. Those responsible for making decisions on the investment in military capabilities should continually evaluate whether the balance between current operational requirements and long-term defence programmes is right, particularly to meet an evolving threat on current operations.

900. During the first four years of Op TELIC, there was no clear statement of policy setting out the acceptable level of risk to UK forces and who was responsible for managing that risk. The MOD has suggested to the Inquiry that successive policies defining risk ownership and governance more clearly have addressed that absence, and that wider MOD risk management processes have also been revised. In any future operation the level of force protection required to meet the assessed threat needs to be addressed explicitly.

Civilian personnel

901. The Inquiry recognises that, since 2003, significant changes have been made to the UK's strategic and operational approach to reconstruction and stabilisation. Some of those changes, including the establishment of a deployable UK civilian stand-by capability, are the direct result of lessons learned from serious shortcomings in the deployment of civilian personnel in post-conflict Iraq.

902. The effectiveness of the UK civilian effort in post-conflict Iraq was compromised by a range of factors, including the absence of effective cross-government co-ordination on risk, duty of care and the terms and conditions applicable to personnel serving in Iraq.

903. The difficult working conditions for civilians in Iraq were reflected in short tour lengths and frequent leave breaks. Different departments adopted different arrangements throughout the Iraq campaign, leading to concerns about breaks in continuity, loss of momentum, lack of institutional memory and insufficient local knowledge.

904. Different departments will continue to deploy civilian staff in different roles. Standardisation of all aspects of those deployments may not be appropriate, but greater harmonisation of departmental policies should be considered wherever possible. The same approach should be applied to locally engaged (LE) staff.

905. At all stages, including planning, departments must give full consideration to their responsibilities and duty of care towards LE staff, who have an essential contribution to make and will face particular risks in insecure environments.

906. All civilian deployments should be assessed and reviewed against a single, rigorous, cross-government framework for risk management. The framework should provide the means for the Government as a whole to strike an effective balance between security and operational effectiveness, and to take timely decisions on the provision of appropriate security measures.

907. Standardising tour lengths for civilians deployed by different departments would have eased the overall administrative burden and, perhaps, some of the tensions between individuals from different government departments serving in Iraq. But the environment was difficult and individuals' resilience and circumstances varied. The introduction of the option to extend a tour of duty was an appropriate response.

908. Throughout any operation of this kind, departments should maintain two procedures for the systematic debriefing of staff returning to the UK: one to meet duty of care obligations, the other to learn lessons from their experience.

909. In order to identify individuals with the right skills, there must be clarity about the roles they are to perform. Wherever possible, individuals should be recruited for and deployed to clearly defined roles appropriate to their skills and seniority. They must be provided with the equipment needed to perform those roles to a high standard.

910. The Government should consider the introduction of a mechanism for responding to a surge in demand for a particular language capability.

911. The Inquiry views the inability of the FCO, the MOD and DFID to confirm how many civilian personnel were deployed to or employed in Iraq, in which locations and in what roles, as a serious failure. Data management systems must provide accurate information on the names, roles and locations of all staff for whom departments have duty of care responsibilities.

Timeline of events

Before 2001

2 August 1990	Saddam Hussein invades Kuwait
29 November 1990	Security Council adopts resolution 678
3 April 1991	Security Council adopts resolution 687
December 1998	Operation Desert Fox
2 June 1999	Ministerial Committee on Defence and Overseas Policy approves a policy of continuing containment
17 December 1999	Security Council adopts resolution 1284

2001

23 February	Mr Blair and President Bush agree on the need for a policy on Iraq which would be more widely supported in the Middle East
11 September	Al Qaida attacks the World Trade Center and the Pentagon
26 November	President Bush calls for weapons inspectors to return to Iraq

2002

29 January	President Bush makes his “axis of evil” speech
7 March	Cabinet discusses Iraq strategy
5-7 April	Mr Blair and President Bush meet in Crawford; Mr Blair makes his College Station speech
23 July	Mr Blair holds a meeting on Iraq policy
28 July	Mr Blair sends a Note to President Bush beginning “I will be with you, whatever”
6/7 September	Mr Blair and President Bush meet at Camp David
12 September	President Bush says he would put Iraqi non-compliance to the UN, paving the way for resolution 1441
24 September	Parliament recalled; dossier published
10/11 October	US Congress authorises use of force in Iraq
31 October	Decision to offer “Package 3” for planning purposes
8 November	Security Council adopts resolution 1441
13 November	Iraq announces it will comply with resolution 1441

2003

14 January	Lord Goldsmith gives his draft legal advice to Mr Blair
17 January	Decision in principle to deploy UK forces in southern Iraq
27 January	Dr Blix and Dr ElBaradei report to the Security Council
31 January	Mr Blair and President Bush meet in Washington
5 February	Secretary Powell’s presentation to the Security Council
14 February	Dr Blix and Dr ElBaradei report to the Security Council

15 February	Stop the War protests held
24 February	UK/US/Spain table draft second resolution
7 March	Lord Goldsmith's advice on the legality of military action in Iraq; Dr Blix and Dr ElBaradei report to the Security Council
12 March	Recognition that the second resolution would not secure the support of a majority of the Security Council
13 March	Lord Goldsmith reaches his "better view" that invasion is legal
16 March	Azores Summit
17 March	Last Cabinet meeting before the invasion agrees Parliament should be asked to endorse the use of military action against Iraq
18 March	Parliamentary debate and vote on Iraq

Night of 19/20 March: invasion of Iraq begins

7 April	UK troops enter Basra
16 April	General Franks issues his "Freedom Message to the Iraqi People"
1 May	President Bush declares "Mission Accomplished"
16 May	Coalition Provisional Authority Order No.1 (de-Ba'athification of Iraqi Society)
22 May	Security Council adopts resolution 1483
23 May	Coalition Provisional Authority Order No.2 dissolves some Iraqi military and security structures
13 July	Inauguration of the Governing Council
19 August	Bomb attack on UN HQ at the Canal Hotel in Baghdad
23/24 October	Madrid Donors Conference
15 November	Timetable for creation of a transitional Iraqi administration announced
13 December	Capture of Saddam Hussein by US forces

2004

1 March	Transitional Administrative Law agreed
31 March	Ambush of four US security contractors sparks unrest in Fallujah
Late April	Photos of prisoner abuse at Abu Ghraib published
8 June	Security Council adopts resolution 1546
28 June	End of Occupation: inauguration of Iraqi Interim Government (Prime Minister Allawi)
29 June	Mr Blair announces HQ ARRC will deploy to Afghanistan

2005

30 January	Elections to the Transitional National Assembly
3 May	Iraqi Transitional Government takes power (Prime Minister Ja'afari)
21 July	Decision to deploy Provincial Reconstruction Team and military support to Helmand province, Afghanistan
15 October	Referendum on the Iraqi Constitution
19 October	US announces new "Clear-Hold-Build" strategy for Iraq
15 December	Parliamentary elections in Iraq

2006

26 January	Cabinet approves deployment to Helmand province
April to June	Formation of Maliki government
1 May	UK forces become responsible for Helmand
28 September	Op SINBAD begins in Basra
End October	Majority of UK civilian staff withdrawn from the Basra Palace site

2007

10 January	President Bush announces the US "surge"
27 June	Mr Blair leaves office; Mr Brown becomes Prime Minister
13 August	Start of reduction of Jaysh al-Mahdi violence against UK forces

2/3 September	UK forces leave the Basra Palace site
16 December	Basra transitions to Provincial Iraqi Control

2008

25 March	Start of Prime Minister Maliki's Charge of the Knights
18 December	Mr Brown announces plans to withdraw the majority of UK troops

2009 onwards

30 April 2009	Completion of the main UK military mission in Iraq
15 October 2009	UK/Iraq Training and Maritime Support Agreement ratified
22 May 2011	Departure of the last UK naval training team from Iraq

ISBN 978-1-4741-3331-9

INTRODUCTION

Contents

Establishing the Inquiry 2
- Purpose of the Inquiry 2
- Support to the Inquiry Committee 3
- Avoiding conflicts of interest 4

The Inquiry's approach 5
- Initial meetings 5
- Issues not addressed by the Inquiry 6
- Hearings 8
- Written evidence 9
  - Publication of the most sensitive documents 10
  - Minutes of Cabinet meetings 11
  - Communication between the UK Prime Minister and US President 12
  - Legal Professional Privilege and the Law Officers' Convention 13
- Open source material 15
- Submissions to the Inquiry 16
  - International law submissions 16
- The actions of other governments 17
- The criticism of individuals and "Maxwellisation" 18

Establishing the Inquiry

Purpose of the Inquiry

1. On 15 June 2009, Mr Gordon Brown, the Prime Minister, told the House of Commons:

> "With the last British combat troops about to return home from Iraq, now is the right time to ensure that we have a proper process in place to enable us to learn the lessons of the complex and often controversial events of the last six years. I am today announcing the establishment of an independent Privy Counsellor committee of inquiry which will consider the period from summer 2001, before military operations began in March 2003, and our subsequent involvement in Iraq right up to the end of July this year. The Inquiry is essential because it will ensure that, by learning lessons, we strengthen the health of our democracy, our diplomacy and our military."[1]

2. Addressing the scope of the Inquiry, Mr Brown said:

> "No Inquiry has looked at such a long period, and no Inquiry has the powers to look in so much breadth … the Iraq Inquiry will look at the run-up to conflict, the conflict itself and the reconstruction, so that we can learn lessons in each and every area."

3. In his statement, Mr Brown announced that the Inquiry Committee would be made up of "non-partisan public figures acknowledged to be experts and leaders in their fields". It would be chaired by Sir John Chilcot and would include Baroness Usha Prashar, Sir Roderic Lyne, Sir Lawrence Freedman and Sir Martin Gilbert. Their biographies can be found on the Inquiry's website. It is a matter of deep regret that Sir Martin was taken ill in April 2012 and was unable thereafter to participate in the Inquiry's work. Sir Martin died on 3 February 2015.

4. Prior to 2009, some specific aspects of the UK's involvement in Iraq had already been examined:

- The House of Commons Foreign Affairs Committee published *The Decision to go to War in Iraq* on 3 July 2003.
- The Intelligence and Security Committee of Parliament published *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* on 10 September 2003.
- Lord Hutton published his *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly CMG* on 28 January 2004.
- A Committee of Privy Counsellors, chaired by Lord Butler of Brockwell, published its *Review of Intelligence on Weapons of Mass Destruction* on 14 July 2004. Sir John Chilcot was a member of Lord Butler's Committee.

---

[1] House of Commons, *Official Report*, 15 June 2009, columns 23-24.

- The Baha Mousa Inquiry, chaired by Sir William Gage, was established in May 2008 and published its conclusions on 8 September 2011.[2]

5. Before the formal launch of the Iraq Inquiry, Sir John Chilcot met leaders of the main opposition parties and chairs of relevant House of Commons select committees (Defence, Foreign Affairs and Public Administration) as well as the Intelligence and Security Committee. Those discussions helped to shape the Inquiry's thinking on its remit and approach.

6. At a news conference to launch the Inquiry on 30 July 2009, Sir John Chilcot set out the Terms of Reference to which the Inquiry Committee would work:

> "[The Inquiry] will consider the period from the summer of 2001 to the end of July 2009, embracing the run-up to the conflict in Iraq, the military action and its aftermath. We will, therefore, be considering the United Kingdom's involvement in Iraq, including the way decisions were made and actions taken, to establish as accurately and reliably as possible what happened, and to identify the lessons that can be learned."[3]

7. Describing how the Inquiry intended to go about its work, Sir John said:

> "… we will adopt an inquisitorial approach to our task, taking evidence direct from witnesses, rather than conducting our business through lawyers. The Inquiry is not a court of law and nobody is on trial, but I want to make one thing absolutely clear. This Committee will not shy away from making criticisms. If we find that mistakes were made, that there were issues which could have been dealt with better, we will say so frankly."

8. From the outset, the Inquiry Committee took the view that it was in the public interest for its work to be conducted with the greatest possible openness. This included hearing witnesses in public whenever that was not precluded by security considerations, and publishing as much evidence as possible alongside the Inquiry's Report. Sir John set out the Inquiry's approach in a letter to the Prime Minister dated 21 June 2009.[4]

Support to the Inquiry Committee

9. In October 2009, the Inquiry announced the appointment of Sir Roger Wheeler, Chief of the General Staff from 1997 to 2000, and Dame Rosalyn Higgins, President of the International Court of Justice from 2006 to 2009, as Advisers to the Inquiry Committee on military matters and international law respectively.

---

[2] A number of other relevant inquiries or investigations were subsequently launched, including the Al-Sweady Public Inquiry (which took place between November 2009 and December 2014), the Detainee Inquiry (which ran from July 2010 to December 2013) and the MOD's Iraq Historic Allegations Team, which was established in March 2010.
[3] Iraq Inquiry website, Transcript of Iraq Inquiry launch news conference, 30 July 2009.
[4] Letter, Chilcot to Prime Minister, 21 June 2009, [untitled].

10. Sir Roger and Dame Rosalyn provided advice to the Committee in areas where their specialist professional knowledge was required to understand fully the issues involved. They contributed to the development of detailed lines of questioning ahead of public hearings and offered expert advice on the interpretation of evidence in relevant areas of the Inquiry's work as the Inquiry Committee formulated its conclusions.

11. Throughout its work, the Inquiry has been supported by a small Secretariat. Members of staff have been drawn from a range of government departments, including the Cabinet Office, the Department for International Development (DFID), the Foreign and Commonwealth Office (FCO), the Home Office, the Ministry of Defence (MOD), the Ministry of Justice and the Serious Fraud Office. The Inquiry has employed a small number of support staff from outside government and from time to time has also drawn on a small amount of additional resource from within the Civil Service.

12. The Secretariat was headed by Ms Margaret Aldred, who was named as Secretary to the Inquiry in July 2009. The Inquiry had three Deputy Secretaries during the course of its work – Ms Alicia Forsyth (2009 to 2011), Ms Claire Salters (2009 to 2012) and Ms Katharine Hammond (2012 to 2016) – and two Legal Advisers – Ms Sarah Goom (2009 to 2012) and Mr Stephen Myers (2011 to 2016).

13. The Secretariat has provided essential administrative, logistical and research assistance to the Inquiry in arranging and managing hearing sessions; obtaining, processing and declassifying evidence; and preparing material for consideration by the Inquiry Committee.

Avoiding conflicts of interest

14. From the start, the Inquiry has sought to be transparent about potential conflicts of interest and has taken steps to ensure that they have not affected its work. In this, the Committee and Secretariat have been conscious of the Civil Service core values of integrity, honesty, objectivity and impartiality.

15. All members of the Committee have had long careers in which they have at times worked in or with government and in other areas of public affairs. Their experience means that many of the witnesses who gave evidence to the Inquiry were previously known to members of the Committee as colleagues or professional contacts. The Inquiry has been scrupulous to ensure that no-one has received different or preferential treatment as a result.

16. Sir Roderic Lyne served as British Ambassador to the Russian Federation between 2000 and 2004, during which time he acted on UK Government instructions in relation to Iraq and reported in several telegrams on the Russian Government's approach. Those telegrams have been declassified and are published alongside the Report.

17. On 18 January 2010, the Inquiry published a letter on its website from Sir Lawrence Freedman to Sir John Chilcot outlining the advice he provided ahead of Mr Blair's

1999 Chicago speech (see Section 1.1). That advice is also published on the Inquiry's website. Sir Lawrence also participated in expert seminars before the invasion of Iraq. Other than as the official historian of the Falklands Campaign, Sir Lawrence has never held a position of paid employment in government.

18. When Sir Gus O'Donnell, the Cabinet Secretary, nominated Ms Margaret Aldred to be Secretary to the Inquiry he did so in full knowledge of Ms Aldred's role as Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office between 2004 and 2009.[5] Given the values of the Civil Service, Sir Gus saw no conflict of interest in Ms Aldred's appointment, a point repeated by Sir John Chilcot in his evidence to the Foreign Affairs Select Committee on 4 February 2015.[6]

19. The Inquiry has considered a number of documents produced by the Overseas and Defence Secretariat during Ms Aldred's tenure as Deputy Head. The Committee has had full access to these papers, including minutes written by Ms Aldred and papers she approved. Ms Aldred's name is clearly identifiable where any such evidence is cited in the Report.

The Inquiry's approach

Initial meetings

20. At the start of its work, the Inquiry held meetings in Belfast, Bristol, Edinburgh, London and Manchester with some of the families of members of the Armed Forces who died on, or as a result of, military operations in Iraq. The Inquiry also met serving and former Service Personnel in London, Manchester, Shrivenham and Tidworth and at Headley Court. The Inquiry wanted to hear directly from both groups about their experiences, and in particular about the issues on which they considered the Inquiry should focus.

21. Those discussions were extremely valuable in shaping the Inquiry's work, and the Inquiry is grateful to all those who took part for their contribution. The Inquiry has sought to address in its Report many of the points that were raised in the meetings and which fell within its Terms of Reference. Where the Inquiry's Report makes specific reference to a point that was raised, it has not attributed it to an individual.

22. In November 2009, the Inquiry held two seminars with a range of experts on Iraq to inform the Inquiry's approach to its task ahead of witness hearings. The first considered the evolution of international policy towards Iraq between 1990 and 2003 as well as the state of Iraq and the region on the eve of the invasion, and the second considered the causes and consequences of Iraq's descent into violence after the invasion.

---

[5] From June 2007, the Overseas and Defence Secretariat was known as the Foreign and Defence Policy Secretariat.
[6] Foreign Affairs Committee, 4 February 2015, *Oral Evidence: Progress of the Iraq Inquiry*, HC 1027.

23. The papers produced to inform those seminars are available on the Inquiry's website.

24. The foundation for the Inquiry's conclusions is an account of the decisions and actions that were taken by the UK between 2001 and 2009 in relation to Iraq. As Mr Brown told the House of Commons in 2009, the scope of this account is unprecedented in duration and breadth and constitutes a large part of the Inquiry's Report.

Issues not addressed by the Inquiry

25. There are a number of issues that have not been addressed in the Report because they lie outside the scope of the Inquiry or are subject to continuing investigation elsewhere. They include:

- Responsibility for the events of 11 September 2001.
- The UK's role in Afghanistan, except where decisions on Afghanistan had an impact on options available in Iraq, or where the Government sought to apply lessons from Afghanistan in Iraq.
- The circumstances surrounding the death of Dr David Kelly. The Inquiry has no statutory powers and is not qualified to decide on Coronial matters.
- The circumstances surrounding the deaths of individual Service Personnel.
- The effect of the sanctions regime on the civilian population of Iraq, except where it had an impact on UK policy on Iraq in the period before the invasion.
- The compulsory return of asylum seekers from the UK to Iraq is touched on, but not examined in detail.
- The details of the Government's operational response to the kidnapping of UK citizens.

26. One further aspect of the UK's involvement in Iraq which has generated a great deal of public concern has been the alleged, and in some instances proven, ill treatment of detainees.

27. The Inquiry's Terms of Reference did not require it to examine individual cases of detention; nor, as a non-statutory public inquiry, was it constituted or equipped to do so. The Inquiry took the view, moreover, that its role was to consider the development and implementation of government policy, rather than to examine operational decisions and actions affecting individual cases.

28. The Inquiry did consider whether it might examine systemic issues relating to the detention and treatment of military and civilian prisoners. For the reasons set out below, it was decided not to do so.

29. When the Inquiry was established in July 2009, the Government had already established a Public Inquiry led by Sir William Gage to investigate the death, on

15 September 2003, of Mr Baha Mousa, an Iraqi citizen who had been held in the British Temporary Detention Facility in Basra.[7]

30. Although the purpose of that Inquiry was to examine a specific incident, it was clear that in doing so, and in order to report as required, Sir William would examine the basis and framework for detention in Iraq and would, if appropriate, make recommendations to the Defence Secretary.

31. Mr Mousa's relatives had been party to proceedings which, in due course, resulted in appeals to the Court of Appeal and House of Lords and, on 7 July 2011, in a ruling in the European Court of Human Rights.[8]

32. A Public Inquiry was also sought by a separate group of claimants in proceedings in the High Court during April, May and July 2009. In these proceedings, it was alleged that UK forces murdered Iraqi detainees at Camp Abu Naji in southern Iraq and subjected others to ill treatment both at Camp Abu Naji and at the Divisional Temporary Detention Facility at Shaibah on 14 and 15 May 2004.[9]

33. The Inquiry was also aware in 2009 that a number of other cases of alleged mistreatment of detainees had been brought to the attention of the MOD. Some of these had been the subject of civil claims and had been settled; others were pending.

34. On 1 March 2010, Mr Bill Rammell, Minister of State for the Armed Forces, laid a Written Ministerial Statement announcing the establishment of the Iraq Historic Allegations Team (IHAT). Its purpose was to ensure that these cases were investigated "thoroughly and expeditiously, so that – one way or another – the truth behind them is established".[10]

35. In view of these continuing Inquiries and investigations, the Inquiry Committee decided that it should not examine issues relating to the question of detention. It appeared to the Committee that, if it was to do so, there was a danger that it might duplicate the work of these other Inquiries and investigations or otherwise impede their progress, or the reverse.

36. *The Report of the Baha Mousa Inquiry* was published on 8 September 2011.[11] It examined the events which resulted in Mr Mousa's death but also wider issues concerning the detention and treatment of individuals, including training and the chain of command. It made 73 recommendations.

---

[7] The Baha Mousa Inquiry.
[8] Al Skeini and others v United Kingdom (2012) 53 EHRR 18.
[9] It was announced on 25 November 2009 that a Public Inquiry would be established, led by Sir John Thayne Forbes, to examine these allegations. Named after the First Claimant in the civil proceedings, it was known as "The Al Sweady Inquiry".
[10] House of Commons, *Official Report*, 1 March 2010, column 93WS.
[11] *The Report of the Baha Mousa Inquiry,* 8 September 2011, HC 1452-1-IV.

37. *The Report of the Al Sweady Inquiry* was published on 17 December 2014.[12] It examined in detail (and rejected) the allegations of ill treatment at Camp Abu Naji. It made a limited number of further recommendations, noting that the MOD had accepted 72 of the recommendations made by Sir William Gage and was in the process of implementing them.

38. The work of the IHAT is continuing.

Hearings

39. The Inquiry took evidence from more than 150 witnesses from a range of backgrounds, in more than 130 sessions of oral evidence, in order to assist it in building a balanced and accurate account of events.

40. The principles on which hearings were run are described in the *Protocol for Witnesses giving evidence to the Iraq Inquiry* (hereafter, the Witness Protocol) which is available on the Inquiry's website.

41. Hearings began in November 2009, and were conducted in four tranches, in between which the Committee received and assessed other sources of evidence. The rounds were:

- 13 November 2009 to 8 February 2010;
- 5 March 2010 to 8 March 2010;
- 29 June 2010 to 30 July 2010; and
- 18 January 2011 to 4 February 2011.

42. In his opening statement on 13 November 2009, Sir John Chilcot explained that the first five weeks of hearings would be used to establish, from those who were directly involved, the essential features of the UK's involvement in Iraq and how they developed. Future sessions would probe matters in further detail, or re-examine issues in the light of subsequent evidence seen by the Committee.

43. The majority of witnesses gave evidence in a public session. The Inquiry wanted hearings to be as accessible to the public as possible, so in addition to having ticketed (free) public access, sessions were also available for broadcast on television and over the internet. The recordings can still be viewed on the Inquiry's website. The first public hearing was held on 24 November 2009 and the last on 2 February 2011.

44. Sir John made clear at the start of each hearing that the witness was giving evidence based on his or her recollection of events, which the Inquiry would then compare with the contemporary documentary record. After the hearing, witnesses were asked to review the transcript of their evidence, and certify that the evidence given was truthful, fair and accurate. Those transcripts appear on the Inquiry's website.

---

[12] *The Report of the Al Sweady Inquiry*, 17 December 2014, HC 818 1-II.

45. The Inquiry heard from 35 witnesses in private. The circumstances in which the Inquiry agreed to hold private hearings are laid out in the Witness Protocol. In some cases, evidence was heard in private because of a risk of damage to national security or other vital national interests. In others, it was due to the personal circumstances of the witnesses, or because of the organisations for which they worked. The names of some witnesses therefore do not appear, and are replaced by ciphers. Transcripts of these sessions, reviewed and certified by the witnesses as truthful, fair and accurate, can also be found on the Inquiry's website. In many cases some material has been redacted by the Government in order to prevent potential harm to national security or international relations.

46. In order to hear the experiences of more junior civilian staff who had served in Iraq between 2003 and 2009, the Inquiry issued invitations to a series of group meetings. A total of 48 people from a range of departments, including the FCO, the MOD and DFID, attended. No contractors responded to the Inquiry's invitation. Discussions at the meetings focused on strategy and delivery, and the support provided to civilian staff working in Iraq.

47. The Inquiry has addressed a number of the points that were raised in these meetings, but has not attributed those points to any individual.

Written evidence

48. In identifying areas to explore with witnesses and in drafting its account of events, the Inquiry has necessarily relied heavily on official documents as the most reliable record of government business, the factors which led to major decisions and the substance of those decisions.

49. The Inquiry recognises that the documentary record cannot by itself provide a comprehensive account of all that happened, but contemporary documents have particular weight when their explicit purpose was to provide a formal record: for instance, minutes of formal meetings or papers and submissions to Ministers which sought approval for a specific decision.

50. Individual documents necessarily reflect the purpose for which they were produced and the knowledge and perspective of their authors. Minutes of meetings are necessarily selective and depend on judgements about what needs to be recorded and what can be omitted. Dissenting views are likely to be under-represented, not least because the focus may be on recording conclusions rather than the discussion. Records of formal meetings would, however, have been circulated to the participants who were able to seek amendments if they wished.

51. Each document has been considered and interpreted in the context of the events and issues being addressed, its relationship to other contemporary documents, and with an understanding of the language and professional background of the author. Different government departments have their own styles and approaches.

52. When he established the Inquiry, Mr Brown stated that it would have access to all government records. The Inquiry has received more than 150,000 such documents during the course of its work. Where it has not been possible for the relevant department to supply a document that the Inquiry believes existed, that is indicated in the text. The Inquiry has no reason to believe that any document has been deliberately withheld.

53. The Inquiry has examined material produced before summer 2001 and after July 2009 where that is necessary for a full understanding of the Government's response to events between those dates.

54. The Inquiry's access to, and ability to publish material from, documents produced by the UK Government has been governed by the *Protocol between the Iraq Inquiry and Her Majesty's Government regarding Documents and Other Written and Electronic Information*. The Protocol can be found on the Inquiry's website and on www.gov.uk. It applies a test to determine when material may be disclosed publicly which is specific to this Inquiry, and which differs from the criteria set by the Freedom of Information Act 2000.

55. Throughout its duration, the Inquiry has sought the Government's permission to publish material under the terms of the Protocol. It has done so by:

- Asking for the declassification of whole documents where they are considered to be particularly significant. Around 1,800 of these documents, including any redactions required by the Government, appear on the Inquiry's website alongside this Report. Redactions appear as blank white space, not as black lines.[13]
- Asking for agreement to disclose a limited amount of material from documents, either in the form of a directly quoted extract, a summary of the document's contents (known as a "gist") or a mixture of the two. The source for a quote or gist is included as a footnote in the Report. The Inquiry has used material from around 7,000 documents in this way.

56. The material agreed by the Government for disclosure by the Inquiry is highly unusual in its scale and sensitivity.

PUBLICATION OF THE MOST SENSITIVE DOCUMENTS

57. Some categories of document to which the Inquiry considered it necessary to refer raise difficult issues of principle for the Government.

58. This Report therefore contains, exceptionally, material of a kind which would normally be regarded as highly sensitive and confidential, including:

- extracts from Cabinet minutes;

[13] In JIC Assessments, which have been retyped by the Inquiry at the Government's request, redactions appear as "[…]".

- extracts from, or summaries of, exchanges between former Prime Ministers and the former US President; and
- material drawn from or otherwise relating to very sensitive security and intelligence sources, including a large number of Assessments by the Joint Intelligence Committee (JIC).

59. This information is central to understanding the UK Government's strategic decision-making in Iraq, and is therefore essential to the Inquiry's work. Disclosure of such information is undertaken under the terms of the Protocol agreed between the Government and the Inquiry at the outset of the Inquiry. In agreeing to the inclusion of this material, the Government has had regard to:

- the exceptional nature of the Inquiry (a once in a generation Public Inquiry that is entirely independent of government);
- the exceptional public interest in the matters which the Inquiry was established to examine;
- the importance of the Inquiry being able to consider these matters in the round and to give a proper and sufficient account of them in its Report; and
- the consequent justification of the inclusion of such material in the Report to the extent strictly necessary to enable the Inquiry to fulfil its task.

60. In reaching agreement to the publication of material necessary for the purposes of the Inquiry, the Government has made clear that the publication of this material in these exceptional circumstances does not involve the setting of any precedent, that any future decisions about the disclosure of comparable material (including under the Freedom of Information Act 2000) must be taken on their merits, and that the concept of precedent has no place in relation to disclosure decisions.

61. Sir Jeremy Heywood's letters of 21 January 2014 and 22 May 2014, which record his agreement to the publication of material from Cabinet minutes and communications between Mr Blair and President Bush, can be read in full on the Inquiry's website.[14]

MINUTES OF CABINET MEETINGS

62. The Inquiry recognises the importance of the principle of protecting the confidentiality of Cabinet discussions in order to support collective Cabinet responsibility and effective government. But, for the reasons set out above, it also considered that it would not be possible to complete its task effectively without the ability to refer to the records of Cabinet meetings (entitled Cabinet Conclusions) or the records of relevant Sub-Committees of Cabinet.

---

[14] Letter Heywood to Aldred, 21 January 2014, 'Chilcot Inquiry – Cabinet Papers'; Letter Heywood to Aldred, 22 May 2014, 'UK/US Records – Declassification Request'.

63. This report refers to 92 records of the meeting of Cabinet itself. Of those records, the Inquiry considered that five were of such significance that the text recording discussion of Iraq should be published in its entirety. Those extracts appear on the Inquiry's website and relate to Cabinet meetings held on:

- 7 March 2002;
- 23 September 2002;
- 16 January 2003;
- 13 March 2003; and
- 17 March 2003.

64. The Inquiry has also reviewed extracts from the notebooks of the Cabinet Secretary and Cabinet Secretariat relating to Cabinet discussions of Iraq between 2001 and 20 March 2003 to satisfy itself that there were no material omissions from the formal minutes.

65. The committee structure below Cabinet, which usually changes after the arrival of a new Prime Minister, is described in Section 2.

66. This Report includes descriptions of discussions and decisions in 111 meetings of Cabinet Committees, held between 2002 and 2009.

COMMUNICATION BETWEEN THE UK PRIME MINISTER AND US PRESIDENT

67. As already described, in many instances the approach taken by the UK Government can only be understood in the context of its dialogue with Washington and the evolution of US policy.

68. As a consequence, some of the clearest expressions of Mr Blair's thoughts on Iraq are to be found in his oral and written exchanges with President Bush.

69. Discussions between Prime Minister and President – by telephone, by video conference or in person – were in most cases recorded by a No.10 Private Secretary or Adviser in the form of a letter to the department(s) with a policy interest in the content of the conversation, in line with normal Civil Service practice.

70. This report refers to 212 of those records, covering discussions held by both Mr Blair and subsequently Mr Brown with President Bush, and a small number of conversations between Mr Brown and President Obama.

71. Mr Blair also, throughout his time in office, wrote 'Notes' directly to President Bush.

72. This report refers to 30 Notes from Mr Blair to President Bush, all but one of which are published as documents in their own right on the Inquiry's website. Redactions which the Government has considered necessary in order to approve their publication are included as blank white space, not as black lines.

LEGAL PROFESSIONAL PRIVILEGE AND THE LAW OFFICERS' CONVENTION

73. A further category of sensitive document which the Inquiry has considered relates to legal advice provided to the Government.

74. The Government is entitled to obtain legal advice in confidence, and to be certain that the advice it receives will remain confidential unless the right to confidentiality is expressly waived. This is in accordance with a long-established principle known as Legal Professional Privilege (LPP).

75. In addition, there is a long-standing convention, adhered to by successive governments and reflected in the Ministerial Code, that neither the fact that the Law Officers have been consulted in relation to a particular matter, nor the substance of the advice they have given, is disclosed outside government without their authority.

76. On 12 January 2004, in response to a question asked by Lord Alexander, Baroness Amos told the House of Lords that she was:

> "… aware of only two cases in which Law Officers' advice was disclosed. In both cases, disclosure was made for the purposes of judicial proceedings. In 1993, Law Officers' advice relevant to the subject matter of the Arms to Iraq Inquiry was disclosed to the Scott Inquiry. The advice was published in an annex to the Inquiry report. Law Officers' advice on the 1988 Merchant Shipping Act was disclosed to the other parties in the course of the Factortame litigation in which Spanish fishermen were seeking damages from the Government for a breach of Community Law.
>
> "I am aware of three other cases in which the views of the Law Officers on a particular matter were disclosed, but not the actual advice. In February 1971, the substance of the Law Officers' advice relating to the UK's obligations to supply arms to South Africa under the Simonstown Agreement was published in a command paper (Cmnd 4589). In February 1993, the views of the Law Officers' advice were disclosed in the debate in the other House on the Maastricht Treaty. In March this year the Attorney General set out in a Written Answer a summary of his view of the legal basis for the use of force against Iraq."[15]

77. In his *Review of Intelligence on Weapons of Mass Destruction* Lord Butler reported that his Committee had read Lord Goldsmith's advice of 7 March 2003 and referred very briefly to its contents.[16] His report did not, however, disclose details of the advice.[17] In the spring of 2005, Lord Goldsmith's advice was leaked and, following a number of Freedom of Information Act requests, the Government disclosed the full advice on 28 April 2005.

---

[15] House of Lords, *Official Report*, 12 January 2004, columns WA63-64.
[16] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 94.
[17] Lord Butler identified one other occasion when Law Officers' advice had been disclosed: during the "Westland Affair", which resulted in the resignation of two Cabinet Ministers, a letter from the Solicitor General to the Defence Secretary, which had already been leaked in part, was published.

78. In October 2009, Baroness Scotland, the Attorney General, agreed to waive LPP in respect of legal advice given to Government up to the commencement of military action on 20 March 2003. Baroness Scotland also confirmed that she was content for witnesses called by the Inquiry to give evidence, notwithstanding the Law Officers' Convention, on an exceptional basis.

79. In June 2010, following the Inquiry's request for the declassification of Lord Goldsmith's draft advice of 14 January 2003 on the legal basis for military action, Sir Gus O'Donnell wrote to Sir John Chilcot setting out the Government's position. Sir Gus advised that the Government had decided to declassify the draft legal advice, but emphasised the exceptional nature of that decision, and that it reflected the exceptional and unusual circumstances of the Iraq Inquiry. He stated that the legal basis for military action might be considered to hold a unique status and emphasised that the Government's position remained that there is a strong public interest in protecting both the convention that neither the advice of the Law Officers, nor the fact that they have been consulted, is disclosed outside government, and the principle of LPP.

80. Sir Gus asked the Inquiry to publish his letter on its website in order to clarify publicly the grounds on which the decision had been taken, and the Inquiry did so. The Inquiry accepts the Government's position that there is a strong public interest in protecting the principle of LPP and the Law Officers' Convention. The Inquiry also recognises the exceptional nature of the Government's decision to declassify legal advice on the basis for military action. The Inquiry accepts that there is a distinction between legal advice on the decision to take military action, which we agree has a unique status, and legal advice on the numerous issues that arose during the course of the UK's joint Occupation of Iraq, and the continued presence of UK troops in sovereign Iraq.

81. The Government subsequently agreed to the declassification of a number of other documents from the pre-invasion period to which the Law Officers' Convention applied.

82. In a letter to the Inquiry dated 9 June 2014, the Attorney General's Office confirmed that, without prejudice to the importance of the convention governing the disclosure of Law Officers' advice, it would consider requests for permission to publish material drawn from Law Officers' documents relating to the post-invasion period on a case-by-case basis. It would do so on the basis that the Inquiry agreed that the use of direct quotation from the documents should be the minimum necessary to enable the Inquiry to articulate its conclusions.[18]

83. On that basis, the Inquiry sought and received permission to make reference to a number of further documents covered by LPP and the Law Officers' Convention.

---

[18] Letter Wilson to Hammond, 9 June 2014, 'Iraq Inquiry – Law Officers' Convention'.

84. The Inquiry is satisfied that it has been provided with copies of all relevant legal advice and other legal papers to which it has sought access. It is entirely satisfied that it has been allowed to draw on such material to the extent that it considers necessary both to report its findings and explain the basis on which those findings have been made.

Open source material

85. Although the Inquiry relied heavily on official documents as the most reliable record of government business, it also drew on a wide variety of open source material to produce its account.

86. That material particularly includes:

- diaries, memoirs, books and articles published by key participants;
- books and articles published by academics, experts and commentators;
- newspaper articles and reports, and transcripts of speeches and interviews;
- records of Parliamentary proceedings and reports by Parliamentary Committees;
- documents published by UK government departments, including annual reports;
- records of discussions in the UN Security Council and reports to the Security Council;
- documents published by UN agencies, international institutions and international non-governmental organisations;
- reports produced by and for the US Congress, and US Government departments and agencies; and
- evidence offered to previous Inquiries and their analysis and conclusions.

87. Especially when considered alongside official documents, such material provided valuable insights into and context for the events considered by the Inquiry.

88. The Inquiry recognises that open source material reflects the purpose for which it was produced and the knowledge and perspective of its author. In a number of cases, the Inquiry has not been able to take evidence from the author to explore their perspective. The Inquiry has therefore considered carefully the nature of the open source material that it has used, and how it has presented such material in its account. Wherever possible, it has compared open source material to the documentary record, and in many cases (for instance Mr Alastair Campbell's diaries) there is a high degree of consistency.

89. The conclusions reached in the Inquiry's Report remain the Inquiry's own.

Submissions to the Inquiry

90. In October 2009, before the Inquiry held its first evidence hearings, Sir John Chilcot invited anyone with information relevant to its Terms of Reference to get in touch. Sir John said:

> "There may be someone out there with a crucial bit of information which could show an issue in a different light. It would be a great shame if that opportunity was missed."

91. In response, almost 1,500 contributions were received between 2009 and 2016. The Inquiry has considered every submission carefully and is very grateful to all those who took the time to write.

92. A small number of articles submitted for a series of seminars with experts on Iraq were published in 2009. After considering which other submissions to publish, the Inquiry decided:

- not to publish those submissions that offered suggested questions for, or analysis of, evidence hearings, although they were of value whilst hearings were taking place;
- not to publish submissions offering suggestions on the conduct of the Inquiry;
- not to publish submissions concerning matters outside the Inquiry's Terms of Reference;
- not to publish details of personal experiences that were shared on a private basis;
- not to re-publish information already in the public domain, for example newspaper articles or published reports, although the Inquiry was grateful for the many articles, books and papers it received; and
- not to publish anything it deemed offensive or incomprehensible.

93. The submissions published on the Inquiry's website alongside this Report are therefore those which provide evidence to the Inquiry. In many cases they are from individuals or organisations with directly relevant expertise or experience.

94. The fact of publishing a submission does not in any way imply the Inquiry's acceptance of the views or statements it contains.

INTERNATIONAL LAW SUBMISSIONS

95. Between 12 July and 13 September 2010, the Inquiry extended an open invitation to international lawyers to submit their analyses of the arguments relied upon by the UK Government as the legal basis for military intervention in Iraq. In a small number of cases, the Inquiry also approached expert individuals directly and invited them to submit their views.

96. The Inquiry specifically invited analysis of the arguments set out in the Attorney General's advice of 7 March 2003, his written answer to a question asked in the House of Lords on 17 March and the FCO memorandum 'Iraq: Legal Basis for the Use of Force' of the same date.

97. Respondents were asked not to address their submissions to the legal grounds relied upon by countries other than the UK. Rather, they were asked to address the issues of law relating to the UK's position, including:

- the legal effect of operative paragraphs (OPs) 1, 4, 11 and 12 of UN Security Council resolution 1441 (2002);
- the significance of the word "consider" in OP12;
- whether by virtue of resolutions 678 (1990), 687 (1991) and 1441 the elements were in place for a properly authorised use of force;
- the interpretation and effect of the statements made by the Permanent Members of the Security Council following the unanimous vote on resolution 1441;
- the correct approach to the interpretation of Security Council resolutions; and
- Lord Goldsmith's evidence that the precedent was that a reasonable case was a sufficient lawful basis for taking military action.

98. All 37 of the legal submissions received by the Inquiry which met the criteria set out above are published on the Inquiry's website alongside this Report. The Inquiry used those submissions to inform its consideration of legal issues and is grateful to everyone who took the time to offer their views.

99. The Inquiry has not expressed a view as to whether or not the UK's participation in the conflict was lawful. Although the Inquiry has had the benefit of advice from a distinguished international lawyer, it was not constituted as a Court of Law and none of its members is legally qualified.

100. The opinion of this Inquiry would in any case not resolve the issue of the legality of the conflict, or the UK's participation in it. In the Inquiry's view, that issue can only be resolved by a properly constituted and internationally recognised Court which has considered the issue with the benefit of submissions from Counsel representing all those parties with an interest in or affected by the issue.

The actions of other governments

101. This Inquiry was asked to consider the actions of the UK Government, not those of its allies. The existence of a Coalition of states working in Iraq, however, means that this report inevitably considers the decisions and actions of other countries where they affected choices made by the UK.

102. That is particularly true of the US: in many instances the approach taken by the UK Government can only be understood in the context of its dialogue with Washington and the evolution of US policy.

103. The Inquiry has not been given access to the closed official records of other states, except when those documents were shared with the UK Government and so appear in its files.

104. In May 2010, members of the Iraq Inquiry Committee visited France and the US for meetings with a range of individuals, to gain a wider international perspective on the UK's involvement in Iraq over the period covered by the Inquiry and to provide a context for accounts given to the Inquiry by UK witnesses. Ambassador L Paul Bremer provided a statement to the Inquiry, which is published on our website.

105. Four members of the Iraq Inquiry Committee visited Iraq in September and October 2010, to receive an Iraqi perspective on the UK's involvement in Iraq.

106. The Committee's discussions in France, the US and Iraq were not formal evidence sessions and therefore records of the discussions have not been published. The names of the individuals that the Committee met during those visits, who have confirmed that they are content for their names to be published, are listed on the Inquiry's website.

107. Most senior members of the Bush Administration whom the Inquiry approached declined the request for such a meeting but the Inquiry was nevertheless able to meet a number of officials who had been closely involved with the development and implementation of US policy.

The criticism of individuals and "Maxwellisation"

108. One of the last activities the Inquiry completed before publishing its Report was the so-called "Maxwellisation" process.

109. In the course of its work, the Inquiry formed judgements which are critical of the decisions or actions of individuals who occupied positions of responsibility. Although the main focus of this Inquiry has been on learning lessons, where the Inquiry has reached a critical view it has expressed it frankly. Such views can be found throughout this Report.

110. When the Inquiry has felt it necessary to be critical, it has sought to be fair to the individual in question. Fairness requires individuals to be given the opportunity to respond to potential criticism. That is the purpose of the process often referred to as "Maxwellisation".

111. The Inquiry has not criticised any individual who has not given evidence to it. All those who gave evidence did so in accordance with the terms of the Witness Protocol, paragraph 10 of which says:

> "The prime purpose of the Inquiry is to identify lessons to be learned. The Inquiry is not a court of law and nobody will be on trial, although the Committee will not shy away from making criticisms if warranted. In the event that a particular witness may be the subject of criticism by the Inquiry, the Inquiry Secretariat will, in accordance with normal practice, notify that witness separately, in writing at least seven days in advance of the evidence session, of the nature of the potential criticism and the evidence that supports it."

112. Paragraph 30 of the Witness Protocol says that:

> "If the Inquiry expects to criticise an individual in the final report, that individual will, in accordance with normal practice, be provided with relevant sections of the draft report in order to make any representations on the proposed criticism prior to publication of the final report."

113. All witnesses who appeared before the Inquiry were told in advance of the areas that would be covered during questioning. A small number were also notified of points of potential criticism before they gave evidence to the Inquiry, in accordance with paragraph 10.

114. Material which now forms part of the Inquiry's Report continued to be received and assessed after the conclusion of its hearings. In July 2013, the Inquiry told a number of individuals that they would be given an opportunity to make representations on points of potential criticism, in accordance with paragraph 30.

115. Relevant extracts from the Inquiry's draft report were sent to those individuals on a confidential basis from October 2014, following completion of the process of declassifying material from the minutes of Cabinet meetings and from communications between Mr Blair and President Bush. A small number of individuals received further material in early 2016.

116. In the Inquiry's view, this procedure was necessary to ensure fairness to those who might be criticised in the Report. The Inquiry appreciates the constructive manner in which all who were engaged in the Maxwellisation process responded.

117. In reaching its final conclusions, the Inquiry has considered all representations received with care.

SECTION 10.1

RECONSTRUCTION: MARCH 2003 TO JUNE 2004

Contents

Introduction 3

UK post-conflict objectives and planning assumption 4

Humanitarian assistance 7

Coalition-building 18

Post-conflict reconstruction and ORHA 22

- Responsibility for reconstruction 22
- UK concerns over participation in ORHA 28
- Decisions to increase UK support for ORHA 43
- Reconstruction strategy and funding 60
- Concerns over the scale of the reconstruction challenge and ORHA's response 62
- Resolution 1483 70

The return to a 'war footing', June 2003 72

- Advice on the UK's responsibilities as an Occupying Power 83
- The first UK plan for reconstruction in the South, 12 June 86
- Making CPA(South) a model 92

Establishing a British Fiefdom in the South, July 2003 99

- CPA's 'Vision for Iraq' and 'Achieving the Vision' implementation plan 101
- Sir Hilary Synnott arrives in Basra, 30 July 106

Responding to deteriorating security 109

- Pressure to provide additional funding for reconstruction 122
- Staffing the CPA and new structures in London 131
- First cross-Whitehall Strategy for Iraq 134
- Lobbying for a level playing field for UK businesses 136

Madrid Donors Conference, 23 and 24 October 2003 136

Priorities for the last six months of Occupation 141

- Responding to the new, shorter timetable for the transfer of sovereignty 145
- DFID's Interim Country Assistance Plan 156

Planning and preparing for the transfer of sovereignty 163
UK Transition Plan for Iraq 166
UK Transition Plan for Southern Iraq 173
Reports from Iraq 175
Resolution 1546 185
The state of Iraq on the eve of transition 188
Sir Hilary Synnott's assessment 191
Resources available for reconstruction 191
UK funding for humanitarian assistance and reconstruction 193
UK support for the CPA 193
Reflections on the level of resources available for reconstruction 194

Introduction

1. Section 10 addresses the UK contribution to humanitarian assistance and reconstruction in Iraq between 2003 and 2009:

- This Section (10.1) covers the period between March 2003 and the end of the Occupation of Iraq in June 2004.
- Section 10.2 continues the story from July 2004 to 2009.

2. Sections 10.1 and 10.2 consider:

- humanitarian assistance;
- the development and implementation of UK reconstruction policy, strategy and plans;
- the UK's engagement with the US on reconstruction, including with the US-led Office of Reconstruction and Humanitarian Assistance (ORHA) and the Coalition Provisional Authority (CPA); and
- the UK's engagement with successive Iraqi governments on reconstruction.

3. Section 10.3 addresses five issues in more detail:

- UK policy on Iraq's oil and oil revenues;
- the Government's support for UK business in securing reconstruction contracts;
- debt relief;
- asylum; and
- reform of the Government's approach to post-conflict reconstruction and stabilisation.

4. Those issues are addressed separately from the main reconstruction narrative, in order to provide a clearer account of the development of the UK's engagement.

5. This Section does not consider:

- planning and preparing to provide humanitarian assistance and reconstruction, which is addressed in Sections 6.4 and 6.5;
- the financial and human resources available for post-conflict reconstruction, addressed in Sections 13 and 15 respectively;
- de-Ba'athification and Security Sector Reform (SSR), addressed in Sections 11 and 12 respectively; and
- wider UK policy towards Iraq in the post-conflict period, addressed in Section 9.

6. During the period covered by the Inquiry, the Government used a number of different terms to describe post-conflict activity in Iraq, including "reconstruction". It did not

generally define those terms. The Inquiry uses the term “reconstruction” in line with the Government’s common usage:

- to include work to repair and build infrastructure, deliver essential services and create jobs;
- to include work to build the capacity of Iraqi institutions and reform Iraq’s economic, legislative and governance structures; and
- to exclude SSR.

UK post-conflict objectives and planning assumption

7. Mr Jack Straw, the Foreign Secretary, issued a Written Ministerial Statement setting out the UK’s strategic objectives for Iraq on 7 January 2003.[1] The objectives included a definition of the UK’s desired end state for a post-Saddam Iraq:

> “We would like Iraq to become a stable, united and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective and representative government to its own people.”

8. The development of the UK’s objectives for post-conflict Iraq is addressed in detail in Sections 6.4 and 6.5.

9. The ‘Vision for Iraq and the Iraqi People’ issued by Mr Blair, President Bush and Mr José María Aznar, the Prime Minister of Spain, at the Azores Summit on 16 March, included a number of specific commitments on post-conflict reconstruction.[2] The three leaders declared:

> “We will work to prevent and repair damage by Saddam Hussein’s regime to the natural resources of Iraq and pledge to protect them as a national asset of and for the Iraqi people. All Iraqis should share the wealth generated by their national economy …
>
> “In achieving this vision, we plan to work in close partnership with international institutions, including the United Nations … If conflict occurs, we plan to seek the adoption, on an urgent basis, of new United Nations Security Council resolutions that would affirm Iraq’s territorial integrity, ensure rapid delivery of humanitarian relief, and endorse an appropriate post-conflict administration for Iraq. We will also propose that the Secretary-General be given authority, on an interim basis, to ensure that the humanitarian needs of the Iraqi people continue to be met through the Oil-for-Food program.

---

[1] House of Commons, *Official Report,* 7 January 2003, column 4WS.
[2] Statement of the Atlantic Summit, 16 March 2003, ‘A Vision for Iraq and the Iraqi People’.

"Any military presence, should it be necessary, will be temporary and intended to promote security and elimination of weapons of mass destruction; the delivery of humanitarian aid; and the conditions for the reconstruction of Iraq. Our commitment to support the people of Iraq will be for the long term."

10. On 25 March, Mr Desmond Bowen, Deputy Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), sent a draft paper to senior officials in the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MOD) and the Department for International Development (DFID) setting out "British Post-Conflict Objectives".[3]

11. The draft included Mr Straw's formulation of 7 January, adding:

"Our objective is to create conditions for a future Iraqi government which will act to make this aspiration a reality. We will work with the Iraqi people, the UN and other international organisations, and the wider international community to this end."

12. The draft stated:

"British forces will continue to contribute, for no longer than is necessary at a sustainable level, to the US-led Coalition military presence in the interests of promoting a secure environment in Iraq …

"We have made plans with our international partners to assist the Iraqi people in the process of transition. With others, we will assist in the return to full Iraqi sovereignty …

"With others, we will help revive the Iraqi economy and assist reform by:

- working with the UN to manage Iraq's oil revenues in order to achieve the maximum benefit for the Iraqi people in an accountable and transparent manner;
- supporting an international programme for the reconstruction and repair of Iraq's infrastructure …;
- fostering economic reform …;
- agreeing a comprehensive financial framework of transitional support for Iraq …;
- helping reform Iraq's public administration …;
- supporting the observance of human rights, and legal and judicial reform …;
- helping Iraq generate reformed and accountable security forces acting in accordance with international human rights standards."

13. There is no indication that the objectives were ever adopted formally.

---

[3] Letter Bowen to Chaplin, 25 March 2003, 'Iraq: Post Conflict Objectives' attaching Paper [draft], 25 March 2003, 'Iraq: British Post-Conflict Objectives'.

14. The transition from conflict (Phase III) to post-conflict (Phase IV) military operations in Iraq started as soon as Coalition troops began to occupy Iraqi territory.

15. Section 6.5 concludes that, when that transition began:

- The Government had not taken firm decisions on the nature or duration of the UK's military commitment in post-conflict Iraq or on the extent of the UK Area of Responsibility (AOR).
- There had been no systematic analysis of the UK's military or civilian capacity to fulfil its likely obligations in the South in a range of circumstances, including:
  - in the prolonged absence of an authorising Security Council resolution;
  - in the absence of additional Coalition partners;
  - in a hostile security environment with low levels of Iraqi consent; and
  - over different timescales, in particular the medium and long term.

16. Ministers, officials and the military continued to assume that:

- there would be early agreement on a post-conflict resolution;
- levels of consent would rise steadily across most of Iraq; and
- despite the scale of the undertaking, the international community would succeed in realising the Azores vision for Iraq's social, political and economic transformation of Iraq.

17. Above all, despite UK concerns that the US had not prepared a satisfactory plan for post-conflict Iraq and that ORHA, the body responsible for immediate post-conflict administration and reconstruction, was not up to the task, it was assumed that the US could act as guarantor of the UK's objectives in Iraq.

Definition and use of Area of Operations (AO) and Area of Responsibility (AOR)

Area of Operations (AO) refers to the UK military's area of combat operations during the invasion of Iraq (Phase III of operations). It is the term applied during conflict and, in terms of time, space and force, is the area in which lethal force can be applied for a designated period of time.

Area of Responsibility (AOR) is usually applied in peace support operations. In Iraq, it refers to the area of southern Iraq for which the UK military was responsible during the post-conflict Occupation of Iraq (Phase IV of operations).

The two terms were not used consistently within government and were sometimes applied interchangeably in the same document.

Humanitarian assistance

18. Section 6.5 addresses the UK's pre-invasion preparations, led by DFID and the military, for the provision of humanitarian assistance during and in the immediate aftermath of conflict.

19. Ms Clare Short, the International Development Secretary, described DFID's humanitarian contingency plan in a Written Ministerial Statement to Parliament on 13 March 2003.[4]

20. In the Statement, Ms Short stated that DFID would have two roles in the event of conflict:

- to help advise UK Armed Forces on their obligations under the Hague and Geneva Conventions; and
- to use the funds, expertise and influence available to it to support delivery of humanitarian assistance by the international community.

21. Ms Short advised that DFID was deploying staff to key locations in the region, had brought DFID's stockpile of non-food items, vehicles and equipment "to immediate readiness", was procuring additional supplies, and was positioning some of its stocks in Kuwait and elsewhere in the region.

22. On 17 March, at Ms Short's request, DFID's Conflict and Humanitarian Affairs Department (CHAD) prepared a paper on shortcomings in humanitarian preparations and steps needed to address them.[5]

23. Officials identified seven problems:

- "UN funding needs insufficiently met. Preparedness incomplete …
- Red Cross Movement preparing but requires substantial funding support …
- NGOs [Non-Governmental Organisations] beginning to establish presence but not fully prepared …
- US preparedness for response lacks local experience and based on optimistic assumptions …
- How to maintain the Oil-for-Food (OFF) programme …
- How to support humanitarian agencies [to] gain early access to Iraq …
- How Coalition Forces can provide effective humanitarian response …"

---

[4] House of Commons, *Official Report*, 13 March 2003, column 21WS.

[5] Minute DFID [junior official] to Private Secretary/Secretary of State [DFID], 17 March 2003, 'Iraq: Humanitarian Assistance' attaching Paper, [undated], 'Iraq: What is lacking in terms of being prepared for an effective humanitarian response and what would it take to address that?'.

24. The proposed solution for the first three problems was to provide "immediate additional funds to DFID". The proposed solution for the fourth was continued liaison between DFID, the US Agency for International Development (USAID) and ORHA.

25. Ms Short sent the paper to Mr Blair with the comment: "This summarises what needs to be done to improve humanitarian preparedness. Perhaps we could really focus on this next week."[6]

26. A No.10 official advised Mr Blair that the main problems identified by DFID were:

- underfunding of humanitarian agencies;
- agencies not ready to respond effectively and lacking experience outside northern Iraq;
- the need for Coalition Forces to provide humanitarian assistance until there was a permissive security environment; and
- the risk that the OFF programme might break down.[7]

27. DFID's proposed solutions included:

- increased funding for DFID and the MOD;
- rapidly securing a permissive security environment; and
- a resolution transferring management of the OFF programme to the UN Secretary-General.

28. The official advised that DFID's analysis was "probably about right". The MOD had been pressing DFID to help for some weeks, so it was useful that DFID now recognised the need to help. DFID was seconding two people to work with the US and the Cabinet Office was working to broker a deal on additional funding with the Treasury. The funding made available to the MOD to provide humanitarian assistance in the UK's AOR is described in Section 13.1.

29. The military role in providing humanitarian assistance was summarised in a joint minute from Mr Straw and Mr Geoff Hoon, the Defence Secretary, to Mr Blair on 19 March.[8] The letter is described in more detail in Section 6.5. Mr Straw and Mr Hoon advised:

> "The military task will be to facilitate a secure environment … to enable immediate humanitarian relief to be conducted. To help UK forces win hearts and minds, HMT [the Treasury] have allocated them £30m for humanitarian purposes in the first month as well as £10m for quick win projects. (Clare [Short] has allocated £20m for

---

[6] Manuscript comment Short on Minute DFID [junior official] to Private Secretary/Secretary of State [DFID], 17 March 2003, 'Iraq: Humanitarian Assistance'.
[7] Minute No.10 [junior official] to Prime Minister, 17 March 2003, 'Iraq: Humanitarian Assistance: DFID Views'.
[8] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

UN agencies' preparations and earmarked another £60m from DFID's contingency reserve for humanitarian operations. But this is a drop in the ocean; in the worse case, if the Oil-for-Food programme ground to a halt, Iraq could need as much as a billion dollars a month for humanitarian aid)."

Extending the Oil-for-Food programme

Before the 2003 invasion, the UN Oil-for-Food (OFF) programme was the principal mechanism for Iraqi procurement of humanitarian goods.

The OFF programme was established by resolution 986 in April 1995. Implementation began in May 1996 after the signing of a Memorandum of Understanding between the UN and the Iraqi Government.[9] The programme allowed for:

- the export of Iraqi oil;
- the deposit of oil revenues into a UN-controlled account; and
- the use of those revenues to procure food, medicine and other goods approved by the UN.

Section 6.5 describes how, in January 2003, the UK began discussions with the US on adapting the OFF programme to the circumstances of post-conflict Iraq.

The UK approach was set out in background papers for the Azores Summit, sent to No.10 by the FCO on 15 March:

> "If the Iraqi regime falls, new arrangements will need to be put in place to enable the OFF [programme] to keep functioning. Our current plan is to table a resolution soon after conflict starts … We are seeking to amend some of the procedures to speed up the process for humanitarian goods …"[10]

Resolution 1472, adopted unanimously on 28 March, transferred authority for administering the OFF programme, including authority to purchase medical supplies and Iraqi goods and services, to the UN Secretary-General for a period of 45 days, with the possibility of further renewal by the Security Council.

30. Military operations against Iraq began on the night of 19/20 March. Military operations during the invasion are described in Section 8.

31. Ms Short visited New York and Washington on 19 and 20 March for talks with the UN, US, World Bank and the International Monetary Fund (IMF).[11]

32. The British Embassy Washington reported that Ms Short had pressed the US Administration hard on the need for an early resolution to enable the OFF programme

---

[9] Office of the Iraq Programme, *About the programme*: *Oil-for-Food.*
[10] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit' attaching Briefing FCO, 'Iraq – Oil for Food Programme (OFF) and Sanctions'.
[11] Telegram 501 UKMIS New York to FCO London, 21 March 2003, 'Iraq Humanitarian/Reconstruction: Clare Short's Visit to New York'.

to continue, on the grounds that any significant break in food distribution under the OFF programme could lead to "humanitarian catastrophe".[12]

33. Ms Short wrote to Mr Paul Boateng, the Chief Secretary to the Treasury, on 21 March to request £120m from the Reserve for humanitarian assistance in Iraq.[13] That amount would cover an initial contribution to the anticipated UN appeal, support the Red Cross and NGOs, and fund DFID's bilateral contribution. Ms Short stated that her bid did not include any funds for reconstruction; those costs would need to be considered in the "longer term".

34. On the same day, DFID produced its first internal update on the humanitarian situation in Iraq and neighbouring countries.[14] Officials reported that DFID had deployed seven humanitarian and civil/military advisers:

- two to Kuwait City;
- two to join 1st (UK) Armoured Division (1 (UK) Div) in Kuwait;
- one to join ORHA in Kuwait; and
- one each to Amman and Tehran.

35. By the early hours of 23 March, 3 Commando Brigade had taken control of Umm Qasr, Iraq's principal port.[15]

36. DFID's internal update for 24 March reported that the two DFID advisers seconded to 1 (UK) Div were being included in all briefings, and that humanitarian assistance and civil-military issues were moving up the military's agenda.[16]

37. The inter-departmental Iraq Planning Unit (IPU)[17] sent a paper on UK humanitarian planning to Mr Straw's Private Office on 24 March.[18] The IPU advised that the major humanitarian agencies might begin operations in Iraq within 30 days, as the situation became secure. Until then, the "main humanitarian providers" would be the military, the Red Cross, and local staff working for the UN and NGOs. There was "some capability to respond to low intensity humanitarian needs", but:

> "… this will prove to be inadequate in the event of a protracted conflict (particularly around Baghdad or the North), significant damage to infrastructure and/or large-scale movements of people. The threat/use of CBW [chemical and biological weapons] could trigger a humanitarian disaster … MOD and DFID are urgently

---

[12] Telegram 370 Washington to FCO London, 21 March 2003, 'Iraq: Ms Short's Visit'.
[13] Letter Short to Boateng, 21 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.
[14] Report DFID, 21 March 2003, 'Iraq Humanitarian Situation Update: No 1 (internal)'.
[15] Report MOD, 23 March 2003, 'Iraq: Update for the Number 10 Sitrep, 0600Z 23 March 2003'.
[16] Report DFID, 24 March 2003, 'Iraq Humanitarian Situation Update: No 2 (internal)'.
[17] The IPU was established in February 2003 to develop policy on issues relating to the administration of Iraq. The creation of the IPU is addressed in detail in Section 6.5.
[18] Minute IPU [junior official] to FCO [junior official], 24 March 2003, 'HMG Humanitarian Planning' attaching Paper IPU, [undated], 'HMG Humanitarian Planning'.

assessing the scope to provide emergency medical provision and public information in this scenario."

38. That assessment was repeated in an FCO paper on Phase IV (post-conflict) issues sent to Mr Blair by Mr Straw on 25 March, in advance of Mr Blair's meeting with President Bush at Camp David.[19]

39. It was also repeated in a DFID paper on humanitarian assistance during and immediately after the conflict sent to No.10 on 25 March.[20]

40. The DFID paper identified steps to address the capability gap, including:

- Securing and maintaining a permissive environment as soon as possible.
- Addressing funding and constraints for humanitarian agencies. DFID and the Treasury should conclude discussions on overall humanitarian funding.
- Addressing urgently the risks posed to Iraqi civilians by CBW and assessing the scope for UK support in the event of a CBW attack.
- Standing ready to protect and restore power and water supplies to prevent "a health-based disaster".

41. Between 18 March and 22 April, COBR, the UK Government's crisis management and co-ordination facility, sent twice-daily updates on key events relating to Iraq to senior officials and departments.[21]

42. The 25 March COBR round-up of key events in Iraq reported "some concern about the humanitarian situation in Basra where water and electricity supplies have been disrupted since Friday [21 March]".[22]

43. The MOD informed No.10 on 25 March that the Royal Engineers had started work on a water pipeline from Kuwait into Iraq, in order to restore supplies of drinking water to Basra.[23]

44. Ms Short told the 27 March Ad Hoc Meeting[24] that the humanitarian situation in Basra was improving because of the efforts of the International Committee of the Red

---

[19] Minute Straw to Blair, 25 March 2003, 'Camp David: Post-Iraq Policies' attaching Paper FCO, 25 March 2003, 'Iraq: Phase IV Issues'.
[20] Letter Bewes to Rycroft, 25 March 2003, 'Iraq: humanitarian assistance during and immediately after the conflict' attaching Paper DFID, 25 March 2003, 'Iraq: humanitarian assistance during and immediately after the conflict'.
[21] Minute Cabinet Office [junior official] to Manning, 'Iraq: COBR Round Up of Key Events – 18 March'; Minute Cabinet Office [junior official] to Manning, 'Iraq: COBR Round Up of Key Events – 22 April'.
[22] Minute Cabinet Office [junior official] to Manning, 25 March 2003, 'Iraq: COBR Round Up of Key Events – 25 March'.
[23] Letter Watkins to Rycroft, 25 March 2003, 'Iraq: Military Campaign'.
[24] The Ad Hoc Meeting (also known as the "War Cabinet") took place daily from 19 March to 12 April, with the exception of Sundays 30 March and 6 April, and was chaired by Mr Blair.

Cross (ICRC).[25] Damage to the high voltage electricity supply by the Coalition had affected the water system. There were lessons to be learned.

45. Cabinet discussed the humanitarian situation later on 27 March.[26] Ms Short said that Iraq had been in a frail humanitarian state before the conflict. The big risks now were inadequate water supplies and failed sanitation systems. The military would have responsibility for providing humanitarian assistance once the shooting stopped.

46. A USAID Disaster Assistance Response Team (DART) crossed into Iraq for the first time on 27 March, visiting Umm Qasr to assess the humanitarian situation and the condition of the port, which was a major supply centre for the OFF programme.[27] The team reported that there were no major signs of humanitarian crisis, and that the port was in poor but working condition.

47. Also on 27 March, Mr Boateng agreed Ms Short's request for £120m from the Reserve.[28] Section 13.1 considers in more detail the resources that the Government made available for humanitarian assistance (and reconstruction).

48. The UN launched a Flash Appeal for Iraq on 28 March, requesting US$2.22bn to provide six months' food and non-food aid for Iraq.[29]

49. DFID committed £65m to support the Appeal.[30]

50. The Royal Fleet Auxiliary (RFA) vessel Sir Galahad docked at Umm Qasr on 28 March and finished offloading its cargo of 200 tonnes of water, food and humanitarian stores the following day.[31] It was the first shipment of humanitarian assistance into Umm Qasr since the start of the invasion.

51. The Kuwait-Umm Qasr pipeline became operational on 30 March.[32] The pipeline filled three 24,000-litre tankers every 45 minutes.[33]

52. DFID's internal update for 31 March reported that international ICRC staff had gained access to Basra from Kuwait; the first international staff from a humanitarian agency to do so since the beginning of military operations.[34]

---

[25] Minutes, 27 March 2003, Ad Hoc Meeting on Iraq.
[26] Cabinet Conclusions, 27 March 2003.
[27] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[28] Letter Boateng to Short, 27 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.
[29] United Nations, 28 March 2003, *Transcript of Press Conference by Deputy Secretary-General Louise Fréchette at United Nations Headquarters, 28 March 2003*.
[30] Report DFID, 1 April 2003, 'Iraq Humanitarian Situation Update No.8 (Internal)'.
[31] Report MOD, 29 March 2003, 'Iraq: Update for the Number 10 Sitrep – as at 1630Z 29 March 2003'; *The Guardian,* 28 March 2003, *Aid being delivered by Sir Galahad; Daily Mail,* 28 March 2003, *'Sir Galahad docks with aid shipment'.*
[32] Report MOD, 30 March 2003, 'Iraq: Update for the Number 10 Sitrep – as at 0730 30 March 2003'.
[33] Report DFID, 3 April 2003, 'Iraq Humanitarian Situation Update: No 10 (internal)'.
[34] Report DFID, 31 March 2003, 'Iraq Humanitarian Situation Update: No 7 (internal)'.

53. The first ORHA personnel entered Iraq on 1 April, visiting Umm Qasr.[35] *Hard Lessons*, Mr Stuart Bowen's account as US Inspector General for Iraq Reconstruction of the US experience of reconstruction between 2002 and 2008, recorded that the situation had deteriorated rapidly since the visit of the USAID DART team because of heavy looting.

54. The MOD reported on 2 April that the UN had declared Umm Qasr a "permissive" environment, opening the way for UN agencies and NGOs to start work in the town.[36]

55. Mr Hoon raised humanitarian issues with Mr Donald Rumsfeld, US Secretary of Defense, on 3 April.[37] Mr Hoon proposed that ORHA (the majority of whose staff were still based in Kuwait), should focus on its humanitarian role as soon as it deployed to Iraq.

56. A second USAID DART team visited Umm Qasr on 4 April and reported that "anything not nailed down" had gone.[38]

57. The MOD reported on 4 April that the Red Cross and the Red Crescent were the only humanitarian agencies working alongside the UK military.[39] Water and power provision in Basra were back at pre-war levels.

58. On 6 April, the Cabinet Office informed No.10 that the ICRC and UK military assessed that improving the water supply remained a priority for Umm Qasr and Basra, but the situation was not a "humanitarian crisis".[40]

59. RFA Sir Percivale docked at Umm Qasr on 7 April to deliver 300 tonnes of "MOD humanitarian supplies".[41]

60. Mr Hoon informed Parliament on 7 April that UK forces had "deployed in force into Basra".[42]

61. The COBR evening round-up later that day reported that while no area in Basra was safe enough to call in humanitarian assistance, power and food were available to the majority of the population and the slight shortages of water were not significant.[43]

---

[35] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[36] Report MOD, 2 April 2003, 'Iraq: Update for the Number 10 Sitrep – as at 1600 2 April 2003'.
[37] Minute Watkins to DG Op Pol, 3 April 2003, 'Iraq: Conversation with Rumsfeld: 3 April 2003'.
[38] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[39] Report MOD, 4 April 2003, 'Iraq: Update for the Number 10 Sitrep – as at 0600 4 April 2003'.
[40] Minute Drummond to Manning, 6 April 2003, 'Iraq: Update – Noon Sunday 6 April'.
[41] Report Cabinet Office, 7 April 2003, 'Iraq: Evening Round Up 7 April'.
[42] House of Commons, *Official Report,* 7 April 2003, column 21.
[43] Report MOD, 7 April 2003, 'Annex to Evening Sitrep 8 April 2003: Military'.

62. Ms Short informed Parliament on 10 April that food supplies were "not currently a major problem" in most of Iraq and there were not the large numbers of internally displaced people that had been feared.[44]

63. In the past few days, there had been reports of an increasingly serious humanitarian situation in Baghdad; the ICRC had reported "violent looting" and warned of a breakdown in law and order there.

64. Ms Short continued that with 16m Iraqi citizens dependent on the OFF programme and most families at least partially dependent on it, it was "critical" to get the OFF programme and its distribution network working again as quickly as possible.

65. Ms Short told the 11 April Ad Hoc Meeting that the ICRC and UN agencies were concerned about lawlessness in Baghdad and elsewhere.[45] Hospitals in particular needed to be secured. The systems in place for the distribution of food and the restoration of the water supply were disabled by the lack of security.

66. Mr Blair concluded the meeting by saying that the security situation in the cities had to be stabilised, particularly for hospitals. Although a violent release of anger in response to the fall of the regime was inevitable, the humanitarian situation had to be improved. The three basics were food, water and healthcare; DFID should provide advice on both the current situation and the strategy for the future.

67. DFID sent a paper to No.10 later on 11 April, advising that:

- The Iraqi health system was functioning, but was under severe strain in Baghdad and other towns that had suffered heavy casualties. There were localised shortages of medical supplies.
- Water, sanitation and power systems were fragile. UK forces, the ICRC and the United Nations Children's Fund (UNICEF) were working together to reinstate services in the South; services in Baghdad were under severe strain.
- Food supply remained a concern: stocks distributed before the conflict under the OFF programme were expected to last until the end of April.
- Population movements had so far been limited and managed adequately by the local authorities.
- Key concerns were the breakdown in law and order and the future of the OFF programme beyond 12 May, when the authority provided under resolution 1472 expired.
- In the South, the UK military, drawing on the £30m allocated to them to provide humanitarian assistance, had been distributing food, water and medical supplies. Looting and disorder in Basra had been halted, and work was under way to restore key elements of local public administration.

---

[44] House of Commons, *Official Report*, 10 April 2003, column 435.
[45] Minutes, 11 April 2003, Ad Hoc Meeting on Iraq.

- DFID maintained daily contact with the ICRC and UN agencies, but almost all other interventions, including deployment of DFID humanitarian advisers into Iraq, were awaiting an improvement in security. The ICRC was the only agency to have been in Iraq throughout the conflict: UN agencies and NGOs were awaiting their own security assessments before deploying widely. ORHA, which had "a very limited capability to deliver humanitarian assistance", was similarly constrained.[46]

68. The Cabinet Office round-up of events on 11 April reported that the ICRC was "profoundly alarmed by the chaos currently prevailing in Baghdad and other parts of Iraq".[47]

69. Sir David Manning, Mr Blair's Foreign Policy Adviser, passed the Cabinet Office's report to Mr Blair, highlighting the ICRC's concern.[48]

Publicising humanitarian assistance

The Government sought to generate positive publicity for the Coalition's humanitarian assistance.

Mr Hoon proposed to Secretary Rumsfeld on 3 April that the Coalition needed to highlight its humanitarian work for as long as it remained engaged in a propaganda war with the Iraqi regime.[49]

Sir David Manning discussed establishing a medical "air bridge" to Baghdad with Mr Hoon and, separately, with Dr Condoleezza Rice, US National Security Advisor, on 12 April.[50]

Sir David reported that he had suggested to Dr Rice that "we" should bring planes into Baghdad packed with medical equipment and specialist medical teams.[51] The initiative would have an immediate impact on local hospitals and on Iraqi and international public opinion. The flights should be undertaken with "much fanfare, and for the cameras". In practice, the initiative might not amount to much more than giving a much higher profile to what was already happening.

Sir David suggested to Mr Simon McDonald, Mr Straw's Principal Private Secretary, that, if the idea prospered, "we should try to ensure that the UK is clearly associated with it. We might send British equipment and personnel on the flights, and secure maximum publicity for our contribution."

Later that day, Mr Peter Watkins, Mr Hoon's Principal Private Secretary, informed Sir David that US and Australian aircraft loaded with medical supplies would land in

[46] Letter Bewes to Rycroft, 11 April 2003, [untitled] attaching Paper DFID, 11 April 2003, 'Iraq: Humanitarian Needs and Response'.
[47] Report Cabinet Office, 11 April 2003, 'Iraq: Evening Round Up 11 April'.
[48] Manuscript comment Manning to Prime Minister, 12 April 2003, on Report Cabinet Office, 11 April 2003, 'Iraq: Evening Round Up 11 April'.
[49] Minute Watkins to DG Op Pol, 3 April 2003, 'Iraq: Conversation with Rumsfeld: 3 April 2003'.
[50] Manuscript comment Manning to Prime Minister, 12 April 2003, on Letter Watkins to Manning, 12 April 2003, 'Baghdad: Medical Support'; Letter Manning to McDonald, 12 April 2003, 'Iraq: Conversation with Condi Rice'.
[51] Letter Manning to McDonald, 12 April 2003, 'Iraq: Conversation with Condi Rice'.

Baghdad on 12 April.[52] Further flights were expected in the coming days and Coalition commanders would try to ensure flights were highlighted to the media.

The Inquiry has seen no evidence of further discussion of the air bridge.

70. The Cabinet Office reported on 13 April that "despite media reporting of widespread looting and disruption", the humanitarian situation continued to show "signs of stabilisation".[53] The ICRC had said that security remained the greatest concern in Baghdad. Liaison between Coalition Forces and Iraqi technicians and managers on restoring and maintaining utilities had begun.

71. In his conversation with President Bush on 14 April, Mr Blair identified the need to improve conditions in hospitals as the top humanitarian priority and the main focus of media interest.[54] Baghdad was still not a safe environment for humanitarian assistance.

72. By the middle of April, USAID and DFID were beginning to look beyond humanitarian assistance to longer-term recovery and reconstruction.

73. Mr Suma Chakrabarti, DFID Permanent Secretary, visited Washington on 14 April.[55]

74. The UK Delegation to the IMF and the International Bank of Reconstruction and Development (UKDEL IMF/IBRD) reported that USAID officials had told Mr Chakrabarti that, in the absence of the expected refugee crisis, USAID would be able to divert some resources from humanitarian assistance to reconstruction.

75. UKDEL IMF/IBRD also reported that: "US reconstruction plans are comprehensive, and well advanced."

76. A DFID team visited Kuwait from 14 to 16 April and reported on 22 April:

> "Broadly, the humanitarian crisis that was feared in Iraq has not materialised. The need for acute *relief* operations has been limited. In the South, localised needs are being addressed by the military and International Committee of the Red Cross. As soon as security permits, UN agencies and NGOs are ready to begin operations on the ground – this is already happening in South and North Iraq. In Baghdad and other central towns, the humanitarian situation is more difficult.
>
> "However, there is an urgent need for *recovery*. Key issues here include restoring law and order; restoring water, fuel and power supplies; re-opening schools, medical facilities and other public services; restoring the underlying public administration including payment of salaries …

---

[52] Letter Watkins to Manning, 12 April 2003, 'Baghdad: Medical Support'.
[53] Paper Cabinet Office, 13 April 2003, 'Iraq: Afternoon Round-Up, 13 April'.
[54] Letter Cannon to McDonald, 14 April 2003, 'Iraq: Prime Minister's Conversation with Bush, 14 April'.
[55] Telegram 33 UKDel IMF/IBRD to FCO London, 14 April 2003, 'Iraq: Post-Conflict – US Government Thinking, IFI and UNDP Preparations'.

"The UK military in the South are heavily focused on recovery issues …

"Alongside recovery, there is an urgent need to begin planning for the reconstruction and reform process. A UN mandate will be required before the IFIs [International Financial Institutions] and other donors are able to fully support implementation."[56]

77. Copies of the report were sent to No.10, the Cabinet Office, the FCO, the MOD, the Treasury, the Department of Trade and Industry (DTI) and the Attorney General's Office.

78. The UK's AO in the South was declared "permissive" by UK forces on 22 April.[57]

79. On 24 April, the UK military sought Mr Hoon's approval for the first substantial withdrawal of ground troops from Iraq with effect from Sunday 27 April.[58]

80. The Annotated Agenda for the 15 May meeting for the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) stated that, of the £30m available to the UK military for humanitarian relief operations in the UK's AO, only £3m had been committed and £1m spent.[59] The remainder could be used for other purposes.

81. The UN launched its revised humanitarian appeal for Iraq on 23 June.[60] The UN reported that almost US$2bn of the US$2.22bn requested in its 28 March Flash Appeal had been made available to UN agencies; the revised appeal covered the remaining US$259m.[61] Of the US$2bn, US$1.1bn had been made available from the OFF programme and US$870m had been pledged by donors. The largest donors were:

- the US (providing US$483m, some 56 percent of total donor contributions);
- the UK (US$108m, 12 percent); and
- Japan (US$87m, 10 percent).

82. At the launch, Ms Louise Fréchette, UN Deputy Secretary-General, reported that a major humanitarian crisis had been avoided.[62] UN pre-planning had led to the prompt restoration of the OFF food distribution system, and some of the "more dire" planning assumptions, such as large-scale population movements, had not occurred.

---

[56] Letter DFID [junior official] to Rycroft, 22 April 2003, 'Iraq: Engagement with ORHA' attaching Paper DFID, 22 April 2003, 'Iraq: ORHA – Visit Report'.
[57] Report MOD, 23 April 2003, 'Iraq: Update for the Number 10 Sitrep – As at 0630 on 23 April 2003'.
[58] Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, 'Op TELIC: Realignment of UK Forces'.
[59] Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[60] United Nations, Press Release, 23 June 2003, *United Nations Agencies Appeal for US$259 Million in Emergency Assistance for Iraq.*
[61] United Nations, June 2003, *Humanitarian Appeal for Iraq: Revised Inter-Agency Appeal 1 April – 31 December 2003.*
[62] Telegram 1006 UKMIS New York to FCO London, 24 June 2003, 'Iraq: Launch of the Revised UN Humanitarian Appeal, 23 June'.

83. DFID pledged a further £35m towards the UN appeal, bringing DFID's total contribution to £100m.[63]

84. The Inquiry has not seen any assessment by the UK Government of the effectiveness of the UK's humanitarian assistance effort in the UK's AO/AOR.

85. Ms Short told the Inquiry that the efforts of the UN agencies and the Red Cross in particular had prevented a humanitarian crisis in Iraq:

> "… the humanitarian thing worked because a lot of work was done by a lot of people and we played our part in that".[64]

Coalition-building

86. Between March and May 2003, the UK sought international partners to share the civilian and military burden in post-conflict Iraq.

87. Section 6.5 describes concerns expressed by UK civilian and military planners before the invasion that, in the absence of UN authorisation for Phase IV, it would prove difficult to attract international partners to share the post-conflict burden.

88. On 21 March, Mr Ian Lee, MOD Director General Operational Policy (DG Op Pol), sent a "Coalition Engagement Strategy for Phase IV" to the Chiefs of Staff.[65] Mr Lee advised: "We need to pursue this approach as a matter of urgency, since Phase IV may be almost upon us."

89. The Engagement Strategy recommended that the UK inform the US of the UK's need for partners to fill Phase IV military and non-military capability gaps. Officials would then start bilateral discussions with potential partners, leading to a possible multilateral meeting "when we judge that nations feel comfortable with being openly identified".

90. Mr Lee advised Mr Hoon on 26 March that initial discussions with some countries were under way, but could not be concluded without:

> "… more clarity on the overall Phase IV framework … and the legalities of our position in the absence of a UNSCR [T]hese high-level issues will, we hope, be clarified in forthcoming contact at Prime Minister/President level [at Camp David]."[66]

---

[63] International Development Committee, Session 2002-2003, *Examination of Witnesses (Questions 49-59)*, 30 June 2003.
[64] Public hearing, 2 February 2010, page 13.
[65] Minute Lee to COSSEC, 21 March 2003, 'Coalition Engagement Strategy for Phase IV', attaching Paper, [undated], 'Coalition Engagement Strategy for Phase IV'.
[66] Minute Lee to PS/Secretary of State [MOD], 26 March 2003, 'Coalition-Building for Phase IV'.

91. On 27 March, the British Embassy Washington reported that the US had invited representatives of around 47 Embassies to attend an inter-agency briefing intended to generate military and civilian contributions to Phase IV.[67] The Embassy commented:

> "Given that we have been thinking ourselves about an exercise to generate support for the UK sector in Phase IV, we will need to make sure that we deconflict this from the US effort."

92. The Embassy also commented that this was separate from the US initiative to convene a small core group of countries to manage Iraq's humanitarian and reconstruction needs. The UK, Spain, Australia, Japan and possibly a Gulf State would be approached to participate in the group.

93. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, advised Mr Lee on 28 March that Mr Hoon agreed that "given the likely scale of the Phase IV task, there are good practical as well as political reasons to engage early with potential partners" and that Mr Hoon had, after discussion with Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS), written to the Defence Ministers of the "most willing" countries.[68]

94. On the same day, Mr Hoon informed the Ad Hoc Meeting on Iraq that he had written to selected Defence Ministers asking them to consider a military contribution to the post-conflict phase.[69]

95. On 1 April, the Cabinet Office reported that, during the core group's first conference call, the UK, Spain, Australia and Japan had suggested that "reconstruction must go through the UN, with an early new UNSCR [resolution] and the IFIs engaged".[70]

96. On 10 April, the FCO issued instructions to overseas posts to seek military contributions from host governments to support Phase IV in the UK sector of Iraq.[71] The FCO stated that the UK hoped to be able to reduce its military deployment by two-thirds during Phase IV, but advised posts to:

> "… base your approaches on the need for widespread international support for consolidating security and stability and getting Iraq back on its feet, which should be a more powerful argument for potential contributors than offsetting the effects of a UK drawdown.
>
> "We intend to continue to provide a discrete self-supporting military capability in the UK area of operation, allowing maximum flexibility to cope with whatever role we assume in Phase IV. From about September … [w]e will be able to provide the

---

[67] Telegram 397 Washington to FCO London, 27 March 2003, 'Iraq: Phase IV: US Coalition Building'.
[68] Minute Watkins to DG Op Pol, 28 March 2003, 'Iraq: Coalition-building for Phase IV'.
[69] Minutes, 28 March 2003, Ad Hoc Meeting on Iraq.
[70] Report Cabinet Office, 1 April 2003, 'Iraq: Evening Round-Up 1 April'.
[71] Telegram 33 FCO London to Rome, 10 April 2003, 'Phase IV Military Contributions: Lobbying Instructions'.

headquarters and one of the three brigades, and we would like to make up the remaining two brigades through contributions from other nations."

97. The FCO instructions were sent to UK Defence Attachés along with detailed MOD instructions on the specific contributions sought.

98. The same day, the US Embassy London expressed concern to the FCO that the UK's lobbying campaign had not been co-ordinated with the US.[72] Countries would be offering the same assets to the US and UK.

99. On 11 April, Mr Peter Gooderham, Political Counsellor at the British Embassy Washington, reported that he had told the US that the UK had kept it informed at every stage and could not be expected "to wait around while they get their inter-agency act together".[73] Mr Gooderham had declined a US request to "abort" the lobbying telegram.

100. Later that day, Mr Gooderham reported that while there was still "consternation" in the US State Department, he had managed to calm the situation.[74]

101. Mr Watkins informed No.10 on 23 April that there were "encouraging signs of interest from potential Coalition partners", including Italy, which had secured parliamentary approval for deployment of a brigade headquarters, one battalion, 400-500 Carabinieri and a number of specialist capabilities.[75]

102. Taken together, offers of contributions provided a promising basis for a UK-led multilateral division and might produce some surplus capability. Multilateral meetings were scheduled on 30 April and 8 May to take things forward.

103. In parallel, senior FCO officials sought to engage the European Union (EU) and EU Member States on post-conflict issues.

104. The Presidency Conclusions of the European Council on 20 and 21 March stated that the EU was committed to being "actively involved" in addressing Iraq's humanitarian needs and that it wanted effectively to "contribute to the conditions allowing all Iraqis to live in freedom, dignity and prosperity under a representative government".[76] The European Council invited the European Commission and High Representative "to explore the means by which the EU might help the Iraqi people to achieve these objectives".

105. Sir Nigel Sheinwald, UK Permanent Representative to the EU, interpreted the European Council Conclusions as evidence that the EU "was shaping up the right

---

[72] Email FCO [junior official] to FCO Emergency Unit, 10 April 2003, 'US Embassy Interest in Phase IV'.
[73] Email Gooderham to FCO Emergency Unit, 11 April 2003, 'US Embassy Interest in Phase IV'.
[74] Email FCO Emergency Unit [junior official] to Ehrman, 11 April 2003, 'Phase IV: Next Steps'.
[75] Letter Watkins to Cannon, 23 April 2003, 'Iraq: Phase IV Contributions and Coalition-building'.
[76] European Commission, Press Release, 21 March 2003, *Brussels European Council 20 and 21 March 2003 Presidency Conclusions.*

way on humanitarian issues".[77] Although reconstruction had not been explicitly mentioned, the EU had undertaken to contribute to a "post-Saddam Iraq", and had directed the Commission and Council Secretariat to start planning for that. The UK needed to build on this in order to "start to heal EU divisions", and make progress on post-conflict resolutions.

106. On 26 March, during the early stages of discussion in between the UK and US delegations in New York on the text of what was to become resolution 1483 (see Section 9.1), Sir Paul Lever, British Ambassador to Germany, raised concerns with Mr Peter Ricketts, FCO Political Director, about the UK's failure to engage EU allies from the outset.[78] Sir Paul recalled that Mr Blair had stated in the House of Commons on 18 March, that, with the wisdom of hindsight, it would have been best if Europe had adopted a common position on Iraq, including with respect to the use of force provided the US acted through the UN and engaged seriously on Israel/Palestine. Sir Paul commented that Mr Blair's advice had not been followed on reconstruction:

> "… I hope that you [Mr Ricketts] and others will, before we get inextricably locked in to a common UK/US bilateral position on post-conflict Iraq, have the opportunity to consider whether, after our experience over the last six months, this is really where we want to be."

107. Mr Ricketts relayed those views, together with those of Sir John Holmes (British Ambassador to France) and Sir Roderic Lyne (British Ambassador to the Russian Federation), to Mr Simon McDonald, Mr Straw's Principal Private Secretary.[79] Mr Ricketts reported that a meeting of FCO officials earlier that day had agreed that it made sense to engage with European countries at the formative stage of the resolution, "both because we needed their support to get it through the Security Council, and because it was potentially an important part of re-establishing a good working relationship".

108. On 27 March, Sir John Holmes added:

> "… the bottom line is that we will need French (and German) support if a UN resolution is to pass. We are more likely to get it if we share our thinking with them at an early stage. They see the need, as we do, to save the Americans (or at least the Pentagon) from too much of a military administration which could go disastrously wrong …"[80]

109. Sir Jeremy Greenstock, the UK Permanent Representative to the UN, confirmed to Mr Ricketts that he was "entirely alive to the opportunity of getting the Europeans and

---

[77] Telegram 367 UKRep Brussels to FCO London, 25 March 2003, 'Iraq: Phase IV: EU Handling'.
[78] Letter Lever to Ricketts, 26 March 2003, 'Iraq Reconstruction: How to Influence the Americans'.
[79] Minute Ricketts to Private Secretary [FCO], 26 March 2003, 'Iraq Reconstruction Resolution: Working the Europeans".
[80] Letter Holmes to Ricketts, 27 March 2003, 'Iraq Reconstruction: Working the Europeans'.

the [Security] Council to work together on Phase IV".[81] The prospects of that had been "mildly enhanced" by useful co-operation during negotiations on the resolution extending the OFF programme. Sir Jeremy added:

> "The difficult calculation, of course, is how to take forward any thought of working closely with the Europeans when we have to be joined at the hip to the Americans as well.
>
> "… we here in New York can in the end do no more than the Prime Minister manages to win in terms of flexibility from the President in Washington."

110. Mr Blair spoke to President Bush by video link on the afternoon of 4 April.[82] Mr Blair commented that reports from discussions with European partners indicated that they would like to "find a way back". He thought that getting the right "framework of principles" for Phase IV should help.

111. Mr Blair's subsequent discussions with Mr Jacques Chirac, the French President, and Mr Gerhard Schröder, the German Chancellor, are addressed in Section 9.1.

Post-conflict reconstruction and ORHA

112. Officials in the FCO, the MOD, DFID and the Cabinet Office continued to work on plans for the reconstruction of post-conflict Iraq after the start of the invasion.

113. UK efforts to secure a resolution authorising the post-conflict administration and reconstruction of Iraq are described in Section 9.1.

114. The UK's military contribution to the combat phase (Phase III) of the military campaign in Iraq, the transition to post-conflict military operations (Phase IV) and the establishment of the UK military's Area of Responsibility (AOR) in southern Iraq are described in Section 8.

Responsibility for reconstruction

115. Ms Short held a meeting with DFID officials on 26 March to discuss Iraq.[83] Reflecting on recent progress to secure a resolution authorising the post-conflict administration and reconstruction of Iraq, Ms Short stated: "The important thing was for the world to know that a resolution for a UN mandate was coming."

116. Officials reported a sense among departments that a resolution on reconstruction might not be achieved. Ms Short stated that under the Geneva and Hague Conventions "no changes could be made to the [Iraqi] administration by the Occupying Powers, except … to keep systems working for civilians". The Attorney General had been clear

---

[81] Letter Greenstock to Ricketts, 27 March 2003, 'Iraq Reconstruction: Working the Europeans'.
[82] Letter No.10 [junior official] to Owen, 4 April 2003, 'Iraq: Prime Minister's Video Conference with President Bush'.
[83] Minute Warren to Fernie, 26 March 2003, 'Iraq: Meeting with Secretary of State'.

on that point at Mr Blair's meeting that morning. Ms Short asked her Private Office to request that the Attorney General's advice be committed to paper.

117. Ms Short reported that "the Prime Minister had given her responsibility for reconstruction in Iraq". That role should be underpinned by a Cabinet Office Committee chaired by Mr Chakrabarti. Ms Short added: "This area was our lead in Whitehall and we needed to ensure that this was recognised." Mr Chakrabarti said that he had already spoken to Sir Andrew Turnbull, the Cabinet Secretary.

118. Cabinet discussed Iraq on 27 March.[84] Looking ahead, the Iraqi economy had potential and the bureaucracy was competent. Iraq was not a failed state and should not be a burden on the international community. Mr Hoon said that securing Iraq's essential economic infrastructure had been achieved through seizing the southern oilfields almost intact. The sooner the oil could flow again, the sooner the profits could be used for the Iraqi people.

119. DFID produced its first substantive paper on post-conflict reconstruction at the end of March.

120. On 27 March, Mr Alistair Fernie, Head of DFID's Middle East and North Africa Department, sent a paper on reconstruction planning to Ms Short.[85] Ms Short had seen an earlier draft on 20 March.

121. Mr Fernie advised that officials were:

> "… now thinking how to take this [the paper] forward as part of a more comprehensive DFID-led process across Whitehall, looking at the whole range of international activities needed to help Iraq recover from conflict, sanctions and years of misrule."

122. Mr Fernie advised that the paper had been revised to take account of Ms Short's comments on "getting the multilateral system working to support Iraqi institutions, the importance of sustainable debt and reparations strategy, and focusing on using and developing Iraqi talent rather than bringing in too many international consultants".

123. Comments had been received from the FCO, Treasury and Cabinet Office, centring on:

- what the UK would do if there were no resolution authorising reconstruction; Mr Fernie advised that, with the Attorney General's advice now in writing, "we should stick to our position that without an SCR the UK can only support humanitarian relief and basic civil administration reform to ensure public security"; and

---

[84] Cabinet Conclusions, 27 March 2003.
[85] Minute Fernie to Private Secretary/Secretary of State [DFID], 27 March 2003, 'Iraq: Iraq Reconstruction Planning' attaching Paper DFID, 27 March 2003, 'Iraq – Reconstruction Planning: Objectives and Approach'.

- setting reconstruction planning within a wider post-conflict context.

124. Mr Fernie advised that the paper would be tabled at a Cabinet Office meeting the next day, when:

> "We will discuss the process for the more comprehensive paper … it will be useful to show to No.10 and the Cabinet Office that DFID is not only the natural lead on this approach but also has the human resources and experience to dedicate to it."

125. Mr Fernie sent the paper to the Cabinet Office the following day, describing it as a "work-in-progress" paper setting out some "preliminary ideas on reconstruction planning".[86]

126. Mr Fernie stated that the paper benefited from comments offered by FCO, MOD and Cabinet Office officials at a meeting chaired by DFID, which had raised wider issues about how reconstruction fitted with the UK's overall approach to rebuilding Iraq and securing international consensus behind that approach. DFID's view was that the UK needed to "start working now on a broader strategy which binds together the many bits of work going on across Whitehall".

127. The paper stated that it was based on the assumption that "an adequate international mandate, agreed by the UN Security Council, will exist for the UK to play a full role in reforming and restructuring Iraq and its administration".[87] It also stated that it was focused on DFID's contribution to reconstruction, but had set that within a "broader context, which should be the subject of a further, more overarching UK Government strategy paper".

128. While reconstruction planning needed to be informed by a long-term perspective of a country's needs, decisions were likely to be taken soon on new governance structures and policies for Iraq, and the international community (in particular the IFIs, UN and US) were already considering what kind of reconstruction support should be provided. ORHA was likely to take decisions within a matter of days which would set the context for future reconstruction planning.

129. The paper adopted the (broad) objectives defined in the version of the UK's 'Vision for Iraq and the Iraqi People' which had been produced for the 16 March Azores Summit.

130. DFID's "core focus" in assisting Iraq's reconstruction would be:

> "… the elimination of poverty, and in particular ensuring the Iraqi Government was able to address its people's poor health indicators and other social problems. After an initial period of continuing dependence on humanitarian assistance, Iraq's status as a middle-income country will make it more appropriate for DFID to support

---

[86] Letter Fernie to Drummond, 28 March 2003, 'Iraq Reconstruction Planning', attaching Paper DFID, 27 March 2003, 'Iraq – Reconstruction Planning: Objectives and Approach'.
[87] Paper DFID, 27 March 2003, 'Iraq – Reconstruction Planning: Objectives and Approach'.

technical assistance for the economic and institutional reforms which will underpin the reconstruction process, and help the Iraqi Government to stimulate the private sector growth, foreign investment and international lending which will enable them to address poverty."

131. In pursuing those objectives, DFID would:

- Work though multilateral channels. DFID's "overriding aim" should be to ensure that Iraq received comprehensive and prompt support from international institutions and the wider international community. DFID would "wherever possible … seek to channel the bulk of our financial contributions through multilateral arrangements … and complement this with targeted technical assistance in areas where DFID has expertise".
- Tackle dependence on humanitarian assistance. Emergency relief and rehabilitation should blend with immediate reconstruction priorities.
- Plan for a short-term engagement: "given its potential wealth, we should aimfor Iraq to be self-sufficient as quickly as possible, perhaps within three years, though some continuing technical assistance may prove appropriate beyond that".

132. The paper stated that experience in Afghanistan had shown that the international community was slow to create tangible benefits on the ground which might demonstrate the "dividends of peace" to communities during "politically and culturally unstable post-conflict times". DFID had "a justified reputation for relatively speedy response", and would consider whether its existing humanitarian programme in Iraq and the additional emergency work it might fund after the conflict might provide a useful base to support wider reform in the water/sanitation and health sectors, to ensure that tangible benefits were provided to the Iraqi people relatively quickly.

133. The UK would find itself in a "critically responsible role" in Iraq, having been involved from the start in the military campaign. As the main ally of the US, the UK would be in a unique position to influence its engagement.

134. The paper concluded:

"Iraq is different to many developing countries which face shortages of well-educated and technically competent people. Using Iraq's existing talent pool (including, with some political caution, returning exiles) as far as possible, and ensuring its relatively young population is educated to replace that pool, will be an essential investment and reduce political tension."

135. Eight days after the start of the invasion, officials recommended the creation of a Cabinet Committee to oversee the UK approach to reconstruction.

136. Sir Michael Jay, FCO Permanent Under Secretary (PUS), discussed the Whitehall machinery for overseeing reconstruction with Sir Andrew Turnbull on 27 March.[88]

137. Sir Andrew Turnbull suggested "a Cabinet Committee chaired by the Foreign Secretary which would settle all the fundamental key questions about the reconstruction of Iraq (e.g. what sort of political system)", with sub-committees looking at specific issues. He would ask Mr Bowen to come up with a proposal.

138. Sir Michael said that it was important that the Foreign Secretary was "clearly in the lead", that DFID reconstruction activity was "restrained until the 'big picture' decisions" had been taken, and that the IPU was included in the architecture.

139. Sir Michael Jay wrote to Mr Straw later that day, proposing improvements to Whitehall co-ordination on reconstruction.[89] Sir Michael repeated his concern, prompted by a conversation with Mr Chakrabarti, that DFID was "still hankering after the leadership of the Iraq reconstruction agenda". Sir Michael had discussed this concern with Sir Andrew Turnbull, who had agreed that "it was right that the FCO should take the overall Whitehall lead on reconstruction". The "ideal structure" would be:

> "– a Cabinet Committee chaired by you [Mr Straw] to oversee the overall reconstruction effort in Iraq;
>
> – a senior officials' committee chaired by Desmond Bowen or David Manning, which would feed into the Ministerial Group; and oversee the work of a series of sub-groups, each dealing with specific aspects of the reconstruction agenda …"

140. Sir Michael concluded:

> "It would obviously be helpful if you could secure the Prime Minister's endorsement for our approach in advance. We cannot guarantee that Clare Short will accept it without argument."

141. Later on 27 March, Mr Bowen sent Sir Andrew Turnbull a draft minute addressed to Mr Blair, recommending the creation of an "Ad Hoc Ministerial Group on Iraq Reconstruction" chaired by Mr Straw.[90] Mr Bowen advised that he had opted for an ad hoc group because it was "inherently more flexible and less ponderous than a formal sub-group of DOP [the Ministerial Committee on Defence and Overseas Policy]".

142. Mr Jim Drummond, Assistant Head (Foreign Affairs) OD Sec, sent Mr Bowen some first thoughts on the "reconstruction agenda" for the new Ministerial Group on 28 March:

- humanitarian assistance;
- role of ORHA: "competence and UK links with and involvement in";

---

[88] Minute Warren, 27 March 2003, 'Sir Michael Jay Bilateral, 27 March'.
[89] Minute Jay to Secretary of State [FCO], 27 March 2003, 'Iraq: Reconstruction: Whitehall Co-ordination'.
[90] Minute Bowen to Turnbull, 27 March 2003, 'Iraq: Reconstruction' attaching Minute [draft] Turnbull to Prime Minister, [undated], 'Iraq Reconstruction'.

- wider UN role on reconstruction;
- political process/fate of the Ba'ath Party: "Outline plan exists, not agreed with US";
- economy: "Good contacts with US";
- reconstruction of infrastructure: "Depends on damage. Beginning now. Disagreements with US on role of Iraqis";
- SSR: "Ideas offered to US, but no plan";
- public administration reform and service delivery: "No plan yet?"
- commercial opportunities: "Needs wider policy agreement with US";
- legal issues: "Some contact with US. No firm agreement. No plan";
- disarmament: "No agreement with US on extent of involvement of UN inspectors"; and
- reintegrating Iraq into the international community.[91]

143. Sir Andrew Turnbull wrote to Sir Kevin Tebbit on 31 March, seeking his and, among others, Sir David Manning's agreement on a slightly revised version of the draft minute produced by Mr Bowen on 27 March.[92] Sir Andrew advised that the revised draft had already been agreed with Sir Michael Jay and Mr Chakrabarti.

144. The only change to Mr Bowen's draft was the substitution of the word "rehabilitation" for "reconstruction" in the name of the group.

145. Sir Andrew Turnbull's draft stated that as the UK moved towards the post-conflict phase, it needed "a coherent policy on an enormous range of issues, including the role of the UN, Iraqi political process, rehabilitation and reform, economic and financial issues (including debt and reparations), security sector reform and reducing our own military role".

146. Sir Andrew Turnbull therefore proposed:

> "… a new Ad Hoc Ministerial Group on Iraq Rehabilitation reporting to you [Mr Blair]. The Foreign Secretary should chair … Its terms of reference would be: 'to formulate policy for the rehabilitation, reform and development of Iraq'."

147. The new Ministerial Group would be supported by an officials group, led by the Cabinet Office and including the Head of the IPU.

148. The Inquiry has not seen a final version of Sir Andrew Turnbull's minute.

---

[91] Minute Drummond to Bowen, 28 March 2003, 'Iraq: Reconstruction Agenda'.
[92] Letter Turnbull to Tebbit, 31 March 2003, 'Iraq: Rehabilitation' attaching Minute [draft] Turnbull to Prime Minister, [undated], 'Iraq: Rehabilitation'.

149. Mr Chakrabarti wrote to Sir Andrew Turnbull on 1 April, confirming that the new groups proposed in Sir Andrew's draft minute to Mr Blair:

> "… seem the best way to take forward the detailed implications of any SCR's content, and what can be done before its passing … The key will be to agree very quickly on the work programme and to task those with the knowledge and experience in the subject areas to take the lead while consulting others with an interest in ensuring all the workstreams fit together into a coherent – and affordable – strategy. We must draw on the lessons learnt from other post-conflict situations such as Afghanistan, Kosovo, East Timor, Sierra Leone and Bosnia."

150. Mr Chakrabarti attached a short note setting out some thoughts on how such a strategy might be developed and structured. He continued:

> "The Cabinet Office will pull all this together, but DFID is already working on issues in our area of expertise under several of the workstreams listed. We are keen to work more closely with HMT [the Treasury], MOD and FCO on areas such as debt and reparations rescheduling, the use of oil revenues, security sector reform, and the diplomatic and financial strategy for building consensus around what needs to be done. Nicola Brewer will take the lead for DFID in the Cabinet Committee senior officials' group. I hope there will be increased cross-membership of the various workstreams, and that we will use the interdepartmental machinery at our disposal (eg the Global Conflict Prevention Pool for security sector reform) to ensure joined up working.
>
> "In looking at our areas of expertise, we are consulting the [World] Bank and [International Monetary] Fund, UN development agencies, the EC [European Commission] and other key bilateral donors as well as the US Administration …"[93]

151. Sir Andrew Turnbull informed Mr Straw on 7 April that Mr Blair had agreed a new committee should be established "to formulate policy for the rehabilitation, reform and development of Iraq".[94] Mr Straw would chair; other members would be the Chancellor of the Exchequer, the Defence Secretary, the International Development Secretary and the Trade and Industry Secretary. The committee would be supported by a group of officials, chaired by Mr Bowen.

152. Mr Straw chaired the first meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 10 April.

UK concerns over participation in ORHA

153. Section 6.5 describes how, during March 2003, UK officials considered those rules of international law on belligerent occupation relevant to reconstruction and their implications for UK participation in ORHA.

---

[93] Letter Chakrabarti to Turnbull, 1 April 2003, 'Iraq: Rehabilitation, Reform and Development'.
[94] Letter Turnbull to Straw, 7 April 2003, 'Iraq: Rehabilitation'.

154. On 17 March, Mr Huw Llewellyn, an FCO Legal Counsellor, advised the IPU on the compatibility of various post-conflict activities with the rules of military occupation.[95]

155. Mr Llewellyn explained that Security Council authorisation was not required for humanitarian assistance. The position was more complicated for "rehabilitation" and "reconstruction":

> "Rehabilitation
>
> "As I understand it, this means essential repair work, (for example to schools, hospitals, government buildings, roads). It is closely connected with basic humanitarian assistance.
>
> "… Article 55 of the Hague Regulations requires the Occupying Power to 'safeguard' the capital of public buildings etc. Repair work would be consistent with that obligation …
>
> "Reconstruction
>
> "You list under this heading matters such as reform of the judiciary, security sector and police reform, demobilisation, reform of government and its institutions, the education system, and the banking system … it might also include the building of new roads and other structures to assist the regeneration of Iraq.
>
> "Construction of entirely new roads and buildings may in some circumstances be permissible – where this is necessary for the relief effort or, for example for maintaining security or public order. As you know, the scope for action on the other issues … is limited. Any action going beyond these limits would require Security Council authorisation."

156. Mr Llewellyn offered further observations on 18 March, in which he emphasised that "sweeping" institutional and personnel changes would not be permitted.[96]

157. On 26 March, Lord Goldsmith, the Attorney General, sent Mr Blair advice requested at the Ad Hoc Meeting the previous day.[97] It covered:

> "… the need for UN Security Council authorisation for the Coalition or the international community to establish an interim Iraqi administration to reform and restructure Iraq and its administration."

---

[95] Minute Llewellyn to IPU [junior official], 17 March 2003, 'Potential Humanitarian and Reconstruction Activities in Iraq'.
[96] Minute Llewellyn to IPU [junior official], 18 March 2003, 'Potential Humanitarian and Reconstruction Activities in Iraq'.
[97] Minute Attorney General to Prime Minister, 26 March 2003, 'Iraq: Authorisation for an Interim Administration'.

158. Lord Goldsmith's view was that:

> "… a further Security Council resolution is needed to authorise imposing reform and restructuring of Iraq and its Government. In the absence of a further resolution, the UK (and US) would be bound by the provisions of international law governing belligerent Occupation … the general principle is that an Occupying Power does not become the government of the occupied territory. Rather, it exercises temporary de facto control …"

159. The principles of international law as they applied to the UK and US as Occupying Powers in Iraq before and after the adoption of resolution 1483 on 22 May 2003 are summarised in the Box 'The legal framework for Occupation' later in this Section.

160. Those principles are addressed in more detail in Section 9.1.

161. Section 9.1 also addresses UK efforts to agree with the US a Memorandum of Understanding (MOU) on a set of principles governing activity in post-conflict Iraq.

162. In advance of the meeting between Mr Blair and President Bush at Camp David on 26 and 27 March, Mr Straw's Private Office sent Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, a negotiating brief for what was to become resolution 1483, the resolution defining the roles of the UN and the Coalition in post-conflict Iraq.[98]

163. The negotiating brief, prepared by the IPU, described what was known about what would happen during the "first few weeks" after the combat phase of the military campaign:

> "Immediately after the conflict, the Coalition will be in control of Iraq.
>
> "As soon as it is safe to do so, [Lieutenant General (retired)] Jay Garner [the Head of ORHA] and his Office of Reconstruction and Humanitarian Assistance (ORHA) will arrive behind the military and become a transitional administration. Their aim will be to work with the existing Iraqi public administration, so far as possible. Garner will then take forward the reconstruction process. His people will be inserted into the top of the Iraqi ministries, with senior US officials being assigned to each ministry as 'shadow ministers' …
>
> "ORHA is understaffed and begun preparing for its task only a few weeks ago. There are now some ten or so UK secondees embedded in it. Garner would like to be out of Iraq within 90-120 days. Whether ORHA will be able to get any reform programme started in that time is moot. This period is likely to be dominated by humanitarian and security concerns."

---

[98] Letter Owen to Rycroft, 25 March 2003, 'Prime Minister's Visit to Washington: Iraq: UN Security Council Resolution on Phase IV' attaching Paper Iraq Planning Unit, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.

164. ORHA and the Coalition might enjoy a "brief honeymoon", but not if the Coalition seemed set on administering Iraq for more than a brief period. It was therefore necessary to put in place interim arrangements for post-conflict administration that would be accepted by the Iraqi people and the Arab and Islamic world.

165. A resolution would be required to authorise those interim arrangements, and to provide a legal basis for "reconstruction and reform":

> "Without a UNSCR, other countries, international organisations, the IFIs, UN agencies and NGOs will be comparatively limited in what they can do … That would leave US/UK with no viable exit strategy from Iraq and a huge bill."

166. The IPU negotiating brief stated that the task for Camp David was to build on five areas where there was already agreement between the UK and US:

- The Coalition, through ORHA, would be responsible for the administration of Iraq for the first few weeks.
- The UN should not be asked to run Iraq.
- The objective should be Security Council authorisation or endorsement for an international presence that would include the UN.
- Coalition, not UN troops would provide security on the ground.
- As soon as possible, Iraq should govern itself.

167. The IPU stated that differences between the UK and US positions remained significant. The IPU explained that the US approach amounted to:

> "… asking the UNSC to endorse Coalition military control over Iraq's transitional administration, its representative institutions and its revenues until such time as a fully-fledged Iraqi government is ready to take over. It would marginalise the role of a UN Special Co-ordinator. These ideas are a non-starter for the Security Council, would be denounced by the Iraqis and the wider Arab/Islamic world, and would not provide the stability needed to develop the new Iraq."

168. The IPU stated that there was "still some distance to go if we are to agree a way forward to avoid an inchoate start to Phase IV".

169. The IPU set out a number of "propositions" which it hoped Mr Blair and President Bush could agree. Those propositions and the progress of the negotiations on resolution 1483 are addressed in Section 9.1.

170. Mr Straw sent Mr Blair an FCO paper on Phase IV issues in advance of Camp David.[99] Mr Straw said that he hoped Mr Blair would counter any tendency by President Bush to conclude that the UN had failed over Iraq:

> "… the US will need to go on working through the UN, both to authorise the post-conflict work in Iraq so that a wide range of countries can join the peacekeeping and reconstruction effort, and to provide an exit strategy for the US/UK and because the UN itself and its agencies have important expertise to offer."

171. The FCO paper on Phase IV issues stated that, in addition to US agreement on a UN resolution, the UK needed US agreement on a number of other important political, humanitarian and economic issues, including:

- A Baghdad Conference. The US was still thinking of a Coalition conference with the UN in a supporting role. That was the wrong way round for international acceptability.
- The role of the Interim Iraqi Administration (IIA). An early statement of intent to hand over power to an IIA while helping the Iraqi people to build a democratic future "should go down well". The UN Special Co-ordinator should have veto power over the IIA's decisions.
- Humanitarian issues. UK and US efforts were substantial: "we should play them up in the media".
- Economic issues. After several wars and 12 years of sanctions, Iraq's oil revenues alone would not meet the "very heavy" cost of reconstruction, particularly in the short term. "We need to share the burden with other developed countries … But contacts with them tell us they will make **their contribution conditional on there being an authorising UNSC resolution for Phase IV.**" The World Bank would need to prepare a rigorous needs assessment, but that too would probably need UN cover.[100]

172. On the UK's bilateral effort, the paper stated that Ms Short was considering where the UK might help with the longer-term contribution to "reform and reconstruction". SSR and reform of the public service were two areas where the UK had a comparative advantage. UK public finances were "tight". If the UK was to keep armed forces in Iraq, "the scope for a major effort on reform and reconstruction will be limited".

173. Mr Blair and President Bush met at Camp David on 26 and 27 March. Their discussions are addressed in more detail in Section 9.1.

174. At dinner on the first evening, Mr Blair told President Bush that he did not want his visit to Camp David to focus primarily on a UN resolution to deal with post-conflict

---

[99] Minute Straw to Blair, 25 March 2003, 'Camp David: Post-Iraq Policies'.
[100] Paper FCO, 25 March 2003, 'Iraq: Phase IV Issues'.

Iraq.[101] The question about what sort of resolution was needed for the administration and reconstruction of Iraq should be parked. Mr Blair said:

> "The time to debate this would come when we had secured victory, and were in a position of strength."

175. Mr Blair raised Phase IV issues with President Bush the next day. They discussed the need to push for a quick agreement on the resolution to continue the OFF programme, and for a separate resolution that would free up financial and troop contributions from other nations, secure World Bank and IMF involvement and put reconstruction on the right footing.[102]

176. Mr Rycroft recorded that Mr Blair had identified the main issue as being whether the UN formed the future Iraqi government or whether the Coalition did so with UN endorsement, but that he had said "it was not helpful to expose this distinction yet".

177. On 31 March, Mr Llewellyn advised Mr Dominick Chilcott, Head of the IPU, that UK military lawyers based in Kuwait were becoming alarmed at ORHA's activities.[103] ORHA had issued three orders in relation to the port of Umm Qasr, including the application of US labour and customs laws, for which there was no clear legal authority. The position of UK forces, if asked to participate in related activities, was therefore uncertain.

178. Mr Llewellyn concluded: "If it cannot be sorted out, we may well need a decision from Ministers about whether UK forces should decline to take part in actions that we consider unauthorised or unlawful."

179. The IPU sent recommendations on the UK's future engagement with ORHA to Mr Straw on 1 April.[104]

180. The IPU advised that the UK objective of an IIA acting under UN authorisation was unlikely to be in place sooner than 90 days after the end of hostilities.[105] Until then, mechanisms were needed to deliver humanitarian assistance and, within the relevant legal constraints, civil administration. Without such mechanisms, those tasks would fall on the military, which had other priorities and limited resources.

181. The IPU listed three options:

- tasking and resourcing 1 (UK) Div to take on those tasks autonomously in areas of Iraq for which it was responsible;

---

[101] Letter Manning to McDonald, 28 March 2003, Prime Minister's Meeting with President Bush at Camp David: Dinner on 26 March'.
[102] Letter Rycroft to McDonald, 27 March 2003, 'Prime Minister's Meeting with President Bush at Camp David: Iraq Phase IV'.
[103] Minute Llewellyn to Chilcott, 31 March 2003, 'Iraq: ORHA: Current Activity'.
[104] Minute Iraq Planning Unit to Private Secretary [FCO], 1 April 2003, 'Iraq: ORHA'.
[105] Paper IPU, 28 March 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.

- working through ORHA and doing what was possible to increase ORHA's institutional capacity; UK/US differences over legal issues would be likely to have an impact on the UK's ability to achieve that; and
- finding other ways to fulfil those tasks, for example through NGOs or international agencies.

182. The IPU noted that ORHA would administer the whole of Iraq as part of an integrated US-led approach and had large resources at its disposal, and concluded:

> "We may wish to support 1 Div's capacity to carry out specific actions (eg repairing the water supply) in areas where we are responsible for maintaining security. But the logic of ORHA – a nation-wide approach to Phase IV – limits the UK's responsibilities and exposure. Carving out a separate approach in a UK sector would make no sense.
>
> "The third option is not incompatible with this or with the second option. Indeed, DFID may well wish to go down this route as the primary means of delivering humanitarian and, in due course, reconstruction assistance. We shall need to keep under review where the balance of our overall effort lies.
>
> "But ORHA remains the Coalition's transitional civil administration in waiting and is its primary means for delivering humanitarian assistance. And at least until the UN agencies and NGOs are present on the ground, only ORHA/Coalition Forces will be in a position to do this. This paper thus focuses exclusively on ORHA as the means for adding value and exerting UK influence in the immediate post-conflict environment."

183. The IPU advised that ORHA, which was then in Kuwait, had approximately 200 staff, expected to rise to over 1,000 by the time it deployed to Iraq. The UK and Australia had each seconded six officers. Five more UK secondees were "in the pipeline" and one was working in ORHA's back office in the Pentagon. The UK secondees were "fully integrated" and "adding significant value". At ORHA's request, the IPU was considering whether to strengthen UK representation, particularly in the areas of public relations, civil administration and humanitarian operations.

184. The IPU advised that Lt Gen Garner was reported to be expecting ORHA to act as the transitional administration for 30 to 90 days. The priority for the first 30 days was likely to be dealing with immediate humanitarian needs, including:

- restoration of food supplies;
- payment of public sector salaries;
- re-establishment and rehabilitation of essential public services; and
- working closely with UN staff to restart the OFF programme.

185. Depending on the circumstances, the UK could quite quickly be faced with "a grey area of possible activities which could move ORHA beyond the UK's understanding of an Occupying Power's rights and obligations", perhaps including:

- initiation of a small business loan programme;
- abolition of Iraqi Government restrictions on private business;
- significant changes to the exchange or trade regimes;
- significant changes to the structure of the state budget; and
- SSR.

186. In addition, the US Department of Defense (DoD) continued to consider that the absence of a resolution need not prevent "thorough-going political and economic reform, including in areas the UK would consider to be clearly outside the UK's understanding of an Occupying Power's rights and responsibilities".

187. The IPU concluded that, while ORHA was "in many ways a sub-optimal organisation for delivering the UK's Phase IV objectives", it was "the only game in town". There was "ample scope" to use UK secondees to exert leverage over US Phase IV planning and implementation.

188. The IPU recommended that "the UK should continue to commit resources to ORHA where we can add real value and exert influence over emerging US perspectives and plans". Only by "full, constructive engagement" could the UK "hope to shape the outcomes in ways that stay within UK red lines".

189. The IPU also recommended that the UK should:

- continue to make clear to the US the limits within which the UK, including UK personnel within ORHA, could operate;
- seek close consultation on ORHA's plans, to ensure that they did not cross UK "red lines"; and
- subject to those points, confirm Major General Tim Cross, the senior UK secondee to ORHA, as Deputy to Lt Gen Garner.

190. The Inquiry has seen no response to the IPU paper.

191. Mr Straw considered the question of UK support for ORHA at the first meeting of the AHMGIR on 10 April.

192. On 1 April, Mr Straw described the UK's commitment to reconstruction in a speech to the Newspaper Society Annual Conference:

> "Today our primary focus has to be the military campaign … But we have given – and we are giving – a huge amount of thought to the post-conflict situation …
>
> "I don't underestimate the scale of the task. Saddam has led his country to ruin …

"Turning things round in a fully comprehensive way will not be the work of months. It is likely to take years …

"Today I want to assure all the Iraqi people that our belief in their future prosperity is as strong as our belief in their liberation. In the short term, our approach to humanitarian relief and reconstruction will be founded on four key commitments …

"First: there will be emergency relief over the coming days and weeks … The Ministry of Defence has been allocated £30m … DFID has earmarked £210m …

"Second: we will ensure that the United Nations oversees the medium and long-term international aid programme to Iraq … A central role for the UN will also be crucial in attracting the expertise and funds from the major international financial institutions and aid donors …

"Third: we will work with the United Nations and others on the long term redevelopment and rehabilitation of Iraq …

"And fourth: we will ensure that Iraq's oil wealth will be used for the benefit of the Iraqi people, to develop the infrastructure and services the country so desperately needs."[106]

193. Mr Llewellyn confirmed on 2 April that UK forces were now an Occupying Power in that part of Iraq in their physical control.[107]

The legal framework for Occupation

It was widely understood by both the US and UK that once they had displaced the regime of Saddam Hussein, Coalition Forces would exercise authority over – and, under international law – be occupiers in Iraq.

The rules of international law on belligerent occupation relevant to reconstruction are set out principally in the 1907 Hague Regulations.

In Iraq in April 2003, the UK was considered, at a minimum, the Occupying Power in that part of South-East Iraq where its forces were physically present and exercised authority (see Section 9.1). The UK's role alongside the US in ORHA (and then the Coalition Provisional Authority (CPA)) raised questions about whether the UK was also jointly responsible for the actions of those organisations throughout Iraq.

Article 43 of the Hague Regulations provides that the Occupying Power "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety while respecting, unless absolutely prevented, the laws in force in the country".

Sir Michael Wood, the FCO Legal Adviser from 1999 to 2006, told the Inquiry:

> "While some changes to the legislative and administrative structure may be permissible if they are necessary for public order and safety, more wide-reaching

[106] *The Guardian*, 1 April 2003, *Full text of Jack Straw's speech.*
[107] Minute Llewellyn to Bristow, 2 April 2003, [untitled].

> reforms of governmental and administrative structures are not lawful. That includes the imposition of major economic reforms."[108]
>
> United Nations Security Council resolution 1483 (2003), which was adopted on 22 May 2003, changed the legal framework for the Occupation of Iraq.[109]
>
> Resolution 1483 confirmed that the administration of Iraq was the responsibility of "the Authority" (the Occupying Powers).[110] It also specified the role of the UN, exercised through a Special Representative to the Secretary-General (SRSG).
>
> In June, the Legal Secretariat to the Law Officers advised that the resolution clarified the legitimate scope of activity of the Occupying Powers and authorised them to undertake actions for the reform and reconstruction of Iraq going beyond the limitations of Geneva Convention IV and the Hague Regulations.[111] In some cases, such actions had to be carried out in co-ordination with the SRSG or in consultation with the Iraqi interim administration.
>
> Particular actions that the resolution appeared to mandate were:
>
> - promoting economic reconstruction and the conditions for sustainable development;
> - promoting human rights; and
> - encouraging international efforts to promote legal and judicial reform.
>
> The content and implications of resolution 1483 are described later in this Section.

194. Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, warned Sir David Manning on 3 April that the UK was "in danger of being left behind" on ORHA.[112] The list of senior officials to "shadow" ministries in Iraq was almost complete and those officials would start deploying soon. Australia had bid for a place. The UK had not, even though the US had said it would be open to such a bid. Mr Brenton advised that:

> "Following our significant military efforts we surely have an interest in following through to the civilian phase. If so, given the advanced state of US preparations, it will be important that we vigorously pursue the point at next week's talks [at Hillsborough]."

195. Sir David Manning commented: "We need to decide if we want a place. Do we?"[113] He asked Mr Rycroft to discuss the issue with the FCO.

---

[108] Statement, 15 January 2010, pages 2 and 3.
[109] UN, Press Release SC/7765, 22 May 2003. *Security Council lifts sanctions on Iraq, approves UN role, calls for appointment of Secretary-General's Special Representative.*
[110] UN Security Council resolution 1483 (2003).
[111] Letter Adams to Llewellyn, 9 June 2003, 'Iraq: Effect of Security Council Resolution 1483 on the Authority of the Occupying Powers'.
[112] Letter Brenton to Manning, 3 April 2003, 'Post Conflict Iraq'.
[113] Manuscript comment Manning, 4 April 2003, on Letter Brenton to Manning, 3 April 2003, 'Post Conflict Iraq'.

196. As part of the preparation for his meeting with President Bush at Hillsborough on 7 and 8 April, Mr Blair requested information on six issues:

- the duration of each post-conflict phase;
- a summary of the tribes, regions and governorates of Iraq;
- a summary of exile groups and their credibility;
- the UK's "vision" of how the UN Special Co-ordinator might work with Coalition Forces;
- an assessment of "how ORHA and then the IIA will actually run Iraqi ministries"; and
- an assessment of the state of the Iraqi civil service and bureaucracy.[114]

197. The FCO sent papers on each of those issues to No.10 on 4 April.[115] Three had been produced by the IPU and three by FCO Research Analysts.

198. The IPU paper on the post-conflict phases emphasised the timetable's dependence on a range of factors:

- the permissiveness of the security environment;
- the emergence of credible Iraqi leaders;
- Iraqi attitudes towards the Coalition; and
- the extent of Phase III damage to infrastructure.[116]

199. The IPU stated that the Iraqi people were likely to be more co-operative after a "swift and relatively clean collapse" of Saddam Hussein's regime. Lt Gen Garner's working assumption was that ORHA would fulfil its role for 30 to 90 days. Over time, its legitimacy in Iraqi eyes would decline and pressure would increase for it to get involved in reconstruction and reform work that exceeded what was legal for an Occupying Power. The UK would therefore want "a fairly rapid transition to an Iraqi Interim Authority – while allowing some time for credible leaders to emerge from within Iraq".

200. In a paper on "How ORHA and then the IIA will actually run the Iraqi ministries", the IPU stated that the UK's vision for Iraq was a transition from a command economy with a corrupt public administration to a democratic state with a liberal, market economy and a public sector that served the interests of its people, "something comparable to the transformations of central European countries after the fall of the Berlin wall".[117]

201. The IPU reported that Lt Gen Garner planned to deploy ORHA to Baghdad as soon as it was safe to do so and to establish, with the Coalition military, a "Coalition Provisional Administration" with control over the civil administration of Iraq.

---

[114] Letter Rycroft to Owen, 3 April 2003, 'Post-Conflict Iraq: UK/US'.
[115] Letter Owen to Rycroft, 4 April 2003, 'Post-Conflict Iraq: UK/US'.
[116] Paper Iraq Planning Unit, 4 April 2003, 'Iraq: Post Conflict Phases: Timing'.
[117] Paper Iraq Planning Unit, 4 April 2003, 'How ORHA and then the IIA will actually run the Iraqi ministries'.

202. The US intended to put a senior US official and a small group of Iraqi exiles into each ministry, having removed "undesirable elements". US officials would work as advisers to Iraqi ministries, which would be "headed by Iraqi secretaries-general". In practice, the advisers would oversee the work of the ministries and, in due course, begin their reform and restructuring. The US understood the importance of calling those officials "advisers", rather than "shadow ministers".

203. The IPU reported that there was "a bitter inter-agency dispute in Washington" over the list of US officials and Iraqi exiles. The UK had been invited to nominate British advisers, but had made clear the need to be sure of the legal basis for their activities.

204. Once the IIA had been established, there would be a phased transfer of "the direction" of Iraqi ministries. The US intended that the Coalition Provisional Administration should retain "considerable control" over the IIA's handling of ministries. The UK considered that to be "politically unsellable" and "unlawful".

205. The UK model for the IIA was based on the Supreme National Council for Cambodia (the model proposed in the FCO paper 'Models for Administering a Post-Saddam Iraq' in October 2002, see Section 6.4), which met regularly and took decisions that would be implemented provided the UN Special Representative did not object.

206. The IPU concluded:

> "All the evidence suggests that the IIA will assert its independence vigorously from the outset. A stately transfer of ministries' powers from the Coalition to it may not be politically possible. But a light supervisory role for a UN Special Co-ordinator may be acceptable as the price the Iraqis have to pay for the international community's support to nation building. This might finally convince the US too."

207. The IPU paper on the UN Special Co-ordinator envisaged the appointee co-ordinating humanitarian and reconstruction assistance, exercising "a light degree of supervision" over the IIA, and helping with preparations for the Central Iraq Conference (a consultative conference that took place in Baghdad on 28 April, described in Section 9.1).[118] Direct UN administration of Iraq would cross "a red line for the US and, probably, the Iraqis themselves".

208. The FCO Research Analysts' paper on tribes, regions and governorates described the role of Iraq's tribes as "a question for the future".[119] Too much autonomy and they could become a rival to the state. If they were ignored, "a potentially useful counterweight to religious leaderships with political ambitions could be lost in the period during which the new state will be forming". Iraqi interlocutors maintained that, unlike in Afghanistan, because much of the country was flat, it was "relatively easy for control to be exercised over the whole country (the Kurdish mountains being the main exception)".

---

[118] Paper Iraq Planning Unit, 4 April 2003, 'UN Special Co-ordinator'.
[119] Paper Research Analysts, 4 April 2003, 'Tribes, Regions and Governorates of Iraq'.

209. The Defence Intelligence Staff (DIS) produced a more detailed paper on tribal dynamics in Iraq and the UK AOR for the Chiefs of Staff on 11 April.[120]

210. The FCO Research Analysts' paper on opposition groups distinguished between those that were credible in Iraq and those that had courted US support, with the two main Kurdish groups straddling the divide.[121] The UK needed to balance the views of "external oppositionists who have experience of working in free democratic structures" with the need "immediately" to involve those in Iraq.

211. The third paper by FCO Research Analysts, on the state of the Iraqi civil service and bureaucracy, described "a very mixed picture".[122] A large number of able technocrats had kept the country going in difficult circumstances, while corruption and nepotism had been given free rein at different levels. The UK had:

> "… a fairly clear idea of how big the civil service is (about 1 million employees), how it is structured and how … employees are paid. We do not have any deep knowledge about which levels of the administration are so highly politicised as to need immediate reform, nor which individuals might have to be retired or stood down. This in any case cannot realistically be assessed until after liberation.
>
> "Once Saddam Hussein's regime has been ousted, it will certainly be necessary to remove those who effectively enabled the regime to stay in power. Others, even if members of the Ba'ath or guilty of minor transgressions, should probably be left in place if possible in order to keep the machinery of the state running. However, our (as yet limited) experience inside Iraq gives the warning that officials may in any case abandon their posts, possibly to seek sanctuary with relatives of their tribes …
>
> "Iraqis have reminded us that many competent people now in exile left the civil service, retired early, or were not promoted because they were not sufficiently Ba'athist. They may represent a pool who can be called upon if this can be done without causing resentments or new accusations of nepotism."

212. On 8 April, Mr Rycroft reported the outcome of Mr Blair's discussions with President Bush at Hillsborough to Mr Straw's Private Office.[123] Mr Blair had stressed to President Bush the importance of a "joint strategy for the next phase" and of ensuring "legitimacy at every stage"; keeping the UN representative involved would help to ensure UN endorsement.

213. Mr Blair emphasised the importance of having the UN involved, in order to engage IFIs and bilateral donors, and to "secure our own exit".

---

[120] Minute SECCOS to PSO/CDS, 11 April 2003, 'OP COS Action: Tribal Factions in Iraq', attaching Paper, [undated], 'Tribal Dynamics in Iraq'.
[121] Paper Research Analysts, April 2004, 'Iraqi opposition groups'.
[122] Paper Research Analysts, 4 April 2003, 'The state of the Iraqi civil service and bureaucracy'.
[123] Letter Rycroft to McDonald, 8 April 2003, 'Iraq: Prime Minister's Meeting with Bush, 7-8 April'.

214. A public statement made jointly by President Bush and Mr Blair after the meeting stated that the UN had "a vital role to play in the reconstruction of Iraq".[124]

215. Also on 8 April, Baroness Symons, joint FCO/DTI Minister of State for International Trade and Investment, met representatives of UK companies to discuss commercial opportunities in Iraq.[125] She made it clear that the UK was "not in this conflict for business opportunities", but that UK companies had a great deal of expertise and knowledge to offer and should be involved in the redevelopment of Iraq, for the benefit of the Iraqi people.

The MOD's Red Team

Section 6.5 describes the creation of a small "Red Team" in the MOD Defence Intelligence Staff (DIS) in February 2003. The Red Team was intended to give the Chiefs of Staff and key planners in the MOD and Whitehall an independent view of intelligence assumptions and key judgements, to challenge those if appropriate and to identify areas where more work was needed.[126]

The Red Team produced two reports before the invasion (see Section 6.5). Three more were produced before the Red Team was disbanded on 18 April:

- 'What will Happen in Baghdad?';
- 'The Future Governance of Iraq';
- 'The Strands of the Rope' (an assessment of the steps needed to achieve an effective Iraqi Interim Administration and hand over to a representative government of Iraq).

On 7 April, the Red Team issued a report on the likely developments in Baghdad in the days, weeks and months ahead:

> "The security apparatus works on fear, not professionalism. With the removal of fear there may well be a widespread law and order problem. The police are all Ba'ath members and cannot initially be trusted until the worst Ba'athists are identified and removed. According to one military interlocutor, the RA [regular army] is the only respected national institution and could be used for internal security duties, if better trained and equipped.
>
> "Once Saddam is gone there is likely to be widespread and apparently random violence between Iraqis. Specific attacks against Coalition Forces are likely to come later (perhaps some months later) if particular individuals or groups feel they are being cut out of contracts, administration positions etc. They may then hire 'submerged' paramilitary thugs to redress their grievances."[127]

---

[124] US Department of State Archive, 8 April 2003, *Joint Statement by President George W Bush and Prime Minister Tony Blair*.
[125] Minute Allan to PS/Baroness Symons, 8 April 2003, 'Iraq: Record of Meeting with UK companies'.
[126] Minute PS/CDI to various, 25 February 2003, 'Iraq: Red Teaming in the DIS'.
[127] Minute PS/CDI to APS2/SoS [MOD], 7 April 2003, 'Iraq Red Team – What will Happen in Baghdad?' attaching Paper DIS Red Team, [undated], 'What will Happen in Baghdad?'

On the role of the Ba'ath Party, the Red Team stated:

> "To be a Ba'athist does not necessarily mean an individual is a hard core supporter of the regime. Most joined to advance their careers or under duress (mostly government employees). In every government department there is a hard-core …
>
> "It will require detailed inside knowledge to identify the 'bad apples' in any organisation; it may not necessarily be the head of the organisation, it could be the number two or three, or someone even further down the hierarchy. Outsiders, particularly Westerners – who lack detailed knowledge of pre-war political agendas which are unconnected with the Saddam regime – may need to exercise caution to ensure they do not become unwitting agents in any infighting in any existing Iraqi organisations that are kept in place."

The Red Team concluded:

> "Historically there is trouble in Iraq whenever central authority is weakened. It may therefore be advisable to maintain a Coalition military government longer than currently envisaged …"

On 11 April, in a report on the future governance of Iraq, the Red Team listed five steps for the successful establishment of a long-term representative Iraqi government:

"
- Establishing a peaceful and secure environment.
- Answering immediate humanitarian needs.
- Establishing an effective Interim Administration.
- Re-establishing the rule of law …
- A constitutional process leading to elections and the withdrawal of Coalition Forces."[128]

The Red Team concluded that the Coalition would have to make use of indigenous Iraqi security forces to establish and maintain law and order. The Iraqi Army was described as the "most trusted and least corrupt national security institution". It was "Iraq's oldest institution and a focus of national pride. Some senior officers and units have remained sufficiently detached from the regime to be of use." The Iraqi Army could not be used everywhere. In the south-east "the Marsh Arabs have cause to hate them", but they would be respected and preferred to Coalition Forces in many areas. In contrast, the civil police were "a largely discredited and demoralised force … viewed as auxiliaries to the Ba'athist security apparatus". However, the Red Team assessed that, in the short term, it might be worth "making use of them with appropriate direction and supervision from Coalition forces".

In its final report, 'The Strands of the Rope', issued on 18 April, the Red Team emphasised the immediate need to re-institute the rule of law in Iraq, using ex-Ba'ath personnel ("accompanied by a well-publicised and effective screening process that will remove

[128] Minute PS/CDI to APS2/SoS [MOD], 11 April 2003, 'Iraq Red Team – the Future Governance of Iraq' attaching Paper DIS Red Team, [undated], 'Iraq Red Team: the Future Governance of Iraq'.

the worst offenders") and the existing Iraqi legal code, stripped of the more repressive elements introduced by Saddam Hussein's regime.[129] The Red Team judged that:

> "If the IIA can provide a secure environment (including the rule of law), resolve short-term economic problems and address immediate humanitarian needs, future Iraqi-led government structures and a process of justice and reconciliation will emerge naturally, given time."

Decisions to increase UK support for ORHA

216. On 9 April, in his budget statement to the House of Commons, Mr Gordon Brown, the Chancellor of the Exchequer, announced that he had set aside "an additional US$100m" to "back up the UN and the work of reconstruction and development" (see Section 13.1).[130]

217. On 15 April, Mr Boateng advised Ms Short how those funds could be drawn down.[131] He understood that DFID did not need access to additional funds immediately, given that humanitarian and reconstruction work was at a very early stage, and that DFID had £95m of uncommitted resources, but he fully expected DFID to bid for additional funding for Iraq "in the next few months". Before DFID drew on the new allocation, Ms Short should write to him, setting out her proposals for how the additional money would be spent.

218. Mr Straw chaired the first meeting of the AHMGIR on 10 April.[132] Mr Straw told the meeting:

> "The prospects for further UN Security Council resolutions were uncertain and negotiations were very likely to take weeks."

219. Lord Goldsmith said that he was content for ORHA to undertake humanitarian, security and public order duties and to restore civilian administration but "it must be careful not to impose reform and restructuring without further legal authority". US and UK lawyers would try to agree a Memorandum of Understanding to define how the UK would be consulted.

220. Summing up the discussion, Mr Straw described the meeting's agreement that "the UK should retain a right of veto in extremis" on ORHA activities. UK support should increase and be formalised through:

- confirmation of Maj Gen Cross's position as one of Lt Gen Garner's deputies;
- an increase in the number of UK secondees;

---

[129] Minute PS/CDI to APS2/SoS [MOD], 18 April 2003, 'Iraq Red Team – The Strands of the Rope' attaching Paper DIS Red Team, [undated], 'Iraq Red Team: The Strands of the Rope'.
[130] House of Commons, *Official Report,* 9 April 2003, column 271.
[131] Letter Boateng to Short, 15 April 2003, 'Budget announcement on Iraq'.
[132] Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

- provision of a UK spokesman; and
- UK leadership of an ORHA group on "security sector management and planning for security sector reform".

Mr Straw would write to Mr Blair on that point.

221. On 13 April, before Mr Straw had written, Mr Blair told his No.10 team that the UK "should put as many UK people in [ORHA] as possible to help".[133]

222. Mr Straw visited ORHA in Kuwait on 14 April. During his visit, Maj Gen Cross presented him with a "'Must – Should – Could' paper", listing ORHA posts which the UK should consider filling if it were going "to play a full part in the post-war business, and if we wanted to ensure influence with the US".[134]

223. Mr Moazzam Malik, Head of DFID's Iraq Humanitarian Response and Co-ordination Team, called Ms Short's Private Office from Kuwait on 15 April.[135] Mr Malik reported:

> "… ORHA is incredibly awful – badly conceived; badly managed; US driven; failing; and incapable of delivering to our timeframes. There may be things we could do to support it, but it would be a political judgement (and a big political risk)."

224. Mr Malik also reported that he was:

> "… very, very impressed with the UK military. They are doing an extremely good job … using the sort of language you would expect DFID people to use …"

225. Mr Straw wrote to Mr Blair on 15 April, following his return from Kuwait, recommending that the UK should significantly increase its political and practical support to ORHA, including by seconding significant numbers of staff into priority areas.[136] In return, the UK wanted the US to commit to transparency and joint decision-making (see Section 9.1).

226. Mr Straw stated that the US's intention was:

> "… that ORHA will oversee the Phase IV humanitarian and reconstruction effort and restore normal functioning of Iraqi ministries and provinces, with the aim of phased restoration of full control of government to the Iraqis themselves. In doing so, the US intends that it will work as far as possible with and through existing ministries in Baghdad. A team within ORHA will work on constitutional issues including setting up the Iraqi Interim Authority (IIA). The US also envisage the establishment of ORHA 'regional offices' in the provinces."

---

[133] Note Blair to Powell, 13 April 2003, 'Note'.
[134] Statement Cross, 2009, pages 18 and 19.
[135] Minute Bewes to Secretary of State [DFID], 15 April 2003, [untitled].
[136] Letter Straw to Prime Minister, 15 April 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.

227. Mr Straw reported that the UK's approach to ORHA had been "cautious". The UK would have preferred an organisation less closely tied to the Pentagon and less subject to US inter-agency politics. There were also significant legal questions. Against that background, the UK had seconded 12 military and civilian officers to ORHA in Kuwait and the Pentagon. Their role was to influence ORHA's thinking on key Phase IV issues and to ensure that information flowed from theatre to the UK Government, including on commercial opportunities.

228. Mr Straw continued:

> "… whatever its shortcomings, ORHA will be the essential element in the ability of the Coalition to carry its military successes into the post-conflict phase. The legal constraints are unlikely to be a problem in the first stage of ORHA's work, which will be focused on immediate humanitarian and reconstruction needs, including the restoration of a functioning civil administration …
>
> "I therefore recommend a step change in the resources and personnel we offer … We are working urgently to establish where we can best make a contribution and how this will be funded.
>
> "We now need an immediate effort across Government and with the private sector to get UK experts into key Iraqi ministries quickly. Patricia [Hewitt] is particularly keen that we should appoint people to the economic ministries …"

229. Sir David Manning commented to Mr Blair:

> "J[ack] S[traw] rightly calling for a step change in our contribution to ORHA. But legal constraints/possible veto power may be problematic."[137]

230. Mr Straw described his visit to ORHA in Kuwait in his memoir:

> "I could not believe the shambles before my eyes. There were around forty people in the room, who, somehow or other, were going to be the nucleus of the government of this large, disputatious and traumatised nation."[138]

231. Maj Gen Cross sent his "Must – Should – Could" paper to the MOD and the IPU on 15 April.[139]

232. The "musts" included:

- a secondee to ORHA's Leadership Group;
- three secondees to ORHA's public affairs and media office;

---

[137] Manuscript comment Manning to Prime Minister, 16 April 2003, on Letter Straw to Prime Minister, 15 April 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[138] Straw J. *Last Man Standing: Memoirs of a Political Survivor*, MacMillan, 2012.
[139] Minute Cross to MOD (MA/DCDS(C)), 15 April 2003, 'ORHA posts UK manning: must/should/could'.

- three or four advisers to support Iraqi ministries involved in SSR (Defence, Interior and Justice); the UK had been asked to lead ORHA's "Internal Security" cross-cutting group; and
- UK secondees to strengthen each of the three (or possibly four) ORHA regional teams to ensure the UK remained "fully 'joined-up'" with all parts of ORHA.

233. The "shoulds" included a UK civilian to lead the ORHA regional office covering central Iraq, and advisers in the oil and finance sectors.

234. Maj Gen Cross advised that, if all the recommendations were accepted, the number of UK staff would rise from 19 to "about 100" within an ORHA total of 1,500 (including force protection and support staff).

235. On 15 April, the IPU informed Sir Michael Jay that the Cabinet Office was "clear" that the FCO should continue to lead on deployments to ORHA.[140] The IPU had requested extra staff to cover the "major surge of work" in managing the secondment of UK officials to ORHA, and was trying to identify funding. It estimated that the first UK secondees would be required by early May.

236. Section 15 addresses the recruitment of additional UK secondees to ORHA. It shows that there were no contingency preparations for the deployment of more than a handful of UK civilians to Iraq and that the UK's response was hampered by the absence of cross-Whitehall co-ordinating machinery and a lack of information about what ORHA needed.

237. On 16 April, at the request of the FCO, the JIC produced an Assessment, 'The initial landscape post-Saddam'.[141] The JIC stated:

> "The situation in Iraq is complex, fast-moving and confused …
>
> "There has been jubilation at the fall of Saddam Hussein's regime. But we judge that this is likely to dissipate quickly. Most of the Iraqi population is ambivalent about the role of the Coalition and uncertain about the future. Initial reporting shows that concerns arise quickly about the breakdown of law and order and the need for food and water. Some pre-war reports suggested that the Iraqi population has high, perhaps exaggerated, hopes that the Coalition will rapidly improve their lives by improving their access to clean drinking water, electricity and sanitation. However, even without any war damage, there are severe shortfalls in the infrastructure of these sectors, and in healthcare. Looting has made matters worse …
>
> "There is no sign yet of widespread popular support for opposition to the Coalition. We judge that, at least in the short term, the details of the post-Saddam political process will be less important for many Iraqis than a restoration of internal security

---

[140] Minute Chatterton Dickson to PS/PUS [FCO], 15 April 2003, 'Iraq: ORHA: PUS's meeting with Permanent Secretaries, 16 April'.
[141] JIC Assessment, 16 April 2003, 'Iraq: the initial landscape post-Saddam'.

and the start of reconstruction. But the Iraqi population will blame the Coalition if progress is slow."

238. Also on 16 April, General Tommy Franks, Commander in Chief US Central Command (CENTCOM), issued his "Freedom Message to the Iraqi People", which described the role of the Coalition Provisional Authority (CPA).[142] Section 9.1 describes how the creation of the CPA signalled a major change in the US approach to Iraq, from a short military Occupation to an extended civil administration, and concludes that the UK was slow to recognise that change.

239. The question of whether the UK should take on general responsibility for a geographical area of Iraq in the post-conflict period had been put to Mr Blair's meeting on post-conflict issues on 6 March 2003 (see Section 6.5).[143] No decision had been taken.

240. On 16 April, the AHMGIR, chaired in Mr Straw's absence by Mr Hoon, commissioned advice on whether the UK should lead one of ORHA's regional offices.[144]

241. In response, later that day, Mr Drummond sent Sir David Manning an IPU paper recommending that the UK defer making a commitment to lead an ORHA regional office until a scoping study had been carried out to determine the practical implications of such a decision, including the costs.[145] The IPU paper was also sent to Mr Straw's Private Office.

242. The IPU paper reported that the US had not yet decided on the number of ORHA regional offices. One possibility was a four region structure consisting of Baghdad, northern and eastern border provinces, central Iraq and southern Iraq.

243. The IPU stated that the UK remained concerned that US policy in Iraq would not be consistent with the UK's understanding of the rights and responsibilities of an Occupying Power. If a UK-led ORHA region included within it areas occupied by US forces, the UK would have legal responsibility for their actions but no practical way to control them.

244. The IPU advised that the UK therefore needed to decide whether in principle it wanted to lead a regional office covering a region coterminous with that in which 1 (UK) Div was responsible for maintaining security. If Ministers wanted to pursue that option, a number of fundamental questions needed urgent answers, including how the UK-led regional office would relate to UK forces.

---

[142] Statement Franks, 16 April 2003, 'Freedom Message to the Iraqi People'.
[143] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.
[144] Minutes, 16 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[145] Minute Drummond to Manning, 16 April 2003, 'Iraq: Support for ORHA Regional Office' attaching Paper IPU, 16 April 2003, 'Iraq: ORHA Regional Offices'.

245. The paper set out arguments for and against taking on an ORHA regional office. The arguments in favour included:

- the opportunity to influence ORHA at the operational as well as policy level; and
- the possibility of promoting an "exemplary" approach to the relationship between the civil and military arms of the Coalition if the ORHA region matched the UK AOR.

246. The arguments against were:

- the reputational risks associated with creating a region where the UK had a high profile ("If the Coalition Provisional Authority ran into difficulty … this would impact on the UK's standing in Iraq to a greater degree than if we remained a (junior) partner in ORHA without a clear regional responsibility");
- limited resources; and
- if ORHA/the US failed to provide resources for activities in the UK-led region, the UK could be faced with the choice of finding resources itself or "being seen to fail in the eyes of the local population and more widely".

247. Sir David advised Mr Blair:

> "I think you will have to give firm direction. My own view is that we should accept the risks and lead a regional office to cover area for which we have military responsibility."[146]

248. Mr Blair chaired the Ad Hoc Meeting on Iraq on 17 April.[147]

249. Ms Short expressed reservations about suggestions that DFID should fund the extra staff for ORHA.

250. Mr Blair concluded that ORHA:

> "… was important in getting Iraq back on its feet. We should have influence inside it. He was sympathetic to the British taking a regional lead in the Office, and wanted the scoping study completed quickly so that final decisions could be made on our participation. On the proposal for an additional contribution to the Office [ORHA], work should proceed quickly to identify posts and potential candidates. The issue of funding should be addressed … before Ministers met on 24 April. There should be no bureaucratic hold up in sorting out this priority."

251. Mr Rycroft wrote to Mr McDonald later that day, confirming that it was Mr Blair's view that the UK should increase support for ORHA and that it should take on

---

[146] Manuscript comment Manning to Prime Minister on Letter Drummond to Manning, 16 April 2003, 'Iraq: Support for ORHA Regional Office', attaching Paper IPU, 16 April 2003, 'Iraq: ORHA Regional Offices'.
[147] Minutes, 17 April 2003, 'Ad Hoc Meeting on Iraq'.

responsibility for an ORHA regional office "unless the scoping study concludes that this is impossible".[148]

252. Mr Rycroft also recorded Mr Blair's view that:

> "As a general rule, our role in humanitarian aid and in the reconstruction of Iraq should be commensurate with our contribution to the military phase."

253. Mr Rycroft advised that Mr Blair believed that the US$100m made available to DFID in the 9 April Budget statement should be used to support ORHA, including funding secondees to ORHA from other UK Government departments.

254. Ms Short told DFID officials that she had outlined the conclusions of Mr Malik's report at the Ad Hoc Meeting on Iraq.[149] DFID would not be able to pay for ORHA's inefficiency. Putting in large numbers of people might make the situation even worse.

255. Lt Gen Garner, accompanied by Maj Gen Cross and other ORHA staff, left Kuwait to fly into Baghdad on 21 April.[150]

256. In response to the decision at the Ad Hoc Meeting on Iraq on 17 April to increase and formalise UK support for ORHA, Sir Michael Jay wrote to Sir Andrew Turnbull on 22 April, inviting all Permanent Secretaries urgently to set in hand arrangements to identify volunteers for secondment to ORHA.[151]

257. Sir Michael attached an IPU list of initial priority areas for UK support to ORHA's work on strengthening Iraqi ministries, "based on advice from UK secondees in ORHA". Priority areas included:

- priority one ("must fill"): defence, SSR and intelligence; interior, policing, justice and prisons; the Oil Ministry; all ministries relevant to infrastructure; central banking;
- priority two ("should fill"): finance, foreign affairs, customs and health; and
- priority three ("could fill"): education, culture, local government; and labour and social affairs.

258. In his letter, Sir Michael described in broad terms the personal qualities and skills volunteers should possess:

> "The key to a successful secondment will be enthusiasm, personal impact, resilience, flexibility and the ability to take a wide top-down view of policy and

---

[148] Letter Rycroft to McDonald, 17 April 2003, 'Iraq: ORHA'.
[149] Minute PPS [DFID] to Miller, 17 April 2003, 'Iraq Cabinet Readout: 17 April'.
[150] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009; Statement Cross, 2009, page 20.
[151] Letter Jay to Turnbull, 22 April 2003, 'Iraq: UK Support for the Office for Reconstruction and Humanitarian Assistance (ORHA)' attaching Paper IPU, April 2003, 'Provisional Estimate of Priority Areas for UK Engagement in ORHA Assistance to Iraqi Ministries'.

priorities. The ability to deploy quickly is also essential: ideally, we want the first volunteers to reach Baghdad on around 5 May, to allow them to shape ORHA's work and approach from the start …

"In all cases, enthusiasm and personal qualities are likely to be just as important as specific expertise."

259. The IPU list attached to Sir Michael's letter drew heavily on Maj Gen Cross' earlier "must/should/could" list, but incorporated a number of changes including:

- upgrading the Oil Ministry to "must fill", citing UK commercial interests and the presence of major Iraqi oil installations in the UK's AOR; and
- upgrading infrastructure ministries to "must fill", citing the "important commercial dimension".

260. The IPU list only considered ORHA's work to strengthen Iraqi ministries. It did not identify staffing requirements for ORHA's regional offices or for ORHA's senior management team. Maj Gen Cross had listed UK support for ORHA regional offices as "must fill", the provision of a UK civilian to lead an ORHA regional office as a "should fill", and had identified a senior individual to join Garner's senior management team as a "must fill".

261. On the same day as Sir Michael Jay's request for volunteers, Ms Short's Private Office sent Mr Malik's report on his visit to ORHA in Kuwait to No.10, the Cabinet Secretary, the Cabinet Office, the FCO, the MOD, the Treasury, DFID, the DTI and the Attorney General's Office.[152]

262. Mr Malik's report stated that ORHA was "simply not prepared" to meet the immediate recovery needs in Iraq; those would need to be addressed by the military and, security permitting, by UN agencies and NGOs.

263. Mr Malik assessed that ORHA was more focused on longer-term reconstruction and reform. A number of large USAID contracts had been let, and there was "some good thinking" in a number of reform areas, but it remained to be seen whether ORHA's plans and contracts were flexible enough to respond to conditions on the ground. ORHA's teams and pillars were not well co-ordinated and there was "little sense of a unifying strategy".

264. ORHA's plans for reconstruction and civil administration were broad and not obviously limited to those of an Occupying Power; UK collaboration would therefore require further legal advice.

---

[152] Letter DFID [junior official] to Rycroft, 22 April 2003, 'Iraq: Engagement with ORHA' attaching Paper DFID Humanitarian Response and Coordination Team, 22 April 2003, 'Iraq: ORHA – Visit Report'.

265. The ORHA(South) team had, to date, proved largely ineffective. UK forces had now begun to plan on the basis that they would get little practical support from ORHA in the immediate recovery phase.

266. The covering letter from Ms Short's Private Office stated:

> "The visit report … has clear implications for the planned Ministerial discussion [at the Ad Hoc Ministerial Group on Iraq Rehabilitation on 25 April] regarding UK secondments to ORHA. Given the competing claims on scarce resources to support Iraq, Ministers will wish to prioritise any staff deployments carefully. Ministers and Accounting Officers will also wish to satisfy themselves that any UK secondments to ORHA meet the usual standards of effectiveness and cost efficiency."

267. Sir David Manning commented: "Very unhelpful. More than a whiff of 'not invented here' so won't support/try to improve."[153]

268. An annex to Mr Malik's report, marked "Not for circulation outside DFID" and not sent to No.10 or other departments, added:

> "Overall, engagement with ORHA is very high risk. Across the board, staffing is thin, management is weak, officials are frustrated, there is poor strategy/planning, weak internal communications and decision making. Equally, it could be argued that engagement would help address these weaknesses.
>
> "Poorly worked out plans could do damage on the ground. Equally, there are areas in which good teams have been assembled and good planning is underway. In these areas, ORHA will set the agenda or reform for some years to come.
>
> "The key judgement is whether UK policy makers can influence an ORHA that is and will remain dominated by US DoD."[154]

269. The annex identified three options for DFID:

- No engagement. This would marginalise DFID within the UK Government and in ORHA. It would, however, "safeguard" DFID and leave it free to engage with the UN, IFIs and NGOs and pursue a "more normal DFID country operation".
- Full engagement "as proposed by the Foreign Secretary and General Tim Cross".
- Limited engagement in carefully chosen areas, in an "eyes and ears" role as directed by Ms Short. That would comprise three or four DFID secondees.

---

[153] Manuscript comment Manning on Letter DFID [junior official] to Rycroft, 22 April 2003, 'Iraq: Engagement with ORHA'.
[154] Paper DFID, [undated], 'Iraq: ORHA Visit Report – Annex'.

270. Ms Short chaired a meeting with Ms Sally Keeble, DFID Parliamentary Under Secretary of State, and DFID officials on 23 April, to discuss DFID planning and support for ORHA.[155]

271. Ms Short agreed a suggestion from Mr Chakrabarti that other departments should be given access to the £60m announced by Mr Brown in his 9 April budget statement to pay for their secondments to ORHA. That would mean that they, rather than DFID, would have to pass the Treasury's tests on value for money and effectiveness.

272. A DFID official suggested that DFID needed to develop a "game plan for the coming weeks and months", to help DFID's planning, enable it to influence the wider international system and to help agree roles and responsibilities within the UK government. Ms Keeble agreed that such a plan could be useful, but stated that DFID "would need to be very clear that all parts of such a plan which related to DFID were owned and managed by us, and not by No.10 or a Cabinet Office structure we could not trust". Ms Short agreed, noting that aiming for a cross-Whitehall plan risked producing an end result that did not tally with DFID's view on its own or others' roles.

273. Ms Short stated that DFID "should not start from a presupposition that we would work with ORHA, but begin by looking at the tasks which needed to be achieved, and within that framework whether it made sense to engage with ORHA". The first priority was to establish law and order, which was a task for the military, not ORHA. Second was immediate assistance, a task for the ICRC rather than ORHA. The third priority, paying wages, was a task for ORHA and the UK needed to understand their plans, but key recovery issues, including financing needs, would emerge from the IFI needs assessment.

274. Ms Short concluded that DFID needed "one or two people" within ORHA to act as DFID's "eyes and ears". DFID "should not bow to external pressure to put people into ORHA for the sake of it", but test each proposal individually.

275. On 24 April, Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), advised the AHMGIR that the US planned to divide Iraq into five sectors.[156] The UK military would lead one sector, comprising four provinces in south-eastern Iraq. That was "manageable … provided that other countries offered troops to work with us" and the UK could take on a fifth province "if others contributed the necessary forces for it". The southern region of ORHA would follow the boundaries of the UK's sector.

276. Ministers agreed that "the size of the UK military sector will depend on the permissiveness of the environment and the extent of other nations' contributions, but the current assumption was that it would comprise four, or possibly five provinces in the South". The MOD was instructed to report progress at the next meeting.

---

[155] Minute Bewes to Miller, 24 April 2003, 'Iraq: 23 April'.
[156] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

277. Ministers also agreed that departments should continue to recruit additional secondees to ORHA, "with a view to a significant increase by 5 May", and that the UK should offer to play "a leading role in ORHA south-eastern regional HQ, provided that ORHA leaders confirm that it would be coterminous with the emerging UK-led security sector and that we will not pay programme costs".

278. Mr Chilcott led the inter-departmental scoping visit to ORHA from 27 to 28 April.[157]

279. Mr Chilcott reported to Mr Edward Chaplin, FCO Director Middle East and North Africa, that Maj Gen Cross was "a star act" but was "frustrated and angry at Whitehall's slowness to support him", particularly DFID and the MOD. Mr Chilcott hoped that the progress now being made would show Maj Gen Cross that "Ministers' enthusiasm for ORHA is finally being translated into extra staff".

280. Mr Chilcott also reported that security and communications were the biggest problems facing ORHA staff.

281. The FCO has not been able to provide the Inquiry with a copy of Mr Chilcott's report on the case for reinforcing ORHA(South).

282. The impact of deteriorating security on the deployment of civilian personnel to Iraq is addressed in Section 15.1.

283. A Cabinet Office report to Ministers on 1 May 2003 stated that "the UK recce team" had confirmed the feasibility of "a leading UK regional role in the south east" and would be recommending a "substantial UK presence".[158]

284. In his statement to the Inquiry, Maj Gen Cross described both his time with ORHA in Kuwait and his initial experience in Baghdad:

> "Garner had made it clear that he wanted me to be his 'Coalition' Deputy, notwithstanding the fact that the UK had still not confirmed publicly that we had anyone in his team. I was still a LO [liaison officer] with a very small team, and I was not receiving any clear direction from Whitehall, other than not to commit the UK to anything!
>
> …
>
> "My UK team was strengthened a little, including a very useful media team provided by Alistair Campbell, effectively from within No 10. But my attempts to get significant numbers of additional UK personnel were frustratingly slow …
>
> …

---

[157] Minute Chilcott to Chaplin, 30 April 2003, 'Visit to Iraq'.
[158] Letter Drummond to Owen, 1 May 2003, 'Iraq: Report to Ministers' attaching Paper Cabinet Office, 1 May 2003, 'Iraq: Update for Ministers'.

> "We established good links into the UK Division. Garner wanted to establish an ORHA office/footprint in or around Basra as soon as events allowed, and he wanted it to be UK led – initially by me. Whitehall seemed to refuse to countenance the idea; it was never explained to me why this was so, but I sensed a fear that this would lead to [the] UK having to bear the brunt of reconstruction costs in the South/South West area. I was given fairly clear direction not to agree to this – just about the only clear direction I received on any issue!"[159]

285. Maj Gen Cross told the Inquiry that, once in Baghdad, Lt Gen Garner's authority became "brutally exposed":

> "The [ORHA] ministry teams fanned out and each reported back, initially quite positively. Most found Iraqis prepared to work with us, buildings standing and files etc available – many having been secured at the homes of various officials. But as the security situation began to deteriorate the US military commanders refused to provide sufficient escort vehicles, and then stopped anyone moving around without an escort. Meetings were disrupted and, most crucially, the Ministry buildings began to be targeted and burnt and looted – Garner repeatedly asked for crucial key points to be guarded but his pleas met with little response. Linked to this the contractual support from the USAID reconstruction effort failed to materialise. There were few resources to work with, and a vacuum of inactivity was created.
>
> "… Garner realised that we couldn't possibly run the country – we had nowhere near enough people to do that – so we had to enable them [the Iraqi people] to do it themselves. But his efforts were undermined and he got little support from Washington. I received no direction from the UK on our policy on this."[160]

286. Maj Gen Cross also told the Inquiry that, as security in Baghdad worsened, he secured equipment, vehicles and personal protection through personal contacts in the UK Armed Forces.[161] He received little support from the UK Government:

> "To be fair communications were difficult, but I was given little support – still no idea what our UK strategic intent was, no response to my 'Must-Should-Could' paper. If it had not been for my personal contacts within the UK military I would have had virtually no support … my impression was that Whitehall was uncertain of where to go from here, and I sensed that the FCO felt it better not to be implicated too much in what was happening – rather let the MOD get it wrong!!"

287. At their 24 April meeting, the AHMGIR considered an IPU/FCO paper entitled 'Oil/Energy Policy for Iraq'.[162] The paper described itself as a "stock-take" which built on previous work by the IPU.[163]

---

[159] Statement, 2009, pages 17-19.
[160] Statement, 2009, page 22.
[161] Statement, 2009, pages 22-23.
[162] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[163] Paper IPU, 22 April 2003, 'Oil/Energy Policy for Iraq'.

288. The paper stated that Iraq's oil fields had been undamaged by the fighting, although a few wells had been sabotaged. Those fires were now all extinguished. There had been some looting and damage to pipelines and oil refineries.

289. There was a growing shortage of gas (for power stations), fuel and cooking gas, particularly in the South.

290. The paper stated that, within the Security Council, oil remained a contentious issue. Council members had different motivations. The UK and US were keen to get Iraqi oil flowing again as soon as possible "to meet humanitarian/reconstruction needs". France and Russia wanted to protect the interests of their companies that had existing contracts under the OFF programme.

291. The UK was proposing a three-phase approach to dealing with Iraqi oil and the OFF programme:

- To extend resolution 1472 to 3 June (the end of the current OFF programme phase), and possibly extend the OFF programme itself beyond 3 June. If the OFF programme continued "for any length of time", the UN Secretary-General would need enhanced powers to sell Iraqi oil and buy the full range of humanitarian supplies.
- To pass control of Iraqi oil and gas revenues to a "credible interim administration" once one had been established, subject to certain checks to protect against mismanagement or "unfairness".
- To hand over full control over oil and oil revenues to a democratically elected Iraqi Government.

292. The UK and the US agreed that all strategic decisions on the development of the oil industry should be left to a "representative Iraqi government" and that, in the meantime, all oil business should be handled in as transparent a manner as possible.

293. Introducing the paper at the AHMGIR meeting, an FCO official said that Iraq's oil infrastructure was in a better state than had been feared when the conflict begun.[164]

294. Ms Patricia Hewitt, the Trade and Industry Secretary, said that UK companies wanted a future Iraqi Government to establish a "level playing field" for oil industry contracts.

295. The AHMGIR agreed that the UK should:

- encourage Iraqi oil exports to recommence as soon as possible, but only after an appropriate resolution had been adopted;
- offer UK oil expertise to ORHA and in the medium term to the IIA; and

---

[164] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

- leave future decisions on the shape of the Iraqi oil industry and the management of oil revenues to the new Iraqi Government, while advising on international best practice.

296. UK policy on Iraq's oil and oil revenues is addressed in Section 10.3.

297. On 24 April, Sir Michael Jay recommended to Mr Straw that the Iraq Planning Unit (IPU) should merge with the Iraq Section of the FCO's Middle East Department (MED) and be renamed the Iraq Policy Unit.[165] The mechanisms in place since mid-January[166] had worked well, but were not sustainable indefinitely. There was a need for "a stable structure which will enable us to sustain the considerable effort which will now be needed for quite a while yet".

298. Sir Michael proposed retaining the Iraq Planning Unit's Whitehall-wide character, in particular by recruiting a high proportion of staff on secondment from other departments. He concluded:

> "This will be a high priority for the Office [FCO] over the next months at least. We shall find the necessary resources, though this will have to be at the expense of lower priority work elsewhere."

299. Mr Straw approved Sir Michael Jay's recommendation on 28 April.[167]

300. At the Ad Hoc Meeting on Iraq on 28 April, Mr Hoon said that "efforts to improve the life of Iraqis in the South were bearing fruit".[168]

301. Ms Short described the UK role in Basra as "exemplary, but life was still disrupted". In Baghdad, conditions were more difficult and residual anti-American feeling was evident.

302. In discussion, Ministers noted that ORHA was at an "embryonic" stage and "more urgency" should be given to UK engagement.

303. In late April, tension in Iraq between the UK military and DFID became increasingly apparent.

304. Mr Mike O'Brien, FCO Parliamentary Under Secretary of State, attended the Central Iraq Conference in Baghdad on 28 April (see Section 9.1). In the margins he had separate meetings with Maj Gen Cross and Lt Gen Garner.

---

[165] Minute Jay to Secretary of State [FCO], 24 April 2003, 'Iraq: Future Handling'.
[166] The Iraq Planning Unit was established on 10 February 2003, see Section 6.5.
[167] Minute McDonald to PS/PUS [FCO], 28 April 2003, 'Iraq: Future Handling'.
[168] Minutes, 28 March 2003, Ad Hoc Meeting on Iraq.

305. Maj Gen Cross told Mr O'Brien that Lt Gen Garner's plan was to create four ORHA regions, each with their own ORHA office.[169] Denmark was already looking to lead the southern office.

306. Lt Gen Garner asked Mr O'Brien if the UK would:

- consider assuming responsibility for one of the four ORHA regions;
- deploy "expert staff" to help with reconstruction at working level, ORHA already had enough "managers and administrators"; and
- provide up to five UK military officers to act as the senior ORHA officials in a number of Iraq's 18 Provinces.[170]

307. On his way to Baghdad, Mr O'Brien met Air Marshal Brian Burridge, UK National Contingent Commander, in Qatar.[171]

308. The British Embassy's record of the meeting reported that AM Burridge had raised concerns about DFID.

309. Mr O'Brien reported those concerns to Mr Straw on 30 April.[172] AM Burridge had described DFID as "a disgrace, a bloody disgrace". He had been frustrated by DFID's reaction to military action from the outset:

> "DFID's officials had attended planning meetings, apparently under instructions not to participate in discussions or make preparations for the humanitarian consequences of military action. As a result, DFID was unprepared when military action finally started. Since then they have been trying to catch up. Sometimes the inadequacy of preparations was hampering rather than helping aid distribution in the southern region. In Burridge's view DFID needed to get involved – and quickly. The lack of co-operation with ORHA was of concern.
>
> "Reconstruction was the key area where DFID could be involved in a highly visible way. But so far nothing seemed to be happening."

310. Copies of Mr O'Brien's minute were sent to Sir Michael Jay, Mr Ricketts, Mr Chaplin and Sir David Manning.

---

[169] Telegram 41 FCO London to Doha, 30 April 2003, 'Central Iraq Conference: Mr O'Brien's Discussions with General Tim Cross'.
[170] Telegram 42 FCO London to Doha, 30 April 2003, 'Central Iraq Conference: Mr O'Brien's Discussions with Jay Garner'.
[171] Telegram 87 Doha to FCO London, 29 April 2003, 'Baghdad Conference: Mr O'Brien's Call on Air Marshall Burridge'.
[172] Minute O'Brien to Foreign Secretary [Straw], 30 April 2003, 'Mr O'Brien's Call on Air Marshall Burridge'.

311. In his evidence to the Inquiry, Lord Boyce echoed AM Burridge's criticism of DFID.[173] Lord Boyce described DFID as "particularly un-co-operative, particularly as led by Clare Short". He told the Inquiry:

> "… you had people on the ground who were excellent operators for DFID, who were told to sit in a tent and not do anything because that's the instruction they had received and I actually met them."

312. Lord Boyce also told the Inquiry that the UK military "had hoped DFID would be showing up in force" to work alongside Major General Robin Brims, General Officer Commanding (GOC) 1 (UK) Div.[174]

313. In response to a question about the steps taken by the MOD to ensure that sufficient civilian capacity would be available, Lord Boyce told the Inquiry:

> "I don't know is the short answer … [T]his is an area … where there was a breakdown, because … we didn't get the introduction of civilian aid in the way that we actually expected it, and General Brims who did have a DFID officer in his headquarters, and to whom I spoke on the ground in Iraq after the invasion or during the invasion, was frustrated by the fact that … the person was not getting the sort of support from head office that they were expecting and I know that General Brims felt equally frustrated."[175]

314. Gen Brims, who left Basra in May 2003, told the Inquiry that, although the DFID adviser in his headquarters reported back to DFID as Phase IV began:

> "I didn't see a result coming back … I don't think during my time in Basra I received any UK finance to help the reconstruction at that stage. I think that the initial finance to help the reconstruction all came from Baghdad, ie it was American or it was Iraqi money from Baghdad coming down, for example, to pay policemen."[176]

315. Gen Brims said that what he "really needed" in his headquarters was a Consul General and "some people with experience of running large cities".[177]

316. Sir Suma Chakrabarti told the Inquiry that there had been "absolutely no instruction … for anyone to sit in their tents and do nothing".[178] He had spoken to the DFID advisers concerned, who had said that they had not told anyone that they had been instructed to sit in their tents and do nothing. Sir Suma suggested that Lord Boyce's criticism related to the poor personal relationship between Lord Boyce and Clare Short.

---

[173] Public hearing, 3 December 2009, page 105.
[174] Public hearing, 27 January 2011, page 83.
[175] Public hearing, 27 January 2011, page 84.
[176] Public hearing, 8 December 2009, page 43.
[177] Public hearing, 8 December 2009, pages 35-36.
[178] Public hearing, 8 December 2009, pages 38-41.

317. On the wider question of the level of DFID advice to and support for the military, Sir Suma told the Inquiry that "the military were right to expect more DFID support than they perhaps got in terms of civil military advisers in the field". Sir Suma suggested that:

> "If you open up the operational security barrier on planning earlier, you engage more in joint planning earlier, I think … the deployments would probably have happened earlier."

318. On 1 May, Mr O'Brien sent Mr Straw a report of his visit, describing ORHA as "the only game in town".[179] Mr O'Brien was "convinced that we either need to be fully involved with supporting ORHA, or get the UN into Iraq". The former would be easier to achieve, and the UK could provide much-needed support.

319. Mr O'Brien highlighted the need to deploy a senior UK official to ORHA immediately to take an active role in policy formation.

320. Mr O'Brien also highlighted the need to strengthen the IPU:

> "**In tandem we need to ensure that we give the IPU the necessary manpower to be able to service ORHA properly**. Too much is falling on Dominick Chilcott's shoulders. He needs more support. **Urgent policy decisions need to be taken at Ministerial level**."

321. In a statement to Parliament on 30 April, Mr Hoon announced that:

> "Decisive combat operations in Iraq are now complete, and Coalition Forces are increasingly focusing upon stabilisation tasks. It will therefore be possible to make further force level adjustments over the coming weeks while continuing to meet our responsibilities to the Iraqi people."[180]

322. Mr Hoon concluded:

> "While details continue to be clarified, we envisage that by mid-May 25,000-30,000 UK Service personnel will remain deployed in the Gulf region, continuing to fulfil our responsibilities towards the Iraqi people. The planned replacement of forces is clear evidence of our commitment to them.
>
> "Our aim is to leave an Iraq that is confident, secure and fully integrated with the international community. The planning process to establish the precise level of the continuing UK presence needed to achieve this aim is a dynamic one, and is kept under review. We will also need to take account of the contributions of Coalition partners. We will continue to withdraw assets and personnel from the region where possible, but we will maintain an appropriate military presence for as long as necessary."

---

[179] Minute O'Brien to Straw, 1 May 1003, 'Central Iraq Conference: Are We Properly Engaged?'.
[180] House of Commons, *Official Report*, 30 April 2003, column 15-16WS.

323. On 1 May, after consultations between Mr Straw and Mr Per Stig Møller, the Danish Foreign Minister,[181] the Danish Government announced the appointment of Mr Ole Olsen, Danish Ambassador to Syria, as Head of ORHA(South) for a term of six months.[182]

324. The Inquiry has seen no record of those consultations. The Cabinet Office update for Ministers on 1 May stated only that the Danes had been told the UK was "happy that their candidate (Ole Olsen) should lead the office".[183]

325. Overnight on 1/2 May, the UK military's AO was adjusted to be coterminous with the boundaries of Basra and Maysan Provinces.[184]

326. On 2 May, Secretary Rumsfeld and Mr Hoon met at Heathrow, before the Defense Secretary flew back to the US.[185] Mr Hoon stressed the necessity for ORHA to make tangible progress. Secretary Rumsfeld was reported to have:

> "… played down expectations somewhat, and cautioned against waiting for a fully formed organisation with a large pot of money. We should keep going pragmatically and keep scratching round for contributions where they were available. This could be done by the UK in their own area. Imposing order within the country would take time; it would take effort to get the ministries up and running and the people back to work."

327. On 2 May, Mr Straw's Private Secretary wrote to Mr Rycroft to propose that Mr John Sawers, then British Ambassador to Egypt, should be appointed as the Prime Minister's Special Representative on Iraq to "take the lead for the UK in guiding the political processes leading to the establishment of an Iraqi Interim Authority".[186] Mr Sawers' appointment is addressed in Section 9.1.

Reconstruction strategy and funding

328. On 2 May, Ms Anna Bewes, Ms Short's Principal Private Secretary, sent Mr Rycroft an "Interim DFID Strategy" for the next three to six months as Iraq transitioned from "relief/recovery to reconstruction".[187]

329. Ms Bewes advised that, while the strategy covered "tasks that principally fall to DFID", there were "strong inter-linkages" with diplomatic and military activity. She stated

---

[181] Minute Crompton to PS [FCO], 27 June 2003, 'Iraq: Ambassador Olsen'.
[182] *BBC News*, 1 May 2003, *Dane to run southern Iraq*.
[183] Letter Drummond to Owen, 1 May 2003, 'Iraq: Report to Ministers' attaching Paper Cabinet Office, 1 May 2003, 'Iraq: Update for Ministers'.
[184] Report Burridge to CJO, 8 May 2003, 'NCC Op TELIC Hauldown Report'.
[185] Minute Williams to Policy Director [MOD], [undated], 'Visit of the US Secretary of Defense – 2 May 2003'.
[186] Letter Owen to Rycroft, 2 May 2003, 'Iraq: Appointment of a Special Representative'.
[187] Letter Bewes to Rycroft, 2 May 2003, 'Iraq Rehabilitation' attaching Paper DFID, [undated], 'Iraq: Interim DFID Strategy'.

that the Interim Strategy drew on the conclusions of the AHMGIR and discussions with other departments and development agencies.

330. The Interim Strategy stated that the pledge made to the Iraqi people in the 'Vision for Iraq and the Iraqi People' issued at the Azores Summit would:

> "… require a full, democratically elected government with control over a unified and transparent budget, free from sanctions and integrated into the international economy, pursuing a programme of sustainable economic growth and poverty reduction."

DFID's aim was:

> "… to help Iraq reach its development potential, to secure a stable future where the needs of the whole population are met equitably and sustainably."

331. The Interim Strategy stated that, while the expected humanitarian crisis had not materialised, four "immediate recovery tasks" needed to be addressed in the next three months:

- getting public services running again, including by paying salaries;
- re-establishing law and order, with Coalition support and using Iraqi civilian police where available;
- meeting the needs of the vulnerable by maintaining the OFF food distribution system beyond 3 June (with or without the OFF programme itself); and
- restoring public infrastructure, including power and water supplies and sanitation and sewerage systems.

332. Drawing on DFID's experience in other post-conflict and transition countries, and given Iraq's characteristics as an oil-rich economy with a well-educated population, DFID would consider support (but did not anticipate playing the leading role) in four areas:

- economic management;
- SSR;
- public administration reform; and
- the political transition process.

333. DFID would also help to ensure effective co-ordination of international development assistance, including between ORHA, the IMF, the World Bank and the UN.

334. During the six-month transitional period, DFID would need to establish a small, temporary presence in Basra and a presence in Baghdad. Its presence thereafter would be determined by "emerging needs" and the UK's relationship with the Government of Iraq. Given Iraq's oil wealth and human capital, DFID's engagement was likely to be limited to about five years and focused on "strategic technical assistance

inputs". That longer-term presence would be considered in a strategy review scheduled for October 2003.

335. The Interim Strategy stated that DFID had earmarked £210m for "relief, recovery and reconstruction activities" during 2003/04.[188]

336. Drawing on figures provided by DFID, the Inquiry calculates that DFID committed £117.8m to the humanitarian relief effort in the period up to May 2003, of which £89m had been disbursed:

- £78m to UN agencies (£64m disbursed);
- £32m to the ICRC and the Iraqi Red Crescent (£18m disbursed);
- £6.2m to NGOs (£5.4m disbursed); and
- £1.6m for DFID's bilateral effort (all disbursed).[189]

337. Approximately £90m therefore remained available for "recovery and reconstruction" and further contributions to the humanitarian relief effort.

338. The Inquiry has seen no indication of any assessment of whether that budget for recovery and reconstruction was sufficient to achieve the UK's aspirations and objectives.

339. US funding for reconstruction was of a different magnitude.

340. In April 2003, the US Congress approved US$2.4bn for the newly created Iraq Relief and Reconstruction Fund (IRRF1), to pay for "humanitarian assistance" and "rehabilitation and reconstruction in Iraq".[190]

341. Over 70 percent of the fund (US$1.82bn) was allocated to USAID. By early May, USAID had awarded US$1.5bn in contracts for projects to restore infrastructure and support initiatives for health, education, agriculture and economic reform. The largest contract, worth US$680m, was secured by Bechtel to restore infrastructure.

Concerns over the scale of the reconstruction challenge and ORHA's response

342. In early May, the UK Government became increasingly concerned about the scale of the reconstruction challenge and the adequacy of the ORHA response, particularly in the South.

---

[188] Letter Bewes to Rycroft, 2 May 2003, 'Iraq Rehabilitation' attaching Paper DFID, [undated], 'Iraq: Interim DFID Strategy'.
[189] Letter Amos to Boateng, 10 September 2003, 'Iraq Reconstruction Funding: Reserve Claim'; Paper DFID, 4 November 2009, 'Iraq – DFID Timeline and Financial Commitments: 2003-2009'.
[190] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

343. Mr Rycroft sent Mr Blair the DFID Interim Strategy, Mr O'Brien's and Mr Chilcott's reports from Iraq, and an IPU update on ORHA on 2 May.[191] Mr Rycroft commented:

> "… ORHA is not yet up to the job. It has no effective management. There is no clear understanding of who is making policy … A State Department Ambassador, Bremmer [sic], is due to take over from Jay Garner.
>
> "UK input remains insufficient. But Whitehall has at last got your message that we need to send good people into all bits of ORHA …"

344. Mr Rycroft identified some immediate points for Mr Blair's attention:

- The FCO was appointing Mr John Sawers to work "in or very closely with" ORHA.
- The UK would seek to persuade the US to keep ORHA for the short term, before handing over to the IIA and a UN-led mission to support the IIA.
- ORHA should "get the Iraqi ministries operating again, and improve their media work so that improvements in infrastructure are visible".
- ORHA should develop a plan for SSR.

345. Mr Blair indicated that he agreed with those points. He commented: "I want to hear from Tim Cross that his concerns are being met next week".[192]

346. Mr Rycroft informed the FCO on 6 May that Mr Blair remained concerned that ORHA lacked proper management, but welcomed the increase in UK support.[193]
Mr Rycroft asked for further advice by 9 May on the UK's contribution to ORHA, ORHA's internal management and priorities, and an assessment of whether Maj Gen Cross's concerns were now being met.

347. Mr Sawers arrived in Baghdad on 7 May.[194]

348. The FCO advised No.10 on 9 May that good progress had been made in stepping up UK military and civilian support for ORHA.[195] So far, 34 public sector volunteers had completed pre-deployment training; 11 more would be trained the following week.
A first batch of 22 was scheduled to leave for Iraq on 13 May with a similar-sized group to follow a week later. The key to ORHA's success would be achieving results with the Iraqi ministries in Baghdad; support for that work would be the UK's "main effort", although it would also provide 10 secondees to ORHA(South). The FCO reported that officials were in daily contact with Maj Gen Cross, who was content with "the current state of play".

---

[191] Minute Rycroft to Prime Minister, 2 May 2003, 'Iraq: ORHA'.
[192] Manuscript comment Blair on Minute Rycroft to Prime Minister, 2 May 2003, 'Iraq: ORHA'.
[193] Letter Rycroft to Owen, 6 May 2003, 'Iraq: ORHA'.
[194] Telegram 2 IraqRep to FCO London, 11 May 2003, 'Personal: Iraq: What's Going Wrong?'.
[195] Letter Owen to Rycroft, 9 May 2003, 'Iraq: ORHA'.

349. The FCO also advised that ORHA's top priority was "restore what is left of Iraqi public administration, so that people can return to work and basic services can be delivered once again".

350. Mr Blair and President Bush spoke by telephone on 7 May on a broad range of foreign policy issues.[196] Mr Blair commented that ORHA "must grip the nuts and bolts of reconstruction, not just focus on politics".

351. On 9 May, the IPU informed Mr Straw's Private Office that it was now clear that negotiations between the US and UK for an MOU covering ORHA's operations were unlikely to succeed.[197] The implications for the UK of that situation are addressed in Section 9.1.

352. General Sir Mike Jackson, Chief of the General Staff (CGS), visited Iraq from 7 to 10 May. He reported his concerns about the pace of reconstruction, especially in the South, to General Sir Michael Walker, Adm Boyce's successor as CDS, on 13 May:

> "Despite recovering some of the essential public utilities to pre-war standards, it is startlingly apparent that we are not delivering that which was deemed to be promised and is expected … 1 (UK) Armoured Div have formulated a sound plan involving all the lines of operation and effect that are required to create a viable state. However, they have reached the limit of their technical capabilities and desperately need subject matter experts … They have had an embedded DFID representative since initial deployment who has made all the right requests for some time, but no action follows … This situation is compounded by a comprehensive stripping of the public sector infrastructure, an inability to pay public sector employees, a lack of NGO support and planning, and a complete lack of direction and effective action from ORHA."[198]

353. Gen Jackson concluded:

> "We must release the financial, personnel and infrastructure resources to effect a quicker delivery of reconstruction. If not we will lose the consent we have so successfully achieved."

354. The Inquiry has seen no indication that the report was sent outside the MOD.

355. On 11 May, Mr Sawers reported:

> "Four days in Iraq has been enough to identify the main reasons why the reconstruction of Iraq is so slow. The Coalition are widely welcomed, but are gradually losing public support.

---

[196] Letter Cannon to McDonald, 7 May 2003, 'US Foreign Policy Issues: Prime Minister's Conversation with Bush, 7 May'.
[197] Minute Chatterton Dickson to FCO [junior official], 9 May 2003, 'Iraq: ORHA: MOU'.
[198] Minute CGS to CDS, 13 May 2003, 'CGS Visit to OP TELIC 7-10 May 2003'.

> "Garner's outfit, ORHA, is an unbelievable mess. No leadership, no strategy, no co-ordination, no structure, and inaccessible to ordinary Iraqis …
>
> "I have not yet been out of the capital, but it is clear that Baghdad is the biggest problem … Baghdad has the worst security, a poor level of essential services, and no information flow. I will recommend to Bremer a Baghdad First strategy. We can afford some of the regions to languish. But failure in Baghdad would fatally undermine our success in the conflict."[199]

356. Mr Sawers listed the main challenges:

- There would be no progress until security improved.
- There needed to be a clear and credible de-Ba'athification policy. ORHA had made mistakes by appointing "quite senior" Ba'ath Party figures as their main partners in the Trade and Health Ministries, and at Baghdad University.
- With security and credible de-Ba'athification would come the chance for "durable reconstruction". Bechtel was moving far too slowly. It needed "to swamp Baghdad with engineers and skilled labour". Quick impact projects were also needed to demonstrate that progress was being made. Those were not a substitute for long-term development, but would meet genuine needs and were a "political requirement".
- The Coalition needed to do more to get out its messages.
- Money needed to be found to pay public sector workers. US$740m in seized Iraqi funds that could be used was held up in Washington.

357. Ambassador Paul Bremer arrived in Baghdad on 12 May, to take up post as Head of the Coalition Provisional Authority (CPA).[200] Lt Gen Garner was to leave Iraq on 1 June, at which point ORHA would be incorporated into the CPA.[201]

358. The names 'ORHA' and 'CPA' continued to be used interchangeably in documents seen by the Inquiry for some time after Ambassador Bremer's appointment.

359. Sir John Sawers told the Inquiry that, although he was "the senior Brit on the ground", he was not Ambassador Bremer's deputy nor was he in the line management chain of ORHA or the CPA.[202] Rather, he was a representative of the UK Government and so his role was one of "exerting influence rather than exercising power".

---

[199] Telegram 2 IraqRep to FCO London, 11 May 2003, 'Personal: Iraq: What's Going Wrong?'.
[200] Telegram 5 IraqRep to FCO London, 12 May 2003, 'Bremer's First Moves'.
[201] Telegram 027 Baghdad to London, 1 June 2003, 'Iraq: Coalition Provisional Authority'.
[202] Public hearing, 10 December 2009, pages 56 and 58.

360. On 12 May, Ms Short resigned from the Government. In her letter of resignation to Mr Blair she said that she thought the run-up to the conflict had been mishandled, but had agreed to stay to support the reconstruction effort.[203] However:

> "… the assurances you gave me about the need for a UN mandate to establish a legitimate Iraqi government have been breached. The Security Council resolution that you and Jack [Straw] have so secretly negotiated contradicts the assurances I have given in the House of Commons and elsewhere about the legal authority of the Occupying Powers, and the need for a UN-led process to establish a legitimate Iraqi government. This makes my position impossible."

361. Ms Short was succeeded by Baroness Amos, who had previously been Minister of State for International Development.

362. Mr Hilary Benn was appointed Minister of State.

363. Ms Short's resignation and the Mr Blair's response are addressed in more detail in Section 9.1.

364. Baroness Amos attended the 15 May meeting of the AHMGIR.[204]

365. The Annotated Agenda for the AHMGIR meeting stated that UK forces in southern Iraq generally enjoyed the goodwill of the local population and emerging political leaders, but that a continued permissive environment and, in the medium term, the withdrawal of UK forces "depends in part on the local population receiving real benefits from Coalition occupation".[205] The scale of the reconstruction challenge was "enormous". Large projects would fall to ORHA and subsequently the Iraqi authorities. But there was a case now for "smaller refurbishment projects". ORHA had plans for such projects but had been slow to implement them. "In the meantime, given the relatively benign security situation, UK forces have spare capacity to turn to reconstruction efforts."

366. The Annotated Agenda also stated that, of the £10m allocated to the UK military for quick impact projects (QIPs), only £50,000 had been spent. Of the £30m allocated to the UK military for humanitarian relief operations in the UK's AO, only £3m had been committed and £1m spent. The remainder could be used for other purposes.

367. In discussion, Mr Boateng agreed that the MOD could spend the balance of the £10m allocated for QIPs, but said that "other funds for reconstruction" had been allocated to DFID.[206] The MOD and DFID needed to discuss the issue.

368. Baroness Amos said that ORHA needed some quick wins to establish its reputation. DFID would put ideas to Ministers the following week.

---

[203] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.
[204] Minutes, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[205] Annotated Agenda, 15 May, Ad Hoc Group on Iraq Rehabilitation meeting.
[206] Minutes, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

369. Ministers agreed that DFID should discuss with the MOD, the Permanent Joint Headquarters (PJHQ), 1 (UK) Div, ORHA and the IPU "measures to achieve a step change in rehabilitation in the South", before discussing funding with the Treasury and presenting a plan to the AHMGIR on 22 May.

370. On 16 May, Ambassador Bremer issued CPA Regulation No.1.[207] It stated:

> "The CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, including by advancing efforts to restore and establish national and local institutions for representative governance and facilitating economic recovery and sustainable reconstruction and development."

371. The DFID team in Basra sent DFID a stock-take of the situation in the South on 19 May.[208] ORHA(South) was suffering from the lack of policy guidance, support and specialist staffing from ORHA(Baghdad). Danish staff in ORHA(South) had received US$500,000 from the Danish Government; that appeared to be all of ORHA(South)'s "immediately accessible" funding. ORHA(South) barely had enough staff to cover the most urgent tasks, such as the payment of salaries; more support was required. There was a risk that neglect by ORHA(South) in these initial months would allow "alternative structures" to emerge.

372. The DFID team also reported that "many military units" had said that they did not have the capacity to implement QIPs to the extent that they would like. 1 (UK) Div was aware of the "disconnect" between their capacity and the need to implement £29m worth of QIPs. The DFID team recommended that military capacity should be augmented.

373. Sir David Manning visited Baghdad and Basra for the first time from 20 to 21 May. In his report to Mr Blair, he echoed Mr Sawers' assessment that Baghdad was key, observing that Basra was "way ahead" of Baghdad. Joining the growing chorus of critics of ORHA, Sir David described it as a "shambles".[209]

374. Sir David described Ambassador Bremer as "impressive". One way of helping him would be to get DFID:

> "… properly and energetically engaged. (There is a residue of bitterness about their lack of involvement: they have committed few people and have apparently just completed their third independent reconnaissance about security for staff before deploying more people). Valerie [Amos] will make things change. I hope she will get experts to ORHA very fast."

---

[207] Coalition Provisional Authority, Regulation Number 1, 16 May 2003, *The Coalition Provisional Authority.*
[208] Minute DFID [junior officials] to DFID [junior official], 19 May 2003, 'DFID Basrah: Issues Paper'.
[209] Letter Manning to Prime Minister, 22 May 2003, 'Iraq: Visit to Baghdad and Basra'.

375. Mr Blair replied: "Send a note from me to Val[erie] asking for this."[210]

376. The Annotated Agenda for the 22 May meeting of the AHMGIR stated that the arrival of Ambassador Bremer, who was "working closely" with Mr Sawers, had made a significant impact on ORHA's efficiency, but not yet its performance on the ground.[211] Officials were close to agreeing with Mr Andy Bearpark, UN Deputy Special Representative in Kosovo, that he should succeed Maj Gen Cross, who was due to leave ORHA in June. Mr Bearpark needed to be given the right job to "maximise UK influence in ORHA".

377. The Annotated Agenda also stated that 24 UK secondees had arrived in Iraq on 16 May, making a total of 61 UK secondees to ORHA. 11 of those were based in the ORHA(South) office in Basra.

378. Ministers agreed that Maj Gen Cross should be replaced by "a senior UK civilian experienced in humanitarian and reconstruction work, placed in a senior position".[212]

379. Mr Bearpark was subsequently appointed CPA Director of Operations and Infrastructure. He arrived in Baghdad on 16 June.

380. Section 9.2 describes how, although UK officials in Whitehall regarded Mr Bearpark as the UK's senior representative in the CPA, Mr Bearpark saw his primary loyalty as lying with the CPA and Ambassador Bremer.

381. The 22 May meeting of the AHMGIR also considered a joint DFID/MOD paper on achieving a "step change" in reconstruction in the South, requested by the AHMGIR the previous week.[213]

382. The paper, entitled 'Iraq: Rehabilitation in ORHA Region Lower South', defined the UK's role in the South:

> "The ORHA Lower South sector will be closely associated with the UK. Although the ORHA regional office is headed by a Dane … the presence of a UK two-star regional military headquarters will make the UK's role in the area pre-eminent. The UK will have the greatest number of military personnel in the region and, as one of two initial Occupying Powers, will be seen by other nations to have leading responsibility for the Lower South Region. If there are difficulties in the Lower South region it will be the UK (and, immediately, the UK military) that will have to face them first."[214]

383. The paper also set out the rationale for UK assistance. ORHA's "mobilisation" was proceeding slowly, and the UK was concerned that its use of large enabling contracts

---

[210] Manuscript comment Blair on Letter Manning to Prime Minister, 22 May 2003, 'Iraq: Visit to Baghdad and Basra'.
[211] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[212] Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[213] Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[214] Paper MOD/DFID, May 2003, 'Iraq – Rehabilitation in ORHA region lower south'.

would not prove sufficiently flexible or responsive, although there were no realistic options until the IFIs and World Bank engaged. Much of ORHA's funding had to come through a US bureaucratic process which even senior members of the US Administration described as "frustratingly slow".

384. The paper stated:

> "It is in the UK's self-interest (quite aside from, although coincident with, the interests of the Iraqis) that rehabilitation and reconstruction proceed smoothly and rapidly. Without rapid and visible rehabilitation and reconstruction it is possible that there will be an erosion of the consent to the presence of the Coalition Forces. This is a particular concern to 1(UK) Div as reconstruction is off to a slow start …
>
> …
>
> "There is thus a near-term gap in the provision of rehabilitation and reconstruction assistance to Iraq. Inasmuch as the UK is responsible for the Lower South Region, the UK is responsible for filling that gap."

385. The paper concluded that the success of the Lower South ORHA office would depend on UK direction and capacity in a manner analogous to ORHA's reliance on the US, and that the UK required a plan to address immediate rehabilitation needs and to encourage greater long-term investment and engagement in reconstruction activities. The plan should comprise:

- Support for the ORHA Lower South regional office, including help to draw up an operational plan for rehabilitation, additional staff to help manage projects, and running costs. The paper also proposed that the UK Government should establish sufficient capability in the UK to manage its support for rehabilitation; PJHQ would be able to offer advice to the FCO on how such a team should be structured.
- The reallocation of the £20m allocated to the military to support Internally Displaced People (IDPs), to fund QIPs.
- Funding for short, discrete projects to build the capacity of the Iraqi administration capacity in key areas.

386. Ministers were invited to agree the "concept" described in the paper.

387. The Annotated Agenda for the AHMGIR meeting invited Ministers to agree that the UK should step up the reconstruction effort in the "southern military sector" by:

- in the short term, encouraging UK forces, with the assistance of DFID advisers, to identify and implement QIPs;
- over the next month, building the capacity of ORHA(South) to identify and implement reconstruction projects, including by seconding additional staff where necessary and developing an operational reconstruction plan;

- tasking the MOD and DFID to discuss funding their plan with the Treasury, if necessary;
- encouraging international partners to support the regional reconstruction plan; and
- encouraging ORHA to accelerate its reconstruction efforts, including by devolving parts of its budget to its regional offices.[215]

388. The AHMGIR agreed those recommendations.[216]

389. A costed plan for rehabilitation in the South was submitted to the AHMGIR on 12 June.

390. On 23 May, Mr Malik briefed Baroness Amos's Office on recent negative reporting on DFID's role in southern Iraq.[217] Much of this appeared to have been inspired by UK military personnel in Iraq or Doha, although direct feedback from the UK military was that DFID's support was "highly valued".

391. Mr Malik commented:

> "There is some frustration amongst military personnel in Basra that they have not been able to hand over the post conflict effort to civilian agencies quickly enough. However, to a large extent this reflects the security environment … and the failure of ORHA to deliver. Over the coming days we will be reinforcing advisory support to the military and ORHA, and will be assessing what more we can do."

392. Mr Malik recommended that Baroness Amos speak to Mr Hoon before Mr Blair's visit to Iraq at the end of the month.

Resolution 1483

393. United Nations Security Council resolution 1483 (2003) was adopted on 22 May.[218]

394. The resolution confirmed that the UN would not have the lead responsibility for the administration and reconstruction of Iraq, which would fall to the CPA. There would be a role for the UN, exercised through a Special Representative to the Secretary-General.[219]

---

[215] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[216] Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[217] Minute Malik to Private Secretary [DFID], 23 May 2003, 'Iraq: DFID Reputation in Southern Iraq'.
[218] UN, Press Release SC/7765, 22 May 2003, *Security Council lifts sanctions on Iraq, approves UN role, calls for appointment of Secretary-General's Special Representative.*
[219] UN Security Council resolution 1483 (2003).

Resolution 1483 (2003), 22 May 2003

The provisions of resolution 1483 are described in detail in Section 9.1.

In addressing reconstruction, the resolution:

- requested the Secretary-General to appoint a Special Representative for Iraq, with a co-ordinating role focused on reconstruction and humanitarian assistance, reporting regularly to the UN;
- supported "the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority";
- lifted all sanctions on Iraq except those related to arms;
- noted the establishment of the Development Fund for Iraq (DFI), which would be audited by independent public accountants approved by an International Advisory and Monitoring Board (IAMB) comprising representatives of the UN Secretary-General, the IMF, the Arab Fund for Social and Economic Development, and the World Bank;
- noted that disbursements from the DFI would be "at the direction of the Authority, in consultation with the interim Iraqi administration";
- underlined that the DFI should be used "in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq";
- requested the UN Secretary-General to continue operation of the OFF for up to six months from 22 May;
- decided that all export sales of Iraqi petroleum, petroleum products, and natural gas should be made "consistent with prevailing international market best practices", and that 95 percent of the revenue should be deposited into the DFI (with 5 percent deposited into the UN Compensation Fund for victims of Saddam Hussein's 1990 invasion of Kuwait).[220]

Section 10.3 describes in more detail the negotiations between the US and the UK over who should control disbursements from the DFI, which would hold Iraqi oil revenues and other funds.

395. On 27 May, Mr Kofi Annan, the UN Secretary-General, named Mr Sérgio Vieira de Mello as his Special Representative to "lead the United Nations effort in Iraq for the next four months".[221]

396. Mr Vieira de Mello arrived in Iraq on 2 June.[222]

---

[220] UN Security Council Resolution 1483 (2003).
[221] UN, Press Release, 27 May 2003, *Transcript of Press Conference by Secretary-General Kofi Annan and Special Representative for Iraq, Sérgio Vieira de Mello, 27 May.*
[222] Letter Straw to Blair, 5 June 2003, 'Iraq: Winning the Peace' attaching Briefing FCO/UND, 'Role of the UN Secretary-General's Special Representative in Iraq'.

397. Sir Suma Chakrabarti told the Inquiry that Ms Short's resignation, the exchanges within the UK Government that had preceded it, and the adoption of resolution 1483 led to a significant shift in DFID's attitude to ORHA:

> "… we [DFID] didn't think ORHA would be actually the lead in terms of post-conflict work. We thought the UN would take that role on. The UN was geared up to do so, putting more staff into Iraq at the time …
>
> "The penny dropped that … ORHA was going to be the only game in town when 1483 was passed. It probably dropped actually with Clare Short's resignation … because it was at that point we realised that perhaps there wasn't a shared objective on UN leadership in the British Government because the Prime Minister's conversation with Clare Short made that clear. From that point on, we had to try and make ORHA work better whether we liked it or not."[223]

The return to a 'war footing', June 2003

398. Mr Blair visited Basra and Umm Qasr on 29 May. DFID, the FCO and the MOD provided separate briefings for the visit.

399. DFID advised that the humanitarian situation was improving steadily, although security remained a key concern.[224] Without security, it would be difficult to achieve progress in other areas. In many parts of Iraq, water and power services were "almost at pre-conflict levels". Looking ahead, rebuilding Iraqi public institutions would be the main challenge. ORHA had a central role to play; DFID had stepped up its "staff support" for ORHA in Baghdad and Basra and was looking at additional areas to support.

400. The FCO advised that Ambassador Bremer's arrival had yet to translate into improvements on the ground.[225] The UK now had 61 secondees in ORHA (including in Basra), most of whom were working with Iraqi ministries.

401. Success in ORHA(South) was "crucial to achieving UK national objectives in Iraq". The UK had provided a Deputy to Ambassador Olsen and 10 other secondees, and planned to further reinforce ORHA(South) by:

- providing more secondees;
- providing an operational plan compatible with ORHA's national plan; and
- encouraging ORHA(Baghdad) to accelerate reconstruction efforts by delegating more of its budget to regional offices.

---

[223] Public hearing, 8 December 2009, page 34.
[224] Letter Bewes to Cannon, [undated], 'Iraq – Humanitarian Update'.
[225] Letter Sinclair to Cannon, 27 May 2003, 'Prime Minister's Visit to Iraq'.

402. The MOD provided, as part of a larger briefing pack, briefs on "Reconstruction and the UN" and humanitarian assistance.[226] The briefing on humanitarian assistance reported that there was no humanitarian crisis in southern Iraq:

> "Food, water, power and other essentials are available in towns across the UK's Area of Operations. Our priority is the provision of a safe and secure environment.
>
> "UK forces will continue to deliver emergency relief where it is needed, and where they are able to do. However, as the security situation stabilises enough for civilian aid agencies to fully deploy, we are rightly handing some responsibilities over to them."

403. Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, passed the briefings to Mr Blair on 27 May, with the comment: "you may encounter whinging [in Iraq] about electricity and water supplies (the military are clear that these are already better than pre-conflict levels) and about the law and order situation".[227]

404. Mr Blair met Ambassador Bremer in Basra on 29 May.[228] Ambassador Bremer told Mr Blair that the first phase of the CPA's work would involve demonstrating that Saddam Hussein's regime had definitively disappeared, by delivering improvements in basic services (which were already mostly up to pre-conflict levels) and maintaining law and order. The second phase would include the revival of the economy, the first stage of establishing a free Iraqi Government, and the revival of civil society. Ambassador Bremer's "target economic end state" was a liberal, open market economy.

405. Mr Blair asked about resources. Ambassador Bremer confirmed that he had no resource constraints; the CPA had between US$4bn and US$5bn available to spend.

406. Ambassador Bremer discussed the inadequacy of ORHA's strategic communications in a separate meeting with Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy.[229] Mr Campbell suggested that Mr John Buck, Head of the UK's Communication and Information Centre (CIC), who was due to arrive in Iraq shortly, should take on the task of drawing up a strategic communications plan. Ambassador Bremer agreed.

407. Mr Buck described the situation he faced on his arrival in Iraq in his evidence to the Inquiry:

> "… there was no coherent communications operation. The US Army were doing one thing. The British Army were doing another. The CPA were doing another. My task largely focused on actually bringing these people together into one unit."[230]

---

[226] Letter Watkins to Cannon, 27 May 2003, 'Prime Minister's Visit to Iraq' attaching Briefing, [undated], 'Prime Minister's Visit to Iraq: 29 May 2003'.
[227] Minute Cannon to Blair, 27 May 2003, 'Visit to Iraq, 29 May'.
[228] Letter Cannon to Owen, 29 May 2003, 'Iraq: Prime Minister's Meeting with Bremer, 29 May'.
[229] Minute Campbell to Sawers, 29 May 2003, 'Meeting with Ambassador Bremer'.
[230] Public hearing, 31 January 2011, pages 100-101.

408. A Cabinet Office update for Ministers on 29 May reported that (unspecified) recent initiatives by Ambassador Bremer and the DoD underlined the need to press the US to consult more systematically with the UK.[231] The UK was having some success at influencing US thinking, including through Mr Sawers, the British Embassy Washington, an FCO Legal Adviser seconded to the CPA, and regular contacts between US and UK lawyers (in the last few days, those contacts had persuaded the US to drop the death penalty from a CPA Penal Order), but consultation remained "haphazard". Ministers should be prepared for "further abrupt changes in US policy".

409. Mr Sawers reported by telegram on 1 June:

> "ORHA is no more, replaced by the Coalition Provision Authority …
>
> "Jay Garner departed on 1 June … ORHA, with its reputation as a failure, is being buried with him. Bremer's brisk management style and additional powers have enabled him to impose a new structure with a new name that should lead to a more coherent approach to re-building Iraq."[232]

410. Mr Sawers advised that Mr Andy Bearpark would be the CPA's Director of Operations, with: "Across the board responsibility for policy implementation, leading on top priority tasks, managing the CPA's regional structure, and operational co-ordination with the UN." Mr Bearpark arrived in Baghdad on 16 June; his role is considered later in this Section.

411. *Hard Lessons* recorded that ORHA had 600 staff when it was absorbed by the CPA during May.[233] That fell "far short of what it [the CPA] needed to manage its burgeoning relief and reconstruction program".

412. Also on 1 June, the Deputy to Ambassador Olsen in ORHA(South), a UK official, sent two reports to Mr Chilcott. The first offered her first impressions:

- "Office infrastructure was (and still is) virtually non-existent, living conditions were (and still are) pretty miserable …"
- ORHA(South) had no operating budget and was running, "sparsely", on funding from the Danish Foreign Ministry and Ambassador Olsen's own bank account.
- ORHA(South) had no security guards or caterers, and had been forbidden from contracting them directly. UK pressure on ORHA(Baghdad) to provide that support would be appreciated.
- ORHA(South) had 21 staff (eight UK civilians, five UK military officers, five Danish civilians, two US military officers, and one Japanese civilian). Additional staff were arriving "in trickles" but were predominately military officers and had

---

[231] Paper Cabinet Office, 29 May 2003, 'Iraq: Update for Ministers'.
[232] Telegram 27 IraqRep to FCO London, 1 June 2003, 'Iraq: Coalition Provisional Authority'.
[233] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

been directed to ORHA(South) by 1(UK) Div and Maj Gen Cross. Those officers were useful as "stopgaps", but ORHA(Baghdad) needed to provide expert staff.

- ORHA(Baghdad) was "dysfunctional and totally pre-occupied with Baghdad". There had been no attempt to engage with ORHA(South), including on policy issues. Communication was virtually non-existent (it remained impossible to telephone anyone in Baghdad).
- Ambassador Olsen was "very unhappy" with the seeming indifference of ORHA(Baghdad) and the lack of resources. It was not out of the question that he would leave if things did not improve.
- ORHA(South)'s "concept of operations" was to work jointly with the military and, once it had built its knowledge base and secured the necessary resources, to move into the lead allowing the military to focus on security and their exit strategy. That would not happen until ORHA(South) had considerably more people.[234]

413. Her second report provided an assessment of ORHA(South)'s staffing requirement.[235] Additional support was required in 15 areas; in most of those, three or four specialists would be required to make a discernible difference across the region. The areas included: electricity; water and sewerage; infrastructure/reconstruction; the judiciary; human rights; gender issues; the economy (two DFID advisers were due to arrive in Basra shortly); political analysis; and the media.

414. ORHA(South) itself needed an office manager, a logistics manager, a finance officer, an information manager and security staff (both for the office and to enable moves outside Basra).

415. After returning to the UK, Mr Blair sent a personal Note to President Bush.[236] Mr Blair wrote:

> "I met Jerry Bremer and others in Iraq. He is very impressive, got a real grip and is doing a great job. But the task is absolutely awesome and I'm not at all sure we're geared for it. This is worse than re-building a country from scratch.
>
> "We start from a really backward position. In time, it can be sorted. But time counts against us …"

416. Mr Blair went on to suggest that:

- Security in Baghdad had to be dealt with at once.
- "Bechtel needs to move far more quickly in letting contracts for infrastructure reconstruction – patching up won't do".

---

[234] Minute UK [junior official] to Chilcott, 1 June 2003, 'ORHA South – First Impressions'.
[235] Minute UK [junior official] to Chilcott, 1 June 2003, 'Additional Staffing Requirements for ORHA South'.
[236] Letter Manning to McDonald, 2 June 2003, 'Iraq: Prime Minister's Note' attaching Note [Blair to Bush], [undated], 'Note'.

- The Coalition's communications strategy had to be put on a more energetic footing.
- The CPA needed greater administrative capacity. Mr Blair proposed a small US/UK team "with one of our people from our own circle" to act as a rapid conduit to President Bush and himself, enabling them to clear the bureaucratic obstacles immediately.

417. Mr Blair concluded his Note by stating that he would be "going back to almost a war footing" in order to ensure focus on issues in Iraq.

418. Mr Blair and President Bush discussed Iraq over breakfast on 2 June.[237] Mr Blair emphasised the "huge scale" of the reconstruction task. Saddam Hussein had left an "appalling" legacy and reduced a potentially rich country to third world levels of poverty. Ambassador Bremer was being asked to take on "a shattered country with decrepit infrastructure and a population that had developed a dependency culture". That was "a very tall order". He should be given whatever he wanted for capacity building.

419. Mr Blair also argued that a clear political vision and timetable was needed, together with a media strategy to avoid "a dangerous information vacuum".

420. On 3 June, Mr Blair chaired a meeting on Iraq attended by Mr Hoon, Baroness Amos, Sir Michael Jay (in Mr Straw's absence) and No.10 officials.[238] Mr Blair said that he had returned from Iraq convinced that "an enormous amount needed to be done". He told the meeting:

- The CPA lacked grip and organisation, rather than money or staff.
- The UK should "beef up" its involvement in the CPA.
- There should be a White House/No.10 team to work alongside Mr Sawers and Ambassador Bremer.
- There should be a strong civilian team in the South.
- The CPA and US decision-making processes were too slow. Contracts needed to be processed faster.
- British companies needed to be energised to take up opportunities in Iraq.

421. Mr Blair also said that he believed that Whitehall should go back to "a war footing" for the next two to three months to avoid "losing the peace in Iraq".

422. Following the meeting, Mr Cannon commissioned a number of papers to be ready before a further meeting on 6 June. Those included a list of 10 to 15 outstanding, practical issues for Mr Blair to raise with President Bush that would "make a big

---

[237] Letter Manning to McDonald, 2 June 2003, 'Breakfast Meeting Between The Prime Minister and President Bush: 2 June 2003'.
[238] Letter Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's Meeting, 3 June'.

difference to the people of Iraq if they are resolved", and advice on how to improve the Iraqi media.

423. Mr Rycroft subsequently told Mr Chilcott, who had been tasked to produce that list of outstanding practical issues, that Mr Blair was "looking for some really big ticket items to push", along the lines of:

"1. Get x people in to sort out the police.
2. Move y US forces from a to b to improve security.
3. Get Bechtel to build by X date a new power station in place y.
4. Ask x big figure person to go to Iraq to sort out the TV.
5. currency.
6. CPA internal.
7. setting up IIA.
8. Basra – give CPA Basra $x million, and … etc etc."[239]

424. Mr Rycroft added that Mr Blair did not need "lots of analysis of what's going wrong … he knows that". He needed "things that are concrete and ambitious enough so that if/when they happen they really transform the place".

425. Mr Chilcott replied that he could not produce a "serious paper" with the specific detail requested:

> "To offer advice on where to build big infrastructure projects … requires a lot more knowledge than we have in the IPU about local conditions … and some sense of an overall development plan for Iraq – something the World Bank will presumably draw up once they have got themselves engaged. These judgements will have to be carefully considered by development experts.
>
> "In my view, the two most important things the PM should raise with the President now are (a) security and (b) the functioning of the CPA. Until these are solved, there is little chance of any infrastructure work making much impact."[240]

426. Baroness Amos saw Mr Blair's direction as an opportunity for a substantive reassessment of DFID's engagement on reconstruction in Iraq.

427. Baroness Amos gave Mr Benn and Mr Chakrabarti a read out from Mr Blair's 3 June meeting later that day.[241] She reported that Mr Blair had made a number of specific proposals:

- There was a lack of administrative capacity in the CPA. The UK should increase its support for it.

---

[239] Email Rycroft to Chilcott, 4 June 2003, 'Draft Paper for the PM'.
[240] Email Chilcott to Rycroft, 4 June 2003, 'Draft Paper for PM'.
[241] Minute Bewes to DFID [junior official], 3 June 2003, 'PM Iraq Meeting'.

- There should be a process to identify and resolve “logjams”.
- The UK needed “urgently to think through:
  - what are the key priorities? (Infrastructure? Water? Power?)
  - what are the blockages?
  - therefore, what needs to be done by whom and when? What large scale projects were needed?
  - and how much will that cost?
  - We should ‘think big’ – e.g., if a new power station was needed, identify where, how big, how much it would cost and let the contracts asap.”

428. Baroness Amos commented that “the Prime Minister’s thinking seemed to be that the UK would put in the people; US the money”, and that he did not seem to accept that President Bush might not be able to produce immediate funding.

429. Baroness Amos stated that DFID should think “carefully but urgently” about the concerns and proposals presented by Mr Blair. DFID should not simply “reflect back” Mr Blair’s proposals, if those were not exactly what were needed. This could be a very good opportunity to address (unspecified) difficult issues.

430. Baroness Amos added that she did not believe that the main problem with the CPA was a lack of people, or that it could be solved by putting more people in. It was more likely to be a lack of strategic thinking.

431. Baroness Amos also reported that, after the meeting with Mr Blair, she had agreed with Mr Hoon and Sir Michael Jay that a cross-departmental paper should be produced for the next meeting of the AHMGIR, addressing the points raised by Mr Blair.

432. Later on 3 June, Baroness Amos sent Mr Blair a report on her visit to Washington and New York the previous week.[242] She reported that:

> “… US inter-agency conflicts are making for bad policy on Iraq, with negligible co-ordination and a potentially dangerous lack of leadership. There is no strategic direction, and no sense of what the US wants to achieve.”

433. The solution was for the UK “to set out a clear vision for Phase IV, sell it to President Bush (and hence Rumsfeld) and use it to build alliances beyond the Coalition”.

434. Baroness Amos also reported that the World Bank and the IMF had started work on a reconstruction needs assessment. Work was Washington-based, but experts were ready to visit Iraq “as soon as the security situation permits”.

435. Baroness Amos confirmed that she would visit Iraq shortly. To maintain the momentum on Iraq, she planned that Mr Benn would visit in July and Mr Chakrabarti in September.

---

[242] Letter Amos to Blair, 3 June 2003, ‘Iraq Reconstruction: Next Steps’.

436. A draft version of the list of 10 to 15 outstanding, practical issues requested by Mr Blair on 3 June, produced by the IPU, was considered by the 5 June meeting of the AHMGIR, chaired by Mr Straw.[243]

437. Mr Straw wrote to Mr Blair later that day:

> "We [the AHMGIR] fully shared your view that an enormous amount of work remains to be done. We were concerned that the US was not showing the same energy, focus and drive in the reconstruction effort that they did in the military campaign.
>
> "Colleagues also felt strongly that the US must not be allowed to take UK support for granted. Otherwise, as the US ultimately called the shots, we risked being caught in a position of sharing responsibility for events in Iraq without holding the corresponding power to influence them. In that context, the Treasury expressed worries about the provisional arrangements for disbursing oil revenues from the Development Fund for Iraq …"[244]

438. Mr Straw attached a revised IPU paper, which he described as "setting out what needs to be done to make reconstruction work, containing ideas which would make a big difference to the people of Iraq". He highlighted the importance of preventing looting and criminality and turning the CPA into an efficient, functioning organisation, adding:

> "Unless we put these two foundation stones in place, reconstruction will continue to falter."

439. The IPU paper, entitled 'Iraq Reconstruction: 30 Day Priorities', stated that the US and UK needed:

- a clear, coherent strategic plan;
- a timetable for delivering it; and
- regular contact between Mr Blair, President Bush and Ambassador Bremer to review progress and agree next steps.

440. The IPU proposed "some specific targets we [the US and UK] should now set ourselves, for delivery within 30 days", in six areas:

> "1. Restore security …
>
> 2. Agree and implement a strategic plan for the CPA
>
> a) Agree specific targets for reconstruction direct with Bremer, and agree the resources needed to deliver them. And then let him get on with his job.
>
> …

---

[243] Minutes, 5 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[244] Letter Straw to Blair, 5 June 2003, 'Iraq: Winning the Peace' attaching Paper IPU, 5 June 2003, 'Iraq Reconstruction: 30 Day Priorities, 5 July 2003'.

c) Give Bremer and the CPA the means to do their job … the right people with the right skills …

d) Make the regional network of CPA offices function – with access to funds, good communications, inputs into central policy making …

3. A clear, transparent Coalition decision-making process

…

b) Development Fund for Iraq: we must get the decision-making right. We are jointly responsible for this, legally and politically … Need transparent and accountable mechanisms for setting Iraq's budget, priorities for expenditure, and procedures for disbursement – not just post facto auditing.

4. Power, water and sewage

Repairs to essential infrastructure, and provision of essential services, must be top of CPA's agenda. We need to speed up decision-making process and awarding of sub-contracts …

5. Restoring normal economic life …

6. Security sector reform …"

441. In the paper, the IPU did not consider the resources that would be required to achieve those targets or the particular role of the UK.

442. Mr Straw also attached a list of projects "which urgently need to be taken forward in and around Basra", and commented that he, Baroness Amos and Mr Hoon were "keen to get cracking" on them.

443. Mr Straw's letter was copied to Baroness Amos, Mr Hoon and other Ministers.

444. The Inquiry has seen no indications that a paper on the Iraqi media was produced for Mr Blair (as No.10 had requested on 3 June). The IPU paper listing "30-day priorities" identified the need to "communicate to the Iraqi population what we have already done and what we are trying to achieve", but did not recommend any associated actions.

445. On the same day, Mr Straw sent a personal letter to Mr Blair asking him to raise a number of points "very forcefully" with President Bush, including:

"Contracts: As you know, the US are completely ruthless on favouring US companies, and will not help UK companies unless you play hardball with Bush."[245]

446. Mr Straw offered as an example of this behaviour, a Bechtel sub-contract to install 170 megawatts (MW) of power capacity in Baghdad. Siemens UK had almost secured that contract, but it had now "gone cold".

---

[245] Minute Straw to Blair, 5 June 2003, 'Iraq'.

447. The Government's support for UK businesses is described in Section 10.3.

448. Mr Rycroft passed the IPU paper and the list of projects in Basra to Mr Blair on 5 June, under a minute which suggested the "set of big picture but concrete points" that might come out of Mr Blair's meeting with Mr Straw, Mr Hoon and Baroness Amos the following day and which could then be put to President Bush.[246] The minute was copied only within No.10. The points were:

a. "Security. This is the top priority …
b. Sort out the CPA's Organisation. The only way to get round the … problem is for you to raise directly with Bush.
    - Install proper phones and IT.
    - Delegate more decision-making to the CPA, to avoid … wrangling.
    - Sort out the communications strategy.
c. Infrastructure projects. This is where we will be judged by ordinary Iraqis.
    - Get Bechtel to conclude their sub-contract with Siemens UK asap, so Siemens can help restore power capacity.
    - Set up the national phone network.
    - Get UNDP [United Nations Development Programme] and UNICEF to sort out the power and water supplies.
d. Restoring normal life.
    - Sort out the currency.
    - Open the airports to civil flights.
    - Appoint x to sort out the Iraqi media.
    - Press on with security sector reform.
e. Basra: see separate list of things we can do in our own area …
f. US/UK contacts. … Since we share legal responsibility as Occupying Powers, we (the UK) may also at times need to have a veto over CPA decisions …"

449. Mr Blair held a further meeting on Iraq on 6 June, to agree the points to put to President Bush.[247] It was attended by Mr Straw and Gen Walker, as well as those who had been present on 3 June.

---

[246] Minute Rycroft to Prime Minister, 5 June 2003, 'Iraq: Meeting at 0800 on Friday'.
[247] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Meeting 6th June'.

450. Mr Cannon reported the main points from the meeting to Mr McDonald. The meeting had identified "over-zealous" de-Ba'athification and the CPA's failure to provide funding for the South as causes of insecurity there. It had agreed that:

- Mr Blair should tell President Bush that the UK needed "the decision-making process on a different footing, so that problems are rapidly referred to the highest level and obstacles short-cut".
- Mr Blair should write to Ambassador Bremer listing specific projects in the Basra area needing immediate CPA funding.
- Baroness Amos would visit "the UK sector" to enhance DFID operations.
- Ms Hewitt should try to visit Iraq to promote the involvement of UK business.

451. Mr Blair spoke to President Bush later that day.[248] In his report to Mr McDonald of the conversation, Mr Cannon wrote that Mr Blair had said his main concern was administration; Ambassador Bremer needed to be able to break through the bureaucratic obstacles that he faced.

452. Mr Blair raised the difficulty Ambassador Bremer was having accessing the funding he needed. UK projects in Basra had been affected. Mr Blair said that he would write to both Ambassador Bremer and President Bush setting out those projects.

453. Mr Blair raised delays in Bechtel's operations, including unnecessary delays in agreeing a contract for Siemens UK. The US was chasing Bechtel.

454. Mr Blair also raised the need for action on replacing Iraq's currency.

455. The Inquiry has seen no indications that Mr Blair wrote to Ambassador Bremer and President Bush, listing the projects requiring immediate CPA funding.

456. The Annotated Agenda for the 11 June meeting of the AHMGIR stated that the list of projects "which urgently need to be taken forward in and around Basra", which Mr Straw had sent to Mr Blair on 5 June, would "for the most part be implemented as quick impact projects, once additional engineering staff are in place (DFID is undertaking urgent recruitment)".[249]

457. The Cabinet Office produced a draft proposal for a new, DFID-led Iraq Rehabilitation Operations Group (IROG) on 10 June.[250] The Cabinet Office proposal stated that, while current administrative structures were "satisfactory and worth keeping", now that the UK was moving into an "increasingly operational phase" they were no longer sufficient. DFID should lead a new Group with a remit to oversee:

- priorities for expenditure from the Development Fund for Iraq (DFI), including the process of reaching decisions on such expenditures;

---

[248] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Conversation with Bush, 6th June'.
[249] Annotated Agenda, 12 June 2003 Ad Hoc Group on Iraq Rehabilitation meeting.
[250] Minute Bowen to DFID, 10 June 2003, 'Iraq: Management Arrangements'.

- co-ordination of UN, IFI, NGO, ICRC and CPA operational activity;
- implementation of UK-funded reconstruction projects; and
- preparation of regular progress reports to the AHMGIR.

458. The IPU would continue to have responsibility for administering UK secondments to the CPA and for SSR.

459. DFID sought the FCO's agreement to the draft proposal.[251] An IPU official advised Mr Straw's Private Secretary that, while there was a good case for setting up a DFID-led Group to co-ordinate and implement development activity in Iraq, the proposal as drafted risked fragmenting UK policy-making. It should explicitly state that the IPU remained the "policy lead for CPA issues as a whole" (and not just for administering UK secondments and SSR).

460. Sir Michael Jay agreed with that advice.[252]

461. Mr Straw agreed that DFID should set up the IROG but, to ensure a coherent UK interface with the CPA, stated that it should report to the AHMGIR through the IPU.[253]

462. The DFID-led IROG met for the first time on 15 June.[254] The first IROG Action Plan would be put to the AHMGIR on 3 July.

Advice on the UK's responsibilities as an Occupying Power

463. A paper on the management of the DFI was submitted to the 5 June meeting of the AHMGIR (chaired by Mr Straw).[255]

464. The paper stated that while resolution 1483 made the UK jointly responsible (with the US) for disbursements from the DFI, it contained little detail on how the DFI should be managed. The UK needed to settle that issue quickly with the US; spending decisions could start being made in the next few weeks. The management arrangements needed to meet the UK's objectives in terms of transparency and accountability; in particular, the arrangements needed to meet the commitments in the resolution to use resources in the DFI "in a transparent manner" and to ensure that oil sales were "made consistent with international best practice".

465. The Annotated Agenda stated that the CPA had circulated a draft regulation which gave the US Administration "sole oversight" over DFI spending.[256] Such an arrangement

---

[251] Minute IPU [junior official] to PS/Straw, 11 June 2003, 'Iraq: Management Arrangements'.
[252] Manuscript comment Jay on Minute IPU [junior official] to PS/Straw, 11 June 2003, 'Iraq: Management Arrangements'.
[253] Minute Owen to IPU [junior official], 13 June 2003, 'Iraq: Management Arrangements'.
[254] Minute Dodd to Manning, 18 June 2003, 'Iraq: Rehabilitation'.
[255] Annotated Agenda, 5 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper, [undated], 'Implications of and Modalities for the Development Fund for Iraq'.
[256] Annotated Agenda, 5 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

would marginalise UK influence and risk presentational problems, but was not settled US policy. The UK was lobbying in Washington and Baghdad to amend the draft regulation.

466. Mr Jon Cunliffe, Treasury Managing Director for Macroeconomic Policy and International Finance, advised Mr Brown the following day that resolution 1483 made the US and UK jointly responsible, as Occupying Powers, for governing Iraq including, specifically, for disbursements from the DFI.[257] The resolution changed the basis on which the UK engaged with the US, but the current framework for making and implementing decisions did not reflect that. As far as economic and financial policy was concerned, it was "a mess" because:

- It was not clear what decisions Ambassador Bremer could take without approval from Washington.
- Ambassador Bremer reported to Secretary Rumsfeld; there was no clear framework in Washington for involving other US departments.
- The UK had no clear involvement in decision-making; what UK-US consultation there was tended to be between No.10 and the White House.

467. Mr Cunliffe suggested that this mattered because:

- The UK had responsibility without power. If money was wasted on a large scale, or there was an economic policy failure, or the CPA acted in a way that cut across its mandate under resolution 1483, the UK would be accountable.
- The Treasury had no way to ensure that the right economic and financial policies for Iraq were pursued. Attempts to give the IMF and World Bank a direct role in the use of the DFI had failed.

468. Mr Cunliffe reported that he had raised his concerns at the AHMGIR meeting the previous day; Mr Straw and Baroness Amos had been sympathetic. Mr Cunliffe understood that No.10 was considering proposing a joint White House/No.10 group, to which the CPA would report.

469. On 9 June, Ms Cathy Adams from the Legal Secretariat to the Law Officers sent a reply to a letter of 21 May from FCO Legal Advisers seeking advice on resolution 1483.[258] The advice relating to the formation of a representative government is described in Section 9.2.

470. Ms Adams advised that the resolution clarified the legitimate scope of activity of the Occupying Powers and authorised them to undertake actions for the reform and reconstruction of Iraq going beyond the limitations of Geneva Convention IV and the Hague Regulations. In some cases, such actions had to be carried out in co-ordination

---

[257] Minute Cunliffe to Chancellor, 6 June 2003, 'Iraq Reconstruction'.
[258] Letter Adams to Llewellyn, 9 June 2003, 'Iraq: Effect of Security Council Resolution 1483 on the Authority of the Occupying Powers'.

with the Special Representative of the Secretary-General (SRSG) or in consultation with the Iraqi interim administration.

471. Particular actions that the resolution appeared to mandate were:

- promoting economic reconstruction and the conditions for sustainable development;
- promoting human rights; and
- encouraging international efforts to promote legal and judicial reform.

472. To the extent that such actions were not otherwise authorised elsewhere in the resolution or under occupation law, then there was a clear requirement to act only in co-ordination with the SRSG.

473. Ms Adams also advised that the resolution clearly imposed joint US/UK responsibility for disbursements from the DFI, and that it was therefore important to ensure that the US Government did not take actions in relation to the DFI which were incompatible with the resolution. She continued:

> "The fact that the resolution imposes joint responsibility gives the UK a locus to argue with the US that we should be fully involved in the decision-taking process. Anything less would be legally risky."

474. Ms Adams concluded that the resolution did not grant the Coalition full legislative and executive authority in Iraq, so there was still a need to consider the legality of specific proposals against the requirements of occupation law and the terms of the resolution.

475. The following day, 10 June, the CPA issued a regulation that gave Ambassador Bremer, as "Administrator of the CPA", authority to oversee and control the establishment, administration and use of the DFI and to direct disbursements from the DFI "for those purposes he determines to be for the benefit of the Iraqi people".[259]

476. The regulation also established a Program Review Board (PRB) to develop funding plans and make recommendations to Ambassador Bremer on expenditures from the DFI, "in consultation with the Iraqi interim administration, when established".

477. On 12 June, Mr Brenton wrote to Sir David Manning addressing the "considerable concern around Whitehall that our views are not being taken sufficiently into account in the formulation of policy on governing Iraq".[260] Mr Brenton described the CPA regulation on the DFI as "obviously flawed" from the UK's perspective, and the latest and most serious example of that.

---

[259] Coalition Provisional Authority, Regulation No.2, 10 June 2003, *Development Fund for Iraq*.
[260] Letter Brenton to Manning, 12 June 2003, 'Iraq: UK/US Cooperation'.

478. The CPA issued a further regulation on 18 June, detailing the operation of the PRB.[261] Voting members of the PRB included representatives of the Iraqi Ministry of Finance and the UK. Non-voting members included the representatives of the IMF, World Bank, UN SRSG and the International Advisory and Monitoring Board (IAMB).

479. An IPU update on reconstruction, which was sent to No.10 on 20 June, advised that the DFI Regulations "met some, but not all of our key requirements".[262]

480. The FCO's covering letter to that update cited the DFI Regulations as one example of the continuing lack of proper consultation with the UK by the US, but added that the Regulations did not cross the UK's "legal red lines".

481. The UK's efforts to scrutinise disbursements from the DFI are considered in Section 10.3.

The first UK plan for reconstruction in the South, 12 June

482. Ministers agreed the UK's first plan for reconstruction in CPA(South) on 12 June. Although the focus remained on securing US and CPA(Baghdad) resources, the plan provided limited, additional UK support for CPA(South) and QIPs. The plan identified a need to agree a source of UK funding to meet the costs of being an Occupying Power, until other (US or Iraqi) sources of funding became available.

483. A 12 June PJHQ briefing reported that there was "a trend of intelligence reporting from the UK AOR showing increasing dissatisfaction of the civil populace".[263] The briefing attributed that to a lack of food, failure to ensure essential services "such as water, electricity and security", a general increase in anti-Coalition rhetoric from Shia clerics, a lack of accurate information/news reporting, and a lack of progress in the political process.

484. The 12 June meeting of the AHMGIR, which was attended by Baroness Amos, Mr Benn and senior DFID officials, considered a joint DFID/MOD paper entitled 'UK Support to the CPA South Area – Next Steps'.[264] The paper was the response to the commission from the 15 May and 22 May meetings of the AHMGIR for an operational plan for reconstruction in CPA(South).

485. The paper began by identifying key actions required to make progress in the South:

- clarifying CPA(South)'s remit, and making it fully operational;

---

[261] Coalition Provisional Authority, Regulation No.3, 18 June 2003, *Program Review Board.*
[262] Letter Owen to Rycroft, 20 June 2003, 'Iraq: Reconstruction Priorities' attaching Paper IPU, 20 June 2003, 'Iraq Reconstruction: 30 Day Priorities, 5 June 2003'.
[263] Minute DACOS J3(Ops Sp) and DACOS J2(Int) to MA/DCJO(Ops), 12 June 2003, 'Relations with the Basrah Population'.
[264] Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper DFID/MOD, 11 June 2003, 'UK Support to the CPA South Area – Next Steps'.

- restoring Iraqi public administration;
- maintaining and improving law and order;
- improving public communications; and
- internationalising the Coalition effort.

486. This required urgent action by CPA(Baghdad), in particular to:

- clarify CPA(South)'s remit;
- ensure US companies delivered on their contracts to provide operational support to CPA(South) and repair essential infrastructure; and
- provide "operating/emergency" funding for Iraqi institutions.

487. The paper assessed:

"CPA(South) is unable to deliver in terms of determining priority needs, overseeing implementation, or supporting the political transition. There is a lack of vision; CPA(South) is severely undermanned; and has almost no systems or resources in place to deliver any tangible improvements soon. In consequence, 1 (UK) Div retains almost all executive authority in the UK area of operations (AO). In turn, locals look to the British military, not CPA(South), to address local problems. To the extent that these functions are being carried out at present, it is due to the unstinting efforts of 1 (UK) Div, the few UK secondees in the South, and, more importantly, the high quality of the Iraqi counterparts they are working with."

488. UK actions to strengthen CPA(South) included:

- Exploring the possibility of establishing a CPA(South) Liaison Team in CPA(Baghdad), to track policy development and champion the South.
- CPA(South) needed more senior staff. DFID/FCO would "look for" a "Director of Operations" to support Ambassador Olsen. The UK should provide at least one and ideally two of the CPA representatives in the Governorates.
- CPA(South) also needed more staff at working level. DFID would "look to recruit" additional specialist staff.
- The lack of an effective CPA(South) communications operation was a major constraint. 1 (UK) Div and DFID would complete a joint assessment of needs by 11 June.
- While discussions continued between CPA(South) and CPA(Baghdad) on securing operating funds for CPA(South), 1 (UK) Div would provide administrative support to CPA(South) and DFID would look to deploy an office management team as soon as possible. That team would have access to operating funds for up to three months, if required.

489. The paper assessed that a functioning Iraqi public administration was essential for "a return to normalcy". UK actions to restore it included:

- CPA(South) and UK representatives would continue to press CPA(Baghdad) to release funds for the operating budget; this would also require a "high level political push". There was a risk that those funds would not immediately be forthcoming: "We [the UK] therefore need to identify a line of funding that will – effectively – cover the costs of being an Occupying Power until other sources are freed up. Realistically, this might be for three months."
- 1 (UK) Div would continue to focus QIPs on restoring public infrastructure, and DFID would continue to fund similar activity through UN agencies and NGOs.

490. The paper stated that the "total UK package" would be worth £26m over the six-month period to October, comprising:

- £5m from DFID for QIPs[265] (in addition to the £10m already held by the UK military);
- up to £10m from DFID for additional senior and support staff, equipment and if necessary operating costs for CPA(South); and
- £1m from the Global Conflict Prevention Pool for police training.

491. The paper also stated that the UK's AOR would expand to four Governorates to match the CPA(South) area.

492. The Annotated Agenda for the meeting stated:

- The UK had "a fluctuating contingent" of around 70 secondees in the CPA.
- Security in the South remained fragile. Iraqi frustration with the pace of progress could cause the situation to deteriorate. The UK's ability to "push the pace" would be constrained by the reduction in UK military force strength following the transition to the 3rd (UK) Mechanised Division.

493. Ministers noted the main recommendations in the DFID/MOD paper and agreed the UK should:

"
- press CPA headquarters to agree the mandate for CPA(South), to ensure US firms deliver on their contracts, and to provide budgets so that Iraqi public institutions are able to get back to work;
- seek to co-ordinate the UK and CPA reconstruction efforts in the South with the armies and development agencies of incoming military contingents;
- increase the number of DFID advisers and other staff in CPA(South), particularly in the area of project management;

---

[265] The DFID/MOD paper also stated that DFID would provide £6m for QIPs. The Inquiry concludes that £5m is the correct figure.

- take forward measures to improve the synergies between the UK-led Division and CPA(South);
- strengthen CPA(South) information capacity and examine projects to foster regional media;
- take forward projects to improve law and order and re-establish local administration, including by increasing UK funding for quick impact projects from £10m to £16m, using DFID resources; and
- spread UK experience and best practice to the two new provinces in the UK-led military sector."[266]

494. Closing the meeting, Mr Straw commissioned "a short Iraq strategy paper" for the next meeting, "agreed at UK official level prior to seeking agreement with the US".

495. The Cabinet Office wrote to the IPU on 16 June to propose that work on that strategy paper should not continue because: "It now transpires that the CPA is in the process of drafting its own strategy/vision document."[267] It would be more sensible to feed UK views into that document.

496. The meeting of the AHMGIR officials' group on the following day invited departments to send comments on the CPA's strategy paper to the IPU.[268] Comments should include the need to consider:

> "… environmental and sustainable development issues, the role of women in the political process and reconstruction generally, the need for a more prominent reference to the role of UN and the IFIs, and more specific legal wording; UNSCR 1483 did not give the CPA carte blanche."

497. The officials' group agreed that the UK needed to impress on Ambassador Bremer and the US "our right to be consulted" on such a fundamental joint Coalition document.

498. The CPA's strategy documents – 'Vision for Iraq' and 'Achieving the Vision' – were finalised in July and are described later in this Section.

499. Mr Andy Bearpark arrived in Baghdad on 16 June to take up the post of CPA Director of Operations.[269] He was the most senior UK official within the CPA.

500. Mr Bearpark told the Inquiry that he had received "very straightforward" instructions during a meeting with Baroness Amos and Mr Chakrabarti before his deployment:

> "'Look, Andy, it is chaos out there. Nobody has the faintest idea of what's going on … We know you have got sharp elbows when you need to. Go out there and use them and see what happens'…"[270]

---

[266] Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[267] Minute Dodd to Crompton, 16 June 2003, 'Iraq: Ad Hoc Ministerial'.
[268] Letter Dodd to Manning, 18 June 2003, 'Iraq: Rehabilitation'.
[269] Paper Cabinet Office, 18 June 2003, 'Update for Ministers'; Statement Bearpark, 25 June 2010, page 1.
[270] Public hearing, 6 July 2010, page 13.

501. He had also been told that he should "owe his allegiance" to the CPA rather than the UK Government.[271] Ambassador Bremer had appreciated and welcomed that position.

502. Mr Bearpark told the Inquiry that Ambassador Bremer had described his role as "like a chief operations officer in a private company".[272] That included responsibility for staffing, life support and the flow of funds to CPA regional offices.

503. Mr Bearpark also told the Inquiry that, shortly after arriving in Baghdad, Ambassador Bremer asked him to take on responsibility for all the Iraqi infrastructure ministries with the exception of the Ministry of Oil.[273] At that point, his title had changed to Director of Operations and Infrastructure.

504. The Inquiry asked Mr Bearpark why the oil sector had not been included in his remit.[274] He replied:

> "It was never, ever said to me officially – and it was certainly never, ever put in writing, but every member of my staff … said that it was perfectly obvious that I couldn't be put in charge of oil because I really wasn't American … [and] oil would remain an American interest.
>
> "So it was a very specific instruction from Bremer that I was not in charge of the Oil Ministry."

505. The UK's exclusion from oil sector policy during the CPA period is described in Section 10.3.

506. The UN Development Programme hosted technical consultations on Iraq's reconstruction needs on 24 June.[275]

507. The UK Permanent Mission to the UN in New York (UKMIS New York) reported that Mr Cunliffe, the head of the UK delegation at the consultations, had set out four priorities including agreement on a multi-donor mechanism for channelling external resources to reconstruction projects. UKMIS New York commented that Japan, Australia and the European Commission in particular wanted "an alternative to the DFI".

508. UKMIS New York reported that the event was "a positive first step towards the internationalisation of the reconstruction effort", with the UN and IFIs now "proactively engaged". There was agreement to hold a formal donor conference, probably in October 2003. Donor interventions were "upbeat", reflecting a widespread commitment to reconstruction. But there were important caveats; donors wanted to see early progress

---

[271] Statement Bearpark, 25 June 2010, page 1.
[272] Public hearing, 6 July 2012, pages 5 and 7.
[273] Public hearing, 6 July 2012, page 5.
[274] Public hearing, 6 July 2012, page 71.
[275] Telegram 1011 UKMIS New York to FCO London, 24 June 2003, 'Iraq: Technical Consultations on Reconstruction Needs, New York, 24 June'.

in establishing a representative Iraqi Government and assurances from the CPA that there would be budgetary transparency and accountability.

509. On 24 June, Mr Blair held a meeting to discuss Iraq, attended by Mr Straw, Mr Hoon, Baroness Amos, CDS and officials.[276]

510. Mr Hoon reported that Ambassador Olsen, Head CPA(South), was considering resigning over the lack of funding provided for CPA(South) by CPA(Baghdad). This was an opportunity to replace him with a British official. Mr Cannon's record of the meeting, which was copied to Baroness Amos, asked the FCO for advice on that point.

511. A draft of the CPA's strategic plan was provided to the 26 June meeting of the AHMGIR.[277] The Annotated Agenda described the draft as "a good basis for further work" but "still deficient"; it did not include dates for the restoration of a full sovereign Iraqi Government, lacked reference to macro-economic management and the environment, exaggerated the role of the free market, did not include proper linkage to resolution 1483, and was "not in a form digestible to Iraqi and regional audiences".

512. The AHMGIR agreed that officials should push for improvements to the CPA's strategic plan, particularly on macro-economic issues and linkage to resolution 1483.[278]

513. The AHMGIR also asked for a weekly assessment of progress in "each of the key areas" and a daily update. Reports should bring out what was being done in the South, what the MOD and DFID could do and what would need CPA intervention.

514. The first of those weekly assessments was produced for the next meeting of the AHMGIR, on 3 July.

515. Mr Blair spoke to President Bush on 26 June.[279] Mr Blair set out the huge scale of the reconstruction task and suggested that he and President Bush should hold a video conference to work through all the reconstruction issues.

516. Dr Condoleezza Rice, US National Security Advisor, called on Mr Blair on the same day.[280] Mr Blair emphasised the need for the CPA to be "empowered". Problems remained in moving funds from CPA(Baghdad) to CPA(South). Mr Blair hoped that, with some "easy wins" on infrastructure, the South could become a "showcase", since the situation was easier there.

517. Dr Rice called on Mr Hoon on 27 June.[281] Reflecting on Mr Blair's conversation with President Bush the previous day, she said that they had agreed that "we were

---

[276] Letter Cannon to Owen, 25 June 2003, 'Iraq: Prime Minister's Meeting, 24 June'.
[277] Annotated Agenda, 25 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper CPA, [undated], 'OCPA Strategic Plan'.
[278] Minutes, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[279] Letter Rycroft to MacDonald, 26 June 2003, 'Prime Minister's Discussion with President Bush, 26 June'.
[280] Letter Rycroft to McDonald, 26 June 2003, 'Prime Minister's Meeting with Condi Rice, 26 June'.
[281] Letter Williams to McDonald, 27 June 2003, 'Defence Secretary's Meeting with Condi Rice – 27 June 2003'.

'doing alright' so far, but this would soon not be good enough". She undertook to raise the problem of moving funds from CPA(Baghdad) to CPA(South) in Washington.

518. Mr Hoon said that the South could be an example of progress for the whole of Iraq. Dr Rice responded that it was important that the South should be a success.

519. Dr Rice asked if the drawdown of UK forces in southern Iraq meant a lessening of UK commitment to the area. Mr Hoon replied that force levels were based on an assessment of the security situation. He added that it was important that "significant funds" for reconstruction flowed into the area if a successful outcome was to be achieved.

520. Dr Rice called on Sir David Manning on the same day. Sir David expressed concern about the lack of consultation by the US with the UK.[282] Dr Rice indicated that she had heard about the problems, and had "taken these on board".

Making CPA(South) a model

521. Baroness Amos visited Iraq from 25 to 26 June, the first visit to Baghdad by a Cabinet Minister since the fall of Saddam Hussein's regime.[283] She met a range of Iraqi officials, a group of Iraqi women, Mr Vieira de Mello, Ambassador Bremer and UK officials.

522. In her initial report to Mr Blair on 27 June, Baroness Amos advised that life in Basra had regained an air of normality.[284] However, Iraqi expectations were high; restoring services to pre-war levels would not be enough. CPA(South) was administratively very weak. The UK could make the South "a 'model'", but this would require a clear vision of what should be done and strong leadership. Baroness Amos recommended Ambassador Olsen's immediate replacement.

523. Baroness Amos also highlighted the lack of communication between the CPA and the Iraqi people, both in Basra and Baghdad: "Rumours of our intent and motives feed insecurity. People still think we are in it for the oil."

524. On the same day, the FCO advised No.10 that the UK should seek to replace Ambassador Olsen with a UK official, if he carried out his threat to resign.[285] An effective UK official could improve CPA(South)'s performance and give a boost to reconstruction. The UK would in any case probably want to provide a successor to Ambassador Olsen when his tour ended in October. The FCO's advice was not copied to other government departments.

---

[282] Letter Rycroft to McDonald, 27 June 2003, 'Iraq: Meeting with Condi Rice, 27 June'.
[283] Telegram 56 IraqRep to FCO London, 26 June 2003, 'Iraq: Baroness Amos Visit'.
[284] Letter Amos to Blair, 27 June 2003, 'Iraq'.
[285] Letter Owen to Rycroft, 27 June 2003, 'Iraq: Ambassador Olsen'.

525. Baroness Amos appeared before the International Development Committee (IDC) on 30 June.[286] Mr Tony Worthington invited Baroness Amos to clarify the Government's "aspirations" in Iraq, including "about having a sort of British zone", enabled by some devolution of powers from CPA(Baghdad). Baroness Amos replied:

> "… we see the South very much as a European zone … rather than just a British zone. The Italians are coming in soon. There is a Dane [Ambassador Olsen] who is running CPA(South) … The Coalition effort is now very broad."

526. Baroness Amos sent a fuller report of her visit to Iraq to Mr Blair on 2 July.[287] In her covering letter, she advised that security was the "overwhelming – and immediate – priority". The UN planned to scale back the number of international UN staff in Baghdad, from 300 to 200, on security grounds. Baroness Amos commented:

> "This will send an extremely negative signal to both Iraqis and the international community and – if it takes effect for more than a few weeks – it will also have a major impact on our recovery and reconstruction effort … We should look again at the number of troops in theatre and be prepared to put more Coalition (or other international) troops on the ground if that is required."

527. Baroness Amos stated that the UK's focus on security in the South (leaving security in Baghdad largely to the US) was not good enough. Security across Iraq was the single most important factor in determining the success or failure of political and reconstruction efforts. The Coalition was running out of time.

528. Baroness Amos highlighted three priorities from her report:

- security;
- agreeing a clear timetable for political transition and communicating it to the Iraqi people; and
- "urgent actions to effect palpable, significant and immediate improvements in the lives of the Iraqi people".

529. Baroness Amos concluded by asking that Mr Blair raise two issues with President Bush when they spoke the following day:

- the urgent need to grip security in Baghdad; and
- the need for a public and well-communicated timetable for the political transition.

530. Baroness Amos's report stated that, in many respects, life in Basra and Baghdad was "returning to normal". In Basra, water and sanitation services were back at pre-conflict levels, a possible cholera epidemic had been contained, the public health

---

[286] International Development Committee, Session 2002-2003, *Examination of Witnesses (Questions 60-77), 30 June 2003.*
[287] Letter Amos to Blair, 2 July 2003, [untitled], attaching Report, [undated], 'Iraq: Visit Report'.

surveillance system was being re-established, hospitals and clinics were functioning again, and police stations had been refurbished.

531. CPA(Baghdad) was functioning more effectively, helped by the good relationship between Mr Sawers and Ambassador Bremer and the arrival of Mr Bearpark. However, across the CPA, there were:

> "… still too many people with the wrong skill set – policy focus rather than operational expertise, and insufficient experience of post-conflict developing country situations."

532. Across Iraq, food distribution was going well, salaries had been paid, an interim budget was being developed, the oil sector was recovering well, and Bechtel had completed its assessment of immediate needs and would shortly begin a series of projects.

533. The report also identified a number of priorities, including:

- security;
- the justice and security sector;
- the political process;
- kick-starting the economy; and
- better communication with the Iraqi people, to manage expectations and address "conspiracy theories and rumours".

534. The report concluded that "without improved security, little else is possible". Iraqis were increasingly frustrated with the perceived lack of progress, and "time was running out fast". The Coalition needed to accelerate progress.

535. Baroness Amos made a number of recommendations, including:

> "Make CPA(South) a model
>
> - We need to replace Olsen. If that is not possible immediately, we should strengthen the senior management team around him; and provide other staff as required.
>
> …
>
> "Strengthen CPA (Baghdad)
>
> - Provide whatever additional staff are required with the right skill …
>
> …
>
> "Public Services
>
> - Electricity supply lies at the root of many of the public service problems … I stand ready to provide additional resources if they are required to support emergency rehabilitation."

536. Baroness Amos' meetings with Mr Vieira de Mello and Ambassador Bremer focused on the political process and are considered in Section 9.2.

537. Sir David Manning sent a note to Mr Blair on 2 July, in advance of a video conference between Mr Blair and President Bush, offering advice on the conversation.[288] He stated:

> "This is a key exchange."

538. Of the messages that were vital to get across, Sir David identified security as the top priority and suggested (noting that the MOD would probably disagree) a surge of large numbers of troops into Iraq to get through the "security crisis". This should be accompanied by an accelerated reconstruction programme and a "very vigorous political programme" plus an effective media strategy.

539. Cabinet met on 3 July, before the video conference.[289] In the course of the meeting, Mr Straw, Baroness Amos and Mr Hoon all emphasised that security was the main issue. Mr Blair concluded that the UK should make CPA(South) "a model".

540. The video conference took place later that day. In addition to the President and Mr Blair, Mr Hoon, Mr Rumsfeld, Vice President Cheney and senior UK and US officials joined the conference in London and Washington. Ambassador Bremer, Mr Sawers and General Ricardo Sanchez, Commander Combined Joint Task Force – 7, dialled in from Iraq.

541. Mr Blair began by congratulating Ambassador Bremer on the "remarkable performance" of the CPA.[290]

542. Mr Blair then listed areas of concern, including:

- Security. This was hampering CPA efforts at reconstruction; what more did the CPA need?
- Reconstruction. Mr Blair underlined the urgency of rebuilding power and water infrastructure and asked whether there were particular obstacles that needed to be removed. He observed that Iraqi public expectations were outrunning the CPA's capacity to respond.
- Communications. It was essential to improve the CPA's capacity to communicate with the people of Iraq and handle the local and international media.

543. Mr Blair concluded that the UK would do its "level best to meet any demand for additional resources. If there were any obstacles that needed clearing, Sawers/Bremer should tell him."

---

[288] Minute Manning to Prime Minister, 2 July 2003, 'Iraq: Your Video Conference with President Bush'.
[289] Cabinet Conclusions, 3 July 2003.
[290] Letter Cannon to McDonald, 3 July 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 3 July'.

544. The AHMGIR met later on 3 July, chaired by Mr Hoon.

545. The Annotated Agenda for the meeting, prepared by the Cabinet Office, reported that the security situation was "constraining the reconstruction work of the CPA, the UN and other international actors".[291] As a result of security concerns, UK CPA secondees were operating a night-time curfew.

546. On CPA(South), the Annotated Agenda stated that Ambassador Olsen was leaving soon; the UK was looking for a strong UK replacement. There had been some progress in resolving funding and other issues between CPA (South) and CPA(Baghdad), but operational funding had still not arrived.

547. In discussion, Ministers said that "there was no need, at present, to increase UK forces".[292]

548. Mr Hoon, as Chair of the AHMGIR, summed up the discussion stating "real improvements [in security] would depend in part on progress on political reform and reconstruction".

549. The AHMGIR was also provided with:

- a draft UK Action Plan covering "political reform, security, economic and physical reconstruction" for June to September 2003, which had been produced by the DFID-led IROG;
- the statement of progress on rehabilitation which they had requested at their previous meeting (on 26 June);
- a paper from the Department for Environment, Food and Rural Affairs (DEFRA) on environmental reconstruction; and
- a paper from the MOD on the clearance of unexploded ordnance (UXO) and depleted uranium (DU).[293]

550. The draft UK Action Plan listed existing and planned activities to the end of September 2003 which, taken together, and assuming continued engagement by the US, UN and IFIs, should lead to tangible progress towards the strategic objective of:

> "A free Iraq at peace with its neighbours and governed by a Government representative of all strands of society."[294]

---

[291] Annotated Agenda, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[292] Minutes, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[293] Annotated Agenda, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper MOD, 2 July 2003, 'Current policies and activities relating to clearance of unexploded ordnance (UXO) and depleted uranium (DU) in Iraq' and Paper DEFRA, 1 July 2003, 'Environmental Reconstruction in Iraq'.
[294] Annotated Agenda, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation Meeting attaching Paper [draft], 2 July 2003, 'Iraq Rehabilitation Plan June – September 2003'.

551. The Action Plan defined objectives, indicators and activities (ranging from sending secondees to the CPA to joint UK-Iraqi patrolling in Basra) in nine areas:

- political process;
- strategic communications;
- public administration;
- law and order;
- needs of the vulnerable;
- repairs to public infrastructure;
- oil industry;
- economic management; and
- medium term needs assessment.

552. The statement of progress on rehabilitation, which had been produced by "officials in London, in liaison with colleagues in Iraq", listed key issues, "current facts", "UK inputs" and "next steps" in six areas:

- security;
- public infrastructure;
- public administration;
- humanitarian relief;
- macro-economic issues; and
- the political process.[295]

553. Ministers endorsed the draft Action Plan and agreed that they should receive weekly statements of progress, with baselines added.[296]

554. The Annotated Agenda for the AHMGIR stated that Iraq faced a range of environmental problems as a result of successive conflicts, poor environmental management under Saddam Hussein, and limited regional co-operation on natural resource management.[297] Ministers were invited to agree that:

- Environmental reconstruction and sustainable development issues should be factored into UK, Coalition and international policy towards Iraq.
- The UK should support the work of the UN Environment Programme (UNEP), including by considering part-funding their post-conflict assessment.
- The UK should tackle UXO and DU on the basis of the scale of risk posed to the Iraqi population.

---

[295] Minute Dodd to Cannon, 4 July 2003, 'Iraq: Rehabilitation'.
[296] Minutes, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[297] Annotated Agenda, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

- Notwithstanding the lack of legal obligation, the UK should mark and clear up expended surface but not sub-soil DU "on an opportunity basis".

555. The Annotated Agenda stated that the UK was assisting explosive clearance by providing information, advice and £5m in DFID funding to UN agencies and NGOs. The MOD was providing information on sites where DU had been used to international agencies and local communities.

556. Ministers agreed that:

- Environmental issues should be factored into overall policy towards Iraq and that the UK should consider part-funding the UNEP assessment.
- The UK should tackle depleted uranium (and unexploded ordnance) "on the basis of the scale of risk posed to the Iraqi population, but clear up depleted uranium from the surface".[298]

The focus of the CPA's media operations

Mr John Buck deployed to Iraq at the end of May 2003, as the CPA's interim Director of Strategic Communications.

He provided an assessment of the CPA's communication effort on his departure from Baghdad at the end of June.[299] Considerable progress had been made. A single structure had been established and a single information campaign (focusing on getting the Iraqi people accurate messages about key CPA policies on security, the economy, and infrastructure and salary payments) had been agreed. The major challenge was to ensure that this new structure was fully staffed; a successor to Mr Buck had not yet been nominated.

Mr Buck told the Inquiry that, at the time he left Iraq, there was an "embryo" of an effective CPA media operation.[300] However, from his perspective as the new FCO Director Iraq, that operation subsequently became much less effective:

> "… it was something we [the FCO] agonised over a lot, but it was never something that we had a great deal of control over, and I think part of the problem was that over time during the autumn, the focus of the US became very much the Presidential elections. So the whole focus of the media operation became far more domestic … relaying back to the US what was happening [rather] than actually communicating with the Iraqi people."

Mr Andy Bearpark, CPA Director of Operations and Infrastructure, echoed that assessment, and also set out the danger of not communicating effectively with the Iraqi people:

> "At that stage … the CPA strategic communications effort was entirely directed at the American people. So there was an enormous effort to explain back to the States what was happening, but zero effort to explain to the Iraqi people what was happening.

[298] Minutes, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[299] Telegram 53 IraqRep to FCO London, 25 June 2003, 'Iraq: CPA: Getting the Message Across'.
[300] Public hearing, 31 January 2011, page 101.

> " … In that atmosphere, it means that myths can grow very, very quickly and in very dangerous ways. So one myth that grew, which is absolutely ludicrous … was that the electricity was in fact being produced but it was being stolen by the Americans."[301]

557. On 7 July, Ambassador Bremer announced:

- He had approved the interim Iraqi budget for 2003.[302]
- The Coalition would print and distribute new banknotes for Iraq, to replace both the "Swiss Dinar" (used in the Kurdish North of Iraq) and the "Print Dinar" (used elsewhere) by mid-January 2004. The Print Dinar was inconvenient to use, coming in only two denominations, and easy to counterfeit. Swiss Dinar banknotes had been in circulation since at least 1990, and were falling apart.
- The Central Bank of Iraq was now independent.[303]

558. Mr Brown was briefed by a Treasury official the following day that UK officials had helped to develop the interim budget and the plan to print and distribute new banknotes.[304] Both decisions should help to establish macroeconomic stability in Iraq. Earlier UK concerns over the legitimacy of printing a new currency had been met. The UK had not been consulted over the decision to make the Central Bank independent; the Treasury had not been expecting the announcement.

559. The Annotated Agenda for the 10 July meeting of the AHMGIR reported those changes:

> "Bremer has also announced the independence of the Iraqi Central Bank … the announcement has taken all by surprise. It is not clear if De Mello was fully consulted … We are trying to clarify the situation."[305]

Establishing a British Fiefdom in the South, July 2003

560. In July, the UK Government sought to replace Ambassador Olsen as Head of CPA(South) with a British official but did not address the implications, including the resource implications, of that decision.

561. Sir Michael Jay reported to FCO and IPU colleagues on 7 July that he had discussed Ambassador Olsen's future with his Danish colleague, Mr Friis Petersen.[306]

---

[301] Public hearing, 6 July 2010, pages 23-24.
[302] Coalition Provisional Authority, Press Release, 7 July 2003, *Text of Ambassador Bremer's Address to the Iraqi People: Budget and Banknotes.*
[303] Coalition Provisional Authority, Order No. 18, 7 July 2003, *Measures to Ensure the Independence of the Central Bank of Iraq.*
[304] Minute Treasury [junior official] to Chancellor, 8 July 2003, 'Iraq: Announcements on Currency and Budget for 2003'.
[305] Annotated Agenda, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[306] Minute Jay to Chaplin, 7 July 2003, 'Ambassador Olsen'.

562. Sir Michael asked colleagues for advice on possible successors to Ambassador Olsen. Sir Michael commented that, while he could "see the arguments" for a British replacement, the UK should "at least consider" appointing someone other than a US or UK citizen, to demonstrate the international dimension to Iraq's reconstruction.

563. Mr Neil Crompton, Mr Chilcott's successor as Head of the IPU, replied on 9 July.[307] He recalled that Sir Michael had discussed the question of whether to seek a British or international replacement with Mr Chaplin and others, and had concluded that the FCO should seek a British replacement. That conclusion had strong support across Whitehall:

> "… where there is desire for a leader with strong political and managerial skills, who can gain Bremer's trust, and lead the whole operation in the British AOR."

564. Mr Crompton identified a number of possible candidates for Ambassador Olsen's successor, including Sir Hilary Synnott.

565. The Annotated Agenda for the 10 July meeting of the AHMGIR invited Ministers to note and agree that the UK should:

> **"… increase our effort in CPA (South) as required. This should include replacing Ambassador Olsen with a suitably strong UK figure."**[308]

566. The AHMGIR agreed:

- Secondments to the CPA should be maintained at "approximately the current level", but matched more closely to requirements, with more specialist than policy staff.
- The UK effort in CPA(South) should be increased "as required", including through the appointment of a "suitably strong UK figure" to replace Ambassador Olsen.[309]

567. Multi-National Division (South-East) (MND(SE)) was formally established on 12 July, coinciding with the handover from 1 (UK) Div to 3rd (UK) Mechanised Division.[310]

568. The 16 July Chiefs of Staff meeting commented:

> "Although mindful of the Prime Minister's imperative for exemplar operations in the South, the strong advice from UK representatives in the CPA was for the UK to spread its influence and thus avoid being left to run the South without strong links to US resources."[311]

---

[307] Minute Crompton to FCO [junior official], 9 July 2003, 'Iraq: Replacement for Ambassador Olsen'.
[308] Annotated Agenda, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[309] Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[310] Report Lamb, 30 January 2004, 'Post Operational Tour Report – Version 1 Operation Telic 2/3 11 July to 28 December 2003'.
[311] Minutes, 16 July 2003, Chiefs of Staff meeting.

569. The Annotated Agenda for the 17 July meeting of the AHMGIR stated that the CPA had decided to create Governorate Teams (GT) in each of Iraq's 18 governorates.[312] The UK was likely to be asked to provide leaders for four of those GTs.

570. The Annotated Agenda reported that Mr Bearpark recommended against concentrating the UK contribution to GTs in the four southern governorates on the grounds that an all-UK sector might have more difficulty in accessing funds from Baghdad.[313] A spread of representation would also give the UK sight of developments across Iraq.

571. At the meeting, Ministers were informed that Sir Hilary Synnott, a former British High Commissioner to Pakistan, had been appointed as Head of CPA(South), to succeed Ambassador Olsen.[314]

572. Ministers agreed that the UK should shift emphasis over time from regional areas of operation to governorates and should explore the possibility of leading two teams in CPA(South East) and one each in CPA(South) and CPA(North). Ministers requested firm recommendations for the following week.

573. The 24 July meeting of the AHMGIR agreed that the UK would offer to lead four GTs, two in the South East, one in the Kurdish area, and one elsewhere in the Sunni area "but not in the less stable central areas around Baghdad".[315]

574. By 25 July, close to 100 UK personnel were seconded to the CPA, 30 of them in Basra. Section 15.1 describes UK staffing for the CPA in more detail.

CPA's 'Vision for Iraq' and 'Achieving the Vision' implementation plan

575. Officials had agreed in June that the UK should contribute to the development of the CPA's strategy, rather than develop a strategy of its own.

576. Mr Sawers reported on 6 July, as part of a general update of developments in the CPA, that the CPA's strategic plan was at an advanced stage of drafting and in "pretty good shape".[316] UK officials were feeding in concerns that it needed to be clearer about the scope for economic change, and to give a higher profile to the UN's "independent role".

577. The IPU welcomed the news, commenting that it had thought the strategic plan was "lost in the weeds".[317]

---

[312] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[313] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper Iraq Policy Unit, 14 July 2003, 'Ad Hoc Ministerial Meeting: 17 July, (Annex C) Future Staffing of the CPA'.
[314] Minutes, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[315] Minutes, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[316] Telegram 69 IraqRep Baghdad to FCO London, 6 July 2003, 'Iraq: CPA Activity'.
[317] Telegram 27 FCO London to IraqRep Baghdad, 7 July 2003, 'Iraq Priorities'.

578. The Iraqi Governing Council met for the first time on 13 July (see Section 9.2). The CPA and the Governing Council agreed that the CPA would be "required to consult" the Governing Council on "all major decisions and questions of policy".

579. Mr Blair visited Washington on 17 July.[318] Mr Blair urged President Bush to focus on a media strategy for communicating with the Iraqi people, to ensure they understood that the US and UK were there to help and were improving basic services. It was those opposed to Coalition Forces who were responsible for the power shortages. Mr Blair proposed that UK and US media professionals should work out a media plan. If more resources were needed, they should be made available.

580. Mr Blair said that if security could be improved, the pace of reconstruction could quicken.

581. The Annotated Agenda for the 17 July meeting of the AHMGIR advised that the CPA's 'Vision for Iraq' had been finalised.[319] Although not perfect, it met the UK's (unspecified) "basic requirements".

582. *Hard Lessons* recorded that senior Pentagon officials had approved the CPA's 'Vision for Iraq', which had been drafted by the CPA's Office of Strategic Planning, on 18 July.[320]

583. The 'Vision for Iraq' was underpinned by an implementation plan, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People', which was circulated to members of Congress on 23 July.[321]

584. 'Achieving the Vision' defined the CPA's "primary goal" as:

> **"… a unified and stable, democratic Iraq that provides effective and representative government for the Iraqi people; is underpinned by new and protected freedoms and a growing market economy; is able to defend itself but no longer poses a threat to its neighbours or international security."**[322]

585. It defined four "principal objectives or 'core foundations'":

"
- security – establishing a secure and safe environment;
- essential services – restoring essential services to an acceptable standard;
- economy – creating the conditions for economic growth;
- governance …"

---

[318] Letter Rycroft to Adams, 18 July 2003, 'Prime Minister's Visit to Washington, 17 July'.
[319] Annotated Agenda, 16 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[320] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[321] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[322] Paper CPA, 21 July 2003, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People'.

586. *Achieving the Vision* also defined a large number of subsidiary objectives, and set targets for those objectives for October 2003, January 2004 and "February 2004 onwards". The target for power generation was to generate 4,000MW by October 2003 and 5,000MW by January 2004 (from a base of 2,700MW in May 2003).

587. *Hard Lessons* assessed:

> "The CPA's *Achieving the Vision* suffered from some serious flaws. First, Iraqis were not sufficiently consulted on it. The Iraqi Governing Council … was never given a chance to provide advice on it … The CPA also had established overly ambitious infrastructure outcomes before ascertaining baseline conditions and before determining costs. Moreover, the outcomes had unrealistic completion dates, some by October 2003, just three months later."[323]

588. The Inquiry asked Mr Bearpark if the CPA saw the 'Vision for Iraq' as a framework for delivering an international or just a Coalition reconstruction effort.[324] He replied:

> "Paradoxically, I think both of those things are true. I think in terms of designing of the strategy, that was – it was nothing to do with the Coalition. It was a purely American-led document. So this was the American vision of what should happen, what the objectives should be.
>
> "There was, however, even at that stage, a recognition on the part of the CPA that the delivery of these objectives would, in some cases, be impossible without the wider involvement of the international community.
>
> "So if you like, the CPA viewed the international community as having no role whatsoever in terms of setting the objectives, but as having a fairly useful role in terms of delivering some of the objectives, and the easiest way of expressing that would, as ever, be, in financial terms …"

589. In his memoir, Sir Hilary Synnott, who would take up post as Head of CPA(South) on 30 July, recalled:

> "My task was to do my best to manage the region according to Bremer's plans. Bremer had the awful task of formulating the plan itself … I forced myself to sit down and try to read the Vision's electronic manifestation … The trouble was it did not amount to an operational plan of action, only a list of subsidiary objectives under each of these headings. There were no indications about how in practice they would be achieved: no details of funding, of personnel involved, of support systems or of timing. It was particularly notable that the ultimate objective, of handing full sovereignty back to the Iraqi people, had no timing attached to it at all."[325]

---

[323] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[324] Public hearing, 6 July 2010, page 25.
[325] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.

590. Ms Emma Sky, CPA Governorate Co-ordinator in Kirkuk from June 2003 to February 2004, told the Inquiry that she had not been engaged in development of the 'Vision for Iraq' or 'Achieving the Vision':

> "I recall … in September 2003 going down to Baghdad [for Mr Bremer's monthly meeting of commanders and Governorate Co-ordinators] … and there was a CPA strategy that was, 'This is what we are going to do', but none of us had known about it before, weren't involved in the development of it."[326]

591. On 23 July, the DFID Office in Basra produced a 'Review of the Humanitarian Situation and DFID-Funded Operations in the Lower South Area of Iraq'.[327] The Review, which had been developed in consultation with CPA(South), the UK military, Iraqi government bodies, UN agencies, the ICRC and NGOs, described itself as:

> "…the first comprehensive operational monitoring exercise undertaken by DFID in the lower South since the conflict."

592. In the Review, DFID concluded that the humanitarian phase of operations had rapidly passed, although some elements of humanitarian vulnerability remained. Despite continuing insecurity, a tendency by some agencies to over-assess and under-implement, an over-emphasis on Basra at the expense of other provinces, and poor co-ordination within the South and between the South and Baghdad, significant progress had recently been made "in providing quick-fixes to immediate problems, and in finally gearing up the … reconstruction process".

593. DFID assessed that the new CPA model – whereby CPA(Baghdad) would deal directly with each governorate through CPA Governorate Teams (GTs), rather than indirectly through CPA regional offices such as CPA(South) – was more consistent with Iraq's existing centralised model of government. CPA(South) would continue to exist, but as a "regional hub" providing expertise to the four governorates, and without explicit authority. DFID commented:

> "Such a dramatic change in direction typifies the uncertain and ad hoc evolution of the CPA … and whilst eminently sensible, poses an entirely new set of challenges in terms of establishing and staffing … and ensuring that four offices rather than just one receive adequate support and guidance from Baghdad."

594. Security remained the single most important factor in determining progress on reconstruction. The security situation remained "at best fragile, at worst anarchic", fuelled by rising expectations, poor service provision and criminality. There had been some improvements in recent weeks, including the deployment of small numbers of Iraqi police onto the streets.

---

[326] Public hearing, 14 January 2011, page 7.
[327] Paper DFID-Basrah, 23 July 2003, 'Review of the Humanitarian Situation and DFID-Funded Operations in the Lower South Area of Iraq'.

595. The Review also provided a detailed assessment of the state of health services, nutrition and food distribution, water supply, sanitation, power, infrastructure, education services, agriculture and livestock, Internally Displaced People (IDPs) and refugees, mines and unexploded ordnance, public information, and co-ordination.

596. On co-ordination in the South, DFID advised that the UN and CPA remained "at arms length" leading to a dysfunctional approach in the South and no real leadership:

> "The elements of an effective strategy are distributed among the players and co-ordination is not yet sufficient to harness resources (primarily USAID contractors), and experience (UN) under the current authority (CPA).
>
> …
>
> "The shadow of Baghdad looms over all co-ordination issues, with local solutions regularly undermined by unilateral decisions or lack of direction from the centre."

597. DFID assessed that the decision to establish GTs had further undermined CPA(South)'s ability to exert its authority.

598. The Inquiry has seen no indications that the Review was circulated to other departments.

599. Mr Sawers' 28 July valedictory report from Baghdad offered a generally positive assessment of progress in the three months since the invasion.[328] He commented:

> "The Coalition didn't exactly help itself. The needs of the post-conflict planning never received sufficient attention … We wasted not only the first month after Saddam fell, but also the six months before that when we should have been planning realistically."

600. There was real progress on security, the political process and the economy (salaries were being paid, food was being distributed, commerce on the street was lively, and there was a strong commitment to economic reform backed by the World Bank and the IMF). Although there was still a long way to go in all three areas:

> "… the CPA under Jerry Bremer has plans in place on all fronts. 'Drift' isn't a word in his vocabulary. We may only be at the five mile mark in this marathon, but the route ahead is mapped out, and the runners know what they have to do."

601. Mr Sawers did not consider the progress in the South.

602. Mr David Richmond succeeded Mr Sawers as the Prime Minister's Special Representative on Iraq on an interim basis, and remained in post until Sir Jeremy Greenstock arrived in September (see Section 9.2). Mr Richmond remained in Iraq as Sir Jeremy's deputy.

---

[328] Telegram 101 IraqRep to FCO London, 28 July 2003, 'Iraq: How Far Have We Come?'.

603. Mr Blair and President Bush spoke by telephone on 31 July.[329] The conversation turned to the media, and Mr Blair commented that better Iraqi media would make a difference in achieving accurate reporting of events in Iraq. They agreed that if there was no real improvement in a couple of weeks "top level US/UK media people" would be asked to work up and implement a plan.

604. Mr Hoon's Private Secretary wrote to Mr Rycroft on 4 August to advise him that MOD Ministers had agreed that an additional (130-strong) infantry company and a small (30-strong) riverine capability were required in Iraq (see Section 9.2).[330] The letter stated:

> "Paradoxically we are having to deploy more personnel partly because our reconstruction efforts are being successful (there is more worth securing and more civil activity to safeguard)."

Sir Hilary Synnott arrives in Basra, 30 July

605. Ambassador Olsen resigned as Head of CPA(South) on 28 July.[331]

606. Sir Hilary Synnott arrived in Basra on 30 July.[332]

607. At that time, the UK had approximately 100 officials seconded into the CPA, including 30 in CPA(South) (see Section 15.1).

608. Shortly before he deployed, Sir Hilary called on Mr Blair.[333] In his evidence to the Inquiry, Sir Hilary recalled that during that meeting he had pointed out that he would have no secure communications in Basra. The Inquiry has not seen a record of that meeting.

609. Sir Hilary told the Inquiry that he had several Terms of Reference:

- formal Terms of Reference, agreed by Ambassador Bremer;
- "the British Government's idea of what my responsibilities should be", which were not shown to Ambassador Bremer and related to keeping London informed; and
- "some objectives" set personally by Mr Blair, which included the statement that "if I had any difficulties at all, I should let him know personally".[334]

610. In his memoir, Sir Hilary described the first and second of those Terms of Reference:

> "My mission statement … entailed giving 'leadership and direction' to the work of the CPA in the four southern provinces; and it also required me to give a political context

---

[329] Letter Rycroft to Adams, 31 July 2003, 'Iraq: Prime Minister's Conversation with Bush, 31 July'.
[330] Letter Latham to Rycroft, 4 August 2003, 'Iraq: Force Level Review'.
[331] *Iraq Report*, 1 August 2003, *Southern Iraq Administrator leaves post*.
[332] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[333] Public hearing, 9 December 2009, page 10.
[334] Public hearing, 9 December 2009, pages 4-5.

to the work of the military commanders in the South. I would be 'accountable directly to Ambassador Bremer'.

"But there was also a covering letter, marinated in subtleties. From a Whitehall perspective, it read, despite [Ambassador] Bremer's decision to create 18 Provincial Co-ordinators who reported directly to him, 'the UK Supremo in the South concept still holds.'"[335]

611. The Inquiry has not seen that covering letter.

612. Mr Blair told the Inquiry:

"I was always very clear with our people out there, 'If you have got a real problem, pick up the phone, if necessary, and if you start to get messed around with bureaucracy, come to me directly'."[336]

613. Sir Hilary told the Inquiry that he did not take up Mr Blair's offer to call him, but said that his reporting telegrams were directed at No.10 and Ministers (rather than middle-ranking officials).[337]

614. On his third day in Iraq, Sir Hilary called on Ambassador Bremer in Baghdad:

"… he [Bremer] didn't give me any instructions, so I offered him three priorities, which he agreed with. The first was I needed to find out what Baghdad's priorities were, which we didn't know in the South. The second was to make sure that our priorities … in the South were consistent with Baghdad's priorities, and the third was to change the location of where we worked, which was in every sense dangerous to health, and for that I got tremendous support from Baghdad.

"Ultimately, we continued really to have no direction from Baghdad, which was a pity in one sense but a blessing in another, because unless I had an instruction not to do something, I felt able to do whatever we were able to do."[338]

615. In his memoir, Sir Hilary wrote:

"I was particularly surprised and dismayed in my first encounters in Baghdad with the lack of interest in the political and social situation in the four southern provinces, and by Bremer's declared intention to concentrate exclusively on Baghdad."[339]

---

[335] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[336] Public hearing, 29 January 2010, page 189.
[337] Public hearing, 9 December 2009, pages 14-15.
[338] Public hearing, 19 December 2009, pages 44-45.
[339] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.

616. Sir Hilary reported his first impressions from Basra on 7 August.[340] He wrote that CPA(South) was not well thought of in the CPA. Mr Bearpark had told him that it was the least effective of the CPA's regional offices "by a long way". Feelings in CPA(South) about CPA(Baghdad) were equally negative. Sir Hilary assessed that much of the problem stemmed from poor communication in both directions, leading to a high level of mutual misunderstanding.

617. In that context, Sir Hilary reported:

> "I have no secure communication at all with Baghdad or London (both deficiencies are now on their way to being rectified, although I may yet call for a push from the FCO); e-mails are usually by means of free Yahoo or Hotmail ISPs; there are no telephone landlines; mobile coverage is sketchy, which leaves a few sat[ellite] phones. All of this should have improved by the end of the month."

618. Sir Hilary also reported that Ambassador Bremer had agreed his three "procedural priorities":

- to improve the information flow and consultation between Baghdad and Basra;
- to set priorities for work in the South, in line with wider CPA objectives; and
- to upgrade living and working conditions in CPA(South).

619. On the second point, Sir Hilary reported that he had agreed a proposal from Major General Graeme Lamb, GOC MND(SE), to establish a Joint Co-ordination Board comprising the UK Division, CPA(South) and the UN. The first meeting had revealed a "heartening commonality of approach and attitude".

620. Sir Hilary wrote in his memoir that his arrival, along with the British military command of MND(SE), established "some sort of British Fiefdom" in the South, but one which he saw as "still entirely dependent on American resources for its lifeblood".[341]

621. Sir Hilary told the Inquiry that one major benefit of his appointment as Head of CPA(South) was that he and Maj Gen Lamb were able to work "formally very close together", increasing their influence with the CPA and London.[342] One difficulty was the tendency of some UK Cabinet Ministers to make public statements about the UK's exemplary approach in the South, which overlooked CPA(South)'s dependence on US financial resources:

> "… I know that the Americans in Baghdad were pretty upset with this British … boasting. As I was, because I was worried that this would freeze up the flow of resources."

---

[340] Telegram 42 FCO to UKRep Iraq, 7 August 2003, 'Iraq: Basra: First Impressions and Work in Hand'.
[341] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[342] Public hearing, 9 December 2009, pages 11-12.

622. The Inquiry asked Mr Bearpark if the UK's assumption of "lead responsibility" for the South had given rise to an American assumption that the UK would provide a higher level of financing for CPA(South) than it did.[343] Mr Bearpark said that at a senior level the US believed that the UK was making a "reasonable and fair contribution" in the South, in terms of both personnel and funding. There was a problem, however, at the "middle level", which was exacerbated by repeated stories in the UK media that the US could learn from the exemplary job that the UK was doing in the South:

> "A result of that was that … there were certainly American officials within CPA(Baghdad) who would say to me, 'Look, why are you coming whinging at us yet again … to try to get some resources for CPA(South)? You Brits know how to do it so well, why don't you fund it as well, if you are that clever about it?'"

623. Mr Bearpark also told the Inquiry that, while in theory his responsibilities included staffing, life support and the flow of funds to all CPA regional offices, in practice there was "a big difference between CPA(South) … and the other CPA regional offices, because CPA(South) was British and run in a particular way … as a British operation".[344]

624. Sir Jeremy Greenstock told the Inquiry:

> "… I think we did a good job in the early stages in Basra. But we [the UK] were very short of money, and we got virtually no American money because DFID concentrated on that. The Americans said let the Brits look after Basra."[345]

Responding to deteriorating security

625. Security in Iraq deteriorated in August 2003. Concerns about progress on reconstruction in the South and the implications for the level of consent enjoyed by UK forces led the UK to develop the Essential Services Plan, which aimed to improve essential services rapidly and visibly.

626. On 10 and 11 August, Basra experienced severe rioting.[346] Mr Richmond reported:

> "The immediate cause of the disturbances is clear. Supplies of petrol and diesel in Basra's service stations ran out on 9 August … This was combined with a major blackout in Basra because of a failure in the transmission line which rippled through the entire system. (The system is so fragile that the only surprise is that it has not happened before.)
>
> "There is no doubt that political elements … exploited the situation … There is also some evidence of pre-planning … But without the fuel and electricity crisis agitators would not have found much purchase."

---

[343] Public hearing, 6 July 2010, page 75.
[344] Public hearing, 6 July 2012, pages 5 and 7.
[345] Private hearing, 26 May 2010, page 54.
[346] Telegram 114 IraqRep to FCO London, 12 August 2003, 'Situation in Basra'.

627. A Cabinet Office update for Ministers on 14 August reflected the same analysis:

> "… the Basra demonstrations are evidence of increasing frustration with the Coalition's failure to restore basic services. Attacks on MND(SE) are widening."[347]

628. Sir Hilary Synnott wrote in his memoir:

> "… Riots erupted outside our Electricity Accounts building. Instead of just stones and rocks, there was now gunfire …
>
> … Within a day, however, the Army had stepped in to organise the fuel distribution network … The violence subsided to a normal level as quickly as it had blown up."[348]

629. Lieutenant General Robert Fry, Deputy Chief of Defence Staff (Commitments), advised the Chiefs of Staff on 18 August:

> "Iraqi consent to the Coalition presence in MND(SE) is declining because supplies of fuel, power and water are failing to meet expectations."[349]

630. He reported that UK troops were being diverted to "fuel security" tasks; 19 Mechanised Brigade was now dedicating four patrols to fuel security tasks for every one patrol to general security tasks.

631. Lt Gen Fry identified three courses of action for the UK:

- accelerate reconstruction by the CPA;
- step in to lead the reconstruction effort in MND(SE); or
- step in temporarily to alleviate the situation, before handing over to the CPA/Iraqi ministries.

632. Lt Gen Fry concluded that if an acceleration of the CPA's reconstruction effort did not check the deterioration, then a shift to the third course of action would be essential.

633. The Chiefs of Staff meeting on 20 August agreed that the first course of action should be pursued, although contingency planning should be undertaken for the third course of action.[350]

634. An update for the AHMGIR, produced on 20 August, advised that Basra was now calmer, although that calm might be "short-lived if the Coalition cannot maintain at least the current level of service delivery".[351] Security across MND(SE) remained volatile, and security concerns had led to the withdrawal of Japanese staff in CPA(South).

---

[347] Letter Drummond to Owen, 14 August 2003, 'Iraq: Update for Ministers' attaching Paper Cabinet Office, 14 August 2003, 'Iraq: Update for Ministers, 14 August 2003'.
[348] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[349] Minute DCDS(C) to COSSEC, 18 August 2003, 'Essential services in MND(SE)'.
[350] Minutes, 20 August 2003, Chiefs of Staff meeting.
[351] Paper Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.

635. Concern over the apparent failure of the CPA's plans to restore electricity prompted Mr Richmond to commission Mr Nick Horne, a UK consultant working in the CPA, to produce a report on electricity supply problems in the Basra area.[352]

636. Mr Horne's report identified the immediate causes of the blackout across the Basra area on 9 August, and made recommendations to address them.[353] It also identified the medium- and long-term measures required to accelerate restoration of a reliable supply of electricity across Iraq.

637. Mr Richmond sent copies of the report to the FCO, the MOD, DFID, the DTI and the Cabinet Office on 20 August.[354] He commented:

> "Iraq's electricity infrastructure suffered decades of neglect. Though little damaged by the war, subsequent looting and sabotage have caused massive damage to transmission lines. This goes some way to explain why electricity supplies have been so unreliable. But Coalition plans to restore power to pre-war levels were not properly staffed, funded or implemented. Two or three months have been largely wasted."

638. Mr Richmond reported that the CPA's electricity team was small (eight people, of whom only three were specialists) and poorly managed. In contrast, a UN project in northern Iraq employed 80 international experts and several thousand Iraqis to run a small network that relied on a single hydro-electric power station.

639. The CPA had been working to a plan to achieve pre-war levels of generation (4,400MW) by the end of September. That plan comprised "a single sheet [of paper] with no activities, timescales, parts requirements etc".

640. Mr Richmond suggested that the riots in Basra had drawn attention to the CPA's failure to meet electricity targets. Ambassador Bremer had been "horrified" by Mr Horne's report and had directed that a "proper plan" should be developed. A revised plan to generate 4,400MW by the end of September had now been agreed; a plan to generate 6,000MW (Iraq's estimated need) by May 2004 was being developed.

641. Mr Richmond recommended that the UK should support this effort by providing technical experts in a number of areas.

642. Mr Richmond also reported that a major conference would take place at CENTCOM Headquarters at the end of August to discuss electricity and oil.

643. On 19 August, the UN Headquarters at the Canal Hotel, Baghdad, was bombed; 22 UN staff and visitors including Mr Vieira de Mello were killed (see Section 9.2).

---

[352] Telegram 128 IraqRep to FCO London, 20 August 2003, 'Iraq: Electricity: What Went Wrong and What is Being Done'.
[353] Report Horne, 12 August 2003, 'Report on the Electrical Problems in the Basrah Area'.
[354] Telegram 128 IraqRep to FCO London, 20 August 2003, 'Iraq: Electricity: What Went Wrong and What is Being Done'.

644. One member of DFID staff was slightly injured in the attack.[355]

645. The Annotated Agenda for the 28 August meeting of the AHMGIR reported that:

> "World Bank and IMF Missions, which were working from the UN building, have been withdrawn. A number of NGOs are withdrawing their international staff. The ICRC is thinning out its staff. The UN is maintaining operations, but some staff have been withdrawn from Baghdad temporarily while decisions on future security arrangements are made."[356]

646. The Annotated Agenda continued that, in the absence of some UN and NGO international staff, and with additional constraints on remaining staff:

> "… local staff should be able to continue to implement most existing humanitarian and reconstruction programmes, including running the food distribution system, at least in the short-term. However, there will be an immediate impact on new programmes, which in many cases will not now go ahead."

647. A report into the incident commissioned by the UN recorded that, at the time of the bombing, there were between 350 and 550 UN international staff in Baghdad.[357] Although most of those staff were withdrawn following the bombing, the UN Secretary-General declined two recommendations from UN officials, on 2 and 22 September, to evacuate all UN international staff from Iraq. By early October, there were between 20 and 30 UN international staff in Baghdad and between 5 and 10 across the rest of Iraq.

648. Sir Hilary Synnott told the Inquiry:

> *"*After the attack … the Spanish and Japanese Governments ordered their civilians to leave. And on 30 August, of course, the UN ordered their expatriates to leave also. Everybody else stayed."[358]

649. Mr Bearpark described the effect of the bombing in his evidence to the Inquiry:

> "… on that day, an enormous body of knowledge, wisdom and ability was lost.
>
> "But the other factors were even more important than that. The first one was that, for entirely understandable and probably correct reasons, the UN system … [including] the World Bank and the IMF withdrew from Iraq. It is very difficult to overstate the chaos that caused for the CPA, because all your interlocutors suddenly vanished …
>
> "… that leads me on to the third factor .. which is that it recreated the animosity within the CPA to the UN system … it did enable the UN-disliking elements of the CPA to feel justified in their original behaviour, even though very slowly, carefully and

---

[355] Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[356] Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[357] The Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003, *Report of The Independent Panel on the Safety and Security of UN Personnel in Iraq.*
[358] Public hearing, 9 December 2009, page 111.

patiently during that period, June, July, August, the relationships had started coming together very well."[359]

650. The Cabinet Office advised Ministers on 21 August that, conscious of growing public frustration in the South with living conditions and the underlying causes of the riots earlier in the month, the UK was taking action both in CPA(South) and with CPA(Baghdad) to improve the delivery of basic services.[360] CPA(South) and MND(SE) were increasing fuel stocks, exploring ways to improve water supply, and working to improve the electricity supply to the Basra oil refinery.

651. There had been a series of meetings in CPA(Baghdad) on electricity and utilities. Ambassador Bremer had accepted "all recommendations related to the electricity problem in the South" and authorised US$200m for immediate remedial work. Electricity generation and transmission were to have top priority. The UK was seeking further details.

652. On the same day, Mr Benn met informally with Mr Dennis McShane, FCO Minister for Europe, and Mr Adam Ingram, MOD Minister for Armed Forces.[361] The meeting agreed that:

- Sir Hilary Synnott needed "operations support". DFID hoped to give Sir Hilary delegated authority to spend UK funds when CPA(South) was fully staffed.
- A strong UK delegation should attend the CENTCOM infrastructure Conference the following week, which would produce a strategy for improving Iraq's infrastructure. In parallel, a team from engineering firm Mott MacDonald would visit Basra to prepare shorter-term proposals to improve power supply in the South.
- Thereafter, the UK "should decide fast on remedial action". That might require more UK expenditure if the CPA could not respond fast enough.

653. The Ministers directed officials to report to the 28 August meeting of the AHMGIR on why so little of the funding allocated to CPA(South) had been spent.

654. An MOD official produced an informal record of the meeting for MOD colleagues only.[362] He commented:

> "DFID (Benn/[DFID junior official]) v[ery] helpful and forward leaning, going so far as to identify fact that c. £30m of DFID allocation for Iraq remains unspent and that perhaps now, and on utilities in the South, is the time and place to spend it …
>
> "This prompted a sensible discussion (first I have heard at an Ad Hoc Group) of the consequences of the CPA actually not delivering in the medium term in the South …

---

[359] Public hearing, 6 July 2010, pages 28-29.
[360] Paper Cabinet Office, 20 August 2003, 'Update for Ministers 21 August 2003'.
[361] Letter Drummond to Owen, 21 August 2003, 'Iraq: Informal Ministerial'.
[362] Email IRAQ-AD SEC-S to PJHQ-J9-HDPOLOPS3-S, 21 August 2003, 'Not the Ad Hoc Ministerial'.

> Again FCO line was that Synnott would sort it out. Min(AF) made the point about us expecting a lot from one man …
>
> "… there is no dispute that there is a problem, that something needs to be done and that it may well involve spending money – this is a significant step forward … Most significant appears to be [the] developing DFID thaw on [its] doctrinaire approach to spending priorities."

655. The CENTCOM Iraqi Power Generation and Distribution Conference took place in the US from 25 to 27 August.[363] The objective of the Conference was to develop a practical response to the challenges in Iraq, and encourage co-ordination.

656. The Inquiry has not seen a record of the Conference.

657. The 27 August meeting of the Chiefs of Staff was advised that the estimated cost of the third course of action identified by Lt Gen Fry on 18 August – that the UK should step in to lead reconstruction in the South until the CPA could begin to deliver results – was US$91m.[364] A decision on whether to proceed would depend on the results of the CENTCOM Conference.

658. Mr Crompton advised Mr Straw in advance of the 28 August meeting of the AHMGIR:

> "There is a head of steam within the MOD about the lack of progress on reconstruction. As the military see it, the CPA in general, and CPA(South) in particular, have failed to deliver. As a result, the Coalition is losing consent, the military are having to take on tasks which should be undertaken by civilians, and in the process the military are becoming over-stretched and vulnerable."[365]

659. Mr Crompton offered four conclusions:

> "
> - We need to maintain pressure on DFID to deliver quick results. Their approach so far has been too theological …
> - Fixing these problems will require more staff (not less), particularly in the South. Hilary Synnott … has just requested an additional 34 secondees to work on reconstruction issues. He should get many of these.
> - Concerns about security argue against putting in more staff, but holding staff back … will only compound the problem. The immediate solution is to strengthen security measures in CPA(South) …
> - All of this is going to cost a lot of money. I am not sure we will be able to do all we need to do within current budgets … The Treasury may have to look again at the sums they are providing."

---

[363] Briefing DFID, 22 August 2003, 'Information Note: Iraq: Critical Infrastructure in the South'.
[364] Minutes, 27 August 2003 Chiefs of Staff meeting.
[365] Minute Crompton to PS/Straw, 28 August 2003, 'Ad Hoc Ministerial'.

660. Sir Hilary Synnott told the Inquiry that he requested 37 additional staff ("not generalists but experts") and 20 armoured vehicles.[366]

661. The Annotated Agenda for the 28 August meeting of the AHMGIR reported that the situation in southern Iraq remained "volatile".[367] There was no evidence of a "significant change in local consent to the UK-led military presence, but the time available before dissatisfaction with the pace of CPA delivery of services overflows is shrinking".

662. Ministers agreed that, "subject to security concerns":

- Officials should consider and implement measures to improve the power situation in south-eastern Iraq.
- Ministers should be advised on the impact on reconstruction of the withdrawal of international staff and measures to mitigate the impact.
- Sir Hilary Synnott should be given "such assistance and staff as he deemed necessary to improve the workings of CPA(South)".[368]

663. Ministers were advised on 29 August that the MOD had commissioned and now received an action plan for immediate improvements to the power sector in the South.[369] DFID expected to meet the cost (estimated at US$30m), although that might exhaust their budget for Iraq for the year.

664. On the same day, Sir Nigel Sheinwald, Sir David Manning's successor as the Prime Minister's Foreign Policy Adviser, gave Mr Blair his view of immediate priorities for Iraq.[370] They included:

- another surge in UK resources, both military (the MOD was undertaking a review which was likely to lead to a proposal to increase UK troop numbers) and for reconstruction (though UK numbers were dwarfed by the size of Ambassador Bremer's request to Congress[371]);
- improving utilities, most immediately electricity generation in the South;
- improving CPA media handling: a CPA media director (Mr Gary Thatcher, who had previously worked on *The Chicago Tribune*[372]) would arrive, "at last", that day; and
- a new resolution "worth getting – to spread the military and reconstruction load".

---

[366] Public hearing, 9 December 2009, page 15.
[367] Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[368] Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[369] Paper Cabinet Office, 29 August 2003, 'Iraq: Update 29 August 2003'.
[370] Minute Sheinwald to Prime Minister, 29 August 2003, 'Iraq'.
[371] The US Administration submitted a request for US$20.3bn for reconstruction in Iraq to Congress on 6 September.
[372] Annotated Agenda, 7 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

665. Mr Blair wrote on Sir Nigel's advice:

> "This isn't really working at present. I will have to reflect on how we progress … I need a meeting next week."[373]

666. On 1 September, Sir Hilary sent two telegrams from Basra, in response to a request from No.10 for an immediate report, in advance of the meeting requested by Mr Blair, on what he needed.

667. In the first telegram, Sir Hilary assessed that:

> "The main immediate need is a vastly increased effort, well beyond the present capabilities of CPA(South) or MND(SE), to provide visible improvements in the provision of power, water and fuel in a short timescale."[374]

668. Under his direction, CPA(South) and MND(SE) had developed an Emergency Plan for Essential Services in Southern Iraq (the Essential Services Plan), costed at US$127m. This would be discussed with DFID officials visiting Iraq and Mr Bearpark, and then submitted to the AHMGIR for approval. However:

> "More generally, the scale and nature of the problem is well beyond CPA(South)'s present capabilities, if we are to truly act as an 'Authority' and provide direction to others. I have bid for more staff and ancillary back-up and will be bidding for more …"

669. Sir Hilary reported that CPA(Baghdad) had "responded magnificently" to his request to bring forward the move to safer and larger premises from mid-November to mid-October but, until then, CPA(South) was unsafe and overcrowded, despite DFID holding back staff from returning after their breaks and the withdrawal of the Japanese.

670. Sir Hilary also reported that he had insufficient military protection vehicles to carry out essential tasks, and that MND(SE) was proving "most unwilling to the point of refusal, to dedicate more of their forces for this purpose".

671. Sir Hilary's comments on the provision of secure accommodation and transport for CPA(South) personnel are considered in Section 15.1.

672. Sir Hilary's second telegram contained a draft covering submission for the Essential Services Plan.[375] Sir Hilary advised that the Plan was based on work undertaken by MND(SE) but had been "meshed with" a wider CPA(South) strategy for the medium and long term. It was "formally" for CPA(Baghdad) to own and resource the Plan "but that is not quite how things work in practice … there is a certain expectation

---

[373] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 29 August 2003, 'Iraq'.
[374] Telegram 9 CPA(South) to FCO London, 1 September 2003, 'Southern Iraq: What Needs to be Done'.
[375] Telegram 10 CPA(South) to FCO London, 1 September 2003, 'An Emergency Plan for Essential Services in Southern Iraq'.

that the regions should take a lead to sort out their own problems". Sir Hilary stated that this was particularly true since his arrival.

673. Sir Hilary therefore requested:

- funding for the Essential Services Plan;
- immediate mobilisation of UK personnel to implement the Plan;
- "establishment of extraordinary financial and contractual arrangements to allow exceptionally rapid disbursement and effects";
- the mobilisation of industry, in the UK and elsewhere, to participate in the Plan;
- creation of a high-level task force in Whitehall "to make this happen"; and
- "a start now".

674. Mr Richmond offered a view from Baghdad on 2 September.[376] He advised that, after a slow start, the CPA recognised the scale and urgency of the infrastructure problem. Ambassador Bremer had decided the answer was "simple: a massive injection of funds to kick start the renewal of Iraq's infrastructure", and had bid to the US Congress for up to US$18bn for that purpose. Whether or not Congress approved that funding was likely to have a decisive impact on Iraq's future.

675. Mr Richmond commented that, while the UK could not match US spending power, it would have to commit more financial and human resources, including:

- more money for essential services, especially in the South; and
- providing proper support and funding for the new UK staff in Iraq. Mr Richmond recommended that the newly-appointed Heads of the UK-led Governorate Teams should each be given £1m, to spend at their discretion.

676. The meeting that Mr Blair had requested in his note to Sir Nigel Sheinwald took place on 2 September.[377] Mr Straw, Mr Hoon, Mr Benn, Gen Walker, Sir Richard Dearlove (C), Mr John Scarlett (the Chairman of the JIC), Sir Jeremy Greenstock (the Prime Minister's Special Representative on Iraq), Mr Sawers and No.10 officials attended.

677. At the meeting, Mr Blair said that he wanted action on Iraq taken forward "with a heightened sense of urgency". He asked for advice on eight issues, on the basis of which he would prepare a note for President Bush before a telephone call on 5 September, including:

- Infrastructure in the South. Mr Blair wanted "the maximum possible support given to Sir Hilary Synnott's proposals for immediate infrastructure projects in the CPA(South) area, with appropriate military cover".

---

[376] Telegram 147 IraqRep to FCO London, 2 September 2003, 'Iraq: Assessment and Recommendations'.
[377] Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for Prime Minister'.

- CPA finances. What were the obstacles to funding? If there were delays, the UK should be prepared to finance new operations in the South itself, in advance of CPA funding.
- Oil and electricity. How could progress be accelerated, and how could UK industry be more involved?

678. In August, the UK reviewed its force levels in Iraq in the light of the deteriorating security situation (see Section 9.2).

679. Mr Hoon's Private Secretary wrote to Mr Rycroft on 4 September to report that:

> "… in the light of the changing security situation in the South East of Iraq, and in view of likely next steps by the CPA, the Defence Secretary had concluded that there is an immediate requirement to deploy a further two infantry battalions and certain specialist capabilities to Iraq. Furthermore, we intend to identify and put on reduced notice to move a Brigade HQ, Infantry battalion and engineer capability as a contingency to support the implementation of the CPA(S) plan for emergency infrastructure work due to be delivered by Sir Hilary …"[378]

680. The Essential Services Plan was submitted to the AHMGIR on 4 September, with an implementation plan promised for the following week.[379]

681. The Plan stated that CPA(South)'s intent was to improve essential services over the short, medium and long term as part of the "overall CPA reconstruction strategy".[380] However, "the imperative of securing rapid and visible improvements … and forestalling erosion of Iraqi consent demands the urgent implementation of a short-term emergency plan".

682. The Plan aimed to:

- increase power supply, including by improving management, repairing transmission and distribution systems, providing generators, and providing spares and equipment;
- increase fuel supply, including by improving and constructing new fuel distribution and storage facilities, and improving gas distribution facilities; and
- increase water supply, including by improving maintenance and refurbishing and improving power supply to key water treatment plants.

683. The Plan was costed at US$127m, comprising US$90.5m for work to improve the power supply, US$12m for fuel supply, US$23m for water supply and US$1.25m for general programme support. Funds were to be provided by the CPA, DFID or other sources.

---

[378] Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.
[379] Annotated Agenda, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[380] Paper [unattributed], 2 September 2003, 'Annex B: Strategy for the Essential Services in Southern Iraq'.

684. To ensure a co-ordinated approach, CPA(South) would chair an "Essential Services Steering Group" made up of Iraqi Directors General, MND(SE), relevant UN agency Heads, NGOs and other relevant agencies. The Plan would be directed, at least initially, by the MND(SE) Chief Engineer on behalf of Sir Hilary Synnott, supported by the Mott MacDonald team.

685. The Plan stated that neither CPA(South) nor MND(SE) was staffed to manage the rehabilitation of essential services. "Staffing by generalists" had achieved "mixed results"; specialists were required to manage the work into the medium and long term.

686. At the AHMGIR meeting, Mr Benn announced that DFID had already approved £20m for the Essential Services Plan, and that a project team would go to Iraq by 12 September.[381] The UK should continue to seek money from the CPA, but must be prepared to act fast on its own if necessary.

687. The AHMGIR endorsed the Essential Services Plan and stated that it should be taken forward urgently.

688. Mr Benn wrote to Mr Blair later that day to confirm DFID's commitment:

> "You asked for immediate action to support Sir Hilary Synnott's proposals for urgent infrastructure projects in the CPA(South) area. I have today approved funding of £20m for consulting services, equipment, spare parts and rehabilitation works …
>
> "It is expected to benefit over 5m people. The project will deliver over the next six months but with tangible benefits due within weeks."[382]

689. The balance of funding for the Plan would need to come from the CPA:

> "We have held back from committing to meet the full cost, to avoid giving the impression to the CPA that HMG [Her Majesty's Government] wants to take on full responsibility for the South of the country including the future funding of all infrastructure. Such a commitment would be financially and logistically enormous, and well beyond DFID's budget. We need to keep pressing Bremer to make more effective use of CPA resources, and in particular to transfer these funds and delegate responsibility to Sir Hilary Synnott now …
>
> "I hope this can be on your list of points to raise with President Bush."

690. Mr Crompton visited Basra and Baghdad from 31 August to 3 September.[383] He reported to Mr Chaplin on 5 September that "the Coalition as a whole is only just beginning to come to terms with the scale of the task we have taken on". The "general feeling" was that the Coalition needed to "throw massive resources at the problem now, with a focus on accelerating the security work and essential services side". The US were

---

[381] Minutes, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[382] Letter Benn to Blair, 4 September 2003, 'Iraq: Restoring Essential Services in the South'.
[383] Minute Crompton to Chaplin, 5 September 2003, 'Visit to Iraq: 31 August to 3 September'.

talking in terms of tens of billions of dollars; the UK needed to be thinking in terms of much larger figures than it had to date, "hundreds of millions of pounds, if not more, plus a significant increase in staffing in the South and Governorates".

691. UK staffing in CPA(Baghdad) was "about right", but CPA(South) and the other CPA regions were "woefully under-staffed". The UK would have to staff CPA(South) itself. The Government should try to meet all of Sir Hilary's requests for additional staff.

692. Sir Hilary Synnott described the genesis of the Essential Services Plan in his memoir.[384] In early August, the UK military, spurred by security concerns and "deeply unimpressed" by the available civilian capability, had contracted Mott MacDonald to design a package of quick-impact, carefully targeted infrastructure projects, without consultation with CPA(South) or other partners. Sir Hilary commented that, while understandable, "the furtive manner in which the [military's] plan was conceived amounted to a challenge to the civilian role in the South".

693. Once the military's plan was completed, it could no longer be kept hidden. Sir Hilary immediately realised that funding would have to come from CPA(Baghdad) or London, and that they would provide funding only if the package was perceived to be compatible with existing plans. He therefore convened a meeting between MND(SE) and CPA(South) to develop a joint Essential Services Plan.

694. Sir Hilary Synnott also realised that the CPA's contracting and accounting procedures were unlikely to produce the funds within the necessary timescale and that CPA(Baghdad) might baulk at providing additional funding for CPA(South), which it regarded as a "side-show". DFID would not normally provide such a large amount of money. Sir Hilary therefore proposed that DFID should "kick-start" the project with a contribution of £20m, and then the UK should press the CPA to provide the balance. However, "if Baghdad proved obdurate, we could shame DFID into providing it".

695. In his evidence to the Inquiry, Sir Hilary said that the Essential Services Plan was informed by his previous experience of reconstruction:

> "When I went round Baghdad in the early days … the view I got from USAID and others was that this place is broken … and we have let out contracts to big American firms to put it all right. My heart sank at that point because … I knew how long big projects took to get going, and I was also increasingly aware of the unpermissive security environment. That reinforced me in my view that we should be going for more of an emergency plan rather than big contracts, and I think, indeed, history shows that virtually none of the big contracts ever came to fruition."[385]

---

[384] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[385] Public hearing, 9 December 2009, page 29.

696. In early September, Ambassador Bremer published a "Seven Step Plan" for the restoration of Iraqi sovereignty (see Section 9.2).[386] The Plan did not include a timescale, although to most observers it appeared to mean at least a two-year Occupation.

697. On 5 September, Sir Nigel Sheinwald sent Dr Rice a Note from Mr Blair for President Bush ahead of their video conference later that day.[387]

698. In the Note, Mr Blair proposed doubling the number of Iraqi police and speeding up the process of letting reconstruction contracts. In the South, he had "authorised" the CPA to "just spend the money and recoup later from CPA(Centre)". Mr Blair expressed support for Ambassador Bremer, and queried whether he had all the administrative and technical support he needed.

699. On the media, Mr Blair wrote:

> "Media: My obsession. I understand that Gary Thatcher is making a big difference. But there are five terrestrial channels to fill … apparently, there is a fear that bringing in outside i.e. US/UK networks would be a problem for the Governing Council. That's a pity, if true. Because the obvious solution is for us … to task one of the big companies to sort it out. We need this fast. It is essential to keep building Iraqi consent and understanding."[388]

700. Mr Blair concluded:

> "So my basic point is: the problem is not complex to identify: it is security. The best solution is not us or at least us alone but the Iraqis. It is speed in building their capacity – security, intelligence, infrastructure, media – that we need."

701. Mr Cannon reported to Mr Straw's Private Office on 5 September that, during the video conference, Mr Blair had recommended to President Bush that "a new impetus should be given to infrastructure reconstruction, both short-term and longer-term projects", and had expressed concern that there were problems in transferring funds for infrastructure projects from CPA(Baghdad) to CPA(South).[389] Mr Blair had also asked whether Ambassador Bremer needed more administrative/technical support, including to reinforce the civil effort in the Provinces.

702. Mr Cannon also reported that Dr Rice and Sir Nigel would draw up a list of concrete measures that could be taken to improve the situation.

703. Sir Nigel and Dr Rice discussed those measures later that day, and on 11 September Sir Nigel sent Dr Rice a "UK/US Action Plan" which sought to "define

---

[386] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[387] Letter Sheinwald to Rice, 5 September 2003, [untitled], attaching Note [Blair to Bush], [untitled].
[388] Letter Sheinwald to Rice, 5 September 2003, [untitled], attaching Note [Blair to Bush], [untitled].
[389] Letter Cannon to Adams, 5 September 2003, 'Iraq: Prime Minister's Video-Conference with Bush, 5 September'.

our objectives and specify ongoing and future actions".[390] It set out shared (US and UK) objectives and UK actions on security, intelligence, infrastructure, media and CPA personnel.

704. On infrastructure, the objective was a radical and rapid improvement in basic service provision (particularly water, electricity and fuel) to maintain Iraqi consent. The UK had contributed US$30m to the US$127m Essential Services Plan; the balance would come from the CPA. No other UK actions were identified.

705. On the media, the objective was to counter distorted reporting by Al Jazeera and other satellite channels. The UK would provide support to the Iraqi Media Network, the CPA, and for the longer-term development of indigenous Iraqi media.

706. On CPA personnel, the objective was to provide more specialist support for the CPA in Baghdad and the provinces. The UK was recruiting 37 specialists for CPA(South) and would provide more "as requested", had selected four individuals to head CPA Governorate Teams, and would provide additional information and SSR specialists for CPA(Baghdad).

707. Sir Nigel and Dr Rice went through the Action Plan during Sir Nigel's visit to Washington from 11 to 12 September.[391] Sir Nigel reported to Mr Blair:

> "We [US and UK] share **objectives**; and there now appear to be detailed **plans** under development by the CPA in all the priority areas."

708. Sir Nigel and Dr Rice agreed that there would be regular video conferences between London, Washington and Baghdad "to ensure we are all working from the same script".

Pressure to provide additional funding for reconstruction

709. *Hard Lessons* described how, in July and August 2003, the CPA had developed a request for additional funding for reconstruction prompted by the projected US$23bn financing gap in Iraq's draft 2004 budget.[392] Ambassador Bremer sent a request for US$20.3bn to Washington in early August; the request was formally submitted to Congress on 6 September.

710. The CPA advised Congress that Iraq required between US$50bn and US$75bn for reconstruction; it planned to present a "rich package of projects" to the forthcoming Madrid Donors Conference to attract funding from the international community.

---

[390] Letter Sheinwald to Rice, 11 September 2003, 'Iraq' attaching Note 10 Downing Street, 10 September 2003, 'Iraq: UK/US Action Plan 10 September'.
[391] Minute Sheinwald to Prime Minister, 14 September 2003, 'Visit to Washington'.
[392] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

711. Treasury officials advised Mr Brown on 5 September that pressure was building for significant, additional UK contributions to reconstruction and security in Iraq, both from international partners and from within Whitehall.[393] That pressure was generated by emerging reports on the substantial size of Iraq's financing gap for 2004 (now estimated at between US$1bn and, according to new figures from the CPA, US$20bn) and Mr Blair's emphasis on the need to deliver tangible and rapid progress through both additional military resources and reconstruction.

712. Treasury officials advised that DFID were developing a case for a substantial UK contribution to meeting the financing gap, which could be announced at the forthcoming Madrid Donors Conference. The US had approached the FCO to ascertain the UK's position on additional financing for reconstruction, and discussions were beginning between international development ministries.

713. Treasury officials commented:

> "There is a growing and costly perception in Whitehall (and potentially parts of the CPA and the US Administration) that if the UK wants to pull its weight, it should cover 10% of all costs … In purely fiscal terms we cannot afford a contribution of this size without a very substantial re-prioritisation of existing spending allocations …
>
> " … [Sir] Jeremy Greenstock, UK Special Representative in Iraq [sic], has hinted that if we want to influence the outcome in Iraq and in particular the decision-making process at the centre of the CPA, we have to buy our way in. We refute this. Our military contribution was crucial to the success of the initial operation … and our ability to influence through political leverage should not be diminished significantly.
>
> "The main cause of agitation in the South, and in turn pressure on the UK to increase troop levels and to contribute additional resources, is the fact that resources are not arriving quick enough from CPA(Centre) to CPA(South). There is a danger that this is because the US controls CPA(Centre) and are allocating resources to their priority areas and are squeezing the areas where they perceive the UK to lead. This backs up the view that we do not have enough influence in CPA(Centre)."

714. Treasury officials also advised that they were increasingly concerned over the lack of a "comprehensive, long-term strategy" for Iraq, which led to continued ad hoc spending. DFID's recent decision to provide £20m to fund the Essential Services Plan was an example of this. The decision left the UK exposed to providing further funding if CPA resources remained inaccessible and/or costs escalated. The UK should continue to push for CPA(Baghdad) to mobilise resources for use in the South rather than taking on more of the burden itself.

---

[393] Minute Treasury [junior officials] to Chancellor, 5 September 2003, 'Iraq: Financing Needs and Implications for UK'.

715. Mr Chaplin advised Sir Michael Jay on 9 September that the ideal way to meet Ministers' demands for quicker results in Iraq would be to put the new DFID Iraq Directorate into an FCO-based structure.[394] There was, however, very little chance of DFID agreeing to that. The "next best thing" would be an enhanced FCO unit and strengthened liaison with other Whitehall departments. The FCO would have to "rely on the Sheinwald group [the Iraq Strategy Group] to crack the whip over DFID when necessary".

716. Later that day, Mr Straw approved the creation of a new FCO Iraq Directorate as the inter-departmental body responsible for co-ordinating the growing volume of Iraq-related work across Whitehall. The Directorate is described in more detail later in this Section.

717. Baroness Amos wrote to Mr Boateng on 10 September to request £6.5m from the Reserve to cover immediate further needs in Iraq, and that a further £33.5m should be "ear-marked" for anticipated requirements later in the financial year.[395] Baroness Amos stated that DFID's budget for Iraq for 2003/04 was now fully committed. Of the £33.5m, £20m could be required for a further contribution to the Essential Services Plan if US funding proved insufficient.

718. Baroness Amos wrote to Mr Blair the following day to advise that DFID's immediate operational priorities were to ensure that the Essential Services Plan was fully funded and to help the UN return to Iraq.[396] On the former, Baroness Amos advised:

> "… our overall approach has been predicated on CPA delivering more than it has, and we have had negligible influence on them, or the Pentagon, to try and turn it around. Immediate measures are now needed to maintain the Iraqi population's consent."

719. The Essential Services Plan would help to improve essential services, but solving the underlying problems in infrastructure would require billions of dollars and an Iraqi Government to determine policy. Systemic problems within the CPA continued to delay the transfer of promised CPA resources to the South. Baroness Amos concluded:

> "If CPA HQ and [the] US Government fail to get its act together quickly, then we can only plug the gap if my earlier Reserve claim … is approved."

720. Baroness Amos also advised that the UK's objectives for the forthcoming Madrid Donors Conference in October were to get the Iraqi citizens in the driving seat, and to secure a "credible outcome on pledges", which required a credible Iraqi budget.

---

[394] Minute Chaplin to PUS [FCO], 9 September 2003, 'Iraq: Restructuring IPU'.
[395] Letter Amos to Boateng, 10 September 2003, 'Iraq Reconstruction Funding: Reserve Claim'.
[396] Telegram 1 DFID to IraqRep, 11 September 2003, 'Iraq Reconstruction: Cabinet Discussion on 11 September'.

721. Looking further ahead, Baroness Amos advised that DFID's medium-term priorities were "self-evident": robust macro-economic policy planning and budget management; reform of the public service; encouragement of civil society; and facilitation of private investment. Specific activities would be informed by sectoral assessments being undertaken by the World Bank, the IMF and UN agencies. As a leading member of the Coalition, the UK would be expected to play a substantial part in filling Iraq's financing gap.

722. On 16 September, Mr Straw, Mr Hoon and Baroness Amos agreed that officials should review the UK's approach to planning and preparation for post-conflict situations.[397] That work led to the establishment of the Post-Conflict Reconstruction Unit (PCRU) at the end of 2004. Section 10.3 describes the development of the UK's approach to planning and preparation for post-conflict reconstruction and the emergence of the broader concept of stabilisation.

723. Sir Hilary Synnott reported to the IPU on 17 September that, setting aside difficulties securing CPA funding for the Essential Services Plan, sources of funding for CPA(South), including the US Commanders Emergency Response Program (CERPs), were "starting to be unblocked" in Baghdad.[398] Progress was largely because of better communications between Baghdad and Basra but CPA(South) had also "radically streamlined" its procedures.

724. The Annotated Agenda for the 18 September meeting of the AHMGIR reported that Mr Bearpark had confirmed that CPA(Baghdad) would provide the US$97m required to fully fund the Essential Services Plan, although the exact source of those funds had not yet been identified.[399]

725. The Annotated Agenda also stated that the US had decided to establish a Program Management Office (PMO) to oversee CPA reconstruction funds. The decision was a response to the persistent problems in transferring funds from CPA(Baghdad) and CPA regional offices, however:

> "Our initial response is sceptical: the PMO will manage predominantly US funds, which will require US contracting and procurement procedures to be followed. The prospect of developing Iraqi capacity, and of opening up contracts to include UK companies (in the interests of effectiveness and value for money) remains negligible. Nevertheless, without participating in some form in the PMO, we may lose a point of influence."

---

[397] Minute [unattributed], 17 September 2003, 'Meeting of the Secretaries of State for Foreign Affairs, Defence and International Development – 16 September 2003 at 2.15pm'.
[398] Email Synnott to Crompton, 17 September 2003, 'Funding for CPA(S): Looking Better'.
[399] Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

726. The Annotated Agenda stated that if the US$97m required to complete the Essential Services Plan were channelled through the PMO, that might delay or prevent disbursement.

727. At the AHMGIR meeting, FCO officials reported that the CPA had produced a coherent strategy for improving the quality of the Iraqi Media Network.[400] Much could be funded by the CPA, but the UK should provide "niche assistance, including expertise, where best we could".

728. Gen Walker said that there needed to be visible action on the Essential Services Plan before Ramadan.

729. Baroness Amos reported that Mr Benn and Mr Chakrabarti were in Iraq attempting to ease CPA funding. If that funding was not secured within four weeks, the Treasury would need to be approached.

730. Ministers asked officials to consider the UK's involvement in the PMO further.

731. Ministers also agreed that officials should produce costed proposals for UK support on the media as soon as possible for discussion with the Treasury.

732. General Mike Jackson, Chief of the General Staff, visited Iraq from 12 to 15 September.[401] He reported to Gen Walker on 17 September:

> "He [Maj Gen Lamb, GOC MND(SE)] does not require a third additional battalion or additional RE [Royal Engineers] squadron at the moment and is confident that he can meet any potential tasks that arise from the Essential Services Plan. There is therefore no requirement for an additional brigade HQ at this stage. This may change and we need to remain responsive to the needs of the GOC."

733. Sir Hilary wrote in his memoir that he raised the need for additional support from the UK military with Gen Jackson during his visit:

> "I explained that I had noted that the Army Headquarters judged that, despite the deteriorating security, their position was sustainable with their existing troop levels. In contrast, my organisation's position was not … If we were to travel to meet Iraqis and visit the other provinces … our staff now needed to be escorted by military vehicles …
>
> "From then on, we had a steady and reliable system of escorts. They were inevitably never as much as we needed, so we had to cut back on our visits; but … we sustained a reasonable level of activity."[402]

---

[400] Minutes, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[401] Minute CGS to CDS, 17 September 2003, 'CGS Visit to Op.TELIC 12-15 Sep 03'.
[402] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.

734. Gen Jackson called on Baroness Amos on 18 September.

735. Baroness Amos' briefing for the meeting advised that, while the relationship between the military and DFID was "strengthening", there had been a number of misunderstandings, many of which stemmed from the difference in approach between the Overseas Development Administration (ODA) and DFID:

> "… the military could draw on ODA financing in support of UK political (and thus military) objectives. The International Development Act now ties DFID down to much more stringent conditions for funds disbursement …"[403]

736. The briefing warned that Gen Jackson might draw unfavourable comparisons between the UK's reconstruction effort in Kosovo and Iraq:

> "Without the CPA delivering … There is a reasoned argument that HMG should have planned to support its military effort with a civilian 'colonial' effort, and [Gen] Jackson may be of the view that DFID should have mounted a bilateral UK operation similar to Kosovo, carrying out immediate infrastructure work, repairing schools, hospitals and so on. Not only was this not the strategy adopted by HMG [Her Majesty's Government], but a similar DFID effort would not have been possible. Kosovo's size, population, level of local consent, and interim governance arrangements were entirely different. A wider 'colonial' role is neither DFID's role nor our comparative advantage."

737. During the meeting, Gen Jackson said that the International Development Act (IDA) had created "conceptual and procedural difficulties which worked against a centralised HMG effort".[404]

738. Baroness Amos responded that, while the IDA had changed the way that DFID worked, it was still able to work with the military effectively. There was a need to prepare and plan better for post-conflict reconstruction "particularly in the very fragile transition stage".

739. Baroness Amos continued:

> "We had all been failed by the CPA … HMG's decision to put so much faith in the CPA was compounded by our failure to understand the US way of doing things … DFID's £20m infrastructure project in the South in expectation of a further and larger funding allocation for infrastructure from CPA(Baghdad) was moving in the right direction – but we could not be complacent and had to make contingency arrangements in case CPA funding did not come through."

---

[403] Minute DFID [junior official] to PPS/Secretary of State [DFID], 16 September 2003, 'Meeting with General Sir Michael Jackson, Chief of the General Staff – Thursday 18 September'.
[404] Minute DFID [junior official] to PPS/Secretary of State [DFID], 23 September 2003, 'Meeting Note: General Sir Michael Jackson CGS'.

740. Mr Benn and Mr Chakrabarti visited Iraq from 17 to 19 September.[405] On his return, Mr Benn wrote to Mr Blair:

> "Security remains *the* concern. Provided we get this right alongside the politics, reconstructing Iraq is possible … The Iraqis need to be helped to take charge. We need to support them … and to persuade the Americans (who hold very fixed views) that this is both desirable and feasible.
>
> "Improving life for ordinary Iraqis is the main priority. Electricity, water and jobs will maintain consent and therefore security. It is in the South that the UK can, and must, deliver. Expectations are high. There is progress now on the Essential Services Project … and we are working on the right issues in the very short term – infrastructure, policing, and improving information to Iraqis … In the medium term we should focus our support on helping key Iraqi ministries rather than CPA(Baghdad). Long term, we need to think about how we organise ourselves for this kind of operation.
>
> "We have to recognise that our influence is limited with the CPA and Bremer, although the UK presence there, and in particular Jeremy Greenstock's role in Baghdad, is vital in staying alongside both. Therefore it's what we can do in the South that should occupy our practical, as opposed to our diplomatic, efforts.
>
> "We are still not getting our achievements across back in the UK …
>
> "We must now turn our attention to the Madrid Donors Conference. We made the point forcefully to Bremer, and encouragingly to the Iraqis, that the Governing Council and the Minister of Finance should be on the top table … We will need to lobby other donors hard, and have a credible pledge to make ourselves …
>
> "One major concern is the continuing problem with setting up the Independent Advisory and Monitoring Board for the Development Fund for Iraq (DFI). Bremer seems unconcerned, but it is going to make it very hard to get countries to put money in if the international guardian of the DFI can't start work. It's embarrassing, and someone will have to tell Bremer to sort it out, because he won't do so on his own. In the light of the Conference, and our own pledge, we can then consider the next stage of the UK reconstruction effort.
>
> "As we reflect on the Iraq experience, we do need to think about how HMG is geared up to respond to the reconstruction phase of such operations. We are beginning to do some thinking on this, but we need to learn lessons for the future."

741. Sir Hilary Synnott reported from Basra on 22 September that, while in Basra, Mr Benn and Mr Chakrabarti had agreed "extraordinary procedures" for the disbursement of DFID's £20m contribution to the Essential Services Plan, which meant

---

[405] Letter Benn to Blair, 20 September 2003, 'My Visit to Iraq: 17-19 September'.

that DFID's funds should be available that day.[406] Implementation of the Plan would start at once. Sir Hilary reported:

> "In front of the Minister [Mr Benn], Gen Lamb instructed his staff that the pins were to be removed from the DFID doll."

742. Two days later, in the context of an update of developments in Baghdad, Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq, reported:

> "London will hate me for saying this, but it is something keenly felt by the best senior people in our military … the UK has not yet put the intensity of resources into the civilian side of our operation, in terms of both personnel and project money, to convince the Americans that our analysis … has to be listened to. If we watch our housekeeping too carefully in this respect, we may be forced down the wrong road … I shall have to come back to this quite soon."[407]

743. A Treasury official provided advice to Mr Boateng on 18 September on how the Treasury intended to deal with the expected surge in Iraq-related claims on the Reserve.[408]

744. Departments had seen Mr Blair's call for a step-change in the UK effort in Iraq (on 3 June) as "a legitimate invitation" to bid for more resources. Departments were developing or considering seven bids. The largest of those was a bid being prepared by DFID for around £250m, as the UK's additional contribution to Iraq's reconstruction. The UK would need to make a pledge at the forthcoming Madrid Donors Conference.

745. The official advised that it was vitally important to maintain pressure on departments, both at Ministerial and official level, not to submit claims in the first place. The Treasury would also continue to push for greater co-ordination between departments in funding Iraq programmes.

746. Treasury officials had concluded that the best course of action in the short-term would be to continue to scrutinise claims on a case-by-case basis, in terms of value-for-money, impact, robustness of the costing, and robustness of the risk management. Departments would also have to provide "clear evidence" on the extent to which they had reprioritised their existing resources to accommodate Iraq.

747. The availability of CPA funding was key. Some officials in CPA(South) had stated that it was easier to secure funding from London than from CPA(Baghdad). The Treasury should therefore continue to push for CPA(Baghdad) to fund initiatives in the South, rather than providing a significant increase in UK funding, which could create

---

[406] Telegram 26 CPA(South) to FCO London, 22 September 2003, 'South Iraq: Visit of Hilary Benn: Knots Untied'.
[407] Teleletter Greenstock to Sheinwald, 24 September 2003, [untitled].
[408] Minute Treasury [junior official] to Chief Secretary, 18 September 2003, 'Iraq Funding FY 2003-04: Dealing with Reserve Claims'.

"expenditure overlaps" and alleviate the pressure on CPA(Baghdad) to resolve the problem of transferring resources to the regions.

748. Mr Boateng replied to Baroness Amos' request for £40m from the Reserve on 25 September.[409] He agreed to provide an additional £6.5m from the Reserve to cover immediate further needs in Iraq, but rejected the request to earmark £33.5m for DFID's anticipated future needs, citing "recent reports that … [US] sources of funding are now starting to be unblocked".

749. In his evidence to the Inquiry, Sir Suma Chakrabarti suggested that the exchange had not occurred in isolation:

> "We had discussions [with] the Treasury but it was quite obvious to us that they weren't going to give any more than they already had … They had put some money in upfront [in late March 2003, for humanitarian assistance], but, after that, they said it is time to reprioritise."[410]

750. Sir Nicholas Macpherson, Director General in charge of Public Expenditure from 2001 to 2005 and then Permanent Secretary at the Treasury, told the Inquiry that, although it was "totally open" to Baroness Amos to challenge that response, she did not.[411] He pointed out that the US$100m announced by Mr Brown in his 9 April budget statement was never fully claimed by departments.

751. In a video conference with President Bush on 16 September, Mr Blair commented that Mr Thatcher had now set out a "shopping list" for the Iraqi Media Network, costed at US$40m.[412] The question of funding would be pursued with the CPA. The record of the video conference was sent to the FCO.

752. Mr Straw wrote to Mr Boateng on 6 October, to bid for £13.9m from the Reserve as the UK's contribution to improving the content and professionalism of the Iraqi Media Network.[413]

753. Mr Boateng replied to Mr Straw on 16 October, rejecting the FCO's bid on the grounds that he was not satisfied the proposal would deliver value for money and that the FCO had not fully exploited existing resources.[414]

754. Mr Boateng's decision on funding for the Iraqi Media Network was relayed to the Iraq Senior Officials Group (ISOG) the same day.[415] Sir Jeremy Greenstock, visiting

---

[409] Letter Boateng to Amos, 25 September 2003, 'Iraq: Reconstruction Funding: Reserve Claim'.
[410] Public hearing, 22 January 2010, page 39.
[411] Public hearing, 22 January 2010, page 22.
[412] Letter Cannon to Adams, 16 September 2003, 'Iraq: Prime Minister's Video Conference with Bush, 16 September 2003'.
[413] Letter Straw to Boateng, 6 October 2003, 'Reconstructing the Iraqi Media Network: Claim on the Reserve'.
[414] Letter Boateng to Straw, 16 October 2003, 'Iraq Reserve Claim: Reconstructing the Media Network'.
[415] Minute Dodd to Sheinwald, 20 October 2003, 'Iraq: Senior Officials Group'.

from Baghdad, said that it would be difficult for him to return to the CPA without any UK funding, and that more generally "the absence of financial flexibility was making our work harder in Baghdad".

Staffing the CPA and new structures in London

755. The FCO sent an update on UK staffing in the CPA to Sir Nigel Sheinwald on 9 September.[416] Staffing in CPA(Baghdad) was "about right", at 60 secondees. A major rotation of staff over the next two months would be an opportunity to increase the UK's focus on "Ministerially-agreed priorities of Governance, Security Sector Reform, Reconstruction and the Economic/Oil Ministries". There might also be a requirement to place a few additional staff in the CPA's Information Directorate.

756. The FCO's priority was staffing CPA(South) and the Governorate Teams. The 37 specialists for CPA (South) requested by Sir Hilary Synnott would be sourced through a DFID consultancy contract. The aim was to have them ready to deploy by mid-October.

757. Heads had been selected for the four UK-led Governorate Teams (Basra and Dhi Qar in the south, Wasit in central Iraq, and Kirkuk in the north). The first, Mr John Bourne, had deployed to Baghdad for a familiarisation briefing before taking up post in Dhi Qar (Nasiriyah). The other three would follow later in the month. The FCO had planned to fill just four slots in each team, but it was clear that "the CPA bank of staff is dry and that we should plan on filling our Governorates ourselves". The objective was to have all staff in place by the end of September.

758. The remaining three Governorate Co-ordinators deployed to Iraq by the UK were:

- Mr Henry Hogger (Basra), deployed on 24 September;
- Mr Mark Etherington (Wasit), deployed on 29 September;
- Mr Paul Harvey (Kirkuk), deployed on 29 October.[417]

759. The Inquiry has not seen terms of reference for the UK's four Governorate Co-ordinators, but appointment letters sent to seven others by Ambassador Bremer on 25 September and published by the DoD, defined their role and lines of command within the CPA:

> "You are the CPA's principal representative to the local governments in [name of governorate]. You will lead a Governorate Team (GT) comprised of a CPA staff element, a military Governorate Support Team, a contracted Local Governance Team, and Iraqi advisors.
>
> "The GT will provide local governance; identify, train, and mentor local Iraqi leaders for roles within future Iraqi government; monitor local contracts and provide

---

[416] Letter Adams to Sheinwald, 9 September 2003, 'Staffing for CPA Iraq'.
[417] Contact list, 12 January 2004, 'UK Personnel Deployed (As at 30 Dec 03)'.

program management; coordinate with Coalition military and non-governmental organizations; and advise local government ministry officials …

"You will report to me through the [CPA] Director of Operations and Infrastructure for operational matters and through the [CPA] Director of Governance for political issues. You may draw on the Regional Coordinators and CPA staffs as needed for technical program and support."[418]

760. On 1 October, Sir Jeremy Greenstock commented to London that those lines of command were "complex".[419] He also confirmed that his office had agreed with CPA officials that the UK would deploy personnel into the CPA's GTs only when Sir Jeremy, the FCO and DFID were satisfied that appropriate security measures were in place. In practice, that meant that, until additional security measures were in place, all UK staff would be deployed to Wasit, Tamim and the four Governorates in CPA(South).

761. In a briefing note to all staff on the role and purpose of CPA(South), dated 12 November, Sir Hilary Synnott described the relationship between the Governorate Teams, Baghdad and CPA(South) as "complicated", though he saw "no reason why they should not become workable and mutually advantageous".[420] He added that "difficulties in the relationship between the Governorate Teams and the regional centre pale into insignificance beside those in mastering what is going on in Baghdad".

762. The UK Government has not been able to provide the Inquiry with precise figures for UK personnel deployed to the GTs. A contact list for UK personnel in Iraq on 30 December 2003 showed 48 UK personnel (including close protection teams) deployed to GTs across Iraq, 36 of them in the four southern governorates of Basra, Dhi Qar, Maysan and Muthanna, the others to Wasit and Kirkuk.[421] Figures for each Team were:

- Basra 22 (including a close protection team);
- Dhi Qar 4;
- Maysan 10 (including a close protection team and Deputy Governorate Co-ordinator, Mr Rory Stewart, who served as acting Governorate Co-ordinator between September and November);[422]
- Muthanna 1;
- Wasit 4;

---

[418] Minute Coalition Provisional Authority Baghdad, 25 September 2003, 'Letters of Authorization for Governorate Coordinators' attaching Letter Bremer, 25 September 2003, 'Governorate Coordinator Appointment'.
[419] Telegram 191 IraqRep to FCO London, 1 October 2003, 'UK Governorate Manning'.
[420] Paper Synnott, 12 November 2003, 'CPA (South): Its Role and Purpose', reproduced in Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[421] Paper [unattributed], 12 January 2004, 'UK Personnel Deployed (As at 30 Dec 03)'.
[422] Stewart R. *Occupational Hazards*. Picador, 2006.

- Kirkuk 7 (including Ms Emma Sky, who had been the senior CPA civilian in Kirkuk since June).[423]

763. The RAND history of the CPA, *Occupying Iraq,* stated that it took six months to get CPA officials into Iraq's 18 governorates and that "the small staffs were often overwhelmed by the scale of their responsibilities".[424] Teams sent weekly reports to CPA(Baghdad), but "progress (or the lack thereof) at the provincial and local level depended largely on the initiative and improvisation of individual governorate coordinators and military commanders".

764. The new FCO Iraq Directorate, which Mr Straw had agreed the previous month, was established on 16 October.[425] It was headed by Mr John Buck, reporting to Mr John Sawers, the FCO Political Director. Mr Chaplin remained "closely involved in the political process and regional aspects" as FCO Director Middle East and North Africa.

765. The Directorate comprised three units:

- the Iraq Policy Unit (IPU), headed by Mr Crompton, covering the political process, UN issues, fiscal and monetary policy, human rights, bilateral affairs and travel advice;
- the Iraq Security Sector Unit (ISSU), headed initially by Mr Robert Chatterton Dickson, to be replaced from 29 October by Ms Kate Smith, covering politico-military affairs, liaison with the MOD, reconstruction and training of the Iraqi army and police forces and co-ordination of security assessments; and
- the Iraq Operations Unit (IOU), headed by Mr Philip Parham, covering civil reconstruction, liaison with DFID, media development and deployment of and support for UK personnel in the CPA.

766. On 27 October, Sir Hilary Synnott requested a further 44 staff for CPA(South) to cover "political reporting, governance issues and CPA(S) internal support", in addition to the 37 specialist staff that he had requested at the end of August.[426] Sir Hilary reported that DFID was arranging recruitment of the 37 specialists.

767. The 14 November meeting of the ISOG was advised that the first 10 to 15 specialists of the 37 requested by Sir Hilary at the end of August, would deploy that month.[427] The "bulk" would follow in December.

---

[423] Public hearing Sky, 14 January 2011, pages 9-10.
[424] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[425] Minute Buck to All Departments, 16 October 2003, 'Creation of Iraq Directorate'.
[426] Telegram 38 Basra to FCO London, 27 October 2003, 'CPA(South): Staffing Requirements'.
[427] Minutes, 14 November 2003, Iraq Senior Officials Group meeting.

First cross-Whitehall Strategy for Iraq

768. A draft 'UK Iraq Strategy' was circulated to members of the AHMGIR for comment on 26 September.[428]

769. The final version was issued to members of the AHMGIR by the Cabinet Office on 8 October after "those Private Offices who responded indicated their Ministers' endorsement".

770. Sir Nigel Sheinwald annotated his copy: "I don't see a need for PM [Mr Blair] to see this".[429]

771. The Strategy acknowledged the CPA Strategy published in July 2003 and stated that this was a longer-term UK Strategy for Iraq that was broadly consistent with the CPA Strategy, but which set the framework for specific UK activities towards a common objective.[430]

772. The Strategy identified the UK objective as:

> "Iraq to become a stable, united and law-abiding state, within its present borders, co-operating within the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective representative government, sustainable economic growth and rising living standards to its entire people."

773. The Strategy stated that:

- Successful reconstruction required the "widest possible" international support. Getting the UN and IFIs engaged would increase the chances of securing that support.
- The US had far greater resources than the UK, but UK influence over US policy was limited and the UK's approach would be "vulnerable to shifts in US thinking".
- The UK was active at a national level, but UK assets were concentrated in the South where the UK was most exposed to the consequences of failure.
- There were few quick fixes for essential services. Improvement would require multi-year projects "even beyond the scope of the CPA if it receives US$20bn from Congress". Nevertheless, the UK needed to demonstrate some visible progress in improving living standards in order to maintain local consent. For the UK in CPA(South), that would require more funding and more skilled personnel.

---

[428] Minute Dodd to Sheinwald, 8 October 2003, 'UK Iraq Strategy' attaching Paper Cabinet Office, 7 October 2003, 'UK Iraq Strategy Paper'.
[429] Manuscript comment Sheinwald on Minute Dodd to Sheinwald, 8 October 2003, 'UK Iraq Strategy'.
[430] Paper Cabinet Office, 7 October 2003, 'UK Iraq Strategy Paper'.

774. The Strategy stated that "to help planning", Iraq's recovery should be considered in three phases: stabilisation, to December 2003; recovery, to December 2004; and normalisation, from January 2005. The Strategy defined "UK objectives" for each phase in relation to security, the political process and reconstruction.

775. The UK's over-arching reconstruction objective for the stabilisation phase (to December 2003) was that Iraq would reach pre-conflict levels of "development and order".

776. The objective for the recovery phase, to December 2004, was that Iraq would exceed pre-conflict levels of development and order, and plans would be being implemented to develop Iraq's own capacity to lead economic and physical reconstruction.

777. The objective for the normalisation phase, from January 2005, was that Iraq would be "largely self-supporting", providing its own public services and with a growing market-based economy.

778. The Strategy acknowledged that this scenario was "ambitious". Risks to progress included resistance to the Coalition and slow progress on the political process and reconstruction. A protracted occupation would be costly, increase anti-Western sentiment across the region and provide further reason for terrorist attacks in US and UK interests.

779. The UK would continue to be active in a number of areas but would, as Ministers had directed, focus its engagement on economic management, SSR and oil. An Action Plan covering the stabilisation phase was being developed.

780. On resources, the Strategy stated that the UK military occupation force would cost around £1bn in 2003/04 (and less in future years). The DFID programme for 2003/04 was £201m and was fully committed. Of the £60m provided by the Treasury in April, the FCO had been allocated £21m to cover CPA staff and security costs, and DFID had bid for the remaining £40m.[431]

781. Looking ahead, the Strategy stated that departments' bids for funding for Iraq for 2004/05 would be subject to negotiation with the Treasury. An "appropriate" level of UK contribution to reconstruction and development was being considered in the light of Iraq's needs, Iraqi and international contributions, and the UK's resource position.

782. Sir Suma Chakrabarti told the Inquiry that the UK Strategy was:

> "Very important, but quite high-flown sort of stuff and not really linked to operational detail."[432]

---

[431] The Treasury had agreed on 25 September to provide DFID with an additional £6.5m from the Reserve, but rejected its request to earmark £33.5m for anticipated future needs.
[432] Public hearing, 22 January 2010, page 4.

783. Sir Suma added that, as the UK Strategy did not satisfy DFID's need for operational detail, DFID produced its own strategy (the Interim Country Assistance Plan) at the beginning of 2004.

Lobbying for a level playing field for UK businesses

784. The UK Government continued to lobby the US and the CPA for a level playing field for UK companies bidding for CPA contracts in Iraq (see Section 10.3).

785. Trade Partners UK (TPUK), the division of British Trade International (BTI) responsible for promoting UK exports, produced an update on commercial issues on Iraq for Mr Blair on 10 October.[433]

786. TPUK advised that their strategy was:

> "… to position UK firms as best we can through the provision of information about contacts, procurements issues, etc, and to press the US authorities (and the CPA) to ensure a level playing field on which UK companies can compete."

787. In response, the US had made it clear that, while it welcomed the participation of UK companies, there was "no 'special deal'".

788. The update concluded that UK firms were doing "quite well" given that most of the work so far had been US-funded.

789. UK Government lobbying on behalf of UK business intensified in early 2004, in anticipation of the contracts that would flow from the additional funding for reconstruction requested by the CPA and against a background of growing press and Parliamentary criticism that UK companies were at a disadvantage in bidding for US-funded contracts.

Madrid Donors Conference, 23 and 24 October 2003

790. The Annotated Agenda for the 2 October meeting of the AHMGIR stated that the UK's primary objective for the Madrid Donors Conference, which would be held on 23 and 24 October, was to broaden international support for reconstruction in Iraq and secure the necessary funding for it.[434] The Conference should also:

- demonstrate international support for Iraqi proposals for political and economic progress;
- recognise the Governing Council and Ministers as the principal interlocutors for donors;
- endorse the Iraqi budget for 2004 and the priorities identified by the IFI/UN needs assessments;

---

[433] Letter Zimmer to Rycroft, 10 October 2003, 'Iraq: Update on Commercial Issues' attaching Paper TPUK, 10 October 2003, 'Iraq: Update on Commercial Issues'.
[434] Annotated Agenda, 2 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

- agree finance for Iraq's reconstruction, preferably using the Multi-Donor Trust Fund; and
- note the Paris Club process for addressing Iraq's external debt problems.

791. The Annotated Agenda stated that many donors felt excluded from the Madrid process, "disaffected by the lack of a clear political process and disinclined to pledge before it is sorted out". There were a number of issues to resolve before UK objectives could be achieved:

- clarity on financing needs;
- a clear timetable to Iraqi sovereignty;
- a clear financing mechanism;
- agreement on the role of the IAMB;
- engaging IFIs and "quality donors" to ensure reconstruction was effective;
- a more inclusive approach to managing the Conference; and
- a credible UK pledge to leverage others.

792. If the Conference did not deliver the necessary international support, the US might need to fund "the major requirements for 2004 with limited help from Coalition partners, including the UK".

793. The AHMGIR agreed that Ministers and Mr Blair should lobby their counterparts on the lines proposed.[435]

794. The AHMGIR also agreed that the CPA should be funding projects in CPA(South). UK funding was small compared with US funding, and the Reserve was already under pressure.

795. The UN and World Bank presented the main findings of their Joint Needs Assessment (JNA) to the Conference's Core Group (the United Arab Emirates, the US, the EU and Japan) on the same day.[436] The JNA estimated that Iraq's "overall stock of reconstruction needs" over the period 2004 to 2007 was US$36bn. In addition, the CPA had estimated that US$20bn was needed in critical sectors not covered by the JNA, including security and oil. Iraqi oil and tax revenues and private sector financing would reduce the need for external financing.

796. Baroness Amos wrote to Mr Boateng on 3 October, to propose that DFID could provide up to £130m from its core budget for financial years 2004/05 and 2005/06, as part of a UK pledge at Madrid.[437] That figure included £70m from DFID's contingency reserve, £50m from funds reallocated from other middle-income countries, and the existing planned provision for Iraq.

---

[435] Minutes, 2 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[436] UN, Press Release, 2 October 2003, *UN/World Bank Present Iraq Reconstruction Needs To Core Group*.
[437] Letter Amos to Boateng, 3 October 2003, 'Iraq Financing'.

797. Baroness Amos advised that this contribution reflected Iraq's needs and DFID's commitments, including its commitment to increase the proportion of bilateral spend allocated to low-income countries to 90 percent by 2005/06 and to establish a £1bn assistance programme for Africa by 2005/06.

798. Baroness Amos also advised that a "significant" amount of the pledge should be allocated to the Multi-Donor Trust Fund, which would focus on the social sectors and encourage similar contributions from other donors.

799. A Treasury official advised Mr Brown later that day that DFID could probably find £390m from its existing resources, and the Global Conflict Prevention Pool (GCPP) a further £30m, giving a UK pledge of £420m for 2004/05 and 2005/06.[438] She recommended that the Treasury push DFID hard to find more from its existing resources.

800. No.10 responded to Baroness Amos's letter to Mr Boateng on 4 October.[439] Mr Rycroft said that Mr Blair:

> "… would like the UK to play a leading role within the international community in this area. So he thinks that the UK pledge should be significantly larger than Departments appear to be contemplating, in the order of £500m. This will need to include genuinely new money, not the result of creative accounting."

801. The JNA was published on 9 October.[440]

802. The FCO reported the following day that the Core Group had agreed three objectives for the Conference:

- to endorse the priorities for reconstruction in Iraq;
- to provide a forum for donors to make pledges of assistance; and
- to agree a multilateral framework for assistance, including a Multi-Donor Trust Fund administered by the UN and World Bank, separated from but co-ordinated with the DFI.[441]

803. The 9 October meeting of the Defence and Overseas Policy (DOP) Sub-Committee of the Cabinet agreed that the UK should pledge US$900m at the Conference.[442]

---

[438] Minute Treasury [junior official] to Chancellor, 3 October 2003, 'Iraq: UK Contribution at Madrid Donors Conference'.
[439] Letter Rycroft to Malik, 4 October 2003, 'Iraq: Madrid Donors Conference'.
[440] UN/World Bank, Press Release, 9 October 2003, *Iraq: United Nations, World Bank Publish Needs Assessment.*
[441] Telegram 55 FCO London to Brussels, 3 October 2003, 'Iraq: Madrid Donors Conference'.
[442] Minutes, 9 October 2003, DOP meeting.

804. Treasury officials sent an analysis of "how we think this figure [US$900m] can be achieved from within existing resources" to Mr Brown after the DOP meeting.[443] Their analysis (which totalled £544m, some US$908m) comprised:

- £201m already committed by DFID to Iraq for 2003/04;
- £115m from DFID's contingency reserve (Departmental Unallocated Provision (DUP)) for 2004/05 and 2005/06;
- £12m from DFID's Iraq programme for 2004/05 and 2005/06;
- £50m from DFID's other programmes in middle-income countries for 2004/05 and 2005/06;
- £30m from the GCPP, comprising the existing £15m allocation for Iraq for 2003/04 and 2004/05 and a further £15m in planned allocations for 2004/05 and 2005/06;
- £7.5m from the FCO's Global Opportunities Fund, representing possible future allocations for 2004/05 and 2005/06;
- £30m from MOD allocations for Quick Impact Projects (QIPs), comprising the existing £20m allocation for 2003/04 and the estimated future allocation of £10m for 2004/05;
- £60m announced in the 9 April 2003 Budget statement for humanitarian and reconstruction activities in Iraq; and
- £38.5m as the UK's assessed share of European Commission aid to Iraq in 2003/04 and 2004/05.

805. Mr Blair and other Ministers lobbied donors, including the US, the IMF, the World Bank, and European and regional partners in the run-up to the Madrid Conference.[444]

806. The Annotated Agenda for the 16 October meeting of the AHMGIR reported that the European Commission would pledge €200m (including the UK's assessed share of £38.5m); apart from the UK, no EU Member State had yet declared a pledge.[445] Germany and France had "stonewalled" when lobbied by Mr Straw, but the UK expected significant pledges from Italy (as a Coalition partner) and Spain (as Conference hosts). Officials recommended that the UK focus its lobbying on Italy, Spain, Germany and the Gulf states, all of which might contribute substantially.

807. The Annotated Agenda also reported that IFIs and the CPA had agreed terms of reference for the IAMB, which should help preparations for Madrid.

808. In discussion, Ministers described the European Commission pledge as "shameful" and agreed that they, Mr Blair and officials should intensify their lobbying efforts.[446]

---

[443] Minute Treasury [junior officials] to Chancellor, 9 October 2003, 'Iraq: Agreeing UK Contribution at Madrid Donors Conference'.
[444] Minute Cabinet Office [junior official] to Sheinwald, 13 October 2003, 'Iraq: Senior Officials Group'.
[445] Annotated Agenda, 16 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[446] Minutes, 16 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

809. The UN Security Council adopted resolution 1511 on 16 October (see Section 9.2).[447] The resolution urged Member States and international and regional organisations to support Iraq's reconstruction, including by making substantial pledges at the Madrid Donors Conference.

810. The IAMB was formally established on 24 October.[448] It would not hold its first meeting until early December.

811. Representatives from 73 countries, 20 international organisations and 13 non-governmental organisations and associations attended the Madrid Donors Conference on 23 and 24 October.[449]

812. Donors pledged a total of between US$32.2bn and US$35.9bn, including:

- The US, the largest contributor, pledged US$18.649bn.[450]
- Japan pledged US$4.914bn, US$1.414bn on grant terms and up to US$3.5bn on concessional loan terms, with the amount dependent on security, political progress and progress on reconstruction and resolution of Iraq's debt issue.
- The World Bank pledged between US$3bn and US$5bn.
- The IMF pledged between US$2.55bn and US$4.25bn.
- Saudi Arabia and Kuwait each pledged US$500m; the UK US$452m, Italy US$236m, the European Commission US$235m, Spain US$220m, the United Arab Emirates US$215m and South Korea US$200m.
- A number of countries, including Germany, offered assistance in kind.
- France did not make a pledge.[451]

813. The recorded UK pledge of US$452m excluded the UK's allocations for humanitarian assistance, amounts that had previously been pledged, and the UK's attributed share of European Commission development expenditure.

814. The Conference noted that an International Reconstruction Fund Facility for Iraq (IRFFI) was being established, to help co-ordinate and channel funding from the international community.[452] The IRFFI would be administered by the World Bank and UN in close co-ordination with the Iraqi authorities.

---

[447] UN Security Council Resolution 1511 (2003).
[448] IAMB for Iraq, Press Release, 24 October 2003, *Establishment of International Advisory and Monitoring Board.*
[449] International Reconstruction Fund Facility for Iraq, [undated], *Conclusions by the Chair International Donors Conference for the Reconstruction of Iraq Madrid, 23-24 October 2003.*
[450] The US pledged U$20.3bn at the Conference subject to Congressional approval. The pledge was subsequently revised to US$18.649bn.
[451] International Reconstruction Fund Facility for Iraq, [undated], *International Donors' Conference for Iraq Madrid, 23-24 October 2003: Summary Table by Donor.*
[452] International Reconstruction Fund Facility for Iraq, [undated], *Conclusions by the Chair International Donors Conference for the Reconstruction of Iraq Madrid, 23-24 October 2003.*

815. The Inquiry considers and refers to the IRFFI in terms of its two component parts – the World Bank Trust Fund and the UN Trust Fund.

816. The Annotated Agenda for the 6 November meeting of the AHMGIR reported that the Conference had been "more successful than first imagined", not least because of the "political commitment" shown by the international community.[453] The JNA and increased certainty over the scale of resources available for reconstruction would enable DFID to begin drafting a Country Assistance Plan.

817. Sir Nicholas Macpherson told the Inquiry that the Conference was "probably the key milestone in financing the reconstruction effort" and had "galvanised international support for reconstruction".[454]

818. Mr Jim Drummond, DFID Director Iraq from September 2003 to December 2004,[455] identified the Conference as one of DFID's successes in the CPA period:

> "I think we [DFID] had helped to galvanise the international donor community to contribute in Madrid. I think that was quite a success. Delivering after Madrid became more of a challenge because of security, but in terms of bringing the international community back together after what had been a fairly controversial phase, then Madrid was a good point."[456]

819. Mr Drummond also told the Inquiry that the proportion of the Madrid pledges to reach Iraq "varied quite a lot from country to country. With a lot of countries finding it – because they didn't have the capacity to spend – difficult to deliver."[457]

Priorities for the last six months of Occupation

820. Section 9.2 describes:

- the growing insurgency from October 2003 in Baghdad and the Sunni Triangle; and
- the increasing US and UK concerns that Ambassador Bremer's Seven Step Plan for the restoration of Iraqi sovereignty would not lead to credible elections on the basis of a legitimate constitution sufficiently quickly to retain the consent of the Iraqi people.

821. Baroness Amos was appointed Leader of the House of Lords on 6 October. Mr Benn succeeded her as International Development Secretary.

---

[453] Annotated Agenda, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[454] Statement, 15 January 2010, page 4.
[455] Mr Drummond had previously been Assistant Head of OD Sec in the Cabinet Office.
[456] Public hearing, 17 December 2009, page 31.
[457] Public hearing, 17 December 2009, pages 33-34.

822. Sir Jeremy Greenstock reported to Mr Blair on 15 October that, in contrast to Baghdad and the Sunni Triangle:

> "… a virtuous circle seemed to be building up in the South, with locals supporting the reconstruction process and turning in to the Coalition outsiders who disrupted it."[458]

823. Sir Jeremy advised that, despite the success of British efforts in the South, the success or failure of the Coalition project would be decided in Baghdad. It was vital that the UK took a strong policy interest there. Limited UK funding (which Sir Jeremy estimated at two percent of the US contribution) curtailed UK influence.

824. Sir Jeremy reported on 24 October that Gen Sanchez had ordered a "comprehensive review of security to try to regain operational momentum".[459] Sir Jeremy commented that the review represented "a clear move from stabilisation towards counter-insurgency operations".

825. On 26 October, the al-Rashid Hotel in the Green Zone of Baghdad, used as a Coalition military base, was hit by a number of rockets.[460] The attack killed a US soldier and injured 15 other people, including a UK Treasury secondee to the CPA.

826. Mr Bearpark told the Inquiry that he viewed the attack as a turning point:

> "We [the CPA] were very, very clearly on an upward slope until then … We believed that the CPA was getting better at what it was meant to do and we were all optimistic … From [that point] onwards, then the graph just went sharply down."[461]

827. Sir Nicholas Macpherson told the Inquiry that the attack prompted the withdrawal of all Treasury officials from Iraq.[462] Some would return in January 2004, once secure accommodation had been provided.

828. A 5 November JIC assessment advised that, by attacking a wider set of targets, extremists aimed to undermine the Coalition's political objectives.[463] Those targets included international organisations:

> "Many NGOs have already withdrawn from Iraq and the International Committee of the Red Cross (ICRC), like the UN, intends to pull out most international staff. Medecins Sans Frontieres has already decided to do so and others may follow."

---

[458] Letter Cannon to Owen, 16 October 2003, 'Iraq: Sir Jeremy Greenstock's Call on the Prime Minister'.
[459] Telegram 230 IraqRep to FCO London, 24 October 2003, 'Iraq: Security Update'.
[460] *BBC News*, 26 October 2003, *US shocked at Iraq hotel attack*; Annotated Agenda, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[461] Public hearing, 6 July 2010, pages 43-44.
[462] Statement, 15 January 2010, page 6.
[463] JIC Assessment, 5 November 2003, 'Iraq Security'.

829. When Mr Blair spoke to President Bush by video conference on 6 November, he commented that the question was "how quickly could we move to elections".[464] Mr Blair thought the quicker the better, "but both the Iraqis and we needed to be able to handle it".

830. Mr Blair commented that "with progress on infrastructure etc, we were now down to a specific problem of how to deal with a small group of terrorists". Mr Blair suggested that some Sunni were "desperate to be on our side" and that infrastructure projects that would benefit the Sunni community should be completed.

831. Mr Richmond attended a meeting with Ambassador Bremer, General John Abizaid, Commander US Central Command (CENTCOM), and Gen Sanchez to discuss "Sunni strategy" the following day.[465]

832. At Ambassador Bremer's request, Mr Richmond summarised the CPA's work so far. Sunnis felt economically and politically excluded. The CPA was seeking to address this by allocating more money for job creation and quick impact projects, and by stepping up recruitment efforts for the Iraqi Civil Defence Corps (ICDC), police and army in Sunni communities. There were "no quick fixes". The CPA had to reassure Sunni communities that their interests would be safeguarded, but that was difficult without clarity on the political and constitutional process.

833. Gen Abizaid agreed that there needed to be a long-term strategy, but said that he was more concerned with "the next few weeks – how to prevent the insurgency from growing". He had met Sunni leaders in Mosul, and had come away with a clear message: "jobs and money". There also needed to be more flexibility on de-Ba'athification.

834. Gen Abizaid went on to outline the "tough" military plans to tackle the insurgency, including in Fallujah. Mr Richmond warned that any military action had to be carefully targeted; "a carrot and stick approach had to leave room for the carrot".

835. The AHMGIR agreed on 6 November that officials should continue to oppose the CPA's privatisation policy.[466]

Challenging the CPA's privatisation plans

In mid-October, the CPA shared with the UK an early draft of an Order on Iraqi Ownership Transformation, which covered the privatisation of Iraqi State-Owned Enterprises (SOEs).[467] The Inquiry has not seen a copy of that draft.

---

[464] Letter Rycroft to Adams, 6 November 2003, 'Iraq: Prime Minister's Conversation with President Bush, 6 November'.
[465] Telegram 258 IraqRep to FCO London, 9 November 2003, 'Iraq: Sunni Strategy Meeting with Bremer and Abizaid'.
[466] Minutes, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[467] Telegram 108 FCO London to IraqRep, 24 October 2003, 'Iraq: Privatisation Order'.

Mr Huw Llewellyn, an FCO Legal Counsellor, advised the IPU on 22 October that he did not consider that there was a basis either under occupation law or resolution 1483 for the proposed Order.[468]

On 24 October, the IPU instructed UK officials in Baghdad and Washington to raise the UK's concerns on the draft Order with US interlocutors.[469] The IPU advised that privatisation was "the most fundamental economic policy difference we have with the US". The UK shared the US interest in building the Iraqi private sector, "but not to the extent of supporting privatisation of Iraqi state assets by the CPA". US enthusiasm for privatisation was not shared in Iraq. The UK believed:

- There were significant risks in privatising SOEs before a functioning private sector had been established. SOEs were unlikely to flourish, the Iraqi Government was unlikely to secure a good return, and unemployment could increase.
- Economic reform on the scale proposed had to be led by a representative Iraqi Government.

The UK also had significant legal concerns about the legitimacy of the draft Order and the CPA's authority to transfer ownership of Iraq state assets.

Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq, called on Mr Tom Foley, CPA Director for Private Sector Development, on 29 October to pass on the UK's concerns.[470] Sir Jeremy reported to the FCO that Mr Foley had repeated that all privatisations would take place under a sovereign Iraqi Government. Sir Jeremy commented that Mr Foley's assurances contrasted with "other analysis" that UK officials had seen.

836. On 6 November, Congress approved the CPA's request for additional funds, allocating US$18.4bn to the Iraq Relief and Reconstruction Fund (IRRF2).[471] The funds were available for two years. Congress had allocated US$2.4bn to the Iraq Relief and Reconstruction Fund (IRRF1) in April 2003.

837. *Hard Lessons* recorded that Congress imposed greater controls on IRRF2 that it had on IRRF1.[472] Those included a requirement to provide, by 5 January 2004, a complete list of proposed projects. *Hard Lessons* highlighted the scale of the task facing the CPA:

> "The CPA now had less than two months to compile a list of projects, develop a spend plan, and build an office [the PMO] to manage … the largest foreign reconstruction program … in US history."

---

[468] Minute Llewellyn to Crompton, 22 October 2003, 'CPA Draft Order on Iraqi Ownership Transformation (Privatisation)'.
[469] Telegram 108 FCO London to IraqRep, 24 October 2003, 'Iraq: Privatisation Order'.
[470] Telegram 239 IraqRep to FCO London, 30 October 2003, 'FCO Telno 108 to IraqRep'.
[471] Emergency Wartime Supplemental Appropriations Act, 2003.
[472] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

838. By 6 November, the PMO consisted of a Director, Rear Admiral (retired) David Nash, two US Government employees and 13 contractors. Of the 100 US Government employees that Adm Nash requested, only eight arrived by January 2004.

839. Sir Nigel Sheinwald visited Iraq from 7 to 9 November.[473] He reported to Mr Blair on his return, describing two major problems in the political arena:

- the failure of the Governing Council to "get a grip" and "develop a political profile"; and
- continued CPA civilian weaknesses; strategic communications in particular remained a serious problem.

840. Sir Nigel also advised that he had "put down some markers" with Ambassador Bremer on the pace of privatisation, which Ambassador Bremer had accepted.

841. Sir Nigel separately reported that Ambassador Bremer had told him that he did not envisage any "major" privatisations under the CPA.[474]

Responding to the new, shorter timetable for the transfer of sovereignty

842. A DFID team visited Iraq at the end of October to draw up plans for short-term support for public administration and the Governing Council.[475]

843. On 15 November, the Governing Council unveiled a timetable for the transfer of power to a transitional administration by 30 June 2004, at which point the CPA would be dissolved (see Section 9.2).[476]

844. The decision to transfer sovereignty to an Iraqi government earlier than had been expected had significant implications for the reconstruction effort. The UK identified the importance of reconstruction and in particular job creation programmes, in supporting reconciliation and the political transition process.

845. *Hard Lessons* described the effect of the new timetable on the CPA's reconstruction effort:

> "Reconstruction plans that had just been devised on a two-year timetable now had to shift, and the rush began to prepare Iraq's Government to stand on its own in seven months."[477]

---

[473] Minute Sheinwald to Prime Minister, 10 November 2003, 'Visit to Iraq'.
[474] Minute Cannon to Owen, 12 November 2003, 'Iraq: Economic Issues: Sir Nigel Sheinwald's Visit to Baghdad'.
[475] Letter Malik to Rycroft, 20 October 2003, 'Iraq: Public Administration'.
[476] Minute Figgures to CDS, 16 November 2003, 'SBMR(IRAQ) Report 047 of 16 November 2003'.
[477] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

846. The two-year timetable was a reference to the period covered by IRRF2, which Congress had approved just over a week earlier.

847. Sir Hilary Synnott told the Inquiry that the whole idea of an early transfer to a transitional Iraqi Government came as a surprise to him:

> "In the middle of November, much to our surprise, and in many – well, in some senses disappointment, it was decided that the CPA should wind up at the end of June, and I was due to leave … [at] the end of January. It became clear to me a couple of months before that that the entire focus of Baghdad's attention had shifted from trying to make something work into, 'What are we going to do to run down?'"[478]

848. Mr Etherington described the effect of the decision in Wasit:

> "The November 15 agreement abruptly turned [our] plans upside down. It arrived without warning …
>
> "… We understood the political reasons behind it all, but my overwhelming feeling at the time was of professional shame. Gone were our projections about training and capacity-building, our carefully thought-through project work, and our plans to nurture each of the Councils and steadily reform the branch ministries. We would run out of time …"[479]

849. Mr Bearpark told the Inquiry:

> "… most decisions were being made by default, what was possible and what wasn't possible. But to the extent that decisions were being taken, my view was that they didn't look particularly stupid and that some of the sillier parts of these strategic visions were just being quietly forgotten about …
>
> "I don't think that the truncated timetable was an issue. I think the real issue was just that, by then, security was spiralling out of control … The only aspect where the truncation had an impact … was that it reopened the battle between the Department of Defense and the State Department, and … the final three months of the CPA's existence were just one permanent battleground as to who would handle the [US$]18.4bn, and in what way, after the CPA was abolished."[480]

850. Ambassador Bremer wrote in his memoir that he had discussed the implications of the new timetable for reconstruction with senior CPA staff on 16 November, the day after the announcement.[481] He had asked each CPA Senior Adviser to identify the most urgent tasks which had to be completed before the transfer of sovereignty, and advised them

---

[478] Public hearing, 9 December 2009, page 47.
[479] Etherington M. *Revolt of the Tigris: The Al Sadr Uprising and the Governing of Iraq*. Hurst & Company, 2006.
[480] Public hearing, 6 July 2010, pages 86-87.
[481] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

that the CPA would have to "move fast if … projects were to have a useful impact in the short time left".

851. Ambassador Bremer also wrote that, in a separate meeting on the same day, he had advised colleagues that the transfer of sovereignty meant that the CPA's work to phase out subsidies would need to slow down.

852. Maj Gen Andrew Figgures, Senior British Military Representative, Iraq, considered the effect of the decision in his 16 November weekly report to Gen Walker:

> "From a planning perspective, the acceleration of the political process has shifted the logic here from a position whereby the political process was dictated by achieving the necessary conditions (security, economy etc) to enable sovereignty transfer, to one where we will now be fighting to achieve the right conditions according to a political timetable. All lines of operation (CPA and CJTF7) will now require revision."[482]

853. Mr Jim Drummond, DFID Director Iraq, visited Iraq from 16 to 20 November.[483] He reported to Mr Chakrabarti that there were opportunities for DFID to help with budget management, the Public Distribution System (the successor to the OFF programme), statistics, the political process, donor co-ordination and public administration. On public administration, Mr Drummond advised:

> "All agree on the need to build the capacity of central Government. CPA advisers praise the competence and qualifications of individual Ministry staff, but there is a culture of central direction, outdated paper-based processes, and de-Ba'athification has left inexperienced staff in senior positions.
>
> "With the 30 June deadline looming, Bremer wants to professionalise the Civil Service fast. He is keen to have UK help."

854. Mr Drummond also reported that progress was being made with resolving the outstanding procedural issues on the World Bank and UN Trust Funds, and that he would discuss with the World Bank and UN "the prospects for spending, which will depend on [Iraqi] ministries' capacity to put forward fundable proposals".

The closure of the Oil-for-Food (OFF) programme

The OFF programme closed on 21 November, in accordance with resolution 1483.[484]

Ministers were advised that responsibility for remaining activity had passed to the CPA and the Iraqi Ministry of Trade. It was not expected that there would be a threat to food supply.

---

[482] Minute Figgures to CDS, 16 November 2003, 'SBMR(IRAQ) report 047 of 16 November 2003'.
[483] Letter Drummond to Chakrabarti, 24 November 2003, 'Visit to Iraq'.
[484] Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

855. Sir Hilary Synnott told the 25 November Iraq Strategy Group (ISG) that the compression of the political timetable "made other parts of the process, including consultation, capacity building and infrastructure development, more difficult".[485] He also advised that increased consent in the South could not be taken for granted.

856. President Bush visited the UK from 18 to 22 November.[486]

857. Before the visit, Mr Rycroft gave Mr Blair a copy of a paper by Sir Jeremy Greenstock entitled 'Iraq: Security', for discussion with President Bush (see Section 9.2).[487]

858. In the paper, Sir Jeremy argued that security must be the Coalition's highest priority until the transition.[488] He then set out a number of areas that needed to be addressed, including:

> **"Sunni strategy**
>
> - *Sunni outreach remains critical even while pursuing crackdown on FRE* [Former Regime Elements] *activities in these areas*. Civic and economic development projects must be a priority. And we must help the IGC to sell the new political process in the Sunni heartlands.
>
> **Economics**
>
> - Absolute priority must be given to job creation …
>
> **Managing the transition/drawdown**
>
> - On civilian side, *must not adopt mindset that June represents a cut off point.* Will have to stay engaged to assist the Iraqi Transitional Government find its feet. Need to start thinking now about how this should best be done."

859. Mr Blair gave President Bush a slightly revised version of the paper.[489]

860. On 19 November, the Cabinet Office informed Ministers that a combination of effective lobbying by the UK in Washington and with the CPA, and similarly strong reservations from the US Treasury, had led the CPA's plans to privatise SOEs to be "taken off the policy agenda".[490] The UK would press for similar proposals with the potential for social upheaval to be postponed beyond the formation of the transitional government.

861. Dr Rice told Sir Nigel Sheinwald on 21 November that the US was reviewing the CPA's reconstruction projects and that some aspects of economic policy, including

---

[485] Minute Fergusson to Sheinwald, 26 November 2003, 'Iraq Strategy Group'.
[486] *BBC News*, 18 November 2003, *Bush arrives for state visit*.
[487] Minute Rycroft to Prime Minister, 18 November 2003, 'Bush Visit – Private Talks'.
[488] Paper Greenstock, 18 November 2003, 'Iraq: Security'.
[489] Paper [Greenstock], 20 November 2003, 'Iraq: Security'.
[490] Minute Dodd to Owen, 19 November 2003, 'Iraq: Update for Ministers' attaching Paper Cabinet Office, 19 November 2003, 'Iraq: Update for Ministers'.

privatisation and monetising the food basket, would not be taken forward, to avoid handing the incoming transitional administration an unemployment problem.[491]

862. The Annotated Agenda for the 27 November meeting of the AHMGIR invited Ministers formally to reject the suggestion that the CPA should pursue radical economic reform.[492]

863. The AHMGIR agreed that the UK should advocate a CPA economic policy of capacity building and advice to Iraqi institutions rather than radical economic reform.[493]

864. The British Office in Baghdad offered an assessment of the state of Iraq's public administration on 4 December.[494] The "reconstruction" of Iraqi ministries appeared to be "progressing only slowly". Major problems included:

- Ministers' authority was unclear.
- Patchy de-Ba'athification had left many staff uncertain of their future and ministers uncertain of their staff's loyalty.
- Rationalisation of staffing and pay scales had been "slow to non-existent", leaving officials hanging around ministries with no real job.

865. The British Office in Baghdad commented that the new political timetable had only added to the uncertainty.

866. A second DFID team visited Iraq in early December, to develop longer-term programmes of support for public administration.[495]

867. Ambassador Bremer convened a "Commanders and Leaders" conference on 8 December, at which he instructed CPA staff "to come up with a minimum of US$500m in 'quick-dispersing projects' that we could have under way by spring".[496] There was a political imperative in implementing projects as quickly as possible, so that the Iraqi people could see progress on the ground before the transfer of sovereignty.

868. Mr Etherington, who attended the conference, recorded in his memoir that Ambassador Bremer announced that the CPA would triple spending over the next three months to create jobs and cement political engagement.[497]

869. On 13 December, US forces captured former President Saddam Hussein.[498]

---

[491] Letter Rycroft to Adams, 21 November 2003, 'Iraq: Meeting with Condi Rice, 21 November'.
[492] Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[493] Minutes, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[494] Telegram 187 Baghdad to FCO London, 4 December 2003, 'Iraq/Ministry Reconstruction'.
[495] Letter Drummond to Chakrabarti, 24 November 2003, 'Visit to Iraq'.
[496] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[497] Etherington M, *Revolt of the Tigris: The Al Sadr Uprising and the Governing of Iraq*. Hurst & Company, 2006.
[498] *BBC News*, 14 December 2003, *Bremer's statement in full.*

870. The Annotated Agenda for the 15 December meeting of the AHMGIR reported that signals from the CPA on the desired pace and scope of economic reform before transition were "mixed".[499] Some in the CPA had seen the accelerated political timetable as a reason to accelerate the pace of economic reform. The UK believed that reform over the next six months should be limited, but that did not mean inaction. The Coalition should focus on:

- building Iraqi capacity including in the budgeting system;
- encouraging the IFIs to engage; and
- preparatory work on "removing barriers and stimulating growth", including debt relief, fuel price liberalisation and SOE reform.

871. Ministers agreed that approach.[500]

872. *Hard Lessons* recorded that the CPA's progress towards free-market reforms stalled in the face of "disagreement within the Coalition's ranks", concern in the IMF and opposition from Iraqis.[501]

873. In his statement to the Inquiry, Sir Nicholas Macpherson highlighted the role that Treasury secondees to the CPA had played in successfully challenging "some proposed [CPA] policies that were not thought to be the right course of action – notably negotiating a wind-down on the policy of mass privatisation of Iraqi state assets".[502]

874. Ambassador Bremer hosted a Campaign Review meeting in Baghdad on 18 December attended by senior US and UK civilian and military representatives including Sir Jeremy Greenstock.

875. Ambassador Bremer opened the meeting by stating that the capture of Saddam Hussein provided a huge opportunity.[503] He outlined the military, political and reconstruction action that was needed to exploit it. On reconstruction, the CPA would spend US$400m over the next six months – three times the amount for the previous six-month period. Some 40 to 50 percent of that would be directed to Sunni areas.

---

[499] Annotated Agenda, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[500] Minutes, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[501] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[502] Statement, 15 January 2010, page 6.
[503] Minute MA1/DCDS(C) to D/DCDS(C), 19 December 2003, 'Record of Iraq Strategy Review Meeting – Baghdad 18 Dec 03'.

876. The Annotated Agenda for the 18 December meeting of the AHMGIR stated that the CPA was taking forward ideas for a National Reconciliation Strategy.[504] Following the capture of Saddam Hussein, this was:

> "… a determined effort by the CPA and the Iraqi Interim Administration to engage Sunni leaders, alongside establishment of targeted job creation schemes and more flexible implementation of the de-Ba'athification policy."

877. Also on 18 December, Mr James T Baker III, former US Secretary of State, and President Bush's personal envoy on Iraqi debt, called on Mr Blair as part of a series of meetings with major creditors.[505] Mr Baker told Mr Blair that the US objective was to get up to 80 percent debt reduction for Iraq, though that might be "overly optimistic". He agreed with Mr Blair's proposal that debt reduction should be handled through the Paris Club (rather than bilaterally).

878. Section 10.3 describes the UK's efforts to secure generous debt relief for Iraq through the Paris Club, based on its analysis that debt relief would:

- increase Iraq's ability to fund its own reconstruction (and hence reduce the pressure on the UK to contribute to reconstruction);
- provide a means of sharing the burden of financing Iraq's recovery (as most of Iraq's debt was owed to non-combatant countries including Russia and France); and
- clear the way for multilateral lending to Iraq.

879. DFID approved the £3m Emergency Public Administration Project (EPAP) in late December.[506] The project aimed to improve policy-making, public administration and public financial management by providing technical support to key institutions at the centre of the Iraqi Government, including the Prime Minster's Office and the Council of Ministers Secretariat (comparable to the UK Cabinet Office).[507] Technical support was provided by consultants from Adam Smith International Ltd.

880. The EPAP was the first of three DFID projects during the period covered by the Inquiry which aimed to improve Iraqi public administration.

881. Sir Jeremy Greenstock issued two reports at the turn of the year, a review of 2003 and a look ahead at the challenges for the final six months of Occupation.

---

[504] Annotated Agenda, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[505] Minute Cannon to Bowman, 18 December 2003, 'Iraqi Debt: Call on the Prime Minister by James Baker'.
[506] Paper DFID, 4 November 2009, 'Iraq – DFID Timeline and Financial Commitments: 2003-2009'.
[507] Project Completion Report DFID, September 2005, 'Emergency Public Administration Project (EPAP)'.

882. His review of 2003 assessed that the post-conflict administration had started badly, but that Ambassador Bremer had "picked it up".[508] While political violence pervaded everything, and reconciliation should have been pursued earlier:

> "… in stimulating the supply of essential services, in improving community law and order, in organising the remarkable currency exchange and in generating economic activity which is livelier than the statistics or the media show, Bremer has returned many of the components of a semi-normal life to most Iraqis. The majority can at least perceive that the opportunity to create a new life, and a new Iraq, might be worth investing in."

883. On the CPA's media effort, Sir Jeremy assessed that:

> "… the prize for CPA ineptness … has to go to the Iraqi Media Network, now re-christened Al Iraqiya. With billions to spend and the world's most powerful media industry to draw from, the CPA has … produced a mouse, then another mouse and finally, at end-year, a mouse. Subservience to Washington's … requirements and sheer dysfunctionality seem to have been the causes."

884. In his look ahead to the end of Occupation, Sir Jeremy wrote that the Coalition faced a significant challenge as it prepared to transfer sovereignty.[509] In addition to the "violent opposition" and the fragility of the political process, the principal hurdles included:

- the very slow flow of donor money, including US money, for reconstruction;
- essential utilities and services being below target, leading to a loss of support and consent for the Coalition; and
- an unemployment rate close to 50 percent.

885. Sir Jeremy concluded that the situation was "poised". To come out well, the Coalition needed "one more heavy investment of effort" in three areas: military forces; donor funding; and civilian staffing.

UK concern over the CPA's media operation

Mr Blair's concern over the performance of the CPA's media operation reached its peak at the end of 2003.

Mr Blair and President Bush spoke by video conference on 4 December 2003.[510] Mr Blair suggested that "those responsible" for slow progress on the media should be given until January to improve things. If there was no improvement, an outside media figure should

---

[508] Telegram 332 IraqRep to FCO London, 29 December 2003, 'Post-Conflict Iraq: 2003 Review'.
[509] Telegram 337 IraqRep to FCO London, 1 January 2004, 'Iraq: Six Final Months of Occupation'.
[510] Letter Cannon to Adams, 4 December 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 4 December'.

be brought in to take charge. The US would give up and hand over to the UK if this was not fixed by February.

Sir Jeremy Greenstock reported on 4 January 2003 that the CPA was making "yet another fresh start" on its media office.[511] Given those changes, there was currently no place for a senior British secondee.

Mr Blair and President Bush discussed progress on the media on 6 January.[512] Dr Rice had now taken over responsibility for Iraqi media from Secretary Rumsfeld and there was a bridging strategy to take the media through the next couple of months, while building up media capacity in Baghdad. Mr Blair regretted the low media profile of Governing Council members and Ministers, which meant that the public received information through religious and tribal leaders.

The meeting of the ISOG on the same day concluded that given the US lead in the media sector there was little scope for UK involvement.[513] The US was resisting the secondment of senior UK staff.

886. Mr Blair visited Basra to meet Coalition troops and staff in CPA(South) on 4 January. In advance of the visit, CPA(South) advised that:

> "News in the South generally good, on security, politics and economy. But no room for complacency on any of these and much remains to be done if we are to play our part in securing an effective transition."[514]

887. CPA(South) reported that delays caused by the CPA's complex contracting procedures made it harder to "secure the level of visibility" for CPA activity that the UK and Iraqis wanted. Local expectations were high and the UK, boosted by steadily increasing numbers of professional staff in CPA(South), would need to work hard to meet them.

888. Mr Blair met Ambassador Bremer in Basra.[515] Ambassador Bremer said that he had re-examined economic priorities and intended to focus on job creation and essential services, in particular electricity. The CPA already planned to deliver 6,000MW of capacity by June 2004; he wanted to deliver 7,000MW. He confirmed that he would not liberalise energy prices, monetarise the food ration (polls showed that 90 percent of the public were opposed) or privatise SOEs, other than some small-scale management buy-outs. Those would be hard decisions for the next Government to take.

---

[511] Telegram 2 IraqRep to FCO London, 4 January 2004, 'Iraq: Strategic Communications Office'.
[512] Letter Cannon to Adams, 6 January 2004, 'Iraq: Prime Minister's Video-Conference with President Bush, 6 January'.
[513] Letter Cabinet Office [junior official] to Sheinwald, 8 January 2004, 'Iraq: Senior Officials Group'.
[514] Telegram 1 CPA Basra to FCO London, 2 January 2004, 'Prime Minister's Visit to Basra: Scenesetter'.
[515] Letter Cannon to Owen, 5 January 2004, 'Iraq: Prime Minister's Meeting with Bremer, 4 January'.

889. Ambassador Bremer also said that Mr Richmond had been put in charge of the operational aspects of the CPA's "Sunni strategy". That included up to US$250m in project funding.

890. Mr Cannon's record of the meeting asked for a note for Mr Blair on how the political process would develop through the transition, how and when the UN could best be involved, and what civil and military structures the UK envisaged being in place after the June transition.

891. The Annotated Agenda for the 22 January meeting of the AHMGIR stated that the introduction of a single, more secure and more conveniently denominated currency had been completed on 15 January:

> "The exchange has been a success for Coalition economic reconstruction, and for the UK. There was significant UK input at all stages, from policy-making, to logistics and the information campaign, which underpinned a smooth process."[516]

892. On 22 January, Mr Straw's Private Secretary sent a paper to Mr Rycroft on how the political process would develop through the transition.[517] No.10 had requested the paper on 5 January.

893. The paper, entitled 'Iraq: The Next Six Months', identified four key UK objectives:

"
- a smooth transition of executive power on 1 July to a sovereign Iraqi transitional Government …
- a security agreement which allows Multinational Forces the freedom they need to operate …
- UN Security Council endorsement of the above and an expanded UN role;
- an improving economy and infrastructure that will maximise the prospects of a successful transition."

894. The paper stated that the CPA's Sunni outreach programme was gaining momentum, underpinned by job creation.

895. The paper briefly considered civilian structures after the transition. Following the "Afghanistan model", the FCO envisaged a "small but growing" UN office to co-ordinate international assistance and "underpin/lead" the constitutional process. Officials were developing costed options for British representation after transition; they anticipated the need for a large British Embassy in Baghdad and a smaller British Embassy Office in Basra, both with "significant DFID elements".

896. On economic reconstruction, the paper stated that the new timetable for the transfer of sovereignty had led to programmes with the potential for political unrest ("mass privatisation, removal of subsidies on food and energy") being dropped. The

---

[516] Annotated Agenda, 22 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[517] Letter Owen to Rycroft, 22 January 2004, 'Iraq' attaching Paper, [undated],'Iraq: The Next Six Months'.

UK's priorities over the next six months were to keep the CPA focused on job creation schemes and to build capacity in Iraqi ministries and institutions. The Treasury and DFID were providing support on budget execution and financial management.

897. The paper concluded that the UK's work in all areas "must be supported by continued progress on reconstruction". DFID were producing a paper on the links between the political process and reconstruction over the next year.

898. Mr Blair annotated the paper: "This is excellent and seems the right strategy".[518]

899. Also on 22 January, Sir Hilary offered proposals from Basra on a "post-30 June strategy" to maintain the benefits and momentum of CPA(South)'s work.[519] In his view, the priority was to manage CPA(South)'s US$212m programme of work to completion (it had never been intended to complete by 30 June), using broadly the same management structures and (predominately British) personnel. The US would need to be persuaded to continue to provide accommodation and security, and to agree to a single international "Co-ordinator" for the South, "ideally but not essentially British". The UK would need to continue to provide broadly the same level of staffing in the South.

900. A bilateral UK programme should complement rather than "diminish" that priority effort.

901. An early decision on how the UK intended to work in the South after transition would enable the UK to influence US planning. Sir Hilary warned that the US might be planning to take over CPA(South)'s existing programme of the work. The US would be unlikely to be able to find replacement staff quickly and would have no experience of operating in the South; there was therefore a risk that the "majority of effort" would fail. A clear UK proposal might head off any such planning.

902. Sir Hilary advised that he had discussed the options with Sir Michael Jay and Gen Jackson during their recent visits.

903. The DFID paper on the links between the political process and reconstruction was tabled at the 30 January meeting of the ISG.[520]

904. The paper, which drew on comments from Sir Hilary Synnott, Mr Bearpark, the FCO and the Treasury, identified three potential flashpoints:

- Unemployment. 90 percent of demonstrations were about jobs or salaries. Estimates of unemployment ranged from 20 to 50 percent. Structural problems

---

[518] Manuscript comment Blair on Paper, [undated],'Iraq: The Next Six Months'.
[519] Telegram 9 CPA(South) to FCO London, 22 January 2004, 'South Iraq after 30 June'.
[520] Letter Drummond to Dodd, 29 January 2004, 'Iraq: Reconstruction and the Political Process' attaching Paper DFID, 'Iraq: Reconstruction and the Political Process'; Minute Dodd to Sheinwald, 2 February 2004, 'Iraq Strategy Group'.

meant it would be difficult to increase employment significantly by the end of the year, but donors and the CPA should:

a. maximise use of local labour, as already stipulated in US reconstruction contracts; DFID would aim to do the same;
b. provide finance for small business;
c. fund employment creation schemes; USAID programmes should be targeted at "higher risk" locations; DFID would consider options for the south with CPA (South) in February;
d. ensure pension payments were up to date.

- Disruption to the supply of cheap (subsidised) fuel.
- Electricity supply. Demand was estimated at 5,700MW and rising rapidly, supply at about 4,000MW. It was likely the US would not meet its target of 6,000MW by June 2004. Outside the South there was little the UK could do to help. In the South, the Essential Services Plan would help to ensure demand was met. The priority should be to implement US-funded programmes and encourage Japanese investment in the power sector, recognising that little would be delivered by the middle of 2004. DFID would consider in February whether further UK investment was needed in the South.

905. The paper proposed that, in the run-up to transition, the UK should give priority to improving Iraqi economic policy making, preparing Iraqi ministries for the decisions they would need to make on subsidies and state-owned enterprises, and determining the structure that would succeed the CPA. It warned that the UK should be prepared for three or four months of Iraqi Government inaction after 30 June, which might produce rising levels of discontent.

906. The paper was endorsed by the ISG.[521]

DFID's Interim Country Assistance Plan

907. DFID circulated a first draft of its Interim Country Assistance Plan (I-CAP) for Iraq to members of ISOG for comment on 19 December 2003.[522]

908. A "final draft" was discussed at the 20 January 2004 meeting of ISOG, before being submitted to the 22 January meeting of the AHMGIR.[523] At the ISOG meeting, an FCO official expressed concern about the apparent exclusion of Kurdish areas from DFID's plans.

909. ISOG agreed that, on the assumption that the AHMGIR agreed to the publication of the I-CAP, the FCO and the Cabinet Office would "help sanitise the paper".

---

[521] Minute Dodd to Sheinwald, 2 February 2004, 'Iraq Strategy Group'.
[522] Letter Drummond to Bowen, 19 December 2004, 'Iraq: DFID Country Assistance Plan'.
[523] Minute Dodd to Buck, 21 January 2004, 'Iraq: Senior Officials Group'.

910. Before the AHMGIR meeting, Mr Drummond advised Mr Benn that discussion at ISOG had focused on concerns about benefits for communities outside the "Shia South" and cautiousness about DFID's intention to publish the I-CAP.[524] MOD officials had endorsed the draft I-CAP "but for the wrong reasons".

911. Mr Drummond suggested that at the AHMGIR meeting, Mr Benn should highlight the need for DFID to focus its effort:

> "We have listened and as a result of consultation are willing to engage in oil sector governance to help ensure transparency in the use of oil revenues. But we will lose effectiveness if we spread ourselves too thinly. Our poverty agenda directs us to the South. Other communities can benefit through [the UN and World Bank Trust Funds] … and the political and NGO funds."

912. Mr Hoon's briefing for the AHMGIR meeting recommended that he should endorse DFID's draft I-CAP.[525] Because of DFID's focus on poverty reduction, the draft I-CAP was heavily directed towards the South: "This is welcome in terms of the additional force protection benefits for UK military, although they [DFID] may not thank us for pointing this out."

913. The draft I-CAP defined the UK's "development goal" as "an inclusive, Iraqi led reconstruction process that brings sustained benefits to all citizens, particularly the poor and vulnerable".[526] It set out three "strategic objectives":

- to promote rapid, sustainable and equitable economic growth;
- to encourage effective and accountable governance; and
- to promote social and political cohesion and stability.

914. To achieve those objectives, DFID would work at three levels:

- internationally, to improve the effectiveness of aid, including by disbursing a "significant amount" through the UN and World Bank Trust Funds and encouraging others to do the same, and by helping multilateral organisations, including the IMF and World Bank, to engage;
- nationally, to support policies and reforms which benefited the poor, promoted economic reform, strengthened public administration capacity and justice, and promoted social cohesion and stability; and
- in southern Iraq, to help reduce poverty and restore the South's links with the centre so that it could benefit from national programmes; this would include work on infrastructure and job creation, regional media and political participation.

---

[524] Minute Drummond to Malik, 21 January 2004, 'Iraq: Ministerial'.
[525] Minute [MOD junior official] to APS/Secretary of State [MOD], 21 January 2004, 'Ad Hoc Ministerial Group on Iraq Rehabilitation: 22 January meeting'.
[526] Paper DFID, [undated], 'Iraq: Interim Country Assistance Plan'.

915. The draft I-CAP stated that the UK had pledged £544m at the Madrid Donors Conference. Channelling DFID resources through the World Bank and UN Trust Funds, which had proved effective in Afghanistan, should reduce administrative costs and promote donor co-ordination. The (unspecified) "remainder" of DFID's funds would be used for bilateral programmes.

916. The I-CAP re-stated DFID guidance that progress against a CAP should be assessed annually, and that a CAP should be subject to a "major review" every three or four years. It also stated that, given the rapidly changing situation in Iraq, it would need a "substantial" review after one year.

917. The draft I-CAP did not offer an annual budget for DFID's Iraq programme, for the three strategic objectives, or for the three levels of activity.

918. The I-CAP was published in February.[527] Three changes had been made from the final draft submitted to the 22 January meeting of the AHMGIR:

- Risks were recast as assumptions. For example, the risk that the security situation would not improve become an assumption that it would.
- The section on security included the statement that there were signs that security was improving.
- The section on lessons no longer included the caveat that DFID's knowledge of Iraq was limited.

919. Sir Hilary Synnott's posting as Head of CPA(South) ended at the end of January 2004. He was succeeded by Mr Patrick Nixon, former British Ambassador in Abu Dhabi.

920. Sir Hilary sent his valedictory telegram to the FCO on 26 January.[528] His comments on the political process and overall progress in Iraq are described in Section 9.2.
Sir Hilary also reflected on the state of CPA(South) when he arrived in July 2003, and his efforts to secure additional staff and resources:

> "The UK's pre-planning fell short of making practical dispositions, and political direction of resources was complicated by deep differences at Cabinet level.
>
> …
>
> "We borrowed computers from the Americans and scrounged Kuwaiti mobiles from where we could. None were available through the FCO. DFID were generous with sat phones and laptops to their contracted staff … London asked for frequent reporting. I sent it over an unclassified and temperamental Yahoo link … All this was several months after the end of the conflict and remained like this for several months more …

---

[527] Department for International Development, *Iraq: Interim Country Assistance Plan*, February 2004.
[528] Telegram 10 Basra to FCO London, 26 January 2004, 'Basra Valedictory'.

> "A bid for 37 additional and expert staff … was endorsed by Ministers immediately … but staff on the ground were saddened by the absence of replacements for staff whose contracts expired after three or six months, and because by early January, 18 of the 37 new staff had still not arrived.
>
> "It was fortunate that both the Danish and Italian Governments chose the South in which to concentrate their contributions to the Coalition's efforts. For some months we had more officials here from these countries – 13 each – than from the UK."

921. Sir Hilary commented on his request for 37 additional staff in his evidence to the Inquiry:

> "I was sent the record of the Ad Hoc Ministerial Committee [of 28 August] … and it was recorded there that Synnott should be provided with everything he thought was necessary. That, to my mind, clearly came from Number 10 … The difficulty, however, was turning that political imperative into reality.
>
> "To me, there was a distinct absence of machinery to make things happen, the translation from policy to practice. Otherwise it became hope."[529]

922. The deployment of UK civilian personnel is considered in more detail in Section 15.1.

923. Sir Hilary paid a farewell call on Mr Straw on 11 February.[530] Sir Hilary told Mr Straw that he had been frustrated at the length of time it had taken the FCO to deploy people and provide secure communications. The FCO's response had compared unfavourably with that of other departments.

924. The FCO's response to that criticism is described in Section 15.1.

925. Sir Hilary described progress on the Essential Services Plan (which had been agreed in September) in his memoir:

> "The [Plan] become one of the highlights of the Coalition's reconstruction activity in the South. Its concentration on small-scale projects rendered it doable and allowed for flexibility if obstacles should arise, which of course they did. It proved feasible to proceed with and protect small projects, even in a deteriorating security environment. And, since local people could readily see that they would benefit from the projects' completion, they actively helped maintain security …"[531]

---

[529] Public hearing, 9 December 2009, pages 15 and 45.
[530] Minute Owen to PS/PUS [FCO], 12 February 2004, 'FCO Response to Iraq'.
[531] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.

926. Sir Hilary contrasted progress on the Essential Services Plan with progress on larger infrastructure projects:

> "By January … the deteriorating security environment and the prospect that the CPA would be wound up in less than six months had all but destroyed the momentum of the bigger, Baghdad-led projects."

Lobbying for US reconstruction contracts

UK Government lobbying on behalf of UK business intensified in early 2004, in anticipation of the US contracts that would be funded from the US$18.4bn Iraq Relief and Reconstruction Fund (IRRF2) and against a background of growing press and Parliamentary criticism that UK companies were at a disadvantage in bidding for US-funded contracts. Section 10.3 describes the UK Government's support for UK business in detail.

The 20 January 2004 meeting of the ISOG concluded that the UK needed a "proper campaign plan" involving Ministers and the British Embassy Washington, targeting the next tranche of US-funded contracts that would be awarded by the US Program Management Office (PMO) in March.[532]

UK Trade and Investment (UKTI) submitted a paper on UK access to US-funded reconstruction contracts to the 22 January meeting of the AHMGIR.[533] UKTI assessed that UK companies had good access to most US-funded contracts, but had achieved only limited success so far. The recent award of two US-funded oil contracts to US companies (bids with significant UK components had not been successful, despite lobbying by Ministers) suggested that the UK needed to take a "stronger and more active political line" in Washington to lobby for UK commercial interests.

Mr Mike O'Brien, FCO Parliamentary Under Secretary of State circulated a core script for a lobbying campaign targeting the US to Mr Straw, Ms Hewitt, Mr Boateng, Mr Benn and senior officials on 9 February.[534] The core script highlighted the strengths of UK industry and expressed the hope that UK companies would be given the opportunity to display those strengths in the reconstruction process.

In his covering note, Mr O'Brien stated that UK companies assessed that US procurement procedures were "essentially fair", were not critical of the UK Government's support, but were convinced that there was now a window of opportunity to press the US. Mr O'Brien stated that all Ministers needed to ensure that the US was "in no doubt about the political importance we attach to UK firms being seen to contribute actively to the reconstruction process".

Mr Straw wrote to US Secretary of State Colin Powell on 17 February, expressing the UK's disappointment that UK companies had not secured either of the oil infrastructure rehabilitation contracts, expressing the UK's hope that UK companies would play a

---

[532] Record, 20 January 2004, Iraq Senior Officials Group meeting.
[533] Annotated Agenda, 21 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper UKTI, 20 January 2004, 'Access to US-funded Reconstruction Contracts'.
[534] Minute O'Brien to Foreign Secretary, 9 February 2004, [untitled] attaching Briefing, [undated], 'UK Bids for CPA Program Management Office Prime Contracts'.

significant role in Iraq's reconstruction, and highlighting in general terms the capability of UK companies.[535]

Sir Nigel Sheinwald wrote to Dr Rice on 19 February, in similar terms.[536]

Mr Blair wrote to President Bush on 5 March, identifying some of the UK companies bidding for PMO contracts and highlighting in general terms the expertise of UK companies.[537]

The Annotated Agenda for the 18 March meeting of the AHMGIR reported that following a campaign of high-level lobbying, UK companies had "achieved success" in the latest round of US reconstruction contracting.[538] Three project management contracts, with a total value of up to US$80m, had been awarded to consortia with significant UK components and two design and build construction contracts, with a total value of up to US$1.1bn, had been awarded to consortia with significant UK components. It was not possible at this stage to calculate the exact value to UK companies of those contracts.

Ministers were advised on 2 April that consortia with significant UK components had secured three further design and build contracts, with a total value of US$1.6bn.[539]

927. The FCO sent No.10 an update on efforts to improve the CPA's media operation and the Iraqi Media Network (recently re-branded as Al Iraqiya) on 11 February.[540]

928. The FCO advised that the CPA still lacked a fully developed, overarching communications strategy but did have strategies for specific areas of activity including the political process. Mr Rob Tappan had been brought in from the US State Department to try to develop an overarching communications strategy and a further 30 US staff would arrive shortly, bringing the CPA's Strategic Communications team to around 100. However, little thought had been given to whether these additions were necessary or even desirable: "Manpower is flowing without a clear plan to harness it."

929. There were four UK press officers in CPA(Baghdad), two in CPA(South), and one each in Basra, Wasit and Kirkuk. The US had not responded to the UK's offer of a senior UK press officer.

930. The FCO concluded:

> "IraqRep [Sir Jeremy Greenstock] advises that we will not achieve anything by adding further UK press officers to an already overpopulated, and undermanaged, operation. Nor does IraqRep believe there is any mileage in trying again to insert a senior British communications expert into the [CPA's] Strategic Communications team: this is Tappan's role and the Americans are likely to resist UK involvement in this area, which they see more and more narrowly in terms of US image and

[535] Letter Straw to Powell, 17 February 2004, [untitled].
[536] Letter Sheinwald to Rice, 19 February 2004, 'Iraq: Contracts'.
[537] Letter Blair to Bush, 5 March 2004, [untitled].
[538] Annotated Agenda, 17 March 2004, Cabinet Ad Hoc Group on Iraq Rehabilitation meeting.
[539] Letter Dodd to Owen, 2 April 2004, 'Iraq: Update' attaching Paper Cabinet Office, 2 April 2004, 'Iraq: Update'.
[540] Letter Owen to Cannon, 11 February 2004, 'Iraq: Media and Communications'.

domestic electoral politics. Despite Bush's throw away line to the Prime Minister in December (that he would hand over the communications operation to us if it had not been sorted out by now), Condi Rice will not admit failure; Bremer would resist strongly; and Bush will not in fact hand us a baton which could be of such political importance to him.

"So we must make the best of a bad job. The work our press officers are doing on the development and implementation of the different [CPA] sectoral strategies, and our assistance to IMN [Iraqi Media Network/Al Iraqiya], are the most valuable contributions we can make."

931. The FCO paper was passed to Mr Blair on 12 February, under a covering note from Mr Cannon.[541] Mr Cannon commented:

"… our resources cannot match those of the Americans. Things at last seem to be moving in the right direction … So we recommend that we continue to support the US effort rather than taking over full responsibility for the media strategy. Do you agree?"

932. Mr Blair commented on this recommendation: "Yes but at the end of Feb I want an update and if necessary, will move in."[542]

933. The FCO provided No.10 with a further update on efforts to improve the CPA's media operation and Al Iraqiya on 1 March.[543] The CPA now had a tighter grip, and was undertaking more strategic planning. The FCO concluded:

"There remains a lot of ground to make up, and the focus is still heavily on the domestic US audience. But things are moving in the right direction, and more systemic thought is being given to the Iraqi audience."

934. Mr Cannon wrote to the FCO on 10 March:

"As you know, the Prime Minister wants to improve the presentation of Iraq policy in the UK and international media. He would like us to work for more broad and positive coverage of Iraq …"[544]

Mr Cannon listed a number of actions to improve the presentation of Iraq policy, and reported that Mr Blair considered that it could best be delivered by a short-term strengthening of the No.10 Press Office.

935. Mr Cannon's letter did not respond to the issues raised in the FCO's 1 March update regarding the CPA's media and communications effort.

---

[541] Minute Cannon to Blair, 12 February 2004, 'Iraq: Media and Communications'.
[542] Manuscript comment Blair to Cannon on Minute Cannon to Blair, 12 February 2004, 'Iraq: Media and Communications'.
[543] Letter Owen to Cannon, 1 March 2004, 'Iraq: Media and Communication'.
[544] Letter Cannon to Owen, 10 March 2004, 'Iraq: Media and Communications'.

Planning and preparing for the transfer of sovereignty

936. The 12 February meeting of the AHMGIR considered an FCO paper entitled 'UK Representation in Iraq Post-Transition'.[545]

937. In the paper, the FCO set out proposals for an Embassy in Baghdad, a Consulate General in Basra and a representative in the North.[546] The FCO also suggested that the UK needed to consider how international assistance in the South should be co-ordinated after CPA(South) closed on 30 June.

938. The AHMGIR agreed the shape of British representation and tasked officials to consider the practicalities, and requested a paper on co-ordination of the international effort in the South, for discussion at its next meeting.

939. Sir Hilary Synnott paid a farewell call on Mr Blair on 17 February.[547] Sir Hilary told Mr Blair that reconstruction was the key to maintaining consent in the South. Reconstruction projects had a long lead-time but were now kicking in. Political transition and the dismantling of CPA(South) could lead to a loss of momentum and civil unrest. Sir Hilary's particular worry was the portfolio of projects conceived and initiated by the UK but funded by the US. Those could suffer if the US focused on new projects and DFID on UK-funded projects. He hoped there would still be a "locally co-ordinated (and ideally UK-led) international effort" in the South. Mr Blair agreed on the need to maintain momentum on reconstruction.

940. Sir Hilary told the Inquiry that Mr Blair's response to his concerns had been "non-committal".[548]

941. Mr Blair told the Inquiry that, although anxiety and concern were occasionally flagged up very strongly in Sir Hilary's reports from Basra, when Sir Hilary left Iraq he was, on balance, optimistic rather than pessimistic.[549]

942. Sir Hilary's response to Mr Blair's assessment is described later in this Section.

943. Mr Nixon offered his first impressions from Basra on 24 February (after some three weeks in post as Head of CPA(South)).[550] He described himself as "guardedly optimistic". Economic activity was increasing and there was an air of excitement around the political process.

944. CPA(South) now had "almost a full house of specialist experts" and was working closely with MND(SE). By the end of February, CPA(South) would have committed US$280m to more than 1,300 projects designed to create jobs, make a quick and visible

---

[545] Minutes, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[546] Paper FCO, [undated], 'Future UK Representation in Iraq'.
[547] Letter Cannon to Owen, 17 February 2004, 'Iraq: Sir Hilary Synnott'.
[548] Letter Synnott to Aldred, 24 January 2011, [untitled].
[549] Public hearing, 21 January 2011, page 135.
[550] Telegram 19 CPA Basra to FCO London, 24 February 2004, 'First Impressions from Basra'.

impact and be completed by 30 June. Even with more funds and more staff, CPA(South) could not complete many more.

945. CPA(South) was focusing on:

- completing its own portfolio of projects;
- advising and supporting (when requested) new programmes funded by other donors including the PMO (which had earmarked US$2.9bn for the South) and Japan (which had earmarked US$1.5bn for the South);
- easing the return of the UN and other donors to the South; and
- strengthening the capacity of the Iraqi Government.

946. Mr Nixon stated that it was essential that some CPA(South) experts stayed through the transition, to continue that work.

947. The report was passed to Mr Blair on 24 February.[551]

UK contributions to the World Bank and UN Trust Funds

DFID contributed £65m (later increased to £70m) to the World Bank and UN Trust Funds at the end of February.

International donors met in the United Arab Emirates from 28 to 29 February for the first International Reconstruction Financing Facility for Iraq (IRFFI) Donor Committee Meeting.[552] One objective of the meeting was to agree contributions to the World Bank and UN Trust Funds, within the pledges announced at the Madrid Donors Conference in October 2003.

At the meeting, donors committed approximately US$1bn to the two Funds, with the largest contributions from Japan (US$500m) and the EU (US$190m).[553] DFID committed £65m (US$120); it did not specify how that contribution was to be allocated between the World Bank and UN Funds.

On 12 March, Mr Drummond sought Mr Benn's agreement to increase that contribution to £70m.[554] Mr Drummond advised that the original contribution of £65m represented the balance of funds that DFID had available for Iraq as the end of the UK financial year 2003/04 approached. It was now clear that a further £5m was available.

Mr Drummond advised that the UK's contribution should be transferred to the Trust Funds by the end of March:

> "We cannot be certain how long it will take to disburse money from the Trust Funds, but both the [World] Bank and the UN need money up front before they can start programmes. Considering the security constraints both the World Bank and the

[551] Manuscript comment Rycroft on Telegram 19 CPA Basra to FCO London, 24 February 2004, 'First Impressions from Basra'.
[552] International Reconstruction Fund Facility for Iraq, 29 February 2004, *Chair's Statement for the Abu Dhabi Donor Committee Meeting of the International Reconstruction Fund Facility for Iraq (IRFFI) February 29, 2004.*
[553] Minute Drummond to Malik, 12 March 2004, 'International Reconstruction Financing Facility For Iraq (IRFFI)'.
[554] Minute Drummond to Malik, 12 March 2004, 'International Reconstruction Financing Facility For Iraq (IRFFI)'.

> UN have moved fast to design programmes … Although other donors have committed money, little has been paid in. We ought to show leadership by putting our money in soon."
>
> The UK transferred £40m to the World Bank Trust Fund and £30m to the UN Trust Fund at the end of March.[555]

948. The Annotated Agenda for the 1 March meeting of the AHMGIR stated that modified versions of the Development Fund for Iraq (DFI) and International Advisory and Monitoring Board (IAMB) should be retained after the transition, in order to "ensure accountability and transparency".[556] Otherwise, there was a substantial risk of mismanagement of oil revenues. The arrangement could also ensure that Iraqi assets remained immune from claims. The US supported the idea of a modified DFI.

949. Such an arrangement might be seen in Iraq as a constraint on sovereignty, but conversely many Iraqis might welcome arrangements which enhanced transparency and restricted the ability of transitional Ministers to mismanage oil revenues.

950. The Annotated Agenda also stated that the DFI currently held US$8.8bn and paid for 95 percent of the Iraqi budget. In addition, "substantial DFI funds had been spent off-budget on the approval of the CPA with intermittent Iraqi representation".

951. The Annotated Agenda did not contain any further detail on the "off-budget" disbursement of DFI funds.

952. The AHMGIR agreed that the UK should press for the establishment of transparent and accountable arrangements for the management of oil and other Iraqi revenues through the transition period.[557]

953. Sir Jon Cunliffe told the Inquiry that, although the US and the CPA were "very resistant to external monitoring and external accountability" undertaken by the IAMB:

> "When the Iraqi Government itself arrived, I think both Occupying Powers decided there was joint interest in having transparency, accountability and control [over oil revenues] and, indeed, I think that the US were with us in pushing for the interim Iraqi Government to take on the DFI with all of its monitoring machinery."[558]

954. Section 10.3 describes the operation of the DFI, and considers the UK's scrutiny of disbursements from the DFI.

955. The Transitional Administrative Law (TAL), which defined the transition to a fully sovereign Iraqi Interim Government (IIG) by 30 June 2004 and an Iraqi Transitional

---

[555] Paper DFID, 4 November 2009, 'Iraq – DFID Timeline and Financial Commitments: 2003-2009'.
[556] Annotated Agenda, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[557] Minutes, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[558] Public hearing, 9 July 2010, pages 38 and 39.

Government (ITG) by 31 January 2005, was agreed by Governing Council on 1 March (see Section 9.2).

956. The 8 March meeting of the ISOG was advised that the UK civilian presence in Basra after the transition could not yet be defined, pending PMO decisions.[559]

957. The ISOG was also advised that the UK was opposed to US plans for a "Transition Board", reporting to the US Ambassador, to co-ordinate international advisers in Iraqi ministries after the transition. More broadly, the UK was against any "US-led post-Occupation structures whether they be in the political, security or development fields, whatever the extent of de facto US influence".

958. Sir Jeremy Greenstock called on Mr Blair on 11 March.[560] Sir Jeremy reported that the flow of US funds remained slow, even to the security forces. In the electricity sector, the gap between supply and demand would widen over the summer. Economic progress in poorer districts remained slow and unemployment was high. The South, starting from a lower baseline, was "more contented", but managing expectations was crucial.

959. Sir Jeremy thought that presentation of policy to Iraqis had improved, although much ground had been lost to Al Arabiya and Al Jazeera. CPA communications remained fixated on the US audience.

UK Transition Plan for Iraq

960. The 12 March meeting of the ISG discussed a draft Transition Plan for Iraq produced by the FCO.[561] The ISG concluded that:

> "One of our main concerns was what the CPA would turn into. A gap in programmes between the end of CPA and the formation of the interim Government would cause problems, not least for security. Continuity was therefore essential and capacity needed to be maintained. The answer was for [international] advisers to shift into [Iraqi] ministries …"

961. The 18 March meeting of the AHMGIR considered a revised version of the Transition Plan.[562]

962. The Plan stated that the transition had to be seen as a clear transfer of power, although the new Iraqi Government would still need wide-ranging assistance. Issues included:

- Establishing a transparent and robust framework for managing Iraqi funds (including oil revenues). The CPA was drafting an organic Budget Law, which UK officials were lobbying to improve. Higher than expected oil revenues

[559] Minute Dodd to Crompton, 8 March 2004, 'Iraq: Senior Officials Meeting'.
[560] Letter Cannon to Owen, 11 March 2004, 'Iraq: Sir Jeremy Greenstock's Call on the Prime Minister'.
[561] Minute Dodd to Sheinwald, 15 March 2003, 'Iraq Strategy Group'.
[562] Annotated Agenda, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper FCO, 17 March 2004, 'Iraq: Transition Plan'.

meant restrictions on funds reaching ministries would be the result of "imperfect procedures" rather than lack of money.

- Supporting Iraqi ministries. The US/CPA was still considering the form and extent of its support after 30 June. DFID programmes to build the capacity of the Ministries of Finance, Planning, and Municipalities and Public Works had begun. DFID might retain "a few" of the current CPA advisers in Baghdad, but most would be withdrawn by 30 June.
- CPA(South) transition. DFID would maintain a Development Section in the British Embassy Office Basra and a team of consultants working with the four southern governorates. A visit by DFID officials later in the month would:
  - develop recommendations for DFID staffing in the British Embassy Office Basra;
  - agree with the PMO any requirements for support from CPA(South) infrastructure specialists; and
  - assess whether any other CPA(South) staff should be retained, and if so in what organisation.

963. The Annotated Agenda for the AHMGIR meeting reported that the CPA envisaged that international advisers would become part of a new agency, run by a US national and reporting jointly to the Iraqi Prime Minister and the US Ambassador.[563] The US saw this as a way of retaining US control after the transition. The UK would continue to argue against this; the Coalition needed to establish Iraqi authority and be seen to do so.

964. The AHMGIR agreed the Transition Plan but asked for a Transition Plan for the South, identifying where the UK needed to lobby the US.[564]

965. Mr Benn visited Baghdad and Basra from 22 to 23 March.[565] He reported to Mr Blair:

> "There is steady progress, but the challenges remain immense …
>
> "The economy is picking up well. Reconstruction is starting to produce visible results …
>
> "Success is bringing new challenges. Maintaining infrastructure will require difficult political decisions for the new Government such as charging more for electricity and fuel. Donor money may add to inflationary pressures … I encouraged Bremer to promote transparency in the use of the oil revenues after 30 June. We need the IMF and World Bank to be fully involved in this, and other economic management issues, as soon as possible."

---

[563] Annotated Agenda, 17 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[564] Minutes, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[565] Letter Benn to Blair, 24 March 2004, [untitled].

966. Mr Benn also reported that there were tensions within the US system over how much control they should try to retain after transition.

967. Mr Drummond, who accompanied Mr Benn, produced a separate report for DFID colleagues only.[566] He reported that:

- Ambassador Bremer had not seen how, politically, the Coalition could retain control over Iraq's oil revenues after transition. The Ambassador had agreed with Mr Benn on the importance of managing those revenues transparently.
- Interlocutors in the Ministries of Finance, Development Co-operation and Industries had all favoured bilateral projects over the World Bank and UN Trust Funds, because of the high UN administration fee and the lack of UN and World Bank presence in Baghdad. Mr Benn and Mr Drummond had set out the merits of the Trust Funds, including low transaction costs.
- On the future of CPA(South), Mr Benn and Mr Drummond had been "pressed on the need for some continuity on the handover of authority, both by CPA(South) staff and Adm Nash. We said that from 1 July things had to be different with the Iraqis in the lead supported by well-targeted advice; the big money for reconstruction would come from the [US] Supplemental, the Japanese and the Trust Funds."
- Mr Benn and Mr Drummond had also been lobbied by MND(SE) on funding for QIPs. MND(SE) had said that their budget for QIPs would be almost exhausted by 30 June, but UK forces could still play a valuable role after transition. Mr Drummond reported: "We made no commitment … It may be that MOD can resource this from elsewhere. QIPs are not high on my list of priorities."

Basra International Airport

Ministers first considered reopening Basra International Airport (BIA) to commercial traffic in December 2003.[567] In a joint paper, the Cabinet Office and IPU advised that reopening the airport would signal a return to normality and help stimulate reconstruction. The threat to aviation in Iraq was severe, however, and as an Occupying Power the UK would have overall liability for commercial flights.

Ministers agreed in January 2004 that BIA should not be reopened to commercial flights before there was an Iraqi Government in place (at the end of June 2004), at which time the decision (and direct liability) would be theirs.[568]

Ministers revisited the question in April 2004, following a CPA request that CPA-chartered cargo and passenger aircraft should be allowed to use BIA, and agreed that CPA-

[566] Minute Drummond to DFID [junior official], 24 March 2004, 'Iraq Visit'.
[567] Letter Dodd to Owen, 23 December 2003, 'Iraq: Basra Airport' attaching Paper Cabinet Office/IPU, 23 December 2004, 'Iraq: Commercial Passenger Flights into Basra Airport'.
[568] Letter Dodd to Owen, 2 April 2004, 'Iraq: Opening of Basra Airport to Commercial Traffic' attaching Paper IPU/Cabinet Office, 2 April 2004, 'Iraq: Opening of Basra Airport to Commercial Traffic'.

chartered cargo flights but not passenger flights should be allowed to use BIA (as the liability arising from passenger flights was so much greater).[569]

Ministers also agreed that UK forces should continue to provide air traffic control and other services to cargo flights after the transition, when in direct support of reconstruction and humanitarian activities.

BIA reopened to commercial flights on 1 January 2005, following the agreement of a Memorandum of Understanding between the UK and Iraqi Governments indemnifying the UK Government and its agents against all claims arising from the provision of services by UK personnel at BIA (see Section 10.2).

968. Section 9.2 describes the deterioration in the security situation in Iraq from late March, as the Coalition faced Muqtada al-Sadr's Shia militia, Sunni insurgents in Fallujah and a growing threat from Al Qaida.

969. Sir Jeremy Greenstock concluded his six-month tour in Iraq at the end of March and was succeeded by Mr David Richmond. Sir Jeremy's valedictory telegram assessed that the Coalition might not deserve the "fragile state of semi-progress" in Iraq:

> "The preparations for the post-conflict stage were abject; wrong analysis, wrong people … And the volume of resources required on the ground, especially in military terms, was and continues to be misjudged."[570]

970. Sir Jeremy listed the Coalition's major failings, including "complacency and constant overselling of the true picture".

971. In early April, US forces began operations in Fallujah. Section 9.2 describes UK concerns about the operation and its effect on Sunni opinion.

972. On 7 April, Mr Blair received an (unattributed) report on media and communications in Iraq.[571] It assessed that the Iraqi media was "free, but also chaotic": 190 newspapers, 25 TV stations and 70 radio broadcasters operated with almost no regulation. Where satellite television was available, Iraqi citizens preferred it to terrestrial television or the print media; where it was not, Al Iraqiya dominated. The major satellite channels were Al Arabiya and Al Jazeera. Although Al Iraqiya was improving, "the abiding impression is too little, too late". It could not hope to rival regional satellite channels in the near future, but in the long term had the potential to become a credible public service broadcaster. Rumour and word of mouth remained disproportionately powerful.

973. Mr Blair commented: "This is simply inadequate. We must grip this."[572]

---

[569] Letter Cabinet Office [junior official] to Owen, 9 August 2004, 'Iraq: Basra Airport'.
[570] Telegram 109 IraqRep to FCO London, 26 March 2004, 'Iraq Valedictory: Six Months in the Cauldron'.
[571] Report, [undated], 'Iraqi Media: Snapshot'.
[572] Manuscript comment Blair on Report, [undated], 'Iraqi Media: Snapshot'.

974. On 8 April, the FCO tightened their travel advice, to read: "Even the most essential travel to Iraq should be delayed, if possible."[573] Companies involved in reconstruction were encouraged to "ensure that they have made the appropriate security arrangements".

975. On 14 April, the UK company Foster Wheeler Energy Ltd, which had been contracted by the PMO to provide oil and gas project management services in Iraq, informed the PMO that it intended to postpone the deployment of its staff to Iraq, citing the 8 April FCO travel advice.[574]

976. Section 10.3 describes the exchanges between Foster Wheeler, the PMO and the UK Government, leading to the (delayed) deployment of Foster Wheeler staff to Iraq from late May.

977. Also on 14 April, the JIC assessed that kidnapping was now being used as a tactic by anti-Coalition forces.[575] The kidnappings, together with the rise in attacks on foreigners over the past month, were persuading "many" foreign contractors to leave Iraq. That could affect the Coalition's reconstruction effort and, in the short term, precipitate power shortages and further public discontent.

978. On 15 April, Sir Nigel Sheinwald sent Dr Rice a "personal paper" from Mr Blair for President Bush, which Mr Blair hoped the President might read before their conversation the next day.[576] Mr Blair summarised his strategy for Iraq as:

"
- local engagement by Iraqis to sort the Sunni and MAS [Muqtada al-Sadr] problems, with Fallujah critical;
- backed by a specific set of offers to deal with grievances;
- backed by an Iraq-wide campaign of communication, led and fronted by Iraqis".

979. Mr Blair acknowledged Dr Rice's "heroic efforts" and recent improvements in the CPA's communications work. But:

> "My point, simply, is that this issue [communications] is not just important; it is crucial. It is at the core of whether we succeed or fail … We need a wholly more professional and organised response. We can't leave the field to Al Jazeera and Al Arabiya as the satellite channels watched by the people; or fail to use the terrestrial channels adequately."

980. Mr Blair and President Bush met in Washington on 16 April.[577] Mr Blair stressed to President Bush the importance of standing firm, setting out a clear political vision and implementing it competently.

---

[573] FCO Travel Advice for Iraq, 8 April 2004.
[574] Letter O'Connell to CPA/PMO, 14 April 2004, 'Oil Sector Program Management Contractor'.
[575] JIC Assessment, 14 April 2004, 'Iraq Security'.
[576] Letter Sheinwald to Rice, 15 April 2004, [untitled], attaching Note [Blair to Bush], [undated], 'Note'.
[577] Letter Rycroft to Adams, 16 April 2004, 'Iraq: Prime Minister's Meeting with President Bush'.

981. Mr Blair said that there needed to be a clear strategy for addressing the grievances of both the Sunnis and the Al Sadr supporters, including tackling poverty in Sadr City. He added that "large amounts of money were available, but very little was being spent".

982. Mr Blair again emphasised the importance of better communication with the Iraqi population. After the transition, the Iraqi Government would have increased responsibility in this area and would need real help from the US and UK.

983. No specific actions were agreed.

984. On 18 April, Mr Richmond reported from Baghdad on the challenges of "designing and executing post-conflict reconstruction in what effectively remains a conflict zone".[578] Drawing on discussions with Mr Bearpark, Adm Nash and USAID, Mr Richmond advised that there was:

> "Probably less activity on the ground than CPA are prepared to admit, as aid agencies and contractors withdraw personnel to safer areas pending decisions to re-engage. Main foreign contractors operating at 50 – 75 percent staffing levels. Some NGOs well below that."

985. Washington had directed the CPA to accelerate spending, and specifically to "ameliorate conditions in Fallujah". Of the US$18.4bn committed to IRRF2:

- US$8.8bn was available now for construction projects, of which US$1.5bn had been "obligated" (contracts issued); and
- US$5.8bn was available for non-construction projects, of which US$770m had been obligated.

986. The problem was translating those figures into work on the ground against the timetable required by the political process.

987. The PMO's aim was to be in a position to deliver once security conditions allowed. Adm Nash was advising contractors to bring in the minimum necessary number of staff to "establish a bridgehead". He had also created incentives for contractors to sub-contract to lower-profile and local companies.

988. Mr Richmond advised that the UK needed to consider the advice it gave to UK development partners and contractors regarding travel to Iraq, and in particular to consider the divergence of advice between the US and UK. The US Government issued stricter guidance on travel than the UK, but did not seem to enforce it. The UK's travel advice gave him "no option but to counsel caution" to UK contractors. The problems experienced by Foster Wheeler encapsulated the dilemma: "Risk coming out or losing out."

---

[578] Telegram 173 IraqRep to FCO London, 18 April 2004, 'Iraq: Effects of the Recent Crisis on Reconstruction'.

989. Sir Nigel Sheinwald wrote to the FCO on 19 April, advising that Mr Blair was concerned by the picture painted by the briefing he had received in advance of his meeting with President Bush.[579] Mr Blair believed that a renewed effort was needed by the CPA and by departments in London. He had asked for 15 urgent reports, which should be:

> "… unvarnished accounts of where things stand, with as much local colour as possible; and with clear recommendations, where appropriate, for how to improve things."

990. The accounts included:

- the media;
- reconstruction, spending and disbursement;
- everyday life;
- women's groups; and
- schools, universities and hospitals.

991. Sir Nigel advised that Mr Blair was prepared to put specific points directly to President Bush, and suggested that Mr Richmond might draw the reports together into a weekly or fortnightly "hit list of priorities".

992. The 20 April meeting of the ISOG was advised that Mr Blair considered that progress needed to be accelerated in all areas of reconstruction in order to make transition a success.[580] He had decided to follow developments more closely himself. Sir Nigel had therefore commissioned a number of reports and recommendations for improvements "to be written by the practitioners in Iraq themselves".

993. On 21 April, Sir Kevin Tebbit, MOD Permanent Under Secretary, wrote to Sir Andrew Turnbull, the Cabinet Secretary, and Permanent Secretaries to set out the arrangements for looking after civilian personnel in Iraq.[581] Detailed contingency plans for the evacuation of UK staff in Bagdad were being drawn up, as "a matter of prudent planning: the security situation in Iraq is tense, but no worse in most places than it has been previously".

994. Referring to concerns expressed by Permanent Secretaries at their recent Wednesday morning meeting, that the withdrawal of civilian contractors could undermine the reconstruction effort and hence exacerbate the security situation, Sir Kevin advised:

> "The impact on reconstruction would indeed be serious if contractors began to withdraw, although there is little evidence that this is happening on a large scale … You may have seen David Richmond's telegram of 18 April which assess

---

[579] Letter Sheinwald to Adams, 19 April 2004, 'Iraq'.
[580] Letter Cabinet Office [junior official] to Buck, 23 April 2004, 'Iraq: Senior Officials Group'.
[581] Letter Tebbit to Turnbull, 21 April 2004, [untitled].

that most [companies] are operating at 75 percent of their capacity pending security developments. No UK or US funded contractor has withdrawn for Iraq."

995. Sir Kevin outlined the actions the CPA was taking to enable contractors to operate.

UK Transition Plan for Southern Iraq

996. Mr Drummond circulated a report to members of ISOG on 16 April, setting out DFID's plan to support Iraq after transition.[582] In Baghdad, DFID planned to maintain its support for key ministries (including the Ministries of Finance, Planning and Development Co-ordination, and Municipalities and Public Works) at around the same level, at up to 20 advisers.

997. The 'UK Transition Plan for Southern Iraq', which had been commissioned by the AHMGIR on 18 March, was submitted to the 22 April meeting of the AHMGIR.[583]

998. The Annotated Agenda for the meeting reported that security had deteriorated "markedly" over Easter (9-12 April) and the risks to UK civilian staff in Iraq were high.[584] The deployment of civilians had been reviewed and, as a temporary measure, new deployments to Baghdad had been suspended and staff unable operate in the current security environment had been withdrawn.

999. The AHMGIR approved the recommendation that all other staff should remain in Iraq subject to continuing review.[585]

1000. The 'UK Transition Plan for Southern Iraq' considered the security, political, reconstruction and representational aspects of transition.[586] It stated that the UK's focus should on "helping the Iraqis to take responsibility for their own future." The main challenges would be:

- maintaining security;
- helping Iraqi citizens in the four Southern governorates to participate in the national political process; and
- promoting economic recovery including job creation, and rebuilding Governorates and local institutions.

1001. The Plan was based on the explicit assumption that the security situation would "calm down".

---

[582] Letter Drummond to Buck, 16 April 2004, 'Iraq: The Transition' attaching Report DFID, April 2004, 'DFID Programme Requirements in Southern Iraq from July 2004'.
[583] Annotated Agenda, 21 April 2004, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper, [undated], 'UK Transition Plan for Southern Iraq'.
[584] Annotated Agenda, 21 April 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[585] Minutes, 22 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[586] Paper, [undated], 'UK Transition Plan for Southern Iraq'.

1002. The Plan stated that the UK hoped that the US would retain a strong presence in Basra, but the US had not yet finalised its plans.

1003. On reconstruction in the South, the Plan reported that good progress had been made "given the constraints". Power production had improved sharply, the ports were operating above pre-war capacity and the private sector was active, particularly in Basra. The next phase would require major new capital investment, and the creation of more jobs.

1004. DFID's projects to rehabilitate government buildings and restore power, fuel and water services in the South[587] should be complete by 30 June, provided the security situation remained stable. A phased exit was planned for the 50 DFID-funded staff and contractors in CPA(South) and for the UK secondees supported by the FCO, beginning in mid-June.

1005. Other donors and the private sector would provide the main funds for infrastructure after the transition. The US, through its PMO, would be by far the largest donor and was likely to spend at least US$3bn in the South over the next three years. The PMO was expected to take over the CPA(South) compound and base up to 300 staff there; those would almost all be "contractors with little or no knowledge of the local context". The PMO had shared some reconstruction plans with the Iraqi Government, but "only briefly so far". Japan, Denmark and Italy were the other major bilateral donors in the South. Unless security improved dramatically, it was unlikely that the UN would make a substantial impact.

1006. The capacity of Iraqi central and local authorities, which would assume full executive authority once CPA(South) was dissolved, was "mixed". The PMO was not currently incorporating capacity-building elements into its programmes. RTI, a consultancy company funded by USAID to build local government capacity, was withdrawing most of its staff on security grounds.

1007. DFID had agreed in principle to provide up to £25m over two years for the Governorates Capacity Building Project (GCBP) to strengthen planning, financial management and other core functions in the four southern governorates. The project was scheduled to start in May.

1008. DFID would also fund an eight-person Transitional Advisory Team[588] to work with the PMO, to help "bridge the local knowledge gap" between PMO contractors and Iraqi technical directorates. The team would be deployed for six months in the first instance.

1009. The Plan stated that the South would also benefit from DFID's national programmes.

---

[587] A reference to the Essential Services Plan.
[588] Subsequently renamed the Technical Advisory Team.

1010. The possibility of a "reconstruction gap", which had been identified by Sir Hilary Synnott on 22 January, was not explicitly acknowledged in the Plan.

1011. In a briefing for Mr Straw (as Chair of the AHMGIR), the Cabinet Office warned that DFID's intended focus on capacity-building, leaving capital and large-scale rehabilitation projects to other donors, might be controversial:

> "This formation is fine in principle but depends on other donor funds, particularly from the US Supplemental [IRRF2], being disbursed on time. US contracts are being let now but if there are delays in implementation due to security or bureaucracy there could be a reconstruction gap in the South this autumn."[589]

1012. Ministers endorsed the Plan and agreed that the UK should press the US to reach decisions on its future support in southern Iraq.[590]

Reports from Iraq

1013. On 23 April, Mr Blair received the first edition of all 15 "unvarnished accounts" commissioned by Sir Nigel Sheinwald on 19 April, plus an additional four reports covering essential services, oil, next year's budget and Ambassador Bremer's recent speech in Tikrit.[591]

1014. The reports relating to the political situation and security are described in Section 9.2; the account relating to Security Sector Reform is described in Section 12.1.

1015. The report on the Iraqi media identified three key challenges (tackling the pan-Arab satellite channels, improving Al Iraqiya, and strengthening the capacity of the Iraqi Government) and set out how the UK should address them.[592]

1016. The report on reconstruction was Mr Richmond's 18 April report on the challenges of designing and executing reconstruction in a conflict zone.[593]

1017. The report on essential services stated that delivery of most services was poor.[594] A reliable electricity supply remained key to the delivery of other services but the Coalition continued to fail to meet public expectations; widely publicised CPA targets for electricity generation for summer 2003 had not been met and it was unlikely that the CPA's target of 6,000MW by 30 June 2004 would be achieved. Food, sanitation and fuel were less problematic. Food supplies had been temporarily interrupted by recent fighting, but there was no evidence of significant food shortages. There was some

---

589 Annotated Agenda, 21 April 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
590 Minutes, 22 April 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
591 Minute Rycroft to Prime Minister, 23 April 2004, '15 Reports on Iraq'.
592 Paper, [undated], 'Media in Iraq'.
593 Telegram 173 IraqRep to FCO London, 18 April 2004, 'Iraq: Effects of the Recent Crisis on Reconstruction'.
594 Telegram 180 IraqRep to FCO London, 20 April 2004, 'Iraq: Essential Services (Excluding Oil)'.

confidence that water supply to major cities would not be interrupted even in times of peak demand.

1018. The report on gender issues stated that this was a "major emphasis" for the CPA and a "personal focus" for Ambassador Bremer.[595] Civil society organisations were developing strongly, though political organisations were only now emerging. Women had taken on visible leadership roles in Iraq and the TAL set a goal of 25 percent representation in the Transitional Government. Funding was not an issue; the key challenges were security and opportunities in education and employment.

1019. The report on "schools, universities, hospitals" (from Mr Chris Segar, Head of the British Office Baghdad) stated that the Ministries of Health and Education were both regarded as having good political and strategic leadership and competent management staff, and had established "normal" relationships with international donors.[596] US funds were available for infrastructure; UK support was provided through the World Bank and UN Trust Funds. Nearly all the 240 hospitals in Iraq were functioning, though many faced (unspecified) difficulties. Drug supply continued to fall below Iraqi expectations, but drugs were more widely available, especially to the poor, than before the conflict. 2,300 schools had re-opened in time for the new school year (on 1 October 2003), staffed and equipped with textbooks and materials.

1020. The report on oil sector development stated that production was rising ahead of schedule, but future capacity was threatened by an early, mistaken focus on repair rather than modernisation and development.[597] Discussions between the Ministry of Oil and the CPA on raising gasoline prices continued, with the Ministry avoiding any commitment on a politically contentious issue. Discussions on restructuring the oil industry "remained mired in politics". There were persistent but unconfirmed allegations of corruption in both the State Oil and Marketing Organisation and the Ministry of Oil. Ambassador Bremer had recently appointed a new Inspector General to the Ministry, but after 30 June his capacity to monitor financial flows would be tested. International oil companies were watching carefully, but wanted to see greater security and a stable regulatory and investment environment before investing.

1021. On 26 April, Mr Rycroft set out Mr Blair's response to the reports in a letter to Mr Straw's Private Secretary, copies of which were sent to DFID, the MOD, the Cabinet Office and UK officials in Iraq and the US:

> "The conclusion the Prime Minister draws … is that the problem we face is not multi-faceted. It is simple: security. It casts its shadow over everything from oil production to education to the political process."[598]

---

[595] Telegram 188 IraqRep to FCO London, 22 April 2004, 'Iraq: Gender Issues'.
[596] Telegram 035 IraqRep to FCO London, 22 April 2004, 'Iraq: Health and Education'.
[597] Telegram 183 IraqRep to FCO London, 21 April 2004, 'Iraq: Oil Sector Development'.
[598] Letter Rycroft to Owen, 26 April 2004, 'Iraq: 15 Reports for the Prime Minister'.

1022. Mr Rycroft outlined how Mr Blair thought existing activity could be improved, including by:

> "(a) Iraqi-isation. We must do whatever it takes to get the ICDC [Iraqi Civil Defence Corps] and Iraqi police into shape. Every main road has to be guarded, oil refineries rebuilt, electricity generation on target …
>
> (b) Communications. There needs to be a concerted campaign in Iraq and abroad to explain what the security problem actually is, and how it is a deliberate attempt to prevent the Iraqi people from getting the benefit of what we are doing. We need to provide top security for Al Iraqiya's reporters and staff; strengthen the Coalition's Arabic media capability; improve the coordination between military and political to give real time information to spokesmen; and vastly improve the Iraqi Government's communications capability.
>
> (c) Reconstruction spending. There is a damaging gap between 'obligated' funds and actual spending. Any suspension of … projects must be temporary. We need urgent clarity and agreement on what will replace the CPA outside Baghdad after 30 June."

1023. On the same day, Sir Nigel Sheinwald sent Dr Rice another Note from Mr Blair, and asked her to show it to President Bush before their video conference the next day.[599] In his Note, Mr Blair set out the detailed analysis that Mr Rycroft had communicated across Whitehall, including the need for:

- "a vast uplift in the Iraqi Government's capability to communicate";
- "a massive, concerted campaign" to explain the security problem: Mr Blair said that he would "like to send a couple of people I really trust to give a proper sense of what could be done"; and
- "a 'whatever it takes' attitude to ensure that obligated funds were spent".

1024. Mr Blair spoke to President Bush on 27 April.[600] The discussion focused on security, the presence of Coalition Forces after the transition, and the political process. They discussed the need for the reconstruction process to continue while the Coalition resolved the security situation. Mr Blair also highlighted the importance of continuing to make progress on the Iraqi media.

1025. In mid-April, the US had requested that the UK send additional troops to Iraq (see Section 9.2).

---

[599] Letter Sheinwald to Rice, 26 April 2004, [untitled], attaching Note [Blair to Bush], [undated], 'Note'.
[600] Letter Quarrey to Owen, 27 April 2004, 'Prime Minister's VTC with Bush, 27 April: Iraq'.

1026. Mr Hoon's Private Secretary wrote to Mr Rycroft with "initial advice" on the US proposal on 29 April.[601] The letter reflected Mr Hoon's view that:

> "… any significant increase in our military commitment in Iraq would need to be considered in the context of the whole cross-Government effort … if we were to take on Najaf and Qadisiyah we would need FCO and DFID to help ensure that acceptable arrangements are in place on the CPA (and post-CPA) side."

1027. In late April, allegations of abuse by Coalition soldiers in Abu Ghraib prison become public. Section 9.2 describes the effect of those and other allegations of abuse.

1028. Major General Andrew Stewart, GOC MND(SE) at that time, was one of several witnesses who told the Inquiry that the pictures of Abu Ghraib had had a "significant effect" on MND(SE), where the public began turning against Coalition Forces.[602]

1029. Mr Drummond and Mr Mark Lowcock, DFID Director General Corporate Performance and Knowledge Sharing, visited Iraq from 27 to 30 April.[603] They reported that, while the security situation had deteriorated, there were encouraging signs of progress on the economy. The foundations of a market economy had been laid, including through the currency exchange, but the reforms were "only half done"; fuel and utility price subsidies had not been reduced and the Public Distribution System for food had not been reformed. They concluded that:

> "… whether Iraq will remain a single resource (oil) economy with the potential for a small elite to recapture the revenue or broaden out into a modern market economy is still to play for."

1030. Mr Drummond and Mr Lowcock also reported that the DFID programme was focused on building the capacity of the Iraqi Government in Baghdad and the South. Most DFID funding for reconstruction was flowing through the World Bank and UN Trust Funds, "thereby encouraging both to engage fully in Iraq". Mr Drummond and Mr Lowcock commented that that seemed right.

1031. Mr Richmond reported by telegram on 30 April that security remained the "key threat" to development and reconstruction:

> "The PMO remains optimistic about project implementation but others are sceptical. NGOs report many international staff out of the country; USAID are still below full strength, with few staff outside Baghdad, and the PMO reports at least some pull out/pull back by key construction companies including Bechtel, Siemens and possibly GE [General Electric]."[604]

---

[601] Letter Baker to Rycroft, 29 April 2004, 'Iraq: UK Response to US Approaches'.
[602] Public hearing, 9 December 2009, page 72.
[603] Minute Drummond and Lowcock to Private Secretary [Benn], 30 April 2004, 'Iraq Visit Report'.
[604] Telegram 205 IraqRep to FCO London, 30 April 2004, 'Iraq: Reconstruction, Development and Essential Services'.

1032. Mr Richmond reported that Mr Drummond and Mr Lowcock had pressed CPA and US officials on US transition plans, but key decisions had not yet been made. That lack of clarity was making it difficult for the UK and others to plan their reconstruction efforts beyond the transition, which was delaying implementation.

1033. Mr Richmond offered his view on 2 May, as part of a DFID/Treasury exercise, on whether unblocking funding streams would improve the security situation.[605] He advised that his answer was:

> "For now … probably no – given absorptive capacity and the security conditions."

1034. Mr Richmond continued:

> "A disaffected, unemployed Tikriti can be bought for a few dollars to launch an attack on a member of the Coalition. It has passed no one by that project planning, fund disbursement and employment generation might help direct the Tikriti's efforts to more productive ends. There was a physical cash flow problem in the first quarter of 2004 which meant that even monthly salaries were being delayed. Those have been largely unblocked."

1035. Mr Richmond highlighted the recent approval by the CPA of a "seven cities" initiative, which would rapidly inject up to US$30m into each of seven areas which posed significant security problems in order to increase employment. A "new but refreshing" condition of approval had been the existence of a robust monitoring and evaluation programme, on which DFID and USAID had provided advice.

1036. Mr Richmond concluded:

> "In the immediate term, therefore, disbursing significant extra funds into projects is not the key issue. Indeed, to do so risks exacerbating a growing concern abut inadequate quality control of proposals which can lead to wastage of resources and corruption. More thought must also be given to how to meet the additional running costs … created by capital/project expenditure …"

1037. Mr Richmond also reported that:

> "CPA statistical analysis does not show a correlation between areas of highest unemployment and violence. Promoting employment in and directing projects to specific trouble spots will not produce immediate results. Longer-term, effective distribution of funding is therefore required."

1038. Mr Richmond reported by telegram on 4 May that US intentions regarding international advisers had been misunderstood.[606] Some 200, mainly US, advisers would remain after the transition. They would not be "running the Government" but providing

---

[605] Telegram 207 IraqRep to FCO London, 2 May 2004, 'Iraqi Economy: Does Expenditure Need Unblocking?'.
[606] Telegram 211 IraqRep to FCO London, 4 May 2004, 'Iraq: What Should be Different After 30 June?'.

advice, and mainly on technical rather than policy issues. They would only serve as long as their Iraqi Minister wanted them to.

1039. The main conclusions of the US transition planning process were formalised on 11 May in US National Security Presidential Directive 36.[607] *Hard Lessons* summarised those conclusions:

- After the dissolution of the CPA, the US Secretary of State would be responsible for all activities in Iraq, except for military operations and the development of the Iraqi Security Forces (ISF).
- Two new organisations would be established to manage the US reconstruction programme (taking over the mission of the PMO). The Iraq Reconstruction and Management Office (IRMO) would provide technical assistance to Iraqi ministries and the Project and Contracting Office (PCO) would provide procurement and project management support for the US Supplemental (IRRF2).
- 13 of the 17 CPA provincial offices would be closed. Basra was one of the four that would remain.

1040. The Inquiry has seen no indications that Ministers or senior officials were briefed on the Directive, or the key changes it described, until July.

1041. Mr Richmond and Mr Sawers met Ambassador Bremer in Baghdad on 6 May.[608] Mr Richmond reported by telegram that Mr Sawers had expressed concern that the CPA would not meet its targets for basic services. Ambassador Bremer replied that it should get "within shouting distance" of its 6,000MW target for power generation. Sewage was a particular problem, "they were shovelling it off the streets in Sadr City". Ambassador Bremer also commented:

> "If we could even get security back to October/November 2003 levels, then effective reconstruction would be possible."

1042. On the same day, the AHMGIR was advised that reconstruction had been delayed by the downturn in security, adding to Iraqi frustration with the Coalition's performance.[609] In Baghdad, UK reconstruction staff had only been able to move outside the Green Zone sporadically, and hardened accommodation was in short supply. Staff numbers had been "thinned slightly" as a result. CPA(South) staff had been unable to travel for nearly a week. Despite that, reconstruction was continuing. During April, 120 projects worth US$37m had been contracted, including clearance of rubbish and road building. Those should provide employment for 17,000 people and many would have a quick and visible impact.

---

[607] National Security Presidential Directive, 11 May 2004, 'United States Government Operations in Iraq'.
[608] Telegram 217 IraqRep to FCO London, 6 May 2004, 'Iraq: Sawers' Meeting with Bremer'.
[609] Annotated Agenda, 6 May 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

1043. The AHMGIR was also advised that the disbursement of reconstruction funds was "progressing steadily", with security and absorptive capacity the key constraints. Work was "well advanced" to ensure rapid disbursement of US funds by the PMO, and through the World Bank and UN Trust Funds.

1044. Ministers were invited to, and did, note this "positive progress".[610]

1045. The 11 May meeting of the ISOG discussed Mr Nixon's concern (first expressed in his first impressions report from Basra at the end of February) that there would be a gap in reconstruction activity in the South between the end of the CPA and the launch of major infrastructure projects in August.[611] The number of UK reconstruction staff would also fall from 51 to seven after the transition.

1046. A DFID official said that DFID believed that PMO programmes would come on stream in time, and that DFID had programmes that bridged the transition period.

1047. Mr Richmond reported on 13 May that recent attacks on Iraq's power infrastructure indicated that the "saboteurs" had a co-ordinated plan to squeeze fuel supplies to Baghdad's power plants as summer approached.[612] Parts of Baghdad had experienced a 48 hour blackout. MNF-I Commanders had been tasked to refocus patrolling on the most important infrastructure sites. The Iraqi Facilities Protection Service, which was just beginning to take shape, had also been retasked.

1048. The 19 May meeting of the ISOG considered a DFID paper on reconstruction funding and activity in the South after the transition.[613] The paper stated that the main external sources of funding for reconstruction in the South after the transition would be the PMO, the World Bank and UN Trust Funds, the Japanese, and DFID. Funding from these sources would:

> "… take some time to begin to show real impact in terms of improved services (probably around 4-6 months), although some job creation should come sooner."

1049. In the interim, although the CPA would be dissolved on 30 June, a significant number of CPA-administered/DFI-funded projects would continue beyond that date. DFID was recruiting a "'residual' CPA team" to ensure that those projects could continue (although it was not yet clear who would have legal authority to manage those projects after 30 June).

1050. DFID reported that the PMO had stated that, by the time those CPA/DFI projects completed in late August/early September, many of its contractors would have established themselves in Basra and new job opportunities should be starting to emerge.

---

[610] Annotated Agenda, 6 May 2004, Ad Hoc Group on Iraq Rehabilitation meeting; Minutes, 6 May 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[611] Letter Cabinet Office [junior official] to Buck, 13 May 2004, 'Iraq: Senior Officials Group'.
[612] Telegram 232 IraqRep to FCO London, 13 May 2004, 'Infrastructure Security and Reconstruction'.
[613] Paper DFID, May 2004, 'Reconstruction funding and activity in Southern Iraq post transition'.

1051. The "'residual' CPA team" would become the Project Continuity Team (PCT). Their work is described later in this Section.

1052. The ISOG judged that the paper offered a "satisfactory account", but asked DFID to liaise with Mr Nixon to ensure his concerns had been fully answered.[614]

1053. On 18 May, Sir Nigel Sheinwald sent Dr Rice a Note from Mr Blair for President Bush, in advance of their regular video conference two days later.[615]

1054. Mr Blair wrote that the coming few weeks were the last chance to move things into place before the new Iraqi Government took power, and proposed a timetable for the political process. He also proposed:

- better protection of oil and power installations; and
- more help for Al Iraqiya and high-quality media support for the new Iraqi Prime Minister.

1055. In their video conference on 20 May, Mr Blair and President Bush discussed the timetable for and sequence of events surrounding the transfer of sovereignty.[616]

1056. Mr Blair was advised on 21 May that US and UK officials had met to discuss communications issues surrounding the transition.[617] The CPA was establishing a communications office for the incoming Iraqi Prime Minister. Staffing that office might be problematic; the incoming Prime Minister would probably not accept staff nominated by the US or UK but might have few of his own.

1057. Mr Richmond reported from Baghdad on the same day that the CPA was working "intensively" to establish the new administrative arrangements that the incoming Iraqi Prime Minister would need:

> "Iraq no longer has anything we would recognise as a functioning centre of government; these structures require setting up from scratch.
>
> "The straitjacket of a CPA Order has been rejected in favour of presenting an outline proposal to an incoming Prime Minister, allowing strong Iraqi ownership of all structures and staffing, though [Ambassador] Bremer has directed that some core staff be in place from the day the [Prime Minister] is appointed. It will be made clear that this is advice, not prescription."[618]

---

[614] Minutes, 18 May 2004, Iraq Senior Officials Group.
[615] Letter Sheinwald to Rice, 18 May 2004, [untitled], attaching Note [Blair to Bush], [undated], 'Note on Iraq'.
[616] Letter Quarrey to Owen, 20 May 2004, 'Prime Minister's VTC with Bush, 20 May: Iraq'.
[617] Minute Heatly to Prime Minister, 21 May 2004, 'Iraq: Communications Around the Transition'.
[618] Telegram 250 IraqRep to FCO London, 21 May 2004, 'Iraq: Support to the New Prime Minister'.

1058. Mr David Quarrey, a Private Secretary in No.10, passed Mr Blair's comments on those reports to the FCO on 24 May.[619] Mr Blair thought that it was vitally important that the new Iraqi Prime Minister and President had "first-class support services and an immediate media plan". It was also vital that the Coalition had a plan to protect and repair Iraq's oil and electricity infrastructure, especially as the transition and summer approached.

1059. On 24 May, Mr Bob Morgan, an adviser to the Iraqi Oil Ministry employed by the FCO, and his bodyguard Mr Mark Carman, were killed in Baghdad.[620]

1060. Mr Blair held a video conference with President Bush on 26 May.[621] Mr Blair said that there had been a good meeting between the US and UK media teams, focused on getting the right support for the new Iraqi Prime Minister.

1061. Lt Gen John McColl, Senior British Military Representative, Iraq, advised the 28 May meeting of the ISG that there were "dangers of discontinuities" between the end of the CPA and the start of the IIG.[622] The CPA was ensuring co-ordination between Iraqi ministries and between Baghdad and the provinces; there could be problems after the dissolution of the CPA which could not be entirely overcome by the remaining international advisers. Separately, there was a risk that key Iraqi Government employees would not be paid during the transition.

1062. Lt Gen McColl also warned of the risk of a gap between the end of CPA reconstruction projects and the start of PMO projects, leading to a dip in employment during the summer which would impact on the security situation. He recommended that military commanders be given access to further, and larger scale, funding for QIPs to fill the gap.

1063. The ISG asked DFID to look again at the risk of a reconstruction gap, and MOD to approach the Treasury about further funding for QIPs.

1064. On 1 June the Iraqi Interim Government (IIG) was sworn in, with Dr Ayad Allawi as Prime Minister and Dr Barham Salih as Deputy Prime Minister.[623]

1065. Mr Alan Charlton, Chargé d'Affaires at the British Embassy Washington, reported US transition plans on 3 June.[624] In addition to the Embassy in Baghdad, there would be four "Regional Hubs": Mosul, Kirkuk, Hillah and Basra. There was a growing realisation within the US Government that the mission after transition would be very different. Mr John Negroponte, US Ambassador-designate, had defined his mission as supporting, rather than directing, the IIG.

---

[619] Letter Quarrey to Owen, 24 May 2004, 'Iraq'.
[620] Minutes, 25 May 2004, Iraq Senior Officials Group meeting; *BBC News*, 26 May 2004, *Oil expert killed in Iraq 'felt safe*'.
[621] Letter Quarrey to Owen, 26 May 2004, 'Iraq: Prime Minister's VTC with Bush, 26 May'.
[622] Letter Cabinet Office [junior official] to Sheinwald, 28 May 2004, 'Iraq Strategy Group'.
[623] *BBC News*, 1 June 2004, *Iraq's interim cabinet sworn in*.
[624] Telegram 684 Washington to FCO London, 3 June 2004, 'Iraq: US Mission Transition Planning'.

1066. Mr Charlton highlighted two potential problems:

- a funding gap as the CPA closed and the IIG took on responsibility for managing expenditure through the DFI; and
- local instability as CPA Governorate Teams left: Governors and Provincial Councils were mostly inexperienced with varying degrees of local legitimacy; some would fail without a Coalition presence.

1067. Mr Dominic Asquith, Deputy Chief Commissioner in the CPA, reported from Baghdad on 6 June that Prime Minister Allawi had accepted assistance from DFID's Emergency Public Administration Programme (EPAP) team to set up his office, and would welcome support from the FCO on media operations.[625]

1068. Mr Asquith reported on 11 June that DFID was significantly expanding the EPAP consultancy team in response to the Iraqi demand for the work, including on media and communications.[626]

The state of provincial administration in the South, June 2004

Maj Gen Stewart, GOC MND(SE), and Mr Nixon sought to meet the Governors in each of the four southern Provinces during June, to discuss the transition and help prepare them to assume "real and heavy administrative responsibilities".[627]

An MOD official reported on 4 June on their visits to Maysan and Dhi Qar:

> "… the Provincial administrations have yet to understand the implications of the transfer of authority, i.e. that they will soon be fully responsible for Provincial government. Inexperienced and uninformed in governance, the assumption of administrative responsibility makes them uneasy. They are unhappy that the support and advice that they receive from the CPA over the past year will end. Central government in Baghdad is unreliable, and cannot be depended on to provide uninterrupted finance and other support in absence of the kind of mediation that CPA officials have provided. We are thinking of using MOD civil servants (policy advisers) to help fill the gap until FCO/DFID or US project personnel are available, as planned."

Maj Gen Stewart reported to No.10 on 10 June that, in contrast, the Governor of Muthanna, a "dominant figure in the Province", was eager to take on full responsibility after 30 June.[628] He was, however, "likely to limit the emergence of genuinely effective representative political institutions".

The joint visit to Basra was delayed by ongoing attempts to reconstitute the Provincial Council and the need to appoint a new Governor.

---

[625] Telegram 286 Asquith to FCO London, 6 June 2004, 'Iraq: Meeting with the Prime Minister'; Telegram 288 Asquith to FCO London, 6 June 2004, 'Reconstruction Development and Essential Services'.
[626] Telegram 310 Asquith to FCO London, 11 June 2004, 'Iraq: Support to the Prime Minister and Cabinet'.
[627] Minute MOD [junior official] to CJO, 4 June 2004, 'GOC MND(SE) – Iraq Update'.
[628] Minute Stewart to Rycroft, 10 June 2004, 'GOC MND(SE) – Iraq Update'.

Resolution 1546

1069. The UN Security Council adopted resolution 1546 (2004) on 8 June (see Section 9.2).[629] The resolution:

- Endorsed the formation of a sovereign Interim Government of Iraq (generally known as the Iraqi Interim Government or IIG) which would assume full responsibility and authority for governing Iraq by 30 June 2004, while refraining from taking any actions "affecting Iraq's destiny" beyond the limited interim period (until an elected Transitional Government of Iraq assumed office).
- Reaffirmed the right of the Iraqi people freely to determine their own political future and "to exercise full authority and control over their financial and natural resources".
- Decided that the Special Representative to the Secretary-General (SRSG) and the United Nations Assistance Mission for Iraq (UNAMI), at the request of the Iraqi Government, should:
  - "advise the Government of Iraq in the development of effective civil and social services;
  - contribute to the co-ordination and delivery of reconstruction, development, and humanitarian assistance;
  - promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq; and
  - advise and assist the Government of Iraq on initial planning for the eventual conduct of a comprehensive census".
- Recognised that the IIG would assume the primary role in co-ordinating international assistance to Iraq.
- Noted that, upon the dissolution of the CPA, funds in the Development Fund for Iraq (DFI) "shall be disbursed solely at the direction of the Government of Iraq, and *decides* that the Development Fund for Iraq shall be utilised in a transparent and equitable manner and through the Iraqi budget … that the arrangements for the depositing of proceeds from export sales of petroleum, petroleum products, and natural gas established in paragraph 20 of resolution 1483 (2003) shall continue to apply, and that the International Advisory and Monitoring Board (IAMB) shall continue its activities".
- Welcomed the commitment of many creditors, including those of the Paris Club, to identify ways to reduce substantially Iraq's debt, called on Members States, international and regional organisations to support Iraq's reconstruction effort, urged international financial institutions and bilateral donors to provide their full range of loans and other financial assistance and arrangements, and recognised that the IIG would have the authority "to conclude and implement such agreements and other arrangements as may be necessary in this regard".

[629] UN Security Council resolution 1546 (2004).

1070. The resolution also requested Member States, international financial institutions and other organisations to strengthen their efforts to support reconstruction and development.

1071. A Treasury official advised Mr Brown and Mr Boateng that the resolution had significant implications for Iraq's development.[630] To maintain transparency in the management of oil revenues, the resolution provided for the continuation of the DFI under the control of the Iraqi Government. At the UK's request, the resolution explicitly mentioned transparency and provided that DFI funds could only be spent through Iraq's budget.

1072. The IAMB would continue to monitor oil sales and provide an external audit function, and would include an additional member designated by the Government of Iraq.

1073. Oil revenues held in the DFI would continue to enjoy immunity from attachment. The UK had pressed unsuccessfully to extend that immunity to foreign exchange reserves held in the Central Bank of Iraq.

1074. The resolution recognised the IIG's authority to conclude and implement loan agreements and other financial assistance and arrangements. That should enable the IGI to negotiate and agree an IMF programme and conclude a Paris Club debt deal.

1075. The resolution called for IFIs to engage fully in assisting reconstruction and development. Since the bombing of the UN Headquarters in Baghdad in August 2003, they had provided technical assistance through seminars outside Iraq and by commenting on draft economic legislation and the management of donor funds. That was no substitute for working in country; the UK would continue to press them to return as soon as possible.

1076. The official also advised that the Financial Management Law signed by Ambassador Bremer on 5 June was "a key piece of economic legislation" that regulated the preparation and execution of Iraq's budget. UK Treasury officials had been extensively involved in its drafting.

1077. The 17 June meeting of the AHMGIR considered DFID's second paper on funding reconstruction in the South after transition.[631] It was more detailed and less reassuring than the paper considered by ISOG on 19 May.

1078. In the paper, DFID assessed that the first few months after transition would be a critical period for establishing stability under new Iraqi structures, building credibility in the political process, and maintaining consent for multinational military forces after the end of Occupation.[632] The quality of the provision of basic services – particularly water,

---

[630] Minute Treasury [junior official] to Chancellor, 10 June 2004, 'Iraq – UNSCR 1546 and Financial Management Law'.
[631] Minutes, 17 June 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[632] Paper DFID, June 2004, 'Southern Iraq: Reconstruction and Employment After 30 June'.

power and fuel – was likely to have a significant impact on those issues, particularly over the hot summer months. The level of employment would also be important.

1079. DFID reviewed the sources of reconstruction funding for southern Iraq. The last CPA(South) projects would be completed by 30 September. The PMO would become by far the largest source of funding (some US$3.1bn of the US$18.4bn IRRF2 was allocated for the four Southern provinces), but it remained unclear when it would deploy to the South and it was unlikely to have "substantial" activity under way before the autumn. The IIG would have responsibility for spending DFI and other Iraqi revenues from 30 June, but the UK should not expect the IIG to provide substantial funds for reconstruction "in the short-term". The World Bank and UN Trust Funds were not expected to "become major players" until 2005.

1080. DFID concluded that there was "a risk of a lull in funding" between the beginning of the CPA wind-down in August and November, when it was "reasonable to hope" that both PMO funding and IIG activity would have picked up.

1081. DFID reported that actions being taken to mitigate the gap were:

- Deploying a seven-person Project Continuity Team (PCT) to work in the PMO to administer CPA projects beyond 30 June. DFID had filled most of the posts and Mr Nixon was attempting to secure the CPA's agreement to deploy the team.
- Securing a "full share" of US CERPs funding.
- Helping the PMO become operational in the South as soon as possible, by deploying a Transitional Advisory Team to help PMO contractors adjust to local conditions and engage with Iraqi counterparts. The Team should be in place by late July, before most PMO contractors had arrived.
- Helping Iraqi institutions to become operational quickly by focusing the work of DFID's £20m GCBP on directorates involved in basic service provision and job creation.
- Pressing the UN and World Bank Trust Funds to become operational quickly. DFID was continuing to lobby both organisations.

1082. DFID proposed that the UK could also consider:

- providing additional funding for QIPs;
- providing small-scale funding for Iraqi municipal councils, to enable them to fund reconstruction projects; and
- seeking to influence PMO expenditure plans in favour of the South, possibly by seconding a senior officer into the PMO.

1083. DFID also advised that:

> "CPA's limited data shows no direct relationship between reported levels of unemployment and violence. Likewise, there is no apparent correlation between lack

of basic services (e.g. water) and violence. But it is a widely accepted assumption that employment and economic well-being will increase support for the Government and a pool of un- and under-employed men will pose a security risk."

1084. The Annotated Agenda for the AHMGIR meeting stated that delays to PMO mobilisation raised the risk of a shortfall in funding for reconstruction over the summer.[633] The US remained confident that PMO contractors would deploy to Basra shortly; the UK believed that was optimistic.

1085. The AHMGIR noted the DFID paper, and agreed that the UK should lobby the US to ensure that IRRF2 funds flowed to the South and to agree additional funding for quick impact projects.[634]

The state of Iraq on the eve of transition

1086. Mr Richmond reported on 17 June that the threat to staff in Baghdad was at its highest level since April 2003.[635] Journeys outside the Green Zone were only being approved under exceptional circumstances, seriously handicapping operational capacity (although work to support the Prime Minister's Office and some other programmes were continuing). He had asked all staff who were not staying beyond 30 June to leave by 21 June.

1087. Mr Nixon reported on the same day that the security situation in the South had improved since April, and was generally quiet.[636]

1088. Mr Richmond reported separately, also on the same day, that attacks on oil pipelines continued despite enhanced security measures, with four major attacks in the past few days.[637] There were simply not enough resources to protect Iraq's oil infrastructure against determined insurgents with expertise.

1089. Mr Hoon told the 17 June meeting of the AHMGIR that UK forces in Maysan were sustaining 22 percent casualties.[638] That could not continue indefinitely, and root causes such as unemployment needed to be examined.

1090. Mr Benn told the meeting that DFID continued to look at the scope for targeting factors that contributed to insecurity, such as unemployment. DFID was also looking flexibly at how it provided assistance. One option was to fund provincial authorities directly (although there were clearly risks, including that such funding might be diverted).

1091. On 21 June, Mr Richmond reported the headline results of a CPA-commissioned poll conducted by Oxford Research International between 19 May and 14 June.[639] The

---

[633] Annotated Agenda, 17 June 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[634] Minutes, 17 June 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[635] Telegram 328 IraqRep to FCO London, 17 June 2004, 'Iraq: Security of Personnel'.
[636] Telegram 67 Basra to FCO London, 17 June 2004, 'Iraq: Security of Personnel in the South'.
[637] Telegram 329 IraqRep to FCO London, 17 June 2004, 'Iraq: Oil Infrastructure Attacks'.
[638] Minutes, 17 June 2004, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting.
[639] Telegram 341 IraqRep to FCO London, 21 June 2004, 'Iraq: New Polling Data'.

poll reported that 64 percent of Iraqi citizens said that their life was about the same or better than a year ago; the comparable figure from the March 2004 report was 81 percent. The availability of schools and basic goods were regarded as the most positive changes; the provision of electricity and jobs the least positive.

1092. Mr Quarrey advised Mr Blair on 22 June, in advance of a video conference with President Bush, that reconstruction was "still a worry".[640] The US and UK needed to make sure there was no dip in activity over the summer as CPA projects wound down and new projects under the PMO and IIG started up.

1093. The 25 June meeting of the ISG judged that preparations for transition were "on course".[641] The risk of a dip in reconstruction activity through the summer remained. However, the Iraqi Ministry of Finance had now agreed that CPA projects funded by the DFI could be managed by the PMO through to their completion, and QIPs and CERPs were available to commanders for short-term projects when a specific business case was put forward.

1094. The Occupation of Iraq formally came to an end on 28 June, two days earlier than had been originally planned, in order to avoid disruption by insurgents.

1095. On the same day, as he prepared to leave Baghdad, Mr Richmond sent a valedictory telegram to the FCO in London in which he assessed the failures and achievements of the CPA:

> "After security, services have been the CPA's main failing. Baghdad presently has fewer than 12 hours per day of electricity – no different from a year ago. The Iraqis had inflated expectations of what CPA could deliver; the Coalition seriously underestimated the scale of the problem. Sabotage and increasing demand have compounded the problem but disorganisation and delays in securing funds have played their part."[642]

1096. Mr Richmond also set out what had gone right, including establishing a political process and reforming the economy:

> "… [a] new and stable currency has been introduced; an independent Central Bank, sound monetary policy and budgetary discipline and controls are in place. Higher wages have resulted in a mini consumer boom. New bank regulations and a new code of foreign direct investment will, once security improves, position the economy for rapid growth. The black spot is unemployment (on which estimates differ) but as the US supplemental [IRRF2] and other donor money kicks in this should be a diminishing problem."

---

[640] Minute Quarrey to Blair, 22 June 2004, 'VTC with President Bush, 22 June'.
[641] Minute Cabinet Office [junior official] to Sheinwald, 29 June 2004, 'Iraq: Strategy Group'.
[642] Telegram 359 Richmond to FCO London, 28 June 2004, 'Iraq: Valedictory: The End of Occupation Part 1 of 2'.

1097. Mr Richmond reported that CPA advisers had made progress in re-establishing the machinery of government, reforming ministries, drawing up strategies and putting proper financial controls in place. There was still some way to go, but there was now a functioning system to hand on to the IIG.

1098. A Treasury official who had been seconded to the CPA told a July 2004 Treasury seminar on Iraq that the CPA's scorecard on economic reform was "pretty evenly balanced".[643] Early, good progress (including establishing a single, stable currency) had been undermined by the CPA's loss of control over the fiscal situation over the last six months. Some CPA reforms, including "unfettered" foreign direct investment and full interest rate liberalisation, had been too ambitious and had irritated Iraqi counterparts.

1099. The same official provided advice to Mr Brown on 28 July on UK economic strategy in Iraq to the end of 2004.[644] In that context, the official advised that the CPA had made substantial progress in establishing a new macroeconomic policy framework and in liberalising the economy. In particular, the introduction of a new currency and creation of an independent central bank had proved "more successful than expected". There had also been some substantial failures, including the unfinanced deficit in the 2005 budget and "ducking the subsidy issue".

1100. The official also reported that the CPA had missed its target for electricity generation of 6,000MW (generation was currently peaking at 5,000MW) and for oil production of 2.5m barrels per day (production was "several hundred thousand barrels" less).

1101. In June 2004, the CPA published a review of their accomplishments in helping the Iraqi authorities assume responsibility for security, establish effective representative governance, improve essential services, and build a market-based economy.[645]

1102. *Hard Lessons* described the review as "a glowing report card" which "missed the mark".[646] *Hard Lessons* assessed that the Coalition's record was "very mixed". The most serious threat to continuing reconstruction was insecurity.

1103. In his statement to the Inquiry, Ambassador Bremer highlighted the difficulties created for the CPA by the Coalition military's inability to provide security, and continued:

> "Despite these handicaps, and chronic understaffing [of the CPA], the historic record of the CPA's accomplishments is clear. When the CPA left, Iraq's economy was rebounding smartly, not just from post war levels, but well beyond the pre-war levels.

---

[643] Paper, [undated], 'Transcript of Treasury Seminar held in London on Monday 19 July 2004'.
[644] Minute Treasury [junior official] to Chancellor, 28 July 2004, 'Iraq'.
[645] Coalition Provisional Authority, June 2004, *An Historic Review of CPA Accomplishments.*
[646] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

> And by helping Iraqis draft a modern, liberal constitution, the CPA gave the Iraqi people the political structure to define a path to representative government …"[647]

Sir Hilary Synnott's assessment

1104. Mr Blair told the Inquiry that, although anxiety and concern were occasionally flagged up very strongly in Sir Hilary's reports from Basra, when Sir Hilary left Iraq at the end of January 2004, he was, on balance, optimistic rather than pessimistic.[648]

1105. In response, Sir Hilary wrote to the Inquiry to clarify that his judgement that "the balance of probability is positive" had referred only to southern Iraq, the region for which he had some responsibility, not to the country as a whole, about which he was in no position to make such an assessment.[649]

1106. Sir Hilary also emphasised that his judgement should be viewed in the context of the recommendation he put forward at the time, including at his meeting with Mr Blair in February 2004, that maintaining momentum in CPA(South) could best be achieved by retaining a multinational development presence in the South, able to draw on the expertise, contacts and trust built up during the CPA period. However:

> "In the event, my strategy was not accepted. The international team, who included a large number of British specialists, was disbanded. While DFID managed a small number of British-owned projects, the vast majority of the projects which were being pursued by the CPA failed, as I had feared.
>
> "I would not suggest that the alternative approach such as I had proposed would have prevented the subsequent build-up of violence. But it is possible that the attitudes of the people of the South would have been more positive if they had experienced the benefits of the projects as they came on stream … Had I known that the civilian capital, experience and impetus built up over the previous year would be allowed to fall away … I would no doubt have offered a different judgement."

Resources available for reconstruction

1107. At least US$19.4bn was spent on the relief and reconstruction of Iraq during the Occupation. Of that, US$16.4bn – almost 85 percent – was Iraqi funding.

1108. The US General Accounting Office (GAO) estimated in June 2004 that as at the end of April 2004, approximately US$58.3bn had been pledged "to the relief and reconstruction of Iraq", of which at least US$23.7bn had been obligated (subject to a binding agreement that would result in immediate or future outlay of funds)

---

[647] Statement, 18 May 2010, page 5.
[648] Public hearing, 21 January 2011, page 135.
[649] Letter Synnott to Aldred, 24 January 2011, [untitled].

and US$13.7bn disbursed.[650] Table 1 shows the breakdown of those totals by funding source.

Table 1: Total funding for relief and reconstruction, as at April 2004 (US$bn)

	US Appropriations	Development Fund for Iraq	Vested and seized assets	International funding	Total
Available funding	24.0	18.0	2.7	13.6	**58.3**
Of which obligated	8.2	13.0	2.5	n/a	**23.7**
Of which disbursed	3.0	8.3	2.4	n/a	**13.7**

1109. The GAO stated that they did not have complete and reliable information on obligations and disbursements by international donors.

1110. The GAO figure for international funding reflected the lower end of the range (US$13.6bn – US$17.3bn) pledged by international donors at the 23/24October 2003 Madrid Donors Conference.

1111. A July 2005 GAO report updated the figures for the Development Fund for Iraq (DFI) only, to 28 June 2004.[651] Table 2 shows the updated breakdown by funding source.

Table 2: Total funding for relief and reconstruction (US$bn)

	US Appropriations	Development Fund for Iraq	Vested and seized assets	International funding	Total
Available funding	24.0	21.0	2.7	13.6	**61.3**
Of which obligated	8.2	17.0	2.5	n/a	**27.7**
Of which disbursed	3.0	14.0	2.4	n/a	**19.4**

1112. The GAO reported that Iraqi funds (from the DFI and vested and seized assets) had been used primarily to pay the operating expenses of the Iraqi government, such as salary payments and ministry operations. Approximately US$7bn had been used for relief and reconstruction projects.

---

[650] US General Accounting Office, Report to Congressional Committees, June 2004, *Rebuilding Iraq. Resource, Security, Governance, Essential Services, and Oversight Issues*.
[651] US General Accounting Office, Report to Congressional Committees, July 2005, *Status of funding and reconstruction efforts*.

UK funding for humanitarian assistance and reconstruction

1113. Section 13.1 describes how the UK Government allocated funds for humanitarian assistance and reconstruction before and during the Occupation. The allocations were:

- In March 2003, the MOD ear-marked £10m for QIPs.
- In March 2003, the Treasury agreed that the MOD could spend up to £30m on humanitarian operations in the UK's AO.
- By the end of March 2003, DFID had allocated a total of £210m to humanitarian relief in Iraq in 2002/03 and 2003/04. In the event, the humanitarian crisis that had been feared did not materialise. By May, DFID had made available the uncommitted balance of that funding – some £90m – for "recovery and reconstruction".
- On 9 April 2003, Mr Brown announced that he had set aside an additional US$100m (£60m) to "back up the UN and the work of reconstruction and development".[652]
- In August 2003, Ministers agreed an Iraq Strategy within the Global Conflict Prevention Pool (GCPP) with an allocation of £7.5m in 2003/04 and in 2004/05.

1114. Section 13.1 (Table 10) sets out UK expenditure on humanitarian assistance and development assistance (reconstruction) by UK financial year (1 April to 31 March). The UK spent:

- £110m on humanitarian assistance in 2003/04 (and £19m in 2002/03, to enable humanitarian agencies to prepare to respond to a humanitarian crisis in Iraq);
- £99m on development assistance in 2003/04; in addition, the UK's "imputed share" of development expenditure by multilateral organisations to which it contributed was £11m; and
- £5m from the GCPP.

UK support for the CPA

1115. Departments have been unable to disaggregate figures for their support for the ORHA and the CPA from their total expenditure in Iraq.

1116. The Inquiry estimates that the UK provided at least £60m, comprising:

- £29.2m secured by the FCO from the Treasury Reserve to support the CPA.[653] The FCO cannot provide a figure for their (non-Reserve) support for ORHA/CPA.

---

[652] House of Commons, *Official Report,* 9 April 2003, columns 271-288.
[653] Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry: Funding'.

- DFID told the Inquiry that it spent "about £28m" on staff secondments to the CPA and associated security costs between mid-2003 and 28 June 2004.[654]
- Other departments will have incurred costs in relation to the salaries of their staff seconded to the CPA.

Reflections on the level of resources available for reconstruction

1117. A number of witnesses told the Inquiry that reconstruction during this period was not constrained by a lack of funds. Mr Andy Bearpark, the CPA's Director of Operations, told the Inquiry:

> "… we [the CPA] were not in any way resource-constrained in terms of amount of money. We may have been very constrained in terms of our ability to spend the money."[655]

1118. Mr Blair echoed this view in his biography:

> "We had enough money, effort and people to have rebuilt Iraq within a year of conflict's end.
>
> "What happened was that the security situation deteriorated …"[656]

1119. Mr Blair continued:

> "… a bigger pre-planned effort and a massive civilian reconstruction programme would have filled an early vacuum. It would have been an immediate jobs programme for unemployed Iraqis. But … it would be naive in the extreme to believe that this in itself would have stopped the violence, the origins of which were profound and political.
>
> "With a manageable security situation, any shortcomings [in the reconstruction effort] could quickly have been overcome …"[657]

1120. Sir Suma Chakrabarti told the Inquiry that Iraq had been the "number one recipient" of British assistance in 2003/04.[658] He agreed with the Inquiry suggestion that this was sufficient to do a "high-quality" job in southern Iraq:

> "… so long as we had also got the money that the Coalition Provisional Authority was meant to allocate as well to the southern region. That was more of the problem."

1121. Looking beyond the CPA period, Mr Benn told the Inquiry:

> "… ultimately it wasn't about the availability of money. There were very considerable sums that the Americans put in; this was in 2003/04 the biggest DFID bilateral

---

[654] Paper DFID, 14 April 2005, 'Development Assistance in Iraq'; Letter Cabinet Office to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.
[655] Public hearing, 6 July 2010, page 66.
[656] Blair T. *A Journey*. Hutchinson, 2010.
[657] Blair T. *A Journey*. Hutchinson, 2010.
[658] Public hearing, 22 January 2012, pages 12-13.

programme in the world, which was a sign of the seriousness with which we took it; and then, of course, there were the resources that Iraq had …

"The question was: could you actually move the money and apply it and make things happen on the ground?"[659]

1122. Mr Benn added that, in his view, the main obstacle to spending money effectively was insecurity.[660]

[659] Public hearing, 2 February 2010, page 14.
[660] Public hearing, 2 February 2010, page 21.

SECTION 10.2

RECONSTRUCTION: JULY 2004 TO JULY 2009

Contents

Introduction 198

The transition from Occupation to an Iraqi Government 199

Efforts to accelerate the pace of reconstruction 200

- Reconstruction in areas regained from insurgent control, and Fallujah 213
- Agreement on debt relief for Iraq 224

Taking the strain in the South, early 2005 224

- DFID reduces its budget for Iraq for 2005/06 229
- Priorities for 2005 231
- DFID reviews its Interim Country Assistance Plan 241

Preparing for transition to Iraqi control in the South 257

- Responding to the new US Clear-Hold-Build strategy 259
- Preparing for the transfer of security responsibility in Maysan and Muthanna 276
- Turning Basra around 285
- UK plans for 2007, and the US surge 303
- Major General Shirreff's proposal for a military-led UK effort in the South 306
- Preparing for Provincial Iraqi Control in Basra 309
- Responding to the displacement crisis 319

Reconstruction under Mr Gordon Brown's Premiership 323

Charge of the Knights, March 2008 343

Transition to a normal bilateral relationship with Iraq 359

- Long-Term Strategy for Iraq, February 2009 364

Resources available for reconstruction 367

Reflections on the impact of the UK's reconstruction effort 369

- Key economic and social indicators 371

Introduction

1. Section 10 addresses the UK contribution to humanitarian assistance and reconstruction in Iraq between 2003 and 2009:

- Section 10.1 covers the period between March 2003 and the end of the Occupation of Iraq in June 2004.
- Section 10.2 continues the story from July 2004 to July 2009.

2. Sections 10.1 and 10.2 consider:

- humanitarian assistance;
- the development and implementation of UK reconstruction policy, strategy and plans;
- the UK's engagement with the US on reconstruction, including with the US-led Office of Reconstruction and Humanitarian Assistance (ORHA) and the Coalition Provisional Authority (CPA); and
- the UK's engagement with successive Iraqi governments on reconstruction.

3. Section 10.3 addresses five issues in more detail:

- UK policy on Iraq's oil and oil revenues;
- the Government's support for UK business in securing reconstruction contracts;
- debt relief;
- asylum; and
- reform of the Government's approach to post-conflict reconstruction and stabilisation.

4. Those issues are addressed separately from the main reconstruction narrative, in order to provide a clearer account of the development of the UK's engagement.

5. This Section does not consider:

- planning and preparing to provide humanitarian assistance and reconstruction, which is addressed in Sections 6.4 and 6.5;
- the financial and human resources available for post-conflict reconstruction, addressed in Sections 13 and 15 respectively;
- de-Ba'athification and Security Sector Reform (SSR), addressed in Sections 11 and 12 respectively; and
- wider UK policy towards Iraq in the post-conflict period, addressed in Section 9.

The transition from Occupation to an Iraqi Government

6. On 28 June 2004, the Coalition Provisional Authority (CPA) formally handed over to a sovereign Iraqi Government. In the 11 months that followed, the governance of Iraq was the responsibility of the Interim Iraqi Government (IIG), headed by Prime Minister Ayad Allawi.

7. The security situation in Iraq remained difficult.

8. The core UK Ministerial team was unchanged: Mr Brown remained Chancellor of the Exchequer, Mr Straw Foreign Secretary, Mr Hoon Defence Secretary, and Mr Benn International Development Secretary.

9. Mr Straw continued to chair the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR), which met seven times between July 2004 and February 2005, after which its business was taken up by the Ad Hoc Ministerial Group on Iraq (AHMGI).

10. Mr David Richmond, the Prime Minister's Special Representative on Iraq, and Ambassador Paul Bremer, the CPA Administrator, left Iraq shortly after the handover ceremony.[1]

11. Ambassador John Negroponte, the new US Ambassador to Iraq, presented his diplomatic credentials to the IIG on 29 June.[2]

12. *Hard Lessons* described how, shortly after arriving in Baghdad and driven by his concern about worsening security, Ambassador Negroponte put the US$18.4bn Iraq Relief and Reconstruction Fund (IRRF2) on hold and initiated a "thorough re-examination" of US priorities.

13. Ambassador Negroponte concluded that implementing economic development programmes would be fruitless while security remained a serious problem. Three reallocations of IRRF2 funds took place in September 2004, December 2004 and March 2005. Those reallocations provided additional funds for security, the political process and "project sustainment" at the expense of infrastructure projects. The water and sanitation sector lost nearly half its funding, and the electricity sector almost a quarter of its funding.

14. Mr Edward Chaplin arrived in Baghdad on 5 July to take up post as the first British Ambassador to Iraq since 1990.

---

[1] Annotated Agenda, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[2] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

15. Ms Lindy Cameron, Deputy Head of DFID Baghdad from January to November 2004 (and subsequently Head of DFID Baghdad), described the transition:

> "… it's hard to describe how strange the CPA was. So in a sense this period in June/July 2004 when we were transitioning from the CPA to … an Iraqi Government that was then sovereign, was a real transition because it is difficult to imagine how strange it was to be in a building of thousands and thousands of foreign officials effectively running a country, and then a very rapid transition from that to an Iraqi Government which had some of the structures it needed, but then didn't have some of the others."[3]

Efforts to accelerate the pace of reconstruction

16. On 1 July, at his request, the Permanent Joint Headquarters (PJHQ) provided General Sir Michael Walker, Chief of the Defence Staff (CDS), with advice on post-transition plans for infrastructure reconstruction.[4]

17. PJHQ advised that:

- The US Project and Contracting Office (PCO) would be the largest source of funding for reconstruction in the short to medium term, but was still developing its management structures and procedures and recruiting staff. It was likely that the PCO would not be fully functioning until September. Concerns had been expressed about a funding gap over the summer and the consequent potential for "social unrest". MND(SE) had explored the possibility of extending CPA projects or increasing the US Commanders' Emergency Response Programme (CERPs) allocation for the South, but neither option appeared possible. Ambassador Bremer had requested that additional UK resources should be used to plug the potential gap between CPA and PCO activity.
- Since the emphasis in Iraq had shifted from reconstruction to development, the bulk of the UK's future contribution clearly fell "within the competence of DFID".
- The Essential Services Plan, which had been due to complete by 30 June 2004 but had now been extended to August, remained the "major vehicle for infrastructure reconstruction" in MND(SE).
- The UK military would continue to implement projects funded by the US CERPs and UK allocations for Quick Impact Projects (QIPs).

18. The 1 July meeting of the AHMGIR considered three papers on UK priorities for the period up to the Iraqi elections (scheduled for January 2005), on the political process, security, and reconstruction and development.[5]

---

[3] Public hearing, 22 June 2010, pages 12-13.
[4] Minute CivSec PJHQ to PSO/CDS, 1 July 2004, 'Infrastructure Reconstruction at Transition'.
[5] Annotated Agenda, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

19. The MOD paper on security assessed that the security situation was unlikely to improve in the immediate future.[6] The key to improving the security situation was achieving "buy-in" to the political process and making progress on reconstruction, at the same time as developing the capacity of the Iraqi Security Forces (ISF).

20. The paper highlighted the importance of job creation:

> "A major Iraqi complaint is the failure to meet expectations on reconstruction. This has the double negative effect of creating disaffection with the political process and increasing the pool of unemployed …
>
> "It will therefore be important that the reconstruction programme creates sufficient jobs to significantly reduce the number of disaffected. In the short term, continuing difficulties in the delivery of essential services could lead to serious disturbances during the summer."

21. The DFID paper on reconstruction and development assessed that the next six months would be critical for establishing stability.[7] Better security would be "central if there is to be sustained progress on reconstruction, effective engagement by the UN and World Bank, and if the Iraqi economy is to take off as it should".

22. Other key issues for reconstruction and development were:

- minimising any potential slowdown in reconstruction and development in the South over the summer, in particular as new US structures became established;
- building the capacity of Iraqi institutions to manage reconstruction;
- helping the IIG conclude debt relief negotiations and setting the foundations for macro-economic stability;
- SSR and access to justice; and
- strengthening social cohesion by supporting Iraqi participation in the political process, strengthening civil society's ability to advocate for the poor, and supporting the development of the Iraqi media.

23. At the meeting, Mr Benn welcomed the fact that "Iraqis were clearly in charge and their voices were being heard".[8] The UK was moving "from a phase of doing things for the Iraqis to supporting them doing it for themselves". The UK's focus was now on engaging the UN and World Bank, plugging any funding gap over the summer, and supporting Iraqi institutions to manage the reconstruction process and access funds.

---

[6] Paper MOD, [undated], 'Security: The Next Six Months'.
[7] Paper DFID, [undated], 'Iraq Reconstruction and Development: UK Priorities for the Period up to the Elections'.
[8] Minutes, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

24. The meeting endorsed the three papers, and commissioned the FCO to co-ordinate an integrated UK strategy covering the period up to the Iraqi elections for discussion at the meeting of the Defence and Overseas Policy Committee (DOP), a sub-Committee of the Cabinet, on 15 July.

25. In his first report from Basra on 12 July, Mr Simon Collis, the British Consul General, reported that no PCO staff had yet arrived in Basra to spend the South's US$2.3bn projected share of IRRF2.[9] He continued:

> "… no one here – including my US counterpart – knows yet how the third entirely new organisation in just over a year[10] will organise itself and do business. There must be a high risk that money will be spent slowly, inappropriately, and without adequate consultation with ourselves or, more importantly, the Iraqis."

26. Mr Collis also advised that there were still no effective mechanisms in place to enable Iraqi ministries to release funds to Basra.

27. The strategy paper commissioned by the AHMGIR on 1 July was circulated to members of DOP on 13 July.[11] The introduction to the paper said that it offered:

> "… a strategic look at the position we want Iraq to be in at the end of January 2005; risks to our strategy; and priority areas in which the UK can help ensure success."

28. The paper, which had been produced by the FCO, defined the political, security and "reconstruction and economic" objectives for the period up to the Iraqi elections. The three objectives for reconstruction and the economy were:

- a functioning Iraqi Government in Baghdad and at governorate level capable of delivering basic services;
- reconstruction programmes funded by the PCO, the UN and World Bank Trust Funds, bilateral donors and the Iraqi Government which were delivering jobs and improvements to infrastructure and services; and
- a reduction in subsidies and an agreed IMF programme leading to a debt settlement by December.

29. The paper identified security as the most significant risk to achieving those objectives, in particular the risk of "a terrorist spectacular" against either the IIG or the UN. Other risks included infrastructure failures over the summer leading to popular discontent.

---

[9] Telegram 76 Basra to FCO London, 12 July 2004, 'First Impressions of Basra'.
[10] The PCO, following the Office of Reconstruction and Humanitarian Assistance (ORHA) and the Coalition Provisional Authority (CPA).
[11] Paper FCO, 13 July 2004, 'Iraq: The Next Six Months'.

30. Based on those objectives and risks, the two "reconstruction and development" priorities were:

- To bridge funding shortfalls over the summer, when CPA and Development Fund for Iraq (DFI) projects ended, by implementing DFID and MOD job creation and infrastructure programmes. The UK had to maintain pressure on the US to spend its money in the South, quickly.
- To press the UN and the World Bank to send key staff back to Iraq.

31. The paper identified monthly milestones on the political process, reconstruction, and SSR tracks between July 2004 and January 2005.

32. At the DOP meeting, chaired by Mr Blair, Ministers reported that:

- Progress was being made on reconstruction. Electricity production was at its highest level so far (at 5,500 megawatts), the UK was providing expert advice to the IIG, notably to Prime Minister Allawi's office, and DFID and the MOD had funds in place to mitigate a possible funding gap over the summer.
- Implementation of the main infrastructure contracts was slow.[12]

33. DOP agreed the priorities set out in the paper, and commissioned DFID to produce a note on infrastructure issues which Mr Blair might use in discussions with President Bush.

34. The FCO paper was not the integrated strategy that Ministers had requested on 1 July.

35. The DFID note that was subsequently sent to No.10 welcomed the anticipated arrival of the PCO Regional Co-ordinator in Basra, and continued: "But PCO [Co-ordinator] will need a team to support him. Little sign of Supplemental [IRRF2] contractors on the ground. Needs impetus."[13]

36. President Bush and Mr Blair spoke by video conference on 22 July. Mr Blair's briefing for the discussion, which had been produced by Mr Antony Phillipson, Mr Blair's Private Secretary, recalled that Mr Blair had told DOP that he would speak to President Bush about the pace of reconstruction spending.[14] Since then, Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, had discussed the issue with Dr Condoleezza Rice, the US National Security Advisor. Mr Phillipson suggested that Mr Blair "might just mention" UK concerns about the situation in the South.

---

[12] Minutes, 15 July 2004, DOP meeting.
[13] Letter Malik to Quarrey, July 2004, [untitled].
[14] Minute Phillipson to Prime Minister, 22 July 2004, 'VTC with President Bush, 22 July'.

37. The record of the video conference did not include any reference to reconstruction.[15]

38. The Annotated Agenda for the 22 July meeting of the AHMGIR stated that the responsibility for IRRF2 had passed from the US Department of Defense (DoD) to the US State Department.[16] The State Department wanted to review US priorities to ensure they were "developmentally sound" and to shift resources from infrastructure to governance; the UK had urged quick decisions to avoid delaying disbursements.

39. The Annotated Agenda advised that a PCO Regional Co-ordinator would arrive in Basra at the end of July and projects would start in September. It appeared that the US was giving priority to programmes "in 'their' areas"; there was therefore a risk of a reconstruction gap in the South. The need to speed up US reconstruction in the South had been raised at a recent video conference between Mr Blair and President Bush.

40. The Annotated Agenda set out the action that the UK was taking, in addition to lobbying the US to speed up their efforts, to address the possible short-term funding gap:

- The MOD was seeking a further £10m from the Treasury for QIPs.
- DFID was funding a five-person Project Continuity Team (PCT) based in the PCO to help implement former CPA(South) projects. The PCT had already deployed.
- DFID was funding a 10-person Technical Advisory Team (TAT) comprising infrastructure and other specialists to help link Iraqi priorities and PCO plans. The team was expected to deploy to Iraq in August.
- DFID had developed a £16m programme to generate employment opportunities and provide an emergency response facility to deal with critical failures in essential services in the South over the next six months. The programme would start immediately.

41. The Annotated Agenda also stated that the IMF was seeking early agreement on a Stand-By Arrangement for Iraq (a precondition for a Paris Club deal on debt reduction). DFID hoped to deploy advisers to support the Iraqi Government in its negotiations with the IMF.

42. A UK Trade and Investment (UKTI) secondee to the PCO told an official at the British Embassy Baghdad on 7 August that he was not aware of any PCO policy to withhold support from Basra in favour of US areas.[17] The official described the secondee as "generally very well informed on PCO policies".

---

[15] Letter Phillipson to Adams, 22 July 2004, 'Prime Minister's VTC with President Bush, 22 July: Iraq and MEPP'.
[16] Annotated Agenda, 22 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[17] Email FCO [junior official] to FCO [junior official], 7 August 2004, 'PCO Manning in Basra'.

43. Section 9.3 describes the Sadrist uprising in Najaf in early August, and the deteriorating security situation across Iraq.

44. Mr Blair concluded at the end of August that Prime Minister Allawi needed "help now". That help included accelerating the pace of reconstruction, so that Iraqis saw improvements before the January 2005 elections.

45. Mr Phillipson wrote to the Cabinet Office on 20 August to commission a:

> "… full picture of the situation in Iraq after the National Conference,[18] how we are going to get from here to successful elections in January, and the challenges we will face."[19]

46. Mr Phillipson advised that the request followed a "long discussion" the previous day with Mr Blair, who had observed that the security situation, the slow rate at which the ISF was being trained and equipped, and "ongoing difficulties" with reconstruction posed a real risk to the achievement of the UK's objectives in Iraq.

47. The British Embassy Office Basra reported by telegram on 24 August that the PCO Regional Co-ordinator had now arrived.[20] The Co-ordinator expected the PCO to "have an impact on the ground" in the last quarter of 2004; the British Embassy Office doubted that the PCO could meet that timeline.

48. On 27 August, in response to Mr Phillipson's commission, the IPU provided a paper for the Cabinet Office.[21] Mr Neil Crompton, the Head of the IPU, advised Mr Straw's Private Office that the paper contained "little new in policy terms".

49. The IPU paper concluded that the strategy agreed by DOP on 15 July was the right one, but would require regular fine-tuning.[22] Its key judgements included:

- The IIG had made a good start, but needed to deliver results soon, particularly on security but also on essential services.
- There was growing "disquiet" in the "previously benign" South, reinforced by a sense that Baghdad and the US were neglecting its interests. Politically, Basra and Maysan were paralysed by power struggles, hindering work on reconstruction and security.
- Iraq was "awash with reconstruction funds". The challenge was delivering quickly on the ground. Security was a major hindrance.

---

[18] From 15 to 18 August a National Conference was held to select an Iraqi Interim National Council (IINC) of 100 members to oversee the Iraqi Interim Government until the election of the Transitional National Assembly in January 2005.
[19] Letter Phillipson to Fergusson, 20 August 2004, 'Iraq: Next Steps'.
[20] Telegram 130 Basra to FCO London, 24 August 2004, 'southern Iraq: PCO and Saudi Development Fund'.
[21] Minute Crompton to Private Secretary [FCO], 27 August 2004, 'Iraq: Next Steps' attaching Paper IPU, 27 August 2004, 'Iraq: Next Steps'.
[22] Paper IPU, 27 August 2004, 'Iraq: Next Steps'.

50. The paper stated that President Bush was letting US officials in Baghdad "make the running", and recommended that the UK focus its effort with the President on a few key areas where Washington could make a difference, including ensuring that the US did not take reconstruction in the South for granted.

51. The paper retained the three reconstruction objectives that DOP had agreed on 15 July (a functioning Iraqi Government, reconstruction programmes funded by others delivering quickly and well, and a reduction in subsidies and an agreed IMF programme leading to debt relief by December 2004).

52. Mr Phillipson passed the IPU paper to Mr Blair, after discussing it with Sir Nigel Sheinwald.[23] Mr Phillipson's covering minute stated that the IPU paper was "too vague", did not reflect the "loss of control" in Basra and elsewhere, and did not offer a clear way forward. He recalled that Mr Blair had asked for the "unvarnished truth so that we can engage in a frank discussion about how we can help the IIG restore control".

53. Mr Phillipson recommended that a new paper should be commissioned, broken into three sections:

- how to ensure that the elections took place, on time, in January 2005;
- how the Sunni triangle could be brought "back under control"; and
- how order could be restored in Basra.

54. Mr Phillipson continued that one aspect of the effort to bring the Sunni triangle back under control should be "a short-term programme of intensive reconstruction to make a visible impact to people's lives – a Sunni outreach programme".

55. Mr Blair set out his analysis of the issues in a note to Sir Nigel Sheinwald, Mr Phillipson, Mr Jonathan Powell (No.10 Chief of Staff) and a junior member of his No.10 staff on 29 August.[24] He wrote:

> "Our strategy is fine in one sense: Iraqiisation of security and support for the democratic political process. The problem is that the urgency of the situation may overwhelm us and make our timelines for Iraqiisation naïve.
>
> "The fact is Allawi needs help now; and there has to be a clear sense of our gripping the situation now."

56. Mr Blair identified nine immediate actions, including:

- providing Prime Minister Allawi with "first-class political, media and strategic capability … now", drawing on "the best home-grown Iraqi talent" supported by "our own people" who should be "hand-picked" immediately;

---

[23] Minute Phillipson to Prime Minister, 27 August 2004, 'Iraq: Next Steps'.
[24] Minute Prime Minister to Sheinwald, 29 August 2004, 'Iraq'.

- examining DFID's assistance to key Iraqi ministries, in particular defence,[25] "to ensure real robustness and … if necessary, our people put in"; and
- unblocking funding for reconstruction, in the Sunni triangle and elsewhere, as the "key to winning hearts and minds".

57. Mr Blair concluded:

> "When I meet Allawi in September, it should be with a coherent plan to change the situation."

58. Mr Benn visited Iraq from 31 August to 1 September, despite significant security concerns.[26] He reported to Mr Blair on 3 September that despite worsening security, some progress was being made:

> "But the pace of reconstruction is still too slow …
>
> "DFID's approach of encouraging the international system to help rebuild Iraq and working through bilateral programmes at the national level (to build capacity in key ministries) and in the South (to help create jobs, renew infrastructure and reduce poverty) is still right. But I will want to see substantial progress on spending and delivery before committing any more to the [World Bank and UN] Trust Funds. I have therefore concentrated on new bilateral programmes this financial year."[27]

59. Mr Benn reported that, while in Iraq, he had announced new funding for projects in the South to respond to critical needs in essential services and create jobs and build capacity in the four southern Governorates. The MOD had also secured additional funding for QIPs.

60. Mr Benn concluded: "We will need to stay flexible in responding to changing circumstances."

61. The projects referred to by Mr Benn were the £16.5m southern Iraq Employment and Service Programme (SIESP) and the £20.5m Governorates Capacity Building Project.[28]

62. On 3 September, at the request of the MOD, the Current Intelligence Group (CIG) assessed the impact of the recent Shia violence on the situation in MND(SE).[29]

---

[25] Support to the Iraqi Ministry of Defence was provided by the MOD.
[26] Letter Gibbons to Simpson, 23 August 2004. 'Ad Hoc RMV – Hilary Benn's Visit to Iraq'.
[27] Letter Benn to Prime Minister, 3 September 2004, 'My Visit to Iraq'.
[28] Paper DFID, 4 November 2009, 'Iraq – DFID Timeline and Financial Commitments: 2003 – 2009'.
[29] CIG Assessment, 3 September 2004, 'Iraq Security: Shia Violence in Multinational Division (South East)'.

63. The CIG judged that the situation in MND(SE) remained "fragile" and that there had been considerable loss of public support for the MNF. Most Shia were likely to continue to support the political process, but their consent depended on expectations being met, including elections held on schedule and a government that reflected their majority status.

64. A continuing failure to improve public order, restore public services or create jobs would also increase disillusionment, risking renewed unrest.

65. During Mr Benn's visit to Iraq, officials in the British Embassy Office Basra raised concerns over the operation of the World Bank and UN Trust Funds.[30]

66. DFID responded to those concerns on 6 September:

> "Basra are right that getting PCO and Trust Fund programmes moving faster is critical, but not that our contribution to the Trust Funds is pointless."

67. The Trust Funds had several purposes:

"
- to deliver reconstruction on the ground;
- to allow donors to pool resources and streamline procedures. This reduces their overheads, and gives the Iraqis fewer donors with their own priorities and procedures to negotiate with; and
- to encourage the UN and the World Bank to re-engage".

68. The World Bank and the UN had now started disbursing money from the Trust Funds, and the Iraqi Minister for Planning and Development Co-ordination had told Mr Benn that he was "much happier" with collaboration with the World Bank and UN.

69. DFID concluded the Trust Funds had been set up "to deliver medium-term benefits to Iraq rather than quick fixes". The test now was delivery.

70. On 9 September, Sir Nigel Sheinwald and Mr David Quarrey, a Private Secretary to Mr Blair, sent Mr Blair a minute reporting on their recent visit to Iraq, for use in Mr Blair's video conference with President Bush later that day.[31]

71. The minute stated that a "joined up programme" was needed, including:

- an effective counter-insurgency strategy to "regain control of cities in the Sunni triangle";
- an IIG strategy for Sunni outreach;
- support for Prime Minister Allawi's office; and

---

[30] Telegram 1 DFID to FCO Baghdad, 6 September 2004, 'Southern Iraq: Trust Funds'.
[31] Minute Sheinwald and Quarrey to Blair, 9 September 2004, 'Iraq'.

- economic development. DFID was making good progress "in helping to get the economic framework right. But hardly anyone thinks that the ordinary Iraqi will see a major dividend before the elections in January."

72. During his visit, Sir Nigel met Prime Minister Allawi, who stated that the political, economic and capacity-building strands were linked; he hoped for significant progress in each before November.[32] A copy of the record of that meeting was sent to Mr Benn's Principal Private Secretary.

73. Mr Benn told Cabinet on 9 September that during his visit to Baghdad and Basra, he had been able to "feel the difference" since the transfer of sovereignty.[33] Sunni outreach was needed in the South, where the mood was one of "persistent victimisation". Reconstruction activity was continuing, but had been adversely affected by the security situation.

74. During his video conference with President Bush on 9 September, Mr Blair raised both the need to accelerate Iraqiisation and for enhanced capacity within the IIG, without which "too much fell on Allawi himself".[34] The existing timelines for improved security and services were "too long" and risked delaying the election.

75. Mr Quarrey wrote to Mr Benn's Principal Private Secretary on 14 September, responding to Mr Benn's 3 September visit report:

> "The Prime Minister believes that we must continue to do all we can on this [reconstruction], and particularly to make sure that ordinary Iraqis see a more tangible benefit before the elections. We have a particular responsibility to deliver in the South. We agree that it is sensible to focus UK resources on bilateral programmes while the multilateral Trust Funds remain ineffective."[35]

76. Mr Blair chaired a meeting of the Ad Hoc Ministerial Group on Iraq on 16 September.[36]

77. Mr Blair's Chairman's Brief stated that one purpose of the meeting was to:

> "… **galvanise the key departments** and ensure they give Iraq their full attention in the next 5 months, in order to **achieve the necessary results on the ground in the run-up to elections**".[37]

---

[32] Letter Quarrey to Owen, 9 September 2004, 'Iraq: Nigel Sheinwald's Meeting with Allawi, 8 September'.
[33] Cabinet Conclusions, 9 September 2004.
[34] Letter Phillipson to Adams, 9 September 2004, 'Prime Minister's VTC with President Bush, 9 September'.
[35] Letter Quarrey to Malik, 14 September 2004, 'Iraq: Your Secretary of State's Visit'.
[36] Record, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.
[37] Briefing Cabinet Office, 16 September 2004, 'Ad Hoc Ministerial Group on Iraq meeting to be held in the Cabinet Room on Thursday 16 September 2004 at 0830: Chairman's Brief'.

78. The Group agreed that the MOD, DFID and the FCO would produce specific suggestions for how progress could be made in Iraq which Mr Blair could put to President Bush when they next spoke:

"
- MOD to make recommendations on how ISF capacity will develop …
- DFID to advise on where blockages can [be] removed to speed up the impact of reconstruction funding.
- FCO to advise on what political strategy Allawi should be pursuing and his capacity to deliver it."[38]

79. Sir Nigel Sheinwald met Dr Rice during his visit to Washington from 16 to 17 September.[39] He reported to Mr Blair that he had raised the continuing criticisms of the pace of the US reconstruction effort. Dr Rice had said that she did not understand why, after many enquiries, there were still blockages. Sir Nigel commented that "there was no sense that the NSC [National Security Council] was chasing this down, or that anyone else was".

80. Prime Minister Allawi visited London on 19 and 20 September.[40]

81. Mr Quarrey's briefing for Mr Blair advised that he might:

- offer whatever support Prime Minister Allawi needed for his office;
- encourage him to see reconstruction and development as "integral to his wider political strategy";
- encourage him to associate the IIG very visibly with successes on the ground;
- reassure him of UK support for debt relief. Iraq might not get the 95 percent relief that the IIG and US were pushing for, but the UK wanted relief to be well above 80 percent; and
- encourage him to press the UN and Member States for a substantial increase in support.[41]

82. During his private meeting with Mr Blair on 19 September, Prime Minister Allawi outlined his four-point strategy for Iraq covering the political process, the economy, security (the most important aspect of the strategy and his personal focus) and institution building.[42]

---

[38] Record, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.
[39] Minute Sheinwald to Prime Minister, 20 September 2004, 'Visit to Washington'.
[40] Letter Sheinwald to Adams, 19 September 2004, 'Iraq: Prime Minister's Meeting with Prime Minister Allawi, Sunday 19 September'.
[41] Minute Quarrey to Prime Minister, 18 September 2004, 'Iraq: Your Meeting with Allawi' attaching Briefing Cabinet Office, [undated], 'Briefing Notes for Allawi Visit'.
[42] Letter Sheinwald to Adams, 19 September 2004, 'Iraq: Prime Minister's Meeting with Prime Minister Allawi, Sunday 19 September'.

83. Mr Blair asked Prime Minister Allawi whether he had the "infrastructure" around him to implement IIG policy. Prime Minister Allawi agreed there was a problem. Mr Blair said that the UK would send "two or three people" to Baghdad to work on the issue. On reconstruction, Mr Blair said that each project needed to be properly publicised as an achievement of the IIG and Prime Minister Allawi.

84. Mr Blair, Prime Minister Allawi and several Iraqi Ministers discussed reconstruction and the economy over lunch.[43] The Iraqi delegation said that there had been good progress on reconstruction in recent months, but the pace of delivery was still far too slow. Nor were donors delivering on their commitments to the World Bank and UN Trust Funds. Mr Blair said that there needed to be absolute clarity on where the blockages on funding were.

85. Prime Minister Allawi stressed the need for a generous debt reduction package that would encourage foreign investment, and asked the UK to play a major role in the Iraq Grand Port project on the Faw peninsula.

86. An Iraqi delegation led by Prime Minister Allawi held a roundtable meeting on reconstruction with Mr Straw, Mr Benn and Mr Hoon on 20 September.[44]

87. The FCO reported that Prime Minister Allawi's main theme had been the importance of progress on reconstruction and its link to security.

88. Mr Mehdi Hafez, Iraqi Minister of Planning and Development Co-ordination, outlined progress towards an agreement on debt relief. Mr Benn emphasised the importance of reducing fuel subsidies if Iraq was to secure an IMF programme. Mr Hafez said that the IIG was committed to reducing subsidies (which he estimated to account for 50 percent of government expenditure), but there were political sensitivities.

89. During a discussion of the World Bank and UN Trust Funds, Mr Benn encouraged Prime Minister Allawi to press the UN to deploy staff to Iraq and to speed up disbursements from their Trust Fund. The Iraqi delegation said that the reluctance of the World Bank and IMF to engage raised questions about the value of multilateral (as opposed to bilateral) assistance. Mr Benn said that "DFID was concentrating on bilateral projects with 2004/05 money". Mr Hafez confirmed that the IIG was content with the DFID programme.

90. DFID sent the note on how to speed up reconstruction funding requested at the 16 September meeting of the Ad Hoc Ministerial Group on Iraq to No.10 on 23 September, to inform a telephone conversation between Mr Blair and President Bush the following day.[45]

---

[43] Letter Quarrey to Owen, 19 September 2004, 'Iraq: Prime Minister's Lunch with Allawi, 19 September'.
[44] Telegram 73 IPU to Baghdad, 20 September 2004, 'Iraq: Visit of Allawi: Meeting with Foreign Secretary, Mr Benn and Mr Hoon'.
[45] Letter Drummond to Quarrey, 23 September 2004, 'VTC with President Bush' attaching Briefing DFID, [undated], 'Prime Minister's Video-Conference with President Bush'.

91. The DFID note advised that:

- Iraq's infrastructure had now been "stabilised" and some improvements had been made. But Iraqi citizens did not see that; it was vital for security that visible progress was made fast, and that the IIG told Iraqi citizens what was being achieved.
- There were "very few" PCO staff in the South. Could the US speed up the deployment of PCO staff, and give USAID a bigger role?
- Iraqi systems were not yet working. The US and UK needed to press Prime Minister Allawi to get Iraqi oil revenues into the provinces, and press the UN and World Bank to deploy experts.

92. Mr Quarrey's briefing for Mr Blair suggested that he could refer to Prime Minister Allawi's concern about the pace of delivery on reconstruction.[46]

93. In a telephone conversation with President Bush on 24 September, Mr Blair set out three priority issues, as discussed with Prime Minister Allawi:

- the need to strengthen Prime Minister Allawi's office;
- accelerating work to show the ISF had capacity to act; and
- increasing the pace of development activity.[47]

94. On 1 October, in response to a request for advice from Mr Benn's Private Secretary on the World Bank and UN Trust Funds, a DFID official advised that:

> "… implementation is proceeding, but not as quickly as we would wish or had anticipated when we decided to contribute to them in February".[48]

95. There was as yet insufficient evidence to decide whether DFID should make further contributions to the Trust Funds. Equally, withdrawing UK funds from the Trust Funds would be difficult to justify and would undermine UK efforts to persuade other donors (especially those not present on the ground in Iraq) to contribute to the reconstruction effort.

96. Iraqi Deputy Prime Minister Dr Barham Salih presented the IIG's National Development Strategy (NDS) at the third meeting of the International Reconstruction Fund Facility for Iraq (IRFFI) Donor Committee in Tokyo on 14 October.[49]

---

[46] Minute Phillipson to Prime Minister, 23 September 2004, 'Phonecall with President Bush, 24 September'.
[47] Letter Quarrey to Owen, 24 September 2004, 'Prime Minister's Phone Conversation with President Bush, 24 September'.
[48] Minute DFID [junior official] to DFID [junior official], 1 October 2004, 'Iraq Trust Funds: Secretary of State's Conversation with Ann Clwyd MP'.
[49] Telegram 181 Tokyo to FCO London, 15 October 2004, 'Iraq: Tokyo Donor Committee Meetings, 13-14 October'.

97. The NDS set out the social and economic reforms that the IIG intended to pursue, but did not prioritise those reforms or include plans for their implementation.[50]

98. Dr Salih told the meeting that this was the first time a sovereign Iraqi Government had presented its own vision of Iraq's future to the international community.[51] Iraq needed a quick agreement on debt relief and faster implementation of pledges made by donors at the Madrid Donor Conference, in line with the priorities outlined in the NDS.

99. The IMF and World Bank presented a "relatively positive" assessment of Iraq's economy, including higher than expected oil revenues.

100. At the meeting, Mr Jim Drummond, DFID Director Iraq, underlined the importance of Iraqi leadership of the reconstruction process, urged faster disbursement from the World Bank and UN Trust Funds, and encouraged more donors to contribute to them.

101. The British Embassy Tokyo reported that the international community had come together behind "a good Iraqi-led strategy". Germany and France had engaged "more than previously, but not yet with significant support". There had been no significant new pledges, but that was not surprising given the US$32bn pledged at Madrid and rising Iraqi oil revenues.

102. Mr Quarrey described the meeting to Mr Blair as "important and successful".[52] In response, Mr Blair asked for a DFID paper on how the UK could ensure that the meeting led to a visible acceleration in the delivery of reconstruction on the ground.[53]

103. The IIG's successor, the Iraqi Transitional Government (ITG), launched a revised NDS in July 2005.

Reconstruction in areas regained from insurgent control, and Fallujah

104. Section 9.3 describes how, in the autumn of 2004, the IIG and the Multi-National Force – Iraq (MNF-I) reviewed the possibility of further military action to gain control of Fallujah from the Sunni insurgency, including the debate between the US and UK on how and when to take action.

105. A DFID official advised Mr Benn in advance of the 14 October meeting of the Ad Hoc Ministerial Group on Iraq that the FCO and "UK military" were arguing against an early clearance operation in Fallujah and for a "hybrid of security (cordon, precision strikes) and political/economic initiatives … and giving these time to work".[54]

---

[50] The Iraqi Strategic Review Board, September 2004, *National Development Strategy 2005-2007.*
[51] Telegram 181 Tokyo to FCO London, 15 October 2004, 'Iraq: Tokyo Donor Committee Meetings, 13-14 October'.
[52] Minute Quarrey to Blair, 15 October 2004, 'Iraq Update'.
[53] Letter Quarrey to Naworynsky, 18 October 2004, 'Iraq'.
[54] Minute DFID [junior official] to APS/SoS [DFID], 13 October 2004, 'Iraq: Ad Hoc Ministerial Group Meeting on 14 October'.

106. Mr Benn was also advised that there had been a "breakthrough" in the relationship between the PCO and DFID in the South, with the PCO accepting and welcoming the Technical Advisory Team (TAT). After many delays, the PCO had begun work in the South.

107. Following talks in London, DFID was also seeking to work more closely with MND(SE), to "synchronise" UK reconstruction and security efforts. MND(SE) was "struggling" to disburse its QIPs and CERPs funds (totalling US$25m), largely because of a lack of capacity. The TAT might be able to assist. A DFID team would visit Basra to continue discussions.

108. The 14 October meeting of the Ad Hoc Ministerial Group on Iraq was briefed that the US military was planning military action in Fallujah.[55]

109. The Ad Hoc Ministerial Group on Iraq agreed that an operation to clear Fallujah was right in principle but the UK should try to persuade the US to give Prime Minister Allawi time to improve the political environment.

110. Mr Chaplin reported by telegram on the same day that the US planned to spend US$3.4bn on "rapid reconstruction" in 18 "strategic cities" (defined as major population or religious centres and real or potential areas of insurgency) in the run-up to the Iraqi elections, including US$1.4bn in Baghdad and US$316m in Basra.[56] The US had allocated US$75m for Fallujah, but all work there was currently suspended. The initiative covered PCO, USAID and CERPs projects.

111. Mr Chaplin's report prompted Mr Blair to request an update on developments in Najaf.[57] Mr Quarrey directed that request to the Cabinet Office.[58]

112. Sir Nigel Sheinwald and Dr Rice discussed Iraq on 22 October.[59] Sir Nigel reported that they had agreed that not enough was being done in towns where the IIG had regained control from insurgents. Dr Rice had said that she had (again) asked the NSC to find out why reconstruction funding was moving so slowly.

113. Mr Blair discussed progress on reconstruction, especially in key cities after military action, with Prime Minister Allawi by telephone on the same day.[60] Prime Minister Allawi said that effective reconstruction would have a positive impact on the security situation. Mr Blair agreed and said he would mention it to President Bush. Mr Quarrey's record of the conversation was copied to Mr Benn's Principal Private Secretary.

---

[55] Record, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.
[56] Telegram 280 Baghdad to FCO London, 14 October 2004, 'Iraq: Reconstruction Projects in Strategic Cities'.
[57] Letter Quarrey to MOD [junior official], 18 October 2004, 'Iraq'.
[58] Letter Quarrey to MOD [junior official], 18 October 2004, 'Iraq'.
[59] Letter Sheinwald to Adams, 22 October 2004, 'Conversation with US National Security Adviser, Friday 22 October'.
[60] Letter Quarrey to Wilson, 22 October 2004, 'Iraq: Prime Minister's Conversation with Allawi, 22 October'.

114. Mr Quarrey passed the Cabinet Office's paper on reconstruction in Najaf and other key cities and the DFID paper on how to accelerate reconstruction on the ground in the wake of the Tokyo Donor Conference to Mr Blair on 22 October.[61]

115. The Cabinet Office paper concluded that "the general impression is that, as yet, there is no systematic or co-ordinated approach to these key cities".[62] It identified a number of lessons, including:

- It was possible for political deals to hold long enough for the IIG/PCO to deliver enough reconstruction to start building public support and discredit the insurgents.
- There needed to be a sufficient continuing ISF presence for the IIG to remain in control and to facilitate reconstruction.
- IIG and to some extent PCO capacity to deliver reconstruction quickly was very limited. CERPs delivered impact most quickly.

116. The DFID paper on the follow-up to the Tokyo donors meeting advised that while the procedural obstacles to spending US and Trust Fund allocations had largely been overcome, the security situation was worse.[63] To "get round" that problem, there was now a greater emphasis on using Iraqi systems and contractors. In that context, to accelerate the pace of reconstruction, the UK needed to:

- Persuade the World Bank and UN at the top level to move fast, and to send development specialists to Iraq. Mr Benn had lobbied the UN Secretary-General Kofi Annan on 19 October.
- Provide funding and security for World Bank and UN liaison staff. DFID funded and housed one liaison officer for each of the World Bank and UN in Baghdad, and was considering funding a UN liaison officer in Basra.
- Support the PCO. The Head of the US Iraq Reconstruction and Management Office (IRMO) had told the UK that he wanted to work closely with the UK, but that he did not want UK staff in the PCO.

117. Mr Quarrey commented on the DFID paper:

> "Lots of good points here about the UN and World Bank. But nothing on our bilateral programme and what more we might be able to do with that …"[64]

---

[61] Minute Quarrey to Prime Minister, 22 October 2004, 'Iraq Reconstruction'.
[62] Paper Cabinet Office, 22 October 2004, 'Iraq: Developments in Key Cities'.
[63] Paper DFID, [undated], 'Tokyo Follow-up'.
[64] Minute Quarrey to Prime Minister, 22 October 2004, 'Iraq Reconstruction'.

118. Mr Quarrey commented on the Cabinet Office paper:

> "Not an encouraging picture … It looks like we are a long way from the sort of integrated political/security/reconstruction packages for these key cities that we, the US and Allawi keep talking about.
>
> "We must do better on this. The lack of any reference in the DFID note to this key issue is striking."

119. Mr Blair replied: "We need to get tougher with DFID on this. Let me minute Hilary [Benn]. It's not good enough."[65]

120. Major General Andrew Farquhar, the British Deputy Commanding General of Operations in the Multi-National Corps – Iraq (MNC-I), reported on 24 October that the US had allocated US$7m from CERPs for projects in the immediate aftermath of military operations in Fallujah.[66]

121. Mr Blair wrote to Mr Benn on 26 October:

> "I remain concerned that actual delivery of reconstruction on the ground is far too slow …
>
> "We must accelerate the pace of reconstruction, not least to support the political process as we head towards the elections. The note [on the Tokyo donors meeting] includes some good ideas on pressing the UN and World Bank. But we also need to increase the impact of your bilateral programme in the short term. And we need to find more effective ways of getting the US to spend their funds more quickly and with greater impact.
>
> "I am particularly concerned about the lack of follow-through on reconstruction in those cities and towns where the IIG, with MNF support, has regained control from insurgents (e.g. Najaf, Samarra, Tal Afar). These are, of course, not in the MND(SE) region where our spending is concentrated. But DFID has considerable experience of post-conflict situations which I would like to see us using across Iraq."[67]

122. Mr Hoon briefed the 28 October meeting of the Ad Hoc Ministerial Group on Iraq on US military plans for a "short, sharp campaign" in Fallujah.[68]

123. At the meeting, Mr Benn said that DFID continued to press the PCO, but a recent proposal to second a UK development adviser to the PCO had been turned down by the US. It was difficult for the UK to offer additional assistance in cities like Fallujah "as the US was already engaged and sufficient funds were available".

---

[65] Manuscript comment Blair on Minute Quarrey to Prime Minister, 22 October 2004, 'Iraq Reconstruction'.
[66] Telegram 301 Baghdad to FCO London, 24 October 2004, 'Iraq: Fallujah: Military Preparations: ISF Numbers and Capability'.
[67] Minute Prime Minister to Secretary of State for International Development, 26 October 2004, [untitled].
[68] Minutes, 28 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

124. Mr Benn reported that he had spoken to UN Secretary-General Annan, and thought it unlikely the UN would deploy more staff to Iraq before the elections (the UN currently had two officers in Iraq, one supported by DFID).

125. Mr Benn said that he would be happy to help the MOD with funding for QIPs if it was better able to implement projects than civilian experts.

126. Cabinet Office, DFID, FCO and MOD officials met on the same day to consider, at No.10's request, how to "push forward" PCO reconstruction efforts.[69] The meeting agreed that the UK should:

- increase efforts to monitor PCO activity across Iraq, although with a focus on MND(SE); and
- make an "open-ended" offer of support to the US for PCO programmes across Iraq (not just in the South).

127. By 29 October, preliminary airstrikes against targets in the Fallujah area had begun.[70]

128. Mr Quarrey advised Mr Blair on 2 November that "planning for the post-conflict phase remains inadequate, and the US now seem resigned to this".[71]

129. A DFID official based in Basra advised Mr Drummond on 3 November that PCO projects in the South remained "almost invisible" to the general public, and that Iraqi engagement in and influence on PCO operations appeared to be minimal.[72]

130. Mr Blair met Prime Minister Allawi in Brussels on 5 November.

131. In preparation for the meeting, Mr Quarrey provided a list of "points that Allawi needs to cover before he approves any military action" in Fallujah.[73] Those included "the follow-up package of political and economic measures". The US said they had funding ready, but the IIG's own preparations looked inadequate. Prime Minister Allawi had to take responsibility for those preparations.

132. At the meeting, Mr Blair said that:

> "… he [Prime Minister Allawi] knew the military commanders were keen to move now. But it was vital that we balanced the political and military priorities. Unless there was an argument for an immediate move, then he believed we needed to take

---

[69] Letter Cabinet Office [junior official] to Drummond, 28 October 2004, 'Iraq: Monitoring and Accelerating PCO Disbursement'.
[70] Minute Dowse to Sheinwald, 29 October 2004, 'Iraq Update – 29 October'.
[71] Minute Quarrey to Prime Minister, 2 November 2004, 'Fallujah'.
[72] Minute DFID [junior official] to Drummond, 3 November 2004, 'PCO'.
[73] Minute Quarrey to Blair, 4 November 2004, 'Iraq: Breakfast with Allawi'.

the necessary time to exhaust all avenues of dialogue with the Sunnis … We also needed to set out a package of reconstruction measures."[74]

133. Following authorisation by Prime Minister Allawi, offensive operations began in Fallujah on 8 November.[75]

134. Mr Chaplin described the UK's involvement in that decision for the Inquiry:

"Our main involvement and the main thing we emphasised afterwards was that if there had to be military action, then the [Iraqi] Government needed to organise itself to ensure there was rapid follow-up, looking after displaced people, returning them as soon as possible, looking after the humanitarian aspects. And the part of the DFID team that was working closely with the Ministry of Health was heavily involved in that …"[76]

135. Mr Benn replied to Mr Blair's letter of 26 October on 10 November.[77] He wrote:

"I share many of your concerns about the pace of reconstruction and development in Iraq. However, we should take encouragement from the Iraqi Interim Government's National Development Strategy, the extra resources (about US$3bn) that the high oil price gives them, and the new arrangements that Allawi is making in his own office, with DFID advice, to lead reconstruction …

"Security is much more difficult than we anticipated and is getting worse around Baghdad. Many contractors, including those that we regularly use to work in post-conflict environments such as Crown Agents, are unwilling to send staff outside Baghdad or Basra at present. This is affecting all donors. But we can do more. Our £6m employment generation project will start to create jobs this month … I have also allocated £10m to support essential services – water, sanitation and power – in South-Eastern Iraq. We will top this up if necessary. We are working closely with UK forces: DFID's technical expertise is available to help them implement their Quick Impact Projects, and military liaison teams will help us to make our projects happen. We will talk to MOD about resources, as we look for other ways to maximise impact."

136. Mr Benn also highlighted DFID's support for the elections, and his decision not to channel further funds through the UN and World Bank Trust Funds.

---

[74] Letter Phillipson to Adams, 5 November 2004, 'Iraq: Prime Minister's Discussion with Iyad Allawi, 5 November 2004'.
[75] *CNN World,* 9 November 2004, *Battle for Falluja under way.*
[76] Public hearing, 7 December 2010, page 19.
[77] Letter Benn to Blair, 10 November 2004, [untitled].

137. On Mr Blair's suggestions that the UK needed to find more effective ways of getting the US to spend its funds more quickly and with greater impact, and that DFID should use its experience of post-conflict situations across Iraq (not just in the South), Mr Benn responded:

> "We will get closer to the Project Contracting Office (PCO). Our Basra sector specialists are working with the PCO there, and the DFID Office in Baghdad has close relations with PCO counterparts in Baghdad, including the new (good) head, Bill Taylor. He has declined our offer of a senior reconstruction specialist but we are offering technical help instead. This could help the PCO implement effective reconstruction projects in areas where the Iraqi Interim Government regains control from the insurgents."

138. Mr Benn's reply highlighted a number of decisions taken before Mr Blair wrote his letter:

- DFID's projects to create jobs and provide essential services in the South had been announced in early September.
- The decision not to channel further funds through the UN and World Bank Trust Funds had also been made in early September.
- DFID's work with MND(SE) to help implement QIPs was under way by 13 October.

139. The FCO advised the British Embassy Baghdad on 15 November that, following the meeting of officials on 28 October which had agreed that the UK should make an open-ended offer of support to the PCO, DFID had confirmed that it could provide:

- technical expertise (for example a water or health expert); and
- expertise on post-conflict reconstruction, to help deliver reconstruction in cities and towns where the IIG had regained control.[78]

140. On 16 November, following a visit to Fallujah, Lieutenant General John Kiszely, the Senior British Military Representative, Iraq, reported to the MOD and IPU that the scale of the damage to buildings dramatically outstripped the figures that the US had used in its press statement.[79] Soldiers in Fallujah had told him that between 90 and 95 percent of civilians had left before the fighting had started.

141. General George Casey, MNF-I, had decreed that MNF-I's main effort should be humanitarian assistance and reconstruction, and had appointed Lt Gen Kiszely "in charge of reconstruction".

---

[78] Telegram 126 FCO London to Baghdad, 15 November 2004, 'Iraq Reconstruction: UK Assistance for the PCO'.
[79] Minute Crompton to Private Secretary [FCO], 16 November 2004, 'Iraq: Fallujah'.

142. Mr Crompton reported to Mr Straw's Private Secretary that Lt Gen Kiszely was "calm, but clearly taken aback by the damage he had seen". The IPU was:

> "… in touch with DFID to see whether they can assist with the humanitarian effort, and are feeding in some ideas to Kiszely on how best to approach the reconstruction task, using lessons learnt in Kosovo and elsewhere".

143. The Annotated Agenda for the 18 November meeting of the AHMGIR reported Lt Gen Kiszely's conclusions, and that the Red Cross and Red Crescent were being allowed into the city.[80] At least US$58m had been earmarked for reconstruction. The IIG estimated that there were 250,000 Internally Displaced People (IDPs) from Fallujah, about 95 percent of whom were staying with family or friends. The Iraqi Ministry of Health reported that there were "no major humanitarian problems".

144. The Annotated Agenda stated that Prime Minister Allawi had established a Cabinet Reconstruction Committee, whose first tasks would be to co-ordinate reconstruction spending in cities won back from insurgent control and to spend US$200m of Iraqi money for emergency reconstruction in the period up to the elections. DFID advisers were "linked in well" and assisting the Committee.

145. The Annotated Agenda also stated that the PCO had declined DFID's offer to "second a senior reconstruction specialist or more technical help in Baghdad".

146. Gen Walker told the meeting there had been a slow start to reconstruction in Fallujah.[81] That was a failure of the IIG and, in part, non-military US agencies. There was no indication of an immediate humanitarian crisis.

147. Mr Benn said that he was prepared to provide Lt Gen Kiszely with a reconstruction adviser, if one was required.

148. Mr Benn reported that more generally, security remained a significant constraint on reconstruction, but that DFID programmes were progressing relatively well.

149. The AHMGIR agreed that:

- DFID and the FCO should press the UN to deploy a senior, full-time development expert to Baghdad;
- DFID and the FCO should keep pressing the PCO for credible information on reconstruction projects;
- Mr Straw and Mr Blair should speak to their French counterparts about the importance of agreeing a Paris Club debt deal;
- Mr Benn should prepare a note on reconstruction activity in MND(SE) and on wider reconstruction issues; and
- the FCO and DFID should prepare a note on why the PCO was proving slow to deliver reconstruction.

---

[80] Annotated Agenda, 18 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[81] Minutes, 18 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

150. Sir Nigel Sheinwald spoke to Dr Rice later that day, and expressed his concern that humanitarian and reconstruction efforts in Fallujah had been slow to get off the ground.[82] He reported that Dr Rice shared that concern, but thought that some humanitarian assistance was now getting into the city, and "everyone was adamant" that there was no humanitarian crisis.

151. The FCO advised No.10 on 19 November that there were "plenty of resources available" for Fallujah's reconstruction.[83] The IIG's response was poorly co-ordinated. The UK would monitor the IIG's response, and would feed in advice on the best way to reconstruct houses damaged in the fighting. The UK had advised Lt Gen Kiszely that the most effective approach would be to give each family a sum of money "for them to go and see to the re-building themselves". That approach, used in Kosovo, would ensure that the money was ploughed back into the Fallujah economy and secure residents' "buy-in" to reconstruction.

152. In his weekly report to Gen Walker on 21 November, Lt Gen Kiszely advised that planning for reconstruction was "well developed" within the US Embassy, led by IRMO, but almost none had taken place in the IIG.[84] Prime Minister Allawi was now "cracking the whip", which should lead to greater Iraqi Ministerial engagement. With so few inhabitants in the city, there was no humanitarian crisis, and the "vast majority" of displaced people had found accommodation with extended family or friends. There were some small tented camps around Fallujah, to which NGOs were delivering supplies. The immediate priorities were to clarify the situation and co-ordinate activity; in the absence of the IIG, that fell to MNF-I.

153. Lt Gen Kiszely also advised that his appointment as "MNF-I co-ordinator for humanitarian assistance and reconstruction" had been prompted by Gen Casey's concern about the scale of the humanitarian and reconstruction challenge.

154. Lt Gen Kiszely told the Inquiry:

> "… by the end of November/early December, it was quite clear that this [military] operation was going to be successful. And the big concern for the Americans was what was going to happen afterwards: was this going to be a microcosm, if you like, of the campaign as a whole in which the reconstruction phase was not properly planned for, or were they going to ensure that it was properly planned and managed? And they very much focused on getting this right."[85]

---

[82] Letter Sheinwald to Adams, 18 November 2004, 'Conversation with US National Security Adviser: 18 November 2004'.
[83] Letter Owen to Phillipson, 19 November 2004, 'Iraq: the Political Process – Prospects for Elections and Sharm El-Sheikh'.
[84] Minute Kiszely to CDS, 21 November 2004, 'SBMR-I's Weekly Report (138) of 21 Nov 04'.
[85] Public hearing, 14 December 2009, page 16.

155. President Bush and Mr Blair spoke by video conference on 30 November. Mr Blair's briefing stated that he should raise Prime Minister Allawi's concern that humanitarian and reconstruction assistance was not getting into Fallujah and other key spots quickly enough.[86]

156. During the video conference, Mr Blair said that Fallujah "had gone well" and the story of what US forces had found there – including evidence of torture chambers – should be put into the public domain.[87] He suggested that the operation had "sent a clear message that the insurgents could not win".

157. The record of the video conference did not include any reference to the humanitarian and reconstruction effort in Fallujah or other "key spots".

158. Ms Margaret Aldred, Deputy Head Overseas and Defence Secretariat in the Cabinet Office, advised Sir Nigel Sheinwald on 1 December, in the context of a report on the situation in Fallujah, that she had received reports that a DFID adviser and a DFID-funded consultant attached to the Cabinet Reconstruction Committee were beginning to make a difference.[88] Those individuals had been re-deployed from within Iraq.[89]

159. A second DFID-funded consultant, Dr Gilbert Greenall, had arrived in Iraq that day to advise Lt Gen Kiszely on the phased return of IDPs to Fallujah.[90]

160. Mr Suma Chakrabarti, the DFID Permanent Secretary, and Mr Drummond reported to Mr Benn on 13 December:

> "DFID provides the core of Allawi's co-ordination team on Fallujah …
>
> "Fallujah demonstrates that neither the IIG nor the US thought through the humanitarian aspects of military actions, though they had allocated money for reconstruction. For the next few weeks we need to have immediate post-conflict expertise in the DFID Office in Baghdad …"[91]

161. Mr Benn told the 16 December meeting of the Ad Hoc Ministerial Group on Iraq that the IIG, with the support of DFID advisers, had put together a package of basic humanitarian support and funds for the reconstruction of homes in preparation for the return of IDPs.[92] Ministers agreed to follow developments closely.

---

[86] Minute Phillipson to Prime Minister, 29 November 2004, 'VTC with President Bush, 1220 – 1300 30 November'.
[87] Letter Quarrey to Owen, 30 November 2004, 'Prime Minister's VTC with President Bush, 30 November: Iraq, Syria and Iran'.
[88] Minute Aldred to Sheinwald, 1 December 2004, 'Iraq'.
[89] Letter Cabinet Office [junior official] to Asquith, 3 December 2004, 'Iraq Senior Officials Group'.
[90] Minute Aldred to Sheinwald, 1 December 2004, 'Iraq'.
[91] Minute Chakrabarti/Drummond to Secretary of State [DFID], 13 December 2004, 'Iraq Visit, 6-8 December'.
[92] Minutes, 16 December 2004, Ad Hoc Ministerial Group on Iraq meeting.

162. Section 9.3 describes the impact of operations in Fallujah on security and the political process.

163. Five months later, on 12 May, the British Embassy Baghdad reported that Embassy staff had visited Fallujah, hosted by US forces.[93] The scale of destruction was apparent, but there was also progress:

- Between 90,000 and 150,000 of Fallujah's estimated 240,000 inhabitants had returned.
- All water treatment plants, tanks and pipes had been restored and two new pumping facilities had been installed.
- Electricity had been restored to between 80 and 100 percent of the main residential area, but only to between 0 and 40 percent of the "industrial south".
- Of the city's 69 schools, 38 were open and 15 would open by the end of the month. "Huge progress" had been made in restoring healthcare.

164. The Embassy commented:

> "This may be an over-rosy view of developments in Fallujah, it was a determined PR [public relations] effort, but the signs of life around the town spoke volumes. Likewise, the prominence of Iraqis throughout the visit and US willingness to let them lead was not what we had expected. Congratulations to the US Marines!"

Lessons from Najaf

In late January 2005, Dr Greenall and another DFID-funded consultant visited Najaf to review progress since the US intervention in August 2004 and to identify lessons for future operations in Iraq.[94]

Their assessment was more positive than the Cabinet Office paper of 22 October 2004.

The consultants reported that although the short conflict had resulted in considerable damage, there was a "permissive environment" on the streets. That could be attributed largely to an effective post-conflict assistance strategy: US$48m had been allocated for projects and "social payments", with 156 projects being completed in the first 100 days after the uprising. Funding had come from CERPs, PCO funds re-directed away from large infrastructure projects, and USAID. The impact on the local economy had been substantial.

A key strength of the US military's approach had been to engage directly with the Provincial Governor and the Mayor to ensure local ownership. The Governor remained frustrated, however, by the level of support from the Iraqi Government.

---

[93] Telegram 4393/05 Baghdad to FCO London, 12 May 2005, 'Impressions of Fallujah: 12 May'.
[94] Telegram 85 Baghdad to FCO London, 3 February 2005, 'Iraq: Post-Conflict Reconstruction Lessons from Najaf'.

Ms Lindy Cameron, the Head of DFID Baghdad, commented on the report that while Najaf was not typical of "problem cities":

> "Nevertheless, it demonstrates the importance of having in place a clear strategy for immediate post-conflict support so that the military can help civilian authorities get instant access to funds, take immediate action, get essential services running and put money into the local economy, starting a virtuous circle leading in the longer-term (as in Najaf) to a conducive environment for large infrastructure projects, re-establishment of normal market mechanisms and a benign force profile."

There are no indications that Mr Blair or Ministers saw the report.

Agreement on debt relief for Iraq

165. Section 10.3 describes the UK Government's role in negotiations towards a deal to reduce Iraq's debt.

166. On 24 September, as part of those negotiations, the Iraqi Government undertook to begin to reduce fuel subsidies by the end of the year, and to raise prices to "cost recovery levels" by the end of 2009.[95]

167. On 21 November, Paris Club creditors agreed to reduce Iraq's official debt by 80 percent (a reduction of US$31.1bn).[96] The deal would be delivered in three stages: 30 percent immediately; 30 percent on IMF approval of a Stand-By Arrangement (expected to be in 2005); and 20 percent on completion of the Stand-By Arrangement (in 2008). Paris Club creditors also agreed generous terms for the repayment of the residual debt.

168. Under the agreement, the UK wrote off US$1.39bn (£954m) in Iraqi debt (£337m in UK financial year 2004/05, £337m in 2005/06 and £280m in 2008/09).[97]

169. A Treasury briefing produced for Mr Brown stated that the deal represented an important success for the international community, demonstrating an ability to act together on an issue as divisive as Iraq.[98]

Taking the strain in the South, early 2005

170. Section 9.3 describes the UK's continuing efforts to support the political process in Iraq, and in particular ensuring that elections could take place on schedule at the end of January 2005.

---

[95] IMF Staff Report, September 2004, *Iraq: Use of Funds – Request for Emergency Post-Conflict Assistance.*
[96] Briefing Treasury, [undated], 'Brief: Meeting with Barham Saleh, Deputy Prime Minister of Iraq'
[97] Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.
[98] Briefing Treasury, [undated], 'Brief: Meeting with Barham Saleh, Deputy Prime Minister of Iraq'.

171. At the end of 2004, in response to continuing concerns that the US and the PCO did not see the South as a priority and that the World Bank and UN Trust Funds were not yet fully operational, DFID assessed that it would have to "take more of the strain bilaterally in 2005", in particular on infrastructure and job creation in the South.

172. On 18 November, in response to a request from the FCO, Mr Collis reported on the state of reconstruction in the South.[99] The IIG was not funding any significant capital projects in the South and the PCO remained a "weak and Baghdad-centric" organisation. PCO projects would not have a significant impact on service delivery until well into 2005.

173. DFID officials met senior PCO officials in Baghdad on 2 December.[100] The British Embassy Baghdad reported that, in response to the security situation, the PCO planned to focus on "low-hanging fruit" (visible projects such as repairs to schools and clinics) at the expense of major longer-term reconstruction projects and building Iraqi capacity. In addition, if the US Congress did not agree further funding for CERPs, the PCO was likely to reallocate funds from stable to less secure areas.

174. The Embassy concluded: "We need to fight to keep PCO funding in the South."

175. At the 9 December meeting of the AHMGIR, Ministers commented that the PCO was "large and unwieldy" and faced a difficult balance between quick fixes and long-term reconstruction.[101] UK influence was limited: the PCO was a US organisation following US rules "though it was sometimes open to UK advice". Much of its effort was being pulled into Fallujah and away from the South.

176. Mr Chakrabarti and Mr Drummond visited Baghdad and Basra from 6 to 8 December to review DFID's programmes and assess priorities for 2005.[102]

177. Their 13 December report to Mr Benn advised that with the PCO "diverted" to immediate reconstruction work in cities around Baghdad, and the World Bank and UN Trust Funds not yet fully operational, DFID would "have to take more of the strain bilaterally in 2005". DFID's resources were, however, limited and "must be used to support Iraqi initiatives and strengthen their capacity".

178. On PCO activity in the South, the report stated:

> "As junior partners in the coalition, our ideas are listened to, but our influence over US spending will remain limited. We need to face up to the fact: the South will not be a strategic priority for the US."

---

[99] Telegram 200 Basra to FCO London, 18 November 2004, 'Southern Iraq: Essential Services, Reconstruction'.
[100] Telegram 455, Baghdad to FCO London, 5 December 2004, 'Iraq: Project Contracting Office (PCO): Changing Priorities'.
[101] Minutes, 9 December 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[102] Minute Chakrabarti/Drummond to Secretary of State, 13 December 2004, 'Iraq Visit, 6-8 December'.

179. The report identified possible DFID priorities for 2005:

- continued support to strengthen Iraq's public administration, including Prime Minister Allawi's office;
- continued support for economic reform, including a renewed effort to get the World Bank and IMF back into Baghdad. Their officials could be accommodated in the "DFID wing" of the British Embassy;
- substantial, additional support for job creation and "emergency infrastructure works" in the South; and
- a further contribution to the UN and World Bank Trust Funds when there was hard evidence of delivery, and the UN was back on the ground.

180. Copies of the report were sent to the FCO, the MOD, No.10, the Cabinet Office and officials in Baghdad and Basra.

181. DFID's intentions were set out in more detail in a minute from Mr Drummond to a DFID official two days later:

> "… we will have to take more of the strain in 2005 on infrastructure. The TAT team and others should begin thinking now about what can be done with UK resources (possibly up to £50m) so that there are ideas ready to be appraised."[103]

182. That work would culminate in the agreement by Mr Benn of the £40m Iraq Infrastructure Services Programme (IISP) in late February 2005.

183. Mr Chaplin reported on 15 December that the US review of IRRF2 had reduced funding for water and power projects in Basra.[104] The reallocations had not been based on Iraqi advice or geographical need, but on a US desire to avoid breaching existing contracts and the PCO's belief that larger projects in the South could be more easily funded by other donors.

184. Major General Jonathon Riley, General Officer Commanding (GOC) MND(SE), reported on 20 December:

> "Wherever I go … I am greeted by Provincial Governors and others with the same set of complaints: that the promises made to them have been broken, that things are getting worse not better … The increase in my QIPS delegation is massively helpful, but the amount of money cannot change the overall situation. DFID is working really very efficiently, and we have a real partnership here, but this is not natural territory for them and again, their funds will not change the overall situation. The solution lies with Central Government in Baghdad and the PCO, which together have raided major projects in the South, such as the electricity programme, in order to fund security. I have tried to point out that investing in the South now, where the security

---

[103] Minute Drummond to DFID [junior official], 15 December 2004, 'Iraq: Visit Follow-up'.
[104] Telegram 475 Baghdad to FCO London, 15 December 2004, 'Iraq: PCO Water and Power Sectors'.

> situation is benign will do two things: first, reward good behaviour and encourage further progress … and secondly, benefit the whole of the country …
>
> "I am not responsible for economic regeneration, and I do not intend to become a bore about it – so I mention it now – once, and once only. But since I am not responsible, I cannot be made accountable for the failures of others."[105]

185. Mr Blair visited Baghdad on 21 December.[106]

186. Mr Chaplin's briefing for Mr Blair described an Iraqi Government that was struggling to maintain supplies of power and fuel as the insurgency took hold, and that had abandoned hope of visible progress on reconstruction before the elections.[107]

187. During his visit, Mr Blair asked Gen Riley for advice on "big-ticket" items that might make a difference to the economy and essential services of southern Iraq.[108]

188. Mr Quarrey's report on the visit recorded that "Iraqiisation and political outreach were key themes".[109] Mr Blair remained "very concerned about the slow pace of reconstruction spending, especially in the South" and about the funding available for Iraqiisation, and wanted the UK to make a major effort to secure greater funding for both, in particular from the US. A copy of the report was sent to Mr Benn's Principal Private Secretary.

189. Gen Riley responded to Mr Blair's request for big-ticket projects on 3 January 2005, in his weekly report to Gen Walker.[110] He proposed that, at a minimum, the UK should aim to build a 200 megawatt (MW) gas turbine plant in the South at a cost of up to US$100m. USAID estimated that up to four additional power stations needed to be constructed in Iraq each year to 2020, but only one was currently planned in the South, which would be funded by Japan. A new power plant would be a visible contribution to the South and to Iraq, would boost long-term investment and would provide a more reliable power supply to the oil sector, essential services and Iraqi citizens.

190. The MOD sent Gen Riley's report to No.10 on 4 January.[111] It was not included in Mr Quarrey's weekly round-up on Iraq for Mr Blair (which issued on 7 January), and the Inquiry has seen no evidence that the report was passed to Mr Blair.[112]

191. Gen Riley's proposal was addressed in a DFID review of infrastructure requirements in the South the following month.

---

[105] Report Riley, 20 December 2004, 'GOC MND(SE) – southern Iraq Update – 20 December 04'.
[106] *BBC News,* 21 December 2004, *Blair's statement in Baghdad.*
[107] Telegram 494 Baghdad to FCO London, 21 December 2004, 'Prime Minister's Visit to Iraq, 21 December: Scenesetter'.
[108] Report Riley, 3 January 2005, 'GOC MND(SE) – southern Iraq Update – 3 January 2005'.
[109] Letter Quarrey to Owen, 23 December 2004, 'Prime Minister's Visit to Iraq: Follow-up'.
[110] Report Riley, 3 January 2005, 'GOC MND(SE) – southern Iraq Update – 3 January 2005'.
[111] Letter Naworynsky to Quarrey, 4 January 2005, 'Iraq: Update' attaching Report Riley, 3 January 2005, 'GOC MND(SE) – southern Iraq Update – 3 January 2005'.
[112] Minute Quarrey to Prime Minister, 7 January 2005, 'Iraq: Weekly Round-up'.

Basra International Airport reopens to commercial traffic

UK forces continued to provide air traffic control and certain other services at Basra International Airport (BIA) after the transition from the CPA to the IIG on 28 June 2004.

During the Occupation, the UK considered but rejected opening BIA to commercial flights, due to the potential liability for the UK (see Section 10.1).

On 14 December, the UK and IIG signed a Memorandum of Understanding indemnifying the UK Government and its agents against all claims arising from the provision of services by UK personnel at BIA.[113]

Following that agreement, BIA reopened to commercial traffic on 1 January 2005.[114] UK forces continued to provide support.

192. In a video conference with President Bush on 4 January, Mr Blair said that the US and the UK should support Prime Minister Allawi's new security plan (see Section 9.3).[115] A key issue would be funding. Reconstruction would not be a problem once the security situation improved. Mr Blair asked if the US could, in the short term, redirect some US reconstruction funding to security.

193. Sir Nigel Sheinwald sent Mr Stephen Hadley, US Deputy National Security Advisor, a Note by Mr Blair on 10 January, and asked him to show it to President Bush before their video conference the following day.[116] Mr Blair's Note covered "our most pressing problems".

194. On Iraq, he judged:

> "All the problems go back to security. Without it the politics are difficult, the reconstruction shackled and the faith of Iraqis in the future undermined."

195. Mr Blair considered that four actions were necessary:

- the Iraqiisation of security forces;
- spending money more quickly on reconstruction, especially of essential services;
- being "very tough indeed on the election", including by ensuring it went ahead on schedule and encouraging participation; and
- signalling a timetable for the withdrawal of US and UK forces "when and only when, we can point to real indigenous Iraqi strength".

---

[113] Telegram 474 Baghdad to FCO London, 15 December 2004, 'Iraq: Basra Airport'.
[114] Minute Allardice to DTI [junior official], 12 January 2005, 'Ad Hoc Ministerial Group on Iraq Reconstruction, 13 January 2005' attaching Briefing, [undated], 'Ad Hoc Ministerial Group on Iraq Reconstruction'.
[115] Letter Quarrey to Owen, 4 January 2005, 'Prime Minister's VTC with President Bush, 4 January 2005; Iraq, Iran and MEPP'.
[116] Letter Sheinwald to Hadley, 10 January 2005, [untitled], attaching Note Prime Minister to President Bush, 10 January 2005, 'Note'. Mr Hadley succeeded Dr Rice as US National Security Advisor later that month.

196. Mr Blair wrote: "If we had security, the blunt truth is Iraq wouldn't need much help for reconstruction." However, in those parts of Iraq where security was reasonable, reconstruction funds should be spent more quickly. This would have a powerful demonstrative effect. Mr Blair suggested to President Bush that they should get a report on the speed and priorities of the reconstruction programme.

197. The record of the video conference did not include any reference to reconstruction.[117]

DFID reduces its budget for Iraq for 2005/06

198. At the end of December, DFID's Europe Middle East and Americas Division (EMAD) submitted its Delivery Plan for 2005 to 2008 to the DFID Management Board, for approval.

199. DFID provided the Inquiry with a version of the Delivery Plan marked "Draft", but informed the Inquiry that this version could be the one that was submitted to Management Board.[118]

200. In relation to Iraq, the draft Delivery Plan stated that DFID was seeking to "strike a sensible balance between short-term fixes and longer-term development".[119] DFID planned to scale down its assistance over the following three years, shifting from "post-conflict reconstruction" towards targeted technical assistance.

201. Limiting EMAD expenditure on Middle Income Countries (MICs), including Iraq, would be a "key factor" in ensuring that DFID met its target of spending at least 90 percent of country programme resources on Lower Income Countries (LICs) in each year from 2005/06 to 2007/08. Attaining the target for 2005/06 would require some £20m of in-year savings from MIC budgets.

202. The draft Delivery Plan stated that the current, agreed DFID budget for Iraq for 2005/06 was £86m (reducing to £45m and £30m in the subsequent financial years). However:

> "It has been agreed that £20m savings in MIC programmes should be found through in-year and between-year management of spending. We expect the bulk of these savings will be found from underspending on the Iraq budget; bringing the expected spend on Iraq to closer to £66m than the full aid framework allocation of £86m …"

203. EMAD invited the Management Board to agree that those savings should be retained within EMAD, and used for its non-MIC programmes.

---

[117] Letter Quarrey to Owen, 11 January 2005, 'Prime Minister's VTC with President Bush, 11 January'.
[118] Email DFID [junior official] to Iraq Inquiry [junior official], 20 January 2016, 'DFID docs on reduction in Iraq's budget for 2005/06'.
[119] Paper DFID, 22 December 2004, 'Draft: Europe Middle East and Americas Division (EMAD): Director's Delivery Plan [draft] for 2005 – 2008'.

204. The 25 and 26 January 2005 meeting of DFID's Management Board "noted that the anticipated reduction (£20m) of **programme spend in Iraq** should enable … **LIC commitments** to be met in 2005/06".[120]

205. A junior DFID official advised colleagues the following week that the Management Board had imposed a "cap" on Iraq expenditure for 2005/06 of £65m.[121] She commented that the decision was "largely to ensure that we do not undermine the agreed MIC/LIC targets".

206. The official also advised that DFID's overall budget was "running very hot" and that DFID's Finance Department had "both eyes" on the £40m of Iraq's 2004/05 budget that had not yet been allocated.

207. The £65m budget for Iraq for 2005/06 was formally confirmed on 14 March.[122]

208. DFID's Iraq Directorate undertook internal exercises in February and March to prioritise expenditure against the new, lower budget.[123]

209. The March exercise estimated that "commitments and plans" for Iraq for 2005/06 totalled £123m (against the budget of £65m), of which:

- £59m was "firm";
- £55m was high priority (including £40m for the planned Iraq Infrastructure Services Programme);
- £8.5m was medium priority; and
- less than £1m was low priority.[124]

DFID's budget for and expenditure in 2005/06

Following the 25 and 26 January 2005 meeting of DFID's Management Board, DFID reduced its budget for Iraq for 2005/06 from £86m to £65m.[125]

DFID expenditure in 2005/06 was £82m. That comprised:

- £38m for "life support costs" (accommodation, security, medical services and other services) provided by the FCO and charged to DFID (and other departments and agencies) under a Service Level Agreement. Approximately half of that charge related to services used in 2004/05 and half to services used in 2005/06;
- £35m for infrastructure projects; and
- £10m for governance projects.[126]

[120] Minutes, 25/26 January 2005, DFID Management Board meeting.
[121] Email DFID [junior official] to DFID [junior official], 31 January 2005, 'Iraq: FINSTATS 3'.
[122] Minute Calvert to [DFID] Directors, 14 March 2005, 'Resource Allocation Round: 2005-08'.
[123] Email DFID [junior official] to DFID [junior official], 14 February 2005, 'Iraq: Forecast 2005/06'; Email DFID [junior official] to Anderson, 11 March 2005, '2005/06 Commitments'.
[124] Email DFID [junior official] to Anderson, 11 March 2005, '2005/06 Commitments'.
[125] Minute Calvert to [DFID] Directors, 14 March 2005, 'Resource Allocation Round: 2005-08'.
[126] Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: request for further information on funding'; Paper DFID, 21 December 2011, 'A Note on DFID Iraq Programme Admin Spend for the Iraq Inquiry'.

The apparent overspend against DFID's 2005/06 budget was caused by the FCO charge for life support costs.

DFID's expenditure on infrastructure projects peaked in 2005/06. Of the £45m spent on non-life support costs in 2005/06, £35m – over 75 percent – was spent on infrastructure.[127] In comparison, DFID spent £15m on infrastructure in 2004/05 and £14m in 2006/07.

Priorities for 2005

210. In February, Ministers agreed UK priorities for 2005, including "reviewing reconstruction to find ways to make a difference quickly".

211. On 21 January, No.10 commissioned the Cabinet Office to produce a paper on Iraqiisation, the UK's military options and a game plan for engaging the US, to support a discussion on UK strategy after the Iraqi elections.[128]

212. The 28 January meeting of the Iraq Strategy Group (ISG) discussed a draft of that paper.[129] Sir Nigel Sheinwald said that Mr Blair would also want the paper to consider "what could be done to achieve quick and labour-creating results on reconstruction including outside MND(SE)".

213. Sir Nigel asked that the paper also consider the involvement of the wider international community in military, police and civil administrative capacity-building.

214. The elections to the Transitional National Assembly (TNA) and Provincial Assemblies took place across Iraq on 30 January 2005. The TNA did not convene until 16 March, after which negotiations to form the Iraqi Transitional Government (ITG) continued into late April (see Section 9.3).

215. On 1 February, Mr Blair suggested to President Bush that they should focus on four areas in order to exploit post-election momentum:

- Iraqiisation;
- political outreach, including "whittling away at the opposition, so that the hard core were left isolated";
- drawing in the international community; and
- reconstruction, including areas in which there could be a quick impact (eg power generation).[130]

---

[127] Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: request for further information on funding'.
[128] Letter Phillipson to Baker, 21 January 2005, 'Iraq: Future Strategy'.
[129] Minute Ferguson to Sheinwald, 1 February 2005, 'Iraq Strategy Meeting – 28 January 2005'.
[130] Letter Quarrey to Owen, 1 February 2005, 'Prime Minister's VTC with President Bush, 1 February'.

216. Mr Blair proposed that these areas should be drawn into a plan by the ITG, which the UK and US could then support.

217. On 3 February, just before the announcement of the election results, the Joint Intelligence Committee (JIC) assessed the nature and strength of the insurgency.[131] Despite operational successes in Sunni areas:

> "… the military campaign is not effectively containing the insurgency in Sunni areas. Law and order, the pace of economic reconstruction, the availability of jobs and general quality of life have not matched [Sunni] expectations. Most Sunnis perceive themselves to be worse off economically, and in security terms than under Saddam. Sunni 'hearts and minds' are being lost."

218. The JIC assessed that the election results were likely to be less important in determining Sunni support for the insurgency than the degree to which credible Sunnis could be brought into the political process, "the speed at which reconstruction is taken forward" and the duration of the coalition's presence in Iraq.

219. A revised Cabinet Office strategy, drawing on the JIC assessment, was submitted to the 9 February Ad Hoc Ministerial Group on Iraq, chaired by Mr Blair.[132] The key elements of the strategy for the coming year were:

- building the capability of the ISF;
- outreach by the ITG to bring in those currently supporting the insurgency;
- drawing in the international community and giving it a new sense of purpose (including getting the UN to do more on reconstruction); and
- "reviewing reconstruction to find ways to make a difference quickly".

220. The strategy identified key "governance and reconstruction" challenges in 2005, including:

- the weak capacity of Iraqi Government institutions to drive reconstruction;
- sustained improvements in the availability of fuel and electricity needing difficult reforms and a crackdown on corruption and sabotage;
- the limited presence on the ground of international agencies and NGOs; and
- ensuring all Iraq benefited ("the South is not a strategic priority for the US").

221. The six "governance and reconstruction" actions for the UK before the ITG was formed were:

- preparing key messages to the new government on reconstruction priorities, focusing on developing a stronger relationship between Baghdad and the governorates;
- working with the US to make its reconstruction effort more effective. The US should focus on rapid job creation, and directly fund Iraqi ministries;

---

[131] JIC Assessment, 3 February 2005, 'Iraq: Insurgency and Counter-Insurgency'.
[132] Paper Cabinet Office, 7 February 2005, 'Iraq Strategy for 2005'.

- supporting the handover of power to the new government, through the DFID-funded consultancy team;[133]
- pressing the UN, IMF and other donors to engage;
- completing the design of DFID's new £40m power and infrastructure programme for the South; and
- deciding on ways to expand visible job creation work in the South.

222. ITG ownership of governance and reconstruction would be crucial. The UK would strengthen the ITG's strategic communications capacity, to ensure that successes were promulgated.

223. The strategy also identified a number of economic priorities:

- ensuring the UK "plays its part" in achieving a "fair and sustainable" solution to Iraq's debt problems. Iraq would need to secure comparable debt relief from non-Paris Club debtors;
- encouraging Iraq to complete its IMF programme;
- continuing to support economic reform;
- promoting an "efficient, outward looking and transparent" oil and energy industry and the transparent management of Iraq's oil reserves; and
- advising on an effective response to inflationary risks.

224. The strategy stated that the UK's current posture in Iraq was costing around £1bn a year, but did not comment on whether this amount was appropriate or sufficient.

225. In discussion, Ministers commented that it was essential that the security, political and reconstruction tracks were synchronised if the UK was to achieve its objectives in Iraq.[134] If necessary, the UK should push ahead with plans for security and reconstruction in MND(SE), in advance of developments in the rest of the country.

226. The Group approved the strategy and agreed that No.10 should pass an updated version to the US, raising the issue of diversion of US funding for reconstruction projects from the South to other parts of the country.

227. The Group also agreed that Mr Blair and Mr Benn should press Mr Annan and Mr James Wolfensohn, President of the World Bank, to deploy staff to Basra.

228. Sir Nigel Sheinwald sent a revised version of the strategy to Mr Stephen Hadley, US National Security Advisor, on 11 February.[135]

---

[133] A reference to DFID's £4.2m Emergency Public Administration Programme, which was developed to help establish the Prime Minister's Office and the Cabinet and committee system.
[134] Minutes, 9 February 2005, Ad Hoc Ministerial Group on Iraq meeting.
[135] Letter Sheinwald to Hadley, 11 February 2005, 'Iraq' attaching Paper, 'Iraq: Strategy for 2005'.

229. At the meeting of the ISG on the same day, Mr Martin Dinham, DFID Director Europe, Middle East and Americas, set out what DFID would do "in response to the renewed Ministerial mandate to press ahead with reconstruction, particularly in MND(SE)".[136] The £40m Iraq Infrastructure Services Programme (IISP) would be approved in the next few weeks. More money was available for job creation if required. But it was also key to get other donors engaged. Mr Benn and DFID officials were lobbying the UN, World Bank and IMF. Officials in Basra were conducting a review of infrastructure requirements to identify gaps.

230. Mr Blair wrote to Mr Wolfensohn on 16 February, highlighting the slow pace of delivery on Trust Fund projects and the value of having core World Bank staff (rather than a contracted liaison officer) in Iraq, and offering to provide accommodation and security for World Bank staff in Baghdad and Basra.[137]

231. Mr Benn wrote to Mr Wolfensohn the following day:

> "We need to seek innovative ways of managing the difficulties and risks associated with working in present-day Iraq. The [World] Bank might need to reallocate funding to new projects that can be delivered … One way to do this might be to channel funding directly through provincial government systems to their priority projects."[138]

232. Mr Benn repeated Mr Blair's offer to provide support for World Bank staff in Iraq, and highlighted the need for a strong World Bank presence in the power sector.

233. Mr Dinham followed up those proposals in meetings with World Bank officials during a visit to New York and Washington from 21 to 24 February.[139]

234. During the meetings, World Bank officials argued that:

- Bank officials could achieve a lot from the Bank's office in Amman, Jordan;
- there were presentational difficulties in being too closely associated with one particular Member State; and
- operating in Iraq was expensive and difficult.

235. Mr Dinham rejected those arguments, pointing out that the UN was now establishing a presence in Iraq with two permanent development specialists and a large number of staff supporting the election process.

236. Mr Dinham also pressed the Bank to accelerate disbursement from its Trust Fund. The UN was now performing better than the Bank. Mr Dinham suggested that the Bank

---

[136] Minute Cabinet Office [junior official] to Sheinwald, 11 February 2005, 'Iraq: Strategy Group'.
[137] Letter Blair to Wolfensohn, 16 February 2005, [untitled].
[138] Letter Benn to Wolfensohn, 17 February 2005, 'Iraq Reconstruction'.
[139] Minute Dinham to Shafik, 28 February 2005, 'Visit to Washington and New York, 21-24 February 2005: Discussion of Iraq Issues'.

might redirect some Trust Fund money into co-financing DFID's IISP, or through the provincial governments which DFID was supporting.

237. In a meeting with IMF officials, Mr Dinham offered DFID support to help establish an IMF presence in Iraq. He reported that the IMF was "more responsive" to the offer than the World Bank.

238. In Washington, US State Department officials briefed Mr Dinham on US plans to re-programme some reconstruction funds to fund security in areas where no reconstruction could take place, and to increase funding for projects that would have more immediate impact on the ground. That meant cutting some larger infrastructure projects, including in the South. The US objective was to encourage other donors, in particular Japan, Arab states and possibly the European Commission (EC), to take on longer-term infrastructure projects.

239. In meetings with UN officials, Mr Dinham welcomed progress in implementing UN Trust Fund projects (although he felt that it could be faster) and the news that two UN senior development officials were now permanently based in Baghdad.

240. The DFID review of infrastructure requirements in the South referred to by Mr Dinham at the 11 February meeting of the ISG was submitted to the 24 February meeting of the AHMGIR.[140]

241. The paper stated that a DFID team had recently assessed how DFID could help improve infrastructure in southern Iraq. As a result, Mr Benn had "approved work to bring forward quickly" DFID's £40m IISP.

242. The majority of IISP funds would be used to undertake repairs and improvements to existing infrastructure. To ensure a visible impact on the ground, the programme would fund larger projects (with a value of more than £500,000). Priority would be given to projects which would have an impact within six to 12 months and generate significant employment. 75 percent of the budget was earmarked for power, the rest to improve water supplies and the fuel distribution network.

243. The paper stated that an "alternative approach" would be to invest available resources in new power generation. That would take several years to come on line and would be "a drop in the ocean" of Iraq's power needs. Substantially greater and quicker impact could be achieved by well-targeted repairs and rehabilitation, and building Iraqi capacity.

244. The paper also stated that: "Taken with existing commitments, this new programme [the IISP] means that there will be little scope for additional DFID initiatives in Iraq that involve expenditure in 2005/06."

---

[140] Paper DFID, 21 February 2005, 'Reconstruction – outcome of DFID mission on infrastructure in the South; and involvement of other major players'.

245. The Inquiry concludes that the (brief) consideration of investment in new power generation may have been prompted by Gen Riley's 3 February proposal, in response to Mr Blair's request for advice on "big-ticket" items, that the UK should aim to build a 200MW gas turbine plant in the South at a cost of up to US$100m.

246. Mr Hoon wrote to Mr Benn on 25 February, highlighting the need to ensure that the UK did all it could to alleviate power shortages in the South over the summer (before projects under the IISP would begin to come on stream).[141] Plans for a US$10m project to provide point power generation throughout MND(SE), funded by CERPs, were well advanced. Mr Benn's offer to consider whether DFID could fund the project if CERPs funding was not released was very welcome.

247. Mr Blair wrote a note to Mr Quarrey on 25 February instructing that Mr Straw be "put in charge" of the Ad Hoc Ministerial Group on Iraq and asking him to report each week with actions on "eg reconstruction in the South; Sunni outreach; progress on security plan".[142]

248. Mr Benn discussed the World Bank's engagement in Iraq with Mr Wolfensohn on 1 March in the margins of the Palestine Conference.[143]

249. Following a meeting with Mr Benn on 8 March, Mr Michael Anderson, Head of DFID's Middle East and North Africa Department, advised officials in the UK Delegation to the World Bank that Mr Benn had "very little patience" with the Bank:

> "The SoS [Mr Benn] is very clear in his view that the slow disbursement by the Bank under the IRFFI [Trust Fund] is unacceptable …
>
> "… if the Bank is not able to show a significant increase in its engagement in Iraq by the end of March, we will be writing to the Bank to seek refund of the funds to the UK for disbursement through our bilateral programme …
>
> "His commitment to this line is strong, and we will need to find a way to carry forward his views despite the legal and reputational risks that may arise."[144]

---

[141] Letter Hoon to Benn, 25 February 2005, 'Iraq: Reconstruction Priorities in MND(SE)'.
[142] Manuscript comment Blair on Minute Quarrey to Prime Minister, 25 February 2005, 'Iraq Update'.
[143] Letter Dinham to Tulu, 2 March 2005, 'Iraq'.
[144] Email Anderson to Scholar, 8 March 2005, 'World Bank and Iraq'.

Mr Benn's evidence to the International Development Committee, 10 March 2005

Mr Benn gave evidence to the International Development Committee (IDC) on 10 March 2005, as part of its inquiry into development assistance to Iraq.[145] His hearing followed a visit by three members of the IDC (Mr Quentin Davies, Mr Tony Colman and Ms Ann Clwyd) to Iraq.

Mr Davies reported that he had been struck by the progress made in reconstruction and building Iraqi capacity, and by the "very good" co-operation between DFID and the military on the ground. He challenged Mr Benn on two issues. First, that the separate budgets held by DFID and the MOD for reconstruction could lead to "some muddle". Second, that some of DFID's work to build the capacity of the Iraqi Government was inconsistent with the 2002 International Development Act.

Mr Benn welcomed the IDC's observation that DFID and the MOD were working well together on the ground. He commented:

> "DFID has come into Iraq and done things that traditionally we would not do … Why? Because that was what was required in the circumstances. We had to dust down some skills and the Post-Conflict Reconstruction Unit [PCRU] is one of the lessons from this …"

The PCRU and its role in Iraq is described in Section 10.3.

Mr Benn strongly rejected the charge that some of DFID's work was inconsistent with the 2002 International Development Act, arguing that capacity-building was crucial for poverty reduction:

> "… having states that work … governments that can do their job, is absolutely fundamental to improving services and the lives of poor people."

The imminent dissolution of Parliament brought the inquiry to a close. The IDC did not publish a report, but did publish the evidence it had gathered as part of its inquiry.

The IDC did not undertake another inquiry into the UK's reconstruction effort in Iraq.

250. Gen Riley reported on 16 March that he was "still worried" about providing sufficient power across MND(SE) over the summer.[146] Temperatures were already creeping up, and he remembered the "near-disaster" in summer 2003 caused by the failure of essential services.[147]

---

[145] Seventh Report from the International Development Committee, Session 2004-2005, *Development assistance in Iraq: Interim Report*, HC244.
[146] Report Riley, 16 March 2005, 'GOC MND(SE) – southern Iraq Update – 16 March 2005'.
[147] A reference to the riots in Basra on 10/11 August 2003, which the UK assessed were triggered by fuel shortages and power blackouts.

251. While he waited for approval of the point power generation project, he had ordered MND(SE) to search for additional sources of energy and funding. They had identified 131 generators across the region, of which only 22 were working. Most of the inoperable generators had never been installed. MND(SE) had completed the installation of 32 of those generators.

252. Mr Quarrey passed Gen Riley's update to Mr Blair on 18 March, with the comment:

> "The situation is bleak, with generation levels this summer unlikely on current predictions to be significantly higher than last year – and almost certainly matched by higher demand."[148]

253. Mr Quarrey advised that funding for the point power generation project (which would become Operation AMPERE) had now been approved.

254. The funding was provided by DFID.[149]

255. Mr Quarrey also advised that officials were working on a new strategy paper on electricity, but it focused too much on the medium term and not enough on what the UK could do to improve the situation over the summer. He recommended that the next AHMGIR should focus on producing a short-term action plan.

256. Mr Blair indicated that he agreed with Mr Quarrey's proposal, and that he would raise the issue of power generation with President Bush.[150]

257. A report on a visit to Iraq by senior DFID officials alerted other departments to pressures on DFID's budget.

258. Mr Dinham and Mr Anderson visited Iraq from 14 to 19 March.[151]

259. Mr Dinham's report to Dr Nemat Shafik, DFID Director General Programmes, characterised the DFID programme as "a balance of capacity building and visible, quick impact reconstruction activity, particularly in the South". There was "accelerated progress" on both capacity building and reconstruction, helped by "excellent collaboration" with the FCO and MOD.

260. Mr Dinham warned that:

> "One side effect of the good progress we are making … is that our Iraq budget allocation for 2005/06 is under extreme pressure. If activities to which we are already committed plus extensions of existing high priority capacity building programmes proceed at the current pace, we will exceed our existing budget ceiling, without any new proposals already in the pipeline being taken into account."

---

[148] Minute Quarrey to Prime Minister, 18 March 2005, 'Iraq Update' attaching Report Riley, 16 March 2005, 'GOC MND(SE) – southern Iraq Update – 16 March 2005'.
[149] Paper FCO/DFID, 22 March 2005, 'Iraq: Electricity'.
[150] Manuscript comment Blair on Minute Quarrey to Prime Minister, 18 March 2005, 'Iraq Update'.
[151] Minute Dinham to Shafik, 21 March 2005, 'Visit to Iraq'.

261. He continued:

> "The need to cut back our budget [for Iraq] in 2004/05 to help meet internal DFID financial pressures related to the estimating adjustment; plus the MIC ceiling constraint in 2005/06; plus escalating cost relating to security … have all contributed to the pressures."

262. DFID would seek to deal with those pressures through "a variety of careful financial management techniques" and an "active search for co-financing" with partners including the World Bank and the EC. However:

> "… the scope for new activity in 2005/06 is nil and we will have to delay until 2006/07 some of the proposals in the pipeline with which we hoped to proceed in 2005/06."

263. Mr Dinham also reported that Iraqi governorates did not yet have the capacity to receive supplementary funding from sources such as the World Bank and the US, as DFID had hoped.

264. Copies of Mr Dinham's report were sent to Mr Benn's Private Secretary, Mr Chakrabarti's Private Secretary, other DFID officials, and officials in No.10, the Cabinet Office, the FCO, and the MOD.

265. Mr Quarrey marked Mr Dinham's report to Sir Nigel Sheinwald with the comment:

> "This is worrying – we need to have some flexibility in 05/06, including to support ITG ideas/priorities."[152]

266. Mr Straw made his first report to Mr Blair on the work of the Ad Hoc Ministerial Group on Iraq on 24 March.[153] He attached a number of reports, included a joint FCO/DFID paper describing the state of the electricity sector, which he described as a focus for the Group's work.

267. The FCO/DFID paper stated that the Iraqi Government was struggling to sustain production at more than 4,000MW per day and was unlikely to meet its target of producing 6,000MW per day by the summer. Demand had soared as the economy had grown, and was now estimated to be 8,000MW per day (that figure would increase over the summer). Power cuts would continue.

268. The paper identified four factors behind the failure to increase power production above May 2003 levels:

- continued sabotage;
- the unreliability and inefficiency of existing power infrastructure;

---

[152] Manuscript comment Quarrey on Minute Dinham to Shafik, 21 March 2005, 'Visit to Iraq'.
[153] Letter Straw to Blair, 24 March 2005, 'Iraq: Ad Hoc Ministerial Meetings' attaching Paper FCO/DFID, 22 March 2005, 'Iraq: Electricity'.

- poor management by the Iraqi Government; and
- a lack of "strategic focus" by the CPA in the immediate post-conflict period.

269. The paper advised that the Iraqi Government needed to develop a long-term energy strategy which addressed subsidy and charging issues (power was free). The World Bank had agreed to advise on strategy and co-ordination "with DFID facilitating".

270. Given limited UK funds, the UK was focusing on:

- meeting key short-term needs. The US$10m provided to Gen Riley should produce 25MW and £10m provided under the SIESP a further 50MW. In the longer-term, the IISP should produce 160MW by April 2006;
- leveraging engagement from others, and;
- providing strategic advice to the Iraqi Government.

271. The FCO/IPU concluded that planned work was unlikely to solve Iraq's power generation problem in time for the summer. The UK should encourage the Iraqi Government to plan now for next summer and the longer term, through the development of a coherent strategy for the energy sector.

272. In his covering letter to Mr Blair, Mr Straw stated that 55 percent of DFID's budget for Iraq for 2005/06 would be spent in the power sector.[154]

273. Mr Blair indicated that he had seen the letter, but did not comment on it.[155]

274. MND(SE) and the DFID Basra Office reported on 30 March that they had reached agreement on how to use the US$10m provided by DFID for power generation in the South.[156] MND(SE) had initially favoured diesel generators, DFID gas turbines. A "hybrid proposal" had emerged, involving the purchase of diesel generators for fewer sites than originally proposed and the refurbishment of existing gas turbines. MND(SE) estimated that the project – Operation AMPERE – would produce an additional 16.5MW by 1 July. It would only be a temporary solution. DFID's IISP would help to maintain existing capacity, but substantive improvement would only come through long-term restructuring, institutional reform and major capital investment. That agenda would be pursued with the ITG.

275. The effect of Op AMPERE is considered later in this Section.

---

[154] Letter Straw to Blair, 24 March 2005, 'Iraq: Ad Hoc Ministerial Meetings'.
[155] Manuscript comment Blair on Note Quarrey to Prime Minister, 30 March 2005, 'Iraq'.
[156] Telegram 47 Basra to FCO London, 30 March 2005, 'Iraq: Meeting Peak Power Demands in the South this Summer'.

276. Gen Riley reported on 5 April that a fire had completely shut down the main power station in Nasiriyah, which supplied 50 percent of the electricity to the MND(SE) area.[157] He commented:

> "This simply serves to point up the fragility of the national supply and to illustrate that DFID and MND(SE) alone are never going to solve the electricity problem in southern Iraq. While I still believe that DFID's US$10m will make a small difference this summer the symbolic nature of the money is as important as the power it will produce."

277. Gen Riley concluded that "more drastic action" was needed to prevent an even bigger problem in summer 2006.

DFID reviews its Interim Country Assistance Plan

278. DFID had published its Interim Country Assistance Plan for Iraq (I-CAP) in February 2004, at a time when the UK was a joint Occupying Power in Iraq and security was improving.[158]

279. The I-CAP re-stated DFID guidance that progress against a CAP should be assessed annually, and that a CAP should be subject to a "major review" every three or four years. The I-CAP stated that, given the rapidly changing situation in Iraq, it would need a "substantial" review after one year.

280. Mr Anderson circulated a note on the programme management issues identified during his 14 to 19 March visit to Iraq to DFID colleagues only on 4 April 2005.[159]

281. Mr Anderson highlighted the next 12 months as a critical period for DFID's Iraq programme and a "key window for donor impact". US and UK development spending was set to reduce after 2006 and the UK military presence, upon which donor activities in the South relied, might draw down.

282. Mr Anderson also highlighted two DFID policy papers with implications for DFID's programme in Iraq. The first, on fragile states, emphasised the importance of realistic expectations of host government capacity and of prioritising and sequencing activities to avoid overwhelming it. The second, on security and development, highlighted the importance of personal safety and security for the poor, and emphasised that activities to promote effective security systems were integral to development work. The DFID Iraq team would meet to consider the implications of the papers in the next few months.

283. Mr Anderson detailed the work required to bring DFID's programme for 2005/06 within the new budget. Current commitments exceeded the new budget "by several tens of millions of pounds".

---

[157] Report Riley, 5 April 2005, 'GOC MND(SE) southern Iraq Update – 5 April 2005'.
[158] Department for International Development, *Iraq: Interim Country Assistance Plan*, February 2004.
[159] Minute Anderson to DFID [junior official], 4 April 2005, 'Iraq Programme Management Issues'.

284. A review of DFID's I-CAP was under way. It was unlikely to result in major changes, but existing activities would need to be "more focused" on the four UK objectives set out in the UK paper 'Iraq: Strategy for 2005', which had been agreed on 9 February.

285. On 6 April, the JIC assessed the state of the insurgency in Iraq following the January election.[160] It judged that a significant Sunni insurgency would continue through 2005, but that there now appeared to be greater opportunities for reducing it. The ITG's early actions would be critical in changing Sunni perceptions and eroding support for the insurgency. Sunni expectations included the direction of reconstruction money to Sunni areas.

286. Mr Blair met President Bush on 8 April. Mr Blair's briefing for the meeting suggested that he might raise four operational points with President Bush, including power supply.[161] It would be very damaging for the ITG if there was no improvement in electricity supply that summer. The UK was looking to boost supply in the short term in the South through a DFID/MOD programme; the US needed to do more quick-impact work across Iraq.

287. The record of the meeting did not include any reference to a discussion on improving power supply, or reconstruction more broadly.[162]

288. Lt Gen Kiszely completed his tour as the Senior British Military Representative, Iraq and sent his "hauldown" report to Gen Walker on 16 April.[163] Lt Gen Kiszely assessed that progress in MND(SE) had been good, with all four provinces likely to be under Provincial Iraqi Security Control by March 2006, offering "the potential for considerable reductions in UK force levels".

289. The I-CAP review process was discussed in a meeting of DFID officials chaired by Mr Anderson on 21 April 2005.[164] The meeting concluded that:

> "The starting point is that the I-CAP remains valid, but priorities within that have moved on in the light of the substantially changed situation in Iraq since last February [when the I-CAP was agreed], the 2005 Strategy and our budget constraints."

---

[160] JIC Assessment, 6 April 2005, 'Iraq: the State of the Insurgency'.
[161] Minute Phillipson to Prime Minister, 7 April 2005, 'Bilateral with President Bush: 0800-0845, 8 April'.
[162] Letter Sheinwald to Adams, 8 April 2005, 'Prime Minister's Meeting with President Bush, Rome, 8 April'.
[163] Minute Kiszely to CDS, 16 April 2005, 'SBMR-I's Hauldown Report'.
[164] Minute DFID [junior official] to Anderson, 22 April 2005, 'Iraq: ICAP Review and 2005/06 Programming'.

The Iraqi Transitional Government

The Iraqi Transitional Government (ITG), led by Prime Minister Dr Ibrahim al-Ja'afari, formally took power in early May.[165] The ITG was mandated to govern Iraq until a government could be elected according to a new constitution in December 2005.

In his account of the Occupation of Iraq and the transition to democracy, Dr Ali A Allawi, ITG Minister of Finance and former IIG Minister of Defence, described Iraqi people's expectations of the ITG:

> "The public expected that the Transitional Government would immediately start to remedy the services and security situations, and the message [delivered by Prime Minister al-Ja'afari in the National Assembly] was that conditions would rapidly improve. A realistic and cold-blooded assessment … would have led to a different conclusion, one that might have been difficult for politicians to admit to, but which was nevertheless necessary to make if the expectations of the public were not to be raised too high."[166]

Dr Allawi wrote that problems with the power supply added to the feeling of "a country under siege".[167] Those problems "could not have possibly been resolved in the time-frame of the Transitional Government" and the fact that the entire sector did not collapse "was actually a sign of success".

290. DFID officials in London, Baghdad and Basra held a video conference on 17 May to discuss the I-CAP review.[168] The presentation made to the video conference by a DFID official set out a number of "conclusions":

- A "de-facto" review had already been completed, in the form of the exchange between Mr Blair and Mr Benn in October 2004, Mr Chakrabarti's visit to Iraq in December 2004, the 2005 UK Strategy, the "smaller than expected" budget for Iraq, and increased life support costs.
- The process could have been much better. There should be a better process for next year's review.

291. The official subsequently reported to Mr Anderson that the video conference had agreed that the I-CAP review had "essentially been completed". Work was now in hand to produce a text for publication, after agreement by Mr Benn. The process had been driven by events and had not been ideal. The official set out in detail the better review process that should be undertaken the following year.

292. Mr Blair and President Bush spoke by video conference on 19 May. Mr Blair's brief for the conversation advised that the electricity situation in Iraq was "parlous" (six hours

---

[165] *Daily Telegraph,* 3 May 2005, *Iraq's new government sworn in*.
[166] Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.
[167] Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.
[168] Minute DFID [junior official] to Anderson, 19 May 2005, 'ICAP Review'

a day or less). It would be very damaging for the ITG if electricity supply that summer was worse than the last.[169]

293. The record of the video conference did not include any reference to a discussion on improving power supply, or reconstruction more broadly.[170]

294. Mr Blair spoke to Prime Minister Ja'afari for the first time on 26 May and said that "we stood ready to help in any way we could", in particular on developing the ISF.[171]

295. The newly formed Sub-Committee of the Ministerial Committee on Defence and Overseas Policy on Iraq (DOP (I)) met for the first time on 26 May, chaired by Mr Blair.[172] Mr Benn attended the meeting.

296. Mr Benn's briefing for the meeting advised that, following his decision in December 2004 on priorities for 2005, DFID's programme was now "substantially re-orientated towards bilateral infrastructure support in the South".[173]

297. It also advised that in response to a larger-than-expected charge from the FCO for life support costs and a "smaller-than-expected" budget allocation for Iraq for 2005/06:

> "… we have trimmed back some work, notably consultancy, and are planning 25 percent slippage on the £40m infrastructure work [DFID's Iraq Infrastructure Services Programme – IISP]. We are also seeking co-financing, with US$20m agreed in principle with the World Bank …"

298. Even after that trimming, planned expenditure for 2005/06 exceeded the budget; DFID would need to monitor spending very closely. It was, however, reasonable to "over-programme" given the (unspecified) "uncertainties" and the potential military drawdown in the second half of 2005/06, which might significantly affect what DFID could do in the South.

299. The Inquiry has seen no indications that other departments were informed of or consulted on the decision to slip expenditure on the IISP.

300. Mr Blair's briefing for the meeting, which was produced by the Cabinet Office, recommended that he focus on three issues:

- combating the insurgency;
- improving the effectiveness of international assistance; and
- getting media messages right, both within and outside Iraq.[174]

---

[169] Minute Phillipson to Prime Minister, 19 May 2005, 'VTC with President Bush, 1220 19 May'.
[170] Letter Quarrey to Siddiq, 19 May 2005, 'Prime Minister's Video-Conference with Bush, 19 May'.
[171] Letter Quarrey to Siddiq, 26 May 2005, 'Prime Minister's Conversation with Ja'afari'.
[172] Minutes, 26 May 2005, DOP(I) meeting.
[173] Minute DFID [junior official] to Private Secretary [DFID], 24 May 2005, 'Iraq Update, 25 May' attaching Briefing MENAD, 24 May 2005, 'Iraq Update 25 May Background Note'.
[174] Briefing Cabinet Office, 25 May 2005, 'Chairman's Brief (DOP(I))'.

301. On the second point, the Cabinet Office briefing advised that:

- the pace of reconstruction was still too slow and therefore the "political dividend" was small;
- power supply was "parlous"; and
- UK funding for 2005/06 was almost all committed, requiring "tough Ministerial decisions" after further work by officials.

302. The Annotated Agenda for the meeting invited Ministers to consider:

- What impact was US and international funding for reconstruction having on the ground? Disbursement lagged behind stated international commitments. The US was focusing on short-term impact. The UN was re-establishing a presence in Iraq and was starting to "take on the role we would expect of them". Donor efforts had lacked focus; better donor co-ordination behind an Iraqi figure was one of the planned outcomes of the Brussels International Conference in June.
- What more the UK could do, to further improve UN, World Bank and international bilateral reconstruction efforts?
- What "concrete outputs" did the UK want from the Brussels International Conference and the next donor meeting in Amman in July?
- Was the funding available for reconstruction across Government adequate?
- Was the UK investing at a level that supported its objective of creating stability such that there could be troop withdrawals?
- Was the UK delivering a short-term return which would boost the political process?
- What more the UK could do, to improve power supply over the summer and boost investment in infrastructure?
- Was the UK offering the necessary support to the ITG's media effort?[175]

303. On funding, the Annotated Agenda stated that DFID's allocation for Iraq was £65m for 2005/06, but that it had already "programmed" £84.3m (£63m of which would be spent in southern Iraq). The tri-departmental Global Conflict Prevention Pool (see Section 12.1) was expected to allocate £25m for Iraq in 2005/06, of which £22m had already been programmed. The MOD would be bidding to the Treasury for additional funding for QIPs, having spent £27m on QIPs since 2003. The MOD's budget for military activity in Iraq in 2005/06 was £927m.

304. In discussion, Ministers commented that the power situation was serious and would get worse over the summer, but the UK was "doing what it could".[176]

---

[175] Annotated Agenda, 26 May 2005, DOP(I) meeting.
[176] Minutes, 26 May 2005, DOP(I) meeting.

305. Summarising the outcome of the discussion, Mr Blair asked for more advice on several issues, including a "short strategy" from DFID on engaging key donors.

306. DFID sent its donor engagement strategy to the Cabinet Office on 3 June.[177] The DFID strategy advised that a significant portion of the US$32bn pledged at the Madrid Conference in October 2003 remained unspent. Some donors had spread their money over several years, some had offered soft loans that could only be activated after an agreement on debt relief, some had been waiting for an elected Iraqi Government, and many had experienced difficulties in implementing reconstruction projects in Iraq. One or two donors were "simply back-sliding". The paper identified 16 countries that the UK should lobby to secure outstanding pledges.

307. DFID advised that the US was committed to disbursing its funds as quickly as possible. The UK had limited influence over US policy and did not question its "current thrust", but should seek to:

- join up US and UK work in southern Iraq;
- encourage the US to participate in donor co-ordination processes in Baghdad; and
- work with the US to encourage other donors and the multilateral agencies to contribute more effectively.

308. The UK was lobbying Japan to allocate the bulk of its soft loans (up to US$3.5bn) to the power sector and exploring with Australia, Denmark and Canada the possibility of co-funding DFID projects in southern Iraq.

309. France and Germany remained the "two missing donors", although France had taken a constructive approach on donor co-ordination and the Brussels International Conference, and Germany was contributing to police training outside Iraq.

310. Implementation of reconstruction projects by UN agencies had improved and the UN was playing a valuable role supporting Iraqi-led donor co-ordination. DFID continued to press for further improvements to UN Trust Fund operations.

311. DFID also continued to press:

- the World Bank urgently to establish a presence on the ground in Iraq, and to find ways of implementing its projects; and
- the EC to open a permanent office in Baghdad. The EC was already making use of UK life support[178] and security facilities for its increasingly frequent visits to Iraq.

---

[177] Email DFID [junior official] to DFID [junior official], 3 June 2005, 'Iraq donor coordination paper' attaching Paper DFID, 2 June 2005, 'Iraq Reconstruction: Engaging USA and Other Key Donors'.
[178] Life support includes accommodation, medical services, catering, laundry and cleaning.

312. Mr Quarrey commented to Mr Blair: "… this is OK on what we want the US to do with others, but DFID seem to have given up on influencing how the US spends its own money – still by far the most important funding source".[179]

313. Mr Blair saw Mr Quarrey's note, but did not respond.[180]

314. On 7 June, Mr Blair and President Bush held talks on a range of foreign policy issues in the White House.[181] In their discussion on Iraq, Mr Blair judged that:

> "Ultimately, without an improvement in security, little progress could be made."

315. Sir Nigel Sheinwald and Sir David Manning met Dr Rice and Mr Hadley on the same day.[182] Sir Nigel and Mr Hadley agreed that:

> " … there was scope for a major US/EU/UN initiative on developing the ability of the international community to build capacity (governance, judiciary etc) in failing states and post-conflict situations. This was the lesson of the Balkans and Iraq, and we still did not have the means to deal with this. Some sort of international co-ordination was necessary."

316. Mr Straw visited Iraq on 9 June with the EU Troika – Mr Jean Asselborn (Presidency), Mr Javier Solana (EU Common Foreign and Security Policy High Representative) and Ms Benita Ferrero Waldner (EU External Affairs Commissioner). The British Embassy Baghdad reported that the Troika had brought three main messages:

- support for the political process, and the need for inclusion;
- the importance of the Brussels International Conference, as an opportunity for Iraq to engage with the EU and wider donor community; and
- a shift in Europe. Europe had been divided over the war but was now united in its desire to help the Iraqi people.[183]

317. The Embassy reported that, under pressure from Mr Straw, Mr Waldner had told the Iraqi Government and the media that the Commission would open an office in Iraq "in months rather than weeks".

---

[179] Minute Quarrey to Prime Minister, 3 June 2005, 'Iraq Update'.
[180] Manuscript comment Blair on Minute Quarrey to Prime Minister, 3 June 2005, 'Iraq Update'.
[181] Letter Phillipson to Adams, 7 June 2005, 'Prime Minister's Talks with President Bush, 7 June'.
[182] Letter Sheinwald to Adams, 7 June 2005, 'Dinner with US Secretary of State and National Security Adviser: 7 June'.
[183] eGram 65/2005 Baghdad to FCO London, 10 June 2005, 'Visit of the Foreign Secretary and the EU Troika, 9 June 2005'.

Fraud in the Southern Iraq Employment and Services Programme

DFID's Southern Iraq Employment and Services Programme (SIESP) was approved in July 2004, providing £10m for infrastructure services and £6m for employment generation.[184] £0.5m was allocated for programme administration.

In May 2005, the DFID Office in Basra closed the employment generation component of the SIESP after an assessment identified "worrying issues". The Office asked DFID's Internal Audit Department (IAD) to visit Basra to review the SIESP and identify lessons, in particular for the implementation of DFID's Iraq Infrastructure Services Programme (IISP).

The IAD identified several flaws in the design of the component. It concluded that:

- A "key driver" of the SIESP had been "political (and consequent senior management) pressure in Whitehall and beyond to achieve visible results … In retrospect, these pressures appear unreasonable but at the time were generally irresistible." Warnings against proceeding with a programme of "such high fiduciary risk and intangible benefit" had not been heeded.
- There had been limited advisory input from DFID headquarters.
- The initial decision to work through the newly formed (and unelected) Iraqi Provincial Councils (PCs) had been a misjudgement. They had limited capacity and there was evidence of widespread corruption in their operation.
- A later decision to work through local NGOs had not improved performance. Many NGOs had been set up solely to secure funding from donors. They had limited capacity, lacked local knowledge, and had proved to be "largely unreliable and/or corrupt".
- The lack of physical monitoring had undermined implementation. The security situation meant that there was little chance of DFID staff visiting projects funded under the SIESP. In Maysan, where the security situation was particularly difficult, the UK military had managed the employment generation component of the SIESP directly (bypassing the PC). The military had undertaken some monitoring as part of routine patrolling, but that had not been "adequate". The IAD concluded that the inability to monitor progress indicated that Iraq "was not ready for this type of development intervention".
- Weaknesses in the DFID Office in Basra had contributed to the problems within the SIESP. The Office had been set up "hastily under pressure from UK and locally to show a DFID presence". It had proved very difficult to recruit staff for Iraq, leading to the appointment of staff with "little or no experience in managing programmes or staff".
- The DFID Office in Basra had established "good controls" over SIESP finances. The Office's decision to close the employment generation component immediately after its initial assessment had saved £3m (the amount remaining in the employment generation budget).

[184] Report DFID Internal Audit Department, 11 August 2005, 'Visit Report: Basra, Iraq 26th – 31st July 2005'.

- Of the £3m that had been spent, the IAD estimated that over £2m had been spent in a way "that did not meet [the SIESP's] objectives". The lack of physical monitoring made it difficult to be more precise.

The IAD assessed that the incident had soured the relationship between DFID and the PCs and adversely affected DFID's reputation and credibility with Iraqi interlocutors, the UK military, other donors and "bona fide NGOs".

The IAD report detailed a number of lessons for the IISP.

In May 2006, DFID conducted an internal review in order to determine the extent of the loss from the SIESP employment component.[185] The review concluded that:

- £254,105 had been spent on projects where there was clear evidence of full or partial misuse of money, based on monitoring by DFID staff.
- £296,187 had been spent on projects where there was "**no clear evidence of either good use or misuse of money** (because there was no monitoring information on file) but where anecdotal evidence from interviews suggested that some percentage of the projects were not successfully completed".
- £1,021,223 had been spent on projects which DFID was "reasonably confident" had been successfully completed, based on information on file (in the form of photographs or visit reports) or anecdotal evidence.

The review stated that even those projects where there was evidence of misuse had "added economic value to Iraq, though less than was originally intended".

The review set out the methodology it had used to categorise projects, including that in the absence of information to the contrary, the existence of monitoring information on a project was taken as evidence that the project had been successfully completed:

> "For the remaining project … we have no monitoring reports in the file. However, there is a CD [compact disc] in the file which shows a street with sewage and garbage, and provides a commentary (in Arabic) which explains what work needs to be done. Because we have no other information, and no reason to believe that funds were not used according to the purposes intended, we assume that this project was successful."

Dr Nemat Shafik, DFID Permanent Secretary from March 2008, told the Inquiry how DFID had reacted to the fraud within the SIESP:

> "We have a zero tolerance policy on corruption and we act on it immediately. The then Provincial Council was very unhappy with us as a result … But on that, we don't compromise.
>
> "That [the SIESP] is … the only case that we are aware of, where we had a significant fraud, which, given the scale of the funds that we were disbursing, and given the context, is, I think, a pretty good track record.
>
> "In the case of the Iraq portfolio … we actually had a higher level of scrutiny than our normal portfolio because of the risks involved. So we would get monthly reporting on risks, security risk, staff risk, risks to our money …"[186]

[185] Minute Hendrie to Dinham, 19 May 2006, 'SIESP Employment Generation Project'.
[186] Public hearing, 13 January 2010, pages 54-55.

318. A draft Cabinet Office paper entitled 'Funding for Iraq 2005/06' was circulated with the record of the 3 June meeting of the ISG.[187] The draft paper stated that:

> "The UK now has a realistic prospect of reducing troop numbers over the next nine months – and should benefit from a reduction in costs in Iraq as a result. Both to ensure Iraqi capacity and consent during this process, and to meet Iraq's development needs, reconstruction on the ground needs to continue … However, [the UK's] resources for Iraq are already overstretched. Ministers will therefore need either to agree a strict prioritisation of assistance, or consider whether additional funds should be made available."

319. The Cabinet Office draft paper set out the funding currently available for Iraq for 2005/06:

- DFID had £65m available and had commitments of £86.6m.
- The GCPP had £23.3m available (an accurate figure for commitments was not yet available).
- The MOD forecast "military operational" costs of £927m (a figure for QIPs was not yet available).

320. An Annex to the draft paper advised that DFID would need to manage its programme very carefully in order to come within the £65m budget. Some (unspecified) spending could be delayed, and DFID was urgently seeking co-financing for projects from other donors, including the World Bank. An improvement in the security situation would help: £28m of the £86.6m was expected to be spent on security and life support.

321. Of the £86.6m committed to existing high-priority activities:

- £63.8m (74 percent) was committed to projects in southern Iraq.
- £14.6m (17 percent) was committed to projects supporting central Government.
- £7.2m (8 percent) was committed to projects supporting political participation ("elections, media, support to civil society groups").
- £1m was committed to multilateral organisations.

322. Ms Aldred told the 10 June meeting of the Iraq Senior Officials Group (ISOG) that Ministers needed to consider funding for Iraq "in the round", and alongside funding for Afghanistan.[188] A Treasury official agreed, and said that any submission to Ministers on funding needed to make the link between activity and the UK's objectives.

323. The ISOG agreed that officials would finalise the draft paper "to coincide with" the 14 July meeting of DOP.

---

[187] Minute Cabinet Office [junior official] to Sheinwald, 7 June 2005, 'Iraq: Strategy Group' attaching draft Paper, [undated], 'Funding for Iraq 2005/06'.
[188] Letter Cabinet Office [junior official] to Asquith, 13 June 2005, 'Iraq: Senior Officials'.

324. A DFID official briefed the ISOG on the impact of the US reconstruction effort. He advised that "the US was well aware of its failings … and there was little we could tell them that they didn't already realise and were actively trying to change". The most significant impact DFID could have on the US was by working jointly with them in the South.

325. The Cabinet Office paper on funding for Iraq was finalised for the 21 July meeting of DOP, chaired by Mr Blair, which considered whether or not the UK Provincial Reconstruction Team (PRT) in Afghanistan should move from the north to Helmand and what, if any, additional force package should be deployed to support it (see Section 9.4).[189]

326. The Cabinet Office paper, which was presented as an appendix to the main MOD paper, set out the estimates of financial pressures associated with the Iraq campaign for 2005/06, 2006/07 and 2007/08.

327. On 17 June, a junior DFID official invited Mr Benn to endorse the "annual review" of DFID's Interim Country Assistance Plan (I-CAP).[190]

328. In his covering minute, the official advised that the I-CAP (which had been published in February 2004) had been expected to remain in place for two years, and contained a commitment to undertake a "substantial review" after one year.

329. However, events had "pre-empted a pro-active review". Those events were:

- the exchange between Mr Blair and Mr Benn in October 2004 on the need to accelerate the pace of reconstruction and increase the impact of DFID's bilateral programme in the short term;
- Mr Chakrabarti's and Mr Drummond's visit to Iraq in December 2004 to review DFID programmes and assess priorities for 2005;
- Mr Benn's agreement in December 2004 to priorities for 2005;
- the agreement in February 2005 of the 2005 UK Iraq Strategy. That Strategy included "most of the items that we suggested", and was in line with priorities agreed by Mr Benn; and
- subsequently, "unexpected and significant funding constraints" arising from a smaller than expected budget for 2005/06 and an increase in life support costs levelled by the FCO.

---

[189] Paper MOD Officials, 19 July 2005, 'Afghanistan: Resources and Strategic Planning'.
[190] Minute DFID [junior official] to Private Secretary [DFID], 17 June 2005, 'Iraq: Interim Country Assistance Plan: Annual Review' attaching Paper DFID, [undated], 'DFID: Iraq Country Assistance Plan Review 2004/5'.

330. The official also advised that:

> "A major constraint to DFID's programme, not highlighted in the I-CAP review, is the limited capacity of Iraqi institutions to drive forward reform and reconstruction. This is exacerbated by the short political horizons inherent in the Transitional Administrative Law (TAL), which militate against far-reaching reform. Corruption is also becoming increasingly apparent and might become the main constraint on reconstruction and development if security were to improve significantly."

331. The I-CAP review comprised short reports on:

- political and economic progress in Iraq;
- progress on reconstruction. Deteriorating security – identified as a key risk in the I-CAP – was a major constraint. Projected costs of UK staff working in Iraq for 2005/06 were more than £500,000 per person-year;
- the activities of other donors;
- key challenges for reconstruction in 2005/06. Those included the limited life-span of the IIG and the ITG, which affected their ability to implement major reforms; and
- examples of the impact of DFID projects in 2004/05.

332. The I-CAP review stated that:

> "DFID's work programme has evolved to take account of the difficult security situation and the absence of some traditional donors. The objectives and approach set out in our I-CAP remained valid."

333. DFID would:

- continue to promote broader and more effective international support;
- continue and deepen work at the national level to build Iraqi capacity and encourage greater Iraqi leadership of reconstruction; and
- "expand and accelerate" DFID's programme in the South, where high levels of poverty persisted.

334. There are no indications that other government departments or international partners contributed to the production of the I-CAP review.

335. The I-CAP review submitted to Mr Benn was not the "substantial review" promised in the I-CAP. In particular, it did not:

- provide a comprehensive assessment of the political, economic and social context in Iraq, reflecting the major changes since the I-CAP had been produced, including the existence of a sovereign Iraqi Government (with its own priorities and constraints) and the profound impacts of growing insecurity;

- consider the lessons that DFID had identified since the I-CAP was produced, and how it would respond to them;
- consider how the reconstruction effort could and should contribute to broader UK objectives; and
- consider whether the level of resources available to achieve DFID's objectives in Iraq was right, and whether DFID was working in the most effective way.

336. In the absence of that analysis, the I-CAP review could not (and did not) test the position that DFID had reached.

337. Mr Anderson visited Iraq from 13 to 18 June.[191]

338. In his report to Mr Dinham, copies of which were sent to officials in DFID, the FCO and the MOD, Mr Anderson identified a number of "strategic issues", including the expected decline in the amount of aid going to Iraq. US funding would decline from US$18.4bn over two years (the current IRFF2 package) to around US$1bn in 2006/07. Japanese grants were "now exhausted" and DFID's programme would decline in 2006/07. There might be "modest increases" in UN and World Bank programmes but "even in the most optimistic scenario, there will be a dramatic decline in aid levels due to the changing US position".

339. That rapid decline raised three strategic issues:

- What impact would declining aid have on security?
- Was this the right time for donors to be reducing aid? Research showed that aid during or immediately following conflict tended to be wasted. It was most effective between four and seven years after a conflict.
- Was DFID right to treat Iraq as a MIC? The planned decline in DFID's programme was based on the "premise" that Iraq had adequate resources to fund its own development. But did that hold true when security was poor and oil revenues difficult to obtain?

340. DFID has not been able to provide the Inquiry with any response from Mr Dinham, or any record of a discussion of aid volumes.[192]

341. Dr John Reid, the Defence Secretary, circulated a paper on the options for future UK force posture in Iraq to DOP(I) on 16 June (see Section 9.4).[193]

342. The paper stated that there was a "clear UK military aspiration" to transfer security responsibilities to Iraqi forces in Muthanna and Maysan in October 2005, with the remaining MND(SE) provinces (Basra and Dhi Qar) following in April 2006. That was

---

[191] Minute Anderson to Dinham, 19 June 2005, 'Back to Office Report: Iraq 13 – 18 June'.
[192] Email DFID [junior official] to Iraq Inquiry [junior official], 19 June 2013, 'Iraq Inquiry New Queries'.
[193] Paper Reid, 14 June 2005, 'Options for Future UK Force Posture in Iraq'.

expected to lead to a significant reduction in the overall level of UK troops in Iraq from around 8,500 to around 3,000 personnel.

343. On 22 June, over 80 countries and organisations participated in the International Conference in Brussels.[194] The Conference was co-hosted by the EU and US. Mr Straw led the UK delegation. The Box below describes the UK's engagement in the development of the Conference.

344. The UK Permanent Representation to the EU in Brussels (UKRep) reported that, at the Conference, the ITG had set out its vision for the future and asked the international community to provide more support. Iraq had received many promises in return; both the Iraqi and the US delegations had emphasised the need to translate those into action on the ground.

345. UKRep commented that the Conference had been "a further successful step" in enhancing EU (and wider) engagement in Iraq, following the visit of the EU Troika to Iraq earlier that month. UKRep had taken the opportunity to brief the EC on the help it could expect from the UK in opening an office in Baghdad; UKRep would keep pushing to achieve that by the end of the year.

The International Conference on Iraq, 22 June 2005

Planning began in early 2005 for an International Conference on Iraq, to be co-hosted by the EU and US.

Mr Straw advised Mr Blair on 24 March that the UK was working closely with the US to define the scope and objectives of the Conference.[195] Key objectives included:

- ensuring an inclusive process to build a wide base of international support for the Iraqi political process; and
- a reformed approach to donor co-ordination.

US and UK officials discussed the Conference on 31 March.[196] The US saw the ITG being in the lead, and using the Conference to set out their "broad direction" and secure international support for it. Mr Crompton said that the UK agreed with that approach, and suggested that "deliverables" from the Conference should include:

- agreement on an improved mechanism for international assistance; and
- securing EU support for the rule of law.

An FCO official advised the 6 May meeting of the Iraq Strategy Group that the EU and US were not working towards the "outcome orientated" Conference that the UK had hoped for.[197] Sir Nigel Sheinwald said that the UK should not invest enormous effort into shaping the Conference as it was not "mission critical".

---

[194] Telegram 7391/05 UKRep Brussels to FCO London, 23 June 2005, 'Iraq International Conference, Brussels 22 June'.
[195] Minute Straw to Prime Minister, 24 March 2005, 'Iraq: Ad Hoc Ministerial Meeting'.
[196] Minute Cabinet Office [junior official] to Sheinwald, 1 April 2005, 'Iraq: VTC with US Inter-Agency Team'.
[197] Minute Cabinet Office [junior official] to Sheinwald, 9 May 2006, 'Iraq: Strategy Group'.

346. Mr Blair met Prime Minister Ja'afari on 27 June.[198]

347. Mr Quarrey's briefing for Mr Blair suggested that the main points to cover included:

- The International Conference. The UK judged that the Conference had been a success, even if concrete outcomes had been thin.
- Reconstruction. The UK was constantly pressing for the better use of reconstruction funds "so that we get a political dividend". The UK should encourage Prime Minister Ja'afari to take a similarly close interest.

348. Mr Quarrey's record of the meeting indicates that the discussion focused on security and the constitutional process, and that reconstruction was not raised.[199]

349. On 5 July, the British Embassy Baghdad provided an assessment on progress on donor co-ordination.[200] Some progress had been made before and during the International Conference, but a gap was emerging between Iraqi expectations (more money) and what was needed (better Iraqi strategy and clearer priorities). The ITG had advised donors to "do anything, because everything is a priority".

350. Mr Blair met President Bush in the margins of the G8 Summit on 7 July (see Section 9.4).[201] Mr Blair said that the US and UK objective must be to divide Sunni insurgents from foreign jihadists.

351. At its meeting on 13 July, the JIC reviewed the effectiveness of efforts to bring Sunni Arabs into the political process.[202] It judged that:

> "Winning over Iraq's Sunni Arab population is key to reducing the insurgency over time …"

352. Sunni political and insurgent groups did not have a unified strategy. There was a range of Sunni political objectives: demand for a timetable for MNF withdrawal and the release of detainees featured strongly. The JIC continued:

> "Sunnis also want to ensure they benefit economically from Iraq's natural resources (held in predominately Shia and Kurd areas), gain access to jobs and markets, and see greater evidence of reconstruction – so far efforts to rebuild Sunni areas have been disproportionally hampered by the security situation."

---

[198] Minute Quarrey to Blair, 24 June 2005, 'Iraq: Your meeting with Prime Minister Ja'afari, 27 July [sic]'.
[199] Letter Quarrey to Siddiq, 27 June 2005, 'Iraq: Prime Minister's Meeting with Jaafari'.
[200] eGram 8254/05 Baghdad to FCO London, 5 July 2005, 'Iraq: Donor Coordination Sitrep and Prospects for Amman Donor Conference'.
[201] Letter Sheinwald to Adams, 8 July 2005, 'Prime Minister's Meeting with President Bush, 7 July'.
[202] JIC Assessment, 14 July 2005, 'Iraq: Outreach to Sunni Arabs'.

353. Mr Straw sent an Iraq Oil and Gas Strategy to Mr Blair on 12 July.[203] The strategy, which had been developed by FCO, Department of Trade and Industry (DTI) and DFID officials over the previous month, defined three UK objectives:

- "The development of an efficient, outward-looking and transparent oil and gas industry, capable of delivering sustainable export revenues to meet the development needs of the people of Iraq and meeting domestic needs for energy in an efficient, equitable and secure manner.
- Increasing involvement of the private sector, leading to sustained investment over the next five to 10 years and substantial business for UK companies …
- To promote Iraq's role in international oil and gas markets and as a constructive influence within OPEC."

354. Mr Quarrey marked the strategy to Sir Nigel Sheinwald with the comment: "I do not intend to put in the box! Looks OK."[204] Sir Nigel agreed.[205]

355. The UK revisited the strategy in March 2006, and retained those objectives.[206]

356. The strategy and the UK's engagement on oil and gas issues are considered in Section 10.3.

357. Deputy Prime Minister Salih launched the ITG's National Development Strategy (NDS) at the fourth meeting of the IRFFI Donor Committee in Amman on 18 and 19 July.[207] The IIG had launched an earlier national strategy in Tokyo in 2004.

358. In his introductory remarks, Mr Salih said that the high level of unemployment in Iraq was fuelling economic despair and insecurity. The reconstruction effort had focused on large-scale, capital-intensive infrastructure projects. Those "mega-projects", though appropriate and essential, had not succeeded in providing Iraq's basic needs quickly enough. The answer was to complement them with "community-level" projects that demonstrably changed people's lives for the better.

359. Mr Salih highlighted the shortfall in funding for electricity supply. The October 2003 World Bank/UN Joint Needs Assessment had estimated that US$20bn would be required to restore power to 1990 levels. Less than half that amount had been allocated. Production averaged around 5,000MW against a demand of 20,000MW.

---

[203] Letter Straw to Blair, 12 July 2005, ' Iraq: Oil and Gas Strategy' attaching Paper FCO/DTI/DFID, [undated], 'Iraq: Oil and Gas Strategy'.
[204] Manuscript comment Quarrey to Sheinwald, 13 July 2005, on Letter Straw to Blair, 12 July 2005, 'Iraq: Oil and Gas strategy'.
[205] Manuscript comment Sheinwald to Quarrey on Letter Straw to Blair, 12 July 2005, 'Iraq: Oil and Gas Strategy'.
[206] Paper IPU/FCO, 28 February 2006, 'UK Objectives for Iraq's Oil and Gas Sector'.
[207] International Reconstruction Fund Facility for Iraq, 18 July 2005, *Speech by H E Barham Salih Minister of Planning and Development Cooperation to the International Reconstruction Fund Facility Committee Meeting, Dead Sea, Jordan,18-19 July 2005.*

360. The NDS was organised around four "key drivers of prosperity":

- strengthening the foundation for economic growth;
- revitalising the private sector;
- improving quality of life; and
- strengthening good governance and improving security.[208]

361. DFID officials in Iraq commented on the NDS: "Better than before (Tokyo) but still weak on identification of priorities and objectives. No understanding that resource constraints will force ITG and donors to make tough choices."[209]

Preparing for transition to Iraqi control in the South

362. The 15 July meeting of the ISG considered a draft version of a paper from Dr John Reid, the Defence Secretary, on operational transition in Iraq (see Section 9.4).[210]

363. Dr Reid described a process in which Iraqi Security Forces would take primacy province by province. The MNF would take on a reserve role as they did so. So long as Iraqi capacity continued to increase and the security situation did not deteriorate seriously, the transfer would be implemented from October in Maysan and Muthanna. Basra and Dhi Qar would follow in spring 2006. This would lead to a reduced profile for UK forces, and reductions in numbers to around 3,000 by summer 2006.

364. The ISG made a number of recommendations for improving the paper, including that it needed to cover more clearly the implications for other government departments and international actors.[211]

365. DOP(I) met on 21 July, chaired by Mr Blair, and considered Dr Reid's paper on operational transition.[212]

366. The revised paper stated:

> "It is … possible that other (FCO and DFID) activity in Iraq aimed at developing the Iraqi Police Service and reconstruction will need to be curtailed or reduced, with consequent implications for HMG's wider effort, because of the difficulties of running projects without UK military support and protection. This will need to be looked at in more detail with Other Government Departments."[213]

---

[208] Iraqi Strategic Review Board, 30 June 2005, *National Development Strategy 2005 – 2007.*
[209] Report DFID, 11 July 2005, 'DFID Iraq Weekly Summary, 11 July'.
[210] Letter Cabinet Office [junior official] to Iraq Senior Officials, 15 July 2005, 'MOD Paper on Operational Transition in Iraq' attaching Paper MOD, [undated],'Operational Transition in Iraq'.
[211] Letter Cabinet Office [junior official] to Sheinwald, 15 July 2005, 'Iraq Strategy Group'.
[212] Minutes, 21 July 2005, DOP(I).
[213] Paper Secretary of State for Defence, 18 July 2005, 'Operational Transition in Iraq'.

367. The section on "handling" in the previous draft had been expanded to include "NGOs":

> "The announcement [of] any drawdown of UK forces in the South will have to be carefully managed to ensure that there is no loss of confidence by NGOs (in particular the UN agencies and the World Bank), which might lead them to postpone plans for greater engagement in Iraq."

368. The section on resources had also been expanded:

> "Other Government Departments operating in Iraq may … face increased security costs as they are forced to seek commercial alternatives to military force protection."

369. DOP(I) agreed Dr Reid's recommendation that, subject to the continuation of current trends in the capacity of the Iraqi security forces and to there being no major deterioration in the security situation, the UK should plan to implement transition to Iraqi control in Maysan and Muthanna from around October 2005, and in Dhi Qar and Basra from around March 2006.[214]

370. DOP(I) commented that too much of the money allocated for reconstruction had been spent on foreign contractors and security.[215] The UK should now be focusing on delivering through Iraqi structures.

371. DOP(I) also considered an FCO paper entitled 'Splitting the Jihadists from the National Opposition'.[216] The FCO recommended action on eight "lines", the last of which was reconstruction:

> "**Rapid implementation** of reconstruction projects, specifically following large scale anti-insurgency operations or local cease-fires:
>
> "Aims: Demonstrate ITG/MNF ability to rebuild and compensate following operations/cease-fires. Quick support to Iraqi capacity to deliver. Installation of basic services. Establishment of political and security structures. Employment creation. Deny opportunity to insurgency to work up dissatisfaction.
>
> "Means: … Key donors and ITG to review how to reprogramme/redefine donor assistance to make available rapidly disbursable aid (eg. creation of a special fund for quick impact projects in politically sensitive areas), including from the private sector. Media (foreign and Iraq) coverage of successful redevelopment projects."

372. DOP(I) agreed the "broad approach" set out in the FCO paper.[217]

---

[214] Minutes, 21 July 2005, DOP(I) meeting; Paper Secretary of State for Defence, 18 July 2005, 'Operational Transition in Iraq'.
[215] Minutes, 21 July 2005, DOP(I) meeting.
[216] Paper FCO, 18 July 2005, 'Iraq: Splitting the Jihadists from the National Opposition'; Minutes, 21 July 2005, DOP(I) meeting.
[217] Minutes, 21 July 2005, DOP(I) meeting.

Responding to the new US Clear-Hold-Build strategy

373. Ambassador Zalmay Khalilzad succeeded Ambassador John Negroponte as the US Ambassador to Iraq in June 2005.[218]

374. To assess the situation and propose a way forward, Ambassador Khalilzad established a Joint Civil-Military Strategic Planning Group, generally known as the Red Cell or Red Team. The Red Team was tasked to devise a plan that would break the back of the insurgency within one year and defeat it within three.

375. Before Ambassador Khalilzad's his arrival in Iraq, the DoD and the State Department had initiated independent reviews of reconstruction strategy (led by General Gary Luck and Ambassador Richard Jones respectively). Those reviews informed the new approach developed by Ambassador Khalilzad.

376. A key issue was the amount of US funding that remained available. After a slow start, the US reconstruction effort was "in high gear". Of the US$18.4bn appropriated for IRRF2, three-quarters had been obligated and one-third disbursed.

377. Ambassador Khalilzad met Mr Adam Ingram, Minister of State for the Armed Forces, on 20 July.[219] The Ambassador raised the subject of Provincial Reconstruction Teams (PRTs), some of which had worked well in Afghanistan, and asked whether there was a role for them in Iraq. Mr Ingram wondered whether PRTs would, in many parts of Iraq, be too exposed. He also commented that "one of the problems of even considering such fresh approaches … was the risk that they could be leaked".

378. Ambassador Khalilzad offered to share US thinking on PRTs with the UK, including on whether projects should be driven by "operational security" or longer-term development goals.

379. Mr William Patey, Mr Chaplin's successor as British Ambassador to Iraq, reported on 27 July that the availability of electricity and fuel was barely different from a year earlier.[220] Progress was being made, but it would be "a long haul" and managing Iraqi expectations would be key. He commented:

> "Ordinary Iraqis are becoming increasingly frustrated that, over two years after Saddam's fall, there has been little discernible improvement to essential services …
>
> "Ultimately, the Iraqis need to plan much longer term … There needs to be an integrated energy strategy … The current focus – including from US advisers – is short-term. DFID is funding two advisers to help the Ministry of Electricity (and Ministry of Oil) develop a coherent longer-term strategy, including creating the legal

---

[218] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.
[219] Minute Johnson to DJC DD Iraq, 22 July 2005, 'Minister(AF) Meeting with Ambassador Khalizad'.
[220] Telegram 9933/05 Baghdad to FCO London, 27 July 2005, 'Iraq: Oil and Electricity: Are Things Getting Better?'.

and regulatory framework to encourage investment. We should continue to support this as the only means of creating a sustainable electricity network in Iraq."

380. Mr Quarrey passed the report to Mr Blair, with the comment:

"The conclusion that the only solution is a long-term plan is consistent with DFID's approach but fails to address the damage done in the meantime to the political process."[221]

381. Lieutenant General Robin Brims, the Senior British Military Representative, Iraq, reported to Gen Walker on 31 July that "the US with ourselves" were establishing a "Red Cell" to examine critically counter-insurgency strategy.[222]

382. Mr Anderson advised Mr Benn's Private Secretary on 12 August that, despite intensive efforts by DFID and MND(SE), Op AMPERE (the US$10m point power generation project developed by MND(SE) and DFID and approved in March 2005) had not met its objective of providing additional power during the summer months.[223] The failure had been due primarily to inexperienced suppliers, poor security and a lack of access. Six of the planned 10 generators had now been commissioned; work continued to commission the remaining four.

383. The Red Team reported on 31 August.[224] Section 9.4 describes the report and the UK's response in detail.

384. The Red Team assessed that the coalition's current strategy – based on transitioning security responsibilities to the Iraqi Government – would enable coalition forces to disengage from Iraq but would leave Iraqi Security Forces that would not be able to defeat the insurgency in the foreseeable future.

385. The Red Team proposed an alternative strategy, based on what it described as the "classic 'ink spot' counter-insurgency model", which sought to create success in small areas and then steadily expand outwards until the areas flowed together to form larger regions of security.[225] Military operations were to be more closely co-ordinated with "political-economic actions" tailored to the specific needs of local communities. Action was also needed at the national level, to set the conditions for the counter-insurgency campaign.

386. The report proposed that a Joint Inter-Agency Counter-Insurgency Task Force should be established to plan, co-ordinate and implement governance reform and economic sector development work in support of the counter-insurgency campaign.

---

[221] Minute Quarrey to Prime Minister, 29 July 2005, 'Iraq Update'.
[222] Minute Brims to CDS, 31 July 2005, 'SBMR-I Weekly Report (172) 31 July 2005'.
[223] Minute Anderson to Private Secretary [Benn], 12 August 2005, 'Iraq Situation Update' attaching Report DFID, [undated], 'Iraq Situation Report: 12 August'.
[224] Red Team Report, 31 August 2005, 'An integrated Counterinsurgency Strategy for Iraq'.
[225] Red Team Report, 31 August 2005, 'An integrated Counterinsurgency Strategy for Iraq'.

387. Sir Nigel Sheinwald's advice to Mr Blair on the Red Team report focused on political and security aspects of the proposed strategy.[226] On the economic aspect of the proposed strategy, he commented:

> "There is nothing new to say here. There will be no serious reconstruction effort for as long as the security situation remains bad, and political engagement at national and local levels remains poor …
>
> "There is little point in talking about a new surge of economic reconstruction until we see the shape of the next Iraqi Government."

388. *Hard Lessons* identified the Red Team report as one important element of the US strategy review and development process initiated by Ambassador Khalilzad which, by the autumn of 2005, had produced a new approach comprising:

- A renewed focus on broadening Sunni participation in the political process.
- Defeating the insurgency using the "ink-spot" model (articulated by the Red Team and others). That required closer integration of military and civilian resources and the use of civilian reconstruction resources as part of a military-led campaign, and a shift away from large infrastructure projects towards smaller, Iraqi-led projects designed to deliver jobs and services to the most vulnerable, violent and politically significant neighbourhoods.
- Increased support for provincial governments, including through the deployment of PRTs into provinces.
- Increased support for central government institutions, including by embedding civilian advisers. The increased support for provincial and central government reflected US analysis that their strategy of "pulling back to let the Iraqis do it themselves" had failed; provincial governments remained weak and disconnected from central government.[227]

389. The new strategy would become known as "Clear-Hold-Build".

390. On 19 September, two UK soldiers were arrested by the Iraqi Police Service in Basra, following an incident in which they killed one Iraqi police officer and wounded another (see Section 9.4). The soldiers, and six negotiators who had attempted to secure their release and who had also been detained, were subsequently released in an armed operation undertaken by MND(SE). The episode became known as the Jameat incident.

---

[226] Minute Sheinwald to Prime Minister, 19 September 2005, 'Iraq: UK Strategy'.
[227] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

391. Mr James Tansley, the British Consul General in Basra from September 2005 to April 2006, told the Inquiry:

> "The Jameat incident effectively destroyed working relationships between ourselves and Basra Council and the governorate. Although we patched things up, there was still an underlying suspicion, and it was difficult to build … particularly constructive relations with the officialdom or the government in Basra province throughout my time."[228]

392. Mr Tansley commented that the combination of deteriorating security and, following the Jameat incident, political constraints limited the progress that the UK could make on reconstruction, SSR and preparing for the transfer of provincial control to the Iraqi authorities.

393. Against a background of increasing insecurity, DFID continued to press the World Bank to accelerate disbursement from its Trust Fund and to establish a presence in Iraq.

394. Dr Shafik met Mr Chrik Poortman, World Bank Vice-President for the Middle East, on 20 September.[229] Mr Poortman argued that the rate of disbursement from the Bank's Trust Fund was comparable with other post-conflict countries and expressed concern that faster disbursement could increase the risk of corruption. He also regretted the UK's "continual public criticism" of the rate of disbursement, which was damaging the Bank's ability to attract donor support.

395. The report of the meeting was copied to DFID and Treasury officials. Mr Anderson commented:

> "Chrik's arguments about disbursement rates are technically correct …
>
> "That the Bank's disbursement in Iraq is comparable to other … countries is beside the point – aid to Iraq is not business as usual. That Iraq requires a different approach … is the core point that Chrik does not accept."[230]

396. Mr Chakrabarti met Mr Poortman a few days later.[231]

397. Mr Chakrabarti's briefing for the meeting stated that the Bank's presence in Iraq comprised one international consultant (now funded by the Bank, formerly by DFID) and seven local staff. Of the US$400m committed to the World Bank Trust Fund, only US$31m had been disbursed by July. DFID still saw the Trust Fund "as an emergency fund to be disbursed quickly".

---

[228] Public hearing, 22 June 2010, page 57.
[229] Email DFID [junior official] to Dinham and Anderson, 20 September 2005, 'Read-out from Minouche/Rain Meeting with Chrik'.
[230] Email Anderson to Newton-Smith, 21 September 2005, 'Chrik's Views'.
[231] Briefing DFID, [undated], 'Chrik Poortman Meeting – Washington, 24-25 September 2005'.

398. The briefing also stated that the World Bank had agreed to channel US$21m from its Trust Fund to a power project in Najibiyah, through DFID's IISP. The Najibiyah project had, however, floundered in the absence of Iraqi Government support; DFID was exploring "all possible alternative options" for the funding.

399. On 30 September, Mr Dinham sent Sir Nigel Sheinwald a paper providing an "honest assessment" of progress on reconstruction, following a discussion between Mr Dinham and Sir Nigel earlier that month.[232]

400. The DFID paper listed the achievements that had been made in re-establishing the economy, electricity generation, water and sanitation, employment, education, health, and transport and communications. DFID also listed factors which had hindered reconstruction:

- insecurity, which meant that few other donors had a presence on the ground in Iraq;
- poor co-ordination and little buy-in from the Iraqi Government and local authorities;
- limited capacity of Iraqi institutions and rapid turnover of political figures;
- "large additional funds … are unlikely to accelerate progress on reconstruction without corresponding policy and institutional reform and capacity building";
- security costs had "eaten into" reconstruction funds;
- the US had been "distracted by hotspot cities" at the expense of a "strategic reconstruction programme". Significant amounts of US funding had been re-allocated from basic services to tackle security and oil;
- problems with the sustainability of large-scale projects; and
- unrealistic Iraqi and international expectations. In other countries, DFID allowed between five and 15 years for "the first phase of governance projects", to allow time for institutional culture to change. In Iraq, international partners were trying to reform institutions in less than two years.

401. DFID concluded:

> "A carefully balanced approach is needed: on the one hand, an acceptance of the realistic pace of reconstruction will help to manage expectations and encourage more sustainable, long-term projects; on the other hand, some continuation of high-profile, short-term activity will be needed to provide signs of visible progress while longer-term activity is under way."

---

[232] Letter Dinham to Sheinwald, 30 September 2005, 'Iraq: Reconstruction Situation' attaching Paper DFID, [undated], 'DFID Information Note on Reconstruction Progress in Iraq'.

402. Mr Quarrey passed the DFID paper to Sir Nigel with the comment:

> "This has more detail than we've seen for a while, and in some areas looks reasonably encouraging. But overall the picture is still pretty bleak. What the paper does not give is (a) much sense of what is happening now (eg what's getting better or worse); and (b) whether there is much we can do about it. I think we have other, more immediate priorities for No.10 effort in the short term. Do you want to do anything with this?"[233]

403. Sir Nigel was more critical:

> "I take a less positive view. I see it as a lot of useless, mostly input, statistics. But there's little on outputs, no comparison of pre-invasion and now, no case studies, no sense of Najaf then and now. ie not what I asked for."[234]

404. The Inquiry has seen no indication that the paper was passed to Mr Blair, or that No.10 or Sir Nigel responded to DFID.

405. Also on 30 September, Mr Straw's Principal Private Secretary sent Mr Quarrey a paper containing the joint advice of FCO, MOD and DFID officials on the implications of the Jameat incident.[235] Mr Straw had not yet seen and agreed their advice.
The FCO/MOD/DFID paper advised:

> "The … incident … highlights what was previously more opaque, that we face acute challenges in achieving our objectives in the south-east region. Stability in the south-east is being threatened by intense rivalry among political parties and their militias. Criminality, jockeying for patronage and leaders' differing political visions are being exacerbated by tribalism and increasing religiosity."

406. The paper concluded that "alternative options to our current policy are limited":

> "**Our only realistic option is to maintain our course and see the job through.** But **we need to make adjustments to our policy**, while sticking to our strategic approach of ensuring in due course successful transition of responsibility for rule of law in the south-east to the Iraqis."

407. An immediate problem was the threat of reprisal attacks. DFID and FCO staff were "essentially locked down".

---

[233] Manuscript comment Quarrey to Sheinwald, 4 October 2005, on Letter Dinham to Sheinwald, 30 September 2005, 'Iraq: Reconstruction Situation'.
[234] Manuscript comment Sheinwald to Quarrey, 6 October 2005, on Letter Dinham to Sheinwald, 30 September 2005, 'Iraq: Reconstruction Situation'.
[235] Letter Hayes to Quarrey, 30 September 2005, 'Iraq: Basra' attaching Paper FCO/MOD/DFID, 30 September 2005, 'South-East Iraq: Impact of Security Incident in Basra'.

408. The authors identified a number of "longer-term challenges" including:

- **"We may not be able to deliver, by next year, the minimum standards required in rule of law and governance."** The UK should consider whether its aspiration to draw down troops by the middle of 2006 would be premature, and how its response to a more challenging security environment might deter organisations such as the UN and World Bank from establishing a presence in the South.
- **"We will need to allocate more resources, which might include military resources, to security."**

409. Over the weekend of 1 and 2 October, Mr Blair considered separate pieces of advice from Sir Nigel Sheinwald and Mr Powell on the implications of the Red Team report, the FCO/MOD/DFID paper on the implications of the Jameat incident, and a 28 September JIC Assessment.[236]

410. Mr Blair set out his conclusions in a Note to No.10 staff on 2 October:

> "I don't think the Red Team report is advocating a different strategy; just a means of implementing the existing one …
>
> "The 'ink spot' strategy is right. It isn't what we have done so far. What we've done is take a city, give it back to the Iraqis and hope. The 'ink spot' strategy is to take it and then only when the Iraqi civilian capability of governance is properly established with the necessary military back-up, do we withdraw."[237]

411. Sir Nigel Sheinwald wrote to Mr Straw's Principal Private Secretary on 4 October, in response to the 30 September FCO/MOD/DFID paper on the implications of the Jameat incident.[238] Copies of the letter were sent to Cabinet Office, MOD, DFID, FCO, Home Office and Treasury officials.

412. Sir Nigel wrote:

> "The Prime Minister agrees that we do not need to change our overall strategy. He is convinced, however, that we need a major and sustained push over the next few months on the political and security lines of operation if we are to get what we need – the political process moving ahead on time and producing an effective and moderate Iraqi Government after the elections, with visible progress on the Iraqiisation of security."

---

[236] Minute Quarrey to Prime Minister, 30 September 2005, 'Iraq Update'.
[237] Note Blair, 2 October 2005, [untitled].
[238] Letter Sheinwald to Hayes, 4 October 2005, 'Iraq Strategy'.

413. Sir Nigel went on to set out in detail Mr Blair's views in relation to policy on the political process and security. The single paragraph on reconstruction read:

> "It is unlikely that we will be able to enhance significantly the impact of reconstruction activities in the period before elections. But he [Mr Blair] would be grateful if Hilary Benn could work hard with the World Bank and UN in particular – their future engagement is critical. We also need a more effective link-up between DFID and the US agencies involved."

414. Sir Nigel reported that Mr Blair planned to chair a meeting of DOP(I) every fortnight if possible. Sir Nigel would chair weekly meetings of senior officials. Mr Straw and Dr Reid were also to chair regular Ministerial meetings in their areas.

415. Mr Chakrabarti and Mr Dinham visited Iraq from 4 to 6 October to review DFID's programme and consider future plans in the light of the forthcoming Iraqi elections and UK military transition planning.[239]

416. Their report to Mr Benn, copies of which were sent to Sir Nigel Sheinwald, senior officials in the Cabinet Office, MOD, FCO and the Treasury, and UK military commanders and officials in Iraq, recommended that DFID should shift its focus from the South and infrastructure projects to building institutional capacity in Baghdad. That recommendation reflected "remarkable unanimity of advice from a range of interlocutors, including our political and military colleagues in both Baghdad and Basra" on where DFID's comparative advantage lay in a "uniquely difficult environment".

417. Mr Chakrabarti and Mr Dinham reported that UN staff were back in Iraq and playing a key role in donor co-ordination. The EC was "visible, albeit with a small and focused presence". A key gap remained the absence of a permanent World Bank or IMF representative.

418. The Iraqi Government remained unenthusiastic on the Najibiyah power plant project (for which DFID had hoped to secure US$21m in funding from the World Bank Trust Fund); there was no value in pressing this further.

419. On funding, the US was now looking for other donors to "pick up the tab" for reconstruction; none had yet stepped forward:

> "A[n] … immediate worry for the first year of an incoming Government is the likelihood of a funding crisis as US money thins out and the multilaterals are not yet on stream."

420. If DFID was to focus on building institutional capacity in Baghdad, it would need to consider whether its current model – using international consultants, with their attendant high security costs – remained "fit for purpose". The Iraqi Government was

---

[239] Minute Chakrabarti and Dinham to Secretary of State [DFID], 7 October 2005, 'Iraq Visit, 4 – 6 October 2005'.

starting to turn down offers of assistance, primarily on cost grounds. Mr Chakrabarti and Mr Dinham reported that their initial feeling was that alternative models now needed to be explored, including:

- a greater use of consultants drawn from the Iraqi diaspora;
- the use of current or former senior UK civil servants on short visits; and
- deployment of additional DFID advisers to Baghdad and Basra.

421. Mr Chakrabarti and Mr Dinham concluded that DFID should produce a new Country Assistance Plan (CAP) for Iraq, setting out its intentions.

422. DFID told the Inquiry that it could not find any evidence of a response from Mr Benn or of any documents relating to a consequent discussion of aid modalities, and that work to produce a new CAP was not taken forward.[240]

423. On 10 October, the Joint Committee to Transfer Security Responsibility (JCTSR) produced its "Conditions for Provincial Transfer", which set the framework for MNF-I to transfer security responsibility to an Iraqi civilian authority (see Section 9.4).[241] The document set out a series of standards in four areas:

- the insurgency threat,
- ISF capability,
- governance capacity, and
- residual support from coalition forces.

424. General Mike Jackson, Chief of the General Staff, visited Iraq from 10 to 13 October.[242] His report to Gen Walker, copies of which were sent to senior military officers only, welcomed the US proposal to deploy PRTs as they would address the critical need to build the capacity of the Iraqi Government. The UK would be expected to share "the PRT burden" in the South.

425. Gen Jackson agreed with the Red Team's argument that the insurgency would only be defeated by a co-ordinated effort across all lines of operation, but cautioned that the "ink spot" concept sounded similar to the "seven cities" and "Strategic Cities" initiatives which had floundered in 2004:

> "I am increasingly hearing the same strategic principles (undoubtedly sound ones) being dressed up in different initiatives, but without ever being implemented effectively on the ground. I suspect there are several reasons for this: certainly a lack of resources for non-military LOO [lines of operation], but also, perhaps, entrusting responsibility for delivering these lines of operation to the wrong type of

---

[240] Email DFID [junior official] to Iraq Inquiry [junior official], 19 June 2013, 'Iraq Inquiry New Queries'.
[241] International Mandate Republic of Iraq National Security Council, 10 October 2005, 'Joint Committee to Transfer Security Responsibility'.
[242] Minute Jackson to CDS, 18 October 2005, 'CGS Visit to Iraq: 10-13 October 05'.

people. There are many capable diplomats in both the UK and US Embassies, but are they the best people to deliver predominately 'non-diplomatic' objectives?"

426. The referendum on Iraq's draft Constitution took place on 15 October.[243]

427. The day after the referendum, President Talabani issued a decree announcing that Parliamentary elections would take place on 15 December, in accordance with the TAL.[244]

428. Mr Patey reported by telegram on 18 October that the new US approach to reconstruction and building Iraqi Government capacity had two strands:

- capacity-development programmes in 10 national ministries; and
- 15 PRTs and one Regional Reconstruction Team (RRT), to cover the provinces under the Kurdish Regional Government.[245]

429. MND(SE) and DFID had fed in concerns over the introduction of PRTs, centred on the lack of consultation with the Iraqi Government, coalition members and the UN.

430. The first three PRTs would be established on 1 November. The US expected all the PRTs and the RRT to be established by March/April 2006.

431. Mr Patey advised that the US expected coalition partners to bear the running costs of PRTs in their areas. Those costs would be significant.

432. Dr Rice told the US Senate Foreign Relations Committee on 19 October that the US strategy to "assure victory" in Iraq, working with the Iraqi Government, was to "clear, hold, and build".[246] She described the US strategy:

"With our Iraqi allies, we are working to:

- Clear the toughest places – no sanctuaries to the enemy – and disrupt foreign support for the insurgents.
- Hold and steadily enlarge the secure areas, integrating political and economic outreach with our military operations.
- Build truly national institutions working with more capable provincial and local authorities. Embodying a national compact – not tools of a particular sect or ethnic group – these Iraqi institutions must sustain security forces, bring rule of law, visibly deliver essential services, and offer the Iraqi people hope for a better economic future."

---

[243] eGram 15692/05 Baghdad to FCO London, 16 October 2005, 'Iraq: Constitution: Referendum Day Passes Peacefully'.
[244] eGram 15761/05 Baghdad to FCO London, 17 October 2005, 'Iraq: Elections'.
[245] eGram 15865/05 Baghdad to FCO London, 18 October 2005, 'Iraq: Provincial Reconstruction Teams'.
[246] US Department of State Archive, 19 October 2005, *Iraq and US Policy: Secretary Condoleezza Rice, Opening Remarks Before the Senate Foreign Relations Committee, Washington, DC, October 19 2005.*

433. The strategy required deeper integration of civilian and military activities, including by restructuring part of the US Mission in Iraq as PRTs:

> "These will be civil-military teams … training police, setting up courts, and helping local governments with essential services like sewerage treatment or irrigation. The first of these PRTs will take the field next month."

434. *Hard Lessons* described the difficulties the US experienced in establishing PRTs:

> "Coaxing the Departments of State and Defense to set the terms of their first major operational collaboration in Iraq required a Herculean effort … A patchwork quilt of memoranda of agreement, cables, and military orders – many of them at cross-purposes – evolved to codify policy for PRTs. More than a year elapsed before basic issues of budgets, the provision of security, and command and control relationships were resolved, delaying full deployment of the PRTs and limiting their early effectiveness in the field."[247]

435. The 3 November meeting of DOP(I) considered an IPU discussion paper on how PRTs could be configured to "add value to current arrangements".[248]

436. The IPU paper set out lessons from Afghanistan, and concluded that there was no "fixed template" for a PRT. PRTs were most effective when:

- they contained an appropriately resourced, integrated military and civilian team;
- they had the support of local authorities, a close working relationship with international organisations and NGOs, and sought to extend the reach of central authorities; and
- they operated in relatively benign security environments where they could seek to contain rather than confront conflict.

437. The IPU identified three major risks to the implementation of the US proposal:

- a lack of Iraqi "buy-in" at local and national level;
- a perception among "local Iraqis" that PRTs represented a failure to deliver a transfer of control to Iraqis; and
- a lack of resources. The success of the PRTs would be commensurate, to some degree, with the financial resources available to them. The US planned to fund the three pilot PRTs from within existing resources. The UK would need to consider whether further PRTs could be established on that basis: "In particular, we would need to ensure that PRTs did not divert … effort from essential capacity-building efforts elsewhere. In MND(SE) existing military/

---

[247] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[248] Paper IPU, October 2005, 'Provincial Reconstruction Teams (PRTs) in Iraq: Discussion Paper'.

civilian teams … could form the basis for the [PRT] teams, together with the DFID-funded single Public Administration Adviser per province."

438. DFID briefing for Mr Benn for the DOP(I) meeting stated:

"We and MOD are both concerned about the risks of this approach. It is expensive, will divert funding from other priorities, and we do not believe it will make a dramatic difference in outcomes. It may slow military transition … The agreed Whitehall approach is that we will be constructive; find out more and try and influence the US approach; and that we will repackage our effort in the South as a PRT but not do very much differently."[249]

439. At DOP(I), Ministers commented that PRTs should be tailored to their environment, and that Iraqi ownership and the involvement of international donors were essential.[250]

440. The British Embassy Baghdad reported on 8 November that the US Embassy was happy to allow the UK time to develop its own ideas for PRTs in the South, and to be fully engaged in planning.[251] The strong preference of the US, however, was for individual PRTs to be established in each of the four southern provinces (in line with the US approach in the rest of Iraq). The Embassy had argued that the UK would need to take account of existing governance arrangements in the South, and the effect of PRTs on the transfer of security responsibility.

441. An MOD briefing for Gen Walker described that effect:

"The [US] proposal sees the establishment of a … PRT in every Province for at least two years. This would almost certainly undermine MND(SE) transition plans, with a significant risk that UK forces would be fixed in Maysan and Muthanna into the medium term."[252]

442. Dr Rice inaugurated the first PRT in Iraq on 11 November during a visit to Mosul.[253]

443. Dr Reid told the 15 November meeting of DOP(I) that the UK's exit from Muthanna and Maysan had been delayed from February until May 2006, reflecting the UK's commitment to the Japanese.[254] Dr Reid hoped it would be possible to complete the handover within this timescale in order to start reducing the UK's troop commitment in Iraq during 2006.

---

[249] Minute DFID [junior official] to Private Secretary [DFID], 1 November 2005, 'Iraq: Oral Briefing in Preparation for DOP(I), 3 November'.
[250] Minutes, 3 November 2005, DOP(I) meeting.
[251] eGram 17627/05 Baghdad to FCO London, 8 November 2005, 'Iraq: Provincial Reconstruction Teams (PRTs)'.
[252] Minute DCJO(Ops) to PSO/CDS, 14 November 2005, 'Provincial Reconstruction Teams in MND(SE) – Implementation'.
[253] US Institute of Peace, 20 March 2013, *Provincial Reconstruction Teams in Iraq*.
[254] Minutes, 15 November 2005, DOP(I) meeting.

444. The British Embassy Baghdad provided further advice on US views on 22 November.[255] US Ambassador Dan Speckhard (Head of the IRMO) had told them that Ambassador Khalilzad had no intention of running Iraq, but would not allow the mission to fail because the Iraqi Government could not swiftly establish effective institutions at national or local level. The UK should see PRTs as providing a "one-off structural shot in the arm" to establish those institutions while international military forces remained to support civilian activities.

445. Ambassador Speckhard had said that the US remained content for the UK to offer a way forward in the South, but there were "clear red lines":

- Civilian and military operations must be integrated.
- "[T]here must be a 'genuine' PRT in each province – satellite PRTs served by resources located in another Governorate would not be an adequate option for substantive not just political reasons."
- PRTs must be a "new venture", supported by additional resources. "Rebadging" existing efforts under a PRT banner would not be well received.

446. The Embassy commented that it should be possible to present a proposal for four PRTs transitioning to two as consistent with US objectives.

447. Following a visit to Iraq from 22 to 23 November, Gen Walker advised Dr Reid:

> "The jury is out on the pilot PRTs – both amongst the military and the diplomats. Whatever the outcome, I recommend an early bid to run them in the four MND(SE) provinces to save us heartache later. If we don't, they have the potential to fix us through force protection requirements at places and for periods not of our choosing."[256]

448. The DOP(I) meeting on 1 December considered an IPU paper on how the UK should respond to the US proposal on PRTs.[257]

449. Mr Benn's briefing for the meeting stated that, while the US wanted to see PRTs in all of Iraq's Provinces, financial constraints made it unlikely it would be able to establish its own PRTs in the South.[258]

450. The IPU paper identified three options for the UK:

- Support four PRTs in the four southern provinces until 2008 (the US envisaged that PRTs would operate for two years with international staff, and then for a further two years with Iraqi staff only). That would "match" the US initiative, but

---

[255] eGram Baghdad to FCO London, 22 November 2005, 'Iraq: Update PRTs'.
[256] Minute CDS to SofS [MOD], 25 November 2005, 'CDS's Visit to Iraq 22-23 Nov 05'.
[257] Minutes, 1 December 2005, DOP(I) meeting.
[258] Minute DFID [junior official] to Private Secretary [DFID], 29 November 2005, 'Briefing for DOP(I), 1 December 2005 Meeting' attaching Briefing DFID, 30 November 2005, 'Flag B: Background Briefing'.

would mean extending the UK military presence in the South beyond current planned dates for transition (PRTs would require appropriate force protection and Quick Response Forces), and require significant additional resources for programmes and security.

- Establish one PRT in Basra to cover all of MND(SE). That would not affect UK plans for transition in the other three southern provinces. The US might want to establish its own PRTs in those provinces, increasing Iraqi resentment of the US presence and raising presentational difficulties in the UK if the US was seen to take over from the UK in the UK's area.
- Transition from "(mini) PRTs" in four provinces towards a single "super-PRT" in Basra. That would ensure coverage across MND(SE) but would not affect UK plans for transition.[259]

451. The IPU assessed that while none of the options was "satisfactory", the third option was best. It would permit continued governance and capacity-building work in all four provinces, would not affect UK military transition planning, and would minimise security risks to civilian staff.

452. The IPU recommended that DOP(I):

- Agree that the UK establish a PRT structure in southern Iraq, with Iraqi buy-in.
- Agree that the focus of the PRT should be on improving co-ordination and delivery of UK assistance, strengthening the links between the central authorities and Governorates, and improving the UK's "strategic oversight" of southern Iraq.
- Accept that while there were "presentational advantages" in establishing a PRT in MND(SE), improvements in the effectiveness of the UK's engagement would be "marginal".
- Note that while the PRT models might encourage other coalition partners to engage in reconstruction in the South (early indications were that Germany and Japan might supply experts or funding), multilateral donors were known to be sceptical about the PRT model and were unlikely to engage fully.
- Adapt the US PRT model to suit local circumstances in the four southern provinces:
  - In Basra, the current effort should be "re-organised along PRT lines", with the addition of a UK senior civil servant as its head. This regional "super-PRT" would comprise around 30 civilian staff, 21 military officers, and between 20 and 30 locally engaged staff.
  - In Dhi Qar, the current effort should also be "re-organised along PRT lines", possibly staffed and led by Italy until transition.
  - In Maysan and Muthanna, the current effort should continue "under a PRT banner" until UK military transition, at which time Iraqi teams could

[259] Paper IPU, 28 November 2005, 'Iraq: Provincial Reconstruction Teams'.

be supported by surge capacity from Dhi Qar and Basra (and eventually just Basra).

453. The IPU described this as the "4-2-1" model, as four PRTs reduced to two (Basra and Dhi Qar) and then one (Basra) over time.

454. The IPU advised that the US would need to agree the UK model, which might require Ministerial-level discussions with US counterparts.

455. At the meeting, Mr Straw said that the IPU paper "proposed that we went along with the United States' proposal but without disrupting our own plans for military transition".[260] Dr Reid agreed that the UK response should be positive, but stressed the need to keep control of and tailor developing PRT plans in the provinces where the UK was directly involved.

456. DOP(I) agreed the paper.[261]

457. Officials revisited the decision to adopt a 4-2-1 model in January 2006.

458. Mr Straw wrote to Mr Benn at the end of November, reporting that the Deputy Governor of Basra and members of the Basra Provincial Council had pressed for more visible UK development projects, and had drawn attention to a number of DFID projects that had recently been closed.[262]

459. Mr Straw understood that those projects had been funded from the employment generation component of the southern Iraq Employment and Services Programme (SIESP), which DFID had closed down in August 2005. Mr Straw recognised the security constraints and the need to ensure funds were properly used, but asked that DFID officials look for some way to respond to the Councillors' request for "highly visible, 'flagship' projects".

460. Mr Benn replied on 9 December, highlighting the work DFID was doing in Basra and with the Provincial Council.[263] He did not offer new proposals and cautioned that DFID had to be "extremely careful" about publicising reconstruction projects, in case such publicity made workers and projects more attractive targets for insurgents.

461. The Iraqi elections took place on 15 December.[264] Mr Patey reported that the day had passed off peacefully with no major security events.

---

[260] Minutes, 1 December 2005, DOP(I) meeting.
[261] Minutes, 1 December 2005, DOP(I) meeting.
[262] Letter Straw to Benn, 28 November 2005, 'Basra Development Projects: My Meeting with Basra Provincial Council, 11 November'.
[263] Letter Benn to Straw, 9 December 2005, 'Basra Development Projects: Your Meeting with Basra Provincial Council, 11 November'.
[264] eGram 20961/05 Baghdad to FCO London, 16 December 2005, 'Iraq: Elections: Election Day'.

462. Papers for the final DOP(I) meeting of 2005, on 20 December, included a post-election work plan by the IPU, an update on progress with Iraqiisation and a note on the handover of security responsibility.[265]

463. The IPU work plan described the UK's immediate objectives post election as:

"
- A short and well-managed interregnum between Transitional Government and the next Government, leading to;
- Rapid formation of a competent and representative Government, legitimate in the eyes of all Iraq's communities, followed by;
- A limited number of key decisions (which serve the Iraqi people and partnership between Iraq and the Coalition) taken quickly and visibly, in parallel with;
- Increasing Sunni Arab political participation and;
- Smooth progress in the South-East towards transition
- Visible international commitment, in context of 2006 partnership with Iraq."[266]

464. The IPU hoped that it might be possible for an Iraqi government to be formed by the end of January, six weeks after the election.

465. Negotiations to form a new government continued into spring 2006. Section 9.4 describes UK efforts to encourage the formation of a broad and inclusive government of national unity.

466. One month after the DOP(I) decision to adopt a 4-2-1 model for PRTs in the South, the UK adopted a new model which focused on Basra and Dhi Qar only.

467. Air Chief Marshal Glenn Torpy, the Chief of Joint Operations, advised Lt Gen Fry on 21 December that the 4-2-1 model appeared to satisfy the US.[267] The UK now needed to press ahead quickly to keep the initiative. First indications were that neither the FCO nor DFID could find additional financial resources; the MOD would have to "bridge the gap". Initial funding requirements might be "modest" and could be generated by making savings elsewhere in MND(SE). The MOD would also need to push the other departments to deploy the staff necessary to get the PRTs off the ground quickly.

468. The 29 December IPU update for DOP(I) members stated that, faced with logistical and financial difficulties, US enthusiasm for the PRT model was waning and their roll-out timetable was slipping.[268] US officials were "increasingly flexible" about UK plans for the PRT structure in the South and would "not look too closely at implementation (especially in Maysan and Muthanna)". That provided the UK with an opportunity to establish the

---

[265] Paper Cabinet Office, 19 December 2005, 'DOP(I) Meeting: Agenda'.
[266] Paper IPU, 16 December 2005, 'Iraq: Post-Election: UK Work Plan'.
[267] Minute CJO to DCDS(C), 21 December 2005, 'Key Operational Issues for Early 2006'.
[268] Letter Siddiq to Quarrey, 29 December 2005, 'Iraq: Update as at 29 December' attaching Paper IPU, 29 December 2005, 'Iraq: Update as at 29 December'.

PRT structure which best fitted the situation in the South and to ensure that the PRTs assisted rather than hindered "our main transition effort".

469. The Cabinet Office chaired a video conference of officials in London, PJHQ, Basra and Baghdad on 5 January 2006 to discuss how to establish PRTs in the South.[269] The record of the meeting stated that:

> "With the US in disarray over PRTs, and following further UK scoping work in theatre, a 4-2-1 approach to PRTs no longer appears to be either a necessary or best solution."

470. There was a fundamental mismatch between:

- the timelines for UK military transition in Maysan and Muthanna (planned for May 2006, only five months away);
- the civilian and military resources available; and
- the time needed to recruit, train, deploy and get value from staff posted into a new PRT.

471. A focus on Basra and Dhi Qar was likely to be "sellable to the US".

472. The meeting concluded that Ministers should be invited to agree a revised approach that focused on Basra and Dhi Qar.

473. Ministers approved the new approach, comprising a UK-led PRT in Basra and an Italian-led PRT in Dhi Qar, later that month.[270]

474. A DFID official briefed Mr Benn on 31 January that:

> "We [DFID] are working to ensure that management mechanisms and funding remain shared responsibilities between the three departments [MOD, FCO and DFID]. We would welcome a discussion with you about our ideas on how to remain helpful and engaged, while avoiding being asked to lead on PRTs."[271]

475. The UK-led PRT in Basra was established in May 2006.

476. In her evidence to the Inquiry, Ms Cameron, who had visited Iraq over Christmas 2005 to help develop the UK's response to the US PRT proposal, suggested that the need to see off the "bad ideas" encapsulated in the proposal, and the need to develop a response which did not undermine the UK's plans for transition in the South, had meant that the UK had not had the time to stand back and think through what it needed to deliver in Basra.[272] She concluded that the PRT model was an improvement on the

---

[269] Minute Cabinet Office [junior official] to Cabinet Office [junior official] 5 January 2006, 'Iraq: PRTs'.
[270] Paper DFID, 10 January 2006, 'Iraq Update'.
[271] Paper DFID, 10 January 2006, 'Iraq Update'.
[272] Public hearing, 22 June 2010, pages 100-101.

previous, more fragmented, arrangement, but less of a "step-change" than it might have been.

477. Mr Tansley agreed with that assessment.[273]

Preparing for the transfer of security responsibility in Maysan and Muthanna

478. Section 9.4 describes planning and preparations for the transfer of lead responsibility for security in Muthanna and Maysan to the Iraqi authorities (scheduled for May 2006).

479. Mr Patey issued his annual review of the state of Iraq on 10 January.[274] He characterised 2005 as a "year of democracy", despite the persistent violence. The development of the Constitution and elections had diverted attention from establishing "effective governance", and in a number of areas Iraq had regressed:

> "The year ended with Baghdad on three hours of power a day and falls in oil exports. The Government did just enough (courtesy of a high degree of flexibility from the IMF and much help from us) to achieve an interim SBA [Stand-By Arrangement] that keeps the debt relief programme in track but there is not much else to report by way of achievements."

480. Mr Straw visited Iraq on 6 and 7 January. His report to Mr Blair focused on progress in forming a new Iraqi Government but also highlighted the need to consider how to increase international engagement.[275]

481. The key would be to persuade the UN to play a more active role. The UK and US were working on the problem of providing the UN with air assets and security. The UK also needed to persuade the US "to take the UN more seriously into its confidence": the US had been receptive at official level but the message needed to be reinforced at a political level.

482. In discussion with President Bush on 10 January, Mr Blair said that it would help to unlock outstanding aid pledges if the new Iraqi Government set out a "forward programme" covering security, coalition posture and reconstruction, which the UN and coalition could get behind.[276]

483. The 12 January meeting of DOP(I) discussed Mr Straw's report.[277]

---

[273] Public hearing, 22 June 2010, page 101.
[274] eGram 384/06 Patey to FCO London, 10 January 2006, 'Iraq: Annual Review'.
[275] Letter Straw to Prime Minister, 11 January 2006, 'Iraq: Post-Elections and Government Formation'.
[276] Letter Quarrey to Siddiq, 10 January 2006, 'Prime Minister's VTC with President Bush: Middle East Issues'.
[277] Minutes, 12 January 2006, DOP(I) meeting.

484. Mr Straw's briefing for the meeting stated that the obstacles to deeper UN engagement were "acute scepticism" within UN headquarters about Iraq and "justifiable" UN concern that it lacked the transport and security assets it needed to do a decent job.[278] On the latter point, only the US had sufficient resources to help. The UK was lobbying the US to engage with and support the UN, using the argument that an empowered UN leading international engagement in 2006 offered the US (and the UK) a way of gradually reducing their commitment.

485. At the DOP(I) meeting, Ministers commented that a "new effort" was needed to increase UN engagement in Iraq in 2006.[279]

486. Mr Blair's Private Secretary advised him on 17 January that the power situation in Baghdad was "dire", with only two hours of electricity a day.[280]

487. In discussion with President Bush on 17 January, Mr Blair suggested that there should be a big push on the UN.[281] The UN had to show leadership.

488. The Italian Government announced on 19 January that it hoped to withdraw Italian troops from Dhi Qar by the end of the year.[282]

489. The Cabinet agreed on 26 January to deploy UK troops to Helmand province, Afghanistan (see Section 9.4).

490. Mr Straw sent two IPU papers to Mr Blair on 7 February.[283] Copies of Mr Straw's letter and the IPU papers were sent to DOP(I) members and Sir Gus O'Donnell, the Cabinet Secretary.

491. The first paper considered how the UN should transform its role in Iraq.[284] The UK wanted the UN to:

- contribute to the new international partnership that the UK envisaged;
- act as an honest broker between Iraqi communities, before and after government formation;
- support provincial elections and the constitutional review;
- help reduce the risk of conflict in Kirkuk; and
- scale up their reconstruction and development presence.

---

[278] FCO [junior official] to Foreign Secretary, 10 January 2006, 'Iraq: DOP-I Meeting, 12 January'.
[279] Minutes, 12 January 2006, DOP(I) meeting.
[280] Minute Phillipson to Prime Minister, 17 January 2006, 'VTC with President Bush, 1220 17 January 2006'.
[281] Letter Quarrey to Siddiq, 17 January 2006, 'Prime Minister's VTC with President Bush: Middle East Issues'.
[282] *BBC News*, 19 January 2006, *Italy to pull out of Iraq in 2006*.
[283] Letter Straw to Prime Minister, 7 February 2006, 'Iraq: International Partnership and the UN's Role in 2006' attaching Paper IPU, 3 February 2006, 'Iraq: UN Role in 2006' and Paper IPU, 1 February 2006, 'Iraq: Implementing the Concept from Security Coalition to International Partnership'.
[284] Paper IPU, 3 February 2006, 'Iraq: UN Role in 2006'.

492. On reconstruction and development, the UN was now a "key player". UN development agencies wanted to increase their presence in Iraq, but with a UN ceiling of 125 staff and priority consistently given to constitutional and political specialists, the UN could "at best" accommodate only three development or humanitarian specialists at any one time. The UK also wanted the UN to do more to help improve Iraqi observance of human rights; at present, the UN appeared reluctant to engage.

493. The UK would help secure increased UN engagement through Ministerial and official level lobbying of the UN (to encourage them to play a greater role), the US (to underline the value of the UN), and the EC, Japan and European countries (to get them to lobby the UN to play a greater role, and to fund it to do so).

494. In his letter to Mr Blair, Mr Straw described a transformed UN effort as "a catalyst to broader and deeper international engagement".[285]

495. The second paper considered how the UK could support transition in Iraq from a "primarily security based coalition" to a broader international partnership.[286] The UK's strategic objective would be to enable the Iraqi Government to assume more effective control over Iraqi territory and the security, political and economic agendas. The UK would seek to develop a broader international partnership, which would require improved security and an increased UN presence.

496. Mr Tansley reported from Basra on 20 January that the situation in Maysan and Muthanna was likely to allow a transfer of security responsibilities in May.[287] Muthanna was the poorest province in Iraq but essential services were "adequate" and "basic governance structures" were functioning. Maysan had a weak economy but enjoyed better essential services and more effective governance than Muthanna. Securing effective links with central Government would be critical for both provinces.

497. Mr Tansley commented on the decision not to establish PRTs in those provinces:

> "The situation … in Maysan and Al-Muthanna underlines why PRTs in those provinces are not required. Military transition will mean no international staff will be stationed in Maysan and Muthanna, and travel there by them is likely to be only possible with military escort (it would likely require a battle group). This will also affect our international partners including the UN … and USAID … (this will need to be factored into our discussions with the Americans on the 2-1 PRT formula)."

498. The DOP(I) meeting on 2 February discussed transfer of security responsibility for Maysan and Muthanna.[288]

---

[285] Letter Straw to Prime Minister, 7 February 2006, 'Iraq: International Partnership and the UN's Role in 2006'.
[286] Paper IPU, 1 February 2006, 'Iraq: Implementing the Concept from Security Coalition to International Partnership'.
[287] eGram 1266/06 Basra to FCO London, 20 January 2006, 'Iraq: Military Transition in Maysan and Muthanna'.
[288] Minutes, 2 February 2006, DOP(I) meeting.

499. Ministers commented that the UK needed to consider transition in the wider context of the legacy that the UK would leave behind in those provinces.

500. Ministers also commented that it would not be possible to retain DFID international staff in Maysan and Muthanna after transition. In practice, their contribution was "useful but not vital" and infrastructure projects would continue. Civilian control of both provinces had been in the hands of the Iraqis since the dissolution of the Coalition Provisional Authority (CPA) and even without the transition, the intention was to focus the reconstruction effort in the South on Basra and Dhi Qar. The security challenges posed by the transition have a significant impact on other donors, including the UN.

501. DOP(I) commissioned the MOD to produce a paper on the transition reflecting cross-departmental concerns about the transition, "based on a robust assessment of the conditions in the two provinces".

502. Dr Reid presented that paper to DOP(I) on 15 February (see Section 9.4).[289]

503. The MOD paper recommended that both provinces should transition as soon as possible, with the end of May as a target date.

504. The MOD stated that the withdrawal of coalition forces would reduce the amount of development assistance that could be provided to Muthanna and Maysan by the UK and other donors, and confirmed that DFID was "content with this, recognising that their existing support is useful, but not essential, to provincial stability". The MOD continued:

> "DFID will encourage other donors (e.g. the Japanese) to ensure that any unfinished … projects are completed before closure of permanent bases or able to be completed by local staff and contractors in slower time, and that plans for operation and maintenance of completed projects have been made … DFID will encourage donors with large numbers of local staff (USAID, the UN) to consider how best they could deploy these in Maysan and Muthanna to continue capacity building and governance support."

505. Commanders in MND(SE) were confident that they could facilitate travel by FCO, DFID and international personnel into the provinces after transition.

506. The MOD assessed that the UK's legacy would be "considerable". ISF development was on track and would complete in October 2006. In addition:

> "UK support has also helped Provincial Governments get on their feet. Working with ministries in Baghdad, Provincial Councils are able to take decisions, deliver services, manage budgets and work with donors at a basic level. They are functioning, but fragile. Increased capacity and recent reforms may not survive political rivalries and reduced levels of donor support. But in both Provinces we have

[289] Paper Secretary of State [Defence], 14 February 2006, 'Iraq: Handover of Security in Maysan and al Muthanna Provinces'.

reached a point where we will achieve diminishing returns if we stay much longer. The Iraqis are in a position to assume the mantle."

507. At the meeting, Dr Reid said that the political and developmental issues associated with the transfer of security responsibility in Muthanna in May had been resolved.[290]

508. DOP(I) agreed the approach set out in the paper.

509. Also on 15 February, at the request of the ISOG, the JIC assessed Iraq's expected development in 2006.[291] The JIC concluded that the new Iraqi Government would be judged largely by its ability to deliver security, fuel, electricity, jobs and a timeline for MNF withdrawal, but that there would be little progress on the first four issues over the next 12 months. The main obstacles to progress were:

"The security situation is the greatest immediate obstacle to economic recovery …

"The new government will be no more competent or united than its predecessor, at least initially. The new Prime Minister … will have to develop policy within a more complex political landscape … The tendency of new Ministers to replace the top tier of officials with friends, family or tribal members will add to the difficulties.

"The Iraqi civil service lacks the ability to deliver at all levels … Although there are talented individuals, institutional capacity was effectively destroyed under Saddam's dictatorship and in the aftermath of his overthrow: de-Ba'athification, which removed many experienced bureaucrats, has been especially damaging … Endemic corruption is a significant brake on economic development, pervading the highest levels of government, but also reaching into provincial and local levels."

510. The JIC concluded that:

- The new government would come under international pressure to revitalise its oil sector and push ahead with economic reforms (including the reduction of domestic fuel and food subsidies), but would proceed cautiously given the potential for public discontent.
- The fragile state of Iraq's energy infrastructure and continuing insurgent and criminal attacks would preclude any early progress on energy supplies. Electricity production currently met only about 45 percent of demand.
- There could be no "international solution" to improving essential services in Iraq. The Iraqi government needed to adopt a strategy to increase growth and invest in services and infrastructure. Bilateral and multilateral donors could play a supporting role, for example by strengthening the budget process and providing technical advice.

---

[290] Minutes, 15 February 2006, DOP(I) meeting.
[291] JIC Assessment, 15 February 2006, 'Iraq's Development: Expectations and Delivery in 2006'.

511. On 22 February, the al-Askari mosque in Samarra, the fourth most revered shrine in Shia Islam and the only major Shia shrine under sole Sunni protection, was bombed.[292]

512. Section 9.4 describes increasing concerns within the UK Government on the level of sectarian violence in Iraq and the possibility of civil war.

513. On 15 March, at the request of the FCO and MOD, the JIC assessed the security situation in southern Iraq.[293]

514. Key Judgements included:

> "I. Levels of violence in southern Iraq are much lower than in Baghdad and Sunni areas in the centre and north …
>
> …
>
> "III. Across the South, there is no strong administrative machinery to promote security and stability. Government structures and capacity are fragile. The lack of central authority has encouraged protracted, and occasionally violent, local squabbles over power. Multiple sources of authority persist and carry equal weight …"

DFID's Portfolio Quality Review, March 2006

DFID undertook an internal review of the performance and "value-for-money" of its projects in Iraq in March 2006.[294]

The review's main conclusions were:

- 71 percent of current, large (over £4m) projects in Iraq were "high risk", compared with just over 10 percent of DFID projects globally. Most projects were subject to the same (political and security) risks, so scope to balance risk was limited.[295]
- Of the 14 current, large projects, nine were likely to completely or largely achieve their objectives and five were likely to partly achieve their objectives or to achieve their objectives only to a very limited extent.
- 44 percent of all DFID projects in Iraq had achieved or were likely to completely or largely achieve their objectives, compared with 68 percent of DFID projects globally.
- Many projects had benefits beyond their stated objectives, for example in terms of setting policy agendas, leveraging in other donors' resources, and "giving DFID credibility to influence Whitehall".

---

[292] Minute Banner to Prime Minister, 23 February 2006, 'Samarra Shrine Bombing – Background and Update'.
[293] JIC Assessment, 15 March 2006, 'Iraq: the Security Situation in the South'.
[294] Minute Hendrie to PS/Secretary of State [DFID], 27 March 2006, 'Iraq: Portfolio Quality Review'.
[295] Not all the figures used in the text of the Portfolio Quality Review are consistent with the information presented in the supporting graphs and table. Where there is inconsistency, the Inquiry has drawn information directly from the supporting graphs and table.

The review identified the strategies that DFID had pursued to improve project performance:

- constant monitoring and management (though that was hampered by insecurity);
- using innovative techniques to deliver projects, such as working through local Iraqi engineers and helping the Ministry of Finance to set up an office inside the International Zone (within which international consultants could work);
- using the fragile states analysis to focus on a few immediate priorities. In Iraq, DFID had focused on strengthening central Government and getting economic reform on track;
- systematically tracking poor performance;
- adapting delivery methods to inside fiduciary risk;
- building clear exit strategies into projects, including dedicating significant effort to leveraging in other donors; and
- working closely with Whitehall.

515. Mr Asquith advised the 7 April meeting of the ISG that following rocket attacks on Basra Palace on 4 April, and given the continuing non-co-operation by the local authorities in Basra with UK officials following the Jameat incident, some UK civilian staff were unable to operate.[296] The FCO and DFID planned to recommend to their Ministers a drawdown of civilian staff from Basra Palace until conditions on the ground had improved.

516. Mr Benn was briefed on 19 April that significant numbers of Shia were moving south and Sunnis moving north.[297] MND(SE) was providing some (unspecified) short-term support to Internally Displaced People (IDPs).

517. Mr Benn was also briefed that running costs for the Basra PRT continued to be a "major sticking point". No government department (or other country) had a budget for this. The Post-Conflict Reconstruction Unit (PCRU) was "holding the fort", and departments were exploring whether they might be able to continue leading in the longer term.

518. Late on 21 April, four months after the December 2005 elections, the United Iraqi Alliance announced the selection of Mr Nuri al-Maliki as its candidate for Prime Minister (see Section 9.4).[298]

519. The British Embassy Baghdad reported on 22 April that the new Government had produced a "100-day plan", focusing on urgent measures to improve security, oil, electricity, employment, agriculture and housing.[299]

---

[296] Letter Cabinet Office [junior official] to Sheinwald, 10 April 2006, 'Iraq Strategy Group: 7 April 2006'.
[297] Minute DFID [junior official] to PS [DFID], 19 April 2006, 'DOP(I) Briefing 19 April 2006'.
[298] eGram 13011/06 Baghdad to FCO London, 24 April 2006, 'Iraq: Formation of the New Government: Al-Maliki Nominated by UIA as Prime Minister'.
[299] eGram 13036/06 Baghdad to FCO London, 22 April 2006, 'Iraq: Preparations for Government'.

520. The Embassy commented that on both security and electricity, the plan adopted a "Baghdad-first" approach (Baghdad had a third of the country's population and was suffering more than other areas).

521. The Embassy reported that the Iraqi Government had discussed the 100-day plan with the British and US Embassies. As a result of those discussions, the Minister of Planning had agreed:

- a UK recommendation to include Iraqi signature to the Extractive Industries Transparency Initiative (EITI) in the plan; and
- to "play up" the monetarisation of the food subsidy, bank restructuring and civil service reform as priorities for the new Government.

522. Sir Nigel Sheinwald met Mr Maliki in Baghdad on 24 April.[300] Mr Maliki said that his priorities were security, the economy and services. There would have to be the toughest possible penalties for corruption.

523. Sir Nigel said that the UK's ability to help with reconstruction in Basra was hampered by the security situation. Mr Maliki said that he knew little of the detail of the situation in Basra, but had heard that the population felt the UK had achieved very little for them, even before security deteriorated. He advocated patience, waiting for local elections that might bring change, and doing what the UK could to improve the economy. Employment would reduce the security threat.

524. Sir Nigel's report of his visit to Mr Blair focused on government formation (see Section 9.4).[301] Sir Nigel confirmed that, as Mr Blair had suggested, the UK and US had offered to help Mr Maliki establish his Government. The UK's main contributions would be:

- two officials (one FCO, one DFID) in the British Embassy working on the substance of the Iraqi Government's programme;
- one official to advise the British Ambassador and the Iraqi Government on media and political strategy;
- No.10, FCO and MOD press officers to help with communications in key ministries;
- three Adam Smith Institute Ltd consultants to advise on the structure and operation of the Prime Minister's Office and other key institutions; and
- a substantial MOD advisory team for the new Defence Minister.

525. Mr Blair commented: "[W]e must make sure this team is strong enough."[302]

---

[300] Telegram 13126/06 Baghdad to FCO London, 24 April 2006, 'Iraq: Government Formation: Maliki's Views'.
[301] Minute Sheinwald to Prime Minister, 27 April 2006, 'Visit to Iraq'.
[302] Manuscript comment Blair to Sheinwald on Minute Sheinwald to Prime Minister, 27 April 2006, 'Visit to Iraq'.

526. Mr Blair spoke to Mr Maliki on 28 April, to congratulate him and assure him of the UK's support.[303] Mr Blair said that it was important that Mr Maliki had good, capable people around him, and that the UK stood ready to offer advice and assistance, on both policy and communications.

527. The Cabinet Office circulated a draft FCO paper on Basra, which had been produced for DOP(I), to members of the ISOG on 28 April.[304] The draft FCO paper stated that:

> "Security and governance in Basra are bad and worsening. Attacks on us, and both criminal and sectarian violence, are rising. Basic services are not being delivered. Basra is one of the four provinces in Iraq judged by MNF(I) to be furthest away from transition to full Iraqi control.
>
> "The UK civilian effort in Basra is increasingly hunkered down. We face a lack of co-operation from the local authorities and severe restrictions on our movement. Our local staff … suffer growing intimidation. Against this background, much of our effort – notably the Provincial Reconstruction Team we are standing up in May – can make little headway."

528. The FCO paper was not submitted to DOP(I), but did inform discussions on 22 May between senior officials on how to achieve UK objectives in Basra.

529. Mr Blair held a Cabinet reshuffle in early May 2006. Mr Benn remained Development Secretary; Mr Des Browne replaced Dr Reid as Defence Secretary; and Mrs Margaret Beckett replaced Mr Straw as Foreign Secretary.

530. Mr Mark Lowcock, DFID Director General Policy and Programmes, and Mr Anderson visited Baghdad from 2 to 5 May.[305] They reported to Mr Chakrabarti that the new Iraqi Government faced a daunting economic reform agenda. The 100-day plan contained some of the necessary reforms, but it seemed unlikely that it would garner wider political support given the fragile political deals underpinning the new Government.

531. Iraq had enjoyed a "massive windfall" from the rising oil price, possibly an additional US$20bn a year. That dwarfed the amount of aid provided to Iraq. While some of that windfall had been used to increase the budget:

> "… billions – some people say tens of billions – has been lost through large-scale corruption and other leakage. Who has got the money and what do they plan to do with it? And how is the Government going to regain control?"

532. Mr Lowcock and Mr Anderson confirmed that DFID should "continue to move towards more capacity building and … internationalising the effort in Iraq".

---

[303] Letter Banner to Siddiq, 28 April 2006, 'Nouri al-Maliki'.
[304] Paper FCO [draft], 27 April 2006, 'DOP(I): Basra'.
[305] Minute Lowcock and Anderson to Chakrabarti, 5 May 2006, 'Visit to Baghdad 2-5 May'.

533. They also stated that the "refocusing" of the US effort from infrastructure to capacity-building might have (unspecified) implications for DFID.

534. The British Embassy Baghdad reported the following week that, according to a report issued by the Iraqi Oil Inspector General, some US$4.2bn worth of oil products had been smuggled out of Iraq in the previous year.[306]

Turning Basra around

535. The Basra PRT was established on 14 May 2006, and was expected to be fully operational within three weeks.[307] Its first Head was Mr Mark Etherington (a consultant contracted by PCRU).

536. PCRU funded three new posts in the Basra PRT (its Head, a Communications Manager and an Office Manager).[308] It was otherwise staffed by bringing together the existing US, UK and Danish teams.[309]

537. Mr Etherington wrote to a Cabinet Office official on 17 May outlining the challenges facing the Basra PRT, the most significant of which was a lack of "operational coherence":

> "Military and civilian lines of activity are not integrated, and the separation between military headquarters … and the Consulate in Basra Palace [the British Embassy Office Basra] has made the formulation and execution of sophisticated unitary approaches … very difficult. Our outputs are hence fragmentary, prone to duplication and intrinsically wasteful of resources; and neither are they subsumed to an over-arching strategy.
>
> "This is because no over-arching, integrated strategy has yet been articulated, although the need for one has been identified … UK 'policy' in S[outhern] Iraq is hence little more than an aggregation of departmental approaches …"[310]

538. While the PRT's work "must focus overwhelmingly upon Basra", it should have a "low-key southern Iraq co-ordination role".

539. Mr Etherington advised that "reporting was fragmented and lines of authority divided". He therefore intended to establish a "Basra Steering Group", bringing together MND(SE), the British Embassy Office Basra and the PRT. Its aim would be to "create a

---

[306] eGram Baghdad to FCO London , 9 May 2006, 'Iraq: Corruption – Inspector General's Report'.
[307] Minute Etherington to Cabinet Office [junior official], 17 May 2006, 'Basra PRT: Challenges and Opportunities'.
[308] Minute Teuten to PCRU [junior official], 31 July 2006, 'Visit to Baghdad and Basra, 19 – 25 July'; Minute Etherington to Cabinet Office [junior official], 17 May 2006, 'Basra PRT: Challenges and Opportunities'.
[309] Minute DFID [junior officials] to Mr Anderson, 31 July 2006, 'Iraq: Allocation of Governance Resources to PRT in southern Iraq'.
[310] Minute Etherington to Cabinet Office [junior official], 17 May 2006, 'Basra PRT: Challenges and Opportunities'.

comprehensive strategy across all lines of activity, to prosecute it in detail and to review it monthly".

540. Mr Etherington highlighted the need adequately to fund PRT running and programme costs. The PRT had been allocated £350,000 for "start-up" costs; a request for additional funding had been sent to PCRU. Mr Etherington estimated that the cost of running the PRT (including the cost of the three consultants provided by PCRU) would be US$1.74m per year. The US had allocated US$15m to each PRT for programme costs but those funds were unlikely to appear before the summer and would in any case be insufficient for a province of Basra's size and challenges. In the meantime, the PRT might be able to access US CERPs funding and some £190,000 from DFID's Governorate Capacity Building Project.

541. Gen Jackson visited Iraq from 15 to 18 May.[311] He reported to Air Chief Marshal Sir Jock Stirrup, Chief of the Defence Staff, that there appeared to be some confusion about the role of the Basra PRT. Mr Etherington believed that its role was to deliver the "coherent UK cross-government approach" in the South that was currently lacking. Others believed that the PRT should limit itself to reconstruction. Gen Jackson commented:

> "I sense that we, the UK, have not really thought what we want our PRT to achieve. If we have, it is not clear in theatre."

542. Gen Jackson reported that his meetings in Basra had caused him to "reflect once again on the extent to which our military progress in Iraq is mortgaged against the economic and political LOO [line of operation]". The constraints imposed on the economic line of operation by the UK's International Development Act were an "enduring concern":

> "To be involved in two campaigns simultaneously [Iraq and Afghanistan] where one of our three levers of national power is not sufficiently agile or flexible to deliver immediate campaign effort seems absurd."

543. Prime Minister Maliki appointed his Cabinet (minus the Ministers for Interior, Security and Defence) on 20 May. The remaining Ministers were appointed on 8 June. Sections 9.4 and 9.5 describe the formation of Prime Minister Maliki's Government.

544. The 22 May meeting of the ISOG discussed how to draw together a strategic plan to deliver the UK's objectives in Basra, in the light of the "serious problems" that the UK faced.[312]

---

311 Minute Jackson to CDS, 22 May 2006, 'CGS Visit to Iraq: 15-18 May 06'.
312 Letter Aldred to Lamb, Cooper & Kavanaugh, 23 May 2006, 'Basra: The Way Forward' attaching Paper, [undated], 'Getting Basra Better: A Strategic Agenda for Action'.

545. Ms Aldred sent a "strategic agenda for action" to UK military officers and officials working in Basra the following day, seeking advice which:

"
- … looks innovatively and ambitiously at options to deliver our strategic objectives, including potential resources implications; and
- clearly indicates … a critical path to success".

546. Mr Blair met President Talabani and, separately, Prime Minister Maliki in Iraq on 22 May.[313] Both men asked Mr Blair whether media reports that the UK was looking to withdraw from Iraq were accurate.

547. Mr Blair's Private Secretary recorded that Prime Minister Maliki had highlighted the contribution that "economic reform and prosperity" could make to tackling terrorism and insecurity.[314] Terrorists were exploiting the lack of basic services to create dissatisfaction. Prime Minister Maliki hoped the international community, including Iraq's neighbours, would help achieve rapid progress in this area and asked for Mr Blair's help to mobilise international support. Mr Blair said that he would be happy to do this.

548. Mr Blair proposed, and Prime Minister Maliki agreed, that one element to mobilising international support would be to show results in one or two key areas, such as security and electricity supplies in Baghdad. Prime Minister Maliki said that he was working with MNF-I and ISF to develop a Baghdad security plan, which would allow an increase in electricity supply.

549. A joint statement issued by the two Prime Ministers at a press conference after their meeting stated that they had "discussed the situation in Basra and agreed to work closely on ensuring greater security and stability there". A high level Iraqi delegation would visit Basra soon.

550. The day after Mr Blair left Iraq, Sir Nigel Sheinwald wrote to Mr Straw's Principal Private Secretary to set out Mr Blair's view of priorities for Iraq.[315] The key elements were:

"
- Drawing up a **timetable with conditions** setting out the potential path to MNF withdrawal …
- To ensure improved **ISF build-up …**
- Backing the **Baghdad security and electricity** plans. As the PM [Mr Blair] set out to Maliki, the new Iraqi Government will need to show early progress on these priority issues …

---

[313] Letter Banner to Siddiq, 22 May 2006, 'Iraq: Prime Minister's Meeting with Talabani'; Letter Banner to Siddiq, 22 May 2006, 'Iraq: Prime Minister's Meeting with Nouri al-Maliki'.
[314] Letter Banner to Siddiq, 22 May 2006, 'Iraq: Prime Minister's Meeting with Nouri al-Maliki' attaching Paper, [undated], 'Joint Statement about the Visit of the UK Prime Minister'.
[315] Letter Sheinwald to Hayes, 23 May 2006, 'Iraq'.

- Turning around the situation in **Basra,** following the Prime Minister's private conversation with Maliki. This will require
  - a political understanding with parties representing the spectrum of political opinion there;
  - a package of UK and international reconstruction assistance;
  - a larger role and presence for the Iraqi forces, working alongside UK forces …
- Promoting **international support** for the new Government …
- Ensuring that **Arab countries** respond positively to requests for assistance from the new Iraqi Government …
- Stepping up our **outreach** activities to both Sunni and Shia militants … to ensure that they are given opportunity and incentives to participate in the political process …
- **Capacity building** for Iraqi ministries. We need a paper setting out our and the US's current assistance … and a plan for addressing the gaps."

551. Sir Nigel's letter alerted members of DOP(I) that Mr Blair was likely to want to discuss these issues the next time they met.

552. Mr Dinham told the Inquiry that Mr Blair's visit took place at a point when security was deteriorating and "there wasn't an awful lot that was strongly visible" on reconstruction.[316] Work to build the capacity of the Iraqi Government was progressing but was "below the radar" and DFID's infrastructure and essential services projects had taken some time to "get off the ground":

> "So I think what he [Mr Blair] wanted was – I think what we all wanted – was to have some visible effect."

553. DOP(I) met on 25 May.[317] Mr Blair told the meeting that the UK should focus on:

- the development of the ISF;
- seeing progress in Basra; and
- supporting the Iraqi Government's efforts to restore security and electricity provision in Baghdad.

554. Minsters commented that:

- DFID was seconding two officials to Deputy Prime Minister Salih's office, to help with planning and preparation for a donor conference in September.
- The key to further progress on electricity production lay in co-operation between Iraqi ministries and the development of realistic plans, rather than donor funding.

---

[316] Public hearing, 17 December 2010, pages 65-66.
[317] Minutes, 25 May 2006, DOP(I) meeting.

- Mr Benn had spoken to Mr Paul Wolfowitz, the President of the World Bank, the previous day and there was now agreement that the World Bank would open a permanent office in Baghdad. Mr Benn had pressed Mr Wolfowitz to provide assistance to the energy sector.

555. DOP(I) agreed that the action points set out in Sir Nigel Sheinwald's letter of 23 May should be pursued.

556. A Cabinet Office official chaired a meeting to discuss Mr Etherington's letter of 17 May on 25 May.[318] The meeting:

- agreed the "**light-touch regional role for the PRT**" proposed by Mr Etherington;
- endorsed the proposal to create a Steering Group "to discuss strategic issues". The scope of the Steering Group would be informed by "wider work under way on Basra";
- on running costs, agreed that "in principle, [the] FCO could look to fund security and life support costs … and that PCRU could fund staff costs";
- on programme funding, asked departments to provide details of their current and proposed programmes to the PRT; and
- discussed but did not reach a conclusion on to whom the PRT should report in Iraq and in London.

557. Prime Minister Maliki and Vice President Tariq Hashemi visited Basra on 31 May.[319] During his visit, Prime Minister Maliki declared a state of emergency in Basra, lasting one month.[320]

558. Mr Patey reported on 2 June that the new Iraqi Minister of Electricity, Dr Karim Wahid, had asked for UK assistance in funding two power projects in the South, at a combined cost of US$60m.[321]

559. Mr Blair held a private meeting with Mr Browne on 6 June.[322] He asked Mr Browne to focus on the situation in Basra, and to:

> "… make sure that the political and military strategies were aligned and proceeding together. This required micro-management. We had been slow to grip the situation there …"

560. In mid-June, Prime Minister Maliki formally launched the Baghdad Security Plan (see Section 9.5).

---

[318] Minute Cabinet Office [junior official] to Aldred, 25 May 2006, 'Ad Hoc Discussion on PRTs'.
[319] Minute Cooper, 1 June 2006, 'MND(SE) – southern Iraq Update – 1 June 2006'.
[320] *The Guardian*, 31 May 2006, *State of emergency for Basra.*
[321] eGram 21675/06 Baghdad to FCO London, 2 June 2006, 'Iraq: Meeting with Minister of Electricity'.
[322] Minute Sheinwald to Banner, 8 June 2006, 'Iraq and Afghanistan'.

561. The Cabinet Office produced an update on work on the "review of policy" requested by Mr Blair following his 22 May visit, "including in response to serious concerns over the situation in Basra", for the 15 June meeting of DOP(I).[323]

562. On electricity, the Cabinet Office paper stated that following positive early meetings with the new Electricity Minister, DFID was focusing on "demand issues and planning" by:

- getting the World Bank and other donors including the EU and Japan engaged. DFID was funding a World Bank adviser on energy sector management, and part-funding the new World Bank Country Office;
- leveraging World Bank loans for power projects in response to specific requests from the Electricity Minister; and
- offering a consultant to the Ministry of Electricity to advise on an electricity plan.

563. On international support, US and UK officials were discussing options for a compact between Iraq and the international community.

564. The UK's role in the development of the International Compact is described later in this Section.

565. On capacity building, the UK was supporting a number of key Iraqi institutions but that effort was "**dwarfed by a very large … often overambitious US programme**". The US had offered to share work it was undertaking to map and improve its capacity-building effort. That would provide a basis for discussions on a complementary approach.

566. On Basra, officials had been undertaking a "major review of policy" in MND(SE), in response to concerns (shared by the US) that Basra was not on track to meet the proposed transition timelines. The "work plan for Basra" had been organised around four strands: political framework; security; Rule of Law and governance; and economic development and reconstruction.

567. On the economic development and reconstruction strand, departments had been reviewing their programmes to ensure that:

- key short-term requirements were met;
- plans were in place for the Iraqi Government and the wider donor community to tackle Basra's medium- and long-term requirements; and
- all projects were delivering a visible dividend to Baswaris.

568. Funding had been found from existing resources for a number of new initiatives, but departments were still scoping the cost of further short-term measures. An initial estimate was that an additional £85m might be required.

---

[323] Paper Cabinet Office, 13 June 2006, 'Follow-up to the Prime Minister's Visit, Including Delivering a Step-Change in Basra'.

569. DOP(I) agreed that Mr Browne should take the lead in pulling together a strategy for Basra, with the support of the Cabinet Office and assistance from other departments.[324] Mr Benn would monitor developments on electricity and power supply.

570. Prime Minister Maliki announced on 18 June that Muthanna would transfer to Provincial Iraqi Control (PIC) on 13 July.[325]

571. Mr Browne visited Iraq from 18 to 22 June.[326] He wrote to Mr Blair while in transit between Baghdad and Basra:

> "There is a tension between, on the one hand, our growing conviction that reconstruction and better governance must be delivered alongside improved security, rather than coming a few months down the track, and on the other, the difficulties our FCO and DFID representatives face in getting out on to the ground to do this."

572. The British Embassy Washington reported on 30 June that senior US officials had confirmed that in response to UK lobbying, the Basra PRT was likely to receive more than the US$15m allocated to other PRTs.[327] The US Embassy Baghdad was considering the exact amount.

573. The US provided US$30m for the Basra PRT in 2007.[328] The amounts allocated to other PRTs for that period varied from US$80m (for Baghdad) to US$18m.

574. Mr Browne sent Mr Blair an update on Basra on 4 July.[329] Mr Browne advised that he would be asking DOP(I) to agree a number of new projects which would be required to support the "'Better Basra Action Plan", at a total cost of £30.7m for the remainder of the financial year. That was "a relatively small sum given the strategic importance of Basra". The total comprised:

- £14.3m for additional UK support for the police (see Section 12.1);
- £11.4m for additional UK support for the judiciary, prisons and witness protection (see Section 12.1); and
- £5m for a Rapid Response Fund for the southern Iraq Steering Group, to support good governance and other priority areas.

---

[324] Minutes, 15 June 2006, DOP(I) meeting.
[325] Minutes, 6 July 2006, DOP(I) meeting.
[326] Letter Browne to Blair, 22 June 2006, 'Update on Visit to Iraq'.
[327] eGram 28036/06 Baghdad to FCO London, 30 June 2006, 'US-Iraq: Basra'.
[328] Email Cabinet Office [junior official] to Hendrie, 18 February 2008, 'US Economic Surge Information' attaching Paper, [undated], 'Snapshot of PRT Engagement in Iraq'.
[329] Letter Browne to Blair, 4 July 2006, [untitled], attaching Paper, [undated], 'Background on Additional Basra Work'.

575. Mr Browne also advised that in response to Mr Blair's visit to Iraq in late May:

> "… the southern Iraq Steering Group has been set up, chaired by [the] Consul General with participation from across departments and agencies to co-ordinate delivery of a coherent strategy for southern Iraq, focused on Basra. Much of the work on governance, rule of law and infrastructure will now be delivered in a coherent fashion through the new UK-led Provincial Reconstruction Team in Basra, drawing together inputs from the US, Danes and other international partners."

576. The Basra PRT was now fully staffed, but lacked funding for project work and would need funding for running costs from December 2006. US funds had not yet arrived.

577. The 6 July meeting of DOP(I) discussed Mr Browne's letter to Mr Blair and agreed his proposals in principle.[330]

578. Mrs Beckett and Mr Benn said that their budgets for Iraq were fully committed, but were asked to look again at reprioritising their spending to fund the Better Basra projects.

579. Ministers agreed that there was a need for a comprehensive communications plan to highlight UK activity on reconstruction to politicians in Baghdad and Basra. The plan should include other donors' activity, to give a clear picture of the totality of development assistance that the UK presence was bringing to southern Iraq.

580. Ministers also recognised the risk to locally engaged staff, who were being targeted. At least three locally engaged members of staff working for the Coalition had been killed. FCO and DFID locally engaged staff were being offered the chance to resign, work at home, or work at a different location.

581. Discussions on funding the Better Basra Action Plan continued into August.

582. A Treasury official advised Mr Stephen Timms, Chief Secretary to the Treasury, on 15 August that departments had agreed to provide a total of £20.4m from existing resources to fund the Better Basra Action Plan, now costed at £26.5m (due to the later start for some of the work).[331] The FCO had contributed £12.4m (of which £7m was from the GCPP Reserve), the MOD £4m and DFID £4m. Negotiations had been difficult, with the MOD offering "considerable resistance" to the need to find its contribution from the core defence budget.

583. Mr Timms wrote to Mr Browne the same day, welcoming the successful conclusion of negotiations and agreeing to provide an additional £4m for the Plan from the central Reserve.[332]

---

[330] Minutes, 6 July 2006, DOP(I) meeting.
[331] Minute Treasury [junior official] to Chief Secretary, 15 August 2006, 'Better Basra Plan'.
[332] Letter Timms to Browne, 15 August 2006, 'Better Basra'.

584. Mr Dinham told the Inquiry that the Better Basra Action Plan was a "proper, agreed, bought-into, cross-Whitehall plan", which had led to greater unity of purpose across the UK effort.[333] He added that the Plan did not seek to reflect the totality of the UK effort; for example, major DFID projects to increase power supply were starting to come on stream and contributed to achieving the UK's objectives.

585. Mr Etherington told the Inquiry that the Better Basra Action Plan was "a set of aspirations" rather than a plan.[334]

586. Mrs Beckett told Cabinet on 13 July that responsibility for security in Muthanna had been handed from British to Iraqi forces earlier that day.[335]

587. On 19 July, the JIC judged that violence was at the highest sustained level since April 2003, outpacing the Iraqi Government's ability to respond.[336] "Spiralling sectarian violence" was the most immediate threat to Iraq's progress.

588. Mr Patey's valedictory report from Baghdad on 20 July opened with the warning: "Strategic failure in Iraq a distinct possibility but not inevitable."[337]

589. Mr Patey advised that:

> "Without progress on security the encouraging start made by DPM [Deputy Prime Minister] Barham Salih and his economic team will be stillborn. The exodus of businessmen and the Iraqi middle class continues due to security concerns. They will take some persuading to return a second time but their entrepreneurial skills will be vital if the country is to thrive."

590. Mr Patey's valedictory report was passed to Mr Blair on 21 July.[338]

591. The ISG reflected on reporting from Baghdad, and its implications for the existing strategy, on 27 July.[339] The ISG agreed that although success or failure in Baghdad would be critical to overall campaign success in Iraq and was therefore the coalition's highest priority, the "best way for the UK to contribute to the wider military campaign was to continue to focus our limited resources on MND(SE), in particular, on Basra".

592. At the meeting, Mr Dinham argued that the UK should focus its future support on central government and in particular on budgetary management and critical economic reforms. Iraq was now enjoying increased revenue as a result of higher oil prices and slowly rising exports; the challenge was to ensure those revenues were redirected from wasteful and damaging subsidies to investment in public services. The security situation

---

[333] Public hearing, 17 December 2009, page 67.
[334] Public hearing, 9 July 2010, page 26.
[335] Cabinet Minutes, 13 July 2006.
[336] JIC Assessment, 19 July 2006, 'Iraq: Insurgency, Sectarianism and Violence'.
[337] eGram 31514/06 Baghdad to FCO London, 20 July 2006, 'Iraq: Valedictory'.
[338] Minute Banner to Prime Minister, 21 July 2006, 'Iraq: Update and Maliki Meeting'.
[339] Minute Cabinet Office [junior official] to Sheinwald, 27 July 2006, 'Iraq Strategy Group, 27 July'.'

meant that undertaking major new infrastructure projects had become impossible. The ISG agreed that this was:

> "… an entirely sound approach, but noted the large gap between what we planned to offer and Iraqi expectations. This would need careful management."

593. Dr Rosalind Marsden, the newly arrived Consul General in Basra, reported on 24 August that her first impression of the Basra political scene was of "stasis".[340] The Provincial Government had yet to show itself capable of responding to Basra's major security and economic challenges. Local leaders were comfortable blaming each other and the coalition for the lack of progress, while pursuing their "criminal interests". The Better Basra Plan had "most of the ingredients" to break the log-jam, but the UK's influence was diminishing.

594. Section 9.5 describes the development in August and September of Operation SALAMANCA, the operation to implement the military elements of the Iraqi Government's Basra Security Plan.

595. Major General Richard Shirreff, who took over as GOC MND(SE) in mid-July,[341] told the Inquiry that Op SALAMANCA comprised three major elements:

> "… what we did was select different areas of the city, and … surging with concentration of force, secure the area, put teams into the police stations to go through the police stations with a fine-toothed comb, to establish the state of police stations …
>
> "We surged police training teams in, Royal Military Police and contract policemen from elsewhere. At the same time we conducted a number of pre-planned reconstruction and other projects, everything from levelling football pitches to playgrounds, to refurbishing schools."[342]

596. Mr Martin Howard, MOD Director General Operational Policy, told the 25 August ISOG meeting that Mr Browne would want to be reassured that "arrangements for delivering civilian activities" were in place and robust before approving Op SALAMANCA.[343]

597. The British Embassy Office Basra issued a detailed brief on Op SALAMANCA (which it described as "the security pillar of Better Basra") by eGram on 12 September.[344] The brief identified the importance of exploiting the conditions created by Op SALAMANCA. Short-term projects under Op SALAMANCA should be linked to longer-term initiatives. Funding (primarily Iraqi funding) was available, "most of the right

---

[340] eGram 36964/06 Basra to FCO London, 24 August 2006, 'Iraq: Basra: Political Overview'.
[341] Report Cooper, 13 July 2006, 'GOC MND(SE) – southern Iraq Update – 13 July 2006.
[342] Public hearing, 11 January 2010, pages 19-20.
[343] Minute Blake to Banner, 25 August 2006, 'Iraq Senior Officials Group'.
[344] eGram 42792/06, Basra to FCO London, 12 September 2006, 'Iraq: Basra: Operation Salamanca/Date Palm'.

people" were in place (the PRT had "marshalled an impressive array of UK and partners' talent"), and teams in Basra were working together "more closely than ever" through the southern Iraq Steering Group.

598. The transition to PIC in Dhi Qar province took place on 21 September.[345]

599. Maj Gen Shirreff reported on 28 September that Operation SINBAD (the new name for Op SALAMANCA) had at last begun, after a "tortuous" round of final negotiations with Iraqi politicians.[346]

600. On 5 October, at the request of the FCO, the JIC assessed the performance of the Iraqi Government, its level of popular support and its prospects over the year ahead.[347] The JIC judged that after five months in office:

> "… the faction-based Iraqi Government is proving ineffective … Co-ordination between and within Government ministries is poor. None of this looks likely to improve in the near future. Meanwhile, sectarian and insurgent violence is at a record high, and fuel, water and electricity shortages persist across much of the country."

601. The 12 October meeting of DOP(I) received a paper by officials on the medium-term prospects for Iraq.[348]

602. A DFID official advised Mr Benn in advance of the meeting that the paper had been "inspired by" Mr Patey's valedictory telegram (which had assessed that strategic failure in Iraq was a distinct possibility but not inevitable), and was set in the context of increasing insecurity.[349]

603. The official advised Mr Benn that discussions around the paper provided a good opportunity for DFID to reassure departments – especially the MOD – that it was "shouldering our share of the burden" in Iraq. DFID's two current projects in the South, the IISP and the Governorate Capacity Building Project, were due to finish in March 2007, when DFID would aim to close its office in Basra. Deteriorating security meant no new projects could be designed or implemented. There was "little/no expectation" from the MOD or FCO that DFID would continue to invest in infrastructure, given the flow of US CERPs money and anticipated investments by Japan, the World Bank and the Iraqi Government itself. The official concluded:

> "We have largely won the argument that DFID should shift focus from physical investments in Basra to technical assistance in Baghdad to maximise our impact, and the [medium-term] paper reflects this in its recommendations."

---

[345] Report Shirreff, 21 September 2006, 'GOC MND(SE) – southern Iraq Update – 21 September 2006'.
[346] Report Shirreff, 28 September 2006, 'GOC MND(SE) – southern Iraq Update – 28 September 2006'.
[347] JIC Assessment, 5 October 2006, 'Al-Maliki's Government: Interim Progress Report'.
[348] Paper, 10 October 2006, 'Iraq: Medium Term Prospects and Implications'.
[349] Minute DFID [junior official] to Private Secretary [DFID], 6 October 2006, 'Iraq: Future for DFID Programme from 2007'.

604. The medium-term prospects paper assessed that Iraq had reached a critical juncture, with violence at its highest ever level, reconciliation making little headway and public services still in a parlous state.[350] The UK's existing goal for Iraq was:

> "A democratic, stable, united and law-abiding Iraq … providing effective, representative and inclusive government for all its people."

That was now likely to be the "best case outcome", and unlikely to be achievable in full. The best achievable outcome was likely to be:

> "… an Iraq which can govern and sustain itself nationally and provincially, and where sectarian and other violence is contained short of the point where it would overwhelm Iraq's institutions and precipitate chaos and/or civil war."

Achieving that outcome lay primarily in the hands of the Iraqi Government. The UK's ability to influence its decisions would continue to decline. The coalition's current strategy of direct support combined with building Iraqi capacity remained the only credible way to exert influence.

605. The paper argued that Iraq's economic success depended more on the policies and actions of the Iraqi Government than on the backing of the international community. High oil prices had bolstered Iraq's finances, but the Iraqi Government needed assistance in managing the economy, bringing about structural reforms, and unblocking domestic investment to improve public services. The implications for the UK were:

- The UK's effort in Basra should be channelled as far as possible through the PRT, which might need to continue work into 2008 in line with the planned UK military effort.
- DFID's programme should increasingly be directed at enabling the Iraqi Government to tackle key challenges at the centre, including reconciliation, economic management and critical capacity deficits.

606. The DOP(I) meeting touched only very briefly on the paper, as Mr Browne indicated he would like more time to discuss and agree it formally at a later date.[351]

607. DOP(I) discussed the medium-term prospects paper at their next meeting, on 20 October.[352] Mr Blair was not present, so Mr Browne chaired the meeting.

608. Mr Browne began by saying that the existing goal would be difficult to achieve, but Ministers had to be certain that there was not more the UK could do before accepting anything less.

---

[350] Paper DOP(I), 10 October 2006, 'Iraq: Medium Term Prospects and Implications'.
[351] Minutes, 12 October 2006, DOP(I) meeting.
[352] Minutes (revised), 20 October 2006, DOP(I) meeting.

609. Mr Browne also said that DFID's aspiration to move its focus to Baghdad was well understood, but the UK had a significant stake in the South and needed a clearer understanding of the impact of such a move on activity there.

610. In discussion, a member of DOP(I) said that most DFID projects in the South were likely to be completed by spring 2007 and that no new projects could be started under current security circumstances. The UK's medium-term legacy depended on getting economic management and reconciliation going and Baghdad functioning, which meant building capacity in central ministries.

611. DOP(I) agreed that the UK should keep the existing policy goal, but recognise that the best outcome achievable might fall short of it.

612. It also agreed that a progressive reduction of UK forces to 4,500 in 2007, in concert with US and other allies, was possible, with more ambitious reductions being considered at the end of November.

613. The medium-term prospects paper was discussed again at the 26 October meeting of DOP, alongside an update from Mr Browne on security developments in Iraq.[353]

614. ACM Stirrup advised that Op SINBAD "could not be going better, although there had been an increase in the number of indirect fire attacks on the Basra Palace Compound". The main concern of Basrawis was whether the success of the operation could be sustained, which "would require engagement and funds from the Government in Baghdad".

615. DOP agreed the analysis and recommendations contained in the medium-term prospects paper.

616. Section 15.1 describes the increasing threat posed by rocket and mortar fire to Basra Palace Compound (BPC), and the discussions within the UK Government on how to respond.

617. At the 27 October meeting of the ISG, Mr Simon McDonald, FCO Director Iraq, reported that the security situation in Basra had deteriorated to the point where Mrs Beckett had decided it was necessary to withdraw the majority of civilian staff from the BPC to Basra Air Station (BAS) or out of theatre.[354]

618. The BPC housed the British Embassy Office Basra, the DFID Basra Office, elements of the police and prisons teams, and the PRT.[355] MND(SE) was already located at BAS.

619. The lack of hardened accommodation suitable for civilian staff at BAS meant that not all staff could be relocated immediately.

---

[353] Minutes, 26 October 2006, DOP meeting.
[354] Minute Cabinet Office [junior official] to Sheinwald, 30 October 2006, 'Iraq Strategy Group, 27 October'.
[355] Paper Iraq Policy Unit, 25 October 2006, 'Iraq: Basra Palace Site'.

620. The PRT withdrew to Kuwait and redeployed to BAS in mid-December, when sufficient hardened accommodation had been constructed.[356]

621. Mr Blair was advised by his Private Secretary later that day that "this move is likely to be seen as a victory by those attacking us".[357] Dr Marsden and four FCO civilian staff would remain in the BPC, while other staff would relocate elsewhere (the majority to the BAS).

622. The US Office of the Special Inspector General for Iraq Reconstruction (SIGIR) published its audit of PRT capability on 29 October.[358] The audit, which had been conducted over the summer, concluded that while the creation of 10 PRTs and eight satellite offices was a "noteworthy achievement", many obstacles to effective operation remained. Those included insecurity, delays in providing funding, the difficulty of recruiting and retaining qualified civilian personnel, and the difficulty of integrating civilian and military personnel.

623. On the Basra PRT, SIGIR assessed that the unstable security situation meant that PRT members had not been able to interact personally with their Iraqi counterparts, significantly limiting the PRT's ability to achieve its mission. It questioned "whether the continued deployment of PRT personnel to … Basra … makes operational sense at this time".

624. The Inquiry has seen no indications that the UK Government discussed the SIGIR audit.

625. The 2 November weekly update from GOC(MND)SE, which was sent by Maj Gen Shirreff's Chief of Staff, reported that the withdrawal of civilian personnel had come as a surprise to MND(SE).[359] It was expected to have an adverse impact, including by disrupting long-term reconstruction because of the "haste with which the PRT has been evacuated".

626. On 7 November, the British Embassy Baghdad and the British Embassy Office Basra responded to an IPU request for accounts of what life was like for ordinary Iraqi citizens. Their replies warned that they could offer only an impressionistic view due to the constraints under which they operated.

627. The Embassy reported that:

> "Our protected circumstances constrain our ability to interact with ordinary Iraqis or even visit Baghdad. Our impressions can only be gleaned through the press, or piecemeal, anecdotally and at second or third hand."[360]

---

[356] Report PCRU/DFID, 19 December 2006, 'Refocusing Civilian Efforts in Basra in the Run Up to PIC'.
[357] Minute Banner to Blair, 27 October 2006, 'Iraq Update, 27 October'.
[358] Office of the Special Inspector General for Iraq Reconstruction, 29 October 2006, *Status of the Provincial Reconstruction Team Program in Iraq*.
[359] Report Everard, 2 November 2006, 'GOC MND(SE) – southern Iraq Update – 2 November 2006'.
[360] Letter Gibson to IPU [junior official], 7 November 2006, 'Life in Baghdad for Ordinary Iraqis'.

628. The British Embassy Office Basra offered a similar view:

> "We cannot go into ordinary Iraqi homes, shops and schools or move freely around the city (or even our own compound). Nearly all our local staff have left because of death threats and intimidation."[361]

629. The accounts were passed to Mr Blair on 10 November.[362]

630. DOP(I) considered the impact of the withdrawal of civilian personnel on 16 November.[363] Mrs Beckett and Sir Suma Chakrabarti reported that the impact of the withdrawal of civilian personnel from the BPC on the Better Basra Action Plan and on DFID's programmes had been "marginal".

631. Mrs Beckett summed up that officials should develop some clear and agreed forward planning on the future of the civilian and military presence in Basra.

632. A December 2006 joint DFID/PCRU report assessed that the impact of the PRT's withdrawal from the BPC to Kuwait on its work was "significant but not catastrophic".[364] Little of its work required face-to-face contact with Iraqi citizens.

633. The relocation of the PRT from Kuwait to BAS was under way, and the benefits of co-location with MND(SE) were already apparent. The PRT's access to military partners went some way to overcoming problems caused by the lack of a common secure communication system between civilians and the military. Informal contacts were also helping to build mutual understanding of objectives and aims.

634. A number of witnesses told the Inquiry that the move to BAS led to much greater contact between UK civilian personnel and Iraqi citizens. Mr Robert Tinline, Deputy Consul General in Basra, described BAS as a "neutral venue":

> "Because we were next to the airport, which was Iraqi obviously, but close enough to our security … that meant they [our Iraqi interlocutors] didn't have to come and see us and we didn't have to go and see them. So it was actually very good."[365]

635. Section 9.5 describes the wider implications of the withdrawal of civilian personnel, including for US/UK relations.

636. Mr Gordon Brown, the Chancellor of the Exchequer, visited Basra on 18 November.[366] During that visit, Maj Gen Shirreff expressed his concern that long-term economic and development work was being prioritised above short-term interventions that would yield more immediate results. He proposed that the UK should establish a

---

[361] Letter Marsden to IPU [junior official], 7 November 2006, 'Iraq: Basra; Life for Ordinary Iraqis'.
[362] Minute Banner to Prime Minister, 10 November 2006, 'Iraq Update: 10 November'.
[363] Minutes, 16 November 2006, DOP(I) meeting.
[364] Report PCRU/DFID, 19 December 2006, 'Refocusing Civilian Efforts in Basra in the Run Up to PIC'.
[365] Public hearing, 24 June 2010, pages 10-11.
[366] Minute Treasury [junior official] to Chancellor, 13 December 2003, 'Basra Visit: Responding to Major General Shirreff's Concerns'.

joint (civilian and military) taskforce, under a single (unspecified) command, to plan such short-term interventions.

637. Section 9.5 describes the development in October and November of the UK's Forward Plan, at Mr Blair's request.

638. Mr McDonald sent a draft Plan to Mr Blair's Private Secretary on 24 November.[367] Copies of the draft were sent to Mrs Beckett, Mr Browne and SIS, but not Mr Benn.

639. The draft Plan recognised that:

> "The wider context … is the growing reality of Iraqi sovereignty. The Iraqi Government and political class have their own priorities, which are not the same as ours. Maliki's highest priority now is accelerating the pace of security transition."

640. The draft Plan included proposed actions under three headings:

- Political accommodation;
- Governance and economic development; and
- Security.

641. On governance and economic development, the draft Plan identified the "core problems" as a lack of political will and leadership and weak capacity across the Iraqi Government to drive forward a reform agenda and spend its budget. The immediate objective was to impress upon Prime Minister Maliki and his senior Ministers and advisers that economic management and reform required sustained attention and visible leadership, as a strategic and security issue. Prime Minister Maliki also needed to ensure that provincial governments were properly resourced and held to account, as part of the process of forging a political settlement.

642. Immediate actions that Prime Minister Maliki might take included:

- striking a deal on oil revenue sharing and starting to restructure the oil sector so it behaved more like a business;
- striking a deal on fiscal federalism, and getting Iraqi resources flowing to the provinces to improve services; and
- by early 2007, adopting the International Compact as a key part of the Iraqi Government's reform agenda.

643. The UK would also press Prime Minister Maliki to:

- establish and chair an "economic Task Force" to give strategic direction on economic management and reform and hold Ministers and provincial governments to account;

---

[367] Minute McDonald to Banner, 24 November 2006, 'Iraq Forward Plan' attaching Paper [draft], [undated], 'Iraq: Forward Plan'.

- appoint effective technocrats to replace the "most egregiously partisan" and underperforming ministers;
- take personal responsibility for Iraq's engagement with the International Compact;
- secure agreement on a Hydrocarbons Law;
- push for a full and effective multilateral presence in Iraq;
- start reforming key ministries; and
- get Iraqi resources to the provinces to improve local services and create jobs.

644. The draft Plan stated that that was an ambitious and complex agenda. Progress on reform had so far been limited and the UK needed to be realistic about chances of "widespread success" in the next six months, although traction was improving in some areas as the quality of Ministers and political leadership improved.

645. Responding to Mr McDonald, Mr Blair's Private Secretary reported that he had described the Forward Plan as "an excellent piece of work".[368] The Private Secretary asked for the Plan to be finalised and implemented.

646. No.10 sent the White House a copy of the Forward Plan on 25 November, stressing that it remained "work in progress".[369]

647. Maj Gen Shirreff's weekly report of 30 November offered an assessment of progress on Op SINBAD (two months into the Operation).[370] He reported that a great deal had been achieved:

- Over US$50m had been committed to more than 150 short- and medium-term projects, creating over 12,000 jobs. The projects had been selected with the relevant Iraqi authorities; that approach had won public and political consent at the local, regional and national level.
- There had been an improvement in the general security situation and in the confidence and capability of the ISF. Further action was needed to reduce indirect fire and tackle corruption in the Iraq Police Service.

648. On reconstruction, Maj Gen Shirreff commented:

> "… the area that will underwrite the success of Op SINBAD is reconstruction and economic development. I have previously mentioned the need to fill the gap between the immediate impact projects of Op SINBAD and whatever longer-term activity is undertaken by the PRT as well as the requirement to co-ordinate the efforts of the MOD, FCO and DFID in southern Iraq better, hence recent efforts to breathe life back into the comprehensive approach before it is completely moribund."

---

[368] Letter Banner to McDonald, 27 November 2006, 'Iraq: Forward Plan'.
[369] Letter Sheinwald to Hadley, 25 November 2006, [untitled], attaching Note Blair, 27 November 2006, 'Iraq Forward Plan' and Paper, [undated], 'Iraq: Forward Plan'.
[370] Report Shirreff, 30 November 2006, 'GOC(MND)SE – southern Iraq Update – 30 November 2006'.

649. Maj Gen Shirreff reported that he had agreed with Dr Marsden and the Head of the DFID Office in Basra that to address that gap, the PRT needed to be directed to work more closely with MND(SE), and that it needed clearer direction from London to ensure it focused on delivering short-term projects rather than on long-term projects to build Iraqi capacity. Those steps might "obviate the need for a JIATF [Joint Inter-Agency Task Force] under command MND(SE)".

650. The report was sent to No.10 on 1 December and passed to Mr Blair the same day.[371]

651. Lt Gen Shirreff told the Inquiry that the US had agreed to provide "significant amounts" of US funding for the reconstruction component of the operation, of which he spent US$80m.[372]

652. Lt Gen Shirreff also told the Inquiry that while MND(SE) worked with the PRT as much as it could, the PRT was in "some state of disarray" at that time.[373] He had "pretty close links" with Dr Marsden and the British Embassy Office Basra, including through a forward headquarters in Basra Palace, but effective co-ordination was difficult as long as MND(SE) and the British Embassy Office Basra were not co-located.

653. Lt Gen Shirreff concluded that the "inter-governmental piece" had failed by the time of Op SINBAD.

654. In response to the concerns that Maj Gen Shirreff had raised with Mr Brown on 18 November, the Treasury convened a meeting with DFID, FCO and MOD officials on 7 December to consider whether the UK should prioritise short-term economic interventions in Basra.[374]

655. A Treasury official advised Mr Brown on 13 December that the meeting had concluded that:

- Money was not a "binding constraint" in the South. The "potential pool" comprised US$176m from the Iraqi Government, US$260m from the US and US$550m in soft loans from the Japanese. Money was available for short-term interventions: only £1.1m of the £5m Rapid Reaction Fund (part of DFID's SIESP) had so far been spent.
- The inability to generate good project ideas was a constraint.
- Bringing the southern Iraq Steering Group under a single command would be possible and could be effective but might prove contentious.

---

[371] Letter McNeil to Banner, 1 December 2006, 'Iraq: Update' attaching Report Shirreff, 30 November 2006, 'GOC(MND)SE – southern Iraq Update – 30 November 2006'; Minute Banner to Prime Minister, 1 December 2006, 'Iraq Update: 1 December'.
[372] Public hearing, 11 January 2010, page 16.
[373] Public hearing, 11 January 2010, pages 20-21.
[374] Minute Treasury [junior official] to Chancellor, 13 December 2006, 'Basra Visit: Responding to Major General Shirreff's Concerns'.

- PCRU officials were visiting Iraq to explore how civil/military co-ordination could be improved.

656. The official commented:

> "… it is important to be realistic about what can be achieved and in what timeframe. The Armed Forces can interpret 'short-term' to be 48 hours but for DFID it means 6 months."

657. The Inquiry has seen no indications that Mr Brown or Treasury officials replied to Maj Gen Shirreff.

658. Maj Gen Shirreff raised his concerns with Mr Blair at the end of December.

UK plans for 2007, and the US surge

659. Section 9.5 describes President Bush's decision in late November to deploy additional US troops to Iraq to conduct a full-scale counter-insurgency campaign in Baghdad, the UK's response to that decision, and US concerns over UK plans to draw down troops in the South.

660. In preparation for the 7 December meeting of DOP(I), officials prepared a paper on military plans for southern Iraq in 2007 and a paper on the UK's objectives and presence in Basra.

661. The MOD paper on military plans for southern Iraq reported that Op SINBAD could create the conditions to achieve PIC in Basra as early as March 2007.[375] The intention was to "re-posture" UK troops from bases in Basra City to BAS at the end of Op SINBAD. From there, UK forces would perform a "Military Assistance Mission". That would lead to a reduction in troop numbers from 7,100 to 4,500 in May 2007, and possible further reductions later in the year.

662. The Basra paper, which was produced by the FCO, considered the implications of that re-posturing and of the continuing security threat to civilian operations.[376] The FCO paper recommended aiming for PIC in Basra at some point between March and June 2007. The civilian effort would be led from BAS as there was no prospect of being able to return to the BPC. Although this meant a limit on the number of civilian staff and tougher conditions, there would be "significant advantages in co-location with the military – making possible a more cohesive approach".

663. The FCO recommended that the main objectives of the civilian effort during 2007 should be to:

- help deliver PIC in Basra;

---

[375] Paper MOD, 5 December 2006, 'UK Military Plans for southern Iraq in 2007'.
[376] Paper FCO, 1 December 2006, 'Basra: Objectives and Presence in 2007'.

- continue political engagement, SSR, and capacity-building in the provincial government; and
- ensure that Baghdad delivered the resources that Basra needed.

664. At the DOP(I) meeting, Mr Benn advised that the UK's major development projects were now reaching completion.[377] The arrival of a gas pumping plant in the next few days would significantly increase gas supply and leave a positive legacy. Although the water towers projects had been delayed by security risks, DFID planned to move its focus to capacity-building. The main challenge now would be ensuring the Provincial Council received the necessary funds from Baghdad.

665. Mr Benn also said "a silent crisis" was unfolding in Iraq, as Iraqi citizens fled from sectarian violence. That was putting increasing pressure on Iraqi services. DFID had provided £1.4m to the International Committee of the Red Cross (ICRC).

666. DOP(I) agreed the overall intent of the MOD and FCO papers.

667. Mr Blair wrote to President Bush on 20 December.[378] He emphasised the importance of support for Prime Minister Maliki, through increasing the speed at which the Iraqi Army was developing, supporting the reconciliation and outreach work, and helping to create a more effective system for the disbursement of money within Iraq.

668. On 5 January 2007, President Bush briefed Mr Blair ahead of his speech on Iraq the following week.[379] During the call he described a significant increase in US and Iraqi troops, and a number of personnel changes.

669. Mr Blair said that it was vital to break the back of the violence in Baghdad. He urged President Bush to focus on reconciliation and reconstruction as well as security, suggesting that it might be helpful to designate individuals who would be accountable for leading work on those areas.

670. Mr Blair's Private Secretary wrote to Mrs Beckett's Private Secretary on 8 January:

> "We are entering an important new phase in the Coalition effort in Iraq, as – following the US review and in the light of our plans in Basra – we and the US attempt to help the Iraqi Government entrench genuine change and progress in the areas of security, reconstruction and reconciliation. The Prime Minister judges that our present level of effort should be stepped up in response. He would like to see a qualitative change in our ability to monitor progress in these key areas, to identify blockages to progress, and to take rapid action to fix these."[380]

---

[377] Minutes, 7 December 2006, DOP(I) meeting.
[378] Note [Blair to Bush], [20 December 2006], 'Note'.
[379] Letter Phillipson to Hayes, 5 January 2007, 'Prime Minister's Phonecall with President Bush, 5 January: Iraq'.
[380] Letter Banner to Siddiq, 8 January 2007, 'Iraq'.

671. The letter asked for detailed reports and weekly updates on key areas, including:

- a detailed report on reconstruction; and
- a weekly report on political development, security and economic activity in Basra.

672. Mr Blair and President Bush spoke again on 9 January.[381] Mr Blair said that he had asked for changes in the way that the UK system monitored and chased up progress in Iraq. Information, for example on reconstruction, was incomplete. The US and UK needed to be sure that everything that could be done on reconstruction was being done. Mr Blair said that he wanted someone on the UK side "such as a senior military figure" to travel around Iraq and report on what was actually happening, for example in Najaf. The US and UK needed to improve delivery of assistance in calmer areas, to demonstrate that peace brought dividends.

673. An 11 January JIC Assessment judged that:

- There continued to be real economic growth in Iraq, but the Iraqi Government had shown little commitment to economic reform and large-scale job creation was highly unlikely in the next two years.
- The Iraqi Government was not short of funds (the JIC estimated that the Government had accumulated some US$12bn since 2003 as a result of unspent budget allocations), but public investment was hampered by weak central Government ministries and a lack of competent staff at all levels of Government.
- The security situation remained the main obstacle to private sector development and foreign investment.[382]

674. President Bush announced the new US strategy in an address to the nation on 10 January:

> "The situation in Iraq is unacceptable to the American people – and it is unacceptable to me …
>
> "It is clear that we need to change our strategy in Iraq."[383]

675. President Bush said that a successful strategy needed to combine robust military operations with visible improvements in Iraqi neighbourhoods and communities. As well as providing 20,000 additional US troops and increasing efforts to build the capacity of the ISF, the US would also increase its efforts to build the capacity of the Iraqi Government, including by doubling the number of PRTs and giving US military commanders and PRT leaders greater flexibility in how they used resources for economic assistance.

---

[381] Letter Banner to Hayes, 9 January 2007, 'Prime Minister's Phonecall with President Bush, 9 January: Middle East Issues'.
[382] JIC Assessment, 11 January 2007, 'Iraq: Economic Prospects'.
[383] The White House Archive, 10 January 2007, *President's Address to the Nation*.

676. The result of the new strategy set out by President Bush is often referred to in contemporary documents as the new Baghdad Security Plan.

677. The British Embassy Baghdad reported on 11 January that the new Iraqi-led Baghdad Security Plan was under way.[384] In contrast to previous plans, there was greater emphasis on reconstruction, with a focus on job creation. Five "mini-PRTs" had been embedded with troops in Baghdad to assist with reconstruction operations. The US also planned to inject funds into Iraqi State-owned enterprises to generate rapid job creation (the Bradley Initiative).

678. The British Embassy Baghdad reported on 26 March that the US had spent US$1.6bn on 1,678 reconstruction projects as part of the new Baghdad Security Plan.[385]

Major General Shirreff's proposal for a military-led UK effort in the South

679. In parallel with discussions on the new US strategy, the UK Government considered and rejected Maj Gen Shirreff's proposal for a military-led Joint Inter-Agency Task Force in the South.

680. Maj Gen Shirreff wrote to Mr Blair on 29 December to offer, in response to Mr Blair's request during his recent visit to Iraq, "some thoughts on how a Joint Inter-Agency Task Force would deliver concentrated British effect in SE Iraq and improve the prospects of achieving strategic success".[386]

681. Surveys indicated that Op SINBAD was having a positive effect, but it could do no more than:

> "… create a window of opportunity that must be filled by mass economic effect, a Rooseveltian New Deal for Basra. Only thus will the militia be defeated. This requires the mass injection of Iraqi Government funds …"

682. Maj Gen Shirreff proposed that to achieve that:

- the Iraqi Government should establish a reconstruction committee for Basra with authority and capability to spend central Government money; and
- the coalition should establish an organisation capable of providing the right advice and planning capability.

683. The current arrangement lacked unity of command and purpose. HQ MND(SE) had the planning muscle, the energy, the staying power and the unity of command to execute an overarching plan (such as Op SINBAD), but it lacked expertise on reconstruction. The

---

[384] eGram 1160/07 Baghdad to FCO London, 11 January 2007, 'Iraq: Reinvigorated Baghdad Security Plan'.
[385] eGram 12261/07 Baghdad to FCO London, 26 March 2007, 'Iraq: Update on the 'Economic Surge''.
[386] Letter Shirreff to Blair, 29 December 2006, [untitled].

PRT, currently below strength and operating out of a hotel in Kuwait, preferred to focus on long-term capacity-building. Co-location in the new year, when the PRT moved to the BAS, would help but would not solve the underlying problems.

684. Maj Gen Shirreff recommended that the UK should establish a Joint Inter-Agency Task Force (JIATF) with coalition partners, combining military and reconstruction expertise under single military command.

685. Lt Gen Shirreff told the Inquiry that his proposal for a JIATF under military command was a response to the fragmented UK effort at the time:

> "… this was sort of desperate times and desperate measures. I'm not sure I would necessarily propose the same solution today … But at the time, it seemed to be the only way …"[387]

686. The ISG discussed Maj Gen Shirreff's letter on 5 January 2007.[388] Vice Admiral Charles Style, Deputy Chief of Defence Staff (Commitments), said the letter did not reflect the "MOD corporate view", but that he had some sympathy for the need for better co-ordination and command: the southern Iraq Steering Group had met only five times since May 2006, which was not good enough. Co-location at the BAS should solve much of the problem, and the organisation needed to be tauter and more focused, but not necessarily military-led.

687. Sir Nigel Sheinwald told the ISF that Iraq was "entering a new phase, which required a coherent structure under a single point of contact" and asked for the ISOG to work on new structures.

688. Sir Nigel reported to Mr Blair after the meeting that Maj Gen Shirreff's views:

> "… represent his frustration, shared by the MOD, that the civilian reconstruction effort is uneven. We all agree that we need to make sure that we have an effectively led Basra operation for the next year (at least)."[389]

689. Sir Nigel advised that co-location of HQ MND(SE), the PRT and the British Embassy Office Basra at BAS from late February would help co-ordination enormously. He had asked the departments concerned, led by PCRU, to advise on the right structure for the British effort. The balance of opinion was that "it should be civilian-led, with strong military input and follow-up".

690. Sir Nigel added that both DFID and the FCO were:

> "… very fed up with Shirreff's disparaging comments about the civilian effort … But the fact is that there have been constant problems between the military

---

[387] Public hearing, 11 January 2010, page 42.
[388] Minute Cabinet Office [junior official] to Sheinwald, 5 January 2007, 'Iraq Strategy Group, 5 January'.
[389] Minute Sheinwald to Prime Minister, 5 January 2007, 'Iraq: Weekly Update' attaching Paper Cabinet Office, 5 January 2007, 'Basra'.

and civilian people in Basra from the start. We must make a last effort to get a joined-up operation."

691. Mr Blair wrote on Sir Nigel's minute: "Put Shirreff in charge. The Army gets things done."[390]

692. A No.10 official wrote to Mrs Beckett's Private Secretary on 8 January, advising that Mr Blair retained an open mind on how to improve civilian/military co-operation in Basra.[391] He looked forward to receiving advice from officials, and was "if necessary … content that this should be delivered via a task force under military leadership".

693. At DOP(I) on 11 January, Ministers commented that "unbalanced reporting from the military in theatre, disparaging the civilian effort" was "extremely unhelpful".[392] It was not the right time to create a new UK military-led structure when the UK was trying to put the Iraqi Government in the lead.

694. Mr Dinham, who attended the DOP(I) meeting, reported to DFID colleagues that Mr Benn had spoken strongly against Maj Gen Shirreff's proposal, arguing that the UK should let existing, Iraqi-led organisations find their feet, accept that the Iraq Government might not be that interested in our continued advice and help, and recognise that the time for further UK bilateral pushes on reconstruction was coming to an end.[393] Mr Dinham added that ACM Stirrup had "agreed absolutely with everything that Hilary [Benn] had said".

695. After receiving a further update from Basra on 12 January, Mr Blair wrote: "I still need more info on Basra and have we established the Joint Working yet, led by the military?"[394]

696. The meeting of the ISOG on the same day discussed the problems with civilian/military co-ordination.[395] The ISOG agreed that there were a number of contributing factors, "including personalities, departmental differences in duty of care, and too infrequent meetings of the southern Iraq Steering Group". There was a need to revise structures, to balance the military effort with the civilian, to balance long- and short-term efforts, and that "a military lead was not the right way to go at this time". Dr Marsden and Maj Gen Shirreff, supported by PCRU, were preparing recommendations on a revised structure.

---

[390] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 5 January 2007, 'Iraq: Weekly Update'.
[391] Letter Banner to Siddiq, 8 January 2007, 'Iraq'.
[392] Minutes, 11 January 2007, DOP(I) meeting.
[393] Email Dinham to DFID [junior official], 11 January 2007, 'Restricted: DOP(I)'.
[394] Manuscript comment Blair on Minute Banner to Blair, 12 January 2007, 'Iraq Update, 12 December'[sic].
[395] Minute Cabinet Office [junior official] to Sheinwald, 12 January 2007, 'Iraq Senior Officials Group'.

697. On 16 January, Mr Blair raised the issue of civilian/military structures in Basra during a meeting with ACM Stirrup and senior officials from the FCO, SIS, the MOD, DFID and the Cabinet Office.[396]

698. ACM Stirrup said he did not agree with Maj Gen Shirreff's proposals. It was too late to establish a JIATF; the UK's focus should be on building Iraqi capacity to deliver assistance. The military should not lead that work. Mr Dinham agreed. The No.10 record of the meeting did not report Mr Blair's view.

699. Mr Dinham reported separately to DFID colleagues only that Mr Blair had nodded, "seeming to accept" the argument against a move to a military-led reconstruction effort.[397]

700. Maj Gen Shirreff told the Inquiry:

> "… it was pretty clear to me that … looking over the period as a whole of my time in command – we had a strategy that involved extraction rather than necessarily achieving mission success. It was, in a sense, an exit strategy rather than a winning strategy. A winning strategy was going to require significant additional resources."[398]

701. Major General Jonathan Shaw succeeded Maj Gen Shirreff as GOC MND(SE) in January.

702. At the 25 January meeting of the ISG, Sir Nigel Sheinwald asked the FCO and Dr Marsden for a note on the new civilian/military structure in Basra for Mr Blair.[399] That note was issued on 2 March.

Preparing for Provincial Iraqi Control in Basra

703. Sections 9.4 and 9.5 describe the sharp rise in sectarian violence after the bombing of the al-Askira mosque in Samarra in February 2006, and the consequent displacement of Iraqi citizens along sectarian lines. The Government's response to that displacement is addressed later in this Section.

704. Section 9.5 describes the discussions between UK and US senior military officers and officials on UK plans for the drawdown of UK troops from MND(SE), and continuing US concerns that UK plans were premature given the security situation in MND(SE).

705. Mr Etherington completed his tour as Head of the Basra PRT in January 2007.[400] Two PCRU officials provided short-term cover as Head of the PRT between January and April 2007.

---

396 Letter Banner to Siddiq, '16 January 2007', 'Iraq: meeting with officials'.
397 Email Dinham to DFID [junior official], 16 January 2007, ' Iraq'.
398 Public hearing, 11 January 2010, page 7.
399 Minute Cabinet Office [junior official] to Sheinwald, 26 January 2007, 'Iraq Strategy Group, 25 January'.
400 Minute DFID [junior official] to Private Secretary [DFID], 13 March 2007, 'Iraq: Future of DFID's Presence and Programme in Basra'.

706. At DOP(I) on 11 January 2007, Ministers commented that Internally Displaced People (IDPs) were "principally an Iraqi Government responsibility – it should address the violence and push forward reconciliation, and had the resources to address the needs of the displaced".[401]

707. Mr Benn wrote to Mr Blair on 24 January to provide an update on the situation:

> "Displacement is causing a de facto geographical separation along sectarian lines, as different ethnic groups move to areas in which they will be the majority.
>
> "There is clearly a strong political dynamic to the situation and it is essential that we address both the cause and the symptoms … We should press the Iraqi Government to address displacement issues as part of reconciliation, and to do more itself to provide basic services to meet humanitarian needs. The picture is unpalatable for the Iraqi Government … and indeed for the coalition (hence the largely silent nature of the humanitarian crisis so far) …
>
> "It is clear that while not letting the Iraqi Government off the hook, we must also continue to respond to humanitarian needs in Iraq … "[402]

708. The first set of reports requested by Mr Blair's Private Secretary on 8 January was passed to Mr Blair on 19 January.[403] It included a report from Dr Marsden on developments in Basra.[404]

709. On the economy, Dr Marsden reported that the PRT "continues to focus on building the capacity of the Provincial Council to identify priority investment, secure funding and spend it in a transparent way".

710. DFID produced its first fortnightly update on reconstruction for Mr Blair on 25 January.[405] The paper, which he welcomed,[406] highlighted the need to persuade Prime Minister Maliki to see reconstruction as a strategic issue:

> "As the sectarian conflict in Iraq deepens, the coalition's ability to buy consent through quick impact reconstruction projects is waning. Alongside security, Prime Minister Maliki's Government must start providing basic services to help it win back legitimacy from the militias and other armed groups …
>
> "There are some signs that the Government is at last starting to grasp this agenda. It has set up an economic committee … and a basic services committee … These committees, with US support, aim to co-ordinate civil-military action to build local

---

[401] Minutes, 11 January 2007, DOP(I) meeting.
[402] Letter Benn to Blair, 24 January 2007, [untitled].
[403] Minute Banner to Prime Minister, 19 January 2007, 'Iraq Update, 18 January'.
[404] Letter Marsden to Aldred, 18 January 2007, 'Basra: Weekly Report'.
[405] Paper DFID, 25 January 2007, 'Iraq: Reconstruction Update'.
[406] Paper DFID, 25 January 2007, 'Iraq: Reconstruction Update'; Letter Banner to Siddiq, 29 January 2007, 'Iraq'.

support by delivering a reconstruction 'peace dividend'. As yet, it is too early to judge how successful this approach is likely to be."

711. DFID also reported that its aim in the run up to PIC in Basra was to help the Provincial Council demonstrate that it was in charge and delivering services. The first step was to secure Baghdad's approval for Basra's provincial strategy and associated budget. The second was to get Baghdad to release the funds. The third was to help the Council to communicate and deliver services. The US had adopted a similar focus.

712. DFID's second fortnightly update on 8 February expanded on the problems that the Iraqi Government had in spending its money.[407] With oil prices topping US$60 per barrel, the Iraqi Government was "cash rich", but in the nine months to October 2006, it had spent just 14 percent of the US$8.2bn allocated to public investment. The Ministry of Oil had spent only one percent of the US$3.5bn allocated to it. DFID attributed the underspend to:

- poor security;
- poor planning by line ministries (and failure at the centre to demand plans); and
- paralysis resulting from distrust between the Ministry of Finance (responsible for disbursing and accounting for funds) and the Ministry of Planning (responsible for reviewing plans and agreeing allocations).

713. The Iraqi Government was considering setting up a National Council for Reconstruction and Development, chaired by the Prime Minister, to accelerate disbursement. The US was setting up a "Budget Execution Cell" in the Deputy Prime Minister's Office, which might increase disbursement in the short term but was unlikely to be sustainable or to lead to significant improvements in services. DFID commented: "In reality, there are few quick fixes to improving services in Iraq."

714. DFID also reported that the World Bank would open an office in Baghdad the following week. It would have three full-time staff, "supported by DFID and protected under the [UK] security umbrella". As the coalition scaled back during 2007, the Bank was likely to become the Iraqi Government's "partner of choice".

715. On the Iraqi Government's failure to disburse, Mr Blair commented, "we must get this sorted out"; on Iraqi and US action to increase disbursement, he asked, "can't we provide the competence?".[408]

716. Dr Marsden reported on 9 February that the centre of a "revamped" Better Basra Action Plan would be a political plan for getting Basra to PIC and beyond. That political plan would be supported by the other lines of operation ("military, police, reconstruction etc").[409]

---

[407] Paper DFID, 8 February 2007, 'Iraq: Reconstruction Update'.
[408] Manuscript comment Blair on Paper DFID, 8 February 2007, 'Iraq: Reconstruction Update'.
[409] Letter Marsden to Aldred, 9 February 2007, 'Basra: Weekly Report'.

717. Dr Marsden commented that it was important to acknowledge that the UK did not have a sufficiently clear picture of Basrawi politics and their connection to Baghdadi politics to be confident that any plan was credible.

718. The MOD sent No.10 a report on the effects of Op SINBAD on 16 February, as background material for Mr Blair's statement to the House of Commons the following week.[410] It concluded that "quick impact projects, short-term employment, and the demolition of the Jameat police building" had improved consent levels and provided an opportunity to make progress towards PIC.

719. MND(SE) had spent US$77m on quick impact projects during Op SINBAD, generating 25,000 short-term jobs. Those economic results had not been decisive; many of the economic problems in southern Iraq stemmed from a lack of national and Provincial Government capacity to prioritise and spend resources:

> "The Provincial Council need to start leading and delivering projects for decisive and sustained economic effect to be felt."

720. Mr Blair told the House of Commons on 21 February that the UK hoped that Maysan could be transferred to full Iraqi control "in the next few months", and Basra in the second half of 2007.[411] The transfer of security responsibility would result in a reduction in the level of UK forces from 7,100 to roughly 5,500. With the exception of those troops which would remain at Basra Palace, UK forces would be based at the BAS and be in a support role.

721. At the end of February, at Mr McDonald's request, Dr Marsden produced a second report on life for ordinary Iraqis in Basra.[412]

722. Drawing on over 100 interviews carried out in and around Basra by a member of the PRT, poll data and other sources, she reported that life was "still grim". Violence and lawlessness were Basrawis' overwhelming concern. Women were increasingly afraid to leave the house, fearing kidnap, harassment or sexual violence. Many had been forced to give up their jobs. The police were not trusted, with many interviewees telling stories of intimidation, kidnapping and death squads.

723. Support for the national Government and Prime Minister Maliki was high, support for the Provincial Government low. Local politicians were seen as corrupt, unqualified and linked to militias. No interviewee was able to give an example of something that the Provincial Government had done to improve the lives of ordinary people. After security, unemployment was the most commonly cited concern: polling indicated that some 30 percent of Basrawis were employed. Few interviewees saw any improvements in basic services: what work had been done was of poor quality. Most Basrawis had

---

[410] Letter Beadle to Banner, 16 February 2007, 'The Effects of Op SINBAD 20 September 2006 to 14 January 2007'.
[411] House of Commons, *Official Report*, 21 February 2007, columns 261-280.
[412] Letter Marsden to McDonald, 28 February 2007, 'Basra: everyday life for ordinary Iraqis'.

electricity for between seven and 12 hours a day. Mains water was not suitable for drinking; families that could afford it bought bottled water. Hospitals were dirty and poorly staffed and equipped. Experienced doctors had left the country or been killed. Medicine was expensive and in short supply. School standards were low.

724. More positively, Dr Marsden reported that people still rejoiced in their greater political freedom. Civil society was growing. The better off could enjoy new consumer goods and the freedom to travel outside Iraq. There were signs of growth in the local economy and public sector salaries had steadily increased.

725. Dr Marsden sent Ms Aldred the third iteration of the Better Basra Action Plan (BBP3) on 2 March.[413] In her covering letter, Dr Marsden advised that:

> "For the first time we have got a fully integrated plan that has been drafted jointly by the Consulate [British Embassy Office Basra], the PRT and MND(SE)."

726. Dr Marsden also advised that BBP3 had also been discussed in detail with the Head of the US Embassy Regional Office in Basra, who was content with it (though he did not intend to clear it formally with Washington).

727. BBP3 stated that it was "a comprehensive strategy for bringing Basra to the point where it can transition to Provincial Iraqi Control (PIC)". It sought to ensure that all nine "lines of operation" (political, security, rule of law, the judiciary, prisons, governance, infrastructure, economic development and strategic communications) were integrated under a single, overarching political strategy. BBP3 set out for each line of operation, key benchmarks for March and June 2007, a detailed work plan, and an estimate of the cost of implementing proposed new projects (which totalled some £21m in 2007/08). Delivery of BBP3 would be "driven by" the southern Iraq Steering Group (SISG).

728. The political and security lines of operation are described in Section 9.5 and the rule of law, judiciary and prisons lines of operation in Section 12.1.

729. On governance, BBP3 stated that the UK's focus would continue to be to help the Provincial Council to plan for, access and spend resources in a prioritised, transparent and accountable way, and to develop an effective working relationship with Baghdad to ensure that Basra got its share of the national budget.

730. On infrastructure, the UK's objective was to support the Provincial Council to deliver better services using Iraqi resources, while continuing to use CERPs funding, where appropriate, for "last mile service provision".

731. On economic development, the UK's priorities were to boost job creation, lay the foundations for more entrepreneurial activity and cross-border trade, support the agricultural sector, and build the Provincial Government's capacity to support economic

---

[413] Letter Marsden to Aldred, 2 March 2007, 'Better Basra' attaching Paper Basra Consulate/PRT/MND(SE), 1 March 2007, 'Better Basra Mark 3: The 2007 plan'.

development. Activities included the establishment of a Basra Provincial Development Agency and Development Fund.

732. BBP3 stated that:

> "We have to be realistic about what we can achieve. With the time and resources available, we cannot address all Basra's problems nor every falling in its public administration and security forces. 'Better Basra' seeks to address those identified as most critical to making progress against established transition readiness indicators."

733. Mr Rob Tinline, Deputy Consul General in Basra from February 2007 to February 2008 and one of the authors of BBP3, told the Inquiry:

> "… one of the great debates was: is it [BBP3] a British plan or is it a coalition plan? And obviously with GOC MND(SE) saying, 'Well, if it's going to be mine, it's going to have to be a multi-national plan', the Consul General saying, 'Well, hang on, we can't clear this through the State Department, it will take forever', what do you do? I think I'm right in saying 90, 95 percent of the money that was spent in Basra was American money. So if we wrote a British plan with five per cent of the money, well …
>
> "So how you wrote a plan was actually a ridiculously complicated thing, and we ended up … with a sort of compromise where we'd shown it to the Americans and they sort of said, 'Yes, this is more or less right', but it was a British plan … We would never have got a multi-national plan for the South through the American system."[414]

734. A September 2008 review of the Basra PRT undertaken by the Stabilisation Unit, the successor to the PCRU, offered a view on the Better Basra planning process at this time:

> "There is no [UK Government] wide strategy for Iraq … Although the Better Basra Plans did go some way towards addressing this absence in 2006 and 2007, these evolved in an incremental bottom-up way, hampered by a lack of strategic guidance from Whitehall, and frequent change-over of personnel in theatre, and so eventually fell by the wayside during the course of 2007."[415]

---

[414] Public hearing, 24 June 2010, page 27.
[415] Report Stabilisation Unit, 3 September 2008, 'Review of the Basra Provincial Reconstruction Team'.

735. Also on 2 March, Dr Marsden and Maj Gen Shaw wrote to Ms Aldred, in response to Sir Nigel Sheinwald's 25 January request for a note on civilian/military structures in Basra.[416] They advised that:

> "The profile of the security concerns in southern Iraq should not obscure the fundamentally political nature of the end state we are pursuing. Military action must be supportive of the political and civilian lines of operation."

736. Consistent with that assessment, the SISG, chaired by Dr Marsden, would oversee delivery of the strategic objectives identified in BBP3. The SISG would take strategic direction from and report to the ISG and the ISOG in London.

737. Maj Gen Shaw told the Inquiry:

> "… I had inherited a situation where the military commander and the Consul General had joint ownership of the southern Iraq Steering Group.
>
> "Well, I've always adhered to the principle that … if you can't identify who is in charge, you are in trouble, and joint ownership strikes me as a recipe for disaster because you don't know who is in charge.
>
> "I said to the Consul General [Dr Marsden], 'Listen, this is a political problem, not a military one now. We're supporting you in achieving a political end state for Iraq. So you are in charge, I'm in support. What do you want me to do?' …"[417]

738. Dr Howells briefed Ministers on the finalisation of BBP3 and the process for implementing it at the 8 March meeting of DOP(I).[418] BBP3 would be circulated out of committee the following day for Ministers "to note".

739. The 8 March meeting of DOP(I) also considered the deteriorating humanitarian situation in Iraq.[419] The Government's response to the humanitarian situation is addressed later in this Section.

740. A DFID official advised Mr Benn on 13 March that Mr Tinline (the Deputy Consul General) would "double-hat" as the PRT Team Leader from 1 April.[420] That should ensure better co-ordination between civilian and military elements. PCRU officials had covered the post since Mr Etherington's departure in January.

741. Mr Tinline told the Inquiry that, during his time in Iraq, the British Embassy Office Basra had an (international and local) staff of 100 and the PRT a staff of 30.[421]

---

[416] Letter Marsden and Shaw to Aldred, 2 March 2007, 'The Comprehensive Approach: Application in southern Iraq'.
[417] Private hearing, 21 June 2010, pages 20-21.
[418] Minutes, 8 March 2007, DOP(I) meeting.
[419] Minutes, 8 March 2007, DOP(I) meeting.
[420] Minute DFID [junior official] to Private Secretary [DFID], 13 March 2007, 'Iraq: Future of DFID's Presence and Programme in Basra'.
[421] Public hearing, 24 June 2010, page 106.

742. Mr Benn was also advised that the final component of DFID's IISP, the Basra water towers, should be completed in October; that would conclude DFID's direct infrastructure work.

743. Maysan transferred to PIC on 18 April. Maysan was the third province within MND(SE) to transfer, Muthanna and Dhi Qar having done so in July and September 2006 respectively. This left Basra as the only province for which the UK retained security responsibility.

744. Section 9.5 describes the UK's focus in early 2007 on encouraging the Iraqi Government to do more to promote reconciliation in Iraq, against a background of continuing sectarian violence. The UK saw a Hydrocarbons Law as one element of an effective reconciliation process.

745. Mr Richard Jones, Dr Marsden's successor as the British Consul General in Basra, reported on 19 April that "out of the blue", a demonstration against Governor Waili "throws open the political future of Basra".[422] Mr Jones assessed that the demonstration had been motivated in large part by "a straight power struggle" in Basra drawing on concerns over corruption, and in part by national politics.

746. Mr Robert Tinline, Acting Consul General in Basra, reported on 26 April that the ongoing power struggle in Basra, centred on Governor Waili, was diverting energy from other activity.[423] Several key meetings on development had been postponed. If the uncertainty dragged on, the UK would begin to lose momentum on key strands of work.

747. Mr Browne briefed Cabinet on 3 May that the political vacuum in Basra threatened to undermine UK efforts and the gains made by Op SINBAD.[424] Governor Waili was assailed on all sides and was ineffective. Militias were vying for political power.

748. On the same day, members of the international community gathered in Sharm el-Sheikh, Egypt, to launch the International Compact with Iraq.[425] It was formally launched by Prime Minister Maliki and UN Secretary-General Ban Ki-moon. The UN described the Compact as:

> "… a five-year national plan that includes benchmarks and mutual commitments from both Iraq and the international community, all with the aim of helping Iraq on the path towards peace, sound governance and economic reconstruction."

749. At the launch, Mrs Beckett announced that the UK would spend at least an additional £100m on rebuilding Iraq.[426]

---

[422] Letter Jones to Aldred, 19 April 2007, 'Basra: Weekly Report'.
[423] Letter Tinline to Aldred, 26 April 2007, 'Basra: Weekly Report'.
[424] Cabinet Conclusions, 3 May 2007.
[425] United Nations, 27 April 2007, *Fact Sheet on the International Compact with Iraq*.
[426] *BBC News*, 3 May 2007, *UK pledges extra £100m for Iraq.*

750. A DFID official advised Mr Benn that that commitment, added to the £544m pledged at the Madrid Donors Conference in October 2003 and the £100m announced by Mr Brown in November 2006 (when it had been thought the launch of the Compact was imminent), brought the UK's total "Iraq reconstruction pledge" to £744m.[427] £660m of that had already been spent and £730m was forecast to be spent by the end of 2008. The pledge therefore required only very modest expenditure on Iraq between the end of 2008 and 2012 (the end of the Compact period).

The International Compact with Iraq, May 2007

The International Compact with Iraq was formally launched by Prime Minister Maliki and UN Secretary-General Ban Ki-moon on 3 May 2007.[428]

Preparatory work on the Compact began in early 2006. The UK hoped that the Compact would draw in international support (with the UN and World Bank at the centre) to help Iraq deliver its National Development Strategy.[429] Delivery of residual Madrid Donor Conference pledges and non-Paris Club debt relief would complement the Compact.

The UK progressively lowered its expectations. Mr McDonald reported to ISOG on 3 November 2006 that there was a "clash of objectives", with Iraq asking for funding and the international community requesting "evidence of progress".[430] ISOG agreed the UK should focus its effort on the period after the launch, to ensure "robust implementation".

Later that month, a DFID official advised Mr Benn that the Compact was likely to have "very little developmental value".[431] It did not reflect Iraq's slide into sectarian conflict, and Iraqi ownership of and commitment to reform was limited.

Deputy Prime Minister Barham Salih discussed the launch of the Compact with Sir Nigel Sheinwald on 12 April 2007.[432] Mr Salih requested the "UK's leadership" in urging Europe to commit resources to Iraq over the next four to five years. Sir Nigel agreed. Mr Salih also asked the UK to lobby European partners to agree to write off 100 percent of Iraqi debt.

Mr Blair was advised the following day that departments were considering what more the UK and other European countries could do, but that encouraging investment in the current security climate and in the absence of progress on the reconciliation agenda would be difficult.[433]

751. Mr Blair announced on 10 May that he was standing down as Leader of the Labour Party and would be resigning as Prime Minister on 27 June.[434]

---

[427] Minute Winterton to Private Secretary [DFID], 27 April 2007, 'Iraq: Compact launch and UK statement'.
[428] United Nations, 27 April 2007, *Fact Sheet on the International Compact with Iraq*.
[429] Minute Asquith to Private Secretary [FCO], 24 May 2006, 'Iraq: DOP-I: 24 May'.
[430] Minute Cabinet Office [junior official] to Sheinwald, 6 November 2006, 'Iraq Senior Officials Group'.
[431] Minute DFID [junior official] to Private Secretary [DFID], 13 November 2006, 'Iraq: briefing' attaching Paper DFID, November 2006, 'Iraq: International Compact'.
[432] Letter No.10 [junior official] to Hickey, 12 April 2007, 'Iraq: Nigel Sheinwald's conversation with Barham Saleh, 12 April'.
[433] Minute No.10 [junior official] to Prime Minister, 13 April 2007, 'Iraq Update, 13 April'.
[434] *BBC News*, 10 May 2007, *Blair will stand down on 27 June*.

752. Mr Jones reported on 23 May that he understood that the Iraqi Minister of Finance had instructed the Iraqi Central Bank to freeze all development funds in its Basra accounts until the conflict between Governor Waili and the Provincial Council had been resolved.[435] He had done so because Governor Waili had written to the Central Bank requesting that those funds be transferred from both his own and the Provincial Government's accounts to another, unspecified, bank account. The Provincial Council had protested. Mr Jones commented that the UK had been working for months to persuade Baghdad to provide the finance that Basra deserved for development work. The freeze was another incentive to resolve the political impasse as soon as possible.

753. Mr Jones also reported that:

> "All of our contacts speak of deterioration in the security situation … The electricity supply has also deteriorated … The lack of power has stopped the electric water pumps from working. Potable water is scarce and 70 percent of the city is without a mains supply (worst affected are poorer areas such as the Shia flats)."

754. In his evidence to the Inquiry, Mr Jones characterised the poor relations between Prime Minister Maliki and Governor Waili, and between Governor Waili and the Provincial Council, as a challenge to UK engagement in Basra but not a constraint.[436]

755. On 12 May, Mr Brown's Principal Private Secretary commissioned advice for Mr Brown on how the UK might increase support for economic development and reconstruction in Iraq and, in particular, Basra.[437]

756. A Treasury official provided that advice on 24 May.[438] Economic growth and job creation had a vital part to play in building sustainable peace and stability and reconciling Iraq's divided communities. The three priorities which would do most to boost economic growth were:

- building on existing macroeconomic stability;
- improving the efficiency and effectiveness of the public sector; and
- expanding and improving the efficiency of the oil industry. That required a Hydrocarbons Law, improved security and an integrated energy strategy covering investment and reform.

757. The UK could also consider shorter-term initiatives (although those would become harder to implement after the drawdown of UK forces), including:

- further initiatives on the lines of Op SINBAD; and
- initiatives which aimed to revitalise Iraqi industry.

---

[435] Letter Jones to Aldred, 23 May 2007, 'Basra: Weekly Report'.
[436] Public hearing, 24 June 2010, page 81.
[437] Email Treasury [junior official] to Treasury [junior official], 12 May 2007, 'Iraq – latest situation/economic development'.
[438] Paper Treasury, 24 May 2007, 'Economic Aspects of Stability in Iraq'.

758. The official also advised that there was a limit to the number of jobs that could be created in the short to medium term and that "whilst more jobs may help to divert some energies away from conflict, it will only be a small contributory factor to reducing the violence, whose root causes are multifaceted".

759. Mr Brown and Mr Browne made a joint visit to Baghdad on 11 June and met a number of key individuals, including Prime Minister Maliki.[439] Mr Brown told Prime Minister Maliki that:

> "… the UK was keen to support the Prime Minister on changes to the Constitution, new laws and reforms and economic infrastructure and support."

Responding to the displacement crisis

760. Sections 9.4 and 9.5 describe the sharp rise in sectarian violence after the bombing of the al-Askari mosque in Samarra in February 2006.

761. The International Organization for Migration (IOM) reported that the violence caused hundreds of thousands of families to flee their homes; displacement peaked in June 2006 when over 16,000 families fled their homes.[440]

762. A No.10 official sent Mr Blair a UN High Commissioner for Refugees (UNHCR) update on the situation on 1 December 2006.[441] UNHCR advised that approximately 425,000 Iraqi citizens had been internally displaced since the Samarra bombing. In total, there were at least 1.6m Iraqi citizens displaced within Iraq and between 1.6m and 1.8m Iraqi refugees in the region; there were also 50,000 refugees from other countries in Iraq. The needs of Internally Displaced People (IDPs), returnees, refugees and their host communities were "dramatic and to a large extent unmet".

763. On 11 January 2007, the British Embassy Baghdad reported that UNHCR had launched an appeal for US$60m to meet the humanitarian needs of Iraqi refugees and IDPs in 2007.[442] UNHCR estimated that, of the 1.7m IDPs in Iraq, one million had been displaced before 2003 and up to 490,000 since the Samarra bombing. Obtaining accurate figures was difficult as many IDPs were living with extended family or not registering with the Government. UNHCR expected that it would be difficult to raise funds from donors, given Iraq's budget surplus.

764. At the 11 January meeting of DOP(I), Ministers commented that IDPs were "principally an Iraqi Government responsibility – it should address the violence and push forward reconciliation, and had the resources to address the needs of the displaced".[443]

---

[439] Letter Bowler to Banner, 13 June 2007, 'The Chancellor and Defence Secretary's Visit to Baghdad'.
[440] International Organization for Migration, [undated], *Iraq Displacement 2007 Year in Review.*
[441] Minute Banner to Prime Minister, 1 December 2006, 'Iraq Update, 1 December' attaching Paper, [undated], 'UNHCR Update on the Iraq Situation'.
[442] eGram 1267/07 Baghdad to FCO London, 11 January 2007, 'Iraq: Update on the Situation with Internally Displaced People'.
[443] Minutes, 11 January 2007, DOP(I) meeting.

765. Mr Dinham, who attended the DOP(I) meeting, reported to DFID colleagues that Mr Benn had said that he would be urging the UN to use unspent donor funds to meet the UNHCR appeal.[444] Mr Browne had favoured pressing the Iraqi Government to contribute to the UNHCR appeal; this was a problem for which the Iraqi Government was responsible and there was no shortage of Iraqi money.

766. The 11 January report from the British Embassy Baghdad was passed to Mr Blair on 12 January.[445] A No.10 official commented on the report: "We are encouraging the GoI [Iraqi Government] to get its act together, given that these are its citizens."

767. Mr Benn wrote to Mr Blair on 24 January, providing an update on the humanitarian situation in Iraq:

> "Displacement is causing a de facto geographical separation along sectarian lines, as different ethnic groups move to areas in which they will be the majority.
>
> "There is clearly a strong political dynamic to the situation and it is essential that we address both the cause and the symptoms … We should press the Iraqi Government to address displacement issues as part of reconciliation, and to do more itself to provide basic services to meet humanitarian needs. The picture is unpalatable for the Iraqi government … and indeed for the coalition (hence the largely silent nature of the humanitarian crisis so far) …
>
> "It is clear that while not letting the Iraqi Government off the hook, we must also continue to respond to humanitarian needs in Iraq …"[446]

768. Mr Benn advised that he had therefore decided to contribute £4m to the International Committee of the Red Cross (ICRC).

769. On 23 February, a No.10 official advised Mr Blair that there had been little improvement in the humanitarian situation, and that the Iraqi Government remained "largely silent" on the issue.[447] The Iraqi Ministry of Displacement and Migration was trying to help but it had little capacity to respond; its budget was "woefully inadequate". Meanwhile, the international community was stepping up its response. DFID continued to look at ways of unlocking unspent donor funding.

770. The 8 March meeting of DOP(I) returned to the issue of the humanitarian situation in Iraq.[448]

---

[444] Email Dinham to DFID [junior official], 11 January 2007, 'DOP(I)'.
[445] Minute Banner to Blair, 12 January 2007, 'Iraq Update, 12 December [sic]'.
[446] Letter Benn to Blair, 24 January 2007, [untitled].
[447] Minute Fletcher to Prime Minister, 23 February 2007, 'Iraq Update, 23 February' attaching Paper DFID, 22 February 2007, 'Iraq: Reconstruction Update'.
[448] Minutes, 8 March 2007, DOP(I) meeting.

771. In a briefing paper for the meeting, DFID reported that the number of people displaced since the Samarra bombing had risen to 650,000.[449] UNHCR estimated that the total number of IDPs in Iraq could rise to 2.3m by the end of 2007. The number of Iraqi refugees in the region had risen from 1.8m to over 2m.

772. The trend was of "increasing polarisation" along sectarian and geographical lines, which would have a considerable impact on the political landscape and made a national response more complex. In contrast to previous displacements, the moves were permanent.

773. In Iraq, security had compromised delivery mechanisms, and weak Iraqi public services had not been able to keep up with demand. The Iraqi Government had failed to recognise that this was a strategic issue with long-term political consequences. There was an increasing risk that militias were being seen by Iraqi communities as guarantors of local security. The UK's objective remained to build Iraqi capacity to provide security and basic services; however:

> "It will take years for Iraq to undertake the necessary reforms and develop the systems for effective service delivery. There is therefore a humanitarian imperative for the international community to assist in the short term."

774. DFID stated that it would contribute a further £5m to humanitarian relief operations in Iraq and the region (bringing DFID's total contribution to the crisis for 2007 to £9m).

775. Other major contributions were:

- Japan had pledged US$104m;
- the EC had pledged €20m; and
- the US had pledged US$23m.

776. Introducing the DFID paper at the DOP(I) meeting, Mr Benn said that Prime Minister Maliki remained more focused on security and his own political concerns, but the UK continued to push the Iraqi Government to allocate adequate resources to the problem.[450]

777. The DOP(I) meeting concluded that the UK should lobby the Iraqi Government, UN, ICRC and the IOM to step up their actions to address the crisis.

778. DFID made further contributions to the international humanitarian response later in March and in November, bringing the UK's total contribution for 2007 to £15m.[451]

779. On 18 April, a No.10 official advised Mr Blair that the UN assessed that the refugee and IDP situation was becoming more acute.[452] The Iraqi Government had pledged

---

[449] Paper DFID, 7 March 2007, 'The Humanitarian Situation in Iraq'.
[450] Minutes, 8 March 2007, DOP(I) meeting.
[451] Paper DFID, 4 November 2009, 'Iraq – DFID Timeline and Financial Commitments: 2003 – 2009'.
[452] Minute Phillipson to Prime Minister, 18 April 2007, 'VTC with President Bush – 1800 18 April'.

US$25m to the UN, but that amount was “fairly minimal, given the resources required, and that it has primary responsibility for the well-being of Iraq’s citizens”.

780. The IOM’s review of displacement in Iraq in 2007 reported that displacement had slowed over the course of the year, due to improved security in some areas and the “sectarian homogenization” of previously mixed neighbourhoods: “in other words, there were fewer and fewer people to force out”.[453] Conditions continued to deteriorate for the 2.4m IDPs in Iraq.

781. On 12 March 2008, a DFID official advised Mr Douglas Alexander, who had succeeded Mr Benn as International Development Secretary, that the UN estimated that there were now 2.2m IDPs in Iraq.[454] The Iraqi Government had recently announced a US$40m contribution to the UN’s US$265m Consolidated Appeal (which had been launched in February), but was doing little to support vulnerable people inside Iraq.

782. DFID contributed a further £29m to the international humanitarian response in 2008.[455]

783. A study by The Brookings Institution-University of Bern Project on Internal Displacement, published in December 2008, suggested that smaller minority groups in Iraq comprised a disproportionately large percentage of displaced people, due to the harassment they had experienced after 2003.[456] The study offered a comparison of the estimated numbers of minority groups in Iraq in 2003 and 2008:

Table 1: Displacement of minority groups within Iraq

Group	2003	2008
Christians	1.0 to 1.4m	600,000 to 800,000
Jews	A few hundred	10 to 15
Mandaeans	30,000	Fewer than 13,000
Palestinians	35,000	15,000
Turkomans	800,000 claimed	As low as 200,000
Yazidis	Not known	About 550,000

[453] International Organization for Migration, [undated], *Iraq Displacement 2007 Year in Review*.
[454] Minute DFID [junior official] to PS/Secretary of State [DFID], 12 March 2008, ‘Iraq: Humanitarian Assistance’.
[455] Paper DFID, 4 November 2009, ‘Iraq – DFID Timeline and Financial Commitments: 2003 – 2009’.
[456] The Brookings Institution-University of Bern Project on Internal Displacement, December 2008, *Minorities, Displacement and Iraq’s Future*.

Reconstruction under Mr Gordon Brown's Premiership

784. Mr Gordon Brown took office as Prime Minister on 27 June 2007. He appointed Mr Douglas Alexander as Development Secretary, replacing Mr Benn, and Mr David Miliband as Foreign Secretary, replacing Mrs Beckett. Mr Des Browne remained Defence Secretary.

785. The most pressing issues facing the UK in Iraq remained the timing of the withdrawal of UK forces from Basra Palace, and Basra's transition to PIC (see Section 9.6).

786. The introductory briefing produced by DFID officials for Mr Alexander described Iraq as a wealthy country (with oil revenues of US$37bn in the current year) which was unable to spend or manage its resources effectively to deliver public services because of poor security, poor political leadership and a lack of technical ability.[457]

787. DFID's priority was to build the capacity of the Iraqi Government to deliver public services, by providing high-level policy and technical advice in Baghdad on economic reform. DFID was also looking at options to provide further support for reconciliation, and providing humanitarian assistance to the four million people displaced in Iraq and neighbouring countries.

788. In Basra, DFID's power and water infrastructure programmes would end in late 2007, having delivered improved access to water for over one million people and added or secured enough power to provide 700,000 people with 24-hour electricity.

789. DFID was also seeking to promote economic growth and private sector investment in Basra by supporting:

- the creation of a Basra Development Commission (BDC);
- the creation of a Basra Investment Promotion Agency (BIPA);
- the creation of a Basra Development Fund; and
- those institutions' priorities, including a Basra Economic Development Strategy, investor visits and youth employment initiatives.

790. Mr Alexander's briefing for a trilateral meeting with Mr Miliband and Mr Browne in early July highlighted the constraints on reconstruction, including the politicisation of ministries and deteriorating security:

> "The Ministry of Finance does not function effectively and is subject, like many Ministries, to partisan control. Combined with an almost total lack of transparency, the Ministry is able to withhold funding to certain ministries.

---

[457] Paper DFID, [undated], 'Iraq: Briefing for New Ministers, June 2007'.

> "We are increasingly unable to visit key ministries in Baghdad … We need to be realistic about what is achievable."[458]

791. The briefing also stated that DFID's budget for Iraq for 2007/08 was £30m, down from £45m in 2006/07. Officials anticipated a "further tapering" over the next few years, although that had not yet been announced.

792. Mr Brown spoke to Prime Minister Maliki on 5 July.[459] On Basra, Prime Minister Maliki said that he hoped it would be possible to reduce the burden on UK forces and for Iraqi forces to take the lead within three months.

793. Mr Brown said that he would like to discuss the scope for economic initiatives, and promised to send suggestions in the next few days. No.10 asked DFID for a draft letter for Mr Brown to send to Prime Minister Maliki "setting out draft proposals for an economic initiative".

794. Mr Brown discussed Iraq with President Bush by video link on 9 July.[460] Mr Brown commented that the Iraqi Government was making slow progress. Faster action was needed on the Hydrocarbons Law and on "democratisation".

795. In an interview on the *BBC's Today Programme* on 11 July, Mr Brown described the UK's strategy in Iraq as:

- establishing security;
- promoting reconciliation; and
- "to get people, and this is often forgotten, a stake in the future by helping the economic development of Iraq".[461]

796. Mr Brown continued:

> "… I think one of the failures at the beginning was that we didn't put the resources and the help in to economic reconstruction that was necessary … we can do a lot better in the future."

797. Mr Brown said that as the UK moved from a combat role to overwatch, it would bring in the resources that were necessary for economic development.

798. The Overseas and Defence Sub-Committee of the Committee on National Security, International Relations and Defence (NSID(OD)), the successor to DOP(I) as the principal forum for Ministerial discussion on Iraq, was scheduled to meet for the first time on 19 July to discuss transition in Basra.

---

[458] Minute DFID [junior official] to PS/Secretary of State [DFID], 29 June 2007, 'Iraq: Briefing for DFID/FCO/MOD Ministerial Trilateral' attaching Paper DFID, [undated], 'DFID/FCO/MOD Ministerial Trilateral on Iraq and Afghanistan'.
[459] Letter Banner to Hickey, 5 July 2007, 'Conversation with Iraqi Prime Minister'.
[460] Letter Henderson to Hayes, 9 July 2007, 'Iraq/Afghanistan: Prime Minister's VTC with President Bush'.
[461] *BBC Radio 4,* 11 July 2007, *Today Programme.*

799. In advance of the meeting, FCO and MOD officials produced a joint paper setting out the latest "assessments and plans on security transition and the associated re-posturing and drawdown of UK troops in Basra" (see Section 9.6).[462]

800. The FCO and MOD assessed that the UK had achieved "only some" of its objectives in Iraq. Iraq had "the forms of democracy" but the constituent parts of the Iraqi Government were not working together to a genuine national unity agenda and there was no commitment to reconciliation. In that context, the paper reported that:

> "Ministers treat their Ministries as party and personal fiefdoms, sources of funds and patronage. The writ of central Government runs weakly outside the Baghdad International Zone."

801. The FCO and MOD set out the process by which judgements were reached (by MNF commanders and Prime Minister Maliki) on whether provinces were ready for PIC, and an assessment of Basra's progress against the four PIC conditions (security conditions and threat levels, ISF capacity, the Governor's capacity to take responsibility for security, and the coalition's ability to re-intervene if necessary). The UK was also monitoring progress against an additional condition, which it judged to be important:

> "capability of the provincial authorities to direct reconstruction, and to spend their budgets wisely and accountably".

802. The last UK military base in Basra city was the Basra Palace Compound (BPC), which the paper described as "the most heavily mortared and rocketed place in Iraq". The UK planned to hand over the BPC to the Iraqi authorities, and withdraw UK troops based there to Basra Air Station (BAS), on 31 August. That would represent the "de facto handover of responsibility" to the Iraqi authorities, as UK forces would only be able to intervene from BAS "in extremis".

803. PIC should take place as soon after the handover of the BPC as possible: a long gap would place the UK in a difficult position, "responsible for security in Basra city, but unable to deliver it except at high risk".

804. The FCO and MOD advised that the UK should stick to its transition strategy, including PIC in Basra in the autumn.

805. Looking ahead to Basra after PIC, the FCO and MOD advised:

> "Our planning should assume that the UK civilian presence in Basra will have to be wound up shortly before the removal of the UK military envelope which enables it to operate (though if the US were to decide to move a military presence of their own to Basra Air Station, and to retain a US civilian presence, we could expect US pressure for us to maintain some sort of ongoing commitment to the Basra Provincial Reconstruction Team)."

---

[462] Paper FCO/MOD, 12 July 2007, 'Iraq: Transition in Basra'.

806. The FCO and MOD argued for "a long-term UK commitment in Iraq", which would include influencing the Iraqi Government and supporting the long-term development of its capacity, in particular through the provision of advice to ministries in Baghdad.

807. The 19 July meeting of NSID(OD) was cancelled and not reinstated.[463]

808. On 11 July, a DFID official sent Mr Simon McDonald, Mr Brown's Foreign Policy Adviser, a draft letter for Mr Brown to send to Prime Minister Maliki.[464]

809. The draft letter reflected guidance from Mr Alexander that the UK should be realistic about the role of economic reform and only propose initiatives that had a good chance of being realised.[465]

810. Mr McDonald passed the draft letter to Mr Brown on 27 July, after consulting the FCO and the British Embassy Baghdad.[466] Mr McDonald commented that the approach set out in the draft letter was:

> "… sensible and realistic but not particularly ambitious … But the Embassy argue that, taking into account the security situation and the lack of political will … this is as much as we would be able to get Maliki to consider."

811. Mr Brown wrote to Prime Minister Maliki on 29 July.[467] While establishing security remained the "abiding priority", it was vital that people were given a stake in their future. Mr Brown suggested that the UK could help the Iraqi Government to:

- secure a new IMF Stand By Arrangement by the end of 2007;
- develop an integrated energy strategy, alongside the World Bank;
- reform the banking sector, also alongside the World Bank;
- strengthen financial management, by continuing to fund an economic reform team; and
- establish the BIPA to identify and promote investment opportunities throughout the province. The UK had allocated funds to help establish the Agency. If successful, it could be replicated in other Provinces and inform the creation of a National Investment Commission.

812. Mr Brown told the Inquiry:

> "… if you can show people that their economic prosperity is possible, then the risks of returning to violence are seen by people to be too great to put at risk something that they were now about to enjoy. So I wanted to show in Basra … that the chance

---

[463] Minute Cabinet Office to NSID(OD) members, 11 February 2010 [sic], 'Ministerial Meeting on Iraq, Cancellation Note'.
[464] Letter DFID [junior official] to McDonald, 11 July 2007, 'Iraq: Prime Minister's Economic Initiative'.
[465] Minute DFID [junior official] to PS [Alexander], 11 July 2007, 'Iraq: 'Economic Initiative' – Prime Minister's Letter to Prime Minster Maliki'.
[466] Minute McDonald to Prime Minister, 27 July 2007, 'Iraq: Economic Initiative'.
[467] Letter Brown to Maliki, 29 July 2007, [untitled].

> of prosperity was something that people should value and should not put at risk by allowing the militias to have control in the area."[468]

813. Mr Brown discussed Iraq with President Bush at Camp David on 30 July.[469] The meeting note produced by Mr Brown's Private Secretary recorded only that Mr Brown welcomed the common ground between himself and President Bush on Iraq and had outlined the UK's proposals for a "development agency" in Basra.

814. Mr Asquith called on Prime Minister Maliki on 1 August, to deliver Mr Brown's 29 July letter on economic reconstruction and to discuss politics in Basra and nationally.[470]

815. Mr Asquith reported that Prime Minister Maliki warmly welcomed Mr Brown's letter, which was in line with his desire to deepen co-operation with the UK on issues other than security and with his own Government's focus on economic development. Prime Minister Maliki said that he would approve a request from the Basra Provincial Council to establish the BIPA.

816. Prime Minister Maliki said that he was also interested in bigger projects in the Basra region which were national in scope such as the Grand Port project in the oil sector, which would attract large-scale international investment.

817. Prime Minister Maliki also advised that the "troublesome" Governor Waili had been legally dismissed but was appealing that decision, causing a delay in his removal.

818. Mr Jones' weekly report of the same day advised that the Deputy Prime Minister's Office had identified bringing Basra International Airport up to international standards as its top economic priority in the province, and had requested UK advice on how to achieve that.[471] Mr Jones was pursuing the issue with the RAF and the US.

819. Prime Minister Maliki replied to Mr Brown's letter on 7 October.

820. Jaysh al-Mahdi (JAM) in Basra called a month-long cease-fire, beginning on 13 August.[472] Sir John Scarlett, Chief of SIS, told the Inquiry that:

> "… the cease-fire for a month on 13 August worked straight away. There was an immediate falling away of attacks, and it then carried on. It went beyond the month and it became effectively a permanent feature. So it was remarkably successful."

---

[468] Public hearing, 5 March 2010, pages 38-39.
[469] Letter Clunes to Gould, 31 July 2007, 'Prime Minister's Meeting with President Bush: Iraq […]'.
[470] eGram 32637/07 Baghdad to FCO London, 1 August 2007, 'Iraq: Meeting with Prime Minister Maliki, 1 August'.
[471] Letter Jones to Aldred, 1 August 2007, 'Basra: Weekly Report'.
[472] Private hearing, 10 June 2006, page 41.

821. Mr Jon Day, MOD Director General (Security Policy), told the Inquiry that the cease-fire not only brought a reduction in attacks on coalition forces in Basra:

> **"**But the critical strategic dividend, as far as we were concerned, was that the overall decline in violence helped encourage the resurgence of real political activity …
>
> "Another consequence, which … was felt to be quite important by those on the ground at the time … is that prior to the understandings, coalition-sponsored reconstruction work in Basra had almost come to a stop. The understandings reduced the threat to military and civilian workers and that allowed work on projects such as the Basra Children's Hospital to start up again and to enable us to plan to do more work elsewhere in Basra."[473]

822. Section 9.6 describes negotiations between the UK and JAM1.

823. Mr Asquith's 16 August valedictory letter to Mr Miliband focused on security and the political process, but also reflected on the UK's role in reconstruction:

> "Outside the military contribution, our favoured route has been through providing expertise. That will remain necessary, but insufficient. The Iraqis prize lasting legacies … We should consider with an open mind taking a leaf out of the Japanese book, making use of some of the savings on the defence side to establish a joint or soft loan financial development fund for specific projects in the education or health sectors. Easier, and more realistic, would be to establish a large trust fund for a permanent scholarship scheme to supplement Chevening. Or we should switch our … focus to an area where we can operate – namely the Kurdish region which we have consistently and puzzlingly ignored."[474]

824. UK troops were withdrawn from the BPC to BAS on 2 and 3 September.[475]

825. DFID advised No.10 on 5 September that since Mr Brown's 29 July letter to Prime Minister Maliki, there had been slow but sure progress on Mr Brown's economic initiative.[476] With the support of the PRT and DFID, the Basra Provincial Council had:

- Agreed a new Provincial Development Strategy. The flow of funds from Baghdad was also starting to increase.
- Agreed with the central Government the "broad shape and purpose" of BIPA, which would be to identify investment opportunities, provide advice to business and government, and implement programmes to stimulate private sector development. The UK was also helping the Council to take forward plans for the physical establishment of the BIPA.

---

[473] Public hearing, 6 January 2010, pages 35-36.
[474] Letter Asquith to Miliband, 16 August 2007, 'Iraq: Valedictory'.
[475] Minute Binns to CJO, 6 September 2007, 'GOC HQ MND(SE) – southern Iraq Update – 6 September 2007'.
[476] Paper DFID, 5 September 2007, 'Basra – Economic Initiative Progress Report'.

- Agreed to establish and fund the Basra Development Fund, which would provide investment and credit for small and medium sized enterprises.
- Begun work on an investment plan and budget to upgrade Basra International Airport, using Iraqi funds, to meet international standards.

826. At the national level, the Iraqi Government was establishing a National Investment Commission and had announced its intention to set up a National Development Fund to provide loans to small enterprises across the country.

827. General Richard Dannatt, Chief of the General Staff, visited Baghdad and Basra from 5 to 7 September.[477] He reported that the situation in Basra was "tentatively quiet". There was probably only a very narrow window of opportunity to reinforce the success that had been achieved on the ground; the emphasis had to shift away from the military line of operation:

> "… sustainability … will only be possible if we now begin to deliver some results on the ground in terms of reconstruction and development. This effort cannot be delivered by the Army – the FCO and DFID must now be prepared to rapidly increase their overall effort, not draw it down …
>
> "Perhaps it is even time to consider whether we should be pushing the FCO or DFID into a more leading role?"

828. Mr Brown and Mr Miliband, accompanied by ACM Stirrup and officials, met General David Petraeus, Commanding General MNF-I, and US Ambassador Ryan Crocker[478] on 18 September.[479] The discussion focused on PIC in Basra.

829. Mr Brown said that economic development of the South remained a major UK priority. Gen Petraeus said there were a number of initiatives on which the UK should engage, including the clearance of Basra port.

830. At the end of the discussion, Mr Brown highlighted three areas for follow up:

- further discussion, including with the Iraqis, of the timeframe for Basra PIC;
- an enhanced UK effort on economic development, including the Basra port; and
- further US/UK discussion of long-term force requirements.

831. Mr Brown visited Iraq on 2 October.[480] The objectives for the trip were to underline:

- the UK's commitment to Iraq;
- the importance of building on progress on security by making a decision soon to transfer to PIC in Basra;

---

[477] Minute Dannatt to CDS, 10 September 2007, 'CGS Visit to Iraq 5-7 Oct'.
[478] Ambassador Crocker took up post as the US Ambassador to Iraq in March 2007.
[479] Letter Fletcher to Gould, 18 September 2007, 'Prime Minister's Meeting with General Petraeus and Ambassador Ryan Crocker, 18 September'.
[480] Letter Fletcher to Forber, 3 October 2007, 'Prime Minister's Visit to Iraq, 2 October'.

- the need for progress on reconciliation; and
- the need for economic progress and service delivery as a strategic priority.[481]

832. DFID's briefing for the visit stated that the UK's approach was to help build Iraq's capacity to use its own resources effectively.[482] DFID was therefore proposing a "three part development 'package'", in addition to its water and power projects in the South and capacity-building work in Baghdad. This comprised:

- An additional £5m in response to the humanitarian crisis in Iraq and the region, bringing the total DFID contribution in 2007/08 to £15m.
- Support for a number of initiatives designed to promote public and private investment in Basra including:
  - support to establish the BIPA and the Basra Development Fund;
  - support to develop Basra International Airport. The PRT, MND(SE) and Basra Council had produced a US$40m plan to upgrade the airport to international standards; the UK was working to secure that funding from central Government; and
  - the promotion of free trade between Basra and Kuwait.

  Those initiatives, together worth over £10m, would be implemented through the Basra PRT.
- Continuing efforts to "leverage in" funding for Basra from central Government. The 2007 budget was expected to include over US$300m for investment in Basra.

833. DFID was also working with MND(SE), other major donors and central Government to accelerate the renovation of Umm Qasr port. DFID had successfully lobbied central government to approve over US$250m in soft loans from the Japanese Government for port renovation.

834. During his meeting with Mr Brown, Prime Minister Maliki said that 2008 would be the "year of reconstruction".[483] It was good that the UK was ready to play a greater role on reconstruction. Mr Brown said that Basra should receive adequate resources from central Government, and identified the Basra Investment Forum as an important opportunity to promote economic regeneration.

---

[481] Minute Cabinet Office [junior official] to Brown, 1 October 2007, 'Iraq Visit: 2 October 2007'.
[482] Paper DFID, September 2007, 'UK Development Package for Iraq'.
[483] Letter Fletcher to Forber, 3 October 2007, 'Prime Minister's Visit to Iraq, 2 October'.

835. After Mr Brown returned from Iraq, his Private Secretary commissioned advice from the Cabinet Office on:

- how best to support a Basra Investment Forum;
- securing greater UK resources for the effort on reconstruction and economic development;
- whether the UK should do more to support the clear-up of Umm Qasr port;
- how best to maximise pressure on Iraqi political leaders; and
- how the UK could offer troops in theatre better access to the internet.[484]

836. Ms Kathleen Reid, Head of the DFID Office in Basra from August 2007 to September 2008, reflected on the impact of Mr Brown's visit in her evidence to the Inquiry:

> "When he [Mr Brown] came in October 2007, to be honest, we were doing quite a few of those things, or struggling away at trying to do a lot of those economic things. Things like the Basra Investment Promotion Agency was something we would have been working on well before he came and visited. Likewise trying to establish the Basra Development Fund, some discussions around Iraq/Kuwait borders. But … there just wasn't necessarily the environment to be able to do that or the impetus behind it, and I think he came and gave far more impetus to that. We put more resources towards it, and … with the … changing security in the following months, it gave more opportunity to then really deliver some results on the ground."[485]

837. Ms Reid also told the Inquiry:

> "Each successive visit from Ministers, from Prime Ministers … gave us more clarity, certainly in terms of timelines.
>
> "When I arrived [in August 2007], there was no real sense of [whether] the PRT was going to be there for another six months or four years, and that became much clearer as time went on and allowed us to do, on the civilian side, our planning."[486]

838. Prime Minister Maliki replied to Mr Brown's letter of 29 July on 7 October.[487] He welcomed the UK's interest in supporting private sector development in Iraq and expressed particular interest in working with the UK in the oil sector, and specifically on infrastructure repairs, installation development, and the development of an integrated energy strategy.

839. NSID(OD) met for the first time on 8 October.[488]

---

[484] Letter Fletcher to Forber, 3 October 2007, 'Prime Minister's Visit to Iraq, 2 October'.
[485] Public hearing, 24 June 2010, pages 13-14.
[486] Public hearing, 24 June 2010, page 13.
[487] Letter Maliki to Brown, 7 October 2007, [untitled].
[488] Minute Cabinet Office [junior official] to Prime Minister, 5 October 2007, 'NSID(OD) Iraq Meeting – Steering Brief: Monday 8 October 09:30'.

840. At the meeting, Mr Brown said that there had been little progress on political reconciliation but economic reconstruction in Basra was making better progress, largely as a result of the improved security environment.[489]

841. According to Sir John Scarlett's own account of the meeting, Mr Brown:

> "… spoke very strongly on the ceasefire in Basra and the dramatic improvement in the security situation. This represented a huge opportunity."[490]

842. On the afternoon of 8 October, Mr Brown told the House of Commons that the UK expected to establish PIC in Basra in the next two months.[491] The UK planned to reduce the number of UK troops in southern Iraq from spring 2008 to around 2,500.

843. Initial guidance on a new format and process for producing DFID Country Assistance Plans (CAPs) was circulated to DFID officials on 11 October.[492]

844. Ms Barbara Hendrie, DFID Deputy Director Iraq, wrote to DFID Heads of Department on the same day:

> "We have only ever had a 'rough and ready' version of an I-CAP [Interim Country Assistance Plan] for the Iraq programme, which is now well out of date. Minouche [Dr Shafik] asked the team this summer to think of producing a 'very light touch' CAP, as the programme is over £20m. We've been in the process of looking at the CAP guidance and trying to adapt it to the Iraq context (not easy!)"[493]
>
> "Hence, the revisions to the CAP process are very welcome …"

845. The following day, Ms Hendrie wrote to a junior DFID official:

> "It seems pretty clear that we're going to need to do some form of strategy document/CAP … it would be great … for you to hold the pen on this."[494]

846. The Inquiry has seen no indications that work on a new CAP was taken forward.

847. DFID told the Inquiry that the I-CAP produced in February 2004 was not superseded until February 2011, when DFID Iraq published its 'Operational Plan 2011-2012'.[495] DFID closed its Iraq programme in March 2012.

---

[489] Minutes, 8 October 2007, NSID(OD) meeting.
[490] Email C, 9 October 2007, 'Iraq NSID 8 Oct 2007' attaching 'NSID Iraq – 8 October 2007'.
[491] House of Commons, *Official Report*, 8 October 2007, columns 21-25.
[492] Email DFID [junior official] to DFID Heads of Department, 11 October 2007, 'For Information: New CAP Format and Process'.
[493] Email Hendrie to DFID [junior official], 11 October 2007, 'Action Monday 15 Oct: New CAP format and process'.
[494] Email Hendrie to DFID [junior official], 12 October 2007, 'Action Monday 15 Oct: New CAP format and process'.
[495] Email DFID [junior official] to Iraq Inquiry [junior official], 12 October 2012, 'New Queries from the Inquiry' attaching Paper DFID, February 201, 'Operational Plan 2011-2012'.

848. DFID also told the Inquiry that it decided not to revise the I-CAP because of:

- the consistency in DFID "strategic priorities" and funding between 2005 and 2007;
- the high turnover of Heads of DFID Baghdad; and
- from 2007, DFID's move away from producing published CAPs (under Mr Douglas Alexander).

849. A Cabinet Office official advised Mr Brown on 12 October that Governor Waili's appeal against his dismissal from post had been successful.[496] The UK planned to "resume low-key co-operation with him in the interests of moving beyond the political stand-off in Basra" while the Iraqi Government took other steps towards his dismissal. The security situation in Basra remained "relatively calm".

850. Major General Graham Binns, GOC MND(SE), reported on 18 October that Gen Petraeus had agreed Lt Gen Odierno's recommendation of PIC for Basra in December.[497]

851. In a message to the FCO in London on 23 October, Mr Christopher Prentice, British Ambassador to Iraq, set out some of the implications of Mr Brown's 8 October statement.[498]

852. Mr Prentice argued that given the UK's strategic interests and the scale and cost of its commitment to Iraq so far, "we [the UK] need to accept now that we are in this for some years to come".

853. The UK would be judged by the progress Basra made following PIC. By the end of 2008, key Basra economic initiatives would only just have started and would need continuing UK support. There was also a case for the UK "planning a last high profile project as visible proof for Basrawis of our continuing support and as a lasting UK legacy".

854. Mr Prentice reported that the UK was already increasing its emphasis on the "civilian development agenda". In the longer term, DFID "understandably wish to normalise its role in a wealthy oil-producing country i.e. close its programme". It would be right to do so – but only when the "whole Iraq project" was on track. Unless the UK was "surprised by success", 2009 was likely to be too early to begin to close the programme.

855. The conditions might be favourable by 2009 to re-establish a UK Trade and Industry presence in Basra "to pursue the huge commercial opportunities there will eventually be there".

---

[496] Minute Cabinet Office [junior official] to Prime Minister, 12 October 2007, 'Iraq – Weekly Update'.
[497] Report Binns, 18 October 2007, 'GOC HQ MND(SE) – southern Iraq Update – 18 October 2007'.
[498] eGram 43230/07 Baghdad to FCO London, 23 October 2007, 'Iraq 2009 and Beyond – Unfinished Business'.

856. Mr Browne visited Iraq between 29 October and 2 November.[499] He reported to Mr Brown that it had been "markedly the most encouraging of my seven visits to Basra". He continued:

> "So progress there has been, but, as you well know, the space we have achieved is fragile and temporary. We have a window of opportunity in Basra and it is vital that both we and the Iraqis apply political and economic leadership to make the most of it."

857. Mr Browne had impressed upon everyone he met in Iraq the need to announce "a detailed economic plan for Basra" to coincide with PIC in December.

858. Mr Browne concluded: "If we are to deliver, and we must, this will need dedicated and energetic UK resource in London, Basra and Baghdad."

859. Mr Browne's visit prompted Maj Gen Binns to evaluate progress made since the summer.[500] His 1 November weekly report advised that:

> "We are now subject to far fewer attacks, are constructively engaged with the Governor … and the Provincial Council, we transit through Basra in force … without opposition … and are looking to make more of the large amount of reconstruction work we are responsible for (through US resources) in Basra through good information and media operations."

860. Mr Alexander sent Mr Brown an update on the Basra economic initiatives on 9 November.[501]

861. Mr Alexander advised that DFID had identified several UK business leaders willing to help drive forward the work of the BDC, including Mr Michael Wareing, International CEO of KPMG. The BDC (which Mr Alexander described as the "centrepiece" of the Basra economic initiatives) would bring together national, regional and international business knowledge to provide strategic advice to the Iraqi authorities on investment and growth for Basra's economy. DFID was planning a launch event for the BDC to coincide with PIC in Basra.

862. Mr Alexander agreed with Mr Browne's assessment (in his 2 November letter to Mr Brown) that dedicated UK resources were required to move the economic initiatives forward. DFID had:

- deployed a Project Manager to the Basra PRT to work on economic initiatives; and
- re-orientated DFID's Economic and Governance team in the PRT to support the initiatives, and provided £750,000 to establish the BIPA and the Basra Development Fund.

---

[499] Letter Browne to Brown, 2 November 2007, [untitled].
[500] Report Binns, 1 November 2007, 'GOC HQ MND(SE) – southern Iraq Update – 1 November 2007'.
[501] Letter Alexander to Brown, 9 November 2007, [untitled].

863. DFID continued to support other initiatives that would promote growth and investment in Basra, including Basra International Airport and leveraging in Japanese loans. Officials were working closely with the Japanese Embassy in Baghdad to help progress Japanese soft loans through a "complex" Iraqi Government approval process. Japan had committed some US$2bn in soft loans to Iraq, of which US$1.2bn was for Basra-based projects including US$254m for the rehabilitation of Umm Qasr port.

Japanese support for reconstruction

Japan pledged and disbursed more assistance for Iraq's reconstruction than any country other than the US.

Japan pledged up to US$5bn at the Madrid Donors' Conference on 24 October 2003, consisting of US$1.5bn in grants (increased to US$1.7bn by July 2009) for power generation, education, water and sanitation, health and employment, and Security Sector Reform, and up to US$3.5bn in concessional loans.[502] By July 2009, Iraq and Japan had signed agreements for 12 loan projects worth up to US$2.43bn, of which US$1.37bn was for seven projects in the South:

- Umm Qasr Port Rehabilitation Project. Up to US$270m to dredge shipping lanes, remove wrecked ships, rehabilitate port facilities, and provide equipment and materials.
- Samawah Bridges and Roads Construction Project. Up to US$30m to build and rebuild bridges across the Euphrates River and to build connecting roads in the vicinity of Samawah, in Muthannna.
- Irrigation Sector Loan Programme. Up to US$90m for irrigation drainage pumps, equipment and materials including in Muthanna.
- Basra Refinery Upgrading Project. Up to US$20m to increase capacity.
- Khor al-Zubair Fertiliser Plant Rehabilitation Project. Up to US$160m to supply machinery for the Kohr Al-Zubair Fertiliser Plant in Basra.
- Crude Oil Export Facility Reconstruction Project. Up to US$430m for the construction of an on-shore/off-shore pipeline to export oil and installation of off-shore loading facilities in al-Faw, Basra.
- Basra Water Supply Improvement Project. Up to US$370m to improve the water supply facilities in and around Basra City.

In November 2005, following the Paris Club agreement on debt relief, Japan agreed to reduce Iraq's official debt to it by 80 percent, with a value of US$6.7bn.

From February 2004 to July 2006, Japan maintained an Iraq Reconstruction and Support Group, comprising some 600 troops, in Samawah.[503] The Group was mandated to deliver humanitarian and reconstruction assistance only; Australian and UK forces provided protection.

---

[502] Government of Japan, Factsheet, August 2009, *Japan's assistance to Iraq (Fact Sheet).*
[503] *BBC News*, 8 February 2004, *Japan soldiers begin Iraq mission'*; *BBC News,* 16 July 2006*, 'Japan troops withdraw from Iraq*.

864. NSID(OD) met on 20 November to take stock of the situation in Basra.[504] Cabinet Office officials briefed Mr Brown that the main aim of the meeting was "to ensure that the transfer to Iraqi control in Basra, scheduled for 17 December is not delayed" and that the meeting would need to assess the security situation in Basra and look at how to sustain the present reduction in violence, including through possible political or economic measures.

865. At the meeting, Mr Alexander reported that Mr Wareing had agreed to help drive forward the work of the BDC. Several of the projects included within the BDC's 2007 plan had been requested by local militia leaders, which would help "lock them into the economic and political process".

866. Mr Browne observed that, from a force protection perspective, it would be important to keep local militia leaders engaged and bring them into the wider political and economic process as much as possible. Sir John Scarlett agreed that it would be important to find ways of broadening the dialogue to address a wider range of political and economic issues.

867. Summing up the meeting, Mr Brown said that:

- the UK should "press ahead" with the transfer of Basra to PIC on 17 December;
- economic projects should be agreed through proper discussion with local representatives, rather than favouring any faction or individual, though that "did not preclude using a coincidence of interest to draw local militia leaders into the wider political process";
- Mr Alexander should write with plans for the launch of the BDC; and
- the UK should continue to encourage the Iraqi Government to hold provincial elections as soon as possible.

868. After the meeting, Sir John Scarlett's Private Secretary produced a summary of his account of the meeting.[505] The summary stated that Mr Alexander had expressed concerns about development projects agreed with JAM1 drawing resources and expertise away from existing projects. There was general support for resource decisions to be taken in theatre where conflicts arose between priorities.

869. Mr Jones told the Inquiry that:

> "… there had been a debate in advance of PIC as to how we could be sure that the whole situation in Basra remained stable. The economy was identified as the crucial thing, and we had many hours of amusement discussing that in Basra with our military colleagues, the degree to which we could help."[506]

---

[504] Minute Cabinet Office [junior official] to Prime Minister, 19 November 2007, 'NSID(OD) Iraq Meeting – Steering Brief: Tuesday 20 November 16:45-17:30'.
[505] Minute PS/C, 21 November 2007, 'NSID (IRAQ) 20 NOV 2007'.
[506] Private hearing, 24 June 2010, page 58.

870. Section 9.6 describes negotiations between the UK and JAM1.

871. Mr Miliband was advised on 7 December that Prime Minister Maliki and Governor Waili had met on 5 December and "cleared the air between them", paving the way for PIC.[507]

872. Lt Gen Rollo reported on 10 December that with Prime Minister Maliki and Governor Waili now reconciled, the UK had to focus on how the promises to be made at the Basra Development Forum would be kept:

> "General Petraeus' challenge, reiterated to each UK visitor, to fulfil our Prime Minister's intent has been very clear. Barham Salih [the Deputy Prime Minister] underlined this point when he spoke to the MOD and FCO Permanent Secretaries who visited this week along with the DFID Director covering the Middle East. He said that while long term capacity building remained essential, 'jump starting' was now necessary … That should give us our lead. The way that money has been poured into Anbar, by both the US and the GOI [Iraqi Government], to reinforce success is also setting the standard; recognising that in counter-insurgency operations, all the lines of operation must be properly supported."[508]

873. Prime Minister Maliki and Governor Waili jointly hosted a meeting of the Basra Development Forum at Basra International Airport on 12 December.[509] Mr Alexander represented the UK. Mr Salih formally launched the BDC and Mr Alexander announced Mr Wareing's appointment as its co-chair.[510]

874. Mr Prentice reported the following day that the Forum had been a "hugely successful event" which struck "an optimistic note on the governance and economic agenda to complement the security handover" which was due to take place four days later.[511] The Forum had:

- focused the attention of local and central Government on Mr Brown's economic initiatives, and what needed to be done to implement them;
- allowed Prime Minister Mailiki and Governor Waili to publicly bury the hatchet. At Prime Minister Maliki's insistence, Governor Waili had pledged to tackle corruption and improve governance;
- showed Basra that Baghdad cared. Prime Minister Maliki had not visited Basra since July 2006; and
- been "authentically Iraqi and Basrawi", rather than a creation of the PRT.

---

[507] Minute Paterson to PS/Foreign Secretary, 7 December 2007, 'Iraq – Basra Developments'.
[508] Minute Rollo to CDS, 10 December 2007, 'SBMR-I's Weekly Report (280) 9 Dec 07'.
[509] eGram 50733/07 Baghdad to FCO London, 13 December 2007, 'Iraq: Basra Development Forum'.
[510] Letter Jones to Aldred, 13 December 2007, 'Basra: Situation Report'.
[511] eGram 50733/07 Baghdad to FCO London, 13 December 2007, 'Iraq: Basra Development Forum'.

875. Maj Gen Binns reported that at the event, Prime Minister Maliki had described 2008 as "the year of redevelopment and reconstruction".[512]

876. Mr Wareing told the Inquiry he had three roles:

- to champion economic development, particularly in Basra and the south;
- to champion international investment into Iraq; and
- to help set up and to chair the BDC.[513]

877. Mr Wareing added that his role was not specifically to promote British investment:

> "…the line that I pursued was … to try to push investment, not just from a British or indeed a European or even a western … point of view, but basically any investment – and there was a significant amount of investment from the Gulf region."[514]

878. Mr Alexander visited Iraq from 11 to 12 December.[515]

879. Ms Hendrie reported that both Gen Petraeus and Lt Gen William Rollo, the Senior British Military Representative, Iraq, had asked Mr Alexander what more DFID could do to accelerate economic development in Basra to take advantage of the current improvement in security. Both had made suggestions for additional projects and for an increase in people – a "civilian surge".

880. In response, Mr Alexander had made clear that any discussion of the DFID programme "should be set within a larger conversation about UK objectives in Iraq".

881. Ms Hendrie told DFID colleagues on 14 December that Mr Alexander wanted a robust discussion with other Ministers about the UK's strategy in Iraq:

> "My sense is that he believes, in the absence of clear Ministerial guidance about what HMG can and should be trying to achieve, [that] DFID are being landed with pressure to deliver an enormous agenda on economic growth in southern Iraq which a) we are not necessarily best-suited for and in any case cannot be viewed as the responsibility of a single department, and b) cannot produce meaningful results in the context of a 'broken' politics at the centre in Baghdad and a highly problematic security environment. He plans to engage actively in the conversation about what HMG's ambitions on the economic front should be and the role of economic development in relation to security and political reconciliation."[516]

---

[512] Report Binns, 13 December 2007, 'GOC MND(SE) Weekly Letter – 13 December 2007'.
[513] Public hearing, 16 July 2010, page 3.
[514] Public hearing, 16 July 2010, page 12.
[515] Minute Hendrie to Wardell, 15 January 2008, 'BTOR: Secretary of State Visit to Iraq, 11-12 December 2007'.
[516] Email Hendrie to DFID [junior official], 14 December 2007, 'Follow-Up to SoS Iraq Visit'.

882. Mr Alexander sent Mr Miliband and Mr Browne an update on progress on Mr Brown's economic initiatives on 21 December.[517] He advised that the success of the Basra Development Forum was due in part to the reconciliation of Prime Minister Maliki and Governor Waili, but also reflected:

> "… years of often invisible effort in building up capacity of provincial government to spend Iraqi resources for reconstruction and development … This is the right approach – helping to set up Iraqi institutions to spend Iraqi resources, and it is bearing fruit."

883. Mr Alexander continued:

> "My visit also confirmed that we cannot view economic development in isolation from politics or security. They are inter-related and require an HMG-wide effort. We should therefore guard against terminology that suggests a civilian or economic surge will continue to be the driving force in determining Iraq's stability and prosperity … We need a conscious broadening of the effort across HMG, the mechanisms for which need to be discussed; and we need to ensure that our civilian and military plans for Iraq are co-ordinated. We also need to be clear about what we are aiming to achieve."

884. Basra province transferred to PIC on 16 December.[518] All of the four provinces within MND(SE) had now transferred to PIC.

885. Mr Brown met Prime Minister Maliki in the UK on 3 January 2008.[519] On reconciliation, Mr Brown said that he wanted to see rapid progress on the Hydrocarbons Law and local elections. On economic reconstruction, he encouraged Prime Minister Maliki to appoint Iraqi nationals to support Mr Wareing's work. Prime Minister Maliki replied that he would speak to Mr Salih; he also confirmed that he would double Basra's budget.

886. Lt Gen Rollo reported on 14 January that the Iraqi Minister of Finance had signed off the first eight Japanese soft loans.[520] The UK was working with the US Embassy to ensure that the first loan, which covered Umm Qasr port, was taken forward immediately. Lt Gen Rollo would continue to track the issue, but he remained of the view that the "real answer" was a Basra Development Office in Baghdad.

887. The 16 January meeting of the ISG considered a draft strategy for Iraq.[521] Mr McDonald underlined the importance that Mr Brown attached to the economic

---

[517] Letter Alexander to Miliband, 21 December 2007, [untitled].
[518] *BBC News*, 23 March 2009, *Timeline: UK Troops in Basra*.
[519] Letter Fletcher to Carver, 3 January 2008, 'Prime Minister's Bilateral with Prime Minister of Iraq, 3 January'.
[520] Minute Rollo to CDS, 14 January 2008, 'SBMR-I's Weekly Report (283) 14 Jan 08'.
[521] Minute Cabinet Office [junior official] to McDonald, 17 January 2008, 'Iraq Strategy Group, 16 January'.

initiatives in Basra, and said that Mr Brown wanted to see "tangible progress in 2008 – for example at the port or airport".

888. Section 9.6 describes the development of the UK's Short-Term Strategy for Iraq between November 2007 and April 2008.

889. Ms Sue Wardell, DFID Director Middle East, said that a choice needed to be made between maintaining current levels of effort during 2008 or "surging resources temporarily". The surge might focus on the agricultural sector, its links with the oil sector, and regional trade.

890. Mr McDonald asked DFID to present options and recommendations to Ministers.

891. Lt Gen Rollo reported on 3 February that there had been "positive discussions" with DFID in Basra on the deployment of additional experts to Basra and Baghdad to support Mr Brown's economic initiatives.[522] He added:

> "Given that the initiative was originally announced in early October 2007 it would be good to see decisions in London to turn these into effect. General Petraeus' enquiries into what hard measures are in place to support the PM's words have become pointed and public."

892. Maj Gen Binns left MND(SE) on 12 February and was succeeded by Major General Barney White-Spunner.[523]

893. Reflecting on progress over the previous six months, Maj Gen Binns commented:

> "It has taken me six months to develop an understanding of the Economic and Political Lines of Operation. I have learned to measure economic redevelopment in decades, to be patient, to listen to, and take the advice of, specialists in the PRT, some of whom have been in Iraq for more than 3 years. We should stop beating up on DFID; those, like me initially, who talk of 'windows of opportunity' and 'economic surges' are misguided. Iraq is awash with money. The Iraqis need help in spending it and overcoming corruption through good governance, which is exactly the approach taken by our PRT. Of course we will continue to use CERPs money to buy consent for military operations, but let us not pretend that this is sustainable development, because on some occasions it is the reverse. In 10 years time Basrawis will remember that the US Army Corps of Engineers built their Children's Cancer Hospital; they will probably have forgotten Operation SINBAD."

894. In his formal end of tour report, Maj Gen Binns commented that co-operation between departments in theatre was "superb".[524]

---

[522] Minute Rollo to CDS, 3 February 2008, 'SBMR-I's Weekly Report 3 Feb 08'.
[523] Minute Binns to CJO, 7 February 2008, 'GOC MND(SE) Weekly Letter – 07 February 2008'.
[524] Minute Binns to CJO, 12 February 2008, 'Op TELIC – GOC 1 (UK) Armd Div Post Operation Report'.

895. The ISG discussed a further draft strategy for Iraq on 14 February.[525] Mr McDonald again emphasised that Mr Brown was focused on achieving economic effect in 2008, and that the UK should make every effort to do so in the limited time available.

896. On 18 February, Lt Gen Rollo reported that Gen Petraeus had asked to see Mr Wareing during his upcoming visit to Iraq.[526] The meeting would be a useful opportunity to explain how the BDC would deliver on "what Petraeus sees as a British commitment to kick-start the economy of the South". Gen Petraeus believed that campaign success in Iraq depended on the regeneration of the country's economy.

897. Lt Gen Rollo assessed that the UK could do more to support Mr Wareing and, by extension, economic development in the South. This included establishing a Basra Development Office in Baghdad "to leverage US and Iraqi initiatives and work to remove the many legal and political obstacles to investment in Basra".

898. Mr Wareing made his first visit to Basra on 18 and 19 February, to participate in the first meeting of the BDC.[527] Maj Gen White-Spunner described the visit as "excellent": Mr Wareing had met Governor Waili and had had a genuine exchange of views with his Iraqi colleagues at the BDC and key opinion formers. The BDC had agreed to produce a Basra Economic Development Strategy by June 2008, with the aim of stimulating the economy and fostering private sector development.

899. Mr Wareing was unable to travel to Baghdad to meet Gen Petraeus because of bad weather.[528]

900. Section 9.6 describes the deteriorating security situation in Basra from the end of January, and the development by the Iraqi Government of plans to confront militias in Basra.

901. Mr Alexander agreed on 20 February to increase DFID's security headcount limit (the number of staff allowed in post at any one time) from seven to nine for Basra and from five to six for Baghdad.[529] The new post in Baghdad would have specific responsibility for facilitating the Basra economic initiatives. A DFID official advised that the increase:

> "… should be characterised as organising ourselves to give the Basra economic initiatives the best chance of delivering in the shortest timeframe. It is not a 'surge' but nor is it business as usual."

---

[525] Minute Cabinet Office [junior official] to McDonald, 15 February 2008, 'Iraq Strategy Group, 14 February'.
[526] Minute Rollo to CDS, 18 February 2008, 'SBMR-I's Weekly Report (288) 17 Feb 08'.
[527] Letter White-Spunner to CJO, 21 February 2008, 'GOC MND(SE) Weekly Letter – 21 February 2008'.
[528] Manuscript comment on Letter White-Spunner to CJO, 21 February 2008, 'GOC MND(SE) Weekly Letter – 21 February 2008'.
[529] Minute DFID [junior official] to PS/Secretary of State [DFID], 20 February 2008, 'Iraq: Delivering the Basra Economic Initiatives'.

902. Mr Browne visited Kuwait and Iraq from 12 to 14 March in conjunction with Mr Wareing.[530] Mr Browne reported to Mr Brown that the mood in Iraq was optimistic, reflecting the improved security situation, political progress and the new focus on economic regeneration:

> "Inevitably in Iraq, the pace of change is slower than we would wish and no-one believes it is irreversible, but we have an opportunity over the next year or so to contribute to a step-change in the country's economy and to put our bilateral relationship onto a sustainable long-term footing. That does, however mean we need to redouble our efforts now … to exploit the progress we have already made."

903. On the economic initiatives, discussions in Iraq had identified three areas where the UK could do more:

- reinforcing the UK team in Basra and Baghdad. Gen Petraeus thought that the UK was "under-gunned";
- re-doubling the UK effort to unblock the investment and hydrocarbons legislation, and to encourage international business to invest in Basra; and
- a diplomatic initiative, with the US, to encourage a constructive partnership between Basra and Kuwait.

904. Mr Browne commented that working alongside the US should help improve the UK's relationship with the US. Although Gen Petraeus had been polite during their meeting, and also during his later meeting with Mr Wareing, he had previously been critical of the scale of the UK's non-military engagement in Basra.

905. The British Embassy Baghdad reported that Gen Petraeus had spelt out his concerns in his meeting with Mr Wareing:

> "In his [Gen Petraeus] view the UK had not been aggressive enough in trying to achieve development change in Basra, and we needed to 'increase our horsepower'… He felt that the PM [Mr Brown] and the Foreign Secretary [Mr Miliband] had promised much, but that he hadn't seen much delivery … he would make his concerns clear to the PM when he comes through the UK in April."[531]

906. The Embassy commented that Gen Petraeus wanted the UK to set up an office in the Green Zone in Baghdad to promote Basra, and to increase the UK presence in Basra.

907. Mr Alexander sent Mr Brown a further update on progress on the economic initiatives on 31 March, in advance of the planned discussion of the UK's Iraq Strategy at the 1 April meeting of NSID(OD).[532]

---

[530] Letter Browne to Brown, 18 March 2008, 'Visit to Baghdad and Kuwait'.
[531] Telegram 10285/08 Baghdad to FCO London, 17 March 2008, 'Michael Wareing to Baghdad, 14 March'.
[532] Letter Alexander to Brown, 31 March 2008, [untitled].

908. He advised that DFID had increased the number of full-time equivalent staff working on the economic initiatives from four in January 2008 to 10. DFID would also establish a Basra Support Office in Baghdad. DFID was recruiting internally to staff that office, and was discussing with other departments including the FCO, the MOD and UK Trade and Investment what role they could play. Mr Wareing had stated that this level of staffing was "fully adequate" to deliver the initiatives.

909. In his evidence to the Inquiry, Mr Wareing highlighted three major successes within the Basra economic initiatives:

- the youth unemployment programme, which Prime Minister Maliki had expressed interest in rolling out nationwide;
- Basra International Airport and Umm Qasr port, where Mr Wareing had been able to bring together the UK military, DFID and local Iraqi leaders; and
- the establishment of the National Investment Commission and the Basra Investment Commission.[533]

910. Mr Keith MacKiggan, Head of the PRT from September 2008, told the Inquiry that the economic initiatives had been "very effective", as evidenced by:

- the interest shown by the Iraqi Government in replicating the initiatives country-wide;
- the amount of investment that they attracted into Basra; and
- the economic confidence that they had helped to engender.[534]

Charge of the Knights, March 2008

911. On 25 March 2008, in response to growing concerns over the security situation in Basra, Prime Minister Maliki launched a major offensive against Basra militias.[535]

912. Section 9.6 considers the genesis and implementation of that military operation, which came to be known as the Charge of the Knights, and the damage to UK-Iraqi and UK-US relations.

913. Mr Browne reported to Cabinet on recent events in Basra on 1 April.[536] He said that the decision to launch the operation had come as a surprise to everyone. Mr Brown said that Ministers would have a further discussion of the implications of recent events at NSID(OD).

914. NSID(OD) met later that day, with Mr Brown in the chair, to consider the UK's "continuing role in Basra in 2008/2009, and the timelines and considerations for taking

---

[533] Public hearing, 16 July 2010, page 55.
[534] Public hearing, 7 January 2010, pages 22-23.
[535] *BBC News,* 25 March 2008, *Basra's gun rule risks Iraq future*.
[536] Cabinet Conclusions, 1 April 2008.

decisions on force level options".[537] The meeting was provided with three papers: a Short-Term Strategy, a draft of Mr Browne's planned statement to Parliament , and Mr Alexander's letter to Mr Brown of 31 March on progress on the economic initiatives.

915. The Short-Term Strategy paper considered four options for drawing down UK troops in Iraq, set out the civilian and military tasks that the UK could continue to undertake in each case, and assessed the impact of withdrawing from Iraq on the UK's reputation.[538]

916. The paper suggested criteria which might be used to evaluate those options, but did not attempt such an evaluation and made no recommendation on troop withdrawals. The criteria for evaluation included the ability to deliver Mr Brown's economic initiatives and the provision of a secure platform for political and economic work.

917. The paper also identified a number of areas in which the UK should continue to work in the absence of a significant military presence in Basra. Those included:

- Economics. In Baghdad, the UK had carved out a "niche role alongside the massive US effort". UK support for building Iraqi Government capacity for economic policy and public finance/budget management was highly valued by Iraqi officials and had given the UK a seat at the "coalition policy-making table", providing critical leverage to lobby for greater engagement by the World Bank and other multilateral institutions. In Basra, Mr Brown's economic initiatives were making "real progress" under Mr Wareing's leadership. The paper assessed the work to be of high importance (because a successful economy was an important driver of stability), but the UK's impact to be "low to medium" (because of the programme's relatively small scale and the fact that real progress would depend on the Iraqi Government).
- Governance and security/justice sector reform. Both the US and the Iraqi Government valued the UK's work to build capacity in these areas. The work was of medium importance (as DFID's projects and the FCO policing mission represented "niche added value") and the UK's impact "medium".
- Pressing for more substantive multilateral and regional engagement by the UN, EU, IMF and World Bank. The work was of high importance (as more substantive engagement by multilateral organisations would ease the burden on the US and UK and positive regional engagement was crucial for Iraq's long-term stability) and the UK's impact also "high" (as it had more leverage with the EU, UN and World Bank than the US).

918. At the meeting, Mr Brown recognised that it was difficult to take firm decisions on longer-term options until there was a clearer assessment of events in Basra.[539] It was

---

[537] Paper Cabinet Office, 31 March 2008, 'Iraq'.
[538] Paper FCO, March 2008, 'Iraq: The Short Term'.
[539] Minutes, 1 April 2008, NSID(OD) meeting.

good that the Iraqi Army had sought to take control, but the way in which it had done so threatened to have a negative impact on political and economic progress, as well as the security gains achieved by UK forces. The UK "could not afford to be perceived to be irrelevant to the situation in Basra".

919. Mr Browne said that there were now US forces involved in Basra, and they were unlikely to leave.

920. Ministers agreed that troop levels should remain at 4,100 until the situation became clearer and that no decision on longer-term military commitment should be taken at present.

921. Concluding the discussion, Mr Brown said that hopes for political and economic stability to take hold in Basra had been "set back". The UK needed to wait and assess the implications of events "but work to bring our political and economic objectives back on line".

922. The Iraqi Government and the US moved quickly to boost reconstruction in Basra in the wake of the Charge of the Knights.

923. The UK was concerned that the wave of new money, the focus on short-term projects, and the actions of central Government would undermine existing Provincial Government structures and systems (which the UK had helped to establish).

924. Mr Prentice attended the Iraqi Ministerial Committee on National Security on 6 April, and reported that the Iraqi Government's main priority was finding civilian employment for 25,000 unemployed Basrawis.[540] Acting Justice Minister Dr Safa al-Safi had been appointed to co-ordinate the Iraqi Government's economic efforts in Basra.

925. The British Embassy Office Basra reported on 7 April that a nine-strong US Civil Military Operating Centre (CMOC) would arrive later that day, and would be operational within 24 hours.[541] The PRT had welcomed their arrival. The CMOC's focus would be on shorter-term employment schemes ("how to get young men off the payroll of JAM and other militias").

926. The British Embassy Office Basra reported the following day that it would be important that the CMOC shared the UK's philosophy that "we not do things for the Iraqis, but with them".[542]

927. A DFID official in Baghdad reported to DFID colleagues on 9 April that the Iraqi Council of Ministers had agreed to provide US$100m for economic work in Basra.[543] Dr al-Safi had arrived in Basra and had set up a number of committees. In parallel,

---

[540] eGram 13078/08 Baghdad to FCO London, 7 April 2008, 'Iraq: Ministerial Committee on National Security, 06 April 2008'.
[541] eGram 13086/08 Basra to FCO London, 7 April 2008, 'Basra Update – 7 April 2008'.
[542] eGram 13285/08 Basra to FCO London, 7 April 2008, 'Basra Update – 8 April 2008'.
[543] Email DFID [junior official] to DFID [junior official], 9 April 2008, 'Basra'.

the US military was developing its own mass employment schemes and USAID was considering what more it might do.

928. The official commented that it was possible that the US could "do things" that the UK had not tried, as it could:

- dedicate more people and more money to the task;
- change the security environment to secure better civilian access;
- operate outside Iraqi structures;
- ensure better linkages to US work in Baghdad; and
- "apply sufficient clout at the Baghdad end" to secure the Iraqi Government's attention.

929. The UK was lobbying the US on the need to engage with local government and the PRT in order to avoid setting up parallel systems and losing the benefits of local knowledge and experience. The key risk was that UK programmes (which were designed to be Iraqi-led, and thus required a considerable amount of Iraqi engagement and energy) would be "crowded out" as Iraqi counterparts focused on the larger and more immediate US programmes.

930. A UK official in the Basra PRT agreed with that assessment and commented:

> "None of this is going to stop and it is going to be a big distraction for a small PRT team … trying to force the military to listen to what we have to say, and trying to stop MNF taking over the show completely … It's not just on the economic/governance agenda – it's the same for our CivPol mission and all the policing work we have done …"[544]

931. In his weekly report of 10 April, Maj Gen White-Spunner described recent events as:

> "… a real opportunity for Basra and hence our involvement here. The time for any recrimination … is behind us; we now have a better chance than we have arguably had for two years to achieve better security and some initial development goals in the city. We will not have long to do so …"[545]

932. Dr Christian Turner, Cabinet Office Overseas and Defence Secretariat, sent Mr Brown an assessment of the implications of the Charge of the Knights on 11 April, in advance of Mr Brown's visit to Washington.[546] Dr Turner described the UK's military options (step up to take full responsibility for MND(SE), steady-state or an accelerated withdrawal).

---

[544] Email FCO [junior official] to Hendrie, 9 April 2008, 'Basra'.
[545] Minute White-Spunner to CJO, 10 April 2008, 'GOC MND(SE) Weekly Letter – 10 April 2008'.
[546] Minute Turner to Prime Minister, 11 April 2008, 'Iraq: Implications of Basra Operations and US Visit'.

933. Dr Turner also advised that the UK would need to redouble its effort on the economy:

> "Presentationally, the US effort risks overshadowing UK economic initiatives. The likelihood is that the US will focus on quick impact projects … Funding will come from the US military (up to US$70m) and the Government of Iraq (US$100m or more).
>
> "We will need to ensure our projects are co-ordinated and complementary. Experience over the past five years in such [quick impact] projects is that they provide short-term benefits, but are often not sustainable. DFID's view remains that economic recovery will require … a resolution to address the deep-seated problems in the Basra economy and the building of sustainable Iraqi institutions … Our message to the US will need to be that such work takes time."

934. In his weekly report of 17 April, Maj Gen White-Spunner advised that MND(SE) continued to focus on drawing as much US and Iraqi resource into Basra as possible in order to take advantage of the "unexpected but very welcome changes" that the Charge of the Knights had brought.[547]

935. A DFID official provided a briefing for Mr Alexander on the impact of the Charge of the Knights on 18 April.[548] Street-life in Basra was "noticeably more confident", with pop music and alcohol on sale. Dr al-Safi had set up a committee to review project proposals from the Provincial Council, the Governor and local Sheikhs, but had said that he did not want proposals from the coalition. He was determined that the Iraqi Government should be seen to be in charge and favoured quick impact projects focused on infrastructure, implemented through line ministries and tribal leaders. On the US side, "large numbers" of people were flowing into the US CMOC.

936. The major risk for the UK Government remained that the Provincial Government would be undermined by the decision to channel funding through line ministries, tribal leaders and NGOs. The UK continued to engage with the US and Dr al-Safi to emphasise the advantages of engaging with the Provincial Government, the Provincial Council and the PRT, rather than creating parallel systems.

937. Mr McDonald told the 28 April meeting of the ISG that: "It was now clear that there was a shared UK/US operation in the South, and that we would need to decide on their tasks and the division of labour."[549] The UK needed to focus on its remaining political, economic and military tasks. The first two required provincial elections to take place, and tangible outcomes from the work of Mr Wareing and the BDC.

---

[547] Minute White-Spunner to CJO, 17 April 2008, 'GOC MND(SE) Weekly Letter – 17 April 2008'.
[548] Minute DFID [junior official] to Private Secretary [DFID], 18 April 2008, 'Information Note: Latest Consequences of Iraqi Operations in Basra'.
[549] Minute Cabinet Office [junior official] to McDonald, 28 April 2008, 'Iraq Strategy Group, 28 April'.

938. Mr Miliband visited Baghdad and Erbil in mid-April.[550] He wrote to Mr Brown on 29 April:

> "However unfortunate its genesis, Maliki's operation in Basra has created an opportunity to reshape our approach there and set a new direction towards transition. 2009 is the year we will need to move from a Basra military strategy to an Iraq political and economic strategy."

939. The Iraqi Government was "for the first time since 2003" giving full attention to Basra. In support of that, the US had committed "serious assets" to strengthen MND(SE). Those combined US, UK and Iraqi resources would "accelerate the rate of positive change in Basra", paving the way for a "proper and respectable end" to the UK's role as "lead partner in the coalition" in the course of 2009.

940. Mr Miliband identified seven goals towards which substantial progress would need to be made if the UK was to make that "final transition", including:

- "reconstruction clearly under way; sturdy green shoots of economic revival;
- the BIPA and BDF [Basra Development Fund] well-established;
- the airport on its way to be a development and business hub and transport hub;
- Umm Qasr port better managed and with development plans in place"; and
- the start of "a broad-based and natural relationship with the new Iraq, the 'whole Iraq policy' which we have long wanted".

941. Maj Gen White-Spunner reported on 1 May that:

> "What is becoming increasingly evident, as our situational awareness improves, is just what a poor state the city is in, with basic services non-existent in some areas and a serious problem with raw sewage and mounds of rubbish on the streets."[551]

942. Mr Brown hosted a reception at No.10 on 28 April, to raise the profile of southern Iraq as an investment destination and enhance Iraqi Government interaction with potential investors.[552]

943. Mr Brown was subsequently advised that between 25 and 30 companies, including BP and Shell, had expressed a serious interest in exploring investment opportunities.[553]

944. Mr Brown met Gen Petraeus and Ambassador Crocker in London on 1 May.[554] Mr Miliband, Mr Browne, Mr Alexander and senior officials attended.

---

[550] Letter Miliband to Prime Minister, 29 April 2008, 'Iraq'.
[551] Minute White-Spunner to CJO, 2 May 2008, 'GOC MND(SE) Weekly Letter – 1 May 2008'.
[552] Minute Cabinet Office [junior official] to Prime Minister, 25 April 2008, 'Basra Investors' Reception, No10: 28 April 2008'.
[553] Minute Cabinet Office [junior official] to Prime Minister, 30 April 2008, 'Iraq: Meeting with Petraeus and Crocker, 1 May 2008'
[554] Minute Cabinet Office [junior official] to Prime Minister, 30 April 208, 'Iraq: Meeting with Petraeus and Crocker, 1 May 2008'.

945. The Cabinet Office briefing for Mr Brown stated that Gen Petraeus believed that the UK should mount a civilian surge, and had advocated a more hands-on (rather than Iraqi-led) approach. Dr al-Safi and Prime Minister Maliki had both recently told UK interlocutors that they did not think UK-led economic development in Basra was proceeding quickly enough. Dr al-Safi was "resistant" to UK lobbying in favour of channelling Iraqi Government funds through the Provincial Government.

946. The DFID briefing for Mr Alexander stated that the US military was becoming increasingly frustrated with the pace of the Provincial Government's clear-up of the streets after the fighting, and warned that the US might be tempted to take control of the operation themselves.[555] That would be a significant step backwards. The PRT was trying to resist, but the pressure to make things happen was strong.

947. The briefing also advised that DFID feared that the Iraqi Government's reconstruction money was being used as a way of consolidating central Government or Dawa party control over Basra. That would represent a patronage-based, unaccountable way of managing Basra.

948. The Iraqi Army and MND(SE) were now in control of Umm Qasr port (previously under militia control) and corruption and smuggling had ended. With the improved security environment, it would be possible to return to US plans for the commercialisation of the port.

949. Mr Brown's meeting with Gen Petraeus and Ambassador Crocker covered a range of political, security and economic issues (see Section 9.7).[556]

950. At the meeting, Mr Alexander described the 28 April investors' reception as a success, and identified the development of the port and airport and the capacity of central Government to support Basra as priorities.

951. Summing up the discussion, Mr Brown said that the central UK focus would be accelerated training of Iraq's 14 Division, preparations for provincial elections, progress on handing control of Basra Airport to the Iraqis and economic reconstruction. Decisions on troop numbers would be taken in the context of completion of these tasks.

952. The record of the meeting did not report any criticism by Gen Petraeus of the scale or nature of the UK's engagement on economic development.

953. Mr McDonald advised Mr Brown the following day that the UK would need to retain around 4,100 troops in southern Iraq for the next six months to complete those key tasks.[557]

---

[555] Minute DFID [junior official] to Private Secretary [DFID], 30 April 2008, 'Briefing for Attendance at PM/Petraeus meeting on 1 May'.
[556] Letter Fletcher to Rimmer, 2 May 2008, 'Iraq: Prime Minister's Meeting with General Petraeus, 1 May'.
[557] Email Fletcher to Brown, 2 May 2008, 'Iraq Troop Numbers – Note from Simon'.

954. Mr Nick McInnes, UK Trade and Investment (UKTI) Director International Group, briefed UKTI colleagues on 3 May that there was growing pressure from the British Embassy Baghdad and the MOD for a larger UKTI presence in Baghdad.[558] Their arguments for that were:

- the increased interest in Iraq from UK companies;
- the likelihood that Mr Brown's economic initiatives would stimulate further interest; and
- the possibility of sales of UK military equipment to Iraq.

955. Section 10.3 describes the UK Government's efforts to promote UK businesses.

956. In an Assessment of 14 May, the JIC examined the impact of the Charge of the Knights on JAM, Prime Minister Maliki, his Government and the Sadrists.[559] The JIC's Key Judgements included:

- Prime Minister Maliki was enjoying broad political support following the success of the Charge.
- The Charge had significantly weakened JAM in Basra.
- In Basra, expectations were high. Prime Minister Maliki would need to deliver improvements in public services and job creation "in weeks".

957. Mr Browne visited Iraq briefly, on his way to Afghanistan, at the end of May, where he "realised a personal ambition by having a cup of tea downtown", the result of "a remarkable transformation of the security situation".[560]

958. A DFID official briefed Mr Alexander on 30 May that, following Mr Browne's visit to Iraq, there were growing expectations among some military colleagues that UK civilians would soon be able to travel "beyond the wire" (outside Basra Air Station).[561] Visits to Basra Palace by PRT and DFID staff were currently being undertaken at night, by helicopter, and were approved on a case-by-case basis. The situation was not yet good enough to enable PRT and DFID staff to visit Iraqi Government offices on a regular basis, but DFID would keep the situation under review.

959. Ms Reid told the Inquiry that shortly after the Charge of the Knights, Dr al-Safi agreed to meet UK officials but not at the Basra Air Station:

> "That basically forced a decision … It [the meeting] was something that was so important … there was so much pressure coming from Baghdad and from London, that we need to go and have this discussion with him. And at that point … authority for me to go went back to my Permanent Secretary to get the okay, because it was

---

[558] Email McInnes to Haird, 3 May 2008, 'Resourcing Commercial Work in Iraq'.
[559] JIC Assessment, 14 May 2008, 'Iraq: the Charge of the Knights'.
[560] Letter Browne to Brown, 4 June 2008, 'Visit to Basra'.
[561] Minute DFID [junior official] to PS/Secretary of State, 30 May 2008, 'Iraq: Ministerial Trilateral Discussion, 2 June 2008'.

turning around something that had been in place for so long and there was so much nervousness about it.

"What that did was started a discussion which was the default can't necessarily remain …

"So by the time I left in October [2008], decisions on moves to the Palace could be made by the head of DFID Baghdad. They didn't have to go back through a lengthy chain in London. Decisions on some other road moves would still go through my boss back in London, but gradually that got moved more and more to theatre, became much more like the Baghdad experience of Red Zone moves."[562]

960. The 2 June meeting of the ISG focused on economic development.[563] Ms Aldred said that "economic deliverables" would form a core part of the narrative that Mr Browne had asked for following his visit to Basra, and asked DFID to lead on compiling it. Mr McDonald said that Mr Brown would want to announce economic progress – or, at the very least, a Basra economic plan – in his planned Parliamentary statement in July.

961. Ms Hendrie reported that Dr al-Safi was making little progress in spending the Iraqi Government's reconstruction funds for Basra and that, despite UK lobbying, he remained reluctant to use established structures. The Basra Support Office in Baghdad would become operational on 7 June. UKTI had expressed interest in appointing a First Secretary (Commercial) to Baghdad, but was reluctant to fund or staff the post.

962. A 9 June Current Intelligence Group (CIG) Assessment of Basra's economy, commissioned by DFID, judged that the Charge of the Knights had secured "a window of opportunity to create the conditions for economic growth" but that reconstruction and development would continue to be constrained by:

- the absence of any systemic approach to project and financial management within the Iraqi Government;
- competing political agendas, which meant that reconstruction was subject to "political manoeuvring";
- corruption, which would remain endemic under the present Government or any likely successor;
- the uncertain legislative environment, which continued to hold investors back. International oil companies were in negotiation with the Ministry of Oil but they were unlikely to make long-term investments until a Hydrocarbons Law had been adopted;
- security, which remained fragile;
- crime and smuggling; and

---

[562] Public hearing, 24 June 2010, pages 66 and 67.
[563] Minute Cabinet Office [junior official] to McDonald, 2 June 2008, 'Iraq Strategy Group, 2 June'.

- a “brain drain”. Militia violence and intimidation, which specifically targeted middle-class Basrawis, had prompted many to leave, resulting in a shortage of capable local entrepreneurs.[564]

963. DFID deployed an aviation industry consultant to Basra International Airport on 11 June, with the long-term aim of achieving “international certification” within two years.[565] In the shorter term, the consultant aimed to raise the capacity of the airport from four or five to 15 flights per day.

964. Ms Hendrie and Mr Donal Brown, her successor as DFID Deputy Director Iraq, visited Iraq from 13 to 22 June.[566] Their report to Mr Anderson and DFID colleagues focused on what could be done in the next 12 months (while there was likely still to be a significant UK military presence) which would constitute “a reasonable package of ‘deliverables’” in Basra. Components of that package included:

- Basra International Airport. There was “some confusion” over what the UK could deliver. International Civil Aviation Organisation (ICAO) accreditation was done at a country level rather than for an individual airport (so the UK could not hand over an accredited airport). Support for the airport was a joint DFID/MOD responsibility.
- Completion of Pumping Station 2 and the water towers. The last two of DFID’s infrastructure projects in the South, their completion would “go some way toward demonstration that the UK has done something for the people of southern Iraq”.
- Mr Brown’s economic initiatives.
- The PRT’s economic and governance work. The Cabinet Office and MND(SE) wanted a youth employment programme.

965. Ms Hendrie and Mr Donal Brown commented that it was “important that the Head of the PRT has sufficient time allocated [to leading the PRT] alongside her expanding political work as Deputy CG [Consul General]”.

966. Gen Dannatt visited Basra at the end of June, reporting a “very positive mood within MND(SE) and a real sense that we may actually be able to deliver success, although within a realistic timeframe”.[567] He remained “unconvinced that the PRT in Basra is demonstrating enough energy, purpose and drive to be able to deliver meaningful results in the timeframe we require”.

967. Mr McDonald told the 3 July meeting of the ISG that Mr Brown’s statement to Parliament could highlight three key objectives for the next six months: training 14 Division; successful provincial elections; and handing over Basra Airport to civilian

---

[564] CIG Assessment, 9 June 2008, ‘Iraq: Basra’s economy’.
[565] Minute Hall to PS/Secretary of State [DFID], 30 May 2008, ‘Iraq: Ministerial Trilateral discussion, 2 June 2008’.
[566] Minute Hendrie and Brown to Anderson, 27 June 2008, ‘Iraq BTOR – 13th – 22nd June 2008’.
[567] Minute CGS to various, 4 July 2008, ‘CGS Visit to Iraq and Cyprus – 30 Jun-2 Jul 08’.

control.[568] An FCO official cautioned against exaggerating Basra Airport's success – flight numbers had been dropping.

968. NSID(OD) met on 15 July, to discuss a paper prepared by Cabinet Office officials on UK strategy in Iraq 2008/2009.[569]

969. A DFID official briefed Mr Alexander in advance of the meeting that:

- Dr al-Safi was drawing the BDC into "party political wrangling", questioning the validity of its constitution and the UK's role in relation to it. Prime Minister Maliki had recently said that the BDC was "colonialist inspired".
- Meanwhile, the BDC was drawing up a Basra Economic Development Plan which "in practice … will be based on Wareing's own 'Key Goals' document".
- Dr al-Safi claimed to have allocated US$100m to 200 projects in Basra and to have hired 15,000 people for public works, but there was little evidence of that on the ground. DFID was lobbying for the funds to be spent through "transparent channels".
- "Partners" had raised concerns about the capacity of the Basra PRT. The Deputy Consul General in Basra also headed the PRT and was "overloaded". DFID was working closely with the FCO to improve the capacity of "this FCO-led team".[570]

970. A separate DFID briefing for Mr Alexander stated that Mr Wareing had identified four issues as "critical" to UK success in Basra:

- Basra International Airport. The UK needed to "define objectives for success" and clarify responsibility within the UK Government for delivery.
- UKTI support for the Basra Support Office in Baghdad. UKTI had declined to fund a post.
- Improving the performance of the Basra PRT. The US had suggested that it was under-performing compared with other PRTs.
- Improving Iraq/Kuwait economic ties.[571]

971. The DFID briefing also stated that there was:

> "… a continuing view amongst some Iraqi politicians (i.e. Dr al-Safi and – to a lesser extent – Prime Minister Maliki) … that reconstruction and development work is not proceeding fast enough to capitalise on improved security. We are working through the Basra Support Office in Baghdad and the PRT … to counter these views …"

---

[568] Minute Jones to McDonald, 7 July 2008, 'Iraq Strategy Group, 3 July'.
[569] Paper Cabinet Office Officials, 11 July 2008, 'Iraq'.
[570] Minute DFID [junior official] to PS/Secretary of State [DFID], 3 July 2008, 'Information Note: Update for the Secretary of State'.
[571] Email DFID [junior official] to PS/Secretary of State [DFID], 11 July 2008, 'Iraq Ministerial Trilateral 14 July – Briefing' attaching Briefing DFID, [undated], 'Iraq (Trilateral) – 14 July'.

972. Cabinet Office officials invited Ministers to agree that the UK's key tasks for 2008/2009 should be:

"
- training and mentoring the Iraqi Army's 14 Division, until it is capable of independent operations with minimal Coalition support – expected in about April 2009;
- supporting provincial elections, due by the end of 2008; and
- supporting economic development in Basra, based on Michael Wareing's outline Economic Development Strategy."[572]

973. Officials also invited Ministers to agree that the UK should continue to press for passage of the Hydrocarbons Law.

974. Officials assessed that Basra's economy was gaining momentum. Since the No.10 reception on 28 April, foreign investors had begun to pursue projects with a potential value of US$4.3bn. The UK had helped Basra Provincial Council to secure US$400m from central Government for the current year. However, the UK was still being criticised for not doing enough and local politics was slowing economic progress, including on the Basra Development Fund and BIPA. The UK needed a focused effort to deliver and demonstrate UK achievements by early 2009, based on the Economic Development Strategy being developed by Mr Wareing and the BDC.

975. At the meeting, Mr Alexander reported on Mr Wareing's draft Economic Development Strategy.[573] Mr Wareing was optimistic: four major companies were already examining investment opportunities in Basra.

976. Concluding the discussion, Mr Brown welcomed the opportunity that his 22 July statement would provide to set out UK policy publicly. The UK's key goals for the year ahead should be to:

- push for early provincial elections;
- hand over Basra Airport by the end of 2008;
- produce an economic plan shortly; and
- complete training of 14 Division by the end of May 2009.

977. Mr Brown met Prime Minister Maliki in Iraq on 19 July.[574] Prime Minister Maliki gave an upbeat account of progress: IDPs were returning to their homes, children were returning to school, 650 doctors had returned from abroad and many university professors were returning to work. There were improvements in the economy, infrastructure and oil production and factories were working again.

---

[572] Paper Cabinet Office, 11 July 2008, 'Iraq'.
[573] Minutes, 15 July 2008, NSID(OD) meeting.
[574] Letter Fletcher to Hickey, 19 July 2008, 'Prime Minister's Meeting with Prime Minister Maliki, 19 July'.

978. Mr Brown underlined the UK's wish to help on key issues, including Basra port, oil and the steel industry. Mr Brown said that UK forces would not stay longer than was necessary to "finish the tasks we had started", specifically:

- training 14 Division;
- preparing to make Basra Airport operational; and
- supporting local authorities with provincial elections.

979. Mr Brown also visited Basra.[575] His programme focused on SSR, although he also visited Basra Airport and met key economic figures. The British Embassy Office Basra reported that Mr Brown was "particularly struck by the need for rapid development of the airport and ports".

980. Mr Brown told Cabinet on 22 July that the UK was pursuing four key functions with Iraq:

- UK forces had moved from a combat to an overwatch role. UK troops' primary role was training and mentoring Iraqi forces, with a last resort intervention capability, though that was also gradually being taken over by Iraq.
- Pursuing economic development, which was showing some evidence of success, providing Iraqi citizens with work and a stake in their future.
- Local government elections would give former members of the militia the opportunity to engage in democratic politics.
- Working to transfer Basra International Airport from military to civilian control.[576]

981. Mr Brown said that the BDC would produce an economic plan in the autumn and he hoped that local elections would take place by the end of the year; likewise the handover of Basra Airport. Training of 14 Division should also be completed by the end of the year, with additional training of headquarters and specialist functions required in early 2009. Mr Brown "expected that we would be able to make substantial reduction in the number of British forces next year, but that would depend on circumstances. He was not going to make an estimate of the numbers now."

982. Mr Brown concluded that if the UK had left Iraq a few months earlier, the job would not have been finished; with the improvements in security, momentum for economic development and a move towards local democracy once the elections were held, the Iraqi people now felt that they had a stake in the future.

983. In his statement to Parliament on 22 July, Mr Brown described the impact of the UK's reconstruction effort:

- "British-led" projects in the South had helped to deliver electricity for 800,000 people and water for over one million people.

---

[575] eGram 28460/08 Basra to FCO London, 20 July 2008, 'Iraq: Prime Minister's Visit to Basra, 19 July'.
[576] Cabinet Conclusions, 22 July 2008.

- UK funding had helped the UN and World Bank to repair and re-equip 1,000 health centres and more than 5,000 schools, and to train nearly 150,000 teachers.
- With British training and equipment, Basra International Airport was now handling more than 20 flights a day.
- British mentoring and support had helped the Basra Provincial Council access US$400m in central Government funds.[577]

984. Mr Brown stated that it was right that the UK completed the tasks it had set itself. It expected the BDC to publish a detailed Economic Development Strategy in the autumn, and for the Iraqi authorities to "take over development" of Basra International Airport by the end of the year.

985. Major General Andrew Salmon took up post as GOC MND(SE) in August 2008.[578]

986. Mr Nigel Haywood, UK Consul General in Basra from April 2008, told the Inquiry that:

> "When [Major] General Salmon and I jointly went to call on the Governor in his office in August, that was the first time anybody had called on the Governor's office for two years, nobody had been out really operating in the town [since] October 2006."[579]

987. On 24 August, in his first weekly report from Basra, Maj Gen Salmon reported that he was having "very positive" discussions with the PRT on how to enable the movement of civilian staff.[580] He was also developing with the Consul General a "realistic six to nine month programme of works that will deliver tangible effects, based on Iraqi need".

988. In his next weekly report, Maj Gen Salmon advised that:

> "… the inability of central and provincial government to translate cash into essential services, jobs and electricity could become a central security issue. A re-oriented reconstruction strategy accompanied by imaginative information operations should help mitigate this risk."[581]

989. Maj Gen Salmon also reported that Basra needed a "Business Support Facility" to cater for the expected rush for potential investors to Basra as security improved: "The investor phenomenon is accelerating exponentially."

---

[577] House of Commons, *Official Report*, 22 July 2008, column 661.
[578] Public hearing, 20 July 2010, page 1.
[579] Public hearing, 7 January 2010, page 7.
[580] Minute Salmon to CJO, 24 August 2008, 'GOC MND(SE) Weekly Letter – 24 August 2008'.
[581] Minute Salmon to CJO, 31 August 2008, 'GOC MND(SE) Weekly Letter – 31 August 2008'.

990. The Stabilisation Unit (formerly the Post-Conflict Reconstruction Unit – PCRU) undertook a review of the Basra PRT in August, at the request of the FCO. The aim of the review was to:

- assess whether the PRT's objectives remained valid in the light of developments since the Charge of the Knights; and
- evaluate the PRT's performance.[582]

991. The "primary purpose" of the review was to ensure that the PRT functioned to its full potential and delivered "tangible and sustainable benefits" over the next 12 months. It seemed likely that the PRT would not exist in its current form once British troop levels reduced in early or mid-2009, and that the US would take over the PRT at that time.

992. The Stabilisation Unit review reported that while all PRTs in Iraq were constrained by insecurity and a lack of Iraqi capacity, the Basra PRT faced a number of additional challenges:

> "… a part-time leader since January 2007, a dysfunctional structural legacy, limited resources, and an absence of a long-term strategy due to uncertainty over its future ever since its creation in April 2006."

993. Given those constraints, the Basra PRT had performed well in some areas, in particular in securing Provincial Council ownership of the Provincial Development Strategy and building Iraqi capacity on budget planning and execution. The PRT had also responded well to reconfigure itself to support Mr Brown's economic initiatives.

994. It was, however, clear that the PRT was not performing as well as it could. It also needed to respond to the priorities set out in Mr Brown's 22 July statement to Parliament.

995. The Stabilisation Unit made 26 recommendations, of which one was highlighted in the review's Executive Summary: the appointment of a full-time Head for the PRT. The Stabilisation Unit assessed that while the decision in 2007 to double-hat the Deputy Consul General as the Head of the PRT had been reasonable, the increased expectations on the PRT in the light of the improved security situation and from the US, and the increased willingness of Iraqi citizens to meet members of the PRT both on and off Basra Air Station, meant that "the PRT and PRT Head … could and should be busier". The double-hatting arrangement had led the US to express concern that the UK did not attach sufficient importance to the Basra PRT, and that the PRT was too concerned with delivering UK as opposed to coalition goals. The Stabilisation Unit concluded that the arrangement was no longer credible.

996. Maj Gen Salmon reported on 7 September that, together with Mr Haywood and the Head of the PRT, he had launched a re-orientated reconstruction programme with

---

[582] Report Stabilisation Unit, 3 September 2008, 'Review of the Basra Provincial Reconstruction Team'.

an initial focus on electricity, water, rubbish and sewage, designed to deliver tangible improvements in essential services and create jobs.[583] Resources would come from the US CMOC and the PRT, and delivery would be through task-based Joint Reconstruction Action Teams (JRATs). The JRATs would be under joint civilian-military leadership (each having a military head and civilian deputy head or vice versa), and would work with the appropriate Iraqi authorities.

997. Mr Keith MacKiggan arrived in Basra in late September 2008 to take up post as the Head of the Basra PRT.[584] His arrival signalled the end of the practice of double-hatting the Head of the PRT and the Deputy Consul General. He described the situation in Basra at that time:

> "We were able to get out to meet … clients, NGOs, officials in the local administration, local businesses and so on. Equally importantly, they were able to come and visit us because they no longer felt the fear they had previously of being associated with the Multi-National Force.
>
> "It also meant that we could expand our capacity building work, both in a geographical sense and also in a functional sense … we were now much more able to get beyond the city [Basra] to the furthest reaches of the province … and dig below the level of the Provincial Council to the level of the local Councils and really start to stitch the different parts of the governance structures in Basra together."

998. In their evidence to the Inquiry, Maj Gen Salmon, Mr Haywood and Mr MacKiggan agreed that the UK effort in Basra was well integrated during their time there.[585]

999. Maj Gen Salmon told the Inquiry that that integrated approach had emerged in the context of clear UK objectives (as set out in Mr Brown's 22 July statement to Parliament) and a timetable for withdrawal, but in the absence of an overall UK strategic plan agreed in London.[586]

1000. Maj Gen Salmon described how the move to a more integrated approach had been driven by decisions in Basra:

> "Well, we had a set of objectives. There was no comprehensive strategic plan that I ever saw. So what we decided to do – when I say 'we', that is the Consul General, the Head of the Provincial Reconstruction Team … and to a certain extent the Head of US Regional Embassy Office … [was] ensure that we had much more collective consensus, joined-up approach, because nobody was in charge.
>
> "So that was the only way that we could think of working out what the strategy needed to be and how we were going to prosecute that strategy, run it, steer it,

---

[583] Minute Salmon to CJO, 7 September 2008, 'GOC MND(SE) Weekly Letter – 7 September 2008'.
[584] Public hearing, 7 January 2010, pages 1, 10-11.
[585] Public hearing, 7 January 2010, page 6; Public hearing, 20 July 2010, page 24.
[586] Public hearing, 20 July 2010, page 24 and 32.

effectively. So we basically got together and decided that's what we were going to do and worked it from there."[587]

1001. Maj Gen Salmon told the Inquiry that JRATs were one expression of that integrated approach, combining personnel from the PRT and MND(SE) working to a "common plan".[588]

1002. Lieutenant General Peter Wall, Deputy Chief of the Defence Staff (Commitments), updated the 11 September meeting of the ISG on the emerging plan for UK military drawdown and transition to US command in southern Iraq.[589] He said that:

- At the end of November 2008, command of Maysan, Muthanna and Dhi-Qar provinces would transfer to an expanded MND(C), under US command.
- At the end of March 2009, command of Basra would transfer to a new Basra-based US division, bringing UK forces there under US command.
- At the start of May 2009, US forces would begin to deploy to Basra.
- By the end of June 2009, the UK departure would be complete.

1003. Mr Brown and Mr Browne met the Chiefs of Staff and Sir Bill Jeffrey, MOD Permanent Secretary, on 18 September.[590] ACM Stirrup reported that "remarkable progress" had been made in Iraq over the past 18 months, though it was "fragile and reversible". In the South, the biggest risk was stalled economic progress.

1004. Mr Brown said that it would be important to have projects that helped with employment in place before the UK left Basra, and to establish a UKTI presence there. The main obstacle was not security but the business climate.

Transition to a normal bilateral relationship with Iraq

1005. Mr Alexander visited Baghdad and Basra on 6 November.[591] The British Embassy Baghdad reported that, in his meeting with Mr Alexander, Prime Minister Maliki had continued to insist that the UK had done little for Basra, and questioned whether the Basra Development Forum had led to any tangible progress. Prime Minister Maliki welcomed Mr Alexander's assurances that the UK wanted to move towards a more normal bilateral relationship including closer economic, cultural and educational links.

1006. Mr Alexander also met Ambassador Crocker. The two men agreed that the US would take over the leadership of the Basra PRT as part of the UK/US transition in Basra

---

[587] Public hearing, 20 July 2010, pages 27-28.
[588] Public hearing, 20 July 2010, pages 34-35.
[589] Minute Cabinet Office [junior official] to McDonald, 15 September 2008, 'Iraq Strategy Group, 11 September'.
[590] Letter Catsaras to Rimmer, 18 September 2008, 'Prime Minister's Meeting with Defence Chiefs, 18 September'.
[591] eGram 45112/08 Baghdad to FCO London, 12 November 2008, 'Iraq: Visit by Secretary of State for International Development to Baghdad and Basra, 6 November'.

in 2009. Ambassador Crocker said that the US would value some continued UK support in a US-led PRT.

1007. Mr Alexander and Ambassador Crocker also agreed that the World Bank should be lobbied "at the highest levels" to increase its presence in Iraq.

1008. The Embassy also reported that Mr Alexander had set out DFID's plans to withdraw from Basra in mid-2009 and move to a "whole of Iraq" approach, delivered through support to central Government, in line with Prime Minister Maliki's wishes.

1009. In Basra, Mr Alexander attended the launch of the Basra Investment Commission – formerly known as the Basra Investment Promotion Agency (BIPA).

1010. The 7 November meeting of the ISOG discussed a draft post-drawdown strategy (in advance of an NSID(OD) discussion the following month).[592] The meeting asked for departments to take action on a number of issues, including:

> "DFID to consider whether a presence only in Baghdad supported by a communications strategy and programme funding in the south, would be sufficient to sustain our legacy there, protect our reputation and ensure the US did not win credit for progress that we had engineered."

1011. Mr Alexander wrote to Mr Brown on 20 November to provide an update on progress in Basra and to set out how he saw DFID's role changing in the context of the UK's "change of mission".[593]

1012. He reported that DFID had already facilitated 18 investor visits by 14 companies, with proposals worth over US$9bn submitted to, but not yet processed by, the Iraqi Government. The Iraqi Government's inability to process those proposals was the main obstacle to international investment in Basra.

1013. DFID's infrastructure projects would be completed by the end of 2008, and its work with the Basra provincial administration would come to a "natural conclusion" by mid-2009. The key to achieving a positive legacy for the UK was securing inward investment. Given that the key obstacles to such investment were in central Government, DFID would focus its effort there. That was in line with Prime Minister Maliki's wish for the UK to support the whole of Iraq, not just Basra.

1014. Mr Wareing visited Basra in late November, to launch the Basra Economic Development Strategy.[594]

---

[592] Minute Cabinet Office [junior official] to Aldred, 10 November 2008, 'Iraq Senior Officials Group, 7 November'.
[593] Letter Alexander to Brown, 20 November 2008, [untitled].
[594] Minute Cabinet Office [junior official] to Prime Minister, 28 November 2008, '[redacted] Iraq: Update'.

1015. Mr Brown met ACM Stirrup on 4 December for a "personal and confidential" discussion.[595] On Iraq, Mr Brown said that it would be important for the UK to show that the withdrawal of UK troops was happening because the UK had completed all the tasks it had set out. A "last push" on economic development was needed, along with a communications plan for the next few weeks.

1016. The 9 December meeting of NSID(OD) discussed a Cabinet Office paper on arrangements for transition in Iraq.[596] The paper, which is considered in detail in Section 9.7, included an annex listing the components of the UK's future bilateral relationship with Iraq and how they would be resourced. In addition to the diplomatic/political and defence relationships, the components were:

- "Economic/development: Influence Iraqi economic policy, including improving the climate for foreign investment, help improve World Bank and IMF engagement in Iraq, capacity-building on public finance management, continued support for the Prime Minister's [Mr Brown's] economic initiatives and support to other departments' work on investment, trade and higher education." Work would be funded from DFID's existing Iraq programme (£20m in 2009/10 and £10m in 2010/11) and, potentially, from the Stabilisation Aid Fund. Staffing levels would be established according to programme needs, with all in-country staff based in Baghdad.
- "Energy: ensure security of Iraq's oil supply and long-term increase in oil output through political lobbying on hydrocarbons legislation and national energy policy and regional support." Work would be undertaken primarily by FCO staff.
- "Commercial: support for trade missions, UK investor visits and political lobbying to ensure a level playing field for UK experts/investors." A new, short-term International Business Specialist would provide recommendations in early 2009 on exactly what resources were needed.
- "Educational: increased collaboration with Iraqi educational institutions, civil society, student exchanges and English language training, to be funded by the British Council."

1017. At the meeting, Mr Brown outlined "strong progress" on the UK's four key tasks (training the Iraqi Army, promoting economic development, readying Basra Airport for transfer to Iraqi control and preparing for provincial elections).[597]

1018. Mr Brown concluded that more should be done to improve economic development and prospects for investment, including with ministries in Baghdad. A visit by Lord Mandelson, Secretary of State for Business, Enterprise and Regulatory Reform, would be welcome. It would also be important to make progress with the Hydrocarbons Law.

---

[595] Letter Catsaras to Rimmer, 4 December 2008, 'Prime Minister's Meeting with Chief of Defence Staff, 4 December'.
[596] Paper by Cabinet Office Officials, 8 December 2008, 'Iraq: Arrangements for Transition'.
[597] Minutes, 9 December 2008, NSID(OD) meeting.

Mr Brown would raise those points with Prime Minister Maliki when he visited Iraq later in the month.

1019. NSID(OD) agreed that agreement to the UK's new Long-Term Strategy for Iraq would be sought out of committee.

1020. Following the NSID(OD) meeting, and in advance of Mr Brown's visit to Iraq, a DFID official wrote to No.10 detailing four investment proposals, together worth over US$5bn, which were currently awaiting agreement from the Iraqi Government.[598] The letter did not state why there had been a delay in agreeing the proposals.

1021. Mr Brown met Prime Minister Maliki in Baghdad on 17 December.[599] Prime Minister Maliki repeated his call for a wider long-term relationship, including investment and economic co-operation, and stronger cultural and educational links. He added that UK companies should invest in all Iraq, not just Basra. Mr Wareing briefed Prime Minister Maliki separately on the main investment proposals for Basra and handed over DFID's letter detailing the investment proposals awaiting an Iraqi Government response.

1022. Mr John Tucknott, Deputy Head of Mission British Embassy Baghdad from November 2007 to July 2009, described the change in the UK's relationship with Iraq and the challenge it presented to the UK Government:

> "I think Basra remained important … but the messaging that was coming out of London, which we were conveying to the Iraqis, was that we wanted to move, and this was the message that Gordon Brown gave to Maliki in December 2008 when he visited. You know, we are talking about a whole Iraq policy now. We want to do things with you which we haven't been able to do before. We want to move on to a proper footing … a less military footing.
>
> "The problem that we had in the Embassy was persuading some parts of Whitehall, some Government departments, to recognise that we were moving to this, that we wanted to increase trade, that it was important that visas were issued to students. Part of Prime Minister Maliki's education scheme was to send 10,000 postgraduates or undergraduates to go to overseas universities to study. We need to provide a proper visa regime, not the one that we cobbled together.
>
> "So that was a difficulty we faced, actually getting that message out to the wider Whitehall machinery, that Iraq is moving forwards, and if we want to play an important role in this process, we had to move with it.
>
> "Messages did get through in the end. We have got a trade and investment section now … poor old DFID were doing their best in their absence …"[600]

---

[598] Letter DFID [junior official] to Fletcher, 12 December 2008, [untitled].
[599] Letter Catsaras to Gould, 18 December 2008, 'Prime Minister's Meeting with Iraqi Prime Minister, 17 December'.
[600] Public hearing, 24 June 2010, pages 116 and 117.

1023. Section 10.3 describes the growing pressure on UKTI from spring 2008 to post a Commercial Officer to Baghdad, in response to the increased interest in Iraq from UK companies.

1024. Mr Brown's Assistant Private Secretary wrote to Mr Richard Abel, Mr Mandelson's Principal Private Secretary, on 18 December informing him that Mr Brown believed, following his visit to Iraq the previous day, that there were opportunities in Iraq and interest from British companies that were not being exploited.[601] Mr Brown was convinced that there was an urgent need for a significant UKTI presence in both Baghdad and Basra, both to consolidate security gains and to ensure that UK investors had every chance to benefit from commercial opportunities in Iraq. Mr Brown asked UKTI to start planning immediately for a long-term presence in Iraq, consulting Mr Wareing and DFID.

1025. Mr Abel replied to No.10 on 16 January 2009, advising that an International Business Specialist would deploy to Iraq later that month and would make recommendations on UKTI's future footprint in Iraq by the end of March.[602] Mr Abel added: "There will be no gap in our commercial representation in Iraq."

1026. The International Business Specialist arrived in Baghdad at the end of January.[603] He was joined by a second UKTI consultant on 12 February.[604]

1027. Iraqi authorities took control of Basra Airport in January 2009; transferring control of the airport by the end of 2008 had been one of the UK's key goals for 2008. 903 Expeditionary Air Wing had operated Basra Airport since 2003.[605]

1028. Mr Brown was informed on 14 December 2008 that the transfer of control was "effectively completed".[606] Since July, the Iraqi civil authorities at Basra Airport had taken on control of air-traffic control, the airport fire brigade, and other services. The final stage would be a formal transfer of legal responsibility for Basra Airport to the Iraqi Government.

1029. Control of Basra Airport was formally transferred to the Iraqi Government on 1 January 2009.[607]

1030. During the period that Basra Airport was operated by the UK military, it received significant funding from a variety of military and civilian sources (including US CERPs and the UK's Stabilisation Aid Fund). The Inquiry has not been able to form

---

[601] Letter APS/Prime Minister to Abel, 18 December 2008, 'UKTI presence in Iraq'.
[602] Letter Abel to Catsaras, 16 January 2009, untitled.
[603] Report DFID, 1 February 2009, 'Weekly Update: 1st February 2009'.
[604] Report DFID, 15 February 2009, 'Weekly Update: 15th February 2009'.
[605] Report Salmon, 15 May 2009, 'COMUKAMPHIBFOR OP TELIC 12/13 (HQ MND(SE) Post Operational Report (POR)'.
[606] Minute Lyon to Prime Minister, 14 December 2008, 'Visit to Iraq, 17 December'.
[607] Report Salmon, 15 May 2009, 'COMUKAMPHIBFOR OP TELIC 12/13 (HQ MND(SE) Post Operational Report (POR)'.

a comprehensive picture of the support provided to Basra Airport by the UK and other international partners.

Long-Term Strategy for Iraq, February 2009

1031. Mr Miliband's Private Secretary circulated a draft strategy for "UK policy towards and relations with Iraq following military drawdown" to No. 10 and the Private Offices of NSID(OD) Ministers on 13 January 2009.[608] The draft strategy had been agreed by officials from all interested departments and by Mr Miliband.

1032. The draft strategy, which is described in detail in Section 9.7, stated that the UK had a "strategic national interest in a strong, stable and non-hostile Iraq that:

- acts in accordance with international law and does not threaten its neighbours;
- provides a counterweight against Iran, ideally as a pro-Western state …;
- is able to deny AQ-I [Al Qaida in Iraq] and other terrorist groups a safe haven in its national territory;
- contributes positively to stable world energy markets by maximising its potential as a producer and exporter of oil and gas, and increases EU energy security through developing new supply routes."

1033. The draft strategy identified a number of "essential" and "highly desirable" factors for achieving the UK's strategic interest of a "strong, stable and non-hostile Iraq". The essential factors included a "functioning economy", which would require agreement on the Hydrocarbons Law. Highly desirable factors included:

- that Iraq should be "a broadly democratic state";
- that Iraq should address critical humanitarian issues, in particular the large number of refugees and displaced people; and
- that Iraq should develop a strong and open market economy.

1034. The draft strategy listed a number of elements of a future Iraq/UK relationship, including:

- Economic: the UK would help build Iraqi capacity to deliver economic growth and opportunity (DFID to lead).
- Energy: the UK would help Iraq to bring greater volumes of oil and gas to the market (FCO and the Department of Energy and Climate Change (DECC) to lead, with MOD).
- Commercial: the UK should ensure a level playing field for UK firms in Iraq (UKTI/FCO to lead).
- Education and culture: increased educational and cultural exchanges would underpin other elements of the relationship.

---

[608] Letter Hickey to Catsaras, 13 January 2009, 'Iraq: Strategy', attaching Paper [draft], [undated], 'Iraq: a Review of Strategy'.

1035. The draft strategy stated that much of DFID's work in Basra would come to a "natural conclusion" by mid-2009. DFID would respond to changing conditions on the ground, but anticipated "drawing down from Basra" by that date. It would continue to provide some support to programmes through the Basra Support Office in Baghdad. DFID resources for Iraq would reduce from £25m in the current financial year (2008/09) to £20m in 2009/10 and £10m in 2010/11.

1036. The Stabilisation Aid Fund (SAF) and the FCO's Peace-Keeping Budget (PKB) were essential sources of funding for UK programmes in Iraq. There was unlikely to be any PKB funding for Iraq in 2009/10. MOD, DFID and FCO officials were reprioritising the £15m SAF allocation for Iraq for 2009/10, to support "initiatives which support key Prime Ministerial deliverables" and the Rule of Law.

1037. Mr Alistair Darling, Chancellor of the Exchequer, Mr John Hutton, the Defence Secretary, and Mr Alexander confirmed their agreement to the strategy.[609]

1038. Mr Donal Brown informed the 4 February meeting of the ISG that the US would take over the Basra PRT on 31 March.[610] The US had agreed to retain programmes that were important to UK objectives.

1039. On 9 February, Mr Brown's Assistant Private Secretary told the Private Secretaries to Mr Miliband and Lord Mandelson that Mr Brown had endorsed the strategy, which was consistent with the approach described to Parliament on 18 December.[611]

1040. Mr Brown remained "keen to ensure maximum savings as we move to a normal bilateral relationship", but agreed that:

> "… the UK will retain an important strategic interest in the emergence of a stable and prosperous Iraq, able to contribute to regional stability and global energy security; and that we will have important bilateral interests in Iraq which need to be secured and promoted …
>
> "In particular, the Prime Minister continues to believe that improving trade and investment in Iraq is key both to consolidating the security gains that have been made, and ensuring UK investors are able to benefit from the opportunities in Iraq … We also need to ensure that investors in Basra continue to be supported as our military hands over to US."

1041. A planned visit by Prime Minister Maliki to the Invest Iraq Conference in London at the end of April would be "an important milestone for showcasing progress in the transition to a new relationship with Iraq".

---

[609] Letter Jordan to Hickey, 26 January 2009, 'Iraq Strategy'; Letter Ferguson to Catsaras, 29 January 2009, 'Iraq: Strategy'; Letter Wright to Catsaras, 5 February 2009, 'Iraq Strategy'.
[610] Record, 4 February 2009, Iraq Strategy Group meeting.
[611] Letter Catsaras to Hickey and Abel, 9 February 2009, 'Iraq Strategy'.

1042. Lord Mandelson visited Iraq on 6 April, at the head of a delegation of 23 companies.[612] The objectives of the visit included:

- underlining the UK's commitment to building a new broad-based, long-term partnership with Iraq, with a strong emphasis on economic and trade co-operation;
- countering Iraqi complaints (from Prime Minister Maliki and others) about the lack of interest from UK business, while assisting the business delegation to build contacts with Iraqi Ministers and members of the Iraqi business community; and
- supporting UK companies pursuing business in Iraq.

1043. In Baghdad, Lord Mandelson and the delegation met Prime Minister Maliki.[613] Mr Prentice reported that the meeting had been "entirely positive" and a "powerful demonstration of the new civilian focus to our bilateral relationship".

1044. In Basra, Lord Mandelson and the delegation attended an investment conference at Basra Airport.[614] Mr Haywood reported that the event had been "timed perfectly" so that the UK could "demonstrate that whilst the military were drawing down, the UK's commitment to Basra continued". The mood at the event had been "optimistic", reflecting the mood in Basra: recent polling showed that over 80 percent of Basrawi businesses thought that the economic environment had improved over the past year and would continue to improve.

1045. The Iraqi National Investment Commission, with support from DFID, hosted the Invest Iraq Conference in London on 30 April.[615] Mr Prentice described the Conference as the UK's "headline initiative … demonstrating in a practical way our desire for a new and normalised bilateral relationship".

1046. Mr Brown made a statement to Parliament on the UK's involvement in Iraq on 15 June.[616] He reported that the objectives set out in his statement of 18 December, including "to promote the reconstruction of the country, economic growth and basic services", "were being achieved". On reconstruction, Mr Brown said:

> "Since 2003, the UK has spent more than £500m in Iraq – for humanitarian assistance, infrastructure and promoting economic growth. Support to the health sector has included 189 projects in Basra, including the refurbishment of Basra general hospital and the building of Basra children's hospital. As a whole, the

---

[612] Briefing, [undated], 'Visit of the Rt Hon Lord Mandelson to Bahrain, Kuwait, Iraq, Abu Dhabi and Dubai, 5 – 8 April 2009'.
[613] eGram 12764/09 Baghdad to FCO, 8 April 2009, 'Iraq: Lord Mandelson's Visit to Baghdad, 06 April 2009'.
[614] eGram 12607/09 Basra to FCO London, 7 April 2009, 'Iraq: Lord Mandelson's Visit to Basra, 6 April'.
[615] eGram 15041/09 Baghdad to FCO London, 28 April 2009, 'Iraq: Invest Iraq Conference, London – 30 April – 1 May.
[616] House of Commons *Official Report*, 15 June 2009, columns 21-23.

international community has rehabilitated more than 5,000 schools. Despite high unemployment and the scale of the global recession, economic growth in Iraq this year is predicted to be nearly seven percent.

"Significant challenges remain, including that of finding a fair and sustainable solution to the sharing of Iraq's oil reserves, but Iraq's future is now in its own hands …

"At the core of our new relationship … will be the diplomatic, trading and cultural links that we are building with the Iraqi people, supporting British and other foreign investors who want to play a role in the reconstruction of southern Iraq."

Resources available for reconstruction

1047. The table below sets out UK expenditure on humanitarian assistance and development assistance (reconstruction) by UK financial year.

Table 2: UK expenditure on humanitarian and development assistance (£m)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Humanitarian and development assistance[621]									
Humanitarian assistance	19	110	21	5	10	20	16	8	209
Development assistance		99	27	82	39	20	17	13	297
Imputed share of multilateral aid		11	11	6	14	9	14	8	73
Sub-total	**19**	**220**	**59**	**93**	**63**	**49**	**47**	**29**	**579**

1048. DFID provided £297m for reconstruction and a further £209m for humanitarian assistance in Iraq between 2002/03 and 2009/10. Iraq was DFID's largest bilateral programme in 2003/04, when DFID spent a total of £220m. That included a £110m contribution to the humanitarian relief effort following the invasion and a £70m contribution to the World Bank and UN Trust Funds (which would be spent by the World Bank and UN in subsequent years). The size of DFID's programme decreased over the following years.

1049. In addition, UK forces in MND(SE) spent £38m from UK funds on Quick Impact Projects (QIPs).[618]

1050. It is not possible, from the information available to the Inquiry, to produce a definitive breakdown of the allocation of DFID funding between national programmes and programmes in the South. The Inquiry calculates that, from 2003/04 to 2007/08,

---

[617] Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: request for further information on funding'.
[618] Paper DFID, January 2010, 'DFID Non-Humanitarian Spend by Region'.

between 76 percent and 52 percent of DFID funding was allocated to programmes in the South.[619] DFID's expenditure in the South peaked in 2005/06.

1051. UK forces also had access to significant amounts of US funding from the Commander's Emergency Response Program (CERPs) to spend on urgent relief and reconstruction needs.

1052. The Government has not been able to provide a full breakdown of the amount of CERPs funding used by UK military commanders, but it appears to have been greater than the total amount provided by the UK for reconstruction. The US allocated US$66m from CERPs to MND(SE) in 2005/06.[620] In the same year, in MND(SE), DFID spent some £35m on infrastructure and job creation[621] and the MOD spent £3m on QIPs.[622]

1053. By April 2009, the US had spent or allocated to ongoing projects US$351m from CERPs in MND(SE), and spent or allocated to ongoing projects some US$3.3bn from all sources in MND(SE).[623] Over the same period, in MND(SE), DFID spent at least £100m[624] and the MOD spent £38m on QIPs.[625]

1054. UK funding was also available for Iraq from the Global Conflict Prevention Pool (and subsequently the Stabilisation Aid Fund and the Conflict Pool). Most of that funding was allocated to Security Sector Reform (see Section 12). The table below sets out expenditure from the Pools.

---

[619] Calculation excludes DFID funding for humanitarian assistance, the World Bank and UN Trust Funds, and programme support cost such as security, accommodation and communications. It is not possible to produce a reliable estimate of the proportion of the funding provided for those purposes that related to the South.
[620] Briefing, October 2006, 'PQ06267S: CERP Funds FY06 (1 Oct 05 – 30 Sep 06)'.
[621] Calculation excludes DFID funding for humanitarian assistance, the World Bank and UN Trust Funds, and programme support cost such as security, accommodation and communications. It is not possible to produce a reliable estimate of the proportion of the funding provided for those purposes that related to the South.
[622] Paper DFID, January 2010, 'DFID Non-Humanitarian Spend by Region'.
[623] Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.
[624] Calculation excludes DFID funding for humanitarian assistance, the World Bank and UN Trust Funds, and programme support cost such as security, accommodation and communications. It is not possible to produce a reliable estimate of the proportion of the funding provided for those purposes that related to the South.
[625] Paper DFID, January 2010, 'DFID Non-Humanitarian Spend by Region'.

Table 3: UK expenditure from the Conflict Pools (£m)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Interdepartmental Conflict Pools[630]									
GCPP		5	16	15	20	16			72
Stabilisation Aid Fund							19		19
Conflict Pool								11	11
Total		**5**	**27**	**32**	**35**	**22**	**26**	**12**	**159**

1055. SIGIR reported in July 2009 that, as at June 2009, a total of nearly US$140bn had been allocated for the relief and reconstruction of Iraq.[627] That comprised:

- US$71bn from Iraqi capital budgets and the Development Fund for Iraq (DFI);
- US$52bn from the US; and
- US$17bn from other international donors.

1056. The US allocation included US$21bn from the Iraq Relief and Reconstruction Fund (IRRF), US$18bn from the Iraq Security Forces Fund, US$4bn from the Economic Support Fund and US$3.6bn from the CERPs.

Reflections on the impact of the UK's reconstruction effort

1057. From the available information, it is not possible fully to assess the impact of the UK's reconstruction effort.

1058. One difficulty is that the Government never defined what contribution reconstruction should make to achieving broader UK objectives and so what would constitute success or failure.

1059. The environment in Iraq made reconstruction very difficult. For almost all of the period covered by the Inquiry, insecurity was the major constraint. Other constraints were:

- the lack of capacity within the Iraqi Government, both in Baghdad and the South, to support and lead reconstruction;
- the form and implementation of de-Ba'athification;
- the politicisation of Iraqi institutions, and corruption;
- the series of relatively short-lived Iraqi administrations between 2004 and 2006 (with limited remits to initiate reform and an inevitable churn of Ministers and senior officials);

---

[626] Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry: Funding'.
[627] Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.

- an international community which, because of the circumstances of the invasion, was not fully invested in the reconstruction of Iraq; and
- the persistent lack of co-ordination between the Iraqi Government and international partners, and between international partners.

1060. Staff and contractors developed a number of approaches to managing the risks inherent in working in such an environment:

- using innovative techniques to deliver projects, such as working through local Iraqi contractors, using the military (who were more frequently able to visit project sites) to manage and monitor projects, and helping the Ministry of Finance to set up an office inside the International Zone in Baghdad within which international consultants could work;
- systematically tracking poor performance;
- adapting delivery methods to reduce fiduciary risk; and
- building clear exit strategies into projects, including dedicating significant effort to bringing in other donors.

1061. The Inquiry recognises the dedication and skill of the staff and contractors who worked in Iraq, often in discomfort and at personal risk.

1062. Witnesses to the Inquiry and contemporary documents identify three areas in particular where the UK had made a significant contribution to Iraq's reconstruction:

- building Iraqi capacity at the centre of government (including the Prime Minister's Office and the Cabinet Office), and strengthening the linkages between Baghdad and the provinces;
- building the capacity of the provincial administration in Basra; and
- building the capacity of successive Iraqi Governments to manage the economy (including the launch of a new Iraqi currency in 2003) and engage effectively with the IMF.

1063. The Inquiry met a number of senior Iraqi politicians and officials, and asked them for their views on the UK's reconstruction effort. DFID's focus on building Iraqi Government capacity to plan and manage was recognised and welcomed. That was contrasted with short-term activities, including building schools and hospitals, which Iraq could do for itself.

1064. In Basra, the Inquiry was told that there was little to show for the UK's reconstruction effort. A small number of projects were identified as continuing to have a positive impact, including:

- training in the UK delivered by the PRT;
- job creation programmes supported by DFID; and
- improvements to the sewerage system supported by the UK military.

Key economic and social indicators

1065. It is possible to consider the impact of the international community's reconstruction efforts in Iraq by looking at the changes in a number of key indicators. The table below presents selected economic and social indicators.

1066. In relation to the economy:

- Electricity production fell from around 4,000 megawatts (MW) per day before the invasion to 500MW in May 2003 (immediately after the invasion), before recovering to around 4,000MW in June 2004 (the transition to a sovereign Iraqi Government).[628] By July 2009, production was around 6,000MW.
- Oil production fell from around 2.9m barrels a day (bpd) before the invasion to around 0.3m bpd in May 2003, before recovering to 2.3m bpd by June 2004. By 2009, production remained below pre-conflict levels.

1067. The under-five mortality rate fell from 42 to 38 (per 1,000 live births) between 2003 and 2009. Other key social indicators remained stable.

1068. Perceptions of corruption in Iraq worsened between 2003 and 2009. Iraq fell from 113th out of 133 countries surveyed for Transparency International's Corruption Perceptions Index in 2003, to 176th out of 180 countries surveyed in 2009.

1069. The UN's 2009 Common Country Assessment concluded that, while Iraq had fulfilled its constitutional mandate requiring 25 percent of Parliamentary seats to be filled by women, women remained under-represented at higher levels within the public sector and government.[629] Women also had higher illiteracy levels than men, participated in smaller numbers in the labour force, were paid less and were segregated into certain occupations. A disproportionate number of households in poverty were headed by women.

[628] Brookings, Iraq Index, *Electricity.*
[629] UN, 2009, *Common Country Assessment: Iraq.*

Table 4: Iraq: selected economic and social indicators

	1989	2002	2003	2004	2009
GDP at market prices (current US$bn)[634]	65.6	n/a	n/a	36.6	111.7
GDP per capita GDP (current US$)[635]	3,850	n/a	n/a	1,391	3,725
Electricity production (megawatts)[636]		3,958	500 – 3,456	4,030	5,700
Oil production (million barrels per day)[637]	2.90	2.02	1.31	2.01	2.39
Under-five mortality rate[638]	55	43	42	42	38
Primary school enrolment, both sexes (%)[639]	90	n/a	94	93	92
Employment (%)[640]	43	43	43	43	44
Corruption[641]	n/a	n/a	113/133	129/146	176/180

[630] World Bank, Data, [April 2016], *Iraq: GDP at market prices (current US$).*
[631] World Bank, Data, [April 2016], *Iraq: GDP per capita (current US$).*
[632] Brookings, Iraq Index, *Electricity.* Figure for 2002 is a estimated pre-war level.
[633] US Energy Information Administration website. *Iraq Crude Oil Production by Year.*
[634] World Bank, Data, [April 2016], *Iraq: Mortality rate, under-5 (per 1,000).* Under-5 mortality rate is a leading indicator of the level of child health and overall development in countries.
[635] World Bank, Data, [April 2016], *Iraq: Net enrolment rate, primary, both sexes (%).* Figure for 2009 relates to 2007 survey.
[636] World Bank, Data, [April 2016], *Iraq: Labor force participation rate, total (% of total population ages 15-64).*
[637] Transparency International, *Corruption Perceptions Index (CPI).* Iraq was not included in the CPI before 2003. The CPI draws on multiple data sources.

SECTION 10.3

RECONSTRUCTION: OIL, COMMERCIAL INTERESTS, DEBT RELIEF, ASYLUM AND STABILISATION POLICY

Contents

Introduction 374

UK policy on Iraq's oil and oil revenues 375
- Iraq oil reserves, production and export 375
- UK energy security interests, 2001 to 2002 376
- Planning and preparing for a post-conflict Iraq 379
  - Military planning 388
  - Discussions with the US 389
- The invasion and immediate aftermath 403
- Negotiations with the US over the control of Iraqi oil revenues 405
- Oil policy under the Coalition Provisional Authority 417
- UK policy under Iraqi Governments 436

UK Government support for UK business 457
- UK commercial interests, 2001 to 2002 457
- Planning and preparing for a post-conflict Iraq 457
- Influencing the Coalition Provisional Authority and the US 467
  - The success of UK companies in securing contracts in Iraq 486
- Responding to renewed commercial interest in Iraq, 2008 487

Debt relief 492
- UK policy 492
- The US push for substantial debt relief, December 2003 496
- The UK seeks a better deal for the most heavily indebted countries 497
- Paris Club agrees debt relief for Iraq, November 2004 499

Returning asylum seekers to Iraq 502

Post-conflict reconstruction and stabilisation 507
- The Post-Conflict Reconstruction Unit 507
  - The PCRU and Iraq 514
- The Stabilisation Unit 515
- The Cabinet Office Task Force Review of Stabilisation and Civil Effect 516
- The impact of the PCRU and the SU 524

Introduction

1. Section 10 addresses the UK contribution to humanitarian assistance and reconstruction in Iraq between 2003 and 2009:

- Section 10.1 covers the period between March 2003 and the end of the Occupation of Iraq in June 2004.
- Section 10.2 continues the story from July 2004 to 2009.

2. Sections 10.1 and 10.2 consider:

- humanitarian assistance;
- the development and implementation of UK reconstruction policy, strategy and plans;
- the UK's engagement with the US on reconstruction, including with the US-led Office of Reconstruction and Humanitarian Assistance (ORHA) and the Coalition Provisional Authority (CPA); and
- the UK's engagement with successive Iraqi Governments on reconstruction.

3. Section 10.3 addresses five issues in more detail:

- UK policy on Iraq's oil and oil revenues;
- the Government's support for UK business in securing reconstruction contracts;
- debt relief;
- asylum; and
- reform of the Government's approach to post-conflict reconstruction and stabilisation.

4. Those issues are addressed separately from the main reconstruction narrative, in order to provide a clearer account of the development of the UK's engagement.

5. This Section does not consider:

- planning and preparing to provide humanitarian assistance and reconstruction, which is addressed in Sections 6.4 and 6.5;
- the financial and human resources available for post-conflict reconstruction, addressed in Sections 13 and 15 respectively;
- de-Ba'athification and Security Sector Reform, addressed in Sections 11 and 12 respectively; or
- wider UK policy towards Iraq in the post-conflict period, addressed in Section 9.

UK policy on Iraq's oil and oil revenues

Iraq oil reserves, production and export

6. A January 2002 Ministry of Defence (MOD) Defence Intelligence Service (DIS) report on Iraq's infrastructure stated that Iraq held the second largest proven oil reserves in the world at approximately 115bn barrels, equating to 11 percent of total world oil reserves.[1] It also held two percent of total world gas reserves. There were potentially larger reserves as many areas were underdeveloped.

7. The report estimated that crude oil production was approximately 2.8m barrels per day (bpd). Of that, Iraq exported approximately 2.4m bpd under the Oil-for-Food (OFF) programme.

8. The report also stated that Iraq's oil and gas infrastructure was in a generally poor state of repair.

9. A November 2002 Trade Partners UK (TPUK) paper advised that:

> "… exploration in Iraq is relatively immature and yet-to-find (YTF) reserves have been estimated at between 50[bn] and 200bn barrels of oil. This magnitude of YTF reserves is unmatched anywhere in the world.
>
> …
>
> "Based on these reserves Iraq has the potential to be an extremely important future player in the supply of oil and gas to world markets …
>
> "Despite the vast sums required to develop Iraq's reserves, there is a great deal of interest from International Oil Companies to become involved in this [investment in Iraq's oil infrastructure]. This is based on the fact that, although modern technologies will be required to undertake the work, Iraq's reserves are considered amongst the cheapest in the world to develop, driven by having large, onshore fields with simple geological structure."[2]

10. Iraqi oil production and revenues from oil exports for selected years between 1989 and 2009 are set out in Table 1, later in this Section.

[1] Paper DIS, 18 January 2002, 'Infrastructure Briefing Memorandum: Iraq'.
[2] Paper TPUK, 29 November 2002, 'Note for Sir David Manning on UK Oil Company Interests in Iraq'.

The Oil-for-Food (OFF) Programme

The OFF programme was established by resolution 986 in April 1995.[3] Implementation began in May 1996 after the signing of a Memorandum of Understanding between the UN and the Iraqi Government.

The programme allowed for:

- the export of Iraqi oil;
- the deposit of oil revenues into a UN-controlled account; and
- the use of those revenues to procure food, medicine and other goods approved by the UN.

Under the UN sanctions regime, the OFF programme was the only legal way to export Iraqi oil.

In the period running up to the invasion of Iraq, the UK assessed that 60 percent of Iraqi people relied on supplies distributed under the OFF programme.[4]

UK energy security interests, 2001 to 2002

11. Sections 1.1 and 1.2 describe the increasing challenges from 1999 to the US/UK policy for the containment of Iraq.

12. In January 2001, the Foreign and Commonwealth Office's (FCO's) Middle East Department drew up an internal paper for a meeting of the FCO Policy Board, which reassessed the UK's "fundamental interests" in relation to Iraq and recommended a new approach to promoting them.[5] The UK's interests were identified as:

- regional stability, including through the non-proliferation of Weapons of Mass Destruction (WMD);
- energy security: the region accounted for 33 percent of the world's oil production and 66 percent of world oil reserves;
- a "level playing field" for UK companies: at its peak, UK trade with Iraq was US$500m a year;
- preserving the credibility and authority of the UN Security Council;
- maintaining the coherence of UK policy, including on human rights, adherence to UN Security Council resolutions, and non-proliferation;
- improving the humanitarian and human rights situation in Iraq;
- avoiding a US/UK split; and
- reducing the UK's isolation in the European Union (EU).

---

[3] Office of the Iraq Programme: Oil-for-Food website, [undated], *About the programme.*
[4] Letter Short to Blair, 14 February 2003, 'Iraq: Humanitarian Planning and the Role of the UN'.
[5] Paper FCO, January 2001, 'Iraq: A Fresh Look at UK Interests'.

13. Sections 3.1 and 3.2 describe how, following the attacks on the US by Al Qaida on 11 September 2001, the US moved away from pursuing a policy of containment and towards a policy of taking direct action against Iraq, and the UK's response to that shift.

14. In February 2002, No.10 commissioned a "large number of papers" for the meeting between President Bush and Mr Blair at Crawford, Texas, which was scheduled to be held in early April.[6]

15. Those papers included:

"• **Iraq** … the options, the state of play on the UN Resolutions, the legal base and the internal dimension – the state of the opposition groups etc.

…

• **Oil and energy** … who are the producers, which states are Europe and the US most dependent on, the state of play in developing countries with oil reserves, pipelines …"[7]

16. The Cabinet Office's 'Iraq: Options Paper', which is described in detail in Section 3.2, identified two broad policy options:

- toughen the existing containment policy, or
- seek regime change.[8]

17. The paper defined the current objectives of UK policy towards Iraq, and set them within the context of the broader UK objectives of "preserving peace and stability in the Gulf and ensuring energy security".

18. Apart from that reference to energy security, the paper did not consider oil or energy security.

19. The FCO's Forward Strategy Unit (FSU) produced a paper on the security of global oil supply which considered a number of risks to the supply of oil, including a "sustained Allied attack on Iraq".[9] The paper concluded:

"• Any step increase in price likely to be unsustainable.
- Sufficient production and substantial spare capacity in other oil producing countries to meet demand."

20. The Options Paper and the FSU paper were submitted to Mr Blair on 8 March 2002 alongside seven other "background briefs that you asked for", for the meeting with President Bush.[10]

---

[6] Public hearing, 19 January 2011, page 34.
[7] Minute McKane to Manning, 19 February 2002, 'Papers for the Prime Minister'.
[8] Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.
[9] Paper FSU, March 2002, 'Paper on Security of Supply of Oil'.
[10] Minute Manning to Prime Minister, 8 March 2002, 'Briefing for the US'.

21. Mr Blair sent a minute to Mr Jonathan Powell, his Chief of Staff, on 17 March setting out three points in response to the briefing papers that he had received:

> "(1) In all my papers I do not have a proper worked-out strategy on how we would do it. The US do not either, but before I go [to Crawford], I need to be able to provide them with a far more intelligent and detailed analysis of a game plan …
>
> (2) The persuasion job on this seems very tough …
>
> (3) Oil prices. This is my big domestic worry. We must concert with the US to get action from others to push the price back down. Higher petrol prices really might put the public off."[11]

A copy of the minute was sent to Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Overseas and Defence Secretariat (OD Sec) in the Cabinet Office.

22. Asked to clarify what "it" was that required a proper worked-out strategy, Mr Blair told the Inquiry: "How we would either get Saddam to cease being a threat peacefully or to get him out by force."[12]

23. Mr Michael Arthur, FCO Economic Director, sent Sir David a paper on the economic effects of military action against Iraq on 26 March.[13] Mr Arthur assessed that:

> "Iraq produces c2.5m bpd, a bit over 3 percent of world supply. Military action may well lead to a reduction or cut-off in its exports either directly or by way of Iraqi retaliation.
>
> "There is likely to be an immediate spike in oil prices … provided the conflict does not spill over into the Gulf and threaten the flow of supplies through the Straits of Hormuz – the spike could be very short-lived."

24. A protracted, regional conflict would pose a more serious threat to oil prices and the world economy.

25. The paper also highlighted the economic consequences for Iraq's neighbours, particularly Jordan.

26. Mr John Scarlett, the Chairman of the Joint Intelligence Committee (JIC), responded to a request from Sir David for an update on Iraq's oil production, the importance of oil revenue to the Iraqi regime, and the effect of a halt in Iraqi oil exports on the world oil market, on 4 April.[14]

---

[11] Minute Prime Minister to Powell, 17 March 2002, 'Iraq'.
[12] Public hearing, 21 January 2011, page 43.
[13] Letter Arthur to Manning, 26 March 2002, 'Iraq: Back Pocket Economics'.
[14] Minute Scarlett to Manning, 4 April 2002, 'Iraq: Oil'.

27. Mr Scarlett advised that:

- Iraq exported considerable quantities of oil – perhaps as much as 400,000 bpd in 2001 – illegally.
- Saddam Hussein's regime gained some illegal revenue by applying surcharges to OFF programme trade. It also controlled the distribution of goods purchased under the OFF programme, adding to its ability to offer patronage.
- While a sudden cut in Iraqi oil exports would cause a temporary spike in the oil price, the price rise would be "moderate" (less than US$5 a barrel).
- The duration of the spike would be determined by market expectations which were already influenced by "jitters over the Middle East and talk of war with Iraq".

28. Sir David passed Mr Scarlett's note to Mr Blair the following day.[15]

29. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, sent Mr Blair an updated briefing pack for the meetings at Crawford on 4 April.[16] For Iraq, that included "further background papers on ensuring the security of energy supply".

30. Those further background papers are likely to have been the papers provided by Mr Arthur and Mr Scarlett.

31. Section 3.2 describes the discussions between President Bush and Mr Blair at Crawford from 5 to 7 April.

32. Mr Blair told the Inquiry that there had been "a general discussion of the possibility of going down the military route but obviously, we were arguing for that to be if the UN route failed".[17]

33. The Inquiry has seen no indications that issues relating to energy security or oil were discussed at the meetings.

Planning and preparing for a post-conflict Iraq

34. In mid-June 2002, the MOD's Strategic Planning Group issued a paper on UK military strategic thinking on Iraq to a limited number of senior MOD addressees.[18]

35. The paper stated that with significant potential oil revenues, Iraq's reconstruction should be "self-sufficient".

---

[15] Manuscript comment Manning to Blair on Minute Scarlett to Manning, 4 April 2002, 'Iraq: Oil'.
[16] Minute Rycroft to Prime Minister, 4 April 2002, 'Texas'.
[17] Public hearing, 29 January 2010, page 59.
[18] Minute Driver to PSO/CDS, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 June' attaching Paper MOD, 12 June 2002, [untitled].

36. The paper listed likely immediate, medium-term and long-term military post-conflict tasks. The immediate (up to six months) tasks included:

"• assist in restoration of key infrastructure elements;
• secure oilfields and oil distribution/refining infrastructure."

37. The medium-term (six months to two years) tasks included:

"• begin transfer [of] security of oilfields and production facilities to Iraqi forces."

38. The paper was revised five times between June and December 2002. The December 2002 version of the paper replaced the tasks listed above with a single "Military Line of Operation" for infrastructure security, which extended into the long term.[19]

39. At his request, Mr Blair received a pack of reading material on Iraq at the beginning of August 2002.

40. The reading pack included a January 2002 DIS report on Iraq's infrastructure.[20] The report had been produced in response to the ongoing requirement on DIS to maintain and update information to support possible future military operations.

41. The DIS report stated that Iraq's oil and gas industry had suffered substantial damage during the Iran/Iraq and Gulf wars, and recovery had been slow. A "recent UN report" had assessed that the general state of the Iraqi oil industry had declined seriously over the previous 18 months and that urgent measures were needed to avoid further deterioration of oil wells and the petroleum infrastructure. Of the 12 oil refineries in Iraq, only three were operational.

42. An FCO Economic Adviser produced an assessment of short- and long-term economic consequences of military action for the region and for Iraq on 29 August.[21] The assessment identified a number of potential short-term consequences of military action including a rise in oil prices and the disruption of the OFF programme.

43. Copies of the assessment were sent to FCO officials and, separately, to TPUK. The Inquiry has seen no indication that copies were sent to other departments.

44. A Treasury official sent Mr Gordon Brown, the Chancellor of the Exchequer, a paper on the global, regional and local (Iraqi) economic impact of war in Iraq on 6 September.[22]

---

[19] Paper [SPG], 13 December 2002, 'UK Military Strategic Thinking on Iraq'.
[20] Paper DIS, 18 January 2002, 'Infrastructure Briefing Memorandum: Iraq'.
[21] Minute FCO [junior official] to Gray, 29 August 2002, 'Iraq: Economic Issues Raised by Military Action and Regime Change' attaching Paper, [undated], 'Regional Economic Consequences of Military Action against Iraq'.
[22] Email Treasury [junior official] to Bowman, 6 September 2002, 'What would be the economic impact of a war in Iraq?' attaching Paper Treasury, September 2002, 'What would be the economic impact of war in Iraq?'.

45. The Treasury paper stated that Iraq's economy was distinguished by the dominance of oil and gas revenues. Iraq currently produced around 2.5m bpd, though this "fluctuated wildly" as Iraq used oil production as a bargaining tool in negotiations with the UN over the operation of the OFF programme. Around 2.25m bpd were exported. Oil revenues represented 60 percent of Iraq's GDP and 95 percent of its foreign currency earnings.

46. Oil markets already thought that war with Iraq was probable, driving up prices to around US$27 per barrel. Globally, a conflict could lead to a rise in the oil price of US$10 a barrel and a consequent reduction in global growth by 0.5 percentage points and a rise in inflation by between 0.4 and 0.8 percentage points.

47. The Treasury paper did not address the impact of a conflict on the UK economy.

48. The Treasury advised that recent experience suggested that the cost of "putting a country back on its feet" could be high. The Federal Republic of Yugoslavia had already received US$10bn in support. Iraq could be "even more expensive", given:

- the possibility that a conflict could cause significant damage, and the existing poor state of Iraq's infrastructure;
- the need to stabilise the economy, including by addressing Iraq's huge external debt;
- the need for a large peace-keeping force "to keep a lid on the ethnic and religious tensions that Saddam's dictatorship has hidden for so long"; and
- the pressure for a "generous [reconstruction] package, given the perception in the region that invading Iraq is of dubious legality and worth".

49. On who would pay for that generous package, the Treasury assessed that:

> "… the US might expect Iraq to pick up the bill after a short 'bridging' period, especially as – with investment – oil revenues could quickly exceed US$20 billion per year.
>
> "But it is more likely that strong pressure will come to bear on the US and its allies to pay the lion's share, given their role in the war …"

50. The Treasury paper did not consider more specifically what the UK's contribution to meeting post-war costs might be.

51. The Inquiry has seen no evidence that Mr Brown responded to this analysis, or that it was circulated outside the Treasury.

52. In September 2002, the Energy Infrastructure Planning Group was established within the US Department of Defense (DoD) to plan for the rapid restoration of Iraq's oil

sector, in order to maximise oil revenues to finance reconstruction.[23] Formal meetings began in November. In parallel, the US National Security Council (NSC) developed a longer-term plan to transfer control of Iraq's oil infrastructure back to the Iraqi authorities. That plan was approved by President Bush in January 2003.

53. The Inquiry has seen no indications that the UK Government was aware of those processes until late January 2003.

54. From 20 September 2002, the Cabinet Office-led Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues (see Section 6.4). The focus of the AHGI's work during autumn 2002 was a series of analytical papers by the FCO and other departments on the post-conflict administration and reconstruction of Iraq, and the possible consequences of conflict for the UK.

55. The AHGI held its first meeting on 20 September.[24] Mr Jim Drummond, Assistant Head (Foreign Affairs) of Cabinet Office OD Sec, wrote to Mr Desmond Bowen, Deputy Head of Cabinet Office OD Sec, the day before, suggesting issues for discussion and proposing departmental responsibilities for those issues. The issues identified by Mr Drummond included:

"
- Impact on world growth and trade, and on the UK economy (Treasury to write a note if they haven't already).
- Securing oil supplies and effect of regime change on world oil markets (DTI [Department of Trade and Industry])."

56. The record of the 20 September meeting of the AHGI stated that:

> "Most [departments] have begun considering implications of military action. These include Treasury on the macro economic impact, DTI on oil markets …"[25]

57. The record also stated that work should remain "as internal thinking within departments" for the next few weeks.

58. On 26 September, the FCO sent a paper on post-Saddam government in Iraq, entitled 'Scenarios for the Future of Iraq after Saddam', to Sir David Manning.[26] It was circulated separately to members of the AHGI.

59. The paper defined scenarios under which Saddam Hussein might lose power, the UK's four "overarching priorities" for Iraq (termination of Iraq's WMD programme, more inclusive and effective Iraqi government, a viable Iraq which was not a threat

---

[23] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[24] Minute Drummond to Bowen, 19 September 2002, 'Ad Hoc Group on Iraq (AHGI)'.
[25] Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.
[26] Letter McDonald to Manning, 26 September 2002, 'Scenarios for the Future of Iraq after Saddam' attaching Paper FCO, [undated], 'Scenarios for the Future of Iraq after Saddam'.

to its neighbours, and an end to Iraqi support for international terrorism), and how those priorities might be achieved.

60. The paper stated that the UK had a "fundamental interest in a stable region providing secure supplies of oil to world markets", but did not otherwise consider energy security or oil.

61. The Cabinet Office circulated the final version of the DTI's Emergency Plan to deal with international oil supply disruption resulting from military action in Iraq to members of the AHGI on 17 October.[27]

62. The DTI assessed that:

- the return of weapons inspectors and limited UN-sanctioned strikes against Iraq would have very little impact on UK fuel supplies;
- a UN-sanctioned invasion of Iraq could result in some disruption to international oil supply, possibly leading to a "token" release of oil stocks by the International Energy Agency (IEA), but there would be no impact on UK fuel supplies beyond some price volatility; and
- some worst-case scenarios, including a unilateral US invasion, could have a serious impact on oil markets leading to significant increases in UK fuel prices.

63. The DTI stated that it would monitor any potential or actual oil supply disruption.

64. On 22 October, Mr Jon Cunliffe, Treasury Managing Director for Macroeconomic Policy and International Finance, sent Mr Brown a paper on the impact on the Treasury's objectives of a war in Iraq.[28]

65. The Treasury paper identified nine risks to the Treasury's objectives and assessed the likelihood and impact of each in four scenarios: no war; a short war; a protracted war; and a war involving WMD. The nine risks were:

- substantial rise in public spending;
- lower growth, higher inflation and unemployment;
- negative productivity shock;
- public finances less sound;
- inflation deviates from target;
- loss of insurance capacity/risk of insurance failures;
- more International Monetary Fund (IMF) lending leading to higher UK gross debt;
- revival of popular pressure for lower fuel taxes; and

[27] Minute Dodd to Members of the Ad Hoc Group on Iraq, 17 October 2002, [untitled], attaching Paper DTI, October 2002, 'International Oil Supply disruption – Emergency Plan'.
[28] Minute Cunliffe to Chancellor, 22 October 2002, 'Iraqi War: Risks to Treasury Objectives' attaching Paper Treasury, [undated], 'Impact of a War on Treasury Business'.

- developing countries knocked by oil prices, leading to lower growth.

66. In his covering minute, Mr Cunliffe advised that the Treasury's main concern related to its "ability to maintain sound public finances, especially in the more pessimistic cases". There would be some risk to the "Golden Rule" in all three war scenarios; the risk would be much greater if a war involved WMD. Mr Cunliffe concluded by suggesting that Mr Brown might want to warn colleagues about the risk to public finances.

67. The Inquiry has seen no evidence that Mr Brown took any action as a result of Mr Cunliffe's advice.

68. In his evidence to the Inquiry, Sir Jon Cunliffe described the oil market as the "main transmission mechanism" from a conflict in Iraq to the world economy:

> "There are general confidence effects [on markets]; markets don't like wars, they don't like political situations they can't read, but … the more concrete transmission channel through which a crisis … would impact the global economy, we thought would be oil and oil price shock …
>
> "We modelled that quite closely …"[29]

69. The Inquiry asked Sir Jon whether the Treasury had done any work on the benefits of a conflict in Iraq to UK energy supply or to the UK oil industry. He told the Inquiry:

> "No, the only thing that I think comes close is that, in the fiscal impacts of a crisis, a high oil price benefits the UK, because we are an oil producer and we have tax and licence revenues, so we took that upside. That's one of the reasons why the impact on the UK economy is not straightforward. So we took into account what would happen with an oil price spike. It would actually mean damage to the UK economy, but more revenue coming in, but we weren't trying to do an exercise about the economic pros and cons of the war. That was not the object of the exercise."[30]

70. Sir Jon told the Inquiry that the DTI was also engaged on modelling the impact of conflict on oil prices.[31]

71. Mr Drummond sent a paper on models for Iraq after Saddam Hussein to Sir David Manning on 1 November.[32] In his covering minute, Mr Drummond advised that it was a synthesis of some of the work undertaken by departments under the auspices of the AHGI, and that it would be used as the steering brief for the FCO/MOD/Department for International Development (DFID)/Cabinet Office delegation to the forthcoming talks on post-conflict issues with the US and Australia in Washington. Mr Drummond advised that the ideas in the paper would not be presented as UK policy.

---

[29] Public hearing, 9 July 2010, pages 8 and 9.
[30] Public hearing, 9 July 2010, pages 10 and 11.
[31] Public hearing, 9 July 2010, page 9.
[32] Minute Drummond to Manning, 1 November 2002, 'Iraq: Post-Saddam' attaching Paper 'Iraq: Models and some questions for post-Saddam government'.

72. The paper stated that there were many possible permutations of the "stable united and law abiding [Iraqi] state … providing effective and representative government" sought by the UK, but focused on two:

- "Iraq under a new, more amenable strongman", after Saddam Hussein had been toppled prior to or in the early stages of any military campaign; and
- "a more representative and democratic Iraq" after Saddam Hussein's regime had collapsed following a military campaign.

73. In the second scenario, the UK's "preferred model" comprised three phases:

- A transitional military administration (which could last up to six months). Priorities would include maintaining a version of the OFF programme and planning for the revival of Iraq's economy.
- A UN administration (which might administer Iraq for approximately three years, while a Constitution was agreed). Priorities would be to repair "war damage" to Iraq's oil industry and introduce new investment. Some way would have to be found to reconcile payment of Iraq's huge external debt and compensation claims with its reconstruction and development needs.
- A sovereign Iraqi Government.

74. The paper did not address what role, if any, the UK might have in pursuing those priorities.

75. A Treasury paper on the impact of conflict on the global economy and the UK was circulated to the AHGI on 7 November.[33] The Treasury's assessment of the impact on the global economy remained unchanged from 6 September.

76. Mr Edward Chaplin, FCO Director Middle East and North Africa, led the UK delegation to the first round of talks on post-conflict issues with a US inter-agency team and an Australian delegation in Washington on 6 November.[34]

77. Mr Drummond, a member of the UK delegation, reported to Sir David Manning on 8 November that the US wanted to establish a trust fund for Iraqi oil revenues, under Coalition control, which would be transparent and enable resources to be used for the benefit of the Iraqi people.[35]

78. There are no indications that the UK engaged with the US on that issue until the second round of US/UK/Australia talks, in late January 2003.

---

[33] Letter Dodd to Ad Hoc Group on Iraq, 7 November 2002, 'Ad Hoc Group on Iraq' attaching Paper Treasury, October 2002, 'Economic Impact of a War in Iraq'.
[34] Telegram 1456 Washington to FCO London, 7 November 2002, 'Iraq: UK/US Consultations on Day After Issues: 6 November 2002'.
[35] Minute Drummond to Manning, 8 November 2002, 'Iraq: Day After'.

79. Mr Blair and Mr Jack Straw, the Foreign Secretary, held an off-the-record seminar on Iraq with six academics on 19 November.

80. Mr Rycroft advised Mr Blair that No.10 had issued a set of eight questions as an agenda for the seminar, including:

> "Post-Saddam, how quickly would the Iraqi economy revive? Who would control the oil etc?"[36]

81. Mr Rycroft annotated that question in his advice to Mr Blair:

> "BP and others are fretting that they will lose out in the carve-up of contracts after any military action, as the UK did after the Gulf war … We don't need to get into the detail of this, but we need to know what the main economic constraints would be in rebuilding Iraq and how economic issues would drive the model of governance chosen."

82. The concerns of UK oil companies and their discussions with the UK Government are described later in this Section.

83. Not all the questions posed by No.10 were addressed at the seminar.[37] Mr Rycroft's record of the seminar reported the view that changing Iraq substantively would mean tackling the political economy of oil, which led to a highly centralised bureaucracy and the power of patronage.

84. Mr Arnab Banerji, an adviser in No.10, sent Mr Blair a detailed assessment of the economic impact on the UK of war in Iraq on 19 December.[38] Mr Banerji concluded:

> "A short successful war with Iraq is likely to pose little strain on the UK economy. Following such a conflict a combination of lower oil prices and increased business confidence should provide a boost to the world economy. This in turn would feed into higher UK growth in both 2003 and 2004.
>
> "An extended or inconclusive conflict would have negative consequences for the world economy and damage the UK. If oil prices remain in the US$30 – US$45 [per barrel] range for a year then UK growth rates are expected to be about 1.0 percent lower than anticipated for both 2003 and 2004."

That price range compared with a UK forecast of US$20 to US$25 per barrel by the end of 2003.

---

[36] Minute Rycroft to Prime Minister, 18 November 2002, 'Iraq: Seminar with Academics, Tuesday'.
[37] Letter Rycroft to Sinclair, 20 November 2002, 'Iraq: Prime Minister's Seminar with Academics, 19 November'.
[38] Minute Banerji to Prime Minister, 19 December 2002, 'Economic Impact on UK of War with Iraq'.

85. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, reported US State Department (but not yet agreed US Government) views by telegram on 23 December.[39] The main policy points included:

- Provided the war was short, the US State Department did not anticipate a dramatic impact on oil prices. They were ready to intervene in the market as necessary.
- Control of the oil sector should be put back into Iraqi hands as soon as possible. As far as possible, any major decisions should be postponed until control was handed back.
- In the interim there should be a clear international role to maximise transparency and minimise charges that the US went to war for oil.
- The US would "respect the concerns of those countries with existing contracts".

86. A No.10 official wrote to Sir David Manning on 8 January 2003, to express his concern about the US plan to set up a US-administered trust fund for Iraqi oil revenues.[40] The official argued that:

> "… we should be working hard to persuade the US that, whilst a trust fund to ensure the Iraqi people benefit from oil export revenues is a good idea, it is very much in the US's (and by extension the UK's) political interests to get this done through a UN forum … If control was handed to the UN, it would be much more difficult to maintain the argument that this is about oil."

87. The 10 January 2003 meeting of the AHGI considered a joint Cabinet Office/ Department for Environment, Food and Rural Affairs (DEFRA) paper on environmental contingency planning.[41]

88. DEFRA assessed that the environmental consequences of large-scale damage to Iraqi oil fields would be "significant and dramatic but in most cases short term".[42] Most of the impacts would be confined to Iraq. The US would have an important role in responding to environmental contamination, though the extent of its contingency planning was unclear. The UK had the capacity to provide "limited assistance" to:

- treat oil pollution;
- monitor air pollution; and
- help decontaminate water supplies.

89. DEFRA stated that any UK assistance would require funding.

---

[39] Telegram 1690 Washington to FCO London, 23 December 2002, 'Iraq: the Day After: Oil and Reconstruction'.
[40] Minute No.10 [junior official] to Manning, 8 January 2003, 'What We Do with Iraqi Oil'.
[41] Minute Dodd to Manning, 13 January 2003, 'Ad Hoc Group on Iraq'.
[42] Paper Cabinet Office/DEFRA, [undated], 'Iraq: Environmental Contingency Planning'.

90. The AHGI agreed that the DEFRA paper should be passed to the US, and a finalised version sent to Ministers.

MILITARY PLANNING

91. Sections 6.1 and 6.2 describe how, by the beginning of January 2003, uncertainty about Turkey's agreement to the deployment of Coalition ground forces in its territory had reached a critical point, and the UK's decision to deploy large-scale ground forces to the south, rather than the north, of Iraq.

92. The MOD's Strategic Planning Group advised the Chiefs of Staff on 7 January that adopting a southern option had the potential to:

> "Provide UK with leading role in key areas of Iraq (free of Kurdish political risks) in Aftermath, and thus provide leverage in Aftermath Planning efforts, especially related to:
>
> - Humanitarian effort
> - Reconstruction of key infrastructure
> - Future control and distribution of Iraqi oil."[43]

93. Lieutenant General John Reith, Chief of Joint Operations (CJO), attended a US Central Command (CENTCOM) commanders' conference in Tampa, Florida on 15 and 16 January.[44] The conference was described by General Tommy Franks, Commander in Chief CENTCOM, as "likely to be the last chance for such a gathering to take place. It therefore had to be conclusive."

94. Lt Gen Reith reported to Admiral Sir Michael Boyce, Chief of the Defence Staff, that the US had "a zillion dollar project to modernise and properly exploit the southern oilfields".[45]

95. Gen Reith told the Inquiry that, in the margins of the conference, he had told Gen Franks that he was unhappy with the way planning was going:

> "… they were going into shock and awe, and we … the British … had been very much the custodians of 'Let's worry about Phase IV'.[46] So we got on to Phase IV in our discussion and I made the point … that the oilfields were absolutely essential for Phase IV, to provide revenue for Iraq for its reconstruction and therefore, we needed to secure the oilfields rather than have them destroyed. I also made the point to him that the more china that we broke, the more we would have to replace afterwards."[47]

---

[43] Paper SPG, 7 January 2003, 'Operation TELIC – Military Strategic Analysis of Pros/Cons of Adopting a Southern Land Force Option'.
[44] Minute Wilson to MA/CJO, 17 January 2003, 'CENTCOM Component Commanders' Conference: 15-16 Jan 03'.
[45] Minute Reith to PSO/CDS, 17 January 2003, 'Discussion with General Franks – 16 Jan 03'.
[46] Phase IV was the military term for the post-conflict phase of military operations.
[47] Private hearing, 15 January 2010, pages 42-43.

96. Mr Geoff Hoon, the Defence Secretary, sent Mr Blair formal advice on the UK contribution to land operations in Iraq on 16 January.[48] Mr Hoon stated that the US had asked the UK to provide a ground force to take on a key role in southern Iraq. He described the proposed UK Area of Responsibility in the south as "a coherent one", which included:

> "… economic infrastructure critical to Iraq's future, including much of its oil reserves, critical communications nodes, a city (Basra) of 1.3 million people and a port (Umm Qasr) about the size of Southampton. Although the establishment of UK control over this area will require careful presentation to rebut any allegations of selfish motives, we will be playing a vital role in shaping a better future for Iraq and its people."

97. Mr Straw wrote to Mr Blair the following day in response to Mr Hoon's letter, setting out three concerns, including:

> "… much greater clarity is required about US thinking and plans for the aftermath … We need in particular far greater clarity on US thinking on management of the oilfields."[49]

98. Mr Hoon's recommendations were endorsed by Mr Blair on 17 January,[50] and the deployment of a UK land package was announced to Parliament on 20 January.[51]

DISCUSSIONS WITH THE US

99. Mr Peter Ricketts, FCO Political Director, visited Washington on 13 January.[52]

100. At the first FCO Iraq Morning Meeting after his return from Washington, Mr Ricketts reported that:

> "… the US show no sign of accepting our arguments on transitional administrations. They are wedded to the idea of a prolonged US Occupation, and opposed to any substantial role for the UN. We are likely to find the 22 January day after talks hard going in this respect."[53]

101. Mr Chaplin led the UK delegation to Washington for a second round of talks on post-conflict planning with a US inter-agency team and an Australian delegation on 22 January.

102. Mr Dominick Chilcott, FCO Middle East Department, sent an "Annotated Agenda/ overarching paper" for the meeting to Mr Straw on 17 January.[54] The paper listed a large

---

[48] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.
[49] Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[50] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.
[51] House of Commons, *Official Report*, 20 January 2003, column 34.
[52] Minute Ricketts to Private Secretary [FCO], 14 January 2003, 'Iraq: The Mood in Washington'.
[53] Minute Tanfield to PS/PUS [FCO], 15 January 2003, 'Iraq Morning Meeting: Key Points'.
[54] Minute Chilcott to Private Secretary [FCO] and Chaplin, 17 January 2003, 'Iraq: Day-After Issues'.

number of issues still to be resolved, organised under five headings: security; relief and reconstruction; political; economic; and environmental.

103. Under the relief and reconstruction heading, the paper stated that the UK would like the OFF programme, funded by Iraqi oil revenues, to continue to meet humanitarian needs in the post-conflict period. Its ability to do so would depend on the extent of the disruption caused by any conflict. Looking further ahead, the OFF programme was not designed to support reconstruction. The extent of external funding required for reconstruction would depend on Iraqi oil revenues, UN compensation claims and external debt obligations. The UK would be able to provide only a limited contribution to "total costs". There might be scope for Iraq to borrow against future oil revenues to finance reconstruction.

104. Under the economic heading, the paper stated that a key task would be to maximise Iraq oil revenues, consistent with the effect on the global market. The Coalition would need to consider whether that was best achieved by returning control of Iraqi oil exports from an international civilian administration to an Iraqi administration rapidly or in slower time. The Coalition would also need to consider how the competing calls on oil revenues of debt repayment and reconstruction should be balanced.

105. Under the environmental heading, the paper asked whether there was an environmental clean-up plan.

106. On 20 January, President Bush issued National Security Presidential Directive 24, consolidating all post-conflict activity in the new DoD-owned Office of Reconstruction and Humanitarian Assistance (ORHA).[55] President Bush had decided in principle to place the DoD in charge of all post-conflict activity in December 2002.

107. Lieutenant General (retired) Jay Garner was appointed to lead ORHA.[56]

108. The British Embassy Washington reported on the outcome of the 22 January talks on post-conflict planning:

> "Overall, US Day After planning is still lagging far behind military planning. But they have agreed to two working groups: on the UN dimension; and on economic reconstruction issues …
>
> …
>
> "The US were clear that the OFF [programme] would have to be maintained. There would need to be debt rescheduling. There were many questions to be resolved on oil production and revenues. The US fully accepted the need for

---

[55] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[56] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

maximum transparency in this area. They readily agreed to set up a joint working group to examine these issues."[57]

109. Mr Chaplin advised Mr Straw that: "Given that military action could start within a few weeks, we agreed to have the first meetings of these [working] groups next week, if possible."[58]

110. Reports from the British Embassy Washington in late January highlighted the question of who would manage the oil sector in the post-conflict period.

111. A joint MOD/Permanent Joint Headquarters (PJHQ) delegation attended a Phase IV planning conference at CENTCOM from 23 to 24 January.[59] The conference considered Phase IV planning in more detail than the 22 January talks.

112. The British Embassy Washington reported on the discussions on Phase IV issues.[60] The "Energy and Infrastructure Planning Group" based in DoD was co-ordinating work on the oil sector. A comprehensive plan had been presented to President Bush. A specialised contractor had been identified to carry out emergency repairs. It had still not been decided "who or what" would be in overall charge of the oil sector, although President Bush had agreed that a "CEO" would be needed.

113. The Embassy reported that the "underlying" US objective was to get "operations back in the hands of the local workforce as soon as possible". The US Administration recognised the need to restore oil production and exports to generate revenue; the aim was to "quickly achieve" 2.1m bpd, and to be prepared to increase production to 3.1m bpd.

114. A BP team briefed UK Government officials on prospects for the Iraq energy sector on 23 January.[61] The briefing identified "two opposing views current in Washington", which it characterised as "hawkish" (espoused by the DoD, the NSC and others) and "doveish" (espoused by the US State Department). The hawkish view sought a significant increase in Iraqi oil production to push down oil prices, privatisation within the oil sector, and external engagement led by the US (and possibly the UK) rather than the UN.

115. The BP team estimated that Iraqi oil production could rise from around 2.8m bpd currently to around 3.5m bpd within two years and 4m bpd within five years. Significant investment was required. UK officials pressed the BP team on whether this "fairly slow" increase could be accelerated.

---

[57] Telegram 89 Washington to FCO London, 23 January 2003, 'Iraq: US/UK/Australia Consultations on Day After Issues: 22 January 2003'.
[58] Minute Chaplin to Secretary of State, 22 January 2003, 'Iraq: 'Day-After' Issues'.
[59] Minute DOMA AD(ME) and Sec(0)4 to MA/DCDS(C), 27 January 2003, 'US Iraq Reconstruction Conference – Tampa 23-24 Jan 03'.
[60] Teleletter FCO [junior official] to Chilcott, 25 January 2003, 'US/Iraq: CENTCOM Meeting on Day After Reconstruction Issues, 23 January 2003'.
[61] Record, 23 January 2003, 'Iraqi Energy Sector: Issues and Prospects'.

116. On 31 January, in advance of the first meeting of the US/UK/Australia Working Group on Day After Economic on 5 February, a junior official in the British Embassy Washington advised the FCO that, on oil, "at present, the [US] Administration are sharing little with us".[62] Much of the post-conflict planning relating to oil was being done within the DoD. The official US line was that UK concerns about transparency and the need for a level commercial playing field had been taken on board.

117. The official reported that Mr Colin Powell, the US Secretary of State, had said publicly that oil would be held "in trust" for the Iraqi people and that the underlying US objective was to get operations back into the hands of the "local workforce", but that view might not be held in other (unspecified) parts of the US Administration.

118. The official also reported that rumours persisted that contracts had already been let for the initial clean-up phase (which could last anything from two to 18 months).

119. The official concluded that key questions remained, including who would be in overall charge of the oil sector after the initial clean-up.

120. Mr Blair met President Bush and Dr Condoleezza Rice, President Bush's National Security Advisor, in Washington on 31 January to discuss post-conflict planning.

121. A FCO briefing for Mr Blair included in its list of objectives for the meeting: "To convince President Bush … the US needs to pay much more attention, quickly, to planning on 'day after' issues; and that the UN needs to be central to it."[63]
Key messages included:

- The UN could bring "significant advantages" after the conflict, including taking on responsibility for oil revenues "to avoid accusations that aim of military action was to get control of oil".
- Restoring oil production would be "an immediate challenge". The oil sector would need "some technology and a lot of capital". The US and UK should "encourage an open investment regime and a level playing field for foreign companies".

122. A short Cabinet Office paper offered Mr Blair a "few OD Sec points, just in case they slip through the briefing".[64] Those included:

- the importance of the transparent use of oil revenues; and
- the need to argue for a level playing field for UK companies on new oil exploration contracts.

---

[62] Letter FCO [junior official] to FCO [junior official], 31 January 2003, 'Iraq 'Day After'; Economic Working Group'.
[63] Paper FCO, 30 January 2003, 'Prime Minister's Visit to Camp David, 31 January: Iraq'.
[64] Minute Drummond to Rycroft, 28 January 2003, 'Iraq: US Visit'.

123. At the meeting with President Bush, Mr Blair suggested that a UN badge was needed for what the US and UK wanted to do, and would help with the humanitarian problems.[65]

124. The record of the meeting between President Bush and Mr Blair does not show any discussion of oil issues.

125. The first meeting of the US/UK/Australia Working Group on Day After Economic Issues took place in Washington on 5 February.[66]

126. The British Embassy Washington reported that the DoD had detailed contingency plans to protect and restore the oil sector. The DoD was well aware of the importance of the oil sector for reconstruction. In the best case (minimal damage, current levels of outputs restored after two to three months), the DoD estimated that the sector could make a net contribution of US$12bn in the first year after any conflict; in the worst case it could impose a net cost of US$8bn.

127. The Working Group agreed to co-operate on defining practical economic steps to be taken in the first three to six months of military occupation.

128. The FCO member of the UK delegation, the Economic Adviser for the Middle East and North Africa, reported separately to Mr Drummond that:

> "DoD are ploughing ahead with detailed contingency planning for the oil sector in the initial military administration phase. But … there was a conspicuous disconnect between this and civilian planning for economic management and policy development within Iraq …"[67]

129. Mr Marc Grossman, US Under Secretary of State for Political Affairs, and Mr Douglas Feith, US Under Secretary of Defense for Policy, gave evidence on US post-conflict plans to the Senate Foreign Relations Committee on 11 February.[68]

130. The British Embassy Washington reported that Mr Grossman's and Mr Feith's message to the Foreign Relations Committee was "liberation not occupation", with an assurance that the US did not want to control Iraq's economic resources.

---

[65] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.
[66] Telegram 169 Washington to FCO London, 6 February 2003, 'Iraq: Meeting of Trilateral Working Group on 'Day After' Economic Issues: Short Term Reconstruction'.
[67] Teleletter FCO [junior official] to Drummond, 6 February 2003, 'Iraq: Meeting of US/UK/Australian Working Group on 'Day After' Economic Issues: Assessment and Follow Up'.
[68] Telegram 196, Washington to FCO, 12 February 2003, 'Iraq 'Day After': US Makes Initial Planning Public'.

131. The final paragraph of the Embassy's report highlighted the degree of uncertainty surrounding US plans:

> "In the ensuing discussion, Feith said that military occupation could last two years. Both admitted to 'enormous uncertainties'. They said that they did not know how the Iraqi oil industry would be managed, who would cover the costs of oil installation reconstruction, or how the detailed transition to a democratic Iraq would operate. The committee's response was one of incredulity, with encouragement to plan for the worst, as well as the best, case."

132. Sir David Manning commented to Mr Bowen and No.10 officials:

> "Last para[graph] shows scale of problem post-Saddam. We must keep pushing for this work to be done."[69]

133. Mr Tom Dodd, Cabinet Office OD Sec, reported on 11 February on a US briefing on the oil sector arranged by the Assessments Staff.[70] The briefing assessed that Iraq's oil infrastructure was "generally in terrible condition". CENTCOM believed that oil production could be increased to 6m bpd within three years, given massive new investment. US officials believed that reaching that level of production would take at least six years, "given benign political and security factors".

134. Mr Hoon discussed post-conflict issues with Mr Donald Rumsfeld, the US Secretary of Defense, in Washington on 12 February.

135. A briefing prepared by the MOD Iraq Secretariat for Mr Hoon listed eight "Key Gaps/US-UK policy differences", one of which was oil.[71]

136. The MOD advised that the US plan for the insertion of a task force of US oil experts and subsequent management of Iraqi oilfields "had to be handled carefully to avoid accusations of theft". The UK would press for transparency of oil management, for greater UN involvement than was envisaged, and for the early transfer of control of oilfields back to the Iraqis.

137. The "task force" was probably a reference to Task Force Restore Iraq Oil (RIO), established by the US Army Corps of Engineers.[72] An advance team from Task Force RIO deployed to Iraq in February.

---

[69] Manuscript comment Manning on Telegram 196 Washington to FCO, 12 February 2003, 'Iraq 'Day After': US Makes Initial Planning Public'.
[70] Minute Dodd to Drummond, 11 February 2003, 'Iraq: Oil'.
[71] Minute Johnson to PS/Secretary of State [MOD], 10 February 2003, 'Secretary of State's Visit to Washington: Iraq'.
[72] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

138. Separately, Mr Drummond sent Mr Ian Lee, MOD Director General Operational Policy, a final version of the UK's "key messages" on post-conflict Iraq, for Mr Hoon to draw on in his meeting with Secretary Rumsfeld.[73] The final two key messages were:

> "Oil. Agree need to resume oil production and export as soon as possible. Welcome your plans to deal with any immediate environmental damage, and commitment to use oil revenues for the benefit of the Iraqi people e.g. … by adapting [the] Oil-For-Food programme. Essential that oil revenues managed transparently and accountably. Perception of US/UK oil grab would rapidly increase hostility to the Coalition. The UN could help us avoid this.
>
> "Level playing field: Big contracts to rebuild Iraq. Putting UK lives on line. Expect level playing field for UK business in oil and other areas."

139. The British Embassy Washington reported on 13 February that Mr Hoon had raised the issue of financing reconstruction with Secretary Rumsfeld, including using the proceeds from oil sales.[74] Secretary Rumsfeld had agreed that oil revenues were key to financing reconstruction and should not be misinterpreted as a reason for the conflict. The DoD would make it clear that Iraqi oil proceeds should go to Iraq's people. The OFF programme was a good basis on which to work.

140. Following the 5 February meeting of the US/UK/Australia Working Group on Day After Economic Issues, on 14 February an FCO official sent the US State Department a paper setting out the UK's thoughts on the steps to be taken in the first 30 and 60 days after any conflict.[75] The official advised that the paper reflected FCO, Treasury and DFID views, and was:

> "… very much work in progress, not completely co-ordinated here [in London], and at this stage reflects largely the views of economic and relief specialists here: it is not fully cleared politically."

141. The paper set out strategic and specific operational objectives for six issues, including oil. The key strategic objective for oil was: "Maximum continuity in oil production and exports." The specific operational objectives for oil in the first 30 days included:

> "• secure National Oil Company infrastructure (offices and staff as well as technical infrastructure) …
>
> …

---

[73] Letter Drummond to Lee, 11 February 2003, 'Iraq Post Conflict: Key Messages' attaching Paper Cabinet Office, 11 February 2003, 'Iraq Post Conflict: Key Messages'.
[74] Telegram 203 Washington to FCO London, 13 February 2003, 'Iraq: Defence Secretary's Visit to Washington'.
[75] Letter FCO [junior official] to US State Department official, 14 February 2003, 'Iraq Day After: Trilateral Economic Discussions – Follow-up' attaching Paper, 14 February 2003, 'Iraq Day After: Preliminary UK Views on Economic Actions in First 30/60 Days'.

- work with NOC management to ensure continued physical operation of non-damaged facilities and continued exports …;
- work with NOC management to ensure administrative integrity, including staff retention and payment of salaries;

…

- initial quick assessment of oil sector spending needs …"

142. The specific operational objectives for oil in the first 60 days were to:

- prepare an emergency budget for the oil sector;
- arrange for "urgent work" on oil infrastructure; and
- assess recent oil exports outside the OFF programme.

143. The same version of the paper was sent to Mr Blair on 7 March.

144. A Treasury official invited Mr Brown's comments on officials' "first thoughts" on Treasury policies in a post-Saddam Iraq on 11 February (see Section 13.1).[76] The Treasury assessed that the cost of ensuring Iraq's prosperity and stability was difficult to predict but "potentially massive". Iraq was potentially a rich country and the "obvious answer" was that Iraq should pay "the lion's share" of its reconstruction from its oil revenues. However, there were several reasons why that might not cover all – or even the majority – of the cost of reconstruction:

- Iraq's oil infrastructure could be damaged in any conflict, or sabotaged.
- The price of oil could fall.
- There would be pressure for Coalition countries to pay for reconstruction.
- The OFF programme provided up to US$10bn a year for Iraq. That was enough to keep Iraq "ticking over", but it was not clear whether it was enough to pay for reconstruction.
- A post-conflict Iraq might have to pay war reparations and service the country's huge debt.

145. The official proposed that an "emerging policy position" would include maximising the Iraqi contribution to the cost of reconstruction, initially by maintaining the OFF programme.

146. The Treasury told the Inquiry that Mr Brown did not comment.[77]

147. Mr John Grainger, an FCO Legal Counsellor, sent the Iraq Planning Unit (IPU) an outline of the legal position on occupying forces' rights to deal with oil reserves

---

[76] Minute Treasury [junior official] to Chancellor, 11 February 2003, 'HMT Policy on Post-Saddam Iraq' attaching Paper Treasury, 11 February 2003, 'Post-War Iraq: International Financing Policy'.
[77] Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].

in occupied territory on 14 February.[78] Mr Grainger advised that, under the Hague Regulations:

> "… the Occupying Power acquires a temporary right of administration, but not sovereignty. He does not acquire the right to dispose of property in that territory except according to the strict rules laid down in those regulations. So occupation is by no means a licence for unregulated economic exploitation."

148. Mr Grainger also advised that:

- the reasonable operation of oil wells was likely to be permitted, at least up to the rate at which they were previously operated, but there would be no right to develop new wells; and
- the current OFF programme regime assumed a degree of Iraqi Government involvement. In the event of there being "no Government in active control of Iraq", it was likely that significant changes to the regime would be required.

149. On 19 February, at the request of the Cabinet Office, the Joint Intelligence Committee (JIC) produced the Assessment, 'Southern Iraq: What's in Store'.[79]

150. The JIC concluded that: **"The establishment of popular support for any post-Saddam administration cannot be taken for granted."** Support could be undermined by several factors, including a failure to be seen to run the oil industry in the interests of the Iraqi people.

151. The JIC also recalled its earlier judgement that Saddam Hussein might seek to pursue a scorched earth policy, including the destruction of oil wells.

152. Mr Chilcott sent Mr Straw's Private Office a paper on oil policy on 28 February.[80] Mr Chilcott advised that the paper, entitled 'Iraq Day After – Oil Policy', set out "preliminary, official-level thinking". It had been circulated "fairly widely" across departments and incorporated comments from "various" departments. The IPU planned to share the paper with the US "in due course", after some careful editing.

153. The paper stated that the UK's economic objectives should be the rapid relief of humanitarian needs and the restoration of public services, and beyond that "to win the peace economically". Oil revenues would have a key part to play in achieving those objectives. Provided exports were not interrupted, Iraq could finance a "substantial part" of the humanitarian, reconstruction and longer-term rebuilding effort.

---

[78] Minute Grainger to IPU [junior official], 14 February 2003, 'Occupation Rights: Iraqi Oil'.
[79] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'
[80] Minute Chilcott to Private Secretary [FCO], 28 February 2003, 'Iraq Day After – Oil Policy' attaching Paper IPU, 27 February 2003, 'Iraq Day After – Oil'.

154. In the immediate aftermath of any conflict, the military administration's priorities should be to:

- cap any oil well fires and prevent damage to oil infrastructure; and
- restore production by repairing existing oil production facilities.

155. The "interim administration" that followed would lead on the rehabilitation and longer-term development of Iraq's oilfields, including tendering contracts for the exploration and exploitation of new areas. Deferring such work until a new Iraqi Government was in place would "seriously delay the maximisation of Iraq's oil revenue and increase the cost to the international community of its reconstruction". It would be important to ensure that:

"
- any such moves were clearly in the interests of the Iraqi economy and people;
- the interim administration had an appropriate UN mandate;
- everything was done in as transparent a manner as possible; and
- production was not pushed beyond OPEC-type depletion rates, even though that could be in the interests of the Iraqi people."

156. The paper stated that the OFF programme would need to be adjusted so that it could operate effectively after any conflict. That could only be done through the Security Council. The paper cautioned against seeking to use OFF programme funds to cover the cost of military occupation, as some in the US were suggesting, as this would "inevitably raise accusations that the military action was motivated by oil".

157. The paper concluded that in the aftermath of any conflict, the "international administration" should seek to ensure that:

- Iraqi oil revenues were available to be used for the benefit of Iraq; and
- all Iraqi oil industry business was handled in as transparent a manner as possible, "to rebut allegations about oil motivations".

158. The paper identified a number of next steps for the UK, including:

- to convene a meeting with UK oil companies to explore the UK's ideas and tap into their expertise;
- to start preliminary work to ensure that UK firms were well placed to pick up contracts. That work was already in hand;
- to factor rapid assistance for oilfield installations into UK military planning; and
- to start thinking about appropriate wording for UN resolutions. That was also already in hand.

159. Mr Straw commented: "V[ery] good paper."[81]

---

[81] Manuscript comment Straw, 2 March 2003, on Minute Chilcott to Private Secretary [FCO], 28 February 2003, 'Iraq Day After – Oil Policy'.

160. The paper was one of several passed to Mr Blair on 7 March, after his 6 March ministerial meeting on post-conflict issues.[82]

161. A revised version of the paper was passed to the US by 13 March.[83]

162. Mr Blair chaired a meeting on post-conflict issues on 6 March with Mr Brown, Mr Hoon, Ms Clare Short (International Development Secretary), Baroness Symons (joint FCO/DTI Minister of State for International Trade and Investment), Sir Michael Jay (FCO Permanent Under Secretary) and other officials.[84] The meeting is described in detail in Section 6.5.

163. Mr Brown received a number of papers from Treasury officials before the meeting, including a draft "DFID paper rewritten by the Treasury" on humanitarian relief and reconstruction costs.[85] The draft paper stated that it was a "first attempt at charting the likely costs of the first three years of the Iraqi reconstruction".

164. The draft paper stated that, while cost estimates would remain "very rough" until the International Financial Institutions (IFIs) had completed a full needs assessment:

- In year 1, humanitarian costs could be between US$2bn and US$12bn, depending on the scale of the humanitarian crisis and the extent to which oil exports and the OFF programme were disrupted.
- In years 2 and 3, total reconstruction costs (before Iraq's oil revenues were taken into account) would be between US$2bn and US$15bn per year. Oil revenues might allow Iraq to pay for most of this – if production levels and prices were favourable, Iraq did not have to repay its debts, and rehabilitation of Iraq's oil infrastructure was cheap.

165. The draft paper stated that sources of financing for relief and reconstruction remained uncertain. The current US/UK approach was to maintain and expand the OFF programme as the central source of financing.

166. At the meeting, Mr Brown said that the burden of reconstruction should not be borne by the US and UK alone; other countries and Iraqi oil revenues should be tapped.[86] In the longer term, Iraqi oil should fund the country's reconstruction.

167. Mr Blair concluded that Mr Brown should draw up "a funding plan, including securing funding from wider international sources, in particular the IFIs". The Treasury sent that plan to No.10 on 14 March.

---

[82] Minute Rycroft to Prime Minister, 7 March 2003, 'Iraq: Weekend Papers'.
[83] Letter Gooderham to Chilcott, 13 March 2003, Iraq: Day After: The Oil Sector'.
[84] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.
[85] Email Dodds to Private Office [Treasury], 4 March 2003, 'Iraq: Ministerial Meeting on Thursday Morning' attaching Paper DFID [draft], March 2003, 'Iraq Relief and Reconstruction Costs: an Overview'.
[86] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.

168. On 8 March, the US Army Corps of Engineers (USACE) awarded a contract for the repair of Iraq's oil infrastructure, worth up to US$7bn, to the US engineering company Kellogg, Brown and Root (KBR).[87] *Hard Lessons* reported that the contract was the single largest reconstruction contract in Iraq and the largest known sole-source contract in US history.

169. Mr Mike O'Brien, FCO Minister of State, visited Washington on 13 March to discuss post-conflict issues with US interlocutors.[88]

170. A senior official from the NSC briefed Mr O'Brien on US plans for the oil sector.[89] The British Embassy Washington reported that the NSC was expecting Saddam Hussein to inflict "massive damage" on Iraq's oil infrastructure; contracts had been let to US companies to control the damage.

171. The NSC official advised that a small, US, senior management team for the oil sector had been assembled. Its first task would be to assess reconstruction and investment needs. The team would need to be headed by an Iraqi.

172. The official said that the NSC agreed on the need for a UN role in ensuring transparency, but thought that the UN was not able to run the oil sector. That would be a job for the oil sector management team, "reporting first and foremost to the Coalition".

173. The official also advised that the NSC agreed with much of the UK's oil policy paper, but identified three points of disagreement:

- The US did not think it was sensible to commit to restoring pre-invasion levels of production, when the Coalition could not know what damage would be inflicted on the oil infrastructure.
- The US foresaw legal problems in either the Coalition or the interim Iraqi administration letting new oil development contracts (which would be long-term commitments) during the "transitional phase". Depending on the situation on the ground, it might make more sense to suspend the existing six or seven oil development contracts, with a view to them being renegotiated in due course by a sovereign Iraqi Government.
- The US thought it was unrealistic to envisage private finance emerging early on.

174. The Inquiry has not seen the version of the oil policy paper passed to the US.

175. Dr Rice gave Sir David Manning an account of White House thinking on the handling of Iraqi oil on 13 March.[90] The OFF programme should be left in place, and phased out when there was an Iraqi entity ready to take control of oil revenues.

---

[87] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[88] Telegram 341 Washington to FCO London, 13 March 2003, 'Iraq Day After: Mr O'Brien's Visit'.
[89] Letter Gooderham to Chilcott, 13 March 2003, Iraq: Day After: The Oil Sector'.
[90] Minute Cannon to Owen, 14 March 2003, 'Iraq: Iraqi Oil Post-Conflict'.

The US also wanted to make clear that military operations would not be paid for out of Iraqi oil money.

176. Ms Patricia Hewitt, the Trade and Industry Secretary, wrote to Mr Blair on 13 March seeking confirmation that she could, if necessary, signal the UK's agreement to the release of a modest amount of the IEA's oil stocks, to reassure oil markets.[91] She described the oil markets as "extremely nervous".

177. No.10 replied the following day, confirming that while Mr Blair agreed the broad approach proposed, he would like to be consulted before any final decision was taken.[92]

178. On 14 March, the FCO instructed the UK Permanent Mission to the UN in New York to start discussions with the US delegation on a possible resolution to modify the OFF programme and sanctions regime in the event of military action and the absence of an "effective Iraqi Government".[93] The FCO believed that that resolution might best be tabled immediately after the start of military operations.

179. The UK wanted the OFF programme to continue "for some time", to enable Iraq to export oil and import and distribute humanitarian goods until new government structures existed that could take on those functions.

180. The FCO proposed that to enable the OFF programme to continue, the UN Secretary-General should fulfil a number of functions that were currently reserved for the Iraqi Government, including the authority to spend OFF programme funds.

181. The UK position was summarised in the FCO background papers for the Azores Summit, sent to No.10 on 15 March:

> "If the Iraqi regime falls, new arrangements will need to be put in place to enable the OFF to keep functioning. Our current plan is to table a resolution soon after conflict starts, transferring authority for ordering and distributing goods to the UN Secretary-General … [W]e would hope that the Secretary-General would be able to transfer full control over oil revenues to a properly representative Iraqi Government as soon as possible (not as the US have suggested, an Iraqi 'entity', which could, particularly if US appointed, fuel suggestions that the Coalition was seeking to control Iraqi oil)."[94]

---

[91] Minute Hewitt to Blair, 13 March 2003, 'Iraq and the oil market'.
[92] Letter Jones to Zimmer, 14 March 2003, 'Iraq and the oil market'.
[93] Telegram 149 FCO London to UKMIS New York, 14 March 2003, Iraq – Military Action – Sanctions and Oil for Food – Strategy Paper.
[94] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit' attaching Paper FCO, 'Iraq – Oil for Food Programme (OFF) and Sanctions'.

182. On 14 March, in response to Mr Blair's 6 March request, Mr Mark Bowman, Mr Brown's Principal Private Secretary, sent No.10 a Treasury paper on financing Iraq's reconstruction.[95]

183. The Treasury estimated that the total cost of Iraq's reconstruction could be up to US$45bn for the first three years (US$15bn a year) and warned that, without UN authorisation of arrangements for a transitional administration, Iraqi oil might pay for only a fraction of that.

184. The Treasury advised that the best way to pay for reconstruction would be to spread the burden as widely as possible, drawing in contributions from non-combatants, IFIs and Iraq itself, and ensuring Iraqi revenues were not diverted into debt or compensation payments. By far the most significant factor in making that happen would be political legitimacy conferred by the UN.

185. The Treasury stated that the OFF programme provided "an obvious way to pay for immediate humanitarian needs", using the approximately US$4bn unspent in the OFF account and by restarting oil exports. That depended on oil production facilities surviving the conflict relatively intact. In the most benign circumstances, with rapidly increasing production and high oil prices, oil revenues "could make a very significant contribution" to ongoing relief and reconstruction. The securitisation of future oil revenues was another possible source of funds, but Iraq had already accumulated "massive and probably unsustainable debts" that way.

186. President Bush, Mr José María Aznar, the Prime Minister of Spain, and Mr Blair discussed Iraq at the Azores Summit on 16 March.[96]

187. The FCO background papers sent to No.10 in advance of the Summit included a revised version of the UK's 'A Vision for Iraq and the Iraqi People' (see Section 6.5).[97] The UK intended that the document, which would be launched at the Summit, would reassure Iraqis and wider audiences of the Coalition's intentions for Iraq after Saddam Hussein's departure.

188. The revised version included a number of changes from the version produced the previous month, including the addition of a reference to Iraq's oil industry being managed "fairly and transparently".

189. The statement issued by President Bush, Prime Minister Aznar and Mr Blair at the Summit on 16 March shared much of the substance of the revised version of the UK's

---

[95] Letter Bowman to Cannon, 14 March 2003, [untitled] attaching Paper Treasury, March 2003, 'Financing Iraqi Reconstruction'.
[96] Letter Manning to McDonald, 16 March 2003, 'Iraq: Summit Meeting in the Azores: 16 March'.
[97] Minute Bristow to Private Secretary [FCO], 14 March 2003, 'A Vision for Iraq and the Iraqi People'.

'A Vision for Iraq and the Iraqi People'.[98] Key differences included the omission of any explicit reference to oil. On post-conflict reconstruction, the three leaders declared:

> "We will work to prevent and repair damage by Saddam Hussein's regime to the natural resources of Iraq and pledge to protect them as a national asset of and for the Iraqi people. All Iraqis should share the wealth generated by their national economy …
>
> "… We will also propose that the [UN] Secretary-General be given authority, on an interim basis, to ensure that the humanitarian needs of the Iraqi people continue to be met through the Oil-for-Food program."

190. A specially convened Cabinet, the last before the invasion, was held at 1600 on 17 March.[99] Mr Blair told Cabinet that the US had confirmed that it "would seek a UN mandate for the post-conflict reconstruction of Iraq". Oil revenues would be administered under the UN's authority.

191. Mr Peter Gooderham, Counsellor at the British Embassy Washington, reported to IPU on the same day on a further meeting with a senior NSC official.[100] The official had advised that, while the NSC fully understood the UK's "desire for maximum UN legitimacy and transparency in running the oil sector … other equities in the [US] Administration continued to see no need for this".

192. In his speech in the House of Commons on 18 March, Mr Blair stated that:

> "There should be a new United Nations resolution following any conflict providing not only for humanitarian help, but for the administration and governance of Iraq …
>
> "And this point is also important: that the oil revenues, which people falsely claim that we want to seize, should be put in a trust fund for the Iraqi people administered through the UN."[101]

The invasion and immediate aftermath

193. The invasion of Iraq began on the night of 19-20 March 2003. Military operations during the invasion are described in Section 8.

194. Official exports of Iraqi oil ceased on 22 March.[102]

195. Between 18 March and 22 April, updates on key events relating to Iraq produced by COBR, the UK Government's crisis management and co-ordination facility, were

---

[98] Statement of the Atlantic Summit, 16 March 2003, *A Vision for Iraq and the Iraqi People.*
[99] Cabinet Conclusions, 17 March 2003.
[100] Letter Gooderham to Chilcott, 17 March 2003, 'Iraq Day After: Oil Sector'.
[101] House of Commons, *Official Report*, 18 March 2003, column 771.
[102] Paper IPU, 22 April 2003, 'Oil/Energy Policy for Iraq'.

circulated to senior officials and departments twice a day.[103] The evening updates included a report on the state of the oil market, and on changes to UK retail petrol and diesel prices.

196. The price of oil quickly stabilised.

197. The COBR evening update for 18 March reported that prices for Brent crude had fallen to around US$27 a barrel, following heavy selling in expectation of a short war.[104] The IEA was monitoring the market, and stood ready to release stocks if necessary.

198. The MOD informed No.10 on 23 March, in its first report to No.10 on the progress of the military campaign, that all the southern oilfields were now "secure and under Coalition control".[105]

199. The MOD informed No.10 on 25 March that "Iraqi attempted sabotage [of the southern oilfields] has been unsuccessful".[106]

200. The Cabinet discussed the humanitarian situation in Iraq on 27 March.[107] Mr Hoon said that securing Iraq's essential economic infrastructure had been achieved through seizing the southern oilfields almost intact. The sooner the oil could flow again, the sooner the profits could be used for the Iraqi people.

201. COBR reported on 10 April that oil prices continued to fluctuate around US$25 a barrel.[108] Market attention was turning away from day-to-day developments in Iraq and towards "underlying fundamentals". The IEA estimated that despite disruption to Iraqi and Nigerian oil supplies, global oil production had increased by 1 percent between February and March.

202. The COBR evening update for 12 April reported that the Kirkuk oilfields had been seized "almost entirely intact".[109]

203. The final meeting of the COBR (Iraq) Group was held on 23 April.[110] Mr Drummond reported that the impression from that meeting was of "returning normality", including with the stabilisation of the oil price at around US$25 a barrel and UK fuel prices starting to come down.

---

[103] Minute Cabinet Office [junior official] to Manning, 'Iraq: COBR Round Up of Key Events – 18 March'; Minute Cabinet Office [junior official] to Manning, 'Iraq: COBR Round Up of Key Events – 22 April'.
[104] Minute Cabinet Office [junior official] to Manning, 18 March 2003, 'Iraq: COBR Round Up of Key Events – 18 March'.
[105] Letter Watkins to Manning, 23 March 2003, 'Iraq: Progress of Military Campaign' attaching Report, [undated], 'Iraq: Progress of Military Campaign'.
[106] Letter Watkins to Rycroft, 25 March 2003, 'Iraq: Military Campaign' attaching Report, [undated], 'Iraq: Campaign Achievements (as at 25 March 2003)'.
[107] Cabinet Conclusions, 27 March 2003.
[108] Minute Cabinet Office [junior official] to Manning, 10 April 2003, 'Iraq: COBR Round Up of Key Events – 10 April'.
[109] Minute Dodd to Manning, 12 April 2003, 'Iraq: COBR Round Up of Key Events – 12 April'.
[110] Minute Drummond to Manning, 24 April 2003, 'COBR(Iraq)'.

204. Oil production fell sharply during military operations, before recovering. The oil sector was severely disrupted by looting.

205. *Hard Lessons* recorded that during and immediately after the invasion there was no "serious" sabotage of the northern or southern oilfields, with only nine fires reported.[111]

206. In contrast, the effect of looting and the developing insurgency was more severe than the US had expected:

> "In the south, where US troops bypassed the oil infrastructure on the way to Baghdad, vandals and thieves stripped facilities of anything of value. Oil advisers had identified key installations that needed to be protected, but '[the military] said they didn't have enough people to do that' …"

207. The Ministry of Oil in Baghdad was also looted.

208. The June 2003 Economist Intelligence Unit (EIU) Country Report for Iraq, citing figures from the IEA, assessed that Iraqi crude oil output fell from 2.5m bpd in February to 1.4m bpd in March, and then to "a paltry" 170,000 bpd in April.[112] Following the cessation of major hostilities, output increased. Iraqi officials suggested that by early June approximately 525,000 bpd were being produced in the north and around 300,000 bpd in the south of Iraq. Domestic demand was estimated to be 600,000 bpd.

209. The Cabinet Office advised Ministers in mid-August 2003 that oil production had been severely disrupted by looters and saboteurs in the initial months after the conflict.[113] All the major oilfields had been affected. That disruption had cost US$3bn in lost oil export revenue over the 100 days following the end of the conflict.

Negotiations with the US over the control of Iraqi oil revenues

210. Planning for post-conflict Iraq continued after the beginning of military operations.

211. UK policy towards post-conflict Iraq continued to be based on the assumption that after a short period of US-led, UN-authorised military Occupation, the UN would administer and provide a framework for the reconstruction of post-conflict Iraq (see Section 6.5).

212. In the context of negotiations with the US on what would become resolution 1483 (2003), the UK argued that the Coalition should not have sole control over Iraqi oil revenues.

---

[111] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[112] Economist Intelligence Unit, June 2003, *Country Report for Iraq*.
[113] Letter Drummond to Owen, 'Iraq: Update for Ministers' attaching Paper Cabinet Office, 14 August 2003, 'Iraq: Update for Ministers, 14 August 2003'.

213. Ms Kara Owen, Mr Straw's Private Secretary, wrote to Sir David Manning on 20 March, advising that the US envisaged that control of the OFF programme would pass from the UN Secretary-General to "authorities in Iraq" within 90 days.[114] Ms Owen advised that that short time-scale suggested that the US was thinking that control over the OFF programme should be handed over to either Coalition Forces or a non-representative interim administration established by the US rather than, as the UK wanted, a credible representative Iraqi Government. The US proposal was likely to run into major objections in the Security Council, and would be likely to be perceived as an attempt to "grab Iraqi oil".

214. Ms Owen suggested that Sir David might need to discuss the issue soon with Dr Rice.

215. Mr Bowen circulated draft 'British Post-Conflict Objectives' to senior officials in the FCO, the MOD and DFID on 25 March.[115] The text incorporated earlier comments from some departments.

216. The draft stated:

> "With others, we will help revive the Iraqi economy and assist reform by:
>
> - working with the UN to manage Iraq's oil revenues in order to achieve the maximum benefit for the Iraqi people in an accountable and transparent manner …"

217. There is no indication whether the objectives were ever adopted formally.

218. Resolution 1472 (2003) was adopted unanimously by the UN Security Council on 28 March.[116] The resolution gave the UN Secretary-General authority to purchase medical supplies and Iraqi goods and services under the OFF programme, for a period of 45 days (until 10 May). The resolution did not give the UN Secretary-General authority to sell Iraqi oil.

219. The UK Government's view was that until sanctions on Iraq were lifted or the Security Council agreed a further resolution amending the OFF programme, the Coalition did not have the power to export Iraqi oil.[117]

220. Section 9.1 describes the UK's efforts to develop a resolution which would further extend the OFF programme and authorise the UN Secretary-General to sell Iraqi oil and buy the full range of humanitarian supplies.

---

[114] Letter Owen to Manning, 20 March 2003, 'Iraq – Oil for Food'.
[115] Letter Bowen to Chaplin, 25 March 2003, 'Iraq: Post Conflict Objectives' attaching Paper [draft], 25 March 2003, 'Iraq: British Post-Conflict Objectives'.
[116] UN Security Council Resolution 1472 (2003).
[117] Paper IPU, 22 April 2003, 'Oil/Energy policy for Iraq'.

221. Mr Blair and President Bush discussed post-conflict issues at Camp David on 26 and 27 March.[118]

222. In advance of the meeting, Mr Straw's Private Office sent Mr Rycroft a negotiating brief for what was to become resolution 1483, the resolution defining the roles of the UN and the Coalition in post-conflict Iraq.[119]

223. The negotiating brief, prepared by the IPU, identified five "key issues" on which US and UK positions differed, including the arrangements for dealing with Iraqi oil revenues:

> "Some in the US are … tempted to arrogate to themselves charge of the direction of a Trust Fund for Iraqi oil and other revenues, which will be used for meeting the costs of their administration of Iraq as well as for reconstruction … this will open them (and by association us) to criticism that they are reneging on their promise to devote the oil revenues exclusively to the Iraqis."

224. Such a proposition had "nil chance" of approval by the Security Council:

> "Either the UN or the Iraqis themselves (perhaps with World Bank/IMF help) must be seen to be in control of Iraqi revenues – certainly not the Coalition."

225. The brief concluded that, overall, the US approach amounted to:

> "… asking the UNSC [Security Council] to endorse Coalition military control over Iraq's transitional administration, its representative institutions and its revenues until such time as a fully-fledged Iraqi government is ready to take over."

226. The brief set out a number of "propositions" which the IPU hoped Mr Blair and President Bush would agree, including:

> "The UN or the Iraqis, not the Coalition, should manage oil revenues."

227. Also as briefing for the meeting, Mr Straw sent Mr Blair an FCO paper on Phase IV issues.[120]

228. The FCO advised that, on oil sector management, the US and UK agreed that the "overarching principles" were:

- disruption to the flow of Iraqi oil should be minimised;
- Iraq's oil wealth should be used for the benefit of the Iraqi people; and

---

[118] Letter Manning to McDonald, 28 March 2003, Prime Minister's Meeting with President Bush at Camp David: Dinner on 26 March'.
[119] Letter Owen to Rycroft, 25 March 2003, 'Prime Minister's Visit to Washington: Iraq: UN Security Council Resolution on Phase IV' attaching Paper Iraq Planning Unit, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.
[120] Letter Straw to Prime Minister, 25 March 2003, 'Camp David: Post-Iraq Policies' attaching Paper FCO, 25 March 2003, 'Iraq: Phase IV Issues'.

- Iraqi oil business should be handled in as transparent and even-handed a manner as possible.

229. The US and UK also agreed that all decisions on the development of the Iraqi oil industry (such as privatisation and the exploration of new fields) should be deferred until a new Iraqi Government was in place.

230. The FCO advised that the US was considering setting up a trust fund for oil and other revenues. Whatever the arrangement:

> "… the key point is that **decisions on using the funds should not be taken by the Coalition**. Until the Iraqi interim authority has the capacity to operate a budget, the UN Secretary-General (or the UN Special Co-ordinator) should continue to decide on spending priorities, as he will do under the amended OFF arrangements."

231. The FCO also advised that Iraq's oil revenues would not cover the cost of reconstruction, particularly in the short term. The cost of reconstruction needed to be shared with other countries.

232. The UK Treasury received a paper from the US Treasury on 26 March, proposing the creation of two Trust Funds:

- one to hold donor funds, to be administered by the World Bank; and
- one – the Iraqi Economic Recovery Fund (IERF) – to hold oil revenues and unfrozen Iraqi assets. The IMF would manage and invest the IERF's assets, but the "CPA/IIA" [Coalition Provisional Authority/Iraq Interim Authority] would have sole authority over how IERF funds were spent.[121]

233. Mr Blair and President Bush met at Camp David on 26 and 27 March.[122] At dinner on the first evening, Mr Blair told President Bush that he did not want his visit to Camp David to focus primarily on a resolution to deal with post-conflict Iraq. The question about what sort of resolution was needed for the administration and reconstruction of Iraq should be parked.

234. Mr Rycroft sent Mr Blair a UK Treasury paper considering the US Treasury's proposal to establish two Trust Funds on 31 March.[123]

---

[121] Paper Treasury, 28 March 2003, 'International Oversight of Iraqi Reconstruction' attaching Fax US official to Cunliffe, 26 March 2003, [untitled].
[122] Letter Manning to McDonald, 28 March 2003, Prime Minister's Meeting with President Bush at Camp David: Dinner on 26 March'.
[123] Minute Rycroft to Blair, 31 March 2003, 'Iraq: Reconstruction' attaching Paper Treasury, 28 March 2003, 'International Oversight of Iraqi Reconstruction'.

235. The UK Treasury advised that the main problem with the US proposal was that it assumed a certain interim governance arrangement for post-conflict Iraq which had not yet been endorsed internationally. The "best outcome" for the UK would be:

> "… a UN-authorised Transitional Administration or Iraqi Government, accompanied by a 'Consultative Group' of donors … chaired by the World Bank.
>
> "Initially oil funds might continue to be managed under the Oil-for-Food programme. Gradually, and as sanctions are lifted, the UN-backed Iraqi authority would take control of domestic resources under suitable safeguards, e.g. over transparency of fiscal actions, contracts etc."

236. Mr Rycroft commented:

> "We need to get the US back to what they said at Camp David was their policy: returning Iraqi sovereignty to Iraqi people."

237. Mr Blair spoke to President Bush later that day.[124] Mr Blair stated that a clearer picture was needed of the shape of a post-Saddam Iraq to "sketch out a political and economic future and dispel the myth that we were out to grab Iraq's oil".

238. After the discussion, Mr Blair sent President Bush two Notes, one on communications and one entitled 'Reconstruction'.[125]

239. The Note on reconstruction set out the UK's response to the two funds proposed by the US. It stated that using the World Bank and the IMF to administer the funds was sensible but would run into problems:

- Channelling oil revenues through IFIs rather than straight to the IIA could "easily be misrepresented", and the proposal would need to be included in the next resolution.
- Without UN agreement, the IFIs were unlikely to agree to administer the funds.
- The UK, Japan and others could only unblock assets with UN authority.
- "Our posture should be for the IIA to take on responsibility as soon as possible, i.e. Iraq for the Iraqis, not us or the UN."

240. The Note stated that an amended proposal had been submitted by the UK Treasury, which envisaged some oil revenues going into a gradually declining OFF programme and the remainder (plus unfrozen assets) going into "the reconstruction account", which would be administered jointly by the IMF and World Bank. Funds from the account would be "directed to the IIA".

---

[124] Letter Cannon to McDonald, 31 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 31 March'.
[125] Letter Manning to Rice, 31 March 2003, [untitled] attaching Notes [Blair to Bush], [undated], 'Reconstruction' and 'Communications'.

241. The Note concluded that any proposal would need to be tailored in a way that could secure UN endorsement.

242. In preparation for the 8 April meeting between President Bush and Mr Blair at Hillsborough, Mr Rycroft chaired talks between US and UK officials on 4 April.[126]

243. The IPU provided Mr Rycroft with an annotated version of the agenda for the talks and a commentary on the latest US draft resolution on 3 April.[127]

244. The commentary described the UK's problems with the US draft, including that it specified that Iraqi oil revenues would be spent at the direction of the Coalition. That would be unacceptable to the Security Council.

245. The annotated agenda set out the UK position on that issue:

> "We believe that, like the wider political process, this management [of oil revenues] has to be legitimised by the UN; and that it will only be acceptable to the UNSC [Security Council] if it involves some form of effective international oversight – about whose details we do not as yet have a firm view – until a representative Iraqi Government is ready to take over."

246. The annotated agenda also stated that:

> "Any decisions concerning the management of Iraq's oil reserves should be taken either by the UN or by the new Iraqi institutions. The Coalition's effort should focus on rehabilitating Iraq's existing infrastructure …"

247. Mr Brenton reported by telegram on 4 April, to clarify US views on post-conflict Iraq.[128] While discussions had been "disproportionately dominated by hard-line DoD positions", the reality was that "NSC rule" and it was close to the UK position on most of the post-conflict agenda. There was considerable common ground between the US (including DoD) and the UK, including on the need for oil revenues to be "in the hands of the Iraqis, with international oversight, and spent by the Coalition only for tasks agreed by the UNSCR [resolution]".

248. Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, wrote to Mr Simon McDonald, Principal Private Secretary to the Foreign Secretary, on 4 April, reporting the talks between US and UK officials.[129]

249. Mr Cannon reported that the US delegation had proposed that the bulk of Iraqi oil revenues should go into a fund under Coalition supervision, "if necessary with a

---

[126] Minute Rycroft to Blair, 4 April 2003, 'Future of Iraq'.
[127] Letter Chilcott to Rycroft, 3 April 2003, 'Iraq: Phase IV: Meeting with US Officials' attaching Paper IPU, [undated], 'Comments on US Draft Post Conflict Iraq Resolution'.
[128] Telegram 448 Washington to FCO London, 4 April 2003, 'Iraq: Post Conflict'.
[129] Letter Cannon to McDonald, 4 April 2003, 'Iraq, Post-Conflict Administration: US/UK Talks, 4 March [sic]'.

double-signature arrangement with the IIA, but initially ORHA only". US Treasury officials in the US delegation said that whoever controlled oil revenues controlled the direction of reconstruction; it was not acceptable that the UN should handle Iraq's budget.

250. Mr Cannon did not report any UK response to those arguments.

251. Mr Straw's office sent Mr Rycroft an IPU brief on 7 April, for Mr Blair to use at the Hillsborough meeting.[130] The IPU advised:

> "We agree that, as Condi [Dr Rice] said at Camp David, future oil arrangements should be put into the hands of Iraqis, with international oversight, as soon as possible. But **it is unrealistic to think that the UN Security Council, which controls Iraq's oil revenues, will agree to give directional power over them to the Coalition**. It will need a new UNSCR to take control over the revenues from the UN and give it to someone else. We don't think that IIA should have unfettered power over spending. We need to design a system where the IFIs have sufficient oversight of the IIA's activities for us to have confidence. We won't get UNSCR agreement to Jay Garner's signature – in any circs."

252. Section 9.1 describes the discussions at Hillsborough between Mr Blair and President Bush on 7 and 8 April, which focused on the role of the UN in post-conflict Iraq.

253. During the meeting, Dr Rice said that the US and UK needed to divide what had to be done by the Occupying Power, from what could be left to a future Iraqi Government.[131] On oil, short-term tasks for the Coalition should include: repairing the oilfields; getting Iraqis back to work; and starting to pump oil. The long-term issues would include future contracts.

254. Mr Straw said that a UN role would be needed to regularise the sale of Iraqi oil.

255. General Franks issued his "Freedom Message to the Iraqi People" on 16 April.[132] The message referred to the Coalition Provisional Authority (CPA).

256. The creation of the CPA, which subsumed ORHA, signalled a major change in the US approach to Iraq, from a short military occupation to an extended US-led civil administration.

257. On 24 April, the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) considered an IPU/FCO paper entitled 'Oil/Energy Policy for Iraq'.[133] The paper stated that it was a "stock-take" which built on previous work by the IPU.[134]

---

[130] Letter Owen to Rycroft, 7 April 2003, 'Hillsborough: Iraq' attaching Paper IPU, 6 April 2003, 'Iraq: Phase IV: Authorising UNSCR'.
[131] Letter Rycroft to McDonald, 8 April 2003, 'Iraq: Prime Minister's Meeting with Bush, 7-8 April'.
[132] Statement Franks, 16 April 2003, 'Freedom Message to the Iraqi People'.
[133] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[134] Paper IPU, 22 April 2003, 'Oil/Energy Policy for Iraq'.

258. The IPU/FCO paper reported that the oil price had fallen by US$8 a barrel since early March, and had stabilised in the "mid-twenties". Iraq's oilfields had been undamaged by the fighting, although a few wells had been sabotaged. Those fires were now all extinguished. There had been some looting and damage to pipelines and oil refineries. There was a growing shortage of gas (for power stations), fuel and cooking gas, particularly in the South.

259. The IPU/FCO also reported that within the Security Council, oil remained a contentious issue; Council members had different motivations. The UK and US were keen to get Iraqi oil flowing again as soon as possible "to meet humanitarian/reconstruction needs". France and Russia wanted to protect the interests of their companies that had existing contracts under the OFF programme.

260. The UK was proposing a three-phase approach to dealing with Iraqi oil and the OFF programme:

- To extend resolution 1472 to 3 June (the end of the current OFF programme phase), and possibly extend the OFF programme itself beyond 3 June. If the OFF programme continued "for any length of time", the UN Secretary-General would need enhanced powers to sell Iraqi oil and buy the full range of humanitarian supplies.
- To pass control of Iraqi oil and gas revenues to a "credible interim administration" once one had been established, subject to certain checks: "The checks would be those necessary to assure us (the UK) that oil and oil revenues were protected against major mismanagement, corruption and national bias, lack of transparency or other unfairness in the awarding of contracts."
- Those checks would have to be acceptable to the Security Council. They might comprise oversight of contracts by a representative of the UN Secretary-General or a committee of IFI representatives. Oversight by the Coalition would not be politically acceptable or achievable in the Security Council.
- To hand over full control over oil and oil revenues to a democratically elected Iraqi Government.

261. The IPU/FCO advised that the UK had stressed to the US its legal concerns on the limits to the authority of Occupying Powers to export oil outside the OFF programme while sanctions were in place, and to alter Iraqi oil policy or to carry out any structural reorganisation of the Iraqi oil industry. The US was "well aware" of the UK's concerns.

262. The UK and the US agreed that all strategic decisions on the development of the oil industry should be left to a "representative Iraqi government" and that, in the meantime, all oil business should be handled in as transparent a manner as possible. The UK and the US also shared "a general concern" to avoid the centralisation of oil revenues in the hands of a minority, and to help limit their corrosive effect on political life.

263. Introducing the paper at the AHMGIR, an FCO official said that Iraq's oil infrastructure was in a better state than had been feared when the conflict began.[135] The UK was clear that the OFF programme was the only legal means for exporting Iraqi oil, "though some in the US wanted to find ways around this". The UK's strategy was to extend the OFF programme, then transfer control of oil revenues to the IIA "with some international oversight", and then transfer full control to a democratically elected Iraqi Government.

264. Ms Hewitt said that UK companies wanted a future Iraqi Government to establish a "level playing field" for oil industry contracts.

265. The AHMGIR agreed that the UK should:

- encourage Iraqi oil exports to recommence as soon as possible, but only after an appropriate resolution had been adopted;
- offer UK oil expertise to ORHA and in the medium term to the IIA; and
- leave future decisions on the shape of the Iraqi oil industry and the management of oil revenues to the new Iraqi Government, while advising on international best practice.

266. Mr John Bellinger, NSC, sent a US draft of a post-conflict resolution to Sir David Manning on 28 April.[136] It provided for:

- the creation of an Iraqi Development Fund, which would be audited by independent accountants and whose operations would be "monitored" by the UN Special Co-ordinator;
- funds in the Iraqi Development Fund to be disbursed "at the direction of the Coalition Provisional Authority";
- the resumption of oil sales at the market price; and
- the transfer of unspent OFF programme funds and oil revenues into the Iraqi Development Fund.

267. Section 9.1 describes negotiations between the UK and US on the draft resolution, which increasingly focused on the mandate of the UN Special Co-ordinator and the extension of the OFF programme.

268. Mr Straw, Sir David Manning, Sir Jeremy Greenstock, UK Permanent Representative to the UN, and FCO officials discussed the draft by video link with Secretary Powell and Dr Rice and US officials on 30 April.[137]

---

[135] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[136] Letter Bellinger to Manning, 28 April 2003, [untitled], attaching Paper, [undated], 'Resolution on Post-Conflict Iraq'.
[137] Letter Cannon to McDonald, 30 April 2003, 'Iraq/UN: Video-Conference with Condi Rice and Colin Powell, 30 April'.

269. Sir Jeremy Greenstock said that the US and UK needed to establish who would have title to Iraqi oil, and who would control expenditure of oil revenues. Dr Rice responded that the Coalition, as the Occupying Power, was responsible for administering Iraq. It followed that control over Iraqi finances could not be transferred elsewhere. US legal advice was that the Coalition could sell Iraqi oil without UN cover if necessary. She concluded:

> "The CPA would be the Government until the IIA took over, and so would write the cheques, even if this was dressed up with UN cover, or monitoring, or an international board."

270. Mr Straw noted the presentational sensitivities of the Coalition using Iraq's money.

271. During the meeting, Mr Rycroft and Mr Bellinger were tasked to go through the US draft in detail and produce a further version for discussion.[138]

272. Mr Bellinger sent a revised draft to Mr Rycroft later that day. The revised draft recorded separate UK and US language on who would control disbursement from the Iraqi Development Fund, and how it would be administered. The UK language gave control to "the authorities in Iraq, including the Interim Iraqi Administration when established", the US language to the "Occupying Powers/CPA".

273. Mr Straw, Sir David Manning, Sir Jeremy Greenstock and officials discussed the latest draft resolution by video link with Dr Rice and US officials on 1 May.[139]

274. On the Iraqi Development Fund, Sir Jeremy said that the lack of some provision for oversight or disbursement by the IIA would be a major problem for the Security Council. Dr Rice responded that the Security Council needed to recognise the facts on the ground; the Coalition was the Occupying Power and would need to be able to manage disbursement.

275. The record of the video conference did not indicate that any resolution was reached on the issue.

276. Mr Bellinger sent through a further US draft of a post-conflict resolution on 4 May.[140]

277. The draft stated that the Iraqi Assistance Fund should be disbursed "at the direction of the Authority, in consultation with the Iraqi Interim Authority".[141] The Fund would be audited by independent accountants, and established "with an international advisory board".

---

[138] Letter Bellinger to Rycroft, 30 April 2003, attaching Paper [draft], [undated], 'Resolution on Post-Conflict Iraq'.
[139] Letter Cannon to McDonald, 1 May 2003, 'Iraq/UN: Video-Conference with Condi Rice, 1 May'.
[140] Letter Bellinger to Rycroft, 4 May 2003, [untitled] attaching Paper, [undated], 'Resolution on Post-Conflict Iraq'.
[141] The term "the Authority" referred to the authorities of the Occupying Powers.

278. Mr Brenton spoke to Mr Bellinger and others about the draft the following day, and highlighted UK concerns on a number of issues including the move from "monitoring" to "auditing" the Fund.[142]

279. The next US draft of a post-conflict resolution was sent to Mr Rycroft and Sir David Manning on 6 May.[143] Text relating to the operation of the Iraqi Assistance Fund was unchanged.

280. Later that day, Mr Straw chaired a video conference with Dr Rice, Secretary Powell, Sir Jeremy Greenstock and others to discuss the draft.[144]

281. During the video conference, it was agreed that the draft should include reference to monitoring, as well as auditing, oil sales.

282. The Annotated Agenda for the 15 May meeting of the AHMGIR stated that initial discussions on a draft resolution in the Security Council had been as positive as could be expected.[145] Concerns had focused on a need for clarity in three areas:

- the extent of the UN role;
- the political process, in particular the exact nature of the IIA; and
- arrangements for oversight of oil sales and disbursement of oil revenue, as well as the fate of existing contracts under the OFF programme.

283. The Annotated Agenda also stated that the US wanted the resolution adopted by 22 May, as this was the date by which they wished to start exporting oil to avoid a lack of storage capacity affecting production and the local supply of gas and petrol.

284. Mr Blair and President Bush spoke on 16 May.[146] Action in the UN seemed to be going well and Mr Blair proposed two areas (a UN "Special Representative" rather than "Special Co-ordinator" and greater transparency of oil sales) in which the resolution might be amended if tactically necessary.

285. Resolution 1483 (2003) was adopted on 22 May.[147] The resolution:

- lifted all sanctions on Iraq except those related to arms;
- noted the establishment of the Development Fund for Iraq (DFI), which would be audited by independent public accountants approved by the International Advisory and Monitoring Board (IAMB);

---

[142] Telegram 589 Washington to FCO London, 5 May 2003, 'Iraq: Draft UNSCR'.
[143] Minute Bellinger to Rycroft and Manning, 6 May 2003, 'Revised Draft: UNSCR' attaching Paper, [undated], 'Resolution on Post-Conflict Iraq'.
[144] Letter Cannon to McDonald, 6 May 2003, 'Iraq/UN: Video-Conference with Condi Rice and Colin Powell, 6 May'.
[145] Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[146] Letter Cannon to McDonald, 16 May 2003, 'Iraq: Prime Minister's Conversation with Bush, 16 May'.
[147] UN, Press Release SC/7765, 22 May 2003, *Security Council lifts sanctions on Iraq, approves UN role, calls for appointment of Secretary-General's Special Representative*.

- looked forward to the early meeting of the IAMB, which would include representatives of the UN Secretary-General, the IMF, the Arab Fund for Social and Economic Development, and the World Bank;
- noted that disbursements from the DFI would be "at the direction of the Authority, in consultation with the interim Iraqi administration";
- underlined that the DFI would be used "in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq";
- decided that all export sales of Iraqi petroleum, petroleum products and natural gas should made "consistent with prevailing international market best practices", and that 95 percent of the revenue should be deposited into the DFI (with five percent deposited into the UN Compensation Fund for victims of Saddam Hussein's 1990 invasion of Kuwait); and
- requested the UN Secretary-General to continue operation of the OFF programme for up to six months from 22 May.[148]

286. Mr Straw told a meeting of Cabinet the same day that:

> "This Security Council Resolution would put the Coalition's work in Iraq on a firm basis, including for oil sales."[149]

287. *Hard Lessons* recorded that the resolution cleared the way for the resumption of oil exports.[150] The first sale was made on 22 June.

288. Sir Jon Cunliffe told the Inquiry that the UK's position in the negotiations over resolution 1483 had been informed by its concern to maintain legitimacy and accountability as an Occupying Power:

> "… there was great suspicion that … the war was designed to get hold of Iraqi oil revenues and was being inspired by the US oil industry … we thought it was very important for the perception in the international community that these [oil] resources were controlled transparently and at arm's length and in a proper way we could account for them. We thought it would make a huge difference as to whether we could get other countries to join us in the reconstruction effort … and we also thought that it was important for the UK generally to ensure they were used efficiently on the ground in Iraq.[151]

---

[148] UN Security Council Resolution 1483 (2003).
[149] Cabinet Conclusions, 22 May 2003.
[150] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[151] Public hearing, 9 July 2010, page 38.

> "So our view of how this should be managed, accounted for, was different to the US view and there was a lot of discussion around the drafting of the resolution, and just how the resources would feed into the CPA and who would have control over them."

Oil policy under the Coalition Provisional Authority

289. Ambassador Paul Bremer III arrived in Baghdad on 12 May, to lead the CPA.

290. The names ORHA and CPA continued to be used interchangeably in documents seen by the Inquiry for some time after the creation of the CPA.

291. From late May, Ministers received reports that the CPA was not consulting the UK on policy issues in the oil sector.

292. The Annotated Agenda for the 22 May meeting of the AHMGIR stated that the US was driving decisions on the management of the oil sector.[152] The Iraqi Ministry of Oil was "run by" a US-appointed Interim Management Team, headed by an Iraqi official. That official was "effectively steered by" an Oil Advisory Board (OAB) chaired by an American (though the majority of Board members were Iraqis). The OAB planned a strategic review of the oil sector; the UK hoped that the recent arrival in the CPA of a DTI oil expert would increase its knowledge of CPA plans for the sector.

293. Ms Hewitt's briefing for the AHMGIR set out the problem more explicitly.[153] The UK had had considerable difficulty in getting hold of the OAB's terms of reference, and was not therefore able to establish whether it was legally constituted. A UK national was being sounded out to sit on the OAB. That could bring a different perspective and help encourage a transparent oil sector policy, but those advantages needed to be weighed against the legal uncertainties surrounding the OAB and the presentational issues of a more visible UK role in managing Iraq's oil.

294. The Annotated Agenda also stated that TPUK's ability to promote Iraq to UK oil companies was constrained by "political sensitivities and lack of ground knowledge".[154] UK oil companies would only deal with a "legally acceptable authority" and remained to be convinced that one was in place:

> "But most of this will change if there is a new UN resolution,[155] and we are reaching the stage where we and UK companies must engage or lose out. We are therefore beginning to encourage UK companies to become more closely involved in the oil sector in the same way as they are in other areas of rehabilitation."

---

[152] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[153] Minute Briggs to PS/Mrs Hewitt, 21 May 2003, 'Sixth Meeting of Ad Hoc Ministerial Group on Iraq Rehabilitation: 22 May 2003'.
[154] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[155] A reference to resolution 1483 (2003), which was adopted that day.

295. The AHMGIR agreed that the DTI should encourage UK oil companies to "develop strategies towards the Iraqi oil sector and otherwise help the UK take advantage of oil opportunities".[156]

296. A week later, Ministers were informed that the DTI planned a series of meetings with the major oil companies, "to begin to discuss more general Iraq oil issues discreetly".[157]

297. Oil production was estimated at between 400,000 and 500,000 bpd; the target was to reach between 2.5m and 2.8m bpd (described as the pre-conflict level) by the end of 2003.

298. From early June 2003, and throughout the summer, there were signs that security in both Baghdad and the South was deteriorating (see Section 9.2).

299. A paper on the management of the DFI was submitted to the 5 June meeting of the AHMGIR (chaired by Mr Straw).[158]

300. The paper stated that while resolution 1483 made the UK jointly responsible (with the US) for disbursements from the DFI, it contained little detail on how the DFI should be managed. The UK needed to settle that issue quickly with the US; spending decisions could start being made in the next few weeks. The management arrangements needed to meet the UK's objectives in terms of transparency and accountability; in particular, the arrangements needed to meet the commitments in the resolution to use resources in the DFI "in a transparent manner" and to ensure that oil sales were "made consistent with international best practice".

301. The Annotated Agenda for the meeting stated that the CPA had circulated a draft regulation which gave the US Administration "sole oversight" over DFI spending.[159] Such an arrangement would marginalise UK influence and risk presentational problems, but was not settled US policy. The UK was lobbying in Washington and Baghdad to amend the draft regulation.

302. On 9 June, Ms Cathy Adams from the Legal Secretariat to the Law Officers sent a reply to a letter of 21 May from FCO Legal Advisers seeking advice on resolution 1483.[160]

303. Ms Adams advised that the resolution clearly imposed joint US/UK responsibility for disbursements from the DFI, and that it was therefore important to ensure that the

---

[156] Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[157] Paper Cabinet Office, 29 May 2003, 'Iraq: Update for Ministers'.
[158] Annotated Agenda, 5 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting, attaching Paper, [undated], 'Implications of and Modalities for the Development Fund for Iraq'.
[159] Annotated Agenda, 5 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[160] Letter Adams to Llewellyn, 9 June 2003, 'Iraq: Effect of Security Council Resolution 1483 on the Authority of the Occupying Powers'.

US Government did not take actions in relation to the DFI which were incompatible with the resolution. She continued:

> "The fact that the resolution imposes joint responsibility gives the UK a locus to argue with the US that we should be fully involved in the decision-taking process. Anything less would be legally risky."

304. The following day, 10 June, the CPA issued a regulation that gave Ambassador Bremer, as "Administrator of the CPA", authority to oversee and control the establishment, administration and use of the DFI and to direct disbursements from the DFI "for those purposes he determines to be for the benefit of the Iraqi people".[161]

305. The regulation also established a Program Review Board (PRB) to develop funding plans and make recommendations to Ambassador Bremer on expenditures from the DFI, "in consultation with the Iraqi interim administration, when established".

306. The CPA issued a further regulation on 18 June, detailing the operation of the PRB.[162] Voting members of the PRB included representatives of the Iraqi Ministry of Finance and the UK. Non-voting members included the representatives of the IMF, World Bank, UN Special Representative of the Secretary-General (SRSG), and IAMB.

307. An IPU update on reconstruction which was sent to No.10 on 20 June advised that the DFI regulations "met some, but not all of our key requirements".[163]

308. The UK's efforts to scrutinise disbursements from the DFI are considered later in this Section.

309. Mr Andy Bearpark, a UK national, arrived in Baghdad on 16 June to take up the post of CPA Director of Operations.[164]

310. Mr Bearpark told the Inquiry that, shortly after arriving in Baghdad, Ambassador Bremer asked him to take on responsibility for all the Iraqi infrastructure Ministries with the exception of the Ministry of Oil.[165] At that point, his title had changed to Director of Operations and Infrastructure.

311. The Inquiry asked Mr Bearpark why he had been excluded from the oil sector.[166] He responded:

> "It was never, ever said to me officially – and it was certainly never, ever put in writing, but every member of my staff … said that it was perfectly obvious that

---

[161] Coalition Provisional Authority, Regulation No.2, 10 June 2003, *Development Fund for Iraq.*
[162] Coalition Provisional Authority, Regulation No.3, 18 June 2003, *Program Review Board.*
[163] Letter Owen to Rycroft, 20 June 2003, 'Iraq: Reconstruction Priorities' attaching Paper IPU, 20 June 2003, 'Iraq Reconstruction: 30 Day Priorities, 5 June 2003'.
[164] Paper Cabinet Office, 18 June 2003, 'Update for Ministers'.
[165] Public hearing, 6 July 2012, page 5.
[166] Public hearing, 6 July 2012, page 71.

> I couldn't be put in charge of oil because I really wasn't American … [and] oil would remain an American interest.
>
> "So it was a very specific instruction from Bremer that I was not in charge of the Oil Ministry."

312. In his evidence to the Inquiry, Sir Jeremy Greenstock identified budgeting and oil as the two clearest examples of issues on which the UK was not consulted by the CPA:

> "We did not see anything whatsoever in the oil sector; they [the CPA] kept that very closely American, because they wanted to run the oil sector."[167]

313. The Inquiry asked Sir Jeremy why the CPA sought to retain control of the oil sector. He responded:

> "I think they [the CPA] felt that they understood the oil sector. They brought in American oil executives to advise them on this and to run that part of the CPA. They knew that management of the oil sector was going to be vital for the supply of finance into the Iraqi system and they wanted to be responsible for it themselves.
>
> "There might have been a minor angle of thinking that they wanted access to the contracts that might come out of the oil sector and the Iraqi economy at a subsequent period, but the Americans were doing 95 percent of the work and putting in more than 95 percent of the money. I wouldn't like to say that they were not justified in taking that approach."[168]

314. Sir Jeremy continued:

> "… the Americans had no intention to take over and own the oil sector. That was always a canard in public criticism terms of what the invasion was about. It was not about oil. I think they just felt it was such an important area that they would run it themselves."

315. Section 9.2 describes the Government's broader concerns about the CPA's failure to consult with the UK, as a joint Occupying Power.

316. The Annotated Agenda for the 12 June meeting of the AHMGIR stated that the UK Government had put forward two UK candidates to sit on the OAB.[169] It was likely that a UK candidate would be chosen in the next few weeks.

317. The Annotated Agenda for the 3 July meeting of the AHMGIR stated that the OAB would not be constituted, having been replaced by a CPA oil sector team.[170] The DTI

---

[167] Public hearing, 15 December 2009, page 102.
[168] Public hearing, 15 December 2009, pages 103-4.
[169] Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[170] Annotated Agenda, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

was exploring the possibility of seconding a senior private sector expert to that team, who would be funded by the UK and act as the UK's representative on the team.

318. Ms Hewitt's briefing for the meeting stated that the US had decided that the OAB, which was to "advise the Oil Ministry", would not be constituted due to the level of technical skill within the Ministry and Iraqi suspicions over the OAB's role.[171] The CPA oil sector team would be "more operational". It currently consisted of four Americans and one Australian; the US were "sounding out" one UK oil expert.

319. The CPA's 'Vision for Iraq', which had been drafted by the CPA's Office of Strategic Planning, was agreed by senior Pentagon officials on 18 July.[172] The underpinning implementation plan, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People', was circulated to members of Congress on 23 July.[173]

320. Neither document considered the development of the oil sector in any detail. 'Achieving the Vision' defined a large number of objectives, including:

- establish and train a Facilities Protection Service;
- remove subsidies, including on oil; and
- design an oil trust fund, to be operational by February 2004.[174] Work by the CPA to develop the Iraq Heritage Trust is described later in this Section.

321. There was no objective for increasing oil production.

322. On 24 July, representatives from the Iraqi Ministry of Oil, the CPA, and USACE approved the Iraq Oil Infrastructure Restoration Plan, which aimed to restore oil infrastructure to its pre-war production capacity.[175] The authors of the Plan described it as the result of a joint, collective effort by the Ministry of Oil, USACE, KBR staff, the Iraq Reconstruction and Development Council, and the CPA. The key event within the planning process was a workshop from 6 to 9 July, which was attended by over 100 participants.

323. The attendance list for the workshop did not include any UK representatives.

324. The Inquiry has seen no indications that the UK Government was aware of that planning process.

325. USACE issued the Plan to contractors on 1 August.

---

[171] Minute DTI [junior official] to PS/Mrs Hewitt, 2 July 2003, 'Next Meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation: Thursday 3 July 2003'.
[172] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[173] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[174] Paper Coalition Provisional Authority, 21 July 2003, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People'.
[175] Tappan SE. *Shock and Awe in Fort Worth*. Pourquoi Press, 2004.

326. Ambassador Bremer signed CPA Order No.39 on 19 September.[176] The Order allowed for 100 percent foreign participation in business entities in Iraq:

> "… except that foreign direct and indirect ownership of the natural resources sector involving primary extraction and initial processing remains prohibited."

Study on the Political Economy of Oil

In late July 2003, the London Middle East Institute produced a study on the political economy of oil and democracy-building in Iraq, which had been commissioned by the Department for International Development (DFID).[177]

A junior DFID official circulated the study to DFID and Treasury officials only on 31 July. He advised that the study evaluated a range of options for the allocation of oil revenues and the ownership of the oil industry. A central message from the study was that any arrangement would have long-term political, economic and social implications. There were no "risk-free" options.

The official highlighted a number of the study's conclusions, including:

- a "cautious, incremental" approach to unbundling upstream production and downstream distribution systems to create a deconcentrated ownership structure, which could eventually be incorporated into a graduated privatisation process, was preferable to "rapid privatisation"; and
- while production-sharing agreements (PSAs) might be economically attractive in terms of mobilising capital and technology, they were unlikely to have "positive distributional benefits" and might constrain future political development.

327. By August, the US was focusing its efforts on increasing oil production. The UK believed there was also a need to develop sector policy and strategy. The US rebuffed UK attempts to provide an oil policy expert.

328. The DTI provided an update on the oil sector to the 7 August meeting of the AHMGIR.[178]

329. The DTI reported that oil production, hampered mainly by sabotage and power shortages, was between 1m and 1.2m bpd – still less than half pre-conflict levels. Despite significant imports, refined petroleum products, gasoline, petrol and gas for cooking and heating remained in short supply.

330. The CPA Oil Team was focused on restoring oil production to pre-conflict levels, leaving all other issues to the Iraqi authorities. The UK believed that there was a need

---

[176] Coalition Provisional Authority, Order No.39, 19 September 2003, *Foreign Investment.*
[177] Minute DFID [junior official] to DFID [junior official], 31 July 2003, 'Study on the Political Economy of Oil and Democracy Building in Iraq' attaching Report, 24 July 2003, 'The Political Economy of Oil and Democracy Building in Iraq'.
[178] Annotated Agenda, 7 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper DTI, 6 August 2003, 'Iraqi Oil Sector Update 07 August 03'.

to develop "longer-term strategies and options"; a well-run oil industry was essential to Iraq's recovery and thus to the Coalition's overall strategy.

331. The UK had selected Mr Terry Adams to join the CPA Oil Team as a technical expert and Mr Ian Fletcher, Sir Andrew Turnbull's Principal Private Secretary,[179] to join the CPA Oil Team as an oil policy expert. One of Mr Fletcher's main tasks would be to help develop those longer-term strategies. The DTI reported that the CPA had welcomed Mr Adams' appointment, but had been "less than enthusiastic" about Mr Fletcher's, possibly because of its view that longer-term issues should be left to the Iraqi authorities.

332. The Annotated Agenda for the AHMGIR reported that the current Iraqi Ministry of Oil target was to increase oil production to pre-conflict levels by April 2004; that appeared optimistic.[180] Uncertainties over oil production levels and the oil price meant that oil revenues for 2004 remained unpredictable.

333. The Annotated Agenda stated that:

> "Our major concerns are that the CPA and Iraqi experts are focused on revising production in the short-term and giving insufficient consideration to long-term strategy …
>
> "We are therefore seeking to engage the US Administration and CPA leadership over oil sector issues in order to gain influence over decisions and policy. We are inserting two senior people into the CPA Oil Team …"

334. The UK and the US had agreed to establish a "senior bilateral official-level working group" on "long-term oil sector issues".

335. The UK was also beginning a debate with the Iraqi Ministry of Oil on ways to address its skills gap.

336. Mr Bearpark commented in a meeting with DFID officials on 11 August that the UK did not have much hope of getting senior people into the oil sector, which was "sewn up by the US".[181] The record of that meeting was copied only within DFID.

337. On 10 and 11 August, Basra experienced severe rioting.

---

[179] Minute DTI [junior official] to PS/Mrs Hewitt, 23 July 2003, 'Next Meeting of the Ad Hoc Ministerial Group on Iraq'.
[180] Annotated Agenda, 7 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[181] Minute DFID [junior official] to PPS/Baroness Amos, 12 August 2003, 'Iraq: Meeting with CPA Director of Operations'.

338. Mr David Richmond, the Prime Minister's Acting Special Representative on Iraq,[182] reported to the FCO:

> "The immediate cause of the disturbances is clear. Supplies of petrol and diesel in Basra's service stations ran out on 9 August … This was combined with a major blackout in Basra … There is no doubt that political elements … exploited the situation. There is also evidence of pre-planning … but without the fuel and electricity crisis, agitators would not have found much purchase."[183]

339. Section 10.1 describes the UK's response, including the development of the US$127m Essential Services Plan, which aimed to improve fuel, power and water infrastructure in Basra, and the redeployment of UK troops to secure fuel facilities.

340. Mr Adams deployed to Iraq in mid-September.[184]

The Iraq Heritage Trust

In early September, the Coalition Provisional Authority (CPA) prepared a draft Order expressing the intent to establish an "Iraq Heritage Trust" (IHT), to hold Iraq's oil and gas export revenues.[185] The UK Government assessed that the draft Order clearly provided for the IHT to continue to operate after the CPA had transferred power to a sovereign Iraqi Government.

The UK Government argued that the decision on whether to operate an oil trust fund should be left to a future Iraqi Government. The priority was to rebuild capacity and embed best practice in the Iraqi Ministries of Finance and Oil; the CPA was working to establish transparency and good governance in the oil sector, with "strong UK input".

The proposal was "put on hold" after opposition from Washington and London and within the CPA.

341. From October, the DTI adopted a new approach to pursuing UK objectives in the oil sector, focused on engaging directly with Iraqi interlocutors rather than with the CPA.

342. Ms Joan MacNaughton, DTI Director General, Energy, wrote to Mr Bowen on 3 October, seeking a discussion on a new framework to guide the DTI's engagement on Iraqi oil issues.[186]

343. Ms MacNaughton advised that communication with the US and CPA on oil issues remained difficult. Meanwhile, the DTI was receiving increasing numbers of requests for

---

[182] Mr Richmond was the Acting Special Representative from July to September 2003, when Sir Jeremy Greenstock arrived in Iraq to take up that post. Mr Richmond became the Deputy Special Representative.
[183] Telegram 114 IraqRep to FCO London, 12 August 2003, 'Situation in Basra'.
[184] Minute Adams to Briggs, 15 September 2003, [untitled].
[185] Email Treasury [junior official] to Lindsey, 23 January 2004, 'Iraq: John Snow and Oil Trust Funds' attaching Paper Treasury, [undated], 'Iraq Oil Trust Fund'.
[186] Letter MacNaughton to Bowen, 3 October 2003, 'UK Engagement on Iraqi Oil Issues'.

information and advice from UK businesses and there was an opportunity to develop the DTI's contacts with the Iraqi oil industry.

344. There were a number of issues to which the DTI needed to respond, including a "worrying" proposal for eight Iraqi citizens and eight "foreigners" to sit on the Iraq National Oil Company (INOC) Executive Board.

345. Ms MacNaughton proposed five "guiding principles" for the DTI's engagement in the oil sector. It should:

- provide objective information and "informed opinion" in response to Iraqi requests, but not recommend policies;
- where necessary, work directly and build relationships with the Iraqi management of INOC and the Ministry of Oil;
- continue to seek to increase its sight of US policy and process, including by continuing to try to deploy an oil policy expert to the CPA; although Mr Fletcher's deployment had been "rebuffed repeatedly", it should remain a priority for the UK;
- ask the British Embassy Washington to redouble its efforts to engage with the US; and
- "in extremis", instruct Sir Jeremy Greenstock (the Prime Minister's Special Representative in Iraq) to intervene with the US if CPA policy developments "contravene our overarching aim of an Iraqi oil industry which is accountable, transparent, effective and profitable and entirely in the hands of the Iraqis as soon as this is legally and operationally viable".

346. In a separate background briefing on oil issues, the DTI characterised this new approach as:

> "… dealing directly with the Iraqis … in our belief that the CPA is a transient body and it is the Iraqis who will be running the business in the long run".[187]

347. During a video conference with President Bush, Vice President Cheney and Dr Rice on 7 October, Mr Blair said that the UK would like to work more closely with the US in the oil sector.[188]

348. Ms MacNaughton's framework was discussed by the Iraq Senior Officials Group (ISOG) later that day.[189] A DTI official said that the key issues to resolve were the composition of INOC's Executive Board and the distribution of oil revenues. The lack of a long-term strategy for the oil sector remained a concern. To influence the US, the

---

[187] Paper DTI, 30 October 2003, 'Background Brief on Iraqi Oil Issues'.
[188] Letter Cannon to Adams, 7 October 2003, 'Iraq: Prime Minster's Video-Conference with President Bush: 7 October 2003'.
[189] Minutes, 7 October 2003, Iraq Senior Officials Group meeting.

UK needed better access to policy in the CPA (US officials in Washington were "equally blind"). Mr Blair's exchange with President Bush might help.

349. ISOG agreed that the DTI should proceed on the basis of principles proposed by Ms MacNaughton. It also agreed that the UK should lobby again for Mr Fletcher's secondment to the CPA Oil Team (which the CPA had blocked so far).

350. The Cabinet Office issued the final version of the UK Iraq Strategy (the UK's first cross-Whitehall strategy for Iraq) to members of the AHMGIR on 8 October.[190]

351. The Strategy was set at a high level, was only broadly consistent with the CPA's strategy, and was extremely ambitious. Section 9.2 describes the development of the Strategy, and Section 10.1 the elements relating to reconstruction.

352. The Strategy stated that the US had far greater resources than the UK, that UK influence over US policy was limited and the UK's approach would be "vulnerable to shifts in US thinking".

353. The Strategy stated that "to help planning", Iraq's recovery should be considered in three phases: stabilisation, to December 2003; recovery, to December 2004; and normalisation, from January 2005. The Strategy defined "UK objectives" for each phase in relation to security, the political process, and reconstruction.

354. The Strategy included UK objectives for oil production:

- In the stabilisation phase (to December 2003), Iraq would reach pre-conflict levels of "development and order". Oil production would reach 80 percent of pre-conflict levels (2m bpd against 2.5m bpd in the pre-conflict period).
- In the recovery phase, to December 2004, Iraq would exceed pre-conflict levels of development and order. Oil production would reach 3m bpd, and oil and other natural resources would be "managed sustainably for the long-term".
- In the normalisation phase, from January 2005, Iraq would be largely self-supporting. The Iraqi authorities would be in full control of oil production, and operating in a transparent manner.

355. The Strategy did not specify how those oil production targets had been defined, or the UK's role in achieving them.

356. The Strategy stated that the UK would continue to be active in a number of areas but would, as Ministers had directed, focus its engagement on economic management, security sector reform and oil.

357. The main source of funding for reconstruction would be the DFI. It had provided US$1.2bn towards the 2003 Iraqi budget and was forecast to provide US$13bn in 2004.

---

[190] Minute Dodd to Sheinwald, 8 October 2003, 'UK Iraq Strategy'.

358. TPUK provided an update for Mr Blair on commercial issues on 10 October.[191] The update is described in more detail later in this Section.

359. TPUK advised that the UK's strategy was:

> "… to position UK firms … through the provision of information about contracts, procurement issues, etc, and to press the US authorities (and the CPA) to ensure a level playing field on which UK companies can compete."

360. TPUK advised that the US had made it clear that while they welcomed the participation of UK companies, there was no "special deal".

361. The TPUK paper considered oil and gas contracts separately from other reconstruction contracts. TPUK advised that oil and gas contracts were let by the DoD, whose procedures were "opaque" and not as open to non-US companies as other US-funded contracts.

362. TPUK reported that the DTI's efforts to understand and influence the CPA's policy on oil and gas had been "consistently unsuccessful" until Mr Adams' arrival in the CPA Oil Team. That had improved the DTI's understanding to some extent, although they believed that Mr Adams' access to information and decision-making meetings had been restricted by the CPA.

363. The Annotated Agenda for the 16 October meeting of the AHMGIR stated that the CPA Oil Team exercised a high degree of control over the Iraqi Ministry of Oil and INOC, and:

> "… behaved with a degree of secrecy towards the US Administration and Coalition partners, including the UK; the senior UK oil expert in Baghdad [Mr Adams] is routinely excluded from some meetings."[192]

364. In contrast, the UK was building good relationships with senior Iraqi managers in the Ministry of Oil and INOC.

365. The main issue confronting the Iraqi oil industry was restructuring. The CPA's plan was for the INOC Executive Board to include eight Iraqi nationals and eight non-Iraqi nationals. The UK believed that non-Iraqi nationals should hold only non-executive or consultancy roles.

366. The AHMGIR agreed that the UK should press for greater access in Washington and Baghdad, and for INOC to be controlled by Iraqis and funded in a transparent manner.[193]

---

[191] Letter Zimmer to Rycroft, 10 October 2003, 'Iraq: Update on Commercial Issues' attaching Paper TPUK, 10 October 2003, 'Iraq: Update on Commercial Issues'.
[192] Annotated Agenda, 14 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[193] Minutes, 16 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

367. At the 17 October meeting of ISOG, Sir Jeremy Greenstock commented that the DTI had intervened too early with the US and CPA on oil strategy.[194] The CPA Oil Team's focus was on reviving production.

368. The 21 November meeting of ISOG was advised that Mr David Richmond, the Prime Minister's Deputy Special Representative on Iraq, had "again tried to sell a UK oil policy secondee" to the US, to replace Mr Adams on the CPA Oil Team.[195] He had not been successful.

369. ISOG agreed that the UK should now "abandon this initiative". ISOG asked the DTI to consider what more it could do to foster long-term relations with the Iraqi oil industry, given the CPA's planned dissolution in summer 2004.

370. The IAMB was formally established on 24 October.[196] It would not hold its first meeting until early December.[197]

371. On 6 November, the US Congress approved the CPA's request for additional funds, allocating US$18.4bn to the Iraq Relief and Reconstruction Fund (IRRF2).[198] The funds were available for two years. Of that, US$1.7bn was allocated for oil infrastructure.[199]

372. On 15 November, the Iraqi Governing Council unveiled a timetable for the transfer of sovereignty to a transitional administration ('the transition') by 30 June 2004, at which point the CPA would dissolve.[200]

373. The OFF programme closed on 21 November, in line with the terms of resolution 1483. The AHMGIR was advised that responsibility for remaining activity had passed to the CPA and the Iraqi Ministry of Trade.[201] It was not expected that there would be a threat to food supply.

374. UK Trade and Investment (UKTI), in association with the Iraqi Ministry of Oil and other partners, hosted a conference in London in December 2003 to examine the skills development needs in the oil and gas sector in Iraq, and to recommend a series of initiatives to address those needs.[202]

375. A UK-Iraq Joint Board was established in January 2004 to carry forward the conference's recommendations, and more generally to help support the development of the oil and gas sector in Iraq.

---

[194] Minutes, 17 October 2003, Iraq Senior Officials Group meeting.
[195] Minutes, 21 November 2003, Iraq Senior Officials Group meeting.
[196] IAMB, Press Release, 24 October 2003, *Establishment of International Advisory and Monitoring Board*.
[197] Briefing Treasury, [undated], 'Meeting with Gary Edson, NSC – Thursday 5th February [2004]'.
[198] Emergency Wartime Supplemental Appropriations Act, 2003.
[199] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[200] Minute Figgures to CDS, 16 November 2003, 'SBMR(IRAQ) Report 047 of 16 November 2003'.
[201] Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[202] Briefing UKTI, [undated], 'UK-Iraq Joint Board'.

376. The 6 January 2004 meeting of ISOG was advised that a forthcoming presentation by the Iraqi Minister for Oil to the Iraqi Governing Council on the future of the oil sector might not give due weight to "good governance issues".[203] The UK would need to consider whether it needed to intervene; poor governance would delay investment in the oil sector and be a breach of resolution 1483.

377. Mr Neil Hirst, Head of the DTI's Energy Markets Unit, wrote to the Cabinet Office the following day to set out the issue in more detail.[204] He advised that how the oil sector was handled would have major implications for the future prosperity and stability of Iraq. The UK Government had launched a major international initiative – the Extractive Industries Transparency Initiative (EITI), led by DFID – to achieve transparency of natural resource accounting in the developing world. The principle of transparency of accounting was also set down in resolution 1483.

378. Mr Hirst identified two key principles that needed to be established:

- a separation of powers between the Iraqi Government as owner and regulator of energy resources, and the operating company (probably, at least initially, nationally owned) which developed those resources; and
- full transparency of oil accounts, payments and budgets.

379. It was unclear to what extent the US would be prepared to exert their influence to help achieve good governance in the oil sector, particularly in the light of their lukewarm response to the EITI.

380. Section 10.1 describes the development of DFID's Interim Country Assistance Plan (I-CAP) for Iraq in December 2003 and January 2004. The I-CAP set priorities for DFID's work in Iraq.

381. The I-CAP was agreed at the 22 January 2004 meeting of the AHMGIR.[205]

382. Before the meeting, a DFID official advised Mr Hilary Benn, the International Development Secretary, that as a result of consultation within Whitehall, DFID had agreed to engage in oil sector governance to help ensure transparency in the use of oil revenues.[206]

383. The I-CAP defined 10 priorities for 2004, including "establishing transparent systems to ensure that oil revenues are spent for the benefit of all Iraqi people".[207]

384. Ms Hewitt wrote to Mr Straw, copied to Mr Blair and members of the AHMGIR, on 16 January seeking agreement that the UK should give a high priority, in the period

---

[203] Minutes, 6 January 2004, Iraq Senior Officials Group meeting.
[204] Letter Hirst to Fergusson, 7 January 2004, 'Iraq Oil Industry Governance'.
[205] Minute Dodd to Buck, 21 January 2004, 'Iraq: Senior Officials Group'.
[206] Minute Drummond to Malik, 21 January 2004, 'Iraq: Ministerial'.
[207] Department for International Development, *Iraq: Interim Country Assistance Plan*, February 2004.

leading up to the transition, to working with the US to establish principles of good governance in the oil sector.[208]

385. Ms Hewitt reiterated that decisions on the development of Iraq's oil resources would be for the Iraqi people. But that was entirely compatible with trying to establish principles of good governance before the transition.

386. Mr Adams had played an important role in getting good governance onto the CPA's agenda. A study commissioned by the CPA on the modernisation of the oil industry had identified a number of key governance principles, including:

- properly defined and distinct roles for a national oil company, the Ministry of Oil, and the Iraqi Government;
- the national oil company to be run on commercial lines with transparent accounting and auditing; and
- anti-corruption policies.

387. After "considerable effort" by the UK, the US had agreed on the need to establish those key governance principles.

388. Ms Hewitt also reported Sir Jeremy Greenstock's advice: that making progress would not be easy "given the lack of a real constituency for good governance amongst senior Iraqi figures".

389. Mr Straw replied on 29 January, agreeing that the UK should give a high priority to establishing the principles of good governance in the oil sector before the transition.[209]

390. As the end of Occupation approached, the UK considered how to ensure that oil revenues would not be mismanaged under an Iraqi Government. Section 10.1 describes UK planning for the transition.

391. The Annotated Agenda for the 1 March meeting of the AHMGIR advised that a modified version of the DFI should be retained after the transition, in order to "ensure accountability and transparency".[210] Otherwise, there was a substantial risk of mismanagement of oil revenues. The arrangement could also ensure that Iraqi assets remained immune from claims.

392. The Annotated Agenda reported that the DFI currently held US$8.8bn, and paid for 95 percent of the Iraqi budget. In addition, "substantial DFI funds had been spent off-budget on the approval of the CPA with intermittent Iraqi representation".

393. The Annotated Agenda did not provide any further details of the "off-budget" disbursement of DFI funds.

---

[208] Letter Hewitt to Straw, 16 January 2004, 'Governance in the Oil Sector'.
[209] Letter Straw to Hewitt, 29 January 2004, 'Governance in the Oil Sector'.
[210] Annotated Agenda, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

394. The Annotated Agenda reported that the Treasury proposed:

- a single external account for Iraqi oil and other revenue, managed by the Iraqi Minister of Finance reporting to a Board of Ministers, operating "within a framework established by a future UNSCR [resolution] which ensures transparency and accountability";
- disbursements solely for the purpose of financing the Iraqi budget; and
- continuing external audit by the IAMB, reporting to the Board of Ministers.

395. Such an arrangement might be seen in Iraq as a constraint on sovereignty, but conversely many Iraqis might welcome arrangements which enhanced transparency and restricted the ability of transitional Ministers to mismanage oil revenues. The US supported the idea of a modified DFI.

396. The AHMGIR agreed that the UK should press for the establishment of transparent and accountable arrangements for the management of oil and other Iraqi revenues through the transition period.[211]

397. Sir Jon Cunliffe told the Inquiry that while the US and the CPA were "very resistant to external monitoring and external accountability" undertaken by the IAMB:

> "When the Iraqi Government itself arrived, I think both Occupying Powers decided there was joint interest in having transparency, accountability and control [over oil revenues] and, indeed, I think that the US were with us in pushing for the interim Iraqi Government to take on the DFI with all of its monitoring machinery."[212]

398. The 12 March meeting of the Iraq Strategy Group was advised that rising oil prices meant that Iraq could fund its "recurrent costs".[213]

399. The British Embassy Baghdad reported on 14 March that CPA proposals to improve governance and accounting standards within the Ministry of Oil "faced resistance".[214] It might be difficult to overcome "vested interests" inside and beyond the Ministry in the short time left before transition.

400. Mr Benn called on Ambassador Bremer in Baghdad on 22 March.[215] Mr Benn reported to Mr Blair that he had encouraged Ambassador Bremer to promote transparency in the use of oil revenues after transition.

401. Mr Jim Drummond, DFID Director Iraq, who had accompanied Mr Benn on the visit, reported to DFID colleagues only that Mr Benn and Ambassador Bremer had agreed on the principle of transparency, and that Ambassador Bremer had said that

---

[211] Minutes, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[212] Public hearing, 9 July 2010, pages 38 and 39.
[213] Minutes, 12 March 2004, Iraq Strategy Group meeting.
[214] Telegram 88 IraqRep to FCO London, 14 March 2004, 'Iraq Economy: Update'.
[215] Letter Benn to Blair, 24 March 2004, [untitled].

he did not see how, politically, the Coalition could retain control over Iraq's oil revenues after transition.[216]

402. Section 9.2 describes the further deterioration in the security situation in Iraq from late March. Attacks on oil infrastructure increased.

403. Mr Rycroft sent 19 "unvarnished accounts" of the situation in Iraq, including one from Mr Dominic Asquith, Deputy Chief Commissioner in the CPA, on oil sector development, to Mr Blair on 23 April.[217]

404. Mr Asquith reported that oil production was rising ahead of schedule, but future capacity was threatened by an early, mistaken focus on repair rather than modernisation and development.[218] Oil production had reached an average of 2.3m bpd by the end of 2003, against a target of 2.0m bpd.

405. Mr Asquith also reported that discussions between the Ministry of Oil and the CPA on raising gasoline prices continued, with the Ministry avoiding any commitment on a politically contentious issue. Discussions on restructuring the oil industry "remained mired in politics". There were persistent but unconfirmed allegations of corruption in both the State Oil and Marketing Organisation and the Ministry. Ambassador Bremer had recently appointed a new Inspector General to the Ministry, but after transition his capacity to monitor financial flows would be tested. International oil companies were watching carefully, but wanted to see greater security and a stable regulatory and investment environment before investing.

406. On 24 May, Mr Bob Morgan, an adviser to the Iraqi Ministry of Oil employed by the FCO, and his bodyguard Mr Mark Carman were killed in Baghdad.[219]

407. The Security Council adopted resolution 1546 (2004) on 8 June.[220] Section 9.2 describes the negotiation and content of the resolution. The resolution:

- endorsed the formation of a sovereign Interim Government of Iraq which would assume full responsibility and authority by 30 June 2004 for governing Iraq, "while refraining from taking any actions affecting Iraq's destiny beyond the limited interim period until an elected Transitional Government of Iraq assumes office …"
- reaffirmed the right of the Iraqi people freely to determine their own political future and to exercise full authority and control over their financial and natural resources; and

---

[216] Minute Drummond to DFID [junior official], 24 March 2004, 'Iraq Visit'.
[217] Minute Rycroft to Blair, 23 April 2004, '15 Reports on Iraq'.
[218] Telegram 183 IraqRep to FCO London, 21 April 2004, 'Iraq: Oil Sector Development'.
[219] Minutes, 25 May 2004, Iraq Senior Officials Group meeting; *BBC News*, 26 May 2004, *Oil Expert Killed in Iraq 'felt safe'*.
[220] UN Security Council resolution 1546 (2004).

- provided for the continued operation of the DFI and the IAMB. DFI funds would be disbursed in a transparent and equitable manner and through the Iraqi budget, solely at the discretion of the Iraqi Government. Funds held within the DFI would continue to be immune from attachment.

408. A junior Treasury official advised Mr Brown that the explicit reference to transparency and the requirement for DFI funds to be disbursed through the Iraqi budget had been inserted at the UK's request.[221]

409. The British Embassy Washington reported to the IPU on 23 June on US plans in the oil sector after 30 June.[222]

410. Senior US interlocutors had told the Embassy that all 12 members of the CPA Oil Team were expected to leave Iraq by the end of August. They would be succeeded by a number of oil sector "liaison officers" within the US Iraq Reconstruction Management Office (IRMO). The liaison officers "would obviously have less influence and leverage" than the CPA Oil Team. Mr Thamir Ghadban, Iraqi Minister of Oil, "did not need telling what to do, and would want to distance himself from the US advisers". The US understood that Mr Ghadban intended to set up his own Advisory Group.

411. The Embassy assessed that the US remained focused on short-term production issues, rather than "strategic industry restructuring and governance".

412. The Embassy also reported that policy responsibility for the oil sector within the US Administration would transfer from the DoD to the State Department on 30 June.

413. *Hard Lessons* recorded that, at the end June 2004, Iraq was producing more than 2m bpd of oil, still well below pre-war production of 2.58m bpd.[223]

Scrutiny of disbursements from the Development Fund for Iraq (DFI) by the UK

Resolution 1483, which was adopted on 22 May 2003, provided that disbursements from the Development Fund for Iraq (DFI) would be "at the direction of the Authority [the US and UK as Occupying Powers], in consultation with the interim Iraqi administration".[224] By that time, the US was committed to a protracted Occupation and it was not clear when an interim Iraqi administration would be established.

---

[221] Minute Treasury [junior official] to Chancellor, 10 June 2004, 'Iraq – UNSCR 1546 and Financial Management Law'.
[222] Letter FCO [junior official] to IPU [junior official], 23 June 2004, 'Iraq Oil: US Plans post 30 June'.
[223] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[224] UNSCR 1483 (2003).

The US General Accountability Office (GAO) estimated that almost US$21bn was deposited into the DFI during the Coalition Provisional Authority (CPA) period, of which US$14bn was spent.[225]

On 10 June 2003, the CPA issued a regulation that gave Ambassador Paul Bremer, as "Administrator of the CPA", authority to oversee and control the establishment, administration and use of the DFI and to direct disbursements from the DFI "for those purposes he determines to be for the benefit of the Iraqi people".[226]

The regulation also established a Program Review Board (PRB) to develop funding plans and make recommendations to Ambassador Bremer on expenditures from the DFI, "in consultation with the Iraqi interim administration, when established".

The CPA issued a further regulation on 18 June, detailing the operation of the PRB.[227] Voting members of the PRB included representatives of the Iraqi Ministry of Finance and the UK.

The Inquiry has seen the records of 60 meetings of the PRB (held between 7 June 2003 and 2 June 2004).[228] Of those records, 55 list the meeting's attendees. A UK representative attended 41 of the 55 meetings. The UK was represented by a junior official on 36 occasions and by a senior official on five.

In March 2004, after an international competitive bidding process, the International Advisory and Monitoring Board (IAMB) approved the appointment of KPMG to audit DFI activities.[229] A Treasury briefing stated that the CPA had used that process to re-open debate on the scope of the IAMB's mandate under resolution 1483.[230]

The CPA signed the contract with KPMG to audit the DFI on 5 April 2004 – almost one year after resolution 1483 and less than three months before the CPA would be dissolved.[231]

KPMG delivered its first audit reports, covering oil export sales and DFI operations from May to December 2003, to the IAMB at the end of June 2004.[232]

The IAMB's response to the KPMG reports stated:

> "KPMG has concluded that all known oil proceeds, reported frozen assets, and transfers from the Oil for Food Program had been properly and transparently accounted for in the DFI. At the same time, based on a review of KPMG reports, the IAMB believes that CPA controls were insufficient to provide reasonable assurance (i) for the completeness of export sales of petroleum and petroleum products for

---

[225] US General Accountability Office, Report to Congressional Committees, July 2005, *Status of funding and reconstruction efforts.*
[226] Coalition Provisional Authority, Regulation No.2, 10 June 2003, *Development Fund for Iraq.*
[227] Coalition Provisional Authority, Regulation No.3, 18 June 2003, *Program Review Board.*
[228] Coalition Provisional Authority website, [undated], *Program Review Board Minute Archive.*
[229] International Advisory and Monitoring Board on Iraq website, 24 March 2004, *Statement by the International Advisory and Monitoring Board on Iraq.*
[230] Briefing Treasury, [undated], 'Meeting with Gary Edson, NSC – Thursday 5th February [2004]'.
[231] International Advisory and Monitoring Board on Iraq website, 5 April 2004, *Statement by the International Advisory and Monitoring Board on Iraq.*
[232] Report KPMG, 29 June 2004, 'Development Fund for Iraq: Statement of Cash Receipts and Payments For the Period from 22 May 2003 to 31 December 2003 (with Independent Auditors' Report)'.

> the period from May 22, 2003 to December 31, 2003, and (ii) whether all DFI disbursements were made for the purposes intended."[233]

US Special Inspector General for Iraq Reconstruction (SIGIR) audits published in 2004 and 2005, and summarised in *Hard Lessons,* found that:

> "… the CPA failed to exert adequate control of the DFI used to support the Iraqi national ministries or reconstruction projects. An audit of DFI disbursements to Iraqi ministries made through the national budget process concluded that the CPA failed to enforce adequate management, financial, and contractual controls over approximately US$8.8bn of DFI money. SIGIR found that there was 'no assurance that the funds were used for the purposes mandated by [UN] resolution 1483.'"[234]

Ambassador Bremer disagreed with SIGIR, arguing that they had failed to account for the very difficult security environment and the steps taken to improve recognised management weaknesses. SIGIR acknowledged the danger confronting the CPA, but found that the CPA's oversight of Iraqi funds was burdened by severe inefficiencies and poor management. SIGIR concluded that the chaotic circumstances in Iraq required more stringent oversight, not less, as the CPA suggested.

Hard Lessons concluded that the CPA appeared to be averse to oversight of the DFI.

Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq from September 2003 to March 2004, told the Inquiry:

> "The UK was not allowed sight of any of the figures on the use of money by the CPA … A lot of cash was going round in suitcases to be dispensed to Iraqis, not all of which was accounted for, and I was uncomfortable that I had no sight of this, might be felt by London to be in some respects responsible for this, and had to explain clearly that I was not responsible for this, and London made it quite clear that they didn't expect me to be responsible for this.[235]
>
> "But as you have seen from books on this, from the report of the Special Inspectorate for Iraq in the US [SIGIR], corruption crept into the system and I felt that I couldn't do anything about it."

The Inquiry asked Sir Jeremy whether he was able to discuss his concerns with Ambassador Bremer. He replied:

> "We discussed corruption in the Iraqi administration, but when I asked for details of economic spending, it was made clear that non-Americans would not be given the details."

---

[233] International Advisory and Monitoring Board on Iraq website, 15 July 2004, *Statement by the International Advisory and Monitoring Board on Iraq – Release of the KPMG Audit Reports on the Development Fund for Iraq, 15 July 2004.*
[234] H Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[235] Private hearing, 26 May 2010, pages 50-51.

> Ms Lindy Cameron, Deputy Head of DFID's Baghdad Office in 2004, told the Inquiry that, during the last six months of the CPA, UK officials "helped to do a level of supervision of how some of the funding was spent that had come from the Iraqi oil revenues", but any influence was "more at the tactical level than at the strategic level".[236]
>
> Sir Jon Cunliffe told the Inquiry that the CPA had been "very resistant to external monitoring and external accountability".[237]

UK policy under Iraqi Governments

414. The Occupation of Iraq formally came to an end on 28 June 2004, two days earlier than had been originally planned.

415. Power was transferred from the CPA and the Governing Council to the Iraqi Interim Government (IIG) headed by Prime Minister Ayad Allawi.[238]

416. As set out in resolution 1546 (2004), the IIG took on responsibility for the disbursement of oil revenues from the US and UK (as Occupying Powers).

417. Although oil production remained below pre-war levels, the UK Government expected that the high oil price (over US$35 per barrel against the budgeted level of US$22 per barrel) would result in a significant surplus for the Iraqi budget in 2004.[239]

418. On 1 July, the AHMGIR commissioned the FCO to co-ordinate an integrated UK strategy covering the period up to Iraqi elections (in early 2005).[240]

419. Mr Edward Chaplin arrived in Baghdad on 5 July to take up post as the first UK Ambassador to Iraq since 1990.[241]

420. The strategy paper commissioned by the AHMGIR was circulated on 13 July to members of the Defence and Overseas Policy Committee (DOP), a Sub-Committee of the Cabinet, on 13 July.[242] The paper defined seven objectives, including:

> "• reduction of subsidies and an agreed IMF programme leading to a debt settlement by the end of the year."

421. The 15 July meeting of DOP agreed those objectives.[243] Ministers stated that the UK needed to continue to work closely with the Iraqi Oil Minister, with a focus on reducing government subsidies in the oil sector and on technical training.

---

[236] Public hearing, 22 June 2010, page 28.
[237] Public hearing, 9 July 2010, pages 38-39.
[238] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[239] Paper, [undated], 'Iraq – Summer 2004 Economic Overview'.
[240] Minutes, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[241] Public hearing, 7 December 2009, pages 1-2.
[242] Paper FCO, 13 July 2004, 'Iraq: the Next Six Months'.
[243] Minutes, 15 July 2004, DOP meeting.

422. Mr Chaplin made an introductory call on Mr Ghadban on 30 August.[244] He reported that Mr Ghadban's main priority was maintaining and repairing Iraq's oil infrastructure. Attacks were taking place almost daily. Production was around 2.5m bpd; the IIG aimed to produce 3.25m bpd by the end of 2005.

423. Mr Chaplin reported that Mr Ghadban advocated a gradual and careful reduction in fuel subsidies (although the IIG as a whole remained reluctant), and the privatisation of the distribution system. Mr Chaplin had "encouraged" those views.

424. Mr Ghadban stated that encouraging investment was key, for example through internationally accepted models for production-sharing agreements (PSAs) or joint ventures. He did not favour privatising upstream[245] activities.

425. The IPU circulated a first draft of a UK Energy Strategy for Iraq on 18 August.[246]

426. A junior official at the British Embassy Baghdad commented on the draft on 25 August, highlighting the need to be realistic about what the IIG could deliver in the period before the January 2005 elections:

> "While Ghadban and others may have every intention of looking longer term and plotting a strategy for the industry, the day-to-day running of the network/fire-fighting is taking up the bulk of everyone's energies just now – and is likely to continue doing so. The IIG is desperate to show improvements in the supply of electricity and fuel as soon as possible. That means focusing efforts on ensuring that oil continues to flow to the power stations and refineries, and stocks are built up."[247]

427. The IPU circulated a final version of the UK Energy Strategy for Iraq on 6 September.[248] The Strategy identified two UK objectives:

"
- the development of an efficient, outward looking and transparent oil and energy industry, capable of delivering both sustainable export revenues to meet Iraq's development needs and meeting domestic needs for energy in an efficient, equitable and secure manner; and
- Iraq's energy sector development to be complemented by the increasing involvement of UK firms, leading to sustained investment over the next five to 10 years and substantial business for the UK."

428. The Strategy stated that the IIG had established a Supreme Council for Oil and Gas, which the UK believed would approve strategy and major investments. The IIG was

---

[244] Telegram 167 Baghdad to FCO London, 31 August 2004, 'Iraq: Introductory Call on Thamir Ghadban, Minister of Oil'.
[245] Upstream activities are generally understood to be exploration and extraction.
[246] Email IPU [junior official] to FCO [junior official], 18 August 2004, 'UK Energy Strategy for Iraq' attaching Paper IPU, [undated], 'Iraq-UK Energy Strategy for Iraq'.
[247] Email FCO [junior official] to IPU [junior official], 25 August 2004, 'UK Energy Strategy for Iraq – Comment'.
[248] Email IPU [junior official] to FCO [junior official], 6 September 2004, 'Energy Strategy for Iraq'.

constrained by the Transitional Administrative Law (TAL) in its ability to make decisions affecting Iraq's "long-term destiny". Key strategic decisions were therefore unlikely to be taken until after January 2005.

429. The Strategy stated that to meet the UK's objectives, the main challenge for Iraq's oil industry would be to institute the structural, fiscal and regulatory reform needed to attract foreign direct investment (FDI). In the absence of a "very high" oil price, Iraq would only be able to finance the investment necessary to raise production if it achieved a very generous debt relief deal and was prepared to cut government spending in other areas. As the latter was "not realistic", Iraq would need FDI.

430. Improved governance in the energy sector also remained key to achieving the UK's objectives.

431. The Strategy stated that the argument that Iraq's energy development needs were best served by FDI would be politically sensitive, both in Iraq (where it would touch on issues of sovereignty) and internationally. The Iraqi Government was aware of the scale of funding needed, but "less convinced" of the need for this to come through FDI. The Strategy concluded:

> "We will wish to push the message on FDI to the Iraqis in private, but it will require careful handling to avoid the impression that we are trying to push the Iraqis down one particular path."

432. The Strategy also set out the "key considerations" that shaped it:

- the UK's objectives on energy security: Iraq had the second or third largest proven oil reserves in the world, and significant reserves of natural gas; sustainable increases in Iraqi oil and gas production would contribute to global energy security;
- the UK's commercial objectives; and
- Iraq's need for fiscal stability, in particular given its high level of debt and the continuing need to finance reconstruction.

433. The Inquiry has seen no indications that the Strategy was seen by Ministers or senior officials.

434. A junior official at the British Embassy Baghdad reported on 8 September that Prime Minister Allawi had recently issued 'Guidelines on Petroleum Policy'

to the Supreme Oil and Gas Council, to direct their work to develop detailed policy recommendations.[249] The official summarised those guidelines as:

"*Upstream Policy*

- An independent, public, Iraqi National Oil Company (INOC) should be re-established … to manage current fields and refineries.
- Foreign investment (combined where possible with domestic private capital) should finance the development of new fields and refineries. Joint public/private operations should be avoided except where necessary as an interim measure before full privatisation.

Downstream policy

- INOC to rehabilitate existing refineries.
- Foreign and domestic private investment to finance major refinery expansions and new refineries.

Marketing

- Gradual and methodical privatisation of domestic wholesale and retail marketing."

435. Prime Minister Allawi met Mr Blair in London on 19 September.[250] Prime Minister Allawi said that he was pursuing a four-part strategy which addressed:

- the political process;
- the economy, including meeting investment needs in the oil sector;
- security (his personal focus); and
- building up the institutions of government.

436. Mr Blair, Prime Minister Allawi and several Iraqi Ministers discussed reconstruction, the economy and other issues over lunch.[251] Prime Minister Allawi stressed the need for a generous debt reduction package that would encourage foreign investment.

437. In late 2004, the FCO agreed to fund a small consultancy team to assist the Ministry of Oil to "create a stable petroleum contracts regime and a modern, transparent and efficiently run Iraqi National Oil Company (INOC)".[252] The project built on the

---

[249] Email FCO [junior official] to FCO [junior official], 8 September 2004, 'PM's Guidelines on Petroleum Policy – Summary'.
[250] Letter Sheinwald to Adams, 19 September 2004, 'Iraq: Prime Minister's Meeting with Prime Minister Allawi, Sunday 19 September'.
[251] Letter Quarrey to Owen, 19 September 2004, 'Iraq: Prime Minister's Lunch with Allawi, 19 September'.
[252] Paper FCO, [undated], 'Terms of Reference: Assistance in creating a stable petroleum contracts regime and a modern, transparent and efficiently run Iraqi National Oil Company (INOC)'.

analysis presented in a December 2003 USAID-funded report, *Options for Developing a Long Term Sustainable Iraqi Oil Industry*.[253]

438. The Terms of Reference for the consultancy stated:

> "The Iraqi Government has given broad endorsement (for example through Prime Minister Allawi's Guidelines on Petroleum Policy) to PSAs as the best means of facilitating foreign investment in the petroleum sector. It is important the MoO [Ministry of Oil] develop a good understanding of how PSAs work if Iraq is to create a stable contracts regime that effectively serves Iraq's longer-term developmental needs and the imperative of FDI."[254]

439. The planned outputs of the project included model contracts, including for PSAs.

440. Mr Chaplin called on Prime Minister Allawi on 13 December.[255] Mr Chaplin reported that he had taken the opportunity to raise "BP and Shell's interests". He had also informed Prime Minister Allawi that the UK Government had agreed to fund Mr Terry Adams (formerly of the CPA Oil Team) to assist the Ministry of Oil to draft "model production sharing agreements".

441. Mr Chaplin reported that Prime Minister Allawi had said that he had made clear to the Supreme Oil and Gas Council that priority should be given to US and UK companies. Mr Chaplin commented:

> "His [Prime Minister Allawi's] wish to favour UK companies is sincere. But others in the system are not so well-disposed, so patience is required."

442. A briefing prepared for Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, on 17 January 2005 stated that:

> "Ministry of Oil preoccupied with Baghdad fuel crisis and the protection of the oil infrastructure – meaningful engagement with the Ministry will have to wait until after the elections."[256]

443. The briefing also stated that a plan to establish an INOC as an independent, state-run corporation "appears to have been approved", although it was unlikely to be implemented before the elections. The briefing described the creation of an independent, state-run INOC as one of the UK's main priorities.

---

[253] Report, 19 December 2003, *Options for Developing a Long Term Sustainable Iraqi Oil Industry.*
[254] Paper FCO, [undated], 'Terms of Reference: Assistance in creating a stable petroleum contracts regime and a modern, transparent and efficiently run Iraqi National Oil Company (INOC)'.
[255] Telegram 472 Baghdad to FCO London, 13 December 2004, 'Iraq: Call on Allawi'.
[256] Briefing, [undated], 'Briefing for Nigel Sheinwald's Meeting with Malcolm Brinded (Shell): 17 January'.

444. Elections for the Transitional National Assembly (TNA) and Provincial Assemblies took place across Iraq on 30 January 2005.[257] The election results were announced in mid-February; the Iraqi Transitional Government would not convene until April.

445. Officials from the British Embassy Baghdad made their first post-election visit to the Ministry of Oil on 2 February.[258] They reported that a senior Iraqi official had been "scathing" about Prime Minister Allawi's Guidelines, which he said had "died with the IIG".

446. The Cabinet Office co-ordinated the production of a strategy paper, focused on how to achieve coalition objectives in post-election Iraq, for the 9 February meeting of the Ad Hoc Ministerial Group on Iraq.[259]

447. The strategy identified five key "governance and reconstruction" challenges in 2005, including making sustained improvements in the availability of fuel and electricity, which would require difficult reforms and cracking down on corruption and sabotage.

448. The strategy defined five economic priorities for the UK for 2005, including:

> "Promoting an efficient, outward looking and transparent oil and energy industry and promoting the continuation of a structure for the transparent management of oil reserves."

449. The Ad Hoc Ministerial Group on Iraq approved the paper on 9 February.[260]

450. A senior Iraqi official in the Ministry of Oil told Ms Ann Eggington, DTI Director, on 22 March that the Ministry was in a "caretaker" role, waiting for the formation of the new Government.[261] The silence from the Ministry on the UK's offer to help develop model PSAs was due to its inability to take forward any significant project work and long-term planning until a new Government was confirmed.

451. The Iraqi official commented that the chief task of the new Iraqi Government would be to agree a Constitution; the Ministry would, in parallel, develop a Petroleum Law. Model contracts developed by the FCO project would need to be consistent with the Petroleum Law; there would be differing views on how FDI should be brought in.

452. On 28 April, following lengthy negotiations, Prime Minister Designate Ibrahim Ja'afari presented the majority of the Cabinet for the new Iraqi Transitional Government (ITG) to the TNA for ratification. The ITG was established to run Iraq until a government could be elected according to the new Constitution in December 2005.

---

[257] Public hearing Chaplin, 7 December 2009, page 12.
[258] Email FCO [junior official] to IPU [junior official], 2 February 2005, 'Iraq/Oil: Miscellaneous'.
[259] Paper Cabinet Office, 7 February 2005, 'Iraq Strategy for 2005'.
[260] Minutes, 9 February 2005, Ad Hoc Ministerial Group on Iraq meeting.
[261] Letter DTI [junior official] to FCO [junior official], 23 March 2005, 'Meeting with Rhadwan Al-Saadi: 22 March 2005'.

453. The British Embassy Baghdad reported on 16 May that the new Minister of Oil, Mr Ibrahim Bahr Al-Ulum, had now taken up his post.[262] Mr Al-Ulum had stated that his priorities were to increase production and tackle corruption. Production averaged 2.1m bpd, consistently below the Ministry's 2.5m bpd target. Fuel stocks were healthy.

454. The Embassy also reported that insurgent attacks on oil infrastructure had "tailed off" since the elections, although the effect of attacks could still be dramatic.

455. The IPU provided an update on oil and commercial issues for Mr John Sawers, FCO Political Director, on 25 May, at his request.[263] The IPU advised that:

- The Petroleum Law would be a key piece of legislation, establishing the regulatory framework for Iraq's energy sector, including the approach to foreign investment. Major international oil companies would want to see transparent rules established.
- The Ministry of Oil would start drafting the Petroleum Law alongside the drafting of the Constitution. The UK had not been asked for help in drafting the Law, although the UK did plan to take forward the FCO project to help the Ministry develop transparent petroleum contracts.
- The UK Government's view was that a high level of oil company involvement in drafting the Petroleum Law could be counter productive: "This should be an Iraqi-drafted law and it will be for them to decide their approach to foreign investment." The UK would, however, want to encourage the Iraqi Government to consult widely in the process, including with oil companies. The UK could facilitate that exchange.
- There had been no discussions with the Iraqi Government on a UK/Iraq commercial agreement (which could provide a framework for trade and investment), but such an agreement might be beneficial.

456. Representatives from Shell advised officials from the British Embassy Washington on 31 May that Shell wanted to see "a Constitution in place" before making a "serious investment" in Iraq.[264] Most major oil companies were similarly "keeping a low profile".

457. In June 2005, FCO, DTI and DFID officials developed an Iraq Oil and Gas Strategy.[265]

458. The Iraq Oil and Gas Strategy, the UK's second post-Occupation oil strategy, shared much of the analysis presented in the September 2004 UK Energy Strategy for Iraq. It added a third UK objective – promoting Iraq's role within the international oil market and the Organization of the Petroleum Exporting Countries (OPEC).

---

[262] Telegram 4635/05 Baghdad to FCO London, 16 May 2005, 'Iraq: Oil and Electricity: New Government, Old Problems'.
[263] Minute IPU [junior official] to Sawers, 25 May 2005, 'BP: Iraq'.
[264] Minute FCO [junior official] to Braithwaite, 3 June 2005, 'Note of a Meeting with Shell, 31st May 2005'.
[265] Paper, [undated], 'Iraq: Oil and Gas Strategy'.

459. The Strategy defined three UK objectives:

"
- The development of an efficient, outward-looking and transparent oil and gas industry, capable of delivering sustainable export revenues to meet the development needs of the people of Iraq and meeting domestic needs for energy in an efficient, equitable and secure manner.
- Increasing involvement of the private sector, leading to sustained investment over the next five to 10 years and substantial business for UK companies …
- To promote Iraq's role in international oil and gas markets and as a constructive influence within OPEC."

460. The Strategy stated that, in the absence of an "extremely high" oil price, only the international oil companies could provide the funding necessary to achieve rapid rehabilitation or significant new development.

461. The Strategy set out four considerations that shaped it:

- Energy security. The UK was expected to be a net importer of oil by 2010. Against a backdrop of volatile prices and limited spare global production capacity, sustainable increases in Iraqi production would make a large contribution to global energy security.
- The UK's commercial and international development goals, including Iraq's fiscal stability given the need to finance reconstruction. The idea that Iraq's energy development needs were best served through FDI would be politically sensitive, both in Iraq and internationally. The UK would "promote the message on FDI to the Iraqis in private, but it will require careful handling to avoid the impression that we are trying to push the Iraqis down one particular path".
- The need for energy price reform, required under the IMF programme.
- Oil development and the Constitution.

462. Mr Straw sent the Strategy to Mr Blair on 12 July.[266] In his covering letter, Mr Straw wrote:

> "Oil and gas will inevitably form the economic foundation for Iraq's future and remains important for the UK commercially and in terms of energy security. Foreign investment is badly needed and we need to continue to support Iraq to create the right framework for investment, while also supporting UK companies to engage. And we should continue working with the Iraqi Government to ensure the oil sector develops transparently and along lines of international best practice."

463. Mr David Quarrey, Mr Blair's Private Secretary, sent the Strategy to Sir Nigel Sheinwald with the comment: "I do not intend to put in the box! Looks OK."[267]

---

[266] Letter Straw to Blair, 12 July 2005, 'Iraq: Oil and Gas Strategy'.
[267] Manuscript comment Quarrey to Sheinwald, 13 July 2005, on Letter Straw to Blair, 12 July 2005, 'Iraq: Oil and Gas Strategy'.

464. Sir Nigel agreed.[268]

465. Mr Straw wrote to Mr Blair on 5 July with an update on the constitutional process.[269] Section 9.4 describes the development of the Iraqi Constitution from June 2005 to its adoption in October 2005.

466. Mr Straw attached a paper produced by the FCO Research Analysts which set out the substantive issues that the Constitutional Committee needed to address, and the UK's view on those issues. He advised Mr Blair that the paper would serve as the UK's "reference point" during the negotiations on the Constitution.

467. The paper recognised the importance of control over natural resources in the debate on federalism.[270] The Kurdish authorities were expected to champion the devolution of oil revenues and the ability to manage their own economic development. Shia Arabs were increasingly calling for some sort of economic federalism for the South and a greater share of Iraq's oil revenues. The UK had "a strong interest in avoiding any arrangement which would entrench sectarian divisions, e.g. a single large federation in the South".

468. Mr Straw wrote to DOP(I) members on 13 October, advising them that "despite its inevitable deficiencies, the draft Constitution represents a major achievement".[271]

469. Mr Straw attached an IPU paper which identified the "potential points of contention" within the draft Constitution, including natural resources:

> "The ambiguities in the text were necessary to secure agreement. But they also pave the way for difficulties in the future. Perhaps the worst offender … is Article 109 on oil and gas, which is a model of imprecision."[272]

470. The IPU stated that Article 109 of the draft Constitution specified that the current oil and gas resources would be managed by the federal Government "with the producing governorates and regional governments" in a manner to be regulated by a law.

471. The IPU commented that the law would need to clarify what "with" meant in that context.

472. Press reports at the end of November 2005 that a Norwegian oil company had signed a contract with the Kurdish Regional Government (KRG), rather than the Iraqi

---

[268] Manuscript comment Sheinwald to Quarrey on Letter Straw to Blair, 12 July 2005, 'Iraq: Oil and Gas Strategy'.
[269] Letter Straw to Prime Minister, 5 July 2005, 'Iraq: Constitution' attaching Paper FCO/RAD, June 2005, 'Constitutional Issues'.
[270] Paper FCO/RAD, June 2005, 'Constitutional Issues'.
[271] Letter Foreign Secretary to DOP(I) Committee Members, 13 October 2005, 'Iraq: Constitution Paper'.
[272] Letter Foreign Secretary to DOP(I) Committee Members, 13 October 2005, 'Iraq: Constitution Paper' attaching Paper IPU, [undated], 'Constitution: Potential Points of Contention'.

Government, prompted the UK Government to consider what it would be able to do if a UK company did the same.[273]

473. Mr Dominic Asquith, FCO Director Iraq, advised officials on 6 December that, in dealing with previous approaches from UK companies, he had said that:

- any contract must be with the explicit agreement of the Iraqi Government;
- any contract must have the support of the KRG, rather than any one element of it;
- even then, the legal position would be "fragile"; and
- "so wait until things become clearer".[274]

474. FCO and IPU officials agreed that those lines were appropriate.[275]

475. Mr William Patey, British Ambassador to Iraq, reported on 13 December 2005 that:

> "Oil is the critical factor in Iraq's economic revival. Increased revenue in 2006 will depend on a continued programme of rehabilitation of current wells and infrastructure and, more importantly, improved security in the north.
> Serious increases will require more radical surgery. The new Government will need to focus quickly on commercialising the oil industry and a legislative framework to attract investment. The future will be complicated by discussions on constitutional provisions."[276]

476. The pace of rehabilitation was slow. The Ministry of Oil spent less than 10 percent of its annual capital investment budget of US$3bn (the money was used instead to pay for additional subsidised fuel imports).

477. There were rumours that a number of draft Petroleum Laws existed, but no one had seen them. The provisions in the Constitution on oil were unclear; ownership of the oil and how it should be managed would need to be clarified by the Constitutional Committee.

478. In its dialogue with potential Prime Ministers, the Embassy had emphasised:

- the importance of "getting the oil sector right" and of increasing production;
- the need for greater World Bank involvement in the sector, which would give access to additional financing on good terms and policy advice; and

---

[273] Email Asquith to FCO [junior official], 30 November 2005, 'Norwegian oil deal with Kurds angers Iraq's Sunnis'.
[274] Email Asquith to DTI [junior official], 6 December 2005, 'Norwegian oil deal with Kurds angers Iraq's Sunnis'.
[275] Email IPU [junior official] to Asquith, 7 December 2005, 'Norwegian oil deal with Kurds angers Iraq's Sunnis'.
[276] eGram 20655/05 Baghdad to FCO London, 13 December 2005, 'Iraq: Oil'.

- the need for increased transparency, including through the Extractive Industries Transparency Initiative (EITI).

479. The Iraqi elections took place on 15 December.[277] Negotiations to form a new government continued into spring 2006.

480. On 2 March 2006, DOP(I) considered a joint FCO/DTI paper setting out the UK's objectives for Iraq's oil and gas sector.[278]

481. The UK's third post-Occupation oil strategy set out a more cautious position on the potential role of the private sector, including private financing.

482. The FCO/DTI paper set out three "mutually reinforcing" UK objectives:

- Iraq's successful economic development;
- to promote Iraq's contribution to global energy security, and its role as a constructive influence within OPEC; and
- to support UK companies.[279]

483. The paper stated that raising oil production would require significant new investment. Iraq was unlikely to be able to finance that investment from its own resources, and did not have recent experience of the regulatory, fiscal and administrative framework needed to make optimal use of private investment or the technical and managerial expertise to manage a rapid expansion of the industry. A key challenge for the Iraqi Government was therefore to access external financing and expertise. Iraq's first step should be to engage with "experienced development partners", and specifically the World Bank, which could provide independent advice on the development of an appropriate regulatory, fiscal and administrative framework. Its second step should be to engage with international oil companies (IOCs) and oil service companies (OSCs), which could bring in technical expertise and capital.

484. Any form of engagement with the IOCs would be politically sensitive. The "most straightforward" form, and the one most likely to result in a rapid increase in production, was FDI; but the "appropriateness" of FDI and the contractual form it might take, along with the internal distribution of oil revenues, would be hotly contested issues within the constitutional review process. Neither Saudi Arabia nor Iran allowed PSAs, "the form of FDI most favoured by IOCs". The paper concluded that "other options such as debt/bond finance and joint ventures should also be considered".

485. The paper stated that IOCs, including BP, Shell and other UK companies, were not currently working in Iraq due to the security situation and the lack of a foreign investment law. BP and Shell were engaged on technical studies of oilfields and were providing training to Iraqi officials.

---

[277] eGram 20961/05 Baghdad to FCO London, 16 December 2005, 'Iraq: Elections: Election Day'.
[278] Minutes, 2 March 2006, DOP(I) meeting.
[279] Paper IPU, 28 February 2006, 'UK Objectives for Iraq's Oil and Gas Sector'.

486. The paper identified five risks to UK objectives, including: **"The US dominates the field in advising Iraq on energy sector development."**

487. Dr Kim Howells, FCO Minister of State, introduced the paper at the 2 March DOP(I) meeting.[280] He highlighted the centrality of oil to Iraq's economy, and reported that he planned to visit southern Iraq shortly to look at issues relating to the southern oil fields. Mr Malcolm Wicks, DTI Minister of State, described projections that Iraq could produce 7.9m bpd by 2030 as very significant in the global and UK context. The UK was already working closely with IOCs and Iraq on energy issues.

488. In discussion, Ministers commented that oil and gas would continue to be the bedrock of Iraq's economy, but diversification was essential in the medium term.

489. DOP(I) agreed that Ministers should discuss the oil sector again after Dr Howells' visit to Iraq.

490. Dr Howells visited Iraq later that month. He reported to Mr Straw on 23 March that the delay in forming a Government and doubts over Iraq's commercial legal framework were constraining investment in the oil sector, but that the biggest barrier to investment remained the security situation.[281] He recommended that the UK should consider what its military forces could do to provide security for international investors:

> "Such a joint operation [coalition military forces and Iraqi Security Forces] would mean a different focus for our forces in the South. It would entail a shift from the urban concerns of Basra to … desert-located oil installations … I suggest the FCO discuss it at the earliest opportunity with the MOD."

491. There are no indications that Dr Howells' proposal was discussed by Ministers or senior officials.

492. Following the 2 March DOP(I) meeting and Dr Howells' visit, the IPU assessed that Ministers would be keen to discuss the future of the oil sector again, and by the end of March had begun work to develop a "comprehensive programme of engagement" for the oil sector, covering:

- engagement with UK oil companies in support of their activities; and
- engagement with the Iraqi Government on strategic policy issues.[282]

493. Mr Asquith chaired a meeting of senior officials on 19 May to agree how the UK would like to see the Iraqi oil sector structured.[283] He advised Mr Straw that the group's conclusions would be tested with "industry experts", before being used as a basis for

---

[280] Minutes, 2 March 2006, DOP(I) meeting.
[281] Letter Howells to Straw, 23 March 2006, 'My Thoughts on Iraq's Oil Industry'.
[282] Paper IPU, 29 March 2006, 'Iraq's Oil and Gas Sector – HMG Policy and Action'.
[283] Minute Asquith to Private Secretary [FCO], 24 May 2006, 'Iraq: DOP-I: 24 May'.

engaging with the Iraqi Government. The UK was already in close contact with BP and Shell on their business planning for Iraq.

494. The paper was finalised in September.

495. On 20 May, Prime Minister Nuri al-Maliki presented his Cabinet (minus the Ministers for Interior, Security and Defence) to the Council of Representatives.[284] All were approved. Dr Hussain al-Shahristani was appointed Minister of Oil.

496. Mr Blair visited Iraq on 22 May. He met President Talabani and, separately, Prime Minister Maliki.

497. The following day, Sir Nigel Sheinwald wrote to Mr Straw's Principal Private Secretary setting out eight areas of work which were, in Mr Blair's view, priorities for Iraq.[285] The final area of work listed was capacity building for Iraqi Ministries, including:

> "During our visit, we were also asked for specific assistance in the areas of agriculture, and promoting investment by oil companies. I would welcome advice on both."

498. A Cabinet Office official sent Mr Blair an update on work in those eight areas on 2 June.[286] The official advised that the FCO was working closely with Shell and BP on an early visit to meet the new Minister of Oil, and on a plan for drawing in investors.

499. A further, more substantive update on work in the eight areas identified by Mr Blair was considered at the 15 June meeting of DOP(I).[287] The update included a section on capacity-building for Iraqi ministries, but did not address promoting investment by oil companies (or the oil sector more generally).[288]

500. Mr Patey visited the Kurdish region on 14 June.[289] He reported that he had encouraged KRG Prime Minister Nechirvan Barzani and KRG Minister of Natural Resources Dr Ashtee Hawramy to work with the federal Iraqi Government in drafting a Petroleum Law. Mr Barzani had warned that the Kurdish people would not give up hard-won concessions in the Constitution relating to the control of resources.

501. IPU and DTI officials met Dr Hawramy in London on 26 June.[290] An IPU official reported that Dr Hawramy had said that he not been invited to sit on the drafting committee for the Hydrocarbons Law, and had outlined the content of a draft "KRG 'Petroleum Law'", which gave responsibility for signing contracts to regional

---

[284] *BBC News*, 20 May 2006, *Iraqi Parliament approves Cabinet*.
[285] Letter Sheinwald to Hayes, 23 May 2006, 'Iraq'.
[286] Minute Cabinet Office [junior official] to Prime Minister, 2 June 2006, 'Iraq: Follow-up to Your Visit'.
[287] Minutes, 15 June 2006, DOP(I) meeting.
[288] Paper Cabinet Office, 13 June 2006, 'Follow-up to the Prime Minister's Visit, including Delivering a Step-change in Basra'.
[289] eGram 24970/06 Baghdad to FCO London, 17 June 2006, 'Iraq: Visit to the Kurdish Region'.
[290] Email IPU [junior official] to Casey, 7 July 2006, 'Meeting with KRG Minister of Natural Resources'.

Governments. Dr Hawramy thought PSAs were the only agreements that IOCs would consider.

502. UK officials responded that contracts should be signed by central Government. Dr Hawramy asked the UK to stop discouraging IOCs from investing in the Kurdish region.

503. An IPU official commented:

> "While … IOCs such as Shell and BP are currently unwilling to invest in the KRG, as the gap widens between the investment climate in the KRG and the rest of the country, a westernised, technocratic KRG Minister offering good PSA terms under a KRG Petroleum Law is going to be increasingly tempting.
>
> …
>
> "We were expecting him [Dr Hawramy] to express irritation at being excluded from central Government decision-making … The impression he gave was more that the KRG was quite content to press on regardless … We will need to work hard to persuade the Kurds that there is a game worth playing at the centre."

504. Dr Howells visited Baghdad and the Kurdish Region from 6 to 7 July.[291] It was the first visit to the Kurdish region by a British Minister since 2004.

505. KRG Prime Minister Barzani told Dr Howells that relations between the KRG and the federal Government had "soured over oil".

506. Dr Hawramy outlined the KRG's draft Oil Plan and Petroleum Law. Dr Howells encouraged Dr Hawramy to "work through" the Oil Plan with the federal Government, and said that it was vitally important that the KRG Petroleum Law and the federal Government's Hydrocarbons Law complemented each other.

507. The British Embassy Baghdad commented:

> "The meetings [with Dr Howells] showed KRG determination to push forward on energy and reconstruction, the Oil Plan and the draft Petroleum Law being the flagships of their efforts."

508. Mr Wicks met Dr Shahristani in London on 24 July.

509. Mr Wicks' briefing for the meeting stated that, while the UK had not seen a draft of the Hydrocarbons Law, it understood that it gave the federal Government responsibility for signing new oil exploration and production contracts: "This is a course of action that

---

[291] eGram 29832/06 Baghdad to FCO London, 11 July 2006, 'Iraq: Dr Howells Visit to Kurdistan 6-7 July 2006'.

we [the UK] would endorse, as it would ensure that the sector was managed in the national interest."[292]

510. The briefing also stated that the issue of corruption and transparency was rising up the UK's agenda in Iraq.

511. At the meeting, Dr Shahristani said the Iraqi Government's aim was to get the Hydrocarbons Law through Parliament by the end of 2006.[293] He asked Mr Wicks whether the UK could play a role in lobbying for a national, rather than regional, approach to signing oil exploration contracts. Mr Wicks agreed to reflect on how that message could best be conveyed.

512. A junior official in the British Embassy Baghdad reported on 21 September that there was little support for the EITI within the Ministry of Oil.[294] The official identified a number of possible approaches to increase support, including asking the IOCs to express their support for the EITI to the Iraqi Government, as: "The Oil Ministry cares more about what they [the IOCs] think than about what we think."

513. The work to develop a "comprehensive programme of engagement" for the oil sector that was initiated in March concluded in September with the production of a paper entitled, 'Iraq: Building a Framework for Oil Sector Development'.[295]

514. The paper stated that:

> "Our [the UK's] starting point is that decisions on oil sector management could support or fatally undermine efforts to preserve the territorial integrity and democratic development of Iraq. Our key concern is therefore to preserve the integrity and competence of the Iraqi state as a basis for national unity, as well as to create a long-term basis for transparency and adequate investment in the sector."

515. The paper defined four principles which would guide the UK's approach:

- The oil industry should be structured to allow for managerial and financial autonomy of business units, "within an environment principally regulated at the federal (national) level".
- The emphasis should be on creating an effective public sector national oil company. Within that overall framework, and subject to decisions by the Iraqi Government, private resources accessed through FDI, bonds, and commercial and concessional lending were likely to be needed.

---

[292] Briefing, [undated], 'Mr Wicks's Meeting with Dr Hussain Al-Shahristani (Iraqi Minister of Oil) and Dr Abd Al-Sudani (Iraqi Minister of Trade)'.
[293] Record, [undated], 'Mr Wicks's Meeting with Dr Hussain Al-Shahristani (Iraqi Minister of Oil) and Dr Abd Al-Sudani (Iraqi Minister of Trade): Monday 24 July'.
[294] Email FCO [junior official] to FCO [junior official], 21 September 2006, 'EITI – Update'.
[295] Paper British Embassy Baghdad, September 2006, 'Iraq: Building a Framework for Oil Sector Development'.

- Any agreement on resource management must be accompanied by a guaranteed revenue-sharing formula acceptable to the KRG and Iraq's governorates.
- Transparency in the role of government institutions and in the collection and disbursement of revenues was critical. The UK endorsed the principles of the EITI.

516. The paper set out the UK's lobbying strategy in support of those principles, and stated:

> "The current situation is characterised by severe constitutional uncertainty, a low level of trust between the key players and a lack of sense of urgency on the part of the Ministry of Oil.
>
> "On most interpretations, the current text of the Constitution leaves the federal Government emasculated on oil sector management. Promoting the vision outlined in the main body of this paper will therefore be difficult …"

517. The paper stated that the KRG refused to countenance the possibility that the "substantive" concessions they had won in the constitutional negotiations – which gave regional authorities control over the development of new fields and on some interpretations the rights to revenues from those fields – would be revisited. Meanwhile, the KRG was "putting facts on the ground" by signing PSAs with "mainly small, high-risk" IOCs, and moving ahead quickly with its own Petroleum Law.

518. A junior official at the British Embassy Baghdad commented that since 2003 successive interim and transitional Iraqi Governments had not had the opportunity to address oil sector management.[296] The issue was now "rising up the agenda" in Iraq, and the UK had to be ready to engage at a senior level.

519. The UK first saw a draft of the Hydrocarbons Law in late October/early November 2006.

520. The British Embassy Baghdad reported on 1 November that the Ministry of Oil had sent a draft Hydrocarbons Law to the Council of Ministers, for consideration before submission to the Council of Representatives.[297] The Embassy had seen a version of the draft Law. It made clear that oil resources must be controlled by central Government, and cited Article 109 of the Constitution (which stated that oil and gas resources were the property of the whole nation) in support of that position. The Embassy commented that it was unlikely that the KRG would accept the draft.

---

[296] Email FCO [junior official] to Paterson, 21 September 2006, 'Oil Sector Structure Submission'.
[297] eGram 48261/06 Baghdad to FCO London, 1 November 2006, 'Iraq: Hydrocarbons Law Update'.

521. The British Embassy Baghdad produced a "core script" setting out the UK's response to the draft Hydrocarbons Law on 7 November.[298] Key messages for the UK to relay to Iraqi contacts included:

- It was crucial that an agreed national law was passed soon, given the importance of oil to national economic and security interests.
- The Iraqi Constitution stated that oil resources belonged to all Iraqi citizens. The federal Government was best placed to ensure that those resources were developed to the maximum benefit for all Iraqi citizens.
- A national law should be agreed before the KRG passed a regional law.

522. UK officials continued to meet regularly with Ministers and senior officials in the Iraqi Government and the KRG to discuss progress towards agreeing a Hydrocarbon Law.

523. The IPU provided Dr Howells with an update on negotiations on a Hydrocarbons Law on 14 February 2007.[299] While there was not yet any agreement, there was a "strong impetus to achieve consensus". President Bush had indentified the passing of the Hydrocarbons Law as a key indicator of progress in Iraq. The US Ambassador was working hard to bring the key players together. The UK had "remained in close touch with the key negotiators … in support".

524. The update advised that the latest draft Hydrocarbons Law addressed only two of the four principles which the UK had defined in September 2006 (it would establish a national public-sector oil company and contained helpful clauses on transparency).

525. The update proposed that, while the UK's influence was "limited", it should, alongside the US, continue to lobby key Iraqi players, and encourage the IMF and World Bank to play an active role in providing assistance and advice on the more technical aspects of the negotiations.

526. Dr Howells accepted that proposal, and agreed that the UK's influence was limited.[300]

527. Mr Asquith reported from Baghdad in May that disagreements continued over the extent of regional authority in the oil sector and on the implications of foreign investment.[301] He commented:

> "The political mood makes quick passage of the HCL [Hydrocarbons Law] unlikely. Differences between the Kurds and Baghdad go beyond simple posturing, with Kurdish hardball tactics generating worrying anti-Kurdish sentiment among Arab politicians. Resolution by the summer would be an achievement."

---

[298] Email FCO [junior official] to IPU [junior official], 7 November 2006, 'HCL – Core Script'.
[299] Minute IPU [junior official] to PS/Dr Howells, 14 February 2007, 'Iraq: Hydrocarbons Law Update'.
[300] Email APS/Howells [FCO] to junior official [IPU], 19 February 2007, 'Iraq: Hydrocarbons Law Update'.
[301] eGram 20342/07 Baghdad to FCO London, 14 May 2007, 'Iraq: Update on the Hydrocarbons Law'.

528. Mr Gordon Brown became Prime Minister on 26 June 2007.

529. Before Mr Brown's final visit to Iraq as Chancellor of the Exchequer in June 2007, he commissioned advice on how the UK could increase support for economic development and reconstruction in Iraq and, in particular, in Basra.[302]

530. The Treasury advised that greater security and political solutions were key to stability, but needed to be complemented by a focus on priority economic problems.[303] There were three priorities to boost economic growth:

- maintaining macroeconomic stability;
- improving the efficiency and effectiveness of the public sector; and
- expanding and improving the efficiency of the oil industry. That required:
    - a political agreement on a Hydrocarbons Law;
    - better security, to facilitate a significant increase in investment (including foreign investment); and
    - an integrated energy strategy for investment and reform, to ensure that the development of the sector delivered visible improvements in electricity supply to drive private sector recovery.

531. The negotiating process for a Hydrocarbons Law should be allowed to "run its course", to minimise technical ambiguities and force all parties to address difficult political issues. The UK was "working to bring in" the World Bank to assist Iraq in developing and implementing an integrated energy strategy.

532. Mr Brown wrote to Prime Minister Maliki on 29 July, setting out some suggestions for how the UK could help on initiatives to develop the Iraqi economy.[304] Those included:

> "Working with the World Bank, we are ready to help you develop an integrated energy strategy, outlining investments and reforms in oil, gas and electricity sectors."

533. Prime Minister Maliki replied on 7 October, welcoming the UK's interest in supporting private sector development in Iraq.[305] In relation to oil, Iraq would welcome UK help on infrastructure repairs, installation development and the development of an integrated energy strategy.

534. Mr Brown met Prime Minister Maliki in the UK on 3 January 2008.[306] Mr Brown said that he wanted to see rapid progress on the Hydrocarbons Law and local elections.

---

[302] Email Bowler to Pillay and FCO [junior official], 12 May 2007, 'Iraq – Latest Situation/Economic Development'.
[303] Paper Pillay, 24 May 2007, 'Economic Aspects of Stability in Iraq'.
[304] Letter Brown to Maliki, 29 July 2007, [untitled].
[305] Letter Maliki to Brown, 7 October 2007, [untitled].
[306] Letter Fletcher to Carver, 3 January 2008, 'Prime Minister's Bilateral with Prime Minister of Iraq, 3 January'.

535. The British Embassy Baghdad provided an update on the oil sector in January 2008.[307] The Embassy reported that with negotiations stalled, the KRG had passed its own regional Hydrocarbons Law in August 2007 and "vigorously resumed signing contracts". Dr Shahristani had pronounced those contracts illegal and void and the Iraqi Government had threatened to boycott all companies that signed contracts with the KRG.

536. The Iraqi Government and the KRG continued to discuss a Hydrocarbons Law, but "fundamental personality clashes and political obstacles" remained and early progress was unlikely. The US continued to "shepherd" the negotiations, but to little effect.

537. In the update, the Embassy did not report on or propose any UK action with respect to the Hydrocarbons Law.

538. The Embassy also reported that, as those negotiations continued, the Iraqi Government was pursuing technical service agreements (TSAs) with IOCs to improve oil production in five major oilfields. The Embassy commented that the TSAs were less attractive to IOCs than PSAs and would increase production by only a "fraction" of what might be achieved under PSAs. There remained substantial political resistance, "on sovereignty grounds", to PSAs within the Iraqi Government.

539. Oil production in 2007 had averaged 2.1m bpd, the same as in 2006. Higher oil prices – US$73 a barrel in 2007 against US$65 in 2006 – had meant higher revenues – US$41bn in 2007 against US$31bn in 2006.

540. Section 9.7 describes discussions within the UK Government from autumn 2008 on the transition to a normal bilateral relationship with Iraq.

541. On 9 December, the Overseas and Defence Sub-Committee of the Committee on National Security, International Relations and Defence (NSID(OD)), the successor to DOP(I), discussed a paper entitled 'Iraq: Arrangements for Transition'.[308] An annex to the paper suggested that the key elements of future relations with Iraq should be:

- diplomatic and political activity,
- economic development,
- defence,
- energy,
- commercial, and
- education.

---

[307] Telegram 2973/08 Baghdad to FCO London, 27 January 2008, 'Hydrocarbons Law: Deadlock Continues'.
[308] Minutes, 9 December 2008, NSID(OD) meeting; Paper, 8 December 2008, 'Iraq: Arrangements for Transition'.

542. The objective of the energy component was to:

> "… ensure security of Iraq's oil supply and long-term increase in oil output through political lobbying on hydrocarbons legislation and national energy policy and regional support."

543. The paper invited Ministers to agree that Mr David Miliband, the Foreign Secretary, should circulate detailed proposals on the UK's future relations with Iraq, for agreement in writing.

544. Summing up the discussion, Mr Brown said that it was important to make progress on the Hydrocarbons Law.[309]

545. NSID(OD) agreed that sign-off for the UK's long-term strategy for Iraq would be sought out of committee.[310]

546. Mr Miliband's Private Secretary circulated a draft strategy for "UK policy towards and relations with Iraq following military drawdown" on 13 January 2009.[311]

547. The draft strategy stated that the UK had a strategic national interest in a strong, stable and non-hostile Iraq, which:

> "… contributes positively to stable world energy markets by maximising its potential as a producer and exporter of oil and gas; and increased EU energy security through developing new supply routes."

548. The strategy identified a number of essential factors for establishing a strong and stable Iraq, including:

> "… a functioning economy. In the medium term [that] will be driven by hydrocarbon production and export, which in turn requires agreement on a Hydrocarbons Law articulating the governance and development of the energy sector."

549. The UK's aim in the energy sector should be to:

> " … help Iraq to maximise [its] potential, and hence its contribution to global oil markets and EU energy security. This will involve a combination of political lobbying on Iraqi legislation, policy dialogue and education, capacity building in central government ministries (including through a specific skills initiative), and working alongside foreign investors who can inject capital and skills into the wider Iraqi energy sector."

---

[309] Minutes, 9 December 2008, NSID(OD) meeting.
[310] Minutes, 9 December 2008, NSID(OD) meeting.
[311] Letter Hickey to Catsaras, 13 January 2009, 'Iraq: Strategy' attaching Paper, [undated] 'Iraq: a Review of Strategy'.

550. An annex to the main paper described "problem areas", including:

- no broad agreement on the extent of political and economic centralism versus devolution, including in relation to energy sector development and revenue sharing; and
- the Iraqi Government's reliance on oil revenues (which comprised more than 90 percent of revenues). A protracted period of low oil prices could even affect the Government's ability to fund operational expenditure.

551. On 9 February, Mr Brown's Assistant Private Secretary told the Private Secretaries to Mr Miliband and Lord Mandelson, the Business, Enterprise and Regulatory Reform Secretary, that Mr Brown had endorsed the strategy.[312]

552. Sir Mark Lyall Grant, FCO Political Director, told the Inquiry that the strategy reflected the strategic importance of Iraq to the UK:

> "There is no doubt in my mind that Iraq is a very important strategic country for the United Kingdom … and that, therefore, we should have a long-term strategic relationship with Iraq …
>
> "The reason I say that on Iraq is because Iraq is a country which sits on the dividing line between Persia and the Arab world. It sits on the dividing line between Sunni and Shia communities. It is a neighbour of Turkey, and, therefore, could be a neighbour of the European Union, if Turkey joins the European Union. It has got massive oil and gas reserves. We therefore have a very strong strategic interest in Iraq being a successful, prosperous, stable country, and in being an ally of the United Kingdom."[313]

553. Sir Mark said that it was not possible to strictly prioritise the UK's political, commercial and socio-economic interests in Iraq, in terms of their importance to the UK.[314] What was "essential" from the UK's perspective was that Iraq remained a single state with secure borders, with a functioning Government that could exert full security control of the country and a functioning economy.

Table 1: Iraqi crude oil production and revenue (selected years)

	1989	2002	2003	2004	2005	2006	2007	2008	2009
Oil production (m bpd)[315]	2.90	2.02	1.31	2.01	1.88	2.00	2.09	2.38	2.39
Oil revenue from exports (US$bn)[316]	–	–	5.1	17.2	23.3	31.9	38.3	61.2	39.2

[312] Letter Catsaras to Hickey & Abel, 9 February 2009, 'Iraq Strategy'.
[313] Public hearing, 20 January 2010, pages 21-22.
[314] Public hearing, 20 January 2010, page 26.
[315] US Energy Information Administration website. *Iraq Crude Oil Production by Year*.
[316] Brookings Center for Middle East Policy, Iraq Index, *Comparison of Oil Revenue from Exports, 2003-2012*.

UK Government support for UK business

UK commercial interests, 2001 to 2002

554. Sections 1.1 and 1.2 describe the increasing challenges from 1999 to the US/UK policy for the containment of Iraq.

555. In January 2001, the FCO's Middle East Department drew up an internal paper for a meeting of the FCO Policy Board, which reassessed the UK's "fundamental interests" in relation to Iraq and recommended a new approach to promoting them.[317] The UK's interests were identified as:

- regional stability, including through the non-proliferation of Weapons of Mass Destruction (WMD);
- energy security: the region accounted for 33 percent of the world's oil production and 66 percent of world oil reserves;
- a "level playing field" for UK companies: at its peak, UK trade with Iraq was US$500m a year;
- preserving the credibility and authority of the UN Security Council;
- maintaining the coherence of UK policy, including on human rights, adherence to UN Security Council resolutions, and non-proliferation;
- improving the humanitarian and human rights situation in Iraq;
- avoiding a US/UK split; and
- reducing the UK's isolation in the EU.

Planning and preparing for a post-conflict Iraq

556. From 20 September 2002, the Cabinet Office-led Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues. The focus of the AHGI's work was a series of analytical papers by the FCO and other departments on the post-conflict administration and reconstruction of Iraq, and the possible consequences of conflict for the UK.

557. The AHGI held its first meeting on 20 September.[318] Mr Jim Drummond, Assistant Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), wrote to Mr Desmond Bowen, Deputy Head of OD Sec, the day before, suggesting issues for discussion and proposing departmental responsibilities for those issues.

558. Neither Mr Drummond's minute to Mr Bowen nor the record of the 20 September AHGI meeting indicated that work was being or should be undertaken on promoting UK commercial interests in a post-conflict Iraq.[319]

---

[317] Paper FCO, January 2001, 'Iraq: A fresh look at UK interests'.
[318] Minute Drummond to Bowen, 19 September 2002, 'Ad Hoc Group on Iraq (AHGI)'.
[319] Minute Drummond to Bowen, 19 September 2002, 'Ad Hoc Group on Iraq (AHGI)'; Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.

559. The record of the first AHGI meeting stated that work should remain "as internal thinking within departments" for the next few weeks.[320]

560. The AHGI remained the principal Whitehall co-ordination mechanism for non-military Iraq planning until the creation of the inter-departmental Iraq Planning Unit (IPU) in February 2003.

561. The AHGI did not commission or receive any papers relating to UK commercial interests in a post-conflict Iraq during its operation.

562. On 12 September 2002, Sir David Manning, the Head of OD Sec and Mr Blair's Foreign Policy Adviser, commissioned a paper from the FCO setting out what a post-Saddam Government might look like.[321]

563. The FCO sent its paper on post-Saddam government in Iraq, entitled 'Scenarios for the future of Iraq after Saddam', to Sir David on 26 September.[322] It was circulated separately to the AHGI.

564. The paper stated that to influence developments on Iraq, the UK needed "the clearest possible sense of our objectives for Iraq". The UK's "fundamental interest in a stable region providing secure supplies of oil to world markets" suggested four overarching priorities:

- termination of Iraq's WMD programme and permanent removal of the threat it posed;
- a more inclusive and effective Iraqi Government;
- a viable Iraq which was not a threat to its neighbours; and
- an end to Iraqi support for international terrorism.

565. The UK also had a number of "second order" objectives, including ensuring that British companies benefitted from any post-war reconstruction contracts.

566. Sir Christopher Meyer, British Ambassador to the US, responded to the paper by questioning whether it was right to classify securing reconstruction contracts as a second order objective.[323] Russia and France were, by all accounts, anxious about their economic interests in Iraq after Saddam Hussein. UK interests were not something to press immediately, but should be a "top priority" in post-Saddam contingency planning. Mr Blair would have to pursue the issue with President Bush if the UK were to have any impact.

---

[320] Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.
[321] Letter Manning to McDonald, 12 September 2002, 'Iraq'.
[322] Letter McDonald to Manning, 26 September 2002, 'Scenarios for the future of Iraq after Saddam' attaching Paper FCO, [undated], 'Scenarios for the future of Iraq after Saddam'.
[323] Telegram 1256 Washington to FCO London, 1 October 2002, 'Iraq: Dividing the Spoils'.

567. Sir Christopher concluded:

> "We [the UK] will need to register with the Americans that, in the event of war, the UK will expect to get a generous share of reconstruction and oil contracts after Saddam's defeat. This did not/not happen in Kuwait after the Gulf War."

568. An oil industry representative called on Mr Edward Chaplin, FCO Director Middle East and North Africa, on 2 October to express his concern that "by sticking to the rules over Iraq and not going for post-sanctions contracts", UK oil companies would lose out.[324] There were rumours that some countries would "sell their support" for US action in return for a guarantee that their deals with Saddam Hussein's regime would be honoured by a new administration.

569. Mr Chaplin said that the FCO was "seized of the issue" and "determined to get a fair slice of the action for UK companies". Most of the rumours could be discounted.

570. Trade Partners UK (TPUK)[325] began considering in early October 2002 what it could and should do in the event that Iraq returned to "any degree of normalcy".[326]

571. On 15 October, Mr Bill Henderson, TPUK Director International Group 1, advised Baroness Symons, joint Department of Trade and Industry (DTI)/FCO Minister of State for International Trade and Investment, that TPUK's contingency planning was "purely internal and at a very early stage".[327] TPUK had made provision for a Commercial Officer to be included in the initial stage of a re-established UK mission in Baghdad. There were likely to be significant commercial opportunities for UK firms, although there were limits on what TPUK could do to identify those opportunities:

> "For the moment there is some sensitivity to giving prominence to the commercial aspects. We are keen to avoid giving the impression that commercial interests are driving our policy in Iraq."

572. On 25 October, Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, reported a conversation with Vice President Dick Cheney's office, in which he had been told that Vice President Cheney was about to discuss Iraqi oil contracts with former Russian Prime Minister Yevgeny Primakov. Mr Primakov would be told that the "bids of those countries which co-operated with the US over Iraq would be looked at more sympathetically than those which did not".[328]

---

[324] Email Chaplin to Gray, 2 October 2002, 'Iraq – Views of UK Business'.
[325] Trade Partners UK was the division of British Trade International (BTI) responsible for promoting UK exports until October 2003, when BTI was renamed UK Trade and Investment (UKTI) and the Trade Partners UK identity fell out of use.
[326] Minute TPUK [junior official] to Henderson, 2 October 2002, 'Iraq – Getting Back into the Market'.
[327] Minute Henderson to PS/Baroness Symons, 15 October 2002, 'Iraq: Contingency Planning Commercial Aspects'.
[328] Letter Brenton to Chaplin, 25 October 2002, 'Iraq: Oil'.

573. Representatives of BP, Shell and British Gas met Baroness Symons on 31 October to discuss their concerns.[329] Mr Christopher Segar, Head of the FCO's Aviation Maritime and Energy Department (AMED), reported that all three companies had argued that they had been scrupulous in observing sanctions but were keen to play a part in any reconstruction effort. They did not want a privileged position but equally did not want to be "locked out" through deals done by the US for wider political purposes. They wanted a "level playing field".

574. In response, Baroness Symons had said that, given the Russians' considerable economic interest in Iraq, it was "very possible that a deal or deals" might be under discussion in the US.

575. Baroness Symons reported her meeting to Mr Jack Straw, the Foreign Secretary, and commented:

> "I said that we could not make any definitive undertakings [on securing contracts], given our determination that any action in relation to Iraq is prompted by our concerns over WMD, and not a desire for commercial gains.
>
> "However, I undertook to draw this issue to your attention as a matter of urgency. They were genuinely convinced that deals were being struck and that British interests are being left to one side."[330]

576. The British Embassy Washington reported on 31 October that it had reassured BP representatives that the Embassy had seen no evidence of any deals.[331] The Embassy had agreed to "keep a watchful eye".

577. The Cabinet Office reported to Sir David Manning on 31 October that the instruction to departments not to engage with external actors on contingency planning for post-conflict Iraq (confirmed in the record of the first meeting of the AGHI on 20 September) was, in practice, being overtaken.[332] There was particular pressure for consultation from the UK oil industry; a delegation from BP would be visiting the FCO on 6 November.

578. The FCO hosted a presentation on Iraqi energy on 6 November given by a team from BP.[333] Mr Rycroft sent the record of the presentation to Mr Jonathan Powell, Mr Blair's Chief of Staff, and Sir David Manning as evidence of why Iraq was so important to BP.[334]

---

[329] Minute Segar to PS/Baroness Symons, 31 October 2002, 'Iraq Oil'.
[330] Minute Symons to Straw, 1 November 2002, 'Iraqi Oil and Gas'.
[331] Telegram 1418 Washington to FCO London, 31 October 2002, 'BP & Iraqi Oil'.
[332] Minute Dodd to Manning, 31 October 2002, 'Iraq: After the UNSCR'.
[333] Minute FCO [junior official] to Arthur, 13 November 2002, 'BP/Iraqi Energy'.
[334] Manuscript comment Rycroft, 18 November 2002, on Minute FCO [junior official] to Arthur, 13 November 2002, 'BP/Iraqi Energy'.

579. Mr Powell forwarded the record to Mr Blair, who commented: "But what do we do about it?"[335]

580. On 8 November, the AHGI confirmed that departments were now "encouraged, where necessary, to engage those outside Government in prudent contingency planning as long as such contact is discreet. This extends to DTI planning on the UK role in a post-Saddam economy, particularly in the oil sector."[336]

581. Sir Christopher Meyer wrote to Sir David Manning on 15 November, reporting the Embassy's recent discussions with UK oil industry representatives:

> "We have made clear that the US motivation as regards Iraq parallels our own: this is a matter of national security, not oil. We emphasised the flat denials we have received from State Department that any such discussions [between non-UK companies and the US Administration] are under way.
>
> "Nevertheless, the rumours persist. It is not clear … what went on behind the scenes at the US/Russia energy 'summit' in Houston last month … We have seen a report from our team at CENTCOM [US Central Command] which suggests that the Pentagon has already awarded a contract to Kellogg, Brown and Root, a subsidiary of Halliburton, to restore the Iraqi oil industry to production levels of 3m bpd … We have so far been unable to obtain collateral for this from the Administration, and it might well in any case amount to no more than prudent contingency planning to stabilise Iraqi oil facilities if Saddam attempts to damage them in a conflict.
>
> "Either way, there is clearly an issue here which we need to tackle … My view remains that the only realistic way in to this is via a PM [Mr Blair] intervention with Bush … The points to make would be:
>
> - Once Saddam has been disarmed … Iraq's oil industry will be central to … economic recovery.
> - We, as you, have energy majors who have skills and resources to help …
> - To give the lie to suggestions that this campaign is all about oil, it is vitally important that, once sanctions are lifted, there is seen to be a level playing field for all companies to work in Iraq."[337]

582. Sir Christopher stated that "by being too squeamish and slow off the mark, the UK did badly out of the Kuwait reconstruction contracts in 1991". The approach outlined above was the least the UK should do, to avoid a similar outcome.

583. The Kellogg, Brown and Root (KBR) contract referred to by Sir Christopher was likely to be the US$1.9m contract to plan the repair of Iraq's oil infrastructure awarded

---

[335] Manuscript comment Blair on Minute FCO [junior official] to Arthur, 13 November 2002, 'BP/Iraqi Energy'.
[336] Minute Dodd to Manning, 11 November 2002, 'Ad Hoc Group on Iraq'.
[337] Letter Meyer to Manning, 15 November 2002, 'Iraqi Oil'.

to KBR under the US Army's Logistics Civil Augmentation Program (LOGCAP) on 8 November.[338]

584. Sir David Manning raised oil and gas contracts during a meeting with Dr Condoleezza Rice, President Bush's National Security Advisor, in Washington on 9 December.[339] A TPUK briefing note produced for Sir David Manning in advance of the meeting summarised the UK's position:

> "It would be inappropriate for HMG [Her Majesty's Government] to enter into discussions about any future carve-up of the Iraqi oil industry. None-the-less it is essential that our companies are given access to a level playing field in this and other sectors …"[340]

585. At the meeting, Sir David said that he hoped UK energy companies "would be treated fairly and not overlooked if Saddam left the scene".[341] Dr Rice said that it would be particularly unjust if companies that had observed sanctions since 1991, a category which included UK companies, were not among the beneficiaries of post-Saddam Iraq.

586. The US Agency for International Development (USAID) began the process of letting its major post-conflict reconstruction contracts in December 2002.[342] At that time, US military preparations were gathering pace. It was clear that very little time remained before a military campaign.

587. The UK participated in two rounds of US/UK/Australia talks on post-conflict issues, on 6 November 2002 and 22 January 2003 (see Sections 6.4 and 6.5). There are no indications that commercial interests were discussed during those talks.

588. Mr Blair met with President Bush and Dr Rice in Washington on 31 January 2003 to discuss post-conflict planning.

589. A briefing prepared for Mr Blair by the FCO included in its list of objectives: "To convince President Bush … the US needs to pay much more attention, quickly, to planning on 'day after' issues; and that the UN needs to be central to it."[343]
Key messages included:

- "Restoring oil production will be an immediate challenge. Oil sector will need some technology and a lot of capital. We must encourage an open investment regime and a level playing field for foreign companies."

---

[338] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[339] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.
[340] Paper TPUK, 29 November 2002, 'Note for Sir David Manning on UK Oil Company Interests in Iraq'.
[341] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.
[342] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[343] Paper FCO Middle East Department, 30 January 2003, 'Prime Minister's visit to Camp David, 31 January: Iraq'.

590. A short Cabinet Office paper offered Mr Blair a "few OD Sec points, just in case they slip through the briefing".[344] Those included:

> "• Agree the importance of transparency in the use of oil revenues. Argue for a level playing field for UK companies on new exploration contracts."

591. The record of the meeting between President Bush and Mr Blair does not show any discussion of oil issues.[345]

592. Officials from TPUK, the FCO, the Export Credit Guarantee Department (ECGD) and a representative from the British Consultants and Contractors Bureau (BCCB) met on 7 February to discuss post-conflict commercial issues.[346]

593. Following that meeting, Mr Henderson provided a further update for Baroness Symons on TPUK's contingency planning. He advised that:

> "Until now, most of our [TPUK] meetings have involved only internal players, and have been relatively low key, in view of our wish to avoid giving undue prominence to the commercial aspects of HMG's handling of the crisis. The participation of BCCB in this meeting marked a new phase of our planning process."

594. The meeting had concluded that the assistance needed by UK companies would fall into three categories:

- During "Stage 1", a small number of UK companies would want UK Government help to gain quick access to infrastructure that they had installed in Iraq, as part of the humanitarian and reconstruction effort but also "to protect their competitive advantage". Planning would require close consultation with the MOD.
- During "Stage 2", TPUK would provide UK companies with information on opportunities arising from the initial stages of the humanitarian and reconstruction effort.
- During "Stage 3", TPUK would help UK companies position themselves to take advantage of short- and medium-term reconstruction contracts. Close contact with the US would be a key factor.

595. Mr Henderson advised that UK companies were arguing strongly that the UK Government should press the US Government to guarantee a "level playing field" for UK companies on reconstruction contracts, including for oil and gas contracts. Six business representatives had recently written to Baroness Symons, expressing their concern that the UK was not extracting sufficient commercial advantage from its support for the US.

---

[344] Minute Drummond to Rycroft, 28 January 2003, 'Iraq: US Visit'.
[345] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.
[346] Minute Henderson to Symons, 12 February 2003, 'Iraq: Post-Conflict Commercial Issues'.

596. Mr Henderson concluded by commenting that although TPUK participated in the weekly meetings of the AHGI:

> "… the overall Whitehall agenda appears to attach little importance to the commercial aspect and the interests of UK companies."

597. Mr Geoff Hoon, the Defence Secretary, discussed post-conflict issues with Mr Donald Rumsfeld, US Secretary of Defense, and Dr Rice in Washington on 12 February.

598. Mr Drummond sent Mr Ian Lee, MOD Director General Operational Policy, a final version of the UK's "key messages" on post-conflict Iraq on 11 February, for Mr Hoon to use in his meetings.[347] The final key message was:

> "Level playing field: Big contracts to rebuild Iraq. Putting UK lives on line. Expect level playing field for UK business in oil and other areas."

599. The British Embassy in Washington's record of Mr Hoon's meetings with Secretary Rumsfeld and Dr Rice on 12 February did not include any reference to a discussion on commercial issues.[348]

600. Mr Henderson advised an FCO official on 25 February that the "general point" that UK companies should be in a position to access opportunities arising from reconstruction and rehabilitation in Iraq had been raised at an (unspecified) high level with the US Government.[349] The UK had been assured that a level playing field would apply. Mr Henderson commented: "however, the reality is that US companies will be in a privileged position".

601. Mr Henderson sought Baroness Symons' agreement on 27 February that officials should adopt a "more open, pro-active approach" in their dealings with UK companies.[350] Interest from UK companies was growing, and the UK Government needed to be seen to respond.

602. Baroness Symons forwarded Mr Henderson's minute to Mr Straw and Ms Patricia Hewitt, Secretary of State for Trade and Industry and Minister for Women and Equality.[351] In a covering letter, Baroness Symons reported that more and more companies were approaching her and TPUK about post-conflict reconstruction. The UK Government had been careful not to take a more public stance in support of UK business. That was the

---

[347] Letter Drummond to Lee, 11 February 2003, 'Iraq Post Conflict: Key Messages' attaching Paper Cabinet Office, 11 February 2003, 'Iraq Post Conflict: Key Messages'.
[348] Telegram 203 Washington to FCO London, 13 February 2003, 'Iraq: Defence Secretary's Visit to Washington.
[349] Minute Henderson to FCO [junior official], 25 February 2003, 'Iraq: UK/US issues'.
[350] Minute Henderson to PS/Symons, 27 February 2003, 'Iraq Contingency Planning: Commercial Aspects'.
[351] Minute Symons to Straw and Hewitt, [undated], 'Iraq: Commercial Aspects'.

right approach, bearing in mind the UK was making the case that the conflict was about WMD and not oil:

> "But the pressure from businesses is building and I fear that some of our business community fear we are not engaged. Some think that the US and France are ahead of the game already …"

603. Baroness Symons concluded that she felt strongly that the time was right "to be more on the front foot".

604. At the end of February, Mr Keith Allan, TPUK Deputy Director International Group 1, reported to TPUK colleagues that Mr Dominick Chilcott, the Head of the IPU, had told him that there was scope for a "TPUK slot" in the US Office of Reconstruction and Humanitarian Assistance (ORHA).[352] The US needed more resources in ORHA and Mr Chilcott believed that ORHA would welcome someone who could make a substantive contribution. Mr Chilcott had made it clear that the individual would need to do "a real job".

605. Mr Allan commented:

> "We see this as a key opportunity for UK plc. As Dominick [Chilcott] said, there would be no guarantees of contracts, but it would be a clear demonstration of our commitment to do our best for UK companies."

606. A junior official in British Trade International (BTI) joined ORHA (then based in Washington) on 9 March. He subsequently deployed with ORHA to Kuwait and Baghdad.[353]

607. On 8 March, the US Army Corps of Engineers (USACE), which had responsibility within the US Government for the reconstruction of the oil sector, awarded a contract for the repair of Iraq's oil infrastructure, worth up to US$7bn, to KBR.[354] *Hard Lessons* reported that the contract was the single largest reconstruction contract in Iraq and the largest known sole-source contract in US history.

608. Mr Brenton reported on 10 March that "a commercial contact" had passed the British Embassy Washington a version of a USAID invitation to select US companies to bid for a US$600m contract for infrastructure reconstruction.[355] USAID had confirmed that it had issued the invitation on 12 February with a closing date of 27 February. Mr Brenton had pressed for more transparency.

---

[352] Email Allan to Warren, 27 February 2003, 'Iraq: TPUK Position in US Office of Reconstruction and Humanitarian Assistance (ORHA)'.
[353] Email BTI [junior official] to Henderson, 13 June 2003, 'End of assignment to OCPA and replacement planning'.
[354] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[355] Telegram 320 Washington to FCO London, 10 March 2003, 'Iraq Day After: Infrastructure Reconstruction Contracts'.

609. Mr Brenton also reported that it was not clear how that USAID contract related to a separate contract "allegedly being let by the US Army Corps of Engineers" and reported in the UK press on 9 March.

610. On 11 March, "with the agreement of Ministers", Mr David Warren, TPUK Director International Group, hosted a meeting with representatives of a number of UK companies to discuss possible post-conflict reconstruction opportunities in Iraq.[356] He reported to Baroness Symons the following day that it had been a useful opportunity to emphasise that UK policy was to secure Iraq's disarmament. The group's main concern had been that the US was moving ahead quickly on reconstruction and UK companies would be frozen out.

611. At Prime Minister's Questions on 12 March, Dr Vincent Cable asked whether Mr Blair was aware that the US Government had "pointedly excluded British and foreign firms" from bidding for US contracts.[357] Mr Blair rejected Dr Cable's charge that Mr Bush regarded international co-operation with contempt.

612. Mr Mike O'Brien, FCO Minister of State, visited Washington on 13 March, to discuss post-conflict issues with US interlocutors.[358]

613. A senior official from the US National Security Council (NSC) briefed Mr O'Brien on US plans for the oil sector.[359] In that context, Mr O'Brien emphasised the importance that the UK Government attached to UK companies having "a fair crack of the whip" in competing for contracts. He accepted that it was reasonable for US companies to be the recipients of US money for emergency contracts, but the field should be opened up "once Iraqi money came on stream". The NSC official agreed, and said that it would not be US policy to restrict oil sector contracts to US companies.

614. Mr O'Brien also called on Mr Andrew Natsios, USAID Administrator.[360] Mr Natsios advised that, for security reasons, USAID had invited only a few US companies with the necessary clearances to bid for the 17 primary reconstruction contracts. There were no such constraints on subcontracts, and he hoped that UK companies and non-governmental organisations (NGOs) with the right expertise would be successful in securing those contracts.

615. In response to a question from Mr O'Brien, Mr Natsios said that it would be possible for UK companies to acquire the necessary security clearances to bid for primary contracts. Mr O'Brien agreed to send Mr Natsios a list of "trustworthy" UK companies.

---

[356] Minute Warren to PS/Symons, 12 March 2003, 'Iraq contingency planning: record of meeting with UK companies.
[357] House of Commons, *Official Report*, 12 March 2003, column 287.
[358] Telegram 341 Washington to FCO London, 13 March 2003, 'Iraq Day After: Mr O'Brien's Visit'.
[359] Letter Gooderham to Chilcott, 13 March 2003, Iraq: Day After: The Oil Sector'.
[360] Telegram 341 Washington to FCO London, 13 March 2003, 'Iraq Day After: Mr O'Brien's Visit'.

616. On 14 March, Mr Straw marked Baroness Symons' letter to Mr Simon McDonald, his Principal Private Secretary, with the comment:

> "This is really important. Please make sure it is factored into Mike O'Brien's discussions and that a senior official … takes a personal lead on this."[361]

617. Later that day, Mr McDonald instructed Mr Chilcott that Baroness Symons' concerns should be factored into the IPU's follow up to Mr O'Brien's discussions in Washington.[362]

618. A No.10 official sent Mr Blair a note on reconstruction contracts on 15 March, at his request.[363] The note reported the conclusions of Mr O'Brien's meeting with Mr Natsios on 13 March.

619. Ms Hewitt spoke to Mr Natsios by telephone the following week, to lobby for UK companies.[364]

620. The Coalition began military action against Iraq on the night of 19-20 March 2003.

Influencing the Coalition Provisional Authority and the US

621. Mr Antony Phillipson, Counsellor (Trade and Transport) at the British Embassy Washington, summarised the effect of recent UK lobbying of the US in a report to Mr Allan on 24 March.[365] Mr Natsios had told both Mr O'Brien and Ms Hewitt that UK companies would have the opportunity to bid for subcontracts, that USAID would sponsor UK companies to secure the necessary security clearances, and that UK bids for subcontracts would be welcomed. UK companies could not bid for primary contracts.

622. Mr Phillipson reported that he had followed up those discussions with a meeting with a USAID official, who:

> "… reiterated the assurances that … Natsios had given that the UK will get a bite at the cherry when the subcontracts came up. The US prime [contractor] would be instructed to this effect and [the USAID official] could not be more blunt than to say that 'the fix is in'."

623. ORHA would undertake the detailed assessments of the subcontracts; it had also been told of the need to include the UK in the process.

624. Mr Phillipson advised that the next step was to translate that "political assurance" into practice. The "Buy America" provisions and the inclusion of a list of US standards and specifications in the USAID "mother contract" were a cause for concern. The best

---

[361] Manuscript comment Straw, 14 March 2003, on Minute Symons to Straw and Hewitt, [undated], 'Iraq: Commercial Aspects'.
[362] Minute McDonald to Chilcott, 14 March 2003, 'Iraq: Commercial Aspects'.
[363] Minute Cannon to Prime Minister, 15 March 2003, 'Iraq: Reconstruction Contracts'.
[364] *Observer*, 23 March 2003, *Hewitt begs US for Iraq deals*.
[365] Minute Phillipson to Allan, 24 March 2003, 'Iraq: Contracts'.

approach would be for the Embassy and UK companies to focus on establishing links with the US prime contractor (rather than continuing to lobby USAID).

625. Mr Allan informed senior TPUK colleagues on 4 April that the BTI official seconded to ORHA:

> "… has a full role to play in the Office of Reconstruction and Humanitarian Assistance … However, his immediate priorities for us remain the identification of opportunities for UK companies; bringing UK expertise to the attention of ORHA; and identifying key contacts for UK companies. [He] has started to identify openings (e.g. oil and gas; airports)."[366]

626. The IPU briefing for Mr Blair in advance of his 8 April meeting with President Bush at Hillsborough advised:

> "We need to be able to demonstrate that UK company interests continue to be raised at high levels. It would be helpful to say that UK companies remain keen to work alongside US companies … UK companies have vast experience and knowledge of doing business in the Middle East and have a great deal to offer."[367]

627. The record of the Hillsborough meeting does not show any exchange on that issue.[368]

628. Baroness Symons met representatives of UK companies on 8 April to discuss commercial opportunities in Iraq.[369] A TPUK official reported that she had made it clear that the UK was "not in this conflict for business opportunities", but that UK companies had a great deal of expertise and knowledge to offer and should be involved in the redevelopment of Iraq.

629. The official reported that UK companies had raised a number of issues, including:

- DFID should provide more information on its requirements, and should not overlook UK companies;
- DFID should ring-fence reconstruction funds for UK companies, given the unique circumstances;
- the legality of working in Iraq without a UN mandate; and
- whether the requirement to meet US standards would prevent UK companies from securing subcontracts.

---

[366] Email Allan to Henderson, 4 April 2003, 'Iraq: Role of Sector Teams in Supporting [junior official] and Post-Conflict Sector Activity'.
[367] Letter Owen to Rycroft, 7 April 2003, 'Hillsborough: Iraq' attaching Paper IPU, 6 April 2003, 'Iraq: Phase IV: authorising UNSCR'.
[368] Letter Rycroft to McDonald, 8 April 2003, 'Iraq: Prime Minister's meeting with Bush, 7-8 April'.
[369] Minute Allan to PS/Baroness Symons, 8 April 2003, 'Iraq: record of meeting with UK companies'.

630. Ms Hewitt reported those concerns to the first meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 10 April.[370] She said that she had turned down the proposal that there should be a UK reconstruction fund for the exclusive use of UK companies. There were worrying signs that the US was setting technical standards which only US firms could meet.

631. Ms Hewitt wrote to Mr Blair on the issue of technical standards in USAID contracts on 15 April.[371]

632. The Inquiry has seen no indication that Ms Hewitt received a reply, or that Mr Blair saw the letter.

633. On 16 April, the US Government established the Iraq Relief and Reconstruction Fund (IRRF) and provided US$2.475bn to fund humanitarian relief and reconstruction activities.[372] USAID received just over 70 percent of those funds.

634. The following day, USAID announced that it had awarded its main infrastructure reconstruction contract, worth up to US$680m, to Bechtel International.[373]

635. TPUK hosted the first meeting of the Iraq Industry Working Group (IIWG) on 24 April.[374] TPUK intended that the IIWG would act as a channel of communication between the UK Government and industry, to support the Government's efforts to help UK companies access commercial opportunities in Iraq.

636. In July 2003, the IIWG established six sector working groups: power, water, oil and gas, health, education and telecommunications.[375]

637. Baroness Symons visited Washington on 16 May, accompanied by representatives of the IIWG, the BCCB and the Confederation of British Industry (CBI), to discuss the participation of UK companies in Iraq's reconstruction with the US Government and Bechtel.[376]

638. Baroness Symons wrote to Mr Straw and Ms Hewitt on 19 May, reporting that she had been repeatedly assured of US enthusiasm for granting subcontracts to UK companies.

---

[370] Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[371] Letter Hewitt to Prime Minister, 15 April 2003, 'Iraq Reconstruction: Standards Issues'.
[372] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[373] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[374] Paper TPUK, 6 May 2003, 'Annex G: Iraq: Progress on Commercial Opportunities'.
[375] Minute Warren to TPUK [junior official], 30 July 2003, 'Iraq Sector Approach'.
[376] Letter Symons to Straw, 19 May 2003, 'British Construction/Humanitarian Help in Iraq'.

639. Mr Straw and Ms Hewitt wrote to Mr Blair on 22 May, reflecting on Baroness Symons' visit:

> "Our main objective has been to create a favourable political atmosphere in which UK companies can position themselves to bid for subcontract work from these initial US-funded projects.
>
> "However, we understand that as yet only 180 of the 3,500 companies which have registered with Bechtel as potential subcontractors … are British. A share in the commercial effort proportionate to our contributions to the military campaign will require a higher level of commitment on the part of UK firms if they are not to be squeezed out by international competition. We could also try to secure firmer political guarantees from the US, and aim for a more co-ordinated HMG approach (e.g. involving ECGD, DFID and MOD …).
>
> "The feedback on the action we have taken so far from UK business and organisations such as the BCCB and the CBI has been positive. We have created the conditions in which UK companies can pursue business in a favourable climate, and contracts for British companies are now coming through. This is encouraging. But it is for the companies themselves to take advantage of these favourable conditions …"[377]

640. The Inquiry has seen no indications that Mr Straw and Ms Hewitt received a reply, or that Mr Blair saw their letter.

641. On 23 May, TPUK and the US Embassy London held a joint seminar on US-funded reconstruction contracts for Iraq.[378] The event was attended by representatives of 250 companies "located in Britain".

642. On 29 May, the UK Deputy to Ambassador Ole Olsen, the Danish Head of ORHA (South), reported to Baroness Symons' Private Secretary that some ORHA(South) secondees were, in addition to their ORHA work, "scouting around" for commercial opportunities for their parent companies.[379] The UK Deputy commented that UK secondees should be doing the same.

643. Baroness Symons' Private Secretary passed the record of the conversation to Mr Henderson, and advised that Baroness Symons was keen to "make the most" of this opportunity and would welcome advice on "how best this might be done".

644. Mr Allan responded later that day, advising that the BTI official seconded to ORHA in March (and now based in Baghdad) was already "playing the sort of role" proposed

---

[377] Letter Straw and Hewitt to Blair, 22 May 2003, 'Iraq: Commercial Opportunities and UK Companies'.
[378] Trade Partners UK, Press Release, 23 May 2003, *Meeting on redevelopment of Iraq sponsored by Trade Partners UK and the US Embassy*.
[379] Email UK [junior official] to Henderson, 30 May 2003, 'Basra Commercial Opportunities'.

by the UK Deputy.[380] TPUK would consider the possibility of seconding individuals from UK companies to ORHA.

645. The UK Deputy reported her first impressions of ORHA(South) to Mr Chilcott on 1 June (see Section 10.1).[381] She advised that Denmark was keen to capitalise commercially from its leading role in the South (although Ambassador Olsen was at pains to distance himself from that effort). Many of the Danish staff in ORHA(South) were sponsored by private companies. Although they had agreed not to pursue commercial opportunities while working in ORHA, they were focusing their attention and expertise in areas which might offer commercial opportunities. She concluded that "the Danish model is an excellent one and something we should copy". It provided ORHA with the managers it needed, stimulated the local commercial sector, and could help UK business.

646. The UK Deputy reported that she had re-tasked a UK secondee to ORHA(South) to "take on the trade portfolio including, more surreptitiously, a watching UK trade brief".

647. Mr Blair visited Basra and Umm Qasr on 29 May. The visit prompted Mr Blair to direct Whitehall to go back to a "war footing" to avoid "losing the peace in Iraq" (see Section 10.1).

648. On his return from Iraq, Mr Blair sent a personal Note to President Bush containing specific suggestions on how to accelerate progress in delivering visible improvements in Iraq, including: "Bechtel needs to move far more quickly in letting contracts for infrastructure reconstruction – patching up won't do."[382]

649. Mr Blair chaired a meeting on Iraq on 3 June attended by Mr Hoon, Baroness Amos (the International Development Secretary), Sir Michael Jay (FCO Permanent Under Secretary) and No.10 officials.[383] Mr Blair said he had returned from Iraq convinced that "an enormous amount needed to be done", including that:

- Coalition Provisional Authority (CPA) and US decision-making processes were too slow: contracts needed to be processed faster; and
- UK companies needed to be energised to take up opportunities in Iraq.

650. Following the meeting, a No.10 official commissioned a number of papers for a further meeting to be chaired by Mr Blair on 6 June. Those included a list of 10-15 outstanding practical issues for Mr Blair to raise with President Bush that would "make a big difference to the people of Iraq if they are resolved".

---

[380] Email Allan to Chatterton Dickson, 30 May 2003, 'Basra Commercial Opportunities'.
[381] Minute UK [junior official] to Chilcott, 1 June 2003, 'ORHA South – First Impressions'.
[382] Letter Manning to McDonald, 2 June 2003, 'Iraq: Prime Minister's Note' attaching 'Note'.
[383] Letter Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's meeting, 3 June'.

651. That list was produced by the IPU on 5 June and sent to Mr Blair the same day under a covering minute from Mr Straw.[384] The IPU list identified as a priority:

> **"Baghdad needs an extra 400 MW of power capacity now. Siemens UK can put in 170 MW in a few weeks – all they need is a letter of intent.** This seems to be stuck in Washington."

652. Mr Straw highlighted that issue in his covering minute to Mr Blair, stating that Ms Hewitt was keen for Mr Blair to lobby President Bush on behalf of Siemens UK, whose bid had been stalled in Washington "by counter-lobbying from GE [General Electric]".[385]

653. On the same day, Mr Straw sent a separate and personal letter to Mr Blair, asking him to raise a number of points "very forcefully" with President Bush.[386] Those included:

> "Contracts: As you know, the US are completely ruthless on favouring US companies, and will not help UK companies unless you play hardball with Bush."

Mr Straw offered as an example of this behaviour a Bechtel subcontract for electricity systems. Siemens UK had almost secured that contract, when it had "gone cold".

654. Mr Blair held a further meeting on Iraq on 6 June, to agree the points to put to President Bush.[387] The meeting agreed a number of key messages and actions, including that Ms Hewitt should try to visit Iraq to promote the involvement of UK business.

655. Mr Blair spoke to President Bush later that day.[388] Mr Blair raised delays in Bechtel's operations, including unnecessary delays in agreeing a contract for Siemens UK. The US was chasing Bechtel.

656. Ms Hewitt visited Iraq on 9 July, to ensure that British business expertise was not overlooked in the reconstruction effort and to ensure that Iraqi women were being properly involved in the political process.[389]

657. Ms Hewitt reported to Mr Blair on 11 July that she had raised with Ambassador Paul Bremer, the Head of the CPA, the UK's concern about the way proposals for subcontract work from Siemens UK and Balfour Beatty were being handled by Bechtel. Ambassador Bremer had undertaken to look into the issue.

658. During the visit, Ms Hewitt was joined by an IIWG "scoping mission" for discussions with senior Iraqi officials and US members of the CPA's economics team. Ms Hewitt

---

[384] Letter Owen to Rycroft, 5 June 2003, 'Iraq: Reconstruction Priorities' attaching Paper IPU, 5 June 2003, 'Iraq Reconstruction: 30 Day Priorities, 5 July 2003'.
[385] Minute Straw to Blair, 5 June 2003, 'Iraq: Winning the Peace'.
[386] Minute Straw to Blair, 5 June 2003, 'Iraq'.
[387] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Meeting 6th June'.
[388] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Conversation with Bush, 6 June'.
[389] Minute Hewitt to Prime Minister, 11 July 2003, 'Report of my Visit to Baghdad'.

reported that with CPA officials, the group had discussed "the need to get a procurement expert into the CPA quickly (not least to ensure not all contracts go to US firms)".

659. TPUK seconded a procurement officer to the CPA in August:

> "… to ensure that DFI [Development Fund for Iraq] and Iraqi Ministry procurement meets international procurement standards. Our aim is to create a level playing field for UK companies in the DFI, then help to give them a competitive advantage through support and advice from TPUK."[390]

660. On 10 and 11 August, Basra experienced severe rioting.[391] Section 10.1 describes the UK's assessment of the causes of that disturbance, and its response.

661. Representatives of Siemens' Washington office met officials from the British Embassy Washington on 14 August.[392] The Embassy reported to the DTI:

> "Siemens report a favourable change in CPA attitudes to their participation in the power sector, which they attribute to HMG teamwork on their behalf in London, Baghdad and Washington. The crisis in Basra over fuel and electricity may also have tipped the balance in their favour."

662. Mr Gregor Lusty, Head of the DTI's Iraq Unit, commented to DTI colleagues on that report:

> "Siemens has turned out to be quite a success story after all. A good indication of the level of political support which may be needed to unblock the US system, and the level of determination to get business success in Iraq."[393]

663. On 14 August, Mr Blair appointed Mr Brian Wilson as his Special Representative on Trade Opportunities for British Business.[394] Mr Wilson's remit was to:

- support BTI in identifying and developing opportunities for British business to help rebuild the infrastructure of Iraq and Afghanistan; and
- support BTI's work in helping British business to invest in the energy sector.

664. Mr Wilson had previously been the Minister for Energy and Construction.

665. Mr Wilson met Sir Stephen Brown, TPUK Chief Executive, and senior TPUK officials on 4 September to discuss the practicalities of the appointment.[395] They agreed that the priority "was clearly Iraq", where Mr Blair had asked departments to raise their game.

---

[390] Paper TPUK, 3 September 2003, 'Iraq Action Plan'.
[391] Telegram 114 IraqRep to FCO London, 12 August 2003, 'Situation in Basra'.
[392] Telegram 3 Washington to DTI London, 15 August 2003, 'British Commercial Interests in Iraq: Follow-up'.
[393] Email Lusty to TPUK [junior official], 19 August 2003, 'British Commercial Interests in Iraq: Follow-up'.
[394] *PA News*, 14 August 2003, *Special Representative for British business abroad.*
[395] Email Tibber to Gallagher, 5 September 2003, 'Brian Wilson'.

666. President Bush announced on 7 September that he had asked Congress for a further US$20.3bn to support Iraq's reconstruction.[396]

667. Mr Lusty advised TPUK colleagues on 12 September that, following President Bush's announcement that the US would provide further funding for Iraq's reconstruction, establishing a TPUK office in Baghdad was:

> "… not so much timely as a critical necessity. Without a dedicated commercial presence on the ground we will continue to miss out on ensuring that the UK private sector plays the role it is capable of to reconstruct Iraq."[397]

668. Mr Lusty reported that the British Office in Baghdad had recently secured additional space in the Green Zone in Baghdad, which could accommodate a commercial office. The "concept" was that the commercial office would initially be staffed by two members of TPUK staff and two consultants from AMEC plc in a "public/private partnership".

669. TPUK deployed three Commercial Officers to Baghdad during September.[398] A secondee from AMEC, to provide advice on infrastructure, followed in November.

670. The AMEC secondee deployed under the Short-Term Business Attachment programme, which included a conflict of interests clause in the contract.[399]

671. Those were the first Commercial Officers to deploy to Iraq after the invasion. A June 2004 briefing advised that the FCO had reneged on a pre-invasion agreement that there would be a Commercial Officer among the initial deployment of UK officials to Baghdad.[400]

672. TPUK deployed a Commercial Officer to Kuwait to cover Basra and southern Iraq in January 2004.

673. The Annotated Agenda for the 18 September meeting of the AHMGIR advised Ministers that the US had decided to establish a Program Management Office (PMO) to oversee CPA reconstruction funds.[401] The decision was a response to the persistent problems in transferring funds from CPA(Baghdad) and CPA regional offices. However:

> "Our initial response is sceptical: the PMO will manage predominantly US funds, which will require US contracting and procurement procedures to be followed. The prospect of developing Iraqi capacity, and of opening up contracts to include UK

---

[396] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[397] Minute Lusty to Henderson, 12 September 2003, 'Baghdad: TPUK Presence'.
[398] Briefing UKTI, 7 June 2004, 'Permanent Secretaries' Meeting on UK Civilian Staffing in Iraq, 8 June 2004'.
[399] Briefing UKTI, 25 November 2003, 'Mr O'Brien's Meeting with AMEC'.
[400] Briefing UKTI, 7 June 2004, 'Permanent Secretaries' Meeting on UK Civilian Staffing in Iraq, 8 June 2004'.
[401] Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

companies (in the interests of effectiveness and value for money) remains negligible. Nevertheless, without participating in some form in the PMO, we may lose a point of influence."

674. Mr Lusty provided advice to Mr O'Brien on 25 September on how TPUK would ensure that procurement for Iraq's reconstruction was transparent and created a level playing field for UK companies.[402] Mr Lusty advised that, although the CPA's procurement rules were "generally fair", UK business remained concerned about the lack of transparency and that the dominance of US personnel in the CPA resulted in a bias towards US contractors.

675. Mr Lusty continued:

> "It has been clear from our contacts with the Americans at all levels that there will be no special favours for British business in bidding for reconstruction work in Iraq. We have made it clear to UK firms that there is no inside track …
>
> "To maximise UK business involvement in Iraq reconstruction, we must ensure a level playing field for international businesses bidding for reconstruction work from the CPA and from the US Government; and give British business a competitive advantage through our [TPUK's] own bilateral trade promotion efforts."

676. To achieve that, TPUK was:

- "Sending a … procurement expert back to the CPA asap." The BTI official seconded to ORHA/CPA in March (who had left at the end of June) had focused on improving procurement by the Iraqi Ministries; President Bush's announcement of further, substantial funding for Iraq's reconstruction and the creation of the PMO had shifted the priority back to the CPA.
- Identifying public and private sector secondees for the PMO, in response to a request from Rear Admiral (retired) David Nash, the Director of the PMO.

677. Mr Lusty recommended that Mr O'Brien press the US for greater transparency in procurement by the CPA and the US Government (especially the Department of Defense).

678. The UK Government seconded two consultants to the PMO; the first arrived in March 2004.

---

[402] Minute Lusty to PS/Mr O'Brien, 25 September 2003, 'Iraq Reconstruction: UK Company Involvement'.

679. TPUK sent Mr Blair an update on commercial issues in Iraq on 10 October.[403] TPUK's strategy was:

> "… to position UK firms … through the provision of information about contracts, procurement issues, etc, and to press the US authorities (and the CPA) to ensure a level playing field on which UK companies can compete."

680. TPUK advised that the US had made it clear that while they welcomed the participation of UK companies, there was no "special deal".

681. TPUK's major concern was the lack of openness in the CPA's tendering and procurement procedures, which might result in a bias towards US companies. TPUK was lobbying on this issue in Baghdad and Washington, and had funded a procurement consultant in the CPA Ministry of Finance "to make procurement more transparent and ensure that UK firms were on the CPA's bidding lists". It would also fund secondments to the PMO.

682. The TPUK paper considered oil and gas contracts separately from other reconstruction contracts; oil and gas contracts are addressed earlier in this Section.

683. TPUK reported that UK firms were doing "quite well", given that most of the work so far had been US-funded. An analysis of Bechtel's subcontracts showed that Iraqi firms had won 36 percent, US firms 28 percent and UK firms 16 percent. UK firms had also won major contracts in other areas.

684. British Trade International was subsequently renamed UK Trade and Investment (UKTI) and the Trade Partners UK (TPUK) identity fell out of use.

685. Congress approved the CPA's request for additional funds on 6 November, allocating US$18.4bn to the Iraq Relief and Reconstruction Fund (IRRF2).[404]

686. *Hard Lessons* recorded that, at that time, the PMO comprised only Adm Nash, two US Government officials, and 13 contractors.[405]

687. In December, Mr David Warren, Director of the UKTI's International Trade Division, provided a review of UKTI's experience of promoting UK business for Mr Stephen Haddrill, Director-General of the UKTI's Fair Markets Group:

> "It took time, initially, to persuade Ministers that this [promoting UK commercial interests] was a legitimate objective that the Government should be seen to be promoting actively, rather than by default …

---

[403] Letter Zimmer to Rycroft, 10 October 2003, 'Iraq: Update on Commercial Issues' attaching Paper UKTI, 10 October 2003, 'Iraq: Update on Commercial Issues'.
[404] Emergency Wartime Supplemental Appropriations Act, 2003.
[405] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

> "The inter-departmental structures to handle reconstruction issues … allowed UK Trade and Investment to register this interest. But the departments responsible for overseeing this co-ordination made clear at an early stage that UK commercial interests were a lower priority than other aspects of reconstruction. The result … was that the contribution that the private sector could make to post-conflict reconstruction was less well registered. This contrasts with the US use of the private sector at the planning stage."[406]

688. Mr Warren also advised that DFID's concentration on international competitive tendering and the ECGD's "understandable" reluctance to offer cover had further inhibited a "proactive and joined-up approach". Co-operation with DFID at a working level had been "reasonable".

689. The result had been that promoting UK companies was seen solely as the responsibility of UKTI.

690. Mr Warren concluded that the interests of the private sector had not been a high enough priority for the Government, and that the potential contribution to reconstruction that could have been made by private sector had not been recognised by the Government. UKTI activities had nevertheless resulted in "a reasonable amount" of business for UK companies.

691. UK Government lobbying on behalf of UK business intensified in early 2004, in anticipation of contracts that would flow from IRRF2 and against a background of growing press and Parliamentary criticism that UK companies were at a disadvantage in bidding for US-funded contracts.

692. CPA officials briefed UK private sector representatives on the CPA's objectives and requirements at a conference in London on 21 November.[407]

693. On 5 December, the US announced that companies from the US, Iraq, "Coalition partners and force-contributing nations" were eligible to bid for prime contracts under IRRF2.[408] Prime contracts under IRRF1 had been open to US companies only.

694. In mid-December, the US Department of Defense invited bids for 12 major IRRF2 design and build construction contracts and six reconstruction management contracts.[409]

695. USACE awarded two design and build construction contracts in the oil sector on 16 January 2004 (the first contracts awarded under IRRF2).[410] The contracts were won by a US company (KBR, for the southern oilfields) and a joint US/Australian venture (for the northern oilfields). Bids submitted by three UK companies were unsuccessful.

---

[406] Minute Warren to Haddrill, 10 December 2003, 'Post-Conflict Resolution: Iraq'.
[407] Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[408] Paper Wolfowitz, 5 December 2003, 'Determination and Findings'.
[409] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[410] Briefing DTI, [undated], 'Key Points Brief on DTI Issues: Ad Hoc Ministerial Meeting on Iraq'.

696. In response, Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, commissioned a paper on UK access to US-funded reconstruction contracts for the 22 January meeting of the AHMGIR.[411]

697. The 20 January meeting of ISOG concluded that, in contrast to the UK's success in 2003, the UK's "current record" on winning US contracts was not good.[412] The ISOG agreed that the UK needed a "proper campaign plan" involving Ministers and the British Embassy Washington, targeting the next tranche of US-funded contracts that would be awarded by the PMO in March.

698. UKTI submitted a draft paper on UK access to US-funded reconstruction contracts to the 22 January meeting of the AHMGIR.[413]

699. The draft paper stated that UK companies had good access to most US-funded contracts, but had achieved only limited success so far. US procurement rules were complex; several UK companies had formed joint ventures with US companies to overcome that barrier. The recent award of the US-funded oil contracts to US companies (bids with significant UK components had not been successful, despite lobbying by Ministers) suggested that the UK needed to take a "stronger and more active political line" in Washington to lobby for UK commercial interests.

700. The draft paper stated that while the British Embassy Washington conceded that UK lobbying had not been successful, the Embassy was not convinced that the UK had yet reached the stage where "high level political pressure" was appropriate.

701. The draft paper concluded that, as a first step, the Government should take the line that UK companies had expertise and capacity in areas needed for Iraq's reconstruction, and that the Government wanted to see a significant UK component in the PMO's prime contracts. DTI and FCO Ministers should lead the UK's lobbying. The UK should consider targeted lobbying visits by Ministers to Washington closer to the announcement of the PMO contracts.

702. UKTI prepared a final version of the paper for the next meeting of the AHMGIR, on 12 February.

703. At Mr Straw's request, Sir Stephen Brown contacted the three unsuccessful UK companies for their views on the process.[414]

704. Sir Stephen reported to Mr O'Brien on 30 January that UK companies were unsurprised at the result; the scale and complexity of the work was such that "US giants"

---

[411] Briefing DTI, [undated], 'Key Points Brief on DTI Issues: Ad Hoc Ministerial Meeting on Iraq'.
[412] Minutes, 20 January 2004, Iraq Senior Officials Group.
[413] Annotated Agenda, 21 January 2004, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting attaching Paper UKTI [draft], 20 January 2004, 'Access to US-funded Reconstruction Contracts'.
[414] Minute Brown to O'Brien, 30 January 2004, 'Iraq: Access to US Funded Reconstruction Contracts'.

were exceptionally well placed. The bidding process had been "fair but … pedantic and complex".

705. Mr O'Brien circulated a core script for a lobbying campaign targeting the US Government to Mr Straw, Ms Hewitt, Mr Paul Boateng, the Chief Secretary to the Treasury, Mr Hilary Benn, the International Development Secretary, and senior officials on 9 February.[415]

706. The core script highlighted the strengths of UK industry and expressed the hope that UK companies would be given the opportunity to display those strengths in the reconstruction process.

707. In his covering note, Mr O'Brien stated that although UK companies had not secured either of the oil sector contracts, they were winning other contracts, including from the US Government. UK companies assessed that US procurement procedures were "essentially fair" and were not critical of the UK Government's support, but were convinced that there was a window of opportunity to press the US. It was now vital that UK Ministers ensured that their US interlocutors were "in no doubt about the political importance we attach to UK firms being seen to contribute actively to the reconstruction process".

708. On 12 February, the AHMGIR received a final version of the UKTI paper on access to US-funded reconstruction contracts.[416] The paper stated that UK companies had good access to most US-funded contracts, and recommended that the UK Government should take a concerted approach to lobbying for US-funded contracts.

709. The final paper presented a significantly more positive picture of the UK's experience of, and potential for, accessing US-funded contracts than the draft paper which had been prepared for the 22 January meeting of the AHMGIR.

710. Mr Straw wrote to US Secretary of State Colin Powell on 17 February, expressing the UK's disappointment that UK companies had not secured either of the oil infrastructure rehabilitation contracts.[417] Mr Straw hoped that UK companies would play a significant role in Iraq's reconstruction, and highlighting in general terms the capability of UK companies.

711. Sir Nigel Sheinwald wrote to Dr Rice on 19 February, in similar terms.[418]

---

[415] Minute O'Brien to Foreign Secretary, 9 February 2004, [untitled] attaching Paper, [undated], 'UK Bids for CPA Program Management Office Prime Contracts'.
[416] Annotated Agenda, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper UKTI, February 2004, 'Access to US-Funded Reconstruction Contracts'.
[417] Letter Straw to Powell, 17 February 2004, [untitled].
[418] Letter Sheinwald to Rice, 19 February 2004, 'Iraq: Contracts'.

712. Mr Wilson and Mr O'Brien made separate visits to Washington on 18 to 20 February and 20 February respectively, to lobby the US on behalf of UK companies bidding for the US-funded PMO contracts.[419]

713. Sir Nigel Sheinwald reported to Mr Blair on 21 February that Mr Wilson and Mr O'Brien had "conspicuously failed to de-conflict their programmes and insisted on seeing the same people".[420] Sir Nigel continued: "To make things worse, Brian Wilson's visit seems to have been organised, at least in part, by a private American lobbying organisation."

714. The Inquiry has seen no indications that Mr Blair responded to that report.

715. The British Embassy Washington reported on 23 February that Mr O'Brien and Mr Wilson had stressed with all their interlocutors that the UK was not alleging any unfair treatment of UK companies, but had pointed out that there would be "intense scrutiny" of the PMO contract awards and it would be "very difficult for us [the UK], politically, if we had no successes".[421]

716. The Embassy reported that, in response, US officials "on the technical side" (described by the Embassy as comprising the PMO, US Department of Defense, and USACE) had stressed that PMO contracts would be awarded on merit, with no scope for political interference. The "political response" (from the NSC, the CPA and the Department of State) had been "more nuanced", with a recognition of the political problem that the process could cause the UK.

717. The Embassy commented:

> "The message from those on the technical side was not surprising, although given the way the process has gone so far it is hard to take at face value their insistence that they are immune to political pressure … The response from the political contacts was as encouraging as we could hope for. They genuinely understand the problems that this could cause us."

718. Mr Henderson, who had accompanied Mr Wilson and Mr O'Brien to Washington, reported on the visits on the same day.[422] Copies of his report were sent to officials in UKTI, DTI, the FCO and No.10. The UK's "core message" had been to demonstrate strong UK Government support for the involvement of UK companies but stop short of

---

[419] Telegram 4 Washington to UKTI London, 23 February 2004, Iraq Reconstruction: Lobbying the US'.
[420] Minute Sheinwald to Prime Minister, 21 February 2004, 'Visit to Washington, 20 February'.
[421] Telegram 4 Washington to UKTI London, 23 February 2004, Iraq Reconstruction: Lobbying the US'.
[422] Minute Henderson to Tibber, 23 February 2004, 'Iraq Reconstruction: Visits of Brian Wilson and Mike O'Brien to Washington 18 – 20 February'.

demanding a "fair share". Mr Henderson commented that it remained to be seen whether the visits would make a difference:

> "… my impression is that despite the insistence of the technocrats that the process was not subject to political influence or interference, it will be more difficult now for the collective US machinery involved to produce a result that did not give the UK companies a significant share of the action."

719. Mr Henderson wrote to Sir Stephen Brown on 23 February, reporting that Mr O'Brien was "deeply unhappy" that Mr Wilson's programme had included a number of political calls, which breached the guidelines (as Mr O'Brien understood them) that Mr O'Brien should concentrate on official contacts and Mr Wilson on the private sector.[423] Copies of the minute were sent to UKTI officials only.

720. Mr Henderson concluded:

> "… it is clear that the arrangement is not working … We run the risk of spending more time on this than on the core task of helping UK companies to win business."

721. Mr Henderson also reported that the British Embassy had been "furious" at the activities of a public relations company contracted by AMEC, which had sought to organise Mr Wilson's visit.

722. Sir David Manning, the British Ambassador in Washington, wrote to Sir Michael Jay on 3 March, detailing the Embassy's concerns.[424] He highlighted two issues, both of which had caused significant problems for the Embassy:

- the lack of clarity regarding the roles of Mr O'Brien and Mr Wilson, and the lack of communication between their offices; and
- the relationship between Mr Wilson and AMEC, which appeared uncomfortably close, with a significant risk of serious embarrassment to the UK.

723. Sir David concluded that the roles of Mr Wilson and Mr O'Brien needed to be clearly defined, and the potential for a conflict of interest arising from Mr Wilson's links to AMEC resolved.

724. ISOG discussed the opportunities for UK companies on 24 February.[425] Sir Nigel Sheinwald confirmed that Mr Blair was prepared to write or speak to President Bush on the issue.

---

[423] Email Henderson to Brown, 23 February 2004, 'Wilson and O'Brien Visits to Washington 18-20 February'.
[424] Letter Manning to Jay, 3 March 2004, [untitled].
[425] Letter Owen to Cannon, 25 February 2004, 'Iraq Reconstruction Contracts'.

725. Mr Blair wrote to President Bush on 5 March, identifying some of the UK companies bidding for PMO contracts and highlighting in general terms the expertise of UK companies.[426]

726. The US Department of Defense awarded the major remaining IRRF2 contracts during March, comprising seven project management contracts and 10 design and build construction contracts.[427]

727. The Annotated Agenda for the 18 March meeting of the AHMGIR stated that, following a campaign of high-level lobbying, UK companies had "achieved success" in the latest round of US reconstruction contracting.[428] Three of the project management contracts, with a total value of up to US$80m, had been awarded to consortia with a significant UK content, and two of the design and build construction contracts with a total value of up to US$1.1bn had been awarded to consortia with a significant UK content. It was not possible at this stage to calculate the exact value to the UK of those contracts.

728. Ministers were advised on 2 April that consortia with significant UK content had secured three further design and build construction contracts.[429] The total value of the contracts was capped at US$1.6bn.

729. Following Admiral Nash's request for UK help in staffing the PMO, UKTI contracted two consultants to work in the PMO, initially for three months. The first deployed in early March 2004, the second in early April.[430]

730. A UKTI official told ISOG that:

> "Their [the consultants] role would be one of intelligence, to enable UKTI to help UK companies frame their bids [for PMO contracts] …"[431]

731. The security situation in Iraq deteriorated significantly in March and April, leading to the withdrawal of many aid agency personnel and contractors.

732. The FCO tightened its travel advice on 8 April to read: "Even the most essential travel to Iraq should be delayed, if possible."[432] Companies involved in reconstruction were encouraged to "ensure that they have made the appropriate security arrangements".

733. The UK company Foster Wheeler Energy Ltd, which had been contracted by the PMO to provide oil and gas project management services, informed the PMO on

---

[426] Letter Blair to Bush, 5 March 2004, [untitled].
[427] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[428] Annotated Agenda, 17 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[429] Letter Dodd to Owen, 2 April 2004, 'Iraq: Update' attaching Paper Cabinet Office, 2 April 2004, 'Iraq: update'.
[430] Minute UKTI [junior official] to PS/O'Brien, 21 June 2004, [untitled].
[431] Minutes, 3 February 2004, Iraq Senior Officials Group meeting.
[432] FCO Travel Advice for Iraq, 8 April 2004.

14 April that it intended to postpone the deployment of its staff to Iraq, citing the 8 April FCO travel advice.[433]

734. Under its contract, Foster Wheeler had committed to deploy 34 staff to Baghdad by 21 April.[434]

735. In response, the PMO warned Foster Wheeler that postponement could lead to the termination of its contract.[435]

736. Mr David Richmond, the Prime Minister's Deputy Special Representative on Iraq, reported on 18 April on the challenges of "designing and executing post-conflict reconstruction in what effectively remains a conflict zone".[436] He advised that there was:

> "Probably less activity on the ground than CPA are prepared to admit, as aid agencies and contractors withdraw personnel to safer areas pending decisions to re-engage. Main foreign contractors operating at 50 – 75 percent staffing levels. Some NGOs well below that."

737. Mr Richmond concluded that the UK needed to consider the advice it gave to UK development partners and contractors, and the divergence between UK and US advice. US contractors appeared to operate "as if their even stricter advice against coming to Iraq does not exist". The UK's travel advice gave the Embassy "no option but to counsel caution … and to reinforce with [UK contractors] the importance of ensuring robust security arrangements". Foster Wheeler encapsulated the dilemma: "risk coming out or losing out." Mr Richmond advised that the UK should maintain its current line.

738. The Annotated Agenda for the 22 April meeting of the AHMGIR advised that security had deteriorated "markedly" over Easter (9 to 12 April) and that the risks to UK civilian staff in Iraq were high.[437] The deployment of civilians had been reviewed and, as a temporary measure, new deployments to Baghdad had been suspended and staff unable to operate in the current security environment had been withdrawn.

739. The British Embassy Baghdad informed UKTI on 3 May that, largely because of deteriorating security, there were "next to no" UK business visitors in Baghdad requiring UKTI assistance.[438]

740. In advance of the 6 May meeting of the AHMGIR, Mr O'Brien was advised by a DTI official that UKTI continued to try to "bridge the differences" between Foster Wheeler and

---

[433] Letter O'Connell to CPA/PMO, 14 April 2004, 'Oil Sector Program Management Contractor'.
[434] Minute Lusty to PS/O'Brien [FCO], 10 May 2004, 'Iraq: Foster Wheeler: Dealing with the Potential Fallout'.
[435] Letter CPA/PMO to O'Connell, 18 April 2004, 'Contract No. W914NS-04-C-0007'.
[436] Telegram 173 IraqRep to FCO London, 18 April 2004, 'Iraq: Effects of the Recent Crisis on Reconstruction'.
[437] Annotated Agenda, 21 April 2004, 'Ad Hoc Meeting on Iraq Rehabilitation meeting.
[438] Email Allen to Lusty, 3 May 2004, 'Baghdad Commercial Staffing'.

the PMO.[439] Mr Straw was taking "a much more bullish line, and wants Foster Wheeler to deploy immediately", but that would go beyond current UK travel advice and "play badly if leaked to the press". The official concluded that the final decision must rest with Foster Wheeler.

741. The Annotated Agenda for the 6 May meeting of the AHMGIR advised that:

> "If … the [Foster Wheeler] contract is terminated the impact may go beyond the immediate loss of business and negatively affect the chances of other British companies winning US contracts in Iraq."[440]

742. At the meeting, Sir Stephen Brown reported that Mr O'Brien had spoken to Foster Wheeler to emphasise the serious implications of its delayed deployment, including for other UK companies.[441]

743. Mr Lusty advised Mr O'Brien on 10 May that if talks between Foster Wheeler and the PMO broke down and Foster Wheeler sought UK Government support for its position, the Government should take the line that this was a contractual issue and not get drawn into a wider discussion on travel advice or the safety of foreign contractors in Iraq.[442]

744. Mr Lusty advised that the FCO's travel advice was clear. The decision on whether to travel remained "a matter of personal or commercial judgement". There was "no agreed position" within the Government on reconciling FCO travel advice with the need to pursue reconstruction. UKTI staff in Washington, Baghdad and the UK continued to work with Foster Wheeler to help it address its security concerns.

745. A UKTI official informed Mr O'Brien on 14 May that Foster Wheeler and the PMO had reached an agreement on deploying staff to Iraq.[443]

746. On 24 May, Mr Bob Morgan, an adviser to the Iraqi Oil Ministry employed by the FCO, and his bodyguard Mr Mark Carman, were killed in Baghdad.[444]

747. Mr O'Brien spoke to Mr Ian Bill, Chairman and CEO of Foster Wheeler, on 26 May.[445] Mr Bill said that although Foster Wheeler had deployed staff to Iraq, it remained concerned that security provided by the PMO was not adequate. One of its staff had already decided to leave as he was accommodated in a tent in the Green Zone with no protection from mortar rounds.

---

[439] Briefing DTI Energy Markets Unit, 5 May 2004, 'Key Points Brief on DTI Issues: Ad Hoc Ministerial Meeting on Iraq'.
[440] Annotated Agenda, 6 May 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[441] Minutes, 6 May 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[442] Minute Lusty to PS/O'Brien [FCO], 10 May 2004, 'Iraq: Foster-Wheeler: Dealing with the Potential Fallout'.
[443] Minute Lusty to PS/O'Brien, 14 May 2004, 'Iraq: Foster Wheeler Reach Agreement with the PMO'.
[444] Minutes, 25 May 2004, Iraq Senior Officials Group meeting; *BBC News,* 26 May 2004, *Oil Expert Killed in Iraq 'felt safe'*.
[445] Minute Lusty to PS/O'Brien, 26 May 2004, 'Iraq: Foster-Wheeler'.

748. In a 7 June briefing, the UKTI advised that it had stopped "all proactive commercial work" in Iraq, although it remained heavily involved in providing information to UK companies and in helping them manage existing commitments.[446] UKTI planned to maintain one UK Commercial Officer post in Baghdad, which it considered the "minimal level for operational needs" (reduced from the three Commercial Officers deployed in September 2003).

749. Mr Lusty advised Sir Stephen Brown on 9 June that the IIWG had "run its course".[447] Private sector participation was poor. The IIWG had originally been conceived as the core of an early UK trade mission to Iraq, but the security situation had made that impossible. It had served instead as a useful forum for briefing industry. That function had now been taken over by the six sector working groups.

750. In early June, UKTI began to consider whether to continue to fund the two consultants in the PMO.[448]

751. A UKTI official set out the arguments for Mr O'Brien on 21 June:

> "We can claim indirect benefit to UK plc from these consultants, but it is difficult to quantify any direct commercial benefit. PMO procurement still (rightly) has to go through a full competitive process … But these consultancies have earned us a great deal of goodwill from PMO senior management, ensured a UK voice at the highest levels of the organisation, and [have been] a useful but unacknowledged source of commercial information."[449]

752. The PMO had identified a prime contractor that was willing to take over the contract of one of the UKTI-funded consultants. The contract of the second ended in September.

753. The official recommended that given the difficulty in identifying any direct commercial benefit to the UK and the high cost of the consultants, UKTI should not agree to Admiral Nash's request to extend the consultants' contracts.

754. Mr O'Brien's Assistant Private Secretary responded on 23 June, asking officials to look for an alternative source of funding for the posts.[450]

755. Discussions within UKTI and between UKTI and the FCO and DFID failed to identify further funding for the posts.[451]

---

[446] Briefing UKTI, 7 June 2004, 'Permanent Secretaries' Meeting on UK Civilian Staffing in Iraq, 8 June 2004'.
[447] Minute Lusty to Brown, 9 June 2004, 'What should we do with the Iraq Industry Working Group?'
[448] Minute Lusty to Fletcher, 9 June 2004, 'Iraq: UKTI Consultancy Support for the PMO'.
[449] Minute UKTI [junior official] to PS/Mr O'Brien, 21 June 2004, [untitled].
[450] Minute APS/O'Brien to UKTI [junior official], 23 June 2004, 'UKTI Secondees to the PMO in Baghdad'.
[451] Minute UKTI [junior official] to PS/Mr O'Brien [FCO], 13 August 2004, 'UK Secondees in the Project and Contracting Office (PCO) Baghdad'.

THE SUCCESS OF UK COMPANIES IN SECURING CONTRACTS IN IRAQ

756. On 30 July, Mr Fergus Harradence, Head of the UKTI's Gulf Unit, provided an update for Mr O'Brien on UK commercial success in Iraq.[452]

757. Mr Harradence advised that there were over 60 UK companies working in Iraq, involved in contracts which UKTI estimated were worth a total of US$2.6bn. That figure did not represent the total value of work undertaken and goods supplied by UK companies, but rather the total value of the contracts on which UK companies worked as contractors or subcontractors.

758. UK companies had been successful in winning contracts from all the major contracting organisations (the US, the CPA and Iraqi Ministries, the UN and DFID), although UK companies had been particularly successful in winning work as contractors or subcontractors to US Government agencies.

759. UKTI believed that it had played a "leading role" in helping UK companies to secure work on contracts worth approximately US$1.8bn (of which AMEC had secured work on contracts worth US$1.6bn).

760. At BP's request, on 30 August, during his introductory call on Mr Thamir Ghadban, the Iraqi Minister of Oil, Mr Chaplin raised BP's bid for a contract relating to the Rumalia oilfield.[453] Mr Ghadban responded that the contract would be awarded on technical and commercial criteria, and commented that BP appeared more cautious than other companies in turning expressions of interest into "real engagement". Mr Chaplin commented:

> "This is not the first time we have heard criticism of excessive caution from BP (and to a lesser extent Shell). Rightly or wrongly, the perception amongst the Iraqi oil establishment is that they are less committed than many of their international competitors."

761. Sir Stephen Brown met senior UKTI officials on 5 November 2004 to discuss UKTI's future engagement on Iraq, on the basis of a paper produced by UKTI's Iraq Unit.[454]

762. The paper stated that private sector interest in Iraq had started at a "feverish level", but had declined after April 2004 when contractors started to be targeted by insurgents, and had now levelled off. Over 1,300 business people had attended UKTI events in London since August 2003 and over 200 had attended UKTI-supported events in the region. UKTI had organised trade missions from Iraq to the UK focusing on financial services, health, education, oil and gas, and power and water.

---

[452] Minute Harradence to PS/O'Brien, 30 July 2004, 'Impact of UK Firms in Iraq'.
[453] Telegram 167 Baghdad to FCO London, 31 August 2004, 'Iraq: Introductory Call on Thamir Ghadban, Minister of Oil'.
[454] Minute Lusty to Fletcher, 5 November 2004, 'Iraq Unit' attaching Paper UKTI Iraq Unit, October 2004, 'Iraq: Next Steps'.

763. The paper stated that staffing in London had been reduced as the number of enquiries from companies had declined, and staffing overseas would be kept under constant review; UKTI needed to retain the flexibility to move quickly to support UK companies as security improved.

764. The slowdown in reconstruction in Iraq had severely hampered UKTI's ability "to play a useful role in the Whitehall process, and reduced our need to be involved".

765. The paper concluded:

> "UK business is now a strong player in post-conflict Iraq. We have met high Ministerial and business expectations and avoided a US dominance …"

766. Sir Stephen agreed the paper.[455]

Responding to renewed commercial interest in Iraq, 2008

767. The UK Commercial Officer post in Basra was cut in 2006 because of the security situation and UKTI's desire to free up resources for emerging markets.[456]

768. The remaining UK Commercial Officer post in Baghdad was cut in July 2007.[457] A UKTI official commented:

> "UKTI has retained a UK-based presence in Baghdad (and previously Basra) until now because of the political imperatives of doing so rather than on the basis of the normal criteria relating to business demand … The on-going security situation raises serious questions about whether retaining the UK-based … slot can be justified. The resource is also very expensive – some £560,000 in cash terms … which could be deployed more productively in other markets."

769. From July 2007, the UK Commercial Section in the British Embassy Baghdad comprised one junior Iraqi Commercial Officer supported by a UKTI officer based in Amman, Jordan.[458]

770. Mr Gordon Brown succeeded Mr Tony Blair as Prime Minister in June 2007. Section 10.2 describes the development and implementation from July 2007 of Mr Brown's economic initiatives for Iraq, which included measures to facilitate private sector investment in Basra and across Iraq.

771. The British Embassy Baghdad reported to UKTI in September 2007 that the new arrangement (of one junior Iraqi Commercial Officer supported by UK staff based in Amman, Jordan) was not working.[459] The lack of a senior Commercial Officer meant that

---

[455] Minute Lusty to Fletcher, 5 November 2004, 'Iraq Unit' attaching Paper UKTI Iraq Unit, October 2004, 'Iraq: Next Steps'.
[456] Minute McInnes to PS/McCarthney, 20 June 2007, 'UKTI Resources in Baghdad'.
[457] Minute McInnes to PS/McCarthney, 20 June 2007, 'UKTI Resources in Baghdad'.
[458] Email Lodge to McInnes, 2 September 2007, 'Baghdad – Resourcing Commercial Work in Iraq'.
[459] Email Lodge to McInnes, 2 September 2007, 'Baghdad – Resourcing Commercial Work in Iraq'.

opportunities were being missed. The Embassy recommended that UKTI recruit a senior Iraqi Commercial Officer to head the commercial team in Baghdad.

772. Mr Douglas Alexander, the International Development Secretary, announced the appointment of Mr Michael Wareing as joint Chair of the Basra Development Commission (BDC) in December.[460] Mr Alexander described the BDC, which aimed to bring national, regional and international business knowledge together to provide strategic advice to the Iraqi authorities on investment and growth, as the "centrepiece" of Mr Brown's economic initiatives.[461]

773. Mr Wareing told the Inquiry that he had three roles:

- to champion economic development, particularly in Basra and the South;
- to champion international investment into Iraq; and
- to help set up and to chair the BDC.[462]

774. Mr Wareing said that his role was not specifically to promote investment from the UK:

> "… the line that I pursued was … to try to push investment, not just from a British or indeed a European or even a Western … point of view, but basically any investment – and there was a significant amount of investment from the Gulf region."[463]

775. Mr Des Browne, the Defence Secretary, visited Iraq with Mr Wareing in mid-March.[464] Mr Browne reported to Mr Brown that: "The overall mood in Iraq is optimistic, reflecting the improved security situation, political progress and the new focus on economic regeneration to which Michael [Wareing] is contributing." Mr Browne's discussions with Iraqi Government Ministers had suggested several areas where the UK could do more, including:

- reinforcing the UK team in Basra and Baghdad to support Mr Wareing's work; and
- redoubling the UK effort to unblock the investment and hydrocarbon legislation, and to encourage international business to invest in Basra.

776. Mr Brown hosted a reception at No.10 on 28 April 2008 to raise the profile of southern Iraq as an investment destination and to enhance Iraqi Government interaction with potential investors.[465]

---

[460] Letter Jones to Aldred, 13 December 2007, 'Basra: Situation Report'.
[461] Letter Alexander to Brown, 9 November 2007, [untitled].
[462] Public hearing, 16 July 2010, page 3.
[463] Public hearing, 16 July 2010, page 12.
[464] Letter Browne to Brown, 18 March 2008, 'Visit to Iraq and Kuwait'.
[465] Minute Cabinet Office [junior official] to Prime Minister, 25 April 2008, 'Basra Investors' Reception, No.10: 28 April 2008'.

777. The Cabinet Office subsequently advised Mr Brown that between 25 and 30 companies had expressed a serious interest in exploring investment opportunities in Iraq.[466]

778. Mr Nick McInnes, Director of UKTI's International Group, briefed UKTI colleagues on 3 May 2008 on the growing pressure from the British Embassy Baghdad and the MOD for a larger UKTI presence in Baghdad.[467] Their arguments for that were:

- the increased interest in Iraq from UK companies;
- the likelihood that Mr Brown's economic initiatives would stimulate further interest; and
- the possibility of sales of UK military equipment to Iraq.

779. DFID advised members of the Iraq Strategy Group (ISG) on 8 May that several companies that had attended the reception had expressed an interest in visiting Iraq.[468] DFID was working with MOD to arrange this. DFID cautioned that there was still work to be done to secure the correct conditions for inwards investment, and such investment was unlikely to start flowing in the immediate future.

780. UKTI and DFID officials met on 21 May, at DFID's request, to discuss UKTI's interests in Iraq.[469] Mr Paul Taylor, Head of the UKTI's Middle East Department, reported to Mr Andrew Cahn, UKTI Chief Executive, that DFID had said it would be difficult for DFID to handle the "investment visits" which had emerged from Mr Brown's 28 April reception. DFID did not have the appropriate expertise and, more importantly, under the International Development Act, it could not favour UK companies by providing them with such support. DFID officials had asked UKTI to reinstate a UK Commercial Officer post in Baghdad. Mr Taylor had said that UKTI was highly unlikely to be able to find funding for such a post.

781. Mr Taylor reported to Mr Cahn on 2 July that a DFID proposal to fund a UK Commercial Officer post in Baghdad from the Stabilisation Aid Fund (SAF) had not proved viable.[470] The pressure remained on UKTI to increase its presence in Baghdad.

782. In response, Mr Cahn stated his strong opposition to reinstating a UK-based Commercial Officer post in Baghdad.[471]

783. The 11 September meeting of the ISG, chaired by Mr Simon McDonald, Mr Brown's Foreign Policy Adviser, discussed the need for a UKTI presence in Iraq.[472]

---

[466] Minute Cabinet Office [junior official] to Prime Minister, 30 April 2008, 'Iraq: Meeting with Petraeus and Crocker, 1 May 2008'.
[467] Email McInnes to Haird, 3 May 2008, 'Resourcing Commercial Work in Iraq'.
[468] Letter DFID [junior official] to Cabinet Office [junior official], 8 May 2008, 'Iraq Strategy Group, 28 April – Response to DFID Action Points'.
[469] Email Taylor to Cahn, 21 May 2008, 'UKTI and Iraq: Meeting with DFID – 21 May 2008'.
[470] Email Taylor to Cahn, 2 July 2008, 'Resourcing Trade and Investment Work in Iraq'.
[471] Email Cahn to Taylor, 4 July 2008, 'Resourcing Trade and Investment in Iraq'.
[472] Letter Lyon to McDonald, 15 September 2008, 'Iraq Strategy Group, 11 September'.

At the meeting, it was agreed that Mr Cahn and Mr Wareing should discuss the issue further.

784. The following week, Mr Frank Baker, Head of the FCO's Iraq Group, wrote to Mr McInnes:

> "The [11 September ISG] meeting concluded that we needed an official in Baghdad to identify investment opportunities in Basra, as well as help UK businesses work with the Government of Iraq, otherwise we risk falling behind our international competitors."[473]

785. Mr Baker stated that, given the "exceptional circumstances" and the high priority that the UK Government attached to having a trade representative in Baghdad, that post could be funded from the SAF until the end of the UK financial year (31 March 2009).

786. Mr Cahn met Mr Wareing on 1 October.[474] Mr Wareing said that the UK needed to exploit its excellent high-level relationships in Iraq. The UK had invested heavily in Iraq, and it would be a major disappointment if other countries went on to enjoy the fruits of stabilisation and economic development. UKTI needed to be "at the table". Mr Cahn proposed that UKTI should recruit an international business specialist for a period of six months, to scope the market and produce recommendations for UKTI on the way forward.

787. Mr Alexander wrote to Mr Brown on 20 November to provide an update on progress in Basra.[475] He reported that DFID had already facilitated 18 investor visits by 14 companies, with proposals worth over US$9bn submitted to the Iraqi Government.

788. Mr Brown met Prime Minister Maliki in Iraq on 17 December.[476] Prime Minister Maliki called for a wider long-term relationship, including investment and economic co-operation and stronger cultural and educational links.

789. Mr Brown's Assistant Private Secretary wrote to the Principal Private Secretary to Lord Mandelson, the Business, Enterprise and Regulatory Reform Secretary, the following day to advise that Mr Brown believed there were opportunities in Iraq and interest from British companies that were not being exploited.[477] Mr Brown was convinced that there was an urgent need for a significant UKTI presence in both Baghdad and Basra, both to consolidate security gains and to ensure that UK investors had every chance to benefit from commercial opportunities in Iraq. Mr Brown asked UKTI to start planning immediately for a long-term presence in Iraq, consulting Mr Wareing and DFID.

---

[473] Letter Baker to McInnes, 19 September 2008, 'Iraq: UKTI position'.
[474] Minute, 2 October 2008, 'Meeting with Michael Wareing, co-Chair of the Basra Development Commission: Wednesday 1 October 2008'.
[475] Letter Alexander to Brown, 20 November 2008, [untitled].
[476] Letter Catsaras to Gould, 18 December 2008, 'Prime Minister's Meeting with Iraqi Prime Minister, 17 December'.
[477] Letter APS/Prime Minister to Abel, 18 December 2008, 'UKTI Presence in Iraq'.

790. Lord Mandelson's Principal Private Secretary replied on 16 January 2009, reporting that:

- A new Iraqi Commercial Officer would start work in the British Embassy Baghdad later that month.
- An international business specialist would deploy to Iraq on 24 January. He would support UK companies, scope opportunities for UK companies and make recommendations on UKTI's future footprint in Iraq by the end of March 2009. There would be no gap in commercial representation in Iraq.
- UKTI was recruiting an industry secondee to assist the International Business Specialist.
- The British Embassy Baghdad had just recruited a USAID employee into its vacant Commercial Assistant post.[478]

791. The international business specialist arrived in Baghdad at the end of January.[479] He was joined by a second UKTI-funded consultant on 12 February.[480]

792. Lord Mandelson visited Iraq on 6 April, at the head of a delegation of 23 companies (the largest official business delegation for over 20 years).[481] The steering brief prepared for Lord Mandelson identified a number of objectives including:

- underlining the UK's commitment to building a new broad-based, long-term partnership with Iraq, with a strong emphasis on economic and trade co-operation;
- countering Iraqi complaints (from Prime Minister Maliki and others) about the lack of interest from UK business, while assisting the business delegation to build contacts with Iraqi Ministers and members of the Iraqi business community; and
- supporting UK companies pursuing business in Iraq.

793. The steering brief also advised:

> "Interest [in the visit] in Iraq has been surprisingly high – perhaps underlining that the time is right for a big push in our commercial relations.
>
> "Iraqis trust British companies and products. But Iraqi politicians feel that [the] UK has been slow off the mark in terms of exploiting opportunities in the country, and there is a view (perhaps unfair) that we are lagging behind competitors from the rest of Europe, China, Russia and Japan."

---

[478] Letter Abel to Catsaras, 16 January 2009, [untitled].
[479] Report DFID, 1 February 2009, 'Weekly update: 1st February 2009'.
[480] Report DFID, 15 February 2009, 'Weekly update: 15th February 2009'.
[481] Paper BERR, [undated], 'Visit of the Rt Hon Lord Mandelson to Bahrain, Kuwait, Iraq, Abu Dhabi and Dubai, 5-8 April 2009'.

794. In response to demand from UK companies, UKTI now had four staff in Baghdad and a "senior trade diplomat" would arrive in mid-2009.

795. The briefing for the Iraq leg of the visit provided by the British Embassy Baghdad advised:

> "With our [the UK's] effort now refocusing on support for UK investors and developing the bilateral business relationship, UKTI are resuming lead responsibility and are increasing their presence in country."[482]

Debt relief

796. The Treasury was the lead department within the UK Government on securing debt relief for Iraq.[483] It worked closely with the Foreign and Commonwealth Office (FCO) and other departments.

UK policy

797. The UK's 'Contract with the Iraqi People', which was developed between February and December 2001, included an objective "to facilitate Iraq's access to financial markets by encouraging generous debt rescheduling through the Paris Club" (see Section 6.4).

798. The Paris Club describes itself as an informal group of official creditors whose role is to find coordinated and sustainable solutions to the payment difficulties experienced by debtor countries.[484] The Paris Club only negotiates debt restructurings with debtor countries that:

- need debt relief: debtor countries are expected to provide a precise description of their economic and financial situation;
- have implemented and are committed to implementing reforms to restore their economic and financial situation; and
- have a demonstrated track record of implementing reforms under an International Monetary Fund (IMF) programme.

799. A Treasury official sent Mr Gordon Brown, the Chancellor of the Exchequer, a paper on the global, regional and local (Iraqi) economic impact of "war" in Iraq on 6 September 2002. The paper identified the urgency of dealing with Iraq's "huge" external debt, and suggested that a generous Paris Club deal would be the "obvious" way to address it. The Russians might be a major stumbling block, given the size of Iraq's debt to them (around US$8bn, or 15 percent of Iraq's total external debt). The paper is considered in detail in Sections 6.4 and 13.1.

---

[482] eGram 11967/09, [undated], 'Iraq: Lord Mandelson's visit to Baghdad and Basra: Scenesetter'.
[483] Paper Treasury, 2010, 'Iraq Briefing – Debt'.
[484] Paris Club website, *About us: The six principles.*

800. The FCO Directorate of Strategy and Innovation (DSI) one-page paper 'Vision for Iraq and the Iraqi People', which was submitted to the Ad Hoc Group on Iraq on 11 October, listed actions that the UK/Coalition would take to help the Iraqi people, including "encouraging generous debt rescheduling".[485]

801. In advance of the first round of US/UK/Australia talks on post-conflict issues on 6 November 2002, the Cabinet Office produced a paper synthesising work being undertaken by departments.[486] That paper identified the need for debt rescheduling to reconcile Iraq's "huge external debts with reconstruction and development needs".

802. During the talks, the US agreed that Iraq would require debt rescheduling.[487]

803. On 11 February 2003, a Treasury official invited Mr Brown's comments on officials' "first thoughts" on Treasury policies in a post-Saddam Iraq.[488] The official identified the Treasury's "two main Finance Ministry interests" in Iraq as ensuring its prosperity and stability, while fairly sharing the costs of achieving this. An "emerging policy position" would include:

> "… push for debt rescheduling, to ensure that Iraqi contributions [to its reconstruction] are not knocked off course by having to resume crippling debt service. The cost of this would conveniently fall to probable non-combatant countries."

804. The official advised that although it was difficult to gauge the size of Iraq's debt, the US State Department estimated that, as at 2002, Iraq owed around US$82bn to external creditors. The State Department estimated that the four largest creditors were:

- Russia (US$16.1bn, or some 20 percent of the total external debt);
- France (US$9.1bn, 11 percent);
- Japan (US$9.1bn, 11 percent); and
- Germany (US$6.7bn, 8 percent).

The State Department estimated that the US was the sixth largest creditor (US$4.4bn, 5 percent) and the UK the tenth largest creditor (US$2.4bn, 3 percent).

805. The official commented that if those figures were accurate, Iraq was one of the most heavily indebted countries in the world.

---

[485] Paper FCO [draft], [undated], 'Vision for Iraq and the Iraqi People'.
[486] Minute Drummond to Manning, 1 November 2002, 'Iraq: Post-Saddam' attaching Paper Cabinet Office, [undated], 'Iraq: Models and some questions for post-Saddam government'.
[487] Minute Drummond to Manning, 8 November 2002, 'Iraq: Day After'.
[488] Minute Treasury [junior official] to Chancellor, 11 February 2003, 'HMT Policy on Post-Saddam Iraq' attaching Paper Treasury, 11 February 2003, 'Post-War Iraq: International Financing Policy'.

806. The official expanded upon the rationale for debt rescheduling:

> "In post-war Iraq, the UK would be entitled to pursue repayment of US$1 – US$2 billion bilateral debts … However, if all creditors did the same and were successful, Iraq's ability to fund its own reconstruction would be severely compromised. This would lead to a fiscal financing gap for Iraq, probably filled largely by bilateral financing. In such a situation, the UK might be under pressure to make a big contribution … The other advantage to rescheduling is that we suspect that most of the debt is owed to probable non-combatant countries (e.g. France, Russia), with debt relief thus providing a neat way of burden sharing. The other strong argument for debt relief is that, without it, multilateral lending is likely to prove very difficult."

807. The Treasury told the Inquiry that Mr Brown did not comment on the submission.[489]

808. Mr John Dodds, Head of the Treasury's Defence, Diplomacy and Intelligence Team, advised Mr Brown on 19 February that the UK's Export Credit Guarantee Department (ECGD) had already made a 96 percent provision in relation to Iraq.[490]

809. On 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown and other Ministers (see Section 6.5).[491] At the meeting, Mr Brown said that the burden of reconstructing Iraq should not be borne by just the US and the UK; other countries (and the EU) should contribute. In the long term, Iraq's oil should fund the country's reconstruction. Mr Brown was particularly concerned that UK funds should not be used to repay Iraq's debts.

810. Mr Blair concluded that Mr Brown should draw up "a funding plan, including securing funding from wider international sources, in particular the IFIs [international financial institutions]".

811. The FCO sent a number of background papers to No.10 in advance of the 16 March Azores Summit, including a revised version of the UK's 'A Vision for Iraq and the Iraqi People'.[492] The revised version of the 'Vision' reflected a number of changes from the version developed in October 2002, including "Seeking a fair and sustainable solution to Iraq's debt problems" in place of "Negotiating generous debt rescheduling".

812. The *Vision for Iraq and the Iraqi People* issued by Mr Blair, President Bush and Spanish Prime Minister José María Aznar at the Azores Summit did not mention debt.[493]

---

[489] Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].
[490] Minute Dodds to Chancellor, 19 February 2003, 'Iraq – "Aftermath" – UK Role' attaching Paper Treasury, 19 February 2003, 'Iraq Conflict – Public Expenditure Impact'.
[491] Letter Cannon to Owen, 7 March 2003. 'Iraq: Post-Conflict Issues'.
[492] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit' attaching Paper FCO, [undated], 'A Vision for Iraq and the Iraqi people'.
[493] Statement of the Atlantic Summit, 16 March 2003, *A Vision for Iraq and the Iraqi People.*

813. Mr Jeremy Heywood, Mr Blair's Principal Private Secretary, passed the US State Department estimates of debt owed by Iraq to Sir David Manning, Mr Blair's Foreign Policy Adviser, on 25 March.[494] Mr Heywood advised that compensation claims from Kuwait's Government and citizens could add up to US$100bn to Iraq's debt.

814. The Development Committee of the World Bank Group and IMF agreed at their April 2003 Spring Meetings that debt relief for Iraq should be pursued through the Paris Club.[495]

815. The Treasury prepared a paper for the 8 May meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR), which considered whether a Paris Club agreement on Iraq would be achievable.[496]

816. A Treasury official advised Mr Paul Boateng, the Chief Secretary to the Treasury, in advance of the meeting that most creditors seemed content with that approach, though the US appeared to be "not fully committed" to the Paris Club route.

817. The Treasury paper stated that three of Iraq's biggest Paris Club creditors – Russia, France and Germany – had been hostile to the invasion and would be deeply disappointed at the prospect of debt relief.[497] There were also a number of encouraging factors, however, including:

- No creditor had been paid for more than a decade. A Paris Club deal was the only real prospect of recovering any funds.
- France, as Paris Club chair, would find it hard to resist a Paris Club deal.
- Many creditors would be keen to exploit new commercial opportunities which would require a regularisation of the debt position.

818. A Treasury official briefed Mr Brown on progress in securing debt relief for Iraq on 17 November, in advance of a meeting the following day with Mr John Snow, the US Secretary of the Treasury.[498]

819. The official warned that the US was becoming impatient with the pace of progress in the Paris Club and concerned over the US's lack of control over the process; a poor outcome could leave Iraq with an unsustainable debt burden. The UK continued to believe that the most effective way to achieve debt relief was through the Paris Club.

---

[494] Minute Heywood to Manning, 25 March 2003, 'Iraq: Debt'.
[495] Minute Treasury [junior official] to Chief Secretary, 7 May 2003, 'Ad Hoc Ministerial on Iraq Rehabilitation, Thursday 8th May at 2.30pm'.
[496] Annotated Agenda, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper Treasury, April 2003, 'Iraq: Debt'.
[497] Paper Treasury, April 2003, 'Iraq: Debt'.
[498] Minute Habeshaw to Chancellor, 17 November 2003, 'Iraq: International Debt' attaching Paper Treasury, [undated], 'Chancellor – Secretary Snow: Iraq: International Debt' and Paper Treasury, 17 November 2003, 'Iraq: International Debt'.

820. The official advised that the UK estimated that Iraq had debts of at least US$108bn, over 700 percent of GDP or 900 percent of exports. That level of debt was unsustainable, especially when it was combined with Iraq's commitment to meet at least US$85bn in compensation claims from the Kuwait war. Preliminary Treasury analysis was that a reduction of almost 80 percent in the net present value of Iraq's external debt would be required to restore sustainability.

821. Mr Brown discussed debt relief for Iraq with Secretary Snow on 18 November.[499] Mr Brown's Private Secretary reported that Secretary Snow had agreed that Iraq's debt should be dealt with through the Paris Club, though the terms would have to be more generous than usual.

The US push for substantial debt relief, December 2003

822. On 5 December, President Bush appointed Mr James T Baker III, former US Secretary of State, as his personal envoy on Iraqi debt.[500] Mr Baker embarked on a series of meetings with key creditors.

823. President Bush, Mr Jacques Chirac (the French President) and Mr Gerhard Schröder (the German Chancellor) issued a joint statement on debt relief for Iraq on 16 December.[501] It confirmed that France, Germany and the United States agreed that there should be substantial debt reduction for Iraq, but stated that: "The exact percentage of debt reduction that would constitute 'substantial' debt reduction is subject to future agreement between the parties."

824. Mr Baker called on Mr Blair on 18 December.[502]

825. The Treasury advised Mr Blair that Mr Baker was expected to ask the UK to:

- advocate publicly for significant debt relief, perhaps as much as 90 percent;
- lobby other key creditors; and
- act with the US in providing bilateral debt relief, should the Paris Club not look like producing a sustainable solution.

826. In response, the UK should:

- Commit to advocating for "significant debt relief", but not to a specific figure. The US figure of 90 percent was an "extreme case".

---

[499] Email Bowman to Treasury [junior official], 18 November 2003, 'Iraq Debt: CX Meeting with Secretary Snow'.
[500] Minute Cannon to Blair, 17 December 2003, 'Iraqi Debt: Meeting with James Baker' attaching Paper Treasury, [undated], 'Brief on Iraq's International Debt'.
[501] Statement President Bush, President Chirac and Chancellor Schroeder, 16 December 2003, *Joint statement on Iraq and debt reduction.*
[502] Minute Cannon to Blair, 17 December 2003, 'Iraqi Debt: Meeting with James Baker' attaching Paper Treasury, [undated], 'Brief on Iraq's International Debt'.

- Urge the US to use the Paris Club. That offered Iraq the best chance of a sustainable solution. Bilateral debt relief would need to be funded through public expenditure.

827. At the meeting, Mr Baker said that he hoped to secure 80 percent debt relief for Iraq, though that might be optimistic.[503] Mr Baker agreed with Mr Blair's proposal that the US should stick with the Paris Club mechanism. Mr Baker said that President Chirac was seeking debt reduction of no more than 50 percent and that Chancellor Schröder was starting from a position of 50 percent but was open to negotiation. Russia was giving mixed signals.

828. Mr Baker met Russian President Vladimir Putin on 18 December. The media reported that President Putin had told Mr Baker that Russia would join talks on settling Iraq's debt, but would negotiate on the issue taking into account the economic interests of Russia and Russian companies in Iraq.[504]

The UK seeks a better deal for the most heavily indebted countries

829. In January 2004, Mr Jon Cunliffe, Treasury Managing Director for Macroeconomic Policy and International Finance, highlighted to Mr Gary Edson, US Deputy Assistant to the President for International Economic Affairs, the UK's need to demonstrate broad consistency between debt relief for Iraq and debt relief under the Heavily Indebted Poor Countries (HIPC) Initiative, in order to avoid charges of "aid diversion" from poor countries to Iraq.[505]

830. Mr Edson argued that Iraq was a special case, but acknowledged the need to be "creative" in developing an acceptable debt relief agreement.

831. Mr Blair spoke to Mr Baker again on 18 May, at President Bush's request.[506]

832. The Treasury's briefing for Mr Blair restated the UK's "key interests":

- debt relief would facilitate Iraq's economic development;
- debt relief through the Paris Club would strengthen that multilateral process; and
- financial: the UK was Iraq's 14th largest creditor, holding claims of approximately £1.15bn; there was also a public expenditure issue.[507]

---

[503] Letter Cannon to Bowman, 18 December 2003, 'Iraq Debt: Call on Prime Minister by James Baker'.
[504] *The New York Times*, 19 December 2003, *Russia agrees to discuss debt relief for Iraq*; *People's Daily Online*, 20 December 2003, *Russia says business interests crucial in Iraq debt relief*.
[505] Email Treasury [junior official] to Cunliffe, 9 January 2004, 'Iraq: NSC-HMG Telecon 08-01-04' attaching Note, [undated], 'Note of NSC-HMG Telecon'.
[506] Letter Quarrey to Bowman, 18 May 2004, 'Iraqi Debt: Prime Minister's Phone Call with James Baker, 18 May' attaching Paper, [undated], 'Contingent HIPC Proposal: Extend HIPC, Accelerate Debt Reduction, Increase Grants'.
[507] Minute Quarrey to Blair, 18 May 2004, 'Iraq Debt: Jim Baker, 18 May' attaching Paper Treasury, [undated], 'Prime Minister's Vidcon with Secretary Baker'.

833. The briefing described that public expenditure issue:

> "Provided debt reduction can be justified on financial grounds, the cost of writing off commercial debts does not score as departmental expenditure but is borne by ECGD and the Treasury. In practice, the most effective way of demonstrating a good financial case is to use the Paris Club process. In contrast, if the UK were to write off debts on policy grounds … the cost would score as departmental expenditure and would need to be financed by DFID or another spending department."

834. The Treasury briefing identified a fourth interest: to use UK support for debt relief for Iraq to press the US to commit to more generous treatment of HIPCs. That treatment should include extending the HIPC Initiative and providing additional relief if HIPCs experienced external shocks. The briefing observed that the cost of debt relief for Iraq was likely to exceed the cost of the debt relief for all 38 of the countries which had benefited from the HIPC Initiative.

835. The briefing stated that the US might be intending to cancel 100 percent of Iraqi debt owed to it, and might press the UK to do the same. Assuming a Paris Club agreement to write-off 80 percent of Iraq's debt, such an additional write-off would cost the UK £230m. As that additional write off would be on policy (rather than financial) grounds, the cost would fall to DFID, which would almost certainly make a claim on the Reserve. The Treasury advised that while a 100 percent write-off could have presentational benefits, it might not represent the best use of the resources available to Iraq and that other debtor countries, including some that had large debts to the UK, might demand similar generosity.

836. Just before Mr Blair and Mr Baker's conversation, Mr Baker's office sent No.10 an outline proposal to extend the HIPC Initiative for up to three years and to accelerate the provision of debt reduction under HIPC programmes.[508]

837. During the phone call on 18 May, Mr Baker said that the US agreed with the UK's proposal that debt reduction for Iraq should be accompanied by an extension of the HIPC Initiative.[509] He told Mr Blair that President Bush was prepared to support the HIPC Initiative only if there was a "parallel agreement" on Iraq. Referring to the outline proposal that his office had sent to No.10, Mr Baker said that it would not fly if it was seen as a US initiative, but might if it was seen as a UK and French initiative to secure concessions from the US on the HIPC Initiative in return for deep debt reduction for Iraq.

838. Mr Blair said that this was an important initiative and undertook to send it to President Chirac.

---

[508] Email Rogers to Bowman, 18 May 2004, 'Heavily Indebted Poor Country (HIPC) Program'.
[509] Letter Quarrey to Bowman, 18 May 2004, 'Iraqi Debt: Prime Minister's Phone Call with James Baker, 18 May' attaching Paper, [undated], 'Contingent HIPC Proposal: Extend HIPC, Accelerate Debt Reduction, Increase Grants'.

839. The IMF released the final elements of its Debt Sustainability Analysis (DSA) for Iraq on 25 May.[510] The DSA assessed that Iraq's debt stock was US$124.8bn, of which US$42bn was owed to Paris Club creditors, US$67.3bn to non-Paris Club official creditors, US$15bn to the private sector and US$0.5bn to multilateral institutions.

840. A Treasury official briefed Mr Brown on the DSA two days later.[511] He estimated that, on the basis of the DSA assessment, Iraq required debt reduction of at least 80 percent and preferably 90 to 95 percent; the higher figures would deliver a robust exit from debt unsustainability and enable Iraq to cope with economic shocks.

841. Mr Blair spoke to President Chirac on 1 June, and suggested that the UK and France should make a joint approach to the US on debt relief for Iraq and HIPCs.[512] President Chirac did not support the proposal.

842. The US sought to broker a deal on debt relief for Iraq at the 8 June 2004 G8 Summit at Sea Island, but without success.[513] The Summit did agree to extend the HIPC Initiative for two years until 31 December 2006 and to provide the necessary financing to complete the initiative, and to provide additional debt relief "where appropriate".[514]

843. During a press conference at the end of the Summit, President Chirac was asked whether he still thought that 50 percent was the right level of debt relief for Iraq.[515] He replied:

> "It is absolutely the right one … Iraq is potentially a rich country even though she has a substantial debt. How will you explain to the very indebted poor countries … that we're going to do for Iraq in three months more than we've done in ten years for the world's thirty-seven poorest and most indebted countries? That … isn't right."

844. Treasury officials commented the following month that the Sea Island agreement had not gone as far as they had hoped, in part because there had been no concomitant agreement on debt relief for Iraq.[516] They reported that Mr Brown still believed that the UK should maintain a linkage between debt relief for Iraq and "a better deal for … HIPCs".

Paris Club agrees debt relief for Iraq, November 2004

845. Discussions continued over the summer between the Iraqi Government, the IMF and creditors on debt reduction and the terms of an IMF programme for Iraq.[517]

---

[510] International Monetary Fund, 25 May 2004, *Iraq – External Debt Sustainability Analysis.*
[511] Minute Habeshaw to Chancellor, 27 May 2004, 'Iraq Debt: IMF Debt Sustainability Analysis'.
[512] Letter Rycroft to Adams, 1 June 2004, 'Prime Minister's Conversation with Chirac, 1 June'.
[513] Paper Treasury, 7 July 2004, 'Iraq Debt and HIPC'.
[514] Sea Island Summit 2004 Communiqué, 10 June 2004, *Debt Sustainability for the Poorest*.
[515] Présidence de la République, 10 June 2004, *Sommet du G8 – Conférence de Presse de M. Jacques CHIRAC Président de la République, a l'issue du Sommet*.
[516] Paper Treasury, 7 July 2004, 'Iraq Debt and HIPC'.
[517] Minute Habeshaw to Chancellor, 6 September 2004, 'Iraq Debt: Update'.

The UK's position remained that Iraq required debt reduction of at least 80 percent to deliver debt sustainability. The US and the Iraqi Government sought 95 percent, which the UK assessed would leave Iraq in a "very strong" financial position. The UK's negotiating line, including in a bilateral meeting with the French on 1 September 2004, was to support the US position "while hinting flexibility".

846. The IMF Board approved a US$436m Emergency Post-Conflict Assistance programme for Iraq on 29 September.[518] The UK Delegation to the IMF reported that unanimous approval had followed "tetchy" discussions, with a number of Executive Directors expressing unease at the speed of approval (the timetable had been driven by US demands and the IMF had cut back substantially on formal review processes) and whether the Iraqi Government would be able to implement the necessary policy reforms if the security situation did not improve. The IMF had commented that agreement paved the way for discussions on debt relief.

847. In early November, at the request of the Paris Club and in anticipation of an agreement on debt relief for Iraq later that month, the IMF revisited its DSA for Iraq.[519] Treasury officials briefed Mr Brown that, on the basis of the new figures, debt reduction of between 75 and 85 percent was required to restore sustainability; debt reduction above 85 percent could not be justified financially. Officials also told Mr Brown that the US had now circulated a draft proposal seeking debt reduction of 89.5 percent in three phases, with a generous repayment profile. The UK supported that proposal as a negotiating position, but doubted that it could be agreed with Paris Club members.

848. A Treasury official warned Mr Brown on 12 November that the US had decided to offer Iraq additional debt relief following a Paris Club deal, writing off 100 percent of Iraq's debt.[520] If the UK did the same it would cost between £172m and £344m, depending on the deal agreed at the Paris Club. Echoing the arguments offered in May 2004, the official advised that, while there were "political arguments" in favour of offering additional debt relief, there were also arguments against it:

- Significantly poorer countries had not received 100 percent debt relief.
- Iraq had no track record of using savings generated by debt relief for poverty reduction.
- Providing 100 percent debt relief would set a precedent for the UK's treatment of other countries.

849. The official recommended that the UK should not offer additional debt relief to Iraq.

---

[518] Telegram 25 UKDEL IMF/IBRD to Treasury, 30 September 2004, 'Iraq: IMF Approves Emergency Post Conflict Assistance'.
[519] Minute Habeshaw to Chancellor, 8 November 2004, 'Iraq Debt: New Debt Sustainability Numbers'.
[520] Minute Treasury [junior official] to Brown, 12 November 2004, 'Iraq Debt: Update'.

850. The Treasury told the Inquiry that it has no record of Mr Brown responding to that advice.[521]

851. Paris Club creditors agreed on 21 November to reduce Iraq's official debt by 80 percent.[522] The deal would be delivered in three stages: 30 percent immediately; 30 percent on approval of a standard IMF programme; and 20 percent on completion of the standard IMF programme. The deal would write off US$31.1bn of the US$38.9bn owed to Paris Club creditors. The Iraqi Government committed to seek comparable treatment from its non-Paris Club creditors.

852. The UK's share of that write-off was approximately US$1.39bn,[523] or £954m (£337m in UK financial year 2004/05, £337m in UK financial year 2005/06 and £280m in UK financial year 2008/09).[524] The entire amount was charged to the ECGD.

853. A Treasury briefing for Mr Brown stated that the deal represented an important success for the international community, demonstrating an ability to act together on an issue as divisive as Iraq.[525]

854. The Treasury told the Inquiry that the agreement followed intense negotiations between G7 officials and Ministers, including between Mr Brown, Secretary Snow and Mr Nicolas Sarkozy, the French Minister of Finance.[526] The deal had been finalised in a meeting between Secretary Snow and Mr Hans Eichel, the German Minister of Finance.

855. The Treasury told the Inquiry that it has no records of the discussions between Mr Brown and Mr Snow and Mr Sarkozy.[527]

856. The US wrote off 100 percent of Iraq's debt, totalling US$4.1bn, on 17 December 2004.[528]

857. In November 2006, Mr Brown was asked by Dr Barham Salih, Iraqi Deputy Prime Minister, to provide 100 percent debt relief for Iraq.[529] Mr Brown responded by highlighting the aid that the UK was already providing and his discussions with counterparts in the Gulf states and the EU on supporting Iraq.

---

[521] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.
[522] Paris Club, Press Communiqué, 21 November 2004, *Restructuring the Iraqi debt – Agreement between the Paris Club and Iraq.*
[523] Briefing Treasury, [undated], 'Brief: Meeting with Barham Saleh, Deputy Prime Minister of Iraq'.
[524] Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.
[525] Briefing Treasury, [undated], 'Brief: Meeting with Barham Saleh, Deputy Prime Minister of Iraq'.
[526] Paper Treasury, 2010, 'Iraq Briefing – Debt'.
[527] Email Treasury [junior official] to Iraq Inquiry [junior official], 22 April 2014, 'Further Queries Relating to Resources'.
[528] Congressional Research Service, Report for Congress, 11 March 2005, *Iraq: Debt Relief.*
[529] Record, [undated], 'Chancellor's Visit to Basra: 18/11/06'.

858. The UK did not provide additional bilateral debt relief for Iraq, beyond the agreement reached at the Paris Club.

Returning asylum seekers to Iraq

859. Iraq, with almost 50,000 applicants, was the biggest source of asylum seekers to the 29 industrialised countries that provided monthly data to the UN High Commissioner for Refugees (UNHCR) in 2002.[530] Of those applicants, 14,565 applied for asylum in the UK.

860. Table 2 shows the number of asylum applications to certain industrialised countries and the UK originating in Iraq between 2002 and 2009.

Table 2: Asylum applications to industrialised countries and to the UK originating in Iraq

	Total number of applications originating in Iraq	Number of applications to the UK originating in Iraq	Percentage of total applications
2002[531]	49,368	14,565	29.5
2003[532]	25,361	4,290	16.4
2004[533]	9,850	1,880	19.1
2005[534]	12,521	1,605	12.8
2006[535]	22,908	1,305	5.7
2007[536]	45,100	2,075	4.6
2008[537]	40,366	2,030	5.0
2009[538]	24,673	990	4.0

[530] UNHCR, 24 February 2004, *Asylum Levels and Trends: Europe and non-European Industrialized Countries, 2003*.
[531] UNHCR, 24 February 2004, *Asylum Levels and Trends: Europe and non-European Industrialized Countries, 2003*. Figures reflect origin of asylum applications in 29 countries providing monthly data to UNHCR.
[532] UNHCR, 1 March 2005, *Asylum Levels and Trends: Europe and non-European Industrialized Countries, 2004*. Figures reflect origin of asylum applications lodged in 36 countries providing monthly data to UNHCR.
[533] UNHCR, 17 March 2006, *Asylum Levels and Trends in Industrialized Countries, 2005*. Figures reflect origin of asylum applications lodged in 36 countries providing monthly data to UNHCR.
[534] UNHCR, 23 March 2007, *Asylum Levels and Trends in Industrialized Countries, 2006*. Figures reflect origin of asylum applications lodged in 36 countries providing monthly data to UNHCR.
[535] UNHCR, 18 March 2008, *Asylum Levels and Trends in Industrialized Countries, 2007*. Figures reflect origin of asylum applications lodged in 43 countries providing monthly data to UNHCR.
[536] UNHCR, 24 March 2009, *Asylum Levels and Trends in Industrialized Countries, 2008*. Figures reflect origin of asylum applications lodged in 44 countries providing monthly data to UNHCR.
[537] UNHCR, 23 March 2010, *Asylum Levels and Trends in Industrialized Countries, 2009*. Figures reflect origin of asylum applications lodged in 44 countries providing monthly data to UNHCR.
[538] UNHCR, 28 March 2011, *Asylum Levels and Trends in Industrialized Countries, 2010*. Figures reflect origin of asylum applications lodged in 44 countries providing monthly data to UNHCR.

861. Establishing a programme to enable the return of Iraqi asylum seekers currently in the UK to Iraq was an early priority for the UK Government.

862. On 8 April 2003, as major combat operations in Iraq continued, Mr David Blunkett, the Home Secretary, wrote to Mr Blair:

> "As the conflict in Iraq moves towards a successful conclusion, we need to look at the consequences for the tens of thousands of Iraqi asylum seekers currently in the United Kingdom.
>
> "Once peace and stability have returned to Iraq I believe it is right to press ahead with a substantial returns programme … The new Iraq needs the skills of its exiles to help in reconstruction. And with the threat from Saddam's regime removed there is no justification for failed Iraqi asylum seekers and new arrivals to remain in the UK."[539]

863. No.10 replied on 10 April, confirming that Mr Blair had asked departments to work towards "forced returns … in the course of the next three months".[540]

864. The International Organization for Migration (IOM) facilitated a small number of voluntary returns from the UK to Iraq, beginning in June 2003.[541]

865. The Home Office reported in October 2003 that 50 Iraqis had so far returned on that basis.[542]

866. In October 2003, the UK sought the CPA's agreement to expand its voluntary returns programme and to introduce an enforced returns programme, to the Kurdish Autonomous Zone (KAZ) only, for those who had no legal right to remain in the UK.[543]

867. Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq, reported on 7 November that the CPA was reluctant to agree those requests.[544] Ambassador Paul Bremer, the Head of the CPA, had decided in July not to encourage returnees until Iraq's infrastructure could deal with them. The CPA argued that while the KAZ was a more stable and better serviced area of Iraq:

- there were already more than 600,000 internally displaced people there;
- the ethnic balance remained sensitive;
- there was not yet a policy on resolving disputes over property ownership; and

---

[539] Letter Blunkett to Blair, 8 April 2003, 'Iraq: Organising Rapid Returns'.
[540] Letter Miles to Razavi, 10 April 2003, 'Iraq: Organising Rapid Returns'.
[541] Minute Baird to Hughes, 6 June 2003, 'Returns to Iraq: Update'.
[542] Letter Baird to Fry, 16 October 2003, 'Iraq: Return of Failed Asylum Seekers' attaching Paper, [undated], 'Iraq: Returns'.
[543] Letter Baird to Fry, 16 October 2003, 'Iraq: Return of Failed Asylum Seekers' attaching Paper, [undated], 'Iraq: Returns'.
[544] Telegram 255 Baghdad to FCO London, 7 November 2003, 'Iraq: Iraqi Returns'.

- UNHCR and IOM had no expatriate staff in Iraq to maintain and monitor returnee programmes.

868. The UK continued to lobby Ambassador Bremer.[545]

869. Ambassador Bremer agreed on 17 February 2004 that the UK could implement a pilot programme of enforced returns to northern Iraq from 1 April 2004.[546] The agreement covered the lifetime of the CPA only. An IPU official commented that Ambassador Bremer had not agreed to accept enforced returns from any other Western country, including the US.

870. Later that month, Mr Blunkett announced that the UK intended to begin a pilot programme of voluntary and enforced returns to Iraq.[547]

871. It did not prove possible to implement that pilot programme.

872. The Kurdish Regional Government (KRG) wrote to UNHCR on 9 May stating its opposition to enforced returns.[548]

873. The FCO subsequently cancelled a scoping mission by a Home Office delegation scheduled for late May, due to the lack of helicopters and armoured vehicles to transport them to northern Iraq and to avoid antagonising the KRG.[549]

874. Mr Blunkett wrote to Mr Straw on 28 May, to urge him to reconsider.[550] Mr Blunkett advised that Iraq consistently figured in the list of the "top ten asylum producing countries". Unless the UK established the principle of forced return by sending out a flight of returnees before 30 June 2004 (the expected date of the transfer of power in Iraq from the CPA to an Iraqi Interim Administration), the new Iraqi authorities might insist that negotiations on enforced returns "recommence from the beginning".

875. Mr Straw replied on 7 June, acknowledging Mr Blunkett's concern but stating that making enforced returns before 1 July without consultation with the incoming Interim Iraqi Government (IIG), its ministries and the KRG could undermine broader UK diplomatic efforts and predispose the IIG to be unhelpful on returns in the future.[551]

876. Mr Blunkett accepted Mr Straw's response.[552]

---

[545] Minute Greenstock to Bremer, 15 February 2004, 'Iraqi Returns from the UK'.
[546] Minute IPU [junior official] to PS/Baroness Symons, 18 May 2004, 'Iraq: Enforced Returns of Failed Asylum Seekers to Iraq'.
[547] Paper FCO, 26 February 2004, 'No.10 Weekly Update – 26 February 2004'.
[548] Letter Siwaily to UNHCR, 9 May 2004, 'Iraqi returnees from Iran'.
[549] Minute IPU [junior official] to PS/Baroness Symons, 18 May 2004, 'Iraq: Enforced Returns of Failed Asylum Seekers to Iraq'.
[550] Letter Blunkett to Straw, 28 May 2004, 'Enforced Return of Failed Asylum Seekers to Iraq'.
[551] Letter Straw to Blunkett, 7 June 2004, 'Enforced Return of Failed Asylum Seekers to Iraq'.
[552] Letter Blunkett to Straw, 22 June 2004, 'Enforced Return of Failed Asylum Seekers to Iraq'.

877. The Iraqi Minister of Displacement and Migration visited the UK from 23 to 27 July, and agreed that Iraq and the UK should draw up a Memorandum of Understanding (MOU) to cover returns to Iraq.[553]

878. The Occupation of Iraq formally came to an end on 28 June. Power was transferred from the CPA and Iraqi Governing Council to the IIG.[554]

879. On 3 November, an IPU official provided an update for Mr Straw on enforced returns.[555] A Home Office delegation had visited Iraq from 3 to 11 September and had "eventually persuaded" KRG Ministers and officials to accept forced returns.
The Minister of Displacement and Migration had not yet signed the MOU. The Home Office believed that forced returns could go ahead without it as, under the Chicago Convention, Iraq had an obligation to take back its nationals who did not qualify to remain in the UK. The Home Office was therefore making plans to send the first 15 failed asylum seekers back to northern Iraq on around 23 November.

880. The IPU official advised that the FCO's view was that no forced returns should take place until the MOU was signed, for three reasons:

- to ignore IIG views could generate "ill will" from the IIG and KRG, at a time when the UK needed their support on a number of political priorities;
- the planned destinations for returnees might not be safe; and
- the presentational issue of enforced returns coinciding with military operations in Fallujah, and with Ramadan.

881. Mr Blunkett's Private Secretary wrote to No.10 on 15 November, reporting that the IIG accepted the principle of enforced return, but was unlikely to accept returnees until the following year.[556] The Minister of Displacement and Migration had asked for an improved package of assistance for returnees. Mr Blunkett's Private Secretary restated the FCO's view that no enforced returns should take place without an MOU, and recommended that the UK should intensify its lobbying to secure the IIG's signature to it.

882. No.10 replied on 18 November, confirming that Mr Blair agreed that no enforced returns should be made without an MOU.[557]

883. Mr Blair visited Baghdad on 21 December.[558] In his record of Mr Blair's meeting with Prime Minister Ayad Allawi, Mr Quarrey reported that Prime Minister Allawi had agreed that Iraq should sign an MOU covering enforced returns before the end of the month.

---

[553] Minute IPU [junior official] to Straw, 3 November 2004, 'Iraq: Update on Enforced Returns'.
[554] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.
[555] Minute IPU [junior official] to Straw, 3 November 2004, 'Iraq: Update on Enforced Returns'.
[556] Letter PS/Blunkett to No.10 [junior official], 15 November 2004, 'Enforced Returns to Iraq'.
[557] Letter No.10 [junior official] to PS/Blunkett, 18 November 2004, 'Enforced Returns to Iraq'.
[558] Letter Quarrey to Adams, 21 December 2004, 'Prime Minister's Visit to Baghdad, 21 December: Meeting with Allawi'.

884. The MOU was signed in January 2005 by the Ministry of Displacement and Migration, on behalf of the IIG, and the Home Office.[559]

885. Notwithstanding the signature of the MOU, discussions continued between the UK Government and the IIG on the implementation of an enforced return programme.[560] The IIG's concerns included the impact of returnees within the KRZ and the package of assistance provided to returnees.

886. Mr Tim Torlot, Deputy Head of Mission at the British Embassy Baghdad, called on Prime Minister Ibrahim Ja'afari on 4 August. Mr Torlot reported to the FCO that Prime Minister Ja'afari had agreed that Iraq should abide by the terms of the MOU, and to instruct the Minister of Displacement and Migration to accept enforced returns. Prime Minister Ja'afari hoped that the UK would consider substantially increasing the assistance provided to returnees.

887. The UK planned to operate the first flight carrying enforced returnees on 28 August.[561]

888. Mr Charles Clarke, who had succeeded Mr Blunkett as Home Secretary, wrote to Mr Blair on 25 August to confirm that he had postponed that flight, due to opposition from the KRG and a concern that the RAF aircraft carrying the returnees would be a target for insurgent activity.[562]

889. President Jalal Talabani and Mr Blair met at 10 Downing Street on 6 October.[563] Mr Blair said that he attached great importance to early progress on the issue of enforced returns, and said that it would be helpful if President Talabani took a personal interest.

890. Mr Straw was advised on 17 November that the KRG had, following Ministerial pressure, finally agreed to accept enforced returnees.[564]

891. The first flight of enforced returnees, comprising 15 failed asylum seekers, took place on 20 November, landing in Erbil.[565]

892. Mr Clarke reported to Mr Blair on 25 November that the UK had not received "the expected legal challenge" to the returns on the grounds that Iraq was an unsuitable destination.

---

[559] Paper, 26 January 2005, 'Memorandum of Understanding between the Ministry of Displacement and Migration of the Republic of Iraq and the Home Office for the United Kingdom of Great Britain and Northern Ireland'.
[560] eGram 10598/05 Baghdad to FCO London, 5 August 2005, 'Iraq: Enforced Returns of Asylum Seekers: Call on Prime Minister'.
[561] Minute Clarke to Prime Minister, 25 July 2005, 'Enforced Returns to Iraq'.
[562] Minute Clarke to Prime Minister, 25 August 2005, 'Enforced Returns to Iraq'.
[563] Letter Quarrey to Siddiq, 6 October 2005, 'Iraq: Talabani'.
[564] Minute FCO [junior official] to Straw, 17 November 2005, 'Iraq: Enforced Return of Failed Asylum Seekers'.
[565] Note Clarke to Blair, 25 November 2005, 'Enforced Returns to Iraq'.

893. No flights to central or southern Bagdad were made during the period covered by this Inquiry.

Post-conflict reconstruction and stabilisation

894. A cross-government review of the UK's approach to post-conflict reconstruction began in September 2003.[566]

895. The inter-departmental Post-Conflict Reconstruction Unit (PCRU) was established in September 2004.[567] It became operational during 2005.[568]

896. In December 2007, the PCRU was renamed the Stabilisation Unit (SU).[569]

897. The PCRU and the SU focused their activity on Afghanistan. They made limited but valuable contributions in Iraq.

898. Since 2007, the SU has continued to evolve in response to the strategic and policy framework established by:

- the 2008 and 2010 National Security Strategies (NSSs);
- the 2010 Strategic Defence and Security Review (SDSR); and
- the 2011 Building Stability Overseas Strategy (BSOS).

The Post-Conflict Reconstruction Unit

899. On 16 September 2003, Mr Straw, Mr Hoon and Baroness Amos discussed post-conflict planning and preparation. A number of papers, including a joint FCO/DFID/MOD paper on post-conflict reconstruction, had been prepared beforehand.[570]

900. Mr Straw highlighted the contrast between the UK's preparation for domestic crises and post-conflict situations. More needed to be done to "get ahead of the curve".

901. Mr Hoon highlighted the absence of any civilian equivalent to military planning. The UK should aim for international agreement on the civilian resources and skills needed and where they were available.

902. Baroness Amos emphasised the need first to "link up" across government and to learn lessons from previous interventions.

---

[566] Paper [unattributed], 17 September 2003, 'Meeting of Secretaries of State for Foreign Affairs, Defence and International Development – 16 September 2003 at 2.15pm'.
[567] Minute [DFID junior official] to Drummond, 29 June 2005, 'PCRU Update Meeting with the PUSS, 21 June'.
[568] House of Commons, *Official Report*, 21 July 2005, column 155WS.
[569] Paper Stabilisation Unit, December 2007, 'Stabilisation Unit'.
[570] Paper [unattributed], 17 September 2003, 'Meeting of Secretaries of State for Foreign Affairs, Defence and International Development – 16 September 2003 at 2.15pm'.

903. Other points made in discussion included:

- the possibility of using Territorial Army (TA) training and pre-deployment centres for civilians involved in post-conflict work;
- the critical importance of policing and security;
- the possibility of establishing contingency arrangements to make it easier to start preparing earlier for post-conflict operations; and
- the importance of building capacity elsewhere, including in the UN and EU.

904. The three Ministers agreed that officials should:

- review the UK's approach to planning and preparing for post-conflict situations at the national level and then look at influencing others, with the EU a high priority;
- consider setting up an inter-departmental "co-ordinating mechanism", look at the tools needed and consider how to spread best practice; and
- take into account the resource implications.

905. On 28 November, Mr John Sawers, FCO Political Director, informed Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, that FCO, DFID and MOD officials were preparing a paper for discussion by Ministers in January 2004.[571] Mr Sawers identified three main issues to address:

"a. how we improve the UK performance in this area;

b. how we help improve the international effort – especially in the UN;

c. what our training and personnel management needs are."

906. A trilateral FCO/MOD/DFID working group agreed on 7 January 2004 to focus on "the gap that has been identified in terms of planning for the initial implementation post-conflict phase".[572]

907. Officials presented a paper setting out recommendations for the "better planning, implementation and management of the UK's contribution to post-conflict reconstruction" to DOP on 12 February.[573]

908. The paper, already agreed by Mr Straw, Mr Benn and Mr Hoon, recommended setting up an inter-departmental Post-Conflict Reconstruction Unit (PCRU) with a double remit:

- "Policy: developing government strategy for post-conflict reconstruction linked into concomitant military and humanitarian planning, the wider international

---

[571] Letter Sawers to Sheinwald, 28 November 2003, 'Foreign Policy Strategy Group: First Meeting' attaching Paper [unattributed and undated], 'Post Conflict Reconstruction'.
[572] Paper [unattributed and undated], 'Post Conflict Reconstruction Trilateral Working Group: Meeting at the Royal Artillery, Woolwich on 7 January 2004'.
[573] Letter Owen to Fergusson, 5 February 2004, 'Post Conflict Reconstruction: Paper for the DOP, 12 February' attaching Paper [unattributed and undated], 'Post Conflict Reconstruction'.

community (separate from the broader political process underlying the need for intervention) and best practice.

- Executive: implementing and managing the UK's contribution to post-conflict reconstruction, including the identification and training of civilian personnel and the maintenance of databases, with deployable capability."

909. Four options were proposed:

- a small non-permanent secretariat with a co-ordinating function;
- a small permanent unit of 15-18 people to inform strategy and devise operational plans;
- a unit of 40-50, with a component able to deploy alongside armed forces (the recommended option); and
- a large, permanent department of 150-200 of whom about half could be deployed.

910. DOP agreed the proposed remit and to a scale somewhere between options two and three.[574] DOP did not envisage that the unit itself should have a deployable capacity.

911. Officials sent a second paper, setting out detailed structures and already agreed by Mr Straw, Mr Benn and Mr Hoon, to DOP on 23 July.[575]

912. The paper proposed that:

> "The PCRU will bring together financial, analytical, planning and personnel resources that in the past have been distributed across government. This will enable HMG to:
>
> - **Integrate planning** for the military and civilian components of any intervention … Advance planning for post-conflict reconstruction should influence military planning … and force composition …
> - **Co-ordinate with the international community and burden-share** …
> - **Identify resources in advance** … Honeymoon periods in PCR situations are short. Failing to deliver a rapid and demonstrable improvement in the quality of life to the local population can have a negative impact …"

913. The paper proposed that DFID would host the PCRU and meet administrative and running costs to the end of financial year 2007/08.

---

[574] Letter Fergusson to Drew, 19 February 2004, 'Post-Conflict Reconstruction: Follow Up to DOP'.
[575] Paper [Cabinet Office], 20 July 2004, 'DOP paper on the Post Conflict Reconstruction Unit'.

914. The paper explained that there had been "substantial discussion" between departments over governance and accountability. The proposed arrangements took into account the need for:

- policy and strategy decisions to be taken inter-departmentally (policy would be set jointly by departments through a Cabinet Office-chaired steering group, reporting to a DOP Sub-Committee chaired by the Foreign Secretary); and
- financial accountability to be the preserve of the DFID Permanent Secretary as Accounting Officer for DFID funds.

915. The paper stated that PCRU staffing would grow over two to three years to become fully operational with a core staff of about 40. It would have "an additional surge capacity and deployable element drawn from volunteers from across Whitehall, NGOs and the private sector". The proposed size reflected:

> "… the need to support the likely scales of effort and concurrency of UK military deployments as reflected in the Defence White Paper: one enduring minimum deployment (e.g. the Balkans or Iraq) plus either two enduring small-scale deployments (e.g. Sierra Leone or Mozambique flood relief) or one short-term medium deployment (e.g. Afghanistan)."

916. On 6 September, Sir Nigel Sheinwald informed members of DOP and Sir Andrew Turnbull, the Cabinet Secretary, that Mr Blair was content with the management arrangements set out in the July DOP paper. Mr Blair believed the PCRU should be "lean", with an ability to surge when required, and wanted staffing to be kept under review.[576] The Cabinet Office would now start to establish the necessary committee structures.

917. Mr Benn informed Parliament on 16 September of "the Government's intention to improve the United Kingdom's capacity to deal with immediate post-conflict stabilisation, including by integrating civilian and military policy, planning and operations".[577] The FCO, the MOD and DFID were working closely to develop the capabilities that were needed and expected to be in a position formally to establish the PCRU later in the year.

918. The PCRU was established in September 2004.[578]

---

[576] Letter Sheinwald to Malik, 6 September 2004, 'Lessons of Iraq: Whitehall Responses'.
[577] House of Commons, *Official Report*, 16 September 2004, column 173WS.
[578] Minute [DFID junior official] to Drummond, 29 June 2005, 'PCRU Update Meeting with the PUSS, 21 June'.

919. In March 2005, the House of Commons Defence Committee expressed concern that the PCRU might not achieve its initial operating capability by the target date of spring 2005.[579] Issues still to be resolved included:

- identification of the best department to manage the deployment of civilian police officers;
- the need for the PCRU to operate in "a genuinely cross-departmental manner" and not as "the advocate of a particular department's priorities"; and
- provision of the funding needed not only to establish itself but to pay for deployments.

920. On 4 May 2005, Mr Neil Crompton, the departing Head of the IPU, expressed doubts to Mr Sawers about the PCRU's ability to achieve everything expected of it:

> "MOD frustration with the pace of reconstruction has been a cause of much tension within Whitehall. The creation of the PCRU should help resolve some of the issues, but I doubt that it will solve the problem completely, HMG as a whole has lost the old ODA [Overseas Development Agency] ability to 'fix things'. DFID no longer regard this as core business. Civilians and contractors have to operate under tight security rules which prevent them operating at the required pace in environments like Iraq.
>
> "Part of the solution is for MOD to regard post-conflict reconstruction as their core business … MOD need to follow US practice and develop civil affairs battalions …
>
> "In parallel, we need to sell the notion that military assets (particularly transport) belong to HMG as a whole and that decisions on how they are deployed should be determined by HMG, rather than MOD/PJHQ on the basis of military priorities … We [FCO] and DFID should be involved in the force level review process in a more formal way than our participation in Chiefs of Staff allows, so that wider considerations are taken into account. PJHQ will resist – but we should persist."[580]

921. Mr Sawers shared Mr Crompton's scepticism about the PCRU, but suggested that it would need to be tested in a real crisis.[581] He added:

> "The MOD's resistance to doing civilian reconstruction has been a problem and I am attracted by your proposal that they should develop civil affairs battalions who can actually restore basic services in a post-conflict environment. With DFID's near exclusive focus on poverty, and as you say their inability these days to 'fix things', it is always going to be difficult to get DFID to wholeheartedly commit to underpinning the political objectives of HMG. MOD is more resource constrained than DFID but this is an area worth exploring with the new Defence Secretary."

---

[579] Sixth Report from the Defence Committee, Session 2004-05, *Iraq: An Initial Assessment of Post-Conflict Operations,* HC 65-1, paras 267-270.
[580] Minute Crompton to Sawers, 4 May 2005, 'Iraq Reflections'.
[581] Minute Sawers to Crompton, 9 May 2005, 'Iraq: Reflections'.

922. On 21 June, Mr Paul Schulte, Head of the PCRU, updated Mr Suma Chakrabarti, DFID Permanent Secretary, and Mr Drummond on progress setting up the Unit, explaining that it had expanded rapidly since being established in September 2004:

- 27 permanent staff had been appointed and recruitment was nearly complete;
- the PCRU had created a database of deployable civilian experts;
- progress had been made on a number of framework agreements to allow timely provision of services; and
- work on assessment and planning tools was well under way.[582]

923. Mr Schulte reported that a number of proposals for operational work were being considered, including in Afghanistan and Sierra Leone.

924. Mr Drummond cautioned against widening the PCRU's remit beyond stabilisation activities where UK forces were deployed.

925. Mr Chakrabarti asked to see a list of operations being considered and an explanation of how decisions were being made.

926. An internal review of the PCRU's first months, produced for Mr Schulte in July 2005, recommended a number of changes to the Unit and its remit.[583] The recommendations included:

- greater engagement with multilateral operations;[584] and
- promoting a new approach to civilian force generation to replace what remained an "unsystematic and largely ad hoc process" for identifying, recruiting and deploying personnel.[585]

927. Mr Benn updated Parliament on 21 July:

> "I wish to inform parliament of the establishment and current capabilities of the Post-Conflict Reconstruction Unit (PCRU). The PCRU is an inter-departmental unit, which has been set up by our three departments to improve the United Kingdom's capacity to contribute to the creation of a stable environment in countries emerging from conflict. The Unit's work is overseen by the Defence and Overseas Policy (Conflict and Reconstruction) Committee, chaired by the Foreign Secretary.
>
> "The PCRU has been established to carry out two main tasks: first, to develop government strategy for post-conflict stabilisation, which includes linking military and civilian planning, as well as working with the wider international community for

[582] Minute [DFID junior official] to Drummond, 29 June 2005, 'PCRU Update Meeting with the PUSS, 21 June'.
[583] Minute Astle and Korski to Schulte, 14 July 2005, 'PCRU – A Look Ahead'.
[584] Minute Astle and Korski to Schulte, 14 July 2005, 'Strategic Discussion Paper 1 – PCRU Concept of Operations'.
[585] Minute Astle and Korski to Schulte, 14 July 2005, 'Strategic Discussion Paper 3 – Civilian Force Generation'.

the spread of best practice, capacity building and burden sharing; and, secondly, to plan and direct activities to create stability in post-conflict environments in the period immediately following the cessation of hostilities.

"The PCRU is nearly fully staffed and has reached an initial capacity to plan for, and support, stabilisation activities. The Unit is building up a database of civilian experts who can be deployed. It is also developing methods to help the Government reach an understanding of, and plan responses to, individual conflicts. In addition the Unit is writing a series of guidance papers on a range of specific issues that may need to be tackled in post-conflict situations, such as security sector reform and governance. The PCRU is also developing links with international organisations and other Governments to ensure that the UK's efforts are part of a co-ordinated contribution to the international response to conflict. I expect the PCRU to be able, if necessary, to plan and organise a large-scale deployment of up to several hundred civilians, including police, as part of a post-conflict stabilisation operation by mid-2006."[586]

928. In his valedictory report on leaving the PCRU in December 2005, Mr Schulte described it as "the most sophisticated and integrated arrangement we know of", presenting "a significant opportunity to influence international – and particularly American and EU – thinking and practice".[587] But there had been difficulties, including finding people with the right experience and skills who were willing to join an unproven organisation and could be released quickly from their current jobs. There had also been "departmental sensitivities over responsibilities and boundaries".

929. Mr Schulte concluded:

"… senior support will remain crucial for some time to ensure successful PCRU involvement in cross-Whitehall work. The Unit relies critically upon the development of coherent and effective cross-departmental working relationships. But they all impose costs and demands on the staff time of others. We have learned that it is sometimes difficult to persuade colleagues to take this on without direction from within their own organisations."

930. A second internal review of the PCRU was carried out at the request of PCRU Directors in January and February 2006.[588] Directors agreed the recommendation for a new statement of the PCRU's role to reflect the experience of its first year:

"… to provide HMG and its partners with integrated assessment and planning, and operational expertise, to deliver more effective stabilisation operations."[589]

---

[586] House of Commons, *Official Report*, 21 July 2005, column 155WS.
[587] Minute Schulte to Drummond, 19 December 2005, 'Valedictory Note'.
[588] Paper PCRU, March 2006, 'PCRU Internal Review – Key Findings'.
[589] Paper PCRU, July 2006, 'Principles for determining where PCRU deploy, what it funds and for how long'.

THE PCRU AND IRAQ

931. From autumn 2005, the PCRU looked for ways to support existing UK stabilisation operations while continuing to build capacity to undertake possible "but very unlikely" future large-scale deployments.[590]

932. At the request of the FCO, the PCRU provided a temporary head for the Political Section at the British Embassy Office Basra from 9 to 23 December 2005.

933. During March 2006, a member of the PCRU undertook a scoping study for the UK-led Basra Provincial Reconstruction Team (PRT), which became operational during May (see Section 10.2).

934. In April 2006, no UK department or international partner, including the US, had a budget for PRT running costs. The PCRU filled the gap.[591] It agreed to recruit and fund three staff for a six-week period, including Mr Mark Etherington, the PRT Team Leader, while discussions continued on funding.[592]

935. In July 2006, the PCRU's support to the Basra PRT was extended to July 2007, at a total cost of £758,000. Most work was expected to be completed by December 2006.[593]

936. In late July 2006, Mr Richard Teuten, Mr Schulte's successor as Head of the PCRU, visited Baghdad and Basra to understand better the stabilisation challenges in Iraq, assess the PCRU contribution and raise awareness of what the PCRU could offer.[594]

937. In September 2006, Mr Teuten reported that, in relation to Iraq, the PCRU had:

- supported PRT management from London;
- provided funding up to December 2006 for three Deployable Civilian Experts (DCEs): the PRT Team Leader and two support officers;
- helped identify a civilian expert to set up a Prosecution Mentoring Unit in Basra;
- identified and funded a specialist to design a communications strategy in support of the UK's Southern Iraq Steering Group; and

---

[590] Paper PCRU, July 2006, 'Principles for determining where PCRU deploy, what it funds and for how long'.
[591] Minute Middle East and North Africa Department [junior official] to Private Secretary [DFID], 19 April 2006, 'DOP(I) Briefing, 19 April 2006' attaching Paper MENAD, 19 April 2006, 'Iraq Update'.
[592] Minute PCRU [junior official] to Private Secretary [DFID], 25 April 2006, 'Information Note: Basra Provincial Reconstruction Team & PCRU'.
[593] Paper Post Conflict Reconstruction Unit, July 2006, 'Project Memorandum: PCRU Support for HMG Engagement in Iraq'.
[594] Minute Teuten to PCRU [junior official], 31 July 2006, 'Visit to Baghdad and Basra 19-25 July'.

- begun a review of PRT management and support arrangements, comparing Basra and Helmand (Afghanistan).[595]

938. The Basra/Helmand review was one of two Iraq-related reports produced by the PCRU in 2006:

- 'Provincial Reconstruction Teams (PRTs) in Iraq and Afghanistan – A Comparison';[596] and
- 'Refocusing civilian efforts in Basra in the run up to PIC [Provincial Iraqi Control]'.[597]

The Stabilisation Unit

939. In December 2007, the PCRU was renamed the Stabilisation Unit (SU), reflecting the emergence of the broader concept of stabilisation and the Unit's new role managing a £269m MOD Stabilisation Aid Fund announced as part of the September 2007 Comprehensive Spending Review.[598]

940. The SU's key tasks were:

- assessment and planning: helping departments "plan together so there is a single UK aim and strategic framework";
- deployments: providing experienced civilian personnel; and
- lesson learning: identifying and sharing best practice in the UK and internationally.

941. Afghanistan was the principal focus. On 12 December, Mr Brown announced in Parliament that the UK would make available £450m in development and stabilisation assistance for Afghanistan for 2009-2012, part of which would help fund:

> "… Britain's new cross-government Stabilisation Unit, which has Afghanistan as its first priority, and which, with a global budget of £260m over the next three years, will drive forward reconstruction projects and provide expert civilian support to rebuild basic services."[599]

---

[595] Minute Teuten to Drummond, 26 September 2006, 'PCRU Directors' Board Meeting: 2 October 2006' attaching Paper PCRU, 27 September 2006, 'PCRU Headline Achievements: August-September' and Paper PCRU, September 2006, 'PCRU: Lessons Learning and Evaluation'.
[596] Minute Teuten to PS/Minister(AF), 17 November 2006, 'Provincial Reconstruction Teams (PRTs) in Iraq and Afghanistan – A comparison' attaching Paper PCRU, 'Review of Provincial Reconstruction Teams (PRTs) in Iraq and Afghanistan'.
[597] Report PCRU/DFID, 19 December 2006, 'Refocusing civilian efforts in Basra in the run up to PIC'.
[598] Paper Stabilisation Unit, December 2007, 'Stabilisation Unit'.
[599] House of Commons, *Official Report,* 12 December 2007, columns 305-306.

942. During 2008 and 2009, the SU produced three reports on Iraq, described in more detail in Section 10.2:

- a review of the Basra PRT;[600]
- a strategic review of the Governorates Capacity Building Project;[601] and
- a joint paper with the MOD Development, Doctrine and Concepts Centre on civilian-military relations in Basra.[602]

The Cabinet Office Task Force Review of Stabilisation and Civil Effect

943. On 19 March 2008, during a statement to Parliament on the launch of the UK's National Security Strategy, Mr Brown announced that:

> "… the National Security Strategy proposes a new departure – and again, it is a lesson learned from recent conflicts ranging from Rwanda to Bosnia to Iraq, Afghanistan and Somalia. It proposes to create a stand-by international civilian capability so that for fragile and failing states, we can act quickly and comprehensively by combining the humanitarian, peacekeeping, stabilisation and reconstruction support that those countries need. In the same way as we have military forces ready to respond to conflict, we must have civilian experts and professionals ready to deploy quickly to assist failing states and to help rebuild countries emerging from conflict, putting them on the road to economic and political recovery.
>
> "I can tell the house that Britain will start by making available a 1,000-strong UK civilian stand-by capacity that will include police, emergency service professionals, judges and trainers. I am calling on EU and NATO partners to set high and ambitious targets for their contributions to such a force.
>
> …
>
> "In order to maximise our contribution to all the new challenges of peacekeeping, humanitarian work and stabilisation and reconstruction, the Secretary of State for Defence is also announcing this afternoon that, as part of a wider review, the Government will now examine how our reserve forces can more effectively help with stabilisation and reconstruction in post-conflict zones around the world."[603]

944. The Cabinet Office launched the Stabilisation Task Force Review of Stabilisation and Civil Effect (shortened to Cabinet Office Task Force (COTF)) in June 2008.[604]

---

[600] Paper Stabilisation Unit, 3 September 2008, 'Review of the Basra Provincial Reconstruction Team'.
[601] Paper Stabilisation Unit, November 2008, 'Strategic Review of DFID Governorates Capacity Building Programme'.
[602] Paper Stabilisation Unit and Development, Doctrine and Concepts Centre, 27 February 2009, 'Civilian-Military Relations in Basra'.
[603] House of Commons, *Official Report,* 19 March 2008, columns 927-928.
[604] Letter Aldred to Gould, 24 July 2008, 'Stabilisation and Deployed Civil Effect' attaching Paper Stabilisation Review Team, 27 June 2008, 'Stabilisation and Deployed Civil Effect'.

945. Ms Margaret Aldred, Deputy Head of the Overseas and Defence Secretariat (OD Sec) in the Cabinet Office, sent an interim report to departments on 24 July.

946. Ms Aldred explained the background to the Review:

> "The UK's current civil effect capability has developed without a clear long-term strategy, and more specific guidance is required on what our capability goals should be. Our assessment is that existing mechanisms do not provide confidence that current activity is effective (in terms of the skills and experience of the personnel deployed) or sustainable (in terms of our ability to maintain current commitments indefinitely). Moreover, there is no robust basis on which we could calculate our "standby" or "total" capacity – of civil servants, police or contractors/consultants. If we are to make real progress then we need to agree broad policy objectives for the capability around which we can design effective structures (or improve existing ones)."

947. The interim report proposed definitions of "stabilisation" and "civil effect" to define the scope of the review:

> "'Stabilisation' is support to places emerging from violent conflict in:
>
> - preventing or reducing violence;
> - protecting people and key institutions;
> - promoting political processes which lead to greater stability; and
> - preparing for longer-term development and non-violent politics.
>
> 'Civil effect' is activity to build public confidence and support for an enduring peace and focuses on the 'survival functions' of a state:
>
> - public order and the rule of law;
> - basic public services; and
> - economic stability.
>
> For success, an integrated effort – bringing together the efforts of civilian agencies (including multilateral), military and local partners – is required."

948. The interim report proposed a capability that would:

- support joint civil-military stabilisation operations with at least 100 civilians and 50 police continuously deployed;
- make a further contribution of up to 100 civilians and 100 police to a wider range of multilateral deployments;
- identify at least 1,000 personnel as a "UK Civilian Standby Capability"; and
- incorporate a "Stabilisation Volunteer Network" able to draw on a wider range of volunteers than existing mechanisms.

949. The report emphasised that funding issues would need to be resolved. Such a capability would cost between £8m and £10m a year to maintain, with additional and more substantial deployment costs.

950. On the multilateral response, the interim report recommended establishing a shared international assessment of need, leading by example in seeking agreed national targets for contributions, and seeking to improve international structures.

951. The Cabinet Office produced a supplementary report on 5 September.[605]
The report proposed four options:

- the status quo: about 270 civilian personnel deployed at an estimated annual cost of £70m to £90m;
- a UK standby capacity able to deploy up to 350 better qualified personnel, costing £98m to £140m per year;
- an expanded standby capacity able to deploy 550 personnel, costing £122m to £171m; or
- a Civilian Reserve Corps of around 2,500 able to deploy 500 personnel at any one time, at significant additional cost.

952. The final paper, reflecting discussions between Sir Gus O'Donnell, Sir Andrew Turnbull's successor as Cabinet Secretary, and the FCO, MOD and DFID Permanent Secretaries, was produced for NSID(OD) on 21 January 2009.[606]

953. The paper stated that, although the UK's performance was improving as previous reforms and learning from operational experience took effect, the review had identified a number of problems:

> "Whitehall structures to deliver civil effect are currently fragmented. MOD, DFID, FCO and the Stabilisation Unit each deploy personnel to stabilisation and civil effect missions. Problems include the lack of single-point accountability for stabilisation policy, objectives, capability and delivery in Whitehall: multiple and poorly co-ordinated mechanisms for resourcing civil effect; no effective unified performance management of individuals; little effective measurement of the overall impact of civil effect; no cross-Whitehall register of available skills; limited UK civil effect planning capability; and a SU role that lacks clarity, focus and authority."

954. The paper's recommendations included:

- creation of a Civilian Standby Capacity (CSC) from at least 1,000 civilians and a further 500 police, to provide a capability to deploy continuously at least 350 pre-trained personnel;

---

[605] Paper Stabilisation Review Team, 5 September 2008, 'Review of Stabilisation and Deployed Civil Effect, Capability Options'.
[606] Letter Aldred to Gould, 16 January 2009, 'Civil Effect' enclosing Paper Cabinet Office, [undated], 'Stabilisation and Deployed Civil Effect'.

- expansion and refocusing of the SU, under Director-level leadership, to become the single government delivery unit for civil effect with an enhanced planning capacity and rapid response capability;
- DFID to take increased responsibility for the SU and the CSC;
- the SU to lead delivery of civil effect on operations, but conflict and regional policy to remain a joint Cabinet Office/FCO/DFID/MOD responsibility;
- establishment of a cross-Whitehall Civil Service Stabilisation Cadre (CSSC), initially of at least 200 personnel;
- development of a new International Police Assistance Group (IPAG);
- creation of a Stabilisation Volunteer Network (SVN) to widen substantially the range of potential volunteers available; and
- the MOD to identify members of the Armed Forces Volunteer Reserves with relevant skills to be available to deploy as part of the CSC.

955. The review made no specific recommendations on enhancing multilateral stabilisation capacity, but stated:

> "A significant UK commitment to develop enhanced national civilian capabilities … will put us in a stronger position to argue for ambitious new capability targets for civilian deployable capacity, and to galvanise other contributions to improve the effectiveness of multilateral stabilisation and early recovery capabilities."

956. The review explained that previous efforts to strengthen capabilities had "lacked the strategic drive, authority and resources to overcome the obstacles encountered". Short-term operational requirements had diverted attention from medium-term capability development. An implementation team would therefore be set up before the end of February.

957. Sir Gus O'Donnell commented on 20 January that, while he agreed with the report, it had:

> "… taken some time to get inter-departmental agreement on the way ahead … I hope that departments will now be able to devote the energy and resources to this issue which will be essential if we are to have significant progress to report on delivery of real capability when the update of the National Security Strategy is published before the Summer Recess."[607]

958. Ministers agreed the recommendations in the Cabinet Office review on 21 January.[608]

959. Dr Nemat Shafik, Sir Suma Chakrabarti's successor as DFID Permanent Secretary, replied to Sir Gus O'Donnell on behalf of DFID, the FCO and the MOD.

---

[607] Letter O'Donnell to Gould, 20 January 2009, 'Civil Effect'.
[608] Letter Shafik to O'Donnell, 16 February 2009, 'Civil Effect'.

She explained that DFID had already taken increased responsibility for the SU. The DFID Director chairing the SU Board would act as Senior Responsible Officer for the Unit and be responsible for developing capability and overall performance. More broadly, departments had agreed that the SU Board needed to provide "more active governance and direction" for the Unit than had been the case in the past.

960. In October 2009, the SU took over responsibility from the FCO for managing the deployment of civilians and police officers to international missions.[609]

961. The MOD, FCO and DFID produced a joint memorandum on progress against the recommendations in the Cabinet Office review for the House of Commons Defence Committee in December 2009.[610] The joint memorandum stated:

> "A 1,000 strong civilian capability (of whom 200 can be deployed at any one time) has been developed ahead of schedule; greater capacity for planning and rapid reaction in [the] Stabilisation Unit will be in place by the December [2009] target date; and progress has also been made on deployment of military Reservists in a civilian capacity and police deployments. The additional capabilities have been developed at a significantly lower cost than originally envisaged."

962. In a brief reference to Iraq, the joint memorandum stated:

> "… SU managed consultants to support capacity building in Basra International Airport, leading to the handover to Iraqi control in January 2009, improved the effectiveness of donor support in rule of law nationally and undertook a series of reviews to improve the effectiveness of the Basra PRT and identify future lessons."

963. In August 2010, the Royal United Services Institute (RUSI) published a review of the Government's progress in promoting stability in countries emerging from conflict.[611] The review was written by Mr Richard Teuten, a Senior Visiting Fellow at RUSI and a former Head of the PCRU, and Mr Daniel Korski, Senior Policy Fellow at the European Council of Foreign Relations and a former Deputy Head of the PCRU.

964. The review concluded that, between 2005 and 2010, a drive towards greater inter-departmental co-operation had led to a number of institutional innovations, an increase in the resources available for stabilisation, new cadres of practitioners and

---

[609] Briefing Stewart, [undated], 'From Iraq to Afghanistan – The evolution of "Stabilisation"'.
[610] Seventh Report from the Defence Committee, Session 2009-10, *Third supplementary memorandum from the Ministry of Defence, the Foreign and Commonwealth Office and the Department for International Development: Strengthening of the Stabilisation Unit and implementation of the Cabinet Office Task Force review of stabilisation and civil effect, 15 December 2009*.
[611] R. Teuten and D. Korski, *Preparing for Peace. Britain's Contribution and Capabilities*, RUSI, 2010.

improved co-ordination in-country, but that the UK was "not yet delivering on its full potential to engage in fragile states". Five issues were highlighted:

> "The first has been a mismatch between ambitions and resources … a gap existed between what was expected by Cabinet Ministers and promised to the public, and what was resourced by way of programmes and capabilities …
>
> "The second concerns the mechanisms for the allocation of resources … and the decisions on relative priorities … The current system pushes effort towards current crises at the expense of forestalling future crises [and] perpetuates an imbalance between the use of military and civilian tools …
>
> "The third problem is the fact that loyalty remains to departments rather than to the Government as a whole … Pooled funding arrangements account for only a small proportion of resources devoted to fragile states.
>
> …
>
> "Fourth, there are still areas where the UK's ability to send the right people … to work in hostile environments needs to be on a more sustained and reliable footing … The gap between government ambition and UK capability on policing, for example, has if anything grown rather than diminished.
>
> "Fifth and finally … Lessons are recorded and stored by the MOD, DFID, the Foreign Office and academia, but rarely dusted off when new decisions have to be made at Ministerial or official level."

965. In November 2010, the SU produced a paper on lessons learned from the UK's growing experience of stabilisation activities.[612] Designed to "provide policymakers and practitioners with accessible material, which conveys both the breadth and depth of challenges facing the UK and other international partners", the lessons included the need to:

- exercise caution when transferring lessons from one conflict to another;
- ensure that economic and development objectives complement and support efforts to promote a peaceful political process (an effective response required understanding of multiple political interests and how they are leveraged to impede or facilitate stabilisation);
- form a single multi-disciplinary and multi-departmental team;
- implement activities in a way that builds on local culture, context and the operating environment;
- adopt a flexible and adaptive approach to monitoring and evaluation;
- secure community engagement;

[612] Paper Stabilisation Unit, November 2010, 'Responding to Challenges in Hostile and Insecure Environments: Lessons Identified by the UK's Stabilisation Unit'.

- apply rigorous quality assurance in selecting the right people;
- recognise non-state forms of local governance, security, justice and dispute resolution that are often more familiar and meaningful to most of the population than state-wide government; and
- adopt a two-speed approach to security (short-term stabilisation, principally through local actors, at the same time as creating the conditions for longer-term security sector reform).

966. Sir Gus O'Donnell and Sir Peter Ricketts, the National Security Adviser, sent an update on the SU to the Inquiry on 19 January 2011.[613] They reported that:

- 1,289 civilians had been approved for the Civilian Stabilisation Group (CSG), including 1,012 Deployable Civilian Experts (DCE) and 277 members of the CSSC;
- the SVN now included the Local Government Association (LGA), the National Health Service (NHS), private sector companies and a number of NGOs;
- the MOD and the SU continued to discuss the best ways of identifying Reservists' civilian skills and increasing interoperability;
- now the SU was responsible for international secondments and police deployments, it was the sole government delivery unit for civil effect;
- the SU could provide planning support to UK operations with or without a UK military presence, and to international partners;
- the SU would take the lead in establishing Stabilisation Response Teams (SRTs), the joint civilian-military capability announced in the 2010 SDSR; and
- a new International Police Assistance Group (IPAG) had been formed in September 2009 to develop more robust arrangements for delivering police capabilities for civil effect. A pool of 125 police officers was now on standby for deployment for stabilisation efforts.

967. The Building Stability Overseas Strategy (BSOS) was published in July 2011 by DFID, the FCO and the MOD.[614] The three departments undertook to strengthen their integrated approach to tackling instability and conflict by increasing the integration of skills and capacities across government. Those included:

- strong intelligence and assessments;
- diplomacy;
- development work;
- defence engagement;
- promotion of trade and open markets; and
- the SU.

---

[613] Statement, 19 January 2011, Annex C.
[614] DFID, FCO and MOD, July 2011, *Building Stability Overseas Strategy*.

968. The BSOS stated that the SU could:

> "… respond rapidly to conflict or pre-conflict situations on behalf of the Government, and in partnership with other key players. The Unit draws upon expertise from across government, the police and the military to deliver these outcomes. It also manages the Civilian Stabilisation Group of over 1,000 civilian experts from the public and private sector with critical stabilisation skills and expertise."

969. The MOD told the Inquiry in 2013 that Reservists mobilised through the Military Stabilisation Support Group (MSSG) were routinely employed by the SU in a civilian capacity in the CSG.[615] The MOD explained that the MSSG provided a full-time Regular Liaison Officer to the SU. The Commander of MSSG was a member of the SU Management Board and attended the Building Stability Overseas Board as an observer.[616]

970. 'The UK Government's Approach to Stabilisation (2014)', published by the SU in May 2014, listed four characteristics of the Government's approach:

- Any action "will be planned and implemented with an overtly political objective in mind, ideally with a means of identifying success and a process of transition to longer-term recovery". In some environments the political need to act might make things worse in the short term.
- It will be integrated and civilian-led, unifying effort across government, including when there are military-led tasks such as patrols to bolster security.
- It will be "flexible and targeted" and can be applied in a state or part of a state affected by violent political conflict.
- Stabilisation "will be transitory but cannot afford to be short term in outlook or objectives" and "must be planned or implemented with reference to other parallel or longer-term engagement".[617]

971. The SU paper listed three "mutually reinforcing components of stabilisation":

- protecting political actors, the political system and the population;
- promoting, consolidating and strengthening political processes; and
- preparing for longer-term recovery.

972. The SU used the example of Iraq to illustrate the importance of security as one of the three components:

> "… the disbanding of the Iraqi security forces after the US-led invasion in 2003 meant that large numbers of previously enfranchised Sunnis at senior and junior levels now had no role in the new Iraqi state. This not only created a security

---

[615] Letter Ryan to Aldred, 7 June 2013, 'Deployment of Military Reservists in a Civilian Role'.
[616] Letter Ryan to Aldred, 17 September 2013, 'Deployment of Military Reservists in a Civilian Role'.
[617] Paper Stabilisation Unit, May 2014, 'The UK Government's Approach to Stabilisation (2014)'.

> vacuum which Allied forces did not have the capacity to fill but also resulted in alienation of the former army. This actively contributed to deterioration in security, hampered political progress and was a factor leading to the subsequent insurgency …"

973. In 2014/15, the SU was based in the FCO and jointly owned by the FCO, MOD and DFID.[618] It used DFID financial and risk management systems and had a DFID Senior Responsible Officer.

974. The SU's 2014/15 Business Plan explained that the Unit had an operational role across all three pillars of the BSOS:

- early warning;
- rapid crisis prevention and response; and
- investing in upstream prevention.[619]

975. The SU's contribution included:

- being the hub for Joint Analysis of Conflict and Stability (JACS);
- supporting the UK National Security Council (NSC) by facilitating development of cross-government strategies for fragile and conflict-affected states;
- providing high-quality advice on the design and implementation of programmes funded by the Conflict Pool/Conflict, Stability and Security Fund (CSSF);[620]
- supporting the development of monitoring and evaluation guidance;
- capturing and disseminating lessons learned;
- maintaining the CSG database; and
- providing a hub for the Government's non-operational international policing activity.

The impact of the PCRU and the SU

976. Witnesses to the Inquiry gave conflicting evidence on the impact of the PCRU and the SU.

977. Mr Benn told the Inquiry:

> "I think the PCRU and now the Stabilisation Unit is a very practical response to a need that has been identified.

---

[618] Stabilisation Unit, March 2014, 'Stabilisation Unit Business Plan 2014-15'.
[619] Stabilisation Unit, March 2014, 'Stabilisation Unit Business Plan 2014-15'.
[620] The Conflict Pool funded UK conflict prevention, stabilisation and peacekeeping activities in support of the Building Stability Overseas Strategy. In April 2015 it was replaced by the Conflict, Stability and Security Fund (CSSF).

> "Of course, it doesn't provide the whole of the answer, but it means that you are in a better position to do that range of work that is required in these kinds of circumstances. So it is about learning lessons, building capacity to be able to do it better in the future."[621]

978. Lord Walker, Chief of the Defence Staff from May 2003 to April 2006, was critical of the early days of the PCRU. He told the Inquiry that the problem of pulling together the strands of post-conflict activity had been an issue since the Balkans, but the PCRU had gone into "university mode: lots of discussions sitting round the table".[622]

979. Sir Suma Chakrabarti also commented on the PCRU's difficult start in 2005, but told the Inquiry that its performance had improved during 2006 and 2007, when it became "more focused on operational work, rather than … policy and strategy, which was left with the three departments".[623]

980. Dr Shafik, who succeeded Sir Suma Chakrabarti as Permanent Secretary at about the time the PCRU became the SU, told the Inquiry that the SU's contribution in Iraq was "relatively modest, because, by that stage, the numbers of people that we needed to deploy were relatively small", whereas in Afghanistan it had been "hugely important".[624] In the early days the Unit had been a "body shop", but it had "evolved enormously", becoming "the repository for expertise on how to do stabilisation well" and, as it had built its credibility in Whitehall, starting to lead programmes in Afghanistan.[625]

981. Dr Shafik also confirmed that agreement had been reached with the MOD on incorporating military Reservists into the pool of deployable expertise available to the SU. The key was:

> "… when people deploy, they have to be clear what they are doing. Are they there as a soldier or are they there as a civilian? I think that distinction of roles is quite important, but tapping into the expertise is a huge potential gain … if a reservist, for example, happens to have skills in accounting or in agriculture, they can be employed by the Stabilisation Unit, but in their civilian capacity."

982. Ms Lindy Cameron, Head of DFID Baghdad from 2004 to 2005, told the Inquiry that it was only the SU's work to put civilians on military courses that had eventually begun to undermine some of the military's preconceptions about DFID. It was not until then "that people realised that actually there was a real intention on DFID's part to actually make this work collectively".[626]

---

[621] Public hearing, 2 February 2010, page 41.
[622] Public hearing, 1 February 2010, pages 63-64.
[623] Public hearing, 22 January 2010, page 42.
[624] Public hearing, 13 January 2010, page 30.
[625] Public hearing, 13 January 2010, pages 32-34.
[626] Public hearing, 22 June 2010, page 84.

SECTION 10.4

CONCLUSIONS: RECONSTRUCTION

Contents

Introduction and key findings 528

Pre-invasion planning and preparation 529

Occupation 530

- Leadership of the UK's reconstruction effort 531
- Failure to commit to ORHA 532
- Returning to "a war footing" 534
- The focus on the South 535

Transition 538

Preparation for withdrawal 540

A new focus on economic development in Basra 542

Civilian-military co-ordination on the ground 543

Reconstruction, strategy and planning 544

Energy security, oil and oil revenues 547

Support for UK business 549

The Government's approach to post-conflict reconstruction 549

The impact of the UK's reconstruction effort 551

- Key economic and social indicators 553

Lessons 554

Introduction and key findings

1. This Section addresses analysis and findings in relation to the evidence set out in Sections 10.1, 10.2 and 10.3 on:

- humanitarian assistance;
- the development and implementation of UK reconstruction policy, strategy and plans;
- the UK's engagement with the US and successive Iraqi Governments on reconstruction;
- the UK's policy on Iraq's oil and oil revenues;
- the Government's support for UK businesses in securing reconstruction contracts;
- debt relief; and
- the reform of the UK's approach to post-conflict reconstruction and stabilisation.

2. This Section does not address:

- planning and preparing to provide humanitarian assistance and reconstruction, which is addressed in Sections 6.4 and 6.5;
- the financial and human resources available for post-conflict reconstruction, addressed in Sections 13 and 15 respectively;
- de-Ba'athification and Security Sector Reform, addressed in Sections 11 and 12 respectively; and
- the development of UK strategy and deployment plans, addressed in Section 9.

3. During the period covered by the Inquiry, the Government used a number of different terms to describe post-conflict activity in Iraq, including "reconstruction". It did not generally define those terms. The Inquiry uses the term "reconstruction" in line with the Government's common usage:

- to include work to repair and build infrastructure, deliver essential services and create jobs;
- to include work to build the capacity of Iraqi institutions and reform Iraq's economic, legislative and governance structures; and
- to exclude Security Sector Reform.

Key findings

- The UK failed to plan or prepare for the major reconstruction programme required in Iraq.
- Reconstruction was the third pillar in a succession of UK strategies for Iraq. The Government never resolved how reconstruction would support broader UK objectives.
- Following the resignation of Ms Clare Short, the International Development Secretary, and the adoption of UN Security Council resolution 1483 in May 2003, DFID assumed leadership of the UK's reconstruction effort in Iraq. DFID would subsequently define, within the framework established by the Government, the scope and nature of that effort.
- At key points, DFID should have considered strategic questions about the scale, focus and purpose of the UK's reconstruction effort in Iraq.
- The US-led Coalition Provisional Authority excluded the UK from discussions on oil policy and on disbursements from the Development Fund for Iraq.
- Many of the failures which affected pre-invasion planning and preparation persisted throughout the post-conflict period. They included poor inter-departmental co-ordination, inadequate civilian-military co-operation and a failure to use resources coherently.
- An unstable and insecure environment made it increasingly difficult to make progress on reconstruction. Although staff and contractors developed innovative ways to deliver projects and manage risks, the constraints were never overcome. Witnesses to the Inquiry identified some successes, in particular in building the capacity of central Iraqi Government institutions and the provincial government in Basra.
- Lessons learned through successive reviews of the UK approach to post-conflict reconstruction and stabilisation, in Iraq and elsewhere, were not applied in Iraq.

Pre-invasion planning and preparation

4. When military operations against Iraq began on the night of 19/20 March 2003, the Government had not:

- made contingency preparations for the deployment of more than a handful of UK civilians to Iraq;
- allocated any funding for post-conflict reconstruction;
- drawn up any plans to deliver essential services and reconstruction in the South, in line with the UK's likely obligations as an Occupying Power;
- established mechanisms within Whitehall which could co-ordinate and drive post-conflict reconstruction; or
- allocated responsibility to any department or unit for planning and delivering the UK's contribution to post-conflict reconstruction.

5. Section 6.5 concludes that Ministers, officials and the military continued to assume that the US could act as guarantor of the UK's objectives, including its reconstruction objectives, in Iraq.

6. The Government had established the inter-departmental (FCO/MOD/DFID) Iraq Planning Unit (IPU) on 10 February 2003 to provide "policy guidance on the practical questions" that UK civilian officials and military commanders would face in a post-conflict Iraq.[1] The head of the IPU was a senior member of the Diplomatic Service, who reported to the FCO Director Middle East and North Africa.

7. The creation of the Ad Hoc Group on Iraq (see Section 6.4) in September 2002 and the IPU improved co-ordination across government at official level, but neither body carried sufficient authority to establish a unified planning process across the four principal departments involved – the FCO, the MOD, DFID and the Treasury – or between military and civilian planners.

8. Crucially, with the IPU focused on policy, there remained no department or unit with responsibility for delivering the UK's contribution to the reconstruction effort.

9. After the invasion force had rapidly brought down Saddam Hussein's regime, the UK's six-year engagement in Iraq fell into three broad phases, which the Inquiry has used to provide a simplified framework for describing events:

- **Occupation – March 2003 to June 2004:** during which the UK was formally a joint Occupying Power alongside the US, and Iraq was governed by the US-led Coalition Provisional Authority (CPA);
- **Transition – June 2004 to the end of 2005:** characterised by the increasing power of Iraqi politicians and institutions, and ending with elections and the formation of the Prime Minister Nuri al-Maliki's government; and
- **Preparations for withdrawal – 2006 to 2009:** during which period the UK sought to transfer its remaining responsibilities in Multi-National Division (South-East) (MND(SE)) to Iraqi forces so that it could withdraw its remaining troops.

Occupation

10. Shortly after the beginning of military operations in Iraq, officials advised that the humanitarian assistance capabilities available in Iraq would be inadequate in the event of a protracted conflict, significant damage to infrastructure or large-scale movements of people. The use of chemical and biological weapons could also trigger a humanitarian disaster.

---

[1] Letter Jay to Turnbull, 17 February 2003, 'Iraq Planning Unit' attaching Paper, [undated], 'Proposed Terms of Reference for the tract [sic] Planning Unit'.

11. In the event, those scenarios did not materialise. The preparations for large-scale humanitarian assistance made by the international community and, in the South, by the UK military were not tested.

12. By the middle of April 2003, DFID was beginning to look beyond humanitarian assistance to recovery and reconstruction.

Leadership of the UK's reconstruction effort

13. When military operations against Iraq began, there was no single Ministerial lead for reconstruction in Iraq. Mr Jack Straw (the Foreign Secretary), Mr Geoff Hoon (the Defence Secretary) and Ms Clare Short (the International Development Secretary) remained jointly responsible for directing post-conflict planning and preparation.

14. Ms Short told DFID officials on 26 March 2003 that Mr Blair had given her responsibility for reconstruction in Iraq.

15. The following day, Sir Michael Jay, FCO Permanent Under Secretary, and Sir Andrew Turnbull, the Cabinet Secretary, agreed that "it was right that the FCO should take the overall Whitehall lead on reconstruction", including a Cabinet Committee on reconstruction chaired by Mr Straw.[2] Sir Michael reported his concern that DFID were "still hankering after the leadership of the Iraq reconstruction agenda".

16. In early April, Mr Blair agreed to the creation of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR), chaired by Mr Straw, "to formulate policy for the rehabilitation, reform and development of Iraq".[3] The first meeting took place on 10 April.

17. The Cabinet Office provided secretariat support for the AHMGIR but responsibility for inter-departmental co-ordination remained with the IPU.

18. The creation of the AHMGIR offered the possibility of a more strategic and integrated UK approach to reconstruction, with a single Minister overseeing the development and implementation of reconstruction strategy and planning. But it should have been established earlier, to better support more coherent UK planning and preparations for the post-conflict period.

19. Although the AHMGIR commissioned and agreed a number of strategies and plans, it did not seek to manage them. It did not, for example, scrutinise and challenge departments' support for them, ensure that the structures and resources necessary to deliver them were in place, or require substantive reports on progress and impact.

20. In May 2003, following the resignation of Ms Short and the adoption of resolution 1483, DFID assumed leadership of the UK's reconstruction effort in Iraq and would subsequently define, within the framework established by the AHMGIR and successive

---

[2] Minute Jay to Secretary of State [FCO], 27 March 2003, 'Iraq: Reconstruction: Whitehall Co-ordination'.
[3] Letter Turnbull to Straw, 7 April 2003, 'Iraq: Rehabilitation'.

UK strategies for Iraq, the scope and nature of that effort. There was no formal direction that DFID should take charge.

21. The IPU retained responsibility for all policy issues and for administering UK secondments to the CPA. The FCO retained responsibility for Security Sector Reform (see Section 12).

22. Mr Blair maintained a close interest in the UK's reconstruction effort and the contribution that progress here could make to achieving broader UK objectives. He pressed DFID on a number of occasions in 2003 and 2004 to accelerate the pace of reconstruction and focus its efforts more directly in support of the political process and security. DFID Ministers responded by highlighting work that was already under way and the difficulties of making progress in the face of growing insecurity.

23. By late 2004, Mr Blair's attention was increasingly focused on the political process, security and "Iraqiisation".

Failure to commit to ORHA

24. When military operations against Iraq began, the UK had not made a decision on the level and nature of its support for the US-led Office of Reconstruction and Humanitarian Assistance (ORHA), the body responsible for immediate post-conflict administration and reconstruction.

25. The 10 April meeting of the AHMGIR, which Mr Straw chaired and Ms Short attended, agreed that the UK should increase its support for ORHA. That decision reflected an assessment by the IPU that, although ORHA remained "in many ways a sub-optimal organisation", it was also "the only game in town".[4] Greater UK engagement with ORHA would help ensure that it did not pursue activities which the UK judged not to be legal.

26. The FCO sought volunteers to deploy to ORHA on 22 April. The first arrived in Iraq in early May.

27. Mr Straw visited ORHA on 14 April. He later wrote in his memoir:

> "I could not believe the shambles before my eyes. There were around forty people in the room, who, somehow or other, were going to be the nucleus of the government of this large, disputatious and traumatised nation."[5]

28. Ms Short received a report from a DFID official the following day:

> "… ORHA is incredibly awful … There may be things we could do to support it, but it would be a political judgement (and a big political risk)."[6]

---

[4] Paper IPU, 28 March 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[5] Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.
[6] Minute Bewes to Secretary of State [DFID], 15 April 2003, [untitled].

29. On 17 April, Mr Blair agreed that the UK should "increase significantly the level of … political and practical support to ORHA, including the secondment of significant numbers of staff in priority areas".[7]

30. Notwithstanding the Government's decision to increase support for ORHA, Ms Short remained cautious about the extent of DFID's engagement. Her assessment was that ORHA was not the only game in town. In particular, "immediate assistance" was a job for the International Committee of the Red Cross (ICRC) rather than ORHA.[8] While ORHA was responsible for "paying wages", other recovery issues would emerge from a formal needs assessment undertaken by the World Bank and the International Monetary Fund (IMF).

31. Ms Short concluded on 23 April that DFID needed "one or two people" within ORHA to act as DFID's "eyes and ears". DFID "should not bow to external pressure to put people into ORHA for the sake of it".

32. Ms Short's assessment reflected her reluctance to engage in post-conflict activity other than for the immediate humanitarian response to conflict, until it was confirmed that the UN would lead the reconstruction effort.

33. ORHA was, as Ministers and officials had reported, an extremely weak organisation. But it was the organisation responsible for immediate reconstruction, and the scale and urgency of the reconstruction challenge was already apparent. DFID should have supported the Government's decision to increase support for ORHA. The decision to adopt a unilateral position fed concerns within Whitehall and in Iraq over the lack of DFID engagement.

34. The AHMGIR agreed on 24 April that the UK should offer to play "a leading role" in ORHA(South), provided that ORHA confirmed that the UK would not be required to pay for reconstruction.[9] The AHMGIR also endorsed the UK military assumption that the post-conflict UK Area of Responsibility (AOR) would comprise four provinces in southern Iraq coterminous with the boundaries of ORHA's southern region.

35. The AHMGIR did so at a time when there was considerable concern about ORHA's capabilities and without robust analysis either of the strategic implications for the UK or of the military's capacity to support the UK's potential civilian obligations in the region.

36. Ambassador Paul Bremer arrived in Baghdad on 12 May to lead the CPA. The creation of the CPA signalled a change in US policy: instead of a rapid withdrawal, the US was now working on the assumption of a protracted occupation. ORHA was absorbed into the CPA in June.

---

[7] Letter Rycroft to McDonald, 17 April 2003, 'Iraq: ORHA'.
[8] Minute Bewes to Miller, 24 April 2003, 'Iraq: 23 April'.
[9] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

Returning to "a war footing"

37. In early summer 2003, there was a chance for the Government to revisit its reconstruction effort to put it on a more sustainable basis.

38. On 12 May, Baroness Amos succeeded Ms Short as International Development Secretary. Baroness Amos's arrival coincided with reports from Basra that ORHA's inability to deliver reconstruction might undermine the level of consent enjoyed by UK forces in the South, and hence affect plans for their withdrawal.

39. Baroness Amos immediately signalled DFID's willingness to do more on reconstruction.

40. On 22 May, the UN Security Council adopted resolution 1483. The resolution formally designated the US and UK as joint Occupying Powers in Iraq. It confirmed that the UN would not – as the Government had at an earlier stage assumed – have lead responsibility for the administration and reconstruction of Iraq. Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2007, told the Inquiry that Ms Short's resignation and the adoption of the resolution led to a significant shift in DFID's attitude: "From that point on, we had to try and make ORHA work better whether we liked it or not."[10]

41. Resolution 1483 also created the Development Fund for Iraq (DFI) to hold 95 percent of Iraq's oil revenues and other Iraqi assets, and imposed joint US/UK responsibility (as Occupying Powers) over disbursements from it. The CPA would use those revenues to fund Iraq's reconstruction; of the US$19.4bn spent by the US/CPA on the relief and reconstruction of Iraq during the Occupation, US$14bn came from the DFI and a further US$2.4bn from vested and seized Iraqi assets.

42. Section 9.8 concludes that resolution 1483 set the conditions for the CPA's dominance over post-invasion strategy and policy by handing it control of funding for reconstruction and influence on political development.

UK scrutiny of disbursements from the Development Fund for Iraq

Resolution 1483, which was adopted on 22 May 2003, provided that disbursements from the Development Fund for Iraq (DFI) would be "at the direction of the Authority [the US and UK as Occupying Powers], in consultation with the interim Iraqi administration". By that time, the US was committed to a protracted Occupation and it was not clear when an interim Iraqi administration would be established.

On 10 June 2003, the CPA issued a regulation that gave Ambassador Paul Bremer, as "Administrator of the CPA", authority to oversee and control the establishment, administration and use of the DFI and to direct disbursements from the DFI.

[10] Public hearing, 8 December 2009, page 34.

Audits undertaken by the US Special Inspector General for Iraq Reconstruction (SIGIR) found that the CPA failed to enforce adequate management, financial and contractual controls over approximately US$8.8bn of DFI money, and that there was "no assurance that the funds were used for the purposes mandated by resolution 1483".[11] Ambassador Bremer disagreed with that assessment.

The CPA excluded the UK from decisions on disbursements from the DFI. Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq from September 2003 to March 2004, told the Inquiry: "The UK was not allowed sight of any of the figures on the use of money by the CPA … London made it quite clear that they didn't expect me to be responsible for this."[12]

Section 9.8 addresses the UK's inability to influence decisions made by the CPA, commensurate with its responsibilities as an Occupying Power.

43. On 3 June, following a visit to Iraq, Mr Blair told Ministers that the Government should return to "a war footing" to avoid "losing the peace in Iraq".[13]

44. Following the adoption of resolution 1483, with the AHMGIR now established, and with Mr Blair and DFID engaged, there was a chance to set clear and realistic priorities for the UK's reconstruction effort, within the framework provided by a broader UK strategy for Iraq, and to identify and secure the human and financial resources necessary to manage and deliver that effort.

45. Despite Mr Blair's recognition of the risk that the UK could lose the peace in Iraq, the Government failed to take that chance. There are no indications that Mr Blair's direction led to any substantive changes in the UK's reconstruction effort.

46. From early June 2003, and throughout the summer, there were signs that security in Baghdad and the South was deteriorating. Following the attack on UN staff on 19 August, UN and other international staff withdrew from Iraq.

The focus on the South

47. The Government was aware by early June that the Danish Head of ORHA(South), Ambassador Ole Olsen, might shortly leave Iraq.

48. In June, driven by the Government's concern over the declining level of consent for the UK military presence in the South, which the Government attributed to CPA(South's) inability to deliver reconstruction, DFID agreed to provide £15m to support CPA(South) and Quick Impact Projects (QIPs) delivered by the UK Armed Forces. DFID and MOD officials also advised Ministers that the Government needed to "identify a line of

[11] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[12] Private hearing, 26 May 2010, pages 50-51.
[13] Letter Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's Meeting', 3 June'.

funding that will … cover the costs of being an Occupying Power until other sources are freed up".[14]

49. The Inquiry has seen no indications that any work was done to identify an alternative source of funding. The UK's assumption remained that the US/CPA should provide funding for the South.

50. Section 9.8 concludes that, from early July, security was seen in Whitehall as the key concern. A circular analysis began to develop, in which progress on reconstruction required security to be improved, and improved security required the consent generated by reconstruction.

51. Cabinet agreed on 3 July that the UK should make CPA(South) "a model".[15] What that meant, and what resources might be required to realise it, was not specified or recognised as an issue. It was ill-advised to set ambitious objectives without any plan or commitment of resources for meeting them.

52. By 9 July, Sir Michael Jay had agreed with FCO officials that a British official should replace Ambassador Olsen as Head of CPA(South), if he decided to resign.

53. Ministers agreed the following day that the UK should offer to replace Ambassador Olsen with a British official.

54. Although the significant strategic, resource and reputational implications of such a decision had been identified in March and April 2003, there are no indications that those assessments were reviewed, or that any arrangements were to put in place to support a British Head of CPA(South) and, more broadly, the UK's leadership of CPA(South).

55. Sir Hilary Synnott arrived in Basra on 30 July to take up post as Head of CPA(South). Sir Hilary wrote in his memoir that his arrival, along with the British military command of MND(SE), established "some sort of British Fiefdom" in the South, but one which he saw as "still entirely dependent on American resources for its lifeblood".[16]

56. Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq from September 2003 to March 2004, told the Inquiry that there was a "separation in the American mind between the British area and the rest of Iraq, which was their area".[17] Sir Jeremy added that that separation was reflected in the US resources available for the South: "The Americans said let the Brits look after Basra."[18]

---

[14] Annotated Agenda, 12 June 2003 Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper DFID/MOD, 11 June 2003, 'UK Support to the CPA South Area – Next Steps'.
[15] Cabinet Conclusions, 3 July 2003.
[16] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[17] Public hearing, 15 December 2009, page 94.
[18] Private hearing, 26 May 2010, page 54.

57. In his first report from Basra, sent on 7 August, Sir Hilary wrote that he currently had no secure communication with Baghdad or London, there were no telephone landlines and mobile coverage was patchy.

58. On 10 and 11 August, there were serious riots in Basra. Cabinet Office officials attributed the disturbances to increasing frustration with the Coalition's failure to restore basic services. Ministers agreed that Sir Hilary "should be given such assistance and staff as he deemed necessary to improve the workings of CPA(South)".[19]

59. At the end of August, Sir Hilary Synnott requested 37 specialist staff and 20 armoured vehicles for CPA(South). He requested a further 44 staff at the end of October. In his valedictory report in January 2004, Sir Hilary stated that:

> "A bid for 37 additional and expert staff … was endorsed by Ministers immediately … by early January, 18 of the 37 new staff had still not arrived."[20]

60. The FCO did not provide adequate practical support to Sir Hilary Synnott as Head of CPA(South).

61. Departments' failure to respond to Ministers' demands for additional civilian personnel in Basra and elsewhere in Iraq is addressed in Section 15.2.

62. The decision to take on the leadership of the CPA(South) had significant implications, lasting well beyond the end of the Occupation. The South would occupy the attention of Ministers and senior officials and absorb the majority of the UK resources available for reconstruction.

63. Sir Michael Jay was aware, in particular through his participation in Mr Blair's 6 March and 17 April meetings, that the decision to provide the Head of CPA(South) would have significant resource implications. He did not ensure that those were addressed.

64. Sir Michael, as FCO Permanent Under Secretary, failed to ensure that the FCO provided the support needed by Sir Hilary Synnott as Head of CPA(South).

65. On 15 November, the Iraqi Governing Council unveiled a timetable for the transfer of power to a transitional Iraqi administration by 30 June 2004, at which point the CPA would be dissolved. The announcement took UK officials and contractors working in the CPA by surprise.

66. The decision to transfer power earlier than had been expected (the CPA's plans had extended for some years) had significant implications for the reconstruction effort. The CPA focused on programmes which could deliver a visible and immediate impact in support of reconciliation and the political transition process, and shelved programmes

---

[19] Minutes, 28 August 2003, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting.
[20] Telegram 10 Basra to FCO London, 26 January 2004, 'Basra Valedictory'.

(such as privatisation) that risked undermining that process. It also sought to increase support for Iraqi government institutions, to prepare them to fulfil their responsibilities for the administration of Iraq (in only seven months' time).

67. In December, DFID approved the first of a series of projects which aimed to build the capacity of key institutions at the centre of the Iraqi Government, including the Prime Minister's Office. The Treasury also provided support to the Iraqi Government on budgeting and financial management.

68. Resolution 1546, which was adopted on 8 June 2004, endorsed the formation of a sovereign Interim Government of Iraq (IGI) which would assume full responsibility for governing Iraq by 30 June 2004. The IGI would have "the primary role" in co-ordinating international assistance, with the support of the UN.[21]

69. The resolution requested Member States, international financial institutions and other organisations to strengthen their efforts to support reconstruction and development.

Transition

70. At the end of June 2004, the CPA formally handed over power to the Interim Iraqi Government (IIG) and the US and UK ceased to be Occupying Powers in Iraq. Mr Hilary Benn, the International Development Secretary, welcomed the fact that "Iraqis were clearly in charge" and that the UK was moving "from a phase of doing things for the Iraqis to supporting them doing it for themselves".[22] Despite that, there were concerns among DFID officials that the IIG was ill-prepared to administer Iraq and lead the reconstruction effort.

71. Both the incoming Iraqi Government and the US established new structures to manage and deliver reconstruction in Iraq.

72. The UK's priorities were to maintain the momentum of the political process towards elections in January 2005 and to ensure that the conditions for the drawdown of UK forces (planned to begin in 2005) were achieved.

73. An immediate UK concern was the growing insurgency in Sunni areas. During the autumn, Mr Blair pressed DFID to increase the pace of reconstruction so that Iraqi citizens could see a reconstruction dividend before the elections and to do more in cities across Iraq where the IIG had regained control from insurgents.

74. DFID's response focused on the steps it had already taken to accelerate the pace of reconstruction in the South, in the face of growing insecurity. It did not substantively address Mr Blair's request that it should do more in cities where the IIG had regained control from insurgents.

---

[21] UN Security Council resolution 1546 (2004).
[22] Minutes, 1 July 2004, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting.

75. Mr Blair's assessment of the contribution that reconstruction could make to addressing insecurity in Iraq and to achieving wider UK objectives was reasonable. While there were certainly obstacles to increasing DFID's focus on the areas identified by Mr Blair, including insecurity and the dominant role of the US, DFID should have reviewed its effort in Iraq in the light of the worsening situation on the ground. It did not do so.

76. From this point on, Mr Blair increasingly focused on pressing issues relating to the political process, security and "Iraqiisation" (building the ability of Iraqi Security Forces to take the lead on security within Iraq).

77. By the end of 2004, the obstacles to delivering reconstruction in the South were clear.

78. Insecurity remained the most serious obstacle to progress.

79. The UK had been pressing the US to move quickly to establish a reconstruction presence in the South since the transition to the IIG in June 2004. In December, officials confirmed that the US intended to focus on reconstruction projects that had a more immediate and visible impact at the expense of larger, longer-term projects, and was likely to reallocate funding from more to less stable areas of Iraq. That meant less US funding for the South. Mr Chakrabarti reported that:

> "As junior partners in the coalition, our ideas are listened to, but our influence over US spending will remain limited. We need to face up to the fact: the South will not be a strategic priority for the US."[23]

80. At the same time, concerns grew over the capacity of the Iraqi Government to lead and manage the reconstruction effort. Faster progress on reconstruction was unlikely without greater Iraqi capacity, and building that capacity could take years. A particular concern for the UK was the weakness of the relationship between Baghdad and Basra. That relationship would become increasingly difficult.

81. The UN and World Bank continued to limit their presence on the ground in Iraq.

82. Reports from Iraq highlighted that progress in delivering essential services, and in particular power, had fallen far below Iraqi expectations.

83. DFID concluded in December 2004 that it would "have to take more of the strain bilaterally in 2005".[24] Planned support for infrastructure in the South would be brought forward.

---

[23] Minute Chakrabarti and Drummond to Secretary of State [DFID], 13 December 2004, 'Iraq Visit, 6-8 December'.
[24] Minute Chakrabarti and Drummond to Secretary of State [DFID], 13 December 2004, 'Iraq Visit, 6-8 December'.

UK funding for reconstruction

DFID provided £297m for reconstruction and a further £209m for humanitarian assistance in Iraq between 2002/03 and 2009/10. Iraq was DFID's largest bilateral programme in 2003/04, when DFID spent a total of £220m. That included a £110m contribution to the humanitarian relief effort following the invasion and a £70m contribution to the World Bank and UN Trust Funds (which would be spent by the World Bank and UN in subsequent years). The size of DFID's programme decreased over the following years.

In addition, UK forces in MND(SE) spent £38m from UK funds on Quick Impact Projects (QIPs).

It is not possible, from the information available to the Inquiry, to produce a definitive breakdown of the allocation of DFID funding between national programmes and programmes in the South. The Inquiry calculates that, from 2003/04 to 2007/08, between 76 percent and 52 percent of DFID funding was allocated to programmes in the South.[25] DFID's expenditure in the South peaked in 2005/06.

UK forces also had access to significant amounts of US funding from the Commander's Emergency Response Program (CERPs) to spend on urgent relief and reconstruction needs. The Government has not been able to provide a full breakdown of the amount of CERPs funding used by UK military commanders, but it appears to have been greater than the total amount provided by the UK for reconstruction. The US allocated US$66m from CERPs to MND(SE) in the US fiscal year 2005/06. In the same year, in MND(SE), DFID spent some £35m on infrastructure and job creation and the MOD spent £3m from UK funds on QIPs.

By April 2009, the US had spent or allocated to ongoing projects US$351m from CERPs in MND(SE), and spent or allocated to ongoing projects some US$3.3bn from all sources in MND(SE). Over the same period, in MND(SE), DFID spent at least £100m and the MOD spent £38m from UK funds on QIPs.

UK funding was also available for Iraq from the Global Conflict Prevention Pool (and subsequently the Stabilisation Aid Fund and the Conflict Pool). Most of that funding was allocated to Security Sector Reform (see Section 12).

Preparation for withdrawal

84. From June 2005, the Government considered a series of papers on the transfer of security responsibilities for southern provinces to Iraqi Security Forces (leading to withdrawal of UK forces from Iraq).

85. DFID assessed that it could not operate effectively in the South without UK military support and, in October, indicated its intention to refocus on building the capacity of the Iraqi Government in Baghdad. Existing projects in the South would continue to completion but, given the security situation, no new projects would be started.

---

[25] Calculation excludes DFID funding for humanitarian assistance, the World Bank and UN Trust Funds, and programme support costs such as security, accommodation and communications. It is not possible to produce a reliable estimate of the proportion of the funding provided for those purposes that related to the South.

86. There was some resistance to that new approach from other departments: it was not until October 2006 that a DFID official could advise Mr Benn that "we have largely won the argument that DFID should shift focus … to technical assistance in Baghdad".[26]

87. In October 2005, the US launched its new "Clear-Hold-Build" strategy for Iraq. One component of the strategy was the deployment of integrated civilian-military Provincial Reconstruction Teams (PRTs) into each Iraqi province.

88. The US initiative created a dilemma for the UK: how to meet US expectations that the UK would play a leading role in establishing PRTs in the South and that each PRT should be a "new venture" supported by additional resources, while not disrupting the UK's plans to withdraw.[27] The Government's solution was to "be constructive; find out more and try and influence the US approach; and … repackage our effort in the South as a PRT but not do very much differently".[28] UK plans for withdrawal would not change.

89. The UK-led PRT in Basra was established in May 2006, by bringing together existing US, UK and Danish programme teams.

90. An FCO paper described the situation in Basra at that time:

> "Security and governance in Basra are bad and worsening … Attacks on us, and both criminal and sectarian violence, are rising. Basic services are not being delivered …
>
> "The UK civilian effort in Basra is increasingly hunkered down. We face a lack of co-operation from the local authorities and severe restrictions on our movement. Our local staff … suffer growing intimidation. Against this background, much of our effort – notably the Provincial Reconstruction Team we are standing up … can make little headway."[29]

91. The UK's response to the US strategy, including the introduction of PRTs, was entirely shaped by its plans to withdraw (militarily and in relation to reconstruction). The decision simply to repackage the UK effort meant that the possibility of establishing a coherent international effort in the South, adapted to the difficult security environment, was left unexplored. The PRT was a less effective organisation than it might have been. The weaknesses in the PRT would be exposed in 2008, as security improved and international partners looked to it to do more.

---

[26] Minute DFID [junior official] to Private Secretary [DFID], 6 October 2006, 'Iraq: Future for DFID Programme from 2007'.
[27] eGram Baghdad to FCO London, 22 November 2005, 'Iraq: Update PRTs'.
[28] Minute DFID [junior official] to Private Secretary [DFID], 1 November 2005, 'Iraq: Oral Briefing in Preparation for DOP(I), 3 November'.
[29] Paper FCO, 27 April 2006, 'DOP(I): Basra'.

The Better Basra Plans

Between June 2006 and March 2007, officials in Basra produced three "Better Basra Plans", which aimed to get Basra on track for the transfer to Provincial Iraqi Control (PIC).

The first, produced under the direction of Mr Des Browne, the Defence Secretary, focused on Security Sector Reform. The third was a comprehensive plan, produced by the British Embassy Office Basra, MND(SE) and the PRT, setting out nine lines of operation including reconstruction under an "over-arching political strategy".

The Stabilisation Unit subsequently reported that the "Better Basra Plans" had gone some way to make up for the absence of a UK strategy for Iraq, but had been undermined by a lack of strategic guidance from Whitehall and frequent changeover of personnel in theatre, and so "eventually fell by the wayside during the course of 2007".[30]

92. The security situation in Basra continued to deteriorate. In October 2006, the majority of civilian staff were withdrawn from the Basra Palace Compound to Basra Air Station (BAS), where MND(SE) was already based. The lack of hardened accommodation at BAS meant that the PRT withdrew first to Kuwait and redeployed to BAS in February 2007.

A new focus on economic development in Basra

93. Mr Gordon Brown took office as Prime Minister at the end of June 2007. In relation to Iraq, he focused his attention on initiatives to support economic growth and private sector investment in Basra. DFID increased staffing in both Basra and Baghdad to support those economic initiatives.

94. The UK-led PRT in Basra continued to be the primary means of delivering the UK's reconstruction effort in the South.

95. In March 2008, Prime Minister Maliki launched a major offensive against militia groups in Basra, known as the "Charge of the Knights". The operation led to an immediate improvement in the security situation in Basra. The US and the Iraqi Government moved quickly to exploit it by pouring in resources for reconstruction and in particular for projects which would have an immediate, visible impact.

96. A junior DFID official reported from Basra that it seemed the US could "do things" that the UK had not tried.[31] It was able to dedicate more people and more money to the task; change the security environment to secure better civilian access; operate outside Iraqi structures; ensure better linkages to US work in Baghdad; and "apply sufficient clout at the Baghdad end" to secure the Iraqi Government's attention.

---

[30] Report Stabilisation Unit, 3 September 2008, 'Review of the Basra Provincial Reconstruction Team'.
[31] Email DFID [junior official] to DFID [junior official], 9 April 2008, 'Basra'.

97. Within the UK Government, initial reactions to those developments were mixed. Some saw them as an opportunity, others as undermining the UK's work to build the capacity of the provincial government (which risked being sidelined by decisions to channel funds directly to line ministries, tribal leaders and non-governmental organisations), as a distraction for the UK team, and as a risk to the UK's reputation.

98. Mr David Miliband, the Foreign Secretary, wrote to Mr Brown in April, describing the Charge of the Knights as "an opportunity" which had paved the way for a "proper and respectable end" to the UK's role as "lead partner in the coalition" in the course of 2009.[32]

Civilian-military co-ordination on the ground

99. The withdrawal of civilian staff from Basra Palace in October 2006 came as frustrations within some elements of the military over the lack of an integrated civilian-military effort reached a critical point.

100. In March and April 2003, the Government had adopted new structures, centred on the AHMGIR, to co-ordinate its work on Iraq in the post-conflict period. There are no indications that the Government considered how civilian teams from different departments and the military would co-ordinate their efforts on the ground. It was left to those teams to determine how they should work together.

101. In December 2006, Major General Richard Shirreff, General Officer Commanding (GOC) MND(SE), wrote to Mr Blair proposing that the UK should establish a Joint Inter-Agency Task Force combining military and civilian reconstruction expertise under military command. Lt Gen Shirreff told the Inquiry that, by that time, the "inter-governmental piece" had failed, and characterised his proposal as "desperate times and desperate measures".[33]

102. Maj Gen Shirreff's proposal was the subject of heated debate within the Government. Mr Blair expressed support for it, but it was rejected by the MOD, other senior military officers, the FCO and DFID. Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, advised Mr Blair that there had been constant problems between military and civilian teams in Basra "from the start" and concluded: "We must make a last effort to get a joined up operation."[34]

103. The Government concluded that it was not appropriate to establish a military lead for reconstruction. The co-location of MND(SE), the PRT and other civilian teams at BAS was expected to help co-ordination. In March 2007, the UK civilian and military teams in

---

[32] Letter Miliband to Prime Minister, 29 April 2008, 'Iraq'.
[33] Public hearing, 11 January 2010, pages 20-21 and 42.
[34] Minute Sheinwald to Prime Minister, 5 January 2007, 'Iraq: Weekly Update' attaching Note Cabinet Office, 5 January 2007, 'Basra'.

Basra proposed a new structure, with a civilian lead, to co-ordinate the UK's effort in the South.

104. Reports from Basra after March 2007 indicate that civilian-military co-ordination improved.

105. Co-ordination on the ground was complicated by:

- the lack of an integrated UK strategy (within which civilian and military teams on the ground could locate their efforts); and
- the physical separation of the UK's civilian and military teams until February 2007 – the effect of that separation was exacerbated by the constraints on travel in Basra and the lack of a common communications system.

106. The Government should have acted much sooner to support civilian-military co-ordination on the ground in Iraq.

Reconstruction, strategy and planning

107. Section 9.8 concludes that the Government's frequent new strategies for Iraq did not result in substantial changes in direction, due to their focus on describing a desired end state (rather than on how it would be reached), the absence of a Cabinet Minister with overall responsibility for Iraq, and the difficulty in translating Government strategy into action by departments. Although Iraq was designated the UK's highest foreign policy priority, it was not the top priority within individual departments.

108. Throughout the period, reconstruction was presented as the third pillar of UK strategy, after the political process and security. None of the UK's strategies defined how reconstruction related to the political process and security, how progress on reconstruction could contribute to achieving broader UK objectives and, in that context, whether the focus and scale of the UK's reconstruction effort was appropriate.

The role of reconstruction

Only once during the period covered by the Inquiry were Ministers invited to consider fundamental questions on the size, focus and impact of the UK's reconstruction effort and the contribution that reconstruction could make to achieving broader UK objectives.

The Ministerial Committee on Defence and Overseas Policy on Iraq (DOP(I)), chaired by Mr Blair, met for the first time on 26 May 2005.[35] The Annotated Agenda for the meeting, prepared by the Cabinet Office, invited Ministers to consider a number of questions, including:

- Was the funding available for reconstruction across Government adequate?
- Was the UK investing at a level that supported its objective of creating stability such that there could be troop withdrawals?

[35] Annotated Agenda, 24 May 2005, DOP(I) meeting.

- Was the UK delivering a short-term return which would boost the political process?

Those were important questions. It should not have taken until May 2005 for officials to pose them, or for Ministers to require advice on them.

DOP(I) did not address those questions.

Work by officials to establish the funding available for reconstruction across Government was fed into discussions on the UK's deployment to Helmand province, Afghanistan.

109. DFID's intent in March 2003 was to deliver a development programme in Iraq which fitted their standard model for Middle-Income Countries. The programme would focus on providing technical assistance for the economic and institutional reforms which would underpin the reconstruction process and, given Iraq's potential wealth, would be relatively short term. The majority of assistance would be delivered through multilateral channels.

110. That approach was not tailored to the known scale and nature of the post-conflict reconstruction task in Iraq. The information available to the Government before the invasion clearly set out the deteriorated state of Iraq's infrastructure. Ms Short told the House of Commons at the end of January 2003 that Iraq's infrastructure was "in chronic disrepair. Hospitals, clinics, sanitation facilities and water treatment plants suffer from a terrible lack of maintenance. The result is that the Iraqi people's lives are perilously fragile."[36]

111. By May 2003, DFID had begun to change its approach.

112. There were two major shifts in DFID's focus in Iraq over the period covered by the Inquiry, in response to broader UK objectives and the situation on the ground. The speed and scale of DFID's response were informed by its own departmental priorities.

113. Those shifts were the product of series of individual judgments and decisions by DFID Ministers and officials, rather than of a structured strategy-making process. That incremental approach was facilitated by the weaknesses in the Government's strategy-making process (described in Section 9.8).

114. First, from June 2003, DFID moved to support programmes in the South that would have an immediate and visible impact. That shift was driven by the Government's concern over the declining level of consent for the UK military presence in the South due, in the Government's view, to CPA(South)'s inability to deliver reconstruction.

115. DFID produced an Interim Country Assistance Plan for Iraq in February 2004, setting out how it planned to contribute to Iraq's reconstruction and development. The Plan stated that, given the rapidly changing situation in Iraq, it would need a substantial review after one year.

---

[36] House of Commons, *Official Report*, 30 January 2003, columns 1053-1054.

116. Despite that statement, and the significant changes on the ground (including the deterioration in the security situation and the transition from Occupation to a sovereign Iraqi Government), DFID did not undertake any further, structured strategic reviews of its engagement in Iraq.

117. The focus on the South continued during 2004 and 2005, driven by the Government's assessment that the South was not a priority for the US, the lack of funding from the central Iraqi Government, and the continuing absence of other donors, the World Bank and UN.

118. Second, from October 2005, when DFID indicated that it would refocus on building the capacity of the Iraqi Government in Baghdad. Existing projects in the South would continue to completion but, given the security situation, no new projects would be started.

119. The Inquiry considers that DFID missed several opportunities to address hard, strategic questions over the scale and focus of its programme in Iraq and the contribution that it could make to achieving broader UK objectives. Addressing those questions did not necessarily require a formal review of the Country Assistance Plan, but did require a structured process which:

- included a comprehensive assessment of the political, economic and social context in Iraq;
- considered the lessons that DFID had identified and how it would respond to them;
- challenged DFID's approach in Iraq;
- engaged and reflected the policies and priorities of the Iraqi Government, the US and other international partners; and
- engaged other departments, in particular to consider how the reconstruction effort could contribute to broader UK objectives.

120. Particular opportunities were:

- in July 2003, when the UK took on civilian leadership of CPA(South) and in doing so created a "British fiefdom" in the South;
- in autumn 2003, as the Government sought to respond to deteriorating security in the South by providing support for essential services. DFID should have taken steps to resolve the emerging tension between Ministers' desire to accelerate reconstruction in the South, and the lack of resources to do so;
- in October 2004, as the insurgency took hold across Iraq and Mr Blair sought to increase the impact of DFID's reconstruction effort, in particular in cities regained from insurgent control;

- in May 2005, when DFID chose not to undertake the substantive review of its Country Assistance Plan for Iraq to which it was committed;
- in October 2005, when the US adopted a Clear-Hold-Build strategy, including increased support for Iraqi institutions and the deployment of PRTs;
- in 2007, in response to the US surge and Mr Brown's focus on economic development initiatives in Basra; and
- in 2008, in response to the improved security situation in Basra following the Charge of the Knights.

121. Under the leadership of Mr Benn and Mr Chakrabarti, DFID missed several clear opportunities to:

- review its approach and strategy in Iraq to ensure it was making the greatest possible contribution to the reconstruction of Iraq and to the UK's broader objectives; and
- work within Whitehall to encourage the Government to review the UK's broader approach and strategy.

Energy security, oil and oil revenues

122. Energy security was one of the UK's "fundamental interests" in relation to Iraq throughout the period covered by the Inquiry.[37] The region accounted for 33 percent of the world's oil supply.

123. As Section 3 makes clear, the UK's decision to take military action in Iraq was not driven by economic considerations or potential commercial benefits.

124. The UK's concerns in relation to Iraq's oil in the run-up to the invasion were:

- the possible impact of military action on oil prices; and
- to maximise the contribution that Iraqi oil revenues could make to financing Iraq's reconstruction (reducing the risk that the UK would need to make a substantial contribution).

125. The US Department of Defense led planning to restore the oil sector before the invasion. The UK did not participate in that planning, and only become aware of it shortly before the invasion began.

[37] Paper FCO, January 2001, 'Iraq: A Fresh Look at UK Interests'.

126. The US and UK disagreed on who should control Iraqi oil revenues during the Occupation. The UK's position, as set out in a briefing for Mr Blair in March 2003, was that:

> "The UN or the Iraqis, not the Coalition, should manage oil revenues."[38]

127. Resolution 1483, which was adopted on 22 May 2003, reflected the US position that the Occupying Powers (the US and UK) should manage oil revenues.

128. During the Occupation, the CPA excluded the UK (and British nationals working in the CPA) from discussions on oil policy and rejected offers of a UK oil policy expert. Sir Jeremy Greenstock told the Inquiry that, in his view, "the Americans had no intention to take over and own the oil sector … I think they just felt it was such an important area that they would run it themselves".[39]

129. In October 2003, against that background, the UK adopted a new approach of engaging directly with Iraqi ministers and officials.

130. The main objectives of UK policy during and after the transition to a sovereign Iraqi Government were:

- the introduction of measures to improve governance and transparency in the oil sector and in the collection and disbursement of oil revenues, including through the Extractive Industries Transparency Initiative (EITI);
- the creation of a public sector national oil company;
- the promotion of foreign direct investment (FDI), which the UK believed to be the only realistic source of the funding needed to develop Iraq's oil fields and facilities and raise production. Such investment could also produce substantial business for UK companies. The UK adopted an increasingly cautious position on the potential role of the private sector in Iraq's oil sector, including FDI, over the period covered by the Inquiry; and
- with respect to the proposed Hydrocarbons Law, for the federal Iraqi Government to have responsibility for signing new oil exploration and production contracts and for regulating the sector. The UK's underlying concern was to preserve the integrity of the Iraqi State.

131. There is no evidence that the UK significantly influenced Iraqi policy in relation to oil. A junior FCO official reported in September 2006 that the Iraqi Government cared more about what international oil companies thought.

---

[38] Letter Owen to Rycroft, 25 March 2003, 'Prime Minister's Visit to Washington: Iraq: UN Security Council Resolution on Phase IV' attaching Paper IPU, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.
[39] Public hearing, 15 December 2009, pages 103-104.

Support for UK business

132. The Government initially adopted a low-key approach to lobbying for UK business, to avoid giving "undue prominence" to commercial interests.[40] From March 2003, in response to pressure from UK companies, it gradually stepped up its efforts.

133. The US (including USAID, the US Army Corps of Engineers and the CPA) was the major source of reconstruction contracts during the Occupation. The Government's objective was to ensure a "level playing field" for UK companies.[41] The US made clear to the UK that, while it welcomed the participation of UK companies, there was no "special deal".

134. A senior UK Trade and Investment (UKTI) official, writing in December 2003, reported that:

> "It took time, initially, to persuade Ministers that this [promoting UK business] was a legitimate objective that the Government should be seen to be promoting actively …
>
> "But the departments responsible for overseeing this co-ordination [on post-conflict Iraq] made clear at an early stage that UK commercial interests were a lower priority than other aspects of reconstruction. The result … was that the contribution that the private sector could make to post-conflict reconstruction was less well registered."[42]

The Government's approach to post-conflict reconstruction

135. The Government began a review of the UK's approach to post-conflict reconstruction in September 2003.

136. The inter-departmental Post-Conflict Reconstruction Unit (PCRU) was established in September 2004. It became operational during 2005 and in December 2007 was renamed the Stabilisation Unit (SU).

137. The PCRU and SU focused their activity on Afghanistan. They made limited, but valuable, contributions in Iraq.

138. Since 2007, the SU has continued to evolve in response to a changing strategic and policy framework shaped by:

- the 2008 and 2010 National Security Strategies (NSS);
- the 2010 Strategic Defence and Security Review (SDSR); and
- the 2011 Building Stability Overseas Strategy (BSOS).

---

[40] Minute Henderson to Symons, 12 February 2003, 'Iraq: Post-Conflict Commercial Issues'.
[41] Letter Zimmer to Rycroft, 10 October 2003, 'Iraq: Update on Commercial Issues' attaching Paper UKTI, 10 October 2003, 'Iraq: Update on Commercial Issues'.
[42] Minute Warren to Haddrill, 10 December 2003, 'Post-Conflict Resolution: Iraq'.

139. The review of post-conflict planning and preparation that began in 2003 was triggered by the Iraq experience, but was not designed to provide immediate solutions to the problems encountered in Iraq.

140. On the evidence seen by the Inquiry, the Government quickly identified lessons learned from the shortcomings in its planning and preparation for post-conflict Iraq and the initial experience of post-conflict reconstruction. It failed, however, to apply those lessons in Iraq.

141. There is no indication that Ministers or officials considered how the PCRU might support operations in Iraq until autumn 2005.

142. PCRU support was essential to the establishment and operation of the Basra PRT during 2006. The PCRU did not, however, have a mandate to overcome the difficulties caused by variations in the contracts and terms and conditions of PRT staff, most of whom were transferred from existing roles in Iraq (see Section 10.3).

143. After 2006, there were further changes to the UK's strategic approach to reconstruction and stabilisation and improvements to its deployable capability.

144. It is not possible to determine how the structures and capabilities introduced by successive governments would have performed in the circumstances that existed either in Whitehall during the planning and preparation for a post-Saddam Hussein Iraq in 2002 and early 2003, or in Whitehall and Iraq between 2003 and 2009.

145. The size and scope of the Stabilisation Unit and the resources at its disposal in 2016 far exceed anything available to the UK in 2003.

146. The strategic direction established through the BSOS and new cross-government machinery centred on the National Security Council, have created an improved framework for constructing an integrated civilian-military approach to post-conflict strategy, planning, preparation and implementation.

147. The Box below lists some of the lessons learned from reviews of the UK approach to stabilisation since 2009, described in greater detail in Section 10.3.

Reviews of the UK approach to stabilisation

In August 2010, the Royal United Services Institute (RUSI) published a review of the Government's progress in promoting stability in countries emerging from conflict.

The review concluded that, between 2005 and 2010, a drive towards greater inter-departmental co-operation had led to a number of institutional innovations, an increase in the resources available for stabilisation, new cadres of practitioners and improved co-ordination in-country, but that the UK was "not yet delivering on its full potential to engage in fragile states".[43] Issues highlighted in the review included:

- a "mismatch" between ambitions and resources;
- loyalty to departments rather than to government as a whole; and
- lessons recorded and stored by a number of departments, but seldom considered when new decisions needed to be made.

The Stabilisation Unit produced a paper on lessons learned from the UK's growing experience of stabilisation activities in November 2010. Lessons included the need to ensure that economic and development objectives complement and support efforts to promote a peaceful political process, and the importance of securing community engagement.

The Inquiry agrees, in the context of Iraq, with many of the lessons identified in the RUSI review and the November 2010 Stabilisation Unit paper.

The impact of the UK's reconstruction effort

148. From the available information, it is not possible fully to assess the impact of the UK's reconstruction effort.

149. One difficulty is that the Government never defined what contribution reconstruction should make to achieving broader UK objectives and so what would constitute success or failure.

150. The environment in Iraq made reconstruction very difficult. For almost all of the period covered by the Inquiry, insecurity was the major constraint. Other constraints were:

- the lack of capacity within the Iraqi Government, both in Baghdad and the South, to support and lead reconstruction;
- the form and implementation of de-Ba'athification;
- the politicisation of Iraqi institutions, and corruption;
- the series of relatively short-lived Iraqi administrations between 2004 and 2006 (with limited remits to initiate reform and an inevitable churn of Ministers and senior officials);
- an international community which, because of the circumstances of the invasion, was not fully invested in the reconstruction of Iraq; and

[43] Teuten R & Korski D. *Preparing for Peace. Britain's Contribution and Capabilities*. RUSI, 2010.

- the persistent lack of co-ordination between the Iraqi Government and international partners, and between international partners.

151. Staff and contractors developed a number of approaches to managing the risks inherent in working in such an environment:

- using innovative techniques to deliver projects, such as working through local Iraqi contractors, using the military (who were more frequently able to visit project sites) to manage and monitor projects, and helping the Ministry of Finance to set up an office inside the International Zone in Baghdad within which international consultants could work;
- systematically tracking poor performance;
- adapting delivery methods to reduce fiduciary risk; and
- building clear exit strategies into projects, including dedicating significant effort to bringing in other donors.

152. The Inquiry recognises the dedication and skill of the staff and contractors who worked in Iraq, often in discomfort and at personal risk.

153. Witnesses to the Inquiry and contemporary documents identify three areas in particular where the UK had made a significant contribution to Iraq's reconstruction:

- building Iraqi capacity at the centre of government (including the Prime Minister's Office and the Cabinet Office), and strengthening the linkages between Baghdad and the provinces;
- building the capacity of the provincial administration in Basra; and
- building the capacity of successive Iraqi Governments to manage the economy (including the launch of a new Iraqi currency in 2003) and engage effectively with the International Monetary Fund.

154. The Inquiry met a number of senior Iraqi politicians and officials, and asked them for their views on the UK's reconstruction effort. DFID's focus on building Iraqi Government capacity to plan and manage was recognised and welcomed. That was contrasted with short-term activities, including building schools and hospitals, which Iraq could do for itself.

155. In Basra, the Inquiry was told that there was little to show for the UK's reconstruction effort. A small number of projects were identified as continuing to have a positive impact, including:

- training in the UK delivered by the PRT;
- job creation programmes supported by DFID; and
- improvements to the sewerage system supported by the UK military.

Key economic and social indicators

156. It is possible to consider the impact of the international community's reconstruction efforts in Iraq by looking at the changes in a number of key indicators. Table 1 presents selected economic and social indicators.

157. In relation to the economy:

- Electricity production fell from around 4,000 megawatts (MW) per day before the invasion to 500MW in May 2003 (immediately after the invasion), before recovering to around 4,000MW in June 2004 (the transition from Occupation to a sovereign Iraqi Government).[44] By 2009, production was around 6,000MW.
- Oil production fell from around 2.9m barrels a day (bpd) before the invasion to around 0.3m bpd in May 2003, before recovering to 2.3m bpd by June 2004. By 2009, production remained below pre-conflict levels.

158. The under-five mortality rate fell from 42 to 38 (per 1,000 live births) between 2003 and 2009.

159. Perceptions of corruption in Iraq worsened between 2003 and 2009. Iraq fell from 113th out of 133 countries surveyed for Transparency International's Corruption Perceptions Index in 2003, to 176th out of 180 countries surveyed in 2009.

160. The UN's 2009 Common Country Assessment concluded that, while Iraq had fulfilled its constitutional mandate requiring 25 percent of Parliamentary seats to be filled by women, women remained under-represented at higher levels within the public sector and government.[45] Women also had higher illiteracy levels than men, participated in smaller numbers in the labour force, were paid less and were segregated into certain occupations. A disproportionate number of households in poverty were headed by women.

[44] Brookings Center for Middle East Policy, 26 July 2013, Iraq Index, *Electricity.*
[45] UN, 2009, *Common Country Assessment: Iraq.*

Table 1: Iraq: selected economic and social indicators

	1989	2002	2003	2004	2009
GDP at market prices (current US$bn)[46]	65.6	n/a	n/a	36.6	111.7
GDP per capita (current US$)[47]	3,850	n/a	n/a	1,391	3,725
Electricity production (megawatts)[48]		3,958	500 – 3,456	4,030	5,700
Oil production (million barrels per day)[49]	2.90	2.02	1.31	2.01	2.39
Under-five mortality rate (per 1,000 live births)[50]	55	43	42	42	38
Primary school enrolment, both sexes (%)[51]	90	n/a	94	93	92
Employment (%)[52]	43	43	43	43	44
Corruption[53]	n/a	n/a	113/133	129/146	176/180

Lessons

161. The starting point for all discussions of reconstruction in circumstances comparable to those in Iraq between 2003 and 2009 must be that this is an area where progress will be extremely difficult.

162. Section 6.5 concludes that better planning and preparation for a post-Saddam Hussein Iraq would not necessarily have prevented the events that unfolded in Iraq between 2003 and 2009. It would not have been possible for the UK to prepare for every eventuality. Better plans and preparation could have mitigated some of the risks to which

---

[46] World Bank Open Data, www.data.worldbank.org, *Iraq: GDP at market prices (current US$).*
[47] World Bank Open Data, www.data.worldbank.org, *Iraq: GDP per capita (current US$).*
[48] Brookings Center for Middle East Policy, 26 July 2013, Iraq Index, *Electricity.* Figure for 2002 is a estimated pre-war level.
[49] US Energy Information Administration. *Iraq Crude Oil Production by Year.*
[50] World Bank Open Data, www.data.worldbank.org, *Iraq: Mortality rate, under-5 (per 1,000).* Under-5 mortality rate is a leading indicator of the level of child health and overall development in countries.
[51] World Bank Open Data, www.data.worldbank.org, *Iraq: Net enrolment rate, primary, both sexes (%).* Figure for 2009 relates to 2007 survey.
[52] World Bank Open Data, www.data.worldbank.org, *Iraq: Labor force participation rate, total (% of total population ages 15-64).*
[53] Transparency International, *Corruption Perceptions Index (CPI).* Iraq was not included in the CPI before 2003. The CPI draws on multiple data sources.

the UK and Iraq were exposed between 2003 and 2009 and increased the likelihood of achieving the outcomes desired by the UK and the Iraqi people.

163. From late 2003, successive reviews of the UK's approach to post-conflict reconstruction, later expanded to include the broader concept of stabilisation, resulted in a series of changes to the UK's approach to post-conflict operations. Despite those changes, many of the shortcomings that characterised the UK Government's approach to pre-conflict planning and preparation in 2002 and early 2003 persisted after the invasion.

164. The UK Government's new strategic framework for stabilisation, the new machinery for inter-departmental co-ordination and the enhanced resources now available for stabilisation operations continue to evolve. If future changes are to increase the effectiveness of UK operations, they must address the lessons for planning, preparation and implementation derived from the Iraq experience.

165. The lessons identified by the Inquiry apply to both the planning and preparation for post-conflict operations, of which reconstruction is a major but not the sole component, and to post-conflict operations themselves.

166. Analysis of the available material must draw on multiple perspectives, reflect dissenting views, identify risk – including that associated with any gaps in knowledge – and consider a range of options.

167. Information must be shared as widely across departments as is necessary to support that approach.

168. Information-gathering and analysis of the nature and scale of the potential task should be systematic and as thorough as possible, and should capture the views and aspirations of local communities.

169. Plans derived from that analysis should:

- incorporate a range of options appropriate to different contingencies;
- reflect a realistic assessment of UK (and partners') resources and capabilities;
- integrate civilian and military objectives and capabilities in support of a single UK strategy;
- be exposed to scrutiny and challenge at Ministerial, senior official and expert level;
- be reviewed regularly and, if the strategic context, risk profile or projected cost changes significantly, be revised.

170. A government must prepare for a range of scenarios, not just the best case, and should not assume that it will be able to improvise.

171. Where the UK is the junior partner and is unable during planning or implementation to secure the outcome it requires, it should take stock of whether to attach conditions to continued participation and whether further involvement would be consistent with the UK's strategic interest.

172. Public statements on the extent of the UK's ambition should reflect a realistic assessment of what is achievable. To do otherwise is to risk even greater disillusionment and a loss of UK credibility.

173. Departmental priorities and interests will inevitably continue to diverge even where an inter-departmental body with a cross-government role, currently the SU, is in place. Therefore, co-operation between departments needs continual reinforcement at official and Ministerial levels.

174. The Head of the SU must be sufficiently senior and the SU enjoy recognition inside and outside government as a centre of excellence in its field if the Unit is to have credibility and influence in No.10, the National Security Council, the Treasury, the FCO, DFID and the MOD, and with the military.

175. Section 9.8 sets out the Inquiry's conclusions and lessons on strategy-making.

SECTION 11.1

DE-BA'ATHIFICATION

Contents

Introduction 2

The development of de-Ba'athification policy 3

- Post-invasion 3
- The CPA approach 7
- CPA Order No.1 12

Implementation of de-Ba'athification policy 14

- CPA Memorandum No.1 19
- The role of the Governing Council 23
- De-Ba'athification in the Transitional Administrative Law 28
- The Interim Iraqi Government 32
- The Amnesty Order 33
- A draft new de-Ba'athification Order 35
- Former Ba'athists and the Sunni insurgency 36

The Transitional National Assembly's de-Ba'athification policy 37

- The new Government takes office 38
- De-Ba'athification in the Iraqi Constitution 40
- Election preparations 43

De-Ba'athification after the 2005 Iraqi election 46

- A new government 48
- De-Ba'athification in 2007 52

June 2007 onwards 55

Introduction

1. This Section addresses:

- the decision to remove some members of the Ba'ath Party from public office after May 2003, a process known as de-Ba'athification;
- the implementation of that decision; and
- the impact it had on Iraq.

2. This Section does not address:

- pre-invasion analysis of, and planning for, de-Ba'athification, which is addressed in Sections 6.4 and 6.5;
- the decision to disband the Iraqi Army, which is described in Section 12.1; and
- the creation of the Coalition Provisional Authority, which is covered in Section 9.1.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 11.2.

The Ba'ath Party

The Arab Socialist Party or Ba'ath Party was founded in Damascus in 1947 by Michael Aflaq and Salah al-Din al-Bitar.[1] Its core objective was the creation of a single, united Arab State.

Having established itself in Syria, the Ba'ath Party then spread to other Arab countries. The Iraqi Ba'ath Party was formally established in 1952.

The Ba'ath Party took power in Syria through a coup in 1963, where it was enshrined in the Constitution as "the leading party of society and state". The party seized power in Iraq after a revolution in the same year but was manoeuvred out by the military a few months later.

The Ba'ath Party returned to power in Iraq in 1968 in a coup led by Ahmad Hasan al-Bakr, supported by Saddam Hussein. Ba'ath members and party organisations were imposed on the Iraqi military shortly after.

Saddam Hussein succeeded President al-Bakr in 1979, after which point the party was increasingly dominated by individuals linked to him by family or tribal ties.

An ideological split in 1966 led to the Syrian and Iraqi parties becoming estranged and bitterly antagonistic toward each other. The Syrian Ba'ath Party maintained a focus on Arab unity while Iraqi Ba'athists focused on Iraqi nationalism.

[1] Paper DIS, 1 February 2002, 'The Iraq Ba'ath Party – Its History, Ideology and Role in Regime Security'.

In early 2002, the Defence Intelligence Staff estimated Ba'ath Party membership within Iraq at between 600,000 and 700,000 individuals, which represented 4 percent of the population. There were several tiers of membership, reflecting individual members' roles within the party hierarchy. Membership was essential to reach senior positions in the military, the government or in professional life.

The development of de-Ba'athification policy

4. As described in Section 6.5, although it was widely assumed that a process for removing senior members of the Ba'ath Party from positions of power would be required after the invasion, no clear plan for the de-Ba'athification of Iraq's public sector had been agreed between the US and UK at the point the invasion was launched.

5. Because of the extent to which the Ba'ath Party was intertwined with Iraq's bureaucracy, the failure of the US and UK to agree an approach to de-Ba'athification compounded uncertainty about how the bureaucracy might perform after Saddam Hussein's departure.

Post-invasion

6. As Coalition Forces entered Iraq in March 2003, Ministers were supplied with a 'script' to use in media and Parliamentary discussion which set out the UK vision for "Phase IV", the reconstruction of Iraq.[2] The script said:

> "When conditions in Iraq permit, the US Office of Reconstruction and Humanitarian Affairs (ORHA) will move to Baghdad and take on the supervision of the civil administration of Iraq … We hope that the vast majority of the Iraqi public sector will remain in place and be able to carry on its work …"

7. On 4 April, a Private Secretary to Mr Jack Straw, the Foreign Secretary, supplied Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, with six papers on post-conflict Iraq.[3] One covered the Iraqi civil service, and stated:

> "We do not have any deep knowledge about which levels of the administration are so highly politicised as to need immediate reform, nor which individuals might have to be retired or stood down. This in any case cannot realistically be assessed until after liberation."

8. The question of what future strength and support the Ba'ath Party would command within Iraq was raised by Mr Colin Burgon in a House of Commons debate on 7 April.[4]

---

[2] Letter Owen to Rycroft, 20 March 2003, 'Iraq: Phase IV: Core Script'.
[3] Letter Owen to Rycroft, 4 April 2003, 'Post-conflict Iraq: UK/US' attaching Paper, 4 April 2003, 'The state of the Iraqi civil service and bureaucracy'.
[4] House of Commons, *Official Report*, 7 April 2003, columns 29-30.

9. In reply Mr Geoff Hoon, the Defence Secretary, explained:

> "It is a very difficult question to answer at this stage, not least because the only way of assuring success in Saddam Hussein's Iraq was to be a member of the Ba'ath party and to operate under his rule. On the other hand, there may well be decent people who had no part in the excesses of the regime and who will, in turn, return to rebuild their country. I suspect that it will depend on their ability to persuade people in their own areas that they have not been involved with the regime and that they can therefore be relied on and trusted."

10. Mr Hoon's reply was consistent with a briefing produced on the same date by the Defence Intelligence Service (DIS) Red Team on Iraq.[5] The Red Team judged:

> "To be a Ba'athist does not necessarily mean an individual is a hard core supporter of the regime. Most joined to advance their careers or under duress (mostly government employees). In every government department there is a hard core who have been responsible for security. They are responsible for the 'disappeared'; are known by everybody and will be nervous.
>
> "It will require detailed inside knowledge to identify the 'bad apples' in any organisation …"

11. Similar points were made by Ms Clare Short, the International Development Secretary, on 10 April.[6] In response to a Parliamentary Question from Ms Helen Southworth, Ms Short said:

> "… Iraq is like the former Soviet Union, where people had to join the Communist party if they wanted to be a teacher. Many members of the Ba'ath Party are not the real leaders of the regime, and they will need to remain in their jobs so as to continue to run their country."

12. The first formal public statement by the Coalition about the treatment of the Ba'ath Party was made when General Tommy Franks, Commander in Chief US Central Command (CENTCOM), issued his Freedom Message to the Iraqi People on 16 April (see Section 9.1).

13. As described in Section 9.1, Mr Huw Llewellyn from FCO Legal Advisers provided advice to the Iraq Policy Unit (IPU) on the draft text of the Message on 28 March.[7]

14. In relation to de-Ba'athification, Mr Llewellyn was concerned that the practical effect of disestablishing the Ba'ath Party was not implemented in the Directive to the Civilian Population that Gen Franks intended to issue in parallel. He also suggested

---

[5] Briefing DIS Red Team, 7 April 2003, 'What Will Happen in Baghdad?'
[6] House of Commons, *Official Report*, 10 April 2003, column 444.
[7] Minute Llewellyn to Chilcott, 28 March 2003, 'Proposed US "Freedom Message" to the People of Iraq'.

that the word "disestablished" should be replaced with "dissolved" or something with the same meaning.

15. Commenting on a subsequent draft of the text on 10 April, Mr Llewellyn explained:

> "The paragraph dissolving the Ba'ath party is clearly important. But the word 'disestablished' does not really do the trick. That word is something to do with removing an institution from the structure of the state, as I understand it. We should say 'dissolved'."[8]

16. On 11 April, during a video conference between UK, US and Australian legal advisers, the US lawyers explained that they saw a need to disestablish the Ba'ath Party and deprive it of all authority "in order for other things to happen as a result from the legal and policy point of view".[9]

17. On 11 April, Mr Llewellyn circulated a first draft of guidelines for UK personnel, in particular those seconded to ORHA, on the relevant provisions of International Humanitarian Law (IHL).[10] Under the heading "Removal of Officials", it stated:

> "Officials may be removed, although this should not be done arbitrarily. Clearly, the Coalition will remove from office those who were members of Saddam Hussein's regime, and senior members of the Ba'ath Party if any remain. Other officials may be removed where they represent an obstacle to administration by the Coalition, for example because they pose a threat to security, are corrupt, unwilling to act under Coalition administration, or will be intimidating for the population."

18. A senior MOD legal adviser to whom the draft guidelines were sent for comment suggested that the guidelines should be more precise about what was meant by "members of Saddam Hussein's regime" and "senior members of the Ba'ath Party".[11] She asked whether it was likely there would be anyone who would fall into the first category who did not also fall within the second.

19. The Inquiry has not seen evidence that any discussion of the degree to which former members of the Ba'ath Party might be entitled to participate in the Iraqi Interim Authority (IIA) took place at the conference held in Nasiriyah on 15 April and attended for the UK by Mr Edward Chaplin, FCO Director Middle East and North Africa.[12]

20. There is a mention in one of the supporting papers, produced by the FCO's Research Analysts, of the need to establish whether members of Iraq's popular councils could be used in the selection of members for the IIA given that they had previously

---

[8] Minute Llewellyn to Bristow, 10 April 2003, 'Freedom Message to the Iraqi People'.
[9] Minute [unattributed], [undated], 'American Summary Points, Video Link: Friday 11 April'.
[10] Minute Llewellyn to Rose, 11 April 2003, 'Iraq: Guidelines on the Application of Laws of Occupation'.
[11] Minute Rose to Llewellyn, 22 April 2003, 'Iraq: Guidelines on the Application of Laws of Occupation'.
[12] Letter Chaplin to Crocker, 17 April 2003, 'Setting up the Iraqi Interim Authority: Issues for Discussion' attaching Paper FCO, 2 April, 'Post-conflict Iraq: a "Baghdad Conference"'.

been “approved” by the Ba’ath Party which might mean they were considered to be “tainted”.

21. In his memoir, Mr Douglas Feith, US Under Secretary of Defense for Policy, describes re-writing the first draft of Gen Franks’ message produced by CENTCOM.[13] Mr Feith’s re-written version included the reference to the disestablishment of the Ba’ath Party. His view was that disestablishing the Ba’ath Party was a separate issue from the fate of individual members, which was still under discussion at the time of Gen Franks’ statement.

22. In a paper for the Pentagon Public Affairs Office on 16 April, Mr Feith’s Office suggested that the answer to questions about what would happen to members of the Ba’ath Party should be:

> “… its [the Ba’ath Party’s] property and records will be considered by the CPA as the property of the Iraqi people. Absent exceptional circumstances, top-tier members of the Ba’ath Party will not be eligible to hold any positions of responsibility under the CPA. Lower ranking members of the Ba’ath Party will not necessarily be barred from such employment. No one will be punished merely for membership in the Ba’ath Party.”

23. Gen Franks’ Freedom Message was issued on 16 April.[14] It said:

> “The Arab Socialist Renaissance Party of Iraq (Hiz al-Ba’ath al-Arabi al-Istiraki al-Iraqi) is hereby disestablished. Property of the Ba’ath Party should be turned over to the Coalition Provisional Authority. The records of the Ba’ath Party are an important part of the records of the Government of Iraq and should be preserved … and turn[ed] … over to the Coalition Provisional Authority.”

24. On 17 April, a discussion between Sir David Manning, Mr Blair’s Foreign Policy Adviser, and Dr Condoleezza Rice, US National Security Advisor, suggested that the announcement about the Ba’ath Party had come as a surprise to her.[15]

25. Mr Straw told the Inquiry that he had discussed the question of de-Ba’athification with Gen Franks in Kuwait in mid-April:

> “… and he had said to me that his view was you should take anybody apart from those who were obviously bad into the system, and then vet them subsequently, and if they – and I remember him saying – if they didn’t pass muster, didn’t pass the vetting, then you’d kick them out. But what you didn’t do was wholly to degrade the administration in advance, and I thought, not least because he was the senior

---

[13] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism.* HarperCollins, 2008.
[14] Statement General Tommy Franks, 16 April 2003, ‘Freedom Message to the Iraqi People’.
[15] Letter Manning to McDonald, 17 April 2003, ‘Iraq: Conversation with Condi Rice’.

army officer on the American side, that that's what would happen but, in the event, it wasn't."[16]

26. At Foreign Office Oral Questions on 6 May, Dr Vincent Cable asked about the Coalition's plans for elections in Iraq.[17] He asked the Government to:

"… explain the status of important political groups such as the Ba'ath party, the Communist party and the Islamic fundamentalists? Will they be allowed to compete freely and democratically in those elections and if they won would they be allowed to win?"

27. In reply, Mr Mike O'Brien, FCO Parliamentary Under Secretary of State, explained:

"We hope that the Ba'ath Party will not be able to involve itself in that election, and certainly not in the form that it took under Saddam Hussein. It is not envisaged, therefore, that it would be allowed to operate."

The CPA approach

28. The creation of the Coalition Provisional Authority (CPA), led by Ambassador L Paul Bremer, and the appointment in early May of Mr John Sawers as the Prime Minister's Special Representative to Iraq are described in Section 9.1.

29. Ambassador Bremer, in his account of leading the CPA, describes being given his instructions:

"On May 9, my last day of preparation at the Pentagon, Don Rumsfeld had given me my marching orders in a memo. Among all my other instructions, Rumsfeld's memo emphasized: 'The Coalition will actively oppose Saddam Hussein's old enforcers – the Ba'ath Party, the Fedayeen Saddam … We will make clear that the Coalition will eliminate the remnants of Saddam's regime.'"[18]

30. In his memoir, Mr Feith wrote that Ambassador Bremer "wanted his arrival in Baghdad to have a theme: The Ba'athists are not coming back."[19] Mr Feith wrote:

"Bremer had considered his point carefully. Our forces had not yet captured Saddam, and many Iraqis remained fearful of the Ba'athists – and therefore unwilling to cooperate with U.S. officials – on security, political reconstruction, and other matters. Bremer saw it as his first task to offer assurance … I thought Bremer had selected his "arrival theme" wisely, and I told him so."

---

[16] Public hearing, 8 February 2010, pages 117-118.
[17] House of Commons, *Official Report*, 6 May 2003, columns 522-523.
[18] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[19] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism.* HarperCollins, 2008.

31. Mr Feith recorded that a draft de-Ba'athification policy had been considered by the US National Security Council on 10 March. At Ambassador Bremer's request, implementation of the policy, which would "rid the Iraqi Government of the small group of true believers at the top of the party and those who had committed crimes in its name", was delayed until his arrival in Iraq.[20]

32. Ambassador Bremer wrote:

> "Our concern was only the top four levels of the party membership, which the [draft] order officially excluded from public life. These were the Ba'athist loyalists who, by virtue of their positions of power in the regime, had been active instruments of Saddam's repression. Our intelligence community estimated that they amounted to only about 1 percent of all party members or approximately 20,000 people, overwhelmingly Sunni Arabs."

33. Four days after arriving in Iraq, Mr Sawers reported that there was a fear among "ordinary people in Baghdad" that the Ba'athists could return.[21] He assessed:

> "ORHA have made mistakes here, appointing quite senior party figures as their main partners in the trade and health ministries, at Baghdad University and so on. Several political leaders I have seen say a line should be drawn at the 'firqa' level of the Ba'ath Party and all those at that level and the three above should be excluded, about 30,000 in all. This would represent between five and ten per cent of total party membership. But it is still a lot of people and may be one level too many, at least for now."

34. In one of his earliest reports to London, on 12 May Mr Sawers reported that Dr Ahmed Chalabi's "strong message on de-Ba'athification strikes a chord" with the Shia population "and will become even more potent if we don't deal with re-emerging Ba'athists".[22] Dr Chalabi was a founding member of the Iraqi National Congress Party who had formed strong links with several US Administrations.

35. After his first meeting with Ambassador Bremer, Mr Sawers reported: "Bremer, rightly, plans to move quickly to set out a policy on 'de-Ba'athification' or 'De-Saddam-isation' as it may now be called."[23]

36. Mr Sawers judged:

> "… the issue needs addressing quickly. The question is how to define the scope of those excluded. All agree that the top three levels of the Ba'ath … should be banned. Our rough estimate suggests that should cover up to 5,000 people. Added

---

[20] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[21] Telegram 2 IraqRep to FCO London, 11 May 2003, 'Iraq: What's Going Wrong?'
[22] Telegram 3 IraqRep to FCO London, 12 May 2003, 'Iraq: Political Process'.
[23] Telegram 3 IraqRep to FCO London, 12 May 2003, 'Iraq: de-Ba'athification'.

to that will have to be the top levels of the instruments of repression – the security, intelligence organisations etc.

"Some politicians … are arguing that the fourth level of the party … should also be included. This would extend the numbers to some 30,000 possibly more. The argument in favour is that this is the level where party officials began to receive privileges such as free housing and thus were identified popularly as beneficiaries of the regime. Against that is the danger that too wide a list will be hard to administer; that we should not exclude too large a group from the new system; and it would increase the risk of false accusations against innocent people …

"Grateful for early views on this issue. My own instinct is we should not throw the net wider than necessary, and that for now we could settle on the top three tiers … But I frankly don't have sufficient feel for the Iraqi Ba'ath Party to know the level at which real evil began."

37. The following day, Mr Sawers reported that Ambassador Bremer's staff in the CPA had a "similar [approach to de-Ba'athification] to ours, and they share our uncertainty over how wide to cast the net".[24] In particular, "banning all party members from any of the top three tiers in ministries" could inadvertently exclude "many of the technocrats we will want to re-employ". Ambassador Bremer had explained that the steer he was getting from Mr Donald Rumsfeld, US Defense Secretary, and President Bush was to "spread the net widely initially, and then to allow exceptions without too many obstacles".

38. On 13 May, Sir David Manning met Dr Rice and other National Security Council staff in Washington.[25] A report of the meeting by Mr Rycroft said that Sir David had gone through the points raised by Mr Sawers on de-Ba'athification, and the NSC team had agreed with them. They told Sir David that the US had agreed a de-Ba'athification strategy the previous week.

39. The following day, the FCO in London sent Mr Sawers the instructions he had requested.[26] The FCO wrote:

"… there should be a [de-Ba'athification] process, but its scope should be limited, and there needs to be room for discretion.

"We agree that the net should not be cast too wide. Excluding the top three ranks from public service … is probably the most practical approach … In certain cases, particularly in the security services, Ba'ath members may have to be moved aside in order to provide … reassurance, whatever their position in the party. But we do not want to create a large underground of disaffected Ba'athists who see no possible future for themselves in post-Saddam Iraq … So the short answer to the question

---

[24] Telegram 6 IraqRep to FCO London, 13 May 2003, 'Iraq: Putting Things Right'.
[25] Telegram 643 Washington to FCO London, 13 May 2003, 'Iraq: Meetings with Rice and Cheney, 13 May'.
[26] Telegram 2 FCO London to IraqRep, 14 May 2003, 'Iraq: de-Ba'athification'.

> about the fourth level of the Ba'ath is that there will be a vetting process … to ensure no rotten apples are kept on … One of the leading academic Iraq-watchers, Toby Dodge, has remarked to us that membership of the Ba'ath was less significant latterly than less formal networks of control and influence. There is a danger, in focusing on the Ba'ath, of overlooking potentially more malign elements."

40. The message from the FCO also re-stated the legal position that Occupying Powers could remove public officials from their posts but that "for both policy and legal reasons, we should stick to what is necessary". Occupying Powers could not "regulate or prohibit political expression or activity except to the extent that is necessary on grounds of security or public order".

41. The message ended:

> "The longer-term process of de-Ba'athification is for a future government of Iraq to take forward, in parallel with the wider transitional justice dossier."

42. On 13 May, Mr Walt Slocombe, CPA Senior Adviser on National Security and Defense, met Mr Hoon in London.[27] In his record of the meeting, Mr Hoon's Assistant Private Secretary wrote that Mr Slocombe had said "a visible and functioning police force … might require some compromise on de-Ba'athification".

43. Mr Simon Webb, MOD Policy Director, was also present at Mr Hoon's meeting with Mr Slocombe. Mr Webb told the Inquiry:

> "We had certainly accepted … the need for de-Ba'athification … So we had bought that by that stage … I don't recall having a specific conversation about how far that was going to go. But … I think we were probably content for this to be decided by those in Baghdad. If the policy is partial de-Ba'athification, and everybody seems to understand the issues … I wouldn't have tried to press a particular level in the command structure on Walt. … There was a judgement which you couldn't really make until you got on the ground about what level you went down to … at some stage, you hit the school teacher who just joined the party because they wanted a job. But where in that spectrum you cut it off, recognising that you, implicitly at least … wanted to remove the possibility of an early reassertion of power by Ba'ath Party …"[28]

44. Ambassador Bremer told the Inquiry that "Slocombe reported that the British officials agreed with the need for vigorous de-Ba'athification, especially in the security sector".[29]

---

[27] Minute Williams to Webb, 13 May 2003, 'Call on Defence Secretary by Walt Slocombe: 13 May 2003'.
[28] Private hearing, 23 June 2010, pages 66-68.
[29] Statement Bremer, 18 May 2010, page 3.

45. On 14 May, Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, was shown a draft diplomatic cable setting out Washington's guidance to Ambassador Bremer on the implementation of the de-Ba'athification policy.[30]

46. Mr Brenton reported to the FCO that the cable proposed that full Ba'ath Party members (group, section and branch members) would be banned from public office, including teaching positions. They would also be interviewed and an evaluation made of whether they may have committed criminal acts or continued to pose a risk to the security of the Coalition.

47. To implement this, all individuals in the top three layers of management in each government Ministry would be evaluated to establish the extent of their Ba'ath Party involvement. Those proven to be members would be removed. For junior employees below the top three layers, evaluation would not be automatic but the discovery of any "adverse information" would lead to their investigation.

48. The Annotated Agenda prepared by the Cabinet Office for a meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) the following day asked Ministers to:

> "… agree that we press in principle for the removal from public service and politics [of] only the top three tiers of the Ba'ath Party."[31]

49. The Annotated Agenda stated that extending the ban to the fourth tier of the Ba'ath Party (and so to 30,000 people) would be "excessive and detrimental to public service provision".

50. At the meeting of the AHMGIR on 15 May, Mr Straw stated that the Coalition should be "flexible" in its approach to de-Ba'athification, "for example excluding many who had been part of Saddam Hussein's security apparatus, but fewer from more technical positions".[32]

51. The Group amended the objective proposed by officials to:

> "… press for the removal from public service and politics of those members of the Ba'ath Party judged to have played a malign role."

52. On 15 May, Mr Sawers reported that the de-Ba'athification policy had been agreed along the lines reported earlier by Mr Brenton.[33]

53. On the question of whether the bar should extend to the fourth level of party membership, Mr Sawers reported that he had "warned of the danger of overkill" but, like

---

[30] Telegram 655 Washington to FCO London, 14 May 2003, 'Iraq: US Views'.
[31] Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[32] Minutes, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[33] Telegram 10 IraqRep to FCO London, 15 May 2003, 'Iraq: De-Ba'athification'.

Ambassador Bremer, had been persuaded by those arguing that "the recommended policy of covering all four levels was pitched right". Mr Sawers commented:

> "This new policy is tougher than your advice preferred … But I advise against any action in Washington. The new policy is badly needed, and it corresponds with the preferences of all the members of the Leadership Group bar Allawi."

54. On the same day, Mr Llewellyn provided advice to IPU on a draft Order removing the Ba'ath Party leadership.[34] It is clear from his comments that this was the final draft of what became CPA Order No.1 and he noted that it was probably on the point of being issued.

55. In Mr Llewellyn's view, the main question was whether the UK was satisfied that displaying images or likenesses of Saddam Hussein (or other readily identifiable members of the former regime or symbols of the Ba'ath Party) was of sufficient concern that it necessitated prohibition on the grounds of security and/or public order, the only grounds that would be permitted under international humanitarian law.

CPA Order No.1

56. CPA Order No.1, "De-Ba'athification of Iraqi Society", was issued on 16 May 2003.[35] It was Ambassador Bremer's first formal act as head of the CPA.

57. The Order stated that it was implementing General Franks' disestablishment of the Ba'ath Party in his 16 April message:

> "… by eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society. By this means, the Coalition Provisional Authority will ensure that representative government in Iraq is not threatened by Ba'athist elements returning to power and that those in positions of authority in the future are acceptable to the people of Iraq."[36]

58. The Order stated that disestablishment was to be achieved by removing "full" members of the Ba'ath party (defined as the top four ranks of party membership)[37] from public sector jobs and banning them from future employment in the public sector.

59. Individuals holding senior management positions (the top three layers of management) in all public sector organisations would be interviewed and assessed for their possible affiliation with the Ba'ath Party, criminal conduct and risk to security. Any who were found to be full members of the Ba'ath Party would be removed from employment.

---

[34] Minute Llewellyn to [Bristow], 15 May 2003, 'Draft Order on Removing Ba'ath Party Leadership'.
[35] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[36] Coalition Provisional Authority Order Number 1, 16 May 2003, Section 1(1).
[37] Regional Command Member, Branch Member, Section Member and Group Member. Collectively referred to as "Senior Party Members".

60. Ambassador Bremer wrote in his account of leading the CPA that he had recognised from the outset that the de-Ba'athification Order "wasn't perfect, but contained a degree of flexibility" in the provision that allowed for exemptions to the ban to be made on a case-by-case basis.[38] Both he and Ambassador Ryan Crocker, a US State Department official seconded to the CPA, had agreed that this flexibility was "critical".

61. Ambassador Bremer told the Inquiry that the Order was "narrowly drawn" so as to affect only the top 1 percent of party members, and to deny them public sector positions but not the ability to work in the private sector.[39]

62. On the same day that Order No.1 was issued, Mr Blair and President Bush spoke on the telephone.[40] The record of their conversation, taken by Mr Blair's Assistant Private Secretary, indicates that they did not discuss de-Ba'athification.

The UK role in relation to Order No.1

Hard Lessons, an account of the US reconstruction experience in Iraq, characterised Order No.1 as "conceived in Washington and promulgated with little Iraqi involvement".[41]

Secretary Rumsfeld, in his memoir, observed:

> "Though the policy later found few defenders at the top level of the administration, de-Ba'athification initially had broad support among the relevant departments and agencies."[42]

The policy was discussed by the NSC two weeks before the invasion and there were "no objections from any of the principals present" although President Bush had questioned who would carry out the vetting needed.

Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2007, told the Inquiry that the de-Ba'athification decision was one of a number on which his department had not been consulted.[43]

Lord Jay, FCO Permanent Under Secretary from 2002 to 2006, described the de-Ba'athification decision as one example of "difficulties in relation to the United States".[44]

Mr Blair told the Inquiry:

> "You know, there's a lot of debate about de-Ba'athification and so on … but he [Bremer] was someone who knew his own mind, but I have to say I did not get the impression he was refusing to discuss it with the British. On the contrary, we had Brits working alongside in very senior positions."[45]

---

[38] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[39] Statement Bremer, 18 May 2010, page 3.
[40] Letter Cannon to MacDonald, 16 May 2003, 'Iraq: Prime Minister's Conversation with Bush, 16 May'.
[41] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[42] Rumsfeld D. *Known and Unknown: A Memoir.* Sentinel, 2011.
[43] Public hearing, 8 December 2009, page 64.
[44] Public hearing, 30 June 2010, page 41.
[45] Public hearing, 21 January 2011, page 144.

Mr Sawers reported just before the Order was issued that it was being finalised by the Department of Defense in Washington and that Ambassador Bremer had been given guidance on de-Ba'athification by both Secretary Rumsfeld and President Bush.[46]

Mr Sawers told the Inquiry that he did not think that his views were entirely ignored, and cited examples of where he believed he had been able to influence Ambassador Bremer's thinking.[47] He made a similar point in May 2003, when he reported that Ambassador Bremer was keen to work with him:

> "… in public and private, and has picked up on many UK suggestions, big and small. He allowed us to re-balance the decree on removing the Ba'athists, over-ruling the wilder strictures of Wolfowitz and Feith in the process."[48]

Implementation of de-Ba'athification policy

63. Mr Sawers reported on 17 May that the members of the Iraqi Leadership Group[49] "widely supported" the de-Ba'athification process and that:

> "… all the leaders welcomed the clarity and toughness of the proclamation … I recalled the exchanges I had had with each of the Group on the issue, and told them their views had been taken into account in the detailed terms of the final decree – a good example of co-operation and consultation with the political groupings."[50]

64. A few days later, Mr Sawers reported that de-Ba'athification had "gone down well".[51] He judged that, before the policy, many Iraqis believed there was still a chance the Ba'athists might return, which "in turn contributed to the security problem". The policy was "a huge hit with the political parties we are working with" and, although there would need to be some exemptions, "Bremer will keep these to a minimum".

65. A few days after Order No.1 was issued, Sir David Manning met Ambassador Bremer in Baghdad.[52] In discussion, they observed:

> "De-Ba'athification and the dissolution of security ministries would create a new reservoir of angry men. So there was a need to step up patrols and tighten up security."

---

[46] Telegram 6 IraqRep to FCO London, 13 May 2003, 'Iraq: Putting Things Right'.
[47] Public hearing, 10 December 2009, page 71.
[48] Telegram 18 IraqRep to FCO London, 20 May 2003, 'Iraq: Bremer's Impact'.
[49] The Leadership Group was comprised of Iraqi politicians drawn from identifiable political and regional groups and had been established by General Jay Garner, Head of the Office of Reconstruction and Humanitarian Assistance (ORHA). It included both former exiles who had returned to Iraq after the fall of Saddam Hussein, and those who had remained in Iraq.
[50] Telegram 13 UKRep Iraq to FCO London, 17 May 2003, 'Iraq: Bremer meets Leadership Group'.
[51] Telegram 18 IraqRep to FCO London, 20 May 2003, 'Iraq: Bremer's Impact'.
[52] Letter Cannon to Owen, 23 May 2003, 'Iraq: Meeting with Gerry Bremer'.

66. On 22 May the AHMGIR met, chaired by Mr Straw.[53]

67. Briefing for the discussion stated that, although the eventual policy was more wide-ranging than the UK had advocated, in practice Ambassador Bremer expected to "allow those judged 'clean' to be re-employed".[54] The Cabinet Office author of the briefing wrote that the Order would mean that 33,000 people would be banned from public office in Iraq, and observed:

> "… this is more wide-ranging than the senior level only policy (covering 5,000) officials we had advocated, and risks removing many essential but less culpable technocrats from their jobs."

68. The AHMGIR concluded that the UK should "encourage the US to implement its policy on de-Ba'athification pragmatically to avoid needlessly removing less culpable technocrats from key positions".[55]

69. In a paper for Mr Blair dated 22 May, Major General Tim Cross, the most senior UK secondee to ORHA, the organisation which pre-dated the CPA, referred to the recent de-Ba'athification announcement as having "created some inevitable difficulties", and counselled pragmatic application of the exemptions for "individuals who are engaged in crucial reconstruction areas, such as power generation/distribution, water/sanitation etc".[56]

70. On 27 May, Mr Sawers reported that a new Iraqi de-Ba'athification Council was "designed to give Iraqis a role in the de-Ba'athification process, and advise Bremer on how to apply it in specific cases".[57] The Council was to be made up of 20 Iraqis, appointed by the Coalition.

71. Ambassador Bremer, in his account of leading the CPA, described the Council as an attempt "to engage responsible Iraqis from the start in the de-Ba'athification process … to be sure we were focused on the right people" since the Coalition did not "know Iraq as well as the Iraqis themselves".[58]

72. On 29 May, Mr Blair met Ambassador Bremer in Basra.[59] Ambassador Bremer raised the need for more qualified staff in the CPA as a result of de-Ba'athification. The record indicates that Mr Blair urged Ambassador Bremer to draw up a list of the staff he required and not to hesitate to ask for additional staff, which he described as "a political priority".

---

[53] Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[54] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[55] Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[56] Letter Williams to Rycroft, 23 May 2003, 'Iraq Reconstruction' attaching Paper Cross, 22 May 2003, 'Iraq Reconstruction: Some Thoughts for the PM in his Discussions with President Bush'.
[57] Telegram 22 IraqRep to FCO London, 27 May 2003, 'Iraq: new ORHA initiatives'.
[58] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[59] Letter Cannon to Owen, 29 May 2003, 'Iraq: Prime Minister's meeting with Bremer, 29 May'.

73. In a telegram to the British Embassy Washington on 30 May, FCO officials wrote:

> "De-Ba'athification and dismantling the institutions of the Ba'athist State are clearly necessary if we are to achieve our post-conflict objectives. But so too is maintaining security. We are concerned that some aspects of the first, especially if it includes laying off without pay the regular army, may have an unnecessarily negative impact on the second, rather than the positive effects we need them to have."[60]

74. The telegram continued:

> "We understand why Bremer has felt it necessary to take a tough line on de-Ba'athification …
>
> "But there is a downside … we are concerned that de-Ba'athification may be proving to be a blunt instrument. Our secondees working alongside the ministries are reporting that the de-Ba'athification Order is catching Iraqi public servants who have shown themselves to be effective and willing to work with us in areas critical to the Coalition's success – the police, for example."

75. The FCO suggested that the problem should be addressed by the Coalition taking "a vigorously pragmatic approach to implementing the de-Ba'athification Order" so that it provided an incentive to those who were not committed to Ba'athist ideology to work with the Coalition, for example allowing ex-party members to be re-employed on a probationary basis. The FCO noted that work was "in hand" to develop the machinery to implement the order.

76. The following day Sir David Manning reported to Mr Straw's Principal Private Secretary that he had told Dr Rice and Mr Andy Card, President Bush's Chief of Staff, over dinner that:

> "… we had worries about the de-Ba'athification process. I was sure that it was right to signal that we were determined to break the Ba'ath Party and dismantle its structures. But we must be careful not to create a situation in which token Ba'athists were alienated from the Coalition because we denied them jobs, and a chance to contribute to post-Saddam Iraq. If we made this mistake, we would create a large number of disaffected and hostile people who would quickly turn against us. The key was surely to be pragmatic. Now that Bremer had made his strong and necessary commitment to de-Ba'athification, we should implement it pragmatically. We should think about operating a system whereby people stayed in their jobs until it was shown that their track record rather than a Ba'athist label made them a liability."[61]

---

[60] Telegram 251 FCO London to Washington, 30 May 2003, 'Iraq: Dismantling the Baathist State'.
[61] Letter Manning to McDonald, 1 June 2003, 'Iraq: Conversation with Condi Rice'.

77. On 2 June, Mr Blair met President Bush over breakfast.[62] In his note reporting their discussion Sir David recorded Mr Blair's analysis that the Coalition should be careful not to create a large pool of disaffected people by targeting those who had joined the Ba'ath Party simply to get a job.

78. Mr Blair argued that a clear political vision and timetable was needed, together with a media strategy to avoid a "dangerous" information vacuum.

The Impact of Order No.1

Writing in September 2003, Major General Freddie Viggers, the outgoing Senior British Military Representative - Iraq, commented in his post-tour report that "all but the hardliners are grateful that the Ba'athist regime has been removed".[63]

The RAND assessment of the Occupation of Iraq records that the initial reaction to the de-Ba'athification order was enthusiastic.[64] The authors cite polls in August 2003 reporting over 94 percent of the Iraqi population saying that either all or some Ba'athists should be removed from office[65] and that 92 percent of Iraqis opposed the participation of former Ba'ath Party members in Iraq's political institutions.[66]

According to Mr Ali A Allawi, a Minister in both the Interim Iraqi Government and the Iraqi Transitional Government:

> "De-Ba'athification in the early days of the CPA proceeded in a generally straightforward way. The vast majority of individuals caught in the round of dismissals were those who could be clearly identified in the higher levels of the Party ranks, and the case against them was clear cut."[67]

Hard Lessons commented:

> "Most Iraqis agreed that some de-Ba'athification was necessary, but many believed that the CPA order had gone too far …
>
> …
>
> "Whatever its reach should have been, the consequences of the de-Ba'athification order quickly became clear: it reduced the ranks of Iraq's capable bureaucrats and thus limited the capacity of Iraqi ministries to contribute to reconstruction."[68]

---

[62] Letter Manning to McDonald, 2 June 2003, 'Breakfast meeting between the Prime Minister and President Bush: 2 June 2003'.
[63] Minute Viggers to CDS & CJO, September 2003, 'SBMR (I): End of tour report'.
[64] Bensahel N, Oliker O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq.* RAND Corporation, 2008.
[65] Iraq Center for Research and Strategic Studies, *Results of the First Public Opinion Poll in Iraq*, 6 August 2003.
[66] US Department of State, *Iraqis Officer Dim Evaluation of Reconstruction Effort Thus Far.*
[67] Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.
[68] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

Although it recognised the significance of the impact of de-Ba'athification on the public sector in Iraq, the RAND report *Occupying Iraq* observed that the number of individuals who left office in the first three months of Occupation (10,000) was still less than the number of senior jobs normally vacated following a change of US Administration.[69]

General the Lord Walker, Chief of the Defence Staff from May 2003 to April 2006, told the Inquiry that the removal of "a complete layer of administrative competence" was "not … a particular help".[70]

Mr Stephen Pattison, FCO Head of the UN Department until June 2003, told the Inquiry:

> "… we should have realised that without those officials we were going to struggle really hard to get this country going again and we should have reached out to those officials in order to bring them back in by offering them assurances about their pensions or their security or their jobs or whatever."[71]

Ms Emma Sky, Governorate Co-ordinator for Kirkuk province in 2003, told the Inquiry that Major General Raymond Odierno (the US military commander responsible for the province) had given an amnesty to teachers and doctors on his own authority as a way of circumventing the Order.[72]

Mr Andy Bearpark, the CPA's Director of Operations, told the Inquiry:

> "… when I observed the effects of the [de-Ba'athification] policy, I don't believe that some of the effects of the policy were quite as severe as some of the critics of the policy point out, but that's a belief or assertion on my part. I have no evidence to support it."[73]

In Mr Bearpark's opinion, the issues that he encountered within the senior levels of the Iraqi Civil Service had more to do with personal rivalry than real concerns about Ba'athist control.

Mr Chaplin and Mr Asquith, who both served as British Ambassador to Iraq, told the Inquiry that there was a sense of exclusion within the Sunni community as a result of de-Ba'athification, because they felt that it affected their community disproportionately.[74]

Mr Jonathan Powell told the Inquiry:

> "… it was a mistake to go so far with de-Ba'athification. It is a similar mistake the Americans made after the Second World War with de-Nazification and they had to reverse it. Once it became clear to us, we argued with the administration to reverse it, and they did reverse it, although with difficulty because the Shia politicians in the government were very reluctant to allow it to be reversed, and at the time we were being criticised for not doing enough de-Ba'athification."[75]

---

[69] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[70] Public hearing, 1 February 2010, page 24.
[71] Public hearing, 31 January 2011, pages 22-24.
[72] Private hearing, 14 January 2011, pages 27-29.
[73] Public hearing, 6 July 2010, pages 83-84.
[74] Public hearing, 1 December 2009, page 88; Public hearing, 4 December 2009, page 19.
[75] Public hearing, 18 January 2010, page 128.

CPA Memorandum No.1

79. On 3 June, Ambassador Bremer signed CPA Memorandum No.1, which described the implementation of Order No.1 (de-Ba'athification) and Order No.5 (creation of the Iraqi de-Ba'athification Council).[76]

80. The Memorandum described an interim process for identifying Ba'ath Party members using Coalition military investigators. It said:

> "As the Administrator determines that the responsibility for identifying Ba'ath Party members effectively can be transferred to Iraqi citizens, the Administrator shall direct the Iraqi de-Ba'athification Council to assume an increasingly significant role in carrying out the de-Ba'athification process.
>
> "Initially, the Council will advise the Coalition on de-Ba'athification policies and procedures …"

81. The Memorandum also established Accreditation Review Committees, to hear appeals and requests for exemption. Relevant factors for consideration would be:

> "… whether the individual:
>
> i. Is willing to denounce the Ba'ath Party and his past association with it;
>
> ii. Was a senior Ba'ath Party member or simply a 'full' party member;
>
> iii. Has exceptional educational qualifications;
>
> iv. Left the Ba'ath Party before April 16, 2003;
>
> v. Continues to command the support of his colleagues and respect of their subordinates;
>
> vi. Is judged to be indispensible to achieving important Coalition interests; at least in the immediate term;
>
> vii. Can demonstrate that he joined the party to hold his job or support his family."

82. In early June, Sir Kevin Tebbit, MOD Permanent Under Secretary, reported that he had observed in a recent visit to Iraq that the implementation of the de-Ba'athification policy was posing difficulties for UK personnel in the South but that "General Wall seems to think that he can work quietly to achieve the flexibility he needs without taking US policy head on."[77]

---

[76] Coalition Provisional Authority Memorandum Number 1: Implementation of De-Ba'athification Order No. 1.
[77] Minute Tebbit to Secretary of State, 3 June 2003, 'Visit to Basrah and Baghdad'.

83. Mr Blair and President Bush discussed de-Ba'athification briefly when they spoke by telephone on 6 June.[78] Mr Blair argued that the principle was right, but needed to be applied flexibly: "we should neither undermine public services by sacking key technocrats nor allow a class of resentful and desperate ex Ba'athists to build up."

84. In his book *State of Denial* Mr Bob Woodward described General Jay Garner, the former Head of ORHA, telling Secretary Rumsfeld in June 2003 that the extent of de-Ba'athification had been one of three "terrible mistakes" made in Iraq.[79] In Gen Garner's view, those mistakes were still reversible. Secretary Rumsfeld is reported to have responded: "We're not going to go back." Gen Garner did not make the same point in person to President Bush.

85. One of the UK's priorities for the first 30 days of the CPA, produced by the IPU and circulated by Mr Straw on 5 June, was the need for:

> "… a pragmatic approach to dismantling the Ba'ath Party and the security apparatus. We need to destroy the system, not the people. Need to give people reasons to work with us, not against us: the prospect of work, of a basic income, the chance to find a place in the new Iraq."[80]

86. Discussion at a meeting chaired by Mr Blair on 6 June (see Section 9.2) suggested that this was not being achieved.[81] In both Baghdad and Basra de-Ba'athification was listed as one factor in security problems.

87. On 9 June, Sir David Manning reported to Mr Straw's Principal Private Secretary that he had told Dr Rice that:

> "… she should look again at the de-Ba'athification programme. The draconian way in which it was being applied risked acting as a recruiting sergeant for the opposition. It had been right to take a tough line on the Ba'ath party; but it would be sensible now to impose it flexibly. We should adopt the approach that those who were not against us, were with us; rather than act as though we thought those who were not obviously with us were against us."[82]

88. On 17 June, instructions from the IPU to Mr Sawers reflected a mounting concern about the extent of UK influence on decision-making generally within the CPA.[83] The IPU wrote:

> "Ministers remain deeply concerned about the lack of effective joint-decision making with the US. With many decisions now being made in Baghdad, the ideal solution

---

[78] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Conversation with Bush, 6 June'.
[79] Woodward B. *State of Denial.* Simon & Schuster UK Ltd, 2006.
[80] Minute Straw to Blair, 5 June 2003, 'Iraq: Winning the Peace', attaching 'Iraq Reconstruction: 30 Day priorities, 5 July 2003'.
[81] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Meeting, 6 June'.
[82] Letter Manning to McDonald, 9 June 2003, 'Iraq: Conversation with Condi Rice'.
[83] Telegram 13 FCO London to IraqRep, 17 June 2003, 'Iraq: Priorities'.

would be your agreeing a mechanism with Bremer whereby we become a joint signatory on any CPA decisions …

"At the very least, we must be properly consulted on decisions. This may involve advocating the creation of a small policy body in which we are represented, to ensure that we have a say when you are not in town."

89. Following a message from Baghdad reporting progress against the IPU's list of priorities, the IPU wrote to Mr Sawers on 20 June:

"While we agree on the need to act decisively to dismantle the Ba'athist state, we need to keep plugging away that it is the system, not the people forced to live in it, that we want to destroy."[84]

90. On 24 June, Baroness Amos, the International Development Secretary, was asked about the policy of de-Ba'athification in the House of Lords.[85] Lord Wright asked whether it was true that the:

"… apparent decision to exclude all former members of the Iraqi Ba'ath party, however junior, from working is not only causing unemployment to a very serious extent in Iraq but is excluding from the reconstruction process a number of highly qualified people who would be very ready to undertake those tasks?"

91. Baroness Amos replied:

"… the de-Ba'athification process is under constant discussion. No decisions have yet been taken. There was a concern that the first three levels should perhaps be excluded. The implications of that in terms of the administration in Iraq is being looked at. What we want to see is Iraqis working to reconstruct the country."

92. On 25 June, in a telephone conversation with Mr Colin Powell, US Secretary of State, Mr Straw said that "de-Ba'athification had gone too far" and the UK was concerned.[86] He suggested that if the same approach had been taken in Germany after the Second World War, it would have taken a lot longer to establish a working democracy in West Germany. Secretary Powell agreed.

[84] Telegram 16 FCO London to IraqRep, 20 June 2003, 'Iraq: Priorities'.
[85] House of Lords, *Official Report*, 24 June 2003, columns 132-133.
[86] Letter Straw to Manning, 26 June 2003, 'Conversation with Colin Powell, 25 June'.

93. Baroness Amos raised de-Ba'athification when she met Ambassador Bremer at the end of June (see Section 9.2).[87] A note of the meeting by her Private Secretary recorded that Baroness Amos had told Ambassador Bremer that she had:

> "… heard some say that this [the de-Ba'athification process] was biting too deep in Ministries where large numbers of more senior public servants … might have been in the top 3 percent of the Ba'ath party, and so removed from post."[88]

94. Mr Sawers' telegram reporting his impressions of the visit said that Baroness Amos had told Ambassador Bremer that "the Iraqi women she had met all had horrific stories of family losses, and had mentioned to her the importance of the [de-Ba'athification] policy".[89]

95. Both accounts record Ambassador Bremer's explanation that the policy was:

> "… the most popular decision the Coalition had taken. It had not cut deeply into ministries … it only applied in effect to Directors General. Virtually all the DGs for Administration had been given exemptions as they were necessary to administer public sector pay. There had been others where it was essential to the ministry and there was an important coalition interest. Bremer felt that the main problem was that lower level members of the Baath party feared that the policy embraced them too and that they would be unable to return to public sector jobs. This was not the case …"[90]

96. On 3 July, policy on de-Ba'athification was raised again in the House of Commons.[91] In a debate following an Oral Statement on the humanitarian situation in Iraq, Ms Lynne Jones asked Mr Hilary Benn, Minister for International Development:

> "What action is being taken to distinguish between those Ba'athists who are loyal to Saddam Hussein and those who joined the Ba'ath party only from expediency, who do not have a record of corruption and abuse and can, therefore, contribute to the reconstruction of Iraq?"

97. Mr Benn replied:

> "It is vital that those who played a leading role in the old regime, and all that flowed from that, should be removed from their positions but, at the same time, the de-Ba'athification policy should be sensibly applied because we need to ensure that services can continue to function. The CPA is extremely conscious of the position and needs to reflect on it as it takes the process forward."

---

[87] Telegram IraqRep 56 to FCO London, 26 June 2003, 'Iraq; Baroness Amos Visit'; Minute Bewes to Malik, 29 June 2003, 'Meeting with Paul Bremer'.
[88] Minute Bewes to Malik, 29 June 2003, 'Meeting with Paul Bremer'.
[89] Telegram 56 IraqRep to FCO London, 26 June 2003, 'Iraq; Baroness Amos Visit'.
[90] Telegram 56 IraqRep to FCO London, 26 June 2003, 'Iraq; Baroness Amos Visit'.
[91] House of Commons, *Official Report*, 3 July 2003, column 562.

The role of the Governing Council

98. The Governing Council (GC) (also referred to as the Iraqi Governing Council (IGC)) met for the first time on 13 July. Its creation is described in Section 9.2.

99. At the first meeting of the GC, Mr Sawers reported that Dr Chalabi specifically thanked Ambassador Bremer for his decision on de-Ba'athification.[92]

100. In his account of the appointment of members of the Council, Mr Sawers reported:

> "Everyone on the Council was adamant that Ba'athists were totally unacceptable, and there is great praise here that we managed to exclude people who had compromised unacceptably with the Saddam regime. To have included them would have been like welcoming Nazis back into the German Government after WWII."[93]

101. The CPA and GC had agreed the authorities of the Governing Council, which described its initial powers.[94] They enabled the GC to make policy in all areas, including on de-Ba'athification.

102. At the end of July, a junior UK official working in Baghdad reported to the FCO on plans to put an accelerated vetting process in place for the first set of senior appointees to public positions.[95]

103. The official wrote that, although substantive work on vetting was to be left until there was a new Iraqi Government in place, the Coalition had done some preparatory work. In that initial phase, the intention was that the criteria:

> "… will seek to disqualify from key posts only those guilty of crimes against the Iraqi people. They will be defined with care, taking account of the culture and methodology of Saddam Hussein's repressive apparatus. Attention will also be paid to post-communist legislation in the three ex-CEE [Central and Eastern Europe] countries who have high-level representatives in the CPA. Their personal views on the effectiveness of these laws will be listened to."

104. The author of the telegram commented that he had hoped:

> "… to have these criteria embodied in a new Order … [to] supplement Order No.1 on de-Ba'athification … [which] might also have allayed the concerns of those Iraqis who doubt whether the CPA is being sufficiently robust with the remnants of the former regime (there is a fine line between achieving this and disqualifying – and possibly alienating – those with skills and experience the new Iraq needs)."

---

[92] Telegram 82 IraqRep to FCO London, 13 July 2003, 'Iraq: Formation of the Governing Council'.
[93] Telegram 79 IraqRep to FCO London, 13 July 2003, 'Iraq: Governing Council: Analysis and Comment'.
[94] Telegram 81 IraqRep to FCO London, 13 July 2003, 'Iraq: Governing Council: Authorities'.
[95] Telegram 1 Security Affairs Iraq to FCO London, 27 July 2003, 'Iraq Security Sitrep No.1'.

105. The official wrote that the new Order had not happened because of a wider sense of sensitivity about work on Iraq's intelligence agencies.

106. In late July Sir Jeremy Greenstock, who was to succeed Mr Sawers as the Prime Minister's Special Representative on Iraq in September, had a bilateral meeting with the UN Special Representative, Mr Sérgio Vieira de Mello.[96] During that discussion, Mr Vieira de Mello's adviser had cautioned that "we should not over emulate post-war Germany in the extreme to which we took de-Ba'athification".

107. According to the authors of the RAND report *Occupying Iraq,* in August 2003 Ambassador Crocker was raising concerns with Ambassador Bremer about the differing ways in which the de-Ba'athification policy was being implemented across Iraq.[97] He also identified that it was affecting more than just hard-core supporters of Saddam Hussein, and that procedures for making exceptions were slow.

108. Ambassador Crocker suggested transferring responsibility for the implementation of de-Ba'athification to the GC, on the grounds that "an Iraqi body would be more sensitive to the nuances of the policy". As a result, on 10 August Ambassador Bremer put a proposal entitled "Proposal for Implementing the Iraqi de-Ba'athification Council" to the GC.

109. In early September Mr Blair's Assistant Private Secretary recorded that he believed "flexible handling of de-Ba'athification" was needed to avoid excluding potential recruits to the Iraqi police unnecessarily.[98]

110. Mr David Richmond, the Prime Minister's Interim Special Representative on Iraq, reported on 4 September that Ambassador Bremer understood the need for flexibility on de-Ba'athification, as did a senior Iraqi interlocutor; although they would be "closely watched by some members of the Governing Council who are strongly opposed to any concessions in this area".[99]

111. On 8 September, in a House of Lords debate following an Oral Statement on Iraq and the Middle East, Baroness Symons, FCO Minister of State, commented:

> "The fact that so many senior Iraqi officials in all walks of life, whether civilian or military, were members of the Ba'ath party was a function of the old regime … in clearing out anyone who was a member of the Ba'ath party, a great deal of valuable expertise has been lost. I believe that we have now found a better balance on that issue."[100]

---

[96] Telegram 1116 UKMis New York to FCO London, 23 July 2003, 'Iraq: meeting with de Mello'.
[97] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[98] Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for Prime Minister'.
[99] Telegram 150 IraqRep to FCO London, 4 September 2003, 'Iraq: Briefing for Prime Minister'.
[100] House of Lords, *Official Report*, 8 September 2003, column 49.

112. In early September, the GC told Ambassador Bremer that it had formed the High National de-Ba'athification Commission (DBC), under the chairmanship of Dr Chalabi, with Mr Nuri al-Maliki as his deputy.[101]

113. On 17 September, Dr Chalabi reported to Ambassador Bremer that the Commission's first two decisions had been to rescind the exemptions that had previously been issued to fourth-tier Ba'athists and to extend the ban on public employment to include a wider range of public activities, including the media.

114. On 18 September, Sir Jeremy Greenstock, who had now arrived in Iraq, reported that the GC's de-Ba'athification Council had approved a resolution calling for the immediate firing of all high-level Ba'ath Party members from Government service:

> "Bremer urged the IGC to co-ordinate with the Ministry of Education to ensure that the process of teacher de-Ba'athification was complete before the schools re-open on 1 October. The general issue, which remains controversial, of how to manage exemptions is one that the IGC will soon have to engage on."[102]

115. The following day, Sir Jeremy commented:

> "I find Bremer's readiness to push the senior Iraqis to the front very interesting. We Brits think it the right tactic, but I expected more resistance from him. He continues to remind the GC eg when they produce 'decisions' on … de-Ba'athification … that only he can sign things into law. But he does not seem fussed to be losing the substantive initiative …"[103]

116. By 2 October, Sir Jeremy was reporting that the issue of de-Ba'athification had:

> "… not proceeded over the week, despite the mounting concerns of both the CPA and the GC. The harder-line end of the GC demanded that senior remaining Ba'athists should be physically removed from the streets – not just their jobs – and quickly. Bremer reminded them that the CPA were still worried about due process, but had yet to receive clarification from the GC on what their recent decision meant. He asked for decisions on this soon."[104]

117. On 4 November, Ambassador Bremer signed CPA Memorandum No.7.[105]

118. Memorandum No.7 transferred responsibility for the implementation of de-Ba'athification to the GC, and enshrined in law the first two decisions of Dr Chalabi's

---

[101] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[102] Telegram 174 IraqRep to FCO London, 18 September 2003, 'Iraq: Governing Council Roundup'.
[103] Telegram 175 IraqRep to FCO London, 19 September 2003, 'Iraq: Political Process'.
[104] Telegram 195 IraqRep to FCO London, 2 October 2003, 'Iraq: Governing Council update 1 October'.
[105] Coalition Provisional Authority Memorandum Number 7, 4 November 2003.

Commission, rescinding all exemptions granted under CPA Order No.1 and extending the ban on public employment to wider involvement in public life.[106]

119. Sir Jeremy Greenstock reported on 6 November that the transfer of responsibility:

> "… worried regional commanders in the Sunni Triangle area. They expressed particular concern about the security implications of another round of dismissals in the public sector and the knock-on impact. General Odierno put it bluntly: decisions from Baghdad that alienated local populations led to his soldiers getting killed."[107]

120. Having read Sir Jeremy's message, the IPU's view was that the decision to hand full control of de-Ba'athification to the GC "could result in further instability … we would wish to see a more pragmatic approach".[108]

121. Reporting from Baghdad, Sir Jeremy wrote that he continued to urge a flexible approach to de-Ba'athification.[109] His messages indicate that Ambassador Bremer agreed with this, though "the IGC wanted tougher de-Ba'athification".

122. In late November, the head of the Iraqi National Movement, Mr Hatim Mukhlis, told Sir Jeremy that the de-Ba'athification policy and disbanding the Iraqi Army had been mistakes:

> "Rather than de-Ba'athification … Iraq needed a truth and reconciliation committee. The Ba'ath Party has been a career route for many people. Those who had committed atrocities or crimes had to be held to account. But many members were intellectuals and professionals. What was required was time for wounds to heal, but the opposite was happening, and this was being exacerbated by militia activity. The CPA could exert pressure on the IGC and influence the de-Ba'athification process, which was wrong."[110]

123. According to the RAND report *Occupying Iraq*, on 9 December Ambassador Bremer:

> "… informed all CPA civilians and Coalition military personnel, 'de-Ba'athification is now an Iraqi process … immediately cease any involvement in de-Ba'athification'."[111]

---

[106] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[107] Telegram 252 IraqRep to FCO London, 6 November 2003, 'Iraq Regional Coordinators and Commanders Meeting'.
[108] Minute King-Smith to Buck, 7 November 2003, 'Iraq: CPA Strategic Plan'.
[109] Telegram 176 Baghdad to FCO London, 8 November 2003, 'Iraq; Sir Nigel Sheinwald's Call on Bremer'.
[110] Email Alkadiri [ORHA] to FCO [junior official], 24 November 2003, 'Sir Jeremy Greenstock and David Richmond's meeting with Hatim Mukhlis (CEO-Iraqi National Movement) 21 November, 2003'.
[111] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.

124. On 12 December, in a telegram to the FCO on strategy for engaging the Sunni community, Mr David Richmond, now Deputy Special Representative on Iraq, wrote that it was essential that:

> "The possibility of de-Ba'athification … distinguish[ed] between senior/criminal elements and those whose party affiliation was obligatory or nominal. The CPA almost certainly made a mistake in handing this issue to the IGC. Most IGC members are hard-liners more interested in rooting out Ba'athists wherever they can be found and excluding all former Ba'ath Party members from standing for elections to the TNA [Transitional National Assembly] than in reconciliation. Not all Sunnis were Ba'athists but this is bound to cause further alienation. I have spoken to Bremer about this. He is ready to make clear to the IGC that sweeping exclusions are unacceptable and that the economic and security consequences have to be considered".[112]

125. In January 2004, the GC published procedures for the implementation of de-Ba'athification.[113] They confirmed that all individuals working in the public sector who fell into the following categories were to be dismissed immediately if they had not already been removed from office:

- those in the top four tiers of Ba'ath Party membership;[114] and
- those in the top three tiers of public sector management qualifying as member or active member (less senior Ba'athists).

126. Those in the top three tiers of Ba'ath Party membership would have no opportunity for appeal. A formal appeal mechanism was put in place for:

- those in the fourth tier of Ba'ath Party membership; and
- those in the top three layers of public sector management who had not been senior Ba'athists.

127. Appeals were to be held in two stages; first by local de-Ba'athification Review Committees (established by the relevant ministry, in each governorate area) and then by Dr Chalabi's Higher National de-Ba'athification Commission. Appeals could be either on factual grounds (for example, that the individual had been mistakenly identified as a senior Ba'ath Party member but had not in fact been one), or on broader grounds regarding the degree to which the individual subscribed to the ideals of the former regime. The criteria against which commitment to the regime would be judged were:

- whether the employee had renounced Ba'ath Party membership;

---

[112] Telegram 306 IraqRep to FCO London, 12 December 2003, 'Iraq: Sunni Strategy'.
[113] Talmon, S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council.* Hart Publishing, 2013.
[114] Defined as Udw Qutriyya (Regional Command Member), Udw Far (Branch Member), Udw Shu'bah' (Section Member) and Udw Firqah (Group Member).

- the circumstances under which the employee became a Ba'ath Party member and was promoted to the fourth tier of membership;
- employment history, including links to Ba'athist military, intelligence or security services;
- whether during their time in office the employee was dedicated to furthering the goals of the Ba'ath Party;
- any illegal activities by the employee;
- whether the skills of the employee were rare or replaceable; and
- whether the individual had attained fourth-tier membership solely as a result of having been a prisoner of war in the Iran-Iraq conflict (there was a presumption that this group of individuals should retain their employment).

128. Appeals to the local de-Ba'athification Review Committees were to be processed within six weeks. A panel of two judges, nominated by the Iraqi Council of Judges and approved by the GC, would sit on Dr Chalabi's Commission for the purpose of hearing appeals, and one of these would be required to agree and sign the appeal decision. Exemptions to the bar on public employment could be granted either for life or for a one-year probationary period. A probationary exemption could be revoked if the individual was found to have fabricated evidence, if new evidence came to light, or if the individual re-engaged in Ba'athist activities.

129. Sir David Manning, who had been appointed British Ambassador to the US, reported a member of the Department of Defense describing the new appeal process as "a step forward".[115]

130. Ambassador Bremer told the Inquiry that "it was a mistake for the CPA to devolve the implementation of the de-Ba'athification programme to Iraqi politicians who then attempted to broaden the decree's effect".[116] He suggested that a wiser move would have been to set up a judicial panel to oversee implementation.

De-Ba'athification in the Transitional Administrative Law

131. In early February 2004, Sir Jeremy Greenstock reported that Ambassador Bremer had been lobbying the GC President on the need to ensure that the provisions in the Transitional Administrative Law (TAL) on who could qualify to stand for election to the Transitional National Assembly were not drawn too tightly and did not exclude junior Ba'athists or those who had been exempted by Dr Chalabi's Commission from standing for election.[117] The development of the TAL is covered in Section 9.2.

---

[115] Telegram 75 Washington to FCO London, 16 January 2004, 'Visit of the House of Commons Defence Committee to the US, 11-15 January'.
[116] Statement Bremer, 18 May 2010, page 5.
[117] Telegram 032 IraqRep to FCO London, 2 February 2004, 'Iraq: Political Process: TAL Update'.

132. On 4 February, in response to a question from Mr Llew Smith, Mr O'Brien told the House of Commons that:

> "The process of de-Ba'athification is an Iraqi led process. Guidelines were announced by the Iraqi Governing Council on 11 January and provide a clear framework for this process. The Transitional Administrative Law, which will include the criteria for nomination to the Transitional National Assembly, is in the final stages of drafting. It is likely to follow the existing practice that nominees shall not have been a member of the dissolved Ba'ath Party at the rank of Division Member … [the fourth tier of membership] or higher – unless exempted by the National De Ba'athification Commission – or a member of the past agencies of repression, or one who participated in the oppression of citizens."[118]

133. The TAL published on 8 March contained the following restrictions on former members of the Ba'ath Party:

- Senior members (fourth tier and above) were not eligible to stand unless they had been successful in their appeal to the de-Ba'athification Commission.
- "Full" members would be required to renounce the Ba'ath Party and swear they had no further dealings or connections with Ba'athist organisations.[119]

134. In late March, Sir Jeremy Greenstock reported to the FCO in London, following a discussion between his staff and Ambassador Bremer, that:

> "Bremer remains committed to de-Ba'athification but believes that Chalabi has abused the process by emphasising its retributive elements and ignoring the appeals procedures … Given the fragile security situation … Bremer is keen to make the process appear as independent and fair as possible."[120]

135. Sir Jeremy reported that Ambassador Bremer was considering taking responsibility for de-Ba'athification away from the GC, and giving it to an independent body. As a first step, he intended to write to Dr Chalabi, asking for changes to de-Ba'athification procedures.

136. In April, Mr Dominic Asquith, Deputy Chief Commissioner in the CPA, reported that Ambassador Bremer was seeking to expedite efforts to address Sunni concerns, in particular taking "steps designed to make the [de-Ba'athification] process appear less partisan by taking responsibility for the process away from Ahmed Chalabi … he also wants blanket exemptions for teachers".[121]

---

[118] House of Commons, *Official Report*, 4 February 2004, column 907W.
[119] Iraqi Transitional Administrative Law, 8 March 2004, Articles 31(B)(2) and (3).
[120] Telegram 107 IraqRep to FCO London, 25 March 2004, 'Iraq: de-Ba'athification progress'.
[121] Telegram 181 IraqRep to FCO London, 21 April 2004, 'Iraq: Sunni Politics'.

137. There had been "opposition to Bremer's ideas on de-Ba'athification on a local level" from Shia politicians. In addition, Mr Asquith reported that:

> "Washington have also sought to hobble Bremer's efforts. Principals prohibited him from giving a speech on 16 April outlining the new initiatives as part of a broader national reconciliation speech … According to Bremer, senior US officials want the message delivered by an Iraqi, and failing that Rumsfeld."

138. Ambassador Bremer made a speech in Baghdad addressed to the Iraqi people on 23 April.[122] He said:

> "… many Iraqis have complained to me that de-Ba'athification policy has been applied unevenly and unjustly. I have looked into these complaints and they are legitimate. The de-Ba'athification policy was and is sound. It does not need to be changed. It is the right policy for Iraq. But it has been poorly implemented."

139. As a result, Ambassador Bremer announced that he had agreed with the Iraqi Ministers of Education and Higher Education, and with Dr Chalabi, that "decisions made by local appeals committees of the Ministry of Education will be effective immediately. This will allow thousands of teachers to return to work. Thousands more will begin receiving pensions this week." Arrangements had also been put in place to speed up appeals that were still in the system.

140. General Sir John McColl, who served as the Senior British Military Representative – Iraq from April to October 2004, told the Inquiry that the adaptation of how de-Ba'athification was implemented was "a welcome development".[123]

141. On the eve of Ambassador Bremer's speech, CNN quoted a State Department spokesman saying "we are working to try to develop an equitable solution to address the widely divergent activities of former Ba'athist party members."[124] The same article also quoted Secretary Rumsfeld stating "the remnants of Saddam Hussein's regime know they have no future in a free Iraq".

142. The GC issued a statement on 25 April indicating that its policy on de-Ba'athification had not changed, nor was there any intention to change it.[125] It confirmed that the statements in Ambassador Bremer's speech were "in agreement with the views of the Governing Council and with the Supreme National Commission on de-Ba'athification". The statement continued:

> "Even as the Governing Council draws attention to the positive work of the Supreme National Commission for De-Ba'athification, it notes the necessity of distinguishing

---

[122] Speech L. Paul Bremer III, 23 April 2004, 'Turning the Page'.
[123] Public hearing, 8 February 2010, pages 20-21.
[124] *CNN World*, 22 April 2004, *From 'de-Ba'athification' to 're-Ba'athification?*'
[125] Statement Governing Council, 25 April 2004.

> between criminal Ba'athists and those Ba'ath Party members who were not criminals …"

143. In late April, Sir David Manning reported from Washington that de-Ba'athification was featuring regularly in US media comment on Iraq:

> "Most commentators have portrayed Bremer's new instructions to the IGC as a long-overdue reversal of a fundamental error, and an attempt to clip Ahmed Chalabi's wings. Chalabi put a different spin on the decision … arguing that Bremer had not changed the policy, but had agreed with the de-Ba'athification Commission on the need to speed up the appeals process."[126]

144. On 20 May, during one of their regular video conferences, Mr Blair proposed to President Bush that they should look at the approach to de-Ba'athification.[127] He suggested that there were probably a few individuals who could play a role in "calming the Sunnis".

145. Mr Richmond's assessment, at the end of May, was that "implementation of Bremer's initiative to alleviate the consequences of de-Ba'athification has been slow".[128] However, the appeals process was working, and was having significant results in the education sector.

146. In higher education, there had been 1,681 appeals, of which 750 had been successful already and the remainder were expected to be granted shortly.

147. In the primary and secondary education sector, 12,000 employees had been removed under the de-Ba'athification rules, around 9,000 of whom were entitled to appeal. So far, 4,600 had appealed successfully and a further 1,300 successful appeals were expected by the end of the month, although there were significant variations between governorates: "Several southern governorates, including Najaf and Nasiriyah, have reported that local political and community groups blocked the appeals process."

148. Set against that progress, there were not always jobs available for those who were reinstated. Within the university sector, a number of posts had been filled and vacancies no longer existed. Elsewhere, reinstated teachers were "facing competition for jobs from some 6,000 colleagues who had been removed by Saddam for political reasons and are now eligible to return to work".

---

[126] Telegram 530 Manning to FCO London, 27 April 2004, 'Iraq: The Public Debate, 26 April'.
[127] Letter Quarrey to Owen, 20 May 2004, 'Prime Minister's VTC with Bush, 20 May: Iraq'.
[128] Telegram 257 IraqRep to FCO London, 26 May 2004, 'Iraq: de-Ba'athification Update'.

149. Mr Richmond observed that Dr Chalabi had "continued to try to interfere" and that the "patchy follow up" meant that "we are in danger of yet again appearing not to be delivering on our promises". He cautioned that it might be necessary to revisit the original de-Ba'athification orders:

> "… as they give a government broad scope to arrest and detain suspected Ba'athists for security purposes. Applied punitively, the order could legitimate the type of mass arrests already proposed by some serving ministers. This would have serious repercussions, especially among the Sunni community."

150. In a debate in the House of Commons on 7 June, Mr Donald Anderson asked Mr Straw whether the Government supported a statement by Dr Allawi that "there should be greater progress towards finding places in the new Iraq for former Ba'athists who are not guilty of human rights abuses".[129]

151. Mr Straw told the House of Commons:

> "As for progress on the absorption of former Ba'ath party members who are not implicated in the excesses of the regime, we strongly agree with Prime Minister Allawi, and that view is now shared by the United States Government."

The Interim Iraqi Government

152. On 28 June 2004, the CPA formally handed over to a sovereign Iraqi Government. In the 11 months that followed, the governance of Iraq was the responsibility of the Interim Iraqi Government (IIG), headed by Prime Minister Ayad Allawi. The process of establishing the IIG, and its membership, is described in Section 9.3.

153. On 30 June, the Joint Intelligence Committee (JIC) assessed that:

> "Former Ba'athists are attempting to reorganise both military and political structures. The attitude of the IIG to former Ba'athists will be key in gaining support in Sunni Arab areas and discouraging hardliners from attacking the political process or coalescing with Islamist terrorists. But Allawi's efforts to draw Ba'athists into the political process will need to be carefully judged if he is to avoid alienating the Shia."[130]

154. On 1 July, Saddam Hussein and 11 other senior Ba'athists appeared in front of an Iraqi court convened at the Camp Victory court martial facility in Baghdad.[131]

---

[129] House of Commons, *Official Report*, 7 June 2004, column 26.
[130] JIC Assessment, 30 June 2004, 'Iraq Security'.
[131] Telegram 006 Baghdad to FCO London, 1 July 2004, 'Iraq: High Value Detainees: First Court Appearance'.

155. The presiding judge advised all 12 of the crimes they were accused of having committed. Mr Chris Segar, Head of the British Office Baghdad, reported that:

> "… under Iraqi law this was a first step in which the accused is informed that there are allegations against him which deserve investigation, which allow for continued detention and that he has a right to legal counsel."

156. On 2 July, the Cabinet Office Assessments Staff told Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, that there were indications that former Ba'athist groups were planning targeted attacks on Iraqi Government ministers.[132]

157. On 5 July, the Assessments Staff provided Sir Nigel with statistics on the number of attacks against the Multi-National Force (MNF) and Iraqi targets.[133] It was too early to judge the lasting impact of creating the IIG on the security situation.

158. On 12 July, Mr Hoshyar Zebari, the new Iraqi Foreign Minister, told a meeting of EU Foreign Ministers that:

> "The original policy of de-Ba'athification has been right but too generalised. He had ex-Ba'athists in his ministry though not those who had been involved in intelligence or atrocities. Ex-Ba'athist insurgents were now in isolated groups. They did not represent a coherent force."[134]

159. In one if its regular assessments of security in Iraq, the JIC judged on 21 July that Prime Minister Allawi had achieved only limited success in his attempts to bring former Ba'athists "on board".[135] In the absence of a single Ba'athist organisation with which to negotiate, that would remain the case. Reports of plans to carry out assassinations, including of IIG members, continued.

The Amnesty Order

160. In early August, Prime Minister Allawi signed an order that offered amnesty to those who had played more minor roles in Iraq's insurgency between 1 May 2003 and 7 August 2004.[136] Mr Asquith reported:

> "Amnesty is only provided to Iraqis and only for a limited number of terrorism-associated crimes: possession of certain firearms and explosives, the harbouring of terrorists or the failure to inform the authorities of known terrorist groups."

---

[132] Minute Dowse to Sheinwald, 2 July 2004, 'Iraq Update – 2 July'.
[133] Minute Dowse to Sheinwald, 5 July 2004, 'Iraq Attack Statistics'.
[134] Telegram COREU CFSP/Sec/1509/04, 12 July 2004, 'COMIN-COPOL – Foreign Ministers' Lunch with Iraqi Foreign Minister Mr Zibari'.
[135] JIC Assessment, 21 July 2004, 'Iraq Security'.
[136] Telegram 112 Baghdad to FCO London, 9 August 2004, 'Iraq: Amnesty Law and Death Penalty Announced'.

161. A second order was also announced which re-introduced the death penalty for around 30 crimes. Most of those crimes related to actions which resulted in the death of another person, but the list also included:

> "… where there has been an armed uprising against the armed forces; where an armed uprising aims to invade another country or seize public property; and the distribution of narcotics with the aim of aiding those trying to overthrow the Government by force. It also introduces a law that imposed the death penalty on kidnappers who seek to broadcast pictures of their victims."

162. Mr Asquith judged that the order "reflected Allawi's belief that the insurgents needed to have brought home to them the consequences of their actions".

163. *USA Today* reported that in relation to the amnesty order:

> "Allawi said:
>
> "This order has been established to allow our citizens to rejoin civil society and participate in the reconstruction of their country and the improvement of their lives, instead of wasting their lives pointlessly towards a lost cause …
>
> "Iraqi officials had earlier said the amnesty might extend to those who had killed US and other coalition troops."[137]

164. FCO officials had seen a draft of the amnesty order in July at which point it covered "both Iraqis and foreigners".[138]

165. On 9 August, Mr Asquith reported to the FCO that Prime Minister Allawi had been "reaching out to Ba'athists inside and outside the country".[139] Some had been prepared to talk but "there was too little time before [elections in] January to put in place a political party that could represent them and be accepted by the rest of Iraq".

166. During a discussion with Sir Nigel Sheinwald on 8 September, Prime Minister Allawi reported "variable success" on drawing people away from the insurgency.[140] He explained: "The Sunni should not feel they had lost power. Some would help to resist radical Islamist forces if they were brought back into the fold."

167. When Mr Blair visited Iraq 11 days later, Prime Minister Allawi told him that he had spoken to "a number of ex-Ba'athists in the region – Yemen, UAE and Jordan. They were ready to talk."[141] He hoped that a conference would be convened in Jordan to make to make it clear that they were ready to "move on and re-engage".

---

[137] *USA Today*, 7 August 2004, *Iraq passes amnesty law for minor players in insurgency*.
[138] Minute Cabinet Office [junior official] to Sheinwald, 13 July 2004, 'Iraq Strategy Group'.
[139] Telegram 107 Baghdad to FCO London, 9 August 2004, 'Iraq: Security: Prime Minister's Views'.
[140] Letter Quarrey to Owen, 9 September 2004, 'Nigel Sheinwald's meeting with Allawi, 8 September'.
[141] Letter Sheinwald to Adams, 19 September 2004, 'Iraq: Prime Minister's Meeting with Prime Minister Allawi, Sunday 19 September'.

168. On 7 October, the JIC assessed that:

> "A number of former senior Ba'athists formed the New Regional Command (NRC) in the early summer, based in Damascus with members in Iraq, Lebanon, Jordan and the Gulf states. The NRC maintains links to a number of insurgent groups and may provide some strategic military and political direction and funding. But the scope and scale of its influence is not clear and, whatever its aspirations, the NRC has not yet developed a coherent or widespread Sunni following. Many, if not most, Sunni Arab insurgents are happy to oppose the coalition but are not part of any efforts to reinvigorate the Ba'ath party."[142]

169. On 11 October, Mr Straw's Private Secretary told Mr Blair's Private Secretary that:

> "We plan to work on Iraq's neighbours to support Allawi's efforts to detach former Ba'athists from the insurgency and persuade them to run for elections. Allawi told us in London that he was hoping to arrange a conference of former Ba'athists in Amman in October."[143]

170. At the end of October, the JIC assessed that:

> "Intelligence indicates a number of former Ba'athist groups are operating, but not necessarily in a co-ordinated fashion."[144]

171. On 11 November, the JIC reported that although there was no overall co-ordination of the insurgency:

> "Some intelligence suggests that the Syria-based Ba'athist new Regional Command is becoming more influential."[145]

A draft new de-Ba'athification Order

172. On 4 December, the British Embassy Baghdad sent the FCO an account of a meeting between Mr Gavin Hood, the Embassy's Legal Adviser, and Dr Fadel Jamal Kadhum, Legal Adviser to Prime Minister Allawi.[146] They had discussed a new de-Ba'athification Order.

173. The report of the meeting said that the effect of CPA Orders No.1, 2 and 5 had been to remove an estimated 35,000 people from their posts, of whom 15,000 had so far been allowed to return. A further 700 had been offered retirement and 8,000 applications for "rehabilitation" remained outstanding. Dr Chalabi's Commission had removed a further 3,000 individuals from office.

---

[142] JIC Assessment, 7 October 2004, 'Iraq Security: External Support for Insurgents".
[143] Letter Owen to Quarrey, 11 October 2004, 'Iraq: Contingency Planning'.
[144] JIC Assessment, 27 October 2004, 'Iraq: A Long Term Insurgency Problem'.
[145] JIC Assessment, 11 November 2004, 'Iraq Security – Current Concerns'.
[146] eGram 452 Baghdad to FCO London, 4 December 2004, 'Iraq: 'Re-Ba'athification'.

174. Prime Minister Allawi's Legal Adviser told Mr Hood that the new Order had been drafted on the instructions of Prime Minister Allawi, who judged that returning to public service might prevent thousands of disaffected former Ba'athists supporting the insurgency. The philosophy behind the Order was "punish an individual for their crimes and not their ideology". It had been approved by the Council of Ministers but not yet by the President and was unlikely to be signed before the election.

175. The draft Order, which Mr Hood was not shown, was said to:

- disband the de-Ba'athification Commission;
- allow all those removed by the CPA to return to their posts, unless that post was judged to be sensitive or senior (Director General and above) or they were found to have committed a "crime against the Iraqi people" (undefined); and
- establish a new judicial Commission to investigate allegations of such crimes.

176. The report ended:

> "Allawi right to see some modification of the de-Ba'athification process as a necessary part of promoting national unity, but amending the rules can only be credibly done by some form of elected government and preferably as part of a wider initiative on transitional justice."

177. In the form described, the Embassy judged that the Order would "lead to an outcry from across Iraqi society" with vigilantism expected to follow.

178. After visiting Iraq in December 2004, Mr Dominic Asquith, FCO Iraq Director, commented that in order to achieve political reconstruction and Iraqiisation by early 2006:

> "One answer is gradually to incorporate – if necessary into the less sensitive areas to begin with – experienced Ba'athists (ex or otherwise) prepared to opt into government and security structures, separating 'those who served' from 'those who served the previous regime', while ensuring the appointments survive the transition to the new government. Established vetting procedures will be key, but the work done by British experts in CPA days has strangely disappeared from view."[147]

Former Ba'athists and the Sunni insurgency

179. In January 2005, the Defence Intelligence Staff judged:

> "Within the Arab Sunni community there are a number of former senior military officers and Ba'ath Party officials who remain intrinsically opposed to anything other than the full restoration of the Ba'ath Party and, in many cases, their own positions of power. Prominent among this group are the New Regional Command (NRC), but there are probably further independent actors and organisations not yet identified …

[147] Minute Asquith to Owen, 20 December 2004, 'Visit to Iraq, 13-17 December'.

> It is important to note that the majority of former regime elements and Ba'athists may not be 'restorationists'."[148]

180. On 19 January, the JIC assessed that Sunni turnout in elections might be as low as one-third of the eligible voters, which would give a disproportionately low representation to Sunni Arabs in the elected institutions.[149] The policy implication of this was, in the JIC's view, that "Sunni outreach will need to intensify after the elections to ensure that Sunnis do not opt out of the political and constitutional drafting process altogether".

181. In early February, the JIC judged that the "hard core and most effective" Sunni Arab insurgents were former Ba'athists, but the bulk of those involved were simply disaffected Iraqis "most of whom probably have no long-term political objectives".[150]

The Transitional National Assembly's de-Ba'athification policy

182. Elections for the Transitional National Assembly (TNA) and for Provincial Assemblies took place across Iraq on 30 January 2005.[151] Results were announced on 13 February.[152]

183. On 7 April, the Assembly elected its first Speaker and swore in the future Presidential Council and Prime Minister, Dr Ibrahim al-Ja'afari, of the Dawa Party.[153] Prime Minister Designate Ja'afari presented the majority of his Cabinet to the TNA for ratification on 28 April and took office on 3 May.[154] The elections and their outcome are described in more detail in Section 9.3.

184. On 23 February, Mr Tim Torlot, Deputy Head of Mission at the British Embassy Baghdad, called on Dr Ja'afari and explained that the UK saw merit in a "National Reconciliation Conference" which might demonstrate the Transitional Government's commitment to a fully inclusive political process.[155] Dr Ja'afari endorsed the idea, but preferred "National Dialogue Conference" because:

> "… too many people now associated the word 'reconciliation' with co-operation with former Ba'athists or criminals. Such a meeting could involve anyone who was prepared to renounce violence."

185. A UK strategy for Iraq in 2005 co-ordinated by the Cabinet Office in February 2005 suggested that "resolving the **de-Ba'athification** dilemma to allow Security Sector

---

[148] Report DIS, 7 January 2005, 'Nature of the Insurgency in Iraq'.
[149] JIC Assessment, 19 January 2005, 'Iraq: Elections Update'.
[150] JIC Assessment, 3 February 2005, 'Iraq: Insurgency and Counter-Insurgency'.
[151] Public hearing Chaplin, 7 December 2009, page 12.
[152] Telegram 99 Baghdad to FCO London, 13 February 2005, 'Iraq: Provisional Election Results'.
[153] *BBC News*, 7 April 2005, *Talabani: Iraq's pragmatic new leader*.
[154] eGram 3590/05 Baghdad to FCO London, 28 April 2005, 'Iraq: New Cabinet Ratified by the TNA'.
[155] Telegram 114 Baghdad to FCO London, 23 February 2005, 'Iraq: Call on Ja'afari, UIC Nominee for Prime Minister, 23 February'.

Reform to work" was a key element of supporting the Iraqi Security Forces to deliver security.[156] The strategy also recommended that the UK should "encourage the ITG [Iraqi Transitional Government] to relax the rules on de-Ba'athification as a way of drawing disaffected former Army officers and officials back into the system".

186. In early March, senior US and UK officials discussed the strategy for Iraq in 2005.[157] They identified that, in order to modify the current policy, "one option might be to shift de-Ba'athification from a political to a quasi-judicial process". Mr Asquith said that de-Ba'athification was likely to be on the agenda of the new government at an early stage and so "we should start engaging the likely key players … at this stage before their views became settled".

187. A few days later, Mr Charles Heatly (a No.10 Press Officer who had returned from a secondment in Iraq, where he had been working in Prime Minister Allawi's office) advised Mr Blair that one of the key points for UK engagement with the new government should be: "Minimising the fall-out from de-Ba'athification etc. On our side, we should continue to monitor carefully, and advise caution."[158]

188. In late March, Mr Straw also identified the "enormous damage that could be done to efforts at outreach by a significant renewal of the de-Ba'athification drive" as one of the messages being given to the United Iraq Coalition, which had gained the highest number of seats in January's election.[159]

The new Government takes office

189. On 6 May, Mr Chaplin reported to the FCO on prospects for Prime Minister Ja'afari's government.[160] He identified "how to square the zeal for renewed de-Ba'athification in the army, police and ministries with maintaining effective forces to fight the insurgency" as an early challenge. Mr Chaplin reported assurances from Prime Minster Ja'afari that he would only pursue individuals "who have crimes to answer for".

190. On 5 July, Mr Straw wrote to Mr Blair about the Iraqi Constitution.[161] He reported that the timetable remained "tight, but doable". The UK would need to maintain pressure on the drafters and senior Iraqi politicians to stick to the principle of consensus and work towards agreement of a document which reflected the values and aspirations of all Iraqis.

191. Sunni involvement in the Committee established to draft a new Constitution for Iraq is addressed in Section 9.3.

---

[156] Paper Cabinet Office, 7 February 2005, 'Iraq: Strategy for 2005'.
[157] Minute Fergusson to Sheinwald, 2 March 2005, 'Iraq: VTC Meeting with NSC/Department of State/ Pentagon 28 February 2005'.
[158] Minute Heatly to Prime Minister, 10 March 2005, 'Iraq: Risks and Media Impact'.
[159] Minute Straw to Prime Minister, 24 March 2005, 'Iraq: Ad Hoc Ministerial Meetings'.
[160] eGram 4045/05 Baghdad to FCO London, 6 May 2005, 'Iraq: Prospects for the Ja'afari Government'.
[161] Letter Straw to Prime Minister, 5 July 2005, 'Iraq: Constitution' attaching Paper RAD, June 2005, 'Constitutional Issues'.

192. Mr Straw enclosed with his letter a paper produced by the FCO Research Analysts which set out the substantive issues that the Iraqi Constitution needed to address, including:

- language on how the Constitution could be amended; this was particularly important given concern among Sunni Arabs that they had not had sufficient involvement in the development of the Constitution; and
- de-Ba'athification – in the interests of national unity, the UK wanted to ensure these provisions did not become "more draconian" than the existing provisions in the Transitional Administrative Law.

193. The paper stated:

> "Substantive moves towards a 'truth and reconciliation process' or further amendments to the policy of de-Ba'athification should be dealt with outside the Constitution."

194. Under the heading "The detail", FCO Research Analysts explained that the Transitional Administrative Law said that no candidate for the Transitional National Assembly should have been a Division member of the Ba'ath Party, unless they had been given specific exemption to stand. They must not have participated in persecution. Members of the Presidency Council must also have left the Ba'ath Party at least 10 years before the fall of Saddam Hussein.

195. Adherence to these criteria by the main Shia and Kurdish political blocs had meant rejection of several Sunni Arabs for positions, which has "caused some resentment".

196. On 12 July, Mr William Patey, successor to Mr Chaplin as British Ambassador to Iraq, reported that Grand Ayatollah al-Sistani[162] had told the UN Special Representative to Iraq that "it would be important to maximise Sunni inclusion. The only people who should be excluded were criminals and former members of the regime."[163]

197. In mid-July the JIC assessed the state of the insurgency in Iraq, at the request of the Cabinet Office.[164] It judged that the bulk of Iraqi insurgents were Sunni Arabs but did not see evidence of a unified or national command structure:

> "The Iraqi Sunni Arab insurgency remains characterised by disparate groups, some based on family, tribal and religious links. Many have former regime connections, and military expertise is widely exploited. But we judge the influence of recalcitrant Ba'athists, including the Ba'ath Party's military wing, Jaysh Muhammad, to be marginal."

---

[162] Iraq's most senior Shia theologian.
[163] eGram 8781/05 Baghdad to FCO London, 12 July 2005, 'Iraq: UNSRSG meets Sistani and Muqtada al Sadr'.
[164] JIC Assessment, 14 July 2005, 'Iraq: State of the Insurgency'.

198. In a separate Assessment covering the effectiveness of efforts to engage with Iraq's Sunni Arab communities, the JIC judged that "The Iraqi Ba'ath Party, now based in Damascus, has no obvious support base within Iraq."[165]

199. The JIC also assessed that "perceptions that ministries are being purged of Sunnis under the banner of de-Ba'athification" were "exacerbating tensions".

200. The Iraq Sub-Committee of the Defence and Overseas Policy Committee (DOP(I)) considered a paper on 18 July entitled "Iraq: Splitting the Jihadists from the National Opposition".[166] It had been written by the FCO and was presented by Mr Patey.

201. The paper described jihadists as "principally foreigners, but an increasing number of Iraqis". Its recommendations included:

- continuing to demonstrate inclusivity in the drafting of the Constitution, committing to the timetable set out in the TAL, and being prepared to intervene if necessary;
- ensuring that the system used in the December elections was province-based in order to maximise Sunni Arab participation; and
- pressing the ITG to relax the de-Ba'athification rules to allow disaffected former Army officers and officials back into the ISF and government institutions, and ensuring that de-Ba'athification decisions were based in a legal framework rather than a political one.

202. These were to be accompanied by a strong media strategy, aimed at undermining the jihadists' "un-Islamic" message, and active engagement with neighbouring States.

203. DOP(I) agreed the broad approach proposed by the FCO.[167]

De-Ba'athification in the Iraqi Constitution

204. In an update on the Iraqi Constitution sent to the FCO on 25 July, Mr Patey advised that the first full draft contained "two unnecessary and unhelpful mentions of Ba'athism: 'Saddamist Ba'athist' thinking is prohibited and nominees for the National Assembly must not have been covered by de-Ba'athification law."[168]

205. Mr Patey considered that it would be "better and more conducive to national reconciliation if both references were to be dropped".

206. A note by the IPU on 24 August said that the UK was pushing for an article on de-Ba'athification to be deleted "in order to increase the chances for Sunni buy-in".[169] Shia representatives were keen to retain the section "believing it would make it harder

---

[165] JIC Assessment, 14 July 2005, 'Iraq: Outreach to Sunni Arabs'.
[166] Paper FCO, 18 July 2005, 'Iraq: Splitting the Jihadists from the National Opposition'.
[167] Minutes, 21 July 2005, DOP(I) meeting.
[168] eGram 9738/05 Baghdad to FCO London, 25 July 2005, 'Iraq: Constitution Update, 25 July 2005'.
[169] Paper IPU, 24 August 2005, 'Iraq: Constitution: Analysis'.

for the de-Ba'athification Commission to be dissolved". The IPU observed that this belief was mistaken, since dissolution of the Commission was a decision for the National Assembly.

207. Mr Patey told the FCO that he had lobbied President Jalal Talabani and Mr Abdul Aziz al-Hakim, leader of the UIA/SCIRI, for the removal of reference to the de-Ba'athification Commission.[170]

208. Mr Patey also suggested to Prime Minister Ja'afari and Mr Masoud Barzani, leader of the Kurdistan Democratic Party, that "If mention of the de-Ba'athification Commission could not be removed perhaps there could be some reference to indicate that the process would be a judicial one".[171]

209. Secretary Rice told Mr Straw on 24 August that reference to the de-Ba'athification Commission appeared to have been "dropped".[172]

210. On 28 August, Mr Patey reported to the FCO on the substance of the new Constitution which had been presented to the National Assembly.[173] He commented:

> "The spectre of de-Ba'athification continues to haunt the text although such references were heavily diluted in efforts to meet Sunni concerns …"

211. Mr Patey observed that the preamble to the Constitution made an important distinction between "the dictator's regime and the mainstream Ba'ath Party" and recognised that Sunnis had suffered with other Iraqis under Saddam. But extremist groups, which included "Saddamists" were prohibited.

212. Sir William Patey told the Inquiry:

> "We spent a lot of time … trying to convince the transitional government and the Shia politicians that de-Ba'athification had gone too far, that the de-Ba'athification commission was being abused. It was being used as a tool to further political ends rather than save Iraq from a return of the Ba'ath. Now, that is not an argument that was accepted very readily by Shia, who had a visceral fear of the Ba'athists and saw Ba'athists in most places. So we had limited success. We were arguing for the de-Ba'athification provisions to be excluded from the Constitution. We managed to get them watered down, we managed to get them reviewed."[174]

---

[170] eGram 11744/05 Baghdad to FCO London, 24 August 2005, 'Iraq: Constitution: Getting Sunni Arab Buy-In'.
[171] eGram 11834/05 Baghdad to FCO London, 25 August 2005, 'Iraq: Constitution: Some Prospect of Changes to Draft to Accommodate Key Sunni Arab Concerns'.
[172] Minute Siddiq to Sawers, 24 August 2005, 'The Foreign Secretary's conversation with the US Secretary of State, 24 August'.
[173] eGram 12004/05 Baghdad to FCO London, 28 August 2005, 'Iraq: Constitution: Worth Waiting For'.
[174] Public hearing, 5 January 2010, pages 6-7.

213. Mr Straw and Secretary Rice discussed the Constitution on 29 August.[175] Dr Rice highlighted that the process against Ba'athists set out in the Constitution was "on an individual basis rather than simply on proof of party membership" and described that as "a very big concession". To deal with fears about individuals being victimised, they discussed a potential international review body which would consider the decision-making process, but not re-hear cases.

214. Mr Straw recorded that he had asked for some work to be done on this idea, and asked Mr Patey to discuss the concept with Ambassador Khalilzad.

215. At the end of August, the US Red Team published its "Integrated Counterinsurgency Strategy for Iraq".[176] It stated that one of the conditions for a successful counter-insurgency campaign was to:

> "Work with Iraqi leaders in the next government to continue progress in increasing political accommodation and effective cooperation to solve specific policy challenges. Place priority on finalizing and implementing agreements to redress key divisive issues (e.g. de-Ba'athification, professionalizing ISF institution etc.)"

216. UK responses to the Red Team's report are described in Section 9.3.

217. On 12 October, the IPU reported that broad agreement had been reached on changes to the draft Constitution, including provisions on de-Ba'athification.[177] Those amendments (to Article 131) were:

- Membership of the Ba'ath Party alone would not be considered sufficient basis for prosecution. Members would enjoy equality and protection under the law unless they were covered by "the provisions of de-Ba'athification and the orders issued under it".
- The Council of Representatives would form a committee to monitor and review acts of the de-Ba'athification Commission.

218. Alongside other measures, the IPU commented that these changes might "help significantly increase the overall vote in favour of the Constitution".

219. An IPU paper on Sunni outreach dated 27 October referred to the same amendments as "a step forward" and proposed that the UK should "give our assurance that we will push hard for implementation of Article 131 in the next Parliament in a way which allows non-criminal ex-Ba'athists into government service".[178]

220. In an update on Sunni outreach two weeks later, the IPU described the shared UK and US goal on de-Ba'athification as "to persuade the Iraqis to repeal

---

[175] Letter Straw to Sheinwald, 30 August 2005, 'Conversation with US Secretary of State, 29 August'.
[176] Report Red Team, 31 August 2005, 'An Integrated Counterinsurgency Strategy for Iraq'.
[177] Paper IPU, 12 October 2005, 'Amendments to the Draft Iraqi Constitution' attaching 'Further Amendments to the Draft Iraqi Constitution'.
[178] Paper IPU, 27 October 2005, 'Sunni Arab Outreach'.

the de-Ba'athification Law and abolish its enforcement mechanism, the Supreme de-Ba'athification C [sic] Commission".[179] The British and US Embassies in Baghdad were reported to be "working up … a gameplan" and Mr Straw would take Prime Minister Ja'afari through the arguments.

221. On 21 November, Mr Asquith commented on a research paper on Iraq by an external organisation.[180] He wrote:

> "Tackling de-Ba'athification is very important, but I'm not sure that just changing the level of the bar is sufficient: those inside Iraq are more interested in making a distinction between those who can be prosecuted for criminal acts, not merely membership in or association with the Ba'ath party. Key in all this will be a credible and independent body to adjudicate."

Election preparations

222. On 27 November, Mr Doug Wilson, an official in the British Embassy Baghdad sent a report to Mr Patey of a briefing by the Independent Electoral Commission of Iraq's (IECI) International Commissioner, Mr Craig Jenness.[181] Mr Wilson wrote that the IECI had sent the names of around 7,000 electoral candidates to the de-Ba'athification Commission for checking. Having considered 70 percent of those names, the Commission had recommended that 67 individuals be disqualified, including some senior politicians. Mr Wilson proposed that the US and UK should lobby Dr Chalabi.

223. A message from the British Embassy Baghdad to the FCO on 29 November stated that the UK and US had encouraged the IECI "to adopt a process which allows them to reject the rulings of the de-Ba'athification Commission and retain most of the names on the electoral lists".[182] Mr Patey had lobbied senior members of the TNA to allow those recommended for disqualification to run and commented that "with the US, we will co-ordinate an approach to seek the Commission to reverse its decisions".

224. Mr Patey called on Dr Chalabi on 30 November to convey concerns about the involvement of the de-Ba'athification Commission in vetting electoral candidates, which he explained was likely to be seen as political interference.[183] He suggested that there should instead be "due judicial process" for those identified, whose names ought to stay on the electoral lists until their appeal had been dealt with.

225. In response, Dr Chalabi reminded Mr Patey that the Commission had no authority to ban any candidate. Its remit was to identify those covered by the

---

[179] Paper IPU, 10 November 2005, 'Sunni Arab Outreach: Update as of 10 November 2005'.
[180] Email Asquith to Hilder, 21 November 2005, 'Iraq: Org Draft'.
[181] Email Wilson to Patey, 27 November 2005, 'Elections: de-Ba'athification'.
[182] eGram 19506/05 Baghdad to FCO London, 29 November 2005, 'Iraq: Elections: de-Ba'athification Affects Candidates'.
[183] eGram 19906/05 Baghdad to FCO London, 5 December 2005, 'Iraq: Elections: de-Ba'athification of Candidates: Update'.

de-Ba'athification Law; it was for the IECI to determine eligibility, accepting or rejecting the de-Ba'athification Commission's recommendation as they saw fit.

226. Mr Patey subsequently briefed the UN Special Representative and the IECI International Commissioner on his meeting with Dr Chalabi. They explained that the IECI was in some difficulty since it had to be seen to be acting in accordance with Iraqi law: CPA Order No.1 and the Electoral Law both said that anyone covered by de-Ba'athification could not stand for election. The IECI therefore had little choice but to accept the de-Ba'athification Commission's recommendations.

227. By 1 December, the number of individuals recommended for disqualification by the de-Ba'athification Commission had risen to 134.[184]

228. A message from the IPU setting out Iraq policy priorities for the week ahead recorded that Mr Straw had raised de-Ba'athification with Secretary Rice.[185] They had agreed that the de-Ba'athification Commission was "acting in a way which ran entirely counter to our efforts on outreach" and that they would lobby Dr Chalabi in his capacity as Chairman of the Commission.

229. Sir Nigel Sheinwald raised UK concerns that de-Ba'athification might disrupt the elections with Mr Stephen Hadley, the US National Security Advisor, on 2 December.[186] Sir Nigel said: "It would be much better to leave this until after the election and decide then whether anyone should be prevented from taking up their seat because their background infringed the Constitution." He suggested that it would be helpful for the US to talk to Dr Chalabi.

230. On 5 December, Mr Blair's Private Secretary told Mr Blair:

> "We are working with the US to reverse a decision by the de-Ba'athification Commission to bar a number of former Ba'athists (both Shia and Sunni) from standing in the election … It looks like a brazenly partisan move, and deeply unhelpful."[187]

231. In a conversation with President Bush the same day, Mr Blair suggested that the US and UK needed to keep a close eye on the actions of the outgoing Government, including the de-Ba'athification Commission.[188]

---

[184] eGram 19784/05 UKMIS New York to FCO London, 1 December 2005, 'Iraq: UK-US-UN Trilateral: 1 December'.
[185] eGram 19874/05 FCO London to Baghdad, 2 December 2005, 'Iraq: Policy Priorities for the Week Beginning Saturday 3 December'.
[186] Letter Sheinwald to Hayes, 2 December 2005, 'Conversation with US National Security Adviser, 2 December'.
[187] Minute Phillipson to Prime Minister, 5 December 2005, 'VTC with President Bush, 1425 5 December'.
[188] Letter Quarrey to Siddiq, 5 December 2005, 'Prime Minister's VTC with President Bush: Middle East'.

232. Also on the same day, the IPU instructed the UK Permanent Mission to the UN in New York to press the UN to support the UK position on de-Ba'athification of electoral candidates.[189] The IPU described the best solution as:

> "… for the IECI to (i) note the DBC's submission of a list, (ii) make clear that the submission had come at a very late stage and that it would not be possible to go through the required appeals process before the election, (iii) commit therefore to process the list after the elections, after going through the necessary appeals process."

233. Sir Emyr Jones Parry, UK Permanent Representative to the UN in New York, replied the same day to say that he had spoken to Mr Kofi Annan, the UN Secretary-General, who was "sympathetic" to processing the de-Ba'athification list after the election and intended to send instructions to Mr Ashraf Jehangir Qazi, his Special Representative.[190]

234. Mr Annan's Chef de Cabinet confirmed later in the day that Mr Annan had spoken to Mr Qazi "who had also agreed on the need to find a way forward that allowed participation".

235. On 6 December, officials from the British Embassy Baghdad met Mr Jenness to discuss action on de-Ba'athification.[191] Of the de-Ba'athification Commission's initial list of 218 candidates, there remained 120 individuals at risk of being removed from the candidate lists. A further 83 individuals would be required by the Commission to sign a disavowal of Ba'athism. The remaining 15 were not mentioned.

236. Mr Patey reported that Mr Jenness remained concerned for the IECI's legal position, but wanted to find solutions that allowed participation in the elections. They agreed that the IECI would publish non-final candidate lists (including the remaining 120 names) immediately, to test the reaction from the de-Ba'athification Commission's supporters, and that it would write to the three-man Presidency Council asking for guidance and explaining that the IECI would not remove candidates from the lists without its agreement. The candidate lists were published that evening.

237. Mr Patey wrote: "This issue has underscored the need to look ahead to the arduous but urgent task of securing reform of the de-Ba'athification Law."

238. The IPU observed on 9 December that there had been "little or no public reaction to the inclusion in the list of candidates named by the de-Ba'athification Commission

---

[189] eGram 19989/05 IPU to Baghdad and UKMIS New York, 5 December 2005, 'Iraq: Elections: De-Ba'athification of Candidates'.
[190] eGram 20001/05 UKMIS New York to FCO London, 5 December 2005, 'Iraq: Elections: de-Ba'athification of Candidates'.
[191] eGram 20199/05 Baghdad to FCO London, 7 December 2005, 'Iraq: Elections: De-Ba'athification of Candidates: Progress'.

in their [the IECI's] list".[192] As a result, if the government supported the Commission's recommendations, it would be seen as a political decision and was "potentially very divisive". The IPU suggested that Mr Straw should seek Prime Minister Ja'afari's agreement to putting de-Ba'athification on hold until after the elections, when it could be "addressed by a new, and fully representative, national assembly and government".

239. On 12 December, the British Embassy Baghdad reported that the IECI had issued a statement setting out why it would not be removing any candidates from the electoral lists as a result of their identification as Ba'athists by the de-Ba'athification Council.[193] Prime Minister Ja'afari had responded to the IECI's request for guidance in support of that decision.

De-Ba'athification after the 2005 Iraqi election

240. A "Work Plan" for the post-election period, drafted by the IPU in December 2005, said that the UK needed to:

> "Press for early review of de-Ba'athification Commission (as provided for under Constitution) and continue to stall de-Ba'athification of (successful) electoral candidates".[194]

241. Once elections had taken place, Mr Straw spoke by telephone to President Talabani on 21 December.[195] He emphasised that:

> "… the process of de-Ba'athification should not be allowed to derail the formation of a new Government. It was important that Sunni Arabs did not feel excluded, with the risk that the insurgency would continue and escalate to civil war."

242. Mr Straw made similar points in a call to Mr Barzani the following day, explaining UK concern about "overzealous de-Ba'athification" and stressing the need for a consensus government with Sunni representation.[196]

243. On 24 December, the British Embassy Baghdad reported the outcome of the case brought by the de-Ba'athification Commission against the IECI.[197] The Transitional Electoral Panel found against the IECI, which consequently decided to remove all the candidates identified by the Commission from their party lists. The British Embassy Baghdad reported that this would affect three individuals who would otherwise have taken up a seat at governorate level, and others who were candidates for national seats.

---

[192] Submission IPU [junior official] to Foreign Secretary, 9 December 2005, 'Iraq: Human Rights/ De-Ba'athification: Telephone Call to Prime Minister Ja'afai'.
[193] eGram 20573/05 Baghdad to FCO London, 12 December 2005, 'Iraq: Elections: Final Preparations'.
[194] Paper IPU, 16 December 2005, 'Iraq: Post-Election: UK Work Plan'.
[195] Email Wilson to Asquith, 22 December 2005, 'Foreign Secretary's Call to Talabani: 21 Dec'.
[196] Email Wilson to Asquith, 22 December 2005, 'Foreign Secretary's Call to Barzani, 22 December'.
[197] eGram 21681/05 Baghdad to FCO London, 28 December 2005, 'Iraq: Elections: Results'.

244. At the end of December 2005, the British Embassy Baghdad wrote to the FCO to describe conversations with Iraqi and US officials about the possibilities for reform of the de-Ba'athification Commission.[198]

245. The Embassy described the Commission as "an inherently political body", and said that there was no real prospect of appeal against its decisions. The new Constitution offered a potential opportunity to reform the de-Ba'athification Law, but also the risk of deepening existing divisions. Article 134(6) obliged the Council of Representatives to establish a committee to review acts of the de-Ba'athification Commission and government agencies. In the Embassy's opinion that was "a real opportunity to set in motion concrete reform of the DBC".

246. Although "the ultimate goal" was repeal of the de-Ba'athification Law and dissolution of the Commission, possible steps to address concerns about the de-Ba'athification process included:

- imposing procedural checks to "choke the Commission in its own bureaucracy";
- removing politically active individuals from the Commission;
- pressing for the extradition to Iraq of senior Ba'athists suspected of criminal activity; and
- publication of a final report by the Commission, indicating that its work was complete.

247. Attached to the Embassy's message was a minute written by the IPU for Mr Patey earlier in December.[199]

248. The IPU set out more information about the composition and operation of the DBC. Its six serving Commissioners were all from the Shia community as two positions allotted to the Kurdish parties had never been filled. The DBC did not hold formal meetings, and its only active members were Dr Chalabi, Mr Maliki and Sheikh Jalal al-Din al-Sagheer.

249. The IPU also described Article 7 of the new Constitution, which banned the glorification and promotion of the Ba'ath Party in Iraq and its symbols. Although the text had been "continually watered down", the final text specified that its provisions would be regulated by a law. The IPU judged:

> "The regulating law will be a yardstick testing attitudes towards de-Ba'athification – on the one hand it could be an opportunity to seek concrete reform and repeal of CPA Order No.1 (the de-Ba'athification Law). But on the other hand, it could be used as an opportunity to widen and deepen de-Ba'athification, or restrict the activities of political groups which contain former Ba'athists. That said, because it [sic] such a political hot potato, it may not be one of the laws prioritized as important in the new parliament."

---

[198] eGram 21802/05 Baghdad to FCO London, 31 December 2005, 'Iraq: Reforming de-Ba'athification'.
[199] Minute Wilson to HMA, 10 December 2005, 'Iraq: de-Ba'athification: Possible Next Steps'.

A new government

250. Evidence seen by the Inquiry confirms that in January and February 2006 the UK stepped up its efforts to encourage Iraq to form a broad and inclusive government of national unity through high-level visits and rounds of phone calls.[200]

251. Mr Straw visited Basra and Baghdad in early January.[201] He met representatives of political parties from all the main communities, reinforcing the UK's message on the need for a unity government. In his view, achieving that mattered more than who became Prime Minister.

252. Some Sunni representatives told Mr Straw that they had been "cheated out of seats". He responded that "they must accept the election results once confirmed or they will be pitting themselves against the whole international community".

253. Vice President Adel Abdul Mehdi, a potential candidate for Prime Minister, told Mr Patey on 1 January that "he would be ready to look at the possibility of appointing a judge to head the de-Ba'athification Commission" and to reduce the role of politicians within it.[202]

254. Prime Minister Ja'afari told Mr Patey on 3 January that, although the Ba'ath Party and its ideology should remain outlawed, "the half-million former Ba'ath members Ja'afari saw as his 'children' should not and the de-Ba'athification Commission and its procedures should be reviewed".[203]

255. On 3 January, Mr Ayad Allawi told Mr Blair that in forming the new government "the key bridge to the Sunnis would be revision of the de-Ba'athification process".[204]

256. An IPU brief for Mr Straw's visit to Baghdad in early April listed "participation by all (including former Ba'athists) who are committed to furthering the political process and can run government effectively" as one of the main issues for the new Iraqi Government to address.[205]

257. After the announcement of Mr Nuri al-Maliki as the nominee for Prime Minister, the British Embassy Baghdad's pen picture of him recorded that he had been Deputy Chair of the de-Ba'athification Commission and "a driving force for that body's work".[206] The

---

[200] eGram 359/06 Baghdad to FCO London, 9 January 2006, 'Iraq: Visit by Foreign Secretary, 6-7 January 2006: Elections and Formatio[n]'; eGram 3684/06 Baghdad to FCO London, 22 February 2006, 'Iraq: Foreign Secretary's Visit, 20-21 February 2006: Formation of Govern[ment]'; Minute Bayley to Foreign Secretary, 16 January 2006, 'Iraq: Keeping Up The Momentum – Proposed Telephone Calls/Visit'.
[201] Minute Straw to Prime Minister, 11 January 2006, 'Iraq: Post-Elections and Government Formation'.
[202] eGram 69/06 Baghdad to FCO London, 4 January 2006, 'Iraq: Call on Vice President Abdul Mehdi'.
[203] eGram 129/06 Baghdad to FCO London, 4 January 2006, 'Iraq: Call on Prime Minister Ja'afari'.
[204] Letter Prentice to Quarrey, 3 January 2006, 'Prime Minister's Meeting with Iyad Allawi, Amman, 2 January'.
[205] Briefing IPU, 31 March 2006, 'Iraq: Foreign Secretary's Visit, 2-3 April 2006'.
[206] eGram 13011/06 Baghdad to FCO London, 24 April 2006, 'Iraq: Formation of the New Government: al-Maliki Nominated by UIA as Prime Minister'.

Embassy wrote that Mr Maliki was "opposed to the participation of any former Ba'athists in government institutions and public life".

258. When Prime Minister Designate Maliki met Mr Patey and Sir Nigel Sheinwald on 24 April, he said he was "proud to be known as a hardliner" on de-Ba'athification but acknowledged that the de-Ba'athification Commission had made some mistakes.[207]

259. Mr Maliki planned to propose a "radical overhaul" that would transform the de-Ba'athification Commission into a "Truth and Reconciliation Commission, sending Ba'athists who had committed crimes to the courts and rehabilitating those who had not". He was most concerned about Ba'athist military officers. The establishment of a "Commission for Equality of Employment" would reassure Sunnis that they would get a fair share of government jobs and that dismissals would not be sectarian.

260. On 10 May, the JIC assessed how the Sunni insurgency was evolving.[208] It concluded:

> "The strength of the insurgency is in part affected by Sunni participation in the political process. If Sunni confidence is to be bolstered, respected Sunnis will need to gain some major ministries. Even then, Sunni participation will remain fragile. Much will depend on the actions of the new government in addressing broader Sunni concerns: federalism, de-Ba'athification, reform of the Iraqi Security Forces (ISF), MNF withdrawal, security and detainees, and improvement in the quality of life."

261. On 19 July, the JIC assessed that:

> "Little has changed in the nature and intensity of the Sunni Arab insurgency since our last assessment in May. We continue to judge that the strength of the insurgency is in part affected by Sunni participation in the political process. Prime Minister Maliki's government includes Sunnis in Ministerial and executive positions, and some key Sunni demands have been partially met; for example, limited release of detainees. Maliki has announced a National Reconciliation Plan aimed at addressing wider Sunni concerns, but there has been no substantive progress as yet. Some Sunni politicians have voiced their scepticism at Maliki's offer of amnesty (on current proposals most insurgents need not apply), plans to relax de-Ba'athification, and his lack of reference to an MNF withdrawal timetable."[209]

262. On 27 July, the IPU reported to the British Embassy Baghdad that the Iraq Strategy Group had agreed:

> "… the review Maliki has promised of de-Ba'athification needs to happen urgently. This is not only important to operationalising his national reconciliation plan: but

---

[207] eGram 13126/06 Baghdad to FCO London, 24 April 2006, 'Iraq: Government Formation: Maliki's Views'.
[208] JIC Assessment, 10 May 2006, 'Iraq: How is the Sunni Insurgency Evolving?'
[209] JIC Assessment, 19 July 2006, 'Iraq: Insurgency, Sectarianism and Violence'.

also to stopping the crippling, continuing purges of middle-ranking managers in key public services."[210]

263. In August 2006, the British Embassy Bagdad reported to the FCO some changes at the de-Ba'athification Commission.[211] A new Acting Chair, Sheikh Jalal al-Din al-Sagheer, had been appointed and the Commission's Legal Department had begun work on a new law for the structure and administration of the Commission, including the process for appointing its Chair. Sheikh Sagheer told the Embassy:

"He was aware that both the policy and the structure of the Commission had been subject to heavy criticism from many quarters and expected the new legislation to address those concerns. He asked for HMG's input on how the current system could be improved."

264. Mr Ali Faisal Alami, the Director General of the Commission's Follow-Up and Implementation Department, told Embassy officials that 10,924 orders had been issued by the Commission, of which 6,788 had been implemented.

265. When the Iraq Strategy Group met on 15 September, Ms Bridget Brind, Deputy Head of the IPU, gave an update on reconciliation work by the Iraqi Government.[212] She reported that:

"A conference with tribal leaders had taken place in August, and future conferences were scheduled with civil society, party leaders and armed groups. As yet, there were no firm plans on the big issues of de-Ba'athification and detainees."

266. In an Interim Progress Report on Prime Minister Maliki's Government, in October 2006, the JIC judged that:

"In the current political and security climate, key Sunni concerns are not being addressed. There has been no significant change in de-Ba'athification policies, they remain highly suspicious of SCIRI's federalist aspirations, little action has been taken against the Shia militias, and the total number of detainees has not significantly changed."[213]

267. On 8 November, the British Embassy Baghdad reported "Indications that the door may be opening to a less stringent de-Ba'athification process" and sent "proposals for how we engage" to the FCO in London.[214]

---

[210] eGram 32790/06 IPU to Baghdad, 27 July 2006, 'Iraq: Reply to Your Valedictory'.
[211] eGram 36238/06 Baghdad to FCO London, 20 August 2006, 'Iraq: Changes at the De-Ba'athification Commission'.
[212] Letter Cabinet Office [junior official] to Sheinwald, 18 September 2006, 'Iraq Strategy Group, 15 September'.
[213] JC Assessment, 5 October 2006, 'Al-Maliki's Government: Interim Progress Report'.
[214] eGram 49594/06 Baghdad to FCO London, 8 November 2006, 'Iraq: De-Ba'athification Developments'.

268. The message explained that, on 6 November, the Director General of the de-Ba'athification Commission had announced that a draft law on de-Ba'athification, consistent with Prime Minister Maliki's National Reconciliation Plan, had been prepared and would be sent to the Council of Representatives soon.

269. The new law would mean that only 1,500 of the 10,302 Senior Ba'athists currently affected would lose their jobs. Of those, only the top tier of party members would be denied a pension. The cases of those further down the ranks would be reviewed and those who had not been convicted of a crime would have the option of reinstatement or retirement with a pension.

270. UK officials explained that they would "seek to agree a few components of a 'fair law' with the US and UN and lobby hard for those changes". They would "focus on reinforcing the underlying principle that de-Ba'athification should be an independent judicial process rather than a political process".

271. UK officials subsequently discussed five changes with US officials, who raised the first four with Dr Chalabi.[215] The proposals, which received a mixed response, were:

- The de-Ba'athification Commission should review the cases of all de-Ba'athified individuals.
- The Commission should have a purely investigative role, passing all evidence to a judge for criminal proceedings where justified.
- The new law should not extend the remit of the Commission to civil society, press and the media.
- The Commission should produce a report for the Council of Representatives, which would then consider its dissolution.
- The article that prohibited the passing of legislation in breach of the de-Ba'athification Law should be removed.

272. In November 2006, Mr John Sawers, FCO Director General, Political, wrote to Mr Blair from Baghdad, where he had just spent three days:

> "… the pace of the insurgency hasn't slackened. The Shia put the blame squarely on Ba'athists/Saddamists, who they think we under-estimate. They are convinced that the former regime's security and intelligence officials are the driving force behind the attacks on the coalition, the Shia, and government officials, with the aim of creating mayhem and an opportunity for them to return to power as the only ones capable of restoring order. The level of concern has gone up sharply, with reports of Ba'athist intimidation on the streets of Baghdad … The relative weight of the Ba'athists in the insurgency isn't easy to divine, but it is clear that both the Shia and the Kurds still fear them above all."[216]

---

[215] Email Sharif to Shokat, 10 November 2006, 'Re: De-Ba'athification: key components of a fair law'.
[216] Minute Sawers to Prime Minister, 13 November 2006, 'Iraq'.

273. On 15 November, the JIC judged that:

> "The Iraqi Government's response to deteriorating security remains ineffective. Many Shia politicians blame all violence on 'Ba'athists'. There has been no progress on national reconciliation …"[217]

274. The Iraq Forward Plan developed by UK officials in November 2006 (see Section 9.5) said that the UK should encourage Iraqi political leaders to sign up to a Declaration of Principles/National Compact which included a commitment to prevent the return of a Ba'athist government "while reviewing de-Ba'athification to allow all those who have not committed crimes to participate in building Iraqi stability and prosperity".[218]

275. Implementing the Compact would require two new bodies: a Peace Commission and a Reconciliation/Rehabilitation Commission. The latter, it was proposed, would not deal with cases before the de-Ba'athification Commission which would continue to be heard there, but would address detainee issues and hear accounts of pre- and post-2003 violence from victims and perpetrators.

De-Ba'athification in 2007

276. At the end of January 2007, Mr Dominic Asquith, British Ambassador to Iraq, recorded a report from the Iraqi Ministry of Foreign Affairs that the Iraqi Ba'ath Party had split, and a splinter group had formed that wanted to "come back to Iraq, start a dialogue, renounce violence and act politically".[219] It was hoped that others might be attracted to the same strategy.

277. The IPU provided advice on "how best to step up and co-ordinate work on reconciliation" in February 2007.[220] It said that de-Ba'athification was a "major inhibitor" of reconciliation and a cause of grievance in the Sunni community.

278. The IPU wrote:

> "We have worked in close consultation with the US to promote a substantive discussion between the main political parties on reforming the de-Ba'athification process. The aim is to take account of the concerns of all major communities, help reduce the numbers of Iraqis excluded from public life and thus reduce alienation and motives for violence. A number of different draft laws have been provided by different political parties. We are working to help bring these together in a single document, ideally including a sunset clause to bring an end to de-Ba'athification in the future. A US/UK facilitated version has just gone to President Talabani with

---

[217] JIC Assessment, 15 November 2006, 'Iraq: Risk of Deepening Sectarian Division'.
[218] Minute McDonald to Banner, 24 November 2006, 'Iraq Forward Plan' attaching Paper, [undated], 'Iraq: Forward Plan'.
[219] Email Asquith to Gelling, 29 January 2007, 'Call on MFA – Syria, Neighbouring States'.
[220] Paper IPU, February 2007, 'Reconciliation'.

the aim of having a cross-sectarian draft presented to the Iraqi parliament by the Presidency Council."

279. In a separate 'Update on de-Ba'athification', also dated February 2007, the IPU explained that "we want to see the de-Ba'athification process reformed and ultimately brought to an end".[221] In the short term, the objective was to reform the de-Ba'athification Commission so that it operated in a more independent and transparent way. Specifically, this meant that it should:

"– … target an individual's conduct, not membership of the Ba'ath party, reinforcing the underlying principle that de-Ba'athification should be a judicial rather than political process;

– review the cases of all individuals who have already been de-Ba'athified, as the previous process was deeply flawed due to political interference;

– complete the de-Ba'athification process within a defined period."

280. The IPU explained that the draft US/UK text proposed abolishing the de-Ba'athification Commission and replacing it with a "Reconciliation and Accountability Commission" for six months. President Talabani had indicated that he was broadly content with the US/UK text. If the Presidency Council exercised its right to put the draft law to the Council of Representatives directly, and other drafts were also presented, they were likely to be considered by a Committee of the Council.

281. On 5 March, Mr Blair's Private Secretary wrote to the Private Secretary to Mrs Margaret Beckett, the Foreign Secretary:

"The Prime Minister would like us to get a UK adviser on reconciliation into Maliki's office as quickly as possible … We also need to build influence with Abdul-Mehdi on de-Ba'athification … The Prime Minister is pleased at UK/US efforts to ensure that there is now a single document on de-Ba'athification with Talabani."[222]

282. In an update for Mr Blair on 23 March, his Private Secretary reported a sense that Iraqi politicians risked missing the opportunity presented by the Baghdad Security Plan (see Section 9.5) to pursue reconciliation.[223] He wrote that "faltering progress on the oil law and on de-Ba'athification" were contributing to increased suspicion within the Sunni community.

283. In his Weekly Assessment dated 29 March, Mr Asquith reported that the proposed new de-Ba'athification Law had become "another victim of the US fixation on security

[221] Paper IPU, February 2007, 'Update on de-Ba'athification'.
[222] Letter Fletcher to Hickey, 5 March 2007, 'Iraq'.
[223] Minute Banner to Prime Minister, 23 March 2007, 'Iraq Update, 23 March'.

'results'".[224] Mr Asquith wrote that the departure of Ambassador Khalilzad would "deprive Iraq of one of the great contrivers" and that his final act was:

> "… a de-Ba'athification draft law – a characteristic mix of the bad and the superficially plausible fix, designed to service immediate domestic US rather than Iraqi long term interests. My Legal Adviser had been working closely with the Americans and Iraqis for some months on the substance. I had in parallel been discussing the provisions with political leaders. The key objectives were to set an early (eg. six month) date for the termination of the de-Ba'athification Commission's work, drawing a line definitively in the sand, reduce to as few as possible (1,200-1,500) those caught by the provisions and secure the agreement of the three-man Presidency Council to a text which could then be introduced directly into Parliament.
>
> "… Khalilzad persuaded the PM and President (alone) to sign off, thereby failing the Constitutional condition for fast-track introduction of legislation. Those caught by the provisions will increase by 10-12,000 (and indeed potentially many more, if Provinces decide to exploit the latitude they are given on implementation).The termination of the de-Ba'athification Commission in a year is undermined by the creation of a 'Special Committee' (of political/security 'experts' appointed by the Presidency and PM) to adjudicate on security clearances for sensitive jobs (in effect a vetting committee), which has no/no termination date. And the PM is given the right to intervene in the decisions of the Special Committee and a separate panel of judges appointed to consider the decisions of the de-Ba'athification Commission or Special Committee."

284. Mr Asquith recorded that there had as yet been no co-ordinated response from Sunni Arab politicians. The only way to introduce the draft legislation into Parliament rapidly would be to "bend the Constitution".

285. On 12 April, Dr Mowaffak al-Rubaie, the Iraqi National Security Adviser, told Sir Nigel Sheinwald that the proposed "accountability and justice" law would "allow 90 percent of Ba'athists to return to work".[225] Those who had held high rank would be excluded from the security ministries, but pension rights for the families of those who had been prosecuted for their actions would be protected. Dr Rubaie described implementing the policy as an uphill struggle, but pointed to a "growing consensus in support of the need to rehabilitate and reconcile".

286. After visiting Baghdad and Basra, Mr Des Browne, the Defence Secretary, wrote to Mr Blair on 5 May with an assessment of work under way on reconciliation and its prospects for success.[226] Mr Browne judged that a "bridging package" to attract

---

[224] eGram 13103/07 Baghdad to London, 29 March 2007, 'Iraq: Weekly Assessment'.
[225] Letter Cabinet Office [junior official] to Hickey, 12 April 2007, 'Iraq: Nigel Sheinwald's Conversation with Muaffaq al Rubaie'.
[226] Letter Browne to Blair, 5 May 2007, 'Iraq: Reconciliation'.

a broad range of Sunni support would include: "recognition, amnesty, reversal of de-Ba'athification, progress on sharing natural resources … investment, employment, political representation, and release of detainees".

287. On 16 May, the JIC assessed that "genuine fears of a Ba'athist resurgence" were helping to keep the fragile Shia coalition, the United Iraqi Alliance, together.[227] There had been "little substantive progress on de-Ba'athification".

288. The JIC judged that there had been "no tangible progress on national reconciliation" and that "antipathy" between Shia and Sunni communities remained "intense".

289. The JIC judged that:

> "… progress on national reconciliation will remain slow unless there is a major shift in both Shia and Sunni attitudes and expectations, backed by strong and persistent Coalition pressure. At the moment it means different things to different groups."

290. On 23 May, Mr Blair's Private Secretary reported:

> "… there are now sensible amendments agreed by the Executive Committee to the existing draft law, which should address some of the key problems for the Sunni, including a sunset clause for the de-Ba'athification Commission, a representative Political Committee to supervise the process (overseen by the CoR [Council of Representatives]), and introducing a judicial element to the process. Some issues remain, but this represents welcome progress. Further pressure will have to be put on the Shia in particular to agree an acceptable law, and on the Council of Representatives to pass it."[228]

June 2007 onwards

291. As described in Section 9.5, Mr Blair stood down as Prime Minister on 27 June 2007. Shortly after Mr Blair tendered his resignation, HM The Queen asked Mr Gordon Brown to form a government.

292. On 20 August, a Current Intelligence Group (CIG) judged that:

> "I. The influence of the Iraqi Ba'ath Party on the Sunni Arab insurgency is marginal. The party is fractured with little political relevance or popular support in Iraq; this is highly unlikely to change.
>
> "II. Iraqi Shia politicians' fears of a Ba'athist resurgence, however exaggerated, are genuinely held. They will limit the Shia appetite for reconciliation with the Sunni more broadly."[229]

---

[227] JIC Assessment, 16 May 2007, 'The Iraqi Government: One Year On'.
[228] Minute Banner to Blair, 23 May 2007, 'Iraq Meeting, 25 May' attaching Paper 'Iraq – Reconciliation'.
[229] CIG Assessment, 20 August 2007, 'Iraq: How Important is the Ba'ath Party?'

293. On 1 October, a brief for Mr Brown's first visit to Iraq as Prime Minister stated:

> "Following the Petraeus/Crocker testimonials [see Section 9.6], the centre of gravity has switched back from Washington to Baghdad, where Maliki is enjoying a somewhat more secure position. However, he still faces significant challenges: to break the impasse over key legislation (de-Ba'athification and Provincial Powers laws) … and drive forward the reconciliation agenda."[230]

294. The list of points for Mr Brown to make in his meeting with Prime Minister Maliki suggested that he should stress the Prime Minister's particular responsibility to give a strong lead to national reconciliation.

295. In November, the British Embassy Baghdad reported:

> "After two months of playing games, the correct draft of the Accountability & Justice Law (de-Ba'athification) has now made it to the CoR … there should be sufficient majority to see this law through."[231]

296. By the end of December, the Accountability and Justice Law still had not been passed.[232]

297. The Law was approved by the Council of Representatives on 12 January 2008.[233]

298. The British Embassy Baghdad reported on 24 January that, although Vice President Hashimi had continuing concerns, he had agreed to register them in a letter to the Speaker rather than delay or veto the law.[234]

299. On 12 January, the Iraqi Council of Representatives approved the Justice and Accountability Law (formerly the de-Ba'athification Law).[235] The Cabinet Office told Mr Brown that:

> "Although the law's practical impact will be more symbolic than substantive, its approval nevertheless sends out a positive message especially to Sunnis, about the ability of the political system to function."

---

[230] Minute Cabinet Office [junior official] to Prime Minister, 1 October 2007, 'Iraq Visit: 2 October 2007'.
[231] eGram 47120/07 Baghdad to FCO London, 19 November 2007, 'Iraq: Political Round-Up'.
[232] Minute Rollo to CDS, 31 December 2007, 'Iraq in 2008 – An Opportunity to be Taken'.
[233] Minute Cabinet Office [junior official], 18 January 2008, 'Iraq Update'.
[234] eGram 2673/08 Baghdad to FCO London, 24 January 2008, 'Iraq: Internal Political Progress?'
[235] Minute Cabinet Office [junior official] to Prime Minister, 18 January 2008, 'Iraq Update'.

SECTION 11.2

CONCLUSIONS: DE-BA'ATHIFICATION

Contents

Introduction and key findings 58

Conclusions 58

Lessons 61

Introduction and key findings

1. This Section contains the Inquiry's analysis, conclusions and lessons in relation to the de-Ba'athification of the Iraqi public sector, the evidence for which is set out in Section 11.1.

Key findings

- Early decisions on the form of de-Ba'athification and its implementation had a significant and lasting negative impact on Iraq.
- Limiting de-Ba'athification to the top three tiers of the party, rather than extending it to the fourth, would have had the potential to be far less damaging to Iraq's post-invasion recovery and political stability.
- The UK's ability to influence the decision by the Coalition Provisional Authority (CPA) on the scope of the policy was limited and informal.
- The UK chose not to act on its well-founded misgivings about handing over the implementation of de-Ba'athification policy to the Governing Council.

Conclusions

2. Although the US and UK had discussed and recognised the need for it, de-Ba'athification was one of many areas of post-invasion activity in Iraq for which objectives and plans had not been agreed between the two Governments before the invasion (see Section 6.5). Consequently, no detailed preparations for implementation of a shared de-Ba'athification policy were put in place.

3. The UK lacked the deep understanding of which levels of the Iraqi public sector were highly politicised that would have been desirable in developing a de-Ba'athification policy, but did recognise that party membership was likely to have been a matter of expediency rather than conviction for many Iraqi citizens. Since the UK's planning assumption was that a large proportion of the Iraqi civil service would continue to function under new leadership post-invasion, the main UK concern was that a light-touch de-Ba'athification process should protect administrative capacity for the reconstruction of the country.

4. Measures to prevent a resurgence of the Ba'ath Party were important both to ordinary Iraqi citizens and to Iraqi politicians. The UK recognised the psychological importance of reassuring both groups that the Ba'athists would not return to power, but did not fully grasp the extent to which de-Ba'athification might have consequences for the relationship between the Shia and Sunni communities. The Coalition did not have a plan to deal with the tensions which inevitably rose as result. This placed at risk the UK's objective that Iraq would become a stable and united state.

5. Recognition of the symbolic importance of de-Ba'athification is clear from its inclusion in General Franks' Freedom Message of 16 April 2003, and from the fact that it was the subject of the first Order issued by the CPA in May 2003.

6. The UK did have advance sight of the text of the Freedom Message, which "disestablished" the Ba'ath Party, but did not succeed in having its drafting changed to reflect concerns raised by lawyers in the FCO.

7. In the post-conflict phase, Secretary Rumsfeld and the Department of Defense in Washington, and Ambassador Bremer in Baghdad, became the driving forces of de-Ba'athification policy.

8. The UK's absence from formal decision-making within the CPA (see Section 9.8) meant that its input to discussion of de-Ba'athification policy in May 2003 was dependent on the influence of one particular individual: Mr John Sawers, the Prime Minister's Special Representative to Iraq. The key policy choice at that point was centred on whether the top three, or the top four, tiers of the Ba'ath Party should be brought into scope.

9. The CPA Order No.1 signed by Ambassador Bremer differed from the UK policy position on the best approach to de-Ba'athification. In particular, the decision to bring the fourth tier[1] of Ba'ath Party members into scope – which increased the number of individuals potentially affected from around 5,000 to around 30,000 – was considered by the UK to be disproportionate and likely to deprive Iraqi institutions of much-needed capacity.

10. The Inquiry agrees with the UK's view, and considers that limiting de-Ba'athification to the top three tiers would have had the potential to be far less damaging to Iraq's post-invasion recovery and political stability.

11. As Order No.1 was being finalised, UK officials did not propose any attempt at Ministerial level to influence the policy via Washington. The effect of such an approach may in any case have been limited as significant policy choices appear to have been made before Ambassador Bremer deployed to Iraq. Not unreasonably, Mr Sawers advised against lobbying Washington in the face of a strong desire by the Iraqi Leadership Group, comprised largely of Shia and Kurdish politicians, for a stringent approach to de-Ba'athification.

12. However, the UK's informal acceptance of Order No.1 helped to set the tone for its relationship with the CPA which persisted throughout the lifespan of the organisation. Informal consultation with the UK, usually through Mr Sawers and subsequently Sir Jeremy Greenstock, became the norm.

13. The Order had consequences. It made the task of reconstructing Iraq more difficult, both by reducing the pool of Iraqi administrators and by adding to the pool of the unemployed and disaffected, which in turn fed insurgent activity.

---

[1] Down to the rank of Group Member.

14. After Order No.1 was signed, the UK, having recognised the Order's potential to create a pool of disaffected individuals and to deny posts to effective public servants, urged a pragmatic approach to de-Ba'athification in its contacts with the US, including at the highest levels, but with little practical effect.

15. In November 2003, the CPA decided to hand responsibility for implementing de-Ba'athification to the Governing Council (GC). There were misgivings about the decision in the FCO but, rather than act on them, it relied on assurances that the policy was to be implemented flexibly.

16. Although it would have been challenging to create, a more independent oversight body than the GC would have been more appropriate. The decision to hand over responsibility for implementation to a political body of this nature was, in the Inquiry's view, a mistake which left a critically important area of policy outside the control of the CPA, with damaging consequences.

17. One Iraqi interlocutor suggested to the Inquiry that it would have been preferable for judges to preside over the process but also recognised that the Iraqi court system was not in a fit state to take on additional responsibilities in 2003.

18. As soon as it was appointed, the High National de-Ba'athification Commission, steered by Dr Ahmed Chalabi and Mr Nuri al-Maliki, took action to toughen the impact of de-Ba'athification. Both officials and military commanders recognised almost immediately that such action was likely to generate further instability, but the CPA's decision to hand over responsibility to the GC left the UK unable to intervene. The UK, however, remained responsible for security in the South in the face of a growing insecurity.

19. The enthusiasm for de-Ba'athification felt by many Iraqi political leaders – Dr Chalabi and Mr Maliki in particular – may well have made any policy change difficult to achieve. This enthusiasm reflected a deep-seated fear within the Shia community of the resurgence of the Ba'ath Party and a return to Sunni dominance.

20. After the appointment of the Interim Transitional Government in June 2004, the coalition's responsibilities in Iraq shifted, but it retained considerable influence over the development of the political process.

21. By the time of Iraq's first post-invasion elections, de-Ba'athification had already been identified as a major political issue because it put a substantial barrier in the way of Sunni engagement with the political process. Although the UK placed a high premium on successful and inclusive elections, attempting to remove the barriers imposed by Order No.1 was not made a priority.

22. Increasing codification of the extent of de-Ba'athification, in the Transitional Administrative Law and then the Iraqi Constitution, was one crucial way in which

sectarianism was legitimised in Iraqi political culture, helping to create an unstable foundation for future Iraqi governments.

23. Although it is difficult to arrive at a precise figure, the evidence suggests that the impact of de-Ba'athification was felt by tens of thousands of rank and file Ba'athists. De-Ba'athification continued to be identified as a major Sunni grievance and a source of sustenance for the insurgency in Iraq as late as 2007.

24. As described in Sections 9.6 and 9.7, UK influence in Iraq and its relationship with the Iraqi Government declined further from 2007. From that point, lacking influence, there was very little realistic prospect of a UK-inspired change in the approach to de-Ba'athification.

25. The Inquiry concludes that early decisions on the form of de-Ba'athification and its implementation had a significant and lasting negative impact on Iraq. This negative impact was soon recognised by the UK Government, but its efforts to secure a change of approach were largely ineffective. This became a persistent problem that could be traced back to both the early failure to have a settled US/UK agreement on how the big issues of post-war Iraqi reconstruction would be handled and the improvised decision-making leading up to Order No.1.

Lessons

26. After the fall of a repressive regime, steps inevitably have to be taken to prevent those closely identified with that regime from continuing to hold positions of influence in public life. The development of plans which minimise undesired consequences, which are administered with justice and which are based on a robust understanding of the social context in which they will be implemented, should be an essential part of preparation for any post-conflict phase. This should include measures designed to address concerns within the wider population, including those of the victims of the old regime, and to promote reconciliation.

27. It is vital to define carefully the scope of such measures. Bringing too many or too few individuals within scope of measures like de-Ba'athification can have far-reaching consequences for public sector capacity and for the restoration of public trust in the institutions of government.

28. It is also important to think through the administrative implications of the measures to be applied and the process for their implementation.

29. The potential for abuse means that it is essential to have thought-through forms of oversight that are as impartial and non-partisan as possible.

30. For lessons related to the UK's involvement in decision-making within the CPA, see Section 9.8.

SECTION 1.1

UK IRAQ STRATEGY 1990 TO 2000

Contents

Introduction 23
Acknowledgements 23
UK Iraq strategy 23
Iraq's invasion of Kuwait 24
Resolution 678 (1990) 25
The 1991 Gulf Conflict 27
Resolution 687 (1991) 28
Legacy of the 1990-1991 Gulf Conflict 30
Internal repression 30
Diplomatic isolation 31
The strategy of containment 32
The northern No-Fly Zone 33
The southern No-Fly Zone 34
The legal basis for the No-Fly Zones 34
Arms embargo 36
Economic sanctions 36
Enforcement at sea 38
Deterrence by forces stationed in the region 38
Iraq's weapons of mass destruction 39
Assessments of Iraq's WMD capability before the Gulf Conflict 39
Provisions of resolution 687 44
Iraq's response to resolution 687 46
The discovery of Iraq's nuclear programme 48
Concealment of WMD activities 52
The defection of Lieutenant General Hussein Kamil 57
Events leading to the withdrawal of UNSCOM 66
Dr Albright's Georgetown speech 71
UNSCOM activity 72
UNSCOM report, April 1997 72
A change of tactics 75

Resolution 1115 (1997) 77
Mr Richard Butler succeeds Mr Rolf Ekéus 79
IAEA report, October 1997 84
Resolution 1134 (1997) 87
Continued Iraqi non-co-operation 91
Resolution 1137 (1997) 95
Inspectors return to Iraq 99
Resolution 1154 (1998) 107
Resolution 1194 (1998) 127
UNSCOM and IAEA reports, October 1998 128
Resolution 1205 (1998) 135
UNSCOM and IAEA withdraw 146
Operation Desert Fox 147
Legal authorisation for Operation Desert Fox 161
After Operation Desert Fox 162
UNSCOM's findings, January 1999 166
The Amorim Review 171
Mr Blair's Chicago speech 173
Cabinet discusses Iraq strategy, May 1999 175
Resolution 1284 (1999) 177
UNMOVIC begins work 185

Introduction

1. This Section addresses the UK's Iraq strategy between 1990 and 2000. Although this period falls outside the Inquiry's Terms of Reference, events during that time nonetheless have a bearing on the subsequent policy decisions the Inquiry is examining.

2. This Section does not address the review of UK policy on Iraq which began in September 2000. That is addressed in Section 1.2.

3. This Section draws on material which is in the public domain, including the Ministry of Defence's *Statements on the Defence Estimates* 1991 (Cm 1559-I) and 1992 (Cm 1981), a paper on No-Fly Zones prepared for the Inquiry by the MOD in November 2009 and published on the Inquiry's website, the *Review of Intelligence on Weapons of Mass Destruction* (HC 898) in 2004, and House of Commons Research Papers 98/28, 99/13 and 02/53. Other sources, including evidence provided to the Inquiry, are identified in a footnote where appropriate.

ACKNOWLEDGEMENTS

4. The Inquiry is grateful to Dr Hans Blix, Director General of the International Atomic Energy Agency (IAEA) from 1981 to 1997 and Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission on Iraq (UNMOVIC) from 2000 to 2003, for giving oral evidence to the Inquiry.

5. The Inquiry also asked Mr Rolf Ekéus, Executive Chairman of the United Nations Special Commission (UNSCOM) on Iraq from 1991 to 1997 (and previously the Ambassador to the Conference on Disarmament in Geneva from 1978 to 1983 and involved in international negotiations on the Chemical Weapons Convention and the Control and Verification of the Biological Weapons Convention), whether he had any insights or reflections on the results of inspections in the 1990s and Iraq's response to them; and for any comment he might wish to make on Dr Blix's evidence on UNSCOM's operations.

6. The Inquiry is grateful to Mr Ekéus for his statement, in which he describes the role, methodology and independence of UNSCOM and its relationship with the IAEA, and for agreeing that it could be published with the Inquiry's Report. Mr Ekéus emphasised the complexity of UNSCOM's operations, which he felt had been "missing" from the oral evidence presented to the Inquiry.

UK Iraq strategy

7. Following the Gulf Conflict in 1990-1991, the UK and the US played a leading role in sustaining a policy of containment and deterrence towards Iraq for the rest of the decade. US and UK policies were intertwined. UK policy evolved through a process of dialogue and negotiation between the UK and US Governments, and, in turn, between each Government and its other partners and allies at the UN, in the region, and in Europe.

8. Although it is not the task of the Inquiry to evaluate US policy, the approach taken by the UK Government can only be understood in the context of its dialogue with Washington and the evolution of US policy.

9. The UK and the US shared common strategic interests in the region, but their analyses and policies were not identical and there were important differences in their tactical and diplomatic approaches. France and Russia also had key interests in Iraq, which pre-dated the 1990-1991 Gulf Conflict, including in relation to outstanding debts for arms they had supplied. As Permanent Members of the Security Council, they too had significant influence on the development of international policy on Iraq.

Iraq's invasion of Kuwait

10. After the 1980-1988 Iran-Iraq War, Iraq continued to develop its military capability. Some Western governments had shown a degree of support for Iraq during that conflict, but tension grew between Iraq and the West as evidence emerged of advanced work on weapons of mass destruction, including nuclear weapons, in contravention of Iraq's international treaty obligations. Some Western firms were implicated in supplying material to Iraq, as Lord Justice Scott set out in the *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions*, published in 1996. The execution of *Observer* freelance journalist Mr Farzad Bazoft in March 1990 led to the withdrawal of the British Ambassador to Iraq. The subsequent discovery at Heathrow Airport, the same month, of an attempt to smuggle nuclear-weapons-related components further exacerbated the deterioration in the UK's relations with Iraq.

11. In July 1990, Saddam Hussein accused Kuwait and the United Arab Emirates of waging economic warfare against Iraq. The accusation was based on: their reluctance to reduce oil production to force a rise in prices; Kuwait's unwillingness to cancel Iraq's debts for the large loans it had received during the Iran-Iraq War; and accusations that Kuwait was stealing from the Rumaylah oilfield, which straddles the border between Iraq and Kuwait. Iraq began moving the eight divisions of the Republican Guard towards the border on 16 July. Negotiations to settle the dispute, facilitated by King Fahd of Saudi Arabia and President Hosni Mubarak of Egypt, began in Jedda on 31 July.

12. Despite assurances of peaceful intent from Saddam Hussein to King Fahd and President Mubarak, Iraqi military forces invaded Kuwait in the early hours of 1 August. Within a few hours, the UN Security Council met to discuss elements of a draft resolution. On 2 August, the Security Council adopted resolution 660 (1990), determining that a breach of international peace and security existed, and confirming that it was acting under Articles 39 and 40 of the UN Charter (see Box, 'The Charter framework for the use of force'). The resolution condemned the Iraqi invasion of Kuwait; demanded that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990; called upon Iraq and Kuwait immediately to begin intensive negotiations to resolve their differences; and decided to meet again as necessary to consider further steps to ensure compliance with the resolution.

13. On 6 August, the Security Council adopted resolution 661 (1990), reaffirming resolution 660 and expressing deep concern that it had not been implemented, despite Kuwait's expression of readiness to comply. Acting under Chapter VII of the UN Charter (see Box, 'The Charter framework for the use of force'), the Security Council decided to take measures to secure compliance with the demand for immediate Iraqi withdrawal which was included in resolution 660. Resolution 661 imposed comprehensive economic sanctions on Iraq, including prohibiting the import and export of all commodities into and out of Iraq, with the exception of medical supplies and, in humanitarian circumstances, foodstuffs. The resolution also prohibited States from providing any funding or financial or economic resources to Iraq, and required them to freeze any of its assets or resources, with the exception of payments for medical or humanitarian purposes. A Committee of all Council members was established to review and report on implementation of the sanctions.

14. Resolution 662 (1990), adopted on 9 August, recorded that the Security Council had decided Iraq's annexation of Kuwait was "null and void", and called upon all States, international organisations and specialised agencies not to recognise it. Eight further resolutions followed addressing: the safety of third-State nationals within Iraq and Kuwait; the circumstances in which the importation of foodstuffs would be permitted; and further condemning Iraqi attacks on Kuwaiti, third-State and diplomatic persons. By early September, 17 countries had committed forces to a growing, US-led military coalition, which was already involved in enforcing sanctions. The US, UK and France had agreed to deploy air and land forces to Saudi Arabia to deter Iraq from further aggression. In September and October, further forces were deployed as the international community prepared to liberate Kuwait if Saddam Hussein did not comply with the Security Council's demand that he withdraw.

Resolution 678 (1990)

15. On 29 November, the Security Council adopted resolution 678 (1990) which said that, acting under Chapter VII of the UN Charter, it:

> "Demands that Iraq comply fully with resolution 660 and all subsequent resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;
>
> "Authorises Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area."[1]

16. The resolution was adopted by 12 votes to two (Cuba and Yemen); China abstained.

---

[1] UN Security Council resolution 678 (1990).

The Charter framework for the use of force

The United Nations was established in 1945 “to save succeeding generations from the scourge of war”. In its Charter, it set out its intention to “ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest”. The purposes of the UN include: “To maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace …” (Article 1). States are forbidden to use force against the territorial integrity or political independence of other States (Article 2, paragraph 4).

Chapter VI of the United Nations Charter contains prescriptions relating to the peaceful settlement of disputes. Chapter VII contains, but is not limited to, what were intended to be comprehensive prescriptions relating to the use of force in the context of “action with respect to threats to the peace, breaches of the peace, and acts of aggression”.

The UN Charter envisaged that States would not need to use force to protect their national interests. The intention was for any threat to the peace, breach of the peace or act of aggression to be met by collective security, provided by the Security Council. Article 39 provides for the Security Council to determine the existence of a threat to the peace, breach of the peace, or act of aggression, which must precede enforcement measures under Articles 41 (sanctions) and 42 (military enforcement measures).

Article 40 provides for the Security Council to call upon the parties to comply with such provisional measures as it deems necessary or desirable, before making recommendations or taking other measures to maintain or restore international peace and security. That has proved, for political reasons, impossible to achieve in the form envisaged under Chapter VII. Instead, the United Nations has resorted to UN peacekeeping (in which the consent of the “host State” is required). On two occasions, UN Members have been authorised (but not obliged, as the unimplemented Charter provisions envisaged) to engage in assisting a State that had been invaded (South Korea in Security Council resolution 83 (1950) and Kuwait in Security Council resolution 678 (1990) in repelling that attack.

Such authorisations are in every way exceptional. In the case of Korea, it was conducted, formally at least, under a United Nations Command. In the case of the 1990-1991 Gulf Conflict, the authorisation given in resolution 678 to “Member States co-operating with the Government of Kuwait” was not under a unified UN command, but was the final element of an immediately prior series of resolutions. The authorisation in both cases – two examples in nearly 60 years – was within the context of Security Council control. The authorisations for the use of force were clear in their terms, as is consistent with the Charter and the primacy of the responsibility of the Security Council (in contrast to the General Assembly) as articulated in Article 24 of the Charter.

The idea that “authorisation” by the Security Council is far from being a routine basis for a legitimate use of force by a State, or coalitions of States, is further suggested by the fact that the authorisation in both Security Council resolution 83 (1950) and resolution 678 (1990) referred to a use of force in assistance of the attacked country to repel an invasion, the attacking State having failed to withdraw.

Article 48 of the Charter provides that action to carry out the decisions of the Security Council for the maintenance of international peace and security “shall be taken by all the Members of the United Nations or by some of them, as the Security Council shall

determine".[2] There is no suggestion in the Charter of a residual right for individual Members to enforce Security Council decisions.

Article 51 provides that nothing in the Charter should impair the inherent right of individual or collective self-defence in the event of an armed attack on a Member State, until the Security Council has taken the measures necessary to maintain international peace and security. Although a State may act in self-defence without prior authorisation, it is required immediately to report such action to the Security Council; and such action would not in any way affect the authority of the Security Council. The intention to exercise overarching Security Council control, is apparent.

The scheme of the Charter, against which all resolutions should be viewed for the proper understanding of their terms, suggests both that authorisations to States to use force to enforce a Security Council decision in the context of a threat to international peace are extremely rare, and that they occur only with the clear agreement of the Security Council. The Security Council, however, has rarely engaged directly in efforts to resolve individual conflicts. Its involvement in containing Iraq after the invasion of Kuwait and its subsequent liberation in 1991 was unusual.

The 1991 Gulf Conflict

17. Iraq did not comply with resolution 678. Discussions in Geneva between Mr James Baker (the US Secretary of State) and Mr Tariq Aziz (the Iraqi Foreign Minister), and in Baghdad between Mr Perez de Cuellar (the UN Secretary-General) and Saddam Hussein, were unsuccessful.

18. On 14 January 1991, Saddam Hussein called on the Iraqi people to fight to the death to hold on to Kuwait. The coalition began the military operation to liberate Kuwait, named Operation Desert Storm, on 17 January. The coalition comprised 42 States. In addition to the US and UK, 13 countries, including France and a number of Arab and Gulf States, took part in offensive operations. The campaign began with air strikes, with the objective of:

- disrupting Iraq's command, control and communications;
- destroying Iraq's nuclear, biological and chemical warfare capability;
- severing supply routes to Kuwait; and
- attacking Iraqi forces in Kuwait.

19. From mid-February, Russia sought to broker a deal for the withdrawal of Iraq from Kuwait, but Iraq's conditions were unacceptable to the Security Council. In a final effort to obtain Iraqi compliance, coalition governments issued a statement on 22 February setting out the conditions which Iraq needed to meet to bring about a cessation of

[2] In resolution 221 (1966) the Security Council authorised the UK "to prevent, by the use of force, if necessary" the arrival at Beira of vessels believed to be carrying oil destined for Southern Rhodesia, and empowered the UK to arrest and detain the tanker *Joanna V* upon departure from Beira.

hostilities. The statement made clear that if Iraq informed the UN of its acceptance before noon on 23 February, the coalition would not launch a ground offensive. Iraq rejected that final deadline.

20. On 23 and 24 February, a massive coalition land operation began in Kuwait. On the morning of 26 February, Saddam Hussein claimed in a broadcast that he had ordered his forces to withdraw from Kuwait. The broadcast also claimed victory and asserted Iraq's continued claim on Kuwait. Coalition leaders responded by repeating that Iraq must accept unconditionally all UN resolutions, release all prisoners of war and detainees, and end the destruction of Kuwait. The coalition also made clear that unarmed Iraqi soldiers would not be attacked but that, to ensure the safety of allied troops, forces retreating with their weapons would continue to be treated as hostile. Iraqi units moving north with their equipment were attacked from the air during the night of 26/27 February.

21. By the night of 27/28 February, Kuwait had been liberated. After consulting coalition partners, President George HW Bush announced a suspension of hostilities, to take effect from midnight on 27 February. As a result, a number of elite Iraqi fighting units returned to Iraq intact.

22. On 2 March, the Security Council adopted resolution 686 (1991). It affirmed that the 12 preceding resolutions, including the application of sanctions, continued to have effect, and set out a number of demands including: acceptance of the preceding resolutions; military conditions for the cessation of hostile activities; the release of all Kuwaiti and "third-State nationals" detained by Iraq or the release of the remains of any deceased personnel; the release of prisoners of war; and the payment of reparations. It stated that the authority to use force in resolution 678 remained valid during the period required for Iraq to comply with those demands. The meeting between coalition and Iraqi military commanders to agree the military conditions for the cease-fire took place at Safwan, on the Iraq-Kuwait border, the following day.

Resolution 687 (1991)

23. Resolution 687 (1991) was adopted on 3 April, by 12 votes to one (Cuba); Ecuador and Yemen abstained. Its preambular paragraphs:

- recalled and affirmed the 13 previous Security Council resolutions;
- affirmed the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq;
- recalled its objective of the establishment of a nuclear weapons-free zone in the region of the Middle East;
- reiterated its objective of restoring international peace and security in the area; and
- set out the need to take the measures specified, acting under Chapter VII of the UN Charter.

24. The resolution's operative paragraphs were divided into a number of separate parts. Sections A, B, D, E and G all addressed various issues relating to Kuwait, including: respect for the inviolability of the international boundary between Iraq and Kuwait, and arrangements for its demarcation; arrangements to deter violations of the boundary through a demilitarised zone; arrangements to facilitate the return of Kuwaiti property; Iraq's liability to Kuwait for financial reparations; and arrangements to facilitate the repatriation of Kuwaiti and third-country nationals.

25. Section C of the resolution addressed Iraq's possession and intentions in relation to weapons of mass destruction (WMD) and other weapons systems and programmes, including the establishment of a Special Commission which became known as the United Nations Special Commission (UNSCOM).

26. Section F of the resolution addressed sanctions, removing the prohibition on the import into Iraq of foodstuffs provided they were notified to the Committee set up under resolution 661 (subsequently known as the 661 Committee). The Committee was given the power to approve the import of other items for essential civilian needs. That provision was subject to review every 60 days in the light of the policies and practices of the Iraqi Government, including the implementation of all relevant resolutions, for the purpose of determining whether to reduce or lift the prohibitions. In certain circumstances, the 661 Committee was also empowered to approve exceptions to the prohibitions on exports from Iraq.

27. The resolution also affirmed the prohibition on the sale or supply of arms and related materiel of all types, including both those prohibited by other provisions of the resolution and conventional weapons and weapons technology; and called upon all States to maintain national controls to ensure compliance with the prohibition.

28. Section H of the resolution required Iraq to inform the Security Council that it would not commit or support any act of international terrorism or allow terrorist organisations to operate within its territory, and to condemn unequivocally and renounce all acts of terrorism.

29. Resolution 687 concluded (Section I) by declaring that, upon official notification by Iraq to the Secretary-General and the Security Council of its acceptance of the provisions, a formal cease-fire would be effective between Iraq and Kuwait and the Member States co-operating with Kuwait in accordance with resolution 678.

30. Iraq indicated its acceptance of the resolution on 6 April, and the cease-fire came into effect on 11 April.

Legacy of the 1990-1991 Gulf Conflict

INTERNAL REPRESSION

31. To maintain control in Iraq, Saddam Hussein used extreme brutality, wilfully violating international human rights norms and covenants. Following Iraq's expulsion from Kuwait, his opponents inside Iraq mounted two separate, but parallel, attempts to overthrow the regime.

32. On 1 March 1991, demonstrations in Basra and Najaf developed into battles between Shia fighters and Saddam Hussein's security forces. Within days, the unrest had spread to all the main Shia cities in southern Iraq. At the same time, Kurdish forces saw an opportunity to seize control of northern Iraq and by 20 March they had captured every city in the North, including Kirkuk. Saddam Hussein's forces responded with brutal, indiscriminate force, using helicopter gunships and artillery to crush the resistance. Thousands of Shia and Kurdish citizens were killed and many more fled their homes, particularly in the North, where they were caught in the mountains on the borders.

33. Initially, coalition states were reluctant to intervene for a number of reasons including: inhibitions about interference in the internal affairs of Iraq and being sucked into a civil war; concerns about the break-up of Iraq; and fears of a possible revolutionary Shia government. But outrage at Saddam Hussein's actions, and claims that coalition rhetoric had encouraged the uprisings,[3] led to decisions to take action. US commanders warned that they would shoot down any Iraqi aircraft flying over the country; two Iraq Su-22 aircraft were subsequently shot down, one on 15 and one on 22 March.

34. On 5 April, the Security Council adopted resolution 688 (1991), which condemned "the repression of the Iraqi civilian population in many parts of Iraq" and demanded that "Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression".[4] It insisted that "Iraq allow immediate access by international humanitarian organisations"; requested the Secretary-General "to pursue his humanitarian efforts in Iraq"; and appealed to all Member States "to contribute to these humanitarian relief efforts".

35. By early April, however, Saddam Hussein had already regained control. Iraq's ruling Revolutionary Command Council announced on 5 April "the complete crushing of acts of sedition, sabotage, and rioting in all towns of Iraq". Refugees were moving towards the borders with Turkey and Iran and, because the border with Turkey was closed, their position caused serious concern. On 6 April, the US-led Operation Provide Comfort

---

[3] Dr Barham Salih, the Kurdistan Front spokesman in London, was reported in the *Los Angeles Times* on 8 April saying that the Kurds felt a bitter sense of betrayal, having taken President Bush's encouragement of an Iraqi revolt literally. "I don't know of any other interpretation … There was a clear statement that Saddam ought to be removed and the Iraqi people will be supported."
[4] UN Security Council resolution 688 (1991).

began to provide humanitarian relief to the Kurds and to help them return to northern Iraq. The creation of a No-Fly Zone (NFZ) followed.

36. Iraq did not accept the provisions of resolution 688. A Memorandum of Understanding (MOU) between the Government of Iraq and the UN, signed on 18 April, permitted only a limited UN presence to provide humanitarian assistance and relief for the "return and normalisation" of the lives of "displaced persons" in their place of origin, "without prejudice to the sovereignty, territorial integrity, political independence, security and non-interference in the internal affairs" of Iraq.[5] The MOU was to apply until December 1991.

DIPLOMATIC ISOLATION

37. Iraq was widely regarded as a disruptive force within the region. In his time in power, Saddam Hussein had attacked Iran, Saudi Arabia, Israel and Kuwait. Despite the sanctions imposed by resolution 687 and the severe damage inflicted on Iraq's armed forces, the regime continued to be seen as hostile and potentially threatening by Kuwait and some of Iraq's other neighbours.

38. The boundary with Kuwait was demarcated by a UN Commission, and resolution 833 (1993) affirmed that its decisions were final. On 15 October 1994, following Iraqi military deployments towards Kuwait, resolution 949 (1994) noted past Iraqi threats and instances of actual use of force against its neighbours; warned that any hostile or provocative action against its neighbours constituted a threat to peace and security in the region; and underlined that the Security Council would "consider Iraq fully responsible for the serious consequences of any failure to fulfil the demands" in the resolution, including that Iraq withdraw its forces and not take any other action to enhance its military capacity in southern Iraq.[6] Iraq accepted the UN demarcation of the border in a letter of 27 November 1994[7] but Iraq's claim to the territory of Kuwait was never resolved.[8]

39. The US and UK did not resume diplomatic relations with Iraq. Of the other Permanent Members of the Security Council, Russia and China maintained an Embassy in Baghdad, and France maintained a liaison office. Russia represented the UK's interests.[9]

---

[5] Memorandum of Understanding signed by the Iraq Minister of Foreign Affairs and the Secretary-General's Executive Delegate, His Excellency Sadruddin Aga Khan, 18 April 1991.
[6] UN Security Council resolution 833 (1993).
[7] Paper FCO Research Analysts, November 2009, 'UN Security Council Resolutions on Iraq, 1990-2001'.
[8] Minutes, Defence Committee (House of Commons), 19 April 2000, [Evidence Session], Qs 20-39.
[9] The UK did not maintain a British Interests Section staffed by UK diplomats within the Russian Embassy.

The strategy of containment

40. The coalition had made a deliberate decision in 1991 not to pursue the overthrow of Saddam Hussein. Mr Baker stated in April 1991 that "the removal of Saddam Hussein was neither a political nor a military objective" of the US, and that:

> "We are not prepared to go down the slippery slope of being sucked into a civil war … We cannot police what goes on inside Iraq, and we cannot be the arbiters of who governs Iraq. As President [George HW] Bush has repeatedly made clear, our objective was the liberation of Kuwait. It never extended to the remaking of Iraq. We repeatedly said that could only be done by the Iraqi people."[10]

41. In a later interview, Mr Dick Cheney, the US Defense Secretary in 1991, said that there had been concern about what to do with Iraqi soldiers who were "surrendering in droves"; and that there was a limit to how long you could "continue the bloodshed without having it look as though we were asking our troops to do something we probably shouldn't ask them to do".[11] He added that, while some had argued that the coalition should have continued to Baghdad, he thought that if they had done that "we would have been bogged down there for a very long time with the real possibility we might not have succeeded".

42. From the end of the conflict, the objective of encouraging a change of regime in Baghdad was an element of the policy debate in Washington. Mr Richard Haass, who served in the administration of each President Bush, observed that the administrations of President George HW Bush, President Bill Clinton and President George W Bush "each contended with the question of how to balance containment with a desire for regime change".[12]

43. Saddam Hussein proved more intractable than was predicted. Throughout the 1990s the UN Security Council frequently discussed Iraq and Saddam's continued refusal to accept all the obligations imposed. A total of 41 resolutions were passed between resolution 687and December 2000. There were continuous efforts to contain the Iraqi threat and put pressure on Iraq to disarm and to comply with the Security Council's requirements. Saddam Hussein's objective was to break out from UN restrictions and, by avoiding full compliance, to retain and rebuild Iraq's military capabilities.

44. In addition to diplomatic isolation, the strategy of "containment" had several dimensions which developed in response to challenges posed by the Iraqi regime, including:

- NFZs covering the North and South of Iraq, patrolled by US, UK and (until 1996) French aircraft;
- economic sanctions;

---

[10] Statements by James A Baker III reported in *Los Angeles Times*, 8 April 1991.
[11] Transcript *Frontline*, 'Oral History: Richard Cheney'.
[12] Haass RN. *War of Necessity War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

- a ban on the sale of arms to Iraq;
- a naval force in the Gulf with powers to intercept ships suspected of breaching sanctions;
- military forces of the US, the UK and other allies stationed in neighbouring countries as a deterrent; and
- efforts to enforce the provisions set out in resolution 687 for the destruction of Iraq's chemical, biological and nuclear weapons programmes, and of its longer-range missiles, under the supervision of UNSCOM inspectors.

Those elements are described in the following Sections.

45. Sir Peter Ricketts, FCO Director General Political 2001 to 2003, told the Inquiry that the purpose of the UK's policy was "containment" of "Saddam Hussein's ambitions to redevelop weapons of mass destruction but also containment of the threat which Iraq had posed to the region".[13]

46. Sir Peter said that containment had three strands. The first was sanctions, where the arms embargo was the most effective element and sanctions on Iraqi oil exports and revenues were handled through the complex machinery of the Oil-for-Food (OFF) programme run by the UN. The second strand he described as an "incentive" strand based on resolution 1284 (1999), which had offered the Iraqis a deal whereby sanctions would be suspended 120 days after the Iraqis accepted the return of weapons inspectors to Iraq. The third strand was deterrence provided by the NFZs.

THE NORTHERN NO-FLY ZONE

47. On 10 April 1991, an NFZ was established north of the 36th parallel, enforced by US, UK and French aircraft based at Incirlik in Turkey. The UK contribution, Operation HAVEN, also involved the deployment of 3 Commando Brigade into northern Iraq until mid-July. In a statement to Parliament on 15 April, Mr Douglas Hurd, the Foreign Secretary, explained that the UK's policy envisaged the creation of "temporary safe havens in Iraq, in which UN officials can provide for the basic needs of refugees and monitor their security until they can return to their homes in safety".[14] The aim was "to create places and conditions in which refugees can feel secure … We support the territorial integrity of Iraq."

48. On 7 June, relief operations were handed over to the United Nations High Commission for Refugees and by mid-July almost all the 400,000 Kurdish refugees who had fled into the mountains in the Iraq-Turkey border region had returned to their homes or to the camps constructed for them by coalition forces.

49. On 24 July, Op Provide Comfort and Op HAVEN were replaced by Operation Provide Comfort II, of which the UK contribution was Operation WARDEN. Its primary

[13] Public hearing, 24 November 2009, page 13.
[14] House of Commons, *Official Report*, 15 April 1991, column 21.

aims were to prevent Saddam Hussein from attacking the Kurds from the air by maintaining the NFZ, and to monitor whether he was complying with resolution 688. There was also a limited humanitarian element to the mission, with the protection of humanitarian convoys and continued distribution of supplies to Kurds and other minorities in the region.

50. In October 1995, the UN assumed full responsibility for the humanitarian elements of the operations.

THE SOUTHERN NO-FLY ZONE

51. In 1992, concern mounted about Saddam Hussein's continued persecution of the Shia in the South, including the draining of the Arab marshes and a forced resettlement programme accompanied by a counter-insurgency campaign that included indiscriminate attacks on villages by artillery, helicopter gunships and fixed-wing aircraft.

52. On 11 August, the UN Special Rapporteur on Iraq set out his concerns directly to the Security Council. Citing the need for a response to those concerns, US, UK and French forces launched Operation Southern Watch on 27 August, imposing an "air-exclusion" zone south of the 32nd parallel using aircraft based in Saudi Arabia. The UK contribution was called Operation JURAL.

THE LEGAL BASIS FOR THE NO-FLY ZONES

53. Resolution 688 condemned Iraq's suppression of its own people, particularly the Kurds, and demanded the immediate end to their repression. It also requested the Secretary-General to provide humanitarian relief to the Iraqi people. But, unlike many previous and subsequent resolutions on Iraq, resolution 688 was not made under Chapter VII of the UN Charter, the only Chapter under which the use of force can be authorised (see Box, 'The Charter framework for the use of force', earlier in this Section). It did not explicitly authorise the coalition's actions in patrolling Iraqi airspace to monitor the NFZs. Nor did resolution 688 invite or authorise Member States to monitor its effect.

54. A review by the then Attorney General of the legal basis for the NFZs was conducted in November 1997.

55. The UK Government stated that, in enforcing NFZs, it was acting "in support" of resolution 688. Mr Geoff Hoon, the Defence Secretary, said in April 2000 that UK operations in the NFZs were:

> "… essentially based on the overwhelming humanitarian necessity of protecting people on the ground, combined with the need to monitor the effect of [resolution] 688; so it is the two taken in combination that provides the legal justification."[15]

[15] Minutes, Defence Committee (House of Commons), 19 April 2000, [Evidence Session], Qs 3 and 11.

56. Sir Michael Wood, FCO Legal Adviser from 1999 to 2006, told the Inquiry that the legal basis on which the UK Government relied in establishing the NFZs:

> "… was based upon an exceptional right to take action to avert an overwhelming humanitarian catastrophe …
>
> "The need to avert an extreme humanitarian catastrophe … is regarded by the British Government as being derived from customary international law, and the essence of it, I think, is that if something like the Holocaust were happening today, if the Security Council were blocked, you couldn't get an authorisation from it, then it simply cannot be the law that States cannot take action to intervene in that kind of a situation, an emergency of that scale."[16]

57. Sir Michael also referred to the answer given by Baroness Symons to Parliament in 1998 in relation to Kosovo, which set out the Government's position on the use of force for humanitarian purposes:

> "There is no general doctrine of humanitarian necessity in international law. Cases have nevertheless arisen (as in northern Iraq in 1991) when, in the light of all the circumstances, a limited use of force was justifiable in support of purposes laid down by the Security Council but without the Council's express authorisation when that was the only means to avert an immediate and overwhelming humanitarian catastrophe. Such cases would in the nature of things be exceptional and would depend on an objective assessment of the factual circumstances at the time and on the terms of relevant decisions of the Security Council bearing on the situation in question."[17]

58. While enforcing the NFZs, coalition aircraft also collected tactical reconnaissance information to help monitor Saddam Hussein's compliance with resolution 688.

59. Op Provide Comfort II formally ended on 31 December 1996. France withdrew from the enforcement of the northern NFZ, announcing that the humanitarian need had subsided. On 1 January 1997, Operation Northern Watch began, enforced by UK and US aircraft.

60. Following an attack on 19 September 1996 on Iraqi air defence missile sites north of the 32nd parallel which had targeted coalition aircraft, the US and the UK moved the boundary of the southern NFZ north to the 33rd parallel. From that date, French aircraft participated only in patrols up to the 32nd parallel. France withdrew its support for the operation in the wake of Operation Desert Fox, in December 1998, although it continued to station aircraft in Saudi Arabia.

61. The zones, covering around 60 percent of the land area of Iraq, continued to exist until March 2003.

---

[16] Public hearing, 24 November 2009, page 119.
[17] House of Lords, *Official Report*, 16 November 1998, column WA140.

62. On a number of occasions, UK and US aircraft enforcing the NFZs targeted Iraqi military assets. The legal basis for those attacks derived from the right to self-defence. The MOD paper on NFZs states:

> "… it remained the UK's position that it was engaged in a lawful activity in monitoring the NFZs and if coalition forces were attacked or under imminent threat of attack, they were entitled to defend themselves. So UK forces participating in the No Fly Zones were permitted to attack targets which were or contributed to actual or imminent threat of attack. This was based on the inherent right of self-defence."

63. Activity in the NFZs increased over time and, in response to the threat from Iraq, eventually extended to attacks on Iraqi air defence sites outside the Zones. Incidents increased significantly after Operation Desert Fox. Concerns about the continued legality of the NFZs in 2000 and 2001 are addressed in Section 1.2.

ARMS EMBARGO

64. Resolution 687 confirmed the prohibition on the sale or supply to Iraq of arms and related materiel of all types, and called on all States to maintain national controls to ensure compliance. In his statement on 15 April 1991, Mr Hurd recorded that the UK's proposal was for "a strict arms embargo against Iraq to remain in force as long as Saddam Hussein is in power".[18] The principle of the embargo was relatively uncontroversial, but the control of items which had "dual use" (a civilian as well as a military use) did create difficulties. Various arrangements were made, including resolution 1051 (1996) adopted on 27 March 1996; but there were increasing disagreements.

ECONOMIC SANCTIONS

65. Resolution 687 provided the framework for the economic sanctions imposed on Iraq. It permitted the import of medicines, of food and of other supplies for essential civilian needs.

66. By the summer of 1991, concern about the "nutritional and health situation" of the Iraqi civilian population and the risk of a further deterioration led to the adoption of resolution 706 (1991) on 15 August. Acting under Chapter VII of the UN Charter, it authorised States to permit the import of Iraqi petroleum and petroleum products, for an initial period of six months, up to a defined limit of US$1.6bn. Payment for the purchases would be held in an escrow account to be established by the UN Secretary-General "exclusively to meet the purposes" of resolution 706. They were: the full cost of the UN carrying out the tasks authorised by section C of resolution 687 (inspections and monitoring) and facilitating the return of all Kurdish property seized by Iraq; half the costs of the Iraq-Kuwait Boundary Demarcation Commission; the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs; and the costs of implementing resolution 706 and other necessary humanitarian activity in Iraq.

---

[18] House of Commons, *Official Report*, 15 April 1991, column 21.

67. The resolution asked the UN Secretary-General to produce a scheme, which became known as the "Oil-for-Food" programme, to cover those purchases, and to monitor and supervise their equitable distribution to "all regions of Iraq" and "all categories of the Iraqi civilian population". The Secretary-General's report was submitted on 4 September, and implementation was authorised by resolution 712 (1991) adopted on 19 September.

68. Iraq rejected both resolutions and refused to co-operate on the grounds that the arrangements were an infringement of Iraq sovereignty. Resolution 778 (1992), adopted on 2 October 1992, deplored Iraq's position "which puts its civilian population at risk" and decided that any Iraqi funds arising from the proceeds of sale of Iraqi petroleum or petroleum products should be transferred by Member States to the UN escrow account. States were also to arrange to sell or purchase any petroleum or petroleum products owned by Iraq and transfer the proceeds to the escrow account; to contribute funds from other sources as soon as possible. The resolution stated that no further Iraqi assets should be released for the purchase of food stuffs, medicines and other essential supplies except to the escrow account or directly to the UN for humanitarian activities in Iraq.

69. By late 1993, differences had emerged within the Security Council over the conditions for lifting sanctions. The US and UK took the view that sanctions could only be lifted following Iraq's full compliance with its obligations as set out in UN resolutions. China, France and Russia believed that a timetable for the gradual lifting of sanctions should be put in place as Iraq complied with UN demands.

70. As a result of Iraq's objections, the UN adopted resolution 986 (1995) on 14 April 1995. It directed the committee established by resolution 661 to monitor the sale of petroleum and petroleum products exported by Iraq, with the assistance of independent inspection agents appointed by the UN Secretary-General; and to verify that the purchase price was "reasonable in the light of prevailing market conditions".[19] A separate escrow account was established to finance the export to Iraq of material covered by the resolution. In the exceptional circumstances in northern Iraq, and to ensure an equitable distribution, the UN Inter-Agency Humanitarian Programme operating in the Governorates of Dahuk, Erbil and Sulaymaniyah would disburse a share of the fund. The fund was to be audited by "independent and certified public accountants". The UN Secretary-General was to keep the Government of Iraq "fully informed".

71. Iraq eventually accepted resolution 986 in May 1996, when a Memorandum of Understanding was agreed. Following the Iraqi offensive against the Kurds in August, implementation was suspended until December. The first shipment of food arrived in March 1997 and the first shipment of medicines in May 1997.

---

[19] UN Security Council resolution 986 (1995).

72. Resolution 1153 (1998), adopted on 20 February 1998, increased the amount of oil Iraq could sell from US$2bn every six months to US$5.2bn. The resolution requested the establishment of a group of experts to determine, with the Government of Iraq, "whether Iraq is able to export petroleum or petroleum products sufficient to produce" the funds identified in the resolution as necessary to meet Iraq's needs.[20] They reported in April that it could not, leading to authorisation of the import of oil industry spare parts and equipment in resolution 1175 (1998) on 19 June.

73. Resolution 1153 also recorded the UN Secretary-General's observation that the situation in the electricity sector in Iraq was extremely grave. It asked him, in consultation with the Government of Iraq, to submit a report on essential humanitarian needs, "including necessary improvements to infrastructure".

74. As a result of Iraq's decision to suspend co-operation with UNSCOM and the IAEA and resolution 1194 condemning Iraq's decision, the six-monthly UN reviews of sanctions were suspended. As an incentive, Iraq was offered the prospect of a comprehensive review of Iraqi compliance if co-operation was resumed. Iraq declined.

75. The Oil-for-Food programme continued to operate, with resolutions renewing the arrangements every six months, until 2003. It helped to alleviate the humanitarian position in Iraq, but there was concern, within the UN and elsewhere, about the impact of sanctions. As well as the humanitarian impact, there were reports of increased corruption in Iraq, misuse of Oil-for-Food, and increased oil smuggling which was benefiting Saddam Hussein's regime. These concerns led to questions about the sustainability of the policy, which are addressed in Section 1.2.

ENFORCEMENT AT SEA

76. There had been a Royal Navy (RN) presence in the Gulf region since the early 1980s, when the Armilla patrol was deployed to defend UK vessels caught in the crossfire of the Iran-Iraq War. After the 1991 Gulf Conflict, a RN frigate or destroyer was permanently deployed in the Gulf as part of a US-led naval force to support the UN arms embargo and controls on the export of oil through the Gulf. It had powers to intercept ships suspected of breaching UN resolutions.

DETERRENCE BY FORCES STATIONED IN THE REGION

77. Concerns about the risk of Saddam Hussein attacking neighbouring countries, particularly Kuwait, remained. Mr Simon Webb, MOD Policy Director from July 2001 to October 2004, told the Inquiry that the deterrent effect of aircraft enforcing the NFZ in southern Iraq was a "side benefit of risk reduction": it was an alternative to stationing significant ground forces in Kuwait because it enabled the US and UK to know what the military situation was in Iraq. If an Iraqi military build-up was detected it would

[20] UN Security Council resolution 1153 (1998).

give the US and UK time to attack ground forces before they could attack Kuwait.[21] The US and other allies had forces stationed in countries in the region, in particular Kuwait, Saudi Arabia, Bahrain and Turkey, which could respond at short notice, should a threat emerge.

78. Following Iraq's deployment of 80,000 troops towards the border with Kuwait in October 1994, the US and UK rapidly deployed forces to Kuwait. The Security Council adopted resolution 949 (1994), and Iraqi forces withdrew north of the 32nd parallel. The US increased its military personnel based in Saudi Arabia from under 1,000 to around 7,000.

Iraq's weapons of mass destruction

Assessments of Iraq's WMD capability before the Gulf Conflict

79. The term "weapons of mass destruction" originated as an umbrella concept covering weapons with the capability to cause indiscriminate loss of life and wide-scale destruction.[22] All nuclear, chemical and biological weapons are frequently characterised as weapons of mass destruction, and radiological devices have been included more recently.

80. During the 1970s and 1980s, Iraq had active chemical, biological, nuclear, and missile programmes. It used chemical weapons against Iranian forces during the Iran-Iraq War and against Iraqi Kurds in Halabja in March 1988.

81. After 1998, Iraq continued to develop its military capability, including programmes to develop chemical, biological and nuclear weapons, and the means for their delivery including ballistic missiles.

82. Some Western firms were implicated in supplying material to Iraq, as Lord Justice Scott set out in the *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions* published in 1996.

83. In March 1990, an attempt to smuggle nuclear-weapons-related components was discovered at Heathrow Airport.

---

[21] Public hearing, 24 November 2009, pages 49-50.

[22] The first official definition was provided by the UN Commission for Conventional Armaments in 1948 which defined weapons of mass destruction as "atomic explosive devices, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above" (S/C.3/32/Rev.1, August 1948). This definition has been used in successive UN resolutions dealing with disarmament.

84. The Butler Report stated:

> "In the late 1970s, Iraq obtained large quantities of uranium ore from Niger, Portugal and Brazil. By the mid-1980s, however, Iraq had become self-sufficient in uranium ore, which was a by-product of indigenous phosphate mines … which extracted and purified the uranium ore for subsequent use in nuclear enrichment processes."[23]

85. After the invasion of Kuwait in August 1990, the Joint Intelligence Committee (JIC) issued a number of Assessments about Iraq's possession of weapons of mass destruction and its intentions.

86. The role and responsibilities of the JIC for providing Ministers and senior officials with regular intelligence Assessments on a range of issues of immediate and long-term importance to national interests, primarily in the fields of security, defence and foreign affairs are set out in Section 2.

87. The JIC assessed Iraq's nuclear capabilities in September 1990 and judged that, without "significant external assistance", it would take Iraq:

- "at least three years to establish a production facility for fissile material;
- one more year before sufficient weapons-grade material would be available for the production of one nuclear device; and
- a further year or more (ie 1995 at the earliest) before there would be enough material for a small stockpile of 3-4 weapons."[24]

88. The JIC's Assessment was based on an assumption that Iraq was "using only a centrifuge route" for enriching fissile material which was "later shown to be incorrect".

89. The JIC also examined, "on the basis of intelligence", the possibility that Iraq might have authorised a "crash programme" to produce an untested nuclear device.

90. That would have required Iraq to divert nuclear material stored at civil sites in breach of IAEA safeguards, to have recovered unburnt uranium from reactor fuel and to have advanced work on firing systems and high explosive parts to the stage where they could be incorporated into a nuclear device.

91. The JIC noted that:

- "If and only if all of these conditions were met … it is conceivable that Iraq could have the capability to make an untested nuclear weapon … with a yield of approximately 20 kilotonnes by the end of this year."

---

[23] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, pages 121-122.
[24] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, pages 42-43.

- Saddam Hussein might have authorised a development project on those lines but its conclusion remained that "the technical difficulties would be so great as to be virtually insurmountable in the short time available".

92. An IAEA inspection of Iraq's civil nuclear programme on 22 November 1990 showed that no fissile material had been diverted.

93. In December 1990, the JIC dismissed the option of an outside supplier providing the necessary material or a complete weapon on the grounds that only a few countries might have the motivation to supply the necessary material or weapons, and the JIC did not consider such supply likely.

94. A JIC Assessment of 20 September 1990, which cautioned that there were "considerable uncertainties about Iraq's current ballistic missile capability and deployments", estimated that Iraq:

- had a stockpile of "about 700" ballistic missiles;
- could have "about 300 SCUD-B" short range (300km) missiles;
- "may have converted some 250 SCUD-B missiles to the longer range [650km] Al Hussein variant"; and
- could have "up to 150" (900km) Al Abbas missiles.[25]

95. The Butler Report found that a single intelligence report, received in November 1990, had had a significant impact on the JIC's Assessments of Iraq's biological and chemical weapons capabilities.[26]

96. On 9 November 1990, the JIC reported:

> "According to the new intelligence, Iraq possesses the BW agents pneumonic plague and anthrax and has weaponised them … Weapons are available for immediate use …
>
> "The report that Iraq has weaponised anthrax is consistent with our earlier assessment that it might have done so. But we have no collateral for the claim that it has developed plague to a similar extent. Plague was, however, one of the agents included in the list of those that Iraq had studied or on which it had information … We believe that Iraq has the facilities to produce plague in sufficient quantities for weaponisation."[27]

97. Later that November, the Defence Intelligence Staff (DIS) said that plague seedstock was now probably available to Iraq.

---

[25] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 49.
[26] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 45.
[27] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 134.

98. The JIC and DIS judgements on plague were "based on several intelligence reports from a single informant described as '*a new source of unestablished reliability*'" and who was "felt to be in a position to comment authoritatively".

99. The Butler Report observed that, in relation to Iraq's chemical warfare capability, the report:

> "… added new detail to the JIC's existing body of knowledge covering the types of chemical agents held in the Iraqi stockpile; the capabilities of those agents; their weaponisation into free-fall bombs; the availability of suitable ballistic missiles for the delivery of particular agents; and the volumes of each type of agent, and hence of the total chemical agent stockpile."[28]

100. On the basis of that report, the JIC "briefly" put "Iraq's total chemical agent stocks in the range 15,000-22,000 tonnes".

101. A JIC Assessment before military action against Iraq in 1991, intended "to provide military commanders with an indication of the possible scale of Iraq's use of chemical weapons, and of how long such use could be sustained", subsequently reduced the estimate of the size of the stockpile, to between 6,000-10,000 tonnes of agent.[29]

102. The enduring effect of that Assessment is addressed later in this Section.

103. Iraq fired 86 of its SCUD missiles during the 1991 conflict, 40 against Israel, 44 against Saudi Arabia and two in the direction of Bahrain and Qatar.[30] No Al Abbas missiles were fired.[31]

104. Based on its Assessment in September 1990, the JIC concluded on 17 April 1991 that Iraq might have up to 600 ballistic missiles left, "both standard SCUD and extended range variants", but the figure was "probably less".[32]

105. The Butler Report commented that JIC Assessments of Iraq's chemical warfare and ballistic missile programmes before military action in 1991 were "done on what was effectively a worst case basis", but that was not made explicitly clear.[33]

106. Reporting in 2005, the Iraq Survey Group (ISG) concluded that in 1991 the coalition's military actions had:

---

[28] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 45.
[29] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 46.
[30] Ministry of Defence, *Statement on the Defence Estimates*, July 1991, page 22.
[31] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 49.
[32] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 50.
[33] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 49.

- destroyed or damaged most of Iraq's chemical weapons infrastructure;[34]
- damaged but did not destroy Iraq's biological weapons infrastructure;[35]
- successfully bombed most of the key facilities involved in the processing of nuclear material or weapons research which had been identified; and
- effectively targeted much of Iraq's delivery systems infrastructure.[36]

107. In its report, ISG stated that:

- Iraq produced hundreds of tons of a range of chemical agents annually, including mustard, sarin and tabun in the 1980s, and had committed significant resources to a long-term programme.[37]
- More than 100,000 "chemical munitions" were used against Iranian forces and the Kurdish population during the Iran-Iraq War.[38]
- Production of chemical agent ceased in 1988 but re-started in 1990.[39]
- A biological weapons programme had started in the 1970s.[40]
- Between 1979 and 1982 Iraq bought large quantities of uranium in several forms from several countries and, in 1982, began formally to pursue uranium enrichment.[41]
- In 1988 work began on a nuclear weapon research, development and production complex at Al Athir.
- In April 1990 orders were given to weaponise agents.[42]
- By early 1991, Iraq had produced large quantities of agent, including anthrax, botulinum toxin, *Clostridium perfringens,* aflatoxin and small quantities of ricin and it had successfully weaponised some of them into ballistic missiles, aerial bombs, artillery shells and aircraft spray tanks.[43]

---

[34] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 5.
[35] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 7.
[36] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume II, 'Delivery Systems', page 1.
[37] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 8.
[38] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 9.
[39] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Chemical', page 9.
[40] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 1.
[41] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume II, 'Nuclear', page 3.
[42] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 9.
[43] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums*. Volume III, 'Biological', page 10.

Provisions of resolution 687

108. Resolution 687, adopted on 3 April 1991, addressed Iraq's obligations under international law in relation to the possession and use of chemical, biological and nuclear weapons.

109. The resolution stated that the Security Council was:

> "Conscious … of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925, and of its prior use of chemical weapons and affirming that grave consequences that would follow any further use by Iraq of such weapons".[44]

110. The preambular paragraphs of the resolution also:

- recalled that Iraq had "subscribed to the Final Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris … January 1989, establishing the objective of universal elimination of chemical and biological weapons";
- recalled that Iraq had "signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972";
- noted the "importance of Iraq ratifying this Convention"; and of "all States adhering" to the Convention;
- was aware of Iraq's use of "ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq";
- said that the Security Council was: "Concerned by the reports in the hands of Member States that Iraq had attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty of Non-Proliferation of Nuclear Weapons of 1 July 1968"; and
- said that the Security Council was: "Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and the need to work towards the establishment in the Middle East of a zone free of such weapons."

111. Acting under Chapter VII of the UN Charter, Section C of the resolution set out Iraq's disarmament obligations.

112. Operative paragraph (OP) 7 of the resolution invited Iraq to reaffirm unconditionally its obligations under the 1925 Geneva Protocol and to ratify the 1972 Convention.[45]

---

[44] UN Security Council resolution 687 (1991).
[45] *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*, [signed] London and Moscow and Washington, 10 April 1972.

113. In OP8, the Security Council decided that Iraq should "unconditionally accept the destruction, removal, or rendering harmless, under international supervision", of all:

- chemical and biological weapons;
- stocks of agents;
- related subsystems and components;
- research, development, support and manufacturing facilities;
- ballistic missiles with a range greater than 150km; and
- related major parts, repair and production facilities.

114. In OP9, the Security Council decided that Iraq should submit a declaration of locations, amounts and types of all the items specified in OP8 and to agree to urgent on-site inspection. OP9 also specified:

- the formation of a Special Commission to carry out on-site inspections of Iraq's biological, chemical and missile capabilities; and
- a requirement on Iraq to yield possession to the Commission "for destruction, removal or rendering harmless" of all items specified in OP8.

115. In OP10, the Security Council decided that Iraq should "unconditionally undertake not to use, develop, construct or acquire any items specified" in OP8 and OP9, and requested the UN Secretary-General "in consultation with the Special Commission, to develop a plan" for future monitoring and verification for the approval of the Security Council "within one hundred and twenty days".

116. OP11 invited Iraq to "reaffirm unconditionally" its obligations under the 1968 Treaty on the Non-Proliferation of Nuclear Weapons.

117. In OP12, the Security Council decided that Iraq should:

- "unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to" nuclear weapons;
- submit a declaration of the locations, amounts and types of specified items to the UN and the Director General of the IAEA;
- yield up any such items to the IAEA; and
- accept inspection and future ongoing monitoring and verification.

118. These requirements were more intrusive than the IAEA's previous methodology of "safeguards inspections" of declared sites.

119. OP13 requested the Director General of the IAEA, "through the Secretary-General, with the assistance and co-operation of the Special Commission" to:

- carry out immediate on-site inspections;

- develop a plan for submission to the Council within 45 days "calling for the destruction, removal or rendering harmless as appropriate" of all items listed in OP12;
- carry out that plan within 45 days of the Council's approval; and
- develop a plan for future monitoring and verification for the approval of the Security Council "within one hundred and twenty days".

120. The Special Commission provided for in OP9 subsequently became known as the United Nations Special Commission (UNSCOM), and was a subsidiary organ of the Security Council, reporting to it through the UN Secretary-General. The Council asked the Director General of UNSCOM to carry out inspections, and to develop plans for the future monitoring and verification of both nuclear and other prohibited weapons systems and programmes. Mr Rolf Ekéus, a Swedish diplomat who had been the Ambassador to the Conference on Disarmament in Geneva from 1978 to 1983 and had been involved in international negotiations on the Chemical Weapons Convention and the Control and Verification of the Biological Weapons Convention, was appointed Executive Chairman of UNSCOM on 15 April 1991 and began work on 24 April.

Iraq's response to resolution 687

121. Iraq's initial declarations in response to resolution 687 were incomplete and it failed to co-operate with inspections and concealed activities.

122. In resolution 687, the UN originally expected a three-step inspection process:

- full disclosure by Iraq;
- verification of those disclosures by the Commission; and
- destruction, removal or rendering harmless under international supervision, of all proscribed weapons, materials and facilities.[46]

123. UNSCOM's approach was to establish a "material balance", for each of the weapons categories, between items acquired by Iraq through import or production and their disposal by use or destruction.[47]

124. Iraq provided initial declarations of its holdings of prohibited weapons on 18 and 28 April 1991.[48]

125. The Butler Review was told that the JIC pre-conflict estimate that Iraq's stockpile of chemical agent was between 6,000 and10,000 tonnes was "derived from past

---

[46] UN Security Council, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94), paragraph 3.
[47] UN Security Council, 11 April 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/258).
[48] UN Security Council resolution 707 (1991).

intelligence about production at individual plants, pieced together to provide a figure for the combined capacity for Iraq's production plants of 3,000-5,000 tonnes per annum".[49] The estimate was based on two years' production at full capacity since the end of the Iran-Iraq War, and the range reflected the inherent uncertainties in the calculation.

126. The Butler Report stated that:

- the consequence of the methodology adopted was "to leave the intelligence community with an estimate for the size of the Iraqi chemical agent stockpile which was over-cautious, and at its upper end worst case"; and
- the estimate was carried forward into subsequent Assessments but, after May 1991, the Assessments did not make clear the basis of the estimate.

127. The Report continued:

> "There will inevitably have been a risk that that estimate, shorn of its assumptions, may have become the 'prevailing wisdom', with subsequent Iraqi declarations being tested against it for truthfulness, especially in circumstances where intelligence was sparse. If so, that process would have tended to lead to deductions by analysts and policy-makers that there were shortfalls in Iraqi declarations. Furthermore, suspicions here will have been exacerbated by Iraqi prevarication, concealment and deception in the early- and mid-1990s, reinforcing any suspicions that Iraq had substantial stocks to hide."

128. Iraq "consistently and emphatically denied that it had undertaken any proscribed biological warfare related activity".[50]

129. In May 1991, the JIC stated that, while it could not "be precise", it was "confident" that Iraq had "substantially under-reported the numbers of missiles".[51]

130. The UN Security Council adopted resolution 699 (1991) approving the plans for UNSCOM and IAEA inspections on 17 June 1991.[52]

131. In July, UNSCOM supervised the destruction of 48 operational missiles, 14 conventional warheads, six operational mobile launchers and other equipment and material.[53]

---

[49] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 46.
[50] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[51] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 50.
[52] UN Security Council resolution 699 (1991).
[53] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).

The discovery of Iraq's nuclear programme

132. Following IAEA inspections in May and June 1991, and a meeting in Baghdad, Mr Ahmed Hussein, Iraq's Minister for Foreign Affairs, wrote to the UN Secretary-General on 7 July stating that Iraq had "decided that it would be appropriate to give an account" of its "peaceful nuclear programme".[54]

133. In an "overview" attached to the letter, Iraq stated that the programme had begun in 1956, after the US had announced that it was launching a peaceful nuclear programme, and it had been implemented in three stages:

- Collaboration with some Western countries and then the Soviet Union with the objective of building a "research reactor and laboratories for producing radioactive isotopes for medical and industrial applications".
- Accession to the Non-Proliferation Treaty and related system of safeguards followed by "agreements with France, Italy and other countries" in relation to the nuclear fuel cycle allowed Iraq to achieve:
  - experimental laboratories producing nuclear fuel for nuclear power plants;
  - research laboratories for processing spent nuclear fuel;
  - the nuclear power plant programme;
  - uranium extraction from phosphate ores; and
  - the establishment of the Tammuz 1[55] reactor and related facilities and equipment, which Israel had destroyed on 7 June 1981.
- As a result of the inability of international guarantees and bilateral agreements to protect facilities and personnel from aggression, it had been "necessary to adopt new formulas … to acquire the relevant nuclear know-how … of the nuclear fuel cycle, through self-reliance and the non-disclosure of information."

134. Iraq admitted that in the third stage it had:

- extracted uranium from carbonate ores;
- purified and converted uranium-bearing compounds;
- enriched uranium isotopes using the electromagnetic method;
- enriched uranium isotopes using the centrifugal method; and
- enriched isotopes by chemical methods.

135. Iraq stated that the US had bombed its declared nuclear facilities and reactors whilst they were in operation and that was "equivalent to a nuclear attack" which had endangered the population and the environment.

---

[54] Letter Minister for Foreign Affairs of Iraq to Secretary-General of the United Nations, 7 July 1991, [untitled], attaching 'Overview of the Iraqi nuclear programme' and tables.
[55] This reactor is frequently referred to as Osirak.

136. Iraq also provided detailed tables of its equipment and activities, which stated that it had produced half a kilogram of uranium 235 enriched to 4 percent through the electromagnetic process and the production of an "unappreciable" quantity of uranium enriched through a centrifuge process, and identifying those that had been damaged or destroyed.

137. Mr Hussein stated that "careful examination" of the details provided would enable the UN Secretary-General to conclude that the programme did "not entail any departure from, or violation of" the NPT and the IAEA safeguards agreement, which had been "constantly observed".

138. Mr Hussein added that Iraq had been "induced to refrain from declaring some of the stages of the programme though this was not in any way inconsistent with either the Treaty or the agreement" because of a fear of "exaggeration, abuse and aggression". Iraq therefore believed it was "best to abstain from overt reference to nuclear technology so that such reference might not be taken as a threat to the security of States or be used to hinder the propagation of the peaceful uses of such technology".

139. The decision to provide details of the nuclear programme was the result of two factors. First, the "comprehensive destruction" of the programme, and second, "Iraq's decision to destroy anything which might possibly be interpreted as incompatible" with resolution 687. The UN had "chosen to consider the destruction carried out by Iraq, without prior notification and without your participation, as inconsistent with the requirements for the implementation" of resolution 687.

140. Mr Hussein stated that he wished to reaffirm Iraq's "fear of exaggeration and deliberate alarmism in various fields, particularly the nuclear field". This had caused President George HW Bush:

> "… to declare in November 1990 that Iraq would produce a nuclear weapon within two months and that he was accordingly obliged to expedite launching the war and destroying Iraq's nuclear capabilities before Iraq could take advantage of that opportunity."

141. Mr Hussein wrote:

> "… this alone was sufficient reason for a decision to proceed with destruction."

142. The second reason for Iraq's actions was the decision to make Iraq pay the costs of implementing resolution 687. Iraq had "hastened its decision on destruction before receiving interminable lists of equipment to be destroyed".

143. In an exchange of correspondence with Dr Blix, which followed Iraq's admission, the IAEA disputed Iraq's view that it had not violated its obligations.[56]

144. Iraq continued to contest the IAEA view.[57] It stated that:

- Research activities had not reached the stage which required notification.
- The amount of enriched uranium produced was far less that the defined threshold for notification of 75 kilogrammes.
- It had experimented on only a "single centrifuge prototype, and not a successive chain".
- The three enrichment methods were in the early stages of development and did not mean the existence of an installation.
- Iraq was not required to report holdings of yellowcake and uranium dioxide which were being used for non-nuclear purposes, including reinforcing anti-tank warheads.
- IAEA inspectors had had access to stores of such material alongside material they were verifying and had pointed out that yellowcake was not subject to inspection.

145. On 11 July, the JIC addressed Iraq's nuclear activities.[58]

146. The JIC reported that, on the basis of post-war intelligence, it now knew that:

> "… in the 1980s Iraq investigated four methods of uranium enrichment, including the use of centrifuges. But the route that had made most progress was electromagnetic isotope separation (EMIS)."

147. The JIC noted there was intelligence that "enough fissile material had been produced before the coalition air attacks to produce one nuclear device"; but it concluded that, whilst the intelligence was generally credible, it did not believe that Iraq could have obtained enough fissile material for a bomb through the route described in the intelligence. The JIC added:

> "Nonetheless, given our lack of intelligence about the Iraqi nuclear programme, we cannot exclude the possibility that Iraq might have produced more fissile material than we have previously believed."

---

[56] International Atomic Energy Agency, 9 July 1991, 'Letter dated 9 July 1991 from the Director General to the Minister for Foreign Affairs of Iraq' (GOV/2530 Annex 2); International Atomic Energy Agency, 11 July 1991, 'Letter dated 11 July 1991 from the Director General to the Minister for Foreign Affairs of Iraq' (GOV/2530 Annex 3).
[57] International Atomic Energy Agency, 10 July 1991, 'Letter dated 10 July 1991 from the Minister for Foreign Affairs of Iraq to the Director General' (GOV/2530 Annex 4); International Atomic Energy Agency, 12 July 1991, 'Letter dated 12 July 1991 from the Minister for Foreign Affairs of Iraq to the Director General' (GOV/2530 Annex 5).
[58] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 44.

148. Resolution 707 (1991), adopted on 15 August, condemned Iraq's:

> "… serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to co-operate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region."[59]

149. The resolution also condemned Iraq's "non-compliance" with its obligations under its safeguards agreement with the IAEA, which constituted a "violation of its commitments" as a party to the NPT.

150. The demands in the resolution included that Iraq should:

- "provide full, final and complete disclosure … of all aspects" of its prohibited programmes and comply with its other obligations and co-operate with the Special Commission and IAEA "without further delay";
- allow UNSCOM, the IAEA and their inspection teams "immediate, unconditional and unrestricted access";
- "cease immediately any attempt to conceal, or any movement or destruction of any material or equipment" without notification to and prior consent from UNSCOM; and
- "halt all nuclear activities of any kind".

151. In his memoir, Dr Blix wrote that between May and September 1991, IAEA inspections teams had produced "spectacular" results and the documents recovered provided "crucial and convincing evidence" about Iraq's nuclear programme.[60]

152. Dr Blix wrote that "the revelation that Iraq had secretly enriched uranium without being detected shook the world" and resulted in agreement that it was necessary to sharpen the IAEA system of safeguards.

153. In September 1991, an IAEA inspection team led by Dr David Kay discovered significant volumes of documents about Iraq's nuclear weapons.

154. In his statement to the Inquiry, Mr Ekéus said that the identification of the building in central Baghdad containing documentation about Iraq's nuclear programme was as a result of data provided by the US.[61]

155. The *Review of Intelligence on Weapons of Mass Destruction* (The Butler Report) records that, in an Assessment in October 1991, the JIC noted that inspection had confirmed the existence of a comprehensive nuclear weapons programme and concluded:

---

[59] UN Security Council resolution 707 (1991).
[60] Blix H. *Disarming Iraq*. Bloomsbury, 2004.
[61] Statement Ekéus, 23 April 2011, page 3.

> "On the basis of the evidence so far of the programme's progress before Desert Storm, Iraq could have made its first nuclear weapon by 1993, had its work not been interrupted by the war."[62]

156. That was two years earlier than had been assessed before the 1990-1991 conflict. The unexpected discoveries had a significant impact on subsequent JIC Assessments, which tended to look at Iraq's potential capability on a "worst case" basis.

157. By the end of 1992, the processes of transporting Iraq's fissionable material to Russia and of the IAEA supervising the destruction of many large installations that had been used in Iraq's weapons programme was mostly complete.[63]

Concealment of WMD activities

158. Iraq's actions to conceal the scale and details of its activity, including the unilateral destruction of prohibited weapons and material, created major problems for UNSCOM in carrying out its mandate.

159. The regime for "ongoing monitoring and verification" (OMV) was authorised in resolution 715 (1991), adopted by the Security Council on 11 October 1991.[64]

160. Mr Ekéus wrote that "the monitoring system could not be fully operational until early 1995 due to Iraqi's obstructions".[65]

161. In January 1992, the JIC significantly revised its assessment of Iraq's remaining ballistic missile holdings, stating:

- "Although we do not know the true figure, we assess that around 100 SCUD-B remain concealed."
- There might be "as many as 250 complete Soviet build SCUD-B guidance and engine packages which cannot be accounted for, and would be critical for future production. Provided the raw material was available, Iraq could build its own replacement mid-body sections and assemble new material from this stockpile."[66]

162. Iraq told UNSCOM, after 1999, that it produced 17 Al Abbas and 387 Al Hussein missiles between 1987 and 1990.[67]

---

[62] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 44.
[63] Blix H. *Disarming Iraq*. Bloomsbury, 2004.
[64] UN Security Council resolution 715 (1991).
[65] Statement Ekéus, 23 April 2011.
[66] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, pages 50-51.
[67] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, pages 49-50.

163. In 1991, Iraq had declared 30 chemical warheads for its ballistic missiles which were destroyed by April 1993.[68]

164. Despite the provisions of resolution 687, which stated that prohibited items should be declared and subsequently dealt with under international supervision, Iraq admitted in March 1992 that a decision had been taken in late June 1991 to carry out a unilateral programme to destroy proscribed equipment, including missile launchers, munitions and chemical agents.[69]

165. Iraq disclosed that it had concealed "the greater part of its operational missile force (85 … missiles, over 130 warheads, both conventional and chemical, 8 operational launchers …) and a significant amount of other proscribed items and materials", which it had "unilaterally and secretly destroyed in late July 1991". Iraq also claimed that the destruction "had not been fully documented or recorded".

166. In June 1992, the JIC judged that Iraq retained a "potential BW agent production capability and has hidden BW weapons".[70]

167. UNSCOM subsequently reported that the decision to destroy proscribed weapons and equipment had been taken by a high-level committee, of which Iraq's Deputy Prime Minister, Mr Tariq Aziz, was a member, to:

- "provide only a portion of their extant weapons stocks, with an emphasis on those which were least modern";
- "retain production capability and the 'know-how' documentation necessary to revive programmes when possible";
- "conceal the full extent of chemical weapons programmes, including its VX project, and retain production equipment and raw materials";
- "conceal the number and type of BW and CW warheads for proscribed missiles";
- "conceal indigenous long-range missile production, and retain production capabilities, specifically with respect to guidance systems and missile engines"; and
- "conceal the very existence of its offensive biological weapons programmes and retain all production capabilities".[71]

---

[68] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[69] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[70] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 48.
[71] UN Security Council, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94), Appendix IV.

168. Although there were doubts about whether Iraq had revealed the full extent of its activities, the JIC was more sanguine in September 1994 about the size and value of Iraq's chemical and biological agent stockpiles.

169. After 1992, UNSCOM "continued to have concerns that not all proscribed items had been disclosed".[72]

170. In January 1993, there were two incidents involving Iraqi incursions into the demilitarised zone between Iraq and Kuwait. On 8 and 11 January, two Presidential Statements were issued, declaring that Iraq's actions constituted unacceptable and material breaches of relevant provisions of resolution 687.[73] Again, Iraq was warned that "serious consequences" would flow from such continued defiance. The status and legal significance of Presidential Statements is addressed in Section 5.

171. On 13, 17 and 18 January, the US, UK and France carried out air and missile strikes against Iraqi targets. Mr Ralph Zacklin, Assistant Secretary-General for Legal Affairs at the United Nations from 1998 to 2005, subsequently wrote:

> "The legitimacy of this limited resumption of the use of force was borne out by the fact that there was a marked absence of protest on the part of Member States even when the air strikes continued for a third wave. By issuing repeated warnings to Iraq in the form of Presidential Statements which conveyed the sense of the Security Council as a collective organ, the Council had clearly signified its agreement to the course of action which had been taken."[74]

172. In April, an Iraqi plot to assassinate former US President George HW Bush during a visit to Kuwait was foiled. On 26 June, his successor, President Bill Clinton, responded with a cruise missile attack against the headquarters of the Iraqi Intelligence Services in Baghdad.

---

[72] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[73] Statement by the President of the Security Council concerning United Nations flights in Iraqi territory, Document S/25081 of 8 January 1993; Statement by the President of the Security Council concerning various actions by Iraq *vis a vis* UNIKOM [United Nations Iraq-Kuwait Observation Mission] and UNSCOM, Document S/25091 of 11 January 1993.
[74] Zacklin R. *The United Nations Secretariat and the Use of Force in a Unipolar World: Power v. Principle.* Cambridge University Press, 2010.

173. On 25 August, the JIC stated:

> "Iraq has admitted to the UN that it conducted research into BW agents from 1986 to 1990, but claims never to have produced agent in quantity nor to have possessed biological weapons. We have information that this claim is untrue and assess that Iraq produced BW weapons containing anthrax and plague … Stocks of agents and weapons have probably been hidden, together with key items of equipment."[75]

174. Commenting on the judgement that Iraq had produced plague, the Butler Report recorded that, after the Gulf Conflict, two further sources had provided "some apparently corroborative intelligence" that Iraq had produced plague. There were some inconsistencies between the knowledge of one of those sources and the source who had provided information in November 1990, which "could have led to questioning of their access".

175. By November, there was renewed progress when Iraq accepted resolution 715, and permitted the deployment of OMV systems to ensure former weapons sites were not reactivated.

176. By May 1994, UNSCOM had supervised the destruction of "480,000 litres of live chemical agent, 28,000 chemical munitions and approximately 1.8 million litres, and over 1 million kilograms of some 45 different precursor chemicals".[76]

177. A JIC Assessment of 8 September noted that it did "not believe the full extent of the CW programme" had been revealed:

> "Although UNSCOM has destroyed the large declared stocks of CW agents, precursors and weapons, Iraq may have retained a secret stockpile but we have no direct evidence. Hidden stockpiles are probably unnecessary as the Iraqi civil chemical industry can produce all the precursors needed to make mustard agent and most of those for nerve agents."[77]

178. In OP22 of resolution 687, the Security Council had decided that, upon approval by the Security Council of the programme called for in OP19 (which would establish a fund to pay compensation for damage caused by Iraq's invasion and occupation of Kuwait) and "Council agreement that Iraq has completed all actions contemplated" in OPs 8-13, the sanctions imposed by resolution 661 should "have no further force or effect".

179. In response to Iraq's deployment of forces into southern Iraq, the Security Council adopted resolution 949 (1994) on 15 October 1994, which condemned "deployments

---

[75] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 134.
[76] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[77] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, pages 46-47.

by Iraq in the direction of the border with Kuwait".[78] It included a demand that Iraq "co-operate fully with the United Nations Special Commission".

180. In autumn 1994, UNSCOM conducted a thorough review of Iraq's biological weapons programme, including "an attempt to create a material balance of equipment and … growth media acquired by Iraq".[79] The review "reinforced the suspicion that the Al Hakam factory was a biological warfare agent production facility and that other sites were also involved in the biological weapons programme".

181. Inspections and interviews had:

> "… enabled the Commission to arrive at a firm assessment that Iraq's declarations in the biological area at that time were fundamentally wrong and misleading as it was attempting to hide a full-scale biological warfare programme, including weaponization. The Commission came to the unequivocal conclusion that Iraq had in fact produced biological weapons, that its biological programme was offensive in nature, that Al Hakam had been constructed as a dedicated biological warfare agent research and production facility and had been operational before January 1991, and that additional sites, including al-Muthanna, a known chemical weapons establishment were involved in the programme."

182. UNSCOM "confronted" Iraq with its assessments in February 1995.

183. Iraq admitted in December that it received proscribed SCUD missile gyroscope components in 1991 and a shipment of proscribed advanced missile gyroscopes was intercepted in 1995.[80]

184. Mr Haass wrote in his memoir that, during the Clinton Administration, there was:

> "… a range of efforts that sought to promote regime change, something that got the CIA and the Clinton administration enmeshed in a disastrous attempt to oust Saddam Hussein by covert means. The coup was uncovered and crushed in March 1995. There was as well a parallel overt initiative to strengthen the Iraqi opposition that lived outside Iraq …"[81]

185. In April 1995, the Security Council was advised that the Special Commission assessed that Iraq had "obtained or sought to obtain all the items and materials required to produce biological warfare agents in Iraq". Given Iraq's failure to account for those

---

[78] UN Security Council resolution 949 (1994).
[79] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[80] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[81] Haass RN. *War of Necessity War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

items, the only conclusion was that there was "a high risk that they had been purchased and in part used for proscribed activities".[82]

186. Mr Ekéus told the Inquiry that he was able to make that report as a result of the work of UNSCOM scientists, including Dr David Kelly.[83]

187. On 1 July 1995, as part of a further "full, final, and complete disclosure (FFCD)" of its capabilities, Iraq admitted for the first time to the production of bulk biological agent, but not to its weaponisation.[84]

188. In July 1995, dual-use items were rendered harmless or destroyed, "under strong protest from Iraq". In November 1995, Iraq acknowledged that the items had been specifically procured for and used in proscribed activities.[85]

189. Mr Ekéus told the Inquiry that, in 1995, Mr Aziz had asked him to approach Mr Tony Lake, US National Security Advisor, to offer, on Mr Aziz's behalf, "high quality information about activity and planning inside terrorist networks" in exchange for an accommodating attitude on the easing of sanctions against Iraq.[86] Mr Lake declined.

The defection of Lieutenant General Hussein Kamil

190. On 8 August 1995, Saddam Hussein's son-in-law, Lieutenant General Hussein Kamil, the former Minister of Industry and Head of Iraq's Military Industrialisation Corporation defected to Jordan. He had been responsible for the development and manufacture of Iraq's proscribed weapons programmes.

191. Lt Gen Kamil met Mr Ekéus and two other officials from the IAEA and UNSCOM and an interpreter in Amman.[87] Lt Gen Kamil said that, after inspections had started, Iraq had destroyed its biological weapons and he himself had ordered the destruction of Iraq's chemical weapons. In addition, all Iraq's SCUD missiles and their components had been destroyed, although two launchers had been dismantled and hidden. Lt Gen Kamil also referred to a nuclear project that inspectors were not aware of, at the Sodash site, where equipment had been buried.

192. Mr Tim Dowse, Chief of the Assessments Staff from 2003 to 2009, told the Inquiry that Lt Gen Kamil had claimed that:

---

[82] UN Security Council, 10 April 1995, 'Report of the Secretary-General on the status of the implementation of the Special Commission's plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991)' (S/1995/284).
[83] Statement Ekéus, 23 April 2011, page 3.
[84] UN Security Council, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94), Annex C.
[85] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[86] Statement Ekéus, 23 April 2011, page 6.
[87] Note Smidovich, [undated], 'Note for the File'.

> "CW had been destroyed immediately after the war. But there was some doubt about whether he was in a position to know that in the same way that he was in a position to know about the biological programme.
>
> "He also exposed an organised Iraqi campaign of deception directed from the top – so I think in many ways what he revealed to us very much coloured our approach thereafter."[88]

193. In the aftermath of Lt Gen Kamil's departure, Iraq admitted that its disclosures had been "deliberately misleading" and released a large amount of information which had both "confirmed" many of UNSCOM's earlier observations and "brought to light earlier unknown documents of significance".[89] It included "new information related to Iraq's attempts to acquire advanced chemical and biological weapons capabilities, as well as long-range missile systems with ranges of up to and over 2,000 kilometres".

194. Iraq's disclosures "represented a great step forward in the work of the Commission" and expedited the inspection process.[90] In December 1995, Mr Ekéus reported to the Security Council that Iraq had recently submitted new declarations, containing "full, final and complete disclosures" in relation to its chemical, biological and missile programmes, which still did not meet UNSCOM's requirements.

195. During a visit by Mr Ekéus to Baghdad, the Iraq delegation had also supplied a "personal diary" relating to the destruction of chemical and biological bombs, which had been provided by a junior military engineer, but "the Commission was convinced that certain of the most important documentation had not yet been handed over".

196. UNSCOM concluded that the documents disclosed by Iraq in August 1995 showed that Iraq's chemical weapons programme was more developed and wider in scope than had previously been admitted.[91] Iraq had "used chemical weapons facilities to support other weapons of mass destruction programmes", including "production of casings for radiological bombs, activities for the uranium chemical enrichment process and major support for the biological weapons programme". They had also provided evidence of "much greater foreign involvement in Iraq's chemical weapons programme". Production records had been provided for only seven months in 1988, not for all production including "the most important phase after 1988 when Iraq conducted research and development, inter alia, on more advanced chemical weapons agents and delivery systems".

---

[88] Public hearing, 25 November 2009, page 45.
[89] UN Security Council, 11 April 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/258).
[90] UN Security Council, 17 December 1995, 'Tenth Report of the Executive Chairman of the Special Commissions established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1995/1038).
[91] UN Security Council, 11 April 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/258).

197. In an Assessment issued on 24 August, the JIC reassessed Iraq's capabilities in the light of the new information.[92]

198. In relation to Iraq's nuclear programme, the JIC noted that Iraq:

- "… admits that it previously concealed the full extent of its nuclear programme. It has revealed that in August 1990 it began a crash programme, later abandoned, to build a nuclear programme within a year"; and
- "… intended to use nuclear material held under IAEA safeguards in Iraq. The Iraqis claim the plan was abandoned because they concluded that the IAEA would detect their activities. In fact, they had insufficient fissile material to make a nuclear device. Hussein Kamil's reported claim that, at the time of the Gulf Conflict, Iraq was only three months from completing a nuclear weapon probably refers to the 'crash programme'. It is very unlikely to be true."

199. In relation to ballistic missiles, the JIC recorded that:

> "UNSCOM has verified destruction of the declared SCUDs (and the Iraqi derivatives) and their launchers and believes it has a satisfactory account of what happened to the rest. UNSCOM has also supervised destruction of components and much of the missile-related infrastructure …"[93]

200. The JIC noted, however, that Iraq would:

> "… retain a technology and production base because UN SCR 687 allows it to develop and manufacture missiles with ranges less than 150 km. But intelligence reports that some current missile R&D [research and development] work is being hidden from UNSCOM inspectors. Iraq has now revealed that it developed … SCUD-type missile motors. This re-introduces uncertainty into an area where UNSCOM had previously expressed itself to be satisfied."

201. In relation to chemical weapons, the JIC concluded that it was "unlikely" that Iraq had "a covert stockpile of [chemical] weapons or agent in any significant quantity; Hussein Kamil claims that there are no remaining stockpiles of agent".[94]

---

[92] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 45.
[93] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 51.
[94] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 47.

202. The JIC added that Iraq:

> "… could begin to make chemical weapons within a matter of weeks, and produce significant quantities within months, if UN constraints were removed."

203. In relation to biological weapons, the JIC noted:

> "We have convincing intelligence of a BW programme which started in the 1970s and strong indications that it produced and weaponised anthrax, botulinum toxin, and probably plague. With the exception of plague, Iraq previously admitted doing research on these and other agents but steadfastly denied the work was for an offensive programme. UNSCOM, although suspicious, could find no clear evidence to the contrary … [I]n August 1995 Iraq admitted to a major BW programme under which it had produced huge quantities of anthrax and botulinum toxin, but implausibly denied it had ever considered weaponisation … In the last few days Iraq has admitted to UNSCOM that agent was produced at additional sites, field-testing of weapons took place in 1989, and that bombs and missile warheads were filled with anthrax and botulinum toxin in December 1990 … Many questions remain on the BW programme; Iraq has not, for example admitted any work on plague."[95]

204. After Lt Gen Kamil's defection, concerns began to grow that Iraq had a systematic programme of concealment.

205. UNSCOM reported that Iraq's FFCD on ballistic missiles in November 1995 did not appear to constitute a firm basis for establishing a definite and verifiable material balance for proscribed weapons and activities.[96]

206. From early 1996, UNSCOM undertook a series of inspections specifically targeting sites it "believed to be associated with concealment activities" in response to Iraq's assertion that "there was no systematic mechanism for concealment".[97]

207. While Iraq complied with its obligations in respect of most inspections, UNSCOM reported encountering difficulties and delays on five occasions in March 1996 when it requested no-notice inspections of sites related to Iraq's missile programmes, and that Iraq had also imposed restrictions on aerial surveillance.[98]

---

[95] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 134.
[96] UN Security Council, 17 December 1995, 'Tenth report of the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), and paragraph 3 of resolution 699 (1991) on the activities of the Special Commission' (S/1995/1038).
[97] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[98] UN Security Council, 11 April 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/258).

208. In a letter to the President of the Security Council on 17 March 1996, Mr Aziz stated that the problems related to the special nature of the sites and that the delays were "no longer than the time necessitated by … practical factors".[99] Mr Aziz cited the agreement in July 1993, in response to Iraq's concerns in respect of its sovereignty, internal security and the dignity of the people and State of Iraq, that UNSCOM and the IAEA intention was to implement their plans "in the least intrusive manner consistent with effective monitoring and verification in the circumstances prevailing, with all due regard to the legitimate concerns of Iraq … in accordance with the Charter of the United Nations". In addition, two of the requests, on 8 and 15 March, had been made on a Friday. Appropriate arrangements had been made for the inspections to proceed, including on two occasions after telephone conversations with Mr Ekéus.

209. Mr Aziz also stated that the allegations that equipment could have been removed and some documents burnt were "not realistic" given the presence of "more than 50 inspectors with 16 vehicles" surrounding the sites, helicopter surveillance and the subsequent inspections.

210. Mr Aziz reaffirmed that Iraq had "no intention of impeding" UNSCOM's tasks. "On the contrary", it was "keen" to continue to work with UNSCOM to fulfil its tasks "as soon as possible". But Iraq expected UNSCOM, in discharging its duties, "to adhere" to its "undertakings towards Iraq by respecting its sovereignty, dignity and national security".

211. Mr Aziz also wrote that he expected the Security Council "to deal with this issue in an objective manner which would balance Iraq's obligations towards the Security Council and the Council's obligations towards Iraq in accordance with the principles of the United Nations Charter and the provisions of the relevant resolutions of the Council".

212. The incidents in which UNSCOM inspection teams were denied immediate and unconditional access to sites prompted a statement by the President of the Security Council that "Iraq's delays in permitting the inspection team recently in Iraq access to the sites concerned constitute clear violations by Iraq of the provisions of resolutions 687 (1991), 707 (1991) and 715 (1991)".

213. On 27 March 1996, as part of developing the OMV system, the Security Council adopted resolution 1051 (1996), which implemented a mechanism for monitoring sales or supplies of items "relevant to the implementation of Section C of resolution 687 (1991) and other relevant resolutions".[100]

214. To replace the previous reporting systems, the resolution also consolidated the progress reports on UNSCOM and the IAEA's activities into reports every six months from the UN on all aspects of its work.

---

[99] UN Security Council, 18 March 1998, 'Letter dated 17 March 1996 from the Deputy Prime Minister of the Republic of Iraq addressed to the President of the Security Council' (S/1996/204).
[100] UN Security Council resolution 1051 (1996).

215. The first consolidated report to the Security Council, in April, recorded that both the volume and quality of information being provided by Iraq had diminished since February, and found that:

> "In all areas for which the Commission has responsibility, Iraq has yet to provide sufficient evidence that it does not still possess proscribed weapons or materials related to them. The Commission's concerns stem particularly from the difficulties encountered in substantiating Iraq's claims that, in 1991, in flagrant violation of its obligations under resolution 687 (1991) it secretly destroyed large quantities of these prohibited weapons and materials instead of declaring and handing them over for the Commission's verification."[101]

216. The report stated that "large quantities" of prohibited items had been "successfully eliminated", but "relatively minor, but highly significant, quantities" of proscribed items remained "unaccounted for".

217. On the basis of new documents and draft disclosures provided by Iraq, UNSCOM concluded that there had been "considerable progress" in some areas since December 1995. Iraq had disclosed information of great significance, especially documents which it earlier said had been destroyed. There were, however, "significant deficiencies and gaps".

218. In relation to Iraq's ballistic missile programme, Iraq had submitted a revised draft declaration on 27 February 1996 which contained significant new information, including confirmation that equipment UNSCOM had decided should be disposed of in April 1995 had been for a major project (Project 1728) for the development and production of liquid propellant engines for long-range missiles.

219. Iraq had also admitted that it had "carried out an undeclared programme to modify a Volga/SA2 surface-to-air missile system to a surface-to-surface application with a range of over 100 kilometres", including "flight tests and prototype production of some components", which should have been declared. As a result, an extensive programme to monitor Iraq's Volga missiles was required.

220. UNSCOM remained concerned about Iraq's undeclared procurement of prohibited and dual-use items.

221. In January 1996, UNSCOM had investigated the recent delivery of "a large number of sophisticated guidance and control components" which it assessed were "used in missiles with ranges over thousands of kilometres". Iraq had denied acquiring the items but following official investigations it had confirmed that "its authorities and missile

---

[101] UN Security Council, 11 April 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/258).

facilities had been involved … through a specific middleman" and some components had been delivered in July 1995. Other components had been stored in transit in Jordan. A Director General of an Iraqi missile facility stated that he had destroyed the components received in August 1995 and informed the Iraqi authorities of the receipt of proscribed items in August and October. There were still "contradictions and ambiguities" about what had happened, but Iraq was reluctant to broaden the investigation.

222. There were suspicions that items still existed and Iraq was withholding important documents. Although no proscribed items had been found, Iraq's actions in March meant that UNSCOM's confidence had been diminished.

223. Iraq had provided a new draft disclosure in relation to chemical weapons in February 1996. This was an improvement in some areas, but there were important gaps. These included:

- the "level of expertise achieved in research and development activities … large-scale production techniques, weaponisation and delivery systems";
- the absence of disclosures on precursor production capabilities and dual-use equipment within the civilian chemical industry; and
- Iraq's activities in relation to "V class" agents.

224. In the new draft disclosure the quantities of precursor chemicals and agents and munitions produced, procured and destroyed had been changed but the source of the new information was not clear. UNSCOM's "strong presumption" was that it was based on information which Iraq had not disclosed.

225. Specifically, there were changes in the figures for the production and weaponisation of VX:

- "Initially Iraq stated that only laboratory scale synthesis had been undertaken."
- In March 1995, Iraq had admitted "production of 260 kilograms and weaponisation of the agent in three aerial bombs".
- In November 1995, Iraq had declared that it had produced "3.3 tonnes".
- In the February disclosure, the figure for production had "increased by a further 20 per cent".
- Iraq had not produced evidence to substantiate its statement that the "precursors for the large-scale production of VX" had been destroyed.

226. Iraq had assisted in excavations of buildings at al-Muthanna, Iraq's largest chemical weapons research and production facility, which were destroyed in February 1991. Records and "some 80 munitions and components" had been recovered, including "122 millimetre artillery chemical warheads and 155 millimetre 'binary' artillery shells".

227. There had been "serious deficiencies" in the draft disclosure on biological weapons submitted in November 1995 but Iraq had produced new documents and disclosures during discussions in January 1996, including:

- Al Hakam had been intended to be a "specialised filling facility for biological warfare munitions".
- R-400 bombs for biological warfare purposes were assembled there.
- Clarification of several issues including "those related to destruction of some types of biological warfare munitions".
- A "serious attempt" had been made to "resolve the fundamental issue of the filling and … destruction of biological warfare warheads for missiles"; but it had not been possible to do so because "Iraq's statements did not conform to documentation available" to UNSCOM.

228. Discussions in February had been less productive. Changes were introduced "without any documentary support or convincing explanations". The view of the UNSCOM team involved was that their Iraqi counterparts "tended to change production data to accommodate newly discovered facts".

229. UNSCOM wanted "a substantiated material balance … from production to destruction", but the draft disclosure submitted in March did not match UNSCOM's findings. Unless Iraq could rectify that "in a convincing manner" in its formal declaration, it would "cause great problems".

230. Iraq had accepted an UNSCOM request to cease all activity at two sites identified with the production of BW agents and assisted in establishing appropriate deactivation and surveillance measures.

231. Iraq had provided a report on a radiological weapons project by the Military Industrial Corporation and Iraq's Atomic Energy Commission between August and December 1987, "to combine the effectiveness of conventional aerial munitions with the spreading of radioactive materials". Four prototypes had been constructed. The report had concluded that Iraq "had the capability to manufacture a bomb containing irradiated materials", but the Iraqi Air Force suggested that there should be a study to consider reducing the weight of the bomb.

232. Iraq's declaration stated that:

- The project had been abandoned and no order to produce radiological weapons was given.
- 100 empty casings for a smaller calibre bomb had been produced.
- 75 of the casings had been sent to the Al-Qa-Qa State Establishment, but their fate was not addressed.
- 25 of those casings which remained at al-Muthanna were unilaterally destroyed in the summer of 1991.

233. UNSCOM hoped that the diminution in the quality of information and the quantity of documents provided since mid-February, and the difficulties with inspections in March, "did not indicate a return to the non-co-operative attitude demonstrated by Iraq prior to the summer of 1995".

234. Iraq's biological weapons facilities, and growth media it had purchased, were destroyed under UNSCOM supervision in May and June 1996.[102]

235. In May 1996, Iraq admitted that the documents handed over on 20 August 1995 "constituted only a portion" of the documentation which had been concealed; the rest had "been burnt just a few days" earlier, "at another farm west of Baghdad".[103]

236. In May, UNSCOM sent a team to Iraq to conduct interviews with Iraqi officials believed to be involved in concealment activities.[104] Iraq "abruptly" terminated its co-operation with the inspectors, and claimed that Lt Gen Kamil had been entirely responsible for the concealment programme, a claim which was retracted in August.

237. A JIC Assessment on 12 June 1996 reflected the concerns about Iraq's concealment activities.[105]

238. In relation to ballistic missiles, the JIC stated:

> "Information obtained in the wake of the … defection has, however, led UNSCOM to judge that missile components, launchers and possibly complete SCUD missiles remain hidden. We doubt whether there are any concealed missiles in Iraq but it is likely that components remain."

239. The JIC also assessed that:

> "If all UN controls were to be removed and Iraq could purchase the technology and expertise required … an accurate 1,000km range missile could probably be produced within three to five years. A 300–500km range SCUD type missile could be indigenously manufactured within two years."

---

[102] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[103] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[104] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[105] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 51.

240. In relation to Iraq's biological warfare programme, the JIC noted:

> "We do not believe Iraqi statements that the BW programme has been destroyed. Possibly substantial elements, including some production equipment and weaponised agent, continue to be concealed."[106]

241. The JIC also stated:

> "Iraq has not yet admitted to work on plague and has played down its success in developing BW aerosol delivery systems."[107]

242. In relation to chemical warfare, the JIC stated that it doubted whether "all agents, munitions, precursor chemicals and equipment have been accounted for".[108]

243. The Butler Report stated that its authors had been informed that the reason for the change in the JIC's view on Iraq's biological warfare programme, "in the apparent absence of underpinning reliable intelligence", was:

> "… the impact of … Kamil's defection, UNSCOM's inability to reconcile Iraqi claims for production and destruction, unaccounted-for growth media and a total lack of co-operation from the Iraqis."[109]

Events leading to the withdrawal of UNSCOM

244. Following a series of incidents in which the inspectors were denied access, resolution 1060 (1996), adopted on 12 June 1996, deplored Iraq's refusal to allow UNSCOM access to sites designated for inspections and demanded "immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation" that UNSCOM wished to inspect.[110]

245. After talks in Baghdad between Mr Ekéus and Mr Aziz, a joint programme of action was agreed on 22 June.[111] It included Iraq's intention to submit "official declarations containing full final and complete disclosures on its proscribed programmes in the non-nuclear areas" before the end of June.

246. In the joint statement issued after the agreement, Iraq "undertook to secure … immediate, unconditional and unrestricted access to all sites which the Commission

---

[106] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 48.
[107] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 135.
[108] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 47.
[109] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 48.
[110] UN Security Council resolution 1060 (1996).
[111] UN Security Council, 24 June 1996, 'Letter dated 24 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1996/463).

or the IAEA may wish to inspect". UNSCOM undertook "to operate with full respect for the legitimate security concerns of Iraq". It stated that Iraq and UNSCOM had "agreed to intensify their work with the aim of making it possible for the Commission to report as soon as possible to the Security Council that Iraq has met its obligations under section C of resolution 687 (1991)".

247. Mr Ekéus also reported that he had told Mr Aziz that, without an agreement, "Iraq's isolation would have increased and there would have been the possibility of further actions being taken by the Council to obtain compliance with its resolutions", and that:

> "Without the right to inspect any site at which the Commission had reason to believe that proscribed weapons or materials were present, the Commission's utility in achieving the Council's objectives would have been irreparably harmed."

248. The joint programme of action focused on Iraq's FFCDs of its activities and the means and techniques of verifying them.[112] As a priority and to accelerate verification, Iraq and UNSCOM agreed to concentrate on the fundamental areas of the:

- material balance of proscribed weapons and their major components;
- unilateral destruction of proscribed items;
- further provision of documentation;
- identification of measures used to retain proscribed items; and
- immediate, unconditional and unrestricted access".[113]

249. Mr Ekéus told the Inquiry:

> "… in 1996 I developed, together with the Iraqi [deputy] prime minister Tariq Aziz, modalities for functioning access for inspectors, which guaranteed realization of inspections of what Iraq called sensitive sites (Presidential Palaces etc). The modalities implied some delay of access but without compromising control of the facility (entrance/exit and aerial helicopter surveillance). This was welcome[d] by all the Security Council members with the exception of the US/UK."[114]

250. Dr Blix wrote in 2004:

> "The solution was not welcomed by the US and some other members of the Security Council, who felt that it introduced a limitation in the inspection rights that had been laid down by the Council. This was certainly how the Iraqis also saw the instruction."[115]

---

[112] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[113] UN Security Council, 19 March 1996, 'Statement by the President of the Security Council' (S/PRST/1996/11).
[114] Statement Ekéus, 23 April 2011, page 4.
[115] Blix H. *Disarming Iraq*. Bloomsbury, 2004.

251. Dr Blix added that the problem was that "any concession in the implementation of a Security Council resolution was a step taken on a slippery slope".

Tension in the Kurdish region

A dispute between the two main Kurdish parties, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), became increasingly tense from May 1994.

In August 1996, the KDP, led by Mr Masoud Barzani, sought Saddam Hussein's support to retake the city of Erbil from the PUK, led by Mr Jalal Talabani. Saddam Hussein sent thousands of troops and more than 300 tanks to attack the PUK in Erbil.

The conflict was eventually ended by the US-mediated "Washington Agreement" between the PUK and the KDP in September 1998. The two parties agreed to share revenues and power and to exclude Iraqi troops from the Kurdish region. The US pledged to protect the Kurds from aggression by Saddam Hussein.

252. The President of the Security Council issued a statement on 23 August 1996 reinforcing the importance of Iraq's co-operation with UNSCOM and that it should be given immediate, unconditional and unrestricted access to facilities and individuals to allow it fully to discharge its mandate and stating that:

- The Council remained "gravely concerned" by Iraq's failure to comply fully with its obligations.
- Iraq's repeated denial of access to sites and attempts made to impose conditions on interviews were a "gross violation of its obligations" as well as a contradiction of its commitments in the joint statement of 22 June.[116]

253. On 3 September, Mr Ekéus reported that, during discussions in Baghdad on 26 to 28 August, Mr Aziz had stated that Iraq "was abiding and would continue to abide sincerely and effectively" by the June agreements.[117]

254. Mr Ekéus had stressed that concerns relating to concealment of proscribed items remained a prime objective for UNSCOM. Mr Aziz made a formal statement to the effect that Iraq did not conceal proscribed weapons, components or documents and asked UNSCOM to refrain from conducting further on-site inspections and interviews on that issue. Mr Ekéus said they must continue.

255. Iraq also stated that it would not accept any new extension or enlargement of UNSCOM's rights and privileges and on several occasions "attempted to dictate how and to what extent" those rights should be exercised.

---

[116] UN Security Council, 23 August 1996, 'Statement by the President of the Security Council' (S/PRST/1996/36).
[117] UN Security Council, 3 September 1996, 'Letter dated 3 September 1996 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1996/714).

256. Mr Ekéus concluded that the visit had been useful, clarifying the respective positions of Iraq and UNSCOM and narrowing certain differences. UNSCOM would continue vigorously to pursue verification of Iraq's disclosures. He hoped that a repeat of Iraq's actions over the last few months could be avoided, but that it required "full and unreserved co-operation from the Government of Iraq and a genuine policy … to carry out its obligations".

257. In the subsequent press briefing, Mr Ekéus stated that he felt there was "a certain commitment" although UNSCOM suspected "an active policy of concealment". Its task was to find and destroy prohibited items and to ensure that no new ones were produced but it would now have to "wait until the situation had become a bit more settled".[118]

258. Following a meeting with UNSCOM in September 1996, Iraq admitted in a letter of 3 October that production tools and components for ballistic missiles had been collected and concealed in July 1991, but they had been destroyed in March 1992.[119] Iraq had also declared that three missiles which had been retained in July 1991 were not destroyed until October that year.

259. In his report of 11 October 1996, the UN Secretary-General wrote:

> "The results of the Commission's investigations, starting with UNSCOM 143 in March 1996 and continuing through August, clearly show that there was an organized mechanism of concealment used by Iraq to deny access to proscribed documents and material retained since the adoption of resolution 687 (1991). Throughout this investigation Iraq has sought to deflect or minimize the involvement of its special security services in concealment activities. It has acknowledged that officially sanctioned false statements had been made to mislead the Commission in its investigations. It has resorted to delays and denials of access … Despite this behaviour the Commission has accumulated information which reinforces its assessment that the concealment mechanism has been established for the purpose of hiding and protecting proscribed material."[120]

260. UNSCOM had:

> "… succeeded in uncovering the existence of Iraq's biological programme and believes it has destroyed its major facilities. However, it needs to continue to investigate the scope and extent of the programme to arrive at a complete picture of it."

---

[118] UN Security Council, 4 September 1996, 'Press Briefing by Executive Chairman of Special Commission' (19960904).
[119] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).
[120] UN Security Council, 11 October 1996, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1996/848).

261. The report said that Iraq's sixth version of an FFCD on its biological warfare programme, produced on 22 June 1996, was "not credible". "Major sections" were "incomplete, inaccurate or unsubstantiated", and the lack of documentation was "difficult to accept".

262. UNSCOM had "evidence that chemical warfare agents and munitions were produced in 1989" although Iraq had "consistently denied this"; and that it believed that "production of different types of chemical weapons was also carried out in the first half of 1990".

263. Iraq's FFCD on ballistic missiles, submitted on 2 July 1996, had reported the previously undisclosed acquisition of important proscribed missile components, but UNSCOM's view was that Iraq had "still … not fully accounted for all proscribed weapons".

264. UNSCOM also had:

> "… concerns related to undeclared facilities where equipment … was evacuated before January 1991 and the unilateral destruction conducted secretly by Iraq in the summer of 1991, when, among other items, chemical warheads for Al Hussein missiles and nerve agent VX precursors were allegedly destroyed."

265. The report concluded by stating that the requirement for full, final and complete disclosures had "not been fully met". It had "a good understanding" of Iraq's programme "to create a massive number of tactical chemical weapons" before August 1988. But details of two later phases, to integrate the "programme into Iraq's chemical industry and production of more stable and storable chemical agents" and "the design and production of strategic chemical weapons", had not been disclosed. An understanding of those two phases was "absolutely necessary" before UNSCOM could complete its task and verify that nothing remained.

266. In January 1997, Mr Kofi Annan became the UN Secretary-General.

267. In his memoir, written in 2012, Mr Annan wrote that, in the six years after the end of the Gulf Conflict in 1991, Iraq "became transformed from an example of the international community's acting lawfully in pursuit of the highest aims of the UN's founders to an albatross around the organisation's neck". The UN mandate had been only to "reverse the invasion of Kuwait, nothing more". But that:

> "… left Saddam Hussein in power, the predatory leader of a brutal, tyrannical regime that demonstrated little evidence of intending to comply fully with the demands of the international community."[121]

---

[121] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.

268. Mr Annan added that his predecessor as Secretary-General had offered him only one piece of advice when he left office at the end of 1996:

> "Watch out for the question of Iraq … It will become very important."

Dr Albright's Georgetown speech

269. In a speech at Georgetown University on 26 March 1997, Dr Madeleine Albright, the new US Secretary of State, reaffirmed that US policy in Iraq was "part of a broad commitment to protect the security and territory of our friends and allies in the Gulf".[122]

270. Quoting President George HW Bush, Dr Albright stated that, as well as driving Iraq out of Kuwait, the US objective in launching Operation Desert Storm in 1991 had been to cause Iraq once again to "live as a peaceful and co-operative member of the family of nations". Iraq's leaders had, however, "continued to defy the will of the international community" and "from the outset", chosen "denial, delay and deceit". They had:

> "… lied … blocked inspections, concealed documents, falsified evidence and challenged UNSCOM's clear and legitimate authority."

271. Dr Albright added that, following the defection of Lt Gen Kamil, it had "appeared for a time, as if it would cause Iraq finally to accept the need for full disclosure", but that had not been the case and Iraq's "refusal to co-operate fully continued". The US would be "unwavering"; it would "not allow Iraq to regain by stonewalling the Security Council what it forfeited by aggression on the battlefield". An international consensus "that Iraq should not be allowed again to threaten international peace" had been sustained.

272. Dr Albright stated that Iraq's military threat to its neighbours was "greatly diminished", and, "As long as the apparatus of sanctions, enforcement, inspections and monitoring" was "in place", Iraq would "remain trapped within a strategic box". But she warned that it was "essential" that international resolve did not weaken:

> "Containment has worked, but … the future threat has not been erased. Iraq's behaviour and intentions must change before our policies can change."

273. Iraq had:

- "yet to provide convincing evidence that it has destroyed all" its chemical and biological weapons;
- "admitted loading many … [chemical and biological] agents into missile warheads" before the Gulf Conflict;
- retained "more than 7,500 nuclear scientists and technicians, as well as technical documents related to the production of nuclear weapons"; and
- "been caught trying to smuggle in missile guidance instruments".

---

[122] Speech, 26 March 1997, 'SecState Albright Policy Speech on Iraq, March 26'.

274. Dr Albright added that "according to Ambassador Ekéus", UNSCOM had "not been able to account for all the missiles Iraq acquired over the years". He believed it was "highly likely" that Iraq retained "an operational SCUD missile force, probably with chemical and biological weapons to go with it".

275. Dr Albright stated that, if Iraq was "released from sanctions and scrutiny", its "current government … would pick up where it left off" in 1991. "For those reasons", US policy would "not change". The US did:

> "… not agree with the nations who argue that if Iraq complies with its obligations concerning weapons of mass destruction, sanctions should be lifted. Our view, which is unshakeable, is that Iraq must prove its peaceful intentions. It can only do that by complying with all of the Security Council resolutions to which it is subject."

276. Dr Albright added that the evidence was "overwhelming" that Saddam Hussein's intentions would "never be peaceful". The US looked forward "to the day when Iraq rejoins the family of nations as a responsible and law abiding member", and "a change in Iraq's government could lead to a change in US policy". But until that day came, the US would "insist, with all the diplomatic tools at our command, that UN sanctions remain in place", while doing what it "responsibly" could to "minimize the suffering of Iraqi citizens".

277. Mr Ekéus told the Inquiry that, after Dr Albright's speech:

> "Tariq Aziz made it clear to me that from now on it would be close to impossible to convince the President of the value of co-operating with the UN inspectors. This move by the US was from our perspective destructive."[123]

UNSCOM activity

UNSCOM REPORT, APRIL 1997

278. The Security Council was told in April 1997 that there had been tangible results in some areas of UNSCOM's activities but the capabilities which could not be accounted for could not be ignored.[124]

279. The report of UNSCOM's activities since 11 October 1996 stated that work over the last two years had "led to the unmasking" of:

- Iraq's biological weapons programme;
- "highly sophisticated and advanced work on the extremely lethal chemical warfare nerve agent VX"; and

---

[123] Statement Ekéus, 23 April 2011, page 6.
[124] UN Security Council, 11 April 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/301).

- the development and production of SCUD-type missile engines.

280. UNSCOM's achievements demonstrated that:

> "… international weapons inspections under the auspices of the United Nations, if applied with first-rate expertise and modern technology, can achieve effective results."

281. But UNSCOM was continuing its work because it could not state that Iraq had "accounted for all weapons, components and capabilities proscribed" in resolution 687 for a number of reasons, including Iraq's unilateral programme of destruction in contravention of resolution 687 and its policy of concealment "aimed at deceiving the inspectors and at retaining limited but significant proscribed capabilities".

282. Because of the "inadequacies, incompleteness and lack of evidentiary documentation" in Iraq's FFCDs, UNSCOM had been unable credibly to verify Iraq's declarations. In an effort to expedite that process, Mr Ekéus and Mr Aziz had agreed to adopt an innovative process whereby UNSCOM presented its detailed findings and an assessment of the outstanding problems at the "political level" in Baghdad. This process had started by addressing missile issues in December 1996, followed by discussions on chemical weapons in February and April 1997 and biological weapons in April 1997.

283. The process had "led to a much clearer understanding" by Iraq's political leadership of the problems and what Iraq needed to do to resolve them. UNSCOM hoped that this would help to overcome the lack of progress on technical issues.

284. The report stated that:

- The new process constituted "a fruitful approach" if Iraq was "fully co-operative and transparent in its response to the Commission's initiatives and concerns".
- "Tangible results" had "already been achieved" on missiles and chemical weapons.
- Agreement for remnants of missiles unilaterally destroyed by Iraq to be removed and analysed outside Iraq had not been reached until late February, and the work would require "several weeks or months before it was completed".
- More documentation on Iraq's proscribed programmes should exist and had been formally requested.
- Iraq had stated that there was no policy to withhold information and when documents were discovered they were given to UNSCOM.
- There were difficulties on biological weapons. Iraq had been asked to reconsider its position and provide a new declaration; and after some discussion had agreed on 5 April to do so.

285. UNSCOM also reported that the completeness and accuracy of Iraq's declarations and a clear understanding of the scope and history of its proscribed programmes were essential for an effective monitoring programme.

286. Since October 1996, there had been "a pattern of efforts" by Iraq "to restrict the Commission's monitoring activities" which had caused "serious problems". UNSCOM hoped that commitments given by Mr Aziz to Mr Ekéus during their meeting in April would be "translated into action".

287. There was "not much" that was unknown about Iraq's "proscribed weapons capabilities", but what was "unaccounted for" could not:

> "… be neglected. Even a limited inventory of long-range missiles would be a source of deep concern if those missiles were fitted with warheads filled with the most deadly of chemical nerve agents, VX. If one single missile warhead were filled with the biological agent, Anthrax, many millions of lethal doses could be spread in an attack on any city in the region. With that in mind, the Special Commission has undertaken extraordinary efforts to bring to a satisfactory conclusion the full accounting of Iraq's weapons of mass destruction and long-range missiles, in order to be able to make sure that all the proscribed items have been disposed of."

288. UNSCOM concluded:

> "A solid framework with tested procedures is in place. It is now time for Iraq to make full use of this and to provide the material and data to give substance to its stated commitment of full co-operation. The remaining problems … cannot be solved through a technical process … Their solution requires the major political decision by Iraq's leadership to give up, once and for all, all capabilities and ambition to retain or acquire the proscribed weapons …"

289. UNSCOM's activities between October 1996 and April 1997 and the discrepancies between its findings and Iraq's declarations were set out in detail in an Appendix to the report.[125] Its key points included:

- Iraq had still not provided a credible account of quantities and types of "special warheads" which had been produced for proscribed missiles, and UNSCOM had "evidence that Iraq has provided incorrect information".
- Not all chemical bombs had been declared by Iraq.
- The "final disposition of the programme for the production of … VX" remained "unresolved". Iraq claimed that it had only carried out activities "on the laboratory/pilot plant scale", and that it had destroyed "hundreds of tons of VX precursors in 1991". UNSCOM had "evidence that Iraq obtained the technology" and retained "equipment for the large-scale production of VX".
- In December 1996, UNSCOM had presented its concerns that "In an attempt to mislead the Commission, Iraq had tried to falsify evidence" of missile destruction.

---

[125] UN Security Council, 11 April 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/301), 'Appendix I Inspection activities and operational, administrative and other matters'.

- Four complete missile engines which had not been declared were found in early 1997.
- In March 1997, IAEA excavations at declared burial sites had unearthed an undeclared "highly expensive cache of … valves" for use in uranium enrichment.

A CHANGE OF TACTICS

290. Mr Ekéus told the Inquiry that it had started to become clear in spring 1997 that it was:

> "… a matter of months rather than years before UNSCOM/IAEA could report the accomplishment of the WMD disarmament and the monitoring functionality in place."[126]

291. In May 1997, Mr Blair became Prime Minister of the UK.

292. From the middle of 1997, Saddam Hussein adopted more sharply confrontational tactics, and the humanitarian situation continued to deteriorate, with the result that Iraq climbed back up the international agenda. The five Permanent Members of the UN Security Council (the "P5"), and the international community more widely, were divided in their response.

293. Following four incidents in early June 1997, there was an exchange of letters between UNSCOM and Iraq, including two letters on 5 June from Mr Aziz to Mr Ekéus.

294. In one letter, Mr Aziz stated that UNSCOM's activities gave "rise to profound disquiet" and raised "serious questions" about UNSCOM's commitment to "complete its mandate … expeditiously and in an impartial and businesslike manner".[127]

295. In a second letter, Mr Aziz stated that UNSCOM was conducting inspections "on the pretext of alleged concealment" and fabricating "crises and tensions" to "provide a pretext for directing … unfounded accusations against Iraq" and prolonging its duties.[128]

296. In response, Mr Ekéus wrote to the President of the Security Council suggesting that the Council "might wish to remind Iraq of its obligations".[129]

297. A Presidential Statement issued on 13 June expressed "serious concern" about the incidents in which "Iraqi personnel unacceptably interfered with helicopter flights operating in support of inspection" of designated sites. The Security Council deplored

---

[126] Statement Ekéus, 23 April 2011, page 6.
[127] UN Security Council, 16 June 1997, 'Letter dated 5 June 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission Established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1997/462).
[128] UN Security Council, 13 June 1997, 'Letter dated 5 June 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission Established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1997/456).
[129] UN Security Council, 13 June 1997, 'Letter dated 9 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/455).

the incidents, reminding Iraq of its obligations and its support for UNSCOM's efforts to implement its mandate.[130]

298. Mr Ekéus wrote to the President of the Security Council again on 12 June to report Iraq's decision to deny UNSCOM access to three sites on 10 and 12 June.[131]

299. In a response on 15 June, Mr Aziz set out at length Iraq's "serious and real concerns relating to Special Commission inspection teams' access to sites" which were "important" to Iraq's "sovereignty or national security".[132]

300. Mr Aziz stated that, following their agreement of 22 June 1996, he had agreed with Mr Ekéus in October that "joint work should concentrate on reviewing" the missile, chemical and biological files in turn, and "working to close them". UNSCOM had, however, "altered" that approach when it "began to carry out large-scale inspections, the likes of which had not been conducted for several years" in March 1997. The inspections were based "on the pretext of verifying alleged claims of the concealment of proscribed items and activities" from the "intelligence sources of some States which provide the Special Commission with such fabricated information". Those sources were "tendentious and inaccurate".

301. In addition, Mr Aziz wrote that Iraq had "serious concern" that the facilities available to UNSCOM were being used as "a cover to detect the arrangements made for the security of Iraq, its leadership and the personnel involved". Mr Aziz was particularly concerned about the activities of Colonel Scott Ritter, a UN inspector and serving member of the US Army.

302. Mr Aziz stressed that:

- Allegations concerning concealment of proscribed items were "false", and UNSCOM had "no concrete evidence to substantiate them".
- Iraq had "pointed out … that limited operations of no practical value were carried out in 1991 by Hussein Kamil and a very small number of individuals".
- The "facts and information related to those operations" had been made available to UNSCOM, and it had interviewed the personnel involved and visited the sites of concealment "over a period of several months".
- Iraq suspected that the aim was "to keep matters in a state of flux, and justify the endless continuation of the embargo", which served "the well-known purposes of a certain State".

---

[130] UN Security Council, '3789th Meeting Friday 13 June 1997' (S/PV.3789).
[131] UN Security Council, 19 June 1997, 'Letter dated 12 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/474).
[132] UN Security Council, 16 June 1997, 'Letter dated 16 June 1997 from Deputy Prime Minister of Iraq addressed to the President of the Security Council' (S/1997/465).

- The agreement that missiles should be analysed outside Iraq, in response to Mr Ekéus's "allegations" in 1996 "that Iraq might retain an operational missile force", had not provided any results.
- Iraq had allowed access to 40 of the 43 sites designated for inspection and its actions "cannot be interpreted as a decision by the Government of Iraq to prevent the Special Commission implementing its mandate".
- Col Ritter's aim in gaining access to designated sites was "to achieve other purposes, unrelated to the Special Commission's mandate".

RESOLUTION 1115 (1997)

303. On 21 June, the Security Council unanimously adopted resolution 1115 (1997), condemning Iraq's actions and demanding its full co-operation. Although the resolution was adopted unanimously, there were clear differences between the positions of the US and UK, and China and Russia.

304. Acting under Chapter VII of the UN Charter, in resolution 1115 the Security Council condemned the "repeated refusal of the Iraqi authorities to allow access to sites designated by the Special Commission", which constituted a "clear and flagrant violation" of the provisions of previous resolutions. The Council reiterated its the demands for Iraq to:

- "co-operate fully";
- allow "immediate, unconditional and unrestricted access" for the inspectors; and
- "give immediate, unconditional and unrestricted access" to officials whom the Special Commission wished to interview.

305. The resolution requested the Chairman of UNSCOM to include "an annex evaluating Iraq's compliance" with those requirements in his future reports to the Council.

306. The resolution expressed the Council's "firm intention … to impose additional measures" on the officials responsible if Iraq did not comply.

307. In a statement before the vote, Sir John Weston, the UK Permanent Representative to the UN in New York, stated that the Council was meeting "to respond to the latest in a series of incidents" in which the Iraqi authorities had "sought to impose conditions", which he described as an "Iraqi campaign to prevent the Special Commission carrying out the mandate given to it by this Council" which was "obviously directed from the highest levels in Baghdad".[133]

308. Sir John added that it was "simply incredible for Iraq to claim that this campaign of concealment was the work of the late Hussein Kamil and a few associates". It was "essential" that the "mechanism of deception and concealment" was:

---

[133] UN Security Council, '3792nd Meeting Saturday 21 June 1997' (S/PV.3792).

> "… fully exposed and brought to an end. Otherwise we cannot know whether caches of equipment, documents, facilities, or entire programmes still exist of which we are unaware and which will therefore not be subject to monitoring."

309. Sir John concluded that Iraq had "repeatedly assured" the Council of its "commitment to furnishing full co-operation" but had "failed to translate these assurances into reality". The draft resolution was a "reasonable, proportionate and focused" way to remind Iraq of its obligations.

310. Mr Nabil Elaraby, Egyptian Permanent Representative to the UN, made it clear that an earlier draft of the resolution had proposed "additional sanctions to be imposed on Iraq at a time when the regional Arab, African and Islamic organizations and those associated with the Non-Aligned Movement wish the Special Commission to end its mission so as to put an end to the suffering of the Iraqi people".

311. Mr Edward Gnehm, US Deputy Permanent Representative to the UN, stated that, far from complying, Iraq had "expended its best efforts to thwart the will of the Council, particularly in the crucial area of weapons of mass destruction". Since 1991, it had:

> "… made every effort to conceal its true weapons capabilities, to destroy evidence of its programmes and supply routes and to lie about it to this Council. In the last two years, Iraqi efforts to interfere with the Special Commission … have intensified … UNSCOM inspectors have observed blatant efforts to remove documents and other evidence from sites while the inspectors themselves have been prevented from entering; and UNSCOM inspectors have been refused permission to interview knowledgeable individuals."

312. Mr Gnehm added that Iraq had abrogated the modalities in the joint agreement and its "obstructionist actions were taken under orders from the highest authorities in Baghdad". UNSCOM was facing its most serious threat since it was established and Iraq's failure was "a serious threat to the region's peace and security". Mr Ekéus's briefing to the Council had confirmed that there had been "no improvement" in Iraq's "alarming policies" since his April report and Iraq had "responded with contempt" to the Council's resolutions and statements.

313. Mr Gnehm stated:

> "… the time for mere words is over. Iraq has shown us that it will never voluntarily comply with resolutions of the Council unless the Council acts firmly and decisively to enforce its will. That is why we have brought forward this resolution today, which will demonstrate conclusively to Iraq that its actions have serious consequences …
>
> "… We have chosen these particular steps because they are measured and targeted …
>
> "Similarly, the Council expresses its intent to impose new measures, targeted precisely at those parties most responsible for the continued concealment of

> Iraq's weapons programmes, if Iraq … fails to comply … with the substance of the Commission's authority to conduct inspections and interviews without interference of any sort."

314. In a statement after the vote, Mr Qin Huasun, Chinese Permanent Representative to the UN, stated that Iraq had "basically maintained its co-operation" and that UNSCOM had "made great progress in discharging the mandate entrusted to it". He added: "Under these circumstances, we should consider gradually lifting sanctions against Iraq in order to alleviate its humanitarian difficulties."

315. Mr Sergei Lavrov, Russian Permanent Representative to the UN, emphasised the importance of the Security Council's consensus on a "balanced", not "one-sided" response which reflected "both the very core of the problem and the broad range of views of the members of the Security Council", and was "not based on the logic of punishment but forms part of the Council's main thrust: to conclude this disarmament issue as quickly as possible and to achieve a lasting post-conflict settlement in the Persian Gulf on the basis of resolution 687 (1991)".

MR RICHARD BUTLER SUCCEEDS MR ROLF EKÉUS

316. On 1 July, Mr Richard Butler, an Australian diplomat and former Permanent Representative to the UN, succeeded Mr Ekéus as the Executive Chairman of UNSCOM.[134]

317. From mid-September 1997 there were further serious incidents in which UNSCOM access to designated sites was denied or delayed, and material was moved or destroyed, which were reported to the Security Council.

318. On 3 September, the JIC stated that Iraq had:

> "… claimed, however, that it had terminated the [BW] programme and destroyed its arsenal before UN inspections began in 1991. These admissions, while assessed to be largely accurate, are incomplete. We assess that Iraq has withheld information on key elements of its programme: reliable intelligence has described work on plague and suspicions persist of work on other pox viruses."[135]

319. Following a briefing to Security Council members from Mr Butler about two incidents the previous weekend, the President of the Security Council told the press on 17 September that the Council viewed Iraq's failure to co-operate and to apply the procedures agreed on 22 June "in the gravest terms", and called on Iraq to co-operate fully with UNSCOM.[136]

---

[134] UN Security Council, 6 October 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/774).
[135] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 135.
[136] United Nations Daily Highlights, 17 September 2007.

320. Despite that statement, inspection teams were prevented from inspecting three sites between 27 September and 1 October.[137] Constraints had also been imposed on two occasions on UNSCOM flights inside Iraq.

321. Mr Butler's report to the Security Council of 6 October acknowledged that progress had been made in "substantive areas" of UNSCOM's mandate, "in particular with respect to accounting for Iraq's proscribed long-range missiles and the destruction of chemical weapons-related equipment and materials".[138]

322. In addition, since April there had been more than 170 site inspections by visiting teams and more than 700 site inspections by resident monitoring teams. The majority had been conducted "without let or hindrance". The "atmosphere in which consultations with the Government of Iraq had been conducted" had "improved" and a number of problems had been resolved through direct contacts between Mr Butler and Mr Aziz.

323. A work programme had been agreed with Mr Aziz in late July.

324. In relation to ballistic missiles, the work programme "put special emphasis on achieving a solid and verifiable material balance". Mr Butler reported that:

- UNSCOM had been able to account for 817 of the 819 missiles imported by Iraq before 1988, including 83 of the 85 missiles which Iraq had claimed it had unilaterally destroyed.
- Inspections in August and September 1997 had accounted for 14 mobile missile launchers, but there were questions arising from Iraq's different accounts of what had happened to the launchers and its concealment of the fact that it had initially retained four launchers, which were not destroyed until October 1991.
- UNSCOM had not yet been able to account for proscribed missile warheads or propellants or the destruction of guidance components.
- In September 1997, Iraq had offered a new account of its concealment and destruction of components for indigenous production of missile engines and the means for their production, but had not provided any documentation to support that declaration.
- UNSCOM questioned Iraq's claims that it was not withholding any relevant documents.
- UNSCOM needed a full understanding of the considerations that had led to Iraq's retention of proscribed assets.

---

[137] UN Security Council, 6 October 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/774).
[138] UN Security Council, 6 October 1997, 'Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1997/774).

- Iraq had increased its declarations on the number of special warheads for the Al Hussein missile, filled with chemical or biological agents, several times. UNSCOM had established that the minimum number produced was 75, and that five additional warheads had been used for trials. It also "had evidence of the probable existence of a number of additional special warheads".
- UNSCOM had been unable fully to confirm Iraq's unilateral destruction of 45 of those warheads.
- Accounting for proscribed warheads would "greatly increase" UNSCOM's ability to report with confidence that Iraq did not possess a proscribed missile force.
- More work was required to account for Iraq's indigenous production of proscribed missile systems.

325. In relation to Iraq's chemical weapons programmes, UNSCOM was "still investigating the veracity" of Iraq's claims that it had unilaterally destroyed weapons and agents.

326. Iraq had not declared the removal and concealment of some production equipment from al-Muthanna until August 1997 and its plans required further clarification.

327. The "most important" outstanding issues were:

- "accounting for special missile warheads";
- the "material balance of 155mm mustard shells";
- the "extent of the VX programme"; and
- the rationale for the acquisition of various types of chemical weapons.

328. Iraq had declared in June 1996 that 550 artillery munitions filled with mustard agent had been destroyed during the 1991 Gulf Conflict but had not yet provided evidence of that destruction.

329. UNSCOM had been unable to verify the destruction of Iraq's stocks of precursor chemicals for the production of VX. In addition, while Iraq had declared, after 1995, that the project had failed and no large-scale production had ever taken place, UNSCOM had "recently obtained further sufficient evidence" that Iraq had "succeeded in acquiring VX production capabilities".

330. Important progress had been made, but Iraq would need to provide "much more and accurate material and related access … relevant to the warheads and VX questions" before UNSCOM would be able to "report positively on disarmament".

331. UNSCOM reported to the Security Council on 6 October that Iraq's total production and holdings of CW agents could not be verified:

- "Over a period of seven years Iraq had provided three formal FFCD (full and final complete declarations) and about 20 sets of clarifications …"

- Iraq's acquisition and expenditure of munitions before 1988 could not be verified because of the absence of sufficient evidence from Iraq and its former foreign suppliers of the procurement of precursor chemicals, production and weaponisation of CW agents.
- In trying to determine a material balance of the munitions which had existed in 1991, UNSCOM had been unable to account for some 16,000 unfilled munitions and 550 munitions filled with mustard, primarily because of Iraq's unilateral destruction programme.
- There was also a "material balance" of around 4,000 tons of key precursor chemicals.
- Almost all of Iraq's production equipment had been destroyed in the 1991 conflict or subsequently under UN supervision.

332. Iraq's biological weapons programme was, however, an area which was "unredeemed by progress or any approximation of the known facts of Iraq's programme". There was "incomprehension" about Iraq's persistence in "refusing to make the facts known" and why it was "so insistent on blocking the Commission's own efforts to reach those facts".

333. A panel of experts drawn from 13 Member States of the Security Council had unanimously concluded that Iraq's latest FFCD was "not acceptable". The declaration was "incomplete", had "significant inaccuracies", and the outstanding problems with all aspects of proscribed activity were "numerous and grave". There were no insights into the decisions to commence the biological weapons programme, or to conceal it between 1991 and 1995.

334. In September, Mr Butler and Mr Aziz had agreed that the new FFCD on biological weapons, and all other FFCDs in UNSCOM's possession, should be regarded as final; and that the Commission would not further assist Iraq in the formulation of its account.

335. The report also stated that:

- Much greater resources could be required in the future to monitor and verify dual-capable facilities and the export and import of dual-capable items.
- The monitoring system could not be comprehensive until the Security Council had been "able to conclude that Iraq's prohibited programmes have been destroyed, removed or rendered harmless" and the "full extent" of Iraq's prohibited programmes was known.
- The Iraqi Government's stated willingness to comply fully with the requirements for monitoring had "not always been reflected, in practice, on the ground". While the number of incidents of concealment, deception and interference with the inspections process were "relatively small", they served to "reduce confidence in Iraq's commitment to the system".
- There was still "considerable uncertainty" about Iraq's retention of prohibited material and concealment systems.

- UNSCOM's view was that, "were it to have full access to all relevant sites and persons in Iraq", it was "highly likely that proscribed items would be discovered"; and that "Iraq's actions to impede or block the Commission's concealment investigations" tended to "affirm this view".
- Iraq had "increasingly failed to apply or behave in conformity with the modalities [agreed on 22 June]" and, "in more recent times", had "sought both to exclude them altogether with respect to certain sites and to define new categories of often very large sites from which the Commission inspectors would be forbidden".

336. The report concluded that UNSCOM was "convinced" that:

- The Security Council should "insist that Iraq meet its obligation to disclose fully all of its prohibited weapons and associated programmes". This was a "crucial requirement" for which there was "no substitute".
- It was "essential" for the Council to "reaffirm and demand Iraq's complete co-operation" with UNSCOM's exercise of "its rights to full access to sites and persons".

337. In a letter on 12 October, Mr Aziz set out Iraq's concerns about UNSCOM activities and the influence of the US and UK on UNSCOM's approach, including:

- The US "in particular, together with Britain, were doing their utmost … to topple the national Government of Iraq and to eliminate its national leadership". That "seriously affected the composition" of UNSCOM, with the US "leading the hostile work against Iraq". An activity which was "supposed to be international and neutral" was "unbalanced".
- The US monopolised the intelligence means. Iraq wanted aerial surveillance using a plane from a neutral state.
- The justification for intrusive inspections was based on allegations of deliberate concealment and inaccurate information which were themselves inaccurate and being deliberately used by UNSCOM to procrastinate and to prolong the inspections process. For example, the delay in analysing missile fragments had been caused by UNSCOM's original insistence that the analysis should be conducted in the US.
- The reports submitted to the Council were "tendentious", using a method that was "intended to confuse the past with what has been newly achieved, in a manner that makes it difficult for the reader to differentiate between the positive and negative aspects"; and that many of the reports were "inaccurate". The Security Council and international community "were being deliberately misled with a view to fostering baseless suspicions about Iraq's capabilities".
- Iraq had not been asked in 1992 to preserve the remnants of the special warheads it had destroyed, and the subject had been "considered as closed" in UNSCOM's report in June 1995. In the absence of any missiles or means for their delivery, the warheads had no operational value. The renewed focus on special warheads was deliberately aimed at delay.

- UNSCOM should consider what had been achieved in relation to missiles and chemical weapons as sufficient to meet Iraq's obligations in section C of resolution 687.
- Iraq was "ready to start serious and extensive work to address the biological file in order to close it within a short time". It had "completely destroyed" all the biological agents in its possession and all "the sites, apparatuses and equipment used in the production of biological agents". All the 87 sites which UNSCOM considered could be capable of dual use for the production of biological agent were "under strict monitoring".
- Iraq was "ready to continue to work with the Special Commission in a serious, scientific, technical and objective manner" to close the files "so that the Council may proceed to implement its obligations towards Iraq" under paragraph 22 of resolution 687 (1991) (removal of the restrictions on trade in resolution 661).
- The people of Iraq could not "continue suffering this injustice". Iraq had "fulfilled the obligations imposed on it" and the Security Council should do the same, "starting at the earliest date". If the "imbalance" continued, the "situation" would become "absolutely unacceptable".[139]

IAEA REPORT, OCTOBER 1997

338. Dr Blix submitted his final consolidated report as Director General of the IAEA on 6 October, which concluded that the IAEA investigation of Iraq's nuclear programme had reached the point of diminishing returns. The extent to which the remaining uncertainty was acceptable was a political judgement.

339. The Butler Report stated that, after 1995, the JIC consistently assessed that, "if all United Nations controls on Iraq's nuclear activities were removed, Iraq could possibly develop a nuclear device in around five years".[140]

340. Dr Blix's final consolidated report assessed that the IAEA had a "technically coherent picture" which revealed a programme:

> "… aimed at the production of an arsenal of nuclear weapons, based on implosion technology, which had involved:
>
> – Acquisition of non-weapon-usable nuclear material through indigenous production and through overt and covert foreign procurement.
> – Research and development programmes into the full range of uranium enrichment technologies culminating in the industrialisation of EMIS [Electro Magnetic Isotope Separation] and the demonstration of a proven prototype gas centrifuge.

---

[139] UN Security Council, 13 October 1997, 'Letter dated 12 October 1997 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council' (S/1997/789).
[140] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 45.

- Development of metallurgical technologies necessary for the fabrication of the uranium components of a nuclear weapon.
- Research and development activities related to the production of plutonium …
- Development of nuclear weapon designs and weaponisation technologies for implosion devices and the establishment of industrial-scale facilities for their further development and production.
- Research and development activities related to the integration of a nuclear weapon system with a missile delivery system."[141]

341. Dr Blix added that the IAEA's ability to understand the details of the programme had been "severely hampered by Iraq's persistence in a policy of concealment and understatement of the programme's scope and achievements".

342. The report included a summary of Iraq's actions since 1991 and the IAEA's activities illustrating that point. Since May 1997, the IAEA had "received clarification of many matters", although it had:

- "not provided a comprehensive statement of the membership, terms of reference and duration of authority of the Governmental Committee charged, *inter alia*, to 'reduce the effect of NPT violation to the minimum'";
- "stated that it has no further information regarding external assistance to its clandestine nuclear programme";
- "declared itself unable to describe the motives behind the actions ascribed to the late Lt Gen Hussein Kamil which resulted in the concealment of the cache of documentation, material and equipment 'discovered' at the Haider House farm";
- "declined to include, in its FFCD a summary of the practical and theoretical achievements of Iraq's clandestine nuclear programme"; and
- "yet to provide the promised written description of its post-war procurement system".

343. Despite those issues, the IAEA report stated that:

- There were "no indications to suggest Iraq was successful in its attempts to produce nuclear weapons", although there was "no documentation or other evidence" which showed "the actual status of the weapon design when the programme was interrupted".
- Iraq was "at, or close to, the threshold of success in such areas as the production of HEU [Highly Enriched Uranium] through the EMIS process, the production and pilot … of … gas centrifuge machines, and the fabrication of the explosive package for a nuclear weapon".

---

[141] UN Security Council, 8 October 1997, 'Fourth consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of Security Council resolution 1051 (1996)' (S/1997/779).

- There were "no indications to suggest that Iraq had produced more than a few grams of weapons-usable nuclear material", and all of that had been removed from Iraq.
- There were "no indications" that Iraq had acquired other weapons-usable nuclear material.
- All the "safeguarded research reactor fuel, including the HEU fuel that Iraq had planned to divert to its 'crash programme', was verified and fully accounted for by the IAEA and removed from Iraq".
- There were "no indications" that "any physical capability for the production of amounts of weapons-usable nuclear material of any practical significance".

344. Dr Blix stated that there were "no indications of significant discrepancies" in Iraq's latest declaration.

345. The report stated that a letter of 1 May from Iraq's Minister of Foreign Affairs reflected "Iraq's unconditional reaffirmation of its obligations under the NPT" and "its acceptance of its obligations, as interpreted by the IAEA, under Iraq's Safeguards Agreement with the Agency".

346. The report observed that:

> "… taking into account the possibility, albeit remote, of undetected duplicate facilities or the existence of anomalous activities or facilities outside this technically coherent picture, no absolute assurances can be given with regard to the completeness of Iraq's FFCD. Some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities. The extent to which such uncertainty is acceptable is a policy judgement."

347. The report said that the IAEA's:

> "… activities regarding the investigation of Iraq's clandestine nuclear programme have reached a point of diminishing returns … The IAEA is not 'closing the books' on its investigation … and will continue to exercise its right to investigate any aspect of Iraq's clandestine nuclear programme, in particular, through the follow-up of any new information …"

348. In his memoir, Dr Blix wrote:

> "There was general agreement … that there were no significant 'disarmament' matters to clear up in the nuclear dossier, only some 'questions' to clarify."[142]

349. The Security Council considered the report from Mr Butler and a draft resolution on 23 October.[143] Dr Blix's report was not formally tabled for discussion in the Security Council.

---

[142] Blix H. *Disarming Iraq*. Bloomsbury, 2004.
[143] UN Security Council, '3826th Meeting Thursday 23 October 1997' (S/PV.3826).

RESOLUTION 1134 (1997)

350. Resolution 1134 (1997), expressing the intention to impose travel restrictions in the event that UNSCOM reported that Iraq was not in compliance with resolution 1115, was adopted on 23 October.[144]

351. The draft text which became resolution 1134 was co-sponsored by nine members of the Council and adopted by ten votes. Five members, including three Permanent Members, abstained – China, Egypt, France, Kenya and Russia.

352. Resolution 1134:

- reaffirmed the Security Council's "determination to ensure" Iraq's "full compliance … with all its obligations under all previous resolutions"; and
- reiterated the Council's "demand that Iraq allow immediate, unconditional and unrestricted access to the Special Commission to any site … and in particular … fixed wing and helicopter flights throughout Iraq for all relevant purposes … without interferences of any kind and upon such terms and conditions as may be determined by the Special Commission".

353. Acting under Chapter VII of the UN Charter, the measures adopted by the Council included:

- condemning Iraq's actions detailed in UNSCOM's report of 6 October;
- deciding that Iraq's refusal to co-operate constituted a "flagrant violation" of its obligations and demanding its full co-operation;
- demanding that Iraq should "co-operate fully with the Special Commission in accordance with the relevant resolutions";
- expressing the "firm intention", if UNSCOM reported Iraq was not in compliance with paragraphs 2 and 3 of resolution 1115, "to adopt measures which would oblige all States to prevent without delay the entry into or transit through their territories of all Iraqi officials and members of the Iraqi armed forces who are responsible for or participate in instances of non-compliance … [with the exception of] persons carrying out bona fide diplomatic assignments or missions"; and
- reaffirming its "full support for the authority of the Special Commission … to ensure the implementation of its mandate".

354. The record of the discussion demonstrates serious divisions in the Council over the approach adopted, with the UK and US speaking in strong terms about the need for action while the members who abstained argued that the terms of the resolution were unbalanced and unlikely to bring about a resolution of the problems faced by UNSCOM.[145]

---

[144] UN Security Council resolution 1134 (1997).
[145] UN Security Council, '3826th Meeting Thursday 23 October 1997' (S/PV.3826).

355. Sir John Weston stated that the "incidents described" in Mr Butler's report of 6 October, and his inability to advise the Council that Iraq was "in substantial compliance with the demands of resolution 1115", were "adequate justification to move forward from the decision" taken by the Council in June.

356. Sir John added:

> "We shall regret it if a few Council members, for whatever reasons of their own, are unable to subscribe to this view. We have worked hard and in good faith to accommodate all members' preoccupations on the text. But we were not willing to compromise the underlying purpose of the resolution or the responsibilities of the … Council in order to appease Iraq …"

357. Sir John also stated that Saddam Hussein had to take "the political decision to co-operate fully" with UNSCOM, and that:

> "The regularity with which this Council has had to address this issue confirms that this decision has still not been taken. All we have heard from the Iraqi regime for the past six and [a] half years are lies and empty promises, while on the ground they have actively obstructed the Special Commission and concealed from it details of its illegal weapons programmes. These facts are borne out in the latest report of the Special Commission, which clearly states that, while progress has been made, serious deficiencies remain in all three weapons areas, in particular on chemical and biological warfare agents."

358. Sir John concluded that, "until and unless" Iraq co-operated and told "the whole truth", there could be "no prospect of the Council considering whether the demands of Section C of … resolution 687 (1991)" had been met. He also referred to Iraq's failure to meet its obligations in relation to missing Kuwaiti prisoners of war and property.

359. Ambassador Bill Richardson, US Permanent Representative to the UN, stated that the Baghdad regime was the only party "responsible for this very sad state of affairs", and that it was refusing "to meet its most basic obligations, such as allowing UNSCOM inspectors to carry out their Security Council mandate without obstruction or harassment". Mr Butler's report recorded "a litany of Iraqi harassment, obfuscation, obstruction and deception". Iraq had explained its actions by attacking the credibility of UNSCOM and questioning its judgement, and when that did not work, resorting to "time honoured tactics of bullying, burning and blackmailing".

360. Ambassador Richardson added:

> "Compliance with international obligations is not a voluntary act. Co-operation is not a matter of degree. Either Iraq is in compliance … or it is in breach of those obligations."

361. Ambassador Richardson challenged the description of Iraq's "so-called co-operation over the past six months", which was "too little, too late".

362. Addressing comments by other members of the Council about Dr Blix's report, Ambassador Richardson stated:

> "… even in this area it is clear that Iraq has not answered all the relevant questions necessary to have a full accounting of its programmes. The books cannot be closed. Furthermore, we now know, thanks to the efforts of Mr Blix and his staff, that Iraq lied and concealed an active weaponization programme for years in direct defiance of its commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and its commitments to the IAEA. Iraq has lied about its programmes for too long and too recently for us to settle for anything less than absolute certainty that Iraq's nuclear ambitions have been completely neutralized.
>
> "When accounting for nuclear weapons, close is not good enough. If you fail to account for just one nuclear device, that could mean the destruction of an entire city."

363. Ambassador Richardson concluded that Baghdad had "a clear and simple choice" while commending the approach of Mr Butler and his team and stating that the Council "must do everything" it could to support him. He regretted the decision of some members of the Council not to support the resolution, which would "carry the full weight of international law".

364. Japan, Poland, Portugal and Sweden spoke in support of the resolution, but in more moderate terms than either the US or UK.

365. Mr Elaraby drew attention to Dr Blix's report and the progress in some areas reported by Mr Butler, and set out conclusions in seven areas that Egypt would have liked to see included in the resolution for the evaluation of the implementation of the Council's resolutions and the Council's future actions. These were:

- The draft resolution should have taken into account the positive aspects reported by UNSCOM and the IAEA.
- The Council "must be the only body responsible" for making decisions, "following consultations and discussions on the basis of reports submitted by the Special Commission".
- The IAEA and Special Commission were responsible for "purely technical matters". While it was "difficult" for them "to assert that nothing remains to be destroyed" it was "important" for the Council to take the decision "defining the ultimate goal of the activities of those two bodies in order that the Council's resolutions can be fully implemented in detail".
- The Council should "take the time … objectively" to study the differences in view between the Special Commission and Iraq about the interpretation of the modalities for inspections. Further co-operation was needed from Iraq, but the Special Commission also had to "make an effort" to co-operate so that it could discharge its responsibilities.

- The reports contained sporadic instances of non-co-operation; but the question was whether that was "recurring, systematic non-co-operation" and if it indicated "a real pattern of unwillingness to comply" or "isolated instances of differences".
- Egypt was opposed in principle to additional sanctions.
- The Council should have mandated the UN Sanctions Committee to determine clear criteria for the modalities for the implementation of the resolution so that the Council could "avoid contributing to aggravating the tensions between Iraq and the Special Commission, which could complicate the task of eliminating weapons of mass destruction".

366. Mr Elaraby concluded by stating that Egypt had asked for more time for "calm and constructive dialogue", but the sponsors of the resolution:

> "… had insisted on it being put to the vote … without taking into account the majority of the proposals put forward in recent days … so that the draft resolution would respect logic, legality and the provisions of resolution 1115 … and … inspire the Iraqi Government to co-operate more fully with the Special Commission."

367. Mr Kipkorir Aly Azad Rana, Kenyan Deputy Permanent Representative to the UN, stated that he would abstain because the draft resolution did not "clearly portray the balance and tone of the reports" from the IAEA and UNSCOM.

368. Mr Liu Jieyi, Counsellor, Permanent Mission of China to the UN, stated that the priority should be to enhance the co-operation between Iraq and UNSCOM and that he would abstain because the draft resolution was "not conducive to the settlement of the problems concerned" and amendments proposed by "quite a number of delegations" had not been accepted.

369. Mr Lavrov stated that the IAEA and UNSCOM had recently produced "voluminous comprehensive reports on the significant work done on filling in the blank spaces in the Iraq disarmament dossier". The UNSCOM report had noted "significant" and "important" progress, particularly in the missile and chemical areas, and the IAEA report "had a positive tone". Iraq had not accounted for all the items proscribed by section C of resolution 687, and a number of questions remained "to be clarified in the biological sphere". There were "deficiencies" in Iraq's compliance and "isolated incidents", but that could not "justify the immediate adoption of additional sanctions". The problems should be addressed within the framework of planned consultations between Mr Butler and Baghdad.

370. Mr Lavrov added that there was "an obvious lack of balance" in the draft resolution which "Ignored … various substantial elements of the fulfilment by Iraq of relevant provisions of resolution 687".

371. Russia could not understand why there was "no mention of the IAEA report" and the significant progress on the Iraqi nuclear dossier, which could be "viewed as closed". Mr Lavrov stated:

> "The sponsors' categorical refusal to refer to the IAEA report in the draft resolution raises most serious questions and is unacceptable to us."

372. Mr Lavrov also pointed out that resolution 1115 had required "substantial compliance" by Iraq with UNSCOM's requirements for access; and that continued in effect. The new resolution's requirements would "confuse the criteria" for compliance with the UN's resolutions.

373. Mr Lavrov concluded that Russia had been "prepared to continue working on the draft in order to make it more balanced and acceptable to all members of the Security Council", but the sponsors were "unfortunately" not ready to do so. Russia was "forced to abstain".

374. Mr Alain Dejammet, French Permanent Representative to the UN, stated that France had abstained "on a consideration of the merits of the text of the resolution" and the importance of the principle of "seeking unity within the Council", both to "underline the authority" of UNSCOM's actions and because France considered that unity had "contributed to the achievement of the significant progress" noted in UNSCOM's report. France also thought that Mr Butler "should have received some encouragement, however modest, to continue with his efforts and enhance further the effectiveness of the Special Commission's co-operation with Iraq".

CONTINUED IRAQI NON-CO-OPERATION

375. Iraqi concerns about US intentions, and its decision to refuse US participation in UNSCOM activities in Iraq, were set out in a letter to the UN on 29 October.

376. Reflecting the concerns about US intentions and actions, set out in his letters of 15 June and 12 October, and the effect of resolution 1134, which clearly reflected the "arbitrary position imposed by the United States against Iraq, using pressure and blackmail", Mr Aziz informed the President of the Security Council that Iraq had decided to continue co-operation with UNSCOM:

> "… provided no individuals of American nationality shall participate in any activity … inside Iraq, particularly inspections, interviews, and aerial and ground surveillance."[146]

[146] UN Security Council, 29 October 1997, 'Letter dated 29 October 1997 from Mr Tariq Aziz, Deputy Prime Minister of Iraq, addressed to the President of the Security Council' (S/1997/829).

377. Mr Aziz added that the decision would take effect the following day. He also requested UNSCOM to withdraw its cover for U-2 flights, which "had been spying on Iraq and its leadership in order to execute America's hostile policy against Iraq under cover of the Special Commission's operations".

378. Mr Aziz wrote that Iraq was "confident" that it was "free of proscribed weapons" and had "no apprehension of actions to verify that by all practical means". He emphasised Iraq's "sincere desire for continuing the co-operation with the Special Commission" to fulfil its obligations, and demanded that the Security Council fulfil its obligations.

379. A Presidential Statement issued after a meeting of the Security Council to consider Iraq's "unacceptable decision … to seek to impose conditions on its co-operation with the Special Commission, thereby preventing the Special Commission from discharging its responsibilities":

- recalled the Security Council demands in resolution 1134 "that Iraq co-operate fully with the Special Commission in accordance with the relevant resolutions";
- condemned "the decision … to try to dictate the terms of its compliance with its obligation to co-operate";
- demanded that "Iraq co-operate fully … without conditions or restrictions";
- reminded Iraq "of its responsibility for the safety and security" of UNSCOM personnel; and
- warned "of the serious consequences of Iraq's failure to comply immediately and fully with its obligations under the relevant resolutions".[147]

380. The statement concluded that the Council was "determined to ensure rapid and full Iraqi compliance with the relevant resolutions" and that it would "remain actively seized of the matter".

381. On 30 October, Mr Butler advised the President of the Security Council that Iraq had refused entry for two UNSCOM officials, and one IAEA official, of US nationality.[148]

382. In a letter of 31 October, Dr Blix informed Mr Annan that the IAEA had suspended its monitoring activities in Iraq on 29 October.[149] Dr Blix reported that Iraq had subsequently informed the IAEA that it wished its work to continue and that "all IAEA staff, inspectors and experts" would be "welcomed as usual", there was "no reason whatsoever to suspend any IAEA activities in Iraq".

---

[147] UN Security Council, 29 October 1997, 'Statement by the President of the Security Council' (S/PRST/1997/49).
[148] UN Security Council, 30 October 1997, 'Letter dated 30 October 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/830).
[149] UN Security Council, 31 October 1997, 'Letter dated 31 October 1997 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General' (S/1997/833).

383. Dr Blix added that it was his view that, as the IAEA and Special Commission were acting "as organs of the Security Council" to contribute to "a common objective", it was "essential" that they had a "common approach". The IAEA would continue "for the time being … to suspend the practical implementation of its ongoing monitoring and verification plan".

384. On 2 November, Mr Nizar Hamdoon, Iraqi Permanent Representative to the UN, reiterated Iraq's decision on U-2 flights in a letter to Mr Butler.[150] He wrote:

> "In the light of current developments, Iraq anticipates that the United States will engage in military aggression … as it has done on previous occasions. Accordingly, the entry of a United States spy plane into Iraqi airspace cannot be accepted. We therefore urge you to cancel the overflights scheduled … on 5 and 7 November."

385. On 2 November, Mr Butler informed the President of the Security Council that two UNSCOM personnel of US nationality had the previous day again been refused entry by Iraq.[151]

386. In further letters on 4 and 5 November, Mr Butler reported that US personnel in UNSCOM inspection teams had been denied access to Iraqi facilities, and that dual-use equipment had been moved without authorisation.[152]

387. In his memoir, Mr Annan wrote that in November 1997 he had "personally stepped into the Iraq quagmire for the first time".[153] He had known "full well" that his "interventions would be met with suspicion and manoeuvring on all sides". He had appointed three senior diplomats to engage the Iraqis:

> "Baghdad … was clearly determined to re-engage the UN at a senior level, namely with me as Secretary-General, and it had made its negotiating position clear: it was not seeking confrontation; it had implemented all Security Council resolutions without receiving adequate respect for its sovereignty, integrity, and security; and that one member state – the United States – was using UNSCOM for its own purposes."

---

[150] UN Security Council, 2 November 1997, 'Letter dated 2 November 1997 from the Permanent Representative of Iraq to the United Nations addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 689 (1991)' (S/1997/837).
[151] UN Security Council, 3 November 1997, 'Letter dated 2 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/836).
[152] UN Security Council, 4 November 1997, 'Letter dated 4 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/843); UN Security Council, 5 November 1997, 'Letter dated 5 November from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/851).
[153] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.

388. Mr Butler sent a separate letter on 5 November, informing the President of the Security Council that, in response to a request from the UN Secretary-General, he had decided to postpone the U-2 flights on 5 and 7 November while Mr Annan's Personal Envoys were delivering a message to Iraq; but that the flights would resume the following week.[154]

389. On 6 November, Iraq informed the President of the Security Council that it had requested US personnel not to enter a site, but UNSCOM had instructed the team to withdraw.[155] The letter added that, as a precaution against the possibility of US attacks, Iraq had moved equipment but the items would be returned for inspection and authentication and it would not be used for proscribed activities.

390. The letter concluded by stating that Iraq was "honouring our obligations under the monitoring plan" in resolution 715.

391. On 7 November, Mr Butler reported further incidents on 6 November and also drew attention to a further Iraqi request for cancellations of U-2 flights and to concerns about the visibility or absence of equipment being monitored by UNSCOM cameras.[156]

392. On 10 November, Mr Mohammed Said Al-Sahaf, the Iraqi Minister for Foreign Affairs, wrote to Mr Annan reporting that a "United States U-2 spy plane together with several formations of United States warplanes fitted with all kinds of weapons and espionage equipment" had "violated" Iraq's airspace and sovereignty that morning. As a result it was "no longer to be considered, even nominally or formally, as one of the means used by the United Nations to conduct so-called inspections". Iraq would act against US aircraft to safeguard its sovereignty and security.[157]

393. In a briefing for members of the Council on 10 November, Mr Annan stated that, "Had Iraq agreed to return to full compliance", he would have had "no hesitation" in recommending that Iraq should be "granted a hearing".[158]

394. Despite diplomatic efforts by a number of Member States and Mr Annan, Iraq refused to rescind its decision of 29 October.

395. Significant differences in position remained within the Council, particularly in relation to any potential use of force.

---

[154] UN Security Council, 5 November 1997, 'Letter dated 5 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/848).
[155] UN Security Council, 6 November 1997, 'Letter dated 6 November 1997 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council' (S/1997/855).
[156] UN Security Council, 7 November 1997, 'Letter dated 7 November 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1997/864).
[157] UN Security Council, 10 November 1997, 'Letter dated 10 November 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General' (S/1997/867).
[158] UN Security Council, '3831st Meeting Wednesday 12 November 1997' (S/PV.3831).

RESOLUTION 1137 (1997)

396. On 12 November, the Security Council unanimously adopted resolution 1137 (1997), which:

- recalled the Council's previous resolutions;
- stated its "grave concern" about recent developments;
- condemned Iraq's continued violation of its obligations, "including its unacceptable decision … to seek to impose conditions on co-operation" with UNSCOM;
- demanded Iraq rescind its decision of 29 October; and
- decided to impose a travel ban on designated Iraqi officials, as foreshadowed in resolution 1134.[159]

397. The resolution also expressed the Council's "firm intention to take further measures as may be required for the implementation of this resolution".

398. In statements to the Council before and after the vote, all members of the Council supported united action and targeted sanctions in response to Iraq's defiance of the UN, but significant differences in position remained.

399. Mr Elaraby drew attention to the impact of sanctions on the Iraqi people and the lack of hope that they would be lifted.[160] Iraq's co-operation had "not been ideal", but it had gone a long way. Iraq's defiance and failure to respond to attempts to persuade it to change its position were unwise because it meant "squandering the achievements made on Iraq's long road of co-operation with the Special Commission". There were lessons from the crisis, including that the Council should "review" UNSCOM's methods. Iraq should not be pushed "into believing that it has nothing to gain from its continued co-operation with the Commission and nothing to lose from a cessation of that co-operation".

400. Mr Njuguna Mahugu, Kenyan Permanent Representative to the UN, stated that the current level of tension "must not be allowed to escalate any further".

401. Mr Dejammet stated that he had believed reason would prevail and regretted Iraq's refusal to rescind its decision. A "strong and unanimous reaction" was required, but it had to be "balanced and commensurate with the realities of the situation". The "search for a peaceful solution" would not be hampered by the travel bans, and France continued "to advocate strongly that any action" should be "considered and led strictly within the framework of the Security Council". The resolution did not "encourage or justify any escalation". The Council should "persevere" in an "active search for a diplomatic solution".

---

[159] UN Security Council resolution 1137 (1997).
[160] UN Security Council, '3831st Meeting Wednesday 12 November 1997' (S/PV.3831).

402. Mr Dejammet added that the "basic goal" was continuing the work of the Commission:

> "Nothing would be worse than to call into question the main strength of resolution 687 (1991) and United Nations relations with Iraq. The system of ongoing verification and monitoring cannot be suspended; the security of the region is at stake."

403. Mr Dejammet said that unanimity of the Council in a crisis was a "very important condition" for France. If Iraq heeded the message from the Council it would "be possible to discuss their concerns regarding the working methods of the Special Commission and the manner in which it discharges its responsibilities". There could also be discussions to "explore prospects for resolving the crisis and to take into account the significant progress … on the substance, notably on the nuclear and ballistic areas". The Iraqi population had paid an "exorbitant price", which could not "go on rising indefinitely, amidst general indifference".

404. Ambassador Richardson stated that the "unambiguous message to the leaders of Iraq" was that the Security Council was "united in its determination that Iraq must comply with the resolutions of the Council"; and that there would be "consequences for Iraq if it fails to do so". Mr Aziz had been in New York lobbying for sanctions to be lifted, but Iraq did not "seem to understand that its objective can only be reached through full compliance".

405. Ambassador Richardson added that Iraq had, for years, been "trying every trick to deceive" UNSCOM. Its actions were "gross violations" of its obligations. Iraq had:

> "… failed in other areas mandated by the Council and it has given no sign that it will cease activities and policies intended to threaten its neighbours. Indeed, it gives every indication that it intends to continue to develop a dangerous arsenal of weapons of mass destruction. Which is what this is all about."

406. Ambassador Richardson said that the US felt "compassion for the Iraqi people and empathy for their plight", and looked forward to sanctions being lifted, but Iraq had first to "comply fully and unconditionally with … relevant … resolutions".

407. Referring to a statement by Mr Robin Cook (the Foreign Secretary), Mr Stephen Gomersall (UK Deputy Permanent Representative to the UN in New York) stated that the UN had responded "swiftly, strongly and unanimously" to "provocation". If Saddam Hussein returned to his senses and let UNSCOM resume its work, and then complied with all relevant resolutions, the process for lifting sanctions could be started. But if he continued to defy the will of the UN, "further measures" would be taken.

408. The Council was facing "the most serious challenge" from Saddam Hussein since the end of the Gulf Conflict. The successful completion of UNSCOM's work was "essential for maintaining regional and international peace and security", and its latest

report made clear that there was much to be done, "especially" on chemical and biological weapons.

409. There had been a lot of "special pleading from Iraq on the damage caused by six and a half years of sanctions" but it was:

> "… clear that the humanitarian interests of the Iraqi people and their welfare have been subordinated to the misguided policies of the leadership and that it is these policies which are the fundamental problem."

410. Mr Lavrov stated that Russia had been "working intensively" with others to "de-escalate the situation", but had failed to achieve the desired results. The Security Council had "no other way out than to adopt concrete measures on the basis of the consensus … established in June … in resolution 1115".

411. But Russia was "convinced" that any "complications" should be:

> "… resolved exclusively by political means and strictly within the framework of the relevant resolutions of the Security Council. Any other approaches, particularly actions involving force or the threat of the use of force, could nullify all our achievements so far in reaching a post-crisis settlement in the Persian Gulf and take us all a long way back from the goal, already coming within our reach, of eliminating the threat to peace and security in that region."

412. Mr Lavrov added that the resolution ruled out "the possibility of using the authority of the Security Council and the United Nations to justify any attempts to use force".

413. Mr Lavrov concluded that inspections had:

> "… confirmed that Iraq has no proscribed activities going on involving nuclear weapons, and the facilities and dual-use equipment are being reliably monitored. In this connection, the nuclear dossier can be deemed to be closed. The balance sheet is virtually completed on proscribed missiles. All capacity and components for the production of chemical weapons have been eliminated.
>
> "Such serious results cannot pass by without adequate evaluation by the Security Council. We intend to revert to this question immediately after the current crisis situation around Iraq has been resolved."

414. Mr Qin Huasun stated that China had called on Iraq to resume co-operation with the United Nations but had "always been of the view that Iraq's sovereignty, territorial integrity and legitimate concerns for its own security should be respected". He observed that the "causes of the current crisis" were "multifaceted and complex": "three feet of ice could not have accumulated as a result of one day's cold weather".

415. Mr Qin Huasun suggested:

> "The Security Council should hear the views of UNSCOM and Iraq on the question of inspections in order to make a fair and reasonable judgement on progress achieved in inspections. Problems … should be appropriately settled through dialogue and co-operation. We are opposed to the use or the threat of force or any actions that might further exacerbate tensions. We hope that the parties concerned will exercise restraint and find a proper solution to the problem through co-operation and dialogue and avoid the escalation of tensions. In particular, the occurrence of armed conflict must be avoided."

416. In his memoir, Mr Annan wrote:

> "In late 1997, it was clear the United States had lost patience with the inspections process and was agitating for military action or full Iraqi compliance. UN inspectors … destroyed more weapons of mass destruction than the coalition had during the Gulf War … despite … the regime's attitude … By this time, Iraq had identified a new reason to resist co-operation; namely, the national security and dignity of its Presidential sites … I knew Saddam had to open these … [to inspection], but I also felt deeply uneasy that the world could go to war over this issue …"[161]

417. In response to Russian diplomatic activity, Iraq agreed to allow UNSCOM to resume its activities in Iraq.

418. During a visit to Moscow on 18 to 19 November, Mr Aziz and Mr Yevgeny Primakov, the Russian Foreign Minister, agreed that Iraq would allow the return of UNSCOM from 20 November.[162]

419. The Joint Communiqué stated that Russia would:

> "… actively contribute, on the basis of Iraq's implementation of the relevant Security Council resolutions, towards a quick lifting of the sanctions imposed on Iraq, especially the implementation of paragraph 22 of resolution 687, to the letter and without additional conditions."

420. *The Moscow Times* reported that Mr Primakov had been very careful to observe the substance of UN policy on Iraq, and that he had warned Iraq not to expect an end to economic sanctions until it had closed down its chemical and biological weapons programmes.[163] The composition of UN inspections teams would be slightly adjusted, but would retain many US inspectors.

---

[161] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[162] *BBC News*, 20 November 1997, *Text of Iraqi-Russian communiqué on return of UN inspectors.*
[163] *The Moscow Times*, 20 November 1997, *Russia can score points in Iraq crisis.*

Inspectors return to Iraq

421. UNSCOM and IAEA inspectors returned to Iraq on 21 November 1997.[164]

422. At the request of the Security Council, the members of UNSCOM convened an emergency session on 21 November to discuss and advise on "ways to make the work of the Commission more effective".[165] The outcome of the discussion was reported to the President of the Security Council the following day.

423. In relation to nuclear weapons, the members of the Commission understood, from a presentation made by the IAEA, that:

> "… if the few clarifications required from Iraq in paragraph 75 of the IAEA report [of 8 October] are satisfactorily provided, and if Iraq were to co-operate in the use of fixed-wing aircraft within Iraq for monitoring purposes, IAEA would have a basis for an early favourable report to the Security Council."

424. In relation to ballistic missiles and chemical weapons, the report identified priorities as:

- clarification of and accounting for Iraq's indigenous production of proscribed missiles, conventional and special missile warheads, and major missile parts;
- the extent of Iraq's efforts to produce and weaponise VX;
- the material balance of chemical munitions which Iraq declared had been destroyed during the 1991 Gulf Conflict; and
- the material balance of equipment procured by Iraq for production of chemical weapons.

425. In relation to biological weapons, the Security Council was advised to urge Iraq to overcome the deficiencies in its declarations that had been identified in UNSCOM's October report.

426. The members of the Commission also:

- took note of Iraq's systematic concealment activities which had a direct effect on its ability to fulfil its mandate, but no details were provided;
- emphasised that access was fundamental to its ability to accomplish its tasks and that greater clarity was needed in the reconciliation of Iraq's legitimate concerns in respect of national security, sovereignty and dignity and the full practical application of UNSCOM's mandate;
- suggested that UNSCOM staff should continue to document all examples of Iraqi efforts to frustrate their work;

---

[164] UN Security Council, 24 November 1997, 'Emergency session of the United Nations Special Commission established under paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1997/922).
[165] UN Security Council, 24 November 1997, 'Emergency session of the United Nations Special Commission established under paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1997/922).

- suggested that the Executive Chairman should assess the extent to which the temporary cessation of UNSCOM operations had set back its ability to complete its mandate;
- recommended a review of additional equipment which could facilitate its inspections;
- noted that additional aerial surveillance, including night surveillance if possible, could enhance UNSCOM effectiveness;
- recommended a review of the modalities for air operations; and
- recommended Governments should be encouraged to make experts available.

427. In response, and following consultations between members, the Security Council authorised a Presidential Statement on 3 December, which:

- endorsed the Commission's conclusions and recommendations;
- reiterated the demand that Iraq fulfil all its obligations and co-operate fully with UNSCOM and the IAEA in implementing their mandates;
- stressed that the "effectiveness and speed with which UNSCOM may accomplish its responsibilities" was "above all, determined by the degree to which the Government of Iraq co-operates in disclosing the full extent and disposition of its proscribed programmes and in granting UNSCOM unimpeded access to all sites, document records and individuals";
- acknowledged UNSCOM's conclusion to respect the legitimate concerns of Iraq in the application of its mandate;
- welcomed the progress made;
- encouraged intensified efforts, in line with the conclusions of the emergency session, to implement UNSCOM and IAEA mandates;
- acknowledged that, as Iraq complied with its obligations and the Council agreed, UNSCOM and the IAEA would make the transition from inspections to monitoring; and
- urged Member States to respond positively to UNSCOM requests for additional personnel, equipment and information.[166]

428. Mr Butler, accompanied by his Deputy, Mr Charles Duelfer, and Commissioners from France, Russia and the UK, held talks to discuss the implementation of the mandate set out in the Presidential Statement of 3 December with an Iraqi delegation led by Mr Tariq Aziz.[167]

429. Mr Butler reported that discussions on access for inspections had addressed five categories of sites identified by Iraq:

---

[166] UN Security Council, '3838th Meeting Wednesday 3 December 1997' (S/PV.3838).
[167] UN Security Council, 17 December 1997, 'Letter dated 17 December 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Council' (S/1997/987).

- Normal – which could be visited without restriction.
- National Security – where the modalities for inspections of sensitive sites would apply, "except for the most secret rooms … to which no access would be granted". Mr Aziz had agreed to an improvement of the arrangements, including that:
  - The size of the inspection team would be proportionate to the size and complexity of the site and agreed on a case-by-case basis.
  - Iraq would take steps significantly to reduce the delay in entry.
  - Immediately a site was declared sensitive, the Chief Inspector and an Iraqi minder could enter to ensure that movement was frozen and that documents would not be burnt or destroyed.
- Presidential and sovereign – in relation to which Iraq's "absolute" position was that inspections and overflights would not be allowed "under any circumstances", which Mr Butler doubted would be acceptable to the Security Council.
- Civilian sites/private residences – in which the Government had no authority and UNSCOM would need the owner's permission for inspections. Mr Butler expressed reservations about Iraq's position.
- Foreign – where UNSCOM would have to deal directly with the owners.[168]

430. Iraq asked again whether the U-2 surveillance flights could be replaced by Iraqi assets or those of another nation.

431. Iraq continued to state that it had "destroyed and/or no longer had any weapons of mass destruction" and had proposed technical "seminars" to address disagreement on issues of substance. Mr Aziz had stated "for the public record" that the Government of Iraq had decided in 1991 to "deny and obliterate traces of its biological weapons programme" on the grounds of "national security and survival".

432. Iraq had declined UNSCOM's invitation to develop an additional joint work programme, but agreed to technical evaluation meetings on missile warheads and VX in January, with a meeting on biological weapons to follow "as soon as practicable".

433. The report confirmed that, where facilities had been visited, dual-use equipment had been returned and the Commission had found no evidence of proscribed activities.

434. In December 1997, the JIC noted that Iraq "may have retained hidden production equipment, agent and delivery systems" and that it "could … regenerate a significant offensive BW capability within months".[169]

---

[168] UN Security Council, 17 December 1997, 'Report on the visit to Baghdad from 12 to 16 December 1997 by the Executive Chairman of the Special Commission established by the Secretary-General under paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1997/987).
[169] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 48.

435. In a Statement by the President of the Security Council, issued after consultations on Mr Butler's report on 22 December, the Council reiterated its demand that Iraq co-operate fully with UNSCOM and allow inspection teams "immediate, unconditional access", and stated that any failure to do so would be "unacceptable and a clear violation of the relevant resolutions". The Council also acknowledged that discussions on the practical arrangements were continuing, reiterated its full support for the Commission and Mr Butler, and called on the Government of Iraq to co-operate fully.[170]

436. On 12 January 1998, the Government of Iraq announced that, on the basis of the nationalities present, a team would not be permitted to conduct further inspections in Iraq.[171]

437. On 14 January, the President of the Security Council issued a further statement deploring the Iraqi statement of 12 January and its "subsequent failure to fulfil its obligations to provide the Special Commission with full, unconditional, and immediate access to all sites". The Council determined that "failure" was "unacceptable and a clear violation of the relevant resolutions".[172]

438. The Council also:

- recalled its statement of 29 October 1997 condemning Iraq's decision to try to dictate the terms of its compliance with its obligations to co-operate with UNSCOM;
- reiterated its demand in resolution 1137 for co-operation;
- expressed its full support for the Special Commission and its Executive Chairman; and
- requested a "full briefing" from Mr Butler after his planned talks with Iraq so that it could "decide as necessary on the appropriate response".

439. On 15 January, the IAEA's report of its visit to Iraq in December was made available to the Security Council.[173] The purpose of the visit had been to clarify five points identified in paragraph 75 of the earlier report, specifically:

- "… information provided by Iraq in respect of its post-war procurement procedures will contribute to the ability of IAEA to identify actions that might indicate Iraq's clandestine procurement of proscribed or dual-use equipment and materials."
- "The specification of the scope and content for the summary of the technical achievements of Iraq's clandestine nuclear programme that IAEA handed to

---

[170] UN Security Council, 22 December 1997, 'Statement by the President of the Security Council' (S/PRST/1997/56).
[171] UN Security Council, 16 April 1998, 'Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1998/332).
[172] UN Security Council, 14 January 1998, 'Statement by the President of the Security Council' (S/PRST/1998/1).
[173] UN Security Council, 15 January 1998, 'Report on the International Atomic Energy Agency technical team visit to Iraq, 19 to 31 December 1997' (S/1998/38).

the Iraqi counterpart should facilitate the production by Iraq of a document that will provide further assurance that the technically coherent picture of Iraq's clandestine nuclear programme is comprehensive."

- It had not been possible to verify Iraq's statement in relation to a specific instance of external assistance offered to its clandestine nuclear programme, or its statements regarding the "government committee" or of the actions attributed to Lt Gen Kamil.
- The IAEA had "no information that contradicts Iraq's statement that it had never identified nuclear weapon design options beyond those preliminary concepts described in its report", but ongoing monitoring would be based on the assumption that Iraq retained "the technical capability to exploit, for nuclear weapons purposes, any relevant material to which it might gain access".
- The IAEA intended to implement an aerial radiation survey in Iraq, based on Iraqi co-operation with the use of fixed-wing aircraft.

440. On 22 January, Mr Butler sent a report of his recent visit to Iraq to the President of the Security Council.[174]

441. During his visit, Iraq had proposed a three-month moratorium on any attempt by UNSCOM to visit Presidential and sensitive sites, pending completion of initial technical evaluation meetings.

442. Iraq also rejected a request to allow the Commission's fixed-wing aircraft to exercise their right to use airbases throughout Iraq. Mr Butler wrote:

> "I must remind the Security Council that full access is required not only for disarmament purposes but also in the context of ongoing monitoring and verification. Access relinquished now could be needed in important ways in the future."

Liberal interventionism

Sir Christopher Meyer, British Ambassador to the US from 1997 to 2003, drew the Inquiry's attention to a speech made by Mr Blair in January 1998 in which he said:

> "We have a clear responsibility in the interests of long term peace in the world to stop Saddam Hussein from defying the judgement of the world's community. He must be either persuaded by diplomacy or made by force to yield up his long cherished ambition to develop nuclear, chemical and biological weapons; weapons which threaten not only his immediate neighbours in the Middle East, but pose a direct and fundamental challenge to world peace.

[174] UN Security Council, 22 January 1998, 'Report of the visit to Baghdad from 19 January to 21 January 1998 by the Executive Chairman of the Special Commission established by the Security Council under paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1998/58).

> "All our experience of him teaches us that it is sometimes hard to succeed with him via diplomacy, but one thing is for sure: diplomacy stands no chance of success at all unless he knows that if he fails to listen to reason, we have the force to back it up."[175]

In his press conference on 20 December 1998, Mr Blair said:

> "… the patience of the international community cannot be tried indefinitely … when it is right and when the will of the international community is at stake we will act to enforce it because the first stirrings of a new global reality are upon us. Those who abuse force to wage war must be confronted by those willing to use force to maintain peace, otherwise the simple truth is that war becomes more likely. We cannot do everything, that is true, but what we can do reasonably we should do."[176]

443. Lord Wilson of Dinton, Cabinet Secretary from 1998 to 2002, told the Inquiry that between January 1998 and January 1999 he had attended and noted 21 Ministerial discussions on Iraq; 10 in Cabinet, of which seven had "some substance"; five in the Defence and Overseas Policy Committee (DOP); and six ad hoc meetings, including one JIC briefing.[177]

444. Iraq was discussed in one of Lord Wilson's first Cabinet meetings on 28 January 1998.[178] Lord Wilson recalled that Mr Cook told his colleagues things which were "entirely recognisable four or five years later", namely:

> "… a serious situation is building; we would be ready to use force if necessary, because not being ready to use force would undermine our leverage over Saddam Hussein; and thirdly, the United States were clear that they had legal authority to take action whereas our legal advice was more nuanced."

445. Lord Wilson commented that those points could be transposed to March 2002.

446. The Cabinet Office has informed the Inquiry that there was no discussion of Iraq in DOP in 1999 or 2000, and that the four discussions in Cabinet in early 1999 (the last on 7 March) were confined to brief updates on the NFZs. There is no record of any Cabinet discussion of Iraq in 2000.[179]

447. In a joint press conference with Dr Albright on 31 January 1998, Mr Cook said:

> "No option is ruled out but the best prospect of us achieving a solution by diplomatic measures is to leave Saddam Hussein in no doubt about our resolve to win this struggle and no doubt in his mind that all options are open to us."[180]

---

[175] Public hearing, 26 November 2009, page 43.
[176] Transcript of Press conference by Mr Blair, 20 December 1998.
[177] Public hearing, 25 January 2011, page 11.
[178] Public hearing, 25 January 2011, pages 73-74.
[179] Email Cabinet Office to Aldred, 5 July 2011, 'FOI request for joint MOD/FCO memo on Iraq Policy 1999'.
[180] House of Commons Library Research Paper 98/28, 16 February 1998, 'The Iraq Crisis'.

448. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote in his diary on 2 February:

> "Iraq was the main focus with the French and Russians trying to get a diplomatic solution, but TB was pretty clear where it was heading."[181]

449. The Butler Report stated that the JIC concluded on 4 February that:

> "UNSCOM and the IAEA have succeeded in destroying or controlling the vast majority of Saddam Hussein's 1991 weapons of mass destruction (WMD) programme."[182]

450. On the same date, Mr Campbell recorded: "We turned the factual briefing into a paper for the media showing the extent of Saddam's capability and the damage he could do."[183]

451. During Defence Questions on 9 February, Mr George Robertson, the Defence Secretary, told the House of Commons that he was making available new information on Iraq's chemical weapons capability at the time of the Gulf War, concerning "recently received intelligence that Iraq may have possessed large quantities of a chemical weapons agent known as Agent 15 since the 1980s".[184] Mr Robertson described Agent 15 as "a mental incapacitant".

452. Mr Campbell recorded that Mr Blair chaired the first meeting of the Iraq media management group on 16 February, and was "alarmed at how poor the FCO/MOD propaganda effort was".[185]

453. On 19 February, Mr Campbell recorded that Cabinet was "mainly Iraq and Ireland", and that Mr Blair said "it was not an option to do nothing. We either got the inspectors in or we had to take action." Mr Blair was concerned that "Saddam would pitch a response perfectly to Kofi … to get the French and Russians into a different position to the rest of us." That concern was also discussed in a call with President Bill Clinton on 22 February.

454. On 20 February, the Security Council adopted resolution 1153 (1998) which increased the size of the Oil-for-Food programme, "to avoid any further deterioration of the current humanitarian situation".[186]

455. On 23 February, Mr Annan obtained an undertaking from the Iraqi Government to resume co-operation. In an MOU signed by Mr Annan and Mr Aziz, the Government of Iraq reconfirmed "its acceptance of all relevant resolutions of the Security Council"

---

[181] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[182] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 45.
[183] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[184] House of Commons, *Official Report*, 9 February 1998, column 11.
[185] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[186] UN Security Council resolution 1153 (1998).

and undertook "to accord UNSCOM and the IAEA immediate, unconditional and unrestricted access".

456. The MOU contained details of special procedures for the inspection of the eight Presidential sites, including having diplomats, not just technical experts, in the inspection teams.[187]

457. Mr Annan wrote that Secretary Albright had travelled to New York on 22 February to set out "red lines" before he left for Baghdad. He had "had to remind her" of his role and that, as Secretary-General, he was "answerable to 191 other Member States" and that it was his "duty to seek peaceful resolution of disputes". His objective had been to give Saddam Hussein a ladder to climb down so that inspections could resume.

458. Mr Annan wrote that he considered it "critical" that Iraq was "given a sense of light at the end of the tunnel" as an incentive to co-operate with an inspections regime that required "a degree of scrutiny without precedent", and that the talk in Washington of never lifting sanctions was not helpful:

> "The United States and its allies were entitled to state this position as a matter of national interest. However, they could not expect to have a United Nations committed to the peaceful disarmament of Iraq to simply play along. Nor could they have been unaware that this gave Saddam the excuse to tell the rest of the world that the game was fixed no matter what he did. We need the inspections to work toward resolving the ongoing crisis in Iraq. Until then, the Gulf War would not truly be over."

459. In a statement to the House of Commons on 24 February, Mr Blair said the UN inspectors had found and destroyed "horrific amounts of chemical and biological weapons … despite systematic obstruction, deceit and concealment by Saddam Hussein". The crisis over access to Presidential palaces had "not been an artificial argument about some theoretical threat, but a reflection of real alarm … about the use of those sites to conceal both evidence and actual weapons".[188]

460. Mr Blair added:

> "We should never forget that if we do not stop Saddam Hussein acting in breach of his agreement on weapons of mass destruction, the losers will not just be those threatened by him, but the authority and standing of the UN itself …"[189]

461. In Mr Blair's view, "nothing else" apart from "effective diplomacy and firm willingness to use force" would have changed Saddam Hussein's mind and produced a signed agreement with the UN:

---

[187] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[188] House of Commons, *Official Report*, 24 February 1998, column 173.
[189] House of Commons, *Official Report*, 24 February 1998, column 174.

"Throughout the dispute, our aim has been a peaceful, diplomatic settlement. There was no desire on either side of the Atlantic to use force, but it was also clear to us throughout that Saddam Hussein only understands and respects force …

"… As Kofi Annan said in Baghdad: 'You can achieve much by diplomacy, but you can achieve a lot more when diplomacy is backed by firmness and force.'

"I would put it this way: with Saddam, diplomacy plus force equals success."[190]

462. Mr Blair concluded:

"Saddam Hussein has spent seven years playing for time, but has been thwarted by the resolve of the international community. It is now clearer than ever that his games have to stop once and for all. If they do not, the consequences should be clear to all."[191]

463. Mr Campbell recorded that, when Cabinet discussed Iraq on 26 February, Mr Cook said there were "really worrying signs about what UNSCOM can do. We were pursuing a twin track approach – light at the end of the tunnel on sanctions, allied to clear warnings if Saddam breaks the agreement."[192] Mr Blair said "he was assured by [President] Chirac he agrees the language makes clear military action will follow if Saddam breaks the agreement."

RESOLUTION 1154 (1998)

464. On 2 March, the Security Council unanimously adopted resolution 1154 (1998).[193] It:

- endorsed the MOU of 23 February and looked forward to its full implementation;
- stressed the need for Iraq to comply with its obligations to provide access to UNSCOM and the IAEA which was necessary for the implementation of resolution 687;
- stated that "any violation would have severest consequences for Iraq";
- reaffirmed its intention to act in accordance with the relevant provisions of resolution 687 on the duration of prohibitions (sanctions);
- noted that Iraq's failure to comply with the relevant obligations had delayed that action; and
- decided, "in accordance with its responsibility under the Charter, to remain actively seized of the matter, in order to ensure the implementation of this resolution, and to secure peace and security in the area".

465. It is clear from the statements in the Council meeting on 2 March, made before and after the vote, including from seven States who were not members of the Council, that

[190] House of Commons, *Official Report*, 24 February 1998, columns 174-175.
[191] House of Commons, *Official Report*, 24 February 1998, column 176.
[192] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[193] UN Security Council resolution 1154 (1998).

there had been significant tensions about the Secretary-General's mission and the text of the draft resolution co-sponsored by the UK and Japan.[194] Tensions centred on the Security Council determining whether the use of force was appropriate and authorising such action, not individual Member States.

466. In his statement to the Council, Mr Annan stated that, in travelling to Baghdad to seek a peaceful solution to the crisis, he had acted to fulfil his:

> "… constitutional obligation under the United Nations Charter and … commitment to the General Assembly … a sacred, moral obligation and commitment to act, any time, anywhere, without seeking or accepting instructions from any Government, whenever that action may be helpful in reducing a grave threat to international peace and security."

467. Mr Annan added that Iraq's refusal to honour its commitments had constituted such a threat which had been averted by the agreement of 23 February. But the agreement would be "empty words unless both parties now implement it fully, fairly and without delay".

468. Iraq's "complete fulfilment" of those obligations was "the one and only aim" of the agreement, and "nothing more and nothing less" would make the completion of the disarmament process possible and "thus speed the lifting of sanctions".

469. The agreement was also a call for the UN to look to the future and its "inherent obligation to remember that even the bitterest of enmities among nations do not last for ever".

470. Mr Annan said that the agreement was also a reminder of why the UN had been established:

> "… to prevent the outbreak of unnecessary conflict when the will of the international community can be achieved through diplomacy; to seek and find international solutions to international problems; to obtain respect for international law and agreements from a recalcitrant party without destroying for ever that party's dignity and willingness to co-operate; to secure, in this case, through on-site inspections and negotiations, the assured destruction of weapons of mass destruction that aerial bombardment can never achieve."

471. In conclusion, Mr Annan pledged "to strive, to seek to find and not to yield" in the fulfilment of his duty.

472. Sir John Weston described the crisis which had led to Mr Annan's "last ditch effort to find a diplomatic solution" as "just the latest and the most serious in a series of Iraqi provocations". His success was "not a success for diplomacy alone but a success for

---

[194] UN Security Council, '3858th Meeting Monday 2 March 1998' (S/PV.3858).

diplomacy firmly backed by the willingness to use force if diplomacy should fail", and no one could "seriously imagine" the same result without that.

473. Sir John said that there were two important messages in the resolution:

- Iraq was obliged to provide access at all sites, "not just in the eight so-called Presidential sites which have up to now been the pretext for so much delay and obstruction".
- The Iraqi regime had a choice. If it fulfilled its commitments, the way would "be open for the lifting of sanctions"; but if it failed to comply, that would "not be tolerated". The Council was "determined that any violation will result in the severest consequences".

474. Sir John concluded that, if Iraq doubted the will of the international community, it would:

> "… not for the first time, be making a grave mistake.
>
> "There is a great need at such moments to face up with courage and intellectual honesty to unpalatable truths. Regional security, the future of non-proliferation under international auspices, and the authority of the United Nations and its Secretary-General are all involved, and are all at stake, in our collective efforts to get the case of Iraq right."

475. Welcoming Mr Annan's success and the text of the draft resolution, Mr Fernando Berrocal Soto, Costa Rican Permanent Representative to the UN, emphasised the "key concept of international legality and the primacy of the provisions of the Charter over any political considerations". Bringing the MOU agreed on 23 February into the legal framework authorised by Chapter VII left "no political or legal doubt whatsoever about the seriousness and gravity of this warning by the Security Council". The "prerogatives and legal competences" were "exclusively of the Security Council" and could not be delegated.

476. Mr Celso Amorim, Brazilian Permanent Representative to the UN, referred to the strain the crisis had placed on a multilateral system "still learning to cope with the challenges of the post-cold-war era" and the Security Council's wisdom in encouraging the Secretary-General to "undertake a personal mission". Mr Annan had "succeeded in a mission that sceptics had considered doomed from the start"; and his "determination … to keep this matter under his close personal supervision … provides the Security Council with a fair chance to put the problem of the relations between Iraq and the United Nations on a more stable foundation".

477. Mr Amorim also pointed out that, in resolution 687, the Security Council had decided "to take such further steps as may be required for the implementation of the present resolution", rather than the "ritual formula" of deciding to "remain seized of the matter". As a result, he concluded that:

> "Only the Security Council has the authority to determine if, when and under what conditions the formal cease-fire it declared on 3 April 1991 holds or not."

478. Mr Amorim added that members of the Council had been "assured by its sponsors" that they did not intend the draft resolution "to imply any automaticity in the authorisation of the use of force in case of a possible violation by Iraq". Brazil was satisfied that nothing in the resolution delegated the "authority" that belonged to the Security Council.

479. Mr Hans Dahlgren, Swedish Permanent Representative to the UN, stated that it was "very important" that the Council's responsibility for international peace and security was "not circumvented", and that the last paragraph of the draft resolution was "an expression of the need to safeguard this responsibility".

480. Mr Hisashi Owada, Japanese Permanent Representative to the UN, emphasised that paragraph 3 of the resolution reflected the Council's wish "to register its firm resolve that violation …. would have the severest consequences for Iraq" but that it was "not meant to address the issue of so-called automaticity"; the draft resolution was "not designed to prejudge the issues of the future".

481. Mr Qin Huasun stated that China greatly appreciated "the wise decision made by the Secretary-General at the critical juncture between war and peace" and that it supported his diplomatic efforts. He added:

> "The situation in the Gulf region is complex and sensitive. If it is dealt with appropriately there will be peace. Any imprudence, however, may trigger a war, which is in no one's interest … We are not in favour of resorting to or threatening to use force … It would only cause heavy civilian casualties and possibly even more severe consequences."

482. Mr Qin Huasun added that the Chinese delegation had "repeatedly and unambiguously demanded that the draft resolution should contain no automatic authorisation of the use of force against Iraq". He had "listened very carefully to the explanations offered by the sponsors of the draft resolution", but they had not eliminated his "misgivings about the possible abuse of the draft resolution".

483. Mr Qin Huasun stressed that adoption of the resolution would:

> "… in no way mean that the Security Council is automatically authorising any State to use force against Iraq. The Council cannot and should not prejudge whether Iraq will violate its resolutions; even less should the Council predetermine the course of future action. The Security Council can make judgements and decisions only on the basis of prevailing circumstances."

484. Mr Qin Huasun concluded that Iraq was "a sovereign State and its sovereignty, dignity and legitimate security concerns should also be respected". The Security Council should "make a timely and objective assessment of Iraq's implementation of its resolutions". China hoped that UNSCOM would "complete its task of verification and the

destruction of Iraq's weapons of mass destruction at an early date, so that steps can be taken to lift the sanctions against Iraq at the earliest possible date".

485. Mr Dejammet welcomed the draft resolution and the confirmation of the authority of the MOU. The resolution addressed a serious warning to Iraq about complying with its obligations, but it also underscored "the prerogatives of the Security Council in a way that excludes any question of automaticity". It was:

> "… the Security Council that must evaluate the behaviour of a country, if necessary to determine any possible violations, and to take the appropriate decisions."

486. Mr Dejammet concluded by paying tribute to Mr Annan's achievements, stating:

> "Nothing will be possible without the constant involvement of the Secretary-General in our work and in our deliberations."

487. Speaking after the vote, Ambassador Richardson stated that the US was "deeply grateful" to Mr Annan for his:

> "… courageous and diligent efforts. Through his diplomacy, backed by America's willingness to use force, he has achieved what could be, if implemented fully by Iraq, a breakthrough."

488. Ambassador Richardson also expressed scepticism about whether, "after six years of broken promises", Iraq would live up to its words or the Security Council's demands. The resolution provided "for a new beginning for Iraq"; but the "choice" was Iraq's.

489. Mr Lavrov stated that Russia had "unswervingly striven to bring about Iraq's complete fulfilment of its obligations", and that "the first step" would be to lift the oil embargo once all Iraq's "'disarmament dossier' issues have been dealt with and moved to the long-term-monitoring stage". As a result of Mr Annan's mission, there was "a real opportunity to speed up the process of achieving a comprehensive settlement".

490. Russia's main goals were:

> "… the need for full elimination of Iraq's weapons of mass destruction, maintaining United Nations monitoring in this field and avoiding the extremely dangerous consequences for the entire region in the event of an uncontrolled development of the situation."

491. Mr Lavrov said that the resolution contained "a political warning to Iraq", "whereby new violations by that country will have extremely serious consequences", but:

> "At the same time, there has been full observance of the legal prerogatives of the Security Council … The resolution clearly states that it is precisely the Security Council which will directly ensure its implementation, including the adoption of appropriate decisions. Therefore, any hint of automaticity with regard to the

application of force has been excluded; that would not be acceptable for the majority of the Council's members."

492. Argentina, Egypt, Kuwait, Malaysia, Mexico, Pakistan and Peru all asked to participate in the discussion. With the exception of Kuwait, the statements focused on the peaceful resolution of disputes as opposed to the use of force and their concerns about the adverse consequences of military action for the people of Iraq, and for peace and security in the region.

493. Kuwait welcomed Mr Annan's achievements but asked the Security Council to attach the same importance to Kuwaiti issues, including the destiny of the detainees and prisoners taken by Iraq in 1990-1991 who constituted one percent of the population of Iraq, as it had attached to saving others in the region from the threat from weapons of mass destruction.

494. On 5 March, UNSCOM inspectors returned to Iraq and successfully carried out a number of site inspections.[195] A baseline survey of the eight Presidential sites by a team including senior diplomats was successfully carried out between 25 March and 4 April.

495. During a visit by Mr Blair to Paris on 24 March, Mr Campbell recorded that, on Iraq, Mr Blair and President Jacques Chirac were "in very different places, TB claiming a success for diplomacy backed by force, Chirac basically saying we were killing children through sanctions".[196]

496. In his report of 3 April, Mr Butler set out UNSCOM's responsibility for reporting whether Iraq had met the requirements set out in paragraphs 8 to 10 of resolution 687, and that those reports were the "sole criteria" for assessing Iraq's actions to provide the basis for a Council decision on lifting the provisions of paragraph 22 prohibiting the imports of commodities and products originating in Iraq.[197]

497. Describing them as the "indispensible context" for the Council's consideration of Iraq's compliance, Mr Butler set out:

- "Iraq's claim that it has no more prohibited weapons 'in the control of the Government of Iraq, in the territory of Iraq'"; and that it had "made available … all that is necessary to enable the Commission to verify that claim and that nothing further, of substance, will be made available by Iraq.
- Iraq's claim, which it had not been possible for the Commission to verify, did not "satisfy the three step system the Council established in order to enable Iraq to fulfil its obligations". Those steps, which were "not separable" were:
    - full declaration by Iraq;

[195] UN Security Council, 16 April 1998, 'Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1998/332).
[196] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[197] UN Security Council, 16 April 1998, 'Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1998/332).

    - verification by the Commission; and
    - destruction, removal or rendering harmless under international supervision.
- Iraq's "consistent refusal" to provide "the information and materials needed to verify its claim, clearly fails to satisfy the second step"; and that made the third step "impossible".
- This "difficult circumstance" had been made "even more complicated by Iraq's claim that it has unilaterally destroyed those prohibited weapons which were not destroyed under international supervision"; and the Commission's inability to verify "all" those claims.
- Mr Aziz's view was that UNSCOM's "lack of technical competence and bias against Iraq" was the "main reason" why Iraq's claim was not accepted.
- The Commission's view was that Iraq's "basic declarations of its holdings and capabilities in prohibited weapons areas" had "never been 'full, final or complete'", and that Iraq's failure to "fill in the gaps" in its declarations and "acts of unilateral destruction" had "significantly obfuscated the situation".

498. Addressing the standard of verification needed for credible reports to the Council under paragraph 22 of resolution 687, Mr Butler stated that:

- where prohibited weapons had existed, UNSCOM "must be able to verify positively that they have been destroyed, removed or rendered harmless"; and
- where items and facilities for the potential production of such weapons existed, UNSCOM "must be able to verify negatively that prohibited weapons are not being created".

499. The remainder of the report set out UNSCOM's concerns about lack of substantive progress on the priority issues set out in its previous report, including concerns about the impact of the technical evaluation meetings requested by Iraq, which were attributed to Iraq's failure to deliver the information and documents requested.

500. In three areas, new concerns had arisen:

- Following Iraq's insistence that it was not necessary to account for all extant munitions on the grounds that any CW agent would have degraded to an inert state, analysis of four 155mm artillery shells "filled with mustard of the highest quality", showed that they "could be stored for decades without any loss of quality".
- In March 1998, the Commission had discovered a document, dated 1994, which "indicated the existence, at a site monitored by … [a] missile monitoring team, of a programme for the manufacture of nozzles for spray dryers to be delivered to Al Hakam, Iraq's principal biological weapons production facility".
- Also in March 1998, the Commission discovered documents, dated 1993, that reflected a systematic attempt to deceive the Commission at that time, contrary to Iraq's claim that it had ended its concealment activities in 1991 and

dismantled its concealment mechanisms. This underscored "the importance of continued vigilance and activity … on the issue of concealment".

501. Mr Butler also expressed concern about the dangers of producing a list for action by Iraq, on the grounds that it was "not unreasonable to consider that Iraq might take action to satisfy that list positively" but not address any issues the Commission did not know about. This would "effectively transfer the onus of establishing the basic facts from Iraq to the Commission". The Commission's list "would become the standard of proof, not Iraq's … compliance with the resolutions and decisions of the Council".

502. Mr Butler concluded that:

> "Iraq's heightened policy of disarmament by declaration, no matter how vigorously pursued or stridently voiced, cannot remove the need for verification as the key means through which the credibility of its claim can be established."

503. On 7 April, Dr Mohamed ElBaradei, Director General of the IAEA, submitted his first report to the Security Council on Iraq. He stated that there were no indications of prohibited activities at any of the sites inspected by the IAEA and that all equipment and materials which had been moved by Iraq had been returned to their former locations. Initial inspections of the designated "Presidential sites" had "revealed no immediate indications" of prohibited materials, equipment or activities.[198]

504. Dr ElBaradei reported that the IAEA had "no independently verifiable information" to verify Iraqi claims that:

- Lt Gen Kamil had taken actions on the nuclear programme that were "independent, unauthorized and without the knowledge of the Government of Iraq".
- It had not followed up any offer of foreign assistance to its nuclear programme other than the declared foreign assistance to its centrifuge programme.
- The "high governmental committee", which had initially been described as having been established in June 1991 and headed by Mr Aziz, "had not, in fact, been an established entity".

505. Dr ElBaradei also reported that Iraq had "satisfactorily completed its undertaking to produce a consolidated version of its full, final and complete declaration of its clandestine nuclear programme" and "fulfilled its obligation to produce … a summary of the technical achievements". The latter document was regarded as "consistent with" the "picture" of the programme developed by the IAEA.

---

[198] UN Security Council, 9 April 1998, 'Letter dated 7 April 1998 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General' (S/1998/312).

506. Following consultations between the members of the Security Council on the UNSCOM and IAEA reports, the President issued a statement on behalf of the Council on 14 May which:

- welcomed the improved access for UNSCOM and the IAEA;
- expressed the hope that the Government of Iraq's agreement to fulfil its obligations would "reflect a new Iraqi spirit with regard to providing accurate and detailed information in all areas of concern";
- expressed concern that the reports indicated that Iraq had "not provided full disclosure in a number of critical areas, in spite of repeated requests from the Special Commission";
- noted that discharge of UNSCOM and the IAEA's mandates required full co-operation from Iraq, "including fulfilment by Iraq of its obligations to provide full, final and complete declarations of all aspects of its prohibited programmes";
- noted that the IAEA's investigations over several years had "yielded a technically coherent picture of Iraq's clandestine nuclear programme, although Iraq has not supplied full responses to all of the questions and concerns of the IAEA", including enacting penal laws on prohibited activities and whether any Government document existed recording a government-level decision to abandon the nuclear programme; and
- affirmed its intention "upon receipt of a report (in October) from the Director General of the IAEA stating that the necessary technical and substantive clarifications have been made, including provision by Iraq of the necessary responses to all IAEA questions and concerns", to adopt a resolution agreeing that the IAEA should dedicate its resources to ongoing monitoring and verification.[199]

507. Mr Ekéus explained to the Inquiry that he had had "little belief" that Saddam Hussein would have been attracted by the idea of keeping WMD sensitive material in his private residence; and that events proved this assumption was correct.[200]

508. In response to a meeting of the Security Council on 27 April at which sanctions had been discussed, Mr Al-Sahaf forwarded an open letter from Iraq's Revolution Command Council and the leadership of the Iraqi branch of the Arab Socialist Ba'ath Party complaining about the injustice of continued sanctions.[201] It asserted that the purpose of sanctions was to "hurt the Iraqi people and to force the Security Council to remain the pawn of a single member [the US], assisted by the old imperialist devil, the English policeman". The letter also complained about "unfounded accusations and blatant lies" in Mr Butler's reports to the Council.

---

[199] UN Security Council, '3880th Meeting Thursday 14 May 1998' (S/PV.3880).
[200] Statement Ekéus, 23 April 2011, page 4.
[201] UN Security Council, 1 May 1998, 'Letter dated 1 May 1998 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council' (S/1998/368).

509. Following informal discussions in the Security Council on 27 April in which Iraq's compliance with resolution 1137 was raised, Mr Butler reported to the Council on 6 May that, since the MOU of 23 February:

- Iraq had "granted unrestricted and unconditional access" to all sites UNSCOM had wished to inspect and also granted unrestricted access to equipment.
- The issue of access to means of transportation and to officials UNSCOM wished to interview had "not arisen".
- Mr Butler hoped that Iraq would provide the records UNSCOM had requested.[202]

510. Mr Butler stated that, "under the circumstances", the requirements of resolution 1137 were being "sufficiently implemented" to allow travel restrictions to be lifted.

511. On 1 May, the President of the Security Council provided members with a letter written to him by Mr Al-Sahaf, which said:

> "The fact that, after eight years, the sanctions against Iraq have not been lifted demonstrates the Security Council's lack of impartiality in dealing with this matter. The Security Council has failed to discharge its responsibilities under the Charter of the United Nations, whereas Iraq has satisfied all the requirements and conditions set forth in Security Council resolution 687 (1991), section C. The Security Council must now do its part, meeting its obligations towards Iraq by implementing resolution 687 (1991), paragraph 22, without further delay."[203]

512. An UNSCOM "informal paper" providing a "statement of specific tasks and information" which would need to be completed and verified before a report could be made, pursuant to resolution 687 (1991), that Iraq had completed the disarmament actions required, was presented to the Security Council on 4 June.[204] In addition, the Commission would need to conclude that Iraq had ceased concealment of proscribed programmes.

513. The tasks included:

- Completion of a "material balance" for:
  - missile warheads;
  - "special munitions", including 155mm mustard shells and R-400 chemical/biological aerial bombs;

---

[202] UN Security Council, 6 May 1998, 'Letter dated 6 May 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1888/377).
[203] UN Security Council, 4 May 1998, 'Letter dated 1 May 1998 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council' (S/1998/368).
[204] UN Security Council, 17 June 1998, 'Report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 11-15 June 1998', 'Appendix I – Informal paper presented to the Security Council on 4 June 1998' (S/1998/529).

    - major components used for the indigenous production of missiles;
    - chemical weapons production equipment; and
    - acquisition, production and destruction of materials and equipment, agents and munitions for biological weapons.
- Provision of information and documents relating to:
    - production, filling and deployment of special missile warheads;
    - Iraq's declarations on VX;
    - use and status of equipment evacuated from chemical weapons facilities before the adoption of resolution 687; and
    - destruction of missile propellants.

514. On 16 June, following a visit to Baghdad, Mr Butler reported that, although Mr Aziz did not accept all the tasks listed in the UNSCOM paper were disarmament issues, they had agreed a schedule of work to be carried out over two months to "try to resolve the outstanding disarmament issues".[205] Mr Butler described the talks as "cordial and professional", reflecting "the new spirit of co-operation between both sides" following the signature of the MOU on 23 February. If Iraq met its undertakings to provide full co-operation, it "should be possible for the Commission to resolve remaining issues and begin to formulate reports … pursuant to paragraph 22 of resolution 687 (1991)".

515. It is clear from the detailed record of the discussions, however, that there were still significant differences between UNSCOM and Iraq.

516. During the talks, Mr Aziz challenged UNSCOM's pursuit of "many trivial matters not related to disarmament": "Iraq had destroyed its proscribed weapons, and the details were unimportant."

517. Mr Aziz also stated that Iraq:

- had not achieved the capability indigenously to produce engines and gyroscopes for proscribed missiles and, therefore, "accounting fully for such components was unnecessary";
- would not clarify the extent of its attempts to produce VX: the issue was "closed" and Iraq was only ready to discuss the evidence available to UNSCOM of incorrect declarations;
- had already presented all the evidence available on biological weapons and no additional information or documentation would be provided; and
- refused to provide access to one document previously seen by the UNSCOM on the grounds that it was unrelated to its work.

---

[205] UN Security Council, 17 June 1998, 'Report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 11-15 June 1998' (S/1998/529).

518. UNSCOM made clear it did not accept those positions, stressing the "particular importance" of trying "to verify the total amount of proscribed weapons produced by Iraq" and a shift in methodology in the biological weapons area to focus on munitions.

519. The report also stated that Iraq had been informed that France was initiating additional aerial surveillance and further capability was being discussed with Russia, but that this activity would complement the U-2 flights not replace them as requested by Iraq.

520. Mr Butler and Mr Aziz agreed that the results of the work programme should be assessed during their next round of talks, to be held in Baghdad during the second week of August. Mr Aziz declined Mr Butler's invitation to hold a special meeting to discuss concealment activities.

521. UNSCOM later described the method it had used as focusing:

> "… on unaccounted proscribed weapons and to set aside other aspects such as fully verifying production capacities, research activities, etc. Satisfactory resolution of the specific 'priority issues would make it easier to conclude that other unverified elements were of lesser substantive importance. Conversely, the inability of Iraq to satisfy these issues would point to more ominous explanations for other unverified parts of Iraq's declarations. Whether these other parts will ultimately be addressed is an open question, but one which has a direct bearing upon confidence in future monitoring."[206]

522. This approach became the method for establishing whether an "acceptable material balance" could be produced for weapons within UNSCOM's remit.

523. The Butler Report records that there were two meetings between UK officials and UNSCOM representatives, including Col Ritter, in May and June 1998 at which discussions took place about how to make public the traces of VX which had been discovered on missile warheads.[207] A Secret Intelligence Service (SIS) operation, "Operation Mass Appeal" was set up for that purpose, but was abandoned after the UNSCOM report was leaked to the press in Washington.

524. On 17 July, in a speech marking the thirtieth anniversary of the 1968 Iraqi revolution, Saddam Hussein drew attention to the letter to the Security Council of 1 May, which he described as "not just a protest cry", but evidence of "a will and alternative strategy" if "other means and methods" failed "to return life to its natural track".[208]

---

[206] UN Security Council, 29 January 1999, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94).
[207] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 121.
[208] Transcript, 17 July 1998, 'Speech of His Excellency President Saddam Hussein on the 30th Anniversary of 17-30 July 1968 Revolution' (www.al-moharer.net).

525. On 18 July, a document relating to expenditure of four types of "special" munitions, a term which denoted chemical and biological agent delivery, was discovered during an inspection of the headquarters of the Iraqi Air Force.[209] UNSCOM was not allowed to copy or remove the document but it was agreed that it would be jointly sealed and stored in the custody of Iraq's National Monitoring Directorate.

526. In a letter to Mr Butler on 23 July, Mr Aziz wrote that the meetings of biological experts in Baghdad on 17 to 22 July had not succeeded in "closing the gaps between the two sides". Iraq deemed it "highly important to devote sufficient time to this issue during our next meeting … to be able to study it intensively from the political and technical angles". That might require a longer visit than planned and the participation of the largest possible number of experts.[210]

527. Mr Butler responded on 24 July that he had not yet seen the Chief Inspector's report of the meetings but:

- He had "a problem with the notion of 'gaps' between the two sides because it, fundamentally, misrepresents both the nature of the relationship" between UNSCOM and Iraq and the terms of reference for the meetings in Baghdad. The relationship was that "Iraq should declare in full and truthfully all relevant proscribed programmes" and UNSCOM "should seek to verify those declarations".
- Describing UNSCOM's inability to carry out its work as "a mere 'gap'" departed "very far from the fact of the inadequacy of Iraq's past declarations".
- The proposal was similar to one Mr Aziz had made in June, when Mr Butler had made clear that the issue was "establishing facts, not of negotiation between two positions".
- If the team's report was "unsatisfactory", they would "need to analyse why". But it was "premature … to conclude that political level discussions … would correct a problem which has been long-standing, repeatedly addressed and has always rested on the failure of Iraq to provide concrete and verifiable technical information".
- UNSCOM's "firm position" continued to be that resolution of the biological weapons issues could "be accomplished with the provision of further documents and other verifiable information" which Iraq possessed.[211]

---

[209] Federation of American Scientists, 22 July 1998, 'Text of Amb. Butler letter to UNSC protesting latest Iraqi obstruction'. Letter Butler to Lavrov [President of Council], 22 July 1998.
[210] UN Security Council, 14 August 1998, 'Letter dated 23 July 1998 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1998/718).
[211] UN Security Council, 14 August 1998, 'Letter dated 24 July 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq' (S/1998/718).

528. UNSCOM subsequently reported that its team had concluded that none of the components of the material balance for biological weapons could be verified.[212]

529. As requested in the Presidential Statement of 14 May, Dr ElBaradei submitted an "interim status report" on 27 July.[213] The report contained little new information, although it did state that Iraq had been unable to locate any additional documents about the decision to abandon the nuclear programme.

530. In addition, Dr ElBaradei reported that Mr Aziz had reiterated that Iraq's programme of declarations and unilateral destruction had been "an undocumented ad hoc progression of activities undertaken in reaction to events"; and he had stated "unequivocally" that "no Government decree existed which formalised Iraq's abandonment of its nuclear programme". Mr Aziz had added that, "had such a decree existed, it would clearly have been in the best interests of Iraq to make it available to the IAEA".

531. Dr ElBaradei observed:

> "It is perhaps of little practical significance whether a so-called 'high government committee' was formally constituted or was … an ad hoc group of varying composition brought together to deal with problems as they arose."

532. In relation to the actions attributed by Iraq to Lt Gen Kamil, Dr ElBaradei added that it was "beyond debate that concealment of components of Iraq's clandestine nuclear programme continued until at least August 1995", and it remained "difficult for IAEA to distinguish the actions of such a senior Government official from that of the Government itself".

533. Dr ElBaradei also reiterated the importance, given the inherent uncertainties arising from a verification process with the aim of proving the absence of readily concealable items, of continuing intrusive inspections as part of the ongoing monitoring and verification of Iraq's activities. This was necessary to "provide a significant probability of detecting prohibited equipment, materials or activities at other locations" as well as assurance of the absence of those items at routinely inspected locations.

534. After its visit to Iraq in April 1998, the IAEA reported that it had "found no indications that Iraq has retained the physical capability – in terms of hardware and facilities – to produce weapons-usable nuclear material. Nor are there any indications of Iraq having achieved its programme goal of producing nuclear weapons".[214] The IAEA could not provide assurances that there were no "readily concealable items such as components of centrifuge machines". In addition, because of the progress that

---

[212] UN Security Council, 6 October 1998, 'Report of the Executive Chairman of the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1998/920).
[213] UN Security Council, 27 July 1998, 'Interim status report of the Director General of the International Atomic Energy Agency in response to the Presidential statement on Iraq of 14 May 1998' (S/1998/694).
[214] Interim Status Report on Nuclear Inspections in Iraq, IAEA Press Release PR 98/12, 28 July 1998.

it had made in weaponisation technologies before 1991 and the existence of a "cadre of experienced personnel who were employed in the clandestine nuclear programmes", Iraq had the "knowledge and the technical capability to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future".

535. Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York from July 1998 to 2003, told the Inquiry that in July/August 1998, the Security Council had been:

> "… close to agreeing that Iraq was no longer pursuing nuclear weapons capability, but the United States blocked a certification of that status because Saddam Hussein had not fulfilled absolutely all the detailed requirements. The chemical, biological and missile development files were left open."[215]

536. The *Strategic Defence Review*, published in July 1998, stated that "Saddam Hussein's Iraq" represented a "continuing threat"; and that:

> "The size of the military forces available and the presence and potential spread of ballistic missiles, chemical and biological weapons and even nuclear weapons add to the risks. These dangers seem unlikely to diminish and may grow."[216]

537. On 30 July, the Iraqi leadership made a statement which set out concerns about the deliberations on the "nuclear file" currently under way in the Security Council, "the arbitrary and aggressive position" of the US, and the "failure of the Security Council to adopt a fair and equitable resolution".[217]

538. The statement concluded that, "As a result of the way in which the nuclear file has been dealt with … and of the manoeuvres of the Special Commission", Iraq faced the prospect of the embargo continuing for "an unknown and unspecified period" and the Special Commission continuing to "destroy and squander" the property of Iraq. Iraq had agreed arrangements for access to Presidential sites with the UN Secretary-General with the objective of awakening "the conscience of the Security Council and the international community regarding the facts", and that it would lead to the lifting of the embargo. But there had not been "any perceptible result".

539. The statement declared Iraq's intention to "call for a comprehensive national debate … and on the position that should be adopted" in the near future; and that the forthcoming meeting with the Special Commission would be "an essential indication" of its attitude.

---

[215] Statement, November 2009, page 1.
[216] Ministry of Defence, *Strategic Defence Review*, July 1998.
[217] UN Security Council, 30 July 1998, 'Letter dated 30 July 1998 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council' (S/1998/703).

540. During his visit to Baghdad in early August to assess implementation of the work schedule agreed in June, Mr Butler had also proposed to address substantive issues outside the agreed work programme, including VX, concealment and the implications of the document found on 18 July, and to propose a further programme of intensive work "directed at bringing [the] remaining issues in the missile and chemical weapons areas to closure" before UNSCOM's next report to the Security Council in October.[218]

541. Mr Aziz had rejected both proposals and "insisted" that he should immediately report to the Security Council that "there were no more proscribed weapons and [related] materials in Iraq".

542. Mr Aziz also stated that Iraq would "never" give UNSCOM the document found on 18 July and, since Mr Butler was not prepared to report immediately that Iraq was in compliance with its obligations, engaging further with the programme would be "useless". As a result, the discussions were terminated. Mr Butler reported:

> "Under the circumstances, I judged that the best course of action was to report immediately to the Council."

543. Mr Annan wrote that Iraq had "clearly taken a strategic decision to force the issue", demanding that UNSCOM should report Iraq had fully disarmed or lose the regime's co-operation.[219]

544. Mr Annan added that Mr Butler was:

> "… of course … not able to do this – but his position had been weakened further by increasing allegations, including from within UNSCOM itself, that the mission had been used by national intelligence agencies for information gathering un-related to its disarmament mission. The Iraqis seized on this and won support from Russia in denouncing UNSCOM, and Butler in particular as untrustworthy."

545. On 5 August, the Revolutionary Command Council and the Iraqi Regional Command of the Arab Ba'ath Socialist Party issued a statement recording the decision to suspend "co-operation with the Special Commission in its current form" and with the IAEA.[220]

546. The decision also:

- called on the Security Council to apply paragraph 22 of resolution 687 "as a first step on the road leading to the complete and total lifting of sanctions";

---

[218] UN Security Council, 5 August 1998, 'Letter dated 5 August 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1998/719).
[219] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[220] UN Security Council, 14 August 1998, 'Statement issued by the Revolution Command Council and the Iraqi Regional Command of the Arab Ba'ath Socialist Party' (S/1998/718).

- requested the Security Council to re-establish the Special Commission, including:
  - creating a "new executive bureau to lead and direct all the activities and functions" of the Commission: it should comprise "an equal number of members who represent the nations that are Permanent Members of the Security Council", with the chairmanship of the bureau filled on a rotation basis. "Iraq should participate as an observer in the bureau's work";
  - restructuring the Commission's offices in New York, Bahrain and Baghdad on the same basis; and
  - moving the Commission's main office from New York to either Geneva or Vienna "to insulate it from the direct influence" of the US;
- stated that "The Security Council and all its members, particularly the Permanent Members, should observe – legally, politically and in practice – the resolutions of the Council which stipulate that the sovereignty of Iraq should be respected". They should also abide by the Charter of the UN and the 23 February MOU;
- stated that the Security Council should "call to account" members who violated those principles, including banning "flights over the northern and southern parts of Iraq by certain Permanent Members of the Council"; and
- stated that, to express "its good intentions" and its desire that "its decisions should be correctly interpreted and not tendentiously explained as non-compliance", Iraq would permit monitoring activities to continue provided that the individuals responsible strictly respected provisions of the 23 February MOU in relation to the sovereignty, security and dignity of Iraq.

547. Providing the context for its decision, Iraq stated that it had fulfilled all the obligations imposed on it in the hope that this would lead to the lifting of "unjust sanctions" but the US had:

> "… resorted to all ways and means to maintain the unjust sanctions … and to obstruct and prevent any action by the Security Council that would recognize what Iraq has achieved in fulfilling the requirements of the Security Council …"

548. Iraq stated that the Special Commission was "foremost" among the instruments used by the US, and that the US controlled its "leadership, activities and mode of operation". This had turned the Commission into a:

> "… disgraced instrument for implementing the criminal American policy against Iraq either by finding pretexts and fabricating crises with a view to maintaining the sanctions or by spying on Iraq and threatening its national security and sovereignty."

549. Iraq also stated that:

- The Commission continued "to fabricate false pretexts and to perpetuate its work indefinitely".

- The US had "committed flagrant and gross violations of Iraq's sovereignty and territorial integrity", including "imposing an illegal air siege" and openly declaring "criminal schemes against Iraq by allocating funds to finance illegal activities aimed at intervening in Iraq's internal affairs to commit acts of sabotage and terrorism".
- Since May 1998, Iraq had been calling on the Security Council, the Secretary-General and the international community to "adopt a fair and firm position".
- Iraq's "serious and sincere statements" had remained "unheeded" and the Special Commission had "refused to endorse officially the substantive facts about Iraq's compliance".
- The US had "rejected" the recent proposals to the Security Council to "move the nuclear item from the status of disarmament to that of monitoring".

550. Iraq concluded that the "current circumstances" confirmed that Iraq would "always be under siege regardless of what it does, and regardless of its fulfilment of the Security Council's requirements".

551. Mr Aziz forwarded the decision in a letter to the President of the Security Council on 5 August.[221]

552. Mr Aziz stated that the Special Commission:

> "… had refused to inform the Security Council of the substantive facts … Instead, the Special Commission has continued its old and well-known methods of concentrating on details of no value with respect to the requirements of section C of resolution 687 (1991). It has also continued with its methods of raising marginal issues, to confuse and mislead the Council and world public opinion into thinking that those issues are of some importance with respect to the requirements of disarmament. In addition, it has attempted to conjure up the crises and provocations which characterized the work of the Special Commission throughout the past years. The purpose of this was entirely clear, namely to perpetuate the embargo pursuant to the policy of the United States of America."

553. Mr Aziz set out in detail Iraq's position on UNSCOM's approach to the agreed work programme and his meeting with Mr Butler on 3 August. The points made by Mr Aziz included:

- The Special Commission teams discussing missiles had raised "trivial" or "marginal" additional questions, rather than focusing on the fact of the destruction of special warheads and Iraq's lack of success in producing engines and gyroscopes for ballistic missiles.
- Iraq had "proved that the material balance for R400 bombs was complete".

---

[221] UN Security Council, 14 August 1998, 'Letter dated 5 August 1998 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council' (S/1998/718).

- The missing 155mm shells were less than 5 percent of the total stock, and had been destroyed in early 1991 when a truck was set on fire. The remnants were still being investigated and they should not be regarded as a serious obstacle to closing the chemical file.
- The Special Commission could have found traces of VX, but there were a number of possible explanations which could be investigated. If Iraq had weaponised VX, there would have been "no reason why it should not declare this"; concealment would have been "a silly act".
- The Special Commission had, since 1996, "been giving a distorted and falsified picture of the biological programme" which "deliberately ignored the fundamental facts" and "raised lies and fabrications using intelligence methods in co-ordination with American parties".
- The biological weapons programme had been "newly established", had not been completed, and "remained without a specialised top management". Iraq had been unable to import any specialised equipment for the production of biological agents. Iraq had "destroyed this programme completely in 1991".
- Since 1995, monitoring teams had interviewed 256 personnel and carried out 1,048 inspections at 334 sites without finding any biological weapons or agents and had not found "any proof on the existence of biological activities, current or previous, in sites other than those declared by Iraq which were destroyed". 95 sites were still under "strict and very intrusive monitoring".
- Iraq had "accepted the sacrifice" involved in the destruction of the Al Hakam plant, including facilities for civilian purposes, "after the Special Commission promised … that … was the most important step for closing the biological file".
- When Iraq had given examples of the verification procedures adopted by the US individual in charge of the biological file to a delegation led by Mr Lakhdar Brahimi on 5 November 1997, they had produced "surprise and sarcasm".
- In the technical evaluation meetings in March and July, the Commission had pursued questions which "bore no relation to the fundamental questions of disarmament".
- In response to the "vicious circle created by the Special Commission", Mr Aziz had proposed on 23 July that he and Mr Butler should supervise the file, but his proposal had been rejected.

554. In the concluding section of his letter, Mr Aziz wrote that Iraq had raised the working methods of the Special Commission many times, and some measures had recently been taken, including the participation of experts from Permanent Members other than the US and UK, but:

- The "real situation" had "not changed", as the US and UK were "still leading all its activities and define all the discussions of the Special Commission".
- It was "well known" that the US and UK had "tendentious political objectives against Iraq".

- The Special Commission was "not prepared to tell the truth by announcing that the main task entrusted to it … has been completed".
- That was "an illegal" and "tendentious political position" which was "not based on any scientific or technical foundation".
- The US and UK had refused to acknowledge when there was a technical basis for closing a file and had "obstructed practically any step which the Security Council attempted to take in the direction of achieving justice and equity".
- That had happened in July in relation to the nuclear file.
- Iraq's warnings on 1 May, 17 July and 30 July had not been heeded.

555. Mr Annan wrote that he had been contacted by Secretary Albright and Mr Samuel (Sandy) Berger, the US National Security Advisor, who insisted that Iraq's stance was an attack on the UN and on Mr Annan's own position as it was his MOU that had been violated.[222] His response to the "standoff" was to propose "a comprehensive review of the UN's relationship with Iraq, including the role of UNSCOM". The US had opposed such a move on the grounds that it was "bargaining" with Saddam Hussein, but:

> "… the broader Council, including the UK, understood the value of engaging the Iraqis in a process whereby they would come back into compliance and we would set out on a path to a conclusion rather than permanent crisis."

556. On 11 August, Dr ElBaradei confirmed that, as a result of Iraq's decision, the IAEA was carrying out limited monitoring and verification tasks which fell "far short of full implementation of the OMV plan" and resulted in a "significantly reduced level of assurance" which could be provided for the Council.[223]

557. On 12 August, Mr Butler reported that Iraq's decision had brought "to a halt" all UNSCOM's disarmament activities, including discussions at the political and technical level, and monitoring activities were "limited to sites previously declared by Iraq or designated by the Commission". UNSCOM fully shared the IAEA's conclusions on the impact on its ability to provide assurance.[224]

558. The President of the Security Council responded to both letters on 18 August, stating that the members of the Council noted "with concern that Iraq's decision to

---

[222] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[223] UN Security Council, 18 August 1998, 'Letter dated 11 August 1998 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council' (S/1998/766).
[224] UN Security Council, 18 August 1998, 'Letter dated 12 August 1988 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1998/767).

suspend co-operation" prevented the IAEA and UNSCOM from carrying out the full range of its mandated activities and the "significantly reduced level of assurance".[225]

559. The initial reaction of the members of the Security Council was that Iraq's announcement was "totally unacceptable" and that it contravened the MOU signed on 23 February. They also noted "with regret that the announcement was made after a period of improved co-operation and achievement of some tangible results".

560. Members of the Council expressed their support for the IAEA and UNSCOM, and "for the continuing efforts of the Secretary-General and his Special Envoy". They emphasised the "need for an early resumption of dialogue" and that they would "be ready to respond favourably to future progress made in the disarmament process".

561. In a letter to Mr Aziz of 19 August, Mr Butler proposed that Iraq and UNSCOM should resume the full range of activities and that Iraq should confirm it would co-operate.[226] There was no formal response.

562. Following discussions in the Council on 1 September, Mr Butler provided briefing notes on:

- the discovery of VX degradation products and degradation products of VX stabilisers on warhead remnants;
- the material balance of special munitions; and
- "a change in the accounting of the weaponization of biological warfare agents".

563. On 3 September, Mr Butler briefed members of the Security Council on the current position, including three instances when Iraq blocked UNSCOM's monitoring.

RESOLUTION 1194 (1998)

564. On 9 September, the Security Council unanimously adopted resolution 1194 (1998), which:

- reiterated the points in the Presidential Statement of 18 August;
- reaffirmed its commitment to comprehensive implementation of its resolutions, in particular resolution 687;
- stressed the unacceptability of any attempts by Iraq to deny access to any site or to refuse to provide the necessary co-operation; and

---

[225] UN Security Council, 18 August 1998, 'Letter dated 18 August 1998 from the President of the Security Council addressed to the Director General of the International Atomic Energy Agency' (S/1998/768); UN Security Council, 18 August 1998, 'Letter dated 18 August 1998 from the President of the Security Council addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)' (S/1998/769).
[226] UN Security Council, 6 October 1998, 'Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1998/920).

- welcomed the Secretary-General's proposal for a comprehensive review and expressed "its readiness to consider, in a comprehensive review, Iraq's compliance with its obligations … once Iraq has rescinded its … decision and demonstrated that it is prepared to fulfil all its obligations".[227]

565. Acting under Chapter VII of the Charter, the Council:

- condemned Iraq's decision which was a "totally unacceptable contravention of its obligations";
- demanded that the decision should be rescinded and that Iraq should co-operate fully with its obligations and resume a dialogue with UNSCOM and the IAEA; and
- decided not to conduct the review of sanctions scheduled for October and not to conduct any further such reviews until Iraq had rescinded its decision and UNSCOM and the IAEA reported to the Council that they were "able to exercise the full range of activities provided for in their mandates, including inspections".

566. On 20 September, the JIC concluded that:

> "Some biological warfare (BW) production equipment, stocks of agents and even weapons are probably retained by Iraq."[228]

567. Mr Annan wrote that Sir Jeremy Greenstock, in his capacity as President of the Security Council, was authorised "by all members of the Council" to engage Mr Aziz on the terms proposed by Mr Annan but because of the "fundamental mistrust between Iraq and UNSCOM", the "standoff continued for another month".[229]

UNSCOM AND IAEA REPORTS, OCTOBER 1998

568. Mr Butler's consolidated UNSCOM report of 6 October rehearsed the developments over the preceding six months.[230]

569. Mr Butler reported that the outstanding issues in relation to missile warheads were:

- UNSCOM was "able to account for the destruction of between 43 and 45 of the 45 operational special warheads declared by Iraq as having been unilaterally destroyed". That was a "major accomplishment".
- The VX issue needed to be resolved.

---

[227] UN Security Council resolution 1194 (1998).
[228] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 49.
[229] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[230] UN Security Council, 6 October 1998, 'Report of the Executive Chairman on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)' (S/1198/920).

- UNSCOM had “arrived at an assessment … that Iraq’s declarations on the unilateral destruction of the special warheads did not match all the physical evidence”. Iraq was asked to discuss the issue on 3 August.
- UNSCOM and Iraq had been “able to identify jointly steps to clarify some of the problems related to Iraq’s actions of 1991 to hide special warheads”, but the effort was terminated by Iraq on 30 July when it refused to provide access to relevant sites or to discuss the issue any further.
- There were outstanding issues relating to the remnants of “some 50 conventional warheads … that have not been recovered”. Some 30 of those had been indigenously produced.

570. In relation to missiles, the outstanding issues were:

- Iraq’s missile force was in possession of seven indigenously produced missiles in 1991. Iraq maintained that they were training missiles which had been unilaterally destroyed, but no remnants of the missiles or their engines had been found.
- A team of international experts had assessed in July that, by the end of 1990, Iraq had the capability to assemble a limited number of engines for its indigenously produced proscribed missiles and Iraq should account for the key components from that programme. A “rough material balance” had been developed but additional verification work was recommended.
- Iraq had refused to address proscribed liquid missile propellants.
- Iraq continued its development of the Al Samoud missile system which had a declared range of less than 150km, but the issue of its reuse of Volga engines from surface to air missiles was “unresolved”.

571. In relation to chemical weapons, outstanding issues were:

- Iraq had provided “only preliminary information” on its investigation of the 550 missing 155mm shells filled with mustard.
- Accounting for about 500 of the 1,000 bombs unilaterally destroyed was “not possible owing to the state and extent of destruction”. UNSCOM wanted to verify the maximum number of R-400 aerial bombs to facilitate the final accounting for chemical bombs. The quantity and composition of biological bombs was still an issue.
- There were “serious discrepancies” between Iraq’s declarations and the report of its consumption of special munitions in the 1980s.
- UNSCOM’s view was that Iraq was “certainly able to produce VX, and probably produced it in quantity”. There was “significant doubt” about Iraq’s claim that it had not weaponised VX.
- Iraq had provided clarification of the production equipment removed from al-Muthanna in July 1998 but field verification had been “blocked” since 5 August.

572. In relation to biological weapons:

- UNSCOM had been unable to verify the production and destruction warheads for the Al Hussein missile. Iraq had declared that five warheads had been filled with anthrax and 16 with botulinum toxin. A week after the July meeting of experts in Baghdad, a senior Iraqi official had stated that there had been 16 warheads filled with anthrax and five filled with botulinum toxin. The "new explanation contradicted all accounts of the unilateral destruction of special warheads" provided over "the previous three years by Iraqi personnel directly involved in warhead filling and destruction activities".
- No evidence existed about the number of R-400 bombs filled with biological agent, and Iraq had provided "no consistent explanation" for the allocation of biological agents to weapons.
- Iraq had pursued the development of drop tanks for dissemination of biological agent "with the utmost vigour", but the team of international experts had assessed that Iraq's account of the project could not be verified.
- Iraq had modified commercial chemical insecticide equipment to develop aerosol generators to disseminate biological agents. A document submitted by Iraq reported successful testing of such devices in August 1998. Iraq had not accounted for the "final disposition" of the devices produced.
- The level of production of biological agents remained unverifiable, and it was not possible to determine if agents had been dried to enhance storage stability.
- The material balance of biological growth media acquired and consumed was "full of uncertainties".

573. Mr Butler stated that, after Lt Gen Kamil's departure from Iraq, UNSCOM had been "confronted with the fact that Iraq had successfully implemented concealment on a large scale". UNSCOM's understanding of Iraq's programmes had been achieved "largely through forensic methods". The verification of Iraq's declarations had been made "far more difficult than should have been the case" as a result of Iraq's:

- "policy and practice of concealment";
- "unilateral destruction" of weapons and related materials; and
- "repeated denial of the existence of relevant documents on proscribed activities, with the exception of those Iraq unilaterally chooses to provide".

574. UNSCOM also continued to find dual-use items and materials which should have been declared by Iraq.

575. The report stated that Iraq had rejected a request for a Russian AN-30 aerial surveillance aircraft and its support unit to be based at the Rasheed airbase on security grounds. The Commission had rejected an Iraqi suggestion that the aircraft be based at Habbaniyah, 120km from Baghdad.

576. Mr Butler concluded that:

- Disarmament of Iraq's proscribed missile and chemical weapons was "possibly near its end", but a "satisfactory resolution" of the questions on VX would be necessary.
- This was not the case for biological weapons where Iraq's declarations were "neither credible nor verifiable" and it had "failed to take" the opportunity to disclose its activities.
- Development of monitoring was "vital to the future", but Iraq was permitting activity "only at a less than satisfactory level". Monitoring would be particularly important if UNSCOM was unable to provide 100 per cent verification of items unilaterally destroyed by Iraq.
- Full disclosure of materials and information was the "crucial ingredient for both an end to the disarmament process and future monitoring". Iraq's demands that UNSCOM should prove that Iraq continued to possess prohibited weapons and associated capabilities would, if accepted, "reverse the onus of disclosure clearly placed on Iraq by the Security Council".

577. In his report of 7 October, Dr ElBaradei confirmed that there was no evidence or indications of prohibited activity at sites inspected before Iraq's decision of 5 August to cease co-operation.[231] There were still some difficulties, including Iraq's instructions that personnel should not respond to any questions about Iraq's clandestine nuclear programme, the quality of Iraq's declarations. Greater transparency "would contribute considerably to clarifying the few remaining questions and concerns".

578. These issues "would not of themselves prevent the full implementation" of the Agency's plan for ongoing monitoring and verification (OMV). That was:

> "… predicated on the assumption that Iraq has the knowledge and technical expertise to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future. Nonetheless, it must be recognised that Iraq's direct acquisition of weapon-usable material would present a serious technical challenge to OMV measures, and great reliance must continue to be placed on international controls."

579. Following informal consultations in the Security Council on 13 October, Mr Butler submitted an experts' report of the findings from analysis of special missile warhead fragments excavated in Iraq to the President of the Security Council on 26 October.[232]

---

[231] UN Security Council, 7 October 1998, 'Sixth consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of Security Council resolution 1051 (1996)' (S/1998/927).
[232] UN Security Council, 26 October 1998, 'Letter dated 26 October 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to President of the Security Council' (S/1998/995).

580. Mr Butler stated that he would also be giving the report to Iraq's Permanent Representative to the UN in New York, asking him to transmit it to the authorities in Baghdad. Mr Butler also wrote that the Commission would be willing "to resume work at the earliest possible moment with competent Iraqi authorities in order to address the questions posed by the report".

581. The report recommended that Iraq be invited to explain:

> "… the presence of degradation products of nerve agents … [T]he presence of compound known as VX stabiliser and its degradation product, and to provide more information on the Iraqi efforts during the period from mid-1998 to the end of 1990 to develop and produce VX by improved synthetic routes."[233]

Iraq and VX

Mr Butler's report included a report of a meeting of international experts on VX, held in New York on 22 and 23 October. The report revisited the sequence of events in relation to VX sampling as follows.

In April 1997, following Iraq's declaration of a VX production facility and a dump site where agent had been disposed of, samples of equipment and soil at the site, taken and analysed in the US, were found to contain VX degradation products as well as compounds known as VX stabiliser and its degradation products. This was confirmed in further analysis of samples from the same site in February 1998.

The US laboratory was also asked to analyse samples of 46 fragments from 45 "special warheads" to verify Iraq's declaration that 25 had been filled with biological agent and 20 with a mixture of "alcohols" (isopropanol and cyclohexanol).

In June 1998, the laboratory reported to UNSCOM that it had found chemicals similar to those found at the VX dump site.

In July 1998, UNSCOM asked the US laboratory to analyse samples from different fragments from the 20 warheads Iraq had declared had been filled with alcohols. No chemical warfare compounds were found, but degradation products from a decontamination compound were found in five samples. In addition "signatures of unidentified non-phosphorous compounds were found in many samples".

A French laboratory analysing samples from 40 different fragments from the same 20 warheads reported the presence of a degradation product from a "G- or V-" nerve agent in one sample.

A Swiss laboratory analysing samples from the same 40 fragments did not find any chemical-warfare-related chemicals.

Both the French and Swiss laboratories identified chemicals known to be the degradation products of a decontamination compound and found that a large number of the samples contained the same unidentified non-phosphorous compounds as the US laboratory had identified.

---

[233] UN Security Council, 26 October 1998, 'Report of the Group of International Experts on VX' (S/1998/995).

The French experts "noted that the decontaminant could also have been used for … chemical destruction of biological warfare agents".

There was "no obvious explanation" for the presence of compounds in the June/July samples which were "completely absent" from the April samples.

The US laboratory reported that it had re-evaluated all activities to confirm that no cross-contamination or other mistakes had occurred.

As a result of further French investigation, ethyl – and methyl – phosphoric compounds could no longer be confirmed in two samples.

582. After intensive consultations, a letter from the President of the Security Council to Mr Annan was agreed on 30 October, "describing the Council's initial views" on the proposed comprehensive review of Iraqi compliance in two phases: the first dedicated to disarmament and the second other requirements, including those relating to Kuwaiti missing persons and property.[234] The letter reflected a consensus that the assessment should be designed to lead to the definition of an agreed course of action and timetable which, if followed, would allow the Council to act.

583. On the evening of 31 October, the National Monitoring Directorate of Iraq (NMD) informed UNSCOM's representative in Baghdad that the Revolutionary Command Council and the Ba'ath Party had decided "to suspend, stop or cease all activities of the Special Commission, including monitoring".[235] Iraq made clear that it was not asking the monitoring teams to leave Iraq and its cameras and other equipment would remain in place. The IAEA would be allowed to continue its monitoring activities, provided they were independent of UNSCOM.

584. In a statement to the press on 31 October, the President of the Security Council reported that the members had "unanimously condemned" Iraq's decision and demanded that it should be rescinded "immediately and unconditionally".[236] Once Iraq had rescinded this decision, and its decision of 5 August to limit co-operation, the members of the Council remained ready "to implement a comprehensive review of Iraq's compliance".

585. The statement described Iraq's decision and the continuing restrictions on the work of the IAEA as "deeply disturbing". The Council would "remain actively seized of this matter, in order to ensure the full implementation of the relevant resolutions and secure peace and security in the region".

---

[234] UN Security Council, '3939th Meeting Thursday 5 November 1998' (S/PV.3939).
[235] UN Security Council, 31 October 1998, 'Letter dated 31 October 1998 from the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991 addressed to the President of the Security Council' (S/1998/1023).
[236] UN Security Council Press Statement, 31 October 1998, 'Text: UNSC Condemns Iraq's decision on weapons inspectors'.

586. In response to a request from the Security Council, Mr Butler submitted a report on the consequences of Iraq's decision of 31 October, on 2 November.[237]

587. Mr Butler stated that Iraq's decisions of 5 August and 31 October made it "impossible for the Commission to implement its disarmament and monitoring rights and responsibilities" and that it was "not in a position to provide the Council with any level of assurance regarding Iraq's compliance with its obligations".

588. Mr Butler's report also confirmed that routine logistic and maintenance work had not been prohibited.

US policy: regime change in Iraq

On 26 January 1998, a Washington think tank, the Project for the New American Century, published an open letter to President Clinton calling for a stronger approach:

> "The only acceptable strategy is one that eliminates the possibility that Iraq will be able to use or threaten to use weapons of mass destruction. In the near term, this means a willingness to undertake military action as diplomacy is clearly failing. In the long term, it means removing Saddam Hussein and his regime from power."[238]

The 18 signatories included Mr Donald Rumsfeld, Mr Paul Wolfowitz, Mr John Bolton, Mr Richard Armitage and Mr Robert Zoellick, each of whom became prominent members of the administration of President George W Bush.

In February, a wider, bipartisan US group, the "Committee for Peace and Security in the Gulf", published a further open letter to President Clinton, which said:

> "For years, the United States has tried to remove Saddam by encouraging coups and internal conspiracies. These attempts have all failed … Saddam must be overpowered; he will not be brought down by a coup d'état … Iraq today is ripe for a broad-based insurrection."[239]

A bipartisan group of members of Congress drafted a bill, which made it the policy of the US to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime. It authorised expenditure of US$97m to provide military support to the Iraqi opposition. It was approved by the House of Representatives by 360 votes to 38, and unanimously by the Senate. It was signed into law by President Clinton on 31 October 1998 as the Iraq Liberation Act, and regime change in Iraq became the official policy of the US.

---

[237] UN Security Council, 4 November 1998, 'Letter dated 2 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1998/1032).
[238] Letter Project for the New American Century to Clinton, 26 January 1998.
[239] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism.* Harper Collins, 2008.

RESOLUTION 1205 (1998)

589. The Security Council unanimously adopted resolution 1205 (1998), condemning Iraq's decision to cease co-operation with UNSCOM, on 5 November.[240]

590. The resolution:

- noted "with alarm" Iraq's decision to cease co-operation";
- stated that the Council was determined to ensure Iraq's "full compliance … without conditions or restrictions with its obligations under resolution 687 (1991) … and other relevant resolutions"; and
- reaffirmed the Council's "readiness to consider" Iraq's compliance in a "comprehensive review" once Iraq had "rescinded" its decisions of 5 August and 31 October and "demonstrated that it is prepared to fulfil all its obligations, including" the MOU of 23 February.[241]

591. Acting under Chapter VII of the Charter, the Council:

- condemned Iraq's decision to cease co-operation with UNSCOM "as a flagrant violation" of resolution 687 and other relevant resolutions;
- demanded that Iraq rescind its decisions of 5 August and 31 October;
- reaffirmed its full support for UNSCOM and the IAEA and their efforts to implement their mandates;
- expressed full support for the efforts of the Secretary-General to seek full implementation of the 23 February MOU;
- reaffirmed its intention to act in accordance with the relevant provisions of resolution 687 "on the duration of the prohibitions" in that resolution and noted that by failing to comply with its obligations, Iraq had "delayed the moment when the Council can do so"; and
- decided "in accordance with its primary responsibility under the Charter for the maintenance of international peace and security, to remain actively seized of the matter".

592. The record of the Security Council's discussion demonstrates the surprise and incomprehension which Iraq's decision caused amongst the members of the Council.

593. Russia and other members of the Council explicitly stated that the resolution did not authorise the use of force.

594. Mr Dejammet stated that the Security Council's decision demonstrated its unity and sent a firm message to Iraq in response to its "unacceptable and irrational" decision.[242] Iraq was "turning its back on the Council's clearly expressed intention to proceed without

---

[240] UN Security Council, '3939th Meeting Thursday 5 November 1998' (S/PV.3939).
[241] UN Security Council resolution 1205 (1998).
[242] UN Security Council, '3939th Meeting Thursday 5 November 1998' (S/PV.3939).

delay to a comprehensive review of the implementation of its resolutions as soon as the restrictions imposed … on 5 August were lifted".

595. Mr Danilo Türk, Slovenian Permanent Representative to the UN, described Iraq's reaction as "really astonishing":

> "While the Council was patiently moving towards meeting Iraqi concerns, Iraq chose to move in the opposite direction. It is difficult to understand the motives for this reaction. It is also difficult to see how this grave challenge to the Council's authority can result in anything other than a serious aggravation of the situation."

596. Mr Lavrov stated that Iraq's decision had "jeopardised the search of recent months for a solution to the Iraqi problem" and ran "counter to the agreements" reached with Mr Annan that Baghdad "would rescind its decision of 5 August and that the Security Council would conduct a comprehensive review", which had "opened the way to the lifting of sanctions on Iraq".

597. Mr Lavrov added:

> "The way to overcome this new crisis lies … exclusively in political and diplomatic efforts alongside the active role of the Secretary-General. Any attempt to resolve the problem by force would have highly unpredictable and dangerous consequences, both for the United Nations ability to continue to monitor proscribed military activity in Iraq and for peace and stability in the region and in the Middle East as a whole.
>
> "We are pleased to note that the draft resolution … seeks precisely a political solution … and contains no language that could be arbitrarily interpreted as some kind of permission to use force …
>
> "Without in any way attempting to justify Iraq's actions, I wish to stress the exceptional importance of total clarity with regard to the Security Council's intentions to implement its own resolutions. The draft resolution clearly reaffirms the Council's intention to take a decision on the current sanctions in accordance with the relevant provisions of resolution 687 (1991)."

598. Mr Antonio Monteiro, Portugese Permanent Representative to the UN, stated that Iraq's decision had been greeted with "dismay and incomprehension".

599. Mr Dahlgren stated that it was Sweden's "sincere hope" that Baghdad would not miss the "exit sign … for the route out of sanctions". He added that the final paragraph of the resolution reflected the "very important principle" that:

> "The Security Council's primary responsibility for the maintenance of international peace and security … must not be circumvented. We see this paragraph as an expression of the desire of members to safeguard that responsibility."

600. Mr Amorim stated that Mr Annan's "possible concept of a comprehensive review" constituted a "thoughtful and balanced approach which could allow for progress" and

that Brazil had learned of Iraq's decision "with a deep sense of dismay". He also drew attention to the "special importance" of the provisions in the resolution which stressed "that the Security Council will continue to be seized of this issue, in accordance with its primary responsibility … for the maintenance of international peace and security".

601. Mr Mahugu stated that the resolution contained "nothing that could open the door in any eventuality for any kind of action without the clear and precise authority of the Security Council".

602. Mr Qin Huasun stated that the Council "should seriously reflect on the root causes of the present situation". There was "no doubt" that Iraq had to fulfil its obligations in a comprehensive manner, but the Council also had "the responsibility to make a fair and objective assessment" of Iraq's compliance. China's view was that some weapons files were "ripe to move" to the next phase of monitoring and verification. The fact that the Security Council had been "unable to make such a political decision" was "regrettable".

603. Mr Qin Huasun added that Mr Annan's proposals and ideas, which had been "warmly received and supported by an overwhelming majority of the Council members". China believed that conducting a comprehensive review was "still a way out of the present impasse". Dialogue, consultation and confidence building was the only way out. He appealed "to all sides to exercise restraint" and to "refrain from any actions that might sharpen the conflict and exacerbate tensions".

604. Mr Qin Huasun concluded that there were "still elements" in the draft resolution which were "not totally to our liking", but he would vote in favour because it had:

> "… incorporated amendments put forward by China and other interested countries by taking out the part which determines that the situation in Iraq poses a threat to international peace and security, and by adding that it is the primary responsibility of the Security Council to maintain international peace and security, reiterating its support for the Secretary-General in his efforts to ensure the implementation of the Memorandum of Understanding …
>
> "… We hope that this resolution will facilitate the resumption of co-operation between Iraq, on the one hand, and UNSCOM and IAEA, on the other, to allow an early comprehensive review which will in turn free the Iraqi people from sanctions."

605. Speaking after the vote, Sir Jeremy Greenstock stated that Iraq's decisions of 5 August and 31 October had put it "in flagrant violation of its obligations" and it was "right that the Council should react formally and unanimously to this latest attempt to challenge its authority and that of the United Nations as a whole". "Co-operation not confrontation" was "the only way out from sanctions for Iraq".

606. Commenting on the views expressed by other speakers on the meaning of this resolution as regards the possible use of force, Sir Jeremy added that the view of the UK was that it was:

> "… well established that the authorisation to use force given by the Security Council in 1990 may be revived if the Council decides that there has been a sufficiently serious breach of the conditions laid down by the Council for the cease-fire.
>
> "In the resolution we have just adopted, the Council has condemned the Iraqi decision to cease all co-operation as a flagrant violation of its obligations.
>
> "This resolution sends a clear message to Iraq: resume co-operation now. If Iraq does so, the Council has spelt out unambiguously that it stands ready to conduct a comprehensive review of Iraq's compliance with its obligations … and what steps remain to be taken. We hope that Iraq will respond positively and resume full co-operation soon."

607. Mr Peter Burleigh, US Deputy Permanent Representative to the UN, stated that the Council had "sent a clear and unmistakable message to Iraq" that "non-compliance will not be rewarded or tolerated". The restrictions which Iraq had imposed on UNSCOM and the IAEA were "intolerable". Mr Annan had "expressed his own view" that Iraq's decision of 31 October was a "serious breach and major violation" of the 23 February MOU. President Clinton and Secretary Albright had "emphasized that all options are on the table", and the US had "the authority to act".

608. Mr Burleigh concluded:

> "Iraq should recognise the gravity of the situation it has created. Iraq must turn back from the dangerous and self-defeating course it has chosen. The United States sincerely hopes that Iraq will heed the clear message of this resolution and take the necessary steps without delay."

609. On the evening of 10 November, Mr Butler decided to remove all UNSCOM personnel from Iraq.[243] He stated, in a letter to the President of the Security Council the following day, that the "prime consideration which motivated the decision, and the speed at which it was executed, was the safety of the Commission's staff". He had consulted the President of the Security Council, Dr ElBaradei and the Chilean Acting Permanent Representative to the UN in New York. "Discussions were also held" with Mr Annan's office. Mr Butler regretted that it had not been possible to hold wider consultations.

610. In his memoir, Mr Annan recounts learning of UNSCOM's withdrawal through a telephone call from Dr ElBaradei at 0330 on the morning of 11 November and his anger at what he considered to be Mr Butler's "deeply unprofessional behaviour".[244]

---

[243] UN Security Council, 11 November 1998, 'Letter dated 11 November 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security council resolution 687 (1991) addressed to the President of the Security Council' (S/1998/1059).
[244] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.

611. On 11 November, Mr Annan issued a press statement containing a personal appeal to Saddam Hussein to take the necessary steps for a diplomatic solution to the crisis.[245] It expressed "surprise" at Iraq's decision when the Security Council had "agreed a way forward on a comprehensive review".

612. Mr Blair wrote in his memoir that Saddam Hussein had "thrown out the weapons inspectors, who had written a damming report on the outstanding issues relating to weapons of mass destruction and Saddam's continuing ambitions to develop a programme for them" and "President Clinton was contemplating a military strike".[246] At a meeting with Mr Robertson, Mr Cook and General Sir Charles Guthrie, Chief of the Defence Staff, on 11 November, Mr Blair had been briefed on the military options. Cabinet had been taken through the issue the following day, with Mr Robertson warning that it was "the most serious development" since the Gulf Conflict.

613. Mr Campbell wrote that Mr Robertson had told Cabinet that Saddam Hussein had broken the cease-fire agreement, broken his word to Mr Annan, and was rebuilding chemical and biological weapons programmes.[247] He was weaponising nerve agents. These were "ferocious weapons" and "his neighbours believe there is intent". Mr Campbell wrote: "TB made clear this was the US demanding and us complying, but that our own independent judgement was that he [Saddam Hussein] must be forced to comply. He said there was a real breach, not a technical breach."

614. On 12 November, the Iraqi Permanent Representative to the UN in New York was given a private warning that, if Iraq did not return to full compliance very quickly it would face a substantial military strike.[248]

615. Following discussions in the Security Council in which "all the members … expressed preference for a diplomatic solution", Mr Annan wrote to Saddam Hussein on 13 November asking for "an early response" to the appeal in his press statement of 11 November, which had been "unanimously endorsed" by the Security Council.[249]

616. Mr Aziz's response on 14 November stated that Iraq had put its trust in Mr Annan and his good faith but, because of US objections, the deliberations of the Security Council on the procedures for the comprehensive review had not provided a clear picture.[250] On the basis of Mr Annan's appeal and messages from Russia, China, France, Brazil and other States, Iraq had "decided to resume working with the Special Commission and the IAEA and to allow them to perform their normal duties". He also

---

[245] UN Security Council, 14 November 1998, 'Letter dated 13 November 1998 from the Secretary-General addressed to the President of the Republic of Iraq' (S/1998/1077).
[246] Blair T. *A Journey*. Hutchinson, 2010.
[247] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[248] House of Commons, *Official Report*, 16 November 1998, column 609.
[249] UN Security Council, 14 November 1998, 'Letter dated 13 November 1998 from the Secretary-General addressed to the President of the Republic of Iraq' (S/1998/1077).
[250] UN Security Council, 14 November 1998, 'Annex II' (S/1998/1077).

provided points which had been passed to Russia, France and China on how the comprehensive review should be conducted.

617. In a press statement on 15 November, the President of the Security Council noted Mr Aziz and the Iraqi Permanent Representative had informed the Council that:

- "Iraq has decided, clearly and unconditionally, to co-operate fully with the Special Commission and the International Atomic Energy Agency (IAEA)".
- The decision constituted "a rescinding of the decisions of 5 August and 31 October, and that Iraq's co-operation with the Special Commission and the IAEA will allow the return of inspectors to resume all their activities on an immediate, unconditional and unrestricted basis, in accordance with the relevant resolutions and with the Memorandum of Understanding of 23 February 1998."[251]

618. The press statement also said that "Taking note of past experience", Council members had "underlined that their confidence in Iraq's intentions" needed to be "established by unconditional and sustained co-operation", and:

> "… reaffirmed their readiness to proceed with a comprehensive review, once the Secretary-General has confirmed, on the basis of reports from the Special Commission and the IAEA, that Iraq has returned to full co-operation, on the basis of resolution 1194 (1998) and the Council President's letter of 30 October to the Secretary-General."

619. The US and the UK had already authorised air strikes when Mr Aziz's letter was received.

620. Mr Blair wrote that air strikes had been due to begin at 4.30pm on 14 November, but President Clinton "had decided to pause" when Iraq's letter was received. Mr Blair described Iraq's response as "full of holes, typical Saddam rubbish", but early on 15 November action was suspended.[252]

621. Mr Blair wrote that Mr Cook was relieved, but he had been "determined to keep the US alliance intact and functioning at what was a crucial moment".

622. Mr Campbell wrote that Mr Blair understood why President Clinton had decided to pause, "but our general view was that we should have gone ahead".[253] He wrote: "TB was worried we would end up diluting the support we had. Clear breach would get us support. If we were signalling we weren't sure, or it didn't matter, we would dissipate it." Mr Blair and President Clinton spoke eight times over an 18-hour period.

---

[251] UN Press Release, 15 November 1998, 'Security Council notes agreement of Iraq to rescind earlier decisions, allow resumption of UNSCOM and IAEA activities' (SC/6596 IK/258).
[252] Blair T. *A Journey*. Hutchinson, 2010.
[253] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

623. Mr Campbell recorded in his diary a conversation with Mr Blair on the morning of 15 November, in which he said that "the US were still talking about going in today. This was a nightmare, he said."

624. In a statement to the House of Commons on 16 November, Mr Blair explained why the UK Government had been prepared to take military action, why it had stayed its hand and why it remained "ready to strike" if Iraq failed to comply fully with its obligations.[254]

625. Mr Blair stated that Iraq had "built up a vast arsenal of weapons of mass destruction" before the Gulf Conflict and that, since then, he had "been trying to hide them, and to acquire more". After the agreement of the MOU in February 1998, Iraq had "resumed superficial co-operation", but that changed on 5 August. The issue was not "technical breaches of UN resolutions, but … a pattern of behaviour" that continued "to pose actual huge risks".

626. Mr Blair stated that two hours before the attacks were due to start, word had been received that Iraq had told Mr Annan that they would be responding positively to his appeal. The US and UK had decided to put the attack "on hold for 24 hours to give us a chance to study the details of the Iraqi response".

627. Mr Blair added:

> "The first Iraqi letter appeared to agree to resume co-operation with UNSCOM and the IAEA. It was described as unconditional by Iraqi spokesmen, but the full text of the letter, and in particular nine assurances that the Iraqis were seeking about the comprehensive review … left that unclear. We and the Americans spelled out that that was unacceptable, and that there could be no question of any conditions.
>
> "During the course of Saturday night and Sunday morning, the Iraqis offered a stream of further written and oral clarifications, making it clear that their compliance was unconditional …
>
> "The clarifications, taken together, mean that Saddam Hussein has completely withdrawn his positions of August and October. No concessions of any kind were offered to him in exchange. There was no negotiation of any kind. Nor could there have been. Nor will there be in future."

628. Mr Blair cautioned:

> "We do not take Iraqi words at face value. Long experience has taught us to do the opposite … we and the Americans have suspended further military action while we bolt down every detail of what the Iraqis have said, and while we test the words in practice …

---

[254] House of Commons, *Official Report*, 16 November 1998, columns 607-623.

> "As ever, we do not rely on the good faith of Saddam Hussein. He has none. We know, however, that under the threat of force, we can make him move. We will be watching him with extreme care and a high degree of scepticism … we and the Americans remain ready, willing and able to go back to the use of force at any time. There will be no further warnings. The inspectors will now carry out their work."

629. Mr Blair emphasised that the position was different from that in February 1998. There was "now a very clear diplomatic basis for action without further need for long discussion in the Security Council or elsewhere". If there was "a next time … everyone will know what to expect … I shall have no hesitation in ordering the use of force."

630. Mr Blair concluded:

> "This is far from over. It is merely in a different phase. Our course is set: complete compliance and nothing less, and we shall not be moved from that course."

631. Mr William Hague, the Leader of the Opposition, asked whether, given Saddam Hussein's "continued breaches of faith, and the continuing threat to peace that he presents to the whole of the Middle East and thus to the interests of the United Kingdom", meant that, although there would be "formidable difficulties", the "prime objective of western policy should now be the removal of Saddam from power?"

632. Mr Blair responded:

> "Of course we want to see the Iraqi people governed by a regime other than that of Saddam Hussein. We are looking with the Americans at ways in which we can bolster the opposition and improve the possibility of removing Saddam Hussein altogether. I entirely share the sentiments that President Clinton expressed on that point."

633. In a press conference on 14 December looking at the challenges ahead in the coming year, asked whether Iraq deserved a comprehensive review, Mr Annan responded that the Security Council itself "would want to know, after eight years of sanctions, where it stands, what has been achieved, what needs to be done, and within what reasonable time frame it can be done".[255]

634. Asked about "any inherent conflict of interest" between multilateral interests in the UN and the US, Mr Annan stated that there were "areas" where Washington's policies diverged from the UN, including:

> "… Iraq, where the Council has made it clear that we should disarm Iraq, and the moment we get the indication from the inspectors … that Iraq has been disarmed, sanctions will be lifted. American policy goes beyond that, but I am guided only by the United Nations policy."

---

[255] UN Press Release, 14 December 1998, 'Transcript of Press Conference by Secretary-General Kofi Annan at Headquarters, 14 December' (SG/SM/6837).

635. Mr Annan submitted reports from the IAEA and UNSCOM covering the period since 17 November to the President of the Security Council on 15 December.[256]

636. The report from Dr ElBaradei, of 14 December, was very short, simply listing the IAEA's activities and reporting that Iraq had "provided the necessary level of co-operation" to enable it to complete the tasks "efficiently and effectively". In discussions on "the few remaining questions and concerns related to Iraq's clandestine nuclear programme", Iraq had "expressed its intention to continue to co-operate with the IAEA on the resolution of the issues".[257]

637. Mr Annan told the Security Council that the report from UNSCOM presented "a mixed picture" and concluded that "UNSCOM did not enjoy full co-operation from Iraq".[258]

638. In his report of 15 December, Mr Butler briefly rehearsed the impact of Iraq's policies on UNSCOM's ability to carry out its tasks before 17 November, adding that, since its return on 17 November, UNSCOM had focused on four main areas:

- requests for information through access to documents and interviews of Iraqi personnel;
- monitoring inspections;
- inspection of capable sites; and
- disarmament inspections relating to proscribed weapons and activities.[259]

639. Mr Butler reported that UNSCOM had asked for 12 sets of documents related to chemical weapons and missiles and access to the archives of Iraq's Ministry of Defence and the Military Industrialisation Corporation. In response, Iraq had provided only one set of documents, and a preliminary assessment indicated that they did not contain the information sought.

640. Other points included:

- UNSCOM had repeated its request for the return of the document seized at the Iraqi Air Force headquarters in July 1998, which detailed Iraq's consumption of special warheads in the 1980s. Iraq had refused, stating that it was "ready only to 'consider' … relevant portions of the document" in the presence of the Secretary-General's Special Representative.

---

[256] UN Security Council, 15 December 1998, 'Letter dated 15 December 1998 from the Secretary-General addressed to the President of the Security Council' (S/1998/1172).
[257] UN Security Council, 15 December 1998, 'Letter dated 14 December 1998 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General' (S/1998/1172).
[258] UN Security Council, 15 December 1998, 'Letter dated 15 December 1998 from the Secretary-General addressed to the President of the Security Council' (S/1998/1172).
[259] UN Security Council, 15 December 1998, 'Letter dated 15 December 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Secretary-General' (S/1998/1172).

- Iraq had provided a report on its analysis of samples from special warhead fragments.
- Iraq had claimed that VX contamination of missile fragments from special warheads, found by a US laboratory, was the result of a deliberate act of tampering with the samples.
- Iraq had refused to allow missile engine components to be removed for analysis.
- Iraq did not provide specific documents requested by a biological inspections team and had not responded to a request for new, substantial information on its biological weapons programmes.
- There had been some difficulties in interviews with students in a university where declarable research on biological weapons had taken place.

641. In relation to monitoring inspections:

- Iraq was reconsidering its refusal since 5 August to provide data collected by Iraq during tests on indigenously produced missiles and rocket engines.
- Iraq had placed unacceptable conditions on photographs during a chemical inspection on 5 December.
- Undeclared dual-capable items and materials subject to chemical and biological monitoring had been discovered.
- A team had been refused access on 11 December in line with Iraq's policy of facilitating entry "during the working days of the week, except Fridays".

642. In relation to disarmament inspections, Mr Butler reported that, "In the light of clear evidence that Iraq had taken advance actions at certain of the locations planned for inspection", he had "decided not to conduct the full range of inspections the team had planned". The examples given included:

- There had been some difficulties negotiating access at one site designated as sensitive which resulted in Iraq's introduction of new requirements, including a formal letter of request indicating what was being sought at the site.
- At the former headquarters of the Special Security Organisation, the building had been emptied and Iraq would not disclose where the materials were held.
- At the management offices of the Military Industrialisation Corporation, the site "had been prepared to avoid any disclosure of relevant materials and the team assessed Iraq had expected their arrival".

643. Mr Butler reported that Iraq had still not taken action to enact the required legislation to prohibit activity which was prohibited by Security Council resolutions and to enforce such legislation.

644. Mr Butler concluded that it was "evident" from the report that Iraq had not provided the full co-operation promised on 14 November, and:

"… during the period under review, Iraq initiated new forms of restrictions upon the Commission's work. Amongst the Commission's many concerns about this retrograde step is what such further restrictions might mean for the effectiveness of long-term monitoring activities.

"In spite of the opportunity presented … including the prospect of a comprehensive review, Iraq's conduct ensured that no progress was able to be made in either the fields of disarmament or accounting for its prohibited weapons programmes.

"… in the absence of full co-operation by Iraq, it must regrettably be recorded … that the Commission is not able to conduct the substantive disarmament work mandated … by the Security Council and, thus, to give the Council the assurances it requires with respect to Iraq's prohibited weapons programmes."

645. Mr Annan also circulated a letter of 14 December from Mr Aziz, reporting in detail on the activities of the IAEA and UNSCOM between 18 November and 13 December and stating that, despite concerns about aspects of UNSCOM's actions, Iraq had provided full co-operation.[260]

646. Mr Aziz's concerns included:

- A large inspection team to address allegations of concealment had arrived without the agreed advance notification and had "carried out its work in an intrusive and provocative manner, showing no respect for the procedures agreed between Iraq and UNSCOM".
- UNSCOM had not responded to Iraq's requests to send teams to work with Iraq to investigate two areas of importance in relation to the material balance of chemical weapons: "the fate of the 155mm shells with mustard" and verification of the "tail units of the R-400" which were "at the Iraqi Air Force stores".

647. Mr Annan suggested that the Council might want to consider three possible options:

- "That the experience over the period since 17 November 1998 does not provide a sufficient basis to move forward with a comprehensive review at this time."
- "That Iraq has not provided full co-operation but that it should be permitted additional time to demonstrate its commitment to do so."
- "That the Council may wish to proceed with a comprehensive review on the premise that it is sufficiently important to know precisely what has been achieved in the area of disarmament over the entire period since 1991."[261]

---

[260] UN Security Council, 15 December 1998, 'Letter dated 14 December 1998 from the Deputy Prime Minister of Iraq addressed to the Secretary-General' (S/1998/1173).
[261] UN Security Council, 15 December 1998, 'Letter dated 15 December 1998 from the Secretary-General addressed to the President of the Security Council' (S/1998/1172).

648. Mr Campbell wrote that a meeting of DOP took place on 15 December.[262] Mr Cook considered that Mr Butler's report was sufficient reason for action. Mr Blair had given explicit authority for the UK to participate if the US decided to go ahead with strikes.

UNSCOM and IAEA withdraw

649. On 16 December, a spokesman for Mr Annan briefed the press that, overnight, Mr Annan had received a telephone call from Mr Burleigh, who had advised him that US personnel in Iraq were being asked to leave.[263] Mr Butler had also been advised to withdraw UNSCOM personnel, and had instructed them to do so.

650. On the same day, Dr ElBaradei informed the Council that he had decided IAEA personnel should be "temporarily" relocated to Bahrain once UNSCOM, "on whose logistic support IAEA activities in Iraq" depended, had decided to withdraw its personnel.[264]

651. During Prime Minister's Questions on 16 December, action against Iraq was raised.[265]

652. Mr Hague assured Mr Blair "of the full support of the Opposition for the use of military action … provided that action has clear and achievable objectives" and asked whether removing Saddam Hussein "must now be a prime objective of western policy".

653. Mr Blair responded that no-one who read Mr Butler's report could seriously doubt its conclusion that UNSCOM was unable to do its job properly, and that it stated there were "greater restrictions now than previously". The report detailed "not merely the obstruction", but the fact that it related to:

> "… documents, sites and personnel that would give a clue to the whereabouts of the weapons of mass destruction and the capability to make them. It is not obstruction simply for the sake of it, but a plan of deceit to prevent those weapons of mass destruction from being located and destroyed."

654. Mr Blair added that, if he was allowed to develop those weapons, Saddam Hussein would pose a threat "not only to his neighbourhood but to the whole world".

655. Subsequently, in response to a question from Mr Tony Benn suggesting that military action would be illegal and that he should take "an independent view" rather than do as he was told by President Clinton, Mr Blair responded that the question was how to stop Saddam Hussein building weapons of mass destruction. He added that the cease-fire in 1991 had depended on the fulfilment of obligations accepted by Iraq. The

---

[262] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[263] UN Security Council, 16 December 1998, 'Press Briefing'.
[264] UN Security Council, 16 December 1998, 'Letter dated 16 December 1998 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council' (S/1999/1175).
[265] House of Commons, *Official Report*, 16 December 1998, columns 959-960.

requirement for Iraq to fulfil those obligations had been confirmed in successive Security Council resolutions.[266]

656. Mr Blair added that, when the MOU between Mr Annan and Iraq had been agreed in February:

> "… the Security Council said that any breach by Iraq of its obligations … would result in 'the severest consequences'. The Council has condemned Iraq's decision to end co-operation again and again. On 14 November, we gave Iraq a further chance to come back into compliance. Given Iraq's manifest failure to co-operate in the past month, I am satisfied that, if we should choose to use force, we have the necessary legal authority to do so."

Operation Desert Fox

657. The US and UK launched air attacks against Iraq, Operation Desert Fox, at 2200 on 16 December.[267]

658. Military action began while the Security Council was holding informal discussions on the IAEA and UNSCOM reports and the options identified by Mr Annan.[268]

659. Mr Annan issued a press statement in which he said it was "a sad day for the United Nations, and for the world" as well as a "very sad day" for him personally. Throughout the year, he had "done everything" in his power "to ensure peaceful compliance with Security Council resolutions, and to avert the use of force". It had "not been an easy or a painless process", but "the United Nations had to try as long as any hope for peace remained".[269]

660. Mr Annan concluded:

> "I deeply regret that today these efforts have proved insufficient.
>
> "What has happened to day cannot be reversed. Nor can any of us foresee the future. All we know is that tomorrow, as yesterday, there will still be an acute need, in Iraq and the wider region, for humanitarian relief and healing diplomacy. In both these tasks, the United Nations will be ready, as ever, to play its part."

661. In a public statement, President Clinton said that, while other countries had weapons of mass destruction and ballistic missiles, the international community had good reason to impose restrictions on Iraq because it had "repeatedly" used them,

---

[266] House of Commons, *Official Report*, 16 December 1998, columns 961-962.
[267] *BBC News*, 16 December 1998, *Blair's statement on Iraq strikes: Full text*.
[268] UN Security Council, '3955th Meeting Wednesday 16 December 1998' (S/PV.3995).
[269] UN Press Release, 16 December 1998, 'Secretary-General deeply regrets that United Nations efforts to seek peace in Iraq have proved insufficient' (SG/SM/6841).

including against civilians. He had "no doubt" that "left unchecked" Saddam Hussein would use them again.[270]

662. President Clinton described the conclusions in Mr Butler's report as "stark, sobering and profoundly disturbing". Iraq had "abused its final chance". The situation presented a "clear and present danger to the stability of the Persian Gulf and the safety of people everywhere". Action was necessary because:

- "… without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programmes in months, not years."
- If Saddam Hussein "crippled the weapons inspection system and got away with it, he would conclude that the international community – led by the US" had "simply lost its will". He would "surmise that he has free reign to rebuild his arsenal of mass destruction".
- "Third, in halting … air strikes in November" Saddam Hussein had been given "a chance, not a license". If the US turned its back on his defiance, "the credibility of US power as a check against Saddam" would be "destroyed". That would "fatally undercut the fear of force" that stopped Saddam "from acting to gain domination in the region".

663. The air strikes were "designed to degrade Saddam's capacity to develop and deliver weapons of mass destruction, and to degrade his ability to threaten his neighbours". The US was pursuing "a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people", through being prepared to use force when necessary and maintaining and enforcing sanctions for as long as Iraq remained "out of compliance".

664. But President Clinton added that, as long as Saddam Hussein remained in power, he threatened:

> "… the well-being of his people, the peace of the region, the security of the world.
>
> "The best way to end that threat once and for all is with a new Iraqi government … Bringing change in Baghdad will take time and effort. We will strengthen our engagement with the full range of Iraqi opposition forces and work with them effectively and prudently."

665. In a statement on 16 December, Mr Blair said:

> "This action could have been avoided. Since the Gulf War, the entire international community has worked to stop Saddam Hussein from keeping and developing nuclear, chemical and biological weapons and from continuing to threaten his neighbours.

---

[270] *CNN*, 16 December 1998, *Transcript: President Clinton explains Iraq strike*.

"For the safety and stability of the region and the wider world, he cannot be allowed to do so. If he will not, through reason and diplomacy, abandon his weapons of mass destruction programme, it must be degraded and diminished by military force."[271]

666. Mr Blair said that Saddam Hussein had "no intention of abiding by the agreements he has made". The report from Mr Butler had been "damning"; it was "a catalogue of obstruction" based on a desire to develop weapons of mass destruction. There was a threat "now" to Saddam Hussein's neighbours, his people, "and to the security of the world". If he was not stopped, the consequences would be "real and fundamental", and that could not "responsibly" be allowed to happen.

667. Mr Blair concluded that there was "no realistic alternative to military force": "We have exhausted all other avenues. We act because we must."

668. Mr Burleigh informed the President of the Security Council that "Coalition forces" were making "substantial" military attacks against "Iraq's weapons of mass destruction programmes and its ability to threaten its neighbours".[272]

669. Mr Burleigh stated that:

- The action was a "necessary and proportionate response to the continued refusal of the Iraqi Government to comply with the resolutions of the Security Council".
- It had been "undertaken only when it became evident that diplomacy had been exhausted". The coalition had "acted out of necessity" and the Government of Iraq bore "full responsibility" for the consequences of the military action. The US had not acted "precipitately", but had worked "with its partners in the Security Council over the past months in a sincere and sustained effort to bring about a peaceful resolution of the confrontation created by Iraq". "For reasons best known to Saddam Hussein, Iraq chose to reject that effort."
- Iraq had "repeatedly taken actions" which constituted "flagrant material breaches" of the provisions in relevant Security Council resolutions: "On a number of occasions, the Council has affirmed that similar Iraqi actions constituted such breaches, as well as a threat to international peace and security." The US view was that "the Council need not state these conclusions on each occasion".
- Iraq had "once again, acted in flagrant and material breach of Security Council resolution 687 (1991)" by "refusing to make available documents and information requested by UNSCOM … by imposing new restrictions on the weapons

[271] *BBC News*, 16 December 1998, *Blair's statement on Iraq strikes: full text*.
[272] UN Security Council, 16 December 1998, 'Letter dated 16 December 1998 from the Charge D'Affaires AI of the United States Mission to the United Nations addressed to the President of the Security Council' (S/1998/1181).

inspectors and by repeatedly denying access to facilities which UNSCOM wished to inspect".

- The coalition was exercising "the authority given by the Security Council" in resolution 678 (1990) "for Member States to employ all necessary means to secure Iraqi compliance with the Council's resolutions and to restore international peace and security in the area".
- The resort to military force was "necessitated" by Iraq's "policy of unremitting defiance and non-compliance".

670. In a parallel letter to the President of the Security Council, Sir Jeremy Greenstock stated that the action was taken "following a long history of non-co-operation by Iraq".[273] Iraq had promised on 14 November to co-operate fully, but Mr Butler's letter of 15 December stated "clearly that Iraq did not provide the full co-operation it promised", and that UNSCOM was "unable as a result to conduct the substantive work mandated to it by the Security Council".

671. Sir Jeremy added that the UK's objective was:

> "… compliance by the Iraqi Leadership with the obligations laid down by the Council. The operation was undertaken when it became apparent that there was no prospect of this being achieved by peaceful means. It will have the effect of degrading capabilities which have been the subject of Security Council resolutions over the past nine years. Targets have been carefully chosen to avoid civilian casualties."[274]

672. In the subsequent meeting of the Council, Mr Hamdoon condemned the "aggression" of the US and UK and the decision to flout international law and the UN Charter.[275]

673. Mr Hamdoon also criticised Mr Butler's "partiality, lack of integrity and lack of objectivity" by singling out five incidents from 300 inspections as "categorical evidence of lack of co-operation" when the circumstances did not justify that conclusion, and for withdrawing the inspectors without the knowledge or authority of the Council "to pave the way completely for the military aggression".

674. Sir Jeremy Greenstock recalled the "long road" to the crisis citing Iraq's use of chemical weapons against Iran and its own civilians and its behaviour since 1991, including:

- "never" giving UNSCOM the co-operation it needed to complete its tasks;

---

[273] UN Security Council, 'Letter dated 16 December 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council' (S/1998/1182).
[274] UN Security Council, 'Letter dated 16 December 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council' (S/1998/1182).
[275] UN Security Council, '3955th Meeting Wednesday 16 December 1998' (S/PV.3995).

- concealing the “evidence of its past and current programmes”;
- engaging in a “policy of harassment and deceit”;
- blocking inspections “whenever it feared that anything incriminating would be found”; and
- failing to produce documents.

675. Sir Jeremy added that Iraq had “deliberately provoked a series of crises” since October 1997 “in an attempt to wear down the will of the international community”. When military action had been called off on 14 November, Saddam Hussein had been warned that, if he broke his word “once more, there would be no second chances”.

676. Sir Jeremy stated that Mr Butler’s report of 15 December made clear that Iraq had “yet again failed to keep its promises”.

677. Sir Jeremy stated that resolutions adopted by the Security Council provided:

> “… a clear legal basis for military action … Resolution 1154 (1998) made it clear that any violation by Iraq of its obligations to allow the Special Commission and the International Atomic Energy Agency unrestricted access would have the severest consequences … Resolution 1205 (1998) established that Iraq’s decision of 31 October 1998 to cease co-operation with the Special Commission was a flagrant violation of resolution 687 (1991), which laid down the conditions for the 1991 cease-fire. By that resolution, therefore, the Council implicitly revived the authorisation to use force given in resolution 678 (1990). And Ambassador Butler’s report makes clear that, despite its undertakings … Iraq has not only failed to resume full co-operation with the Special Commission but has imposed new restrictions on its work.”

678. Mr Burleigh rehearsed the points in his letter to the President of the Security Council. He also praised the “outstanding professional work” of UNSCOM and Mr Butler.

679. Slovenia and Japan supported military action but China and Russia were sharply critical of unilateral action.

680. Mr Lavrov stated that the military action had caused casualties, destroyed “valuable material goods” and created a threat “to peace and security not only in the region but beyond it”.

681. Mr Lavrov added that the action had done “Grave harm” to the work on a post-crisis settlement and to dismantle Iraq’s weapons of mass destruction and their delivery systems. It also “called into question” the system which had been “so carefully set up over a long period of time to monitor” Iraq’s prohibited programmes. Russia objected to the US and UK action. It was “an unprovoked act of force” which “grossly violated the Charter of the United Nations, the principles of international law and the generally recognized norms and rules of responsible behaviour on the part of States in the international arena”.

682. Mr Lavrov stated that "the Security Council alone" had "the right to determine what steps should be taken … to maintain or restore international peace and security". Russia rejected "the attempts" of the US and the UK "to justify the use of force on the basis of a mandate that was previously issued by the Security Council". The actions were a violation of Security Council resolutions. No one was:

> "… entitled to act independently on behalf of the United Nations, still less assume the functions of a world policeman."

683. Although there were problems in respect of Iraq's co-operation, the crisis had been "created artificially". Partly that was the result of "irresponsible acts" by Mr Butler in presenting a report on 15 December which "gave a distorted picture of the real state of affairs and concluded that there was a lack of full co-operation on the part of Iraq", which was "not borne out by the facts". He had also "grossly abused his authority" by withdrawing UNSCOM without consultation and the media had received a leaked copy of his report before the Security Council itself.

684. Mr Qin Huasun said that the US and UK had "started a military attack … which violated the … Charter and norms governing international law". China was "deeply shocked" and condemned the "unprovoked military action" which was "completely groundless". The differences between UNSCOM and Iraq could "properly be settled through dialogue and consultation" while the use of force:

> "… far from helping to reach a settlement, may create serious consequences for the implementation of Security Council resolutions, for relations between Iraq and the United Nations and for peace and stability in the world and in the region."

685. Mr Qin Huasun called on the US and UK immediately to stop all military action. He added that Mr Butler had "played a dishonourable role" in the crisis, submitting reports to Mr Annan that "were one-sided and evasive regarding the facts". The purpose of those reports might have been to provide "the main argument for the use of force", but there was "in fact no excuse or reason for the use of force".

686. Costa Rica, Kenya and Sweden voiced more muted but still explicit criticism.

687. Mr Bernd H Niehaus, Costa Rican Permanent Representative to the UN, stated that Costa Rica had learned of the air strikes "with great and profound disquiet" and reaffirmed its "long-standing position rejecting the unilateral use of force and insisting on adherence to international legal instruments". Nonetheless, it had "witnessed with frustration" Iraq's policy of "defying and ignoring international obligations" and "forcefully and vigorously" appealed "to Iraq to put an end, once and for all and unconditionally, to its provocative actions."

688. Mr Dahlgren stated that Iraq had "again and again … refused to abide by the clear obligations that a unanimous Security Council" had decided upon, and that Sweden would have been ready "to support a decision in the Council on military action

as a last resort" when Iraq "seriously violates its obligations, and when all diplomatic means have been exhausted". But, "that would be a decision for the Security Council". Instead "without such a decision", military action had been taken while the Council were meeting in informal consultations. Sweden regretted the attacks and the consequences they might have for civilians in Iraq, and the "fact that the Security Council has been presented with a fait accompli". It feared that the strikes would "not be of much help in getting the inspections going again" when the "Council's overriding aim must remain to rid Iraq of its programmes" for developing weapons of mass destruction.

689. Mr Mahugu reiterated Kenya's position that "any decision to take further action against Iraq remains the sole responsibility of the Security Council", and that it was "difficult to understand the reason's for today's attack". The reports to the Council did not "in any way indicate that UNSCOM suffered a total lack of co-operation".

690. Mr Mahugu added:

> "Any decision taken to force compliance by Iraq with resolutions without the Council's prior authority … is contrary to the spirit and purpose of those very resolutions, because it also deprived the Council of an opportunity to analyse the reports … and to take a collective decision on them."

691. Brazil, France, Gabon, Gambia and Portugal each adopted a more equivocal position.

692. Mr Amorim deplored the fact that circumstances had led to the use of force, but also stated that, when the use of force was contemplated, it "should take place within a multilateral framework".

693. Mr Mamour Jagne, Gambian Permanent Representative to the UN, stated that the die was cast, but Gambia "would like to see the unity of the Council restored". If it was not, the Council's primary responsibility for maintaining international peace and security would be "seriously impaired".

694. Mr Dejammet stated that France:

- deplored "the chain of events that led to American military strikes … and the serious human consequences that they may have";
- regretted that Iraqi leaders had not been "able to demonstrate the spirit of full co-operation" called for by the February MOU; and
- thanked Mr Annan and supported his "tireless and persistent actions to ensure that the law prevails, despite the obstacles and pitfalls encountered".

695. Sir Jeremy Greenstock told the Inquiry:

"The US and UK came under intensive criticism from all other members of the Council, and the UN as a whole, for taking matters in their own hands in this way but there was no formal motion of condemnation put forward."[276]

696. The military action was supported by the main political parties in the UK.

697. Mr Blair made a statement to the House of Commons on 17 December.[277] He said that the objectives of the military operation were:

"… clear and simple: to degrade the ability of Saddam Hussein to build and use weapons of mass destruction, including command and control and delivery systems, and to diminish the threat that Saddam Hussein poses to his neighbours by weakening his military capability.

"… the action is proportionate to the serious dangers Saddam Hussein poses … The targets, throughout Iraq, have been very carefully selected to reflect these objectives …"

698. Other points made by Mr Blair included:

- The inspectors had been "constantly harassed, threatened, deceived and lied to. A special and elaborate mechanism to conceal Iraqi capability was out in place involving organisations close to Saddam, in particular his Special Republican Guard."
- UNSCOM had achieved a huge amount, but "too much" remained "unaccounted for", and Iraq had "consistently sought to frustrate attempts to look at the records and destroy the remaining capability".
- A report by the UN Special Rapporteur on Human Rights in October 1998 had "documented massive and extremely grave violations of human rights".
- Saddam Hussein's obstruction had begun "in real earnest" after "the full extent of the weapons programme was uncovered in 1996 and early 1997". It included casting doubt on the independence of the inspectors and seeking to exclude US and UK nationals.
- Saddam Hussein had been given a "last chance" in mid-November, and warned that, if he broke his word and obstructed the work of the inspectors, "there would be no further warnings or diplomatic arguments … we would strike".
- Saddam Hussein was "a man to whom a last chance to do right is just a further opportunity to do wrong. He is blind to reason."
- Saddam Hussein's attitude was "as much deliberate obstruction as he thought he could get away", which he had used "deliberately to try to blackmail the international community into lifting sanctions".

---

[276] Statement, November 2009, page 1.
[277] House of Commons, *Official Report*, 17 December 1998, columns 1097-1102.

- There had been “a stark choice” between letting “the process continue further, with UNSCOM more and more emasculated” or, “having tried every possible diplomatic avenue and shown endless patience”, tackling Saddam Hussein’s “remaining capability through direct action”. In Mr Blair’s view, there was “only one responsible choice”.

699. Addressing the issue of whether the objective was to remove Saddam Hussein, Mr Blair stated:

> “The answer is: it cannot be. No one would be better pleased if his evil regime disappeared as a direct or indirect result of our action … Even if there were legal authority to do so, removing Saddam through military action would require the insertion of ground troops on a massive scale – hundreds of thousands … Even then, there would be no absolute guarantee of success. I cannot make that commitment responsibly.”

700. Mr Blair concluded:

> “Whatever the risks we face today, they are as nothing compared to the risks if we do not halt Saddam Hussein’s programme of developing chemical and biological weapons of mass destruction.”

701. Mr Hague supported the action, adding that the Conservative party believed that “the overall objective” of policy towards Iraq should be “to remove Saddam from power rather than temporarily checking his ambitions”.

702. Mr Blair agreed that “a broad objective” was “to remove Saddam Hussein and to do all that we can to achieve that”, but he did not think he could “responsibly” make a commitment to that outcome as an “objective of this military action”. Mr Blair expected that military action would “significantly degrade and diminish Saddam as a threat to his neighbours and his weapon-making capability”.

703. Mr Menzies Campbell stated that the Liberal Democrats supported the action “as a painful necessity and last resort to which we have been driven when all other options have been exhausted”. Without Saddam Hussein’s “repeated defiance and deception, the issue … could have been resolved several years ago”.

704. The Rev. Martin Smyth stated that “the greater number of people in Northern Ireland support the attacks whole-heartedly”.

705. Mr Blair’s statement was followed by a debate on the military action.[278]

706. Mr Cook stated that action had been taken because of Saddam Hussein’s failure to keep the commitments he had made, and “with the full authority of repeated Security Council resolutions, supported by all members of the Council”. The background was

---

[278] House of Commons, *Official Report*, 17 December 1998, columns 1112-1193.

"the 10 months since Saddam first threw out the inspectors last February" when "two successive resolutions have given us the authority to carry out this action".

707. Mr Cook described the threat as, "not an arsenal of completed weapons" but the "capacity to produce weapons of terror … within months if we turn our backs". The Government had two objectives. The first was "to defeat Saddam's ambitions to continue to develop such weapons, with which he could terrorise his neighbours". The second was "to reduce the threat to Saddam's neighbours by diminishing his military war machine".

708. In the debate that followed the statement, the majority of speakers supported military action.

709. There was, however, a significant minority which spoke against the action, questioning the legal basis for the action, whether it would help to disarm Iraq, and its potential impact on radicalising opinion in the region. A procedural device was used to avoid a vote.

710. At a press conference on 20 December, Mr Blair explicitly rejected what he called "an 'if you can't remove him [Saddam Hussein], do nothing' fallacy". He argued:

> "I do not accept that for instance we could only guarantee to bring him [Saddam Hussein] down by a land war in Iraq … But just because we can't get in the cage and strike him down it doesn't mean we should leave the cage untouched and the bars too fragile to hold him. What we have done is put him back securely and firmly in the cage …
>
> "We have reduced the danger Saddam poses consistent with common sense and a proportionate use of force."[279]

711. In Mr Blair's view, military action had sent:

> "… a very clear message indeed to Saddam Hussein that we will not sit by; it also sends a message to others … that the patience of the international community cannot be tried indefinitely and that when it is right and when the will of the international community is at stake we will act to enforce it because the first stirrings of a new global reality are upon us. Those who abuse force to wage war must be confronted by those willing to use force to maintain peace … We cannot do everything … but what we can do reasonably we should do."

712. In relation to Iraq, Mr Blair called for:

- "… a future strategy that is based on containment and stability for the region. First and foremost, we must maintain a threat of force which Saddam now

---

[279] *Le Monde diplomatique*, 20 December 1998, *Conférence de presse du premier ministre britannique Anthony Blair*.

knows to be credible … ready to strike … if he again poses a threat to his neighbours or develops weapons of mass destruction";

- radical improvement of sanctions-enforcement;
- "… an intensive diplomatic process … to forge a new strategy for stability in relations between the international community and Iraq"; and
- "… ways in which an effective inspections and monitoring regime … can be resumed".

713. The UK would "continue to engage with the Iraqi opposition to help them develop their vision of a better Iraq".

714. Mr Blair stated that nearly 100 sites were attacked, US and UK forces fired more than 400 cruise missiles and there were more than 200 aircraft strikes between 16 and 19 December.[280]

715. The sites which were targeted comprised:

- 30 sites which the UK government described as being involved in Iraq's weapons of mass destruction programmes;
- 20 command, control and communications targets, which Saddam Hussein used to control military and internal security forces;
- 10 Republican Guard targets;
- 27 air defence targets;
- six airfields, including those associated with helicopter forces used for internal repression; and
- an oil refinery near Basra associated with sanctions breaking.[281]

716. The International Institute for Strategic Studies stated that "a limited number of workshops in half a dozen declared missile facilities were bombed and damaged, including the final assembly and production lines of the al-Samoud".[282]

717. In an Assessment in May 2001, the JIC recorded that Operation Desert Fox had targeted:

"- WMD related industrial facilities, including those connected with ballistic missile production and a castor oil plant that could be used to support the production of BW;

---

[280] *Le Monde diplomatique*, 20 December 1998, *Conférence de presse du premier ministre britannique Anthony Blair*.
[281] *Le Monde diplomatique*, 20 December 1998, *Conférence de presse du premier ministre britannique Anthony Blair*; House of Commons, *Iraq: 'Desert Fox' and Policy Developments*, 10 February 1999, Research Paper 99/13, page 17; In his speech to the National Press Club on 23 December 1998, Mr Samuel (Sandy) Berger, National Security Advisor to the President, stated that the targets included TV and radio transmitters.
[282] IISS Strategic Dossier, 9 September 2002, *Iraq's Weapons of Mass Destruction – A Net Assessment*, page 65.

- Airfield facilities housing the L-29 remotely piloted aircraft;
- Sites used by regime security organisations also involved in WMD."[283]

718. The Assessment added: "Other WMD-related facilities were not targeted."

719. In February 1999, the MOD assessed that the effect of Operation Desert Fox on Iraq's military programmes had been:

- to set back the ballistic missile programme by between one and two years; and
- to disrupt for several months WMD related work of the Iraqi Ministry of Industry and Military Industrialisation Headquarters in Baghdad.[284]

720. The bombing had "badly damaged, possibly destroyed outright" the L-29 unmanned aerial vehicle programme. The rebuilding of the Republican Guard infrastructure was estimated to take up to a year.

721. Following the 1998 *Strategic Defence Review*, which had identified the importance of preparations to overcome the possible threat from biological and chemical weapons particularly in the Gulf, the MOD published a paper in July 1999 setting out the results of a further review.[285] In his foreword to the paper, Mr Robertson stated that knowing what the threat was, how to reduce it, and how to protect against it, was "a constantly developing process" which he regarded as one of his "highest priorities".

722. The paper stated that many countries of concern had biological or chemical weapons capabilities, or both; and several were in areas in which the UK was most likely to face challenges to its interests, including in the Gulf. The potential threat from those weapons was "now greater than that from nuclear weapons". Iraq had already used chemical weapons. No country of concern had ballistic missiles which could threaten the UK with chemical or biological warheads, but capabilities continued to improve and the ballistic missiles being developed could threaten British forces deployed overseas.

723. The UK's policy rested "on four inter-related pillars":

- Arms control. Since the First World War, the UK had been at the forefront of international efforts to control and eliminate biological and chemical weapons through arms control agreements.
- Preventing supply. Export controls at national and international levels were "effective in preventing a significant number of undesirable transfers".
- Deterring use. Potential aggressors should be assured that: the use of biological and chemical weapons would "not be allowed to secure political or military advantage"; it would "on the contrary, invite a proportionately serious response"

---

[283] JIC Assessment, 10 May 2001, 'Iraqi WMD Programmes: Status and Vulnerability'.
[284] House of Commons, *Iraq: 'Desert Fox' and Policy Developments*, 10 February 1999, Research Paper 99/13.
[285] Ministry of Defence, *Defending Against the Threat from Biological and Chemical Weapons,* July 1999.

and those "responsible for any breach of international law relating to the use of such weapons" would be "held personally accountable".

- Defending against use. Possession of an effective range of defensive capabilities was required to enhance the other three pillars "by helping to make clear to a potential aggressor that the threatened, or actual, use of biological or chemical weapons" would "not limit our political options, or determine the outcome of a conflict".

724. The paper stated that the UK's military posture comprised three elements:

- the "ability to remove or reduce the threat by taking direct action";
- measures to minimise vulnerability to the weapons; and
- capabilities, training and equipment which protected British forces and allowed them to manage battlefield risks.

725. Eliminating or reducing a threat before an aggressor was able to use biological or chemical weapons was "preferable to having to manage the consequences of their use". Action to reduce the threat would "take a variety of forms". The UK would, "In broad terms, where legally justified", take "whatever action" was "required to reduce an opponent's capability to use biological and chemical weapons against the UK, our interests, or British and coalition forces". The possibilities included "Attacks on production facilities, storage sites, logistics chain and delivery systems".

726. The paper also emphasised the importance of "accurate and timely intelligence" on which direct action was "heavily" dependent, "both to alert us to the threat and … provide vital targeting information".

727. The paper stated that the threat from the proliferation of nuclear weapons was "well known", but biological and chemical weapons had a longer history and posed "the greater potential threat" in the current operational environment. The foundation for managing the risks was diplomatic, but a "balanced range of military capabilities" was also needed, including defensive and protective measures "and the ability to take action where necessary to remove or reduce a specific threat". The UK had an important dialogue with the US on biological and chemical defence issues and the UK would "continue to pursue close consultations with them and with other allies".

728. In relation to Iraq, the paper stated that it had:

> "… made significant efforts to develop a wide range of biological agents and their delivery means, including missile warheads. The programme has included the development and production of anthrax and botulinum toxin, and other agents, including ones that can attack plants and animals.
>
> "We also know that Iraq has a programme to convert L29 trainer aircraft for use as Unmanned Aerial Vehicles (UAVs). We assess that, if equipped with spray tanks

to deliver chemical and biological agents, these would be capable of causing large-scale casualties.

"In 1998 we judged that, unless stopped:

- Iraq would be capable of regenerating a chemical weapons capability within months;
- Iraq had the expertise and equipment to regenerate an offensive biological weapons capability within weeks;
- work on 650km range missiles which could hit important targets in the Middle East might have begun. It could have been completed within a year, and biological weapons produced in the same timeframe;
- if Iraq could procure the necessary machinery and nuclear materials, it could build a crude air delivered nuclear device in about five years."

729. The paper stated that UNSCOM had "destroyed, or made harmless, a 'supergun'; 48 SCUD missiles; 38,000 chemical munitions, 690 tonnes of chemical agents; 3,000 tonnes of precursor chemicals; and biological and chemical warfare-related factories and equipment". The IAEA had "found a nuclear weapons programme far more advanced than suspected, and dismantled it". Saddam Hussein had "consistently sought to avoid his responsibility to declare his entire biological and chemical capabilities" and had "deliberately and systematically sought to conceal and retain them":

"UNSCOM has discovered a document, which the Iraqi regime refuses to release, appearing to indicate major discrepancies in Iraq's declarations over the use of chemical munitions during the Iran-Iraq war. Iraq also claims that it unilaterally destroyed 31,000 chemical munitions and 4,000 tonnes of precursor chemicals, but these still have to be properly accounted for. And Iraq has consistently denied that it weaponised VX, one of the most toxic of the nerve agents. But analysis by an international team of experts of the results of tests on fragments of missile warheads has shown that, contrary to its claims, Iraq did weaponise VX."

730. The attacks on Iraq's missile production and research facilities and the destruction of infrastructure associated with the concealment of biological and chemical programmes in December 1998 had caused Saddam Hussein "severe difficulties". They had:

- "damaged or destroyed" 87 percent of the 100 targets attacked;
- "severely damaged" the base for the L-29 trainer "which could be used to deliver biological and chemical agents";
- "significantly degraded" some key facilities associated with Iraq's ballistic missile programme, "setting this back one to two years";
- "seriously weakened" Iraq's "ability to deliver biological or chemical weapons by ballistic missile";

- destroyed some key buildings of the Iraqi Directorate of General Security, which were believed to contain "key equipment and documents"; and
- "set back" Iraq's ability to regenerate its biological and chemical capability.

731. The UK could not afford to ignore the problem of Iraq. Saddam Hussein continued "to pose a significant threat to his neighbours" and would "reconstitute his biological and chemical weapons capabilities if allowed". UK forces would stay in the region for as long as it was judged necessary and sanctions would remain in place until Iraq complied with its obligations.

LEGAL AUTHORISATION FOR OPERATION DESERT FOX

732. The USA and the UK did not seek specific authorisation from the UN Security Council for Operation Desert Fox and instead drew their authority from previous resolutions, especially resolution 1205.

733. Their interpretation of the legal authority provided by those resolutions was not supported by other Security Council members. Russia in particular disputed the legal basis for military action. Resolution 1205 had used the formulation "flagrant violation" rather than "material breach", the recognised phrase derived from the law of treaties for a breach which would entitle another party to argue that a cease-fire had been broken.

734. Sir Jeremy told the Inquiry:

> "… my use of resolution 1205 seriously annoyed my Russian counterpart, because he realised that I had succeeded in establishing … a declaration of material breach[286] of Iraq which he hadn't intended should be allowed by the resolution, which then lay the basis for the use of force in December 1998."[287]

735. On 24 September 1998, the JIC had assessed:

> "We cannot rule out the possibility that Saddam retains a handful of missiles … these could be available for use within a matter of weeks or perhaps even days. Provided it still has key components – and that is unclear – Iraq could within a few months build, with little risk of detection, missiles capable of hitting Israel and key targets in Saudi Arabia. If it needs to make or acquire the components, production of such missiles could begin within a year …"[288]

736. The Butler Report concluded that JIC readers in December 1998 would have had the impression that Iraq had the ability "to regenerate a small number of ballistic missiles, either through bringing back into use missiles that had been hidden or by re-assembling missiles from hidden components".

---

[286] Resolution 1205 refers only to "flagrant violation".
[287] Public hearing, 27 November 2009, page 35.
[288] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 52.

After Operation Desert Fox

737. All No-Fly Zone patrols were suspended during Operation Desert Fox and France withdrew from operations stating that the aim was no longer humanitarian. US and UK patrols resumed in the southern zone on 22 December 1998 and in the northern zone on 28 December.

738. In a speech on Iraq on 23 December, Mr Berger dismissed the proposition that the threat from Saddam Hussein could be downgraded, stating that his "external aggression and internal repression" still posed a "genuine threat to his neighbours and the world".[289] Saddam Hussein had proved he sought WMD "not for some abstract concept of deterrence, but for the very real purpose of using them". His "history of aggression" left "little doubt that he would resume his drive for regional domination and his quest for weapons of mass destruction if he had the chance".

739. The US had "met that threat with a consistent policy of containment". In the face of "periodic challenges", this strategy had "essentially held Saddam Hussein in check". But "over the past year in particular", he had "tried to cripple the UN inspection system" and:

> "If Saddam could eviscerate UNSCOM without a firm response, not only would there be no effective UNSCOM; there would be no deterrence against future aggression because the threat of force would no longer be credible. And there would be no prospect for keeping his program of weapons of mass destruction in check."

740. Mr Berger admitted that Iraq could not be disarmed from the air "as precisely as we can from the ground", but inspections had been "thwarted" by Saddam: for "much of the last year", Iraq had only allowed UNSCOM to look where it knew there was nothing to be found.

741. Mr Berger stated that the purpose of Operation Desert Fox had not been to "dislodge Saddam from power", and ruled out the idea of deploying American ground troops:

> "The only sure way for us to effect his [Saddam Hussein's] departure now would be to commit hundreds of thousands of American troops to fight on the ground inside Iraq. I do not believe that the costs of such a campaign would be sustainable at home or abroad. And the reward of success would be an American military occupation of Iraq that could last years."

742. Addressing the policy for the future, Mr Berger stated that the strategy the US could and would pursue was, therefore, to:

> "… contain Saddam in the short and medium term, by force if necessary, and to work toward a new government over the long term."

---

[289] Speech to the National Press Club by Samuel (Sandy) Berger, National Security Advisor to the President, 23 December 1998.

743. The best option was for Saddam Hussein to allow the inspectors to return and Mr Butler had "proposed a roadmap to compliance that would take between three and six months to complete" if Saddam Hussein had the will to end confrontation. But intransigence should not be rewarded by "watered down monitoring mechanisms" or "helping Iraq create the illusion of compliance".

744. Without verification that Iraq had fulfilled its obligations, however, Mr Berger argued that force should be used if it was determined that Saddam Hussein was reconstituting his biological, chemical or nuclear programme or the missiles to deliver his WMD. The US strategy would be simple: "if he rebuilds it, we will come".

745. Mr Berger recognised that containment would be a "difficult policy to sustain in the long run". It was "a costly policy in economic and strategic terms", and "even a contained Iraq" was "harmful to the region" and condemned "the Iraqi people to a future of unending isolation in a murderous police state". That was why the US was "doing all we can to strengthen the Iraqi opposition so that it can seek change inside Iraq".

746. Mr Berger stated that the "responsibility to mount an effective movement that appeals to people inside Iraq and inspires them to struggle for change" lay with the opposition leaders, but there was much that the US could and would do. It had "reconciled the two Kurdish factions and worked with them to improve the lives of the three million Iraqis" who lived outside Saddam Hussein's control in the North; set up Radio Free Iraq; and was "intensifying … contacts with the entire spectrum of opposition groups … to help them become a more effective voice for the aspirations of the Iraqi people".

747. Mr Berger concluded:

> "When the time is right and the opposition is ready, we will decide what kind of additional support it will need to overcome Saddam's apparatus of violence and terror. We will not overreach. But we are willing to use whatever means are appropriate to advance our interests in Iraq, as long as the means are effective.
>
> "We will also stand ready to help a new government in Iraq …
>
> "We will pursue this strategy with patience and resolve and with confidence that our goals will be met … We know from experience that when people struggling for freedom gain the moral and material support of the American people, they usually prevail …
>
> "Change will come to Iraq, at a time and in a manner that we can influence but cannot predict …"

748. The approach set out by Mr Berger remained the strategy of President Clinton's Administration towards Iraq during its remaining two years in office.

749. In his memoir, Mr Blair wrote that following the UNSCOM report in mid-December, President Clinton had decided to act.[290] The air strikes had been "nerve wracking" and the operation was "a limited success". He added:

> "The general feeling was that Saddam had got away with it again."

750. In his memoir, Mr Annan wrote that Mr Butler's management and leadership had been:

> "… a gift to Saddam – allowing him, with a growing body of evidence – to claim that he was all for disarming and co-operating with the international community, but that UNSCOM's approach made this impossible."[291]

751. Mr Annan wrote that this was "entirely untrue"; but Mr Butler "and his backers in Washington and London" had "failed to understand" how it "undermined his own position" and that of the inspections.

752. Mr Annan also wrote that whenever the military option had been floated during negotiations in the previous year, he had asked what would happen after any bombing of Iraq; but that question had never been answered. Desert Fox had:

> "… ushered in a four year period without inspections and without a dialogue with Iraq about its place in the international system, even as sanctions continued to devastate its people and hand Saddam the ultimate propaganda tool – to be able to blame the West, and not his own misrule for the misery of his people."

753. Sir Jeremy Greenstock wrote in his statement for the Inquiry:

> "When those attacks were called to a halt, the Security Council was left divided and the inspectors were unable to return to the country."[292]

The impact of Operation Desert Fox

The MOD assessed that the effect of Operation Desert Fox on Iraq's military programmes had been to set back the ballistic missile programme by between one and two years, that the WMD-related work of the Iraqi Ministry of Industry and Military Industrialisation Headquarters in Baghdad had been disrupted for several months at least, and that the bombing had "badly damaged, possibly destroyed outright" the L-29 unmanned aerial vehicle programme.[293] Rebuilding the Republican Guard infrastructure was estimated to require up to a year.

---

[290] Blair T. *A Journey*. Hutchinson, 2010.
[291] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[292] Statement, November 2009, page 1.
[293] House of Commons, *Iraq: 'Desert Fox' and Policy Developments*, 10 February 1999, Research Paper 99/13.

Mr Webb told the Inquiry the MOD had looked at how effective the action in 1998 had been in "keeping the WMD lid on by bombing … and we concluded that it was not effective and we were not able to offer any reassurance that you have been able to deal with the WMD problem solely by air power."[294] In response to a further question, he said it was "Not conclusively ineffective, but it hadn't achieved a result of which one felt assured". Mr Webb added: "It did have a very useful effect on reducing the capacity of the Iraqi Integrated Air Defence System, which was posing a threat to the aircraft."

Dr Condoleezza Rice wrote in her memoir that, in July 2003, it became clear that "the air assault on Iraq's WMD in 1998 had been more successful than we had known, and serious damage had been done to Saddam's capabilities at the time".[295]

The *Review of Intelligence on Weapons of Mass Destruction* concluded in 2004 that JIC assessments in 1998 would have left the impression "of suspicion and concern about Iraq's break-out capability, coupled with possible possession of chemical [and biological] agent stockpiles, in breach of its [Iraq's] United Nations obligations" and "concern about the ability of Iraq to regenerate a small number of ballistic missiles" in the minds of readers.[296]

Professor Marc Weller, Professor of International Law and International Constitutional Studies at the University of Cambridge, suggests that Operation Desert Fox had three important consequences for future policy towards Iraq:

> "First, Iraq terminated all co-operation with the UN arms inspection regime, arguing that the action demonstrated that inspections would only be used to prepare for further military action. Second, support for any further action by the Council resulted in a stalemate due to the 'breakdown in the Security Council' after the bombing campaign … Finally, and most damaging for the negotiations leading up to resolution 1441 (2002), several states resolved not to be lured again into the finding of a breach that might be invoked to justify the use of force, as had been the case with resolution 1205."[297]

754. Operation Desert Fox had created a deep fissure at the United Nations and within the P5. The Kosovo campaign, bitterly opposed by Russia and not mandated by the Security Council (because of the certainty of a Russian veto), was a further complicating element.

755. After Operation Desert Fox, Iraq embarked on a policy of uncompromising defiance of the UN rather than partial and intermittent co-operation.

756. Iraq repudiated the NFZs, and attacks on aircraft became a common occurrence. Iraq fired surface-to-air missiles and anti-aircraft artillery or targeted aircraft by fire control radar, although no coalition aircraft were ever shot down. In response to this threat, coalition aircraft targeted a variety of different elements of Iraq's Integrated Air Defence System (IADS), such as radar sites and associated communications and control networks, surface-to-air missile batteries and anti-aircraft artillery positions.

---

[294] Public hearing, 24 November 2009, page 76.
[295] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[296] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 52.
[297] Weller M. *Iraq and the Use of Force in International Law*. Oxford University Press, 2010.

RAF Jaguars flying reconnaissance operations in the northern NFZ did not carry or drop air-to-ground ordnance, but RAF Tornado aircraft in the southern NFZ did so on numerous occasions.

757. Although Iraq did not succeed in shooting down an aircraft the risk was taken extremely seriously by both the US and the UK. That raised a number of serious issues about the extent of the actions which could be taken in self-defence and the nature of operations to rescue any downed aircrew. Those are addressed in Section 1.2.

758. The Butler Report stated that a JIC Assessment on 7 January 1999 had reached "somewhat firmer judgements than in 1997" that:

- "Following the 1991 Gulf War Iraq concealed BW [biological warfare] production equipment, stocks of agents and perhaps even BW weapons …"
- "… Iraq has sufficient expertise, equipment, and materials to produce BW agents within weeks."[298]

759. The Butler Review was told that the reason for shortening the timescales for production of biological agent to "within weeks" was "intelligence of Iraqi requests for large quantities of growth media", which was "judged to be greatly in excess of Iraq's likely legitimate requirements".[299] But it was "not known" if Iraq had actually obtained the growth media.

UNSCOM's findings, January 1999

760. Mr Butler produced two reports on 25 January 1999, one on the disarmament of Iraq's weapons of mass destruction and one on monitoring and verification, which were formally circulated to the Security Council on 29 January.[300]

761. The report on disarmament described the work of UNSCOM since 1991 and its methodology, and set out "material balances" for the proscribed missile, chemical and biological weapons in three detailed annexes. It also included an annex "on actions by Iraq to obstruct disarmament".

762. The report drew a distinction between UNSCOM's activities before and after Lt Gen Kamil's departure from Iraq in August 1995, commenting that Iraq's subsequent disclosures:

> "… indicated that, during the first four years of its activities, the Commission had been very substantially misled by Iraq both in terms of its understanding of Iraq's

---

[298] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 58.
[299] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 59.
[300] UN Security Council, 29 January 1999, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94).

> proscribed weapons programmes and the continuation of prohibited activities … Positive conclusions on Iraq's compliance … had to be revised … Analysis of the new material shaped the direction of the Commission's work including the emphasis on: obtaining verifiable evidence including physical materials or documents; investigation of the successful concealment activities by Iraq; and, the thorough verification of the unilateral destruction events."

763. The report also stated that the Commission had been "obliged to undertake a degree of forensic work which was never intended to be the case". Iraq's "inadequate disclosures, unilateral destruction and concealment activities" had made that task more difficult and continued "in many cases" after 1995. The "concerted obstructions" raised the question of Iraq's motives.

764. UNSCOM could not verify Iraq's claims that it had fulfilled all its disarmament obligations, ceased concealment activities, and had neither proscribed weapons nor the means to make them. Despite Iraq's denials, the Commission's "strong view" was that documentation still existed in Iraq; and that its provision was "the best hope for revealing the full picture" on Iraq's activities.

765. The "priority issues" for disarmament identified in June 1998 had focused on unaccounted for weapons and "set aside other aspects such as fully verifying production capacities, research activities". This approach was based on the view that "satisfactory resolution" of the specific priority issues "would make it easier to conclude that other unverified elements were of lesser substantive importance".

766. The report added, however, that:

> "Conversely, the inability of Iraq to satisfy these issues would point to more ominous explanations for other unverified parts of Iraq's declarations."

767. The report stated that Iraq had "once considered" mobile production facilities.

768. UNSCOM described Iraq's declarations as "fraudulent" and "wholly lacking credibility". Iraq had declared in August 1995 that it had filled 25 Al Hussein missile warheads with BW agents. It also declared that 200 R-400 aerial bombs had been produced for BW purposes but the number filled with agents was a "guess". Iraq had also pursued aerial drop tanks, aerosol generators and helicopter spray tanks and there were questions about programmes for other munitions.

769. UNSCOM was concerned about the uncertainties surrounding the extent of weaponisation, the production of bulk BW agent, imports of raw materials, organisation and planning, research and development, and past and continuing efforts of deception. UNSCOM could report with confidence on the destruction of some facilities, but it had "no confidence that all bulk agents have been destroyed; that no BW munitions or weapons remain in Iraq; and that a BW capability does not still exist in Iraq."

It also raised "serious doubts" about Iraq's claim that it had "obliterated" the BW programme in 1991.[301]

770. UNSCOM recorded uncertainties about the destruction of Iraq's "special weapons", warheads for ballistic missiles filled with chemical and biological agent. It also recorded its inability to verify Iraq's destruction of seven indigenously produced Al Hussein missiles, and imports of proscribed liquid propellant and major components, particularly missile engines and guidance systems.

771. The Commission stated that actions by Iraq "in three main respects" had "had a significant negative impact upon the Commission's work". Those were:

- "Iraq's disclosure statements have never been complete".
- "… contrary to the requirement that destruction be conducted under international supervision, Iraq undertook extensive unilateral and secret destruction of large quantities of proscribed weapons and items".
- "… a practice of concealment of proscribed items … and a cover up of its activities in contravention of Council resolutions".

772. The annex on "Actions by Iraq to obstruct disarmament" stated that UNSCOM's work in Iraq had been "plagued by co-ordinated efforts to thwart full discovery of Iraq's proscribed programmes" which had begun "immediately following the adoption" of resolution 687 (1991).[302]

773. In a "brief summary" of its "current understanding of the evolution of these concealment policies and practices", the report stated:

- The Iraq Presidency had "collected reports on weapons remaining with Iraq's Armed Forces" in spring 1991.
- A "decision was taken by a high-level committee", of which Mr Aziz was a member, to provide UNSCOM with "only a portion of its proscribed weapons, their components and production capabilities and stocks".
- UNSCOM "deduced" that Iraq's policy was based on:
  - providing "a portion of their extant weapon stocks, with an emphasis on those which were least modern";
  - retaining "production capability and the 'know-how documentation' necessary to revive programmes when possible";
  - concealing "the full extent of chemical weapons programmes, including its VX project" and retaining "production equipment and raw materials";

[301] UN Security Council, 29 January 1999, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94).
[302] UN Security Council, 29 January 1999, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94).

  - concealing “the number and type of BW and CW warheads for proscribed missiles”;
  - concealing “indigenous long-range missile production” and retaining “production capabilities, specifically with respect to guidance systems and missile engines”; and
  - concealing “the very existence of its offensive biological weapons programme” and retaining “all production capabilities”.
- After an incident at Abu Ghraib in June 1991, when IAEA inspectors had obtained photographic evidence of retained nuclear weapons production components, Iraq had decided “in late June 1991 to eliminate some of these retained proscribed materials, on its own, and in secret and in such a way that precise knowledge about what and how much had been destroyed would not be achievable”.
- Iraq did not admit its programme of unilateral destruction until March 1992, when UNSCOM had “indicated it had evidence that Iraq retained weapons after its supervised destruction”.
- Iraq stated that “The unilateral destruction was carried out entirely unrecorded. No written and no visual records were kept, as it was not foreseen that Iraq needed to prove the destruction to anybody.”
- In 1992, UNSCOM had not recognised that the programme “was a determined measure taken to conceal evidence which would reveal retained capabilities”.
- It was only after 1995 that UNSCOM had become aware of “concerted deception efforts and was forced to re-examine the 1991-1992 period”.
- Investigations, including “extensive excavation efforts with Iraq”, “extensive interviews with Iraqi participants in the destruction”, and analysis of overhead imagery, had produced “mixed” results. There was “some evidence supporting Iraqi declarations” but other data raised “serious concerns about the true fate of proscribed weapons and items”.
- Questions arose about the reasons for Iraq’s actions including the following:
  - Iraq made an admission in August 1997 that missile launchers had been destroyed in October not July 1991.
  - The precise locations of warhead filling and destruction had been revised several times.
  - Claimed movements of concealed warheads had “been proven to be false”.
  - Explanations of concealment and movement of retained chemical weapons production equipment had been “shown to be false”.
  - Iraq had not declared the concealment of “production equipment and critical components related to Iraq’s indigenous proscribed missile programmes” in a private villa in Abu Ghraib, until March 1992, when it had been retrieved and moved by the Special Republican Guard.

- Iraq "conceded" in July 1998 that it had misled UNSCOM over the previous two years about "unilateral destruction of components for its indigenous missile engine programme".
- Imagery showed that "several shipping containers had been removed" from the Haider farm "shortly before" Iraq led UNSCOM to the site to hand over documents; and there were "clearly defined gaps" in the records handed over by Iraq in relation to WMD production techniques, the military and the Ministry of Defence.

- Iraq's deception and concealment activities involved a number of Iraqi organisations:
  - Iraq had admitted the continued involvement of the Military Industrial Corporation.
  - Direct evidence of the involvement of the Iraq General Intelligence Service, the Mukhabarat, in procurement activities was provided when imports of equipment for long-range missiles was discovered in late 1995.
  - Movements of material by the Special Republican Guards.
  - UNSCOM "assessed" that the Special Security Organisation (SSO) "appeared" to provide "overall direction" for concealment activities.
- Iraq claimed all concealment activities had been terminated in 1995.
- UNSCOM had used interviews and inspections in an attempt to elicit "a true picture of concealment actions and confirmation it had or would be ended" in 1996-1998, but "missing files, cleansed rooms, purged computers and other techniques were encountered on a regular basis at sites under inspection". Convoy movements in response to inspection activity "provided still more evidence that concealment was ongoing".
- UNSCOM had "recently" received information "from multiple sources" identifying organisations which "direct and implement the concealment effort in Iraq", which agreed that:
  - Concealment-related decisions were made "by a small committee of high ranking officials", chaired by "The Presidential Secretary, Abed Hamid Mahmoud".
  - The committee directed a unit "responsible for moving, hiding, and securing the items which are being concealed from the Commission".
  - The SSO played "a key role in the operation of this unit and in the tracking and surveillance" of UNSCOM's activities.

774. There was no mention in the report of plague.

775. An intelligence report issued in 1999 stated that the informant was unaware of any Iraqi work on plague as a BW agent.[303]

The Amorim Review

776. In late January 1999, the Security Council established three panels chaired by Mr Amorim, who was the President of the Security Council at that time:

- a panel on disarmament and current and future ongoing monitoring and verification issues which would "assess all the existing and relevant information available … relating to the state of disarmament in Iraq", and make recommendations to re-establish an effective regime;
- a panel on humanitarian issues to "assess the current humanitarian situation in Iraq and make recommendations" for improvements; and
- a panel on prisoners of war and Kuwaiti property which would "make an assessment … of Iraqi compliance" and make recommendations.[304]

777. The panel on "disarmament and current and future ongoing monitoring and verification" reported on 27 March.[305]

778. The report stated that the panel's "main objective" was "to make recommendations … on how … to reestablish an effective disarmament/ongoing monitoring and verification [OMV] regime in Iraq". To meet that remit, it had considered "refocusing … the approach towards disarmament/ongoing monitoring and verification, without departing from the existing framework of rights and obligations laid down in Security Council resolutions" as a way "to enlarge the scope of policy options" for the Council. While the panel "could not ignore the political and … legal context", its recommendations were technical.

779. The report briefly rehearsed the panel's discussions on what UNSCOM and the IAEA had achieved and the priority issues which remained, noting that "different shades of opinion were expressed". It concluded that it would be possible to pursue "the resolution of remaining issues" within an OMV framework.

780. The panel acknowledged that "some uncertainty" would be "inevitable", and the extent to which that would be acceptable would be "a policy judgement".

781. The panel suggested changes to the practices and procedures of UNSCOM to ensure an effective and credible system, including:

---

[303] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 135.
[304] UN Security Council, 30 January 1999, 'Note by the President of the Security Council' (S/1999/100).
[305] UN Security Council, 30 March 1999, 'Letter dated 27 March 1999, from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council' (S/1999/356).

- restructuring the Commission as a collegiate body which could provide the Executive Chairman with independent advice, guidance and general oversight as agreed by the Security Council;
- recruiting staff as international civil servants in accordance with the provisions of the UN Charter;
- training programmes, including "Particular emphasis … on the importance of understanding national sensitivities";
- ensuring that the Commission's relationship with intelligence providers should be "one-way only";
- ensuring that public comment was "limited and restricted to the factual", leaving "political evaluations or comments that carry obvious political implications" to the Security Council.

782. The panel also noted that "the longer inspection and monitoring activities remain suspended, the more difficult the comprehensive implementation of Security Council resolutions becomes". This increased "the risk that Iraq might reconstitute its proscribed weapons programmes or retain proscribed items" and, if that risk materialised as a result of the absence of inspections, it "would have extremely negative consequences for the credibility of international non-proliferation efforts in general, and for the credibility of the United Nations and IAEA in particular".

783. The panel added that it was:

> "… essential that inspections teams return to Iraq as soon as possible. The current absence of inspectors in Iraq has exponentially increased the risk of compromising the level of assurance already achieved, since it is widely recognised that the re-establishment of the baseline [of the status of Iraq's activity] will be a difficult task. The loss of technical confidence in the system could become irretrievable."

784. The panel concluded that the "effectiveness of the monitoring and verification regime" depended on its being "comprehensive and intrusive" with the "full exercise of the rights of full and free access set forth in relevant Security Council resolutions". At the same time, the mandate should be "carried out objectively in a technically competent and thorough manner with due regard to Iraqi sovereignty, dignity and sensitivities".

785. "Given the difficulties experienced in the past" this was likely to require "firm and active support by the Security Council":

> "To be effective, any system has to be deployed on the ground, which is impossible without Iraqi acceptance. How this acceptance will be obtained is the fundamental question before the Security Council."

786. The final reports of the panels on humanitarian issues and prisoners of war and Kuwaiti property were delivered on 30 March.[306]

787. Work began in the Security Council to follow up the recommendations of the three Amorim panels, but agreement proved elusive. A number of different approaches and draft resolutions were discussed informally over the following months and it was eventually decided that the subject should be remitted to the P5, although not all the elected members were happy with that approach.[307]

788. Sir Jeremy Greenstock told the Inquiry:

> "Under initiatives proposed by Canada and Brazil, the Council again attempted to complete a comprehensive review of the degree of Iraqi compliance with the relevant resolutions. This laid the ground for a long negotiation, mostly between the Permanent Members of the Security Council, over the creation of a new inspection organisation for Iraq. The US and UK argued for continuation of the regime stemming from SCR 687, but with tougher measures to ensure co-operation with and access for the inspectors, under the continuing threat of sanctions if Iraq did not comply; while Russia, France and China opposed the continuation of sanctions, but were interested in getting the inspectors back into the country."[308]

Mr Blair's Chicago speech

789. In the context of a visit to the US, for a Summit in Washington to mark the 50th anniversary of NATO's creation and an attempt to persuade the US that ground forces were needed in Kosovo, Mr Blair made a widely publicised speech to the Economic Club of Chicago on 23 April 1999.[309]

790. In response to a request from Mr Jonathan Powell (Mr Blair's Chief of Staff), Sir Lawrence Freedman submitted ideas for the speech. These were set out in the attachment to Sir Lawrence's letter to Sir John Chilcot on 18 January 2010.[310]

791. Mr Blair argued that globalisation was not just economic it was also a political and security phenomenon. This meant that problems could only be addressed by international co-operation. New rules were needed for that, and new ways of organising international institutions. The time was right to work in earnest "in a serious and sustained way" on the principles of the doctrine of "international community" and on the institutions that delivered them.

---

[306] UN Security Council, 30 March 1999, 'Letter dated 27 March 1999, from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council' (S/1999/356).
[307] UN Security Council, '4084th Meeting Friday 17 December 1999' (S/PV.4084).
[308] Statement, November 2009, page 2.
[309] Speech, Blair, *Doctrine of the International Community*, 23 April 1999.
[310] Paper Freedman [undated], 'Chicago Speech: Some Suggestions'.

792. In a reference to international security, Mr Blair identified "two dangerous and ruthless men – Saddam Hussein and Slobodan Milosevic" as the cause of "many of our problems". Iraq had been "reduced to poverty, with political life stultified through fear". Mr Blair suggested that international security should be addressed at the NATO Summit by establishing a new framework:

> "No longer is our existence as states under threat … our actions are guided by a more subtle blend of mutual self-interest and moral purpose in defending the values we cherish. In the end values and interests merge. If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interest too.
>
> "The most pressing foreign policy problem we face is to identify the circumstances in which we should get actively involved in other people's conflicts. Non-interference has long been considered an important principle of international order. And it is not one we would want to jettison too readily … But the principle of non-interference must be qualified …
>
> "So how do we decide when and whether to intervene."

793. Mr Blair set out "five major considerations" to guide such a decision:

> "First, are we sure of our case? War is an imperfect instrument for righting humanitarian distress; but armed force is sometimes the only means of dealing with dictators. Second, have we exhausted all diplomatic options? We should always give peace every chance, as we have in the case of Kosovo. Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake? Fourth, are we prepared for the long term? In the past, we talked too much of exit strategies. But having made a commitment we cannot simply walk away once the fight is over; better to stay with moderate numbers of troops than return for repeat performances with large numbers. And finally, do we have national interests involved?"

794. Mr Blair argued that acts of genocide could never be a purely internal matter, and that when oppression produced massive flows of refugees which unsettled neighbouring countries, that could "properly be described as 'threats to international peace and security'"; a reference to the provisions of the UN Charter (see Box, 'The Charter framework for the use of force', earlier in this Section).

795. The five considerations were not to be "absolute tests"; they were the "kind of issues we need to think about in deciding in the future when and whether we will intervene".

796. Mr Blair also argued that the new rules would only work if there were reformed international institutions to apply them and that "If we want a world ruled by law and by international co-operation then we have to support the UN as its central pillar."

797. In a message specifically to the US, Mr Blair warned that "those nations which have the power, have the responsibility" and that the US should "never fall again for the doctrine of isolationism". He added:

> "… in Britain you have a friend and an ally that will stand with you, work with you, fashion with you the design of a future built on peace and prosperity for all, which is the only dream that makes humanity worth preserving."

798. The speech attracted considerable attention and acclaim, including in the US. In his memoir, Mr Blair described it as "an explicit rejection of the narrow view of national interest".[311] The Inquiry addresses the military intervention in Iraq in relation to the principles set out in the speech and Mr Blair's message to the US in Section 3.

Cabinet discusses Iraq strategy, May 1999

799. Mr Cook and Mr Robertson circulated a Joint Memorandum on Future Strategy towards Iraq to members of DOP on 17 May 1999.[312] It set out the short, medium and long-term objectives for UK policy against a background of international concern about the adverse humanitarian impact of sanctions and a shortfall in "Oil-for-Food" revenues (US$4bn in the previous year) against assessed need (US$10.6bn per annum recommended by Mr Annan). There had been "extensive deterioration of essential infrastructure and social services, a sharp decline in industrial and agricultural output and worsening social indicators". The Joint Memorandum identified the Government's policy objectives towards Iraq since 1991 as:

> "… in the short term, to reduce the threat Saddam poses to the region, including by eliminating his Weapons of Mass Destruction (WMD) programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law-abiding member of the international community."

800. The Joint Memorandum recorded that the UK had sought to achieve those aims "by a policy of containment, through active support of UNSCOM/IAEA efforts to complete WMD disarmament in Iraq, diplomatic pressure and sanctions, backed by the threat and, as necessary, use of military force". That had been the US approach "although they flirt with a harder line".

801. On the success of that policy and its longer-term prospects, the Joint Memorandum stated:

> "Containment has kept the lid on Saddam … But containment has disadvantages: it does not produce rapid or decisive results; it is resource-intensive, requiring constant diplomatic effort and a significant military presence; and it is not always

---

[311] Blair T. *A Journey*. Hutchinson, 2010.
[312] Joint Memorandum Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, 'Iraq: Future Strategy'.

easy to justify to public opinion, as criticisms of UK/US air strikes and of the humanitarian impact of sanctions has shown."

802. Addressing future policy, the Joint Memorandum stated:

"However difficult it may become to sustain a policy of containment, it is not clear what the alternative would be. To simply walk away from the problem would be an admission of failure, and leave Saddam free to pose once more a major threat to regional security and British interests. On the other hand, a policy of trying to topple Saddam would command no useful international support …

"Containment, therefore, remains the only viable option for achieving our policy objectives. *If* Iraq complied with UNSCRs, we should then lift sanctions …

"If, on the other hand, Iraq does not co-operate with the UN (let alone comply with the UNSCRs), we face the prospect of indefinite containment from outside Iraq, based on sanctions, external monitoring and control, and the threat of military force if Saddam seeks to threaten his neighbours or reconstitute his WMD capabilities …"

803. The Joint Memorandum recommended that securing international support would require a willingness to agree a package of measures "which 'middle-ground' UNSC opinion would regard as reasonable". It suggested a draft UNSCR, offering a balanced package based on increasing and improving the "Oil-for-Food" programme, the prospect of permitting foreign investment in Iraq's oil infrastructure to increase output, and the possible suspension of export restrictions in return for co-operation and substantial progress towards compliance and effective arms control with some prospect of sanctions lift. The ideal would be an in-country arms control regime but "not at any price": the UK should continue to press the US to offer "light at the end of the tunnel", but not "buy Iraqi co-operation by prematurely suspending or lifting sanctions".

804. The Joint Memorandum concluded that the policy of containment remained the only viable way to pursue the UK's policy objectives. Iraq was unlikely to accept the package immediately but "might be persuaded to acquiesce eventually".

805. Ms Clare Short, the International Development Secretary, commented that containment would not solve the pressing issue of ensuring that the basic needs of the Iraqi people were met; and that, although there had been "an extensive exchange of correspondence", she hoped it would be "possible to have the opportunity to discuss these very difficult issues with Ministerial colleagues".[313] Mr Phillip Barton, a No.10 Private Secretary, advised Mr Blair that there was no need for a DOP discussion "unless you [Mr Blair] particularly want one".[314] Mr Blair endorsed the conclusions of

[313] Letter Smith to Packenham, 24 May 1999, 'Iraq, the Way Forward'.
[314] Minute Barton to Prime Minister, 27 May 1999, 'Iraq: Future Strategy'.

the Joint Memorandum,[315] and a revised draft UNSCR, including language on sanctions suspension, was agreed.[316]

Resolution 1284 (1999)

806. Throughout 1999, debate and negotiation continued in the UN Security Council about the degree of Iraqi compliance with UN resolutions and the creation of a new inspection organisation to replace UNSCOM against a background of growing unpopularity for sanctions and the desire of a number of States, including P5 members, to remove sanctions and resume normal relations with Iraq.

807. The deadlock on a resolution addressing all the outstanding issues on Iraq led to difficulties in agreeing the bi-annual rollover of the "Oil-for-Food" programme and the adoption, on 19 November, of resolution 1275 (1999) which extended the programme until 4 December. That was followed on 3 December by resolution 1280 (1999), which extended the regime for a further seven days to allow extra time for negotiations among the Permanent Members on a "comprehensive resolution".

808. Mr Dejammet stated that the draft resolution, which had been submitted by the US, was drafted in such a way that it would be incapable of implementation, and that France had been told that the vote was being used to bring pressure to bear on the members of the Security Council in relation to discussions on a separate resolution (the resolution which became resolution 1284).

809. Mr Tan Sri Hasmy Agam, Malaysian Permanent Representative to the UN, stated that the seven-day extension clearly established a linkage to the discussions on the comprehensive resolution. Malaysia was unhappy about the underlying assumptions of that linkage, including that the difficulties could be resolved within a week when the Permanent Members of the Council had already been discussing a draft for five months and had not reached agreement.

810. Mr Gennadi Gatilov, Russian Deputy Permanent Representative to the UN, referred to an earlier Russian draft resolution proposing an extension of UN humanitarian operations in Iraq, reflecting recommendations from the UN Secretary-General and the recommendations of the humanitarian panel chaired by Mr Amorim. Russia regarded the attempt to set "artificial time limits" on the need to reach agreement on the remaining serious problems in the comprehensive resolution as "totally inappropriate".

811. Mr Qin Huasun stated that the resolution was "mainly intended to force the Council to adopt, as soon as possible, a new omnibus resolution on Iraq". China was "extremely dissatisfied and disappointed" by the deadlock, but the unilateral military strike in December 1998 was the "main reason" the UN arms-verification programme

---

[315] Letter Barton to Barrow, 2 June 1999, 'Iraq: Future Strategy'.
[316] Letter Barton to Barrow, 14 June 1999, 'Iraq: Future Strategy'.

had been suspended and those countries which had launched those strikes "should now show flexibility".

812. Resolution 1284, adopted on 17 December, welcomed the reports of the three panels chaired by Mr Amorim, which had been subject to "comprehensive consideration" by the Council, and stressed the "importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions … and the need for Iraqi compliance with those resolutions".[317]

813. The resolution also acknowledged the "progress made by Iraq towards compliance with the provisions of resolution 687", but noted that "as a result of its failure to implement the relevant Council resolutions fully, the conditions do not exist which would enable the Council to take a decision … to lift the prohibitions referred to in that resolution".

814. The resolution comprised four sections: disarmament; repatriation of Kuwaiti and third-country nationals and property; the humanitarian situation; and the arrangements for considering the suspension and lifting of sanctions.

815. The provisions on disarmament included that the Security Council:

- decided to replace UNSCOM with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which would operate as the Amorim panel recommended, to provide "a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues";
- reaffirmed the role of the IAEA;
- reaffimed the provisions of relevant resolutions requiring Iraq's compliance and affirmed that Iraq's obligations to co-operate with the Special Commission would apply in respect of UNMOVIC;
- decided "in particular" that Iraq should "allow UNMOVIC teams immediate, unconditional and unrestricted access" to all sites or facilities it wished to inspect and to all individuals under the authority of the Iraqi Government it wished to interview;
- requested the Secretary-General to appoint an Executive Chairman and, in consultation with him and Council members, to appoint "suitably qualified experts as a College of Commissioners for UNMOVIC" which would "meet regularly to review the implementation" of the resolution and other relevant resolutions, and "provide advice and guidance to the Executive Chairman, including on significant policy decisions and on written reports to be submitted to the Council through the Secretary-General";

[317] UN Security Council resolution 1284 (1999).

- requested the Executive Chairman to put forward proposals for the organisation of UNMOVIC within 45 days of his appointment;
- decided that UNMOVIC and the IAEA would, "not later than 60 days after they have both started work in Iraq", each draw up a work programme for the discharge of their mandates for approval by the Council; the programmes would "include both the implementation of the reinforced system of ongoing monitoring and verification, and the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations";
- further decided that what was "required of Iraq for the implementation of each task shall be clearly defined and precise";
- requested the Executive Chairman of UNMOVIC and the Director General of the IAEA were also to review and update the list of items and technology controlled by resolution 1051 (1996); and
- requested the Executive Chairman of UNMOVIC to "report immediately when the reinforced system of ongoing monitoring and verification [OMV] is fully operational in Iraq".

816. The resolution reiterated Iraq's obligations in respect of Kuwait and third-country nationals and property, and called on the Government of Iraq to resume co-operation with the Tripartite Commission and asked the Secretary-General to report to the Council every four months on Iraq's compliance.

817. The provisions on humanitarian issues included:

- abolishing the ceiling on the export of Iraq's petroleum and petroleum products by authorising States to permit the import of "any volume", notwithstanding the provisions of resolution 661 (1990);
- deciding that only items subject to the provisions of resolution 1051 (1996) would need to be submitted for approval to the Committee established by resolution 661 (1990), and requesting that Committee to appoint a group of experts which would be mandated speedily to approve "contracts for the parts and equipments necessary to enable Iraq to increase its exports of petroleum and petroleum products";
- requesting the Secretary-General to maximise the benefits of the arrangement set out in resolution 986 (1995) and to ensure that all supplies under the humanitarian programme were utilised as authorised;
- calling on the Government of Iraq to:
  - "take all steps to ensure the timely and equitable distribution of humanitarian goods";
  - "address effectively the needs of vulnerable groups … without any discrimination";
  - "prioritise applications for humanitarian goods";

- "ensure that those involuntarily displaced receive humanitarian assistance"; and

- requesting the Secretary-General to establish a group of experts, to report within 100 days of the adoption of the resolution, "on Iraq's existing petroleum production and export capacity and to make recommendations … on alternatives for increasing" that capacity.

818. Finally, the resolution expressed the Council's intention "upon receipt of reports from the Executive Chairman of UNMOVIC and the Director General of the IAEA" that Iraq had "co-operated in all respects with UNMOVIC and the IAEA and in particular in fulfilling the work programmes …. for a period of 120 days after" the reinforced system of OMV was reported to be fully operational, to "suspend" sanctions on the import of materials originating in Iraq or the export of items to Iraq (other than those referred to in paragraph 24 of resolution 687 (1991) or controlled by the mechanism established by resolution 1051 (1996)), "for a period of 120 days renewable by the Council". Action to suspend sanctions would be considered "no later than 12 months" from the adoption of the resolution, "provided the conditions set out" in this paragraph had been "satisfied by Iraq".

819. The draft resolution had been tabled by the UK, and many members of the Council praised the skill and perseverance of Sir Jeremy Greenstock and his delegation in producing a draft which the majority of the Council could support after almost a year of deadlock on Iraq.[318] It is clear, however, that there were still significant differences about the interpretation of the resolution and the way ahead. As a result, China, France, Malaysia and Russia abstained in the vote, but there was no veto.

820. Mr Lavrov explicitly blamed the use of force by the US and UK in December 1998 for the deadlock in the Council, stating that the action had been "provoked by the biased and tendentious report" from UNSCOM. Russian proposals in April 1999, for a draft resolution approving the recommendations of the Amorim panels and instructing the Secretary-General "to prepare practical steps for implementing them", had been "blocked by those who wanted … to continue using the burden of anti-Iraq sanctions in order to attain their own unilateral goals, going beyond the scope of United Nations decisions".

821. Mr Lavrov welcomed the provisions to suspend sanctions, the "radical improvements in the humanitarian programme", and the measures related to speeding up action on missing persons and Kuwaiti property. He also welcomed the corrections to "harmful provisions" in previous drafts of the resolution, including:

- removing the "discredited argument about full co-operation"; Russia had "always stressed that the wording 'full co-operation'" was "extremely dangerous", and "Nobody has forgotten that it was under the pretext of an absence of full

[318] UN Security Council, '4084th Meeting Friday 17 December 1999' (S/PV.4084).

co-operation from Iraq that the former Special Commission provoked large-scale strikes by the United States and Great Britain against Iraq in December last year, circumventing the Security Council";

- introducing a "clarification … to the effect that progress on the remaining disarmament tasks – not their virtual completion – would be grounds for assessing the conditions necessary to the suspension of sanctions"; vague wording in an earlier draft would have "provided certain members of the Council" with "an opportunity to … require virtually full completion of the key disarmament tasks … and then, on that pretext, to postpone suspension endlessly";
- removing wording about "control of the financial aspects of the suspension, which essentially predetermined the continuation of the sanctions regime in another guise"; and
- spelling out more clearly the reference to Chapter VII "so as not to provide any legal grounds for unilateral actions of force against Iraq contrary to positions held in the Security Council".

822. Russia could not support the draft resolution because of "deficiencies of the draft resolution and some hidden dangers that remain" and it would "not forget that certain countries still have their own agendas with respect to Iraq that may be at variance with the collective position of the Security Council". The Council had "never authorized the establishment of the 'No-Fly Zones'", nor had it authorised "subversive acts against the Iraqi Government". If the Council sought "truly new approaches … to a long-term settlement in the Gulf, such illegal, unilateral actions must end".

823. But Russia had decided "not to hinder" adoption of the resolution because "serious changes" had been introduced which offered "an opportunity to break the Iraqi stalemate".

824. Mr Lavrov warned:

> "The fact that we are not blocking the adoption of this imperfect draft resolution should not be taken to indicate that we are obliged to play along with attempts to impose its forcible implementation …
>
> "… Judging from existing objective assessments, Iraq is already no threat to international and regional peace and security. In any event, no concrete proof has been submitted to the Council in recent years.
>
> "It is now up to the Security Council to act objectively and in an unbiased way …
>
> "… it is important that … it has been possible to avoid a split … and to confirm the key role of the Council in the political settlement of the most important problems of the world today … Russia will continue to do its utmost to strengthen that role."

825. Mr Hasmy stated that the issue before the Council was "not just … asserting its authority and reclaiming its credibility … but equally importantly … restoring confidence

and trust between the Council and Iraq". The draft resolution did not incorporate concerns expressed by Malaysia and others, including:

- the omission of financial modalities;
- the vague language "full of conditionalities" in respect of the triggering of suspensions;
- the absence of a definite benchmark or timeframe for the final lifting of sanctions;
- the indefinite continuation of the sanctions which violated "the very spirit and purposes" of the UN Charter;
- the improvements in arrangements for humanitarian programmes which were "selective" and would "only lead to incremental improvements and address a small fraction of the needs of the Iraqi people"; and
- Malaysia's proposal that the Council should give a hearing to Iraq's views, on the basis that "engaging Iraq, rather than isolating and demonizing it".

826. The draft resolution was:

> "… driven largely by political, rather than humanitarian, considerations. It is aimed at keeping Iraq under continued isolation rather than bringing it out into the mainstream of international life … The language of the draft resolution is ambiguous in some important parts, so that it may lend itself to unilateral interpretation and/or action in its implementation, which must be avoided."

827. Mr Qin Huasun stated that three core issues would have to be addressed in formulating new policies on Iraq:

- An "objective, impartial, transparent and accountable" inspection commission should replace UNSCOM which "under the leadership of its previous Executive Chairman … continuously concealed information from the Council, deceived and misled the Council and even went so far as to act presumptuously without authorisation by the Council, thus playing a dishonourable role in triggering the crisis".
- The remaining disarmament issues should be "defined clearly and precisely and resolved gradually and effectively".
- There was "an urgent need to relieve the … tremendous, inhumane suffering" of the people of Iraq.

828. Mr Qin Huasun added that those issues could be resolved only if the resolution could be implemented; and that was "highly questionable" because it did not give Iraq the "light at the end of the tunnel". The Council was being "rushed … into action" which would "not help to resolve" the issue. Nor would it "really help to preserve the authority and role of the Council". There had been "a worrying trend" over the past year. Iraq and Kosovo had "clearly demonstrated that the wilful use of force, especially unilateral

actions taken without the Council's authorisation", severely damaged the status and authority of the Council and complicated the situation.

829. Mr Qin Huasun concluded by calling for an end to the NFZs, which flew "in the face of international law and the authority of the Council".

830. Mr Dejammet stated that France had observed in January 1999 that the top priority was the restoration of security and stability with the "long-term presence on the ground of professional inspectors" to prevent the arming of Iraq and ensuring that sanctions did not punish the Iraqi population. The Council had agreed that the "relationship between Iraq and the United Nations needed to be set on a new footing".

831. Mr Dejammet stated that the draft resolution called upon Iraq "to accept the return of the inspectors without knowing what arrangement will exist in the period after suspension". If the interpretations of the text diverged, the Chairman of the new Commission would not be able to carry out his mandate and it was not clear how the Council would be able to reach a decision on when sanctions should be suspended.

832. Mr Burleigh stated that the resolution did not raise the bar on what was required of Iraq on disarmament, but nor did it lower it. There was no lack of clarity about the sequence of events, Iraq's compliance "must precede all else". Identifying the "key remaining disarmament tasks" needed to be addressed. If Iraq fulfilled those tasks and met the requirements in the resolution:

> "… the Council, including the United States, can decide whether to recognize that co-operation and compliance by suspending sanctions.
>
> "Similarly, if Iraq meets the full range of obligations … the Council can make a decision regarding the lifting of sanctions."

833. Mr Burleigh added that the US was "not seeking an excuse to use force", but Iraq held the key. The US had "no illusion that the Iraqi regime" was "likely to change its spots". Compliance was "highly unlikely" while Saddam Hussein remained in power.

834. Mr Burleigh also stated that, before sanctions could be suspended, there would be a need to decide the exact terms for lifting prohibitions to "prevent any revenues from being diverted for prohibited purposes" and "effective control measures" for civilian imports into Iraq were of the "utmost importance".

835. Mr Jassim Mohammed Buallay, Bahraini Permanent Representative to the UN, drew attention to the fact that Iraq "had already declared its total rejection of the resolution".

836. Mr Peter van Walsum, Dutch Permanent Representative to the UN, said that the statements of the Iraqi authorities gave no indication that they would be prepared to co-operate "other than on the basis of an unconditional lifting of the sanctions, and no member of the Council has shown any readiness to meet that condition". He also

disputed the suggestion that Iraq could not see light at the end of the tunnel. The existing resolutions already clearly illuminated "the exit" and the present resolution added "significantly to that by offering Iraq a possible suspension of sanctions well before full compliance". But co-operation was not "a question of attitude" but about "performance"; and he thought it was "not realistic to expect an early positive signal from Baghdad".

837. Sir Jeremy Greenstock stated that holding Iraq to its obligations and containing the threat to the peace and security of the region was "one of the most important responsibilities of the international community, and in particular of the Security Council". Throughout 1999, the Council had worked to find a "new approach" to business with Iraq which was "firmly set in the framework of a collective responsibility exercised within the United Nations". The resolution preserved "the original disarmament standards for Iraq" and met humanitarian concerns while belatedly recognising "just how dire Iraq's response has been to its obligations with regard to missing Kuwaiti citizens and property". "Most significantly", it set out "a series of clear, logical steps, using the new concept of suspension to bring Iraq out of sanctions and back into the international community". But that would happen "only if Iraq at last begins to act according to the rules of international law"; and its track record and recent rhetoric were "hardly encouraging".

838. Sir Jeremy concluded by calling for full support in the Council in bringing the provisions of the mandatory resolution into effect, for the benefit of "the peoples of Iraq and of the region" and in the "interests of the future authority" of the UN.

839. The UK's short-term objective had been "an agreed Security Council approach on the way forward … allowing us to draw a line under the differences which developed over Operation Desert Fox".[319]

840. A note for No.10 on the background to the inspections process, produced in March 2002 by FCO Research Analysts, stated that the "main feature" of resolution 1284 was that it offered Iraq "a suspension of sanctions in return for co-operation with the weapons inspectors, including progress on key disarmament tasks", in contrast to resolution 687 (1991) which offered lifting of sanctions "only when the inspectors say disarmament is complete".[320] Iraq regarded the latter as "an unattainable goal", claiming that the resolution was "so ambiguous" that the US could "easily deny" that co-operation had been "adequate".

841. The paper also stated:

> "We recognise there are ambiguities … They are there for a good reason: the P5 was unable to reach agreement. If positions remain as entrenched as they were during … negotiations, there is little prospect of the situation changing …"

---

[319] Letter Goulty to McKane, 20 October 2000, [untitled].
[320] Letter McDonald to Manning, 15 March 2002, 'Iraq' attaching Paper FCO, [undated], 'Iraq: Weapons Inspectors'.

842. Mr Ekéus commented to the Inquiry that the Security Council had "dissolved … arguably [the] most successful inspection regime in disarmament history" and suggested it was "the British Government and its Foreign Secretary Robin Cook that enforced the dissolution of UNSCOM … in spite of American doubts and hesitations".[321]

UNMOVIC begins work

843. Dr Hans Blix, the Director General of the IAEA until November 1997, was appointed Executive Chairman of UNMOVIC and took up his appointment in New York on 1 March 2000.

844. Dr Blix wrote:

> "The inspectors were gone. The sanctions were condemned by a broad world opinion and … they had become less painful, and were eroding … The revenues from the Oil-for-Food Program provided many billions of dollars and huge purchase orders were so placed as to produce maximum political benefit – or punishment."[322]

845. In an interview published in March 2000, Mr Ekéus stated that UNSCOM had been "highly successful", but had not destroyed "everything"; and the "contradictions" in Iraq's declarations meant that there was "reason to be careful".[323] There was "new information about procurement efforts by Iraq" and useful information from individuals who had left Iraq.

846. Mr Ekéus added that, in his view, there were "no large quantities of weapons". Iraq was not "especially eager in the biological and chemical area to produce such weapons for storage" because it viewed them as "tactical assets" and its aim was "to keep the capability to start up production immediately should it need to".

847. Mr Ekéus stated that it was "striking" that resolution 1284 (1999) said "nothing about investigation and elimination" of Iraq's prohibited weapons, but focused on monitoring activities. The Security Council was trying to get UNMOVIC "to be more precise" about its tasks. He considered that Iraq would "probably co-operate" if it judged the provisions on suspending sanctions were acceptable. The unity of the Security Council was essential; political problems in the Council were "the single, dominant and only reason" for the failure of UNSCOM.

848. In his statement to the Inquiry, Sir Jeremy Greenstock wrote:

> "In 2000, little new work was done on Iraq, with the Security Council largely exhausted with the subject … Sanctions continued, but the regime remained vulnerable to Iraqi non-co-operation and deceit and the feeling that sanctions

---

[321] Statement, 23 April 2011, pages 4-5.
[322] Blix H. *Disarming Iraq*. Bloomsbury, 2004.
[323] Arms Control Association, March 2000, 'Shifting Priorities: UNMOVIC and the Future of Inspections in Iraq: An Interview with Ambassador Rolf Ekéus'.

were gradually unravelling increasingly took hold internationally. The Oil-for-Food programme also attracted greater criticism because of the loopholes and corruption which surrounded the handling of the programme in Iraq. And the Security Council remained divided."[324]

849. Sir Jeremy also wrote that UNMOVIC had stronger investigative powers than UNSCOM and that the abstentions had diminished the political force of the resolution.

850. Mr Tom McKane, Principal Private Secretary to the Defence Secretary from 1997 to 1999 and subsequently the Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office from 1999 to 2002, told the Inquiry that the resolution was:

"… designed to make progress on controlling Iraq's WMD while at the same time alleviating the impact of sanctions on the Iraqi people by lifting the ceiling on Iraq's oil exports under the Oil-for-Food programme".[325]

851. Mr McKane subsequently told the Inquiry that, after resolution 1284 until the spring of 2001, there was a sense that Iraq was in "a more manageable state" and "didn't need urgent day-to-day attention".[326]

852. The UK's short-term objective in 1999 had been "an agreed Security Council approach on the way forward, allowing us to draw a line under the differences which developed over Operation Desert Fox".[327]

853. Although resolution 1284 was a step forward for the Security Council and a hard-won compromise, it did not bridge the gap between opposing viewpoints.

---

[324] Statement, November 2009, page 2.
[325] Statement, 8 December 2010, page 2.
[326] Public hearing, 19 January 2011, pages 26-27.
[327] Letter Goulty to McKane, 20 October 2000, 'Iraq' attaching Paper FCO, 'Iraq: Future Strategy'.

SECTION 12.1

SECURITY SECTOR REFORM

Contents

Introduction 66
- Pre-conflict consideration of SSR 67
- SSR planning during the build-up to invasion 79
- Planning the deployment of police officers 85

SSR across Iraq: after the invasion 88
- De-Ba'athification 93
- Views on SSR: May 2003 100
- SSR roles and responsibilities in Iraq 107
- UK policing strategy: summer 2003 108
- Training of the Iraqi Police Service begins 113
- New Iraqi security structures 115
- Global Conflict Prevention Pool Strategy 120
- Policing strategy: Iraqiisation 122
- Concerns about strategy 129
- The military take control of police reform 137
- Security worsens and Iraqi Security Force weaknesses are exposed 141
- Restructuring in advance of transfer of sovereignty 149

SSR in the South: after the invasion 153
- Problems deploying police officers 155
  - The deployment of DCC White 163
- SSR progress by October 2003 167
- Prison reform 170
- The position in the South leading up to the transfer of sovereignty 172

SSR across Iraq: summer 2004 to summer 2006 175
- UK, US and Iraqi plans for SSR 177
- UK assessments of the Iraqi Security Forces in late 2004 183
  - Further concerns about Iraqiisation 185
- Suggestions for improvements in SSR 191
  - Justice sector concerns 198
- Delays in transferring security 199
- The "Luck Review" and strategy for 2005 204

The "Transition to Self Reliance" 208
2005 policing strategies 209
Strategic Conflict Assessment and SSR project review 219
The Iraqi Transitional Government 220
Police and judicial reform 221
Request for an "honest assessment" 223
Corruption, infiltration and abuse 227
The Jadiriyah bunker 229
2006 as the "Year of the Police" 233
The rise in sectarianism 236

SSR in the South: summer 2004 to summer 2006 237
A decline in security 240
Prison Service support in southern Iraq 242
UK equipment for the Iraqi Security Forces: Project OSIRIS 244
Police reform 247
Considering whether to embed personnel in Iraqi units 248
Concerns about strategy 251
Restructuring SSR 254
Raising concerns with the Iraqis 257
UK equipment for the Iraqi Security Forces: Project OSIRIS II 263
Legacy in the South 265
The impact of political and tribal matters on the police in the South 268
The Jameat incident and subsequent developments 270
The MOD takes the lead on policing 277
Strategic considerations in late 2005 283
Sir Ronnie Flanagan's review 285
Reforming the Iraqi Police Service: Operation CORRODE 288
Further reduction in troops 291
Policing reviews: ACC Barton and a Strategic Task Force 293

SSR across Iraq: summer 2006 to summer 2009 294
Formation of the Iraqi Government 294
Improving Iraqi Security Force build-up 295
An Iraqi security strategy 300
Dealing with the militias 302
Transition to Iraqi control of security begins 305
Iraqi Security Force assessments in late 2006 307
Developing the Ministry of Interior and Iraqi Ministry of Defence 309

Reform of the Facilities Protection Service 313
Iraq Forward Plan 314
Focus on the Iraqi Army 316
Expansion of the Iraqi Security Forces 316
The justice sector 320
Mid-2007 assessments of the Iraqi Security Forces 324
US views on the progress of Iraqi Security Forces 325
Improvements in Iraqi Security Force capability during 2007 and 2008 328
The Sons of Iraq 329
The UK's future bilateral relationship with Iraq 334
The strategy for 2009 335
SSR after the withdrawal of UK troops 337
SSR in the South: summer 2006 to summer 2009 338
State of emergency 338
Delivering a Better Basra 341
Problems with the 10th Division – mutiny and looting 343
Operations SALAMANCA and SINBAD 344
Civilian drawdown 351
Tackling the Serious Crimes Unit: Operation THYME 352
Early assessments of Iraqi Security Force performance in Op SINBAD 356
Planning to leave Basra City 361
Continuing concerns with the Basra justice system and Iraqi Police Service . 368
Updated Better Basra Plan 369
National Information and Investigation Agency raid 371
Assessments of Iraqi Security Force readiness for Provincial Iraqi Control 374
Transition in Basra 377
The security situation after British withdrawal 382
The absence of a criminal justice system in Basra 384
Withdrawal and Provincial Iraqi Control for Basra 385
Charge of the Knights 388
Basra 'Sons of Iraq' programme 393
The UK starts embedding troops with the Iraqi Army 394
The future of the Iraqi police in Basra 396
The US takes over SSR tasks in the South 397
Training of 14th Division completed 401
SSR in Maysan province 401
UK police officer numbers 2003 to 2009 408

Introduction

1. This Section addresses:

- the development of the UK's Security Sector Reform (SSR) strategies, policies and plans;
- the decision to disband the Iraqi Army;
- the UK contribution to US-led SSR strategy developed in Baghdad;
- the implementation of SSR in the South of Iraq; and
- the deployment of UK police officers to Iraq.

2. This Section does not address:

- broader planning and preparation for the conflict in Iraq and its aftermath, which is described in Section 6.5;
- the decision to remove some members of the Ba'ath Party from public office after May 2003, a process known as de-Ba'athification, which is described in Section 11.1;
- the UK contribution to the reconstruction of Iraq, which is described in Sections 10.1 to 10.3; or
- the wider deployment of civilians to Iraq, which is described in Section 15.1.

Definition of terms

Security Sector Reform

The term "Security Sector Reform" (SSR) is used in this report to refer to work to rebuild and reform Iraq's security and justice institutions. The Organisation for Economic Co-operation and Development (OECD) defines SSR as development work that helps societies to "escape from a downward spiral wherein insecurity, crime and underdevelopment are mutually reinforcing".[1]

The OECD defines the security and justice sectors to include the following:

- core security actors (for example, armed forces, police, gendarmerie,[2] border guards, customs and immigration, and intelligence and security services);
- security management and oversight bodies (for example, ministries of defence and internal affairs);
- justice and law enforcement institutions (for example, the judiciary, prisons, prosecution services, traditional justice systems); and
- non-statutory security forces (for example, guerrilla armies and private militias).

[1] OECD DAC, *Handbook on Security System Reform*, 2007.
[2] A gendarmerie is a military force charged with policing duties in a civilian population.

The term "Security Sector Reform" is not used consistently, and is sometimes used interchangeably with phrases such as "security system reform" and "Rule of Law". The term "Rule of Law" is often used to refer specifically to the justice sector.

Disarmament, Demobilisation and Reintegration

Disarmament, Demobilisation and Reintegration (DDR) programmes are designed to improve security and stability in post-conflict environments.[3] DDR aims to deal with the post-conflict security problem that arises when those who were fighting in a conflict (combatants such as soldiers or militia) are left without livelihoods or support networks.

DDR programmes usually include a process of removing weapons from combatants, taking combatants out of military structures and helping them to reintegrate into society, sometimes including integration into new security structures.

Iraqi Security Forces and Iraqi Police Service

The Iraqi Security Forces (ISF) includes both the Iraqi Army and the Iraqi Police Service (IPS). However, these terms are not used consistently and the ISF is sometimes used to refer solely to the Iraqi Army.

Police officers

For the purposes of the Report, the Inquiry has used the terms "civilians" and "police officers" but not "civilian police officers". That adheres to the widespread distinction between police officers from the wide range of staff working within police forces who are civilians.

Some of the documents referenced in the Report refer to "civilian police officers" as a way of describing serving police officers seconded to Iraq. It appears that this description is to draw a distinction between the military police (Royal Military Police and Ministry of Defence police) and police officers from territorial forces in England, Wales, Scotland and Northern Ireland. While the Inquiry may have reproduced the term "civilian police officers" (sometimes abbreviated to CivPol) in footnotes or in direct quotes, it has otherwise referred to "police officers" or "military police officers" in order to establish the same distinction.

Pre-conflict consideration of SSR

3. Planning and preparation for the post-conflict period is described in detail in Section 6.5. One of the earliest references to SSR in Iraq identified by the Inquiry is in a paper prepared for the Chiefs of Staff Strategic Think Tank on Iraq on 18 June 2002.[4] The paper, by the Ministry of Defence (MOD) Strategic Planning Group (SPG), was circulated to a limited number of senior MOD addressees.

[3] United Nations Disarmament, Demobilisation and Reintegration Resource Centre, 31 May 2005, *What is DDR?*

[4] Minute Driver to PSO/CDS, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 June' attaching Paper [SPG], 12 June 2002, [untitled].

4. The paper identified "post-conflict strategy" as one of eight components of a UK military strategy for Iraq, recognising the need to "acknowledge that there will be a post-conflict phase with an associated commitment, manpower and finance bill". Development of an SSR model, support for training and provision of equipment were identified as tasks to be undertaken in the "medium term (six months to two years)".

5. From 20 September, the Cabinet Office-led Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues. The creation and role of the AHGI is addressed in Section 2.

6. In preparation for the first meeting of the AHGI, Mr Jim Drummond, Assistant Head (Foreign Affairs) of the Cabinet Office Overseas and Defence Secretariat (OD Sec), wrote to Mr Desmond Bowen, Deputy Head of OD Sec, suggesting departmental responsibilities for different strands of post-conflict planning.[5] Mr Drummond proposed that reform of the security sector and civil service should be led by the MOD and the Department for International Development (DFID).

7. On 27 September, the AHGI discussed a Foreign and Commonwealth Office (FCO) paper on scenarios for the future of Iraq.[6] The paper stated:

> "… we would not expect the armed forces and security services to switch allegiance to any new government en masse in the event of wholesale regime change. It is more likely that key tribal leaders would seek to establish tribal/regional power bases."

8. The paper concluded that, in order to achieve its overarching priorities, the UK should "if possible avoid the root and branch dismantling of Iraq's governmental and security structures".

9. The AHGI called for the material on SSR in the paper to be expanded.[7]

10. The following week, the FCO produced a paper entitled 'Models for Administering a Post-Saddam Iraq'.[8] Early drafts described the military challenge of providing security, including starting a Disarmament, Demobilisation and Reintegration (DDR) programme (see Box, 'Definition of terms', earlier in this Section), but did not address comprehensive reform of the security sector.

---

[5] Minute Drummond to Bowen, 19 September 2002, 'Ad Hoc Group on Iraq (AHGI)'.
[6] Minute McDonald to Manning, 26 September 2002, 'Scenarios for the Future of Iraq after Saddam' attaching Paper, [undated], 'Scenarios for the Future of Iraq after Saddam'.
[7] Minute Dodd to Manning, 30 September 2002, 'Ad Hoc Group on Iraq'.
[8] Letter McDonald to Manning, 4 October 2002, 'Models for Administering a Post-Saddam Iraq' attaching Paper [draft] FCO, [undated], 'Models for Administering a Post-Saddam Iraq'.

11. A later version of the paper, provided to the AHGI on 11 October, contained an additional recommendation that:

> "… the US and Coalition partners would need to retain overall responsibility for Iraq's security for some time after the conflict. How the different security-related tasks (including Security Sector Reform) should be carried out and by whom needs further consideration."[9]

12. The record of the 11 October AHGI meeting did not mention SSR.[10] A document describing "contingency planning work" circulated alongside it recorded that the FCO was drafting a paper on the topic.

13. During October and November 2002, the FCO produced several drafts of a paper on SSR.[11] An early version, forwarded to the Cabinet Office on 18 October, listed a range of post-conflict security issues that would need to be addressed in Iraq, including:

"
- What security structures would be appropriate for a post S[addam] H[ussein] Iraqi Government? How do we arrive at an answer? What are the threats, internal and external? Should we undertake a comprehensive review of the armed forces?
- To what extent do the size, task and organisation of the new security structures depend on whether Iraq develops into a federation?
- …
- To what extent should the Kurds be integrated into the national structures? How might this be achieved?
- How do we replace an excessively large security apparatus with something 'right sized'? Reform or abolition? Which parts of the security apparatus might be loyal to a new government and which not?
- To what extent should we punish those members of the security apparatus who have committed crimes against the Iraqi people (eg torture)?
- Are we obliged to work with the new Iraqi Government on SSR or can it be imposed?
- How do we reform the working culture of the security sector so that it operates on the basis of humanitarian values in support of legitimate government?
- How can we resettle or rehabilitate those pre-Saddam individuals removed from the security sector so that they do not work clandestinely for the re-establishment of a S[addam] H[ussein]-type regime?"

---

[9] FCO Paper, [undated version received at AHGI, 11 October 2002], 'Models for Administering a Post-Saddam Iraq'.
[10] Minute Dodd to Manning, 14 October 2002, 'Ad Hoc Group on Iraq' attaching Paper, 14 October 2002, 'Whitehall Iraq Contingency Planning'.
[11] Letter Gray to Drummond, 18 October 2002, 'Papers for the AHGI' attaching Paper, 17 October 2002, 'Iraq: Security Sector Reform'.

14. The draft FCO paper on SSR informed a Cabinet Office paper of 1 November which explored what Iraq could look like after Saddam Hussein.[12] The Cabinet Office paper drew together strands of work from across Government and was written as a steering brief for talks on post-conflict issues in Washington with the US and Australia.

15. The paper assumed that the international community and UN would be willing to assist with reconstruction. Following a period of transitional military government (up to six months), the UN was expected to "rule" Iraq for about three years. SSR planning was considered in the context of preparation for a UN administration.

16. The paper stated:

> "There will need to be a Security Sector Reform process … Having dismantled Saddam's security apparatus, there will need to be a new one. This will require a comprehensive plan agreed with and led by the US. The judiciary will need a total rebuild as will the police. Decisions will need to be taken on the size and scope of the Army and intelligence services."

17. The first round of talks between the US and UK on post-conflict planning took place in Washington on 6 November.[13] Reporting on the talks to Sir David Manning, the Prime Minister's Foreign Policy Adviser and Head of the OD Sec, Mr Drummond wrote:

> "We are agreed on the need for rapid and comprehensive reform of existing security structures. Very few of the many current structures can be allowed to remain. We can expect the US to maintain a tight grip on this, but urged them to think about the wider security sector including police and the need to arrive with a plan (ie not as in Afghanistan)."

18. Mr Drummond chaired a meeting of the AHGI on 8 November.[14] The Washington talks were discussed in the meeting, but SSR was not.

19. In mid-December, the FCO Middle East Department produced a paper describing different models of interim administration for Iraq.[15] That was shared with the US on 12 December. The FCO identified "initiating Security Sector Reform, especially the reform of the police" as a "key element" that any international administration would need to address in the short term.

20. The FCO Middle East Department explored further the issue of SSR in a separate paper which was completed on 10 December.[16]

---

[12] Minute Drummond to Manning, 1 November 2002, 'Iraq: Post-Saddam' attaching Paper 'Iraq: Models and Some Questions for Post-Saddam Government'.
[13] Minute Drummond to Manning, 8 November 2002, 'Iraq: Day After'.
[14] Minute Dodd to Manning, 11 November 2002, 'Ad Hoc Group on Iraq'.
[15] Paper FCO Middle East Department, 12 December 2002, 'Interim Administrations in Iraq: Why a UN-led Interim Administration Would be in the US Interest'.
[16] Paper FCO Middle East Department, 10 December 2002, 'Iraq: Security Sector Reform'.

21. The final version of that SSR paper was produced in consultation with officials from the MOD and DFID.[17]

22. As in earlier drafts, the paper did not propose how to conduct SSR, but instead sought to identify which issues would need to be addressed by an SSR strategy.[18] Building on the earlier paper, it listed the issues in six categories:

- What security structures would be appropriate? That should be based on an assessment of the internal and external threats to Iraq, as well as consideration of its future constitutional shape and the relative affordability of its armed forces.
- Who should be in charge? The organisation of the international body that would manage SSR activity should be given a high priority, "ideally before military action". That body would need to interact closely with the post-conflict interim administration.
- Methodology. To what extent could reform be imposed by the US military or UN-led government, and how far should the exclusion of members of the Tikriti clan (Saddam Hussein's clan) be taken?
- DDR. Reducing the "bloated security sector" raised questions about resettling those who had been removed and identifying mechanisms to bring perpetrators of crimes against humanity to justice.
- Qualitative and quantitative change. How to reform the working culture of the security sector, "particularly the police and the courts, so that it operates on the basis of humanitarian values in support of a legitimate government"?
- Accountability. The new SSR structures should "ideally" be accountable to civilian control. Enshrining the principle of civilian oversight would be "key to establishing a fully accountable security apparatus".

23. The FCO offered some "provisional" conclusions, including:

"
- From the outset, SSR should be at the centre of post-conflict work, rather than outside it as happened in Afghanistan … we should begin discussing the mechanism for the international community's engagement in SSR before military action begins.
- As any SSR plan will have to address a number of complicated issues, we should set up a UK working group now to start the detailed assessment to enable us to engage with the US (and the academic community in the UK) on SSR.
- The new Iraqi administration should be involved as early as possible in the process so as to feel ownership of the new structures.

---

[17] Minute Dodd to Manning, 3 December 2002, 'Ad Hoc Group on Iraq'.
[18] Paper FCO Middle East Department, 10 December 2002, 'Iraq: Security Sector Reform'.

- There are some security organisations, staffed with Tikritis and Saddam's kinsmen and with a record of oppression, which should have no further future in a post-S[addam] H[ussein] Iraq.
- We need to find out more about the civilian police and the judiciary.
- Ministers will need to decide the level of engagement of the UK in SSR, given our limited and stretched resources."

24. The paper was tabled as a living document "open to comment and improvement" at the AHGI meeting on 13 December.[19] The AHGI was told that "a Whitehall working group on SSR in Iraq has now been established and can undertake further work". The SSR paper was one of four that the FCO had handed to Mr Zalmay Khalilzad, US National Security Council (NSC) Senior Director and Ambassador at Large to the Iraqi Opposition, "in an attempt to shape US thinking".

25. The second series of meetings between the UK, US and Australia to discuss post-conflict planning took place on 22 January 2003.[20] In preparation, the FCO Middle East Department drafted an "Annotated Agenda/overarching paper". That was submitted to Mr Jack Straw, Foreign Secretary, for approval of the "general line" that the UK proposed to take in discussion.

26. On SSR, the paper stated:

> "Our handling of the defeated Iraqi forces will be critical. We shall need a DDR plan for them, consistent with our vision for the future of Iraq's armed forces. Experience in Sierra Leone and Afghanistan has shown that we need to ensure consistency between first steps and a longer-term vision on Security Sector Reform. As well as ensuring the efficient use of our own resources, we shall want to find a way to allow partners to join in SSR implementation. Does this work require new impetus?"

27. Mr Straw approved the recommendations on 20 January. He reported that Mr Colin Powell, US Secretary of State, had told him the US working assumption was that the US and UK would be in Iraq for a long time after military action.[21]

28. The FCO paper was also shared with the US and Australia.[22]

29. On 16 January, Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, wrote to Mr Elliott Abrams, Senior Director for Near East and North African Affairs in the US NSC, to propose a draft agenda for the talks, attaching a copy of the

---

[19] Minute Dodd to Manning, 19 December 2002, 'Ad Hoc Group on Iraq'.
[20] Minute Chilcott to Chaplin and Private Secretary [FCO], 17 January 2003, 'Iraq: Day-after Issues'.
[21] Minute Private Secretary [FCO] to Chilcott, 20 January 2003, 'Iraq: Day-After Issues'.
[22] Letter Brenton to Abrams, 16 January 2003, 'US/UK/Australia Trilateral Talks on Iraq: 22 January 2003'.

paper.[23] The first suggested agenda item was security. “Key issues” for discussion included:

“
- how to dismantle Iraq’s secret security agencies, and to handle the defeated armed forces?
- how to provide legitimate and transparent law and order, and the necessary civil structures to deliver them?
- the co-operation of the Iraqi police …
- longer-term Security Sector Reform and DDR planning.”

30. Reporting to Mr Straw after the talks, Mr Edward Chaplin, FCO Director Middle East and North Africa, said that the exchanges had gone “better than expected”, but also explained that “as we suspected, apart from on humanitarian relief and immediate post-conflict reconstruction, the US have not yet made much progress on a lot of the day-after agenda”.[24]

31. No discussion of SSR was recorded in reports of the Washington talks to Ms Clare Short, International Development Secretary, or Mr Geoff Hoon, the Defence Secretary.[25] Neither was it referred to in the reporting telegram from the Embassy.

32. An FCO official who attended the talks reported to Mr Dominick Chilcott in the Middle East Department that the “key message” was that Mr Donald Rumsfeld, US Secretary of Defense, had ordered his staff to plan both the military and civil administration of Iraq, and that this work was “going ahead fast, whether we like it or not”.[26] Plans were expected to be signed off in about a week’s time. Once that had happened, the official judged that it would be “very difficult to reverse what had been decided”.

33. Following the talks, Mr Drummond proposed that six working groups should be established to “pursue issues which require further planning”.[27] None of those groups were tasked to consider planning for SSR.

---

[23] Letter Brenton to Abrams, 16 January 2003, ‘US/UK/Australia Trilateral Talks on Iraq: 22 January 2003’.
[24] Minute Chaplin to Secretary of State [FCO], 22 January 2003, ‘Iraq: ‘Day-After’ Issues’.
[25] Minute Chaplin to Secretary of State [FCO], 22 January 2003, ‘Iraq: ‘Day-After’ Issues’; Telegram 89 Washington to FCO London, 23 January 2003, ‘Iraq: US/UK/Australia Consultations on Day After Issues: 22 January 2003’; Minute Lee to PS/Secretary of State [MOD], 23 January 2003, ‘Aftermath: Visit to Washington’; Minute Miller to PS/Secretary of State [DFID], 23 January 2003, ‘UK/US/Australia talks, Washington: 22 January 2003’.
[26] Minute Middle East Directorate [junior official] to Chilcott, 6 February 2003, ‘Iraq: PJHQ Meeting on ‘Aftermath’.
[27] Letter Drummond to Chaplin, 23 January 2003, ‘Iraq: Working Groups’.

34. On 20 January, the MOD Permanent Joint Headquarters (PJHQ) proposed the creation of a 'Common Document' to provide a framework for UK Phase IV[28] planning.[29] That was conceived as a "cross-Government agreed UK 'manifesto', from which we would be able to guide subsequent engagement with the US". It would also provide a "mechanism for systematically identifying issues that needed to be resolved".

35. The draft described a number of elements of SSR work, including:

- disarmament/demobilisation and the future shape of the military;
- aspirations for the criminal justice system; and
- consideration of the military role in police mentoring.

36. The Chiefs of Staff discussed the Common Document at their meeting on 29 January and concluded that it "would establish a framework UK policy, which would … provide guidance to the embedded UK staffs charged with influencing US thinking".[30]

37. The same day, Mr Bowen shared a draft paper on UK campaign objectives for Iraq with Sir David Manning.[31] The paper identified a number of "immediate military priorities" for the Coalition in the aftermath of hostilities, including "lay plans for the reform of Iraq's security forces". Mr Bowen commented that "it will be important … that we share the same military objectives with the US, otherwise the strategic direction of the campaign risks falling apart". The objectives are addressed in further detail in Section 6.5.

38. On 4 February, Mr Drummond proposed that a special meeting on "aftermath" should replace the AHGI scheduled for 7 February.[32] That meeting would be used to co-ordinate a response to two US planning papers on post-war reconstruction and would also cover the "state of preparedness" on a range of issues, including an agenda item on SSR.

39. The AHGI appears to have used the meeting to focus on preparing key messages on post-conflict issues for Mr Hoon and Sir David Manning's visit to Washington the following week.[33]

40. A meeting about the post-conflict period took place at PJHQ offices on 5 February.[34] To support the discussion, PJHQ tabled a paper entitled 'Iraq – Phase IV Subjects'.[35]

---

[28] Phase IV is a military term that describes the time after combat operations, when activities are conducted to stabilise and reconstruct the area where combat took place. It can also be described as "Stage IV".
[29] Minute PJHQ/Hd of J9 Pol/Ops to MA/DCJO(Ops), 20 January 2003, 'Op TELIC: Taking Forward Aftermath Planning' attaching Paper MOD, [undated], 'Phase IV Planning – Common Document'.
[30] Minutes, 29 January 2003, Chiefs of Staff meeting.
[31] Minute Bowen to Manning, 29 January 2003, 'Iraq: Military Campaign Objectives' attaching Paper [unattributed], [undated], 'Iraq: Military Campaign Objectives'.
[32] Letter Drummond to Chaplin, 4 February 2003, 'Iraq: Aftermath'.
[33] Letter Drummond to Chilcott, 10 February 2003, 'Iraq: Key Messages'.
[34] Minute FCO Middle East Directorate [junior official] to Chilcott, 6 February 2003, 'Iraq: PJHQ Meeting on 'Aftermath' attaching Paper [unattributed], 5 February 2003, 'Iraq – Phase IV Subjects'.
[35] Paper MOD [unattributed], 5 February 2003, 'Iraq – Phase IV Subjects'.

41. That document described for the first time some of the short and medium-term SSR objectives for the post-conflict management of Iraq. Following the US planning of the time, those were divided into a "stabilisation" phase covering the first six months and a "reconstruction" phase covering months six to 18.

42. The desired end state for the military and security forces was to have laid:

> "… plans for the reform of Iraq's security forces … Security Sector Reform (SSR) … to include the restructuring of the intelligence agencies, armed forces, police and criminal justice system. All elements of the Security Sector to be affordable and accountable."

43. The military and security objectives for the UK during the stabilisation phase were described as:

- all units of Iraqi military have been accounted for and (if appropriate) disarmed;
- stability, law and order in Iraq; and
- inter-agency or international organisation efforts to reorganise and train Iraqi law enforcement agencies begun (supported by the UK).

44. The military and security objectives for the UK during the reconstruction phase were described as:

- reform of Iraqi Armed Forces under way, with a view to organisations able to defend Iraq without threatening Iraqi citizens or neighbours;
- elimination of the Iraqi NSC and the Iraqi Special Security Organisations;
- exploitation and subsequent disbandment of the Directorate of General Security, the Directorate of General Intelligence, the Miltary Security Service, the Special Republican Guard, and Saddam's Martyrs (Fedayeen Saddam); and
- vetting and reintegration of acceptable elements of the Republican Guard Forces Command, regular army and police.

45. The desired end state for law enforcement was to have: "Rule of Law established. Police reformed and conforming to human rights."

46. The law enforcement objectives for the UK during the stabilisation phase were described as:

- early implementation of a clear plan for development of Iraqi police;
- framework to provide military provision of law enforcement within UK Area of Operations (see Box, 'Area of Operations and Area of Responsibility', later in this Section); and
- police vetted and initial capability established.

47. The law enforcement objectives for the UK during the reconstruction phase were described as:

- responsibility for law enforcement passed back to Iraqi police; and
- joint police/military police, transitioning to police operating alone.

48. The desired end state for justice was to have a reformed legal system established under vetted judiciary, with unjustly jailed prisoners released.

49. The justice enforcement objectives for the UK during the stabilisation phase were described as:

- martial law in place for minimum time possible;
- new laws agreed and promulgated;
- judges vetted, and unsuitable judges removed;
- military management of prisons; and
- unjustly jailed prisoners released.

50. The law enforcement objectives for the UK during the reconstruction phase were described as:

- Iraqi legal system up and running before transmission. International mentoring system provided to support judges.
- If possible, management of prisons passed over to Iraqi citizens. If not possible, support programme to re-establish in UK AO.

51. On 7 February 2003, Mr Peter Ricketts, FCO Political Director, informed Mr Straw that there was inter-departmental agreement that "the FCO should lead policy work on planning for post-conflict Iraq".[36]

52. There were two sections in different directorates within the FCO that had a role in relation to SSR:

- the Iraq Planning Unit (IPU); and
- the United Nations Department (UND), which had previous experience recruiting and deploying UK police for UN missions.[37]

53. Lord Jay, the FCO Permanent Under Secretary from 2002 to 2006, told the Inquiry:

> "I cannot recollect any discussions specifically about policing, nor have I been able to come across any papers."[38]

---

[36] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.
[37] Letter Bowen to Ehrman, 5 February 2003, 'Iraq: Operational Policy Unit'.
[38] Public hearing, 30 June 2010, page 48.

Iraq Planning Unit

The Iraq Planning Unit (IPU) was established on 10 February with Mr Dominick Chilcott, FCO Middle East Department as its head. Its remit was "to develop policy guidance to enable the administration of Iraq pending the appointment of a transitional civil administration, consistent as far as possible with the longer-term vision for the future of Iraq".[39] Mr Bowen, defining the purpose of the Unit, wrote:

> "They would need to work their way, with the US, through issues as diverse as humanitarian relief, policing, administration of justice, local government and provision of utilities, environmental recovery and priorities for the return to normality."

The IPU was inter-departmental but based in the FCO.[40]

54. On 12 February, responsibility for the 'Iraq Stage IV Subjects Document' was transferred to the newly formed inter-departmental IPU.[41]

55. On 29 January, Mr Peter Gooderham, Political Counsellor at the British Embassy Washington, reported that the NSC had asked whether the UK, as one of the Occupying Powers, would be willing to take lead responsibility for reforming the Iraqi judicial system and Iraqi Police Service (IPS).[42] The NSC said that the justice sector would be run by the military Coalition in the immediate aftermath, but the Iraqis should "regain responsibility for law and order as quickly as possible". That was described as having "something up and running within 60 days". The UK would be "best suited" to take on this role because of its "wealth of experience and expertise".

56. On 31 January, the UND submitted advice to Mr Straw, alerting him to the request and stating that "this would be a massive undertaking, with implications for the UK's role as an 'Occupying Power', that should more properly be an international effort mandated by the UN".[43]

57. Mr Straw commented that the UK "should help the US on police and judicial matters as much as possible", but "this help has to be on the basis of what is practical".[44]

58. On 4 February, Mr Drummond wrote to Mr Chilcott following a meeting between the Cabinet Office, the FCO, the MOD and DFID to consider the US request.[45] He observed

---

[39] Letter Bowen to Ehrman, 5 February 2003, 'Iraq: Operational Policy Unit'.
[40] Minute Chorley to PS/Secretary of State [MOD], 12 February 2003, 'Iraq: Aftermath – Briefing for Meeting with OGD Ministers'.
[41] Minute Chorley to PS/Secretary of State [MOD], 12 February 2003, 'Iraq: Aftermath – Briefing for Meeting with OGD Ministers'.
[42] Letter Gooderham to Chaplin, 29 January 2003, 'Iraq: Day After: US Requests for Assistance on Judicial Issues'.
[43] Minute UND [junior official] to Private Secretary [FCO], 31 January 2003, 'Iraq the Day After – US Requests for Assistance on Judicial Issues'.
[44] Minute PS Foreign Secretary [FCO] to UND [junior official], 3 February 2003, 'Iraq the Day After – US Request for Assistance on Judicial Issues'.
[45] Minute Drummond to Chilcott, 4 February 2003, 'Iraq: Judicial Issues'.

that the management of the Iraqi police and judicial system in the first 60 days of Occupation would "condition the longer term". The UK would need to know more about:

"
- Whether the US envisaged dismantling the Ba'ath Party.[46] While this is probably justified it would leave big gaps in the apparatus of the State.
- How much of the Saddam Hussein security structure they [the US] plan to retain.
- Whether the US envisaged a Kosovo style pillar structure, with a Coalition member leading each part. If so, what were the other pillars and who had been invited to lead them.
- What would the UN role be? We would need the UN to legitimise Security Sector Reforms. We accept that the UN would not deliver in time to manage the initial 60 days, but could play a useful role in the medium term on all aspects of judicial reform."

59. It was agreed at the meeting that Mr Chilcott would pursue those questions in Washington at the next round of talks on 5 February between the UK, US and Australia. The issue would then be considered at a meeting on 7 February. If it was decided to "proceed further", a scoping exercise would be undertaken by DFID, the MOD and "probably" the Home Office.

60. The British Embassy Washington's report of the talks on 5 February did not mention the proposal of the US that the UK take lead responsibility in reform of the judicial system and the IPS.[47]

61. On 10 February, Mr Drummond wrote to Mr Chilcott to share a draft of "key messages for the Defence Secretary and David Manning to put to Donald Rumsfeld and Condi Rice [Dr Condoleezza Rice, President Bush's National Security Advisor]".[48] The US request that the UK lead on the IPS and judiciary was not addressed in the paper.

62. On 12 February, in a brief written to prepare Mr Straw for a meeting with Mr Blair on "Day After issues", the FCO advised that the UK was still considering whether it should accept the US request that it become "lead nation on justice throughout Iraq".[49] The FCO stated that "it would be very difficult to do this without a UNSC [UN Security Council] Resolution authorising a transitional administration".

---

[46] The Ba'ath Party, dominated by individuals linked to Saddam Hussein, were in power in Iraq at the time of the invasion.
[47] Telegram 167 Washington to FCO London, 6 February 2003, 'Iraq: US/UK/Australia Talks on "Day After" Issues, 5 February'.
[48] Letter Drummond to Chilcott, 10 February 2003, 'Iraq: Key Messages' attaching Paper Cabinet Office, 10 February 2003, 'Iraq Post Conflict: Key Messages'.
[49] Minute IPU [junior official] to Private Secretary [FCO], 12 February 2003, 'Meeting on Iraq Day After Issues before Cabinet, 13 Feb'.

63. Mr Drummond wrote to Sir David Manning on 14 February to outline key messages for the US on "winning the peace".[50] Addressing the US request that the UK "lead on reviving the Iraqi Justice system", Mr Drummond reported that:

> "We have asked for clarification of whether they see this as a short term revival of existing structures minus the Ba'ath influence or a much longer term reform agenda."

64. The following week, Mr Chilcott informed Mr Straw that an assessment of UK capabilities in the field of police and judicial reform had been sent to the US, and that a minute on the subject was in preparation, but was awaiting "greater clarity on UK commitments".[51] In an accompanying document, Mr Chilcott described the UK position as:

> "No commitment, but UK could consider providing support for UN-led justice sector reform, providing we had the right UN cover."

65. Mr Straw responded the following day without comment on the UK's role in judicial reform.[52] The Government has been unable to supply evidence of any further consideration of the US request.

SSR planning during the build-up to invasion

66. In February and early March 2003, the main effort within the FCO and No.10 was the pursuit of a further UN Security Council Resolution, as described in Section 3.7. During this period, much of the debate around post-conflict management of Iraq focused on the prospect of the UK taking responsibility for a geographical region following the invasion, as described in Section 6.5.

67. The MOD Iraq Secretariat briefed Mr Hoon on 10 February ahead of a visit to Washington.[53] They advised that US aftermath planning was "impressive on details", but "riddled with holes at the political and strategic levels". The MOD identified a number of factors for consideration:

> "SSR will be a huge issue, both in dismantling the current infrastructure and growing a new one. Will the US look to the current Iraqi police to maintain law and order, or will it train a new force? If US AID [Agency for International Development] are legally prevented from paying police or military salaries, how will SSR be funded prior to the utilisation of oil revenues? What will the new security apparatus look like, and how can it (particularly internal security organs) be made transparent and

---

[50] Minute Drummond to Manning, 14 February 2003, 'Iraq: Winning the Peace'.
[51] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)' attaching 'Iraq Day After: Guidance for Officials at US Rock Drill'.
[52] Minute Owen to Chilcott, 21 February 2003, 'Iraq: Day-After (Phase IV)'.
[53] Minute Johnson to PS/Secretary of State [MOD], 10 February 2003, 'Secretary of State's Visit to Washington: Iraq' attaching Briefing MOD Iraq Secretariat, [undated], 'Iraq Aftermath – Summary of Key Gaps/US-UK Policy Differences'.

> accountable? … At a tactical level, UK forces will need guidance on how to treat various wings of the Iraqi security infrastructure as they are encountered in country."

68. On 11 February, Mr Mike O'Brien, FCO Minister of State for the Middle East, was briefed on "Day After issues".[54] That included detail on SSR preparations. On policing, Mr O'Brien was told that the UK's experience in other areas, such as Bosnia, "should mean we would be well placed to share our expertise with the US and help influence their thinking on the issue". A scoping paper "which could be shared with the US" on the establishment of an independent Iraqi judiciary was also commissioned.

69. More broadly, the briefing stated:

> "It was agreed that the US saw themselves as the lead nation. On Security Sector Reform, we should ensure that we feed in to their decision making process. We could suggest leading on those areas where we have expertise eg: good governance."

70. On 14 February, Mr Drummond produced a note for Sir David Manning on "key messages for the US" which outlined a number of decisions that needed to be taken.[55] On SSR he wrote:

> "If we are not to replicate the problems seen in Afghanistan, we will also need the US to agree early to [sic] single holistic plan for Security Sector Reform. We have offered outline proposals on the security sector. We should offer a plan."

71. The following week, the US hosted a Rock Drill: an inter-agency rehearsal for the post-conflict administration of Iraq. It was attended by a team of UK officials led by Mr Chilcott and is described in detail in Section 6.5.

72. On 20 February, Mr Chilcott submitted advice to Mr Straw, including an IPU guidance note for officials participating in the Rock Drill.[56] There was a brief mention of SSR activities in the context of maximising "involvement of the Iraqis in most tasks, including: policing … judiciary … and some security forces".

73. In an update to Mr Blair shortly after the Rock Drill, Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, provided an overview of work undertaken by the IPU, including on humanitarian and economic issues.[57] Mr Cannon did not mention SSR.

74. On 25 February, the IPU produced a 'UK Vision for Phase IV'.[58] The paper was sent to Sir David Manning the following day, copied to the offices of Mr Gordon Brown,

---

[54] Minute APS/Mr O'Brien to Chilcott, 11 February 2003, 'Iraq: Day After Issues'.
[55] Minute Drummond to Manning, 14 February 2003, 'Iraq: Winning the Peace'.
[56] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)' attaching Paper 'Iraq Day After: Guidance for Officials at US ROCK Drill'.
[57] Minute Cannon to Prime Minister, 24 February 2003, 'Southern Iraq: Aftermath Issues'.
[58] Paper IPU, 25 February 2002, 'UK Vision for Phase IV'.

the Chancellor of the Exchequer, Mr Hoon and Ms Short.[59] The vision was that the UK "should aim to leave Iraq radically changed for the better".[60]

75. The paper listed a number of mission objectives, including the formation of an Iraq which "has appropriately sized, reformed armed forces and intelligence/security agencies" and "has a fair justice sector".

76. The paper was structured to match the US organisation of Phase IV into three stages:

- Alpha – military administration while UN agencies and Non-Governmental Organisations (NGOs) "tackle the humanitarian crisis".
- Bravo – an "international civil transitional administration", supported by UN-mandated Coalition military, which would "take forward the programme of ambitious reforms … to transform Iraq along the lines of the vision".
- Charlie – the handover to a democratically elected Iraqi Government, during which the international community would continue to support the restructuring of Iraq's economy and public administration. "Training of the armed forces and of the police and judiciary may also continue in Phase IV Charlie."

77. The FCO sent a draft 'Vision for Iraq and the Iraqi People' to No.10 on 28 February.[61] That version made no reference to the security sector, but did state that the UK would "help" by "supporting institutional and administrative reform".

78. The UK's objectives were described again in a paper prepared by the IPU for a meeting chaired by Mr Blair on 6 March.[62] The paper sought Ministerial agreement to a number of objectives for the UK's post-conflict Occupation of Iraq, including that Iraq:

- "Has armed forces and intelligence services that are of an appropriate size (striking a balance between not threatening its neighbours and protecting the territorial integrity of Iraq) and are well on the way to being reformed"; and
- "Respects human rights and has made significant progress towards a fair and effective justice sector."

79. The IPU paper was not discussed at the meeting, so the draft objectives for post-conflict Iraq were incorporated into another IPU paper describing "the UK overall plan for Phase IV" and submitted to Mr Blair by Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, on 7 March[63] and again by Mr Cannon on 12 March.[64]

---

[59] Letter Owen to Rycroft, 26 February 2002, 'Iraq: Phase IV'.
[60] Paper IPU, 25 February 2002, 'UK Vision for Phase IV'.
[61] Minute Owen to Rycroft, 28 February 2003, 'A Vision for Iraq and the Iraqi People'.
[62] Paper IPU, 5 March 2003, 'Planning for the UK's Role in Iraq after Saddam'.
[63] Minute Rycroft to Prime Minister, 7 March 2003, 'Iraq: Weekend Papers'.
[64] Minute Cannon to Prime Minister, 12 March 2003, 'Iraq: Post-Conflict Planning: Objectives and Principles'.

80. The MOD produced a number of papers in March that discussed SSR.

81. On 7 March, an MOD "Red Team", which had been established within the Defence Intelligence Staff (DIS) (as described in Section 6.2), produced a report seeking to identify "the optimum structure of the Immediate and Interim Administrations in Iraq and other measures most likely to obtain and retain the support of the Iraqi people".[65] The report stated that "law and order, including the judicial process, will require special handling". It stated that:

"
- … once an assessment has been made of the effectiveness of local police forces it should be increasingly possible to include them in military-led law and order operations;
- the judicial system is largely dysfunctional and … some form of interim judicial system may be necessary;
- the prison system is likely to require a complete overhaul and supervisory regime, although the infrastructure may be useable."

82. The Red Team advised that:

> "Expectations that the Coalition Forces will be able to deliver these responsibilities [those of an Occupying Power under international law] are high; so if there is doubt over our ability to meet them in an 'exemplary' fashion we should take steps to lower expectations as early as possible."

83. On 11 March, the DIS issued a further assessment of the "political and security environment" that Coalition troops would encounter in Basra.[66] Though not specifically focused on SSR, some of the judgements in the document illustrate the UK's pre-invasion understanding of the Iraqi security sector in what would become its Area of Operations (AOR).

Area of Operations and Area of Responsibility

Area of Operations (AO) refers to the UK military's area of combat operations during the invasion of Iraq (Phase III of operations).

Area of Responsibility (AOR) refers to the area for which the UK military was responsible during the post-conflict Occupation of Iraq (Phase IV of operations).

The two terms were often used interchangeably, sometimes in the same document.

---

[65] Minute PS/CDI to PS/SofS [MOD], 7 March 2003, 'Iraq Red Team – Obtaining and Retaining the Support of the Iraqi People in the Aftermath of Conflict' attaching Paper DIS Red Team, 7 March 2003, 'Obtaining and Retaining the Support of the Iraqi People in the Aftermath of Conflict'.
[66] Report DIS, 11 March 2003, 'Basra: Post Saddam Governance'.

84. On the Iraqi police, the assessment stated:

> "We have very little reporting on the organisation of Iraq's Civil Police. And we have no information specific to Basra … We have little idea as to how the police will act during a Coalition attack or in the aftermath. Limited anecdotal reporting suggest [sic] that they are likely to disappear from the street."

85. The establishment of law and order was described as an "important" factor in the reaction of the Basra populace to Coalition control. However, the DIS judged that "in the absence of a civil police force and other security forces this will prove difficult".

86. The paper also addressed the dismissal of Ba'ath Party members from the military and civil administration. The DIS assessed that:

> "Directorate of General Security (DGS), DGI (Directorate of General Intelligence), SSO (Special Security Organisations) elements and Ba'ath Party militia should be disbanded. Ba'ath leadership (*Udw Firqa*/Fara) might also need to be detained …
>
> "… But within Basra City there seems to [sic] no organisation with a better understanding of tribal relationships, the civil populace, internal security matters and provision of public services than the Ba'ath Party. Many party members will not have been involved in repressive activity. We assess that Ba'ath Party members will have to be utilised by any military administration, at least in the early phases of control."

87. On 18 March, the day before the invasion began, the MOD Defence Advisory Team (DAT) produced a paper on SSR and the future Iraqi armed forces.[67] The paper was designed "to inform UK policy making and assist in advancing US thinking on these topics". Much of its content revisited the themes discussed in the FCO paper of 10 December 2002, which had already been shared with the US.

88. The MOD paper listed the range of SSR activities in which the UK could be expected to participate as follows:

- DDR;
- clearance of unexploded ordnance (de-mining);
- reconstruction of the Iraqi armed forces;
- non-military security forces and intelligence services;
- police and law enforcement;
- border control; and
- judicial systems.

---

[67] Minute IPU [junior official] to IPU Members, 18 March 2003, 'Security Sector Reform: Future Iraqi Armed Forces' attaching Paper Defence Advisory Team, March 2003, 'Security Sector Reform: Future Iraqi Armed Forces'.

89. The first three were considered "defence/military elements" and potential areas for involvement by the MOD. The MOD's estimated total cost of those activities (for the whole of Iraq) is set out in Table 1.

Table 1: MOD estimate of costs for SSR, March 2003

Activity	Cost (£m)
DDR	400
De-mining	500
Reconstruction and reorientation of the Iraqi Ministry of Defence	50
Total	**950**

90. The DAT described a number of "high-level risks", including the potential for "a lack of coherence between primary Coalition partners over SSR Policy". The paper stated:

> "Whilst the UK may try and influence the shape and content of such an SSR strategy, the reality is that it will have to accommodate to the plans of the senior Coalition partner/lead international body and their intentions for this area of activity."

91. The Cabinet Office circulated an agreed set of "Military Campaign Objectives" on 18 March.[68] The "immediate military priorities" included to:

- "contribute to the creation of a secure environment so that normal life can be restored"; and
- "lay plans for the reform of Iraq's security forces".

92. The military objectives were placed in the Library of the House of Commons by Mr Hoon on 20 March.[69]

93. On 19 March, Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), issued his Directive to Lieutenant General John Reith, Chief of Joint Operations (CJO) authorising the commencement of Operation TELIC (UK military action in Iraq).[70] The tasks of relevance to SSR were:

- "Protect, and be prepared to secure, essential Iraqi political, administrative and economic infrastructure from unnecessary destruction in order to reassure the Iraqi people and facilitate rapid regeneration."
- "Deter opportunistic inter-ethnic and inter-communal conflict."

---

[68] Minute Bowen to Manning, 18 March 2003, 'Iraq: Military Campaign Objectives'.
[69] House of Commons, *Official Report*, 20 March 2003, column 1087.
[70] Minute CDS to CJO, 19 March 2003, 'Chief of the Defence Staff Executive Directive to the Joint Commander Operation TELIC Edition 2'.

- "As quickly as possible, contribute to a safe and secure environment within which humanitarian aid agencies are able to operate."
- "If directed, be prepared to contribute to the reform of Iraq's security forces."

94. A later Directive, issued on 30 July, included a "key" priority:

"To support the Coalition wider SSR effort where this can be done within the appropriate UK scale of effort."[71]

95. This Directive included a further task:

"Maintain public order and safety using, where possible, local law enforcement organisations supervised by military and civil police in order to achieve Iraqi support for stability operations."

Planning the deployment of police officers

96. In his evidence to the Inquiry, Mr Stephen Pattison, Head of UND until June 2003, described UND's involvement in police matters as "essentially operational".[72] Since 1997 UND had managed a Whitehall system to identify, train and deploy civilian police overseas. Mr Pattison said:

"Obtaining sufficient UK police officers to take part in international policing was always a struggle. We needed to get the co-operation of Chief Police Officers. And we needed to find ways of attracting volunteers … We cast the net as wide as we could, including canvassing recently retired officers.

"In most cases the overseas requirement was for armed police, which rules out most UK officers. So we focused on getting UK officers into niche roles where their expertise would add to the international police force's skills, rather than into front line executive policing.

"… And deploying UK police was not straightforward: all UK overseas police officers are volunteers, ACPO [Association of Chief Police Officers] and the Home Office would only agree to deployment when certain conditions were met (security, in mission support structure) and the funding had to be identified."

97. Mr Pattison told the Inquiry that UND had not been tasked to undertake any preparatory work, but had identified a potential problem and acted to address it.[73] He said that there was no-one in Whitehall pulling together knowledge of policing to design the kind of police operation needed in Iraq. In his recollection, "awareness of our responsibilities under the Geneva Convention and Hague regulations did not inform our thinking about policing in the run-up to the war."

---

[71] Minute CDS to CJO, 30 July 2003, 'Chief of the Defence Staff Executive Directive to the Joint Commander Operation TELIC Edition 3'.
[72] Statement, 6 January 2011, pages 12-13.
[73] Public hearing, 31 January 2011, pages 5 and 9.

98. Responsibilities under the Geneva and Hague regulations included that, as an Occupying Force, the UK would assume responsibility for ensuring public order and safety within their AO.[74]

99. UND had assumed that the UK would not provide an "executive" police force ("a force to do actual policing") for Iraq, which would be a "massive undertaking".[75] Instead the focus would be on supplying a "small number" of UK police to provide training and advice on SSR, as had happened in other international policing missions. It was judged that those police would need to be armed.

100. Mr Pattison told the Inquiry:

> "We were aware of the constraints and we were aware of roughly how many police we could provide to do training and it wasn't very many. This would have to be a wholly voluntary force. Any police deployed would need the approval of their Chief Constable. There were duty of care issues.
>
> "You know, this was not going to be one of those situations where you could simply turn on a tap of British police to go and help. It was going to be very difficult. We [UND] certainly understood that, but I'm not aware that there was ever a serious discussion of post-conflict police issues."[76]

101. On 23 January, a junior official wrote to the Head of the UND Peacekeeping Section to seek authorisation to proceed with "plans for the training of a small contingent (30 officers) of Ministry of Defence Police for immediate deployment should they be required".[77] The Minute stated:

> "… we are taking these steps mindful of our experience in Kosovo, where the Prime Minister committed us to deployment of UK civpol shortly after the liberation of Pristina … In that exercise police were on the ground within a month but only following a great deal of effort."

102. Following a Cabinet meeting on 10 April, Mr David Blunkett, the Home Secretary, told officials that he wanted to be in a position to offer, or react very quickly to a request for, assistance in re-establishing policing in Iraq.[78] He was reported to have been thinking more of offering specialist advice than substantial numbers of police officers.

103. Home Office officials were told by Mr Pattison that the FCO's preferred approach was to proceed with the initial deployment of a small MOD police contingent before deciding whether to ask the Home Office for any assistance from other forces.

---

[74] Paper MOD, 9 December 2009, 'Iraq Security Sector Reform'.
[75] Public hearing Pattison and Buck, 31 January 2011, pages 3-4.
[76] Public hearing, 31 January 2011, page 14.
[77] Minute FCO [junior official] to UND [junior official], 23 January 2003, 'Post Saddam Iraq: UK Civilian Policing Contingency Planning'.
[78] Email Home Office [junior official] to Kernaghan, 14 April 2003, 'Potential Police Involvement in Iraq'.

104. Mr Blunkett was said to be "disappointed" by that response and told Mr Blair that he was "very keen to make his own contribution". He instructed his officials to make contact with the Association of Chief Police Officers (ACPO) to explore the possibilities, which they did on 14 April.

105. Chief Constable Paul Kernaghan, the lead on international affairs for ACPO, responded:

> "ACPO and I are very keen to play a full and appropriate part in supporting the UK's contribution to liberating the people of Iraq. The form of assistance we can provide depends on the mission envisaged and crucially clear political direction."[79]

106. Mr Blunkett relayed CC Kernaghan's offer to Mr Straw, confirming his own "commitment to the rehabilitation of Iraq, and in particular to the principle of the provision of UK policing assistance as soon as practicable".[80] Mr Blunkett emphasised that both CC Kernaghan and he were "ready and willing to engage with you in working towards identifying civilian policing requirements in Iraq and how they might best be met".

107. CC Kernaghan wrote to Mr Pattison, offering his services and suggesting that the FCO might wish to convene a meeting to bring together the key players from the FCO, Home Office and relevant policing interests to ensure a co-ordinated approach.[81] He had already discussed the matter with the Chief Constable of the MOD police and they were "agreed that an integrated response between all elements of the UK police service is the best approach".

108. On 23 April, a meeting between the FCO, the Home Office, the MOD and ACPO agreed that the MOD police would deploy two officers – at the rank of Superintendent and either Inspector or Chief Inspector – "to enhance the police advice available to GOC [General Officer Commanding] 1 UK Armoured Division" and that the FCO would try to place a UK Chief Inspector inside the Office for Reconstruction and Humanitarian Assistance (ORHA).[82] It was confirmed that, in the meantime, CC Kernaghan should visit Iraq to gather information "to enable FCO/ACPO/Home Office to plan the UK's contribution".

109. CC Kernaghan's record of the meeting concluded that "at this point in time there is no clear shared vision of the future but instead a strong determination by the agencies represented to provide meaningful support based on a professional assessment of the situation".

---

[79] Email Kernaghan to Home Office [junior official], 15 April 2003, 'Potential UK Civil Police Involvement in Iraq'.
[80] Minute Blunkett to Straw, 16 April 2003, 'UK Police Assistance for Iraq'.
[81] Letter Kernaghan to Pattison, 17 April 2003, 'Iraq and the UK Police Service'.
[82] Email Kernaghan to Pattison, 23 April 2003, 'Iraq and the UK Police Service – Meeting 23/4/03'.

110. The Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR – see box later in this Section) discussed an IPU paper on SSR on 8 May.[83] No Home Office Minister was available to attend the meeting but Lord Goldsmith, the Attorney General, did attend. In advance of the meeting Mr Blunkett spoke to Lord Goldsmith and confirmed the Home Office's willingness to contribute resources and expertise to assist UK efforts to shape SSR work in Iraq. They agreed that it would be useful for their two departments to work together on the matter.

111. The Home Office recognised that its potentially relevant expertise covered a range of areas, including terrorism and security, immigration and asylum, drugs, policing and prisons.

112. Lord Goldsmith reported to the AHMGIR that he and Mr Blunkett were willing to put more resources into helping the police and justice work in Iraq.[84]

113. CC Kernaghan visited Iraq in late May.[85] In his visit report he observed: "Effective policing in Iraq requires operational officers to be armed." Given that, and the fact that the vast majority of police officers in the UK did not routinely carry firearms and so were not trained in their use, he did not believe that they would be effective in an operational role in Iraq.

114. CC Kernaghan thought that UK involvement in police training would be more appropriate. He commented that the pressure to deploy police officers on operational duties was likely to be immense.

115. Following an agreement for the UK to provide a Chief Constable to be the senior policing adviser to the Coalition Provisional Authority (CPA) within the Iraqi Ministry of Interior (MOI), on 6 June 2003 ACPO issued a notice advertising a secondment opportunity for a senior UK police officer.[86]

SSR across Iraq: after the invasion

116. The progress of the Coalition invasion of Iraq is described in detail in Section 8, and the events that followed it in Section 9.1. The start of efforts to reconstruct Iraq is set out in Section 10.1.

117. Shortly after the start of Operation TELIC,[87] the IPU circulated a "core script" on Phase IV issues from which Ministers and officials could draw as Parliamentary and

---

[83] Minute Acton to Riley, 7 May 2003, 'Iraq – Security Sector Reform'.
[84] Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[85] Letter Kernaghan to Blunkett, 23 May 2003, 'Iraq – Visit by Chief Constable P R Kernaghan' attaching Report Kernaghan, 10 May 2003, 'Report on Visit to Iraq by Chief Constable Kernaghan [13-20 May 2003]'.
[86] Statement White, 20 June 2010, page 2.
[87] Operation TELIC was the codename for the involvement of UK Armed Forces in the military campaign to remove the threat from Iraq's weapons of mass destruction.

media interest grew.[88] Until that point, the Government had been "reluctant" to discuss openly how post-conflict Iraq would be managed, but this was to be given greater prominence as military action began.

118. The script was also circulated to all Embassies, High Commissions and Consulates to aid the briefing of "key contacts".[89]

119. Neither document made any reference to SSR.

120. Lt Gen Reith updated the Chiefs of Staff on Phase IV planning on 21 March.[90] He warned that Phase IV delivery remained subject to "uncertain US dynamics at the pol/mil [politico-military] level" and identified a number of key issues that still required resolution (see Section 6.5), including how to approach SSR.

121. Mr Bowen circulated a draft paper to senior officials in the FCO, MOD and DFID on 25 March that set out "British Post-Conflict Objectives" (see Section 9.1).[91] On SSR, the draft stated that the UK would, with others, assist reform in Iraq by:

- supporting the observance of human rights, and legal and judicial reform; and
- helping Iraq generate reformed and accountable security forces acting in accordance with human rights standards.

122. Mr Bowen suggested that officials should show the draft paper to their Ministers, if they had not already done so: "We will then see the outcome of the Prime Ministerial visit to Camp David and consider formal submission early next week."

123. The AHMGIR met on 10 April.[92] Ministers agreed that the UK should participate in work being done by the Office of Reconstruction and Humanitarian Affairs (ORHA), headed by retired US Lieutenant General Jay Garner. The UK should lead a group on security sector management and planning for SSR.

The Ad Hoc Ministerial Group on Iraq Rehabilitation

The Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) was a sub-committee of Cabinet with a particular focus on the reconstruction of Iraq. It was chaired by the Foreign Secretary and was attended by the Chancellor, Defence Secretary, Development Secretary and Trade and Industry Secretary. The AHMGIR is described in detail in Section 2.

---

[88] Minute Owen to Rycroft, 20 March 2003, 'Iraq: Phase IV: Core Script'.
[89] Telegram 150 FCO to Abidjan, 19 March 2003, 'Iraq: Core Script – Phase IV'.
[90] Minute Reith to COSSEC, 21 March 2003, 'Phase IV Planning – Taking Stock'.
[91] Letter Bowen to Chaplin, 25 March 2003, 'Iraq: Post Conflict Objectives' attaching Paper [draft], 25 March 2003, 'Iraq: British Post-Conflict Objectives'.
[92] Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

124. On 14 April, Mr Blair told the House of Commons that:

> "… around 2,000 police officers have reported for work, there are some joint patrols in being and the head of the civil police department, not to be confused with the special security forces, has ordered police to return to work."[93]

125. In a conversation with President Bush on 14 April, Mr Blair stated that the Iraqi police clearly needed to be re-organised and deployed.[94] There could be a role for foreign police contingents.

126. General Tommy Franks, Commander in Chief US Central Command (CENTCOM), issued his 'Freedom Message to the Iraqi People' on 16 April 2003.[95] It instructed the Iraqi armed forces and security organisations to:

> "… lay down their arms … and … obey the orders of the nearest Coalition military commander. All other Iraqis should continue their normal daily activities; officials should report to their places of work until told otherwise."

127. On 21 April, OHRA entered Iraq.[96]

128. In late April, the UK AO was declared "permissive", first by UK forces on 22 April[97] and a few days later by the UN Security Co-ordinator.[98] The Coalition defined "permissive" environments as ones to which humanitarian assistance organisations could have access, although they should use all precautionary measures and notify the Coalition Forces.[99]

129. Section 8 describes the evolution of the boundaries of the UK AO. On 24 April, Ministers agreed that "the size of the UK military sector will depend on the permissiveness of the environment and the extent of other nations' contributions, but the current assumption was that it would comprise four, or possibly five provinces in the South".[100]

130. As Occupying Power in those provinces, the UK had responsibility for the provision of public order and safety under international law and resolution 1483 (2003), as set out in Section 9.1.

---

[93] House of Commons, *Official Report*, 14 April 2003, column 616.
[94] Letter Cannon to McDonald, 14 April 2003, 'Iraq: Prime Minister's Conversation with Bush, 14 April'.
[95] Statement General Tommy R Franks, 16 April 2003, 'Freedom Message to the Iraqi People'.
[96] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.
[97] Note MOD to No.10, 23 April 2003, 'Iraq: Update for the Number 10 Sitrep – As at 0630 on 23 April 2003'.
[98] Written evidence to the Select Committee on Defence, 16 March 2004, 'Further Memorandum from the Ministry of Defence on Post Conflict Issues', February 2004', HC 57-III.
[99] Report of The Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.
[100] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

Resolution 1483

Resolution 1483 was adopted on 22 May 2003.[101] In relation to security and SSR, the Security Council called upon the Coalition to:

> "… promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future."

Resolution 1483 also provided for a UN Special Representative who would, in co-ordination with the Coalition, encourage "international efforts to rebuild the capacity of the Iraqi civilian police force" and "promote legal and judicial reforms".

131. The report of a visit to Iraq by DFID officials described how the "justice and security teams" within ORHA had:

> "… drawn up extensive plans covering law and order, transitional justice, longer term institutional reform in the justice sector and limited DDR. Justice sector plans have been developed over two years, are well thought through and, with the requisite UN authority, would provide an excellent basis for future work. The likely breakdown in public administration and the implications for law and order were identified before the Iraq conflict began. Unfortunately, this advice was disregarded by the US Administration and the Coalition military."[102]

132. The AHMGIR met on 24 April.[103] In discussion, it was stated that the UK had "plenty of good expertise on Security Sector Reform and should play a prominent role". Ministers agreed that the UK should lobby the US to create a "comprehensive strategy" and to involve UK personnel in ORHA scoping studies. There was no attendee from the Home Office.

133. Ministers also agreed that UK forces should continue to exercise a policing function while attempting to revive the local police forces and courts.

134. On 2 May, ORHA issued a call to all Baghdad employees of the MOI, the IPS, Civil Defence Force, Vital Institutions Protection Force and traffic police, summoning them back to work for 4 May.[104] Similar calls were also issued by individual Coalition Force Commanders "as their areas were secured".

---

[101] UN Security Council Resolution 1483 (2003).
[102] Minute PS [DFID] to Rycroft, 22 April 2003, 'Iraq: Engagement with ORHA'.
[103] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[104] Report CPA Interior Ministry, 30 May 2003, 'Iraq Police: An Assessment of the Present and Recommendations for the Future'.

135. On 6 May, President Bush announced the appointment of Ambassador Paul Bremer as the Presidential Envoy to Iraq and head of the CPA (see Section 9.1).[105] The CPA quickly subsumed ORHA, retaining many of its staff.[106]

136. Within the CPA, Ambassador Bremer's Senior Adviser for National Security and Defense was Mr Walt Slocombe.[107] A former New York City Police Commissioner, Mr Bernard Kerik, became the CPA's senior adviser to the MOI.

137. On 6 May, Mr Straw announced to Parliament that Mr John Sawers had been appointed as the Prime Minister's Special Representative on Iraq:

> "Mr Sawers will work alongside Chris Segar, head of the newly opened British office in Baghdad, particularly in relation to the political process and our work in the Office of Reconstruction and Humanitarian Assistance."[108]

138. On 8 May the AHMGIR discussed a paper on SSR produced by the IPU.[109] The paper stated:

> "Reform across the full range of security activities (armed forces, intelligence agencies, justice and law enforcement institutions) is an essential element of the overall Coalition strategy to establish a united and representative Iraqi Government and to create the conditions under which the Coalition can eventually disengage.
>
> "The objective must be the transformation of Iraq's security institutions so that they play an effective, legitimate and democratically accountable role in providing external and internal security for Iraq's citizens … UK experience suggests that a coherent strategy will need effective burden sharing and … the extended involvement of NGOs and other SSR actors. Immediate decisions and urgent action is needed to deal with the potential problems of unemployed and disaffected military and security service personnel."

139. The paper described the US approach as "embryonic" and assessed that it "tends to approach elements of the security sector separately". It also stated that "we must recognise that influencing US views may prove difficult, and will undoubtedly require considerable and sustained effort".

140. The paper reported that Mr Slocombe was assembling a team to deploy to Iraq later that month to establish the "Office of the Senior Advisor for the Ministry of Defence Iraq and the Iraqi National Defence Force". He was reported to be "actively seeking

---

[105] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[106] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[107] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[108] House of Commons, *Official Report*, 6 May 2003, column 515.
[109] Paper IPU, May 2003, 'Iraq – Security Sector Reform'; Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

Coalition partners to join his team and a number of key posts … have been identified for possible UK secondees".

141. The paper concluded that "the UK will neither be required nor able to develop an independent policy on SSR in Iraq".[110] The immediate UK priorities were therefore aimed at seeking to influence the development of US policy. Although the paper recommended that the UK should "contribute personnel and expertise", there was no mention of where those resources would come from or what particular role they might be expected to play.

142. In discussion, the point was made that in Afghanistan, UK influence over the approach of the US to SSR had been limited.[111]

143. Ministers agreed that:

- The UK should continue to encourage the US to adopt a broad concept of SSR, and "to address the employment of Iraqi defence and security personnel urgently through DDR processes".
- UK personnel should be deployed, including the creation of an SSR secretariat within ORHA, to advise on cross-cutting SSR issues.
- The UK should facilitate UN, international financial institutions and other donor engagement in SSR.

De-Ba'athification

144. On 16 May, Ambassador Bremer issued CPA Order No.1 which eliminated all Ba'ath Party structures and banned "Senior Party Members" (the top four ranks of the Party) from serving in Iraq's public sector.[112] It also placed individuals in senior management roles (the top three levels of management) under investigation. The impact of the de-Ba'athification process is described in more detail in Section 11.1.

145. Order No.1 had an immediate impact on the senior management of the security structures in Iraq, although Mr Slocombe observed in an interview in 2004 that: "Out of a Ba'ath Party membership of well over a million, maybe more, only about 40,000 people were in this category … only about 10 percent of the brigadier generals were in these top four ranks."[113]

146. The CPA's records indicate that, of the 860 judges and prosecutors in post at the time of CPA Order No.1, 656 were reviewed under the de-Ba'athification scheme.[114] As a result 176 were removed from their positions, with 185 new judges and prosecutors being appointed to take their place.

---

[110] Paper IPU, May 2003, 'Iraq – Security Sector Reform'.
[111] Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[112] Coalition Provisional Authority Memorandum Number 1 – Implementation of De-Ba'athification Order No. 1 (CPA/ORD/16 May 2003/01), 3 June 2003.
[113] *PBS*, 26 October 2004, *Interview Walter Slocombe*.
[114] Report Coalition Provisional Authority, [undated], 'An Historic Review of CPA Accomplishments'.

147. In a meeting with Ambassador Bremer and Mr Sawers on 16 May, some of the Iraqi leaders present argued that the scope of the recently announced de-Ba'athification policy should be "broadened to include the security services and army, private companies set up under Saddam, and the media".[115] Bremer promised that there would be a further proclamation on the security services and army in the days ahead.

148. On 23 May, CPA Order No.2 – "Dissolution of Entities" – "dissolved" (or disbanded) a number of military and other security entities that had operated as part of Saddam Hussein's regime.[116] The dissolved entities included:

- the government ministries responsible for Defence, Information and Military Affairs;
- the intelligence agencies;
- the armed forces; and
- the paramilitary forces which were closely associated with Saddam Hussein.

149. CPA Order No.2 also stated that:

- military ranks were cancelled;
- conscripts were released;
- a termination payment would be paid to those dismissed, except to senior party members; and
- pensions would continue to be paid, except to senior party members.

150. Neither the IPS nor the MOI were dissolved. Reflecting on the Order several years later, Ambassador Bremer wrote in the *New York Times* that the "police force, which we did recall to duty, has proven unreliable and is mistrusted by the very Iraqi people it is supposed to protect".[117]

151. In his book *State of Denial*, Mr Bob Woodward suggested that an early draft of the Order had proposed disbanding the MOI.[118] At Lt Gen Garner's suggestion, that had not been implemented, in order to preserve the IPS who were employed by the MOI.

152. Existing members of the organisations listed above were dismissed from their former employment, with effect from 16 April (the date of Gen Franks' declaration).[119]

153. Order No.2 also announced:

> "The CPA plans to create in the near future a New Iraqi Corps,[120] as the first step in forming a national self-defense capability for a free Iraq. Under civilian control,

---

[115] Telegram 13 IraqRep to FCO London, 17 May 2003, 'Iraq: Bremer Meets Leadership Group'.
[116] Coalition Provisional Authority Order Number 2, 23 May 2003, Section 1.
[117] *New York Times*, 6 September 2007, *How I didn't dismantle Iraq's army.*
[118] Woodward B. *State of Denial.* Simon & Schuster UK Ltd, 2006.
[119] Coalition Provisional Authority Order Number 2, 23 May 2003, Section 3(1)-(3).
[120] The New Iraqi Corps later became the New Iraqi Army.

> that Corps will be professional, non-political, militarily effective, and representative of all Iraqis. The CPA will promulgate procedures for participation in the New Iraqi Corps."[121]

154. There was nothing in CPA Order No.2 that prevented former employees of the dissolved entities – including the military – from applying to join the New Iraqi Army (NIA), although the provisions of Order No.1 would apply.

155. *Hard Lessons*, the account of US involvement in Iraq by the US Special Inspector General for Iraq Reconstruction, records that Order No.2 was drafted by Mr Slocombe.[122]

156. In a 2004 interview, Mr Slocombe observed that the reasons for disbanding the Iraqi Army were both political and practical:

- The Army had effectively disappeared after the invasion and its barracks had been heavily looted: "We didn't disband the army. The army disbanded itself … Furthermore, even if they had come back … all the facilities were trashed."
- The structure of the former Iraqi Army was such that it would have required substantial reform to be a suitable modern army: "… it was a conscript army with overwhelmingly Shia conscripts and overwhelmingly Sunni officers … The Iraqi Army had 11,000 general officers. The American Army … has 300 general officers."[123]

157. Lieutenant General Jonathon Riley, who served in Baghdad in 2003 as Deputy Head of the Coalition Military Assistance Training Team (CMATT), told the Inquiry that the CPA was left with no choice but to disband the army:

> "He [Ambassador Bremer] is criticised for doing it, but I believe that by the time he made that decree, the army had disbanded itself and what was left of its infrastructure had been largely torn apart by the population, which had lost all respect for its own army. A very bad situation to be in."[124]

158. According to the RAND Report, *After Saddam: Pre-war Planning and the Occupation of Iraq*:

> "… the decision to disband the Iraqi armed forces was … made in Washington … in early May 2003, before the deployment of Ambassador L Paul Bremer to Baghdad."[125]

---

[121] Coalition Provisional Authority Order Number 2, 23 May 2003, Section 4.
[122] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[123] *PBS*, 26 October 2004, *Interview Walter Slocombe*.
[124] Public hearing, 14 December 2009, pages 31-32.
[125] Bensahel N, Oliker O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq.* RAND Corporation, 2008.

159. Mr Douglas Feith, the former US Under Secretary for Defense and Policy, recorded in his memoir that he had been briefed by Ambassador Bremer and Mr Slocombe on 9 May 2003 about "their plan to dissolve the Iraqi Army".[126]

160. According to *Hard Lessons*, the US Department of Defense (DoD) had not discussed the Order with senior officials from other US agencies before approving it.[127] Secretary Powell recalled that "There was no meeting on it; there was no, 'Gee, is this a good idea?' You couldn't even tell who had decided it."

161. Major General Tim Cross, a senior secondee to ORHA, told the Inquiry that the decision to demobilise the army had been made "against all advice from Garner and myself".[128]

162. Sir Kevin Tebbit, MOD Permanent Under Secretary between 2001 and 2005, told the Inquiry:

> "I was not aware of any discussion with us, with the UK, before those judgements were taken. After they were taken, the Americans said to us … that it had to happen anyway, because the army had disappeared. Well, true, but not the 10,000 officers. So I didn't quite buy that."[129]

163. Ambassador Bremer had specifically raised the issue of "dissolving the MOD and the security and intelligence organisations" and "establish[ing] a new national army" in his first meeting with Mr Sawers on 12 May.[130] Mr Sawers had not expressed any concerns and commented that Ambassador Bremer had made a "good dynamic start".

164. Mr Slocombe met Mr Hoon in London on 13 May.[131] Mr Slocombe produced a record of this meeting for Ambassador Bremer (a leaked copy of which has appeared on the internet), which stated:

> "If some UK officers or officials think we should try to rebuild and reassemble the old RA [regular army] they did not give any hint of it …"

165. The MOD record of Mr Hoon's meeting with Mr Slocombe on 13 May stated that Mr Slocombe had:

> "… outlined … the plans for … the new Iraqi Armed Force. He emphasised that this would be a new Army, rather than a reconstituted version of the old."[132]

---

[126] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism.* HarperCollins, 2008.
[127] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[128] Statement, 2009, page 25.
[129] Private hearing, 6 May 2010, page 36.
[130] Telegram 5 IraqRep to FCO London, 12 May 2003, 'Iraq: Bremer's First Moves'.
[131] *BBC News*, 29 October 2007, *In full: Memo from Walt Slocombe to Bremer*.
[132] Minute APS/Secretary of State [MOD] to Policy Director, 13 May 2003, 'Call on Defence Secretary by Walt Slocombe: 13 May 2003'.

166. There is nothing in the record to suggest that Mr Hoon or those accompanying him raised any concerns.

167. Mr Hoon offered UK support with the training of the NIA and stated that it was important that police reform took place in the context of a wider SSR process, "including lawyers, judges, prison officers".

168. The Inquiry asked Mr Simon Webb, MOD Policy Director, about the meeting.[133] Mr Webb said that he had expected the Iraqi Army to be retained and reformed but observed:

> "Of course, life then became particularly complicated when the army disappeared, because of course Saddam [Hussein] had himself … dispersed the army so that it couldn't become a political threat to him. Under this … strange command structure he had introduced in 2002, the army just … gave up and went away. So when Walt Slocombe showed up … it seemed a bit odd to … summon the army back in again when you knew that actually you really wanted a rather different army from a democratisation point of view."

169. Mr Ian Lee, MOD Director General Operational Policy, told the Inquiry that although he had met Mr Slocombe when the latter visited London in May 2003, he did not recall a discussion on the disbandment of the Iraqi military.[134]

170. The Chiefs of Staff met on 14 May.[135] Minutes of the meeting recorded that "the de-Ba'athification process was anticipated to render all those officials senior to the rank of Lieutenant Colonel as 'out of play'". No concerns about that were recorded, nor do the minutes contain any mention of concern about Mr Slocombe's plan to rebuild the Iraqi Army from scratch.

171. Adm Boyce told the Inquiry that he had "laid down … that we should not … go through de-Ba'athification or indeed disband the Iraqi Army. I saw that as being absolutely essential for the future."[136]

172. Sir David Manning told the Inquiry about the impact of dissolving Iraqi military and security entities:

> "… these were policies that added to the difficulties, because we might have addressed the security vacuum by trying to encourage Iraqi police, Iraqi military, to co-operate with us, instead of which, they are disbanded and then become natural dissidents and potential insurgents."[137]

---

[133] Private hearing, 23 June 2010, pages 66-68.
[134] Private hearing, 22 June 2010, pages 55-56.
[135] Minutes, 14 May 2003, Chiefs of Staff meeting.
[136] Public hearing, 27 January 2011, pages 94-95.
[137] Public hearing, 30 November 2009, page 91.

173. That view was shared by Mr Hoon, who told the Inquiry that:

> "… some of the security difficulties, particularly in and around Baghdad were the result of disaffected people, no longer receiving their salary, joining the insurgency and, indeed, putting their expertise to use in the sense that there was a clear suggestion to me that some of the attacks became more sophisticated as some [former] military people became involved …
>
> "… I think that it would have been better to have that stability in that immediate aftermath and I think that, to some extent, disbanding the army fuelled the insurgency in a way that made it much harder to contain."[138]

174. Sir John Sawers told the Inquiry:

> "I don't think it is credible to lay the insurgency, the roots of the insurgency, in the decision to disband the army … The decision to formally disband the army was not something that inspired or triggered the insurgency. It may, in some areas, have compounded it, but it wasn't the fundamental reason behind it."[139]

175. The Order to disband the army also reduced the rate at which the security forces were later re-established. General Sir John Reith told the Inquiry that if the army had not been disbanded "there was still some structure there we could have built on, whereas, as it was, we really had to start from scratch".[140]

176. Lieutenant General Sir John Kiszely, who became Senior British Military Representative – Iraq (SBMR-I) in October 2004, described the impact on army capability:

> "The Iraqi Army, of course, as a result of the Coalition Provisional Authority's decision to disband the army, had been starting from scratch in many areas. So the competence of commanders was in many cases way below that which you would expect of their rank."[141]

177. Lieutenant General Sir Robert Fry, Deputy Chief of Joint Operations from May 2003 to July 2003, told the Inquiry that:

> "… one advantage that the Iraqi Army has had subsequently over the Iraqi police force is that it was created ab initio and thus did not contain some of the flaws that manifested themselves in the Iraqi police force in subsequent years."[142]

---

[138] Public hearing, 19 January 2010, page 161.
[139] Public hearing, 10 December 2009, page 78.
[140] Private hearing, 15 January 2010, page 61.
[141] Public hearing, 14 December 2009, page 11.
[142] Public hearing, 16 December 2009, page 76.

178. Mr Sawers had reported to the FCO in London on 20 May that the question of "what to do about military pay and pensions" was one of the "problems in the pipeline".[143] No further details were provided.

179. Maj Gen Cross prepared a note for Mr Blair on 22 May setting out some points to make in a forthcoming discussion with President Bush.[144] Those included a reference to the recent de-Ba'athification announcement having "created some inevitable difficulties".

180. Maj Gen Cross also raised a concern about what he understood to be the emerging policy decision not to pay pensions to former military personnel. He commented that "there are dangers in excluding such a large and possibly well armed group" from arrangements that were to apply to other members of the public sector.

181. Although no details of the amount of that payment and the arrangements for receiving it were given in the Order itself, those dismissed by CPA Order No.2 were entitled to a termination payment (unless they were a "Senior Party Member" within the terms of the de-Ba'athification Order).[145] Those who had previously been receiving a pension from one of the dissolved organisations would continue to receive that pension (again, unless they were a "Senior Party Member").

182. A telegram from FCO London to Washington, dated 30 May, identified the problem of large numbers of people (and in particular those with military training) out of work and without prospect of further employment.[146] The FCO commented:

> "… the Coalition needs a policy to reduce the perverse incentives for … [that group] to drift towards the hard core actively opposing the Coalition … one solution might be to create a workfare scheme – a pool of labour drawn specifically from those left unemployed by the disbandment of the security apparatus, to meet urgent short term requirements …
>
> "In the medium term, Security Sector Reform (SSR) will make a significant contribution to resolving this issue."

183. An alternative proposal for re-employing former army personnel was put forward by the Cabinet Office in the Annotated Agenda for the AHMGIR on 12 June.[147] Officials suggested "pioneering the re-employment of former Iraqi service personnel as static guards in the UK-led military sectors".

184. The minutes of the meeting do not record a discussion of the proposal.[148]

---

[143] Telegram 18 IraqRep to FCO London, 20 May 2003, 'Iraq: Bremer's Impact'.
[144] Letter Williams to Rycroft, 23 May 2003, 'Iraq Reconstruction' attaching Paper Cross, 22 May 2003, 'Iraq Reconstruction: Some Thoughts for the PM in his Discussions with President Bush'.
[145] Coalition Provisional Authority Order Number 2, 23 May 2003, Section 3(5).
[146] Telegram 251 FCO London to Washington, 30 May 2003, 'Iraq: Dismantling the Ba'athist State'.
[147] Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[148] Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

185. Mr Sawers reported on 20 June that plans were in train to pay more generous severance payments and a monthly stipend for those with at least 15 years' service who were not senior Ba'athists.[149] Mr Sawers' own view was that the sums being proposed "may not be enough to solve the problem", adding:

> "Bremer has an open mind on this, though does not want to burden a future Iraqi Government more than necessary, nor be more generous to ex-soldiers than to civilians … At a meeting with leading Iraqis today Bremer sought views on how to deal with the ex-military. The great majority of those present – including Shia Islamists – argued that regular payments should be made to ease the security threat that the ex-military would pose if they were marginalised."

186. Payments for ex-servicemen were announced on 23 June.[150]

187. Ms Ann Clwyd, the Prime Minister's Special Envoy to Iraq on Human Rights from 2003 to 2009, told the Inquiry that "many people slipped through the net … senior people, who could have been used in those early stages to help the Coalition".[151] She recounted a meeting with a senior army officer who had queued for his stipend for two weeks without reaching the front of the queue. He had told her: "if they want to humiliate us, this is the way of doing it".

188. Major General Freddie Viggers, who arrived in Baghdad in May 2003 as SBMR-I, described similar scenes:

> "I can remember going with Walt Slocombe in to see Paul Bremer and saying 'this has got to stop. The numbers at the gate now are over 1,000, 2,000, 3,000, and we have to start giving these people a little bit of respect and the means to live on'."[152]

Views on SSR: May 2003

189. Sir David Manning visited Baghdad and Basra in May. A substantial part of his report to Mr Blair (described in Section 9.2) dealt with policing and security, and the way in which the UK could contribute to restoring order in the Iraqi capital. He reported to Mr Blair that: "Baghdad remains key; and the key to Baghdad is security."[153] Sir David's view was that:

> "Police training could have a disproportionate impact. (Police are conspicuous by their absence). A quick win would be moving 16 Air Assault Brigade to Baghdad with the task of providing police training for six weeks."

---

[149] Telegram 46 IraqRep to FCO London, 20 June 2003, 'Iraq: Payments to Ex-Military, and Preparations for the New Army'.
[150] CPA Press Notice, 23 June 2003, 'Good News for Iraqi Soldiers'.
[151] Public hearing, 3 February 2010, pages 26-27.
[152] Public hearing, 9 December 2009, page 29.
[153] Minute Manning to Prime Minister, 22 May 2003, 'Iraq – Visit to Baghdad and Basra'.

190. The proposal to deploy 16 Air Assault Brigade was supported by Major General David Richards, the Assistant Chief of the General Staff, who had been sent to Iraq by Mr Hoon and General Sir Michael Walker, CDS, to scope the potential for a UK role in improving SSR.[154]

191. The deployment was also encouraged by Mr Sawers, who emphasised the strategic importance of taking action in the immediate future to avoid further deterioration in security.[155]

192. On 23 May, Mr Peter Watkins, Mr Hoon's Private Secretary, wrote to Sir David Manning to explain that the MOD advised against the deployment to Baghdad, on the basis that it was "likely to have only a marginal effect" and might divert effort away from the South of Iraq, where the UK was seeking to implement an "exemplary approach".[156]

193. The Chiefs of Staff discussed SSR on 29 May, when they considered a paper prepared by the SPG.[157] The paper had been circulated to the FCO and the Cabinet Office, though not to DFID, the Home Office or other departments with responsibility for wider security or justice issues.[158]

194. The SPG defined SSR as addressing "all aspects of the security sector (police, judiciary, penal service, border security, intelligence services and armed forces) as part of a long term holistic programme of change". Although SSR was normally led by DFID, with the MOD, the FCO and the Home Office as stakeholders, for Iraq the IPU had been given the lead "for the development of UK strategy through the Cabinet Office".

195. The SPG recognised that SSR in Iraq was part of both the security and reconstruction efforts, and defined the SSR goal for Phase IV as:

> "To establish as soon as possible the core elements of a legitimate, accountable, sustainable Security Sector – which safeguards the Rights of Citizens and provides adequate Defence of future Iraqi Sovereignty."

196. The paper concluded with an assessment of the level of UK military resource that should be devoted to that task, commenting that "we may face a requirement to provide additional resources" and that there was "a choice about the degree of military involvement" which would "have implications for both the level [sic] resources and the length of time we are likely to be engaged".

---

[154] Minute ACGS to PSO/CDS, 20 May 2003, 'Op TELIC: ACGS' Trip to Iraq (17-21 May 03) – Initial Findings and Recommendations'.
[155] Minutes, 22 May 2003, Chiefs of Staff meeting.
[156] Letter Watkins to Manning, 23 May 2003, 'Security in Baghdad'.
[157] Minutes, 29 May 2003, Chiefs of Staff meeting.
[158] Minute Williams to COSSEC, 15 May 2003, 'Iraq – Security Sector Reform' attaching Paper [SPG], 15 May 2003, 'Iraq – Security Sector Reform'.

197. In the area of Iraq under UK control, UK forces were "likely to be faced with a variety of low level military activities required of Coalition Forces by the US to enable SSR implementation (e.g. oversight of recruiting procedures, provision of training advice and resources)".

198. The SPG's recommendations included:

- "We should proceed on the basis of minimal engagement in SSR in Iraq coherent with current Ministerial intent."
- "We should seek clarification of where the funding for engagement in SSR will be forthcoming."
- That the UK should seek clarification from the US on "who will decide size and shape of internal security forces".

199. The minutes of the Chiefs of Staff meeting recorded that the MOD "should remain flexible on the degree to which the UK should be militarily involved, but be forward leaning in those areas where valuable assistance could be offered."[159]

The police structure in the UK

In his statement to the Inquiry, Chief Constable Paul Kernaghan described the police structure in the UK during the Iraq conflict.[160] There were 52 territorial forces: the Home Office was responsible for the 43 forces that cover England and Wales, the Scottish Executive for the eight forces in Scotland and the Northern Ireland Office for the Police Service in Northern Ireland (PSNI). Each force was headed by a Chief Constable (or Commissioner), who were members of the Association of Chief Police Officers (ACPO).[161] Within ACPO, discrete "business areas" were led by individual Chief Constables "in addition to other duties".

From 2000 to 2008, CC Kernaghan was the lead on international affairs for ACPO in addition to his role as Chief Constable of Hampshire Constabulary.

200. CC Kernaghan had first been informed of a potential requirement to deploy police officers to Iraq in an email from a junior Home Office official on 14 April.[162] That exchange is also referred to earlier in this Section. The junior official explained:

> "As you know, we would expect the FCO, who lead on the UK contribution to the policing element of international peacekeeping/crisis management operations, to initiate any request for policing assistance in Iraq. No formal approach has yet been made. But in view of the Home Secretary's keen interest, I spoke to Stephen Pattison, Head of the UN Department at the FCO, to find out what their thinking was.

---

[159] Minutes, 29 May 2003, Chiefs of Staff meeting.
[160] Statement, 9 June 2010, pages 1-2.
[161] Chief Constables of forces in Scotland were members of ACPO Scotland.
[162] Email Home Office [junior official] to Kernaghan, 14 April 2003, 'Potential police involvement in Iraq'.

He considers that an initial, fairly small, deployment of armed police officers to Basra would be useful in the first instance. The idea being that they would seek out credible elements of the local police force and encourage them (e.g. to act against looters etc).

"To meet this requirement, the International Policing Unit was looking to recruit about 20 Ministry of Defence Police officers, after the MDP [Ministry of Defence Police] had made a short reconnaissance visit … Stephen Pattison said that he would like to see how this initiative worked out, before deciding whether to ask the HO [Home Office] for any assistance from other (i.e. ACPO) forces."

201. In his response CC Kernaghan asked a number of questions about how the UK government envisaged any civilian policing assistance fitting in with the current military role and volunteered to visit Iraq "to consult with appropriate Coalition commanders/ administrators and assess the input the UK could make".[163]

202. CC Kernaghan told the Inquiry that he was "quite clear" that he could not offer valid professional advice unless he had "first hand exposure to the realities of contemporary Iraq".[164]

203. On 23 May, CC Kernaghan reported to Mr Blunkett and Mr Straw on his visit to Iraq the previous week, undertaken to assess the possibilities for a UK police contribution to the Coalition effort and the scale of the task involved.[165] CC Kernaghan identified a number of challenges that he judged the Coalition powers would need to overcome in order to deliver effective law and order within Iraq:

- The absence of strategic direction or professionally informed planning. As well as the disorganisation he encountered in ORHA (which he attributed in part to the transition to the CPA), CC Kernaghan highlighted the absence of a clear plan from either of the two Occupying Powers for maintaining law and order or operating an effective criminal justice system. He observed that, in the course of his visit, it had become apparent that the UK had been preparing for the potential Occupation for some time and stated that it was a matter of "regret" that professional police advice from the UK had not been sought until April 2003.
- Criminal justice infrastructure was "totally degraded with police stations, courthouses and prisons having been looted by the local population and in some cases their own staff". CC Kernaghan commented that: "Looting does not do justice to the level of destruction inflicted and I can best liken the outcome to the progress of locusts across a field of corn." He suggested that a prison facility "meeting minimum international standards was also a high priority" and that the old Iraqi prison facilities that had been discovered indicated that "humane

[163] Email Kernaghan to Home Office [junior official], 14 April 2003, 'Potential UK civil police involvement in Iraq'.
[164] Statement, 9 June 2010, page 2.
[165] Letter Kernaghan to Blunkett, 23 May 2003, 'Iraq – visit by Chief Constable P R Kernaghan' attaching Report Kernaghan, 10 May 2003, 'Report on Visit to Iraq by Chief Constable Kernaghan [13-20 May 2003]'.

treatment of prisoners was an unknown concept." Prisoners were, at the time, being held in the theatre internment facility designed for prisoners of war.

- The difference between the social norms and attitudes of the Occupying Powers and the local people and their neighbours in the wider region. That divergence was going to be a significant issue: "If the [Coalition Powers] are going to ensure that their values and concept of human rights are respected in Iraq, excellent. Equally, if they feel that legally they cannot change Iraqi society on those lines, it would be helpful for that reality to be spelt out. This is particularly relevant to policing, as any international officer serving in Iraq could not be associated with operational policing which did not reflect the human rights position of their parent country. Ambiguity and obfuscation would not survive long in the glare of media and domestic political scrutiny."

204. After returning to the UK from a visit to Iraq, Mr Blair sent a personal note to President Bush.[166] Sir David Manning provided copies to Mr Straw, Mr Hoon, Mr Watkins and Mr Powell, but instructed "It must not go wider".

205. Mr Blair wrote that:

> "… the task is absolutely awesome and I'm not at all sure we're geared for it. This is worse than re-building a country from scratch."

206. He went on to explain that security in Baghdad had to be dealt with at once; police training was vital and urgent.

207. During May, the CPA Interior Ministry's International Police Assistance Team (IPAT) – comprising 15 policing experts from the UK, US, Canada and Denmark – carried out an assessment of the Iraqi police, to inform the CPA's plans for reconstituting and developing policing in Iraq.[167] The Coalition had originally intended to conduct the policing assessment as part of a wider justice sector assessment; however, because "the law and order situation was in a critical state of disarray … the … priority was defined as establishing the police forces" and the work on policing was taken forward in advance of wider work on the justice sector. The team produced a 56-page assessment of the state and future of policing in Iraq on 30 May.

208. The IPAT assessed that the law and order situation varied across Iraq. It explained that the arrangements for recalling and reinstating the Iraqi police had varied geographically and that individual Coalition commanders had taken different approaches to the training and re-use of existing police:

> "This effectively began the creation of four potentially different police forces in Iraq: North, Central, South Central and South."

---

[166] Letter Manning to McDonald, 2 June 2003, 'Iraq: Prime Minister's Note' attaching Note, 'Note'.
[167] Report CPA Interior Ministry, 30 May 2003, 'Iraq Police: An Assessment of the Present and Recommendations for the Future'.

209. The IPAT commented:

> "Encouragingly, the Iraqi police are co-operating and demonstrating a willingness to work alongside the Coalition Forces in order to address the law and order situation."

210. The IPAT explained that ORHA had:

- issued guidelines "to ensure that a standardised approach is utilised while re-organising the police within each military area of responsibility";
- established "criteria for vetting existing and screening newly recruited personnel";
- stated that programmes of instruction to re-train all existing personnel and new recruits would be complete by mid-June;
- increased salary levels; and
- begun vetting of senior police officers in response to the de-Ba'athification Order.

211. The IPAT assessment concluded:

> "The Iraqi Police, as currently constituted and trained, are unable to independently maintain law and order and need the assistance and guidance of Coalition Force assets (or some similar follow on force) to accomplish this task."

212. The Iraqi police would need to be "redesigned and redeveloped" if they were to become capable of engendering public trust and confidence and being able to recover from the "years of neglect" and the "repressive command structure" that prohibited training, proactivity and initiative.

213. The IPAT recommended demilitarising the structure and ethos of the police and, while it recommended that the new police force should be recruited primarily from those who served in the previous Iraqi police, there should be tight vetting arrangements, retraining and "the establishment of an aggressive Office of Professional Standards … that ferrets out corruption while immediately addressing unprofessional, unethical or criminal behaviour within the Service".

214. The IPAT set out a summary of the principles to be applied to vetting. It explained that the purpose was both "to remove unacceptable personnel from the existing … service" and to prevent unsuitable individuals joining the reconstituted police service. In addition to physical fitness and basic Arabic literacy, the criteria included:

"
- No affiliation with the Ba'ath Party in accordance with … CPA Order No.1;
- No reported history of human rights violations or history of mistreatment or abuse of other persons;
- No criminal history involving violence, theft or violating the public trust;
- No reported history of a propensity to engage in violence or criminal acts;
- No reported history of immoral or unethical activity."

215. The IPAT explained that once applicants had met those minimum requirements, they would be investigated in line with the de-Ba'athification Order to check that they were not disqualified from employment. Absolute disqualifications would include:

"
- Former regime security organisation affiliation (RG [Republican Guard] or worse);
- Senior Ba'ath Party membership;
- Terrorist organisation affiliation; or
- Human rights violations and crimes against humanity."

216. The IPAT did not provide any details of how the information on which to make judgements about individual cases was to be obtained and evaluated. Nor was there any information about who would make the judgements.

217. Training programmes for existing police officers were to comprise an initial three-week transitional training programme followed by a longer-term capacity-building programme, to include monitoring and mentoring, "until an effective, locally acceptable police force is established that incorporates principles of community policing and full respect for the human rights of individuals".

218. The IPAT assessed that that could not be achieved "without significant international assistance" and estimated that "a requisite force" would comprise 6,633[168] international police advisers, an unspecified number of whom would have executive powers. Training sites should be opened in Baghdad, Basra, al-Anbar and Northern Iraq. Those whom the IPAT had spoken to as part of its research had "expressed a wish for US and UK police as trainers and supervisors", though the IPAT was of the opinion that "consideration should obviously be given to a wider pool than this and should also include consideration of other Arab police forces". There was no detail about how those advisers would be sourced.

219. The IPAT stated:

> "… a policy decision is needed as to the end state of the police … so that there is an overarching vision and focus … Two models are available. One is the classic single national police force with specialised units at the centre and decentralised administration. The second is a police force which reflects a federal government structure."

220. Former Deputy Chief Constable (DCC) Douglas Brand, who served as the UK's senior policing representative in Baghdad from July 2003, told the Inquiry that he recalled seeing the IPAT assessment prior to his deployment and thought that it was "high on aspiration but very low on actual, practical capability … not least, there wasn't a great deal of understanding of the local culture and context".[169]

---

[168] The report quotes two figures; 6,663 and 6,633. The Inquiry believes the latter is the correct figure.
[169] Public hearing, 29 June 2010, pages 11-13.

SSR roles and responsibilities in Iraq

221. On 3 June, a conference was held in Washington chaired by Mr Slocombe.[170] It was attended by personnel from the MOD, the FCO, the IPU and DFID, led by Brigadier John Rose, the Chief of Defence Staff's Liaison Officer. At the conference, Mr Slocombe proposed a new structure for the CPA's Office of the Director of Security Affairs.

222. The "most significant" change to previous plans was the addition of the post of Deputy Director for SSR, which Mr Slocombe said would take on "the co-ordination role".[171] The British Embassy Washington commented that "this reflected a general willingness, by Slocombe at least, to view the management of the sector in the round". The UK delegation told Mr Slocombe that the UK "would be keen to provide someone" for the SSR role.

223. The UK also undertook to provide a Chief Constable to advise on police support, a one or two-star civilian deputy director to work on reform of the Iraqi MOD (IMOD[172]), a deputy director for intelligence conversion and a one-star deputy commander of the Coalition Military Assistance[173] and Training Team (CMATT).[174] The UK also offered assistance with navy and air force reform.

224. US Major General Paul Eaton arrived in Iraq on 13 June to take control of the CPA's CMATT, which was to be responsible for developing and training the NIA.[175]

225. CMATT reported to Mr Slocombe's deputy, Lieutenant General Luis Feliu of the Spanish Army.[176] Maj Gen Eaton's Deputy Commander was from the UK – Brigadier Jonathon Riley. There were a further eight UK officers seconded to CMATT.[177]

226. CMATT was initially given a budget of US$173m and directed to train three divisions of light or motorised infantry by September 2006.[178] It was also directed to form a small aviation element and a coastal defence force.

227. In early July, responsibilities for SSR in the CPA were divided. Mr Kerik took on responsibility for the MOI including policing, fire, customs, border control, immigration,

---

[170] Minutes, 4 June 2003, Chiefs of Staff meeting.
[171] Telegram 780 Washington to FCO London, 3 June 2003, 'Iraq: Roundtable with Walt Slocombe, CPA Director'.
[172] The IMOD was also referred to as the 'Iraqi MOD' or simply the 'MOD'. The Inquiry will use the term 'IMOD' unless quoting from a document which uses an alternative.
[173] 'Advisory' is used instead of 'Assistance' in some papers.
[174] Minutes, 4 June 2003, Chiefs of Staff meeting.
[175] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[176] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[177] Paper MOD, 9 December 2009, 'Iraq Security Sector Reform'.
[178] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

passports, citizenship and disaster relief and Mr Slocombe focused on the development of the Iraqi Armed Forces.[179] Mr Kerik's team at this stage comprised 12 people with an additional five consultants on short-term assignments.

228. A record of the IPU's SSR team's visit to Iraq at the start of July stated:

> "Although Kerik has a clear vision on his aspirations for a police force there currently appears to be a lack of strategic direction for the whole of Iraq with his focus firmly on Baghdad. That said it is understood that guidance has been given to the regions but they have largely been left to fend for themselves. It is expected that this will change as the international policing effort is established. Kerik offered much praise for the efforts and progress made in the Basra area by UK forces."[180]

UK policing strategy: summer 2003

229. On 5 June, Mr Straw sent a number of papers to Mr Blair including a three-page policing strategy produced by the UND.[181] It referenced the CPA's assessment of 30 May and commented that, in the FCO's view, the immediate objective was "to stabilise the security situation by creating an effective interim police force with international civilian police working alongside Iraqi police and Coalition military forces".

230. The strategy stated that the longer-term objective was "to establish an effective, viable and sustainable police force within a fully functioning security sector". The initial response would be deployment of "an armed International Police Monitoring Force … to Baghdad and Basra, to conduct joint patrols with the current Iraqi police force and Coalition military" requiring 3,000 armed police officers. Once the Iraqi police were considered to have received sufficient initial training, the international presence would have a longer-term training focus, eventually taking on a mentoring role.

231. The UND paper suggested the following timetable:

"
- By 14 June: CPA/Coalition agree strategy for reforming Iraq Police Force [to include a decision on the model of police force required];
- By 21 June: Appointment of Police Commissioner to implement strategy;
- By 30 June: Police Contributors conference;
- By 14 August: Infrastructure in place for international police monitoring/ mentoring force (IPMF);
- By 31 August: Arrival of international police force (IPMF) personnel."

---

[179] Minute Lowe [MOD], 9 July 2003, 'Visit Report – IPU Security Sector Reform Team Visit to Baghdad 4-7 July'.
[180] Minute Lowe [MOD], 9 July 2003, 'Visit Report – IPU Security Sector Reform Team Visit to Baghdad 4-7 July'.
[181] Minute Straw to Blair, 5 June 2003, 'Iraq: Winning the Peace' attaching Paper UND, 3 June 2003, 'Iraq: Security Sector Reform: Policing Strategy'.

232. An FCO update to the MOD's Iraq Secretariat stated that the strategy was "broadly endorsed by the Prime Minister".[182]

233. On 6 June, the UND contacted the US State Department to share its draft policing strategy.[183]

234. Sir Kevin Tebbit and Gen Walker visited Baghdad and Basra in early June.[184] Sir Kevin reported that Ambassador Bremer had expressed a desire to draw on UK expertise from Northern Ireland and they had explored how the UK might offer assistance. Sir Kevin also recorded that Gen Walker thought that the MOD Operational Training and Advisory Group (OPTAG) should advise on the creation of a "Police and Security Sector Reform Assistance" team.

235. The UND responded with a formal minute defending the UK's draft strategy. The minute stated:

> "Since 1997 there has been a Whitehall system in place for the deployment of UK civilian police … The International Policing Unit in UND, FCO is in the lead … They … have a large amount of experience and expertise to draw on. I do not see the need to ask OPTAG to advise on setting up a new team … nor indeed do I see the need for a new team to be set up at all."[185]

236. The MOD's Iraq Secretariat had also been in touch with Mr Kerik in Baghdad.[186] As a result, they considered that the FCO's policing strategy was "about three weeks behind the curve" as Mr Kerik "doesn't want an international force, he wants trainers (about 7,000 of them)."

237. The UND commented:

> "Until we see a policing strategy from the Americans … I suggest we continue to sell our proposal."

238. At the AHMGIR held on 12 June, the FCO's policing strategy was not discussed.[187] Instead discussion on SSR focused on the deployment of UK personnel.

239. The minutes also recorded:

> "The US had asked for our advice on how to win hearts and minds and establish security based on our Northern Ireland experience. The MOD would send a team."

---

[182] Letter UND [junior official] to MOD(Sec Iraq), 9 June 2003, 'Iraq: Policing Strategy'.
[183] Email UND [junior official] to [State Department], 6 June 2003, 'Iraq Policing'.
[184] Minute Tebbit to Secretary of State [MOD], 3 June 2003, 'Visit to Basra and Baghdad'.
[185] Minute UND [junior official] to MOD(Sec Iraq), 9 June 2003, 'Iraq: Policing Strategy'.
[186] Email UND [junior official] to Lowe [MOD], 9 June 2003, 'Policing Meeting – Tuesday 10 June'.
[187] Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

240. The MOD deployed OPTAG to train US military trainers and "pass on UK expertise in peace support operations" in June.[188]

241. Mr Andy Bearpark became the CPA Director of Operations and Director of Operations and Infrastructure in June 2003. He told the Inquiry:

> "The training of the new Iraqi police force was perceived of as an entirely civilian lead, even though military resources might be required."[189]

242. Mr Straw met Ambassador Bremer in Iraq on 2 July.[190] The record of the meeting stated that Mr Kerik had made a request for "experienced police officers to help with training and mentoring".

243. The nature of this request was clarified in the record of the IPU's visit to Iraq in early July, which stated:

> "… a specific request for 100 UK Police Officers in a mentoring/tutoring role for the next 18 months operating in Iraq was raised by Kerik."[191]

244. Police secondees were expected to contribute in a range of areas including training and mentoring, with some officers being expected to "have executive powers" (that is, to be operational police officers).

245. Acting DCC Brand deployed to Iraq on 4 July.[192]

246. Before his deployment, the evidence seen by the Inquiry indicates that there was no clear understanding of what his role would be. There had "been a hint that the role will be to head up the international policing effort", but it was decided that he should accompany the FCO's SSR team on a visit to Baghdad and that "if there is a substantial role for him it is intended that he will stay on".[193]

247. Former DCC Brand told the Inquiry that he had been "told that I should seek to negotiate my way in with Bernard Kerik, but if that failed to return to the UK".[194]

248. Once DCC Brand was in Iraq, agreement was reached that he would serve as Mr Kerik's chief adviser on policing.[195] Shortly after arriving in Baghdad, DCC Brand

---

[188] Letter Williams to Rycroft, 1 July 2003, 'Iraq: Security and Troop Levels'; Letter Sinclair to Sheinwald, 17 October 2003, 'Iraq Security and Policing'.
[189] Public hearing, 6 July 2010, page 78.
[190] Telegram 24 FCO London to IraqRep, 3 July 2003, 'Iraq: Foreign Secretary's Meeting with the Administrator of the Coalition Provisional Authority in Iraq, 2 July'.
[191] Report Lowe [MOD], 9 July 2003, 'Visit Report – IPU Security Sector Reform Team Visit to Baghdad 4-7 July'.
[192] Statement Brand, 18 June 2010, page 1.
[193] Minutes, 26 June 2003, 'Minutes of a Meeting to Discuss Security Sector Reform in Iraq Held at the IPU on Thursday 26 June 03'.
[194] Statement, 18 June 2010, page 1.
[195] Minute Brand, 16 July 2003, 'Report from Iraq – Douglas Brand'.

requested "immediate augmentation of three staff" to support his work in Baghdad and drafted himself some more detailed Terms of Reference. Those included responsibility for:

- policing Baghdad (under Mr Kerik's policy direction) – an operational function;
- developing an implementation strategy for policing in Baghdad, aimed at achieving transition from military primacy to civil police primacy;
- mentoring, coaching and training the Iraqi Chief of Police for Baghdad (once appointed) to a level that would allow the CPA to hand over authority and operational responsibility;
- advising the CPA on international support for policing in Iraq; and
- advising the CPA on the implementation of a strategy for policing in Iraq.

249. Former DCC Brand told the Inquiry that the purpose of the last two objectives was to remind Mr Kerik of his "broader responsibility for the rest of Iraq".[196]

250. Former DCC Brand later added that, "with the establishing of the second chief officer to go down there [Basra], I made an early decision, rightly or wrongly, that I wasn't going to trespass in his [Mr Kerik's] area, apart from the fact that I had enough to get on with in Baghdad and the rest of Iraq, but also there was a slightly different set-up".[197]

251. After Mr Kerik's tenure in Iraq ended in early September 2003,[198] DCC Brand effectively acted as senior adviser to the MOI "for a couple of months"[199] until late October when a US replacement, Mr Steve Casteel, was brought in.[200]

252. Former DCC Brand told the Inquiry that, during that period:

> "… it was a busy time and, of course, what got neglected was the police part."[201]

The UK approach to judicial reform

By the end of June 2003, the CPA had completed a review of the Iraqi justice sector.[202]

DFID officials summarised the conclusions and recommendations of the report as follows:

- A holistic upgrade of legal competence was required. To practise under the current system, lawyers needed only to register and attend a one-hour interview.
- The roles of key actors in the court system needed clarification and re-definition: specifically, prosecutors and defence lawyers should be more active and judges should perform a less prosecutorial function.
- Steps needed to be taken to reduce the endemic corruption in the legal system.

[196] Public hearing, 29 June 2010, page 37.
[197] Public hearing, 29 June 2010, page 89.
[198] Statement Brand, 28 June 2010, page 1.
[199] Public hearing, 29 June 2010, page 92.
[200] *PBS*, 30 December 2005, '*Training Iraqi Police Forces*'.
[201] Public hearing, 29 June 2010, page 93.
[202] Annotated Agenda, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

- The legal code should be clarified; choices needed to be made about which statutes were valid and which were not.
- Judges should be screened for Ba'ath Party status.
- Legal associations needed to be strengthened to raise standards of professionalism and self-regulation.
- Discrimination against women in the legal system was overwhelming. They were not allowed to attend the judicial training course that was the basis for selection as judges and prosecutors.[203]

The AHMGIR was briefed that some of the recommendations were already being put into effect.[204] On 17 June, Ambassador Bremer had announced the opening of a new Iraqi Judicial College, the creation of a Judicial Review Committee (responsible for de-Ba'athification of the judiciary) and the establishment of a Central Criminal Court. The CPA also proposed to establish an Office of Human Rights and Transitional Justice, which would operate alongside the Ministry of Justice.

Cabinet Office officials briefed members of the AHMGIR that: "We are generally content with the direction of CPA policy, but believe that the UN and NGOs should be more involved in the next stages."

Ministers discussed the Judicial Review Team's report at the AHMGIR on 26 June and agreed that "subject to closer scrutiny" they should support the report's recommendations "including by providing specialist advice".[205]

A DFID-sponsored mission by the International Legal Assistance Consortium (ILAC) visited Iraq from 13 to 30 August to scope projects for the reconstruction of the judicial system.[206] Four of the projects recommended by the mission formed the basis of the £2.2m DFID-funded ILAC Justice Support Programme (see Box, 'International Legal Assistance Consortium').

On 10 July, the AHMGIR considered a paper on judicial reform.[207]

Lord Goldsmith said that corruption and intimidation had left the Iraqi judicial system in a "worse state than expected" and that it would take a "long term commitment from the international community and particularly the Arab world to rebuild". He highlighted that Iraqi people wanted a system that would deal with current crimes as well as legacy crimes.

Ministers agreed that the UK should:

- encourage qualified and vetted Iraqi legal experts to assist reconstruction of the judicial sector;
- encourage participation of the UN, Arab and international experts;
- second suitable UK personnel where possible; and
- consider holding a conference on judicial issues in Iraq.

---

[203] Letter Glentworth to Kossoff, 22 August 2003, 'CPA Judicial Assessment Team ("the Williamson Report")'.
[204] Annotated Agenda, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[205] Minutes, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[206] Paper ILAC, 1 December 2003, 'ILAC Iraq Programme – Submission for DFID'.
[207] Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

253. The AHMGIR next discussed SSR on 17 July for which the IPU – which had been renamed the 'Iraq Policy Unit' – provided an update paper.[208] The paper stated that there had been considerable progress in various SSR areas but that there was still no cohesive strategy. That lack of strategy was described as "not necessarily … a cause for current alarm" as it was a reflection of the rapidly moving situation in Iraq.

254. The paper described the splitting of SSR responsibilities as a "set back" and informed Ministers that there were now four senior UK personnel in Baghdad working in each of the main SSR areas (policing, intelligence, army and the MOD). Agreement that DCC Brand would serve as Mr Kerik's chief adviser was "an important gain".

255. The paper mentioned the requirement for approximately 7,000 international police officers. The US intended to provide 700 and the UK 100.

256. At the meeting of the AHMGIR, the IPU described the 7,000 target as "ambitious" although they considered that the Organisation for Security and Co-operation in Europe (OSCE) might provide support.[209] By that stage, a police donors' conference should have been held and international contributions established according to the original FCO timeline produced on 3 June. The fact that timelines were slipping was not mentioned at the meeting or in the update paper.

257. On 1 August, the UND wrote to DCC Brand asking him to push for a policing strategy and stating:

> "The UK and other states will be reluctant to engage in the reform of the Iraqi police service unless we are shown that there is a clear strategy … If the CPA Interior Ministry is genuinely considering the deployment of a significant mentoring mission, it will urgently need to address these issues and make its case to a wider audience. We fully appreciate the constraints of the operating environment, but we are keen to keep up momentum and build on progress made."[210]

Training of the Iraqi Police Service begins

258. Formal police training began in late June.[211] On 16 July, the first 150 students graduated from the Transition Integration Programme – a three-week course designed for existing police officers and run by the US Military Police in Baghdad.[212]

259. The same month, Ambassador Bremer recommended that the training of police be accelerated and that additional international police be deployed to protect critical infrastructure.[213]

---

[208] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation attaching Paper IPU, 16 July 2003, 'Security Sector Reform the Next Steps'.
[209] Minutes, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[210] Minute UND [junior official] to Brand, 1 August 2003, 'Iraq Police Reform: UK Priorities'.
[211] Minute Brand, 16 July 2003, 'Report from Iraq – Douglas Brand'.
[212] The same programme is also sometimes referred to as Training in Post (TIP).
[213] Email Rumsfeld to Feith, 8 July 2003, 'Police in Iraq'.

260. On 8 July, Secretary Rumsfeld issued instructions to work up a plan and develop a list of requirements. He stated: "Prime Minister Blair said he agreed and would get some help."

261. That may be a reference to a video conference held on 3 July in which both Secretary Rumsfeld and Mr Blair participated. Mr Blair was reported to have asked Ambassador Bremer and Mr Sawers to draw up a list of their requirements, and said that the UK would "do our level best to meet any demand for additional resources".[214] That discussion is described in more detail in Section 9.2.

262. In early August, Mr Kerik briefed Ambassador Bremer on the requirement for police in Iraq.[215] He estimated that Iraq needed 65,000-75,000 police officers and said that it would take approximately six years to develop that size of force. Ambassador Bremer responded that it needed to be done in two years and allocated a US$120m budget from Iraqi Government funds.

263. On 10 August, DCC Brand reported that the CPA leadership had acknowledged that it would not be possible to attract the 6,600-strong International Police Training Force originally envisaged in the CPA's May assessment and that the aspiration was now "1,500 to 2,000".[216]

264. *Hard Lessons* stated that the US NSC rejected the original recommendation for 6,000 international police officers:

> "… viewing them as too ambitious and too expensive. Ultimately, Ambassador Bremer requested IRRF 2 [Iraq Relief and Reconstruction Fund] funding for 1,500 police advisors – of whom 1,000 would be American."[217]

Police training academies

One of the practical challenges facing those delivering the police training was where it should be carried out. Concerns about security within Iraq had led the CPA to consider the possibility of conducting the majority of the training in Hungary, though this plan failed to materialise.[218]

---

[214] Letter Cannon to McDonald, 3 July 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 3 July'.
[215] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[216] Minute Brand, 10 August 2003, 'Report from Iraq – Douglas Brand'.
[217] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[218] Minute, 7 September 2003, 'Report from Iraq – Douglas Brand'.

The next proposal, in September, was for a training college in Jordan which the CPA considered could be made ready by November 2003.[219] That facility would provide training for 35,000 Iraqi police recruits in a series of eight-week training courses, each taking 1,500 students.

Training of new recruits began in Jordan on 29 November with 36 UK police officers (a third of the training staff).[220] A further 40 UK officers were "on standby to join the … project as it expands". It was highlighted that: "Construction is behind schedule and conditions poor."

The first recruits to pass through the Jordan facility were existing recruits who had been going through police training at the point of the invasion.[221] Former DCC Brand described the course as "very, very basic".

Plans also progressed for police training inside Iraq. As mentioned in the CPA's May assessment of policing in Iraq, there were plans to open academies in Basra, Baghdad and the North of the country.

Plans for an academy near Basra were initiated by the military and then taken on by DCC Stephen White, Senior Police Adviser and Director of Law and Order for CPA(South). The academy was to be known as the Regional Police Training Academy (RPTA) and located at az-Zubayr, near Basra.

The Baghdad facility was run by a UK Chief Inspector and staffed by US military police.[222]

New Iraqi security structures

265. On 23 June, Mr Slocombe announced the formation of the New Iraqi Army (NIA).[223] The plans for the NIA included:

"
- To have a full division equivalent of 12,000 soldiers, who would be trained and operational in one year. By two years to have three divisions of 40,000 soldiers.
- To deploy battalions as they are trained, under the command of Iraqi officers.
- The military missions of the units will include protecting the nation's borders, provide military level security for certain routes and installations, help clear mines and UXO [unexploded ordnance]."

266. On 18 August, Ambassador Bremer signed CPA Order No.22, which set out the mission and role of the NIA.[224] It was to be responsible for:

> "… the military defense of the nation, including defense of the national territory and the military protection of the security of critical installations, facilities, infrastructure, lines of communication and supply, and population."

---

[219] Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[220] Letter Owen to Rycroft, 18 December 2003, 'UK Contribution to Iraqi Police Training'.
[221] Public hearing Brand, 29 June 2010, pages 62-65.
[222] Letter Sinclair to Sheinwald, 17 October 2003, 'Iraq: Security and Policing'; Letter Owen to Rycroft, 18 December 2003, 'UK Contribution to Iraqi Police Training'.
[223] Coalition Provisional Authority Press Release No. 006, 23 June 2003, *Good news for Iraqi soldiers.*
[224] Coalition Provisional Authority Order Number 22: Creation of a New Iraqi Army.

267. Although the NIA would have a role in internal disaster relief operations, the Order was explicit that:

> "The New Iraqi Army shall not have or exercise, domestic law enforcement functions, nor intervene in the domestic political affairs of the nation."

268. Ambassador Bremer was established as Commander in Chief, pending transfer of the role to an "internationally recognised, representative government, established by the people of Iraq".

269. Suitability for employment in the NIA would be judged on a number of criteria, including:

- "the absence of evidence of human rights violations or war crimes";
- "the absence of affiliation with the security and political control organs of the former regime"; and
- "the absence of association with Extremist Organisations or other groups that use or advocate the use of violence for political purposes whether internal or international".

270. In early August, the first 1,000 Iraqi Army recruits were sent by the CPA for basic training in Kirkush (north east of Baghdad) by CMATT.[225]

271. On 5 September, Secretary Rumsfeld ordered an acceleration of the programme to train the Iraqi Army, stating that the three planned Divisions must be ready by September 2004.[226] The budget to achieve this was increased from US$173m to US$2.2bn.

272. *Hard Lessons* records that Secretary Rumsfeld made the decision to halve training time to one year during a visit to Iraq in August 2003, as security was worsening.[227]

The Governing Council

The Governing Council (GC) was an Iraqi group with powers set out in Authorities of the Governing Council, agreed between international forces and members of the GC. It met for the first time on 13 July 2003 and is explained in more detail in Section 9.2.[228]

The agreement enabled the GC to make policy in all areas, including "the rebuilding and/or reform of Iraq's armed forces, police and justice sector … [and] ensuring that Iraq's police and military are depoliticised".[229]

---

[225] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[226] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[227] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[228] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[229] Telegram 81 IraqRep to FCO London, 13 July 2003, 'Iraq: Governing Council: Authorities'.

The GC is sometimes referred to as the Iraq Governing Council (IGC). The two titles refer to the same body. The Inquiry has chosen to refer to the GC, for consistency, except where quoting others who have used IGC.

273. In July 2003, a new temporary Iraqi security force was established by US military commanders in order to help fight the growing insurgency – the Iraqi Civil Defence Corps (ICDC).[230] The concept was to:

- give Coalition operations an Iraqi face;
- keep unemployed young men out of the insurgency; and
- increase the number of security forces available.[231]

274. ICDC personnel were locally recruited and expected to live at home.

275. By August 2003, there were 23,000 ICDC personnel serving as linguists, security personnel, drivers and humanitarian relief providers. They also participated in patrols, convoys, cordons and checkpoints.[232]

276. The ICDC was formally established by CPA Order No.28, signed by Ambassador Bremer on 3 September 2003.[233] The Order explained that the ICDC was intended to be:

> "… a security and emergency service agency for Iraq … composed of Iraqis who will complement operations conducted by Coalition military forces in Iraq to counter organized groups and individuals employing violence against the people of Iraq and their national infrastructure."

277. The Order authorised the ICDC to perform "constabulary duties" including:

"
- patrolling urban and rural areas;
- conducting operations to search for and seize illegal weapons and other contraband;
- providing fixed site, check point, area, route and convoy security;
- providing crowd and riot control;
- disaster response services;
- search and rescue services;
- providing support to humanitarian missions and disaster recovery operations including transportation services;

---

[230] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[231] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[232] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[233] Coalition Provisional Authority Order Number 28 – Establishment of the Iraqi Civil Defense Corps, 3 September 2003.

- conducting joint patrols with Coalition Forces; and
- participating in other activities designed to build positive relationships between the Iraqi people and Coalition authorities including serving as community liaisons."

278. The ICDC operated under the authority of the Administrator of the CPA but was subject to the supervision of Coalition Forces. *Hard Lessons* stated:

> "… Because the ICDC was not part of the original CPA security sector plan, it posed significant co-ordination problems from its inception …There was little coordination with the Iraqi police or army and no accountability to any Iraqi ministry or the CPA.
>
> "Some in CMATT feared the ICDC could become a parallel security structure, competing with the police in local affairs and diluting the Iraqi Army's authority at the national level. But Coalition commanders valued the ICDC as a way to enable Iraqis to provide security for their own country, while supplementing CJTF-7's [Combined Joint Task Force 7] overstretched forces."[234]

279. However, Major General Andrew Stewart, General Officer Commanding (GOC) Multi-National Division South-East (MND(SE))[235] from December 2003 to July 2004, told the Inquiry that he believed the ICDC "was a success".[236] He described a visit by Lieutenant General David Petraeus, Commanding General, Office of Security Co-operation (the creation of the OSC is described later in this Section):

> "He [Gen Petraeus] was responsible for the security sector, came down, saw the ICDC in Basra in particular and went away pretty impressed about it, and said 'I haven't seen anything approaching this'."

An Iraqi intelligence service

In September 2003, Mr David Richmond, the Prime Minister's Special Representative on Iraq,[237] reported that the US was preparing to set up an internal Iraqi intelligence service linked to the police and the MOI. The interim Minister of the Interior told Mr Richmond that he was keen to have UK advice on setting up an investigative branch and a counter-terrorism branch.[238]

DCC Brand told the Inquiry:

> "… an opportunity arose for us to influence the direction in which the development of the Iraqi Intelligence Service … was going to go … I argued over a series of meetings … that, if we had a sort of special branch system … where the intelligence

[234] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.
[235] Multi-National Division South-East is described in Box, 'Multi-National Division (South-East)', later in this Section.
[236] Public hearing, 9 December 2009, pages 74-75.
[237] Mr David Richmond was temporarily the Prime Minister's Special Representative on Iraq. In September 2003 (on the arrival of Sir Jeremy Greenstock), Mr Richmond became the Deputy.
[238] Telegram 150 IraqRep to FCO London, 4 September 2003, 'Iraq: Briefing for Prime Minister'.

> service does the intelligence work and the arresting and locking-up is done by a police agency, that gives a useful balance, allows people to actually focus on their main area of expertise and doesn't cause the problems of the intelligence people having the power to arrest and detain and do whatever else they need to do to get information. Eventually … Ambassador Bremer was persuaded … and made that as a decision. I could not get a special branch manager or somebody retired who had that skill of being able to take the concept into reality, and so we lost the opportunity and that disappeared."[239]

In April 2004, the Iraqi National Intelligence Service (INIS) was established. Its operational officers and support staff had been trained and vetted and were based in Baghdad, with a planned outstation in Basra.[240] It included some former intelligence officers.

INIS was initially headed by former Major General Mohammed al-Shehwani, who had been forced into exile by Saddam Hussein in 1984.[241]

In a paper by the MOD dated 6 June 2006, intelligence was one of the areas described as "immature", having been "placed deliberately at the back of the force generation process".[242]

Later, in spring 2008, a new intelligence structure was developed in Basra.[243] Lieutenent General Barney White-Spunner, GOC MND(SE) from February to August 2008, described that structure to the Inquiry:

> "… at the end of the Charge of the Knights, General Mohammed and I put together, I hope, quite a sophisticated counter-terrorist structure in Basra with a co-ordination committee which brought all the Iraqi Security Forces together. We fused them into various intelligence agencies … We were able to combine police and army posts across the city."

280. Two other security forces were created under the jurisdiction of the MOI in autumn 2003:

- CPA Order No.26, signed on 24 August 2003, created the Department of Border Enforcement (DBE).[244] Previous immigration officials were prevented from employment because of their connection to Saddam Hussein's secret police.[245]
- CPA Order No.27, signed on 4 September 2003, created the Facilities Protection Service (FPS).[246] The FPS was designed to provide site security for ministry

---

[239] Public hearing, 29 June 2010, pages 45-46.
[240] Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.
[241] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[242] Minute DJC/Iraq to Cabinet Office [junior official], 7 June 2006, 'Iraq: Strategy Group Workstrands' attaching Paper, 'Update on Progress of the Iraqi Security Forces (ISF)'.
[243] Public hearing, 7 January 2010, page 43.
[244] Coalition Provisional Authority Order Number 26 – Establishment of the Department of Border Enforcement, 24 August 2003.
[245] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[246] Coalition Provisional Authority Order Number 27 – Establishment of the Facilities Protection Service, 4 September 2003.

facilities and provincial government buildings. Each ministry or governorate administration could have its own unit. FPS training was a very basic three-day course.

Global Conflict Prevention Pool Strategy

281. On 1 August, Ministers from the FCO, DFID and the MOD were asked to agree a joint FCO/DFID/MOD Iraq Strategy for the Global Conflict Prevention Pool (GCPP).[247] The Strategy aimed to provide a coherent framework for UK activities aimed at preventing conflict in Iraq. It defined its "initial focus of activity" as SSR. Work on that element of the Strategy was the most well developed, and Ministers were invited to agree that expenditure on SSR activities could start immediately while work continued to define the other elements of the Strategy.

Global Conflict Prevention Pool

The Global Conflict Prevention Pool (GCPP) was a UK Government fund bringing together the work of the FCO, the MOD and DFID in conflict prevention.[248] The aim was a more strategic and cost-effective approach to conflict prevention and reduction. Activities included conflict assessments, supporting peace initiatives and DDR programmes.

282. The "second element" of the Strategy was assistance to "Iraqi governorates and local administrations within the British AO as they develop to ensure that policy decisions are made strategically and with an understanding of conflict prevention issues."[249] That included assistance to improve access to justice, encourage the involvement of women in local administrations, and develop a fair and equitable prison service. The third element was further studies and analyses to assist in the development of UK conflict prevention strategies. The geographical spread of the programmes had not yet been determined, although there were "good arguments" in favour of focusing in the South to deliver an "exemplar southern model".

283. The estimated cost of the Strategy was £7.5m per year for the UK financial years 2003/04 and 2004/05. Of the £15m total, £9.5m was allocated for SSR, £4m for local governance and £1.5m for further studies and analyses. The implementation plan for the Strategy listed a number of SSR activities, including:

- support for the police;
- support for customs reform including the deployment of nine HM Customs and Excise personnel starting on 18 August;

---

[247] Minute, 1 August 2003, 'Global Conflict Prevention Pool – Iraq Strategy'.
[248] Paper DFID, FCO and MOD, 2003, 'The Global Conflict Prevention Pool: A Joint UK Government Approach to Reducing Conflict'.
[249] Minute, 1 August 2003, 'Global Conflict Prevention Pool – Iraq Strategy'.

- support to develop a comprehensive Borders, Customs and Immigration Policy by 2005, and for the deployment of a senior immigration representative on 18 August;
- support to develop the Iraqi armed forces, to be defined by 6 August; and
- support for intelligence reform and development, to be defined by 15 August.

284. In the last week of September, an official from UND estimated that UK spend to date on policing Iraq was almost £127,000.[250] Of that amount, around £25,000 had been spent on pre-deployment training; approximately £44,000 on equipment, travel and subsistence; around £43,000 on travel and difficult post allowances; and around £15,000 on officers' salaries.

285. An annex to the UND paper described the cost of deploying an officer to Iraq, by rank, as:

- Constable: £68,670;
- Sergeant: £71,670;
- Inspector: £79,670;
- Chief Inspector: £81,670;
- Superintendent: £86,670; and
- Chief Constable: £141,670.[251]

The departure of the UN

On 19 August 2003, a bomb exploded outside the UN headquarters at the Canal Hotel, Baghdad. It killed 22 UN staff and visitors, including Mr Sérgio Vieira de Mello, the UN Special Representative in Iraq.[252] A second bomb attack on the UN followed on 22 September. Sir John Sawers told the Inquiry that the attacks were subsequently attributed to Al Qaida (AQ).[253]

Tension in central Iraq increased after the UN bombing.[254] By 29 August, the World Bank and International Monetary Fund (IMF) missions had been withdrawn, a number of NGOs were withdrawing their international staff, and the UN had withdrawn some staff temporarily while reviewing its options.[255]

---

[250] Minute Khundker to Chatterton Dickson, 25 September 2003, 'Iraq Policing Costs'.
[251] The following ranks were omitted: Chief Superintendent, Assistant Chief Constable and Deputy Chief Constable.
[252] Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.
[253] Public hearing, 16 December 2009, page 36.
[254] Brief Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.
[255] Minute Sheinwald to Prime Minister, 29 August 2003, 'Iraq' attaching Note Cabinet Office, 'Iraq: Update 29 August 2003'.

Sir David Richmond told the Inquiry:

> "… the decision by the UN to withdraw from Iraq which they took around about the middle of September after a security review, I think … was regrettable, and it meant for several months they were not really playing any sort of role in Iraq. It also meant when Lakhdar Brahimi [the UN's Special Envoy to Iraq] arrived, initially in the end of January 2004 and then again in April 2004, he was really working on his own."[256]

Policing strategy: Iraqiisation

286. By early September 2003, the concept of "Iraqiisation" had started being used in Whitehall (see Section 9.2). The term "Iraqiisation" did not have a common or precise definition, but was generally used to mean the ability of the ISF to maintain security independently, rather than under the leadership of the international forces.

287. On 2 September, Mr Blair held a meeting of Ministers and senior personnel.[257] They included Mr Straw, Mr Hoon, Mr Hilary Benn (the International Development Secretary), Gen Walker, Sir Richard Dearlove (Chief of the Secret Intelligence Service), Mr John Scarlett (Chairman, Joint Intelligence Committee), Sir Jeremy Greenstock (the Prime Minister's Special Representative on Iraq from September), Mr Sawers (from August the FCO Director General for Political Affairs) and No.10 officials.

288. The account of the meeting stated that "the Prime Minister wanted action on Iraq taken forward with a heightened sense of urgency" ahead of a planned telephone conversation with President Bush to review progress. In relation to internal security, the record stated:

> "The Prime Minister believes that the key to the security situation in Iraq is the rapid mobilisation of an effective Iraqi police force. This should include:
>
> - Police manpower up to 70,000 within three months, as a stage towards a full force;
> - Adequate trainers and secure training facilities;
> - Flexible handling of de-Ba'athification in order not to exclude recruits unnecessarily;
> - Establishment of an internal intelligence service;
> - Mobilisation of the Protection Force and Civil Defence Force to protect key installations."

289. The IPU was asked to provide a paper setting out further advice after consulting DFID, the MOD, the FCO and the Home Office, which it did on 3 September.[258]

---

[256] Public hearing, 26 January 2011, page 43.
[257] Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for the Prime Minister'.
[258] Paper IPU, 3 September 2003, 'Iraq Security Plan'.

290. The paper reiterated that the existing strategy was to have 70,000 Iraqi police in place by mid-2004 and a 40,000-strong Iraqi Army in place within a year. It stated that the UK's target was to have deployed 100 police trainers by the end of 2003, out of a planned CPA total of 600.

291. The paper reiterated that the "training of the police should be accelerated and given a proper strategy (without which potential international contributors will not come forward)" but did not give details of how this might happen. The IPU considered that the key principles for what could be achieved were:

- The Coalition should work through existing local leadership and customs and Iraqis must take increasing security responsibility.
- Intelligence on the threats should be improved.
- De-Ba'athification principles should be applied flexibly.
- Key programmes should be accelerated and made more effective, including by bringing police and army reform under a single head and providing more resources.
- Coalition Forces should be released for counter-terrorism tasks by giving basic security tasks to Iraqi forces.

292. In conclusion, the paper stated:

> "While we develop Iraqi capability and broaden the international security presence, we must keep threats under control. This means more Coalition Forces are needed in the short term …"

293. There was no proposal for where this resource should come from, nor was there an assessment of whether it was realistic to train 70,000 police officers within a three-month period as suggested by Mr Blair.

294. Another briefing paper, produced by Mr David Richmond,[259] stated that although Ambassador Bremer agreed with the importance of accelerating recruitment he did not:

> "… think that a target of 70,000 within the next three months is achievable. The cost would be huge and, however successful we were in speeding up training, the overwhelming majority of new recruits would end up with no training at all. This would be counter-productive."[260]

---

[259] Mr David Richmond was temporarily the Prime Minister's Special Representative on Iraq. In September 2003 (on the arrival of Sir Jeremy Greenstock), Mr Richmond became the Deputy.
[260] Telegram 150 IraqRep to FCO London, 4 September 2003, 'Iraq: Briefing for Prime Minister'.

295. The IPU paper was considered by the AHMGIR on 4 September.[261] The minutes recorded that the IPU stated:

> "The US had elaborate plans for Security Sector Reform, but faster action was needed. We should give priority to the rapid expansion of the Civil Defence Corps and the Facilities Protection Service … We should consider encouraging neighbourhood security schemes and working with tribal leaders in rural areas."

296. Sir Jeremy Greenstock was recorded as warning that the proposals "were not enough to bring the impact required in the short term".

297. Ministers agreed that ideas in the paper were "useful but required further work which should be taken forward urgently".

298. Ahead of a video conference with President Bush on 5 September (see Section 6.2), Mr Blair sent the President a Note which stated:

> "Iraq has 37,000 police. We need to double that. Given the number of trainers and their facilities, that will take a year. We cannot wait that long. So: if we need to treble or quadruple the trainers and expand the numbers of Iraqi police even beyond that contemplated, we should do it. Some of the Governing Council believe that in certain areas, they should decide how far to take de-Ba'athification in order to speed up the process. There may be good constraints/reasons why these things should not happen or take time, but we have to be very clear that the priority is to get movement fast. There must also be a top quality intelligence capability given to the Iraqis to act on the threat. This is essential."[262]

299. The record of the video conference between Mr Blair and President Bush stated that Mr Blair said a "big push" was required in boosting numbers and speeding up training of Iraqi Security Forces.[263]

300. The IPU provided a more detailed paper entitled 'Security Action Plan' for the inaugural meeting of the Iraq Senior Officials Group on 9 September (the creation of which is addressed in Section 9.2).[264] The IPU maintained that the focus should be on the ICDC and the police "as the most likely to produce quick results, while continuing to support the longer-term development of the New Iraqi Army". It did not address Mr Blair's concept of trebling the trainers available or expanding Iraqi police numbers.

301. For ICDC development, the IPU said that more UK Short Term Training Teams were required and that national funding should be used to avoid "procedural delays".

---

[261] Minutes, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[262] Letter Sheinwald to Rice, 5 September 2003 attaching 'Note on Iraq'.
[263] Letter Canon to Adams, 5 September 2003, 'Iraq: Prime Minister's Video-Conference with Bush, 5 September'.
[264] Paper IPU, 8 September 2003, 'Iraq: Security Action Plan'.

The MOD was also pursuing deployment of 12 non-commissioned officers to assist with training of the Iraqi Army.

302. The IPU assessed that "the main problem in developing the Iraqi Police is the slowness with which CPA is developing its strategy, concept and timelines for reform" and that "in the absence of a central strategy, we are pursuing regional options".

303. In the meeting, most of the actions in the paper were agreed although the minutes make no mention of the use of national resources to progress SSR.[265] It was also suggested that DCC Brand could potentially produce a policing strategy and that Sir Jeremy Greenstock should lobby Ambassador Bremer on the "necessity of having a strategy".

304. On 14 September, Sir Jeremy Greenstock sent a teleletter to Sir Nigel Sheinwald (Prime Minister's Foreign Policy Adviser and Head of OD Sec), Mr Sawers, Mr Geoffrey Adams (Mr Straw's Principal Private Secretary), Mr John Buck (Mr Straw's Private Secretary) and Sir Hilary Synnott (Head of CPA(South)).[266] It stated:

> "Security will colour everything. The right way forward is Iraqiisation, particularly in the police. Bremer and his advisers are clear on the principle. But there is as yet no central plan for police training, and no CPA focal point for driving it forward. I am going to have to expend ammunition on this soon. Meanwhile London (and Washington) should be maximising the input of resources into the police area, not just training but also the provision of cars, equipment, radios etc. All this should be prepared now, even if Ministers only sign it off when they see the planned requirement set out. It is truly urgent."

305. The Annotated Agenda for the meeting of the AHMGIR on 18 September re-affirmed the requirement for a "coherent overall policing strategy".[267] Cabinet Office officials reported that the UK was lobbying Ambassador Bremer and Washington to expedite creation of a strategy and operational plan, and was offering the services of DCC Brand to write them. The paper did not reflect Mr Blair's desire to treble the number of police trainers.

306. Ministers discussed policing at the AHMGIR on 18 September and "endorsed the plans for police training outlined in the Annotated Agenda and agreed that they should be implemented as swiftly as possible with whatever UK help was necessary".[268]

---

[265] Letter Dodd to Sheinwald, 10 September 2003, [untitled].
[266] Teleletter Greenstock to Sheinwald, 14 September 2003, 'Iraq/CPA: Early impressions'.
[267] Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[268] Minutes, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

A co-ordinated UK Government policy on SSR – but no mention of Iraq

In September 2003, a Whitehall policy seminar was held to look at best practice on SSR.[269] To coincide with that, officials within the FCO, the MOD and DFID had planned to publish a report on SSR best practice. The MOD minute to Ministers stated that "SSR is an area that necessitates high levels of co-operation and co-ordination between all three Departments" and that the Departments had, in the Global Conflict Prevention Pool SSR Strategy, a "common objective of helping governments of developing and transitional countries fulfil their legitimate security functions through reforms that will make the delivery of security more democratically accountable, as well as more effective and efficient". However, there was "currently no joint policy brief to guide practitioners" beyond a 1999 DFID statement on the link between poverty and security, which had become out of date.

There was no mention of Iraq in the SSR report or the Ministerial foreword.[270]

307. On 19 September, DCC Brand produced an "Info Memo" for Ambassador Bremer containing a plan for Iraqi police training and development.[271] DCC Brand wrote that the goal was to establish a 65,000-70,000 member Iraqi police force over 18 months to two years with an estimated annual cost of US$970m. That would require 600 international trainers and 1,500 international police advisers and mentors with executive authority.

308. DCC Brand broke the plan down into four strands:

- Police recruitment and selection (US$5m) – to identify and initially screen at least 33,000 qualified candidates with a team of 25 police and 150 MOI staff.
- Police training (US$150m) – to be run in Iraq and Jordan. Existing police officers would receive a three-week Transitional Integration Programme and new recruits would receive an eight-week basic police skills recruit course.
- Police institutional reform and development (US$800m) – to create a "uniformed 1,500 member International Coalition Police Force (ICPF) which will have executive authority and authorised to be armed, and will implement new organisational structures, standard operating procedures, training and equipment guidelines for police throughout Iraq under command of a CPA appointed commissioner".
- Developing police operational capacities (US$20m) – to focus on developing specialised skills to deal with organised kidnapping, extortion and trafficking.

---

[269] Minute MOD [junior official] to PS/Min(AF), 11 September 2003, 'Security Sector Reform Policy Brief'.
[270] Report [DFID/MOD/FCO], November 2003, 'Security Sector Reform Policy Brief'.
[271] Minute Brand to Administrator [Bremer], 19 September 2003, 'Iraqi Police Training and Development – Short Summary Version'.

309. The only comment on the plan seen by the Inquiry came from CC Kernaghan who expressed concerns about the ICPF, writing:

> "To avoid problems later on, this concept requires thought and staff work now."[272]

310. The Inquiry has not been able to establish what became of that plan: it has not seen any further reference to it in contemporary papers.

311. At a video conference with President Bush on 13 October, Mr Blair stressed the importance he attached to Iraqiisation of the police and ICDC.[273]

312. By mid-October no agreed CPA policing strategy had been produced. Despite that, on 17 October an update from Mr Straw's office to No.10 stated: "We judge that the Coalition now has a credible and deliverable strategy to train 30,000 Iraqi police over the next year."[274] By that stage around 40,000 police officers were considered to have been trained.

313. Mr Straw told the Inquiry that he considered that judgement to be "reasonable" at the time, but that with hindsight he could see that it was not.[275]

International contribution to police trainers

Following US/CPA/UK discussions in Amman and London on international police trainers, lobbying efforts were agreed and shared with Sir Jeremy Greenstock and DCC Brand on 3 October.[276] The UK was to act as a "clearing house" for offers of assistance from EU Member States plus Australia, Canada, New Zealand and South Africa. The US would be approaching other members of the international community.

The Police Contributors Conference, originally planned for 30 June, was held on 20 October in London and hosted by the FCO.[277] It was attended by representatives from EU Member and Accession States, the European Council, Canada, Australia, Jordan and Singapore. The focus of the event appears to have been to encourage countries to deploy police trainers to staff the training facility in Jordan (see Box, Police training academies'), rather than into Iraq. "Firm" pledges of support in the form of trainers for the Jordan facility were received from Canada (20), Poland (10) and the Czech Republic (10), with other countries reported to be likely to decide on contributions after the Madrid Donors' Conference (later that week).

---

[272] Email Kernaghan to Home Office [junior official], 22 September 2003, 'Iraq – Recent Developments'.
[273] Letter Cannon to Adams, 13 October 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 13 October'.
[274] Letter Sinclair to Sheinwald, 17 October 2003, 'Iraq: Security and Policing'.
[275] Public hearing, 2 February 2011, page 140.
[276] Telegram 90 FCO London to UKRep Iraq, 3 October 2003, 'Iraq: Iraq Police Training in Jordan'.
[277] Telegram 101 FCO London to UKRep Iraq, 21 October 2003, 'Iraq: Iraq Police Contributors Conference: 20 October, London'.

By 24 November, further pledges of police trainers had been made by Finland (five), Slovenia (five), Austria (four) and Slovakia (two).[278]

By mid-2005, additional training staff were contributed by Jordan (66), Sweden (10), Singapore (six), Hungary (three), Belgium (two), Australia (two) and Estonia (one).[279]

314. On 24 October, Sir Jeremy Greenstock reported that General Ricardo Sanchez, Commander of the Coalition's military command – Combined Joint Taskforce 7 (CJTF-7), had ordered a "comprehensive internal review of the security sector".[280] Sir Jeremy reported:

> "The up-to-date military assessment is that operations have now lost momentum … [and that] … despite plans to accelerate the generation of Iraqi Security Forces, progress may still be too slow … The emerging view of the military is that this structure is stovepiped, lacks oversight and results in competing roles and responsibilities within the security sector."

315. Sir Jeremy also highlighted that General John Abizaid, Commander US Central Command (CENTCOM), and Ambassador Bremer would attend discussions in Washington covering SSR later in the week.

316. On 27 October, CJTF-7 issued an Order entitled "Acceleration of the Iraqi Police Services" which envisaged an enhanced support requirement from CJTF-7 for enlarged and accelerated police training programmes.[281]

317. On 6 November, the AHMGIR was briefed that the new approach included:

"
- accelerating recruitment, training and deployment of Iraqi security forces. The Iraqi Civil Defence Corps is now set to increase to 36 battalions by April 2004. The target for 70,000 police should be reached by August 2004 rather than March 2005. As a result training of the Iraqi Army will be slowed, but the Army will now be allowed to undertake internal as well as external security tasks. Once trained, total Iraqi forces will number 200,000;
- changing tactics to put Iraqi forces in the front-line with Coalition Forces in support; and
- recruiting more expert members of the former regime's security forces."[282]

---

[278] Minute, 24 November 2003, 'Update on Iraqi Police Coordination for Donors and Policy Guidance'.
[279] Paper Jordan International Police Training Center, [undated], 'Welcome to the Jordan International Police Training Center'.
[280] Telegram 230 IraqRep to FCO London, 24 October 2003, 'Iraq: Security Update'.
[281] Telegram 110 FCO London [on behalf of CPA Basra] to UKRep Iraq, 31 October 2003, 'Police Training in South Iraq'.
[282] Annotated Agenda, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

318. Former DCC Brand told the Inquiry:

> "Trying to persuade my military colleagues at two-star and three-star level that this was a long-term investment of restructuring the police seemed to work against their sort of short-term mission goals, and I very vividly remember the presentation that was done to the Commanding General which was entitled '30,000 in 30 Days' … I had to say 'Okay, in that case then, why don't you give me the military to train? I have read a few war books, I have seen a few war films, it can't be as difficult as that, or is that as ridiculous as what you are suggesting, which is we recruit 30,000 in 30 days, call them police, label them police, give them weapons and say 'You are now in the police' but actually have no capability to do the things that policemen should do at all?"[283]

Concerns about strategy

319. CC Kernaghan visited Iraq for the second time in mid-November 2003.[284] His visit was affected by a "security 'lockdown'" which meant he was unable to travel into Basra and so met Sir Hilary Synnott in Basra Airport.[285]

320. In his report to the Home and Foreign Secretaries, CC Kernaghan commented:

> "… the 'bad luck' factor has kicked in with a vengeance … The security situation is not good and will become worse, but the answer to many aspects of the problem is an effective Iraqi security infrastructure … It is quite clear that the current level of UK police assistance is unsustainable in that it is insufficient to deliver a coherent package of support and I suggest that the UK Government has to decide to either increase our assistance or withdraw our support altogether."[286]

321. CC Kernaghan stated that he "detected the lack of a clear vision" for policing within Iraq and was concerned that a "hybrid US City department/UK police service" was being created. He commented that he was "unclear as to the overall CPA Iraq 'model' and whether or not a single tier national service is being created". CC Kernaghan also reported that senior officials were "reluctant to be definitive as to the CP[A]'s strategic plan" because "meetings in Washington (and London) might well totally change existing plans".

---

[283] Public hearing, 29 June 2010, pages 24-25.
[284] Report Kernaghan to Straw, 18 November 2003, 'Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03 – 14/11/03'.
[285] Public hearing Synnott, Lamb and Stewart, 9 December 2009, page 21.
[286] Report Kernaghan to Straw, 18 November 2003, 'Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03 – 14/11/03'.

322. A Cabinet Office Ministerial update on 19 November stated:

> "The CPA has no current plans to draw up a formal policing strategy. Their view is that command, control and administrative arrangements for the police will depend heavily on unsettled constitutional issues and thus must await further political progress … Partly in this context, Jim Daniel, a senior ex-HO [Home Office] adviser, sent by us to help generate a policing strategy has decided to resign."[287]

323. The update did not state the UK's view of the CPA position but said:

> "In response, we are following up a new request from DCC Brand … for additional UK officers to support him in implementing the existing training plan."

324. As early as May 2003, Sir David Manning and Ambassador Bremer recognised that:

> "De-Ba'athification and the dissolution of security ministries would create a new reservoir of angry men. So there was a need to step up patrols and tighten up security."[288]

325. At the end of 2003, as security worsened, the debate around the extent to which de-Ba'athification should be applied to the Iraqi Security Forces was ongoing.

326. Between October and December, the issue of re-employing Ba'athist security personnel was mentioned three times in communications between Mr Blair and President Bush.

327. On 7 October, in a video conference with President Bush Mr Blair "urged sensitive handling of demobilised ex-Iraqi Army soldiers".[289]

328. In a video conference on 27 October, Mr Blair highlighted the possibility of re-mobilising "former Ba'athist intelligence officers".[290]

329. Before President Bush's visit to the UK in November 2003, Mr Rycroft gave Mr Blair a copy of a paper entitled 'Iraq: Security', for discussion with President Bush.[291] The document was described as "Jeremy's paper" and the Inquiry assumes that it was written by Sir Jeremy Greenstock. Under the heading "Iraqiisation" it said:

> "*Must accept previously Ba'athist elements in the security forces*, provided not linked with former repression. Militias … need to be brought in in an inclusive transparent way … plans for this should be drawn up immediately with IGC."

---

[287] Letter Dodd to Owen, 19 November 2003, 'Iraq: Update for Ministers'.
[288] Letter Cannon to Owen, 23 May 2003, 'Iraq: Meeting with Gerry Bremer'.
[289] Minute Cannon to Adams, 7 October 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 7 October'.
[290] Letter Cannon to Adams, 27 October 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 27 October'.
[291] Minute Rycroft to Prime Minister, 18 November 2003, 'Bush Visit – Private Talks'.

330. Mr Blair gave President Bush a slightly revised version of Sir Jeremy's paper, in which this text had not been altered.[292]

331. Mr Richmond visited Ramadi, the capital of Anbar province, in mid-November.[293] The dominant theme of his discussions was local concerns about unemployment as a result of the dismantling of Iraqi military structures.

332. Mr Richmond reported:

> "Unemployment had forced many to do illegal acts, including attacks on the Coalition. They wanted to help the Coalition and could do much to improve the security situation if they could be given back their jobs; they were also keen to serve their country. They complained about de-Ba'athification which made it impossible for most of them to be employed by the State. The governor said that 50 percent had joined the Ba'ath Party not out of conviction but because it was a condition of employment; 40 percent for material gain; and only some 10 percent because they supported Ba'athist ideology …
>
> "Jerry Thompson (CPA advisor for security affairs) explained the acceleration of recruitment to the ICDC, police and the New Iraqi Army [NIA], but he pointed out the different nature of the NIA and the fact that it would be much smaller than the old army. Recruiting in Ramadi would start in January. He encouraged them to participate."

333. In a video conference with President Bush on 4 December, Mr Blair was recorded to have underlined the importance of Iraqiisation, including involving the Sunni community and ex-Ba'athists.[294]

334. In mid-November a new political timetable for Iraq was announced, which brought forward the assumption of power by the Iraqi Transitional Government (ITG) to June 2004.[295]

335. Former DCC Brand told the Inquiry that the change of timetable critically changed everyone's outlook: "all the focus was on 'Let's get this over to the Iraqis', and so our longer-term intentions were almost squashed from there on."[296]

---

[292] Paper Greenstock, 20 November 2003, 'Iraq: Security'.
[293] Teleletter Richmond to FCO London, 23 November 2003, 'Iraq: Sunni Outreach: Visit to Ar Ramadi'.
[294] Letter Cannon to Adams, 'Iraq: Prime Minister's Video Conference with President Bush, 4 December'.
[295] Minute Cannon to Prime Minister, 18 November 2003, 'Iraq: Political Timetable'.
[296] Public hearing, 29 June 2010, page 67.

336. Also in November, Secretary Rumsfeld ordered Major General Karl Eikenberry, former US Security Co-ordinator and Chief of the Office of Military Co-operation in Afghanistan, to assess what reforms were necessary to produce enough capable Iraqi forces to take over security responsibilities.[297] His report, published in February 2004, is described later in this Section.

337. In December 2003, the CPA produced a plan to achieve the accelerated timetable for transfer of authority by the end of June 2004.[298]

338. The plan included a section on security which stated that to meet the accelerated timeline, the following changes were required:

- an accelerated stand-up of the IMOD and the National Command Authority;
- accelerated development of internal security capabilities in the MOI (Anti-Terrorist Branch, criminal intelligence);
- a focus on anti-corruption capacity-building; and
- accelerated recruitment, training and deployment of Iraqi Security Forces.

339. The plan also described two key security policy decisions that were required, as identified by CPA staff:

> "First, the development of a holistic approach to the Iraqi security sector, including clarification of ICDC missions and interface with other security elements. Second, decisions on the integration of former militias into security forces and on militia demobilization."

340. On 4 December, the CPA Office of Policy Planning and Analysis produced a paper entitled 'Iraq: Integrated Security Sector Development'.[299] It was an assessment of the current situation and plans, the desired position and a consideration of what thinking and action was required by the CPA and CJTF-7 to achieve the desired position.

341. It is the first assessment the Inquiry has seen that attempted to articulate all SSR plans in one paper and consider how they interacted. The executive summary explained that the paper benefited from detailed input by security sector experts in both CPA and CJTF-7.

342. The paper described the CPA-defined end state for security in Iraq as:

"- there is a secure environment for people and property that enables citizens to participate fully in political and economic life;

---

[297] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[298] Coalition Provisional Authority, 2 December 2003, 'Towards Transition in Iraq: Building Sustainability'.
[299] Paper CPA, 4 December 2003, 'Iraq: Integrated Security Sector Development'.

- the Iraqi Government has the means, including its own defense and police forces, to assume its responsibility for external and internal security, including policing of its borders;
- …
- the roles and accountabilities of organizations providing security are clearly defined within a legal framework which governs, *inter alia,* the ownership of weapons."

343. The paper stated that CPA and CJTF-7 activity had "often been driven by the short-term requirement to address pressing security needs" and highlighted weaknesses:

"
- We have not designed our security sector development program based on a thorough conflict assessment;
- There is no overarching security vision for Iraq that joins up short-term current activities with long-term goals;
- We are focusing on building tactical and operational capabilities – the building of Iraqi governance and oversight capacity is proceeding more slowly;
- Local ownership of the Security Sector Reform process and policy is in its infancy;
- We are focusing on 'hard' security force development with limited attention being paid to building 'soft' Iraqi capacity to prevent or manage conflicts."

344. The paper assessed each element of the security sector before discussing its overall governance and accountability. Although the long-term aim for the NIA was a focus on external security, it was likely that it would be employed on internal security and so a legal framework for that was needed. The ICDC would become an army reserve. The paper also mentioned plans to develop an Iraqi Coastal Defence capability and an aviation element for transportation and medical evacuation by autumn 2004. All that would be organised by a Joint Forces Headquarters which would be established by June 2004.

345. The desired end state for the IPS was a "single nation-wide police service that combines centralized standards and policies with local accountability … Its 85,000 officers will be well-trained through a combination of basic mandate training, mentoring, and specialist and leadership training". The paper highlighted that the IPS was being developed whilst it was in the front line fighting the insurgency campaign.

346. Problems with individual ministerial capacity to manage the FPS were also identified.

347. The paper described some activity on intelligence services, including the IPS developing basic criminal intelligence capabilities in Baghdad and MOI plans for a national criminal intelligence unit. There was an absence of a suitable legal framework. The paper stated that oversight mechanisms which balanced effectiveness with accountability were required.

348. On criminal justice, the paper stated that courts were "back up and running nationwide, albeit at below their pre-war capacity" and that prisons were being repaired or reconstructed. There were also fundamental revisions to the penal code and procedures. It described justice and policing systems as mutually reinforcing. It identified a number of issues, including the vulnerability of the judiciary to violence and prison capacity, which it recommended should be addressed.

349. The paper also contained a section on militias, where it assessed that there were over 30 known militias with between 30,000 and 60,000 personnel. It explained that the Coalition's original intent for militia personnel had been DDR. However, that had not happened due to the violence it might provoke, the absence of police to "fill the vacuums" and the complexity of the task. The paper stated:

> "Since the November 15 Agreement, there has been a tendency amongst the political parties to hold on to their militias to protect their interests … The creation of an ICDC 'special battalion' and CT [counter-terrorism] company from G-5 militias is a departure from the CPA policy of seeking to disband militias but may provide an alternative means of integrating the party militias."

350. The paper recommended that policy on militias should be clarified.

351. The governance and accountability section of the paper emphasised the importance of civilian control, noting that the "institutionalisation of CPA/Iraqi civil governance mechanisms is falling behind the development of fielded forces". On police accountability the paper stated:

> "The outstanding issue is the question of the structure of the national police service and the relationships of local police services with Governors and Provincial Councils. The model currently being proposed involves a higher degree of central control than initially envisaged; this has been deemed necessary in the emergency period."

352. The paper described a series of high-level actions required to develop governance further including building oversight mechanisms into the Fundamental Law[300] and creating security architecture to run a counter-insurgency campaign.

---

[300] The 'Fundamental Law' is the law that determines the constitution of government.

353. In summary, the paper stated that the CPA "still lacks an organisational mechanism for delivering joined-up policy direction on the security sector". It recommended that detailed planning was required to transfer security to Iraqi control.

354. It is unclear what became of the paper – there is no mention of it in contemporary papers that the Inquiry has seen.

355. Towards the end of 2003, there was awareness in the UK system that assessments given by US commanders were "exaggerated" and there were doubts about Iraqi capacity.[301]

356. By the middle of December, the FCO assessed that there were around 45,000 operational police throughout Iraq, all requiring some level of re-training.[302] The US assessment was that there were 63,000 operational police.

357. The Annotated Agenda for the 18 December meeting of the AHMGIR stated:

> "US military plans for Iraqiisation of security remain highly ambitious. [General] Abizaid foresees Coalition military withdrawal from cities and Iraqi police able to combat terrorists by April 2004. But this handover can only take place if targets for expanding Iraqi units are met."[303]

358. The minutes of the meeting recorded that Ministers "noted the security situation and that Iraqi security capacity was not being built up at a sufficient rate and quality to meet CPA aspirations" and "agreed that they and officials should lobby their US counterparts to improve training of Iraqi Security Forces, particularly the police".[304]

International Legal Assistance Consortium

In January 2004, DFID approved £2m (later increased to £2.2m) for the International Legal Assistance Consortium (ILAC) justice support programme,[305] to provide training in international human rights law to Iraqi judges, lawyers and prosecutors.[306] The programme was expected to cover a two-year period.[307]

By February 2005, DFID's justice support programme had trained 218 Iraqi judges, lawyers and prosecutors in human rights, international humanitarian law and independence of the judiciary.[308]

---

[301] Minute Dodd to Sheinwald, 10 December 2003, 'Iraq: Strategy Group'.
[302] Letter Owen to Rycroft, 18 December 2003, 'UK Contribution to Iraqi Police Training'; Annotated Agenda, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[303] Annotated Agenda, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[304] Minutes, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[305] The "justice support programme" was sometimes referred to as the "justice sector programme".
[306] Report DFID, 30 June 2006, 'Iraq International Legal Consortium Justice Sector'.
[307] Paper ILAC, 1 December 2003, 'ILAC Iraq Programme – Submission to DFID'.
[308] Letter Benn to Hoon, 23 February 2005.

An internal DFID review of the project in June 2006 concluded that although the training (held in Dubai for security reasons) was generally of a high quality and cost-effective, the project was unlikely to lead to sustainable improvements in professional practice in the absence of any continuing in-country support for the trainees or any links to broader institutional reform processes.[309] An in-country justice adviser had been recruited to mitigate these weaknesses, but she had been withdrawn from Iraq after 10 days for security reasons. The review commented:

> "… the project should have been used as an entry point for DFID's work in this sector, been more flexible in the range of activities it could support, and been more closely linked to efforts at donor co-ordination … The [review] team acknowledges that the project was put together under pressure rapidly to get programme activities started with some quick-win activities … The pressure to move fast, however, may well have sown the seeds for the eventual, limited impact."

359. In late January 2004, Acting DCC Brand reported that it had been agreed at a meeting between the CPA and the US NSC to reduce the planned "Civpol police adviser pool" – those officers who would undertake monitoring/mentoring duties – from 1,500 to 500 and to use the savings to finance specialist facilities and trainers.[310] DCC Brand was unable to attend; it is unclear whether there was any other UK representation at the meeting. The advisers were to be provided by Dyncorps,[311] with 50 being earmarked for the South.[312]

360. Although training at the Jordan training facility was under way, an FCO update to No.10 on 18 February detailed "infrastructure and contract" problems.[313]

361. The response from No.10 stated:

> "The Prime Minister was disappointed to read of continuing problems with the police training in Jordan. It is not good enough that the training school is running at only half its capacity and that at the current rate the police training programme will need to extend at least to the end of the year."[314]

362. Mr Blair requested a further update detailing the steps to be taken to "get this vital training programme back on track".

363. Mr Blair raised his concerns over delays in funding the police training camp in Jordan in a video conference with President Bush on 24 February, in which Vice President Cheney and Dr Rice also participated.[315] The White House team told Mr Blair

---

[309] Report DFID, 30 June 2006, 'Iraq International Legal Consortium Justice Sector'.
[310] Minute Brand, 1 February 2004, 'Report from Iraq – Douglas Brand'.
[311] Dyncorps is a US-based private military contractor.
[312] Minute FCO [junior official] to Buck, 4 February 2004, 'Visit to Iraq 26-30 Jan'.
[313] Letter Adams to Rycroft, 18 February 2004, 'Iraq: Security Sector Reform'.
[314] Letter Rycroft to Adams, 23 February 2004, 'Iraq: Security Sector Reform'.
[315] Letter Cannon to Adams, 24 February 2004, 'Iraq: Prime Minister's Video-Conference with President Bush, 24 February'.

that funding was not an issue and that problems with equipment had been overcome. Dr Rice described police training as a "too many cooks" situation that would be improved by the new centralised military command.

364. In January 2004, the MOD deployed a Defence Advisory Team (DAT) to scope the requirements for the new Iraqi Ministry of Defence (IMOD).[316] UK military trainers were also working on the creation of the Iraqi Joint Forces HQ, to provide command and control of the Iraqi Armed Forces.

365. The DAT reported its findings to Mr Webb on 30 January.[317] It assessed that:

> "Sufficient detailed progress has been made towards the achievement of an IMOD with an initial operating capacity available from 1 May 04. Additional UK staffing assistance is warranted in the context of both immediate needs and future mentoring and implementation requirements … We find that a UK lead for an empowered mentoring implementation project, to deliver the institutional development of a fully functional MOD, would be appropriate."

366. The DAT recommended that the UK provide immediate assistance in the areas of vetting and public affairs, and consider a longer-term role mentoring key positions within the IMOD. The total mentoring requirement was expected to be around 17 staff, of whom five should be MOD UK-based civilians. The project was forecast to last two years at a cost of £1.9m, rising to £3.65m if suitable mentors could not be found from the public service.

The military take control of police reform

367. In February 2004, Maj Gen Eikenberry produced an assessment of what reforms were necessary to deliver enough capable Iraqi Security Forces (ISF) to take over security responsibilities.[318]

368. The review team, which travelled to Iraq in January 2004, consisted of 22 members primarily from the US authorities and included a UK colonel.[319]

369. The key findings of the review team were:

- the need for unity of command across the security sector (the military were to assume overall command);
- the need to develop the capacity and capability of ISF (military and police) rapidly;

---

[316] Annotated Agenda, 8 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[317] Minute Fuller to PS/Policy Director [MOD], 30 January 2004, 'UK Support for Establishment of Iraqi Ministry of Defence (IMOD): Defence Advisory Team (DAT) Final Report and Recommendations'.
[318] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[319] Paper Clissitt, 1 February 2004, 'Iraq Security Force Assessment Team (ISFAT) Initial Findings: Brief for OPCOS'; Annotated Agenda, 7 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

- the need for sustained monitoring and mentoring of the ISF beyond 1 July 2004; and
- the endorsement of the CENTCOM Strategic Concept to transfer security responsibilities to Iraqi forces that would permit a reduction in the numbers of Coalition Forces needed to perform internal security tasks. The timelines envisaged were:
  - local transfer by 1 July 2004;
  - regional transfer by 1 September 2004; and
  - national transfer by September 2006.

370. The report recommended that:

- The training and equipping programmes for the IPS should be accelerated significantly, the numbers of police increased and the Coalition military given the task of training, equipping, mentoring and certifying them.
- The ICDC should be renamed the Iraqi Civil Guard, be recognised as an enduring organisation (possibly a gendarmerie-type force) under the control of the IMOD, have its strength increased from 36 to 43 battalions and be given professional development.
- The Iraqi Army's focus should remain on external threats but its training rate could be reduced (to allow more rapid development of other security forces).[320]

371. The summary of the report produced for the Chiefs of Staff stated:

> "… the UK, through MND(SE), is regarded as the leader in 'best practice'; in particular the objective monitoring, mentoring and certification of Iraqi security forces. As such we will be asked to assist in developing this programme throughout Iraq."[321]

372. The Eikenberry Review was discussed by the Iraq Senior Officials Group on 3 February.[322] The minutes described Maj Gen Eikenberry's recommendations for security structures as "acceptable" but said that proposals that IMOD and SSR structures should sit under the new Multi National Force (MNF) command were "less to our liking".

---

[320] Paper Clissitt, 1 February 2004, 'Iraq Security Force Assessment Team (ISFAT) Initial Findings: Brief for OPCOS'.
[321] Paper Clissitt, 1 February 2004, 'Iraq Security Force Assessment Team (ISFAT) Initial Findings: Brief for OPCOS'.
[322] Minute Dodd to Buck, 5 February 2004, 'Iraq: Senior Officials Group'.

373. Sir Nigel Sheinwald chaired a meeting of the Iraq Strategy Group on 13 February.[323] A record of the meeting by Mr Tom Dodd, OD Sec, stated that "Baghdad and Washington were still divided over the future of the ICDC": General Abizaid and Ambassador Bremer "preferred it becoming an army reserve" as opposed to Maj Gen Eikenberry's proposed gendarmerie.

374. According to the RAND assessment of the Occupation of Iraq, Ambassador Bremer welcomed the proposal to put training of the Iraqi military under Coalition military control.[324] However, he was resistant to the proposal that police training should transfer to military responsibility, arguing strongly that policing was a civilian, not a military, profession.

375. The briefing for the AHMGIR on 1 March stated that the Eikenberry Review had identified "significant shortcomings, particularly with the police".[325] Delays with deploying mentors ("1,500 international civilian police mentors have not deployed as planned") and problems with the Jordan training school (which was running at half capacity) were assessed to be due to US funding issues. The UK contribution was described as "disproportionate" and the brief recorded that:

> "MND(SE)'s approach to SSR is considered a model. The British Army is active in training ICDC battalions and the New Iraqi Army. We provide the largest contingent of police trainers in Jordan (72); the UK-run az-Zubayr police academy is now training 300 police every three weeks; and a group of PSNI [Police Service of Northern Ireland] superintendents are about to deploy to the South to mentor provincial police chiefs. We are also considering contracting around 40 police advisers as monitors, expanding the training programme at az-Zubayr, and offering police leadership training in the UK. The UK will also play a leading role in the formation of the new Iraqi MOD."

376. At the meeting Ministers "noted the Coalition's work in standing up Iraqi security forces and the UK's disproportionate contribution to it".[326]

377. Secretary Rumsfeld accepted Maj Gen Eikenberry's recommendation that the US military should manage the training of Iraq's army and police.[327]

---

[323] Minute Dodd to Sheinwald, 16 February 2004, 'Iraq: Strategy Group'.
[324] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[325] Annotated Agenda, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[326] Minutes, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[327] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

378. On 8 March, DCC Brand's weekly report described the creation of a new "umbrella structure", the Office of Security Co-operation (OSC), commanded by Major General Paul Eaton, the former commander of CMATT.[328] CMATT and the newly named policing equivalent – the Coalition Police Assistance Training Team (CPATT) – would report to the OSC. A diagram of "Command and Control Relationships" showed the OSC reporting to CJTF-7.

379. The creation of OSC resulted in a complex structure for police reform: CPATT became responsible for recruiting, training, equipping and mentoring the police but the CPA/MOI retained the operational and institution-building element of police reform.

380. CMATT and CPATT were both led by UK officers: Brigadier Nigel Aylwin-Foster and Brigadier Andrew MacKay respectively.[329]

381. Former DCC Brand told the Inquiry that the creation of OSC was:

> "… quite a shock to both myself and the American director [Mr Casteel] because, overnight, the Secretary of Defense in the United States had basically taken away all responsibility for policing, including the training, equipping and recruiting, and given it to the military, and that included a budget that was US$950m. We had had no indication of this and neither he nor I actually knew where it left us. So we went to see Ambassador Bremer to say, 'Can you give us some direction as to what our responsibilities will be?' and I don't think he was too clear either on what the impact of this was. The military were very clear that it was just theirs and this would tidy things up … it was rather draconian in terms of its mood, and the consequences … one was that, whilst they could do the volume stuff, they still didn't have the skill sets for basic training, and then the one thing they didn't have, which was just so essential, and which the military training side had, is that policy advice back in Washington on policing. They had none. So they were making it up, in that sense, from theatre, rather than back at the policy headquarters."[330]

382. On 2 April, the Cabinet Office sent an update for Ministers, in between two meetings of the AHMGIR, stating that police training was to be accelerated under the new structures with a target of completing in-service training of 43,000 officers by January 2005.[331] There were plans to expand the capacity of the Baghdad and Mosul training academies. The update also highlighted a "critical shortfall" in equipment for the police, the border police and the army. That was put down to issues with US contracting and funding.

---

[328] Minute Brand, 8 March 2004, 'Report from Iraq – Douglas Brand'.
[329] *BBC News*, 11 January 2006, *UK officer slams US Iraq tactics*; *Associated Press*, 10 June 2004, *Iraq Police Training A Flop*.
[330] Public hearing, 29 June 2010, pages 94-95.
[331] Letter Dodd to Owen, 2 April 2004, 'Iraq: Update'.

Security worsens and Iraqi Security Force weaknesses are exposed

383. On 25 March, the FCO's Weekly Update on Iraq for No.10 stated that a CENTCOM review had concluded that transition to local control across Iraq was "likely to be delayed by up to eight months from their original over optimistic target of May 2004".[332] That was due to delays in MOI programmes. The paper stated that that was "not a surprise":

> "The Iraqi Security Forces do not just have to be hired; they must be vetted, trained, equipped, mentored and certified ie capability, not numbers, is the key … Bremer has been pushing for quality for months, without the support in Washington, where the emphasis has been on numbers. On the positive side, a lesson has now been learned."

384. In March, Lt Gen Sanchez announced that once the ISF proved capable and credible enough to maintain local security, Coalition Forces would redeploy to bases outside major cities.[333] From there they would co-ordinate with the Iraqis and provide Quick Reaction Forces, but the ISF would have daily policing and patrolling duties.

385. Maj Gen Stewart in his evidence to the Inquiry reflected on the growing violence by February/March.[334] He said:

> "… because we had made Security Sector Reform our main effort … because it is our ticket out of there eventually – we have seen a fight against what we are starting to achieve in terms of Security Sector Reform.
>
> "So there are people who are clearly unhappy at the police becoming even relatively effective, because they never became anything close to being effective."

386. In April, the security situation declined dramatically, with uprisings in Fallujah and Najaf, described in Section 9.2. Maj Gen Stewart told the Inquiry how "it was like a switch had been flicked" on 6 April, when there were "35 shooting incidents and attacks in Basra before 7.30 in the morning".[335]

387. Maj Gen Stewart described another incident on 21 April in which five simultaneous car bombs were detonated in Basra and az-Zubayr, killing around 70 people and injuring around 250. He said this was "all aimed at the Iraqi police because our SSR was working".

---

[332] Minute Owen to Cannon, 25 March 2004, 'Iraq: Weekly Update' attaching paper FCO 'Iraq: No 10 Weekly Update'.
[333] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[334] Public hearing, 9 December 2009, page 67.
[335] Public hearing, 9 December 2009, pages 67-68.

388. Maj Gen Stewart explained that 50 percent of his force was assisting with SSR during that time. He said that SSR continued in April (although it reduced to 25 percent of his force's time) but that "one or two of the major incidents we had was people … actually moving from location to location to try and help the SSR".

389. *Hard Lessons* summarised ISF performance during the violence of April 2004:

> "Many elements of the newly deployed Iraqi Security Forces proved unwilling or unable to fight. Some abandoned their posts and aided the insurgency. Others mutinied when they came under fire. Iraqi police units collapsed in Fallujah, Najaf, Karbala, and Kut, and the number of Iraqi police dropped by nearly 3,000 in one week in April 2004. The Iraq Civil Defense Corps fared worst of all. From April 2 to April 16, up to 12,000 ICDC members deserted; the rates reached up to 30 percent in northeastern Iraq, 49 percent in Baghdad, 30 percent in the South-Central region, and 82 percent in Western Iraq."[336]

390. A summary produced for No.10 by the Cabinet Office in late April stated that the Iraqi police were fully recruited against a target of 75,000 but that ICDC numbers, having risen to 35,000 in early April, had subsequently fallen to 25,000.[337]

391. On 13 April, Mr Richmond reported that:

> "The weaknesses in the new Iraqi Security Forces have been exposed by the events of the last week. Bremer and Sanchez are keen on the [Iraqi] Defence Minister's idea of establishing a 10,000 man task force which would draw on some of the 'non-tainted' elements of the former regime's special forces, the newly trained counter terrorism company and Iraqi Army and ICDC battalions. They also want to bring former military officers back into the security structures to create an Iraqi chain of command."[338]

392. Mr Blair met President Bush on 16 April.[339] At the meeting Mr Blair stated that he was concerned by progress on recruiting, equipping and training the ICDC and the police.

393. In April 2004, Dominic Asquith, FCO Director Iraq, reported that consideration was being given to re-engaging dismissed military officers.[340]

---

[336] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[337] Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.
[338] Telegram 153 IraqRep to FCO London, 13 April 2004, 'Iraq: Four day Easter Roundup'.
[339] Letter Rycroft to Adams, 'Iraq: Prime Minister's Meeting with Bush'.
[340] Telegram 181 IraqRep to FCO London, 21 April 2004, 'Iraq: Sunni Politics'.

394. On 23 April, Ambassador Bremer made a speech in Baghdad addressed to the Iraqi people.[341] He said:

> "… many Iraqis have complained to me that de-Ba'athification policy has been applied unevenly and unjustly. I have looked into these complaints and they are legitimate. The de-Ba'athification policy was and is sound. It does not need to be changed. It is the right policy for Iraq. But it has been poorly implemented."

395. On 26 April, Mr Blair sent a Note to President Bush.[342] In it he suggested a number of ways of improving the situation in Iraq. The first suggestion was:

> "Do whatever it takes to get the Civil Defence and police in shape. The Coalition should hire who we need; pay what it takes; create an officer class that can lead and knows that it has a huge vested interest in success. Bremer's speech on de-Ba'athification etc was well received. But I'm not sure we really have our entire system focused on this; and it needs to be …"

396. Mr Blair also suggested a focus on courts. He wrote:

> "… very few cases can be tried at present; judges are subject to real intimidation. We need to ensure that trials of criminals and sentencing begins again. An independent judiciary will be a big step forward."

397. Those points were reiterated in a video conference on 27 April.[343]

398. In early May, following a request from Mr Blair to "look again at progress with Iraqiisation, particularly training and equipment, and how it might be accelerated", the Cabinet Office produced a paper entitled 'Enhancing Iraqi Security Forces'.[344] The Cabinet Office gave a detailed assessment of the current situation and highlighted the following elements as the main points:

- There were benefits in taking risks in handing over local control to Iraqi citizens.
- More ex-Ba'athist army officers might be required (beyond the 4,000-5,000 there were already plans to recruit).
- The Iraqi police were fully recruited, the focus now needed to shift to specialist and leadership training.
- "10,000 Iraqi police" were "duds" and needed to be pensioned out of the service.
- More police mentors were required; "we could consider lobbying internationally for more".

---

[341] Speech L. Paul Bremer III, 23 April 2004, 'Turning the Page'.
[342] Letter Sheinwald to Rice, 26 April 2004 attaching Note from PM for President Bush.
[343] Letter Quarrey to Owen, 27 April 2004, 'Prime Minister's VTC with Bush, 27 April: Iraq'.
[344] Minute Dodd to Rycroft, 7 May 2004, 'Enhancing Iraqi Security Forces'.

- The disbursement of new equipment should be accelerated.
- There was a need to "get a wholesale grip of prisons policy and prisons management".

399. The paper also stated that in the lead-up to the transfer of sovereignty, Coalition control over the shape and form of the ISF would reduce. On incorporating militias, the paper said: "This process needs to be taken forward carefully and systematically with a view to the long-term cohesiveness of Iraq's security forces rather than on an ad hoc basis."

400. Mr Blair raised Iraqiisation again in a video conference with President Bush on 11 May.[345] He questioned the current capability of the ISF, and concluded that a rolling programme for Iraqiisation concentrating not just on numbers but on how to train, equip and command the Iraqi police and ICDC, with the Iraqi Army behind them, was required.

401. In a Note to President Bush on 18 May, Mr Blair described work on developing the ISF as "urgent" and said that nothing should stand in its way.[346] He provided a paper from the MOD and highlighted the need:

- for more international police advisers, stating that the current number was only 50 percent of that required;
- for rapid recruitment of more army battalions;
- to "fix pay, equipment and IT problems of the police and civil defence"; and
- to bring in "proper officers" even if they had a Ba'athist connection.

402. From 20 to 23 May, a team led by Major General Nicholas Houghton, Assistant Chief of Defence Staff (Operations), and accompanied by CC Kernaghan, visited Iraq.[347] The visit followed a request from Mr Blair for a UK team to visit Iraq and provide a report on what further action was required to accelerate Iraqiisation.[348]

403. Maj Gen Houghton's subsequent report noted the lack of strategy, "bureaucratic complexity" hindering access to funds and resources, "initiative overload" and a short-term focus.[349] However, he assessed that those mistakes were known in Iraq and action had been taken to address them. He further stated:

> "The last thing the theatre needs at the moment is novel thinking imposed from outside. The concept of 'acceleration' is misplaced. 'Sustained Effort', with some change in emphasis, will produce the desired capability."

---

[345] Letter Sheinwald to Adams, 11 May 2004, 'Iraq: Prime Minister's Video Conference with President Bush, 11 May'.
[346] Letter Sheinwald to Rice, 18 May 2004, [untitled] attaching Note [Blair to Bush], [undated], 'Note on Iraq'.
[347] Letter Naworynsky to Rycroft, 13 May 2004, 'Enhancing Iraqi Security Forces'; Minute ACDS(Ops) to Rycroft, 25 May 2004, 'How Best to Progress the Iraqiisation of the Security Sector'.
[348] Letter Rycroft to Baker, 11 May 2004, 'Enhancing Iraqi Security Forces'.
[349] Minute ACDS(Ops) to Rycroft, 25 May 2004, 'How Best to Progress the Iraqiisation of the Security Sector'.

404. Maj Gen Houghton also highlighted the need for "honest acceptance" of the likely timescales, stating:

> "The Iraqiisation of the Security Sector is not a deliverable on 01 July. It is a possibility that a largely Iraqiised Security Sector could deliver security for elections in Jan 05."

405. Maj Gen Houghton assessed:

> "The biggest single thing that will move the creation of capability forward is the increased use of military and police assets in mentoring roles. This should involve, for example, widening the concept of embedding troops within Iraqi Civil Defence Corps (ICDC) Units. Given available assets this will mean taking risk on maintaining security."

406. On developing a strategy, Maj Gen Houghton stated that it must be "authored, owned and executed" in Iraq, not in London. It should also deal with policy on militias and define an end-state as there was no agreement on the constitutional, legal and judicial framework within which the security sector should operate. He also highlighted the difficulties that the transfer of sovereignty and the associated drawdown of the CPA would have in terms of loss of control and discontinuity of personnel.

407. In a "follow-up piece" to the paper, Maj Gen Houghton provided more detail on how a strategy should be developed.[350] The strategy should include a "vision", such as: "A secure and stable Iraq maintained by credible, self-confident and capable security structures under Iraqi governance".

408. Derived from that vision should be an outline of the security sector architecture. Maj Gen Houghton highlighted some "key policy decisions" that would need to be made in each area:

> "(1) Iraqi Police Service (IPS). There needs to be agreement on the principle of Police Primacy (or not) in International Security (IS) issues. Will the Police Service be controlled nationally or regionally? … Will it have a special weapons and tactics capability; if so how much and under whose control? …
>
> "(2) Iraqi Civil Defence Corps (ICDC). Is the ICDC a temporary or a permanent creation? …
>
> "(3) Iraqi Army. What is the role of the Iraqi Army in IS? …"

---

[350] Minute ACDS(Ops) to Rycroft, June 2004, 'How Best to Progress the Iraqiisation of the Security Sector'.

409. A series of "transition plans" would be required "to get us from where we are now to where we want to be". Those would include:

> "(1) Capacity-building. Capacity-building plans for the elements of the Security Sector are well advanced but they need greater refinement to reflect the need for capability rather than just quantity …
>
> …
>
> "(3) Militias. There are assessed to be 52 militias ranging in size from 12 to 31,000. They have represented useful short-term expedients, and some may need to feature as part of the longer term accepted Security Architecture. A policy for militias is starting to emerge.
>
> …
>
> "(6) Information Operations/Strategic Communications … extant plans have: focused too much on 30 Jun as a watershed; … have dealt too much in promises and have not focused enough on achievements and tangible successes."

410. Maj Gen Houghton judged that: "The time has already passed when a strategy could have been imposed on the Iraqis and there is a danger that we may now be trying to develop one too late."

411. On the most effective method of training, Maj Gen Houghton advised that:

> "Evidence from within theatre indicates that the best way to grow genuine capability within the ISF is to embed coalition troops and International Police Advisors (IPA) inside Iraqi units."

412. Maj Gen Houghton provided some suggested points to stress in public statements, including:

> "(1) Significant progress already made in capability/capacity-building within ISF.
>
> "(2) ISF already achieving local control in some areas …
>
> "(3) Need to maintain a sensible balance of risk in progressing Iraqiisation with the operation realities of the security situation. The relevant timescale is spring 06 for us to assume strategic stand-off."

413. In an annex, Maj Gen Houghton described the status of SSR in Iraq as of 25 May:

- Over 80,000 police officers were operational with approximately 20,000 having received training. An accelerated training programme was now being put in place by CPATT.
- The DBE had been "successfully … reconstituted" (see Box, 'The Iraqi border police', later in this Section).

- On the FPS, the "manpower ceiling" of 73,992 had been achieved.
- The Ministry of Justice had come under full Iraqi control on 30 May. The Higher Judicial Council had been established in Baghdad and was processing up to 3,000 cases a week. The courts were functioning "reasonably well".
- The Iraqi Correctional Service employed 3,269 officers and was operating 18 prison facilities, with a capacity of 5,500.
- The ICDC had 32,484 personnel, against a target of 40,680. Specialist training had been hampered by a lack of equipment, such as communications equipment.
- The Iraqi Armed Forces had originally been established for external security only. Four battalions had been trained for the Army, with additional personnel in the Air Force and Coastal Defence Force.

414. On resourcing, Maj Gen Houghton commented:

> "The SSR process to date has been stifled by bureaucratic rules of the release of funds. If we are to be serious about sustaining the process of Iraqiisation of the Security Sector we need to take a pragmatic and flexible approach to the allocation of a combined UK source of some £37 million."

415. Mr Blair held a meeting on 3 June at which a paper from the MOD was discussed.[351] It is not clear from the record which MOD paper was considered. Mr Blair agreed that a UK team should deploy to Iraq to act "in effect as the embryonic secretariat of the MCNS [Ministerial Committee for National Security, described later in this Section] and draft the equivalent of a white paper[352] on defence and security".

416. Mr Blair asked to be informed of "*any* obstacles or log jams" which he might need to raise with President Bush and commissioned a round-up on Iraqiisation every two weeks. Increased mentoring was not mentioned in the record of the discussion.

417. Mr Blair also commissioned an update "illustrating what is actually happening in MND(SE) in terms of handing over responsibility for security to the Iraqis". The response from the MOD is discussed later in this Section.

418. Two weeks later Mr Blair again discussed Iraqiisation and again requested to be informed of any issues automatically rather than having to ask.[353]

---

[351] Letter Rycroft to Baker, 3 June 2004, 'Iraq: Prime Minister's Meeting, 3 June'.
[352] A 'white paper' is an authoritative report that informs readers concisely about a complex issue and sets out proposals for future action.
[353] Letter Rycroft to Baker, 15 June 2004, 'Iraq: Prime Minister's meeting, 15 June'.

419. In five meetings and conversations with President Bush in May and June, Mr Blair raised Iraqiisation; emphasising the importance he attached to the approach and his hope that Lt Gen Petraeus, now Commanding General, Multi-National Force – Iraq (MNF-I subsumed OSC in June 2004), and Prime Minister Designate Ayad Allawi could agree a joint plan for publication.[354]

420. On 16 June, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush.[355] Mr Blair envisaged that the timetable and strategy in relation to Iraq would include the Iraqi Interim Government publishing an "action plan on Iraqiisation of Iraq's security" in the week before handover and an international conference in early September. Mr Blair wrote that the problem on Iraqiisation was "obvious":

> "The numbers in the police are there. But not the quality or equipment, e.g. only 7,000 of the 80,000 police are Academy trained: 62,000 have no training; only nine percent have proper body armour; only 30 percent of the required vehicles are in place. Apparently the logjam on resources and equipment is now broken. But it will take time. And the Iraqi Army isn't really started yet.
>
> "All of this is now urgent."

421. According to *Hard Lessons*, at the end of June 2004 only half of Iraq's army and two-thirds of its police forces had received any training at all, and the quality of that training "varied wildly".[356]

Reintegrating militias

In May 2004, Mr Richmond reported that the CPA had begun to implement a "pragmatic" strategy to reintegrate the militias into Iraqi society.[357] The plan was to recruit militia personnel into the ISF, to retire them with a pension or to reintegrate them through a training and job placement scheme.

The largest militia groups were the two Kurdish Peshmerga (the Kurdistan Democratic Party had an estimated strength of 41,000 and the Patriotic Union of Kurdistan 31,000) and the Badr Corps (16,000). Other smaller militia, such as the Dawa, the Iraqi National Accord and the Iraqi National Congress, tended to consist largely of security personnel protecting their respective political leaders.

---

[354] Letter Quarrey to Owen, 20 May 2004, 'Prime Minister's VTC with Bush, 20 May: Iraq'; Letter Quarrey to Owen, 26 May 2004, 'Iraq: Prime Minister's VTC with Bush, 26 May'; Letter Rycroft to Adams, 30 May 2004, 'Prime Minister's Conversation with Bush, 30 May'; Letter Rycroft to Adams, 9 June 2004, 'Prime Minister's Meeting with President Bush 9 June 2004: Iraq and European Issues'; Letter Quarrey to Owen, 22 June 2004, 'Prime Minister's VTC with Bush, 22 June: Iraq'.
[355] Letter Sheinwald to Rice, 16 June 2004, [untitled] attaching Note Blair [to Bush], [undated], 'Note'.
[356] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[357] Telegram 263 IraqRep to FCO London, 27 May 2004, 'Iraq: Militia Strategy'.

There were also "unofficial" militias which were meant to be dismantled. Jaysh al-Mahdi (JAM) was judged to be "the most dangerous" of those. Mr Richmond commented that dismantling militias was "Not an easy task as we have discovered". He concluded his report to London:

> "It is easy to be sceptical about how quickly and effectively the militias will be dismantled. There is an element of re-badging in the agreed approach but it is probably the only realistic way forward. A system which brings militia members within the ambit of the state, if only nominally, is better than leaving the problem unresolved. It is also an important confidence building measure. Ultimately, militias will only disappear when the economy is strong enough to offer people higher paid jobs elsewhere and the political system is sufficiently stable to remove their raison d'etre."

On 7 June, Ambassador Bremer signed CPA Order No.91, entitled "Regulation of Armed Forces and Militias within Iraq".[358] It prohibited the existence of armed forces and militias other than those created by the CPA. Existing militia could remain only if they had a "Transition and Reintegration" plan which included timescales for their disbandment and a full list of members. Article 27 of the Transitional Administrative Law (TAL) and subsequently Article 9 of the Iraqi Constitution prohibited armed forces or militias that were not part of the Iraqi Armed Forces.[359]

An update to No.10 from the MOD in August 2004 stated: "The success of this initiative will not only help generate stability in Iraq, but may serve as an example of de-militarisation in future conflicts."[360]

Restructuring in advance of transfer of sovereignty

422. CPA Order No.68, in early April 2004, established the Ministerial Committee for National Security (MCNS) and the position of National Security Adviser.[361]

423. The role of the MCNS was to facilitate and co-ordinate national security policy among the ministries and agencies of the Iraqi Government tasked with national security decisions. It was to be the primary forum for ministerial-level decision-making on national security issues and would comprise:

- Ambassador Bremer (Chair) until transfer of sovereignty, after which the Chair would be the Prime Minister;
- Minister of Defence;
- Minister of the Interior;
- Minister for Foreign Affairs;
- Minister of Justice;

---

[358] Coalition Provisional Authority Order 91, 7 June 2004, 'Regulation of Armed Forces and Militias within Iraq'.
[359] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.
[360] Minute Naworynsky to Phillipson, 20 August 2004, 'Report from Lt Gen Petraeus, Multi-National Security Transition Command – Iraq (MNSTC-I) on developing the Iraqi Security Forces'.
[361] Coalition Provisional Authority Order 68, 4 April 2004, 'Ministerial Committee for National Security'.

- Minister of Finance;
- National Security Adviser (in an advisory capacity);
- Director of the Iraqi National Intelligence Service (in an advisory capacity);
- Senior Military Adviser (in an advisory capacity);
- MNF Commander or his representative (by invitation); and
- other appropriate individuals (by invitation).

424. The first meeting of the MCNS took place on 21 March under the chairmanship of Ambassador Bremer.[362] He later described the committee as "effectively an Iraqi version of our [the US] National Security Council".[363]

425. The MCNS met regularly from this point onwards and its meetings were often attended by the British Ambassador and the Senior British Military Representative in Iraq.

426. The role of National Security Adviser was to act as the primary adviser on national security matters and to manage the National Security Advisory Staff. Dr Mowaffak al-Rubaie was appointed to that role in April 2004 and served until April 2009.

427. A briefing from the MOD for No.10 in May described the following structures beneath the MCNS:

- A Commander's Council and a Contact Group.
- Provincial and local structures, such as provincial security committees to discuss "security issues in the broadest sense" (these became known as Provincial Joint Co-ordination Centres – PJCCs) and local co-ordination structures known as Joint Operating Centres.
- The Iraqi Army and the ICDC would be under the command and control of the IMOD through the Joint Headquarters. However, in the short term they would need to be under the operational command and control of the MNF.
- There was uncertainty around police command and control but it was thought that they would report through local police chiefs to the MOI. Ideally the police force should be the lead for all internal security but this might not be possible straight away.
- That transition to local control would occur at different speeds in different areas. The CJTF-7 target for local control across Iraq had slipped from June to December – "a target which not only will be met but which will be bettered by the four provinces of MND(SE)".[364]

---

[362] Telegram No 102 IraqRep to FCO, 22 March 2004, 'Iraq: First Meeting of the National Security Committee'.
[363] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[364] Minute Naworynsky to Quarrey, 11 May 2004, 'Iraq: Security Structures After 30 June'.

428. On 22 April, CPA Order No.73 put the ICDC under the control of the IMOD.[365] The ICDC was renamed the Iraqi National Guard (ING) on 20 June 2004.

429. In response to the violence in Fallujah, Najaf and other locations in April, a number of different "elite" forces were created in an attempt to raise the capability of some of the ISF above that of the insurgents. Table 2 provides a summary of those.[366]

Table 2: Iraqi Security Institutions

Name	Department	Date created	Detail
Emergency Response Units	MOI	CPA era	A small, elite, national unit trained for high-risk search, arrest, hostage rescue, crisis response, and explosive ordnance disposal (EOD) missions.[367] By July 2004 only 40 officers were operational; the target was 750 officers by November 2005.
Iraqi Intervention Force	IMOD	June 2004	6,000 strong, announced by Prime Minister Allawi before he took office.[368]
Iraqi Special Operations Force: – Commando Battalion – Iraqi Counter-Terrorism Force	IMOD	July 2004	An elite force which operated outside the Iraqi Armed Forces chain of command. Trained by US Special Forces.
Civil Intervention Force – Special Police Commandos	MOI (all MOI forces here were collectively known as Special Police Forces)	September 2004	An elite paramilitary force for counter-insurgency support created by Mr Bayan Jabr, Minister of the Interior. The Commandos received no traditional police training.[369]
Civil Intervention Force – Mechanised Police	MOI	November 2004	Conducted vehicle-mounted operations to secure high-value routes, such as Route Irish (the route from the airport to the Green Zone in Baghdad).

[365] Coalition Provisional Authority Order Number 28 – Establishment of the Iraqi Civil Defense Corps, 3 September 2003; Wright Dr DP & Reese Col TR. On Point II: Transition to the New Campaign. The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005, Combined Studies Institute Press, June 2008.
[366] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[367] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.
[368] Letter Cabinet Office [junior official] to Sheinwald, 29 June 2004, 'Iraq: Strategy Group'.
[369] Report to Congress, July 2005, *Measuring Stability and Security in Iraq*.

Public Order Battalions	MOI	September 2004	A lighter force which conducted counter-insurgency operations but primarily performed a traditional police function in very hostile environments. The Public Order Battalions were recruited almost entirely from Shia neighbourhoods around Baghdad and locations in southern Iraq and were not under Multi-National Security Transition Command – Iraq (MNSTC-I) supervision. They were later regarded by Sunnis as evidence of Shia abuse of their power as head of the MOI.[370]

430. The creation of "elite" forces within the MOI led to two types of police – national (although not formally badged as the "National Police" until April 2006; see Box, 'The National Police', later in this Section) and local. The national-type police forces (elite forces) reported directly to the Minister of Interior, while the local forces reported through a Provincial Director of Police to a Deputy Minister in the MOI responsible for policing.

431. Coalition military structures were also re-organised in preparation for the transfer of sovereignty. Part of that re-organisation subsumed the Office of Security Co-operation (OSC) into the Multi-National Security Transition Command – Iraq (MNSTC-I).[371]

Multi-National Security Transition Command – Iraq

The Multi-National Security Transition Command – Iraq (MNSTC-I) came into existence on 6 June 2004 and was led by Lt Gen Petraeus.[372]

MNSTC-I was organised into three training teams:

- the Coalition Military Assistance Training Team (CMATT) – to organise, train and equip the Iraqi Army;
- the Joint Headquarters Advisory Support Team (JHQ-ST) – to assist the Iraqi Army command and control system; and
- the Civilian Police Assistance Training Team (CPATT) – to organise, train and equip the Iraqi Police.

The UK also provided a training team of approximately 10 personnel to MNSTC-I to carry out Basic Officer Training.[373] The UK training team became part of the NATO mission in 2005.

---

[370] Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[371] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[372] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[373] Minute Vincent to Naworynsky, 21 February 2005, 'The NATO Training Mission Iraq (NTM-I); Minute Naworynsky to Vincent, 22 February 2005, 'The NATO Training Mission Iraq (NTM-I)'.

SSR in the South: after the invasion

Multi-National Division (South-East)

Multi-National Division (South-East) (MND(SE)) was established on 12 July.[374] That formalised the UK's responsibility for maintaining security in the provinces of Basra, Muthanna, Dhi Qar and Maysan, initially as an Occupying Power and, from June 2004, in support of the Iraqi Government. That area of Iraq is often referred to as 'the South'.

432. On 14 April, Mr Blair told the House of Commons that the South of Iraq was "largely under British control".[375] In Basra:

> "About 200 policemen have reported for work. Joint patrols started on 13 April. In surrounding towns, looting has either ceased or is declining, local patrols are being re-established and co-operation with city councils is going well."

433. In response to a question from Mr Iain Duncan Smith, the Leader of the Opposition, Mr Blair told Members of Parliament (MPs):

> "Of course the British forces will stay until there is proper security in the country, although obviously we hope to ensure that some of the policing is done by local people as soon as possible. That is why it is encouraging that joint patrols are already taking place. Although people may find this strange, much of the problem for Iraqi citizens came from the special security forces, not the ordinary civil police, if I may put it like that. Many of those people could perform an adequate and good task for the future of Iraq. Other countries are already offering help in relation to policing and security."[376]

434. Responding to a proposal by Mr Jeffrey M Donaldson that the UK should draw on the experience of retired Royal Ulster Constabulary (RUC) officers to police Iraq, Mr Blair said:

> "We should look at using retired RUC officers. Indeed, the Defence Secretary tells me that representatives of our UK police have gone out to Iraq to see what assistance we can give."[377]

435. Pressed by Mr Nicholas Soames to "take seriously" Mr Donaldson's point, Mr Blair added that deploying former officers was "a priority for us, because the better we can maintain order, the better it is for the people of Iraq and the less is the pressure on our soldiers".[378]

---

[374] Report Lamb, 30 January 2004, 'Post Operational Tour Report – Version 1 Operation Telic 2/3 11 July to 28 December 2003'.
[375] House of Commons, *Official Report*, 14 April 2003, columns 615-616.
[376] House of Commons, *Official Report*, 14 April 2003, column 619.
[377] House of Commons, *Official Report*, 14 April 2003, column 625.
[378] House of Commons, *Official Report*, 14 April 2003, columns 628-629.

436. From early April, policing functions in MND(SE) were undertaken by the military, under a Royal Military Police (RMP) lead.[379] Following his visit to Iraq in May, CC Kernaghan observed that "local volunteers had been recruited as auxiliaries and that they, together with elements of the Saddam Hussein era police, were being trained by the RMP in the basics of police work". Plans were in place to refurbish police stations, courts and prisons; to provide basic training to officers who had reported back or had been recruited since the invasion; to select and issue new uniforms; and to re-establish a viable local criminal justice system.

437. CC Kernaghan judged that "the British effort was focused on providing a visible police presence on the streets to reassure the wider population".

438. By early July, the military had appointed a Chief of Police and outlined plans to develop a training academy in az-Zubayr, near Basra.[380]

439. The Dutch Marechaussee (Royal Military Constabulary) and Italian Carabinieri (National Military Police) were also deployed in Muthanna and Dhi Qar provinces respectively. They undertook basic training and mentoring of Iraqi police in their areas. Maj Gen Stewart told the Inquiry that the Carabinieri were "just the right sort of troops to help train [the Iraqis]".[381]

440. A record of a meeting on 25 June between the FCO, ACPO and the Home Office stated:

> "The Prime Minister was authoritatively quoted as wishing to see the southern AO … develop as an exemplar for the whole of Iraq. The Iraq Policy Unit (IPU) made it clear that HMG [Her Majesty's Government] recognised the need to make progress in advance of any agreed CPA strategy [on SSR]. Specifically, in respect of the Iraqi Armed Forces and the police."[382]

The Basra River Service

By June, British commanders had instigated the creation of the "Basra River Service" to employ ex-naval personnel. Major General Adrian Bradshaw, Commander 7 Armoured Brigade in 2003, told the Inquiry:

> "In the weeks after our arrival, we became very aware that the ex-naval and military personnel in the province, of whom there were 10,000 or 12,000, had also not been paid for several months and were facing a desperate situation and … they came to us asking for us to do something about their people …

---

[379] Letter Kernaghan to Blunkett, 23 May 2003, 'Iraq – Visit by Chief Constable P R Kernaghan' attaching Report Kernaghan, 10 May 2003, 'Report on Visit to Iraq by Chief Constable Kernaghan [13-20 May 2003]'.
[380] Statement White, 20 June 2010, pages 19-20.
[381] Public hearing, 9 December 2009, page 75.
[382] Minute Kernaghan to UND [junior official], 26 June 2003, 'Iraq and the UK Police Service – meeting 25/6/03'.

> "It was clear to me that what was at that stage developing into quite a sort of robust peaceful protest had the potential to go a lot further … So I proposed … that we should effectively demobilise these people with a demobilisation payment and then take them on … as 10,000 more on the 180,000 civil sector workers with a marker against their name to be part of the future security structure and almost immediately then we started employing them in a force that we created called the Basra River Service which was designed to promote security on the waterway, along which a vast amount of looted copper and brass ingots were being spirited away into a sort of open black market in the Gulf and tons of steel from cables and all manner of material."[383]

441. July saw a substantial reduction of military personnel within South-East Iraq, including a reduction in RMP platoons from eight to two (approximately 800 to 200 personnel).[384]

Problems deploying police officers

442. Following the agreement for the UK to provide a Chief Constable to be the senior policing adviser to the CPA within the MOI, officials in the FCO continued to recommend the deployment of around 20 MOD police officers.[385]

443. It appears that that deployment was first mentioned to CPA(South) on 7 June when an email was sent from the UND to a junior official who was seconded to CPA(South).[386] The official's response was that it would not be feasible for the MOD police officers to come under CPA(South) as they had no authority to manage the responsibility, and no ability to provide security.

444. The IPU was concerned that that might prove a stumbling block: they were keen to ensure that the MOD police officers had some responsibility to the CPA's policing team in Baghdad.[387]

445. As a result, they began to consider providing CPA(South) with "a secondee with specific responsibility for policing/SSR".[388] That idea was strongly welcomed by CPA(South).

446. In June, the FCO agreed to appoint ACC Douglas Brand from the South Yorkshire Constabulary to the post of Senior Police Adviser to the CPA in Baghdad (as described

---

[383] Private hearing, 2 June 2010, pages 9-10.
[384] Minute FCO [junior official] to PS/Foreign Secretary, 8 July 2003, 'Iraq: Police Reform'.
[385] Minute UND [junior official] to MOD(Sec Iraq), 9 June 2003, 'Iraq: Policing Strategy'.
[386] Email MOD [junior official] to FCO [junior official], 7 June 2003, 'Basra Police Training Team: Possible Deployment'.
[387] Email Lowe [MOD] to FCO [junior official], 9 June 2003, 'Basra Police Training Team: Possible Deployment'.
[388] Email Home Office [junior official] to FCO [junior official], 10 June 2003, 'Basra Police Training Team: Possible Deployment'.

earlier in this Section), and ACC Stephen White from the Police Service of Northern Ireland (PSNI) to what became the post of Senior Police Adviser and Director of Law and Order for CPA(South).[389] Both individuals deployed as Acting Deputy Chief Constables.[390]

447. The Annotated Agenda for the AHMGIR stated that the UK was "pursuing plans to send MOD Police to begin basic training for police in Basra", adding "this … will subsequently be subsumed into an international policing team working in accordance with an agreed coalition policing strategy". It highlighted that the UK had offered two Assistant Chief Constables to help develop the policing strategy, one in Baghdad, the other in Basra.[391]

448. The AHMGIR met on 12 June and Ministers agreed that the MOD police contingent should deploy to Basra as soon as practicable.[392]

449. The UND asked the MOD's Iraq Secretariat to action this, stating that it would be for the RMP's Provost Marshal[393] to judge the capacity of the military to accommodate that contingent of police officers, who would be "reliant on military support for board, accommodation, transport and security".[394]

450. The FCO convened a meeting to discuss arrangements on 25 June. The only record of the meeting identified by the Government was taken by CC Kernaghan.[395] In the meeting it was agreed that, instead of deploying the full contingent of 21 MOD officers, DCC White would deploy with three or four MOD police/PSNI officers and conduct a training needs analysis.

451. CC Kernaghan stated that the only request for UK civilian police secondees that had been relayed to ACPO at that time was for the two ACCs (ACC White and ACC Brand). He highlighted the pressures on the domestic police service and the limitations on its ability to provide large numbers of armed officers, noting that "any request would require clear political approval and endorsement" before ACPO could consider it, but added that ACPO "would seek to respond positively to UK Government requests and had specialist capabilities, which might play a constructive role in police reform generally".

---

[389] Email Kernaghan to Fox, 20 June 2003, 'Assistant Chief Constables Selected by FCO for Secondment to Iraq'.
[390] Minute FCO [junior official] to Kernaghan, 2 July 2003, 'ACPO Secondments to Iraq: Initial Terms of Reference'.
[391] Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[392] Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[393] Provost Marshal is the title given to a person in charge of a group of military police.
[394] Minute FCO [junior official] to MOD [junior official], 13 June 2003, 'Iraq Police Reform – MDP Trainers for Basra'.
[395] Minute Kernaghan to FCO [junior official], 26 June 2003, 'Iraq and the UK Police Service – Meeting 25/6/03'.

452. On 8 July, officials in the FCO advised Mr Straw that he should write to Mr Blunkett to seek nominations of up to 200 police officers for firearms training with a view to drawing on this pool for future deployments to Iraq when conditions were judged by DCCs White and Brand to be right.[396]

453. On 18 July, Mr Straw wrote to Mr Blunkett requesting the nomination of a pool of officers for firearms training in Iraq to meet the request from the CPA.[397] The letter made clear that a further assessment would be needed, prior to deployment, of the security situation in Iraq and the appropriateness of deploying UK police officers.

454. The original minute to the Foreign Secretary did not propose that he should write to Ministers in the Scottish Government or to the Northern Ireland Secretary, responsible respectively for police forces in Scotland and Northern Ireland.[398] ACPO Scotland was instead approached at official level.[399]

455. ACPO issued a letter to police forces in England and Wales on 31 July informing them of a trawl notice to be issued by the FCO seeking volunteers to form a pool of officers for potential deployment to Iraq.[400]

456. By September 2003, 260 police officers had applied to the pool.[401]

457. On 10 August, DCC Brand asked for the deployment of four police officers – ideally with a background in intelligence and operational planning – to staff a Joint Command Centre (JCC) in Baghdad designed to prevent friendly fire incidents.[402]

458. Former DCC Brand told the Inquiry how his request for support staff had eventually been met:

> "[Lt] General Viggers [the Senior British Military Representative – Iraq] … loaned me a captain … so that I had somebody who could answer my phone and make appointments whilst I was in other meetings. It wasn't until the end of September that I had an administrative assistant, and then, sometime in October, when the Ministry of Defence police contingent came out and I was able to take somebody as a sort of … staff officer.
>
> "It was … quite challenging to … operate at a two-star level, engage at the highest level diplomatically and militarily – when one is answering one's own phone and trying to do all of the administration that supports that type of activity."[403]

---

[396] Minute FCO [junior official] to Private Secretary [FCO], 8 July 2003, 'Iraq: Police Reform'.
[397] Letter Straw to Blunkett, 18 July 2003, 'Iraq: Police Reform'.
[398] Minute FCO [junior official] to Private Secretary [FCO], 8 July 2003, 'Iraq: Police Reform'.
[399] Minute UND [junior official] to Buck, 18 September 2003, 'Iraq Police Reform: UK Contribution'.
[400] Letter Kernaghan to President of ACPO, 31 July 2003, 'Creation of a Pool of Police Officers for Possible Service in Iraq'.
[401] Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[402] Minute Brand, 10 August 2003, 'Report from Iraq – Douglas Brand'.
[403] Public hearing, 29 June 2010, pages 40-41.

459. An IPU update for Mr Blair on 3 September stated:

> "In addition to the senior UK police officers already in Iraq, 15 UK trainers can be deployed within two weeks and another 60 by the end of October. Our target is 100 UK trainers deployed by end 2003 (of a planned CPA total of 600)."[404]

460. CC Kernaghan stated in an email to the Home Office that neither ACPO nor the Chief Constable of the MOD police had been approached to deploy the 15 "trainers" mentioned.[405] He also stated that the FCO had not – at that point – conducted the risk assessment it had promised nor agreed with ACPO that conditions were right to permit UK police officers to be deployed in Iraq.

461. In his evidence to the Inquiry, Lieutenant General Sir Graeme Lamb, GOC MND(SE) from July 2003 to December 2003, described needing "about 90 policemen" in July, but six months later he had only two.[406] He stated that "… people talked a lot, they promised a great deal … in fact delivery was always the problem".

462. Lt Gen Lamb said that his "sense was there was no shortage of individuals who were prepared to volunteer" but Chief Constables were "reluctant" and "did not allow them to come forward" because they felt it would be a breach of their duty of care given the difficult security situation.

463. Sir Hilary Synnott agreed that he perceived a "tremendous reluctance" from ACPO to supply police officers.[407]

464. In late September 2003, both DCC Brand and DCC White expressed their frustration about the lack of additional UK police officers in Iraq.[408] On 21 September, in response to being informed that the FCO was considering asking the PSNI to provide the four staff he requested in August, DCC Brand wrote:

> "… I don't mind where they come from as long as they get here ASAP. The JCC [Joint Command Centre] is now being seen by the military as the only current solution to the problem of soldiers shooting Iraqi police officers because of a lack of awareness of deployments … They [the military] have everything in place … I made my original request … **6 weeks ago** … If we are only just thinking about approaching PSNI it may be weeks or months before the officers are able to travel and we would lose all credibility with the American military … To remind you, **this was our idea** … I urge you to act swiftly and not delay any longer."[409]

---

[404] Paper IPU, 3 September 2003, 'Iraq Security Plan'.
[405] Email Kernaghan to Home Office [junior official], 4 September 2003, 'Iraq – Iraq Rehabilitation Group Briefing Papers – 4/9/03'.
[406] Public hearing, 9 December 2009, pages 19-20.
[407] Public hearing, 9 December 2009, page 21.
[408] Email Brand to FCO [junior official], 21 September 2003, 'Re: Police Training plan'; Email White to UND [junior official], 21 September 2003, 'Re: Police Training plan'.
[409] Email Brand to FCO [junior official], 21 September 2003, 'Re: Police Training plan'.

465. The following day, DCC White wrote to a junior official in the FCO's Iraq Security Sector Unit, to summarise his understanding of the position in MND(SE) ahead of a briefing with Sir Jeremy Greenstock and Sir Hilary Synnott:

> "… I would like to be able to tell them that I have been updated by FCO in relation to: my resource bids other than training staff (I am assuming they are not being addressed); MDP [MOD police] deployments to Basra (I am assuming they are not being deployed); training staff requests for mid October (I am certain they are not being met); and training staff requests for Nov/Dec (it appears they are not likely to be met)."[410]

466. He summed up by saying:

> "Those of us on the ground are finding it difficult to fully understand what the main issues of the debate are regarding the deployment or otherwise of UK civpol."

467. Upon receiving those emails, CC Kernaghan wrote to the Home Office to clarify the ACPO position.[411] He made clear that there were "no outstanding requests with ACPO, nor have any been refused to date". He stated that current delays were due to a lack of firearms training and that deployment without such training would require a "clear statement from the Home Office that such a move was seen as desirable". He also said that he had "no doubt" that the FCO's International Policing Unit could expedite selection and training if directed. He concluded by saying:

> "In essence, the FCO, with the support of allied departments and agencies, needs to provide quicker and more authoritative feedback to DB & SW [DCCs Brand and White]."

468. On 4 October, Ms Clwyd asked Mr Straw in a House of Commons debate when he intended to "strengthen the number of British advisers and support staff". Mr Straw responded, saying that he intended to investigate the matter and that it was his understanding that "from this week, DCC White will be supported in his role by six Ministry of Defence police officers".[412]

469. Six MOD police officers were deployed to Baghdad in October.[413]

470. The potential availability of PSNI officers for deployment was discussed in a meeting between DCC White and Mr Bill Rammell, FCO Parliamentary Under-Secretary of State, based upon informal discussions between DCC White and Mr Hugh Orde, Chief Constable of the PSNI.[414] The Iraq Security Sector Unit (ISSU) note stated that their decision not to approach the Northern Ireland Office had been based on a letter

---

[410] Email White to UND [junior official], 21 September 2003, 'Re: Police Training plan'.
[411] Email Kernaghan to Home Office [junior official], 22 September 2003, 'Iraq – Recent Developments'.
[412] House of Commons, *Official Report*, 4 October 2003, column 9.
[413] Letter Lee to Clarke, 18 February 2004, 'Deployment of MDP Officers to Iraq'.
[414] Minute FCO [junior official] to PS/SofS [FCO], 4 November 2003, 'Iraq Policing'.

from 2002. The letter said that for domestic reasons the PSNI would no longer be in a position to contribute to overseas police missions.

471. On 6 November, Ms Jane Kennedy, Minister of State for Northern Ireland, wrote to Mr Straw stating that Mr Orde had agreed to identify at least six and up to 10 "PSNI officers of Inspector to Superintendent ranks with operational experience in working with the military willing to undertake a secondment to Basra".[415] Ms Kennedy stated that Mr Orde had also indicated that he would consider further deployments under the "auspices of ACPO".

472. In a visit report dated 18 November (described earlier in this Section), CC Kernaghan recommended an increase in UK police officers deployed to both Baghdad and Basra.[416] He highlighted that only 27 of the 43 police forces in England and Wales – and six of the eight in Scotland – had nominated officers to serve in Iraq. He welcomed the willingness of the Northern Ireland Office/PSNI to deploy police officers to Iraq but cautioned that the PSNI should not be seen as a separate entity. In particular he was concerned that they should not be expected to take greater risks than other UK police officers.

473. The development of police training across Iraq is discussed in Box, 'Police training academies', earlier in this Section.

474. Plans for the Jordan academy were discussed at the Iraq Senior Officials Group on 9 September.[417] The IPU briefing for the meeting stated that the 21 UK officers could be deployed by the end of December and that other troop-contributing nations should be encouraged to send trainers.[418]

475. The minutes of the meeting stated:

> "The Home Secretary and ACPO were content in principle with the deployment of UK police trainers … This could happen … before the end of October. However … [they] would need to see a plan for the school including a security assessment, and a more defined strategy for policing than existed at present."[419]

476. At that stage, deployment of UK police officers for the facility was being delayed by lack of firearms training or adequate security provisions for them to deploy without such training.[420]

---

[415] Letter Kennedy to Straw, 6 November 2003, 'UK Policing Assistance – Iraq'.
[416] Report Kernaghan to Straw, 18 November 2003, 'Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03-14/11/03'.
[417] Letter Dodd to Sheinwald, 10 September 2003, [untitled].
[418] Paper IPU, 8 September 2003, 'Iraq: Security Action Plan'.
[419] Letter Dodd to Sheinwald, 10 September 2003, [untitled].
[420] Minute FCO, 18 September 2003, 'Iraq: Police Training: Update: 18 September'; Email White to UND [junior official], 21 September 2003, 'Re: Police Training plan'.

477. The Iraq Senior Officials Group met on 23 September and stated that the FCO was sifting applications and hoped to supply 80 trainers for the Jordan school and 20 for training in az-Zubayr; no timelines for deployment were provided.[421]

478. At an Iraq Policing Meeting on 24 October, it was agreed that FCO officials should advise Mr Straw to ask Mr Blunkett to authorise the deployment of police to Iraq.[422]

479. By 18 November, CC Kernaghan noted that the deployment to Basra had still "not yet been formally requested" and was "subject to an appropriate security assessment".[423]

480. Mr Straw visited Iraq in late November and met DCC White. In his statement to the Inquiry, Former ACC White said:

> "I was shocked when he [Mr Straw] told me that he was being told that; there were no delays in getting police out to Basra (in fact none had arrived since my advance party came to the place in July, despite requests and reports); that there was no sleeping accommodation for UK police in CPA South (as there were many Portakabins available such as the one I lived in); and that the police academy was not ready (as it had been open and functioning since mid October and all I needed were some more police to help us open and use the many other empty classrooms). This final point was frustrating to hear, because to my memory only one person (a military officer attached to an FCO Iraq unit) had visited it and, in what was a classic 'Catch 22' situation, it appeared that (in UK) some were saying it was not open to justify not deploying trainers – yet the reason why it was not open was because no trainers were deployed to it."[424]

481. Following his visit, Mr Straw wrote to Mr John Sawers, Political Director in the FCO, the next day saying:

> "I would be grateful if you would personally grip this issue and ensure that the key action points arising from CC Kernaghan's report of his Iraq trip are dealt with as soon as possible. A combination of the Byzantine bureaucracy of ACPO and a lack of understanding in the FCO about police issues and practice … threaten further delays and a sub-optimal delivery in an area where the UK has a serious contribution to make."[425]

482. On the same day, Mr Straw told the AHMGIR that the "UK contribution to policing was inadequate" and that he would be writing to Mr Blunkett to encourage more police forces to release personnel.[426]

---

[421] Minute, 25 September 2003, 'Iraq Senior Officials Group meeting [23 September]'.
[422] Minutes Hayward, 24 October 2003, 'Iraq Policing Meeting – 24 Oct 03'.
[423] Report Kernaghan to Straw, 18 November 2003, 'Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03-14/11/03'.
[424] Statement, 20 June 2010, page 35.
[425] Minute Straw to Sawers, 27 November 2003, 'UK Police Assistance to Iraq'.
[426] Minutes, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

483. On 28 November, more than two months after applications were sifted, Mr Straw wrote to Mr Blunkett formally requesting the deployment of 24 officers to work at the az-Zubayr training academy, noting that ACPO was content with the risk assessment.[427]

484. Mr Blunkett agreed to that request on 3 December.[428]

485. In a letter to No.10 in mid-December, Mr Straw's Private Secretary reported that the 24 additional British officers would arrive at az-Zubayr that week.[429] He also reported that 36 officers had deployed to Jordan and a further 40 were on standby to join once capacity had been increased. In addition:

> "The UK's senior input to Iraq policing remains strong. DCC Douglas Brand, senior police adviser in the CPA is responsible for overall policing strategy and implementation, and will be in place for a further 6 months. In the South, ACC Stephen White will be replaced from end January. Both officers' teams are currently being strengthened."

486. The UK police trainers arrived and training began on 27 December.[430] The military also supplied two lieutenant colonels as members of the project team and 20 trainers (10 Royal Military Police (RMP) and 10 Carabinieri). Following discussions with the military and the senior adviser to MOI, Mr Casteel, it was agreed that the military and UK police officers would share responsibility for training at the az-Zubayr facility.

487. By March 2004 there were over 100 UK police officers working on SSR:

- two senior police advisers (DCC Brand in Baghdad and Acting ACC Philip Read in Basra);
- their support staff of 11, including staff manning the Baghdad joint civil-military co-ordination cell;
- 73 officers in Jordan (eight of whom were retired officers);
- 24 officers at the az-Zubayr facility;
- the commander of the Baghdad police academy; and
- five PSNI officers in the South.[431]

488. Acting Commander Kevin Hurley took over from Acting ACC Read in June 2004 as senior police adviser in Basra and served a seven-month tour.[432] He described the UK police contingent as "tiny" – about 20 constables and sergeants "conducting very rudimentary recruit training … in a derelict old barracks near az-Zubayr" and, based at

---

[427] Letter Straw to Blunkett, 28 November 2003, 'Iraq: Police Reform: Deployment of UK Police Officers'.
[428] Letter Blunkett to Straw, 3 December 2003, 'Iraqi Police Reform: Deployment of UK Police Officers'.
[429] Letter Owen to Rycroft, 18 December 2003, 'UK Contribution to Iraqi Police Training'.
[430] Statement White, 20 June 2010, page 35.
[431] Minute FCO [junior official] to Buck, PS/Foreign Secretary, 3 March 2004, 'Iraq – Contracting of Police Monitors'.
[432] Statement, 17 June 2010, pages 3-4.

Basra Palace, six officers (at Inspector to Chief Superintendent rank) whose role it was to mentor the police commanders in Maysan province, Nasiriyah and Basra. There were further police officers in Baghdad working on future planning for the police service in Iraq but "they had been all but marginalised by our US allies and were effectively ignored". He likened the arrangements for SSR in Iraq to "being in a rowing boat being towed behind a massive troop ship going somewhere, the trouble was we had most of the charts and plans in the police rowing boat".

THE DEPLOYMENT OF DCC WHITE

489. DCC White had deployed to Basra on 14 July 2003. He described the security situation upon arrival as:

> "… bad and … getting worse. There had been tragedies … there was no accurate data of how many people were being killed, but there were many people being killed. Old scores were being settled. Bodies were being found in the Shatt-Al-Arab River and in the parks and so on. So within the community, there was a lot of violence. In terms of the threat against the Coalition Forces, it was also rising … but, having come from working in Northern Ireland for 30 years, it was not, in my opinion, any worse."[433]

490. DCC White was accompanied by two MOD Police officers who would be his only UK police resources for most of the next five months.[434] He also worked with Danish police officers, initially a contingent of three which grew to a maximum of 15 by the end of 2003.[435] He told the Inquiry that:

> "… you had the ridiculous situation where, as a very senior chief police officer, I was flying on my own to the scene of murders … If you have only got one British police officer and two Ministry of Defence police officers, for five months, what does that say about the priority being given to the situation? Despite the fact – the rhetoric was: the South must not fail, the South must be a success."[436]

491. DCC White's lines of reporting were multiple – to Mr Kerik in Baghdad, to Sir Hilary Synnott in Basra and to a junior official in the FCO's UND.

492. Despite DCC White initially being offered an operational role, he was subsequently briefed in London that his role was to be "primarily as policing adviser" but eventually he might become police commander before handing over to the Iraqi police.[437] His first task was to conduct a training needs analysis for MND(SE).

---

[433] Public hearing, 21 July 2010, pages 17-18.
[434] Statement White, 20 June 2010, page 11.
[435] Public hearing, 21 July 2010, page 24.
[436] Public hearing, 21 July 2010, pages 32-33.
[437] Statement, 20 June 2010, page 5.

493. DCC White's role changed again on arrival in Basra where he found himself expected to assume the role of CPA Director of Security (Law and Order), encompassing not just security and policing but all other aspects of criminal justice. That was a much broader role than anticipated. He had one lawyer to support the work on judicial reform.[438]

494. Describing how he was briefed by the military on their future plans, Former ACC White told the Inquiry:

> "[I] was impressed with the comprehensiveness of the plan but somewhat surprised that [I] had not been told of it back in the UK."[439]

495. Former ACC White told the Inquiry that he was viewed by the military in MND(SE) as "their relief – from all law and order reform duties – not just police reform. This expectation was … the cause of much tension throughout my tour of duty".

496. Former ACC White explained: "The army were trying to move away from policing duties. They wanted us [police secondees] to move in and we weren't there."[440]

497. Former ACC White described a confused strategic picture:

> "I was being told that a strategy was still being written and therefore not promulgated. However, I was also told there were advanced plans – e.g. for training in Hungary with agreed curricula. Later in Baghdad I saw a Bosnia police training curricula with the word Bosnia struck out and Iraq written on it. I was being told at one time the IPTF [International Police Training Force] for which I had been recruited as commander would be unlikely, yet the man in charge of MOI and policing in Iraq was telling me directly I would have 1,500 officers, with executive authority, to command in the South."[441]

498. In August, DCC White produced a 'Strategic Report on the Police Reform Programme in Southern Iraq' in which he assessed that 91 international police officers would be required to support the policing mission within MND(SE), of whom 70 would work with the Iraqi police and 21 would operate within the training school.[442] In addition to those, following the UK military decision to withdraw the four RMP personnel who had been working as part of DCC White's team and providing force protection for the UK police, he estimated that a team of 48 would be required to provide force protection.

---

[438] Public hearing, 21 July 2010, page 16.
[439] Statement, 20 June 2010, page 11.
[440] Public hearing, 21 July 2010, page 23.
[441] Statement, 20 June 2010, page 16.
[442] Report Elder for White to MacIntosh, 26 August 2003, 'Report on-UK CIVPOL Support to CPA South'; Statement White, 20 June 2010, pages 44-46.

499. Former ACC White told the Inquiry that that report and request caused some controversy when they were briefed to CPA and IPU staff in Baghdad, as they were considered to be inconsistent with the new 'MOI 60/90 day Strategic Plan' of which DCC White had had no sight.[443] The request for 91 police officers was subsequently withdrawn pending further direction from CPA Baghdad.

500. On 4 September, DCC White submitted a reduced bid for 43 UK police officers to support his work in MND(SE).

501. The Iraq Security Action Plan, produced by the IPU for the Iraq Senior Officials Group in September 2003, recorded that "in the absence of a central [policing] strategy, we are pursuing regional options".[444]

502. DCC White had submitted a proposal to re-establish the Regional Police Training Academy (RPTA) at az-Zubayr to the south of Basra, to be staffed by 21 international staff (see Box, 'Police training academies', earlier in this Section). Plans to train Iraqi officers in Hungary had fallen through, but three potential training sites had been identified in Jordan, with facilities for up to 3,000 recruits.

503. The IPU recommended that DCC Brand should clear the UK's concept for the RPTA with the CPA and MOI; that it should be funded; and that its timetable should be accelerated. Twenty-one UK officers were expected to be deployed to the Academy by the end of December. The IPU was confident that it could offer 100 officers to work in a training facility in a third country by the end of October, but needed to lobby the Jordanians for access to such facilities.

504. Ministers discussed policing at the AHMGIR on 18 September.[445] The Annotated Agenda for the meeting described plans to develop the RPTA, stating that "a separate deployment of 20 UK police trainers, who will require firearms training, will be required". That deployment would require the formal approval of ACPO and the Home Office.[446]

505. Ministers "endorsed the plans for police training outlined in the Annotated Agenda and agreed that they should be implemented as swiftly as possible with whatever UK help was necessary".[447]

506. In September, a cross-Whitehall project team was created to oversee the development of the Basra and Jordan training academies.[448] The Iraq Police Training Project Team was based in the FCO and was led by Mr Neil Crompton, Head of the IPU.

---

[443] Statement, 20 June 2010, pages 22-24.
[444] Paper IPU, 8 September 2003, 'Iraq: Security Action Plan'.
[445] Minutes, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[446] Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[447] Minutes, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[448] Minute FCO, 12 September 2003, 'Iraq: Third Country Training Plan'; Minute FCO, 18 September 2003, 'Iraq: Police Training: Update: 18 September'.

The team, which included seconded police officers as well as officials from the Home Office and MOD, was set up to co-ordinate the work of a virtual team of advisers from ACPO, the Home Office, the MOD police and Bramshill College of Policing. It reported to the Iraq Senior Officials Group.

507. A briefing by the Iraq Police Training Project Team on 18 September stated that the first course at az-Zubayr was due to begin on 15 October, with specialised training courses being carried out by Danish police officers.[449] At the same time, the facility was being expanded so that it could accommodate larger courses and begin three-week 'Transition Integration Programme' training. The expansion was due to be completed in December.

Training the ICDC in MND(SE)

In July 2003, military commanders from each of the areas in Iraq were instructed to stand up ICDC battalions. In response to that, in early September an MOD force level review concluded that a further two UK battalions should be sent to Iraq, one of which would begin training of the ICDC in MND(SE) alongside force protection and intelligence-gathering/surveillance duties.[450] The review did not make clear what proportion of the battalion (around 600 strong in total) would be involved in training the ICDC.

The UK ICDC training team arrived in theatre in late September with the aim of training 1,200 troops by mid-October, and 5,000 in total, for deployment in MND(SE).[451]

In the Security Action Plan written in September 2003, the IPU recorded that UK forces were training 160 members of the ICDC, and that would increase to 1,700 by early November.[452] ICDC battalions would be "fully operational" by the end of the year in all four provinces of MND(SE), carrying out basic guarding and infantry tasks.

The IPU identified four actions required:

- provision of additional UK Short Term Training Teams;
- allocation of a delegated budget to MND(SE) to support the training;
- provision of CJTF and CPA central support; and
- agreement that ICDC development costs should be underwritten nationally in order to avoid "procedural delays in CPA".

508. In October, Sir Hilary Synnott reported that CJTF-7 had issued an unexpected instruction entitled 'Acceleration of the Iraqi Police Services' which gave the military a greater role in accelerated police training programmes. That is described earlier in this Section.[453]

---

[449] Minute FCO, 18 September 2003, 'Iraq: Police Training: Update: 18 September'; Email White to UND [junior official], 21 September 2003, 'Re: Police Training Plan'.
[450] Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.
[451] Paper MOD, 9 December 2009, 'Iraq Security Sector Reform'.
[452] Paper IPU, 8 September 2003, 'Iraq: Security Action Plan'.
[453] Telegram 110 FCO London [on behalf of CPA Basra] to UKRep Iraq, 31 October 2003, 'Police Training in South Iraq'.

509. Sir Hilary wrote:

> "In the South, this has considerable implications for military resources to be devoted to police training; for our current plans, including the recently inaugurated Basra Regional Police Academy; and for the significant Danish effort at present and in future. We had no warning of this from CPA Baghdad (beyond a slight reference to such a possibility), no subsequent information from them and no consultation."

510. Sir Hilary explained that he had come up with an action plan to adapt the approach being taken in the South in such a way as to be consistent with the instruction, cautioning:

> "It will require an acceleration of the current building programme for the Police Academy and enhanced and extended engagement by the RMP. It will not negate the need for UK civil police involvement and, to enhance the civil nature of policing, it would be desirable to extend this further as soon as practicable. But the nature of the training programmes envisaged for the Academy will have to be adapted."

SSR progress by October 2003

511. At the Chiefs of Staff meeting on 1 October, Lt Gen Reith was asked to provide an out-of-committee brief on SSR, which he did the same day.[454]

512. Lt Gen Reith described the purpose of his paper as "to summarise SSR progress to date, against CPA/CJTF-7 targets for MND(SE), and estimate the potential development in ISF over time".[455] He informed readers that:

> "The CPA and CJTF-7 tightly control SSR policy, although currently medium to long term plans lack definition, an overarching SSR strategy, resources and funding."

513. Lt Gen Reith described eight separate Iraqi security organisations, including the NIA and the IPS. He summarised the situation in MND(SE) as:

- 8,367 police officers had been recruited, out of a total of 11,800 planned by December 2005.
- 400 members of the NIA had been recruited, out of a total of 7,855 planned by the end of 2005.
- 840 members of the ICDC had been recruited, out of a total of 6,720 planned by April 2004.
- 2,500 FPS (for critical infrastructure) had been recruited, out of a planned total of 4,200 by February 2004.
- All 4,000 planned members of local militia, to perform a "Neighbourhood Watch" role, had been recruited.

---

[454] Minutes, 1 October 2003, Chiefs of Staff meeting.
[455] Minute Reith, 1 October 2003, 'Iraqi Security Sector Reform – MND(SE)'.

- 282 Border Police and Customs officials had been recruited, out of a total of 1,500 planned by February 2004.
- 180 members of the Iraqi Riverine Patrol Service (IRPS), out of the 380 planned by February 2004, had been recruited.
- Recruitment for the 392-strong Iraqi Coastal Defence Force, which would be responsible for security in Iraqi territorial waters and anti-smuggling activity, would begin in two weeks.

514. Lt Gen Reith wrote that over the following 12 months only four elements of the ISF would relieve Coalition Forces of tasks: the IPS, ICDC, IRPS and FPS. It was "too early to judge the effectiveness or quality of these units, but the 'Iraqiisation factor' alone is expected to gain popular support". Although other elements of the ISF would help to improve the security situation, Lt Gen Reith felt there was "little likelihood that their partial or full operational capability will permit any meaningful reduction in troop numbers".

515. On 14 October, a documentary entitled 'Basra Beat' which followed DCC White's deployment in Iraq was broadcast by BBC Northern Ireland's *Spotlight* programme.[456] The programme exposed DCC White's concerns about the SSR programme in Iraq, and the UK's resourcing of it.

516. In his statement to the Inquiry, Former ACC White explained that, in particular, a remark he made about his frustration with the delays in deploying officers caused controversy back in the UK.[457] He told the Inquiry that as a result many "negative opinions were offered" about him and that he was left "feeling unsupported and isolated" but for the support of Sir Hilary Synnott and Ms Kennedy.

517. An update from Mr Straw's Private Secretary to Sir Nigel Sheinwald on 17 October did not refer to the issues raised by DCC White's documentary.[458] The Private Secretary reported that "good progress" was being made in developing the Iraqi police and that there was a "credible and deliverable strategy to train 30,000 Iraqi police over the next year".

518. Mr Straw's Private Secretary reported that efforts in Basra were focused on developing the Regional Police Training Academy (RPTA) and that an "initial retraining programme for serving Iraqi police officers began on 12 October under UK management". He reported that 24 UK police officers were about to start pre-deployment training and would deploy as soon as the RPTA facilities were ready to receive them. That would bring the total deployment of UK officers in Basra and Jordan to 100.

---

[456] *BBC News*, 14 October 2003, *UK 'failing to police Basra*'.
[457] Statement, 20 June 2010, pages 30-31.
[458] Minute Sinclair to Sheinwald, 17 October 2003. 'Iraq: Security and Policing'.

519. DCC White met Mr Rammell, Mr Adam Ingram, Minister for the Armed Forces, and Ms Kennedy on 3 November.[459] In the meeting, DCC White stated that his alleged criticisms of government strategy were taken out of context but he expressed concerns about lack of progress, the lack of UK police officers on the ground (due in part he felt to Chief Constables blocking deployment for security reasons), differences between the UK and the US approach and the absence of a delegated budget. Mr Rammell stated:

> "My view, having listened to him, is that he raises serious concerns which are at odds with our statements as to how the situation is improving."

520. The Home Office record of the Iraq Senior Officials Group of 4 November recorded that Mr Straw's initial reaction to DCC White's documentary was to call a "special meeting of Ministers to discuss what more could be done" but FCO officials had advised that that was not necessary.[460]

521. An update produced for Mr Straw by the Iraq Security Sector Unit (ISSU) on 5 November acknowledged that "there had been delays in late summer" but said that these had now been resolved.[461] On the specific issues about which DCC White had expressed concerned, the ISSU observed:

- risk assessments – "ACPO require very strict assurances";
- budget – that was "a matter for CPA South and Baghdad"; and
- the new accelerated programme for training – "this is far from ideal … the risks that flow from putting large numbers of insufficiently trained police on the streets are clear".

Security incidents involving UK SSR staff

UK personnel involved in SSR were the subject of a number of security incidents between May 2003 and June 2004:

- On 24 June 2003, six members of the RMP[462] who had been engaged in the training of local Iraqi police forces were killed at Majarr al Kabir, near Basra (see Sections 9.2 and 16.3).[463] An MOD Board of Inquiry later concluded that that had been "a surprise attack, which could not reasonably have been predicted".[464]

---

[459] Letter Rammell to Symons, 4 November 2003, 'Iraq – Stephen White'.
[460] Minute Storr to Acton, 5 November 2003, 'Iraq: Senior Officials Meeting on 4 November'.
[461] Minute ISSU [junior official], to PS/SofS [FCO], 4 November 2003, 'Iraq Policing'.
[462] Sergeant Simon Hamilton-Jewell, Corporal Russell Aston, Corporal Paul Long, Corporal Simon Miller, Lance Corporal Benjamin Hyde and Lance Corporal Thomas Keys.
[463] House of Commons, *Official Report*, 24 June 2003, column 996.
[464] House of Commons, *Official Report*, 17 November 2004, columns 90-91WS.

- On 23 August, three members of the RMP were killed[465] and another seriously injured in an attack in central Basra (see Section 9.2).[466] Up to five Iraqis were also understood to have been killed or seriously injured.
- On 19 November, DCC White's convoy was subject to an Improvised Explosive Device (IED) attack outside the Basra courthouse.[467] One of his protection officers was seriously injured.
- On 22 April 2004, the police training academy at az-Zubayr was attacked by suicide bombers.[468] Although no UK police were injured in the attack, it led to a review of security at the facility. A subsequent Cabinet Office paper described the site as "isolated and exposed" but said that a more permanent and secure site would take time to construct, and would cost between £5m and £10m, for which there was no provision.[469]

The facility at az-Zubayr remained and in June 2004 Mr Hoon stated:

> "The attack on the facility in April had strengthened the determination of the Iraqi recruits (and their instructors) to deliver an effective police force. An impressive set up."[470]

Prison reform

522. The FCO identified the development of the Iraqi prison service as a "Priority One" area for UK support to ORHA in April 2003.[471]

523. Mr Martin Narey, the Home Office Commissioner for Correctional Services, wrote to Sir Michael Jay, the Permanent Under Secretary to the FCO, on 24 April advising that he was seeking potential secondees from the Prison Service to support the UK effort.[472]

524. Prison reform was also included in the Annotated Agenda for the AHMGIR on 17 July.[473] The Agenda described the Government's "continued support to the Iraq prison reform programme" and stated that the IPU considered it "likely … that UK support [would] be requested specifically in training and general prison management".

---

[465] Major Matthew Titchener, Company Sergeant Major Colin Wall and Corporal Dewi Pritchard.
[466] Ministry of Defence, 23 August 2003, 'Major Matthew Titchener, Sergeant Major Colin Wall and Corporal Dewi Pritchard Killed in Iraq'.
[467] Statement White, 20 June 2010, pages 33-34.
[468] Note ISSU, 23 April 2004, 'Security Sector Reform Meeting – Thursday 22 April 2004'.
[469] Minute Dodd to Rycroft, 7 May 2004, 'Enhancing Iraqi Security Forces'.
[470] Letter Naworynsky to Owen, 15 June 2004, 'Secretary of State for Defence Visit to Iraq – 14 June 2004'.
[471] Letter Jay to Turnbull, 22 April 2003, 'Iraq: UK Support for the Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[472] Letter Narey to Jay, 24 April 2003, 'Iraq: UK Support for the Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[473] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

525. The minutes of the Security Sector Reform Meeting[474] of 4 December recorded that "not much work had been done in this area" and that "there still did not appear to be a definitive US policy position".[475]

526. On 25 February 2004, minutes of the Security Sector Reform Meeting recorded that Mr Gareth Davies, Senior Prisons Adviser to CPA(South), was arranging training for Iraqi Correctional Service officers.[476] Canada had also "hinted" that it might support training. Two prisons in MND(SE) were being "refurbished/rebuilt".

527. Canada's offer to deliver training was confirmed at the Security Sector Reform Meeting on 5 April.[477]

528. For the same meeting, Mr Davies had prepared a paper (dated 29 March) on the progress of the Prisons Project in CPA(South). He noted that:

- The "clear separation of function" between the police, courts and prisons had been "more difficult practically than envisaged" but was now "largely complete".
- Of the five facilities within the UK's AOR, one was functioning (al-Maqil) and the other four (al-Minah, Basra Central, al-Amarah and Nasiriyah) were under development or construction.
- The recruitment and training of managers and staff for the increase in establishments should not be difficult, but funding "Pay Running Costs" remained a problem.
- On safeguards for the treatment of prisoners there was "little or no National Correctional Policy emanating from Baghdad", resulting in "serious" policy gaps, such as disciplinary codes for both prisoners and staff.

529. Mr Davies described al-Maqil as being "in a very poor state of repair" and "close to collapse". Problems with sewage had been exacerbated by severe overcrowding: in January the prison's population reached 478 against a capacity of 230. Part of the reason for that rise had been a "weakness in the due process" where prisoners were kept on remand without judicial review. A system of referral to judges had helped alleviate the problem.

530. Mr Davies submitted a report in April 2004 with recommendations for staffing levels after 30 June.[478] A joint bid from the FCO and DFID to the Global Conflict Prevention Pool (GCPP) fund for nine prison officers to be both monitors and advisers was planned. The Government has been unable to supply a copy of Mr Davies' report.

---

[474] The Security Sector Reform Meeting was a regular meeting of policy officers that discussed a range of SSR matters, including police training, military reform, prisons and the judiciary. It was chaired by the FCO and attended by the MOD, DFID, the Home Office and (occasionally) HM Customs and Excise.
[475] Minutes, 4 December 2003, Security Sector Reform Meeting.
[476] Minutes, 25 February 2004, Security Sector Reform Meeting.
[477] Minutes, 5 April 2004, Security Sector Reform Meeting attaching Report Davies, 29 March 2004, 'A Summary Against Scope of Progress in the Prisons Project in CPA(S)'.
[478] Minutes, 22 April 2004, Security Sector Reform meeting.

531. A funding bid for £5.53m for a project to support the prison service in Southern Iraq from summer 2004 onwards stated that prisons strategy in MND(SE) was overseen by the Director of Law and Order, who had been seconded from the UK Prison Service.[479] He was supported by a Senior Prisons Adviser and an administrator. Prison monitoring was undertaken by three members of the Military Prison Service plus two members of the Territorial Army who were UK prison officers in their civilian careers. The bid sought to increase staffing numbers to 15. All other staff working in the Correctional Service were Iraqi locals.

532. The bid stated that there were approximately 800 prisoners in MND(SE). Three new prisons were in development, with a total capacity of 1,650 places. All prisons within the CPA(South) boundary run by the Iraqi Prison Service were overseen and maintained by the UK.

533. A letter dated 2 July confirmed that £1.7m had been agreed for that project by the Iraqi GCPP Strategy Committee.[480]

The position in the South leading up to the transfer of sovereignty

534. A record of the Iraq Senior Officials Group on 12 December 2003 stated that the MOD intended to deploy an additional infantry battalion to assist ICDC training and more RMP to assist police training and mentoring.[481] The record stated: "The importance of close co-ordination between departments on police initiatives was stressed".

535. On 19 December, Mr Lee wrote to Mr Bowen, stating there had been "some surprise" expressed at the forthcoming deployment of additional RMP to MND(SE) and "concern about MOD's alleged lack of consultation over this deployment".[482]

536. Mr Lee wrote:

> "For months now the MOD has been assured by the FCO, and MND(SE) has been assured by the CPA, that civil police were in the pipeline to provide training and mentoring … All accepted the crucial importance of standing up the IPS as rapidly as possible and thus the importance of providing proper civil police trainers to train civil police. HMG [Her Majesty's Government] and the CPA have not … delivered … we have repeatedly stressed that we see police training as important and that it is best delivered by civil police."

---

[479] Paper Global Conflict Prevention Pool Project Bid Form, [undated, early 2004], 'Prison Service Support in Southern Iraq'.
[480] Letter Carlin to Hayward, 2 July 2004, 'Iraq Global Conflict Prevention Pool'.
[481] Minute Cabinet Office [junior official] to Sheinwald, 15 December 2003, 'Iraq: Senior Officials Group [12 December]'.
[482] Letter Lee to Bowen, 19 December 2003, 'Iraq: Police Support for MND(SE)'.

537. In his response, Mr Bowen welcomed the deployment but said:

> "… I find it odd that when we have discussed police training and the like at meetings of officials and had been reassured that all is on track, this has not been challenged at the time. It is not just the MOD who see the importance of police training, so do we all. We must ensure that the information flow between departments is such that messages we need to send to Washington or the CPA (or each other) are registered before we reach crisis point … there is a clear role for senior officials to intervene if programmes are going off the rails."[483]

538. A further MOD force level review at the end of January 2004 considered SSR to be "on track in MND(SE)", although it did register problems with resourcing police training and mentoring.[484] It concluded that "given the right conditions" there would be no need to replace the SSR battalion who were conducting ICDC training in July 2004 and added that "assuming the security situation continues to stabilise" further reductions in force levels might be possible by November 2004. Those recommendations were based on assumptions that "consent of the population" would be "maintained" and that SSR would continue "to deliver evermore capable and credible ISF".

539. In early 2004, the focus in policing shifted from training to providing officers to act as monitors/mentors, terms that appear to have been used interchangeably at the time. Given the deteriorating security situation and the need for mentors to be out on the ground, deploying police officers was problematic.[485] As a consequence, that role had been undertaken by the RMP.

540. Following a request from PJHQ to relieve the RMP, the FCO began considering contracting around 40 UK retired officers.[486] At the same time the US was developing plans to recruit around 500 police advisers from Dyncorps to act as monitors/mentors, with 50 being earmarked for the South. The UK's seemingly unilateral approach was met with some consternation by Mr Casteel, who reportedly said: "This isn't two countries, you know."

541. Sir Nigel Sheinwald chaired a meeting of the Iraq Strategy Group on 13 February.[487] Mr Dodd's record of the meeting stated that the recent attacks in Erbil showed that "terrorists felt threatened" by SSR. The US was focused on building the ISF's capacity, "with [General] Abizaid stressing quality over quantity". While the US planned to hand over security responsibility to Iraqi forces at a local level in July, US Commanders "were not entirely confident they would have sufficient Iraqi forces … but five months remained" to meet that deadline.

---

[483] Letter Bowen to Lee, 22 December 2003, 'Iraq: Police Support for MND(SE)'.
[484] Paper CJO to PSO/CDS, 29 January 2004, 'Op TELIC Force Level Review – Jan 04'.
[485] Minute ISSU [junior official] to Buck and PS/Foreign Secretary, 3 March 2004, 'Iraq – Contracting of Police Monitors'.
[486] Minute ISSU [junior official] to Buck, 4 February 2004, 'Visit to Iraq 26-30 Jan'.
[487] Minute Dodd to Sheinwald, 16 February 2004, 'Iraq: Strategy Group'.

542. On 8 March, Mr Straw gave permission for ISSU to proceed with contracting 40 police monitors/mentors.[488] Those officers would work directly to Coalition Forces but would co-ordinate closely with CPA(South).[489] It was estimated that the cost for six months would be around £3-4m. In a minute from ISSU to Mr Straw, the reason given for the unilateral approach was that the numbers of international police advisers had been "slow to build". There was no mention of the US Dyncorps contract.

543. DCC Brand had recommended that some of those officers should be offered to the CPA as part of a Coalition-wide effort. However, the assessment from ISSU was that, in the present security environment, it would be too great a risk to deploy FCO-contracted British personnel to police station monitoring outside the UK AOR.

544. The minutes of the working level 'Security Sector Reform Group' of 22 April mentioned US plans to deploy Dyncorps contractors to MND(SE) but stated that "it is still unclear as to the exact deployment dates and numbers".[490] They also referred to finalising the role for the UK contractors and efforts to ensure they "complement, not compete" with the Dyncorps contractors.

545. ACC Read told the Inquiry that "it was made quite clear" that the Dyncorps contractors would not answer to him and that "co-ordinating these resources and agreeing a common approach to police reform including the style of policing we wanted to introduce was going to be an issue".[491]

546. The separate UK contract for 40 police monitors/mentors was let to ArmorGroup[492] for £5m for six months, with the intention of deploying them in early June.[493] However, in light of a further decline in security and the assessment that the type of monitoring they would do would be "of little value until the Iraqi police [in MND(SE)] have undergone more specialist skills training", the deployment was put on hold by the FCO until September 2004.

547. On 26 April, Mr Rycroft wrote to Mr Straw's Private Secretary, copying his letter to DFID, the MOD, the Cabinet Office and UK officials in Iraq and the US (see Section 6.2).[494] He reported that Mr Blair thought improvements to existing activities must be made, including on:

> "(a) Iraqiisation. We must do whatever it takes to get the ICDC and Iraqi police in shape …"

---

[488] Minute Owen to ISSU [junior official], 8 March 2004, 'Iraq: Contracting of Police Monitors'.
[489] Minute ISSU [junior official] to Buck and PS/Foreign Secretary [FCO], 3 March 2004, 'Iraq – Contracting of Police Monitors'.
[490] Minutes ISSU, 23 April 2004, 'Security Sector Reform Meeting – Thursday 22 April 2004'.
[491] Statement, 23 June 2010, page 15.
[492] ArmorGroup is a UK-based private security contractor.
[493] Minute ISSU [junior official] to PS/Foreign Secretary, 11 June 2004, 'Iraq – Deployment of Police Monitors'.
[494] Letter Rycroft to Owen, 26 April 2004, 'Iraq: 15 Reports for the Prime Minister'.

548. On 30 April, the Cabinet Office assessed that in MND(SE) most ICDC battalions and the police should be able to operate without a full-time MNF presence by 30 June, although it conceded that the ISF in MND(SE) had not faced the level of challenge that many others faced in the April violence.[495]

549. Similarly, the MOD assessed that following the transfer, "by 1 July, the ISF will have the lead for security and the MNF will be operating in support of them".[496] The MOD assessed the position in Muthanna, Dhi Qar and Basra provinces positively: in some areas the ISF would "operate without any assistance at all except a standby Quick Reaction Force". The MOD plan was to minimise its "overt presence" by, for example, relocating from Basra Palace (inside the city) to Basra Airport (outside the city). In Maysan province, the security situation was considered to be more challenging (as described later in this Section).

SSR across Iraq: summer 2004 to summer 2006

550. On 28 June 2004, the Coalition Provisional Authority (CPA) formally handed over to a sovereign Iraqi Government, the Iraqi Interim Government (IIG), and Dr Allawi became the Iraqi Prime Minister. The process of establishing the IIG is described in Section 9.2.

551. On 20 June, Prime Minister Designate Allawi set out his military capacity-building strategy in a televised press statement.[497]

552. Dr Allawi's strategy included a 6,000-strong intervention force with both police and army components, the creation of a Special Forces Organisation and continued ING and army training.[498]

553. Mr Falah Haasan al-Naqib was appointed as the Minister of Interior and Mr Hazem Shalan al-Khuzaei was appointed as the Minister for Defence.[499] Dr Rubaie continued to serve as the National Security Adviser. Mr Barham Saleh became Deputy Prime Minister for National Security.

554. During the CPA era, the metric used to measure progress with the ISF was the number of personnel on duty.[500] Immediately after the transition, that metric was replaced by "trained and equipped" personnel. The net result was a 75 percent drop in recorded MOI force totals, from 181,297 "on duty" personnel on 15 June 2004, to 47,255 "trained and equipped" personnel on 25 August 2004.

---

[495] Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.
[496] Letter Naworynsky to Rycroft, 10 June 2004, 'MND(SE): Handing over Responsibility for Security to the Iraqis'.
[497] Telegram 337 Iraqrep to FCO London, 20 June 2004, 'Iraq: Statement of Prime Minister Allawi on Iraqi Security'.
[498] Letter Cabinet Office [junior official] to Sheinwald, 29 June 2004, 'Iraq: Strategy Group'.
[499] *BBC News*, 1 June 2004, *Interim Iraqi Government*.
[500] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

555. When the IIG was constituted, the UK and the US ceased to be Occupying Powers and instead were operating under resolution 1546 (2004) and the annexed letters from Dr Allawi and Mr Powell (see Section 9.2).[501] The points of relevance for SSR were that the Security Council:

- welcomed ongoing efforts by the incoming IIG to develop the ISF, operating under the authority of the IIG and its successors, "which will progressively play a greater role and ultimately assume full responsibility for the maintenance of security and stability in Iraq";
- recognised that the MNF would assist in building the capability of the ISF, through a programme of recruitment, training, equipping, mentoring and monitoring;
- emphasised the importance of developing effective Iraqi police and border enforcement, under the control of the MOI, and the FPS, under the MOI and other ministries, for the maintenance of law, order and security; it requested Member States and international organisations to assist the IIG in building the capability of those institutions;
- attributed a number of roles to the Special Representative to the Secretary General and the UN Assistance Mission for Iraq including promoting the protection of human rights, reconciliation and judicial and legal reform;
- welcomed the fact that arrangements were being put in place to establish a security partnership between the IIG and MNF;
- noted that appropriate Iraqi Ministers were responsible for the ISF, that the IIG had authority to commit the ISF to the MNF to engage in operations, and that the security structures planned would serve as fora for the IIG and the MNF to reach agreement on security and policy issues, and ensure full partnership between Iraqi security forces and the MNF, through close co-ordination and consultation; and
- called on Member States and international organisations to respond to Iraqi requests to assist Iraqi efforts to integrate Iraqi veterans and former militia members into Iraqi society.

556. Dr Allawi's letter annexed to the resolution asked for the support of the Security Council and the international community in providing security and stability until Iraq was able to provide security for itself.

557. Resolution 1546 (2004) expired in November 2005. It was replaced by resolution 1637 (2005),[502] and subsequently resolutions 1723 (2006)[503] and 1790 (2007).[504] Those resolutions extended the authorisation for the MNF in Iraq until the end of 2008.

---

[501] United Nations Security Council resolution 1546 (2004).
[502] United Nations Security Council resolution 1637 (2005).
[503] United Nations Security Council resolution 1723 (2006).
[504] United Nations Security Council resolution 1790 (2007).

UK, US and Iraqi plans for SSR

558. On 15 July 2004, the Defence and Overseas Policy Committee (DOP) considered a paper by Mr Straw entitled 'Iraq: the Next Six Months'.[505] The paper outlined the desired position for Iraq by January 2005. For the ISF, the objective was:

> "Significantly increased Iraqi security capacity and capability with Iraqi forces in local control around much of the country and a reduced reliance on MNF-I, paving the way for foreign troop reductions in 2005."

559. The priority was identified as continued support to Iraqiisation through training, equipping and mentoring of ISF, with a focus on command and civilian oversight (particularly of the army and the Iraqi National Intelligence Service).

560. The priorities identified in Mr Straw's paper were agreed by DOP.[506]

561. On 21 July, the Annotated Agenda for the AHMGIR reported that recruitment to the ISF was "buoyant" and equipment was being delivered.[507] The ISF were:

> "… increasingly taking the lead in patrolling and on specific operations. Their credibility with the Iraqi people seems to be increasing … and local control has been achieved in some areas, particularly MND(SE)."

562. The Annotated Agenda noted that "despite the growth of capacity, significant capability gaps remain" and both the Joint Headquarters and proposed National Joint Operations Centre would "require further advice, supervision and equipment before Iraqi command is satisfactory". ISF units would "require careful command and control training and mentoring once formed".

563. An annex to the Annotated Agenda stated that overall numbers were already close to target (a total of 233,000 ISF personnel against a planned total of "around 260,000" by January 2005). It stated that the IPS had "already hit its full manning levels", would "be 100 percent equipped by end 04", and with the completion of current training programmes be "fully operational" by June 2005.

564. The IPS was also focused on the need "to slim" the police force "by up to 30,000 men". The annex stated that "just fewer than 3,000" Iraqi Army personnel had been trained and the rate of recruitment and training was "set to go up to end 2004".

565. Lt Gen Petraeus carried out a "Troops To Task" assessment in July and August 2004 with General George Casey, who replaced Lt Gen Sanchez as Commander of the Coalition's military command in June 2004.[508] That was to identify what the size

---

[505] Paper FCO, 13 July 2004, 'Iraq: the Next Six Months'.
[506] Minutes, 15 July 2004, DOP meeting.
[507] Annotated Agenda, 21 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[508] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

and shape of Iraq's security forces should be. They concluded that Iraqi forces were "not prepared" to combat the violent insurgency and that more forces, both police and military, were urgently required. Their recommendations for increases in the number of police, border patrol officers and Iraqi National Guard (ING) (shown below) brought the proposed total number of ISF to around 271,000, all of whom would receive counter-insurgency training. It would later become known as the "Petraeus Plan".

Table 3: Summary of "Troops to Task" assessment

	Authorised numbers pre-Aug 2004[509]	Aug 2004 stated requirement	Percentage increase
Local police	90,000	135,000	50%
Border enforcement (inc. border police, customs police and immigration officers)	16,276	32,000	97%
Iraqi National Guard (ING) (formerly ICDC)	45 battalions 6 brigade HQs	65 battalions 21 brigade HQs 6 division HQs	Approximately 50%

566. Mr Mike Naworynsky, Mr Hoon's Private Secretary, summarised the plan produced by Lt Gen Petraeus in a minute to Mr Antony Phillipson, Private Secretary to Mr Blair, on 20 August.[510] Mr Naworynsky reported that it would take until mid-2006 to achieve the proposed staffing levels for the ISF and that further (financial) resources would be needed. The development of the Iraqi police was identified as the "main effort".

567. Mr Naworynsky wrote:

> "The report shows that US thinking in this area remains very similar to our own with the key theme of Iraqiisation running through the brief. Timelines given within the briefing are broadly as we would expect across Iraq, and should be bettered in the MND(SE) area."

568. Mr Edward Chaplin, British Ambassador to Iraq from July 2004 to June 2005, reported that a draft National Security Strategy for Iraq was discussed on 24 July by deputies to members of MCNS.[511] The Strategy was described as "a wide-ranging document, which aims to underpin for the next one to five years the development of

[509] Minute Naworynsky to Phillipson, 20 August 2004, 'Report from Lt Gen Petraeus, Multi-National Security Transition Command – Iraq (MNSTC-I) on Developing the Iraqi Security Forces'.
[510] Minute Naworynsky to Phillipson, 20 August 2004, 'Report from Lt Gen Petraeus, Multi-National Security Transition Command – Iraq (MNSTC-I) on Developing the Iraqi Security Forces'.
[511] Telegram 61 Baghdad to FCO London, 26 July 2004, 'Iraq: National Security Strategy'.

Iraq's security structures and policy, diplomatic and international relations, economic policy and investments in infrastructure". It had been drafted by an Iraqi and MNF working group that included UK advisers. Section 9.3 details the political elements of the Strategy.

569. The Strategy was approved with minor amendments. It was agreed that it should proceed to a Ministerial discussion on 29 July and to Prime Minister Allawi on 5 August. The intention was that "the Strategy should be published shortly afterwards" but the timetable might slip given Dr Allawi's overseas commitments.

570. Mr Chaplin wrote that "detailed work" on the chapter regarding national security institutions was ongoing and, in particular, a "troops to task study" led by MNF had "concluded that a significant increase in the planned number of conventional police, Border Police and National Guard is required". He confirmed that Prime Minister Allawi, Defence Minister Hazem Shalan al-Khuzaei and Interior Minister Falah Haasan al-Naqib had been told about that but he did not know their reaction. Mr Chaplin understood that the revised ISF structure, including the additional numbers of troops and police recommended, would create a US$2.8bn shortfall and that Lt Gen Petraeus had approached Ambassador John Negroponte (who had replaced Ambassador Bremer as US Ambassador to Iraq) on 25 July to ask that these funds were found.

US and Iraqi SSR funding

The US funded SSR tasks through two funding streams:

- The Iraq Relief and Reconstruction Fund (IRRF) was the largest source of US reconstruction funding, comprising US$20.86bn made available through two appropriations, IRRF1 and IRRF2.[512] US$4.94bn of IRRF2 funds were allocated to security and law enforcement. In addition to that, US$2.31 billion was allocated to "justice, public safety infrastructure, and civil society".
- The Iraq Security Forces Fund (ISFF) was created in May 2005 and ran until June 2009.[513] It made available US$18.04bn to "train, equip, and maintain all elements of the Iraqi Security Forces, including the Iraqi Army, Navy, Air Force, Special Operations Forces; Iraqi police forces; special task forces; the Iraqi Intelligence Agency; and border security forces." That fund was administered by the DoD through MNSTC-I.[514] ISFF funding is shown in Table 4.[515]

[512] Office of the Special Inspector General for Iraq Reconstruction, 30 July 2009, 'Report to Congress'.
[513] Letter SIGIR to Commanding General, US Forces-Iraq, 23 April 2010, 'Most Iraq Security Forces Fund Appropriations have been Obligated'.
[514] Office of the Special Inspector General for Iraq Reconstruction, 30 July 2009, 'Report to Congress'.
[515] Letter SIGIR to Commanding General, US Forces-Iraq, 23 April 2010, 'Most Iraq Security Forces Fund Appropriations have been Obligated'.

Table 4: Iraq Security Forces Fund

	Amount allocated (US$bn)	Amount spent (US$bn)
IRRF2	4.94	4.89
ISFF Fiscal Year		
2005	5.49	5.34
2006	3.01	2.73
2007	5.54	5.00
2008	3.00	1.92
2009	1.00	0.1 (in year figure)
Total	**22.98**	**19.98**

The Iraqi Government funded SSR predominantly through budgetary allocations to the Ministries of Defence and Interior.[516] The annual allocations and spends between 2005 and 2009 are shown in Table 5.

Table 5: Iraqi Government SSR funding

	IMOD		MOI	
	Amount allocated (US$bn)	**Amount spent (US$bn)**	**Amount allocated (US$bn)**	**Amount spent (US$bn)**
2005	1.3	1.1	1.1	0.9
2006	3.4	1.3	2.0	1.6
2007	4.1	2.3	3.2	3.1
2008	5.3	3.4	5.7	4.2
2009	3.9	3.7	5.5	5.0
Total	**18.0**	**11.8**	**17.5**	**14.8**
Total allocation across ministries 2005 - 2009				**35.5**
Total spend across ministries 2005 - 2009				**26.6**

In addition, the Iraqi Government between 2006 and 2009 set aside US$5.5bn to purchase equipment, training and services through the US' Foreign Military Sales[517] programme.

[516] Report to Congress US Government Accountability Office, September 2010, 'Iraqi-US Cost-Sharing'.
[517] The US Foreign Military Sales programme involved the Iraqi Government identifying what needed to be procured, and transferring appropriate funds to the Federal Reserve Bank. The US would then oversee the spending.

571. On 29 July, Mr Chaplin wrote to the FCO in London advising that the UK should resist making substantive changes to the draft Strategy which risked delaying publication and "unravelling what we have achieved so far".[518] He explained that the Strategy had been through "a laborious drafting process" for the past seven weeks and the "latest version represents a fine balance between the IIG and US/UK representatives".

572. Mr Chaplin explained that some "confusion has crept into the Whitehall debate about different elements of the overall strategy required to deal with the insurgency". Seeking to clarify matters, he wrote that the Strategy was "a conceptual document describing the Government's overall approach". The operational work "falling out" of it included:

- the MNF-I strategic campaign plan to develop a self-reliant ISF by January 2006;
- an operational plan to man, train, equip and assist the ISF, currently being "masterminded by Gen Petraeus";
- a baseline "troops to task" reassessment; and
- work on the new intelligence architecture.

573. By early August, Mr Blair was concerned that neither an Iraqi security strategy nor an MNF internal review of Iraqiisation had yet appeared.[519] The security strategy was particularly important for demonstrating publicly that the IIG had a plan to deal with the security situation. The FCO was instructed to press Prime Minister Allawi on the importance of issuing a public statement soon.

574. Mr Dominic Asquith, a Deputy Commissioner in the CPA, reported on 9 August that Dr Allawi understood the need to explain the IIG strategy on security, "but does not think the National Security Strategy document fits the bill".[520] Dr Allawi had, however, agreed the need to sort out the details quickly with the MNF.

575. On 14 August, Mr Asquith reported that the launch of the National Security Strategy had been the subject of a "confused discussion" at the MCNS on 12 August.[521] Dr Allawi had said that the Strategy would need to be revised but it was unclear how that would be done.

576. By the time Mr Blair visited Iraq and met Dr Allawi in Baghdad on 21 December, a new plan had been drafted.[522] They discussed Iraqiisation. Mr Blair stated that he had seen a draft of Dr Allawi's new security plan which he thought was "along the right lines" and that he had agreed to review the Iraqiisation strategy with President Bush in January.

---

[518] Telegram 78 Baghdad to FCO London, 29 July 2004, 'Iraq: National Security Strategy'.
[519] Minute Cabinet Office [junior official] to Sawers, 6 August 2004, 'Iraq'.
[520] Telegram 107 Baghdad to FCO London, 9 August 2004, 'Iraq: Security: Prime Minister's Views'.
[521] Telegram 128 Baghdad to London, 14 August 2004, 'Iraq: Ministerial Committee on National Security (MCNS), 12 August'.
[522] Letter Quarrey to Adams, 21 December 2004, 'Prime Minister's Visit to Baghdad, 21 December: Meeting with Allawi'.

577. Dr Allawi suggested that the Petraeus Plan could be accelerated by more training for the ISF command structure and more recruitment of untainted figures from the old army.

578. On 23 December, No. 10 reported that Mr Blair was "encouraged that Allawi is now working on a security strategy which he intends to publish".[523]

579. On 3 January 2005, Prime Minister Allawi wrote to Mr Blair, enclosing an updated draft of the security plan.[524] He had also sent the paper to President Bush that day and shared the covering letter with Mr Blair. The letter to President Bush highlighted the mounting security challenges facing Iraq, the lack of resources and the importance of accelerating the recruitment, training and deployment of Iraqi forces.

580. The paper was six pages long and briefly outlined the problems with the ISF and potential solutions. The solutions included: merging the ING with the Iraqi Army to fill gaps caused by current depletions; a rapid extension of forces; additional training; and giving the army responsibility for border security. It stated that a request would be made to the IMF and World Bank to cover a "$1.9bn (or officially $2.25bn)" shortfall in year one.

581. On 6 January, Mr Martin Howard, MOD Director General Operational Policy, sent a draft note about the Strategy to Ms Margaret Aldred, Deputy Head OD Sec, Cabinet Office.[525] Mr Howard wrote that the letter was to go to Mr Nick Beadle, Coalition Senior Adviser to the IMOD, and Mr Charles Heatly, Adviser to Prime Minister Allawi in Baghdad and reflected what he and Ms Aldred had agreed the previous day. The note was broadly supportive of the Strategy but observed that the US could be sensitive to some of the content, including references to the slow pace of army training ("as a criticism of the Petraeus Plan") and to recruiting members of the former Iraqi armed forces.

582. The draft note stated that reference to "coalition embedded troops" should be removed from the Strategy document because it had not yet been endorsed in London and said "it would be better from Allawi's perspective to minimise any impression that the Iraqi security forces will remain over-dependent on the coalition".

583. The National Security Strategy was eventually issued on 15 January 2005.[526] In it, Dr Allawi was reported to have amended the goal of training 100,000 Iraqi soldiers by July to 150,000 "fully qualified" soldiers by the end of the year.

---

[523] Letter Quarrey to Owen, 23 December 2004, 'Prime Minister's Visit to Iraq: Follow-up'.
[524] Letter Allawi to Blair, 3 January 2005, [untitled] attaching Paper, 'Iraqi Security Forces – Revised Recruitment and Training Strategy: 2005'.
[525] Letter Howard to Aldred, 6 January 2005, 'Iraqi National Security Strategy'.
[526] *New York Times*, 24 February 2005, *Iraqi Army Is About to Add National Guard to Its Ranks.*

Training the Iraqi Army

Training of individual army recruits followed one of two patterns:

- Recruits with former military experience went into a Direct Recruit Replacement programme. They received three weeks' standardised training delivered by the Major Subordinate Commands at Regional Training Centres.
- Recruits without military experience were sent for training at the Iraqi Training Brigade in Kirkush. All new recruits undertook a five-week programme followed by an additional three to seven weeks of specialist skills training.[527] The five-week programme was increased to 13 weeks in early 2007.[528]

In 2006, a system of six Regional Training Centres was established to develop a non-commissioned officer corps and a year-long Basic Officers Commissioning Course, based on a Sandhurst curriculum, was established at three Military Academies.[529]

By early 2007, a National Defence University had been established and was beginning to run institutions of professional development: Iraqi Staff Colleges, a National Defence College and a Strategic Studies Institute.[530]

In May 2007, the Iraqi Training and Doctrine Command, part of the Joint Headquarters assumed responsibility from MNSTC-I for training and equipping the Iraqi military.[531]

UK assessments of the Iraqi Security Forces in late 2004

584. On 23 September, Lieutenant General John McColl, SBMR-I, sent Lt Gen Fry, Deputy Chief of the Defence Staff (Commitments) from July 2003 to March 2006, a paper on the UK's options for withdrawing or reducing the number of troops in Iraq "up to and beyond January 2006" (see Section 9.3).[532] He stated that the IPS would have manned, trained and equipped "77 percent" of the target 135,000 officers by the end of July 2005 and the ING numbers were also "on course" to be achieved by that date. Lt Gen McColl wrote that "these encouraging projections have, in part, prompted MNF-I's aspiration to establish Iraqi regional … control across all 18 provinces by 31 July 2005".

585. Lt Gen McColl considered the goal "challenging" because of "significant shortfalls in logistics capability" of the ISF. He highlighted a lack of trained staff, a "serious rift" between the MOI and IMOD and "the need for a proper national security headquarters".

---

[527] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq.*
[528] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[529] Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq*.
[530] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[531] Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.
[532] Minute McColl to DCDS(C), 23 September 2004, Iraq up to and Beyond January 2006 – Defining a UK Position'.

586. On 20 October, Lt Gen McColl sent the Hauldown Report of his tour in Iraq.[533] He wrote:

> "Despite their limited numbers and state of training, ISF are even now capable of strategically significant impact. Their deployment has an effect that coalition troops cannot achieve … They are therefore in great demand and, there is a risk … that their premature committal to operations, which are still beyond their capacity, could irreparably dent their confidence. The risk is exacerbated by the understandable impatience of the IIG, supported to some extent in both Washington and London …
>
> "The critical path for the IPS will be meeting the sheer scale of the equipping and training requirement, as well as the continued identification of tough committed police chiefs. There are grounds for optimism, but no police force could operate in the current levels of violence without relying on the support of the Army, including the ING, to provide a secure framework and surge capability …
>
> "The frustration that the UK has felt at the slow and chequered progress of ISF generation has been understandable. Our contribution outside MND(SE) has, however been limited (aside from helpful training team activity) to advice to US colleagues who are themselves frustrated and doing all they can to translate the $5 billion they are investing into security capability, whilst reconciling the somewhat turbulent aspirations of the IIG. Within MND(SE) the flow of equipment to ING and IPS from US suppliers has been painfully slow, a problem compounded by the prioritisation of issue based on the prevailing security situation across the country. There has recently been an initiative, which has yet to deliver effect that would allow UK resources to support the equipping of the ISF within the UK area; this is to be welcomed and is perhaps overdue."

587. On putting the right structures in place, Lt Gen McColl referenced the need to put particular emphasis on developing the MOI "staff planning capability", which remained "the most serious concern".

588. On 27 October, a Joint Intelligence Committee (JIC) Assessment reported that the capability of the ISF was "growing" but that their effectiveness remained "patchy".[534] It stated:

> "The more reliable and better trained elements are in short supply and limit the current ability of the IIG to conduct more than one or two concurrent operations. The ISF will improve slowly up to the elections and their capability is planned to build significantly in the early part of 2005. But we judge that they will not be able to handle significant security responsibilities unaided until the middle of 2005 at the earliest. The nascent Iraqi intelligence service (INIS) is also under severe pressure and continues to suffer from assassinations and penetration."

---

[533] Report McColl to CDS and CJO, 20 October 2004, 'SBMR-I Hauldown report – Lt Gen McColl'.
[534] JIC Assessment, 27 October 2004, 'Iraq: A Long-Term Insurgency Problem'.

589. A JIC Assessment on 11 November reported that the ISF had been attacked by insurgent groups "since their creation" and cited "one of the most serious" attacks on 23 October where a convoy of ING forces was ambushed and 49 unarmed recruits were shot.[535] In describing the risk of infiltration, it stated:

> "We judge that all the Iraqi official institutions, including the security forces … employ individuals who give information to the insurgents, whether willingly or under threat. We estimate that nearly a third of current police officers will in time have to be dismissed due to their unsuitability, many of whom are believed to co-operate with insurgents. In Basra the police chief has been sacked … Some attacks, such as the murders of high profile officials, suggest insider knowledge. But insurgents are also able to intimidate or attack the security forces simply because they live in and are known among the local community."

590. On 26 November, MOD officials advised Mr Hoon that the ISF had performed well during operations in Fallujah (see Section 9.3) and that the development of the ISF was "on track".[536] Many ISF elements were "above the predicted capability" for 1 December. Although absenteeism remained a problem, it was being addressed, including through "greater use of posting away from home areas to avoid intimidation". The minute asked Mr Hoon to note that:

> "ISF tasks during [the Fallujah operation] were deliberately selected so as not to be too demanding. That most of Fallujah was virtually deserted made ISF follow up operations easier; and the insurgents made little concerted attempt to disrupt them. It is not surprising therefore that [the Fallujah operation] did not reveal any significant gaps in ISF capability, training or equipment. It was never intended so to do."

FURTHER CONCERNS ABOUT IRAQIISATION

591. On 20 August 2004, Mr Phillipson wrote to Mr George Fergusson, OD Sec, commissioning a paper that set out the full picture in Iraq.[537] It was to cover how Iraq could progress to successful elections in January 2005, the challenges faced and "initial thoughts" on how those challenges could be addressed.

592. The IPU produced the paper, which concluded that the strategy agreed by the DOP in July remained the right one but would need "regular fine tuning".[538] On SSR, the IPU suggested that timescales for Iraqiisation could "be compressed … but only with increased resources and at risk to quality". Equipment supply had started "to flow" but momentum would need to be maintained and in-country distribution improved.

---

[535] JIC Assessment, 11 November 2004, 'Iraq Security – Current Concerns'.
[536] Minute MOD [junior official] to APS/SofS [MOD], 26 November 2004, 'Post Fallujah – an Assessment of ISF Performance'.
[537] Letter Phillipson to Fergusson, 20 August 2004, 'Iraq: Next Steps'.
[538] Minute Crompton to Private Secretary [FCO], 27 August 2004, 'Iraq: Next Steps' attaching Paper Iraq Policy Unit, 27 August 2004, 'Iraq: Next Steps: Action Points'.

The paper also highlighted that the Petraeus Plan would strain budgets and require "sustained high level lobbying" of key allies to extend their deployment as many MNF contributors expected deployment to cease in 2005, earlier than required by the Plan.

593. Mr Phillipson, in summarising the paper to Mr Blair, described it as "too vague, and does not tally with loss of control compared to the situation on the ground in early July, not least in Basra".[539] On Iraqiisation, Mr Phillipson suggested:

> "The paper says that Iraqiisation is on track. We should ask for a more explicit assessment. What were the original timelines and benchmarks? What is our performance against them? How and where can they be tightened up and accelerated? There is a tendency to fear that this will increase costs – we should make clear that this should not be a bar to the necessary policy judgements. On timelines we also need to challenge the assertion that MNF forces will now need to be in Iraq at present levels until 2006 – we should be looking to move as quickly as possible to a shift from offensive MNF forces to a smaller training and advisory deployment."

594. On 29 August, Mr Blair produced a minute in response which expressed that although the rationale behind Iraqiisation was "fine", the "urgency of the situation may overwhelm us and make our timescales … naive".[540] Mr Blair stressed the need for immediate action:

> "Allawi has to be given, by hook or by crook, immediate strong, well-armed brigades who can move into any trouble-spot and clean up. This has got to take precedence over the General Petraeus plan. But we cannot have a row over equipment. If he needs the stuff, he has got to have it."

595. On 9 September, Sir Nigel Sheinwald and Mr David Quarrey, a Private Secretary in No.10, sent Mr Blair a minute reporting their recent visit to Iraq, for use in Mr Blair's planned video conference with President Bush.[541] They reported:

> "Iraqiisation is on a trajectory which will take us well into 2005, and maybe into 2006, before they can stand on their own. The police are doing better than the Army. There are real capacity issues in the key ministries, though throwing more advisers at them might not help. We seriously need to make a UK national contribution to speeding up equipment supply."

596. The minute stated that the US NSC and No.10 would need to "be all over" the issue in coming months to ensure further progress and the need to maintain pressure for delivery on Iraqiisation should be one of the key messages for Mr Blair's conversation with President Bush.

---

[539] Minute Phillipson to Prime Minister, 27 August 2004, 'Iraq: Next Steps'.
[540] Minute Prime Minister to Sheinwald, Powell and Phillipson, 29 August 2004, 'Iraq'.
[541] Minute Sheinwald and Quarrey to Prime Minister, 9 September 2004, 'Iraq'.

597. On 16 September, Mr Blair chaired a meeting of the Ad Hoc Ministerial Group on Iraq (AHMGI – see Section 2), called "to ensure the UK Government approach to Iraq was fully co-ordinated in the period up to Iraqi elections in January 2005".[542] He intended that the Group should meet regularly.

598. Given an insurgency that appeared to be increasingly co-ordinated, Mr Blair told the Group that he was "concerned that the Iraqi Security Forces (ISF) did not have sufficient capability to take on the insurgents."

599. Gen Walker reported that plans were in place for the ISF to be fully equipped and trained by mid-2005, but that their capabilities would remain limited, especially compared with the MNF. There was little scope for accelerating the plans.

600. The Group agreed that the MOD would "make recommendations on how ISF capacity will develop and what more we can do to accelerate or refine the delivery to allow the ISF to tackle the current insurgency campaign".

601. General Sir Mike Jackson, Chief of the General Staff, visited Iraq from 12 to 15 September.[543] In his report, he observed:

> "… the generation of trained and equipped ISF and IPS is taking considerably more time than expected … Although General Petraeus was buoyant about the progress in ISF and the recent performance of two of their battalions in Najaf, there is an underlying reservation highlighted by many, including Gen Casey, that improvement is slow – the faster release of allocated funds will help."

602. On 19 September, Mr Blair met Prime Minister Allawi and Iraqi Ministers at No.10.[544] In Mr Quarrey's note of the meeting to Mr Straw's Private Secretary, he wrote that Dr Allawi had expressed frustration at the pace of Iraqiisation which had followed "the slow route of General Petraeus" and "had told Bush that he needed security capacity now, not next year".

603. Mr Blair said that it was important that the long-term work continued but that there was also a need rapidly to increase the capacity of Iraqi intelligence and the ISF. Prime Minister Allawi requested a meeting with senior defence and intelligence officials from the US, UK and Iraq "to discuss problems with Iraqiisation". When Iraqi Ministers suggested a halt to de-Ba'athification, Mr Blair and Dr Allawi agreed that the IIG needed "a practical approach".

604. In a private meeting with Mr Blair afterwards, Dr Allawi said security was his personal focus, but was part of wider work on an overall strategy addressing national reconciliation and Sunni outreach, building the economy and building up the institutions

---

[542] Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.
[543] Minute CGS to CDS, 17 September 2004, 'CGS Visit to OP TELIC 12-15 Sep 04'.
[544] Minute Quarrey to Owen, 19 September 2004, 'Iraq: Prime Minister's Lunch with Allawi, 19 September'.

of government and the state.[545] Dr Allawi made clear that tackling the security situation was his top priority, but he lacked effective resources to achieve that. He "needed: the two mechanised divisions, a Rapid Deployment Force,[546] an effective anti-terrorist capability in the police, and a more rapid build up of intelligence capability". Mr Blair commissioned advice from Lt Gen McColl on how best to meet that requirement.

605. On 20 September, Mr Naworynsky provided two papers to No.10: "one on the current status of the ISF, including an analysis of the Petraeus Plan and recommendations for further work"; and a speaking note for Mr Blair's next conversation with President Bush.[547]

606. The first paper listed the current capability of the ISF as 91,000 recruited and trained personnel, comprising:

- 34,500 police;
- 34,200 members of the National Guard;
- 14,300 border officers;
- 4,800 regular army;
- 1,900 Army Intervention Force; and
- 600 Special Forces.

607. Those forces were "totally reliant on the Multi-National Force (MNF) for support" and "turning quantity into quality – the key to our withdrawal" would "take time".

608. The Petraeus Plan had forecast that by the end of 2005, total ISF strength would be 234,000 and it would be "able to tackle the majority of threats currently present in Iraq". The paper noted that that was ambitious but would in time deliver security forces to meet Iraq's predicted needs. It could be accelerated to deliver more forces with counter-insurgency capability sooner, but only by taking resources from long-term development, and so ultimately extending the length of the programme and the presence of UK forces in Iraq. The paper stated: "This would not be desirable."

609. The paper stated that the UK could complement the Petraeus Plan by: continuing to support the MOI and IMOD; procuring equipment for the ISF in MND(SE); continuing training and mentoring the ISF; supporting NATO training of the middle and senior ranks and "consider whether the ISF require a heavy force".

610. Sir Nigel Sheinwald annotated the covering letter: "This is v. feeble".[548]

---

[545] Letter Sheinwald to Adams, 19 September 2004, 'Iraq: Prime Minister's Meeting with Prime Minister Allawi, Sunday 19 September'.
[546] A Rapid Deployment Force is a military formation typically consisting of elite military units and usually trained at a higher intensity than the rest of their country's military.
[547] Letter Naworynsky to Quarrey, 20 September 2004, 'Advice for the Prime Minister's Next VTC with President Bush'.
[548] Manuscript comment Sheinwald on Letter Naworynsky to Quarrey, 20 September 2004, 'Advice for the Prime Minister's Next VTC with President Bush'.

611. On 21 September, Maj Gen Houghton produced a paper for the Chiefs of Staff on "the prospects for developing capable and effective Iraqi Security Forces".[549] He described the development of the ISF as "not pretty". The reasons given for that included de-Ba'athification, the decision to disband the Iraqi armed forces and the absence of a strategy for Iraq's security sector architecture. The last had now largely been addressed by the National Security Strategy, although it was not "officially signed off".

612. Maj Gen Houghton wrote that there had been "an understandable tendency by some to 'talk-up' the timescales" for delivering manpower, equipment and training. Progress had been made but "must be set in the context of significant political frustration at the highest levels of Iraq, US and UK government". He offered that one conclusion was that:

> "… the current political frustration at the lack of progress in ISF development may be mis-directed. It is focusing too much on short-term, physical and – to an extent – symbolic representations of capability; it is not focusing enough on the capabilities which will actually allow Iraq to fight its own campaign. The need to meet this latter requirement may be brought closer in time as a result of the elections in the new year."

613. On 22 September, Mr Hoon wrote to Mr Blair with advice on how the ISF would develop.[550] He stated:

> "It is clear that Allawi feels frustrated with progress on Iraqiisation … Our current assessment is that the Petraeus Plan will deliver ISF scaled to meet Iraq's needs, including a limited offensive capability in time for the elections in January 2005. Allawi's concerns are undoubtedly genuine."

614. No.10 "pressed MOD for a full and imaginative response to Allawi's request".[551] Mr Hoon was "asked for more detail and a better focus" by No.10 after writing to Mr Blair on 27 September.[552]

615. Mr Naworynsky addressed that request in a letter to Mr Quarrey on 30 September after receiving advice from Lt Gen Fry.[553] While the MOD accepted that the pace of progress "could have been more rapid", its judgement was:

> "… that the Petraeus plan will deliver the required capability and does not need a radical overhaul. Indeed, to do so would stall momentum and delay the progress which Allawi desires. Indeed, we run the risk of a 'new plan' causing confusion with the existing plan."

---

[549] Minute ACDS(Ops) to COSSEC, 21 September 2004, 'Developing Capable and Effective Iraqi Security Forces'.
[550] Letter Hoon to Blair, 22 September 2004, 'Iraq: Petreus Plan [sic]'.
[551] Minute Quarrey to Blair, 1 October 2004, 'Iraqi-isation'.
[552] The Inquiry has not seen the 27 September letter from Mr Hoon to Mr Blair.
[553] Letter Naworynsky to Quarrey, 30 September 2004, [untitled].

616. Despite that judgement, Lt Gen Fry had identified that the ING could be provided with more firepower, mobility and logistic support. To do that, Mr Naworynsky listed six proposals at an estimated total cost of US$107m. He wrote that those proposals would "accelerate the development of capable ISF" but were "costly and unfunded" with no provision for meeting them within the MOD's budget. He concluded by pointing out that "even if all this is done, the impact on Iraqi capability for high end counter-insurgency operations before elections will remain very limited". It would, however, "give a highly visible Iraqi face to such operations which would be at least as important in perception terms as the military effect achieved".

617. Mr Quarrey summarised the MOD's proposals to Mr Blair as "effectively brush[ing] aside Allawi's demands".[554] He accepted that there was logic in the proposals but the focus on ING instead of the main counter-insurgency forces would not deliver what Allawi "really wants". He advised Mr Blair to speak to Mr Hoon, "emphasising the need for him to take a personal interest in the issue".

618. Referring to the MOD's proposals, Mr Blair responded: "It may be right but it's definitely not a response to Allawi."[555]

619. On 5 October, Dr Allawi wrote a letter to President Bush and Mr Blair.[556] The Inquiry has not seen this letter.

620. On the same day, Mr Blair and President Bush spoke by video conference.[557] Mr Blair's brief for the conversation suggested that he should ask the President if there had been progress on accelerating Iraqiisation; Secretary Rumsfeld was believed to be resisting such a move.[558]

621. In discussion, Mr Blair said that Prime Minister Allawi was pushing ahead with Iraqiisation as fast as he could. Mr Blair suggested that Dr Allawi's "twin track of political outreach and increased military capability" plus a statement from the US and UK that they were "in this until the job was done", was "key".[559]

622. Mr Blair and Prime Minister Allawi spoke on 22 October.[560] Mr Quarrey recorded that Dr Allawi said that Iraqiisation was "finally moving" and that "people – even including Rumsfeld – now accepted that Allawi was right about the need to accelerate this". Dr Allawi was expecting a detailed plan the following week.

---

[554] Minute Quarrey to Blair, 1 October 2004, 'Iraqi-isation'.
[555] Manuscript comment Blair on Minute Quarrey to Blair, 1 October 2004, 'Iraqi-isation'.
[556] Letter Adams to Quarrey, 22 October 2004, 'Prime Minister Allawi's Letter on Developing ISF Capability'.
[557] Letter Phillipson to Adams, 5 October 2004, 'Prime Minister's VTC with President Bush, 5 October: US Elections, Iraq, Iran, MEPP'.
[558] Minute Phillipson to Prime Minister, 4 October 2004, 'VTC with President Bush, 5 October'.
[559] Letter Phillipson to Adams, 5 October 2004, 'Prime Minister's VTC with President Bush, 5 October: US elections, Iraq, Iran, MEPP'.
[560] Letter Quarrey to Wilson, 22 October 2004, 'Iraq: Prime Minister's Conversation with Allawi, 22 October'.

Global Conflict Prevention Pool strategy update

On 29 September 2004, Mr Stuart Jack, FCO Director Iraq, provided an update on a revised Global Conflict Prevention Pool (GCPP) Strategy to Mr Straw's Private Secretary.[561] The Strategy had three objectives:

- building the capacity of the Iraqi Government and civil society to carry out conflict prevention and resolution;
- preventing further polarisation and reducing underlying tensions between different elements of Iraqi society; and
- building the capacity of the security sector, with special emphasis on the police and prisons.

On funding, Mr Jack wrote that Mr Blair had asked the GCPP to fund up to £2m for a project supporting the MOI. That was in addition to a £2.5m MOD bid approved by AHMGI on 16 September to purchase equipment for the ISF.[562] Both projects were considered to serve "our broader Iraq objectives", although the ISF project only "just about" met published eligibility criteria for the supply of military equipment.

Mr Straw wrote to Mr Hoon and Mr Benn on 4 October with the revised Strategy, recommending that the FCO, the MOD and DFID endorse it.[563] Mr Straw flagged that funding was "over-committed" that financial year and warned that future project proposals for Iraq would need to be carefully considered in that light.

There is no record that Mr Benn or Mr Hoon formally endorsed the Strategy.

Suggestions for improvements in SSR

623. Mr Robert Davies, Chief Police Adviser to the MOI, produced a briefing on the IPS for Mr Straw on 6 October.[564] He wrote:

> "The impatient focus on increasing its size (aspiration force of 130K – there are 130K on current payroll but only 90K accounted for!) has led to a large number of police joining the service as a result of General Petraeus' drive for '30K in 30 days', who have not received any training and who are of questionable integrity and quality."

624. Mr Davies summarised the IPS as "… brave but subject to intimidation, in part poorly led, weak in structures according to western standards, and in need of further equipment".

625. Mr Davies also noted that there was no forensic examination of serious crime, intelligence gathering was weak and "the inability of the IPS to plan operations is causing all sorts of serious problems in combined operations".

---

[561] Minute Jack to Private Secretary [FCO], 29 September 2004, 'Global Conflict Prevention Pool – Iraq Strategy'.
[562] Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.
[563] Letter Straw to Benn, 4 October 2004, 'Global Conflict Prevention Pool – Iraq Strategy'.
[564] Minute Owen to Crompton, 12 October 2004, 'Iraq: Police Service' attaching Email Davies to Owen and Hurley, 6 October 2004, 'The Iraqi Police Service' and Paper, [undated], 'The Iraq Police Service [IPS]'.

626. Mr Davies stated that two regiments of police were being formed from soldiers who were "simply changing the colour of their shirts" to form assault brigades. He also said: "The poor quality of leadership is being buttressed by Generals with a military background being transferred to the police."

627. Mr Davies suggested that the UK could offer further assistance through:

- developing a professional facility to deal with kidnapping and hostage taking;
- continued support for "operational planning training";
- doubling UK advisers to bolster support to senior IPS officers and cover other UK officers' leave periods; and
- supporting the development of the IPS intelligence strategy.

628. Following Mr Davies' report, Mr Straw requested advice from the IPU.[565] A junior official responded on 5 November, indicating that Mr Davies was in "daily contact" with the IPU on policing in Iraq and that the emphasis was "now on quality not quantity". The two most significant problems were identified as "the dysfunctional MOI and equipment shortages" and IPU highlighted the two recent GCPP funded initiatives to address those (see Box, 'Global Conflict Prevention Pool strategy update', earlier in this Section).

629. In November, DCC Brand produced a report highlighting a range of issues from his time in Baghdad and recommendations to address them.[566] Those included that:

- police involvement in pre-conflict planning could have helped to ensure the IPS were better prepared for their new role;
- the FCO providing terms of reference for seconded senior police officers would help to manage expectations for each mission; and
- a "fundamental shift should occur in HMG's [Her Majesty's Government's] policy on the raising of police officers to support international missions" to create a standing reserve of officers that are able to be deployed quickly.

630. In his conclusion, DCC Brand observed that many of his suggestions echoed earlier reports (including the Brahimi Report[567]) whose recommendations had been "largely ignored". He commented that he had "called this report 'lessons identified', as only time will tell whether any lessons have been learned".

631. The Inquiry has seen no acknowledgement of or response to DCC Brand's report by the Government.

---

[565] Minute IPU [junior official] to PS [FCO], 5 November 2004, 'Iraq: Advice to FS Following Robert Davies Paper on IPS'.
[566] Report Brand, November 2004, 'Iraq 2003-2004 Domestic Lessons Identified for Police Deployments'.
[567] UN Report, 21 August 2000, 'Report of the Panel on United Nations Peace Operations'.

NATO training mission – Iraq

On 22 June 2004, NATO received a request from Dr Allawi seeking support to Iraq through "training and other forms of technical assistance".[568]

On the same day, in a video conference with President Bush, Mr Blair suggested using the NATO conference in Istanbul, scheduled for later in the month, to secure agreement to Dr Allawi's request for NATO help with training.[569]

The matter was discussed at the Istanbul conference on 28 June and all Heads of State and Government in attendance agreed to offer assistance to the IIG with the training of its security forces.[570] A training mission was deployed in August to conduct training of Iraqi Headquarters personnel.

NATO's previous role had been limited to logistical support of the multinational division led by the Poles in MND(CS).[571] Personnel from Canada, Hungary, Norway, the Netherlands and Italy were all involved.

On 8 October, the North Atlantic Council agreed a Concept of Operations for enhancing NATO's assistance to the IIG by taking a role in training of the security forces.[572] Lt Gen Petraeus was given the additional role of the head of the NATO training mission.

On 21 February 2005, Mr Hoon was briefed that NATO was encountering problems fully manning its training mission in Iraq, with a shortfall of 25 posts (around a quarter of the total). At that stage, the UK had 11 personnel working in the NATO training mission.[573] To address pressure from NATO for a greater UK role Mr Hoon agreed that the UK could rebadge 11 personnel from MNSTC-I involved in Basic Officer Training as NATO personnel. Mr Hoon agreed with advice from officials that the UK should resist requests to take the lead on the Junior Officer Leadership Training Module.[574]

On 2 June 2005, Mr Roger Cornish, MOD Deputy Director Iraq, recommended the UK take leadership of the Basic Officer training module when it transferred to NATO.[575] That did not take effect until 1 July 2006, and then only after agreeing a Memorandum of Understanding that stipulated the UK would not be expected to make up any personnel or funding shortfalls.[576]

---

[568] NATO website, 'NATO in Iraq: the Evolution of NATO's Training Effort in Iraq'.
[569] Letter Quarrey to Owen, 22 June 2004, 'Prime Minister's VTC with Bush, 22 June: Iraq'.
[570] NATO Press Release (2004) 098, 28 June 2004, 'Statement on Iraq'.
[571] Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008; NATO Press Release (2003) 059, 3 June 2003, 'Final Communiqué: Ministerial Meeting of the North Atlantic Council held in Madrid on 3 June 2003'.
[572] NATO Press Release (224) 134, 8 October 2004, 'NATO Nations Agree Next Step in Implementing Training in Iraq'.
[573] Minute MOD [junior official] to PS/Secretary of State [MOD], 21 February 2005, 'The NATO Training Mission Iraq (NTM-I)'.
[574] Minute Naworynsky to MOD [junior official], 22 February 2005, 'The NATO Training Mission Iraq (NTM-I)'.
[575] Minute Cornish to PS/Secretary of State [MOD], 2 June 2005, 'Iraq: UK Short-Term Commitment to Bilateral Defence Relations'.
[576] Minute DCDS(C)/Policy Director to PS/SofS [MOD], 2 June 2006, 'NATO Training Missions – Iraq (NTM-I) Memorandum Of Understanding (MoU) for Basic Officer Training'.

By July 2007, the UK contribution to the NATO training mission had reduced to 18 personnel, and was expected to decrease further to 14.[577]

The UK provided personnel to the NATO training mission until its withdrawal from Iraq on 31 December 2011.[578] The mission's mandate was not extended, as agreement could not be reached on the legal status of NATO troops operating in country. Over the seven-year period, the mission trained over 5,000 military personnel and over 10,000 police personnel at a cost of over €17.5m.

632. On 18 August 2004, Mr Hoon wrote to Mr Blunkett about the importance of offering training and mentoring to the IPS.[579] He wrote that the MOI lacked "the ability to conduct even rudimentary operational planning" which restricted both "their ability to plan and execute police operations" and "the ability of the Iraqi police to assume greater responsibility from the Multi-National Force in Iraq".

633. The MOD planned to run a training course "in September/October for some 50-60 senior Iraqi police officers". Nine UK military personnel would be deployed to work with UK police officers in Iraq "to ensure that a coherent approach is maintained".

634. Mr Hoon wrote that the MOD's experience suggested "that the benefits of such training initiatives will fade quickly unless they are followed up with longer-term support and underpinned by mentoring". He had asked officials in the MOD to continue working with officials from the Home Office and the FCO to consider who should provide this support and how.

635. On 13 September, Mr Chaplin sought the FCO's views about a "high priority" programme of assistance to the MOI.[580] He described the MOI as:

> "… highly dysfunctional … and in need of significant assistance in a range of areas, from operational planning to the basics like recording minutes of meetings and following up action points."

636. Mr Chaplin reported that, while the UK and US had resources allocated to operational advice and supporting the IPS's development, nothing "adequately addresses the need for capacity-building" within the MOI. A meeting with the MOD, DFID and UK Police Advisers had concluded that a programme of assistance was needed to address this gap, and that the GCPP "would be the most appropriate source" of funding. The key elements of the programme were:

- operational planning;
- basic capacity-building – "getting effective structures and working practices in place";

[577] Report MOD, 5 July 2007, 'PJHQ Manning Tables: MNSTC-I, NTM-I and NaTT'.
[578] NATO website, 'NATO in Iraq: the Evolution of NATO's Training Effort in Iraq'.
[579] Letter Hoon to Blunkett, 18 August 2004, 'Iraq: Training and Mentoring Senior Iraqi Police Officers'.
[580] Telegram 203 Baghdad to London, 13 September 2004, 'Iraq: Ideas for Further Help to the Ministry of Interior'.

- communications strategy;
- mentoring; and
- a training needs assessment.

637. In mid-October, the UK agreed to provide funds from the GCPP to build the capacity of the MOI, which was described as "a weak link in efforts to make the Iraqi police effective enough to operate without MNF support".[581]

638. At the SSR meeting on 7 October, it was reported that £3.5m of GCPP funding had been agreed for the MOI project over the next 12 to 18 months.[582] The first phase would be a scoping visit. The second phase would include two advisers until January 2005 and then four advisers for a further year. There was potential to use civil servants from the Home Office, such as a senior policy maker.

639. On 19 October, a group comprising Defence Advisory Team (DAT) personnel and a consultant were deployed to Iraq to do the initial scoping for the MOI project.[583] It reported that the MOI was "unable to carry out basic management functions".[584] Basic management information, including the number of police, remained unavailable. Decision-making at the top of the Ministry was improving, helped significantly by US mentors, but it was very difficult to translate decisions into action:

> "Iraqi politicians currently find it hard to work with their official colleagues and deputies, who have often been selected to achieve balance as part of a political settlement rather than on merit or because they share a political programme. In an unstable political and security environment, politicians are understandably reluctant to trust people whom they do not know, and prefer to work with trustworthy family and tribal members, regardless of formal structures or job titles."

640. The DAT also reported that the MOI was located outside the Green Zone[585] and that visits were currently limited to three two-hour slots per week.

641. The team recommended that UK support should focus on strengthening the capabilities of a small, permanent cadre of Iraqi officials who could provide a policy implementation capacity to any Minister within any overall structure. They also reported that in the absence of an agreed constitution they could not make recommendations to increase political accountability, and that they had been unable to consult civil society on their recommendations due to the security situation and because few representative

---

[581] Minute Jack to Private Secretary [FCO], 29 September 2004, 'Global Conflict Prevention Pool – Iraq Strategy'; Minutes, 13 October 2004, 'Record of Strategy Managers Meeting, 13 October 2004'.
[582] Minutes, 7 October 2004, Security Sector Reform meeting.
[583] Minute IPU [junior official] to PS [FCO], 5 November 2004, 'Iraq: Advice to FS following Robert Davies Paper on IPS'.
[584] Report, October 2004, 'GCPP Proposal, Iraq: Interim Security Sector Reform, Phase One Report'.
[585] The 'Green Zone' is also described as the 'International Zone' and refers to the centre of the international presence in Baghdad.

bodies yet existed. Capacity would be built through a series of events focused on particular issues facing the Ministry, supplemented by a team of long-term advisers.

642. On 14 January 2005, a commercial proposal was submitted to DFID by Crown Agents, the company responsible for delivering the MOI project.[586] That was a revision of two earlier proposals (in December and January), following on from the project design team's visit in October. The project was scheduled to run for 15 months at a cost of £2.3m, "with a provisional start date of January 2005". The proposal stated that two international advisers and two Iraqi advisers seconded from the MOI would be based in the Minister of the Interior's office to ensure continuity and "a link to wider Ministerial, governmental and donor concerns".

643. Mr Howard visited Baghdad from 13 to 15 January.[587] He noted that increased UK assistance to the IMOD and the MOI ("by stepping up efforts … to fill key advisory posts") was important in helping Iraqis achieve effective leadership of their security forces. He encouraged UK support in developing an Iraqi tactical intelligence capability by setting up a "Special Branch" function.[588] He described the relationship between the MOI and the police as "very tenuous".

644. The MOD had been providing a team of civilian personnel to advise and assist with the development of the IMOD since January 2004.[589] UK military trainers were also working on the creation of the Iraqi Joint Forces HQ, to provide command and control of the Iraqi Armed Forces.

645. On 4 March, Mr Howard wrote to Mr Hoon about future UK support to the IMOD.[590] He stated that there was:

> "… definite value in increasing UK efforts in this area by proactively identifying posts where we think we can provide targeted expertise … and by finding the right people to fill them early on."

646. He also reported:

> "We are currently looking at the possibility of increasing UK civilian support to the MOI with FCO and DFID …"

647. Minutes from the GCPP Strategy Meeting on 8 March recorded that two consultants had withdrawn from the MOI project.[591] Three new candidates had been identified and a decision would be taken later that week to confirm the appointments.

---

[586] Paper Crown Agents, 14 January 2005, 'Interim Iraq Security Sector Support'.
[587] Minute Howard to DCDS(C), 19 January 2005, 'DG Op Pol visit to Baghdad 10-13 January 2005'.
[588] 'Special Branch' is normally used to identify police units responsible for national security.
[589] Annotated Agenda, 8 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[590] Minute Howard to Hoon, 4 March 2005, 'UK Support to the Iraqi Ministry of Defence'.
[591] Minutes, 8 March 2005, Iraq GCPP Strategy meeting.

The meeting heard that that could delay the project until early April, but that it could "prove beneficial, as the project will require the new Minister's backing if it is to be effective".

648. At the next Iraq GCPP Strategy Meeting on 16 March, the meeting was told that two new consultants had been appointed and would be deployed to Iraq mid-April.[592]

649. In his May 2005 review of policing priorities and resources, Acting Deputy Chief Constable Colin Smith, Chief Police Adviser Iraq, identified the need for a senior UK civil servant (from the Home Office) with experience in police strategic development and police structure to assist the MOI.[593]

650. That request was picked up by Mr Michael Gillespie, Home Office Head of the Public Order and Police Co-Operation Unit.[594] He advised Mr Peter Storr, Home Office International Director, that there were financial implications to the request, as the FCO would not reimburse salary or the additional costs of deployment. Aside from the financial implications, Mr Gillespie raised "the issue of whether this is a good use of Home Office resources".

651. On 27 November 2009, a draft review of the support provided to the MOI and IPS was circulated.[595] It stated that the MOI project had been merged with the FCO-led IPS training programme in 2007 following the last external review, to create "greater co-ordination and a more cross-sectoral approach to Security Sector Reform". Responsibility for the MOI element was transferred to the US in June 2009.

Fraud and assassinations in the Iraqi MOD

In his book *The Occupation of Iraq,* Mr Ali A Allawi, former IGC Defence Minister gave details of a major corruption scandal in the Iraqi IMOD (IMOD).[596] He stated that the Ministry of Finance was instructed to appropriate US$1.7bn in one lump sum, and put it at the disposal of the IMOD. The money was to be used for the formation of two rapid deployment divisions but no justification was given for the amount required and limits on spending were removed.

On 16 May 2005, the Iraqi Bureau of Supreme Audit[597] presented a "damning report" to the incoming Prime Minister. Later in 2005, the Director General of Finance at the IMOD was arrested and helped in exposing the involvement of senior IMOD officials. Two of her colleagues, the Director General of Planning and the Inspector General, were subsequently murdered.

---

[592] Minutes, 16 March 2005, Iraq GCPP Strategy meeting.
[593] Report Smith, 15 May 2005, 'Next Steps on Policing – Review'.
[594] Minute Gillespie to Storr, 26 May 2005, 'Iraq: Request for a UK Civil Servant (Home Office) to act as Ministry of Interior Civilian Police Adviser: Baghdad'.
[595] Paper Stabilisation Unit [junior official] and Howlett-Bolton, 27 November 2009, 'Review of the support to the Ministry of Interior and Iraqi Police Service Programme'.
[596] Allawi AA. *The Occupation of Iraq: Winning the War, Losing the Peace*. Yale University Press, 2007.
[597] The Iraqi Bureau of Supreme Audit was responsible for anti-corruption.

JUSTICE SECTOR CONCERNS

652. The Justice Sector Adviser for the International Legal Assistance Consortium (ILAC) and DFID arrived at the British Embassy Baghdad on 22 September.[598] Her report described the positive reception of training programmes, but noted that that was "accompanied by clear statements of need for more". Reform of the Iraqi Bar Association would continue to be "complex and difficult due to the factional and political in-fighting"; it was seen as a "long-term project".

653. The consultant identified factors which should inform future training and strategy of the justice sector, including the importance of increasing the number of jurists being trained, to involving women and the regions, and for all training sessions to include the basic requirements of a fair trial (civil and criminal). She also recommended establishing a donor co-ordination mechanism under Iraqi leadership which would help to provide a clear picture of all assistance being provided and planned and identify outstanding areas of need.

654. At the AHMGIR on 9 December the point was made in discussion that "there was a demand in Iraq for more judicial assistance".[599] The minutes recorded that Lord Goldsmith was "exploring what more help we could offer".

655. On 15 December, a junior DFID official advised Mr Benn to write to Lord Goldsmith explaining DFID's work in the justice sector.[600] The official wrote that, following the AHMGIR on 9 December, Lord Goldsmith had "made clear his frustration" to officials that "more was not being done and that he [was] not being kept sufficiently informed".

656. Mr Benn wrote to Lord Goldsmith on 13 January 2005.[601] Mr Benn wrote that "DFID's bilateral assistance" had focused on the ILAC project and that, to date:

- 93 judges had received training on the independence of the judiciary;
- 263 judges, prosecutors and lawyers had received training by the International Bar Association in International Human Rights Law; and
- 13 trainers had been trained with "cascade training" reported for between 100 and 200 lawyers in Iraq.

657. The letter also highlighted two programmes being funded by the GCPP: the Southern Iraq Prison Programme (to ensure accordance with international minimum standards for the treatment of prisoners and monitoring capacity, and the MOI capacity-building programme. Mr Benn wrote that the work was undertaken "against the

---

[598] Email Hoddinott to [Consultant], 10 October 2004, 'Olivia's Initial Report' attaching Report Holdsworth, 9 October 2004, 'Initial Report – Justice Sector Adviser, Baghdad'.
[599] Minutes, 9 December 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[600] Minute DFID [junior official] to Private Secretary [DFID], 15 December 2004, 'Iraq: Letter to the Attorney General on Work in the Justice Sector'.
[601] Letter Benn to Goldsmith, 13 January 2005, [untitled] attaching Paper, 'Iraq: Update on Donor Support to the Justice Sector'.

backdrop of the very difficult security environment in Iraq" and that "security concerns have inevitably delayed some of ILAC's work".

658. An update on donor support to the Iraqi justice sector was attached to Mr Benn's letter. This identified a number of constraints that were limiting access to justice, including the lack of scrutiny over court procedures, irregular sentencing, and weak integration between the police, courts and prisons. The update stated that "donor activity would benefit from a more co-ordinated and strategic approach, under the guidance of the Iraqi Minister of Justice and Chief Justice".

659. On 12 January, ILAC submitted their annual report on the Justice Sector Support programme to DFID.[602] Security was described as "the major constraint faced by legal professionals" and was listed as a risk to delivery against all programme outputs. ILAC warned that costs would be £182,000 higher than their grant proposal because the assumption had been that in 2005 training would be delivered inside Iraq; the security situation dictated that training would have to continue outside.

660. ILAC reported "no substantial progress" with regard to strengthening the admission requirements or disciplinary procedures of the Iraqi Bar Association (IBA). It wrote that "politicking" by the IBA leadership would continue to be a risk to the selection of delegation members. ILAC plans for 2005 included "ways of ameliorating this". The Judicial Training Institute remained closed with "no immediate plans to reopen". It was "disappointing" that it had "not been possible to engage that important institution".

661. A draft version of a Strategic Conflict Assessment (SCA) dated 27 December 2004 was circulated amongst officials on 2 March 2005 (it is described in more detail later in this Section).[603] The report recommended "the continuation of training of judiciary and linking aid to independence of judiciary".

662. In the Global Conflict Prevention Pool (GCPP) Strategy meeting on 7 April, it was reported that the SCA recommended "supporting the justice sector".[604] However, while there were "clear links" to the IMOD, MOI and SSR activities, "it was decided that the GCPP could not fund any sustainable development in the area with funds available".

Delays in transferring security

663. In Mr Blair's weekly Iraq update on 9 December 2004, Mr Quarrey reported that an upcoming JIC Assessment on Iraqiisation was likely to conclude that "progress remains slow" and that "we will not hit a key target for handing over 'provincial control' to Iraqi security forces across the country by mid-2005".[605]

---

[602] Letter Hoddinott to [Consultant], 12 January 2005, 'ILAC Iraq Justice Sector Support – Annual Report 2004, Grant AG3737'.
[603] Email DFID [junior official] to DFID [junior official], 2 March 2005, 'Review of policing work' attaching Paper 'Strategic Conflict Assessment – Iraq'.
[604] Minutes, 7 April 2005, Iraq GCPP Strategy meeting.
[605] Minute Quarrey to Blair, 9 December 2004, 'Iraq Update'.

664. The update also included the "latest version" of a paper on handling Iraq in 2005 sent by Ms Kara Owen, Private Secretary to Mr Straw, to Mr Quarrey on 9 December. Mr Quarrey wrote that Mr Blair had seen earlier versions of the paper and that it was "mostly fine, but it remains very much work in progress and will need to be revisited depending on progress with elections and Iraqiisation".

665. The FCO paper, described as an agenda for discussion with the US, considered that continued progress on Iraqiisation would allow MNF to change during 2005 from primary responsibility for security in all areas to a supportive role, either in support of ISF operationally or as trainers or mentors.[606] A transfer of security lead to the ISF could occur in summer 2005.

666. In a note dated 12 December to his No.10 staff, Mr Blair commented that the situation in Iraq was "worrying".[607] He gave six reasons for that assessment (see Section 9.3), one of which was that the Petraeus Plan did "not seem to be yielding the looked-for progress". His note called for a "proper strategy based on a hard-headed reality check"; the FCO paper was deemed "inadequate".

667. In a discussion with President Bush on 14 December, Mr Blair said that training issues needed careful consideration but he was not clear whether the problem was the strategy, or simply that it needed time.[608] He wondered "were we missing something that was holding back the reconstruction and Iraqiisation programmes?"

668. A JIC Assessment produced on 15 December considering the ISF found:

- On force levels; that ISF figures did "not provide a guide to real capability and quality", an example being that only "some 50 percent" of the 87,000 police "on duty" were classified as trained and equipped.
- On effectiveness; that while "some progress" had been made among elements of the ISF, the overall performance of the ISF continued to be "inadequate". There was a lack of "equipment, training, leadership, command and control, and, in many cases, determination to oppose insurgents, particularly when they feel vulnerable with little or no MNF support close by".
- On the environment; that the ISF had been "under sustained attack" and was "being undermined by increasing penetration and intimidation by insurgents". Over 300 ISF members had been killed since August.[609]

---

[606] Letter Owen to Quarrey, 9 December 2004, 'Iraq: 2005' attaching Paper 'Iraq: 2005: Forward Look'.
[607] Note Blair, 12 December 2004, 'Iraq'.
[608] Letter Phillipson to Adams, 14 December 2004, 'Prime Minister's VTC with President Bush, 14 December: Iraq and the MEPP'.
[609] JIC Assessment, 15 December 2004, 'Iraq: the Iraqi Security Forces'.

669. The JIC described the plan to address those issues:

> "Prime Minister Allawi wants more capable Iraqi forces to take on the hard-line elements of the insurgency and reduce his reliance on the MNF. More army units are coming on line: elements of a mechanised brigade (including some tanks and armoured personnel carriers) and two new army brigades are deploying this month, one to Mosul and one to Baghdad. Three more police special commando battalions are planned. But these units have limited operational capability (the new brigade in Mosul is doing badly and is being replaced). This will restrict their employability in the short term and may jeopardise longer-term ISF aspirations. A plan has been put forward to address some of the command and control problems: by the end of January 2005 a national command and control system will be in place linking the Prime Minister, MOD and MOI to the national Joint Co-ordination Centre (JCC) and provincial JCCs. This will help, but better political leadership and overall management by the MOI and MOD is required."

670. On prospects, JIC stated:

> "Through 2005 ISF capability will grow incrementally and significant units, up to brigade size should be deployable by the summer. The ISF should benefit from the planned improved training and equipment procurement programmes. After significant delays these are now reported to be on track, however the planned expansion of trained and equipped police from some 47,000 to 135,000 and the army from some 3,000 to 27,000 between now and July 2005 seems very ambitious. The more modest increases planned for specialist units may be more achievable. The NATO mission to assist leadership training is stalled. The ISF will remain reliant on support from the MNF in many areas, in particular heavy fire support and logistics. There is little sign of the development of a coherent intelligence capability, which is critical to success. Leadership and discipline will remain chronic problems affecting capability; … Attacks and intimidation will also continue to undermine effectiveness. Policing crime will have to remain a second priority in many areas.
>
> "According to the MNF, 15 out of 18 provinces will be under local control – requiring only limited support by the MNF – by the end of the year. But we judge local control, even in some Shia and Kurdish areas, will remain fragile. We assessed in October that the ISF would not be able to handle significant security responsibilities unaided until the middle of 2005 at the earliest. We have also previously judged that the MNF are constraining, not containing, the insurgency. We now judge that, if the Iraqi Government and the MNF are unable to improve the security situation significantly, particularly in and around Baghdad, a credible ISF capable of managing the insurgency unaided will not emerge until 2006 at the earliest."

671. The JIC advised that plans for Iraqi military forces had grown from three infantry divisions to two infantry divisions, six ING divisions, an Iraqi Intervention Force division and a mechanised brigade.

672. The JIC Assessment was discussed at the AHMGI on 16 December, where the consequences of slow ISF development on MNF drawdown were reiterated.[610] Ministers agreed that a number of papers should be prepared, including practical suggestions to adjust the Petraeus Plan, ways of improving the IMOD and MOI, a list of security and funding issues for Mr Blair to raise with President Bush and a list of useful activities that other countries could be asked to undertake.

673. In a Note to President Bush on 10 January 2005, Mr Blair described the Iraqiisation of security forces as critical but said that he was not convinced that the plan to deliver it was robust enough.[611] He identified work on ISF leadership – both Ministerial and operational – as necessary as well as the provision of "the equipment they need to be a match for the insurgents". Mr Blair suggested that the objective should be "more and tougher quality, while building quantity" and confirmed that he had authorised "an extra $78m from our MOD for the Iraqi Forces in the South". Although he could not be sure that funding was essential, Mr Blair wrote "I'll take the risk rather than find six months later it was".

674. When Mr Blair spoke to President Bush by video conference the following day, he suggested that the "Luck Review" (described later in this Section) would "give us a better idea of what was required on Iraqiisation".[612]

675. On 16 January, Mr Phillipson sent a note to Mr Geoffrey Adams, Mr Straw's Principal Private Secretary, with details of Mr Sheinwald's visit to Washington a couple of days earlier.[613] When he met Dr Rice, Mr Sheinwald raised the "gloomy assessment" that "only a few thousand of Iraqi Security Forces personnel were properly trained and led".

676. Mr Sheinwald said: "This showed the scale of the problem, as the official numbers for those trained and equipped was 120,000." Dr Rice was recorded as saying that "the problem with the police was simple. They were trained to walk a beat but were now facing terrorists with RPGs [Rocket Propelled Grenades]. They were either fleeing or dying, but not fighting."

677. On 21 January, Mr Phillipson wrote to Mr Chris Baker, Principal Private Secretary to Mr Hoon, with a summary of a meeting held between Mr Blair and Mr Hoon that morning.[614] Gen Walker, Ms Aldred, Mr Phillipson and Mr Jonathan Powell, Mr Blair's Chief of Staff, were also present. Mr Blair "said that his primary concern remained that the Iraqiisation programme was not working". Gen Walker "conceded that it certainly was not happening as fast as we had hoped" and that "all of Gen Petraeus' timelines had been missed". He said that there remained a "crucial need to accelerate the Iraqiisation programme to advance the date when ISF could take over security".

---

[610] Minutes, 16 December 2004, Ad Hoc Ministerial Group on Iraq meeting.
[611] Letter Sheinwald to Hadley, 10 January 2005, [untitled] attaching Prime Minister to President Bush, 10 January 2005, 'Note'.
[612] Letter Quarrey to Owen, 11 January 2005, 'Prime Minister's VTC with President Bush, 11 January'.
[613] Letter Phillipson to Adams, 16 January 2005, 'Nigel Sheinwald's Visit to Washington: Iraq'.
[614] Minute Phillipson to Baker, 21 January 2005, 'Iraq: Future Strategy'.

Allegations of abuse by Iraqi police

On 25 January 2005, Human Rights Watch (HRW) published a report which alleged that the abuse of detainees by Iraqi police and intelligence forces had become "routine and commonplace".[615] The report was based on interviews with 90 detainees in Iraq between July and October 2004 and described "serious and widespread human rights violations". It alleged "the systematic use of arbitrary arrest, prolonged pre-trial detention without judicial review, torture and ill-treatment of detainees, denial of access by families and lawyers to detainees, improper treatment of detained children, and abysmal conditions in pre-trial detention facilities".

The report made a number of recommendations to MNF governments, including the immediate prioritisation of an investigation into allegations of torture or ill-treatment of detainees by the IPS, establishing new mechanisms to investigate allegations of abuse and an increase in the number of advisers deployed in detention facilities.

The press release issued by HRW on the same day stated:

> "International police advisers, primarily US citizens funded through the United States government, have turned a blind eye to these rampant abuses."[616]

A note highlighting the publication of the report was sent from a junior official in IPU to the Private Secretary of Mr Bill Rammell, FCO Parliamentary Under-Secretary, on 24 January.[617] It stated that the report had been expected for "some time" and that "Ministers were aware it was pending". The junior official wrote:

> "A preliminary reading would suggest that it is well-researched, although it appears to be biased towards conditions in central Iraq with relatively limited coverage of southern Iraq where the UK has a more direct influence on conditions."

The junior official outlined the support provided to the Iraqi police and prison services, and the procedures in place to ensure compliance with international law. The official wrote: "We will have to review our assistance in the light of this report."

The Inquiry has seen no reporting of this review in contemporaneous documents.

A telegram from Baghdad on 6 February stated that Mr Andrew Hood, Legal Adviser, had met Mr Bakhtiar Amin, Iraqi Minister of Human Rights, on 3 February to establish Mr Amin's response to the HRW report.[618] Mr Amin was "critical of HRW for issuing a report without bothering to check with him what corrective action was in hand". He explained his Ministry's team of prison inspectors had already raised the concerns highlighted in the report to the MOI and those responsible for individual facilities. He did, however, recognise that work was ad hoc and needed to be better established.

---

[615] Report Human Rights Watch, 25 January 2005, 'The New Iraq? Torture and Ill-Treatment of Detainees in Iraqi Custody'.
[616] Press Release Human Rights Watch, 25 January 2005, 'Iraq: Torture continues at hands of new government'.
[617] Minute IPU [junior official] to PS/PUS [FCO], 24 January 2005, 'Human Rights Watch Report Alleging Abuse by Iraqi Police'.
[618] Telegram 90 Baghdad to FCO, 6 February 2005, 'Iraq: Call on Minister of Human Rights'.

Mr Amin thanked the UK for its continued support of his Ministry, especially the training for prison inspectors in Basra, and asked Mr Hood to investigate whether additional funding might be available to extend the training to all inspectors.

The telegram reported that security concerns had prevented the International Committee of the Red Cross (ICRC) carrying out "all but a few" inspections of detention facilities and the Minister of Justice was reticent to appoint an independent prison ombudsman. That meant there was "an even greater need" to support the training of Iraqi officials to carry out inspections.

The "Luck Review" and strategy for 2005

678. A telegram from Mr Chaplin on 21 January 2005 reported that the retired US General Gary Luck had left Iraq on 20 January after a week-long assessment of the ISF's development.[619] Gen Luck had been appointed by Secretary Rumsfeld to head a 20-strong team "asked to validate" the Petraeus Plan and "examine whether anything could be done to speed up the delivery of capable Iraqi forces".

679. Gen Luck would not be producing a written report but would brief Secretary Rumsfeld and the President on his findings. Mr Chaplin understood that Gen Luck would "broadly endorse the emerging MNF-I plan for ISF development" and:

- suggest departments other than Defense play a bigger role;
- "rubber-stamp the MNF-I's intention to switch its main effort from operations to training and mentoring" since that had worked well in MND(SE);
- recommend additional advisers in the Ministries to coach and mentor Iraqis; and
- recommend a fundamental overhaul of intelligence structures.

680. Mr Chaplin also referred to the Police Advisory Teams (PATs) concept, whereby a small number of MNF-I soldiers and police advisers would be placed in IPS stations. He wrote that there were different views on its viability. Iraqi advice was that this would "be a backward step politically", be resented by the IPS and "raise serious force protection issues" for those involved. Gen Luck had indicated that he did not intend to reflect any of those concerns to Secretary Rumsfeld, "presumably because [Gen] Casey was dead set on PATs, which he sold heavily in Washington". Mr Chaplin thought that PATs had "now got so much momentum that it will go ahead in some format" but that the UK "should influence the eventual shape it takes by encouraging MNF-I to engage seriously with the Iraqi concerns".

681. Mr Chaplin wrote that Gen Luck was "particularly impressed" by the UK's policing work in the South and that he was "seriously thinking of recommending that the UK should take the lead for all police work in Iraq". Mr Chaplin thought that "this would probably be a step too far for us, and possibly for the Americans as well", but that the

[619] Telegram 58 Baghdad to FCO London, 21 January 2005, 'Iraq: ISF Assessment Team Visit'.

UK should consider how to use that opportunity to influence the strategic direction of policing in Iraq.

682. Mr Chaplin also reported that the importance of human rights had been raised with Gen Luck: "These were not nice to have add-ons but were fundamental to our chances of defeating the insurgency and sustaining democracy in Iraq." Mr Chaplin said that Gen Luck "agreed entirely" but "did not say whether he intended to flag this up".

683. On 23 January 2005, DCC Smith wrote a report about his role in the "Luck Review".[620] DCC Smith wrote that the review's "key recommendation" would be PATs, and to embed these "to a far greater degree than current International Police Advisors (IPAs)". He noted that the concept was not "universally supported" and cited concerns raised by US advisers, existing IPAs and the Minister of the Interior. DCC Smith did suggest that PATs could address other police issues such as leadership training and the "post initial training, quality and morale issues". DCC Smith later became the UK Chief Police Adviser in Iraq (in May 2005), a role that combined the two previous Senior Police Adviser positions in Baghdad and Basra. His reports feature extensively in this Section.

684. During a video conference on 17 January, Mr Blair told President Bush that they had to give a sense that Iraqiisation was "going somewhere" and that things would change after the elections.[621] He suggested that the Luck Review should feed quickly into a new, public, security plan. In Mr Blair's view the weakness of Iraqi structures remained "a real problem".

685. Ms Aldred and her team in the Cabinet Office co-ordinated a strategy paper for the 9 February AHMGI, which focused on how to achieve coalition objectives in post-election Iraq (see Section 9.3).[622] The draft 'Iraq: Strategy for 2005', sent to Mr Quarrey on 8 February, summarised General Luck's key recommendations:

- improve ISF capacity to conduct independent counter-insurgency operations as well as to maintain domestic order;
- establish partnerships between Iraqi and coalition units and develop military, special police, border force, and PATs from the coalition and embed them within Iraqi forces;
- build the institutional capabilities of the Government (MOD and MOI) to plan and direct counter-insurgency operations; and
- develop the concept of bureaucratic assistance teams to help Iraqi ministries establish a Government that functions across all the 'lines of operation' needed for the campaign.

---

[620] Report Smith, 23 January 2005, 'Iraq Security Assessment Team' attaching Paper Smith, [undated], 'Iraq Security Assessment'.
[621] Letter Quarrey to Owen, 17 January 2005, 'Prime Minister's VTC with President Bush, 17 January: Iraq and MEPP'.
[622] Paper Cabinet Office, 7 February 2005, 'Iraq: Strategy for 2005'.

686. One of the key elements of the "Strategy for 2005" was "building up the capability of the Iraqi Security Forces". It predicted that the incoming Iraqi Transitional Government (ITG) would regard security as a top priority and that they should be "encouraged to build on Allawi's new security plan" of which key elements were likely to include:

- an overarching and visible Iraqi structure responsible for security, under a single, senior minister;
- effective governance at provincial level to provide a political framework for ISF control;
- developing proposals on how to make SSR work and secure Iraqi ownership of the plan;
- adequate top end capability, including agreement on the size of the Iraqi Intervention Force (IIF) and Police Commandos and plans to deliver them;
- development of a "policing plan" setting out the role of the police, including self-protection, development of a paramilitary capability, its relationship with the military, and areas of police primacy; and
- resolving the de-Ba'athification dilemma to allow SSR to work.

687. The Strategy proposed offering further UK assistance with:

- continued training effort in MND(SE);
- development of a strategy for the IPS (deployment of experienced, senior officers to both the MOI and MNF could achieve considerable impact);
- provision of suitably qualified and experienced advisers to mentor senior Iraqi officials and support to build institutional capacity;
- development of Iraqi intelligence capability;
- building on MND(SE) practices to provide the conditions for handover to Iraqi regional control as soon as practicable;
- helping the Iraqis to co-ordinate international assistance; and
- encouraging other international forces (such as the Dutch and Portuguese) to keep at least some forces in Iraq in a training role, to mitigate the impact of their withdrawal from military operations.

688. The paper noted that there was no "silver bullet" for reforming the ISF.

689. The AHMGI approved the paper on 9 February, subject to various points including the need to cover judicial issues, which had not been addressed in the Strategy.[623]

---

[623] Minutes, 9 February 2005, Ad Hoc Ministerial Group on Iraq meeting.

690. A revised version of the Strategy was shared with the US on 11 February.[624] That version had removed references to the current security situation and to Military Assistance Teams (MATs) and Police Advisory Teams (PATs). However, on training the ISF, it did state the need to embed "military teams to mentor Iraqi forces in operational roles". Also added was the need to introduce a criminal justice system, Iraqi criminal tribunal and "improved regimes for detention facilities".

Military Assistance Teams and Police Advisory Teams

From November 2003 to November 2004, the number of US soldiers whose primary mission was to advise Iraqi units grew from 350 to 1,200.[625] Gen Luck advocated doubling or tripling the number of advisers partnering Iraqi units and MNSTC-I expanded the programme in response.

The 'Iraq: Strategy for 2005' paper considered by AHMGI on 9 February 2005 highlighted that the idea of Military Assistance Teams (MATs) was supported (as this followed practice in MND(SE)), but did "not favour" Police Advisory Teams (PATs).[626] It stated: "It is not yet clear whether the US will adopt the latter proposal, which carries a high risk for those embedded at local level."

On MATs, the paper said that the UK "would not anticipate providing personnel for Military Assistance Teams … outside our current area of operations".[627]

On 18 February, Mr Cornish advised Mr Hoon on an MOD review of the Iraq campaign, looking at why the plan "was not delivering the required results".[628] In considering the UK's involvement in "campaign enhancement", Mr Cornish wrote:

> "The US has accepted that the Security Sector Reform (SSR) models which the UK are developing in MND(SE) to train and mentor ISF are likely to be different from those that they might use elsewhere in Iraq."

Delivering MATs was listed as one of the possible UK military initiatives. A footnote explained:

> "The MATs concept will be implemented using the UK model, which is based on developing partner arrangements between UK and Iraq units, rather than embedding individuals in Iraqi units (the US approach) … Because of Iraqi Ministerial objections and force protection concerns, the PATs concept, as originally conceived (including with MNF-I embedded in local police stations), is now all but dead."

---

[624] Minute Sheinwald to Hadley, 11 February 2005, 'Iraq' attaching 'Iraq: Strategy for 2005'.
[625] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[626] Minute Quarrey to Prime Minister, 8 February 2005, 'Iraq: 2005 Strategy'.
[627] Paper Cabinet Office, 7 February 2005, 'Iraq: Strategy for 2005'.
[628] Minute Cornish to Private Secretary [MOD], 18 February 2005, 'Iraq – Key findings of the Iraq Stocktake'.

Major General Peter Wall, Deputy Chief of Joint Operations, attended a CENTCOM conference on the post-election strategy for Iraq on 21 to 23 February.[629] He reported:

> "MNF-I have walked back from their original PATs concept, though remained adamant that the principle of hands-on help to the police would still be required in areas where the insurgency was at its strongest … We are making progress in MND(SE). But we also need to find a way of forcing this issue in Baghdad."

THE "TRANSITION TO SELF RELIANCE"

691. On 22 April 2005, Gen Casey circulated a paper entitled 'MNF-I Campaign Action Plan for 2005 – Transition to Self-Reliance'.[630] The paper stated that the Iraqi Armed Forces would be "largely trained and equipped" by mid-2005 and that training of the police and Border Police would extend into 2006. Gen Casey wrote:

> "Generally, while Iraqi forces still lack the capacity to conduct and sustain independent counter-insurgency operations, they now have the capacity to begin assuming the lead in counter-insurgency operations across the country, and the coalition can begin to progressively transition that responsibility to them."

692. That would be "executed in four phases":

- Phase I, Implement the Transition Team Concept – MNF-I would "establish partnerships between Iraqi and coalition units" and embed Transition Teams in designated ISF units by 15 June 2005. Concurrently MNF-I with IRMO [Iraq Reconstruction and Management Office] advisers would "build capacity to continue the development of ISF leaders, organizations, supporting institutions and Iraqi security Ministries".
- Phase II, Transition to Provincial Iraqi Security Control – coalition forces would "pass the lead for conducting counter-insurgency operations to capable ISF as conditions warrant". The goal was to have the ISF in all provinces "well-postured" to provide security for the elections in December, with the coalition's visibility reduced.
- Phase III, Transition to National Iraqi Security Control – coalition forces to "progressively reduce their levels of support and presence" as the ISF became "increasingly capable". Given the training timescales, it was "unlikely" that that would occur "before mid-2006".
- Phase IV, Iraqi Security Self-Reliance – coalition forces would be "postured in strategic overwatch outside of Iraq with training, security co-operation and advisory presence remaining", with the "exact nature" of support being "determined in close co-ordination with the Government of Iraq".

---

[629] Minute DCJO(Ops) to CJO, 28 February 2005, 'CENTCOM Post Iraqi Election coalition Conference, Bucharest 21-23 Feb 05'.
[630] Paper Casey, 22 April 2005, 'MNF-I Campaign Action Plan for 2005 – Transition to Self-Reliance'.

693. Gen Casey stated that implementation of the strategy would "vary across Iraq based on the security situation and the readiness of Iraqi security forces and Ministries".

ISF performance during the January elections

Beginning on 28 January 2005, two days before the election, Iraqi authorities implemented curfews, imposed severe restrictions on traffic, closed Iraq's borders and banned the carrying of weapons by civilians.[631] Approximately 130,000 ISF personnel secured over 5,000 polling sites throughout the country.

Reflecting on the election in a telephone call with President Bush on 31 January, Mr Blair said it was encouraging that so many ISF had reported for duty over the weekend, but the problem remained that they were not able to cope with "big battle situations" against a well-armed and motivated enemy.[632] They lacked the necessary training and leadership. The key question remained whether they could "take over, hold and run a major city".

On 3 February, the JIC assessed:

> "On election day, the Iraqi security forces reportedly performed effectively at static guarding duties. But overall, their operational performance continues to be inadequate, particularly in Sunni Arab areas."[633]

The Iraqi elections passed smoothly in MND(SE) with the GOC commenting that "the ISF needed our help but their momentum gathered. They had the courage to stand up and be counted."[634] For the elections, Provincial Joint Operations Centres were established in MND(SE) to improve co-ordination between different security elements. Maj Gen Riley described them as "a crucial element in the security system that managed election-day security".

2005 policing strategies

694. On 21 February 2005, the FCO produced a paper for the AHMGIR (on 24 February) on UK support to civil policing in Iraq.[635] Drawing on the "Strategy for 2005" and the Luck Review, it contained proposals for a greater focus at the national level where there was "an urgent need for an Iraqi national policing strategy, supported by an appropriate training syllabus to address established weaknesses". There were 56,900 IPS officers now trained and equipped but there was still a need for the development of leadership, technical capabilities, forensics, crime scene management and investigative techniques.

---

631 Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
632 Letter Phillipson to Adams, 31 January 2005, 'Prime Minister's discussion with President Bush, 31 January: Iraq and MEPP'.
633 JIC Assessment, 3 February 2005, 'Iraq: Insurgency and Counter-Insurgency'.
634 Report Farquhar, 2 February 2005, 'CG MND(SE) – Southern Iraq Update – 2 February 2005'.
635 Note FCO, 21 February 2005, 'Iraq – UK Support to Civil Policing in Iraq – 2005'.

695. Current UK commitments were summarised as:

- support for basic training – 86 officers in Jordan, az-Zubayr and Baghdad; including a combination of serving and retired police officers and MOD police officers, at a cost of £7.3m per annum from the GCPP International Peacekeeping Fund;
- enhancement of capabilities in MND(SE) – six senior and middle-ranking officers mentoring Iraqi Provincial Chiefs of Police at a cost of £500,000 from the GCPP International Peacekeeping Fund; 40 IPAs providing mentoring in the South (through ArmorGroup), costing £4.8m for six months; and
- enhancement of national capabilities – Mr Davies' role as Senior Civilian Adviser, reporting to the Minister of Interior and supported by 12 officers in advisory roles at a cost of £500,000 from the GCPP International Peacekeeping Fund.

696. Two new priorities were identified arising from the 2005 Strategy: the development of national strategies and the development of Iraqi intelligence capability. Developing a Special Branch capability was still a UK priority but the Metropolitan Police would currently not deploy staff to Baghdad on security grounds.

697. The GCPP International Peacekeeping Fund could cover existing commitments but was not able to meet new ones. New expenditure would therefore fall to the GCPP (Iraq) fund. SSR so far amounted to £5.5m for 2005/06, not including the project to support the MOI (£2.57m) or the human rights programme (£950,000). While funding was "available for all planned police activity for the next six months", an extension of the ArmorGroup contract for a further six months would create an overspend. That would leave no funding for renewing other contracts, such as the Prison Mentoring Contract, or for new projects such as additional support for the Iraqi Special Tribunal (IST– for trying crimes committed under the Saddam Hussein regime).

698. At the AHMGIR, the FCO said the "key message" from the paper was that funding beyond September was "extremely tight".[636] One of the points made in discussion was:

> "The Government would need to be prepared to make tough decisions and prioritise carefully on funding for activity in Iraq. There should be no expectation of drawing down on the Treasury Reserve."

699. Officials were tasked with taking forward funding issues, with the close involvement of the Home Office and ACPO.

---

[636] Minutes, 24 February 2005, Ad Hoc Group on Iraq Rehabilitation meeting.

700. On 25 February, Mr Blair wrote a note to his Private Secretary, instructing that Mr Straw be "put in charge" of the AHMGI and that each week a report is provided containing actions on "e.g. reconstruction in the South; Sunni outreach; progress on security plan".[637]

701. On 10 March, at the first meeting of the AHMGI under his chairmanship, Mr Straw explained that Mr Blair "had asked a core group of ministers to meet on a weekly basis to focus more closely on the delivery of policy in Iraq".[638]

702. One point made in discussion was that there was pressure within Iraq for some unofficial militia to be incorporated into the ISF: "The benefits of bringing them under greater control needed to be balanced against risk to ISF cohesion and political complications".

EU integrated police and Rule of Law mission for Iraq

On 21 February 2005, the EU announced that it had decided to establish an integrated police and Rule of Law mission for Iraq, known as 'EU JustLex'.[639]

Mr Straw's Private Secretary outlined the main elements of that mission in a letter to No.10 on 10 March:

- a planning office in Brussels to arrange senior management and specialist technical training for 520 judges and criminal justice officials and 250 senior police officers;
- a five-man liaison office in Baghdad to identify specific projects where EU member states could provide assistance;
- training that would take place in Member States or the region, but not in Iraq until the security situation had improved.[640]

Mr Straw's Private Secretary wrote that the 21 February package had "followed months of internal deliberations and a tough final negotiation". While there was a "more positive political mood, opposition to any association with MNF programmes or training in Iraq remains strong". He stated:

> "… the package as it stands … is modest given the scale of the task and the immediacy of the needs. If all goes to plan over the next year, the EU will provide training for some 250 police officers. During this time, we [MNF] plan to train over 40,000 policemen through the academies in Baghdad, Basra and Amman."

---

[637] Manuscript comment Blair on minute Quarrey to Prime Minister, 25 February 2005, 'Iraq Update'.
[638] Minutes, 10 March 2005, Ad Hoc Ministerial Group on Iraq meeting.
[639] *Official Journal of the European Union*, 9 March 2005, *Council Joint Action 2005/190/CFSP of 7 March 2005*.
[640] Letter Siddiq to Quarrey, 10 March 2005, 'Iraq: Policing'.

The operational phase of the mission began in July 2005 and was initially mandated to run until 2006. Between 2005 and the end of 2009 it was headed by Former ACC Stephen White, who had served as the UK's Senior Police Adviser in Basra in 2003.[641] The mission comprised around 40 staff and by June 2009 had spent €30m. Former ACC White described the purpose of the mission as to:

> "… focus … on the most senior members of the Iraqi police, judiciary and penitentiary services … [to] create a critical mass of credible, influential leaders who are properly equipped to make plans and decisions relevant to their responsibilities … in Iraq."[642]

In 2009, the mission began to scope the provision of training and advice in Iraq and then to progressively shift its focus to in-country work, opening additional offices in Erbil and Basra.[643] By July 2010, the mission had trained, advised and mentored:

- 805 judges (over 60 percent of the Iraqi judiciary);
- 1702 senior police officers (around four percent of senior police officers); and
- 903 prison officers (nearly 80 percent of senior prisons staff).

703. On 14 March 2005, Mr Quarrey asked the MOD for an update on progress against the Petraeus Plan.[644] Mr Naworynsky replied on 17 March and reported that ISF development was:

> "… largely on track, meeting the demands of a well-entrenched counter insurgency campaign and the evolving expectation of the Iraqi leadership … From January 2006 the ISF should be approaching full strength and the transfer of regional control will be under way. Over the next six months of 2006, the generation of ISF units should be complete, the Multi National Force (MNF) training and mentoring commitment is expected to reduce, and in all but the most volatile provinces, Iraqi-led security operations should become the norm.
>
> "Trained and equipped MOI forces currently number almost 82,000 personnel, but this includes a large number of absentees due to intimidation, injury, and corruption, varying dramatically in proportion across the country … The largest component (135,000) will be Iraqi Police Service (IPS), which remains an area for improvement. Conceived for peace time constabulary duties, the rate of IPS development continues to lag, as standards of equipment, personnel and training are reviewed to answer the demands of the insurgency."

---

641 Council of the European Union Press Release, 30 June 2009, 'Javier Solana, EU High Representative for the CFSP, welcomes the extension of the EU Integrated Rule of Law Mission for Iraq (EUJUST LEX)'; enclosing Factsheet, June 2009, 'EU Rule of Law Mission for Iraq (EUJUST LEX)'.
642 *European Security and Defence Policy,* July 2007, 'EUJUST LEX The European Union's Integrated Rule of Law Mission for Iraq'.
643 *EU JUSTLEX Press Release*, 22 July 2010, 'EU JUST LEX – Iraq, more than 3,400 officials trained'.
644 Letter Naworynsky to Quarrey, 17 March 2005, 'Petraeus Plan Update'.

704. The covering note for Mr Blair from Mr Quarrey described the MOD's paper as "rather insubstantial, and almost certainly too optimistic in its assessment of the quality of much of the ISF".[645]

705. Lieutenant General Sir Graeme Lamb, General Officer Commanding (GOC) MND(SE) from July to December 2003, reflected on the quality of the ISF in his evidence to the Inquiry.[646] He said:

> "The point of corruption in this part of the world is with the police and at the lowest level and yet we somehow were looking to try and make them into state troopers. We were never going to achieve that. It was an aspect of us approaching in many ways the problem seen through a Westminster or Washington perspective rather than one that was very much more locally focused …"

706. In a telephone call with President Bush on 22 April, Mr Blair commented that "the Iraqiisation plan did seem to be going well".[647] However, the insurgency remained well armed and well financed. Mr Blair felt that there would be a greater sense of momentum after the formation of the ITG.

707. Lieutenant General John Kiszely served as the SBMR-I from October 2004 to April 2005. His Hauldown Report contained an assessment of the ISF.[648] He described the leadership of the IMOD as "completely out of their depth" and the MOI as "dysfunctional", with the Minister bringing in his uncle to set up and run the Special Police.

708. In relation to the IPS, Lt Gen Kiszely assessed:

> "… the selection process for these policemen … is rudimentary; they undertake only eight weeks training; they are paid a very low wage; leadership at all levels is generally poor; corruption is high. To expect such a force, mostly under-strength and poorly equipped, to perform well in the face of a ruthless insurgency is unrealistic, and there have been occasions (for example in Mosul in November) when the whole of a city's police force has deserted their police stations in the face of attack or the threat of it."

709. Lt Gen Kiszely expressed concern about the Iraqi Special Police Commandos. He considered that they had been "highly effective in tackling the insurgency" but he stated that they had "no police training and are more akin to Black-and-Tans; many are former members of the Republican Guard. Their methods are robust, and there have been several cases of serious abuse, duly investigated, and no doubt many more that have not been."

---

[645] Minute Quarrey to Prime Minister, 18 March 2005, 'Iraq Update'.
[646] Public hearing, 9 December 2009, page 42.
[647] Letter Quarrey to Siddiq, 22 April 2005, 'Prime Minister's Phone Call with President Bush'.
[648] Minute Kiszely to CDS, 16 April 2005, 'SBMR-I's Hauldown Report'.

710. On the insurgency, Lt Gen Kiszely assessed:

> "The high level of intimidation has been the insurgency's biggest gain of the past six months and, helped by a weak, incompetent and corrupt police force, has led in many Sunni areas to a complete absence of law and order – in effect, anarchy. Initially intimidation was used by the insurgency to gain control of cities and towns, the favoured method being to capture and execute (blindfold, hands tied behind back) anyone who stood in the way of the insurgents or who was associated with the coalition or the government. In one city (Mosul) in one five week-period (from 12 November to 19 December) the bodies of 220 victims executed in this way were found, and in one single incident (Baquba, 23 October) a busload of 50 army trainees were similarly murdered."

711. On INIS he wrote:

> "In the past six months, INIS has been somewhat discredited in the eyes of both the IIG and the coalition due to evidence of incompetence, corruption and penetration by hostile agencies, both Iraqi and external … this is an area ripe for UK advice and input."

712. On 15 May 2005, DCC Smith produced a report of his review of UK policing support to the development of the IPS.[649] His report described UK efforts in both Baghdad and Basra; those recommendations relating to policing specifically in MND(SE) are described later in this Section.

713. DCC Smith observed a weakening of UK influence in Baghdad. Following the Luck Review, the US was increasing resource for police training at a rate that the UK was unable to match. He also reported that the "UK inability to 'walk the talk' and tendency to write long, strategic doctrinal papers … has been interpreted by the US as typical British procrastination".

714. DCC Smith recommended targeting UK resources on a number of priority areas to increase influence at a strategic level in Baghdad. They included:

- the strategic development of the IPS – "there are currently no resources, except myself, dedicated to this key activity";
- intelligence and crime investigation, including forensics, identified as "one of the few areas where the UK still has a foothold", thanks, in part to the introduction of the TIPS scheme (described below); and
- continuing the Police Centre of Excellence – staffed primarily by Canadians, this was described as "a small resource but a disproportionate influence [which] helps to 'fly the flag' for policing in a land dominated by the Military".

---

[649] Paper Smith, 15 May 2005, 'Next Steps on Policing – Review'.

TIPS hotline

The 'Police Forward Look' paper produced in November 2006 described TIPS as:

> "… the UK's biggest success story, and one where we have delivered more than we promised. The scheme has developed beyond the original plan, a 'Crimestoppers'-style hotline, into a sophisticated intelligence system, including source cultivation."[650]

Former DCC Brand told the Inquiry:

> "Because we had British policemen in there, there was a huge uptake of people calling in, telling us about weapons and missiles and all sorts of things like that … It was so successful that one of the last things that Mr Kerik did before he left was to announce: 'It was so successful we are now handing it over to the Iraqis', and all the calls stopped. So we had to reinstitute, because we understood after a while that it was … the fact that people knew there were British police at the other end of the phone made for the calls to happen, and that was a really successful part of our small contribution."[651]

In his statement to the Inquiry, Former ACC Smith stated:

> "TIPS in Baghdad generated increasing 'actionable intelligence' for coalition and Iraqi Security Forces with reports averaging from 150 per week in early 2005 to over 400 per week by the end of that year … TIPS was one of the real successes of the UK work which … brought in a large volume of intelligence that undoubtedly saved many Iraqi and coalition lives."[652]

In his report dated August 2006, Former Chief Superintendent Barton stated that there were 14 ArmorGroup contractors working on the TIPS hotline.[653] He added:

> "The day-to-day successes (terrorist related arms finds, source development, target development) is extremely successful [sic] and receives accolades from coalition partners.
>
> "However, to date, whilst Iraqi staff man the telephones there is no Iraqi 'lead' and no Iraqi trainers."

A recently developed Basra TIPS line was described by Former Chief Superintendent Barton as "new and slow to start".

715. Five key areas were prioritised in DCC Smith's report:

"
- Training: Basic, Leadership and Developmental areas to be prioritised. Courses and regional, provincial or local training arranged;
- Police Support Infrastructure: at Police Headquarters level – Human Resources, Finance (and contracts), Communications, Logistics;

650 Paper BE Baghdad, November 2006, 'Police Forward Look'.
651 Public hearing, 29 June 2010, pages 98-99.
652 Statement, 25 June 2010, page 10.
653 Report Barton, August 2006, 'The window of opportunity'.

- Intelligence Capability: the Collections, Collation, Analysis, Action and Dissemination of Intelligence – criminal, terrorist and counter-insurgency;
- Operational Capability: Police to have effective Command and Control Systems with aim of Policy Primacy; Co-Ordination; Specialist Support SWAT [Special Weapons and Tactics] and TSU [Tactical Support Unit]; Criminal Investigation (inc. Forensic); and
- Public Support: Development of Police interaction with the Criminal Justice System (Courts, Prisons etc), Media and Public; Development of Public and Civil Accountability; Ability to remove corrupt and inefficient police officers through a robust, transparent and accountable Complaints System (Professional Standards)."[654]

716. The report also analysed the UK resource requirement to meet those priorities and sought to identify any gaps. DCC Smith commented that, while he knew how many UK personnel were currently working on policing in Iraq, he was:

> "… unsighted on … the overall 'staffing' allocation or budget for Iraq. There is no clear indication of the number of posts that are budgeted by the FCO either in Baghdad or Basra … This is not a personal failing on any department but reflects a sometimes unstructured approach."

717. In his statement to the Inquiry, Former ACC Smith wrote that, although those five areas became "the focus of successive plans", the strategy itself "did not become, in the long run, the driver in MND(SE)".[655] He wrote:

> "Why? Perhaps lack of adequate consultation and explanation with the military, possibly the changing situation on the ground or the military expectation that as the main provider of resources etc they had the better understanding of the issues. Attempts to support a strategic aim of 'developing an efficient, effective, credible and community-based accountable police service' rapidly became subsumed within military operational and logistical plans …
>
> "In the absence of an agreed strategy, plans were driven on the ground by successive six month military and staff rotations and changes in security and political expectations."

718. On 10 June, DFID commissioned a consultant to "assist the FCO in drawing together a cross-Whitehall strategy for UK support to the development of Iraqi policing capacity".[656] The Terms of Reference for the strategy stated that UK support needed "a more strategic focus" and that FCO's draft strategy now needed to be "expanded and amended by inputs from the various department specialists". The strategy should be completed by 17 June.

---

[654] Report Barton, August 2006, 'The window of opportunity'.
[655] Statement, 14 June 2010, pages 2-3.
[656] Letter DFID [junior official] to [Consultant], 10 June 2005, 'Cross-Whitehall Strategy for UK support to Iraqi Policing'.

719. A junior DFID official emailed the FCO on 14 July to say that DFID felt that the strategy could not be agreed across Whitehall.[657] He wrote: "We see your paper as something that we have tried very hard to inform and influence, but have failed. It's way off something that we would wish to put our name to." He suggested that it was instead presented as an FCO-led document.

720. On the same day, Commander Simon Huntingdon, MOD, emailed the FCO to say that the MOD also did not feel the strategy represented an agreed FCO, DFID and MOD position on policing in Iraq.[658]

721. On 18 July, MOD, DFID and FCO officials met to discuss policing in Iraq.[659] They agreed that the strategy could not be viewed as "complete and usable" until additional information was sent by the British Embassy. The minutes recorded:

> "In the meantime, we should avoid giving the impression that policing was on track when the reality was that we did not know."

722. The group agreed that a background paper on the strategy should be submitted to senior officials on 22 July and possibly to Ministers afterwards. A second cross-departmental paper would be submitted by the end of August outlining the intended "end state" for the IPS, including "a route map of how to get there", an analysis of the risks (such as the sustainability of policing) and "an indication of the resources required". While the FCO accepted that it led policing activity in Iraq, it "stressed" the need for all relevant departments to agree the papers; there was a "shared responsibility for delivering policing".

723. Commenting on the draft background paper, an FCO junior official described policing as "the Cinderella of SSR".[660] The "reasons/factors" for that included:

- "The insurgency broke the original plan, but no-one was prepared to admit it."
- "The international policing community has not responded adequately to Iraq" – even the reduced figure of 1,500 (from 6,000) International Police Liaison Officers (IPLOs) had not been achieved.
- As the US was "the monopoly supplier of assets and people", its "military vision [had] prevailed".
- "The original vision of the Iraqi police force as a community based service is (and was) idealistic pie-in-the-sky. It does not fit with the culture or environment."
- The Iraqis were seeking to balance the police against the army to prevent a coup.

---

[657] Email DFID [junior official] to FCO [junior official], 14 July 2005, 'Cover note to Strategy Group'.
[658] Email Huntingdon to FCO [junior official], 14 July 2005, 'Police Cross-Departmental Strategy'.
[659] Minutes FCO, 18 July 2005, 'Cross-Departmental Meeting on Policing in Iraq – 18 July 2005'.
[660] Email FCO [junior official] to FCO [junior official], 21 July 2005, 'Background paper on police'.

724. The official wrote that the UK had:

- "over-promised and under-delivered";
- "sent the wrong people and not enough of them"; and
- "fixated on strategies that gather dust", gaining a reputation with the US "for procrastination rather than delivery".

725. The official wrote that there were "a lot of lessons to be learnt" and that the absence of Home Office officials from the addressee list "tells its own story".

726. On 7 August, a junior official from the British Embassy Office Basra circulated a draft of a policing transition paper.[661] He wrote that "the level of micro-management" had "at times almost beggared belief" but that the police team in Basra had remained committed to making it work "if only so the police here can get on with implementing it, rather than sitting around re-editing it all day!"

727. The final version of the document was circulated on 7 September and is discussed later in this Section.[662]

Training the IPS

Training for IPS officers took two forms:

- Basic Recruit Training was for personnel with no previous police or military experience. That took eight weeks, increasing to ten weeks in mid-2005.
- Transition Integration Programme was a three-week programme for personnel with previous police or military experience.[663] In July 2006, TIP training was offered to serving officers who had not been trained but had been serving for over a year.[664]

Training took place at the Jordan International Police Training College (JIPTC), the Baghdad Police College and seven smaller regional academies; including az-Zubayr near Basra.[665] By the end of 2006 all regional Iraqi Police academies had transitioned to Iraqi control.[666] Basic recruit training ceased at JIPTC at the end of February 2007.[667]

Leadership training began in 2006 with the Bagdad Police College running police officer commissioning courses.[668]

---

[661] Email FCO [junior official] to FCO [junior official], 7 August 2005, 'Policing Transition Paper: final draft?'.
[662] Letter FCO [junior official] to OD Sec, Cabinet Office [junior official], 7 September 2005, 'Iraqi Police Service Transition Plan for Southern Iraq attaching Paper Consulate Basra, 7 September 2005, 'Southern Iraq: Iraqi Police Service – Transitional Plan'.
[663] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq.*
[664] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq.*
[665] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq.*
[666] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq.*
[667] Report to Congress, 7 June 2007, *Measuring Stability and Security in Iraq.*
[668] Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq.*

By September 2008 there were 18 MOI training establishments and plans for another 12, to include a training centre in every province.[669] Only Camp Dublin[670] was still supported by MNSTC-I.[671]

STRATEGIC CONFLICT ASSESSMENT AND SSR PROJECT REVIEW

728. In October 2004, DFID commissioned a Strategic Conflict Assessment (SCA), an analysis of conflict drivers in Iraq to help the UK Government identify conflict prevention and reduction opportunities.[672]

729. A draft version of the SCA (dated 27 December 2004) was circulated amongst officials on 2 March 2005.[673] The official circulating the document raised the need for an objective assessment of the SSR work being done to "ensure we are on track, are getting value for money, achieving aims" and making improvements where necessary. An email from a DFID junior official in response said that Mr Benn was in support of such a review.

730. At the Iraq GCPP Strategy meeting on 7 April, it was reported that the final SCA would be produced within a week and would feed into a revised GCPP Strategy for 2005/06.[674] In addition, the team conducting the SSR review would depart for Basra on 14 April and report in May. It would only focus on GCPP-funded activity.

731. The SCA's findings were discussed at the Iraq GCPP Strategy meeting on 28 April.[675] Concerns were raised about the quality of the report; amendments were necessary before it could be disseminated more widely. While the GCPP Strategy could draw on the SCA, it was not to be the only source used.

732. Minutes from a meeting about Iraq policing and SSR on 28 April reported that an SSR review team would be giving feedback on their findings at DFID on 9 May.[676] It would have "both positive and negative aspects".

733. The Government has been unable to provide any record of the SSR review team mission or of its conclusions, but understands that the views of the review team were expected to be incorporated into a report by DCC Smith examining the UK effort on policing in Iraq (described earlier in this Section).[677] The review also informed the revised GCPP Strategy.

---

669 Report to Congress, 26 September 2008, *Measuring Stability and Security in Iraq.*
670 Camp Dublin was part of a US military installation near Baghdad.
671 Report to Congress, 26 September 2008, *Measuring Stability and Security in Iraq.*
672 Paper GCPP bid, [undated], 'Strategic Conflict Analysis (SCA)'.
673 Email DFID [junior official] to DFID [junior official], 2 March 2005, 'Review of policing work' attaching Paper 'Strategic Conflict Assessment – Iraq, Draft Report 27 December 2004'.
674 Minutes, 7 April 2005, Iraq GCPP Strategy meeting.
675 Minutes, 28 April 2005, Iraq GCPP Strategy meeting.
676 Minutes, 9 May 2005, 'Iraq Policing and Security Sector Reform – 28 April 2005'.
677 eGram 4472/05, 13 May 2005, IPU to Baghdad, 'Iraq: Police Training'.

734. Minutes of the Iraq GCPP Strategy meeting on 3 August recorded that a draft of the GCPP Strategy had been circulated but the final version still needed to be "drawn together".[678]

735. The objectives outlined in the GCPP Strategy for 2005/06 remained similar to those in 2004/05 but were re-ordered and re-worded to reflect their "condensed scope" and the shift in prioritisation.[679] They were:

"
- Build the capacity of the security sector to prevent and manage conflict, with special emphasis on police and prisons.
- Support government and civil society institutions in preventing and resolving conflict.
- Promote good relations between groups inside Iraq."

736. It was identified that the 2004/05 Strategy had "proved too ambitious in the worsening security context" and therefore 2005/06 objectives had been "narrowed down" to reflect the difficulties surrounding implementation. Some of the SCA's recommendations would not be taken forward at that time, such as the recommendation "for more support to the ISF in favour of the IPS". The Strategy stated that the MOD had a "large budget" for that purpose. The recommendations of the SSR review had been accepted in their entirety.

The Iraqi Transitional Government

737. On 24 March, Mr Straw sent his first report to Mr Blair on the AHMGI, which dealt with the first three meetings of the Group (described in more detail in Section 9.3).[680] On the political process Mr Straw wrote that messages to Iraqi contacts had emphasised "the importance of getting good people into the key security related Ministerial positions (Defence and Interior)" and of the "enormous damage that could be done to efforts at outreach by a significant renewal of the de-Ba'athification drive".

738. On 28 April, Prime Minister Designate Ibrahim al-Ja'afari presented the majority of his Cabinet to the Transitional National Assembly for ratification.[681] The new Minister of Interior was Mr Bayan Jabr and the new post of Minister of State for National Security was given to Mr Abdul Kareem Al-Anizi. Dr Sadoun Dulaimi was confirmed as the new Minister of Defence some days later.[682]

---

[678] Minutes, 3 August 2005, Iraq GCPP Strategy meeting.
[679] Paper, [undated], 'Iraq GCPP Strategy 05/06 Update'.
[680] Minute Straw to Prime Minister, 24 March 2005, 'Iraq: Ad Hoc Ministerial Meetings'.
[681] eGram 3590/05 Baghdad to FCO London, 28 April 2005, 'Iraq: New Cabinet Ratified by the TNA'.
[682] Telegram 4430 Baghdad to FCO London, 12 May 2005, 'Iraq: Call on Minister of Defence, 12 May 2005'.

739. On 11 May, a JIC Assessment on the ISF stated:

> "There is no coherent Iraqi counter-insurgency strategy and the balance of responsibility between the MOD and MOI and other government departments is undefined."[683]

740. Mr Blair spoke to Prime Minister Ja'afari for the first time on 26 May and said that "we stood ready to help in any way we could", in particular on developing the ISF.[684]

741. On 3 August, a junior official in Baghdad emailed FCO officials and No.10 to inform them that Prime Minister Ja'afari would announce a 12-point security plan the following day.[685] The official described the intended announcement as "nothing particularly new", with the exception of a plan to co-ordinate intelligence, "neighbourhood watch", and a possible amnesty for political groups. The purpose of the plan was to structure activities that the government and MNF-I had been taking into measurable objectives with actions assigned to specific Ministers.

742. Following the announcement, the official told Mr Asquith that Prime Minister Ja'afari had been "ultra-cautious" and omitted "many of the details that were most interesting". He reported that the possible amnesty had been toned down to "national dialogue with those with whom a dialogue is possible".

743. The JIC reported on 12 October that:

> "The Iraqi Transitional Government (ITG) has failed to develop a coherent national security strategy. This will not change in the short time remaining before the December election. Nor will there be a significant increase of capacity in the security ministries or development of intelligence capability. The need to establish a new Iraqi administration following the elections means that we are likely to see little momentum in these critical areas over much of the next year."[686]

Police and judicial reform

744. At the Ministerial Committee on Defence and Overseas Policy - Iraq (DOP(I)) on 16 June, there was a discussion of progress on police and judicial reform within Iraq.[687] The following points were raised:

> "Having effective police would be one condition for achieving the successful drawdown of the coalition's military forces in Iraq.

---

683 JIC Assessment, 11 May 2005, 'The Iraqi Security Forces'.
684 Letter Quarrey to Siddiq, 26 May 2005, 'Iraq: Prime Minister's Conversation with Ja'afari'.
685 Email FCO [junior official] to various, 3 August 2005, 'Iraq Media Grp Mtg 3.00pm 3 August'.
686 JIC Assessment, 12 October 2005, 'The Iraqi Security Forces: Very Slow Progress'.
687 Minutes, 16 June 2005, DOP(I) meeting.

> "The requirement in Iraq was for paramilitary style policing. A plan was now in place but it would take time to deliver. There was also a funding gap in the Global Conflict Prevention Pool that would need to be addressed."

745. On judicial reform, the minutes indicated that the discussion focused on the arrangements for the Iraqi Special Tribunal (IST) rather than on the wider criminal court system. The Committee agreed that the UK "needed to concentrate on seeing progress on the judicial process including the IST, and the police".

746. Mr Blair wrote to President Bush on 27 June, to share concerns raised with him by Ms Clwyd during her recent visit to Iraq.[688] On the IST, Mr Blair wrote:

> "Our people are already working together on plans to help build the capacity of the Iraq Special Tribunal. We are making some progress, but there is much still to be done. A credible IST process which delivers – and is seen to deliver – justice for the appalling crimes of the previous regime will have major political impact … We may need to make sure, however, that they do not rush to try the most serious cases before they are ready."

747. The discussion at DOP(I) on 7 July under the item "Progress on the Iraqi Special Tribunal (IST) and judicial issues" focused exclusively on the IST.[689]

Developing Iraq's intelligence organisations

In April 2004, the Iraqi National Intelligence Service (INIS) had been established (see Box, 'An Iraqi intelligence service', earlier in this Section).[690]

On 15 July 2004, Prime Minister Allawi announced the creation of a new intelligence organisation – the General Security Directorate – that reported to the IMOD.[691]

General Luck's Review in January 2005 assessed the intelligence structures as very weak and in need of a fundamental overhaul.[692]

In May 2005, the Criminal Intelligence Unit was established in Basra as part of an MOI project. It reported directly to the MOI and was structured similarly to the US FBI.[693]

The National Information and Intelligence Agency (NIIA) was re-named the National Information and Investigations Agency in September 2005.[694]

---

[688] Letter Sheinwald to Hadley, 27 June 2005, 'Iraq' attaching Note Blair to Bush, [undated], 'Note from the Prime Minister to President Bush'.
[689] Minutes, 8 July 2005, DOP(I) meeting.
[690] Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.
[691] *BBC News*, 15 July 2004, *Iraqi PM vows to crush insurgents*.
[692] Telegram 58 Baghdad to FCO London, 21 January 2005, 'Iraq: ISF Assessment Team Visit'.
[693] Email Innes to FCO [junior official], 4 July 2005, 'Basra: Police'.
[694] Minute Smith, 11 September 2005, 'Weekly Report – Week Ending Sunday 11th September 2005'.

On 11 May 2005, the JIC assessed:

> "Iraqi intelligence organisations will be critical for success: they are developing but are still largely unproductive and unco-ordinated … Provincial and local structures are also emerging. A number of these are under the control of rival militias and political groups; some are Iranian financed. The degree to which these organisations are able – or willing – to be absorbed into a national structure is unclear. The tensions between the Ministers of Defence and Interior, and the addition of a new Ministry of State for National Security, will complicate the issue."[695]

On 12 October, the JIC assessed:

> "Some progress has been made, including establishing central co-ordinating mechanisms … There is some co-ordination between INIS and DGIS, but overall co-ordination remains poor. INIS is perceived by local politicians as run by the CIA; DGIS is making some progress but is undeveloped and under-resourced; and the MOI's relationship with other agencies remains difficult …"[696]

On 6 September 2007, a report from the Independent Commission on the Security Forces in Iraq stated:

> "The level of information sharing and cooperation between the Iraqi intelligence community and the Iraqi Security Forces is not satisfactory – a problem exacerbated by bureaucratic competition and distrust among duplicative intelligence organisations."[697]

The report advocated low technology solutions, describing Iraq as "principally a human intelligence theatre of operations" and commended the TIPS hotline set up by UK police officers (see Box, 'TIPS hotline', earlier in this Section).

Request for an "honest assessment"

748. On 21 July 2005, Mr Naworynsky forwarded to Mr Quarrey an update from Lieutenant General Robin Brims, now SBMR-I, on the ISF's progress.[698] Lt Gen Brims wrote:

- The Iraqi Army was "steadily building in confidence and competence" though units "were not yet able to conduct complex operations".
- The IPS was "lagging the Iraqi Army". Personnel were "of a doubtful quality" but plans were being implemented "to address these shortcomings". The "broad judgement" was that the IPS would "not fail when Multinational Forces step back, but we may be uneasy about their methods".
- The IMOD was "immature and struggling with implementation of its policies".

---

[695] JIC Assessment, 11 May 2005, 'The Iraqi Security Forces'.
[696] JIC Assessment, 12 October 2005, 'The Iraqi Security Forces: Very Slow Progress'.
[697] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[698] Letter Naworynsky to Quarrey, 21 July 2005, 'Update on Progress of Iraqi Security Forces' attaching Paper 20 July 2005, 'Update on Progress of Iraqi Security Forces'.

749. Mr Roger Cornish, MOD Deputy Director Iraq, wrote to Mr Ingram's Private Secretary on 10 August with a draft note on ISF capacity-building.[699] He wrote that, having read Lt Gen Brims' report, Mr Blair had asked for further advice, giving "greater clarity on ISF capacity-building. Specifically: exploring the detail beneath headline numbers; discussing the delivery of equipment and training; assessing the Iraqi command structure; and an honest assessment of the progress of Iraqiisation."

750. Dr John Reid became Defence Secretary in May 2005. Dr Reid sent Mr Cornish's note to Mr Blair on 28 August, advising that "numerically, generation of ISF remains on track, but significant development in key capability areas is still needed".[700] The problem areas were:

- the ability of IMOD forces to direct and sustain independent operations;
- equipment maintenance and effective command and control;
- IMOD's financial management, acquisition and logistics; and
- IPS's progress – its capability thought to be 12 months behind the Iraqi Army.

751. Dr Reid wrote that those issues were being addressed but that "with the focus on quantity rather than quality, this inevitably will take time". On the political control of the ISF by the Iraqi Government, he stated:

> "… the succession of short term 'power sharing' governments has not created the conditions for the generation of coherent policies … Armed militias are a reality and cannot be ignored; both the Kurds and Shia have them and their presence is implicit in the form of local militias to protect businesses mentioned in PM Ja'afari's twelve-point security statement. We must beware that the ISF we are creating does not migrate into yet more locally owned militias."

752. The IPS remained "riven with bribery, corruption, intimidation and politicisation" and Special Police Commandos had been "linked to human rights abuses and extra judicial killings". Dr Reid wrote:

> "Across Iraq, the Rule of Law is hampered by institutional fragility in the police and criminal justice system. Shortcomings in basic infrastructure, equipment, training and specialist capabilities such as forensics continue to limit IPS performance."

---

[699] Minute Cornish to PS/Minister (AF), 10 August 2005, 'Update on the Iraqi Security Forces (ISF) and the Process of Iraqiisation'.
[700] Minute Reid to Blair, 28 August 2005, 'Update on Progress of the Iraqi Security Forces (ISF)'.

Progress on disbanding militias

A report to Congress in July 2005 stated that, under CPA Order No.91, nine militias were to be integrated into the ISF.[701] Of those nine, only the Kurdistan Democratic Party, the Patriotic Union of Kurdistan Peshmergas and the Badr Organisation remained as "significant entities". The other six organisations had either disbanded or been "assigned to personal security details". JAM was not part of the integration process as it was viewed as a potential insurgent organisation rather than a militia. The report assessed:

> "The ITG and its predecessor have had some success in integrating militias into the ISF, but militia elements integrated into the ISF typically remain within pre-existing organisational structures and retain their original loyalties or affiliations."

The nature of the insurgency was discussed at the DOP(I) on 26 May.[702] Mr William Ehrman, Chairman of the JIC, said that it was looking likely that elements of JAM would be absorbed into the ISF. In discussion, concerns were raised about the Minister and the Ministry of Interior, with rumours that the MOI was sanctioning sectarian attacks.

A JIC Assessment on 12 October stated:

> "The issue of militias and their incorporation into the ISF has still not been resolved … In the absence of an effective local ISF, the MOD with MNF support has begun to recruit a Sunni tribal militia in Anbar province to help deal with AQ. In both Shia and Sunni areas of Baghdad there have been calls for local militias to be raised to improve security. We judge the perpetuation of militia forces, on ethnic, tribal, or political lines, carries significant risks for the future."[703]

753. Dr Reid's letter to the Prime Minister on 28 August 2005 made clear that the original timescale for the completion of the Petraeus Plan (mid-2006) was not achievable.[704] The number of trained and equipped IMOD forces was "just below 80,000" and would "reach full authorised strength (currently 106,000) in November 2006". MOI force numbers were "just over 95,000" and "should reach full strength (193,500) in 2007".

754. A JIC Assessment about the ISF on 12 October reported that the forces had "again expanded rapidly": the Iraqi Armed Forces stood at 91,000 personnel and MOI forces 106,000 personnel.[705] The JIC cautioned that those figures did not take account of absenteeism or "provide an indication of true capability". MNF planners foresaw a continued need for substantial MNF forces, capable of conducting combat operations,

---

[701] Report to Congress, July 2005, *Measuring Stability and Security in Iraq.*
[702] Minutes, 26 May 2005, DOP(I) meeting.
[703] JIC Assessment, 12 October 2005, 'The Iraqi Security Forces: Very Slow Progress'.
[704] Minute Reid to Blair, 28 August 2005, 'Update on Progress of the Iraqi Security Forces (ISF)'.
[705] JIC Assessment, 12 October 2005, 'The Iraqi Security Forces: Very Slow Progress'.

to support the ISF until the end of 2007, and for advisory teams at least until 2009. Assessing those targets, the JIC judged:

> "… the ISF and MNF together have been unable to contain the level of violence, which continues to grow. If the insurgency persists at anywhere near current levels, these timeframes will be unachievable, at least in Baghdad and the Sunni heartlands."

755. A report to Congress on 13 October stated that IMOD force generation was due to be complete by late 2006 and MOI force generation complete by August 2007.[706]

Assessing readiness for Provincial Iraqi Control

On 27 September 2005, an IPU official wrote to Mr Straw with details of the Joint Committee to Transfer Security Responsibility (JCTSR). The JCTSR had been established in July and tasked with establishing the conditions to permit transfer of security responsibility to the Iraqi civilian authorities.[707] Membership included the Iraqi Interior and Defence Ministers, the National Security Adviser, the UK and the US Ambassadors and the Commander and Deputy Commander of MNF-I.

The Committee published its conditions for transferring security responsibility to an Iraqi civilian authority on 10 October 2005.[708] Those fell into four categories for both urban and provincial areas:

- Threat assessment: MOI, IMOD, MNF-I and the National Intelligence Coordination Council (NICC) assess the threat from terrorist/insurgents as low, and steady or on a downward trend determined by the IMOD, MOI and MNF-I. For provincial areas, the threat to critical infrastructure and lines of communication should also be assessed as low.
- Iraqi Security Forces readiness: The IPS has capacity (at TRA level 2 [TRA levels are explained in Box, 'Provincial Iraqi Control']) to maintain domestic order and prevent the resurgence of terrorism. The Iraqi Army are able to respond to requests for assistance from the city and able to contain the insurgency in the provinces with appropriate support.
- Governance: The Governor must be capable of overseeing security operations in the urban area and province, as assessed by the IMOD, MOI, Ministry of Justice, the Ministry of Human Rights, the US Embassy and MNF-I. The PJCC must be operational and co-ordinating operations and there must be systems in place for detention, trial and incarceration under Iraqi law.
- Coalition forces: must maintain the capability to reinforce if ISF capabilities are exceeded; co-ordinate civil construction activities; provide support and force protection for Transition Teams; and retain freedom of movement and the capability to conduct counter-terrorism operations.

---

[706] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq.*
[707] Minute IPU [junior official] to Straw, 27 September 2005, 'Iraq: Transition: The Joint Committee to Transfer Security Responsibility'.
[708] Paper Republic of Iraq National Security Council, 10 October 2005, 'Joint Committee to Transfer Security Responsibility'.

Corruption, infiltration and abuse

756. Despite improvements in size and performance of the ISF, concerns about corruption, infiltration and abuse continued to grow during 2005. The incident on 19 September at the Jameat Police Station in Basra is described later in this Section.

757. In its 12 October Assessment, the JIC reported that both the IMOD and the MOI were "dysfunctional, with their capacities developing very slowly if at all" and that neither could "administer their forces effectively".[709] Units were unpaid and unsupplied for significant periods and nepotism was ingrained.

758. The JIC repeated its warnings about the IPS, judging:

> "Elements of the ISF, primarily those under Ministry of Interior (MOI) control, are involved in sectarian violence. This is fuelling broader tensions across Iraq.
>
> "The Iraqi police are a particular concern. They often suffer from divided loyalties and a significant number are involved in criminality for financial gain. Their command and control mechanisms remain confused, as does the exact relationship between local police and the MOI in Baghdad."

759. The JIC reported that some senior Iraqi politicians viewed MOI paramilitary units as "a particular problem: they are seen as a Shia force and as perpetrating a campaign of violence against Sunnis".

760. On 25 October, Mr Blair and President Bush held a video conference between London, Washington and Baghdad.[710] Mr Straw and a number of officials and military officers were in attendance. They discussed Iraqiisation. Mr Blair said that the development of the police seemed to be lagging behind that of the army and asked what more could be done. He also asked how important were the Ministries of Interior and Defence. He was told that a major effort was required with the police in 2006 and that the Ministries were crucial. Lieutenant General Nicholas Houghton, SBMR-I from October 2005 to March 2006, said that the problem with the police was not limited to their quantity and quality; there was also an issue with the commitment to national goals. Strong national leadership was required at the political level.

761. In response to a question from President Bush about the situation in the South, Sir William Patey, British Ambassador to Iraq, stated that the political process had exposed deep divisions within the Shia and that those had impacted on local government. He warned of "local turf wars", declining consent for the MNF, and Iranian interference. He stated that the police were key and training efforts needed to be stepped up. Lt Gen Houghton said that the situation in the South remained much calmer than in other parts of the country. Progress had been made on SSR and the South might well be able to lead the process of security transition.

---

[709] JIC Assessment, 12 October 2005, 'The Iraqi Security Forces: Very Slow Progress'.
[710] Letter Quarrey to Siddiq, 25 October 2005, 'Iraq: London/Washington/Baghdad VTC'.

Responsibility for the security ministries moves to MNSTC-I

A report to Congress on 13 October 2005 stated that the US Embassy Iraq and MNF-I had "recently agreed" to assign responsibility for the Iraqi security ministries' development to MNSTC-I with effect from 1 October 2005.[711]

A paper produced by the MOD for DOP(I) on 15 November stated:

> "MNSTC-I has overall responsibility for providing assistance … to the IG [Iraqi Government] in the development of the MOD and MOI. This helps to generate some short-term capacity assistance; however, the UK must use its senior representation within this Command to help the Iraqis build indigenous capacity within the security sector. This can be achieved through full manning of agreed liaison posts throughout the IG and recognising the need for local participation and ownership at all stages of the capacity-building project."[712]

An eGram from Baghdad on 2 November reported that merging efforts on MOI reform "should combine IRMO civilian expertise with MNSTC-I military resources and manpower".[713] The "bedding-in process [was] still under way" and "some tension between the civilian element and the military" remained.

In his weekly report of 1 January 2006, DCC Smith stated that military personnel were gradually replacing police officers in key CPATT roles.[714] He cited the upcoming vacancy for a Senior IPLO Advisor post at CPATT as "a further opportunity for Senior UK influence" and that if the UK was to embed officers into CPATT, it was "essential" that it include a senior strategic position or the UK would "simply be providing more 'indians'". DCC Smith was "not convinced" that the US would allow the post to be taken by a "non-American". He described "a weakening morale among IPLO colleagues and … increased military encroachment".

A report to Congress on 26 May reported that MNSTC-I had awarded a contract to provide civilian experts to help build organisational capacity by working alongside Iraqi officials in the IMOD and MOI in February that year.[715]

An eGram was sent from Baghdad on 8 September about the development of the MOI and progress of the GCPP-funded project (as described earlier in this Section).[716] It said that a new structure for the MOI was "now more or less in place", although there were still insufficient systems in place to reduce corruption and staff had difficulties delegating tasks because they lacked the understanding about how responsibility should be matched with accountability and authority.

The eGram acknowledged that capacity-building was a long-term process but that "measurable progress" had been made. Collaboration with MNSTC-I had been "very good" and represented "an example of how civilian (DFID) and military (MNSTC-I) efforts can effectively complement each other".

---

[711] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.
[712] Paper MOD, 11 November 2005, 'Strategy for the UK's Contribution to Iraq Security'.
[713] eGram 17261/05 Baghdad to FCO, 2 November 2005, 'Iraq: Ministry of the Interior and Policing'.
[714] Minute Smith, 1 January 2006, 'UK Chief Police Advisor – Iraq: Weekly Report: Week Ending Sunday 1st Jan 2006'.
[715] Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.
[716] eGram 39420/06 Baghdad to FCO, 8 September 2006, 'Iraq: Institutional Development in the Ministry of Interior'.

THE JADIRIYAH BUNKER

762. On 13 November, the US military visited an MOI-controlled detention facility in Baghdad, known as the Jadiriyah bunker, to facilitate the release of a detainee.[717] Upon entering the facility they discovered "around 170 detainees" in an emaciated state. Instruments of torture, including belts, rubber hoses, electrical cable and truncheons were recovered and there was evidence of links to the Badr Corps militia.

763. The following day, Gen Casey and Mr David Satterfield, the US Deputy Chief of Mission, made a strong demarche[718] to Mr Jabr, and demanded both a full criminal investigation and a nationwide audit and inspection of MOI facilities conducted by Iraqi and US officials.

764. In the Chairman's brief for DOP(I) to be held on 15 November, Mr Blair was advised that Mr Patey should raise the issue "in the strongest terms" with Prime Minister Ja'afari and Mr Jabr.[719]

765. A note from an IPU official to Mr Straw on 22 November stated that Prime Minister Ja'afari had announced on 15 November that a full investigation into the matter would be held.[720]

766. The official advised Mr Straw that the Embassy had "first picked up suspicions about maltreatment" at the facility on 4 and 5 September in "an uncorroborated informant report to a police adviser". The Embassy's Senior Police Adviser had accompanied the US military to the location on 24 October but saw no evidence of abuse in the areas where he was allowed access. The official wrote that before follow-up action could be taken, the US had "stumbled" upon the mis-treated detainees.

767. There were indications that Mr Jabr had "been in direct contact with MOI operatives at the Bunker" and that there were "suspicions of other illegal detention centres". The media had reported Mr Jabr was "playing down the incident significantly".

768. The IPU would "instruct Baghdad to maintain pressure" on Prime Minister Ja'afari to address the issues.

769. Mr Straw issued a statement the same day, welcoming this decision and condemning illegal detention and torture.

---

[717] Telegram 18170 Baghdad to FCO London, 14 November 2005, 'Iraq: Detainees Found in Bunker'.
[718] Demarche is the term used to describe a protest by diplomats.
[719] Letter Cabinet Office [junior official] to Prime Minister, 14 November 2005, 'DOP(I) – Chairman's Brief'.
[720] Minute IPU [junior official] to Foreign Secretary, 22 November 2005, 'Iraq: Abuse at Ministry of Interior Detention Facility – follow up'.

770. On 27 November, *The Observer* published an article on human rights abuses in Iraq, based on an interview with Former Prime Minister Ayad Allawi.[721] It quoted him as saying:

> "The Ministry of the Interior is at the heart of the matter. I am not blaming the Minister himself, but the rank and file are behind the secret dungeons and some of the executions that are taking place."

771. The IPU was concerned that the investigation would slip in the run-up to elections, and advised Mr Straw on 2 December to reiterate the importance of its progress during a telephone call with Prime Minister Ja'afari.[722] The IPU had "received indications" that a representative on the investigation committee and an Iraqi Minister were "trying to whitewash the report". Concurrently, the IPU was considering with the US and the MOD "the possibility of taking direct MNF-I action" in other suspected locations of abuse.

772. The IPU raised concerns about the delay in the investigation again with Mr Straw on 7 December.[723] A note by a junior official advised Mr Straw to raise the matter with Dr Rice during their bilateral meeting that day. The note said that no action had been taken, other than two meetings of Deputy Prime Minister Rosch Shaway's committee.

773. As well as continuing to apply pressure for a report to be delivered, the official advised Mr Straw to suggest "snap inspections" of other locations, which ideally would be Iraqi-led, but could be led by MNF-I if necessary.

774. An eGram sent from the British Embassy on 17 January 2006 stated that there was "still no sign of any report".[724] Mr Shaway had spoken to the US on 16 January and had blamed the delay on Shia and Badr members appointed to the Commission by Prime Minister Ja'afari and difficulties in working around the election and local holidays. He had told the US that he intended to report in between 10 and 14 days.

775. The eGram also stated that:

- There had been three unannounced inspections of detention facilities by joint Iraqi/MNF-I forces. The US/MNF-I selected the sites but Iraqi officials led the investigations.
- Details had been provided about two of the inspections, one facility had 234 detainees claiming abuse (though mostly from previous facilities and not within the last two months), and the other held 13 detainees and was "of a fairly good standard".

---

[721] *The Observer*, 27 November 2005, *Abuse worse than under Saddam, says Iraqi leader.*
[722] Minute IPU [junior official] to Foreign Secretary, 2 December 2005, 'Iraq: Secretary of State's Telephone Conversation with Iraqi Prime Minister Ibrahim Ja'afari'.
[723] Minute Paterson to Foreign Secretary, 7 December 2005, 'Iraq: Foreign Secretary – Secretary Rice Speaking Note'.
[724] eGram 978/06, Baghdad to FCO, 17 January 2006, 'Iraq: Detainee Abuse Update'.

- The US planned to conduct one unannounced search per week, starting the following week.
- The Judicial Commission was carrying out a separate investigation, and was working through the case files of every detainee in Jadiriyah.
- Supreme Council for Islamic Revolution in Iraq (SCIRI)/Badr had begun to "push back" against accusations of detainee abuse.

776. In early 2006, the MOI began establishing an abuse complaint process system involving the Inspector General, Internal Affairs and a Public Affairs Office.[725] Detention was a particular cause of concern. The DoD's May 2006 Report to Congress stated:

> "Many human rights violations occur at detention centres because the centres have inadequate facilities. The centres have no places to shower, pray, or prepare food; plumbing and electrical systems are substandard. Furthermore, the police are not trained as jailers … To date the Joint Iraqi Inspection Committee, consisting of Iraqi Inspectors General from various ministries, supported by the US Embassy and MNF-I, has inspected seven facilities."

777. A junior official at the British Embassy Washington emailed IPU on 17 March with a summary of a meeting with US officials.[726] She noted that it had been agreed that the UK and US should confront Prime Minister Ja'afari about any efforts to suppress evidence from the Jadiriyah bunker report.

778. Dr Reid visited Iraq from 17 to 20 March.[727] A report of his visit from his Private Office on 21 March referred to a meeting with Mr Zalmay Khalilzad, the US Ambassador to Iraq, in which Dr Reid was told that the US investigation into the Jadiriyah facility had "concluded terrible abuses had taken place and that senior figures were likely to have been aware of them". A copy of the US investigation report had gone to Prime Minister Ja'afari but "nothing seemed to have come of it", although they said they had not "pushed that hard".

779. The minutes of DOP(I) on 30 March recorded that Dr Kim Howells, FCO Minister, had stated:

> "… the UK and the US had to press Ja'afari to publish an unexpurgated version of the report into abuse by the Ministry of Interior at the Jadiriyah bunker, and be ready to press the new Iraqi Government to take action against those responsible … Our legacy could not be to construct an edifice in Iraq based on human rights abuses."[728]

---

[725] Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.
[726] Email FCO [junior official] to FCO [junior official], 17 March 2006, 'Briefing for DCDS(C) – Iraq – Detainees and Abuse'.
[727] Minute APS/SoS [MOD] to PS/Policy Director [MOD], 21 March 2006, 'Secretary of State's visit to Iraq'.
[728] Minutes, 30 March 2006, DOP(I) meeting.

780. Dr Reid, who chaired the meeting, concluded that it was "critical" to the UK's objectives that the Iraqi security forces were non-sectarian; officials "should work urgently on an action plan and messages for use with the US … and an incoming Iraqi Government".

781. On 20 April, an email from Mr Straw's Private Secretary to a junior FCO official stated that Ms Clwyd had raised the delayed publication of the Iraqi investigation's report with Mr Straw that morning: "She asked what we could do to force the publication of the report."[729]

782. A junior official in Baghdad relayed a telephone conversation between Ms Clwyd and Mr Patey.[730] Mr Patey said:

- Mr Shaways had passed Mr Patey a copy of the report on 19 April.
- The report was consistent with the US report but was "not as hard-hitting in implicating those involved".
- It had been sent to Prime Minister Ja'afari but was only signed by Mr Shaways (and not other members of the committee).
- There was no indication that it would be released or acted upon until a government was formed, after which recommendations could be made public.
- The report would not damage Mr Ja'afari but "would be seen as an attack on SCIRI".

783. Mr Patey also said that other work was in hand on detainee abuse: the bunker was closed, spot-inspections continued, and the UK was working to remove SCIRI's influence on the MOI. It wanted to stop the MOI running detention facilities in the longer term. Ms Clwyd "seemed broadly content with this explanation".

784. On 5 May 2006, Mrs Margaret Beckett became Foreign Secretary. On 9 June, an IPU official advised her that "serious abuse and torture", including of juveniles, had been discovered at another detention facility ("Site 4") on 30 May.[731] Mr Khalilzad had taken "swift action" with the newly elected Prime Minister, Mr Nuri al-Maliki, "pressing him to take public action" and to revisit the Jadiriyah bunker incident. Mr Al-Mailki's response was "positive"; he committed to establishing a committee to investigate the Site 4 incident.

785. On 19 September, an eGram from Mr Dominic Asquith, now British Ambassador to Iraq, reported that investigations into Jadiriyah and Site 4 abuse were still ongoing.[732] He had met Mr Hashim Al-Shibli, Iraqi Minister of Justice, the previous day, who had

---

[729] Email Private Secretary/SofS [FCO] to FCO [junior official], 20 April 2006, 'Clwyd: MoI Bunker'.
[730] Email FCO [junior official] to FCO [junior official], 20 April 2006, 'Clwyd: MoI Bunker'.
[731] Minute FCO [junior official] to Foreign Secretary, 9 June 2006, 'Torture at an Iraqi Ministry of Interior Detention Facility'.
[732] eGram 40974/06, Baghdad to FCO, 19 September 2006, 'Iraq: Investigations in HR abuses at Site 4 and Jadriyah'.

been "evasive about when prosecutions would happen". Mr Asquith had encouraged Mr Al-Shibli to push for unannounced inspections to be resumed, despite the Minister's resistance on the basis that security conditions made it difficult.

786. Mr Asquith considered Mr Al-Shibli "honest and aware of the problems", but that he had a "weak political base" and an "inability to confront effectively the powerful vested interests behind the MOI".

2006 as the "Year of the Police"

787. An eGram from an FCO official in Baghdad on 2 November 2005 reported that Gen Casey had designated 2006 as the "Year of the Police", recognising that "a national police force that can help enforce the Rule of Law [was] vital to any exit strategy".[733]

788. The official wrote that UK police officers were embedded within CPATT and providing a mentor to the Minister of Policing. The UK military had influential positions in CPATT and MNSTC-I. The official wrote that the US had indicated they wanted the UK to "do more" in discrete areas, such as forensics. They stated that another possibility was to embed a high-ranking police officer in CPATT to help direct strategic development but "the key remains the quality as well as the quantity of civilian staff we are able to deploy to Iraq".

789. Gen Walker visited Iraq from 22 to 23 November 2005.[734] He stated:

> "ISF development across Iraq is seen to be on track. For most, this includes the IPS (by design the IPS plan delivers more slowly than that for the Army)."

790. The MOD produced two papers for DOP(I) on 20 December.[735] The first was an update on progress of Iraqiisation. It stated:

- development of the Iraqi Army remained "on track" for the fully funded and trained figure of 130,000 by December 2006;
- the Iraqi Police were making an "increasingly significant contribution" but were behind the Iraqi Army in development terms;
- malign militia influence, incompetent personnel and weak national control were issues that needed to be addressed by the new government;
- the Department of Border Enforcement (DBE) was due to reach full strength by May 2006; and
- the Iraqi Navy was a "success story" that risked being undermined by the failure of IMOD to provide a suitable acquisition programme.

---

[733] eGram 17261/05 Baghdad to FCO, 2 November 2005, 'Iraq: Ministry of the Interior and Policing'.
[734] Minute CDS to SofS [MOD], 25 November 2005, 'CDS's Visit to Iraq 22-23 Nov 05'.
[735] Agenda, 19 December 2005, DOP(I) meeting attaching Paper MOD, [undated], 'Update on Progress on Iraqiisation' and Paper MOD, [undated], 'Ensuring the Iraqis are Ready for a Handover of Security Responsibility'.

791. The second paper was entitled "Ensuring the Iraqis are Ready for a Handover of Security Responsibility". It highlighted two high level areas where there was cause for concern:

- the output of the Ministries – their ability to command, control and sustain their security forces, with control of the Chiefs of Police being a "major issue"; and
- the proper government control of the Ministries.

792. The paper stated that the coalition had "got what we resourced": an increasing number of officers on the ground but no overarching leadership and control from the Ministries to which they were responsible. Action in the first 100 days of government was seen as "essential". MNSTC-I was developing a plan on that basis, with a surge in resources:

> "… MOI advisers up from 76 to 113; MOD advisers up from 45 … to 103. It is envisaged that military, civilian and contractors will be used to fill civilian slots."

793. The paper made a number of recommendations, including that consideration should be given to increasing the number of UK security sector advisers (to "include some 'doers' in IMOD") and measures to strengthen government control including bolstering the MCNS.

794. The minutes of the meeting indicated that those recommendations were not explicitly addressed.[736]

795. On 23 December, Mr Blair sent a Note to President Bush.[737] On Iraqiisation, he wrote:

> "I was surprised people were more upbeat than I expected (and most important the ordinary soldiers working alongside Iraqis). The two clear messages were: the vital nature of leadership of the MOI and MOD; and 2006 being the year of the police. There may also be equipment issues with the military and the police."

796. In his evidence to the Inquiry, Gen Sir Nicholas Houghton said:

> "It is quite difficult to compartmentalise the aspiration and the optimism of late 2005 … the realities of the true state of the police were more dawning realities, as we moved into 2006, where some of the … problems about death squads, torture dens, the degree of militia infiltration of police, both nationally and locally in Basra, became more evident, and I think that probably it was the policing issue that lay on the critical path to most of the conditionality for effective transition.
>
> "… 2006 was to be the year of the police, so it is not as if we were not aware of the fact that this was the critical problem.

---

[736] Minutes, 20 December 2005, DOP(I) meeting.
[737] Letter Quarrey to O'Sullivan, 23 December 2005, 'Iraq' attaching 'Note Prime Minister to President Bush'.

"But I think that the degree of the problem, just recalling another sense of the time, is that we could pour significant resource into … training the police and in the quantity of their generation but we never had the ability to command their loyalty at a local level or a national level.

"This is where you probably get into the dark business of the degree to which police loyalties were affected by political loyalties, links to criminality and corruption, and I don't think that we had a full understanding of that at the back end of 2005. That was more revealed to us incrementally, as 2006 ensued."[738]

797. In his weekly report of 1 January 2006, DCC Smith wrote about the "Year of the Police": "… the strap line that 'just enough is good enough' is, whilst probably realistic, not particularly encouraging". He wrote that it could be "a defining factor in the development of an effective Iraqi Police Service".[739]

The Iraqi border police

The Department of Border Enforcement (DBE) was established in 2003.[740] A report to Congress on 7 March 2008 described the DBE as having two key missions:

- Ports of Entry (POE) policing to ensure the smooth transition of legal goods and persons; and
- to interdict illegal traffic – including smuggling and movement of terrorists and foreign fighters – within and between POE.

Securing Iraq's border was a considerable task – in total Iraq has 2,268 miles of land border and 36 miles of coastline.[741]

In June 2004, Maj Gen Houghton described the DBE as "successfully … reconstituted with over 19,000 Iraqis now in roles as border police, customs officers, immigration officers and nationality and passport officers".[742]

The first border police graduated in September 2004, after receiving training in Jordan.[743]

AM Torpy visited Iraq from 13 to 19 February 2005.[744] On DBE, he commented:

> "The DBE in MND(SE) has advanced considerably since my last visit and are now an effective force, with a good system of refurbished forts along the Iranian, Kuwaiti and Saudi borders."

---

[738] Public hearing, 5 January 2010, pages 12-13.
[739] Minute Smith, 1 January 2006, 'UK Chief Police Advisor – Iraq: Weekly Report: Week Ending Sunday 1st Jan 2006'.
[740] Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.
[741] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[742] Minute ACDS(Ops) to Rycroft, June 2004, 'How Best to Progress the Iraqiisation of the Security Sector'.
[743] Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.
[744] Minute CJO to CDS, 22 February 2005, 'CJO Visit Report – Iraq – 13 to 19 Feb 05'.

> In a report to Congress on 13 October 2005, the DoD assessed:
>
> > "The decentralised and dispersed nature of this force has fostered an environment in which corruption, "ghost" employees [employees on the payroll but not presenting for duty], and absent without leave rates remain a significant concern."[745]

798. DCC Smith completed his tour of Iraq in April 2006.[746] He described a number of difficulties experienced during his tour in his end of mission report, including:

- lack of an agreed, resourced strategy: "There was not a shortage of … plans … What has been lacking for three years is a will and an organisational capability to develop, and act upon, such a strategy";
- confusion over command of various personnel involved in policing: "Even the Review conducted by Sir Ronnie Flanagan [HM Chief Inspector of Constabulary; the Review is described later in this Section] … failed to provide a clear statement", with the security situation making a military lead inevitable in 2006; and
- prioritisation of scarce resources: he highlighted a number of areas where the UK could have played a significant role but were unable to resource initiatives either through funding or appropriate personnel.

The rise in sectarianism

799. Elections were held in December 2005 but it was not until May 2006 that the Iraqi Government was formed (see Section 9.4). As the period of time taken to form a new government extended, British military commanders in Iraq observed an increase in violence.[747]

800. A report to Congress on 30 November 2006 stated that Sunni and Shia "death squads" were responsible for the significant increase in sectarian violence in Iraq.[748] Those were defined as "armed groups that conduct extra-judicial killings; formed from terrorists, militias, illegal armed groups, and – in some cases – elements of the ISF".

801. During his visit to Baghdad in March 2006, Dr Reid had raised the role of the militia with a number of interlocutors.[749] Mr Sa'adoun al-Dulaimi, Iraqi Minister for Defence, reported that he felt under pressure to incorporate sectarian militias into the IMOD, noting that "the Ministry of the Interior seemed completely open to the integration of militias". Mr Jabr commented that "too many old regime staff had been brought back in" and "could not simply be removed".

---

[745] Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq.*
[746] Report Smith, May 2006, 'End of Mission Report'.
[747] Public hearing Houghton and Style, 5 January 2010, pages 8-9.
[748] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq.*
[749] Minute APS/Secretary of State [MOD] to PS/Policy Director [MOD], 21 March 2006, 'Secretary of State's visit to Iraq'.

802. A JIC Assessment on sectarianism in Iraq on 5 April stated:

> "The MNF and Iraqi security forces (ISF) have been able to constrain only some of the violence. After the Samarra mosque bombing, MNF reporting indicated the Iraqi Army proved effective in many areas, deploying in numbers to protect both Sunni and Shia mosques. Some local police units also performed well, although the Ministry of the Interior (MOI) itself was sluggish in its response. The imposition of a curfew and a large security force presence probably deterred some violence. But the picture is patchy: in some Shia areas of Baghdad, militias were allowed free rein.
>
> "The most focused and disciplined anti-Sunni campaign is being run by SCIRI's Badr organisation. Since the formation of the interim government, SCIRI has systematically embedded Badr members and units into the state security structures, particularly the MOI where they control intelligence and some paramilitary units. Forces under the control of the Ministry of Defence, with its close ties to MNF, have proved less penetrable …"[750]

803. On 20 April, Lt Gen Fry, now SBMR-I, was asked by Mr Blair to give DOP(I) his assessment of the capacity of the Iraqi Army and police, and what impact the new government would have.[751] He stated that progress with the army was relatively positive, but progress with the police was less good; the "weakness and sectarian bias of the Ministry of Interior" had "exacerbated" problems. He judged that "the key challenge … remained to bring in the Sunnis".

804. In discussion at DOP(I) the following points were raised:

- the UK should not underestimate the sectarian character of the ISF, the new government would need to tackle this issue actively; and
- the UK had to be realistic about how possible it would be to develop non-sectarian forces at that stage in Iraq's development.

SSR in the South: summer 2004 to summer 2006

805. On 15 July 2004, the FCO produced a paper considering the options for the commitment of UK police officers in southern Iraq after handover of sovereignty to the IIG.[752] The FCO recommended maintaining current staffing levels until mid-2005, which could mean extending ArmorGroup's contract and a further roulement[753] of UK police trainers. That would recognise "that SSR remains a main effort for the UK" and mirrored current MNSTC-I and CPATT projections on the completion of IPS training. The paper noted that "the UK would have a diminishing influence if we were to withdraw before IPS training was complete".

---

[750] JIC Assessment, 5 April 2006, 'Iraq: Sectarianism'.
[751] Minutes, 20 April 2006, DOP(I) meeting.
[752] Paper FCO, 15 July 2004, 'Iraq Southern Provinces – Future UK Civilian Police Commitment'.
[753] A roulement is the deployment of forces, especially for short periods of duty.

806. On 29 August, Lt Gen McColl reported that Prime Minister Allawi had decided to appoint an Iraqi Military Commander for southern Iraq – initially for Basra and Maysan.[754] The Military Commander would have command of all the ISF in the area and be answerable to a committee in Baghdad, made up of the Prime Minister and the Ministers of the Interior and Defence. Lt Gen McColl's view was that there was "plenty of scope for friction" between the local Military Commander's HQ and those of the GOC MND(SE), now Major General William Rollo, who was reported to be concerned about the introduction of "another layer of approval and consultation before forces can be deployed".

807. On 2 September, Maj Gen Rollo reported that Prime Minister Allawi was considering the appointment of General Rachash as Military Commander of the South-East. Maj Gen Rollo had concerns about Gen Rachash's views on the need to consult provincial Governors and the lack of legal basis for his appointment.[755]

Security restrictions on UK police officers

On 26 September 2004, a report from Mr Robert Davies, Chief Police Adviser to the MOI, stated that the FCO's Overseas Security Adviser had directed UK police staff not to travel in Snatch Land Rovers because of inadequate armour (see Section 14.1).[756] Mr Davies wrote:

> "This direction places a significant limitation on the deployment of our staff. The role of mentors requires them to be able to travel frequently to see their chiefs of police. The essence of their role and indeed, the role of the International Police Advisers, needs them to go to the stations. The appropriate protection could be provided by a team from the Control Risk Group, but there are insufficient numbers to meet our requirement."

In March 2005, DCC Smith wrote to Mr Stuart Innes, British Consul General Basra, about travel and movement protection in Basra.[757] He raised concerns that UK police officers were subject to an "inflexible and restrictive" policy that was "likely to hamper the conduct of work in the next 12 months". In particular, UK police officers could only travel overland by vehicle if accompanied by a team of bodyguards. That was during daylight hours only and with 24 hours' notice. However, ArmorGroup and Dyncorp officers were able to travel by military vehicles, unaccompanied and without such tight restrictions.

DCC Smith stated that, as the policing effort moved from classroom-based training to mentoring and monitoring at IPS stations, officers would need more flexible travel arrangements. He recommended that UK police officers should have the option, with additional training if required, to operate on the same basis as the International Police Advisers (IPAs). He also suggested supplying UK police officer secondees with enhanced weapons, also with additional training.

---

[754] Minute McColl to CDS and CJO, 29 August 2004, 'Report 126 of 29 August 2004'.
[755] Report Rollo to CJO, 2 September 2004, 'GOC MND(SE) – Iraq Update – 02 September 2004'.
[756] Minute Davies, 26 September 2004, 'Weekly Report Number: 46'.
[757] Minute Smith to Innes, March 2005, 'Travel and Movement Protection – CivPol3'.

CC Kernaghan visited Iraq from 12 to 17 May 2005 and wrote a report of his findings on 25 May to Mr Charles Clarke, the Home Secretary, and Mr Chris Fox, President of ACPO.[758] The first part of this visit was spent investigating the role of UK police officers with Sir Ronnie Flanagan, HM Chief Inspector of Constabulary, CC Hugh Orde, Chief Constable of PSNI, and Mr Colin Cramphorn, Chief Constable of West Yorkshire.

In his report, CC Kernaghan endorsed the use of armoured vehicles within military convoys for police officer secondees, but considered enhanced weaponry "a step too far". He cautioned against treating police officers who had served in Northern Ireland differently from those without this background, noting that this "could be interpreted as … placing a lesser value on their safety and treating them as de facto cannon fodder".

On 24 October, Major General James Dutton, GOC MND(SE) from June 2005 until December 2005, wrote that "clarity" in the contractual obligations of UK police officers and ArmorGroup personnel was needed.[759] In addition:

> "…we will need to resolve the issue of movement restrictions on the CivPol and ArmorGroup personnel. There appear to be different transport restrictions placed upon civil servants employed by MOD to those working for the FCO and their contractors, CivPol and ArmorGroup (although there are even differences between them). The principal problem is that the FCO and their contractors are not permitted to travel in military vehicles."

On 11 November, CC Kernaghan emailed a junior official in the Home Office following a report from DCC Smith that stated Maj Gen Dutton wished to assume control of police and ArmorGroup assets, and see police personnel travel in Snatch vehicles.[760] Maj Gen Dutton had reportedly suggested he would review the relevant contracts of employment to enable the latter.

CC Kernaghan wrote that it was important that the arrangements for police officers were not considered in isolation from those of other deployed civilians and emphasised his expectation that he should be consulted on any move to change the command and control arrangements for deployed police officers, not presented with a "fait accompli".

Acting Commander Kevin Hurley, Chief Police Adviser in Basra, June 2004 to December 2004, told the Inquiry of the challenges of trying to effect police training and mentoring while being unable to travel:

> "Security conditions made road travel almost impossible … We were all but ineffective for most of our time. Ultimately … we reached a stage whereby if we could not get a helicopter ride we did not move."[761]

In his evidence to the Inquiry, Lieutenant General Jonathan Riley, GOC MND(SE) from November 2004 to June 2005, said that the "chief difficulty" of the FCO rather than the military leading police work was the restrictions placed on civilian personnel meant that he

---

[758] Report Kernaghan to Clarke and Fox, 25 May 2005, 'Report on 4th Visit to Iraq by Chief Constable Kernaghan – 12/16 May 2005'.
[759] Letter Dutton to Wall, 24 October 2005, 'Policing SE Iraq'.
[760] Email Kernaghan to Home Office [junior official], 11 November 2005, 'UK civil police assistance effort in Iraq – command & control issues – request for clarity'.
[761] Statement, 17 June 2010, page 3.

could not guarantee that the mentoring of police was done "to the depth, to the degree, to the duration that it had to be".[762] That meant that he had to "fill that gap using soldiers and military police so that instead of partnering my military forces with Iraqi military forces only, which would have been the ideal situation, I also had to partner them closely in many cases with the Iraqi police to fill that void".

Lt Gen Riley said that he had discussed that difficulty with colleagues many times but the rules for civilian personnel were fixed; "So it became a given".

The arrangements for civilian personnel are described in Section 15.1.

A decline in security

808. On 18 August 2004, a Current Intelligence Group (CIG) Assessment stated:

> "Little is being done in Basra by the security forces to stop a minority of Mahdi Army militants causing disruption. The police chief is in league with the militants and elements of the Iraqi police were involved in the kidnapping of the British journalist [Mr James Brandon, subsequently released – see Section 9.3]. A report suggests the Amara police chief has agreed not to interfere in the activities of the Mahdi Army in the city, but this is due to police concern at their own vulnerability rather than support for al-Sadr."[763]

809. In his letter to Mr Fergusson on 20 August (as detailed earlier in this Section), Mr Phillipson wrote that the Prime Minister considered "problems with the police chief in Basra" as one of the "real risk[s] to our objectives".[764]

810. The IPU's paper entitled "Iraq: Next Steps", produced on 27 August, stated that the Chief of Police in Basra was "co-operating with the Sadrists" but did not suggest a way of addressing that, or of addressing the issue of divided loyalties more widely.[765]

811. Two days later Mr Blair produced a minute to No.10 staff which stated:

> "… we cannot have a situation as in Basra where the police chief is working with Sadr's people."[766]

812. On 3 September, the CIG reported that a senior Badr organisation official had been appointed as Basra Governor and that he intended to remove the Basra Police Chief.[767]

813. On 11 November, the JIC reported that the Police Chief had been "sacked".[768]

---

[762] Public hearing, 14 December 2009, pages 25-26.
[763] CIG Assessment, 18 August 2004, 'Iraq Security'.
[764] Letter Phillipson to Fergusson, 20 August 2004, 'Iraq: Next Steps'.
[765] Minute Crompton to Private Secretary [FCO], 27 August 2004, 'Iraq: Next Steps' attaching Paper Iraq Policy Unit, 27 August 2004, 'Iraq: Next Steps: Action Points'.
[766] Minute Prime Minister to Sheinwald, Powell and Phillipson, 29 August 2004, 'Iraq'.
[767] CIG Assessment, 3 September 2004, 'Iraq Security: Shia Violence in Multi-National Division (South East)'.
[768] JIC Assessment, 11 November 2004, 'Iraq Security – Current Concerns'.

814. On 26 September, Mr Davies reported that 38 ArmorGroup mentors had deployed to Basra.[769] Their roles included: three personnel in Maysan developing a criminal intelligence database and mentoring the Tactical Support Unit (TSU); five personnel based at the az-Zubayr Police Academy providing training for the TSU; and the bulk of the remaining staff engaged in mentoring and developing the investigative capability of the Basra investigators.

815. That deployment had been planned for June 2004, but on 11 June Mr Straw was advised by a junior official that the deployment should be delayed from June to September because of a decline in security in southern Iraq.[770] An additional factor was that the type of mentoring they were contracted for would be "of little value until the Iraqi police ha[d] undergone more specialist skills training".

816. Minutes from an SSR meeting on 7 October reported that ArmorGroup had all police mentors operating in various locations across MND(SE).[771] The contract was due for renewal at the end of November 2004 but it was likely that a proposal for an extension would be submitted based on the positive feedback received.

817. A six-month extension of the contract was agreed at the Iraq GCPP Strategy meeting on 7 January 2005.[772] The Committee agreed that the ArmorGroup contract for 68 mentors costing £4.8m should have "specific reporting procedures, including monitoring and evaluation" with a "clearer work plan". The project would be reviewed again after six months.

818. On 12 October, an email from a junior FCO official confirmed that 12 US IPAs had been deployed to MND(SE) in late September: six to the Sector and District Command, two to the traffic unit, two to the forensic unit and two to the TSU.[773]

819. On 14 October, Mr Simon Collis, British Consul General in Basra, wrote to the FCO in London stating: "we need help in the form of more senior police officers, flexible security rules for their deployment, less nationalist policies on behalf of MNF contributors and more specialist trainers and equipment."[774] He also highlighted limited co-ordination between civilian and military structures in MND(SE).

820. Lt Gen Rollo, who left MND(SE) in November, told the Inquiry that:

> "Not all the Iraqis were ineffective. We focused on getting relatively small numbers of them to a relatively good standard."[775]

---

[769] Minute Davies, 26 September 2004, 'Weekly Report Number: 46'.
[770] Minute ISSU [junior official] to PS/SofS [FCO], 11 June 2004, 'Iraq – Deployment of Police Monitors'.
[771] Minutes, 7 October 2004, Security Sector Reform meeting.
[772] Minutes, 7 January 2005, Iraq GCPP Strategy meeting.
[773] Email FCO [junior official] to FCO [junior official], 12 October 2004, 'Basra Update'.
[774] Telegram 169 Basra to FCO London, 14 October 2004, 'Southern Iraq: Putting Civilian Police First'.
[775] Public hearing, 15 December 2009, page 12.

821. Commenting on how to raise effective forces, Lt Gen Rollo said:

> "… the answer to more forces ultimately was more Iraqis, and the real trick was to raise effective Iraqi forces, and that the way to do that was to take relatively small numbers and to try to instil into them a sense of loyalty to the state, which was really quite difficult to achieve … So loyalties were fragile and depended on human contact."[776]

The Iraqi Navy

A US report from the Independent Commission on the ISF, published on 6 September 2007, explained that Iraq's coastline was very small but strategically significant.[777] It included the al-Basra and the Khor al-Amaya oil terminals (responsible for 90 percent of Iraq's revenue) and Iraq's only deep water port, Umm Qasr. The maritime borders with Iran and Kuwait were contested and not clearly demarcated.

The Iraqi Navy reported through the Joint Headquarters to the IMOD.[778]

A paper produced by the MOD on 9 December 2009 stated that "the notable UK contribution" during Phase IV was the development of the New Iraqi Navy, led by the Royal Navy at Umm Qasr.[779] The Royal Navy also trained the Iraqi Coast Guard, which operated in close proximity to the Iraqi Navy but reported to the MOI.[780]

On 1 February 2005, a junior MOD official advised Mr Hoon that 49 personnel were deployed in Navy Advisory Support Teams (ASTs), including force protection.[781]

The Chief of the Naval Staff visited Iraq in July and observed that recruiting and training of the Marine force was almost complete and subject to the procurement of suitable support vessels they should be able to resume responsibility for the security of oil platforms later in the year.[782] He noted problems with funding but stated: "our AST and the Iraqi Navy have done well … I am content that we have reached the stage where the AST can start to draw down provided it is adequately supported by MND(SE)".

In the same month Lt Gen Brims described the development of the Iraqi Navy as "a significant UK success".[783]

Prison Service support in southern Iraq

822. At the SSR meeting on 7 October 2004, it was reported that there were two senior prisons advisers and four prisons mentors in theatre.[784] The minutes recorded that a

---

[776] Public hearing, 15 December 2009, page 14.
[777] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[778] Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq*.
[779] Paper MOD, 9 December 2009, 'Iraq Security Sector Reform'.
[780] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[781] Minute Chaudhry to APS/SofS [MOD], 1 February 2005, 'Manning and Development of the Iraqi Navy Advisory Support Teams'.
[782] Minute CNS to CDS, 28 July 2005, 'Visit to the Northern Gulf and Iraq 25-26 Jul 05'.
[783] Letter Naworynsky to Quarrey, 21 July 2005, 'Update on Progress of Iraqi Security Forces'.
[784] Minutes, 7 October 2004, Security Sector Reform meeting.

recent assessment of all UK government staff in Iraq had determined that "the prisons contribution" was vital. Risk assessments were being conducted at military locations to enable the deployment of prisons mentors to the provinces. Support to the prisons effort was being maintained by the RMP.

823. On 20 January 2005, minutes of the SSR meeting recorded that the prisons programme had been extended for a further six months and the Prison Service had confirmed they would provide officers for phase two. A UK criminal justice adviser had also been deployed.[785]

824. On 9 August, the IPU submitted an initial bid for the prison programme to receive funding until 31 March 2006.[786] The bid stated that since it had begun in May 2004, the programme had:

- trained every prison officer in MND(SE);
- established a training school for the Iraqi Correctional Service (ICS);
- developed a corps of Iraqi trainers;
- built and established a new prison in Basra that would "become a model prison for Iraq"; and
- "substantially improved conditions and treatment of prisoners" in each other prison in the region.

825. The bid was for funding to continue supporting prisons advisers, to help to increase the capability of the ICS and to complete the ongoing infrastructure projects.

826. In describing the effects of the programme, the IPU cited Iraq's "dreadful human rights record" in prisons and stated that the first two phases of the programme had "already dramatically transformed the functioning of the prisons in MND(SE) both by improving the physical conditions in which prisoners are kept, and changing attitudes amongst staff". Continuing work would build on that, particularly in respect of female and juvenile prisoners.

827. On 15 August, Mr Collis sent a telegram to the FCO reporting allegations of "systematic abuse" at al-Maqil prison in Basra.[787] The allegations, made by an Iraqi prison officer, included the sexual abuse of a female prisoner and the payment of bribes to avoid beatings and facilitate visits by relatives. The prison officer claimed that one-quarter of the prison staff was involved, including at a senior level.

828. Mr Stephen Fradley, the British Senior Prison Adviser, had raised the concerns with the Regional Director of the Iraqi Correctional Service, who subsequently spoke to the Prison Governor. The Governor said that an investigation had been undertaken and that

---

[785] Minutes, 20 January 2005, Security Sector Reform meeting.
[786] Email FCO [junior official] to FCO [junior official], 17 August 2005, 'FW: GCPP Prisons Bid' attaching Project Bid Form, 9 August 2005, 'Prison Service Support in Southern Iraq'.
[787] Telegram 113 Basra to FCO, 15 August 2004, 'Iraq: Allegations of Abuse in Iraqi Run Prison'.

he was satisfied there had been no abuse. The Regional Director had concluded that no further action was necessary.

829. Mr Collis was considering how to ensure that a proper investigation was carried out. He had referred the matter to the ICRC and waited to hear whether they would investigate. Plans were in place on how to press the issue if the ICRC were denied access.

830. On 26 October, Baroness Symons, Minister of State for the Middle East, International Security, Consular and Personal Affairs at the Foreign Office, wrote to Mr Straw about a meeting she had held with Mr Bakhtiar Amin, the Iraqi Minister of Human Rights, the previous evening.[788] Mr Amin had expressed concerns over the current conditions in Iraqi prisons and said that he would be "most interested" in help on rehabilitation programmes and prison monitoring.

831. On 6 February 2005, a telegram from Baghdad sought an indication of whether further funding would be available to develop the prison inspectors' training programme in Basra.[789] Reporting on a meeting between Mr Andrew Hood, Legal Adviser, and Mr Amin, it stated that Mr Amin was positive about the training prison inspectors had received and that he would like all this to be available to all inspectors. Speaking to Mr Hood, Mr Amin requested further assistance: "he had sufficient funds to employ more prison inspectors if there was sufficient capacity to train them".

832. A bid for additional funding to extend the prisons programme was submitted on 17 August.[790] The bid mentioned co-ordinating MND(SE) activity with the US programmes elsewhere in Iraq, but did not specify supporting the extension of the Basra training programme outside southern Iraq.

UK equipment for the Iraqi Security Forces: Project OSIRIS

833. At the AHMGI on 28 October, Mr Paul Boateng, the Chief Secretary to the Treasury informed Mr Blair that, of the US$107m worth of equipment requested by the MOD to speed up Iraqiisation in MND(SE), US$29m would be funded by the US, the remaining US$78m/£40.6m could be funded by the Treasury from the Reserve on a "one-off" basis.[791] That was in addition to the US$4.5m/£2.5m GCPP-funded ISF equipment purchase agreed in September.

834. On 24 November, a junior official in the MOD submitted a draft departmental minute to Mr Hoon to be laid before Parliament for the first tranche of ISF equipment

---

[788] Minute Symons to Straw, 26 October 2004, 'Iraq: Human Rights Assistance'.
[789] Telegram 90 Baghdad to FCO, 6 February 2005, 'Iraq: Call on Minister of Human Rights'.
[790] Email FCO [junior official] to FCO [junior official], 17 August 2005, 'FW: GCPP Prisons Bid' attaching Project Bid Form, 9 August 2005, 'Prison Service Support in Southern Iraq'.
[791] Minutes, 28 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

(detailed further below).[792] The press lines annexed to the document explained that Prime Minister Allawi had "made a direct call for assistance to No.10":

> "The Prime Minister is keen to assist, not least as the speedy Iraqiisation of the security sector is a key strategic aim of the UK and will ultimately facilitate our own withdrawal."

835. Between November 2004 and July 2005, equipment was delivered to the ISF in four tranches through "Project OSIRIS". Over that period, minutes from MOD officials to the Defence Secretary detailed what would be provided in each tranche:

- Tranche one for £15m was approved in early December and focused on items that could be procured quickly through existing contracts, such as small arms, ammunition, public order and urban operations equipment as well as seven infrastructure projects.[793]
- Tranche two for £3.6m was approved in mid-December and comprised grenade launchers, pistols, radios and ammunition. That was to be procured through both new and existing contracts.[794]
- Tranche three for £6.2m was approved in late January and consisted of three batches of equipment covering protective vehicles, search equipment for DBE and machine guns.[795]
- Approval for tranche four covering the remaining £15.6m was not sought until 18 July "because of the need to align expenditure plans with the planning for operational transition" and "changing US expenditure plans". It included infrastructure projects, vehicles and communications equipment.[796]

836. Parliamentary approval was sought for the first three tranches but the obligation to give Parliament 14 days to raise any objections to gifting[797] the items was reduced to two days with Treasury approval. Tranche four was approved by the Chairman of the Public Accounts Committee (PAC), who had authority to grant approval, given the imminence of Parliamentary recess.

---

[792] Minute MOD [junior official] to APS/SofS [MOD], 24 November 2004, 'Parliamentary Clearances for Gifting of the First Phase of the £40.6 million ($73m) Worth of Equipment for Iraqi Security Forces.'
[793] Minute MOD [junior official] to APS/SofS [MOD], 24 November 2004, 'Parliamentary Clearances for Gifting of the First Phase of the £40.6 million ($73m) Worth of Equipment for Iraqi Security Forces'; Minute Johnson to DJC Sec 1, 2 December, 'Iraq: Gifting of Military Equipment to the Iraqi Interim Government'.
[794] Minute MOD [junior official] to PS/SofS [MOD], 13 December 2004, 'Iraq: 2nd phase of £40.6m Gifting of Military Equipment to the Iraqi Interim Government: Project OSIRIS'.
[795] Minute MOD [junior official] to PS/SofS [MOD], 19 January 2005, 'Iraq: 3rd Phase of £40.6m Gifting of Military Equipment to the Iraqi Interim Government: Project OSIRIS'; Minute Naworynsky to Deputy Command Secretary PJHQ [MOD], 24 January 2005, 'Iraq: 3rd Phase of £40.6m Gifting of Military Equipment to the Iraqi Interim Government: Project OSIRIS'.
[796] Minute MOD [junior official] to APS/SofS [MOD], 18 July 2005, 'Iraq: Funding for Security Sector Reform and a Civil Effects Fund for MND(SE)'.
[797] 'Gifting' is a technical term that usually describes a government giving equipment to another government.

837. On 18 July, a junior MOD official wrote to Dr Reid, stating that the Chairman of the PAC had "expressed dissatisfaction with the shortcuts we took to gaining parliamentary approval" for the first three tranches and that "a couple of backbench MPs" had objected.[798] The official considered the final tranche "less likely" to generate objections because it did "not contain any weapons" but:

> "We will need to explain why we have again been unable to allow Parliament to consider this gifting as fully as some MPs might wish."

838. The official wrote that an additional £58m was likely to be needed for the year ahead: £38m for OSIRIS II (protected and other mobility, infrastructure construction for forces training, communications, logistics and command and control functions) and £20m for a Civil Effects Fund. He recommended that Dr Reid propose that expenditure to the Chief Secretary to the Treasury, now Mr Des Browne. He also noted that Project OSIRIS had "been an understated success story" that should be highlighted in the presentation plan for operational transition.

839. As advised, Dr Reid wrote to Mr Browne on 19 July stating that the additional £58m was "central to the success of our plans".[799]

November Force Level Review

Air Marshal Glenn Torpy, Chief of Joint Operations, wrote to General Sir Michael Walker, CDS, on 10 November 2004 about the interim Force Level Review conducted for Operation TELIC (see Section 14.1).[800] AM Torpy stated that the training, mentoring and monitoring of the NIA and ING was one of three emerging tasks from the review. All three tasks were discretionary for the UK but not for MNF-I and if other Troop Contributing Nations did not undertake them, they could fall to the UK.

AM Torpy wrote that the new tasks could be conducted by a battalion plus senior mentors, "possibly of one-star rank", and work was under way to confirm the requirement. He had agreed with Lt Gen Rollo that the work should be delayed until after the election. AM Torpy advised that "for force generation purposes we should assume that this is a new – potentially enduring" task.

Mr Roger Cornish, MOD Deputy Director Iraq, wrote to Mr Hoon about the review on 19 November.[801] He reiterated AM Torpy's assessment of the training task, assessing that the force package needed to undertake it would be 650 personnel in total.

Mr Naworynsky replied to Mr Cornish on 24 November, stating that Mr Hoon had noted the emerging tasks.[802]

---

[798] Minute MOD [junior official] to APS/SofS [MOD], 18 July 2005, 'Iraq: Funding for Security Sector Reform and a Civil Effects Fund for MND(SE)'.
[799] Letter Reid to Browne, 19 July 2005, 'Iraq: Funding for Security Sector Reform and for a Civil Effects Fund for MND(SE)'.
[800] Minute CJO to CDS, 10 November 2004, 'Iraq – Interim Force Level Review'.
[801] Minute Cornish to APS/SofS [MOD], 19 November 2004, 'Iraq: Interim Force Level Review'.
[802] Minute Naworynsky to Cornish, 24 November 2004, 'Iraq: Interim Force Level Review'.

The uplift in personnel took place as part of the roulement of forces in late April 2005 (described later in this Section).

Police reform

840. On 5 November 2004, Mr David Hayward, FCO Military Liaison Officer, sent a teleletter to Mr Tom Dodd, Deputy Consul General in Basra, in reply to "a number of problems" Mr Dodd had raised about policing in the South.[803] On the provision of UK police officers, Mr Hayward wrote that:

- Mr Hugh Orde, Chief Constable of PSNI, had confirmed his commitment of six Chief Inspectors for Iraq.
- CC Orde would extend the current PSNI officer deployments until replacements were available.
- Nineteen junior officers in az-Zubayr would end their tour in December but 14 officers were trained and ready to replace them. They were looking to recruit others and had a small reserve capacity of trained officers that could be deployed if necessary.
- GCPP's funding for 40 IPAs had been extended by one month and a bid to extend it for a further six months would be submitted.

841. A second phase of the ArmorGroup contract was agreed in early 2005. It extended and expanded the deployment to 68 personnel, including five forensic experts.[804]

842. On 12 January 2005, Major General Jonathon Riley, GOC MND(SE) from November 2004 until June 2005, reported:

> "Although the work of the International Police Advisers is much trumpeted, the reality falls well short of perception. Responsibilities for various areas of police reform are unclear, and as a result, progress is lagging behind that of the military."[805]

843. Acting DCC Colin Smith arrived in Iraq in January 2005 as part of General Luck's Review team. In his statement to the Inquiry, ACC Smith wrote:

> "On arrival … there appeared to be a number of competing plans including SSR with police training at az-Zubayr and in Basra, Maysan and Al Muthanna and that ubiquitous term 'mentoring'. Civilian contractors, funded by the UK, largely worked under their own direction and command structure. The only apparent link to any pan-Iraq coalition Strategy was through the US International Police Liaison Officers."[806]

---

[803] Teleletter 161 Hayward to Dodd, 5 November 2004, 'Southern Iraq: Civilian Policing'.
[804] Project Bid Form, [undated], 'International Police Advisors: Training, Mentoring and Monitoring of the Newly Trained Iraqi Police Service Officers in MND SE'.
[805] Report Riley, 12 January 2005, 'GOC MND(SE) – Southern Iraq Update – 12 January 2005'.
[806] Statement, 14 June 2010, page 2.

844. DCC Smith wrote that "an attempt was made to develop … an integrated '12 month IPS Development Strategy' … 12 months being seen … as the likely duration of UK training in Iraq". The plan acknowledged that the military should play a key role in 'generic' policing areas such as infrastructure, equipment and non-specialist training. Police officers would be left to concentrate on enhancing specialist capability.

New Chief of Police for Basra

In his update on 12 January, Maj Gen Riley reported that a new Chief of Police for Basra, Major General al-Saad Hassan, had been appointed by the MOI.[807]

A telegram from Mr Collis on 21 January reported that (now General) Hassan had removed a Badr officer from his post as Head of Police Intelligence, and whilst allowing him to remain Head of Internal Affairs, ordered Internal Affairs to stop carrying out arrests or search operations following a number of suspicious deaths involving the unit.[808] Mr Collis saw this as "a welcome example" of the new Chief of Police "making his mark".

Considering whether to embed personnel in Iraqi units

845. The US began embedding MNF personnel in Iraqi units in January 2005.[809]

846. In his 19 January update, Maj Gen Riley reported on a conference he had attended in Baghdad about the future of the MNF's mission.[810] Referring to the emphasis on Military Assistance Teams (MATs) and Civil Police Assistance Teams (CPATs),[811] he wrote:

> "… this is the direction we have taken in MND(SE). The MNF leadership will not impose a template, but … [allow] local conditions to determine how the assistance teams are to operate. This suits us very well."

847. On 21 January, Mr Phillipson sent a letter to Mr Hoon's Principal Private Secretary about a meeting between Mr Blair, Mr Hoon and Gen Walker on Iraq strategy that morning.[812] In discussing Iraqiisation and delays to the Petraeus Plan, Gen Walker referred to MATs and CPATs as the "latest US plan" but added "this was not the answer".

848. At the Chiefs of Staff meeting on 2 February, it was observed that there were differences between the UK and US implementation of MATs, but they "were unlikely to be an issue".[813] The CPAT concept was "not favoured by the UK". There is no record of the rationale for that view in the minutes.

---

[807] Report Riley, 12 January 2005, 'GOC MND(SE) – Southern Iraq Update – 12 January 2005'.
[808] Telegram 7, Basra to FCO London, 21 January 2005, 'Southern Iraq: Security and Political Round Up 13 January'.
[809] Letter Phillipson to Baker, 21 January 2005, 'Iraq: Future Strategy'.
[810] Report Riley, 19 January 2005, 'GOC MND(SE) Southern Iraq Update – 19 January 2005'.
[811] 'CPATS' are also sometimes referred to as 'PATS'.
[812] Letter Phillipson to Baker, 21 January 2005, 'Iraq: Future Strategy'.
[813] Minutes, 2 February 2005, Chiefs of Staff meeting.

849. On 11 February, AM Torpy produced a paper on SSR for Gen Walker ahead of the latter's visit to Washington on 15 February.[814] In the paper, AM Torpy outlined two options being considered to support MNF-I's focus on assistance teams:

- Full support ("the MNF-I default"): MATs placed with every ISF unit in MND(SE) (excluding the police), and at training schools, requiring 324 personnel.
- Targeted support: "continuation of current partnering arrangements with ISF units" targeted at "areas of weakness, such as formation headquarters, training schools and logistic bases", requiring 110 personnel. MATs would not be involved with the Public Order Battalions or the DBE units.

850. AM Torpy wrote that the UK's emphasis had been on "partnering" and there were currently no UK personnel embedded within Iraqi units. In introducing the options, he stated:

> "Given MOD guidance to avoid a significant increase in commitment, our scope to implement this SSR strategy will be constrained by our ability to free up and refocus manpower."

851. The resource implications of both options were to be assessed by a US Joint Force Headquarter team deploying to Iraq the following week. It was anticipated that "coalition partners" would offer "significant contributions" once briefed by the US at a Bucharest Conference in February. That briefing would also "provide further clarity, thereby allowing the UK to refine its potential contribution".

852. AM Torpy visited Iraq from 13 to 19 February.[815] He reported:

> "[Gen] Casey is entirely comfortable with the UK's approach in MND(SE); indeed, he has told his commanders to visit MND(SE) to see how we handle the task."

853. Major General Peter Wall, Deputy Chief of Joint Operations, attended the CENTCOM conference on 28 February. He reported that the US approach to embed trainers at division, brigade and battalion level (and also with Special Police and Border Enforcement units) would have "implications" for the UK's "current policy".[816] He would discuss with Maj Gen Houghton and Mr Howard.

854. On 11 March, AM Torpy produced a paper for the Chiefs of Staff on delivering SSR in MND(SE).[817] There was no specific reference to his 11 February paper, but the plan he set out for MTTs[818] was consistent with the "Targeted Support" option proposed in that earlier paper.

---

[814] Minute CJO to PSO/CDS, 11 February 2005, 'Op TELIC: Security Sector Reform'.
[815] Minute CJO to CDS, 22 February 2005, 'CJO Visit Report – Iraq – 13 to 19 Feb 05'.
[816] Minute DCJO(Ops) to CJO, 28 February 2005, 'CENTCOM Post Iraqi Election Coalition Conference, Bucharest 21-23 Feb 05'.
[817] Minute CJO to COS, 11 March 2005, 'Op TELIC – Supporting Security Sector Reform in MND(SE)'.
[818] 'MTTs' were formerly referred to as 'MATs'.

855. The Chiefs discussed AM Torpy's SSR paper on 16 March.[819] The minutes record:

> "The continuous burden of manning MTTs and STTTs [Short Term Training Teams], and its potential impact on the requirement for augmentees was highlighted. DCJO(Ops) [Maj Gen Wall] indicated that the majority of posts would be filled from current force levels and that the requirement for UK augmentees was not expected to exceed 20."

856. On 17 March, Mr Hoon's Private Secretary wrote to No.10 to provide an update on SSR progress.[820] On the creation of MTTs he stated:

> "MNF-I plan to have Military Transition Teams (MTTs) established across Iraq and working with Iraqi units by June. In MND(SE) we expect to have MTTs established by May. The MTTs will train and mentor their affiliated Iraqi units, remaining with them both in barracks and on security duties. In MND(SE) the MTT organisation will be developed from the existing partnership arrangements between coalition and ISF units, which first highlighted the benefits of this approach."

857. The MOD's Directorate of Operational Capability considered the differing approaches to mentoring the ISF undertaken by the UK and US militaries in 2010.[821] It commented:

> "The UK and US approaches were fundamentally at odds; this was identified by those in theatre at the time and reported back … The decision not to embed mentors … may seem perplexing, particularly considering UK troops in Afghanistan were embedding in this manner at that time …
>
> "We have pondered the reasons for this approach, without reaching an entirely satisfactory conclusion. During interview a number of people have suggested that this very different approach to embedding mentors between two UK theatres of operation, as well as the difference between the UK and US approaches in Iraq, was that senior politicians (or perhaps military leaders) in the UK were risk-, and in particular, casualty-averse. Whether this is true, and if so whether it can be seen as a result of the different way in which the two theatres were viewed by the British public – Iraq as an unpopular "war of choice", with Afghanistan a "war of necessity" – is unclear. What is certain is that, at the time, the total number and rate of casualties being experienced in Afghanistan were both far lower than had been suffered in Iraq. We might reasonably conclude that this would have had an effect on the political-military discussions and decisions regarding embedding and force protection. This seems especially likely as the focus in Iraq became predominantly on reducing troop numbers in order to hand over to the Iraqi Security Forces, allowing the UK forces to withdraw and focus on [Afghanistan]."

---

[819] Minutes, 16 March 2005, Chiefs of Staff meeting.
[820] Letter Naworynsky to Quarrey, 17 March 2005, 'Petraeus Plan Update'.
[821] Report Directorate of Operational Capability, 17 March 2010, 'Operation TELIC Lessons Study Vol. 3'.

The US approach to Transition Teams

A Report to Congress on 29 August 2006 stated that "more than 160" Police Transition Teams (PTTs) were helping to develop the IPS.[822] International Police Liaison Officers (IPLOs) were integrated into PTTs, providing expertise in all technical aspects of criminal investigation and police station management. The Report stated that an additional five (US) Military Police companies were deployed in July 2006 to bolster the PTT programme.

The next Report on 30 November stated there were 177 PTTs, each team with 11-15 members: three or four IPLOs, hired as contractors from US State Department and the rest typically military personnel (often Military Police).[823]

A Report to Congress on 2 March 2007 stated that there were a total of around 6,000 international advisers in more than 450 Transition Teams.[824] The Transition Teams were established in the following proportions:

- 200 Police Transition Teams;
- 40 National Police Transition Teams;
- 30 Border Transition Teams;
- 170 Military Transition Teams; and
- Transition Teams in various ministries and command establishments including the MOI, IMOD and the JHQ.[825]

Even with the extra personnel, shortages of PTTs were limiting observation of the IPS in 13 of the 18 provinces, including Basra and Maysan.[826] The DoD's Report to Congress in March 2007 cited cost and risk to personnel as the reasons for limited coverage.[827]

Concerns about strategy

858. In his weekly update on 2 February 2005, Maj Gen Riley wrote:

> "IPS reform is a problem wider and deeper than the Army, and the incoming Chief Police Adviser will be key to turning them into an effective counter insurgency force … there is a proposal to send the new Chief Police Adviser to Baghdad instead of here … I would advise against this in the strongest possible terms: this will lead to a delay of months (probably) in police reform here, months that we do not need. UK can have the greatest effect here on the ground …"[828]

859. On 17 March, Lt Gen Fry produced a paper for the Chiefs of Staff examining the consequences of "the UK's MND(SE)-centric strategy" and the likelihood that ISF development in MND(SE) would progress faster than elsewhere in Iraq.[829] The Chiefs

---

[822] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.
[823] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.
[824] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[825] These are approximate figures, estimated by the Inquiry based on available data.
[826] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq.*
[827] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[828] Report Riley, 2 February 2005, 'CG MND(SE) – Southern Iraq Update – 2 February 2005'.
[829] Minute DCDS(C) to COS, 17 March 2005, 'Iraq – Strategic Consequences for UK of Iraqi Self Reliance'.

were briefed that the eventual move to provincial control would be based on "complex, inter-dependent conditions" that were not fully defined and would depend upon the development of a national security framework and that, although military SSR activity in MND(SE) was progressing well, the scope for significant military disengagement in 2005 would be limited. Military SSR was expected to be completed in MND(SE) in March 2006.

860. Lt Gen Fry highlighted that non-military Iraqi capabilities, especially the IPS, were lagging behind the Iraqi Army and stated:

> "This imbalance must be redressed not only to ward against an overly dominant IA [Iraqi Army], but also to allow us to realise the potential military dividend of our efforts with the IA."

861. Lt Gen Fry suggested that the UK needed to:

- influence the development of a national policing strategy;
- encourage greater international involvement, particularly for gendarmerie-type training;
- develop IPS leadership and niche capabilities; and
- develop an effective judiciary and prison system to support IPS activity.

862. Lt Gen Fry stated that the FCO was planning to address some of those shortfalls but that those plans required "significant extra funding and depend largely on the availability of suitable senior UK policemen". MOD activity to support IPS development at that stage comprised:

- basic skills training;
- training of TSUs (to focus on public order, dangerous criminality and low level insurgent action); and
- the provision of military officers to support planning and co-ordination at the Provincial Joint Operations Centres (PJOCs).

863. Lt Gen Fry identified three risks to ISF development in MND(SE) progressing ahead of national development:

- The ISF in MND(SE) would not mesh into national Iraqi security structures.
- The ISF would become autonomous and "prone to tribal, political and confessional influences rather than national control".
- There may be a lack of national logistical, equipment, procurement and maintenance structures for them to access.

864. Lt Gen Fry suggested that those risks could be mitigated, to some extent, by UK advisers in Iraq's security Ministries seeking to accelerate the development on coherent national policies and structures and that where possible the UK "should seek to achieve a demonstrable vanguard effect by spreading UK 'best practice' in the development of ISF to other areas in Iraq".

865. On 24 March, Dr Roger Hutton, MOD Director Joint Commitments, provided an update to Mr Hoon on discussion of Lt Gen Fry's paper by the Chiefs of Staff.[830] The update gave further detail on how the UK military would support that new approach in MND(SE), to include:

- the provision of MTTs at divisional and brigade level (there were four Iraqi Army brigades in MND(SE); it was envisaged that the UK would provide MTTs for two of them and the Australians and Italians would provide one MTT each for the other two brigades);
- two Short Term Training Team deployments, one in June and one in December to look at the effectiveness of training; and
- continued "partnership" with the UK brigade partnering the divisional headquarters of 10th Division and a coalition battlegroup working with each of the four brigades in the 10th Division.

866. Dr Hutton advised that there would be a requirement of only 25 extra troops to implement this approach.

10th Division

The 10th Division was the Iraqi Army division in MND(SE) that had been trained by UK personnel. It was established by Maj Gen Riley as reported in his update on Southern Iraq on 12 January 2005. He wrote that he had established the 10th Division alongside HQ MND(SE) at the Basra Air Station.[831]

867. Gen Jackson visited Iraq from 17 to 20 April 2005.[832] On his return he reported:

> "… military SSR continues to progress well and the provision of Military Transition Teams (MiTTs) should provide a qualitative boost to ISF performance … Overall, GOC MND(SE) remains confident that his military SSR efforts will be complete in Maysan and Al Muthanna circa October 2005; and in Basra and Dhi Qar circa March 2006."

868. On the IPS, Gen Jackson wrote:

> "In contrast to the satisfactory progress with the development of the Iraqi Army, the lack of discernable progress with the IPS is alarming … It could become our Achilles heel because without an effective IPS, not to mention a criminal justice system – there can be no Rule of Law, a pre-requisite for our eventual military disengagement. The scale and quality of International Police Adviser effort is woeful and the arrival of the new Senior Police Adviser has failed to re-invigorate IPS development. Although theoretically the military is acting in support of the IPA, we find ourselves de facto

---

[830] Minute Hutton to APS/SofS [MOD], 24 March 2005, 'Iraqi Self-Reliance and Strategic Intent'.
[831] Report Riley, 12 January 2005, 'GOC MND(SE) – Southern Iraq update – 12 January 2005'.
[832] Minute CGS to CDS, 25 April 2005, 'CGS visit to Op Telic 17-20 Apr 05'.

> in the lead without appropriate funding and resources … We must be prepared, however, to make some difficult decisions across Whitehall including, perhaps, transferring leadership for IPS reform from the FCO to the MOD and subsequently restricting IPA effort to developing certain IPS specialist functions. There is further concern, which I share, that the UK model of policing is not necessarily the most appropriate for the Iraqis. A gendarmerie model might be more suitable."

Restructuring SSR

869. Mr Stuart Innes, British Consul General Basra, sent an eGram on 3 May 2005 reporting a meeting he had held with Maj Gen Riley and DCC Smith a day earlier.[833] Mr Innes stated that Maj Gen Riley had "said that SSR was now the main focus of the UK's military efforts in MND(SE)" and that the IPS programme required greater attention if responsibility for security was to be handed to the ISF by October.

870. On 5 May 2005, Maj Gen Wall wrote to Lt Gen Fry about the 2 May meeting, stating that the FCO's eGram provided "a partial explanation of the proposed way ahead" which was "open to misinterpretation".[834] On the increase of military support he wrote:

> "The lead for police reform remains with the FCO. The military continue to fulfil a supporting and co-ordination role with greater planning responsibility.
>
> "No additional UK military resources are required, and none will be 'fixed' if there is an opportunity to reduce force levels … Nor does it require resources being redirected from existing tasks.
>
> "Military assistance to the Iraqi Army will remain the Division's main effort; support to the IPS is a lower priority."

871. DCC Smith became the UK Chief Police Adviser in Iraq in May 2005, a role that combined the two previous Senior Police Adviser positions in Baghdad and Basra. He told the Inquiry:

> "… part of my remit to go to Baghdad was to increase UK influence at a strategic level, which had for different reasons … dropped off since the time that [DCC] Doug Brand was there."[835]

872. On 15 May, DCC Smith produced a report of his review of UK policing support to the development of the IPS.[836] His report described UK efforts in both Baghdad and Basra; those recommendations relating to policing in Baghdad are discussed earlier in

---

[833] eGram 3797/05 Basra to FCO, 3 May 2005, 'Iraq: SSR: Police in the South'.
[834] Minute DCJO(Ops) to DCDS(C), 5 May 2005, 'Military Support to Iraqi Police Service Training'.
[835] Public hearing, 21 July 2010, page 20.
[836] Paper Smith, 15 May 2005, 'Next Steps on Policing – Review' attaching Smith, [undated], 'Iraqi Police Service – Development Strategy'.

this Section. DCC Smith wrote that he had appointed two Deputies at the rank of Chief Superintendent; one based in Baghdad, the other in Basra. The team in Baghdad was also strengthened from around 10 to just under 20.

873. The review included a 12-month policing strategy, which DCC Smith identified as a priority for the three provinces to implement. DCC Smith wrote that it had received wide circulation and consultation "with all stakeholders" and particularly with Iraqi Chiefs of Police. The paper stated:

> "It will concentrate on areas that have 'Iraqi buy in', are achievable within 12 months and importantly, sustainable (by the Iraqis) beyond 12 months."

874. He described the operational implementation priorities in MND(SE) as focusing on two key areas:

- implementation of the "12 month IPS Development Strategy and Plan"; and
- further strengthening the Regional Police Training Academy at az-Zubayr to enable it to train the Iraqi trainers who would, in due course, be responsible for police training.

875. DCC Smith stated that Gen Petraeus had taken the decision to put the 20 CPATT International Police Liaison Officers in MND(SE) under the command of Maj Gen Riley, a move which DCC Smith described as:

> "… at best misguided and at worst a major difficulty. GOC MND(SE) now has his own private US Police Advisers!! It is clear that at the senior level in Baghdad the US Authorities have not been made aware that we have done things more professionally in MND(SE) with senior serving CivPol Officers leading on IPS Development."

876. DCC Smith stressed the importance of extending the ArmorGroup contract, noting that police officers "cannot meet the major priorities without ArmorGroup support". He identified a number of other opportunities to increase available resources, including:

- seeking input from the Commonwealth and EU;
- identifying police officers currently serving in the Territorial Army in MND(SE) and attaching them to joint military/police teams; and
- better recruitment of recently retired police officers, particularly from Northern Ireland.

877. DCC Smith concluded:

> "We have failed in the past through lack of appropriate succession planning … Substantial effort has been put into driving UK effort forward in both Basra and, more recently, Baghdad … We must not allow … poor communication with, and within, the UK to diminish this drive. [The police] have many critics in Iraq in the … military. **We must not fail**."

878. CC Kernaghan's visit report on 25 May stated:

> "… progress has been made in training Iraqi Police Service personnel. However, with the exception of groups such as the Tactical Support Unit they remain of questionable quality. The initial concept of creating a community policing force on the classic Anglo-American model appears to have been overtaken by a more realistic recognition, that first and foremost a police force must be effective if it is to secure public support. Thus in the face of an insurgency, it is essential that the force can defend itself and its police stations. This has improved but philosophical confusion still appears to bedevil the project … I am still of the view that there is a disconnect between CPATT [Baghdad] and the British led effort within MND(SE)."[837]

Should the UK focus be on Baghdad or the South?

On 4 July 2005, the record of the Iraq Senior Officials Group stated:

> "The work of our international policing adviser in Baghdad was being hampered by the scale of the US presence and the difficulty of securing buy-in from the Minister of the Interior. An emerging conclusion was that we should concentrate our effort on MND(SE), moving our adviser there and away from the national policing strategy. This would be consonant with our broader policy, but could risk sending the signal that we were concerned only with the South-East."[838]

879. On 19 May, Dr Reid briefed Cabinet that he had "been encouraged" by the progress in building up the ISF and that he hoped it would be possible for the ISF to take over from UK forces in MND(SE) in "the course of the next year".[839] He stated that progress with the Iraqi police was "less advanced" and that the border forces were the "least capable".

880. On 5 June, Maj Gen Riley produced a post-tour report.[840] On SSR he wrote:

> "A good plan is now in place for the expansion of the Iraqi Army … The barrack building plan is properly resourced and is delivering. The training and recruiting plans are in place … Equipment is going well … I remain concerned about the ability of the IA chain of command to issue orders and ensure compliance with those orders.
>
> "You know my views on police reform. I have now formed teams to take on those areas in which we have taken the lead from the FCO/Civil Police: organisation, management, control systems, administration, leadership, paramilitary training,

---

[837] Report Kernaghan to Clarke and Fox, 25 May 2005, 'Report on 4th Visit to Iraq by Chief Constable Kernaghan – 12/16 May 2005'.
[838] Letter Cabinet Office [junior official] to Asquith, 4 July 2005, 'Iraq: Senior Officials Group'.
[839] Cabinet Conclusions, 19 May 2005.
[840] Report Riley to CJO, 5 June 2005, 'Commanding General's Overview Multinational Division (South East) and British Forces Iraq'.

and equipment husbandry … This leaves the Civil Police and IPAs with: criminal intelligence … serious crime investigation … forensic investigation, [and] tactical support units and SWAT teams.

"Looking to the future, the original model, which failed in Bosnia and Kosovo, and was failing here, must never be used again. Great Britain must only step forward to take the lead on police reform if our policing model is appropriate to the problem … Beat Bobbies from Hampshire, and even RUC men, concerned with human rights and traffic violations, are of limited use to a paramilitary police force fighting an insurgency … In the future, we should have the courage to decline the lead where it is inappropriate for us … Only professionals – whether soldiers or policemen – can produce professionals."

881. In DCC Smith's six-month update on 20 November, he wrote:

"My greatest concern for the future is co-ordination with the military … Senior UK Military have almost totally failed to acknowledge the equivalent seniority of their Civilian colleagues. In the UK … we are used to working as part of multi-discipline teams comprising civil servants, military, professionals from private and public sector. That is what we have become used to. I think the UK Police dot [sic] it well with style and expertise.

"I sincerely hope that will develop in MND(SE). We must move away from comments made by … [Maj Gen Riley] … to a true partnership."[841]

Raising concerns with the Iraqis

882. On 28 April 2005, a junior IPU official sent a note to Mr Asquith and Baroness Symons highlighting serious concerns about the links between the Iraqi police and the Shia militia, particularly in southern Iraq.[842] There was an increasing picture of "systematic collusion between the Basra Police Intelligence Unit (within the IPS) and Shiite militias to interrogate, torture and murder Sunni prisoners, particularly suspected Ba'athists". Specifically, the Police Intelligence Unit (PIU)[843] based at the Jameat police station in Basra was suspected of abusing and killing an Iraqi criminal detainee, Mr Abbas Allawi.

883. The junior official sent advice to Dr Kim Howells, FCO Minister, on 18 May, recommending that the UK continued providing assistance to the IPS but "at the same

[841] Paper Smith, 20 November 2005, 'Next Steps on Policing – Review'.
[842] Minute IPU [junior official] to Asquith and PS/Symons, 28 April 2005, 'Iraq: Murder and Abuse of Detainees in Iraqi Detention Facilities'.
[843] Sometimes referred to as the Police Investigation Unit.

time taking strong and urgent action" with the IPS and MOI to stop abuse and torture.[844] They would recommend a partial or complete withdrawal of support if the Iraqis were not co-operative.

884. The advice said that the "Iraqis have promised action". The Basra Governor had agreed to establish an investigation committee following "strong pressure" from Mr Chaplin and Mr Innes. It was not clear whether the Governor and Maj Gen Hassan were willing to prosecute any officers if found guilty. The official added:

> "It is even less clear that they will take firm action on the wider issues of abuse that appear to be inherent in some Iraqi police detention facilities, notably that of the PIU."

885. Dr Howells' Assistant Private Secretary responded to IPU on 19 May.[845] He agreed the recommendation and asked for "firm, decisive and urgent action". He also requested that IPU raise the issue with the US administration (to "exert pressure on the Iraqis"), and brief Ms Clwyd (to raise it "at a senior level on her visit to Iraq next week").

886. Dr Howells subsequently visited Baghdad from 13 to 15 September. He met Mr Jabr and raised concerns about human rights abuses by the ISF, pressing for independent investigations.[846] Mr Patey handed Mr Jabr a dossier on three members of the ISF in Basra who were implicated in abuses and requested their dismissal.

887. In his weekly report on 22 May, DCC Smith wrote that he had attended a "police to police meeting" on 18 May with Maj Gen Hassan, senior CPATT IPLOs and senior ArmorGroup Advisers.[847] Maj Gen Hassan was "pushed very firmly" to take action against the PIU and "a range of options were put to him to assist in rooting out the problem". It was still hoped that he, with the backing of MOI, would "take action".

888. On 23 May, a junior MOD official briefed Dr Reid that FCO and MOD officials had made "strong representations" to Iraqi authorities in Baghdad and Basra for thorough investigations.[848] UK forces had "minimised" their contact with the PIU and reduced joint detention operations with the Iraqi police to those deemed essential. The official wrote that, while the recent reports were "serious and disturbing", they were "largely limited to a small element of the IPS in one province, Basra".

889. Dr Reid noted this briefing on 24 May.[849]

---

[844] Minute IPU [junior official] to PS/Howells, 18 May 2005 'Iraq: Murder and Abuse of Detainees in Iraqi Detention Facilities'.
[845] Minute APS/Howells to IPU [junior official], 19 May 2005, 'Iraq: Murder and Abuse of Detainees in Iraqi Detention Facilities'.
[846] eGram 13565/05 Baghdad to FCO London, 18 September 2005, 'Iraq: Visit by Dr Howells, 13-15 September'.
[847] Minute Smith, 'Weekly Report – Week Ending Sunday 22 May 2005'.
[848] Minute MOD [DJC-SEC4] to APS/SofS [MOD], 23 May 2005, 'Iraq: Reports of Abuse of Criminal Detainees by Elements of the Iraqi Police Service'.
[849] Minute Naworynsky to DJC-SEC4, 24 May 2005, 'Iraq: Reports of Abuse of Criminal Detainees by Elements of the Iraqi Police Service'.

890. Major General James Dutton was GOC MND(SE) from June 2005 until December 2005. In his first report on 15 June he noted:

> "… political pressure to clean up the Police Intelligence Unit (PIU) in Basra is having some impact. For example, moves seem to be afoot to reform practices in the Jameat [the police station where the PIU was based] through a new overseeing judge and a new head of internal affairs. We also hear rumours that the PIU may be subsumed into a larger MOI intelligence organisation."[850]

891. A junior official in Baghdad emailed the IPU on 14 June to report that Mr Patey had met Mr Jabr that day and raised Mr Abbas Allawi's case.[851] He had "stressed that support from the top was needed to ensure that there was meaningful investigation – it was necessary to embolden General Hassan". Mr Jabr was supportive of action being taken against the suspects and had established the investigation commission but pointed out that it was the British who had chosen the police in the South.

892. Mr Fraser Wheeler, Deputy Consul General in Basra, emailed FCO officials on 15 June to report a mix-up over who was the investigating judge on Mr Abbas Allawi's case.[852] He wrote:

> "I do not put this down to incompetence (though there is clearly some of that too) but to deliberate obfuscation. We are being passed from pillar to post, and the Allawi case is not receiving the treatment and attention a case of this nature deserves."

893. On 16 June, Mr Wheeler and the Justice Sector Adviser met a senior judge in Basra to discuss Mr Abbas Allawi's case.[853] In his record of the meeting, Mr Wheeler reported that the case had been passed between four judges so far. It was important that a police station without Jameat links conduct the investigation, but the branch had officers in many stations. The Basra Judicial Committee would appoint an investigating judge on 19 June.

894. Mr Wheeler wrote that, although there had been an autopsy and arrest warrants had been issued for four suspects, none had been arrested because "no-one dare arrest them". The judge had "commented that the judiciary is not afraid but is hampered by a lack of support from the police who do not effect judicial orders". Mr Wheeler wrote that this was "hard to accept" given the reluctance to deal with the case.

895. An email from a junior official in IPU on 17 June reported that General Hassan had "been fired".[854] There was concern over the impact that could have on progressing Mr Abbas Allawi's case and that those responsible may view General Hassan's removal as "proof that they are untouchable".

---

[850] Report Dutton, 15 June 2005, 'CG MND(SE) – Southern Iraq Update – 15 June 2005'.
[851] Email FCO [junior official] to IPU [junior official], 14 June 2005, 'Allawi Case – Minister of the Interior'.
[852] Email Wheeler to FCO [junior officials], 15 June 2005, 'Re: Allawi Case – Minister of the Interior'.
[853] Email Wheeler to FCO [junior officials], 17 June 2005, 'Allewi Case Update'.
[854] Email IPU [junior official] to Patey, 17 June 2005, 'Re: Allewi Case Update'.

896. Mr Straw raised the issue with Mr Jabr in the margins of the Iraq Conference in Brussels on 22 June.[855] Mr Jabr agreed with the importance of investigating the case and said that a team had already travelled to Basra to do so. He said that "the problem was that the policemen responsible had been appointed well before he assumed office".

897. On 4 July, Mr Innes emailed Mr Paul Fox, Head of IPU, to report that the PIU had been disbanded and the Department of Internal Affairs (DIA) purged. Around 290 of the 560 officers from the PIU and the DIA had been transferred to the new Criminal Intelligence Unit (CIU), a unit established a few weeks earlier as part of an MOI project to establish an "FBI style organisation" with branches around the country.

898. Mr Innes raised further concerns that the former head of the DIA, who had been sacked in January, had been appointed by the MOI to command the CIU.[856] Mr Innes summarised:

> "So, where does all that leave us? I think we can take a good deal of credit for provoking the dismemberment of the PIU and the DIA. The old rings have been broken, and the practice of systemic abuse has been disrupted. There has been a real shake-up in personnel and command. According to intelligence and eye-witness reports, the Jameat has indeed turned over a new leaf … The fact remains however that bad men are still at large; of the three officers we named in our earlier lobbying of MOI, two are now in the new CIU and the third … is still in the DIA. We will continue to urge their arrest, investigation, and prosecution – though we need to accept that the political and tribal constraints on this actually happening are considerable. Their sacking from the IPS would at least send an important signal, and we may have to settle for that."

899. On 17 July, DCC Smith reported that the PIU's closure had left 100 incomplete cases that were now being reviewed by the Serious Crimes Unit (SCU).[857] There was also the release of a number of detainees because there was "no evidence against them in the case files". A Ministry of Health team had visited the Jameat on 13 July to carry out medical checks on all detainees and a routine of daily visits had been put in place.

900. DCC Smith wrote that details about the CIU's structure were "conflicting" but it appeared to have "approximately 350 staff". It was directed from Baghdad to act as an intelligence-gathering agency without powers to make arrests, though DCC Smith observed that this direction was unlikely to be followed. He commented that "the Governor and Chief of Police currently refuse to work with the CIU and their remit and responsibilities are unclear". A former head of the CIU had made "currently unsubstantiated allegations" that the CIU was being funded by officers taking

---

[855] Email Siddiq to Patey, 22 June 2005, 'The Foreign Secretary's Discussion with Iraqi Interior Minister, 22 June 2005'.
[856] Email Innes to FCO [junior official], 4 July 2005, 'Basra: Police'.
[857] Minute Smith, 'Weekly Report – Week Ending Sunday 17th July 2005'.

bribes to release detainees and that the CIU were using force to beat confessions out of prisoners.

901. On Mr Abbas Allawi's case, DCC Smith reported that a second meeting of the investigation team had been held and one of the suspects had been arrested. Two new suspects had been identified but it was "unlikely" they would be arrested without MOI support because of the "instability" it would cause. A representative from the UN would be taking the matter to the Minister for Human Rights and Baghdad to "add more pressure for action to be taken".

902. Mr Fox visited Iraq from 17 to 21 July.[858] He reported that progress was being made on policing, stating he "left Iraq believing the overall picture to be positive". He explained that DCC Smith was creating a link between the strategic and operational levels and recommended he took on the role of adviser to the Deputy Minister of the Interior responsible for policing.

903. When in Basra, Mr Fox had requested details from personnel on achievements against the 12-month plan and on the next steps. Mr Fox's report made no mention of concern about corruption, infiltration or abuse.

904. Mr Fox described the GCPP-funded prisons project in MND(SE), where eight UK trainers had trained 250 prison staff, as having "established an independent detention monitoring team" and worked closely with the US "to spread best practice elsewhere" as a "good example of a small-scale, low cost (£1.9m) project delivering outcomes far greater than the inputs".

905. On 22 July, a junior IPU official briefed Dr Howells that reports suggested that abuse by the Iraqi police was much more widespread. Pressure should be maintained on the Iraqi authorities to tackle the issue.[859]

906. The official wrote that Mr Abbas Allawi's case had "shown that our policy of engagement and strong lobbying can work" and "the alternative - to disengage and cease co-operation – would only give abusers a free rein to continue abuse unmonitored".

907. The official advised that the UK should continue to lobby both in Iraq and internationally, should ensure that abuse was on the agenda at weekly meetings in Baghdad, and should push for a strong Iraqi Human Rights Minister. He also stated that there was a need to increase police human rights awareness to overcome an "inherited ethos of abuse and stifle any tendency towards sectarian victimisation". UK forces had reviewed their procedures for transferring detainees to Iraqi custody and were in the process of introducing further guidance on protecting detainees' human rights but there was no specific evidence that the police with whom MNF-I in MND(SE) engaged were abusing detainees.

---

[858] Minute Fox to Sawers, 27 July 2005, 'Iraq: Visit: 17-21 July'.
[859] Minute IPU [junior official] to Asquith and Howells, 22 July 2005, 'Iraq – Abuse by Iraqi Police'.

908. On 29 July, a junior official from the MOD submitted a similar briefing to the Private Office of a Parliamentary Under Secretary for Defence.[860] The official wrote:

> "It has become increasingly clear … that abuse in the Iraqi Security Forces may be far more widespread than the specific incidents of which we are aware suggest, with reports now beginning to reach the media. This raises two issues: what should be done to address human rights abuses in Iraq – FCO are leading on this area; and the nature of our wider involvement with the IPS?"

909. The official described work under way on tackling abuse and added:

> "Although instances of abuse by the IPS are ultimately a matter for the Iraqi Government, our involvement in the training of the IPS … means that we may be judged by the media and others to be culpable. Legally, we may also be at risk if our involvement could be judged as directly assisting units that systematically torture detainees."

910. In his weekly report on 28 August, DCC Smith highlighted that the CIU's name was likely to be changed to the National Information and Investigation Agency: "The Iraqis are not 'keen' on either 'intelligence' or 'criminal' in the name."[861] He wrote that a number of officers previously involved in corrupt or criminal behaviour remained members of the CIU and that the unit's training could not begin until they were removed by the MOI. There had been no progress in investigating Mr Abbas Allawi's case.

Continued plans for a UK troop drawdown

On 16 June 2005, Dr Reid advised his colleagues in DOP(I) that:

> "… considerable progress had been made on the development of the Iraqi Security Forces. 165,000 were now trained. There could be a drawdown in British troop numbers starting at the beginning of 2006 … culminating in the middle of that year."[862]

On 20 July, Dr Reid presented a paper to DOP(I) on transition in Iraq.[863] The paper suggested that handover in Maysan and Muthanna would occur from March 2006, with Basra slightly later in July 2006 (no specific date was given for Dhi Qar). "Handover" would see Iraqis assuming security control of their province. The paper described the ISF in MND(SE) as "fragile and untested" but made no reference to issues of loyalty, corruption or abuse by ISF personnel. The failure to deliver an effective ISF and wider criminal justice capability was seen as one of two key risks to transition (the other being a deterioration in the security situation).

DOP(I) agreed Dr Reid's proposed approach on 21 July.[864]

---

[860] Minute MOD [junior official] to PS/USofS [MOD], 29 July 2005, 'Iraq: Alleged Abuse of Detainees by the Iraqi Police Service'.
[861] Minute Smith, 28 August 2005, 'Weekly Report – Week Ending Sunday 28th August 2005'.
[862] Minutes, 16 June 2005, DOP(I) meeting.
[863] Paper MOD, 20 July 2005, 'Operational Transition in Iraq'.
[864] Minutes, 21 July 2005, DOP(I) meeting.

UK equipment for the Iraqi Security Forces: Project OSIRIS II

911. In Dr Hutton's update to Mr Hoon of 24 March (described earlier in this Section), Dr Hutton warned of risks that other aspects of SSR were lagging behind the Iraqi Army and of a requirement for further funding since there were "constraints on GCPP funding for existing policing projects beyond the next six months, and no identified resources for additional policing effort".[865]

912. Dr Hutton advised that SSR required the "sufficient and appropriate investment of UK financial resources". Work was under way to develop a coherent plan for the financial year 2005/06 which would form the basis of a request to Treasury for support from the Reserve. The plan was to be aligned with other government departments and sources of funding from others, including the US.

913. On 29 April, a Force Level Review by the MOD recommended an increase of 535 personnel to "resource properly the Security Sector Reform (SSR) task" which was where the "main effort" lay.[866] Of the 27 military sub-units (each of around 100 personnel) that would be in MND(SE) following the troop rotation, only four were to be fully dedicated to SSR and a further 12 available would provide some input when their primary tasks allowed.

914. On 15 June, an official in PJHQ wrote to Dr Reid to highlight ongoing discussions with Treasury for an additional £38m[867] to fund a successor programme to Project OSIRIS.[868] The bulk of expenditure would be spent on mobility and the remainder on ISF training infrastructure, communications, logistics and command and control functions. The Treasury had taken "a close interest" and was keen to ensure that there was "no duplication" with funding allocated to the FCO and DFID.

915. The official in PJHQ wrote that Project OSIRIS had been "a success". The 10th Division could "deploy battalions with all four of their rifle companies correctly armed and equipped" and had improved communications equipment. The IPS, who "bear the brunt of the violence in the region", were correctly armed, wore body armour and were able to communicate at a local level when on duty. The border police were also armed correctly and had basic communications equipment.

916. Dr Reid responded on 23 June, acknowledging that expenditure on SSR and military-led reconstruction had been judged as a success and confirming that he was content for negotiations with the Treasury for the additional funding to be pursued.[869]

---

[865] Minute Hutton to APS/SofS [MOD], 24 March 2005, 'Iraqi Self-Reliance and Strategic Intent'.
[866] DG Op Pol to PS/Secretary of State [MOD], 29 April 2005, 'Iraq: UK Roulement and Force Level Review'.
[867] The full request was for £58m, £20m of which was requested for the Civil Effects Fund.
[868] Minute Scholefieldt to PS/Secretary of State [MOD], 15 June 2005, 'Funding for a Further Programme of Security Sector Reform and a Civil Effects Fund for MND(SE)'.
[869] Minute APS/SofS [MOD] to Command Secretary PJHQ, 23 June 2005, 'Iraq: Funding for a Further Programme of Security Sector Reform and a Civil Effects Fund for MND(SE)'.

917. Mr Des Browne, the Chief Secretary to the Treasury, wrote to Dr Reid on 23 August, approving £16m from the Reserve for the package of vehicles, infrastructure and communications equipment that had been presented by MOD officials.[870] Of the future, he wrote:

> "Looking ahead, I hope that it will be possible for you to find other means of funding the remaining elements – either by negotiating with Baghdad, for a larger share of what is available (it is striking that MND(SE) provinces are right at the bottom of the priority list for ISF funding from Baghdad despite being among the best candidates for early transition to ISF control), or by encouraging our allies – most of whom are spending far less than we are in maintaining forces on the ground – to play a bigger role."

918. On 30 November, Dr Reid wrote to Mr Browne again, explaining that the MOD had secured funding from MNSTC-I for infrastructure projects valued at £15m and from Australia, Italy and Japan for other projects.[871] The MOD reduced its request to £19.6m for 734 IPS vehicles and for 11 ISF infrastructure projects. Dr Reid stated that the additional funds he was seeking were "on the critical path to enable the transfer of lead responsibility for security to the ISF within the timescales we have been discussing in DOP-I".

919. Mr Browne wrote to Dr Reid on 20 December, approving an additional £19.6m from the Reserve for 734 patrol vehicles and 11 major infrastructure projects.[872] That was "on the basis that they continue to meet the ISF's highest priority needs and that funding from alternative sources does not become available".

920. Mr Browne added that the delay to commencing withdrawal from Muthanna and Maysan was "regrettable, particularly when the military advice is that there is no overwhelming security need to postpone our withdrawal". He asked to be kept informed of the resource implications.

921. On 21 December, AM Torpy wrote to Lt Gen Fry to highlight key issues for 2006 (as described earlier in this Section).[873] On SSR resourcing, AM Torpy stated:

> "The best efforts of our staff are being hampered by the speed of decisions that were designed for a different era."

---

[870] Letter Browne to Reid, 23 August 2005, 'Iraq: Funding for Security Sector Reform and for a Civil Effects Fund for MND(SE)'.
[871] Letter Reid to Browne, 30 November 2005, [untitled].
[872] Letter Browne to Reid, 20 December 2005, 'Security Sector Reform'.
[873] Minute CJO to DCDS(C), 21 December 2005, 'Key Operational Issues for Early 2006'.

Legacy in the South

922. Lt Gen Dutton told the Inquiry that, on his arrival in June, "the priority was definitely Security Sector Reform".[874] He said that the UK was optimistic about progress in the South-East:

> "I can remember being told actually, in my briefings in the MOD, that my job was to go there for six months and make sure nothing went wrong because things were going right, you know, just keep the thing ticking over and we will be okay."

923. He said that the priority of SSR was skewed "massively" by the increased security threat shortly after he arrived which meant that more resource had to be devoted to force protection.

924. At the Chiefs of Staff meeting on 13 July, CJO briefed that, of the planned total of IPS officers, 58 percent had now been recruited and trained.[875] Reports suggested that Maj Gen Dutton was encouraged by the progress made.

925. On 26 August 2005, the IPU produced a discussion paper on what MND(SE) should look like in autumn 2006.[876] The objective for "security/Rule of Law" was:

> "Security forces (including police) which can provide sufficient law and order to avert descent into full-blown criminality and chaos, and which owe their allegiance to the state and local administrations, with tribal and militia allegiances managed."

926. The IPU noted that local political parties were inserting their followers into the IPS and that there were reports of assassinations, abductions, torture, intimidation and corruption.

927. The IPU then posed a number of suggestions and questions that needed to be addressed. Alongside lobbying various politicians and securing convictions of corrupt police officers, the IPU asked:

"
- How far do we go in reaching out to Shia militiamen … Is it fruitless to give support to a Chief of Police who has no militia links?
- Working a dialogue on 'transfer of responsibility, not irresponsibility', into the work of the Committee to Transfer Security Responsibility in Baghdad without inadvertently including a nebulous target and further conditions the Iraqis cannot hope to meet.
- A cultural shift (on, eg, abuse, corruption) will take years. Are we prepared to commit mentors and advisers for years to come?"

---

[874] Public hearing, 12 July 2010, page 17.
[875] Minutes, 13 July 2005, Chiefs of Staff meeting.
[876] Paper IPU, 26 August 2005, 'MND (South-East) in Autumn 2006: Discussion Paper' attaching eGram 12326/05 [Basra] to Iraq Directorate, 1 September 2005, 'Southern Iraq: the Legacy'.

928. The Iraq Strategy Group considered the IPU paper on 2 September.[877] The lack of progress on the police and a gap in funding for the Iraqi Armed Forces were highlighted.

Crime and power in Basra

Mr James Tansley took over as Consul General in Basra in September and sent a telegram to FCO colleagues with his first impressions on 31 October.[878] He described Basra as "a city whose social, political and economic structures had largely decayed". The political scene had been "dominated by rivalry between Sadrists and Baristas" and differences between the two groups had grown in the last two years, flaring up into "open confrontation".

Mr Tansley wrote that the city was "a less liberal place than it was a year ago, with gangs enforcing clampdowns on the sale of DVDs, musical instruments, alcohol, women's attire and behaviour and gambling through intimidation. Both Sunnis and Christians ha[d] been targeted by Shia extremists."

On crime, Mr Tansley wrote:

> "The Iraqi Police do not compile crime statistics. But over the summer, our police advisers have recorded an average of 65 murders a month in the province. Kidnapping and extortion are rife. Basra has long been known for smuggling and prostitution … [and] in recent years, the province has become an increasingly important conduit for illegal drugs from Afghanistan via Iran.
>
> "But the serious money today comes from oil smuggling … estimates from both the US IRMO [Iraq Reconstruction and Management Office] and MND(SE) suggest that possibly as much as 30 percent of the South's oil production is appropriated illegally …
>
> "Corruption may be endemic throughout Iraq. But in Basra, where the opportunities for illicit gain are greater, the stakes are higher … Links between crime and politics abound. No prominent politician seems untainted, and all the main players have their own militias with links to the various law enforcement agencies …
>
> "Compared to Central and Northern Iraq, the number of coalition casualties in Basra has been low. But the threat of kidnapping and EFP IED [Explosively Formed Projective Improvised Explosive Device] attacks by anti-coalition groups remains high, and disrupts both our and MND(SE)'s work. In addition, the levels of criminal, political and sectarian violence are high and rising. This lawlessness overshadows all life in Basra, and acts as a major obstacle to development …
>
> "The police (IPS) are currently unable to address Basra's security problems. Minimal screening of entrants to the IPS after the fall of Saddam [Hussein], poor leadership and the connections between politicians and crime in Basra have resulted in a force riven with factions, many of whom are as likely to be involved in criminal activity as helping to prevent it …"

---

[877] Letter Cabinet Office [junior official] to Sheinwald, 6 September 2005, 'Iraq Strategy Group'.
[878] Telegram 16985/05 Basra to FCO London, 31 October 2005, 'Basra: First Impressions'.

929. On 7 September, the FCO circulated a Transition Plan for the IPS in southern Iraq, which had been produced by the Consulate in Basra in consultation with UK police and military in theatre and agreed with DFID, the MOD and the Home Office.[879] There was recognition that the Iraqi police had been limited in what they could achieve due to a lack of trained personnel, shortages of equipment and inadequate facilities. The plan aimed to address those factors by achieving a set of quantitative and qualitative targets in the areas of training, police support infrastructure, intelligence capability, operational capability and public support. The timetable for those targets was driven by the established plans for military withdrawal.

930. The plan stated:

> "The IPS runs its own operations in Southern Iraq. Standards across the South vary, but generally speaking the IPS has a growing capacity to perform policing functions from community patrolling to counter-terrorism. It has enough training and equipment to allow it to patrol 24 hours a day. It has the capability to respond to calls for assistance from the public and co-ordinate with other agencies in an emergency. It has the resources to tackle public disorder and is capable of gathering intelligence and detecting crime. It knows how to manage a crime scene and exploit forensic evidence."

931. The more detailed figures on police training provided in the FCO plan, when compared with earlier MOD papers, made clear that the overall figure of 55 percent of police trained masked considerable variations across MND(SE) – whereas 90 percent of personnel in Dhi Qar province had received training, the figures for Muthanna and Basra were considerably lower (40 percent and 42 percent respectively). The plan noted:

> "Police reform in Basra is the most complex task facing us. Far more police need training than in the other provinces [in MND(SE)] combined; and the culture of corruption and abuse is deeply ingrained. Militia infiltration threatens our efforts to encourage an independent apolitical police force."

932. The plan stated that the ability to solve those problems lay with the Iraqi authorities and that there were no effective levers within the UK's control. The FCO concluded:

> "The IPS in Southern Iraq is functioning, with minimal supervision. We could leave today and it would continue to function. There would, however, remain serious question marks about the destabilising activities of the militias, corruption, lack of public accountability and human rights abuse within the IPS. We are addressing these problems but they will not disappear overnight … We know where we want to be at transition … We must be realistic about what we can achieve here: our

---

[879] Letter FCO [junior official] to Cabinet Office [junior official], 7 September 2005, 'Iraqi Police Service Transition Plan for Southern Iraq' attaching Paper Consulate Basra, 7 September 2005, 'Southern Iraq: Iraqi Police service – Transitional Plan'.

aim should be to leave an IPS comparable to other competent police forces in the region."

933. On 9 September, Mr Quarrey provided Mr Blair with a number of weekly reports.[880] On the covering note he listed a number of causes for concern including: the "apparent involvement of members of Basra Police in attacks against the MNF, and a claim from the Basra Chief of Police that only 500 out of 12,000 Basra Police are loyal to him".

934. Mr Quarrey concluded by saying:

"We still do not have the comprehensive picture that we need of what is going on in Basra. Kim Howells visits next week. I have spoken to his office today and emphasised that you are personally very concerned about the situation and that we need a serious report from him on this."

935. Mr Blair's manuscript comments said: "This is v.worrying. It all depends on the ISF being built up credibly."[881]

THE IMPACT OF POLITICAL AND TRIBAL MATTERS ON THE POLICE IN THE SOUTH

936. On 22 August 2005, Chief Inspector Barry Pollin, the Senior Police Adviser in MND(SE), produced a report on the impact of political parties and tribes on the IPS in MND(SE).[882] That paper was circulated to Iraq Senior Official Group members on 14 September, along with the Transitional Plan (as described earlier in this Section) which was to be considered out of committee.[883]

Tribal justice

The paper produced by Chief Inspector Barry Pollin, the Senior Police Adviser in MND(SE), on 22 August 2005, included an annex on extra-judicial justice, which stated that it was important for that issue to be "thoroughly addressed" given those influences were "notoriously strong" in the South-East.[884]

The annex stated that a void within the Iraqi Law on criminal proceedings allowed for the use of tribal justice through agreement between the tribes of the aggrieved party and the perpetrator. In the majority of cases, that involved payment of financial compensation, although other resolutions, such as arranged marriages, were also known.

---

[880] Minute Quarrey to Prime Minister, 9 September 2005, 'Iraq Update'.
[881] Manuscript comment Blair on Minute Quarrey to Prime Minister, 9 September 2005, 'Iraq Update'.
[882] Paper Pollin, 22 August 2005, 'The Impact of Political and Tribal Matters on the Iraq Police Service in South-East Iraq'.
[883] Letter Cabinet Office [junior official] to Asquith, 14 September 2005, 'Iraq: Senior Officials'.
[884] Report, 'Annex B – The Judiciary and Extra-Judicial "Justice"' attached to Paper, 'The Impact of Political and Tribal Matters on the Iraqi Police Service in South-East Iraq'.

It found that the "post-war instability of the Iraqi society appears to have increased reliance on tribal justice even in the urban areas". In some cases offences were not reported to the police at all, but simply dealt with through the tribal justice system. One example provided was alleged rape victims being placed in prison custody "to protect them from honour-related violence from their tribe".

The annex recommended that, in the longer term, the Iraqi Government should engage the public in a general debate on tribal justice, including "its reasoning and justification". A comprehensive study of tribal justice was needed to understand its impact on the criminal justice system. Efforts should also be made to raise awareness in criminal justice institutions. Police training should include understanding which offences could legally be resolved through the tribal system, and which must be referred to an investigating magistrate. A dialogue should be commenced with tribal leaders to improve compliance with Iraqi law.

937. CI Pollin wrote:

"Immediately post-April 2003, the relationship between the IPS and the political parties and their militia was largely opportunistic: it was based on the affiliation and sympathies of individual members who were joining. (This is not the case in other parts of the security forces.) However, more recently, political parties and militia have been exploiting the lack of transparent recruitment, vetting and central oversight to deliberately place their supporters within the IPS.

"It is assessed that the majority of IPS officers are associated with a political party and/or tribe with whom their allegiance is stronger than their allegiance to the IPS. The extent to these ties and the degree to which they undermine the efficiency of the police to support the Rule of Law is significant. It is now likely that if called upon to take action against them, the IPS would support their party's militia or tribe. The larger parties have well-armed and well-organised militias, but the paramilitary capabilities of the tribes vary.

"Often, political party and tribal allegiances of one or both heavily influence the dynamics of the relations between the Chiefs of Police and Provincial Governors. The potential of the parties to use the IPS to effect political, social and religious influence is a serious concern. By using affiliated IPS officers to carry out 'de-Ba'athification', the political parties are able to create vacancies in influential positions within the IPS for their own members. There are also signs that Islamic fundamentalism is increasing within IPS ranks.

"It is clear that the judiciary in the South is subject to interference either direct or indirect from tribes, political parties, militia and IPS intimidation. Subsequently, they are not the Rule of Law bulwark that they should be or that they need to be in order to address tribal, religious or political party influence."

The Jameat incident and subsequent developments

938. On 17 September, UK forces detained two leading members of a JAM splinter group.[885] On 19 September, two UK soldiers were arrested by the IPS in Basra and taken to the Jameat Police Station. Negotiations to release the soldiers failed, and a rescue was mounted by MND(SE). That became known as 'the Jameat incident' and is described in detail in the Box below.

The Jameat incident

On 19 September, two UK soldiers were arrested by the IPS.[886] According to the account provided to No.10 by Dr Reid's office, the two soldiers had been working under cover following up the operation against JAM the previous weekend. They had been parked at the side of a road when an unmarked vehicle with four men in plain clothes pulled up behind them. Two people got out of the car and walked towards the soldiers' vehicle, with weapons cocked. The UK soldiers, believing they were "facing death or serious injury", opened fire killing one of the men and wounding the other. Not realising the men they had shot were police, the soldiers tried to escape but were blocked by police in several marked vehicles who opened fire. At that point, the two soldiers put down their weapons and produced their identification.

Although the uniformed police initially appeared willing to talk constructively with the soldiers, "the atmosphere changed significantly" when Iraqi police arrived in plain clothes. The two UK soldiers were reported to have been beaten and then taken to the Jameat Police Station, which was known to MND(SE) as a "notorious detention facility" and home of the Serious Crimes Unit (SCU), "which had been infiltrated by militant elements, especially the Jaysh al Mahdi and (by his own admission) were outside the control of the Chief of Police".

Negotiations to hand over the arrested soldiers to MNF, in line with agreed practice where MNF personnel were arrested by ISF, failed and the negotiators themselves were unable to leave the Jameat Police Station. The Governor and Chief of Police had made it clear that they were not in a position to offer any assistance and, despite explicit directions by the Chief of Police to release the two soldiers, the IPS refused to comply. Orders from the MOI in Baghdad were similarly disregarded. The General commanding the 10th Division of the Iraqi Army also "refused to get involved in the incident".

A rescue operation was successfully mounted by MND(SE) using armed force to free the six negotiators and the two soldiers. That was achieved without casualties on either side but caused significant damage to the wall of the police station and several police vehicles. The two soldiers who had originally been arrested were found to have been taken to a house away from the police station and held by what was suspected to be a mixture of JAM and IPS personnel. A further rescue operation was carried out successfully (again without casualties) to free them later that evening.

---

[885] Letter Naworynsky to Quarrey, 23 September 2005, 'Iraq Update' attaching COS MND(SE), 'GOC MND(SE) – Southern Iraq Update – 21 September'.
[886] Letter Naworynsky to Quarrey, 23 September 2005, 'Iraq Update' attaching COS MND(SE), 'GOC MND(SE) – Southern Iraq Update – 21 September'.

939. The Chiefs of Staff considered the events at their meeting on 21 September, briefed by Lieutenant General Andrew Ridgway, the Chief of Defence Intelligence.[887] The minutes recorded that:

> "The incident in Basra was the inevitable product of the dual loyalties of IPS members: whilst giving Iraqis status and pay, it also enabled them to sustain their tribal, religious and – in the worst cases – militia associations; these reflected Iraqi and Middle Eastern society, did not necessarily represent infiltration, but would endure and thus would remain a key planning consideration for Security Sector Reform (SSR).
>
> "The success of SSR depended on the proportion of the Iraqi Security Force (ISF) personnel that enjoyed these dual loyalties benignly without affecting their professional integrity, against the number that exploited their ISF positions to effect intimidation and murder … this proportion was not known and was unlikely to be clear for another six-nine months …
>
> "The continued existence of insurgents in the ISF evinced the weakness of the Iraqi Ministry of the Interior (MOI): having failed to purge and reform the IPS, despite being aware of problems for at least a year, the MOI needed to be galvanised by UK Government pressure through the Cabinet Office."

940. Mr Straw chaired a meeting on 23 September – involving Dr Reid, Mr Benn, Gen Walker and senior officials from No.10, the FCO and DFID – to discuss the incident and agree what advice should be put to Mr Blair on current policy for South East Iraq.[888] A record of the meeting by Dr Reid's Private Secretary stated Sir Nigel Sheinwald "stressed that the PM needed advice on how to deal with the political and security strands of our policy; he was not expecting a sudden lurch in any direction away from our current plan".

941. The record stated:

> "During discussion it was stressed that the incident … should be seen as a relatively minor one which had resulted in a great deal of media attention."

942. Those present at the meeting "agreed that the incident would probably prove to be a blip but it had highlighted the need to review the overall strategy and ensure we were on the right track". Dr Reid "suggested that the IPS be audited by a UK specialist", Mr Asquith agreed to investigate the practicality of getting someone like Sir Ronnie Flanagan, HM Chief Inspector of Constabulary, to provide the analysis.

---

[887] Minutes, 21 September 2005, Chiefs of Staff meeting.
[888] Letter Naworynsky to Asquith, 26 September 2005, 'Meeting to Discuss South East Iraq: Impact of Security Incident in Basra'.

An assessment of the Iraqi Security Forces

On 28 September 2005, the JIC assessed the security situation in the South.[889] On the ISF and local governance, it stated:

> "This fragility of local governance is not new and is mirrored to a greater or lesser degree across the country. We have previously judged the Iraqi security forces (ISF) in the South to be brittle, largely untested and under the influence of political and tribal factions; and noted that the relationship between regional and national government is tenuous. The effectiveness of the police in particular has been a persistent concern. Policemen have been implicated in the recent murder of two journalists working for US papers; intelligence has indicated serious abuse of prisoners on political and sectarian grounds; and […] some police were conducting assassinations on behalf of political militias […] The scale of divided loyalty within the police, and the ISF more generally, is difficult to quantify. Most members of the ISF undoubtedly have allegiance to political factions or tribes: under pressure their reliability will be doubtful. We judge that a significant number actively colludes with Shia extremist militias."

943. The Iraqi and UK authorities in Basra conducted separate investigations into the Jameat incident.[890] Mr Patey met Prime Minister Ja'afari to discuss the Iraqi report on 30 September. The Iraqi investigation found faults on both sides but attributed "80 percent of the blame … to the British", a position that was refuted by Mr Patey. When pressed on the need to take action against the militia influence at the Jameat Police Station, Mr Ja'afari claimed that the Transitional Administrative Law (TAL) gave central government very little control over the local police. Mr Patey reminded Mr Ja'afari that the worst offenders were the CIU which reported directly to the Minister of the Interior.

944. The UK military's investigation into the incident concluded that no crime had been committed by the UK's soldiers, as reported to Dr Reid by a junior MOD official on 28 November.[891] Two separate investigations were carried out by military officers from the regiment responsible for troops at the Jameat cordon who judged that the actions of British troops were compliant with the Rules of Engagement and their right to self defence. They deemed that no further investigation by the Special Investigation Branch was required. Those findings had been reviewed by "a higher authority" and endorsed by AM Torpy and Gen Walker.

945. At the Chiefs of Staff meeting on 5 October, the minutes recorded a "need to resolve differences" between the UK's enquiry into events at Jameat and those of the Iraqi investigation team.[892] They hoped to close the issue with a "Joint (Iraqi/UK) statement when one could be agreed".

---

[889] JIC Assessment, 28 September 2005, 'Iraq: the Security Situation in the South'.
[890] eGram 14641/05 Baghdad to FCO London, 1 October 2005, 'Iraq: Basra Investigation'.
[891] Minute MOD [junior official] to PS/SofS [MOD], 28 November 2005, 'Iraq: Investigation of Events in Basra on 19 September'.
[892] Minutes, 5 October 2005, Chiefs of Staff meeting.

946. The Annotated Agenda for the DOP(I) meeting on 12 October (circulated on 11 October) confirmed that a joint statement had been agreed.[893]

947. The final paper for Mr Blair was produced on 30 September by the FCO, the MOD and DFID.[894] It was sent to No.10 by Mr Peter Hayes, Principal Private Secretary to Mr Straw. It stated:

> "The security incident on 19 September … highlights what was previously more opaque, that we face acute challenges in achieving our objectives in the South-East region. Stability in the South-East is being threatened by intense rivalry among political parties and their militias. Criminality, jockeying for patronage and leaders' differing political visions are being exacerbated by tribalism and increasing religiosity. Specifically, this has a severe impact on the effectiveness of the police service."

948. The paper stated that negative media reporting was "wrong":

> "While militia rivalry is a fact of life in the Basra police, the behaviour of the Jameat police station … is not representative of the police service as a whole. Some 70 out of 240 Jameat officers are pursuing primarily a militia rather than an IPS agenda. This should be set against a total southern police force of around 14,000. Police officers will continue to have dual loyalties to the state on one hand and militia/tribe on the other. It will take five, possibly 10 years to train up a sufficiently large cadre of middle management police officers loyal to state institutions."

949. Although the Basra Governor and Provincial Council had "refused to do business with us", their credibility meant that the effect was "not significant". The "immediate problem" was whether there would be "reprisal" attacks on UK personnel, and whether police and prison mentors could safely be deployed to ISF units. Training teams had been withdrawn from Basra city and some areas beyond, but the British military were "back on the ground visiting police stations".

950. On whether the UK was "on the right policy course", the paper stated:

> "**Asserting direct British control** over local government and rule of [law] institutions is out of the question. There is no legal base for this … If, on the other hand, we were to **pull out more rapidly**, the Transitional Government and security forces would be unable to fill the vacuum. Militia rivalry would escalate. Iran's influence would be entirely unchecked. We would be accused of 'cutting and running'.
>
> "**Our only realistic option is to maintain our course and see the job through**. But **we need to make adjustments to our policy**, while sticking to our strategic approach of ensuring in due course successful transition of responsibility for Rule of Law in the South-East to the Iraqis … We should apply pressure on the Iraqi

[893] Annotated Agenda, 11 October 2005, DOP(I) meeting.
[894] Letter Hayes to Quarrey, 30 September 2005, 'Iraq: Basra' attaching Paper 'South-East Iraq: Impact of Security Incident in Basra'.

> authorities to take action against those who abuse and represent a threat to law and order … they should start with firm action against Jameat personnel."

951. The immediate next steps identified by Mr Hayes included to:

- "**Secure an explicit undertaking from the Governor and (new) Chief of Police** that our personnel will be able to operate in safety";
- "**Get a clear commitment from Baghdad politicians to grip the South-East**";
- "**Get the Interior Minister to visit Basra,** immediately";
- "**Demonstrate to the international community (in particular, the US) that we can handle the situation**" – while the underlying problems in Basra were "serious", they were "not new" and could be managed by the UK; and
- "Consider the **dispatch of a senior UK police officer**" to "audit the police in MND(SE)".

952. Amongst the actions advised by Mr Hayes for the medium and longer term were that the UK would need to ensure an "**effective**" Chief of Police was in place (potentially replacing the incumbent with no party ties with one with "political clout"), to redeploy training teams and allocate more resources.

953. The paper also cautioned: "we may not be able to deliver, by next year, the minimum standards required in Rule of Law and governance."

954. In response, Mr Blair agreed that there was no need to change the overall strategy but Sir Nigel Sheinwald recorded in a letter on 4 October to Mr Hayes:

> "He [Mr Blair] is convinced … that we need a major and sustained push over the next few months on the political and security lines of operation if we are to get what we need – the political process moving ahead on time and producing an effective and moderate Iraqi Government after the elections, with visible progress on the Iraqiisation of security."[895]

955. Mr Blair agreed to a review to establish "whether our police training strategy in the South-East is working, and whether the national policing strategy knits together". He also agreed that a visit by Sir Ronnie Flanagan would be a good idea. Mr Blair wanted "a UK Minister to take ownership of our overall policing strategy, including our liaison with the US over national strategy" and that "this needs to be supported by a dedicated and sufficiently strong team in London". The FCO was asked to work on that with the Cabinet Office and the MOD, though the letter also noted that "the Prime Minister would be grateful if the Defence Secretary could continue to oversee the overall security strategy".

---

[895] Letter Sheinwald to Hayes, 4 October 2005, 'Iraq Strategy'.

956. In an email on 7 October to senior officials in the Home Office and the FCO, CC Kernaghan said that he was "naturally supportive" of Sir Ronnie's appointment to review the UK's policing contribution in Iraq.[896] However, he expressed concern that there was an "apparent lack of strategic vision" within the UK Government and asked whether Mr Blair had ever been briefed on his earlier reports, particularly his first report dated May 2003 (described earlier in this Section). He highlighted a number of issues that he believed a review of the UK's strategy on policing in Iraq needed to take into account, including:

- the level of resource – finance and personnel – that the UK was willing to commit;
- an assessment of what influence the UK had with both the Iraqi Government and the US in the context of SSR; and
- whether the UK's interest was limited to MND(SE) or applied to Iraq as a whole.

957. On 10 October, Mr Wheeler produced an update of policing in each of the four MND(SE) provinces.[897] He described both Muthanna and Dhi Qar provinces as "conducive to police reform" but highlighted more serious issues in the other two provinces. His comments on Maysan province are dealt with later in this Section.

958. On Basra, he said:

> "In Basra the situation is most complex. The security threat is high (we are in lock-down but are reviewing whether PAT movements might happen under military escort). There is significant IPS/militia affiliation, abuse and assassinations are carried out by those in the Jameat and the Governor and Council have recently been encouraging non co-operation …"

959. On 24 October, Maj Gen Dutton wrote to Maj Gen Wall, setting out his views and proposals for action to improve management of the IPS programme.[898] On the nature of the current problems, he stated:

> "The events of 19 September 2005 in Basra brought the issue into sharp focus and to public attention, but nothing that happened in that incident will have come as a surprise to anyone who had been involved or who had followed the reporting from MND (SE) over a period of many months. The problems associated with the Jameat Police Station: the lack of control and authority of the Basra Chief of Police and the problems of the divided loyalties of many policemen who are controlled (and indeed in some places planted in the Police) by militant factions, was well known and reported. Knowledge of the problem does not of course make the situation any more

---

[896] Email Kernaghan to Home Office [junior official], 7 October 2005, 'Possible assessment of UK development of IPS by Sir Ronnie Flanagan'.
[897] Telegram 15268/05 Basra to FCO London, 10 October 2005, 'Update on Reform of the Iraqi Police Service in Southern Iraq'.
[898] Letter Dutton to Wall, 24 October 2005, 'Policing SE Iraq'.

tolerable but my point is that nothing changed on 19 September and we should not therefore assume that the existing strategy for police SSR is wholly off-track or now inappropriate, nor should it overshadow the excellent work being done at the tactical level."

960. In his evidence to the Inquiry Lt Gen Dutton said that the military was "certainly aware" of the reputation of Jameat police station, but:

"… did it come as a surprise? Yes, because … it was an event that was triggered by individuals getting themselves into a fire fight and then being taken to that police station. So … it is not as if the Jameat police station incident … evolved from a series of other events; it was a particular thing that caused it. So it was certainly a surprise."[899]

961. Lt Gen Dutton said that the incident had "huge effect" in London and at PJHQ but that "it calmed down quite quickly". With hindsight, Lt Gen Dutton said that "there perhaps wasn't as much upwards communication to Baghdad, to keep them in the picture, as would have been useful".

962. Lt Gen Riley told the Inquiry that, although the Jameat incident occurred after he had left Iraq, he "would not have expected it".[900] Explaining how it arose, he said:

"The Iraqi police in the South … reflected the local political climate and the tensions, and all the tensions that were present in southern Iraqi society played out in the police …"

963. In his evidence to the Inquiry, Lieutenent General John Cooper, GOC MND(SE) from December 2005 to July 2006, referred to the fall-out with the Basra Provincial Council as "the divorce".[901] He said that the restricted access to Basra's police stations that followed enabled "a series of murder squads and corruption to become endemic" and "produced a climate of lawlessness" inside Basra's police. Lt Gen Cooper told the Inquiry:

"… because we were not allowed to go back into contact until May of 2006, it meant that we lost ground and we lost time."

964. Lt Gen Cooper added that "some policemen would still allow us in, but the vast majority were following the Provincial Council direction that they weren't to have anything to do with us".[902] He said that the Council only re-engaged when a "major security incident" occurred after a Lynx helicopter was shot down in May 2006.

965. Lieutenent General Sir Richard Shirreff, GOC MND(SE) from July 2006 until January 2007, also told the Inquiry about restrictions on visiting Basra's police stations.

---

[899] Public hearing, 12 July 2010, pages 36-38.
[900] Public hearing, 14 December 2009, page 12.
[901] Public hearing, 15 December 2009, pages 20-21.
[902] Public hearing, 15 December 2009, pages 49-50.

He said that in the six months following the incident "there had been virtually no activity" in police stations, and many "had simply not been touched".[903]

The MOD takes the lead on policing

966. On 12 September 2005, a week before the Jameat incident, Dr Reid wrote to Mr Blair advising that "considerable progress" had been made in training the ISF since May.[904] He recommended that "consequently, an overall reduction of about 500 troops" would be possible in "October/November".

967. On 10 October, Dr Reid announced in the House of Commons plans to reduce force levels in MND(SE) by "about 500".[905]

968. In the subsequent debate, Mr Michael Ancram asked Dr Reid about the level of infiltration by "Iranian-backed insurgents" in the police. Dr Reid responded:

> "In any theatre of combat in the world where competing factions have been at war with each other there is always a problem of split loyalties when rehabilitating and restructuring the police force afterwards. The question is not whether those split loyalties exist, but whether we can diminish them by human rights training and training the police to be as objective as possible … However, although there are certain elements in the police service in Iraq about who we ought to be worried, I would not want him to believe that that is the majority or anything like it. Let us remember that every time Iraqi policemen put on their uniforms in the morning, they go out to face the threat of death. Many of them have died leading operations. Even in Basra, there were police around the Jameat Police Station trying to ensure that the 250 to 300 militant demonstrators did not approach it. So it is not the case that all the police, even in Basra, were antagonistic towards us."

969. Dr Reid provided Mr Blair with a security update on 11 October.[906] He reported:

> "Despite a lack of an Iraqi lead from Baghdad, MND(SE) have continued to build bridges with the local authorities post the Basra incident. Outside Basra city, Security Sector Reform (SSR) work has continued with little interruption, including joint patrolling. In Basra itself, our soldiers are again visiting IPS stations and we are able to talk in private to the Chief of Police …
>
> …
>
> "Security Sector Reform (SSR) continues to be MNF-I's main effort with MND(SE) focusing on the 10th Division of the Iraqi Army … and the Department of Border

---

[903] Public hearing, 11 January 2010, pages 19-20.
[904] Letter Reid to Blair, 12 September 2005.
[905] House of Commons, *Official Report*, 10 October 2005, columns 24, 28-30.
[906] Paper Reid, 11 October 2005, 'Iraq: Security Update'.

Enforcement (DBE) … whilst playing a supporting role in the training and mentoring of the Iraqi Police Service (IPS) …

"Progress on Iraqiisation continues. There are now 190,000 members of the Iraqi Security Forces trained and equipped …

"SSR for the Iraqi Army continues to be on track for our transition plans …

"On policing, the situation is less satisfactory. We need to do further work between MOD, FCO, DFID and the Home Office to improve support to IPS development at the strategic level … Problems of divided loyalties and militia links can only be dealt with by the political will of an effective Iraqi Government …

…

"We need to review our strategy on policing … at two levels … In Baghdad … there would be a good case for providing a senior Home Office official with the right experience to work with the MOI … Sir Ronnie Flanagan [will] visit MND(SE) soon to carry out an audit of the effectiveness of [the] police training programme … Part of this work might include an assessment of the Italians' programme in Dhi Qar province."

970. Dr Reid's paper sought clarification of whether or not it was intended there should be a re-assignment of Ministerial responsibilities for policing, noting that DOP(I) would need to take a collective view on the issue and that "there would be resource implications if MOD were to take this on".

971. Gen Jackson visited Iraq from 10 to 13 October.[907] His visit report noted that, of the four key strategic areas (SSR, governance, reconstruction and counter-insurgency work), he "only saw encouraging signs of progress in one: SSR" though that progress was still "patchy", with the UK's "undoubted success with the Iraqi Army" contrasting with the position of the Iraqi police:

"The events of 19 September in Basra are merely indicative of a wider malaise across the IPS as a whole. We are where we are, but it is not to our credit that we have known about the inadequacies of the IPS for so long and yet failed to address them. We must do so now … Whatever the eventual remedial plan is, it must be resourced and led properly. It must also address the specific needs of an Iraqi police force facing Iraq's current security climate. More UK Police trainers are not the answer. I have heard not one complimentary word about their involvement during my last two visits. We, the military, must be prepared to shoulder an extra training burden here."

[907] Minute CGS to CDS, October 2005, 'CGS Visit to Iraq: 10-13 Oct 05'.

972. At the meeting of DOP(I) on 12 October, the Committee discussed the need "to do more to speed up the development of police" but considered that "the plan for ISF development that was in place was largely sound".[908]

973. The Committee agreed that the MOD would take the lead on "police issues in Iraq" as "the Iraqi policing situation called for a para-military, rather than a civilian, style of policing".

974. Although the MOD would take responsibility for police issues, the FCO continued to administer the police secondments to Iraq and to manage the contract with ArmorGroup for IPAs.[909]

975. In his evidence to the Inquiry, Lt Gen Dutton commented on the move of responsibility for policing to the MOD:

> "I didn't get the impression that it had a great deal of effect at all, because what did it actually mean? On the ground it didn't really mean anything; it meant that one particular Secretary of State felt he was now responsible for the police as well … but it didn't produce more resources, it didn't, to my mind, sort out the structural problem we have … about being able to train those sorts of policemen."[910]

976. On 31 October, an MOD paper about the reform of the IPS described the number of UK civilian personnel devoted to policing.[911] It totalled over 200 and comprised:

- 105 UK police officers funded through the [FCO's] Peacekeeping Fund at a cost of £3.3m for financial year 2005/06:
  - 61 UK staff based in Jordan, delivering eight-week Basic Recruit Training;
  - 26 serving and retired UK police officers in MND(SE) mentoring, liaising and conducting specialist training courses with the Iraqi police; and
  - 18 serving and retired UK police officers in Baghdad, including the UK Chief Police Adviser focusing on: IPS development, planning and mentoring the Police Minister, forensics, criminal intelligence, training at the staff officer college.
- 106 UK International Police Advisers provided by ArmorGroup, funded by the GCPP (£11.1m for financial year 2005/06) and by the Dutch and Japanese governments; five of those contractors were based in Baghdad and the remainder in MND(SE), acting as advisers, mentors (including to each Provincial Chief of Police in MND(SE)) and trainers.

---

[908] Minutes, 12 October 2005, DOP(I) meeting.
[909] Letter Howard to Asquith, 5 January 2006, [untitled].
[910] Public hearing, 12 July 2010, page 39.
[911] Paper MOD, 31 October 2005, 'Iraq – UK Policy for Police Security Sector Reform (SSR)'.

977. Additionally, in Dhi Qar province the Italian brigade was responsible for IPS training and mentoring, employing their Carabinieri. Royal Military Police (RMP) and other coalition troops (including Danes and Czechs) were involved in mentoring and follow-up training in the other three provinces. CPATT also provided International Police Liaison Officers (IPLOs) to MND(SE) to conduct training and mentoring, and to ensure that training in MND(SE) was consistent with efforts elsewhere in Iraq.

978. In total, including the spend on equipping the police under Project OSIRIS (described earlier in this Section), police SSR spending represented less than two percent of the annual spend by the UK on Iraq – estimated to be £1bn in financial year 2005/06.

979. The Chiefs of Staff considered SSR on 18 October.[912] They concluded: "The military effort was well resourced compared to the commitments by other Government departments." Now that Dr Reid would be responsible for SSR in Iraq, it would be "important to calculate the resources needed to deliver [this] and to secure appropriate HMT [Treasury] funding".

980. On 24 October, Maj Gen Dutton sent a paper with proposals on how to reform the IPS programme in MND(SE) to Maj Gen Wall.[913] He wrote that:

> "As time has gone by, it has become clear that the aspirations in the existing plan are unachievable. We need to be realistic about what we can expect to achieve: we should be aiming for a police force that is relevant and 'good enough' for this region."

981. Maj Gen Dutton stated: "We must dismiss any ideas of starting again: it is reform that is required, not complete re-design." He proposed "a three-point plan":

- removal of those senior elements of the IPS who were engaged in serious crime, acknowledging that that may require the MNF to act if it could not be achieved by the ITG;
- dismissal of uncommitted IPS officers (estimated by the Basra Chief of Police to number around 6,000 in a total force of 30,000); and
- "redoubling efforts on training the remaining police, so that eventually the 'good' outweighs the 'bad'".

982. On 25 October, Mr Tansley submitted recommendations along similar lines to the FCO, also proposing the three-point plan.[914] He wrote that a "key part" of the plan would be for "joint teams" from PATs and MND(SE) conducting "surges" on police districts and stations that were "exposed as the weakest or of most importance".

---

[912] Minutes, 18 October 2005, Chiefs of Staff meeting.
[913] Letter Dutton to Wall, 24 October 2005, 'Policing SE Iraq'.
[914] Telegram 16521/05 Basra to FCO London, 25 October 2005, 'Reform of the Iraq Police Service in South-East'.

983. Although the two papers were broadly the same, Mr Tansley suggested that the dismissal of IPS officers would require the implementation of a planned MOI redundancy package whereas Maj Gen Dutton saw that as desirable but not essential. Mr Tansley also suggested that a suitably qualified senior civil servant should be deployed to assist MOI reform.

984. Both papers suggested that the numbers of military personnel dedicated to support police reform should be increased (to include an extra two infantry companies, RMP personnel and administrative staff) and that restrictions on movement of police officers and contractors should be eased to allow them to move with the military.

985. Mr Tansley suggested that there should be joint responsibility for delivery between the Senior Police Adviser and the Task Force Commander in each province, with ArmorGroup personnel directly managed by the Senior Police Adviser. Maj Gen Dutton's paper did not suggest a formal command structure but did cite "lack of unity of command" as a major part of the problem.

986. Lt Gen Dutton told the Inquiry that there was "nothing particularly magical" about the three-point plan:

> "It was a very simple plan, but it was designed in some ways to counter what I thought was a feeling from elsewhere, that the only answer to the Basra police force was to disband it completely and start again from scratch."[915]

987. On 27 October, Dr Reid reported to Cabinet that the build-up of Iraqi security forces was "going well" but that they "were generally not yet capable of operating on their own".[916] He stated that he and Mr Straw were looking at ways of addressing militia infiltration in the Iraqi police.

988. On 31 October, the MOD produced a paper about the UK's policy on the IPS to be considered at the next DOP(I).[917] The paper outlined the approach advocated by Mr Tansley and Maj Gen Dutton but proposed that all police reform in MND(SE) should be consolidated "under unified military direction … enabling the GOC to deploy additional (civil and military) resources as necessary". The MOD stated:

> "… the utility of the civil police contingent … is limited by their contractual terms of service and civilian working practices … If they were brought under military direction (the command and control issues would need to be finessed) the policing component would be employed to meet the priorities of operational transition, with its output reported through the established military chain."

---

[915] Public hearing, 12 July 2010, page 20.
[916] Cabinet Conclusions, 27 October 2005.
[917] Paper MOD, 31 October 2005, 'Iraq – UK Policy for Police Security Sector Reform (SSR)'.

989. The minutes of the DOP(I) meeting on 3 November recorded:

> "… there was considerable concern … among British police at the prospect of police advisers in Iraq being placed under military command …"[918]

990. Ministers agreed:

> "Departments, notably the FCO, MOD and Home Office, should work together to agree a way forward on command and control of the policing effort … Paul Kernaghan should also be consulted."

991. The DOP(I) minutes did not record any discussion of increasing military resource or lifting movement restrictions. See the Box earlier in this Section, 'Security restrictions on UK police officers', for more detail on civilian security restrictions.

992. On 9 November, Maj Gen Dutton reported that a new Police Strategic Steering Group had met for the first time that week.[919] That brought together the Consul General, GOC MND(SE), the Senior Police Adviser and members of the GOC's staff. Maj Gen Dutton wrote:

> "I am confident that we are now approaching a situation where we can make best use of the different capabilities which the civil police, contractors and my own soldiers, including Royal Military Police, can provide. The Consul General and I expect to set out our proposed solution to London shortly."

993. The first meeting of a new cross-Whitehall SSR Group[920] was held on 17 November.[921] It was chaired by Mr Howard, reflecting the transfer of responsibility for policing to MOD. The meeting addressed what that transfer meant and the command and control issues in MND(SE). In an email to DCC Smith, CC Kernaghan summarised:

> "Lead status remains to be defined but no one argued that you were in a line of command relationship with the GOC or that your professional judgement could be over-ruled by anyone else in theatre."

994. In a report dated 20 November, DCC Smith was critical of military co-ordination with police in MND(SE):

> "Despite reassurances from London it is quite clear, to myself and senior CivPol officers on the ground in Basra, that the military are initiating changes in their relationship with CivPol. This is unfortunate as it is increasingly becoming obvious

---

[918] Minutes, 3 November 2005, DOP(I) meeting.
[919] Report Dutton, 9 November 2005, 'CG MND(SE) – Southern Iraq Update – 9 November 2005'.
[920] The cross-Whitehall Iraq SSR Group replaced the Security Sector Reform Meeting.
[921] Email Kernaghan to Smith, 18 November 2005, 'Cross-Whitehall Security Sector Reform [SSR] Group – Iraq Inaugural Meeting 17/11/05'.

that 'partnership' is a one-sided (CivPol) concept. Clarification from London would be welcome."[922]

Strategic considerations in late 2005

995. The MOD produced a paper entitled 'Strategy for the UK's contribution to Iraq Security' for DOP(I) on 15 November.[923] It described three key outcomes:

- security up to the December elections;
- activity up to the handover of security responsibility; and
- achievement and maintenance of ISF self-reliance.

996. Four supporting objectives were detailed:

- establishment of a secure environment;
- transition to tactical, operational and strategic overwatch;
- development of an effective, self-sufficient IPS: "Although wholesale national reform of the IPS is beyond the scope of UK influence, the provision of a technically competent IPS at a local level within MND(SE) is possible with the appropriate resource and is fundamental to an enduring handover. Mindful of the endemic nature of divided loyalty and militia involvement, the UK must continue to pursue IPS reform within MND(SE) to a level that will support handover – nothing more/nothing less"; and
- governance and capacity-building in key Ministries (MOI and the IMOD) within the security sector.

997. Security was discussed at the meeting but the minutes do not refer to the MOD's paper.[924]

998. The report produced by DCC Smith on 20 November was an update of his May 'Next Steps on Policing' review, assessing progress in both Baghdad and Basra.[925] In the South, he judged that the "key area to address was militia influence in the Basra IPS and the lack of real MOI authority into the province". To achieve that, he identified four elements that would need to be addressed:

- a strong Chief of Police;
- clear direction and support from the Deputy Minister for Police;
- good support infrastructure; and
- the removal of the unacceptable "bad eggs" in Basra.

---

[922] Paper Smith, 20 November 2005, 'Next Steps on Policing – Review'.
[923] Paper MOD, 11 November 2005, 'Strategy for the UK's Contribution to Iraq Security'.
[924] Minutes, 15 November 2005, DOP(I) meeting.
[925] Paper Smith, 20 November 2005, 'Next Steps on Policing – Review'.

999. On 12 December, Maj Gen Dutton submitted his Hauldown Report to AM Torpy.[926] He wrote that the threat from IEDs had "radically affected our freedom of manoeuvre and consequently inhibited" SSR work (see Section 14.1 for detail on the IED threat).

1000. On the Iraqi Army, Maj Gen Dutton reported:

> "The development of the Iraqi Army is the 'jewel in the crown' of our SSR effort and we must not let up now. The MiTT [Military Transition Team] system has been a great success … their contribution to the 'conceptual' and 'moral' development of 10th Division has been enormous … I acknowledge the desire to shift responsibility to the Iraqis themselves to prevent over-dependence, but the structure is built on 'foundations of sand' and will require support for some time yet."

1001. On the IPS, Maj Gen Dutton wrote:

> "I have written more than enough on this. I believe that, over time, the IPS can be reformed to an acceptable level, but there is no simple quick solution, which is, I sense, what London wants. In fact, it will be a long hard slog and will need unwavering commitment. The one critical point I must stress is that the UK should never again expect to be able to undertake police restructuring and reform in this sort of environment using UK police: they do not have the institutional structure or expertise to cope, nor can they be compulsorily deployed."

1002. In his evidence to the Inquiry, Lt Gen Dutton said:

> "We had some excellent policemen but simply not sufficient to take on the role of police training, which is why it had to be done in … a very poor way, but as best we could, by the military."[927]

1003. Lt Gen Dutton said that there was "nothing wrong" with the policemen, "there just weren't enough of them".[928] He continued:

> "My criticism of the UK's policing – expeditionary policing effort has never been aimed at the individual policemen who do it, simply the fact that I don't believe we, in the UK, have a system for expeditionary policing that will work in the sort of environment of Iraq or Afghanistan."

1004. On 21 December, AM Torpy wrote to Lt Gen Fry to highlight the key issues for 2006.[929] On the police he reiterated the need to "maintain momentum and our commitment, pushing ahead quickly with any new work recommended by Ronnie Flanagan". He then drew attention to Maj Gen Dutton's Hauldown Report and stated: "Jim [Maj Gen Dutton] has hit the nail on the head and we must not repeat this painful mistake in Afghanistan."

---

[926] Minute Dutton to Torpy, 12 December 2005, 'June to December 2005 – Hauldown Report'.
[927] Public hearing, 12 July 2010, page 20.
[928] Public hearing, 12 July 2010, pages 21-22.
[929] Minute CJO to DCDS(C), 21 December 2005, 'Key Operational Issues for Early 2006'.

SIR RONNIE FLANAGAN'S REVIEW

1005. On 18 October, a meeting was held at the Home Office to discuss the terms of reference for Sir Ronnie Flanagan's visit to Iraq, attended by Sir Ronnie, CC Kernaghan and senior representatives from the FCO, the MOD and the Home Office.[930] Some of the points made included:

- the FCO wanted to understand the progress in MND(SE) and how that could be improved upon, considering how this fitted with work in Baghdad and London;
- the MOD felt that current IPS training could be more efficient; and
- "much of Whitehall [was] not aware of elements that are beyond UK control. It would be helpful if Sir Ronnie could highlight these as part of his report".

1006. CC Kernaghan circulated the terms of reference on 10 November and summarised Sir Ronnie's task as to "concentrate on assessing the resourcing and effectiveness of the UK's IPS Security Sector Reform (SSR) programme in MND(SE) and its linkage to the shape and effectiveness of MNF-I national policing policy in Baghdad".[931] There were 12 areas specifically highlighted, including the effectiveness of IPS training, police officer and ArmorGroup contract management, IPAs and the relationship between UK structures and those of the US and Iraq.

1007. Sir Ronnie Flanagan visited Iraq between 20 and 24 November 2005 to conduct an initial review of the UK policing effort in Iraq.[932] He submitted an interim report to Dr Reid on 13 December, who briefed the DOP(I) on 15 December.

1008. Sir Ronnie's interim report identified:

- There was no single strategy for SSR at a national level – he had uncovered "references to at least four", and "many of these" existed in isolation of one another.
- There was "a loss of corporacy and a disconnect with MNSTC-I and CPATT in Baghdad".
- There had been insufficient counter-insurgency preparation.
- There was an inadequate focus on intelligence – he referred to US$1m worth of computers for the National Information and Investigation Agency (NIIA) being held at Basra Airport because of "apparently insufficient funds to transport and then assemble it".
- Only 5 percent of military activity was currently focused on SSR.
- "Within MND(SE), the biggest issue remain[ed] militia (and criminal) infiltration of security forces".

---

[930] Minutes, 18 October 2005, 'Meeting at the Home Office: Tuesday 18 October 2005: to discuss the Prime Minister's request to HMCIC to visit Iraq'.
[931] Email Kernaghan to Home Office [junior official], 10 November 2005, 'Flanagan's TORs' attaching Note 'TORs for the Assessment by Sir Ronnie Flanagan of the Iraqi Police Service (IPS)'.
[932] Minutes, 16 December 2005, DOP(I) meeting.

- The "biggest source of friction" between the military and UK police officers had been the inconsistent restrictions on movements but "significant progress" had been made during his visit to harmonise these, both operating on the basis of military risk assessments (subject to FCO and ACPO confirmation).[933]

1009. Sir Ronnie visited Iraq again from 3 to 8 January 2006 and submitted his final report on 31 January.[934]

1010. Sir Ronnie wrote that the original terms of reference had evolved into three overarching issues:

"
- The strategic direction and integration of the SSR (policing) effort;
- The efficiency and effectiveness of the SSR (policing) effort, including the Carabinieri, in MND(SE);
- The effectiveness of the existing training arrangements."

1011. Sir Ronnie was "encouraged" to learn that since his previous visit "a broad strategic plan" was now being prepared and that the "disconnect" he had identified was "already becoming a thing of the past". In MND(SE), he noted "a high level of co-operation" between UK police officers and that SSR now accounted for 47 percent of the military's work. He added:

> "Nevertheless tensions, both in theatre and within Whitehall, still exist over where primacy for SSR (policing) effort rests. Put simply, the shift in thinking that should have followed the assumption by MOD of primacy for SSR in Iraq has not permeated all activity."

1012. Sir Ronnie made 17 recommendations, including:

- The Iraqis should be encouraged to develop a robust vetting system for IPS recruits as soon as possible and to take immediate action to "root out" corrupt and sub-standard elements within the IPS. In progressing this the UK will need to provide support and expert guidance.
- The UK should encourage MNF-I to transfer responsibility for criminal and counter-insurgency intelligence to CPATT.
- For Iraq and future deployments, a senior police officer of Chief Superintendent rank should be embedded within PJHQ.
- The US and UK should use whatever influence is available to them to ensure that the next Minister of the Interior has a sound appreciation of the scale of the challenges and, moreover, is willing to take decisive action to address them.

---

[933] Report Flanagan, 13 December 2005, 'Interim Report on Policing in Iraq'.
[934] Report Flanagan, 31 January 2006, 'An Assessment of the UK's Contribution to Security Sector Reform (Policing) in Iraq'.

- The US should be encouraged to allow the Iraqi Government lead responsibility for the National Policing Plan. That should be led by the new Minister of Interior in consultation with the 18 provincial Chiefs of Police. In progressing that, the coalition must of course provide expert advice and guidance and perhaps the suggested draft.
- The CPA-I's successor should be re-deployed and should function within the MND(SE) command structure where he or she will be able to direct the SSR (policing) effort.
- The judicial dimension should be fully integrated within the SSR effort.
- The Strategic Taskforce should be re-convened with the goal of creating a genuine police expeditionary capability operating within a framework that provides maximum support to overseas SSR (policing) deployments.
- The UK should exert its influence to further embed and encourage the concept of joint operating between the IPS and the Iraqi Army in areas where the security situation makes this appropriate.

1013. Sir Ronnie Flanagan stated:

> "In many respects the challenge facing us in Iraq appears more daunting from London than it does in theatre. This I attribute to the inevitable difficulty that exists in grasping some of the key contextual factors."

1014. Sir Ronnie wrote that his recent visit had given him "a greater appreciation" of the significant threat from "rogue elements" in the Basra intelligence agencies and "pop up battalions" that could jeopardise SSR if not addressed. He stated that "the ultimate solution" rested with the MOI and that "the key to success" would be "the creation of effective governance structures".

1015. Sir Ronnie concluded:

> "Notwithstanding the reservations I have expressed about the quality of training, intelligence and other factors that inhibit the SSR (policing) effort, Iraq is on the right path and there is a good news story to be told. From an admittedly low base, Iraq's security forces are now recognisable as such and early signs of self-sufficiency are becoming apparent … The UK can take pride in its contribution."

1016. A junior FCO official sent Dr Howells a copy of Sir Ronnie's report on 17 February.[935] The note also enclosed a matrix listing each recommendation and the department responsible for its progress alongside it, including an additional 16 "other recommendations" from the report. Out of the total 33 recommendations, five were complete and 11 others were in progress or being considered.

---

[935] Minute FCO [junior official] to Howells, 17 February 2006, 'Review of UK Policing Reform Work in Iraq by Sir Ronnie Flanagan'.

1017. The Baghdad SSR Working Group met on 19 February to discuss Sir Ronnie's report.[936] The Group commented or identified action against all of recommendations, including:

- how critical the MOI and its Minister would be in delivering change;
- the practical difficulties encountered while trying to establish effective vetting procedures which were constrained by a lack of resources;
- that the National Policing Plan needed to be written by the Iraqi Government and not by the coalition; and
- that there were cost and duty of care issues in implementing Sir Ronnie's recommendation that recruits visited theatre.

1018. A summary of the Baghdad SSR Committee on 27 April listed progress against the six "Baghdad-related recommendations" from Sir Ronnie's report.[937] Discussions were ongoing with CPATT on how to implement those; those had been some difficulties engaging "the right people at the right levels" and the National Policing Plan was "still too military-dominated". It was recorded that there were insufficient resources to undertake an audit of training at that time.

1019. On 16 May, Mr Patey wrote to Mr Stephen Pattison, FCO Director International Security, with recommendations on how to ensure the staffing of the UK's police effort was right.[938]

1020. In his response on 24 May, Mr Pattison said that the FCO was taking forward recommendations from Sir Ronnie's review, but did not provide further details.[939] The letter focused on attracting more UK police officers to postings in Iraq, and enabling those postings.

Reforming the Iraqi Police Service: Operation CORRODE

1021. On 30 November 2005, Maj Gen Dutton reported that the Iraqi authorities had taken the first step towards reforming the IPS by disbanding the Department of Internal Affairs (DIA).[940]

1022. On 25 January 2006, Major General John Cooper, GOC MND(SE) from December 2005 until July 2006, reported that two former members of the DIA who were implicated in "numerous allegations of corrupt and criminal activity including attacks against MNF and involvement in the events of Sep 19" had been arrested by UK and Danish troops.[941]

---

[936] Email FCO [junior official] to Cunningham, 21 February 2006, 'Baghdad SSR Working Group' attaching Paper 'BE Baghdad Comments – Sir Ronnie Flanagan's Report'.
[937] Email FCO [junior official] to Mcgurgan, 30 April 2006, 'Cross-Whitehall SSR Meeting, 27 April'.
[938] Letter Patey to Pattison, 16 May 2006, 'Re: Policing in Iraq'.
[939] Letter Pattison to Patey, 24 May 2006, 'Policing in Iraq'.
[940] Minute Dutton, 30 November 2005, 'GOC MND(SE) – Southern Iraq – 30 November 2005'.
[941] Minute Cooper, 25 January 2006, 'GOC MND(SE) – Southern Iraq Update – 25 Jan 06'.

1023. On 8 March, Maj Gen Cooper reported:

> "We have intelligence that the recidivists within the IPS have resumed their criminal activity, and the population at large is beginning to question our commitment. Absent buy-in from the MOI, I am clear about the need for us to press ahead unilaterally with [Operation] CORRODE, before the IPS regress to a position from which they cannot be redeemed."[942]

1024. The following week, Maj Gen Cooper reported that Mr Jabr had given the "green light" for MNF to continue with arrest operations under Op CORRODE.[943] He said that the next target was a "relatively junior player". Mr Jabr was also reported to have endorsed plans to establish a new DIA based at Basra Air Station.

1025. On 15 May, a junior official from PJHQ provided briefing to Mr Ingram about IPS members detained by MND(SE) as part of Op CORRODE.[944] He stated that Op CORRODE was established in conjunction with the MOI after the Jameat incident on 19 September and aimed to:

- remove corrupt individuals in key positions of responsibility;
- replace those individuals with suitable personnel from outside Basra province; and
- reform the remaining officers.

1026. The official wrote that the operation had been constrained because of "problems with political disengagement in Basra" and "nervousness amongst senior political figures in Baghdad". PJHQ assessed that there were currently ten policemen detained in Shaibah, a military airfield seven miles southwest of Basra. They were likely to remain at the facility "for the foreseeable future", because the intelligence against detainees was not admissible as evidence. Also, the detainees had connections which meant that Basra judges would be reluctant to try them, or be susceptible to intimidation if they did try them.

1027. In his weekly report on 24 May, Maj Gen Cooper described two enemies in Basra: rogue JAM and – "most dangerous" – the "corrupt IPS elements … which have murdered so many Basrawis".[945] He wrote that he needed political cover from the Iraqi Government to tackle IPS reform and would be grateful for UK political pressure.

1028. Maj Gen Cooper's report on 8 June stated that Op CORRODE had re-started and, on 4 June, there had been the first successful targeting and detention of a serving Basra police officer for more than three months.[946] There would now be "a succession of

---

[942] Minute Cooper, 8 March 2006, 'GOC MND(SE) – Southern Iraq Update – 8 March 2006'.
[943] Minute Cooper, 16 March 2006, 'GOC MND(SE) – Southern Iraq Update – 16 March 2006'.
[944] Minute PJHQ [junior official] to PS/Min(AF), 15 May 2006, 'Iraqi Police Service (IPS) Detainees Held by MND(SE)'.
[945] Minute Cooper, 24 May 2006, 'GOC MND(SE) – Southern Iraq Update – 24 May 2006'.
[946] Minute Cooper, 8 June 2006, 'GOC MND(SE) – Southern Iraq Update – 8 June 2006'.

detention ops targeting IPS and N Basra leadership". Maj Gen Cooper reported that a total of three IPS officers had been detained within Op CORRODE since 17 May 2006.

1029. The JIC's Assessment of 9 June described the disbanding of the DIA as "remedial action" resulting from "MNF pressure".[947] However, the JIC stated that "the personnel have been reassigned rather than sacked".

1030. This JIC Assessment considered whether the ISF was "fit for duty". It reported:

> "The ISF in the South reflect the deep-rooted local tribal and political influences. The Army's 10th Division in MND(SE) is rated by the MNF as increasingly effective. It has performed basic tasks such as patrols and static guard duties successfully, but remains untested in counter-insurgency operations without MNF support. The Police in the South are a cause for much greater concern. Many local Police officers, in Basra and Maysan in particular, remain loyal to their political faction or militia rather than to formal command structures. Both Badr and JAM retain support among the ISF in different parts of the South. We judge that these divided loyalties would affect the ability and willingness of the Police to cope in the event of an intensified campaign of violence by Shia militias against the MNF, or fighting between Shia factions … Baghdad's central institutions have been unable to exert any control over the police in Basra."

Iraqi Navy progress

On 9 June 2006, a JIC Assessment stated that, by 1 May, 800 Navy personnel had been "trained and equipped", increasing from 750 on 4 October 2005.[948]

In September, the Iraqi Navy transferred to Iraqi control, under the command and control of the Joint Headquarters.[949]

In November, the Private Secretary to Mr Des Browne, Defence Secretary from May 2006, briefed No.10 officials that progress on the Iraqi Navy had "lost early momentum due to failure of the Iraqi procurement process" but stated that contracts had recently been awarded and that the Iraqi Navy had plans to fund and build critical infrastructure during 2007.[950] He concluded: "this momentum must be sustained".

On 6 September, an Independent Commission reported to Congress its conclusion that:

> "The Iraqi Navy is small and its current fleet is insufficient to execute its mission. However, it is making substantive progress in this early stage of development: it has a well-thought-out growth plan, which it is successfully executing. Its maturation is hampered by the [Iraqi] Ministry of Defence's understandable focus on ground forces and counterinsurgency operations, as well as by bureaucratic inefficiency. The Iraqi

---

947 JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit for Duty?'.
948 JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit for Duty?'.
949 JIC Assessment, 17 January 2007, 'Iraqi Security Forces: Prospects in 2007'.
950 Letter McNeil to Banner, 9 November 2006 attaching Minute DJC, 9 November 2006, 'Strengthening the Iraqi Military Forces'.

> Navy will continue to rely on coalition naval power to achieve its mission for the foreseeable future."[951]
>
> At that time, there were around 35 UK naval personnel working in Naval Assistance Training Teams.[952]

1031. Mr Des Browne became Defence Secretary in May 2006. He visited Iraq from 18 to 22 June.[953] His Assistant Private Secretary recorded that Mr Jawad Boulani, the new Minister of the Interior, told Mr Browne he was very clear about the need to reform the police, particularly in Basra.

1032. Major General Muhammed Latif, the Commander of the 10th Division, had told Mr Browne that there were 15,000 police in Basra, but you could never find them on the streets. If necessary, he was prepared to put a soldier in every police car to force them to do their jobs. They failed to carry out even the most perfunctory investigations into murders. Maj Gen Latif had started to use his own intelligence officers to follow up cases and monitor police progress. When his staff asked questions about inaction, the police would say that murders were "big boys' issues", usually a reference to the specialist police organisations that Mr Boulani sought to disband.

1033. During a meeting with UK representatives, Mr Browne was told by the police advisor that "we [the UK] had originally set our sights too high; teaching forensics instead of the basics". Adjustments had now been made and the programme seemed to be working well. The police advisor rejected the outright criticism from Maj Gen Latif and said that there were "areas that had the start of an effective policing service".

1034. Air Chief Marshal Jock Stirrup, CDS, briefed DOP(I) in July:

> "… the main issue affecting the population was sectarian murders. To see progress on that we needed to take action against corrupt police officers and militia groups."[954]

1035. ACM Stirrup described progress with the Iraqi Army as "on track" but stated that "the situation of the police was more difficult".

Further reduction in troops

1036. During early 2006, substantial effort was dedicated to preparation for the transfer of lead responsibility for security in Muthanna and Maysan provinces. That effort is detailed in Section 9.4.

---

[951] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[952] Report, 5 July 2007, 'PJHQ Manning Tables'.
[953] Minute APS/SoS [MOD] to DCDS(C), 28 June 2006, 'Secretary of State's Visit to Iraq – 18-22 June 2006'.
[954] Minutes, 6 July 2006, DOP(I) meeting.

1037. In a meeting of DOP(I) on 15 February, Mr Blair made clear that the UK should be able clearly to demonstrate that the conditions for transition had been met, and that this was as a result of the increasing capacity of the ISF.[955] The UK should not be handing over for solely political reasons.

1038. During a video conference between Mr Blair and President Bush on 22 February, Lt Gen Houghton assessed that there had been good progress with the ISF in the South which should allow security transfer in Maysan and Muthanna provinces by late spring.[956] He assessed that Basra was "less promising, given the collusion between police and militia, aided by local politicians" and that arrests of police "rapidly became confrontations over political and sovereignty issues".

1039. On 9 March, Dr Reid wrote to Mr Blair explaining that, as a result of the latest Force Level Review, troop levels would be reduced in May 2006, from approximately 8,000 to around 7,200 (see Section 9.4).[957] That reduction was made possible because of the "completion of various Security Sector Reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre".

1040. In his statement to the House of Commons on 13 March, Dr Reid stated that the completed tasks included training of trainers and Iraqi troops being capable of guarding their own establishments.[958]

1041. On 15 March, a JIC Assessment stated:

> "The Iraqi security forces [in Southern Iraq] can cope with the low level of threat posed by the Sunni Arab nationalist insurgents and jihadists. Their readiness to deal with the activities of Shia extremists or intra-Shia violence is more uncertain. Army command, control and logistics capabilities are all still developing, making major operations without MNF support difficult. The police are a greater concern: they have multiple loyalties and have taken sides in intra-Shia clashes. A minority of police, particularly in Basra, is involved in attacks on the MNF, the assassination of Sunnis and organised crime."[959]

1042. On 20 April, Mr Robin Lamb, Consul General in Basra, provided an assessment of the security situation in Basra and its impact on the ability for UK civilian staff to operate effectively (see Section 15.1).[960] He stated:

> "Our LE [locally employed] staff regard the Iraqi Police Service as at best ineffective, and at worst complicit in the assassinations. We would support that assessment."

---

[955] Minutes, 15 February 2006, DOP(I) meeting.
[956] Letter Banner to Siddiq, 22 February 2006, 'Prime Minister's VTC with President Bush, 22 February: Iraq'.
[957] Letter Reid to Blair, 9 March 2006, 'Iraq: Force Level Review and Announcement'.
[958] House of Commons, *Official Report*, 13 March 2006, columns 1152-1153.
[959] JIC Assessment, 15 March 2006, 'Iraq: the Security Situation in the South'.
[960] Letter Lamb to Mcgurgan, 20 April 2006, 'Basra: Security and Drawdown'.

Policing reviews: ACC Barton and a Strategic Task Force

1043. Acting ACC Dick Barton took over from DCC Smith as Chief Police Adviser-Iraq on 27 March 2006 and was based in Basra (as opposed to Baghdad) in line with Sir Ronnie's recommendation described earlier in this Section.[961]

1044. For his first task, ACC Barton was commissioned by the FCO to conduct a review of the UK police mission in Iraq, focusing on three main areas: strategic priorities, personnel structure of UK police in Iraq and "other work required (in support of Strategic Priorities)".[962]

1045. ACC Barton's review was completed on 20 April and sought "to avoid replicating areas already covered" by Sir Ronnie's review four months earlier. He wrote that his "review theme" was to "keep it basic", stating that basic principles sat under many complex policing issues. He highlighted three strategic priorities:

"
- The mission must focus on building links with the criminal justice system.
- The mission must be engaged in developing the new Internal Affairs, Major Crime [Unit] and National Information and Investigation Agency (NIIA).
- The mission must identify a realistic working model which facilitates draw-down and eventual complete handover to the Iraqi Police Service."

1046. ACC Barton made 12 recommendations for change in the way the UK police mission was staffed including:

- creating an Assistant Chief Police Adviser post with a focus on major crime and criminal justice;
- creating a post to focus on developing an effective Internal Affairs capability, warning that overt corruption in the police was "crippling";
- reducing the number of contracted police officers; and
- designating a Senior Police Adviser at Chief Superintendent level to be territorial lead for Baghdad now that the CPA-I role had relocated.

1047. Mr Straw wrote to Mr Charles Clarke, Home Secretary, on 17 October 2005 about findings from a Strategic Task Force established to "take a fresh look" at how the UK contributed to international operations.[963] Mr Straw wrote that assisting in international missions was "vital" for the UK's foreign policy priorities and also created "direct operational benefits" for the UK when officers returned with experience of "working in the field".

1048. The Strategic Task Force assessed that there was no need to increase the overall numbers provided by the UK, but suggested increasing the proportion of senior officers

---

[961] Statement Barton, 7 June 2010, page 3.
[962] Report Barton, 20 April 2006, 'Situational Review of the United Kingdom Civilian Police Mission in Iraq'.
[963] Straw to Home Secretary, 17 October 2005, 'International Policing'.

and those with specialist skills. It proposed that "more use" was made of police staff. The Task Force also advised ensuring that the spread of officers was more evenly distributed across the forces (meaning a reduction in PSNI officers), and that the transition should be made easier for returning officers by guaranteeing interviews for posts for which they are qualified.

1049. On 4 May 2006, Mr Howard submitted a draft response for Dr John Reid, who became the Home Secretary on 5 May 2006, to send to Mr Straw.[964] Mr Howard said the draft emphasised that "recent operational experience ha[d] demonstrated the need for a robust expeditionary policing capability, ideally acting as part of an international force" but also made clear that the matter was "constrained by issues that can only be resolved by the police itself."

1050. Mr Patey wrote to Mr Pattison on 16 May, highlighting concerns that "our effort on SSR and the Rule of Law in Iraq will suffer if we do not get staffing of our policing effort right".[965] Mr Patey noted that there was a risk the UK would "continue to lose credibility in the eyes of the US as a key partner" if that issue could not be addressed, citing the frequent turnover of staff (recommending tours of more than one year) and gaps between posting of senior staff as contributing to problems. He acknowledged that those were manifestations of a wider problem in recruiting, and that there was "little benefit to the police service for their good police officers to deploy to Iraq" requiring "more radical solutions … In the short and longer term". The letter concluded by recommending that the FCO "should engage with the new Home Secretary, about the need for appropriate career and reward packages to be in place for deployed officers and the need for all police services to contribute to the effort".

1051. Mr Pattison's reply agreed with the premise that "good quality police staffing is central to delivery of the UK's objectives in Iraq" but noted that that needed to be seen in the wider context, in particular that all UK police secondees were volunteers.[966]

SSR across Iraq: summer 2006 to summer 2009

Formation of the Iraqi Government

1052. On 1 April, Mr Blair wrote to President Bush outlining his views on the steps required to achieve success in Iraq.[967] He suggested a strategy that involved pressing hard for a unity government and stated:

> "This must include a top quality, neutral figure in the Ministry of Interior. It is perfectly obvious to me that a lot of the Shia violence is now being organised out of there and there has to be a definite statement going throughout the police, it won't be tolerated."

---

[964] Minute DG Op Pol to PS/SofS, 4 May 2006, 'International Policing in Peace Support Operations'.
[965] Letter Patey to Pattison, 16 May 2006, 'Policing in Iraq'.
[966] Letter Pattison to Patey, 24 May 2006, 'Policing in Iraq'.
[967] Letter Sheinwald to Hadley, 1 April 2006 attaching Note [Blair], 1 April 2006.

1053. Mr Nuri al-Maliki was nominated as Prime Minister on 21 April 2006.[968] Reporting the news, an eGram from the British Embassy Baghdad stated that Prime Minister Maliki had been a "driving force" as Deputy Chair of the de-Ba'athification Committee and had "a strong anti-militia stance". He favoured "the dissolution of all militias and [did not] believe in their reintegration into Iraqi security forces".

1054. Sir Nigel Sheinwald and Mr Nick Banner, a Private Secretary to Mr Blair, visited Iraq shortly after Prime Minister Maliki's nomination.[969] In a report of the visit, Sir Nigel told Mr Blair:

> "The two litmus tests ahead are:
>
> (i) Choice of Interior and Defence Ministers and willingness/ability to clean out their ministries and make them work;
>
> (ii) Disbanding the militias … some can be integrated in the ISF, but others will need to be demobilised and retrained.
>
> There will need to be a major DDR and jobs package which we should try to get the international community involved in. Even if we do, this is a massive task. Militias abound – from personal protection, to Badr and JAM, through to the Facilities Protection Service."

1055. Mr Blair spoke to Prime Minister Maliki on 28 April.[970] Prime Minister Maliki stressed his commitment to "remove weapons from all the militias" and requested UK support to accelerate the training of the ISF.

Iraqi appointments

On 8 June 2006, the Iraqi security ministers were appointed:

- Minister of the Interior: Mr Jawad Boulani (Shia Independent);
- Minister of Defence: Lieutenant General Abdel Qadir (Sunni); and
- Minister for National Security: Mr Sherwan al Wa'ali (Shia Da'wa Tanzeem).[971]

Improving Iraqi Security Force build-up

1056. Mr Blair met Prime Minister Maliki on 22 May during his visit to Iraq.[972] A minute from Mr Banner about the meeting reported that Prime Minister Maliki "expressed concern about the readiness of the Iraqi Security Forces, in terms of numbers, training

---

[968] eGram 13011/06 Baghdad to FCO, 24 April 2006, 'Iraq: Formation of the New Government: Al-Maliki Nominated by UIA as Prime Minist' [sic].
[969] Minute Sheinwald to Prime Minister, 27 April 2006, 'Visit to Iraq'.
[970] Letter Banner to Siddiq, 28 April 2006, 'Nouri al-Maliki'.
[971] eGram 22963/06 Baghdad to FCO London, 8 June 2006, 'Iraq: Ministers of Interior, Defence and National Security Appointed'.
[972] Minute PS/PM to PS/FS, 22 May 2006, 'Iraq: Prime Minister's Meeting with Nouri al-Maliki'.

levels and, in particular, equipment". Prime Minister Maliki had said that "the ISF were outgunned", citing an example in Najaf where he had been told by the Chief of Police that his 13,000 officers "had only 5,000 rifles between them".

1057. Following his visit, Mr Blair wrote to President Bush stating that ISF build-up "must be improved".[973] He continued:

> "… the basic point is: we need better, stronger ISF build-up. A strong centre will be a big help. But they also need equipment and intensive support. Therefore we need to do this even better and more strongly and test the robustness of the build-up. Iraqi MOI and MOD need real capability to make it happen. If we don't do this, we can't defeat the terrorists."

1058. Sir Nigel Sheinwald wrote to Mr Hayes on 23 May reporting Mr Blair's conclusions as a result of his visit.[974] On SSR, Mr Blair wanted action including:

"
- Drawing up a timetable with conditions setting out the potential path to MNF withdrawal. This should address the desire of Iraqis for clarity over two issues: that the MNF will stay until Iraqi security forces are capable of acting independently; and that the MNF will go once that has been achieved. Any timetable should include dates, but each one should be conditional on ISF build-up of capability and overall violence levels …
- We need to make sure that Iraqi forces really are capable of dealing with the threat, including from AQ … The Prime Minister heard a number of disquieting comments on this score from Iraqis and others. We therefore need a candid analysis of the gap between current capabilities and future requirements … and a plan for closing the gap …
- …
- Turning around the situation in Basra … This will require … a larger role and presence for the Iraqi forces, working alongside UK forces … The Prime Minister hopes that the Defence Secretary will personally supervise the military aspects of this.
- …
- Capacity-building for Iraqi Ministries. We need a paper setting out our and the US's current assistance to them, in terms both of advisers and equipment, and a plan for addressing additional gaps."

1059. DOP(I) met on 25 May.[975] Mr Blair said that the UK should focus on the development of the ISF, seeing progress in Basra, and support to the Iraqi Government

---

[973] Letter Sheinwald to Hadley, 22 May 2006, 'Iraq' attaching Note Prime Minister to President Bush.
[974] Letter Sheinwald to Hayes, 23 May 2006, 'Iraq'.
[975] Minutes, 25 May 2006, DOP(I) meeting.

on security and electricity provision in Baghdad. On the development of the ISF, he stated:

> "… the Ministry of Defence needed to look closely at the level of capability of the Iraqi forces. This should also look at the quality of training and provision of equipment … ensuring the ISF did have sufficient capability could make a very big difference to our strategic progress in Iraq."

1060. The MOD was asked to provide a paper on the capability and requirements of the ISF.

1061. On 25 May, during a working dinner with Dr Rice and Mr Steve Hadley, US National Security Advisor, Sir Nigel Sheinwald said that urgent action was needed on ISF capacity:

> "The numbers used by the MNF were suspect as they did not take account of substantial desertions. It was disappointing that there were still problems over equipment, as well as the known gaps in terms of command and control and running their own operations."[976]

1062. On 2 June, Sir Nigel chaired a meeting of the Iraq Strategy Group.[977] The Group had reviewed progress against the tasks commissioned by Mr Blair:

- Gen Casey was "preparing an Iraqi-fronted security statement in mid/late June" that "would announce the first wave of provinces to transition". The UK "favoured" an indication of what could be expected "over the next 18-24 months, but the US was cautious".
- The MOD was working on a "robust assessment of where things stood" with the ISF.
- Gen Casey was preparing a Security Plan for Basra (described later in this Section).
- GOC MND(SE) "intended to start detention operations in the next few days, and was working to increase the Iraqi face on security using the Iraqi Army". The Iraqis were currently participating in 40 percent of all patrols in Basra.
- The "FCO was pursuing a US analysis of the gaps in their support to the key ministries and DFID was pulling together an overview of UK support".

[976] Letter Sheinwald to Hayes, 26 May 2006, 'Dinner with US Secretary of State and National Security Adviser, 25 May'.
[977] Minute Cabinet Office [junior official] to Sheinwald, 5 June 2006, 'Iraq Strategy Group'.

1063. On 7 June, the MOD submitted its assessment of the ISF's progress to the Cabinet Office.[978] Some of the key points were:

- The programme was on target to complete by December 2006 with 80 percent of the ISF trained and equipped (less the forces in Anbar province and the Air Force and Navy capability).
- Higher-level command and control, logistics, equipment husbandry and intelligence remained immature, but "significant improvement" was expected during 2006. MND(SE) had "some of the same issues" but they were "less acute" with 10th Division having received 97 percent of its "critical items".
- Of the Iraqi Army battalions and brigade/divisional headquarters, 50 percent were capable of planning, executing and sustaining counter-insurgency operations. The Iraqi people held the Iraqi Army "generally in high regard".
- The police were "some way behind" but "significant progress" was expected by the end of the year. Their effectiveness rested on their credibility with the Iraqi people, which was "increasing but remain[ed] an issue".
- Equipment shortfalls in the police were attributed to MOI "over-recruiting" police forces, by "possibly 9,000 to 10,000 … in the South alone". That was "reportedly to combat unemployment".
- "The ISF in MND(SE) should be capable of managing the threat that they will face but could be quickly undermined by poor leadership." The UK had trained 22,000 IPS officers out of an agreed number of 29,000.

1064. On the Basra Security Plan, the MOD wrote that "in seeking efficiencies to resource the new initiatives proposed in the Basra paper, it would be counter-productive to disrupt established projects in MND(SE) … to then re-invest in the same sectors". The FCO was exploring options to reduce the UK's commitment to the Jordan International Police Training College, which had the potential to save £3.5m "with minimal impact upon ISF capacity-building" although it "may meet with opposition in US quarters".

1065. Writing about the way ahead, the MOD report stated:

> "As the Iraqi security forces mature, Iraq's partners will need to put additional resources into areas such as the judiciary and courts which have been relatively neglected but which are critical to enforcing law and order as security forces. We need to caution against further growth in the size of the ISF whose size/shape has been designed to be affordable in the long run …
>
> "On the whole, the advice of the UK personnel is appreciated by not only the US, but more importantly the Iraqis. We must build on this influence, without negating the current good work that is being planned and will soon be implemented in

---

[978] Minute DJC/Iraq to Cabinet Office [junior official], 7 June 2006, 'Iraq: Strategy Group Workstrands' attaching Paper 'Update on Progress of the Iraqi Security Forces (ISF)'.

Iraq. Additional resources (civilian official and extra CivPol) to aid Ministerial capacity-building, particularly in the Ministry of Interior, would be a key place to add value."

Iraqi Air Force progress

A Report by the Independent Commission on the Security Forces in Iraq published on 6 September 2007 stated that the Iraqi Air Force had a "meagre beginning and late start" compared with the Iraqi Army.[979] Development of the Iraqi Air Force was led by the Coalition Air Force Transition Team (CAFTT) which was part of MNSTC-I.

In June 2004, Maj Gen Houghton recorded that 148 air force personnel were in training.[980] Initially, the force would be 500 strong. An agreement had been established for the transfer of air transport and helicopters from Jordan.

In July 2005, Lt Gen Brims reported that it was "a long term project" and that there were "insufficient funds to even forecast when a plan might be considered".[981]

On 7 June 2006, the MOD produced an update on ISF progress.[982] On the Iraqi Air Force, progress had been made in the adoption of new structures and procedures. However, operational tasks were limited to reconnaissance and air transport, and equipment procurement had proved a challenge.

Initial recruits to the Iraqi Air Force were people who had served in the Air Force prior to the invasion.[983]

The main objectives of the Iraqi Air Force were:

- to organise, train and equip air operations;
- to conduct day/night/all-weather counter-insurgency operations; and
- to provide homeland capabilities to the Government of Iraq.

The Iraqi Air Force operated out of four bases:

- Al Muthanna Air Base which operated the Air Force's fixed wing capability;
- Taji Air Base which housed an interim Air Force Academy as well as most of the rotary wing assets; and
- Basra and Kirkuk Air Bases which focused on intelligence, surveillance and reconnaissance capabilities.

The Iraqi Air Force transferred to Iraqi control in September 2006, under the command and control of the Joint Headquarters.[984]

---

[979] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[980] Minute ACDS(Ops) to Rycroft, June 2004, 'How Best to Progress the Iraqiisation of the Security Sector'.
[981] Letter Naworynsky to Quarrey, 21 July 2005, 'Update on Progress of Iraqi Security Forces'.
[982] Minute DJC/Iraq to Cabinet Office [junior official], 7 June 2006, 'Iraq: Strategy Group Workstrands' attaching Paper, 'Update on Progress of the Iraqi Security Forces (ISF)'.
[983] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[984] JIC Assessment, 17 January 2007, 'Iraqi Security Forces: Prospects in 2007'.

On 21 November, the Chiefs of Staff were briefed that the Iraqi Air Force would not be capable of external air defence until 2013.[985] Although funding was not an issue there were difficulties with poor quality personnel, anti-corruption mechanisms and bureaucracy in the IMOD. To increase the rate of development, the US was planning to double its CAFTT team to 232 personnel. The UK was contributing one Group Captain to the CAFTT and had provided some places on courses in the UK. An earlier request from MNSTC-I for the UK to provide flying instructors had been turned down as a result of airworthiness and safety concerns. The paper recommended increasing UK support to CAFTT and providing an RAF officer to the Iraqi JHQ.

1066. On 9 June, the JIC assessed:

> "The new government will take time to agree critical strategic security policy. Even if the Ministers of Defence and Interior prove capable and non-partisan, robust administrative capacity in these Ministries will take time to build. We judge there is likely to be only limited progress during the rest of this year in the face of a virulent insurgency and continuing sectarian violence. The need to absorb Shia militias will add to the challenges and could exacerbate sectarian tensions; but a failure to do so would undermine the authority of the government."[986]

An Iraqi security strategy

1067. Mr Browne visited Iraq from 18 to 22 June (as described earlier in this Section).[987] His Assistant Private Secretary recorded that "the main players from a security perspective (Maliki, Boulani (MOI) and Qader (MOD)) all seem determined to tackle problems previously skirted: corruption, militias, sectarianism".

1068. On 25 June, *BBC News* reported that Prime Minister Maliki had announced his plan for national reconciliation.[988] Some of the points dealing with SSR were:

- preventing human rights violations, reforming prisons and punishing those responsible for acts of torture;
- measures to strengthen Iraq's armed forces so they would be ready to take over responsibility for national security from the MNF;
- review of the armed forces to ensure they were being run on "professional and patriotic" principles;
- ensuring the political neutrality of Iraq's armed forces and tackling Iraq's militia groups; and
- review of the de-Ba'athification Committee to ensure it respected the law.

---

[985] Minute ACDS(Ops) to COS, 21 November 2006, 'Update on UK Engagement with Iraqi Air Force (IzAF)'.
[986] JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit for Duty?'.
[987] Minute APS/SoS [MOD] to DCDS(C), 28 June 2006, 'Secretary of State's Visit to Iraq – 18-22 June 2006'.
[988] *BBC News*, 25 June 2006, *Main points of Iraq's peace plan.*

1069. On 17 July, Lt Gen Fry reported that MNSTC-I had made recommendations for changes to the ISF structures following concerns expressed by Prime Minister Maliki about the ISF's ability to tackle the current security situation.[989] Mr Maliki was reported to have:

> "… little confidence in the police and [he] thinks that the army should be greatly expanded. The view from MNF-I and MNSTC-I is that the currently planned ISF force structure is about the right size and properly balanced between the [Iraqi] MOD and the MOI."

1070. The main changes proposed were:

- The Iraqi Army should have a second Divisional HQ in Baghdad; one additional brigade in each of Diyala and Anbar; two additional battalions for 10th Division in Basra; an additional Special Operational battalion in Baghdad plus 400 armoured vehicles and a mobile armoured strike force.
- The National Police should have a "near-term reconstitution, to restore standards of training, discipline and leadership, and a two-year plan to reorganise and retrain them so that they evolve into a Carabinieri/gendarmerie force".
- To bring together existing units into a rapid response national counter-terror force overseen by the IMOD and a national strike force comprising a mechanised brigade, a Special Forces commando battalion and a National Police brigade.

1071. Lt Gen Fry reported that the key theme of the recommendations was "a better not bigger ISF, within budget" and that "we are close to an agreed ISF size and shape, revised in the light of experience to address the developing operational challenges".

1072. On 20 July, Mr Patey sent a valedictory prior to leaving Iraq.[990] He wrote:

> "Maliki knows he must reduce and eventually eliminate the power of the militias but does not feel he has sufficient forces at his disposal or cover within his political circles to do so whilst terrorism and the insurgency show no signs of abating. We are in a Catch 22; those insurgents who might consider joining the political process are unlikely to do so until the militias have been disbanded or disarmed. As long as AQ-I and other groups are bombing Shia markets and mosques the militias will continue to pose as a better security option than the ISF and to assuage the desire for revenge …
>
> "But the position is not hopeless … Our strategy must be to get the Iraqis to increasingly take the lead and responsibility. This will produce some uncomfortable

---

[989] Minute Fry to PSO/CDS, 17 July 2006, 'Development of the Iraqi Security Forces'.
[990] eGram 31514/06 Baghdad to FCO London, 20 July 2006, 'Iraq: Valedictory'. This is the corrected version of his valedictory; the original was 31444/06.

> moments but in the long run is the only solution. Considerable progress has been made in building up Iraqi military capability and further significant milestones will be achieved by the end of the year. It should be possible to ensure that the Iraqi Government has a near monopoly of force by the time the coalition withdraws the bulk of our forces. Our ability to help them transform the National Police into a capable non sectarian force will be dependent on tackling the issue of militias. This in turn will be the key to bringing local police forces up to snuff although the civil institutions they report to will require considerably more work."

1073. On 27 July, the Iraq Strategy Group discussed whether there was "any better alternative to the current MNF-I strategy for building up the ISF and progressively transferring security to the Iraqis".[991] It agreed with the MNSTC-I view that they "should not give up on the Iraqi Police, notwithstanding the obvious problems"; that MOI reform remained a critical and urgent task; and that the Iraqi Army's ranks should be overfilled to bring them closer to 100 percent effective strength.

DEALING WITH THE MILITIAS

1074. Gen Jackson visited Iraq from 15 to 18 May 2006.[992] On the various unofficial and semi-official armed groups, he said:

> "Although not wholly in the purview of SSR, these armed groupings must either be disbanded or integrated into the national security structure. The militias pose by far the hardest challenge and before there is any chance of DDR or integration into the ISF, formal political engagement with the associated political leaders of these groups is required: a priority task for the new government."

1075. When they met on 22 May, Mr Blair asked Prime Minister Maliki how the issue of militias could be best addressed.[993] Mr Maliki "favoured extensive dialogue, including with extremists, so long as they had not shed Iraqi blood"; terrorists should "be dealt with forcefully". There was "a consensus on militias, which all parties had now agreed to disband" but it would be necessary to find alternative employment for current militia members.

1076. Mr Maliki also said that he recognised the importance of the Ministries of Interior and Defence being seen to be independent and non-sectarian. He hoped to have soon appointed independent Ministers "without militia links".

1077. During a wider discussion on ISF at DOP(I) on 6 July, the following point was raised:

> "While the numbers of ISF looked good on paper, anecdotal reports suggested that absenteeism and desertion brought those numbers down considerably. The Prime

---

[991] Minute Blake to Sheinwald, 27 July 2006, 'Iraq Strategy Group, 27 July'.
[992] Minute CGS to CDS, 22 May 2006, 'CGS Visit to Iraq: 15-18 May 06'.
[993] Minute PS/PM to PS/FS, 22 May 2006, 'Iraq: Prime Minister's Meeting with Nouri al-Maliki'.

Minister had some sympathy with the view of Maliki and the US that we should consider increasing the size of the Iraqi Army. The countervailing argument was that it was the ability to use troops available effectively that was the real constraint on the ISF's effectiveness. In either case, there was a political argument for absorbing some of the militia forces into the ISF. The US was exploring the options but the potential costs had yet to be established."[994]

1078. No.10 wrote to the MOD on 10 July to report that Mr Blair was "very concerned at the recent attack statistics" from Iraq, particularly the "widely reported sectarian killings" in Baghdad.[995] Mr Blair judged that "overcoming the evident lack of engagement against the militias by the Iraqi Government and security forces is a major strategic task". As well as continuing to press the Iraqi Government to take action, it was important for the UK to "have a clearer view of what action is required, to complement and make up for the shortcomings of the current Baghdad and Basra security plans". In addition, he was concerned that the evidence demonstrated that the ISF were not as capable as had previously been assessed. No.10 asked for advice on addressing both of those issues.

1079. Mr Browne's Private Secretary replied to No.10 suggesting that the UK should press Prime Minister Maliki to:

- "re-emphasise publicly the theme of national unity";
- conduct a vigorous internal reform of the MOI;
- agree a four-step "militia engagement plan" comprising political engagement of figures with militia links, public engagement to establish popular support, military engagement to neutralise militia presence on the streets and a DDR process to absorb ex-militia members";
- overhaul the Baghdad Security Plan; and
- work with Muqtada al-Sadr to make him choose between politics and "populist adventurism".[996]

1080. On 16 July, Lt Gen Fry reported continuing concerns that in the MOI "the insidious effects of political and militia affiliations are beginning to compromise any claim it might have for institutional integrity".[997]

1081. Lt Gen Fry thought that Mr Boulani would need help to address those issues and reported that Gen Casey had commissioned the development of an internal reform programme for the Ministry.

---

[994] Minutes, 6 July 2006, DOP(I) meeting.
[995] Letter Banner to McNeil, 10 July 2006, 'Iraq: Security'.
[996] Letter McNeil to Banner, 11 July 2006, 'Iraq: Security' attaching Paper, [undated], 'Summary – Update on Progress of the Iraqi Security Forces (ISF)'.
[997] Minute Fry to PSO/CDS, 16 July 2006, 'SBMR-I Weekly Report (218): 16 July 2006'.

1082. On 23 August, a JIC Assessment of the militias stated:

"Violence in Iraq is part of a vicious circle: deteriorating security has led to a proliferation of militias, in turn fuelling further violence. Prime Minister Maliki is […] unable to confront the militias, fearing a violent backlash that would threaten the break-up of the Shia political coalition (the UIA). Without significant progress on the National Reconciliation Plan and a sustained improvement in the security situation there will continue to be little appetite for the MNF plan for the Disarmament, Demobilisation and Reintegration of the Iraqi militias.

"Many militias are sectarian based and competing with the Iraqi state's security forces to provide security and protection for their own communities. They are undermining government authority. Some elements are engaged in violent attacks against their political and sectarian opponents and coalition forces. In some cases, the distinction between the armed gangs and the Iraqi Security Forces (ISF) is blurred."[998]

Who were the militias?

Table 6: The main militias recognised in Iraq in 2006

Name	Associated political party	Size
Patriotic Union of Kurdistan*	Patriotic Union of Kurdistan	80,000 to 90,000
Kurdistan Democratic Party*	Kurdistan Democratic Party	
Badr*	SCIRI then later ISCI[999]	10,000 to 13,000
Jaysh al-Mahdi	Office of the Martyr Sadr	10,000
Iraqi Islamic Party*	Iraqi Islamic Party	1,900
Iraqi Hizballah*		1,000
Jaysh al-Dawa*	Dawa	1,000
Army of the Guardians		500
Thar Allah		200

* Denotes a militia recognised in CPA Order No.91 as having accepted the terms and timetable for reintegration, the process of which was expected to be completed by September 2005.[1000]

[998] JIC Assessment, 23 August 2006, 'Iraq: The Problem With Militias'.
[999] Supreme Council for Islamic Revolution in Iraq, then Islamic Supreme Council in Iraq.
[1000] Telegram 290 Iraq Rep to FCO, 7 June 2004, 'Iraq: Militias Order'.

1083. A US Report to Congress on 30 November stated that, in early October, Prime Minister Maliki had said that political parties should eliminate their militias or leave the government.[1001] It added:

> "However, personnel with sectarian agendas remain within key ministries, especially the Ministry of Interior. In addition, rivalries for the control of key resources and the central government's limited influence outside Baghdad undermine the Government of Iraq's ability to disband the militias …
>
> "Despite these legal and political prohibitions, militias and other small armed groups operate openly, often with popular support, but outside formal public security structures. These militias provide an element of protection for the populace, generally on a sectarian or political basis. This is especially true in areas where there is a perception that the Government of Iraq is unwilling or unable to provide effective security for the population. Some militias also act as the security arm of an organisation devoted to social relief and welfare, lending these armed groups further legitimacy. Their continued existence challenges the legitimacy of the constitutional government and provides a conduit for foreign interference. Controlling and eventually eliminating militias is essential to meeting Iraq's near- and long-term security requirements."

Transition to Iraqi control of security begins

1084. On 1 September, an eGram from the British Embassy Baghdad reported an "important step psychologically" for the Iraqi military: the Iraqi Ground Forces Command and IMOD would commence "a staggered handover" of command and control functions from MNF-I on 3 September.[1002] It would begin with the 8th Division and other divisions would follow at a rate of one every two weeks until the end of the year. The transfer of 10th Division was planned for January 2007and the final transfer, of the Ramadi Division, was planned for April. MNF-I forces were expected to retain responsibility for logistical support and development.

1085. The British Embassy Baghdad reported that "while the assumption of responsibility looks gradual and sensibly phased, in reality the pace will be demanding to both MNF-I and the IGFC [Iraqi Ground Forces Command]". As "life support and logistics capabilities" were "developing at their own, much slower, pace", it predicted that "IA Divisions will remain dependent on MNF-I for some time to come".

[1001] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq.*
[1002] eGram 38264/06 Baghdad to FCO, 1 September 2006, 'Iraq: Iraqis to Take Over Command and Control of its First Army Division'.

Ethno-sectarian diversity in the Iraqi Ministry of Defence

In its Reports to Congress, the US DoD monitored ethno-sectarian diversity in the IMOD.[1003] On 26 May 2006, it stated that the leadership of the IMOD, selected with MNSTC-I co-ordination, was majority Sunni.

On 29 August, Sunnis and Kurds were over-represented, in relation to the population, at higher command levels, though Shia commanders held the majority of command positions.[1004] That was reported to reflect the requirement for military experience, which Sunnis had obtained in the Iraqi Army before the invasion and Kurds had obtained through years of experience in the Peshmerga.

The composition of Iraqi Army divisions could be divided into two groups. The nationally recruited divisions (those with an odd number) were roughly representative of the country.[1005] The even numbered divisions, which had been recruited locally, initially as ICDC personnel then ING, were more homogenous.

Describing the composition of Iraqi Army divisions, the JIC recorded that "of the 10 Army divisions, three are heavily Shia (over 90 percent), a further three are Shia-dominated, two are mostly Kurdish and one is relatively mixed, which is unsurprising given that five are based on National Guard divisions recruited locally in 2003. Among the top three senior Army officer grades, representation broadly reflects the national confessional breakdown: Sunnis 20 percent; Shia about 50-60 percent; the Kurds 20-30 percent."[1006]

To increase diversity in the odd numbered divisions, the intent was for replacements from a national recruiting pool to join these units.[1007] Further army recruitment was done at the national level with IMOD policy strictly prohibiting unit commanders from hiring their own personnel and clearly requiring enlisted and commissioned personnel to attend national training schools to receive certification of their rank and duty speciality.[1008]

1086. On 3 November, the British Embassy Baghdad reported that a video conference between President Bush and Prime Minister Maliki had resulted in agreement to accelerate the pace of training the ISF, their assuming command and control and the transfer of security responsibility to the Iraqi Government.[1009]

1087. A High Level Working Group with three sub-committees was established to report on whether and how acceleration could take place in each area. The Working Group consisted of Gen Casey and Ambassador Khalilzad, along with the Iraqi National Security Adviser, Minister of the Interior and Minister of Defence.

[1003] Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.
[1004] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.
[1005] Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.
[1006] JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit For Duty?'.
[1007] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.
[1008] Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq*.
[1009] eGram 48788/06 Baghdad to FCO London, 3 November 2006, 'Accelerating Security Transition'.

1088. The Embassy reported that "Maliki is frustrated at what he feels is his lack of control over Iraqi security" but also that Gen Casey feared that "forcing the pace risks putting too much pressure on immature Iraqi systems and capabilities".

Iraqi Security Force assessments in late 2006

1089. Lt Gen Fry submitted his End of Tour Report on 28 August.[1010] He wrote:

> "The key indices of the development of the Iraqi Security Forces (ISF) are regularly reported and show steady progress. There are some structural problems which, in the IA, will require an additional 52,000 soldiers to be trained, and in the IPS, will require the process of internal reform to be seen through. But these are regarded as running repairs to structures which are fundamentally sound in design and institutionally well-conceived. Given this positive background, the successive IA battalions which have disintegrated when placed under orders or actually deployed to operations outside their divisional area is disappointing. Disappointing, but probably not surprising. The month on month increase of numbers trained conceals organisations which remain very immature … Seen from MNSTC-I, this is entirely predictable at the 18 month point of a three year process and [Lieutenant General] Dempsey [Commander MNSTC-I] would assert that the ISF project is on track, so long as too much is not asked of it too soon …"

1090. Lt Gen Fry thought that the ISF would be tested over the next month. If they were successful he judged:

> "… the campaign will have negotiated a tricky period … But the stakes are high and failure would have implications for campaign progress, the place of the ISF in Iraqi society and the authority of the Maliki government. It is difficult to predict the outcome …"

1091. On 15 November, the JIC assessed:

> "MNF operations under the Baghdad security plan have had only temporary and local impacts: violence has been displaced and has increased overall. The ISF have been unable to sustain any improvements. Operations have exposed the patchy nature of Iraqi Army capability and the ineffectiveness of the Iraqi police. Prime Minister Maliki is attempting to address some of the problems: diplomatic reporting indicates he has ordered a purge of officers within the security Ministries involved in sectarian violence. The MOI claims that 3,000 police have been relieved of duty – although most are likely to be re-deployed elsewhere."[1011]

[1010] Minute Fry to PSO/CDS, 28 August 2006, 'SBMR-I End of Tour Report'.
[1011] JIC Assessment, 15 November 2006, 'Iraq: Risk of Deepening Sectarian Division'.

1092. A further JIC Assessment on 24 November stated:

"The UIA [United Iraqi Alliance] recognises the need to build ISF capabilities, but ISF credibility as impartial, national forces is being damaged by the main Shia factions entrenching their influence – and in some cases control – over state security structures. […] SCIRI's Badr Organisation is the most organised, placing its members in important positions within the Ministries […]. The Jaysh al Mahdi (JAM), largely under the control of Sadr, has been less systematic, but controls the police in many Shia areas through infiltration and intimidation. The relative influence of SCIRI/Badr and JAM in the ISF varies across the Shia areas of central and southern Iraq; their rivalry has led to serious violence in places, most recently in al-Amara.

"Shia militias provide protection and leverage to Shia political parties. In a climate of poor security and political uncertainty, we see no prospect that SCIRI/Badr, Sadr/JAM and others will willingly give up their power. Maliki has made some attempts to get rid of sectarian elements within the ISF […]. He says he is pursuing a strategy with the Sadrists to bind them more tightly into the political process while gathering the necessary political backing to take tough action against renegade JAM elements. […] By aligning himself with the Sadrists, Maliki risks alienating SCIRI/Badr."[1012]

Enabling the police to tackle crime

A Report to Congress on 30 November 2006 stated that the MOI's emphasis on tactical skills meant that little resource was left for training for or conducting criminal investigations.[1013] As a result, corruption and smuggling were becoming more organised and entrenched. The CPATT was seeking to address that by strengthening the Iraqi Major Crimes Task Force and the Major Crimes Unit. In addition, there were discussions between the MOI and MNSTC-I about improving Iraq's forensic investigative capabilities by adding several thousand forensic specialists to the police forces.

In November 2006, the British Embassy Baghdad produced a 'Police Forward Look' that suggested the UK's aim was to move its "assistance increasingly to higher-level mentoring and support".[1014] It identified seven work strands in Baghdad, a number of which were expected to transfer to an Iraqi lead during 2007:

- TIPS – CPATT was likely to move the hotline to the MOI "in the next few months". Without a significant increase in resources, the UK contribution (ArmorGroup) was judged to be unsustainable and it was recommended that it be drawn down by March 2007 "at the latest". Despite being "the UK's biggest success story", it "was not part of our original remit". TIPS is described earlier in this Section in the Box, 'TIPS hotline'.
- Forensics – the Baghdad laboratory and training academy were open with "significant" support from UK police officers and ArmorGroup. They aimed to be completely Iraqi-led by the end of 2007; the Basra equivalent was "now the priority".

[1012] JIC Assessment, 24 November 2006, 'Iraq: What do the Shia want?'.
[1013] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.
[1014] Paper BE Baghdad, November 2006, 'Police Forward Look'.

- Intelligence – the NIIA should be "running successfully" by early 2009. It was currently "still in its infancy and was heavily dependent on British assistance". One UK police officer oversaw the entire programme.
- Capacity-building at the MOI – the UK would continue to provide Rule of Law and policing advice at a strategic level to the MOI through one or more high-level advisors.
- CPATT slots – to continue "for as long as is required". British officers held two positions in CPATT and a further two were desired over the next year.
- Hostage affairs – one officer whose role was to provide links into the Hostage Working Group and other US and MNF-I hostage recovery groups. It was a post that the UK could not "manage without" and any departing officer should be replaced "as rapidly as possible with another police officer from the UK with the relevant skill set". The role was described as "not a heavily loaded slot until hostage issues arise (as at present),[1015] when it involves long hours and a heavy workload".
- Chief Police Adviser – recommended that that role be returned to Baghdad following the transition to Provincial Iraqi Control in Basra "to oversee what should be a smaller and more strategic policing team". His role could double up with a senior role in CPATT.

Developing the Ministry of Interior and Iraqi Ministry of Defence

1093. Lt Gen Houghton described the focus on IMOD development (compared with the focus on the Ministry of Oil) in his 8 January 2006 weekly report to Gen Walker:

> "A coalition engagement plan that has 103 advisers in the MOD yet only six in the Ministry of Oil is not properly balanced."[1016]

1094. Mr Straw asked FCO officials for advice on Lt Gen Houghton's comments on the imbalance between coalition support for the Ministries of Defence and Oil.[1017]

1095. Mr Asquith replied to Mr Straw on 18 January.[1018] He advised that the IMOD had indeed received a "disproportionately" larger number of advisers than other ministries, for three reasons:

- unlike other ministries, the IMOD had been torn apart by the coalition and needed rebuilding from scratch;
- the importance of security issues; and
- its location in the Green Zone, which meant that advisers could work there relatively uninterrupted.

[1015] This may be a reference to the kidnapping of up to 150 employees and visitors of an Education Ministry building in Baghdad.
[1016] Minute Houghton to CDS, 8 January 2006, 'SBMR-I Weekly Report (194) 08 January 06'.
[1017] Minute Asquith to Foreign Secretary, 18 January 2006, 'Iraq: Capacity-building in Ministries'.
[1018] Minute Asquith to Foreign Secretary, 18 January 2006, 'Iraq: Capacity-building in Ministries'.

1096. A Cabinet Office paper on 13 June reported that the UK contribution to the Ministerial Transition Teams was:

- MOI: five international consultants (working in rotation) and two military officers. The focus was on management and administrative capacity-building, including strategic planning, improving administrative controls and accountability, clarifying the legal and constitutional framework and human resource management.
- IMOD: seven full-time advisers (MOD), including the Team Leader/Senior Advisor who was responsible for directly advising the Minister. The team focused on establishing a functional Secretariat, strengthening contracting procedures and developing the Inspector General Group.[1019]

1097. A Report to Congress on 30 November stated that the MOI "was currently assessed as being partly effective overall".[1020] The MOI Transition Team had "just over 100 advisers":

- Seven were from the US State Department.
- Three were from the US Department of Justice.
- 45 were from the US military.
- "just over a third" were contractors (Military Professional Resources Inc).
- The rest were non-US military and civilian personnel.

1098. The IMOD Transition Team contained "just under 50 advisers":

- The majority were contractors (Military Professional Resources Inc).
- Six were US military personnel.
- 12 were civilian advisers.

1099. A "similarly scaled effort" was provided at Joint Headquarters, with US military personnel making up roughly half and the rest split between US contractors and personnel from coalition countries.

1100. On 17 January 2007, the JIC repeated its concerns about the IMOD and the MOI but did note some small signs of improvement in the Ministries, stating:

> "The Ministerial Committee for National Security – chaired by [Prime Minister] Maliki – is taking on more strategic planning. The MOD has benefited from MNF engagement, performing better than the MOI. We judge that both ministries are better able to direct their forces, albeit inconsistently. Some efforts have been made to correct deep-seated problems. But the lack of united national political direction is reflected in Iraq's security machinery which remains largely un-coordinated and, we

---

[1019] Paper Cabinet Office, 13 June 2006, 'Follow-up to the Prime Minister's visit, including Delivering a Step-Change in Basra' attaching Annex B 'Capacity-building Assistance (Excluding Direct Support from UK Missions in Iraq)'.
[1020] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

judge, only partially effective: undermined by personal and party rivalries, endemic corruption and the absence of a capable bureaucracy. This is unlikely to change significantly in the foreseeable future. […]

"Both the MOI and MOD still face significant difficulties in effectively administering their rapidly expanding forces … Corruption and sectarianism still permeate the MOI."[1021]

1101. Reports to Congress between November 2006 and March 2007 highlighted the work being undertaken to tackle corruption in the MOI:

- Internal Affairs: By the end of September 2006, 650 out of a total of around 1,000 MOI Internal Affairs officers had received specialised training. Training for all personnel was expected to be completed by March 2007.[1022]
- "Quicklook": A coalition-initiated, MOI-led police reform programme called "Quicklook" was launched in December 2006.[1023] It aimed to review all aspects of the performance and effectiveness of Iraqi police stations, beginning in Baghdad. It comprised visits by representatives from Police Affairs, Internal Affairs, Human Resources, Training and Administrative Directorates and was complemented by the PTTs.
- Dismissals: By August 2006, over 230,000 MOI employees had been screened by the Iraqi Police Screening Service, against Ba'ath Party records and Saddam Hussein-era criminal records.[1024] Possible positive hits numbered 5,300, leading to the dismissal of 74 personnel. By March 2007, there had been 1,228 dismissals with a further 2,143 dismissals pending.[1025] The screening process was severely hampered by its inability to check for militia links; to counter that, IPS recruits were required to take an oath of office denouncing militia influence and pledging allegiance to Iraq's Constitution.[1026]

The National Police

The DoD reported to Congress on 26 May 2006 that the Iraqi National Police had been created on 1 April 2006.[1027] The Minister of Interior signed an order to reorganise and merge the Police Commandos, the Public Order and Mechanised Police and the Emergency Response Unit to form a single force under a single headquarters.

An eGram from Mr Asquith on 7 December explained that the intention behind the National Police was to create a mixed ethno-sectarian force, filling the gap between the "provincial" IPS and the Iraqi Army in dealing with serious civil disorder and internal

[1021] JIC Assessment, 17 January 2007, 'Iraqi Security Forces: Prospects in 2007'.
[1022] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.
[1023] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[1024] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.
[1025] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[1026] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.
[1027] Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.

emergencies.[1028] The planned number of officers was 25,000 but it was currently staffed to "around 19,000". Almost all National Police personnel were deployed in Baghdad.

Mr Asquith reported that the National Police's first major deployment in June had been "disappointing" and the second "somewhat better" but capability concerns remained. In response, MNF-I and the MOI had initiated a comprehensive retraining and leadership programme, resulting in a reshuffle that attracted local and international press coverage. It was now in the second phase of retraining which was scheduled to run until September 2007. Officers would be retrained in police (as opposed to military) skills and "not released for duties until they are able to meet the required standard".

The MNF-I hoped that the retraining would also make "the NP [National Police] less susceptible to the influence and infiltration of the militias" but Mr Asquith noted: "Indeed, as so often with the ISF as a whole, leadership will be the key."

While the National Police's future role was undecided, the aim was to turn it into a "more aggressive, responsive, paramilitary-style force over the next five years", similar to the Italian Carabinieri (National Military Police). Plans for regionalising the force were dependent on the security situation in Baghdad, where the National Police would be crucial in maintaining public order once the US drawdown began.

A JIC Assessment issued on 9 June 2006 reported:

> "The more capable National Police, largely confined to the Baghdad region, have provided effective support to MNF counter-insurgency operations. But we judge that there are serious problems of corruption, criminality, and divided loyalties; elements have taken part in sectarian attacks and are prone to Shia militia influence."[1029]

A Report to Congress on 30 November 2006 stated that while the National Police had "proven useful in fighting the insurgency", frequent allegations of abuse and other illegal activities affected their credibility.[1030] A report in June 2007 stated that a four-phase transformation programme began in October 2006 to reorient the National Police towards police (as opposed to paramilitary) functions:

- Phase I: "Quicklook" inspections to improve overall readiness.
- Phase II: Standardised collective training, including added emphasis on human rights, Rule of Law and police ethics. Extensive re-vetting of currently serving officers, including ID checks, fingerprints, biometrics, a literacy test, and criminal intelligence background checks. There was no specific screening for militia affiliation.
- Phase III: An Italian led training plan based on the tactics, techniques and procedures of the Carabinieri.
- Phase IV: Forward positioning to train on contingencies such as security for pilgrimages, natural disasters and national emergencies.[1031]

[1028] eGram 54506/06 Baghdad to FCO, 7 December 2006, 'Iraq: The National Police'.
[1029] JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit for Duty?'
[1030] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.
[1031] Report to Congress, 7 June 2007, *Measuring Stability and Security in Iraq*.

By September 2007, the National Police Commander had relieved commanders of both of the divisions, all nine brigades and 17 of 27 battalions.[1032] The Report to Congress stated that despite those changes, sectarianism remained a significant problem within the National Police.

Reform of the Facilities Protection Service

1102. Facilities Protection Service (FPS) personnel were also implicated in violent crimes and other illegal activity.[1033] On 24 August 2006, Prime Minister Maliki announced that the majority of the FPS would be consolidated into a unified organisation accountable to the MOI.[1034] An early test case review of the Central Bank of Iraq's Protection Service suggested that 800 of the 1,800 employees on the payroll were either ghost employees or otherwise unfit for such employment.

1103. On 27 December, Prime Minister Maliki signed a consolidation directive that provided instructions to place all FPS personnel under the MOI, with the exception of the Ministry of Oil, the Ministry of Electricity and the Higher Juridical Council forces.[1035]

1104. Many Ministries resisted central control over their guard forces and continued to use the FPS as an employment opportunity for militia and sectarian interests.[1036]

1105. The draft Facility Protection Service Reform Act was still in limbo between the Council of Ministers and the Committee of Representatives at the point of UK military withdrawal more than two years later.[1037]

Creation of the Iraqi national counter-terrorism capability

On 10 October 2006, Prime Minister Maliki approved the establishment of an Iraqi national counter-terrorism capability, comprising:

- The development of a National Counter-Terrorism Bureau separate from the ministries, to act as the principal adviser to the Prime Minister on counter-terrorism matters.
- The establishment of a separate major command equivalent to the Iraqi Ground Forces Command to provide support to the National Counter-Terrorism Bureau in intelligence and targeting areas.

[1032] Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.
[1033] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.
[1034] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.
[1035] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[1036] Report to Congress, 7 June 2007, *Measuring Stability and Security in Iraq*.
[1037] Report to Congress, 23 July 2009, *Measuring Stability and Security in Iraq*.

- The expansion of the Iraqi Special Operations Forces that would be commanded by the new counter-terrorism command. That expansion would include an additional commando battalion with forward-based commando companies in Basra, Mosul and al-Asad.[1038]

Iraq Forward Plan

1106. Following a discussion in the Iraq Strategy Group,[1039] a draft of a Forward Plan was sent to Mr Blair's Private Secretary by Mr Simon McDonald, FCO Director Iraq, on 24 November 2006.[1040] It was also sent in parallel to the FCO, the MOD and to SIS. The Forward Plan considered what more needed to be done to improve the chances of successful transition (there is more detail on the Forward Plan in Section 9.5).

1107. The Forward Plan assessed the key weaknesses of the ISF as:

"
- A lack of capacity and ineffective command and control arrangements, particularly at strategic and operational levels.
- Militia infiltration of the Iraqi Security Forces, in particular the Iraqi police force and other Ministry of Interior forces.
- The inability of Iraqi Ministry of Defence to apportion and release funding.
- Strategic and tactical level intelligence capabilities.
- Lack of Iraqi Security Forces logistic capacity and protected mobility.
- Lack of some heavier weapons such as machine guns."

1108. To address those concerns over three, six and 12 months, at both the national and the MND(SE) level, the proposals included:

- providing subject matter experts to the security Ministries;
- encouraging the Iraqi Government to address issues such as sectarianism;
- reforming corrupt elements of the police;
- enhancing the UK commitment to monitoring and mentoring 10th Division; and
- providing niche equipment.

1109. Responding to Mr McDonald, Mr Blair's Private Secretary reported that he had described the Forward Plan as "an excellent piece of work".[1041] The Private Secretary asked for it to be finalised and implemented.

[1038] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*; Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[1039] Minute Cabinet Office [junior official] to Sheinwald, 27 November 2006, 'Iraq Strategy Group, 24 November'.
[1040] Minute McDonald to Banner, 24 November 2006, 'Iraq Forward Plan' attaching Draft Paper, [undated], 'Iraq: Forward Plan'.
[1041] Letter Banner to McDonald, 27 November 2006, 'Iraq: Forward Plan'.

1110. On 29 November, Vice Admiral Charles Style, Deputy Chief of the Defence Staff (Commitments), told the Chiefs of Staff that the Forward Plan had received Mr Blair's approval over the weekend.[1042]

1111. At DOP(I) on 7 December, Mr Browne reported that the security aspects of the Forward Plan were being implemented and that weaknesses in ISF capacity and in the Basra police were being addressed.[1043]

1112. The Inquiry has seen no other record of implementation against the Forward Plan's proposals.

Iraqi Air Force progress

In September 2007, the US Independent Commission on the Security Forces in Iraq (led by General James L. Jones and described later in this Section) concluded:

> "The Iraqi Air Force's relatively late establishment hampers its ability to provide much-needed air support to ground operations. It is well designed as the air component to the existing counterinsurgency effort, but not for the future needs of a fully capable air force. Though limited by the availability of properly skilled personnel, and by an inclination to value force size and acquisition over operational effectiveness, it is nonetheless progressing at a promising rate during this formative period."[1044]

In September 2007, the Iraqi Air Force numbered 1,100 personnel with 45 aircraft.[1045] There were plans to increase personnel to 3,000 and for the number of aircraft to increase to 80 by the end of 2007. Although the target of 3,000 personnel by the end of 2007 was not met (there were only 1,200), long-term ambitions grew and plans were developed to create an Iraqi Air Force of 12,000 personnel operating from 10 main bases and five secondary bases.

By 31 May 2010, there were 5,600 personnel with 106 aircraft.[1046] The US assessed that the "Minimum Essential Capability" required when US forces left in December 2011 was "to establish the capability to support COIN operations and put in place the building blocks necessary for the achievement of air sovereignty".[1047] The US assessed in August 2010 that the Iraqi Air Force was on track to meet this capability in all areas with the exception of airspace control and fixed wing airlift.[1048]

[1042] Minutes, 29 November 2006, Chiefs of Staff meeting.
[1043] Minutes, 7 December 2006, DOP(I) meeting.
[1044] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[1045] Report to Congress, 14 December 2007, *Measuring Stability and Security in Iraq*.
[1046] Report to Congress, 20 August 2010, *Measuring Stability and Security in Iraq*.
[1047] Report to Congress, 29 April 2010, *Measuring Stability and Security in Iraq*.
[1048] Report to Congress, 20 August 2010, *Measuring Stability and Security in Iraq*.

Focus on the Iraqi Army

1113. On 29 October 2006, Mr Blair wrote a minute to staff in No.10 entitled 'Iraq Plan'.[1049] On ISF development he suggested:

> "Rectify any weaknesses in training, equipment, pay and capacity of the Iraqi Army. This should be built up as a major force which everyone knows is superior to any other force. If we need to embed more of our officers to help, we should do it. We need to make the Iraqi MOD effective in paying soldiers.
>
> "A plan to pay off the worst aspects of the police, slim them down and change the command and control. All this is easier to do in the context of the growing Army power."

1114. In a Note to President Bush on 20 December, Mr Blair suggested three ways in which to support Prime Minister Maliki, the first of which was to:

> "… increase the speed of Iraqi Army command and control; training and equipment. They are the one reasonably solid force structure the Iraqi Government has. All our effort must be directed to building its capability."[1050]

1115. On 6 January 2007, Prime Minister Maliki delivered what Mr Asquith described as a "robust" speech at Iraq's Army Day event.[1051] Mr Maliki called for armed forces that were without political bias, cohesive in the national interest and protected from political interference and militia. Mr Maliki said:

> "We will not allow anybody to be an alternative to the state, whether the militias or anybody else, regardless of their affiliations … We will confront them firmly."

1116. On 14 January 2007, Mr Blair met Mr Robert Gates, US Secretary of Defence.[1052] Mr Blair was recorded as stating that the Iraqis needed "at least one institution of power which worked and supported the government". His advice to the US was to place a high value on building up Iraqi military capability.

Expansion of the Iraqi Security Forces

1117. On 10 January 2007, President Bush announced a change of strategy for Iraq, often referred to as "the Surge".[1053] This is explained in more detail in Section 9.5.

[1049] Note Blair, 29 October 2006, 'Iraq Plan'.
[1050] Note Blair to Bush, 20 December 2006, 'Note'.
[1051] eGram 534/07 Baghdad to FCO London, 7 January 2007, 'Iraq: Prime Minister al-Maliki, 7 January'.
[1052] Letter Sheinwald to Forber, 15 January 2007, 'Prime Minister's Meeting with US Defence Secretary, 14 January: Iraq and Afghanistan'.
[1053] The White House archive, 10 January 2007, *President's Address to the Nation*.

As well as increasing the number of US and Iraqi troops in Baghdad, President Bush announced a further focus on SSR:

> "In keeping with the recommendations of the Iraq Study Group [described in Section 9.5], we will increase the embedding of American Advisors in Iraqi Army units, and partner a coalition brigade with every Iraqi Army division. We will help the Iraqis build a larger and better-equipped army, and we will accelerate the training of Iraqi forces, which remains the essential US security mission in Iraq."

1118. On 17 January, the JIC produced an Assessment commissioned by the Iraq Senior Officials Group.[1054] It stated:

> "The success of new US plans will depend in part on the willingness of the Iraqi Government to take on sectarian and political militias. Maliki will not take action which risks breaking the Shia United Iraqi Alliance (UIA) and bringing down his government. Only a small proportion of the ISF are currently both willing and able to take on the Shia militias. In Baghdad the ISF will need support from MNF combat units beyond 2007. Similar support will be required in the Sunni Arab heartlands if *de facto* control of large areas is not to pass to the insurgents."

1119. The US view of what was necessary to stabilise the situation in Iraq was reflected in an assessment produced and published in January 2007 by the US National Intelligence Council.[1055] On the ISF it stated:

> "Despite real improvements, the Iraqi Security Forces (ISF) – particularly the Iraqi police – will be hard pressed in the next 12-18 months to execute significantly increased security responsibilities, and particularly to operate independently against Shia militias with success. Sectarian divisions erode the dependability of many units, many are hampered by personnel and equipment shortfalls, and a number of Iraqi units have refused to serve outside of the areas where they were recruited."

1120. It also judged that if a rapid drawdown of coalition forces were to occur, the ISF "would be unlikely to survive as a non-sectarian national institution".

1121. Mr Blair met General David Petraeus, the new Commander MNF-I on 6 February.[1056] They discussed Iraq's security institutions and agreed that there were still problems with funding, equipment and key enablers such as intelligence. They also discussed the loyalty of the ISF and agreed that it was vital that the Iraqi Government was able to impose its authority. Gen Petraeus agreed to lobby the Government on matters such as a replacement commander for 10th Division if a solution was not forthcoming. Mr Blair said that the UK would stay in Basra Palace and do more training and mentoring.

[1054] JIC Assessment, 17 January 2007, 'Iraqi Security Forces: Prospects in 2007'.
[1055] [US] National Intelligence Estimate, [approved] 29 January 2007, *Prospects for Iraq's Stability: a Challenging Road Ahead (Key judgments)*.
[1056] Letter Banner to McNeil, 6 February 2007, 'Prime Minister's Meeting with David Petraeus'.

1122. The DoD reported to Congress on 2 March that over 40 Joint Security Stations in Baghdad would be established to "facilitate co-operation between coalition and Iraqi Forces and to build trust and confidence with the local population".[1057]

1123. The Report to Congress stated that the generation of MNSTC-I-agreed force levels as mandated under the Petraeus Plan was considered complete. Both the IMOD and the MOI had assumed control of most force generation tasks.

1124. A letter from Mr Browne, circulated to DOP(I) members ahead of a meeting on 10 May, commented that "we must build on examples like Anbar, once considered all but lost, where tribal leaders are now working with the coalition to drive out Al Qaida".[1058]

1125. Mr Browne said in discussion at the DOP(I) meeting that, in Anbar: "young Sunnis were queuing up to join the Iraqi Security Forces".[1059]

Machinery of Government under Mr Brown

Mr Gordon Brown took office as Prime Minister of the UK on 27 June 2007. In his initial Cabinet reshuffle, he appointed Mr David Miliband as Foreign Secretary and Mr Douglas Alexander as Development Secretary. Mr Des Browne remained as Defence Secretary until 3 October 2008.

Mr Brown reorganised the structure of Cabinet Committees. As well as discussions in Cabinet, Iraq business was formally addressed in the Overseas and Defence Sub-Committee of the Committee on National Security, International Relations and Defence (NSID(OD)). An additional sub-committee specifically on Iraq (NSID(IR)) was also established, but never met.

1126. In June, a proposal agreed by Prime Minister Maliki established an additional light infantry division, bringing the total planned force structure to 13[1060] divisions.[1061] That expansion was funded by the Iraqi Government, bringing the total IMOD expansion budget to US$950m. The development of the 14th Division which was to be raised in Basra is described further in Box, 'A new Iraqi Army division for Basra', later in this Section.

1127. Commenting in his valedictory on 16 August 2007, Mr Asquith said:

> "The surge has failed to create the space for politics to work because the military (tactical) successes (local security structures loyal to the MNF) conflict directly with the political objective (inclusive and integrated national Iraqi authority)."[1062]

[1057] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq.*
[1058] Letter Browne to Blair, 5 May 2007, 'Iraq: Reconciliation'.
[1059] Minutes, 10 May 2007, DOP(I) meeting.
[1060] The new division would be called the 14th Division, because the number 13 was not used.
[1061] Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.
[1062] Letter Asquith to Miliband, 16 August 2007, 'Iraq: Valedictory'.

1128. Mr Asquith told the Inquiry:

> "Personally, I was sceptical that the surge would be effective and was unsure whether the real objective of agreeing the local cease-fires with some of the Sunni Arab areas' tribal leaders was designed to minimise the casualties of US forces or was really designed to build them into the political process. My suspicions were that the first objective … was probably a more important one in the minds of the military planners, and I was sceptical that they would be successful in persuading, particularly the Sunni Arab tribal leaders, to be loyal to a Shia-led government in Baghdad.
>
> "I think in retrospect I was wrong and I think the surge did produce what General Petraeus was seeking to achieve by it, not just to create the sort of breathing space for some politics to work, but that it did, more sustainably than I assumed, quieten those areas which were extremely violent."[1063]

Iraqi border police progress

The DoD reported on 2 March 2007 that MNSTC-I had trained 28,400 Department of Border Enforcement (DBE) and Port of Entry (POE) personnel and that the DBE was supported by 28 Coalition Border Transition Teams.[1064]

Later in the year a joint DBE and MNSTC-I five-year plan was developed to bring the total number of constructed border forts and annexes to 723[1065] and to increase the personnel requirement to 46,000.[1066]

On 6 September, the Independent Commission on the Security Forces in Iraq reported to Congress its conclusion that:

> "Iraq's border security forces are generally ineffective and need more equipment, training, and infrastructure before they can play a significant role in securing Iraq's borders. The Department of Border Enforcement suffers from poor support from the Ministry of Interior. Overall border security is undermined by the division of responsibilities between the Ministry of Interior and the Ministry of Transportation. Corruption and external infiltration of the border security forces are widespread, and the borders are porous."[1067]

On 18 December 2008, the JIC assessed that the DBE "suffer from departmental underinvestment and corruption" and "are unable to protect Iraq's borders".[1068]

By August 2010, the DBE had 40,000 personnel and operated out of 657 forts and annexes.[1069] It was estimated that over 60,000 personnel would be required to staff the planned number of forts.

[1063] Public hearing, 4 December 2009, page 30.
[1064] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[1065] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[1066] Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.
[1067] Report, 6 September 2007, 'Independent Commission on the Security Forces in Iraq'.
[1068] JIC Assessment, 18 December 2008, 'Iraqi Security Forces: Mixed Abilities'.
[1069] Report to Congress, 20 August 2010, *Measuring Stability and Security in Iraq*.

The justice sector

1129. The minutes of DOP(I) on 30 March 2006 recorded that in discussion it was stated:

> "Work was needed to identify what was required to build Iraqi judicial capacity … Building up the Iraqi judicial system would take significant commitment and resources. Was it currently assigned a high enough priority in HMG's [Her Majesty's Government's] long term plans?"[1070]

1130. On 23 May, a junior official in IPU emailed the British Embassy Baghdad to ask if there were any "gaps" that could be addressed in the justice sector through the 2007/08 GCPP bid.[1071] The official wrote that the FCO, the MOD and DFID agreed it could become "the weak link in the Rule of Law chain" and undermine the SSR effort.

1131. A junior official in Baghdad replied on 25 May, agreeing that "the justice sector has been and continues to be 'the missing link'".[1072] He wrote that the US was "looking to spending hundreds of millions of dollars in the justice sector", covering judicial personal security, courthouse security and administration, expanding Central Criminal Court of Iraq capacity and forensic training for judges. The EU JustLex programme (see Box, 'EU integrated police and Rule of Law mission for Iraq', earlier in this Section) had been extended recently and the EU Commission had €40m for "Governance" programmes.

1132. Looking at what the UK could provide, the official wrote that a Rule of Law Sectoral Working Group, chaired by the Chief Justice, had produced a "unified" strategy. The Chief Justice had advised that the Iraqi system did not want:

- more "short training courses in generic human rights issues in foreign locations" – those took judges "away from their day jobs" for too long and further training for existing judges should be considered;
- "more Western advisers" – due to language and access barriers; or
- more "soft" assistance – the UK had "published at great expense a number of pamphlets, CDs, training packages and other materials. Often these have not been used effectively, if … at all".

1133. The official added:

> "In essence, the Iraqis don't want to be told what they should do, or what their rights are: they want concrete assistance to help them do what they know they should do, or help make those paper rights a reality."

[1070] Minutes, 30 March 2006, DOP(I) meeting.
[1071] Email IPU [junior official] to FCO [junior official], 23 May 2006, 'Rule of Law – The Justice Sector'.
[1072] Email FCO [junior official] to IPU [junior official], 25 May 2006, 'Rule of Law – The Justice Sector'.

1134. The official's view was that nothing "meaningful" had been done since the 2004 International Legal Assistance Consortium (ILAC) project (described in Box, 'International Legal Assistance Consortium', earlier in this Section). The official recommended funding an expansion of the Judicial Training Institute to improve the capacity and quality of training for new judges. Current facilities were too small to accommodate enough students, textbooks were "insufficient", there were no computers and most lecturers did not receive payment.

1135. A junior official in DFID reported to Mr Benn on 30 June that the success of the Rule of Law Sectoral Working Group had been "limited":

> "The Working Group struggles to function effectively under a weak chair (the Chief Justice). He lacks the resources to manage the administrative workload and has requested support from donors."[1073]

1136. To help overcome that, the official wrote that DFID was providing £93,000 for an experienced Iraqi lawyer to support the Chief Justice, as recommended by the FCO in Baghdad, believing that that "modest investment" could "have a significant impact across the sector".

1137. On 8 January 2007, Mr Banner wrote to Mr Irfan Siddiq, Private Secretary to Mr David Miliband, the Foreign Secretary, to commission advice on the current state of the Iraqi justice system, including the degree of governmental interference and how that might realistically be addressed.[1074]

1138. Mr Siddiq replied with a paper produced by the IPU and the British Embassy Baghdad on 16 February.[1075]

1139. The paper reported that there were 850 judges in Iraq; 150 of those were in Baghdad. There was "widespread recognition" that that number needed to increase by between 500 and 600 to "alleviate the backlog of cases". There were 178 judges expected to graduate from the Judicial Training Institute in June 2007 and another 58 in June 2008.

1140. Governmental interference with the judiciary remained a concern. Citing recent examples of that, it was recommended that the UK and the US should "protest vigorously" in such circumstances. The UK had part-funded two upcoming conferences in Iraq that would promote the principles of the Rule of Law and the importance of judicial independence.

[1073] Note DFID [junior official] to PS/SofS [DFID], 30 June 2006, 'Iraq: Support to the Rule of Law Sector Working Group'.
[1074] Letter Banner to Siddiq, 8 January 2007, 'Iraq'.
[1075] Letter Siddiq to Banner, 16 February 2007 attaching Paper British Embassy Baghdad/Iraq Policy Unit, 'Iraqi Justice System'.

1141. Militia influence and intimidation remained "a grave threat"; 23 judges had been killed in the past three years and "many more" had been kidnapped or threatened. Security measures were being provided to the judiciary and other measures were being installed at courthouses. FPS had proved "ineffective", having been infiltrated by militias.

1142. The FCO paper sent by Mr Siddiq was provided to members of DOP(I) for their meeting on 8 March.[1076] It stated that there were issues related to judicial capacity, security, a backlog of cases (with between 7,500 and 12,500 detainees being held pre-trial by the Iraqi authorities) and governmental interference. It made a series of recommendations, including those mentioned in the Better Basra Mark III plan (described later in this Section). Other recommendations included:

- making it clear that governmental interference was not acceptable (when there is evidence of it having occurred);
- a visit to Baghdad by Lord Goldsmith to emphasise the importance of the Rule of Law;
- EU and UN action to support the principles of the Rule of Law and judicial independence; and
- the provision of security to judicial officials and witnesses.

1143. In discussion at DOP(I) it was suggested that the UK should:

- find ways to address as a matter of urgency the large numbers of detainees;
- take advantage of being able to act under the UNSCR mandate while it was still in place;
- consider what assistance the UK could give to the Rule of Law Green Zone[1077] initiative; and
- increase efforts on the Rule of Law and police reform in Basra.[1078]

1144. A Report to Congress on 2 March referred to the US-funded "criminal justice complexes" which comprised a courthouse, detention facilities, forensic labs and judicial housing within the same secure perimeter.[1079] The first complex was to be developed at Rusafa in Baghdad.

1145. The following day, Mr Asquith recorded a request from Gen Petraeus for a UK military/government lawyer and a criminal investigator to assist in the Rule of Law Green Zone.[1080]

[1076] Paper British Embassy and IPU, 6 March 2007, 'The Iraqi Judicial System'.
[1077] The Rule of Law Green Zone was a relatively safe area for justice actors (such as judges and prosecutors) to carry out their functions.
[1078] Minutes, 9 March 2007, DOP(I) meeting.
[1079] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[1080] eGram 9559/07 Baghdad to FCO London, 8 March 2007, 'Iraq: Weekly Assessment'.

1146. The establishment of the Rule of Law Green Zone was discussed at a meeting between Mr Miliband, Lord Goldsmith and Mr Browne on 7 March and was described as "promising".[1081]

1147. Baroness Scotland, Lord Goldsmith's successor, visited Iraq from 19 to 21 November.[1082] The purpose of her visit was to "emphasise the importance of the Rule of Law and the independence of the judiciary". She summarised that there was "a long way to go to establish the Rule of Law in Iraq" and although her message was well received there was a need to "ensure that those words are met with action". She stated:

> "I was very much struck that there was a genuine lack of leadership and understanding of where the responsibility for driving forward the Rule of Law agenda lies within the Government of Iraq. It seemed to be the responsibility of everyone and the responsibility of no-one!"

1148. A Report to Congress on 14 December 2007 stated that the previous September, Prime Minister Maliki had signed an executive order requiring humane treatment of detainees and more expeditious processing of their cases.[1083] The order directed a Ministerial Committee for Rule of Law and Detention, consisting of senior representatives from the relevant ministries, to meet weekly and address issues.

1149. On 20 December, a junior FCO official submitted advice to Mr Miliband about working more closely with the US to reduce the number of their Iraqi detainees.[1084] The official wrote that the Ministerial Committee had "been taking steps to improve Iraqi procedures for detainee handling, but progress [was] slow".

1150. The official stated that detainees were "frequently subject to abuse", mainly in MOI facilities, "often to obtain confessions". The Ministry of Justice's prisons suffered from "severe overcrowding". The official wrote:

> "Through a combination of negligence, incompetence, poor co-ordination and lack of adequate facilities it can take a long time to process detainees through the investigative, judicial and correctional systems."

1151. The Stabilisation Fund was introduced in July 2007, effectively replacing the GCPP for the funding of SSR projects in Iraq (see Section 13.1).[1085] The Stabilisation Fund was owned by the MOD but was jointly managed with the FCO and DFID.

[1081] Email PS/SoS [FCO] to Brind, 12 March 2007, 'Foreign Secretary's Meeting with Attorney General and Defence Secretary, 7 March'.
[1082] Letter Scotland to Miliband, 3 December 2007, 'Iraq'.
[1083] Report to Congress, 14 December 2007, *Measuring Stability and Security in Iraq*.
[1084] Minute FCO [junior official] to PS/SofS [FCO], 20 December 2007, 'Iraq: Detention and Reconciliation: UK Approach for 2008'.
[1085] Minute Treasury [junior official] to Chief Secretary, 23 July 2007, 'CSR2007 – Conflict Prevention and Post-Conflict Stabilisation'.

1152. In a bid prepared for the Iraq Stabilisation Programme Board in February 2008, £3.18m was proposed for the justice sector:

- £1.65m assisting the US-led Rule of Law complex – a senior political adviser, a court administrator and a defence counsel;
- £1.04m supporting the Ministerial Committee – one senior adviser and a support officer; and
- £0.49m for a Basra justice adviser.[1086]

Mid-2007 assessments of the Iraqi Security Forces

1153. On 27 June 2007, the JIC provided an update on the ISF.[1087] It recorded little change from the January paper described earlier in this Section. Development of the Iraqi Army was still described as "slow" and the IPS remained "ineffective". The security Ministries were also judged to be "underperforming". The assessment recorded:

> "Work is under way by Prime Minister Maliki's government to develop a national security strategy, but it is unlikely to make a difference to Iraq's security as long as the government remains factionalised and fails to make progress on national reconciliation […]"

1154. On 4 July, a DIS paper looked at future Iraqi security structures.[1088] It said:

"
- The plethora of security groupings with unique command and control mechanisms will continue to expand, and could destabilise the complex national security environment. This expansion provides an opportunity for furthering sectarian agendas and potential higher levels of intra-ISF conflict.
- Duplication of responsibilities and expanding remits of strategic authorities will continue as incumbent Prime Ministers seek practical solutions to national security threats. Sectarian bias will shape these bodies and they will circumvent the chain of command.
- The amalgamation of Shia militias into national security structures ensures that future Iraqi security strategy will be overwhelmingly Shia-based. This will lead to continued Sunni marginalisation, a justification for Sunni nationalist insurgents and a spur for AQ-I intent."

[1086] Report Iraq Stabilisation Programme Board, February 2008, 'Iraq Stabilisation Aid Fund 2008-11: Strategy Summary' attaching Paper 'Strategic Context for the Iraq Stabilisation Aid Fund Bid: 2008-11'.
[1087] JIC Assessment, 27 June 2007, 'Iraqi Security Forces and Structures: Quantity not Quality'.
[1088] Paper DIS, [undated, stamped 4 July 2007], 'Future Iraqi Security Structures and Environment'.

1155. The JIC Assessment of 6 September included an update on ISF performance.[1089] It reported that:

> "We judge Iraqi confidence, both among Ministers and more generally, has been damaged by the popular perception that security has not significantly improved.
>
> "… The government has taken some steps to address human rights abuses: sacking 23 senior National Police Commanders and disbanding an entire battalion accused of complicity in sectarian acts. But other individuals accused of sectarian abuses remain in positions of responsibility."

Counting the police

With the passage of time it was becoming increasingly difficult to know how many police officers trained by CPATT were still employed by the MOI, or what percentage of police on the MOI payroll were trained and equipped by CPATT.[1090] That was caused by a number of factors:

- the lack of an effective personnel management system in the MOI;
- a high attrition rate (about 20 percent per year, with the MOI reporting paying death benefits for more than 6,000 police officers since May 2003); and
- burgeoning local recruitment.

Provincial Governors had authority to hire more IPS officers than MNSTC-I had agreed to train and equip. In those areas, the MOI and the Provincial Governors were responsible for the extra training and equipment requirements. As police were generally unwilling to move areas, it was not possible for extra officers to be moved to areas where there was a deficit.[1091]

Many of the additional police had received little or no training.[1092]

US views on the progress of Iraqi Security Forces

1156. In May 2007, the Independent Commission on the Security Forces in Iraq was established in the US. It was led by General James L. Jones, a retired US Marine, who had previously served as the Supreme Allied Commander Europe and subsequently held the post of US National Security Advisor from 2009 to 2010. Included in the team of 20 was ACC Duncan McCausland, a serving PSNI officer.[1093] The Commission was tasked with assessing the capability of the ISF; their ability to maintain Iraq's territorial integrity, deny international terrorists safe haven, reduce sectarianism and bring greater security in the next 12 to 18 months.

[1089] JIC Assessment, 6 September 2007, 'Baghdad Security Plan: Impact and Prognosis'.
[1090] Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.
[1091] Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.
[1092] Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.
[1093] Report, 6 September 2007, 'The Report of the Independent Commission on the Security Forces of Iraq'.

1157. On 6 September, the Commission reported that the ISF's progress was "uneven" but "that there should be increasing improvement in both their readiness and their capability for the internal security of Iraq". The ISF "would not be able to secure Iraqi borders against conventional military threats in the near term". Whilst assessed as "severely deficient" in combat support, there was "clear evidence of developing the baseline infrastructure that leads to the successful formation of a national defense capability".

1158. The Commission judged that the Iraqi Army was capable of taking over an increasing amount of combat responsibilities from coalition forces, but the ISF would be "unable to fulfil their essential security responsibilities independently over the next 12-18 months".

1159. The Commission's conclusions on the MOI and its forces were less positive:

> "The Ministry of Interior is a ministry in name only. It is widely regarded as being dysfunctional and sectarian, and suffers from ineffective leadership. Such fundamental flaws present a serious obstacle to achieving the levels of readiness, capability, and effectiveness in police and border security forces that are essential for internal security and stability in Iraq."

1160. The Report went on describe the IPS as "fragile", "underequipped" and "compromised by militia and insurgent infiltration", although it assessed that the IPS could improve rapidly should the MOI become more functional. Of the National Police, the Report stated that it was "not viable in its current form".

1161. On 10 and 11 September, Gen Petraeus testified to Congress, warning of the dangers of handing over to ISF too early.[1094] He did note that "despite their shortages, many Iraqi [Army] units across Iraq now operate with minimal coalition assistance".[1095]

1162. A Report to Congress on 14 September stated that, by July 2007, Iraqi Army divisions had been at about 103 percent of authorised strength, but that masked the extremely low proportion that were present for duty.[1096] Officer ranks were a particular concern, with manning levels of only 69 percent.

1163. A Report to Congress on 14 December 2007 stated that authorised ISF personnel numbers were increasing as a result of three factors:

- successful offensive operations and local awakenings providing a new pool of recruits in a wider range of communities;
- the incorporation of around 100,000 FPS personnel; and

[1094] Testimony to Congress Petraeus, 10-11 September 2007, 'Report to Congress on the Situation in Iraq'.
[1095] Congressional Hearing, S. HRG. 110-490, 11 September 2007, 'Iraq: The Crocker/Petraeus Report'
[1096] Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.

- the number of required forces assessed to match Iraq's security problems increasing.[1097]

1164. The Report said that nearly 500 officers and 2,000 non-commissioned officers from the former regime had been vetted successfully and had rejoined the Iraqi Army. Those personnel had to undergo a three-week "rejoining" course. Up to 1,500 former officers and 13,000 former non-commissioned officers were expected to re-enter the force.

1165. Those additions brought the total ISF planned strength to over 550,000.

1166. The DoD stated that analysis of future force structure requirement projects at the end of 2007 suggested the following force sizes in 2010:

- Iraqi Army – 261,000 to 268,000;
- Iraqi Air Force – 5,000;
- Iraqi Navy – 1,500;
- Iraqi Special Forces – 4,000;
- MOI Forces – 307,000 to 347,000;
- Total: 601,000 to 646,000.

Multi-National Security Transition Command – Iraq reorganisation

On 1 January 2008, MNSTC-I reorganised into the following directorates and teams:

- Directorate of Defence Affairs, led by a US Air Force Brigadier. It incorporated the IMOD and JHQ Transition Teams, CMATT (renamed as CArmyATT), the Coalition Air Force Transition Team (CAFTT), and the Maritime Strategic Transition Team (MaSTT).
- Directorate of Internal Affairs, led by a US Army Major General.
- Intelligence Transition Team, led by a DoD civilian intelligence professional.
- Iraqi National Counter-Terrorism Transition Team, led by a US Navy Rear Admiral.
- Functional Capabilities Directorate focusing on developing Iraqi capacity and providing subject matter experts on force management, personnel acquisition and management, material acquisition, resource management, sustainment, training and development.[1098]

The UK continued to provide two one-star military officers to MNSTC-I, in addition to the civilian team in the IMOD and the contractors in the MOI.

[1097] Report to Congress, 14 December 2007, *Measuring Stability and Security in Iraq*.
[1098] Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.

Improvements in Iraqi Security Force capability during 2007 and 2008

1167. From late 2007 onwards the security situation across Iraq improved, as detailed in Section 9.6. Alongside that reduction in threat, ISF capability began to grow, as judged by the JIC in its 20 December Assessment.[1099] Although it reiterated previous concerns about the MOI and the ISF, it judged:

> "… the Iraqi Security Forces (ISF) are in a much better position than six months ago, partly because of an overall improvement in capability and partly because of a reduction in threat. The prospects for them being able to successfully manage security outside Baghdad, without MNF ground support, by the end of 2008 will continue to be patchy across Iraq and depend heavily on progress being made on national reconciliation and the maintenance of MNF-led security gains. Neither is guaranteed."

1168. On 5 June 2008, the JIC judged that the ISF were "much better placed to manage security through 2008".[1100] On Prime Minister Maliki's influence on the ISF, the JIC wrote:

> "In the last year he has been increasingly dictating where, when and how Iraqi Security Forces (ISF) are deployed. Security policy decisions more widely are increasingly being taken without reference to the coalition …
>
> "We assess that Maliki maintains a firm grip on decision making within Iraq's security Ministries. He has further increased his personal control of ISF …
>
> "We judge that in most cases this greater autocracy has increased overall ISF cohesiveness and responsiveness."

1169. On 10 September, the JIC assessed the future of JAM:

> "… military pressure and Sadr's order for his followers to avoid further conflict with Iraqi Security Forces (ISF) in March forced JAM to surrender its control of the streets in large parts of Basra, Baghdad and Al Amara. ISF now dominate the vast majority of these areas, in many cases for the first time in years."[1101]

1170. On 18 December, the JIC described the Iraqi Army as "an increasingly effective force at all levels", with the National Police approaching a similar capability.[1102] However, despite general improvements, the JIC judged:

> "… local police remain ineffective, due to a lack of resources, militia infiltration and corruption. Law enforcement is also undermined by an overstretched and under performing judiciary. These weaknesses will inhibit the normalisation of Iraqi society and real stability for years to come."

1099 JIC Assessment, 20 December 2007, 'Iraqi Security Forces: Two Steps Forward'.
1100 JIC Assessment, 5 June 2008, 'Iraqi Security Forces: More Able, Less Challenged'.
1101 JIC Assessment, 10 September 2008, 'Iraq: the Future of Jaysh al-Mahdi'.
1102 JIC Assessment, 18 December 2008, 'Iraqi Security Forces: Mixed Abilities'.

1171. On the balance of power between the police and the army, the JIC stated:

> "The army cannot provide local security or enforce the law while it remains focused on COINOPS [counter-insurgency operations], and its method of operation – checkpoints, barriers, destruction of property – are unsuited to the task. Until the IPS and the justice system are improved and purged of militia influence and corruption, Iraq will need to choose between army methods and a police force that is incapable."

The Sons of Iraq

1172. From 2006, a number of local militias and neighbourhood watches began co-operating with the MNF in Baghdad and Anbar province, acting as additional security forces in the fight against AQ-I. They were known originally as "Concerned Local Citizens" and subsequently as the "Sons of Iraq" (described in more detail in Section 9.6). In a report to Congress, the DoD stated:

> "The Sons of Iraq are a key component of the counterinsurgency fight due to their knowledge of the local populace and their ability to report activity that might otherwise escape the attention of coalition and Iraqi forces."[1103]

1173. On 25 April 2007, an eGram from Mr Asquith reported that AQ was "determined to prove that they can still operate (against Shia and Sunni targets) and to exacerbate sectarian violence" in Baghdad.[1104] They were yet to feel the "full effect" of the Baghdad Security Plan;[1105] that was expected by the end of June.

1174. Outside Baghdad, Mr Asquith said, the success of turning the Sunni resistance and tribal groups against AQ had been "more rapid than expected". He reported that the groups were confronting AQ with increasing aggression, and "whereas previously the whole eastern aspect of [Ramadi, the capital of Anbar province] was AQ controlled, this is now reduced to a few blocks".

1175. Mr Asquith wrote that Emergency Response Units had been established to help maintain security, with three units in Ramadi so far and a further 14 planned later in the year. There was also local appetite for the creation of similar resistance groups in other regions; the Baghdad district of Abu Ghraib had seen around 1,200 individuals reporting for recruitment in a single weekend.

1176. On 22 April, it was agreed at the MCNS that Prime Minister Maliki would chair a group (to include MNF-I) to determine what the Iraqi Government would be prepared to offer to opposition and resistance groups in exchange for renouncing violence.[1106]

[1103] Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.
[1104] eGram 16933/07 Baghdad to FCO, 25 April 2007, 'Iraq: Scenesetter for Visit by Secretary of State for Defence, 30 April'.
[1105] The Baghdad Security Plan is also referred to as Operation Fardh al-Qanoon, Arabic for 'Enforce the Rule of Law'. It is described in greater detail in Section 9.5.
[1106] eGram 16933/07 Baghdad to FCO, 25 April 2007, 'Iraq: Scenesetter for Visit by Secretary of State for Defence, 30 April'.

1177. Acting Assistant Chief Constable Michael Colbourne became the Chief Police Adviser in autumn 2006. In his bi-weekly report on 31 May 2007, he wrote that Prime Minister Maliki had passed an order permitting the creation of Police Support Units, attempting to win the allegiance of "middle of the road militias".[1107] Members of a Police Support Unit were paid 75 percent of a policeman's wage and were provided with uniforms. They were not armed as Mr Maliki reportedly believed that they had "enough weapons of their own". The new units did not receive the full basic recruit training and were expected to be in place for a maximum of 18 months.

1178. In his bi-weekly report on 18 June, ACC Colbourne wrote that Police Support Units had been created "in the usual rushed and hurried way".[1108] He commented:

> "The Iraqis are not on board with this and our MOI counterparts are opposed to it.
>
> "The reputation of the police as a whole may be badly damaged by the arming of the militia and calling them policemen. The MOI are not equipped to undertake yet another 'good idea' that the coalition is trying to push through."

1179. ACC Colbourne suggested that the Police Support Units could be moved under the IMOD's control and trained as a "National Guard": "There are many positives to separating this from the MOI and putting it under the [Iraqi] MOD."

1180. On 14 June, Mr Banner reported to Mr Blair:

> "The US are … focused on the Anbar model, but this is creating real tension with Maliki. Violence continues to be down in Anbar, but the motivations of the tribes remain unclear, and they continue to express their opposition to the Government of Iraq. Nor do they tie in to any convincing, wider, Sunni leadership … Maliki is … coming under pressure from other Shia over the creation of a well-armed Sunni militia, particularly as the US now propose to extend the model to areas of Baghdad …
>
> "The Pentagon this week also released its now regular quarterly report on progress in Iraq. This noted that overall levels of violence in the country had not decreased since the start of the surge, noted that the GoI's delivery had been 'uneven', and that it had made 'little progress' on the political front – reconciliation was described as a 'serious unfulfilled objective'."[1109]

1181. In an interview with *Newsweek* on 15 June, Prime Minister Maliki said:

> "Now, some field commanders make mistakes since they do not know the facts about people they deal with. They make mistakes by arming tribes sometimes, and this is dangerous because this will create new militias … I believe that the

---

[1107] Minute Colbourne, 31 May 2007, 'Bi-weekly Report of the UK Chief Police Adviser in Iraq'.
[1108] Minute Colbourne, 18 June 2007, 'Bi-weekly Report of the UK Chief Police Adviser in Iraq'.
[1109] Minute Banner to Prime Minister, 14 June 2007, 'Iraq Update, 14 June'.

coalition forces do not know the backgrounds of the tribes. It is a job of the [Iraqi] government."[1110]

1182. In his evidence to the Inquiry, Mr Asquith recalled:

"From the second half of 2006 and certainly through 2007, the American attitude moved … to engage some Sunni Arab tribes in the Sunni Arab provinces to throw off the militias and Al Qaida groups that were positioned there, and to engage in local cease-fires, with the aim, in time, of those local cease-fires spreading more broadly across the country."[1111]

1183. In an email to the FCO on 14 June 2007, Mr Asquith wrote that Mr Blair and ACM Stirrup had requested further advice from Baghdad on coalition support for the Anbar tribes.[1112] He wrote:

"… I do not doubt the tactical benefit of engaging those in Anbar and other Sunni areas in which AQ operate with the purpose of persuading them to turn against AQ. Nor do I have any reason to doubt MNF-I assessments that this engagement has delivered significant results in terms of identifying AQ operatives and caches, restricting AQ operating capabilities and reducing attacks … against coalition forces. Engaging with local armed, militant, insurgency or opposition groups was of course what I and others were engaged in throughout 2005. I am not opposed to the principle."

1184. Nevertheless, Mr Asquith questioned whether those groups had turned against AQ for wholly ideological reasons. He thought the groups were more strongly motivated by a power struggle with AQ, which was encroaching on the tribes' territory, by money or by a desire – under the protection of US forces – to rearm and prepare for a future campaign against Iran and/or the "Shia government".

1185. Mr Asquith considered that that had had an adverse effect on the Coalition's broader reconciliation strategy. It increased Prime Minister Maliki's concerns and put him "under severe pressure from his Shia constituency who pose the question: why is he tolerating the creation of what effectively are Sunni militias who pose a threat (now or later) to Shia communities, while at the same time tolerating regular coalition attacks on Shia militias?"

1186. Mr Asquith acknowledged:

"Given the imperative for [Gen] Petraeus to deliver something by 13 September … we can't halt the engagement process. We should instead seek to shape it in a way that reduces the risk."

[1110] *Newsweek,* 15 June 2007, *CFR: What are Iraq's Benchmarks?*
[1111] Public hearing, 4 December 2009, page 16.
[1112] Email Asquith to Casey, 14 June 2007, 'Anbar Engagement'.

1187. Mr Asquith suggested a number of approaches to reduce the risk of Anbar tribes derailing reconciliation efforts. They included support for an Executive Council (through which the integration of militia groups should be managed), establishing political tests for the militia to demonstrate support for the Iraqi Government, and enforcing clear time limits for their existence before being disbanded or incorporated into the IPS.

1188. On 16 June, Mr Asquith reported that he had discussed those proposals with Dr Mowaffak al-Rubaie, Iraqi National Security Adviser, at a meeting that day and that Dr al-Rubaie had agreed with the approach.[1113]

1189. On 21 June, Mr Asquith reported that the concept of an Executive Committee was "beginning to take on substance with Maliki in receipt of a Presidency paper setting out how they propose it should work to which he will respond".[1114]

1190. In his weekly report on 24 June, Lieutenant General Graeme Lamb, SBMR-I from September 2006 to July 2007, wrote:

> "An increasing number of tribes, neighbourhoods, Sunni insurgents and just local people are choosing to reject, occasionally terminally, AQ-I. This is seen particularly in the Southern Baghdad belts where, for example in one area there has been an 80 percent reduction in IEDs … This 'people power' is extending to Salah ad Din, Diyala, Ninawa and of course is already in full effect in Al Anbar. In smaller, but notable cases, we are seeing the same effect in Baghdad itself, so the broader 'awakening' continues to make ground."[1115]

1191. On 4 July, a DIS report stated:

> "Central government will remain extremely sceptical of Sunni tribal initiatives in provinces with mixed sectarian demographics. The Shia-dominated government fears these could lead to the return of Sunni rule, and will ensure there are mechanisms to minimise this risk."[1116]

1192. In his weekly report on 6 August, Lieutenant General William Rollo, SBMR-I from July 2007 to March 2009, wrote that the Government of Iraq had accepted 1,700 former Sunni fighters in Abu Ghraib into the IPS.[1117] That was the first time that the government had taken steps to incorporate the Sunni militia from areas outside the Sunni tribal regions into the MOI. Lt Gen Rollo described that as a "significant concession by the GOI [Government of Iraq] … [and] potentially a major win that will reassure other Sunnis who have come into the fold that the GOI genuinely intends to 'see them right'".

[1113] eGram 25998/07 Baghdad to FCO, 16 June 2007, 'Iraq: Call on National Security Adviser, 16 June'.
[1114] eGram 26684/07 Baghdad to FCO, 21 June 2007, 'Iraq: Weekly Assessment'.
[1115] Minute Lamb to Stirrup, 24 June 2007, 'SBMR-I Weekly Report (258) 24 June 07'.
[1116] Report DIS, [undated but stamped 4 July 2007], 'Future Iraqi Security Structures and Environment'.
[1117] Minute Rollo to CDS, 6 August 2007, 'SBMR-I's Weekly Report (264) 6 Aug 07'.

1193. On 20 December, the JIC assessed:

> "77,000 Concerned Local Citizens (CLCs) and other tribal 'awakenings', drawn from the Sunni insurgency and, to a much lesser extent, from Shia militias, are now acting as force multipliers for MNF and ISF in Baghdad and along the Euphrates and Tigris valleys north of Baghdad. The MOI continue to resist assuming formal responsibility for these volunteers (including paying them). If their payments stopped we judge that many would resume attacks on the MNF and ISF. Their loyalty to central government is likely to remain patchy in the absence of broader national reconciliation; we judge they are likely to become an increasingly attractive target for infiltration by both Sunni and Shia extremists."[1118]

1194. On 8 January 2008, Air Marshal Stuart Peach, Chief of Defence Intelligence, briefed the Chiefs of Staff that there were plans to integrate 20 percent of the Concerned Local Citizens into the ISF, with the remainder being available for hire by other ministries for public works programmes.[1119] US funding was due to expire in January 2008 and future funding arrangements were unclear. He noted that failure to address the issue could lead to resentment and a return to violence among former Sunni fighters but that provision for Concerned Local Citizen salaries would probably be opposed by a number of Shia groups.

1195. On 5 June, the JIC assessed that, of the approximately 106,000 (mainly Sunni) Sons of Iraq, around 16,300 had been recruited into the ISF, mainly in Anbar province.[1120] Elsewhere, relations between ISF and the Sons of Iraq were described as "tense". The creation of a Sons of Iraq programme in Basra in 2008 is described later in this Section. Considering the future, the JIC assessed:

> "MNF reporting suggests that at least a quarter of SoI [Sons of Iraq] members expect jobs in the ISF: for others, some form of continued stipend or civil service job would probably suffice. The GoI is unlikely to be willing or able to meet either expectation; or assume responsibility for commanding and paying the SoI this year. So long as it does not, we judge that SoI rejection of AQ-I, tolerance of MNF and willingness to refrain from anti-government violence will be fragile. […]"

1196. An eGram from Baghdad on 7 October reported that the Iraqi Government had taken responsibility for paying the Sons of Iraq located in Baghdad, (50 percent of the 103,000 total) from 1 October.[1121] Responsibility for the other half would follow later that month. The Iraqi Government and the Sons of Iraq did, however, remain suspicious of one another: the Iraqi Government believing that the number of the Sons of Iraq had been "inflated by the various leaders in order to line their own pockets", and the Sons

---

[1118] JIC Assessment, 20 December 2007, 'Iraqi Security Forces: Two Steps Forward'.
[1119] Minutes, 8 January 2008, Chiefs of Staff meeting.
[1120] JIC Assessment, 5 June 2008, 'Iraqi Security Forces: More Able, Less Challenged'.
[1121] eGram 39659/08 Baghdad to FCO, 7 October 2008, 'Iraq: the Awakening Movement and the Sons of Iraq'.

of Iraq seeing the Iraqi Government "as a sectarian government determined to persecute them when the protective US hand [was] removed".

1197. After "detailed examination of the lists", the IMOD had accepted that "most of the SOI" existed and was putting procedures in place to enable payment to foot soldiers directly (reducing group leaders' income). Standardising pay was still a problem and recruitment of the Sons of Iraq into the ISF was slow; only 12,000 members had been recruited so far.

1198. The British Embassy Baghdad reported that AQ had sought to "exploit the situation by increasing pressure in Baghdad and Anbar through violent activity". There was "some evidence" that AQ was trying to lure back some Sons of Iraq by attempting to outbid the Iraqi Government. The US and the Iraqi Government recognised their continued financial support would be necessary to keep the Sons of Iraq "on side".

1199. The JIC assessed that standardising and distributing pay was still an issue in their report on 18 December.[1122] The Iraqi Government had agreed to recruit 20 percent of the Sons of Iraq into the ISF, with the remainder to be employed in other ministries.

1200. The JIC stated that some Sons of Iraq groups had been infiltrated by extremists and media reporting indicated that some Sunni Sons of Iraq commanders saw "Shia militias as a target second only to Al Qaida".

The UK's future bilateral relationship with Iraq

1201. On 27 May 2008, Lieutenant General John Cooper, the then SBMR-I, raised the matter of the UK's longer-term relationship with Iraq with AM Stirrup.[1123] He stated:

> "I am aware of current staffing on how a future training mission might be funded and manned (including the involvement of NATO) and the relative importance of this against other operational priorities. I would simply observe that we have a real opportunity here – both in terms of the UK long-term relationship with Iraq and how we 'sell' our post-TELIC posture to the US."

1202. Commenting on that paragraph in Lt Gen Cooper's report, Mr Edward Ferguson, Mr Browne's Private Secretary, wrote:

> "This is a bit of a concern. Although your intent on this is clear it seems that this hasn't yet got out of the starting blocks … I gather that the main issues are a view that the Army can't afford the manpower (because of other priorities) and that Defence cannot afford it (since it may not be funded by the Reserve)."[1124]

[1122] JIC Assessment, 18 December 2008, 'Iraqi Security Forces: Mixed Abilities'.
[1123] Minute Cooper to CDS, 27 May 2008, 'SBMR-I's Weekly Report (302) 27 May 08'.
[1124] Manuscript comment Ferguson on Minute Cooper to CDS, 27 May 2008, 'SBMR-I's Weekly Report (302) 27 May 08'.

1203. The details of negotiating the UK's continued presence in Iraq following the expiry of resolution 1790 on 31 December 2008 is dealt with in Section 9.7. Ahead of a visit to Iraq in late October, Mr John Hutton, the Defence Secretary from October 2008, was advised by the British Embassy Baghdad:

> "The UK's wish to develop a broader based bilateral relationship, but with a continued defence element focused on training, fits with [Prime Minister] Maliki's own professed aims. But he remains deeply suspicious of us and feels politically besieged … The US/coalition are still needed to support, train and mentor Iraqi Security Forces as they take on more responsibility. Failure to deliver a legal base for this to continue beyond the end of 2008 would be destabilising."[1125]

1204. A key issue with respect to SSR was the provision of a combat role for UK forces; the MOD judged that to be essential to mentor 14th Division but Prime Minister Maliki was reported to be reluctant to authorise it.[1126]

1205. In his end of tour report, Lt Gen Cooper wrote about the UK's future strategic defence relationship with Iraq:

> "As I depart I confess to a sense of frustration that we have yet to confirm the nature, scale and resource of our long-term military relationship with Iraq, particularly with the Iraqi Armed Forces. The Gledhill Report[1127] on officer training reported a year ago, as I arrived, yet we have yet to confirm what we are offering. The Iraqi MOD is very keen, desperate almost, to establish links with its former mentoring nation. Thus far, we have promised something but not yet delivered it. I acknowledge the financial pressure which the UK Defence budget faces, but we have an opportunity to cement a strategic relationship with a major regional power which sits astride the second or third largest oil reserves in the world."[1128]

The strategy for 2009

1206. The National Security, International Relations and Defence Committee (NSID(OD) – the creation of which is described in the Box, 'Machinery of Government under Mr Brown', earlier in this Section) met on 9 December 2008, and agreed that the FCO should seek agreement on a new long-term strategy for Iraq out-of-committee.[1129] The strategy was circulated on 13 January 2009 and subsequently agreed. One of the key elements of the desired the bilateral relationship was "security":

[1125] eGram 41161/008 Baghdad to FCO London, 16 October 2008, 'Iraq: Visit by the Defence Secretary to Baghdad: Scenesetter'.
[1126] Minute Cabinet Office [junior official] to Prime Minister, 14 November 2008, 'Iraq: Update'.
[1127] The MOD has been unable to provide the Inquiry with a copy of this report.
[1128] Report Cooper, [undated], 'End of Tour Report 4 Mar 08 to 3 Mar 09'.
[1129] Letter Hickey to Catsaras, 13 January 2009, 'Iraq: Strategy' attaching Paper 'Iraq: a Review of Strategy'.

> "We should contribute to Iraq's stability and security by helping it to develop professional, accountable, non-sectarian security forces which can deal effectively with both external and internal threats. This will involve MOD support to the Iraqi military through officer training and capacity-building support to IMOD and its JHQ, and a continuation of training, mentoring and capacity-building support to the Iraqi Police Service, Ministry of Interior and criminal justice system through SAF [Stabilisation Aid Fund][1130] projects and the civilian police mission."

1207. During the financial year 2008/09, both the Stabilisation Aid Fund and the Peacekeeping Budget[1131] were used to fund the UK's non-military contribution to SSR (including the UK police mission, support to the MOI and the UK contribution to EU JustLex). In the following financial year it was likely that the Peacekeeping Budget funding would be withdrawn so the MOD, the FCO and DFID were "agreeing a reprioritised programme" from the Stabilisation Aid Fund allocation of £15m focusing on:

- initiatives which would support key Prime Ministerial deliverables and provide conditions for a successful transition from Basra;
- Rule of Law initiatives which would form a central pillar of the UK's strategy in Iraq; and
- international support to the United Nations Development Programme and EU JustLex as key partners in security and economic reforms in Iraq which would support a transition of the UK's programme work in future.

1208. Overall SSR activities for 2009 would be:

- leading the Coalition Naval Training Team, to help develop the capacity of the Iraqi Navy until it became fully operational and able to ensure the security of its territorial waters and two oil platforms, expected to be around 2012 – that would comprise around 60 personnel;
- leading a NATO-badged Iraqi Army officer training and education programme with the intent to create a self-sustaining Iraqi training capacity by 2014 – that would require 50 NATO personnel of which around 30 would be from the UK;
- providing training places for around six Iraqi officers per year at UK training establishments;
- capacity-building in the IMOD and JHQ – precise numbers were unknown;
- training and mentoring for the IPS in targeted areas such as senior leadership and forensics (no figures were provided);
- capacity-building support for the MOI in planning and management; and
- training and advice to other elements of the Iraqi criminal justice system (no figures were provided).

[1130] The Stabilisation Aid Fund was jointly owned by the MOD, the FCO and DFID.
[1131] The Peacekeeping Budget was formally part of the Global Conflict Prevention Pools, and was jointly owned by the MOD, the FCO and DFID. It was managed by the FCO.

1209. General Richard Dannatt, Chief of the General Staff, visited Iraq from 23 to 25 March 2009.[1132] In his visit report he said:

> "… we must decide and then act with regard to our training support to the Iraqis … I know that work is ongoing to determine the nature of this support but my short visit gave me the impression that both the Officer Academy and the Staff College appear to be standing still, caught in a mire of NATO indecision, and we may have become too focused on the narrow issue of force protection rather than the wider point of why we are there. We need to generate momentum and ensure that the manpower we commit is of appropriate quality, quantity and has a degree of coherence. If we get this right we will deliver strategic effect – I consider it important that we do so."

1210. The UK remained in protracted negotiations with the Iraqi Government until early June over the size and role of the future UK military presence and the legal basis under which it would operate (see Section 9.7). On 6 June, a Government-to-Government agreement was signed and passed to the Iraqi Parliament for ratification.[1133]

1211. On 15 October, Mr Christopher Prentice, British Ambassador to Iraq, reported to the FCO in London that the UK/Iraq "training and maritime support agreement" had completed its third and final reading in the Council of Representatives.[1134] It passed with 99 votes in favour and 40 votes against or abstaining. Mr Prentice wrote:

> "All the elements of our broad-based relationship are now in place. Symbolically, the ratification by the Iraqi Parliament of this agreement confirms the will of a majority of Iraqi political groups to continue a special relationship with the UK, including in the security field."

SSR AFTER THE WITHDRAWAL OF UK TROOPS

1212. In Lt Gen Cooper's end of tour report dated March 2009, he commented on ISF progress:

> "Boulani has transformed the Ministry of Interior, although much remains to be done. The MOD deserves credit for its growth of the IA [Iraqi Army], and the possibility exists that a generation of bright Iraqi two star commanders may yet replace the old nepotistic and biased leadership with some degree of professionalism."[1135]

1213. On 31 March, the UK handed over division command of MND(SE) to the US.[1136] Mr Hutton reported to Mr Brown that "excellent progress by UK and Iraq forces

---

[1132] Minute CGS to PS/SofS [MOD], 25 March 2009, 'CGS Visit to Iraq – 23-25 Mar 09'.
[1133] Letter Ferguson to Fletcher, 23 July 2009, 'Iraq: UK Military Presence After 31 July 2009'.
[1134] eGram 35899/09 Baghdad to FCO, 15 October 2009, 'UK/Iraq: Training and Maritime Support Agreement Ratified by the CoR, 13 October'.
[1135] Report Cooper, 'End of Tour Report 4 Mar 08 to 3 Mar 09'.
[1136] Minute Johnstone to PS/SofS [MOD], 1 April 2009, 'CDS Visit to Iraq (Basra) to Attend the MND(SE) Transfer of Authority Ceremony – 31 Mar 09'.

means that 30 April will now … see the completion of our current military mission".[1137] That process is described in greater detail in Section 9.7.

1214. On 15 June, Mr Brown announced details of the UK's new bilateral relationship with Iraq, stating:

> "On the day of the last combat patrol in April, I welcomed Prime Minister Maliki and most of his Cabinet to London. We signed together a declaration of friendship, partnership and co-operation defining the new relationship between our two countries for the future. At the request of the Iraqi Government, a small number of British Navy personnel – no more than 100 – will remain in Iraq for long-term training of the Iraqi Army. Royal Navy ships will continue to protect the oil platforms on which Iraq's exports depend, and we will continue to offer training to the Iraqi Army as part of a wider NATO mission. We will also offer training opportunities at Sandhurst and elsewhere in the United Kingdom for Iraqi officers of high potential."[1138]

1215. In April 2009, the MOI capacity-building programme was transferred to the US.[1139] The UK continued work on policing under the Criminal Investigations and Policing project, funded by the Middle East and North Africa Conflict Fund. The programme in 2009 had a budget of £7.1m and comprised three elements:

- the civilian police mission in Baghdad with four officers, working with the Baghdad Police Academy to help the IPS develop investigative techniques;
- the civilian police mission in Basra with three officers; and
- the forensics element in Basra, Baghdad and Erbil with two officers.

SSR in the South: summer 2006 to summer 2009

State of emergency

1216. On 23 May 2006, Ms Aldred wrote to UK staff in Basra asking them for advice on how to improve the situation in Basra.[1140] Attached to the letter was "a strategic agenda for action". The paper gave a series of policy objectives (see Section 9.5) and stated that to achieve them there would need to be continuing UK Government engagement on SSR to ensure that the ISF were capable of:

"
- tackling criminality;
- bearing down on militias;

[1137] Letter Hutton to Brown, 20 April 2009, 'Iraq: End of Current Military Mission'.
[1138] House of Commons, *Official Report*, 15 June 2009, columns 21-22.
[1139] Paper Stabilisation Unit [junior official] and Howlett-Bolton, 27 November 2009, 'Review of the support to the Ministry of Interior and Iraqi Police Service Programme'.
[1140] Letter Aldred to Lamb, Cooper & Kavanaugh, 23 May 2006, 'Basra: The Way Forward' attaching Note, [undated], 'Getting Basra Better: A Strategic Agenda for Action'.

- purging malign elements in the ISF (both those that are corrupt and those which are aligned to political groupings); and
- working with MNF-I on higher end military tasks relating to the insurgency, and gradually taking over these tasks."

1217. The Iraqi Government would need to demonstrate its grip on Basra through:

"
- serious and visible engagement from Baghdad;
- if necessary, an appropriate show of strength by the ISF, reflecting their growing capabilities; and
- encouraging and co-operating in the process of security transition."

1218. On 31 May, Prime Minister Maliki visited Basra and declared a state of emergency, after which he placed a five-man Emergency Committee in charge of delivering a plan to address security in the city.[1141] That Committee then appointed Governor Mohammed Waili as responsible for the security plan.

1219. On 18 June, the MCNS endorsed the Basra Security Plan and recommended:

- expanding the Basra Security Committee to include a number of Basrawis;
- appointing a new overall security co-ordinator for Basra; and
- that the Iraqi Ministries of the Interior and Defence should increase the forces available for Basra, even if this was to the detriment of policing and military operations elsewhere.[1142]

1220. The Committee had also considered whether the Basra Chief of Police and the Commander of 10th Division should be removed from post but had concluded they should remain for the time being.

1221. Major General Richard Shirreff took over as GOC MND(SE) from mid-July. At this time there had not yet been agreement on the implementation arrangements of the Basra Security Plan.[1143] In particular, there was no overall Iraqi security co-ordinator. The Provincial Council, however, had voted to replace the Basra Chief of Police.

1222. Maj Gen Shirreff's first weekly report as GOC MND(SE) set out his initial reflections on the situation facing him.[1144] He wrote:

> "The issue in Basra is the lack of security and until we establish this there can be no PIC [Provincial Iraqi Control]. We can only generate freedom of movement by mounting specific operations, often up to company level, and we are effectively fixed by the lack of concentrated force. The lack of security means that we cannot conduct the SSR needed to transform the police, nor apply the economic inducements

---

[1141] Minute Cooper, 8 June 2006, 'GOC MND(SE) – Southern Iraq Update – 8 June 2006'.
[1142] Minute [junior officer] to MA/CJO, 22 June 2006, 'MND(SE) – Southern Iraq Update – 22 June 2006'.
[1143] Minute Cooper, 13 July 2006, 'GOC MND(SE) – Southern Iraq Update – 13 July 2006'.
[1144] Minute Shirreff, 21 July 2006, 'GOC MND(SE) – Southern Iraq Update – 21 July 2006'.

needed to isolate the militants from the majority of militiamen who are only there because the militia can pay them. Thus the enemy, militant JAM and the death squads linked to the Basra police … are able to operate with relative impunity …

"In my view, the only way we will achieve mission success is by winning the battle for Basra and defeating militant JAM and the death squads (whether by capturing, or, if necessary, by killing them in accordance with our ROE (Rules of Engagement)). But we must be clever about it. A blunt, solely kinetic approach risks getting sucked into a series of running tactical battles against JAM that will get us nowhere. We must isolate militant JAM from mainstream JAM and build the intelligence picture in order to target them and the death squads connected to the police in Basra. The key to this is energetic and sustained effort along the governance and economic lines of operation, both of which remain inadequate … (the comprehensive approach did not exist). Progress on these lines is essential to create and maintain tolerance for our operations in Basra. It will also underwrite success on the security line of operation. There has been plenty of planning but we need to make things happen."

1223. In his evidence to the Inquiry, Lt Gen Sir Richard Shirreff described a "cycle of insecurity" as he further explained why achieving security was his first objective:

"No security meant no reconstruction and development, it meant a loss of consent, the militia filled the gap and, effectively, the militia controlled the city."[1145]

Provincial Iraqi Control

Transferring responsibility from the coalition to the Iraqi Government of each of the 18 Iraqi provinces was referred to as reaching Provincial Iraqi Control (PIC). PIC was granted following an assessment by the coalition and the Iraqi Government.

Transitional Readiness Assessment

A Transitional Readiness Assessment (TRA) level was used to rank Iraqi units in terms of their capability, from TRA level 1 (fully capable) to TRA level 4 (incapable).

The Joint Committee to Transfer Security Responsibility (see Box 'Assessing readiness for Provincial Iraqi Control') judged that at TRA level 2, the IPS could maintain domestic order and prevent the resurgence of terrorism.[1146]

1224. In his weekly report, Maj Gen Shirreff said that he had had some encouraging discussions about his proposed approach with Major General Muhammed Latif, the Commander of 10th Division, based in Basra.[1147] However, it would be fundamental to ensure that there was political will in Baghdad behind any operation. Maj Gen Shirreff

---

[1145] Public hearing, 11 January 2010, page 4.
[1146] Paper Republic of Iraq National Security Council, 10 October 2005, Joint Committee to Transfer Security Responsibility.
[1147] Minute Shirreff, 21 July 2006, 'GOC MND(SE) – Southern Iraq Update – 21 July 2006'.

undertook to work closely with Mr Patey and the MNF commanders in Baghdad "to ensure that we carry Maliki with us".

1225. By 27 July, Major General Ali Hamadi, brother of Brigadier Mohammed Hamadi the Provincial Director of Police, had been appointed as President of the three-person Basra Security Committee by Prime Minister Maliki.[1148]

Delivering a Better Basra

1226. For the meeting of DOP(I) on 15 June, Ministers were given an update paper from the Cabinet Office entitled 'Follow-up to the Prime Minister's Visit, Including Delivering a Step-Change in Basra' (see Section 9.5).[1149] The paper drew on recent assessments from the MOD and the JIC of the ISF:

> "The picture across Iraq is of growing, but variable, levels of capability … According to the US-led ISF development plan, all divisions of the Iraqi Army and MOI forces should be trained and equipped by the end of 2006 … The development of the police is significantly behind that of the Iraqi Army, with particular problems over militia-links, over-recruitment, corruption and criminality.
>
> "In the South, the 10th Division is judged to be increasingly effective … However, these forces are untested in undertaking counter-insurgency operations without MNF support. The police are a more significant cause for concern, with militia links and a lack of effective political control either locally or from the centre …
>
> "The overall MNF plan, which the MOD judge to be robust is predicated on the MNF retaining substantial forces in Iraq until 2007 to support the ISF … but even that timeline will be tested if the scale and sophistication of the insurgency does not diminish. The MOD supports this assessment highlighting a number of risks with the plan that fall outside its focus on training, mentoring and equipping:
>
> - the degree to which Iraqi leadership on security develops;
> - the precise nature of the security and political environment the ISF will face at the point of transition … In the South there is a particular concern over the level of violence between competing Shia factions;
> - human factors such as the experience of the ISF; and
> - the dangers of over-recruitment (often of militia-linked individuals into the police) resulting in an unmanageable, ineffective and extremely expensive ISF.
>
> "The MOD is continuing to monitor implementation of the ISF development plan and is undertaking work to consider a limited number of specific gaps they have

---

[1148] Minute Blake to Sheinwald, 27 July 2006, 'Iraq Strategy Group, 27 July'.
[1149] Paper Cabinet Office, 13 June 2006, 'Follow-up to the Prime Minister's Visit, Including Delivering a Step-Change in Basra'.

identified, including Iraqi naval protection for oil platforms and the sustainment funding for MND(SE)."

1227. The paper provided a work plan entitled 'Activity to deliver a step-change in Basra'.

1228. In discussion, a member of DOP(I) suggested that the Cabinet Office paper risked being too optimistic on security prospects, in light of recent JIC Assessments.[1150] DOP(I) agreed that Mr Browne should take the lead in pulling together a strategy for Basra, with the support of the Cabinet Office and assistance from other departments.

1229. On 4 July, Mr Browne wrote to Mr Blair updating him on additional projects, costing £30.7m (but unfunded) over the financial year, to deliver a Better Basra plan (see Sections 9.5 and 10.2).[1151] Those included:

- a "new unit [a Department of Internal Affairs] to clean up the Basra police from within", costing around £4m and requiring eight UK police officers;
- on-the-spot mentoring of the Basra police and the regional prison managers, costing £10.3m and requiring an additional 20 police advisers;
- a new unit – the Prosecution Mentoring Unit – to fast-track corruption, organised and major crime cases through Basra's courts;
- more training for judges; and
- witness protection arrangements.

1230. The overall aim of the projects was to increase the capacity of the Iraqis to deal with those they detained and so avoid the consequences of detaining large numbers of people for long periods.

1231. Mr Browne's proposals were approved by DOP(I) on 6 July.[1152]

1232. Prime Minister Maliki met Mr Browne in London on 25 July.[1153] The meeting was described as "a relatively robust exchange of views" with Prime Minister Maliki stating that there was little discipline in the ISF in Basra, a lack of co-ordination between MNF-I and the IPS and that problems with the IPS were attributable to coalition failures to deliver equipment.

1233. Prime Minister Maliki also stated that arrests by MNF-I in MND(SE) were harming national reconciliation and should be halted. Mr Browne countered that "the real lesson from Northern Ireland was that the terrorists only came to the table once they had realised they could not win. It was only then that the combination of early releases and reconciliation became viable tools in the reconciliation process."

[1150] Minutes, 15 June 2006, DOP(I) meeting.
[1151] Letter Browne to Blair, 4 July 2006.
[1152] Minutes, 6 July 2006, DOP(I) meeting.
[1153] Minute Beadle to MA/DCDS(C), 25 July 2006, 'Secretary of State for Defence Meeting with Prime Minister Maliki'.

1234. In August 2006, ACC Barton produced an assessment of the situation in MND(SE).[1154] He highlighted that:

- Although the UK had "trained and trained the lower echelons of the IPS and … equipped them to a reasonable standard", they had not created a police force.
- Training should have been top down rather than bottom up.
- The equipment supplied by the UK "provided technological solutions way above the local need – smartboards and complex computer systems which get stolen (by the police) or can't be used due to lack of power. What they need (and like) is desks, pens, ledgers and stationery".
- A basic level of corruption was endemic to Iraqi society but the current level wasn't "'hand in the till' activity"; the SCU was "synonymous with killings, torture and abuse".

1235. ACC Barton advocated further UK pressure to encourage the MOI to purge employees, mentioning a recent purge of MOI employees (including IPS) in which there were "86 convicted murderers, 345 with bribery convictions, rapists, kidnappers, and even two IPS who were supposed to have been executed in the 90s but were alive and working in Baghdad!"

1236. ACC Barton described the Tactical Support Unit (TSU) and the confidential TIPS hotline as successes but added that there was a "woeful lack of command and control skills by senior Iraqi Police Officers" and "little public confidence in the IPS as an entity".

Problems with the 10th Division – mutiny and looting

1237. Over the summer of 2006, problems began to surface with the largely untested 10th Division.

1238. On 10 August, Maj Gen Shirreff reported the murder of a colonel in 10th Division and suggested that the murder might have been motivated by his "resolute stand against militia influence in the IA".[1155] Maj Gen Shirreff described 10th Division as "not perfect but it is the best hope we have for now of an Iraqi solution to the security problems. Emerging signs of increasing politicisation and infiltration within the IA can only be bad news."

1239. The JIC considered the security situation in the South on 27 September:

> "We judge that the Iraq Army in the South can cope with the limited threat posed by Iraqi Sunni Arab nationalists and jihadists. But their willingness and ability to tackle Shia militias is doubtful. MNF describe the Iraqi Army's 10th Division in MND(SE) as "fragile". Its 10,000 personnel can perform basic tasks (patrols and static guard duties) independently, and it has provided limited support to MNF counter

---

[1154] Report Barton, August 2006, 'The window of opportunity'.
[1155] Minute Shirreff, 10 August 2006, 'GOC MND(SE) – Southern Iraq Update – 10 August 2006'.

> insurgency operations, including during implementation of the state of emergency in Basra. But there have been recent instances of a breakdown of discipline. It failed to prevent the looting of MNF camps when they were handed over in Amarah and Samawah. And on 24 August over 100 men from the battalion based in Amarah refused an order to deploy to Baghdad. Intelligence shows that some army personnel retain loyalties to JAM and Badr militias. We do not know the scale of this problem, and we judge that it is less severe than in the police. But the loyalty of the army in the South has not been seriously tested."[1156]

1240. On 31 August, Maj Gen Shirreff wrote that members of 10th Division had refused orders to deploy to Baghdad.[1157] He viewed that event and the looting of MNF camps described by the JIC as indicating "that the IA is built on shakier foundations than we might wish and is a real concern".

Operations SALAMANCA and SINBAD

1241. Operation SALAMANCA was a plan conceived in the summer of 2006 to address the security situation in the South and move Basra towards PIC. It is described in detail in Section 9.5.

1242. Lieutenant General Sir Richard Shirreff explained to the Inquiry that the Basra Security Plan announced by Prime Minister Maliki had "amounted really to nothing more than the establishment of a Basra security committee" and Op SALAMANCA was therefore "the operationalising of the Iraqi Basra security plan".[1158] He told the Inquiry that its concept was:

> "… to achieve security, to excise the death squads, to defeat JAM, through the synchronised application of what we call kinetic, ie force, and non-kinetic, ie reconstruction and development."

1243. In his weekly report on 31 August, Maj Gen Shirreff said that he aimed to prepare 10th Division for operations in Basra during Op SALAMANCA.[1159] He remarked that that could provide "potentially more of an Iraqi face on Op SALAMANCA".

1244. On 1 September, Mr Browne's Private Secretary wrote to Mr Blair's Private Secretary that Mr Browne had approved the additional troops requested for Op SALAMANCA because he had "judged that the likely impact of a short term extension of an increased troop presence is offset by the need for momentum for the projects that will make a visible impact in the city".[1160]

[1156] JIC Assessment, 27 September 2006, 'Iraq: The Security Situation in the South'.
[1157] Minute Shirreff, 31 August 2006, 'GOC MND(SE) – Southern Iraq Update – 31 August 2006'.
[1158] Public hearing, 11 January 2010, pages 14-19.
[1159] Minute Shirreff, 31 August 2006, 'GOC MND(SE) – Southern Iraq Update – 31 August'.
[1160] Letter Beadle to Banner, 1 September 2006, 'Iraq: troop levels in support of Op.SALAMANCA'.

1245. Mr Browne told the House of Commons on 11 September that 360 additional personnel would be deployed to reinforce the effort in Basra.[1161] That comprised an extended deployment of the Theatre Reserve Battalion and an uplift in Royal Engineers, Royal Marines (one boat troop) and Royal Military Police (one troop) to augment training of the IPS.

1246. At the DOP(I) meeting on 14 September, the objectives of Op SALAMANCA were described to Ministers as being to:

- increase Iraqi political grip on the issue, by having a visible Iraqi face on the plan and active involvement in the operation; and
- increase the confidence and competence of the ISF.[1162]

1247. On 15 September, Maj Gen Shirreff reported that the police were "still incapable of providing even the most basic level of security; rather they are a major cause of insecurity".[1163] He anticipated that during Op SALAMANCA there would be "a concerted and sustained effort by Police Training Teams" to "turn those police stations capable of improvement into police stations that are capable of providing basic security in their local areas". His aim was "to cull the unredeemable and rehabilitate the 'just about' salvageable".

1248. In a meeting with Gen Casey, Prime Minister Maliki was reported as saying that "the security situation in Basra was not bad enough to warrant an operation that would upset the political balance".[1164]

1249. In his evidence to the Inquiry, Lt Gen Shirreff described gaining approval from the Iraqi Government as an "absolutely non-stop grind":

> "Maliki said he didn't want this operation to proceed, despite … declaring a state of emergency. So I then went up to Baghdad … got to see Maliki and eventually briefed him and persuaded him that this operation should continue."[1165]

1250. Lt Gen Shirreff told the Inquiry that even travelling to meet Prime Minister Maliki was difficult, with Gen Hamadi refusing to fly for two hours because he had received a call from a Sadrist Minister who said, "This operation isn't to continue".

1251. In response to the difficulties in securing approval, Op SALAMANCA was refined and repackaged as "a reconstruction and development operation enabled by MNF and MNF-led security".

[1161] House of Commons, Official Report, 11 September 2006, column 111WS.
[1162] Minutes, 14 September 2006, DOP(I) meeting.
[1163] Minute Shirreff, 15 September 2006, 'GOC MND(SE) – Southern Iraq Update – 15 September 2006'.
[1164] Minute Shirreff, 21 September 2006, 'GOC MND(SE) – Southern Iraq Update – 21 September 2006'.
[1165] Public hearing, 11 January 2010, pages 17-19.

1252. In his evidence to the Inquiry, Major General Jonathan Shaw, GOC MND(SE) from January to August 2007, said that Op SALAMANCA was altered "because of resistance within the Shia polity".[1166] In practice, that meant:

> "… a lot of the kinetic element that had been intended in SALAMANCA was taken out. It continued under another guise, if you like, and that just showed an early sign that … you had to work within the tolerances of the Shia polity, and that became particularly apparent where anyone in MNF tackled a Shia problem."

1253. Following a meeting of the Security Committee in mid-September, the name of the operation was changed to Operation SINBAD.[1167]

1254. In his evidence to the Inquiry, Lt Gen Shirreff described how Op SINBAD was undertaken.[1168] "Relatively soft areas" were selected, a surge of force was used to secure the area, and teams were then put into police stations. Those teams went "through the police stations with a fine-toothed comb" to establish their state. The UK had not visited many of the stations for six months, following the Jameat incident described earlier in this Section.

1255. Lt Gen Shirreff continued:

> "We surged police training teams in, Royal Military Police and contract policemen from elsewhere."

1256. ACM Stirrup visited Iraq from 24 to 26 September and wrote to Mr Browne on the day after his return to give him "an early feel" for some of his conclusions.[1169] He considered that "the proposals for cleaning up individual police stations and culling/retraining the force are good" but would have no long-term impact unless the "killers" in the SCU were dealt with.

1257. Maj Gen Shirreff reported on 28 September that Op SINBAD had begun, and that initial operations had gone exceptionally well:

> "What made a particular impact was the very evident Iraqi face on the operation, both in the form of Iraqi sappers[1170] working alongside British sappers and Iraqi Army security patrols on the streets alongside MNF."[1171]

[1166] Public hearing, 11 January 2010, page 6.
[1167] Minute Shirreff, 21 September 2006, 'GOC MND(SE) – Southern Iraq Update – 21 September 2006'.
[1168] Public hearing, 11 January 2010, pages 19-20.
[1169] Minute CDS to SofS [MOD], 27 September 2006, 'CDS Visit to Iraq 24-26 Sep 06'.
[1170] Sappers are soldiers who perform a variety of military engineering duties including bridge-building, clearing minefields and demolitions.
[1171] Minute Shirreff, 28 September 2006, 'GOC MND(SE) – Southern Iraq Update – 28 September 2006'.

1258. General Sir Nicholas Houghton described Op SINBAD to the Inquiry as the "last best operation" to provide:

> "… sort of exemplar modelling to the Iraqi Army but trying to put them in the lead of it. In the latter stages of SINBAD, it became important that they were seen to be in the lead …"[1172]

1259. Gen Houghton described the "instantaneous" follow-up "of police reform, with police reform teams going into areas of Basra as they were cleared and made more stable by Iraqi Army back-filling".

1260. On 27 October, Mr Banner wrote to Mr Siddiq, summarising a briefing that Mr Asquith had given Mr Blair the previous day.[1173] Mr Blair had been told:

> "The Iraqi Army had performed well in some areas (e.g. 10th Division in Basra). But it lacked maturity, had poor mechanism for civilian control and direction, and equipment was unevenly distributed and sometimes inadequate to task."

1261. Mr Blair requested further advice on how to strengthen the Iraqi Army and Prime Minister Maliki's control of it. A copy of the note was sent to the MOD for action.

1262. The MOD replied on 9 November.[1174] With respect to MND(SE), the MOD stated that 10th Division's planned development was "on track" but that it was:

> "… consistently placed at the bottom of the prioritisation list by Baghdad due to the perceived low threat in Southern Iraq. As a result, they are potentially outgunned by insurgents and remain vulnerable when moving by vehicle."

1263. The MOD wrote that it was "scoping the possibility of gifting 250 armoured protection vehicles" to "enhance" 10th Division's capacity. It stated that Enhanced Military Training Teams (Super MiTTs) would "evolve" to "protect and enhance the progress already made" when units were transferred to Iraqi control. Those Super MiTTs were not described in any further detail.

1264. Reflecting on the Iraqi Army's performance in his evidence to the Inquiry, Lt Gen Shirreff said:

> "[The Iraqi Army] improved in terms of confidence, in terms of training, immeasurably, I think, during the period of SINBAD, but they were not up to holding in security terms, because, ultimately, however confident they got, you have to remember that the Iraqi Army in south-east Iraq were Shia-recruited, locally

---

[1172] Public hearing, 5 January 2010, page 20.
[1173] Minute Banner to Siddiq, 27 October 2006, 'Iraq'.
[1174] Letter McNeil to Banner, 9 November 2006 attaching Minute DJC, 9 November 2006, 'Strengthening the Iraqi Military Forces'.

recruited, they lived on the ground amongst the militia and they were not prepared to fight the militia, because they knew that, if they did, they would come off worse."[1175]

1265. On 16 November at DOP(I), VAdm Style stated that ISF would be in the lead of Op SINBAD pulses from the end of the month and that they would be fully in charge of the operation, including planning, by the end of February.[1176] He described Op SINBAD as a "considerable success" but stated that progress on reforming the police remained weak.

1266. In his evidence to the Inquiry, VAdm Style described some of the achievements of Op SINBAD:

"… a new level of co-operation between our own forces and the Iraqi Army, better Iraqi Army and police co-operation … extra equipment was brought in … By the end … the Iraqis were in the lead to an extent they had not been before."[1177]

1267. On 30 November, Maj Gen Shirreff reported that Op SINBAD was progressing well and considered future plans:

"Op SINBAD has led to improvements both in the general security situation (as evidenced by the declining murder rate) and the confidence and capability of the ISF. Mentoring of the Provincial Joint Coordination Centre by MND(SE) has led to noticeable improvements in its ability to plan and coordinate operations. Similarly the mentoring and training conducted by the police transition teams have led to an improvement in the average transition readiness assessment … I assess that as SINBAD culminates we will be able to say, quite reasonably, that the security framework we have established in Basra will set the conditions for PIC.

"With regards to corrupt IPS, the DIA have already started tackling corrupt policemen but they are a small team and it will take time before they have a significant effect. In the meantime I have had my staff refine our plans to deal with the Serious Crimes Unit (SCU), the largest and most dangerous of the corrupt IPS units, with support from elements of the ISF. My intention is to replace the SCU with a new unit – the MCU (Major Crimes Unit). The first phase will be to secure the new location (the Warren) and to screen those already at the site. The Jameat police station (the present site of the SCU) will be cleared once the Warren is secure and those present will be assessed, the ineffective will be removed/transferred and the known criminal element will be arrested. Finally those selected for the MCU will be carefully screened and those that pass will be closely monitored, mentored and trained."[1178]

[1175] Public hearing, 11 January 2010, pages 23-24.
[1176] Minutes, 16 November 2006, DOP(I) meeting.
[1177] Public hearing, 5 January 2010, pages 39-40.
[1178] Minute Shirreff, 30 November 2006, 'GOC MND(SE) – Southern Iraq Update – 30 November 2006'.

The Warren

The Warren site in Basra City housed the Provincial Joint Co-ordination Centre (PJCC) command and control centre.[1179] The PJCC was a provincial security committee to discuss "security issues in the broadest sense".[1180] The Warren also housed a number of IPS specialist units including the TIPS line (see Box earlier in this Section, 'TIPS hotline'), the Major Crimes Unit (MCU), and the National Information and Investigation Agency (NIIA).

The PJCC building was located around 5km from Basra Palace and 15km from Basra Airport (see Map 6, Annex 4).

1268. The following week, on 7 December, Maj Gen Shirreff reported:

> "I have come to the conclusion that the best we can achieve through SINBAD are those surface level improvements required to get police stations to TRA level 2, the critical level for PIC. Culling militia infiltrators from the police is a non-starter without a national anti-militia plan including DDR [Disarmament, Demobilisation and Reintegration]."[1181]

1269. CC Kernaghan visited Iraq from 4 to 6 October 2006.[1182] His stay was hampered by problems with transport and he was unable to go to Baghdad. The main focus of his visit report was the lack of support coming from the MOI and he cited cases of corrupt officers being sacked in MND(SE) only to be reinstated "often in a higher rank" by the MOI.

1270. CC Kernaghan recommended:

> "We should now be planning for a new era in which there is a reduced overt British military presence in southern Iraq. If we move to a security infrastructure delivered primarily by the Iraqis then we should remodel our support to reflect that new reality. In such an era I would suggest station visits and routine training delivery are irrelevant. We need to ask the MOI what support they would value over the medium term and then decide how best we could provide that support, assuming political support. I believe our focus should move from the tactical to the strategic … Crucially it is hard to justify investing in tactical achievements and gains when it appears the wider strategic context is undermining our overall goals. The Iraqi MOI must set out their visions and we should seek to support it where we can and feel it is appropriate."

[1179] Statement Colbourne, 29 June 2010, page 6.
[1180] Minute Naworynsky to Quarry, 11 May 2004, 'Iraq: Security Structures after 30 June'.
[1181] Minute Shirreff to CJO, 7 December 2006, 'GOC MND(SE) – Southern Iraq Update – 07 December 2006'.
[1182] Report, 6 October 2006, '5th Visit to Iraq by Chief Constable Kernaghan 4-6 October 2006'.

1271. CC Kernaghan was accompanied on the visit by the Police and Justice Team Leader from the FCO's Conflict Issues Group, who reported:

> "The IPS is widely recognised as an integral part of the security problem, exhibiting a serious propensity to undermine, rather than enforce, law and order. It barely functions in Basra, suffering from a paralysing combination of deeply embedded corruption (including involvement in extra-judicial killings), militia infiltration, poor leadership (the recently confirmed Chief of Police, Al Hamadi, appears to inspire little loyalty), and weak command and control structures. The dearth of local IPS officers willing to staff the nascent Internal Affairs Department illustrates the depth of the problem; recruits have finally been found, following MOI intervention, in a nearby province.
>
> "The early stages of SINBAD have confirmed the extremely poor state of the IPS. From an over-complex and over-staffed organisational structure lacking basic administrative capacity, to the decaying police stations with no mains electricity and inadequate sewerage, the conditions on the ground are grim."[1183]

1272. The Police and Justice Team Leader recommended to Mr Pattison and Ms Joan Link, Head of the Conflict Issues Group, that the UK should:

"
- Extend the window of opportunity offered by Operation SINBAD by re-deploying a number of UK police officers more directly in support of efforts to tackle gross IPS corruption, the key obstacle to longer-term improvement of the IPS;
- Increase UK strategic policing input at the MOI in Baghdad, to support the development of national, and by extension provincial, capacity (including increased financial and logistical expertise) and thereby improve the chances of sustainability;
- Encourage greater Rule of Law co-ordination between ministries in Baghdad and between the capital and provinces, again to improve sustainability. Leverage EU financing and expert support as far as possible."

1273. The British Embassy Baghdad produced a 'Police Forward Look' in November 2006 which assessed priorities in Basra (described in Box, 'Enabling the police to tackle crime', earlier in this Section).[1184] It stated:

> "Key target – getting to PIC. Assumption: policing work will be more difficult in Basra city post-PIC. Will not be possible to fully tackle police corruption pre-PIC. Police to concentrate on required level – not set sights higher."

[1183] Report, 17 October 2007 [sic], 'UK's Policing Contribution in Iraq: Visit to Basra, 4-7 October'.
[1184] Paper BE Baghdad, November 2006, 'Police Forward Look'.

CIVILIAN DRAWDOWN

1274. Mrs Beckett decided in October that the majority of civilian staff should be withdrawn from Basra Palace and relocated to Basra Air Station.[1185]

1275. In an IPU paper considering the impact of that drawdown it was assessed that:

- ACC Barton and a small number of police advisers already based at Basra Air Station would be unaffected.
- The key current task for the remaining police advisers in Basra was work to support Op SINBAD for which they needed to be based in Basra Palace or another MND(SE) site in the city. The TIPS programme, run out of the PJCC (co-located with the Basra Police Headquarters) would also be affected.
- Prisons work would be affected as Iraqi Corrections Service staff preferred to visit Basra Palace than from Basra Air Station, and unannounced prison visits were also more easily made from Basra Palace than Basra Air Station.
- There would be a negative impact on the Rule of Law work being carried out by the Provincial Reconstruction Team (PRT).[1186]

1276. The IPU recommended that the police team at Basra Palace should be reduced by 14 officers, three of whom would relocate to the Air Station. The remainder would leave Iraq. That would "retain just enough officers in the city to provide essential support to Op SINBAD". The prisons team would leave theatre "pending progress on the Basra Central Prison project" and "we would need to think hard about whether the PRT could have enough real impact to justify the costs and risks of maintaining it at its current size."

1277. Brigadier James Everard, Commander 20 Brigade, reporting in place of Maj Gen Shirreff, expressed concern that that move would have a negative effect on SSR work, making it impossible to train the specialist police teams that would take over from the corrupt SCU and hampering the planned move of Iraqi prisoners out of the Jameat facility into a new facility.[1187]

1278. Brig Everard also reported the murder of 17 Iraqi interpreters and locally employed contractors employed at the Basra Police Academy. He advised:

> "How the ISF (particularly the police) deal with this incident should be an important test. Unsurprisingly, they may disappoint. There is a lack of IPS will to prosecute a JAM-linked case with much vigour, let alone conduct any arrests."

1279. A paper drafted on 30 December by the Deputy Chief Police Adviser proposed that there would be 31 International Police Advisors, nine police officers (not including

---

[1185] Minute Cabinet Office [junior official] to Sheinwald, 30 October 2006, 'Iraq Strategy Group, 27 October'.
[1186] Minute Casey to Sawers, 24 October 2006, 'Iraq: DOP: Political Strategy and Basra Palace Site'.
[1187] Minute Everard, 2 November 2006, 'GOC MND(SE) – Southern Iraq Update – 2 November 2006'.

ACC Barton and his staff officer) and two military officers operating from Basra in 2007.[1188] It was thought that the PTT numbers would reduce further in April and, depending on progress, might not be required at all.

1280. The MOD and the FCO produced separate papers on future plans for Basra for DOP(I) on 7 December.[1189] Both papers envisaged military and civilian personnel relocating to Basra Air Station with an undefined "residual presence" possibly remaining at the PJCC. The MOD stated that there would be a number of post-handover tasks including:

- continued training and mentoring of the Iraqi Army, IPS and the Department of Border Enforcement (DBE);
- support to other government departments' efforts on Iraqi police training, including co-ordinating the disbandment of the Serious Crimes Unit (SCU); and
- retaining the capacity to intervene if security were to deteriorate beyond the capabilities of the ISF.

1281. The FCO listed a number of police training tasks for 2007 including:

- clearing out the SCU (dealing with 300-400 staff and transferring detainees out of SCU custody);
- specialist support to Basra Police Headquarters at the Warren site, including the National Information and Investigation Agency (NIIA), the TIPS hotline and forensics training;
- mentoring the Chief of Police; and
- developing leadership training.

1282. DOP(I) discussed and "took note" of both papers.[1190]

TACKLING THE SERIOUS CRIMES UNIT: OPERATION THYME

1283. In his evidence to the Inquiry, Lt Gen Shirreff described the specialist police units, in particular the SCU, as "a serious problem that needed to be resolved".[1191] He said that their activities included "intimidating, murdering, kidnapping ordinary Basrawis". He added that for the people of Basra, the SCU was a "bastion of tyranny right in their midst".

[1188] Paper FCO [junior official], 30 December 2006, 'Shaping the CivPol Mission – Iraq 2007'.
[1189] Paper MOD officials, 5 December 2006, 'UK Military Plans for Southern Iraq in 2007, A Briefing Paper for DOP-I by Officials'; Paper FCO officials, 1 December 2006, 'Basra: Objectives and Presence in 2007'.
[1190] Minutes, 7 December 2006, DOP(I) meeting.
[1191] Public hearing, 11 January 2010, pages 27-31.

1284. The November 2006 'Police Forward Look' included the target of replacing "the corrupt and dangerous SCU".[1192] The plan was:

> "Two hundred people to be disciplined, removed or prosecuted, then seek PDoP's [Provincial Director of Police's] and Governor's agreement to close down and establish MCU [a Major Crimes Unit] in new location. Close down the Jameat (present site of the SCU). Realistically, only aim to get the MCU the best possible start, then hand over to Iraqi control immediately at PIC."

1285. That work would be undertaken by ArmorGroup contractors.

1286. On 15 December, a junior official at the PJHQ briefed Mr Browne on Op SINBAD and the plans to deal with the SCU based at Jameat Police Station.[1193] The briefing did not suggest a real improvement in the overall capability of Basra's IPS stations: while prior to Op SINBAD stations had an average of TRA level 3 or worse, the average was now assessed at between 2 and 3 with "some inconsistencies" between stations. It did, however, state that the PJCC's "command ability to plan and co-ordinate operations throughout the city" was "much improved" due to the permanent presence of the MNF at the centre.

1287. The PJHQ official assessed the SCU as "so thoroughly tainted by corrupt officers that it is effectively beyond gradual reform" and that orders had now been given by the MOI and Prime Minister Maliki for it to be disbanded. The new Operation THYME was being planned by Maj Gen Shirreff to disband the SCU, clear its headquarters and remove all prisoners at the Jameat. The existing 200 SCU personnel would either:

- be detained (only if "sufficient targetable intelligence" existed);
- have their case handed to the Department of Internal Affairs (DIA) (where no "targetable" evidence existed but there was information suggesting the individual had been involved in criminal activity); or
- moved to other parts of the IPS and given further training (if not suspected of any criminal activity).

1288. The PJHQ official said that where individuals were dismissed from the IPS, continued biometric testing from the IPS should prevent them from being re-employed, although that was only possible if the Iraqis continued "to implement a stringent and routine testing regime". The new MCU would be formed at the PJCC made up of 120 individuals selected by the PTT following "a rigorous screening process".

1289. Op THYME was carried out on 25 December.[1194] Briefing Mr Browne the following day, a PJHQ junior official reported that the operation had been successful but that MNF

[1192] Paper BE Baghdad, November 2006, 'Police Forward Look'.
[1193] Minute PJHQ [junior official] to PS/SofS [MOD], 15 December 2006, 'Op TELIC: Iraq: Op SINBAD and its Enduring Effect on the IPS'.
[1194] Minute PJHQ [junior official] to APS/SofS [MOD], 26 December 2006, 'Outcome of Op THYME – MND(SE) Operations to Disband the Serious Crime Unit (SCU) in Basra'.

had been attacked a number of times, resulting in a "very minor" MNF casualty and "some vehicle damage". Seven attackers had been killed.

1290. The PJHQ official stated that 127 prisoners were found and that the Iraqi Army had transferred them to the Warren facility. "Some 80 percent" of the prisoners "showed signs of torture". A search of the Jameat site uncovered weapons, grenades, shells and bomb-making equipment. The MNF demolished part of the building to prevent it from being reoccupied.

1291. There had been a mixed reaction from the Iraqi Government to the operation. A spokesperson from the IMOD had reiterated that the Iraqi Army was involved; making clear that the MNF did not act alone. Governor Waili and tribal leaders had offered "very strong support" but some of those briefed on the operation beforehand had since said they were unaware of the MNF's intent. That was believed to be due to militia pressure.

1292. Reflecting on the Iraqi reaction to Op THYME, Lt Gen Shirreff told the Inquiry:

> "Maliki was generally supportive, Governor Waili was delighted, the tribal sheikhs within Basra were delighted, the principal cleric of the largest Shia mosque in Basra, with a congregation of 10,000 people on Friday prayers, thanked me for delivering the people of Basra from this nest of vipers."[1195]

1293. On 28 December, Mr Dominic Meiklejohn, Deputy Consul General in Basra, described the ISF's role in Op THYME as "significant".[1196] The performance of Brigadier Ibrahim, the only member of the Basra Security Committee in the country, had been "less encouraging", getting "cold feet at the last moment" and ordering a Commander of 10th Division not to participate. Consequently, the brigade failed to provide the outer cordon as planned.

1294. Mr Meiklejohn reported that Prime Minister Maliki had claimed not to know about the operation, despite it being raised with him on three separate occasions. Some members of the Provincial Council had criticised the operation publicly but those were the "usual suspects". At a local, tactical level reactions had been positive, and although local media had suggested the IPS would no longer be participating in Op SINBAD, the PTTs had been "welcomed warmly" at police stations. He wrote:

> "… excising the SCU has demonstrated that MNF and ISF have the will and capacity to root out militia influence over the IPS. The SCU were not the only offenders but had become a signal of what was wrong with the IPS. The operation … sent a powerful signal to Basra.
>
> "There is still much to do. MNF operations against the Shia militias remain outside [Prime Minister] Maliki's comfort zone. Local ISF commanders are scared of being

---

[1195] Public hearing, 11 January 2010, page 31.
[1196] eGram 57155/06 Basra to FCO, 28 December 2006, 'Iraq: Basra: Action Against Serious Crime Unit'.

> hung out to dry by Baghdad if they get too closely involved. We can avoid some of the pain by doing even more to keep Maliki … in the loop (and paying the price in operational security – the fact that no members of the SCU were caught in the Jameat suggests they were warned off). But we can't make Maliki more determined or happier to confront the Shia militias. And we can't get to PIC unless we can show that the ISF are ready and able to confront the militias."

1295. Maj Gen Shirreff, also reporting on Op THYME on 28 December, wrote that the operation "may mark a decisive moment, if not *the* decisive act in our efforts to reform the IPS in Basra".[1197] He thought it "brought to a head the hard choices that face the Provincial Council, the Basra Security Committee and the ISF: do they confront or continue to roll over in the face of the militia?"

1296. Maj Gen Shirreff criticised Maj Gen Latif for refusing to order a brigade to deploy into an area, because JAM was there with Rocket Propelled Grenades and small arms. Maj Gen Shirreff considered the Basra Security Committee "no longer fit for purpose" after two members deserted the Committee during the operation and Brig Ibrahim denied "any foreknowledge having previously been in full support".

1297. On 4 January 2007, Maj Gen Shirreff reported that the relationship with the Council remained tense, with all members refusing to meet the MNF face to face.[1198] He was concerned about the welfare of the prisoners after SCU members had arrived to work at the Warren facility. While prisoners had not been subject to further torture, they had not received access to medical care or legal advice. The Director of Police had assured he would keep SCU out of the Warren because it was not possible to be sure who had been involved in the torture of prisoners.

1298. The consequences of Op THYME continued as members of the Provincial Council refused to engage fully with the MNF.[1199] They rejected evidence that the MNF had authority for the operation and denied being briefed about it beforehand. Maj Gen Shirreff believed it was "absolutely clear" that that was due to fear of reprisals from JAM and SCU.

1299. Lt Gen Shirreff told the Inquiry about how Op THYME affected Op SINBAD:

> "… there was some delay … but … there was no significant impact on SINBAD at all. In fact, in a sense it allowed us to continue that process which had begun to develop, but putting the Iraqis more into the lead on SINBAD …"[1200]

[1197] Minute Shirreff to CJO, 28 December 2006, 'GOC MND(SE) – Southern Iraq Update – 28 December 2006'.
[1198] Minute Shirreff to CJO, 4 January 2007, 'GOC MND(SE) – Southern Iraq Update – 04 January 2007'.
[1199] Minute Shirreff to CJO, 11 January 2007, 'GOC MND(SE) – Southern Iraq Update – 17 January 2007'.
[1200] Public hearing, 11 January 2010, pages 32-33.

EARLY ASSESSMENTS OF IRAQI SECURITY FORCE PERFORMANCE IN OP SINBAD

1300. On 4 January 2007, Maj Gen Shirreff reported that the Iraqi Ground Forces Command had declared operational control of 10th Division from MNF-I.[1201] Maj Gen Shirreff stated:

> "I am content, but on the condition that Latif is replaced and the Army does not accept orders from the Basra Security Committee."

1301. On the No.10 copy of Maj Gen Shirreff's report, Sir Nigel Sheinwald commented that, while there was some positive news in it, "the worst … is left to the end and is a big problem".[1202]

1302. Lt Gen Lamb produced an update on ISF capabilities on 5 January 2007.[1203] On equipment, he wrote that the Iraqi Government did not view 10th Division as "a relatively high priority for investment" because their ratings and manning levels were "significantly higher than other Divisions on a number of criteria". If the UK was to lobby the IMOD and MNSTC-I for equipment, Lt Gen Lamb advised:

> "… this needs to be done in the full knowledge that it distorts the prioritisation and investment system that we have encouraged the Iraqis to develop and meet their national needs as a whole; expect push back from US and ISF commanders."

1303. The manuscript comment on Lt Gen Lamb's assessment of the priorities for investment said: "We have to make this up then." The MOD has been unable to identify the author of the manuscript comments.

1304. On 8 January, the IPU produced an engagement strategy for the future UK presence in southern Iraq.[1204] On ISF capability in Basra, the paper stated: "We should be frank about the problems, for the sake of our own credibility." The IPU then suggested a series of positive messages:

- Both the Iraqi Army and the IPS are increasingly taking the lead following Op SINBAD.
- Cleaning up the police is "at the heart of our current work".
- The SCU is being disbanded and replaced by a Basra Crimes Unit at the PJCC site.
- A DIA and a Prosecution Mentoring Unit have been created.

[1201] Report Shirreff, 4 January 2007, 'GOC MND(SE) – Southern Iraq Update – 04 January 2007'.
[1202] Manuscript comment Sheinwald on Letter Beadle to Banner, 8 January 2007, 'Iraq: Update' attaching Report Shirreff, 4 January 2007, 'GOC MND(SE) – Southern Iraq Update – 04 January 2007'.
[1203] Minute Lamb to DCDS(C), 5 January 2007, 'Iraqi Security Force (ISF) Capability'.
[1204] Paper IPU, 8 January 2007, 'Future UK Presence in Southern Iraq: Engagement Strategy'.

- "We are confident that this mix of activity will get the Basra police to the required standard for transition, even if problems will remain. But we intend to retain a significant police training, support and mentoring presence to sustain forward momentum after transition, including at the PJCC in Basra city."

1305. On 10 January, the MOD produced an update on UK military plans for transition for DOP(I).[1205] An annex provided an interim assessment of Op SINBAD. It stated that a clearer review would be available in March but that there were a number of positive outcomes as well as some areas requiring more work.

1306. The annex noted that police effectiveness had increased; it was currently assessed as 69 percent capable and was on track for the 72 percent capability required for transition. But parts of the IPS remained "actively criminal" and harboured the "Death Squads responsible for a large proportion of the murder rate in Basra".

1307. The Iraqi Army had taken the lead through the latter stages of Op SINBAD and was able to respond to requests for assistance through MND(SE). It still lacked the "capability, structurally and conceptually" to deploy nationwide.

1308. Op SINBAD had also "confirmed suspicions that some leaders in parts of the Iraqi security sector in MND(SE) are not fit for task, including members of the Iraqi Army and the Basra Security Committee".

1309. DOP(I) considered the paper on 11 January.[1206]

1310. The minutes recorded that, although arrest warrants had been issued for members of the SCU, they had not been actioned and there were signs that those members were "continuing to operate". The UK would continue to press Mr Boulani, and the mentoring effort in the MOI should be increased.

1311. Cabinet discussed Op SINBAD and transition in Basra later that day.[1207] Mr Blair stated that during his visit at the end of 2006 "he had sensed, for the first time, that Iraqi generals felt that if they were given the right training and equipment they would be able to do the job".

1312. Mr Browne said that ISF "would only improve if they were given more responsibility". He reiterated the problems with the police, particularly the SCU, and stated that the UK was "determined" that rogue officers "would not be allowed to remain in the police".

1313. On 17 January, the JIC assessed:

> "In MND(SE) the predominantly Shia 10th Division is already operating independently in the provinces of Muthanna, Dhi Qar and much of Maysan …

[1205] Paper MOD, 10 January 2007, 'UK Military Transition Plans for Southern Iraq'.
[1206] Minutes, 11 January 2007, DOP(I) meeting.
[1207] Cabinet Conclusions, 11 January 2007.

despite reported comments by the former Commander of 4 Brigade that up to 50 percent of his unit was sympathetic to JAM, they successfully and impartially policed a cease-fire in Amara between JAM and Badr. In Operation SINBAD in Basra units conducted cordon and search operations independently and effectively and in one instance intervened in a public order disturbance. We judge 10th Division is slowly improving and gaining confidence, but it remains prone to interference from local government and militia pressure. It is likely to prove fragile if confronted by serious Shia militia violence."[1208]

1314. On 18 January, Dr Rosalind Marsden, Consul General in Basra, produced the first consolidated weekly report from MND(SE).[1209] She highlighted a number of difficulties including:

- the Provincial Council's disengagement with MNF;
- a requirement to replace or dissolve the Emergency Security Committee;
- a requirement to appoint a new Chief of Police; and
- a continued need to tackle death squads and high-level corruption in the police.

1315. In contrast to the MOD's assessment that 69 percent of police stations were at a level sufficient for transition, Dr Marsden assessed that 56 percent were ready and that police trainers had been able to operate normally in 80 percent of the stations visited – in others "they have been turned away politely". Dr Marsden also stated that the transfer of land to allow construction of a new Central Prison for Basra had finally been agreed in December 2006.

1316. In his end of tour report, dated 19 January, Maj Gen Shirreff stated:

"Mission success for Britain depends on a capable, confident IA and the last six months has witnessed both highs and lows. The mutiny of 2/4/10 [2nd Battalion, 4th Brigade, 10th Division] and the failure of 4 (IA) Bde [4th Brigade] to control the looting of Camp Abu Naji in August were the obvious lows and demonstrated that the 'hands off' approach to training the IA adopted by the UK was inadequate. Arguably, no other army in the world has greater depth of experience in training indigenous armies than the British and yet we have not been true to ourselves. We have not lived, trained and fought alongside them, preferring a centralised MiTT and a far more hands off approach, in contrast to our US allies. Effectively the stabilisers were removed from the bike too early. The result has been a lacklustre, inadequately trained and supported Division that failed the test when it came.

"Subsequent to these failures, SINBAD has, for the most part, done much to improve IA capability and confidence … We finish SINBAD with the IA in the lead. However, until the IA in Basra is prepared to fight JAM, the ISF will not be capable

---

[1208] JIC Assessment, 17 January 2007, 'Iraqi Security Forces: Prospects in 2007'.
[1209] Letter Marsden to Aldred, 18 January 2007, 'Basra: Weekly Report'.

> of maintaining law and order … as with any organisation, it depends on the man at the top and it is the best possible news that Latif, CG 10 (IA) Div [Commander General 10th Division], who has proved to be worse than useless, is to be shifted … if we are to get the IA right, it means accepting the risk of much greater embedding within IA units. This, in turn, means not only living and training with them, but being prepared to fight with them too."[1210]

1317. In his evidence to the Inquiry, Lt Gen Shirreff said that Op SINBAD:

> "… failed to achieve the security which was the original genesis of the plan, but it achieved other things. I think it achieved an increased confidence among the Iraqi Army. It certainly achieved a better standard, generally speaking, of Iraqi police, in terms of the mechanistic boxes that needed to be ticked before Provincial Iraqi Control should be established …"[1211]

1318. On 25 January, Mr Browne briefed Cabinet that, in Basra:

> "… the murder rate had reduced from over 100 to less than 30 a month, which compared favourably with a number of European States and American cities. The kidnap rate had been halved and polling suggested levels of confidence in security which would be welcome in the UK; 90 percent of those polled felt more secure than a year ago; only two percent had encountered intimidation in the last six months. The biggest challenge was improvement in policing, but the police forces were only a couple of percentage points below the benchmark set for transfer of security."[1212]

1319. On 26 January, Lt Gen Lamb produced a report on ISF capability for Mr Blair.[1213] He warned about the problems of gifting equipment in an attempt to fix capability gaps:

> "This will only provide, perhaps, a marginal short term difference (usually offset by IMOD to compensate against other national priorities) and is, in general, just as likely to exacerbate the systemic issues already present in terms of logistic support e.g. through multiple vehicle fleets or weapon systems. There are also other additional factors … such directed gifting is likely to received pushback from both the US and the Iraqis."

1320. In her weekly report dated 1 February, Dr Marsden warned that the formation of the new Basra Crimes Unit (BCU) had stalled and that 400 members of the former SCU were still turning up to claim wages and entering buildings designated for the new BCU.[1214] The MOI were yet to stop their wages and the Provincial Director of Police was not engaging on the matter. She stated that MNF protection for DIA officers travelling to

---

[1210] Report Shirreff, 19 January 2007, 'Post Operational Report – Operation TELIC, Part One: General Officer Commanding's Overview'.
[1211] Public hearing, 11 January 2010, page 42.
[1212] Cabinet Conclusions, 25 January 2007.
[1213] Report Lamb, 26 January 2007, 'Iraqi Security Force (ISF) Capability – January 07 Report for the Prime Minister'.
[1214] Letter Marsden to Aldred, 1 February 2007, 'Basra: Weekly Report'.

the Warren was critical and that "DIA concerns … were not allayed when they made the trip with Iraqi Army backup and were confronted by SCU officers". She noted that the Basra Police Academy had gone into decline since it was transferred to Iraqi control in December 2006.

1321. On 9 February, Dr Marsden sought to explain the apparent difference between improving Transitional Readiness Assessments of the police and the more qualitative assessment by those on the ground that the police force had become less effective.[1215] She stated:

> "The measurement of transition readiness levels (defined by CPATT) is mainly based on quantitative indicators such as who has been given what training, whether or not police stations are producing the requisite reports, following the right procedures and performing basic police business and whether they are properly equipped. It does not include a moral component.
>
> "On the positive side, we have trained and trained the lower echelons of the Basra police (11,500 in the Shaibah college alone). They have all been equipped with guns, cars and uniforms. There are some good units in the Basra police and a number of good, professional middle-ranking police officers, trying to do a good job. But the Basra police also includes an influential minority of seriously criminal and corrupt individuals and a large number of officers (probably the majority) who are more or less adequate but stifled by weak leadership and intimidated by the seriously corrupt elements and militant militias.
>
> "The real problem is the high level of … serious police related crime … This is evidenced by the recent interviews carried out by the Department of Internal Affairs with tortured prisoners from the Jameat. There is evidence that some police officers are also directly involved in anti-MNF activity. These criminal elements are a big part of the problem on the streets, although the size of that problem is not massive compared to Baghdad."

1322. Gen Dannatt visited Iraq from 14 to 15 February.[1216] He reported:

> "For MND(SE), 10 IA Div clearly represent the exit strategy not only from Basra City but elsewhere across the region … the fear is that 10 IA Div may not be as good as we hoped it would be … But as GOC MND(SE) rightly observed, we have regularly changed the role for which these troops were designed; they have gone from local militia (ICDC), to regional defence force and now onto an expeditionary footing … over the past three and a half years. However, we are where we are; the trick now is to maintain sufficient SSR momentum to get 10 IA Div at the level of combat effectiveness appropriate to its future role against the predicted threat. And GOC MND(SE) is looking carefully at this. It is not simply a question of enhancing

---

[1215] Letter Marsden to Aldred, 9 February 2007, 'Basra: Weekly Report'.
[1216] Minute CGS to CDS, 19 February 2007, 'CGS Visit to Iraq: 14-15 Feb 07'.

our MiTTs – many Iraqi soldiers fear the MiTTs simply draw the enemy's fire. 'Partnership' is key, as we saw on Op SINBAD …"

1323. In his statement to the Inquiry, Former Chief Superintendent Barton said that, by early 2007, "the security situation had worsened so much that it was impossible to move around the city in anything other than a Warrior".[1217] He wrote that due to the security risk, inspection visits "would often be as short as twenty minutes"; in comparison, an inspection at a UK station would take "at least one full day".

10th Division called to Baghdad

In his weekly report from 31 January, Major General Jonathan Shaw, GOC MND(SE) from January 2007 until August 2007, reported that elements of 10th Division were likely to be called to Baghdad in the near future for a combat role.[1218] He assessed: "while the 10th Division has proven itself capable of basic tasks … they are not yet combat proven. Asking them to deploy to Baghdad in this role at this stage risks asking too much of them."

Two battalions of 10th Division were expected to move north in support of the Baghdad Security Plan in late February.[1219] Each battalion was to be accompanied by a team of four "military observers"[1220] who would "co-locate with US forces".

On 12 February, MOD officials recommended that two four-man UK teams should embed alongside US MiTTs with the two 10th Division battalions being deployed to Baghdad.[1221] By 21 February, plans had expanded to include a UK team of 24 based at Besmaya (from where ISF were being forward deployed to Baghdad) to help the US prepare other ISF units for the Baghdad Security Plan.[1222]

In his evidence to the Inquiry, Major General Graham Binns, GOC MND(SE) from August 2007 until February 2008, recalled:

> "… when the unit that we had trained from 10 Division deployed to Baghdad, we mentored and we sent mentoring teams with them to Baghdad … this was something that had evolved in Basra but not Baghdad."[1223]

Planning to leave Basra City

1324. On 8 January, No.10 wrote to departments requesting a number of additional reports (as described earlier in this Section), including a weekly report on developments in ISF capability, stating that Mr Blair wished to know of problems, and how and by whom they would be tackled.[1224]

[1217] Statement, 7 June 2010, pages 9-10.
[1218] Minute Shaw to CJO, 31 January 2007, 'GOC MND(SE) – Southern Iraq Updated – 24 [sic] January'.
[1219] Minutes, 7 February 2007, Chiefs of Staff meeting.
[1220] These "military observers" were later described at MiTTs.
[1221] Minute PJHQ [junior official] to PS/SofS [MOD], 12 February 2007, 'Iraq: Op TELIC: Deployment of Two Iraqi Army Battalions to Baghdad with Embedded UK Military Training Team'.
[1222] Minute MOD [junior official] to PS/SofS [MOD], 21 February 2007, 'Iraq – Media Handling of the MiTT Deployments to Baghdad'.
[1223] Public hearing, 15 January 2010, page 17.
[1224] Letter Banner to Siddiq, 8 January 2007, 'Iraq'.

1325. At the Iraq Senior Officials Group on 12 January, Mr Howard pointed out that weekly reporting would be difficult as information was produced by the US on a monthly basis so little would change from week to week.[1225] Monthly reports would therefore be more sensible.

1326. On 22 January, Mr Banner wrote to departments thanking them for a series of papers and asked that the next report on ISF capabilities include more detailed recommendations on addressing shortfalls and bottlenecks.[1226]

1327. On 26 January, Mr Banner provided Mr Blair with a number of updates.[1227] He judged that the Basra update and the ISF capabilities update suggested that "all is not well with 10th Division, including on equipment (we need to work out how this squares with CDS's assurance that all they were lacking is a water truck)".

1328. On 24 January, Mr Browne wrote to Mr Blair to update him on the rationale behind a planned reduction in troops from 7,000 to 4,500-5,000 (this is also addressed in Section 9.5).[1228] He stated:

> "There is no question of us leaving a vacuum in the city, as the IA and IPS are already doing patrols and we will remain present in the Provincial Joint Co-ordination Centre and military transition teams. Early evidence from the final stages of Op SINBAD, where the IA are in some areas not just in the lead but doing it by themselves, is that inevitably they enjoy a greater level of consent than we do – but also that they are doing a decent job. They are far from the finished article but after re-posturing our shift towards mentoring and support will ensure they continue to develop.
>
> "The clear military advice … is that re-posturing and the associated drawdown will not adversely affect our capacity to provide support to the Iraqi Security Forces, including underwriting it by providing a battlegroup size reserve force. We must recognise that after re-posturing re-intervention would not be straightforward but this is a nettle that must be grasped at some stage.
>
> "We should explain what these 4,500-5,000 personnel will be doing … The answer is that as well as holding a battlegroup in reserve … Security Sector Reform will once again be the main focus – reflected in an increase in our commitment to military and police training teams. In relation to the Police in particular – an area where I know the Americans have concerns – we have … done a considerable amount to clean up the police in Basra, but making it stick now depends mainly on the Iraqi MOI and Emergency Security Committee acting on outstanding arrest warrants …

[1225] Letter Cabinet Office [junior official] to Sheinwald, 12 January 2007, 'Iraq Senior Officials Group'.
[1226] Letter Banner to Siddiq, 22 January 2007, 'Iraq'.
[1227] Minute Banner to Prime Minister, 26 January 2007, 'Iraq Update, 26 January'.
[1228] Letter Browne to Blair, 24 January 2007, 'Next Steps on Force Levels in Iraq'.

> "Finally, given the importance right now of the Iraqis being able to assume the lead, we should take the opportunity to deal with the public demands which PM Maliki made last week on equipment – repeating in public what he has said to us in private. In fact, the position in IA 10 Div is relatively good, but the Iraqis continue to look for symbols of force to over-face the militia. We have managed to bring forward the deployment of some 240 Humvee vehicles – 140 are now in place – and we are expecting some heavy calibre arms over the next month. On my visit I will again press Defence Minister Qadir to spend his capital budget wisely and quickly including for 10 Div."

1329. On 29 January, Mr Banner requested further details from the MOD on equipment issues and MiTTing (as support for police reform).[1229]

1330. On 30 January, Mr Banner briefed the Prime Minister that one of the two "key issues" for the US was that the UK should have "an embedding/MiTT programme similar to their own".[1230] The MOD was "working on this" but was, Mr Banner felt, "reluctant".

1331. Mr Blair met Lieutenant General Nicholas Houghton, Chief of Joint Operations, and senior officials from FCO and SIS to discuss the situation in Basra on 31 January.[1231] The issue of embedding mentors was raised. Lt Gen Houghton explained that the UK approach to mentoring in Basra was different to that being developed by the US, in part because of a differing context; the US were primarily embedding with Shia forces operating in hostile Sunni areas, whereas the UK was working with Shia forces in Shia areas. He stated: "We, not they, drew the fire of local militias", hence most UK mentoring would take place at headquarters level and at bases.

1332. Mr Blair also expressed concern about the Iraqi ability to ensure security after re-posturing. Lt Gen Houghton noted that the UK would retain a re-intervention capability, and that it was "important to allow 10 Division to act independently". He conceded that there was still considerable work to be done to improve leadership in 10th Division and fill equipment gaps "where it was difficult to take bilateral action specific to 10th Division, given the prioritisation system in place via MNSTC-I". Mr Blair stated that it was "essential that our plans resulted in a 10 Division that was able to defeat JAM whenever it encountered them in an open fight. This would be the only way to instil wider confidence in the security situation."

1333. The MOD responded to Mr Banner's request on 2 February.[1232] On equipment, the MOD denied that there were any shortages for 10th Division. It explained that relevant training must take place before equipping could be completed, and that that

---

[1229] Letter Banner to Siddiq, 29 January 2007, 'Iraq'.
[1230] Minute Banner to Blair, 30 January 2007, 'Iraq Meeting, 31 January'.
[1231] Letter Banner to Siddiq, 31 January 2007, 'Iraq: Meeting with Officials'.
[1232] Letter Forber to Banner, 2 February 2007.

training had not yet happened. Set against IMOD critical equipment targets for each division, 10th Division were:

- 99 percent equipped in protected mobility;
- 100 percent equipped in light weapons;
- 86 percent equipped in body armour; and
- 84 percent equipped in helmets.

1334. The MOD did acknowledge that corruption led to issued equipment being lost but stated: "once equipment has been issued … there is little MND(SE) can do to oversee the loss or relocation of such assets".

1335. On MiTTing, the MOD stated that US MiTT plans elsewhere in Iraq saw US personnel directly embedded and serving alongside their Iraqi counterparts but the UK approach differed:

> "UK practice, and one we have adopted in numerous Military Assistance Missions around the world, is focused on leadership and embedding UK personnel at brigade and divisional level rather than in fighting units. It is possible that our slightly different approach will attract criticism from the US and we will need to be ready to explain our reasoning, which is, in large part, due to the different circumstances on the ground in southern Iraq. 10 Division is more advanced than some Iraqi Army divisions elsewhere and is already responsible for security in much of MND(SE) outside Basra City. Embedded MiTTs may not, therefore be required or wanted much by the Iraqi Army in Southern Iraq."

1336. In his evidence to the Inquiry, Lieutenent General Barney White-Spunner, GOC MND(SE) from February 2008, described the US approach to MiTTing:

> "It is an embedded military training team. So what the Americans had done with the First Division, and indeed with most of their formations for which they were responsible in the Iraqi Army, was they had put dedicated teams into that formation who lived and worked with them. So when that formation deployed … it brought those teams with it."[1233]

1337. On 31 January, the Cabinet Office circulated a paper entitled 'Transition in Southern Iraq: Progress and Plans'.[1234] The paper set out assessments and plans on security transition for DOP on 1 February, and is described in more detail in Section 9.5. On the IPS, it stated:

> "Basic police capability has improved and the Basra IPS is on target to achieve the 72 percent Transitional Readiness Assessment (TRA) level 2 required for transfer

---

[1233] Public hearing, 7 January 2010, page 15.
[1234] Paper Cabinet Office, 31 January 2007, 'Transition in Southern Iraq: Progress and Plans'.

to Provincial Iraqi Control (PIC) by April. Over 70 percent of Police Stations in Basra province have already reached this level. This is up markedly from a starting average TRA level of 3.3 (out of 4) in September 2006.

"However, for all the efforts made, levels of trust in the police force remain low, and some assessments indicate that the IPS continue to do more to undermine rather than guarantee security."

1338. On the Iraqi Army, the paper stated that the main issue was the "quality of its leadership, in addition to unwillingness to stand up to militia activity and a lack of equipment". To address concerns about 10th Division's capabilities and readiness, a "dedicated" SSR team of four MiTTs would be deployed, each comprising five or six people, to carry out training at divisional and brigade level.

1339. The paper noted that closing bases in the city would make any military re-intervention high-risk. In the event of re-intervention, all training of the ISF would have to cease until the operation was complete. Post-PIC plans for SSR depended on a degree of freedom of movement in and around Basra, including a military and civilian presence at the PJCC.

1340. Mr Browne visited Iraq from 28 to 31 January (described in Section 9.5).[1235] In a report of the visit, an Assistant Private Secretary reported that Mr Browne was told that:

- The leadership of Basra security structures was inadequate (a point which he in turn raised with Prime Minister Maliki and Mr Abdel Qadir, Iraqi Defence Minister).
- The US was not convinced about Basra being ready for transition or the capability of the 10th Division.
- The Police Adviser felt the police were less effective than six months before "principally because of intimidation rather than any lack of training or capability".

1341. Mr Browne's Assistant Private Secretary commented that those views seemed to contradict the messages that had previously been received on the success of Op SINBAD. There was "a lack of firm indicators to substantiate or refute" the different conclusions.

1342. In his update to DOP on 1 February, Mr Browne reported on his visit to Iraq.[1236] In Basra he had "seen first hand the positive effect that Operation SINBAD had had"; the reported murder rate had reduced and "sectarian violence had almost stopped". Continued violence was mainly directed against coalition forces.

[1235] Minute McNeil to MA1/DCDS(C), 1 February 2006 [sic], 'Defence Secretary's Visit to Iraq – 28-31 January 2007'.
[1236] Minutes, 1 February 2007, DOP meeting.

Understanding the murder rate in Basra

On 1 February, Dr Marsden sought to provide context to the figures behind murder rates in Basra.[1237] She wrote:

> "Anecdotal evidence from Basrawi contacts and some other sources of information suggest that levels of intimidation of Basrawis by JAM and other militias remain high. Yet crime figures quoted in the 31 January DOP paper suggests that the reported murder rate fell sharply in the second half of 2006.
>
> "Confusingly there is no single collation point for recording crime in Basra. There are currently two sets of crime figures in use: those produced by the PJCC (jointly run by the IPS, IA and MNF) and those produced by the criminal statistics department of the IPS. The IPS figures are based on crimes reported weekly by police stations to the criminal statistics department in Police HQ. The PJCC figures are based on emergency calls received from members of the public and (sporadic) radio reports from individual police officers on the ground. They do not take account of police station reports. Both sets of figures are incomplete because they do not include tribal murders (in which the police do not get involved), many cases of family violence and crimes committed by police officers themselves (a significant omission as many of the murders in Basra are actually committed by the police themselves, notably the death squads in the Serious Crimes Unit and certain other units).
>
> "The reported murder and kidnapping rates quoted in the DOP paper are based on PJCC figures. These show that the murder rate rose from around 50 a month in early 2006 to over 100 a month in the second quarter … declining to 30 in December 2006. The IPS figures show a similar trend in the first half of the year, with the murder rate peaking at over 100 a month in April-June 2006, but with a much less marked decline in the second half of the year (to 80-90 murders a month in the last quarter of 2006)."

1343. On 13 February, MOD officials provided a paper to DOP on how best to balance military effort across Iraq and Afghanistan (see Section 9.5).[1238] The MOD said that current plans were that, following re-posturing up to six UK military sub units[1239] and three battlegroup headquarters would be available for ISF training. Specifically:

- one company devoted to training the Iraqi Army at the Divisional Training Centre;
- one company to provide a "flying" MiTT to monitor and mentor the 1st and 4th Brigades of 10th Division;
- one company to support FCO-led Police Training Teams, based at the PJCC;
- up to two companies to provide training and assistance to the DBE in border-related operations; and
- a company based at Basra Palace (until August) available to periodically conduct training of the Iraqi Army.

[1237] Letter Marsden to Aldred, 1 February 2007, 'Basra: Weekly Report'.
[1238] Paper MOD, 13 February 2007, 'Iraq and Afghanistan: Balancing Military Effort in 2007'.
[1239] The Inquiry estimates that those sub units would each contain around 100 people.

1344. In addition, smaller MiTTs would remain embedded with the Headquarters of 10th Division.

1345. The MOD said that central to their re-posturing plans would be the release of manpower to better focus on training for the IPS, Iraqi Army and DBE, concentrating on the weakest areas of leadership and collective training.

1346. To help Mr Blair draft a statement to Parliament on the latest military plans, the MOD provided an update on Op SINBAD on 16 February.[1240] The paper described a number of areas where progress had been achieved:

- Experience of operations for the PJCC had improved the ISF's ability to plan and co-ordinate operations in the city. The paper did say that "given its central importance PJCC mentoring will continue beyond SINBAD and PIC".
- A reduction in reported crime. There was no mention of concerns over the validity of those figures.
- An improvement in basic police capability, although problems with leadership and corruption were acknowledged and the paper later assessed that up to 75 percent of Basra IPS were members of a militia and "many" were linked to criminal activity.
- The Iraqi Army had reached the level required for PIC but "their ability to stand up to militias unaided by coalition remains questionable".

1347. On 21 February, Mr Blair delivered his statement in Parliament:

> "Since the outset, our plan, agreed by the United Nations, has been to build up Iraqi capability in order to let Iraqis take control of their own destiny, and that as they would step up, we would increasingly step back. For three years therefore, we have been working to create, train and equip Iraqi security forces capable of taking on the security of the country themselves.
>
> "In normal circumstances, the progress would be considered remarkable. There are now 10 Divisions of the new Iraqi Army and more than 130,000 soldiers, able in significant parts of the country to provide order. There are 135,000 personnel in the Iraqi Police Service. There, the progress has been more constrained, and frequently hampered by corruption and sectarianism, but none the less, again, in normal circumstances, it would be considered a remarkable effort. The plan of General Petraeus … which was conceived in 2004, has in its essential respects been put in place …
>
> "Over the past months, we have been conducting an operation in Basra with the 10th Division of the Iraqi Army, to reach the stage where Basra can be secured by the Iraqis themselves …

[1240] Letter Beadle to Banner, 16 February 2007, 'The Effects of Op SINBAD 20 September 2006 to 14 January 2007' attaching Paper 'The Effect of Operation SINBAD'.

"As a result of the operation in Basra, which is now complete, the Iraq forces now have the primary role for security in most parts of the city. It is still a difficult and sometimes dangerous place, but many extremists have been arrested or have left the city. The reported levels of murder and kidnapping are significantly down …

"What all this means is not that Basra is how we want it to be but that the next chapter in Basra's history can be written by the Iraqis …

"The British forces that remain in Iraq will have the following tasks:

- training and support to Iraqi forces;
- securing the Iraq-Iran border;
- securing supply routes;
- and, above all, the ability to conduct operations against extremist groups and be there in support of the Iraqi Army when called upon.

"Over time, and depending naturally on progress and the capability of the Iraq security forces, we will be able to draw down further, possibly to below 5,000 once the Basra Palace site has been transferred to the Iraqis in late summer."[1241]

CONTINUING CONCERNS WITH THE BASRA JUSTICE SYSTEM AND IRAQI POLICE SERVICE

1348. The paper produced by the IPU and British Embassy Baghdad on 16 February 2007 described problems with Basra's judicial system.[1242] There was "considerable evidence of the extra-legal influence of political/religious factions on the judicial process". Those judges involved in combating corruption had expressed concern for their personal safety and there was a lack of judicial control.

1349. The paper included a recommendation that attempts to bring prosecutions in IPS corruption cases should continue. A new Basra courthouse would be completed by November 2007 and a 1,500-capacity prison would be created in Basra. Those conclusions were reflected in the Better Basra Mark III plan (described later in this Section).

1350. On 26 February, in response to the latest weekly report from Dr Marsden, No.10 wrote to departments:

"The Prime Minister is seized of the need to replace [Brigadier] Hamadi as Director of Basra Police. We need to take urgent action with Maliki to underline the case for this, and to ensure the effective functioning of the Serious Crimes Unit. The Prime Minister thinks this may require a high level visit, from the Foreign or

---

[1241] House of Commons, *Official Report*, 21 February 2007, columns 261-280.
[1242] Letter Siddiq to Banner, 16 February 2007 attaching Paper British Embassy Baghdad/Iraq Policy Unit, 'Iraqi Justice System'.

> Defence Secretary or a Special Envoy, in order to reinforce the point that this is of high importance to HMG [Her Majesty's Government] and the Prime Minister personally."[1243]

1351. In her report dated 28 February (dealt with in more detail in Section 9.5), Dr Marsden wrote:

> "While polling suggests that the IPS inspire confidence in about 65 percent of the population … those questioned by British representatives said that the police could not be trusted. Many told stories of intimidation and claimed knowledge of kidnappings and death squads. Others said they would not call the police emergency hotline to report criminal or terrorist activity for fear that policemen taking the calls were in cahoots with the militias. Basrawis are willing to call the police to report general crime but if criminals threatened them or their families, they are more likely to turn to their tribe for help."[1244]

UPDATED BETTER BASRA PLAN

1352. The third iteration of the Better Basra Plan, 'Better Basra Mark III', was sent by Dr Marsden to Ms Aldred on 2 March.[1245] It is described more fully in Section 9.5.

1353. It set out the combined military and civilian strategic priorities for Basra for the coming six months. One of the indicators of success would be "Iraqi Government control sustained after PIC with no breakdown of law and order". The plan had a number of subsections including "security" and "Rule of Law".

1354. The "security" aim was to "reduce the threat from illegal armed groups and Iranian proxies and build the capacity of the Iraqi Army to take on militant JAM and conduct their own Strike Operations". The plan noted that, although the Iraqi Army had grown in confidence during Op SINBAD, it would "certainly face stiffer tests in future". To enhance capability over the next six months the UK would:

- deploy MiTTs with 10th Division Iraqi Army units;
- provide further leadership training;
- conduct more joint operations;
- establish Iraqi ownership and a relationship of trust with the Basra Emergency Security Committee (assuming the Iraqi Government wished to maintain it); and
- press the IMOD and the US to provide more equipment (particularly heavy weapons) so that 10th Division felt sufficiently equipped to engage effectively.

[1243] Letter Fletcher to Siddiq, 26 February 2007, 'Iraq: Basra'.
[1244] Letter Marsden to McDonald, 28 February 2007, 'Basra: Everyday Life for Ordinary Iraqis'.
[1245] Letter Marsden to Aldred, 2 March 2007, 'Better Basra' attaching Paper, 1 March 2007, 'Better Basra Mark 3: The 2007 Plan'.

1355. The aim for "Rule of Law" was to:

> "… bring the Basra police to a 'good enough' standard to transition to PIC. Basra's population have the right to expect more of its police. The police should be able to carry out basic policing tasks; Basrawis should feel that if they report a crime, it will be acted on; the police should not be the home of organised death squads (although it is unrealistic to expect zero corruption); and militia influence should not be at levels where it is the dominant force in police stations."

1356. To achieve those aims, the UK would:

- support the DIA, based in a protected compound at Basra Air Station;
- encourage the "pursuit" of the 62 death squad leaders from the SCU and NIIA (of which three had already been arrested);
- press Baghdad to replace the weak Provincial Director of Police (PDoP);
- improve co-operation between the Basra police and the MOI in Baghdad;
- continue intensive mentoring of the PDoP and other senior IPS officers;
- continue monitoring and mentoring police stations to achieve 80 percent of police stations at the level required for PIC;
- encourage the removal of unqualified and poor performers;
- establish a properly vetted, fully professional Criminal Investigation Department;
- mentor the Basra branch of the NIIA to try and ensure that criminal elements of the CIU do not migrate into the unit; and
- provide forensic capability at Basra Police Headquarters.

1357. The plan described the judiciary as "weak and unable to prosecute serious crime". The aim was to "empower Basra's judges and prosecutors to tackle serious crime (particularly police corruption) in a more secure, less intimidating environment". Priorities for the next six months were to:

- build the capacity of judges and others involved in the judicial process through mentoring, specifically the Prosecution Mentoring Unit (staffed by two international prosecutors funded by the plan);
- establish regional training programmes;
- improve security measures at the main Basra courthouse;
- build an additional courthouse, using US Department of Justice funding, which would include witness protection facilities; and
- provide scene of crime and forensic training for investigative judges and judicial investigators.

1358. Basra's prisons were described as "old, overcrowded" and said to "not meet minimum international human rights standards". The aim was to "support the development of an Iraqi Corrections System that complies with Iraqi law and

international standards regarding capacity, conditions of confinement and humane treatment of prisoners" by:

- increasing prison capacity by building and commissioning a new US-funded Basra Central Prison for 1,500 prisoners;
- continuing to strengthen the capacity of correctional services staff by implementing a UK training programme and further mentoring; and
- continuing to monitor management of the two existing prisons.

NATIONAL INFORMATION AND INVESTIGATION AGENCY RAID

1359. On 3 March, Iraqi Special Operations Forces (ISOF), supported by MNF troops, carried out a raid on the National Information and Investigation Agency (NIIA) in Basra.[1246]

1360. Mr Beadle wrote to No.10 about the raid in a letter dated 16 March.[1247] The pre-planned operation was to detain an NIIA officer associated with death squads who had been a "priority UK target for over two years". The target was not present and the raid resulted in the escape of around 30 prisoners (who had been tortured according to some reports).

1361. On 5 March, Prime Minister Maliki's office issued a statement condemning the raid as "illegal" and "irresponsible". Mr Maliki ordered local security authorities, including the police, to cease all "joint activities" with MND(SE) until further notice.

1362. On the same day, Mr Maliki told Mr Asquith that he was disappointed at the "reprehensible" way in which the raid had been conducted and the violation of Iraqi sovereignty that it represented.[1248] He warned that the consequence of such operations might be severe restrictions on the ability to deploy ISOF.

1363. Three investigations resulted from the raid: one by the MOI, one led by Mr Safa al-Safi (Prime Minister Maliki's Ministerial Security Adviser on Basra) and one by the MNF.[1249] The MNF was reviewing mechanisms for informing the Iraqi Government of sensitive operations.

1364. Maj Shaw wrote in his weekly report on 8 March:

> "It is clear that the raid was both legal and, in tactical targeting terms, a good call … Within the context of the wider politics of Iraq and with the benefit of hindsight,

---

[1246] eGram 9049/07 Baghdad to FCO London, 6 March 2007, 'Iraq: Meeting with Prime Minister Maliki, 5 March'.
[1247] Letter Beadle to Fletcher, 16 March 2007, 'Iraq: National Intelligence & Information Agency (NIIA) Operation'.
[1248] eGram 9049/07 Baghdad to FCO London, 6 March 2007, 'Iraq: Meeting with Prime Minister Maliki, 5 March'.
[1249] Letter Beadle to Fletcher, 16 March 2007, 'Iraq: National Intelligence & Information Agency (NIIA) Operation'.

> however, the operation was ill-judged. Local political reaction has been relatively muted … My sense though is that, locally, the desire for progress and transition remains and this should motivate them to treat this incident more as a speed bump than an obstacle …"[1250]

1365. Mr Bill Jeffrey, Permanent Under Secretary for the MOD from November 2005 to October 2010, met Maj Gen Shaw during a visit to Iraq from 12 to 13 March.[1251] Maj Gen Shaw reported that the raid on the NIIA offices could "have been handled better", with hindsight, but that "most reactions by local political figures were either somewhat synthetic or manageable".

1366. Maj Gen Shaw reflected on the raid in his evidence to the Inquiry.[1252] He said:

> "[It] was the one operation where they [the Iraqi Government] did object to it … that raid … exposed the difficulties within the Shia polity again … It was a raid carried out by the Iraqi special forces, so it was an Iraqi raid and it was trying very hard to abide by or comply with Iraqi sovereignty."

1367. On 15 March, Maj Gen Shaw highlighted the importance of tackling violence not directed at MNF and the difficulties of doing that, saying:

> "The fundamental assumption behind the NIIA raid was that it was consistent with, indeed in pursuit of, Iraqi sovereignty: that the nature of the target (known death squad leader against whom an Iraqi judge had issued an arrest warrant) and the method of arrest (ISOF, not MNF) would bring GoI buy-in, even though it was within a building owned by the IPS (which PM Maliki … acknowledged to be corrupt)."[1253]

1368. Maj Gen Shaw reflected on how the NIIA incident illustrated concerns about transition:

> "It is in this context … that the NIIA raid needs to be viewed. If we are to address the Iraqi end-state, our focus needs to be less on the 90 percent violence against us, more on the 10 percent reported inter-Shia/Iraqi violence which threatens stability when we are gone. Tackling death squad leaders … who pose the major threat to the political stability of Basra, is the most useful application of military force to support the political end-state …
>
> "My short-term concern is that the issue blights transition … A line needs to be drawn under this operation in the interest of achieving Iraqi self-reliance … My long-term concerns centre around the defining impact these investigations will

---

[1250] Minute Shaw to CJO, 8 March 2007, 'GOC MND(SE) – Southern Iraq Update – 8 March 2007'.
[1251] Minute PS/PUS [MOD] to PS/SofS [MOD], 16 March 2007, 'PUS Visit to Multinational Division South-East, 12 March 2007'.
[1252] Public hearing, 11 January 2010, pages 17-18.
[1253] Minute Shaw to CJO, 15 March 2007, 'GOC MND(SE) – Southern Iraq Update – 15 March 2007'.

> have for our future operations and indeed rationale. Firstly, the 'Untouchable' status of ISOF is already being attacked by the sectional interest within the GOI that (quite rightly) feel threatened by such a body. The fear is that their freedom of movement and action is curtailed, their operations politically constrained; this would be most damaging to ISOF itself and PM Maliki's ability to operate to the national interest. Secondly, the danger is that political constraints are so tightly drawn that MND(SE) cannot operate against the 10 percent threat to the Iraqi end state. If we ever reached the stage when MND(SE) were restricted to operations in pursuit of our own force protection, we would need seriously to question our rationale for being here."

1369. Maj Gen Shaw said in his evidence to the Inquiry that "all kinds of mistreatment of prisoners" were found during the raid, including the rape of a woman in front of her two children.[1254] However, the mistreatment was not the political headline, "the political headline was that we had broached Iraqi sovereignty". Maj Gen Shaw concluded:

> "So yes, that was a mistake, it was an unfortunate raid, we learned lessons from it, we played even more gingerly with Shia political sensitivities thereafter."

1370. On 20 March, ACM Stirrup told Mr Blair that "Petraeus had been helpful in handling the fallout from the raid on the NIIA headquarters, and that this was in any case having only a limited effect on operations in Basra itself."[1255]

1371. Maj Gen Shaw reported on 21 March: "The ripples of the raid on the NIIA are seemingly spreading the further we get from the operation itself."[1256]

1372. The IMOD had issued a letter stating that joint operations between the Iraqi Army in Basra and the MNF should cease temporarily. Although that had since been rescinded, Maj Gen Shaw commented that "this makes moving Basra forward towards PIC more difficult".

1373. On the same day, Mr Blair's Private Secretary updated Mr Blair on the continued fallout from the raid.[1257] The MNF-I investigation into the NIIA raid had concluded that the operation was conducted in good faith and in support of Iraqi law. But there had been no notification to either the Iraqi Government or Gen Petraeus because the operation had been deemed time sensitive. The raid was described as "aggressive but professional" and it was miscommunication that had led to the prisoners escaping.

1374. It took until late April for the police mission to regain access to the NIIA building.[1258]

[1254] Public hearing, 11 January 2010, page 18.
[1255] Letter Banner to Hickey, 20 March 2007, 'Iraq: Meeting with Officials'.
[1256] Minute Shaw to CJO, 21 March 2007, 'GOC MND(SE) – Southern Iraq Update – 21 March 2007'.
[1257] Minute Banner to Blair, 21 March 2007, 'Phonecall with Maliki'.
[1258] Letter Tinline to Aldred, 26 April 2007, 'Basra: Weekly Report'.

ASSESSMENTS OF IRAQI SECURITY FORCE READINESS FOR PROVINCIAL IRAQI CONTROL

1375. In March and April, British forces withdrew from a number of bases in Basra City, handing them over to 10th Division:

- the Old State Building on 20 March;[1259]
- the Shatt al-Arab Hotel on 8 April; and[1260]
- Shaibah Logistics Base on 24 April.[1261]

1376. A JIC Assessment on 25 April considered the prospects for transition in the South.[1262] It assessed:

> "Increased security efforts in Basra between September 2006 and March 2007 (Operation SINBAD) had some local effect in disrupting militia activity and improving public confidence … Sectarian and other murders have fallen from some 100 a month in mid-2006 to 30 in March 2007 … Other forms of violence, criminality, and intimidation – much of which we judge goes unreported – remain widespread.
>
> "MND(SE) assess that ISF in Basra now meet the minimum criteria for transitional readiness. Slow improvement in the army continues: 1 Brigade in Basra took the lead in the latter stages of Operation SINBAD and performed well, within the limitations of their capability. Much more serious problems persist in the local police […] 61 arrest warrants against SCU officers remain outstanding, despite coalition pressure. A weight of reporting shows that police effectiveness in Basra is still severely compromised by corruption, poor leadership and the entrenched influence of Shia militias. Some policemen are actively assisting JAM attacks on MNF.
>
> "We judge that as the scale of MNF presence reduces, violence between rival Shia political parties, backed by their militias, is likely to intensify. Most see PIC as an opportunity to extend their own power base in political and security structures, and increase control over economic resources …
>
> "The nature and scale of any conflict will be determined partly by events in Baghdad and Najaf, particularly the ability of the United Iraqi Alliance to stick together and assert authority over its provincial supporters … In the absence of an effective political brake on serious intra-Shia fighting, we judge that the ISF would not be able to cope; the police would probably fragment and the army would try to avoid direct confrontation, while seeking to contain the situation."

[1259] Minute Shaw to CJO, 21 March 2007, 'GOC MND(SE) – Southern Iraq Update – 21 March 2007'.
[1260] Minute GOC MND(SE) to CJO, 12 April 2007, 'COS HQ MND(SE) – Southern Iraq Update – 12 April 2007'.
[1261] Minute Shaw to CJO, 24 April 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 24 April 2007'.
[1262] JIC Assessment, 25 April 2007, 'Iraq: Prospects for Transition in the South'.

1377. At Cabinet on 3 May, Mr Browne stated:

> "In Basra and the South-East, there were encouraging signs of progress. The Iraqi Army division … was becoming, by any measure, very effective. Its performance and training had impressed the Americans when it was operating in Baghdad … In Basra we had now handed over to the Iraqis two bases in the City and one outside without incident, a significant contrast with the disorder that had taken place over earlier base handovers … The Iraqi security infrastructure did not work well and its leadership, including the Provincial Chief of Police and Emergency Security Committee, was ineffective and incapable of providing the direction needed by those in the police forces capable of working effectively (estimated as some 80 percent) …"[1263]

1378. On 2 May, Sir Nigel Sheinwald met ACM Stirrup to discuss whether there was "continuing military utility" in the UK's mission in Iraq.[1264] ACM Stirrup said that he saw that resting on the continuing need to train the Iraqi 10th Division, anti-JAM operations and a capacity to re-intervene. Sir Nigel reported the meeting to Mr Blair and highlighted that ACM Stirrup had not mentioned the IPS, making the observation: "I think the MOD now regard them as a busted flush."

1379. On 25 May, a planned ISOF operation in Basra resulted in the death of the Basra JAM leader Mr Wissam Abu Qadir.[1265] Maj Gen Shaw described the operation as a success but reported:

> "The performance of the ISF was less convincing. Not surprisingly that the IPS failed to stand and defend the PJCC, but more disappointing that the Iraqi Army was returned to barracks (following another JAM capture and humiliating release of two IA vehicles and crew) whilst JAM was on the streets. The order to remain in barracks was given by Gen Ali Hamadi (Chair of the Emergency Security Committee). His reasons are not clear, although Gen Habib [the new commander of 10th Division] claims that it was a direct order from PM Maliki. It may well be true that last Friday night was not the right time for 10th Division to stand and fight JAM toe to toe and that the call was a good one. It may equally be true that Gen Ali ordered them back into barracks as a face saving measure, fearing that 1 Bde (who are Basrawis) would refuse to soldier, or that JAM had pressurised him into withdrawing them, to give them a clear shot at us. Gen Habib is, however, acutely aware of the issues within his own Division and the need to address them. He needs to be given the opportunity to solve the problems … in an Iraqi way … But as hinted at above, this 'Iraqi way' may prove in time to be a 'non-aggression' pact between the IA and JAM."

[1263] Cabinet Conclusions, 3 May 2007.
[1264] Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.
[1265] Minute Shaw to CJO, 31 May 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 31 May 2007'.

1380. On 13 June, Maj Gen Shaw concluded his weekly report to Lt Gen Houghton:

> "The thought I leave my staff to ponder is the credibility of our recommendation at month end if this remains, 'Basra ready for transition to PIC in Aug/Sep'. The pragmatic UK PIC judgements have always been based in large part on judgements about 'Iraqi good enough' in agreement with Iraqi judgements on risk. The recent focus of GoI interest in Basra security has seemingly reversed what was hitherto Iraqi enthusiasm for PIC. PM Maliki is concerned about early PIC, the Governor is against it, as is MG Habib: the IPS are recognised as incapable hence the future of Basra's security is being placed in a new … army division (as yet unformed and unprogrammed); and a new security supremo is promised but as yet unappointed (although rumours abound). Lack of Iraqi enthusiasm for PIC, and the lengthy period required to enact the Iraqi solutions, play to State's concerns about the PIC process and will make my and LTG Odierno's [Lieutenant General Raymond Odierno, US Commander Multi-National Corp - Iraq] desire for Basra PIC harder to justify."[1266]

1381. On 27 June, the JIC reiterated their judgement on the likelihood of violence after PIC and the ability of the Basra ISF to cope:

> "The desire for national Shia unity and the ability of local parties to broker deals may restrain but will not prevent political violence in the South. In the likely event of serious intra-Shia fighting the police would probably take sides according to their particular tribal and militia affiliations and the army would try to remain on the sidelines."[1267]

Iraqi appointments

Three key security personnel in Basra were replaced between March and June 2007:

- Major General Habib was appointed as the new Commander of 10th Division, replacing Maj Gen Latif.[1268]
- General Mohan became the head of newly established Basra Provincial Operational Command, effectively taking overall control of security from Maj Gen Ali Hamadi, who became his deputy.[1269]
- Major General Jalil was appointed as Provincial Director of Police, reporting to General Mohan. Maj Gen Jalil replaced Brig Mohammed Hamadi.

[1266] Minute Shaw to CJO, 13 June 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 13 June 2007'.
[1267] JIC Assessment, 27 June 2007, 'Iraqi Security Forces and Structures: Quantity not Quality'.
[1268] Minute Shaw to CJO, 15 March 2007, 'GOC MND(SE) – Southern Iraq Update – 15 March 2007'.
[1269] Minutes, 26 June 2007, Chiefs of Staff meeting.

TRANSITION IN BASRA

1382. In July 2007, the UK presence at the PJCC comprised 100 military personnel and seven police advisers.[1270]

1383. On 7 June, Maj Gen Shaw reported:

> "The increased attacks on the PJCC have exposed a known vulnerability, and disproved the hope that co-location with IPS would provide some protection … [W]e are reinforcing its sustainment whilst we are there, and reviewing its viability in the longer term, particularly when Basra Palace is vacated."[1271]

1384. The minutes of the Chiefs of Staff meeting on 12 June recorded that a DOP paper on the timing of leaving Basra Palace was being delayed until 12 July to allow time for further advice on whether UK personnel could remain in the PJCC after it was vacated.[1272] The MOD assessment was that the advantages of remaining outweighed the disadvantages.

1385. On 13 June, Maj Gen Shaw reported that MND(SE) was keeping the PJCC issue under constant review: "The situation is fluid and I would wish to retain the freedom of decision for as long as possible. My intent remains to retain it for as long as practicable, and we are well aware of the message sent if/when we leave it."[1273]

1386. On 20 June, the PJCC was attacked by indirect fire (IDF), fatally wounding Major Paul Harding.[1274] The junior official briefing Mr Browne on the incident wrote that the PJCC had been subject to a number of attacks over the last month, including from Rocket Propelled Grenades and IDF. Although a number of personnel had been wounded in those attacks, this was the first UK fatality.

1387. The official wrote that, because of the attacks, the PJCC was subject to regular security reviews. A mortar locating radar had recently been installed as a result. The medical team in place (one Emergency Trauma Nurse and three combat medical technicians) was more than would ordinarily be allocated to a deployment of the PJCC's size, but had been deemed necessary because of the increased threat to the site.

1388. AM Stirrup visited Iraq from 1 to 3 July.[1275] His visit report stated that he had been advised by Maj Gen Shaw that there was "little military advantage" in retaining a presence at either the PJCC or Basra Palace, other than for "retaining a base for strike operations and some situational awareness". Maj Gen Shaw advocated relocating to Basra Air Station at the "earliest practicable point". Maj Gen Shaw was "confident" that the conditions set for PIC had been met.

[1270] Paper FCO & MOD, 12 July 2007, 'Iraq: Transition in Basra'.
[1271] Minute Shaw to CJO, 7 June 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 07 June 2007'.
[1272] Minutes, 12 June 2007, Chiefs of Staff meeting.
[1273] Minute, Shaw to CJO, 13 June 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 13 June 2007'.
[1274] Minute PJHQ [junior official] to APS/SofS [MOD], 20 June 2007, 'Iraq: Op Telic: Death of a British Soldier'; *GOV.UK*, 21 June 2007, *Major Paul Harding 4th Battalion The Rifles killed in Iraq*.
[1275] Minute Kyd to PS/SofS [MOD], 5 July 2007, 'CDS Visit to Iraq 1-3 Jul 07'.

1389. The minutes from the Chiefs of Staff meeting on 10 July stated that Lt Gen Odierno had disagreed with Maj Gen Shaw's assessment that Basra was ready for PIC.[1276] Lt Gen Odierno had said that the new ISF structures should be allowed time to "bed-in", with the possibility of PIC in October 2007.

1390. On 13 July, Maj Gen Shaw reported that Maj Gen Jalil was taking a "robust stance" towards the IPS in Basra, docking pay and sacking police officers.[1277] He had also begun his "purge" of militia elements within the IPS – removing vehicles and ending their employment. In response, he had been subject to an assassination attempt when he left the PJCC.

1391. In his evidence to the Inquiry, Maj Gen Shaw recalled that Maj Gen Jalil had come to "the very strong conclusion – very early" that "the issue here is not one of training, nor of equipment, it is one of loyalty", and that that was a statement that resonated very strongly with previously held views.[1278] Maj Gen Shaw said:

> "… why is it that police forces in Muthanna and Dhi Qar … operate so differently to the police in Basra when they both had the same equipment and the same training? The only difference was loyalty. It wasn't a question of whether they were members of militias or not, because … the police forces in Dhi Qar and Muthanna were actually Badr dominated, but … there was unity of command.
>
> "… if you, as a militia, decided to work with the Government of Iraq, then that was fine."

1392. Maj Gen Shaw said that Maj Gen Jalil recognised that the problem with the Basra police force was that it "reflected all the divisions within the Basra society". Maj Gen Shaw added that "Unfortunately, the same was true of the army as well and that was the problem with 10 Division."

1393. Gen Mohan shared Maj Gen Shaw's analysis "that the problem was loyalty". MNF received political advice from Gen Mohan "as to what he thought the impact of military strikes would be and whether they would be good or bad". That process generated optimism "with a very positive way forward … for a political resolution of the violence problem".

1394. On 15 July, Lt Gen Lamb reported that Gen Mohan and Maj Gen Jalil had given a "very stark" assessment of the situation in Basra to the Ministerial Committee for National Security (MCNS).[1279] He stated that Gen Mohan had "an 'outline' plan" to rectify "what he described as a city without law and order". He was already reviewing his initial assessment on the early move of British forces out of Basra City.

[1276] Minutes, 10 July 2007, Chiefs of Staff meeting.
[1277] Minute Shaw to CJO, 13 July 2007, 'GOC MQ MND(SE) – Southern Iraq Update – 13 July 2007'.
[1278] Public hearing, 11 January 2010, pages 24-27.
[1279] Minute Lamb to CDS, 15 July 2007, 'SBMR-I Weekly Report (261) 15 July 07'.

A new Iraqi Army division for Basra

On 12 June 2007, Maj Gen Wall briefed the Chiefs of Staff that the Iraqi Minister of Defence had recently called for MND(SE) to have two army divisions; one for Basra City and one for the rest of the South-East.[1280] Maj Gen Wall reported that there was no indication of how this new division would be raised, funded or equipped.

At the Chiefs of Staff meeting on 26 June, Lt Gen Houghton reported that "greater clarity" had been achieved.[1281] The 10th Division would be given an additional brigade; a new 14th Division which would assume responsibility for the rest of the South-East, with nine brigades across Muthanna, Dhi Qar and Maysan provinces.

Lt Gen Houghton stated that work would continue on training 1,000 personnel, primarily pre-2003 Iraqi Army personnel, to form the Presidential Guard Force who would take control of Basra Palace. The force was due to be ready by 14 August.

On 17 July, Maj Gen Wall briefed the Chiefs of Staff that a Ministerial Order had been issued for the creation of 14th Division, which would now have responsibility for Basra.[1282]

The 10th Division would "reposture" with its headquarters in either al-Amara or Nasiriyah.

1395. On 19 July, Major General Gerald Berragan, Deputy Commander (Operations) Multi-National Corps-Iraq, reported on a meeting of the Crisis Action Cell earlier that week.[1283] He wrote that Gen Mohan's description of Basra at the meeting was that:

- The police were infiltrated by militia and unreliable.
- The 1st Brigade of 10th Division were "defeated".
- The 5th Brigade was still in formation and lacking key capabilities.
- The ISF was set against a complex political environment with 24 militias all armed and competing for power.
- Iran was influencing and gathering intelligence.
- Organised crime was rife and weapons were being openly sold in the streets.

1396. In advance of a planned NSID(OD) meeting on 19 July, FCO and MOD officials produced a joint paper, setting out the latest assessment and plans for security transition and the associated re-posturing and drawdown of UK troops in Basra, to inform decisions by Ministers at that meeting (see Section 9.6).[1284] The paper described the strategic context across Iraq and then focused on what that meant for transition in Basra. The US, parts of the Iraqi Government and Gen Mohan, Maj Gen Jalil and Gen Habib had serious concerns over the ability of the ISF in Basra to cope with the security situation. On the other hand Gen Mohan's and Maj Gen Shaw's assessment

---

[1280] Minutes, 12 June 2007, Chiefs of Staff meeting.
[1281] Minutes, 26 June 2007, Chiefs of Staff meeting.
[1282] Minutes, 17 July 2007, Chiefs of Staff meeting.
[1283] Minute Berragan to CJO, 19 July 2007, 'MNC-I Update – 19 Jul 07'.
[1284] Paper FCO and MOD, 12 July 2007, 'Iraq: Transition in Basra'.

was that the MNF presence was a distorting factor which caused the ISF to be seen as collaborators rather than nationalists.

1397. The officials suggested withdrawing the UK's presence from the PJCC at the same time as Basra Palace, given the threat to UK personnel. The paper stated:

> "When we leave the PJCC, our Security Sector Reform work there will cease … But in our judgement, these downsides are outweighed by the risks in remaining at the site. And the PJCC is no longer as crucial a centre for the Iraqi Security Forces, since Mohan moved the Basra Operations Centre to the Shatt Al-Arab Hotel. We therefore recommend that we plan to remove all UK personnel from the site in parallel with leaving Basra Palace."

1398. Recalling the looting that occurred when the UK vacated Camp Abu Naji in Maysan, the paper stated that it was "critical" that the UK did not leave until a "credible Iraqi Guard Force" was in place. That would be ready by the end of August.

1399. The paper described US concerns about transition:

> "They [the US] are intensely nervous about transition in Basra. They believe the local Iraqi Security Forces are not robust enough to handle security without our direct support."

1400. On the future for Basra, the paper stated that there might be "an initial period in which the Iraqi Security Forces faced challenges to their authority from militia groups" and that "There will be weaknesses at the leadership level in the Iraqi Security Forces."

1401. In an annex to the paper, there was an assessment of Basra province against the conditions for PIC, one of which was "the Iraqi Security Forces' capacity to maintain order and conduct counter insurgency operations". The paper reiterated concerns about the "vulnerability [of 10th Division] to political pressure when operating in Basra" and stated that it was likely that that would continue leading to them refusing to confront JAM independently. The Basra IPS was "on target" to meet the PIC criteria with 93 percent of stations assessed at TRA level 2 or higher. It then reiterated concerns about public confidence, militia infiltration and the requirement for institutional reform.

1402. Another annex addressed future UK ambitions in Basra. The military plan was that 950 troops would be assigned to SSR and "rear area tasks such as border patrols". The military would also assist in maintaining an acceptable security environment to enable SSR activities.

1403. On 6 August, the British Embassy Baghdad reported on the MCNS meeting held the previous day.[1285] Mr Qadar, the Minister of Defence, was impressed with the "positive impact" that Gen Mohan and Maj Gen Jalil had made on the security situation in Basra

---

[1285] eGram 33092/07 Baghdad to FCO London, 6 August 2007, 'Iraq: Ministerial Committee on National Security, 5 August'.

and he was trying to identify further reinforcements for 10th Division. Mr Boulani, the Minister of Interior, was looking to reinforce Basra's police force with better leaders, possibly with commanders outside the province.

1404. On 30 August, Major General Graham Binns, GOC MND(SE) from August 2007 until February 2008, reported that UK forces had handed over the PJCC four days previously, ahead of schedule and without incident.[1286]

1405. The same day, at the Iraq Strategy Group meeting, Lieutenant General Peter Wall, Deputy Chief of the Defence Staff (Commitments) from August 2007, reported that there had been some "limited militia infiltration and looting of the site" following the handover "with the possible collusion or acquiescence of the Iraqi Police Service".[1287]

1406. In a letter from Mr Browne to Mr Gordon Brown (who had become Prime Minister on 27 June) on 31 August, the looting was described as "unauthorised movement of equipment".[1288] In response, Gen Mohan deployed his entire reserve battalion to the site.

1407. On 3 September, UK forces withdrew from Basra Palace and relocated at Basra Air Station (as described in Section 9.6).[1289] As well as the Presidential Guard Force, elements from the 10th Division were stationed in Basra Palace.

1408. Maj Gen Binns described the withdrawal in his evidence to the Inquiry:

> "… we first had to fold in from the … PJCC, the Permanent Joint Co-ordination Centre. So we had to remove our presence there and come into the Palace. We then had to recruit, train, equip and deploy an Iraqi security force which became known as the Palace Protection Force, to take over the Palace.
>
> …
>
> "Then we had to conduct a relief in place[1290] with the Iraqi Palace Protection Force, and then, the final act in all of that, was to remove ourselves in early September.
>
> "… I reflect that it went remarkably well, considering all of the complexities."[1291]

1409. As a result of withdrawing UK police from the Warren site, support to the PJCC and the NIIA ceased, as did station visits by Police Transition Teams.[1292]

[1286] Minute Binns to CJO, 30 August 2007, 'GOC HQ MND(SE) – Southern Iraq Update - 30 August 2007'.
[1287] Minute Cabinet Office [junior official] to McDonald, 30 August 2007, 'Iraq Strategy Group, 29 August'.
[1288] Letter Browne to Brown, 31 August 2007, 'Iraq: Handover of Basra Palace and Provincial Iraqi Control in Basra'.
[1289] eGram 37263/07 Baghdad to FCO London, 10 September 2007, 'Iraq: Ministerial Committee for National Security (MCNS) – 9 September'.
[1290] A "relief in place" is an operation in which one unit is replaced with another.
[1291] Public hearing, 15 January 2010, pages 10-11.
[1292] Minute Colbourne, 27 August 2007, 'Bi-Weekly Report of the UK Chief Police Adviser'.

The security situation after British withdrawal

1410. The Governor of Muthanna province was assassinated on 20 August, the second Shia governor to be killed that month.[1293]

1411. On 20 September, Maj Gen Binns stated:

> "Reporting from multiple sources indicates that the security situation is improving; IPS and IA units are conducting joint operations in the city … and LOs [liaison officers] from the BOC [Basra Operations Command] are now working in the PJCC. Basrawis seem reassured by this new security profile but remain concerned that militias are using the ceasefire period to reorganise and resupply. Of course criminality and gangsterism remain endemic."[1294]

1412. On 1 October, ahead of a visit to Iraq, Mr Brown was briefed by a junior official that there had been "some worrying high profile assassinations of religious and police figures" and a car bomb which had killed three people in recent weeks.[1295] Support by local politicians for Gen Mohan and Maj Gen Jalil was described as "sporadic".

1413. On 2 October, Mr Brown told journalists in Baghdad:

> "What we have been trying over these last few months also to build up the Iraqi Security Forces … we are now in a position where there are nearly 30,000 Iraqi Security Forces [in the South]. So what we propose to do over these next few months is to … maintain a facility for re-intervention if necessary, but at the same time we play a greater role in training future security forces. I believe that within the next two months we can move to Provincial Iraqi Control, and that is the Iraqis taking responsibility for their own security in the whole of Basra. I believe that the 30,000 security forces that are being trained are capable of discharging these responsibilities for security …"[1296]

1414. On 7 November, Acting ACC Michael Colbourne, Chief Police Adviser from March 2007 to April 2008, wrote to the FCO in London to articulate Maj Gen Jalil's expectations for UK support with police training.[1297] Maj Gen Jalil intended to reform the Basra IPS by:

- "restructuring the force to deliver five Emergency Battalions" (only one was currently formed);
- "rebuilding the NIIA (retaining 50 of the current staff and dismissing the rest)";
- "rebuilding the CID (retaining 50 of the current staff and dismissing the rest)"; and

---

[1293] *BBC News*, 20 August 2007, *Roadside bomb kills Iraq governor.*
[1294] Minute Binns to CJO, 20 September 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 20 September 2007'.
[1295] Minute Cabinet Office [junior official] to Brown, 1 October 2007, 'Iraq Visit: 2 October 2007'.
[1296] Transcript *Sky News,* 2 October 2007, *Live at Five with Jeremy Thompson*; *BBC Radio 4*, 2 October 2007, *PM*.
[1297] Letter Colbourne to FCO [junior official], 7 November 2007, 'The Policing Mission in Basra'.

- "re-organising the 'local policing' resources to deliver effective crime prevention, investigation and community policing".

1415. ACC Colbourne wrote that developing the Emergency Battalions would be "the most demanding aspect of this support". He had agreed with Maj Gen Jalil that his team would complete the current training of his officers at Shaibah in addition to generating an Iraqi training team. He planned for the six existing ArmorGroup IPAs to put that team in place, capable of delivering the Emergency Battalion syllabus, by early December. It had been agreed that all other Basra-based ArmorGroup contractors would end their missions by the end of November. ACC Colbourne stated that "the sheer scale of the training" required a "bigger and more permanent" solution.

1416. ACC Colbourne wrote that the Emergency Battalions would be "instrumental" in enabling Maj Gen Jalil to "engage the militias" and "hold ground". Once achieved, he wrote that there would "be an urgent need to reposition the 'miltaristic' policing style which will be dominant in Basra, to a more community focused local policing approach".

1417. The House of Commons Defence Committee had published a report on 3 December 2007, following a visit to Iraq from 8 to 11 July.[1298]

1418. Reporting on the Committee's visit to Basra, Mr Asquith said that in response to being asked about the current security situation in the city and the likely consequences of a UK withdrawal within 12 months:

> "The Basrawis were clear: services and reconstruction were improving but the main problem was that the ISF were under-funded, unqualified and security was deteriorating. The British Government had promised a lot when it liberated Iraq, but had not delivered. Militias were more of a concern than criminal gangs. The provincial authorities were not able to confront the militias because the security forces owed their loyalty to political parties rather than the State … Pulling no punches, they said a British withdrawal would 'be followed by chaos sweeping the province like a hurricane'."[1299]

1419. The Committee's report concluded:

> "Despite its increasing capability, the Iraqi Army in South Eastern Iraq still requires the support of UK Forces, particularly in logistics and intelligence …
>
> "… The Police would seem to have a long way to go in becoming truly effective and in gaining the trust of the population. Given the scale of the problems which still need to be tackled, there would seem to be a need for an ongoing commitment by the UK to training and mentoring the Iraqi Police."[1300]

[1298] First report from the House of Commons Defence Committee, Session 2007-08, *UK Land Operations in Iraq 2007*, HC 110.
[1299] eGram 30010/07 Baghdad to FCO London, 13 July 2007, 'Iraq: Visit of House of Commons Defence Committee, 8-11 July'.
[1300] First report from the House of Commons Defence Committee, Session 2007-08, *UK Land Operations in Iraq 2007*, HC 110.

1420. Maj Gen Binns described the method of support at that time in his evidence to the Inquiry:

> "… the concept was described as M2T, monitoring, mentoring and training. I would say it was a big T. It was a medium-sized M, monitoring, but we didn't do a lot of mentoring …
>
> "So if I start with the T, training, I think we had a very successful training centre that we had built at Shaibah Log Base. We were able to take people from initial training, we were able to supervise Iraqis training themselves. We were able to equip them, to deploy them, to sustain them … we didn't then mentor them when they were deployed on operation, and that was the significant difference between the way that we approached support and the way that the Americans approached support in Basra."[1301]

THE ABSENCE OF A CRIMINAL JUSTICE SYSTEM IN BASRA

1421. Mr Browne visited Iraq from 29 October to 2 November.[1302] He described the visit, in a letter to Mr Brown, as "intense but stimulating and productive", observing that it had been "markedly the most encouraging of my seven visits to Basra". He commented:

> "The primary deficiency in the security apparatus remains the judicial sector. I am sceptical about our ability to deliver an effective Iraqi Police Service when there is no functioning framework of enforceable law within which they can operate. This needs our urgent attention. It does not, in my view, need to mean the deployment of significant additional resources to Iraq; I am attracted by the idea of electronic mentoring of the Iraqi judiciary by international counterparts."

1422. The FCO, DFID, the MOD and the Stabilisation Unit produced a UK Strategy for Security and Justice Sector Reform (SJSR) in December.[1303] Acknowledging that it was subject to any Ministerial decisions in 2008 on the UK's overall strategy in Iraq, it listed four areas for development in 2008-2009:

- A presence in both cities could help the UK influence central policy initiatives by feeding intelligence from work on the ground.
- The UK could contribute strategic policing advice to the IPS and influence US thinking on the IPS's development needs.
- The UK could utilise its "significant experience in pursuing civil service reform in weak states" to reform Iraq's "weak" Government institutions, making them more effective.
- The UK could encourage the EU and UN to put greater resources into co-ordinating Rule of Law donor engagement.

[1301] Public hearing, 15 January 2010, pages 16-17.
[1302] Letter Browne to Brown, 2 November 2007, [untitled].
[1303] Report FCO, DFID, MOD and Stabilisation Unit, December 2007, 'UK Strategy for Security and Justice Sector Reform (SJSR) in Iraq 2008-09'.

1423. The paper identified three "sub-programmes":

- Supporting the MOI and IPS with training and development programmes. £12.98m was available from the Stabilisation Aid Fund (SAF) and £8m from the Peacekeeping budget.
- Supporting the Iraqi judiciary and wider justice system – the paper did not explain how that would be done other than stating it would "support" its various components and build Basra's professional links in the Middle East. £3.18m was available from the SAF.
- Supporting the IMOD by building a professional cadre of IMOD civil servants through mentoring. Resources to be delivered from the MOD's administrative budget.

Withdrawal and Provincial Iraqi Control for Basra

1424. On 8 October 2007, Mr Brown announced plans for a significant troop drawdown over the next 12 months (dealt with in Section 9.6).[1304] He described the need for two remaining phases:

> "In the first, the British forces that remain in Iraq will have the following tasks: training and mentoring the Iraqi Army and police force; securing supply routes and policing the Iran-Iraq border; and the ability to come to the assistance of the Iraqi Security Forces when called upon. Then in the spring of next year – and guided as always by the advice of our military commanders – we plan to move to a second stage of overwatch where the coalition would maintain a more limited re-intervention capacity and where the main focus will be on training and mentoring."

1425. On 9 October, Lt Gen Houghton briefed the Chiefs of Staff that the plan for 14th Division would see "initial operating capability" by December 2007 with their training being complete by June 2008. He also informed them of Gen Mohan's intention to relocate the Basra Operations Centre to Basra Air Station, a move that would "benefit MND(SE) in terms of improved opportunities for key leader engagement, better situational awareness and senior officer mentoring".[1305]

1426. ACM Stirrup visited Iraq from 26 to 29 October.[1306] A note on his visit stated that Maj Gen Binns was generally positive about the ISF but doubted it would have the ability to counter JAM if the current cease-fire broke (see Section 9.6). The Deputy Brigade Commander of 1 Mechanised Brigade told ACM Stirrup that Basra was experiencing an increase in criminality in the wake of MNF withdrawal.

[1304] House of Commons, *Official Report*, 8 October 2007, column 23.
[1305] Minutes, 9 October 2007, Chiefs of Staff meeting.
[1306] Minute Kyd to PS/SofS [MOD], 29 October 2007, 'CDS Visit to Iraq 26-29 Oct 07'.

1427. ACM Stirrup met the Commanding Officer of the Monitoring, Mentoring and Training Battlegroup who assured him that 14th Division were on track to be ready by June 2008. The Chief of Police Training Adviser told him that Maj Gen Jalil was "proving very dynamic, robust and effective, particularly in fighting the MOI's reluctance to root out militia influences" but that only 48 percent of Basra police had been trained.

1428. On 8 October, Lt Gen Odierno had advised Gen Petraeus that he recommended Basra for PIC in December.[1307] He had been encouraged by the positive impact that Gen Mohan and Maj Gen Jalil were having but remained concerned by reports of militia influence within the Basra ISF. Maj Gen Binns commented: "Not a ringing endorsement, but a positive step and an endorsement we've been trying to achieve since April this year."

1429. Basra transitioned to PIC on 16 December 2007 (described in Section 9.6).

1430. When asked about the capability of the ISF in December 2007 during his evidence to the Inquiry, Maj Gen Binns said:

> "… they had weaknesses … they were well trained, as individuals, but their leadership was not experienced, they were capable of conducting tactical, low-level operations, but their ability to conduct manoeuvre, to sustain themselves logistically, was a challenge to them.
>
> "But I thought they wouldn't get better until they were given responsibility … it was a bit like taking the stabilisers off a child's bike. They were going to wobble for a while and I was there to make sure they didn't fall over."[1308]

1431. On the police's capability at that time, Maj Gen Binns said:

> "The police were a mixed bag. At their worst, they were trouble. They had been infiltrated and they were a constraint on progress.
>
> "At their best, and there were some very good police units … they were good, they were effective. The national police units, who came from Baghdad, were highly effective and something that the Iraqis were particularly proud of."

1432. On 20 December, the JIC assessed:

> "Prospects in Basra will depend on ISF willingness and ability to take on Shia militias or reach and maintain an accommodation with them and on the ability of local political leaders to broker deals which restrain political violence. All are uncertain at this stage. The loss of either General Mohan or Jalil would remove a stabilising influence."[1309]

[1307] Minute Binns to CJO, 11 October 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 11 October 2007'.
[1308] Public hearing, 15 January 2010, pages 25-26.
[1309] JIC Assessment, 20 December 2007, 'Iraqi Security Forces: Two Steps Forward'.

1433. On the 14th Division, the JIC judged:

> "The replacement of an Iraqi Army brigade in Basra with the new 14th Army Division (still 50 percent undermanned) and the deployment of an NP [National Police] battalion and a mechanised infantry unit have raised the ISF profile in Basra from 30,000 in June to 33,500 in December. MNF expect ISF to reach a full strength of 36,500 in June 2008. Largely manned from outside Basra, these forces are probably less influenced by local tribal and political ties or militia infiltration than those recruited locally. The vast majority of JAM continues to observe a cease-fire with MNF in Basra and have not challenged ISF for local control – although […] they think they could successfully do so."

1434. On 8 January 2008, AM Peach told the Chiefs of Staff that Gen Mohan had created a "security equilibrium" in Basra, using a "carrot and stick" approach, but that recent concessions and reassurances by him to JAM "demonstrated the precarious nature of the balance of power in Basra".[1310]

1435. Gen Mohan visited the UK in January.[1311] He gave an "upbeat" description of security, stating that it was up to the British if they wanted to leave but that he needed to be left with "real military capability" to outface JAM and Iranian-backed militias. He asked for UK assistance in building intelligence capabilities.

1436. IDF attacks on UK forces at Basra Air Station began to rise again in 2008 (see Section 9.6). On 21 February, Major General Barney White-Spunner, who had just succeeded Maj Gen Binns as GOC MND(SE), commented:

> "General Mohan is fully aware (as are we) that his ability to further strengthen his control of Basra City is limited as the ISF cannot match JAM in their urban heartlands, though he is deploying 14th Division into the city as soon as he can. Our efforts to develop the ISF capability to interdict smuggling of lethal aid as well as strenuous efforts to develop their urban warfare skills may enable Mohan to have the desired effect in the future, but for now there is not very much he can do."[1312]

1437. In his evidence to the Inquiry, Lt Gen White-Spunner recalled that the first "increasingly obvious" point on his arrival was that:

> "… we needed to redirect our training of the ISF and we needed to … dedicate more of a mission to … develop 14 Division."[1313]

1438. Lt Gen White-Spunner said that Gen Mohan had asked for "offensive support":

> "By this we mean those weapons systems … which support infantry rather than being infantry themselves, particularly the ability to target air and helicopters, intelligence and surveillance assistance, assistance with command and control and logistics."

[1310] Minutes, 8 January 2008, Chiefs of Staff meeting.
[1311] Minute Binns to CJO, 24 January 2008, 'GOC MND(SE) Weekly Letter – 24 January 2008'.
[1312] Minute White-Spunner to CJO, 21 February 2008, 'GOC MND(SE) Weekly Letter – 21 February 2008'.
[1313] Public hearing, 7 January 2010, pages 5-6.

1439. On 23 February, Mr Prentice discussed the security situation in Basra with Dr Rubaie, who confirmed that an order replacing Gen Mohan had been signed by Prime Minister Maliki based on a report that a "non-interference pact" had been signed with JAM.[1314] Mr Prentice commented that the UK had some understanding of the balance that Gen Mohan and Maj Gen Jalil had to strike in handling the militias and that "It was probably wise not to seek a confrontation with JAM, while the army and police were still building their strength." Dr Rubaie observed that there was a difference between calming the situation and fearing to confront it.

1440. On 27 February, the JIC assessed security prospects in the South:

> "The Iraqi security forces (ISF) ability and willingness to maintain security in the South remains patchy and dependent on MNF training, logistic and specialist air support. Radical improvements in police effectiveness are unlikely. The army will remain at the forefront in providing security, relying on assistance from units outside the South to cope with serious and sustained violence there. The Iraqis would only call for MNF troop re-intervention as a last resort.
>
> "Violent criminality, murders, kidnappings, score-settling and intimidation will remain part of life in southern Iraq. Pressure from national Shia political and religious leaders, reinforced by some local political leaders and security officials, may limit the scope of unrest. But local ISF action, accommodations between the ISF and elements of JAM, and the perception of MNF willingness to intervene, will also remain crucial tools for managing instability."[1315]

1441. The JIC reported that, although reliable data for attacks against non-MNF targets was lacking, in Basra City alone there had been about 80 murders and 40 kidnappings. Accounts in the media suggested that Shia militia were increasingly punishing and sometimes killing women for "contravening strict interpretations of Islamic mores". Around 10 women were reportedly murdered each month in Basra City.

1442. Mr Brown and Mr Browne had breakfast with the Chiefs of Staff on 6 March.[1316] The Chiefs told them that "there was quality in the ISF but it was not broadening as rapidly as hoped, so training and mentoring of 14Div remained a vital job".

Charge of the Knights

1443. In late March, Prime Minister Maliki launched a security operation in Basra, code-named *Sawlat al-Fursan* (Arabic for "Charge of the Knights"). The operation had wide-ranging effects on the UK's position and standing in Iraq and is described in detail in Section 9.6.

[1314] Email Prentice to Betts, 24 February 2008, 'Meeting with National Security Adviser Rubaie, 23 February'.
[1315] JIC Assessment, 27 February 2008, 'Iraq: Security Prospects in the South'.
[1316] Letter Fletcher to Rimmer, 6 March 2008, 'Prime Minister's Breakfast with Chiefs of Staff, 6 March'.

1444. In his evidence to the Inquiry, Lt Gen White-Spunner described the lack of a strategy at the start of the Charge of the Knights:

> "To start with, there wasn't one, because, of course, the detailed planning hadn't been done. That's why the first few days were very anxious … – particularly for General Mohan – because there was really no plan for his existing troops – 14 Div, and the police … to work to."[1317]

1445. Lt Gen White-Spunner described how Gen Mohan was given a planning team and a strategy was developed:

> "… General Mohan and I drew up this plan which saw an Iraqi lead with us in support rather than the other way on, as in SINBAD … the overall plan, which was actually very similar to SINBAD in concept, it was a clearance of Basra and the whole province by phases …"[1318]

1446. Lt Gen White-Spunner told the Inquiry:

> "One of those things we did in the first days of Charge of the Knights was bring forward what we had wanted to do, what we had realised we had to do in February, which was to put teams in with the MiTTs … with the Iraqi formations to whom we were responsible …"[1319]

1447. Lt Gen White-Spunner explained how that was a "major change" as the UK approach to MiTTs was brought closer to the US approach:

> "Ultimately, we looked at what they [the US] were doing and certainly it was very influential. Our construct was slightly different … the point was that we reversed what had been British policy up until then, which wasn't to do this, and had very strong and immediate support – I put a submission in to the Ministry of Defence I think on 1 April and had authority the next day to do this. So I thought that showed great sort of flexibility and ability to adapt."[1320]

1448. Lt Gen White-Spunner later added:

> "It became rapidly clear to us that the nature of support that the Iraqi Security Forces wanted had changed with Charge of the Knights …
>
> "Charge of the Knights meant we had to adjust very rapidly and untidily, but we did it …"[1321]

[1317] Public hearing, 7 January 2010, page 17.
[1318] Public hearing, 7 January 2010, page 8.
[1319] Public hearing, 7 January 2010, page 31.
[1320] Public hearing, 7 January 2010, pages 31-32.
[1321] Public hearing, 7 January 2010, page 39.

1449. On 29 March, the Director of Joint Commitments reported to Mr Browne's Assistant Private Secretary that he considered "little tangible success has been achieved by either side, and sustained conflict looks set to continue".[1322]

1450. An eGram on the same day stated that the Iraqi media were reporting that over a hundred police officers had been sacked in Basra, apparently for losing their weapons and/or abandoning their posts during the recent clashes.[1323]

1451. On 31 March, it was reported that questions had been asked at the MCNS meeting that day about the reports of police desertions in Baghdad and allegations of poor co-operation between the police and army.[1324] The representative of the MOI told the Council that "only 10 percent of the national Police had proven ineffective" and that more than 400 police had been dismissed in Basra in recent days for "disloyalty".

1452. On 14 April, the CIG assessed ISF performance in MND(SE) during Charge of the Knights.[1325] It referred back to the JIC's Assessment on 27 February, reporting that the JIC had correctly predicted that:

- The ISF would rely on MNF support – "… on their own, the ISF underperformed against JAM in Basra, Maysan and Dhi Qar during recent operations. In Basra they relied heavily on MNF supplies (i.e. ammunition and rations), air strikes and eventually MNF mentoring. […] Military reporting suggested little sign of a detailed operational plan or evidence of precision targeting of JAM Special Groups or other hard-line elements until the arrival of MNF training teams from 1 April."
- The influence of Shia militias would hinder radical improvement in the effectiveness of Basra's police – "Basra's Chief of Police reportedly believes that hundreds of local police melted away within the first 24 hours of fighting – others joined JAM's ranks. Reporting that several police stations and dozens of police vehicles were abandoned in the face of militia intimidation supports this. Many of the National Police units drafted in from Baghdad, with superior arms and armour, fared much better. The affiliation of many to ISCI [Islamic Supreme Council in Iraq]/Badr probably strengthened their resolve to try and weaken their chief rival [JAM]."
- The 10th and 14th Divisions of the IA would require assistance from outside the South to cope with serious and sustained violence – "… even with reinforcements from Baghdad's 1st Division, military reporting suggests that the Iraqi Army lost most tactical engagements against JAM and failed to take any ground prior to JAM's stand down on 31st March. However, neither did they cede ground and specific successes, such as taking charge of the strategically

[1322] Minute DJC to SofS/APS4 [MOD], 29 March 2008, 'Basra: MOD Update'.
[1323] eGram 11975/08 Basra to FCO London, 29 March 2008, 'Basra – Update – 29 March'.
[1324] eGram 12023/08 Baghdad to FCO London, 31 March 2008, 'Iraq: Baghdad: Security and Political Update, Sunday 30 March'.
[1325] CIG Assessment, 14 April 2008, 'Iraqi Security Forces Performance in MND(SE)'.

important ports at Umm Qasr and Khor al-Zubayr and expelling the militia ridden Facilities Protection Service has emboldened them. Iraqi Special Forces were ineffective until their US mentors were re-inserted. In Dhi Qar's capital Nasiriyah, JAM reportedly made some territorial gains over the ISF before their stand down, while in Maysan, ISF opted not to confront JAM (recognising they would not be able to defeat them and leaving them in control of Al-Amara for the second time in two months)."

1453. Assessing the ISF's future, the CIG stated:

"Despite their underwhelming performance, we assess that JAM's stand down, leaving ISF holding the field, has increased the latter's credibility among most Basrawis and imbued them with greater confidence. Despite the continued likelihood that Generals Mohan and Jalil will be moved on, diplomatic reporting suggests that the MOI may at least continue some of their security reforms: it has already sacked 1,000 militia affiliated members of the police. However, many will almost certainly re-surface within the system. Others, unless directed towards viable alternative employment, may replenish JAM's ranks."

1454. On 14 May, the JIC stated in an Assessment that, as a result of the Charge of the Knights, "public confidence in the ISF has grown".[1326] However, "Strong JAM resistance in the initial phases of the Charge exposed enduring weaknesses in the largely untested local ISF: inadequate planning, confused command and control structures, feeble logistics and split loyalties … Basra's police were particularly ineffective."

1455. The JIC continued:

"Though the ISF overall are improving, the Iraqi Government has recognised that radical changes are needed to upgrade Basra's security forces – particularly the police. The Ministry of Interior plans to fire 6,000 security personnel for deserting their positions … implementing [changes] effectively will be tricky: militiamen dismissed from the army or police often find employment elsewhere in the ISF …"

1456. In his evidence to the Inquiry, Lt Gen White-Spunner reflected on police performance during the Charge of the Knights, and the different approach taken afterwards:

"I don't think the police came out of Charge of the Knights very well, if I'm being honest … we do need to look at how we trained the police prior to that. I think we may have erred on the side of training the police in what I would call sort of UK/Home Counties policing, whereas actually what was probably wanted was something slightly more robust …

[1326] JIC Assessment, 14 May 2008, 'Iraq: the Charge of the Knights'.

> "What happened during the Charge of the Knights was actually a lot of the police collapsed effectively and it took a lot of time to rebuild them and we tried to rebuild them on a different model, on more what I would call … a paramilitary basis, so that they could fire weapons, defend themselves and restore order as much as they could take fingerprints and gather evidence."[1327]

1457. Lt Gen White-Spunner commented on the joint working between the army and the police:

> "It was because the police were felt to be less reliable than the Iraqi Army. The Iraqi Army has always been to the fore in Iraq … and there was a feeling that the police would be morally and physically strengthened by having the Iraqi Army posted alongside them."[1328]

1458. When asked whether the police fought against the ISF during the Charge of the Knights, Lt Gen White-Spunner responded:

> "A few, very few. Some units did very well. I certainly wouldn't want to be overcritical of the force as a whole … some of his [Maj Gen Jalil's] units did very well, but a lot just put their weapons down and melted away. Some were infiltrated by JAM."[1329]

1459. On 8 July, an eGram from the British Embassy Office Basra reported that the operational phase of Charge of the Knights had ended.[1330] "Intelligence-led strike operations" continued around Basra, leading to the arrest of the second in command for the team that attacked the Contingency Operating Base on 8 May and 8 June. The ISF considered their operation in Maysan a success: the Chairman, two Council members, and the former Chief of Police were arrested for supporting militia and criminal activities. They tried to arrest the Governor of Maysan but he had already fled.

1460. In his evidence to the Inquiry, Lt Gen Shirreff described how 14th Division was able to tackle JAM in the South during the Charge of the Knights, unlike the locally recruited 10th Division:

> "There was no way they were prepared to really get stuck in and fight against the Jaysh Al Mahdi, for understandable reasons, and I think it was only when Iraqi troops from outside the Shia south came in that you were able to really begin the process."[1331]

[1327] Public hearing, 7 January 2010, pages 44-45.
[1328] Public hearing, 7 January 2010, page 45.
[1329] Public hearing, 7 January 2010, page 46.
[1330] eGram 26653/08 Basra to FCO, 8 July 2008, 'Basra: Weekly Update'.
[1331] Public hearing, 11 January 2010, page 44.

1461. Maj Gen Shaw also reflected on the Charge of the Knights in his evidence to the Inquiry:

> "Charge of the Knights actually was a great success, in terms of the establishment of … Iraqi self-rule, because, finally, it was a decisive blow by Maliki declaring some elements of the Shia polity out of bounds."[1332]

Iraqi Navy progress

In April 2008, the Iraqi Navy grew and took on additional responsibilities:

- Around 500 Iraqi Army personnel were transferred to the Iraqi Marines to form a second battalion.[1333] One battalion provided defence of the offshore oil platforms and the second protected the port of Umm Qasr.
- The Iraqi Navy took responsibility for the point defence of the Khwar al Amaya Oil terminal and perimeter security for the port and power station in az-Zubayr.

By that stage the Navy personnel total had increased to over 1,800.

As the UK had failed to negotiate an MOU covering the continued presence of Royal Navy trainers, the 80 Royal Navy personnel temporarily departed Iraq along with other UK forces in July 2009.[1334] A UK-Iraq Training and Maritime Support Agreement was signed in November 2009 and the trainers returned. They worked alongside around 50 US Navy, Marine and Coastguard personnel.

The Royal Navy team remained in Iraq until 22 May 2011 when the agreement expired.[1335] Between 2003 and 2011, the UK trained 1,800 Iraqi Navy personnel, providing between 50 and 90 Royal Navy personnel for the task. Dr Liam Fox, the Defence Secretary, stated:

> "Royal Navy personnel have used their formidable skills and expertise to bring about a transformation in Iraq's naval force. The Iraqi Navy has a key role to play in protecting Iraq's territorial waters and the oil infrastructure that is so vital to Iraq's economy, and I am proud of the role British forces have played in making it capable of doing that job."

The Naval training mission continued until May 2011 when 81 Navy trainers and three UK personnel in Baghdad withdrew and Op TELIC formally ended.[1336]

Basra 'Sons of Iraq' programme

1462. On 1 April 2008, Prime Minister Maliki announced that he was going to supplement the ISF with 10,000 Basra citizens as Sons of Iraq (as described earlier in this Section).[1337] Maj Gen White-Spunner reported:

[1332] Public hearing, 11 January 2010, page 20.
[1333] Report to Congress, 13 June 2008, *Measuring Stability and Security in Iraq*.
[1334] Report to Congress, 29 January 2010, *Measuring Stability and Security in Iraq*.
[1335] Press Release MOD, 18 May 2011, 'Operations in Iraq Finish with the Completion of Royal Navy Training Mission'.
[1336] *GOV.UK*, 18 May 2011, *Operations in Iraq Finish with Completion of Royal Navy Training Mission*.
[1337] Minute White-Spunner to CJO, 3 March [sic] 2008, 'GOC MND(SE) Weekly letter – 3 April 2008'.

> "In effect, he has engaged with the local tribes and established a 'Sons of Iraq' programme. The maturity of this programme seems similar to that for his overall Basra initiative; limited. A combined MNF-I and MNC-I team has begun to work on possible recommendations for implementation, but clearly this must be a GoI programme and they may not want any coalition support. A sufficiently robust governance structure will be required to prevent this group turning into another armed militia and a considered approach is needed to prevent them becoming a new target set for JAM. Whilst the establishment of such a programme in MND(SE) is something that the UK has sought to avoid and which we continue to oppose, our voice carries little weight and there is little that we can and ought to do other than support the MNC-I in developing recommendations."

1463. On 14 April, the CIG reported:

> "Intelligence shows that despite the Government of Iraq's previously strong objections to tribal awakenings in the South, their proven ability to act as force multipliers for the ISF in Basra and a counter-balance to JAM is going to be one of the key products of the recent conflict. Intelligence suggests that 500 have already been recruited and that Maliki has tasked local tribal leaders to hand pick others. Diplomatic reports suggest that as many as 25,000 have been asked for. However, this additional dynamic to Basra's security landscape is not without risk. Inter-tribal conflict may result in places: reporting suggests that JAM already has plans to eradicate them."[1338]

1464. On 8 July, an eGram from the British Embassy Office Basra suggested that the number recruited had risen to 7,000, when reporting that the Sons of Iraq might return to "the streets of Basra" because the MOI had not paid them.[1339] General Adel had asked for outstanding salaries to be paid immediately. He also requested "not to be sent any more police officers as he ha[d] enough".

The UK starts embedding troops with the Iraqi Army

1465. On 2 April, a junior official in PJHQ wrote to Mr Browne, advising him that MND(SE) was intending to embed MiTTs within 14th Division to strengthen "some of the key vulnerabilities that ha[d] been demonstrated during recent operations".[1340] It would be "in a manner akin to the Operational Mentoring Liaison Team (OMLT) concept successfully used in Afghanistan". The US had "made it clear that they would welcome" the move. The official stated:

> "It is true to say that most armies around the world would have struggled in the circumstances faced by 14 Div over the last two weeks. We should not therefore rush to criticise what we were already aware was still some way from a properly

---

[1338] CIG Assessment, 14 April 2008, 'Iraqi Security Forces Performance in MND(SE)'.
[1339] eGram 26653/08 Basra to FCO, 8 July 2008, 'Basra: Weekly Update'.
[1340] Minute PJHQ [junior official] to PS/SofS [MOD], 2 April 2008, 'Op TELIC: Enhancing UK Operational Support to the Iraqi Army'.

trained Division. Our main focus will be to help resolve the following concerns: a lack of situational awareness; a lack of clear command and control; poor planning; and an inability to co-ordinate effectively with coalition assets and experience, in particular with regards to calling on coalition forces for fire support and in extremis extraction when these can only be delivered within coalition rules of engagement."

1466. On presentation, the official wrote that there were "many potential positives" but it would be likely to raise questions about whether the UK handed Basra over to PIC too early "and whether we have acted too late and only under pressure".

1467. The total number of military personnel involved was 150.

1468. In Mr Browne's absence, Mr Adam Ingram, the Minister for Armed Forces, considered the advice on 3 April.[1341] Mr Ingram noted the advice and "emphasised the need to ensure that personnel are clearly briefed on the red lines beyond which they must not operate and the action to be taken in the event such lines are crossed". He "also asked that any evidence of behaviour by Iraqi forces with which UK personnel had concerns be reported rapidly to Ministers".

1469. A note for Mr Browne was written on Mr Ingram's response by Mr Browne's Private Secretary the same day.[1342] He reported that MiTTs were now deployed in Basra. He wrote:

"… It wasn't so long ago that MiTTs/OMLTs [Operational Mentoring Liaison Teams] in Iraq were thought to be a bad idea, but then, the situation has definitely changed in the last week or so …

"Everyone appears to be content that the legal position is robust, but there are clearly presentational risks in being seen to be drawn into town, while Warrior back in Basra will not go unnoticed. It means 58 additional people will be deployed but they're temporary and will be invisible – we're still at 'around 4,000' established posts."

1470. Maj Gen White-Spunner reported on 3 April that US MiTTs and the "accompanying military resources they bring" were having a "significant supporting impact" to those Iraqi forces.[1343]

1471. On 4 April, Mr Jon Day, MOD Director General Operational Policy, advised Ms Aldred that there were over 400 US troops embedded with the Iraqi reinforcements sent to Basra in support of Charge of the Knights.[1344]

[1341] Minute PS/Min(AF) to PJHQ [junior official], 3 April 2008, 'Op TELIC: Enhancing UK Operational Support to the Iraqi Army'.
[1342] Manuscript comment PS/SofS [MOD] on Minute PS/Min(AF) to PJHQ [junior official], 3 April 2008, 'Op TELIC: Enhancing UK Operational Support to the Iraqi Army'.
[1343] Minute White-Spunner to CJO, 3 April 2008, 'GOC MND(SE) Weekly Letter – 3 April 2008'.
[1344] Letter Day to Aldred, 4 April 2008, 'Military Plans for Basra'.

1472. On 17 April, Maj Gen White-Spunner reported that the UK MiTT concept was continuing to evolve but was adding "real value to current operations".[1345]

Iraqi appointments

On 17 April 2008, Maj Gen White-Spunner wrote that the senior Iraqi personnel responsible for security in Basra were to be replaced:

- Gen Mohan, Basra Operations Commander, was replaced by General Mohammed (the former Commander 14th Division);
- Maj Gen Jalil, Provincial Director of Police, was replaced by General Adel (a former police commander in Baghdad); and
- General Abdul Aziz became Commander 14th Division.[1346]

1473. In May, Maj Gen White-Spunner's weekly reports highlighted a number of resource issues:

- There were no "suitable" armoured vehicles available for the UK MiTTs; the choice being either Mastiff which was too large or Bulldog which was tracked.[1347] US and Iraqi personnel used Humvees.
- "Substantial engineering work" was required to create "sustainable accommodation and force protection of their locations across the city".[1348] As a consequence there was a requirement for reinforcements to free up engineering squadrons who were currently undertaking guarding tasks.
- By 2 May, only two of a planned four brigades for 14th Division were operational.[1349] There would be a further requirement for UK MiTTs when the final two brigades came online, and delivering that requirement would require "taking risk" against the Brigade Quick Reaction Force.

1474. On 20 June, Maj Gen White-Spunner reported that the full UK MiTT group was in place.[1350] The Engineer Group was addressing "the considerable force protection and environmental health risks that are currently being carried by MND(SE)".

The future of the Iraqi police in Basra

1475. On 1 April 2008, Mr Crispin Blunt suggested to Parliament that a large number of the criminal forces against which the ISF was fighting were members of the Basra police, whom the UK were responsible for training.[1351] Mr Browne responded:

[1345] Minute White-Spunner to CJO, 17 April 2008, 'GOC MND(SE) Weekly Letter – 17 April 2008'.
[1346] Minute White-Spunner to CJO, 17 April 2008, 'GOC MND(SE) Weekly Letter – 17 April 2008'.
[1347] Minute White-Spunner to CJO, 2 May 2008, 'GOC MND(SE) Weekly Letter – 2 May 2008'.
[1348] Minute White-Spunner to CJO, 8 May 2008, 'GOC MND(SE) Weekly Letter – 8 May 2008'.
[1349] Minute White-Spunner to CJO, 2 May 2008, 'GOC MND(SE) Weekly Letter – 2 May 2008'.
[1350] Minute White-Spunner to CJO, 20 June 2008, 'MND(SE) Weekly Letter – 20 June 2008'.
[1351] House of Commons, *Official Report*, 1 April 2008, columns 628-642.

> "The early attempts to create a police force in Iraq had exactly the results that the Hon. Gentleman describes, as criminal elements came out of the police forces and may, indeed, have deliberately gone into them in order to obtain training. Under the generalship of General Jalil … we have dealt with that very problem during the past year or more: a significant number of police officers have been dismissed from the Iraqi police force, while others have been retrained to ensure that the situation does not occur again. We have learned significant lessons from those early days of police training, and we shall implement them in Afghanistan to ensure that we do not repeat the problem."

1476. On 10 April, Maj Gen White-Spunner reported that the severe problems with police officers were:

> "… seen here partly as an issue of training (maybe the training teams had focused, understandably, more on civilian policing skills than military tactics) but more as a result of deep rooted corruption and lack of loyalty to the GOI."[1352]

1477. Maj Gen White-Spunner warned that there were discussions in MNC-I and the Iraqi Government over whether to disband the Basra police entirely and start again. He also reported that MNC-I and CPATT were keen on the concept of Police Transition Teams stating: "we will need to know how much appetite there is in the UK to provide these."

1478. The following week, on 17 April, Maj Gen White-Spunner wrote:

> "… daily interaction with the IPS at the coalface (i.e. in their stations, of which there are over 40) would require numbers in the high 100s to be successful, plus the associated force protection. My feeling from the UK police team here is that the bill would be too big for the UK to source, and would involve accepting a degree of risk in their modus operandi which would be unwelcome. Our approach is therefore to encourage maximum CPATT involvement and consequent injection of resources, as the need to rebuild the police in Basra in the next six months remains urgent."[1353]

The US takes over SSR tasks in the South

1479. Lt Gen Houghton met Gen Petraeus on 25 April.[1354] They discussed force levels and tasks for UK and US forces in MND(SE) and agreed the following division of SSR tasks:

- The UK would provide:
  - MiTTs for the Basra Operations Centre;

[1352] Minute White-Spunner to CJO, 10 April 2008, 'GOC MND(SE) Weekly Letter – 10 April 2008'.
[1353] Minute White-Spunner to CJO, 17 April 2008, 'GOC MND(SE) Weekly Letter – 17 April 2008'.
[1354] Minute Houghton to PSO/CDS, 26 April 2008, 'CJO – Gen Petraeus Meeting 25 Apr 08'.

- MiTTs of 14th Division with supporting Quick Reaction Forces; and
- the Naval Transition Team.

- The US would provide:
  - MiTTs of 10th Division;
  - border security; and
  - IPS reform/retraining.

1480. On 1 May, Mr Brown met Gen Petraeus and agreed that the key remaining UK task on SSR would be the preparation of 14th Division to be operational by the end of the first quarter of 2009.[1355] Once that task was complete, the UK would consider its mission complete.

1481. On 2 May, Mr Simon McDonald, Mr Brown's Foreign and Defence Policy Adviser, warned Mr Brown:

> "We'll need to think about how we assess 14th Division's readiness; we do not want to leave this solely to the US; they may be tempted to use that responsibility to delay us."[1356]

1482. On 5 June, the JIC Assessment of the ISF judged:

> "In Basra, even with coalition mentors, the ability of 14th Army Division to fully maintain security once Jaysh al-Mahdi (JAM) fighters return is uncertain, without the continued support of reinforcements from 1st and 7th Divisions (which are likely to be called on to support other operations in Sadr City and Maysan)."[1357]

1483. On 13 June, Maj Gen White-Spunner reported that development of 14th Division was likely to take until April 2009.[1358] He stated that, in December, there would be a complete US military police battalion in Basra which, together with the Joint Security Stations, he believed would lead to a "slow improvement in police performance".

1484. NSID(OD) met on 15 July and discussed the future strategy for the UK in Iraq.[1359] It was suggested that beyond April 2009 the "remaining military tasks" that would "resemble normal defence co-operation" were:

- continuing the "small scale" mentoring for 14th Division's Headquarters;
- training the Iraqi Navy; and
- supporting officer training.

[1355] Minute White-Spunner to CJO, 2 May 2008, 'GOC MND(SE) Weekly Letter – 1 May 2008'.
[1356] Email Fletcher to Brown, 2 May 2008, 'Iraq Troop Numbers – Note from Simon'.
[1357] JIC Assessment, 5 June 2008, 'Iraqi Security Forces: More Able, Less Challenged'.
[1358] Minute White-Spunner to CJO, 13 June 2008, 'MND(SE) Weekly Letter – 13 June 08'.
[1359] Minutes, 15 July 2008, NSID(OD) meeting.

1485. On 22 July, Mr Brown made a statement to Parliament on the future strategy for Iraq, as described in Section 9.7.[1360] He stated that, in response to "changing needs", the UK had now embedded more than 800 UK personnel within the Iraqi command structure. He continued:

> "The focus of the 4,100 forces still in southern Iraq is now on completing the task of training and mentoring the 14th Division of the Iraqi Army in Basra … Other remaining military tasks … include … continuing to develop the capacity of the Iraqi navy and marines …"

1486. On 19 August, Mr Nigel Haywood, the British Consul General in Basra, wrote that the first US police training teams had deployed in Basra.[1361] Their first impression of the IPS had been "positive".

1487. On 26 August, Mr Haywood reported a "milestone": "the first visit downtown in civilian vehicles (albeit armoured Land Cruisers with a Mastiff escort), and also the first visit to the Governor's office, for nearly two years".[1362] Mr Haywood wrote that that showed the UK's confidence in the ISF, although acknowledged "we will be able to demonstrate greater confidence, when we are able to travel in civilian vehicles without a UK military escort".

1488. Mr Haywood reported that police training continued and had enabled the IPS to produce a "Policing Plan for 09/10". Forensic training also continued and a two-week residential course had begun "introducing experienced IPS trainers to leadership development to help them run new courses" later in 2008.

1489. Mr Haywood also said that the contract to build the new Basra Central Prison had been signed "after weeks of delay". It was due for completion in a year.

1490. In his evidence to the Inquiry, Mr Haywood described policing support at that time as "community policing, use of forensic evidence, building up forensic laboratories".[1363] He said:

> "Arguably, those weren't what was immediately needed in the period post-Charge of the Knights, but it laid the groundwork for now what is becoming an increasingly good policing system. If that hadn't happened, then there would have been nothing to build on."

1491. In a video conference on 11 September, Mr Brown told President Bush that training of Iraqi forces in Basra was "going well" and that the UK would "finish the job".[1364]

[1360] House of Commons, *Official Report*, 22 July 2008, columns 660-679.
[1361] eGram 32273/08 Basra to FCO, 19 August 2008, 'Basra: Weekly Report – 19 August' .
[1362] eGram 33105/08 Basra to FCO, 26 August 2008, 'Basra: Weekly Report – 26 August'.
[1363] Public hearing, 7 January 2010, page 27.
[1364] Letter Catsaras to Gould, 11 September 2008, 'Prime Minister's VTC with US President, 11 September'.

1492. On 18 September, a JIC Assessment stated:

> "Locally raised army units in the South will continue to need coalition mentors and to operate alongside more experienced Iraqi forces to manage security for the rest of this year. By early 2009, provided JAM remains quiescent, they will be able to cope with only limited MNF mentoring … In the unlikely event of a widespread return to violence we would expect local units to call for reinforcement by more experienced Iraqi forces in the first instance. But they might ultimately still need to call on MNF for specialist assistance."[1365]

1493. On police effectiveness, the JIC Assessment stated:

> "Interior Minister Boulani has taken steps to address police ineffectiveness. However, despite an increase in MNF mentors and better vetting of police recruits, we expect militia loyalty and corruption in the local police to remain serious problems […] The Army will have to retain overall responsibility for security for at least the next few years."

1494. Mr John Hutton, the Defence Secretary, visited Iraq in October.[1366] In a letter to Mr Brown, he wrote:

> "The Iraqi Security Forces (ISF), the Army in particular, are looking confident and capable. Their show of force in the areas which I visited, where they took the lead in providing my security, was genuinely impressive. There is no doubt that Basra itself has been transformed and the ISF now have complete freedom of movement throughout the city. While they do not yet have all the capabilities that we would like to see in a fully-formed Division, and there is important work still to do, we will soon have reached the point where we can say with confidence that we have fulfilled our training mission for 14 Division …"

1495. On 16 December, the British Embassy Office Basra reported that the US military police teams and IPAs had almost reached full deployment.[1367] That was followed by the deployment of US Border Transition Teams and Port of Entry Transition Teams in January.[1368]

1496. The UK police mission continued to deliver training in community-based policing and forensics throughout 2009.[1369] A review of UK support to the IPS was undertaken in November 2009 and recommended that the programme be closed at the end of the financial year. The police mission in Basra was commended as a "politically useful" extension of the Consulate staff.

[1365] JIC Assessment, 18 September 2008, 'Iraq: Security in the South'.
[1366] Letter Hutton to Brown, 23 October 2008, [untitled].
[1367] eGram 49767/08 Basra to FCO, 16 December 2008, 'Iraq: Basra Weekly Update – 16 December'.
[1368] Report Salmon, 15 May 2009, 'COMUKAMPHIBFOR OP TELIC 12/13 (HQ MND(SE) Post Operational Report (POR)'.
[1369] Paper Stabilisation Unit [junior official] and Howlett-Bolton, 27 November 2009, 'Review of the support to the Ministry of Interior and Iraqi Police Service Programme'.

Training of 14th Division completed

1497. On 27 March 2009, a junior official informed Mr Brown that 14th Division was considered to be effective and that all UK mentors and trainers had been withdrawn.[1370]

1498. In his post-operation tour report on 15 May, Major General Andrew Salmon, GOC MND(SE) from August 2008 until March 2009, assessed:

> "There was considerable adaptation seen from our MiTTs who, given the circumstances, did a great job. But this is a specialist game where maturity, linguistic and teach, coach and mentor skills are required. A great MiTT made a huge difference and enabled civil capacity; poor ones made little progress. Much of this is down to training and selection, like the USMC [US Marine Corps] who provide the benchmark. Our soldiers and officers also tend to approach their tasks through the lens of the enemy as opposed to the lens of the people. We have much to learn from our American colleagues … It was noticeable that US MiTTs were much better prepared than ours."[1371]

1499. Maj Gen Salmon wrote that the decision to enable some UK MiTT elements to travel in Iraqi Army vehicles "was a defining decision – pivotal in establishing trust and building meaningful relationships at the tactical level". There was "no doubt that the (accurate or otherwise) US tactical perception of UK casualty aversion ha[d] been a negative factor in coalition cohesion over the past 12 months":

> "Basra has arguably progressed from anarchy to democracy in 12 months. The militias have been defeated and residual insurgent activity is limited and cellular in nature. There is widespread recognition of the Rule of Law, with judicial processes being developed to meet the need of a democratic society. To all intents, 14th Division has met the MNSTC-I mandated requirement of ORA 2 [Operational Readiness Assessment level 2 – see Box, Provincial Iraqi Control'], under British tutelage. In terms of wider Basrawi security, policing and border security have improved considerably. Collectively, the ISF conducts intelligence-led coordinated operations supported by an integral IO capability. The harmonisation of the ISF requires further work but has improved markedly … UK Defence can withdraw from Iraq having delivered on its promises and with its professional reputation intact."

SSR in Maysan province

1500. Mr Tansley provided some background about Maysan province in his 6 December 2005 eGram:

> "Maysan has long had the reputation for being lawless and separate from the rest of Iraq. During Saddam Hussein's time, more than 20,000 soldiers were permanently

---

[1370] Minute Cabinet Office [junior official] to Prime Minister, 27 March 2009, 'Iraq: Update'.
[1371] Report Salmon, 15 May 2009, 'COMUKAMPHIBFOR OP TELIC 12/13 (HQ MND(SE)) Post Operational Report (POR)'.

deployed in the province in an attempt to subdue it. The locals claim that they, rather than coalition forces 'liberated' Maysan in 2003, and this helped explain the higher levels of hostility to MND(SE) than elsewhere in the region."[1372]

1501. In his evidence to the Inquiry, Lt Gen Shirreff said:

"Maysan had always been a very difficult province. There was effectively no security at all where MNF were concerned."[1373]

1502. On 9 July 2004, Commander Kevin Hurley, UK Senior Police Adviser Iraq (South), reported that the Governor of Maysan province, Governor Riyadh, had been "implicated" in the shooting of the local Chief of Police.[1374] Cdr Hurley wrote that the Governor's continued tenure was "a potential challenge to not only the development of a wholesome policing ethic but also that of the wider democratic process".

1503. On 24 July, Mr Collis reported that Maysan province was fragile and stuck in "political stagnation".[1375] Although Prime Minister Allawi had suspended Governor Riyadh, the Governor refused to acknowledge it and continued in his role. Mr Collis attributed the "bad" economic situation to "35 years of neglect and the overnight loss of its previous principal employer, the old Iraqi Army". The deployment of police mentors was "likely to be problematic on security grounds".

1504. By 28 July, Mr Collis wrote that the situation had "worsened".[1376] A suspension letter issued from Baghdad had been sent through low-level police channels, rather than from Prime Minister Allawi, meaning Governor Riyadh either had not seen the instructions, or was ignoring them. The Governor's behaviour was causing concern for some Council members and Mr Collis predicted that, without further action, he would "continue to undermine those he sees as rivals and the scope for violence w[ould] rise".

1505. On 3 September, Mr Collis wrote that a cease-fire was agreed between the local Office of the Martyr Sadr (OMS) leadership, the IPS and ING on 2 September and a declaration was signed.[1377] Key points included a commitment to resolution 1564 (2004) (allowing MNF freedom of movement whilst undertaking reconstruction work and IPS training), and the IPS being given "the responsibility of upholding security".

1506. Mr Collis wrote that Maysan was still without an effective Governor. The Governorate Council was incapable of electing a replacement as a result of intimidation from Governor Riyadh's brother, the tribal leader Mr Abu Hatim ("Prince of the Marshes").

[1372] eGram 20021/05 Basra to FCO, 6 December 2005, 'Iraq: Visit to Maysan Province'.
[1373] Public hearing, 11 January 2010, page 3.
[1374] Report Hurley, 9 July 2004, 'Reporting to 5th July 04/Senior Police Advisor [sic] Iraq (South)'. In May 2004, the Police Chief of Majar al-Kabir was shot and killed (Fairweather J, *A War of Choice: The British in Iraq 2003-9*, Jonathan Cape, 2011).
[1375] Telegram 86 Basra to FCO, 24 July 2004, 'Iraq: Visit to Maysan'.
[1376] Telegram 90 Basra to FCO, 28 July 2004, 'Iraq: Position of the Governor of Maysan Province'.
[1377] Telegram 141 Basra to FCO, 3 September 2004, 'Maysan – Update'.

1507. On 21 September, Mr Collis reported that Governor Riyadh had been exonerated by a Baghdad court but the circumstances surrounding his exoneration were unclear.[1378] Mr Abu Maythem, Chief of Police, had taken "one look at the letter exonerating Riyadh, declared it a forgery and repeated his desire for justice to be served". While Mr Maythem agreed "the current situation was calmer than for a while", he "believed fighting would start up again soon".

1508. Mr Hatim looked most "likely to come out on top of this struggle", appearing to have "purged" the Council of anyone who opposed him and "worn down any opposition in Baghdad to acquitting his brother". There was "no sign" of General Rashash, Prime Minister Allawi's Security Co-ordinator, and Mr Maythem "appeared quite unaware" of his appointment.

1509. On 26 September, Mr Davies reported that as part of a deployment of 38 ArmorGroup contractors, three contractors were deployed to Maysan to develop criminal intelligence capability and mentor the TSU.[1379] Mr Davies also reported that the location of the police in Maysan had "received some rocket and mortar fire during the week".

1510. On 15 October, Mr Collis stated that the security situation in Maysan remained "superficially quiet" following the cease-fire, with "no serious attacks against the MNF for several weeks".[1380] The political struggle, however, continued. There had been a series of high-profile murders and the perpetrators were unknown. Governor Riyadh had used the opportunity to criticise Mr Maythem for failing to prevent the murders. The fall-out from Mr Hatim's 'purge' of the Council rumbled on. Mr Collis concluded:

> "Maysan remains a sorry mess and a standing indictment of the new Iraq's (and our) failure to grip its linked problems of tribal warlordism, Iranian meddling, corruption and extremism."

1511. On 24 October, the Chief of Police, who was being mentored by DCC White, was murdered in al-Amara as he exited a mosque.[1381] Following that, a police committee was established, with UK and Danish support, to oversee policing, including the selection of a new Chief of Police.

1512. Following a visit to Maysan province on 10 February 2005, Mr Collis wrote:

> "Real progress has been made in Maysan, although none of it is irreversible and we need to ensure adequate resources are in place to maintain SSR and reconstruction momentum. UK forces have turned round a difficult environment. Their security presence is robust, but welcomed by the local population … The province looks to be an early candidate for a reduced MNF-I presence, with only a back-up role in security. Our planned increase in police mentoring is essential to maintaining

---

[1378] Telegram 153 Basra to FCO, 21 September 2004, 'Southern Iraq: Maysan'.
[1379] Minute Davies, 26 September 2004, 'Ministry of Interior – Weekly Report Number: 46'.
[1380] Telegram 171 Basra to FCO, 15 October 2004, 'Southern Iraq: Peace and Politics in Maysan'.
[1381] Public hearing, 21 July 2010, page 52.

momentum. There are currently very few attacks on local security forces; the small number of rejectionists continue to target MNF-I. The absence of pressure from the local population, or their leaders, for early withdrawal was striking."[1382]

1513. On 21 February, the FCO strategy for support to policing in Iraq in 2005 noted that the GCPP had approved additional funding to ArmorGroup to allow mentoring to be undertaken in Maysan.[1383]

1514. By April, 20 ArmorGroup contractors were deployed under the co-ordination of a UK police Chief Inspector.[1384] They were supported by four CPATT mentors.

1515. The FCO produced an IPS Transition Plan on 7 September.[1385] It stated that 57 percent of the IPS in Maysan had completed basic training and 93 percent had undertaken other specialist training. The FCO judged that training was "largely on track" and "transition targets should be met if co-operation continues".

1516. On 10 October, Mr Wheeler produced an update of policing in each of the four MND(SE) provinces.[1386] On Maysan, he said:

"The lack of co-operation by the Chief of Police has had a particularly detrimental effect on what we have been able to achieve eg many police stations have still not been visited by PAT. The security situation has constrained the work of PAT, and CPATT and the Royal Military Police have been trying to fill the gap. And IPS/militia affiliation is considerable eg there have been instances of IPS complicity in attacks on MNF forces. The Chief of Police has been unwilling to be mentored. Very recently he has withdrawn his students and instructors from the training programme, claiming that ArmorGroup are not up to the job … Abuse of prisoners is still occurring … The PJOC is fully equipped, but there is disagreement between the IPS, the Iraqi Army and the Governor on its role …"

1517. Mr Tansley visited Maysan from 2 to 3 December.[1387] He reported that the area "belie[d] its reputation" for being "lawless". It had been "relatively peaceful in recent months" with a lower number of attacks on MND(SE) than in Basra, and no attacks on the ISF since November. Despite that, Mr Tansley reported that the threat remained "relatively high". He wrote:

"… beneath the surface there is an underlying tension. Unlike in neighbouring Dhi Qar, the (relative) stability depends on an uneasy balance of power between the Badrists and Sadrists, rather than co-operation. The potential for the situation to deteriorate quickly remains."

[1382] Telegram 24, Basra to FCO, 10 February 2005, 'Iraq: Visit to Maysan Province'.
[1383] Note FCO, 21 February 2005, 'Iraq – UK Support to Civil Policing in Iraq – 2005'.
[1384] Report Smith, 15 May 2005, 'Next Steps on Policing – Review'.
[1385] Letter FCO [junior official] to Cabinet Office [junior official], 7 September 2005, 'Iraqi Police Service Transition Plan for Southern Iraq' attaching Paper Consulate Basra, 7 September 2005, 'Southern Iraq: Iraqi Police service – Transitional Plan'.
[1386] Telegram 15268/05 Basra to FCO London, 10 October 2005, 'Update on Reform of the Iraqi Police Service in Southern Iraq'.
[1387] eGram 20021/05 Basra to FCO, 6 December 2005, 'Iraq: Visit to Maysan Province'.

1518. A 'Transitional Plan Update' issued from Maysan on 27 December stated that the proportion of recruits who had completed basic training had risen to 70.5 percent, in line with the 2005 training target.[1388]

1519. On 20 January 2006, Mr Tansley provided an update on the readiness of Maysan for handover to Iraqi control.[1389] It stated that the Iraqi Army was of "adequate standard" though suffered from logistical issues; the DBE was "inadequate in size (7,000)" but was "judged to be acting effectively"; and reform of the police was "going well" despite a 100 percent growth in numbers (due to an MOI employment generation initiative) and militia (mainly Badr) affiliation.

1520. In his review of UK support to policing in Iraq on 31 January (described earlier in this Section), Sir Ronnie Flanagan concluded that Maysan province should "be capable of moving to Operational Overwatch at the earliest opportunity".[1390]

1521. On 28 February, Captain Richard John Holmes and Private Lee Ellis were killed in an IED attack in a joint Snatch and Warrior vehicle convoy in al-Amara.[1391]

1522. At a meeting between MNF representatives and the Chief of Police on 2 March, it was agreed that such attacks should not be seen as a way of prising the relationship between the ISF and MNF apart.[1392]

1523. The Chief of Police had also reported difficulties with the Head of the OMS in Maysan who "wanted to commit acts of terror, but the Governor was trying to keep a lid on the strife". It was thought that extremist elements were "attempting to gain kudos and standing in the community" by attacking the MNF.

1524. Dr Howells visited Iraq in March. An FCO briefing pack for his meeting with the Muthanna and Maysan Chiefs of Police stated that the proportion of trained police in Maysan had increased to 86 percent.[1393] Security conditions were "less favourable" than in Muthanna but a continued coalition presence could be "counter-productive". UK support for the province at this time comprised 17 ArmorGroup police advisers, one police officer and one prison adviser.

1525. The UK's overall support was 95 police advisers in MND(SE) and Baghdad, 57 trainers in Jordan, six prison advisers, one justice adviser and three EU JustLex courses. The US contribution was 247 police trainers Iraq-wide, 66 JIPTC trainers, 70 prison advisers, and, justice advisers (no number given).

[1388] Report, 27 December 2005, 'Iraqi Police Service – Transitional Plan Update'.
[1389] eGram 1266/06 Basra to FCO London, 20 January 2006, 'Iraq: Military Transition in Maysan and Muthanna'.
[1390] Report Flanagan, 31 January 2006, 'An Assessment of the UK's Contribution to Security Sector Reform (Policing) in Iraq'.
[1391] *GOV.UK,* 1 March 2006, *Captain Richard Holmes and Private Lee Ellis killed in Iraq; BBC News,* 1 March 2006, *Troops in Iraq blast named.*
[1392] Note MOD [junior officer], [undated], 'Meeting with Maysaan Chief of Police – Thursday 2nd March 2006'.
[1393] Minute Mortimer, March 2006, 'Briefing for the Visit of the Muthanna and Maysan Chiefs of Police to Dr Kim Howells, 6 March 2006, 17.00'.

1526. The FCO briefed Dr Howells on concerns about over-recruiting Iraqi police. In Muthanna, there was estimated to be three times as many officers as the sanctioned 1,960. In Maysan, staffing levels were twice the 4,000 agreed by MNF-I. Those units sat "almost entirely outside" existing training programmes for the IPS.

1527. On 24 August, the UK military vacated Camp Abu Naji on the outskirts of al-Amara in Maysan and handed it over to the Iraqi Army.[1394] Shortly afterwards the base was looted, with reports that the Iraqi Army at best allowed the looting but may have been directly involved.

1528. On 26 October, Maj Gen Shirreff reported that there was significant fighting in al-Amara:

> "Al-Amara and the fighting between JAM and the IPS, has dominated events this week. Nevertheless, despite the media images of burning buildings, destroyed police vehicles and black-clad militiamen with slung RPGs [Rocket Propelled Grenades], the news is not all bad. Events were kicked off with the killing of the (Badr) Head of the Criminal Intelligence Unit by JAM, resulting in the arrest (and subsequent killing) of the brother of the leader of Amara JAM by the IPS. In response JAM attacked the Badr dominated IPS. In the ensuing street battles on 19-20 Oct around 20 people were killed, scores injured, dozens of police cars destroyed and several buildings damaged. Despite all this, the response by both the IA and the Iraqi Government gives ground for optimism."[1395]

1529. Maj Gen Shirreff reported that the 10th Division had responded by deploying large numbers of troops rapidly and the Government had sent a delegation from Baghdad to negotiate a cease-fire. MNF assets had been used to show force and provide situational awareness. Maj Gen Shirreff reported that the incident had "tempered" assessments of Maysan's readiness for security transition.

1530. The cease-fire held into the following week but there were reports of police being murdered in their homes.[1396]

1531. On 8 December 2006, a junior FCO official emailed Mr Asquith to say that the MND(SE) Strategy Group had agreed Maysan should be reinstated as a candidate for transition in January 2007.[1397] Mr Asquith was asked to encourage Dr Rubaie to "press hard" for this at MCNS.

1532. On 10 December, Mr Asquith responded:

> "MND(SE) have just assessed Maysan as Amber (so even the most ardent transitioners aren't pushing); the Chief of Police is refusing to step down;

[1394] Minute Shirreff, 31 August 2006, 'GOC MND(SE) – Southern Iraq Update – 31 August 2006'.
[1395] Minute Shirreff, 26 October 2006, 'GOC MND(SE) – Southern Iraq Update – 26 October 2006'.
[1396] Minute Everard, 2 November 2006, 'GOC MND(SE) – Southern Iraq Update – 2 November 2006'.
[1397] Email FCO [junior official] to Asquith, 8 December 2006, 'IPU Priorities'.

> Badr/JAM (or tribes – that we don't really know which is symptomatic of the lack of clear knowledge on the ground) threaten to shape up for another bout; Iranian angle (I'll leave it at that) likely to become hot from early Jan with obvious risks for Maysan (and, indeed Basra); and there is an ESC [Emergency Security Committee] still in place … To argue forcefully for Maysan to transition in these circumstances strikes me as a touch Nelsonian. Or did Strategy Group take all these factors into account when deciding we should get [Dr] Rubaie to 'press hard' at MCNS next week?"[1398]

1533. On 25 January 2007, Mr Asquith reported that the MNF were unable to visit police stations in the centre of town, and relied on police to meet them on the city perimeter.[1399]

1534. On 14 March, the British Embassy Office Basra reported that it was continuing to push that Maysan was ready for transition: "Our approach with the US – that Maysan is not perfect, but it is good enough – appears to be working."[1400] Prime Minister Maliki had disbanded the Emergency Security Committee on 7 January and "sacked" the Chief of Police Mr Maythem, replacing him with General Hassan.

1535. The Embassy stated that there was "a lot of anecdotal evidence of arms smuggling" across Maysan's border, and "regular press reports of arms smuggling and militants crossing", but no "concrete evidence". The local Chief of the DBE was "weak" and the MOI was "looking to replace him". While there had been attempts to close the border and improve infrastructure, the Iraqi Government was concerned about the potentially negative impact on the local economy. MND(SE) would continue patrolling the border after transition. The Embassy stated:

> "The border issue will not be easily solved; it is a source of wealth as well as weapons."

1536. On 3 May, Mr Sheinwald reported to Mr Blair that ACM Stirrup saw no utility in the Maysan border-monitoring role.[1401] It was not preventing incoming arms, nor acting as a deterrent. However, ACM Stirrup did not want to "make an early move", given US sensitivities in relation to Iran.

1537. On 4 April, the Iraqi Government announced that Maysan would transfer to PIC on 18 April.[1402]

1538. In his evidence to the Inquiry, Maj Gen Shaw described the reason for the decision to transfer Maysan to PIC at that time:

> "What happened in Maysan was not that there was any blinding flash of new security, but, rather, that the situation in Maysan had been stable for long enough, in

---

[1398] Email Asquith to Casey, 10 December 2006, 'IPU Priorities: Maysan/Basra Port'.
[1399] eGram 3125/07 Baghdad to FCO London, 25 January 2007, 'Iraq: Basra: Handling the US'.
[1400] eGram 10299/07 Basra to FCO, 14 March 2007, 'Maysan: Getting to Provincial Iraqi Control'.
[1401] Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.
[1402] eGram 14083/07 Baghdad to FCO London, 4 April 2007, 'Government of Iraq Announces Transition in Maysan'.

> the sense that the rough coalition of JAM, or the accommodation that JAM and Badr seemed to have made there seemed to look reasonably steady and it was as good as it was ever going to get, and, therefore, the decision was made to give it PIC on the basis, not that that handed it over to the militia, but actually that it was as good as it was going to get …"[1403]

1539. On 19 April, Mr Richard Jones, the British Consul General in Basra, reported that, at the transfer ceremony for PIC, Dr Rubaie had described the transition as "another expression of Iraqi will".[1404]

1540. Mr Jones wrote that the handover was immediately overshadowed by an IED attack in the north-west of the province which had left two UK soldiers dead[1405] and one seriously injured. He concluded:

> "As we have reported … Maysan has always been a tough, lawless place. The question is whether the broad local balance can continue. It has held pretty well since the de facto withdrawal of coalition forces (apart largely from the border) and the violence last Ramadan."

1541. Maj Gen Binns, in his evidence to the Inquiry, recalled ongoing concerns about post-PIC border infiltration:

> "[Lt Gen Odierno] ordered me to conduct operations on the border with Iran in order to disrupt the flow of what he described as lethal aid … He was concerned about the border crossing points and he was concerned about infiltration through the marsh area in Maysan province.
>
> "So from September onwards, we started to conduct a series of operations which became known as Operation CERTAIN SHIELD into the border area.
>
> "I think they may have been effective as a deterrence, but we didn't find anything …"[1406]

1542. Maj Gen Binns went on to reflect that capacity-building was a useful area on which to focus:

> "… a good way of achieving what we needed to achieve was to develop the capabilities of the Department of Border Enforcement … So we improved our relationship with them."

UK police officer numbers 2003 to 2009

1543. As with civilian personnel (described in Section 15.1), there was no single continuous record for the number of UK police officers deployed to Iraq. How numbers were recorded varied considerably in relation to:

[1403] Public hearing, 11 January 2010, page 22.
[1404] eGram 16055/07 Basra to FCO, 19 April 2007, 'Maysan: Under Provincial Iraqi Control'.
[1405] Corporal Ben Leaning and Trooper Kristen Turton.
[1406] Public hearing, 15 January 2010, page 29.

- how a ‘police officer’ was defined – some definitions included retired officers and MOD police officers, others did not; and
- the way in which numbers were counted – some counted the posts in place regardless of whether an officer occupied it at the time, others did not.

1544. Table 6 contains a broad estimate of the number of UK police officers deployed to Iraq between 2003 and 2009. Because of the limitations of the source material and the variety of sources used, the numbers quoted are approximate and, in some cases, are inconsistent with other material. The explanatory notes provide the reader with helpful background information on how the numbers have been calculated. In some cases, the Inquiry has made assumptions in the figures about the continuation of posts based on preceding or subsequent evidence.

Table 7: Estimated number of police officers deployed to Iraq 2003 to 2009

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
July 2003	4[1407]			DCC Brand in Baghdad and DCC White in Basra. DCC White was accompanied by two MOD police officers.
October 2003	10[1408]			6 MOD police officers were deployed to Baghdad for various roles including helping to establish the Joint Co-ordination Cell and supporting the Baghdad Police Academy.
November 2003	10	46[1409]		Including 36 police officers who were deployed to Jordan to conduct police training.
December 2003	34[1410]	70		Including 24 police officers who were deployed to az-Zubayr Academy in Basra to conduct police training.
January 2004	34	106[1411]		An additional 36 officers were deployed to Jordan.

[1407] Statement Brand, 29 June 2010, page 1; Statement White, 30 June 2010, page 1.
[1408] Letter Lee to Clarke, 18 February 2004, ‘Deployment of MDP Officers to Iraq’.
[1409] Letter Owen to Rycroft, 18 December 2003, ‘UK Contribution to Iraqi Police Training’.
[1410] Report ISSU [FCO], 2 March 2004, ‘Security Sector Reform – UK Contribution’; Statement White, 30 June 2010, page 36.
[1411] Annotated Agenda, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting; Report ISSU [FCO], 2 March 2004, ‘Security Sector Reform – UK Contribution’.

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
March 2004	43[1412]	116		Figures based on: 2 senior officers 73 officers in Jordan 24 officers at az-Zubayr 5 PSNI officers about to deploy to Basra 11 MOD officers 1 officer in Baghdad
September 2004	43[1413]	98	138	Figures based on: 2 senior officers 23 officers at az-Zubayr 6 officers – a combination of PSNI and MOD officers 40 IPAs ArmorGroup 12 officers in Baghdad 55 officers in Jordan
October 2004	46[1414]			Comprising: 11 officers helping in the MOI 6 mentoring senior police in Basra 21 at az-Zubayr 5 at Baghdad Police Academy The Inquiry has added 2 senior officers and a staff officer to the total. It appears from subsequent documents that those posts were consistently held during this time.
November-December 2004	44[1415] (only 25 confirmed – see notes)			Comprising: 14 at az-Zubayr (down from 19 but with the desire to recruit more) 11 PSNI posts The Inquiry has added 2 senior officers, a staff officer, and 16 officers (that were based in Baghdad). It appears from subsequent documents that those posts were consistently held during this time.

[1412] Minute Owen to ISSU [junior official], 8 March 2004, 'Iraq: Contracting of Police Monitors' attaching Minute ISSU [junior official] to Buck and PS [FCO], 3 March 2004, 'Iraq: Contracting of Police Monitors'.
[1413] Statement Asquith, 11 July 2010, 'The British Contribution to the Development of Iraqi Police Capabilities, 2004-6'.
[1414] Minute Owen to Crompton, 12 October 2004, 'Iraq: Police Service' attaching email Davies to Owen, 6 October 2004, 'The Iraqi Police Service'.
[1415] Teleletter Hayward to Dodds, 5 November 2004, 'Southern Iraq: Civilian Police'.

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
February 2005		104[1416]	144	There were 86 officers training the IPS but it is not clear where they were based. In addition there were: 6 officers mentoring senior police officers. 12 officers working on specialist capabilities. 40 IPAs ArmorGroup
May 2005	47[1417]	105	More than 187	Comprising: CPA-I DCC and staff officer 11 officers in Baghdad (UK funded) 8 officers in Basra with 10 ArmorGroup officers in support. 70+ ArmorGroup in provinces 21 in az-Zubayr plus 2 ArmorGroup officers 58 in Jordan The Inquiry has added 5 officers to reflect training posts in Baghdad that appeared consistent around that time.
November 2005 (although data from 18 Oct)	47[1418]			Comprising: CPA-I DCC and staff officer 13 officers in Baghdad (+4 ArmorGroup) 5 at Baghdad Training Academy 11 officers in Basra (+5 ArmorGroup and 1 military) 16 officers at Shaibah
December 2005	35[1419]			Comprising: CPA-I DCC and staff officer 10 officers in Baghdad (+13 ArmorGroup) 5 at Baghdad Training Academy 11 officers in Basra (+5 ArmorGroup and 1 military) 7 officers at Shaibah plus a civilian

[1416] Note FCO, 21 February 2005, 'Iraq – UK Support to Civil Policing in Iraq – 2005'.
[1417] Report Smith, 15 May 2005, 'Next Steps on Policing – Review'.
[1418] Paper Smith, 20 November 2005, 'Next Steps on Policing – Review'.
[1419] Minute Smith, 25 December 2005, 'Weekly Report'.

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
February 2006	32[1420]			Comprising: CPA-I DCC (staff officer post to be subsumed into another role from March) 7 officers in Baghdad (+14 ArmorGroup) 5 at Baghdad Training Academy 11 officers in Basra 7 at Shaibah
August 2006	23.5[1421]		169.5	
January 2007 (projected)	19[1422]			Comprising: 1 ACC and Staff Officer 11 officers in Basra 6 officers in Baghdad ArmorGroup numbers said to reduce to '39/40' in February.
April 2007	12[1423]		48	
July 2007	17[1424]		49	
November 2007	11[1425]		29	
February 2008	5[1426]		11	
March 2008 – April 2009	14[1427]			

[1420] Minute Smith, 19 February 2006, 'Weekly Report'.
[1421] Report Barton, August 2006, 'The window of opportunity'.
[1422] Paper Donnan, 30 December 2006, 'Shaping the CivPol Mission – Iraq 2007'.
[1423] Minute Colbourne, 15 April 2007, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.
[1424] Minute Colbourne, 16 July 2007, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.
[1425] Minute Colbourne, 20 November 2007, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.
[1426] Minute Colbourne, 24 February 2008, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.
[1427] Statement Cooper, 29 June 2010, page 1.

SECTION 12.2

CONCLUSIONS: SECURITY SECTOR REFORM

Contents

Introduction and key findings 414

Pre-invasion planning and preparation 415

Occupation 417

- Iraqiisation 422
  - The US military take the lead on police reform 426
  - Security declines 427

Transition 430

- The MOD takes the lead for policing 434

Preparation for withdrawal 435

- “Good enough” 435
  - Better Basra 436

Security Sector Reform strategy 440

- Measuring success 441

Lessons 442

Introduction and key findings

1. This Section addresses conclusions in relation to the evidence set out in Section 12.1.

2. This Section does not address conclusions in relation to:

- broader planning and preparation for the conflict in Iraq and its aftermath, which are described in Section 6.5;
- the decision to remove some members of the Ba'ath Party from public office, a process known as "de-Ba'athification", which are described in Section 11.2;
- the UK contribution to the reconstruction of Iraq, which are described in Section 10.4; or
- the deployment of civilians to Iraq, which are described in Section 15.2.

Key findings

- Between 2003 and 2009, there was no coherent US/UK strategy for Security Sector Reform (SSR).
- The UK began work on SSR in Iraq without a proper understanding of what it entailed and hugely underestimated the magnitude of the task.
- The UK was unable to influence the US or engage it in a way that produced an Iraq-wide approach.
- There was no qualitative way for the UK to measure progress. The focus on the quantity of officers trained for the Iraqi Security Forces, rather than the quality of officers, was simplistic and gave a misleading sense of comfort.
- After 2006, the UK's determination to withdraw from Iraq meant that aspirations for the Iraqi Security Forces were lowered to what would be "good enough" for Iraq. It was never clear what that meant in practice.
- The development of the Iraqi Army was considerably more successful than that of the Iraqi Police Service. But the UK was still aware before it withdrew from Iraq that the Iraqi Army had not been sufficiently tested. The UK was not confident that the Iraqi Army could maintain security without support.

Pre-invasion planning and preparation

What is SSR?

The Organisation for Economic Co-operation and Development (OECD) defines SSR as development work that helps societies to "escape from a downward spiral wherein insecurity, crime and underdevelopment are mutually reinforcing".[1]

In considering the SSR effort in Iraq, the Inquiry's task was complicated by a lack of clear terminology. That is indicative of the lack of clarity which hampered SSR activities from the start. The term Security Sector Reform was not used in a consistent way, and was sometimes used interchangeably with phrases such as "security system reform" and "Rule of Law". It was sometimes used to refer solely to police reform or to work to reform the army. The term "Rule of Law" was often used to refer specifically to the justice sector.

The term "Security Sector Reform" (SSR) is used in this Report to refer to work to rebuild and reform Iraq's security and justice institutions. The evidence available to the Inquiry reflects the UK's overwhelming focus on the Iraqi Army (IA) and Iraqi Police Service (IPS). Low-budget projects were undertaken in relation to the Iraqi judiciary and prison system (see Box, 'The justice sector', later in this Section) but their scale was very small by comparison.

3. Before the invasion, UK Government departments recognised that Security Sector Reform (SSR) would be an important component in reconstructing Iraq.

4. The FCO acknowledged that SSR should be "at the centre of post-conflict work, rather than outside it as happened in Afghanistan",[2] and understood that the issues raised by SSR would be complex and should be planned for as soon as possible.

5. Papers on SSR written by the FCO between October and December 2002 demonstrated the range of fundamental questions on SSR in Iraq for which the UK did not yet have answers. They included:

- "What security structures would be appropriate for a post S[addam] H[ussein] Iraqi Government? How do we arrive at an answer? What are the threats, internal and external? Should we undertake a comprehensive review of the armed forces?"[3]
- "How do we replace an excessively large security apparatus with something 'right sized'? Reform or abolition? Which parts of the security apparatus might be loyal to a new government and which not?"

[1] OECD DAC, *Handbook on Security System Reform*, 2007.
[2] Paper FCO Middle East Department, 10 December 2002, 'Iraq: Security Sector Reform'.
[3] Letter Gray to Drummond, 18 October 2002, 'Papers for the AHGI' attaching Paper, [unattributed], 17 October 2002, 'Iraq: Security Sector Reform'.

- How to reform the working culture of the security sector, "particularly the police and the courts, so that it operates on the basis of humanitarian values in support of a legitimate government"?[4]

6. Between December 2002 and March 2003, very little progress was made in answering those questions. SSR was not always referred to in consideration of post-conflict operations. Specific plans were not developed for what would be done on the ground.

7. The UK saw a need to understand the US strategy before developing its own. That was consistent with the broad UK approach to post-conflict planning, on which the UK assumed that the US would lead, as addressed in Section 6.5.

8. The UK's short and medium term objectives for SSR were articulated by the MOD in February 2003. They were defined in very broad terms, with the desired end state: "to include the restructuring of the intelligence agencies, armed forces, police and criminal justice system. All elements of the Security Sector to be affordable and accountable".[5]

9. From 7 February onwards, responsibility for the UK's policy on SSR sat with the FCO under the leadership of Mr Jack Straw, the Foreign Secretary, and Sir Michael Jay, the Permanent Under Secretary. From 10 April, Mr Straw also chaired the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR).

10. Two teams in the FCO had a key role in relation to SSR:

- the Iraq Planning Unit (IPU), established to improve Whitehall co-ordination on post-conflict issues and provide policy guidance on the practical questions that UK civilian officials and military commanders would face in Iraq; and
- the United Nations Department (UND), which would help to identify, train and deploy civilian police to Iraq.

11. The US-led Coalition Military Assistance and Training Team (CMATT) was responsible for the training of the New Iraqi Army. The UK provided nine military officers in June 2003 to assist with that task, one of which was to act as the Deputy Commander of CMATT. It appears from the evidence that, in practice, the MOD led on this aspect of SSR.

12. On the eve of the invasion, there was no coherent SSR strategy in place between Coalition partners. That was described as a "high-level risk"[6] by the MOD's Defence Advisory Team.

---

[4] Paper FCO Middle East Department, 10 December 2002, 'Iraq: Security Sector Reform'.
[5] Paper MOD [unattributed], 5 February 2003, 'Iraq – Phase IV Subjects'.
[6] Minute IPU [junior official] to IPU, 18 March 2003, 'Security Sector Reform: Future Iraqi Armed Forces' attaching Paper Defence Advisory Team, March 2003, 'Security Sector Reform: Future Iraqi Armed Forces'.

13. Even though officials had warned that knowledge of conditions within Iraq was incomplete, it was assumed that Iraq would have a functioning criminal justice system and security forces which, after the removal of Ba'athist leadership, would have the capacity to play their part in its reconstruction.

14. It was unclear how the international SSR effort would be co-ordinated and therefore what contribution the UK would make.

Occupation

15. Immediately after the fall of Saddam Hussein's regime there was widespread looting by the Iraqi population, including in Baghdad and Basra. As described in Section 9.8, UK forces in Basra were not given instructions by their commanders in the UK on how to deal with it.

16. Brigadier Graham Binns, commanding the 7 Armoured Brigade which had taken Basra City, concluded that "the best way to stop looting was just to get to a point where there was nothing left to loot".[7]

17. As the need for a functioning police force to control lawless behaviour became increasingly apparent, there remained no strategy for SSR.

18. Officials from the Department for International Development (DFID) reported that the Office of Reconstruction and Humanitarian Assistance (ORHA) had drawn up extensive plans for SSR but that those had been disregarded by the US and Coalition military.

19. The UK recognised that an SSR strategy was needed. On 24 April, the AHMGIR agreed that the UK should lobby the US to create a "comprehensive strategy", and to involve UK personnel in ORHA scoping studies.

20. A paper produced for the AHMGIR on 8 May indicated that the UK's approach continued to be based on the assumption that "the UK will neither be required nor able to develop an independent policy on SSR in Iraq".[8] The UK's immediate priorities were therefore to influence the development of US policy, recognising that:

> "Reform across the full range of security activities (armed forces, intelligence agencies, justice and law enforcement institutions) is an essential element of the overall Coalition strategy to establish a united and representative Iraqi Government and to create the conditions under which the Coalition can eventually disengage."

[7] Private hearing, 2 June 2010, page 11.
[8] Paper IPU, May 2003, 'Iraq – Security Sector Reform'.

CPA Order No.2: 'Dissolution of Entities'

In May 2003, Coalition Provisional Authority (CPA) Order No.2 "dissolved" a number of military and other security entities that had operated as part of Saddam Hussein's regime, including the Armed Forces. Neither the Iraqi Police Service (IPS) nor the Ministry of Interior (MOI) was dissolved. The UK's role in the development of this Order is addressed in Section 9.8.

There was nothing in CPA Order No.2 that prevented former employees of the military from applying to join the New Iraqi Army (NIA), although the provisions of Order No.1 (removing "full" members of the Ba'ath Party – see Section 11.1) would apply.

Sir David Manning, the Prime Minister's Foreign Policy Adviser and Head of the Overseas and Defence Secretariat, told the Inquiry:

> "… these were policies that added to the difficulties, because we might have addressed the security vacuum by trying to encourage Iraqi police, Iraqi military, to co-operate with us, instead of which, they are disbanded and then become natural dissidents and potential insurgents."[9]

Disbanding the Iraqi Army automatically increased unemployment in Iraq.

In November 2003, Mr David Richmond, the Prime Minister's Special Representative on Iraq,[10] reported that issue had dominated discussions during his recent visit to Ar Ramadi, the capital of Anbar Province. He stated that "unemployment had forced many to do illegal acts, including attacks on the Coalition".[11] De-Ba'athification had "made it impossible for most of them to be employed by the State. The governor said that 50 percent had joined the Ba'ath Party not out of conviction but because it was a condition of employment; 40 percent for material gain; and only some 10 percent because they supported Ba'athist ideology".

Although a monthly stipend for those with at least 15 years' service (who were not senior Ba'athists) had been introduced at the end of June, many struggled to gain access to the payments. Ms Ann Clwyd, the Prime Minister's Special Envoy to Iraq on Human Rights from 2003 to 2009, told the Inquiry about a meeting with a senior army officer who had queued for his stipend for two weeks without reaching the front of the queue. He had told her: "if they want to humiliate us, this is the way of doing it".[12]

Issuing Order No.2 was a key CPA decision which should have been considered between Washington and London. It was to have a long-term impact on the development of the insurgency in Iraq.

21. A more proactive UK strategy for policing in Iraq – produced by UND and sent to No.10 by Mr Straw – was endorsed by Mr Blair in early June. Its immediate objective was "to stabilise the security situation by creating an effective interim police force with international civilian police working alongside Iraqi police and Coalition military

---

[9] Public hearing, 30 November 2009, page 91.
[10] Mr David Richmond was temporarily the Prime Minister's Special Representative on Iraq. In September 2003 (on the arrival of Sir Jeremy Greenstock) Mr Richmond became the Deputy.
[11] Teleletter Richmond to FCO London, 23 November 2003, 'Iraq: Sunni Outreach: Visit to Ar Ramadi'.
[12] Public hearing, 3 February 2010, pages 26-27.

forces".[13] The strategy's longer-term objective was "to establish an effective, viable and sustainable police force within a fully functioning security sector".

22. The initial action would be deployment of "an armed International Police Monitoring Force … to Baghdad and Basra, to conduct joint patrols with the current Iraqi police force and Coalition military", requiring 3,000 armed police officers. Once the Iraqi police were considered to have received sufficient initial training, the international presence would shift to a longer-term training focus, eventually taking on a mentoring role. UND suggested agreeing a strategy on how to reform the Iraqi Police Service (IPS) by 14 June and that the international force should be in place by 31 August.

23. The AHMGIR, under Mr Straw's chairmanship, did not discuss how the strategy would be implemented, or consider inconsistencies with the Coalition Provisional Authority (CPA) plans for police reform, as highlighted by the MOD. The MOD had been in touch with Mr Bernard Kerik, a former New York City Police Commissioner and the CPA Director of Interior Affairs. As a result, the MOD considered that the FCO's policing strategy was "about three weeks behind the curve"[14] because Mr Kerik did not want an international force – instead he wanted 7,000 trainers. UND suggested maintaining its approach until the US produced a policing strategy.

24. As set out in Section 9.8, the UK struggled to have a decisive impact on CPA policies.

25. In July, responsibilities for SSR within the CPA were divided. Mr Kerik took on responsibility for the Iraqi Ministry of Interior (MOI), including policing, fire, customs, border control, immigration, passports, citizenship and disaster relief. Mr Walt Slocombe, CPA Senior Advisor for National Security and Defense, focused on the development of the Iraqi armed forces. That split was seen by the UK as a set-back to agreeing a coherent national SSR strategy.

26. By mid-July, there were just four senior UK personnel in Iraq working across SSR as a whole (including reform of the police and army).The FCO had deployed Acting Deputy Chief Constable Douglas Brand to lead the UK's attempt to influence the CPA police reform programme and Acting Deputy Chief Constable Stephen White to lead on policing in Basra. DCC White was accompanied by two MOD police officers.

27. SSR strategies began to develop on a regional basis, largely in isolation from each other.

28. On 17 July, the AHMGIR discussed a paper by the IPU which stated that there "was still no cohesive strategy"[15] but that this was "not necessarily a cause for current alarm"

---

[13] Minute Straw to Blair, 5 June 2003, 'Iraq: Winning the Peace' attaching Paper UND, 3 June 2003, 'Iraq: Security Sector Reform: Policing Strategy'.
[14] Email UND [junior official] to Lowe [MOD], 9 June 2003, 'Policing Meeting – Tuesday 10 June'.
[15] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper IPU, 16 July 2003, 'Security Sector Reform the Next Steps'.

because it reflected the rapidly moving situation in Iraq. The Inquiry does not agree with that analysis. A shared understanding of what sort of police force was required in Iraq and how it could be delivered was essential to ensuring that SSR resources were used effectively and coherently.

29. The AHMGIR identified the requirement for approximately 7,000 international police officers – of which it was intended that the UK would provide 100 – as "ambitious" but did not commission further work to understand the impact on CPA plans if the total could not be reached.

30. In August, UND asked DCC Brand to lobby the US for the creation of a policing strategy for Iraq. There was no established UK policy position at that point on what sort of police force was appropriate for Iraq, the role of an Iraqi police officer, the ideal force structure, or how police reform should be delivered. That hampered DCC Brand's ability to influence US strategy.

31. Mr Kerik estimated in early August that Iraq would need 65,000-75,000 police officers and that it would take six years to develop a force of that size. There was no Coalition plan to deliver that number of officers.

32. By the end of August, the CPA's plans for a 7,000-strong international training force were recognised to be unachievable. The aspiration was now "1,500 to 2,000" officers.[16]

33. A policing strategy for Iraq was also essential to ensure that the international effort was coherent across the country. The lack of co-ordination between police reform in Baghdad and Basra could be seen in a report produced by DCC White on 26 August. He assessed that 91 international officers would be required to support the policing mission in Multi-National Division (South-East) (MND(SE)) and an additional 48 would be required to provide force protection. DCC White told the Inquiry that that caused some controversy when the numbers were communicated to the CPA staff in Baghdad as they were considered to be inconsistent with the new 'MOI 60/90 day Strategic Plan' which DCC White had not seen.

34. In the absence of a clear strategy for what type of force was needed, and a realistic assessment of how it could be delivered, priority was given to pushing Iraqi police officers through basic training in large numbers.

Initial problems deploying UK police officers

Mr Stephen Pattison, Head of UND until June 2003, told the Inquiry that the process of recruiting officers to deploy overseas was "always a struggle"[17] and "not straightforward". The requirement was often for armed police which ruled out the majority of UK officers.

---

[16] Minute Brand, 10 August 2003, 'Report from Iraq – Douglas Brand'.
[17] Statement, 6 January 2011, pages 12-13.

The focus was therefore on getting UK officers into niche roles in which they could use their experience without being operational. As any officers deployed would have to be volunteers, certain security conditions also had to be met and funding identified. Government officials do not appear to have appreciated the scope of that task before they started recruiting officers for Iraq.

The UK's target was to have deployed 100 UK officers to conduct basic training by the end of September 2003.

On 18 July, Mr Straw wrote to Mr David Blunkett, the Home Secretary, asking him to seek nominations of up to 200 officers for firearms training. By September, 260 had applied but none had been deployed.

It is unclear whether that was because of a reluctance on the part of the Association of Chief Police Officers (ACPO) and Chief Constables (concerned about breaching their duty of care given the security situation in Iraq) to release officers or whether it was because the officers who had applied were not suitably qualified.

In addition to the officers required to run basic training, DCC Brand had also requested support staff and officers to address more specific training needs such as intelligence and operational planning. He told the Inquiry how, after lobbying for a Special Branch system, he was unable to find someone to make the concept a reality and consequently lost the opportunity.

An email from DCC Brand on 21 September expressed frustration that officers had still not been deployed to a Joint Command Centre in Baghdad designed to prevent friendly fire incidents:

> " … I don't mind where they come from as long as they get here ASAP … I made my original request … **6 weeks ago** … If we are only just thinking about approaching PSNI [Police Service of Northern Ireland] it may be weeks or months before the officers are able to travel and we would lose all credibility with the American military … To remind you, **this was our idea** … I urge you to act swiftly and not delay any longer."[18]

The FCO, and in particular UND, had prior experience of deploying officers overseas but was unable to meet the large-scale requirements of Iraq. Sir Michael Jay should have ensured that his department provided the resources that the senior UK officers needed.

In November, after meeting DCC White, Mr Bill Rammell, FCO Parliamentary Under-Secretary of State, reported that DCC White's assessment of progress was at odds with the way the situation was being described in public.

The Home Office record of the Iraq Senior Officials Group of 4 November recorded that Mr Straw's initial reaction to DCC White's complaints was to call a "special meeting of Ministers to discuss what more could be done"[19] but that FCO officials had advised that that was not necessary.

Following a visit in November, Mr Straw directed Mr John Sawers, FCO Director General Political, to resolve the matter: "A combination of the Byzantine bureaucracy of ACPO and a lack of understanding in the FCO about police issues and practice … threaten further

[18] Email Brand to FCO [junior official], 21 September 2003, 'Re: Police Training plan'.
[19] Minute Storr to Acton, 5 November 2003, 'Iraq: Senior Officials Meeting on 4 November'.

delays and a sub-optimal delivery in an area where the UK has a serious contribution to make."[20]

After a slow start, the UK reached its target of 100 trainers in January 2004. The first tranche deployed to the training centre in Jordan[21] in November 2003 and the first tranche of 24 officers for az-Zubayr Academy in Basra deployed in December. DCC Brand did not receive his additional officers for non-training roles until March 2004.

Iraqiisation

35. From early June 2003, and throughout the summer, there had been signs that security in both Baghdad and MND(SE) was deteriorating. As the summer wore on, authoritative sources in the UK system, such as the Joint Intelligence Committee (JIC), began to identify issues with the potential to escalate into conflict and to recognise the likelihood that extremist groups would become more co-ordinated (see Section 14.1).

36. In September Mr Donald Rumsfeld, the US Defense Secretary, applied pressure on the CPA to increase the number of Iraqi Army officers by ordering an acceleration of the training programme, halving the training time to one year, and increasing its budget from US$173m to US$2.2bn.

The Iraqi Civil Defence Corps (ICDC)

The Iraqi Civil Defence Corps (ICDC) was created in July 2003 to:

- give Coalition operations an Iraqi face;
- keep unemployed young men out of the insurgency; and
- increase the number of security forces available.

Established by CPA Order No.28, the ICDC was described as "a security and emergency agency for Iraq"[22] and was authorised to perform a wide range of constabularly duties. It operated under the authority of the Administrator of the CPA but was subject to the supervision of Coalition Forces.

The ICDC's performance received mixed reviews but it became an important component of SSR while other elements, such as the Iraqi Police Service and Iraqi Army, were being developed.

37. As security worsened, Ministers sought to expedite "Iraqiisation", the term used to refer to the ability of the Iraqi Security Forces (ISF) to take the lead responsibility for security.

---

[20] Minute Straw to Sawers, 27 November 2003, 'UK Police Assistance to Iraq'.
[21] The majority of police training took place at the Jordan International Police Training College (JIPTC).
[22] Coalition Provisional Authority Order Number 28 – Establishment of the Iraqi Civil Defense Corps, 3 September 2003.

38. On 2 September 2003, in a meeting of Ministers and senior personnel, Mr Blair said that he believed that the key to the security situation in Iraq was "the rapid mobilisation of an effective Iraqi police force".[23] That included increasing Iraqi police manpower to 70,000 within three months. That ambitious new target brought forward the timescale set by the CPA for reaching that size of force by more than six months.

39. The Inquiry has seen no evidence pre-dating 2 September of the origins of the proposal to accelerate training so dramatically, or of analysis of whether it was achievable.

40. The IPU advised that existing policy was to provide 70,000 police officers by mid-2004 and train 40,000 for the New Iraqi Army within one year. It listed some ideas for how SSR could be accelerated and improved but did not suggest any further resources beyond those which were already in train. The advice did not assess how those suggestions would be resourced and implemented and did not provide an analysis of whether Mr Blair's target of 70,000 officers was achievable.

41. A briefing paper for Mr Blair by Mr Richmond stated that Ambassador Bremer did not think that Mr Blair's target was achievable.

42. The IPU paper and Mr Richmond's advice suggested that, at the very least, detailed work was needed to assess whether it was possible to accelerate the training timetable in the way Mr Blair proposed, and what resources that would require, before the idea was pursued further.

43. Sir Michael Jay, as the senior official accountable for the resourcing of the UK's police reform effort, should have ensured that such an assessment was made. The AHMGIR, chaired by Mr Straw, failed to assess whether Mr Blair's target and the IPU's suggestions could be achieved.

44. Mr Blair pressed the idea of acceleration, including with President Bush, without having requested or considered such detailed advice. Ahead of a video conference with President Bush on 5 September, Mr Blair sent the President a Note which stated:

> "Iraq has 37,000 police. We need to double that. Given the number of trainers and their facilities, that will take a year. We cannot wait that long. So: if we need to treble or quadruple the trainers and expand the numbers of Iraqi police even beyond that contemplated, we should do it …"[24]

45. The record of the video conference between Mr Blair and President Bush stated that Mr Blair had said a "big push" was required to boost numbers and speed up training of Iraqi Security Forces.[25]

---

[23] Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for the Prime Minister'.
[24] Letter Sheinwald to Rice, 5 September 2003 attaching 'Note on Iraq'.
[25] Letter Canon to Adams, 5 September 2003, 'Iraq: Prime Minister's Video-Conference with Bush, 5 September'.

46. For the first meeting of the Iraq Senior Officials Group on 9 September, an IPU paper maintained that the focus should be on the Iraqi Civil Defence Corps (ICDC) and the police "as the most likely to produce quick results, while continuing to support the longer-term development of the New Iraqi Army".[26] It did not address Mr Blair's target of doubling police officer numbers. It assessed that "the main problem in developing the Iraqi Police is the slowness with which CPA is developing its strategy, concept and timelines for reform" and that "in the absence of a central strategy, we are pursuing regional options".

47. The Annotated Agenda for the meeting of the AHMGIR on 18 September re-affirmed the requirement for a "coherent overall policing strategy".[27] Cabinet Office officials reported that the UK was lobbying Ambassador Bremer, and Washington, to expedite creation of a strategy and operational plan, and was offering the services of DCC Brand to write them. The Annotated Agenda did not reflect Mr Blair's desire to double the number of police officers.

48. Despite the IPU's analysis that lack of strategic direction for police reform was the "main problem", it was not mentioned in a report to Mr Blair from Mr Straw's office on 17 October. That risked giving an unrealistic impression of both what had been achieved and what might be achieved in the future. The report stated: "We judge that the Coalition now has a credible and deliverable strategy to train 30,000 Iraqi police over the next year."[28] By that stage, around 40,000 police officers were considered to have been trained.

49. Mr Straw told the Inquiry that he considered that judgement to be "reasonable"[29] at the time but that with hindsight he could see that it was not.

50. Following the FCO Police Contributors conference in early October, it was clear that sufficient additional international support to make plans for accelerated training deliverable was unlikely to be forthcoming.

51. In October, a public order incident in Basra demonstrated the continued deficiencies of the local police.

52. Shortly afterwards, DCC White publicly expressed concerns about the SSR programme in Iraq, and the UK's resourcing of it, in a documentary broadcast by BBC Northern Ireland. DCC White told the Inquiry that his remarks had caused controversy in the UK and he was left "feeling unsupported and isolated"[30] but for the support of Sir Hilary Synnott, Head of CPA(South), and Ms Jane Kennedy, Minister of State for Northern Ireland.

---

[26] Paper IPU, 8 September 2003, 'Iraq: Security Action Plan'.
[27] Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[28] Letter Sinclair to Sheinwald, 17 October 2003, 'Iraq: Security and Policing'.
[29] Public hearing, 2 February 2011, page 140.
[30] Statement, 20 June 2010, pages 30-31.

53. Following a review, Combined Joint Taskforce-7 (CJTF-7)[31] issued an Order on 27 October entitled 'Acceleration of the Iraqi Police Services' which envisaged enhanced support from CJTF-7 for enlarged and accelerated police training programmes. It had been developed without consultation with the UK.

54. Sir Hilary Synnott reported that the Order had:

> " … considerable implications for military resources to be devoted to police training; for our current plans, including the recently inaugurated Basra Regional Police Academy; and for the significant Danish effort at present and in future. We had no warning of this from CPA Baghdad (beyond a slight reference to such a possibility), no subsequent information from them and no consultation."[32]

55. On 6 November, the AHMGIR was told that the new approach included "accelerating recruitment, training and deployment of Iraqi security forces".[33] The ICDC was set to increase by April 2004 and the target for 70,000 police should be reached by August 2004 rather than March 2005. The training of the Iraqi Army would be slowed, but the Army would "now be allowed to undertake internal as well as external security tasks".

56. Although the US military had produced plans for accelerating training, they had not addressed DCC White's concerns about the quality of that training.

57. Former DCC Brand told the Inquiry:

> "Trying to persuade my military colleagues at two-star and three-star level that this was a long-term investment of restructuring the police seemed to work against their sort of short-term mission goals, and I very vividly remember the presentation that was done to the Commanding General which was entitled '30,000 in 30 Days' … I had to say 'Okay, in that case then, why don't you give me the military to train? I have read a few war books, I have seen a few war films, it can't be as difficult as that, or is that as ridiculous as what you are suggesting, which is we recruit 30,000 in 30 days, call them police, label them police, give them weapons and say 'You are now in the police' but actually have no capability to do the things that policemen should do at all?"[34]

58. In November, Chief Constable Paul Kernaghan, the lead on international affairs for the Association of Chief Police Officers (ACPO), told Mr Straw that police reform in Iraq still lacked vision and that the UK contribution was insufficient.

59. At about the same time, Mr Jim Daniel, a senior ex-Home Office adviser sent to Iraq to help the CPA generate a policing strategy, decided to resign. The combination of

---

[31] CJTF-7, the Coalition HQ in Iraq, was a small command. It was led by Lieutenant General Ricardo Sanchez.
[32] Telegram 110 FCO London [on behalf of CPA Basra] to UKRep Iraq, 31 October 2003, 'Police Training in South Iraq'.
[33] Annotated Agenda Cabinet Office, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation.
[34] Public hearing, 29 June 2010, pages 24-25.

CC Kernaghan's advice, DCC White's views and Mr Daniel's resignation were sufficient to highlight that police reform – an essential part of the UK's exit strategy – was in serious difficulties.

60. By the end of November 2003, Mr Straw had clear evidence that police reform in Iraq lacked strategic direction. He should have instigated consideration of the UK's options for resolving the problem, including work to define a UK position on the right strategy for Iraqi policing.

61. The response of the AHMGIR, chaired by Mr Straw, was instead that the UK should lobby the US to make improvements in police training. Mr Straw should have recognised that lobbying alone would be insufficient to address the critical lack of a strategy/vision for policing in Iraq. Mr Straw's direction to Mr Sawers (see Box, 'Initial problems deploying UK police officers', earlier in this Section) focused too narrowly on the deployment of UK police officers rather than on the wider issues in police reform.

THE US MILITARY TAKE THE LEAD ON POLICE REFORM

62. In mid-November, a new political timetable for Iraq was announced, which brought forward the handover of power from the CPA to the Iraqi Transitional Government (ITG) to June 2004.[35] Former DCC Brand told the Inquiry that the change of timetable critically changed everyone's outlook: "all the focus was on 'Let's get this over to the Iraqis', and so our longer-term intentions were almost squashed from there on".[36]

63. Towards the end of 2003, within the UK there was awareness that assessments given by US commanders were "exaggerated"[37] and there were doubts about Iraqi capacity. A significant gap in figures was highlighted by the FCO, which assessed that there were around 45,000 operational police officers throughout Iraq, all requiring some level of re-training. The US assessment was that there were 63,000 operational police officers.

64. In the absence of a coherent strategy, Coalition partners continued to work independently of one another. An example of this occurred in February 2004, when the UK started recruiting 40 retired UK officers to act as mentors. At the same time, the US was developing plans to recruit around 500 police advisers from Dyncorps to act as mentors, of which 50 were planned for deployment to the South. That was met with some consternation by Mr Steve Casteel, who replaced Mr Kerik as CPA Director of Internal Affairs in September 2003. He reportedly said: "This isn't two countries, you know."[38]

65. Secretary Rumsfeld transferred the responsibility for training and mentoring police officers to the US military in March 2004 following a report by Major General

---

[35] Minute Cannon to Prime Minister, 18 November 2003, 'Iraq: Political Timetable'.
[36] Public hearing, 29 June 2010, page 67.
[37] Minute Dodd to Sheinwald, 10 December 2003, 'Iraq: Strategy Group'.
[38] Minute FCO [junior official], to Buck, 4 February 2004, 'Visit to Iraq 26-30 Jan'.

Karl Eikenberry, former US Security Co-ordinator and Chief of the Office of Military Co-operation in Afghanistan. It was thought that the change would provide the unity of command across the security sector that was needed. The report reiterated that the Army's focus should remain on external threats but its training rate be reduced to allow the development of other security forces.

66. The change in responsibilities led to the creation of a new umbrella structure, the Office of Security Co-operation (OSC), commanded by Major General Paul Eaton, the former commander of CMATT. CMATT and the newly named policing equivalent – the Coalition Police Assistance Training Team (CPATT) – would report to the OSC and the OSC would report to the CJTF-7.

67. It appears that DCC Brand and Mr Casteel had not been consulted about that significant change in approach. Former DCC Brand told the Inquiry that the creation of the OSC was a shock to both him and Mr Casteel. He said that, while the military could do "the volume stuff",[39] they did not have the skill set to conduct basic training or the policy advice on policing. That meant "they were making it up … from theatre, rather than back at the policy headquarters".

68. On 25 March 2004, the FCO's Weekly Update on Iraq for No.10 stated that a CENTCOM review had concluded that transition to local control across Iraq was "likely to be delayed by up to eight months from their original over optimistic target of May 2004".[40] The paper stated that was "not a surprise":

> "The Iraqi Security Forces do not just have to be hired; they must be vetted, trained, equipped, mentored and certified ie capability, not numbers, is the key … Bremer has been pushing for quality for months, without the support in Washington, where the emphasis has been on numbers. On the positive side, a lesson has now been learned."

69. The Cabinet Office sent an update for Ministers on 2 April, stating that police training was to be accelerated under the new structures with a target of completing in-service training of 43,000 officers by January 2005.

70. Although advice and information sent to Ministers consistently emphasised the importance of training competent police officers, the focus of effort continued to be on training officers in high numbers.

SECURITY DECLINES

71. There was a significant worsening of security in the spring of 2004. Coupled with revelations of abuse by members of the US military of Iraqi detainees in Abu Ghraib

---

[39] Public hearing, 29 June 2010, pages 94-95.
[40] Minute Owen to Cannon, 25 March 2004, 'Iraq: Weekly Update' attaching paper FCO 'Iraq: No 10 Weekly Update'.

prison, this led many of the Inquiry's witnesses to conclude that the spring of 2004 was a turning point, as described in Section 9.8.

72. In April, weaknesses in the ICDC and IPS were exposed as a result of uprisings in Fallujah and Najaf. Some officers abandoned their posts and aided the insurgency. Others mutinied when they came under fire.

73. The ICDC was affected worst of all. 12,000 members deserted within two weeks. Consideration was given to re-engaging military officers dismissed under the policy of de-Ba'athification (see Section 11.1). Ambassador Paul Bremer, Presidential Envoy to Iraq and Head of the CPA, maintained that the de-Ba'thification policy was correct, but had been poorly implemented. Mr Blair told President Bush that the Coalition needed to do "whatever it takes"[41] to get the ICDC and police into shape. He added: "I'm not sure we really have our entire system focused on this; and it needs to be".

74. Mr Blair held a meeting with Ministers and senior officials on 13 May to discuss security in Iraq. He expressed a clear view that there were two key issues in Iraq: the political process and security, of which security was "fundamental".[42] After the transfer of sovereignty, Mr Blair felt that the Iraqis would be reluctant to ask the Coalition to manage security for them and this "put a real premium on building capacity urgently".

75. At Mr Blair's request, a team led by Major General Nicholas Houghton, Assistant Chief of the Defence Staff (Operations), visited Iraq from 20 to 23 May to see what could be done to speed up Iraqiisation of the security sector.

76. Maj Gen Houghton's frank assessment identified issues that should already have been clear to Ministers and officials. He noted the lack of strategy, "bureaucratic complexity"[43] hindering access to funds and resources, "initiative overload" and a short-term focus. He stated that the concept of acceleration was "misplaced". It was "'Sustained Effort", with some change in emphasis, that would produce the desired capability. He highlighted the need for "honest acceptance" of the likely timescales.

77. Maj Gen Houghton assessed that:

> "The biggest single thing that will move the creation of capability forward is the increased use of military and police assets in mentoring roles. This should involve, for example, widening the concept of embedding troops within ICDC Units. Given available assets this will mean taking risk on maintaining security."

78. Maj Gen Houghton judged that an SSR strategy must be "authored, owned and executed" in Iraq, not in London.

---

[41] Letter Sheinwald to Rice, 26 April 2004 attaching Note from PM for President Bush.
[42] Letter Bowen to Baker, 13 May 2004, 'Iraq: security'.
[43] Minute ACDS(Ops) to Rycroft, 25 May 2004, 'How Best to Progress the Iraqiisation of the Security Sector'.

79. Maj Gen Houghton stated that over 80,000 police officers were operational with approximately 20,000 having received training. An accelerated training programme was being put in place by CPATT.

80. Mr Blair tried to inject a new sense of urgency into Iraqiisation. In five meetings and conversations with President Bush in May and June, Mr Blair raised Iraqiisation, emphasising its importance and his hope that Lieutenant General David Petraeus, Commanding General Multi-National Force – Iraq,[44] and Prime Minister Designate Dr Ayad Allawi could agree a joint plan on Iraqiisation for publication.

81. On 3 June, Mr Blair asked to be informed of "*any* obstacles or log jams"[45] which he might need to raise with President Bush. He commissioned a round-up on Iraqiisation every two weeks.

82. Mr Geoff Hoon, the Defence Secretary, and General Sir Mike Walker, Chief of the Defence Staff, provided Mr Blair with an update on Iraqiisation two weeks later. Mr Blair again asked to be informed of any issues automatically rather than having to ask.

83. On 16 June, Mr Blair wrote to President Bush that the problem with Iraqiisation was "obvious": "The numbers in the police are there. But not the quality or equipment …"[46]

84. By the end of the Coalition's Occupation in June 2004, Ministers were aware that Iraqiisation was critical to the UK's withdrawal and that it was the quality, not quantity, of officers in the ISF that was critical. But the US and UK were no closer to achieving a coherent SSR strategy for Iraq. As the CPA was disbanded and responsibility for day-to-day interaction with the Iraqi Interim Government on civil affairs passed to the newly appointed British and US Ambassadors, there was no plan to develop one.

The justice sector

For SSR, the UK's overwhelming focus was on the army and police. The need for a robust judicial system had been recognised but was poorly supported.

Prisons were listed as a "priority one area"[47] in April 2003 but by December it was reported that "not much work had been done in this area".

In June 2003, Lord Goldsmith, the Attorney General, told the AHMGIR that corruption and intimidation had left the Iraqi judicial system in a worse state than expected and that it would require a long-term commitment from the international community to rebuild it.

In March 2004, a report from Mr Robert Davies, Chief Police Adviser to the Ministry of Interior, stated that only one out of five Iraqi Correctional Service facilities was functioning in the UK's Area of Responsibility. Even that facility was in poor condition and overcrowded. In January, the prison held 478 prisoners against a capacity of 230.

---

[44] The MNF-I subsumed OSC in June 2004.
[45] Letter Rycroft to Baker, 3 June 2004, 'Iraq: Prime Minister's Meeting, 3 June'.
[46] Letter Sheinwald to Rice, 16 June 2004, [untitled] attaching Note Blair [to Bush], [undated], 'Note '.
[47] Minutes, 4 December 2003, Security Sector Reform meeting.

Part of the reason identified for this rise had been a weakness in the due process where prisoners were kept on remand without judicial review.

SSR projects in the justice sector were small in comparison with efforts being made to reform the Iraqi Army and Iraqi Police Service:

- In January 2004, DFID approved a contribution of £2.2m over two years towards the International Legal Assistance Consortium (ILAC). A review of the programme in June 2006 stated "that the project was put together under pressure rapidly to get programme activities started with some quick-win activities … The pressure to move fast, however, may well have sown the seeds for the eventual, limited impact".[48]
- A support programme for prisons in southern Iraq was approved during the summer of 2004. The UK awarded £1.7m to the programme (after a bid of £5.53m) to train and mentor staff. All prisons within the CPA(South) boundary run by the Iraqi Prison Service were overseen and maintained by the UK.
- The UK contributed some staff towards the EU JustLex programme that began in February 2005. The programme was an integrated police and Rule of Law mission for Iraq by Member States arranging senior management training for the police, judiciary and prison service. Over four years, it comprised 40 staff from across the EU and spent roughly €30m.

As with the majority of SSR programmes, success seemed to be measured by the number of Iraqi staff trained. The programmes were not effective in solving the underlying problems of corruption and intimidation that thwarted significant improvement.

Officials were still reporting in May 2006 that justice continued to be "the missing link".[49]

In March 2007, the Better Basra plan described Iraq's judiciary as "weak and unable to prosecute serious crime".[50] Prisons were described as "old, overcrowded" and said to "not meet minimum international human rights standards". That assessment suggested that little progress had been made from the UK's early assessments of Iraq's justice sector.

Severe overcrowding was still an issue in December 2007 when an FCO official reported that:

> "Through a combination of negligence, incompetence, poor co-ordination and lack of adequate facilities it can take a long time to process detainees through the investigative, judicial and correctional systems."[51]

Transition

85. After the UK and US ceased to be Occupying Powers in Iraq in June 2004, SSR was conducted under the authority of resolution 1546 (2004) and the annexed letters from Dr Ayad Allawi, the Iraqi Prime Minister, and US Secretary of State Mr Colin Powell.

---

[48] Report DFID, 30 June 2006, 'Iraq International Legal Consortium Justice Sector'.
[49] Email FCO [junior official] to IPU [junior official], 25 May 2006, 'Rule of Law – The Justice Sector'.
[50] Letter Marsden to Aldred, 2 March 2007, 'Better Basra' attaching Paper, 1 March 2007, 'Better Basra Mark 3: The 2007 Plan'.
[51] Minute FCO [junior official] to PS/SofS [FCO], 20 December 2007, 'Iraq: Detention and Reconciliation: UK Approach for 2008'.

The role of the Multi-National Force (MNF) was to continue building the capability of the ISF and its institutions through a programme of recruitment, training, equipping, mentoring and monitoring.

86. During the CPA era, the metric used to measure progress in relation to the ISF had been the number of personnel on duty. Immediately after the transition, that metric was replaced by "trained and equipped"[52] personnel. The net result was a 75 percent drop in the totals of force personnel attributed to the MOI from 181,297 "on duty" personnel on 15 June to 47,255 "trained and equipped" personnel on 25 August.

87. Shortly after transition, Mr Straw advised the Ministerial Committee on Defence and Overseas Policy (DOP) that the SSR objective for the following six months should be for the ISF to be in control across much of the country. That was the basis on which UK troop reductions would be feasible. DOP agreed. It is not clear how Mr Straw reached the conclusion that that was a viable objective.

88. By early October, there was clear evidence that the SSR objective agreed by DOP was unlikely to be achievable because:

- The Basra police chief was working with militants who were causing disruption in the area.
- There remained significant capacity issues within key ministries.
- There was a need for more focused IPS training in areas of operational planning and intelligence.
- Warnings from theatre continued to stress that the focus on numbers was misplaced – the morale and integrity of officers who had joined the ISF was questionable and those issues needed to be addressed to deliver the capabilities required.

89. In November, FCO officials informed Mr Straw that they were factoring such concerns into their planning. They assessed that the two most serious problems were the dysfunctional MOI and the lack of equipment, both of which were being addressed by UK-funded initiatives.

90. It should have been clear to Mr Straw and FCO officials, for whose advice Sir Michael Jay was accountable, that the ISF were unlikely to be able to provide security and that troop reductions based on the assumption that Iraqiisation would be successful needed to be reconsidered.

91. On 9 December, despite evidence to the contrary, the FCO continued to advise that, by the summer of 2005, the ISF could take the lead on security. It was overly optimistic of the FCO, under Mr Straw's leadership, to believe that would be the case. That over-optimism distorted consideration of when UK forces should be withdrawn from Iraq.

---

[52] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

92. A JIC Assessment of 15 December assessed that a credible ISF, capable of managing the insurgency unaided, would not emerge until 2006 at the earliest.

93. The JIC Assessment was discussed at the Ad Hoc Ministerial Group on Iraq the following day. Ministers agreed that a number of papers should be prepared, including practical suggestions to adjust the Petraeus Plan[53] for SSR, ways of improving the Iraqi Ministry of Defence and MOI, a list of security and funding issues for Mr Blair to raise with President Bush and a list of useful activities that other countries could be asked to undertake. The lack of a policing strategy for Iraq, which had been identified by the IPU as early as July 2003, had still not been addressed.

94. In February 2005, the FCO produced a paper for the AHMGIR that contained proposals for a greater focus at the national level where there was "an urgent need for an Iraqi national policing strategy, supported by an appropriate training syllabus to address established weaknesses".[54] The proposals were for the development of a National Police Plan and in the areas of forensics and intelligence. The FCO paper also pointed to potential funding pressures if those new proposals were to be adopted and if current projects were extended.

95. The FCO told the AHMGIR that the key message from the paper was that funding beyond September was extremely tight and tough decisions would need to be made.

96. In the absence of an SSR strategy against which the merits and contribution of any particular project or programme could be judged, the basis on which such decisions could be made was unclear.

97. Just three months after the JIC had raised concerns about the development of the ISF, the MOD advised No.10 in March that the Petraeus Plan was "largely on track, meeting the demands of a well-entrenched counter insurgency".[55] The ISF was expected to achieve full strength by January 2006 and the transfer of regional control would be under way. The view from No.10 was that the MOD's advice was "rather insubstantial, and almost certainly too optimistic in its assessment of the quality of much of the ISF".[56]

98. The MOD's assessment was also contrary to other reports coming from Iraq around that time and it became difficult for Ministers to know which evidence was most accurate. In his Hauldown Report, Lieutenant General John Kiszely, Senior British Military Representative, Iraq (SBMR-I) from October 2004 to April 2005, described the MOI as dysfunctional and stated that any expectation that the IPS would be able to perform well against the insurgency was unrealistic.

---

[53] The Petraeus Plan followed a 'Troops to Task' assessment carried out by Lt Gen Petraeus in the summer of 2004. The resulting plan was to increase the Iraqi Police Service and Iraqi National Guard by roughly 50 percent.
[54] Note FCO, 21 February 2005, 'Iraq – UK Support to Civil Policing in Iraq – 2005'.
[55] Letter Naworynsky to Quarrey, 17 March 2005, 'Petraeus Plan Update'.
[56] Minute Quarrey to Prime Minister, 18 March 2005, 'Iraq Update'.

99. During the summer of 2005, there is evidence that UK officials were not clear about their departments' role within the SSR effort and felt disconnected from what was happening on the ground. That was exemplified in June when DFID commissioned a consultant to assist the FCO in drawing together a cross-Whitehall strategy for UK support to the development of Iraqi policing capacity. The FCO, the MOD and DFID struggled to reach an agreement on what the strategy should say and acknowledged they simply did not know whether policing was on track or not.

100. Lieutenant General Robin Brims, SBMR-I, reported in July that, although the Iraqi Army was steadily increasing in confidence, it did not yet have the ability to conduct complex operations. The police were lagging behind the army and were of doubtful quality but plans were in place to address that.

101. Mr Blair saw Lt Gen Brims' report and sought an honest assessment of the progress of Iraqiisation, which suggests a lack of confidence in the MOD's reporting. Dr John Reid, the Defence Secretary, admitted that there was still a focus on quantity rather than quality in stating "numerically, generation of ISF remains on track, but significant development in key capability areas is still needed".[57]

102. The information on ISF numbers also masked other issues. In September, an FCO transition plan for the IPS showed, when compared with earlier MOD papers, that the overall figure of 55 percent of police trained masked considerable variations across MND(SE) – although 90 percent of personnel in Dhi Qar province had received training, the figures for Muthanna and Basra were considerably lower (40 percent and 42 percent respectively).

103. Mr Blair expressed his concerns about ISF capability, following reports of police involvement in attacks on the Multi-National Forces in Basra. But despite concerns that had been expressed about the capacity of the ISF, Dr Reid recommended a reduction in UK forces should take place in October or November of 2005.

104. A few days after Dr Reid made his recommendation the Jameat incident in Basra on 19 September raised questions about the ISF in MND(SE). Officials from the FCO, the MOD and DFID judged that the incident had highlighted the risks to achieving UK objectives in MND(SE), and that those risks had implications for military resources. Nevertheless, assumptions about ISF readiness were not re-examined by Ministers. Reluctance to consider the potential implications of the Jameat incident obscured what it had revealed about the security situation in MND(SE).

105. Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, wrote: "It is clear that we need to review whether our police training strategy in the South-East is working, and whether the national policing strategy knits together."[58] Sir Nigel reported that Mr Blair had agreed that Sir Ronnie Flanagan, Her Majesty's Chief Inspector of Constabulary,

---

[57] Minute Reid to Blair, 28 August 2005, 'Update on progress of the Iraqi security forces (ISF)'.
[58] Letter Sheinwald to Hayes, 4 October 2005, 'Iraq Strategy'.

should be asked to visit Iraq and that he wanted a UK Minister to take ownership of the overall policing strategy, including liaison with the US over national strategy, supported by a dedicated team in London.

The MOD takes the lead for policing

106. The critical importance of ISF capability in assessing readiness for transfer to Provincial Iraqi Control, on which UK plans to draw down were based, was emphasised by the 'Conditions for Provincial Transfer' published by the Joint Iraqi/MNF Committee to Transfer Security Responsibility, and by Dr Reid, who told the Defence and Overseas Policy Committee on Iraq (DOP(I)) on 12 October that "successful Iraqiisation remains the key".[59] DOP(I) decided that Dr Reid should have lead responsibility for building the capacity of the IPS in Basra in addition to his responsibility for the Iraqi Army.

107. DOP(I) discussed the need "to do more to speed up the development of police" but considered that "the plan for ISF development that was in place was largely sound".[60]

108. Mr Blair asked for a major and sustained push to make progress on the ability of the ISF to take the lead on security.

109. General Sir Mike Jackson, Chief of the General Staff, raised concerns about ISF effectiveness in a minute to Gen Walker and concluded: "it is not to our credit that we have known about the inadequacies of the IPS for so long and yet failed to address them".[61]

110. At the same time, the JIC stated that the Iraqi armed forces stood at 91,000 personnel and MOI forces at 106,000 personnel, but that those figures did not take account of absenteeism or provide an indication of true capability. The IPS suffered from divided loyalties and a significant number were involved in criminality for financial gain.

111. In MND(SE), there was a lack of confidence that plans to tackle corruption within the IPS were working. There were questions about whether the IPS should be disbanded and started from scratch. Major General James Dutton, General Officer Commanding MND(SE) (GOC MND(SE)) from June 2005 to December 2005, told the Inquiry that was why he had proposed a three-point plan on 24 October. It was more focused on reform than re-design and reflected the new approach that "we should be aiming for a police force that is relevant and 'good enough' for this region".[62]

112. The need for a single SSR strategy was raised again by Sir Ronnie Flanagan when he visited Iraq in November to conduct another review of the effectiveness of the UK's policing strategy. In his final report of 31 January 2006, Sir Ronnie reported that a

---

[59] Paper Reid, 11 October 2005, 'Iraq: Security update'.
[60] Minutes, 12 October 2005, DOP(I) meeting.
[61] Minute CGS to CDS, October 2005, 'CGS visit to Iraq: 10-13 Oct 05'.
[62] Letter Dutton to Wall, 24 October 2005, 'Policing SE Iraq'.

broad strategic plan was being developed and the disconnected ways of working were becoming a thing of the past. While that work may have been under way at that time, the Inquiry has not seen any evidence of a national strategy being produced as a result.

113. By the end of 2005, Whitehall remained overly optimistic about ISF development. In papers prepared for DOP(I) on 20 December, the MOD stated that the development of the Iraqi Army remained on track for the fully funded and trained figure of 130,000 by December 2006 and the IPS was making an increasingly significant contribution although it was behind the Iraqi Army in development terms. There remained a significant issue about whether the Iraqi Government and ministries had the capacity to direct and sustain the civil and military security forces. That was alongside the risk of increasing sectarianism and militia infiltration.

114. Mr Blair told President Bush on 23 December: "The two clear messages were: the vital nature of leadership of the MOI and MOD; and 2006 being the year of the police."[63]

Preparation for withdrawal

"Good enough"

115. In late 2005, General George Casey, who became Commander of the CJTF-7 in June 2004, designated 2006 as the "Year of the Police", recognising that a national police force was vital to any exit strategy.

116. From 2006, the UK appears to have stopped lobbying for the creation of a national SSR strategy and instead focused on what was necessary to enable the withdrawal of troops. Without a means to measure progress objectively, success continued to mean the number of officers trained.

117. Acting Deputy Chief Constable Colin Smith, Chief Police Adviser Iraq, wrote about the Year of the Police in January 2006 that "the strap line that 'just enough is good enough' is, whilst probably realistic, not particularly encouraging".[64] He wrote that it could be "a defining factor in the development of an effective Iraqi Police Service".

118. In March 2006, Dr Reid continued to press ahead with drawdown and announced that troop levels would reduce in May 2006 from approximately 8,000 to around 7,200 based on "completion of various security sector reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre".[65] That rationale did not include an assessment of the effect of those tasks on the capability of the ISF.

---

[63] Letter Quarrey to O'Sullivan, 23 December 2005, 'Iraq' attaching 'Note Prime Minister to President Bush'.
[64] Minute Smith, 1 January 2006, 'UK Chief Police Advisor – Iraq: Weekly Report: Week Ending Sunday 1st Jan 2006'.
[65] Letter Reid to Blair, 9 March 2006, 'Iraq: Force Level Review and Announcement'.

119. The assessment of ISF capability from other sources was still discouraging:

- Operation CORRODE, an operation aimed at removing corrupt police, proved difficult to implement with limited political engagement in Basra. The JIC afterwards reported that it suspected that officers had been reassigned rather than removed.
- The JIC reported that the ISF could cope with low-level threats but its readiness to handle Shia extremists or intra-Shia violence was uncertain. Army command, control and logistics capabilities were all still developing, making major operations without MNF support difficult.
- Mr Robin Lamb, British Consul General in Basra, reported that local staff regarded the IPS "as at best ineffective, and at worst complicit in the assassinations. We would support that assessment".

120. The security situation in MND(SE) continued to decline in 2006, and the UK continued to plan for drawdown. That is addressed in Section 9.8.

121. The MOD's assessment in June was that the ISF programme was "on target to complete by December 2006 with 80 percent of the ISF trained and equipped (less the forces in Anbar province and the Air Force and Navy capability)".[66] The police were "some way behind" but "significant progress" was expected by the end of the year. Their effectiveness rested on their credibility with the Iraqi people, which was "increasing but remain[ed] an issue". The ISF should "be capable of managing the threat that they will face but could be quickly undermined by poor leadership".

122. On 1 September, an eGram from the British Embassy Baghdad reported an "important step psychologically"[67] for the Iraqi military: the Iraqi Ground Forces Command and Iraqi Ministry of Defence would commence "a staggered handover" of command and control functions from MNF-I on 3 September. The Embassy stated that "while the assumption of responsibility looks gradual and sensibly phased, in reality the pace will be demanding to both MNF-I and the IGFC [Iraqi Ground Forces Command]". As "life support and logistics capabilities" were "developing at their own, much slower, pace", the Embassy predicted that "IA Divisions will remain dependent on MNF-I for some time to come".

BETTER BASRA

123. In summer 2006, in recognition of the need to stabilise Basra and prepare it for transition to Iraqi control, the UK developed the Basra Security Plan and Better Basra Plan. The former was "a plan to improve Basra through operations, high impact

---

[66] Minute DJC/Iraq to CO [junior official], 7 June 2006, 'Iraq: Strategy Group Workstrands' attaching Paper 'Update on Progress of the Iraqi Security Forces (ISF)'.
[67] eGram 38264/06 Baghdad to FCO, 1 September 2006, 'Iraq: Iraqis to Take Over Command and Control of its First Army Division'.

reconstruction and SSR … lasting for up to six months",[68] the military element of which became known as Operation SALAMANCA and included operations against militia groups.

124. Major General Richard Shirreff, GOC MND(SE) from July 2006 until January 2007, anticipated that during Op SALAMANCA there would be "a concerted and sustained effort by Police Training Teams"[69] to "turn those police stations capable of improvement into police stations that are capable of providing basic security in their local areas". His aim was "to cull the unredeemable and rehabilitate the 'just about' salvageable".

125. In September, as set out in Section 9.8, the scope of Op SALAMANCA was constrained. It later became known as Operation SINBAD.

126. While most reports from theatre indicated that Op SINBAD had progressed well, it does not appear to have created the significant development in the Iraqi Army's capability that had been desired. On 27 October, Mr Blair was informed that the Iraqi Army had performed well in some areas but it still lacked maturity.

127. Operations designed to weed out corrupt officers were only able to achieve limited success because a proper governance structure within the ministries and judicial system was lacking. Operation THYME in December 2006 sought to purge the Serious Crime Unit of corrupt officers, but the DOP(I) was told in January 2007 that, although arrest warrants had been issued for members of the Serious Crime Unit, they had not been actioned. There were signs that those members of the Serious Crime Unit were "continuing to operate".[70]

128. Mr Blair stated that, during his visit to Iraq at the end of 2006, "he had sensed, for the first time, that Iraqi Generals felt that if they were given the right training and equipment they would be able to do the job".[71]

129. On 24 January 2007, Mr Des Browne, the Defence Secretary from May 2006 to October 2008, wrote to Mr Blair to update him on the rationale behind a planned reduction in troops from 7,000 to 4,500-5,000:

> "There is no question of us leaving a vacuum in the city [Basra], as the IA and IPS are already doing patrols and we will remain present in the Provincial Joint Co-ordination Centre and military transition teams. Early evidence from the final stages of Op SINBAD, where the IA are in some areas not just in the lead but doing it by themselves, is that inevitably they enjoy a greater level of consent than we do – but also that they are doing a decent job. They are far from the finished

[68] Minute Burke-Davies to APS/Secretary of State [MOD], 24 August 2006, 'Iraq: Op SALAMANCA'.
[69] Minute Shirreff, 15 September 2006, 'GOC MND(SE) – Southern Iraq Update – 15 September 2006'.
[70] Minutes, 11 January 2007, DOP(I) meeting.
[71] Cabinet Conclusions, 11 January 2007.

article but after re-posturing our shift towards mentoring and support will ensure they continue to develop."[72]

130. The third iteration of the Better Basra Plan was produced on 2 March 2007. It looked to develop capacity and capability across wider SSR components, such as the judiciary and prison service. It repeated the benchmark that the police would be brought to a "good enough" standard to transition to Provincial Iraqi Control (PIC). It also announced that over the next six months, the UK would be deploying military transition teams (MiTTs) within the 10th Division of the Iraqi Army (see Box, 'MiTTs', below).

131. In June, Major General Jonathan Shaw, GOC MND(SE) from January 2007 to August 2007, stated that he was not convinced that the ISF was ready for transition. That was in the light of the continuing decline in security. The US and parts of the Iraqi Government had serious concerns over the ability of the ISF in Basra to cope with the security situation.

132. Concerns continued to be raised about the security situation in MND(SE) and that the ISF would not be able to maintain security alone. Mr Dominic Asquith, British Ambassador to Iraq, reported in July that Basrawis had expressed the view to the visiting House of Commons Defence Committee that "a British withdrawal would 'be followed by chaos sweeping the province like a hurricane'".[73]

133. On 8 October 2007, Mr Gordon Brown, who had become Prime Minister in June, announced plans for a significant troop drawdown over the next 12 months. He described the need for two remaining phases:

"In the first, the British forces that remain in Iraq will have the following tasks: training and mentoring the Iraqi Army and police force; securing supply routes and policing the Iran-Iraq border; and the ability to come to the assistance of the Iraqi Security Forces when called upon. Then in the spring of next year – and guided as always by the advice of our military commanders – we plan to move to a second stage of overwatch where the coalition would maintain a more limited re-intervention capacity and where the main focus will be on training and mentoring."[74]

134. On 9 October, Lieutenant General Sir Nicholas Houghton, Chief of Joint Operations, briefed the Chiefs of Staff that the plan for the Iraqi 14th Division[75] would see initial operating capability by December 2007, with training complete by June 2008.

---

[72] Letter Browne to Blair, 24 January 2007, 'Next Steps on Force Levels in Iraq'.
[73] eGram 30010/07 Baghdad to FCO London, 13 July 2007, 'Iraq: Visit of House of Commons Defence Committee, 8-11 July'.
[74] House of Commons, *Official Report*, 8 October 2007, column 23.
[75] The 10th Division was the Iraqi Army division in MND(SE) which had been trained by UK personnel. It was given an additional brigade in June 2007 to create a new Division: 14th Division, which would assume responsibility for Basra while 10th Division would be responsible for the rest of the South-East, across Muthanna, Dhi Qar and Maysan provinces.

135. Basra transitioned to Provincial Iraqi Control on 16 December 2007. Maj Gen Binns told the Inquiry that the ISF "were well trained, as individuals, but their leadership was not experienced, they were capable of conducting tactical, low-level operations, but their ability to conduct manoeuvre, to sustain themselves logistically, was a challenge to them".[76] The police were "a mixed bag".

136. Reports on the ISF's capability did not change materially in the period leading up to the UK's withdrawal. There remained concern over their ability and willingness to maintain security in the South. When Mr Brown and Mr Browne had breakfast with the Chiefs of Staff on 6 March 2008, the Chiefs told them that "there was quality in the ISF but it was not broadening as rapidly as hoped, so training and mentoring of 14Div remained a vital job".[77]

137. On 2 April, a junior official in PJHQ wrote to Mr Browne, advising him that MND(SE) was intending to embed MiTTs within 14th Division to strengthen some of the key vulnerabilities that had been demonstrated during the recent operation, Operation Charge of the Knights. That decision is addressed in the Box below. The operation and its impact are described in Section 9.8.

MiTTs

The concept of military transition teams (MiTTs), in which US military personnel were embedded within Iraqi fighting units, was first put forward by the US in early 2005. It was seen as a successful tactic, and had been used by the UK in Afghanistan.

Although the UK deployed MiTTs to work with 10th Division during the summer of 2007, it did not adopt the same approach for 14th Division until April 2008, choosing instead to focus on leadership and embedding UK personnel at brigade and divisional level.

The different approaches taken by the UK and the US between 2005 and 2007 again demonstrated the lack of coherence across the SSR effort. It also created tensions with the US who believed that the UK had not adopted the same approach because of an aversion to casualties.

138. By mid-April, confidence in the IPS was so low that Major General Barney White-Spunner, GOC MND(SE) from February 2008 to May 2008, warned that there were discussions in Multi-National Corps-Iraq (MNC-I) and the Iraqi Government over whether to disband the Basra police entirely and start again.

139. On 14 May, the JIC stated that public confidence in the ISF had grown but the same concerns remained about how it would fare against Jaysh al-Mahdi (JAM) resistance.

---

[76] Public hearing, 15 January 2010, page 25-26.
[77] Letter Fletcher to Rimmer, 6 March 2008, 'Prime Minister's Breakfast with Chiefs of Staff, 6 March'.

140. Mr John Hutton, the Defence Secretary, wrote to Mr Brown after he visited Iraq in October:

> "The Iraqi Security Forces (ISF), the Army in particular, are looking confident and capable. Their show of force in the areas which I visited, where they took the lead in providing my security, was genuinely impressive. There is no doubt that Basra itself has been transformed and the ISF now have complete freedom of movement throughout the city. While they do not yet have all the capabilities that we would like to see in a fully-formed Division, and there is important work still to do, we will soon have reached the point where we can say with confidence that we have fulfilled our training mission for 14 Division …"[78]

141. On 27 March 2009, a junior official informed Mr Brown that 14th Division was considered to be effective and that all UK mentors and trainers had been withdrawn.

Security Sector Reform strategy

142. Between 2003 and 2009, there was no coherent US/UK strategy for SSR in Iraq.

143. In 2003, the UK expected the production of an SSR strategy to be led by the US and, when it was clear that one did not exist, was unable to exert the necessary influence on the CPA in Baghdad to ensure that one was developed.

144. As a consequence, instead of working within an SSR framework that was understood and agreed between international partners, the UK developed its own SSR policies and plans for MND(SE) without a clear understanding of how they contributed to – or whether they were fully consistent with – the SSR approach across Iraq.

145. Without a coherent US/UK strategy for SSR, the UK was unable to fully understand its role and how or whether its plans contributed to the overall rebuilding of Iraq's security sector. It was unclear what success looked like and therefore how to measure it.

146. The development of effective Iraqi Security Forces, which could take the lead on security very rapidly, became a key element of the UK's "exit strategy" for Iraq. In the absence of a clearly defined end state, and driven by the desire to reduce UK troop levels, the focus of SSR work became the quantity of officers trained, not their quality. There were numerous warning signs that that was a flawed approach, including reports directly from those on the ground and JIC Assessments. But there was a reluctance to pause and consider what was required to deliver the quality needed.

147. After June 2004, it became even more challenging to reach consensus on a strategy for SSR with the establishment of the Interim Iraqi Government, another party that was expected to take the lead on developing a national SSR strategy. That did not happen.

---

[78] Letter Hutton to Brown, 23 October 2008, [untitled].

148. Underlying problems with SSR started to be more clearly visible: the simple metrics used to gauge success during the CPA era had obscured the actual number of trained police officers; the integrity of many police officers was in doubt; and the Iraqi ministries responsible for the ISF were dysfunctional. These issues had not been gripped because the Coalition had focused too simply on the number of officers.

149. Sir Ronnie Flanagan's review in November 2005 appears to be the last serious attempt to argue that there should be a single, coherent policy on SSR in Iraq. Although Sir Ronnie's final report in January 2006 stated that a broad strategic plan was being prepared in conjunction with the Interim Iraqi Government, subsequent SSR strategy remained largely incoherent.

150. Sir Ronnie's final report came at a crucial time. The December 2005 Parliamentary election signalled a shift to greater Iraqi political independence. In January 2006 the UK Cabinet approved the deployment of UK troops to Helmand province in Afghanistan. The UK's SSR objective in Iraq became almost exclusively to demonstrate that the conditions for withdrawal were met. The requirement for a coherent SSR strategy which would establish viable long-term Iraqi Security Forces was set aside.

Measuring success

151. After six years in Iraq, it was difficult to judge what the UK had achieved in the field of SSR. While the number of police appeared to have increased and the Iraqi Army's confidence had undoubtedly grown, without a clearly defined end state for either there was not an appropriate benchmark by which the UK could measure whether it had achieved what it set out to do.

152. The UK knew that the capability of the ISF was critical to withdrawal but did not design an effective way by which it could measure that capability. Judgements were based mainly on reports from theatre – the authors of which were also without a formal means of measuring the ISF's capability.

153. Focusing on the number of trained officers was a problem in Iraq because it was too simplistic. It hid many of the complexities that sat behind and skewed the numbers. The UK was unable to adjust that approach in Iraq because, up to 2006 (after which point its ambitions for SSR changed), it never truly understood what measurements would indicate whether the ISF was capable of maintaining security in Iraq.

154. After 2006, "good enough" for Iraq informally became the benchmark. It was never clear exactly what that meant. This loose benchmark was used as a justification for continuing to plan for withdrawal in the face of contradictory evidence.

155. In 2009, the fragility of the situation in Basra, which had been the focus of UK effort in MND(SE), was clear. Threats to its security remained. The ISF continued to be reliant on support from Multi-National Forces to address weaknesses in leadership and tactical support. If the capabilities of the ISF had been good enough, it seems unlikely that the

US would have embarked on the action that it did – to deploy its own forces to Basra when the UK withdrew, so as to secure the border and protect supply lines. The US and the UK appear to have had different definitions of what “good enough” meant.

Lessons

156. In Section 6.5, the Inquiry states that better planning and preparation for a post-Saddam Hussein Iraq would not necessarily have prevented the events that unfolded in Iraq between 2003 and 2009. It would not have been possible for the UK to prepare for every eventuality. However, better plans and preparation could have mitigated some of the risks to which the UK and Iraq were exposed between 2003 and 2009 and increased the likelihood of achieving the outcomes desired by the UK and the Iraqi people.

157. The lessons identified by the Inquiry with regards to planning and preparation for post-conflict operations are described in Section 10.4. Those lessons, which focus on the essential tasks that should be undertaken, also apply to SSR planning.

158. An SSR strategy should define the functions of different elements of the relevant security sector and the structures needed to perform those functions. Considering those questions should drive a robust debate about how security requirements might change over time.

159. An understanding of the many different models that exist internationally for internal security, policing and criminal justice is essential. But those models cannot be considered in isolation because what works in one country will not necessarily work in another which may have very different traditions. It is therefore critical for the SSR strategy to take full account of the history, culture and inherited practices of the country or region in question. The strategy also needs to be informed by the views and aspirations of the local population.

160. A strategy should set out the desired operating standard for each function and state how that differs, if at all, from what exists. In doing so, the strategy should specify where capacity needs to be developed and inform a serious assessment of how the material resources available could best be deployed.

161. It is essential that the UK has an appropriate way to measure the success of any SSR plan. If a clear strategy is in place and has taken account of the views of the local population, the indicators of that success should be obvious. It should rarely concentrate on a one-dimensional set of numbers but instead be a more qualitative and rounded assessment.

SECTION 1.2

DEVELOPMENT OF UK STRATEGY AND OPTIONS, SEPTEMBER 2000 TO SEPTEMBER 2001

Contents

Introduction 188

Before September 2000 188

Review of the UK's strategy on Iraq, autumn 2000 192

JIC Assessment, 1 November 2000: 'Iraq: Prospects for Co-operation' 197

JIC Assessment, 23 November 2000: 'Iraq: Regional Rapprochement' 200

Initial discussions with the new US Administration 205

Review of the No-Fly Zones (NFZs) 212

JIC Assessment, 13 December 2000: 'Impact of the NFZs on Iraqi Persecution' . 213

Mr Blair's meeting with President Bush, 23 February 2001 222

Cabinet Office advice 222

No.10's advice 227

Attacks by coalition aircraft north of the southern NFZ, 16 February 2001 228

Mr Blair's meeting with President Bush at Camp David 231

Developing a new policy on Iraq, spring 2001 234

Defining the new UK policy framework 235

JIC Assessment, 8 March 2001: 'Impact of Smarter Sanctions' 238

Activity in the No-Fly Zones 241

Discussions with the US 242

Early negotiations on a smarter sanctions resolution 248

JIC Assessment, 25 July 2001 253

Continuing concerns about the NFZs 255

Lord Goldsmith's review 260

Discussions on a new contingency plan for the loss of an aircraft in Iraq 261

Developments in the US 262

Introduction

1. This Section addresses the discussions within the UK Government between September 2000 and September 2001 on the UK's Iraq strategy, in the light of questions over the sustainability of the existing policy of containing Iraq, the election of a new US Administration and concerns over the legal basis for the No-Fly Zones (NFZs).

2. The Section follows on from Section 1.1, which addresses the UK's Iraq strategy between 1990 and September 2000, and is followed by Section 3.1, which addresses the development of the UK's Iraq strategy from September 2001. Section 3.1 also summarises UK policy and thinking in September 2001.

Before September 2000

3. Iraq's failure to comply fully with UN Security Council resolutions over a period of 10 years, or with international treaties to prevent the proliferation of nuclear, chemical and biological weapons, was seen as a challenge to international order, the authority of the UN and the rule of law.

4. On the basis of its past behaviour, and the evidence found by UN and the International Atomic Energy Agency (IAEA) inspectors between 1991 and 1998, it was widely assumed that, although the inspections had been successful in dismantling and containing Iraq's capabilities, Saddam Hussein's regime had the intent and much of the knowledge to develop ballistic missiles and weapons of mass destruction if it had the opportunity to do so.

5. In addition, the UK Government and some others believed that, given the opportunity, Saddam Hussein aspired to exercise regional power through the threat or use of force, and would not be constrained by international law or decisions of the Security Council.

6. A policy of containing Iraq initially designed to meet short-term needs had been extended for over a decade. Sanctions were hurting the population of Iraq without having a significant effect on Saddam Hussein's regime. The Security Council was divided about the benefit of maintaining sanctions and the way ahead, and there were doubts about how long the existing policy could be sustained. Iraq was confident in continuing to resist the return of inspectors. Internal opposition had been suppressed and exile organisations had limited support. The strains within the international community were clear.

7. The *Review of Intelligence on Weapons of Mass Destruction*, the Butler Report, concluded in July 2004 that there was a "progressive reduction" in the Joint Intelligence Committee's (JIC's) estimates of Iraq's capabilities in the period to 1994/1995 but "growing suspicions and concerns" between 1995 and 1998.[1] Those suspicions and

[1] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.

concerns were “exacerbated and reinforced by Iraqi prevarication, concealment and deception”. The Butler Review detected “signs that this context led to the JIC making its estimates of Iraqi capabilities on an over-cautious or worst case basis (not always declared as such)”.

8. The Butler Report concluded that the JIC Assessments would have left the impression in the minds of readers “of suspicion and concern about Iraq’s break-out capability” coupled with “possible possession” of chemical and biological agent stockpiles in breach of Iraq’s obligations and “concern about the ability of Iraq to regenerate a small number of ballistic missiles”.

9. The UK’s assessment of Iraq’s continued possession of weapons of mass destruction (WMD) in defiance of the obligations imposed by the UN is set out in Sections 4.1 to 4.3. Those Sections also address the UK’s wider concerns about proliferation. The Butler Report is addressed in Section 4.4.

10. The framework in which the UK, and other states, viewed Iraq in 2000 was determined by their experience since 1990. That conditioned their positions and behaviour and provided the background to the UK review of policy in autumn 2000, which is the starting point of the Inquiry’s considerations.

The erosion of the sanctions regime

In his statement for the Inquiry, Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York from July 1998 to July 2003, wrote:

> “In 2000, little new work was done on Iraq, with the Security Council largely exhausted with the subject … Sanctions continued, but the [sanctions] regime remained vulnerable to Iraqi non-co-operation and deceit and the feeling that sanctions were gradually unravelling increasingly took hold internationally.”[2]

A number of reasons for the erosion of sanctions were offered to the Inquiry, including the lack of consensus within the Security Council, the loss of international public support and a decline in the willingness of many nations to enforce sanctions.

Sir Jeremy told the Inquiry:

> “Of all the issues that I dealt with in the Security Council, Iraq produced the greatest divisions among the Permanent Five[3]…
>
> …
>
> “The United States was at one end of the spectrum in regarding Iraq as a threat and as regarding the United Nations as unable to deal with the threat in a way which was required.

[2] Statement, 20 November 2009, page 2.
[3] The five Permanent Members of the UN Security Council – China, France, Russia, the UK and the US.

> "The United Kingdom was sympathetic to that view, but wanted to see the United Nations operating successfully on Iraq because we regarded it as a collective problem. The French, Russians and Chinese had all abstained on [resolution] 1284, and were therefore not particularly on the side of just straight containment of Iraq, because they also wanted to see progress towards the end of sanctions.
>
> "The other members of the Security Council were mainly of that view, that they did not see that the downsides of sanctions, as far as the humanitarian effects on the Iraqi people were concerned, were worth the degree of containment which they [sanctions] provided for an Iraq, the threat from which was not fully proven, in their view, in terms either of military capability or in terms of possession of weapons of mass destruction.
>
> …
>
> "I don't think there was a single member of the Security Council who believed that Iraq was trying honestly and honourably to meet Security Council conditions. I don't think there was a single member of [the] Security Council, throughout my period there, who supported Saddam Hussein or Iraq. I don't think there was a single member of the Security Council who believed that Iraq was innocent, was not plotting to develop military capability, was not defying United Nations, was not cheating on sanctions but … [there was a] spectrum of views about how intensely that was a problem and about how it should be dealt with."[4]

Mr Geoff Hoon, FCO Minister of State responsible for the Middle East from May 1999 (and the Defence Secretary from October 1999), told the Inquiry that public leaders in the Middle East:

> "… blamed us for … starving the Iraqi people, for depriving them of medical supplies … sanctions were failing … they were not delivering the benefit that we anticipated politically and … worse than that, we were getting the blame for things that were actually Saddam's responsibility."[5]

Sir William Patey, Head of the FCO's Middle East Department from 1999 to March 2002, told the Inquiry that Saddam Hussein had been "very good" at manipulating the sanctions regime, to create sympathy within the Arab world and to preserve his own regime.[6]

Mr Jack Straw, the Foreign Secretary from 2001 to 2006, told the Inquiry that, without weapons inspectors on the ground in Iraq and "with a collapse in international will to enforce, or even merely to sustain, a sanctions regime, 'containing' the Iraqi regime became a challenge".[7]

---

[4] Public hearing, 27 November 2009, pages 4-7.
[5] Public hearing, 19 January 2010, pages 6-7.
[6] Public hearing, 24 November 2009, pages 18 and 160.
[7] Statement, 4 May 2011, pages 1-2.

The Inquiry asked Sir William Patey why it appeared that the countries neighbouring Iraq were becoming less concerned about the threat from Iraq and more willing to allow trade to carry on in contravention of the sanctions regime.[8] Sir William told the Inquiry that those countries' attitudes to Iraq varied:

> "… the concern was greater in Kuwait and Saudi Arabia than it was in Syria and Turkey, and Jordan had a rather special relationship with Iraq, a dependency relationship, it was very worried about its economy and being cut off. So there were a complex set of relationships.
>
> "I think I would describe the region as, if they had had faith in the policy, they would have supported it more, but if it was going to fail, they didn't want to be on the wrong side of Saddam … I would say they were hedging their bets … not that … they were unaware of the threat."

Sir William also told the Inquiry that the complexity of the sanctions regime itself, including the Oil-for-Food (OFF) programme, meant that Iraq was able to evade the controls.[9]

While sanctions on civilian trade were eroding, the UK assessed that the arms embargo on Iraq remained broadly effective.

Mr Simon Webb, MOD Director General Operational Policy from July 1999 to September 2001, told the Inquiry:

> "… The general impression we had … by the start of 2001 was that the arms embargo was, in general, holding up well … almost all members of the United Nations were abiding by it, which was preventing the Iraqis from acquiring major new weapons systems … but there was some leakage still of parts and components which allowed them [the Iraqi military] to be a bit more effective."[10]

Mr Carne Ross, First Secretary responsible for the Middle East at the UK Permanent Mission to the United Nations in New York (UKMIS New York) from 1997 to 2002, told the Inquiry:

> "While there were serious sanctions breaches, it was not the UK judgement that these permitted significant rearmament, which was our major concern."[11]

[8] Public hearing, 24 November 2009, pages 42-43.
[9] Public hearing, 24 November 2009, page 160.
[10] Public hearing, 24 November 2009, page 19.
[11] Statement, 12 July 2010, page 2.

Review of the UK's strategy on Iraq, autumn 2000

11. Section 1.1 addresses the UK's review of its strategy on Iraq in May 1999. The review concluded that, despite the difficulties in sustaining the strategy:

> "Containment … remains the only viable option for achieving our policy objectives."[12]

12. In April 2000, the JIC judged that it was likely that Iraq was continuing to develop offensive biological and chemical warfare capabilities (see Section 4.1).[13]

13. In June 2000, as part of a "continuing series of papers addressing Iraqi issues", the JIC assessed Iraq's response to the NFZs.[14]

14. The JIC stated that Iraq continued to challenge coalition patrols of the NFZs. In the preceding year, Iraq had concentrated on using anti-aircraft artillery and highly mobile surface-to-air missile systems and rockets to fire at US and UK aircraft "on most days they flew". The capability of Iraq's air and air-defence forces was "limited" but there was a "continuing, albeit small, risk" of losing an aircraft.

15. The JIC judged that if Saddam Hussein decided to co-operate with UN Security Council resolution (UNSCR) 1284 (1999), he would, in return, seek the abolition of the NFZs.

16. On 22 September, a French civilian aircraft flew from Paris to Baghdad without the UN Sanctions Committee's approval.[15] The Box below addresses the background to and implications of that flight.

17. The FCO set out the Government's position in a telegram to the British Embassy Moscow on 3 October:

> "The legal position on flights is not clear but our position, based on past practice relating to SCRs 661 and 670, is that approval for all flights to Iraq must be sought from the Sanctions Committee and is granted on humanitarian grounds only … EC [European Commission] Regulations prohibit flights from the EU [European Union] which do not have Security Council approval. Others challenge this legal interpretation and claim that the resolutions do not prohibit civilian flights. A number of countries led by France and Russia have recently allowed aircraft to fly to Baghdad without Committee approval (and in the case of France, in clear breach of the EC regulation). We are likely to begin discussion in the P5 soon on a revised Security Council position. It would strengthen our hand in the debate if we could stem the flow of non-approved flights to Iraq. Above all, we must resist a resumption of commercial flights which would be a far greater challenge to our position and to the sanctions regime than the present flurry of non-commercial flights."[16]

---

[12] Joint Memorandum Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, 'Iraq: Future Strategy'.
[13] JIC Assessment, 19 April 2000, 'Iraq: Chemical and Biological Weapons Programmes'.
[14] JIC Assessment, 28 June 2000, 'Iraq: No let up in the No-Fly Zones'.
[15] Minute FCO [junior official] to PS [FCO], 22 September 2000, 'Iraq: French Flight'.
[16] Telegram FCO London to Moscow, 3 October 2000, 'Iraq: Flights'.

Challenges to the ban on air travel

Throughout the 1990s, the UN Sanctions Committee and UN Member States had interpreted the provisions of resolution 670 (1990) to require the Sanctions Committee's approval for all civilian flights to Iraq.

Baghdad International Airport reopened in August 2000.[17]

An FCO official informed the Private Office of Mr Robin Cook, the Foreign Secretary, on 22 September 2000 that a French civilian aircraft had flown from Paris to Baghdad, without the Sanctions Committee's approval.[18] Although the French Mission notified the Committee in advance, in doing so it stated that it was not seeking approval for the flight and it disregarded a request from the chairman of the Committee that the flight should be delayed so that the matter might be considered by Committee members.

The FCO official set out the background:

> "The French and Russians have been pressing for some time for a relaxation on civilian flights to Baghdad, claiming it is time to end the cultural and intellectual isolation of the Iraqi people. They challenge our interpretation of the UNSCRs and claim there are no restrictions on flights which do not carry cargo, although they accept that SCR 661 prohibits the financial arrangements necessary for commercial flights to Iraq."

The media subsequently reported that Russia intended to resume scheduled flights to Baghdad.

The briefing for Mr Cook's meeting with the French Foreign Minister, at Cahors on 9 February 2001, stated that:

> "Since Baghdad International Airport reopened in August 2000, there have been over 150 humanitarian flights into Iraq. Although the Iraq regime has tried to portray these as sanctions-breaking, all but a handful (including one French flight) have received advance approval from the UN Sanctions Committee."[19]

In his statement to the Inquiry, Mr Straw stated that as a result of the lack of action by the UN to censure the flight, Saddam Hussein demanded that other key international partners begin flights into Baghdad, leading to the "total collapse" of the travel ban.[20]

18. With the containment policy under pressure, and in preparation for discussions with a new US Administration, the UK reviewed its policy on Iraq.

19. Mr Tom McKane, Deputy Head of the Overseas and Defence Secretariat (OD Sec) in the Cabinet Office from September 1999 to September 2002, described in his statement to the Inquiry how:

---

[17] Minute FCO [junior official] to PS [FCO], 8 February 2001, 'Iraq: UK/French Summit: Briefing for Secretary of State'.
[18] Minute FCO [junior official] to PS [FCO], 22 September 2000, 'Iraq: French Flight'.
[19] Minute FCO [junior official] to PS [FCO], 8 February 2001, 'Iraq: UK/French Summit: Briefing for Secretary of State'.
[20] Statement, 4 May 2011, page 3.

> "In Autumn 2000, ahead of the US Presidential election, the Government initiated a stock-take of Iraq policy in order to be ready to engage with a new US Administration, which was expected to undertake its own review, irrespective of who won the election."[21]

20. Sir Peter Ricketts, Chairman of the JIC until September 2001 and subsequently FCO Political Director until July 2003, told the Inquiry that the Government's view at this time was that "containment policy was failing and the rate of failure was accelerating".[22] Sir Peter set out the background to the review:

> "We were very aware … that international support for this structure of sanctions and deterrence was eroding, both in the region and in the Security Council.
>
> "The net effect of that was that Saddam Hussein in Iraq was feeling pretty comfortable. He had substantial illegal revenues from which he could pursue patronage inside Iraq and continue the efforts to procure materials for his weapons of mass destruction programme. He was busy restoring his standing in the Arab world by very visible support for the Palestinian intifada, which was another major issue that was happening at that time.
>
> "There were no inspectors in the country to inspect his weapons programme and the US/UK sanctions policy was … unpopular. He was able to put the blame for the suffering of the Iraqi people on the West. So our review of the policy … was really designed to try to regain the initiative …"[23]

21. The Inquiry heard different perspectives on the degree to which the policy of containment was sustainable.

22. Sir John Sawers, Mr Blair's Private Secretary for Foreign Affairs from January 1999 to September 2001, told the Inquiry:

> "… we [the UK Government] didn't feel that our policy was failing; we felt that the policy of containment we had in place was having a significant effect. That there was still Iraqi activity, especially on chemical and biological elements, that was hard to explain. We couldn't get our UN inspectors in place … But the main concern was the costs of our policy in the wider Arab world and international opinion and the vulnerability we faced in terms of the monitoring of the No-Fly Zones."[24]

23. Mr Jonathan Powell, Mr Blair's Chief of Staff from 1997 to 2007, told the Inquiry that "Containment was dying in 2001", and that:

> "The reason, in 2001, that people were looking at smart sanctions was because sanctions weren't working. They were hurting the wrong people. People were really

[21] Statement, 8 December 2010, page 2.
[22] Public hearing, 24 November 2009, page 13.
[23] Public hearing, 24 November 2009, pages 14-15.
[24] Public hearing, 10 December 2009, page 22.

suffering in Iraq as a result. Saddam was cheating and getting what he needed out of it [the sanctions regime]. Support for sanctions was disappearing. There was no way we could continue containment on the same basis as we had before."[25]

24. On 29 September, Mr McKane commissioned the FCO to produce a paper which would:

- review progress in implementing the strategy on Iraq agreed by the Defence and Overseas Policy Committee of the Cabinet (DOP) in May 1999;
- weigh up the prospects for sustaining that strategy;
- assess the likely attitudes of the possible new US Administrations; and
- consider the issues that the UK would have to address with the US.[26]

JIC Assessment, 11 October 2000: 'Iraq after Saddam'

On 11 October, at No.10's request, and in the context of (unsubstantiated) reports that Saddam Hussein was seriously ill, the JIC assessed the prospects for Iraq after Saddam's death.[27]

The JIC stated that any new regime was unlikely to be radically different. Strategic considerations and political, economic and commercial interests would produce strong pressure for an early and widespread end to Iraq's isolation. Iraq's political rehabilitation could be rapid, "overwhelming any voices of caution from London, Washington or elsewhere".

25. Mr Alan Goulty, FCO Director Middle East and North Africa, sent a draft discussion paper, entitled 'Iraq: Future Strategy', to Mr McKane on 20 October.[28]

26. The draft paper defined the UK's objectives as "to limit Saddam's ability to re-arm and develop WMD, and to reduce the threat Iraq poses to its neighbours". Full implementation of resolution 1284 remained the best means to achieve that, but the resolution's "shelf life" was limited. Without progress by summer 2001, it was likely to lose credibility. If Iraq was to be persuaded to comply with the resolution, it needed to be convinced that the resolution offered "something new" and that, if it complied, the UN would suspend and eventually lift sanctions.

27. The draft paper stated that the US had been "reluctant to contemplate lifting of sanctions as long as Saddam remains in power" and that there was a "perception that the US is less than wholly committed to implementation of SCR 1284 and the concept of suspension of sanctions, thus undermining the credibility of the approach".

---

[25] Public hearing, 18 January 2010, page 21.
[26] Letter McKane to Goulty, 29 September 2000, 'Iraq'.
[27] JIC Assessment, 11 October 2000, 'Iraq After Saddam'.
[28] Letter Goulty to McKane, 20 October 2000, 'Iraq', attaching Paper [draft], [undated], 'Iraq: Future Strategy'.

28. The draft paper recommended an early approach to a new US Administration. Both US Presidential candidates had limited their freedom of movement by stressing that they wanted to see sanctions tightened. The UK's "pitch" should be that implementation of resolution 1284 best served US and UK interests, and that the status quo was not sustainable:

> "Support for the UK/US approach is diminishing. Our position in the Security Council is weakening over time … UK/US policy remains deeply unpopular at street level. No matter how big the 'Oil-for-Food' programme may become, it is cumbersome and bureaucratic and will never be able to redress the deterioration of Iraq's infrastructure, the impoverishment of the middle classes and the stifling of normal economic activity. For as long as sanctions remain in place, responsibility for the humanitarian situation will be ascribed to the US and the UK."

29. The draft paper concluded:

> "Containment, but a looser version, remains the best option for achieving our policy objectives towards Iraq. International support is vital if this is to be sustained. SCR 1284 delivered the balanced package envisaged in the May 1999 DOP paper. Need for some tactical adjustments to make policy sustainable in the medium term. Adjustments to the southern NFZ will be a key element. The US need to be convinced that we are better served with UNMOVIC [UN Monitoring, Verification and Inspection Commission] inside Iraq with sanctions suspended than by the status quo. Other alternatives remain unattractive at this stage."

30. The draft paper considered other strategic options, including "regime overthrow". It stated that this option "would command no useful international support" and commented:

> "The US support for overthrow allows Iraq to claim with some justification that there is no point in complying with the SCRs as the US will never lift sanctions while Saddam remains in power."

31. The draft paper also set out the difficulties in sustaining the NFZs:

> "Elements both here and in the US Government consider the zones largely ineffective, dangerous and presentationally damaging. Our legal basis is tenuous and we run the risk of a case against us at the ICJ [International Court of Justice]. It is also inconceivable that Iraq will accept UNMOVIC [inspections] without a deal on the NFZs.
>
> "There are grounds unconnected with implementation of [resolution] 1284 to consider with the US withdrawing from the southern NFZ. But we could not avoid the charge that this was a retreat, unless it could be presented as being in response to a positive gesture from Iraq … Otherwise, we would justify it on the grounds that UNMOVIC would not be able to operate safely and effectively in Iraq if the current level of confrontation was maintained; that we had other means of monitoring the

> situation on the ground; and that, in the event of evidence of renewed oppression of the Shia, we would resume patrolling (although, in reality, this is most unlikely). We should maintain enforcement of the northern NFZ as a sign of our continued commitment to the Kurds …
>
> …
>
> "Abandoning the SNFZ [southern NFZ] would be unpopular with the Kuwaitis who have come to regard it as vital for their defence. We would need to reassure them that we had other equally effective ways to fulfil our commitment to their defence and the containment of Iraq."

32. Mr Simon Webb, MOD Director General Operational Policy, offered his comments on the draft paper in a letter to Mr McKane on 30 October.[29] He suggested that the Government needed to consider whether the conclusions agreed by DOP in 1999 "remained extant". Mr Webb stated that he was "sceptical about Saddam's susceptibility to inducements" and suggested that:

> "A surer foundation would be to re-assess our strategic objectives for Iraq in a regional context, and then look imaginatively at the options – military but also others – for achieving them."

33. The Cabinet Office chaired a meeting to discuss the draft paper on 31 October.[30] Officials concluded that the UK's policy objectives had not changed but that a new US Administration was likely to review its position, starting from "a blank piece of paper". In preparing to engage with the US, the UK should itself take a fresh look at possible approaches.

34. Officials commissioned a revised paper covering the wider context and the different options, including their military dimensions, setting out their advantages, disadvantages, opportunities and risks. The revised paper would inform discussions with the US.

JIC Assessment, 1 November 2000: 'Iraq: Prospects for Co-operation'

35. On 1 November, with the US Presidential elections imminent, the JIC assessed the prospects for Iraq co-operating with resolution 1284.[31] The JIC had judged in early 2000 that Saddam Hussein was unlikely to co-operate with resolution 1284 and allow inspectors back into Iraq until after those elections.

36. The JIC stated that the elements of resolution 1284 which were favourable to Iraq, such as abolishing the ceiling on approved oil exports and increasing the humanitarian programme, had been implemented. But Iraq continued publicly to reject the resolution and UNMOVIC. Unless UNMOVIC inspectors were allowed into Iraq, there could be no

---

[29] Letter Webb to McKane, 30 October 2000, 'Iraq'.
[30] Letter McKane to Goulty, 31 October 2000, 'Iraq: Future Strategy'.
[31] JIC Assessment, 1 November 2000, 'Iraq: Prospects for Co-operation with UNSCR 1284'.

progress towards lifting UN sanctions. The JIC stated that it had little direct intelligence on Saddam Hussein's thinking. It assessed that Saddam Hussein was "content to drag out any decision for as long as possible – at least until after the US election – he wants to see if the West will make a better offer".

37. The JIC stated that Saddam had "**good reason to remain intransigent in 2001**".

38. The JIC's Key Judgements included:

- Saddam Hussein felt "**little pressure to negotiate**", because the proceeds of oil smuggling and illegal trade had "increased significantly this year" and more countries were "increasing diplomatic contacts and trade".
- Saddam Hussein still wanted "UN sanctions lifted in due course, especially to reverse the decline in Iraq's military capability".
- A message from Mr Cook on 1 September to his Arab counterparts, which reminded them that if inspectors were allowed into Iraq sanctions could be suspended within six months, had been interpreted by Iraqi and other officials, and the UN Secretary General, "as a potential precursor to the **UK offering fresh ideas** which could be put to the US after the Presidential election. Even if this came to nought, Saddam would hope to see a gap open up between Washington and London."
- Saddam Hussein would "only contemplate co-operation with [resolution] 1284, and the return of inspectors to Iraq, if it could be portrayed as a victory". He would not agree to co-operate unless:
  - there was a "**UN-agreed timetable for the lifting of sanctions**. Saddam suspects that the US would not agree to sanctions lift while he remained in power";
  - he was "able **to negotiate with the UN in advance to weaken the inspection provisions**. His ambitions to rebuild Iraq's weapons of mass destruction programmes makes him hostile to intrusive inspections or any other constraints likely to be effective."
- Before accepting resolution 1284, Saddam Hussein would "try to obtain the **abolition of the No-Fly Zones**. He is also likely to demand that the US should abandon its stated aim to topple the Iraqi Government."

39. Mr Blair told Parliament on 1 November:

> "We believe that the sanctions regime has effectively contained Saddam Hussein in the last 10 years. During this time he has not attacked his neighbours, nor used chemical weapons against his own people."[32]

40. The US Presidential election was held on 7 November. The result was not declared until 12 December, after a recount in Florida.

---

[32] House of Commons, *Official Report*, 1 November 2000, column 511W.

41. Mr Goulty sent a revised paper, entitled 'Iraq: Options Paper', to Mr McKane on 15 November.[33]

42. The paper stated that sanctions were "fraying at the edges". Since the breach of the embargo on civilian flights on 22 September, over 40 civilian flights had landed in Baghdad "signalling to some the end of Saddam's isolation". Saddam Hussein's income from "sanctions busting" was "an all-time high" of around US$1.5bn a year. Saddam believed that the situation was developing in his favour and was under no immediate pressure to resume co-operation with the UN.

43. The paper considered the advantages and disadvantages of seven policy options:

- regime overthrow by supporting external and internal Iraqi opposition groups;
- "Hard" containment;
- continuing with the present policy;
- "Soft" containment (a range of possibilities such as suspending sanctions and abandoning the southern NFZ);
- lifting sanctions (except those relating to arms and WMD);
- lifting sanctions plus regime overthrow by supporting external and internal Iraqi opposition groups; and
- "Military action/lift sanctions"; the US and UK would conduct a bombing campaign, "declare that this has achieved our disarmament objectives", then lift sanctions.

44. Mr Goulty advised that the paper contained no conclusions, given its primary purpose of providing background for discussions with the US.

45. The Cabinet Office chaired a meeting to discuss the revised paper.[34] Summarising the main points of the discussion in a letter to Mr Goulty, Mr McKane stated that, with regard to Iraqi WMD:

> "Our current objective is to eliminate Saddam's existing capabilities, and constrain his ability to reconstitute them. Although this appears anomalous in the context of our approach to other proliferators in the region, Iraq merits special treatment both because of its proven willingness to use WMD, and because of the requirement that the UN has placed upon it. This is the answer to the accusation of double standards.
>
> …
>
> "If UNMOVIC ever gets back into Iraq, that will not be the end of the story. If UNMOVIC does its job properly, Iraq will presumably try to obstruct it and sooner or later there will be an UNSCOM-style [UN Special Commission] confrontation. Unless we want to leave Saddam's finger on the trigger, we should not regard UNMOVIC as a long-term solution."

---

[33] Letter Goulty to McKane, 15 November 2000, 'Iraq' attaching Paper, [undated], 'Iraq: Options Paper'.
[34] Letter McKane to Goulty, 20 November 2000, 'Iraq: Future Strategy'.

46. Mr McKane also reported that the term "overthrow" was being interpreted in different ways. The "more muscular variants" appeared impractical. At the other end of the spectrum could be a "more rhetorical approach", focusing international attention on the behaviour of Saddam Hussein's regime.

47. Mr McKane set out the actions agreed at the meeting, including:

- the MOD would look at "military alternatives to the NFZs that still meet our fundamental objectives";
- the FCO would prepare briefing for Ministers and senior officials for initial contacts with the new US team. That should not "prescribe options, but stress that we remain shoulder to shoulder with the US in tackling the problem and are willing to discuss with an open mind how best to achieve our objectives"; and
- no further drafts of the options paper were required.

JIC Assessment, 23 November 2000: 'Iraq: Regional Rapprochement'

48. The JIC judged that Iraq's relations with the Arab and Islamic world continued to improve, driven by trade and political factors.

49. On 23 November, at No.10's request, the JIC assessed developments in Iraq's regional relations.[35]

50. The JIC's Key Judgements included:

- Saddam Hussein was "**exploiting the crisis in Israel** and the Occupied Territories **to improve Iraq's relations with the Arab and Islamic world** … many Arab leaders now see revived relations with Iraq as a justified response to **perceived bias by Washington towards Israel and double standards on UN resolution**".
- Most Arab countries now believed that "**economic sanctions against Iraq should be lifted**. But the Gulf States in particular are afraid of Saddam's ambitions and will want military sanctions to continue while he remains in power."
- Commercial ties between Syria and Iraq had "gathered pace this year. Oil smuggling and illegal trade is likely to increase further." Syria would "remain cautious about forging closer political and military ties with Saddam".
- Jordan and Egypt believed that "Iraq's isolation … is at an end" and both were "**likely to increase contacts and trade with Iraq**".
- **Kuwait** would "not revive its relations with Baghdad while Saddam remains in power". With the exception of Kuwait, all Gulf states were "likely to face **pressure for a further warming of relations with Baghdad**, especially if the crisis in Israel continues …"
- Relations between Iraq and Iran were "**unlikely to change dramatically**".

[35] JIC Assessment, 23 November 2000, 'Iraq: Regional Rapprochement'.

51. The JIC stated that "Arab rapprochement with Iraq" was "being driven by trade and political factors over which the UK has little or no control". The implication of that rapprochement was that there was less pressure on Iraq to comply with UN resolutions.

52. Mr Blair told officials that his preference was to link a shift on sanctions with the return of inspectors to Iraq, and asked Mr Robin Cook, the Foreign Secretary, for his advice on the approach to adopt with the US.

53. On 24 November, Mr Sawers wrote to Mr Blair advising:

> "We face problems ahead on Iraq. Among the Arabs, only Kuwait sees Saddam as a real threat. Support for economic sanctions is weakening: many Arab countries see it as 'punishment' and think ten years is enough. And Arab perceptions of US and British support for Israel in the Palestinian crisis is accelerating the breakdown of the sanctions regime. We have been looking at the policy options, but there are no easy alternatives."[36]

54. Mr Sawers listed examples of "sanctions fatigue" and stated:

> "Whether it is Bush or Gore, the incoming US Administration will look again at Iraq policy. Their first instinct will be to toughen, not weaken, the US approach and seek Saddam's ouster. But short of invading Iraq, that is unlikely … The US may also choose to view Iraq in the wider proliferation context, thus linking it with Iran, rather than as sui generis."

55. Mr Sawers identified the issues the UK should consider:

> "i. What is our view on continuing economic sanctions?
>
> ii. Should a shift on sanctions be linked with a return of the inspectors? … But if UNMOVIC ever gets into Iraq, we will be back to the confrontations we faced with UNSCOM, and Saddam's finger will remain on the trigger.
>
> iii. Should we continue with the No-Fly Zones? … There is a tricky balance here.
>
> iv. What posture should we adopt on these issues with the incoming American Administration? … I am inclined to raise these as questions, and include other alternatives such as stepping up our efforts to overthrow Saddam. We should go with ideas and concerns, not with a settled, revised policy. That way we can take the Americans through the pros and cons of all the options."

56. Mr Sawers continued:

> "My own view is that we ought to use the arrival of a new Administration to put Iraq policy on a more sustainable footing. We do not want Saddam to develop WMD or

---

[36] Minute Sawers to Prime Minister, 24 November 2000, 'Iraq'.

threaten his neighbours. But nor do we want sanctions to just erode away, or allow Saddam to trigger recurring crises over the next five years. That argues for scaling back to targeted sanctions, while suspending broader economic sanctions; keeping control of oil revenues; and finding a way out of patrolling the southern NFZ."

57. Mr Sawers also sent Mr Blair the JIC Assessment on developments in Iraq's regional relations. Mr Sawers described it as providing "useful background" on how events were "combining to ease the pressure on Iraq and make it more difficult for us".

58. Sir John Sawers told the Inquiry:

"It wasn't absolutely clear whether UNMOVIC's return to Iraq was desirable because it could have provoked another confrontation … there wasn't any great confidence that UNMOVIC would be any more successful than UNSCOM had been.

…

"There was no change in Iraqi attitudes, there was no readiness, really, on the Iraqi side to co-operate with the United Nations and we didn't think that we could force Saddam through military action to accept an inspections regime."[37]

59. Mr Blair commented on Mr Sawers' minute:

"My firm view is option (ii) [linking a shift on sanctions with the return of inspectors]. It puts sanctions to rest; gets inspectors back in and even if he [Saddam Hussein] plays around, at least it's obvious. But Iraq policy is going nowhere at present and I am genuinely appalled by the human consequences."[38]

60. Mr McKane responded to Mr Sawers' minute on 27 November, asking if there was "one further policy option", of "dismissing" any thought of moving UNMOVIC into Iraq and instead working to enforce sanctions.[39] On the question of whether a shift on sanctions should be linked with the return of inspectors, Mr McKane commented that an inspection regime would not be a stable, long-term solution but it would help to justify publicly the suspension of sanctions.

61. Mr Sawers recorded Mr Blair's views in a letter to Mr Cook's Principal Private Secretary, Mr Sherard Cowper-Coles, on 27 November.[40] Copies of the letter were sent to the Private Offices of Mr Geoff Hoon, the Defence Secretary, and Sir Richard Wilson, the Cabinet Secretary, and to Mr McKane.

62. Mr Sawers described Mr Blair as feeling "uncomfortably positioned on Iraq policy at present", and continued:

---

[37] Public hearing, 10 December 2009, page 16.
[38] Manuscript comment Blair on Minute Sawers to Prime Minister, 24 November 2000, 'Iraq'.
[39] Minute McKane to Sawers, 27 November 2000, 'Iraq'.
[40] Letter Sawers to Cowper-Coles, 27 November 2000, 'Iraq'.

"The preferred option by far would be to implement SCR 1284, enabling the inspectors to return and sanctions to be suspended. But there does not seem to be much prospect of that happening any time soon. Meanwhile the human consequences of economic sanctions are pretty appalling, which is bad in itself and it gives critics an easy point of attack; and the pressures on Saddam are not that great."

63. Mr Sawers stated that work was under way to review the policy options, in advance of discussions with the new US Administration. Mr Blair would welcome:

"… the Foreign Secretary's views on the approach we should adopt, bearing in mind that the first instinct of a new [US] Administration will be to seek ways to unseat Saddam rather than to accommodate him".

JIC Assessment, 1 December 2000: 'Iraq's Military Capabilities'

On 1 December, at the request of the Overseas and Defence Secretariat (OD Sec) and in response to the inter-departmental policy review on Iraq, the JIC assessed Iraq's military capabilities.[41]

The JIC Assessment of Iraq's ballistic missile and WMD capabilities, including whether they constituted a residual threat, is set out in Section 4.1. The JIC Assessment of the threat that Iraq posed to its neighbours is set out below.

The JIC stated that Iraq had lost nearly half its military strength as a result of the Gulf Conflict and the capability of what remains had "declined since 1991". UN sanctions had "**successfully prevented the procurement of new weapons systems**" and had constrained equipment maintenance and repair.

The JIC's Key Judgements included:

- A "**military offensive outside Iraq's borders would be limited** by shortfalls in equipment and logistics".
- "While **US/UK forces remain** deployed in the region and prepared to intervene militarily, **an attack on Kuwait is very unlikely**. But **if the southern No-Fly Zone and no-drive zone became defunct**, warning time for an attack would shorten … Should deterrence fail, US/UK forces currently in the region might be insufficient to defeat an Iraqi attack."
- "**If US and UK forces were withdrawn from the Gulf, and Saddam perceived that the west was no longer prepared to intervene militarily, he could try to re-take Kuwait.** In such circumstances he would succeed, **even with his current force levels**."
- "**To rebuild its Armed Forces, Iraq would need military sanctions lifted.** This is unlikely while Saddam remains in power. But if it happened, it would take several years at least before Iraq's capabilities increased to a level which would alter significantly the military balance in the region."

[41] JIC Assessment, 1 December 2000, 'Iraq's Military Capabilities'.

The JIC stated that, while there would be competing demands for resources if sanctions were lifted, "Saddam and any likely successor are likely to give **high priority**" to "**restoring military capability**". The JIC continued:

> "It would take comparatively less investment to revive some of Iraq's WMD programmes. Although Saddam is unlikely to use such weapons, their development as a means of coercive diplomacy would give him an additional political tool to use in his attempts to re-establish his regional and international standing."

64. Sir Christopher Meyer, British Ambassador to the US from 1997 to 2003, told the Inquiry that, on 6 December 2000, he met Dr Condoleezza Rice and, separately, Mr Karl Rove to discuss the priorities of the new US Administration.[42] Dr Rice would become President Bush's National Security Advisor and Mr Rove would become one of President Bush's Senior Advisors.

65. Sir Christopher told the Inquiry that nuclear missile defence was at the top of the US list of priorities, with Iraq and the wider Middle East some way down. Sir Christopher described the US position on Iraq as:

> "We need to look at this. Things aren't going well. The policy of sanctions is in tatters, the smuggling, Saddam is getting away with blue murder. We need to do something …"

66. Mr Cook agreed with Mr Blair that full implementation of resolution 1284 remained the UK's best option and suggested that the UK should support efforts to clarify the ambiguities in the resolution concerning the process for lifting sanctions.

67. Mr Cook's Private Secretary wrote to Mr Sawers on 15 December, setting out Mr Cook's views.[43] Mr Cook agreed that full implementation of resolution 1284 remained "the best means of pursuing the UK's policy objectives". It would restore in-country control over Iraq's WMD programmes, "get us off the hook of responsibility for the humanitarian situation", and provide Iraq and the UK with an exit route from sanctions.

68. The "shelf life" of the resolution, however, was limited.

69. If Iraq was to be persuaded to comply with resolution 1284, it was "now clear that this will require the elaboration of a package of measures which is sufficiently attractive to lure the Iraqis in". France had recently proposed that the P5 should begin to clarify the "ambiguities" in resolution 1284, in particular those concerning the process for lifting sanctions. The timing was not ideal (between US Administrations), but a package that had the support of the P5 would be hard for Iraq to ignore. Reaching agreement

---

[42] Public hearing, 26 November 2009, pages 4-5.
[43] Letter Barrow to Sawers, 15 December 2000, 'Iraq'.

within the P5 on a package of measures would "require some painful adjustments for ourselves and, even more so, for the Americans".

70. The new US Administration was expected to carry out a full policy review. Mr Cook advised:

> "We need to get in early and be prepared to press them hard. Their first instincts will be to look at tougher measures e.g. tighter sanctions, military action, greater emphasis on regime overthrow. None of these will have any credible support. Our pitch should be to persuade the US of the unattractiveness of these options and then convince them that SCR 1284 best serves our interests."

71. On Mr Blair's concerns over the humanitarian situation, Mr Cook advised:

> "With the 'Oil-for-Food' programme likely to be worth US$16bn this year, the situation on the ground is starting to improve. This has taken some of the sting out of the anti-sanctions campaign. But no matter how big the 'Oil-for-Food' programme may become, it is cumbersome and bureaucratic and relies on Iraqi co-operation. It will never be able to redress the deterioration of Iraq's infrastructure, the impoverishment of the middle classes, and the stifling of normal economic activity."

72. Mr Cook concluded:

> "Containment through implementation of SCR 1284 remains the best option for now. To make this achievable we will need to convince the US that this best serves our objectives and that we should work to agree an implementation package which will unite the P5. The status quo is unsustainable and other options are unattractive."

73. Mr Ross told the Inquiry that the "ambiguities" referred to by Mr Cook related to the final operative paragraphs of resolution 1284, which were "very complicated and … set out a really tortuous route of how the inspectors go back in".[44]

74. Mr Ross commented that, although the UK was "quite happy with that rather tortured route", it wanted P5 unity and "if the Russians and French said they wanted … clarification, then we were prepared to have that discussion".

Initial discussions with the new US Administration

75. According to published US accounts, Iraq was not seen as one of the highest priorities for the incoming Bush Administration.[45]

76. As Section 1.1 describes, a number of senior US politicians had been calling for tougher action on Iraq since 1998. Some of those politicians became senior members of President Bush's team.

---

[44] Public hearing, 12 July 2010, pages 35-36.
[45] Woodward B. *Plan of Attack*. Simon & Schuster UK, 2004; Haass RN. *War of Necessity, War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

77. Sir William Patey, Head of the FCO's Middle East Department from 1999 to March 2002, told the Inquiry that he was aware of "drumbeats" from voices in Washington who were talking about the possibility of regime change and arming Iraqi opposition groups, but that the UK's policy was "to stay away from that end of the spectrum".[46]

78. Mr Webb told the Inquiry that "regime overthrow was … mentioned [by US interlocutors] but it was quite clear that there was no proposition being put in our direction … about regime change".[47]

79. Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York from 1998 to July 2003, wrote in his statement to the Inquiry:

> "For all the rumbling in the background, Iraq did not appear to be at the top end of the new Administration's list of priorities in those early Bush months."[48]

80. Mr Jonathan Powell and Mr Sawers visited Washington on 14 January, where they met several members of President Bush's team, including Dr Rice.[49]

81. Sir John Sawers told the Inquiry that Dr Rice had been "critical of the Clinton Administration's policy of talking tough but actually acting rather weakly and she included Iraq in that criticism".[50] His impression was of a US Administration which would "take a hard edged approach but would nonetheless want to work with the United Kingdom", and whose main concerns would be domestic:

> "The issues about tax cuts and prescription drugs and social security reform were very much uppermost in the minds at the top of the [US] Administration rather than any specific foreign policy issue, apart from missile defence."

82. President Bush was inaugurated on 20 January.

83. In late January, the FCO's Middle East Department produced a paper which reassessed the UK's "fundamental interests" in relation to Iraq and recommended a new approach to promoting them.[51] The UK's interests included:

- regional stability, including through the non-proliferation of WMD;
- preserving the credibility and authority of the Security Council;
- maintaining the coherence of UK policy, including on human rights, adherence to resolutions and non-proliferation;
- improving the humanitarian and human rights situation in Iraq;
- avoiding a US/UK split; and
- reducing the UK's isolation in the EU.

---

[46] Public hearing, 24 November 2009, pages 26-27.
[47] Public hearing, 24 November 2009, page 28.
[48] Statement, 27 November 2009, page 4.
[49] Meyer C. *DC Confidential: The Controversial Memoirs of Britain's Ambassador to the US at the Time of 9/11 and the Run-up to the Iraq War.* Phoenix, 2006.
[50] Public hearing, 10 December 2009, pages 5-6.
[51] Paper FCO, January 2001, 'Iraq: A Fresh Look at UK Interests'.

84. The paper identified the UK's aims for Iraq and the Gulf Region and concluded that a number of them were "unachievable" while Saddam Hussein's regime remained in power.

85. The paper recommended that "Plan A" should be to persuade the US that full implementation of resolution 1284 best served US/UK interests.

86. If Iraq rejected that, the medium-term "Plan B" should be to restrict sanctions to arms, persuade Iraq's neighbours to enforce them more rigorously, end the Oil-for-Food (OFF) programme in "Baghdad-controlled Iraq", increase support to the Iraqi opposition, impose a travel ban and assets freeze on Saddam Hussein and his regime, and pursue the indictment of Saddam Hussein for war crimes. That would be presented as targeting policy more directly at his regime.

87. Sir Jeremy Greenstock called on Mr Cook on 29 January.[52] On Iraq, Mr Cook stated that:

> "… we were at stalemate, and the situation was deteriorating … We had to find a means of sustaining our policy on WMD, but in a way that had a degree of international support and would be adhered to in the region … A more focused form of sanctions was needed."

88. Mr Cook said that he would discuss Iraq with Mr Colin Powell, the new US Secretary of State, during his forthcoming visit to Washington.

89. Sir Jeremy responded that the UK should try to get the US to focus on stopping oil smuggling from Iraq. Mr Cook agreed.

90. Mr Cook visited Washington from 5 to 7 February.

91. In a briefing telegram for the visit, officials at the British Embassy Washington advised that the new US Administration believed the current position on Iraq was "unsustainable".[53] It wanted a "new approach to more effective containment which can be sold in the region as enlightened and at home as tougher".

92. The Embassy also advised that Iraq had been "at the top of [Secretary] Powell's pile"; the State Department, Department of Defense and the White House had been working intensively to put up advice on policy options.[54] Mr Donald Rumsfeld, the US Defense Secretary, and his Deputy, Mr Paul Wolfowitz, would incline towards more vigorous action to topple Saddam Hussein.

---

[52] Letter FCO [junior official] to Pattison, 29 January 2001, 'UN Issues: Sir Jeremy Greenstock's Call on the Secretary of State: 29 January'.
[53] Telegram 115 Washington to FCO London, 2 February 2001, 'Your Visit to Washington: Key Issues'.
[54] Telegram 117 Washington to FCO London, 1 February 2001, 'Your Visit to Washington: Iraq'.

93. The Embassy highlighted the scale of US scepticism about the effectiveness of weapons inspectors and the concept of "narrower and deeper" sanctions.[55] Any agreement on easing sanctions would need to retain essential controls. The UK should persuade the US to agree to elaborate those controls "now, in a package that will bring the P5 back on board, and thus increase pressure on Saddam". Simultaneously cracking down on smuggling would "tighten sanctions and squeeze the regime". That would "require a lot of political will and creative solutions", but would show that the UK was serious.

94. The FCO's briefing for Mr Cook stated that the objectives of the visit were:

- "to reach broad UK/US agreement on a new joint approach and agree to early talks at official level before an inter-agency approach has been agreed in Washington"; and
- "to underline the importance of reaching P5 agreement on Iraq and broadening regional support for UK/US policy."[56]

95. The FCO advised:

> "International support for our approach is fading fast. Divisions in the P5 and the collapse of the MEPP [Middle East Peace Process] have made key regional allies more uncomfortable with our current policy. We are increasingly isolated in the EU. We are held responsible for the suffering in Iraq, while memories of Saddam's brutality fade …
>
> …
>
> "Until Saddam goes we need to work for sustainable containment, focusing on WMD, through implementation of SCR 1284. This means a mixture of stick and carrot …"

96. On 5 February, Mr Peter Westmacott, FCO Deputy Under Secretary (Wider World), sent Mr Cook a paper on the UK's policy objectives and the emerging US position.[57] Mr Westmacott proposed that the UK's aim should be to reach agreement on a "new, integrated approach" which offered "additional lures to Iraq to comply with [resolution] 1284", but also increased "the cost to the regime of not doing so", while "getting the Security Council back on the moral high ground".

---

[55] Telegram 121 Washington to FCO London, 3 February 2001, 'Your Visit to Washington: Iraq'; Telegram 117 Washington to FCO London, 1 February 2001, 'Your Visit to Washington: Iraq'.
[56] Minute FCO [junior official] to PS [FCO], 2 February 2001, 'Iraq: Secretary of State's Visit to Washington: 5-7 February 2001' attaching Brief FCO, [undated], 'Iraq: Secretary of State's Visit to Washington: 5-7 February 2001'.
[57] Minute Westmacott to Private Secretary [FCO], 5 February 2001, 'Visit to Washington: Iraq', attaching Paper, 5 February 2001, 'Iraq: Talking to the Americans'.

97. Devising such a package should allow P5 unity to be restored, but was likely to mean persuading the US "that some of their ideas for punishing/over-throwing Saddam will have to be kept in reserve for now".

98. Mr Westmacott offered a number of detailed suggestions for this package, including:

- a new, concerted effort to address oil smuggling;
- elaboration of how controls over oil revenues and imports could be relaxed after the suspension of sanctions;
- narrower and deeper sanctions, for as long as Iraq did not comply with resolution 1284; and
- incorporation of the NFZs into the package "on the basis of regional security needs … as well as humanitarian protection". That would be useful "given the problems at the London end over the maintenance of NFZ aerial patrols".

99. Mr Westmacott stated that such a package would require a new resolution, and commented:

> "But the best chance of getting agreement to a new resolution would lie in retaining [resolution] 1284 as the basis of the revised approach. The package itself nonetheless needs to be crafted in the expectation that Saddam will not comply. So it needs to be forthcoming enough to command P5 support but firm enough to remain relevant in the likely event that the carrots it contains fail to deliver Iraqi compliance."

100. Mr Peter Gooderham, Counsellor in the British Embassy Washington, wrote to Mr Westmacott on 5 February to report on Mr Cook's "briefing supper" in Washington.[58] Mr Cook had told officials that:

> "… [resolution] 1284 was no longer sustainable. It made sense, not least in UNSC-handling terms, to keep it on the table … we should accept that Saddam had no intention of complying with it. We should give up, therefore, the effort to get inspectors back into Iraq, and embark instead on a set of policies which did not depend on Iraqi co-operation for their sustainability."

101. Mr Cook had outlined a new package, comprising:

- targeting sanctions at military and dual-use items: that would mean the US taking a less restrictive approach on contract "holds";
- keeping financial controls in place, but seeking ways of facilitating the reconstruction of Iraqi infrastructure, in particular the oil industry;
- clamping down on smuggling;

---

[58] Letter Gooderham to Westmacott, 5 February 2001, 'Iraq: Policy Review: Foreign Secretary's Visit'.

- spelling out red lines in relation to Iraqi moves against Kuwait or the Kurds;
- setting out a "Contract for the Iraqi People (cf the FRY/Milosevic), offering a vision for Iraq post-Saddam". The activities of the Iraqi opposition should be rolled into that;
- selling the OFF programme more convincingly as a humanitarian programme; and
- dispensing with the southern NFZ patrols.

102. Mr Cook also wanted to confront Secretary Powell on the scale of Iraq's illegal oil trade.

103. In a manuscript comment on Mr Gooderham's letter, Sir John Kerr, FCO Permanent Under Secretary, suggested to Mr Westmacott that the policy outlined by Mr Cook was unlikely to "survive in the cold light of a Washington morning".[59] It seemed a recipe for infuriating allies in the Gulf (due to the proposal to dispense with the southern NFZ patrols) and would mean abandoning hope of P5 unity (because the 'Contract with the Iraqi People' suggested that the target was no longer the suspension of sanctions if Iraq stopped developing WMD, but Saddam Hussein himself). Sir John continued: "I much preferred the policy in your [Mr Westmacott's] note. I wonder if he [Mr Cook] read it?"

104. Sir William Patey told the Inquiry that the 'Contract with the Iraqi People' had been developed in response to the US "drumbeats" for regime change in Iraq, and was:

> "… our way in the Foreign Office of trying to signal that we didn't think Saddam was a good thing and it would be great if he went, but we didn't have an explicit policy for trying get rid of him."[60]

105. Mr Cook and Secretary Powell met on 6 February.[61] The British Embassy Washington reported that they had discussed the need to regain the initiative on Iraq through a radical new approach to secure common objectives and to get the public emphasis back on Iraq's WMD, including by moving from a sanctions debate to an arms control debate and narrowing the definition of dual-use items.

106. Mr Cook suggested working on a 'Contract with the Iraqi People' and that: "In return, we must bring smuggling under control, in particular by bringing the Turkish trade within Oil-for-Food." Mr Cook pointed out that the US would have to "reduce drastically" the number of holds it had placed on Iraqi contracts.

---

[59] Manuscript comment Kerr on Letter Gooderham to Westmacott, 5 February 2001, 'Iraq: Policy Review: Foreign Secretary's Visit'.
[60] Public hearing, 24 November 2009, page 27.
[61] Telegram 126 Washington to FCO London, 7 February 2001, 'Foreign Secretary's Meeting with Colin Powell: Iraq'.

107. Mr Cook stated that re-establishing inspections "should not be a test of the success of our policy, as this would require Saddam's agreement".

108. Mr Cook and Secretary Powell also discussed NFZs and agreed that US and UK "officials should meet very soon". Secretary Powell planned to visit the region at the end of February.

109. In a subsequent meeting with US Vice President Dick Cheney, Mr Cook said that he had agreed with Secretary Powell that the focus should be put back on Saddam Hussein's responsibility for the suffering of the Iraqi people, and his interest in acquiring WMD.[62]

110. Reporting on his visit to Washington to Cabinet on 8 February, Mr Cook stated that the new foreign policy team in the US was "prepared to explore new ideas on Iraq, where they understood the need to regain the moral high ground".[63]

111. In the subsequent discussion, it was pointed out that it was a good time to review policy on Iraq because the UK Government was "losing the propaganda battle".

112. In advance of Mr Blair's meeting with Mr Jacques Chirac, the French President, at the UK/French Summit on 9 February, the FCO advised Mr Sawers that:

> "The French have long argued that the key to enticing Iraq into co-operation and moving forward on sanctions is through 'clarification' of SCR 1284. An important element of this would be elaboration of the post-suspension modalities. The French are keen to revive bilateral talks on this topic which started promisingly 18 months ago but which tailed off as the US election approached and Iraq was put on the back burner."[64]

113. The FCO advised that Mr Blair should take a fairly non-committal line at the Summit.

114. The Inquiry has not seen a record of Mr Blair's discussions with President Chirac at the Summit.

115. The FCO's briefing for Mr Cook's meeting with Mr Hubert Vedrine, the French Foreign Minister, at the Summit stated that Mr Vedrine was openly hostile to sanctions, which he had described as "cruel and ineffective", and that he regarded the NFZs as "useless".[65]

116. In their meeting, Mr Cook encouraged Mr Vedrine to work with the US and the UK on Iraq.[66]

---

[62] Telegram 135 Washington to FCO London, 7 February 2001, 'Meeting with Vice President Cheney, 6 February'.
[63] Cabinet Conclusions, 8 February 2001.
[64] Letter Sedwill to Sawers, 8 February 2001, 'UK/French Summit, Cahors: Iraq'.
[65] Minute FCO [junior official] to PS [FCO], 8 February 2001, 'Iraq: UK/French Summit: Briefing for Secretary of State' attaching Briefing, [undated], 'Iraq: UK/French Summit: Briefing for Secretary of State: 9 February'.
[66] Telegram 036 FCO London to Paris, 9 February 2001, 'Foreign Secretary's Tete-a-Tete with French Foreign Minister, 9 February'.

117. Mr Cook subsequently told Secretary Powell that he had suggested to Mr Vedrine that: "The aim should be to establish a common front between the Iraqi people and the West against Saddam."[67]

Review of the No-Fly Zones (NFZs)

118. Section 1.1 addresses the legal basis advanced by the UK for the creation and continued operation of the NFZs in northern and southern Iraq, and for the response to Iraqi attacks on aircraft enforcing the NFZs.

119. Operations in the NFZs and the targets which UK aircraft were permitted to attack were regularly reviewed and approved by Ministers.

Response Options (ROs)

The coalition established NFZs in the north and south of Iraq in 1991 and 1992 respectively (see Section 1.1).

With the agreement of Ministers, operational commanders were allowed discretion to respond in self-defence within the parameters of a number of graduated "Response Options" (ROs) defined as:

- RO1 – immediate self-defence. An aircraft in the air responding immediately to an Iraqi threat to it, or to another coalition asset, although not necessarily against the specific system directly causing the threat.
- RO2 – a coalition response against a pre-planned target to a threat during the course of a subsequent patrol on the same day.
- RO3 – a coalition response against a pre-planned target on the next patrolling day.[68]

ROs 1 to 3 were dependent on there being a "triggering threat" in the form of a weapon fired or a radar illumination.

- RO5 – pre-emptive self-defence on the basis of demonstrated Iraqi hostile intent, such as a pre-emptive operation against mobile surface-to-air missile (SAM) assets. RO5 was introduced to counter Iraqi tactics of threatening coalition aircraft and then moving assets before coalition aircraft could respond.

Any proposal to carry out an attack that did not fall within the parameters defined within ROs 1 to 3 and RO5 was classified RO4 and required Ministerial approval.

The agreed rules placed a limit on the number of targets that could be attacked in any single response (six); and on the number of attacks that could be carried out within any seven-day period (four).

From November 2000, the UK Commander was not authorised to commit to an RO attack where civilian casualties were expected.[69] By March 2001, UK forces no longer relied on delegated authority in cases where the risk of collateral damage to civilian buildings was considered higher than "low".[70]

---

[67] Telegram 69 FCO London to Washington, 12 February 2001, 'Foreign Secretary's Telephone Conversation with Secretary Powell, 11 February'.
[68] Email SEC(O)1-S to PS/Hd of MoDLA-S, 9 July 2001, 'ROs'.
[69] Letter Hemming to Brummell, 19 December 2001, 'Iraq NFZs: Response Option Triggers'.
[70] Letter Hemming to Berman, 6 March 2001, 'Iraq – RO5 Target'.

120. Sir Christopher Meyer told the Inquiry that, throughout 2000, concern grew about how long the NFZs could legally be sustained and about how to respond if an aircraft was shot down.[71] Those concerns were greater in the UK than in the US.

JIC Assessment, 13 December 2000: 'Impact of the NFZs on Iraqi Persecution'

121. On 13 December 2000, at the request of Lord Williams of Mostyn, Attorney General from 1999 to June 2001, and the FCO, the JIC assessed the persecution of ethnic and religious communities in Iraq and how it was constrained by the NFZs.[72]

122. The JIC's Key Judgements were:

- Saddam Hussein's regime saw Iraq's Kurds and Shia as a threat and discriminated against them politically and in the allocation of resources. Human rights abuses had extended to the use of military force. "Since 1991, **international monitoring and coalition enforcement of the NFZs had constrained but not prevented this persecution**".
- In the north, Saddam Hussein wanted to regain full control of the Kurdish Autonomous Zone. Iraq's military forces were positioned to re-take the territory.
- Abolition of the northern NFZ would weaken the US "red line" and have a major impact on Kurdish confidence. "**Any resistance** [to a military assault by Saddam Hussein] **would be put down brutally and scores settled, inducing a refugee crisis comparable to 1996**". If the Kurds united to resist Saddam Hussein, a full-scale attack to re-take the north would lead to a "**major humanitarian crisis comparable to 1991**".
- In the south, Saddam used his security forces "to destroy villages, assassinate Shia clerics and execute suspects and their families".
- If the southern NFZ were withdrawn, Iraqi air power would be used "to enhance operations now conducted by ground forces". Such attacks would give Saddam Hussein more military options and "**add to Shia misery**". But Saddam did not need to kill or injure more Shia to achieve his current objectives.
- "Wide international support at the creation of the NFZs in 1991-92 has faded, especially since 1998. The NFZs are increasingly seen as an obstacle to progress on Iraq at the UN. Iraqi propaganda is effective in falsifying and exaggerating civilian casualties and collateral damage."

123. The JIC Assessment did not satisfactorily address all Lord Williams' questions.

124. On 21 December, Lord Williams' Private Office wrote to Mr Patey asking for further information and clarification on a number of points relating to the situation in the areas

---

[71] Public hearing, 26 November 2009, pages 19-20.
[72] JIC Assessment, 13 December 2000, 'Impact of the NFZs on Iraqi Persecution'.

covered by the two NFZs.[73] This was to be in the form of a joint FCO/MOD response "agreed, as appropriate, with the Assessments Staff".

125. On 12 January 2001, in response to the November 2000 commission to look at military alternatives to the NFZ (described earlier in this Section), Mr Webb wrote to Mr McKane advising that:

- The elimination of Saddam Hussein's WMD capabilities could not be achieved without inspections. Air power alone would not be sufficient.
- There might be scope for adjusting the northern NFZ, to limit patrolling to the Kurdish Autonomous Zone only or to rely on patrolling within Turkish air space.
- The picture was "rather different" in the South. The southern NFZ remained justified on humanitarian grounds. More importantly, it was essential to the UK's objective of preventing Saddam Hussein from endangering regional stability by threatening his southern neighbours.[74]

126. On 17 January, Mr McKane chaired a meeting to discuss Iraq.[75] Officials agreed that the MOD should look at "possible options" for the southern NFZ with the US, including reduced coalition patrols and responses and reliance on some form of "active deterrence". Officials also noted that Lord Williams was reviewing the legal justification for the NFZs.

127. Officials agreed that it would be necessary to draw together for Ministers the various threads relating to Iraq, after progress had been made in discussions with the US. A further meeting was envisaged in "a month or so, subject to developments".

128. On 29 January, Mr Patey responded to the Attorney General's request of 21 December 2000 for further information relating to the NFZs.[76] Mr Patey advised that the letter had been agreed with the MOD and the Cabinet Office.

129. Mr Patey advised:

> "Both the UK and US have made it clear to Iraq and publicly that we will take military action if Iraq moves to reconstitute its WMD capability or threaten its neighbours. The US has in addition stated that they would take action if Iraq moved to attack the Kurds. While we have not made the same explicit commitment, any Iraqi attack on the Kurdish area … would be very difficult for the British Government to ignore. Our interests … are likely to argue strongly in favour of a response. This would however depend to a large extent on the circumstances …"

---

[73] Letter Berman to Patey, 21 December 2000, 'Iraq: No Fly Zones'.
[74] Letter Webb to McKane, 11 January 2001, 'Iraq: Future Military Options' attaching Paper MOD, 11 January 2001, 'Containing Iraq: Future Military Options'.
[75] Letter McKane to Goulty, 17 January 2001, 'Iraq'; Brummell to McKane, 22 January 2001, 'Iraq'.
[76] Letter Patey to Berman, 29 January 2001, 'Iraq: No-Fly Zones'.

130. The detailed work on whether there were alternative means of achieving UK objectives in the NFZs, which had been undertaken in early 2000 and endorsed by Ministers (see Section 1.1), had concluded that regular patrols of the NFZs:

> "… afforded the most effective means of performing the mission at the lowest risk. Work conducted in the context of the current review exercise has indicated that in relation to the south this remains the case."

131. There might be scope for adjustment in the north but the "full implications" of the options for that would "require further study". Human rights monitors might provide a means to monitor the situation on the ground. Successive resolutions had called on Iraq to allow them entry but Iraq had refused. Mr Patey advised:

> "In the longer term the best guarantee against attacks on the civilian population is a change of regime and the establishment of a democratic government … It is difficult, however, to envisage measures which directly lead to the overthrow of the current regime which would also be consistent with international or domestic law."

132. It was "extremely difficult to verify" Iraqi claims that civilians had been killed or injured as a result of coalition action in either NFZ. The UK could not "make any sensible estimate of the number of people … who have been killed or injured as a result of coalition action in self-defence since January 1999. What we do know is that the vast majority of Iraqi claims are spurious, and that the actual number of civilians who have been affected by coalition action is likely to be very much smaller than Baghdad would have the world believe."

133. There was nothing to alter the JIC Assessment of 13 December 2000. Officials were looking separately at whether there might be a justification for the existence of the southern NFZ in terms of the defence of Kuwait.

134. US proposals for a response to Iraqi military activity against aircraft patrolling the southern NFZ highlighted the urgency of resolving the legal basis for the NFZs.

135. On 30 January, an FCO official invited Mr Cook to agree that the RAF should participate in a US-led attack on five targets north of the 33rd parallel, outside the southern NFZ, and a further target within the southern NFZ.[77] UK aircraft were to attack the target within the NFZ and provide cover for US aircraft involved in the attacks further north. A UK tanker would be used to refuel US aircraft.

136. The official reported the MOD's assessment: improvements to the Iraqi air-defence system (IADS), to provide secure links between early warning radars outside the southern NFZ and missile and anti-aircraft artillery batteries within the NFZ, could

---

[77] Minute FCO [junior official] to PS [FCO], 30 January 2001, 'Iraq: No Fly Zones; Proposed RO 4'.

"in a worst case scenario" reduce the warning of an approaching Iraqi missile to "as little as five or six seconds".

137. Mr Webb told the Inquiry why the proposed attack was necessary.[78] Iraqi surface-to-air missiles and anti-aircraft artillery contesting the NFZs had previously been controlled by radars close to those weapon systems:

> "What they [the Iraqi military] perfected was to move the radars back north of 33 degrees north … up around Baghdad, and then to provide information to the surface-to-air missiles and the anti-aircraft artillery by fibre-optic links …
>
> …
>
> "What that meant was that there was a risk that the aircraft would find themselves patrolling, and suddenly, instead of being illuminated by a radar close to them that they could identify, something much further back would be controlling a missile which would suddenly come their way.
>
> "This made the operation of considerably more risk …
>
> "That target set was very, very carefully considered for, not only the basic legality, but there were also questions about proportionality and risk to civilian casualties …"

138. Lord Williams was briefed on the proposed attack by MOD and FCO officials on 30 January.[79]

139. Later that day, Mr David Brummell, the Legal Secretary to the Law Officers, wrote to Mr Martin Hemmings, the MOD Legal Adviser, recording that Lord Williams was "satisfied that a proportionate attack on the target could … be justified in the context of allied operations in the southern No-Fly Zone".[80] Mr Brummell wrote that Lord Williams noted the:

> "… assurance provided by FCO officials at today's briefing meeting that without the No-Fly Zones, they would be confident that further oppression would result on a scale comparable to that which led to the grave humanitarian crisis and the establishment of the Zones in 1991 and 1992. **In the absence of that categorical assurance, the Attorney General would not have felt able to advise as … above. If that assurance no longer holds firm, he declines to approve the target**."

---

[78] Public hearing, 24 November 2009, page 141.
[79] Letter Brummell to Hemming, 30 January 2001, 'Iraq: Target'.
[80] Letter Brummell to Hemming, 30 January 2001, 'Iraq: Target'.

140. Mr Patey responded to Mr Brummell the following day, stating:

> "Underlying this assessment there are different shades of view as to the likelihood of a grave humanitarian crisis … We are urgently consulting Ministers on this question."[81]

141. On 1 February, Mr Goulty advised the Private Offices of Mr Cook and Sir John Kerr:

> "The Attorney General has said he approves the target of a proposed US/UK attack north of the southern No-Fly Zone … but only on the basis of a specific assurance from the FCO, which we cannot honestly give. The JIC assessment of 13 December 2000 reflects our views, but the Attorney General regards this as insufficient. Our failure to join in this attack would risk a major disagreement with the US on the eve of the Foreign Secretary's visit to Washington, and increase the threat to our pilots in the SNFZ.
>
> "The Attorney General's position on the target reflects his long-standing concerns about the continued legality of the SNFZ, and his wish to revisit this question as soon as possible."[82]

142. Emphasising the urgency of the issue, Mr Goulty recommended:

> "… that the Foreign Secretary speak to the Defence Secretary with the aim of a joint approach to the Attorney General to persuade him to approve this target on political and military grounds, without prejudice to his urgent re-examination of the legal basis of the SNFZ. Legal Advisers concur."

143. Mr Goulty also advised that the Cabinet Office had been asked "to convene urgently the official committee on Iraq to review what assessment might properly be given to the Attorney General".

144. Sir John Kerr wrote to Mr Cook's Private Office, endorsing Mr Goulty's proposal and commenting:

> "I think the Dep[artmen]t, and the Legal Advisers, are right, on the wider issue of the legality of the SNFZ, that we cannot allow the Attorney to put in our mouths a 'categorical assurance' … about which we can't honestly be categorical. But he knows what he's doing: his motive is his concern to secure a real review of the basis of the SNFZ. So I agree with the proposal for a Hoon/Cook approach, from which he would get an undertaking that such a review would start forthwith, Hoon would in exchange get the removal of an impossible condition on the AG's authorisation of the target, and the SofS [Secretary of State] would get the removal of the risk that, just as he has his first meeting with [Secretary] Powell, politico-military Washington believes the UK has gone soft on Iraq."

---

[81] Letter Patey to Brummell, 31 January 2001, [untitled].
[82] Minute Goulty to PS/PUS [FCO] and PS [FCO], 1 February 2001, 'Iraq: Southern No Fly Zone'.

145. Mr Brummell responded to Mr Patey's letter of 31 January on 2 February, stating that Lord Williams had "repeatedly underlined the need" to keep the lawfulness of activities in the NFZs "under review" and had "requested an update of the humanitarian situation in both the north and the south of Iraq".[83]

146. Mr Brummell pointed out that Lord Williams had "not however received … a clear and definitive assessment of whether, in the event UK and US operations in the southern No-Fly Zones were to cease, extreme humanitarian distress would result on a scale comparable to that which led to grave humanitarian crisis and to the establishment of the zones in 1991 and 1992".

147. Mr Brummell concluded:

> "The Attorney is profoundly concerned that, in the absence of a clear and definitive assessment, he is not in a position to take a view as to the legal arguments regarding the continuing operations by UK forces in the No-Fly Zones. He stresses that in these circumstances it is absolutely imperative that he receives **at the very earliest opportunity** a clear and definitive view, endorsed at the highest level, as to the assessment of the humanitarian consequences that will ensue in the event that such operations cease."

148. Mr Sawers showed Mr Brummell's letter to Mr Blair.[84] In an accompanying note he wrote:

> "Jonathan [Powell] mentioned this to you. Gareth [Lord Williams] is demanding unreasonable assurances, and if he persists will force us to stop enforcing/patrolling the southern NFZ.
>
> "Geoff [Hoon] will see Gareth on Monday and has asked me or Jonathan to go with him. I have told him you would be furious if we end up having to stop working with the Americans, whilst we and they are reviewing policy, and just before your first meeting with Bush."

149. Mr Sawers wrote in manuscript on Mr Brummell's letter: "Utterly unreasonable letter."[85] Against Mr Brummell's reference to a humanitarian crisis comparable to the scale of 1991 and 1992, Mr Sawers wrote: "Ludicrously high standard."

150. Mr Blair replied: "Unbelievable."[86]

151. Officials from the Cabinet Office, the MOD and the FCO made strenuous efforts in the days immediately following the receipt of Mr Brummell's letter to agree the terms of

---

[83] Letter Brummell to Patey, 2 February 2001, 'Iraq'.
[84] Note (handwritten) Sawers to Blair, [undated], [untitled].
[85] Manuscript comment Sawers on Letter Brummell to Patey, 2 February 2001, 'Iraq'.
[86] Manuscript comment Blair on Note Sawers to Blair, [undated], [untitled].

a joint response. Officials met on 2 and 5 February and draft responses were prepared and circulated.[87]

152. Mr McKane judged that the difficulty in providing the Attorney General with the "clear and definitive assessment" he had requested was sufficiently important to bring to the attention of the Cabinet Secretary.

153. On 2 February, Mr McKane advised Sir Richard Wilson's Private Office that it was proving extremely difficult to provide the Attorney General with the "clear and definitive assessment" that he had requested of the consequences of ceasing operations in the southern NFZ.[88]

154. Mr McKane stated that the consequences of having to cease operations would be "very serious and far reaching, not only for the defence of Kuwait and Saudi Arabia but also the transatlantic relationship".

155. Mr Hoon and Mr Brian Wilson, the newly appointed FCO Minister of State for the Middle East, met Lord Williams on 5 February to discuss the issue.

156. Mr Sawers advised Mr Blair on 7 February:

> "We (including Geoff Hoon, and FCO and MOD officials) were close to satisfying the Attorney's concerns with a letter which showed that the northern and southern NFZs were linked – if we stopped in the South, we would have difficulty persuading Turkey to agree to continued patrols in the North; and that there was an unacceptably high risk of humanitarian crisis (i.e. somewhere in Iraq) if we stopped patrolling the southern NFZ. But Robin [Cook] has refused to endorse the argumentation, and if the link between the two NFZs is removed, as he wishes, we are unlikely to persuade Gareth [Lord Williams]. Our planes would then have to stop patrols [of the southern NFZ] forthwith."[89]

157. A meeting with Mr Cook and Mr Hoon had been arranged for the following day. In the meantime "enforcement action is on hold, and an already once-delayed strike has been put back a second time".

158. The Inquiry has not seen a record of that meeting.

159. Mr McKane wrote to Mr Brummell on 8 February, in response to his letter to Mr Patey of 2 February.[90] Mr McKane advised that the response had been "endorsed by the Foreign and Defence Secretaries", and stated that:

---

[87] Letter McKane to Goulty, 2 February 2001, 'Iraq'; Letter McKane to Webb, 2 February 2001, 'Iraq'; Letter McKane to Cowper-Coles, 6 February 2001, 'Iraq'.
[88] Minute McKane to Abel, 2 February 2001, 'Iraq'.
[89] Minute Sawers to Prime Minister, 7 February 2001, 'Iraq'.
[90] Letter McKane to Brummell, 8 February 2001, 'Iraq'.

> "Given the demonstrated unpredictability of Saddam Hussein's regime, it is impossible to make definitive judgements capable of being ascribed [with] absolute certainty when considering what might occur in any given hypothetical situation. The recent JIC paper … [of 13 December 2000] reflects this uncertainty. But we can, based on past experience and informed assessment of the nature of that regime, arrive at assessments to which we attach a high degree of confidence."

160. Mr McKane repeated the JIC's Assessment of the risks of withdrawing both the southern and northern NFZs, and added:

> "In the event that UK and US operations in the southern No-Fly Zone were to cease, no one can predict with absolute certainty how Saddam Hussein would act or what the consequences would be for the Shia population. Air power would give Saddam more military options. He used air power, including helicopter gunships, against the Shia population in 1991 and 1992. If the southern No-Fly Zone were lifted, he would do so again. More effective persecution of the Shia would add to their misery, and would risk provoking another cycle of uprising and brutal repression. A grave humanitarian crisis would result …
>
> "In addition, any judgement on the utility of the southern No-Fly Zone in preventing a humanitarian disaster must take into account the likely impact on our ability to prevent one in the north. We believe that, if UK and US operations in the southern No-Fly Zone were to cease, it would be more difficult to sustain the necessary political support for the northern No-Fly Zone …
>
> "Our overall judgement remains that there is an unacceptably high risk that, in the event that we cease patrolling the southern No-Fly Zone, extreme humanitarian distress would result on a scale comparable to that which led to grave humanitarian crisis and the establishment of the Zones in 1991 and 1992.
>
> "This assessment will be kept under review. The judgement it contains could change if alternative arrangements for preventing further humanitarian catastrophe in Iraq emerge from the review of policy … on which we and the US Government are now embarked."

161. Lord Williams asked to see earlier drafts of the letter before responding.[91]

162. The Attorney General concluded that it was still possible on balance to argue that the maintenance of the NFZs was justified, although that argument was now more questionable.

163. Mr Brummell replied to Mr McKane on 12 February, setting out Lord Williams' views.[92] Mr Brummell reiterated a number of points made in previous letters. He also wrote:

---

[91] Letter McKane to Cowper-Coles, 6 February 2001, 'Iraq'.
[92] Letter Brummell to McKane, 12 February 2001, 'Iraq: No Fly Zones (NFZs)'.

"… the Law Officers have previously accepted that a respectable legal argument that force is justified on grounds of overwhelming humanitarian necessity can be made if:

(a) there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;

(b) it is objectively clear that there is, in all the circumstances, no practicable alternative to the use of force if lives are to be saved; and

(c) the proposed use of force is both necessary and proportionate to the aim being pursued (i.e. the relief of humanitarian need) and is strictly limited in time and scope to that aim: that is to say, that it is the minimum necessary to achieve that end."

164. Mr Brummell stated that Lord Williams had:

- noted the assessments in the letters from Mr Patey and Mr McKane;
- noted that the assessment in relation to the southern NFZ appeared "weaker than that provided in … January 2000";
- noted the statement in Mr McKane's letter of 8 February, that "if UK and US operations in the No-Fly Zones were to cease, it would be more difficult to sustain the necessary political support for the northern No-Fly Zone", but considered it "questionable whether any weight may be attached to this in considering the legal justification for the southern No-Fly Zone";
- stressed that "every effort must be made to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects". Given the difficulties in assessing casualties, Lord Williams stressed that it was possible for him to take a view on the legal justification of the NFZs only "on the understanding that Ministers are satisfied that every effort is indeed made to avoid civilian casualties"; and
- noted the "significant diminution of international support for the Zones, and indeed in some cases overt criticism … in contrast to the wider consensus in favour of the establishment of the Zones in 1991 and 1992".

165. Mr Brummell continued:

"Having regard to the above points the Attorney considers that it is now more questionable whether a respectable legal argument can be maintained that force is justified on grounds of overwhelming humanitarian necessity. However, on the basis of the assurances set out in your [Mr McKane's] letter of 8 February the Attorney accepts that it is still **possible** on balance to argue that the maintenance of the No-Fly Zones is justified as a necessary and proportionate use of force to prevent a humanitarian crisis. He stresses that the judgement as to whether such an argument can still be advanced is a very fine one.

> "The Attorney reiterates that such a legal basis for the existence of the Zones cannot justify military action for other, ulterior motives such as action to punish Saddam Hussein, or to enforce other UK or US objectives such as the maintenance of the security of neighbouring states.
>
> "The Attorney also emphasises that it is vitally important to keep constantly in view the precarious nature of the legal basis for UK and US action in the No-Fly Zones. It was not yet generally accepted that there is a right in international law to prevent or avert a humanitarian catastrophe … there is a considerable body of legal opinion which holds that such a right was not at present clearly established in international law."

166. Mr Brummell stated that Lord Williams "would be grateful for a further update of the situation in the north and south of Iraq, consideration of alternatives to the maintenance of the Zones, and information on any civilian casualties associated with UK and US operations in relation to the Zones", by the end of May 2001.

167. Mr Sawers showed Mr Brummell's letter to Mr Blair, and in a handwritten note which accompanied it he wrote:

> "The Attorney has finally backed down, at least for now … But it is going to be difficult to sustain at least the southern NFZ for much longer – it scarcely meets the criteria."[93]

168. UK and US attacks on targets north of the southern NFZ took place on 16 February. The effect of the attacks is considered later in this Section.

Mr Blair's meeting with President Bush, 23 February 2001

169. On 9 February, the JIC assessed that Iraq was covertly working on long-range missile systems, but would be unable to achieve an operational capability while sanctions remained effective (see Section 4.1).[94]

Cabinet Office advice

170. Following Mr Cook's visit to the US in early February 2001, Mr Sawers wrote to Mr Emyr Jones Parry, FCO Political Director, emphasising the need to have:

> "… an agreed HMG [Her Majesty's Government] approach, approved by the Prime Minister before we go too far down the road of UK/US consultations … we need to have a clear sense of what we want if we are to shape US thinking."[95]

171. There appeared to be three important issues "on which to clear our minds":

- The objective of the policy. Mr Jones Parry's recent talks in Washington had identified "Saddam and weapons of mass destruction as the main issues …

[93] Note (handwritten) Sawers to Prime Minister, [undated], 'Iraq: NFZ'.
[94] JIC Assessment, 9 February 2001, 'Long Range Ballistic Missile Threat'.
[95] Letter Sawers to Jones Parry, 8 February 2001, 'Iraq: UK/US Talks'.

Containing the threat against Iraq's neighbours, seen from here, should be at least as important as the WMD factor. That was the original casus belli …"

- "What do we mean by 'narrower and deeper' sanctions?" Mr Jones Parry's talks appeared to conceive of a two-phase approach, first focusing on enforcing essential sanctions only and then (after the implementation of resolution 1284), the suspension of sanctions. But what sanctions would there be left to suspend if sanctions were narrowed before resolution 1284 was implemented?
- How UNMOVIC inspections fitted into the policy.

172. Mr Sawers stated that the Cabinet Office was in the lead in ensuring that the issues he had raised, and other issues, were "worked through inter-departmentally", and suggested that a paper should be put to Ministers before the end of the month.

173. On 12 February, Mr McKane circulated a draft 'Note by Officials' highlighting the key issues on Iraq that "needed to be settled in the course of the review of Iraq policy".[96]

174. The draft note stated that UK policy objectives and containment strategy remained valid. The UK's main aims were to get the US to accept that:

"
- Even if we were to conclude that it is preferable not to deploy UNMOVIC, we need to be seen to be working through the UN rather than unilaterally, and with the support of the P5 and the rest of the UNSC [UN Security Council] if possible …
- We need to neutralise the sanctions issue and win back the moral high ground … To achieve this, we need a much more targeted sanctions regime, which does not affect ordinary people. We should move in this direction now, and not wait for Saddam to sign up to UNSCR 1284."

175. Mr Sawers responded to Mr McKane, commenting that the approach set out in the note was:

"… too status-quo oriented. Our shared concern is that the present policy is crumbling, but the only proposal for adjusting it is to restrict the scope of sanctions. The Americans are in the market for something much more radical … to sustain a containment strategy, if necessary for the next eight years."[97]

176. Mr Sawers' view was that Ministers, including Mr Blair, would want to consider a much more radical transformation of Iraqi policy. He suggested focusing on "our three key objectives":

"i) The defence of Kuwait and Iraq's neighbours from Iraqi aggression …

ii) Blocking WMD build-up … either an inspection regime along SCR 1284 lines … or a monitoring regime based outside Iraq …

iii) Humanitarian relief …"

---

[96] Letter McKane to Goulty, 12 February 2001, 'Iraq' attaching Note [draft], [undated], 'Iraq (A Note by Officials)'.
[97] Minute Sawers to McKane, 12 February 2001, 'Iraq'.

177. Such an approach would allow the US and UK "to agree to end purely economic sanctions and to stop patrolling the southern NFZ without the requirement for a quid pro quo from Saddam Hussein". It would give the US and UK (rather than Iraq) sustained control over the policy and address the threat of Iraqi aggression and the plight of the Iraqi people. It was likely to entail some additional costs, possible including the deployment of additional troops to the region.

178. Mr Jon Day, Chief of the Asessments Staff, responded to Mr McKane questioning whether the draft note overstated the Iraqi threat to Kuwait: "The JIC has judged that Iraq would not move against Kuwait while the West maintains substantial forces in the region."[98]

JIC Assessment, 14 February 2001: 'Iraq: Economic Sanctions Eroding'

On 14 February, at the request of the FCO, the JIC provided an updated assessment on the erosion of economic sanctions against Iraq.[99]

The JIC's Key Judgements included:

- Saddam Hussein faced "**no economic pressure to accept UNSCR 1284**" because he was "**successfully undermining the economic sanctions regime**".
- Through "abuse of the Oil-for-Food programme and smuggling of oil and other goods", Saddam Hussein would "**be able to appropriate in the region of US$1.5bn to US$1.8bn in cash and goods in 2001, slightly up on 2000**". There was scope for earning even more "if new surcharges, and commissions [on contracts] became the accepted norm".
- "**Iranian** interdiction efforts" had "**significantly reduced smuggling**" in the Gulf but Saddam had "compensated by **exploiting land routes**".
- The "apparent **success of the … border trade agreement**" had "encouraged other **front-line states** to respond to Baghdad's initiatives to improve economic ties". Those states were "**in the fore-front of efforts to test the enforceability of the sanction regime**".
- "**Most countries believe that economic sanctions on Iraq are ineffective, counterproductive and should now be lifted.** Without active enforcement, the **economic sanctions regime will continue to erode** as the front-line states increase their trade links with Iraq and as Saddam's officials devise more ways to capture the revenue from OFF [programme] oil sales."

The JIC assessed that, encouraged by the success of the Iraq/Turkey border agreement, there had been a "significant increase in the erosion of sanctions over the last six months".

The JIC estimated that, in 2001, oil smuggling could generate up to US$650m and abuse of the OFF programme through bribes, surcharges and "commissions" up to US$600m.

[98] Minute Day to McKane, 15 February 2001, 'Iraq'.
[99] JIC Assessment, 14 February 2001, 'Iraq: Economic Sanctions Eroding'.

The Jordan/Iraq trade protocol was worth around US$400m. Smuggling of non-oil goods could produce up to US$150m.

The JIC stated that, since December 2000, OFF programme exports had halved as Baghdad tried to force oil buyers to pay surcharges of up to US$0.5 a barrel into unsupervised accounts. Most oil companies had refused to pay. The surcharge had then been halved and oil sales had increased.

The JIC stated that the Iraqi leadership believed that the new US Administration would be "unable to prevent further deterioration" of the UN embargo.

The JIC stated that there was "broad international consensus to **maintain the arms embargo** at least as long as he [Saddam Hussein] remains in power". While there had been "some leakage" of air-defence equipment, spares for military equipment and armoured vehicles and dual-use goods, there was "no evidence that major equipment, such as complete weapon systems" had been imported. Saddam Hussein wanted "sanctions lifted because the UN arms embargo has severely limited Iraq's capacity to re-build and re-equip its military".

179. Mr McKane sent a final version of the note to Mr Sawers on 15 February.[100]

180. The note stated that, since the 1991 Gulf Conflict, the UK's policy objectives towards Iraq had been "in the short term to reduce the threat Saddam poses to the region, including by eliminating his WMD programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law abiding member of the international community". Those objectives remained valid, although the UK "should recognise that we are unlikely to rid Iraq completely of WMD and avoid presenting this as our main aim".

181. The note summarised the key elements of the policy of containment as:

"
- **WMD disarmament**, through inspections and monitoring. Since Operation Desert Fox and the withdrawal of UNSCOM, this has been on ice …
- **Sanctions**, which have become increasingly controversial. There is still widespread support for the arms embargo, and for controls on dual use materials with plausible application to WMD programmes … But there is an increasing sense that economic sanctions are unfair to the Iraqi people, ineffective as a means of pressuring the regime, and indeed counter-productive because Saddam and his cronies benefit disproportionately from the smuggling which undermines the sanctions …
- **Controls on Iraq's oil revenues**, through the UN escrow account and the Oil-for-Food (OFF) programme. These are important in preventing Saddam from diverting revenue to conventional or WMD re-armament …
- **Military containment**, including through the No-Fly Zones (NFZs)."

[100] Minute McKane to Sawers, 15 February 2001, 'Iraq', attaching Note Cabinet Office, 15 February 2001, 'Iraq'.

182. On WMD, the note stated that:

> "**Neither UNMOVIC nor any other arrangement (including bombing) will provide a guaranteed way of ridding Iraq completely of WMD.** A robust UNMOVIC presence in-country would undoubtedly constrain Iraqi WMD activity but not prevent it …
>
> "… **Departments do not agree whether UNMOVIC entry [in]to Iraq would be, on balance, desirable or undesirable**."

183. On the outcome of the review of the military need for the NFZs, the note stated that they had become a "target for criticism" and a "double-edged weapon", and that:

> "The humanitarian role for the NFZs remains valid but this is increasingly disputed. The southern NFZ also plays a key role in current contingency plans for the defence of Kuwait, providing tactical intelligence of Iraqi moves and a chance to counter them from the air, buying time to reinforce Kuwait itself … Some are tempted to cease patrolling the NFZs and focus more on other means of deterring Iraq and defending its neighbours. Departments disagree on the implications of this. But the UK and US military assessment is that – **if Ministers still wanted to defend Kuwait rather than planning on ejecting an Iraqi force which had succeeded in occupying it – without the southern NFZ, the US and UK collectively would need to station up to three additional armoured brigades in Kuwait**, and augment the current land- and sea-based strike capability (i.e. aircraft and cruise missiles)."

184. On the possibility of regime change, the note stated that:

> "Most US officials, to widely varying degrees, believe that their Iraq policy should include the promotion of change in the country's Government …
>
> "… aggressive rhetoric on this subject tends to be counter-productive in the region, particularly when it cannot be backed up by practical success.
>
> "**But there is a case for including the promotion of change as part of our policy rather than simply assuming an indefinite stalemate. Some movement in this direction is likely to be essential to keep the US on board.** We could certainly do more to hold out to the Iraqi people the prospect of a brighter future post-Saddam – a sort of contract with Iraq. This could include a better co-ordinated US/UK information campaign, and more work with the Iraqi opposition in exile (though there is some scepticism over their credibility and usefulness). We could also consider more support for INDICT's campaign[101] to bring Saddam and some of his cronies to justice for war crimes."

---

[101] INDICT was established in 1996 to campaign for the creation of an ad hoc International Criminal Tribunal – similar to those established for the former Yugoslavia and Rwanda – to try leading members of Saddam Hussein's regime on charges of war crimes and crimes against humanity, including genocide and torture.

185. The note concluded:

> "Whatever we do, we need to move to 'smarter' (but better enforced) sanctions and recapture the moral high ground. We cannot achieve complete WMD disarmament, but we should aim to contain Iraqi activity: UNMOVIC may be the best way of doing this, but there are downsides to having UNMOVIC in Iraq and, anyway, Saddam is unlikely to agree to their presence on Iraqi territory."

186. Sir John Sawers told the Inquiry that, in relation to regime change:

> "A lot of these ideas were modelled on the successful policy that we had been pursuing in relation to Serbia and President Milosevic. All these elements, a contract with the Serbian people, information flows, indictments of the leader and support for the opposition had brought down President Milosevic a few months earlier, it was successful regime change policy."[102]

187. Mr Cook's Private Office wrote to No.10 on 20 February, advising that Mr Cook agreed with much of the Cabinet Office note of 15 February but that he was "concerned that it reflected military priorities at the expense of broader diplomatic and political issues".[103] In his view, the Iraqi risk to Kuwait if patrolling ceased in the southern NFZ was overstated: "Saddam should be in no doubt that should he move against Kuwait, the US/UK response would be massive." Mr Cook also questioned the suggestion in the note that the alternative to the southern NFZ would be a need to station up to three additional armoured brigades in Kuwait. He believed the UK should strongly discourage the US from more active patrolling and advised that the UK should keep its distance from the US policy of supporting Iraqi opposition groups in exile.

188. Mr Cook concluded: "Ultimately, however robust our military planning, our policy can succeed only if there is a degree of international consensus."

189. Mr Cook also asked to speak to Mr Blair to discuss the line he would take at Camp David.

190. The Inquiry has not seen a record of a conversation between Mr Blair and Mr Cook on Iraq at this time.

No.10's advice

191. Mr Sawers advised Mr Blair on 16 February that there was "one piece of hard policy to discuss with President Bush and Colin Powell": Iraq.[104] The US had started a policy review and wanted to "get a new policy in place in the next month". No decisions were yet needed, but Mr Sawers suggested Mr Blair would want to familiarise himself with the subject as President Bush would ask for his views.

---

[102] Public hearing, 10 December 2009, page 11.
[103] Letter Sedwill to Sawers, 20 February 2001, 'Iraq: Policy Review'.
[104] Minute Sawers to Prime Minister, 16 February 2001, 'Iraq: Policy Review'.

192. Mr Sawers set out the main issues and posed a number of questions, including:

- "Do we really want UN inspectors to go back into Iraq while Saddam remains in power?" They might constrain Iraq's WMD programme but their presence would allow Saddam Hussein to provoke regular crises.
- "Could we stop enforcing the southern NFZ?" Military views differed, and it was not just a military judgement.
- "How can we play up the prospects for Iraq once they get rid of Saddam?" Mr Sawers advised that: "A Contract with Iraq (like the one we offered to Serbia) is possible. But I think we have to resist those Americans who want to fund a 1980s Afghanistan-style insurgency, as that will only trigger a humanitarian catastrophe through Iraqi repression."

193. Mr Sawers advised that, in his view, the Security Council should maintain a strong grip on Iraqi oil revenues while moving to substantially lighter sanctions, ease up on the pressure to get inspections back into Iraq, while making it "more explicit" that there would be a military response if Iraq attacked a neighbour or reconstituted its WMD.

Attacks by coalition aircraft north of the southern NFZ, 16 February 2001

194. On 16 February, US and UK aircraft attacked elements of the Iraqi air-defence system. Six targets were engaged; five were north of the boundary of the southern NFZ.

195. The attacks were controversial. Mr Tony Benn, in his capacity as President of Labour Action for Peace, wrote to Mr Blair seeking the recall of Parliament.[105]

196. There was a strong reaction in the Arab world.

Government statements on the 16 February attacks

On 16 February 2001, US and UK aircraft attacked elements of the Iraqi air-defence system. Six targets were engaged; five were north of the boundary of the southern NFZ.

Mr Blair issued a statement on the attacks the following day.[106] He stated that Saddam Hussein was pursuing a policy of "total control" over the people of Iraq, and was "ready to engage in systematic repression", in particular of the Kurds in the north of Iraq and the Shia in the south. The NFZs were part of a wider effort to contain the threat posed by Saddam Hussein. Without them, he would be able to move his troops freely and "repress his own people mercilessly, including by using helicopter gunships as he did in 1991 and 1992". The attack by coalition aircraft had been "a limited operation" with the sole purpose of defending the aircrew patrolling the NFZs.

---

[105] Letter Benn to Blair, 16 February 2001, [untitled].
[106] Gov.uk, 17 February 2001, *Statement by the Prime Minister, Tony Blair, London, Saturday 17 February 2001.*

An MOD press statement on the same day stated that the attacks were conducted in self-defence in response to repeated Iraqi threats to coalition aircraft.[107] Iraqi air defences had been increasing the frequency of their attacks using sophisticated command and control arrangements, posing an increasing threat to coalition aircraft.

Mr Hoon told the House of Commons on 26 February:

> "Since January 1999, Saddam's air defence units have made sustained and concerted efforts to shoot down United Kingdom and United States aircraft. During that period there have been more than 1,200 attempts to target them, using surface-to-air missiles and anti-aircraft artillery. Coalition aircraft are legally authorised to respond to those attacks in self-defence. They do so entirely in accordance with international law, attacking only those military facilities that contribute, as part of the Iraqi integrated air defence system, to the threat to coalition aircraft … Over recent weeks, the Iraqis have significantly increased their efforts, amounting to a qualitative and quantitative increase in the threat. In January, there were more surface-to-air missile attacks than in the whole of 2000. The Iraqis have used new tactics, including the use of radars and command centres located outside the southern zone to cue offensive systems within it. That threat to our Service Personnel is real and present. The operation on the evening of 16 February was therefore planned and carried out against that background. It was a proportionate response in self-defence, taken solely to reduce the risk to our aircrew carrying out routine humanitarian patrols of the southern No-Fly Zone."[108]

197. Mr Sawers advised Mr Blair that as a result of the attacks there was now more attention on Iraq, and that having to defend the NFZs so publicly made it more difficult to move back from them.[109]

198. Mr Sawers proposed developing benchmarks against which to gauge the present policy. Those were:

"
- Effectiveness, in containing the threat from Iraq against its neighbours; in preventing Saddam building up his WMD; and in preventing a new humanitarian crisis;
- Sustainability, so that we have a policy which we can keep going for as long as Saddam remains in power, if necessary the next six to eight years. That entails having and retaining the support of both the countries of the region and our own public. A new P5 consensus would also help; and
- Control, so that Saddam cannot dictate each step. We have had better control in the last two years than we had before, and we should be careful not to give it up."

199. An internal FCO minute on the 16 February attack, which was produced later that month, stated that the Pentagon's decision to play up the operation was a serious

[107] Gov.uk, 17 February 2001, *Air attacks on Iraq: Statement by the Ministry of Defence.*
[108] House of Commons, *Official Report*, 26 February 2001, column 620.
[109] Minute Sawers to Prime Minister, 20 February 2001, 'Iraq: After the Bombing'.

misjudgement that had fuelled international criticism, particularly from key allies such as Turkey and Saudi Arabia:

> "By trailing a full-scale live briefing once the operation was under way, they [the Pentagon] fuelled media hype and speculation that this was a major change in our military posture and, possibly, a repeat of Operation Desert Fox … The Foreign Secretary [Mr Cook] is also concerned that while we have emphasised that the operation had been solely to protect our pilots, President Bush took the line that the primary aim of the attack was to send a message to the Iraqi regime. This is unhelpful from both a presentational and legal point of view."[110]

200. In her memoir, Dr Rice wrote that, although she had been briefed on the operation in advance, she had not appreciated the scale and nature of the attack.[111] The operation had coincided with – and disrupted – President Bush's first meeting with President Vicente Fox of Mexico. Dr Rice wrote that the reaction to the attack in the US media had been positive, including comments that the attacks had "sent a timely signal" to Iraq that the new US Administration would "not shy away from using force to contain any new Iraqi military threat".

201. Mr Webb told the Inquiry:

> "I don't think we [the UK Government] did a very good job of explaining what was going on, in public. We certainly probably didn't help … the new US Administration to do a very good job of explaining it …
>
> "… what it looked like from the point of view of people … particularly in the region, was that suddenly, we [the US and UK] pushed the campaign north, we were up around Baghdad and it appeared something had happened and was that presaging something they … had been reading about, regime change."[112]

202. Sir William Patey accepted that there was a risk of misinterpretation:

> "I think when the MOD first proposed this operation, there was really the odd frisson in the Foreign Office, not because of its legality … We were worried [that] … the scale of the operation could be misinterpreted. Here we had a new American Administration coming in that at least had a history of a more aggressive stance towards [Iraq] …
>
> "So I think in the Foreign Office we were worried that this might be misinterpreted as a sort of military assault on Iraq, and that was not the intention."[113]

---

[110] Minute FCO [junior official] to Patey, 27 February 2001, 'Iraq: NFZs: RO4'.
[111] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[112] Public hearing, 24 November 2009, page 142.
[113] Public hearing, 24 November 2009, pages 143-144.

203. Sir John Sawers told the Inquiry that No.10 had, perhaps, not been as involved as it might have been in discussion of the 16 February attack:

> "This was briefed to the Prime Minister but both we and the White House were a bit surprised … because we weren't fully involved in the discussions of the timing and it happened at short notice on a Friday night … a week or so before the Prime Minister went off to Camp David.
>
> "The timing was coincidental … It did in many ways serve to underline the difficulty of maintaining the policy on No-Fly Zones."[114]

204. Sir John Sawers agreed with the Inquiry that there had been uproar in the Middle East about the intensity and location of the attacks. He continued:

> "And I think that was very much on Vice President Cheney and President Bush's minds, that there had been a sharp reaction. And in a sense it gave force to the argument that we needed to move to a better targeted policy."

205. Lord Williams of Baglan, a Special Adviser to Mr Cook from 2000 to 2001 (and subsequently to Mr Straw until July 2005), told the Inquiry that Mr Cook had been "concerned that the attack had not merited Ministerial authorisation"; and that he feared "it was the harbinger of a more assertive US stance on Iraq".[115]

Mr Blair's meeting with President Bush at Camp David

206. At his first White House press conference in February 2001, President Bush said that he would "review options as to how to make the sanctions work".[116]

207. On 23 February, before travelling to Camp David, Mr Blair met Vice President Cheney in Washington.[117] Mr Blair argued that the sanctions regime was not perfect, but that it had restrained Saddam Hussein.

208. Mr Blair told the Inquiry that Iraq was not a top priority for his meeting with President Bush at Camp David.[118]

209. Sir Christopher Meyer told the Inquiry that the two foreign policy issues at the top of the agenda were the anti-ballistic missile treaty and nuclear missile defence.[119]

210. Sir John Sawers told the Inquiry that Iraq had been the first subject discussed at Camp David:

> "… not because it was the most important but because Colin Powell … was about to depart for the region and … he [President Bush] wanted to deal with Iraq first so

---

[114] Public hearing, 15 December 2009, page 48.
[115] Statement, 9 January 2011, page 3.
[116] The White House Archive, 22 February 2001, Press Conference by the President.
[117] Letter Sawers to Cowper-Coles, 24 February 2001, 'Prime Minister's Meeting with Vice President Cheney, Washington, 23 February 2001'.
[118] Public hearing, 29 January 2010, page 8.
[119] Public hearing, 26 November 2009, pages 11-12.

that Colin Powell who was in charge of reviewing policy could be there and take part in discussions. President Bush … was concerned about our policy, that we had sanctions that the regime was evading but which were impacting on Iraqi children. He was concerned about the vulnerability of US pilots monitoring the No-Fly Zones and he wanted to get to a more realistic policy, as he described it. And Colin Powell set out some elements which were very close to our own thinking, that the widespread sanctions should be replaced by controls on weapons, [and] that we should tighten the border monitoring around Iraq with a view to ensuring that those controls we retained were effective. But once we were confident that they were effective … the wider sanctions could be suspended and in due course lifted.

"There was a debate about the No-Fly Zones that he wanted to pursue, and some of the Condoleezza Rice ideas on regime change, i.e. political elements, not military elements, also featured in the discussion, but the fundamental one was to narrow down sanctions to those that were most important.

"… Prime Minister Blair welcomed these thoughts and this approach, agreed that we should retain control on Iraq's oil revenues, but that our broad approach should be to narrow the scope of sanctions to those elements which were really most important to us and at the same time ensure that information about what life would be like – if Saddam were to be removed by the Iraqi people – what would that look like, [was available] …

"So actually that was quite close alignment of thinking between President Bush and Prime Minister Blair. They agreed that the Foreign Ministers should work more closely together … and that they would stay in touch on the development of policy thinking but there was broad common ground established on Iraq at the meeting. There were very few issues of difference at Camp David and that certainly wasn't one of them."[120]

211. Sir John went on to clarify his reference to "controls on weapons":

"… what the Americans were thinking which was in line with our own thinking … was that sanctions should be narrowed to an arms embargo and dual-use goods that could be used in a weapons of mass destruction programme. [Secretary] Powell made clear that he was most concerned about Iraq's activities on chemical and biological weapons and that there was a range of dual use goods here that should be properly controlled and should be subject to sanctions but the wider range of trade sanctions should be removed."[121]

212. The Inquiry asked Sir John whether the policy that developed later, to threaten the use of force to secure entry for UNMOVIC inspection teams, was a "gleam in anybody's eye" at this time. Sir John told the Inquiry:

---

[120] Public hearing, 10 December 2009, pages 13-15.
[121] Public hearing, 10 December 2009, pages 15-16.

> "Not really because there wasn't any great confidence that UNMOVIC would be any more successful than UNSCOM had been … and we didn't think that we could force Saddam through military action to accept an inspections regime."[122]

213. The record of the Camp David meeting, produced by Mr Sawers, stated that the US and UK agreed on the need for a policy on Iraq which was more widely supported in the Middle East region.[123]

214. As a result of the policy of the previous 10 years, Iraq was not as large a threat as it could have been (including to Kuwait); but Saddam Hussein was still pursuing WMD (he had done little on the nuclear side).

215. In Mr Blair's view, the approach should be to:

- refocus sanctions on those items which Saddam Hussein really needed;
- control his money supply but allow him to use it for non-military economic advancement; and
- retain the capacity for military action.

216. Mr Blair stated that we should not say that we were relaxing our policy because sanctions had not worked.

217. Mr Blair concluded that we must improve our public presentation. He suggested that the approach should be presented as a "deal" comprising four elements:

- do the right thing by the Iraqi people, with whom we have no quarrel;
- tighten weapons controls on Saddam Hussein;
- retain financial control on Saddam Hussein; and
- retain our ability to strike.

218. The record also reported a subsequent conversation between Mr Sawers and Dr Rice. Dr Rice had agreed with Mr Sawers' assessment that "we were still a long way from having a new policy on Iraq". Mr Sawers commended the work of INDICT and stated that the UK favoured charging Saddam Hussein and a few others with war crimes; but the indictments should not go too wide as others needed an incentive to move against Saddam Hussein. Mr Sawers also set out Mr Cook's idea of a 'Contract with the Iraqi People', in which there was some interest.

219. On the follow-up to the talks, Mr Sawers suggested:

> "… we need to start doing more detailed work on the sanctions aspects … perhaps we should now produce our own detailed paper on what steps to take … We are

---

[122] Public hearing, 10 December 2009, pages 16-17.
[123] Letter Sawers to Cowper-Coles, 24 February 2001, 'Prime Minister's Talks with President Bush, Camp David, 23 February 2001'.

likely to receive clear American proposals on the military aspects … We should try to do the work for them on sanctions."

220. Mr Blair told Cabinet on 1 March that the visit had gone well and that a number of issues, including Iraq, had been discussed.[124]

221. Mr Blair gave no detail of the discussion at Camp David in his memoir but he wrote that:

"In the months that followed the visit … I probably thought more about Iraq than he [President Bush] did."[125]

Developing a new policy on Iraq, spring 2001

222. MOD and Cabinet Office officials met on 23 February to probe the assumptions underlying the military assessment of the additional forces required to defend Kuwait in the absence of the southern NFZ.[126]

223. Mr McKane reported the conclusions of the meeting:

"The message for Ministers which comes out of all of this is that, provided US and UK forces remain in theatre, it is unlikely that Saddam would seek to exploit the abolition of the southern No-Fly Zone by attacking Kuwait. However, there remains a slight possibility that Saddam would order an attack and the southern No-Fly Zone plays an important part in our plans for defending Kuwait in such circumstances …

"In judging whether the risk of an attack by Saddam would be so small that we could afford to abolish the southern No-Fly Zone, Ministers would have to keep in mind that, in the absence of the No-Fly Zone, it might be impracticable to maintain our existing air forces in the region."

224. Mr Webb told the Inquiry that the MOD was concerned about the greater cost of alternative methods to protect Kuwait:

"… the No-Fly Zones … had a side benefit of risk reduction. Because we were flying over southern Iraq most of the time, we knew what the military situation was on the ground, and that gave us some time, if there had started to be a build-up of another repeated attack on Kuwait … it would have given us the opportunity to interdict any ground force movements which were the start of an attack on Kuwait and some time to reinforce, but those two things together actually allowed us to be in the rather comfortable position of having a not very expensive military operation … It allowed us to manage without big ground force deployments …" [127]

---

[124] Cabinet Conclusions, 1 March 2001.
[125] Blair T. *A Journey*. Hutchinson, 2010.
[126] Letter McKane to Webb, 28 February 2001, 'Iraq'.
[127] Public hearing, 24 November 2009, pages 49-50.

Defining the new UK policy framework

225. According to published US accounts, on 1 March Secretary Powell was "given the task of devising a plan and strategy to refocus the UN economic sanctions on weapons control" at a meeting of National Security Council "Principals".[128] President Bush also asked for "a better military plan in the event that a pilot was shot down" over Iraq.

The National Security Council and Principals Committee

The US National Security Council (NSC) was established in accordance with the provisions of the National Security Act of 1947 to "advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security."[129]

In March 2001, President Bush directed that attendees should include the President, the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the National Security Advisor.[130] The Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff were required to attend as statutory advisers.

Others who were directed to attend, as required, included: the Chief of Staff to the President; the Assistant to the President for Economic Policy; Counsel to the President; the Attorney General; the Director of the Office of Management and Budget; and the heads and senior officials of other executive departments and agencies.

The NSC Principals Committee was established in 1989 as a forum for consideration of policy issues affecting national security. President Bush directed that its membership should have as regular attendees the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Chief of Staff to the President, and the National Security Advisor.

The Chief of Staff and National Security Advisor to the Vice President, the National Security Advisor and the Deputy National Security Advisor were required to attend all meetings of the NSC/PC.

Others who were directed to attend, as required, included: the Director of Central Intelligence; the Chairman of the Joint Chiefs of Staff; the Attorney General; the Director of the Office of Management and Budget; Counsel to the President; the Secretary of Commerce; the United States Trade Representative; the Assistant to the President for Economic Policy; the Secretary of Agriculture; and the heads and senior officials of other executive departments and agencies.

226. In parallel, the UK began to define a new policy framework for Iraq.

227. The new framework sought to contain more effectively the military threat from Iraq by introducing a revised set of controls focusing on military

[128] Woodward B. *Plan of Attack*. Simon & Schuster UK, 2004.
[129] Section 101, National Security Act of 1947 (PL 235 – 61 Stat. 496; U.S.C. 402), amended by the National Security Act Amendments of 1949 (63 Stat. 579; 50 U.S.C. 401 et seq.).
[130] National Security Presidential Directive (NSPD-1) 13 February 2001 (approved for release 13 March 2001).

programmes and oil revenues, while lifting sanctions on civilian trade. It also sought to build a wider consensus for "fundamental change inside Iraq, while respecting Iraq's territorial integrity".

228. The new framework would require a new UN resolution.

229. Sir Jeremy Greenstock told the Inquiry that:

> "The US and the UK … began to revise their policy approach to concentrate on four elements: narrowing and deepening sanctions so that they applied much more directly to weapons systems; making it clear publicly that WMD were the priority and that inspectors needed to return (but with sufficient powers to avoid Iraqi manipulation of them); tightening controls on Iraqi oil revenues; and otherwise ensuring the best possible containment of Iraq through the No-Fly Zones, control of smuggling and eventually the full implementation of SCR 1284."[131]

230. On 7 March, Mr Sawers sent out a revised version of "the proposed new policy framework on Iraq", incorporating comments from the FCO, the MOD and the Cabinet Office.[132] Mr Sawers advised that the paper should be submitted to Mr Cook, Mr Hoon and Mr Blair in advance of discussions between US and UK officials in Washington.

231. Mr Sawers' covering letter highlighted the fact that the paper included a number of "implicit deals":

- sanctions on civilian trade would be ended in return for co-operation from Iraq's neighbours to bring all Iraqi oil revenues under UN control;
- France and Russia would secure more efficient approval procedures, with the Iraqi Government having more freedom to buy civilian goods, in return for agreement on continued UN control of oil revenues;
- civilian flights would be regularised in return for UN inspection of cargoes at the borders;
- assets of "non-regime" Iraqis would be unfrozen and private sector trade permitted in return for targeted sanctions on those around Saddam Hussein;
- a new consensus would be sought on the need for fundamental change inside Iraq, while respecting Iraq's territorial integrity; "pending such change, military measures (including the No-Fly Zones) would have to be at least tolerated"; and
- resolution 1284 would remain part of the policy and "many of the benefits for Iraq would be brought forward without the need for Iraqi compliance".

232. The paper set out a number of "headlines":

> "A revised set of controls would be introduced as soon as possible, focused on Iraq's WMD and military programmes. Purely economic sanctions would cease. In return,

---

[131] Statement, 27 November 2009, page 2.
[132] Letter Sawers to Cowper-Coles, 7 March 2001, 'Iraq: New Policy Framework' attaching Paper, [undated], 'Iraq: New Policy Framework'.

Iraq's neighbours would bring an end to illegal oil exports and give practical support to enforce the revised controls. UN control of oil revenues would be retained. SCR 1284 would remain on the table with modest incentives for Iraqi compliance. Meanwhile, UNMOVIC would retain a role outside Iraq.

"The NFZs would continue with patrolling patterns that minimise risk and possibly a smaller area of coverage … We will work for fundamental change in Iraq, and will issue a 'Contract with the Iraqi People'. A renewed effort would be made to secure regional acceptance of this framework."

233. The paper did not repeat the advice in the 15 February version of the paper that departments did not agree on whether UNMOVIC's entry into Iraq would be desirable or undesirable but advised that, if Iraq complied with resolution 1284, UNMOVIC would operate inside Iraq.

234. The paper set out the "New arrangements to be introduced straight away", including:

- "Replace sanctions with controls … to focus on military and dual-use goods, as listed in a revised Controlled Goods List";
- improved border monitoring; and
- Iraqi oil revenues to remain under UN control and illegal trade to be brought within the scheme.

235. Those arrangements would require a new resolution.

236. On "regime change", the paper stated:

"The US and UK would re-make the case against Saddam Hussein. We would issue a Contract with the Iraqi People, setting out our goal of a peaceful law-abiding Iraq, fully reintegrated into the international community, with its people free to live in a society based on the rule of law, respect for human rights and economic freedom, and without threat of repression, torture and arbitrary arrest. The Contract would make clear that the Iraqi regime's record and behaviour made it impossible for Iraq to meet the criteria for rejoining the international community without fundamental change …"

237. On "military measures", the paper stated:

"(i) We would be prepared to reduce the territory covered by the NFZs, e.g. by restricting the Northern NFZ to the Kurdish controlled areas and removing low priority areas from the Southern NFZ;

(ii) Red lines would be set out and if Iraq were in material breach of them, e.g. by reconstituting its military capacity to threaten its neighbours, or developing its WMD/missile capabilities, it would be clear that we would take direct action, at a time of our choosing, once the necessary regional support and legal base were in place."

JIC Assessment, 8 March 2001: 'Impact of Smarter Sanctions'

238. On 8 March, the JIC reviewed existing sanctions on Iraq and assessed the likely impact of "smarter sanctions".[133]

239. The review of existing sanctions covered much the same ground as the February assessment.

240. On smarter sanctions, the JIC's Key Judgements included:

- It was envisaged that smarter sanctions would:
  - focus on military and dual-use items, and allow all civil trade;
  - retain UN control over oil revenue and bring oil smuggling under those controls; and
  - enhance border controls against prohibited trade.
- "By allowing all civil trade, smarter sanctions would give the US and UK the opportunity to **shift the political debate** away from the humanitarian issue." Iraq argued for "control of revenues as an issue of sovereignty". Saddam Hussein would "still seek to blame sanctions [for humanitarian problems] and popular Arab opinion will remain susceptible to his propaganda. But he will find it **harder to persuade Arab governments and the wider international community that smarter sanctions are to blame for the suffering of the Iraqi people**."
- "The **greatest potential gains** in terms of cutting Saddam's illicit revenue would come from **curbing oil smuggling**." Neighbouring states would be likely to demand compensation for bringing trade under UN control. The income lost could be in excess of US$1bn per year. Unless all routes were closed off, a reduction in oil smuggling via one route was likely to be made up, at least in part, via another.
- Governments in the region were "**likely to agree in principle to inspection of border crossings** and trade in return for free civil trade". But this would be "hard to sell" and border controls would be difficult to implement effectively.

241. The JIC stated that, if a smarter sanctions policy was adopted, Iraq would still try to smuggle oil, evade the controls on military and dual-use imports, and abuse the OFF programme. The "**key battle would be over political perceptions** and hence the willingness of regional governments to co-operate with other aspects of a revised policy".

242. The JIC stated that whatever agreements on inspections of border crossings and trade were reached in principle, it was:

> "… **unlikely that border controls would be effective in practice. A comprehensive international border monitoring presence** would be required … such monitoring **would be heavy on manpower and resources**,

---

[133] JIC Assessment, 8 March 2001, 'Iraq: Impact of Smarter Sanctions'.

and frontline states would be reluctant to agree an intrusive regime. Moreover as general trade increased, there would be a growing risk that military components and WMD dual-use items would be smuggled to Iraq."

243. The arms embargo remained "largely intact". Some dual use goods had "slipped through the net". The introduction of a more widely accepted sanctions regime would enhance the prospects of the arms embargo holding.

244. If Saddam Hussein judged that he could no longer deflect blame for Iraq's humanitarian plight or maintain his sources of income, he might be forced to reassess his policy of non-co-operation with resolution 1284. The JIC judged that "the effect of smart sanctions is likely to fall short of this". There were indications that Russia, France and China would feel obliged to welcome the concept of smarter sanctions, but would take account of Iraqi pressure and other political factors. Rebuilding P5 consensus would be difficult; but a resolution passed with P5 unanimity would significantly increase pressure on Iraq, and help rebuild UK public support for the UK's policy.

245. Saddam Hussein was "more likely for now to use **renewed discussions at the UN** as a means **to delay both progress on UNSCR 1284 and the introduction of smarter sanctions**. If Saddam were forced to consider re-admitting UN weapons inspectors, he would still seek to weaken the inspections provisions, an agreed timetable for the lifting of sanctions and abolition of the NFZs."

246. Mr Ricketts wrote to Mr Sawers on 9 March, identifying the "main implications for policy" of the analysis:

"
- … the **arms embargo** remains crucial. It has stopped Saddam getting new major weapons systems. We judge that state suppliers will continue to deny Iraq such systems whilst Saddam remains in power … There is some leaking of dual use items and spare parts. This would probably grow if all civil trade was freed up …;
- … **ending sanctions on civil trade** would give us and the US an opportunity to change perceptions in the Arab world and beyond on humanitarian issues …;
- … **bringing the revenues from oil smuggling back under UN control** would have the biggest impact on the cash reaching Saddam's pocket …;
- … **on inspection of border crossings**, we judged that neighbouring states would be likely to agree in principle, although getting them to implement them effectively will be much more difficult; and
- … the neighbours would want guarantees of compensation for income they lost as a result of their co-operation on smuggling/border trade."[134]

[134] Minute Ricketts to Sawers, 9 March 2001, 'Iraq: Impact of Smarter Sanctions'.

247. Mr Blair wrote on the minute from Mr Ricketts: "We must press on."[135]

248. In response to the policy framework circulated by Mr Sawers on 7 March, FCO officials prepared a draft letter for Mr Cook to send to Mr Blair.[136] The draft letter stated: "The key to progress is smarter sanctions, which focus on tougher controls on military and dual-use goods, while improving the scope for normal civilian economic activity." Resolution 1284 would "remain on the table and we can offer some further modest concessions along the lines discussed by officials … should Iraq comply (most unlikely)".

249. Implementation of those measures would require a new resolution: "We should pursue a technical resolution which rebalances the controls on Iraq but does not alter the central provisions of existing SCRs."

250. The draft letter stated that the UK should continue to steer clear of "the various American projects to overthrow Saddam".

251. The letter was not sent by Mr Cook.

252. Senior US and UK officials met in Washington on 12 March to discuss Iraq.[137] Mr Westmacott advised Mr Cook's Private Secretary the following day that the talks had been "pretty discouraging". Mr Westmacott's "tentative conclusions" from the talks were:

- on sanctions, there appeared to be "some backtracking" within the State Department from the "near identity" of views articulated by Secretary Powell and Mr Cook at their recent meeting. On both oil smuggling and border controls, the US appeared to favour "bilateral fixes" with the countries neighbouring Iraq rather than action in the UN;
- the US appeared to be "a good deal more relaxed" than the UK about the need to restore P5 unity; and
- despite showing some interest in the idea of a 'Contract with the Iraqi People', the State Department appeared to be more relaxed than the UK on the presentational aspects of policy.

253. Mr Sawers briefly discussed Iraq with a senior US official on 14 March.[138] Mr Sawers advised that US officials appeared to be retreating from the broad policy goals set out by Secretary Powell. Mr Sawers stated that although negotiations on smarter sanctions in the Security Council would be tricky, "it would be difficult to re-establish political consensus on Iraq without it".

254. Ms Clare Short, the International Development Secretary, and the Department for International Development (DFID), were not included in the policy review and were not sent a copy of Mr Sawers' letter of 7 March.

---

[135] Manuscript comment Blair on Minute Ricketts to Sawers, 9 March 2001, 'Iraq: Impact of Smarter Sanctions'.
[136] Letter Cook to Prime Minister, 9 March 2001, 'Iraq: Future Policy Framework'.
[137] Minute Westmacott to PS [FCO], 13 March 2001, 'Iraq'.
[138] Letter Sawers to Cowper-Coles, 14 March 2001, 'Iraq'.

255. Ms Short's Private Office wrote to Mr Sawers on 15 March recording that Ms Short "regrets that DFID was not included".[139] She welcomed the thrust of the new policy, but remained "concerned that insufficient weight had been given to … humanitarian needs". She also asked that, if the sanctions regime changed, any revised strategy should take into account that: the UK could not "shrug off… responsibility" to relieve the suffering that Saddam Hussein had caused; the UN might continue to have "an important role"; and that provisions should be made for humanitarian assistance for the Kurds.

256. Ms Short wrote to the Prime Minister on 1 April welcoming the review of the "old sanctions policy which is widely discredited and is steadily eroding", the proposed refocusing on military controls, and that the OFF programme should end "except for Kurds in northern Iraq".[140] Ms Short stated that:

> "To counter [the] real risk that Saddam will neglect his people's needs we should promote openness and active role for UN agencies, Red Cross and NGOs [non-governmental organisations] in reporting on humanitarian situation. [The] UK should be ready to play a leading role in holding Saddam to account."

Activity in the No-Fly Zones

257. Following the attacks on 16 February, US and UK aircraft carried out no further attacks in the NFZs until 30 March.

258. Mr Julian Miller, Mr Hoon's Private Secretary from September 1999 to September 2001, wrote to Mr Sawers on 30 March:

> "Although the operation of 16 February helped to reduce the qualitative threat level, coalition aircraft have been threatened by AAA [anti-aircraft artillery] (and less often, SAMs [surface-to-air missiles]) on almost every occasion that they have taken to the air. It was against this background that US aircraft responded to Iraqi AAA this morning. They released two weapons aimed at an air defence site in the southern No-Fly Zone. Both missed their intended targets, landing in open ground without causing collateral damage.
>
> "The Defence Secretary is satisfied that action remains necessary to ensure that the threat to our aircrew remains acceptable. Given that Saddam's intent to attack our aircraft appears unchanged, we can expect – provided that targets can be identified and that the weather permits their engagement – to see further coalition bombing activity. Any such action will, of course, be conducted within the existing RO framework, with the authority for UK participation – within the carefully defined parameters approved collectively by Ministers – delegated to military commanders.

---

[139] Letter DFID [junior official] to Sawers, 15 March 2001, 'Iraq: New Policy Framework'.
[140] Letter Short to Prime Minister, 1 April 2001, 'Iraq Policy Review'.

Any proposal for an operation which breached those parameters (which is not currently in the offing) would be subject to the usual Ministerial consideration."[141]

259. Mr Webb told the Inquiry that, with regard to planned action to degrade Iraq's air-defence system:

"… a degree of caution … set in during the spring of 2001 … sensing that there had been this reaction in the region, I think the senior commanders didn't want to propose more of that if they didn't have to. As a result, some of the patrolling reduced; in other words, a decision was taken that if we didn't know where we might face this risk over part of the southern No-Fly Zone, we wouldn't patrol there for a while.

"So the operational commanders reduced the scope of the operation under their discretionary authority and with our support, rather than proposing a repeat of those situations. And that went on for a few months."[142]

Discussions with the US

260. The Cabinet Office took the lead in co-ordinating inter-departmental efforts to define the nature of future sanctions arrangements.

261. Papers were produced on:

- how a more focused sanctions regime could be established ('Iraq: Handling the Sanctions Issue');
- how controls to prevent Iraq re-arming would operate after the suspension of sanctions;[143]
- establishing better border controls;[144] and
- the application of financial sanctions against Iraq.[145]

262. On 16 March, Mr Sawers sent Dr Rice a copy of the UK's draft 'Contract with the Iraqi People' and a paper entitled 'Iraq: Handling the Sanctions Issue'.[146]

263. The paper on sanctions highlighted the danger that the forthcoming resolution on rolling over the OFF programme would "present the friends of Iraq in the P5 with an

---

[141] Letter Miller to Sawers, 30 March 2001, 'Iraq'.
[142] Public hearing, 24 November 2009, page 147.
[143] Letter Ross to McKane 16 March 2001, 'Iraq Post Suspension Controls' attaching Paper UKMIS New York, 16 March 2001, 'Iraq Sanctions Suspension UK Discussion Paper'; Letter Patey to Macaire, 28 March 2001, 'Iraq: Sanctions Suspension', attaching Paper, [undated], 'Iraq Sanctions Suspension UK Discussion Paper'.
[144] Letter McKane to Macaire, 30 March 2001, 'Iraq: Better Border Controls' attaching Paper Cabinet Office, March 2001, 'Iraq: Better Border Controls'.
[145] Letter Casale to Marriott, 2 April 2001, 'UK's Application of Financial Sanctions Against Iraq' attaching Paper, [undated], 'Iraqi Financial Sanctions: Options for Change'.
[146] Letter Sawers to Rice, 16 March 2001, 'Iraq' attaching Paper, [undated], 'Contract with the Iraqi People' and Paper, [undated], 'Iraq: Handling the Sanctions Issue'.

opportunity to come forward with their own proposals for unilateral easing of sanctions", set out parameters for a new "Controlled Goods List", and described in broad terms the arrangements by which it would be enforced.

264. In his covering letter, Mr Sawers stated that:

- There was common ground between the US and UK on the NFZs.
- The UK had suggested that the question of regime change should be addressed through a 'Contract with the Iraqi People'.
- Efforts to chart a way forward on sanctions at a working level had got "bogged down". Sticking to the present arrangements while loosening some of the holds that the US and UK had placed on OFF programme contracts, combined with a renewed diplomatic effort, would be an advance but would "fall a good way short of the goals the Prime Minister and President agreed". Mr Sawers concluded: "So our strong preference is to be more ambitious, and be prepared to agree changes to the sanctions regime in the Security Council, and put real pressure on Iraq's neighbours to implement the agreed controls vigorously."

265. Mr McKane reported to Mr Sawers on 6 April that useful progress was being made "to put flesh on the bones" of the policy framework attached to Mr Sawers' letter of 7 March.[147] The UK and the US appeared "to be in agreement on the broad direction, but there is still some way to go not least in working out the details of a deal under which Iraq's neighbours would agree to bring all Iraqi oil revenues under UN control".

266. On sanctions, Mr McKane advised that the UK and US agreed on the case for moving towards a single list of goods subject to UN controls (thereby freeing up the import of other goods). Discussions still had to take place on the composition of that list. Further talks with US State Department officials on 17 April would be followed by talks with the French and "in due course" the Russians. The aim was to obtain UN endorsement of a more targeted sanctions package in the OFF roll-over resolution due in June.

267. On bringing illegal Iraqi oil exports under UN control, Mr McKane advised that it was "not yet clear what concessions might have to be offered to the neighbouring states to persuade them to co-operate". Increased investment in border controls would "only make sense if Iraq's neighbours can be persuaded to co-operate – enforcement would be carried out by their customs personnel". The UK paper on border controls had been passed to the US.

268. Mr McKane advised that the UK paper on the controls that should remain in place after the suspension of sanctions had been passed to the US. An essential feature was maintaining the UN escrow account (see Section 1.1) "so that Iraq's oil revenue (or other significant sources of foreign exchange revenue) cannot be used to purchase either conventional or unconventional arms or dual use items".

---

[147] Minute McKane to Sawers, 6 April 2001, 'Iraq'.

269. Mr McKane reported that there had been several discussions with the US on the NFZs, and that:

> "We are agreed that we need to retain the No-Fly Zones. Not only do they serve a humanitarian purpose, but the southern No-Fly Zone is also necessary for the defence of Kuwait and Saudi Arabia … We think it may be possible to reduce the size of the No-Fly Zones … there has not been a positive US reaction. Defence officials continue to discuss the scope for adjusting the pattern of patrolling but the military advice, which the Defence Secretary has endorsed, is that there is only modest scope to do so without placing our air crew at greater risk. We need to keep the legal position under review (the Attorney General has asked for a further report by the end of May) but any deterrent option which did not rely on the Southern No-Fly Zone would entail a greater risk that Kuwait could be overrun before an effective military response could be put in place."

270. Mr McKane reported that a draft 'Contract with the Iraqi People', which reflected Ms Short's concerns about a continuing key role for international agencies, had been shared with the US.

271. Mr Blair responded that getting a deal under which Iraq's neighbours agreed to bring all Iraqi oil revenues under UN control was the "essential quid pro quo" for better targeted sanctions.[148]

272. In response to a number of diplomatic telegrams which had described the NFZs as necessary for the defence of Kuwait, Mr Iain Macleod, FCO Legal Counsellor, asked colleagues on 6 April to remind diplomatic posts "of the need to ensure that the legal justification for the zones (the prevention of a humanitarian catastrophe) is kept distinct from other policy advantages which they may bring".[149]

273. Reviewing the Treasury/Bank of England paper on the options for amending financial sanctions in early May, Mr McKane concluded that there were options for easing sanctions without legislation, but that should be kept under review "until we have thought through the full implications and seen the effect of other changes under consideration".[150] The possibility of replacing the comprehensive regime with a targeted asset freeze would require amendment to resolution 661(1990). That was not seen as a "near-term option".

274. An Assessment issued on 10 May marked a shift in the JIC's perception of Iraq's intentions and activities in relation to WMD.

---

[148] Minute Wechsberg to McKane, 9 April 2001, 'Iraq'.
[149] Minute Macleod to Patey, 6 April 2001, 'Iraq: No Fly Zones'.
[150] Letter McKane to Goulty, 11 May 2001, 'Iraq: Financial Sanctions'.

275. On 10 May, at the request of the MOD, the JIC assessed "what we know of Iraq's WMD programmes, their future direction, our level of confidence in the intelligence, our confidence in being able to identify the location of Iraq's WMD facilities accurately and the potential impact of direct military action against them".[151] The Assessment is considered in detail in Section 4.1.

276. The JIC stated that its "**knowledge of developments**" in Iraq's WMD and ballistic missile programmes since December 1998 was "**patchy**", but judged that "**intelligence gives grounds for concern** and suggests that Iraq is becoming bolder in conducting activities prohibited by UNSCR 687".

277. The JIC knew most about Iraq's ballistic missile programme, where there had been a step change in progress over the previous two years.

278. The JIC continued to "assess that while sanctions remain in place, Iraq cannot indigenously develop and produce nuclear weapons. Were sanctions lifted, it would **take Iraq at least five years to produce a nuclear device** and a **further two to produce a warhead**."

279. The JIC assessed the vulnerability of Iraq's WMD programmes, and judged that:

> "Although some WMD facilities could be destroyed by direct military action, this would be **unlikely to have a significant impact on Iraq's WMD programmes** …"

280. The JIC stated:

> "… **our ability to constrain Iraqi development of its WMD through other means** [other than military action] **is limited**. The development of Iraq's WMD has been helped in recent years by **the absence of UN inspectors, the increase in illegal border trade and hard currency available to Iraq**. There have been an increasing number of […] reports on orders for illegal imports of missile related components and materials […] Because of the need for raw materials and components from abroad, sanctions remain an obstacle to the development of all Iraq's WMD programmes."

281. Under the heading "Implications", the JIC stated:

> "This assessment underlines the importance of pursuing vigorously work on the proposed UN controlled goods list, which would help sustain effective controls on Iraqi WMD development."

282. Mr Cook reported that there had been good progress in agreeing a proposal for a new sanctions regime with the US, but less on securing an agreement with regional states to reduce oil smuggling.

283. Mr Cook repeated his view that the UK should consider ending patrols of the southern NFZ.

---

[151] JIC Assessment, 10 May 2001, 'Iraqi WMD Programmes: Status and Vulnerability'.

284. On 4 May, Mr Cook wrote to Mr Blair reporting that:

> "We have made good progress on the review of sanctions, with UK/US now in agreement on a new approach with the objective of turning the focus away from sanctions and onto controls on WMD. Work is in hand to tie down the detail and build up support in the region and in the P5, but we need to move quickly if we are to meet our deadline of 4 June, the date of the next 'Oil-for-Food' resolution."[152]

285. Mr Cook reported on the debate within the US Administration.

286. Mr Cook detailed the progress that had been made on sanctions:

> "… we have now persuaded the US that, while the UN will continue to control Iraq's oil revenue, procedures should be adjusted so that only contracts containing items on an agreed list of controlled goods require scrutiny by the Sanctions Committee. This relaxation of UN controls will be balanced by new measures to reduce sanctions-breaking and tighten up on dual-use goods. The new approach will reduce the role of the UN, enable the US to vastly reduce the number of contracts on hold, and allow us to deflect responsibility for the humanitarian situation away from us and on to the Iraqi government. At the same time, by reducing the regime's access to hard cash, it will reduce Iraq's room for manoeuvre."

287. Progress on confirming arrangements with "front-line states" to reduce oil smuggling had been "slow".

288. There had been "less progress" on the US review of operations in the NFZs. Mr Cook advised that:

> "I believe we should look again at options for reducing patrols in the southern NFZ, or even ending them. The legal difficulties remain, and I am also concerned that operations in the southern NFZ will undo the advances we achieve through making changes on sanctions and undermine hard won P5 and regional backing for our new approach."

289. On regime change, Mr Cook reported that: "No one in the [US] Administration believes they can deliver Saddam's overthrow". The UK's 'Contract with the Iraqi People' fell short of calling for Saddam Hussein's departure but set out the steps that the international community would take to restore and rehabilitate Iraq in the event of his departure. As regime change moved up the US agenda, the UK should encourage the US to "sign up to this more credible and defensible approach". There might soon be an opportunity to garner wider international support for the idea of the contract, capitalising on Iraq's mishandling of the recent Arab Summit.

---

[152] Minute Cook to Prime Minister, 4 May 2001, 'Iraq: US/UK Policy Review'.

290. Mr Hoon responded to Mr Cook's letter on 14 May, stating that the:

> "Proposed strategy [of 7 March] offers best prospect of retaining maximum control over Iraqi revenues, impeding Baghdad's ability to threaten its neighbours, and regaining international support. But need to be realistic about chances of speedy implementation. Difficulties of winning Russian and French support, and that of front line states, very real."[153]

291. Mr Hoon stated that there were only "limited grounds for optimism" that front line states would implement new measures to clamp down on oil smuggling, particularly in the context of regional attitudes to the intifada in the Palestinian Occupied Territories.

292. Mr Hoon recognised Mr Cook's "frustration with the No-Fly Zones", but disagreed with his position. In Mr Hoon's view, the arguments for the NFZs, both humanitarian and defensive, remained powerful and no less risky means of achieving those objectives had been identified:

> "Military commanders are already charged with conducting the mission we have laid upon them with minimum profile and risk. We have made progress over the past two years bearing down on patrolling rates, reducing responses to Iraqi threats, and making increased use of UAVs (Unmanned Aerial Vehicles) for tactical reconnaissance. But I do not think that looking yet again at patrolling, with a view to reducing or even ending it, would be productive. The arguments for maintaining the No-Fly Zones are based on the assessed continued humanitarian requirement, the importance of the southern Zone for the defence of Kuwait, and the desire to avoid handing Saddam a victory which might undermine containment. These remain powerful. While I accept that our view is not universally shared, it remains that the Zones continue to be legally justified. We have asked officials to identify a better (and less risky) means of achieving our objectives. Despite exhaustive scrutiny, they have not found one: their consistent advice is that regular patrols are required both to achieve the task and in order effectively – and safely – to monitor the threat. Decisions about patrolling rates must remain the preserve of the military commander, who must balance risk against exposure to the threat."

293. Mr Hoon expressed his concern that the US Administration might pick up "mixed messages about our commitment to continued military co-operation in this area", which he believed would be "very damaging" to the UK's ability to influence US thinking and "unhelpful" if it encouraged other P5 members to "introduce the future of the Zones into the package".

---

[153] Letter Hoon to Prime Minister, 14 May 2001, 'Iraq'.

Early negotiations on a smarter sanctions resolution

294. UK officials continued to work on a draft resolution (known informally as the "Smart Sanctions" resolution) to reflect the new policy framework, based on a new Goods Review List.

295. The UK prepared a draft resolution for the P5 Political Directors meeting in New York on 21 May.[154] The UK intended that the draft resolution would:

- allow the export to Iraq of all goods other than WMD and military items through fast-track procedures;
- introduce more tightly focused controls on "Iraq weapons" through agreement on a "Controlled Goods List" of arms and items of WMD concern: the UK was pressing the US not to insist on an "unreasonably long list";
- through agreement with Iraq's neighbours, bring Iraq's illegal oil exports within the OFF programme; and
- introduce strengthened monitoring of Iraq's land, sea and air borders.

296. Sir Jeremy Greenstock told the Inquiry that:

> "The Council remained deeply divided between those states which remained highly suspicious of Iraqi activity, with intelligence showing evidence of continued Iraqi interest in materials for sophisticated weapons programmes (the US, the UK and one or two other western or western-oriented members of the Security Council), and Russia, France, China and many developing world or middle-ground members of the Council, who opposed the continuation of sanctions short of convincing evidence that Iraq was continuing to breach Security Council resolutions in a way which threatened international peace and security."[155]

297. It proved impossible to reach agreement in the Security Council by the deadline of 4 June.

298. Mr Sawers advised Mr Blair at the end of May that there remained "big arguments ahead" on the detail of any new arrangement, within the US Administration, the P5 and the region.[156] It would be surprising if an agreement could be reached in the Security Council by early June. Mr Sawers asked: "Do you anyway want this to come to a head in late May/early June? Wouldn't it be better to let it slip a month or two?"[157]

299. Mr Sawers also reported that there was a difference of view between Mr Cook and the MOD on the utility of the NFZs, and suggested asking the MOD for a considered view on the alternatives.

---

[154] Minute Tanfield to Goulty, 18 May 2001, 'Iraq Policy Review: Draft Rollover Resolution'.
[155] Statement, 27 November 2009, pages 2-3.
[156] Note Sawers to Prime Minister, [undated], [untitled].
[157] As the June 2001 UK General Election would have prevented UK Ministers from taking an active role in lobbying for the change.

300. Mr Blair indicated his agreement on both points.[158]

301. Resolution 1352, adopted on 1 June, extended the period for negotiation by a month with the "intention to consider new arrangements for the sale or supply of commodities and products to Iraq … in civilian sectors" while improving "the controls to prevent the sale or supply of items prohibited or unauthorised by the Council".[159]

302. After the General Election of 7 June 2001, Mr Jack Straw was appointed as the Foreign Secretary. Mr Straw told the Inquiry that Iraq was one of the issues flagged up in his initial briefing, but very much as "work in progress".[160] He was briefed on the problems with existing sanctions, on the negotiations already under way to introduce "smarter sanctions", and on the question of what to do about the NFZs.

303. Mr Straw was briefed on progress on Iraq for a Cabinet meeting on 28 June.[161]

304. There was no discussion in Cabinet on this or any other aspect of Iraq policy during 2001.

305. Negotiations on the "Smart Sanctions" resolution, incorporating a revised Goods Review List (GRL), resumed in New York. The UK tabled a revised draft on 8 June.[162]

306. It proved impossible to achieve agreement within the Security Council on a new resolution. In his statement to the Inquiry, Sir Jeremy Greenstock wrote:

> "Russia in particular was virulently opposed to the recasting of the sanctions regime lists, more because they were trying to bring the whole sanctions regime to an end, as they believed it was no longer justified, than because they disagreed with the idea of focusing on 'dual-use' items … when this came to a head in June and July, the Russians remained adamant and nothing new was achieved.
>
> "… the French, who often sided with the Russians on Iraq, were quite constructive in their support for these revisions, with the French Government telling us at a very senior level that they believed that Saddam Hussein was continuing to develop his chemical and biological capabilities (end-June 2001). France and China told the US and the UK at that time that they could agree on the new Goods Review List. This isolated Russia, but Moscow remained defiant. The US, in frustration, began to sound increasingly belligerent about using the No-Fly Zones to deliver sharper attacks on Iraqi military installations. The UK, alongside the US, sought to address the Russian opposition with rational argument about the benefits to the Iraqi people of a narrower list and about the good sense of concentrating on dangerous weaponry. But the Russians, who were in close consultation with the Iraqis

---

[158] Manuscript comment Blair on Note Sawers to Prime Minister, [undated], [untitled].
[159] UN Security Council Resolution 1352 (2001).
[160] Public hearing, 21 January 2010, pages 4-5.
[161] Minute Stephens to Herrigan, 27 June 2001, 'Iraq: Briefing for Cabinet Meeting, 28 June'.
[162] Minute McKane to Sawers, 12 June 2001, 'Iraq'.

throughout this period, believed the Iraqi line that the United States in particular was trying to impose a punishment on Iraq by any means possible, that this continued punishment was unjustified in the absence of clear evidence that WMD programmes were being pursued and that the whole sanctions regime could be knocked aside, under the force of international concern about the humanitarian situation, if the Russians persisted with their tactics."[163]

307. Sir Jeremy told the Inquiry:

"The Russians were just not prepared, I think, in mid-2001 with a new American administration, to be carried along into a recasting of the sanctions regime on Iraq which would extend it without any clear measures, stepping stones, if you like, for how Iraq could get out of the sanctions regime. They regarded it as one-sided in that respect, whereas [resolution] 1284 had been comprehensive."[164]

308. Sir Jeremy continued:

"They [the Russians] held out in July, they held out in November, and we wondered whether we would ever get a sanctions regime."

309. Sir John Sawers told the Inquiry why he thought the Russians had maintained their opposition to a "Smart Sanctions" regime:

"The real reason … conveyed … by senior Russians authoritatively, was that they were concerned about their commercial position in Iraq and the Iraqis actually didn't want any change to the sanctions regime. The Iraqi regime was comfortable … we understood that the Iraqis actually threatened to cut off all Russia's contracts if they agreed to the modification of sanctions, and the Russians were fairly open with us about that."[165]

310. The Inquiry asked Mr Ross if the Russian attitude had affected US policy.[166] He told the Inquiry:

"I think it did … I think it built US suspicions of the Security Council as a place to do business … which undermined at a critical period the US intention to use the Council and to use UNMOVIC as an avenue for its policy of containing Iraq.

"I think they [the US] felt that … even when they were easing sanctions, they hit a Russian blockage in the Security Council and that caused considerable frustration in Washington, but also provided a lot of ammunition to the neo-cons and other people who said, you know, 'You can't do anything through the UN, it is just a kind of joke, that place, just forget it' …"

---

[163] Statement, 27 November 2009, page 3.
[164] Public hearing, 27 November 2009, pages 12-13.
[165] Public hearing, 10 December 2009, page 32.
[166] Public hearing, 12 July 2010, pages 30-31.

311. Mr Blair spoke to President Vladimir Putin on 27 June, but without reaching agreement on the UK proposals.[167]

312. Mr Blair spoke separately to Presidents Chirac and Bush on 29 June. The record confirms Sir Jeremy's account of the French position.[168]

313. The UN Security Council adopted resolution 1360 on 3 July 2001, extending the OFF programme by five months.

314. An FCO briefing for Mr Straw stated that the UK would use the time to work on the Russians, who were seen as isolated.[169]

315. In his statement in the Security Council of the UK position after the vote on resolution 1360, Sir Jeremy Greenstock said that there was:

> "… now a wide sense across the United Nations that it is the right time for new arrangements, such as those we have proposed … There is no good reason for delay.
>
> "… We remain ready to engage in discussion of the implementation of resolution 1284 … But there is as yet no sign of a willingness by Iraq even to begin to co-operate in meeting its obligations under that resolution or, indeed, under other resolutions. Iraq consistently refuses to contemplate the return of United Nations disarmament inspectors. Why, then, delay the adoption of improvements in the humanitarian programme?"[170]

316. The US representative stated that a GRL, which was central to the new approach, had been produced the previous week. It would have been adopted that day "save for the threat of a veto. But a veto would bring our work to a halt and thus would be a victory for Iraq."

317. Syria stated that there was a need to take "a comprehensive approach … leading to a resolution of the humanitarian issues facing Iraq and neighbouring countries".

318. Mr Straw visited Washington from 10 to 11 July.

319. Briefings for the visit from the British Embassy Washington and the FCO reflected concerns that, following the failed attempts to secure a new resolution, the US Administration could shift its policy away from diplomatic containment and towards regime overthrow.[171]

---

[167] Letter Sawers to McDonald, 27 June 2001, 'Telephone Conversation with Russian President: Iraq'.
[168] Letter Sawers to McDonald, 29 June 2001, 'Prime Minister's Telephone Calls to President Chirac and President Bush Iraq'.
[169] Briefing FCO, [undated], 'Secretary of State's visit to the United States: 10-11 July 2001 Iraq'.
[170] UN Security Council, '4344th Meeting Tuesday 3 July 2001' (S/PV.4344).
[171] Telegram 765 Washington to FCO London, 5 July 2001, 'Your Visit to Washington: Foreign Policy Issues'; Briefing FCO, [undated], 'Secretary of State's Visit to the United States: 10-11 July 2001 Iraq'.

320. The FCO briefing advised that gaining the co-operation of some of Iraq's neighbours, and providing a safety net for others, were important steps in making progress on a new sanctions regime.[172]

321. During his visit, Mr Straw discussed progress on securing "Smart Sanctions" and the importance of winning over the front line states.[173]

322. Sir Peter Ricketts told the Inquiry that he had believed in July 2001 that "a growing majority on the Security Council" could "see that the current sanctions regime was not working … and should be replaced", and that there was momentum behind the policy.[174]

323. Sir Jeremy Greenstock gave the Inquiry a more pessimistic view:

> "The Oil-for-Food regime was … rolled over for six months at the beginning of July 2001 with no prospect of this stalemate being ended even in the following six-month period.
>
> "… this was quite a low point in the saga of the Security Council's activities on Iraq, since it seemed that there was no way forward on any of the potential tracks.
>
> "The UK concluded from this experience that it was going to be extremely difficult to end the fundamental stalemate at the Security Council over Iraqi sanctions … with the failure of the Security Council to reach any form of agreement on Iraq's future, we were looking at the prospect of a continued unravelling of the sanctions regime, of growing confidence in Baghdad that they could outwit the international community and of a real prospect that, over time, Iraq would be able to reconstitute some of the programmes which had been destroyed after 1991. In the summer of 2001, we and the Americans had no clear ideas on how we could successfully get out of this logjam."[175]

324. Russia's attitude towards Iraq was discussed on 19 July during President Bush's visit to the UK. Mr Blair highlighted the need to persuade President Putin to engage on Iraq.[176]

325. Mr Blair's memoir recorded that President Putin had joked that he was "all in favour" of sanctions "provided we compensated him for the US$8bn that Iraq owed Russia".[177]

---

[172] Briefing FCO, [undated], 'Secretary of State's Visit to the United States: 10-11 July 2001 Iraq'.
[173] Telegram 793 Washington to FCO London, 12 July 2001, 'Your Visit to Washington, 10-11 July: Talks with Colin Powell: Iraq'.
[174] Public hearing, 24 November 2009, pages 74-75.
[175] Statement, 27 November 2009, pages 3-4.
[176] Letter Sawers to Cowper-Coles, 20 July 2001, 'Prime Minister's Talks with President Bush, Chequers, 19 July'.
[177] Blair T. *A Journey*. Hutchinson, 2010.

326. The record of Mr Blair's discussions with President Putin in the margins of the G8 meeting in Genoa on 21 July verifies Mr Blair's and Mr Sawers' accounts.[178] The priority was to stop Iraq acquiring nuclear weapons. Mr Blair observed that Iraq had rejected proposals to allow UN observers to return as a first step to lifting sanctions, and that the proposals on the table were to move to interim arrangements before UN inspectors returned and sanctions were lifted. In addition, the issue of whether an "outside enemy" led to people "rallying round and allowed Saddam to justify his strict internal regime" was raised. Mr Blair was concerned about the humanitarian impact of sanctions; and that the situation in Iraq made stabilising the Middle East more difficult. Mr Sawers concluded that Russia was looking for a way out of the impasse.

JIC Assessment, 25 July 2001

327. On 25 May, the JIC assessed Saddam Hussein's strategy and "the continuing erosion of sanctions".[179] That Assessment is addressed in the Box below.

JIC Assessment, 25 July 2001: 'Iraq: Continuing Erosion of Sanctions'

The JIC assumed, for the purposes of its Assessment, that there would be no change to the existing sanctions regime until the end of the year. It did not assess the prospects for achieving P5 unity and the UK's "new approach" in that timescale.

The JIC's Key Judgements included:

- "**Most Governments around the world still respect UN sanctions**. Around 80 percent of Iraq's overall revenues are controlled through [the] Oil-for-Food [programme] … There is broad international consensus to maintain the **arms embargo** at least as long as Saddam [Hussein] remains in power. This severely limits Iraq's ability to re-build its military threat."
- "**Nevertheless, the effectiveness of sanctions continues to erode** … Iraq's illicit earnings are likely to exceed US$3bn this year …"
- Syria, Jordan and Turkey benefited "from cheap Iraqi oil and associated trade with Iraq. In the absence of compensation or P5 unity, they will remain **reluctant to support revised sanctions or allow closer monitoring of trade**." Regional support for revising sanctions would be "increasingly difficult to achieve" as Iraq extended "trade benefits to more Arab states" and the Palestinian crisis continued.
- "… **Russia** blocked a revised UN sanctions regime because it believed its trade prospects would be severely curtailed. But Russia may not feel able to stand in the way of a further resolution on sanctions."
- "**Iraq's isolation has diminished** … Wider Arab sympathy for Iraq is bolstered by Saddam's championing of Palestinian rights, the widespread Arab perception

[178] Letter Sawers to McDonald, 21 July 2001, 'Prime Minister's bilateral with President Putin, Genoa, 21 July – Iraq'.
[179] JIC Assessment, 25 July 2001, 'Iraq: Continuing Erosion of Sanctions'.

that the US is compromised by its support for Israel, and false propaganda about incidents in the No-Fly Zones."

- "Saddam would only accept the return of UN weapons inspectors if it were accompanied by the **immediate suspension of sanctions**, with a clear timetable for their lift. He would also demand access to oil revenues and try to obtain abolition of the No-Fly Zones."
- "For now, Saddam will avoid measures that would unite the wider Arab world against him and undermine his efforts to build regional economic ties. This will further reduce the risk of military threats to Kuwait or Saudi Arabia. But he will seek to shoot down coalition aircraft in the No-Fly Zones."

The JIC stated that while Iraq's illegal income was increasing, its income under the OFF programme was likely to fall from US$17bn in 2000 to US$14bn in 2001, largely as a result of Iraq's temporary suspension of oil deliveries under the OFF programme.

Syria was now "**the largest purchaser of illicit Iraqi oil**" and was "becoming a more favoured route for the supply of military spare parts, telecommunications equipment and chemicals to Iraq". There was "scope for the illegal trade … to grow further … in the medium term there are plans for a new pipeline and additional road and rail links".

Most of those who dealt with Iraq had not changed their minds about Saddam Hussein. He had "no friends in Saudi Arabia or Kuwait" and he distrusted "both King Abdullah of Jordan and President Bashar [al-Assad] of Syria". But his strategy was "**to place Syria and Jordan under greater obligation than the west or Gulf States will be willing to buy out**".

The "widespread renewal of Iraq's diplomatic contacts" in 2000 had been extended in 2001 "by a variety of bilateral and multilateral meetings mainly to develop economic relations". International flights were continuing with Iraq-based civil aircraft flying between Baghdad and Damascus "three or four times a week" with "a similar number of foreign aircraft" flying "into Baghdad mainly from Russia, Turkey and other Arab countries". "Three ferries a week" operated "between the UAE, Bahrain and Iraq" which were "largely unregulated".

The JIC stated that:

> "The regime feels stronger for having an external enemy and the elite is profiting. All of Saddam's close associates have become $ millionaires through sanctions breaking trade …
>
> "… Saddam judges his position to be the strongest since the Gulf War. Although much of this is based on regional dependence on illicit oil, the regime is secure …"

328. Iranian support for the British position provided the opportunity for Mr Blair to maintain contacts with President Mohammad Khatami of Iran.[180]

329. Mr Blair wrote to President Khatami on 30 July, thanking him for Iran's public support for the UK proposals which Mr Blair "… firmly believe[d] … are necessary to

[180] Letter McDonald to Wechsberg, 24 July 2001, 'Iran: Letter from the Prime Minister to President Khatami on Iraq'.

contain the threat that Iraq poses to its neighbours … while at the same time addressing the humanitarian needs of the Iraqi people".[181]

Continuing concerns about the NFZs

330. On 12 February 2001, Mr Brummell had written to Mr McKane:

- confirming that Lord Williams accepted "that it is still **possible** on balance to argue that the maintenance of the No-Fly Zones is justified as a necessary and proportionate use of force to prevent a humanitarian crisis";
- emphasising "that it is vitally important to keep constantly in view the precarious nature of the legal basis for UK and US action in the No-Fly Zones"; and
- asking for an "update of the situation in the north and south of Iraq, consideration of alternatives to the maintenance of the Zones, and information on any civilian casualties associated with UK and US operations in relation to the Zones", by the end of May 2001.

331. That letter is described earlier in this Section.

332. The production of the update was delayed by the UK General Election in June 2001. After the election, Lord Goldsmith of Allerton became the Attorney General.

333. Mr McKane wrote to Mr Brummell on 28 June, to provide the update.[182] He advised that there was no evidence that would entail a revision of the assessment that he had provided on 8 February (and which had been endorsed by Mr Cook and Mr Straw), but offered an update on the points made in that letter:

> "Although we cannot predict with absolute certainty how Saddam would react in the event of a cessation of coalition operations in the southern No-Fly Zone, our judgement remains that he would revert to the use of air power against the Shia population …
>
> "… more effective persecution of the Shia would add to their misery and would risk provoking another cycle of uprising and brutal repression. A grave humanitarian crisis would result …
>
> "There is no reason to call into question the JIC judgement … that abolition of the northern No-Fly Zone would be likely to lead to a refugee crisis at least comparable to 1996 (nor that, in the event that Saddam faced widespread opposition to an assault to recover the north, a humanitarian refugee crisis similar to that in 1991 would follow).

---

[181] Letter Prime Minister to Khatami, 30 July 2001, [untitled].
[182] Letter McKane to Brummell, 28 June 2001, 'Iraq'.

> "Our judgement in February was that a decision to move away from patrolling the south would make it more difficult to sustain the necessary political support for the northern No-Fly Zone. That remains our view.
>
> "Overall, our continued collective judgement is that there remains an unacceptably high risk that, in the event that we ceased patrolling the southern No-Fly Zone, extreme humanitarian distress would result on a scale comparable to that which led to a grave humanitarian crisis and the establishment of the Zones in 1991 and 1992."

334. Addressing Lord Williams' request that officials "should continue to seek to establish whether alternatives methods [to the NFZs] to achieve our objectives could be identified", Mr McKane stated:

> "… the MOD has conducted a comprehensive review to inform the policy dialogue we have been engaged in with the new US Administration. After our own careful and detailed scrutiny, no other arrangements that would obviate the need to conduct regular patrols over Iraqi territory have been identified."

335. Mr McKane confirmed that the need "to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects" remained a key concern for coalition commanders in the planning and implementation of attacks.

336. Mr Brummell responded on 25 July.[183] Noting that there was no change to the assessment of 8 June, he wrote:

> "As discussed, the new Attorney General will wish to consider in the near future the issues relating to the legal basis for the conduct of operations in the NFZs, having regard in particular to your update … I shall revert to you as soon as he has done so."

337. The following day, Mr Hoon received advice on a possible large-scale attack by US forces on the Iraqi air-defence system, in response to continuing Iraqi attacks on coalition aircraft in the NFZs.[184] The advice stated that the MOD was not yet in a position to consult Law Officers, but "there were strong grounds for believing that they would have difficulty with an attack of this scale". A manuscript comment to Mr Hoon from his Private Office in the margin of the advice stated that the FCO and No.10 were "both in the picture".

338. It is not clear whether Mr Brummell was aware that the US was considering those strikes when he wrote to Mr McKane.

---

[183] Letter Brummell to McKane, 25 July 2001, 'Iraq'.
[184] Minute Palmer to APS/Secretary of State [MOD], 26 July 200, 'Iraq: Possible RO4'.

339. Reports of a "planned large-scale military response to recent events in the southern No-Fly Zone", "sourced to the Pentagon", appeared in the media on 27 July.[185]

340. Mr McKane wrote to No.10 on 1 August, advising that military planners within the Pentagon and the MOD had discussed options. The Pentagon option was for a raid involving attacks on 30 targets, two-thirds of which were north of the southern No-Fly Zone and within 20 miles of Baghdad. The UK preference was to attack 20 targets, 12 of which lay within 20 miles of Baghdad. Each of the proposed targets was connected with the Iraqi air-defence system though two were in the vicinity of the civilian airports at Baghdad and Basra which had civilian as well as military roles.[186]

341. Lord Goldsmith was provided with written briefing on the US proposals and met MOD officials on 1 and 8 August.[187]

342. An official in Mr Hoon's Private Office wrote to No.10 on 2 August setting out the issues:

> "Whilst coalition aircraft have continued to come under regular attack by the Iraqi air defences, the military assessment was until very recently that the overall risk remained manageable. Events over recent weeks have, however, brought this into question, with July seeing an alarming increase in the number of occasions on which coalition aircraft have narrowly avoided being shot down (ten separate incidents in the south alone, compared to eleven in the previous four months combined)."[188]

343. The increased risk reflected greater Iraqi capability and "coalition restraint over the past three months".

344. Decisions on the operation were likely to be delayed by US concern about the reaction of "moderate Arab governments" which were "already under pressure as a result of developments in Israel and Palestine", and by the US appreciation of the likely propaganda benefits to Saddam Hussein from such attacks. The debate within the US Administration on how to respond to the attacks on coalition aircraft had broadened into a wider one about the direction of US policy, "with advocates of hitting Saddam harder using this as an opportunity to move the argument in that direction".

345. Mr Hoon's Private Office concluded:

> "The Defence Secretary is convinced of the need, in the face of the substantially increased threat, to take action to reduce the risk to the Service Personnel conducting this task [patrolling the Zones]. Whilst he understands the political and presentational arguments for delay, his preference would have been for a

---

[185] Minute Tanfield to PS/Straw, 27 July 2001, 'Secretary of State's Conversation with Colin Powell, 27 July: Iraq NFZs'.
[186] Letter McKane to Tatham, 1 August 2001, 'Iraq: No-Fly Zones'.
[187] Letter Brummell to Nash, 9 August 2001, 'Iraq: No-Fly Zones (NFZs) – Target Clearance'.
[188] Letter Moffatt to Tatham, 2 August 2001, 'Iraq: RO4'.

substantial operation designed to achieve this (indeed, he has asked for the views of the Attorney General on a UK-prepared plan to attack 21 targets). He accepts the military advice that only by conducting such an operation, including against targets north of the 33rd parallel, can we expect to reduce the threat substantially in the medium term. But he accepts that, just as in the US, time will be required to afford collective consideration of such a proposal. He believes that this is an issue to which we will need to return in the future.

"In the meantime, he is clear that the status quo is not an option, and that a robust return to the existing agreed concept of operations is essential … to enable the coalition to manage the enhanced risk in the immediate term."

346. Mr Patey reported on 3 August that the US had decided not to carry out the proposed operation, pending consideration of its wider implications.[189] He described it as "welcome news".

347. The MOD proposed to return to the level of operations within the NFZs before the constraints imposed following the February attack. That would raise the profile of the NFZs, but the FCO believed that the UK should be able to portray that as a legitimate and proportionate response to the increased threat to air crew.

348. Mr Straw's Private Office wrote to No.10 later that day, acknowledging the increase in the threat and that military commanders should use their delegated authority to take actions within the NFZs to minimise the risk to air crews.[190] Mr Straw was concerned that a major attack should not be initiated:

"… without considering carefully the implications for our wider interests.

"… A more substantial operation … would bring into stark relief arguments about double standards and inflame Arab public opinion. We might face attacks on UK … Embassies and other interests in the region. We owe a duty of care to our staff and to British citizens in the region, as well as to our aircrews.

"Politically, a major operation north of the southern NFZ would play straight into Saddam's hands … UK domestic and international reaction following the February attacks was hostile …

"Such an operation could also prove fatal to our current Iraq policy … a major operation would be interpreted as a get-tough policy by the US in frustration at the failure to get our revised sanctions approach agreed … The collapse of our current policy, which has been carefully considered and agreed in Whitehall and with the US, would leave us in a policy vacuum in which we would risk getting sucked into adopting a more militaristic posture.

---

[189] Minute Patey to PS [FCO], 3 August 2001, 'Iraq: NFZs'.
[190] Letter Sedwill to Tatham, 3 August 2001, 'Iraq: RO4'.

"… the balance of advantage to maintaining the NFZs would require the most careful consideration."

349. On 3 August, an official in the British Embassy Washington reported that one senior US official had said that the debate over the proposed attacks had "given greater impetus" to the need to develop the overall US strategy on Iraq; and that substantive outcomes were "unlikely in days, but possible in weeks".[191]

350. Mr Brummell wrote to the MOD on 9 August, setting out Lord Goldsmith's views.[192] Lord Goldsmith had concluded "that proportionate attacks by UK forces on the … two targets could be justified in the context of Allied operations in the southern No-Fly Zone".

351. Mr Brummell also set out Lord Goldsmith's views on proposed attacks by US forces. Referring to earlier correspondence with the FCO, Mr Brummell noted the UK's "potential international legal responsibility" for attacks carried out by the US in the NFZs, and, with regard to the planned action, "the assurances provided by the US that, in relation to all three proposed targets, no civilian casualties may be expected to result from the attacks and that there may be expected no more than minor damage to civilian buildings and facilities". On that basis, the Attorney General had advised: "Provided the responsible senior Ministers are satisfied that these US projections are reliable, and that the US Government are satisfied as to the lawfulness of the proposed attacks", he saw no reason to question that "proportionate attacks by US forces on the … targets … could be justified in the context of Allied operations in the southern No-Fly Zone".

352. A number of attacks were carried out on 10 August, including an attack by the US on a target previously assigned to UK forces. That attack was carried out during daylight hours.

353. Mr Brummell wrote to the MOD on 15 August referring to the concerns the Attorney General had expressed in giving his consent, regarding the importance he had attached to the MOD's assurance that the attack would be carried out at night to avoid the risk of harm to people working in the vicinity of the buildings.[193] MOD officials had also made clear that any change in circumstances would be brought to the Attorney General's attention. Mr Brummell recorded that Lord Goldsmith had asked that the written report on the attacks should address the points he had raised; and that his concerns should be drawn to Mr Hoon's attention.

354. Mr Hoon's Private Office replied to Mr Brummell on 3 September.[194] The letter stressed the importance that Mr Hoon attached to the Law Officers' advice and that he was fully aware of the need to ensure that the actions of coalition partners were "governed by similar principles". Mr Hoon was "confident that US commanders are very

---

[191] Telegram 886 Washington to FCO London, 3 August 2001, 'Iraq'.
[192] Letter Brummell to Nash, 9 August 2001 'Iraq: No Fly Zones (NFZs) – Target Clearance'.
[193] Letter Brummell to Nash, 15 August 2001, 'Iraq Targeting'.
[194] Letter Moffatt to Brummell, 3 September 2001, [untitled].

much aware of their obligation to minimise the risk of civilian casualties and collateral damage". US assessments in respect of targets were based "on more sophisticated modelling and have the benefit of a much greater range of weaponeering solutions than assessments made by the UK targeting staff in respect of RAF targets". The letter concluded that: "In circumstances … where there is … no clear reason to challenge US targeting judgements, he [Mr Hoon] takes the view that we should take on trust assurances provided by … our closest ally."

Lord Goldsmith's review

355. Mr Brummell wrote to Mr McKane on 24 August informing him that Lord Goldsmith intended to carry out his review of the legal justification for the maintenance of the NFZs during September; and that he had asked whether there was any additional information which departments wished to draw to his attention, and whether there were any developments subsequent to Mr McKane's update of 28 June.[195] Copies of the letter were sent to the MOD, the FCO and No.10 officials.

356. Mr Brummell also asked for clarification on a number of specific points:

- Whether departments could "expand on the assessment that a decision to move away from patrolling the south would make it more difficult to sustain the necessary political support for the northern No-Fly Zone".
- Whether it was possible to expand the assessment of the "*likelihood*" of a "grave humanitarian crisis" occurring as a result of persecution of the Shia.
- Whether departments could direct him "to the precise materials and/or passages" in "the MOD's comprehensive review of the Zones" on which the conclusion that "no other arrangements have been identified which would obviate the need to conduct regular patrols over Iraqi territory" had been based.
- Whether the assessment in Mr Patey's letter of 29 January that there might be "scope for adjustment" in relation to the northern NFZ remained valid, and if it did whether it affected "the assessment of whether there are any practical alternatives to patrolling the northern No-Fly Zone if lives are to be saved".

357. Mr McKane forwarded a copy of the letter to Sir David Manning, Mr Blair's Foreign Policy Adviser, with the comment:

> "You need to be aware of this correspondence. I've got the matter in hand – I'll probably ask the MOD to produce a draft reply for discussion with them and FCO – but I may need to ask you to weigh in if the Attorney is unconvinced by our arguments."[196]

358. Copies of the letter were circulated widely within the MOD, and to Mr Hoon.

---

[195] Letter Brummell to McKane, 24 August 2001, 'Iraq'.
[196] Manuscript comment McKane to Manning, 3 September 2001, on Letter Brummell to McKane, 24 August 2001, 'Iraq'.

359. Mr McKane responded to Mr Brummell's letter on 16 October (see Section 3.1).

Discussions on a new contingency plan for the loss of an aircraft in Iraq

360. Mr Webb told the Inquiry that, in the event of a coalition plane being shot down in the NFZs:

> "We had a contingency plan … which was run from the joint headquarters in Saudi Arabia. The objective would have been the safety of the air crew … to basically go and get them back if wounded on the ground inside Iraq, whether or not the Iraqis tried to stop us doing it … it is called 'combat search and rescue' … it was on stand by all the time these [NFZ] operations were being flown and it didn't need Ministerial authorisation to go out and do that, and, as I'm implying, as well as just getting in there and picking up the air crew and looking after them medically, if necessary, we would have kept the Iraqi forces away … there was a debate to be had … of what's necessary to keep the – if I might put it like this – Iraqi forces' head[s] down while we went and recovered the crew, as opposed to also signalling that we wished they would not do it again."[197]

361. In late summer 2001, reports on US contingency planning for the loss of aircraft caused concern within the UK Government.

362. On 29 August, Mr Webb advised Mr Robert Cooper, Head of the Overseas and Defence Secretariat in the Cabinet Office, that the US Central Command (CENTCOM) had reviewed its contingency plans for the loss of a coalition aircraft in the NFZs.[198] The revised plan, understood to have been endorsed in principle, "provides for a major offensive operation, distinct from measures taken to recover downed aircrew, against a wide range of targets across Iraq within four hours of a shoot-down being confirmed".

363. Mr Webb described the US proposals as "of a piece with DoD [US Department of Defense] ideas on future responses to Iraqi threats ('more savage, less often')". The main legal concern was the breadth of the list of targets within Baghdad included in the revised plan.

364. In a manuscript note on his copy of Mr Webb's letter, Mr Stephen Wright, FCO Deputy Under Secretary of State (Defence and Intelligence), asked Mr Patey for advice, adding:

> "On the substance, I think we should strongly advise the US against their proposed strategy: it is politically and legally all wrong for both the US and the UK."[199]

---

[197] Public hearing, 24 November 2009, pages 148-149.
[198] Letter Webb to Cooper, 29 August 2001, 'Iraq: US Contingency Planning for the Loss of an Aircraft'.
[199] Manuscript comment Wright on Letter Webb to Cooper, 29 August 2001, 'Iraq: US Contingency Planning for the Loss of an Aircraft'.

365. Mr Wright responded to Mr Webb's letter on 5 September, emphasising the importance of understanding how any operation "might impact not only on our Iraq policy but on the region as a whole".[200]

366. Discussions between the UK and US on the proposed contingency plans continued for some months, and at the highest levels. The UK's objective was to moderate the US proposals.

367. The matter was not resolved until July 2002.

368. Mr Hoon's Private Secretary reported to Sir David Manning on 22 July 2002 that Lord Goldsmith had agreed to UK participation in attacking the target set, with the exception of three regime targets which would be attacked by the US.[201] In the event of a legal challenge, the Attorney General had advised that there would be a need for the UK to disassociate itself from that part of the action. That could damage US/UK bilateral relations. Mr Hoon proposed that the UK should agree a joint US/UK plan on that basis.

369. Mr Blair agreed.[202]

370. The circumstances in which the plan needed to be implemented did not arise.

Developments in the US

371. In early August, the British Embassy Washington reported that it appeared that a debate was heating up in Washington on the balance between different strands of US policy (sanctions, military containment and regime change).[203]

372. In a discussion with Mr Webb in mid-August, a senior Pentagon official stated that regime change was needed to prevent Iraq from acquiring a credible WMD capacity and becoming the dominant regional power.[204]

373. In early September, a senior State Department official advised the British Embassy Washington that activity on ideas for regime change was "much ado about nothing".[205]

374. Published American accounts described this debate. On 1 August, a paper entitled 'A Liberation Strategy' was presented to the National Security Council.[206] It proposed phased pressure on Saddam Hussein and support for the Iraqi opposition; no policy recommendation was made to the President.

---

[200] Letter Wright to Webb, 5 September 2001, 'Iraq: US Contingency Planning for the Loss of an Aircraft'.
[201] Letter Williams to Manning, 22 July 2002, 'Iraqi No Fly Zones: Contingency Planning for the Loss of an Aircraft'.
[202] Manuscript comment Blair on Note Manning to Prime Minister covering Letter Williams to Manning, 22 July 2002, 'Iraqi No Fly Zones: Contingency Planning for the Loss of an Aircraft'.
[203] Telegram 886 Washington to FCO London, 3 August 2001, 'Iraq'.
[204] Telegram 937 Washington to FCO London, 18 August 2001, 'Webb's visit to Washington: Iraq: Military Aspects'.
[205] Telegram 1004 Washington to FCO London, 6 September 2001, 'Iraq: Views of US'.
[206] Woodward B. *State of Denial.* Simon & Schuster UK, 2006.

375. Mr George Tenet, the Director of Central Intelligence, described in his memoir how a CIA analysis before 9/11 concluded that it would be difficult to remove Saddam Hussein because of the layers of security around him and that: "Even if we had managed to take Saddam out, the beneficiary was likely to have been another Sunni general no better than the man he replaced."[207]

376. General Tommy Franks, Commander in Chief CENTCOM, told the 9/11 Commission that in the summer before 9/11 he had been pushing to do more robust planning on military responses in Iraq, but that President Bush had denied his request, arguing that the time was not right.[208] Gen Franks also told the Commission that CENTCOM had begun to dust off plans for a full invasion of Iraq.

377. The then Head of Policy Planning in the US State Department, Mr Richard Haass, recorded that he submitted a memo to Secretary Powell arguing that "Saddam Hussein was a nuisance, not a mortal threat", and that the only sure way of ousting him would be through prolonged military occupation and nation-building.[209]

378. Sir Jeremy Greenstock advised on 6 September that "our goals are to contain Iraqi military/WMD potential and constrict Baghdad's financial flexibility, without excessively harming the Iraqi people".[210] He argued that the issue needed to be given a higher priority in the US/Russian agenda and noted that Mr Goulty was due to hold talks in Moscow later that month.

379. The talks took place on 11 September 2001. Just after they had finished, the news reached Moscow of the terrorist attacks in the US.

380. The Inquiry asked Sir Peter Ricketts if the failure to secure agreement to a new resolution in July changed US policy. He told the Inquiry:

> "Yes, I think it probably did. I don't think it helped Colin Powell's position in Washington, frankly, that he had … not been able to give this containment policy a refresh through the sanctions resolution. I don't think it led to an immediate shift in American policy because I remember, as 9/11 happened, we and the Americans were still working on further pushes with the Russians to see whether we could get a Goods Review List resolution through in the autumn, but I think it didn't help the cause of the State Department that the flagship of this strengthened containment policy had not succeeded by July."[211]

381. Sir Christopher Meyer told the Inquiry that the Bush Administration had focused most of its political energy on domestic issues and that, by early September, appeared

---

[207] Tenet G & Harlow B. *At the Centre of the Storm: My Years at the CIA*. Harper Press, 2007.
[208] Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report.* Norton. Page 336.
[209] Haass RN. *War of Necessity, War of Choice: A Memoir of two Iraq Wars.* Simon & Schuster, 2009.
[210] Telegram 1330 UKMis New York to FCO London, 6 September 2001, 'Iraq'.
[211] Public hearing, 24 November 2009, page 36.

to be “running out of steam” on a range of issues including Iraq.[212] The US inter-agency review of Iraq had not produced any conclusions.

382. Mr Jonathan Powell told the Inquiry: “By the time 9/11 happened, it [containment] really wasn’t going to work any more, the Americans had moved off it.”[213] But there was no US/UK agreement on the way ahead.

[212] Public hearing, 26 November 2009, pages 17-20.
[213] Public hearing, 18 January 2010, pages 21-22.

SECTION 13.1

RESOURCES

Contents

Introduction 445

The cost of the UK's intervention in Iraq 445

How the UK's intervention in Iraq was funded 447

Estimates and arrangements for funding military operations 452

- Agreement on arrangements for funding Urgent Operational Requirements 458
- Agreement on arrangements for reclaiming NACMO 465

Estimates and allocations for non-military activities 473

- Humanitarian assistance and reconstruction 473
  - The first comprehensive estimate of costs, 19 February 2003 484
  - Mr Blair's 6 March 2003 meeting on post-conflict issues 490
  - Humanitarian assistance in the UK's Area of Operations 494
  - DFID secures additional funding from the Reserve 496
- Funding for a British Embassy and security 501

Accuracy of pre-conflict estimates of costs 501

Funding for military operations in the post-conflict period 503

- Cost of the UK's post-conflict military presence 503
- Impact on operations of the MOD's financial position, 2002 to 2004 505
  - The MOD reflects on the reasons for its increased cash requirement 518
  - The impact of the Treasury controls 520
  - Mr Brown's evidence to the Inquiry on increases in the MOD's core budget .. 521
- New arrangements for funding Urgent Operational Requirements, July 2007 523

Funding for civilian activities in the post-conflict period 529

- Initial funding for reconstruction 529
- Initial funding for Security Sector Reform 531
- Pressure for additional funding, autumn 2003 533
  - Pressure for additional funding for diplomatic representation and security 533
  - Pressure for additional funding for reconstruction 535
- Funding military equipment for the Iraqi Security Forces 541
- Better Basra Plan, July 2006 544

New funding mechanisms for civilian operations 546
Reflections on the allocation of funding 551
Differences in funding military operations and civilian activities 551
Funding civilian activities 553
Scrutiny of UK expenditure in relation to Iraq 557
Analyses of expenditure 563
Total direct cost (by financial year) 563
Cost of accommodation, security, medical services and life support 565

Introduction

1. This Section addresses:

- the cost of the UK's involvement in Iraq;
- the main sources of funding for the UK's involvement, the different arrangements for funding military operations and civilian activities, and how those arrangements changed;
- the estimates of the cost of military operations and civilian activities that were made before the invasion, and the extent to which those estimates influenced key decisions;
- the imposition of controls over the MOD's management of its resources by the Treasury in September 2003;
- the allocations for civilian activities that were made before, during and after the conflict; and
- how expenditure was scrutinised.

2. This Section does not address how departments used the resources available to them. Specifically:

- The provision of military equipment is considered in Sections 6.3 and 14.
- The UK's support for reconstruction is considered in Section 10.
- The UK's support for Security Sector Reform is considered in Section 12.

The cost of the UK's intervention in Iraq

3. The direct cost to the UK Government of its intervention in Iraq between the UK financial years 2002/03 and 2009/10 was at least £9.2bn in cash terms[1] (£11.83bn in 2016 prices).[2] That comprised:

Category	£bn	Percentage
Military operations	8.20	89
Humanitarian and development assistance[3]	0.58	6
Diplomatic representation[4]	0.30	3
Inter-departmental Pools and peacekeeping	0.16	2
Total	**9.24**	**100**

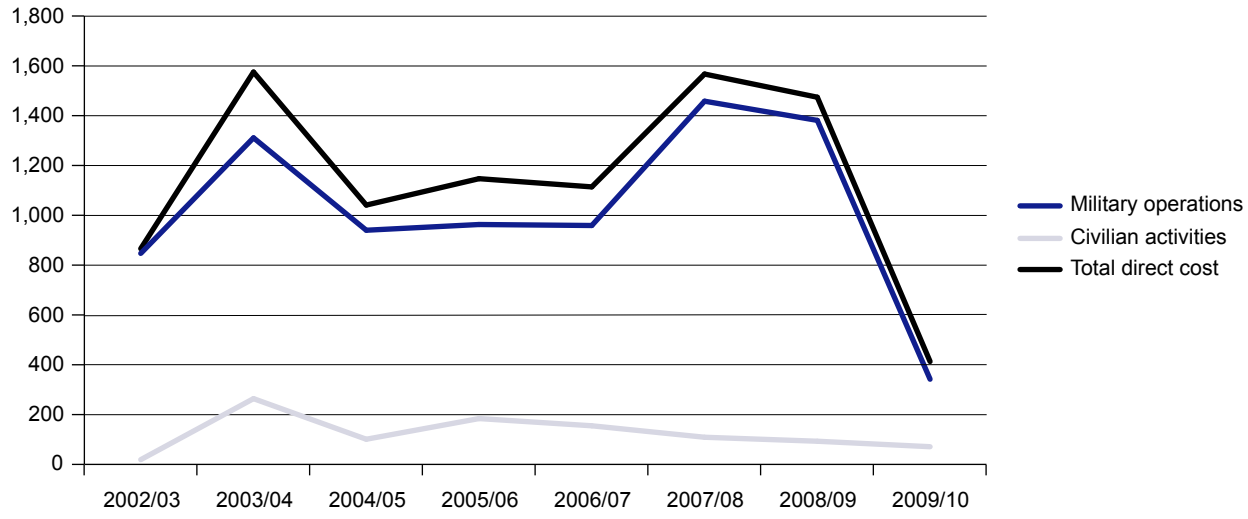
[1] The Government has confirmed that the expenditure figures for DFID and the FCO that were provided by Sir Nicholas Macpherson, Director General in charge of Public Expenditure from 2001 to 2005 and then Permanent Secretary at the Treasury, in his statement to the Inquiry of 15 January 2010, were inaccurate. That statement was published by the Inquiry on 22 January 2010.
[2] 2016 price equivalent calculated using Consumer Price Inflation Time Series Dataset December 2015, Office for National Statistics.
[3] Includes the imputed share of UK contributions to multilateral organisations.
[4] Includes support provided by the FCO to UK secondees to the Coalition Provisional Authority (CPA).

4. In addition, the UK provided £0.95bn in debt relief to Iraq.

5. The figures above do not include expenditure by departments other than the MOD, the FCO and DFID. Although other departments made important contributions to the UK effort, in particular in the post-conflict period, their expenditure was relatively small. The Inquiry has made no estimate of the opportunity cost of the UK's involvement in Iraq.

6. The chart below shows the direct cost of military operations and civilian activities by financial year. A more detailed breakdown of direct costs is provided at the end of this Section.

Figure 1: Direct cost of military operations and civilian activities by financial year (£m)



7. The Inquiry asked Sir Nicholas Macpherson, Director General in charge of Public Expenditure from 2001 to 2005 and then Permanent Secretary at the Treasury, about additional, or indirect, costs such as continuing disability and medical costs for veterans.[5] Sir Nicholas confirmed that such costs were not captured in the information provided to the Inquiry by the Government.

8. In October 2002, the Treasury estimated that the indirect cost of a conflict could more than double the direct cost.[6]

9. Several estimates have been made of the total (direct and indirect) cost of the Iraq War. In their 2007 book, *The Three Trillion Dollar War,* Professor Joseph Stiglitz and Ms Linda Bilmes estimated that the total cost of US involvement in Iraq could be double the direct cost to the US Government.[7] The total cost included: veterans' future costs

[5] Public hearing, 22 January 2010, pages 6-7.
[6] Minute Cunliffe to Chancellor, 22 October 2002, 'Iraqi War: Risks to Treasury Objectives' attaching Paper Treasury, [undated], 'Impact of a War on Treasury Business'.
[7] Stiglitz J and Bilmes L, *The Three Trillion Dollar War*, Allen Lane, 2008. The Inquiry is not able to comment on the methodology used by Professor Stiglitz and Ms Bilmes.

(medical, disability and social security); other social costs; military cost adjustments; interest on debt incurred; and other macroeconomic costs.

10. Indirect costs include the costs of the inquiries that have been established to investigate aspects of the UK's intervention in Iraq. Those include:

- The Al-Sweady Public Inquiry, which reported in December 2014, cost £25m.[8]
- The Baha Mousa Public Inquiry, which reported in September 2011, cost £13m.[9]
- The cost of the Iraq Inquiry, which is published on the Inquiry's website.
- The Iraq Historic Allegations Team (IHAT), which was established in 2010, has a budget of £57.2m up to the end of 2019.[10]

11. The US Congress appropriated US$686bn for operations in Iraq between the US fiscal years 2002[11] and 2009.[12] That comprised:

- US$646bn (94 percent) for the US Department of Defense;
- US$36bn (five percent) for the US Department of State and the US Agency for International Development (USAID); and
- US$4bn (one percent) for the Department of Veterans Administration (DVA).

12. US Department of Defense figures included costs associated with the Commanders Emergency Response Program (CERPs) and the Iraq Security Forces Fund (ISFF). US Department of State and USAID figures included the cost of reconstruction, foreign aid programmes, and embassy operation and construction. DVA costs included medical programmes for Operation Iraqi Freedom veterans.

How the UK's intervention in Iraq was funded

13. There were three main sources of UK funding for the UK's operations in Iraq:

- departments' baseline spending settlements;
- the Reserve (including the Special Reserve); and
- inter-departmental funds (the Global Conflict Prevention Pool, the Conflict Pool and the Stabilisation Aid Fund).[13]

---

[8] Al-Sweady Public Inquiry website, *Inquiry Expenditure and Costs*. The costs of some Core Participants and witnesses were met directly by the MOD; those costs are not included in this figure.
[9] Baha Mousa Public Inquiry website, *Inquiry Expenditure*. The costs of some Core Participants were met directly by the MOD; those costs are not included in this figure.
[10] House of Commons Library, Briefing Paper Number 7478, 22 January 2016, *Iraq Historic Allegations Team.*
[11] The US fiscal year runs from 1 October to 30 September. US fiscal year 2002 began on 1 October 2001 and ended on 30 September 2002.
[12] Congressional Research Service Report, 29 March 2011, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations since 9/11*.
[13] Statement Macpherson, 15 January 2010, pages 1-2.

14. A department's budget comprises Departmental Expenditure Limits (DEL) and Annually Managed Expenditure (AME).

15. In general, DEL covers running costs and all programmed expenditure. It is split into Resource DEL (RDEL) (operating costs) and Capital DEL (CDEL) (new investment). From 2002/03, when full Resource Accounting and Budgeting was introduced, RDEL included 'non-cash' costs. The introduction of Resource Accounting and Budgeting is considered later in this Section.

16. Non-cash costs are costs which are not reflected by cash transactions, for example depreciation and provisions for bad debts.[14] They are included in budgets to ensure that the budgets reflect the full economic cost of activities.

17. AME relates to expenditure that is demand-led (for example, for the MOD, the payment of War Pensions) and therefore cannot be controlled by departments and accommodated within a structured budget process.

18. In the period covered by the Inquiry, the Treasury allowed departments to carry forward unspent funds from one financial year to the next under the End-Year Flexibility (EYF) system. Unspent funds would otherwise have to be returned to the Treasury.

19. The EYF system was replaced in 2011/12 by the Budget Exchange system.[15]

The roles of the Treasury and the Chancellor, and the *Ministerial Code*

The Chancellor of the Exchequer has overall responsibility for the work of the Treasury and is the Government's Finance Minister.[16]

The Treasury is the UK's economic and finance ministry, setting the direction of the UK's economic and fiscal policy. The finance ministry side of the department is responsible for overall fiscal policy, including control of public expenditure and strategic oversight of the UK tax system. The Treasury's economic ministry role includes responsibility for growth, infrastructure, productivity and oversight of the financial services sector. The Treasury is also responsible for the UK's overall macroeconomic strategy, including the setting of the monetary policy framework.

In his statement to the Inquiry, Sir Nicholas Macpherson, Permanent Secretary at the Treasury from 2005, stated that the Treasury had two principal roles in relation to Iraq:

- as an economics ministry, to help ensure the potential economic impacts of war in Iraq were taken into account in economic forecasting and policy-making, help plan the economic reconstruction of Iraq, and provide economic expertise to support the UK's post-conflict reconstruction efforts; and

[14] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.
[15] Treasury, *2011 Budget,* 23 March 2011.
[16] The Inquiry has drawn on a number of official sources to develop a statement of the responsibilities of the Chancellor of the Exchequer.

- as a finance ministry, to ensure an appropriate level of funding was provided to achieve the UK's objectives in Iraq and that it was used cost-effectively.[17]

This Section describes the Treasury's involvement on Iraq in relation to both those roles. The Treasury's involvement in planning for and supporting Iraq's post-conflict economic reconstruction is described in Sections 6.4, 6.5 and 10.

The version of the *Ministerial Code* that was current in 2003 stated that the cost of a proposal should be calculated and discussed with the Treasury before that proposal was submitted for discussion at Cabinet level:

> "It is the responsibility of the initiating department to ensure that proposals have been discussed with other departments and the results of these discussions reflected in the memorandum submitted to Cabinet or a Ministerial Committee. Proposals involving expenditure or affecting general financial policy should be discussed with the Treasury before being submitted to the Cabinet or a Ministerial Committee. The result of the discussion together with an estimate of the cost to the Exchequer (or estimates, including the Treasury's estimate, if the department and the Treasury disagree) should be included, along with an indication of how the cost would be met (e.g. by offsetting savings). The estimate of the cost should identify any impact on other departments."[18]

20. Sir Nicholas Macpherson told the Inquiry that departmental settlements were the main source of funding for FCO activity in Iraq, including the UK's diplomatic presence in Baghdad and Basra, and for DFID's contribution to the humanitarian and reconstruction effort.[19] Before the invasion, the Treasury worked with departments to produce estimates of the potential cost of intervention and to ensure that, where appropriate, sufficient funding had been set aside within their existing budgets.

21. If departments were unable to fund activities from their departmental settlements, they could bid to the Treasury for additional funding from the Reserve.

22. The table below shows the departmental settlements for the MOD, the FCO and DFID from 2002/03 to 2009/10 (under the 2002, 2004 and 2007 Comprehensive Spending Reviews).[20]

---

[17] Statement, 15 January 2010, page 1.
[18] Cabinet Office, *Ministerial Code,* 2001.
[19] Statement, 15 January 2010, page 1.
[20] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'. Figures are near cash settlements, in real terms (2008/09 prices). Figures may differ from Comprehensive Spending Review settlement letters due to budget exchange, inter-departmental transfers and other factors.

Table 1: Departmental settlements, 2002/03 to 2009/10 (£bn)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
MOD	28.0	29.0	29.2	29.9	30.2	30.2	30.8	31.1
FCO	1.5	1.5	1.6	1.7	1.7	1.6	1.6	1.6
DFID	3.9	4.0	4.0	4.9	5.3	5.5	5.7	6.6

23. The Reserve is a fund held by the Treasury intended for genuinely unforeseen contingencies which departments cannot manage from their own resources.[21]

24. Sir Nicholas Macpherson told the Inquiry that the MOD was funded through its departmental settlement to be ready for war, but not to go to war.[22] The costs of going to war – the net additional costs of military operations, or NACMO – were reclaimed by the MOD from the Reserve.

25. Sir Nicholas also told the Inquiry that the main call on the Reserve in relation to Iraq had been from the MOD, to pay for NACMO.[23] The Treasury had also accepted "small claims" against the Reserve from DFID and the FCO in relation to expenditure on Iraq that could not be met from their own resources or interdepartmental budgets.

26. NACMO included expenditure on Urgent Operational Requirements (UORs). UORs are urgent requirements for military equipment that arise due to the particular demands of a specific operational threat and may need to be delivered within a shorter period of time than is normal for defence procurement.[24]

27. The table below shows the size of the Reserve from 2002/03 to 2008/09, the percentage spent on the UK's intervention in Iraq, and the size of the Special Reserve.[25] The creation of the Special Reserve in November 2002 is described later in this Section.

Table 2: Size of the Reserve, 2002/03 to 2008/09 (£m)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Total Reserve	2,600	4,100	3,300	3,600	3,000	3,600	4,200
Of which spent on Iraq	847	1,456	910	958	962.5	1,458	1,381
% of Reserve spent on Iraq	33	35.5	28	27	32	41	33
Special Reserve (included in Total Reserve)	1,000	2,500	1,200	1,000	1,100	800	–

[21] Statement Macpherson, 15 January 2010, page 2.
[22] Public hearing, 22 January 2010, page 2.
[23] Statement, 15 January 2010, page 2.
[24] Minute Treasury [junior official] to Chief Secretary, 9 January 2007, 'Increase in the Urgent Operational Requirements Envelope'.
[25] Statement Macpherson, 15 January 2010, page 5.

28. The Global Conflict Prevention Pool (GCPP) and the Africa Conflict Prevention Pool (ACPP) were established in the 2001 Spending Review to fund peacekeeping and peace enforcement operations and conflict prevention programmes.[26]

29. The two Pools were financed by transfers of existing budgets (and activities) from the MOD, the FCO and DFID and the provision of additional funds by the Treasury.[27] The three departments took decisions collectively on allocations from the Pools.

30. The GCPP and ACPP budgets had two elements: programme spending and peacekeeping costs.[28] The peacekeeping budget was used to pay UK contributions to peace support operations mandated by multi-national or inter-governmental organisations. It also covered the costs of deploying UK personnel in both UN and non-UN peace support operations and the UK contribution to international criminal courts. The budget covered both assessed and non-assessed (or voluntary) contributions.

31. Sir Nicholas Macpherson told the Inquiry that the Government had intended that the Pools should promote a more co-ordinated approach across departments.[29]

32. The budget for the GCPP for 2003/04 was £483m, of which £378m was allocated to fund the UK's contributions to peacekeeping and peace enforcement operations and £105m was allocated for conflict prevention programmes.[30]

33. The ACPP and the GCPP were merged in April 2008 to form the Conflict Prevention Pool. A separate funding mechanism, the Stabilisation Aid Fund (SAF), was established in the same year to support stabilisation activity in Iraq and Afghanistan. The SAF was merged into the Conflict Prevention Pool in 2009.

34. The UK military also had access to significant amounts of US funding from CERPs, to spend on urgent relief and reconstruction needs.

35. The US Congress appropriated US$3.6bn for CERPs between 2004 and 30 June 2009, to be used by military commanders to address urgent relief and reconstruction needs in their areas of responsibility.[31] Of that, almost US$3.2bn was spent.

36. The US Special Inspector General for Iraq Reconstruction (SIGIR) reported in July 2009 that, by April 2009, the US had spent or allocated to ongoing projects

---

[26] Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review,* March 2004.
[27] Statement Macpherson, 15 January 2010, page 2.
[28] Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review,* March 2004.
[29] Public hearing, 22 January 2010, pages 46-47.
[30] Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review,* March 2004.
[31] Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.

US$351m from CERPs in the four Iraqi provinces comprising Multi-National Division (South-East) (MND(SE)).[32]

37. In comparison, between the UK financial years 2003/04 and 2008/09, DFID spent at least £100m in MND(SE)[33] and UK forces spent £38m from UK funds on Quick Impact Projects (QIPs).[34]

38. The UK Government has not been able to provide the Inquiry with information on the total amount of CERPs funding available to and used by UK military commanders, but has provided documents that show available CERPs funding in some financial years.[35]

39. MOD briefing provided for an October 2005 Parliamentary Question advised that US$74m of CERPs funding had been "received and expended" by MND(SE) in the financial years 2004/05 and 2005/06.[36]

40. MOD briefing for an October 2006 Parliamentary Question advised that US$66.2m of CERPs funding had been allocated to MND(SE) in the US fiscal year 2005/06.[37]

41. In comparison, in the UK financial year 2005/06, DFID spent some £35m on infrastructure and job creation in MND(SE)[38] and UK forces spent £3m from UK funds on QIPs.[39]

Estimates and arrangements for funding military operations

42. Mr Geoff Hoon, the Defence Secretary, wrote to Mr Blair on 31 May 2002 setting out the "preliminary conclusions" from the MOD's contingency planning for Iraq.[40] A copy of his minute was sent to Mr Gordon Brown, the Chancellor of the Exchequer.

43. Mr Hoon described three options for UK military deployment:

- With three months' notice, the UK could deploy a medium-scale force comprising air and naval assets and a land force of 15,000 personnel. The cost of preparing

---

[32] Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.
[33] Paper DFID, January 2010, 'DFID Non-Humanitarian Spend by Region'. Calculation excludes DFID funding for humanitarian assistance, the World Bank and UN Trust Funds, and programme support costs such as security, accommodation and communications. It is not possible to produce a reliable estimate of the proportion of the funding provided for those purposes that related to the South.
[34] Statement Macpherson, 15 January 2010, page 7.
[35] Email MOD [junior official] to Iraq Inquiry [junior official], 9 June 2014, 'Iraq Inquiry – Queries Relating to Resources'.
[36] Note, October 2005, 'PQ1282S: Background Note'.
[37] Note, October 2006, 'PQ06267S: CERP Funds FY06 (1 Oct 05 – 30 Sep 06)'.
[38] Paper DFID, January 2010, 'DFID Non-Humanitarian Spend by Region'.
[39] Statement Macpherson, 15 January 2010, page 7.
[40] Minute Hoon to Blair, 31 May 2002, 'Iraq', attaching Paper MOD, [undated], 'Annex B: Iraq Contingency Planning Interim Conclusions'.

that force to the required standard of readiness, including essential work to meet equipment shortfalls, would be between £500m and £800m.

- With six months' notice, the UK could deploy a large-scale force comprising air and naval assets and a land force of 35,000 personnel. The cost of preparing that force would be between £800m and £1.1bn.
- With nine months' notice, the UK could deploy the large-scale force at less risk. The cost of preparing that force would be between £900m and £1.2bn.

44. The costs of deployment and campaigning were additional to the cost of preparing those forces.

45. Mr William Nye, Head of the Treasury Defence, Diplomacy and Intelligence Team, provided Mr Brown with "some wider context" on 7 June.[41] Mr Nye advised that there would be four elements in the cost of military operations against Iraq:

- preparing for the operation;
- deployment;
- the campaign; and
- any follow-up operation, "e.g. a sustained peacekeeping deployment if part of Iraq was occupied".

46. Mr Nye advised that Mr Hoon's minute covered only the first of those elements. The MOD estimated the cost of deploying a large-scale force at £100m, plus a similar amount for bringing it back. Estimating the cost of a campaign was "impossible" in the absence of any concept of operations, but would be "several £100 millions". The MOD had "understandably" given no thought to costs "after the war", but:

> "… there must at least be the possibility of some medium-term deployment for peacekeeping or occupation. If on the scale of the Balkans, it would cost several £100 millions a year."

47. Mr Nye advised that, while a smaller military contribution would reduce costs, the MOD was "strongly in favour of the more expensive large-scale land contribution … Ostensibly this is for reasons of strategic influence." Another way to reduce costs would be to provide a more specialised contribution; for example, a land component, or an air component, but not both. The MOD argued that it was premature to close off any option until the US had a clear concept of operations.

48. Mr Nye stated that he assumed Mr Brown would not want to comment on Mr Hoon's minute on paper, but that he might want to factor those points into his discussions with Mr Blair.

---

[41] Minute Nye to Chancellor, 7 June 2002, 'Iraq: Potential Costs'.

49. Mr Brown told the Inquiry:

> "I think Mr Hoon wrote [to] me in June – I think the Treasury did a paper in June about these very issues. I was then advised … to talk to Mr Blair. I told him [Mr Blair] that I would not … try to rule out any military option on the grounds of cost. Quite the opposite … we understood that some options were more expensive than others, but we should accept the option that was right for our country."[42]

50. Sir David Manning, Mr Blair's Foreign Policy Adviser, replied to Mr Hoon's minute of 31 May on 25 June, stating:

> "The Prime Minister has asked for further advice on precisely what steps would have to be taken now, including financial commitments, in order to keep open the possibility of deploying a large-scale force by the end of this year …"[43]

51. Mr Peter Watkins, Mr Hoon's Private Secretary, replied to Sir David on 26 June, providing an update on the MOD's understanding of US plans.[44] Mr Watkins stated that Mr Hoon believed that, before committing UK forces, Ministers would want to be clear on four issues including "whether the prospective outcome looks worth the risk, costs and losses". A key issue, which would determine the need to commit resources, would be whether the UK could "secure adequate influence for a large-scale contribution".

52. On 5 July, prompted by updates on US planning circulated by the MOD, Mr Nye advised Mr Mark Bowman, Mr Brown's Private Secretary, that Mr Brown should write to the MOD to propose that all options for UK participation in military operations (including smaller and more specialised options) should be costed, so that the Government could assess how much it wished to devote – in terms of risk to UK troops, the opportunity cost of withdrawing from other operations, and the financial cost – to securing a degree of influence over US policy and operations.[45] Mr Nye concluded:

> "No.10, MOD, and FCO officials are likely to take as read that the UK should participate if the US decides to go ahead, and on a large scale. Actually, we have some choices …"

53. The Treasury informed the Inquiry that Mr Brown decided not to write to the MOD.[46]

54. Mr Blair discussed Iraq with Mr Jack Straw (the Foreign Secretary), Mr Hoon, Lord Goldsmith (the Attorney General), Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy), Admiral Sir Michael Boyce (Chief of the Defence Staff) and other senior military officers and officials on 23 July.[47] Mr Brown was not present.

---

[42] Public hearing, 5 March 2010, page 14.
[43] Letter Manning to Watkins, 25 June 2002, 'Iraq'.
[44] Letter Watkins to Manning, 26 June 2002, 'Iraq'.
[45] Minute Nye to Bowman, 5 July 2002, 'Iraq'.
[46] Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].
[47] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

55. In a paper prepared for the meeting, the Cabinet Office invited Ministers to "note the potentially long lead times involved in equipping UK Armed Forces to undertake operations in the Iraqi theatre and agree that MOD should bring forward proposals for the procurement of Urgent Operational Requirements".[48]

56. The record of the meeting produced by Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, included the conclusions that:

"
- We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions …
- The Prime Minister would revert on the question of whether funds could be spent in preparation for this operation."[49]

57. Mr Rycroft's record of the meeting was sent to the participants only.

58. Mr Campbell described the meeting in his diaries.[50] He recalled that Mr Blair had said that "he did not want any discussions with any other departments at this stage … He meant the Treasury."

59. Mr Rycroft told the Inquiry that Mr Blair followed up the question of funding for preparing for an operation through "separate contacts" with Mr Brown.[51] Mr Rycroft agreed with the Inquiry that, due to the nature of the relationship between Mr Blair and Mr Brown, matters involving Mr Brown were usually handled personally by Mr Blair, rather than through a letter or note to the Treasury. Mr Rycroft told the Inquiry that the use of that personal channel did not imply that Mr Brown was not aligned with UK policy.

60. The MOD provided No.10 with advice on options for a UK contribution to US-led military operations in Iraq on 26 July (see Section 6.1).[52]

61. The advice defined three options:

- Package 1 – an "in-place support package" using forces already in the region;
- Package 2 – an "enhanced support package" comprising Package 1 with additional air and maritime forces; and
- Package 3 – a "discrete UK package" based on deployment of an armoured division, in addition to the forces in Package 2.

62. Those three options provided the broad framework for discussions within the UK Government until the end of 2002.

---

[48] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[49] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[50] Campbell A & Hagerty B. *The Alastair Campbell Diaries*. *Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[51] Private hearing, 10 September 2010, pages 31-32.
[52] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

63. An MOD official advised Mr Watkins on 30 July that in order to respond to a Ministerial decision on operations in Iraq, the MOD would need to submit a "strategic estimate" of additional costs to the Treasury "as soon as practicably possible".[53]

64. Mr Watkins forwarded that advice to Mr Hoon with the comment:

> "In principle, it would be sensible to do more staff work to refine costs … but, pending the PM/Chancellor discussion, it cannot involve financial commitments."[54]

65. Mr Watkins replied to the MOD official the following day, confirming that Mr Hoon had seen the advice and reporting:

> "The question of whether funds could be expended in preparation for an operation in Iraq is being considered separately elsewhere. In the meantime, no costs should be incurred … No estimates should be submitted to Treasury officials. I will minute further once the funding position is clearer."[55]

66. The MOD told the Inquiry that neither Mr Watkins nor any other official wrote to provide further advice on the funding position.[56]

67. On 4 September, in advance of a planned meeting between Mr Hoon and Mr Brown, Mr Nye briefed Mr Brown that the MOD officials had done little work to refine their cost estimates for preparing a medium and large-scale force, as they were under no pressure from Ministers to do so.[57] Neither had the MOD done any work to assess the cost of campaign itself. Mr Nye said that it would be useful for Mr Brown to emphasise that the Treasury needed to be involved in some of the discussions on military planning, to enable it "to be kept informed of the context of financial and strategic decisions".

68. The Treasury informed the Inquiry that the meeting between Mr Brown and Mr Hoon was one-to-one and no record was taken.[58]

69. Mr Watkins recorded the following day that Mr Hoon had, again, explained to Mr Brown the three options being considered by the UK and alerted him to the likely broad order costs of Package 2.[59]

---

[53] Minute MOD [junior official] to PS/Secretary of State [MOD], 30 July 2002, 'Iraq – Enhancements Required for Potential UK Contribution'.
[54] Manuscript comment Watkins to Hoon, 30 July 2002, on Minute MOD [junior official] to PS/Secretary of State [MOD], 30 July 2002, 'Iraq – Enhancements Required for Potential UK Contribution'.
[55] Minute Watkins to MOD [junior official], 31 July 2002, 'Iraq – Enhancements Required for Possible UK Contribution'.
[56] Email MOD [junior official] to Iraq Inquiry [junior official], 25 September 2013, 'Iraq Inquiry: Queries Relating to Resourcing – MOD response'.
[57] Minute Nye to Bowman, 4 September 2002, 'Meeting with Geoff Hoon: Iraq'.
[58] Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].
[59] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.

70. A further minute from Mr Watkins stated that, at their 5 September meeting, Mr Hoon and Mr Brown had agreed to "meet periodically … so that Mr Hoon could keep Mr Brown in touch with our emerging thinking on the options for UK involvement in any military action and the implications for UORs".[60]

71. On 6 September, a Treasury official sent Mr Brown a paper on the global, regional and local (Iraqi) economic impact of war in Iraq.[61] The paper advised that, globally, a conflict could lead to a rise in the oil price of US$10 a barrel and a consequent reduction in global growth by 0.5 percentage points and a rise in inflation of between 0.4 and 0.8 percentage points. The paper did not consider the impact of a war on the UK economy.

72. The paper also considered Iraq's post-war needs. That analysis is described later in this Section.

73. The Inquiry has seen no indication that Mr Brown responded to the paper.

74. On 16 September, a Treasury official produced an analysis for Mr Ed Balls (Special Adviser to Mr Brown), at Mr Balls' request, on the implications of military action in Iraq for UK public spending.[62] The official suggested that a "central estimate" of the cost of "military action" might be £2.5bn, although that could rise considerably if the campaign was protracted or a large-scale occupation was required. The official also suggested that the cost of reconstruction was likely to be in the order of US$9bn, in addition to International Monetary Fund (IMF) and peacekeeping costs.

75. The official continued:

> "… **the wider economic impact of conflict could be very significant** … [R]educed economic growth would hit … revenues … and would feed through to higher AME forecasts.
>
> "… this year's Reserve is already heavily overcommitted. There is a very real risk that we will breach the DEL limit …
>
> "In summary … military action is very likely to constrain our TME [Total Managed Expenditure] and fiscal flexibility over this and possibly the next financial year."

76. The analysis was also sent to the Private Offices of Mr Brown and Mr Paul Boateng, the Chief Secretary to the Treasury.

---

[60] Minute Watkins to DG RP, 18 September 2002, 'Iraq: Meeting with the Chancellor: 23 September'.
[61] Email Treasury [junior official] to Bowman, 6 September 2002, 'What Would be the Economic Impact of a War in Iraq?' attaching Paper Treasury, September 2002, 'What Would be the Economic Impact of War in Iraq?'.
[62] Minute Treasury [junior official] to Balls, 16 September 2002, [untitled].

77. Sir Nicholas Macpherson told the Inquiry:

> "I don't think at a macro level this intervention [Iraq] has had a significant effect on spending elsewhere … I think the peak year of spending was 2003/04, which was about £1.6bn. When you [the Government] are spending £500bn, £1.6bn is significant and it bears a lot of attention and focus, but it is not going to divert fiscal policy in a massive sense."[63]

78. Mr Brown told the Inquiry:

> "I think we managed to meet the requirements of Iraq and Afghanistan without having to cut other services …
>
> "… it did make my life more difficult, because we had to find £17bn over a period of time, but we thought and believed that these [costs] were manageable, given the priority that we attached to doing the things that we did."[64]

79. The £17bn referred to by Mr Brown represented the NACMO in Iraq and Afghanistan.

80. Mr Boateng told the Inquiry that the Treasury's analyses of the impact of war on the UK's public finances were not conducted with the intention of "second-guessing" Ministers, but to enable the Treasury to contribute to planning and policy discussions.[65]

81. The Treasury provided a more detailed analysis on the potential impact of intervention in Iraq on UK public finances for Mr Brown on 22 October.

Agreement on arrangements for funding Urgent Operational Requirements

82. Section 6.3 describes the increasing concern within the MOD over possible delays in procuring and delivering UORs for operations against Iraq arising from the decision in July not to engage the Treasury in military contingency planning.

83. On 19 September, in the context of discussions within the MOD on how to secure funding for a number of critical UORs relating to potential UK Special Forces operations in Iraq, the Private Office of Sir Kevin Tebbit, MOD Permanent Under Secretary, advised that Sir Kevin believed that Mr Hoon should discuss the issue of funding for UORs with Mr Brown "as soon as possible", which would be at their meeting scheduled for 23 September.[66]

---

[63] Public hearing, 22 January 2010, page 9.
[64] Public hearing, 5 March 2010, pages 103–105.
[65] Public hearing, 14 July 2010, page 22.
[66] Minute APS/PUS [MOD] to Sec(HSF)2, 19 September 2002, 'Op ROW: SF Urgent Operational Requirements (UORs)'.

84. Mr Watkins wrote to Sir David Manning on 20 September, advising that two issues needed to be addressed quickly:

- what potential UK force contribution should be presented to the forthcoming US Central Command (CENTCOM) planning conference the following week; and
- whether to replace army units already allocated to Operation FRESCO[67] so that they would be available if a land force contribution was approved.[68]

85. Mr Watkins advised that Mr Hoon believed that Package 2 (the air and maritime package, plus Special Forces) should be presented to the conference as a potential UK contribution.

86. Providing a land contribution in addition to Package 2 was "more complicated". The option required further development.

87. Mr Watkins wrote that Mr Hoon felt it would be "premature" to offer a land contribution on the same basis as Package 2:

> "… we should indicate to CENTCOM that we are still considering this option and that they should model two plans in parallel, one including the UK land force contribution and one without it."

88. Mr Blair discussed the contribution that might be offered to the US with Mr Hoon on 23 September (see Section 6.1). Mr Blair agreed with Mr Hoon that Package 2 could be offered as a potential UK contribution but there was a misunderstanding over whether the US should be informed that the UK was still considering a land option (Package 3).

89. Following the meeting, Mr Watkins informed officials in the MOD that:

> "The Prime Minister is content for us to proceed broadly as set out in my letter of 20 September. The Prime Minister remains very cautious about the viability of Package 3, not least because of its implications for our ability to meet other contingencies and the significant cost premium entailed."[69]

90. In his diaries, Mr Campbell described a meeting between Mr Brown and Mr Blair on 23 September.[70] Mr Campbell wrote that Mr Blair had reported that Mr Brown "was basically just saying we could not afford a military conflict and making clear he had to be consulted on every piece of spending". Mr Campbell also described the very difficult relationship between Mr Blair and Mr Brown at this time.

---

[67] Op FRESCO was the provision of emergency cover by the Armed Forces in the event of industrial action by civilian firefighters.
[68] Letter Watkins to Manning, 20 September 2002, 'Iraq: Potential UK Contribution to any Military Action'.
[69] Minute Watkins to DG Op Pol, 23 September 2002, 'Iraq: Meeting with the Prime Minister: 23 September'.
[70] Campbell A & Hagerty B. *The Alastair Campbell Diaries*. *Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

91. There is no official note of the meeting and none of the witnesses referred to it in their evidence to the Inquiry.

92. Mr Brown and Mr Hoon met separately on 23 September to agree the process for funding UORs for Iraq.[71]

93. Before the meeting, Mr Hoon was advised by Mr Guy Lester, MOD Director Defence Resources and Plans, that it would make sense to use the arrangements in place for Afghanistan: Ministers would agree a "ceiling" on UOR expenditure, within which Treasury officials could authorise expenditure on individual requests without seeking approval from Treasury Ministers.[72] The MOD expected the first and most urgent tranche of UORs to cost £150m.

94. Mr Watkins commented on that advice:

> "We are told that Treasury officials are happy [to use the Afghanistan model], but Mr Brown may want to clear them [UOR requests] individually himself. This would create a major bureaucratic bottleneck."[73]

95. Mr Watkins' record of the 23 September meeting stated that Mr Brown's "initial line" was that he should approve each UOR individually, but "Mr Hoon persuaded him that this would not be practical or sensible".[74]

96. Mr Hoon wrote to Mr Brown on 25 September, to confirm their agreement that the MOD would adopt a similar approach to managing Iraq UORs to that already in place for Afghanistan UORs, with an initial ceiling of £150m.[75] MOD and Treasury officials were tasked to work out the detailed arrangements.

97. In response to a request from Mr Brown on "how to handle future requests for Iraq UOR funding", a Treasury official wrote to Mr Bowman on 8 October 2002, describing how a UOR arrangement might operate and how the Treasury might "reduce the UOR bill" by arguing that UORs were in fact generic enhancements of military capability, and by ensuring that the MOD had not already planned to procure items presented as UORs.[76]

98. The Inquiry has seen no evidence that Mr Brown had asked for advice on the specific question of how to reduce the UOR bill.

---

[71] Letter Hoon to Brown, 25 September 2002, 'Iraq: Urgent Operational Requirements'.
[72] Minute Lester to PS/Secretary of State [MOD], 20 September 2002, 'Iraq: Meeting with the Chancellor: 23 September 2002'.
[73] Manuscript comment Watkins to SoS [MOD], 20 September 2002, on Minute Lester to PS/Secretary of State [MOD], 20 September 2002, 'Iraq: Meeting with the Chancellor: 23 September 2002'.
[74] Minute Watkins to D Def RP, 23 September 2003, 'Iraq: Meeting with the Chancellor: 23 September'.
[75] Letter Hoon to Brown, 25 September 2002, 'Iraq: Urgent Operational Requirements'.
[76] Minute Treasury [junior official] to Bowman, 8 October 2002, 'Iraq – Urgent Operational Requirements – Next Steps'.

99. Mr Brown told the Inquiry that all the MOD's claims for UORs had been met.[77] He also explained that the "ceiling" was not a limit on UOR expenditure, but an estimate of likely expenditure:

> "At all times we said, 'Here is the money … Once you have spent that, then we are prepared – and always were ready to and actually did – deliver more.'"

100. Mr Tom McKane, MOD Director General Resources and Plans from September 2002 to January 2006, who was responsible for establishing the arrangements for securing funding for UORs in the period leading up to the invasion, told the Inquiry that he was satisfied with the Treasury's response to the MOD's requests for UORs:

> "Inevitably … there is an anxiety and a concern on the part of the Ministry of Defence to get on with things … and it did take a month or so after my first engagement in this for the agreements [on UORs] to be reached … But thereafter, the process operated smoothly.
>
> "There were some, I think, who were probably frustrated at the fact … that we were given tranches of money … we would get quite quickly to the point where we had exhausted the first tranche and were then involved in the preparation of ministerial correspondence to secure the release of the next tranche …
>
> "… but I don't remember it [the use of tranches] being a major obstacle to the preparations."[78]

101. The provision of military equipment, including UORs, is described in Sections 6.3 and 14.

102. Mr Nye advised Mr Brown on 11 October that Mr Hoon was expected to write to Mr Blair shortly, setting out the military forces required for a campaign.[79] The Treasury had now established good communications with the MOD, and MOD officials had assured the Treasury that Mr Blair would be presented with "cost information".

103. While there were still huge uncertainties involved in forecasting costs, the MOD had provided the Treasury with "some indicative breakdowns" which the Treasury was scrutinising. The MOD estimated that Package 2 (predominantly air and maritime forces) was likely to cost up to £1bn, and Package 3 (Package 2 plus ground forces) between £1.5bn and £2bn.

104. Mr Nye invited Mr Brown to "consider whether the extra political impact for the UK of Package 3 merits the additional £0.5bn to £1bn cost (and of course the additional risk to British troops)".

---

[77] Public hearing, 5 March 2010, page 94.
[78] Public hearing, 2 July 2010, pages 35-36.
[79] Minute Nye to Chancellor, 11 October 2002, 'Iraq: Decisions Nearing'.

105. Mr Nye also identified the need to consider long-term, post-conflict military costs. The US appeared to envisage a "quite lengthy occupation/reconstruction effort". Mr Nye commented:

> "Although some in the MOD hope that British participation in the original conflict would exempt us from having to play a large role in the subsequent peacekeeping … this is not realistic … the UK may well face a situation like Kosovo, having to be involved in policing an occupied country post conflict: possibly £0.5 billion a year … for several years."

106. Mr Nye concluded: "If you want to influence the Prime Minister [Mr Blair] in considering the scale of the UK commitment, you should talk to him next week."

107. Mr Hoon wrote to Mr Blair on 15 October, seeking a decision that week on whether the US should be offered Package 3 on the same basis as Package 2, as a possible UK contribution to a conflict.[80] Mr Hoon stated that Package 2 was likely to cost up to £1bn and Package 3 between £1.5bn and £2bn.

108. An MOD paper attached to Mr Hoon's minute stated that the larger the UK's contribution to military action in the war-fighting phase, the "more plausibly we will be able to argue that we have done our bit". It also stated that the MOD could not yet estimate the cost of all the components of a campaign: the cost estimates provided in the paper were therefore "ball-park figures".

109. Copies of the letter and attached paper were sent to Mr Brown, Mr Straw and Sir Andrew Turnbull, the Cabinet Secretary.

110. The following day, Sir David Manning sent Mr Blair his comments on Mr Hoon's minute.[81] Sir David described some of the arguments in the minute as "pretty dubious", including:

> "… if we help with the war fighting, we shall be spared the post-conflict washing up. It didn't work like that in Afghanistan. Experience shows that once you're in, you're in deep, without queues of grateful countries waiting to take over when the shooting stops."

111. Sir David suggested that Mr Blair might explore a number of questions with Mr Hoon, including: "Can we afford Package 3?"

---

[80] Minute Hoon to Prime Minister, 15 October 2002, 'Iraq: UK Military Options', attaching Paper MOD, 14 October 2002, 'Iraq: UK Contingency Planning'.
[81] Minute Manning to Blair, 16 October 2002, 'Iraq: UK Military Options'.

112. Mr Blair, Mr Straw, Mr Hoon and Adm Boyce met on 17 October to discuss military options.[82] Mr Rycroft recorded that Mr Blair acknowledged the arguments in favour of Package 3, but:

> "… remained concerned about costs. He concluded that he wanted to keep open the option of Package 3. But we must not commit to it at this stage."

113. Mr Campbell wrote in his diaries that at that meeting, Mr Blair said "it was not no, but it was not yet yes, and he wanted more work done analysing the cost".[83]

114. On 22 October Mr Jon Cunliffe, Treasury Managing Director for Macroeconomic Policy and International Finance, sent Mr Brown a paper on the risks to the Treasury's objectives arising from a war in Iraq.[84] Mr Cunliffe identified nine main risks and assessed the likelihood and impact of each in four scenarios: no war; a short war; a protracted war; and a war involving weapons of mass destruction (WMD).

115. The nine main risks were:

- a substantial rise in public spending;
- lower growth, higher inflation and unemployment;
- negative productivity shock;
- public finances less sound;
- inflation deviates from target;
- loss of insurance capacity/risk of insurance failures;
- more IMF lending leading to higher UK gross debt;
- revival of popular pressure for lower fuel taxes; and
- developing countries knocked by oil prices, leading to lower growth.

116. On public spending, Mr Cunliffe assessed that indirect costs could more than double the direct costs. In the protracted war and WMD scenarios, the impact of a worsening economy on AME could match the military costs.

117. In his covering minute, Mr Cunliffe advised that the Treasury's main concern related to its "ability to maintain sound public finances, especially in the more pessimistic cases". There would be some risk to the "Golden Rule" in all three war scenarios; the risk would be much greater if a war involved WMD. Mr Cunliffe concluded by suggesting that Mr Brown might want to warn colleagues about the risk to public finances.

118. Section 6.1 describes the growing pressure from the MOD to offer Package 3 to the US for planning purposes.

---

[82] Letter Rycroft to Watkins, 17 October 2002, 'Iraq: UK Military Options'.
[83] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[84] Minute Cunliffe to Chancellor, 22 October 2002, 'Iraqi War: Risks to Treasury Objectives' attaching Paper Treasury, [undated], 'Impact of a War on Treasury Business'.

119. On 31 October, Mr Blair, Mr Straw, Mr Hoon and Adm Boyce discussed the MOD's wish to offer Package 3 to the US for planning purposes.[85] Mr Blair asked about the additional costs associated with Package 3 and whether they had been discussed with the Treasury. Adm Boyce said that he believed that:

> "… if we [the UK] made a major financial contribution to the campaign through Package 3, we would be under less pressure to finance a big share of the post-conflict reconstruction effort."

120. The record of the meeting does not indicate whether Mr Blair's question about the costs of Package 3, and whether they had been discussed with the Treasury, was answered.

121. Mr Blair concluded that the MOD should tell the US that the UK was prepared to "put Package 3 on the same basis as Package 2 for planning purposes".

122. A copy of the record of the meeting was sent to Mr Bowman.

123. Mr John Dodds, who had replaced Mr Nye as Head of the Treasury Defence, Diplomacy and Intelligence Team, advised Mr Brown on 8 November 2002 that the Treasury's "instinct" was that Package 3 would cost £2.5bn, rather than the £1.5bn to £2bn estimated by the MOD.[86] That did not include any "follow-on" cost, such as peacekeeping or reconstruction.

124. Mr Brown received advice from a Treasury official on 17 November on whether to create an allocation in the Pre-Budget Report (PBR) to cover the cost of military action in Iraq.[87] The main advantage would be to enable the Treasury to set out, in a transparent way, the exceptional additional costs of military action, above the underlying state of public finances.

125. The allocation would cover the cost of military action in Iraq and the further costs of military occupation and/or a contribution to a stabilisation force. The official added that if Mr Brown was attracted to the idea of making such an allocation, it might be expanded to cover some of the existing costs relating to the war against terror.

126. The official also advised that, based on informal discussions with MOD officials, the military costs relating to "occupation and/or a stabilisation force" could be up to £1bn in the first year and up to £500m a year thereafter. The official commented:

> "From this it's clear that any future decision on a UK role in post-conflict Iraq should properly factor in the potential costs."

---

[85] Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.
[86] Minute Dodds to Brown, 8 November 2002, 'Iraq: Diplomatic and Military Update'.
[87] Minute Treasury [junior official] to Chancellor, 17 November 2002, 'A PBR Allocation for Iraq?'

127. Mr Brown telephoned Mr Hoon on 27 November, to inform him that he would be making an allocation of £1bn in his PBR for "Defence issues".[88] Mr Brown reassured Mr Hoon that this was not an upper limit on expenditure, but rather a "purely nominal figure: it was neither an upper or lower limit". The usual process for securing funding from the Reserve would stand.

128. Mr Brown announced to Parliament later that day that the Government had "set aside to meet our international defence responsibilities a provision of £1 billion to be drawn on if necessary".[89]

129. Sir Nicholas Macpherson told the Inquiry that the decision to create a Special Reserve was driven by a Treasury assessment that the existing Reserve would not be sufficient to cover other Government contingencies while paying for the costs of Iraq.[90]

130. In late November, in the context of a submission to Mr Hoon on UORs, Mr McKane reported that the Treasury had asked the MOD for an estimate of the cost of post-conflict deployments.[91] Mr McKane advised Mr Hoon that, based on experience in the Balkans, the cost might be in the region of £1bn for the first year, and £400m for the following 18 months.

Agreement on arrangements for reclaiming NACMO

131. Mr Hoon wrote to Mr Brown on 28 November to request an increase in the UOR ceiling from £150m to £300m and to secure agreement that the MOD should begin to capture all non-UOR additional costs (the net additional costs of military operations – NACMO), with a view to repayment from the Reserve in due course.[92]

132. Mr Brown replied on 9 December, agreeing to increase the ceiling for UORs to £300m and that the MOD should begin to capture NACMO, but adding that those costs should be contained within the UOR ceiling "until any [military] operation is initiated".[93]

133. Mr Blair agreed on 9 December that the MOD should plan on the basis of a possible decision to commit land forces, as early as 15 February 2003.[94] A copy of the letter recording Mr Blair's decision was sent to Mr Bowman.

134. Mr Hoon wrote to Mr Brown on 13 December, warning him that Mr Blair's decision of 9 December would increase the rate at which the MOD incurred additional costs.[95] Mr Hoon requested an additional £200m for UORs, and also asked that Mr Brown

---

[88] Letter Davies to Finance Director, 28 November 2002, 'Pre-Budget Report'.
[89] House of Commons, *Official Report*, 27 November 2002, columns 318-46.
[90] Statement, 15 January 2010, pages 2-3.
[91] Minute McKane to APS/Secretary of State [MOD], 27 November 2002, 'Iraq Costs'.
[92] Letter Hoon to Brown, 28 November 2002, 'Iraq: Urgent Operational Requirements'.
[93] Letter Brown to Hoon, 9 December 2002, 'Iraq: Urgent Operational Requirements'.
[94] Letter Rycroft to Watkins, 9 December 2002, 'Iraq: Military Planning'.
[95] Letter Hoon to Brown, 13 December 2002, 'Iraq: Costs'.

reconsider his position that non-UOR NACMO should be contained within the UOR ceiling.

135. Mr Hoon attached a spreadsheet showing the MOD's actual and estimated costs (to April 2003) for "Iraq contingency planning", which totalled £1.65bn.

136. Copies of Mr Hoon's letter were sent to Mr Blair and Mr Straw.

137. A Treasury official advised Mr Brown on 17 December that he should agree both of Mr Hoon's requests.[96] On UOR costs, the official advised:

> "Some of this [UOR] spending is arguably for equipment that would have been bought anyway later … We should stress that in such cases we will claim back by either docking MOD's EYF, or reducing their Estimates accordingly next year."

138. On non-UOR NACMO, the official advised that if preparations were to move forward on the track agreed by Mr Hoon and Mr Blair, access to the Reserve was necessary. Preparing a force would cost about £650m and maintaining it at a state of readiness about £200m a month, whether the UK went to war or not. The official advised Mr Brown that the Treasury should put in place arrangements "that keep the costs clearly on the agenda", and that Mr Brown should ask Mr Hoon for monthly reports on current and planned activities. Those reports would provide the basis for "ongoing joint consideration of the costs of the strategy".

139. The official also advised that the £1.65bn figure represented the cost if the military operation was "cancelled end of March, clear up and go home in April". The costs of war-fighting, missiles and ammunition, and "post-conflict stabilisation" would be additional.

140. Mr Hoon telephoned Mr Boateng on 23 December to discuss access to the Reserve.[97] Mr Hoon's Private Secretary reported to MOD officials that Mr Boateng had said that any system needed to meet the MOD's needs, take account of "broader financial implications", and enable the Treasury to identify clearly that costs were genuinely additional.

141. Mr Boateng wrote to Mr Hoon later that day.[98] Mr Boateng agreed to increase the ceiling for UORs by £200m, to £500m. With regard to non-UOR NACMO, Mr Boateng stated that access to the Reserve was usually only granted once an operation had been "declared". In the current "preparatory phase", he offered to create a "distinct envelope for build-up costs", with four specific Heads of Expenditure (operation-specific training; air/sea charter; spares, maintenance and logistics; and other infrastructure elements), with an initial allocation of £500m. The Treasury would authorise and monitor expenditure within those Heads of Expenditure, rather than as a single block.

---

[96] Minute Treasury [junior official] to Chancellor, 17 December 2002, [untitled].
[97] Minute Watkins to MOD DG RP, 23 December 2002, 'Iraq: Briefing the Chief Secretary to the Treasury'.
[98] Letter Boateng to Hoon, 23 December 2002, 'Iraq Costs'.

142. Mr Boateng asked that Mr Hoon provide fortnightly forecasts of UOR and non-UOR NACMO. The MOD would provide the first forecast on 16 January 2003.

143. Mr Boateng concluded: "Where further decisions are taken – for example over the call up of reserves or the deployment of significant numbers of troops to theatre – Gordon and I will of course stand ready to discuss funding issues."

144. Mr Watkins described that arrangement to MOD officials as "generally acceptable", and passed on Mr Hoon's thanks for negotiating it.[99]

145. Mr Boateng's Private Secretary wrote to Mr Watkins on 13 January, to "record the circumstances in which we have agreed that decisions should be cleared with Treasury Ministers".[100] Expenditure outside the four specific Heads of Expenditure within the non-UOR NACMO envelope, and "any policy decisions that will lead to future costs", would require Treasury approval.

146. Mr Watkins wrote against the proposal that the Treasury should be consulted on any policy decision with cost implications:

> "This is a try-on which we will correct in the reply."

147. Mr Boateng agreed an MOD request for "some flexibility" to transfer resources between the four Heads of Expenditure on 15 January.[101]

148. Mr Hoon's Private Secretary replied to the Treasury's letters of 23 December and 13 January on 16 January.[102] He stated that Mr Hoon "would, of course, continue to include the Chancellor in correspondence on major policy decisions which have expenditure implications".

149. The letter also provided the MOD's first detailed forecasts of expenditure on UOR and non-UOR NACMO, covering the period up to April 2003.

150. The MOD provided its first report on actual expenditure on UORs and non-UOR NACMO to the Treasury on 5 March.[103]

151. Section 6.5 describes discussions within the UK Government on whether the UK should take responsibility, in the post-conflict period, for a geographical sector in Iraq.

152. On 13 February, Mr McKane wrote to Mr Dodds setting out the MOD's assessments of the costs of military operations and the aftermath.[104]

---

[99] Minute Watkins to MOD DG RP, 23 December 2002, 'Iraq: Briefing the Chief Secretary to the Treasury'.
[100] Letter Treasury [junior official] to Watkins, 13 January 2003, 'Iraq: Funding'.
[101] Email Treasury [junior official] to Treasury [junior official], 15 January 2003, 'Iraq Resource Costs'.
[102] Letter MOD [junior official] to Treasury [junior official], 16 January 2003, 'Op Telic: Iraq Costs'.
[103] Letter PS/Hoon to PS/Boateng, 5 March 2003, 'Operation Telic: Iraq Costs Update'.
[104] Letter McKane to Dodds, 13 February 2003, Op Telic: Iraq Costs – Active Operations and the Aftermath'.

153. Mr McKane advised that the cost of military combat operations, including "repairs, replenishment and reconfiguration", could be between £2.5bn and £3bn.

154. Mr McKane also provided the MOD's "outline 'first thoughts' projection" of the cost of maintaining a military presence in post-conflict Iraq. Mr McKane advised that the MOD had not yet been assigned "firm tasks" for the post-conflict period and that the size and type of forces required would depend on US plans. With that caveat, the MOD estimated that UK forces might be required for 30 months at a cost of £2.3bn (including a six-month deployment of HQ Allied Rapid Reaction Corps (ARRC), but excluding UORs related to military post-conflict tasks).

155. On 19 February, in advance of meetings with Mr John Snow, the US Secretary of the Treasury, and other G7 finance Ministers, Mr Brown received a number of papers on Iraq.[105]

156. A paper by Mr Dodds and a junior Treasury official provided the first comprehensive estimate of the cost of the UK's intervention in Iraq (including military and non-military, conflict and post-conflict costs).[106] The advice on non-military costs is described later in this Section.

157. The officials advised that the Treasury's best estimate of the cost of UK military combat operations was now £3bn over the three financial years from 2002/03, with an associated £400m in RAB costs over the three financial years from 2003/04. The MOD's estimate remained lower: the Treasury doubted that the MOD had shared with it the full cost of replacing and restocking armaments and equipment used in a conflict.

158. The officials advised that the Treasury was "now starting to get some sense" from the MOD on the cost of post-conflict peacekeeping/stabilisation. While no decision had yet been taken on whether to contribute UK forces after a conflict:

> "In practice once we are on the ground, unless contributions from other nations are available the political pressure to stay will be intense."

159. There were a number of ways that an "occupation … force" might be organised. The "biggest commitment, and hence the most expensive" would be if the UK became responsible for a particular geographical sector. The Treasury's estimate reflected that commitment.

160. The MOD had not yet provided firm estimates for how much such an occupation force (including responsibility for a geographical sector) might cost. Internal Treasury work suggested £500m in 2003/04 and £1bn in 2004/05 (in addition to the cost of military combat operations).

---

[105] Minute Treasury [junior official] to Chancellor, 19 February 2003, 'Update on Iraq'.
[106] Minute Treasury [junior official] to Chancellor, 19 February 2003, 'Update on Iraq' attaching Paper Treasury, 19 February 2003, 'Iraq Conflict – Public Expenditure Impact'.

161. Mr Brown also received a minute from Mr Dodds which highlighted the potential implications of the UK taking overall responsibility for a geographical sector in Iraq:

> "This is a decision that will have substantial public expenditure implications. If there were a UK sector we would find ourselves locked into the management of the aftermath for a substantial period (perhaps as long as five years) rather than allowing other countries – who will not have borne any costs of the conflict itself – to make their contribution. The net additional cost to the UK is difficult to quantify but would certainly be hundreds of millions of pounds a year."[107]

162. Mr Dodds added that there were other reasons why a UK sector would be unattractive. The need to bring in expertise from the widest possible range of sources and to avoid the perception that the UK was occupying "part of the Arab world" argued for a more internationalist approach.

163. Mr Dodds advised that Treasury officials were taking every opportunity to stress to FCO and MOD colleagues that Mr Brown would want to have an input to any decision on sectorisation, and recommended that Mr Brown underline that point himself with Mr Blair, Mr Straw and Mr Hoon.

164. Mr Brown and Mr Boateng received a further update on military costs from a Treasury official the following day.[108] The official reported that the Treasury now had the MOD's first estimates of the likely total cost of conflict in Iraq "if a decision is made to stay … and provide a medium term stabilisation/peace keeping force". The upper limit, based on what was feasible in military terms, was a two-year commitment at a total cost of £1.6bn. The official commented:

> "The extent to which any of this is optional is unclear. We think that, because of our Geneva convention obligations, it will be impossible to resist keeping a substantial force in theatre for at least six months post the end of fighting … In practice the emerging politics of a post-conflict Iraq point to a much more substantial commitment both in terms of size and length of stay."

165. On 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Clare Short (the International Development Secretary), Baroness Symons (joint FCO/DTI Minister of State for International Trade and Investment, representing Mr Straw), Sir Michael Jay (FCO Permanent Under Secretary) and "other officials".[109]

166. In an annotated agenda for the meeting, the Iraq Planning Unit (IPU) invited Ministers to take a view on a number of key post-conflict issues, including whether to

---

[107] Minute Dodds to Chancellor, 19 February 2003, 'Iraq – "Aftermath" – UK Role'.
[108] Minute Treasury [junior official] to Chancellor, 20 February 2003, 'Iraq: Update on Potential Cost and How Should We Present Them?'.
[109] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.

seek "general UK responsibility for the administration of any geographic area of Iraq in the medium term".[110]

167. Mr Dominick Chilcott, the Head of the IPU from February 2003 to June 2004, told the Inquiry that there was:

> "… a great deal of hesitancy within Whitehall about the concept of a British sector mainly because of the resources that would be involved in making a success of it … the Treasury and DFID both expressing, for slightly different reasons, hesitancy about the assumption that there would be a British sector."[111]

168. Mr Brown received a number of papers from Treasury officials before the meeting.

169. A paper produced by Mr Dodds highlighted the financial implications of the assumption in "US/UK military planning" that UK forces would take responsibility for an area of Iraq after the conflict.[112]

170. Mr Dodds advised that the Chiefs of Staff had estimated that the UK could sustain a brigade and headquarters (around 10,000 troops) in Iraq indefinitely, and that this force would be sufficient to fulfil the UK responsibilities for Basra Province.

171. Mr Dodds advised that the cost of such an ongoing operation was likely to be about £1bn a year. It was a reasonable assumption that the UK's commitment would last "at least two years and possibly significantly longer". He continued:

> "We have pressed MOD on how these costs might be reduced. The options are:
>
> a. to tell the US that we feel we have played our part after Phase IVA [immediate post-conflict stabilisation] and that other coalition partners must be found to take on our role …;
> b. to give up the leadership role and to contribute a small component to the leadership of others;
> c. to lead a sector … with a range of forces drawn from other countries.
>
> To keep cost to a minimum, we should scale down our commitments as rapidly as possible."

172. Mr Dodds summarised his arguments:

> "• On public finance grounds there is a strong case for stepping back from military leadership in the aftermath and allowing other countries to take on this role.
> • If Ministers want Britain to continue to be in a leadership position there will be significant costs …

---

[110] Paper IPU, 5 March 2003, 'Planning for the UK's Role in Iraq after Saddam'.
[111] Public hearing, 8 December 2009, page 28.
[112] Paper Treasury, 4 March 2003, 'Iraq – the Aftermath – Military Options'.

…

- There are risks that our taking on military leadership will result in our being sucked into wider responsibilities for reconstruction with even higher costs."

173. Mr Dodds told the Inquiry why he had written that paper:

> "… I think we had a specific request … from the Chancellor's Office for a piece of advice on the aftermath and I think what had happened was that it had become clear, quite suddenly really, to the Chancellor … to the Treasury, that there was a set of options being considered for the role that the UK [military] might play … in Phase IV …"[113]

174. Mr Dodds told the Inquiry that the Treasury's earlier work had focused on the major conflict phase of operations, using a three-year planning framework. However:

> "… it suddenly became clear to us … if we had been wiser, we might have kind of anticipated this, but it was a bit of a surprise … that there were discussions going on between parts of the UK Government and others around the role that the UK might play, which had the potential to see us in Iraq for significantly longer than we had been initially supposing.
>
> "… the Treasury wasn't in the loop before early … March, around this thinking, and …. when this thinking emerged, there … appeared to have been an assumption on behalf of some other parts of government that this was another thing where … the Treasury would just sign the cheques … without being involved in the strategic decision."

175. Mr Brown also received a paper from a Treasury official on the potential impact of all military and non-military expenditure in Iraq on public expenditure.[114] The best estimate of the cost of UK military combat operations was £3.1bn. Maintaining a "medium-term stabilisation/peace-keeping force" might cost up to £1bn a year for two years. The official advised that:

> "… whilst the costs of the actual fighting are now pretty inescapable ***we still have a window of opportunity to exert some influence over the scale of this post-conflict commitment.***"

176. The 6 March meeting is described in detail later in this Section.

177. The 14 March meeting of the Ad Hoc Group on Iraq (AHGI)[115] was advised that the IPU was considering how best to approach other donors for support on reconstruction,

---

[113] Public hearing, 14 July 2010, pages 13-16.
[114] Minute Treasury [junior official] to Chancellor, 4 March 2003, 'Iraq - Potential Public Spending Impact'.
[115] From 20 September 2002, the Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues.

and that the FCO was considering whether there was scope to approach other countries to contribute to UK military campaign costs (though the prospects were not good).[116]

Cash contributions to Operation GRANBY

There was precedent for approaching other governments to contribute to UK military costs. Other governments pledged over £2bn to the UK to cover the costs incurred on Operation GRANBY, the UK contribution to the international response to Iraq's invasion of Kuwait in 1990.[117] The cost of Op GRANBY was some £2.5bn.

178. Treasury officials advised Mr Boateng on 14 March that the MOD's estimate for infrastructure costs within the NACMO envelope included £10m for:

> "CIMIC – Civilian-Military co-operation. This spend is for force protection with the goal of pacifying local, potentially aggressive populations … This is an integral part of military operations and is still within agreed control totals – due to over-forecasting in other areas …"[118]

179. The MOD subsequently referred to that allocation as being for QIPs.[119]

180. On 17 March, Cabinet took collective responsibility for the conclusion that:

> "… the diplomatic process was now at an end. Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary."[120]

181. Mr Brown told the Inquiry how he had responded to advice from Treasury officials that he should raise the issue of the cost of the military options being considered by the Government:

> "I … made it clear that the military option had to be one that was best for the military, and that the Treasury would not in any way interfere and suggest that there were cost grounds for choosing one option against another. That was not our job. The Treasury was there to advise on how we could deal with the financial issues that arose from the military decisions and the political decisions that were made.
>
> "So there was no time from June [2002] when the Treasury said, 'This is a better military option because it is cheaper or less costly'. At every point, I made it clear that we would support whatever option the military decided upon with the Prime

---

[116] Minute Dodd to Manning, 17 March 2003, 'Ad Hoc Group on Iraq'.
[117] Ministry of Defence, *Statement of the Defence Estimates*, 1991, Cm 1559-I.
[118] Minute Treasury [junior officials] to Chief Secretary, 14 March 2003, 'Iraq Funding'.
[119] Minute Dodd to Manning, 17 March 2003, 'Ad Hoc Group on Iraq'; Minute Straw and Hoon to Blair, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.
[120] Cabinet Conclusions, 17 March 2003.

Minister and the Cabinet and that there would be no financial barrier to us doing what was necessary to be done.[121]

182. Mr Blair described the Government's planning for a post-Saddam Iraq in his 14 January 2011 statement to the Inquiry. He wrote that, on funding:

> "… the Chancellor [Mr Brown] had throughout made it clear resources would not be an obstacle. The Treasury had made certain calculations of the cost both of the initial action and the aftermath. The Chancellor was present at Cabinet meetings in the run-up to the conflict. Throughout he made it clear resource was not a constraint. Subsequently he was part of the War Cabinet. Of course the Treasury queried and questioned costings. They always did. But at no point did anyone say to me: the Treasury are stopping us doing what need. So I see in evidence to the Inquiry that resource issues were being raised with some frustration by officials. I can only say that had such frustrations been raised with me, I would have acted on them and I believe the Chancellor would have been fully supportive."[122]

Estimates and allocations for non-military activities

Humanitarian assistance and reconstruction

183. A Treasury official sent Mr Brown a paper on the global, regional and local (Iraqi) economic impact of "war" in Iraq on 6 September 2002.[123] The official's analysis of the global economic impact of war is described earlier in this Section.

184. As part of his analysis of the local (Iraqi) economic impact, the official assessed the contribution that the IMF, the World Bank, bilateral donors, the UN and the Paris Club (through debt relief) had made to meeting the "post-war challenge" in the Federal Republic of Yugoslavia (FRY), East Timor and Afghanistan, under five headings: reconstruction; institution-building; economic stabilisation; economic transition; and peacekeeping.

185. The official concluded that the cost of "putting a country back on its feet" could be high. The FRY had already received US$10bn in support (excluding IMF support). Iraq could be "even more expensive", given:

- the possibility that a conflict could cause significant damage, and the existing poor state of Iraq's infrastructure;
- the need to stabilise the economy, including by addressing Iraq's huge external debt;

---

[121] Public hearing, 5 March 2010, pages 25-26.
[122] Statement, 14 January 2011, pages 15-16.
[123] Email Treasury [junior official] to Bowman, 6 September 2002, 'What Would be the Economic Impact of a War in Iraq?' attaching Paper Treasury, September 2002, 'What Would be the Economic Impact of War in Iraq?'.

- the need for a large peace-keeping force "to keep a lid on the ethnic and religious tensions that Saddam's dictatorship has hidden for so long"; and
- the pressure for a "generous [reconstruction] package, given the perception in the region that invading Iraq is of dubious legality and worth".

186. On who would pay for that generous package, the official assessed that:

> "… the US might expect Iraq to pick up the bill after a short 'bridging' period, especially as – with investment – oil revenues could quickly exceed US$20 billion per year.
>
> "But it is more likely that strong pressure will come to bear on the US and its allies to pay the lion's share, given their role in the war …"

187. The official did not consider what the UK's contribution to meeting post-war costs might be.

188. The Inquiry has seen no evidence that Mr Brown responded to this analysis, or that it was circulated outside the Treasury.

189. Mr Brown told the Inquiry that the Treasury was among the first to consider the challenges involved in reconstruction.[124]

190. From 20 September 2002, the Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues (see Section 6.4). The AHGI was chaired by the Cabinet Office.

191. Mr Alistair Fernie, Head of DFID's Middle East and North Africa Department, circulated a draft paper on the potential humanitarian implications of conflict in Iraq to members of the AHGI on 11 October, with the caveat that the paper had not yet been seen by Ms Short or other departments.[125]

192. The draft paper stated that:

> "Any large-scale UK humanitarian response would require additional funding from the Central Reserve. DFID's existing small (£6m) humanitarian programme in Iraq is fully committed; available humanitarian funds within CHAD [DFID's Conflict and Humanitarian Affairs Department] are likely to be grossly insufficient and most of DFID's Contingency Reserve has already been allocated."

193. On 4 November, Mr Fernie invited Ms Short to agree that a revised version of the paper should be shared with the US as a work in progress.[126] He advised that the

---

[124] Public hearing, 5 March 2010, page 19.
[125] Letter Fernie to Dodd, 11 October 2002, 'Iraq: Humanitarian Contingency Planning' attaching Paper [draft] DFID, 11 October 2002, 'Iraq: Potential Humanitarian Implications'.
[126] Minute Fernie to Private Secretary/Secretary of State [DFID], 4 November 2002, 'Iraq: Contingency Planning: Humanitarian Paper' attaching Paper DFID, 5 November 2002 [sic], 'Iraq: Potential Humanitarian Implications'.

revised paper incorporated her comments on an earlier draft. On funding, in place of the statement above, the paper stated:

> "A large-scale regional response … would certainly test the already stretched human resource and monetary capacity of many agencies and donors."

194. Mr Fernie's minute was copied to the Private Office of Mr Suma Chakrabarti, DFID Permanent Secretary.

195. Ms Short agreed that the paper could be shared with the US, subject to the inclusion of an explicit reference to DFID's lack of financial resources to cover the humanitarian contingencies considered in the paper.[127]

196. Ms Short held a meeting with DFID officials on 18 November to discuss Iraq.[128] Ms Anna Bewes, Ms Short's Private Secretary, recorded that the meeting had agreed that it would be important to cost each military option, including both military and "realistic humanitarian" costs. Ms Short was concerned that not only was no money set aside for humanitarian activity, but the issue was not even being considered.

197. Mr Fernie set out his understanding of Ms Short's concern in an email to DFID colleagues the following week:

> "… HMT [the Treasury] have been talking to MOD only about the military costs without taking into account the costs to the international community of any humanitarian response, post-Saddam transitional administration and/or reconstruction … The SoS [Ms Short] is particularly keen to make clear that DFID cannot find substantial funds for any such work from our existing budgets."
>
> "We [DFID] are trying to cobble together some figures of possible costs – all a bit speculative … but the point at this stage is to get others in Whitehall thinking about it."[129]

198. On 3 December, Mr Fernie reported to Dr Nicola Brewer, DFID Director General Regional Programmes, that there had been no progress in interesting the Cabinet Office or the Treasury in costing "various scenarios".[130] Mr Jim Drummond, Assistant Head (Foreign Affairs) of the Cabinet Office Overseas and Defence Secretariat (OD Sec), and the AHGI had both given a "clearly negative response". The "Cabinet Office line" was that if DFID thought it would incur unaffordable extra costs, it should bid to the Treasury. Mr Dodds had expressed some concern over international burden-sharing, but had shown "little interest" in Ms Short's concerns and had thought that there would be "no appetite" in the Treasury for producing "Whitehall-wide" costings. DFID's Conflict and

---

[127] Manuscript comment Short, 4 November 2002, on Minute Fernie to Private Secretary/Secretary of State [DFID], 4 November 2002, 'Iraq: Contingency Planning: Humanitarian Paper'.
[128] Minute Bewes to Miller, 19 November 2002, 'Iraq'.
[129] Email Fernie to Sparkhall, 26 November 2002, 'Iraq – Expenditure Implications across Whitehall'.
[130] Minute Fernie to Brewer, 3 December 2002, 'Iraq: Contingency Planning'.

Humanitarian Affairs Department (CHAD) was working up preliminary costings, but had "no consumer for this product".

199. Mr Fernie asked Dr Brewer for her advice on how to proceed:

> "Do we need to take this up at a higher level in CO [the Cabinet Office] or HMT [the Treasury]? Or do as CO says and start circulating some large-ish figures around Whitehall?"

200. Dr Brewer replied on 5 December.[131] She advised that she had spoken to Mr Peter Ricketts, the FCO Political Director, who had been:

> "… slightly more willing to acknowledge that the likely costs … should be factored into the decision-making process. But I got no sense at all that the FCO would either push for this or support us in doing so. Their sense is that the Prime Minister's mind will be made up by other factors."

201. Dr Brewer suggested that the issue could be raised by Mr Chakrabarti with Sir David Manning and Permanent Secretaries, or by Ms Short at Cabinet.

202. DFID officials reported the lack of progress to Ms Short on 10 December.[132] Ms Short agreed that officials should raise US and DFID cost estimates at the next AHGI, and directed that DFID officials should intensify discussions with the Treasury on costings.

203. There is no reference to a discussion on this issue in the records of the 13 December 2002 and 10 January 2003 meetings of the AHGI.[133]

204. The Inquiry has seen no indications that DFID raised this issue again.

205. In mid-December 2002, a DFID official advised Ms Short that the MOD did not seem to have recognised that, for a period after any conflict, the UK military would "find themselves in the frontline in caring for injured and vulnerable civilian populations".[134] The military would need to be resourced to fulfil this responsibility. Dr Brewer said that she would speak to the MOD.

206. At the end of December 2002, the focus of the Chiefs of Staff and UK military planners switched from northern to southern Iraq, creating a contingent liability that the UK would be responsible for the post-conflict occupation and administration of a UK Area of Responsibility (AOR) in the region around Basra.

207. The Cabinet discussed Iraq on 16 January 2003.[135]

---

[131] Minute Brewer to Fernie, 5 December 2002, 'Iraq: Contingency Planning'.
[132] Minute Bewes to Fernie, 13 December 2002, 'Iraq'.
[133] Minute Dodd to Manning, 19 December 2002, 'Ad Hoc Group on Iraq'; Minute Dodd to Manning, 13 January 2003, 'Ad Hoc Group on Iraq'.
[134] Minute DFID [junior official] to Fernie, 13 December 2002, 'Iraq'.
[135] Cabinet Conclusions, 16 January 2003.

208. Ms Short said that work on post-conflict issues needed to be taken forward urgently and emphasised the need for extra resources, the potential effect of chemical and biological weapons on civilians and the importance of involving the UN.

209. Summarising the discussion, Mr Blair said that the "priorities for the immediate future" included preparatory work on planning the aftermath of any military action.

210. On 21 January, at Ms Short's request, Mr Fernie provided advice on "how to maximise the chances of securing additional funding from the Treasury to cover the costs of [a] DFID humanitarian response".[136]

211. Mr Fernie recommended that Ms Short should speak, rather than write, to Mr Brown. A letter would invite a formal response, and Treasury officials were likely to caution Mr Brown against providing any broad assurance on funding and might recommend that DFID "unpick" its 2003/04 spending plan, to be agreed shortly, in order to provide more funding for Iraq.

212. Mr Fernie continued:

> "Mr [Mark] Lowcock's [DFID Director Finance and Corporate Performance] advice is that the best time to extract maximum funds from the central Reserve is when the political pressure is at its height. We might guess that such a time will come in a month or so – by which time budgets for our existing programmes would be more secure, with our 2003/04 framework finalised and on its way to publication."

213. Ms Short commented: No – I don't want to ring Ch X [the Chancellor of the Exchequer] … I wanted to put humanitarian considerations into Gov[ernment] mind not just to squeeze some money."[137] Rather than write or speak to Mr Brown, she would write to Mr Blair. That letter was sent on 5 February.

214. Ms Short described DFID's preparations to respond to a humanitarian crisis in Iraq in the House of Commons on 30 January.

215. Ms Short's briefing for the debate included, at her request, a figure for the UK's "responsibility within the international system" for contributing to humanitarian relief efforts.[138] The briefing stated that the UK's Gross National Income (GNI) was 5.5 percent of the total GNI of members of the Organisation for Economic Co-operation and Development (OECD) in 2000. The UK would not expect to contribute much more than that percentage to any international humanitarian relief effort.

---

[136] Minute Fernie to PS/Secretary of State [DFID], 21 January 2003, 'Iraq Contingency Planning: Financial Provision'.
[137] Manuscript comment Short, 22 January 2003, on Minute Fernie to PS/Secretary of State [DFID], 21 January 2003, 'Iraq Contingency Planning: Financial Provision'.
[138] Minute Fernie to PS/Secretary of State [DFID], 28 January 2003, 'Iraq: Contingency Planning – Commons Debate on Thursday' attaching Briefing, [undated], 'House of Commons Opposition Debate, Thursday 30 January 2003: Humanitarian Contingency Planning in Iraq'.

216. During the debate, Ms Short reported that the US had committed to fund in full the recent UN appeal for US$137m to enable UN agencies to prepare their responses to a humanitarian crisis.[139]

217. In response to a question from Mr Crispin Blunt about the resources available to DFID, Ms Short stated that:

> "… the UK's contribution to any humanitarian crisis throughout the world, as determined by the Organisation for Economic Co-operation and Development, is just over 5 percent – that is all."

Ms Short continued:

> "… my department's budget has virtually doubled since 1997, but is under strain … We have a Contingency Reserve and Iraq would be prioritised. However, I have just been in Africa, where there is a real fear about resources being taken away from southern Africa, the horn of Africa, the Afghan people, the West Bank and Gaza – that would be wrong and we would not contemplate it. We will play our part in the international system, but the department is not flush with resources – I must frankly warn the House that they are short."

218. On 31 January, a DFID official provided advice to Ms Short, at her request, on how much the UK might be expected to contribute to "humanitarian relief/reconstruction" in Iraq in the event of military action.[140]

219. The official provided a draft DFID paper which considered in detail Iraq's possible post-war needs under a number of scenarios. The paper used current Oil-for-Food (OFF) programme expenditure plans as a "benchmark" for a future humanitarian and reconstruction programme, and then considered how those plans would be affected by a number of factors including the nature of any conflict, the availability of Iraqi oil revenues, and how Iraq's external debt and reparation claims would be resolved.

220. The official advised that FCO and Treasury officials had seen an earlier draft of the paper, and that the Treasury was using roughly similar figures in assessing the total cost to the UK of military engagement in Iraq (an issue in which there was increased Ministerial interest).

221. In her covering minute, the official summarised the main conclusions of the paper:

- Total humanitarian costs could reach US$12bn in the first year after any conflict, if the OFF programme collapsed.

---

[139] House of Commons, *Official Report*, 30 January 2003, columns 1057-1058.
[140] Minute DFID [junior official] to PS/Secretary of State [DFID], 31 January 2003, 'Iraq: Cost of Humanitarian Relief/Reconstruction and Potential UK Contribution' attaching Paper DFID [draft], [undated], 'Draft: Iraq: Relief and Reconstruction: Implications for UK Government'.

- Reconstruction could cost between US$2bn and US$10bn a year over a two to three-year period, depending on the impact of the military conflict, the level of forgiveness secured on debt and other claims, and oil revenues.
- If the UK provided 5.6 percent[141] of the total humanitarian/reconstruction costs (in line with the UK's share of OECD GNI), the UK's contribution to "total humanitarian/reconstruction costs" could reach US$640m (£400m) a year for the next three years, under a "high case military/low case oil revenue scenario".

222. The draft paper stated that DFID had, ''traditionally' (Balkans/Afghanistan)", contributed between eight and 10 percent of total relief/reconstruction costs. On that basis, under a high case military/low oil revenue scenario, the UK contribution could be in excess of US$1bn a year.

223. The official also provided advice on how to raise awareness across the UK Government about the potential costs of a major humanitarian operation, "without committing DFID's budget at this stage or jeopardising other programmes".

224. The official recommended that DFID should continue to discuss funding with other departments at official level, but seek to postpone discussions on the detailed financial implications for DFID until its 2003/04 spending plans had been agreed. DFID's Iraq team and DFID's Finance Department would continue to work closely together "on tactics to avoid early discussion about the implications [of a UK contribution] for DFID's budget, bearing in mind Mr Lowcock's earlier advice". The Treasury would be keen to share the burden across the international community, to minimise the UK contribution.

225. Ms Short commented on that advice:

> "Let us be clear … we have [a] Contingency Reserve of £100 mill[ion] and all our systems strained [we] cannot take money from other poor countries. We are not asking for or promising money. DFID prob[ably] has no more than £50 mill[ion]. If HMG wants to provide more – so be it but DFID limited."[142]

226. Ms Short wrote to Mr Blair on 5 February to provide an update on humanitarian planning.[143] In that context, she advised that a "fair share" for the UK of a major humanitarian/reconstruction operation would be around 5.6 percent, equal to the UK's share of OECD GNI. Under one scenario, that could equate to £440m a year for three years.

227. The letter did not describe that scenario or provide a cost for any others.

228. Ms Short also advised that DFID's resources and those of the international system were already under severe strain.

---

[141] Rather than the 5.5 percent used in Mr Fernie's minute of 28 January 2003 to Ms Short.
[142] Manuscript comment Short on Minute DFID [junior official] to PS/Secretary of State [DFID], 31 January 2003, 'Iraq: Cost of Humanitarian Relief/Reconstruction and Potential UK Contribution'.
[143] Letter Short to Blair, 5 February 2003, 'Iraq: Humanitarian Planning'.

229. Ms Short concluded:

> "The immediate question is how big a part the UK should play in humanitarian preparations. It would be helpful to know whether you think the UK should remain modest or aim higher in terms of our humanitarian contribution to resolving the Iraq crisis. If you want the UK to take more of a lead … then I would be willing to do that. But it would need to be an effort on behalf of the whole Government, not just my department.
>
> "I think the way in which you could best help is to make clear across the system that you want humanitarian considerations to be given more weight. In addition it would help if we could settle the financial questions."

230. Ms Short announced in Parliament on 10 February that she had provided £3.5m to support UN humanitarian contingency planning.[144]

231. On 11 February, a Treasury official invited Mr Brown's comments on officials' "first thoughts" on Treasury policies in a post-Saddam Hussein Iraq.[145] The official identified the Treasury's "two main finance ministry interests" in Iraq as ensuring its prosperity and stability while fairly sharing the costs of achieving this. The costs of ensuring Iraq's prosperity and stability were "potentially massive", and comprised peacekeeping costs (the UK contribution to peacekeeping in the FRY had peaked at £325m in 1999/2000), humanitarian assistance, environmental costs, reconstruction and economic stabilisation (including IMF lending). An "emerging policy position" would be to:

- maximise the Iraqi contribution, initially by maintaining the OFF programme;
- push for debt rescheduling, to ensure that Iraqi contributions were not knocked off course by having to resume crippling debt service. The cost would "conveniently fall to probable non-combatant countries";
- maximise contributions from development banks;
- push for bilateral contributions "to take into account military contributions", assuming that the UK military contribution was significant; and
- ensure a finance ministry/international financial institution (IFI) lead on financing issues, with a clear understanding that no money was committed until needs were properly understood.

232. The Treasury told the Inquiry that Mr Brown did not comment.[146]

233. Mr Blair convened the first Ministerial meeting on humanitarian issues with Mr Straw, Mr Hoon, Ms Short, Adm Boyce and No.10 officials in the margins of Cabinet

---

[144] House of Commons, *Official Report,* 10 February 2003, column 526W.
[145] Minute Treasury [junior official] to Chancellor, 11 February 2003, 'HMT Policy on Post-Saddam Iraq' attaching Paper Treasury, 11 February 2003, 'Post-War Iraq: International Financing Policy'.
[146] Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].

on 13 February.[147] Sir Michael Jay, Sir Kevin Tebbit and Mr Chakrabarti were not present.

234. In advance of the meeting, Mr Desmond Bowen, Deputy Head of the Cabinet Office Overseas and Defence Secretariat, advised Sir David Manning that:

> "The Prime Minister will … want to seek Clare [Short]'s engagement in the potential humanitarian relief operation and reconstruction – which will need funding and the commitment of human resources as a priority."[148]

235. IPU briefing for Mr Straw set out three objectives for the meeting, including:

"
- encourage Ms Short to engage fully in planning;
- persuade Ms Short that she should allow DFID money to finance small scale [reconstruction] projects in the area administered by a UK commander."[149]

236. At the meeting, in response to a question from Mr Blair about whether the UK should "take the lead on humanitarian action in the southern zone", Ms Short said that she was in favour.[150] The UK could do an "exemplary job" in the zone on both the military and humanitarian fronts.

237. Mr Blair concluded that the UK should seek to take the lead on humanitarian issues in the southern zone of Iraq.

238. Ms Short wrote to Mr Blair the following day, 14 February, to provide an update on humanitarian preparations and the role of the UN.[151] Ms Short confirmed that, within an agreed international framework set out in a second resolution, there was a "great opportunity" for the UK to play an exemplary humanitarian role in the South:

> "But as I made clear in my letter of 5 February, my department has tight budgetary constraints … Without some understanding on finance, I cannot responsibly commit DFID to the exemplary partnership with MOD which we discussed."

239. Mr Blair wrote on his copy of the letter: "We must get the US to accept the UN role."[152]

240. On 17 February, a DFID official sought Ms Short's views on the implications of the decision that "the UK should take the lead on humanitarian issues in the southern zone of Iraq, and do an exemplary job on both the military and humanitarian front", and in particular how it should balance its limited human and financial resources between

---

[147] Letter Cannon to Bewes, 13 February 2003, 'Iraq: Humanitarian Issues'.
[148] Minute Bowen to Manning, 13 February 2003, 'Meeting on Iraq: Humanitarian Follow-up'.
[149] Minute Iraq Planning Unit to Private Secretary [FCO], 12 February 2003, 'Meeting on Iraq Day After Issues Before Cabinet 13 February'.
[150] Letter Cannon to Bewes, 13 February 2003, 'Iraq: Humanitarian Issues'.
[151] Letter Short to Blair, 14 February 2003, 'Iraq: Humanitarian Planning and the Role of the UN'.
[152] Manuscript comment Blair on Letter_Short to Blair, 14 February 2003, 'Iraq: Humanitarian Planning and the Role of the UN'.

playing an exemplary role in the South and supporting the UN and wider international effort across the country and the region.[153]

241. The official recommended that DFID prepare for four roles:

"
- Support humanitarian needs nationally and in the region, primarily through the UN and Red Cross/Red Crescent movement;
- Work alongside and influence humanitarian action by US DART [Disaster Assistance Relief Teams];
- Work alongside the UK military;
- Undertake DFID bilateral humanitarian action."

242. The official identified a number of "further pre-deployment steps which we need to initiate now to be adequately prepared to play these roles effectively":

- Establish a forward base in Kuwait to allow DFID to build its capacity for deployment into Iraq as humanitarian needs arose and security allowed. A forward base would give DFID an "immediate response capability".
- Deploy a Humanitarian Adviser to Jordan to liaise and work with humanitarian partners.
- Undertake regional assessment missions, including to Cyprus, Egypt, Turkey and Iran.
- Deploy a civil-military Humanitarian Adviser to 1 (UK) Div in Kuwait, and undertake regular visits to CENTCOM in Qatar.
- Second consultants and provide equipment to support humanitarian co-ordination, initially to the UN Humanitarian Information Centre (HIC) in Cyprus.

243. The official warned:

> "If we do not have people and assets in place and ready in time, we will not be able to respond quickly and as may be needed. Once conflict has begun logistical constraints will make it extremely difficult to respond unless we have put the preparations in place."

244. The official concluded by considering resource constraints. Until DFID received any indication from the Treasury or No.10 that further funds would be forthcoming in the event of conflict, it was planning on the basis that it could access a substantial share of DFID's Contingency Reserve to supplement its CHAD emergency funds and its Iraq programme funds.

---

[153] Minute DFID [junior official] to PS/Secretary of State [DFID], 17 February 2003, 'Iraq – Contingency Planning: Deployment Plan'.

245. If a total of £60m was available from those sources in 2003/04, DFID planned initially to commit £35m to meet immediate relief needs. Exactly how that amount should be allocated would depend on the nature of the conflict and other factors, but an indicative allocation might be:

- £20m to support the work of UN agencies, the Red Cross and NGOs across Iraq;
- £5m to fund QIPs delivered by the UK military, to help generate stability within communities; and
- £10m for DFID's own rapid response capacity.

246. The official commented:

> "Under many scenarios, £35 million is unlikely to be perceived as an adequate UK contribution to any immediate relief effort, particularly if OFF collapses. Leaving £25 million for further humanitarian need, medium-term rehabilitation and reconstruction could also look very sparse. Action in response to the Secretary of State's previous two letters [Ms Short's letters of 5 and 14 February] to the Prime Minister on this rests with No.10."

247. The official also advised:

> "If the military is involved in the direct delivery of humanitarian assistance, there will be an issue about who pays. MOD claim to be financially stretched and are keen for DFID to pay."

248. Ms Short held a meeting the following day to discuss that advice, attended by Dr Brewer, Mr Fernie and other DFID officials.[154] Mr Chakrabarti did not attend, but a copy of the record of the meeting was sent to his Private Office.

249. Ms Short said that she was concerned that much of what was proposed in the submission "pre-supposed the financial comfort we had so far failed to receive from the Treasury". She was "unwilling, without a clear financial package, to plan to do more than support the UN, key international agencies, and perhaps provide some funding to the UK military for QIPs". She had repeatedly made it clear (to Mr Blair in person and in writing, and in the House of Commons) that DFID did not have the financial resources to play a major role.

250. Within those constraints, Ms Short was content for officials:

- to start discussions about possible support to non-governmental organisations (NGOs) not yet involved in Iraq that had specific technical expertise in areas such as water and sanitation;

---

[154] Minute Bewes to DFID [junior official], 19 February 2003, 'Iraq Contingency Planning: Update'.

- to work closely with the US on a humanitarian response, but only if there was an overarching UN mandate and financial cover; and
- "in principle", to make money available to the UK military for QIPs, to be re-examined if there was no UN mandate and the UK military was "working under a US lead".

251. Ms Short did not agree to establish a forward base in Kuwait on the grounds that it would imply that military action was a certainty. DFID could make scoping visits to the region and arrange for vehicles to be ready for transportation, but the equipment should not be pre-positioned in the region. Ms Short "accepted that this would mean that DFID would not be prepared for an immediate response in the event of military action or a humanitarian crisis on the ground". She suggested that DFID consider providing more funds to the International Committee of the Red Cross (ICRC), which was undertaking similar preparations to those recommended by DFID officials.

252. Ms Short also rejected the deployment of DFID staff to Jordan and the HIC in Cyprus, on the grounds that it pre-supposed a significant role for DFID, which it was as yet unable to promise.

253. The meeting agreed that DFID:

> "… should work through the range of different scenarios within which we might have to act and in each case consider how we would respond in terms of financial support and the channels through which it could be provided."

254. In the context of discussion on those scenarios, Ms Short stated that without additional resources, DFID "would not be able to take up the exemplary role, working with the UK military, that the PM had asked us to".

255. Dr Brewer told the 19 February Chiefs of Staff meeting that Ms Short, while working towards full commitment through the UN, would not be seeking additional resources beyond DFID's £100m Contingency Reserve.[155]

THE FIRST COMPREHENSIVE ESTIMATE OF COSTS, 19 FEBRUARY 2003

256. On 19 February, in advance of meetings with Mr Snow and other G7 finance Ministers, Mr Brown received a number of papers on Iraq.[156]

257. In a covering minute to those papers, a Treasury official warned that on reconstruction:

> "Our sense is that momentum … is developing very fast, and there is a risk that the financing agenda could be set by policy decisions taken in Foreign and Defence Ministries. Sharing ideas with Mr Snow may be a useful way to begin to redress

---

[155] Minutes, 19 February 2003, Chiefs of Staff meeting.
[156] Minute Treasury [junior official] to Chancellor, 19 February 2003, 'Update on Iraq'.

this balance. An additional approach would be to write round Whitehall colleagues sharing your concerns (for instance, about the economic and financing implications of foreign and defence policy decisions)."

258. A paper by Treasury officials identified three "pitfalls" to putting Iraq "on a path to stability and prosperity whilst fairly sharing the financing burden for this".[157] Those pitfalls were:

- UN cover. Without this, the UK would have to contribute more to the reconstruction effort, IFIs would find it hard to engage, and the international community would be unable to resolve crucial financing issues such as debt rescheduling.
- Being realistic about the decisions a transitional Iraqi Government could take. It could be illegitimate and destabilising for the transitional Government to take decisions on Iraqi economic policy.
- The implications of establishing administrative sectors in Iraq: "If the UK takes on one, the cost – in terms of money and administrative burden – could rocket, and our stay lengthen."

259. A paper by Mr Dodds and a junior Treasury official provided the first comprehensive estimate of the cost of the UK's intervention in Iraq (including military and non-military, conflict and post-conflict costs).[158] The advice on military costs is described earlier in this Section.

260. The officials advised that the best estimate of the cost of military (combat and post-conflict) operations was now more than £5bn. In addition:

- The UK might spend between £100m and £250m on humanitarian aid in the first year after any conflict (based on a "typical" UK contribution of 10 percent of total international aid).
- The UK might spend between £100m and £500m on reconstruction in the first year after any conflict (again, based on 10 percent of total international aid).
- It was impossible to estimate costs falling to the Export Credit Guarantee Department (ECGD), including through claims or losses arising from political and economic instability, and from any decisions to write off debt for political reasons.
- Mr Boateng had already agreed to provide an additional £5m to the FCO from the Reserve for a "flat-pack" Embassy. There might be other costs, though the Treasury was pressing the FCO to absorb those within its budget.

---

[157] Minute Treasury [junior official] to Chancellor, 19 February 2003, 'Update on Iraq' attaching Paper Treasury, 19 February 2003, 'Iraqi reconstruction: pitfalls and process'.
[158] Minute Treasury [junior official] to Chancellor, 19 February 2003, 'Update on Iraq' attaching Paper Treasury, 19 February 2003, 'Iraq Conflict – Public Expenditure Impact'.

- There might be further indirect costs, including in relation to an increase in people seeking asylum.

261. The officials summarised the "big numbers" in a table which is reproduced in full below.

Table 3: The Treasury's estimate of the direct cost of conflict, February 2003 (£bn)

	2002/03	2003/04	2004/05	2005/06
Military costs – war and immediate aftermath	1.0	1.5	0.5	–
Military – RAB costs	–	0.1	0.15	0.15
Military – aftermath	–	0.5	1.0	?
Humanitarian aid	–	0.1-0.25	?	?
Reconstruction aid	–	0.1-0.5	?	?
ECGD	–	?	?	?
Total	**1.0**	**2.3-c3.0**	**1.7+**	**?**

262. The officials advised that any DFID contribution to humanitarian and reconstruction costs would be constrained by DFID's commitment to spend 90 percent of its bilateral resources in low-income countries. Ms Short had already written to Mr Blair (on 5 February) asking for advice on the approach that DFID should take and the potential for extra resources. It was "quite credible to imagine DFID putting [in] a bid for several hundred million pounds".

263. Mr Brown and Mr Boateng received a further update on military post-conflict costs from a Treasury official the following day.[159] In that context, the official commented that the Treasury would also need to take account of the costs of humanitarian assistance and reconstruction:

> "Our line to date has been that departments (mainly DFID) should meet these [costs] through budget reprioritisation. We would welcome your steer on this but, based on past conflicts, we suspect it is unlikely to be a sustainable line in the long term."

264. The US inter-agency Rock Drill from 21 to 22 February confirmed the scale of the shortcomings in US post-conflict planning, including the deficiencies of the US Office of Reconstruction and Humanitarian Assistance (ORHA) and the continuing gap between UK and US positions on the role of the UN (see Section 6.5).

265. Ms Short held a meeting on Iraq with DFID officials, including Dr Brewer and Mr Fernie, on 24 February.[160] The meeting identified the "increased recognition across

[159] Minute Treasury [junior official] to Chancellor, 20 February 2003, 'Iraq: Update on Potential Cost and How Should We Present Them?'.
[160] Minute Bewes to Miller, 25 February 2003, 'Iraq Contingency Planning: Update'.

Whitehall of the likely scale of post-conflict activity, and the essential nature of UN involvement and authority if this was to be effectively addressed".

266. The meeting also reviewed ORHA's state of preparedness in the light of the Rock Drill:

- Humanitarian plans were the most advanced, but ORHA did not yet have sufficient funds, staff or capacity to deliver them.
- Reconstruction plans were "not nearly as well advanced as they should have been at this point".
- Civil administration plans were the least advanced, and "would not be ready by the six week deadline they had been set".

267. The meeting concluded that ORHA's state of preparedness was "extremely worrying".

268. The meeting also considered financial issues. The MOD and FCO appeared to be more aware of DFID's financial constraints, but DFID had not yet received a "clear response to the issue of the limitation of DFID's engagement imposed on it by our financial situation". Ms Short told the meeting that Mr Brown "had indicated to her, in a private conversation, that he 'would do what he could to help'".

269. Dr Brewer wrote to Mr Bowen on the same day to summarise Ms Short's position; copies of the letter were sent to the MOD, FCO and Treasury.[161] The letter reflected the conclusions of Ms Short's meeting with DFID officials on 18 February and Dr Brewer's presentation to the Chiefs of Staff on 19 February. Dr Brewer stated that:

> "Although [Ms Short] would be keen for DFID to support an exemplary humanitarian effort in any UK-controlled sector, our [DFID's] role will be constrained by the extent of the UN mandate and the financial resources available to us. We have a strong commitment to the UN agencies, and would want to allocate significant funding to them under most scenarios. Drawing heavily on our Contingency Reserve and existing humanitarian aid and Iraq budget lines is unlikely to release more than £60-70m for humanitarian assistance to Iraq in 2003/04. Given our predictions of the humanitarian needs, with this level of funding we would not be able to play the exemplary role [in the South] the Prime Minister has asked for, and it would be irresponsible of us to plan to do so."

270. Mr Jeremy Heywood, Mr Blair's Principal Private Secretary, sent Mr Bowman a paper on financing Iraqi reconstruction on 24 February.[162] Mr Heywood said that Mr Blair wanted to share the paper, prepared by the No.10 Policy Directorate, with the

---

[161] Letter Brewer to Bowen, 24 February 2003, [untitled].
[162] Letter Heywood to Bowman, 24 February 2003, 'Iraq: Reconstruction' attaching Paper, [undated], 'Financing the Reconstruction of Iraq'.

US as soon as possible. The letter was copied to the FCO, DFID, the DTI and the Cabinet Office.

271. The No.10 paper stated that the cost of "reconstruction and nation building" in Iraq would be between US$30bn and US$105bn, excluding the direct cost of conflict and post-conflict peacekeeping. Only an administration enjoying the legitimacy provided by the UN would be free to engage with the financial markets to secure funding for Iraq's long-term future.

272. Mr Bowman replied on 25 February, stating that the Treasury "fully supports the main message of the paper, that, in the absence of a UN mandate, the financing costs of reconstructing Iraq will be significantly higher".[163] Mr Bowman offered detailed comments on the text and advised that the Treasury was already involved in complementary work alongside the IPU and in liaison with the US and Australia.

273. A revised draft was prepared, but not shared with the US.[164]

274. Mr David Johnson, Head of the MOD Iraq Secretariat, wrote to Mr Hoon's Private Office on 26 February about humanitarian assistance during the early stages of a military conflict.[165] The MOD and DFID believed US plans for humanitarian assistance were inadequate, in particular because they relied on delivery by NGOs, who would not be on the ground in Iraq in numbers early on. The UK military would therefore need:

> "… immediate access to sufficient expertise and resources to … make good the deficiencies in the US plans. In particular … DFID experts deployed in theatre, who can advise what is actually required … (as opposed to soldiers making it up as they go along) … There are lead-times associated with this … Waiting till after a second SCR [resolution] is leaving it too late. We know DFID haven't got any money. That is why they need to ask for some, now."

275. Mr Blair told Cabinet on 27 February that he would continue to push for a second Security Council resolution.[166]

276. Ms Short said that a UN legal mandate was "essential" for the humanitarian and reconstruction tasks that lay ahead; without that, "proper preparation was impossible". She also advised that it would be "difficult" to accommodate action in Iraq within DFID's Contingency Reserve: "Greater resources were likely to be needed."

277. After that meeting, Mr Boateng asked Treasury officials for a note on progress towards financing Iraq's reconstruction.[167] Mr Boateng commented:

---

[163] Letter Bowman to Heywood, 25 February 2003, [untitled].
[164] Manuscript comments Manning and Drummond on Email Heywood to Manning, 3 March 2003, 'Financing the Reconstruction of Iraq'.
[165] Email Sec(O)-Iraq to SofS-PS [MOD], 26 February 2003, 'Humanitarian Assistance'.
[166] Cabinet Conclusions, 27 February 2003.
[167] Manuscript comment Boateng on Letter Bewes to Heywood, 25 February 2003, 'Iraq: Reconstruction – Letter to Mark Bowman (HM Treasury), 24 February 2003'.

> "Clare [Short] asked for more resources in Cabinet ('I can't take resources away from Ethiopia') and the PM looked at me with one of his smiles – what does she want/need – and what might we offer?"

278. Mr Hoon's Private Office sent Sir David Manning an update on military planning on 28 February.[168]

279. The section on "Day After" planning identified five UK concerns, including funding for reconstruction. US planning assumed the rest of the world would pick up 75 percent of the bill for reconstruction. That was "possibly hopelessly optimistic". As an Occupying Power, the UK would be at the front of the queue of countries the US would approach to make up any deficit.

280. Copies of the paper were sent to the FCO, Treasury and Cabinet Office, but not to DFID.

281. A Treasury official advised Mr Boateng on 5 March that, with little clarity on the scale of the humanitarian response that would be required and on the UK's contribution to it and no actual bid for resources from DFID, it was difficult to respond substantively to the concerns expressed by Ms Short in her 5 February and 14 February letters to Mr Blair.[169]

282. The official recommended that Mr Boateng write to Ms Short, setting out the Treasury's two main concerns:

- that funding for reconstruction should be an international effort; and
- that Ministers should be aware that the Reserve was "not in a position to fund large amounts of new expenditure".

283. The Treasury has informed the Inquiry that it has no record of Mr Boateng writing to Ms Short as a result of that advice.[170]

284. Ms Short held a meeting with DFID officials on 5 March to discuss Iraq and in particular the legality of "reconstruction work" without a covering UN mandate.[171] Ms Short concluded that without a clear mandate for reconstruction, DFID could only legally fund or undertake humanitarian work. DFID would not undertake reconstruction work, or fund others to do so. DFID "should move away" from any expectation that it would undertake an exemplary role, or that it would focus on any one area.

---

[168] Letter Williams to Manning, 28 February 2003, 'Iraq: Military Planning and Preparation' attaching Paper, 28 February 2003, 'Iraq: Military Planning Update – 28 February 2003'.
[169] Minute Treasury [junior official] to Boateng, 5 March 2003, 'Iraq: Letter from Clare Short on Humanitarian Planning'.
[170] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries relating to Resources'.
[171] Minute Bewes to Fernie, 6 March 2003, 'Iraq Update: 5 March'.

285. On funding, Ms Short agreed that if DFID was involved in humanitarian work only, it would draw on its Contingency Reserve. In the event that a "wider DFID role" was possible, "should we [DFID] be asked by No.10 or others how much funding DFID would need, we should mention an initial sum of £100 million".

286. Ms Short wrote to Mr Blair on the same day:

> "You must … be aware that without resources larger than my whole Contingency Reserve – just under £100m … it would be impossible for DFID to take a leading role in humanitarian delivery in the South–East about which we spoke."[172]

Copies of Ms Short's letter were sent to Mr Brown, Mr Straw and Mr Hoon.

MR BLAIR'S 6 MARCH 2003 MEETING ON POST-CONFLICT ISSUES

287. On 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Short, Baroness Symons, Sir Michael Jay and "other officials".[173] The meeting is described in detail in Section 6.5.

288. Mr Brown received a number of papers from Treasury officials before the meeting. Mr Dodds' advice on military operations in the post-conflict period is described earlier in this Section.

289. A Treasury official provided Mr Brown with a draft "DFID paper rewritten by the Treasury" on humanitarian relief and reconstruction costs.[174] The draft paper stated that it was a "first attempt at charting the likely costs of the first three years of the Iraqi reconstruction". It adopted a different methodology from the draft DFID paper submitted to Ms Short on 31 January, but reached broadly similar conclusions.

290. The draft paper stated that cost estimates would remain "very rough" until the IFIs had completed a full needs assessment. However, an analysis of international precedents indicated that:

- In the first year after a conflict, humanitarian costs could be between US$2bn and US$12bn, depending on the scale of the humanitarian crisis and the extent to which oil exports were disrupted (the estimates assumed that the OFF programme would continue).
- In the second and third years after a conflict, total reconstruction costs (before Iraq's oil revenues were taken into account) could be between US$2bn and US$15bn per year. The upper limit was not based on an analysis of international precedents, but reflected the potential for "political pressure to spend as much as the OFF [programme] does now (if not more)".

---

[172] Letter Short to Blair, 5 March 2003, 'Post Conflict Iraq: UN and US Roles'.
[173] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.
[174] Email Dodds to Private Office [Treasury], 4 March 2003, 'Iraq: Ministerial Meeting on Thursday Morning' attaching Paper DFID, March 2003, 'Draft: Iraq Relief and Reconstruction Costs: an Overview'.

- Oil revenues could pay for most of Iraq's reconstruction – but only if oil production levels and prices were favourable, Iraq did not have to repay its debts, and the rehabilitation of Iraq's oil infrastructure was "cheap".

291. The draft paper stated that sources of financing for relief and reconstruction remained uncertain. Significant assistance from the international community including the IFIs would be extremely unlikely without a UN mandate.

292. A slightly revised version of that paper was sent to Mr Boateng the following day.[175]

293. Mr Brown also received advice from a Treasury official on the potential impact of all military and non-military expenditure in Iraq on public expenditure.[176] The official's advice on military expenditure is described earlier in this Section.

294. The official advised that it remained difficult to assess the scale of the humanitarian and reconstruction response that would be needed. However, based on a "typical" UK contribution of 10 percent of total aid, the UK might spend up to £1.35bn on humanitarian assistance and reconstruction in the two years after a conflict.

295. The official concluded:

> "DFID have yet to make any formal approach to us on these costs but, ***if you're minded to, the [6 March Ministerial] meeting might be a good opportunity to dampen their expectations.***
>
> "… we have said that departments should meet new costs through re-prioritisation. It is not clear though how long this position will hold."

296. The IPU prepared an annotated agenda for the meeting, in consultation with other departments.[177]

297. With the invasion possibly only weeks away, the IPU stated that US and UK planning assumed that, in the "medium term after the conflict", Coalition Forces would be "re-deployed into six or seven geographical sectors in order to provide a secure environment for the civil transitional administration to conduct humanitarian assistance and reconstruction work". The US expected the UK Division in Iraq to be responsible for a geographical sector. That would be "very expensive and could have wider resource implications". The IPU concluded that: "Ministers need urgently to take a view on this before the military planning assumptions become a fait accompli."

---

[175] Minute Treasury [junior official] to Chief Secretary, 5 March 2003, 'Iraq: Letter from Clare Short on Humanitarian Planning' attaching Paper DFID [draft], March 2003, 'Iraq Relief and Reconstruction Costs: an Overview'.
[176] Minute Treasury [junior official] to Chancellor, 4 March 2003, 'Iraq – Potential Public Spending Impact'.
[177] Paper IPU, 5 March 2003, 'Planning for the UK's Role in Iraq after Saddam'.

298. The IPU asked Ministers a number of specific questions, including:

- Whether they agreed "that the UK does not have the resources to make an 'exemplary' effort in providing for basic humanitarian needs in the area controlled by the UK Division". The cost of making a "significant difference" in a UK Area of Operation (AO) was estimated at between US$400m and US$2.4bn for the first year.[178] That was well beyond the financial and implementing capacity of DFID and the MOD, and could become a significant medium-term commitment if the local population became dependent on UK assistance. The alternative to an exemplary effort was to give UK assistance to UN agencies and NGOs, supplemented by support for QIPs in the UK's AO.
- To choose between options for a post-conflict military presence in the medium term. The cost of maintaining a military force to provide security in a geographic area (which might be based on Basra) would be in the order of £1bn a year.
- Whether to follow the US plan to administer Iraq as a whole and not seek general UK responsibility for the administration of any geographic area in the medium term. In any area where the UK took responsibility for security, it could, with a UN mandate, also take on wider responsibility for reconstruction (including humanitarian assistance and aspects of civil administration), but that would "very likely be beyond the resources of the UK alone and have implications for domestic departments".

299. At the 6 March meeting:

- Ms Short said that the "DFID contingency fund" would prioritise Iraq. The funding available to DFID would not, however, provide for a humanitarian response on the scale of Kosovo. Ms Short also repeated her view that a UN mandate was essential for post-conflict humanitarian and reconstruction operations, both to provide legal cover for reconstruction and to encourage other countries and international organisations to participate.
- Mr Brown said that the military operation would be "very costly". Estimates for a major humanitarian operation were running at US$1.9bn to US$4bn. The burden of reconstruction should not be borne by the US and UK alone; other countries and Iraqi oil revenues should be tapped. In the longer term, Iraqi oil should fund the country's reconstruction. Mr Brown said that he was particularly concerned that UK funds should not be used to repay Iraq's substantial debts to Germany, France and Russia.
- Mr Hoon referred to the importance of humanitarian action in the immediate wake of the arrival of UK forces. Ms Short said that DFID had £70m available "for rapid disbursement" on humanitarian activities.[179]

---

[178] The paper assumed that the UK's AO would comprise Basra province and that Basra province contained around 20 percent of Iraq's population. The figures represented 20 percent of estimated total humanitarian costs in the first year after a conflict (US$2bn to US$12bn)
[179] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.

300. Mr Blair concluded that:

> "(a) DFID and MOD should draw up a plan for immediate humanitarian action in the area of operations of British forces.
>
> (b) Planning for medium-term post-conflict action should continue on the assumption that a UN mandate (the 'third/fourth resolutions') would be forthcoming … The FCO should prepare a Phase IV plan with other departments, including the key decisions for Ministers to take.
>
> (c) The Chancellor should draw up a funding plan, including securing funding from wider international sources, in particular the IFIs.
>
> (d) The Prime Minister was prepared to pursue with President Bush our need for a UN mandate for a post-conflict administration."[180]

301. Mr Blair stated that the issue of "sectorisation" (whether to seek general responsibility for the administration of a geographic area of Iraq) would need to be addressed and should be covered in the Phase IV plan.

302. The record of the meeting did not report any discussion on whether the UK had the resource to make an exemplary effort in providing for basic humanitarian needs in the area controlled by the UK Division.

303. The 'UK overall plan for Phase IV' was shown to Mr Blair on 7 March.[181] Much of the plan, prepared by the IPU, was drawn from the annotated agenda prepared for the meeting on 6 March.

304. The plan stated that, "very soon" after the start of hostilities, the UK needed **"to agree what our medium-term contribution to Iraq should be (say from the autumn onwards). For this will shape our conduct in the short term."**

305. The Inquiry has seen no response to the Phase IV plan.

306. On 14 March, in response to Mr Blair's request for a funding plan, Mr Bowman sent No.10 a Treasury paper on financing reconstruction.[182] The paper was copied to the Cabinet Office, the Office of the Deputy Prime Minister, the MOD, the FCO and DFID.

307. The Treasury advised that the total cost of humanitarian relief and reconstruction in Iraq could be up to US$45bn over the first three years. Iraqi oil might only pay for a fraction of that. The UK's approach should be to spread the burden as widely as possible.

---

[180] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.
[181] Minute Rycroft to Prime Minister, 7 March 2003, 'Iraq: Weekend Papers' attaching Paper IPU, 7 March 2003, 'The UK overall plan for Phase IV'.
[182] Letter Bowman to Cannon, 14 March 2003, attaching Paper Treasury, March 2003, 'Financing Iraqi Reconstruction'.

308. An effective burden-sharing arrangement required the "political legitimacy" that would follow UN endorsement of the transitional arrangement for governing Iraq. If the UN was involved, the burden-sharing arrangement should comprise:

- other bilateral donors, with non-combatant nations showing "disproportionate generosity";
- maximising contributions from the IMF, the World Bank, other IFIs and the EU;
- preventing Iraqi revenues being "side-tracked" into paying debt and compensation claims; and
- maximising Iraq's own contribution from oil revenues.

309. If the UN did not endorse the transitional arrangements, many of those approaches would be more difficult, and there would be pressure on the UK to contribute more.

310. The Treasury advised:

> "A substantial UK financial contribution to the reconstruction efforts is unlikely to be affordable within existing spending plans unless the [UK] Government chose to divert spending from other domestic programmes. In the first instance DFID's unallocated departmental provision (£88m for 2003/04) should provide for immediate requirements. The UK will, however, come under considerable pressure to contribute much more as its share of immediate humanitarian and reconstruction costs, let alone what would be required as part of an 'exceptional response'. Substantial further support from central funds though is unlikely to be affordable: the costs of military activity in Iraq and elsewhere have already fully committed the 2003/04 Reserve; and the overall deterioration in the fiscal position severely limits the Government's discretion to make additional spending allocations."

311. The 14 March meeting of the AHGI was informed that the IPU was considering how best to approach other donors for support on reconstruction, and that the FCO was considering whether there was scope to approach other countries to contribute to UK military campaign costs (though the prospects were not good).[183]

HUMANITARIAN ASSISTANCE IN THE UK'S AREA OF OPERATIONS

312. A junior official in the Permanent Joint Headquarters (PJHQ) wrote to the MOD on 5 March to alert it to PJHQ's concerns over the provision of humanitarian assistance in the UK AO in the immediate aftermath of any conflict.[184] PJHQ had planned to "piggy-back" on US arrangements for the provision of humanitarian relief. It was now apparent, however, that the US plan depended heavily on international organisations and NGOs, which were unlikely to be present in the first weeks after any conflict.

---

[183] Minute Dodd to Manning, 17 March 2003, 'Ad Hoc Group on Iraq'.
[184] Minute PJHQ [junior official] to MOD Sec(O) 4, 5 March 2003, 'Op TELIC: Resourcing of Humanitarian Assistance'.

313. PJHQ had also assumed that DFID would be responsible for providing "national humanitarian assistance". It was now clear that the UK military would be unable to rely on "DFID support for UK troops". Dr Brewer's letter of 24 February to Mr Bowen had implied that DFID would not provide funding to the UK military for humanitarian operations without a second UN resolution. Even if there was a second resolution, DFID's commitment to supporting UN agencies at a national level would constrain what DFID would do in the UK's AO with the UK military and other partners. DFID's view was that the most effective way to distribute humanitarian assistance was through international organisations and NGOs, and DFID intended to focus its resources on areas of greatest need (rather than necessarily on the UK's AO).

314. PJHQ estimated that between £30m and £50m a month for two months would be required to cover the provision of humanitarian assistance in the UK's AO in the immediate aftermath of any conflict.

315. An MOD official submitted advice on the issue to Mr Hoon on 7 March.[185] The official rehearsed the background set out in PJHQ's note of 5 March, but suggested that only £10m a month would be required:

> "… DFID have only just engaged on this issue in detail, [and] it has not been possible to get their expert advice on what might be required … That said, the current working assumption is that there will be a particular requirement for supplies of drinkable water, medical supplies and fuel … It has been suggested that the total requirement could amount to as much as £10m a month …"

316. Two camps for internally displaced persons might also be required, at a "one-off" cost of £10m each.

317. The official provided a draft letter for Mr Hoon to send to Ms Short, seeking her agreement "to channel aid – funds – through our forces". That agreement was needed urgently to ensure supplies could be procured and delivered on time.

318. Mr Hoon wrote to Ms Short on the same day, seeking her agreement that "an approach is made to the Chief Secretary" for funding as a matter of urgency.[186]

319. Ms Short replied on 12 March, agreeing that Mr Hoon should urgently discuss funding with the Treasury.[187] She added that DFID would not be able to inherit the "indefinite obligation" to spend £10m a month from the military without adequate finance to cover it. Copies of Mr Hoon's and Ms Short's letters were sent to Mr Brown.

320. Ms Short wrote to Mr Blair on the same day, setting out her misgivings about the state of humanitarian planning; copies of her letter were sent to Mr Hoon, Mr Straw,

---

[185] Minute MOD D/Sec to PS/Secretary of State [MOD], 7 March 2003, 'OP Telic: DFID Involvement and the Funding of Immediate Humanitarian Assistance'.
[186] Letter Hoon to Short, 7 March 2003, 'Iraq: Immediate Humanitarian Assistance'.
[187] Letter Short to Hoon, 12 March 2003, [untitled].

Mr Brown and Sir Andrew Turnbull.[188] DFID preparations were well in hand; those of the UN humanitarian agencies and US and UK military were not. Ms Short stated that "UK Armed Forces are not configured or supplied to provide substantial humanitarian relief".

321. Ms Short identified the three "critical steps" which would help joint DFID/MOD planning for humanitarian action. Those included "clarity over the scale of resources my department will have to support the provision of humanitarian and reconstruction assistance in Iraq"; DFID had earmarked £65m for humanitarian relief and reconstruction.

322. Treasury officials advised Mr Boateng on 14 March that DFID should cover any "early humanitarian" costs, given its responsibility for humanitarian issues and to incentivise it to become more engaged in planning and delivery of immediate post-conflict humanitarian assistance.[189] The Treasury's "option B" was that the MOD claimed its expenditure on humanitarian relief from the Reserve, as part of NACMO.

323. Mr Boateng commented on the advice: "Option B is my strong preference in the current climate."[190]

324. Mr Boateng wrote to Mr Hoon on 17 March, two days before the invasion, agreeing that the MOD could spend up to £20m to assist displaced persons and up to £10m to provide humanitarian assistance for one month.[191] The arrangement would be reviewed after that period.

325. The military's preparedness to deliver humanitarian assistance in the UK's AO is considered in Section 6.5.

DFID SECURES ADDITIONAL FUNDING FROM THE RESERVE

326. Ms Short told the House of Commons on 13 March that she had provided a further £6.5m to support humanitarian contingency planning by UN agencies and NGOs, in addition to the £3.5m for UN humanitarian contingency planning announced on 10 February.[192]

327. £3.5m of the £6.5m was provided to UN agencies, bringing the total amount provided by DFID to UN agencies to £7m.[193] A DFID official advised Ms Short that £7m represented 8.5 percent of the UN's updated funding requirements for humanitarian preparedness (as set out in their 14 February appeal for US$123.5m).

---

[188] Letter Short to Blair, 12 March 2003, [untitled].
[189] Minute Treasury [junior officials] to Chief Secretary, 14 March 2003, 'Iraq Funding'.
[190] Manuscript comment Boateng on Minute Treasury [junior officials] to Chief Secretary, 14 March 2003, 'Iraq Funding'.
[191] Letter Boateng to Hoon, 17 March 2003, 'Op TELIC Funding – Humanitarian Aid and Additional UORs'.
[192] House of Commons, *Official Report,* 13 March 2003, column 21WS.
[193] Minute DFID [junior official] to PS/Secretary of State [DFID], 4 March 2003, 'Iraq: Humanitarian Agencies Preparedness Funding Needs'.

328. On 17 March, at Ms Short's request, DFID officials prepared a paper on shortcomings in humanitarian preparations and steps needed to address them.[194]

329. Officials identified seven problems:

"
- UN funding needs insufficiently met. Preparedness incomplete …
- Red Cross Movement preparing but requires substantial funding support …
- NGOs beginning to establish presence but not fully prepared …
- US preparedness for response lacks local experience and based on optimistic assumptions …
- How to maintain the Oil-for-Food (OFF) programme …
- How to support humanitarian agencies [to] gain early access to Iraq …
- How Coalition Forces can provide effective humanitarian response …"

330. The proposed solution for the first three problems was provision of "immediate additional funds to DFID".

331. Ms Short sent the paper to Mr Blair on 17 March with the comment:
"This summarises what needs to be done to improve humanitarian preparedness. Perhaps we could really focus on this next week."[195]

332. The military role in providing humanitarian assistance was summarised in a joint minute from Mr Straw and Mr Hoon to Mr Blair on 19 March.[196] Mr Straw and Mr Hoon advised:

> "The military task will be to facilitate a secure environment … to enable immediate humanitarian relief to be conducted. To help UK forces win hearts and minds, HMT [the Treasury] have allocated them £30m for humanitarian purposes in the first month as well as £10m for quick win projects. (Clare [Short] has allocated £20m for UN agencies' preparations and earmarked another £60m from DFID's Contingency Reserve for humanitarian operations. But this is a drop in the ocean; in the worse case, if the Oil-for-Food programme ground to a halt, Iraq could need as much as a billion dollars a month for humanitarian aid)."

333. The Coalition began military action against Iraq on the night of 19/20 March.

---

[194] Minute DFID [junior official] to Private Secretary/Secretary of State [DFID], 17 March 2003, 'Iraq: Humanitarian Assistance' attaching Paper, [undated], 'Iraq: What is lacking in terms of being prepared for an effective humanitarian response and what would it take to address that?'
[195] Manuscript comment Short on Minute DFID [junior official] to Private Secretary/Secretary of State DFID], 17 March 2003, 'Iraq: Humanitarian Assistance'.
[196] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

334. The International Committee of the Red Cross (ICRC) and International Federation of Red Cross and Red Crescent Societies (IFRC) launched humanitarian appeals on 20 March, each for approximately US$80m.[197]

335. Ms Short wrote to Mr Boateng the following day to request an additional £120m from the Reserve for humanitarian assistance for Iraq.[198]

336. Ms Short advised that she could provide £80m for humanitarian assistance from DFID's core budget in 2003/04 (£75m from its Contingency Reserve of £90m and £5m from the existing Iraq programme). That was in addition to the £10m already provided from DFID's 2002/03 budget to UN agencies and NGOs. From the £80m available, she had:

- earmarked £65m for the UN's forthcoming initial Flash Appeal, which was expected to seek US$1.9bn to cover the first six months of the crisis; and
- agreed to provide £10m to support further preparations by the World Food Programme, the Red Cross and NGOs.

337. Ms Short stated that with only £5m left, and with demand for funding expected to accelerate fast as humanitarian agencies moved from preparing to delivering, she now needed an extra £120m from the Reserve:

- £35m for the Red Cross appeals launched on 20 March;
- £20m for NGO programmes;
- £15m for DFID's bilateral effort, to deliver direct emergency support to fill gaps in the international response and to second UK relief professionals to UN agencies; and
- a further £50m for the UN initial Flash Appeal: "Given the UK's role in the Iraq crisis, we cannot conceivably avoid meeting less than a 10 percent share of the UN humanitarian appeal. My initial contribution of US$100million [£65 million] will need quickly to be followed up to get us closer to a 10 percent share."

338. Ms Short added that her bid did not include any funds for reconstruction: that would need to be considered "in the longer term".

339. A Treasury official advised Mr Boateng on 25 March that Ms Short's letter "does not really make a case in terms of actual humanitarian impact … DFID's argument is in essence about the need to be seen to commit funds".[199] There was little detail on how the money would be spent.

---

[197] United Nations, June 2003, *Humanitarian Appeal for Iraq: Revised Inter-Agency Appeal 1 April – 31 December 2003.*
[198] Letter Short to Boateng, 21 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.
[199] Minute Treasury [junior official] to Chief Secretary, 25 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.

340. The official recommended two options, depending on "political and presentational requirements":

- agree the claim subject to further detail on how and when the money would be spent; or
- provide £55m to cover immediate needs. That figure comprised the amounts requested for NGOs and for DFID's bilateral effort (both of which would be "politically difficult" to resist), and £20m for the UN Flash Appeal.

341. Mr Bowman advised the Treasury official on 26 March that Mr Brown's view was that the Treasury should agree to provide £100m to DFID. He asked the official for a revised draft reply for Mr Boateng to send to Ms Short justifying that as a reasonable figure.[200]

342. Later that day, Mr Bowman advised the Treasury official that Mr Brown had, after further reflection, decided to provide the full amount requested by Ms Short (£120m).[201]

343. Mr Boateng replied to Ms Short on 27 March, agreeing her bid in full, subject to further detail on how and when the money would be spent.[202]

344. By 27 March, the UK Government had earmarked £240m for humanitarian relief:

- £30m for the UK military to provide humanitarian relief in the UK's AO, from the Reserve;
- £90m from DFID's own resources; and
- £120m for DFID from the Reserve.

345. The Inquiry asked Ms Short and Sir Suma Chakrabarti whether DFID had had the resources to deliver, with the MOD, an exemplary humanitarian effort in the South.

346. Ms Short told the Inquiry:

> "… I had written a number of letters saying, 'All we [DFID] have got is our Contingency Reserve and I'm supposed to keep that for other emergencies in the world … if we mean this [the exemplary approach in the South], there has got to be some money on the table', and what we were getting from the Treasury was no answer, nothing and it was this period of stand-off. Gordon Brown was pushed out and marginalised at the time …
>
> "So after a lot of delay and a number of efforts, the Treasury … came with a letter saying, 'There is no money. Money is very tight, and, therefore, we have got to have a UN Resolution so we can get the World Bank and the IMF and all the others in'.

---

[200] Email Bowman to Treasury [junior official], 26 March 2003, 'Iraq Humanitarian Funding: DFID Reserve claim'.
[201] Email Bowman to Treasury [junior official], 26 March 2003, 'Iraq Humanitarian Funding: DFID Reserve claim'.
[202] Letter Boateng to Short, 27 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.

> "That was a Treasury response, and we only got any extra money from the Treasury, I think, after the invasion had started. So how you can plan an exemplary role when it is that late …"[203]

347. The Inquiry concludes that the Treasury letter referred to by Ms Short was Mr Bowman's letter of 14 March to No.10.

348. Sir Suma told the Inquiry:

> "We [DFID] were very concerned about the resource position. This was one of the biggest constraints on planning because we didn't know what our financial envelope would be in the end. We first raised the resource issues with the Treasury at official level in December 2002 and then it was raised in various letters from Clare Short to the Prime Minister."[204]

349. Mr Brown rejected those criticisms. He told the Inquiry that the Treasury's concern had been to ensure that DFID used its Contingency Reserve before it secured additional funding from the Reserve.[205]

350. The UN launched a 'Flash Appeal' for Iraq on 28 March, seeking US$2.22bn to provide six months of food and non-food aid for Iraq.[206]

351. DFID committed £65m to support the UN Flash Appeal on 1 April.[207]

352. The UN reported in June 2003, in the context of launching its revised humanitarian appeal for Iraq, that almost US$2bn of the requested US$2.22bn had been made available to UN agencies since the launch of the Flash Appeal.[208] That comprised US$1.1bn in resources available within the OFF programme and US$870m in donor contributions and pledges. The major donors were:

- the US (who had provided US$483m, some 56 percent of total donor contributions);
- the UK (US$108m – 12 percent); and
- Japan (US$87m – 10 percent).

---

[203] Public hearing, 2 February 2010, page 70.
[204] Public hearing, 8 December 2009, pages 27-28, 30.
[205] Public hearing, 5 March 2010, pages 97-98.
[206] United Nations, *Flash Appeal for the humanitarian requirements of the Iraq crisis: six-month response,* 28 March 2003.
[207] Report DFID, 1 April 2003, 'Iraq humanitarian situation update No.8 (Internal)'.
[208] United Nations, *Humanitarian Appeal for Iraq: Revised Inter-Agency Appeal 1 April – 31 December 2003,* June 2003.

Funding for a British Embassy and security

353. Contingency planning in the FCO, including for the procurement of armoured vehicles, portable accommodation and equipment to support the re-opening of a UK Office in Baghdad, had begun by September 2002.[209]

354. Mr Straw wrote to Mr Boateng on 17 February 2003, seeking £6.3m from the Reserve to cover costs incurred in preparing for possible conflict or regime change in Iraq.[210] That comprised:

- £3m for a 'container' Embassy in Baghdad;
- £1.2m for Chemical Biological Warfare (CBW) suits and air monitors;
- £740,000 for armoured cars, and for additional guards and security across the region;
- £668,000 for communications equipment for Baghdad;
- £380,000 for additional staffing costs in London; and
- £316,000 for an increased public diplomacy and information campaign.

355. Mr Straw stated that, in the event of a conflict, the FCO would have to make a further claim.

356. Mr Boateng replied two days later, agreeing the bids for the Embassy, CBW suits and air monitors, armoured cars and additional security, and communications equipment (a total of £5.62 million).[211] He rejected the bids for additional staffing in London and the public diplomacy and information campaign, arguing that "these were of a size and nature that we would expect the FCO to absorb".

Accuracy of pre-conflict estimates of costs

357. Sir Nicholas Macpherson told the Inquiry:

> "Forecasts for the overall net additional costs of military operations, as well as estimates for UOR expenditure, were produced by the Ministry of Defence in consultation with the Treasury. The estimates were based on historical data coupled with assumptions on the anticipated operational tempo, activity and conditions for the forthcoming 12 months."[212]

358. Addressing the accuracy of those estimates, Sir Nicholas Macpherson told the Inquiry:

> "We [the Treasury] were making estimates through the autumn of 2002. The Treasury doesn't always get forecasts right, and it didn't get this forecast totally

---

[209] Minute Collecott to Jay, 27 September 2002, 'Iraq Contingency Measures'.
[210] Letter Straw to Boateng, 17 February 2003, 'Iraq and Terrorism Costs'.
[211] Letter Boateng to Straw, 19 February 2003, 'Reserve Claim for Iraq and Terrorism Costs'.
[212] Statement, 15 January 2010, page 3.

right, but it wasn't that far off. We started from looking at the previous Iraq war. My recollection of it was the British intervention was on a larger scale, but obviously there had been quite a lot of inflation since then and I think we always assumed that the actual conflict itself would cost around £2.5 billion, and that estimate proved pretty accurate."[213]

359. Sir Nicholas explained:

"This wasn't some private Treasury estimate, we had an interest of working very closely with the Ministry of Defence, the Foreign Office, the International Development Department [DFID] … at that time we could see a scenario where the war would cost something like 6 billion [pounds] and that was looking to the end of … 2005/06, and, again, that's not hugely wide of the mark."[214]

360. Mr Trevor Woolley, MOD Director General Resources and Plans from July 1998 to August 2002 and subsequently MOD Finance Director, told the Inquiry:

"What we tended to do was to look at what the expected force level in theatre was and to focus the forecast round the numbers of people who were going to be out there [in Iraq] … But, of course, the reality was sometimes that the force levels were different from those at the time of forecast and, therefore, the costs would be different and, of course, there were some costs that were either greater or less than one might have expected with that level of force level anyway."[215]

361. The estimates of military conflict and post-conflict and non-military costs which the Treasury provided to Mr Brown on 19 February were reasonably accurate, given the major uncertainties at that point.

362. Military costs relating to the conflict totalled some £2.2bn, against an estimate of £3.0bn (not including RAB costs).

363. Military post-conflict costs in 2004/05 were £0.9bn, against an estimate of £1.0bn.

364. The UK allocated £210m and spent £110m on humanitarian assistance in 2003/04, against the £100m to £250m range of likely expenditure identified by the Treasury.

365. The UK spent £99m on reconstruction in 2003/04, less than the £100m to £500m range identified by the Treasury. The £99m included a contribution of £70m to the UN and World Bank Trust Funds, which would only be disbursed by the UN and World Bank in subsequent years.

---

[213] Public hearing, 22 January 2010, page 5.
[214] Public hearing, 22 January 2010, page 3.
[215] Public hearing, 2 July 2010, pages 77-78.

Funding for military operations in the post-conflict period

Cost of the UK's post-conflict military presence

366. Most of the issues raised at Mr Blair's meeting on 6 March, including the role of the UN, sectorisation and the nature of the UK's post-conflict contribution in Iraq, remained unresolved as the invasion began (see Section 6.5).

367. Mr Hoon and Mr Straw sent Mr Blair a joint minute on the UK military contribution to post-conflict Iraq on 19 March.[216] The minute, copies of which were sent to Mr Brown, Ms Short and Sir David Manning, invited agreement to five propositions including:

> "In broad terms the MOD will need to draw down its scale of effort to nearer a third of its commitment by the autumn."

368. That reduced commitment would equate to "a maximum of around one brigade, a two star headquarters and possibly a contribution to higher level command and control, air and maritime components, and support enablers".

369. The joint minute gave little detail of what UK forces would be required to do immediately after the invasion:

> "The expectation is that UK forces would be responsible for a task focused on Basra and other key military objectives in the south east of Iraq … This task is broadly proportionate to the size of the UK's contribution to overall Coalition land forces …"

370. The joint minute stated that US planning remained "sensibly flexible" once the initial phase was over and "a major part of Iraq has been stabilised". It would be premature to take a view on the merits of sectorisation for that stage.

371. Mr Rycroft informed the FCO and the MOD on 21 March that Mr Blair agreed to the Straw/Hoon recommendations, subject to further urgent advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.[217]

372. Mr Dodds provided advice to Mr Brown on the joint minute on 24 March.[218] Mr Dodds reported that the picture looked "rather different to that presented in the correspondence":

> "The Defence Chiefs say that a 'medium size' deployment (ie 10,000-15,000) is the most we could sustain in the medium term without lasting damage to our forces. MOD officials tell us they had intended the submission [the joint minute] to pose the question 'do you want us to do as much as we can (ie this medium size deployment)

---

[216] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.
[217] Minute Rycroft to McDonald and Watkins, 21 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.
[218] Minute Dodds to Chancellor, 24 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

> or as little as we can get away with (ie less)?' The question is not posed in that form and hence is not answered. **The choice is essentially political, but it is essential to note that the cost of a deployment on this medium scale is about £1bn a year."**

373. Mr Dodds also reported that the MOD understood that the US now intended to create four, two-star (Divisional) commands in Iraq; the MOD's "ambition" was to secure one of those commands. However:

> "… we should not be too ready to take on a 'two-star command' without the necessary guarantees. The military will baulk at this – a '2-Star command' would provide a seat at the top table in the aftermath. But the risks that it brings of costs that we cannot afford both militarily and financially mean that it comes at potentially a high price."

374. Mr Dodds advised that, given that this was an issue on which the Treasury and the MOD differed, Mr Brown's input "could be invaluable".

375. Mr Dodds also advised that Mr Brown might have a view on "whether to press for a smaller commitment than the £1bn 'medium' scale deployment that MOD/FCO have offered".

376. Mr Dodds concluded by stating that it would be useful if Mr Brown could "urge caution at Cabinet in taking on post-conflict commitments without assurances from the US on a further UN resolution and about military support to any UK-led post-conflict command".

377. Section 8 describes how the UK took responsibility for a sector of Iraq, which would become Multi-National Division (South-East) (MND(SE)).

378. At the 27 March meeting of Cabinet, Mr Brown reported that he was making available an additional £120m for humanitarian relief and raising the allocation of funds for the conflict from £1.75bn to £3bn.[219]

379. In his 9 April Budget statement to the House of Commons, Mr Brown announced that he had set aside £3bn in a "Special Reserve" available to the MOD, so that UK troops could be properly equipped and resourced.[220]

380. Mr Brown told the Inquiry that represented £1bn a year for three years.[221]

381. £1bn was the cost of a medium-scale military commitment in the post-conflict period, as estimated by Mr Dodds in his 24 March minute to Mr Brown.

---

[219] Cabinet Conclusions, 27 March 2003.
[220] House of Commons, *Official Report*, 9 April 2003, columns 271-88.
[221] Public hearing, 5 March 2010, page 90.

382. Mr McKane directed MOD colleagues on 15 April to start turning their "broad estimates" of post-conflict and recuperation costs into a more detailed claim to the Treasury.[222]

383. Two weeks later, on 30 April, the MOD reported to the Treasury that:

- actual and forecast expenditure relating to Phase I (preparation of military forces) and Phase II (deployment) was £807m;
- actual and forecast expenditure to 30 April relating to Phase III (war-fighting) was £681m;
- forecast expenditure relating to Phase IV (post-conflict) for 2003/04 was £982m; and
- forecast expenditure for Phase V (recuperation) for 2003/04 was £400m.[223]

384. The MOD advised that the figures for Phases III, IV and V were their "first forecast" and "necessarily imprecise at this stage". The MOD also confirmed that the overall cost of Op TELIC would remain within the £3bn announced by Mr Brown on 9 April.

Impact on operations of the MOD's financial position, 2002 to 2004

385. In the light of the publicity surrounding the funding and management of the defence programme in 2003 and 2004, the Inquiry examined two related questions:

- the size of the MOD's core budget and whether it imposed constraints on operations in Iraq; and
- whether the imposition of controls on the MOD's management of its resources by the Treasury in September 2003 had an impact on operations in Iraq.

386. The 1998 Strategic Defence Review (SDR) signified a major shift towards expeditionary armed forces, involving the rapid deployment of sustainable military force often over long distances.[224] The SDR recognised that while the collapse of the Warsaw Pact had removed a direct military threat to the UK, indirect threats still persisted. Countering those threats would require more mobile, responsive and flexible armed forces.

387. Section 6.3 describes progress in implementing the shift in military capability required by the 1998 SDR.

---

[222] Minute McKane to DG Resources, 15 April 2003, 'OP TELIC: Recuperation Costs and the Cost of Lessons Learned'.
[223] Letter PS/Hoon to PS/Boateng, 30 April 2003, 'Operation Telic: Iraq Costs Update'.
[224] Ministry of Defence, *Strategic Defence Review Command Paper 3999*, 8 July 1998.

388. Speaking to *The Independent on Sunday* in 2007, Lord Guthrie, Chief of the Defence Staff from 1997 to 2001, said that he came close to resigning during the negotiations over the 1998 SDR:

> "We had taken the Treasury by the hand through it all and thought we were home and dry … Then at the last moment [Mr] Brown tried to take a lot more money out of it. If he had, the whole thing would have unravelled."[225]

389. Mr Hoon told the Inquiry that when he arrived at the MOD, in October 1999, there was "quite a strong feeling that it [the MOD programme implementing the 1998 SDR] was not fully funded".[226]

390. Sir Kevin Tebbit, MOD Permanent Under Secretary from July 1998 to November 2005, told the Inquiry that when he arrived at the MOD he estimated that the department was "about half a billion short" of being able to implement the SDR, although his colleagues did not agree the shortfall was that large.[227] The MOD had tried but failed to "recover the position" in the 2000 Spending Review.

391. Sir Kevin told the Inquiry that the MOD's resource position in 2002 had not affected the decision to mount a large-scale operation in Iraq:

> "While I think the core budget was insufficiently funded to deliver the SDR force structure, that doesn't mean to say that I felt that the funding wasn't there to conduct the [Iraq] operation, or indeed to sustain our objectives in Iraq, on the basis that we were planning to hand over, on the basis that we were not intending to stay … beyond a certain period …"[228]

392. Mr Woolley told the Inquiry that the SDR set out a high-level strategy, and it was a question of judgement whether a particular level of funding was sufficient to deliver that strategy.[229]

393. Mr Woolley identified three factors which, in his view, caused the "budgetary pressure" that the MOD faced in 2002:

- the year-on-year efficiency savings that the 2000 Spending Review had required;
- the cost of salaries, fuel and equipment rising faster than inflation; and
- exchange rate fluctuations.

394. The SDR New Chapter, published in July 2002, continued the shift towards expeditionary capability.[230]

---

[225] *Independent on Sunday*, 11 November 2007, *Tony's General turns defence into an attack.*
[226] Public hearing, 19 January 2010, page 127.
[227] Public hearing, 3 February 2010, page 3.
[228] Private hearing, 5 May 2010, page 38.
[229] Public hearing, 2 July 2010, pages 10-12.
[230] Ministry of Defence, *The Strategic Defence Review: A New Chapter*, July 2002.

395. In early 2002, Mr Hoon wrote to Mr Brown to request an additional £500m for 2002/03 above the MOD's 2000 Spending Review settlement.[231] He argued that the inadequate size of the MOD's 2000 Spending Review settlement, and the cost of expeditionary warfare, had produced a £770m hole in the MOD's budget. The MOD was prepared to absorb £270m of that.

396. No.10 wrote to the Treasury on 19 March 2002 to record that the MOD and Treasury had reached agreement that the bid would be considered sympathetically within the context of the 2002 Spending Review (which was already under way).[232]

397. Mr Blair attended a meeting with the Chiefs of Staff, Mr Hoon and Sir Kevin Tebbit on 21 May, to discuss current operations and resources.[233] Adm Boyce said that the Armed Forces had "been under-resourced since the SDR" and they "could not continue to make do".

398. Mr Boateng wrote to Mr Hoon on 10 July, confirming the MOD's settlement in the 2002 Spending Review.[234] Mr Boateng stated that the settlement represented 1.2 percent annual average real growth in the MOD's total DEL, and 1.7 percent annual average real growth in the MOD's near-cash DEL (the previous budgeting basis), and that it would permit the phased implementation of the SDR New Chapter. The table below summarises the settlement.

Table 4: 2002 Spending Review: MOD settlement, £bn

	2002/03	2003/04	2004/05	2005/06
Total DEL[235]	29.3	30.9	31.8	32.8

399. The settlement also provided an additional £500m in 2002/03 to "sustain activity levels and retention levels, and help offset the wider impact of the rate of military operations".

400. Annex A to the settlement letter confirmed that: "In general, the Ministry of Defence will have unlimited ability to move funds between separate resource and capital sub-programmes within its budget."[236]

401. Budgets allocated in the 2002 Spending Review reflected, for the first time, the implementation of full Resource Accounting and Budgeting (RAB).

---

[231] Letter Hoon to Brown, 31 January 2002, 'The Defence Budget in 2002/03'.
[232] Letter Heywood to Bowman. 19 March 2002, 'Defence Spending – 2002/03'.
[233] Note Rycroft, 21 May 2002, 'Prime Minister's Meeting with Chiefs of Staff'.
[234] Letter Boateng to Hoon, 10 July 2002, 'SR2002: Ministry of Defence'.
[235] Defined in the settlement letter as RDEL plus CDEL minus depreciation.
[236] Letter Boateng to Hoon, 10 July 2002, 'SR2002: Ministry of Defence: Annex A: Spending Plans'.

Resource Accounting and Budgeting

Resource Accounting and Budgeting (RAB) has two key elements. First, costs are recorded when resources are consumed rather than when the cash is spent. Second, to provide a more accurate and transparent measure of the full economic costs, RAB incorporates non-cash costs including:

- depreciation – the consumption of capital assets over their useful economic life;
- impairments, such as stock write-offs; and
- a cost of capital charge – the opportunity and financing costs of holding capital.

The introduction of RAB by the Government was intended to create an incentive for departments to reduce non-cash costs, for example by reducing the amount and value of assets and stocks held.

Under RAB, the total Departmental Expenditure Limit (DEL) comprised three elements: a resource budget (RDEL); a capital budget (CDEL); and adjustments to reflect non-cash costs.

402. While the 2002 settlement was presented in RAB terms, in order to allow reconciliation back to previous settlements and to aid public presentation, the letter also gave an estimate of the cash spending associated with the settlement. The table below presents that estimate.

403. The change from cash accounting to RAB presented an opportunity for the MOD significantly to increase its available cash by reducing its non-cash costs (depreciation and the cost of capital).

Table 5: 2002 Spending Review, MOD settlement, cash spending estimate, £bn

	2002/03 (Baseline)	2003/04 Plans	2004/05 Plans	2005/06 Plans
Resource DEL	31.4	33.0	33.8	34.7
Capital DEL	5.5	6.0	6.3	6.9
Less depreciation	*7.6*	*8.1*	*8.3*	*8.8*
Less cost of capital	*5.1*	*5.2*	*5.3*	*5.4*
Less other changes	–	*0.1*	–	–
Estimated cash spending	24.2	25.6	26.5	27.4

404. Mr Hoon replied to Mr Boateng's letter of 10 July on the same day, welcoming the proposed increase in defence spending but pointing out that, in terms of what the UK was expecting its Armed Forces to do, it was a "taut" settlement.[237]

[237] Letter Hoon to Boateng, 10 July 2002, 'SR2002: Ministry of Defence'.

405. Sir Nicholas Macpherson told the Inquiry that negotiations on the MOD's 2002 settlement had not appeared to be acrimonious:

> "… I didn't get the sense that the MOD was being starved of resource. Indeed, the 2002 settlement gave them small real increases …
>
> "… it is open to the Secretary of State, it is indeed open to the Chief of Defence Staff … to approach the Prime Minister and raise concerns. The Secretary of State could have taken it to Cabinet and he could have held out. They didn't …"[238]

406. Sir Kevin Tebbit told the Inquiry that the MOD had welcomed the 2002 settlement because it had been done on a resource accounting basis, rather than on a cash basis:

> "The problem … for the Treasury was that, whereas in most departments the transition from cash to accruals [RAB] didn't make very much difference, in the case of defence it made a huge difference, because our asset base was something between 70 and 90 billion pounds, a massive amount of money.
>
> "Now, the amount of … depreciation, capital charging, write-off allowance that was in [the MOD's] settlement, was a prudent figure …
>
> "But it did mean, as it transpired, that we had the headroom to achieve what I felt we had always failed to achieve before in my previous three years there, to actually fund the defence programme properly …"[239]

407. Mr Woolley told the Inquiry that Mr Boateng's letter of 10 July 2002 had:

> "… made no reference to there being a separate limit on the non-cash element of the overall resource budget …
>
> "So we made the assumption that there was no separate limit within our budget for non-cash, that we were to regard all resource budgets as available for whatever resource purpose it was required and … we planned on a full resource basis without making any distinction between non-cash and near cash spend."[240]

408. Mr Woolley agreed with the Inquiry that, in practice, the change to RAB meant that by bearing down on non-cash costs the MOD would be able to increase cash expenditure.

409. Mr Woolley also drew attention to the "volatility" of MOD non-cash costs, resulting from periodic revaluation of assets, the number of write-offs of assets and stocks in a particular year, and delays in bringing new equipment into service (which would reduce the charge for depreciation).

---

[238] Public hearing, 22 January 2010, page 37.
[239] Public hearing, 3 February 2010, pages 4-6.
[240] Public hearing, 2 July 2010, pages 59-61.

410. Mr Bruce Mann, MOD Director General Financial Management from May 2001 to February 2004, told the Inquiry that the MOD and the Treasury had worked together for many years before 2002, better to understand that volatility.[241]

411. By early April 2003, the Treasury had become concerned about the MOD's plans to transfer £1bn a year in 2003/04, 2004/05 and 2005/06 from non-cash to cash.[242] That would increase UK Public Sector Current Expenditure (PSCE) by the same amount, which the Treasury judged to be unaffordable.

412. The Treasury acknowledged that the MOD should be able to redeploy non-cash savings released through genuine efficiency gains to cash, but was concerned that:

- the size of the non-cash savings had come "as a bolt from the blue";
- the MOD had over-estimated its non-cash costs (making it easier subsequently to identify and claim savings); and
- some elements of the savings were due to "windfall gains or creative accounting", for example as the MOD changed the depreciation profiles on equipment and wrote down the value of equipment.

413. Sir Kevin Tebbit warned Mr Hoon on 14 April that Treasury officials had questioned the planned transfer of some £3bn from non-cash to cash over the next three years, which they regarded as undermining Mr Brown's fiscal projections.[243] Treasury officials had said that they could give no assurances that the MOD's budget would not be reduced, and had indicated that they would take account of the MOD's increased cash spending in deciding how to deal with "other issues in-year". Sir Kevin described that as "code for our claims on the Reserve" in respect of operations in Iraq.

414. Sir Kevin concluded that the MOD had acted in good faith within the terms of the 2002 settlement, which allowed "unlimited flexibility to move funds between separate resource and capital sub-programmes".

415. Discussions between MOD and Treasury officials continued through the summer, leading to a reduction in the MOD's planned transfer from £3bn to £2bn (£490m in 2003/04, £631m in 2004/05 and £948m in 2005/06).[244]

416. A Treasury official advised Mr Boateng on 19 August that he should "rebut" the MOD's entire £2bn transfer as neither legitimate nor affordable and against the "whole ethos of RAB":

> "The big picture is that the MOD have acted in bad faith. RAB sets out guidelines and principles, but cannot cover every eventuality … Treasury is ultimately

---

[241] Public hearing, 2 July 2010, page 63.
[242] Minute Dodds to Chief Secretary, 2 April 2003, 'Draft: MOD Cash and Non-Cash Costs'.
[243] Minute Tebbit to Hoon, 14 April 2003, 'Defence Budget'.
[244] Email Treasury [junior official] to Bowman, 4 July 2003, 'MOD Budget – Submission – DDI/Treasury to CST'.

responsible for refining the guidelines over this transitional phase [of RAB implementation]. Equally, we need to be able to trust departments to work within the spirit of RAB and check with us wherever clarification is obviously required. If we cannot trust departments to behave in a co-operative manner, we will have to consider tighter controls – undoubtedly a backward step."[245]

417. The official summarised the MOD's position:

- It was working within the RAB framework, which rewarded lower non-cash costs.
- It claimed that the Treasury had focused it on DEL totals, and had told it that cash management was irrelevant.
- The MOD's settlement letter in the 2002 Spending Review specified that it had unlimited flexibility to move funds between sub-programmes.

418. The official also set out the Treasury's arguments against the MOD position:

"
- These switches [from non-cash to cash] are not affordable …
- MOD have generated this improved cash flow from a mixture of accounting charges, exploitation of the transitional phase between RAB Stage I and II, and ineffective management of procurement contracts. Thus this cash windfall has nothing to do with the RAB principles of efficiency or improved asset utilisation …
- MOD has consistently reassured us … that non-cash forecasts in SR2002 were understated, not overstated. It would appear that they have misled us.
- … it was always understood (although admittedly not put in writing) that significant movements in cash/non-cash would have to be agreed with HMT [the Treasury].
- The quality of MOD's forecasting remains poor and does not instil confidence …
- It is not credible that MOD can really have believed that cash was not relevant …"

419. The Treasury's analysis of the MOD's planned £2bn transfer indicated that:

- 35 percent was the result of changes in accounting treatment which had been designed to produce non-cash savings.
- 23 percent was the result of delays in procurement.
- 33 percent was the result of exceptional write-offs.
- 10 percent could not be accounted for.[246]

420. The Treasury judged that only the second category (delays in procurement) represented legitimate non-cash savings.

---

[245] Minute Treasury [junior official] to Chief Secretary, 19 August 2003, 'c£2bn MOD Cash Increase over SR2002'.
[246] Figures sum to 101 percent due to rounding.

421. Mr Boateng wrote to Mr Hoon the following day, saying that he was unable to agree any transfer from non-cash to cash within the MOD's budget. Mr Boateng stated that, given the very tight fiscal position, the Government could not afford an unplanned increase to public sector net expenditure of the magnitude proposed by the MOD.[247] Copies of the letter were sent to Mr Blair and Mr Brown.

422. Mr Hoon replied to Mr Boateng on 3 September.[248] Mr Hoon argued that he had agreed the MOD's 2002 Spending Review settlement on a RAB basis, including that the MOD had unlimited flexibility to move funds between separate resource sub-programmes within its budget. The Treasury was now proposing "to move the goalposts". Mr Hoon challenged Mr Boateng's description of the transfers as resulting from "windfalls" and "transitional effects".

423. Mr Hoon stated that while it was not possible to say precisely where cuts would fall, cuts in training:

> "… would soon cut into long-term military capacity and our ability to continue to sustain our operations in Iraq …"

424. Mr Boateng and Mr Hoon met on 15 September to discuss the non-cash to cash transfers.[249] Mr Hoon told Mr Boateng that the MOD needed to transfer £870m from non-cash to cash in 2003/04 (rather than the £490m the MOD had previously estimated).

425. The following week, MOD officials told Treasury officials that their total additional cash requirement for 2003/04 had grown from £870m to £1,152m.

426. On 26 September, in advance of a meeting with Mr Brown, Mr Dodds produced a note summarising the exchanges between the Treasury and the MOD and reflecting on "how MOD had got into this position". On that question, he concluded:

> "MOD say they believed that under … RAB, cash was not a control. It is an open question whether this is stupidity or cunning."

427. Mr Brown wrote to Mr Blair later that day, reporting the exchanges between the MOD and the Treasury on the MOD's "legitimate questions" and highlighting his particular concern over the MOD's most recent requests:

> "Until a fortnight ago, Paul Boateng was discussing with Geoff Hoon whether it was acceptable for up to £490 million of non-cash … to be redeployed as cash spending …
>
> "**However, it has now become clear that we are dealing with an issue of a completely different scale, which is being driven by a complete lack of**

---

[247] Letter Boateng to Hoon, 20 August 2003, 'Implementation of the SR2002 Settlement'.
[248] Letter Hoon to Boateng, 3 September 2003, 'Implementation of the SR2002 Settlement'.
[249] Paper Treasury, 26 September 2003, 'Summary of Issues for Meeting with Chancellor – 3pm Friday 26 September'.

budgetary control within the MOD. MOD's unforeseen requirement for £1,152 million of extra cash represents a very serious failure. This is not a RAB problem, it is a basic control problem.

"Given the gross loss of control by MOD, I must disallow immediately any flexibility for MOD to move resources between non-cash and cash … I must … also impose on MOD a fixed cash control total to ensure that it remains within the SR2002 settlement.

"… I require an urgent externally led review of MOD's financial control arrangements, and assurance that the MOD will immediately focus on cost control …"[250]

428. Mr Brown wrote that he was "anxious" that these changes would not affect the special arrangements that the Treasury had agreed with the MOD to fund operations in Iraq, and committed himself to ensuring that that funding continued.

429. Mr Boateng wrote to Mr Hoon the same day, reiterating Mr Brown's argument.[251]

430. Mr Brown told the Inquiry that he acted to impose additional controls on the MOD because:

"The purpose of resource accounting was to make sure that the assets of different departments were used more efficiently. So there had to be proof that the assets were being used more efficiently for that to be able to release cash …

"If we had allowed every department to do what the Ministry of Defence were doing, then we would have an extra cost of £12 billion …"

"I wrote to the Prime Minister about this because it was obviously an issue about the cash expenditure of the Government."[252]

431. Mr Hoon replied to Mr Boateng on 29 September.[253] He rejected the charge that the MOD had lost control of its budget and argued that the emergence earlier that month of additional costs was due to a lack of defined Treasury controls rather than a lack of control by the MOD.

432. Mr Hoon reported that in order to comply with Mr Brown's demand that the MOD reduce its cash expenditure by £1.1bn in the current year, there would have to be a moratorium on uncommitted expenditure. He had agreed measures that would reduce cash expenditure by up to £500m in the current year (which would have "serious and just manageable" consequences for defence), but would not agree any further measures until Mr Blair had had a chance to consider the issue.

---

[250] Letter Brown to Blair, 26 September 2003, 'Ministry of Defence Budget'.
[251] Letter Boateng to Hoon, 26 September 2003, 'Ministry of Defence Budget'.
[252] Public hearing, 5 March 2010, pages 126-127.
[253] Letter Hoon to Boateng, 29 September 2003, 'Ministry of Defence Budget'.

433. Mr Hoon also challenged the assurances offered by Mr Brown and Mr Boateng that operations in Iraq would not be affected:

> "… to suggest that cuts to the core Defence Budget will have no impact on military capability or morale reveals a lack of understanding about how defence works. The net additional military costs are only one element, and a relatively small element, of what goes into creating the military capability deployed in Iraq. Cuts in core equipment, logistics and training programmes will inevitably affect operations in Iraq. The only question is how quickly. The effect on morale will be more or less immediate."

434. Mr Hoon wrote to Mr Blair in similar terms on the same day.[254]

435. On 6 October, Mr Hoon's Private Secretary sent Mr Heywood a list of the main measures the MOD was taking to meet Mr Hoon's commitment to save up to £500m in the current financial year.[255] Those were:

- further reductions in activity, especially overseas exercises;
- paring back logistic support;
- deferring plans to buy a fifth C-17 strategic lift aircraft; and
- delaying or reducing spend on other future equipment programmes, including the Battlefield Light Utility Helicopter, the Nimrod MRA4 and the Watchkeeper Unmanned Aerial Vehicle (UAV).

436. Mr Hoon's Private Secretary wrote:

> "These measures would not directly impact on operations in Iraq, but would begin to cut into training and support needed for motivated Armed Forces capable of sustaining the operations there, especially if the situation on the ground escalates, or in responding to new crises."

437. The procurement of UAVs for Iraq is considered in Section 14.1.

438. Mr Heywood attempted to broker an agreement between the MOD and the Treasury. He advised Mr Blair on 7 October:

> "In brief, MOD are requesting an extra £650/1000/1275m over the next three years …
>
> "There is no plausible reason why MOD's non-Iraq spending should need to increase by 9 percent in the current year; and the Government's Chief Accounting Adviser, Sir Andrew Likierman, is absolutely clear that there has been an unacceptable breakdown in financial control in the department (with too much money allocated out to budget-holders and the central finance function too weak to control what they

---

[254] Letter Hoon to Blair, 29 September 2003, 'Ministry of Defence Budget'.
[255] Letter Davies to Heywood, 6 October 2003, 'Ministry of Defence Budget'.

are doing). The MOD have been completely unable to explain what the additional £650m this year is to be spent on.

"I know your instinct will be to back the MOD on this. But frankly I do not think they have much of a case."[256]

439. Mr Heywood provided an update on negotiations to Mr Blair on 10 October.[257] Mr Brown had "grudgingly acquiesced" to provide an additional £250m in 2003/04 (and nothing for 2004/05 and 2005/06), "despite the rapidly deteriorating fiscal position".

440. Mr Heywood concluded that providing an additional £350m to £375m for 2003/04 would be a reasonable compromise, with additional funding for the following years to be considered after a review of the MOD's financial controls.

441. Mr Blair met Mr Brown and Mr Hoon separately in mid-October to discuss the issue.[258]

442. Mr Hoon wrote to Mr Blair on 17 October, identifying the short- and medium-term consequences of the imposition of cash controls.[259] Those included a reduction in the preparedness of the military to conduct operations, cuts and delays in equipment programmes, delays to planned pay increases, cuts in force structure, and a freeze on recruitment in some areas. Mr Hoon argued that to avoid those consequences, he would need authority to transfer more than the £400m "which is being suggested" for 2003/04, and agreement now for similar levels of transfers in subsequent years.

443. Mr Heywood passed that letter to Mr Blair, advising that he had almost brokered a deal between the MOD and the Treasury which involved:

- an additional £385m to £400m for the MOD in 2003/04;
- an external review of the MOD's financial control systems; and
- a decision on funding in future years in the light of the findings of that review.[260]

444. Mr Heywood described that deal as "exceptionally generous", given that the Reserve was already fully spent and the UK was heading for a "massive fiscal overshoot". He concluded:

"I very much hope that you will endorse the compromise … This also means overruling GB [Mr Brown]. He is currently refusing to countenance an offer of more than £250m. But his officials know that that will not wash!"

---

[256] Minute Heywood to Prime Minister, 7 October 2003, 'MOD Spending'.
[257] Minute Heywood to Prime Minister, 10 October 2003, 'MOD Spending'.
[258] Letter Heywood to Watkins, 21 October 2003, 'Defence Budget'.
[259] Minute Hoon to Blair, 17 October 2003, 'Defence Budget'.
[260] Minute Heywood to Prime Minister, 17 October 2003, 'Defence Budget'.

445. Mr Heywood wrote to Mr Hoon's Private Secretary on 23 October:

> "The Prime Minister shares the Chancellor's – and Sir Andrew Likierman's – concern about recent financial developments within MOD …
>
> "However, given the late stage of the financial year and so as to minimise the disruption to front line defence and morale at this critical time, the Prime Minister and Chancellor are prepared to agree a one-off cash uplift of £400m for 2003/04 …"[261]

446. That uplift was conditional on MOD agreement to an externally led review of its financial control arrangements, and an assurance it would make maximum use of savings generated by its efficiency programme to ensure that cash and resource spending were properly controlled. Once the review had made its recommendations and any changes to the MOD financial controls had been implemented, the Treasury would look again at Mr Hoon's request for extra cash for 2004/05 and 2005/06.

447. Sir Kevin Tebbit told the Inquiry that it was the MOD's normal practice to appeal to Mr Blair on funding issues:

> "… given the particular nature of the Blair Government, the MOD tended to look to … the Prime Minister for understanding and support in the budgetary context. Some other departments went direct to the Chancellor. We usually tried to operate through Number 10 because we were always coping with the problem of a policy ambition which the Prime Minister subscribed to, which was never quite matched by the financial attitude of the Chancellor."[262]

448. The external review of the MOD's cash management arrangements (the Likierman review), which was undertaken by Cap Gemini Ernst and Young, issued on 25 November.[263]

449. Mr Woolley forwarded the review to Mr Hoon and Sir Kevin Tebbit the following day.[264] He commented:

> "While not a report we would ourselves have written … [it] provides only very limited support to the criticisms levelled at the department [the MOD] by the Chancellor and the Chief Secretary."

450. Mr Woolley said that the review confirmed that RAB did not require departments to control net cash or near cash, which was "the kernel of our case".

---

[261] Letter Heywood to Watkins, 21 October 2003 [sic], 'Defence Budget'.
[262] Private hearing, 6 May 2010, pages 40-41.
[263] Report Cap Gemini Ernst and Young, 25 November 2003, 'Review of MOD Cash Management Arrangements'.
[264] Minute Woolley to Hoon, 26 November 2003, 'PSX 26 November – CGEY Report'.

451. Mr Dodds forwarded the Likierman review to Mr Boateng on 28 November.[265] He summarised its main findings:

- Since the 2000 Spending Review, the MOD had had no systems that provided effective control over its net cash requirement (the actual cash required by the MOD to carry out its business).
- The MOD was not aware of its near cash position.
- Treasury guidance could have been clearer in defining the controls that departments needed to maintain. The MOD had set out its argument to the review team: that it had not controlled cash or near cash because it was not required to do so under full RAB.

452. Mr Dodds recommended that Treasury and MOD officials should develop a framework to control the transfer of non-cash savings into cash spending. The framework could allow transfers where they resulted from efficiency gains and subject to a cap. Decisions on the MOD's budget for 2004/05 and 2005/06 should await the conclusion of those discussions.

453. Mr Hoon wrote to Mr Brown on 17 December, proposing that the Treasury allow the MOD to transfer £750m from non-cash to cash in both 2004/05 and 2005/06.[266] Mr Hoon stated that the cash controls imposed by the Treasury had required the MOD to reduce planned expenditure in the current financial year (2003/04) by £800m, and would require the MOD to reduce planned expenditure by £1bn a year in future years.

454. Mr Hoon cited the Likierman review in support of this request:

> "I was pleased, but not surprised, that the CAP Gemini Ernst and Young Report [the Likierman review] gave the MOD a clean bill of health. It confirmed that the Resource Accounting and Budgeting framework does not require control of net cash or near cash … the MOD was following the terms of the settlement letter and your rules."
>
> "Given the outcome of the … review, I can expect restoration of the freedom to flex more than £1bn per year from non-cash to cash – which is what is required to maintain the direction envisaged at the time of SR2002 and the SDR New Chapter. However, I do recognise … the fiscal position and our collective responsibilities in this area. I accordingly propose that we agree to flex £750 million in 2004/05 and £750 million in 2005/06."

455. Mr Hoon wrote again to Mr Brown on 25 February 2004, highlighting the implications of the cash controls imposed by the Treasury.[267] The £800m reduction in planned expenditure in 2003/04 had been achieved largely by reducing planned

---

[265] Minute Dodds to Chief Secretary, 28 November 2003, 'MOD – Cash/Non-Cash'.
[266] Letter Hoon to Brown, 17 December 2003, 'Defence Budget'.
[267] Letter Hoon to Brown, 25 February 2004, 'Defence Budget'.

expenditure on new equipment and logistic support for the Armed Forces, "with obvious consequences for operational capability in future years". Retaining the cash controls in future years would cause huge damage to military capability, the loss of jobs in industry and damage to the Government's credibility.

456. Sir Kevin Tebbit provided advice to Mr Hoon on 5 March on the specific reductions in programmes and capability in 2004/05 and 2005/06 that would be required by the Treasury's cash controls.[268]

457. Mr Hoon wrote to Mr Blair on 8 March, highlighting some of those reductions and stating that he could accept authority to transfer £500m (rather than £750m) from non-cash to cash each year.[269]

458. Mr Hoon submitted the MOD's bid for funding to the 2004 Spending Review on 26 April.

459. On 6 July, as negotiations on the outcome of the 2004 Spending Review reached a conclusion, and with the MOD's bid under pressure, Sir Michael Walker, Chief of the Defence Staff, wrote to Mr Brown:

> "Were the [MOD's] bid not to be met … I would be unable to present the outcome to the Armed Forces as being consistent with policy and other than the consequence of inadequate funding."[270]

460. Mr Hoon echoed that warning in a letter to Mr Blair on 9 July:

> "… a settlement around this level is essential for the Chiefs of Staff to support it. I could not rule out the Chiefs speaking out in public, not least because I would not expect them to be able to explain a poor settlement in positive terms to their people."[271]

461. On 11 July, in an accompanying letter to the MOD's 2004 Spending Review settlement, the Treasury agreed that the MOD could transfer £350m from non-cash to cash in both 2004/05 and 2005/06.[272] A new regime would be established from 2006/07, under which transfers would be at least in part conditional on efficiency improvements.

THE MOD REFLECTS ON THE REASONS FOR ITS INCREASED CASH REQUIREMENT

462. In June 2004, in response to a request from Sir Kevin Tebbit for an explanation of how the MOD's cash requirement had grown from £490m to £870m to £1,152m during the course of September 2003, Mr Lester sent him a chronology of the dispute

---

[268] Minute Tebbit to Hoon, 5 March 2004, 'STP/EP 04: Years 1 and 2'.
[269] Letter Hoon to Blair, 8 March 2004, 'Defence Budget'.
[270] Letter Walker to Brown, 6 July 2004, 'Defence Budget'.
[271] Letter Hoon to Blair, 9 July 2004, 'SR 04: Defence Budget'.
[272] Letter Boateng to Hoon, 11 July 2004, 'Ministry of Defence: 2004-05 and 2005-06 Budgets'.

which had been produced towards the end of 2003.[273] Mr Lester commented that the chronology had been produced to clarify the MOD's internal understanding, and was not to be handed over to the Treasury.

463. The chronology showed:

- In December 2001, the MOD estimated that it would have an Annually Managed Expenditure (AME) "surplus" of £500m a year (compared with its previous estimate).
- The MOD had "serious doubts" about that estimate (some of the figures were "clearly wrong"), so used its previous (higher) estimate as the basis for its 2002 Spending Review bid.
- Further estimates in April and June 2002 increased the MOD's confidence that it would have a £500m a year AME surplus, though it was still not certain. The MOD assumed that the Treasury would scrutinise its AME figures as part of the 2002 Spending Review; if it had, the MOD would probably have reduced its bid. But the Treasury did not scrutinise the figures.
- When the MOD agreed its 2002 Spending Review settlement in July 2002, while it still did not trust its exact AME figures, it was confident that "there would be scope to bear down on … costs … That was why we were able to recommend acceptance of the settlement."
- Prompted by continuing doubts about the accuracy of its AME figures, the MOD conducted a "detailed scrutiny" in December 2002. That exercise confirmed the AME surplus. The surplus was "reinvested" for cash expenditure the following month.
- MOD Top Level Budget-holders (TLBs) continued to refine their AME figures, revealing further significant reductions in their requirement. The forecast surpluses were reinvested for cash expenditure in February 2003.
- Analysis of the forecasts provided by MOD TLBs in late August revealed further reductions in their AME requirement.
- The MOD warned the Treasury on 12 September that the MOD's cash requirement had increased from £490m to £870m.
- The MOD warned the Treasury on 24 September that the MOD's cash requirement had increased to £1,152m.

464. Mr Lester's covering note advised:

> "PUS [Sir Kevin Tebbit] asked why we 'got it wrong' as the headline numbers rose from £490m to £870m to £1,152m during the course of September 2003. This is not easy to explain … the Treasury's key accusation – that we lost control of TLBs expenditure – is wrong. What did happen was that we found it very difficult

[273] Email Lester to PS/PUS [MOD], 18 June 2004, 'Non-Cash Chronology' attaching Paper, [undated], 'Chronology of Non-Cash Debate with the Treasury in 2003'.

to re-invent the non-cash and near-cash split in TLBs budgets, having made the transition to full RAB."[274]

465. Mr Lester identified the main reasons behind the increase in the MOD's cash requirement from £490m to £870m:

- "late technical refinements" by MOD TLBs (£200m);
- a reassessment by FLEET (the Royal Navy's operational Command) of its requirements (£122m); and
- policy decisions (£40m).

466. The main reason behind the increase in the MOD's cash requirement from £870m to £1,152m was the discovery that the MOD had issued its TLBs with over £200m more near-cash than it had available. That error had been caused by the absence of a near-cash control total in the 2002 Spending Review settlement.

467. Lord Boateng told the Inquiry that he doubted that Mr Hoon and Sir Kevin Tebbit had been aware of the particular opportunities created by full RAB for the MOD when they had welcomed the MOD's 2002 settlement:

"I think this was an opportunity that became available later, and they saw the opportunity and they took it …

"A fair enough wheeze perhaps, if not one that could be tolerated."[275]

THE IMPACT OF THE TREASURY CONTROLS

468. Mr Hoon told the Inquiry that the imposition of cash controls "caused quite a lot of problems", because the MOD had been spending at a rate which assumed an unlimited flexibility to transfer non-cash to cash, and had made plans which assumed this unlimited flexibility.[276]

469. Mr Hoon also told the Inquiry that although the MOD's forward equipment programmes, including its helicopter programmes, had been affected, he doubted whether this had "immediate consequences" for the UK's operations in Iraq:

"I don't believe that it was relevant to helicopters in Iraq … I suppose it is reasonable to assume that by now [January 2010], had that budget have been spent in the way that we thought we should spend it, then those helicopters would probably be coming into service any time now."[277]

---

[274] Email Lester to PS/PUS [MOD], 18 June 2004, 'Non-Cash Chronology' attaching Paper, [undated], 'Chronology of Non-Cash Debate with the Treasury in 2003'.
[275] Public hearing, 14 July 2010, page 52.
[276] Public hearing, 19 January 2010, page 195.
[277] Public hearing, 19 January 2010, pages 196-197.

470. Sir Kevin Tebbit told the Inquiry that Mr Brown's decision to impose cash controls meant that the MOD:

> "… had to go in for a very major savings exercise in order to cope with what was effectively a billion pound reduction in our finances."
>
> "… the way we went through this exercise was to preserve resources for Iraq, for the operational scenarios that we were currently engaged in, and to make cuts and savings in the areas which were least likely to be called upon …"[278]

471. In response to a question from the Inquiry, Sir Kevin said that it was "very difficult to say" that the reduction had had a long-term impact on UK operations in Iraq.[279]

472. Mr Brown told the Inquiry that the MOD had more funding available to it in 2002/03, 2003/04 and 2004/05 than it had secured in the 2002 Spending Review:

- the additional £500m for 2002/03, which had been confirmed by Mr Boateng in July 2002; and
- authority to transfer £400m from non-cash to cash in 2003/04 and 2004/05.[280]

473. Mr Brown also emphasised that the size of the MOD's core budget had "really not much to do with Iraq, because Iraq was being funded completely separately".[281]

474. Sir Kevin Tebbit agreed with that analysis:

> "I really do not believe that our activities in Iraq were constrained by the overall size of the MOD budget. My own view was that Afghanistan was – putting the two together was where the strain came subsequently."[282]

475. Sections 6.3 and 14 describe how the MOD prioritised key military capabilities.

MR BROWN'S EVIDENCE TO THE INQUIRY ON INCREASES IN THE MOD'S CORE BUDGET

476. In October 2009, the House of Commons Library published a note showing defence expenditure in near-cash terms between 1955/56 and 2008/09.[283] The use of near-cash terms allowed comparison between years before and after the transition from cash accounting to RAB. The table below shows those figures for the period from 2001/02 to 2008/09.

---

[278] Public hearing, 3 February 2010, pages 7 and 10.
[279] Public hearing, 3 February 2010, page 11.
[280] Public hearing, 5 March 2010, pages 127-128. Mr Heywood confirmed in October 2003 that the MOD could transfer £400m from non-cash to cash in 2003/04. Mr Boateng confirmed in July 2004 that the MOD could transfer £350m from non-cash to cash in both 2004/05 and 2005/06.
[281] Public hearing, 5 March 2010, page 128.
[282] Private hearing, 6 May 2010, page 42.
[283] House of Commons Library Standard Note, 16 October 2009, *Defence Expenditure.*

Table 6: Defence expenditure in near-cash terms, 2001/02 to 2008/09 (£bn)

	Near-cash expenditure	Near-cash expenditure at 2008/09 prices[284]	£bn change on previous year, in real terms	% change on previous year, in real terms
2001/02	26.1	31.4	2.4	8.4
2002/03	27.3	31.8	0.5	1.5
2003/04	29.3	33.2	1.4	4.4
2004/05	29.5	32.5	- 0.7	- 2.1
2005/06	30.6	33.1	0.6	1.8
2006/07	31.5	33.0	- 0.1	- 0.2
2007/08	33.5	34.2	1.2	3.6
2008/09	36.4	36.4	2.2	6.5

477. Mr Brown told the Inquiry on 5 March 2010 that the defence budget had risen in real terms (i.e. after adjusting for inflation) every year during the period covered by the Inquiry;[285] and that the budgets allocated in the 2002, 2004 and 2007 Spending Reviews had provided increases in "real terms spending" of 1.2 percent, 1.4 percent and 1.5 percent respectively.[286]

478. Mr Brown wrote to the Inquiry on 17 March 2010, to clarify that while defence expenditure had risen every year in cash terms, it had not risen every year in real terms.[287] Mr Brown provided figures for the MOD's core budget in near-cash and real terms, and total defence expenditure (including NACMO) for the period 2001/02 to 2009/10. Those figures are set out in the table below (the percentage variations between years have been added by the Inquiry).

479. The figures provided by Mr Brown show that:

- The MOD's core budget fell between 2001/02 and 2002/03 and between 2006/07 and 2007/08, and rose in all other years.
- Defence expenditure, which includes a number of significant additional factors, including NACMO, fell between 2003/04 and 2004/05 and between 2005/06 and 2006/07, and rose in all other years.

[284] Adjusted using GDP deflator as at June 2009.
[285] Public hearing, 5 March 2010, page 120.
[286] Public hearing, 5 March 2010, page 119.
[287] Letter Brown to Chilcot, 17 March 2010, [untitled].

Table 7: Total defence expenditure, 2001/02 to 2009/10 (£bn)

	MOD core budget			Actual defence expenditure (inc. NACMO)		
	Near cash budget	Real terms (2008/09 prices)	Real terms % change on previous year	Cash outturn + ops[288]	Real terms (2008/09 prices)	Real terms % change on previous year
2001/02	23.57	28.44	0.32	24.87	30.02	3.31
2002/03	24.20	28.29	- 0.53	26.99	31.56	5.12
2003/04	25.58	29.08	2.79	29.34	33.36	5.72
2004/05	26.48	29.29	0.72	29.52	32.66	- 2.09
2005/06	27.60	29.97	2.32	30.60	33.24	1.76
2006/07	28.66	30.23	0.87	31.45	33.18	- 0.17
2007/08	29.97	30.15	- 0.26	33.49	34.33	3.47
2008/09	30.76	30.76	2.02	36.43	36.43	6.12
2009/10	31.92	31.30	1.76	39.87	39.08	7.27

New arrangements for funding Urgent Operational Requirements, July 2007

480. The Inquiry concludes in Section 9.8 that, from July 2005 onwards, decisions in relation to resources for Iraq were made under the influence of the demands of the UK effort in Afghanistan. Although Iraq remained the stated UK Main Effort, the Government no longer had the option of a substantial reinforcement of its forces there.

481. The funding approved for Urgent Operational Requirements (UORs) increased significantly in 2006/07, as security in Iraq deteriorated, expenditure on Afghanistan increased, and the Government provided new equipment to protect deployed personnel (see Section 14.1).

482. The table below shows the funding approved by the Treasury for UORs relating to Iraq from 2002/03 to 2009/10.[289] Information on actual expenditure on UORs was not captured separately until 2008/09.

Table 8: Funding approved for UORs for Iraq, 2002/03 to 2009/10 (£m)

	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	Total
UOR approvals (£m)	500	180	130	100	420	450	40	5	**1,825**

[288] Figures provided by Defence Analytical Services and Advice (DASA).
[289] Letter Quinault to Aldred, 1 March 2010, [untitled].

483. The increase in funding approved for UORs drove an increase in overall NACMO from 2007/08. The table below shows the funds drawn by the MOD from the Reserve to cover NACMO, including UORs, in relation to Iraq.[290]

Table 9: Total NACMO for Iraq, 2002/03 to 2009/10 (£m)

	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	Total
Total NACMO	847	1,311	910	958	956	1,458	1,381	342	**8,163**

484. The arrangements for funding UORs which had been agreed between the MOD and the Treasury in September 2002 continued to operate until autumn 2006.

485. In autumn 2006, the UOR envelopes for Iraq and Afghanistan were combined, with a view to providing additional flexibility in managing UOR funding and to reduce bureaucracy in the MOD and the Treasury.[291]

486. Mr Des Browne, the Defence Secretary, was advised by an MOD official on 24 November 2006 that he should write to Mr Stephen Timms, Chief Secretary to the Treasury, to request an increase of £460m in the combined UOR envelope.[292] Despite tight controls, the requirements for UORs continued "at a rate higher than anticipated, and considerably above historical norms", because of:

- the intensity of operations in Afghanistan;
- the slow drawdown of forces from Iraq;
- the constantly evolving threat in both theatres; and
- "a decreased willingness, at all levels, to 'make do' with sub-optimal solutions and uncomfortable living and working conditions now that both operations [Afghanistan and Iraq] have become enduring".

487. The size of the request prompted Mr Browne's Assistant Private Secretary to do "a little digging" into the MOD's UOR system.[293] He reported to Mr Browne that:

> "The UOR system – the people who make bids on it and those who sanction bids within it – are changing their attitude. There is greater willingness to ask for technical solutions to reduce risk and discomfort and less inclination to block such bids. Partly this is because there is a perception (rightly or wrongly) that the political environment has changed, and money is no longer the constraint it was …

---

[290] Letter Quinault to Aldred, 1 March 2010, [untitled]; Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: Request for Further Information on Funding'; Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.
[291] Minute MOD [junior official] to PS/Secretary of State [MOD], 24 November 2006, 'Additional Funding for Urgent Operational Requirements (UORs)'.
[292] Minute MOD [junior official] to PS/Secretary of State [MOD], 24 November 2006, 'Additional Funding for Urgent Operational Requirements (UORs)'.
[293] Minute MOD [junior official] to Browne, [undated], 'UOR Funding – Iraq and Afghanistan'.

> "The other factor is that our aspirations are rising and the harder we fight the better we want to do it."

488. Mr Browne's Assistant Private Secretary suggested to Mr Browne that they should discuss the UOR culture that was forming, and "whether we need to re-steer a little or accept that this is the new price of doing business".

489. The MOD told the Inquiry that it has no record of a discussion between Mr Browne and his Assistant Private Secretary on that issue.[294]

490. Mr Browne wrote to Mr Timms on 4 December to request an increase of £460m in the combined UOR envelope for Iraq and Afghanistan.[295]

491. Mr Timms was advised by a Treasury official on 9 January 2007 that:

> "At official level, MOD have indicated that the underlying reason for the sustained high level of UORs is linked to a Ministerial judgement that soldiers must be provided with the optimum equipment, especially where force protection is at stake.
>
> "HMT [the Treasury] have never refused a request to fund a UOR. Once forces are deployed and commanders are generating requirements it is difficult to deny the resources … It follows that the mechanism for limiting the total cost of operations is to resist any expansion of troops committed to operations, rather than UORs to supply the troops already deployed in theatre."[296]

492. Mr Timms agreed Mr Browne's request in full on 15 January.[297]

493. Mr Browne wrote to Mr Timms on 29 March to request a further increase of £450m in the combined UOR envelope for Iraq and Afghanistan, to cover the first four months of the financial year 2007/08.[298]

494. Mr Paul Taylor, MOD Director General Equipment, met Mr James Quinault, Head of the Treasury's Defence, Diplomacy and Intelligence Team, on 19 April to discuss that request.[299]

---

[294] Email MOD [junior official] to Iraq Inquiry [junior official], 25 September 2013, 'Iraq Inquiry: Queries Relating to Resourcing – MOD Response'.
[295] Letter Browne to Timms, 4 December 2006, 'Iraq and Afghanistan – Additional Funding for Urgent Operational Requirements'.
[296] Minute Treasury [junior official] to Chief Secretary, 9 January 2007, 'Increase in the Urgent Operational Requirements Envelope'.
[297] Letter Timms to Browne, 15 January 2007, 'UOR Uplift'.
[298] Letter Browne to Timms, 29 March 2007, [untitled].
[299] Minute Taylor to PS/SofS [MOD], 24 April 2007, 'Treasury Reaction to Requested Increase in UOR Funding'.

495. Reporting the Treasury's "emerging response" to Mr Browne, Mr Taylor said that Mr Quinault had made clear:

- The current, high level of UOR approvals was generating significant financial pressure on the Reserve, such that Treasury officials viewed the current UOR mechanism as "unsustainable".
- A key Treasury concern was that there was no incentive within the current UOR mechanism for the MOD to manage demand or reprioritise equipment plans.
- In the shorter term, Treasury officials were keen to modify the UOR mechanism so that the Treasury agreed a smaller envelope to cover smaller UORs, while larger UORs would be agreed individually with Treasury officials.
- In the longer term, a new UOR mechanism should be considered as part of the forthcoming Comprehensive Spending Review.

496. Mr Quinault had also told MOD officials that he would be recommending to Mr Timms that he should ask the MOD to find the resources for two UORs which he perceived as general capability enhancements.

497. Mr Taylor concluded:

> "All that said, Quinault accepted that Treasury Ministers may take a different view given the evident sensitivities, so we should not assume anything about the formal Treasury response until the Chief Secretary [Mr Timms] has written …"

498. A Treasury official advised Mr Timms on 20 April that the "step change" in the level of UOR funding made the current UOR arrangement "unsustainable".[300] The Treasury had provided £2.1bn to fund UORs relating to Iraq and Afghanistan since 2001, of which over half had been provided in the last two years:

> "We [the Treasury] do not question the military judgment that there is a current operational need – but we believe that many of these items seek to provide a general capability that could have been provided through the Equipment Programme. Many items appear to be kitting out the Army while the Equipment Programme has invested in ships and aircraft … As such we think the UOR scheme is becoming a straightforward supplement to the EP [Equipment Programme] in a way that it was never intended to be, bailing out MOD of the need to prioritise in the kit they purchase and compensating for bad decisions in the past."

[300] Minute Treasury [junior official] to Timms, 20 April 2007, 'Increase in the Urgent Operational Requirements Envelope'.

499. The official advised that the UOR regime was not ideal for the UK military either, as:

- Despite accelerated procurement, UORs were frequently not available until several months after a need had been identified. It would be better to plan to have the capability in advance.
- That would also enable soldiers to be trained on new equipment before their deployment to theatre, and for new equipment to be properly incorporated into military doctrine.
- After one year, the ongoing costs of UORs reverted to the core defence budget. Those unplanned costs could be difficult to accommodate.

500. The official recommended that Mr Timms agree a £200m increase in the combined UOR envelope, and signal a need for a new UOR regime to be negotiated within the forthcoming Comprehensive Spending Review.

501. Mr Timms replied to Mr Browne on 9 May:

> "We discussed that the UOR regime has drifted from its original intentions. We agreed we need a different arrangement for the funding for UORs in the future … I propose we seek to develop this as part of our discussions around the CSR [Comprehensive Spending Review]."[301]

502. As an "interim solution", Mr Timms agreed to increase the UOR ceiling by £200m. For expenditure above that ceiling, and (in line with existing arrangements) for all individual UORs above £10m, the MOD should seek Treasury approval on a case-by-case basis.

503. The MOD and Treasury have told the Inquiry that they have no record of that discussion between Mr Timms and Mr Browne.[302]

504. From June 2007, the Treasury cleared every UOR individually (rather than only those above £10m).[303]

505. The outline of a new UOR regime was agreed in late July, as part of the MOD's settlement in the 2007 Comprehensive Spending Review:

- The Reserve would pay for the "first element" of total UOR costs each year.

---

[301] Letter Timms to Browne, 9 May 2007, 'Urgent Operational Requirements (UOR) in Iraq and Afghanistan'.
[302] Email MOD [junior official] to Iraq Inquiry [junior official], 25 September 2013, 'Iraq Inquiry: Queries Relating to Resourcing – MOD Response'; Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.
[303] Minute Lester to Woolley, 30 October 2007, 'Approach to UOR Funding Following the CSR07 Settlement'.

- The MOD and Treasury would share equally any costs in excess of this amount (with the Treasury meeting those excess costs up front, and then reclaiming them from the MOD on a rolling three-year basis).
- The MOD would receive £200m to assist with its first payments under this new arrangement.
- The MOD would review its equipment programme with the intention of "rebalancing spend towards … the current operating environment".[304]

506. Discussions continued between MOD and Treasury officials over the detail of the new arrangement, including the size of the "first element".

507. Mr Lester advised Mr Woolley on 30 October that:

> "The agreed aim is that the new arrangements should be cost neutral to Defence, albeit with changed incentives, and Quinault professes to mean this."[305]

508. Mr Lester continued:

> "The Treasury have indicated that their intention is to drive the lump sum [first element] as far down as possible in an attempt to change our UOR spending behaviour (they have indicated that they see this as a vehicle to shift our EP [equipment programme] towards current operations). Their prejudice is that MOD does not make real prioritisation decisions on UORs …"

509. Mr Lester also reported that the arrangements which had been in place since June, whereby the Treasury cleared each UOR individually, had not proved to be unduly constraining, though the Treasury was "increasingly pushing back".

510. Agreement on the size of the first element was reached in mid-December 2007, at £500m for 2008/09, based on the MOD's "central estimate" of UOR expenditure of £900m.[306]

511. Mr Woolley told the Inquiry that the change in the UOR regime:

> "… was intended to give a little bit greater certainty to the Treasury of what the UOR bill was likely to be and it was effectively an attempt to incentivise us [the MOD] to forecast in advance what the UOR spend in … the forthcoming year – would be."[307]

512. Mr Woolley said that the change had not affected operations in Iraq, which were by that time generating fewer demands for UORs.

---

[304] Letter Burnham to Browne, 24 July 2007, 'Comprehensive Spending Review 2007: Ministry of Defence Settlement'.
[305] Minute Lester to Woolley, 30 October 2007, 'Approach to UOR Funding Following the CSR07 Settlement'.
[306] Letter Woolley to Quinault, 18 December 2007, 'CSR07: UOR Funding Arrangements'.
[307] Public hearing, 2 July 2010, pages 56-57.

Funding for civilian activities in the post-conflict period

Initial funding for reconstruction

513. At Prime Minister's Questions on 19 March 2003, Mr David Rendel asked for an assurance that sufficient funds for post-conflict reconstruction would be made available quickly.[308]

514. Mr Blair replied:

> " … we will ensure that funds are available – indeed, funds have already been earmarked for the purpose and the Secretary of State for International Development, the Ministry of Defence and the Treasury are doing all they can to make sure that we co-ordinate with American allies and also with other UN partners to ensure that the funds are available … so that in the post-conflict situation in Iraq the people of Iraq are given the future that they need."

515. The Coalition began military action against Iraq on the night of 19/20 March. At that time, the Government had made no provision for funding for reconstruction.

516. Ms Short wrote to Mr Boateng on 21 March, to request £120m from the Reserve for humanitarian relief in Iraq.[309] Ms Short advised that her bid did not include any funds for reconstruction:

> "In the longer term, we will need to consider reconstruction costs. We agree with you that there should be broad international burden sharing of any financing gap unmet by oil revenues, with a major role for the IFIs. But we will need to discuss these issues further at the appropriate time in the coming weeks, once the post-conflict situation is clearer and we have an IFI led needs assessment."

517. Mr Straw sent Mr Blair four FCO papers in advance of Mr Blair's meeting with President Bush at Camp David on 26 and 27 March, including one on post-conflict Iraq (see Section 10.1).[310] The FCO stated that Ms Short was considering where the UK might help with "reform and reconstruction"; however:

> "Public finances are tight. If we are to keep Armed Forces in Iraq, the scope for a major effort on reform and reconstruction will be limited."[311]

518. In his 9 April Budget statement to the House of Commons, Mr Brown announced that he had set aside "an additional US$100 million" to "back up the UN and the work of reconstruction and development".[312]

---

[308] House of Commons, *Official Report*, 19 March 2003, column 930.
[309] Letter Short to Boateng, 21 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.
[310] Minute Straw to Blair, 25 March 2003, 'Camp David: Post-Iraq Policies'.
[311] Paper FCO, 25 March 2003, 'Iraq: Phase IV Issues'.
[312] House of Commons, *Official Report*, 9 April 2003, columns 271-288.

519. The Treasury told the Inquiry that it has no record of any department requesting that allocation.[313]

520. On the same day, a Treasury official advised Mr Boateng that, as DFID still had £95m available for humanitarian work, and given that the UN did not yet have a presence on the ground in Iraq and the reconstruction effort had not yet started, he should write to Ms Short "to impose some safeguards" on the additional US$100m.[314]

521. Mr Boateng wrote to Ms Short on 15 April to clarify how DFID could access those funds.[315] He understood that DFID did not need the additional funds immediately, given that humanitarian and reconstruction work was at a very early stage and that DFID had £95m of uncommitted resources. He fully expected DFID to bid for additional funding for Iraq "in the next few months". Mr Boateng asked that, before DFID looked to access the new funds, Ms Short should write to him setting out her proposals for how the additional funding would be spent.

522. Ms Short agreed on 23 April that other departments should be given access to the US$100m allocation, to pay for their secondments to the US-led Office of Reconstruction and Humanitarian Assistance (ORHA).[316] That would mean that they, rather than DFID, would have to pass the Treasury's tests on value for money and effectiveness.

523. Mr Boateng wrote to Mr Straw on 2 May to endorse the "broad consensus" that £4.8m of the US$100m/£60m allocation should be ring-fenced for the inter-departmental Iraq Planning Unit (IPU), to cover the cost of UK secondees to ORHA.[317]

524. On 2 May, Ms Short's Private Secretary sent Mr Rycroft an "Interim DFID Strategy" for the next three to six months as Iraq transitioned from "relief/recovery to reconstruction".[318]

525. The strategy stated that the expected humanitarian crisis had not materialised, and set out the "immediate recovery tasks" and "broader [reconstruction] agenda" that now needed to be addressed.

526. The strategy stated that DFID had earmarked £210m for "relief, recovery and reconstruction activities" in the current financial year (2003/04). That allocation comprised the £90m provided by DFID from its own resources and the £120m provided from the Central Reserve on 27 March, for humanitarian assistance. The US$100m announced by Mr Brown on 9 April had been "earmarked" for DFID; it had subsequently been agreed that the costs of secondments to ORHA could be met from that allocation.

---

[313] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.
[314] Minute Treasury [junior official] to Chief Secretary, 9 April 2003, 'Iraq: Budget Funding'.
[315] Letter Boateng to Short, 15 April 2003, 'Budget Announcement on Iraq'.
[316] Minute Bewes to Miller, 24 April 2003, 'Iraq: 23 April'.
[317] Letter Boateng to Straw, 2 May 2003, 'Funding ORHA Secondees'.
[318] Letter Bewes to Rycroft, 2 May 2003, 'Iraq Rehabilitation' attaching Paper DFID, [undated], 'Iraq: Interim DFID Strategy'.

527. Based on contemporaneous sources and figures provided to the Inquiry, the Inquiry estimates that DFID had committed £117.8m to the humanitarian assistance effort by May 2003, of which £89m had been disbursed. That comprised:

- £78m to UN agencies (of which £64m had been disbursed);
- £32m to the International Committee of the Red Cross (ICRC) and the Iraqi Red Crescent (of which £18m had been disbursed);
- £6.2m to NGOs (of which £5.4m had been disbursed); and
- £1.6m for DFID's bilateral effort (all of which had been disbursed).[319]

528. The Inquiry estimates that £90m was therefore available to DFID for "recovery and reconstruction" or for further contributions to the humanitarian assistance effort.

529. The balance of the US$100m announced by Mr Brown on 9 April that would not be spent on secondments to ORHA was also available for reconstruction and development.

530. The Annotated Agenda for the 15 May meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) stated that the scale of the reconstruction challenge was "enormous".[320] Large projects would fall to ORHA and subsequently the Iraqi authorities. But there was a case now for "smaller refurbishment projects". Of the £10m available to the UK military for QIPs only £50,000 had been spent, and of the £30m available to the UK military for humanitarian relief operations in the UK's AO, only £3m had been committed and £1m spent. The remainder could be used for other purposes.

531. In discussion, Mr Boateng agreed that the MOD could spend the balance of the £10m allocated for QIPs, but said that "other funds for reconstruction" had been allocated to DFID.[321] The MOD and DFID needed to discuss the issue.

Initial funding for Security Sector Reform

532. Mr Straw, Ms Short, Mr Boateng and Mr Adam Ingram, Minister for the Armed Forces, agreed on 11 March 2003 that the Global Conflict Prevention Pool (GCPP) should retain a large reserve (of £10m) and a large Quick Response Fund (£5m) to "allow for" an Iraq Strategy focused on conflict prevention.[322]

533. On 10 April, Ms Philippa Drew, FCO Director Global Issues, informed Mr Dominick Chilcott, the Head of the IPU, that her Directorate – which managed the GCPP, the FCO's Environment Fund and the FCO's Global Opportunities Fund (GOF) – was now receiving requests for funding for Iraq.[323] It was difficult to assess those requests in the absence of an "agreed post-conflict strategy" for Iraq and "some idea of where other

---

[319] Letter Amos to Boateng, 10 September 2003, 'Iraq Reconstruction Funding: Reserve Claim'; Paper DFID, 4 November 2009, 'Iraq – DFID Timeline and Financial Commitments: 2003 – 2009'.
[320] Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[321] Minutes, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[322] Minute Drew to Gass, 26 March 2003, 'Iraq and the Global Conflict Prevention Pool'.
[323] Minute Drew to Chilcott, 10 April 2003, 'Iraq: Applications for Funds'.

HMG funding might be going". Ms Drew asked whether there were plans to develop a strategy.

534. The FCO told the Inquiry that it could find no response from the IPU to Ms Drew's minute.[324]

535. The first Iraq project (on prison reform) was agreed for funding under the GCPP Quick Response Fund by the end of April.[325] An FCO official commented that the GCPP Fund was a global allocation, and there were already other calls on it. It would take some months to draw up a GCPP Strategy for Iraq that would allow officials to access the main GCPP budget.

536. Ms Drew chaired a meeting on 1 May to discuss how to handle funding requests relating to Iraq.[326] Officials from various FCO departments, the IPU, DFID and the MOD attended. The meeting identified several FCO funds that might provide funding for Iraq:

- The GOF Engaging with the Islamic World Programme. A "small amount" was available.
- The GOF Counter-Terrorism Programme. £4m was available in the current financial year.
- The GOF Climate Change and Energy Programme.
- The GCPP. Objectives for the current financial year had already been agreed and did not include Iraq.
- The GCPP Peacekeeping Budget. All funds were committed in the short term.
- The Human Rights Project Fund. A "very small sum" had been put aside for Iraq.
- The Public Diplomacy Challenge Fund. Funds should be available for Iraq.

537. The meeting agreed that all proposals should be passed through the IPU, to be assessed against wider UK priorities.

538. In a separate record of the meeting, an FCO official reported: "It was clear that within FCO little detailed thought has been given specifically to an Iraq programme and how it might be funded."[327]

---

[324] Email FCO [junior official] to Iraq Inquiry [junior official], 25 September 2013, 'Iraq Inquiry: Queries Relating to Resourcing'.
[325] Email FCO [junior official] to FCO [junior official], 29 April 2003, 'GCPP-Iraq'.
[326] Minute FCO [junior official] to Drew, 2 May 2003, 'Co-ordination Meeting to Discuss Miscellaneous Funding Requests for Projects in Iraq'.
[327] Minute FCO [junior official] to Link, 2 May 2003, 'Iraq: Post Conflict Programme and Funding'.

539. FCO, DFID and MOD Ministers were invited to agree a GCPP Strategy for Iraq on 1 August.[328] The strategy aimed to provide a coherent framework for UK activities aimed at preventing conflict in Iraq. It comprised three elements:

- Security Sector Reform (SSR). This would be the "initial focus of activity". Ministers were invited to agree that expenditure on SSR activities could start immediately while work continued to define the other elements of the strategy.
- Assistance to "Iraqi Governorates and local administrations within the British AO [Area of Operations] as they develop to ensure that policy decisions are made strategically and with an understanding of conflict prevention issues".
- Further studies and analyses to assist in the development of UK conflict prevention strategies.

540. The estimated cost of the strategy was £7.5m in both 2003/04 and 2004/05. Of the £15m total, £9.5m was allocated for SSR, £4m for local governance and £1.5m for further studies and analyses.

Pressure for additional funding, autumn 2003

541. On 3 June 2003, following a visit to Iraq at the end of May, Mr Blair chaired a meeting attended by Mr Hoon, Baroness Amos (the International Development Secretary), Sir Michael Jay (in Mr Straw's absence) and No.10 officials.[329] Mr Blair said he had returned from Iraq convinced that "an enormous amount needed to be done". The Government should go back to "a war footing" for the next two to three months to avoid "losing the peace in Iraq".

542. Section 10.1 describes how, in July 2003, the Government took on the leadership of Coalition Provisional Authority (South) (CPA(South)) without considering the significant strategic, resource and reputational implications of such a decision.

PRESSURE FOR ADDITIONAL FUNDING FOR DIPLOMATIC REPRESENTATION AND SECURITY

543. Mr Straw wrote to Mr Boateng on 18 July, seeking £30.4m from the Reserve to cover additional costs incurred by the FCO relating to Iraq for 2003/04.[330] Mr Straw stated that he had been reluctant to put in a Reserve claim, "not least because of Gordon's [Mr Brown's] strictures about the pressure on it". The FCO had, however, reached the limit of its ability to manage the constant new demands on its resources:

> "… the continuing need to fund Afghanistan operations in Kabul and London; Iraq costs; and the costs of increased security around the world in the light of the Al-Qaida threat, heightened by Britain's role in Iraq …

---

[328] Minute IPU [junior official] to PS/Baroness Symons, 1 August 2003, 'Global Conflict Prevention Pool – Iraq Strategy'.
[329] Letter Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's Meeting, 3 June'.
[330] Letter Straw to Chief Secretary to the Treasury, 18 July 2003, 'Iraq-Related Costs'.

"This has required cuts into the muscle of our operation – including the closure or localisation of nearly a dozen diplomatic posts."

544. The £30.4m bid comprised:

- £5.3m for costs associated with the British Office in Baghdad and the UK Special Representative in Baghdad;
- £2.1m to establish a British Office in Basra;
- £7.7m to improve security for FCO staff in Baghdad;
- £4m to improve security for FCO staff in Basra;
- £2.7m to improve the security of FCO posts outside Iraq;
- £8.5m to support and provide security for UK secondees to the CPA, including costs associated with Sir Hilary Synnott; and
- £138,000 to support Ms Ann Clwyd, the Prime Minister's Envoy on Human Rights in Iraq.

545. Mr Straw also requested that £28m be added to the FCO's budget for 2004/05 to cover the continuing costs of those activities.

546. Sir Hilary Synnott arrived in Basra on 30 July, to lead CPA(South).[331]

547. Sir Hilary wrote in his memoirs that his arrival established "some sort of British Fiefdom" in the South, but one which was "still entirely dependent on American resources for its lifeblood".[332]

548. In late August the FCO increased its bid for support and security for staff seconded to the CPA from £8.5m to £15.5m, bringing the total FCO bid to the Reserve for 2003/04 to £38m.[333]

549. Treasury officials advised Mr Boateng on 4 September that he should:

- Accept the bid relating to support and security for staff seconded to the CPA (£15.5m). That could be funded from the US$100m/£60m allocation announced by Mr Brown on 9 April.
- Provide £6m of the £7.7m requested to improve security for FCO staff in Baghdad.
- Reject the other bids (totalling some £15m), as those related to "costs that the FCO knew about but chose not to make contingency arrangements for".

---

[331] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[332] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[333] Minute Treasury [junior officials] to Chief Secretary, 4 September 2003, 'FCO Reserve Claim for Iraq Costs'.

550. Treasury officials commented that it was the third year in a row that the FCO had made claims on the Reserve for "apparent shocks".

551. Mr Boateng replied to Mr Straw on 9 September, in line with the advice provided by officials.[334]

552. Mr Simon Gass, FCO Director Finance, called on Mr Jonathan Stephens, the senior Treasury official dealing with the FCO, the following day.[335]

553. Mr Gass reported to Sir Michael Jay that he had rehearsed the FCO's arguments for additional funding and challenged Mr Stephens on whether the MOD and DFID were being asked to absorb costs arising from Iraq to the same extent as the FCO. He reported that:

> "He [Mr Stephens] was evasive and uncomfortable … He argued weakly that the decision was taken on the basis of capacity and ability to absorb … I pointed out that DFID and MOD both had much greater capacity to absorb not only because of the size of their budgets but also because of the strain on FCO expenditure …
>
> "They [the Treasury] are certainly stung by accusations that the FCO is being singled out for harsher treatment than other Government departments and this should be part of the Foreign Secretary's line with the Chief Secretary."

PRESSURE FOR ADDITIONAL FUNDING FOR RECONSTRUCTION

554. Security in Iraq deteriorated in August 2003. Concerns about progress on reconstruction in the South and the implications for the level of consent enjoyed by UK forces led the Government to seek rapid and visible improvements in essential services.

555. Section 10.1 describes the subsequent development of the US$127m Essential Services Plan, to improve delivery of essential services in the South.

556. Mr Hilary Benn, Minister for International Development, told the 4 September meeting of the AHMGIR that DFID would contribute £20m (US$30m) to the Essential Services Plan, to improve delivery of essential services in the South.[336] The UK should continue to seek the balance of the funding from the CPA, but must be prepared to act fast on its own if necessary.

557. Mr Benn wrote to Mr Blair later that day to confirm DFID's commitment.[337] Mr Benn advised that:

> "We [DFID] have held back from committing to meet the full cost [of the Essential Services Plan], to avoid giving the impression to the CPA that HMG wants to take

---

[334] Letter Boateng to Straw, 9 September 2003, 'Iraq Reserve Claim'.
[335] Minute Gass to PS/PUS [FCO], 10 September 2003, 'Iraq: Discussion with the Treasury'.
[336] Minutes, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[337] Letter Benn to Blair, 4 September 2003, 'Iraq: Restoring Essential Services in the South'.

> on full responsibility for the South of the country including the future funding of all infrastructure. Such a commitment would be financially and logistically enormous, and well beyond DFID's budget. We need to keep pressing [Ambassador] Bremer to make more effective use of CPA resources …"

558. Baroness Amos wrote to Mr Boateng on 10 September to request an additional £6.5m from the Reserve to cover immediate further needs in Iraq, and that a further £33.5m should be "ear-marked" within the Reserve for anticipated requirements later in the financial year.[338] Those anticipated requirements included £20m for a future contribution to the Essential Services Plan if CPA funding proved insufficient.

559. Baroness Amos advised that the £40m she was requesting represented the balance of the US$100m/£60m announced by Mr Brown in his 9 April statement to Parliament, to "back up the UN and the work of reconstruction and development".

560. The following day, in a letter to Mr Blair, Baroness Amos advised that:

> "… our overall approach has been predicated on CPA delivering more than it has, and we have had negligible influence on them, or the Pentagon, to try and turn it around. Immediate measures are now needed to maintain the Iraqi population's consent."[339]

561. The Essential Services Plan would help, but solving the underlying problems in infrastructure would require billions of dollars and an Iraqi government to set policy. Systemic problems within the CPA continued to delay the transfer of promised CPA resources to the South. Baroness Amos concluded:

> "If CPA HQ and [the] US Government fail to get its act together quickly, then we can only plug the gap if my earlier Reserve claim … is approved."

562. A Treasury official provided advice to Mr Boateng on 18 September on how the Treasury intended to deal with the expected surge in Iraq-related claims on the Reserve.[340]

563. Departments had seen Mr Blair's call for a step change in the UK effort in Iraq (on 3 June) as "a legitimate invitation" to bid for more resources. They were developing or considering seven bids. The largest of those was a bid being prepared by DFID for around £250m, as the UK's additional contribution to Iraq's reconstruction.

564. It was vitally important to maintain pressure on departments, both at Ministerial and official level, not to submit claims in the first place. The Treasury would also continue to push for greater co-ordination between departments in funding Iraq programmes.

---

[338] Letter Amos to Boateng, 10 September 2003, 'Iraq Reconstruction Funding: Reserve Claim'.
[339] Telegram 1 DFID London to IraqRep, 11 September 2003, 'Iraq Reconstruction: Cabinet Discussion on 11 September'.
[340] Minute Treasury [junior official] to Chief Secretary, 18 September 2003, 'Iraq Funding FY 2003-04: Dealing with Reserve Claims'.

565. Beyond that, the Treasury would continue to scrutinise claims on a case by case basis, in terms of value for money, impact, and robustness of the costing, and the robustness of the risk management. Departments would also have to provide "clear evidence" on the extent to which they had reprioritised their existing resources to accommodate Iraq:

> "The emphasis will be on satisfying ourselves over the degree of re-prioritisation that has taken place to accommodate Iraq-related pressure within existing baselines. DFID received an eight percent real terms budget increase over the SR2002 period, the FCO nearly three percent and the MOD received their most generous settlement for nearly 20 years. We are therefore far from convinced that further re-prioritisation within existing baselines is not possible."

566. The availability of CPA funding was key. Some officials in CPA(South) had stated that it was easier to secure funding from London than from CPA(Baghdad). The Treasury should therefore continue to push for CPA(Baghdad) to fund initiatives in the South, rather than providing a significant increase in UK funding.

567. Treasury officials had considered but rejected another approach – the creation of a "pooled arrangement" for future Iraq claims, with one pool for military activity and one for "reconstruction and related" activity. The idea had been raised by some (unnamed) departments. Such an arrangement might help ensure more effective prioritisation of activities and prevent a "piecemeal stream" of bids to the Reserve. Treasury officials had assessed, however, that creating a pooled arrangement now might encourage departments to allocate money "prematurely", before the outcome of the Madrid Donors Conference was known and before the effect of the anticipated increase in the flow of funding from CPA(Baghdad) to CPA(South) was clear. The potential demand for funds was so great that a pool could quickly be emptied, prompting further claims to the Reserve. The official commented that the Treasury might wish to revisit the idea of an Iraq pool in the future, if the situation changed.

568. Mr Boateng replied to Baroness Amos on 25 September, agreeing to provide an additional £6.5m from the Reserve to cover immediate further needs in Iraq, but rejecting the request to earmark £33.5m for DFID's anticipated future needs, citing "recent reports that … [US] sources of funding are now starting to be unblocked".[341]

569. Sir Nicholas Macpherson told the Inquiry that although it was "totally open" to Baroness Amos to challenge that response, she did not.[342] He pointed out that the US$100m announced by Mr Brown in his 9 April Budget statement was never fully claimed by departments.

570. In his evidence to the Inquiry, Sir Suma Chakrabarti suggested that this exchange had not occurred in isolation:

---

[341] Letter Boateng to Amos, 25 September 2003, 'Iraq: Reconstruction Funding: Reserve Claim'.
[342] Public hearing, 22 January 2010, page 22.

> "We had discussions [with] the Treasury but it was quite obvious to us that they weren't going to give any more than they already had … They had put some money in upfront [in March 2003, for humanitarian assistance], but, after that, they said it is time to reprioritise."[343]

571. The CPA allocated the balance of the funding for the Essential Services Plan the following month.

572. Mr Straw wrote to Mr Boateng on 6 October, requesting £13.9m from the Reserve to improve the content and professionalism of the Iraq Media Network, the CPA's main channel of communication with the Iraqi people.[344]

573. Mr Straw stated that the issue was a priority for Mr Blair. The FCO could not fund a new priority that had emerged halfway through the financial year from its existing, very small programme budgets: the FCO's Public Diplomacy Challenge Fund had an allocation of £2.5m in 2003/04, of which all but £50,000 had already been allocated.

574. A Treasury official advised Mr Boateng that he should reject the bid:

> "The FCO have not considered any other means to fund this strategy … They have not even conserved a partial contribution from their own DEL … they have not engaged the British Council, they have not looked to the Global Conflict Prevention Pool (GCPP), and have not sought to reconcile their media work with DFID's.
>
> "The Prime Minister views an effective CPA media strategy as vital, therefore the FCO believe we cannot resist a Reserve Claim and have abdicated responsibility for ensuring that this package represents VFM [value for money]."[345]

575. The official also advised Mr Boateng that the FCO was holding up agreement to a UK pledge at the Madrid Donors Conference until the bid was agreed.

576. Mr Boateng replied to Mr Straw on 16 October, rejecting the FCO's bid on the grounds that he was not convinced the proposal would deliver value for money, and that the FCO had not fully explored the use of its existing resources.[346]

577. Mr Straw responded on 20 October:

> "You repeat the mantra that we must look for existing resources within the FCO, the GCPP and other departments … But it is not clear to me whether the Treasury has a view as to how much the FCO can reprioritise without damaging the delivery of other Government priorities overseas in a way which is self-defeating. In the

---

[343] Public hearing, 22 January 2010, page 39.
[344] Letter Straw to Boateng, 6 October 2003, 'Reconstructing the Iraqi Media Network: Claim on the Reserve'.
[345] Minute Treasury [junior official] to Chief Secretary, 14 October 2003, 'FCO Reserve Claim for Iraq Media Strategy Costs'.
[346] Letter Boateng to Straw, 16 October 2003, 'Iraq Reserve Claim: Reconstructing the Media Network'.

last two years, the FCO has entered three claims on the Reserve in respect of the events in Afghanistan and Iraq – none of which were predictable within the Spending Review cycle. The total FCO claims for these reserves were £105 million. The Treasury did not dispute the unforeseeable and emergency nature of these costs and yet the Reserve met only £54.5 million …

"… I have consistently rejected knee-jerk claims from officials that they need more resources when in fact they have done insufficient to reprioritise. But the FCO budget is now substantially overstretched … The Government needs to decide what priority it places on delivery of the Government's overseas agenda – including the direct costs to the Exchequer if we fail."[347]

578. When Mr Boateng's decision was discussed in the Iraq Senior Officials Group on 20 October, Sir Jeremy Greenstock commented that it would be difficult for him to return to the CPA without any UK funding, and that more generally "the absence of financial flexibility was making our work harder in Baghdad".[348]

579. Mr Boateng and Mr Straw discussed the bid after Cabinet on 23 October.[349]

580. The Treasury briefing for Mr Boateng rehearsed the reasons why the bid had been rejected, dismissed any suggestion that bids from the FCO were treated differently from those of other departments, and argued that the FCO had chosen not to reprioritise adequately to match the increasing demands of Iraq:

"At the end of last financial year and earlier this year, decisions could have been taken within the FCO to reallocate greater contingency funding to match this government priority [Iraq]. This never happened.

"Other departments, such as DFID, have shown themselves to be more flexible in re-prioritising to assist with the Iraq effort. FCO should be able to match this."[350]

581. After the meeting, Mr Boateng informed Treasury officials that he had received an assurance from Mr Straw that he would not pursue the bid further, and that they had agreed officials should continue to work to identify ways of funding media proposals from within existing resources.[351]

---

[347] Letter Straw to Boateng, 20 October 2003, 'Iraq Reserve Claim: Reconstructing the Media Network'.
[348] Minute Dodd to Sheinwald, 20 October 2003, 'Iraq: Senior Officials Group'.
[349] Email Treasury [junior official] to Treasury [junior official], 23 October 2003, 'FCO £15m Iraq Media Strategy: Speaking Note/Draft Letter from CST to Jack Straw'.
[350] Briefing Treasury, 22 October 2003, 'Reserve Claim: Iraq Media Strategy: Speaking Note: CST to Jack Straw'.
[351] Email Treasury [junior official] to Treasury [junior official], 23 October 2003, 'FCO £15m Iraq Media Strategy: Speaking Note/Draft Letter from CST to Jack Straw'.

582. The FCO wrote to No.10 on 5 November, providing an update on its efforts to secure funding for the Iraqi Media Network.[352] The FCO had undertaken a "quick audit" of the UK Government's support for the Iraqi media and had, with Treasury colleagues, pressed other departments to do more. Funds available from FCO programme budgets, the British Council and possibly the World Service totalled between £1.5m and £2m.

583. In his statement to the Inquiry, Mr John Buck, FCO Director Iraq from September 2003 to July 2004, wrote:

> "… I remember spending a significant amount of time … trying to find several hundred thousand pounds to finance the purchase of a transmitter in southern Iraq for the Iraq Media Network … I tried the FCO finance people and was told that purchase of a transmitter wasn't really a proper call on FCO funds and that this should come from the Treasury's Reserve. I went to the Treasury and was told that this should really come out of the FCO's existing allocation, but perhaps it was worth trying DFID. I had a meeting with DFID, who took the view that they didn't really do media. I then went back to the FCO who did then find the money."[353]

584. The Inquiry asked Mr Buck why, for an initiative for which Mr Blair had expressed his support, and in a situation where Mr Straw was chairing the AHMGIR, the FCO had not been able to secure a relatively small amount of funding from the Treasury, and why the FCO had not tried to go "back up the chain" to Mr Straw or Mr Blair when funding was blocked.[354]

585. In response, Mr Buck highlighted the (in his view) favourable treatment enjoyed by the Treasury due to "broader politics within the Government".

586. Two further FCO bids to the Reserve during the CPA period, for £2m and £9.4m to improve security for staff seconded to the CPA, were agreed in full on 8 December 2003[355] and 30 January 2004 respectively.[356]

587. In May 2005, in the context of work to develop a new GCPP Iraq strategy for 2005/06, a DFID official involved in managing the GCPP Iraq strategy assessed the performance of that strategy in the previous year:

> "There was and is still no medium term [UK] roadmap … In this environment, it is not surprising that … the GCPP was used according to the priorities of the day, despite ministerial endorsement of its medium-term strategy. GCPP programming therefore lurched in tandem with evolving Iraqi and HMG priorities …

---

[352] Letter FCO [junior official] to Rycroft, 5 November 2003, 'Enhancing the Iraq Media Network'.
[353] Statement, 26 July 2010, page 2.
[354] Public hearing, 31 January 2011, pages 53-55.
[355] Letter Boateng to Straw, 8 December 2003, 'Iraq Reserve Claim'.
[356] Letter Boateng to Straw, 30 January 2004, 'Iraq Reserve Claim'.

"Despite the political importance in the UK of the conflict in Iraq, very little funding has been made available to address … counter-insurgency and post-conflict nation-building. London and Post have both tended to turn towards GCPP as a primary funding source – in some cases to fund programmes that fit neither the GCPP strategy nor even its conflict prevention mandate (i.e. weapons for ISF [the Iraqi Security Forces], Basra poetry festival). Special Advisers and Ministers without budgets are also drawn to the Pool to fund activities in their areas of interest."[357]

Debt relief

The Treasury was the lead department within the UK Government on securing debt relief for Iraq.[358] It worked closely with the FCO and other departments to achieve that objective.

Paris Club creditors agreed on 21 November 2004 to reduce Iraq's official debt by 80 percent.[359] The deal would be delivered in three stages: 30 percent immediately; 30 percent on approval of a standard IMF programme; and 20 percent on completion of the standard IMF programme. The deal would write off US$31.1bn of the US$38.9bn owed to Paris Club creditors.

The UK's share of that write-off was approximately US$1.39bn,[360] or £954m (£337m in UK financial year 2004/05, £337m in UK financial year 2005/06 and £280m in UK financial year 2008/09).[361]

Section 10.3 describes the Government's role in the negotiations leading up to that agreement.

Funding military equipment for the Iraqi Security Forces

588. A DFID review of the GCPP and ACPP, published in March 2004, stated that the issue of funding military equipment and minor military operations had been controversial.[362] The position agreed in May 2003 was that:

"
- The supply of military equipment will only be funded if essential to the success of strategies. Weapons and ammunition will only be provided on an exceptional basis, subject to Ministerial agreement.
- Major military operations will not be funded from the Pools.
- Only peace-support-type minor military operations will be considered for Pool funding …"

---

[357] Paper DFID, 31 May 2005, 'GCPP Iraq 2004-05'.
[358] Paper Treasury, 2010, 'Iraq Briefing – Debt'.
[359] Paris Club, Press Communiqué, 21 November 2004, *Restructuring the Iraqi debt - Agreement between the Paris Club and Iraq.*
[360] Briefing Treasury, [undated], 'Brief: meeting with Barham Saleh, Deputy Prime Minister of Iraq'.
[361] Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.
[362] Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review,* March 2004.

589. FCO, DFID and MOD Ministers agreed in September 2004 to fund the provision of £2.5m of military equipment for the Iraqi Security Forces (ISF) from the GCPP.[363] In a letter to Mr Benn, Mr Straw stated that although the purchase of the equipment "only just" met the published eligibility criteria for the supply of military equipment from the GCPP, it was "of broader importance to HMG".

590. Section 12.1 describes Prime Minister Ayad Allawi's requests to Mr Blair in September and October 2004 for increased support for the ISF.

591. In response, the MOD began to develop a proposal to provide US$107m (£70m) in additional support to the ISF, including the provision of armoured vehicles, transport vehicles, other equipment and weapons.[364] The MOD's proposal would become Project OSIRIS.

592. A Treasury official advised Mr Boateng's Private Secretary on 12 October that following Prime Minister Allawi's requests, No.10 was pushing for resources to be allocated "outside the traditional spending categories of the UK military operation (MOD) and reconstruction (DFID)".[365] The official continued:

> "Partly in light of tight spending controls within MOD centre, MOD theatre and FCO/DFID have been using No.10 interest as an opportunity to try and circumvent MOD Finance and HMT [Treasury] spending controls. They have managed to get some political buy-in to ideas which have not been properly costed, scrutinised or prioritised."

593. The resulting spending pressures were "significant, mounting and have critical mass". So far, the GCPP had filled the "growing gap", providing £22m of its £100m budget to fund such ad hoc priorities. However, with much of the GCPP contractually committed, it could not absorb many more demands.

594. As Mr Boateng would not be able to attend the forthcoming meeting of the Ad Hoc Ministerial Group on Iraq, the official recommended that he should write to Ministers, proposing the creation of a ring-fenced allocation for Iraq within the GCPP for 2004/05. That would comprise £10m of new money from the Reserve, and up to £15m in new money to match reprioritisation within the GCPP.

595. The Ad Hoc Ministerial Group on Iraq discussed the MOD proposal on 14 October.[366] Ministers agreed that the proposal should, in principle, be funded, and that the MOD should put a costed proposal to the Treasury "with a view to achieving swift agreement". Mr Straw and Mr Benn both commented that the GCPP had neither

---

[363] Letter Straw to Secretary of State for International Development, 4 October 2004, 'Global Conflict Prevention Pool – Iraq Strategy'.
[364] Minute Quarrey to Prime Minister, 1 October 2004, 'Iraqi-isation'.
[365] Email Treasury [junior official] to Treasury [junior official], 12 October 2004, 'Iraq Spending Threats: Letter from CST to Hoon'.
[366] Minutes, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

the budget nor the mandate to fund that type of assistance. Mr Hoon said that funding should come from the "Op TELIC reserve". Mr Stephens, representing the Treasury, said that some money could come from the Reserve but that the Treasury would also want to look at the GCPP.

596. Mr Boateng's Private Secretary wrote to Mr Hoon's Principal Private Secretary on 18 October, proposing the creation of a ring-fenced allocation for "ad hoc security proposals" within the GCPP.[367] Copies of the letter were sent to Mr Straw's and Mr Benn's Private Offices.

597. By 22 October, No.10, Mr Hoon's Private Office and Mr Benn's Private Office had all responded to that letter, rejecting the Treasury's proposal.[368] No.10 commented that it was imperative that the MOD proposal be funded in full as soon as possible.

598. Mr Boateng advised the 28 October meeting of the Ad Hoc Ministerial Group on Iraq that, of the US$107m worth of equipment requested by the MOD, US$29m would be funded by the US.[369] The remaining US$78m (some £40.6m) could be funded by the Treasury from the Reserve on a "one-off" basis.

599. A Treasury official advised Mr Boateng in mid-November that there had been three separate occasions where "Ministers and officials from FCO and No.10" had made promises of military equipment to various organisations "without proper analysis of the requirement or clarifying the availability of UK funding".[370] Normally effective MOD internal scrutiny processes had been bypassed. Treasury officials were working with the MOD to ensure that such proposals were scrutinised, but for this to be effective the FCO and No.10 needed to "work with the process".

600. A Treasury official advised Mr Boateng on 1 December that the Treasury had received the MOD's first request for funding in relation to the MOD proposal, totalling £15m.[371] The request was "basically a list of kit that £15m will buy", but it was not the right time to "dig our heels in". The MOD had promised that future requests for funding would meet UOR standards.

601. In a Note to President Bush on 10 January 2005, Mr Blair described the Iraqiisation of security forces as critical but said that he was not convinced that the plan to deliver this was robust enough.[372] Mr Blair confirmed that he had authorised "an extra $78m from our MOD for the Iraqi Forces in the South". Although he could not be sure that funding was essential, "I'll take the risk rather than find six months later it was."

---

[367] Letter PS/Boateng to Baker, 18 October 2004, 'Iraq Security Proposals'.
[368] Letter Malik to Rosenfield, 21 October 2004, [untitled]; Letter Rogers to Rosenfield, 21 October 2004, 'Iraq Security Proposals'; Letter Baker to Rosenfield, 22 October 2004, 'Iraqi Security Proposals'.
[369] Minutes, 28 October 2004, Ad Hoc Ministerial Group on Iraq meeting.
[370] Briefing Treasury, [undated], 'Iraq Ministerial Meeting – Thursday 11 November 2004'.
[371] Minute Treasury [junior official] to Chief Secretary, 1 December 2004, '£40m Equipment for Iraq Forces'.
[372] Letter Sheinwald to Hadley, 10 January 2005, [untitled] attaching Note Blair to Bush, 10 January 2005, 'Note'.

602. In June 2005, PJHQ advised Dr John Reid, the Defence Secretary, that discussions were under way with the Treasury for an additional £38m to fund a successor programme to Project OSIRIS.[373] The Treasury had taken "a close interest" in the bid and was keen to ensure that there was "no duplication" with funding allocated to the FCO and DFID.

603. Mr Des Browne, the Chief Secretary to the Treasury, wrote to Dr Reid on 23 August, approving £16m from the Reserve for the package of vehicles, infrastructure and communications equipment that had been presented by MOD officials.[374] Mr Browne continued:

> "Looking ahead, I hope that it will be possible for you to find other means of funding the remaining elements [of the £38m programme] – either by negotiating with Baghdad, for a larger share of what is available … or by encouraging our allies – most of whom are spending far less than we are in maintaining forces on the ground – to play a bigger role."

604. Dr Reid wrote to Mr Browne on 30 November, seeking a further £19.6m (for 734 Iraqi Police Service vehicles and 11 ISF infrastructure projects).[375] Dr Reid advised that the MOD had secured funding from the US, Australia, Italy and Japan, reducing the amount that the MOD needed to provide.

605. Mr Browne replied on 20 December, approving an additional £19.6m from the Reserve.[376]

606. Section 12.1 describes the equipment provided to the ISF under Project OSIRIS.

Better Basra Plan, July 2006

607. In June 2006, Mr Blair asked Mr Des Browne, the Defence Secretary from May 2006, to focus on the situation in Basra.[377]

608. Mr Browne sent Mr Blair an update on Basra, including details of the additional projects needed to deliver a "better Basra", on 4 July.[378] Mr Browne reported that departments had not yet found the £30.7m, "a relatively small sum given the strategic importance of Basra", required to fund the projects. Section 10.2 describes the development of the Better Basra Plan.

---

[373] Minute Scholefieldt to PS/Secretary of State [MOD], 15 June 2005, 'Funding for a Further Programme of Security Sector Reform and a Civil Effects Fund for MND(SE)'. The full request was for £58m, £20m of which was for a Civil Effects Fund.
[374] Letter Browne to Reid, 23 August 2005, 'Iraq: Funding for Security Sector Reform and for a Civil Effects Fund for MND(SE)'.
[375] Letter Reid to Browne, 30 November 2005, [untitled].
[376] Letter Browne to Reid, 20 December 2005, 'Security Sector Reform'.
[377] Minute Sheinwald to Banner, 8 June 2006, 'Iraq and Afghanistan'.
[378] Letter Browne to Blair, 4 July 2006, [untitled] attaching Paper, [undated], 'Annex A – Background on Additional Basra Work'.

609. Discussions on funding the Better Basra Plan – the first of three Better Basra Plans – continued into August.

610. Mr Browne wrote to Mr Timms on 10 August to inform him that departments had agreed to provide a total of £20.4m from existing resources to fund the Plan, now costed at £26.5m because of the later start for some of the work.[379] A total of £7m would come from the GCPP Reserve and £1.4m from FCO-managed programmes. The MOD, the FCO and DFID would each contribute £4m. Mr Browne asked Mr Timms to agree a further £4m from the Reserve.

611. A Treasury official advised Mr Timms that Treasury officials had facilitated that deal.[380] Negotiations had been difficult, with the MOD offering "considerable resistance" to the need to find its contribution from the core defence budget.

612. The official concluded that the deal was a good one for the Treasury, because:

- It had held the line that the cost of the Better Basra Plan should not be an automatic call on the Reserve.
- It had succeeded in getting departments to reprioritise their existing resources to fund the project.

613. Mr Timms replied to Mr Browne on 15 August, welcoming the successful conclusion of negotiations and agreeing to provide an additional £4m for the Plan from the Reserve.[381]

614. The Better Basra Plan also attracted US$80m in US funding.[382]

615. Mr Dominic Asquith, British Ambassador to Iraq from 2006 to 2007, reflected on the UK's funding mechanisms in his evidence to the Inquiry:

> "I think in terms of being able to switch funds, or find extra funds that were required at short notice … it wasn't a particularly flexible or effective system. That came out rather visibly in 2006, when it was clear that we needed to put greater effort into building up the capabilities in Basra … The calculation … was somewhere in the region of £30 million, which … was required to come out of our current resources … which struck me at the time as being certainly a peculiar way of approaching what we were directed was a high priority, but we weren't being given the extra resources, to deliver it."[383]

---

[379] Letter Browne to Timms, 10 August 2006, [untitled].
[380] Minute Treasury [junior official] to Timms, 15 August 2006, 'Better Basra Plan'.
[381] Letter Timms to Browne, 15 August 2006, 'Better Basra'.
[382] Minute DFID [junior official] to Private Secretary [DFID], 6 October 2006, 'Iraq: Future for DFID Programme from 2007'.
[383] Public hearing, 4 December 2009, pages 23-24.

New funding mechanisms for civilian operations

616. A cross-government review of the UK's approach to post-conflict reconstruction began in summer 2003 (see Section 10.3). Following that review, the inter-departmental Post-Conflict Reconstruction Unit (PCRU) was established in September 2004. It became operational during 2005.

617. The remit of the PCRU was to facilitate integrated planning for the military and civilian components of an intervention, including by identifying resources from existing government budgets.[384]

618. From June 2006, departments and in particular the FCO sought to develop new mechanisms to fund civilian stabilisation operations.

619. Sir Michael Jay and senior FCO officials, the Chiefs of Staff, Dr Nemat Shafik, DFID Director General Programmes, and Mr Jim Drummond, DFID Director UN Conflict and Humanitarian Division, agreed on 6 June 2006 that officials should work up a joint FCO/MOD/DFID proposal on how to ensure a comprehensive approach to funding for "stabilisation/reconstruction campaigns".[385] The FCO would lead that work.

620. During the meeting, officials agreed that as the Treasury would strongly oppose any bid to relax the rules on access to the Reserve, the focus of the proposal should probably be on increasing the size of the GCPP, for example by creating a new funding line for "quick impact development projects" in semi-permissive environments.

621. Air Chief Marshal Sir Jock Stirrup, Chief of the Defence Staff, suggested an allocation for that new line of £50m.

622. Sir Michael Jay commented that the Iraq and Afghanistan context might make the Treasury (and No.10) more receptive to a proposal.

623. Discussions continued between the FCO, the MOD, DFID and PCRU until mid-September, but did not produce a consensus on how any "QIP Fund" should be managed or delivered on the ground, or on the criteria that might be used to determine funding from it.[386] There was consensus that the £50m allocation proposed by ACM Stirrup at the 6 June meeting was too large, given the need and the difficulties of disbursing funds effectively.

624. The Inquiry has seen no indications that Treasury officials were aware of or engaged in those discussions.[387]

---

[384] Paper [Cabinet Office], 20 July 2004, 'DOP paper on the Post Conflict Reconstruction Unit'.
[385] Minute Powell to Pattison, 7 June 2006, 'PUS/COS Lunch, 6 June'.
[386] Paper FCO, 1 August 2006, 'Quick Impact Projects: Discussion Paper 01 August 2006'.
[387] Letter Link to Williams, 10 July 2006, 'Quick Impact Projects (QIP) – Iraq and Afghanistan'; Letter Laurence to Link, 19 July 2006, 'Quick Impact Projects – Iraq and Afghanistan'; Letter Teuten to Link, 21 July 2006, 'Quick Impact Projects (QIP) – Iraq and Afghanistan'; Minute Mosselsmans to Link, 21 July 2006, 'Quick Impact Projects'; Letter Pattison to Laurence, 18 September 2006, 'Quick Impact Projects (QIPs)'.

625. Mr Stephen Pattison, FCO Director International Security, wrote to Rear Admiral Tim Laurence, MOD Assistant Chief of the Defence Staff (Resources and Plans) on 18 September to provide a formal response to the tasking given at the 6 June meeting.[388]

626. Mr Pattison advised that for Afghanistan, departments had agreed to create a ring-fenced budget for QIPs within the GCPP Afghanistan Strategy, using existing funding from that strategy and an additional £3m from DFID.

627. In Iraq, UK commanders had been able to secure an "unusually generous" proportion of US CERPs funding since the 6 June meeting. The GCPP Iraq Strategy had also been boosted by additional funds from the GCPP Reserve and departments to support the Better Basra Plan. If additional funding for QIPs was required, departments had agreed to "follow the Afghanistan model". That would mean seeking additional funding first through the GCPP Iraq Strategy and from the GCPP Reserve, before approaching the Treasury for additional funds.

628. Rear Admiral Laurence had earlier advised the FCO, in response to sight of a draft of Mr Pattison's letter, that the first reaction of the Chiefs of Staff might be that departments had ducked a battle with the Treasury.[389]

629. Ministers agreed on 9 January 2007 that the UK needed a capability to intervene to prevent conflict and build capacity after conflicts.[390]

630. In response, on 15 February, the Cabinet Office produced a paper which considered how to improve the UK civilian contribution to conflict management and prevention.[391]

631. The Cabinet Office advised that funding "high priority and Ministerial endorsed policy objectives which cross the boundaries of existing responsibilities" had been a particular challenge. Funding for civilian activity in Iraq and Afghanistan, such as the Better Basra Plan:

> "… had to be negotiated across a range of departments and budget holders, with time consuming turf battles, diverting effort that would have been better deployed on developing effective policies, and delaying delivering."

632. Conflict prevention activities were currently resourced in an "ad-hoc fashion in and between departments", with limited transparency. There was no mechanism to "generate the analysis to support a process of setting strategic priorities or to inform balance of

---

[388] Letter Pattison to Laurence, 18 September 2006, 'Quick Impact Projects (QIPs)'.
[389] Letter Laurence to Link, 10 August 2006, 'Quick Impact Projects'.
[390] Paper Cabinet Office, 15 February 2007, 'Nation Building and Conflict Prevention: Improving UK Capabilities'.
[391] Paper Cabinet Office, 15 February 2007, 'Nation Building and Conflict Prevention: Improving UK Capabilities'.

investment decisions". As a result, it was difficult to make decisions about the marginal utility of extra expenditure on one activity compared to another.

633. The Cabinet Office offered a number of recommendations to improve decision-making within Government and to increase civilian capability. On resources, the Cabinet Office recommended that the GCPP and the ACPP and possibly other funds which supported conflict prevention activities should be brought together and "managed as a single 'budget'".

634. The Inquiry has seen no indications that the paper was formally considered by Ministers or officials.

635. Mr Quinault provided advice to Mr Timms on 13 February 2007 on FCO and DFID bids to the Reserve in respect of Afghanistan.[392] In that context, Mr Quinault commented:

> "… we [the Treasury] have managed to hold the line that in keeping with the traditional approach to these things, while MOD do get access to the Reserve … the other departments have to reprioritise within their own budgets. Arguably this can lead to perverse outcomes on occasion if it incentivises decision-makers to prefer military responses to civilian ones. But it is a useful safety net for us [the Treasury] and not to be given up without careful thought."

636. The "lines to take" attached to the briefing set out the Treasury's response to the challenge that it was "perverse that MOD gets its operational costs paid … from the Reserve whereas essential civilian measures have to be paid for from FCO and DFID budgets":

"
- Arrangements on costs of military operations are of long standing and reflect the difficulty of planning for the large unplanned costs of operations;
- In any case [the] Reserve is spent, cannot consider more funding …;
- That is, unless MOD agree clearly that what you [FCO and DFID] are proposing is sufficiently vital to rank above more troops in the pecking order?"

637. Mrs Margaret Beckett, the Foreign Secretary, wrote to Mr Timms on 1 March to present the FCO's bid to the 2007 Spending Review.[393] She confirmed her interest in working with the Treasury to identify a better mechanism for funding civilian deployments in "hot" post-conflict situations such as Afghanistan and Iraq. She proposed that, ideally, bids to the Reserve should include both military and civilian costs. If that was not possible, she suggested establishing a "ring-fenced, multi-year contingency fund" from which the FCO could draw.

---

[392] Minute Quinault to Chief Secretary, 13 February 2007, 'DOP Meeting on Iraq and Afghanistan, 14 February'.
[393] Letter Beckett to Timms, 1 March 2007, '2007 Comprehensive Spending Review: FCO Submission'.

638. The Treasury told the Inquiry that it has no record of a response to Mrs Beckett on that point.[394]

639. Mr Pattison commented to FCO colleagues on 11 July that Mrs Beckett's proposal "didn't get past first base" with the Treasury.[395]

640. Mr Mark Lyall-Grant, FCO Political Director, advised Mr David Miliband, the new Foreign Secretary, on 9 July that he should try to secure the support of Mr Browne and Mr Douglas Alexander, the new Development Secretary, for a new funding mechanism to support the civilian elements of the UK's comprehensive approach in Afghanistan and Iraq.[396]

641. Mr Lyall-Grant described the problem:

> "There is no satisfactory Whitehall method to resource high priority, non-military work in conflict areas, in support of Ministerially-agreed policy objectives. Afghanistan and Iraq are cases in point. Ministers have long agreed that a comprehensive approach is required … But there is no mechanism to fund in-year priorities for this. The MOD can call on the Reserve for additional military expenditure. HMT [the Treasury] tell other departments that their expenditure … must be funded from re-prioritisation. At best this significantly slows down our ability to respond. In real terms it often means the non-military elements of the campaign are under-funded, with a direct impact on the length of time the military need to remain."

642. Mr Lyall-Grant identified two main possible solutions: allowing bids to the Reserve to include both military and civilian costs; or establishing a ring-fenced, multi-year contingency fund from which DFID, the FCO and others could draw.

643. On 23 July, a Treasury official invited Mr Andy Burnham, the new Chief Secretary to the Treasury, to agree to establish:

- A single Conflict Pool, combining the GCPP and the ACPP. The Conflict Pool would be managed by DFID, with advice from the MOD and FCO. A single Pool would "drive a more consistent and coherent approach to conflict prevention and poverty reduction, and … improve the management of the Pools overall".
- A Stabilisation Fund, which would be "owned by the MOD but managed jointly with DFID and FCO". Experience in Iraq and Afghanistan had highlighted the need for resources to be available for "immediate civilian support to military operations (QIPs, shorter-term development issues etc)". Mrs Beckett (the previous Foreign Secretary) and military commanders had repeatedly

---

[394] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.
[395] Email Pattison to Lyall-Grant, 11 July 2007, 'Funding the Comprehensive Approach in Afghanistan and Iraq'.
[396] Minute Lyall-Grant to Foreign Secretary, 9 July 2007, 'Funding a Comprehensive Approach in Iraq and Afghanistan'.

highlighted that need. Funding for such activities had typically been found from the GCPP, crowding out other planned spending. The allocation for the Stabilisation Fund would be £65m in 2008/09, £65m in 2009/10 and £115m in 2010/11. In total, £50m/£50m/£100m of that allocation would be ring-fenced within the MOD's 2007 Spending Review settlement. The balance (£15m in each year) would be transferred from the GCPP. Any unspent funds could be switched to core defence spending.[397]

644. The Treasury told the Inquiry that it had no record of a response to that advice.[398]

645. Mr Burnham wrote to Mr Browne the following day (24 July), to record the outcome of the 2007 Spending Review for the MOD.[399] Mr Burnham stated that the MOD's settlement included £50m in 2008/09, £50m in 2009/10 and £100m in 2010/11 for a "Reconstruction Fund". Mr Burnham described the Reconstruction Fund as "one step in a planned re-ordering of the way the Government handles planning and expenditure on the prevention and stabilisation of conflict".

646. Following a conversation between Mr Miliband and Mr Alexander, Mr Miliband's Private Secretary wrote to Mr Alexander's Private Secretary on 26 July setting out the challenges faced by the FCO in securing funding for its work in Iraq and Afghanistan, and expressing the hope that DFID and the FCO could work together to develop a mechanism which would more effectively support the comprehensive approach.[400] In the letter, which was not copied to any other department, Mr Miliband's Private Secretary rehearsed the arguments made in Mr Lyall-Grant's submission of 9 July.

647. DFID has told the Inquiry that it does not have any record of replying to that letter.[401]

648. Mr Burnham wrote to Mr Miliband in October, to record the outcome of the 2007 Spending Review as it affected the Conflict Prevention Pools.[402] Mr Burnham stated that the Review provided a "healthy increase" in the funds available for conflict prevention and stabilisation, and set out key reforms in the way that conflict issues were handled within Government:

- From 2008/09, the GCPP and ACPP would be merged into a single Conflict Prevention Pool.

---

[397] Minute Treasury [junior official] to Chief Secretary, 23 July 2007, 'CSR2007 – Conflict Prevention and Post-Conflict Stabilisation'.
[398] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.
[399] Letter Burnham to Browne, 24 July 2007, 'Comprehensive Spending Review 2007: Ministry of Defence Settlement'.
[400] Letter FCO [junior official] to DFID [junior official], 26 July 2007, 'Funding a Comprehensive Approach in Iraq and Afghanistan'.
[401] Email DFID [junior official] to Iraq Inquiry [junior official], 8 April 2013, 'Inquiry Query'.
[402] Letter Burnham to Miliband, October 2007, 'Comprehensive Spending Review 2007: Settlement for the Conflict Prevention Pools and Stabilisation Aid Fund'.

- A new Stabilisation Aid Fund (SAF) would be established to "take on" funding for stabilisation and reconstruction activity in "'hot' conflict zones" from the Conflict Prevention Pool.
- New governance and programme management arrangements for the Conflict Prevention Pool and the SAF would be introduced to ensure that activity was based on a common strategy, and that expenditure was prioritised effectively against that strategy.

649. In December, the PCRU was renamed the Stabilisation Unit (SU), reflecting the emergence of the broader concept of stabilisation and the Unit's new role managing the SAF.[403]

Reflections on the allocation of funding

650. The table below shows the departmental settlements for the MOD, the FCO and DFID from 2002/03 to 2009/10 (under the 2002, 2004 and 2007 Comprehensive Spending Reviews).[404]

Table 10: Departmental settlements, 2002/03 to 2009/10 (£bn)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
MOD	28.0	29.0	29.2	29.9	30.2	30.2	30.8	31.1
FCO	1.5	1.5	1.6	1.7	1.7	1.6	1.6	1.6
DFID	3.9	4.0	4.0	4.9	5.3	5.5	5.7	6.6

651. The Inquiry describes earlier in this Section how the MOD reclaimed the net additional costs of military operations (NACMO) from the Reserve under an established procedure.

652. All other departments sought to cover additional costs by reprioritising within their existing budgets and, if and when that proved insufficient, bidding to the Treasury to secure additional funding from the Reserve.

Differences in funding military operations and civilian activities

653. In his evidence to the Inquiry, Sir Mark Lyall-Grant described the different levels of funding available to departments:

> "… you have the MOD which can call on the Reserve for unforeseen military expenditure. You have DFID, who have a large amount of programme money, but

---

[403] Paper Stabilisation Unit, December 2007, 'Stabilisation Unit'.
[404] Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'. Figures are near cash settlements, in real terms (2008/09 prices). Figures may differ from Comprehensive Spending Review settlement letters due to budget exchange, inter-departmental transfers and other factors.

can only spend it in certain ways constrained by the ODA Act [sic], and you have the Foreign Office that doesn't have any money."[405]

654. Sir Nicholas Macpherson, Director General in charge of Public Expenditure from 2001 to 2005 and then Permanent Secretary at the Treasury, told the Inquiry that, in time of conflict, it was not the role of the Treasury to try to limit military spending:

"… the Treasury may have a view on some areas of spending, but on the whole, when a war is in prospect, the narrow Treasury view that public spending is a bad thing tends to be put to one side … and you start signing the cheques."[406]

655. Lord Boateng, the Chief Secretary to the Treasury from May 2002 to May 2005, told the Inquiry that there was a distinction between the way the Treasury responded to military and non-military situations.[407] While the military did not have a "blank cheque":

"… when you have established that you need it, you are going to get [it] … Because, at the end of the day, the lives of Servicemen and women and the security of the state would be at risk if you got other people in the Treasury second-guessing and doing what we do normally, which is actually to ensure that, first and foremost, the public purse is protected."

656. The Inquiry asked Lord Boateng what the rationale had been for the allocation of funding between departments (non-military expenditure had been approximately one-eighth of military expenditure). Lord Boateng told the Inquiry that:

"… this balance arose partly as a result of the funding mechanism deployed, in the sense that the Ministry of Defence had an access to the Reserve that was on a different scale from the others [DFID and FCO].

"… did anyone sit down and say, 'Well, this is the sum of money that we have, this ought to be the balance?' No, I don't think they did. Should they have done? Maybe, but actually it is … very difficult to do.

"Is the way in which we fund post-conflict reconstruction work optimal? Then, no, I don't think it was. Did this mean that our effectiveness suffered? No, I don't believe it did, but I do believe that it led to considerable pressure on one of the two other departments, namely, the FCO, who are in a different position … from DFID because their resource base was so very different."[408]

---

[405] Public hearing, 20 January 2010, page 35.
[406] Public hearing, 22 January 2010, page 3.
[407] Public hearing, 14 July 2010, pages 25 to 27.
[408] Public hearing, 14 July 2010, page 41.

657. Lord Boateng highlighted the need for the UK Government to examine how it funded the MOD, DFID and the FCO to work together in post-conflict situations:

> "… at the moment, we have a very, very dangerous imbalance, an imbalance made all the more difficult by the requirements of law in relation to DFID, that makes it very, very difficult to pool resources …"[409]

658. Mr John Dodds, Head of the Treasury Defence, Diplomacy and Intelligence Team, told the Inquiry that, in his personal view, there was a "tension" between the way that military and non-military activities were funded, and that there was the potential for some "sub-optimal" decisions:

> "… the cost of a military solution to a conflict problem … was probably about ten times the cost of a non-military solution …
>
> "I think that … potentially the funding mechanisms that we had … tended to create incentives for more military intervention and less non-military intervention, but I don't think that's an issue … which is really relevant to Iraq. I think it is … a piece of broader reflection …"[410]

659. In his evidence to the Inquiry, Sir Mark Lyall-Grant suggested that there could be different approaches to allocating funding, such that:

> "… you wouldn't take decisions on the basis of how much you could afford, but Ministers would sit round the table, take the decisions that they think are the right decisions to take in a strategic environment, and then the funding would follow from that.
>
> "What happens at the moment is that the Ministers take the decisions, then the departments get together [to consider] 'How are we going to fund it?', and end up by saying 'Well, actually, we can't fund it'."[411]

Funding civilian activities

660. During his farewell call on Mr Straw in mid-February 2004, Sir Hilary Synnott, the departing Head of CPA(South), made a number of criticisms of the FCO's support for his office (see Section 10.1).

661. Mr Buck addressed those criticisms in a minute to Sir Michael Jay of 16 February.[412] He argued that the FCO had learned several lessons, including on funding civilian post-conflict operations. A "genuinely flexible" budget allocation similar to that provided for military operations would have saved the "huge amounts of time and energy required to wrangle over funding", and helped to "prevent the Treasury from

---

[409] Public hearing, 14 July 2010, page 62.
[410] Public hearing, 14 July 2010, pages 27-31.
[411] Public hearing, 22 January 2010, page 37.
[412] Minute Buck to FCO [junior official], 16 February 2004, 'FCO Response to Iraq'.

playing one Government department off against another". The Ad Hoc Ministerial Group could have been controlled the budget.

662. Mr Neil Crompton, the Head of IPU, reflected on the availability of funding in his May 2005 valedictory minute to Mr John Sawers:

> "HMG (and the FCO) took a long time to wake up to the scale of the task we had taken on. Demands from No.10 and Ministers for action have always exceeded the resources available. The Treasury have played hard ball, exploiting different departments' own internal reasons for not wanting to make claims on the Reserve to kill off initiatives. No.10's unwillingness to intervene with HMT [the Treasury], except once, has compounded the problem, and undermined the morale of officials tasked with running an 'exemplary operation' without the resources to do so.
>
> "It is naive to expect the Treasury to behave differently. But Ministers (and the FCO) need to recognise that in a conflict we cannot afford the luxury of ensuring expenditure is subject 'to the same rigorous criteria as anywhere else', as we have occasionally been told."[413]

663. Mr Crompton recommended that, in future, the Ad Hoc Ministerial Group or equivalent should be allocated a budget to fund immediate priorities not covered by departments' core budgets or by funds such as the GCPP. That would avoid the need for "extended negotiations" with the Treasury.

664. In his response to Mr Crompton, Mr Sawers, FCO Political Director, agreed that the FCO needed to give a much higher priority to an issue when it "prevails over all others", in terms of both money and people.[414] The FCO had done that in the pre-conflict phase, but it had been less apparent in the post-conflict phase.

665. A June 2005 FCO Conflict Issues Group paper drawing together post-conflict lessons for the FCO concluded:

> "We need to make it clear to other government departments the true cost of what they are asking us to achieve. We can spend too much time trying to secure extra resources and fail to secure them in a timely manner. Policy without resources is usually futile. All OGDs [other government departments] need to be required to allocate resources to tasks which the Cabinet rules to be important."[415]

666. An FCO review of lessons to be learned from the UK's experience in Basra, produced in late 2008, concluded:

> "… The FCO was constantly scrambling after resources. **Risk management should ensure that realistic estimates of resources are made at an early stage,**

---

[413] Minute Crompton to Sawers, 4 May 2005, 'Iraq: Reflections'.
[414] Minute Sawers to Crompton, 9 May 2005, 'Iraq: Reflections'.
[415] Paper FCO CIG, June 2005, 'Post Conflict Lessons Learned Exercise'.

including worst case scenarios; Ministers should clearly understand the need to identify and secure those resources before the UK takes on a similar commitment in future."[416]

667. FCO officials complained of a mismatch between the Government's expectations and the resources available to the FCO to meet them. While the MOD had funds for QIPs and DFID for longer-term strategic programmes, the FCO was "somehow expected" to take on elements of both "with neither the resources nor the means". The Foreign Affairs Committee had commented on more than one occasion that it was necessary and appropriate that costs incurred by the FCO in Iraq (and Afghanistan) that were additional to its mainstream diplomatic and consular roles should be funded from the Reserve. The review commented: "It is not clear whether the FCO itself formulated and presented a sufficiently strong case for extra funding to support additional work in the field."

668. On 25 March 2009, Mr Miliband chaired a meeting with "former and current key decision-makers on Iraq" to consider that review and identify the lessons for the FCO from Iraq.[417]

669. The meeting concluded that the civilian operation in Iraq had been slow to get started, and had been:

> "… hampered in the UK by a shortage of resources – particularly in comparison with the military effort – and an inability to extract what meagre resources were available from HMT [the Treasury] …"

670. Lord Jay, FCO Permanent Under Secretary from 2002 to 2006, described his experience of securing funds for operations in Iraq, and the lessons he had drawn from it, in his evidence to the Inquiry:

> "I never felt I had sufficient resources to do anything I was doing in the Foreign Office … You are constantly – it was a constant battle throughout the five years I was there of allocating scarce resources to the priorities that mattered and, over the years we were dealing with Iraq, we were constantly spending more money and more resources on Iraq. Some of those we were getting – we got extra provision from the Treasury, often it was a question of reprioritising the resources within the Foreign Office.
>
> "At the worst, that meant closing posts in parts of the world which were less important in order that we could put people into Baghdad, Basra, Kabul and other places which were of growing importance."[418]

---

[416] Paper FCO, [undated], 'Reflections on Basra and the Lessons to be Learned from the FCO's Experience in Iraq'.
[417] Minute FCO [junior official] to PO [Miliband], 25 March 2009, 'Iraq Retrospective'.
[418] Public hearing, 30 June 2010, page 6.

671. Lord Jay also told the Inquiry:

> "… when there is a crisis of the same magnitude as Iraq, which affects a number of different departments, then the Treasury needs to look, not at the budgets of individual departments, but at the overall need and to ensure that each department concerned in the operation gets the funds that it needs to carry it out … But it doesn't seem to me at all sensible to be thinking of giving large sums of money for a military operation, if you are not giving similar sums of money for the diplomatic support that that military operation needs, and those need to be looked at together, and I don't think they were, and I think they should be in the future."[419]

672. Mr Dodds told the Inquiry that bids from the FCO were assessed with the same rigour as bids from other departments:

> "… our starting position was that we would want the Foreign Office to … look for the potential to reprioritise … I think our perspective would be that that wasn't … their first response to this sort of situation. I think there was an expectation on the part of the Foreign Office that … the Reserve should provide them with new money …
>
> "But … the Foreign Office had a … significant budget … and a significant global footprint and I think it wasn't unreasonable to be looking to the Foreign Office … at least on a temporary basis, to move some resources … to support the activity on this high priority [Iraq].
>
> …
>
> "Generally speaking, they were able to successfully reprioritise, but … their first reaction was to look for resources from the Reserve, but it was only after they were … pushed back that they … then were successful in reprioritising."[420]

673. Sir Suma Chakrabarti told the Inquiry that Iraq was DFID's largest bilateral programme in 2003/04 (when DFID spent £209m, of which £110m was spent on humanitarian relief and £99m on development activities), and DFID's 10th largest bilateral programme in 2004/05 (when DFID spent £49m, of which £21m was spent on humanitarian relief and £28m on development activities).[421]

674. The Inquiry asked Sir Suma whether DFID had considered seeking additional funding from the Treasury for Iraq.[422] He told the Inquiry:

> "We had discussions [with] the Treasury but it was quite obvious to us that they weren't going to give any more than they already had … They had put some money in upfront [in March 2003, for humanitarian assistance], but, after that, they said it is time to reprioritise."

---

[419] Public hearing, 30 June 2010, page 54.
[420] Public hearing, 14 July 2010, pages 33-36.
[421] Public hearing, 22 January 2010, page 38.
[422] Public hearing, 22 January 2010, pages 38-40.

675. Sir Suma also told the Inquiry that Ministers had considered reallocating funding to Iraq from low-income countries, but had decided that that would not be consistent with DFID's mission to maximise its impact on poverty. Ministers had instead decided to reallocate funding to Iraq from DFID programmes in other middle-income countries:

> "… that meant closing some programmes … in Eastern Europe, Central Europe, and also Latin America … in order to help finance the Iraq programme."

676. The Inquiry describes earlier in this Section the creation of the Global Conflict Prevention Pool (GCPP) in order to promote a more joined-up approach to funding peacekeeping and peace enforcement operations and conflict prevention programmes.

677. Sir Mark Lyall-Grant told the Inquiry that while he agreed that the principle behind the GCPP was a good one, decisions about how to spend relatively small sums of money had led to "huge disputes between Government departments", which had consumed significant amounts of senior officials' time.[423] He concluded that Pools (the GCPP and the ACPP) had "essentially collapsed" under the pressure of rising costs, and had been "a failed experiment".

678. Sir Peter Ricketts, FCO Permanent Under Secretary from 2006 to 2010, told the Inquiry:

> "I wouldn't have said that they are a failed experiment, but they are certainly under real stress because of rising costs, particularly of assessed contributions to the UN and other international organisations … That has required some difficult prioritisation decisions … But I think the Pools have been useful in bringing the three departments together and forcing us to make choices about what our top priorities are …"[424]

Scrutiny of UK expenditure in relation to Iraq

679. This section describes the Government's mechanisms for scrutinising UK expenditure, and how those mechanisms were engaged in relation to Iraq. The Inquiry has not conducted its own audit of any element of UK expenditure in relation to Iraq.

680. A number of bodies contribute to the scrutiny of government expenditure, including:

- The Public Accounts Committee (PAC). The main work of the PAC is the examination of the reports produced by the National Audit Office (NAO). The Committee typically examines 50 value for money reports each year, as well as reports on some departments' resource accounts.
- Departmental select committees. The core tasks of the select committees include examining and reporting on estimates, annual expenditure plans and accounts, and monitoring performance against targets in the Public Service Agreements.

---

[423] Public hearing, 20 January 2010, pages 36-37.
[424] Public hearing, 2 February 2010, pages 21-22.

- The NAO. The NAO audits the accounts of all government departments and agencies, and many other public bodies. The NAO also produces around 60 value for money studies each year on the economy, efficiency and effectiveness of public expenditure.
- Departments' own internal audit units.[425]

681. The estimates cycle is the process by which Parliament approves departments' resources and cash provision for the year. Departments submit Supply Estimates which set out how they plan to spend their funding and seek approval from Parliament for the necessary funds.

682. Because of the unpredictable nature of military operations, the MOD does not provide an estimate of NACMO to Parliament at the beginning of each financial year, as part of its Main Estimates.[426] Between 2002/03 and 2005/06, the MOD sought Parliament's approval for NACMO expenditure in February (towards the end of the financial year) as part of the Spring Supplementary Estimates.

683. The MOD Estimates are reported on by the House of Commons Defence Committee (HCDC).

684. In its report on the MOD's 2005/06 Spring Supplementary Estimates, the HCDC called for the MOD to provide estimated NACMO for "commenced operations" as part of its Main Estimates, if necessary with a large element for contingency.[427] The HCDC stated that, for the MOD:

> "… Parliamentary approval seems to be regarded as a rubber stamp. For this, Parliament must take some of the blame: for too long we have allowed Parliamentary approval of the Estimates to be taken for granted. **MOD must recognise that the agreement of the Treasury is not a substitute for Parliamentary approval, and that providing information to the Treasury is not enough**."

685. From 2006/07, in response to that criticism, the MOD presented initial estimated NACMO to Parliament in November as part of its Winter Supplementary Estimates, before seeking formal approval of expenditure as part of the Spring Supplementary Estimates the following February.[428]

---

[425] Committee Office Scrutiny Unit, March 2007, *Financial Scrutiny Uncovered.*
[426] Tenth Report from the Defence Committee, Session 2006-2007, *Cost of military operations: Spring Supplementary Estimate 2006-07*, HC 379.
[427] Fourth Report from the Defence Committee, Session 2005-2006, *Cost of peace-keeping in Iraq and Afghanistan: Spring Supplementary Estimate 2005-06,* HC 980.
[428] Tenth Report from the Defence Committee, Session 2006-2007, *Cost of military operations: Spring Supplementary Estimate 2006-07*, HC 379.

686. The HCDC welcomed the MOD's decision to provide earlier estimates of NACMO, but maintained its view that the MOD should include the cost of commenced operations in its Main Estimates at the beginning of the financial year.

687. The Inquiry is aware of two interventions by the PAC/NAO in relation to expenditure in Iraq.

688. The FCO's Financial Compliance Unit (FCU) visited Baghdad in April/May 2005 to review the Embassy's financial controls.[429] The FCU found no evidence of fraud, but did identify write-offs totalling approximately £13,000 relating to mobile phone bills, where either the phone had been lost and subsequently used or the individual user could not now be identified. In addition, Iraqi staff had incurred charges totalling more than £24,000 on personal calls from mobile phones. The FCU concluded that was unlikely to be recoverable, and should be paid for by the Embassy.

689. The FCO's phone service provider alerted the FCO at the end of June 2005 that they had concerns over the level of activity logged against one FCO satellite phone.[430] As a precaution, the service provider had barred the phone on 24 June. The FCO switched off all its active satellite phones in Iraq on 15 July, and terminated the associated line rental agreements.

690. Sir Michael Jay reported to the PAC on 15 February 2006 that the FCU was investigating a loss of £594,000 as a result of two satellite phones being stolen or misappropriated.[431] Sir Michael outlined some of the weaknesses in FCO systems that had already been identified, highlighting the failure of officials in London to challenge the bills which they received, and some of the improvements which had already been made.

691. At the request of the PAC, the NAO reported to it in July 2006 on the outcome of the FCU's investigation (in the context of the NAO's report on the FCO's 2005/06 Resource Accounts).[432] The FCU had found that the IPU had ordered 10 satellite phones in September 2003 for use in Iraq. The phones had been made ready for use before being dispatched. Weaknesses in the controls over the physical location, storage, billing and payment for the phones had led to the loss of two of the phones (together with another that had been rented previously) remaining undetected until June 2005. Despite extensive enquiries the FCU had not been able to establish who was responsible for the theft and subsequent misuse of the phones. The FCU had calculated the full extent of the loss at £594,370; the bill for one phone for June 2005 had been over £212,000.

---

[429] Minute Major to Chaplin, 5 May 2005, 'Financial Compliance Unit (FCU) Visit to Baghdad: 19 April – 5 May'.
[430] Comptroller and Auditor General, *Theft and Misuse of Satellite Phones in Iraq,* 18 July 2006.
[431] Public Accounts Committee, Session 2005-2006, *Foreign and Commonwealth Office Resource Accounts 2004-05*, 15 February 2006. Uncorrected transcript of Oral Evidence given by Sir Michael Jay KCMG, Mr Dickie Stagg CMG and Mr Ric Todd.
[432] Comptroller and Auditor General, *Theft and misuse of satellite phones in Iraq*, 18 July 2006.

692. The FCU's investigation had highlighted numerous failures in the FCO's internal control system, which had allowed the theft of the phones and their subsequent misuse to continue undetected for a period of some 18 months. The FCU had identified, and agreed with the NAO, actions to reduce the risk of another similar incident.

693. The NAO visited the DFID Iraq team in London in May 2007, to undertake a review of internal financial control procedures as part of its audit of DFID's 2006/07 Resource Accounts.[433] The NAO team was unable to visit Iraq due to the security situation.

694. The NAO concluded that, overall, DFID was operating good controls over transactions through the local (Iraqi) imprest and bank account, and that budgetary control, asset management and corporate governance controls were operating effectively. Projects had been properly approved, and there was evidence that project outputs and outcomes were being monitored.

695. Mr Martin Dinham, DFID Director Europe, Middle East and Americas, told the Inquiry:

> "… a National Audit Office investigation … said that the systems that we had in place were sensible, suitable, that all the various safeguards that they would have liked to have seen were there. So we got – remarkable in the circumstances – we got a very clean bill of health from the NAO, which … is completely independent of the system."[434]

696. The Inquiry is also aware of one major fraud perpetrated against a DFID programme.

697. DFID's Southern Iraq Employment and Services Programme (SIESP) was approved in July 2004, providing £10m for infrastructure services and £6m for employment generation.[435] A total of £0.5m was allocated for programme administration.

698. In May 2005, the DFID Office in Basra closed the employment generation component of the SIESP after an assessment identified "worrying issues". The Office asked DFID's Internal Audit Department (IAD) to visit Basra to review the SIESP and identify lessons for other programmes.

699. The IAD identified several flaws in the design of the component. It concluded that:

- A "key driver" of the SIESP had been "political (and consequent senior management) pressure in Whitehall and beyond to achieve visible results … In retrospect, these pressures appear unreasonable but at the time were generally irresistible." Warnings against proceeding with a programme of "such high fiduciary risk and intangible benefit" had not been heeded.

---

[433] National Audit Office, *2006/07 Audit Visit – DFID Iraq.*
[434] Public hearing, 17 December 2009, page 109.
[435] Report DFID Internal Audit Department, 11 August 2005, 'Visit Report: Basra, Iraq 26th – 31st July 2005'.

- Implementation had been undermined by the lack of physical monitoring due to the security situation.
- Weaknesses in the DFID Office in Basra had contributed to the problems within the SIESP. The Office had been set up "hastily under pressure from UK and locally to show a DFID presence". It had proved very difficult to recruit staff for Iraq, leading to the appointment of staff with "little or no experience in managing programmes or staff".
- The DFID Office in Basra had established "good controls" over SIESP finances. The Office's decision to close the employment generation component immediately after its initial assessment had saved £3m (the amount remaining in the employment generation budget).

700. Of the £3m that had been spent, the IAD estimated that over £2m had been spent in a way "that did not meet [the SIESP's] objectives". The lack of physical monitoring made it difficult to be more precise.

701. In May 2006, DFID conducted an internal review in order to determine the extent of the loss from the SIESP employment component.[436] The review concluded that:

- £254,105 had been spent on projects where there was clear evidence of full or partial misuse of money, based on monitoring by DFID staff.
- £296,187 had been spent on projects where there was "**no clear evidence of either good use or misuse of money** (because there was no monitoring information on file) but where anecdotal evidence from interviews suggested that some percentage of the projects were not successfully completed".
- £1,021,223 had been spent on projects which DFID was "reasonably confident" had been successfully completed, based on information on file (in the form of photographs or visit reports) or anecdotal evidence.

702. Dr Nemat Shafik, DFID Permanent Secretary from March 2008, told the Inquiry:

> "We have a zero tolerance policy on corruption and we act on it immediately. The then Provincial Council was very unhappy with us as a result… But on that, we don't compromise.
>
> "[The SIESP] is … the only case that we are aware of, where we had a significant fraud, which, given the scale of the funds that we were disbursing, and given the context, is, I think, a pretty good track record.
>
> "In the case of the Iraq portfolio … we actually had a higher level of scrutiny than our normal portfolio because of the risks involved. So we would get monthly reporting on risks, security risk, staff risk, risks to our money …"[437]

---

[436] Minute Hendrie to Dinham, 19 May 2006, 'SIESP Employment Generation Project'.
[437] Public hearing, 13 January 2010, page 54.

703. The fraud is described in more detail in Section 10.2.

US oversight of expenditure on reconstruction

In contrast to the UK Government, the US Government established new bodies to oversee US expenditure on reconstruction in Iraq.

When the US Congress appropriated £18.4bn for Iraq relief and reconstruction in November 2003, it also passed legislation to create a specialised Inspector General – the Inspector General of the Coalition Provisional Authority (CPA-IG) – to provide accountability for the use of those funds.[438]

The CPA-IG was re-designated as the Special Inspector General for Iraq Reconstruction (SIGIR), with a modified mandate, in October 2004.[439] SIGIR's mandate was, with respect to US relief and reconstruction plans, programmes, and operations in Iraq, to provide independent and objective:

- oversight and review through comprehensive audits, inspections and investigations;
- advice and recommendations on policies to promote economy, efficiency and effectiveness;
- prevention, detection and deterrence of fraud, waste and abuse; and
- information and analysis to Congress, the US Secretary of State, the US Secretary of Defense and the American people.[440]

SIGIR's jurisdiction extended to the Iraq Relief and Reconstruction Fund (IRRF), the Iraq Security Forces Fund, and the Commanders' Emergency Response Program (CERPs), and assistance for the reconstruction of Iraq under the Economic Support Fund, the International Narcotics Control and Law Enforcement account or any other provision of law.

SIGIR published its final report in March 2013.[441] It recorded that:

- SIGIR had undertaken 220 audits and 170 inspections, which had led to 82 convictions and over US$191m in financial penalties.
- Those audits had questioned US$641m in costs and identified an additional US$974m in funds which could be put to better use – a combined potential financial benefit of US$1.61bn. As at September 2012, the savings to the US Government from renegotiated contracts, refunds and operational savings resulting from SIGIR's work were US$645m.
- At its peak in 2008, SIGIR had 35 auditors permanently stationed in Baghdad.
- SIGIR's budget was on average US$25m a year over its lifetime.

---

[438] Public Law 108-106, Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.
[439] Special Inspector General for Iraq Reconstruction website, *About SIGIR.*
[440] Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.
[441] Special Inspector General for Iraq Reconstruction, *Learning from Iraq,* March 2013.

The report also recorded that SIGIR had developed innovative oversight practices:

- a focus on producing rapid "performance reviews" rather than slow-moving financial audits; and
- a focus on converting findings from audits and investigations into lessons for colleagues on the ground, consolidated in nine "lessons learned" reports.

The report offered a number of lessons for future stabilisation and reconstruction operations, including the need to provide a "robust in-country team of auditors, inspectors, and investigators from the operation's outset". Such a team would detect or deter fraud, waste and abuse, improving mission efficiency and effectiveness. The absence of a strong team early in the Iraq operation had allowed too much fraud, waste and abuse to occur.

SIGIR convened the Iraq Inspectors General Council in March 2004, to enhance collaboration and co-operation among the inspectors general of the agencies that oversaw Iraq reconstruction funds.[442] The Council met quarterly to exchange details about current and planned audits, identify opportunities for collaboration and minimise redundancies. Council members included: CENTCOM Inspector General; Department of Defense Office of Inspector General; Department of State Office of Inspector General; Government Accountability Office; USAID Office of Inspector General; and the US Army Audit Agency.

Analyses of expenditure

Total direct cost (by financial year)

704. The direct cost of the UK's intervention in Iraq was at least £9.2bn between the UK financial years 2002/03 and 2009/10. The table below provides a detailed breakdown by financial year.

705. That figure does not include expenditure by departments other than the MOD, the FCO, and DFID. Although other departments made important contributions to the UK effort, in particular in the post-conflict period, their expenditure was relatively small.

[442] Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.

Table 11: UK expenditure in Iraq, 2002/03 to 2009/10 (£m)

	2002/ 03	2003/ 04	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	Total
Military operations[443]									
NACMO (inc. UORs)	847	1,311	940	963	959	1,458	1,381	342	8,201
Humanitarian and development assistance[444]									
Humanitarian assistance	19	110	21	5	10	20	16	8	209
Development assistance		99	27	82	39	20	17	13	297
Imputed share of multilateral aid		11	11	6	14	9	14	8	73
Sub-total	**19**	**220**	**59**	**93**	**63**	**49**	**47**	**29**	**579**
Diplomatic representation and support for the CPA[445]									
Diplomatic representation		10	45	64	60	38	20	30	267
Support for the CPA[446]		29							29
Sub-total	**0**	**39**	**45**	**64**	**60**	**38**	**20**	**30**	**296**
Interdepartmental Conflict Pools and peacekeeping[447]									
GCPP		5	16	15	20	16			72
Stabilisation Aid Fund							19		19
Conflict Pool								11	11
Peacekeeping			11	17	15	6	7	1	57
Sub-total		**5**	**27**	**32**	**35**	**22**	**26**	**12**	**159**
Total	**866**	**1,575**	**1,041**	**1,147**	**1,114**	**1,567**	**1,474**	**413**	**9,235**

Debt relief[448]			337	337			280		954
Total inc. debt relief	**866**	**1,575**	**1,378**	**1,484**	**1,114**	**1,567**	**1,754**	**413**	**10,189**

[443] Statement Macpherson, 15 January 2010; Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: Request for Further Information on Funding'; Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.
[444] Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: Request for Further Information on Funding'.
[445] Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry: Funding'.
[446] The FCO received £29.2m from the Reserve in 2003/04 to provide security, hardened accommodation and life support to UK secondees to the Coalition Provisional Authority (CPA). DFID provided an additional £28m to support secondees to the CPA (that amount is included in the figures for development assistance).
[447] Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry: Funding'.
[448] Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.

Cost of accommodation, security, medical services and life support

706. From 1 July 2004, responsibility for providing accommodation, security, medical services and life support (defined by the FCO as catering, laundry and cleaning) was provided by the FCO and charged to other departments and agencies under a Service Level Agreement (SLA).[449] Charges were based on the number of personnel each department and agency had in Iraq. The table below shows expenditure under the SLA.[450]

Table 12: Cost of accommodation, security, medical services and life support (£000s)

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
British Council	1,107	547	472	458	426	299
DFID	24,083	20,680	10,368	5,538	5,580	3,013
FCO	27,102	31,734	30,186	21,671	22,605	17,857
MOD	6,128	9,799	6,716	7,080	5,542	4,628
UKBA						183
UKVisas	110	328	330	433	306	
GCPP	1,773	5,909	12,766			
Total	**60,307**	**69,001**	**60,841**	**35,182**	**34,461**	**25,981**

707. Of the £296m spent by the FCO on diplomatic representation in Iraq and support for UK secondees to the CPA, £192m (65 percent) was spent on security.[451] The table below shows FCO expenditure on security by financial year.

Table 13: FCO expenditure on security 2002/03 to 2008/09 (£m)

	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Diplomatic representation/ support for the CPA	39	45	64	60	38	20	30	**296**
(of which security)	*28*	*36*	*48*	*22*	*23*	*18*	*17*	***192***

[449] Paper DFID, 21 December 2011, 'A note on DFID Iraq programme admin spend for the Iraq Inquiry'.
[450] Email FCO [junior official] to Iraq Inquiry [junior official], 23 May 2013, 'Iraq – breakdown of charges to depts. under Service Level Agreement'.
[451] Paper FCO, 11 November 2011, 'FCO Funding for Iraq 2002 – 2010'; Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry – Funding'.

708. The Inquiry asked Lord Jay, FCO Permanent Under Secretary from 2002 to 2006, how he and the FCO Board reached a view of the balance between the value of the activities and the cost of achieving them.[452] Lord Jay told the Inquiry:

> "… there are always judgments that you have to make as to whether people are secure and how much you spend on that, but my judgment is that … if we had felt on the [FCO] Board in London that we were not able to afford the security for people, then we shouldn't have people on the ground."

709. Mr Jim Drummond, DFID Director Iraq, was briefed in advance of his appearance before the International Development Committee (IDC) on 16 November 2004 that DFID had, to date, spent approximately £16.9m on staff security in Iraq, including armed protection, armoured vehicles, hostile environment and emergency first aid training, and posting Security Managers in Iraq and the UK.[453] That security spending had supported project spending of £32.1m; security spending therefore comprised approximately one-third of total project spending.

710. The briefing stated:

> "Quantifying the costs and benefits associated with a reform programme is heavily subjective. So there is no specific point at which security costs make projects become unviable. However, given the very high costs of operating at present the programme is kept tightly focused on work that needs to be done now, and that has very high rates of return. For example, our economic work has been focused on assisting the Iraqi Government in agreeing an IMF programme, which is the first step in moving towards debt relief. Clearly with debts of US$120bn the economic benefits of this work outweigh the costs."

711. The NAO published its report 'DFID: Operating in insecure environments' in October 2008.[454]

712. The NAO reported that "in extreme circumstances", security and administrative costs could outweigh "actual projects costs". It offered as an example DFID's Technical Advisory Team Programme in Iraq. Of the total £7m allocation, £1.9m had been spent on consultancy work and more than £5m on security and related expenses.

713. The NAO reported that DFID did not systematically collate or analyse the extra costs of running its business in insecure environments. Significant security costs in Iraq and other countries were categorised by DFID as programme, rather than administrative, expenditure, making them more difficult to identify. Security costs incurred by DFID's implementing partners would also be categorised as programme expenditure.

---

[452] Public hearing, 30 June 2010, page 64.
[453] Briefing DFID, [undated], 'Preparations for IDC Evidence Session, 16 November 2004'.
[454] National Audit Office, *Department for International Development: operating in insecure environments*, 16 October 2008.

714. The NAO recommended that "DFID needs better management information on its costs to inform its decisions and achieve value for money [in insecure environments]".

715. The Inquiry asked Mr Hilary Benn, the International Development Secretary from 2003 to 2007, if the high security costs in Iraq had undermined DFID's ability to deliver value for money, and whether the funds spent on Iraq could have been better used elsewhere.[455] He told the Inquiry:

> "No, because we had a particular responsibility … [and] our duty to fulfil that responsibility. Because what we were trying to do … was to assist Iraq to build something better for itself, and this was a very important objective. And it would have been wrong to say, 'Well, we will get up and walk away' …"

716. Mr Benn also told the Inquiry that DFID funding for Iraq had been reallocated from other middle-income countries, rather than from low-income countries.

717. Section 15 considers the steps taken by the UK Government to provide security for civilian staff in Iraq.

[455] Public hearing, 2 February 2010, page 46.

SECTION 13.2

CONCLUSIONS: RESOURCES

Contents

Introduction and key findings 570

Estimates of the cost of the UK's involvement in Iraq 570

The decision to take military action against Iraq 572

Arrangements for funding military operations and civilian activities 575

Resources and strategy 580

Lessons 581

Introduction and key findings

1. This Section addresses analysis and findings in relation to the evidence set out in Section 13.1, on the allocation of resources for military operations and civilian activities in Iraq.

2. This Section does not address how government departments used the resources available to them. Specifically:

- the provision of military equipment is considered in Sections 6.3 and 14;
- the UK's support for reconstruction is considered in Section 10; and
- the UK's support for Security Sector Reform is considered in Section 12.

Key findings

- The direct cost of the conflict in Iraq was at least £9.2bn (the equivalent of £11.83bn in 2016). In total, 89 percent of that was spent on military operations.
- The Government's decision to take part in military action against Iraq was not affected by consideration of the potential financial cost to the UK of the invasion or the post-conflict period.
- Ministers were not provided with estimates of military conflict and post-conflict costs, or with advice on their affordability, when decisions were taken on the scale of the UK's military contribution to a US-led invasion of Iraq, and on the UK's role in the post-conflict period. They should have been.
- There was no articulated need for additional financial resources for military operations in Iraq that was not met.
- The arrangements for funding military Urgent Operational Requirements (UORs) and other military costs worked as intended, and did not constrain the UK military's ability to conduct operations in Iraq.
- The controls imposed by the Treasury on the Ministry of Defence's (MOD's) budget in September 2003 did not constrain the UK military's ability to conduct operations in Iraq.
- The Government was slow to recognise that Iraq was an enduring operation, and to adapt its funding arrangements to support both military operations and civilian activities.
- The arrangements for securing funding for civilian activities could be slow and unpredictable. Some high-priority civilian activities were funded late or only in part.

Estimates of the cost of the UK's involvement in Iraq

3. It was the responsibility of departments in the first instance to:

- produce estimates of the costs of activities for which they were responsible;
- discuss those estimates with the Treasury; and
- make them available to Ministers and, if appropriate, Cabinet to inform their discussions.

4. The Treasury began considering the potential cost of UK involvement in Iraq in June 2002, and produced the first estimated figure for the cost of military action in Iraq (£2.5bn) in September 2002.

5. The MOD sent "some indicative breakdowns" of the cost of military action to the Treasury on 11 October[1] and "ball-park figures" for the cost of military action (up to £2bn) to Mr Blair on 15 October, to inform his decision on whether to offer a large scale land force to the US.[2]

6. Mr Geoff Hoon, the Defence Secretary, sent a detailed estimate of contingency planning costs (£1.65bn) to Mr Gordon Brown, the Chancellor of the Exchequer, in mid-December. A copy of the letter was sent to Mr Blair. That estimate covered the cost of preparing, deploying and retrieving a military force, but not of any war-fighting or post-conflict activities.

7. The MOD produced its first estimate of military post-conflict costs in February 2003, just one month before the invasion. It also increased its estimated figure for the cost of military action (to between £2.5bn and £3bn).

8. The Treasury produced detailed analyses of the implications of a conflict in Iraq for public expenditure in September and October 2002.

9. Treasury officials' advice to Mr Brown on military cost estimates and the implications for public expenditure was timely and accurate. It repeatedly highlighted the risk that the UK would have to maintain a significant military force in Iraq in the medium term and challenged the MOD's assertion that the UK could limit its financial liability for Iraq's post-conflict security and reconstruction.

10. The MOD should have produced detailed estimates of military conflict and post-conflict costs sooner, in order to inform consideration of options for the UK's engagement.

11. Both the Treasury (from September 2002) and the Department for International Development (DFID) (from January 2003) produced detailed and robust analyses of potential humanitarian assistance and reconstruction costs in Iraq. Both departments concluded that the costs could be substantial.

12. Treasury officials' advice to Mr Brown highlighted the risk that the UK might have to make a significant contribution to Iraq's reconstruction, as a key member of the Coalition and in particular in the absence of UN cover. The UK Government expected that UN cover would be necessary if other international partners were to provide significant contributions to the post-conflict effort.

---

[1] Minute Nye to Chancellor, 11 October 2002, 'Iraq: Decisions Nearing'.
[2] Minute Hoon to Prime Minister, 15 October 2002, 'Iraq: UK Military Options' attaching Paper MOD, 14 October 2002, 'Iraq: UK Contingency Planning'.

13. In February 2003, Treasury officials provided Mr Brown with the first comprehensive estimate of military and civilian costs for the conflict and post-conflict period. The cost of a military campaign was estimated at £3.4bn over three years, with a further £1bn in the first year after a conflict for post-conflict military operations. The cost of a UK contribution to humanitarian assistance and reconstruction was estimated at up to £0.75bn in the first year after a conflict (representing 10 percent of the cost of the total international effort). The Treasury indicated that costs for military operations beyond 2004/05 and for humanitarian assistance and reconstruction beyond 2003/04 were unknown.

14. Treasury officials advised Mr Brown that their estimate reflected the "biggest commitment" that the UK could make in the post-conflict period – taking military responsibility for a geographical area of Iraq.[3] The costs of such a commitment would be substantial and could extend into the long term.

15. Given the uncertainties over the scale of the UK's military presence in post-conflict Iraq, and the inevitable uncertainties over the scale of any post-conflict humanitarian crisis and reconstruction challenge, the Treasury's February 2003 estimates were remarkably accurate.

16. Mr Paul Boateng, the Chief Secretary to the Treasury from 2002 to 2005, told the Inquiry that the Treasury's analyses of the impact of war on the UK's public finances were not conducted with the intention of "second-guessing" Ministers, but to enable the Treasury to contribute to planning and policy discussions.[4]

17. The Inquiry agrees that the Treasury's analyses should have contributed to planning and policy discussions.

18. Mr Brown told the Inquiry that, in his discussions with Cabinet colleagues in the months leading up to the invasion, he made it clear that the Treasury would not "interfere" by suggesting that cost should be a factor in choosing one military option over another:

> "That was not our job ... At every point, I made it clear that we would support whatever option the military decided upon with the Prime Minister and the Cabinet ..."[5]

The decision to take military action against Iraq

19. Section 6.5 addresses the Government's failure to establish a unified planning process across the four principal departments involved – the Foreign and Commonwealth Office (FCO), the MOD, DFID and the Treasury – or between military and civilian planners, in the pre-conflict period.

---

[3] Minute Treasury [junior official] to Chancellor, 19 February 2003, 'Update on Iraq' attaching Paper Treasury, 19 February 2003, 'Iraq Conflict – Public Expenditure Impact'.
[4] Public hearing, 14 July 2010, page 22.
[5] Public hearing, 5 March 2010, pages 25-26.

20. In the absence of a Cabinet Minister with overall responsibility for Iraq, leadership on strategy rested with Mr Blair.

21. The version of the *Ministerial Code* that was current in 2003 stated that it was the responsibility of the initiating department to ensure that proposals involving expenditure or affecting general financial policy were discussed with the Treasury before being submitted to Cabinet or a Ministerial Committee. The result of the discussion together with an estimate of the cost should be included in the memorandum submitted to Cabinet or a Ministerial Committee.

Mr Brown's discussions with Ministers on the likely costs of the UK's involvement in Iraq

In the months before the invasion, Treasury officials produced a series of detailed analyses of the likely cost of intervention in Iraq, and the effect on public expenditure, for Mr Brown. In the context of that advice, Treasury officials urged Mr Brown to intervene in discussions on the scale of the UK's involvement in the military campaign and on the UK's role in a post-conflict Iraq.

Mr Brown had many meetings with Cabinet colleagues, including Mr Blair, in the run-up to the invasion. Those meetings were often one-to-one, and no record was taken. In the absence of those records, the Inquiry is unable to determine whether or in what way Mr Brown raised the issues highlighted by his officials.

22. The detailed estimates for military conflict and post-conflict costs produced by the MOD and the Treasury, and the analyses of the implications of a conflict in Iraq for public expenditure produced by the Treasury, were not sent to Mr Blair or to Ministers outside the originating departments.

23. Ms Clare Short, the International Development Secretary, wrote to Mr Blair on 5 February, 14 February and 5 March 2003, highlighting the potential cost of a UK contribution to an international humanitarian assistance and reconstruction effort, and the potential cost of pursuing an exemplary approach to the provision of humanitarian assistance in the UK's Area of Responsibility (AOR) in southern Iraq. She also raised the issue in Cabinet on 27 February.

24. On 14 March, in response to Mr Blair's request that Mr Brown should draw up a funding plan for Iraq, the Treasury provided a paper setting out the potential cost of a UK contribution to an international humanitarian assistance and reconstruction effort.

25. Detailed estimates of military costs and the analyses of the implications of a conflict for public expenditure should have been available to Ministers on three occasions which shaped the UK's involvement in Iraq:

- **In advance of Mr Blair's decision on 31 October 2002** that the UK should offer a large scale land force to the US for planning purposes.

Mr Blair had, over the previous month, expressed his concern to Mr Hoon over the additional costs associated with providing a large scale land force as part of a UK contribution to a US-led invasion of Iraq, and asked whether those costs had been discussed with the Treasury.

The MOD and the Treasury had, by the middle of October, developed broad estimates of the cost of providing a large scale land force. Mr Brown had also been provided with detailed analyses of the implications for public expenditure of a conflict in Iraq.

At the meeting where the decision to offer a large scale land force was taken, Admiral Sir Michael Boyce, Chief of the Defence Staff, stated his belief that providing a large military contribution to the campaign would mean that the UK would be under less pressure to make a large contribution to post-conflict reconstruction.

- **In February and March 2003**, when the Government considered whether to take on military responsibility for a geographical area of Iraq in the post-conflict period.

  The MOD and the Treasury had, by February, developed detailed estimates of the potential cost of such a commitment (although there remained a number of unknown factors).

  When the Government acceded in April to the US request that it assume leadership of a military AOR encompassing four provinces in southern Iraq, it did so without a robust analysis either of the strategic implications for the UK or of the military's capacity to support the UK's potential obligations in the region. A step of such magnitude should have been taken deliberately, having considered the wider strategic and resource implications and contingent liabilities.

  In the event, the UK was responsible for security in its AOR for six years, initially as an Occupying Power and, from June 2004, in support of the Iraqi Government.

- **In advance of Cabinet's decision on 17 March 2003** to issue an ultimatum to Iraq and ask the House of Commons to endorse the use of military action against Iraq if necessary.

26. The extent to which cost should be a determining factor in reaching a policy decision is for Ministers to judge based on the circumstances of each particular case. But it is essential that those taking collective responsibility for a decision have the ability to make an informed judgement about the likely costs and risks.

27. Neither Cabinet nor any of the Ministerial meetings convened to discuss military options and the UK's role in a post-conflict Iraq were provided with detailed cost estimates for the various policy options for the UK's involvement in Iraq, and their implications for public expenditure.

28. Those meetings were therefore unable to reach informed judgements on the financial risk associated with those options.

29. The leading role played by No.10 in the decision to support US-led military action against Iraq may have contributed to that omission.

30. In relation to decisions of such gravity as invading another sovereign country, it is particularly important that the Prime Minister ensures that the *Ministerial Code* is met.

31. But Mr Brown, as Chancellor of the Exchequer, should have ensured that estimates of the likely overall cost of a UK intervention in Iraq, for military and civilian activities during the conflict and post-conflict period, and the wider implications for public expenditure were identified and available to Ministers and Cabinet.

Arrangements for funding military operations and civilian activities

32. The Government used the existing – separate – arrangements for funding military operations and civilian activities to fund the UK's involvement in Iraq.

33. Military operations were funded through well-established procedures which enabled the MOD to incur costs and then reclaim them from the Reserve. Those claims were (in line with the agreed procedures) subject to a relatively light level of scrutiny by the Treasury.

34. DFID and the FCO funded their activities in Iraq in the first instance by reprioritising within their existing departmental settlements and, if and when that proved insufficient, by bidding to the Treasury for additional funding from the Reserve. Those bids were closely scrutinised by the Treasury.

35. The Treasury pressed DFID and the FCO hard to reprioritise within their existing departmental settlements to fund new activities in Iraq, before agreeing to provide additional funding from the Reserve. An FCO official, writing in 2005, described the Treasury as playing "hard ball" and setting departments against one another in order to see off potential and actual claims to the Reserve.[6]

36. The MOD, DFID and the FCO also had access to a small, inter-departmental fund – initially the Global Conflict Prevention Pool (GCPP) – intended for conflict prevention activities. The GCPP had been established to encourage and support a more co-ordinated approach across Government.

37. DFID had a larger departmental settlement than the FCO, including a large allocation for funding programmes. Programme allocations could be used flexibly in response to emerging priorities. DFID therefore had more scope than the FCO to find funding for new programmes in Iraq.

---

[6] Minute Crompton to Sawers, 4 May 2005, 'Iraq: Reflections'.

38. Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2007, told the Inquiry that DFID's funding for Iraq was found by reallocating funding from DFID programmes in other middle-income countries, rather than from programmes in low-income countries.[7]

39. Sir Mark Lyall-Grant, FCO Policy Director from 2007 to 2009, summarised the situation in his evidence to the Inquiry:

> "… you have the MOD which can call on the Reserve for unforeseen military expenditure. You have DFID, who have a large amount of programme money ... and you have the Foreign Office that doesn't have any money."[8]

40. The Treasury's priority throughout the period covered by the Inquiry was to avoid any suggestion that other departments should have access to the Reserve on the same basis as the MOD. In February 2007, a senior Treasury official advised Mr Stephen Timms, Chief Secretary to the Treasury from May 2006 to June 2007:

> "Arguably this [the different arrangements for funding military operations and civilian activities] can lead to perverse outcomes ... if it incentivises decision-makers to prefer military responses to civilian ones. But it is a useful safety net for us and not to be given up without careful thought."[9]

41. The arrangements for funding military operations (including Urgent Operational Requirements – UORs) worked as intended, and did not constrain the military's ability to conduct operations in Iraq.

42. All the MOD's claims on the Reserve in respect of UORs and other additional military costs were met.

43. There are no indications that Mr Brown, Mr Boateng or Treasury officials acted to delay or distort the provision of funding for UORs and other additional military costs.

44. There are no indications that DFID's activities in Iraq were constrained by a lack of resources. The constraints imposed by the disproportionate cost of providing security for civilian staff and contractors in Iraq are addressed in Section 15.

---

[7] Public hearing, 22 January 2010, pages 38-40.
[8] Public hearing, 20 January 2010, page 35.
[9] Minute Quinault to Chief Secretary, 13 February 2007, 'DOP Meeting on Iraq and Afghanistan, 14 February'.

Funding for humanitarian assistance

Ms Short and Sir Suma Chakrabarti both told the Inquiry that DFID's ability to plan to deliver humanitarian assistance had been constrained by the Treasury's reluctance to provide additional funding from the Reserve.

By the end of January 2003, DFID officials had developed a detailed (but still draft) assessment of potential UK contributions for humanitarian relief and reconstruction in Iraq, under a number of scenarios.

Ms Short did not approach Mr Brown or the Treasury with a specific bid for additional resources until 21 March (although she was aware that Mr Brown was likely to support it). She did write to Mr Blair on 5 February, 14 February and 5 March, advising him of the cost of potential UK contributions for humanitarian relief and reconstruction (up to £440m a year), and seeking direction on the role of the UK in delivering the humanitarian response. She also raised the issue in Cabinet on 27 February.

Given the scale of UK resources that might have been required, it was reasonable to seek clear direction from Mr Blair on the UK's role in the humanitarian response. But that did not preclude an early bid to the Reserve. Indeed, a detailed bid may have focused the Government's attention on the need to define the UK's role more clearly.

By the end of March, DFID had earmarked £210m for humanitarian assistance in Iraq, comprising £90m from DFID's own resources and £120m that it had secured from the Reserve. In addition, the Treasury had agreed that the UK military could spend £30m on providing humanitarian assistance in the UK's Area of Operations.

The humanitarian crisis that had been feared did not materialise. By the beginning of May, DFID had reallocated the balance of the £210m allocated for humanitarian assistance that remained uncommitted – approximately £90m – to reconstruction.

45. Given its limited programme funds, the FCO found it particularly difficult to identify funding for new activities in Iraq. It was successful in making bids for funding from the Reserve to pay for security costs for personnel deployed to Iraq and diplomatic representation, but other bids were rejected in full or in part.

46. The FCO's difficulty in securing additional funding was due in part to the quality of its bids to the Reserve, and in part to the Treasury's perception that the FCO had not made sufficient effort to reprioritise from within its existing resources. The Inquiry has not assessed the accuracy of that perception.

47. In their efforts to secure funding, departments stretched the scope of the GCPP to accommodate activities as diverse as military equipment for the Iraqi Security Forces and the Basra Poetry Festival. But the Pool was small (only £7.5m for Iraq in 2003/04) and the process for securing funding was slow. Sir Mark Lyall-Grant told the Inquiry that decisions about how to spend relatively small sums of money had led to "huge disputes

between Government departments" which had consumed significant amounts of senior officials' time.[10]

48. Departments found it particularly difficult to find funding for activities that emerged "in-year" or appeared to fall between the boundaries of departments' responsibilities (such as activities to promote political outreach or support the Iraqi media). A number of civilian activities that Ministers had identified as a high priority – including, in 2003, support for the Iraq Media Network and, in 2006, the first Better Basra Action Plan – were funded late, and only in part.

49. Departments recognised in mid-2003 that the arrangements for funding civilian activities were not working well. In September, the Treasury rejected a proposal from departments for a new pool for funding non-military activity in Iraq, on the grounds that it might lead to an increase in claims to the Reserve.

50. The UK's deployment into Helmand province, Afghanistan, in 2006 prompted departments, led by the FCO, to revisit the arrangements for funding civilian post-conflict activities. Initial proposals focused on enhancing or complementing the GCPP (on the assumption that the Treasury would not allow access to the Reserve for non-military activities).

51. At the same time, MOD claims on the Reserve for UORs increased significantly as security in Iraq deteriorated, expenditure on Afghanistan increased, and the Government provided new equipment for the Armed Forces.

52. The Treasury continued to agree the MOD's claims against the Reserve, but by April 2007 had concluded that the UOR programme had become a straightforward supplement to the MOD's Equipment Programme rather than a response to urgent and specific requirements in a theatre of operations.

53. In July 2007, the MOD and the Treasury agreed a new arrangement for funding UORs designed to shift the focus of the MOD's Equipment Programme towards current operations. The new arrangement was expected to be cost neutral for the MOD.

54. There were also changes to the arrangements for funding non-military activities. In July, the Treasury announced the creation of a new Stabilisation Fund (later renamed the Stabilisation Aid Fund – SAF) to fund immediate civilian support to military operations (activities which had previously been funded from the GCPP). The GCPP was combined with the Africa Conflict Prevention Pool to form the Conflict Pool. New governance arrangements sought to link more closely expenditure from the SAF and the Conflict Pool with UK strategy.

55. The changes to the arrangements for funding UORs did not affect operations in Iraq, which were by this time generating fewer demands for UORs.

---

[10] Public hearing, 20 January 2010, pages 36–37.

56. There are no indications that the new arrangements for funding civilian activities affected the civilian effort in Iraq, which was by that time reducing.

57. The Government continued to develop its arrangements for funding reconstruction and stabilisation operations.

58. The Inquiry has not evaluated in detail the effectiveness of the new arrangements that were introduced in 2007. They do exhibit some important and welcome features:

- a dedicated and substantial pool of resources for civilian activities in environments such as Iraq and Afghanistan; and
- a requirement that allocations should be based on an inter-departmental strategy.

59. The Government should have recognised earlier that Iraq was an enduring operation, and adapted its arrangements for funding the military operation and civilian activities accordingly in order to:

- ensure that the UOR programme retained its focus on addressing urgent and specific requirements in theatre; and
- address the difficulties in securing funding for civilian activities.

The imposition of Treasury controls on the MOD

In the light of the publicity surrounding the funding and management of the defence programme in 2003 and 2004, the Inquiry examined two related questions:

- whether the size of the MOD's core budget imposed constraints on operations in Iraq; and
- whether the imposition of controls on the MOD's management of its resources by the Treasury in September 2003 had an impact on operations in Iraq.

Several witnesses told the Inquiry that, in the MOD's view, the 1998 *Strategic Defence Review*, which signified a major shift towards expeditionary armed forces, had not been fully funded.

With respect to military operations in Iraq, there are no indications that there was an unmet, articulated need for additional financial resources. All the MOD's claims on the Reserve in respect of UORs and other additional military costs were met.

The Inquiry concludes in Section 14.2 that there were known military capability gaps in Iraq, and that the availability of funding was not a direct barrier to the identification and deployment of solutions to those gaps.

During September 2003, the MOD's additional cash requirement for 2003/04 rose from £490m to £1,152m. The MOD intended to meet that cash requirement by making a transfer from its non-cash budget. The Treasury took the view that that increase signalled a complete lack of budgetary control within the MOD, and on 26 September imposed controls on the MOD's management of its resources.

The size of the MOD's proposed transfer from its non-cash budget reflected a deliberate attempt by the MOD to exploit the opportunities offered by the Government's transition from cash accounting to Resource Accounting and Budgeting.

The increase in the size of the MOD's cash requirement during September reflected the inability of the MOD to produce reliable estimates of its cash requirement.

There are no indications that the controls imposed on the MOD by the Treasury in September 2003 constrained the military's ability to conduct operations in Iraq.

Resources and strategy

60. Section 9.8 describes the Government's repeated reassessments of its strategy for Iraq. Those strategies tended to focus on describing a desired end state, rather than how it would be reached.

61. None of those strategies considered the resources that the Government would need to commit to achieve those end states and (at a strategic level) how those resources should be allocated.

62. In the absence of a strong strategic framework, spending on military operations in Iraq was driven by a series of decisions on UK force levels and on the equipment that should be provided to the Armed Forces.

63. The Inquiry concludes in Section 9.8 that, from July 2005 onwards, decisions in relation to resources for Iraq were made under the influence of the demands of the UK effort in Afghanistan.

64. Allocations for civilian activities were driven by the FCO's and DFID's willingness and ability to reprioritise from within their departmental budgets and their ability to secure additional funding from the Reserve and the GCPP.

65. The direct cost to the UK Government of its intervention in Iraq between 2002/03 and 2009/10 was at least £9.2bn in cash terms (the equivalent of £11.83bn in 2016), comprising:

- £8.20bn (89 percent of the total direct cost) on military operations;
- £0.58bn (6 percent) on humanitarian and development assistance;
- £0.30bn (3 percent) on diplomatic representation; and
- £0.16bn (2 percent) from the inter-departmental pools.

66. There are no indications that the Government questioned the balance of funding between military operations and civilian activities, or considered what the most effective balance of effort might be to achieve the UK's strategic objectives.

67. Lord Boateng told the Inquiry that the imbalance in funding between military operations and civilian activities had arisen "partly as a result of the funding mechanism

deployed, in the sense that the Ministry of Defence had an access to the Reserve that was on a different scale from the others [DFID and the FCO]".[11] He continued:

> "... did anyone sit down and say, 'Well, this is the sum of money that we have, this ought to be the balance?' No, I don't think they did. Should they have done? Maybe, but actually it is ... very difficult to do."

Lessons

68. The direction in the *Ministerial Code* that the estimate of a cost of a proposal should be included in the memorandum submitted to Cabinet or a Ministerial Committee applies equally to military operations. When evaluating military options it is appropriate to consider financial risk alongside other forms of risk. While governments will rarely wish to preclude options solely on the basis of cost, they must also recognise that, over time, cost may become an issue and make it difficult to sustain a military operation over the longer term.

69. Section 9.8 addresses the difficulties that the Government faced in converting successive UK strategies into action, in part because those strategies tended to focus on describing the desired end state rather than how it would be reached. On none of the occasions when UK strategy was reconsidered was a robust, costed plan for implementation produced.

70. Strategies and plans must define the resources required to deliver objectives, identify the budget(s) that will provide those resources, and confirm that those resources are available.

71. In developing strategies and plans for civilian/military operations, a government should address the impact of the different mechanisms used to fund military operations and civilian activities and the extent to which those mechanisms provide perverse incentives for military action by making it easier to secure funding for agreed military operations than for civilian activities.

72. A government should also address its explicit and implicit financial policy that, while there should be no constraint on the provision of funding for military operations, it is reasonable that for the same civilian/military operation, departments should find funding for new civilian activities from within their existing budgets, which are likely to be fully allocated to existing departmental priorities.

73. A government is likely to embark on major civilian/military operations such as Iraq only rarely.

74. A government should recognise that, in such operations, the civilian components (including diplomatic activity, reconstruction and Security Sector Reform) will be critical for strategic success, may be very substantial, and must be properly resourced.

---

[11] Public hearing, 14 July 2010, page 41.

75. One arrangement would be to create a budget for the civilian components of the operation, under the direction of a senior Minister with lead responsibility and in support of a coherent UK strategy. Once allocations were made from that budget to individual departments, the allocations would be managed within departments' legal and policy constraints. Such an arrangement should:

- ensure that UK strategy was resourced;
- promote joint working;
- minimise the potential for gaming;
- be able to respond to in-year priorities; and
- reduce the amount of time that Ministers and senior officials need to spend arguing about funding individual activities.

76. The Inquiry recognises that, since 2003, significant changes have been made to the UK's strategic and operational approach to reconstruction and stabilisation, including to the arrangements for funding such operations.

SECTION 14.1

MILITARY EQUIPMENT (POST-CONFLICT)

Contents

Introduction 3

Background 3

- The procurement process 3
- Addressing equipment capability gaps 5
- The need for an expeditionary capability 9
- Preparing for the post-conflict phase 11
- Improvement in the MOD's procurement process during Op TELIC 16

Protected mobility and the developing threat to UK troops 21

- Initial deployment of Protected Patrol Vehicles (PPVs) in Iraq 21
  - Deploying PPVs to Iraq 25
- The appearance of Explosively Formed Projectiles (EFPs) and the UK's response 32
  - Project DUCKBOARD evolves 36
  - The impact of the 2004 Spending Review on FRES 43
  - A "Type B" vehicle 45
  - The threat in mid-2004 48
  - A PPV for Afghanistan 52
- Response to the increase in the threat 61
  - The impact on wider civilian operations 72
- Decisions on the wider protected mobility capability for the Army 76
  - Project Vector 85
  - The decision to procure additional vehicles for Iraq 88
  - The introduction of Mastiff 99
  - Changes to the arrangements for identifying and funding UORs 114
- Protected mobility between late 2006 and mid-2009 117
  - Introduction of a new process to determine the acceptable level of risk in operations 126
  - The requirement for an "urban" PPV 129
  - FRES as a distinct requirement 137
  - Call for a public inquiry into the use of Snatch 142
  - Snatch after Iraq 144

The impact of Afghanistan on the equipment available in Iraq 144
Existing capability gaps before 2006 145
ISTAR 145
Support helicopters 158
The availability of ISTAR and support helicopters from 2006 onwards 168
The DOC's third report, 4 April 2006 170
Re-aligning assets and understanding the shortfalls 175
Mr Browne's concern 182
The increasing threat of indirect fire attacks 189
Considering whether to deploy Reaper to Iraq 207
The drawdown of UK forces 208
The remaining levels of helicopter and ISTAR support in MND(SE) 213

Introduction

1. This Section addresses:

- three examples of a significant capability gap during operations in Iraq: protected mobility, Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) and support helicopters; and
- the impact that deploying a medium scale force to Afghanistan in 2006 had on the provision of military equipment to Iraq.

2. This Section does not address:

- the process by which equipment was funded, which is addressed in Section 13.1;
- MOD operational policy or the specific circumstances in which individuals lost their lives in Iraq; and
- the MOD's procedure for supporting those killed or injured in Iraq, which is addressed in Section 16.3.

3. The Ministry of Defence (MOD) has agreed to declassify a large amount of material for this Section but there were places where that was not possible for national security reasons. In those few cases, the Inquiry has agreed with the MOD either to redact the material or replace it with a cipher. Where ciphers appear, they will be explained in a footnote.

Background

The procurement process

4. The MOD's financial planning framework for its core budget comprised two distinct elements:

- The Short Term Plan (STP); and
- The Defence Programme.[1]

5. The STP forecast spending on operational costs. Those were predominantly the responsibilities of the Front Line Commands (FLCs). The STP looked forward four years. Significant investment programmes, where a four-year planning horizon was too short, would be considered in the Defence Programme.

6. The Defence Programme provided a 10 year budget to balance capital spend priorities across equipment procurement, equipment support and non-equipment investments.

---

[1] Report Gray, October 2009, 'Review of Acquisition for the Secretary of State for Defence'.

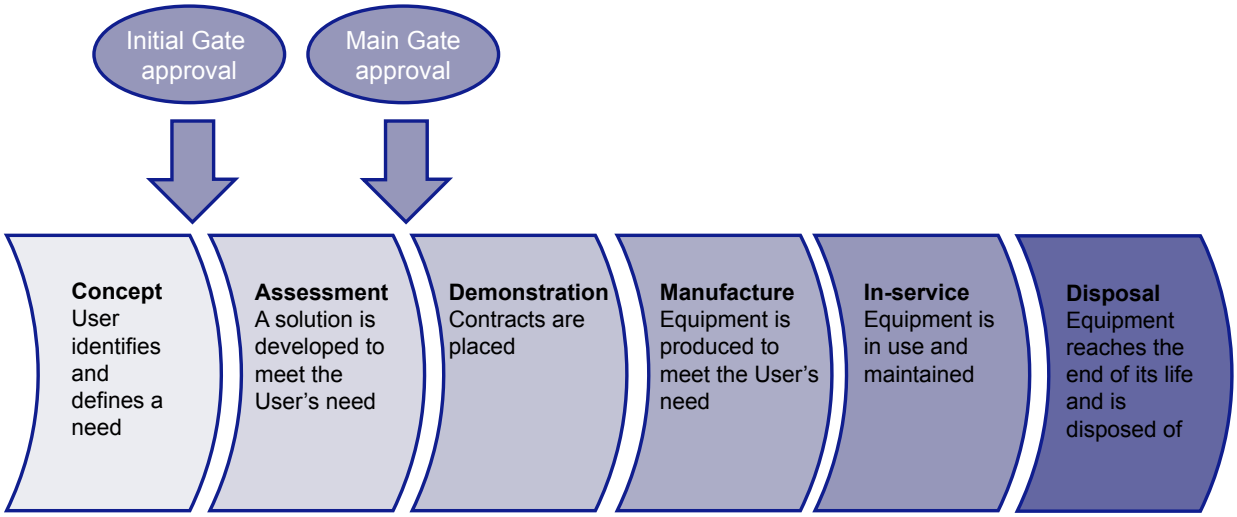
7. The Defence Progamme comprised three strands:

- the procurement of new capability through the Equipment Procurement Plan (EPP) which looked forward 30 years;
- provision of equipment support through the Equipment Support Plan (ESP) which was planned over 10 years; and
- the Non-Equipment Investment Plan which planned for investment in non-military equipment, such as IT.

8. Collectively the EPP and the ESP were known as the Equipment Plan (EP).

9. Procuring equipment was achieved through the MOD's Smart Acquisition process, which was established in 1998 and sought to enable a high level of confidence that equipment projects would be delivered on time and within budget.[2] That process is illustrated in Figure 1.

Figure 1: The stages of equipment acquisition



10. Any projects exceeding £100m required explicit approval from the Investment Approvals Board (IAB) at two stages:

- **Initial Gate –** the approval for project initiation where the parameters for the Assessment Phase are set; and
- **Main Gate –** where the targets are set for the performance, time and cost of the Demonstration and Manufacture stages.[3]

---

[2] Ministry of Defence, *Acquisition Handbook Edition 4,* January 2002.
[3] National Audit Office, *Ministry of Defence: Major Projects Report 2001,* 23 November 2001, HC 330; Report Gray, October 2009, 'Review of Acquisition for the Secretary of State for Defence'.

Addressing equipment capability gaps

Three key requirements

When a capability gap in equipment is identified, there are three requirements that must be fulfilled to initiate the procurement process:

Statement of Requirement (SOR): A statement articulating a capability shortfall; it states what is required.

Urgent Statement of User Requirement (USUR): If the SOR cannot be met by an adjustment of existing assets, a USUR is raised which indicates that there is a capability gap that currently cannot be met. If the USUR is endorsed, it will be designated as either an Urgent Operational Requirement, or an Urgent Sustainability Requirement. It cannot be both.

Urgent Operational Requirement (UOR): A UOR seeks to address a capability gap by rapidly procuring new or additional equipment or the enhancement of, or essential modification to, existing equipment. That may involve bringing forward the planned procurement of equipment from the future Equipment Programme.

Urgent Sustainability Requirement (USR): A USR seeks to address a sustainability gap by rapidly acquiring additional in-service support.

11. During Operation TELIC in Iraq, Urgent Statements of User Requirements (USURs) for new equipment were forwarded to the Permanent Joint Headquarters (PJHQ) who retained ownership of the USUR until it was signed off. The head of PJHQ was the Chief of Joint Operations (CJO).

12. Each edition of the Op TELIC Directive, issued by the Chief of the Defence Staff (CDS) to the CJO, stated:

- **"Force Protection.** You are responsible to me for the force protection of all assigned UK personnel and materiel in your JOA [Joint Operational Area] in order to ensure their security from the threats of, WMD, espionage, sabotage, subversion, terrorism and crime …"
- **"UORs [Urgent Operational Requirements]** … You are to identify as soon as possible any further capability shortfalls and user requirements for the support of ongoing operations; these should be submitted to DCDS (EC) [Deputy Chief of Defence Staff (Equipment Capability)]."[4]

13. The responsibilities of the PJHQ and Front Line Commands (FLCs) for pursuing capability shortfalls through the UOR process were set out in a "Standing Instruction" issued in November 2004.[5]

---

[4] Letter CDS to CJO, 30 July 2003, 'Chief of the Defence Staff Directive to the Joint Commander for Operation TELIC (Edition 3)'.
[5] Minute Soar to UOR Stakeholder, 26 November 2004, 'Urgent Operational/Sustainability Requirements – Standing Instruction (Version 1)'.

14. To identify a new requirement the instruction stated:

"Once operations have commenced any subsequent shortfalls will usually be identified by in-theatre forces. Regardless of the phase of the operation, any capability shortfall is articulated through a Statement of Requirement (SOR)."

15. The instruction also stated:

"The SOR is reviewed by PJHQ/FLC/Jt Cmnd [Joint Command] Staffs who will then either close the gap through re-brigading of current assets or by raising an USUR [Urgent Statement of User Requirement]. The USUR is then staffed by PJHQ … If endorsed, the USUR is passed to the … Directorate of Equipment Capability (DEC) …"

Roles and responsibilities for addressing capability gaps

Equipment Capability Customer (ECC) was created by the 1998 *Strategic Defence Review* to bring together the teams specifying future military needs – known as the Directorates of Equipment Capability (DECs).[6] The ECC was headed by the Deputy Chief of Defence Staff (Equipment Capability) who reported to the Chief of Defence Staff (CDS) through the Vice Chief of Defence Staff.

The ECC was responsible for providing funded capability requirements to meet the current and future needs of the Armed Forces and ensure the equipment was delivered into service. The ECC was designated as "Customer One" in the process.

As well as the DECs, the ECC comprised:

- **Directorate of Capabilities, Resources and Scrutiny (DCRS)** providing internal scrutiny of programmes; and
- **Joint Capabilities Board (JCB)** to make balance of investment decisions across the Equipment Programme.

Front Line Commands (FLCs) were designated as the "User" of equipment and referred to as "Customer Two" in the process.

PJHQ assessed and reviewed requirements; SORs and USURs.

Directorates of Equipment Capability (DECs) were responsible for establishing a Capability Working Group to consider each USUR and, if required, for producing a business case seeking approval with advice from the Defence Procurement Agency (DPA) on the options and procurement strategy for meeting the requirement.

In 2003, equipment was provided and supported by two separate MOD organisations:

- **Defence Procurement Agency (DPA)** which procured the equipment for the Armed Forces; and
- **Defence Logistics Organisation (DLO)** which was responsible for providing and directing logistics support for in-service equipment.

[6] Report Gray, October 2009, 'Review of Acquisition for the Secretary of State for Defence'.

Within the DPA and the DLO were a number of **Integrated Project Teams (IPTs)** focused on delivering individual projects and programmes as directed by the DECs. The IPT was responsible for the equipment throughout its life.

The DPA and the DLO merged to form the **Defence Equipment and Support Agency (DE&S)** in April 2007.[7] The Head of the DE&S was the **Chief of Defence Materiel.**

16. A process diagram attached to the November 2004 Standing Instruction indicated that PJHQ had the lead responsibility for identification of a requirement, working with the Directorate of Equipment Capability (DEC), the FLCs and the relevant Integrated Project Team (IPT) in the Defence Procurement Agency (DPA) or Defence Logistics Organisation (DLO).

17. The instruction included an annex with a list of "UOR key stakeholders" and their roles and responsibilities.

18. The list began with the responsibilities of "Force Elements": the deployed units reporting to the in-theatre commander, which was the General Officer Commanding Multi-National Division (South-East) (GOC MND(SE)) during Op TELIC. The annex said that the Force Elements were responsible for raising SORs, along with any training and integration.

19. The role and responsibilities of FLCs included:

- "Conducts routine audits to identify potential USURs as part of the Equipment Capability Shortfall Register."
- "USUR originator."

20. The role and responsibilities of PJHQ included:

- "Reviews/endorses USURs and submits to DEC."
- "Agrees solutions to capability gaps proposed by DECs."

21. In response to a request from the Inquiry in 2011, the MOD provided further evidence on how the UOR process functioned in Iraq.[8] The MOD stated:

- "The fundamental elements of the UOR process remained broadly the same throughout operations in Iraq."
- Staff deployed in Iraq, and (in the build-up to the operation) staff in FLCs, were responsible for identifying capability gaps "which could not be met by existing holdings".

[7] Report Gray, October 2009, 'Review of Acquisition for the Secretary of State for Defence'.
[8] Paper [MOD], 8 June 2011, 'How the UOR Process Functioned During the Campaign in Iraq'.

- USURs were submitted to PJHQ for authorisation.
- In addition: "Staff in PJHQ could (and did) raise USURs themselves if they became of [sic] aware capability gaps."

22. The Inquiry submitted a further request to the MOD in 2015, seeking clarification on where the primary responsibility for identifying capability gaps lay during Op TELIC.

23. The MOD said that a draft USUR "would be originated by any user" and that "there appears to be no simple answer to the question where the primary responsibility for identifying capability gaps and raising USURs lay".[9] The MOD added:

> "Clearly the emphasis in the process was on the co-operation of the various commands and branches involved. But it appears that the onus for initial identification of requirements, at least once a campaign was in progress, lay with the theatre commander [GOC MND(SE)], while the responsibility for signing them off lay with PJHQ. Between those two stages the process of analysing the requirement and developing the solution was essentially a shared one."

24. *The Acquisition Handbook* in 2002 defined the role of Single Service Chiefs of Staff as to:

> "… provide overall strategic management of the individual services and their professional direction. This role supports ECC decisions on capability by providing advice and experience on the full range of factors contributing to military capability, including: concepts and doctrine, in-service equipment, sustainability, training, force structure, decision support and personnel. Single Service Chiefs are responsible for ensuring that the JCB [Joint Capabilities Board] and Capability Working Groups receive appropriate input on such matters to develop future capability."[10]

25. The Inquiry asked General Sir John Reith, CJO from August 2001 to May 2004, whether he had submitted any UORs while planning for the invasion of Iraq.[11] He replied:

> "I didn't submit UORs. The Single Services submit the UORs, because … they are required to deliver to the Chief of Joint Operations fully trained and equipped people. What I did was; we screened the UORs to ensure that they were necessary before the MOD approved them."

26. For the Commander in Chief Land Command, that included providing advice to the CJO on capability requirements for units deployed on operations.

27. General Sir Richard Dannatt, Commander in Chief Land Command from March 2005 to August 2006, told the Inquiry that, as "the second senior member of the Army", the Commander in Chief Land Command had "an important role to play on the Army

---

[9] Letter Duke-Evans to Aldred, 26 June 2015, 'Procuring Military Equipment'.
[10] Ministry of Defence, *Acquisition Handbook Edition 4,* January 2002.
[11] Private hearing, 15 January 2010, pages 28-29.

Board". He had a role in influencing the Chief of the General Staff, but his primary role was to ensure "whatever troops are required … are made available, that the units are properly trained, manned and equipped to the greatest degree possible, and that's his primary responsibility".[12]

28. The USUR process only applied to new capability requirements. Where in-service support was needed to sustain existing equipment, an Urgent Sustainability Requirement (USR) was raised.

29. The Standing Instruction issued on 26 November 2004 stated that the Urgent Sustainability Requirement (USR) process was operated in parallel to the UOR process but by the DLO.[13] This was "to deliver urgently required stocks and spares to meet operational sustainability requirements". The "key points" about the process included:

- USRs followed "a similar staffing process as UORs".
- DLO procured, tracked and accounted for USR expenditure.
- There was no formal review because DEC, IPT and industry support was already in place for the required equipment.

The need for an expeditionary capability

30. The 1998 *Strategic Defence Review* (SDR) set out the UK's defence requirements in the period up to 2015.[14]

31. The importance of the SDR assumptions for equipment available to the forces deployed for the invasion of Iraq is addressed in Section 6.3.

32. The SDR explained that, "in the post Cold War world", there was a greater need for the Armed Forces to build an expeditionary capability because "we must be prepared to go to the crisis, rather than have the crisis come to us".

33. A supporting essay to the SDR listed the future military capabilities it considered "increasingly important", including:

- command, control, communications and computers, and Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR); and
- "the trend towards force projections operations, for which we may need to deploy very rapidly in order to be successful, places an increasing premium on transport or lift capabilities".[15]

---

[12] Public hearing, 28 July 2010, pages 10-11.
[13] Minute Soar to UOR Stakeholder, 26 November 2004, 'Urgent Operational/Sustainability Requirements – Standing Instruction (Version 1)'.
[14] Ministry of Defence, *The Strategic Defence Review*, July 1998.
[15] Ministry of Defence, *The Strategic Defence Review: Supporting Essays*, July 1998.

34. One of the outcomes of the Review was the creation of the Joint Helicopter Command (JHC). The JHC brought the Royal Navy's commando helicopters, the Army's attack and light utility helicopters, and the RAF's support helicopters under a single command, and was responsible for the peacetime management of the entire battlefield helicopter fleet, and for generating the required battlefield helicopter force package for operations.[16]

35. The SDR also provided some detail on the equipment required to support the new type of expeditionary operations that it envisaged. Those included:

- new strategic lift assets, both C17 heavy-lift aircraft and Roll-on Roll-off shipping;
- a new helicopter carrier;
- attack helicopters;
- additional support helicopters;
- an increase in the provision of ISTAR assets including Unmanned Aerial Vehicles (UAVs);
- a modernised air transport fleet; and
- the creation of two Joint Force Logistic Component Headquarters.

36. The SDR acknowledged that "major equipments take years to develop". While it identified no definitive timescales for its proposed changes, the MOD did publish a series of targets in December 1998 as part of their Public Service Agreement 1999-2002.[17] Those included establishing the Full Joint Rapid Reaction Forces Capability by October 2001 and the Joint Helicopter Command by April 2000.

37. The SDR emphasised the importance of investment in ISTAR assets "not only to maintain a qualitative edge in combat but to facilitate the often rapid-decision-making needed in complex political circumstances".[18]

38. The SDR stated that a range of advanced systems were planned or already entering service, including the airborne ground surveillance radar, Astor and a battlefield unmanned target acquisition vehicle, Phoenix.

39. In July 2002, the MOD published *The Strategic Defence Review: A New Chapter* – an update on the SDR's progress and a consideration of the "UK's defence posture and plans" in light of the 9/11 attacks.[19]

---

[16] Ministry of Defence, *The Strategic Defence Review*, July 1998.
[17] *Public Services for the Future: Modernisation, Reform, Accountability*, December 1998, Cm 4181.
[18] Ministry of Defence, *The Strategic Defence Review*, July 1998.
[19] Ministry of Defence, *The Strategic Defence Review: A New Chapter*, July 2002.

40. On the Armed Forces' ability to conduct multiple, simultaneous operations, the MOD wrote:

> "The capability of our forces is strained not just by the scale of operations, but by the number of simultaneous or near-simultaneous operations. Since the SDR we have assumed that we should plan to be able to undertake either a single major operation (of a similar scale and duration to our contribution to the Gulf War in 1990-91), or undertake a more extended overseas deployment on a lesser scale (as in the mid-1990s in Bosnia), while retaining the ability to mount a second substantial deployment – which might involve a combat brigade and appropriate naval and air forces – if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war-fighting or to maintain them simultaneously for longer than 6 months."

41. The MOD had "analysed a set of plausible and realistic scenarios" to assess the demands potentially faced by the UK overseas. That work had taken account of lessons learned from operations, including in Afghanistan. The MOD recognised that the particular scenarios it had envisaged may not be "replicated precisely in real life", but they did allow the MOD to "draw general conclusions about the capabilities that may be particularly important".

42. In assessing capabilities for operations abroad, the MOD concluded that the SDR was "generally taking our Armed Forces in the right direction, but reinforced the growing importance" already attached to "network-centric capability". That concept had "emerged substantially in the 1991 Gulf Conflict" and "demonstrated how precision weapons and shared information technologies could be linked together to produce devastating military effects with unparalleled speed and accuracy".

43. Network-centric capability had three elements:

- sensors (to gather information);
- a network (to fuse, communicate and exploit the information); and
- strike assets to deliver military effect.

44. The MOD stated that it had already invested in a range of sensors, including airborne stand-off surveillance such as Nimrod MRA4, battlefield UAVs and communications (including BOWMAN).

Preparing for the post-conflict phase

45. The planning and procurement of equipment for the post-conflict phase (Phase IV) was constrained by the lack of an agreed concept of operations (CONOPS).

46. Wider planning for the post-conflict phase is addressed in Section 6.5.

47. The funding arrangements for the procurement of equipment are addressed in Section 13.1.

48. From 21 January 2003, Lord Bach, Parliamentary Under Secretary of State and Minister for Defence Procurement, was asked by Mr Geoff Hoon, the Defence Secretary, to take temporary responsibility for the progression of UORs. Lord Bach's role, and the weekly meetings he chaired with senior officials to consider progress, is addressed more extensively in Section 6.3.

49. On 7 February, Air Marshal Sir Jock Stirrup, Deputy Chief of the Defence Staff (Equipment Capability) (DCDS(EC)) from April 2002 to May 2003, advised Lord Bach that an agreement in principle had been reached with the Treasury to continue funding "small scale UORs" for operations following the combat phase:

> "We are starting to identify potential UORs for aftermath operations but will need a robust concept of operations if we are to secure Treasury agreement to fund such measures. Initial plans are being developed by PJHQ and are being taken forward by DCDS(C) staff, but must be seen in light of US plans and the wider Government context for which the FCO has the lead."[20]

50. In an update to Lord Bach on 28 February, Rear Admiral Charles Style, Capability Manager (Strategic Deployment), wrote that the MOD continued to "identify, prioritise and refine potential UORs" for Phase IV.[21]

51. RAdm Style wrote key enhancements that were "likely to be required" included:

- force protection against the asymmetric threat, particularly for elements of the air transport fleet; and
- long-term infrastructure enhancements.

52. On 14 March, RAdm Style reported to Lord Bach that the Treasury had accepted in principle that some additional resources from the Reserve[22] would be needed for Phase IV UORs.[23]

53. RAdm Style wrote that work was continuing to clarify and better define UOR requirements for Phase IV: 26 had been identified as high priority "regardless of the CONOPS" and a further 84 possible UORs had been identified by Front Line Commands but would remain "below the line" until the CONOPS had been developed further.

54. On 21 March, AM Stirrup reported to Lord Bach that PJHQ had endorsed USURs for 10 high-priority UORs for Phase IV, including maritime communications, aircraft protection and Explosive Ordnance Disposal (EOD) capabilities.[24]

---

[20] Minute DCDS(EC) to PS/Minister(DP), 7 February 2003, 'Iraq: Op TELIC UORs'.
[21] Minute CM(SD) to PS/Min(DP), 28 February 2003, 'Iraq: Op TELIC UORs'.
[22] The Reserve is a fund held by the Treasury intended for genuinely unforeseen contingencies which departments cannot manage from their own resources and was used to pay for the net additional costs of military operations (NACMO). The process behind that is explained in Section 13.1.
[23] Minute CM(SD) to PS/Minister(DP), 14 March 2003, 'Iraq: Op TELIC UORs'.
[24] Minute DCDS(EC) to PS/Minister(DP), 21 March 2003, 'Iraq: Op TELIC UORs'.

55. The full list of UORs, including 48 measures deemed to be "below the line", was awaiting confirmation of the CONOPS, which would be submitted to the Chiefs of Staff the following week.

56. AM Stirrup provided an update to the Chiefs of Staff on 28 March.[25] He asked the Chiefs to note that 65 potential UORs had been identified, of which 33 were "likely to be needed in any aftermath scenario", the other 32 were on hold until the "way ahead" became clearer.

57. The potential UORs identified included requirements for force protection (such as Defensive Aids Suite for air transport and support helicopters), infrastructure enhancements, and ISTAR enhancements to aid drawdown.

58. Phase IV UORs were "being co-ordinated with the developing policy on recuperation".

59. AM Stirrup stated:

> "Despite the understandable lack of clarity over CONOPS for Phase IV, we are making every effort to get ahead of the game."

60. The MOD's preliminary discussions with the Treasury about Phase IV funding indicated that officials would "agree to some further access to the Reserve". It was unclear whether that would be sufficient to cover the 65 measures already identified or whether the criteria for access to the Reserve would encompass the full range of measures to be sought.

61. The MOD intended to make "a formal approach to the Treasury within the next week". Depending on the outcome, AM Stirrup wrote: " … we may have to prioritise Phase IV UORs further and/or to make adjustments to in-year priorities to accommodate remaining measures within the Defence budget."

62. AM Stirrup stated:

> "Unlike previous UOR tranches, we have no firm time by which Phase IV measures have to be effective if they are to qualify for consideration. We are, though, using a yardstick of six months as a guideline. Where measures have a longer lead time (for example Defensive Aids Suite on large aircraft), we will need to address them within the normal EP process."

---

[25] Minute DCDS(EC) to COSSEC, 28 March 2003, 'Iraq Contingency Planning – Urgent Operational Requirements for Phase 4'.

63. Lt Gen Reith sent an assessment of the threat in the UK's Area of Operations to Admiral Sir Michael Boyce, CDS, on 29 March.[26] In his covering minute, Lt Gen Reith wrote that predictions about the latter stages of Phases III and IV were "more difficult to ascertain" and they largely depended on "the progress of the Coalition campaign, forces assigned to security tasks, etc". He continued:

> "However, for the moment we are dealing with a spectrum of threats ranging from regular to terrorism. As we progress operations the regular forces threat will be eliminated and we will eventually be left with a residual terrorist threat, as is already the case in some areas we control, such as Umm Qasr."

64. The assessment stated that the threat, in addition to the indirect threats posed by surface to surface missiles, fell broadly into three categories:

- Conventional forces where Coalition Forces do not hold ground and RA [Iraqi Regular Army] forces are still deployed.
- "Asymmetric forces" including Fedayeen, Ba'ath Party officials and militia, "other regime officials", opportunists and criminals and the dissatisfied population.
- Foreign terrorists including Palestinian and "other committed Islamic groups" and the Iraq-based Iranian dissident group Mujahideen e Khalq (MEK) who were "known" to operate in the South of Iraq. There was "no physical evidence of these threats materialising as yet".

65. On 3 April, Lt Gen Reith produced a draft "operational concept" for Phase IV.[27] He wrote that Phase IV operations would begin in southern Iraq "within days" but that the backdrop to their implementation was "uncertain and changing". The baseline conditions from which they would operate were "far from clear" and "important issues", such as the level of military involvement, remained unresolved. While the paper detailed the military's potential tasks and capability, its focus was on force levels and it did not cover equipment.

66. The Inquiry has seen no evidence of any further comments on the draft.

67. The record of Lord Bach's meeting on 14 April stated:

> "Phase IV UORs remain a problem. Although CJO [Lt Gen Reith] has a draft in hand, we are still without a defined CONOPS. This limits our ability to plan for and procure such items."[28]

---

[26] Minute Reith to PSO/CDS, 29 March 2003, 'Iraq – The Threat Within UK's AO' attaching Paper [undated], 'Iraq – UK AO – Threat Assessment'.
[27] Paper Reith, 3 April 2003, 'Operation TELIC Phase 4 the Joint Commander's Draft Operational Concept'.
[28] Minute APS/Min(DP) to MA/DCDS(EC), 14 April 2003, 'Iraq: Op TELIC – UORs'.

68. It is not clear precisely when the draft was finalised, but Lt Gen Reith stated in a paper on 14 April that the operational concept had been agreed.[29] The development of the operational concept is addressed in Section 8.

69. Lt Gen Reith produced two papers on the roulement and recovery of UK forces.[30] On the operational requirement for UK land forces he wrote:

> "In broad terms a mix of capabilities will be needed at each 'strongpoint', providing the local commander with maximum flexibility. This will include the retention of some armour, armoured/mechanised infantry and artillery support, but would increasingly rely on operations 'amongst the people' on foot. The ability to 'find' and remove hostile elements is critical; ISTAR/HUMINT [human intelligence] will continue to be required. Reserves, in some cases with mobility provided by hels [helicopters], would be required to surge into rural areas … Force protection requirements are likely to increase as the UK occupies permanent bases. Additional companies may be needed to provide security, possibly provided by the TA."

70. For battlefield helicopters, Lt Gen Reith suggested that the main force should consist of:

- five Chinook;
- five Sea King or Puma; and
- five Lynx, with Sea King and Puma operating only at night, or some eight Chinook, but with "potential longer term ramifications for the fleet".

71. Lt Gen Reith suggested that Lynx could be used to provide aerial surveillance but that the deployment of Puma, Gazelle or an Islander aircraft would be "more sensible" although they could "only be provided at the expense of the capability currently deployed in Northern Ireland".

72. On equipment husbandry, Lt Gen Reith stated:

> "Time and cost prevent the procurement of further environment and protection UOR enhancements to equipment. This will require the majority of combat vehicles to remain in theatre."

73. On 15 April, Lt Gen Reith produced an SOR for South-East Iraq for the Chiefs of Staff.[31] In an annex there was an assessment of each of the provinces under the UK's Area of Responsibility (AOR), including a judgement on the levels of consent to the Coalition amongst the local population. That was used as an indicator of whether or not the Coalition faced any threat of attack.

---

[29] Paper Reith, 14 April 2003, 'Phase IV Roulement/Recovery of UK Land Forces'.
[30] Minute Reith to SECCOS, 14 April 2003, 'Phase 4: Roulement and recovery of UK forces' attaching Paper CJO, 14 April 2003, 'Phase 4: Roulement and Recovery of UK Air forces' and Paper CJO, 14 April 2003, 'Phase 4: Roulement and Recovery of UK Land forces'.
[31] Minute Reith to PSO/CDS, 15 April 2003, 'The Statement of Requirement (SOR) for SE Iraq'.

74. Lt Gen Reith assessed that all provinces coming under the UK's AOR would be at least "relatively stable" with "medium-high" or "high" levels of consent to the Coalition amongst the local population.

75. In a separate annex, there was a table of UK force requirements which assessed that the helicopters required were three Chinook, three Lynx and three Puma or Sea King.

76. By 9 May, the MOD had approved 18 Phase IV measures at a cost of around £87m, and a further 12 were being processed.[32]

77. On 30 May, a list of all the equipment capability UORs approved for the pre-deployment and invasion phases were sent around the MOD with an analysis of how they did or did not address equipment capability gaps.[33] It sought to determine where UOR activity was focused, "both in terms of the capability delivered and also in terms of the relationship between UORs and the Equipment Programme".

78. The capability shortfalls addressed by UORs were:

- network-enabled capability 31 percent;
- force protection 19 percent;
- force projection 12 percent;
- counter-terrorism/Special Forces 7 percent;
- precision strike 3 percent; and
- other 27 percent.

79. The analysis stated that the fact that almost a third of the UORs were required to address shortfalls in network-enabled capability validated "the major balance of investment shift undertaken" in the 2003 Equipment Programme (EP03). That also applied, "albeit to a lesser extent", to the force protection and force projection enhancements.

Improvement in the MOD's procurement process during Op TELIC

80. In August 2004, Major General William Rollo, GOC MND(SE) July to December 2004, asked that "consideration be given to the establishment of an EC [Equipment Capability] staff within HQ MND(SE)".[34]

81. A short study was commissioned in September to determine the feasibility of Maj Gen Rollo's request.[35] The report stated that one of the main difficulties "was in

---

[32] Minute CM(M) to PS/Min(DP), 9 May 2003, 'Iraq: Op TELIC Phase 4 UORs'.
[33] Minute DEP and DCRS to DNO, 30 May 2003, 'Op TELIC UORs from DEP and DCRS'.
[34] Minute, 10 June 2005, 'Multi National Division (South East) Equipment Capability – Initial Deployment Report'.
[35] Minute, 10 June 2005, 'Multi National Division (South East) Equipment Capability – Initial Deployment Report'.

the area of capability integration; this being the responsibility of the Chief of Joint Operations (CJO)".

82. The study was endorsed in December and lead elements of the EC Branch deployed to Iraq in January 2005.[36] The MND(SE) EC Branch was formally established in theatre on 24 February 2005, and was staffed by three staff officers.

83. The EC Branch produced an 'Initial Deployment Report' on 10 June 2005, considering its performance so far and making recommendations for its longer-term role.[37]

84. The report stated that the EC Branch initially performed "two discrete roles". The first was the provision of support to the UOR process, on behalf of MND(SE), by providing a central focus for UOR activity and taking the lead in the co-ordination of requirements, capturing activity and SOR staffing. The EC cell's mandate did not explicitly state that EC Branch could "engage authoritatively in UOR integration matters". That had been "identified as a key MND(SE) shortfall" in the report.

85. Although having no formal mandate to do so, the EC cell did engage in UOR integration activity, which had meant creating appropriate structures and procedures to support the effective integration of UOR capabilities. The cell established a "Capability Integration Working Group (CIWG) framework, formalised Capability Integration Plans (CIP), and ensuring that theatre capability issues were addressed across the Defence Lines of Development (DLOD)".[38] That work had "already proven instrumental in identifying a number of capability issues likely to have an adverse effect on theatre operations" and in identifying action to mitigate those issues. The report stated that the work would enable the EC cell to "deliver greater benefit than its current MND(SE) focused role would normally permit".

86. In the report, the cell recommended that "a broader remit, acting on behalf of CJO" would also enable the EC Branch to deliver greater benefit. The cell did not recommend any changes to EC Branch staffing levels, "due to the continued evolution of the Branch … and the awaited outcome of this report".

87. The report contained a number of lessons:

- The formation and deployment of the EC Branch was "too late to deliver maximum benefit to the operation". Maximum benefit of an EC Branch capability would be realised "if it is embedded within the force prior to or immediately

---

[36] Minute, 10 June 2005, 'Multi National Division (South East) Equipment Capability – Initial Deployment Report'.
[37] Minute, 10 June 2005, 'Multi National Division (South East) Equipment Capability – Initial Deployment Report'.
[38] The MOD framework for capability assessment recommends breaking down capabilities into eight constituent elements, or "Defence Lines of Development": Training, Equipment, Personnel, Information, Concepts and Doctrine, Organisation, Infrastructure and Logistics.

after deployment in order to facilitate the staffing and subsequent integration of Urgent Operational Requirement".

- The EC Branch was "constrained in its operation due to the lack of an agreed and authoritative Directive". The report recommended that operational and EC chains should "develop and agree an appropriate Directive comprising TOR [Terms of Reference], roles and responsibilities and CONOPS".
- The Customer Two focus and procedures for the integration of UOR capabilities deployed directly to an operational theatre was "not clear". It cited the need to implement the Standing Instruction from 26 November 2004.

88. In his statement for the Inquiry, Air Chief Marshal Sir Glenn Torpy, CJO from July 2004 to March 2006, described the role of PJHQ as:

> "… to act as the interface between the in-theatre force and the MOD and Front Line Commands (FLC), particularly in ensuring that the in-theatre force is provided with the wherewithal to deliver its objectives. This required a constant dialogue at every level, between the MOD, PJHQ, FLC and in-theatre force."[39]

89. ACM Torpy wrote that he had "inherited a Joint force structure … that was appropriately sized to deliver the military objectives" he had been given; and that the in-theatre commanders, including the GOC MND (SE), were required to conduct a Force Level Review every six months to "validate their force requirements". Those reviews were "undertaken in consultation with the PJHQ" and "presented to the CDS (and the Chiefs of Staff) for endorsement". That "imposed an important level of discipline" and "provided the vehicle for force level increases if conditions in a particular component demanded additional capability".

90. On 10 October 2006, the extent to which capability gaps were being anticipated in UK theatres was raised by General Sir Timothy Granville-Chapman, Vice Chief of Defence Staff, following a meeting about helicopter availability in Afghanistan.[40]

91. On 27 October, Gen Granville-Chapman's Private Office wrote to Lieutenant General Nicholas Houghton, CJO, requesting a report on "how effective we currently are and how we might be more so" in predicting emerging capability requirements and reporting these back to the UK after "the recent debate on what capabilities are needed for operations" had "thrown the spotlight" on the issue.[41]

---

[39] Statement, 14 June 2010, pages 4-6.
[40] Minute Granville-Chapman to ACDS(Ops), 10 October 2006, 'Helicopter Availability'.
[41] Minute MA/VCDS to MA/CJO, 27 October 2006, 'Theatre Articulation of Capability Requirements'.

92. Gen Granville-Chapman had recently discussed potential improvements with Major General Richard Applegate, MOD Capability Manager (Battlespace Manoeuvre), who thought:

> "… we used to deploy people to theatres specifically to proactively keep current and future requirements under review; the added advantage of this was that they could also keep theatre informed of [sic] was being done for them at home, for example on UORs."

93. Lt Gen Houghton replied on 9 November, inviting Gen Granville-Chapman to note:

> "I intend to formalise the PJHQ procedures to deliver systematic and coherent progress in conjunction with the MOD sponsored Capabilities Working Group …
>
> "We still need to improve our processes for identifying the EC [Equipment Capability] dimension of emerging theatre CONOPS which lay in the domain of the early years of the EP [Equipment Programme] rather than in the UOR process."[42]

94. Lt Gen Houghton wrote that the EC cell's "primary purpose" was to identify all capability requirements. Future capability definition was determined between PJHQ, MND(SE), Multi-National Forces-Iraq (MNF-I) and the DECs.

95. Lt Gen Houghton stated: "In my judgement, EC definition and requirements management in Op TELIC is systematic, coherent and effective."

96. As a proposed improvement, Lt Gen Houghton stated:

> "Better interaction between MOD staff and theatres would enhance comprehension of the operating environment and keep theatre commanders abreast of progress."

97. In conclusion, Lt Gen Houghton stated:

> "… I am not so convinced that we are as good at matching up the EC dimension of emerging CONOPS in the slightly longer time-frame. We are looking at the issue, which is central to the future role of the PJHQ in influencing the early years of the EP, but beyond the time-frame which is appropriate for the UOR process."

98. In September 2007, the MOD's Directorate of Operational Capability (DOC) published an audit of force protection which highlighted the need for a better articulation of the risk to which the military would be exposed during operations.[43] The report is addressed in further detail later in this Section.

---

[42] Minute CJO to MA/VCDS, 9 November 2006, 'Emerging Capability Requirements'.
[43] Report DOC, September 2007, 'Directorate of Operational Capability Protection of the Deployed Force Operational Audit Report 1/07'.

99. In November 2007, the MOD produced a force protection policy which has remained under "constant review".[44] It is unclear from the evidence how many force protection policies preceded this version but the MOD has been unable to find any individual force protection policies before November 2007.

100. The MOD told the Inquiry that the version dated 21 May 2015 "defines risk ownership and governance more clearly than its predecessors".[45] The MOD said that this had been integrated into wider MOD risk management processes which had also been revised.

101. The MOD said that the Operational Commander (which for Iraq was the CJO), was accountable to CDS for understanding, quantifying and reducing risk to the force and mission respectively. That risk response may require changes to activities or capabilities.

102. On 31 August 2010, an analysis of the land operation in Iraq was published on behalf of the Chief of the General Staff by Brigadier Ben Barry.[46] It was known as "the Barry Report".

103. On specifying equipment requirements, the report stated:

> "It appears for much of this period the mechanism for formulating new capability requirements was sub-optimal. Where there was a strong coherent sponsor in the Army or MOD there was more chance of requirements being quickly identified and UORs succeeding. Difficulties experienced at the start of this period [2005] were overcome to a certain extent by fielding Equipment Capability staff to PJHQ and Basra. But it was not clear who owned the medium term vision for the capability requirements of the theatre and longer term thinking on equipment requirements was inhibited by the lack of campaign continuity."

104. The report said that, where UORs succeeded, "some of these were the result of 'pull' from theatre, others the result of 'push' from equipment staff in the MOD. This was the case with Mastiff, the requirement for which was formulated in London."

105. The report quoted evidence from Lt Gen Applegate:

> "We must recognise that UORs were/are generally reactive and until about 2009 when I managed to convince people to think in campaign terms, there was a tendency to think only six months ahead: some of the solutions could not be delivered in that timescale and were refused … our six-monthitis and lack of a campaign design limited sufficient forward thinking."

---

[44] Letter Duke-Evans to Aldred, 26 June 2015, 'Procuring Military Equipment'.
[45] Letter Duke-Evans to Aldred, 26 June 2015, 'Procuring Military Equipment'.
[46] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.

Protected mobility and the developing threat to UK troops

Initial deployment of Protected Patrol Vehicles (PPVs) in Iraq

106. The 1998 *Strategic Defence Review* (SDR) stated the British Army would comprise four different types of infantry battalions:

- 9 armoured infantry battalions;
- 6 mechanised battalions;
- 3 parachute battalions; and
- 22 light infantry battalions.[47]

107. The 1998 SDR stated that "deployable and mobile" forces, "but with sufficient protection and firepower for war-fighting" would be required for land operations.[48]

108. The Army had an agreed requirement for a family of vehicles to replace existing medium weight armoured vehicles, the Future Rapid Effect System (FRES) programme.

109. In May 2002, AM Stirrup told the House of Commons Defence Committee that FRES was designed to reflect the post-Cold War era.[49] It would focus "much more upon mobility, speed and precision than upon heaviness and armoured defence". It would be introduced "in the latter part" of that decade.

110. On 23 July 2007, an MOD note stated that FRES was designed to fill a capability gap by replacing the Saxon, Combat Vehicle Reconnaissance (Tracked) (CVR(T)) and FV430 wheeled and tracked vehicles.[50]

111. FRES comprised "five families":

- utility – wheeled armoured vehicles, principally to provide protected mobility;
- basic capability utility – vehicles that did not require the same capacity, protection or mobility as the utility family and could therefore be procured more cheaply;
- recce – tracked vehicles to replace the majority of the CVR(T) fleet;
- medium armour – a new capability for a tracked medium weight tank; and
- manoeuvre support – tracked vehicles for general armoured engineering tasks.

112. The programme was expected to deliver over 3,500 wheeled and tracked medium weight armoured vehicles (between 20 and 40 tonnes).

---

[47] Ministry of Defence, *The Strategic Defence Review: Supporting Essays*, July 1998.
[48] Ministry of Defence, *The Strategic Defence Review: Supporting Essays*, July 1998.
[49] Fourth Report from the House of Commons Defence Committee, Session 2001-02, *Major Procurement Projects,* HC 779, page 83.
[50] Minute, DCI(A), 23 July 2007, 'The Future Rapid Effect System (FRES) – Information Note'.

113. General Sir Richard Dannatt, Assistant Chief of the General Staff from 2001 to 2002, told the Inquiry that in 2001-2002 "as we were moving towards an expeditionary era" after the Cold War, the Army had identified a clear requirement for "vehicles that were small and light enough to go into aircraft to be flown to trouble spots, but heavy and capable enough to be useful and usable when they got there".[51] He said that formed the basis of the FRES programme, which had been approved in 2002.

114. Gen Dannatt described FRES as "a rapid programme"; an "urgent" short-to-medium term requirement that "needed to be filled quite quickly". In his view, "85 percent of the solution delivered quickly would have been the right answer". The intention was "to go to the market and see what was out there and procure it":

> "… our aspiration in 2002 was that FRES, the utility vehicle, would come into service from as early from 2007 and better if we could do it, and the money was there because we had made the money available."

115. On 26 June 2003, the DMB considered a "thinkpiece" paper from Mr Colin Balmer, MOD Finance Director, about what strategic guidance the DMB might offer on investment priorities for 2004's Equipment Programme (STP/EP04).[52] It said that the MOD faced some "difficult choices" in a year where its "financial freedom of manoeuvre" would be "limited". There would be "no new resources to distribute", despite a range of cost pressures and new risks emerging.

116. Mr Balmer suggested that some areas of the Equipment Programme represented "vital ground" and "should be protected". Those included network-enabled capability, deployable ISTAR, Combat ID, Nuclear, Biological and Chemical protection capabilities and logistics. He wrote that DMB "might also endorse the need to re-examine ISD and platform numbers against the DPAs with a view to establishing the effect of a deferral … or reductions". Amongst others, that review would specifically consider the FRES programme.

117. The Equipment Programme for 2003 had "continued a shift from quantity to quality" and was consequently "much better balanced" than it had been but "significant shortfalls" remained. It did, however, have "serious" issues of affordability resulting from "formally programmed excesses, unanticipated pressures and industrial factors". The current forecasts suggested that £4bn would need to be cut from the programme over 10 years to bring it in line with the allocated resource. The MOD also needed "to obtain a better understanding of the non-cash costs of ownership of the growing equipment programme, to ensure that it is affordable in resource terms".

---

[51] Public hearing, 28 July 2010, page 58.
[52] Paper Finance Director [MOD], 20 June 2003, 'Defence Strategic Audit and Guidance for STP/EP04'.

118. Mr Balmer's paper was endorsed by DMB on 26 June, which said it should be used as a basis for STP/EP04, although any policy decisions would be considered more fully later in the planning round.[53]

119. At the time of the invasion of Iraq, the Protected Patrol Vehicles (PPVs) in service with the Army were Snatch and Tavern.

120. By 2002, Snatch was already at the end of its planned life In Service.

What is a Protected Patrol Vehicle (PPV)?

A Protected Patrol Vehicle (PPV) is a wheeled vehicle, that provides some ballistic protection to personnel inside.[54]

PPVs were initially designed to carry four people, although more recent models, such as the Mastiff, can carry 10 people. The PPV's purpose is to enable a combination of foot and vehicle-mounted patrols; generally, but not exclusively, within peace support/ counter-insurgency operations. That is distinct from heavier, Armoured Fighting Vehicles (AFVs), which are primarily designed for combat. A PPV must enable one (ideally two) top cover sentries to observe the environment when mobile. PPVs are expected to be able to operate on roads and tracks and need to be agile.

A PPV has to maintain freedom of manoeuvre and mobility to patrol in both urban and semi-rural environments. PPVs provide a less aggressive profile than AFVs, thereby enabling the patrol to be more engaged with local populations.

121. The Snatch Land Rover was designed for operations in Northern Ireland and entered service in 1992.[55] It was also deployed in limited numbers to Kosovo and Macedonia.

122. In March 2000, the Defence Evaluation and Research Agency provided advice to the Defence Procurement Agency (DPA) about the limited levels of protection afforded by the vehicle.[56] It stated:

> "The vehicle was also tested against the RPG 7 [Rocket Propelled Grenade 7] and improvised grenades, as would be expected it does not offer full protection from this type of device."

123. Lieutenant General Graeme Lamb, GOC MND(SE) from July 2003 to December 2003, told the Inquiry that "in Northern Ireland we didn't drive vehicles south of whichever line it was for 20 years because of the threat of massive IEDs [Improvised Explosive Devices] that were being placed in the road".[57]

---

[53] Minutes, 26 June 2003, Defence Management Board meeting.
[54] Minute Applegate to APS/Min(DP), 28 June 2006, 'Protected Patrol Vehicles (PPV)'.
[55] Letter MOD to Iraq Inquiry, 24 January 2011, 'MOD Evidence: Equipment Issues'.
[56] Minute MOD [junior officer] to MOD [junior officer], 1 March 2000, 'Reference SNATCH Armour'.
[57] Private hearing, 24 May 2010, page 26.

124. The replacement of Snatch Land Rovers, and Tavern, was being addressed through Project DUCKBOARD, a programme pursing the provision of light protected mobility vehicles for counter-terrorist and public order operations in Northern Ireland from 2007-2008 onwards.[58]

125. A draft User Statement of Requirement (USUR) for Project DUCKBOARD produced on 7 January 2002 said:

> "The current NI [Northern Ireland] patrol vehicles are essential for troop deployment, patrolling urban and rural areas and for administrative tasks. They were procured to counter the threat from low and high velocity small arms, Improvised Explosive Devices (IED), anti-armour weapons, petrol bombs and general hand-held catapulted missiles. In order to afford the troops on the ground an acceptable level of protection, mobility and capacity to counter the threat two vehicles are currently in service, Tavern in the high risk areas and Snatch in the lower risk areas."[59]

126. The USUR noted that the End Service Date for Snatch was 2002 but it was anticipated that would need to be extended. It concluded that as vehicles arising out of Project DUCKBOARD entered service, Snatch and Tavern would be phased out of service.

Tactics, Techniques and Procedures (TTPs)

The features and capabilities of a vehicle, or any other platform, are only one element of protection.

The military rely on Tactics, Techniques and Procedures (TTPs) to avoid being located, identified or targeted. Devising successful TTPs is part of trying to make UK forces as safe as possible from the likelihood of attack.

Military platforms are provided with other features to act as an additional layer of protection in the event that the TTPs are not successful. This could mean armour being placed on the outside of a vehicle, electronic countermeasures, or it could be enhanced surveillance equipment. A solution cannot be applied universally but will depend on the nature of the threat.

[58] Letter MOD to Iraq Inquiry, 24 January 2011, 'MOD Evidence: Equipment Issues'.
[59] Minute Ewing, 7 January 2002, 'User Statement of Requirement (USOR) for Future NI Patrol Vehicle – Project DUCKBOARD'.

DEPLOYING PPVS TO IRAQ

127. Despite the decision in the 1998 SDR to shift the focus towards a capability for expeditionary operations, no concept of operations for PPVs had been identified in mid-2003 and there were no definitive timescales for the provision of vehicles.

128. PPVs were not deployed during the invasion of Iraq and unarmoured Land Rovers were initially used for patrols.

129. The MOD Directorate [of] Equipment Capability (Special Projects) (DEC(SP)) hosted a PPV workshop on 16 July 2003.[60] It was attended by MOD teams and stakeholders, including representatives from Headquarters Land Forces.

130. A DEC(SP) representative "reiterated his belief that the capability gap was essentially three fold:

a. the enduring NI [Northern Ireland] type requirement;
b. the emerging wider requirement for light forces engaged on operations such as in the Balkans and in Iraq;
c. the enduring requirement for protected mobility for specialist users such as Royal Engineers Explosive Ordinance Disposal …"

131. A range of procurement options for a capability to meet the requirement were set out at the workshop, including options to extend the life of Snatch by 10 years, a commercial off-the-shelf purchase or the up-armouring of an in-service vehicle such as the Pinzgauer.

132. It was agreed at the meeting that a coherent statement of the concept of operations, threat assessment and payload requirement should be provided by the end of August. HQ Land would facilitate a trial of Snatch, and possibly Tavern, in Iraq.

133. There was limited intelligence on the conditions of southern Iraq before the invasion but there were warnings from the Joint Intelligence Committee (JIC) about the size, attitudes and capabilities of tribes in the area. That is addressed in Section 6.2.

134. A significant and increasing threat to UK forces in Iraq from Improvised Explosive Devices (IEDs) was emerging as early as July 2003.

---

[60] Minutes, 17 July 2003, 'Protected Patrol Vehicle Workshop Wednesday 16 July 2003'.

What is an Improvised Explosive Device (IED)?

An IED is a bomb constructed and activated in ways other than through conventional military action. The types most commonly encountered in Iraq were:

Radio-Controlled IED (RCIED): This uses a radio signal to initiate detonation – a number of different commercial devices were used in Iraq such as doorbells, burglar alarms and radio-controlled cars.[61] Radio-controlled detonation meant that an explosion on a specific target could be initiated by an operator situated a safe distance away. Those were the most commonly used type of IED in Iraq between 2003 and mid-2005. UK electronic countermeasures were used to jam the detonation signal.

Command Wire IED (CWIED): This uses a wire to transmit the signal to detonate.[62] It is a retrograde form of technology and had the disadvantage of requiring a wire dug into the ground, or concealment through other means, but they became more common in Iraq from 2006 onwards as they were immune to any form of electronic countermeasure.

Explosively Formed Projectile (EFP): A directional charge designed to defeat armour by using the energy of the explosive to create a projectile that travels at between one and three kilometres per second towards its target.[63] EFPs were commonly used as charges for IEDs in Iraq from mid-2004 onwards.

Passive Infrared IED (PIR IED): An evolution from RCIEDs where passive infrared beams are used remotely to detonate IEDs. The first of those attacks in MND(SE) was in May 2005 and indicated an attempt to circumvent the UK's electronic countermeasures.

135. On 2 July 2003, the JIC issued an Assessment about potential flashpoints in Iraq over the next two to three years.[64] It focused on "potential negative outcomes rather than positive ones".

136. The JIC judged that extremist groups currently posed a direct threat to Coalition Forces, but:

> "For now, the activities of these groups are largely unco-ordinated. However, it is likely that the links between groups will become stronger."

137. The Assessment stated that there had been no sign of an organised campaign of violence against Coalition Forces by Shia groups "so far". There had, however, been reports that the two main armed Shia groups (the Badr Corps and the followers of Muqtada al-Sadr) had "recently been trying to acquire large quantities of weapons". The JIC stated that there were indications that they were "preparing for intra-Shia conflict (as opposed to anti-Coalition activity)". That would add to instability and it was "probable" that Coalition Forces would "be caught up in violence".

---

[61] Paper DIS, September 2003, 'An Analysis of the Major IED Threats to Coalition Forces in Iraq'.
[62] Paper DIS, 1 October 2004, 'The Command Wire Improvised Explosive Device Threat to UK Forces in Iraq'.
[63] Paper DIS, May 2006, 'The EFP Threat in MND(SE)'.
[64] JIC Assessment, 2 July 2003, 'Iraq: Potential Flashpoints'.

138. The JIC also stated that:

- Lebanese Hizballah had "a small but threatening presence in Iraq".
- "… although Iran would prefer to influence developments in Iraq by taking advantage of the political process", it would "retain the option of causing trouble for the Coalition".

139. On 7 July, a Defence Intelligence Staff (DIS) paper, circulated at a working level within the MOD, stated that Radio-Controlled IEDs (RCIEDs) and their components had been found in the UK Area of Operations since early April.[65] The paper did not speculate on the origin of the material.

140. On 30 July, Lt Gen Reith informed the Chiefs of Staff that there was "an increasing use of more sophisticated IEDs, and attacks against Iraqi police and locals employed by the Coalition".[66] There was a discussion about whether the UK should support the US in developing RCIED countermeasures and Lieutenant General Robert Fry, Deputy Chief of Defence Staff (Commitments), was directed to "assess the scope of the issue".

141. It was reported at the next Chiefs of Staff meeting on 6 August that Lt Gen Fry's paper had been postponed "pending further consultation".[67] In the actions recorded from the meeting, it stated that the paper would be discussed on 13 August.

142. The minutes also recorded that the US Combined Joint Task Force 7 (CJTF-7) was to establish an IED intelligence cell to provide an "immediate in theatre threat analysis of IEDs".

143. A DIS paper produced on 31 July recorded that RCIEDs had been used in the UK Area of Operations around Basra on 14 and 28 July:

> "The former Iraqi regime had a proven advanced IED capability including RC methods … Latterly there have been many (double figures) attacks against Coalition Forces believed to have involved RCIEDs, as well as significant finds of RC-related hardware …
>
> "There are a large number of former regime and ex-military personnel skilled in constructing and deploying IEDs who remain at large within Iraq and their involvement in RCIED incidents would raise the level of threat. There is also the potential for foreign groups opposed to the Coalition presence to appear within Iraq and become engaged in attacks. If organisations such as Hizballah (that has an extremely potent and proven RCIED capability) were to do this, then the RC threat would increase very significantly."[68]

---

[65] Paper DIS, July 2003, 'The Radio-Controlled Improvised Explosive Device Threat to Coalition Forces in Iraq'.
[66] Minutes, 30 July 2003, Chiefs of Staff meeting.
[67] Minutes, 6 August 2003, Chiefs of Staff meeting.
[68] Minute MOD [junior officer] to SO1 (Info) MO3 DMO, 31 July 2003, 'Assessment of the RCIED Threat to Coalition Forces Deployed in Iraq'.

144. A PJHQ operational summary from 4 August recorded:

> "The use of IEDs against Coalition Forces is increasing and there remains no shortage of raw materials across Iraq from which to draw upon."[69]

145. On 7 August, Mr Adam Ingram, Minister of State for the Armed Forces, told the Ad Hoc Ministerial Group on Iraq Rehabilitation that: "Improvised Explosive Devices posed an increasing threat."[70]

146. In August 2003, the security situation in Baghdad continued to deteriorate. A bomb exploded outside the UN headquarters on 19 August, killing 22 UN staff and visitors. Further attacks included a bomb outside the Jordanian Embassy and several unsuccessful attempts to shoot down Coalition aircraft.

147. The implications of those attacks are addressed in Section 9.2.

148. On 27 August, the Chiefs of Staff were briefed that Maj Gen Lamb was reviewing manpower and equipment requirements.[71] The Coalition Provisional Authority (CPA) was "constrained by force protection" and:

> "Although they had ordered armoured vehicles and were reviewing security until this was in place, they were confined to the barracks. Unless a plan drawn up by experts, managed by technically qualified personnel, was put immediately into action, then the consent of the people in the MND(SE) AO [Area of Operations] could be irrevocably lost with all the consequences of strategic failure."

149. Air Chief Marshal Sir Anthony Bagnall, Vice Chief of the Defence Staff, invited Major General Robin Brims, Deputy Chief of Joint Operations, to "remind theatre that the question of force protection needed to be looked at in the broadest way, taking into account not only local expediencies but also strategic implications", especially when taking decisions about helmets and body armour.

150. Maj Gen Brims pointed out that "the British Army did not have any wheeled vehicles with sufficient armour against the threat". ACM Bagnall invited Air Vice Marshal Clive Loader, Assistant Chief of Defence Staff (Operations), to investigate the issue. Air Chief Marshal Sir Jock Stirrup, Chief of the Air Staff, pointed out that "what was important was knowing what may be required in advance so that any enhancements could be put in place quickly".

151. On 1 September, MND(SE) produced a Forces and Resources Review to examine the resources required in MND(SE), for both short-term and enduring operations.[72]

---

[69] Paper PJHQ OPSUM, 4 August 2003, 'PJHQ Middle East Operations Team OPSUM 075 as at 041700Z Aug 03 – D+138'.
[70] Minutes, 7 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[71] Minutes, 27 August 2003, Chiefs of Staff meeting.
[72] Paper MND(SE), 1 September 2003, 'HQ MND(SE) Forces and Resources Review'.

152. The Review noted that CPA(South) had "yet to extend its influence" beyond Basra City. The arrival of Sir Hilary Synnott as Head of Coalition Provisional Authority (South) was the "first recent sign of this state of affairs improving; but without the people, protected mobility, communications and life support Sir Hilary will not have the means at his disposal to implement the changes he requires". It said that Governorate Teams were also "under resourced" and "barely exist" outside Basra.

153. In the short term, 16 vehicles were recommended (four Land Rovers and 12 white fleet 4x4s[73]) to support the staff in Governorate Teams. There was an additional requirement for six "stripped down Land Rovers to provide top cover escorts" for CPA(South) staff operating inside Basra City, including for consultants.

154. The Review stated that the enduring requirement for greater surveillance capability was "urgent". The existing force protection measures limited the ability to "observe a situation from the ground".

155. The Review articulated the requirement for light protected mobility:

> "The threat posed to CF [Coalition Forces] within Basra City from IED, RPG and small arms attacks is currently being countered by the use of stripped-down Land Rovers with top cover sentries. This necessarily carries a risk to the top cover vehicles from attack, particularly from IEDs. Force protection will be improved by the provision of up-armoured 4x4 vehicles that meet the broad definitions below. Replacing the full complement of this in the UK Bde [brigade] would require of the order of 420 vehicles. The minimum quantity to provide essential protected movement in Basra and Maysan is 228. Any lower number will be put to good use in accordance with priorities. The requirement is for:
>
> - An agile wheeled vehicle capable of swift acceleration and speed in excess of 60 mph.
> - A high degree of protection against small arms fire and blast devices.
> - A cupola to allow top cover protection to deter attackers, particularly those deploying anti-armour weapons and small arms.
> - … [G]rills to give windows protection against thrown objects, both to enhance routine protection and to enable its use in public order situations where a Warrior [AFV] may be too threatening or unable to manoeuvre in small streets."

156. The Review also "strongly recommended" that at least one battlegroup in each UK brigade be equipped with four companies[74] of Warrior as it was the "only infantry vehicle with protection against RPG".

---

[73] A white fleet 4x4 is an unarmoured Army vehicle.
[74] A military company is a type of military unit that consists of between 80 and 250 soldiers.

157. Maj Gen Brims provided a written update to the Chiefs of Staff on the Forces and Resources Review on 2 September.[75] He wrote:

> "The deployment of protected mobility is key to improving the FP [force protection] available to soldiers and to enabling the posture of the force to be changed to meet emerging threats. The initial assessment is that a minimum of 228 vehicles will be required – further detailed work is still needed to identify the most appropriate platform from those that have been identified as being available and it may be that an 'in-service' quick fix is required using NI [Northern Ireland] and pool assets."

158. The Review was discussed by the Chiefs of Staff on 3 September.[76] General Sir Michael Walker, Chief of the Defence Staff (CDS), directed that the request for additional Snatch vehicles should be met by drawing from the Northern Ireland reserve battalions in the first instance.

159. On 4 September, Mr Hoon's Private Office sent a letter to No.10 setting out the outcome of the Forces and Resources Review.[77] It stated that roughly 1,200 servicemen and women were being deployed; an "early increase of 12 percent to the UK forces currently in theatre". The extra personnel would be supported by the "deployment of a quantity of armoured patrol vehicles, some of which will be drawn from Northern Ireland". That would have "a limited, but manageable effect" on the UK's ability to "conduct current operations in support of the PSNI [Police Service of Northern Ireland]".

160. On 5 September, a further meeting of the PPV Working Group was held "to develop a list of issues and associated options to meet the perceived requirement for the future deployment of PPV in support of Op TELIC".[78]

161. The record of the meeting stated that the "initial verbal request" was for 228 vehicles for delivery to Iraq within two weeks, as per the Forces and Resources Review. All representatives present at the meeting agreed that was an "unrealistic" timetable. A DEC(SP) representative set out a phased approach to meeting the requirement, the final phase being that enough vehicles were provided for two brigades.

162. Whilst there was currently no SOR, information provided from theatre indicated a requirement "closely aligned to those for the Tavern/Snatch vehicles currently in use in Northern Ireland". A footnote stated:

> "Due to the limited Tavern fleet and the expected high cost of procuring similar vehicles, the PPV protection requirement must be realistic in order to permit a timely and cost effective solution to the UOR."

---

[75] Minute SECCOS to PSO/CDS, 1 September 2003, 'OP COS paper: Op TELIC – UK Force and Resources Review An Update' attaching Minute Brims, 2 September 2003, 'Op TELIC – UK Force and Resources Review – An Update'.
[76] Minutes, 3 September 2003, Chiefs of Staff meeting.
[77] Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.
[78] Minutes, 5 September 2003, 'Protected Patrol Vehicle (PPV) Workshop Group Friday 5 September 2003 – Minutes'.

163. To meet the immediate requirement of 228 vehicles, the merits of deploying either Snatch or Tavern were debated including on the grounds of protection, mobility, capacity and sustainability. The need for climate modifications and communications adaptations was also considered.

164. The Group concluded that Snatch was the preferred option because there were Integrated Logistic Support issues and reliability concerns with Tavern. It acknowledged that the "protection levels afforded by Snatch may not meet the requirement to counter the local threat".

165. Other solutions considered were:

- fitting the in-service Wolf (a Land Rover variant) or Pinzgauer with appliqué armour – discounted because of the scarcity of suitable vehicles;
- refurbishing the Armoured Patrol Vehicle (APV)1.5 awaiting disposal – discounted because of the poor mechanical condition of the fleet and the "political implications" of utilising equipment marked for disposal;
- refurbishing Snatch – discounted as an immediate response because of the timescales and level of technical risk but considered a possible long-term solution to Project DUCKBOARD; and
- procuring new vehicles – discounted as an immediate response because of the timescales but considered a valid solution in the medium-to-long term.

166. The Group recommended that:

- the deployment of Snatch be taken forward to meet the timescale for the provision of 228 vehicles for Iraq in four weeks; and
- a new vehicle purchase, with protection levels similar to or better than Snatch, be considered to meet the requirement of enough vehicles for two brigades within four to six months.

167. 180 Snatch Land Rovers were dispatched from Northern Ireland to Iraq on 11 September.[79]

168. An operational analysis for Project DUCKBOARD was produced at the end of September, making a number of recommendations for further analysis to examine the requirements for a "Rest Of [the] World" PPV capability.[80] That is covered in the Vector operational analysis later in this Section.

169. Lt Gen Lamb told the Inquiry that there was a need for "a less aggressive means to transport people around" but "the need to armour it was self-evident".[81] Lt Gen Lamb

---

[79] Minute Comd CSS to CSVS IPT, 16 September 2003, 'SNATCH Deployment from Northern Ireland'.
[80] Report DSTL, 31 March 2004, 'VECTOR Operational Analysis'.
[81] Private hearing, 24 May 2010, pages 25-26.

said he "was acutely aware that … Snatch was not designed [for 21st century urban warfare]" and "so one was stuck with a difficult set of circumstances".

170. Lt Gen Lamb added:

> "Yet … what have you got available at short order? Well … better have a Snatch than a Land Rover."

171. General Sir Mike Jackson, Chief of the General Staff (CGS) from February 2003 to August 2006, told the Inquiry:

> "Snatch Land Rovers were deployed to Iraq because they were available or could be made available as we drew down from Northern Ireland, and without them it would have been completely soft-skinned Land Rovers. That's where the state of the equipment inventory was at that point.
>
> "The Snatch Land Rover was only designed to give protection from low velocity rounds and shrapnel and it wasn't set out to do anything else, but it was better than a completely unprotected vehicle."[82]

The appearance of Explosively Formed Projectiles (EFPs) and the UK's response

172. A JIC Assessment on 3 September judged that the security environment would "remain poor" and "probably worsen over the next year".[83] The JIC stated that the "most frequent attacks" had been against Coalition Forces and "increasingly" were from small IEDs. Those using them had "shown growing competence, determination and sophistication". The JIC assessed that IED attacks would become more effective.

173. The JIC judged that Shia consent was "fragile and eroding". The guidance of "senior Iraqi Shia clerics" had been "to give the Coalition a year", but the recent attacks were "likely to have shortened this timeline substantially". If acquiescence turned to hostility, that "would have the most serious consequences for the security situation, particularly in southern Iraq". If the Coalition was "perceived to be impotent", the Shia would "take law and order into their own hands". Reporting indicated that supporters of the Muqtada al-Sadr were "acquiring weapons" and "planning attacks on Coalition targets".

174. In addition, the JIC judged that Iran and Hizballah were:

> "… probably inciting violent anti-Coalition protests and other disruptive activity. Their incitement probably falls short of directly ordering attacks on Coalition Forces. But after the death of Ayatollah al-Hakim [the leader of the Supreme Council for Islamic Revolution in Iraq], Iran will be reconsidering its approach."

---

[82] Public hearing, 28 July 2010, pages 74-75.
[83] JIC Assessment, 3 September 2003, 'Iraq: Threats to Security'.

175. In September, the DIS produced a review of the major threats from IEDs in Iraq, intended "to provide analysis and outlook on current terrorist activities".[84] The review emphasised Iraq's "long history of state sponsored manufacture of complex IEDs, as in the case of the failed 1993 'Bush Bomb'", and stated that the regime had used an "IED strategy" as a means of extending domestic and foreign policy. During the conflict there had been significant finds of radio-controlled hardware and:

> "All indications show that the Iraqi regime planned to continue to adapt its well tested pre-conflict IED strategy and production methods in a guerrilla conflict after the regime capitulated …"

176. The review stated that RCIEDs accounted for around 50 percent of all IED incidents.

177. On 25 September, the JIC reported that attacks against Coalition Forces in the South were at the "lowest level since June" but it also judged that Shia militias were emerging in the South.[85] The tactics of armed groups in Iraq continued to evolve, "including the increased use of more sophisticated IEDs and more elaborate attacks".

178. A JIC Assessment on 15 October stated that the South remained "relatively calm", although some former regime elements were aiming to "foment greater unrest".[86] The JIC noted that reporting that indicated "the return of a specific bomb maker to Basra" was of "particular concern".

179. On 5 November, the JIC reported that the situation in the South remained "relatively calm" but there had been a spate of IED attacks in Basra province in mid-October including one using a sophisticated remote control device.[87] The JIC also stated that IEDs were the "single most common form of attack" in Iraq, that they were "becoming more sophisticated", and that stand-off attacks using remote control were "becoming more common".

180. On 18 November, Mr David Williams, MOD Director Directorate Capabilities, Resources and Scrutiny (DCRS), wrote to Mr John Dodds, Head of the Defence, Diplomacy and Intelligence Team in the Treasury, seeking advice on how to take forward new force protection measures within the agreed UOR "ceiling" of £550m.[88] Mr Williams flagged a new requirement for £73m to fund an electronic countermeasures (ECM) project, Project L*.[89] Mr Williams' letter also sought funding for aerial surveillance, which is addressed later in this Section with regards to ISTAR provision.

---

[84] Report DIS, September 2003, 'An Analysis of the Major IED Threats to Coalition Forces in Iraq'.
[85] JIC Assessment, 25 September 2003, 'Iraq Security'.
[86] JIC Assessment, 15 October 2003, 'Iraq Security'.
[87] JIC Assessment, 5 November 2003, 'Iraq Security'.
[88] Letter Williams to Dodds, 18 November 2003, 'Additional Operation TELIC UORs'.
[89] A cipher has replaced the name of this project for national security reasons.

181. Mr Williams wrote that the deterioration in Iraq's security had led "to an increase in demand for force protection measures, including armoured (Land Rover type) patrol vehicles and specialist counter-terrorist equipment". He said that, although the MOD had looked at utilising Northern Ireland's resources to meet the requirement, there was a need to ensure that the equipment was "appropriate to the threat in Iraq". He added: "Some development effort is likely to be required."

182. Mr Williams outlined the requirement in an attached annex:

> "The most serious threat facing UK personnel in Iraq (military and civilian) is that from Radio-Controlled (RC) IEDs. It took PIRA [the Provisional IRA] some years to develop RCIEDs and associated tactics successfully. By contrast, as a result of state-sponsored activity, FRL (Former Regime Loyalists) forces, already well equipped and experienced, were able to mount attacks of similar technical sophistication in Baghdad, Basra and elsewhere in Iraq without a pause after the fall of the Ba'athist Regime … A further trend is evident in theatre: terrorist attacks (and tactics and equipment) may be trialled in the US area, but it does not take them long to appear in the UK area."

183. The annex referred to evidence that between 11 July and 31 October 2003 there were 28 IEDs detected in MND(SE); of those, nine employed remote detonation. It stated that one UK serviceman had been killed[90] and there were "various degrees of injury to UK personnel".

184. In the US-controlled areas, IED attacks were occurring at a rate of around 10 per day, with 80 percent of those being radio-controlled.

185. Mr Williams explained that, whilst some existing ECM equipment was effective against threats in Iraq, the most significant threats were new and therefore required a new response. He stated that only about 25 percent of UK vehicles would need to be fitted with equipment on the basis that vehicles moved in groups for mutual protection. He cautioned that, "owing to the high level of its security classification, and the restricted industrial base, there are limits to the manufacture rate" and stated that the first new equipment would arrive in Iraq in December 2003.

186. On 6 January 2004, a briefing note sent to Mr Hoon and Gen Walker stated that the Treasury had "recently agreed" to fund the £73m for Project L*.[91]

187. The question of how that funding could be met was part of wider, ongoing discussions with the Treasury which are referred to later in this Section and set out in Section 13.1.

---

[90] Captain David Jones was killed in a remote-controlled IED attack on 14 August 2003: *BBC News*, 15 August 2003, *Welsh soldier killed in Iraq*.
[91] Briefing McKane to APS/Secretary of State [MOD] and PSO/CDS, 6 January 2004, 'Operation TELIC: Presentation to the Chief Secretary'; Letter Williams to Dodds, 18 November 2003, 'Additional Operation TELIC UORs'.

188. On 16 January, the UOR business case to modify existing Snatch vehicles for deployment in Iraq was approved.[92] The case for the "desertisation" of vehicles was at a cost of £2.2m, with a completion date of May 2004. The modified version of Snatch became known as the "Snatch 1.5" variant.

189. The business case stated:

- While the requirement had originally been for 228 vehicles, only 208 Snatch were available "without an unmanageable impact" on Northern Ireland operations.
- "Recent attacks have highlighted the need for protected mobility capable of providing protection from small arms and IEDs."
- Snatch was not designed for expeditionary operations and modifications to its communications and air conditioning were required for operations in Iraq.
- The modifications were "a short-term solution to meet immediate needs".
- DEC(SP) was reviewing options to provide a more durable medium-term solution, funded from the core equipment programme, "for introduction not before late 2004/2005".
- The other protective vehicles in use, Challenger 2, Warrior, CVR(T) and Saxon, were "not available in sufficient numbers, nor are they appropriate to the majority of tasks due to profile and size".

190. Lieutenant General Andrew Ridgway, Chief of Defence Intelligence (CDI), briefed the Chiefs of Staff on the IED threat on 21 January.[93] He stated:

> "Although it was assessed that the transfer of terrorist technology from North to South Iraq meant MND(SE) could expect an increased threat from IEDs, there was still no evidence of a co-ordinated campaign."

191. In his post-tour report on 30 January, Maj Gen Lamb recorded:

> "There is consistent level of attack at five/six weekly and it is anticipated that this threat will grow."[94]

192. On 8 February, Major General Andrew Figgures, the Senior British Military Representative in Iraq and Deputy Commanding General Multi-National Force-Iraq, reported to Gen Walker and Lt Gen Reith about an attack on one of the Snatch vehicles deployed to Baghdad:

> "Although we were fortunate in this case it raises a number of wider issues of the application of our national doctrine and equipment in this theatre. The Snatch vehicle

---

[92] Paper MOD, 16 January 2004, 'UOR 10383 Business Case – Op TELIC SNATCH'.
[93] Minutes, 21 January 2004, Chiefs of Staff meeting.
[94] Report Lamb, 30 January 2004, 'Post Operational Tour Report – Version 1 Operation TELIC 2/3 11 July to 28 December 2003'.

> undoubtedly saved the lives of the crew by absorbing the majority of the blast … I doubt, however, that it would have withstood the effects of a […] (which is the usual weapon of choice) if it had been rigged up to the remote initiator. This observation and the fact that the C*[95] was fitted in both vehicles and operational indicates that we are still some way short of providing adequate levels of protection for the principal threat in Iraq. In terms of drills, the habit developed in Northern Ireland of deploying top cover to counter direct attack on the vehicle may actually be exposing our soldiers to greater danger from IEDs – a threat not seen in Northern Ireland."[96]

193. Although the rate of attacks against Coalition Forces had levelled off, February 2004 was the worst month for casualties since the fall of Saddam Hussein's regime.[97]

194. From March 2004 onwards the deteriorating security situation in Iraq took a serious turn for the worse. That is addressed in Section 9.2.

195. Maj Gen Stewart told the Inquiry that the violence started to increase in "February/March" 2004.[98]

196. Maj Gen Stewart explained that 50 percent of his force was assisting Security Sector Reform (SSR) during this time. He said that SSR continued in April (although it reduced to 25 percent of his force's time) but that "one or two of the major incidents we had was people … actually moving from location to location to try and help the SSR".

PROJECT DUCKBOARD EVOLVES

197. On 3 February 2004, Gen Jackson wrote to Mr Hoon about the impact of maintaining the current and forecast level of military commitment:

> "… in meeting essential short term operational demands we must take care not to prejudice our ability to meet longer term rebalancing goals … Measures in the EP threaten our ability to meet our strategic objectives in the longer term, particularly with regard to introducing a medium weight intervention capability centred on FRES."[99]

198. On 26 February, the DMB agreed a large number of service enhancements and savings measures as part of a Spending Review.[100] That was in response to the imposition of new controls introduced by the Treasury (addressed in Section 13.1).

199. The DMB considered a paper by Mr Trevor Woolley, MOD Finance Director, which detailed all the measures.[101] In relation to PPVs, he referred to Project DUCKBOARD as

---

[95] A cipher has replaced the name of this capability for national security reasons.
[96] Minute Figgures to CDS, 8 February 2004, 'SBMR-I Report 072 of 8 February'.
[97] JIC Assessment, 25 February 2004, 'Iraq Security'.
[98] Public hearing, 9 December 2009, pages 74-75.
[99] Minute CGS to PSO/CDS, 3 February 2004, 'Operational Tempo'.
[100] Minutes, 26 February 2004, Defence Management Board meeting.
[101] Paper Finance Director, [undated], 'ST/EP04: Years 1 and 2'.

"the UK's future protected mobility capability for light forces engaged on peace support and other operations".

200. Mr Woolley wrote that, whilst DUCKBOARD had originally been designed to replace Snatch in Northern Ireland, UK casualties on operations in Macedonia and experiences from operations in Afghanistan and Iraq had "confirmed the requirement for a global family of vehicles offering similar protection levels". To supplement the Snatch vehicles that had been deployed from Northern Ireland to Iraq, he recommended re-profiling the funding of the programme by:

- bringing forward a battlegroup worth of 80 vehicles from 2007-2012 to 2004-2007 (£38.5m over three years); but
- cutting the remaining PPV capability to support a medium scale PPV capability of 222 vehicles that had been profiled between 2007-2014 (£76.2m over seven years).

The overall budget was reduced by 49 percent.

201. On 31 March, the Defence Science and Technology Laboratory (DSTL) produced an operational analysis for a "Rest of [the] World PPV (ROW)" which would later become known as the "Vector" vehicle.[102]

202. DSTL stated that, subsequent to an earlier operational analysis produced in September 2003, Project DUCKBOARD had changed and the emphasis had "shifted from a Snatch replacement in the medium term (ISD [In Service Date] 2007) to providing a PPV (ROW) in the near term (ISD 2005) with an eight year in service life". That would "provide an interim capability between the Snatch OSD [Out of Service Date]" and FRES.

203. It was clear from the operational analysis that DSTL intended to highlight that additional work needed to be done. Its stated aim was simply to summarise its progress to date. Further work was needed because:

- Vector's capacity, mobility and protection Key User Requirements (KURs) were "still only in draft form"; they had not been articulated as part of Project DUCKBOARD's operational analysis.
- The "coherent statement of CONOPS, threat assessment and payload requirement" that had been tasked to "the user community" in the July 2003 workshop had not been developed in time for the DUCKBOARD operational analysis. While further work had been done, and some assumptions about Vector's role had been made, more needed to be done to develop the user requirement.

---

[102] Report DSTL, 31 March 2004, 'VECTOR Operational Analysis'.

- The user's understanding of how the PPV ROW would be deployed was still developing which meant that the estimated fleet numbers should be re-examined.
- Costs would need to be revised in accordance with all the above factors.

204. The operational analysis acknowledged that PJHQ and 19 Mechanised Brigade had indicated IEDs were "a considerable threat in Iraq" and stated:

> "… Vector is likely to face a broad range of threats. These will range from stones and bricks to RPG and large IEDs. Previous analysis has shown that it is not technically feasible to armour a Vector equivalent to defeat […] and […] blast weapons without it becoming some form of AFV. Therefore it will always be overmatched by these threats. However, if these are the common threats that are to be faced in theatre then a vehicle commensurate with that threat is likely to be deployed e.g. Warrior."

205. Based on the current CONOPS, Vector would "therefore be used in lower threat environments".

206. On 14 April, Main Gate approval was sought for the development and manufacture of 312 Snatch vehicles to "Snatch 2" standard, 208 of which would be for Iraq.[103] That was to "meet immediate operational needs" and would replace the 208 Snatch 1.5 variant vehicles that had previously been dispatched from Northern Ireland. There was an ISD of between December 2004 and February 2005 for 80 of the vehicles.

207. The total procurement cost of the 312 vehicles was £13.01m and would be funded from the Project DUCKBOARD budget. The case stated that the enhancement measures agreed in the 2004 Spending Review was recognition that the requirement for light protected mobility was "expected to grow in future".

208. The aim of the upgrade was defined as:

> "To provide a capability that will afford the user sufficient protection and mobility for framework operations to be conducted in a semi-permissive environment, in both the NI theatre and in support of expeditionary operations worldwide over FYs 04/05 & 05/06."

209. The business case had been produced to satisfy the immediate requirement; the current Snatch fleet was over 10 years old, was in "heavy operational use" and suffered from "chassis corrosion problems". The Specialist Utility Vehicles IPT (Integrated Project Team) had stated that it would "become increasingly difficult to sustain after 18 months on Op TELIC without a substantial upgrade or replacement programme" and "some form of project to maintain the current operational PPV capability" would be "essential in FY 04/05".

---

[103] Paper DEC(SP), 14 April 2004, 'Business Case URD 1090 SNATCH 2 Protected Patrol Vehicle'.

210. The business case said that it was supported by current operational analysis but a "fully developed justification, in the context of a balance of investment" would be undertaken in support of an "overall Project DUCKBOARD" submission in September 2004, where the requirement for "Snatch 2 in the worldwide role" would also be established. The urgency of the current requirement meant that the balance of investment analysis would not be complete before funds had to be committed. Evidence would be provided in the DUCKBOARD submission to demonstrate that investing in Snatch 2 "early" remained "the most cost effective solution".

211. Four options were considered in the business case:

- do nothing;
- minor refresh;
- major refresh (Snatch 2) – fitting the old protected "pod" on a new base vehicle with upgrades to communications and ECM; or
- a commercial-off-the-shelf solution.

212. The preferred option was the "major refresh". That would not provide additional physical protection; the relevant KUR said that Snatch 2 should have a protection level that was "equivalent to current Snatch".

213. An off-the-shelf purchase was discounted on the grounds of cost and timing.

214. Considering publicity, the business case stated: "There will be considerable interest in Snatch 2 as a result of recent deaths and injuries."

215. In response to a US request for additional UK forces during US operations in Fallujah (see Section 9.2), including an armoured or mechanised battlegroup to provide a theatre-wide reserve, Gen Walker agreed Lt Gen Reith's request to return Warrior vehicles to Iraq on 28 April, to provide a battlegroup reserve for MND(SE).[104]

216. On 11 May, Major General David Richards, Assistant Chief of the General Staff (ACGS), received advice about the impact of Op TELIC's expansion and reinforcement on Headquarters Northern Ireland.[105] A request had been made for 297 Snatch vehicles: 77 vehicles were needed immediately, and an additional 220 over the next three to four months. A request for 350 sets of ECM equipment had also been made.

217. The advice highlighted concerns about the operational implications for Northern Ireland of redeploying Snatch to Iraq, particularly over the marching season. At most, 225 vehicles could eventually be released, but that would fall short of the Op TELIC requirement by 72 vehicles. It was suggested that PJHQ be directed to conduct a

---

[104] Minutes, 28 April 2004, Chiefs of Staff meeting.
[105] Minute MOD [junior officer] to MA/ACGS, 11 May 2004, 'Impact of TELIC Expansion and Reinforcement on NI'.

full review of their current holdings and future requirement to assess the impact of a shortfall.

218. On 10 June, that concern was reiterated to Maj Gen Richards by Lieutenant General Philip Trousdell, GOC Northern Ireland.[106] He wrote:

> "… it appears that what other theatres think they require is some form of protected mobility. What I require is a protected mobility vehicle which has the size and agility to perform an integral part in riot control … My perception is, therefore, that the requests for support are not being delivered in a coherent manner and this has been particularly true of Snatch, a vehicle that has rapidly become a placebo for many operations."

219. Lt Gen Trousdell warned:

> "… drip feeding the protected mobility requirement from Northern Ireland is not viable in the medium to long term … Too often have we received requests for specific equipment or specific personnel without a clearly defined effect."

220. Maj Gen Richards sent the minute to Lt Gen Fry, commenting:

> "We also need to address the longer term issue as we cannot continue to solve the problem on an ad hoc basis. Given our duty of care responsibilities, should we not look at the issue of protected mobility again and establish a longer term policy that can meet enduring commitments other than NI?"[107]

221. On 11 June, Maj Gen Applegate upgraded the Snatch 2 business case to an "Operational Emergency".[108] It would be taken forward using UOR processes to bring the anticipated ISD from December 2004 to "as early as possible".

222. Maj Gen Applegate wrote that the MOD was "engaged in contingency planning for Op TELIC surge forces". As a result, Mr Hoon and the Chiefs of Staff had "directed" that these forces must be equipped to the same standard as those already in theatre. The industrial timelines precluded any Snatch 2 deployment meeting the "current contingency timetable" which meant that the Snatch 1.5 fleet had been increased by 150 vehicles.

223. On 12 June, a separate USUR was raised by the Royal Engineers, for a "suitable vehicle" that could be used by Explosive Ordnance Disposal (EOD) teams because their existing vehicle, the Snatch Land Rover, provided "inadequate protection".[109]

---

[106] Minute Trousdell to Richards, 10 June 2004, 'Support to Operation TELIC'.
[107] Minute ACGS to DCDS(C), 11 June 2004, 'NI Support to Op TELIC'.
[108] Minute CM(BM) to DEC(SP), 11 June 2004, 'URD 1090 (SNATCH 2 Protected Patrol Vehicle) Business Case (BC) – Change of Status'.
[109] Minute 22 Engineer Regiment Group to COS HQ I Mech Bde, 12 June 2004, 'Urgent Statement of Operational Requirement Ballistic and Blast Protected Vehicles for Bomb Disposal and Search Teams on Op TELIC'.

The Royal Engineers argued that Snatch vehicles placed EOD teams at "unacceptable levels of risk" and reduced "operational capacity, capability, flexibility and effectiveness". They recommended the purchase of an off-the-shelf solution – the Sisu operated by the Swedish Army.

224. The requirement for EOD teams was later identified as a "Type C" requirement and is addressed later in this Section.

225. Lord Bach visited Basra from 27 to 28 April and reported an "almost universally positive" message on equipment.[110] On Project L* his visit report stated:

> "Lord Bach understands that the delivery of vital ECM equipment procured under this UOR is subject to delay. He would welcome advice on this and what is being done to improve matters."

226. On 21 May, an MOD official replied that the L* capability would be fully operational by January 2005 as its outstanding components would start to be delivered in July 2004.[111] The components already delivered would meet 90 to 95 percent of the threats encountered "thus far" in Iraq.

227. The official wrote: "The delays in the delivery of the full L* capability are largely due to the lack of clear threat and technical intelligence from the operational theatre."

228. On 28 June, the UK suffered its first fatality from a roadside IED when Fusilier Gordon Gentle was killed whilst performing top cover duties for a Snatch vehicle in Basra.[112] Two officers who were inside the vehicle survived the blast but suffered serious injuries.

229. The PJHQ operational summary of the incident recorded:

> "The sad death of a UK soldier in an IED attack today does not signal a step change in activity in MND(SE); rather it illustrates how fortunate the UK has been to avoid fatalities over the last few months."[113]

230. The Board of Inquiry into Fusilier Gentle's death concluded that there had been serious delays in fitting the most up-to-date ECM equipment into vehicles and that the IED that killed Fusilier Gentle would have been "inhibited" by that equipment, although there was "insufficient evidence to prove this conclusively".[114]

---

[110] Minute PS/Minister(DP) to D Iraq, 29 April 2004, 'Visit to Basra'.
[111] Minute MOD [junior official] to PS/Minister DP), 21 May 2004, 'Visit to Basra'.
[112] *BBC News*, 29 October 2007, *Fusilier's final patrol described.*
[113] PJHQ OPSUM, 28 June 2004, 'PJHQ Middle East Operations Team OPSUM 131 a at 281659Z Jun 04'.
[114] Minute Mitchell to PS/Min(AF), 11 June 2008, 'Claim by Rose Gentle in Respect of the Death of Her Son Fusilier Gordon Gentle in Iraq on 28 June 2004'.

231. In his post-tour report on 13 July, Maj Gen Stewart wrote:

> "The early decision to deploy Snatch and ECM has saved lives."[115]

232. The first IED attack in Iraq using an Explosively Formed Projectile (EFP) took place against a UK Warrior vehicle in al-Amara in May 2004.[116]

233. On 1 July, Brigadier William Moore, Director Directorate of Equipment Capability (Ground Manoeuvre) (DEC(GM)), advised PJHQ on the performance of the UK's AFVs against recent attacks.[117]

234. Brig Moore wrote that initial assessments suggested that insurgent capabilities, including EFPs, were capable in some circumstances of overmatching armour fitted to Challenger 2 and Warrior vehicles, but they were not "at any significant risk from EFP".

235. Work to identify potential enhancements had begun, although "no platform enhancement measure" in response to EFPs could be considered until an example of the specific threat weapon had been examined. He also proposed a review of TTPs. Brig Moore emphasised the importance of PJHQ highlighting any new anti-armour weapons found in theatre and full reports of past and future incidents to inform further work on armour protection.

236. Brig Moore provided guidance for commanders in Iraq which stated that commanders and AFV crews should "remain aware of the finite limitations of armour".

237. Lieutenant General Sir William Rollo, GOC MND(SE) from July 2004 to December 2004, told the Inquiry that things were "very quiet" when he took over as GOC MND(SE) in July.[118] He said that the Sadrist disturbances from April and May had "died away". Problems started arising again in August with the clash at Najaf which re-ignited attacks on the coalition, but by December Lt Gen Rollo thought "things were relatively on track".

238. Asked by the Inquiry whether there was any difficulty "moving around" at this time, Lt Gen Rollo said that there was "a sufficient number of Warrior fighting vehicles" that could be used when the situation "became very unpleasant".[119] He added:

> "Outside of that, then we were back into Snatch Land Rovers, which at that stage, while … they could clearly be damaged by IEDs, they were remarkably tough against the threat at that time."

---

[115] Report, 13 July 2004, 'HQ MND(SE) Post Operation Report Operation TELIC 3/4 – 28 December 2003 – 13 July 2004'.
[116] Report DIS, 19 August 2004, 'Further Evidence of Lebanese Hizballah produced weapons in Iraq'.
[117] Minute Moore to PJHQ, 1 July 2004, 'Force Protection: Information Relating to the Performance of UK Armour in Iraq'.
[118] Public hearing, 15 December 2009, page 5.
[119] Public hearing, 15 December 2009, pages 15-16.

239. When asked whether he had been briefed on the threat from EFPs and the predicted growth in the use of ever more sophisticated IED technology when he became CJO in July 2004, ACM Torpy told the Inquiry:

> "Not specifically EFPs. IEDs, yes … it was not a significant threat in 2004 when I took over and it grew …"[120]

THE IMPACT OF THE 2004 SPENDING REVIEW ON FRES

240. During September 2003, the MOD's cash requirement for 2003/04 had risen from £490m to £1,152m. That prompted Mr Gordon Brown, Chancellor of the Exchequer, to impose controls on the MOD's management of its resources. That is addressed in Section 13.1.

241. At the DMB on 1 October, Mr Ian Andrews, MOD Second Permanent Under Secretary, explained that the MOD was now facing a near-cash shortfall of £1.1bn.[121] Part of the MOD's response was to identify near-cash reductions of £300m across the DLO and DPA.

242. Mr Andrews had produced a paper for the Board that set out proposals for those reductions, all of which were accepted. One measure was to defer £13m from the FRES programme (needed to underpin its suggested procurement strategy), which could "delay the programme by a few months".[122]

243. Considering the Equipment Programme on 26 February 2004, the DMB was told by Sir Kevin Tebbit that Treasury controls had rendered it "unaffordable".[123] There was likely to be no increase in resources and there was no scope to take risks. He said that any additional enhancements "must have compensating offsets".

244. The DMB discussed Mr Woolley's paper of proposed enhancements and savings measures, including deferring the FRES ISD by a further year to December 2011.[124] The DMB said that this was a concern and frustrating:

> "But there was a tension between the need for a basic vehicle relatively quickly and a more complex capability downstream."

245. The Assessment Phase for the procurement of FRES was announced on 5 May 2004.[125]

246. On 24 June, in the context of a wider DMB discussion about the risks of meeting the targets on cost and time for major procurement projects, concern was expressed

---

[120] Public hearing, 18 January 2011, page 62.
[121] Minutes, 1 October 2003, Defence Management Board meeting.
[122] Paper 2nd PUS, 30 September 2003, 'In-Year Management: AP03 update'.
[123] Minutes, 26 February 2004, Defence Management Board meeting.
[124] Paper Finance Director, [undated], 'ST/EP04: Years 1 and 2'; Minutes, 26 February 2004, Defence Management Board meeting.
[125] Report MGO, 9 July 2004, 'MGO's Report to ECAB 2004'.

that FRES "was in danger of falling into the trap of over-specification … despite Board injunctions to the contrary".[126] The project would therefore focus on "delivering simpler variants as soon as possible … with more complex variants later on".

247. On 25 June, Maj Gen Richards produced a paper for the Executive Committee of the Army Board (ECAB) on the impact of the DMB's decisions.[127] He wrote that support to current operations "remained the enduring top priority", but between 2004 and 2008, the emphasis should be on developing network-enabling activity, an initial air manoeuvre capability, "and the development of medium weight forces".

248. The "most painful measure" for the Army as a result of the DMB decisions was the effect on the FRES programme. Maj Gen Richards wrote that delays in agreeing the procurement strategy for the programme meant that the ISD had slipped from 2009 to 2010. In addition, the measures agreed by DMB as part of the discussions about the Equipment Programme in February, meant that the ISD could be delayed further to 2012. As a result, the full operating capability for FRES was "unlikely" to be fielded before 2017. That would mean running on existing armoured vehicles and could lead to additional Short Term Plan or Equipment Programme costs elsewhere in the programme.

249. Addressing future requirements, the paper stated that the Army's highest priority for the next 15 years was the development of a rapid intervention capability "with capable medium forces as soon as possible". Given the delay to FRES, "an imaginative and incremental approach" would be needed. ECAB was asked to agree that the priorities for a medium weight capability were:

- **Between 2005 and 2009**: Development of an initial medium weight capability, "based on in-service equipments, and those about to enter service in the period".
- **Between 2010 and 2014:** Capable medium weight forces based on the simple FRES variant.
- **Beyond 2014:** Fully capable medium weight forces, including complex FRES variants.

250. It was also clear from the paper that the Army perceived the costs of the DMB's decision to protect large capital programmes for the Navy and Air Force, in support of an "apparent ambition to deliver a sophisticated capability in every capability area", had been found from "Land programmes"; and that could lead to further cuts in future.

---

[126] Minutes, 24 June 2004, Defence Management Board meeting.
[127] Paper ACGS, 25 June 2004, 'Review of the Equipment Programme for the Army 2004 (Repa 04)'.

A "TYPE B" VEHICLE

251. In Maj Gen Richards' review of the Equipment Programme for the Army on 25 June, he had stated that, in "the very short term", UORs would allow "an uplift in capability to meet operational requirements".[128] The UK would "be committed to Op TELIC until at least the end of 2006" and "the UK's commitment to Afghanistan could increase in the same timeframe". Operations in Iraq had:

> "… highlighted the need for a mix of heavy ground manoeuvre capability and DCC [Dismounted Close Combat], whilst the requirement for improved protected mobility has been met by the deployment of Snatch from NI and Saxon. Snatch will be replaced by DUCKBOARD beyond 06. The need for a coherent plan to deliver protected mobility vehicles to meet the requirement of both theatres of operation has been highlighted."

252. On 7 July, DEC(SP) set out the next steps on Project DUCKBOARD so a business case could be developed and approved by September.[129] The minute stated that the role for light protected mobility in Northern Ireland remained enduring, and it reiterated how operational experience overseas had highlighted capability gaps in post-conflict, peace support operations and counter-terrorist situations.

253. DEC(SP) stated that the way forward was "beset with unresolved issues", including:

- a range of threats across new operating environments, such as Iraq and Afghanistan with "ill-defined" requirements;
- "no clearly defined" user focus or capability management mechanisms;
- an "incomplete definition" of the number of vehicles required; and
- "no defined logistic vision or relationship with other mobility capabilities".

254. DEC(SP) repeated the concerns raised in the 14 April business case about the aged Snatch fleet and chassis corrosion.

255. The number of required vehicles remained "undefined" but DEC(SP) stated that an initial analysis "might be" for three different types of PPV:

---

[128] Paper ACGS, 25 June 2004, 'Review of the Equipment Programme for the Army 2004 (Repa 04)'.
[129] Paper DEC(SP) to D Jt Cap, 7 July 2004, 'Project DUCKBOARD – Way Forward'.

Table 1: The requirement for three types of PPV, July 2004

Type	Features	Estimated number required
A	Essentially a Snatch replacement with the same levels of ballistic protection for low level counter-terror and public order operations, mainly for use in Northern Ireland.	612
B (the Expeditionary or "Rest of World" vehicle)	For expeditionary use in "high threat CT operations". The minimum ballistic protection level required was considered to be B6 (as was currently provided by Tavern).	144
C	A specialised EOD vehicle; again requiring B6 ballistic protection for use on expeditionary operations.	120

256. On protection levels, the DEC(SP) said that "the terrorist will invariably overmatch the target" given that Iraqi and other Middle Eastern terrorists had been "able to destroy tanks in IED attacks":

> "Protection levels therefore should be optimised for blast, fragments, the 'near-miss' etc rather than to defeat direct attack. Protection for a PPV is more a function of Tactics, Techniques and Procedures (TTPs) (examples include top-cover sentries, combined foot and mounted patrols, multiple vehicle patrols, helicopter top-cover etc) than thickness of armour."

257. The purchase of new vehicles to meet the Type A requirement had an estimated total programme cost of £62.5m. As only £55.31m of funding was available, an upgrade to Snatch 2, at an estimated total cost of £53.8m, was recommended.

258. DEC(SP) intended to take a "twin-track" approach to procurement:

- A programme to upgrade existing Snatch vehicles to Snatch 2 would begin almost immediately to meet the Type A requirement, with 100 Snatch 2 being available by 31 December 2004 and a further 200 by 30 June 2005.
- An initial assessment for the remainder of the Type A requirement and the Types B and C requirement would be undertaken. Delivery of the Type B requirement was expected in Financial Year (FY) 2006/07 and Type C was expected in FY 2007/08.

259. The letter identified the savings measure imposed from the 2004 Spending Review, to reduce the expeditionary capability from medium to small scale in the longer term, as "programme blight". It stated that that, and "the lack of an endorsed requirement for both numbers and capability", meant that a business case for the whole light protected mobility requirement would not be available before September 2004.

260. DEC(SP) also wrote that the actual requirement for Type B vehicles was 396 but the savings measure agreed in February 2004 had rendered that unrealistic.

261. The minute concluded, however, by stating that the enhancement measure agreed in the same review, to bring forward the funding for 80 vehicles to 2004/05, had enabled the search for a solution:

> "To date light protected mobility in an expeditionary role has been something of an orphan capability, managed on an ad hoc basis from a base capability centred on the NI role. Operational imperatives and the bring-forward of funding now offer the opportunity to develop the capability in support of global expeditionary operations, delivering a coherent and integrated concept, whilst at the same time continuing to meet long-term NI commitments."

262. An acquisition strategy for the Type B (expeditionary) PPV capability was produced by the Specialist Utility Vehicle IPT on 19 July.[130] It stated that operational analysis studies had "discounted the use of Snatch 2 as a coherent option for meeting this capability". It considered three options:

- to do nothing;
- a commercial off-the-shelf or a modified commercial off-the-shelf procurement; or
- design development – creating a "bespoke" solution.

263. The option to do nothing was not recommended because the "use of in-service assets that fail to meet the minimum stated performance levels would put users at risk and potentially create an operational vacuum at the source of provision". The time and cost implications of the design development option meant that that was also ruled out.

264. Considering the commercial off-the-shelf procurement, the IPT wrote that there were "a number of products on the market from specialist military vehicle suppliers that could provide a near match to the identified KURs and derived KSRs [Key Service Requirements]". The difficulty was that there would "inevitably" be areas that would not be "optimised for British Army use", such as communications equipment.

265. A modified commercial off-the-shelf procurement was therefore the recommended option as that would allow the MOD to engage suppliers over the British Army's specific requirements.

266. The procurement strategy was to be developed and reviewed leading up to the submission of a business case. No timescale or deadline was specified.

267. Major General Peter Gilchrist, Master General of the Ordnance, produced a paper for an ECAB meeting on 20 July on the Army's Equipment Programme.[131] He said that

---

[130] Paper SUV IPT, 19 July 2004, 'Acquisition Strategy Project DUCKBOARD – Protected Patrol Vehicle'.
[131] Report MGO, 9 July 2004, 'MGO's Report to ECAB 2004'.

new lessons from Operation TELIC were "the need to give greater thought to future ECM, protected mobility and [Type] B vehicle desertisation requirements".

268. The requirement for PPVs on operations continued to grow. Immediate needs were being met by the redeployment of vehicles from Northern Ireland and desertisation would be complete by the end of May 2004,[132] "despite delays in receiving clear requirements and UOR funding". There was concern "over the longer-term sustainability" of Snatch's "aged, petrol-engined chassis" but the funding brought forward from EP04 would "help address this issue".

269. Maj Gen Gilchrist wrote that the DEC(SP) minute of 7 July had provided "a sensible framework … to commence project activity" using the twin-track approach: " … in the short term (1-2 yrs), a life extension for Snatch, and in the medium term a new COTS [commercial off-the-shelf] PPV, a little larger than Snatch". The life extension programme, "known as Snatch 2", was already under way. The business case had been approved and trial vehicles had been delivered in June.

270. On FRES, Maj Gen Gilchrist wrote that, following the announcement of the its Assessment Phase on 5 May 2004, it was envisaged that a contract would be let in late 2004, leading to Main Gate approval "for the system and simpler FRES variants" in late 2006.

271. At ECAB on 20 July, although "disappointment" was expressed at the pace with which FRES was being taken forward, the meeting was told that "the collective view of the IAB [Investment Approvals Board] was that the project had not been sufficiently well thought through in terms of requirements".[133]

272. ECAB also noted that "the Army needed better to influence the equipment and planning communities".

273. In discussion of the review of the Army Equipment Programme by Maj Gen Richards, it was pointed out that "it should be made clear that developing an initial medium weight capability [between 2005-2009] was based on existing equipment and did not depend on FRES".

THE THREAT IN MID-2004

274. The IED threat in Iraq continued to grow.

275. On 28 June 2004, the Coalition Provisional Authority (CPA) formally handed over to a sovereign Iraqi government. The security situation in Iraq remained febrile. The chronology of events and their impact on the UK's overarching strategy is detailed

---

[132] Maj Gen Gilchrist's report was written in July 2004. It is not clear whether the process of desertisation had been completed by the end of May 2004 or whether it was still under way.
[133] Minutes, 20 July 2004, Executive Committee of the Army Board meeting.

in Section 9.3. The impact of events on the progress of SSR is described in Section 12.1 and the impact on reconstruction is provided in Section 10.2.

276. The JIC Assessment of the security situation in Iraq on 21 July stated:

> "We also judge that Lebanese Hizballah will retain an influence in Iraq (Hizballah members may have been linked to the group that attacked the Sheraton Hotel,[134] and could supply Iraqi groups with terrorist expertise and munitions."[135]

277. On 26 July, the DIS reported that an EFP IED had been found on 15 July in Baghdad.[136] The DIS noted that the EFP IED design had not previously been encountered in Iraq but was, as with the find in May 2004, of a type associated with Lebanese Hizballah. There were also indications of Iranian involvement in the construction of the devices.

278. The DIS concluded:

> "Irrespective of the attribution of the design, production or employment of these charges, their presence and use in attacks against Multi-National Forces in Iraq is a significant force protection issue."

279. A JIC Assessment was produced on 11 August about the recent upsurge of Shia violence.[137] It stated that Iran was "establishing agent networks, providing funding and material to a number of Shia groups and generally seeking to gain influence" and judged that "Iranian encouragement, funding and possibly arms" were "being provided to al-Sadr and the Mahdi Army"; but the "exact degree of Iranian involvement" remained "unclear".

280. On 12 August, Private Marc Ferns was killed by a roadside IED while driving a Warrior vehicle.[138] The vehicle had its hatches open to increase visibility and because of the lack of air conditioning in the vehicle. The blast penetrated the open hatch, killing Pte Ferns.

281. A Current Intelligence Group (CIG) Assessment the following week stated that theatre had reported that a number of Iranian sourced weapons had been seized in al-Amara.[139]

282. General Sir Timothy Granville-Chapman, Commander in Chief Land Command, visited Iraq later that month.[140] His report to General Jackson highlighted that the

---

[134] Iraqi insurgents launched rocket attacks on two hotels in Baghdad on 2 July 2004, one of which was the Sheraton: *BBC News,* 2 July 2004, *Rocket blasts hit Baghdad hotels*.
[135] JIC Assessment, 21 July 2004, 'Iraq Security'.
[136] Report DIS, 26 July 2004, 'Further Evidence of Lebanese Hizballah produced weapons in Iraq'.
[137] JIC Assessment, 11 August 2004, 'Iraq Security: Shia Violence'.
[138] PJHQ OPSUM, 16 August 2004, 'PJHQ Middle East Operations Team OPSUM 138 as at 161659Z Aug 04'.
[139] CIG Assessment, 18 August 2004, 'Iraq security'.
[140] Letter Granville-Chapman to Jackson, 20 August 2004, [untitled].

security situation was “now far more difficult than hitherto”. It was “complex and multi-layered” and, with the intimidation and killing of key people, it was having an effect on governance and recovery.

283. On 3 September, a CIG Assessment reported:

> “The recent fighting has shown that the Mahdi Army is developing into an increasingly resolute organisation, capable of launching sophisticated attacks … They have been able to mount determined and sophisticated attacks using small arms, improvised explosive devices (IEDs) and heavier weapons such as mortars and RPGs … Al-Sadr retains the ability to mobilise a significant body of poor, unemployed Shia youth.”[141]

284. The Assessment also stated that “some recovered anti-armour weapons may have been procured through Lebanese Hizballah with Iranian knowledge”.

285. On 26 September, a report from Mr Robert Davies, Chief Police Adviser to the Iraq Ministry of Interior, stated that the FCO’s Overseas Security Adviser had directed UK police staff not to travel in Snatch Land Rovers because of inadequate armour.[142] Mr Davies wrote:

> “This direction places a significant limitation on the deployment of our staff … The appropriate protection could be provided by a team from the Control Risk Group,[143] but there are insufficient numbers to meet our requirements.”

286. Acting Commander Kevin Hurley, Chief Police Adviser in Basra June 2004 to December 2004, wrote in a statement to the Inquiry:

> “Security conditions made road travel almost impossible … [W]e were not allowed to travel in Army vehicles due to their lack of protection (Snatches). We were all but ineffective for most of our time. Ultimately … we reached a stage whereby if we could not get a helicopter ride we did not move.”[144]

287. On 28 September, Corporal Marc Taylor and Gunner David Lawrence were killed during the ambush of a military convoy south-west of Basra.[145] An armoured Land Rover was badly damaged and the soldiers came under fire as they tried to extract the casualties.

---

[141] CIG Assessment, 3 September 2004, ‘Iraq security: Shia violence in Multi-National Division (South East)’.
[142] Minute Davies, 26 September 2004, ‘Weekly report number: 46’.
[143] Control Risks Group was the security company contracted to provide armed support to UK secondees. Its role and the security concerns for civilian personnel is detailed in Section 15.1.
[144] Statement, 17 June 2010, page 3.
[145] *BBC*, 30 September 2004, *MOD names second killed soldier*; *GOV.UK,* 1 October 2004, *Corporal Marc Taylor and Gunner David Lawrence killed in Iraq*.

288. On 1 October, the DIS produced two reports that were circulated within the MOD and to the intelligence agencies.[146] One looked at the Command Wire IED (CWIED) threat and the other at the Radio-Controlled IED (RCIED) threat.

289. The CWIED report assessed that CWIED attacks were relatively uncommon but were growing in number and sophistication; that was assessed as a "concerted attempt" to counter ECM. The DIS advised that improvements to ECM were "likely to lead to increased use of CWIED, RCIED and other forms of non-Radio-Controlled command initiated IEDs".

290. The RCIED report stated that RCIED attacks represented around 75 percent of all IEDs and that IEDs in turn accounted for 75 percent of casualties. The DIS assessed that in the next 12 months:

> "IED technology in use with other Middle Eastern groups especially Lebanese Hizballah, can be expected to appear in Iraq. This would include multiple systems, such as RC (Radio-Controlled) switched PIRs [Passive Infra Red]."

291. Also on 1 October, Gen Walker received an update from AM Torpy on the provision of ECM to UK forces:

- The number, complexity and sophistication of RCIEDs used against coalition forces was increasing.
- The L* programme was experiencing some manufacturing delays.
- There was insufficient ECM equipment in MND(SE) to provide protection for all troops and therefore prioritisation had been necessary.
- ECM did not offer 100 percent protection and was used in conjunction with TTPs and other force protection measures.[147]

292. AM Torpy informed Gen Walker that the value of the L* programme had risen to over £100m since its approval in late 2003.

293. In his post-tour report, Maj Gen Rollo commented:

> "The current ECM suite is adapting to meet the threat, providing UK soldiers the best protection amongst the coalition forces, but procurement and production struggle to meet the demands in theatre. We are well below the scales needed for appropriate ECM protection and whilst the problem lies with industry there must be constant pressure to improve the situation."[148]

---

[146] Report DIS, 1 October 2004, 'The Radio-Controlled Improvised Explosive Device Threat to UK Forces in Iraq'; Report DIS, 1 October 2004, 'The Command Wire Improvised Explosive Device Threat to UK Forces in Iraq'.
[147] Minute PJHQ to PSO/CDS, 1 October 2004, Op TELIC/ORACLE: Provision of Electronic Counter Measures (ECM)'.
[148] Report Rollo to PJHQ MA to CJO, 4 December 2004, 'Post Operation Report Operation Telic 4/5 14th July – 1st December 2004'.

A PPV FOR AFGHANISTAN

294. In June 2004, a decision was taken that the Allied Rapid Reaction Corps HQ (ARRC), a UK-led NATO asset, should deploy to Afghanistan in 2006, rather than Iraq (see Section 9.2). By October, that decision had become an important factor in considering resources for Iraq.

295. On 15 October, the strategy for delivering Project DUCKBOARD was produced.[149]

296. A total of 371 "desertised" Snatch 1.5 vehicles had been delivered to support operations in Iraq: 308 were in operation and 63 were held in reserve. An additional 70 Snatch 2 vehicles would be available from December 2004, also for the reserve, to replace the 1.5 variants as their capability deteriorated. More than 20 vehicles on Op TELIC had already been damaged beyond repair.

297. The strategy identified that a requirement for protected mobility still had to be defined and that there were a number of "challenges", including:

- "If Defence has to support; current NI commitments; a continuance of Op TELIC on current scales; and a medium scale operation in Afghanistan simultaneously in 2006, a new acquisition of Protected Mobility vehicles, currently unfunded … will be necessary."
- Production would need to start in April 2005 to meet the "ready to train date" for deployment to Afghanistan.
- Regardless of concurrent operations in 2006, "urgent EP/UOR action" was needed to meet "USURs arising from Operation TELIC and to sustain the Snatch fleet".
- There was "no overarching doctrine, no endorsed CONOPS nor definitive scaling for the provision of Protected Mobility for expeditionary operations".
- The "lack of definition of the numbers and types of vehicles required" continued to "stall the acquisition process".

298. The strategy recommended requirements should be taken forward as three separate projects, "within an overarching scrutiny mechanism", so that each strand could be delivered independently and at its own pace:

- Type A project ("Snatch 2") – continuing the conversion of existing Snatch vehicles for operations in UK and Iraq (the first tranche already under way as an Operational Emergency);
- Type B project ("Vector") – producing this capability would depend on Afghanistan and Iraq concurrency assumptions "and or direction as to required protection levels"; and

---

[149] Minute MOD [junior officer] to D Jt Cap (AD Jt Mvre), 15 October 2004, 'Strategy for Delivery of Protected Patrol and Combat Support Mobility – Project DUCKBOARD'.

- Type C project ("Format") – producing capability for combat support units in expeditionary operations, including replacing eight Zimmer[150] vehicles sent to Iraq for IED Disposal teams in April 2003, which were "failing" and the USUR raised by the Royal Engineers on 12 June for "some form of protected mobility".

299. The strategy stated that an analysis of the numbers had "proved extremely difficult" without any endorsed CONOPS and "no overall front line Customer 2 lead". The 308 Snatch 1.5 vehicles in Iraq, and 133 in reserve, were listed as a "firm requirement".

300. The "emerging requirements" included a minimum of 224 Type B Vector vehicles for Afghanistan in 2006. Considering its options, the strategy stated that:

- If operations in Iraq and Afghanistan were not concurrent, the present vehicle scaling would suffice, Vector would not be procured, and any enhancements to the 2005 Equipment Programme would be withdrawn. Priority would switch to sustaining the conversion of Snatch 1.5 vehicles to the Snatch 2 variant.
- If the operations were concurrent, the requirement for 224 vehicles for Afghanistan could be met by removing the 133 Snatch vehicles held in reserve for Iraq and reducing Northern Ireland's allocation by 100. "Alternatively, TELIC could reduce to 100 vehicles, freeing the balance of 271", subject to refurbishment, available for Afghanistan.
- If the operations were concurrent, an additional capability could be procured. That was the recommended option.

301. The "realistic assessment" was that definitive requirements and numbers were not likely to be possible before December 2004 and the balance between Iraq and Afghanistan was "unlikely to be clear before mid 05". The strategy proposed that:

- Snatch 2 production be extended by a further Operational Emergency business case for the conversion of another 360 Snatch 1 vehicles to guarantee the model's sustainability for 2006;
- the first tranche of 141 Vector vehicles be procured by UOR against Equipment Programme funding to ensure an interim operating capability by 31 January 2006; and
- the first two of four tranches be procured for 24 combat support vehicles by UOR against Equipment Programme funding.

302. On 27 October, Commodore Peter Eberle, Director Directorate of Joint Capability, raised an SOR for all three Types of PPV with DEC(SP) and Brigadier Tim Inshaw, Director of Capability Integration (Army) (DCI(A)).[151] Cdre Eberle said that it was "needed as a matter of priority" to inform consideration of options in the 2005

---

[150] The Zimmer vehicle was a deployable EOD capability vehicle that was brought into service in approximately January 2003.

[151] Paper Eberle, 27 October 2004, 'Statement of Operational Requirement for Protected Patrol Vehicle (PPV) for Operations During Period 2005-2007'.

Equipment Programme and because of the finite number of Snatch vehicles and the lead times needed by industry to produce additional vehicles in time for a deployment to Afghanistan in 2006.

303. Cdre Eberle stated that there was a potential increase in operational activity over the period 2005-2007 and, in particular in 2006, which correlated with priorities already identified: the importance of light forces in combating international terrorism and the key capability of force protection from asymmetric threats. The "requirement for protected mobility and force protection measures" was "unlikely to diminish". PPVs had continued to prove their worth, "albeit within strict limitations of physical protection".

304. Looking at the three variants of PPV required, the paper stated that the User Requirement Document (URD)[152] for the Type A (public order) variant remained "extant". The URD for the Type B (expeditionary) variant was "similar to the Type A" but also needed:

- better physical protection,[153] including protection against fragmentation and blast, which was "essential", and some degree of protection against mines which was "highly desirable"; and
- the ability to be fitted with the most appropriate ECM suite to counter the prevailing threat in a given theatre.

305. In relation to deployment in Iraq, the paper stated that the employment of PPV Snatch was "threat driven", which:

> "… meant that all tasks being conducted in or through specific areas have required the use of PPV Snatch, with these tasks ranging from framework patrolling to the escorting of white fleet vehicles that are unable to provide their own top cover protection."

306. The paper's recommendations included:

- A minimum requirement of 1,236 vehicles to cover both Type A and Type B PPV variants should be made available to support all UK operations worldwide during 2006.[154]
- A minimum requirement of 1,228 ECM suites which "should be able to counter the prevailing threat where PPV are deployed".
- The figures were the minimum and not the totality of the requirement, constituting 72 percent of the potential peak requirement.

---

[152] A specification about what the equipment is expected to do and what features or capabilities it needs to fulfil its role.
[153] The precise level of physical protection specified remains classified.
[154] The detail about how this figure was broken down according to each operation was provided in an attached annex but the MOD has been unable to provide the Inquiry with a legible copy and unfortunately the defined PPV requirement for Iraq and Afghanistan cannot be seen.

- Brig Inshaw would act as Customer Two "Core Leader" with "the role of overseeing the lines of development" in consultation with Cdre Eberle, who would act as the joint Customer Two.

307. Cdre Eberle stated that the number of PPVs required had been "derived from consultation with FLCs, PJHQ and within MOD Centre" but there were a number of "unknowns" that constrained the ability to "achieve a high degree of accuracy" in the figures. Those included the timeline for the drawdown in Iraq and, for Afghanistan, the nature of the threat, the UK CONOPS, and the scale and timing of the UK's medium-term engagement.

308. The paper stated that there were "no alternatives to PPV for the protected mobility capability requirement within the timeframe under consideration". It described tracked light armoured vehicles as "inappropriate due to their posture and the extended distances that are regularly travelled while on patrol or escort tasks".

309. Civilian movements in Iraq were being constrained by the IED threat as even the Army's more heavily armed vehicles came under attack.

310. On 4 November, Sergeant Stuart Gray, Private Paul Lowe and Private Scott McArdle were killed in a suicide bomb attack at a vehicle check-point in Fallujah.[155] They had been travelling in a Warrior vehicle. An Iraqi interpreter was also killed and eight soldiers were injured.

311. On 5 November, Mr David Hayward, FCO Military Liaison Officer, sent a teleletter to Mr Tom Dodd, Deputy Consul General in Basra, in reply to "a number of problems" Mr Dodd had raised about policing in MND(SE).[156] He wrote:

> "You [sic] comment that rigid security rules prevents senior police officers from being allowed to move freely on the ground is understood. The underlying issue is that FCO duty of care for all HMG staff currently dictates that military vehicles do not meet the minimum level of protection required."

312. Mr Hayward wrote that they were discussing with the Security Strategy Unit whether there was any "room for flexibility in application of current policy". He added: "However, as you know the duty of care does weigh heavily in terms of the safety of personnel in Iraq."

313. On 8 November, Private Pita Tukutukuwaqa was killed when the Warrior vehicle in which he was travelling hit a roadside IED south west of Baghdad.[157]

---

[155] *GOV.UK,* 6 November 2004, *3 British soldiers killed in Iraq; BBC News,* 5 November 2004, *Blair tribute to Black Watch dead.*
[156] Teleletter Hayward to Dodd, 5 November 2004, 'Southern Iraq: Civilian Policing'.
[157] *GOV.UK,* 10 November 2004, *Private Pita Tukutukuwaqa; BBC News,* 9 November 2004, *MOD names soldier killed in Iraq.*

314. AM Torpy visited Iraq from 24 to 27 November.[158] He noted that "the level of incidents [had] increased significantly" since his visit in August, but in MND(SE) the security situation was "improved".

315. On 2 December, the DIS produced a report on the evolution of the IED threat in Iraq.[159] It stated:

> "Improvised Explosive Devices (IEDs) remain the main killer of coalition forces (CF). The threat from IEDs continues to evolve not only quantitatively, but also qualitatively, with new or modified device types and Modus Operandi (MO).
>
> "The rise in IED attacks in 2004 indicates that, despite CF tactical successes, the security situation has not improved overall and individual terror groups are making significant progress in terms of ability to mount successful IED attacks, probably through improved C2 [command and control], logistics, recruiting and external assistance.
>
> "Improvement in IED technology has been most significant in Shia areas since May 04, where insurgents have technical progress that we assess could only have been achieved through focused external assistance. We assess that this may be due to an influx of Lebanese Hizballah IED technology under Iranian sponsorship …"

316. The DIS stated that the increased use of CWIEDs in MND(SE) indicated an awareness of UK ECM and assessed that the threat was likely "to continue to develop to resemble that of other Middle East countries, such as Israel, with the further import of IED technology and MO from Palestinian, Lebanese and AQ [Al Qaida] associated groups". It highlighted that IEDs accounted for 40-45 percent of MNF fatalities and over 70 percent of all injuries.

317. On 19 January 2005, Mr Hoon wrote to Mr Paul Boateng, Chief Secretary to the Treasury, asking for an increase of £165m in the MOD's current UOR ceiling (£829m).[160] The additional funding would cover "mainly" force protection and communications equipment:

> "The environment in Iraq for the second half of 2004 was marked by a gradual deterioration in the security situation … The immediate and expanding threat from Radio Controlled IEDs (RCIEDs), which has already resulted in death and injury to UK personnel, has required us to procure further Project L* ECM equipment, to the value of £54m …"

---

[158] Minute Torpy to Walker, 30 November 2004, 'CJO Visit Report – Iraq – 24-27 Nov 04'.
[159] Report DIS, 2 December 2004, 'The Evolution of the IED Threat in Iraq'.
[160] Minute Hoon to Boateng, 19 January 2005, 'Op TELIC; UORs'.

318. Mr Hoon wrote:

> "Protected mobility continues to be a key requirement for forces undertaking a wide range of roles, including patrolling, public order duties and IED search tasks. Protected Patrol Vehicles are therefore vital, and we are seeking an advance of programmes already in our Equipment Plan to the tune of £12m."

319. On 26 January, as part of the new biennial planning cycle, the DMB discussed proposals in a paper by Mr Woolley on the "Future Defence Programme".[161]

320. Mr Woolley outlined that the strategy for Short Term Plan and 2005 Equipment Programme was to implement decisions already taken by the DMB and Ministers, "rather than making significant adjustments to force structure or capability".

321. Mr Woolley wrote that "some £82m" had been earmarked to fund the continuing support costs of recently procured UOR equipments. Recognising constraints on accessing the Reserve, £30m had been set aside across 2005/06 and 2006/07 to "provide headroom for equipment enhancements that might be needed for planned operations" but no specific provision had been made for the "extra equipment costs required to support the possible deployment of a UK brigade to Afghanistan alongside the ARRC HQ".

322. Along with the associated budgets, the paper identified:

- 69 proposed savings measures, including a delay to the ISD of three FRES variants;
- 78 proposed enhancements, including three enhancements to Warrior, two for CVR(T) (both including enhanced protection); and
- 24 further savings measures that were not recommended for DMB approval.

323. The list of proposed enhancements also identified "additional protected mobility for light forces from 2006". That included the upgrade of 550 "near-obsolete Northern Ireland fleet of Snatch 1 vehicles, through the provision of a new chassis", and 100 Vector vehicles that were "better suited to worldwide, rough terrain operations".

324. The minutes of the DMB recorded that Sir Kevin Tebbit had said the 2004 Spending Review settlement had "increased resources in real terms, but there were substantial pressures".[162]

---

[161] Paper Finance Director [MOD], [undated], 'Future Defence Programme 05'.
[162] Minutes, 26 January 2005, Defence Management Board meeting.

325. Lt Gen Fulton told the DMB that there had been "significant cost growth in several large programmes, some of which had proved impossible to contain", and that:

> "… balancing and de-risking the programme had required a number of painful measures, especially in the early years. But it was now a robust programme that could be taken forward effectively."

326. In agreeing the programme to be submitted to Mr Hoon, the DMB approved lists of proposed savings and enhancements in the Equipment Programme, "reflecting the pressures and changing circumstances since the 2004 Spending Review settlement".

327. A report on lessons from Op TELIC produced by the MOD's Directorate of Operational Capability (DOC) on 22 February stated:

> "With the continued increase in the use of IEDs, the Snatch conversion programme was a belated reaction to the threat … Trends indicate that future operations will continue to face threats of a similar nature and Defence planning should be cognisant of this reality, rather than reactive to a situation after a deployment is under way."[163]

328. The report highlighted two lessons on protected mobility:

- "Sustained investment is required to provide sufficient protected mobility vehicles for operations in hostile environments such as Iraq …"
- "Sufficient equipment to protect patrol vehicles against IEDs should be maintained and available for current and future operations …"

329. The Chiefs of Staff discussed the report on the same day but the minutes do not record any specific reference to the protected mobility concerns raised in the DOC report.[164]

330. The PPV Capability Integration Working Group (CIWG) met for the first time on 1 February 2005.[165] The Chair summarised the group's challenge as "a combination of delivering a PPV capability with insufficient funding against an ambitious timeline".

331. A DEC(SP) representative briefed the CIWG that the DMB had agreed, subject to Ministerial approval of the 2005 Equipment Programme, that the Capital Departmental Expenditure Limit should be approximately £42m over the next three financial years.

---

[163] Report DOC, 22 February 2005, 'Operation TELIC Lessons Study Vol. 2'.
[164] Minutes, 22 February 2005, Chiefs of Staff meeting.
[165] Minutes, 1 February 2005, Protected Patrol Vehicle (PPV) Capability Integration Working Group meeting.

332. The minutes recorded that the £42m was insufficient to deliver the total fleet requirement of 1,228 needed to support the deployment of PPVs worldwide.[166] The 1,228 figure would have supported the deployment of 982 Snatch 2 and 246 Vector. There was now only available funding for one of the following options:

- 512 vehicles (312 Snatch 2 and 200 Vector);
- 724 vehicles (624 Snatch 2 and 100 Vector); or
- 936 vehicles (936 Snatch 2 and no Vector).

333. It was agreed that the Directorate of Joint Capability would confirm which option should be pursued by 18 February.

334. The Specialist Utility Vehicle IPT stated that in order to deliver 100 Vector vehicles by June 2006, the solution would need to be a commercial off-the-shelf option and the business case needed to be submitted by July 2005, with the contract let by October 2005.

335. The group agreed Key User Requirements for the Vector vehicle and, the Specialist Utility Vehicle IPT was tasked to identify all of the options that could meet them. Those would be discussed at the next CIWG on 23 February.

336. On 21 February, a revised PPV SOR was produced in light of the funding levels agreed by the DMB, which was referred to in the SOR as a "45% cut" (see the consideration of that figure in the Box, 'Was there a 45% cut?').[167]

337. The SOR elaborated on the three options provided by the PPV Working Group:

- Option 1: Convert the remainder of Snatch to Snatch 2 – giving a total of 936 vehicles;
- Option 2: Convert 312 Snatch to Snatch 2 (in addition to the 312 already undergoing conversion for Iraq) and procure approximately 100 Vector giving a total of 624 Snatch 2 and 100 Vector – an overall total of 724 vehicles; or
- Option 3: Procure 200 Vector – giving a total of 312 Snatch 2 and 200 Vector.

338. Option 2 was identified as the preferred option, with Vector vehicles to be delivered by 1 June 2006.

339. The paper stated that further examination of the funding was necessary to enable a "sensible transition of the PPV fleet from its current to its future configuration" after the Vector vehicles were delivered. Force Level Reviews "must re-examine the current PPV requirements for all theatres" once the actual fleet size was known. The exact number of

---

[166] The minutes do not record the budget to which this figure refers but the Inquiry infers that it was to cover the 1,236 Type A and Type B vehicles proposed in the SOR on 27 October. See the Box, 'Was there a 45 percent cut?'

[167] Minute MOD [junior officer] to DINF Col FD, 21 February 2005, 'Protected Patrol Vehicle (PPV) Operational Requirement'.

PPVs that could be converted to Snatch 2, and the exact number of Vector vehicles that it would be possible to procure, was not yet known.

340. In considering protection levels, the paper stated:

> "The increasing levels of violence during Phase IV of Op TELIC, which necessitated the widespread use of protected mobility, have been highlighted in recent reports.[168] Additionally OA [operational analysis] is consistently reporting on the increased effectiveness of small arms weapons and ammunition. Therefore the PPV CIWG has deemed that the combination of ECM and an enhanced level of protection […] are to be the minimum standard for TYPE B Vector Variant. For Type A, a […] protection level, in conjunction with ECM, is deemed sufficient given the nature of the threat it is likely to be exposed to …"

341. Highlighting current concerns, including the DOC Op TELIC Lessons study, the paper stated:

- "As experience from the last 18 months has shown, having insufficient PPV to meet the operational demands … has resulted not only in sub-optimal solutions through reallocation between theatres (and a commensurate increase in operational risk for all concerned), but also adverse media attention …"
- "There are public, political and media expectations that military operations can now be conducted without significant casualties. Indeed, lessons learnt from operations and policy guidance are demanding sustained investment to provide sufficient protected mobility vehicles for operations in hostile environments, such as Iraq and Afghanistan."

342. The paper ended:

> "Despite the significant resource constraint that has been placed on this aspect of the Force Protection capability as a result of EP/STP05, the operational requirement for Op HERRICK [Afghanistan], which has been the principal driver behind this PPV work, demands a more capable vehicle than PPV Snatch 2. Indeed, the need for PPV is unlikely to diminish for the foreseeable future."

Was there a 45 percent cut?

The Statement of Requirement (SOR) produced by the MOD on 21 February 2005 stated that it reflected revised funding levels for PPVs as agreed by the DMB as part of the 2005 Equipment Programme. The MOD claimed that was a 45 percent cut in funding.

The Inquiry has been unable to find any evidence that that was the case.

---

[168] "In particular, DOC Op TELIC lessons Study, Vol 2 …" This footnote is provided in the original document.

It has considered the papers that went to the DMB meeting on 26 January 2005 and the minutes of that meeting. The only difference that appears to arise is that the DMB agreed to fund 650 vehicles as opposed to 724 but the minutes and papers do not provide any consideration of how the number of vehicles was decided.

The MOD told the Inquiry it was:

> " … unable to find any evidence of a specific reduction in the funding of PPVs by 45%. It is unclear how that figure was determined."[169]

343. The second meeting of the PPV CIWG was held on 23 February.[170] Option 2 had been finalised but the Chair highlighted the need to "give SUV IPT direction with confirming URs and KURs".

344. Concerns "were aired as to the future of the remaining Snatch" vehicles that had not been funded for an upgrade. The Directorate of Joint Capability agreed to investigate whether they could be funded "from the Afghanistan Contingency Funds through PJHQ".

345. The business case for the conversion of the second batch of 312 Snatch vehicles was submitted on 16 June 2005 and was approved in early July 2005. That is addressed later in this Section.

Response to the increase in the threat

346. In Iraq the IED threat was continuing to evolve, prompting a review of tactics and protection.

347. On 28 April, DSTL produced a presentation entitled 'Performance of Explosively Formed Projectiles Against UK Armour' outlining the results of further testing of IEDs against Warrior-type armour.[171] That stated:

> "Initial investigations concluded that these devices […] posed a significantly enhanced threat when compared to previously exploited weapons."

348. DSTL recommended the inclusion of an additional layer of protective armour on Warrior to help to mitigate the new threat.

349. On 2 May, Guardsman Anthony John Wakefield died as a result of injuries sustained when the Snatch vehicle he was travelling in hit a roadside IED in al-Amara.[172]

---

[169] Letter Duke-Evans to Hammond, 2 February 2016, [untitled].
[170] Minutes, 23 February 2005, Protected Patrol Vehicle (PPV) Capability Integration Working Group meeting.
[171] Briefing DSTL, 28 April 2005, 'Performance of EFPs against UK Armour'.
[172] *BBC News,* 6 May 2005, *UK soldier's body returned home.*

350. The first attack where an EFP was detonated using Passive Infra Red (PIR) technology took place in MND(SE) on 29 May, when Lance Corporal Alan Brackenbury was killed while travelling in a Land Rover south of al-Amara.[173]

351. At the Chiefs of Staff meeting on 1 June, Gen Walker directed Major General Peter Wall, Deputy Chief of Joint Operations (Operations), to conduct an analysis of the incident and inform the Chiefs of Staff of the lessons identified, particularly with regard to countermeasures, and "to take a view on the current operating procedures and the relative merits of protected/unprotected vehicles".[174]

352. Maj Gen Wall submitted his analysis to the Chiefs of Staff on 6 June.[175] He wrote that the attacked vehicle was leading a three vehicle patrol of unprotected Wolf Land Rovers. It was assessed that a Snatch Land Rover would not have offered greater protection or prevented LCpl Brackenbury's injuries.

353. Addressing the use of Snatch, Maj Gen Wall wrote:

> "Operating procedures are based on the threat, the task, the terrain and force profile. Threat and mobility are the key factors in assessing the relative merits of deploying Snatch or TUM [Wolf Land Rover]. Whilst there is no formal limitation on the use of Snatch … TUM is usually preferred for cross country use in rural areas … and this is the standard operating procedure. There is insufficient Snatch in theatre for its general use outside the urban areas …"

354. Maj Gen Wall added that Maj Gen Riley had "adopted a more protective posture" following the recent IED attacks and that "all road movement within the province" was being conducted in Snatch or armoured vehicles – Warrior and CVR(T).

355. In his final report as GOC MND(SE), Maj Gen Riley wrote that his "overriding concern" was the "continuing IED attacks in Maysan", where:

> "… patrols now use Warriors to over-watch the armoured Land Rovers in order to give additional protection. This takes careful explaining to the local population who remember the use of Warriors to defeat last summer's JAM [Jaysh al-Mahdi] offensive."[176]

356. Some of the key lessons Maj Gen Riley identified in a separate report on 10 June were:

- "More training on Snatch and other UOR requirements, and the development of basic infantry skills, must be factored into any pre-deployment training."

---

[173] *GOV.UK*, 29 May 2005, *Death of British Servicemen in Iraq – Lance Corporal Alan Brackenbury.* PIR reference provided in Minute DJC to PS/SofS, 26 August 2005, 'Iraq: Pre-detonation of Passive Infra Red Initiated Roadside Bombs'.
[174] Minutes, 1 June 2005, Chiefs of Staff meeting.
[175] Minute DCJO(Ops) to PSO/CDS, 6 June 2005, 'Analysis of Fatal IED Attack Against UK Forces in Iraq on 29 May 05'.
[176] Minute Riley, 8 June 2005, GOC MND(SE) Weekly Report.

- Poor administration of UORs in the UK had caused "a huge amount of work in theatre". He cited ECM as an example.[177]

357. Maj Gen Riley's report also highlighted that a UOR had been raised for the enhanced protection of Saxon vehicles.

358. On 8 June, Gen Walker directed that Lt Gen Fry should lead on a paper looking at "the new IED threat" and the technical and tactical responses to it.[178]

359. The record of actions from the Chiefs of Staff meeting on 15 June indicated that the paper would be produced on 17 June.[179]

360. Lieutenant General Robert Fulton, DCDS(EC), provided that paper on 20 June.[180] He advised that the UK's current capability was "largely ineffective" in MND(SE). A new detector, due to enter service in December, was more effective, but "not suitable for the protection of mobile patrols". An airborne detection capability had been deployed to MND(SE) but that also had its limitations.

361. Lt Gen Fulton asked the Chiefs of Staff to note those points but no solution or further action was recommended. He stated that there was no complete solution to the problem available.

362. On 21 June, DSTL submitted a report to the DIS on the performance of EFPs against UK armour.[181] It concluded that the weapons it had been asked to examine had "greatly enhanced penetration capability" against those tested by DSTL in September 2004 and could overmatch the armour of a Warrior.

363. On 30 June, Major General James Dutton, who had succeeded Maj Gen Riley as GOC MND(SE), recorded in his weekly letter that a PIR IED had been used in attacks in MND(SE).[182] He stated:

> "We are not yet sure exactly what this means (although a link to Lebanese Hizballah, possibly through Iran seems likely), but there is no doubt that the threat to our troops has increased. I have confidence that work under way both here and in the UK to address the threat is progressing as quickly as possible."

364. Reflecting the preferred option identified in February of a PPV fleet comprising 624 Snatch 2 and 100 Vector vehicles, a business case to convert the remaining 312 vehicles to Snatch 2, at a cost of £21.5m, was put forward on 16 June.[183]

---

[177] Report Riley, 10 June 2005, 'Progress Report – Operation TELIC'.
[178] Minutes, 8 June 2005, Chiefs of Staff meeting.
[179] Minutes, 15 June 2005, Chiefs of Staff meeting.
[180] Minute DCDS(EC) to COS, 20 June 2005, 'Command Wire Improvised Explosive Devices – Counter-Measures'.
[181] Report DSTL, 21 June 2005, 'Performance of Explosively Formed Projectiles Against UK Armour'.
[182] Report, 30 June 2005, CG MND(SE) Southern Iraq Update – 30 June 2005'.
[183] Note DEC(SP), 16 June 2005, 'SNATCH 2 Review Note – URD 1090'.

365. The ISD for 80 vehicles was November 2005 and the development of an up-armoured appliqué kit that could provide protection levels of up […] for Snatch 2 was to be complete by September 2005.

366. The business case stated that the operational analysis on Snatch had been conducted by DSTL and that the cheapest options to meet the Snatch 2 and Vector protection requirements were to upgrade remaining Snatch 1 vehicles to Snatch 2 or a potentially new Snatch 3 variant.

367. While no work had been done to understand the proportion of the fleet that required higher levels of protection, a "sensitivity analysis" had confirmed that evolving the Snatch model was the most cost-effective method of achieving better protection. Further work would be done to understand the number of upgrades needed and would be reported when the Vector business case was submitted.

368. The business case to convert the remaining 312 Snatch 1/1.5 vehicles to Snatch 2 standard was approved by the Investment Approvals Board (IAB) on 7 July.[184]

369. The IAB's approval note said that, in early 2004, Mr Nick Bennett, Director General (Scrutiny & Analysis) (DG(S&A)), met a DEC(SP) official and agreed a strategy for "establishing the balance between Snatch 2 and Vector numbers around which a procurement route was to be determined". The note said that that work had not been done, "presumably due to the Operational Emergency approach" taken to the 14 April 2004 submission, "which indicated that the balance of investment operational analysis work would be completed to inform the follow-on submission. This was also not done".

370. The note stated that Mr Nick Barnett, DG(S&A) between July 2005 and September 2005, wanted reassurance that, in parallel with any other procurement action for the second batch of conversions to Snatch 2, the balance of investment work on Vector and Snatch 2 numbers would "be taken forward before long".

371. The work that concentrated on the Type B PPV capability necessary to procure the Vector vehicle became known as Project Vector.

372. The business case for the first tranche of vehicles was submitted on 3 March 2006 and is addressed later in this Section.

373. Lord Drayson, who had become Parliamentary Under-Secretary of State and Minister for Defence Procurement in May 2005, visited Iraq from 6 to 8 July.[185]

374. The report of his visit stated that feedback on equipment was generally positive but "a number of issues" were raised when he spoke to troops from 12 Mechanised Brigade. Those included the long wait for Warrior upgrades and that "the protection of

---

[184] Minute SIT-IAB Sec 1d to DEC(S), 7 July 2005, 'SNATCH 2: Review Note – Approval Note (IAB Sec 1406)'.
[185] Note APS/Minister(DP) to DJC Iraq(Pol), 13 July 2005, 'Minister(DP) visit to Iraq: 6-8 July 2005'.

RAF Regiment Land Rovers was not thought to be sufficient by the troops for the tasks that they were expected to carry out in the vehicles".

375. On 16 July, Second Lieutenant Richard Shearer, Private Phillip Hewett and Private Leon Spicer were killed in an EFP IED attack in al-Amara.[186] They were travelling in a Snatch Land Rover.

376. After 16 July until late August, the Chiefs of Staff reviewed progress on countermeasures against the threat from IEDs using PIR devices and EFPs at every meeting.[187]

377. At the Chiefs of Staff meeting on 20 July, AM Torpy briefed that there had been a 13 per cent increase in the overall number of attacks in Iraq, with a 65 percent increase in casualties as the lethality of attacks also rose.[188]

378. The minutes stated:

> "With the exception of Maysan, MND(SE) had remained comparatively quiet; the fatal attack of a vehicle patrol on 16 Jul 05 had nevertheless resulted in a review of Tactics, Techniques and Procedures, including increased ISR [Intelligence, Surveillance and Reconnaissance] and use of SH [support helicopters], and the possibility of deploying elements of the Divisional Reserve to ensure that essential security and SSR could be sustained."

379. The update from Major General Mark Mans, Deputy Commanding General MNF-I, on 20 July said that the attack on 16 July was "the fifth EFP incident in the vicinity" of al-Amara since October 2004, including three devices which had been "found and cleared".[189] The use of EFPs was "spreading", including attacks in Mosul and Kirkuk. Significant numbers had been used in attacks in Baghdad.

380. On 22 July, a UOR was submitted for additional armour to protect Warrior vehicles in Iraq.[190]

381. The UOR said that, although the last three EFP attacks had been directed at Snatch vehicles, there was no reason why insurgents would not try to ambush Warrior vehicles, especially if Warrior was used "more in the future due to EFP attacks". It was "not possible" to protect Snatch, CVR(T), FV430 and Saxon against EFPs; the only vehicle that could be "better protected" was Warrior. Warrior was currently being used as the lead and rear vehicle for all convoys in Maysan province.

---

[186] Report, 20 July 2005, 'MNC-I Update – 20 Jul 05'.
[187] Minutes, 3 August 2005, Chiefs of Staff meeting; Minutes, 17 August 2005, Chiefs of Staff meeting; Minutes, 24 August 2005, Chiefs of Staff meeting; Minutes, 3 August 2005, Chiefs of Staff meeting; Minutes, 17 August 2005, Chiefs of Staff meeting; Minutes, 24 August 2005, Chiefs of Staff meeting.
[188] Minutes, 20 July 2005, Chiefs of Staff meeting.
[189] Report, 20 July 2005, 'MNC-I Update – 20 Jul 05'.
[190] Minute DEC(GM), 22 July 2005, 'Operation TELIC 5 Urgent Operational Requirement I0XXX Business Case: Warrior (WR) Additional Protection (WRAPUOR)'.

382. The UOR for additional Warrior armour was approved and the MOD told the Inquiry that that was fitted to vehicles in September 2005.[191]

383. The minutes from the Chiefs of Staff meeting on 27 July stated:

> "Following the recent attacks in Maysan, procedures have been modified to counter the threat: TF [Taskforce] Maysan were now conducting patrols in Warrior, and would not automatically respond to IED incidents to avoid being caught in secondary explosions. An additional Warrior company and the Telic Reserve RE [Royal Engineer] Search Team (from Cyprus) had been deployed into the area, with the latter able to provide a surge capacity for up to 60 days. The current cycle of attacks had 'fixed' CF [coalition forces] in the area and, as a result, progress on SSR had stagnated; PJHQ had therefore asked for an urgent review of UK SH [support helicopters] priorities, to see if further assets could be allocated to MND(SE) …"[192]

384. Lt Gen Fry told the Chiefs of Staff that work on PIR IED countermeasures continued, "but thus far they were only effective at very short range":

> "The importance was therefore stressed of countering the threat by all means possible, including TTPs. DCDS(EC) confirmed that appropriate action was being taken at the right tempo, and that the work was joined up with US efforts to counter similar threats elsewhere in Iraq."

385. On 30 July, two British security guards employed by Control Risks Group were killed while travelling in an armoured vehicle in Basra.[193] The deaths were later attributed to PIR EFPs.[194]

386. AM Torpy's report of his visit to Iraq in late July 2005 addressed the PIR EFP IED attacks:

> "With the exception of Maysan, incident levels across the AOR [Area of Responsibility] remain low and there are no major issues. In Maysan, significant effort is focused on building up an intelligence picture of the group suspected of carrying out the EFP/PIR attacks … whilst at the same time improving overall force protection measures. The GOC is also keen to gain more visibility of possible Iranian infiltration across the border … and maintain the pace of SSR in Maysan."[195]

---

[191] Paper [MOD] to the Iraq Inquiry, [undated and untitled], in response to letter Aldred to Duke-Evans 25 November 2010.
[192] Minutes, 27 July 2005, Chiefs of Staff meeting.
[193] Report Smith, 31 July 2005, 'UK Chief Police Advisor-Iraq: Weekly Report'.
[194] Minute DJC to PS/SofS, 26 August 2005, 'Iraq: Pre-detonation of Passive Infra Red Initiated Roadside Bombs'.
[195] Minute PSO/CJO to PSO/CDS, 5 August 2005, 'CJO Visit Report – Pakistan, Afghanistan, Iraq and Qatar 25-30 July 05'.

387. On 3 August, Maj Gen Dutton reported:

> "… the threat from IEDs is worrying, with our Electronic Countermeasures unable to defend against the victim operated Passive Infra Red and the use of EFPs and (in the most recent attack) shaped charges able to penetrate armoured vehicles […] if used accurately. This technology has now been used across MND(SE) and indeed further north having first been seen in Maysan."[196]

388. Following Lord Drayson's visit to Iraq in early July, Mr Ingram sought advice on the protective capability of RAF Land Rovers on 19 August.[197]

389. PJHQ advised that three Land Rover variants were used by the RAF Regiment, of which Snatch was "the most highly protected". Its allocation across theatres was "centrally managed" on the basis of "relative priority" for those troops most at risk. That inevitably meant:

> "… compromises which mean that individual theatres receive fewer than is ideal. That said, a greater allocation of Snatch to Iraq is not currently judged to be operationally essential."

390. PJHQ wrote that there were "some 380 Snatch Land Rovers deployed" in Iraq, "(including 64 Snatch 2), against a liability of 420". The Snatch 2 programme was under way and 66 of the "updated vehicles" had already arrived in theatre.

391. There were "no spare Snatch" to deploy to Iraq, and the production line was "currently devoted to non-air conditioned variants". The programme would "not address the numbers" of vehicles available but would "enhance the capability" of the vehicles deployed. DLO intended to return the number of Snatch deployed in Iraq to the agreed level of 420 "as soon as suitable vehicles" were produced.

392. The process of allocating priorities in Iraq, in common with all operations, involved "acceptance of risk in some areas". While PJHQ sought "to reduce this risk as much as possible", it was "impossible to eliminate". Since Lord Drayson's visit, six Snatch vehicles had been allocated to the RAF Regiment. The number of vehicles allocated to the RAF Regiment was "judged to be commensurate with current threat levels" and would "continue to be subject to review".

393. PJHQ stated that: "Theatre assigns its Snatch assets in line with the currently assessed areas of highest risk and operational policy."

---

[196] Report, 3 August 2005, 'CG MND(SE) – Southern Iraq Update – 3 August 2005'.
[197] Note PJHQ [junior official] to PS/Minister(AF), 19 August 2005, 'Iraq: Equipment – Follow-up to Minister(DP)'s Visit Report'.

394. Draft press lines stated that British lives were not being put at unnecessary risk. Service personnel used:

> "… the vehicles most appropriate to the missions and tasks they are undertaking. If the threat level increases, so do the protective and preventative measures taken, for example by using Warrior Infantry Fighting vehicles."

395. The key message was that British forces were:

> "… equipped with the most suitable and best protected vehicles for the job in hand. The allocation of vehicles on Op TELIC is therefore constantly reviewed in line with the currently assessed areas of highest risk and operational priority."

396. Mr Ingram's Private Office recorded on 24 August that he had noted the advice.[198]

397. In late August, in response to tasking from Lieutenant General Robin Brims, who had become Senior British Military Representative-Iraq in April, the DIS, PJHQ and MND(SE) assessed Muqtada al-Sadr's strategy and future intentions:

> "Given past casualties and the increasing sophistication of recent attacks, we expect such action in the future to mainly consist of limited engagements, standoff attacks and deniable operations including the use of technologically advanced Improvised Explosive Devices (IED), (incorporating Passive Infra-Red sensors (PIR), Explosively Formed Projectiles (EFP), and Remote Controlled (RC) arming), of Lebanese Hizballah/IRGC QF design. It is assessed such IED attacks are not being directed by JAM as an organisation but it appears that certain Shia extremists, who may also belong to JAM, are co-operating with external actors to conduct such attacks."[199]

398. On 26 August, Dr John Reid, who had become Defence Secretary in May, was provided with advice from a junior official in the Directorate of Joint Commitments about how the MOD intended to counter the threat posed by the PIR IEDs.[200]

399. The official stated that technical work on a countermeasure was at an "advanced stage" and that the UK should deploy a pre-detonation capability (M*[201]) to Iraq as soon as one was technically available, subject to securing UOR funding. That was expected to be around October 2005. The initial estimate of cost was £35m.

400. The official also warned that PIR detonation was the insurgents' response to existing ECM and that it was likely that any UK response would be met with further adaptation resulting in yet further ECM requirements.

---

[198] Note PS/Minister(AF) to PJHQ Hd Fin/Pol Ops 1, 24 August 2005, 'Iraq: Equipment – Follow-up to Minister(DP)'s Visit report'.
[199] Report [30 August 2005], 'Muqtada Al-Sadr's Strategy and Future Intentions'.
[200] Minute DJC [junior official] to PS/SofS [MOD], 26 August 2005, 'Iraq: Pre-detonation of Passive Infra Red Initiated Roadside Bombs'.
[201] A cipher has replaced the name of this project for national security reasons.

401. Dr Reid agreed on 30 August that this capability should be deployed once available.[202]

402. On 5 September, Fusilier Stephen Robert Manning and Fusilier Donal Anthony Meade died as a result of injuries sustained when the vehicle in which they were travelling hit an IED in az-Zubayr.[203] They were providing top cover at the time of the explosion.

403. On 11 September, Major Matthew Bacon was killed when a roadside IED hit the Snatch vehicle in which he was travelling in Basra.[204] Three other British soldiers, who were travelling in the same vehicle, were seriously injured.

404. AM Torpy visited Iraq from 12 to 15 September.[205] On the threat in MND(SE) he reported:

> "The recent spate of IED attacks in Basra appears to be employing the same EFP/PIR technology seen in Maysan … Focused intelligence effort is being targeted against key individuals in these groups … with the aim of conducting offensive operations at the earliest appropriate moment … On the defensive side, it is apparent that aviation top cover has a positive deterrent effect and we are looking to see what can be done to increase the hours available from the aircraft currently in theatre. On the ground a great deal of work is under way to refine TTPs and the first tranche of PIR countermeasures equipment is due to arrive in theatre soon. The GOC has also worked hard … to improve the use of ISTAR assets and coordination of intelligence."

405. The first two M* units arrived in Iraq on 2 October.[206]

406. It is clear that UK forces struggled to cope with the sophistication of the IED threat in MND(SE) during the summer of 2005.

407. Lt Gen Riley told the Inquiry that, after "a long spell of quiet" after he arrived as GOC MND(SE) in December 2004, there was "an increase in effective attacks" from "the end of April/early May" 2005.[207] Those attacks introduced more sophisticated IEDs that "were very hard for our countermeasures to defeat and which were capable of penetrating pretty much any vehicle that had been out".

408. Asked how the UK dealt with the change in threat during his time as GOC, Lt Gen Riley told the Inquiry that it took "perhaps half a step backwards at first" and that

---

[202] Minute APS/SofS to DJC, 30 August 2005, 'Iraq: Pre-detonation of Passive Infra Red Initiated Roadside Bombs'.
[203] *GOV.UK,* 5 September 2005, *Deaths of two British soldiers in Iraq – Fusilier Donal Anthony Meade and Fusilier Stephen Robert Manning.*
[204] *GOV.UK,* 11 September 2005, *British Officer killed in Iraq – Major Matthew Bacon.*
[205] Minute Torpy to Walker, 19 September 2005, 'CJO Visit Report – Iraq – 12 to 15 Sep 05'.
[206] Report, 3 October 2005, 'PJHQ Middle East Operations Team OPSUM 197 as at 021700Z OCT 05'.
[207] Public hearing, 14 December 2009, pages 5 and 27.

"we had forgotten institutionally how to deal with this" after the long period of ceasefire in Northern Ireland.

409. Lt Gen Riley added that "the armour on the Warrior and Challenger main battle tanks was upgraded very rapidly". The Snatch vehicles were also upgraded and "a new series of vehicles which were more effective" were introduced. But "the sort of vehicles that we employ now in Afghanistan were just not in production" and there was "no technological silver bullet" to address the problem. The US was still "relying on the Humvee … largely". The UK "had not procured anything and there was little on the market that could have been deployed to assist me".

410. When the Inquiry asked whether the IED threat had been brought to his attention during his time as Defence Secretary, Mr Hoon said:

> "I think it was beginning to develop at the time that I left the department [May 2005] yes."[208]

411. Asked whether the UK was unable to move around in a protected way once the insurgency in Iraq developed, Sir Kevin Tebbit replied:

> "I don't think … that was not anticipated because of lack of money. I think that was not anticipated because we hadn't seen the threat evolving as rapidly as it did with IEDs and roadside bombs. That developed so very quickly from 2004."[209]

412. Sir Kevin added: "I think the roadside bomb, the IED threat evolved very, very rapidly in a way we hadn't anticipated, and we hadn't really got grounds to have expected, frankly."

413. Gen Dannatt told the Inquiry that the circumstances in Iraq:

> "… became very difficult from the summer of 2005, particularly most dramatically evidenced by the appearance of … explosively formed projectiles, in threes, that were sufficiently effective that even our most protected vehicles were at risk …"[210]

414. When asked by the Inquiry what he was being asked to produce to support force readiness for the growing insurgency, Gen Dannatt said: "The critical deficiency was force protection measures, vehicles in particular."

415. At their meeting on 5 October, the Chiefs of Staff noted that "the high tempo of insurgent PIR technological and tactical innovation was forcing equally rapid evolution of Coalition countermeasures".[211]

---

[208] Public hearing, 19 January 2010, pages 199-200.
[209] Private hearing, 6 May 2010, pages 46-47.
[210] Public hearing, 28 July 2010, pages 16-18.
[211] Minutes, 5 October 2005, Chiefs of Staff meeting.

416. On 13 October, a DIS report of the technical influence of foreign fighters on the insurgencies in Iraq judged:

> "Of key concern is the possible state sponsorship of insurgent groups in Iraq. Highly lethal Improvised Explosive Devices of Lebanese Hizballah origin, probably migrating from Iran to Iraq, continue to pose a significant challenge to coalition forces and in particular the UK forces in MND(SE)."[212]

417. The DIS report continued:

> "The development of the IED capability in Iraq has been rapid. By way of comparison, the level of IED expertise reached by the IRA over some 30 years of conflict in Northern Ireland has been far exceeded by Iraqi insurgents in less than three years. This rapid progress is largely attributable to the technical influence of foreign fighters, many of whom view Iraq as the centre of a global jihad."

418. Following a visit to Iraq from 10 to 13 October, Gen Jackson reported:

> "Much of MND(SE)'s tactical focus has been on countering the EFP/PIR threat. TTPs have been amended and Project M* is delivering an effective interim technical countermeasure. But the enemy will adapt too, so we remain alive to the threat for some time yet. It is clear that the Scientific Advisor and his team in HQ MND(SE) have been instrumental in developing these countermeasures so rapidly and efficiently …"[213]

419. It was agreed on 14 October that 14 Warrior vehicles that were due to be returned to the UK should remain in Iraq.[214] An additional Merlin helicopter would also be provided.

420. On 18 October, Sergeant Chris Hickey, who had disembarked from his vehicle, was killed in Basra when his patrol was hit by an IED.[215]

421. At the end of October, Dr Reid reported to Cabinet that UK forces had, since May, been attacked by "a new type of bomb which had previously been associated mainly with Hizballah".[216]

422. On 31 October, Dr Reid wrote to Mr Des Browne, Chief Secretary to the Treasury, to request an increase in the UOR funding, predominantly to cover £30m funding for the initial roll-out of the M* capability.[217]

---

[212] Report DIS, 13 October 2005, 'The Technical Influence of Foreign Fighters on the Iraqi Insurgency'.
[213] Report CGS to CDS, 18 October 2005, 'CGS Visit to Iraq: 10-13 Oct 05'.
[214] Minute ACDS(Ops) to PJHQ – DCJO(Ops), 14 October 2005, 'Iraq: Additional Resources to Counter Increased IED Threat in MND(SE)'.
[215] *GOV.UK,* 20 October 2005, *Sergeant Chris Hickey of 1st Battalion the Coldstream Guards killed in Iraq.*
[216] Cabinet Conclusions, 27 October 2005.
[217] Letter Browne to Reid, 11 November 2005, 'Iraq – Urgent Operational Requirements (UORs)'.

423. Mr Browne agreed to the request on 11 November.[218]

THE IMPACT ON WIDER CIVILIAN OPERATIONS

424. The IED threat constrained the UK's ability to deliver Security Sector Reform (SSR) and Civil Military Co-operation (CIMIC) as military officers, police officers and civilian personnel were unable to move safely around MND(SE).

425. Lt Gen Dutton told the Inquiry that he had an "optimistic" briefing from the MOD before he started as GOC MND(SE) – that his role was to keep SSR "ticking over" – but that was skewed "massively" by the increased EFP threat when he arrived in Basra.[219]

426. On 11 November, Chief Constable Paul Kernaghan, the lead on international affairs for the Association of Chief Police Officers, contacted the Home Office to express concern about a report that Maj Gen Dutton had stated that he wanted to see civilian police personnel travel in Snatch vehicles, and that Maj Gen Dutton had suggested he would review – or even terminate – the relevant contracts of employment to ensure that was possible.[220]

427. On 20 November, Sergeant John Jones was killed whilst on patrol in Basra when his vehicle hit a roadside IED.[221] Four others sustained injuries in the attack, one seriously.

428. Gen Walker visited Iraq from 22 to 24 November.[222] His visit report stated that there was no "sole technical answer" to IEDs and "defensive tactics, techniques and procedures, and disruption of the terrorists, were essential parts of an overall solution".

429. On 29 November, Major General William Rollo, ACGS from January 2005, reported to Gen Jackson on his recent trip to Iraq:

> "The PIR IED threat is of real concern, and we are now more fixed by force protection than ever before. The effect of these weapons is constraining activity across all lines of operation, including SSR. Whilst overall numbers of attacks across the division has reduced, the effectiveness of each attack has risen sharply and the opposition now achieves a coalition casualty rate exceeding one killed for every PIR attack conducted …"[223]

430. The report was forwarded to Gen Walker.[224]

---

[218] Letter Browne to Reid, 11 November 2005, 'Iraq – Urgent Operational Requirements (UORs)'.
[219] Public hearing, 12 July 2010, page 17.
[220] Email Kernaghan to Home Office [junior official], 11 November 2005, 'UK civil police assistance effort in Iraq – command & control issues – request for clarity'.
[221] *GOV.UK,* 21 November 2005, *Sergeant John Jones killed in Iraq*; *BBC News,* 22 November 2005, *Tributes to Iraq blast sergeant.*
[222] Minute PSO/CDS to PS/SofS [MOD], 25 November 2005, 'CDS Visit to Iraq – 22-24 Nov 05'.
[223] Minute ACGS to CGS, 29 November 2005, 'ACGS Visit Report from Operation TELIC'.
[224] Minute MA1/CGS to PSO/CDS, 12 December 2005, 'ACGS Visit to Iraq: 18-20 NOV 05'.

431. The FCO Senior Overseas Security Adviser visited Kirkuk, Baghdad and Basra between 10 and 21 November.[225] He reported:

> "The Security Managers and CRG [Control Risks Group] are to be congratulated on their professional control of road movement … It is clear that all road moves are subject to risk … The use of helicopters is vital in order to change the pattern of movements.
>
> "We recommend that all staff in Basra can move in Warrior armoured vehicles."

432. Dr Reid visited Basra in early December.[226] The report of his visit stated that he had had "an opportunity to examine vehicles fitted with upgraded armour kits".

433. On 7 December, AM Torpy briefed the Chiefs of Staff that the discovery of a large EFP suggested that rogue JAM elements "had intended to attack heavily armoured Coalition vehicles, including Warrior".[227]

434. In his 'Hauldown Report' to AM Torpy of 12 December, Maj Gen Dutton wrote:

> "… the dominant feature of the last four months of my … tour has been the victim initiated passive infrared explosively formed projectile. This weapon, which has now proliferated through Iraq has radically affected our freedom of manoeuvre and consequently inhibited our Security Sector Reform and CIMIC effort. There is a straight trade-off here: if troops are doing force protection, they cannot be doing SSR. We are taking direct action against perpetrators … constantly amending our TTPs and there is a huge scientific effort to produce counter measures. We will never entirely defeat this threat, but it is manageable and I do not believe it has a significantly deleterious effect on morale in this AO [Area of Operations]."[228]

435. On 16 December, officials from the Department for International Development (DFID) recommended to Mr Hilary Benn, the International Development Secretary, a number of changes to transport arrangements in Basra, including the use of Warrior vehicles by DFID staff for mission critical visits to certain sites in southern Iraq.[229] Until then, DFID staff had travelled in civilian rather than military vehicles because of their lower profile, consistent with the nature of DFID's work.

436. Officials advised Mr Benn:

> "… the continuing threat from EFPs in southern Iraq fundamentally compromises our ability to complete important projects, particularly in the power and water sectors at acceptable levels of risk."

---

[225] Minute FCO [junior official] to Patey, 1 December 2005, 'Security Visit to Baghdad and Basra'.
[226] Minute Beadle to CJO, 7 December 2005, 'The Secretary of State's visit to Basrah – 2 December 2005'.
[227] Minutes, 7 December 2005, Chiefs of Staff meeting.
[228] Letter Dutton to Torpy, 12 December 2005, 'June to December 2005 – Hauldown Report'.
[229] Minute DFID [junior official] to PS/Secretary of State [DFID], 16 December 2005, 'Iraq: Iraq Security Update'.

437. Three days later, FCO officials recommended to Mr Jack Straw, the Foreign Secretary, "a safe and measured return to road moves" for civilian staff in the South "in order to fully promote HMG objectives".[230] They proposed that, subject to regular review:

- all civilian staff be allowed to travel in Warrior vehicles within Basra, where there was a significant risk from armour piercing roadside bombs;
- UK civilian police officers be able to travel with contracted British Iraqi Police Advisers in their FCO armoured vehicles, escorted by UK military Snatch Land Rovers; and
- road moves in FCO armoured vehicles should restart along the main road from Basra Airport to Nasiriyah and Basra Airport to Kuwait.

438. Mr Straw approved the recommendations on 9 January 2006, provided the rules were subject to regular review.[231]

439. In his post-tour report on 18 January, Maj Gen Dutton recorded:

> "The most significant threat in MND(SE) derives from Passive Infra-red (PIR) initiated EFP IED attacks on MNF patrols and civilian convoys … RCIEDs and CWIEDs remain an extant threat … EFP IEDs […] were responsible for 18 fatalities between Sept and Dec 05 …"[232]

440. Maj Gen Dutton reported that the "new and more complex IEDs allowed Shia militants to conduct increasingly lethal attacks and effectively fix MNF by an extended low intensity terrorist operation. This achieves the intent … by separating MNF from the Shia community and allowing local JAM to fill the security vacuum."

441. In explaining the lessons from his tour, Maj Gen Dutton wrote: "The over-riding operational imperative during this period has been the requirement to mitigate the development and proliferation of PIR initiated IEDs."

442. Maj Gen Dutton stated that in some circumstances their effect had been "particularly tangible" upon freedom of operation and had "resulted in significant rebalancing of force structures" and "a rapid evolution and re-examination" of TTPs. That had led to decisions to prohibit any ground movements, other than by Warrior or Challenger vehicles, inside the towns of al-Amara and al-Majir al-Kabir in Maysan; and subsequently, "stringent" Warrior-led convoys into Basra City and "the satellite bases". SSR had been "significantly curtailed".

---

[230] Minute Iraq Directorate [junior official] to Foreign Secretary, 19 December 2005, 'Iraq: Proposed Changes to Travel in Southern Iraq for HMG Civilian Staff'.
[231] Minute Siddiq to Iraq Directorate, 9 January 2006, 'Iraq: Proposed Changes to Travel in Southern Iraq for HMG Civilian Staff'.
[232] Report HQ MND(SE), 18 January 2006, 'Progress Report Operation TELIC'.

443. Lt Gen Dutton told the Inquiry that less time was devoted to SSR because of the need for greater force protection. Describing how the threat restricted movements in the second half of his tour, he said:

> "… my vehicles never left the compound, we did all movement by air, or if the vehicles did move, they were in convoys protected by armoured vehicles."[233]

444. Lieutenant General John Cooper, GOC MND(SE) from December 2005 to June 2006, told the Inquiry that, when he arrived in MND(SE), "on the security side, everything was containable but there was this sense of increasing military activity, particularly from [JAM]".[234] The introduction of PIR EFPs "had an impact on lower level tactical issues". That was an "issue with which we could deal, but it was sometimes unpleasant".

445. Lt Gen Cooper stated that the response from the UK's "scientific and defence community was very good, both in terms of personal equipment and vehicles".

446. In a statement to the Inquiry, Assistant Chief Constable Colin Smith, Chief Police Adviser Iraq from May 2005 to April 2006, wrote:

> "The 'deteriorating' security situation had a major influence on ability to progress development plans. As attacks increased in MND(SE) movement became difficult … Movement of CivPol [civilian police] became a further issue. As security deteriorated CivPol officers needed increasingly to be escorted by substantial military resources (Warrior Armoured Vehicles and helicopters). Their priority however was increasingly lowered by the military … This caused serious difficulties in moving between sites to attend meetings with staff often stranded overnight in various locations without transport. It was not uncommon for officers to spend 2 or 3 days at the Basra APOD [aerial point of departure] awaiting movement. Similar problems existed in Baghdad with an FCO 'fly only' policy supported by insufficient helicopter resources.
>
> "I do not criticise the military for this situation. As security and 'war-fighting' became a greater priority, movement of civilians became a lesser priority."[235]

447. Speaking to the Inquiry about his duty of care to UK police officers in Iraq, CC Kernaghan said that he had not wanted his officers to travel in Snatch Land Rovers.[236] He said he "was quite clear that Snatch Land Rovers posed an unacceptable risk". CC Kernaghan added that this was not meant as a criticism of general officers who deployed the military in Snatch vehicles because: "They had no alternative. You do what you do with what you have got."

---

[233] Public hearing, 12 July 2010, page 18.
[234] Public hearing, 15 December 2009, pages 17-18.
[235] Statement, 25 June 2010, pages 7-8.
[236] Public hearing, 23 July 2010, page 50.

448. The DOC published its third report of Op TELIC lessons on 4 April 2006.[237]

449. The report contained a section on "National Issues" described as "issues that warrant MOD's attention due to the impact on operational capability". Such issues affected "not only Iraq but may have a wider significance for other operations, including Afghanistan". One of those issues was the UK's counter-IED capability.

450. The report highlighted how PIR IED and EFP attacks had restricted the SSR and CIMIC effort, citing Maj Gen Dutton's Hauldown Report. It stated: "The technology is developing quickly and it is highly likely that it will migrate between theatres." Countering the IED threat had become a "tactical focus" and, while the MOD continued "to strive to counter the long term threat", it anticipated that the M* capability "should deliver an effective interim countermeasure to the *current* threat".

451. The report stated that the "system" to counter IEDs was "made up of four elements: threat awareness; operating in an IED threat environment; disposal of IEDs; and development of CIED [counter-IED] capability". For CIED capability to evolve into "a coherent expeditionary capability", integral components of that system needed to migrate because "much of the capability currently deployed in Iraq is dependent upon personnel and equipment on attachment from Northern Ireland". If that did not happen, there was a risk that CIED expertise would be lost when operations were drawn down from Northern Ireland as part of the Peace Process.

452. Lieutenant General Sir Richard Shirreff told the Inquiry that, when he arrived as GOC MND(SE) in July 2006, there was "effectively no security at all": "Any movement required deliberate operation to … get around the city. There was a significant lack of troops on the ground."[238] He said that troops that could have been used on the ground were perhaps "tied up guarding, securing convoys".

Decisions on the wider protected mobility capability for the Army

453. Over the same period, in mid-2005, the Army was continuing to voice concerns about delays in the FRES programme.

454. The origin of the FRES programme and the DMB's decision in July 2004 to defer its ISD were addressed earlier in this Section.

455. Brig Moore and Brig Inshaw produced a paper on 18 May 2005 to inform ECAB members on the progress of the FRES programme, prior to their meeting on 26 May.[239] The paper set out the "potential conflict" between capability decisions: a vehicle that could be rapidly deployed by air could not also be the solution to a whole range of medium weight ground vehicles that needed replacing.

---

[237] Report DOC, 4 April 2006, 'Operation TELIC Lessons Study Volume 3'.
[238] Public hearing, 11 January 2010, pages 3-6.
[239] Paper DEC(GM)/DCI(A), 18 May 2005, 'Future Rapid Effects System (FRES)'.

456. While the requirement to deploy quickly must be included, ECAB was asked to endorse the FRES Steering Committee's view,[240] that it "should not overly distort" the need to provide "an effective family" of vehicles across "the full spectrum of operations".

457. ECAB agreed Brig Moore and Brig Inshaw's recommendations on 26 May.[241] The FRES Steering Committee "had identified a potential conflict of priorities between FRES as an element of the medium weight capability, and FRES as the Army's light and medium Armoured Vehicle replacement programme".

458. Gen Jackson "said that ECAB agreed that the purpose of FRES was to equip the balanced force and that within this, both the development of a medium weight capability and the replacement of increasingly obsolete CVR(T), Saxon and FV430 fleets were equally important".

459. On 8 June, Maj Gen Rollo set out the Army's equipment priorities for the 2007 Equipment Programme (EP07) in a paper that would go to ECAB later that month.[242] Following the 2005 Programme, the challenge to identify savings while funding necessary equipment enhancements to support current operations (including an investment in light protected mobility) had meant that "a number of very painful savings measures and slippages had to be absorbed". FRES had been protected "apart from a slip to 3 variants at the back end of the programme".

460. Maj Gen Rollo wrote that the slip in the FRES ISD suggested the Army "should invest further in the transitional medium force" but any additional purchase "should not threaten the FRES ISD". Maj Gen Applegate's team was "examining this issue in detail, looking at innovative ways of finding the necessary resources and assessing the STP and EP impacts". It would report in July.

461. It is not clear what the details and results of this work were as the minutes of the next three ECAB meetings do not record that Maj Gen Applegate's team reported back to the Board in July.[243] The MOD has been unable to find any supporting documents.

462. Addressing the various programmes under way, Maj Gen Rollo wrote that there was "a need in this planning cycle to determine the protected mobility requirements for light forces across the Army".[244] He cited DUCKBOARD and Vector as examples of "disparate programmes" that might need to be "rationalised" in the future programme to "provide a coherent solution" for force protection.

---

[240] The Inquiry requested all meeting minutes from the FRES Steering Committee between 1 January 2005 and 1 January 2008. The MOD has been unable to locate any such records.
[241] Minutes, 26 May 2005, Executive Committee of the Army Board meeting.
[242] Paper ACGS, 8 June 2005, 'Army Equipment Priorities for EP 07'.
[243] Paper ACGS, 'Army Equipment Priorities for EP 07'; Minutes, 20 June 2005, Executive Committee of the Army Board meeting; Minutes, 6 July 2005, Executive Committee of the Army Board meeting; Minutes, 22 September 2005, Executive Committee of the Army Board meeting.
[244] Paper ACGS, 8 June 2005, 'Army Equipment Priorities for EP 07'.

463. In introducing his paper to ECAB on 20 June, Maj Gen Rollo said it "was a realistic approach which recognised that requests for extra investment might require the identification of compensating reductions".[245]

464. Gen Jackson said that ECAB was content with the priorities listed and "emphasised that war-fighting must continue to determine the Army's equipment priorities". He said that there should be "a sharper focus on FRES, emphasising the delivery of the programme".

465. At the ECAB meeting on 22 September, Gen Jackson explained that, whilst progress on the FRES programme continued, "he feared a slip in the ISD".[246] That "would be very damaging to the Army". The minutes record that Gen Dannatt "reinforced this point". ECAB would "need to make strong representations" to the Chief of Defence Procurement and DCDS(EC).

466. On 14 November, ECAB discussed a report of the Army's performance between 1 July and 30 September.[247]

467. Maj Gen Rollo had produced a paper on the areas of under-performance, which reported that Gen Dannatt had emphasised "an equipment issue of immediate concern".[248] Gen Dannatt was quoted as saying:

> "Our patrol vehicles routinely deployed on current operations … are vulnerable and we are suffering casualties. Snatch has poor mobility, inadequate protection and is unreliable due largely to its hard use. We are working with PJHQ to address vehicle and ECM issues and to develop TTPs, but there is a need to bring a clarity to the requirement for protected patrol vehicles. In addition, I am concerned at the lack of [Type] B vehicle protection more generally. I recognise that it may take time to deliver a solution, but we face the prospect of continuing operations in Iraq into 2008 as well as in Afghanistan."

468. Maj Gen Rollo's asked ECAB to note Gen Dannatt's concern and "consider whether any additional measures can bring greater clarity to vehicle protection requirements".

469. The minutes of the ECAB meeting on 14 November do not record any specific discussion of Gen Dannatt's concerns at the meeting but the subject of protected mobility was discussed more broadly.[249]

---

[245] Minutes, 20 June 2005, Executive Committee of the Army Board meeting.
[246] Minutes, 22 September 2005, Executive Committee of the Army Board meeting.
[247] Minutes, 14 November 2005, Executive Committee of the Army Board meeting.
[248] Paper ACGS, 10 November 2005, 'The Army Second Quarter Performance Report AP 05/Army Risk Register Discussion Paper'.
[249] Minutes, 14 November 2005, Executive Committee of the Army Board meeting.

470. In considering the "failure to provide appropriate protected mobility on operations", ECAB noted that the mitigating action to cover the risk included:

- "Improve ECM: two sets of the new equipment had been delivered to Iraq in a trial to meet the threat from IEDs."
- "Replace Snatch 1 with Snatch 2/Vector: Snatch 2 was more reliable than Snatch 1 but still had the same protection and mobility characteristics. Although money had been allocated towards the Vector project, a vehicle solution had yet to be identified."
- "Examine early replacement of Saxon with Warrior/improved FV430: Warrior is the only vehicle currently available to the Army which provided significant protection against EFP IEDs. Any additional battalions equipped with Warrior to fill the AV [Armoured Vehicle] gap on operations need only be trained on its use for mobility requirements and not full manoeuvre capability."
- "Maintain FRES ISD of 2012."

471. At its meeting on 19 January 2006, ECAB was given a presentation on the progress of the Assessment Phase for FRES in the light of the critical decisions required for the programme to maintain momentum, including the extent to which "the Army was prepared to compromise on capability … to achieve an early ISD" for FRES.[250] Final decisions would be taken by Ministers on the advice of the IAB.

472. In a paper for ECAB about the FRES Fleet Review, Brig Moore concluded that further work was necessary and the earliest that an initial operating capability (which would meet the requirements for survivability and future growth) could be achieved was 2015 to 2018.[251]

473. The paper stated that full operating capability would not be delivered until beyond 2023. That meant that some elements of the current fleet would be over 60 years old before they were taken out of service, and additional funding would be required.

474. The paper stated that, although the US Stryker vehicle could be procured to fulfil the Utility FRES variant "around 2013", that option had been discounted because it would only be available in its current configuration. For the "FRES era", this model offered insufficient protection, lacked growth potential and the UK was unlikely to be able to make any necessary modifications to it.

475. A second paper by Brig Moore, on the implications of the Fleet Review on the Army's AV capability, detailed how the FRES delays had "exacerbated" the Armoured Personnel Carrier (APC) vehicle gap; Saxon's limitations made it unsafe for use on operations but there was currently no alternative vehicle available.[252] Gen Dannatt had

---

[250] Minutes, 19 January 2006, Executive Committee of the Army Board meeting.
[251] Paper DEC(GM), 12 January 2006, 'Future Rapid Effect System (FRES) Fleet Review Outcome'.
[252] Paper DEC(GM), 13 January 2006, 'The Implications of the Outcome of the Future Rapid Effect System Fleet Review on the Armoured Vehicle Fleet'.

asked Brig Moore to identify the options to fill this gap until FRES was able to enter service.

476. In considering whether PPVs could offer a solution, Brig Moore outlined the differences between the FRES APC requirement and PPV capabilities:

> "… PPV [sic] has a limited degree of protection and mobility, and is designed around a patrol mission of up to 8 hours. These vehicles are not organic to units, but are issued in theatre as required. Originally designed as a specialist NI capability, the requirement for PPV in all theatres is becoming enduring …"

477. Brig Moore wrote that the in service PPV capability was provided by Snatch vehicles, which were being upgraded and completion was expected by August 2006. The Vector programme would deliver "about 80" vehicles. The original requirement had been for 153 but "further risk" had been taken "for reasons of affordability". Vector would not replace Snatch and its protection levels would be "less than Saxon".

478. Brig Moore stated:

> "Whilst new PPVs cannot fill the APC gap, they may help to mitigate its impact, especially on operations in the short term. The longer term plan for PPVs is currently being scoped by DCI(A) [Brig Inshaw]."

479. Brig Moore concluded that the "most effective way" to address the issue was by "a combination of upgrading and managing in-service AVs". That would have an impact on the AV fleet, but further work was necessary to "confirm the most operationally appropriate and cost effective mix" and to assess how much risk could be carried.

480. Gen Jackson stated at the meeting that the Army was "disappointed by the conclusions" of the review, "but it was vital that ECAB understood how such conclusions had been reached and the implications for the in-service armoured vehicle fleet".[253]

481. ECAB agreed:

- "FRES was the Army's highest priority and that, given the future threat, the requirement was fully justified. It would be important to get the DMB engaged in the whole Armoured Vehicle Fleet issue so that it was seen as a priority in terms of resources."
- The FRES Fleet Review Outcome Paper with some amendments, including that:
  - The programme should "aim to achieve the earliest possible" ISD and full operating capability by "challenging traditional acquisition models and seeking an incremental introduction of capability".
  - It would be necessary to update and upgrade FV430 and CVR(T) and replace Saxon.

---

[253] Minutes, 19 January 2006, Executive Committee of the Army Board meeting.

- Purchasing new MOTS [modified-off-the-shelf] vehicles such as to meet the Mechanised Infantry APC gap, such as Stryker, "should not be considered further".
- It endorsed the "aspiration" to withdraw Saxon from mechanised brigades and take it out of service "as soon as was practicable".

- "The requirement to improve our PPV capability should be addressed as a related but separate piece of work."

482. Reflecting ECAB's discussion, Gen Jackson wrote to Lord Drayson, on 23 January, inviting him to note the delay in the forecast FRES ISD and that ECAB had commissioned further work on maintaining adequate military capability.[254]

483. Gen Jackson set out how the FRES programme had failed to keep up with planned timescales, with the earliest ISD being delayed from 2012 to "2015-2018" as a result of the requirement to meet the threats it would likely face. He described that conclusion as "extremely unpalatable".

484. Gen Jackson wrote that ECAB had concluded that there was "an urgent non-discretionary requirement to maintain adequate military capability and protected mobility" until FRES came into service, and that there was "a clear moral responsibility to do the best we can to safeguard soldiers' lives in the interim". That would include plans "to run on – and upgrade" FV430 and CVR(T) vehicles to fill the gap.

485. Lord Drayson's Private Office recorded that he had discussed the advice with Gen Jackson on 24 January and was not content to note the delay.[255] Lord Drayson viewed:

> "… the suggested slip in (FRES) In Service Date as entirely unacceptable and, as agreed, intends to work with CGS [Chief of the General Staff] and IAB [Investment Approval Board] members over the next months to ensure a way ahead is found that meets the Army's requirements."

486. Lord Drayson spoke to Mr Bill Jeffrey, MOD Permanent Under Secretary, on 30 January, about armoured vehicle capability including those in use on current operations and FRES.[256]

487. Lord Drayson told the Inquiry that he had asked Mr Jeffrey:

> "… to grip the FRES situation because I was not content with the proposal to further delay the project and because I was concerned that the MOD was not giving the issue of armoured vehicles sufficient priority."[257]

---

[254] Minute CGS to PS/Min(DP), 23 January 2006, 'Future Rapid Effects System (FRES) Fleet Review'.
[255] Minute APS/Minister(DP) to MA/CGS, 24 January 2006, 'Future Rapid Effects System (FRES) Fleet Review'.
[256] Minute DCDS(EC) to PUS [MOD], 3 February 2006, 'Armoured Vehicle Capability'.
[257] Statement, 15 December 2010, page 5.

488. On 3 February, Lt Gen Fulton advised Mr Jeffrey how the MOD intended "to deliver a coherent armoured vehicle capability which meets current and future needs, against the background of the wish to make an early announcement to reassure the public, industry and the Army that the MOD is on top of the issue".[258]

489. Lt Gen Fulton recommended that Mr Jeffrey should note that:

"a. Urgent work is under way to identify and cost options to meet Defence's short term need for armoured vehicles which meet the increased demand of current operations and to consider whether timescales and capability can be advanced by making an early commitment.

b. The armoured vehicle work builds on the Defence Industrial strategy … and the more general armoured fighting vehicle work with industry.

c. Concurrent work is considering how the Future Rapid Effect System (FRES) project can be accelerated to meet Defence's longer term need for armoured capability."

490. Lt Gen Fulton advised that work "during the FRES Assessment Phase" had "indicated" that it was "very unlikely" that an initial operating capability could be achieved before 2015; and that was "principally driven by the need to ensure" that it was "capable of future weight growth (in order to achieve protection requirements over a long life) and technology insertion".

491. Addressing the implications of that delay, including the need to retain existing armoured vehicles with recognised deficiencies, Lt Gen Fulton wrote: "Work has been under way since July 2005 to identify the full implications for the armoured vehicle fleet of these deficiencies, and to consider how to address them." The FV430 and CVR(T) fleets were facing obsolescence but that could be managed to a degree. They would need up-armouring to meet the threat level faced in Iraq. Saxon was described as "insufficiently effective". The funding provided for FRES in the Equipment Programme would be examined "to identify opportunities to fund enhancements to the existing AV fleet".

492. Mr Jeffrey forwarded Lt Gen Fulton's advice to Lord Drayson, agreeing that the issue should be looked at urgently for a number of reasons, including that "the increased demands of current operations" had "exposed weaknesses in what was already a fleet facing obsolescence".[259]

493. Mr Jeffrey stated that the DMB would discuss the deficiencies of the existing armoured vehicle fleet on 9 March and it "may be that there will be opportunities to deploy funds previously earmarked for FRES". FRES would be discussed by the IAB on 9 February.

---

[258] Minute DCDS(EC) to PUS [MOD], 3 February 2006, 'Armoured Vehicle Capability'.
[259] Minute PUS [MOD] to Minister (DP), 3 February 2006, 'Armoured Vehicle Capability'.

494. Mr Jeffrey promised a progress report after the DMB in March, stating:

> "My aim is to put the Secretary of State and you in a position to make a clear early public statement on FRES and plans for armoured vehicle capability in the intervening period before FRES comes into service, to give confidence that we are addressing the issue responsibly."

495. The MOD has not been able to provide a complete record of the DMB meeting held on 9 March, but the summary of conclusions makes no specific reference to FRES.[260]

496. The summary of the record did state that the DMB had concluded "that there was a stronger continuing operational requirement for FV430 overhaul and upgrade than had been assumed in STP05". It was decided that sufficient additional resources should be provided to cover this cost in 2006-2007 and the longer-term requirement would be reviewed in STP/EP07.

497. ECAB met on 16 March.[261]

498. The minutes of the meeting stated that Lord Drayson's:

> "… visit to Land had gone well, and the Minister understood the importance of FRES; the implications of the new ISD [In Service Date]; the need for an interim solution to plug the gap … and the requirement to improve Protected Patrol Vehicles (PPVs)."

499. On 17 March, Mr Jeffrey wrote to Lord Drayson with an update on armoured vehicle capability following the DMB's discussion of the subject on 9 March.[262]

500. Mr Jeffrey stated that the discussion was "set in the context of the wider financial position in 2006/07 and the other demands on our resources; including the desire to bring forward the buy of the 5th C17, higher fuel prices … and a range of other matters".

501. The DMB view was that "the majority of issues should be resolved in the wider EP/STP planning round, but that there were grounds for taking some decisions early". That included replacing Saxon and the overhaul of the FV430 series of vehicles "to provide a better capability for mechanised infantry". The resources for the conversion of vehicles for use on Op TELIC would be sought through a UOR.

502. Mr Jeffrey said that the DMB had discussed the "high priority" of ensuring FRES was delivered "as early as possible". Lt Gen Fulton was tasked to prioritise the requirement for FRES funding in 2006/07 in the context of "other capability requirements, and any other cost pressures on the Equipment Programme" in 2006/07.

503. Other issues relating to armoured vehicle capability were to be taken forward within STP/EP07.

---

[260] Minutes, 9 March 2006, Defence Management Board meeting.
[261] Minutes, 16 March 2006, Executive Committee of the Army Board meeting.
[262] Minute PS/PUS [MOD] to Min(DP), 17 March 2006, 'Armoured Vehicle Capability – DMB Decisions'.

504. Mr Jeffrey's minute stated that the requirement for PPVs was "distinct from the armoured vehicle capability, but PPV may help to mitigate shortfalls over the next few years". The Vector contract "for at least 62 vehicles" was imminent and "options to deliver more" would be considered in the planning round.

505. On 24 April, Maj Gen Rollo told ECAB that co-ordinated work on "the FRES/AV Gap" was "in hand for STP/EP07 and STP/EP08".[263] Two programme reviews were ongoing, including an Armoured Vehicle strategy and "Armoured Vehicle Through Life Management Plan". Lord Drayson "was fully engaged in this issue and the Army should capitalise on this".

506. Mr Des Browne replaced Dr Reid as Defence Secretary in May 2006.

507. On 25 May, Mr Browne was advised by a junior MOD official to write to Mr Stephen Timms, Chief Secretary to the Treasury, to seek an uplift in UOR funding to begin up-armouring the FV430 fleet for Iraq "as soon as possible".[264] A business case for £6m to procure the "long-lead items" for this project had been approved in April 2006.

508. The FV430 fleet had not previously operated outside MNF bases as they fell short of the force protection levels required, but Mr Browne stated:

> "It is anticipated that there will be an increasing requirement for the FV430 fleet to deploy in a more overt capacity over the coming months, necessitating appropriate protection against the associated exposure to prevalent threats."

509. Mr Timms approved the proposal on 15 June.[265]

510. On 21 June, the DMB received two presentations; one about medium weight capability, and one about FRES.[266] The minutes do not make clear what constituted medium weight capability for the purposes of the meeting but stated that it was a valuable "over the horizon" capability that was much broader than FRES, although FRES "formed an important part of it". It was a joint capability to which all three Services contributed. It did not appear from the minutes that either presentation related to PPVs.

511. The DMB concluded that FRES was the Army's highest priority equipment programme after support to operations. FRES would be in service for many decades and it would be essential that there was growth potential and realism about timelines. The Board noted "with concern" that the programme was taking longer than originally anticipated. That was attributed to the time it had taken to understand the requirement properly, to plan, research and de-risk the programme. The delays were operationally

---

[263] Minutes, 24 April 2006, Executive Committee of the Army Board meeting.
[264] Note MOD [junior official] to PS/SoS [MOD] 25 May 2006, 'Iraq – Additional Funding for Urgent Operational Requirements (UORs)' attaching Letter [draft] SoS [MOD] to Chief Secretary [Treasury], undated, 'Iraq – Additional Funding for Urgent Operational Requirements'.
[265] Letter Timms to Browne, 15 June 2006, 'Iraq – Urgent Operational Requirements (UORs)'.
[266] Minutes, 21 June 2006, Defence Management Board meeting.

damaging and had led directly to the need for force protection enhancements to FV430 vehicles deployed in Iraq. The DMB stressed that it expected lessons to be learned.

512. The up-armoured FV430 vehicles, known as Bulldog, began to deploy to Iraq in December 2006.[267]

513. Following his trip to Iraq in late 2006, General Sir Timothy Granville-Chapman, Vice Chief of the Defence Staff, recorded:

> "Bulldog (up-armoured and engined 430) received rave reviews for its protection (not yet fully tested), mobility in tight streets and reduction in road/kerb damage. The battlegroup's hierarchy saw it as a sound medium capability for up to 10 years."[268]

PROJECT VECTOR

514. As the preceding text in this Section shows, the MOD had been considering the potential requirement to deploy PPVs concurrently in Iraq and Afghanistan since 2004. In February 2005, it had been decided that, alongside the Snatch conversion programme, 100 Vector vehicles should be procured.

515. A business case for Project Vector, requesting approval to purchase 62 Vector vehicles at a cost of £18.8m was submitted to the IAB on 13 March 2006.[269] Those vehicles were intended for Afghanistan. PJHQ accepted that the vehicles would not be available before March 2007.

516. The business case stated that "initial scoping studies" for a Vector vehicle solution had considered "an increased capacity Snatch" but that had not been successful and would not be considered any further as a suitable platform for Vector. That was due to a "complete inability" to meet the Key User Requirement concerning the weight it was expected to carry.

517. Snatch 2 vehicles had been deployed to Afghanistan but had been "restricted to urban patrols" because of their mobility issues and the extreme terrain. Vector would offer a "substantial increase in the performance to that of Snatch 2 in terms of protection, mobility and capacity". On protection it stated:

> "It can be seen that Vector can be used in a more hostile environment than Snatch as is anticipated on Op HERRICK once full operations are undertaken."

518. The operational analysis had been conducted by DSTL.

519. The business case stated: "Vector is currently CinC (LAND) [Gen Dannatt]'s highest priority."

---

[267] House of Commons Standard Note, SN/IA/5128, 14 July 2009, *Afghanistan: Equipment Issues*.
[268] Minute VCDS to CDS, 4 December 2006, 'VCDS's visit to Afghanistan and Iraq 27 Nov – 2 Dec 06'.
[269] Paper DEC(SP), 13 March 2006, 'Business Case – Project Vector'.

520. There was a reference to the SOR produced on 21 February 2005 stating that the requirement for PPVs on a global and enduring basis was 1,030 vehicles: 877 Snatch 2 and 153 Vector vehicles. The business case stated that financial limitations currently constrained the numbers to 624 Snatch 2 and 62 Vector vehicles. The risk arising from the shortfall in vehicles would be managed by "the PPV management committee" but:

> "Initially all of the procured vehicles will be deployed on Op HERRICK due to the improved mobility that Vector offers over Snatch 2A."[270]

521. A requirement for 166 PPVs had been endorsed for Op HERRICK. That would initially be met through the deployment of Snatch 2A but 62 would be withdrawn and replaced with Vector during roll-out. The 62 withdrawn vehicles would be "redeployed to reduce risk taken on expeditionary operations" which was "expected to be Op TELIC".

522. A commercial off-the-shelf option was recommended as the means to deliver the capability as there were "a number of manufacturers who produce armoured vehicles which would fulfil the requirements of Project Vector" and some of those vehicles were in service with "other armed forces". There was "insufficient time" to develop a bespoke option.

523. Lord Drayson's copy of the business case was annotated by his Assistant Private Secretary on 7 March.[271] It stated:

> "For info only and low priority. Worth a skim solely because it deals with armoured vehicles (albeit light ones), is described CinC Land's 'highest priority' and you will see him on Friday!"

524. On 9 March, Lord Drayson noted: "Following visit let's get focused on this project."[272]

525. On 14 March, Lord Drayson's Assistant Private Secretary wrote to the Directorate of Capability, Resources and Scrutiny (Battlespace Manoeuvre) (DCRS(BM)), noting the 3 March business case and Lord Drayson's visit to Land Command.[273] Lord Drayson understood "that the vehicles are required for the March 2007 Afghanistan roulement", and it would be important that work was completed "on schedule by September".

526. The "Project Vector" business case was approved on 21 March.[274]

---

[270] Snatch 2A was the latest variant of the Snatch Land Rover.
[271] Manuscript comment APS/Min(DP) on Paper DEC(SP), 3 March 2006, 'Business Case – Project Vector'.
[272] Manuscript comment Drayson on Paper DEC(SP), 3 March 2006, 'Business Case – Project Vector'.
[273] Minute APS/Min(DP) to DCRS BM, 14 March 2006, 'Project Vector – Protected Patrol Vehicles'.
[274] Minute DCRS [junior official] to APS/Min(DP), 22 March 2006, 'Project VECTOR – Protected Patrol Vehicles'.

527. On 22 March, Lord Drayson's Private Office recorded that:

> "Given the present tempo of operations, and the threat the Army are typically facing during deployments, Lord Drayson believes it is imperative that we ensure we are providing them (in both the near and long term) with appropriately protected vehicles. This will clearly involve both addressing the present operational requirement, and ensuring that FRES is brought into service no later than 2012."[275]

528. On 22 March, an MOD official from DCRS(BM) advised Lord Drayson on how the remaining 104 Vector vehicles (from the 166 total) might be procured with Treasury funding.[276] The manufacturer would be working "flat out" to produce the initial purchase and there was "no scope to produce either more vehicles [between March and May 2007], or bring forward the delivery timeline".

529. Approval had been given to buy as many vehicles as the available funding would allow but, due to the late inclusion of an additional protection measure against EFPs, it was "possible" that fewer than 62 would be purchased.

530. The official added that there were "anticipated requirements for future PPV capabilities in the short and long terms". Lord Drayson was advised that a follow-on purchase could be made in the short term either through UOR or Equipment Programme action to meet the "full Defence wide requirement".

531. Considering the UOR route, the official wrote that the requirement for additional Vector vehicles had not been included in the financial estimate for Afghanistan approved by Cabinet. It was therefore not advised to approach Treasury until the operational requirement was "sufficiently mature", coupled with some operational experience of Snatch's performance in Afghanistan. Delaying a UOR until September would not have an impact on the delivery schedule, given that the manufacturer was working at maximum capacity to deliver the first tranche of vehicles. "Initial informal soundings" from the Treasury were that:

> "… not only would the requirement need to be robust (ie a clear explanation of why Snatch, for which they have already provided UOR funding is not appropriate at all for Op HERRICK, and that no other in-service vehicle … would not fill the gap), but also that the costs would need to fall within our currently negotiated funding envelope."

532. Raising an Equipment Programme enhancement option was an alternative route to secure the vehicles which again would not have an impact on the delivery schedule. The official advised that, whilst it was "likely" that procuring additional Vector vehicles would be seen as "a high priority across Defence", it was noted that "other competing priorities

---

[275] Minute Pfeffer to CM(BM) and DCRS, 22 March 2006, 'Armoured Vehicles'.
[276] Minute DCRS (BM) [junior official] to APS/Min(DP), 22 March 2006, 'Project Vector – Protected Patrol Vehicles'.

in EP07" meant that there was no guarantee that funding would be found. The official gave three examples of those priorities, one of which was additional FRES funding.

533. The official did not recommend which option Lord Drayson should approve. It was also stated that longer-term consideration was needed to understand "how this enduring capability might be met, to replace the Snatch/Vector mix".

534. Lord Drayson was also informed that, of the £74.5m the DMB had allocated to the PPV programme in FY 2005/06, £11m would not be spent.

535. Gen Dannatt told the Inquiry that, from the time of the announcement in June 2004 that the Headquarters ARRC would be deployed to Afghanistan in 2006, "whatever was happening in Iraq and however Iraq was going to develop, there was going to be another operation in Afghanistan in the middle of 2006"; and that:

> "… everything as far as I was concerned to do with Iraq from the time that I became Commander in Chief in March 2005 was not just in the context uniquely of Iraq, but in the wider context of '… and we are going to be involved in Afghanistan as well'."[277]

536. Gen Dannatt told the Inquiry that, in his view:

- Afghanistan was "perhaps much more important to get right";
- "resourcing the operation in Afghanistan was particularly important"; and
- "Afghanistan would always develop as being the main effort".

537. Referring to the decision to procure Vector vehicles, Gen Dannatt told the Inquiry that one of the brigades going into Afghanistan "had no vehicles at all" and the Army "knew that by spring 2007 we had to have something for them".[278] Gen Dannatt said that the Vector programme was decided "in something of a hurry".

538. The procurement of the remaining 104 Vector vehicles, to bring the total to 166, was progressed as part of Maj Gen Applegate's response to the armoured vehicle review in June 2006. That is addressed later in this Section.

THE DECISION TO PROCURE ADDITIONAL VEHICLES FOR IRAQ

539. Further fatalities in Iraq prompted questions about what more could be done to provide better protection for British troops.

540. On 31 January 2006, Corporal Gordon Pritchard was killed whilst on patrol in Umm Qasr when the Land Rover in which he was travelling was hit by a roadside IED.[279] Three other soldiers were injured, one seriously, in the same incident.

---

[277] Public hearing, 28 July 2010, pages 14-15.
[278] Public hearing, 28 July 2010, pages 52-53.
[279] *GOV.UK,* 31 January 2006, *Corporal Gordon Alexander Pritchard killed in Iraq; BBC,* 31 January 2006, *British forces suffer 100th Iraq death.*

541. On 28 February, Captain Richard John Holmes and Private Lee Ellis were killed in an IED attack in a joint Snatch and Warrior vehicle convoy in al-Amara.[280]

542. On 15 April, Lieutenant Richard Palmer was killed when his patrol vehicle hit a roadside IED north-west of Basra.[281]

543. On 13 May, Private Joseva Lewaicei and Private Adam Morris were killed while on patrol when their Snatch vehicle hit a roadside IED just outside of Basra.[282]

544. On 28 May, Lieutenant Tom Mildinhall and Lance Corporal Paul Farrelly were killed by a PIR EFP IED whilst on patrol in Snatch vehicles.[283]

545. Brigadier James Everard, Commander 20 Armoured Brigade, wrote in his post-operation tour report that a policy had been put in place from 29 May whereby all vehicles travelling around Basra City were led by Warriors.[284] He wrote:

> "This measure proved its worth as SAF [small arms fire] and RPG contacts also increased from July and Warrior a magnet for enemy fires frequently drawing attention away from other less well protected vehicles …"

546. In a debate in the House of Lords on 12 June, Lord Astor of Hever raised the question of when the Government intended to bring into service further patrol vehicles armoured to provide protection against IEDs.[285]

547. Lord Drayson responded that PPVs were:

> "… only one of a range of vehicles available to commanders to allow them to balance mobility, protection, and profile based on the threat, the terrain and the task. PPVs offer a level of protection commensurate with their weight, size and role, together with good mobility and a low profile."

548. Following a supplementary question from Lord Astor, stating that the Snatch "was not remotely adequate for patrolling areas where insurgents used land mines" and asking whether an assessment had been made of the RG31,[286] "which the Americans had bought in large numbers", Lord Drayson responded:

> "… I do not accept that Snatch Land Rovers are not appropriate for the role. We must recognise the difference between protection and survivability. It is important

---

[280] *GOV.UK,* 1 March 2006, *Captain Richard Holmes and Private Lee Ellis killed in Iraq; BBC News,* 1 March 2006, *Troops in Iraq blast named.*
[281] *GOV.UK,* 16 April 2006, *Lt Richard Palmer of the Royal Scots Dragoon Guards killed in Iraq.*
[282] *GOV.UK,* 15 May 2006, *Private Joseva Lewaicei and Private Adam Morris killed in Iraq; BBC News,* 15 May 2006, *Dead British soldiers are named.*
[283] *BBC News*, 30 May 2006, *MoD names troops killed in Iraq.*
[284] Report, 15 December 2006, 'HQ 20 Armd Bde Op TELIC 8 Post Operational Tour Report'.
[285] House of Lords, *Official Report*, 12 June 2006, columns 1-2.
[286] An RG31 is a 4x4 vehicle manufactured in South Africa.

that we have the trade-offs that we need for mobility. The Snatch … provides us with the mobility and level of protection that we need.

"We had RG31s in Bosnia, which we took out of service some time ago due to the difficulties with maintenance. We have looked at the RG31 … and concluded that the size and profile did not meet our needs. Size is important in the urban environment. The RG31 cannot access areas that Snatch Land Rovers can get to."

549. Lieutenant General Nicholas Houghton, who succeeded AM Torpy as CJO in March 2006, visited Iraq from 13 to 15 June.[287] He reported:

"… I do have some concerns as I look ahead over the balance of the year … If we are to match the wider campaign desire for a decisive six months we need to balance ourselves accordingly."

550. On reducing troops and equipment in Iraq, he stated:

"Do not look for too big a dividend this year. Particularly we need to retain as much Warrior … as LAND can afford. The reality is that Warrior gives us confidence and a protective edge over EFPs. The boys can manage Snatch – just; but they have no inherent confidence in it."

551. Mr Ingram gave evidence about Snatch Land Rovers to the Defence Select Committee on 20 June.[288] He said that there was no "off-the-shelf" solution that would offer the "all-round protection we would seek with the same utility and manoeuvrability".

552. Mr Ingram told the Committee that there was "a balance of risk" that needed to be taken. While the MOD was "very conscious of where the threats were coming from", they did "not necessarily have every capacity to deal with those threats".

553. On 26 June, Mr Browne announced a review of armoured vehicles in Parliament.[289] He stated:

"As I have already said to the House, it is open for commanders to deploy vehicles that have heavier protection than the Snatch Land Rover … Other vehicles are available to them; there is a choice. However, commanders must be free to make decisions in relation to the operations for which they deploy soldiers. I have already said to the House that I am aware of the issue: I could not but be aware of it following my visit last week and, indeed, my earlier visit. I have asked for a review of what we can do in the long term and immediately. I shall see what we can do immediately to respond to the changing situation, although significant measures other than those in relation to the vehicle's armour must be taken. We are at the leading edge of some of them, and electronic counter-measures, in particular."

---

[287] Minute Houghton to PSO/CDS, 16 June 2006, 'Visit to Iraq 13 – 15 Jun 06'.
[288] Thirteenth Report from the House of Commons Defence Committee, Session 2005-06, *UK Operations in Iraq*, HC 1241.
[289] House of Commons, *Official Report*, 26 June 2006, column 7.

554. Mr Browne met Mr Ingram and Lord Drayson to discuss the review on 27 June.[290] He asked Lord Drayson to:

> "… set the necessary work in hand to provide Ministers with urgent, realistic, costed advice on whether there is anything more we can do to protect troops … and to enable them to achieve their mission(s). In particular, the review should examine whether there are any vehicles with a higher level of protection than Snatch Land Rovers which could be procured quickly (and if so, at what cost)."

555. Maj Gen Applegate provided a paper to Lord Drayson on "the capability that might be achieved with the investment of about £50m for the protection of soldiers in PPVs" on 28 June.[291] He recommended that Lord Drayson approve:

- a commitment of £2m for an "urgent study on options for an enhanced PPV";
- the procurement of all 166 Vector vehicles for Afghanistan; and
- the purchase of additional armoured kits for FV430 for use in Iraq. The existing UOR would begin to deliver up-armoured FV430s in October 2006 and deliveries would be completed by January 2007.

556. Maj Gen Applegate advised Lord Drayson:

> "PJHQ and LAND regard a broad systems approach to force protection as essential, linking ISTAR, situational awareness, tactic techniques and procedures, ECM and platform survivability. This systems approach seeks to defeat the system; if this fails defeat [sic] the device, and finally defeat the attack."

557. Maj Gen Applegate highlighted that the UK had been criticised for not adopting the RG31, variants of which were in service with US and Canadian forces and which had been used by UK forces in the past. He wrote that RG31 had previously been discounted as a suitable alternative to Snatch. Brig Moore would be briefed on its development and growth potential when he visited South Africa on 29 June.

558. In relation to the study into future PPV capability, Maj Gen Applegate wrote:

> "The threat continues to develop and there is a requirement to assess urgently how to sustain the PPV capability. The US is conducting a similar assessment. New developments designed to meet this threat are currently at the demonstrator stage and it would be prudent to examine these urgently to understand what capabilities they might offer. In general if we are to combat the developing threat we will require a heavier vehicle capable of carrying a higher payload in order to mount additional armour. The ability of such a vehicle to operate effectively in the urban environment will be part of the assessment."

---

[290] Minute PS/SofS [MOD] to PS/Minister(DP), 27 June 2006, 'Protected Patrol Vehicles: Review'.
[291] Minute Applegate to APS/Min(DP), 28 June 2006, 'Protected Patrol Vehicles (PPV)'.

559. Maj Gen Applegate recommended that additional funding be provided "to develop concurrently an enhanced PPV capability to match the emerging threat, with an anticipated fielding in the latter half of 2007". In the interim, "and to provide the commander with sufficient flexibility to mitigate the weakness of Snatch, additional armour packs should be procured for FV430". The possibility of accelerating the modification of FV430 and Vector was also being explored.

560. Lord Drayson approved the request the same day.[292] He asked Maj Gen Applegate to "engage with coalition partner to identify whether they may have excess PPV capacity which would provide a greater level of protection which could be made available to the UK"; and for further advice by 13 July.

561. Following his visit to South Africa, Brig Moore advised on 3 July that, should the Army decide that "a better protected PPV" was required, then the RG31 had "the potential to meet that requirement".[293] In considering the requirement, Brig Moore wrote that there was a "conundrum" between a heavier vehicle that was able to protect soldiers against the mine or IED threat, and ensuring the vehicle was agile enough to access built-up areas. He added that "if the UK wants to provide its soldiers with the protection necessary to do their job, it will need a heavier PPV".

562. On RG31, Brig Moore stated:

> "It is now apparent that RG31 … has sufficient stretch potential to take the additional weight associated with protection against […]. In addition, LSSA [Land Systems South Africa] has a rigorous testing regime … and this is fully compliant with DSTL thinking. LSSA is innovative, front running and is at the leading edge of their trade. Should the Army want a heavier and better protected PPV, RG31 would be a strong contender."

563. In his summary, Brig Moore said that "the South Africans were open, engaging and ready to help in any way possible. Notwithstanding the considerable attributes of RG31, UK should exploit this opportunity."

564. In response to a question from the Inquiry, about whether he had asked about potential alternatives to Snatch on the global market before June 2006, Lord Drayson wrote in his statement:

> "Yes … I was advised that there was no vehicle identified that could provide the mobility and small footprint offered by Snatch and that the vehicles used by the US such as Stryker and Humvee did not offer a better solution. The larger protected patrol vehicles (such as the RG31 …) were regarded by the Army as unsuitable for Iraq …

---

[292] Minute PS/Min(DP) to Applegate, 28 June 2006, 'Protected Patrol Vehicles (PPV)'.
[293] Minute Moore to APS/Minister (DP), 3 July 2006, 'Protected Patrol Vehicles (PPV) – Exploratory Visit to South Africa: 30 Jun – 2 Jul 2006'.

> "Following a visit to South Africa in July 2006, it was concluded by Brigadier Moore that the RG31 would be a strong contender should the Army want a heavier and better protected PPV. Getting the Army to want such a vehicle to the point where it was prepared to allocate funding to it was the key point. I pushed to try to make this happen.
>
> "I asked Des Browne to direct me to look into this issue."[294]

565. While discussions about the medium weight PPV were ongoing, Gen Dannatt wrote to Gen Jackson in July about the level of operational risk on current operations.[295] Gen Dannatt was to take over as Chief of the General Staff in August. He wrote:

> "The pace and changing dynamics in theatre have brought into sharp relief the concerns that you and I have about support to current operations. In addition, Ministers have recently faced difficult questions in the House. Given that there are some important discussions in ECAB, Programme and Planning Strategy Group**,** and DMB in the next few days, I thought I should set out now very clearly my view of the unacceptable areas of risk."

566. Gen Dannatt described four "major concerns as the Force provider", protected mobility and protected patrol vehicles being his "first and overriding concern".

567. Gen Dannatt wrote that the use of Vector, up-armoured FV430 and Warrior would "provide a balanced capability" in the short term which could be "tailored to met the different demands" of operations in Iraq and Afghanistan. It was "accepted" that Vector would not provide "full protection against all threats" but it would "increase survivability compared with Snatch improved protection, greater mobility and larger capacity)" and he believed that there was "no immediate or practicable alternative".

568. Gen Dannatt stated that there was therefore "an urgent need to complete the buy of Vector now". While plans in place meant that that "should achieve the immediate goal" for Afghanistan, it would leave forces in Iraq with Snatch "for the foreseeable future". He wrote:

> "How the remainder of the PPV capability shortfall should best be addressed will require further consideration. If a better PPV than Vector can be developed, and delivered in the right timeframe, then clearly we should pursue this line. However, I reiterate the need for a balanced capability …"

569. "In parallel", Gen Dannatt thought that there was "an urgent need to complete the upgrade of FV430s".

---

[294] Statement, 18 January 2011, pages 5-6.
[295] Letter Dannatt to Jackson, July 2006, 'The Level of Operational Risk on Current Operations'.

570. On 4 July, Mr Browne sent Lord Drayson a note summarising a meeting they had earlier that day to discuss PPVs.[296] They agreed that Lord Drayson would pursue:

- clear confirmation from military commanders that there was a requirement for a medium weight armoured patrol vehicle as an alternative to Snatch or Tracked Armoured Vehicles;
- subject to that confirmation, a rapid investigation of options to deliver such a capability as an interim solution (around 50-100 vehicles, although that would need to be refined) whilst work continued on longer term solutions; and
- subject to both points, deploying the vehicles alongside the forces due to be deployed to Iraq in November 2006.

571. Mr Browne reported that he had discussed funding with Mr Gordon Brown, Chancellor of the Exchequer, following his meeting with Lord Drayson where it was concluded that the MOD could initially use the UOR contingency of £30m to fund the project; and that additional funds could be sought as required.

572. On 5 July, Lord Drayson asked Lt Gen Houghton for clear confirmation, "in consultation with Front Line Commands", as to whether there was a requirement for a medium weight armoured patrol vehicle "as an alternative to use of Snatch or Tracked Armoured Vehicles on current operations".[297]

573. Lt Gen Houghton provided that confirmation on 7 July, stating:

> "I am clear that, in light of the increasingly sophisticated and potent asymmetric threat that we now face, a requirement for a medium weight PPV, in addition to the current and planned enhancements to light weight PPV and tracked armoured vehicles exists …
>
> "We need a medium weight PPV … to provide a significantly enhanced physical protection against EFP IEDs and RPGs … to prosecute our missions successfully without unnecessary casualties. Only a balanced force will give the operational commander the optimum flexibility to meet the range of tasks based on an assessment of threat and risk. The Frontline Commands share this assessment."[298]

574. Lt Gen Houghton added that, as Lord Drayson was aware, physical protection was "only part of a balanced systems approach to delivering a Force Protection capability"; and that improvements to the ISTAR capability were "a key element in achieving the overall protection that we need".

---

[296] Minute APS/SofS [MOD] to PS/Minister(DP), 4 July 2006, 'Protected Patrol Vehicles (PPV)'.
[297] Minute APS/Minister(DP) to MA/CJO, 5 July 2006, 'Protected Patrol Vehicles (PPV)'.
[298] Minute CJO to PS/Min(DP), 7 July 2006, 'Protected Patrol Vehicle (PPV)'.

575. On the same day, Lord Drayson asked Maj Gen Applegate:

> "… for advice … in consultation with CJO and Land by 1600 14 July setting out the number of vehicles required to meet present operational commitments … [and] project plans for delivering the requisite number of vehicles in time to deploy on the next Iraq roulement in November 2006."[299]

576. On 11 July, Mr Browne told the House of Commons Defence Committee that the increased IED threat had "generated a set of circumstances" where, in his view, the MOD needed "to look at whether there is a need for something between Snatch Land Rovers as a form of land transport and the Warrior".[300] In ordering a review of the use of the Snatch, he had "accepted in principle" the need "to see if we can identify resources that can be procured and deployed in the timescale that would provide that [the required] level of protection while we wait for other armoured options becoming available".

577. On 12 July, Brig Inshaw recommended that Maj Gen Applegate agree:

> "Despite recent casualties, the requirement to operate PPVs on current operations endures and may increase as Defence is likely to be required to conduct concurrent … campaigns over the next 3-4 years."[301]

578. Brig Inshaw advised that there was a requirement for a "balanced PPV capability". It should include a medium weight PPV, for which there was "an urgent requirement", and light, agile PPVs "such as Vector", although "commanders recognise that such a vehicle will never be protected against the most demanding threats".

579. Brig Inshaw advised that Brig Moore had examined "a number of options" that were "either in development or in service elsewhere in the world". Brig Inshaw wrote that commanders accepted all of these could produce solutions that were "significantly larger" or have "a more aggressive profile" than Snatch and Vector. It was accepted that this was "a penalty" commanders would "have to pay for the improved levels of protection". Brig Inshaw added:

> "To avoid confusion, it should be noted that PPVs will not deliver the capability or overall protection levels we would expect of an in-service APC [Armoured Personnel Carrier] (such as FV430 Mk 3) or of FRES, which will be designed to operate in a less permissive environment (where issues surrounding size and posture are far less important) and to defeat a significantly more demanding threat. A mixed fleet of light and medium PPVs would allow commanders to force package appropriately to the terrain and task."

---

[299] Minute APS/Minister(DP) to CM(BM), 7 July 2006, 'Protected Patrol Vehicles (PPV)'.
[300] Defence Committee, Session 2005-06, *Defence – Minutes of Evidence*, 11 July 2006, Q44.
[301] Minute DCI(A) to MA/CM BM, 12 July 2006, 'Requirement for a More Capable Protected Patrol Vehicle (PPV)'.

580. In addition, Brig Inshaw wrote that there was "an urgent requirement for armoured vehicles to provide protected transport to move personnel for administrative purposes" because PPVs had "been used to fulfil this role" in the past. That would be addressed by the deployment of FV430s in November 2006 and LAND was "deploying additional up-armoured Warrior" vehicles to meet the requirement in "the very short term".

581. Brig Inshaw advised that improved physical protection was only part of the solution; work was also under way to address battlefield helicopter and ISTAR shortfalls, and TTPs would continue to be adapted. He noted that fielding a larger PPV would "require some change to current operational practices".

582. Initial calculations highlighted a shortage of PPVs in Iraq, Afghanistan and the training pool. Brig Inshaw wrote that the MOD was taking "some 30% risk in numbers against the requirement" and that could worsen between 2007 and 2008 when Snatch 1.5 was removed from service. He suggested that 808 medium PPVs were needed to meet the operational requirement, 510 of which would be for Iraq. He also advised that all PPVs in Iraq should be medium weight (as opposed to a combination of light and medium weight vehicles, which was the suggestion for Afghanistan). The planned procurement of Vector and up-armouring of the FV430s should continue.

583. On 13 July, Lord Drayson's Assistant Private Secretary summarised a meeting that had been held between Lord Drayson and Maj Gen Applegate that evening.[302] Maj Gen Applegate had informed Lord Drayson that the requirement for 166 Vector and additional armour packs for FV430 had been confirmed. Lord Drayson had confirmed that the resources for those requirements "would not count against the new resources being provided by the Treasury to meet the medium weight PPV requirement".

584. Maj Gen Applegate had advised Lord Drayson that 15 vehicles had been examined and "the only option to borrow vehicles was 25-50 Bushmasters that Australia could release" but there was no way of acquiring additional vehicles beyond this because "there was no manufacturing line". Two options were "worthy of further consideration": the Protector (a new variant of the RG31) and the Iraq Light Armoured Vehicle (ILAV) (derived from the Cougar which was already being used by the US Marine Corps and had survived around 1,000 IED attacks in Iraq). Both vehicles would meet the required protection capabilities; the key for the MOD was which vehicle could be delivered more quickly. The US was "willing to provide a couple of ILAV vehicles to the UK early for testing".

585. Lord Drayson had suggested acquiring a number of both vehicles to reduce the delivery time and Maj Gen Applegate undertook to investigate it further. There was a discussion about "the difficulties posed" by Force Protection Inc being a new MOD supplier. Two possible options had been identified for expediting matters: either acquiring

---

[302] Minute APS/Minister(DP) to CM(BM), 13 July 2006, 'Protected Patrol Vehicles (PPV)'.

ILAV vehicles from the US under Foreign Military Sales with configuration for the UK's communications equipment, or acquiring the vehicles through a "call off contract".

586. Lord Drayson was grateful for the efforts which had been made and had stated that the "pace of work must now be maintained". He requested an update by 20 July, including advice on how "to achieve the necessary commercial arrangement".

587. Gen Granville-Chapman visited Iraq from 9 to 13 July.[303] He reported:

> "On equipment, ISTAR and helicopters remain the key focus. Whilst clearly all acknowledge the limitations of Snatch, feeling was not as strong … as I had expected. Very striking was great confidence in ECM equipment … All I spoke to had faith that this, coupled with rigorous execution of the now highly developed TTPs, gave them confidence and a good level of protection. But they would welcome a new PPV, though were clear that any vehicle would need to be able to access the tight urban sprawl that characterises much of Basra – Vector, they felt, would take the trick in this respect, but their point about utility in tight urban areas will need to be taken into account in the Medium PPV work."

588. On 19 July, in the House of Commons, Mr Owen Paterson asked Mr Browne what the performance specifications of the new Vector vehicle were and how its protection levels compared to Snatch and the RG31.[304] Mr Browne replied:

> "The key performance requirements for Vector are improved mobility, payload and capacity compared to Snatch. We do not comment on levels of armour protection …"

589. The USUR for a medium weight PPV, for use in Iraq and Afghanistan, was articulated by Lt Gen Houghton on 19 July 2006.[305] He reported that, between July 2004 and July 2006, almost half of the UK's fatalities from hostile action, 20 of the 44 deaths, were personnel travelling in Snatch Land Rovers.

590. The USUR stated: "The IED and RPG threats" in Iraq and Afghanistan "are here and now; Snatch is both obsolete as a light weight PPV and the heightened EFP IED threat" in Iraq demanded that it "should be replaced by a Medium Weight PPV (MPPV)". It should "have as much protection as possible without compromising its function (capacity and mobility) providing as balanced an answer to the range of threats as is feasible".

---

[303] Minute Granville-Chapman to Stirrup, 14 July 2006, 'VCDS Visit to Iraq and Afghanistan 9-13 Jul 06'.
[304] House of Commons, *Official Report*, 19 July 2006, column 505W.
[305] Minute CJO to DEC GM – SO1 PLANS, 19 July 2006, 'Op TELIC and Op HERRICK – Urgent Statement of User Requirement for Medium Weight PPV'.

591. In explaining the justification for the requirement and the inadequacies of existing equipment, the points made by Lt Gen Houghton included that:

- "EC advice suggests that we have reached the engineering and technological limits of the physical protection that can be provided by Snatch and other light weight PPVs."
- " … Defence has a moral responsibility towards our servicemen to ensure we have done everything that is reasonable to minimise loss to life and ensure operational success; there is still some way to go before that assurance can be offered."
- " … [T]he public, political and media expectation is that military operations can now be conducted without significant casualties".
- "A MPPV is needed in order to provide significantly enhanced physical protection against IEDs (incl EFP) and RPGs … to prosecute the mission successfully without unnecessary casualties."
- "Every effort should be made to enhance force protection measures – perversely this may mean that as troop numbers go down, PPV numbers remain broadly similar, thereby affording greater levels of protection to a larger part of the deployed TELIC force."
- " … [O]nly a balanced force will give the operational commander the optimum flexibility to meet the range of tasks based on an assessment of threat and risk."
- " … [H]elicopters are already in short supply and it is highly unlikely that additional aircraft will be available to meet the increased demand without severe impact on JHC [Joint Helicopter Command] ability to sustain the current and emerging operational requirements."
- "Snatch is no longer fit for purpose as a light weight PPV and the increased threat requires a MPPV."

592. When the Inquiry asked Lord Drayson why he had found it necessary to ask Lt Gen Houghton for confirmation that there was a requirement for a medium weight PPV, Lord Drayson wrote in his statement:

> "It was necessary because I had become concerned about the growing casualties to personnel travelling in Snatch from IEDs in Iraq. The military had identified a requirement for a new light PPV for HERRICK (Afghanistan) which had been approved via the core equipment programme by PJHQ in March 2006 (the Vector vehicle) but no requirement had been identified for Iraq. I wrote to CJO to force the issue. The push to procure a medium weight PPV in time for the Nov 06 roulement of forces came from Ministers."[306]

[306] Statement, 18 January 2011, page 6.

593. The Inquiry asked Lt Gen Fulton why he thought the push for a medium weight PPV had to come from Lord Drayson instead of from the Defence Board or Chiefs of Staff:

> " … I think there's a sort of relationship there between the commander on the ground at whatever level, the commander in theatre, the Permanent Joint Headquarters, the chiefs, the equipment customer and a series of examinations of what was needed against what was … available in the sense of, you know, did it exist?
>
> "I don't think people were sitting on their hands saying, 'It is all fine'. I think people were saying, 'this IED problem is a whole theatre problem …'"[307]

594. Lieutenant General Andrew Figgures, who succeeded Lt Gen Fulton as DCDS(EC) in June 2006, told the Inquiry that the procurement of a medium weight PPV was not possible before 2006 because there was not a vehicle that could meet the requirement:

> "… my judgement would be that every waking hour people had they were attempting to solve the problem in this area, but if there is no technical solution to it, however much effort you put into it, you can't solve it."[308]

595. The Inquiry asked Lord Drayson why the military chain of command had not identified the requirement earlier. He replied:

> "I found it hard to understand why the military chain of command had not raised a requirement for a medium weight PPV when it was clear that it was not technically possible to procure a light weight PPV at that time with enough armour protection to overmatch the IED then being used against our troops. The thinking of the military throughout this period was that a small light weight vehicle of the size and weight of Snatch was needed to patrol in the way the British Army operated in Iraq. I accepted that buying a much bigger and better protected medium weight vehicle would not be suitable for this type of patrolling in narrow streets but I believed that providing commanders in theatre with the option of a bigger vehicle would allow them to choose when and where to use it."[309]

THE INTRODUCTION OF MASTIFF

596. A variant of the US Cougar vehicle was selected as the solution to the medium weight PPV gap. It was already in service with the US Army in Iraq.

---

[307] Public hearing, 27 July 2010, pages 75-76.
[308] Public hearing, 27 July 2010, pages 77-82.
[309] Statement, 15 December 2010, page 6.

597. A business case for the procurement of 108 Cougar vehicles at an estimated cost of £73.1m was submitted to the IAB on 20 July.[310] It was a joint case from the DEC(GM) and SUV IPT teams. One company of vehicles would be delivered by November 2006 and the remaining vehicles by April 2007. The total requirement was for 510 vehicles for Iraq and 150 for Afghanistan.

598. The business case stated that a "significant proportion of IEDs are EFPs, which have constantly changing initiation methods and are difficult to detect".

599. There were currently 380 Snatch vehicles in Iraq, against a theatre establishment of 420:

> "The Snatch PPV provide the deployed force with a level of manoeuvrability and survivability in order to conduct operations, however, the rapidly evolving asymmetric threat faced on Ops TELIC and HERRICK have overmatched the capability envelope of the Snatch PPV. Moreover, the majority of Snatch deployed on Op TELIC are the 1.5 variant which is due to go out of service from January 2007. With a host of obsolescence issues, Snatch is no longer capable of matching the high level of threat faced in Iraq and Afghanistan."

600. The business case stated that there was "no specific operational analysis to support the requirement" for a medium weight PPV but that it had been driven by the "rapidly evolving threat", namely EFPs. Work had been initiated by Brig Inshaw "to define the longer term requirement to fulfil the future PPV capability".

601. The business case considered four options:

- To do the minimum: deploy additional assets "and/or" reallocate assets to Op TELIC and Op HERRICK. In Iraq that was likely to mean more Warrior vehicles were deployed but "the current high usage rates" were already having a detrimental effect on the ability to sustain the Warrior fleet in the longer term. That option had "been discounted".
- RG31: That solution was considered "immature" and had "been discounted".
- Cougar 6x6: The preferred solution with "proven mine protection (in-service US Army data)" and sufficient payload to mount armour necessary for better protection.
- Bushmaster: An Australian vehicle with mine protection that was in service with Australian forces in Iraq. Up to 25 vehicles had been offered by the Australian Government which could meet the "challenging timelines" but it would need further investigation.

602. The business case proposed procuring the Cougar 6x6 through a Foreign Military Sales case with the US (see Box, 'The Cougar vehicle'). In assessing the commercial

---

[310] Report AD CC DEC(GM) to IAB Sec, 20 July 2006, 'UOR IO4165/AO1082 Business Case for Medium Protected Patrol Vehicles'.

risk, the attached risk register said that there was "high level US military support for the planned acquisition". The business case proposed to adopt "a single source acquisition strategy" that was based on "a world-wide market survey, paper technical assessment and industrial visits to ascertain the most suitable and cost effective solution".

603. The business case stated that, although Cougar would provide a "significant enhancement in survivability" over Snatch and Vector, it would still be defeated by the most effective EFP and very large blast IEDs. It also highlighted that Cougar was "a large platform with good cross country mobility but less agility and terrain accessibility in the urban environment than Snatch and Vector". It was reiterated that the chain of command should understand and explain the strengths and limitations of the platform to all potential users.

604. On 20 July, Lord Drayson wrote to Mr Timms seeking his agreement for an additional £89.2m of UOR funding to be found from the Reserve for Cougar vehicles and FV430 vehicles.[311] The £47.8m required for additional Vector vehicles for Afghanistan could be found from within the Defence budget.

605. Lord Drayson wrote that the review of protected vehicles announced by Mr Browne on 26 June had "confirmed" there was a capability gap in Iraq and Afghanistan's protected vehicles. The "key threat in Iraq" was "now" the EFP IED. Warrior vehicles had been up-armoured to help meet this threat but that had led to an "over-reliance" upon it in theatre which meant that personnel in Warrior units were "significantly exceeding" guidelines for operational tour intervals.[312]

606. Lord Drayson stated that Snatch vehicles could not "be armoured sufficiently to defeat the EFP IED or RPG threats": "As the media and a number of politicians have highlighted recently, there have been a significant number of deaths in Iraq from EFP IED attacks on Snatch."

607. Lord Drayson said that, after "a very rapid evaluation" of "possible vehicles available worldwide", the Cougar variant was best placed to meet "both the time and performance criteria". He added:

> "The fact that an early version is already in the UK service with Explosive Ordnance Disposal troops and it is also in service with both the US Army and Marine Corps gives us considerable confidence in it. We will be relying on the assistance of the US Government and military to deliver it as rapidly as possible and this is an excellent example of where the Special Relationship will have a direct impact on our capability on operations."

---

[311] Letter Drayson to Timms, 20 July 2006, 'Iraq and Afghanistan – Request for Additional Funding for FV430 Uparmouring and Medium Protected Patrol Vehicle Urgent Operational Requirements'.
[312] The guidelines for operational tour intervals are detailed in Section 16.1.

608. Lord Drayson wrote that, given Mr Browne's commitment to report back to Parliament "as soon as possible" and the start of recess on 26 July, he would be grateful for confirmation of the funding by the following day.

609. Mr Timms replied to Lord Drayson on Sunday 23 July, saying he realised that Mr Browne was "under pressure to make an announcement in the House on Monday" and the "considerable work" undertaken by officials "in scoping the requirement" within the tight deadline.[313] Mr Timms wrote that he fully recognised the need to provide "adequate protected mobility in these challenging environments" and that he supported the proposals.

610. While Mr Timms agreed that the MOD could enter into commercial arrangements to up-armour the FV430s and procure Cougar vehicles, he was "not comfortable" that the "commercial terms" had been reached for the requirements to be "properly costed". He asked for an update once the full costs were finalised, at which point he would "formally uplift" the UOR funding.

The Cougar vehicle

The Cougar is described by the US Department of Defense as "a hardened engineering vehicle that provides protection against armor-piercing rounds and high-explosive devices".[314] It is used for "ordnance disposal, communications, command and control, and leading convoy missions". It is available in two configurations: 4x4 and 6x6.

Both of these configurations have been integrated with UK systems to enable their use on UK operations: the 4x4 became the Ridgback, and the 6x6 became the Mastiff.

The main distinction between the two is their size. The British Army refer to Mastiff as Ridgback's "bigger brother".[315]

The US Marine Corps contracted Force Protection Inc to provide 28 Cougar vehicles in April 2004.[316] Three further orders were placed by the US Army for Cougar vehicles between May and June 2005, but for a Joint EOD Rapid Response Vehicle (JERRV) variant. Those were in both configurations (4x4 and 6x6) and were delivered in 2005.

The JERRV variant was a type of vehicle also known as a Mine Protected Vehicle, or more commonly a Mine Resistant Ambush Protected vehicle (MRAP) which is specifically designed to protect against landmine and IED attacks, making them suitable for Explosive Ordnance Disposal tasks.

The MOD has told the Inquiry that it cannot confirm details about US vehicles and their deployment to Iraq.[317]

---

[313] Letter Timms to Lord Drayson, 23 July 2006, 'Protected Vehicles'.
[314] Report US Department of Defense, 27 June 2007, 'Procurement Policy for Armored Vehicles'.
[315] British Army website, *Ridgback*. Website content correct as of date of publication.
[316] Report US Department of Defense, 27 June 2007, 'Procurement Policy for Armored Vehicles', pages 6-7; *USA Today*, 10 February 2007, *The truck the Pentagon wants and the firm that makes it.*
[317] Letter Duke-Evans to Hammond, 2 February 2016, [untitled].

The UK's EOD teams were using early versions of the MRAP Cougar, the 4x4 variant, from "2003-04" in Iraq and also deployed them to Bosnia (in 2004) and Afghanistan.[318]

To procure equipment from the US, the MOD is required to follow a Foreign Military Sales programme. That is where, under the US Arms Export Control Act, the two Governments enter into a government-to-government sales agreement.[319] It can be done where the President formally finds that to do so would strengthen the security of the US and promote world peace.

611. In anticipation of his written statement on the armoured vehicle review, Mr Browne was offered presentational advice on 21 July.[320]

612. The advice stated that one of the key messages to convey was:

> "With current vehicles, including Snatch (which will remain appropriate for some tasks) this provides a coherent package of vehicles, offering a range of protection, mobility and profile. Commanders will have a significantly increased choice of vehicles to be used as they see fit to best meet the mission and counter the threat. No one vehicle is appropriate for every task.
>
> "It will be important to make clear that while we are confident that the Med[ium] PPV being procured offers significantly greater protection against the key threats in both Iraq and Afghanistan than the Snatch, as with any other vehicle, it cannot be guaranteed to offer absolute protection …"

613. According to the advice, the short timescales in which the medium PPV programme had been developed meant that the usual "full testing" of the vehicle had not been possible but the MOD was confident of its capability based on US use of the same base vehicle in Iraq.

614. The range of different vehicles would allow commanders "to balance protection against the requirements of the mission". Snatch was "still an appropriate vehicle for some tasks" and the additional vehicles did not mean Snatch was "not used at all".

615. The advice recognised that the announcement marked a significant change of direction. Answers to Parliamentary Questions in June had stated that the "requirement was for small, light, highly mobile vehicle that could operate in urban areas and vehicles such as RG31 and Cougar would not meet this requirement". It added:

> "At that time the ECC [Equipment Capability Customer] was considering whether there was a long term answer to the need for a small, mobile but better protected

---

[318] Minute DCRS [junior officer] to APS2/SofS [MOD], 21 July 2006, 'Enhanced Protected Patrol Vehicle: Presentational Advice'.
[319] Letter Duke-Evans to Aldred, 26 June 2015, 'Procuring Military Equipment'.
[320] Minute DCRS [junior officer] to APS2/SofS [MOD], 21 July 2006, 'Enhanced Protected Patrol Vehicle: Presentational Advice'.

patrol vehicle … The review [announced on 26 June] established that there was no small but better protected vehicle available now and the only immediate options for better protection were vehicles such as Cougar."

616. The advice stated that the MOD "might be open to criticism" that it had only taken action "when forced to by the media". Draft briefing for Press Office included:

"**Q. Why have you done this now, not a year ago?**

"A. As recent events have shown, the situation in Iraq and Afghanistan changes rapidly and the threat is constantly evolving. In response, work was ongoing within the department to examine options for the procurement of a medium protected patrol vehicle. The review announced by the Secretary of State for Defence on 26 June enabled the acceleration of this work including by securing additional funding."

617. The advice also considered the potential question of why Cougar had not been procured sooner, given that the US had been using it for "some time". The suggested response was that that was because the situation in the UK's Area of Responsibility was different to that of the US.

618. The advice acknowledged that the UK had "some very early versions" of the Cougar, such as the Mine Resistant Ambush Protected (MRAP) variant, which was used for Explosive Ordnance Disposal tasks and deployed to Iraq in "2003-4". It had been bought in 2002 from Supacat Technical Solutions Group, a subsidiary of Force Protection Inc. The advice said the MRAP vehicles were "very different" to the Cougar vehicles being procured because the MRAP vehicle was not a patrol vehicle and would not meet the UK's requirements. It did not elaborate on any of those points.

619. Mr Browne's Written Ministerial Statement on 24 July said:

"It [the Armoured Vehicles Review] has confirmed that there is a growing requirement for a protected vehicle with capabilities between our heavy armour, such as Warrior, and lighter patrol vehicles, such as Snatch. The review has also identified feasible options to address the gap in the short term. We have now completed a very rapid assessment of those options and have identified three complementary ways forward …"[321]

620. Mr Browne announced:

- the purchase of an additional 100 Vector vehicles for Afghanistan;
- the up-armouring of a further 70 FV430s for Iraq by spring 2007, in addition to the 54 already ordered; and
- the purchase of 100 Cougar vehicles for Iraq and Afghanistan.

---

[321] House of Commons, *Official Report*, 24 July 2006, column 74WS.

621. Mr Browne concluded:

> "The up-armoured FV430, the Cougar medium PPV, and Vector fill the requirements for varying degrees of protection, mobility and profile … But I am confident that together these vehicles provide commanders with the right range of options to deal with the situations and threats they face."

622. The MOD IAB approved the Cougar business case on 25 July.[322] It warned:

> "There is clear risk of cost and time growth given the focus on satisfying the survivability requirement and the speed with which the case has been put together … Due to the exceptional way in which this programme has been funded, it is important that it is understood that there is no scope for cost growth. The Treasury have indicated that they will pay no more than the stated cost of the vehicles … Contrary to … the Business case it is not correct to assume that additional funding will be available from the Department. Any cost growth must be contained within the approved cost, if necessary by reducing numbers."

623. The IAB asked for a further note to be submitted following the examination of Bushmaster vehicles "as soon as possible, and by Sep 06". It should report the results and, if necessary, seek the appropriate approval.

624. On 5 August, the DIS produced a report on the EFP threat in MND(SE).[323] It stated:

> "Since May 2005 the use of Explosively Formed Projectiles (EFPs) has become increasingly common in MND(SE); 83 incidents have been reported with the monthly number peaking at 12 in April 2006 …
>
> "MND(SE) has a disproportionate number of EFP attacks in comparison to the rest of Iraq … and they have accounted for […] IED related fatality in the region since the end of May 2005."

625. The DIS concluded:

> "The supply of EFPs in Iraq has recently increased with a four to five fold increase in the number of EFPs in circulation for Apr to Jun 06 compared with the previous three months … Recent incidents in MND(SE) have involved increasingly more EFPs and are becoming more complex, involving additional munitions and targeting entire convoys. It is likely that we will continue to see a widening of the charges and munitions used …"

---

[322] Minute IAB Secretariat 1d to DEC(GM) and SUV IPTL, 25 July 2006, 'Medium Protected Patrol Vehicle (Med PPV) UOR Business Case: Approval (IAB Sec 1864)'.
[323] Report DIS, 5 August 2006, 'EFPs in MND-SE Update'.

626. In its report on UK operations in Iraq published on 10 August, the House of Commons Defence Committee referred to its visit to Basra Palace in June:

> "We heard that Snatch were very good vehicles, but they were old and could often break down. Many had previously been used in Northern Ireland. They were fast and manoeuvrable but not well armoured and were particularly vulnerable to IED attack. Similar concerns were voiced by UK troops at the Shaibah Logistics Base."[324]

627. The Committee stated:

> "We are concerned at the increasingly sophisticated nature of the threat and the consequent vulnerability of UK Forces travelling in Snatch Land Rovers. We welcome the Secretary of State's review of the use of Snatch vehicles in Iraq and believe it is essential that this review be completed as quickly as possible. In the long-term, FRES may offer a solution to the difficulties associated with the Snatch, but its introduction is too far off to offer an answer to current operational needs in Iraq. The MOD should consider an 'off-the-shelf' purchase as an immediate and interim replacement for Snatch, even if it does not fulfil the long term capability requirement. It is unsatisfactory that the lack of capability was not addressed with greater urgency much earlier."

628. Gen Dannatt wrote to Mr Browne on 31 August:

> "I wrote to my predecessor [Gen Jackson] in July expressing my concerns about the levels of protection for our patrol vehicles, the shortage of intelligence and surveillance capability, the pressure on helicopters … That said I am most appreciative of Lord Drayson's recent efforts on the vehicle issue, but we have a deficit to make up and the threat/response cycle is very dynamic …"[325]

629. The Inquiry asked Mr Gordon Brown, the Prime Minister, whether there were any requests for funding for armoured vehicles between 1997 and 2006, and if any concerns were raised with him about Snatch Land Rovers.[326] Mr Brown said that the question of expenditure in Iraq had to start from the "one fundamental truth" that "every request that the military commanders made to us for equipment was answered. No request was ever turned down."

630. With regards to Snatch vehicles, Mr Brown told the Inquiry that:

> "… the point at which the Ministry of Defence decided that, as a result of the change in tactics by insurgents against them, that they wanted additional and other vehicles to deal with the problems they faced in the Basra area, we immediately agreed with the Ministry of Defence that they should have the money …

---

[324] Thirteenth Report from the House of Commons Defence Committee, Session 2005-06, *UK Operations in Iraq,* HC 1241.
[325] Letter Dannatt to Browne, 31 August 2006, [untitled].
[326] Public hearing, 5 March 2010, pages 115-118.

> "So the first time the request was made, we met it immediately with £90 million, and that was a decision that military commanders could make only themselves as to when and where they needed these new vehicles …"

631. Sir Peter Spencer, the Chief of Defence Procurement from May 2003 to March 2007, told the Inquiry that he used to call regularly on the three single Service Chiefs of Staff, the Chief of the Defence Staff and the three Commanders in Chief and that: "If there had been concerns about UORs, they would have been raised."[327]

632. Sir Peter later observed:

> "… if it had been a problem somebody would have come to me and said … Chiefs of Staff aren't backwards in coming forward. If they think something is not right they let you know."[328]

633. Several witnesses, in their evidence to the Inquiry, explained that hardening vehicles was just one way of protecting troops and emphasised the importance of tactics, techniques and procedures.

634. Asked whether he had been concerned about the vulnerability of Snatch in Iraq, ACM Stirrup replied:

> "Very concerned. We wanted to get rid of Snatch outside the wire as quickly as possible but you can't get rid of it by using just a big, heavy vehicle … it is a mistake to believe that simply by increasing the armour on a vehicle, you can defeat an improvised explosive device. You have to take a broad spectrum approach. You have to improve your detection of the devices … You have to provide as much physical protection in terms of armour as is consistent with the mission … but, crucially, you have … to attack the people who are doing this."[329]

635. When asked specifically for his reflections on "the growth of the IED threat or Iranian influence", in the context of a wider question on the development of particular trends or any notable events during his tenure, ACM Torpy wrote:

> "During my time as CJO we saw a gradual, although not dramatic rise in the number of IED/EFP attacks against UK troops. Considerable effort was directed at developing tactics, techniques and procedures to mitigate the threat … whilst at the same time seeking improvements to equipment, particularly the introduction of new electronic warfare equipment, additional vehicle armour and better body armour for personnel. Additional intelligence effort was also directed against IED/EFP networks to enable disruption operations to be undertaken."[330]

---

[327] Public hearing, 26 July 2010, page 27.
[328] Public hearing, 26 July 2010, page 31.
[329] Public hearing, 1 February 2010, page 71.
[330] Statement, 14 June 2010, page 7.

636. Major General Jonathan Shaw, GOC MND(SE) from January 2007 to August 2007, told the Inquiry:

> "There is no such thing as a safe vehicle because if you look at … what protection means, only a part of that … is actually the hardening of the vehicle itself. Most protection is achieved by not being located or identified or targeted in the first place …
>
> "… more heavy armoured vehicles were hit than Snatch … Snatch has come in for a lot of criticism, but actually it was an extremely effective weapon, and the soldiers really liked using it because, although it was risky, it avoided the damage [to roads and streets]."[331]

637. For the PPV programme, Sir Peter Spencer told the Inquiry that Lord Drayson had become "the catalyst" for moving it forward.[332] When asked if that was unusual, Sir Peter replied that it was "a leadership issue for the top of the shop in defence".

638. The Inquiry asked ACM Torpy what direction he had provided about the appropriate levels of risk. He responded:

> "I honestly do not believe it is CJO's role to be giving direction to the in theatre commander as to the levels of risk he should be taking with his people … Clearly we wanted to minimise risk to people, but recognising that we had a job to deliver as well … So we would do the utmost we could possibly do in terms of providing improvements in terms of capability … tactics and procedures, I have to say I left very firmly to the GOC …"[333]

639. The Inquiry asked ACM Torpy whether he was reliant on or had challenged the GOC's judgments. ACM Torpy replied:

> "… that goes back to … regular visits by senior officers…. not just me going out to theatre but CinC LAND … General Jackson … very experienced army officers. So I would have hoped if there was concern about what they were seeing on the ground that they would have put that in a visit report or come and tapped me on the shoulder and said, 'Torpy, why hasn't this been addressed?' and that never happened."[334]

640. When asked whether commanders on the ground were telling him that they had confidence in Snatch, ACM Torpy told the Inquiry that they:

> "… saw it as a capability that they needed to fulfil the task … they clearly would have liked a vehicle which offered better degrees of protection and extra armour was put on to Snatch vehicles. They had alternatives … Warrior or, if necessary, a Challenger, but that … has perception problems … So … there is a balance to

[331] Private hearing, 21 June 2010, page 41.
[332] Public hearing, 26 July 2010, page 45.
[333] Public hearing, 18 January 2011, page 64.
[334] Public hearing, 18 January 2011, page 67.

be struck … and the only person I believe who could take that is the commander on the ground."[335]

641. Asked if he had discussed with Generals Jackson or Dannatt whether something else was needed for Snatch or if he had ordered any review of Snatch, ACM Torpy said:

"There was work going on … Snatch had always been identified as a problem and I was very aware of the work … going on in the equipment capability area and in the Front Line Command to look at what alternatives there were.

"The message … of the equipment capability areas is that there is not another vehicle on the market which can provide that sort of mobility which we could go out and procure tomorrow … The Americans didn't have anything. They were still using Humvees … they were having similar problems …

"… from a PJHQ perspective … we rely on the expertise which is in the equipment capability area and the Frontline Commands to deliver the requirements of the in theatre force …"[336]

642. The Inquiry asked ACM Torpy if he had received any requests for the provision of a replacement for Snatch. He replied:

"No, not that I recall."

643. Lt Gen Dutton told the Inquiry:

"Snatch served a really useful purpose in built-up areas where it was not easy – in some cases not even possible – to get more heavily armoured vehicles, so … Snatch was not necessarily an unpopular vehicle … depending on what was happening. But … I recall … there was a particularly nasty incident in Maysan, where … soldiers … were killed and they were in Snatch Land Rovers and that was IEDs, so it became obvious at that point that this vehicle was not optimised in any way to counter that."[337]

644. The Inquiry asked Lt Gen Dutton whether it was difficult for commanders to decide when it was appropriate to use heavier armoured vehicles in Iraq.[338] He told the Inquiry:

"Yes, but there was an element of 'You have got what you have got.' So you might have to use them, even if you know they are not the vehicle optimised for that particular – and then you ask for different ones, and over time, they appear."

---

[335] Public hearing, 18 January 2011, pages 68-69.
[336] Public hearing, 18 January 2011, pages 69-70.
[337] Public hearing, 12 July 2010, pages 26-27.
[338] Public hearing, 12 July 2010, pages 28-29.

645. When asked by the Inquiry whether the need and subsequent requests for different levels of armouring was a feature of his time as GOC, Lt Gen Dutton replied:

> "It must have been, but I don't actually sort of recall it now … we were certainly aware that, once the EFP arrived – we either needed to move people more by air or we needed different tactics, techniques and procedures or we needed more heavily armoured vehicles."

646. The Inquiry asked Lord Drayson whether action to improve the effectiveness of electronic countermeasures or the level of protection afforded by Snatch was suggested to him when he took office in May 2005.[339] In a statement to the Inquiry Lord Drayson wrote:

> "The briefings at that time did not indicate that action was required on the effectiveness of countermeasures against IEDs or the protection afforded by the Snatch Land Rover … I was informed by the military advice that the Snatch was essential to the UK's style of operations in Iraq that required a small, light and highly manoeuvrable vehicle to enable our troops to patrol in the narrow streets of Iraqi towns. The view expressed by the military at that time was that a heavily armoured tank like vehicle would not have been practical or consistent with the UK's style of patrolling 'amongst the people'."

647. The Inquiry asked ACM Torpy whether the problem was that there was no agreement on what an alternative vehicle should be able to do.[340] He told the Inquiry that different commanders had different views, but that was not the problem. The problem was that "genuinely there was a lack of a product on the market" which could replace Snatch.

648. When asked if it was "ultimately pressure from Ministers" on the military chain of command which had led to the acquisition of heavier patrol vehicles, ACM Torpy replied that Lord Drayson had "created momentum for Mastiff to be introduced", and "provided leadership in the MOD to make sure something was delivered". That provided the in theatre commander with "another medium weight vehicle with a higher level of protection". There was "no doubt that Mastiff was welcomed by the people on the ground" and that they "could undertake certain tasks", but they "could not do what they were doing with Snatch previously".

649. Asked why the pressure for a heavier vehicle had not come through the chain of command, ACM Torpy added:

> "I think there was always pressure from the … theatre … to the MOD. I think the problem actually arises where you have an equipment programme which is under-funded and a desire … on the one hand to make sure that the capabilities

---

[339] Statement, 15 December 2010, page 1.
[340] Public hearing, 18 January 2011, pages 72-73.

> we have to sustain our long-term defence capability against Defence Planning Assumptions, you have that conflict against today's problem in an operational theatre, and how do you balance the money? It took the Minister to say, 'We are going to do this'."[341]

650. Asked whether he had been pushing for an alternative vehicle to Snatch for deployment in Iraq, Gen Jackson told the Inquiry:

> "This is one of those areas where it can be very frustrating as a single service chief, because you don't have the chequebook and you don't place the orders. At that time we were somewhat – what is the word I seek – quaintly known as Customer Two in the procurement construct, which says something about how the user was regarded …"[342]

651. Gen Jackson added:

> "… it leaves the single Services somewhat at arm's length from the process of acquiring equipment … we need something better to use than Snatch – you may need something bigger … That's the requirement from the user but it gets rather tortuous: it's a very arm's length relationship and therefore a very frustrating one."

652. Gen Jackson stated that the Defence Procurement Agency wrote the specifications; they were not handled by the service board and only in broad parameters by the Equipment Capability staff.

653. Responding to a comment from the Inquiry that General Kevin O'Donoghue, Chief of Defence Logistics 2005 to 2007 and Chief of Defence Materiel 2007 to 2009, had said Gen O'Donoghue only bought what the customer had requested, Gen Jackson replied:

> "Yes, but who says 'it must withstand an explosion of this size'? Who says 'its ground pressure must not be more than that'? Who says 'it must not be more than this weight'? That's not the function of the Army Board. The Army Board says 'we want a vehicle that will do this' without going into that sort of detailed specification."[343]

654. Asked specifically whether he had tried to push back against the processes he was describing in relation to Snatch, Gen Jackson told the Inquiry:

> "Yes, very much so. I have a recollection of what to me was a very important meeting with the then Procurement Minister, Lord Drayson, because I just felt we were not getting anywhere within the normal processes of the MOD, you know, and actually reflecting upon moral duty here."[344]

---

[341] Public hearing, 18 January 2011, page 74.
[342] Public hearing, 28 July 2010, pages 76-77.
[343] Public hearing, 28 July 2010, page 81.
[344] Public hearing, 28 July 2010, pages 84-85.

655. In Gen Jackson's view, Lord Drayson:

> "… was able, using his ministerial authority, and to be fair his commercial experience, to cut through some of the Gordian knots which seemed to surround what otherwise was this complex process."

656. The Inquiry asked Gen Dannatt about Sir Peter Spencer's comment that if the Commanders in Chief had concerns about UORs they would have been raised, and asked whether he was satisfied that the Army had had the equipment it needed to fight in Iraq coming through the UOR process.[345] Gen Dannatt replied:

> "In general terms the answer is yes. There was a problem, though, which was … that the process whereby the troops deployed on the front line saw a requirement and reported it back to PJHQ, the action in the PJHQ and the staff there, which were relatively small in number, were able to turn the opinion and the requirement of soldiers on the ground into a rapidly staffed requirement for new and changed equipment that could then be fired at the Defence Procurement Agency or whatever it was at the time.
>
> "I felt that there was a greater role that … Land Command, could have played to help out at least the horse power of those on the equipment staff of PJHQ, and also play our wider understanding of army requirements from our frequent involvements informally with the troops on the front line. I thought we could actually get a greater understanding, get it more quickly. I made several offers, and they were taken up eventually, to have my own equipment staff help the PJHQ equipment staff to try to convert the needs of the front line into identified requirements that the procurement system could then get on and act upon."

657. Gen Dannatt added that he "was never convinced" that "we were actually doing all we could be doing to make sure that we had the right equipment, in the right quantity in … front line hands, as quickly as possible"; and that "there was a bit of deficiency in leadership and energy at times".

658. When asked specifically about why it had taken so long to find a replacement vehicle for Snatch, Gen Dannatt told the Inquiry:

> "All commanders have accepted there is the need to have a light patrol vehicle. Narrow streets, small roadways and so on, that you have got a vehicle that can get down these places.
>
> "That has been used as a justification to keep the existing Snatch in small numbers still in theatre for the present moment.
>
> "Another line is … and I was strongly of this view, let's get all the Snatch out as quickly as we can, but if you accept there is a need for a light patrol vehicle, it was

[345] Public hearing, 28 July 2010, pages 43-45.

said by all those involved with industry and the procurement process that there was nothing available on the market to replace the sort of Snatch-type dimension very quickly.

"I think we have already … mentioned the fact that even now the Ministry of Defence I understand is deliberating between two contenders for effectively a Snatch replacement. This is 2010. That was 2003/4."[346]

659. Gen Dannatt continued:

"… it was said by the people whose advice one had to take, 'There is nothing else out there'. I am not a scientist myself. If that's what they say, one had to accept that.

"Therefore the next strand of argument was to really go for the work-arounds as to how do we protect our people with other vehicles? That's where we get into the Mastiffs, the Bulldogs … Many of these have been very successful. Mastiff very successful … In the context of Iraq something that I found counterintuitive and had to agree to while I was Commander in Chief was the Bulldog. The old 430 lightly armoured personnel carrier that I grew up as a platoon commander in the early 1970s and I thought had had its day in the battlefield. When I said, 'We must have a better vehicle', eventually they came to me in middle 2005 and said, 'Commander in Chief, the best option that we can get into the field quickly with good protection is to slap modern armour around a re-engined 430 series vehicle. That's the best we can do'.

"I took a very deep breath and said, 'If that's the best we can do, then that's what we are going to do'. For Iraq I think it played a significant role."

660. When asked about the Ministerial review into PPVs in 2006, why it had taken so long and why it was a political rather than a military initiative, Gen Dannatt told the Inquiry:

"… it wasn't money and was not industry capacity … I think it was a deficiency in leadership and energy in solving this problem … but really frustrating not to be able to get on with this, and the fact we have still not closed with the issue in 2010."[347]

661. The Inquiry asked Gen Dannatt about where that lack of leadership and energy resided. He replied:

"… if you were going to identify a requirement that needed resources thrown at it, which couldn't be funded immediately from the UOR process, it has to come from somewhere else in the core MOD Equipment Programme. That meant something else had to go and other people perhaps did not want to see other things they thought were very important going.

---

[346] Public hearing, 28 July 2010, pages 49-51.
[347] Public hearing, 28 July 2010, pages 54-55.

> "It would be wrong to say this was kicked into the long grass, but other solutions, work-arounds were preferred than tackling this one head-on …I am not a technical person, I am not a scientist …"

662. The Inquiry asked why the Mastiff programme had been initiated by Ministers rather than the Defence Board providing the answers to what, by then, was recognised every day in Iraq to be a serious problem.[348] Gen Dannatt replied:

> "I was purely a member of the Defence Board, and there were many people around the table and many conflicting points of view. You can articulate your point of view as clearly as you can. Others might be persuaded by your argument or choose not to be persuaded by your argument. … In many cases they chose not to be persuaded by my argument. So one had to accept the decisions that were taken, albeit with a degree of frustration."

CHANGES TO THE ARRANGEMENTS FOR IDENTIFYING AND FUNDING UORS

663. The earlier part of this Section, considering improvements in the MOD's procurement processes during Op TELIC, looks in more detail at the advice given by Lt Gen Houghton in 2006 on how to improve the way in which capability gaps were identified.

664. At the same time, concern was growing about the MOD's failure to control expenditure on UORs for Iraq and Afghanistan, leading the Treasury to seek a new arrangement for funding UORs.

665. When ECAB discussed a review of the Equipment Programme on 5 July 2006, it was pointed out "that considerable work had been undertaken (including the engagement of Ministers) on the PPV issue and protected mobility", but there were remaining concerns about:

> "… the ability of the routine procurement process to react quickly enough to match changing threats. The UOR process worked well at the start of a campaign, but was not designed to support enduring operations."[349]

666. On 24 November, Mr Browne wrote to Mr Timms to request an increase of £460m in the combined UOR funding.[350] Despite tight controls, the requirements for UORs continued "at a rate higher than anticipated, and considerably above historical norms", because of:

- the intensity of operations in Afghanistan;
- the slow drawdown of forces from Iraq;

---

[348] Public hearing, 28 July 2010, pages 67-68.
[349] Minutes, 5 July 2006, Executive Committee of the Army Board meeting.
[350] Minute MOD [junior official] to PS/Secretary of State [MOD], 24 November 2006, 'Additional Funding for Urgent Operational Requirements (UORs)'.

- the constantly evolving threat in both theatres; and
- "a decreased willingness, at all levels, to 'make do' with sub-optimal solutions and uncomfortable living and working conditions now that both operations [Afghanistan and Iraq] have become enduring".

667. The size of the request prompted Mr Browne's Assistant Private Secretary to do "a little digging" into the MOD's UOR system.[351] He reported to Mr Browne:

> "The UOR system – the people who make bids on it and those who sanction bids within it – are changing their attitude. There is greater willingness to ask for technical solutions to reduce risk and discomfort and less inclination to block such bids. Partly this is because there is a perception (rightly or wrongly) that the political environment has changed, and money is no longer the constraint it was. Whilst it never was for UORs/operations, many in the MOD became used to it as a constraint in restructuring and that attitude bled across to other things …"

668. Mr Browne's Assistant Private Secretary suggested a discussion of the UOR culture that was forming, and "whether we need to re-steer a little or accept that this is the new price of doing business".

669. The request on 24 November prompted a series of discussions between the Treasury and the MOD about the adequacies of the UOR system.

670. Mr Timms was advised by a Treasury official on 9 January 2007 that:

> "At official level, MOD have indicated that the underlying reason for the sustained high level of UORs is linked to a Ministerial judgement that soldiers must be provided with the optimum equipment, especially where force protection is at stake.
>
> "HMT [the Treasury] have never refused a request to fund a UOR. Once forces are deployed and commanders are generating requirements it is difficult to deny the resources … It follows that the mechanism for limiting the total cost of operations is to resist any expansion of troops committed to operations, rather than UORs to supply the troops already deployed in theatre."[352]

671. Mr Timms was advised by a Treasury official on 20 April that the "step-change" in the level of UOR funding made the current UOR arrangement "unsustainable".[353] The Treasury had provided £2.1bn to fund UORs relating to Iraq and Afghanistan since 2001, of which over half had been provided in the last two years:

> "We [the Treasury] do not question the military judgment that there is a current operational need – but we believe that many of these items seek to provide

---

[351] Minute MOD [junior official] to Browne, undated, 'UOR Funding – Iraq and Afghanistan'.
[352] Minute Treasury [junior official] to Chief Secretary, 9 January 2007, 'Increase in the Urgent Operational Requirements Envelope'.
[353] Minute Treasury [junior official] to Timms, 20 April 2007, 'Increase in the Urgent Operational Requirements Envelope'.

> a general capability that could have been provided through the Equipment Programme. Many items appear to be kitting out the Army while the Equipment Programme has invested in ships and aircraft … As such we think the UOR scheme is becoming a straightforward supplement to the EP [Equipment Programme] in a way that it was never intended to be, bailing out MOD of the need to prioritise in the kit they purchase and compensating for bad decisions in the past."

672. The official advised that the UOR regime was not ideal for the UK military either, as:

- despite accelerated procurement, UORs were frequently not available until several months after a need had been identified. It would be better to plan to have the capability in advance;
- that would also enable soldiers to be trained on new equipment before their deployment to theatre, and for new equipment to be properly incorporated into military doctrine; and
- after one year, the ongoing costs of UORs reverted to the core defence budget. Those unplanned costs could be difficult to accommodate.

673. From June 2007, the process changed so that the Treasury cleared every UOR individually (rather than only those above £10m).[354]

674. The outline of a new UOR regime was agreed in late July, as part of the MOD's settlement in the 2007 Comprehensive Spending Review:

- the Reserve would pay for the "first element" of total UOR costs each year;
- MOD and Treasury would share equally any costs in excess of this amount (with the Treasury meeting those excess cost up front, and then reclaiming them from MOD on a rolling three-year basis);
- MOD would receive £200m to assist with its first payments under this new arrangement, and;
- MOD would review its Equipment Programme with the intention of "rebalancing spend towards … the current operating environment".[355]

675. The changes to the UOR process, and discussions leading up to them, are considered in more detail in Section 13.1.

---

[354] Minute Lester to Woolley, 30 October 2007, 'Approach to UOR Funding Following the CSR07 Settlement'.
[355] Letter Burnham to Browne, 24 July 2007, 'Comprehensive Spending Review 2007: Ministry of Defence Settlement'.

Protected mobility between late 2006 and mid-2009

676. The security situation in MND(SE) continued to deteriorate into late 2006.

677. On 4 September 2006, Gunners Stephen Robert Wright and Samuela Vanua died as a result of injuries sustained when their Land Rover hit a roadside IED on patrol north of Basra.[356]

678. By the end of October, the security situation in Basra had deteriorated to the point where Mrs Margaret Beckett, the Foreign Secretary, decided that it would be necessary to withdraw the majority of civilian staff from Basra Palace.[357] That is addressed in Section 9.5.

679. A note from Brig Inshaw on 3 January 2007 advised Gen Dannatt that the first four Mastiff vehicles had been delivered to Iraq on 30 December 2006.[358] A further 11 vehicles were expected by the end of January.

680. Brig Inshaw acknowledged that those deliveries would miss by one month the "hard target" set by Lord Drayson for a company's worth of vehicles to arrive in Iraq by 31 December, but that Gen Dannatt "may feel" that the work undertaken since July to get the Mastiff vehicles ready for theatre so quickly was "very impressive".

681. Maj Gen Shirreff wrote in his post-operation tour report on 19 January 2007:

> "Bulldog is proving itself in battle and has the confidence of the soldiers who fight from it. Mastiff has arrived and although it will take some time to prepare it for operations, it is an impressive beast and will significantly enhance our capability."[359]

682. Mr Jeffrey visited Iraq from 12 to 13 March where he met Brigadier Paul Jacques, Chief of Force Support.[360] Mr Jeffrey was shown one of the new Mastiff vehicles and Snatch ECM equipment. Brig Jacques reported that 12 out of 54 Mastiff vehicles "had arrived and were proving highly capable, but even when the full complement was delivered there would be a continuing requirement for Snatch because of their manoeuvrability and speed".

683. Brig Jacques praised the work that had enabled Mastiff's arrival into service and "said they would welcome follow-up visits to discuss problems and potential improvements based on operational experience". He thought in general that it would be helpful to have more frequent visits from IPT members, and for closer contact between theatre and the DECs on the progress of UORs.

---

[356] *GOV.UK,* 5 September 2006, *Gunners Stephen Robert Wright and Samuela Vanua killed in Iraq; BBC News,* 6 September 2006, *MOD names soldier killed in Iraq.*
[357] Minute Cabinet Office [junior official] to Sheinwald, 30 October 2006, 'Iraq Strategy Group, 27 October'.
[358] Minute DCI(A) to MA/CGS, 3 January 2007, 'Mastiff'.
[359] Report Shirreff to PSO/CDS, 19 January 2007, 'Post Operational Report – Operation TELIC'.
[360] Minute PS/PUS [MOD] to PS/SofS [MOD], 16 March 2007, 'PUS Visit to Multinational Division South-East, 12 March 2007'.

684. IED attacks in MND(SE) continued to cause casualties, with an increase in the targeting of Warrior vehicles.

685. On 28 December 2006, Sergeant Graham Hesketh was killed when the Warrior vehicle in which he was patrolling hit a roadside IED in Basra City.[361]

686. On 5 January 2007, PJHQ informed Mr Browne that a Warrior vehicle had been penetrated by an IED attack on 27 December, resulting in seven minor casualties.[362]

687. PJHQ said there had been an increasing number of larger EFPs used against MNF vehicles over the last two months and, as a result, two further UORs to enhance the Warrior's armour had been submitted. A reserve pool of Warrior vehicles was maintained to replace those damaged beyond repair in theatre.

688. On 10 January, Mr Browne requested further advice on the nature of the advanced armour, when it was likely to be fitted and any intelligence held on the increased threat.[363]

689. Private Michael Tench was killed on 21 January when his Warrior vehicle suffered an IED attack while patrolling with three other Warrior vehicles.[364] Four other soldiers sustained injuries, one of which was very serious.

690. PJHQ submitted further advice to Mr Browne on 26 January.[365] It said that the recent attacks were the first to penetrate the Warrior vehicles but, while the number of EFP attacks had increased, "these large EFPs are not a new threat, as they were first seen in MND(SE) in Jul 05". Six Warriors had sustained serious damage since 1 November 2006.

691. PJHQ assessed that the increased targeting of Warrior was likely to be a result of their increased use in road convoys (due to the reduction in the use of Snatch Land Rovers). The two UORs for enhanced armour were predicted to be in service by the end of April.

692. On 5 February, Second Lieutenant Jonathan Carlos Bracho-Cooke died as a result of injuries sustained when his Warrior vehicle suffered an IED attack on patrol in Basra City.[366]

---

[361] *GOV.UK.* 29 December 2006, *Sergeant Graham Hesketh killed in Iraq.*
[362] Minute PJHQ [junior official] to APS2/SofS [MOD], 5 January 2007, 'Op TELIC: Improvised Explosive Device (IED) Attack on Warrior'.
[363] Minute APS/SofS [MOD] to PJHQ [junior officer], 10 January 2007, 'Op TELIC: Improvised Explosive Device (IED) Attack on Warrior'.
[364] Minute PJHQ [junior officer] to PS/SofS [MOD], 21 January 2007, 'Iraq: Op TELIC: Death of British Soldier Basra City'.
[365] Minute PJHQ [junior officer] to APS/SofS [MOD], 26 January 2007, 'Op TELIC: Improvised Explosive Device (IED) Attacks on Warrior'.
[366] *GOV.UK,* 6 February 2007, *Second Lieutenant Jonathan Carlos Bracho-Cooke killed in Iraq.*

693. On 9 February, Private Luke Daniel Simpson was killed when his patrol vehicle hit a roadside IED.[367] Private Simpson had been driving the lead vehicle in a convoy of three Snatch Land Rovers in Basra.

694. Lord Drayson visited Iraq on 8 March and discussed various equipment issues in theatre, including force protection.[368] The report of his visit stated that "the overall opinion" on Mastiff and Bulldog "seemed to be positive" although there were some performance issues and suggestions for improvement. With Mastiff, there were "a number of minor issues" that "could be easily solved" with a visit from IPT. Those included: a lack of servicing schedule or handbook; radio batteries not generating sufficient power for good communications; and air conditioning units not adequately cooling the ECM, creating a risk of overheating. The "most significant concern" was that "the vehicle would be a victim of its own success"; there had been cases of visitors "insisting on travelling in Mastiff, relegating them to VIP taxis rather than the patrol tasks they were bought to fulfil". Lord Drayson "made it clear that they should not be abused in this way".

695. Lord Drayson was told that there were "many problems" with the Snatch 2 platform. The Snatch 2A was "a lot more reliable than the Snatch 2" but needed modifications to improve night vision and communications equipment.

696. The visit report highlighted that Mastiff was too large for use inside Basra City. There were some areas where Bulldog was also too large to go and Snatch was deployed because the threat of IED attacks in those areas was "minimal". The US was using less protected vehicles, Humvees, for that role but "protected them through aircover". The report stated:

> "Given the scientific limits on the amount of armour that could be applied to a vehicle the size of Snatch, any vehicle used to carry out tasks in confined urban areas was inevitably going to be at risk – but it was safer than carrying out the tasks by foot, or by helicopter."

697. Lord Drayson was told:

> "Overall there was a clear perception in theatre that UK MOD was not taking account of the rate of change. UORs too often sought to deliver a perfect capability, but in doing so delivered so late the requirement had changed or theatre were without any capability for too long. It was suggested that if there were greater dialogue between theatre and the ECC/ABW [Equipment Capability Customer/Abbey Wood[369]] on individual UORs then trades … could be made."

---

[367] *GOV.UK,* 10 February 2007, *Private Luke Daniel Simpson killed in Iraq; BBC News,* 26 September 2007, *Iraq soldier 'unlawfully killed'.*
[368] Minute APS/MIN(DES) to PSSC/SofS [MOD], 26 March 2007, 'Minister(DES) Visit to Iraq'.
[369] Abbey Wood is the location of the Defence Procurement and Support Agency (DE&S).

698. The report concluded by saying that "the lack of faith in the UOR process" and the suggestion of a "fundamental mismatch" between theatre's requirements and the "ECC/IPTs endeavours to deliver the perfect capability in a more extended timeframe was concerning". Lord Drayson asked for advice, by 10 April, from Maj Gen Figgures on how to address that and for him and the Chief of Defence Materiel "to reinforce the urgency that everyone should attach to delivering UORs".

699. In his evidence to the House of Commons Defence Committee on 20 March about UK operations in Afghanistan, Lt Gen Houghton said that the deployment of Mastiff and Vector was expected to be complete by the end of autumn.[370] He said that, by that time, all Snatch vehicles would have been removed from theatre.

700. On 18 May, Lord Drayson was advised that a total of 49 operational Mastiff vehicles out of 108 had been delivered so far: 14 in Iraq, 16 in Afghanistan and 19 in the UK.[371]

Capacity to improve the UOR system

Following Lord Drayson's request for advice on how to address the "fundamental mismatch" between theatre's requirements and the delivery of capability, Lt Gen Figgures advised on 4 April that the UOR process continued to be "agile and reactive, with an average of just seven months between the PJHQ endorsement of a requirement and the in-service date of the UOR-ed equipment".[372] Those seven months included:

- identification of a solution;
- the drafting and approval of a business case;
- the placing of a contract;
- the manufacture and/or integration of the equipment; and
- the delivery of that equipment to theatre.

Lt Gen Figgures acknowledged the rise in USURs during FY 2006/07 and stated that "the more heavily loaded" teams, the Departments of Equipment Capability (DECs) and Directorate of Capabilities Resources and Scrutiny (DCRS), had augmented their staff "so as to be able to continue to react rapidly to the increase in volume and not slow the process down".

Time was "the key driver for UORs" and it was "universally accepted" that UORs only had to meet "an 80+ percent solution", on the basis that it was "preferable to rapidly fill the capability gap that exists in theatre rather than achieve a technically perfect outcome".

Considering potential reasons for delay, Lt Gen Figgures wrote that there had been "a gradual evolution" in the type of UORs being submitted over recent months from "traditional" UORs that sought to modify or enhance existing equipment to UORs "asking for entirely new systems" which inevitably would take longer to deliver.

---

[370] Thirteenth Report of the House of Commons Defence Committee, Session 2006-07, *UK operations in Afghanistan*, HC 408.
[371] Minute SO1 DCC [DEC(GM)], 18 May 2007, 'Medium Protected Patrol Vehicle Mastiff'.
[372] Minute DCDS(EC) to PS/Min(DES), 4 April 2007, Minister(DES) Visit to Iraq – Equipment Issues'.

Lt Gen Figgures added that perceived delays could also potentially be attributed to optimism bias and the six-month duration of rotations, the latter meaning that some personnel might not stay in theatre long enough to see equipment enhancements arrive during their tour.

On communications between the UK and theatre, Lt Gen Figgures advised that PJHQ remained "in constant *daily* contact" with Equipment Capability (EC) cells in theatre. The DECs were also "in frequent dialogue" with the EC cells. There had been various visits from teams engaged in the procurement chain and those would continue in balance with theatre's priorities.

Recognising that some improvements could be made, Air Commodore Brian Bates, Director Directorate of Joint Capability, and Mr Guy Lester, Director DCRS, were going to join PJHQ's monthly video conference calls with theatre as of that month. Lt Gen Figgures concluded:

> "Indeed, this already regular dialogue with theatre made the concerns expressed to the Minister all the more surprising as reports from theatre on UORs tend to be very positive."

On 23 April, Lord Drayson met Lt Gen Houghton and Lt Gen Figgures "to discuss the apparent discrepancy between the view of troops in theatre and PJHQ/MOD on equipment and UORs".[373] VAdm Style sent a note of the meeting to Lord Drayson on 21 May after consulting with PJHQ and EC cells.

VAdm Style reported that the average length of UOR delivery time had fallen over the last three years from an average of 9.3 months to 7.5 months. A "longer term analysis" indicated delivery times at the start of Op TELIC were shorter, taking 5 months in 2002 and 3.1 months in 2003, but it was felt that "reflected the simpler nature of the UORs processed".

VAdm Style wrote that the overall feedback on UORs remained "very positive" with "94 percent/100 percent" of Op TELIC and Op HERRICK UORs being rated as effective or highly effective.

The recent comments about perceived failures in the UOR process were "a source of concern". VAdm Style suggested several ways to address the "causal factors" for those comments:

- a review of pre-deployment UOR training;
- better communication of what had been done and what was being done;
- a clearer flow of information from theatre because direct communication between theatre and the Equipment Capability Customer (ECC) was "still the exception rather than the rule";
- assessing staff shortfalls in "key" Integrated Project Team (IPT) posts; and
- finding ways to "aggressively and imaginatively bear down upon UOR timelines".

[373] Minute DCDS(C) to Min(AF), 21 May 2007, 'Meeting with CJO and DCDS(EC) – Equipment Requirements in Theatre'.

On 28 June, VAdm Style reported that progress had been made against all actions, "but it would be premature to state that they may have been met or that the underlying issues have been resolved".[374]

To improve the communication flow with theatre, DEC desk officers had been encouraged to engage directly with theatre EC cells instead of through PJHQ. There was greater sharing of information such as sending copies of the UOR database and all approved business cases to EC cells.

701. The threat in Iraq continued to increase and further improvements to force protection were agreed.

702. On 29 March 2007, Mr Browne wrote to Mr Timms to outline UOR funding requirements for financial year 2007/08.[375] That included:

- An additional £15m plus for ECM: "Anti-coalition forces in both Iraq and Afghanistan are developing the methods they employ in the use of Improvised Explosive Devices; we are in a stronger position as a result of additional better-protected vehicles procured last year (by summer 2007 there will be over 50 Mastiff and Bulldog in theatre), but the best way to protect against attack remains to stop the IEDs before impact …"
- £50m for a Counter Rocket, Artillery and Mortar (C-RAM) system capable of detecting, providing warning of and intercepting indirect fire (IDF).
- £87m plus for intelligence and surveillance capabilities for both Iraq and Afghanistan, including ISTAR enhancements.

703. On 5 April, Second Lieutenant Joanna Dyer, Corporal Kris O'Neill, Private Eleanor Dlugosz and Kingsman Adam James Smith were killed when an IED exploded underneath the Warrior vehicle in which they were travelling.[376] A local civilian interpreter was also killed in the attack.

704. On 17 April, the Chiefs of Staff were briefed that the security situation in MND(SE) "had been dominated by the two under belly IED attacks against a Warrior and a Challenger 2".[377] That type of attack had been seen elsewhere in Iraq but was unusual for MND(SE). The implications were still being assessed but "appeared not to represent a migration of this type of attack to the South, rather a response by a resourceful and adaptive enemy responding to MNF operations – operating procedures continued to be reviewed and refined in theatre".

---

[374] Minute DCDS(C) to Min(AF), 28 June 2007, 'Equipment Requirements in Theatre – Update of Actions'.
[375] Letter Browne to Timms, 29 March 2007, [untitled].
[376] *GOV.UK,* 6 April 2007, *Second Lieutenant Joanna Yorke Dyer, Corporal Kris O'Neill, Private Eleanor Dlugosz and Kingsman Adam James Smith killed in Iraq.*
[377] Minutes, 17 April 2007, Chiefs of Staff meeting.

705. On 19 April, Corporal Ben Leaning and Trooper Kristen Turton were killed when their Scimitar vehicle was struck and badly damaged by an IED attack in Maysan province.[378] Three other soldiers were injured in the attack. The vehicle had been providing protection for a convoy.

706. On 6 May, Private Kevin Thompson died as a result of injuries sustained when the vehicle in which he was travelling hit an IED in the early hours of 3 May.[379] He had been taking part in a routine convoy to re-supply the Contingency Operating Base at Basra Air Station.

707. Maj Gen Shaw sent an update to CJO on 7 June, stating:

> "Our vehicles are protecting us but at an unsustainable rate. On average we are losing an armoured vehicle due to damage beyond local repair at a rate of a vehicle every nine days; faster than the UK can resupply them."[380]

708. Maj Gen Shaw told the Inquiry that the vehicle he was referring to in his update of 7 June was Warrior.[381] When asked what he had in mind in making that statement, Major Gen Shaw said:

> "It was the unsustainability of what we were doing … alerting people that what we were doing was unsustainable."

709. When asked by the Inquiry what was being done to deal with that problem, Maj Gen Shaw said: "I can't recall."

710. On 22 June, Corporal John Rigby died from injuries sustained by a roadside bomb attack in Basra.[382]

711. On 28 June, Corporal Paul Joszko, Private Scott Kennedy and Private James Kerr were killed by a roadside IED in Basra.[383] The soldiers had dismounted the Warrior vehicle in which they had been patrolling when the device detonated.

712. On 7 July, Lance Corporal Ryan Francis was killed when an IED hit the Warrior vehicle in which he was travelling north of Basra.[384] LCpl Francis was taking part in a large scale operation to detain insurgents in Basra City. Corporal Christopher Read was

---

[378] *GOV.UK,* 20 April 2007, *Corporal Ben Leaning and Trooper Kristen Turton killed in Iraq.*
[379] *GOV.UK,* 7 May 2007, *Private Kevin Thompson dies in UK from injuries sustained in Iraq.*
[380] Private hearing, 21 June 2010 pages 40-42. This evidence was quoted to Maj Gen Shaw during his hearing.
[381] Private hearing, 21 June 2010 pages 40-42.
[382] *GOV.UK,* 24 June 2007, *Corporal John Rigby killed in Iraq on Friday 22 June 2007.*
[383] *GOV.UK,* 29 June 2007, *Corporal Paul Joszko and Privates Scott Kennedy and James Kerr killed in Basra roadside bomb attack on 28 June 2007.*
[384] *GOV.UK,* 7 July 2007, *Lance Corporal Ryan Francis 2nd Battalion The Royal Welsh killed in Iraq 7 July 2007.*

also killed as a result of the operation, through injuries sustained from small arms fire attack, and a third soldier was injured.[385]

713. On 31 July, Corporal Steve Edwards was killed when the Warrior vehicle in which he was patrolling was struck by an IED in Basra City.[386]

714. On 9 August, Lance Sergeant Chris Casey and Lance Corporal Kirk Redpath were killed when their Snatch Land Rover was hit by an IED during an operation to the west of Basra City.[387]

715. On 3 September, UK forces withdrew from Basra Palace and moved to Basra Air Station. The move and the arrangements surrounding it are addressed in Section 9.6.

716. In its review of UK land operations in Iraq, published on 3 December 2007, the House of Commons Defence Committee acknowledged the introduction of Mastiff and Bulldog.[388] It stated that that had "significantly improved the force protection available to our Forces in Iraq".

717. Major General Graham Binns became GOC MND(SE) in August 2007. He told the Inquiry that when he arrived in Basra, the security situation was "difficult":

> "Every move outside our bases required detailed planning and was high risk. I thought that we were having a limited effect on improving the security situation in Basra. 90 percent of the violence was directed against us …"[389]

718. Maj Gen Binns told the Inquiry that the move to Basra Air Station in September 2007 coincided with other changes that helped to reduce the threat to forces.[390] He said that protected mobility of vehicles "improved significantly" with the upgrade of Warrior vehicles and introduction of Mastiff, the latter being "a very good vehicle for the role on roads".

719. On 13 September 2007, the Defence Board endorsed a request to use MOD funding to pay for additional Mastiff vehicles as a UOR.[391] In discussion, it was said that procuring more Mastiff vehicles "was the right thing to do. They had already proved their worth in theatre in Iraq and Afghanistan and there was a clear operational requirement."

720. On 2 October, a DCRS official advised Lord Drayson that the MOD had initiated the procurement of an additional 147 Mastiff vehicles.[392] Force Protection Inc, the

---

[385] *GOV.UK,* 7 July 2007, *Corporal Christopher Read 3rd Regiment Royal Military Police killed in Iraq.*
[386] *GOV.UK,* 2 August 2007, *Corporal Steve Edwards 2nd Royal Tank Regiment killed in Iraq.*
[387] *GOV.UK,* 10 August 2007, *Lance Sergeant Chris Casey and Lance Corporal Kirk Redpath killed in Iraq.*
[388] First Report of the House of Commons Defence Committee, Session 2007-08, *UK land operations in Iraq 2007*, HC 110.
[389] Public hearing, 15 January 2010, page 3.
[390] Public hearing, 15 January 2010, page 35.
[391] Minutes, 13 September 2007, Defence Management Board meeting.
[392] Minute DCRS [junior officer] to APS/Minister(DES), 2 October 2007, 'Announcement of Additional Mastiff'.

manufacturer, was "not yet on contract" to provide the vehicles but IPT was "maturing the Business Case" and "negotiating with both the United States Marine Corps (USMC) and the manufacturer". The USMC held "considerable influence" over Force Protection Inc's production "as it accounts for a significant proportion of the manufacturer's order book".

721. DCRS advised that the MOD's request for additional Mastiff vehicles would be considered at the next US Joint Chiefs of Staff on 11 October. Without its approval, Force Protection Inc was unable to make any commitment to the MOD.

722. On presentational advice, DCRS stated that "any attempt to directly influence the US Congressional process would be unhelpful and so an announcement" should be "considered carefully". It added that an announcement would, "however", offer "significant advantages" because it "would illustrate the Department's intent to procure additional protected mobility vehicles, in order to improve force protection and operational effectiveness".

723. The UOR for an additional 147 Mastiff vehicles for Afghanistan was submitted to the IAB by DEC(GM) and the Specialist Utility Vehicle IPT on 4 October.[393] That would increase the total Mastiff fleet to 280: 76 for Iraq and 204 for Afghanistan. Of Iraq's 76 vehicle allocation, 54 would be deployed (including eight ambulances) and there would be 22 vehicles in the training fleet (including two ambulances).

724. The UOR stated that an additional 26 vehicles were to be deployed "to the user" by 31 April 2008. That would meet Iraq's requirement but would leave Afghanistan with insufficient vehicles "to meet the operational, training and maintenance requirements". There were currently 49 Mastiff vehicles available in Iraq, with 18 vehicles in the UK in a training pool shared with operations in Afghanistan.

725. While it had been "originally envisaged that Vector would be suitable to provide the bulk of the protected mobility" in Afghanistan, it was "now clear that the situation, threat, mission and nature of operations demand[ed] a different capability". A "comprehensive review of protected mobility" in Afghanistan had shown that "the capabilities required for the bulk of the combat troops are best met by a combination of ATV(P) Viking and Mastiff".

726. The UOR stated that Mastiff was "now essential to operations on Op TELIC". It was "the most appropriate vehicle for long distance convoy escort operations where movement is canalised on the main supply routes" between the Contingent Operating Base and Kuwait, where logistic elements were based. It was "not possible" to draw down Iraq's Mastiff fleet to support Afghanistan without an impact on operations. It added: "The shortfall in ambulances with commensurate protection and mobility is constraining commanders (or forcing them to take risk)."

---

[393] Minute DEC(GM) to IAB Sec, 4 October 2007, 'MASTIFF Urgent Operational Requirement (UOR) Uplift IQ4165/AO1082 Review Note'.

727. On 8 October, Mr Brown announced that the MOD was placing an order for an additional 140 Mastiff vehicles.[394]

INTRODUCTION OF A NEW PROCESS TO DETERMINE THE ACCEPTABLE LEVEL OF RISK IN OPERATIONS

728. In September 2007, the DOC reported on its "extensive review and analysis of the UK's current Force Protection (FP) capability in order to expose risk, provide assurance and present strategic recommendations to COS [Chiefs of Staff]".[395]

729. The review was not specific to Iraq or Afghanistan but drew heavily on the UK's experience there. The review focused on:

- risk and governance;
- the application of theatre entry standards;
- training;
- lines of communication;
- protection in the land, air and maritime environments;
- operational level protection; and
- UOR procured equipment.

730. The review stated:

> "Before undertaking an operation, COS should collectively reach a judgement on sensitivities, likely benefits and consequences as well as the appetite – amongst public, politicians and ministers – for sustaining casualties and prosecuting operations that carried a certain degree of risk. This risk/benefit analysis would be articulated and reviewed through the Strategic Estimate process. Any guidance would have to be balanced to ensure that it was not overly prescriptive … or, conversely, too generic …"
>
> "… The management of FP risk must be based on a thorough identification of strategic and operational threats to ensure that a balance of research, investment and training is achieved commensurate with the threat …
>
> "In deriving an assessment of cumulative risk, PJHQ should have a clear understanding of the totality of known risk in the forces declared to it. This should include all the equipment and other limitations which were accepted in the procurement of force elements; all the subsequent limitations evident in practice together with manpower, training or logistic support issues. If this risk capture process works efficiently, CJO will be able to form an accurate judgment of the risk to the protection of UK forces, which in turn would allow him to engage on palliative measures required early in the operational planning process."

---

[394] House of Commons, *Official Report*, 8 October 2007, column 24.
[395] Report DOC, September 2007, 'Protection of the Deployed Force Operational Audit Report 1/07'.

731. One of the points the Chiefs of Staff were asked to note was that, while the UK had "a first class capability to neutralise and mitigate the IED threat", "significant continued investment" was necessary "to keep pace" with its rapid development. The review stated: "Physical protection levels against the more capable anti-armour IEDs are, however, probably approaching engineering and material limits."

732. On protected mobility, the review stated:

> "The commander needs a range of protected vehicles to provide different levels of protection and mobility depending on the specific operation. This includes the need to operate in urban areas where larger, tracked vehicles may not be able to enter."

733. The review stated that, while the Snatch Land Rovers had been upgraded, they were "still very vulnerable to roadside bombs and RPG".

734. The review stated that "the need for a replacement wheeled protected vehicle was previously identified and Vector … PPV was procured with money being pulled forward from the programme that already sat within the EP. Vector delivers increased protection and greater capacity in comparison to Snatch and a total of 166 vehicles have been procured." There were 34 vehicles in Afghanistan and 22 in the training fleet; the remaining 110 were due to be delivered by 31 October 2007.

735. The review also referred to Mastiff's rapid procurement and said that early reports suggested it was "performing well".

736. There was "still no clearly defined Theatre Entry Standard for minimum levels of protection and equipment that must be fitted to all vehicles" and that "an overall assessment of the protection levels" would be "appropriate".

737. The Chiefs of Staff endorsed the recommendations on 26 September, including the need to understand and articulate the level of risk that was acceptable on any operation.[396]

738. As a result of the DOC audit, the MOD produced a force protection policy in November 2007.[397] It stated:

> "The central tenet of this Force Protection (FP) policy is that the application of FP measures to achieve a tolerable level of risk … enables, rather than constrains, our freedom of manoeuvre."

739. In the policy document, the MOD mandated "the employment of a standard risk methodology across all activities to ensure a common approach to the implementation of FP [Force Protection] measures". Oversight across the department would be achieved through an FP Co-ordinating Committee (FPCC) chaired by Air Commodore Brian Bates,

---

[396] Minutes, 26 September 2007, Chiefs of Staff meeting.
[397] Paper MOD, November 2007, 'Policy for the Protection of UK Forces'.

Director Directorate of Joint Capability. The committee, with the DECs, would ensure that FP development was "coherent across the DLODs [Defence Lines of Developments] and prioritised in accordance with current and future vulnerabilities".

740. The risk management process was laid out as:

- "**Identify.** The key to efficient risk management is the identification of adversary, natural and human threats to the Force, which, if not tempered, would otherwise impact upon mission success. That includes the anticipation of increasing and emergent threats, particularly where it may take time to develop countermeasures."
- "**Assess**" – assessing the probability and impact of the identified threats on mission success.
- "**Address.** Resource constraints inevitably mean that Defence cannot protect against all threats at all times in all circumstances." That meant that investment in capabilities had to be prioritised. It added: "Where a lack of resources or mitigation activity could impact adversely on mission success, commanders must communicate, through the chain of command, the need to review the risk level."
- "**Review.** Staff and commanders must manage risk proactively by monitoring the risk profile, assessing the effectiveness of risk mitigation measures and reporting upwards FP shortfalls or unavoidable risk issues."

741. Although the policy did not refer specifically to Theatre Entry Standards for minimum levels of protection, it did identify the leads for a comprehensive range of force protection elements, and what their considerations should be.

742. The policy lead for platform protection was the Directorate of Joint Capability but responsibility for its capabilities was spread across the relevant DECs and was co-ordinated on behalf of DCDS(EC) through the Joint Capabilities Board. It said:

> "Procurement staffs must balance key user requirements and forecast operational exigencies against current and future threats to deliver the appropriate degree of platform protection … Operational staffs must risk manage the employment of platforms according to the threat and the level of tolerable risk."

743. The policy said that the Joint Commander[398] owned the operational risk for forces under his command. The CDS was responsible for articulating the risk for specific operations and the Defence Secretary owned the risk inherent in the activities of the Armed Forces on behalf of the Government.

744. The MOD told the Inquiry that the latest iteration of the force protection policy, dated 21 May 2015, "defines risk ownership and governance more clearly than

---

[398] Confirmed by the MOD as CJO for Operation TELIC; Letter Duke-Evans to Aldred, 26 June 2015, 'Procuring Military Equipment'.

its predecessors".[399] The MOD said this had been integrated into wider MOD risk management processes which had also been revised.

745. The MOD said that the Operational Commander (which for Iraq was the CJO), is accountable to CDS for understanding, quantifying and reducing risk to the force and mission respectively. This risk response may require changes to activities or capabilities.

THE REQUIREMENT FOR AN "URBAN" PPV

746. Fatalities in Afghanistan meant the continued use of Snatch Land Rovers remained the subject of media and political debate.

747. Baroness Taylor of Bolton became the Minister of State for Defence Equipment and Support in November 2007.

748. On 22 April 2008, a junior officer from DCRS advised Mr Browne that the requirement for light PPVs was likely to continue in Afghanistan, albeit at a reduced level, and with the introduction of more heavy and medium PPV variants.[400] The advice had been prompted by a series of fatalities on Op HERRICK where personnel had been travelling in General Service Land Rovers; vehicles that offered less protection than Snatch Land Rovers.

749. While operations in Iraq were not addressed in the note, the junior officer did cover broader protected mobility issues and "the constant need to balance protection against mobility": "A range of vehicles, with different protection and mobility capabilities is required." The choice of vehicles available to commanders had been increased significantly, and the delivery of more Mastiff, combined with the introduction of Ridgback, would "harden" the Op HERRICK force considerably.

750. A summary of the UK's current and planned PPV range was provided in an annex, where the Mastiff was described as a "heavy" PPV as opposed to the "medium" Ridgback, and "light" Vector and Snatch vehicles. It stated that the Force Protection Inc's Cougar vehicle, the 4x4 variant, had been selected as the model for the Ridgback in December 2007. Its expected interim operating capability date was October 2008.

751. On Baroness Taylor's copy of the minute, her Assistant Private Secretary had written: "This useful note … has been triggered by Matt Cavanagh [Special Adviser to Mr Brown] who wants to see zero use/casualties of Snatch …"[401]

752. In April 2008, the UK began to deploy Military Training Teams (MiTTs) alongside the Iraqi Security Forces (ISF). The roles of those teams and the rationale behind them are explained in Section 12.1.

---

[399] Letter Duke-Evans to Aldred, 26 June 2015, 'Procuring Military Equipment'.
[400] Minute EC DCRS [junior officer] to PS/SofS [MOD], 22 April 2008, 'The Use of Light Vehicles on Operations'.
[401] Manuscript comment MOD [junior officer] on Minute EC DCRS [junior officer] to PS/SofS [MOD], 22 April 2008, 'The Use of Light Vehicles on Operations'.

753. In his weekly report on 17 April, Major General Barney White-Spunner, GOC MND(SE) from February 2008 to August 2008, wrote that one of the lessons learned about "MiTTing" was that the MiTT teams "must have the same mobility as their Iraqi partners".[402] Maj Gen White-Spunner said that AFVs were perceived as "too aggressive (by both the Iraqi leadership and by Basrawis)" and whilst the Mastiff had a reduced profile, it was "still too large" to manoeuvre around "a complex urban environment". He described it as "an elephant compared to the Humvees of the US and Iraqis".

754. Maj Gen White-Spunner wrote that "the mobility challenges presented by Mastiff" also increased the risk of it being "vulnerable to attack". He concluded: "There is an urgent requirement to consider if there are protected mobility vehicles that might best suit this task, although we are now clear that the solution is not Humvees."

755. On 20 April, the EC Branch in MND(SE) submitted a USUR for an "urban" PPV that provided better manoeuvrability around Basra City than what was possible with the existing, larger PPVs.[403]

756. The USUR stated that both Warrior and Bulldog were considered to be unsuitable because tracked vehicles were unable to operate in urban areas. There was a concern that Bulldog would "be considered as a tank" and affect the local perception about the nature of the tasks being undertaken.

757. The USUR described Mastiff as being used "through necessity, not choice" because of restrictions on Warrior and Snatch. Mastiff's size, kerb weight and manoeuvrability made it unsafe in urban areas. Snatch was assessed as providing insufficient force protection.

758. On Snatch the USUR said:

> "There would be political concern associated with the use of SN2A [Snatch 2A] in the city. SN2A was withdrawn from use in the city in 2006 due to the high rate of fatalities when vehicles were attacked. The equipment is not suitable for the task in its current form and is not considered further."

759. The EC Branch identified the Cougar Ridgback as its preferred solution; US MiTTs were using the US version of the Ridgback, the Cougar 4x4, and "generally" did not have any problems accessing Iraqi Army units within the city. It also had good levels of protection and some commonality with the Mastiff.

760. In reviewing the potential vehicle solutions, the EC Branch said that the Australian Bushmaster had good protection and mobility comparable with the Ridgback but required "another Foreign Sales agreement", had no commonality with the Mastiff and the Australian fleet was being withdrawn in June 2008.

---

[402] Minute White-Spunner to CJO, 17 April 2008, 'GOC MND(SE) Weekly Letter – 17 April 2008'.
[403] Minute ECB MND(SE), 20 April 2008, 'Op TELIC – Urgent Statement of User Requirement for a Urban Protected Patrol Vehicle (UPPV).

761. On 29 April, Lieutenant General Peter Wall, DCDS(C), briefed the Chiefs of Staff that the protected mobility options for the MiTTs in Basra "had been investigated and Bulldog had been determined as the most applicable solution".[404]

762. The minutes do not record that that was said to be the best option in the interim, but the documents that follow suggest that Bulldog was only ever intended to be a short-term solution until Ridgback came into service at the end of 2008.

763. In his weekly report, on 2 May 2008, Maj Gen White-Spunner stated:

> "The provision of suitable vehicles for the remaining MiTTs is going to be a tricky one and we are grateful for all the hard work being done in the UK to find a solution. We have accepted … that we will have to manage with Mastiff and Bulldog in the short term, and at least until Ridgback becomes available later in the year. This is not ideal, as you know; Mastiff, as well as being in short supply, are having considerable difficulty keeping pace with IA [Iraqi Army] Humvees through narrow obstructed streets and Bulldog, being tracked, will be unpopular with both the Iraqi chain of command and … with the Baswaris.
>
> "I understand that Ridgback simply cannot be delivered in the required timeframe even if diverted from their original target in Afghanistan, and my point is simply to emphasise the urgency of procuring them as fast as possible. In the meantime, we can make up some of our Mastiff shortfall for MiTTs if we are prepared to replace some of those Mastiff on less vulnerable tasks (such as in Umm Qasr) with Vector, which we understand are readily available in the UK."[405]

764. Ministers continued to take a close interest in the provision of protected mobility for deployed forces.

765. On 6 May, the Chiefs of Staff were told that Vector would be used from the UK training fleet to backfill vehicles used in lower threat areas to release Mastiff for use by the MiTTs.[406] Options for the use of Ridgback in the longer term were being investigated.

766. On 22 May, a junior official advised Mr Browne that:

- The UK's PPV requirement for "comprehensive MiTTing" was 60 vehicles. Mastiff was "the most appropriate vehicle" to fulfil the task, of which MND(SE) had 51 employed across a range of tasks and 43 could be re-allocated to MiTTing.
- The Chiefs of Staff had endorsed military advice that, in order to make the 43 vehicles available, Mastiff vehicles operating elsewhere in Iraq would be replaced with Vector, "at manageable risk to personnel on those tasks".

---

[404] Minutes, 29 April 2008, Chiefs of Staff meeting.
[405] Minute White-Spunner to CJO, 2 May 2008, 'GOC MND(SE) Weekly Letter – 1 May 2008'.
[406] Minutes, 6 May 2008, Chiefs of Staff meeting.

- The shortfall of 17 vehicles would be met by Bulldog in the short term "to provide the best protection available", although this could "have a negative effect on Baswaris and ISF consent".[407]

767. The junior official's advice recognised that re-allocating Mastiff vehicles to MiTTing would "inevitably incur greater risk elsewhere" but that PJHQ and GOC MND(SE) considered that "to be acceptable". The use of Vector vehicles would be restricted to lower threat areas where the risk was "manageable" and would be subject to "a continuous MND(SE) intelligence-based threat assessment" based on Maj Gen White-Spunner's recommendation.

768. The advice recognised that the decision to deploy Vector would reduce the number of vehicles in Afghanistan's regeneration pool but that was seen as "manageable in the short term".[408] If the consent for using Bulldog vehicles in the MiTT role deteriorated "to an unacceptable level", Mastiff vehicles planned for Afghanistan could be diverted to Iraq, albeit creating a delay of one to two months for Mastiff vehicles to reach Afghanistan. The impact of using Bulldog vehicles in a MiTT role would be assessed at the end of July.

769. Mr Browne was advised that industry could not produce "an adequately protected vehicle" in less than six to nine months. Ridgback vehicles were being procured for Afghanistan but the earliest those could be deployed was "early 2009" and the provisional timeline for completing MiTTing in Iraq was May 2009 (see Section 12.1). DCRS had advised that the Treasury was "most unlikely to fund a new vehicle or modifications to existing vehicles" given the timelines.

770. On presentation, the junior official warned that as Vector was "originally procured to meet a lesser threat" in Afghanistan, it had "considerably lower levels of ballistic protection than either Mastiff or Bulldog". That potentially meant that "accusations could be levelled" that Vector was "providing unacceptably low levels of protection to UK forces". A handling plan was being developed to address that.

771. On the same day, Mr Browne's Private Secretary replied to an MOD official, stating that Mr Browne had discussed the note with HQ MND(SE) and was "not clear" that Maj Gen White-Spunner's intent on the use of Vector was "indeed as set out".[409]

---

[407] Note DJC [junior official] to APS/SofS [MOD], 22 May 2008, 'Iraq: MND(SE) Military Transition Team Concept – Provision of Protected Mobility'.
[408] Email DJC-Sec-7 to SofS-PS, 22 May 2008, 'FW: 20080521 – TELIC – MiTT PM plan MinSub v1 2 – SUKEO'. This email clarified that the number of Vector vehicles being damaged and destroyed in Op HERRICK had reduced and would continue to reduce as new PPVs were rolled out to Afghanistan and the "reliance on Vector in the higher threat areas" lessened.
[409] Email PS/SofS [MOD] to DJC-Sec7, 22 May 2008, 'RE: 20080521 – TELIC – MiTT PM plan MinSub v1 2 – SUKEO'.

772. Mr Browne asked that PJHQ check that point with Maj Gen White-Spunner and that "a robust narrative" be developed "ASAP" to explain the discrepancy between the reason Vector was originally procured and its planned deployment in Iraq.

773. On 23 May, an MOD official submitted revised advice to Mr Browne, reducing the figure of Mastiff vehicles that should be re-allocated from 43 to 39 and stating that Maj Gen White-Spunner was content.[410]

774. Mr Browne agreed the advice, but reiterated the necessity to generate a narrative which explained the use of Vector in southern Iraq.[411]

775. Lt Gen White-Spunner explained to the Inquiry that the difficulty of using Mastiff vehicles for a MiTT role was:

> "… for MiTT to really work well, it wants to always be slightly unobtrusive … and we had large protective vehicles because of the dangers we had been facing …"[412]

776. Lt Gen White-Spunner commented that a vehicle which balanced protection needs with the desired military profile was not possible: "Industry just can't do this, they are not in the showroom." He added:

> "So we had to use the Mastiff vehicles, which … is an excellent vehicle … it is just slightly large for going down the more delicate bits of the Hanaya."

777. On 17 June, Corporal Sarah Bryant, Corporal Sean Reeve, Lance Corporal Richard Larkin and Paul Stout were killed by an IED while patrolling in Lashkar Gar in Afghanistan.[413] Their deaths prompted further questions in the media and in Parliament about Snatch vehicles.

778. During a House of Commons debate about defence procurement on 19 June, Mr Patrick Mercer asked Mr Bob Ainsworth, Minister of State for the Armed Forces from June 2007 to May 2009, when Snatch vehicles would be taken out of service.[414]

779. Mr Ainsworth referred to the introduction of Ridgback but added:

> "Whether we will be able to take away these small platforms without taking away a whole area of capability will need to be thought about very seriously. Snatch has suffered some considerable setbacks; we have lost lives in Snatch Land Rovers. However, I am being told by commanders on the ground that they still need Land

---

[410] Email SofS-APS1 [MOD] to SofS-Private Office [MOD], 23 May 2008, 'FW: 20080521 – TELIC – MiTT PM plan MinSub v1 2 – SUKEO (13)' attaching Note DJC [junior official] to APS/SofS [MOD], 22 May 2008, 'Iraq: MND(SE) Military Transition Team Concept – Provision of Protected Mobility'.
[411] Minute APS/SofS [MOD] to DJC SEC 7, 27 May 2008, 'Iraq: MND(SE) Military Transition Team Concept – Provision of Protected Mobility'.
[412] Public hearing, 7 January 2010, pages 47-48.
[413] *GOV.UK*, 19 June 2008, *Corporal Sarah Bryant, Corporal Sean Reeve, Lance Corporal Richard Larkin and Paul Stout killed in Afghanistan*.
[414] House of Commons, *Official Report,* 19 June 2008, columns 1125-1128.

> Rover-based platforms … and will do for the foreseeable future. Ridgback will not entirely do that job, because it will not be able to get into the narrow, compounded urban areas in Helmand province, however much we would like it to."

780. Mr Ainsworth said that he was "aware of some of the opinions about Snatch" but that he had received military advice that Snatch vehicles were still necessary. Mr Ainsworth was also challenged by Mr Mike Penning, who argued that commanders could only use what vehicles they have available.

781. Mr Ainsworth said that commanders were provided "with a range of vehicles" that allowed them "to select the platform most suited to the immediate task in hand". Protected mobility requirements were kept "under review" and that was why Mr Brown had announced the procurement of Ridgback.

782. On 25 June, Mr Browne called a meeting with senior military figures and Baroness Taylor "at short notice" to "discuss future plans for the protected vehicle fleet, particularly in Afghanistan".[415]

783. While the meeting had "in part been prompted" by the recent Snatch fatalities, Mr Browne "recognised that the issue ran wider" and there were vulnerabilities associated with other patrol vehicles such as Vector that "were stories waiting to happen".

784. Mr Browne had:

> "… made clear his intent: namely, to deliver as quickly as possible a balanced and sustainable protected vehicle capability in Afghanistan, with all patrol vehicles … mine-protected, commensurate with their weight. This might infer [sic] the removal from theatre of Snatch, Vector, Pinzgauer and GS Land Rover."

785. Air Chief Marshal Sir Jock Stirrup, who had become Chief of the Defence Staff in April 2006, said that they "needed to start" by understanding the operational requirement for lighter vehicles in Afghanistan and Iraq, and what the impact would be if PPVs with a lower weight and protection level than Ridgback were no longer used.

786. Sir Jock said that if a light PPV was "mission critical, whether to secure access, increase flexibility or avoid the corrosion of popular consent, then the second question was whether Snatch was the best vehicle available on the market to fulfil any of that requirement". If it was, then they "could collectively stand behind its continued use; if not, it should be replaced".

787. It was agreed at the meeting that "all vehicles had their vulnerabilities" but:

> " … if we were able to demonstrate that we had replaced, or had clear plans to replace, all sub-optimal vehicles, then that would allow us to build a convincing

---

[415] Minute PS/SofS [MOD] to APS/Min(DES), 25 June 2008, 'Protected Vehicles'.

narrative around our intent, which should also give confidence to deployed service men and women that vehicle vulnerabilities are being addressed."

788. A discussion followed about the options for replacing the current fleet of light armoured and unarmoured vehicles "in full" and it was agreed that those should be pursued. The deployment of Ridgback into theatre was "Ministers' first priority".

789. Mr Browne "emphasised the need for a clear and coherent public narrative" about what had been achieved and what was being done "to enhance the robustness" of the PPV fleet. He asked for a Written Ministerial Statement to be produced before Parliament rose for the recess on 22 July.

790. A Written Ministerial Statement on protected mobility was not made until 29 October 2008.[416]

791. Mr John Hutton, who had succeeded Mr Browne as Defence Secretary earlier in October, stated:

"We have already achieved a great deal in improving the protected mobility options available to commanders on operations. Mastiff is unquestionably a success story. For its role, Mastiff is delivering the very highest levels of protection available anywhere in the world. Where it can be used, and its size and weight mean it has its limitations, it is clearly the vehicle of choice. That is why the Prime Minister announced a further order of these vehicles last year …

"It is not only through Mastiff that we are delivering a world class protected vehicle capability; we are also delivering Ridgback. Using the smaller Cougar 4x4 chassis, and innovative, cutting-edge UK armour technologies, we will be able to deliver protection levels close to that of Mastiff in a package that is able to better access urban areas, increasing the survivability of troops in these roles …"

792. On Snatch Land Rovers, Mr Hutton said:

"Inevitably, any statement on protected mobility must address the role of the Snatch Land Rover, a vehicle which has received considerable criticism. First, to be absolutely clear, I can inform the House that – in addition to the regular reviews that are conducted into protected mobility – senior operational commanders were asked to specifically consider the requirement for the Snatch Land Rover and its importance to operations. The response was clear: commanders need a vehicle of the size, weight and profile of Snatch Land Rover, capable of transporting men, to fulfil their tasks in theatre. Further, the availability of such a vehicle is considered mission critical …"

793. Mr Hutton said that that did not mean there was "no action" to be taken on Snatch. There was a programme in place to learn lessons from the development of Mastiff and

---

[416] House of Commons, *Official Report,* columns 28WS-30WS.

Ridgback and the Snatch vehicle would continue to be modified, although, as with any vehicle, it could never be made "invulnerable".

794. The latest variant, the Snatch Vixen,[417] had been especially configured for Afghanistan, and the MOD had "already fielded a small number of these vehicles".

795. On 7 November, Lt Gen Houghton advised Sir Jock Stirrup on "an urgent review of the impact of limiting the use of all variants of Snatch Land Rover".[418] The advice suggested that Lt Gen Houghton had issued separate, earlier advice in July to Sir Jock following the meeting with Mr Browne on 25 June and the 7 November advice was because he had been asked again to consider the impact of limiting the use of all variants of Snatch in Iraq and Afghanistan.

796. Lt Gen Houghton wrote that the justification for retaining Snatch had not changed since his previous advice in July; Snatch vehicles remained "mission critical" in both theatres due to their profile, manoeuvrability and carrying capacity.

797. Lt Gen Houghton said that limiting the use of Snatch outside secure bases in Iraq would have a "significant impact" on operations by reducing patrols' situational awareness and restricting movements.

798. The "interim solution" of Snatch Vixen in Afghanistan had "started to deliver". DEC(GM) was "working towards a final solution" but there was no light PPV "on the market that could be delivered within a year". The Ridgback and Mastiff programmes for Afghanistan had been delayed and were not now likely to be delivered until the beginning of 2009.

799. Lt Gen Houghton added:

> "Given the wider political and media sensitivity, however, we should maintain our intent to deliver the planned SN2A [Snatch 2A variant currently in use] replacement as quickly as possible, increase the numbers of PM [Protected Mobility] vehicles in UORs and conduct rapid work on operational solutions to remove SN2A from outside secure bases as quickly as possible. SN3-Vixen would appear to be the fastest way of achieving this."

800. Major General Andrew Salmon, GOC MND(SE) from August 2008 to March 2009, told the Inquiry that, when he arrived in Iraq, "security was getting better".[419] The number of rocket attacks "was down to about four or five a month", compared with over 200 a month before the Charge of the Knights (see Section 12.1). There were still IEDs set on roads but "the level of violence had much reduced".

---

[417] Referred to in some MOD papers as Snatch 3-Vixen.
[418] Note CJO to PSO/CDS, 7 November 2008, 'Limiting the Deployment of Snatch Outside Secure Bases'.
[419] Public hearing, 20 July 2010, page 6.

801. Maj Gen Salmon wrote in his post-tour report:

> "The determination of the most appropriate mobility platform for any environment requires a delicate balance between speed, manoeuvrability, firepower and protection. Presentational constraints over the employment of Snatch were well understood and acknowledged. Nonetheless, while offering good protection, Mastiff generated other risks: heightened profile; regular collateral damage (with associated cost to local approval) while manoeuvring in tight confines; and an inability to keep up with ISF HMMVs [Iraqi Security Forces' Humvees] in the City. This was set in the context of CG MNF-I's (Gen Petraeus) determination that troops should 'get out and walk' – in order to influence the population directly. The solution was found in a command decision to strip MiTTs down to the bare minimum and travel with Iraqi counterparts in ISF in Iraqi vehicles. The ability to mentor improved immediately and markedly and the level of protection afforded by ISF paintwork arguably exceeds that of CF protective technology. It worked well."[420]

802. Maj Gen Salmon said that that was a "defining decision" for building relationships but that "the UK political sensitivities over any trade off between protection and manoeuvre should not be underestimated". He added: "Strategic risk aversion over casualties was a real planning consideration that routinely shaped tactical operations."

FRES AS A DISTINCT REQUIREMENT

803. On 23 July, a note about FRES highlighted the capability gap that would remain until FRES was delivered:

> "PPVs do have some utility … but not in areas where they are likely to have to operate within the range of enemy medium or heavy forces. PPVs do not meet the protection, capacity, or tactical mobility requirements of FRES as a whole, although it is possible that they could meet part of the requirement in the FRES BCU [Basic Capability Utility] family …"[421]

804. The note added:

> "Current operations show that we need to use a combination of armoured vehicles … and PPVs … to operate in different roles, in different areas, to meet different circumstances. However, PPVs are particularly important at the moment because, in many cases, we have to use them where we would use FRES if it were available. Therefore if FRES was in service now we would need to deploy fewer PPVs."

805. In its review of defence equipment for 2008, the House of Commons Defence Committee outlined a number of concerns about the ongoing delays to the FRES

---

[420] Report Salmon, 15 May 2009, 'COMUKAMPHIBFOR Op TELIC 12/13 (HQ MND(SE)) Post Operational Report (POR)'.
[421] Minute DCI(A), 23 July 2007, 'The Future Rapid Effect System (FRES) – Information Note'.

programme.[422] It asked the Government to set out how the acquisition of Mastiff vehicles for Iraq and Afghanistan had impacted on the FRES requirement.

806. In response, the MOD stated that there was "no impact on the FRES programme resulting from the procurement of Mastiff".[423] The department had "a coherent two track approach" to AFVs which made "a clear distinction between the urgent, short term need for Protected Patrol Vehicles, such as Mastiff, designed for peace support operations" and AFVs needed to "provide an effective FRES capability across the full spectrum of future operations". The MOD stated that Vector and Mastiff were designed to address the risks faced by service personnel in the short term; FRES was always seen as a longer-term requirement.

807. Sir Peter Spencer told the Inquiry that there had been a difficulty in specifying a requirement for PPVs as the threat developed; and that "one of the major problems the Army had had for over a decade was deciding what it wanted its new fleet of armoured fighting vehicles to be".[424]

808. When asked about the procurement strategy for PPVs, Sir Peter referred to the FRES programme: " … a hugely ambitious programme which was never going to be delivered in this decade … There were very difficult requirements stated for mobility and protection and weight."[425]

809. The Inquiry asked Sir Peter whether the issues with FRES had made it harder to deal with PPVs. He replied:

> "… the difficulty became in the amounts of money which were available and if you were going to use money from the capital equipment programme to deal with the short term … then that had a fratricidal effect on your ability to move the FRES programme forward."[426]

810. Lt Gen Fulton told the Inquiry that FRES and the replacement for Snatch were "two completely different questions".[427] He said that "to put something in" to the Defence programme, "something ha[d] to come out"; the resources had to be balanced out. Lt Gen Fulton did not think that created a reluctance to give a Snatch replacement a high priority.

---

[422] Tenth Report of the House of Commons Defence Committee, Session 2007-08, Defence Equipment 2008, HC 295.
[423] Seventh Special Report from the House of Commons Defence Committee, Session 2007-08, *Defence Equipment 2008: Government response to the Committee's Tenth Report of Session 2007-08*, HC 555.
[424] Public hearing, 26 July 2010, pages 28-29.
[425] Public hearing, 26 July 2010, page 41.
[426] Public hearing, 26 July 2010, pages 49-50.
[427] Public hearing, 27 July 2010, pages 70-72.

811. Lt Gen Figgures told the Inquiry that "FRES had been used as a regulator for the defence programme. Money had actually been taken out of the FRES programme in order to attempt to balance the programme."[428]

812. Mr Hutton told the Inquiry that, if it had gone ahead on the original timescale, some of the equipment from FRES would have been available for deployment in Iraq.[429]

813. In Mr Hutton's view, the problem had been:

> "We couldn't settle on the specification. We changed our mind about certain aspects of how we wanted to go ahead with the procurement. We started, we stopped."

814. ACM Stirrup told the Inquiry that the FRES programme was "overcomplicated and overcomplex".[430] He said that the "critical battleground" was the need to "interact with the population". That required "smaller and lighter vehicles"; "commanders need a wide range of vehicles". FRES "would not have solved the problems that we had been facing in Iraq and Afghanistan, with, perhaps, one exception, which is the Scout variant … our top priority at the moment … to replace the CVR(T)".

815. Gen Jackson told the Inquiry:

> "As the situation deteriorated in southern Iraq of course the vulnerabilities of the Snatch Land Rover became tragically more and more apparent, and we then enter a difficult and muddled story as to the replacement, or the addition of better protected vehicles into the deployed army's inventory, and the whole FRES story comes into this as well.
>
> "… there is a limit to the amount of metal you can stick on a vehicle … and the ability of the opposition to up the kinetic energy that can be applied can go rather faster than our ability to withstand that. So the amount of metal on a vehicle is important but it is not the complete answer, and you would finish up with a vehicle which is far too large often to go down small streets in an urban area. So again the picture is not black and white, and there is not some sort of fence you can jump over and all of a sudden you have a vehicle which is immune to whatever your opponents may try to do."[431]

816. Gen Dannatt suggested to the Inquiry that FRES had been delayed by the MOD so that funding originally allocated in the Equipment Programme for the FRES in 2007-2009 could be used for other priorities.[432]

---

[428] Public hearing, 27 July 2010, page 73.
[429] Public hearing, 25 January 2010, pages 24-25.
[430] Public hearing, 1 February 2010, pages 68-71.
[431] Public hearing, 28 July 2010, pages 75-76.
[432] Public hearing, 28 July 2010, pages 58-62.

817. Gen Dannatt referred the Inquiry to the ECAB meeting in January 2006[433] where the Board was informed that there would be further delays to the FRES programme:

> "What we decided to do was to persuade Lord Drayson, then the Defence Procurement Minister, that we had a major problem, and it was decided to lay on equipment demonstration on Salisbury Plain and get him to come and see it on the basis seeing is believing, and then come to Headquarters Land and discuss the issues. As Commander in Chief I was given the task to put that together.
>
> "We took one of everything that we had and Lord Drayson saw what we had and saw what we didn't have and quite clearly what we didn't have was anything in that medium bracket … on the one hand we had these good heavy equipments, on the other hand some good light equipments. In the middle we had nothing.
>
> "In the car on the way back from Salisbury Plain to Headquarters Land he said to me, 'I didn't know the army had a problem. Since I have become Minister of Defence Procurement I have been focusing on jets and on aircraft carriers. I didn't realise the army had a problem'. To his great credit he then realised we had a problem and began to put some leadership and energy into it."[434]

818. Mr Brown told the Inquiry that FRES was the programme "that was interesting the military the most", but his understanding was that "even if it had been carried out in full", it would "not have given us the right vehicles … for Iraq".[435]

819. The Inquiry asked Lord Drayson about the concerns about FRES expressed by Generals Jackson and Dannatt, and the relationship between progress on FRES and concerns about Snatch.[436] Lord Drayson replied:

> "The FRES project had become delayed, partly because the experience on operations … led to repeated changes to the specification, and partly because the user requirement had become much too complicated …
>
> "The project to improve/replace Snatch was always separate … The Generals stressed the urgent need to replace the ageing fleet of Army Fighting Vehicles as a whole when voicing their concerns over delays to FRES … Snatch was a Protected Patrol Vehicle rather than an AFV … In terms of augmenting Protected Patrol Vehicles such as Snatch the focus in early 2006 for the Army was … Vector which in March 2006 I was told was General Dannatt's highest priority …
>
> "Progress on FRES and concerns about Snatch should not have been connected in theory … In reality however, I believe the Army's difficulty in deciding upon a

---

[433] Gen Dannatt's evidence during his public hearing was that this meeting was in 2005. Based on the papers provided, the Inquiry has concluded this must have been an error in his recollection.
[434] Public hearing, 28 July 2010, pages 64-68.
[435] Public hearing, 5 March 2010, page 117.
[436] Statement, 15 December 2010, pages 3-4.

replacement to Snatch was in part caused by their concern over the likelihood of FRES budgets being cut to fund a Snatch replacement vehicle.

"The impression I gained was the delivery of FRES by 2012 was a higher priority for the Army than finding funding for Snatch from the core equipment budget. I was concerned that the Army were focusing on the Vector … for Afghanistan and upgrading the FV430 (Bulldog) and that no requirement had been identified for a new medium weight protected patrol vehicle.

"The push to replace Snatch or to procure a new medium weight PPV so that commanders would not have to use Snatch came from Ministers, not the military …"

820. General Sir Michael Walker, CDS from 2003 to 2006, told the Inquiry that there was no difficulty in securing funding for Iraq UORs but that the spending round in 2004 threatened longer-term "big ticket items".[437] He said that there was "a list of stuff" where decisions had to be made but he could not recall what was included.

821. Gen Walker told the Inquiry that the procurement process for the FRES programme had been "horrid" and a "sorry saga of debates and delays; delays because of the lack of money":

"… it was not as advanced as many other projects, it seemed to me to get delayed and delayed and delayed, time after time, because the funding, and … if we had gone with it originally, we might well have saved ourselves quite a lot of pain and agony and death by having a vehicle that we could have used in the appropriate circumstances in places like Afghanistan."[438]

822. Lord Drayson was explicit that the decision to fund the Mastiff programme as a UOR had been an important factor in reaching agreement on the requirement for a medium weight PPV:

"There was concern that the FRES programme would be delayed or lose resources as a result of buying a new vehicle. Ministers ensured that the funding … came from a new UOR funded separately by the Treasury thus ensuring that the purchase … had no detrimental impact on the FRES project."[439]

823. Lord Drayson wrote that there was resistance from within the MOD to reprioritisation of the core Equipment Programme to support current operations:

"… because the Services were concerned that their long term programmes would be cannibalised and lose funding to short term operational needs … it was quite unusual for core equipment funding to be redirected to operational needs. This only happened when the military had a strong desire for it – for example with Vector …"

---

[437] Public hearing, 1 February 2010, pages 42-43.
[438] Public hearing, 1 February 2010, pages 48-49.
[439] Statement, 15 December 2010, pages 6-7.

CALL FOR A PUBLIC INQUIRY INTO THE USE OF SNATCH

824. On 7 November 2008, Hodge Jones & Allen solicitors wrote to Mr Hutton on behalf of Ms Susan Smith, requesting a public inquiry into the use of Snatch Land Rovers in the Iraq and Afghanistan conflicts.[440] Ms Smith's son, Private Phillip Hewett, was killed on 16 July 2005 in an IED attack in al-Amara whilst travelling in a Snatch Land Rover.

825. Treasury Solicitors replied on 15 December, enclosing a letter from Mr Hutton to Ms Smith.[441] Mr Hutton's letter said that, "after thinking very carefully about what has been said on this issue … a public inquiry would not be the right way to proceed". He would be issuing a Written Ministerial Statement the following day but had wanted to write to Ms Smith personally.

826. Mr Hutton explained that the reasons for not holding a public inquiry into the use of Snatch were:

- The clear advice from military commanders, unanimously endorsed by the Chiefs of Staff, was that Snatch vehicles were "essential to the success of operations in both Iraq and Afghanistan".
- Heavier vehicles such as Warrior or Mastiff could not replace Snatch because they could not "be used for all purposes" and were "simply unable to access" the necessary places to deliver the UK's objectives.
- Better armoured vehicles, which tended to be larger and heavier, were "viewed by the local population as aggressive and intimidating". That made it more difficult for the military to engage with local people and win their confidence. The larger vehicles also could cause "serious damage" to local infrastructure such as roads, buildings and drainage systems. Those factors could "inflame local opinion against UK troops" and increase the threat level overall.

827. Mr Hutton said that that meant "a critical requirement" for a light PPV such as Snatch remained. He referred to the "number of technical enhancements" to Snatch since its first deployment to Iraq in 2003. He stated that the introduction of its new variant, the Snatch Vixen, along with the procurement of additional Mastiff vehicles, would enable the UK "to continue reducing the scope of the Snatch 2A vehicle's role until it is used only within [UK] camps".

828. In his Written Ministerial Statement on 16 December, Mr Hutton referred to the "widespread public concern over the thirty-seven deaths of British servicemen and women in Iraq and Afghanistan as a result of injuries sustained while using Snatch Land Rovers".[442]

---

[440] Letter Cockburn [Hodge Jones & Allen] to Hutton, 7 November 2008, 'Snatch Land Rovers'.
[441] Letter Kennedy [Treasury Solicitors] to Cockburn [Hodge Jones & Allen], 15 December 2008, 'Snatch Land Rovers' enclosing Letter Hutton to Smith, 15 December 2008, [untitled].
[442] House of Commons, *Official Report*, 16 December 2008, columns 103WS – 104WS.

829. Mr Hutton repeated the reasons he had provided to Ms Smith as to why he had decided not to hold a public inquiry into the matter. He said it was "also important to be clear" that it could not be assumed that the 37 servicemen and women would have survived if they had been in more heavily armoured vehicles. Any vehicle could be overmatched and armour was only one part of the tactics, techniques and procedures that were used to protect troops.

830. On 10 July 2009, Ms Smith won a right to a judicial review, on limited grounds, of the Government's decision not to hold a Snatch Inquiry.[443]

831. A letter from the Treasury Solicitors to Ms Smith's solicitors on 15 September stated that that had prompted a "fresh decision" by Mr Bob Ainsworth, who became the Defence Secretary in June 2009. He had again considered the question of whether an inquiry should be held and decided that an inquiry would be an inappropriate use of public resources given the extent to which the subject had already been examined.

Legal action taken by families over the use of Snatch Land Rovers

On 19 June 2013, the Supreme Court ruled that relatives of three soldiers killed in Iraq, and two others seriously injured, had a right to sue the Government for negligence and pursue damages under human rights legislation.[444] In doing so, the Court rejected the MOD's arguments that the principle of combat immunity applied; the MOD had a duty of care over soldiers regardless of whether they had left the British base in the line of duty.

The proceedings concerned three sets of claims, one of which was brought by Ms Smith (the mother of Private Phillip Hewett) and the relatives of Private Lee Ellis over the MOD's alleged breach of Article 2, the Human Right to Life, in the preventative measures available to protect the lives of troops travelling in Snatch vehicles. Private Ellis's relatives also brought a claim of negligence against the MOD.

The case against the Government for damages and negligence was still continuing at the time of the Iraq Inquiry's publication.

The Iraq Inquiry has considered material provided by Hodge Jones & Allen solicitors and has taken account of that when putting questions to witnesses during the public hearings and when drafting its Report.

---

[443] Letter Kennedy [Treasury Solicitors] to Cockburn [Hodge Jones & Allen], 15 September 2009, 'Snatch Land Rovers, R (oao Susan Smith) v. Secretary of State for Defence'. Mr Justice Mitting in the High Court ruled that the right was limited in that the past use of Snatch could be investigated, but its present and future deployment was unimpeachable.

[444] *Smith and Others (Appellants) v. The Ministry of Defence (Respondent); Ellis and another (FC) (Respondents) v. The Ministry of Defence (Appellant); Allbutt and Others (FC) (Respondents) v. The Ministry of Defence (Appellant)* [2013] UKSC 41.

SNATCH AFTER IRAQ

832. Ridgback entered service in June 2009 in Afghanistan. It was not deployed to Iraq.

833. On 6 March 2010, the BBC reported that Mr Brown visited troops in Afghanistan and said that 200 new patrol vehicles would arrive in late 2011 to replace the Snatch Land Rover.[445]

834. That new patrol vehicle was the Foxhound, which arrived in Afghanistan on 17 June 2012.[446] The MOD's announcement about its arrival did not refer to the Snatch Land Rover, or any other PPVs.

835. The MOD told the Inquiry:

> "The Foxhound is a Protected Patrol Vehicle. It underwent final testing in the Helmand desert before being deployed on operations. Foxhound was specifically designed and built in Britain to protect against the threats faced by troops in Afghanistan, but it is an agile and versatile vehicle which will be a mainstay in the Army for years to come. Being lighter and smaller than other protected vehicles, Foxhound brings a new capability to the Army and is ideal for soldiers operating in mentoring and partnering roles."[447]

836. The Snatch 2 Land Rover remains in service with the British Army.[448] The British Army's website states that it is "deployed for general patrolling in low threat areas" and is "being extensively replaced by Vector and Mastiff".

The impact of Afghanistan on the equipment available in Iraq

837. In June 2004, the UK had made a public commitment to deploy HQ ARRC to Afghanistan in 2006, based on a recommendation from the Chiefs of Staff and Mr Hoon, and with Mr Straw's support. HQ ARRC was a NATO asset for which the UK was the lead nation and provided 60 percent of its staff. That decision is described in Section 9.2. By October, that decision had become an important factor in considering resources for Iraq.

838. In July 2005, the DOP agreed proposals for both the transfer of the four provinces in MND(SE) to Iraqi control and for the deployment of the UK Provincial Reconstruction Team then based in northern Afghanistan to Helmand province in the South, along with an infantry battlegroup and full helicopter support – around 2,500 personnel. That decision is described in Section 9.4.

839. On 26 January 2006, the UK announced that it would be deploying 3,300 troops to Helmand province.

---

[445] *BBC News*, 6 March 2010, *Gordon Brown visits Afghan troops amid defence row.*
[446] *GOV.UK*, 17 June 2012, *Foxhound arrives in Afghanistan.*
[447] Letter Duke-Evans to Hammond, 2 February 2016, [untitled].
[448] *British Army website*, [undated], *Equipment/Snatch 2 Land Rover.* Correct as of date of publication.

840. This Section describes the provision of ISTAR and support helicopters to Iraq leading up to, and after, the decision to deploy UK troops.

Existing capability gaps before 2006

ISTAR

841. Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) is a key military capability that generates and delivers specific information and intelligence to decision-makers at all levels in support of the planning and conduct of operations.[449]

842. In 2008, the House of Commons Defence Committee defined three broad categories of ISTAR:

- **strategic –** including systems that provide early warning of ballistic missile threats to the UK and the Nimrod R1 system that provided Manned Airborne Surveillance (MAS);
- **operational –** systems that can operate from naval platforms or land and provide air and surface surveillance using a mix of sensors; and
- **tactical –** man-portable and vehicle-mounted systems that provide electronic surveillance for land forces.[450]

843. ISTAR is delivered through "two distinct but inter-related capability areas":

- "**The collection side –** which aims to provide capabilities that can gather accurate and timely information across the environments and can detect, track and identify enemy, neutral and friendly entities within a defined area, day and night, and in all weathers.
- **The direction, processing and dissemination side –** which aims to provide capabilities that can direct collection effort and then process and disseminate derived information and intelligence to all levels in national and coalition operations."

844. An Unmanned Aerial Vehicle (UAV) is an important means of collecting ISTAR information.

845. The *Strategic Defence Review* (SDR) in 1998 had emphasised the importance of ISTAR assets, "not only to maintain a qualitative edge in combat but to facilitate the often rapid decision-making needed in complex political circumstances".[451]

---

[449] Thirteenth Report from the House of Commons Defence Committee, Session 2007-2008, *The contribution of Unmanned Aerial Vehicles to ISTAR capability*, HC 535, para 1.
[450] Thirteenth Report from the House of Commons Defence Committee, Session 2007-2008, *The contribution of Unmanned Aerial Vehicles to ISTAR capability*, HC 535, paras 12-13.
[451] Ministry of Defence, *The Strategic Defence Review*, July 1998.

846. The SDR stated that a range of advanced systems were planned or already entering service, including the airborne ground surveillance radar, Astor, and a battlefield unmanned target acquisition vehicle, Phoenix.

847. *The Strategic Defence Review: A New Chapter* in 2002 reiterated that ISTAR was a key element of the MOD's network-centric capability.[452] It stated that the US had demonstrated in Afghanistan the effectiveness of such systems in providing persistent surveillance without putting aircrew lives at risk: "Our Watchkeeper project has the same purpose; and we intend to accelerate the programme."

848. The Watchkeeper programme was initiated to address the capability gap for a tactical UAV that could provide operational commanders with a persistent, all-weather ISTAR capability.

849. On 7 January 2004, Lt Gen Fulton told the House of Commons Defence Committee that Watchkeeper was "due in service in 2005-06".[453]

850. The Government's Response to the Committee's report on 8 June stated that the main investment decision was "due later in 2004", at which point a formal In Service Date (ISD) would be set.[454]

851. That date was provided in the National Audit Office (NAO) report on the MOD's Major Projects in November 2004.[455] The target date for Watchkeeper's Main Gate approval was December 2004 and the internal planning assumptions for its entry into service was November 2006.

852. A minute from Lieutenant General Andrew Ridgway, Chief of Defence Intelligence, on 22 June 2004 indicated that Phoenix was the only UAV in service in 2003.[456] It had been procured in 1988 against a requirement to support operations in north-west Europe, predominantly as a target acquisition system. The system was subsequently used in the Balkans and in Iraq.

853. Lt Gen Ridgway wrote that it had been described as "battle winning equipment" during the invasion and had successfully been deployed on wider surveillance roles in addition to providing target acquisition information. Phoenix had not, however, been designed "to operate in the extreme heat of Iraq".

---

[452] Ministry of Defence, *The Strategic Defence Review: A New Chapter*, July 2002.
[453] Third Report from the House of Commons Defence Committee, Session 2003-04, *Lessons of Iraq,* HC 57-I, para 235.
[454] First Special Report of the House of Commons Defence Committee, Session 2003-04, *Lessons of Iraq: Government Response to the Committee's Third Report of Session 2003-04,* HC 635, para 104.
[455] National Audit Office, 10 November 2004, *Ministry of Defence: Major Projects Report 2004.*
[456] Minute CDI to APS/SofS [MOD], 22 June 2004, 'ISTAR Provision to Op TELIC – UK UAV Operations'.

854. On 28 April 2003, MND(SE) produced a USUR for an "enhanced enduring ISTAR capability for the UK land component".[457] It explained that Phoenix had been supporting Phase III operations at "rates far greater than previously foreseen in sustainability planning guidance, and in temperatures exceeding the design specification".

855. The USUR noted that experience in Bosnia and Kosovo had demonstrated that ISTAR systems that were "flexible, responsive, not manpower intensive, and with a low ground footprint" were key to maintaining the Commander's situational awareness and protecting UK forces. In those areas, "with small AORs", Phoenix had been used "to great effect".

856. The USUR stated that 75 Phoenix UAVs had been deployed or moved into theatre since operations started. By 15 April 2003, only 29 of those were still "fit" for use in theatre. Seven had been lost to hostile action and 24 had crashed because of a fault in the Phoenix's system.

857. There was no explanation of what had happened to the remaining 15 UAVs.

858. Without "corrective action", the USUR stated that current attrition rates meant that there would be no Phoenix UAVs left in theatre by 6 May (without deploying War Maintenance Reserve (WMR) stock), or that stocks would reduce to zero by 10 June (if the WMR stock was fully deployed).

859. A package of measures were "in train" to fix the fault causing Phoenix crashes and to increase its availability in high temperatures. Neither set of measures would, however, increase its endurance or the range at which it could be used. While Phoenix would continue to be used in Iraq "by necessity", there was an operational requirement for an ISTAR system to support the duration of Op TELIC "with the required levels of persistence, flexibility, responsiveness and in all climatic conditions, with the required resolution to be able to identify and monitor difficult and often fleeting targets".

860. An initial operating capability was required "as soon as possible" with full operating capability "not later than mid October 2003".

861. The covering minute, sent on behalf of Major General Graeme Lamb, GOC MND(SE), recorded:

> "The GOC sees provision of an enhanced UAV capability as essential to mitigate reduced force structures in an extensive and complex AO [Area of Operations]. CJO [Lt Gen Reith] was briefed on this requirement during his visit to the Division on 26 April."

---

[457] Minute MND(SE) [junior officer] to PJHQ, April 2003, 'USUR for an Enhanced UAV' attaching Paper, MND(SE), 28 April 2003, 'Urgent Statement of User Requirement for a UK Land Component Enhanced Enduring ISTAR Capability'.

862. An email exchange between PJHQ officials on 2 May stated that Major General Peter Wall, Deputy Chief of Joint Operations (Operations), had "now approved the progression of this" and the USUR should proceed as soon as possible.[458]

863. The UOR update to Lord Bach on 9 May highlighted the urgent requirement for "a longer-range, more persistent UAV platform" and such a UAV was "seen as an enduring requirement that would allow a reduction in force levels".[459]

864. A footnote stated:

> "To date Phoenix losses on Op TELIC have been 20 airframes lost in action and a further 16 damaged beyond local repair (with a further three reported missing in the last few days). This attrition rate leaves a capability gap of at least 36 air vehicles against medium scale operations until Phoenix OSD [Out of Service Date]. Phoenix is still being deployed therefore the attrition rate could rise."

865. At Lord Bach's UOR meeting on 12 May, it was reported that options being considered to meet the UAV requirement included "an off-the-shelf solution" and bringing forward the Watchkeeper programme.[460]

866. AM Stirrup's UOR update to Lord Bach on 30 May included a progress report on the UAV UORs from the ISTAR Directorate of Equipment Capability (DEC(ISTAR)).[461]

867. It stated that, prior to the USUR being articulated, "a number of possible solutions" had been identified that "could be delivered within six months, including advancing certain hardware elements of Watchkeeper, but stopping short of providing an early Watchkeeper capability".

868. The DEC also explained that UOR action had previously been "put on hold" while an engine modification for Phoenix was pursued, to try and improve its performance in extreme temperatures.

869. The DEC proposed a "layered" system to meet the requirement:

- Nimrod Mk2 would be used to provide wide area surveillance;
- "other air-based assets (such as fast jet tactical reconnaissance) would provide medium/low level surveillance"; and
- a "small UAV system" would be procured to provide "low level 'through the window' surveillance". That could be implemented, "at least in part, almost immediately".

---

[458] Email PJHQ [junior official] to PJHQ [junior official], 2 May 2003, 'Requirement for an Enhanced UAV'.
[459] Minute CM(M) to PS/Min(DP), 9 May 2003, 'Iraq: Op TELIC Phase 4 UORs'.
[460] Minute APS/Min(DP) to CM(M), 12 May 2003, 'Iraq: Op TELIC – UORs'.
[461] Minute DCDS(EC) to PS/Min(DP), 30 May 2003, 'Iraq: Op TELIC Phase 4 UORs' attaching Paper DDEC (ISTAR) TS, 30 May 2003, 'Update on Phoenix Capability UORs'.

870. The DEC's proposal would "relieve some of the pressure" on the Phoenix Out of Service Date (OSD) but there was a risk of a capability gap between the Phoenix OSD and the Watchkeeper ISD:

> "An analysis of the availability of Phoenix for future operations (whatever they may be) when considered in light of the introduction of Watchkeeper, has indicated that there is a risk of a capability gap developing. We will not be able to quantify this fully until the repair situation on Phoenix is better understood. However, work is in hand to look at options for mitigating this risk, including re-opening the Phoenix production line …"

871. AM Stirrup warned Lord Bach that the DEC's update must be "put in context", noting the "considerable success" of UAVs during combat operations and indicating that the capability gap had arisen because UK forces had entered a new phase in operations.

872. On 25 June, the House of Commons Defence Committee took evidence from Lord Bach, Sir Peter Spencer and Lt Gen Fulton on the progress of the MOD's Equipment Programme.[462]

873. Asked why the Watchkeeper programme could not be accelerated, Lord Bach said that "some elements" would be in service by "late 2005". Concern was expressed by the Committee that the MOD should not put its "head in the sand", delaying the introduction of Watchkeeper to the extent that "by the time it comes out, the concept has already moved on".

874. The Chairman finished the line of questioning by saying that the project should be watched closely "because the military requires it and requires it to be done pretty damned quickly".

875. In its subsequent report, the Committee stated that the Watchkeeper and FRES programmes both exemplified the MOD's efforts to "bring important new capabilities into service more quickly". They also highlighted that, in conflict with the desire to speed up progress, the MOD had maintained a cautious approach in both with a view to reducing project risks. That demonstrated that the MOD was still finding it difficult to balance "increased agility against decreased risk".

876. On 26 June, the DMB endorsed a paper from Mr Colin Balmer, MOD Finance Director, on investment priorities for 2004's Equipment Programme (STP/EP04).[463] Network-enabled capability and deployable ISTAR were two areas of "vital ground" that Mr Balmer suggested that the DMB should protect.

---

[462] Eighth Report from the House of Commons Defence Committee, Session 2002-03, *Defence Procurement,* HC 694, para 18 and evidence session from 25 June 2003.
[463] Paper Finance Director [MOD], 20 June 2003, 'Defence Strategic Audit and Guidance for STP/EP04'; Minutes, 26 June 2003, Chiefs of Staff meeting.

877. An annex to the paper stated that enhancement of Intelligence Surveillance Reconnaissance capability had emerged as "a priority Op TELIC lesson".

878. On 1 September, MND(SE) produced a Forces and Resources Review to examine the resources required in MND(SE), for both short-term and enduring operations.[464]

879. The Review reiterated the requirement for greater surveillance capability. It stated:

> "The evolving threat from terrorism in Basra City leads to the urgent requirement for airborne surveillance of urban areas. Force protection measures limit the ability to observe a situation from the ground, or to track vehicles/people along busy streets, or to observe the situation remotely. Airborne surveillance would clearly enhance both force protection and the ability to catch or kill terrorists … A surveillance capability … could be fitted to the existing allocation of helicopters on Op TELIC."

880. On UAVs, the Review cited the USUR submitted to PJHQ in May. It added:

> "The increasing significance of the international borders and the need for pylon line surveillance has re-emphasised the importance of this capability. In addition, counter-terrorist operations in urban areas and more focused operations against both border activity and organised crime indicate that HQ MND(SE) will confirm the value of redeploying Phoenix once the weather becomes sufficiently accommodating in the Autumn."

881. The Review also identified a protected mobility requirement which is addressed earlier in this Section.

882. Major General Robin Brims, the Deputy Chief of Joint Operations, provided a written update to the Chiefs of Staff on the Forces and Resources Review on 2 September.[465] He wrote that one of the "key elements" was the enduring requirement to "increase force protection, commence ICDC [Iraqi Civil Defence Corps] training and to improve the ISTAR capability in MND(SE)".

883. Maj Gen Brims recommended the Chiefs agree that "DEC(ISTAR) should do all that is possible to accelerate the introduction of a new UAV, Desert Hawk, not currently believed to be available until Dec 03 at the very earliest". Phoenix UAVs would be deployed in the interim when the weather conditions became "appropriate".

884. On 4 September, Mr Hoon's Private Office sent a letter to Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, informing him of the outcome of the Forces and Resources Review.[466]

---

[464] Paper MND(SE) [junior officer], 1 September 2003, 'HQ MND(SE) Forces and Resources Review'.
[465] Minute SECCOS to PSO/CDS, 1 [sic] September 2003, 'OP COS paper: Op TELIC – UK Force and Resources Review An Update' attaching Minute Brims, 2 September 2003, 'Op TELIC – UK Force and Resources Review – An Update'.
[466] Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.

885. Gen Jackson visited Iraq from 12 to 15 September.[467] His report to General Sir Michael Walker, Chief of the Defence Staff (CDS), stated that the Coalition was finding it difficult to "obtain a cohesive picture" of the various threats it was tackling. He wrote that he believed it was "time to reprioritise some of our intelligence gathering assets".

886. Gen Jackson recommended switching the focus of in-theatre intelligence gathering assets from weapons of mass destruction to counter-terrorism.

887. On 1 October, the DMB endorsed a paper from Mr Ian Andrews, MOD Second Permanent Under Secretary, that identified potential savings of £300m across the DLO and DPA.[468] That is described earlier in this Section in the context of savings made against FRES.

888. ISTAR was also an area identified for savings and included:

- £4m to delay the practical experimentation of UAVs by six months, which would delay the "de-risking activity necessary to inform Watchkeeper and other ISTAR and network-enabled capability related programmes"; and
- delaying the Watchkeeper Assessment Phase, due to be concluded in April 2004, by six months. The interim operating capabililty would consequently be delayed by a year to 2007.

889. On 6 October, Mr Hoon's Private Secretary wrote to No.10, confirming that Mr Hoon would be implementing £500m of savings across the Defence budget and where some of those savings would fall.[469] He highlighted that the MOD would delay ISDs for "new equipments such as the Watchkeeper (a key SDR New Chapter capability)".

890. Mr Hoon's Private Secretary wrote:

> "These measures would not directly impact on the operations in Iraq, but would begin to cut into the training and support needed for motivated Armed Forces capable of sustaining the operations there, especially if the situation on the ground escalated, or in responding to new crises."

891. Maj Gen Lamb's post-operation report on 30 January 2004 stated that, in October 2003, the Joint Helicopter Force (Iraq) (JHF-I) was "augmented by three Gazelle and two Puma for ISTAR operations".[470]

---

[467] Minute CGS to CDS, 17 September 2003, 'CGS visit to Op TELIC 12-15 Sep 03'.
[468] Minutes, 1 October 2003, Defence Management Board meeting; Paper 2nd PUS, 30 September 2003, 'In-Year Management: AP03 update'.
[469] Letter Davies to Heywood, 6 October 2003, 'Ministry of Defence Budget'.
[470] Report Lamb, 30 January 2004, 'Post Operation Report – version 1 Operation TELIC 2/3'.

892. A later report stated that Gazelle had subsequently been withdrawn from theatre because it had "proved too vulnerable to ground attack".[471]

893. On 18 November, Mr David Williams, MOD Director of Capabilities, Resources and Scrutiny, wrote to Mr John Dodds, Head of the Defence, Diplomacy and Intelligence Team in the Treasury, seeking advice on how to take forward new force protection measures within the agreed UOR "ceiling".[472] Mr Williams flagged a new requirement for £22m of UOR funding for area surveillance. Mr Williams' request for the funding of electronic countermeasures is addressed earlier in this Section with regards to protected mobility.

894. Mr Williams described the need for air surveillance assets as "effectively a 'force multiplier' in that a greater effect could be achieved by cueing and focusing fewer ground assets than by maintaining large bodies of troops in static guarding roles". The existing arrangement, whereby UK military personnel were guarding key sites within MND(SE), had prevented troops from being employed in more "proactive, deterrent or offensive security tasks" and raised more suspicion than would be the case with more remote surveillance, such as helicopters and UAVs.

895. Mr Williams wrote:

> "The potential solution to the requirement is to seek area surveillance capabilities since our forces lack UK-dedicated, persistent (in terms of time/duration over the areas/targets we wish to watch) near real-time and long-range capabilities, suited to the differing requirements in urban and rural areas, that can produce pictures …"

896. Mr Williams stated that, to date, the MOD had deployed a combination of assets in its inventory but only as an interim solution and this had not been effective for urban areas. In addition, the interim systems would suffer in spring when the weather became hotter and some aircraft would be required to return to Northern Ireland.

897. Mr Williams wrote that this was being addressed by:

- a surveillance solution based on a UAV that would cost approximately £10m for which three potential suppliers had been sent an Invitation To Tender;
- potentially using Lynx helicopters with a surveillance pod for the urban requirement; and
- a manned surveillance platform for the "pan-Iraq" requirement.

898. Further work was being done to develop business cases for the latter two options.

---

[471] Report DOC, 22 February 2005, 'Operation TELIC Lessons Study Volume 2'.
[472] Letter Williams to Dodds, 18 November 2003, 'Additional Operation TELIC UORs'.

899. The UK procured the Desert Hawk 'mini UAV' from the US Air Force in December 2003.[473] Lt Gen Ridgway reported that the US had "successfully employed the system on operations in Iraq and Afghanistan".

The impact of savings measures between 2004 and 2005 on ISTAR provision

On 26 February 2004, the Defence Management Board (DMB) agreed a large number of service enhancements and savings measures that should be offered as part of a Spending Review.[474]

The DMB considered a paper by Mr Trevor Woolley, MOD Finance Director, which detailed all the measures.[475] It proposed cutting the budget of £33m for the practical experimentation of UAVs over the following two financial years, which would retain a team to conduct trials and inform future CONOPS development but:

> "… there would be significantly reduced pull-through to programmes addressing capability gaps in the persistent deep ISTAR of land and close or complex terrain. This option is entirely dependent on the deferral of £4m from 03/04 …"

That measure was one which the DMB felt needed further consideration because of the impact on other programmes.

On 26 January 2005, the DMB discussed proposals in a paper by Mr Woolley on the 'Future Defence Programme'.[476]

On network-enabled capability and ISTAR, Mr Woolley wrote that it had been "necessary to assume significant savings" within the Equipment Programme, despite attempts to mitigate them "as far as possible". Those savings would require "careful consideration" and included the decision to defer Watchkeeper by one year, "but with a planned limited interim capability to support deployments from 2006".

The minutes from the DMB meeting recorded that the measure to defer Watchkeeper would incur additional short-term costs for supporting "older, less capable equipment" but those had been allowed for.[477] The measure was approved.

900. On 30 January 2004, Mr Adam Ingram, Minister of State for the Armed Forces, was advised that a UAV capability gap remained.[478] Phoenix was due to be withdrawn from theatre in April because it struggled to operate in the heat of the summer months.

901. To provide "a stand alone UK capability", officials had investigated procuring either the US Predator UAV system or the Hermes 450 UAV system but both options had been ruled out because of "unacceptably high risk". That risk was not explained.

---

[473] Minute CDI to APS/SofS [MOD], 22 June 2004, 'ISTAR Provision to Op TELIC – UK UAV Operations'.
[474] Minutes, 26 February 2004, Defence Management Board meeting.
[475] Paper Finance Director, [undated], 'ST/EP04: Years 1 and 2'.
[476] Paper Finance Director [MOD], [undated], 'Future Defence Programme 05'.
[477] Minutes, 26 January 2005, Defence Management Board meeting.
[478] Minute AD Sec(Iraq) to PS/Min(AF), 30 January 2004, 'Op TELIC Wide Area Surveillance – Preparations for a Joint UK-US Predator Unmanned Aerial Vehicle (UAV) Task Force'.

It was noted that pursuing the Hermes system could also potentially "disrupt" the Watchkeeper programme because it could involve the same contractor.

902. Mr Ingram was advised that a third option had emerged: the creation of a Joint Predator Task Force with the US, using US equipment but drawing on UK manpower to support an additional US Predator in the UK's Area of Responsibility (AOR). It was viewed as "the most promising option" in terms of performance, cost and time.

903. As training on the Predator took at least 40 days, it had already been agreed that RAF personnel would begin the next available course starting on 2 February.

904. Mr Ingram received an update on what became the Combined Joint Predator UAV Task Force (CJPTF) on 30 April.[479] An official wrote that a drawback of the proposal had been "the inability to provide a full capability until the turn of 2004/05", largely because sufficient Predator ground stations were "not available until then".

905. While the US expected, "depending on the circumstances", to allocate increasing amounts of existing Predator time to the UK AOR as the UK's participation in the CJPTF grew from June 2004, "there would be no immediate solution to the existing capability gap".

906. The official wrote that it had "therefore been agreed" to provide an interim solution by fitting a datalink to five Nimrod MR2 equipped with the necessary sensors. The datalink equipment would be loaned by the US and would "enable the Nimrod to provide near real time imagery to ground stations in a manner very similar to Predator".

907. That solution could not be sustained "beyond the turn of the year" because all five Nimrods required "major servicing" and the official accepted it was not a cost-effective solution to the capability gap.

908. On 22 June, Lt Gen Ridgway wrote to Mr Hoon, at his request, with advice on ISTAR capability in Iraq.[480] He wrote:

> "We currently have no aerial surveillance capability available in theatre – this is a significant capability gap."

909. Lt Gen Ridgway asked Mr Hoon to note that:

- Phoenix had performed well but had been withdrawn for the summer months.
- Nimrod MR2 was providing "some" photographic capability.
- Desert Hawk, the mini UAV, was non-operational for technical reasons. That was being investigated and it was possible that Desert Hawk would become operational again later that year.

---

[479] Minute DCRS4 to PS/Minister(AF), 30 April 2004, 'Op TELIC Wide Area Surveillance – UK-US Combined Joint Predator Task Force (CJPTF)'.
[480] Minute CDI to APS/SofS [MOD], 22 June 2004, 'ISTAR Provision to Op TELIC – UK UAV Operations'.

- The CJPTF would "provide some capability" at the end of the year and in the meantime a number of Predators had been assigned to MND(SE). The use of Italian Predators within the CJPTF was being investigated.

910. Lt Gen Ridgway warned that, despite those initiatives, "this major capability gap" was likely to prevail until "end 04 with a particular shortfall over the summer months".

911. In considering solutions, the provision of a new UK UAV system had "been discounted". That included options provided by the Watchkeeper contractors and the loan of a number of Predator systems from the US because:

> "Detailed work identified that current MOD policy for airworthiness and safety for UAV systems would not allow the use of a new system or the use of Predator under UK regulation in a timely and cost-effective manner."

912. Lt Gen Ridgway wrote that the Watchkeeper programme was expected to proceed to Main Gate later that year, with "an element of capability to be available from 2006".

913. Mr Hoon's Private Office replied on 23 June that Mr Hoon had:

> "… noted that we currently have no aerial surveillance capability in theatre, and the steps that are being taken to close this capability gap. He notes, however, that despite these initiatives the capability gap is likely to continue until the end of this year."[481]

914. On 13 July, Major General Andrew Stewart, GOC MND(SE) from December 2003 to July 2004, wrote in his post-operation report:

> "Dedicated UK airborne ISTAR assets have been a pretty sorry tale with availability described as fragile at best. For operations of this nature a stand-off covert airborne system is critical to success, and something close to 24 hour coverage is demanded. For the UK only Nimrod MR2 offers a truly covert capability and it has been superb for endurance over wide land areas. More of this sort are needed."[482]

915. Maj Gen Stewart added:

- "Phoenix has given outstanding service long into the heat of the summer but its overall utility became severely constrained beyond April."
- "Desert Hawk has been a joke."
- "Access to US ISTAR capabilities have, as expected, been subject to perceived far higher priorities outside the Division's AO [Area of Operations] and have therefore been unreliable."

---

[481] Minute PS/Secretary of State [MOD] to PS/CDI, 23 June 2004, 'ISTAR Provision to Op TELIC – UK UAV Operations'.
[482] Report Stewart, 13 July 2004, 'Post Operation Report Operation TELIC 3/4 – 28 December 2003 – 13 July 2004'.

- "The conclusion is that the UK needs an all-weather airborne UAV in sufficient numbers to guarantee availability in operations of this nature."

916. In October, there was a suggestion that the Apache attack helicopter should be deployed to Iraq as an additional ISTAR asset but it was decided that the attack helicopter programme was not of sufficient maturity and there was no immediate operational requirement for such a measure.[483]

917. In his post-operation tour report on 4 December, Major General William Rollo, GOC MND(SE) from July to December 2004, wrote:

> "There is a constant demand across the Division for airborne imagery. NIMROD MR2 does an excellent job, but it is in short supply due to a finite number of aircraft and insufficient flying hours. P4 [Puma] is available and in high demand, but is difficult to maintain and although there is a surge capacity to use two, it is constrained by lack of spares. Phoenix can only fly from November to April due to temperature restrictions. It is also restricted to rural areas. Predator is technically available, but only if the division has a mission of sufficiently high priority … This means that there is a continual shortage of overhead ISTAR within the Division resulting in operations being planned around ISTAR availability, rather than ISTAR being available for operations. There is a requirement for more airborne reconnaissance platforms with greater endurance to allow for observation of pattern of life of both people and places and to assist asset tracking."[484]

918. On 22 February 2005, the MOD's Directorate of Operational Capability (DOC) produced its second volume of 'Operation TELIC Lessons', to cover the period from 1 August 2003 to 30 November 2004.[485] The preface stated:

> "Military activities within a continuum of operations have varied widely, but after an upsurge in the level of violence, the campaign has become a unique Counter-insurgency (COIN) operation – an evolution that fits no neat recent historical or doctrinal model."

919. The report highlighted ISTAR as one of the five key lessons for the Chiefs of Staff to consider:

> "Future ISTAR procurement strategies should recognise the UK's limited capability to find and track targets, and obtain post-attack Battle Damage Indications from the air, particularly in urban environments and extreme climatic conditions. This lesson

---

[483] Minute Harper to PJHQ ACOS J3, 20 October 2004, 'Deployment of Attack Helicopter for ISTAR role'; Minute Fry to COSSEC, 1 February 2005, 'Deployment of Attack Helicopter (AH)'; Report Rollo to PJHQ MA to CJO, 4 December 2004, 'Post Operation Report Operation TELIC 4/5 – 14 July – 1 December 2004'; Minute DCDS(C) to COSSEC, 1 February 2005, 'Deployment of Attack Helicopter (AH)'.
[484] Report Rollo to PJHQ MA to CJO, 4 December 2004, 'Post Operation Report Operation TELIC 4/5 – 14 July – 1 December 2004'.
[485] Report DOC, 22 February 2005, 'Operation TELIC Lessons Study Vol. 2'.

represents the most significant capability shortfall on Operation TELIC Phase IV and is likely to remain an enduring requirement, particularly for asymmetric warfare."

920. The report stated:

"UK forces lack sufficient ISTAR capability to provide persistence and the ability to stream imagery in real time and cross-component, over a wide range of climatic conditions … This capability shortfall has been highlighted on all recent UK operations … Some rotary platforms have proved too vulnerable to ground attack, and whilst the covert characteristics of UAVs make them well suited to the ISTAR role, the Phoenix UAV can only operate for half the year in-theatre due to temperature restrictions."

921. The report highlighted that use of US Predator and "several UORs" to increase manned airborne surveillance capabilities had helped to alleviate the capability gap.

922. The Chiefs of Staff discussed the DOC Report on 22 February.[486]

923. The minutes recorded that "connectivity was key to bridging the ISTAR capability gap and enhancing the overall operational agility". Lt Gen Fry had advised that "a layered review" had already been undertaken to assess the overall ISTAR programme. ACM Bagnall undertook to arrange an ISTAR update for the Chiefs of Staff.

924. The ISTAR update was provided to the Chiefs of Staff on 22 March, with two presentations: one about the UK's existing assets and one about the capability gap and ISTAR strategy to 2020.[487]

925. The minutes recorded:

"… it was emphasised that the ISTAR architecture that had been illustrated … represented a significant step forward in connecting the many previously stove-piped collection assets into a coherent ISTAR plan. Much work was still required and three key investment decisions were identified:

- The balance of investment between ISTAR and other military capabilities.
- The apportionment of investment between collection, data management and dissemination of information.
- The degree of overlap required from different ISTAR assets in order to provide multi-source verification."

926. Sir Kevin Tebbit "highlighted the importance of investment decisions in EP07 and emphasised that given the uncertainty surrounding the availability of resources in the future, the ISTAR architecture would need to be sufficiently robust to develop incrementally as resources became available".

---

[486] Minutes, 22 February 2005, Chiefs of Staff meeting.
[487] Minutes, 22 March 2005, Chiefs of Staff meeting.

927. The Chiefs of Staff also placed emphasis on ensuring that the correct structures were in place to disseminate intelligence effectively to commanders on the ground.

928. The Chiefs of Staff agreed that a further ISTAR report would be produced in early 2006.

SUPPORT HELICOPTERS

929. During operations, the role of a support helicopter can involve transportation of personnel and supplies, surveillance or medical evacuation. That is different from the role of an attack helicopter which delivers fire support to troops on the ground. This Section focuses on support helicopters and how they complemented the land operation in Iraq.

930. The term "battlefield helicopter" can cover both types but in the material that follows it appears to refer largely to support helicopters.

931. The UK's campaign in Iraq, following the invasion, was classified as a medium scale operation in terms of MOD planning assumptions. The MOD told the Inquiry that, in 2003 for a medium scale ground operation, the maximum number of helicopters would be:

- 21 heavy support helicopters;
- 41 medium support helicopters; and
- 44 light support helicopters.[488]

932. The MOD told the Inquiry that the UK's support helicopter fleet in 2003 comprised a "forward fleet" of:

- 31 Chinook Mk2/2a;
- 18 Merlin Mk3;
- 33 Sea King Mk4; and
- 34 Puma Mk.[489]

933. Those aircraft were supported by Gazelle and Lynx light helicopters.

934. An MOD report published in July 2003 stated that 137 helicopters were deployed as part of the combat operations between 19 March 2003 and 15 April 2003.[490] Those figures are broken down in Table 2.

---

[488] Letter MOD to the Iraq Inquiry, 31 January 2011, 'MOD Evidence – Equipment Issues' attaching Report, September 2003, 'Annex H – Maximum Scales of Effort'.
[489] Paper [MOD], 1 March 2011, 'Request for Evidence, Support Helicopters'.
[490] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

Table 2: UK helicopters deployed during the invasion

Army	Royal Air Force	Royal Navy[491]
16 Gazelle	20 Chinook	20 Sea King
18 Lynx	7 Puma	5 Chinook
11 Chinook		13 Lynx
7 Puma		6 Gazelle
10 Sea King		4 Merlin

935. On 11 June 2003, Mr Hoon updated the House of Commons on the drawdown of forces.[492] He stated that "some 80 helicopters" had returned to the UK and that the Joint Helicopter Force (JHF-I) retained a "balanced rotary-wing presence, 18 helicopters comprising Chinook, Sea King, Puma and Gazelle".

936. The DMB was advised on 26 June that the recuperation of helicopters deployed on Op TELIC could place rotary wing support to operations and training "at risk".[493] Measures for contracting out inspection and maintenance for those helicopters were being considered.

937. On 30 September, the DMB was told that the recuperation process would not be complete until FY 2006/07.[494]

938. On 29 January 2004, Mr Hoon requested a short note from each of the Single Service Chiefs on the impact of maintaining the current and forecast levels of military commitment.[495]

939. Gen Jackson replied on 3 February.[496] He wrote that, on equipment:

> "… in meeting essential short term operational demands we must take care not to prejudice our ability to meet longer term rebalancing goals … Measures in the EP threaten our ability to meet our strategic objectives in the longer term … Reductions in rotary aircraft are also a particular concern as they are such a vital force multiplier, allowing a modern army to generate the high tempo required for success."

[491] The report suggested that some of the Royal Navy's helicopters were deployed until May and August.
[492] House of Commons, *Official Report*, 11 June 2003, columns 51-52WS.
[493] Paper Finance Director [MOD], 20 June 2003, 'Defence Strategic Audit and Guidance for STP/EP04'; Minutes, 26 June 2003, Chiefs of Staff meeting.
[494] Paper 2nd PUS, 30 September 2003, 'In-Year Management: AP03 Update'.
[495] Minute Zambellas to PS/SofS [MOD], 9 February 2004, 'Operational Tempo'.
[496] Minute CGS to PSO/CDS, 3 February 2004, 'Operational Tempo'.

940. On 6 February, Air Chief Marshal Sir Jock Stirrup, the Chief of Air Staff, replied:

> "The RAF can sustain its current commitments, but with the likely increased involvement in Afghanistan our air transport, support helicopters and possibly RAF Regiment forces will be seriously stretched."[497]

941. The minutes of the DMB on 26 February 2004 agreed a large number of service enhancements and savings measures as part of the Spending Review.[498]

942. The DMB recognised that rotary capability "had been a constraint for some time". Helicopters were "used everywhere, and were one of the key ingredients of lower intensity operations". On that basis, several proposed measures affecting "key operational enablers (Puma, Gazelle, Sea King, Chinook) had already been reprieved" but a number of remaining measures reduced DLO support capability.

943. The DMB considered a paper by Mr Woolley which detailed all the measures.[499]

944. Mr Woolley wrote: "The Army's current and planned operational tempo exceeds Defence Planning Assumptions." His paper had taken into account work from commitments and programmes staff, in conjunction with Front Line Commands and PJHQ, to assess the UK's current and likely future military commitments over the following 30 months. That assessment was:

- Iraq would continue to be a medium scale operation until the end of March 2006 when it would downsize to a small scale operation.
- The Afghanistan commitment would remain small scale until January 2005 when it would increase to a "small(+) to medium scale(-)" until the end of January 2006. It would become a small scale operation from the end of January 2006.

945. Mr Woolley wrote that Land Command had previously taken a number of measures into its core programme to contain expenditure within control levels, including the reduction of rotary environmental training by 25 percent which had "impaired battlefield helicopter readiness and constrained operational flexibility in Northern Ireland". There had been further reductions in rotary wing activity in Northern Ireland as part of a deliberate switch in operational focus to Iraq.

946. Mr Woolley wrote:

> "Collectively, these measures have already started to erode the Army's core competencies in war-fighting at formation level, and overall readiness levels. The cumulative effect of this will be to progressively degrade the effective delivery of force elements within the Land component."

---

[497] Minute CAS to PSO/CDS, 6 February 2004, 'Operational Tempo'.
[498] Minutes, 26 February 2004, Defence Management Board meeting.
[499] Paper Finance Director, [undated], 'ST/EP04: Years 1 and 2'.

947. The recommended savings measures included further reductions in rotary wing activity that would "restrict the support to Land collective training to 60 percent of the requirement, impacting directly on operations and tour intervals for pilots". Mr Woolley added:

> "This conflicts with an increased rotary wing requirement to support the likely uplift in operations in the Balkans and Afghanistan over the next two years."

948. The MOD told the Inquiry that, until 2004, it had been planning to replace its Puma and Sea King fleets through the Support Amphibious Battlefield Helicopter (SABR) programme.[500] The Initial Gate business case in late 2003 had suggested that "the most likely solution" was the procurement of 50 to 60 additional Chinook aircraft with the first six expected in 2012/13 and the full order by 2025.

949. The MOD told the Inquiry that, during the planning round in 2004, as part of a broad departmental affordability exercise, a £1.4bn saving was taken from the total helicopter programme.

950. The MOD abandoned the SABR programme and, following a revision of the wider helicopter procurement strategy, created the Future Rotorcraft Capability (FRC) programme.

951. The Inquiry asked the MOD whether the £1.4bn referred to in its statement was the result of the savings measures proposed in Mr Woolley's paper. It replied:

> "Not quite. The paper presented by [Mr] Trevor Woolley … explored ways of removing costs from the first two years of the Defence Programme. Among the proposals it recommended were measures intended to save some £420m from helicopter acquisition and support. These savings were spread across the ten year equipment programme and the four year equipment support programme but … were heavily weighted towards the years 2004/05 and 2005/06. Separate work, known as the Medium Term Workstrands, looked at ways to balance the defence programme against available resources in the years beyond 2005/06. The outcome of this work was presented to the Defence Board in April 2004. It included recommendations to reduce spending on helicopter acquisition and support by a further £1bn. The £1.4bn saving mentioned in our statement of 1 March 2011 therefore arose from two separate but closely related exercises."[501]

952. On 26 January 2005, the DMB discussed proposals on the 'Future Defence Programme' in a paper by Mr Woolley.[502] The background to that paper is addressed earlier in this Section, including that no specific provision had been made for the "extra equipment costs required to support the possible deployment of a UK brigade to Afghanistan alongside the ARRC HQ".

---

[500] Paper [MOD], 1 March 2011, 'Request for Evidence, Support Helicopters'.
[501] Letter Duke-Evans to Hammond, 2 February 2016, [untitled].
[502] Paper Finance Director [MOD], [undated], 'Future Defence Programme 05'.

953. For battlefield helicopters, Mr Woolley wrote that "planned activity levels over the next two years remain at or above the maximum concurrency assumed in provisional DPAs". Commitments were only being met by compromising the Harmony Guidelines[503] and using crews and key support staff at tour intervals of "1on/2off or less" instead of "1on/4 off".

954. Mr Woolley concluded:

> "Increasing significantly the size of rotorcraft fleet and training more crews are not realistic options, nor in the short term is reducing the level of operational commitment. The only viable strategy is to accept a reduced harmony ratio of 1on/2 off over the next two years, requiring careful management of key personnel. The Puma and Chinook fleets are currently under the greatest pressure."

955. The £3.2bn across 10 years for investment in the FRC programme had also been affected, with £60m from the first eight years having been re-profiled. Mr Woolley wrote that "considerable effort" had gone into identifying the consequences of that decision for existing helicopter fleets and "the most significant risk" would be sustaining Puma and Lynx through to the introduction of their replacements. Additional funding had been allocated to Lynx to extend its time in service until its replacement was available, albeit at a reduced fleet size of 66 (from 82).

956. The DMB agreed that a measure to reduce Joint Helicopter Command (JHC) activity levels should be offset by measures to restore Chinook and Puma funding because "it was felt that these additional costs were an acceptable financial risk, given the significant operational benefits".[504]

957. A proposed reduction in Gazelle activity was rejected, with compensating savings to be found elsewhere in the land budget. The activity reductions for other helicopters "although unwelcome, were acceptable".

958. The MOD told the Inquiry that it withdrew its Chinook helicopters from Iraq in 2005 in order to prepare for operations in Afghanistan and replaced them with the Merlin helicopters.[505] The MOD stated that was because Chinook helicopters were better suited to the challenging conditions found in Afghanistan.

959. In a statement to the Inquiry, ACM Torpy explained:

> "… as confidence in Merlin grew it was possible to withdraw Chinook from Iraq to allow the force to recuperate from a prolonged period on operations. It also gave the force the opportunity to prepare for operations in Afghanistan, where the hot

---

[503] Harmony Guidelines described the maximum time that Service Personnel should spend away from their families (known as Individual Separated Service) and the minimum time that they should have between operational deployments (known as tour intervals). Harmony Guidelines are addressed in detail in Section 16.1.
[504] Minutes, 26 January 2005, Defence Management Board meeting.
[505] Paper [MOD], 1 March 2011, 'Request for Evidence, Support Helicopters'.

and high conditions and heavy lift requirements singled out Chinook as the obvious favourite to support operations in this demanding environment."[506]

960. On 4 May 2005, Mr Hoon was briefed that the JHF-I comprised eight Sea Kings, four Merlins, and four Lynx.[507]

961. In Iraq, the developing threat in MND(SE) meant that ground movement had become restricted, increasing the demand for support helicopters to move personnel and supplement surveillance.

962. The impact on civilian personnel is addressed in Section 15.1.

963. On 5 July, General Sir Timothy Granville-Chapman, the Vice Chief of Defence Staff, asked General Sir Kevin O'Donoghue, the Chief of Defence Logistics, to assess the "logistics related factors" affecting flying hours and operating fleet size for support helicopters.[508]

964. On 27 July, the minutes from the Chiefs of Staff meeting stated:

"Following the recent attacks in Maysan, procedures have been modified to counter the threat … The current cycle of attacks had 'fixed' CF [coalition forces] in the area and, as a result, progress on SSR had stagnated; PJHQ had therefore asked for an urgent review of UK SH [support helicopters] priorities, to see if further assets could be allocated to MND(SE). Given that SH were always in short supply, DCDS(C) [Lt Gen Fry] highlighted the need to ensure that current asset availability was maximised."[509]

965. Air Vice-Marshal Kevin Leeson, Assistant Chief of the Defence Staff (Logistic Operations) (ACDS(Log Ops)) was asked to review the current availability of support helicopters within theatre.

966. On 8 September, MOD officials provided Gen O'Donoghue with an estimate of what increases in output were available from the existing support helicopter fleet.[510] The officials advised that, "given appropriate funding", there was potential to increase both flying hours and the operating fleet size for all types of support helicopter, with the exception of Merlin.

967. The officials advised Gen O'Donoghue that several factors had to be taken into account, including that any increase in operational flying would require an increase in Deployable Spares Packs (DSPs), the lack of which had been a recognised issue recorded in the Land Equipment Capability Shortfall Register.

---

[506] Statement, 14 June 2010, page 8.
[507] Paper DJC AD Pol 1 to APS/SofS [MOD], 4 May 2005, 'Iraq – UK Roulement and Force Level Review'.
[508] Minute DCom JHC to CDL, 8 September 2005, 'Improving the Availability of Support Helicopters'.
[509] Minutes, 27 July 2005, Chiefs of Staff meeting.
[510] Minute DCom JHC to CDL, 8 September 2005, 'Improving the Availability of Support Helicopters'.

968. The MOD officials wrote that "for some platforms deployability and sustainment on operations would be enhanced through the provision of sufficiently ranged, scaled and supported DSPs; for those platforms currently deployed on operations, CPF [Conflict Prevention Fund] claims mechanisms and Urgent Sustainability Requirements are already in place".

969. Gen O'Donoghue wrote to Gen Granville-Chapman about those findings on 14 September to say that the MOD was "currently missing a clear statement of the operational requirement for SH – both readiness and sustainment".[511]

970. Gen O'Donoghue wrote that a paper was being produced for a meeting on 7 October. It was "an extensive piece of work" which was expected to clarify the requirements. Gen O' Donoghue wrote that he would "therefore concentrate this minute on the art of the possible and focus on what can be 'sweated' from our current fleet".

971. There were three groups of factors which had to be addressed to deliver improved availability:

- "depth maintenance and support", including the need to accelerate Repair and Overhaul (R&O) output and better utilisation of the sustainment fleet;
- "forward logistic factors" such as DSPs and maintenance manpower; and
- aircrew availability and requirement, which was "an issue for the FLCs [Front Line Commands]".

972. On 12 September, the Private Office of Dr John Reid, the Defence Secretary, sought confirmation from Gen Walker whether, "in the event of a slower than expected drawdown of UK forces in Iraq", the planning assumptions for deployment to Afghanistan would be achievable.[512]

973. Gen Walker's Office replied on 19 September.[513] The "short answer" was "yes" but with the warning that "such a situation would lead to some pain and grief". In particular:

> "The hoped for easement of pressure on our current 'pinch points', especially helicopter support … would be delayed."

974. On 19 September, two UK soldiers were involved in what became known as "the Jameat incident"; an incident where they were arrested and mistreated by Iraqi Police Service (IPS) personnel and only released after a second rescue operation was successful. That incident is covered in detail in Sections 9.4 and 12.1, along with its implications for security in Basra.

975. A paper considering those implications, produced jointly by the FCO, the MOD and DFID on 30 September, stated that UK police training teams would need "improved

---

[511] Minute CDL to VCDS, 14 September 2005, 'Improving the Availability of Support Helicopters'.
[512] Minute APS/Secretary of State [MOD] to PSO/CDS, 12 September 2005, 'Iraq/Afghanistan Commitments'.
[513] Minute PSO to APS2/SoS [MOD], 19 September 2005, 'Iraq/Afghanistan Commitments'.

access to helicopters in order to move beyond Basra city" and that "greater use of existing theatre helicopters, if feasible, should assist this".[514]

976. An air bridge would be required for FCO, DFID and other government personnel to operate out of Basra from the British Embassy Office based at Basra Palace to Basra airport. The paper stated:

> "**We will need to allocate more resources, which may include military resources, to security.** The next weeks, and possibly months, are likely to be rough. Attacks on us are becoming more sophisticated. We will need to protect our staff."

977. On 14 October, Air Marshal Chris Nickols, Assistant Chief of the Defence Staff (Operations),[515] wrote to PJHQ, agreeing to provide additional Merlin helicopters.[516]

978. AM Nickols also agreed an uplift of 180 Merlin hours per month for JHF-I until mid-December. He cited JHC's declaration that the previously agreed support surge commitment had to end by 5 December for "fleet sustainability issues". The longer-term requirements should be identified "as early as possible" through PJHQ's Force Level Review.

979. AM Nickols wrote that, in the meantime, he was tasking the Director of the Directorate of Joint Capability[517] to lead a wider battlefield helicopter review to provide "a clear and early understanding of our options/impact should surge requirement endure".[518]

980. A note to Dr Reid on 17 October explained that the additional Merlin was found by reducing MOD support to capability demonstrations in the US.[519]

981. Gen Jackson visited Iraq from 10 to 13 October.[520] His account of the EFP threat is covered earlier in this Section. He also wrote that a number of issues had been raised by MND(SE), "all relating to our ability to sustain expeditionary operations". He wrote:

> "… our Support Helicopter Fleet is creaking badly. JHF-I [Joint Helicopter Force – Iraq] is struggling to meet its tasks even with rigorous prioritisation … Serviceability,

---

[514] Letter Hayes to Quarrey, 30 September 2005, 'Iraq: Basra' attaching Paper FCO/MOD/DFID, 30 September 2005, 'South-East Iraq: Impact of Security Incident in Basra'.
[515] It is unclear what date in October 2005 AM Nickols succeeded Maj Gen Houghton, the previous incumbent of this role. It seems that AM Nickols would have been in the post at this time.
[516] Minute ACDS(Ops) to PJHQ – DCJO(Ops), 14 October 2005, 'Iraq: Additional Resources to Counter Increased IED threat in MND(SE)'.
[517] The MOD has confirmed that Commodore Peter Eberle was in this role until October 2005 but not the specific date. The MOD has not been able to identify the post holder between November 2005 and May 2006.
[518] Minute ACDS(Ops) to PJHQ – DCJO(Ops), 14 October 2005, 'Iraq: Additional Resources to Counter Increased IED threat in MND(SE)'.
[519] Minute DJC [junior official] to PS/SofS [MOD], 17 October 2005, 'Iraq: Additional Resources for MND(SE)'.
[520] Report CGS to CDS, 18 October 2005, 'CGS Visit to Iraq: 10-13 Oct 05'.

flying hours and crew numbers … are all factors, but the overall picture is one of an SH [support helicopter] force ill-matched to support current operations."

982. On 24 October, Maj Gen Wall sent Major General James Dutton, GOC MND(SE), the Terms of Reference for an aviation Force Level Review that had been directed by AM Torpy because of the heightened IED threat.[521] Its aims were to identify aviation requirements in MND(SE) between December 2005 and April 2006 and recommend how to meet them. It would also identify "broad resource requirements" between May and November 2006.

983. The planning assumptions for the Review included:

- "threat levels remain broadly constant at current levels";
- "a mandate for Coalition presence will endure into 2006"; and
- "development of ISF [Iraqi Security Forces'] capability will proceed to projected timelines".

984. Following the Review, on 17 November Maj Gen Wall recommended to AM Nickols that:

- Only one of the two surge Merlin deployed in October 2005 (to support Security Sector Reform (SSR) in Maysan) be returned to the UK after the December elections, leaving a total of five in theatre. That should "reduce the risk of road movement" for certain tasks.
- The surge Sea King remain in theatre as an enduring requirement but a utility Sea King be withdrawn after the elections leaving five utility variants.
- Three [Helicopter Broadsword][522] would also remain in theatre.[523]

985. The seventh Merlin had already been withdrawn following the completion of the troop rotation but it was likely that another short-term surge of helicopter capacity would be required for the following troop rotation in April 2006.

986. Maj Gen Wall wrote that "a significant proportion of aviation" was used for "administrative movements within theatre" and for "wider ISTAR tasking". He stated that the Review had highlighted "a range of potential procedural, technical and tactical measures" to reduce the demand for helicopters but this was "subject to further work".

---

[521] Minute DCJO(Ops) to GOC MND(SE), 24 October 2005, 'Terms of Reference: Op TELIC Intermediate Force Level Review (FLR) into MND(SE) Avn Requirements'.
[522] A cipher has replaced the name of this helicopter for national security reasons. Broadsword was surveillance camera equipment that was fitted to various platforms in theatre and used throughout the course of Op TELIC.
[523] Minute DCJO(Ops) to ACDS(Ops), 17 November 2005, 'Op TELIC – Aviation Force Level Review (AFLR)'.

987. The steady state requirement for helicopters was therefore:

- five Merlin;
- five Sea King
- four Lynx; and
- three [Helicopter Broadsword].

988. Gen Walker visited Iraq from 22 to 24 November.[524] His visit report recorded:

"… levels of consent from MNF presence were slowly declining throughout the AOR [Area of Operations]. When considering military activity in the AOR, broadly 60 percent of our effort was devoted to force protection and sustainment of the UK laydown, 30 percent to SSR [Security Sector Reform] and just 5 percent or so to UK COIN [counter-insurgency]. Notwithstanding the planned reduction in British infantry companies, the AOR geography and operational situation meant that there could not be a proportional reduction in enablers, particularly support helicopters and ISTAR …"

989. On the JHF-I, Gen Walker wrote:

"… the weight of force protection and administrative tasking was such that the JHF-I was unable to achieve any significant stabilisation or security tasking; the position was exacerbated during the two months of the TELIC roulement when the JHF-I had no spare capacity; it was questionable whether this fixing of precious support helicopter (SH) capability made tactical, operational or logistical sense."

990. In his Hauldown Report on 12 December, Maj Gen Dutton wrote to AM Torpy:

"Helicopters have always been important in this area, half the size of England and Wales, but the EFP threat has made them essential. I have been grateful for the readiness to support us with extra when required and we have reciprocated by readily agreeing to a reduction when the immediate crisis passed. However this should not disguise the national lack of helicopters to service the operations that we are now conducting. Massaging airframes and hours can only go so far: the simple fact is that we need more helicopters (and aircrew) urgently."[525]

991. In his post-tour report on 18 January 2006, Maj Gen Dutton reiterated the point:

"The hours available to the aircraft in theatre are simply inadequate to reduce routine administrative ground movement in a period of heightened IED threat and to conduct helicopter-borne operations. The GOC has to personally authorise coach moves and the FP [force protection] measures required for even the short move between BAS [Basra Air Station] and SLB [Shaibah Logistics Base] requires several Coys [companies] to deploy to minimise the risk of a mass casualty attack … This is exacerbated by an increasing number of aviation tasks in support

[524] Minute PSO/CDS to PS/SofS [MOD], 25 November 2005, 'CDS Visit to Iraq – 22-24 Nov 05'.
[525] Report Dutton to CJO, 12 December 2005, 'June to December 2005 – Hauldown Report'.

> of civil organisations supporting the IZ [International Zone] election process and civil reconstruction such as the UN (who will only fly) and DFID. Having received a temporary increase in Merlin hours and an additional airframe … this uplift was withdrawn following the aviation FLR (Force Level Review) in early Nov. To compound the problem of flying hours the Div seldom has sufficient aircraft serviceable to actually match the required tasklines due to problems with the ageing Sea King fleet."[526]

The availability of ISTAR and support helicopters from 2006 onwards

992. In January 2006, Cabinet approved the decision to deploy to Helmand. Dr Reid announced that the UK was "preparing for a deployment to southern Afghanistan" which included a Provincial Reconstruction Team as "part of a larger, more than 3,300-strong British force providing the security framework".[527]

993. The impact of that decision was summarised neatly by Gen Walker as:

> "Militarily, the UK force structure is already stretched and, with two concurrent medium scale operations in prospect, will soon become exceptionally so in niche areas."[528]

994. On 31 January, Lieutenant General Robert Fulton, Deputy Chief of Defence Staff (Equipment Capability) (DCDS(EC)), wrote to Gen Walker outlining the options for getting "better operational utilisation" from support helicopters.[529] He stated:

- Work to increase the utilisation of existing support helicopters was already under way as part of a Chinook Operational Effectiveness Study. That represented the only short-term option to improve the availability of support helicopters within existing resources.
- "Utilisation of a simpler, cheaper aircraft", such as the recovered Sea King Mk6, to meet non-operational tasking had some potential to alleviate pressure on the operationally-equipped fleet. Equipment Programme funding could be "made available to begin recovery of some of these old aircraft from 2009" but there would be some "significant" problems managing an expanded "two-speed" fleet and the additional running costs would be unaffordable under existing Short Term Plan (STP) plans.
- Recovered Sea King Mk6 aircraft could prove to be a worthwhile "gap-filler" until new helicopters were procured to replace the ageing Puma fleet that had an Out of Service Date (OSD) of 2010.

---

[526] Report HQ MND(SE), 18 January 2006, 'Progress Report – Operation TELIC'.
[527] House of Commons *Official Report,* 26 January 2006, columns 1529-1533.
[528] Letter Walker to Richards, 24 January 2006, [untitled].
[529] Report DCDS(EC) to PSO/CDS, 31 January 2006, 'The Utilisation of Operationally Equipped Support Helicopters'.

995. Lt Gen Fulton advised Gen Walker that the view of "Customer Two", the Front Line Commands, was that the problems in managing a larger number of recovered Sea King would "probably outweigh any advantage". They thought the best way to "leverage better performance" was to continue seeking to "fly the existing aircraft harder by improving servicing, processes and spares delivery".

996. Customer Two was keen to explore the potential merits of "running on either Puma or Sea King" to achieve the Equipment Programme "stagger required to introduce, in affordable tranches, a future new helicopter".

997. In his post-operation tour report on 18 January 2006, Maj Gen Dutton wrote:

> "The importance of ISTAR platforms within this theatre cannot be overstated."[530]

998. Maj Gen Dutton referred to helicopters fitted with Broadsword capability. He stated that [Helicopter Broadsword] was good but suffered availability limitations as with all aircraft in theatre. Nimrod was also good but orientated towards [UK theatre forces][531] and therefore not dedicated to MND(SE). He highlighted the need to maintain and possibly increase ISTAR coverage as the UK moved towards Operational Overwatch.[532]

999. Lieutenant General Nicholas Houghton succeeded AM Torpy as CJO in March 2006. On 3 March, he wrote to Gen Walker with the results of a Force Level Review.[533]

1000. The aviation support to MND(SE) was provided by: five Merlin, five Sea King, three [Helicopter Broadsword] and four Lynx. Lt Gen Houghton wrote that there was a requirement for Merlin and Lynx to remain throughout Operational Overwatch but changes to tasking lines and servicing routines enabled a reduction of two Sea King as an "efficiency measure". He highlighted the possibility of further helicopter reductions following the anticipated transition to Provincial Iraqi Control in Maysan, Muthanna and Basra provinces.

1001. On ISTAR, Lt Gen Houghton stated that "Full Motion Video" (FMV) capability was provided by Nimrod (Iraq-wide), [Helicopter Broadsword] (MND(SE)-wide) and Phoenix (locally).

1002. Phoenix would again be withdrawn for the summer months and would not be replaced with any UAV as Desert Hawk had proved "unsuitable". There remained a shortfall in persistent Intelligence, Surveillance and Reconnaissance (ISR).

---

[530] Report HQ MND(SE), 18 January 2006, 'Progress Report – Operation TELIC'.
[531] A cipher has been used here for national security reasons.
[532] Operational Overwatch was a phase of transition where the UK would operate from a reduced number of MNF bases to reduce profile while providing reinforcement to Iraqi forces. That is addressed in Section 9.4.
[533] Minute CJO to PSO/CDS, 3 March 2006, 'Op TELIC Force Level Review – Feb 06'.

1003. On 8 March, the Chiefs of Staff discussed and endorsed the Force Level Review.[534] The minutes recorded that one of the points highlighted by Lt Gen Houghton was that, despite the withdrawal of two helicopters, helicopter flying hours would be "sustained by the more efficient use of other assets".

1004. The Chiefs of Staff noted that "the withdrawal of Phoenix would leave an ISTAR deficit" and MND(SE) had "already been tasked to review its ISTAR requirements". Possible "mitigation was by the availability of unused Nimrod MR2 hours and the possibility of negotiating US Predator tasking". Gen Jackson would explore the possibility of using Islander aircraft from Northern Ireland to provide Manned Aerial Surveillance.

1005. On the same day, Dr Reid was informed that "minor adjustments" were being made to the number of support helicopters "through increased efficiency".[535]

THE DOC'S THIRD REPORT, 4 APRIL 2006

1006. On 4 April, the DOC published its third report of Op TELIC lessons to cover the period from 1 December 2004 to 28 February 2006.[536]

1007. The report contained a section on "National Issues" described as "issues that warrant MOD's attention due to the impact on operational capability". Such issues affected "not only Iraq but may have a wider significance for other operations, including Afghanistan". Those issues included: counter IED capability (as addressed earlier in this Section with regard to protected mobility), ISTAR, helicopters, air transport and force protection engineering.

1008. On ISTAR, the DOC stated that within Iraq there remained "a serious gap in current ISTAR capability – particularly in urban areas". That was "a regular DOC observation that has been highlighted on all recent operations".

1009. The report cited "a specific problem with surveillance generally and with UAVs specifically", referring to the "identified gap" between the Phoenix OSD and Watchkeeper ISD of two years. That situation "had changed again" and the Watchkeeper ISD had slipped to "Not to Extend (NTE) beyond January 2011".

1010. The MOD Investment Approvals Board (IAB) had directed that the gap should be viewed in two parts: theatre-specific in Afghanistan from 2006 to 2008, and the generic contingent war-fighting tactical UAV capability from 2007 to 2010. There was the additional, shorter-term problem that Phoenix could only operate in winter, and Desert Hawk was incompatible with electronic countermeasures. The Combined Joint Predator UAV Task Force (CJPTF) provided "limited coverage of MND(SE)".

---

[534] Minutes, 8 March 2006, Chiefs of Staff meeting.
[535] Minute DJC [junior official] to PS/SofS [MOD], 8 March 2006, 'Iraq: Force Level Review (FLR) for May 2006 Roulement'.
[536] Report DOC, 4 April 2006, 'Operation TELIC Lessons Study Volume 3'.

1011. The DOC recommended:

> "… we should reconsider addressing the ISTAR capability requirements, particularly in addressing surveillance generally and UAVs specifically."

1012. On battlefield helicopters, the report stated that their capacity to support operations had "become parlous at times during 2005".

1013. The DOC added:

> "The requirement for an air bridge between Baghdad International Airport and the International Zone because of the increases – and sustained – threat on Route Irish, and the requirement to provide enhanced IED 'top-cover' have together compounded the situation. The matter is compounded further by shortcomings in the contracted servicing of mission critical equipment … JHF(I) has struggled to meet its tasks even with rigorous prioritisation. There are several factors that exacerbate the problem but it is apparent that the UK's BH [battlefield helicopter] force is stretched to meet the requirement of the current operation."

1014. The DOC quoted Maj Gen Dutton's assertion from his Hauldown Report that more helicopters were urgently needed in theatre and added that, with the "significant deployment to Afghanistan", that situation was "predicted to worsen throughout 2006". That highlighted "the serious overall shortcomings in the UK's battlefield helicopter capacity".

1015. The DOC report stated: "There is an urgent requirement to assess and improve our BH capacity as an operational priority in the short and medium term."

Force Protection Engineering (FPE)

The Directorate of Operational Capability (DOC) report on 4 April 2006 stated that FPE should be viewed in relation to investment in protected mobility and counter IED. It highlighted data from PJHQ that indicated that 24 percent of all attacks had been against camps and other static locations, resulting in 44 percent of all wounded in action.

The DOC explained that, to that date, FPE expertise had resided largely in Northern Ireland. Technical designs and construction standards had then been provided to other theatres (including Iraq) for implementation. Additional FPE Research and Development (R&D) was funded by the Equipment Capability Customer but the two strands were "not co-ordinated".

There was "an enduring need to provide security forces (and other government departments when required) with secure and protected operating bases from which they can effectively control the ground and interface with the indigenous population". The need for an "appropriately resourced FPE capability (for the Land environment)" had been endorsed by the Executive Committee of the Army Board.

The DOC recommended: "Short term action is required to fill the funding gap for FPE development and in the longer term, policy must be developed to ensure that FPE is brought into core business post Northern Ireland 'Normalisation.'"

1016. The Chiefs of Staff discussed the DOC Report on 4 April 2006.[537] The lessons about counter IED, ISTAR and air transport capability were repeated in the minutes.

1017. The Chiefs discussed ISTAR further, the minutes recording that if the report's identification of a serious ISTAR capability gap was "true", it would need "to be addressed, possibly through the UOR process, but perhaps more realistically by reviewing and adjusting as necessary the overall surveillance plan".

1018. The minutes stated that not only was ISTAR critical for operations in Afghanistan, but "a lack of surveillance capability had constrained operations in MND(SE) and would be critical for maintaining situational awareness in MND(SE) during strategic overwatch". In the meantime, the US was "being pressed to provide the UK with a proportional share of their Predator surveillance output, given that the UK contributed a significant amount" of the operating costs.

1019. In discussion the Chiefs of Staff agreed that:

> "… appropriate priority and resources were being given to the development of national Counter Improvised Explosive Device capability … including the possible use of the UOR process, the criticality of gaps in the UK's surveillance plan for both Iraq and Afghanistan … required further analysis, and CDS [Gen Walker] asked VCDS [Gen Granville-Chapman] to scope the issue."

1020. As "a first step", Gen Granville-Chapman wrote to Lt Gen Houghton and Lt Gen Fulton on 7 April.[538] He requested Lt Gen Houghton's ISTAR assessment for Iraq and Afghanistan, including:

- "What is the requirement now, what are the shortfalls, how *critical* are they, and what is being done to ameliorate them?"
- Given the shift to Operational Overwatch in Iraq and the UK's enduring commitment in Afghanistan, what was the "projected requirement likely to be" and might it even increase when there were fewer boots on the ground? What plans were in place to address these?
- "How coalition/alliance assets may realistically be able to assist."

1021. Looking at how gaps could be filled, Gen Granville-Chapman suggested Lt Gen Houghton should consider "the full range of potential solutions", including Merlin Mk1F and attack helicopters.

1022. Gen Granville-Chapman wrote that ISTAR had also been raised during a meeting about Afghanistan on 4 April and Gen Walker had "accepted that any new substantial request for UOR funding in relation to Predator B should not be pursued for the moment".

---

[537] Minutes, 4 April 2006, Chief of Staff meeting.
[538] Minute VCDS to CJO, 7 April 2006, 'Quantifying ISTAR Shortfalls on Current Operations'.

1023. Given that discussion, Gen Granville-Chapman asked Lt Gen Fulton to consider what could realistically be delivered "to address known and projected shortfalls in the timescales we are talking about".

1024. Gen Granville-Chapman sent a copy of the DOC report to Mr Ingram on 21 April, noting that the Chiefs of Staff's discussion of the report was based "almost exclusively around the issue of re-addressing our operational ISTAR capabilities".[539]

1025. Gen Granville-Chapman wrote that it would have implications in both Afghanistan and Iraq and that "resolution of this issue always came back to operational priorities within a limited Departmental budget". Despite that, ISTAR remained an "*enduring*" lesson that had been raised in all three DOC reports.

1026. On 10 May, Air Commodore Nick Gordon, Director Directorate of Equipment Capability (ISTAR), advised Gen Granville-Chapman on the possibility of using Predator B to address shortfalls in UK ISTAR capability.[540]

1027. Air Cdre Gordon stated that from "a standing start" it would take 24 months before a Predator B could be fielded in theatre. In 2005, the DEC ISTAR team had investigated procuring a demonstrator for trial in Afghanistan but, at a cost of around £60m, it was deemed unaffordable within the available equipment funding. He also advised that "alternative approaches" to procurement and platform operation could reduce cost and time boundaries.

1028. Lt Gen Houghton produced his assessment of ISTAR shortfalls on operations on 18 May.[541] He explained that FMV was "probably the most widely sought" ISR capability in Iraq and Afghanistan.

1029. For both theatres, Lt Gen Houghton explained that the UK operated within a coalition management process that afforded the UK "relatively low priority" for the allocation of ISTAR assets. The agreement to provide MND(SE) with "12 hours of daily Predator Feed" had been a "recurrent topic of bilateral discussion over the past few months" but it was unlikely that there would be any significant change to the UK's apportionment. Any allocation of US Predator should be regarded as "a bonus" and, if the UK concluded it was needed, it should aspire to acquire its own.

1030. Lt Gen Houghton stated that MND(SE) had sought to offset the lack of US Predator support by generating other FMV feeds. The FMV requirements were satisfied in part with theatre-level manned platforms but MND(SE) could not fully exploit that capability due to a lack of ground terminals to download the data.

---

[539] Note VCDS to MA/Min(AF), 21 April 2006, 'DOC Operational Lessons Report – Operation TELIC Volume 3'.
[540] Minute DEC ISTAR to MA/VCDS, 10 May 2006, 'Predator B'.
[541] Minute CJO to VCDS, 18 May 2006, 'Quantifying ISTAR Shortfalls on Current Operations'.

1031. FMV coverage therefore remained "the most significant ISR gap in MND(SE)". In "general terms", the UK was "50 percent" short of the requirement across both theatres.

1032. Addressing Gen Granville-Chapman's specific questions on attack helicopters and Merlin Mk1, Lt Gen Houghton stated that attack helicopters would have "some utility as an ISTAR platform" but could not distribute imagery to other users. The Merlin Mk1 would be a capable platform, with some modifications, but "these debates" needed closure in the context of "a comprehensive analysis of our aviation capability gaps".

1033. In the short term, Lt Gen Houghton would pursue an extension of Nimrod MR2 support for Afghanistan and support the procurement or loan of terminals from the US to receive FMV feeds in theatre. His staff would continue to "press for greater access to Predator coverage" and he believed "we should look again at bridging the gap between Phoenix OSD and Watchkeeper ISD, potentially with an extension of the former".

1034. Lt Gen Houghton stated that the identification of ISTAR requirements and critical shortfalls for the medium term had proved "more problematic". It was clear that the UK was "only beginning to develop a full understanding of the national ISTAR requirements for transition in both theatres" and the ways in which they could be met. Lt Gen Houghton wrote:

> "I am led to the judgement that the complexity of a Coalition and national ISTAR architecture requires a dedicated MOD led ISTAR review to fully examine emerging requirements … Such a review should draw together a pan-agency solution to address our current shortfalls and define our long term goal for the provision of a coherent Defence-wide ISTAR capability."

The Lynx helicopter crash, 6 May 2006

On 6 May, a Lynx helicopter crashed in Basra, killing all five personnel[542] on board.[543]

At the Chiefs of Staff meeting on 10 May, it was noted that "the FCO had suspended flights by its personnel whilst the cause of the helicopter crash was investigated but military flights continued subject to the revision of tactics, techniques and procedures".[544]

The Board of Inquiry into the crash concluded that the helicopter had been shot down by a surface-to-air missile (using a Man Portable Air Defence System – MANPAD), fired from the ground.[545]

---

[542] Wing Commander John Coxen, Lieutenant Commander Darren Chapman, Captain David Dobson, Flight Lieutenant Sarah-Jayne Mulvihill and Marine Paul Collins.
[543] *GOV.UK,* 6 May 2006, *Five personnel in Basra helicopter crash named.*
[544] Minutes, 10 May 2006, Chiefs of Staff meeting.
[545] House of Commons, *Official Report*, 27 April 2007, column 29WS.

Brigadier James Everard, Commander 20 Armoured Brigade, explained the effect this had:

> "The successful attack on the Lynx … resulted in the cessation of all daytime … movement over Basra City. Critically, the Brigade was therefore unable to conduct enduring surveillance ops during daylight hours without Nimrod MR2 – an asset shared with both [UK theatre forces] and Op HERRICK."[546]

1035. Lt Gen Houghton visited Iraq from 13 to 15 June. He reported:

> "… I do have some concerns as I look ahead over the balance of the year … If we are to match the wider campaign desire for a decisive six months we need to balance ourselves accordingly."[547]

1036. The elements of that balancing included protected mobility and ISTAR. He wrote:

> "Resolve the issue of ISTAR. A plan that depends upon intelligence-led precision detention operations is neutered if we do not have the dedicated ISTAR (Full Motion Video) for pattern of life studies, target development and operational queuing."

RE-ALIGNING ASSETS AND UNDERSTANDING THE SHORTFALLS

1037. On 17 May, the JHC provided Lord Drayson with advice on the numbers of helicopters deployed on operations.[548] The advice listed the helicopter numbers available to Op TELIC as:

- four Lynx AH7 from a JHC total fleet of 95;
- eight Sea King Mk 4 from a JHC total fleet of 37; and
- seven Merlin Mk3 from a JHC total fleet of 22.

1038. The House of Commons Defence Committee visited Iraq from 4 to 8 June.[549] The MOD's record of the visit stated:

> "The Committee was interested to know whether the UK had sufficient air capability, and in particular whether it was felt that MOD had prioritised funding and capabilities appropriately, for example was there sufficient helicopter numbers to meet the requirement in Iraq and Afghanistan …"

---

[546] Report Everard to PJHQ – J3, 15 December 2006, 'HQ 20 Armd Bde Op TELIC 8 Post Operational Tour Report'.
[547] Minute Houghton to PSO/CDS, 16 June 2006, 'Visit to Iraq 13 – 15 Jun 06'.
[548] Minute JHC [junior officer] to APS/Min(DP), 17 May 2006, 'Current Rotorcraft Fleet and Deployment – Joint Helicopter Command (JHC)'.
[549] Minute DJC-Sec1 to HCDC Liaison Officer, 15 June 2006, 'Visit Report: House of Commons Defence Committee (HCDC) Visit to Iraq 4-8 June 2006'.

1039. On 12 June, Lt Gen Houghton wrote to Gen Granville-Chapman summarising the operational requirement for battlefield helicopters in Iraq and Afghanistan.[550] While there was an endorsed requirement for an uplift in support to Afghanistan, on Iraq he wrote:

> "At present there is no endorsed requirement for an increase in BH [battlefield helicopters] support to Op TELIC, but operations have been constrained at times by a lack of available BH support. This is partly related to the limited performance and reliability of the Sea King Mk4 when compared with larger and more modern BH. Any potential benefits from transition in Op TELIC may be fully absorbed by emerging requirements to support Operational Overwatch and OGDs [Other Government Departments]."

1040. Lt Gen Houghton added that the withdrawal of Italian forces in Iraq "could present an additional requirement for battlefield helicopter lift and ISTAR in Dhi Qar Province". Further work was being done to define that.

1041. Lt Gen Houghton concluded:

> "With no reductions on the horizon in Op TELIC and escalating requirements in Op HERRICK, our national aviation requirements now need departmental scrutiny to determine the concurrent requirement to resource both theatres and define how our national aviation resources should be realigned."

1042. Air Chief Marshal Sir Joseph Stirrup became CDS in April 2006. A record of ACM Stirrup's "O Group" meeting on 16 June stated in relation to Iraq:

> "The UK required its own persistent surveillance capability if it was to deliver mission success. CDS' clear preference was for an 'off the shelf' solution which could be delivered quickly. VCDS [Gen Granville-Chapman] had work in hand addressing this shortfall which was due to report in mid Jul."[551]

1043. On 21 June, Gen Jackson wrote to General Sir Richard Dannatt, Commander in Chief Land Command, stating:

> "It is probably worth re-emphasising the lack of 'flying hours' for our operational helicopter fleets is an issue that is gaining momentum up here in the Main Building. In my view the current problems are merely symptomatic of the broader lack of investment in our 'lift' capability. However – and this is my concern – people up here seem fixed solely on providing a palliative for the current symptoms, rather than really tackling the Defence-wide balance of investment decisions that need to be taken if we are to have forces appropriately structured for what they are *actually*

---

[550] Minute Houghton to MA/VCDS, 12 June 2006, 'Quantifying Battlefield Helicopter (BH) Requirements on Operations'.
[551] Note SECCOS to VCDS, 19 June 2006, Record of Actions & Decisions from CDS O Group – 16 June 2006'.

being asked to do (expeditionary Land based operations) rather than what they *might* have to do (force on force operations across all three environments)."[552]

1044. On 29 June, Air Commodore Brian Bates, Director Directorate of Joint Capability, produced two papers for Gen Granville-Chapman; one on rotary wing operational shortfalls and one on ISTAR operational shortfalls.

1045. The paper on rotary wing shortfalls stated:

"The Department's BH [battlefield helicopter] capability is a finite resource that is required to support a number of concurrent Military Tasks overseas and a variety of Standing Home commitments. Currently the BH force is heavily committed on operations and is recognised as a Defence pinch point …"

"A range of factors have contributed to the current pressures on the BH force; not least, a legacy of underinvestment in BH sustainability and the fact that a significant proportion of BH fleets are operating in excess of DPAs [Defence Planning Assumptions]. The enduring nature of today's operations, allied to a presumed need for BH during any drawdown or overwatch period, suggests that this situation is unlikely to change in the medium term. Other complicating factors include: … the increased IED threat that had led to a tendency to revert to the use of helicopters as the default option for protection where other means, such as properly protected road moves, may be possible; and, a paucity of ISTAR assets, leading to an increased demand on BH platforms."[553]

1046. The paper went on to summarise the operational requirements in each theatre. For Operation TELIC it stated:

"Five Merlin …, three Sea King .., four Lynx …, and 3 [Helicopter] (Broadsword [ISTAR]) are currently deployed on Op TELIC. The CABHWG [Capability Area Battlefield Helicopter Working Group], drawing on PJHQ-led AFLRs [Aviation Force Level Reviews], has established that current support is sufficient for the task. This was subsequently confirmed by CJO, although circumstances that could necessitate an increase in BH have been identified. The early stages of transition to Operational Overwatch (OOW) may free up some lift but this is likely to be absorbed by emerging tasks in support of OOW forces, OGDs and the need to maintain situational awareness …"

1047. The ISTAR paper stated that the key shortfall in FMV was "likely to increase rather than diminish" with the move to Operational Overwatch and the evolving concept of operations in Afghanistan.[554] Without additional resources, the opportunities to make substantial improvements to the delivery of ISTAR on operations were limited to "process enhancements" or securing greater access to coalition assets.

---

[552] Letter Jackson to Dannatt, 21 June 2006, [untitled].
[553] Minute DJtCap to MA/VCDS, 29 June 2006, 'Rotary Wing Operational Shortfalls'.
[554] Minute DJtCap to MA/VCDS, 29 June 2006, 'ISTAR Operational Shortfalls'.

1048. The paper continued:

> "ISTAR issues are often inextricably linked to a multitude of other lines of development or capabilities, which may, in turn, also be pinchpoints and subject to considerable pressure; helicopters are a prime example. Equally, the solution may not be equipment based. Rather it might be process or enabler specific. For example, access to existing information, bandwidth or capability through exploitation of frequency, downlink or a particular National/Coalition product or database."

1049. The options for mitigating short-term shortfalls were broken down into five areas, recognising that getting ISTAR right required more than a suite of dedicated ISTAR assets, but that it relied upon "all aspects of the network-enabled capability":

- Improving processes for collecting, storing and processing intelligence.
- Improving access to coalition capability such as the CJPTF. Lt Gen Houghton had been tasked separately with improving apportionment, co-ordination and liaison with US and other MNF forces.
- Re-apportionment of national assets including: the deployment of Northern Ireland based Islanders to Iraq or Afghanistan; increasing the number of Defender aircraft; increasing the number of Nimrod MR2, although those were unlikely to become available before November 2006; UOR action to bring Merlin Mk1 up to "theatre-entry standard"; and redeploying Phoenix to Iraq after the summer – an option that would have "painful implications" for a UAV regiment in Afghanistan.
- Extant and emerging UORs: a USUR had been submitted and endorsed by PJHQ for the provision of a "long range, long loiter, real time FMV surveillance system" in May. That was similar to the USUR produced in April 2003 that led to the CJPTF. Further action was awaiting the outcome of Lt Gen Houghton's work on getting greater access to coalition capability. Other UORs were in train to address the lack of ground terminals able to downlink ISTAR data.
- New capabilities: options included fitting additional Defender aircraft with the necessary sensors and downlink capability; further increasing the number of ground ISTAR terminals; using commercially owned UAV systems such as the US had done with Scan Eagle which could deliver capability quickly ("within about nine months") but did raise liability issues; advancing commercial off-the-shelf UAVs such as Predator B under the DABINETT programme or leasing Hermes 450/Hermes 180 air vehicles. There was no potential to bring forward elements of the Watchkeeper programme.

1050. Future equipment programmes would deliver improved ISTAR effect within the next few years, but none before November 2006.

1051. The MOD told the Inquiry that Phoenix was withdrawn from theatre in June 2006 and, although it had been suggested that it might be redeployed that September, it did not re-enter service.[555]

1052. In July, Gen Dannatt wrote to Gen Jackson about "four major concerns" he had as "the Force provider".[556] His "first and overriding concern" was protected mobility which is addressed earlier in this Section. Two of those other concerns related to ISTAR and battlefield helicopters.

1053. Gen Dannatt wrote that he shared Gen Granville-Chapman's concern about ISTAR support for land operations in Iraq and Afghanistan. He stated that there was "an urgent need for a full estimate process to ascertain the requirement" and judged that "such an estimate would identify the need for an easily deployable UAV capable of operating beyond the line of sight, under the control of the tactical ground commander, and responsive to his information requirements".

1054. Gen Dannatt saw this "as complementary to the more immediate re-allocation of current resources and longer-term Equipment Programme solutions. Such a capability was always within the original vision for the Watchkeeper programme; the need is now acute."

1055. Gen Dannatt acknowledged that the paper on battlefield helicopters would be considered by the Chiefs of Staff that week but wrote that he "would be remiss if I failed to stress the importance of resolving this issue as a matter of urgency". He stated:

> "Operational experience continues to drive home the inextricable linkages between ISTAR, protected mobility and BH. When the two former capabilities are under stress … we invariably place a higher call on the latter, a call that we find increasingly difficult to meet, given the limited resources at our disposal. The issue is one of flying hours as well as the provision of sufficient numbers of aircraft and their spares. The key and developing role of AH [attack helicopters] on operations in Afghanistan, coupled with significant shortfalls in support funding, brings this into even sharper focus."

1056. Gen Dannatt wrote that action was urgently needed to continue operations and "minimise casualties to our soldiers". He stated: "Process must not be allowed to stand in the way."

1057. On 4 July, the Chiefs of Staff discussed the papers on rotary wing and ISTAR operational shortfalls.[557] AM Nickols emphasised that both were "immature and had been produced to a tight timescale to allow COS to take a view on what action was required now".

---

[555] Letter Duke-Evans to Hammond, 4 February 2016, [untitled].
[556] Letter Dannatt to Jackson, July 2006, 'The Level of Operational Risk on Current Operations'.
[557] Minutes, 4 July 2006, Chiefs of Staff meeting.

1058. The minutes of the meeting recorded:

> "In the short term, pressure on Rotary Wing (RW) assets in Afghanistan and Iraq could only be alleviated by releasing assets from other tasks, or by extracting more from the assets in theatre. The situation was complicated by differences between helicopters in lift and Defensive Aids Suites (DAS) … In addition the paper recognised that any increase in helicopter flying hours would be limited by the availability of spares, crew hours and harmony guidelines …"

1059. In discussion, ACM Stirrup stressed that the Chiefs of Staff "needed to focus on the problem they faced between now and the end of the year. The UK was fighting a war in two theatres which demanded urgent innovative work to deliver capability quickly, rather than waiting for a 100 percent (or even 80 percent) solution over a longer timeframe."

1060. Amongst the measures agreed by the Chiefs of Staff were taking greater risk on other operations to release assets for use in Iraq and Afghanistan and taking "further action with our Allies" to ensure that their helicopter assets remained in theatre, specifically the US and Italians.

1061. The Chiefs of Staff also agreed that additional resources were to be identified in the next planning round to deliver an improved rotary wing capability. That would include:

- the "fix to field" requirement for the eight Chinook Mk3s (see Box, 'The eight modified Chinooks');
- the provision of Defensive Aids Suites across the deployable helicopter fleet so that it was "adaptable to the changing threat";
- support helicopter lift over the next five years; and
- support helicopter and attack helicopter sustainability over the next five years.

1062. On ISTAR the Chiefs agreed:

- Merlin Mk1 should replace Nimrod in Oman, freeing Nimrod to "ameliorate ISTAR shortfalls elsewhere";
- Predator B "represented the most coherent ISTAR capability for the UK's needs" and should be procured "as soon as possible" for use in Afghanistan, but without prejudice to the Watchkeeper programme; and
- a PJHQ-led ISTAR Task Team should identify theatre-specific ISTAR requirements and how the UK might better utilise the entire coalition theatre ISTAR process. Air Marshal Stuart Peach, Chief of Defence Intelligence, would lead that work with a view to informing the EP/STP07 by 1 October 2006.

1063. ACM Stirrup asked Gen Granville-Chapman to produce an action plan to deliver the measures agreed on rotary wing and ISTAR "as a matter of urgency" by 7 July.

1064. Gen Granville-Chapman produced those plans on 7 July.[558] His covering minute stated:

"a. Nothing is to get in the way of achieving the timetables shown, whatever the hours – we are at war in two theatres and lives depend on the capabilities being delivered on time. If seemingly insuperable issues arise I am to be informed immediately.

b. Planning *aficionados* will spot that we are departing from the programme in some areas – intentionally. Less than perfect solutions are sometimes required to attend to immediate needs, albeit at the expense of other projects.

c. In the slightly longer term context of EP07 we shall need to make adjustments to reflect the current scene, notably in the RW (DAS for far more of the fleet) and ISTAR realms – DCDS(EC) [Lt Gen Fulton] will handle this and will issue guidance by the end of this month."

1065. The plan to address helicopter shortfalls included releasing assets by "rationalising aviation support" to counter-terrorism operations in the UK and releasing helicopters from other theatres, both of which were planned to be complete by the end of July 2006. Equipping all battlefield helicopters to "theatre-entry standard" was listed as a 2007 Equipment Programme measure.

1066. The plan to address ISTAR shortfalls included:

- fully replacing Nimrod MR2 with Merlin Mk1 in Oman by the end of September;
- delivering Predator B to Afghanistan by 1 May 2007 (noting the potential loss of other projects within the Equipment Programme);
- assessing the requirement for a short-range tactical UAV by the end of July and exploring options to meet any confirmed requirement by 15 September 2006;
- reviewing the output of CJPTF by 31 July;
- deploying Oakbank[559] to Iraq by 15 August;
- expediting delivery of 26 ground terminals to receive coalition FMV feed, 18 of which were to go to Iraq, between July 2006 and March 2007 depending on the time needed to obtain an export licence; and
- capturing the national requirements via an ISTAR Task Team by 31 August. It would cover Iraq and Afghanistan but also take account of other commitments – an 80 percent solution would suffice.

---

[558] Minute Granville-Chapman to CDL, 7 July 2006, 'Rotary wing and ISTAR Shortfalls' attaching Paper VCDS, 7 July 2006, 'Action Plan to Address Rotary Wing Operational Shortfalls' and Paper VCDS, 7 July 2006, 'Action Plan to Address ISTAR Operational Shortfalls'.
[559] Oakbank is a CCTV camera system for static locations.

1067. Gen Granville-Chapman visited Iraq and Afghanistan between 9 and 13 July.[560] In Iraq, he reported that ISTAR and helicopters remained "the key focus" for equipment.

1068. In July 2006, in his post-operation tour report, Maj Gen Cooper wrote that, in relation to the UK's understanding of militia groupings:

> "The paucity of specialist ISTAR capability is also a concern. In order to prosecute routine operations more effectively and specific strike operations accurately we need better or additional UAV capability, full-motion video [and] geo-location equipment … capabilities are available on the market and would be real value for money."[561]

1069. Major General Richard Shirreff, the new GOC MND(SE), wrote in his first report on 21 July about two recent "significant operational successes".[562] He stated:

> "… we have been lucky not to take more casualties … The message is that we cannot rely on luck and that the critical shortage of key enablers exposes our soldiers to significant risk. Despite the good work done by the Nimrod MR2 and the two [Helicopter] Broadsword, we are woefully short of airborne surveillance capability. We are unable to strike with precision from the air, which we emphatically need to do, without attack helicopters or a similar capability."

1070. Forwarding the report to No. 10, Mr Browne's Private Office wrote that it raised:

> "… a number of issues that have subsequently been discussed in the Defence Secretary's weekly Ministerial. Work is in progress to consider these issues and further advice will be provided should any significant changes in approach be required."[563]

1071. On 26 July, the Chiefs of Staff "noted the immediate requirement for national ISTAR assets that would enable the successful prosecution of detention operations within MND(SE)".[564]

MR BROWNE'S CONCERN

1072. In August, Gen Granville-Chapman and Maj Gen Rollo briefed Mr Browne on the UK's helicopter force.[565]

1073. On 11 August, Mr Browne's Private Office wrote that he remained concerned that the UK had "a shortfall that needs to be addressed" and requested a "formal assessment" of how some of the options discussed at the meeting could increase capability over the next 12 months.[566]

---

[560] Minute Granville-Chapman to Stirrup, 14 July 2006, 'VCDS Visit to Iraq and Afghanistan 9-13 Jul 06'.
[561] Report HQ MND(SE), 21 July 2006, 'Progress Report – Operation TELIC'.
[562] Report Shirreff, 21 July 2006, 'GOC MND(SE) – Southern Iraq – 21 July 2006'.
[563] Note PS/SofS [MOD] to Phillipson, 26 July 2006, 'Iraq: Update'.
[564] Minutes, 26 July 2006, Chiefs of Staff meeting.
[565] Minute McNeil to MA/VCDS, 11 August 2006, 'Shortfall in Helicopters Capability'.
[566] Minute McNeil to MA/VCDS, 11 August 2006, 'Shortfall in Helicopters Capability'.

1074. Gen Granville-Chapman responded on 7 September.[567] He wrote that it was worth recognising that the UK was operating above concurrency levels "(which did not envisage two medium scale enduring operations over extended LOCs [Lines of Communication] and did not plan for a helicopter fleet to match)". He also stated that the MOD had "postponed rectifying the acknowledged 15-20 percent helicopter shortfall until at least 2010" when it had taken £1.5bn of savings against the Future Rotorcraft Capability (FRC) programme in 2004.

1075. Gen Granville-Chapman wrote that Lt Gen Houghton's "current battlefield helicopter requirements in Iraq and Afghanistan" were being met by the deployment of additional aircraft and the resourcing of additional flying hours in both theatres. That increased level of activity was, "on the face of it, sustainable" and the requirement had been confirmed by the recent Force Level Review.

1076. In Iraq, there was little potential for reducing the "aviation bill" in the short term.

1077. The nature of both campaigns required a "critical theatre entry standard" to be imposed, principally the fitting of DAS and long-range secure communications. That meant, even with UORs to date, 65 percent of the battlefield helicopter fleet was "not deployable". Planned UORs would reduce that figure to 40 percent.

1078. Gen Granville-Chapman stated that flying hours were limited by the availability of trained crews as much as airframes. The demand was being met by "redistributing airframes and sweating the assets to the maximum degree" but, he warned:

> "There is not likely to be any let-up in BH tempo for at least the next five years which leaves us with virtually no capacity to meet increased or new demands and a real 'harmony' problem for our BH people."

1079. Four options to add capability were considered:

- Leasing – an option with "limited mileage" because the resolution of indemnity and financing issues, coupled with delivery timescales meant that significant new deployable capability would take at least a year but more likely three. Leased civilian helicopters in the UK could be used for training but would not generate competent crews for operations.
- Contracting – using contractor aircraft flown by civilians was an option but the aircraft were not "DAS'd to our standards".
- Further developments to the existing fleet – Puma was scheduled to go out of service in 2010 and Sea King Mk4 in 2012. To keep both models going beyond those dates would cost £155m. Options were being considered to make some Merlin Mk1s "dual capable as BH" and to make other aircraft into "a basic SH".

---

[567] Minute VCDS to SofS, 7 September 2006, 'Helicopter Capability'.

- Advancing the FRC programme – an additional £225m "in the early FRC years" would enable the earlier procurement of Chinook helicopters to meet the heavy lift requirement. An extra £650m across the Equipment Programme period would allow the medium support helicopter purchase "(type not yet known)" to be brought forward by five years to 2012 and "obviating the need to extend the ageing Puma and Sea King fleets".

1080. Gen Granville-Chapman wrote:

> "All of these options are being tested now … In October DCDS(EC) [Lt Gen Fulton] will chair a series of Joint Capabilities Boards to decide which of the options I have described should be pursued and when. But there are real affordability problems in the early EP [Equipment Plan] years and the levels of contractual commitment means that it will not be easy to shift significant investment away from other capabilities and into helicopters in this round. I suggest we return to this issue in late October when we shall know better the worth of options."

1081. Mr Browne circled both references to October in Gen Granville-Chapman's note and wrote: "No: it should happen tomorrow!"[568]

1082. On 11 September, Mr Browne's Private Secretary wrote to Gen Granville-Chapman requesting an "urgent" meeting to discuss his advice.[569] Mr Browne was:

> "… concerned to ensure that officials are giving appropriate priority to measures to improve helicopter availability and have considered, and exhausted, every possibility, including those which they believe Ministers would find unpalatable."

1083. The areas Mr Browne particularly wanted to explore included:

- the proposal to convert maritime Merlin helicopters to a battlefield support role;
- "a radical rethink" on the eight grounded Chinook Mk3 aircraft that were not considered airworthy (see Box below, 'The eight modified Chinooks'); and
- leasing and contracting further aircraft.

1084. Mr Browne and Lord Drayson met Gen Granville-Chapman on 14 September.[570]

1085. On 15 September, Gen Granville-Chapman wrote that Mr Browne was "keen to explore a number of options for short term relief" for crews in theatre. Those included "what sum of money" would yield "*significant* improvement in aircraft availability in the next six months" in relation to Chinook, whether additional Merlin Mk3 could

---

[568] Manuscript comment Browne on Minute VCDS to SofS, 7 September 2006, 'Helicopter Capability'.
[569] Minute Forber to MA/VCDS, 11 September 2006, 'Helicopter Capability'.
[570] Minute Granville-Chapman to ACDS(Ops) and ACDS(Log Ops), 15 September 2006, 'Helicopter Capability'.

be bought from other countries, and the programme intended to make the eight Chinook Mk3 airworthy.

The eight modified Chinooks

In 1995, the MOD ordered 14 Chinook Mk2a helicopters from Boeing: six were retained as Mk2 but eight were modified as Mk3 to meet a longstanding requirement for special operations.[571] Those eight helicopters cost £259m and were delivered to the MOD in December 2001.

Although Boeing had met its contractual obligations, the avionics software fell short of UK military airworthiness standards and the helicopters were left in storage while solutions were considered.

In 2004, the Public Accounts Committee described it as "one of the worst examples of equipment procurement" that it had seen.

Following increases in troop numbers to Afghanistan, the MOD started looking for ways to increase its helicopter capacity. As a result, in March 2007, Mr Browne took the decision to "revert" the Chinooks back to the Mk2 standard to make them available for use in operations as quickly as possible.

In March 2009, the Public Accounts Committee described that decision as having been made in haste in "a matter of days".[572] The MOD did not consult Boeing about the risks, costs and timescales which ultimately led to a 70 percent increase in the cost of the project. The final cost for the helicopters on entering service would be £422m, or £52.5m each.

The first successful test flight of one of the modified Chinooks was completed in July 2009.[573]

1086. On 10 October, Gen Granville-Chapman wrote to AM Nickols with actions from a meeting with Mr Browne and Lord Drayson the previous day.[574] The focus of the meeting was helicopter availability in Afghanistan, following a recent visit from Lord Drayson. Iraq was not mentioned in the minute but Gen Granville-Chapman concluded:

> "There is a wider capability point emerging about the extent to which capability requirements are being anticipated in theatre and the right levers are being pulled. I shall be tasking CJO separately."

1087. That point is addressed in a note from Lt Gen Houghton on 27 October and is also addressed earlier in this Section with the consideration of how capability gaps were articulated.

---

[571] National Audit Office, *Chinook Helicopters,* 4 June 2008, HC 512.
[572] Eighth Report from the Public Accounts Committee, Session 2008-09, *Ministry of Defence: Chinook Mk 3,* HC 247, recommendation 2 and paras 7 and 9.
[573] *Boeing,* 7 July 2009, *Modified Boeing Chinook Mk3 Successfully Completes 1st Test Flight.*
[574] Minute Granville-Chapman to ACDS(Ops), 10 October 2006, 'Helicopter Availability'.

1088. On 11 October, Gen Granville-Chapman produced an update on helicopter and ISTAR shortfalls.[575] The updates that involved Iraq were:

- Four additional Nimrod MR2 would be deployed in "Iraq/Afghanistan" from 1 November 2006 to 30 April 2007.
- A business case for a mini-UAV was being developed to provide surveillance capability at "company/battlegroup level" by June 2007. In parallel, MND(SE) was running trials on Raven, a US system, to inform the choice.
- MND(SE) had produced a USUR for a tactical UAV. DEC ISTAR had already received proposals from engagement with industry and was in the process of selecting the most appropriate option. The initial operating capability depended on the system selected but was "likely to be around by June 2007".
- The installation of a "layered and networked surveillance" capability at fixed sites was moving forward.

1089. Further meetings and discussions took place in October with a clear focus on increasing helicopter availability, primarily in Afghanistan.[576] The only action discussed in relation to Iraq was the possibility of using two of the six Danish Merlin that the UK was intending to purchase to replace Sea King, with a view to modifying and redeploying those Sea Kings to Afghanistan.[577]

1090. On 24 October, Mr Jonathan Lyle, Director Air and Weapons Systems, wrote to Lord Drayson advising that acquiring six Danish Merlin aircraft would increase the fleet of Merlin support helicopters to a total of 28 aircraft, "enabling an enduring deployment of 7 Merlin and an uplift of 40 percent on those currently deployed to Op TELIC".[578] That would provide a "more robust and enduring capability than, for example, modifying Merlin Mk1 aircraft".

1091. Mr Lyle wrote:

> "Merlin is a success on Op TELIC and is the aircraft of choice for Iraq. To minimise the logistic footprint within JHF(I), the JHC favour an all Merlin force in Op TELIC. Subject to addressing the ISTAR requirement, such a deployment would release Sea King to … Afghanistan …"

---

[575] Minute Granville-Chapman to CDL, 11 October 2006, 'Progress on Rotary Wing (RW) and ISTAR Shortfalls' attaching Paper VCDS, 11 October 2006, 'Action Plan to Address RW Operational Shortfalls – Progress as at 5 Oct 06'; Paper VCDS, 11 October 2006, 'Action Plan to Address ISTAR Operational Shortfalls – Progress as at 5 Oct 06'; and Paper VCDS, 11 October 2006, 'Current Status of ISTAR Capability and Progress Post Action Plan'.
[576] Minute VCDS to CDL, 11 October 2006, 'Progress on Rotary Wing (RW) and ISTAR Shortfalls'; Minute English to PS/Min(AF), 19 October 2006, 'Helicopter'; Minute ACDS(Ops) to MA/VCDS, 23 October 2006, 'Helicopter Capability'.
[577] Minute ACDS(Ops) to MA/VCDS, 23 October 2006, 'Helicopter Capability'.
[578] Minute Lyle to APS/Min(DP), 24 October 2006, 'Helicopter Acquisition'.

1092. Mr Lyle mentioned that options for replacing the Sea King being used for Manned Airborne Surveillance in Iraq were also being considered.

1093. On 26 October, Lord Drayson and Mr Ingram wrote to Mr Browne with a joint proposal on how to increase helicopter availability.[579] Their minute highlighted that the issue had arisen on "the assumption that there was a shortfall of lift capability in Afghanistan" but there had been "very few occasions when tasks could not be supported", and theatre had not requested additional assets.

1094. Despite that, the Ministers said that the UK was "currently breaking crew harmony guidelines", and the current level of operations was unlikely to be sustainable in the medium term so even if forces were not increased in Afghanistan, "action taken now will improve the current situation".

1095. The measures proposed by the Ministers included:

- increasing Chinook flying hours in Afghanistan;
- procuring new blades for Sea King Mk4s to enable them to fly in Afghanistan conditions;
- procuring six Danish Merlin to backfill the Sea Kings deployed in Iraq and Afghanistan; and
- "leasing/buying" eight US Chinooks for Afghanistan.

1096. Mr Browne approved the increase in Chinook flying hours on 10 November, agreeing that the most likely requirement was for Afghanistan and for heavy lift in particular.[580]

1097. Mr Browne wrote that more information was needed on the other proposals to clarify how they would meet the capability gap in the short and medium term. Discussions on the Danish Merlins should "slow down" until it was clear what the requirement was and how it would be funded.

1098. On 15 December, Brigadier James Everard, Commander 20 Armoured Brigade, wrote in his post-operation tour report:

> "With the exception of Merlin conducting IRT [Incident Response Team] operations, aviation was not available between 1200-1800 hours during this period. The availability of the avn [aviation] fleet especially SK [Sea King] was poor, largely due to age, and often affected operations meaning that the no-fly contingency plan had frequently to be activated."[581]

---

[579] Minute APS/Min(AF) and APS1/Min(DP) to APS1/SofS [MOD], 26 October 2006, 'Helicopters'.
[580] Minute APS/SofS [MOD] to APS/Min(AF) and APS1/Min(DP), 10 November 2006, 'Helicopters'.
[581] Report Everard to PJHQ – J3, 15 December 2006, 'HQ 20 Armd Bde Op TELIC 8 Post Operational Tour Report'.

1099. Lord Drayson told the Inquiry that he had asked Mr Browne to authorise him "to explore whether helicopters could be found quickly and to worry about how they would be funded after we had identified a possible solution".[582]

1100. Lord Drayson wrote:

> "I held a series of meetings with the military to try to reach agreement on the requirement and then I pursued a number of paths to try and obtain additional helicopters as quickly as possible. This included the decision to revert the Chinook Mk3s to Mk2s following my review of the project, asking the Pentagon and other allies if they had spare Chinooks we could lease or purchase and negotiating to take over the contract for new Merlins built for Denmark …"

1101. Addressing the effectiveness of the MOD's response, Lord Drayson added:

> "The Department's response was mixed. Great efforts were made to provide enhanced flying hours through the provision of trained crews, rotor-blade improvements, improved defensive aid suites etc but it was difficult to get the Department to agree on which type of helicopters were needed. The Joint Helicopter Command suffered from not being 'owned' and therefore championed by any particular service."

1102. Officials in the Private Offices of Mr Ingram and Lord Drayson wrote to Lieutenant General Andrew Figgures, DCDS(EC), on 19 December 2006 to thank him for his work investigating the helicopter requirement.[583] The minute concluded:

> "Separately, the Ministers remain concerned regarding the lack of robustness of the Support Helicopter fleet given the UK's current operational commitments. They would be grateful if you could ensure that options to make the fleet more robust, such as the acquisition of the Danish Merlins, are considered in the EP/STP 07 discussions."

1103. On 31 January 2007, Mr Blair met Air Chief Marshal Glenn Torpy, Chief of the Air Staff.[584] A record of the meeting from No.10 to Mr Browne's Private Secretary stated that ACM Torpy had said:

> "The air transport force was … under real pressure, with an aging airfleet, and new A400 that would only come on stream in 2010/11. There was also a shortage of helicopters. Sir Glenn noted the poor procurement processes and software problems for the Chinook Mark 3. More was needed on intelligence and surveillance. The Predator UAVs would be a major innovation."

---

[582] Statement, 15 December 2010, page 8.
[583] Minute APS/Min(DP) and APS/Min(AF) to MA/DCDS(EC), 19 December 2006, 'Helicopters'.
[584] Letter from No.10 to MOD, 31 January 2007, 'Prime Minister's Meeting with the Chief of the Air Staff 31 January'.

THE INCREASING THREAT OF INDIRECT FIRE ATTACKS

1104. The deterioration of security in Iraq from August 2003 is referred to earlier in this Section and in Section 9.2. In addition to the introduction of IEDs, there were also indirect fire (IDF) attacks on Coalition Forces, using mortars, man-portable surface-to-air missiles and small arms fire.

1105. The solution was considered to be a combination of hardening structures and improving surveillance.

1106. Concerns about the safety of civilian personnel as the IDF risk increased are detailed in Section 15.1.

1107. In his post-tour report, Major General Andrew Stewart, GOC MND(SE) from December 2003 to July 2004, stated:

> "We have been extremely fortunate that we have not suffered casualties in bases from indirect fire. Attacks against them are sure to increase. Hardening, in some form or other, has to take place."[585]

1108. The MOD provided accommodation to personnel in theatre according to one of three types, depending on the capability required:

- Tier 1 tented structures;
- Tier 2 cabin structures; and
- Tier 3 hard structures made from concrete, steel and masonry.[586]

1109. On 14 March 2005, Air Marshal Glenn Torpy, CJO, advised General Sir Michael Walker, CDS, that CITADEL, a hardened form of accommodation, should not be introduced to Iraq and that the risk of IDF should be managed through a combination of continued enhancement of accommodation compartmentalisation and force protection Tactics, Techniques and Procedures (TTPs).[587]

1110. AM Torpy explained that, since June 2003, UK camps in Iraq had suffered attacks from mortars and rocket IDF. The attacks tended to occur without warning and between "1200 and 0300 hrs local". They had led to 43 UK casualties but no fatalities.

1111. AM Torpy continued that, following an increase in threat to UK camps, force protection trials had been initiated to analyse the effectiveness of compartmentalisation and to test the design for CITADEL.

---

[585] Report Stewart, 13 July 2004, 'Post Operation Report Operation TELIC 3/4 – 28 December 2003 – 13 July 2004'.
[586] National Audit Office, *Support to High Intensity Operations,* 14 May 2009, HC 508.
[587] Minute CJO to PSO/CDS, 14 March 2005, 'Force Protection of UK Camps in Iraq'.

1112. There were four "bands" of physical protection that could be added incrementally to camps to counter the IDF threat:

- Compartmentalisation – found in "most camps" in Iraq and undergoing "enhancement work". Its effectiveness was partially restricted by the layout of camps but overall offered 10 to 80 percent lower casualty rates.
- Ballistic refuge shelter – for personnel to occupy when a warning of attack was given and used as accommodation during the height of the August 2004 attacks. It was assessed that the shelters were "of little value" in the current improved security situation.
- Hardened temporary accommodation – provided permanently occupied, purpose-built but improvised sleeping accommodation with air conditioning and lighting. CITADEL was an example. Providing CITADEL for all UK troops in Iraq would cost £35m, would take "in excess of 12 months" to complete and would require significant amounts of logistical and construction assets. The quality and comfort of CITADEL would be "significantly lower than that currently occupied" and the investment in the first two bands of accommodation would be wasted.
- Purpose-built protected building – not considered appropriate for use in Iraq because of "cost, time to build and permanence".

1113. AM Torpy wrote that it was "possible to mitigate against the likelihood and significance" of IDF attacks "through a package of mutually supporting TTPs and engineering force protection measures". He stated that events had shown that the level of attacks would "oscillate". Compartmentalisation was "suitable" protection "in light of the risk across Iraq" but those measures should be "constantly reviewed" in relation to changes in or development of the threat.

1114. Gen Walker introduced AM Torpy's paper at the Chiefs of Staff meeting on 23 March.[588] The Chiefs were invited to consider the recommendation not to introduce CITADEL "in view of the risk to our forces and the degree of additional protection that might be afforded by CITADELs; the length of time that UK forces will remain in Iraq; the cost of procuring and setting up CITADELs; the message that might be sent by building CITADELs this far into the campaign; and the consequences of an AIF [anti-Iraqi forces] attack similar to that which the US have experienced".

1115. The Chiefs of Staff noted that:

> " … in view of the potential to draw down to SS ["steady state"] by mid-05, providing CITADELs would mean fortifying our camps just as troops were ready to leave Iraq; only if the campaign were to be drawn out would this investment be worthwhile. It was also considered that fortifying camps at this stage would send the wrong message to all parties and run counter to any announcements on drawdown. The unanimous view was that compartmentalisation and active force protection

[588] Minutes, 23 March 2005, Chiefs of Staff meeting.

measures would provide a significant reduction in the risk to UK forces but that the provision of CITADELs would not be of great benefit at this stage of the campaign."

1116. Gen Walker directed AM Torpy to prepare a Ministerial note on the force protection of UK camps with "a clear explanation of both compartmentalisation and the CITADEL concept" and with the statistical analysis from the trials.

1117. On 30 March, a PJHQ official sent a slightly revised copy of AM Torpy's paper to Mr Hoon, asking him to note the Chiefs of Staff's decision.[589]

1118. The official advised Mr Hoon that the improved level of protection afforded by CITADEL had been weighed against:

- "the relatively low frequency of and threat from indirect fire attacks";
- the hazards inherent in implementing CITADEL, such as the large number of predictable road movements to transport materials to each UK camp;
- the "perceived diminution in the quality of life that would result from insisting that our troops adopt a CITADEL solution";
- the investment in existing accommodation; and
- the "fact that protection is only provided […] one third of the day".

1119. On presentation, the official advised Mr Hoon that there was "a risk that, in the event of a sudden and unexpected upturn in violence", the MOD "could be accused of not having done 'everything possible' to ensure the safety of our personnel". The official wrote that "no measures" could offer "an absolute guarantee of safety" and that force protection consisted of TTPs as well as physical measures:

"In this case, as with most aspects of operations, we have to make a judgement on what is sensible and practicable."

1120. Mr Hoon endorsed the minute the following day.[590] He asked for press lines to be prepared to defend the MOD's position "against the accusation that this decision was taken on cost grounds rather than balanced and pragmatic advice".

1121. The issue of hardening accommodation arose again in September 2006 after a gradual increase in the number of IDF attacks.

1122. General Sir Richard Dannatt, CGS, visited Iraq from 26 to 28 September 2006.[591] In his visit report to Air Chief Marshal Sir Jock Stirrup, CDS, he wrote that difficulties

---

589 Minute PJHQ [junior official] to PS/SofS [MOD], 30 March 2005, 'Iraq: Force Protection at UK Camps'.
590 Minute APS/SofS [MOD] to PJHQ [junior official], 31 March 2005, 'Iraq: Force protection at UK Camps'.
591 Minute Dannatt to Stirrup, 2 October 2006, 'CGS' Visit to Iraq: 26-28 Sep 06'.

with the Iraq Ministry of Interior would benefit from greater UK assistance but that was determined by the physical security risk to civilian staff. He wrote:

> "Given that the indirect fire threat seems to pose the greatest risk … our Counter Indirect Fire (C-IDF) measures assume even greater importance. Hardening accommodation is … one important aspect … but by no means a panacea. What is more important is to deter or defeat those who would prosecute these attacks rather than rely on mitigating the consequences. And to do this we need greatly improved ISTAR.
>
> "This is hardly new. We have known about the paucity of UK ISTAR in both operational theatres for some time now and I welcome the steps we have made with Predator. But this is far from being the complete answer. We need an integrated and layered approach, which provides dedicated manned and unmanned surveillance capability at battlegroup, brigade and divisional level. It is imperative, therefore, that we do not let the Project Watchkeeper ISD slip further to the right and we should investigate the possibility of an interim contracted solution to cover the next four years. Rotary wing MAS [Manned Airborne Surveillance] is equally important and we should ensure Project Stockwell[592] remains adequately funded. I urge early decision and action in this area."

1123. The record of actions from ACM Stirrup's "O" Group meeting on 3 October stated:

> "While 'Tier 1 Enhanced' was an acceptable level of immediate Force Protection, every effort needed to be made to establish hardened bases in those areas of Basra where our presence was likely for the medium term, and to minimise manning commensurate with the tasks in hand."[593]

1124. On 10 October, a PJHQ official advised Mr Browne, at his request, on the implications for force protection if troops were moved to Basra Air Station (BAS).[594]

1125. Operational analysis had indicated that there was a "negligible difference in the threat posed to a larger base". A single base would allow a concentration of anti-IDF resources and reduce the need for vulnerable road moves that currently placed a drain on other valuable assets, "particularly aviation".

1126. The official explained that there was a combination of Tier 1, Tier 2 and Tier 3 at BAS, all of which were vulnerable to overhead attack. Trials of an overhead system that "may partially mitigate against shrapnel" from an overhead blast continued but in the "immediate term" it was "most important to contain the lateral threat from IDF".

---

[592] Project Stockwell aimed to deliver a deployable, robust and versatile rotary wing Manned Airborne Surveillance. It later became the Rotary Wing MAS Project.
[593] Note SECCOS, 5 October 2006, 'Record of Actions and Decisions from CDS O Group – 3 Oct 06'.
[594] Minute PJHQ [junior official] to APS/SofS [MOD], 10 October 2006, 'Iraq: Force Protection'.

1127. According to the official, this was achieved through a programme of "compartmentalisation" which was under way and should be in place within seven weeks for all personnel at BAS or Shaibah Logistics Base (SLB). It was estimated that that would reduce the overall threat by 60 percent.

1128. It would cost "approximately $130m" to replace all tented accommodation with containerised accommodation throughout MND(SE) and it would take "about 12 months" to complete. That would also have implications for the timeframe within which the UK could withdraw from SLB. The official advised that it was "arguable whether it would result in net reduction in risk to our people (though it might overcome some presentational issues)".

1129. The official stated:

> "In the longer term, anticipating an increasingly serious IDF threat and recognising quality of life, we are also examining the options for providing Tier 2 or Tier 3 accommodation for the enduring proportion of the force (beyond 2008). Initial work indicates that hardened accommodation for a reduced force would cost some $60m to implement."

1130. The official wrote that there was a need "to keep the threat posed to date by IDF attacks in perspective to the wider challenges faced by MND(SE)". There had been two UK personnel[595] and one US State Department employee killed by IDF, all since 1 August 2006, compared with 25 fatalities by direct fire and 27 by IEDs. IEDs were still considered "to be the greatest challenge". The official advised that, despite that, "recent experience" had suggested IDF attacks were "becoming more accurate".

1131. The official concluded that the incremental force protection plan in hand would:

> "… ameliorate but not eliminate the risk. More could be done, but would mean delay and significant additional cost. There is a case to be made for hardened accommodation for our longer term residual presence, and work is in hand to define this."

1132. A manuscript comment on the paper indicated that Mr Browne noted the advice provided by PJHQ.[596]

1133. The MOD told the Inquiry that in October 2006 US National Guard attack helicopters were deployed to Basra for an extended period to provide a deterrent to the increasing levels of IDF being experienced.[597]

1134. On 29 November, Lieutenant General Nicholas Houghton, CJO, briefed the Chiefs of Staff on "continued efforts" to counter the IDF threat in Basra.[598] The level of

---

[595] Corporal Matthew Cornish and Lance Corporal Dennis Brady.
[596] Manuscript comment Browne on Minute PJHQ [junior official] to APS/SofS [MOD], 10 October 2006, 'Iraq: Force Protection'.
[597] Paper [MOD], 20 January 2011, 'Iraq Inquiry: Request for Evidence'.
[598] Minutes, 29 November 2006, Chiefs of Staff meeting.

IDF in Basra amounted to "harassing fire" by theatre standards but it had "assumed strategic significance following the events at Abu Naji[599] and the civilian drawdown from Basra Palace".

1135. Lt Gen Houghton reported that accommodation now had "lateral" protection in place but that overhead ballistic protection would not be complete until the end of June 2007 because of "a capacity issue".

1136. The ongoing efforts to counter IDF included:

- increased patrolling;
- ISTAR and the use of attack helicopters;
- the surging of [UK theatre forces]; and
- the potential use of a US "Sense and Warn" system.

1137. In discussion the Chiefs of Staff noted:

> "The long term corrosive effect of IDF on coalition operations in Basra, and the difficulty in quantifying the potential impact of counter IDF measures in the near to medium term; the critical impact of the threat on the future civilian force posture in the city; and the potential opportunity afforded by planned force withdrawals from Basra … to leverage local deals to reduce the IDF threat."

1138. Lt Gen Houghton was tasked with investigating options to improve the procurement timelines for fixed force protection in theatre.

1139. Gen Granville-Chapman visited Iraq and Afghanistan from 27 November to 2 December 2006.[600] One of the points about Iraq highlighted in his visit report was:

> "The indirect fire threat needs urgent attention, not only to save life, but also because it is probably a pre-condition for PIC [Provincial Iraqi Control] and an essential information operations issue if the opposition is not to claim it has bombed us out of Basra … Action is in hand."

1140. Separately, General Sir Redmond Watt, Commander in Chief Land, visited Iraq and the Al Udeid air base in Qatar from 27 to 28 November.[601]

1141. In Qatar, Air Commodore Clive Bairsto, Air Officer Commanding 83 Expeditionary Air Group, told Gen Watt that he had "made the case" for more manned airborne surveillance, particularly in Iraq where current and planned UAV deployments were "more limited than Afghanistan".

---

[599] UK forces handed over Camp Abu Naji in Maysan province to the Iraqi Security Forces in August 2006 (see Section 12.1). Before August, the camp had come under regular rocket attacks from insurgents.
[600] Minute VCDS to CDS, 4 December 2006, 'VCDS's Visit to Afghanistan and Iraq 27 Nov – 2 Dec 06'.
[601] Letter CINC LAND to CGS, 6 December 2006, 'Visit to Al Udeid and Basrah – 27-28 November 2006'.

1142. In Iraq, Gen Watt met Maj Gen Shirreff and reported:

> "Richard also commented that some are making too much of the indirect fire attacks in Basra, which skews perceptions in Whitehall. We should encourage other government departments to see these attacks for what they are – harassing fire – and get on with redevelopment …"

1143. Gen Watt also remained "concerned about the paucity of ISTAR assets":

> "Everywhere I went I was briefed that a lack of ISTAR asset availability was constraining operations. As we move towards PIC and over-watch the problem will become more acute."

1144. On 14 December, a PJHQ official advised Mr Browne that three 105mm Light Guns[602] would be deployed to Basra from early January 2007 at Maj Gen Shirreff's request.[603] That was in response to "a heightened and sustained IDF threat against Multi-National Force bases in Basra City" which had resulted in the temporary withdrawal of FCO and DFID personnel from Basra Palace.

1145. The Light Guns would significantly enhance Maj Gen Shirreff's options in "the ongoing counter-IDF operation, augmenting the support already available such as helicopter and fast air capabilities".

1146. The movements associated with the move to BAS would "temporarily increase MND(SE)'s vulnerability to insurgent attack". The official wrote: "Of critical concern are the IDF threat, and the perceptions thereof of both the Iraqi people, and the MNF chain of command."

1147. The official wrote that although the deployment of the guns was an enduring requirement, there were no immediate resource implications.

1148. Further advice from PJHQ on 20 December stated that Counter Rocket Artillery and Mortar (C-RAM) "Sense and Warn" systems loaned from the US would deploy to the BAS Contingency Operating Base (COB) in "late January/early February".[604] Again, that was following a request made by Maj Gen Shirreff.

1149. The system "comprises a network of radars working together to provide early warning of IDF". The DEC was investigating options to provide a UK C-RAM system that could combine UK assets and UORs.

---

[602] The 105mm Light Gun is a tactically portable, highly versatile, accurate gun that fires explosives, illumination and smoke rounds. It can be moved by road or air.
[603] Minute DJC [junior official] to PS/SofS [MOD], 14 December 2006, 'Iraq: Deployment of 105mm Light Guns'.
[604] Minute PJHQ J9 Pol/Ops 5, 20 December 2006, 'Op TELIC: Deployment of the US Counter Rocket Artillery and Mortar (C-RAM) Sense and Warn System to MND(SE)'.

1150. On the same day, a USUR for an "active interdict capability" was generated from theatre, which was endorsed by PJHQ on 29 December.[605]

1151. On 15 December, Brig Everard wrote in his post-operation tour report that "the IDF threat to base locations remained substantial throughout the tour".[606]

1152. Brig Everard also wrote:

> "Despite considerable effort we failed to win the Counter-Indirect Fire (C-IDF) battle, with strategic implications as OGD [other government departments] reduced their footprint."

1153. On 19 January 2007, Maj Gen Shirreff wrote in his post-operation tour report:

> "… we have missed the boat on the ISTAR front. I commented in my first weekly letter six months ago: 'it beggars belief, that after 3 years here, the British Army possesses no tactical UAV capable of flying in the heat of the summer.' I was told no more staff effort could be put into resolving the problem, but despite this it will be sometime before anything is in service in theatre. Contrast this grindingly slow and ponderous response to the Americans' generous support with Raven or the Australians who have shown the agility and forethought to lease 6 Scan Eagles from Boeing, together with 3 ground stations … It took a couple of weeks to clear the decision, two weeks to train the soldiers and Boeing technicians have deployed to maintain the systems. As a result, contrast what we know about events in As Samawah with what we do not know about al-Amarah. As for strike operations, more than anything else, this battle is about day and night long loiter capability … tracking the target – for days if necessary … then striking to detain him. This has been a critical factor in the successful battle against AQI [Al Qaida in Iraq] and until we have the same capability we will continue to strike relatively blind against militant JAM.
>
> "If our procurement system were capable of similar agility we would have UAVs on station tracking targets now."[607]

1154. On IDF, Maj Gen Shirreff wrote that attacks in Basra had "increased throughout the year, approximately doubling every 2 to 3 months". He added later in the report that protection against IDF had "become a primary concern".

1155. Lt Gen Richard Shirreff told the Inquiry that he thought the ability to see and identify indirect fire threats and strike them quickly was "the critical problem" that UK forces faced in Iraq.[608] He said that that required "a series of capabilities which we simply didn't have".

---

[605] Minute Smith to PS/Min(AF), 16 February 2007, 'Iraq: Countering Indirect Fire Attacks'.
[606] Report Everard to PJHQ – J3, 15 December 2006, 'HQ 20 Armd Bde Op TELIC 8 Post Operational Tour Report'.
[607] Report Shirreff to PSO/CDS, 19 January 2007, 'Post Operational Report – Operation TELIC'.
[608] Public hearing, 11 January 2010, pages 35-36.

1156. Lt Gen Shirreff said that the Americans had those capabilities, as did the UK, but the UK did not have them in MND(SE).

1157. On 8 February, Lt Gen Houghton provided ACM Stirrup with an Op TELIC force protection assessment.[609]

1158. Lt Gen Houghton asked ACM Stirrup to note that there was a "presentational difficulty" around the move to the COB because it only provided Tiers 1 and 2 level protection, but that the risk should be viewed "in the context of the aggregate threat". That threat included IDF, surface-to-air missiles, IEDs, direct fire and the ability of the enemy to gain information about UK vulnerabilities. The move to BAS would lead to a "safer overall force posture" because UK forces would "become less exposed to the most effective means of attack", IEDs, and would allow a concentration of resources to ameliorate risk.

1159. Lt Gen Houghton wrote that the "most likely" way insurgents would disrupt operations from the COB was through IDF. The frequency of attacks was increasing and the likelihood of a successful attack had "increased to an estimated 95 percent probability within the next three months".

1160. Lt Gen Houghton suggested that the most effective ways of reducing the potential scale of a successful IDF attack was through physical compartmentalisation of communal areas, and procedures to limit the number of people in "any given area". Existing construction work would conclude in June, but "only a move to suitable protected structures" would offer "a notably higher level of protection".

1161. The priority was for Tier 3 infrastructure in communal areas:

> "… we have decided in principle to provide hardened dining facilities (estimated at $14m and 20 months to complete) and to begin expansion of our Tier 3 footprint (current estimate additional $60-70m and an additional 10 months) … We should now form a judgement on the cost/benefit of proceeding with a more extensive Tier 3 build in the context of our enduring Overwatch posture."

1162. The use of C-RAM promised (subject to proof of capability trials) to provide "a significant enhancement" to force protection, although there would be some integration issues to overcome.

1163. Lt Gen Houghton continued:

> "We are not fully confident the requirement for increased persistency of ISTAR coverage around the COB and over Basra City can be achieved. The UOR programme to deliver TUAV [Tactical UAV] is on track to deliver an ISD of July 2007, although the funded provision may not fully meet our original statement of requirement …"

---

[609] Minute CJO to PSO/CDS, 8 February 2007, 'OP TELIC – Force Protection (FP) Assessment'.

1164. The programme to deliver the Scan Eagle UAV (see Box, 'An interim solution – Scan Eagle') by April was "progressing well" and it was intended to expand ISTAR capability "through further TUAV or Scan Eagle support which may involve UOR action". Lt Gen Houghton wrote that it made "no operational sense to be parsimonious in the provision of ISTAR" when it was such an important element of force protection.

1165. Lt Gen Houghton concluded:

> "We cannot guarantee absolute FP [force protection] integrity or the complete mitigation of the array of dynamic threats that face us. The enemy only requires one lucky day. It is our judgement however that *reposturing* at the COB will allow us to further exploit the technical advantages of improvements to ISTAR and infrastructure as well as the opportunities of centralised location and the layered FP that the Op ZENITH[610] force posture allows us … "

An interim UAV solution – Scan Eagle

On 17 January 2007, Vice Admiral Charles Style, DCDS(C), briefed the Chiefs of Staff on his impressions from a recent visit to Iraq, including that the "critical lack" of tactical UAVs in MND(SE) "could have a significant effect over the forthcoming period".[611]

On 12 March, VAdm Style gave Lord Drayson an update on attempts to address the tactical UAV capability gap as part of advice to the Minister ahead of his visit to Iraq.[612]

Following discussions with the Australian Department of Defence, a solution had been agreed whereby the UK would lease Scan Eagle from the Australian Defence Force. It would be available from April 2007 to 30 June 2007 at a cost of £4.12m and the option to extend the contract beyond June remained open.

Leasing additional UAV capability through Scan Eagle had been identified as "the only option" that would deliver ahead of the initial operating capability of Hermes 450 and avoid the delays associated with other options.

A minute to Lord Drayson on 19 April confirmed that the Scan Eagle initial operating capability was achieved on 15 April 2007 and PJHQ had endorsed the requirement to extend the contract until November 2007.[613] Lord Drayson was advised:

> "The original requirement … to provide Operational and Formation level airborne ISTAR capability for MND(SE) remains extant and is not met or replaced by this proposal. In order to meet pressing requirements and cover operations during the intervening period, PJHQ have endorsed an MND(SE) addendum to the original USUR [Urgent Statement of User Requirement] which seeks to fill the capability gap between now and Jun 07 with sub-optimal but available capability."

---

[610] The operation to reduce UK forces on the ground in a combat role and return them to bases, the number of which would progressively reduce.
[611] Minutes, 17 January 2007, Chiefs of Staff meeting.
[612] Minute MA/DCDS(EC) to APS1/Min(DES), 12 March 2007, 'Update on Issues Following Minister's Visit to Iraq'.
[613] Minute EC ISTAR to PS/Minister(DES), 19 April 2007, 'Provision of an Operational and Formation Level Airborne ISTAR Capability to Op TELIC'.

1166. On 16 February, Mr Stephen Smith, Deputy Command Secretary at PJHQ, sought Mr Ingram's approval to deploy additional weapons on counter-IDF operations, in addition to the Light Guns and C-RAM systems.[614] He wrote that IDF was responsible for "inflicting the second highest number of casualties against the UK after IEDs" and the threat was likely to increase when UK forces re-postured to the COB.

1167. Physical protection measures were "approaching their practical limit" until a Tier 3 solution was delivered and Maj Gen Shirreff had reported that IDF was "having a detrimental psychological effect on our troops".

1168. Mr Ingram replied on 19 February, agreeing that the extra weapons could be deployed.[615]

1169. In a Force Level Review on 26 February, Lt Gen Houghton advised that there was "scope to re-task" up to two Sea King helicopters to other operations by mid-June because of "MND(SE) force dispositions and Merlin SH capacity".[616]

1170. Lt Gen Houghton suggested that the four remaining Sea King helicopters would be dedicated to ISTAR, but it might be possible to withdraw some of them with the arrival of other UAVs anticipated later in the year, including Hermes 450 in mid-June.

1171. Lt Gen Houghton wrote that "the very best case ISD" for the UK C-RAM capability to protect the COB was 31 May and it seemed "highly likely" to slip. He added: "The battle procedure to deliver this is ongoing and the system will require up to 100 personnel to support it."

1172. On 7 March, Mr Browne sent "a personal memo" to Mr Ingram and Lord Drayson about IDF.[617] He wrote:

> "IDF is an issue we have all been aware of, and striving to address, for some months now."

1173. Mr Browne noted that "significant improvements" had been made but "also, with real concern, the new estimate of the likelihood of a successful indirect fire attack" and its consequences:

> "IDF must be one of our very highest priorities. I am not convinced that our current plans are ambitious or decisive enough."

---

[614] Minute Smith to PS/Min(AF), 16 February 2007, 'Iraq: Countering Indirect Fire Attacks'.
[615] Minute Johnson to PS/Minister(AF), 19 February 2007, 'Iraq: Countering Indirect Fire Attacks'.
[616] Minute Houghton to Chiefs of Staff, 26 February 2007, 'Op TELIC 10/11 Force Level Review – Feb 07'.
[617] Minute SofS [MOD] to Min(AF), 7 March 2007, 'Iraq – Force Protection Risks – Indirect Fire, Personal Memo from SofS'.

1174. Mr Browne acknowledged that, for more to be done, "people need some guidance within which to work, particularly in relation to timescales and force levels". He suggested agreement on the following assumptions:

"
- current plans for force levels and posture will hold for the next six months;
- for the period 6-12 months from now we will be at 4,500 in COB only;
- for the period 12-24 months from now we will be at 3,000 in COB only."

1175. Mr Browne wrote:

> "I would welcome rapid agreement from all parties on this. Once agreed I am content we programme on this basis, including finance, accepting that it is a planning assumption for the purposes of this exercise alone."

1176. Mr Browne questioned whether hardened accommodation for communal areas could be delivered earlier than the estimated timescale of 16-20 months and whether shorter-term improvements could be made in the interim: "3-6 months, preferably sooner". Options for different timings and costs should be provided quickly, "disregarding bureaucracy and standard assumptions about financial constraints".

1177. Mr Browne wrote that the Phalanx capability[618] was "a major step in the right direction" and that they should do "everything in our power, including Ministerial intervention with the US" to meet the May timescale. He asked whether that should be pursued for Basra Palace as well as the COB.

1178. Lord Drayson visited Iraq on 8 March and discussed various equipment issues in theatre, including force protection.[619] His report is detailed earlier in this Section with regard to how the UOR process worked in Iraq and protected mobility.

1179. Lord Drayson was informed by 19 Light Brigade that Merlin was performing well, "although it was not yet hot". The Lynx helicopters were unable to fly in the summer heat in Iraq and the top cover role they provided for convoys could be filled with a UAV.

1180. The visit report stated that, after visiting Basra Rural South Brigade:

> "It was made very clear that the IDF was having a significant impact on the morale of forces based at the COB … The element of chance in where IDF landed significantly increased stress level, and two people had already been sent home as a result."

1181. Lord Drayson had been told that there was no off-the-shelf design for hardened accommodation that could be applied and that there were challenges to building in Iraq. If "process impediments" were removed, then the first hardened buildings could "probably be in place in around 10 months". The US presently took 7-8 months to build hardened accommodation.

---

[618] A type of C-RAM system.
[619] Minute APS/MIN(DES) to PSSC/SofS [MOD], 26 March 2007, 'Minister(DES) Visit to Iraq'.

1182. In the meantime, theatre was about to subdivide dining areas, which would reduce the threat of a mass casualty event, and the US Sense and Warn system was "seen as a real positive" for the warning time it provided.

1183. Lord Drayson had been told how FMV surveillance was "crucial to situational awareness and counter IDF operations" but the UK was reliant on US assets. The US had recently withdrawn Apache helicopters from Basra as they had not "been used kinetically".

1184. Lord Drayson's report stated:

> "Overall there was a clear perception in theatre that UK MOD was not taking account of the rate of change. UORs too often sought to deliver a perfect capability, but in doing so delivered so late the requirement had changed or theatre were without any capability for too long. It was suggested that if there were greater dialogue between theatre and the ECC/ABW [Equipment Capability Customer/Abbey Wood[620]] on individual UORs then trades … could be made. The example quoted was of UAVs. Hermes was seen as a Rolls Royce solution to a requirement that would now be met (in a bridging capacity) by Scan Eagle, and might better have been met sooner in that way. Equally deployment of the Desert Hawk UAV was being delayed by the UK approach to airworthiness,[621] and the Raven system might have been bought more quickly. It was felt that more visits from DECs and IPTs would help …"

1185. Lord Drayson met the Commander of JHF-I and the aircrew:

> "This was a sobering meeting with the aircrew clearly very busy … and with a number of concerns about their equipment and the levels of support."

1186. Some of the concerns raised were:

- Sea King was fundamentally an old aircraft and the lift capability it provided declined in the summer.
- With Lynx and Merlin, there was a problem of spares supply and the DSPs for Merlin were still unfunded.

1187. The report ended:

> "Lord Drayson would be grateful for advice from DCDS(EC) on what can be done to improve communication between UK and theatre, and for him and CDM to reinforce the urgency that everyone should attach to delivering UORs."

---

[620] Abbey Wood is the location of the Defence Procurement and Support Agency (DE&S).
[621] References to Desert Hawk from 2007 onwards refer to Desert Hawk 3 – a different model to that deployed in January 2004. Desert Hawk 3 was eventually withdrawn for technical problems.

Upgrading battlefield helicopters to "theatre entry standard"

Following his visit to Iraq in March 2007, Lord Drayson sought advice on why a proposal to equip more helicopters to "Theatre Entry Standard" had been deferred.[622]

An MOD official reported on 12 March that the Defence Management Board (DMB) had reserved decisions on a package of savings and enhancements until after the Comprehensive Spending Review was settled. The package included the option "to equip more battlefield helicopters with theatre entry equipment" at a cost of £260m over 10 years.

Further advice sent to Lord Drayson on 16 March explained that the proposal was to upgrade 10 Chinook, 3 Apache, 11 Lynx, 8 Merlin and 17 Sea King.[623] The increase in capability was estimated to take between six and 24 months to deliver.

Following the DMB's January decision, the proposal had not been developed further.

The Inquiry has seen no further references about taking the proposal forward.

1188. On 22 March, Lt Gen Houghton wrote to Lord Drayson requesting approval to adopt an "unusual contracting mechanism" quickly to deliver Tier 3 hardened structures at BAS.[624] That involved using a "single, trusted Prime Contractor and using proven nominated sub-contractors for discrete, complex elements of the work"; the contract would not go through a tendering process.

1189. The timescale for delivery was still 18 months but Lt Gen Houghton thought this was "a pessimistic figure" that could be reduced to 12 months once a detailed design had been agreed. There were no existing proven designs for structures that provided the level of protection sought, so design work was "breaking new ground". That also made it unwise to shorten the design and trials period, but time would be saved by adopting the single tender process.

1190. Costs were estimated at US$28m for hardening dining facilities and US$145m for hardening "accommodation etc" for 4,500 personnel.

1191. A note from Lord Drayson's Private Office on 26 April formally approved the contracting mechanism proposed by Lt Gen Houghton, but suggested that Lord Drayson had agreed it informally before that date.[625]

---

[622] Minute MA/DCDS(EC) to APS1/MinDE&S, 12 March 2007, 'Update on Issues Following Minister's Visit to Iraq'.
[623] Minute DCDS(EC) to APS1/MinDE&S, 16 March 2007, 'Further Update on Issues Following Minister's Visit to Iraq'.
[624] Minute CJO to PS/Min(DE&S), 22 March 2007, 'Hardened Accommodation at Basrah COB'.
[625] Minute APS/Minister(DES) to MA/CJO, 26 April 2007, 'Hardened Accommodation at Basrah COB'.

1192. On 29 March 2007, Mr Browne wrote to Mr Timms to outline UOR funding requirements for financial year 2007/08.[626] That included:

- an additional £15m plus for ECM (see earlier in this Section);
- £50m for a C-RAM system; and
- £87m plus for intelligence and surveillance capabilities for both Iraq and Afghanistan, including ISTAR enhancements.

1193. That request was sent amidst the discussions between the Treasury and the MOD on the sustainability of the UOR process, which is addressed earlier in this Section in the context of protected mobility, and in detail in Section 13.1.

1194. On 24 April, Lt Gen Houghton briefed the Chiefs of Staff that the security situation in MND(SE) had been "dominated" by an IDF attack against Basra Palace.[627] Work continued on IDF protection and Phalanx was scheduled to be in place at the COB by 31 May.

1195. In discussion, the Chiefs noted:

> "The critical need for measures to mitigate the IDF threat, both against people and equipment remained an issue of strategic importance. The risk to helicopters on the ground in particular was of concern, and while rear basing (where possible) could minimise the risk, the better option was to ensure that effective physical protection measures were in place. **CJO was to conduct a rapid investigation into the provision of additional physical protection for helicopters at the COB.**"

1196. The Chiefs of Staff also noted that the C-RAM capability had been off-line during the IDF attack, undergoing repairs after an earlier attack. The introduction of Phalanx could not be advanced. It was agreed that Scan Eagle cover should be extended until Hermes was operational in theatre.

1197. On 11 May, Dr Sarah Beaver, Command Secretary at PJHQ, updated Lord Drayson on the procurement process for hardened accommodation at BAS.[628] She asked Lord Drayson to approve the first tranche of building work and to write to Mr Timms seeking the Treasury's agreement in principle that funding for the project could be met from the Reserve.

1198. The proposals received from the contractor quoted "some £95m" for the work, excluding VAT. The build would be done in three tranches: the first providing dining and welfare facilities for 4,500 personnel and the later two providing sleeping accommodation for up to 2,000, a hospital and gym facilities.

---

[626] Letter Browne to Timms, 29 March 2007, [untitled].
[627] Minutes, 24 April 2007, Chiefs of Staff meeting.
[628] Minute Beaver to PS/Min(DES), 11 May 2007, 'Iraq – Force Protection – Hardened Accommodation at Basra COB'.

1199. The first tranche could be delivered between 31 May and 31 August 2008 and would cost £40m. The date for overall completion of the project was estimated as "by December 2009". Achieving those timescales was dependent on "long lead items" for the first tranche at a cost of £14m. That expenditure would be at risk on the core Defence budget unless the Treasury approved a call on the Reserve.

1200. Mr Browne wrote to Mr Timms on 21 May.[629] He stated that the MOD was proceeding with the £14m purchase of long lead items but would not commit further without Treasury agreement to fund from the Reserve. He added that the MOD would "negotiate a contract with suitable break clauses to allow us to reduce the project should circumstances allow and keep the overall requirement under review".

1201. Mr Timms replied on 30 May.[630] He agreed that the £14m could be taken from the Reserve but added:

> "In considering further funding, the business case for the project will need to demonstrate the continued requirement for the build once current UORs that seek to address the same indirect fire issue … are deployed and operational in the COB. In addition, we will need to be convinced that the long construction time for the project is coherent with the UK strategic timeline for maintaining troops in Iraq, and the concept of operations for troops in the COB after withdrawal from Basra City.
>
> "… We should treat this initial funding as a net additional cost of operations, but it is explicitly **not** a UOR, and should not be classified as such, given that it is investment in infrastructure and not equipment …"

1202. A Land Command paper produced on 31 August 2010 stated that, between June and September 2007, the three months before Basra Palace was handed over in September 2007 (see Section 9.6), it received over 1,000 rounds of IDF.[631]

1203. On 5 June, Lt Gen Houghton briefed the Chiefs of Staff that the next six to eight weeks would see the introduction of a number of additional C-IDF capabilities:

- UK C-RAM at BAS would reach full operating capability by 10 June.
- The US had agreed to loan five AH64 attack helicopters for an initial period of 30 days starting on 10 June.
- Counter-battery fire would be enhanced by the arrival of capability in mid-June.[632]

---

[629] Letter Browne to Timms, 21 May 2007, 'Urgent operational requirement: Hardened accommodation in Iraq'.
[630] Letter Timms to Browne, 30 May 2007, 'Hardened Accommodation in Iraq'.
[631] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis from a Land Perspective'.
[632] Minutes, 5 June 2007, Chiefs of Staff meeting.

1204. Lt Gen Houghton was asked to provide the Chiefs of Staff with an analysis of the effectiveness of the counter-IDF measures one month after the UK C-RAM became fully operational.

1205. On 12 June, Lord Drayson was advised that initial operating capability for Hermes 450 would be achieved in Iraq on 25 June.[633] Additionally, 45 ground terminals had been delivered to theatres in Iraq and Afghanistan to enable FMV viewing.

1206. An annex on ISTAR UORs stated that initial operating capability for Desert Hawk 3 had been achieved in Iraq on 6 June.

1207. On 9 July, an official confirmed that the Hermes 450 had reached initial operating capability.[634]

1208. On 10 July, Lt Gen Houghton briefed the Chiefs of Staff that, between April and July 2007, there had been a "marked increase" in attacks to the COB with over 200 IDF attacks in a three-month period.[635]

1209. In his post-operation tour report, Major General Jonathan Shaw, GOC MND(SE) from January to August 2007, described the fielding of UAVs as delivering a "step change in capability" although he warned that MND(SE) still required Corps level assistance.[636] He continued:

> " … the imperative is now to integrate effectively our new UK UAVs to reduce this dependency."

1210. On 4 September, the Chiefs of Staff were briefed that the US attack helicopter had returned to Baghdad but was "available if required".[637]

1211. Major General Graham Binns, GOC MND(SE) from August 2007 to February 2008, told the Inquiry:

> "By late 2007, we had a very sophisticated method of protecting ourselves against rocket attack, which was the predominant form of attack."[638]

1212. When asked about the threat of IDF, Maj Gen Binns said it had "reduced significantly" because of the improvement in surveillance:

> "Our ability to engage those who were firing rockets at us from the air improved to such an extent that we forced them back into the town and the further away they are, the more inaccurate they are. So the whole threat of indirect fire reduced.

---

633 Minute DEC ISTAR to PS/Min(DES), 12 June 2007, 'ISTAR UORs'.
634 Email MOD [junior official] to APS/Minister(DES), 9 July 2007, 'Hermes 450'.
635 Minutes, 10 July 2007, Chiefs of Staff meeting.
636 HQ MND(SE) report, 14 August 2007, 'Post Operation Tour Report Shawforce Jan – Aug 07'.
637 Minutes, 4 September 2007, Chiefs of Staff meeting.
638 Public hearing, 15 January 2010, page 33-34.

> It was still an irritant, but the number of casualties sustained by indirect fire reduced dramatically from August onwards."

1213. In September, the DOC undertook an "extensive review and analysis" of the UK's force protection capability in order to "expose risk, provide assurance and present strategic recommendations" to the Chiefs of Staff.[639]

1214. The review is addressed earlier in this Section with regards to protected mobility but specific points were also made about countering the IDF threat.

1215. The DOC wrote that units should have access to force protection equipment prior to pre-deployment training if possible to ensure that all personnel were adequately trained in force protection procedures and equipment (particularly UOR equipment) before arriving in theatre. The "recent Treasury decision to permit UOR procured equipment to include an allocation for training" was already having an effect but it was noteworthy that "several Commands were not aware of this significant development".

1216. On accommodation, the DOC stated that the current Tier system was "based on permanence (rather than the provision of FP)" and the nature of contemporary operations suggested that that approach might be "sub-optimal" for force protection:

> "Recent experience has indicated that the decision to move from tents to more resilient steel/concrete structures tends to be delayed by the understandable desire to limit the deployed footprint, but this should be balanced against the nature of the threat and type of operation (as well as other criteria such as FPE [Force Protection Engineering] effort, cost and the logistic burden)."

1217. Considering the IDF threat, the DOC wrote that "the most effective way of reducing the potential scale of a successful IDF attack is through a mix of good ISTAR, physical compartmentalisation and infrastructure protection together with active measures such as dominating the likely firing area through regular patrols and C-RAM-type systems".

1218. The DOC recommended: "ISTAR capability should continue to be developed to provide a consistent 24/7 stream of fused intelligence to force protection decision makers."

1219. The DOC noted that investigations into the US Sense and Warn system were under way. The Phalanx system had been deployed into theatre in May 2007 and, after "initial teething problems", its performance was improving. The likelihood of IDF being a significant threat to deployed forces in current and future operations suggested that a C-RAM capability needed to be taken into the core Equipment Programme as an enduring requirement. C-RAM measures should be included in the design phase of building a deployed base.

---

[639] Report DOC, September 2007, 'Directorate of Operational Capability Protection of the Deployed Force Operational Audit Report 1/07'.

CONSIDERING WHETHER TO DEPLOY REAPER TO IRAQ

1220. ACM Stirrup visited Iraq from 13 to 16 May 2007.[640] Considering the IDF threat, the report of his visit stated:

> "CDS believed an armed UAV would provide the ideal platform to deliver a precision, time sensitive response whilst minimising the risks of collateral damage."

1221. Lt Gen Figgures was tasked to investigate how an armed UAV might be acquired.

1222. On 25 May, Lt Gen Figgures advised ACM Stirrup that there were three options for providing a weaponised UAV in Iraq:

- extending the Reaper programme (a UK version of Predator B) to purchase extra airframes for Iraq (the funding at this time was for three airframes all to be delivered to Afghanistan);
- asserting pressure on the US to apportion a greater proportion of Predator A hours to MND(SE); or
- investigating the possibility of weaponising Hermes 450.[641]

1223. On 12 June, Air Cdre Gordon advised Lord Drayson that the option to purchase a further nine Reaper as part of the 2007 Equipment Programme had been delayed until the outcome of the Comprehensive Spending Review was known.[642]

1224. The Inquiry asked ACM Stirrup if there were decisions he wished had been taken differently during his time as DCDS(EC).[643] He replied that one of the difficulties had been that pressures on the defence programme and equipment plan had meant that money was taken out of areas that needed increased investment.

1225. ACM Stirrup told the Inquiry that, up until 2002, funding in ISTAR had increased by 15 percent but some of that was removed in subsequent years through savings measures. He added:

> "I also felt that we were far too slow to improve our capabilities in persistent surveillance, particularly through unmanned vehicles, and when I became CDS, one of the first things I did was to stop the arguing about whether we should purchase Reaper from the United States and tell people to go and buy it, and it is now in operation as a consequence."

---

[640] Minute PSO/CDS to PSSC/SofS [MOD], 17 May 2007, 'CDS Visit to Iraq 13-16 May 07'.
[641] Minute DCDS(EC) to PSO/CDS, 25 May 2007, 'CDS Visit to Iraq 13-16 May 07 – Equipment Issues'.
[642] Minute DEC ISTAR to PS/Min(DES), 12 June 2007, 'ISTAR UORs'.
[643] Public hearing, 1 February 2010 page 64.

1226. On 12 December, a USUR for an "armed long loiter, long range capability" was raised by MND(SE).[644] It stated that existing measures to protect against IDF and IEDs were reactive:

> "MND(SE) therefore needs a pro-active SENSE capability that will also INTERCEPT IED and IDF attacks before they can launch their attack. Rapid and decisive disruption of IED and IDF teams will also be a potential deterrent."

1227. The USUR stated that between January and October 2007:

- IED attacks had caused 21 deaths and 81 casualties.
- IDF attacks had caused five deaths and 127 casualties. The rate of attacks had abated since September but the sustained level of attacks by insurgents in the first part of the year indicated "their capability and capacity to sustain high rates of fire when the intent exists".

1228. The operational requirement was:

> "… to observe insurgents and their weapon systems (IDF/IED) across the AO [Area of Operations] over long durations and long range, which is integrated with a rapid, precision capability to engage targets once identified."

1229. The solution proposed by MND(SE) was an armed Predator B UAV.

1230. The Inquiry asked the MOD to confirm that the Predator B (Reaper) was never deployed to Iraq. The MOD stated that it was "available to the UK as a Coalition asset" but was never deployed to Iraq.[645]

THE DRAWDOWN OF UK FORCES

1231. From July 2007, the further hardening of accommodation was complicated by uncertainty surrounding the UK's position in Iraq. Mr Gordon Brown, the Prime Minister, announced plans for the military drawdown in Basra in October.

1232. On 29 July 2007, Mr Browne wrote to Mr Andy Burnham, Chief Secretary to the Treasury, requesting an additional £32m from the Reserve for hardened accommodation.[646]

1233. Mr Browne explained that the estimated total cost of the work at Basra Air Station would be £186m and work would be complete by March 2011. Due to "uncertainties on future force levels", it was proposed to approve the structures in "up to six tranches".

---

[644] Minute MND(SE) EC [junior officer] to PJHQ – DACOS J3 EC, 12 December 2007, 'Operation TELIC – Urgent Statement of User Requirement (USUR) for an Armed Long Loiter, Long Range Capability'.
[645] Letter Duke-Evans to Hammond, 4 February 2016, [untitled].
[646] Letter Browne to Burnham, 29 July 2007, 'Tier 3 Hardened Accommodation at the Basra Contingent Operating Base'.

1234. Mr James Quinault, Head of the Defence, Diplomacy and Intelligence spending team in the Treasury, advised Mr Burnham to "hold off" replying until September, pending decisions about the scale and duration of the UK's commitment in Basra.[647]

1235. Mr Burnham replied on 11 September 2007.[648] He recognised that the case for hardening accommodation was "compelling" if UK troops were to remain at Basra Air Station for a prolonged period, but that "the scale of additional resources committed to the project" should be agreed once there was greater clarity on the UK's posture in Basra, expected at the end of that month. He concluded:

> "It is clearly desirable that you continue to take the decisions necessary to ensure that suitable accommodation can be provided as soon as possible should UK troops remain in theatre for the foreseeable future. I understand that you are currently taking such decisions at risk of around £10m to your own budget. I think this is prudent and you should be reassured that, in the event of a decision for an early withdrawal, these sunk costs will be admissible against the Reserve."

Moving JHF-I to Kuwait

On 5 October 2007, a PJHQ official sought Mr Browne's agreement for the UK to establish a logistic support facility in Kuwait.[649] It would include the relocation of JHF-I. The minute stated:

> "The proximity of Camp Buehring to Basra (around 30 minutes flying time) allows us to de-risk the force protection of our helicopters without affecting their ability to undertake their operational tasking. A forward helicopter detachment will however remain in the COB as the Incident Response Team (IRT)."

Mr Browne agreed on 9 October.[650]

1236. On 2 October, Major General James Dutton, DCJO(Ops), briefed the Chiefs of Staff that the Tier 1 and Tier 2 builds at Basra Air Station were complete and the full Tier 3 programme would be finished in December 2009.[651] The "Enhanced Personal Bunkers project, an intermediate Tier1/2 solution" had commenced on 17 September and was known as Stonehenge.

1237. On 7 December, Mr Ian Gibson, Deputy Command Secretary at PJHQ, recommended that Mr Browne write to Mr Burnham requesting a further £65m from

---

[647] Minute Quinault to Burnham, 21 August 2007, 'Hardened Accommodation for UK Troops in Basra'.
[648] Letter Burnham to Browne, 11 September 2007, 'Hardened Accommodation in Basra'.
[649] Minute PJHQ [junior official] to PS/Secretary of State [MOD], 5 October 2007, 'Op TELIC: Logistic Support Facility in Kuwait'.
[650] Minute APS/Secretary of State [MOD] to PJHQ J9 Hd Pol/Ops 1, 9 October 2007, 'Op TELIC: Logistics Support Facility in Kuwait'.
[651] Minutes, 2 October 2007, Chiefs of Staff meeting.

the Reserve for Tranche 2 of the hardened accommodation programme.[652] Tranche 2 comprised a hardened medical facility and three hardened accommodation blocks, housing a total of 900 personnel.

1238. Mr Gibson wrote that force level planning for spring 2008 suggested there would be 2,830 UK military personnel, along with supporting civilians, contractors and other "multi-national military elements", bringing the total number of personnel at Basra Air Station to 5,321. A further 745 UK military personnel would be based at the Kuwait support facility.

1239. To avoid "a situation where we failed to provide protection for personnel should UK forces remain at the COB longer than we might originally have anticipated", PJHQ's work assumed an "enduring military force of around 2,500".

1240. Mr Gibson recommended that Mr Browne should also seek £30m of the £32m currently carried at risk for the first tranche and the subject of Mr Browne and Mr Burnham's correspondence in September. The £2m "delta" reflected Treasury uncertainty that an element of the dining facility protection was required.

1241. Officials in Mr Browne's Private Office replied on 12 December, stating that Mr Browne agreed with Mr Gibson's proposal and had written to Mr Burnham accordingly.[653]

1242. The reply also highlighted that Sir Bill Jeffrey had written to Mr Browne on 11 December confirming his view that to proceed with Tranche 2 was "justifiable" but the position should be considered in the New Year, with the MOD ready to "scale the plans down" if it seemed "right to do so".

1243. On 18 December, Mr Burnham agreed to fund both elements of the request but wrote:

> "We will, however, want to think together about the balance of investment decisions to be taken on this project before I can commit to further funding … We will need to be convinced that the long construction time … is coherent with the UK strategic timeline for troop levels in Iraq, and the total numbers of people … that will be based at the COB and require protection."[654]

---

[652] Minute Gibson to PS/SofS [MOD], 7 December 2007, 'Tier 3 – Update Submission for Secretary of State'.
[653] Minute APS/Secretary of State [MOD] to DCS(RES) PJHQ, 12 December 2007, 'Tier 3 – Update Submission for Secretary of State'.
[654] Letter Burnham to Browne, 18 December 2007, [untitled].

1244. Mr Bob Ainsworth, the Minister of State for the Armed Forces, visited Iraq from 17 to 21 December 2007.[655] The visit report stated:

> "The Minister saw for himself the effect of Operation Stonehenge – the hardening of personal bed spaces. This, like C-RAM, appeared initially to have been greeted with mixed feelings but was now generally considered to be a positive development, both in terms of protection and morale."

1245. On 15 January 2008, Lt Gen Houghton told the Chiefs of Staff that Project Stonehenge had "progressed well" and would be complete by February.[656] The third tranche of the Tier 3 hardening project was progressing and 2,100 hardened bunks would be complete by 2009, although the final decision point on this for Ministers was 20 March 2008.

1246. On 20 March, Mr Gibson advised Mr Browne to place Tranche 3 of the hardened accommodation programme on hold because of uncertainty about the UK's future presence in Iraq.[657] That tranche would have brought 1,500 further hardened bed spaces, bringing the total to 2,400. He noted that the IDF threat had recently increased and provided an analysis of the options, finally stating:

> "This is a fine call, involving judgements about force levels over a year away. It represents a significant change in emphasis in our approach to this project: in essence, rather than continuing with Tier 3 until it is proven no longer to be required, we would be deciding only to proceed with Tranche 3 once it has been demonstrated that it was required, and in doing so for the first time accepting that we will not provide Tier 3 accommodation for all at the COB as quickly as possible."

1247. Officials in Mr Browne's Private Office replied on 27 March.[658] Following discussion with ACM Stirrup and Sir Bill Jeffrey, Mr Browne had noted:

- The ongoing work on future options for the UK's long-term presence in southern Iraq was unlikely to conclude before the summer.
- There were options "under consideration" which would render Tranche 3 "unnecessary".

1248. Mr Browne agreed that the Tranche 3 programme should be placed on hold until the likely UK presence in 2009 was clearer.

---

[655] Minute PS/Minister(AF) to APS 4/Secretary of State, 10 January 2008, 'Minister(AF)'s Visit to Iraq, 17-21 December'.
[656] Minutes, 15 January 2008, Chiefs of Staff meeting.
[657] Minute Gibson to PS/SofS [MOD], 20 March 2008, 'Tier 3 – Update Submission'.
[658] Minute APS/Secretary of State [MOD] to Gibson, 27 March 2008, 'Tier 3 – Update Submission'.

1249. On 30 May, Mr Gibson advised Mr Browne that the MOD should "cease to plan on the basis that Tier 3 Tranche 3 will be required and take the steps necessary to reconfigure Tranches 1 and 2" to get best value for money from the project.[659]

1250. That was because the focus on training and mentoring of Iraqi Security Forces meant there was "greater confidence" that the UK would have completed the bulk of its mission in Iraq by early 2009. Against that background, it seemed unlikely to Mr Gibson that the UK would need or wish to retain a large base at Basra Air Station.

1251. While Ministerial decisions on the timing and pace of any drawdown in 2009 were yet to be agreed, approval for Tranche 3 would be needed "now" if it were to be delivered by "October-December 2009" (at the earliest). If a bid for funding was not made before the summer, the project would not be delivered until 2010.

1252. With "very limited time", it was possible to adjust Tranches 1 and 2 into "a more coherent package, perhaps consisting of two feeding halls, the hospital plus five accommodation blocks, sufficient for a force of around 1,500". Mr Gibson advised that that was "the most pragmatic, best value for money approach without taking excessive additional risk over and above the other options currently available to us".

1253. On 26 July, Brigadier Julian Free, Commander of 4 Mechanised Brigade, assessed that the completion of enhanced individual overhead protection had "markedly increased the force protection afforded to troops on the COB" but warned that the risk of a mass casualty event still remained.[660] He implied that was because not all of the communal buildings had been hardened.

1254. On 17 October, a PJHQ official advised Mr Browne that the final structure of first tranche would be complete and operational by 20 October.[661] The other structures had come into use on 14 July, 14 August and 24 September.

1255. The second tranche was "to start coming on line in March-April 2009" but, given the plans for transition, it was unlikely that the UK would "derive significant benefit from these facilities".

1256. The US had expressed an interest in taking over structures from the first two tranches as part of their plans to move to Basra Air Station in 2009. It was estimated that £4.9m could be saved from stopping the Tranche 2 programme "now" but PJHQ judged, subject to Ministerial and Treasury approval, "it would make sense to complete the structures as part of a wider arrangement with the US regarding the transfer of responsibility in MND(SE)". That would still result in a £3.5m saving.

---

[659] Minute Gibson to PS/Secretary of State [MOD], 30 May 2008, 'The Tier 3 Programme at Basra COB'.
[660] Report Free, 26 July 2008, 'Op TELIC 11: HQ 4 Mechanized Brigade Post Operational Report'.
[661] Minute PJHQ [junior official] to PS/SofS [MOD], 17 October 2008, 'Iraq: Update on the Protected Structures Programme (Tier 3)'.

1257. While hardened accommodation would no longer be provided to 900 personnel from March to April 2009 as planned, forces would be living in the existing accommodation until drawdown. Personal overhead protection was "now fitted to every military, MOD civilian and OGD civilian's sleeping bay" and the level of IDF remained "much reduced from previous levels".

1258. On 18 November, Ms Cheryl Plumridge, Command Secretary at PJHQ, sent an update on the hardened accommodation programme to Mr John Hutton, the Defence Secretary.[662] The advice sought to re-address the issues raised in the 17 October minute, which had been withdrawn following questions from Mr Hutton's Private Office.

1259. Ms Plumridge explained that the planned adjustments to Tranche 2, to create a medical facility and accommodation blocks, had been put on hold following discussions with the US who, for its own purposes, preferred the structures to be left empty.

1260. The UK would need an agreement with the Iraqi Government to reflect the transfer of any structures to the US instead of to Iraq, assuming standard terms were agreed in the Status of Forces Agreement (see Section 9.7).

1261. Ms Plumridge wrote: "Balance of risk has been at the heart of the Tier 3 project as it has developed and Ministers have previously accepted increased risk in this area." She highlighted the cancellation of Tranche 3 and stated the revised plan would now only provide Tier 3 protection for the feeding halls.

1262. It was "extremely hard to predict the impact of not having Tier 3 accommodation" and instead relying on Stonehenge. Ms Plumridge laid out the different factors that could lead to a mass casualty event occurring and stated:

> "To put this into context, as at today's date, 45 days have passed since the last indirect fire attack on the COB – so we are currently a long way from the worst-case position."

1263. Ms Plumridge proposed that PJHQ officials would seek Treasury approval for the structures to be treated as a gift to the US, in line with the arguments set out in the 17 October minute.

1264. Mr Hutton approved Ms Plumridge's proposal on 25 November.[663]

THE REMAINING LEVELS OF HELICOPTER AND ISTAR SUPPORT IN MND(SE)

1265. On 6 December 2007, Mr Browne wrote to Mr Brown with an update on "helicopter issues".[664] He stated that there would always be demands for more

---

[662] Minute Plumridge to APS/SofS [MOD], 18 November 2008, 'Iraq: Update on the Protected Structures Programme (Tier 3)'.
[663] Manuscript comment Hutton on Minute Plumridge to APS/SofS [MOD], 18 November 2008, 'Iraq: Update on the Protected Structures Programme (Tier 3)'.
[664] Letter Browne to Brown, 6 December 2007, 'Update for the Prime Minister on Helicopter Issues'.

helicopters on operations given "the scale and intensity of our current operational commitments".

1266. One of the principles underpinning the MOD's approach to helicopters was "to rationalise our helicopters by theatre". Mr Browne added:

> "While we are clear about the imperative to provide increased support to operations in the short term, we are also concerned not to sacrifice the future sustainability of the helicopter fleet for the immediate needs of today."

1267. Mr Browne wrote that helicopter support to operations in Iraq was "generally assessed as satisfactory" and therefore additional capability for Afghanistan was the priority.

1268. The update noted that there were five Merlin and six Lynx in Basra and there were seven helicopters in Baghdad. The Sea King fleet had been withdrawn earlier than planned because of the reduction in troop levels and the helicopters were being switched to Afghanistan, four having already been deployed.

1269. The requirement for the six Danish Merlins procured to enable the release of the Sea King fleet from Iraq had "fallen away along with our reduction in force levels there" so the possibility of deploying them to Afghanistan was under consideration.

1270. Mr Browne explained:

> "It may seem counter-intuitive that, despite the fact we have so many more helicopters in our inventory, we are able to deploy a relatively small number on operations. We are limited by the need to keep our burden on our airframes, crews and ground support staff at a sustainable level over time. As a rule of thumb, it takes three or four additional helicopters to enable the deployment of a single helicopter on operations with the remaining aircraft used for training and to enable us to rotate our deployed helicopters in and out of maintenance and to carry out essential modification programmes."

1271. Mr Browne concluded:

> "To borrow a line from David Cameron, there is no 'magic pot' of money into which we can dip in order to buy all the helicopters we might like to. We do not have access to the Treasury Reserve for the procurement of such enduring capabilities, and helicopters must compete with other pressing requirements within our hard-pressed equipment programme. Equally neither are there any helicopters currently readily available on the market which would be an obvious aspiration for us; most order books are full, and the procurement of a new helicopter type would be both costly and time-consuming.
>
> "That said, I can give you an assurance that, while we continue to make the most of what we have got … This is not an area where we can afford complacency.

> We shall continue to seek out opportunities to improve and enhance our deployed helicopter fleets … but I believe that we are on the right path towards an enduring and sustainable capability which will allow us to fulfil our key tasks, delivering upon our important commitments in Iraq and Afghanistan."

1272. A report of Mr Ainsworth's visit to Iraq in December 2007 stated:

> "Concerns were raised with regard to ISTAR provision, which had decreased over recent months, but which would become increasingly important in the overwatch posture; there had been successes – such as Hermes 450 – but the withdrawal of capabilities such as the Danish … helicopter and Scan Eagle were significant losses."[665]

1273. Mr Ainsworth was briefed by key personnel involved in manning and operating the C-RAM system:

> "He was reassured to hear that its success rate in interdicting IDF rounds continued to improve although he noted that there was still some way to go. He was particularly struck by the extent to which the general perception of C-RAM's capability had turned around since his last visit, with personnel at all levels praising its hugely positive impact on morale."

1274. On 9 January 2008, a junior officer in MND(SE) produced a review of ISTAR capability within MND(SE) for PJHQ.[666] He explained that the move to Provincial Iraqi Control (PIC) in the UK's AOR had:

> "… necessitated a wholesale review of ISTAR capability to support the MND(SE) mission. This has occurred at a time when there is a noticeable reduction in the ISTAR assets and capabilities provided by organic and MNC-I/Theatre platforms. This is now affecting MND(SE)'s ability to prosecute operations against irreconcilable Shia extremists and will constrain MND(SE) in delivering its missions and tasks …"

1275. The officer made a number of recommendations including bringing forward the Astor and Raptor programmes, introducing an aircraft such as Defender to enable low-level support to ground forces and the introduction of a weaponised UAV capability.

1276. The officer stated that MND(SE) could find no record of "a formal ISTAR Estimate" having been conducted and "rather an iterative approach" had been adopted, "resulting in a fragmented approach to ISTAR" that had led to capability gaps.

1277. Considering the FMV capability, the officer explained that there were "a number of Corps assets" but MND(SE) was having "less success in securing these" and two assets

---

[665] Minute PS/Min(AF) to APS/SofS [MOD], 10 January 2008, 'Minister(AF)'s Visit to Iraq 17-21 December'.
[666] Minute COS MND(SE) to ACOS J2 PJHQ, 9 January 2008, 'Review of ISTAR Capability Within MND(SE)'.

would be withdrawn by March 2008. He described the only assets that could be "tasked with a degree of certainty":

- Hermes 450 which suffered from technical and spares issues. It was recommended that its maintenance contract was re-negotiated to expedite the release and availability of spare parts.
- Desert Hawk 3 was heavily used and any reduction as a result of drawdown work would have a significant impact.
- Iraqi Security Forces (ISF) assets which were limited.

1278. Manned aerial surveillance assets were "extremely limited". Nimrod MR2 had been withdrawn and the use of helicopters in this role had a cost to their "lift" role.

1279. An annex to the review provided a "snapshot" of the existing MND(SE) ISTAR capability:

Table 3: ISTAR availability in MND(SE), January 2008

UK	Quantity	Provision
Broadsword	3 x [Helicopter]	[…] hours per month
Hermes 450 UAV	3 (2 more expected in January 2008)	800 hours per month
Desert Hawk 3 Mini UAV	64	10 x 1hr each day
Nimrod MR2	Principally in support of Op HERRICK, not Coalition asset	Not MND(SE) dedicated

1280. On 15 January, the Chiefs of Staff were advised that the first Hermes 450 had crashed during bad weather two days earlier and the next two were not due in service until the end of January.[667]

1281. Gen Dannatt visited Iraq from 13 to 15 January.[668] He reported:

> "I am aware that CJO is conducting a comprehensive review of ISTAR but the 25% reduction of support to MND(SE) is completely counter-intuitive at a time when we need even greater situational awareness. I think the time has come for some original thinking about how to increase our RW MAS [rotary-wing manned airborne surveillance] capability – if the Danes were able to introduce the Fennec as a low cost solution within a three month period, surely we could produce a similar package?"

[667] Minutes, 15 January 2008, Chiefs of Staff meeting.
[668] Minute, CGS to PSO/CDS, 21 January 2008, 'CGS Visit to Iraq 13-15 Jan 08'.

1282. An internal Army lessons learned report was published on 31 August 2010, known as the "Barry Report".[669] It stated that one of the lessons for future transitions was to increase, not decrease, the ISTAR requirement:

> "As transition progresses and UK boots and eyes on the ground decrease, so there is an increased requirement for ISTAR in order to maintain the same overall level of situational awareness. The Iraq experience demonstrated that once we withdrew to the COB we lost a very large part of our situational awareness. Supporting indigenous forces with our ISTAR also enhances effectiveness and commanders' prestige and thereby maintains our ability to influence."

1283. On IDF, the Barry Report stated:

> "In 2004 MND(SE) had predicted that the IDF threat would increase … the threat was acknowledged but did not seem to result in structural force protection of our bases for some time. Although some were in very robust buildings, such as Basra Palace, the majority of troops on the COB remained in tented accommodation until very late in the campaign …"

1284. The DOC's final Op TELIC lessons report was endorsed by the Chiefs of Staff on 17 March 2010.[670] It stated that there had been a lack of an enduring intelligence picture for "at least the first four years" of the campaign and that perhaps that stemmed from "the very widely held view that, up to and throughout 2006 and into 2007, there were insufficient ISTAR assets available to MND(SE), and hence by necessity they were focused on maintaining as much of the day-to-day tactical picture as possible".

1285. The DOC wrote that it had also been suggested "that rather than there not being enough, the Coalition as a *whole* had sufficient ISTAR assets; but that due to a lack of in-depth understanding of the capability", the effort was "mistakenly focused on requesting ISTAR platforms rather than their product". It continued:

> "The situation was exacerbated by the lack of effective engagement by MND(SE) with MNC-I via the coalition chain of command. The result was increased requests from theatre directly to the UK for additional national ISTAR assets, which were eventually provided. Had the correct engagement of the in-theatre chain of command been followed this might have delivered the required increase in ISTAR capability far sooner."

1286. The DOC report offered the following lessons:

- "When tasking limited ISTAR assets sources, consideration of the creation and maintenance of the strategic through to the tactical picture must be undertaken."
- "When operating as part of a coalition, understanding the procedures to gain access to coalition ISTAR assets are vital; defaulting to the national route, whilst potentially easier, will probably not deliver as quickly."

---

[669] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.
[670] Report DOC, 17 March 2010, 'Operation TELIC Lessons Study Vol. 4'.

1287. In his review of the land operation in Iraq, Brig Barry wrote that "there was no effective single land sponsor for ISTAR".[671] He stated:

> "There is overwhelming evidence of a comprehensive failure to generate an adequate tactical intelligence capability to meet the requirements of tactical commanders. What capability was fielded was almost always too little too late. This appears to have resulted from significant weaknesses in almost every area of intelligence direction, collection, analysis, dissemination …"

1288. Comparing the ISTAR assets across the coalition, Brig Barry wrote that senior US officers were "astonished to find the UK so lacking" in that capability. The US were able to field platforms capable of both persistent ISTAR and armed action which improved the ability to engage fleeting targets and act as deterrent "top cover" for ground troops. The UK never had sufficient assets to do the same.

1289. On the lack of UAVs, Lt Gen Shirreff told the Inquiry that he had been told that "no more staff effort could possibly be put into deploying UAVs to South-East Iraq".[672] He thought that that was not because of the intention to draw down forces, but because the MOD "was incapable of generating the drive and energy to deliver them".

1290. Maj Gen Shaw told the Inquiry that there was always a worry that UK forces would find it difficult to respond if security in MND(SE) deteriorated.[673] He said that the problem was not so much the number of UK troops available but "it was more to do with situational awareness and intelligence".

1291. Maj Gen Shaw told the Inquiry that ISTAR was "the major issue" and that "we never got as much as we wanted". While the UOR system was a responsive one, and new equipment arrived "at a remarkable rate", Maj Gen Shaw said that UAVs were "the big equipment shortage and problem".

1292. Sir Peter Spencer, Chief of Defence Procurement from May 2003 to April 2007, told the Inquiry that ISTAR was "a classic example" of where incremental procurement was necessary.[674] He stated that anybody who "tried to envisage a big bang project which will deliver everything you need will get it wrong, because the time it takes to develop will be such that during that period all of your assumptions would have been tested and some will have changed".

1293. Sir Peter said that he thought the MOD went about trying to understand the requirement "quite well", by putting "some really good people in place who concentrated on it quite hard". The testing point came where the MOD "was invited to cancel a major project platform to pay for it".

---

[671] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.
[672] Public hearing, 11 January 2010, pages 35-36.
[673] Public hearing, 11 January 2010, pages 33-35.
[674] Public hearing, 26 July 2010, pages 62-63.

1294. The difficulty with Watchkeeper was that "it became very political".[675] Sir Peter referred to Lord Bach's evidence before the House of Commons Defence Committee, in which Sir Peter said that Lord Bach gave an In Service Date "under political pressure" and before the requirement was properly understood.

1295. Sir Peter said that "you have to be thick-skinned enough to stand up to that pressure politely, but in a way which informs Ministers that … a short term gain here is going to lead to a lot of grief later".

1296. At the time that the MOD was debating whether to bring in the Hermes 450 UAV as a "gap filler", Sir Peter said: "there were some quite hard decisions which needed to be made in London by the military customer to decide what they want to spend the money on, because they could not have both simultaneously".[676]

1297. Sir Peter concluded:

> "The compelling lesson from all of this is if you want something quickly to work, you go for something which is available apart from anything you might need to do to integrate it to work inside your own organisation, because there will be some aspects of the way we operate UK military forces which will be different, say, from the Americans."[677]

1298. The Inquiry asked Lt Gen Figgures whether, if the Reaper UAV that was sent to Afghanistan had instead been sent to Iraq, it would have made a difference to the UK's ability to defend itself against the indirect fire threat at Basra Air Station.[678] He replied that it "could potentially have made a difference. Indeed the Hermes in 2007 and Desert Hawk I think had some success."

1299. Lt Gen Fulton acknowledged to the Inquiry that the UK should have procured its own UAV sooner than the Hermes 450 in 2007.[679]

1300. The Watchkeeper UAV was never deployed to Iraq. The MOD told the Inquiry that it came into sevice in August 2014 and was deployed in Afghanistan.[680]

1301. Asked when Watchkeeper had been scheduled to come into service, Lt Gen Fulton replied that he thought a date of 2009 to 2010 was "what people had in mind", but referred to Lord Bach's evidence to the House of Commons Defence Committee in June 2003 that it would be 2005 to 2006.[681] He added:

> "I think what that showed was not so much that they got it wrong, but a reflection of the keenness to get it in, and the wish to put pressure on not only us to work

---

[675] Public hearing, 26 July 2010, pages 65-67.
[676] Public hearing, 26 July 2010, pages 67-68.
[677] Public hearing, 26 July 2010, pages 68-69.
[678] Public hearing, 27 July 2010, pages 109-110.
[679] Public hearing, 27 July 2010, pages 100-107.
[680] Letter Duke-Evans to Hammond, 4 February 2016, [untitled].
[681] Public hearing, 27 July 2010, page 100.

> harder but equally … we were absolutely determined that Watchkeeper was one programme that was not going to get derailed by people changing their minds midway through …"

1302. Speaking about the areas of capability in which it was not possible to invest to the extent he would have liked, Lt Gen Figgures said of ISTAR:

> "Did we anticipate the requirement we would need [to] provide coverage of areas as big as southern Iraq or as big as Afghanistan? No we didn't and therefore we had to develop that."[682]

1303. The Inquiry asked Gen Dannatt about his visit report from October 2006 where he had raised the need for greater ISTAR capability.[683] He referred to the Watchkeeper programme and said that was another example of where savings were made to the programme only to be added back later as a UOR or emergency programme:

> "Once a real operational requirement for UAVs was derived for Iraq and Afghanistan, surprise, surprise, energy was then put back into the Watchkeeper programme. Money was added back into the Watchkeeper programme. Hermes 450 … was brought forward."

1304. Gen Dannatt told the Inquiry that it was difficult to have a balanced programme of capability for future when the present was "staring you very bloodily in the face".[684] He added:

> "The trick is not to be so wrong that you can't adjust when the future reveals itself. That's what I think we should be working towards at the present moment. Absolutely funding properly what is staring us in the face, which today is Afghanistan and previously was Afghanistan and Iraq. I don't think we did that."

1305. The DOC report in March 2010 also recognised "the profound and fundamental impact" that running two medium scale operations concurrently had on resources afforded to Iraq.[685]

1306. The DOC considered the impact of the UK's decision in 2005 to return to Afghanistan and stated as a key lesson that "knowingly exceeding Defence Planning Assumptions requires the most rigorous analysis".

1307. The DOC wrote that running two concurrent, enduring medium scale operations, in excess of the Defence Planning Assumptions, had a "profound and fundamental impact on the progression of Op TELIC between 2006 and 2009". It added:

---

[682] Public hearing, 27 July 2010, pages 21-22.
[683] Public hearing, 28 July 2010, pages 68-69.
[684] Public hearing, 28 July 2010, pages 71-72.
[685] Report DOC, 17 March 2010, 'Operation TELIC Lessons Study Vol. 4'.

> "The challenges of prioritising insufficient resource, in terms of personnel, equipment, funding, planning and decision making effort, between Iraq and Afghanistan, have had a direct and negative effect on the UK's ability to carry out all its tasks and responsibilities in both campaigns. These pressures of prioritising resources between the assumed, but ultimately not achieved, rapid drawdown in requirements of Op TELIC, and the increases required over and above the initial estimate of troop numbers for Op HERRICK, were significant …"

1308. The DOC stated that the growing casualty rates in Basra in 2006 and 2007 increased public pressure on politicians to devote more resources to Iraq but by that point "there was very limited scope to reverse, or even stop troop drawdown in Iraq:

> "There had been a considerable hollowing out of capability in Basra over this period, as a consequence of the need to meet the increasing demands of Afghanistan."

1309. Speaking about balancing the two commitments in Iraq and Afghanistan, General Sir Nicholas Houghton told the Inquiry:

> "I felt in Iraq, we could deliver the strategy, with risk, with the means that were available, but it became relatively quickly evident that within Afghanistan we were not militarily in a position of strategic coherence. We did not have the means to deliver on objectives, and, therefore the requirement … to make us strategically rebalanced in Afghanistan."[686]

1310. Gen Houghton said that it was not "troop numbers per se" that was the problem, but rather the "strategic and operational enablement of them through what are rare breed capabilities" such as strategic lift, ISTAR, aviation and attack helicopters.

1311. Sir Kevin Tebbit told the Inquiry that he was "very concerned" about the discussions in 2004 to deploy an additional force to Afghanistan because the UK was still "heavily engaged in Iraq" and was still recuperating from its large scale operation during the invasion.[687] The view of the Chiefs of Staff was that "they could do it and it was manageable" and so Sir Kevin did not press his "objections fully".

1312. The "planning assumption" was that the UK should put itself forward because "if the UK didn't come forward, nobody else was going to". If the UK came forward, it was hoped that would create "a snowball effect", with other countries providing "support forces, helicopters, the things that we were relatively lacking in". Sir Kevin recognised that it was not possible to predict at that time, mid-2005, whether the UK would secure those commitments.

1313. Gen Jackson was asked by the Inquiry whether Ministers were advised, when they took the decision in 2004 to deploy UK forces to Afghanistan, that it would reduce their options in Iraq.[688]

---

[686] Public hearing, 5 January 2010, pages 35-38.
[687] Public hearing, 3 February 2010, pages 14-17.
[688] Public hearing, 28 July 2010, pages 65-67.

1314. Gen Jackson replied that it was "not unreasonable" at that time to have forecast the UK's drawdown "to probably a few hundred" but the difficulty was that the timetable for Iraq did not go as planned. He said it was not possible, when the timetable did go awry, to "suddenly put up our hand and say, 'We can't do this in Afghanistan'", because it would have "severely disrupted" the whole NATO effort.

1315. Gen Jackson said the fact that the Defence Planning Assumptions "were not upheld by events" and were "almost overturned by events" demonstrated how difficult it was to predict what future capabilities were necessary.[689]

1316. The Inquiry heard evidence about how running two medium scale operations concurrently had an impact on the provision of support helicopters.

1317. Lt Gen Dutton told the Inquiry:

> "Nobody wanted to deploy any more troops … or any more helicopters. In fact, I can recall a conversation with DCDS(C) [Lt Gen Rob Fry], perhaps a slightly light-hearted one which was 'Don't, whatever you do, ask for any more helicopters'. Of course, we did end up asking for lots more helicopters and we got some more helicopters …"[690]

1318. Lt Gen Dutton added:

> "Given the circumstances at the time and the helicopters that we had in the inventory, I certainly felt that they [PJHQ] … were doing their best to provide, if not more helicopters and crews, more hours because … that's just as valuable if you can fly the aircraft for longer and have the spares to allow you to do the servicing to allow that."[691]

1319. The Inquiry asked Lord Drayson what advice he had received on the ability of the UK's support helicopter force to support the operations in Iraq and Afghanistan. Lord Drayson wrote:

> "I was advised that, although the UK's helicopter force was under pressure due to the decision taken in 2004 under Medium Term Workstrand to remove funding, increased provision of flying hours and the deployment of additional aircraft, the battlefield helicopter requirements in Iraq and Afghanistan were being met (e.g.VCDS minute to SofS 7 Sept [2006] refers.). This however was not the impression I gained following my visits to theatre. Again I found myself having to get senior officers together to try to reach agreement on whether there was a requirement, and if so, what it was. Even when we were in the process of strengthening our helicopter capability in 2006/7 the view of the military was there

---

[689] Public hearing, 28 July 2010, page 88.
[690] Public hearing, 12 July 2010, page 31.
[691] Public hearing, 12 July 2010, pages 33–34.

> was no requirement in Afghanistan for more helicopters at the time, just a utility to having more helicopters so we could meet future requirements. The military view was also that there was no requirement for a new small helicopter."[692]

1320. Asked if he was concerned whether the MOD had an insufficient number of support helicopters capable of being deployed in the threat environment of Iraq, Lord Drayson wrote:

> "Yes … However it was difficult to get the military to agree on the requirement. Helicopters specifically were not seen as the responsibility of any particular service and therefore suffered from the lack of a 'service champion'. It was not believed that helicopters could be procured quickly …"

1321. ACM Torpy disagreed with Lord Drayson's view on helicopter ownership and prioritisation. He told the Inquiry that the Joint Helicopter Command did have advocates and champions:

> "Actually it was owned by a single service. It was operational command CINC Land Forces … So there was an advocate for Joint Helicopter Command, and if I look at the interest that the three Chiefs took in Joint Helicopter Command it was pretty key."[693]

1322. The Inquiry asked ACM Stirrup for his view of the helicopter situation during his time as Chief of the Air Staff, from 2003 to 2006. He replied that it "was not a significant issue" in Chiefs of Staff discussions during that time.[694] There was a requirement to make modifications as lessons were learned, but "there was no sense that … we needed – urgently needed twice as many helicopters than we had, although it was quite clear that we could always have used more".

1323. ACM Stirrup told the Inquiry that, between 2006 and 2009, when he was Chief of the Defence Staff, the constraint on the helicopter fleet was twofold:

> "First was we had eight Chinooks sitting in a shed unable to fly. That is a significant percentage of the total Chinook force …
>
> "Secondly, we were operating in two theatres, which was well beyond our planning assumptions and although it was a strain to generate sufficient infantry battalions for the rotation between the two theatres, the really critical elements were the enablers. They were the strategic and tactical mobility. They were the helicopters, they were the ISTAR, they were all of those specialist areas that are so important for any operation, wherever it is and whatever it is."[695]

---

[692] Statement, 15 December 2010, page 8.
[693] Public hearing, 18 January 2011, page 81-82.
[694] Public hearing, 1 February 2010, pages 17-18.
[695] Public hearing, 1 February 2010, pages 66-67.

1324. The Inquiry asked Gen O'Donoghue whether increasing the flying hours of helicopters sooner would have made sure that more were available in Iraq. Gen O'Donoghue replied that it took time to do because more spares would have to be acquired to fly the helicopters and maintenance schedules had to be adjusted.[696]

1325. Gen O'Donoghue said that there were a number of factors to consider when looking at whether to procure a new type of helicopter, including the procurement cost, the cost of certifying airworthiness, what changes were necessary to meet the theatre entry standard and what was best to bring into service alongside existing models.

The £1.4bn reduction in helicopter spending

The majority of witnesses to the Inquiry said that the decision to reduce helicopter funding by £1.4bn in 2004 had not had an effect on what was available for Iraq.

Mr Hoon told the Inquiry that he did not believe that earlier funding decisions about the Equipment Programme were "relevant" to helicopter availability in Iraq.[697] That was because of the lead time for any new helicopters to come into service.

Speaking about the Spending Review settlement in 2004, Sir Kevin Tebbit told the Inquiry that the MOD preserved resources for Iraq and made cuts in the areas considered least likely to be called upon.[698] He said that it was "very difficult" to say that it had had a long-term impact on operations in Iraq and Afghanistan because the savings were made in forward programmes, such as with helicopters.

The Inquiry asked Sir Peter Spencer if the £1.4bn reduction in 2004 had affected the number of helicopters available in Iraq.[699] Sir Peter replied that he was unable to comment on that specifically because he was not involved in the support of those helicopters but did state that it was an example of how the MOD had to decide what its priorities were:

> "[It] goes back to the fundamental issue at the heart of all of this, which is being more realistic about what the money would actually buy you and to just accept that you can't have every toy in the shop."

Lt Gen Fulton indicated that the spending reduction did not have an impact on Iraq as it affected amphibious and light helicopter procurement rather than support helicopters which is what commanders relied upon for troop transport:

> "So for very good reasons, all the reasons you identify, whilst the £1.4bn cut to the helicopter budget was profoundly unwelcome, it had no effect at all on anything to do with Iraq."[700]

Gen Jackson said of the 2004 funding cut that he thought "some of the difficulties with helicopters stem from that decision" as well as the procurement difficulties with the eight Chinook Mk3s.[701]

---

[696] Public hearing, 14 July 2010, pages 73-79.
[697] Public hearing, 19 January 2010, page 197.
[698] Public hearing, 3 February 2010, pages 9-12.
[699] Public hearing, 26 July 2010, pages 59-61
[700] Public hearing, 27 July 2010, page 96.
[701] Public hearing, 28 July 2010, page 86.

In March 2011, the MOD told the Inquiry:

> "Had SABR [Support Amphibious Battlefield Helicopter programme] continued, the earliest delivery of new Chinooks would have been after the end of UK operations in Iraq, so the Department does not assess that the removal of £1.4 billion from the helicopter programme affected the availability of support helicopters for operations in Iraq."[702]

1326. The Inquiry was told that the Treasury was not an obstruction in the UOR process but there were difficulties with the flexibility of the MOD's budget.

1327. Mr Ingram told the Inquiry:

> "… everything had to be finely justified and there was constant tussles with the Treasury in all of that as to whether it was a UOR or whether it should come from core expenditure …"[703]

1328. Lt Gen Fulton told the Inquiry this process was one whereby "we had to try to find the money ourselves and if we couldn't find the money then we went to the Treasury for UORs once Iraq had started".[704]

1329. Lt Gen Figgures described a process of rigorous scrutiny of requirements which involved "some tough negotiation".[705] He told the Inquiry:

> "We were given considerable sums of money over the period of time that I filled my appointment to make that case. Whether it was helicopters or protective mobility, defensive aid suites, all of those where we made the case were funded, but it was – they were very rigorous in their scrutiny of the case we put forward, and you could as a taxpayer say, well, yes, they should be. As a soldier it was hard work producing the evidence to get past that scrutiny."[706]

1330. Lt Gen Figgures added:

> "When it came to the urgent operational requirements, if we could identify requirement, justify it, have a reasonable idea of what it might cost, deliver it in an acceptable time-frame, then the Treasury would give us the money for it …"

1331. Asked whether he had sufficient resources to fund the equipment he thought was relevant to operations in Iraq, Lt Gen Fulton told the Inquiry that the starting point was that *The Strategic Defence Review* was not properly funded to deliver what it was supposed to.[707] That meant that the MOD was left with "an equipment capability that existed within but did not fill the defence planning requirement".

---

[702] Paper [MOD], 1 March 2011, 'Request for Evidence, Support Helicopters'.
[703] Public hearing, 16 July 2010, page 29.
[704] Public hearing, 27 July 2010, page 25.
[705] Public hearing, 27 July 2010, page 27.
[706] Public hearing, 27 July 2010, pages 23-26.
[707] Public hearing, 27 July 2010, pages 19-20.

1332. Lord Drayson told the Inquiry:

> "I actively stressed the importance of addressing the deficiencies of equipment on operations following my visits to theatre and feedback from front line reports. However the opportunities to redirect resources from core Equipment Programme were limited by the inherent resistance in the system to changes to the core Equipment Programme outside the annual planning rounds. It was very difficult to reach agreement on the re-prioritisation of resources as there was no flexibility in the budget. It required a push from me to do this. I also asked for the Department to look at rationalising the equipment programme to create a 10-15% head-room for reprioritisation to meet short-term operational requirements."[708]

1333. Asked how effective the MOD's efforts were to draw on core Equipment Programme funding to support ongoing operations, Lord Drayson wrote:

> "… the Services were concerned that their long term programmes would be cannibalised and lose funding to short term operational needs … it was quite unusual for core equipment funding to be redirected to operational needs. This only happened when the military had a strong desire for it …"

[708] Statement, 15 December 2010, page 7.

SECTION 14.2

CONCLUSIONS: MILITARY EQUIPMENT (POST-CONFLICT)

Contents

Introduction 228

Addressing post-invasion capability gaps 229

- Countering the IED threat 229
- Requirement for a medium weight PPV 231
  - A failure to articulate the requirement 232
  - Attempts to improve the process for identifying requirements 234
  - Funding and the Future Rapid Effect System (FRES) 235
- Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) 236

The pressure of running two medium scale operations concurrently 238

- Support helicopters 239

Lessons 240

Introduction

1. This Section addresses conclusions in relation to the evidence set out in Section 14.1, including:

- where there was a failure to address capability gaps in equipment; and
- the impact of running two medium scale operations concurrently.

2. This Section does not address conclusions in relation to:

- how equipment was funded, which is addressed in Section 13.2;
- the failure to ensure that the UK was adequately prepared for post-conflict Iraq contingencies, which is addressed in Section 6.5;
- MOD operational policy, or judgements on the specific circumstances in which individuals lost their lives in Iraq; and
- the MOD's procedure for supporting those killed or injured in Iraq, which is addressed in Section 16.4.

Key findings

- Between 2003 and 2009, UK forces in Iraq faced gaps in some key capability areas, including protected mobility, Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) and helicopter support.
- It was not sufficiently clear which person or department within the MOD had responsibility for identifying and articulating capability gaps.
- Delays in providing adequate medium weight Protected Patrol Vehicles (PPVs) and the failure to meet the needs of UK forces in Multi-National Division (South-East) (MND(SE)) for ISTAR and helicopters should not have been tolerated.
- The MOD was slow in responding to the developing threat in Iraq from Improvised Explosive Devices (IEDs). The range of protected mobility options available to commanders in MND(SE) was limited. Although work had begun before 2002 to source an additional PPV, it was only ordered in July 2006 following Ministerial intervention.
- Funding was not a direct barrier to the identification and deployment of additional solutions to the medium weight PPV gap. But it appears that the longer-term focus of the Executive Committee of the Army Board (ECAB) on the Future Rapid Effect System (FRES) programme inhibited it from addressing the more immediate issue related to medium weight PPV capability.
- The decision to deploy troops to Afghanistan had a material impact on the availability of key capabilities for deployment to Iraq, particularly helicopters and ISTAR.

Addressing post-invasion capability gaps

Defining the capabilities required

The 1998 *Strategic Defence Review* (SDR) defined the military capabilities needed by the Armed Forces. It concluded that the UK needed a more effective expeditionary capability, including "deployable and mobile" forces, with "sufficient protection and firepower for war-fighting".[1] As a result, the MOD established a requirement for a family of vehicles to replace existing medium weight armoured vehicles. That was to be delivered through the Future Rapid Effect System (FRES) programme which was expected to be in service towards 2010.

The 1998 SDR also emphasised the importance of developing an enhanced Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) capability.

In 2002, the MOD published *The Strategic Defence Review: A New Chapter;* an update on the SDR's progress and a consideration of the "UK's defence posture and plans" in light of the 9/11 attacks.[2] *A New Chapter* again stressed the importance of ISTAR assets: the MOD would accelerate the Watchkeeper programme which was designed to deliver an Unmanned Aerial Vehicle (UAV). That capability was expected in "2005-06".[3] There were very few similar capabilities that could be deployed in the interim. By 2003, the expeditionary capability defined by the 1998 SDR was not yet in place.

A number of witnesses suggested to the Inquiry that the MOD had not been given the resources to acquire the full range of capabilities specified by the SDR. The Inquiry has not reached a view on that point. Decisions made by the MOD on the balance of investment between immediate operational requirements and future defence programmes in delivering the capabilities set out in the SDR fall outside the Inquiry's Terms of Reference.

Countering the IED threat

3. By the end of April 2003, barely a month after the invasion, UK forces began to face a threat from Improvised Explosive Devices (IEDs). In July and August, more sophisticated devices were being used with increasing frequency against Coalition Forces.

4. The Joint Intelligence Committee (JIC) predicted that the IED threat was likely to increase and continue to evolve rapidly. That was clearly indicated in its Assessments of 3 September 2003, 25 September 2003 and 5 November 2003.

5. On 1 September, a Forces and Resources Review reported that the IED threat was being "countered by the use of stripped-down Land Rovers with top cover sentries".[4] It recommended that protection would be improved by the deployment of armoured 4x4 vehicles.

---

[1] Ministry of Defence, *Strategic Defence Review: Supporting Essays,* July 1998.
[2] Ministry of Defence, *Strategic Defence Review: A New Chapter,* July 2002.
[3] Third Report from the House of Commons Defence Committee, Session 2003-04, Lessons of Iraq, HC 57-I, para 235.
[4] Paper MND(SE) [junior officer], 1 September 2003, 'HQ MND(SE) Forces and Resources Review'.

6. The Protected Patrol Vehicle (PPV) Working Group discussed how to meet that requirement on 5 September 2003. It was clear that the MOD had few options for the rapid supply of an armoured 4x4 vehicle. Large numbers of Snatch Land Rovers were already in service in Northern Ireland and were therefore available for deployment. There was no other vehicle that could be readily deployed without modification or without considerable cost. The MOD therefore decided to dispatch 180 Snatch Land Rovers to Iraq.

7. Several witnesses to the Inquiry referred to working with "what you've got" and told the Inquiry that the Snatch Land Rover was preferable to a completely unprotected vehicle. The Snatch Land Rover had not been designed, however, for the conditions found in Iraq; and by 2002 it was at the end of its planned life in service. No programme to replace it had been agreed.

8. The Snatch Land Rover was therefore not an optimal solution to the urgent requirement for an armoured PPV, but was the best available stop-gap. Given the need for rapid replacement of completely unprotected vehicles, the decision to deploy 180 Snatch Land Rovers was fully justifiable. However; this should have been recognised as no more than an interim solution. Work to find a more effective vehicle for Iraq and similar environments in the longer term should have been put in hand.

9. The Snatch Land Rover was modernised and made more suitable for the weather and terrain of Iraq in several conversion programmes. Because the chassis was incapable of carrying the weight of additional armour the enhancements which could be made to its level of physical protection were limited.

10. The hardening of a vehicle, or any other type of equipment, is only one component of its protection. Throughout Operation TELIC, the UK also deployed a suite of other measures to counter the IED threat, including aerial surveillance, electronic countermeasures, the deployment and up-armouring of heavier tracked vehicles, tactical changes and intelligence-based targeting of the perpetrators.

11. The first IED attack using an Explosively Formed Projectile (EFP) took place in May 2004. In July 2004, the Defence Intelligence Staff stated that the presence and use of EFPs in attacks against the Multi-National Force in Iraq was "a significant force protection issue".[5]

12. The MOD's Directorate of Operational Capability (DOC) concluded in February 2005 that the Snatch Land Rover conversion programme had been "a belated reaction" to the IED threat and that sustained investment was necessary to "provide sufficient protected mobility for operations in hostile environments such as Iraq".[6]

---

[5] Report DIS, 26 July 2004, 'Further Evidence of Lebanese Hizballah produced weapons in Iraq'.
[6] Report DOC, 22 February 2005, 'Operation TELIC Lessons Study Vol. 2'.

13. By May 2005, the IED threat had increased significantly. Commanders in Multi-National Division South-East (MND(SE)) had a choice of two vehicles in which they could conduct routine patrols: the Snatch Land Rover or the Warrior Armoured Fighting Vehicle. Those two vehicles were at opposite ends of the protected mobility spectrum, with very different characteristics and availability.

14. Lieutenant General James Dutton, General Officer Commanding MND(SE) from June 2005 to December 2005, explained to the Inquiry that towards the end of 2005 all movement was conducted by air or in convoys protected by armoured vehicles. That constrained wider UK operations, including the Security Sector Reform (SSR) effort, because military personnel, police officers and civilian personnel were frequently not able to move around MND(SE).

15. The impact of limited mobility on SSR was regularly raised in meetings of the Chiefs of Staff and the reports of those who visited Iraq (see Section 12.1). The impact of protective security measures on civilians' ability to carry out their jobs effectively is described in Section 15.1.

16. In June 2006, Lieutenant General Nicholas Houghton, Chief of Joint Operations, reported that troops could "manage Snatch – just, but they have no inherent confidence in it".[7] Questions were asked in Parliament about what the MOD was doing to ensure the best possible protection of its troops.

17. The Inquiry recognises that there is not always a solution to an evolving threat and that, depending on the sophistication of the device and the way in which a vehicle is hit, any vehicle can be vulnerable to attack.

Requirement for a medium weight PPV

18. In June 2006, Mr Des Browne, the Defence Secretary, commissioned a review of armoured vehicles in Iraq. The review led to the identification of a requirement for a medium weight PPV for deployment to Iraq.

19. The MOD decided to procure 108 Cougar vehicles which were modified for use on UK operations. The modified vehicle was called the Mastiff.

20. The Cougar vehicle had been in service with the US Army since 2004. The British Army had also deployed a Cougar variant to Bosnia in 2003/04.

21. The Mastiff was a wheeled PPV offering better protection than Snatch, but, because of its size, was not suitable for all patrol tasks. Although it was not an ideal solution, Mastiff was positively received by troops in Iraq. The first four Mastiffs had reached Iraq by 30 December 2006.

---

[7] Minute Houghton to PSO/CDS, 16 June 2006, 'Visit to Iraq 13 – 15 Jun 06'.

22. In April 2008, the Equipment Capability branch (EC) in MND(SE) (the formation of which is described below) produced an Urgent Statement of User Requirement (USUR) for an "Urban PPV". The Ridgback (which was also a variant of Cougar) was ordered to meet the requirement but did not enter service in time for use in Iraq.

23. Neither vehicle was a replacement for the Snatch Land Rover and Ministers continued to receive advice that Snatch remained "mission critical"[8] in Iraq and Afghanistan because of its profile, manoeuvrability and carrying capacity. Lt Gen Houghton considered that removing it from theatre would have a significant impact on operations by reducing patrols' situational awareness and restricting movement.

A FAILURE TO ARTICULATE THE REQUIREMENT

24. MOD officials explained to Mr Browne on 21 July 2006 that work was ongoing within the department to source a medium weight PPV and that the armoured vehicle review had accelerated the work by securing additional funding.

25. The Inquiry has considered why it took so long to fill a capability gap that was apparent from the end of 2003.

26. Within the MOD and the Armed Forces the responsibility for meeting an equipment capability gap during Op TELIC was clear: USURs for new equipment were forwarded to the Permanent Joint Headquarters (PJHQ), which retained ownership of the USUR until it was signed off.

27. What was unclear was where responsibility lay for identifying and articulating capability gaps. Because a USUR could be raised by "any user",[9] there was no single individual or team accountable if an essential USUR was not raised. That was a failure of the system. In a statement to the Inquiry, the MOD said that there was "no simple answer to the question where the primary responsibility for identifying capability gaps and raising USURs lay" during the post-invasion phase.

28. The evidence suggests that this was not a problem in every instance. When a gap was clearly identified and there was an appetite to address it, action was taken. That was demonstrated by the deployment of electronic countermeasures and enhancements for the protection of Warrior and FV430 vehicles.

29. An analysis of the land operation in Iraq published in August 2010 (known as "the Barry Report") stated that a requirement was more likely to be identified, and the subsequent Urgent Operational Requirement (UOR) to succeed, where there was "a strong coherent sponsor in the Army or MOD".[10]

---

[8] Note CJO to PSO/CDS, 7 November 2008, 'Limiting the Deployment of Snatch Outside Secure Bases'.
[9] Letter Duke-Evans to Aldred, 26 June 2015, 'Procuring Military Equipment'.
[10] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.

30. The Barry Report suggested that, where UORs succeeded, "some of these were the result of 'pull' from theatre, others the result of 'push' from equipment staff in the MOD. The latter was the case with Mastiff, the requirement for which was formulated in London."[11]

31. As the Box 'Attempts to articulate the PPV requirement' below describes, there were repeated references within the MOD to lack of a coherent strategy and the absence of what was known as a "Customer Two lead":[12] someone whose role it was to identify such a requirement from the perspective of a 'user'. In the absence of a strong sponsor, defining the PPV requirement failed to make progress for three years.

32. Before June 2006, the MOD's consideration of protected mobility lacked the leadership that was ultimately injected by Mr Browne's armoured vehicle review and driven forward by Lord Drayson, Parliamentary Under Secretary of State and Minister for Defence Procurement.

Attempts to articulate the PPV requirement

The 1998 *Strategic Defence Review* did not identify a requirement for a light or medium weight PPV for expeditionary operations.

The PPVs in service with the Army in 1998, primarily to meet the requirements of operations in Northern Ireland, were Tavern and the Snatch Land Rover. The Out of Service Date for the Snatch Land Rover was 2002.

January 2002 – A draft Urgent Statement of User Requirement (USUR) for the replacement of the Snatch Land Rover was produced (Project DUCKBOARD).

July to September 2003 – The MOD held two workshops and produced an operational analysis of the requirement but stated that further work was needed to articulate it.

February 2004 – Funding re-profiled to bring forward the delivery of 80 vehicles from 2007 to 2004.

31 March 2004 – A requirement for an expeditionary vehicle to be deployed to the "rest of the world" was identified but the MOD stated further work was needed to define it. It became known as the Type B vehicle.

June 2004 – The Executive Committee of the Army Board (ECAB) was advised of a need for a coherent plan to deliver protected mobility for both Iraq and Afghanistan.

7 July 2004 – The MOD identified a requirement for three separate vehicle projects, including the Type B vehicle, but described the way forward as "beset with unresolved issues"[13] including a lack of definition over the capabilities required and number of vehicles needed.

15 October 2004 – A strategy for delivering the three projects was produced but there was still no concept of operations or a clear Customer Two lead.

---

[11] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.
[12] Minute MOD [junior officer] to D Jt Cap (AD Jt Mvre), 15 October 2004, 'Strategy for delivery of protected patrol and combat support mobility – Project DUCKBOARD'.
[13] Paper DEC(SP) to D Jt Cap, 7 July 2004, 'Project DUCKBOARD – Way Forward'.

27 October 2004 – A Statement of Requirement (SOR) for all three projects was raised, including the number of vehicles required.

21 February 2005 – A revised SOR for a Type B vehicle was raised as a result of funding allocated through the Equipment Programme.

7 July 2005 – The Investment Approvals Board (IAB) approved a business case to upgrade the remaining Snatch Land Rovers to the latest variant but cautioned that it had still not seen any operational analysis to support a way forward.

November 2005 – ECAB discussed concerns about the state of protected mobility for UK forces.

January 2006 – ECAB decided to approach Lord Drayson with concerns about the armoured vehicle fleet following a meeting that had focused on further delays to the FRES programme.

3 March 2006 – A USUR and business case for the first tranche of Type B expeditionary Vector vehicles was submitted. Those vehicles were intended for deployment to Afghanistan.

26 June 2006 – Mr Browne announced an armoured vehicle review.

5 July 2006 – Lord Drayson sought clear confirmation from Lt Gen Houghton as to whether there was a requirement for a medium weight armoured PPV.

7 July 2006 – Lt Gen Houghton confirmed the requirement for a medium weight PPV. Lord Drayson sought further advice that same day about the number of vehicles necessary to meet current operational requirements.

19 July 2006 – Lt Gen Houghton produced the USUR for a medium weight PPV.

24 July 2006 – Mr Browne announced the outcome of the review.

ATTEMPTS TO IMPROVE THE PROCESS FOR IDENTIFYING REQUIREMENTS

33. The Inquiry recognises that, during the period covered by its Terms of Reference, there were a number of attempts to improve the process through which equipment requirements were identified and articulated.

34. Attempts to make improvements to the process began in 2005.

35. In February 2005, an Equipment Capability (EC) branch was created in theatre. It enhanced communication between those in need of new capabilities and those who helped to articulate the requirements, although there was some lack of clarity regarding the EC cell's precise role.

36. In November 2006, Lt Gen Houghton recognised that the UK needed "to improve our processes for identifying the EC dimension of emerging theatre CONOPS [concept of operations] which lay in the domain of the early years of the EP [Equipment Programme] rather than in the UOR process."[14]

[14] Minute CJO to MA/VCDS, 9 November 2006, 'Emerging Capability Requirements'.

37. In March 2007, the report of a visit to Iraq by Lord Drayson, then the Minister of State for Defence Equipment and Support, prompted work to improve communication channels between the MOD and theatre.

38. Lord Drayson reported that "overall there was a clear perception in theatre that the UK MOD was not taking account of the rate of change. UORs too often sought to deliver a perfect capability, but in doing so delivered so late the requirement had changed or theatre were without any capability for too long".[15] He suggested that "greater dialogue" between theatre and the Equipment Capability Customer could help to address the issue.

39. In September 2007, following an "extensive review and analysis"[16] of the UK's force protection capability, the DOC concluded that management of force protection risk must be based "on a thorough identification of strategic and operational threats to ensure that a balance of research, investment and training was achieved commensurate with the threat".

40. As a result, a force protection policy was produced in November 2007 which sought to apply a standard approach to the risk assessment of force protection and lay out the respective roles and responsibilities across the MOD.

41. The MOD told the Inquiry that the force protection policy in use in 2015 "defines risk ownership and governance more clearly than its predecessors"[17] and that the policy had been integrated into wider MOD risk management processes which had also been revised.

FUNDING AND THE FUTURE RAPID EFFECT SYSTEM (FRES)

42. Lord Drayson told the Inquiry that he believed "the Army's difficulty in deciding upon a replacement to Snatch was in part caused by their concern over the likelihood of FRES budgets being cut to fund a Snatch replacement vehicle".[18]

43. Although the Inquiry has identified issues concerning clarity of responsibility and communication, it has not found evidence to suggest that funding was a direct barrier to the identification and deployment of additional solutions to the PPV capability gap.

44. It is possible, however, that the need to preserve funding for the Future Rapid Effect System (FRES) programme influenced decisions on the requirement for PPVs.

45. The FRES programme remained distinct from meeting the requirement for an appropriate PPV in Iraq. FRES was never intended to be in service until towards 2010. However, a number of witnesses to the Inquiry made the point that, within a finite budget, resources for an additional requirement would have to be found from elsewhere

---

[15] Minute APS/MIN(DES) to PSSC/SofS [MOD], 26 March 2007, 'Minister(DES) Visit to Iraq'.
[16] Report DOC, September 2007, 'Protection of the Deployed Force Operational Audit Report 1/07'.
[17] Statement MOD, 26 June 2015, 'Procuring Military Equipment'.
[18] Statement, 15 December 2010, page 4.

in the defence programme (except when provided from UORs or USURs funded by a claim on the Reserve – see Section 13.1). Sir Peter Spencer, Chief of Defence Procurement from May 2003 to April 2007, told the Inquiry that using money from the capital Equipment Programme to deal with the short term had "a fratricidal effect"[19] on the ability to move the FRES programme forward.

46. The focus of the Executive Committee of the Army Board (ECAB) on the FRES programme may therefore provide a partial explanation for the lack of urgency in addressing the more immediate problem of the PPV capability gap. Another likely factor was an over-optimistic assumption about the timing of withdrawal from Iraq. The expectation of an early withdrawal from Iraq inhibited action on an expensive programme that might not be completed before troops left.

Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR)

47. The MOD was aware before 2003 that it needed to broaden the capabilities available for collecting strategic, operational and tactical intelligence. A clear capability gap for an Unmanned Aerial Vehicle (UAV) to be directed by commanders on the ground had been identified. The longer-term solution was a programme known as Watchkeeper, expected to be introduced in 2005 to 2006.

48. From March 2003, the Phoenix UAV was available to commanders in theatre. It performed well during the invasion but could only be used between November and April because it was not designed to operate in high temperatures.

49. For the first four years of Op TELIC, the lack of ISTAR capabilities constrained military operations. The final DOC report on Op TELIC in March 2010 stated that an enduring intelligence picture had been lacking for "at least the first four years"[20] because "up to and throughout 2006 and into 2007, there were insufficient ISTAR assets available to MND(SE), and hence by necessity they were focused on maintaining as much of the day-to-day tactical picture as possible".

50. There is evidence that the MOD took two steps which did not adequately meet the capability gap:

- A "mini UAV", Desert Hawk 1, was introduced in December 2003. Because of technical limitations it was only in theatre for a very short period.
- A Combined Joint Predator UAV Task Force (CJPTF) was created with the US in January 2004 but the UK's requests for access to the capability were often not met.

---

[19] Public hearing, 26 July 2010, pages 40-50.
[20] Report DOC, 17 March 2010, 'Operation TELIC Lessons Study Vol. 4'.

51. As Major General William Rollo, General Officer Commanding MND(SE) (GOC MND(SE)) from July 2004 to December 2004, reported at the end of his tour, the consequence of that capability gap was that operations were "planned around ISTAR availability, rather than ISTAR being available for operations".[21]

52. The DOC raised the problem in its three reports covering the post-conflict phase, each of which was discussed by the Chiefs of Staff.

53. In February 2005, the DOC stated that ISTAR was "the most significant capability shortfall" of the post-conflict phase and it was "likely to remain an enduring requirement, particularly for asymmetric warfare".[22]

54. In April 2006, the DOC stated that "a serious gap in current ISTAR capability" had been "a regular DOC observation" that had "been highlighted on all recent operations".[23] That prompted a more wide-ranging debate across the MOD about how the ISTAR capability gap could be addressed.

55. As in the case of protected mobility, the MOD was slow to respond to the deficiencies identified in ISTAR and showed a lack of understanding of the requirement for an enduring operation. The provision of ISTAR capabilities also suffered from the absence of a clearly identified sponsor addressing the capability gap.

56. Lt Gen Houghton's review of ISTAR shortfalls in May 2006 stated that the UK was "only beginning to develop a full understanding of the national ISTAR requirements" for transition in both Iraq and Afghanistan.[24]

57. Major General Richard Shirreff, GOC MND(SE) from June 2006 to January 2007, wrote in his post-operation report that the UK's response was "grindingly slow and ponderous" when compared with the US and Australia. They had shown more "agility and forethought" in identifying solutions.[25]

58. The position improved when the Scan Eagle UAV was leased from Australia in April 2007 as a temporary measure until Hermes 450 came into service in July 2007.

---

[21] Report Rollo to PJHQ MA to CJO, 4 December 2004, 'Post Operation Report Operation TELIC 4/5 – 14 July – 1 December 2004'.
[22] Report DOC, 22 February 2005, 'Operation TELIC Lessons Study Vol. 2'.
[23] Report DOC, 4 April 2006, 'Operation TELIC Lessons Study Volume 3'.
[24] Minute CJO to VCDS, 18 May 2006, 'Quantifying ISTAR Shortfalls on Current Operations'.
[25] Report Shirreff to PSO/CDS, 19 January 2007, 'Post Operational Report – Operation TELIC'.

The pressure of running two medium scale operations concurrently

59. In 2002, an MOD review of the 1998 *Strategic Defence Review* (SDR) reaffirmed that the UK's Armed Forces were not equipped to support two enduring medium scale military operations at the same time:

> "Since the SDR we have assumed that we should plan to be able to undertake either a single major operation (of a similar scale and duration to our contribution to the Gulf War in 1990-91), or undertake a more extended overseas deployment on a lesser scale (as in the mid-1990s in Bosnia), while retaining the ability to mount a second substantial deployment … if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war-fighting or to maintain them simultaneously for longer than 6 months."[26]

60. Between 2004 and 2006, the MOD regularly made reference to the impact that an additional deployment would have on key capabilities available for Iraq. Choices would have to be made in deploying a finite level of capability.

61. When the Defence and Overseas Policy Sub-Committee of Cabinet agreed in July 2005 to deploy around 2,500 personnel to Helmand province, Afghanistan, the UK was still engaged in a medium scale operation in Iraq. As set out in Section 9.8, the assumptions about when personnel might be withdrawn from Iraq were high risk.

62. In March 2010, the DOC recognised that running two medium scale operations concurrently had had a "profound and fundamental impact" on resources afforded to Iraq.[27] It concluded that "knowingly exceeding Defence Planning Assumptions requires the most rigorous analysis". The Inquiry has not seen evidence of such analysis.

63. It is difficult to determine whether or not Ministers adequately appreciated what the July 2005 decision to deploy to Helmand meant for the capabilities available for Iraq. There were discussions about the over-stretch and pinch-points in provision but those were no substitute for the "rigorous analysis" to which the DOC referred.

64. Decisions were not based on a realistic assessment of the likely duration of either operation and were consequently flawed.

65. One example was the decision not to harden accommodation for British troops in Iraq in March 2005. That decision was supported by balanced and pragmatic advice but the UK's optimistic assessment of how soon operations in Iraq would conclude affected its analysis of the requirement. That meant that the issue had to be re-opened three years later when it was too late for the matter to be addressed in an appropriate and cost-effective way.

---

[26] Ministry of Defence, *Strategic Defence Review: A New Chapter*, July 2002.
[27] Report DOC, 17 March 2010, 'Operation TELIC Lessons Study Vol. 4'.

SUPPORT HELICOPTERS

66. The availability of support helicopters in MND(SE) was constantly stretched because of two factors.

67. The first was that support helicopters were used to supplement other shortfalls. Support helicopters were needed to move personnel by air when circumstances were too dangerous for ground transport. However, the same helicopters were also required for surveillance in the absence of sufficient ISTAR capability.

68. That meant that commanders were faced with a conflict between two requirements, and the need to compromise effectiveness.

69. As General Sir Richard Dannatt, Commander in Chief Land Command, wrote, there is an "inextricable" link between ISTAR, protected mobility and helicopters: "When the two former capabilities are under stress … we invariably place a higher call on the latter."[28]

70. The second factor was Afghanistan. Air Chief Marshal Sir Jock Stirrup, Chief of the Air Staff, anticipated in February 2004 that support helicopters would be "seriously stretched"[29] by increased involvement in Afghanistan. His prediction was borne out.

71. Reports from Iraq in the second half of 2005 stressed the need for more helicopters. General Sir Mike Jackson, Chief of the General Staff, stated in October that the fleet was "creaking badly".[30] In December, Major General James Dutton, GOC MND(SE) between June 2005 and December 2005, wrote that "the simple fact is that we need more helicopters (and aircrew) urgently".[31]

72. The DOC wrote in April 2006 that capacity had "become parlous at times during 2005".[32] It added that the Joint Helicopter Force (Iraq) had "struggled to meet its tasks even with rigorous prioritisation" and the UK's battlefield helicopter force "was stretched to meet the requirement of the current operation".

73. In June 2006, Lt Gen Houghton stated that there was an endorsed requirement to increase helicopter provision for Afghanistan but not for Iraq. He acknowledged that operations had at times been constrained by a lack of helicopter support. Lt Gen Houghton concluded:

> "With no reductions on the horizon in Op TELIC and escalating requirements in Op HERRICK [Afghanistan], our national aviation requirements now need

---

[28] Letter Dannatt to Jackson, July 2006, 'The Level of Operational Risk on Current Operations'.
[29] Minute CAS to PSO/CDS, 6 February 2004, 'Operational Tempo'.
[30] Report CGS to CDS, 18 October 2005, 'CGS Visit to Iraq: 10-13 Oct 05'.
[31] Report Dutton to CJO, 12 December 2005, 'June to December 2005 – Hauldown Report'.
[32] Report DOC, 4 April 2006, 'Operation TELIC Lessons Study Volume 3'.

departmental scrutiny to determine the concurrent requirement to resource both theatres and define how our national aviation resources should be realigned."[33]

74. Mr Browne and Lord Drayson intervened in August 2006. Lord Drayson told the Inquiry that he had asked Mr Browne to authorise him "to explore whether helicopters could be found quickly and to worry about how they would be funded after we had identified a possible solution".[34]

75. An exchange between Mr Browne and General Sir Timothy Granville-Chapman, Vice Chief of the Defence Staff, on 7 September illustrated how Ministers injected urgency into addressing equipment shortfalls. When Gen Granville-Chapman suggested that options to add capability would be considered in October, Mr Browne responded: "No: it should happen tomorrow!"[35]

76. That prompted a review of what short-term relief could be offered to improve helicopter availability. In December 2007, Mr Browne wrote that helicopter support to Iraq was "generally assessed as satisfactory"[36] and that the priority was therefore Afghanistan. The Inquiry has not seen any evidence to suggest that that assessment was reconsidered for the remainder of Op TELIC.

Lessons

77. In deciding to undertake concurrent operations in Iraq and Afghanistan, the UK knowingly exceeded the Defence Planning Assumptions. All resources from that point onwards were going to be stretched. Any decision which commits the UK to extended operations in excess of the Defence Planning Assumptions should be based on the most rigorous analysis of its potential implications, including for the availability of relevant capabilities for UK forces.

78. At the start of Op TELIC, the MOD knew that it had capability gaps in relation to protected mobility and ISTAR and that either could have a significant impact on operations. Known gaps in such capabilities should always be clearly communicated to Ministers.

79. The MOD should be pro-active in seeking to understand and articulate new or additional equipment requirements. The MOD told the Inquiry that there was no simple answer to the question of where the primary responsibility for identifying capability gaps lay during Op TELIC. That is unacceptable. The roles and responsibilities for identifying and articulating capability gaps in enduring operations must be clearly defined, communicated and understood by those concerned. It is possible that this has been addressed after the period covered by this Inquiry.

---

[33] Minute Houghton to MA/VCDS, 12 June 2006, 'Quantifying Battlefield Helicopter (BH) Requirements on Operations'.
[34] Statement, 15 December 2010, page 8.
[35] Manuscript comment Browne on Minute VCDS to SofS, 7 September 2006, 'Helicopter Capability'.
[36] Letter Browne to Brown, 6 December 2007, 'Update for the Prime Minister on Helicopter Issues'.

80. Those responsible for making decisions on the investment in military capabilities should continually evaluate whether the balance between current operational requirements and long-term defence programmes is right, particularly to meet an evolving threat on current operations.

81. During the first four years of Op TELIC, there was no clear statement of policy setting out the level of acceptable risk to UK forces and who was responsible for managing that risk. The MOD has suggested to the Inquiry that successive policies defining risk ownership and governance more clearly have addressed that absence, and that wider MOD risk management processes have also been revised. In any future operation the level of force protection required to meet the assessed threat needs to be addressed explicitly.

SECTION 15.1

CIVILIAN PERSONNEL

Contents

Introduction 245
Civilian outreach event 245
Pre-invasion planning and preparation 246
ORHA 247
DFID humanitarian advisers 249
The British Embassy Baghdad 250
MOD civilian support to Op TELIC 252
UK civilian presence during the Coalition Occupation of Iraq 255
UK civilian deployments to ORHA 255
The CPA and the return to a “war footing” 263
The impact of deteriorating security 272
The British Offices in Baghdad and Basra 291
Preparations for the transfer of sovereignty 294
The post-CPA UK civilian presence in Iraq 301
Departmental reviews of staffing levels 310
The Basra Provincial Reconstruction Team 314
Reassessment of risk and duty of care 317
The move from the Basra Palace site to Basra Air Station 326
Sustaining the UK civilian presence during 2007 331
The Charge of the Knights and the UK military drawdown 339
Attracting volunteers 343
Seniority 351
Skills 355
Tour length and continuity 360
Learning operational lessons 363
Staff welfare 365
The Iraq Reconstruction Service Medal 378

Locally engaged staff 383
The Locally Engaged Staff Assistance Scheme 386
UK civilian deployments to Iraq: statistics 391
The UK civilian deployment during the CPA period, May 2003 to June 2004 394
The post-CPA UK civilian deployment, July 2004 to July 2009 397
UK share of the Coalition civilian deployment 401
UK civilian contractors 404

Introduction

1. This Section addresses:

- planning and preparation for the deployment of UK civilian personnel to Iraq;
- the recruitment and deployment of civilian personnel between 2003 and 2009;
- duty of care and protective security measures;
- recognition of service;
- support to locally engaged (LE) staff; and
- skills and seniority.

2. This Section does not consider:

- the recruitment, deployment or impact of UK police officers in Iraq, addressed in Section 12;
- the contribution of civilian personnel to the reconstruction of post-conflict Iraq, addressed in Section 10;
- the funding of civilian deployments, including the cost of protective security measures, addressed in Section 13; or
- the Government's review of the UK approach to post-conflict reconstruction and stabilisation, and the creation of a deployable UK civilian standby capability, addressed in Sections 10.3 and 10.4.

Terms used in this Section

UK-based staff. UK Government employees deployed to Iraq for a defined period, usually between six months and one year.

Locally engaged (LE) staff. Staff recruited and employed in Iraq by the UK Government. Sometimes referred to as "locally employed staff" or "locally engaged civilians".

Contractor. Used in this report for all personnel hired by UK (and US) government departments on fixed-term contracts, including those referred to in contemporary documents as "consultants".

Consultant. Usually refers to contractors providing specialist technical advice. Widely used in contemporary documents and by witnesses to the Inquiry in place of "contractor".

Personnel. All staff and contractors.

Secondee. An individual deployed temporarily to another organisation.

Civilian outreach event

3. In June 2010, the Inquiry held an outreach event for civilians who had served in Iraq between 2003 and 2009. A total of 48 people took part from a range of departments, including the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MOD) and the Department for International Development (DFID). No contractors responded to the invitation.

4. Participants were divided into three working groups:

- the Coalition Provisional Authority (CPA) period (18 participants);
- mid-2004 to mid-2007 (21 participants); and
- mid-2007 to mid-2009 (nine participants).

5. Each working group discussed two themes: "Strategy and Delivery" and "Support to Staff".

6. Views expressed during the event appear where appropriate in this Section.

Pre-invasion planning and preparation

7. Sections 6.4 and 6.5 address the shortcomings in the UK Government's planning and preparation for a post-Saddam Hussein Iraq.

8. When the invasion of Iraq began overnight on 19/20 March 2003, there had been no systematic analysis of the availability of civilian personnel to meet the UK's likely obligations in post-conflict Iraq.

9. Factors shaping the Government's pre-conflict approach to civilian deployments included:

- inadequate planning machinery;
- the absence of a comprehensive strategy for post-conflict Iraq, which could have informed a cross-Whitehall assessment of the civilian requirement;
- an assumption that, after a short transitional phase led by the US, the post-conflict administration and reconstruction of Iraq would be run and staffed by the international community, led by the UN, allowing the UK to limit its contribution to provision of financial resources and targeted advice delivered by a small number of civilian specialists;[1]
- DFID's limited operational capacity;
- concerns about the legal status of UK secondees working for the US-led Office for Reconstruction and Humanitarian Assistance (ORHA) in Iraq; and
- failure to decide whether the UK should assume overall responsibility for a geographical sector of Iraq.

10. In the months before the invasion, the UK Government made preparations for civilian deployment to Iraq in four areas:

- cross-government support to ORHA;
- DFID humanitarian support to the UK military and international organisations;
- FCO staff for the British Embassy Baghdad; and
- MOD civilians supporting Operation (Op) TELIC.[2]

---

[1] Paper FCO, [undated], 'Scenarios for the future of Iraq after Saddam'; Letter Chilcott to Ward, 24 February 2003, 'ORHA'.
[2] Operation TELIC was the codename for the involvement of UK Armed Forces in the military campaign in Iraq from 2003 to 2011.

ORHA

11. ORHA was created by the US in January 2003.[3] It was led by retired US Lieutenant General Jay Garner and reported to the Department of Defense (DoD).

12. The UK's approach to ORHA in the weeks before the invasion of Iraq is described in Section 6.5. UK concerns during that period included:

- DoD's assumption of responsibility for all US post-conflict planning and the marginalisation of the State Department;
- the limited time available to ORHA to plan and prepare for the post-conflict phase of operations;
- persistent shortcomings in those preparations;
- legal concerns, in the absence of a UN mandate for the administration and reconstruction of Iraq, about the compatibility of certain post-conflict activities with the rules of military occupation, and the implications for any UK secondees serving with ORHA; and
- a shortage of information about ORHA's staffing requirements and, as a consequence, the contribution that should be made by the UK.

13. The UK Government's response to those concerns and the evolution of its policy towards ORHA during March and April 2003 are addressed in Sections 6.5 and 10.1.

14. In February 2003, the Government seconded a small number of officials and military officers to ORHA. The Inquiry has seen little evidence of formal inter-departmental discussion of the appointment process.

15. The first UK secondee, appointed in February 2003, and the senior UK member of ORHA was Major General Tim Cross.[4]

16. Maj Gen Cross had recent and relevant experience of planning for conflict in Iraq. In the second half of 2002 he had worked as Logistic Component Commander of the Joint Force being prepared for possible operations against Iraq. He returned to the UK in late 2002.

17. Maj Gen Cross told the Inquiry:

> "I had been back only a short time at my desk, where I was the Director General of the defence supply chain, a couple of weeks and the phone rang literally out of the blue, and they[5] just said we want you to go. To be honest, I wasn't surprised."[6]

---

[3] Bowen SW Jr., *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[4] Statement Cross, 2009, pages 6-7.
[5] Maj Gen Cross was unsure whether he had been phoned by the Military Secretary (Major General Peter Grant Peterkin) or the Chief of the General Staff (General Sir Mike Jackson).
[6] Public hearing, 7 December 2009, page 10.

18. The record of the FCO Iraq Morning Meeting on 4 February 2003 stated that the US had requested "a broader UK team (in addition to our MOD representative [Maj Gen Cross])".[7] FCO officials would check Personnel Directorate's[8] progress in identifying "an FCO representative". DFID was also considering sending a representative.

19. Ms Clare Short, the International Development Secretary, was reluctant to second DFID officials to ORHA in the absence of a UN mandate for reconstruction (see Section 6.5). On 20 February, Ms Short agreed that one DFID representative should work with, but not in, ORHA "on a temporary basis" to "influence and help with the planning of the Office".[9]

20. A DFID official was appointed "temporary humanitarian adviser" to Maj Gen Cross later in February.[10]

21. The record of the FCO's Iraq Evening Meeting on 27 February stated: "ORHA needs strengthening – we are looking for a volunteer."[11]

22. On 27 February, Sir Christopher Meyer, British Ambassador to the US, warned that ORHA was "woefully understaffed".[12] He suggested that officials earmarked for the British Embassy Baghdad should be sent to help.

23. On 6 March, Maj Gen Cross informed the MOD, the FCO and DFID that he expected the requirements for Lt Gen Garner's "Top Team" to become clear the following week.[13] In the meantime, he believed that two UK military officers might be able to join him from the US Central Command (CENTCOM) in Tampa. He reported that, on the civilian side, DFID's humanitarian adviser continued "to explore how ORHA's humanitarian plans are developing" and an FCO official had been identified as UK liaison officer for ORHA's back office in the US.

24. The record of the FCO Iraq Morning Meeting on 10 March stated that ORHA had been "strengthened with three further UK officers", two from the FCO and one from British Trade International (BTI).[14]

25. The British Embassy Washington reported on 16 March that five UK secondees had deployed with ORHA to Kuwait: Maj Gen Cross, a second military officer and the three civilians from the FCO and Trade Partners UK (TPUK), the division of BTI responsible

---

[7] Minute Tanfield to PS/PUS [FCO], 4 February 2003, 'Iraq Morning Meeting: Key Points'.
[8] Renamed Human Resources Directorate later in 2003.
[9] Minute Bewes to Fernie, 20 February 2003, 'Iraq: Meeting with General Cross'.
[10] Minute Brewer to Secretary of State [DFID], 28 February 2003, 'Iraq/UN: visits to New York and Washington, 26-27 February'.
[11] Minute MED to PS/PUS [FCO], 27 February 2003, 'Iraq Evening Meeting: Key Points'.
[12] Telegram 257 Washington to FCO London, 27 February 2003, 'Iraq: Day After: UK Role in Post-Conflict Iraq'.
[13] Minute Cross to DCDS(C), 6 March 2003, 'ORHA feedback from Gen Cross 6 Mar 03'.
[14] Minute Tanfield to PS/PUS [FCO], 10 March 2003, 'Iraq Morning Meeting: Key Points'.

for promoting UK exports.[15] DFID had also agreed formally to second an official to ORHA's humanitarian assistance division.

26. On 17 March, an official in the Cabinet Office Overseas and Defence Secretariat (OD Sec) informed Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of OD Sec, that Maj Gen Cross had asked whether a suitable UK official was available to improve ORHA's capacity to handle Arabic-language media.[16]

27. Concerns about the adequacy of the UK contribution to ORHA began to grow soon after the start of the invasion and are addressed later in this Section.

DFID humanitarian advisers

28. On 3 February, DFID officials recommended to Ms Short that DFID second six civil/military humanitarian advisers to the UK military and ORHA, in order "to take further forward our objective of refining the military planning options to ensure the humanitarian consequences of any conflict in Iraq are fully addressed".[17]

29. The Inquiry has not seen Ms Short's response to the advice, but DFID did second a number of staff over the following weeks.

30. On 7 March, DFID informed Mr Blair that, in addition to the DFID presence in ORHA, there was now a DFID staff presence in the 1st (UK) Armoured Division (1 (UK) Div) in Kuwait, with further deployments to the region and UN agencies imminent.[18]

31. DFID officials sent Ms Short an outline 'Humanitarian Strategy and Immediate Assistance Plan' for Iraq on 12 March (see Section 6.5).[19] The single page describing DFID's "Operational Plan" explained that: "In view of DFID's limited resources, we will retain **maximum flexibility to respond to changing scenarios and needs**". Actions planned or under way included:

- "Information Management". Staff from the Conflict and Humanitarian Affairs Department Operations Team (CHAD OT) would be deployed to Kuwait and Jordan to collate, analyse and disseminate field information. DFID was also evaluating the need to send staff to Turkey, Iran and Cyprus, and would retain a limited capacity to deploy assessment teams to localised crisis points.
- "Direct Support to the UN". DFID was seconding specialists to support the co-ordination and information activities of the UN's Humanitarian Assistance Centre (HIC) and Joint Logistics Centre (UNJLC).

---

[15] Telegram 347 Washington to FCO London, 14 March 2003, 'Iraq Day After: ORHA Deploys To Kuwait'.
[16] Minute Dodd to Manning, 17 March 2003, 'Ad Hoc Group on Iraq'.
[17] Minute Conflict & Humanitarian Affairs Department [junior official] to PS/Secretary of State [DFID], 3 February 2003, 'Iraq: Refining the Military Options'.
[18] Letter Warren to Rycroft, 7 March 2003, [untitled] attaching Paper DFID, [undated], 'DFID Planning on Iraq'.
[19] Paper Conflict and Humanitarian Affairs Department, 12 March 2003, 'Iraq: Humanitarian Strategy and Immediate Assistance Plan: Information Note'.

- "Advice to the Military/Coalition". Two DFID secondees were advising 1(UK) Div and one DFID official was in ORHA, all contributing to DFID's "information gathering system". A DFID secondment to the National Component HQ in Qatar was under consideration.

32. On 21 March, two days after the start of the invasion, DFID reported that it had deployed seven humanitarian and civil/military advisers:

- a two-person team to Kuwait City;
- two advisers to join 1(UK) Div;
- one to join ORHA in Kuwait; and
- one each to Amman and Tehran.[20]

The British Embassy Baghdad

33. In September 2002, the FCO began preparations for the reopening of a British Embassy in Baghdad.

34. On 27 September, Mr Peter Collecott, FCO Director General Corporate Affairs,[21] briefed Sir Michael Jay, FCO Permanent Under Secretary (PUS),[22] on plans for reopening the British Embassy:

> "Based on the Kabul experience, we are planning for an Embassy of, initially, 11 FCO staff (plus 6 from OGDs [other government departments] and 12 Close Protection Officers). We have begun the process of identifying possible staff. On the technical side … we have likely volunteers."[23]

35. Mr Collecott emphasised the importance of committing immediately to the capital expenditure required, including for "armoured vehicles, portable accommodation and ICT equipment". The lead time for armoured vehicles in particular was very long: 20 weeks, which would mean delivery in late February or early March 2003.

36. On public presentation, Mr Collecott advised:

> "Our major, and most visible, expenditure will be on equipment for Baghdad. That is defensible on the grounds that this is prudent planning; re-establishment in Baghdad does not necessarily imply a military campaign or indeed regime change; and that we have a commitment to the FAC (Foreign Affairs Committee) to have a rapidly deployable Embassy for use anywhere."

---

[20] Paper DFID, 21 March 2003, 'Iraq Humanitarian Situation Update: No 1 (INTERNAL)'.
[21] Until late 2002 the DG Corporate Affairs was known as the FCO Chief Clerk.
[22] In keeping with variations in use within departments, the Inquiry refers to the most senior civil servant in the FCO and the MOD as the Permanent Under Secretary (PUS), but in all other departments as the Permanent Secretary. The Permanent Under Secretaries and Permanent Secretaries are referred to collectively as Permanent Secretaries.
[23] Minute Collecott to Jay, 27 September 2002, 'Iraq Contingency Measures'.

37. The recruitment of staff for the new Embassy was part of a wider redeployment of FCO staff in response to developments in Iraq.

38. On 20 March 2003, Sir Michael Jay informed Mr Jack Straw, the Foreign Secretary, that "almost five percent of FCO staff in London" had been redeployed:

- 51 staff had been redeployed to the main Emergency Unit;
- 119 had been redeployed to the Consular Emergency Unit;
- the Iraq Planning Unit (IPU) had been established;
- the nucleus of a mission in Baghdad had been prepared; and
- FCO staff had been seconded to ORHA and "other bodies".[24]

39. The creation of the IPU, based in the FCO, and the activation of the two FCO Emergency Units in London is addressed in Section 6.5.

40. Mr Collecott updated Mr Straw on preparations for the new Embassy on 21 March:

> "Plans are in place for a two-phase re-occupation of the site [of the former British Embassy] as soon as hostilities are over, and military ordnance personnel have declared the site safe … These plans have had to be made on the basis of worst case assumptions – an insecure environment; no secure office buildings or accommodation available off-compound; no available utilities."[25]

41. Mr Collecott explained that, in phase one, five specially converted containers would arrive in Kuwait on 26 March to be transported to Baghdad as soon as the route was safe. The containers would provide living and office accommodation for a team of four, led by Mr Chris Segar, a senior FCO official, and would be self-sufficient in power and water. Mr Segar's team would have secure communications from the outset.

42. Phase two would begin in the first week of May and involve installation of a protected prefabricated flat pack Embassy, with its own water, drainage and power supply, and secure living and working accommodation for 44 staff, including close protection officers. Construction of the Embassy would take 12 weeks.

43. Mr Collecott explained that the timetable was based on transport by sea and land. The FCO would be exposed to "a very awkward period" if Baghdad returned to "relative normality" quickly and pressure mounted rapidly to expand the UK presence. Two or three weeks could be saved if the flat pack containers and other equipment were flown into Baghdad. The FCO was "keeping open the option of calling in a debt with the Americans by asking them to transport the flat pack equipment and containers to Baghdad. (The RAF are not at all sure they can help.)"

---

[24] Minute Jay to Secretary of State [FCO], 20 March 2003, 'Iraq Contingency Planning and Prioritisation'.
[25] Minute Collecott to Private Secretary [FCO], 21 March 2003, 'A British Embassy in Baghdad'.

44. On 11 April, Mr Charles Gray, Head of FCO Middle East Department, told Mr Straw that the plans were on course.[26] FCO Personnel Directorate was identifying a pool of staff at all grades willing to serve in Baghdad in the medium to long term. The aim was to deploy staff for one year "to avoid the rapid and disruptive turnover experienced in the early days of our redeployment to Kabul". When permanent quarters were found, the flat pack Embassy would be returned to the UK for use elsewhere.

45. Mr Gray advised that security was a priority. Staff could not be put into a situation in which the FCO could not fulfil its duty of care. Before Mr Segar's party and the close protection team travelled, the MOD and Assessments Staff needed to conclude that the situation was calm enough in the city as whole, not just in the area immediately surrounding the compound.

46. Mr Gray added that it had not been decided how to secure the compound perimeter. Relying on the US military or a private security company would be politically unacceptable and locally engaged (LE) Iraqi guards would not be a realistic option in the short term. The British Army was the only realistic alternative. The MOD was considering the issue, but would "take some persuasion to redeploy to Baghdad from the South in what would in effect be a full company, even for a short deployment (and the cost to the FCO will be high)".

47. On 30 April, Mr Gray reported that planning for opening the mission in Baghdad, under the provisional name of "The British Office", was in its final stages.[27] The staff, the flat pack Embassy and four armoured vehicles were scheduled to arrive in Baghdad on 5 or 6 May.

48. The British Office Baghdad was established on 5 May.[28]

MOD civilian support to Op TELIC

49. The MOD deploys civilians in a wide range of support roles for military operations. A 2007 list of 15 different roles routinely performed by MOD civil servants on deployed operation, not specifically linked to Op TELIC, included:

- "Policy and Political Adviser (POLAD)" to the deployed Commander at brigade level or higher;
- "Civil Secretary (CIVSEC)", the senior financial officer in theatre;
- "Finance Officer";
- "Commercial Officer", responsible for contracts and services with local suppliers;
- "Media Adviser";
- "MOD Police"; and
- "Defence Fire and Rescue Service", part of the force protection service.[29]

---

[26] Minute Gray to Private Secretary [FCO], 11 April 2003, 'Baghdad: Preparing to Open'.
[27] Minute Gray to Private Secretary, 30 April 2003, 'Baghdad: Reopening of the Mission'.
[28] Minute Owen to MED [junior official], 7 May 2003, 'Iraq Travel Advice'.
[29] Minute [unattributed] to PS/PUS [MOD], 4 December 2007, 'TELIC Visit – Support to Operations Brief'.

50. In Iraq, the MOD also deployed civilians in advisory roles outside Op TELIC, including in the CPA and the UK's bilateral diplomatic missions.

51. On 14 February 2003, Mr John Pitt-Brooke, MOD Director General Civilian Personnel, reported that the MOD had been "successful in getting people lined up for quick deployment into theatre".[30] There were about 25 Permanent Joint Headquarters (PJHQ)-sponsored civilian posts across the Middle East. Some individuals had already deployed; others would do so over the following weeks. Other parts of the MOD would be deploying specialist staff to their own timetable.

52. Mr Pitt-Brooke expressed concern that the approach to deployments across departments within the MOD had not been as consistent or coherent as it should have been. Key issues were:

- Management information: there was no central record of those deployed, "which we need for tracking people in theatre, providing the appropriate medical and welfare support, etc. We are working on gripping this quickly".
- Risk assessment: individuals needed more clarity about potential risks. A single source of guidance needed to be published urgently.
- Training: the approach had been inconsistent.
- Availability of equipment: current arrangements were "less than the individual has a right to expect".
- Briefing and travel allowance arrangements.
- Medical, welfare and insurance issues: "The lack of consistent, readily available advice on medical issues … and the lack of a single point of contact for advice may be aspects that we could improve upon."

53. Mr Pitt-Brooke advised that a new "focal point" had been set up in PJHQ to address those issues. New arrangements would be in place on 19 February.

54. In response, Sir Kevin Tebbit, the MOD PUS, instructed officials to "bear in mind the need for wider post-conflict planning. OGDs sh[oul]d bear the brunt, but we are likely to need MOD people as well."[31]

55. On 31 March, Mr Paul Flaherty, MOD Civil Secretary at PJHQ, informed Sir Kevin that 156 civilians had been deployed to theatre in support of Op TELIC, the largest number in the Warship Support Agency, and that numbers fluctuated from day to day.[32]

56. It had taken Mr Flaherty 18 days to compile the figures. He apologised that it had taken longer than he had hoped.

---

[30] Minute Pitt-Brooke to 2nd PUS, 14 February 2003, 'Operation TELIC: Civilian Participation'.
[31] Manuscript comment Tebbit, 17 February, on Minute Pitt-Brooke to 2nd PUS [MOD], 14 February 2003, 'Operation TELIC: Civilian Participation'.
[32] Minute Flaherty to PS/PUS [MOD], 31 March 2003, 'Deployed Civilians in Support of OP TELIC'.

57. Mr Flaherty reported that civilians had been deployed at all grades "in a range of roles including finance, administration, claims, salvage, RFA [Royal Fleet Auxiliary], communications, POLAD etc".

58. Mr Flaherty confirmed that the MOD Civilian Deployment Co-ordination cell had been established at PJHQ. For the first time, co-ordinated guidance had been made available to civilians deployed on Op TELIC and a pre-deployment training strategy had been established.

59. Mr Flaherty added:

> "There is a great deal for the new cell to do, but an important current priority is constructing a register of the names, and other relevant details, of civilians who are deployed. The new cell is working to render this sort of information as complete and reliable as possible."

60. Sir Kevin Tebbit described 156 as "a significant number for deployed personnel, notwithstanding that just over half that number are Royal Fleet Auxiliaries".[33] He attached importance to the provision of "proper support for families" and expressed the hope that the co-ordination cell would pay attention to morale, as well as training.

61. Sir Kevin also requested, as a matter of urgency, advice on arrangements for dealing with civilian deaths.

62. Mr Richard Hatfield, MOD Personnel Director, explained that any MOD civilians and accredited war correspondents killed in Iraq would be subject to the same overarching policy as service personnel.[34] Any MOD civilians would be returned to the UK alongside service personnel and would have the same treatment on arrival, including ceremonial, if that was the wish of the next of kin. MOD civilians were Crown servants operating in direct support of the military in a theatre of war. To offer less might cause offence or embarrassment to the families. For accredited journalists, it was proposed to confine the policy to flying the body home, with no ceremonial.

63. Mr Hatfield reassured Sir Kevin Tebbit that work was "in step" on wider Op TELIC-related civilian and service personnel issues.

64. Sir Kevin approved the repatriation proposals on 7 April 2003.[35]

---

[33] Minute Wilson to PJHQ – Civ Sec, 3 April 2003, 'Deployed Civilians in Support of Op TELIC'.
[34] Minute Hatfield to PS/PUS [MOD], 4 April 2003, 'Deployed Civilians in Support of Op TELIC: Repatriation of Civilian Dead'.
[35] Minute Wilson to Personnel Director, 7 April 2003, 'Deployed Civilians in Support of Op TELIC: Repatriation of Civilian Dead'.

UK civilian presence during the Coalition Occupation of Iraq

65. The Inquiry estimates that, on the eve of the invasion, the UK had between 10 and 16 non-MOD civilians ready to deploy to Iraq:

- two DFID humanitarian experts to advise 1 (UK) Div;[36]
- four secondees to ORHA (a fifth remained in ORHA's Pentagon office; two other UK secondees were military officers),[37] with five or six more "in the pipeline";[38] and
- a team of four to reopen the British Embassy Baghdad.[39]

66. In late March, the MOD deployed 156 civilians[40] to theatre in support of Op TELIC.[41]

67. Before the invasion, DFID also deployed a number of staff to locations outside Iraq:

- Four DFID staff were deployed to Kuwait, Jordan and Iran "to monitor and assess humanitarian needs and to liaise with UN agencies and NGOs", with an undertaking to increase numbers "as circumstances dictate".
- DFID seconded specialists to the World Food Programme (WFP) and the UN Office for the Co-ordination of Humanitarian Affairs (OCHA), and was "considering requests" from other parts of the UN system.[42]

68. By 7 April, DFID had also seconded a Liaison Officer and a Logistics Officer to the UN's HIC in Larnaca, an Air Movement Officer to the WFP's Operations Centre, and an Air Co-ordinator to the UNJLC in Larnaca.[43]

69. DFID deployed a second Air Movement Officer to the WFP Operations Centre in early May.[44]

UK civilian deployments to ORHA

70. UK policy towards ORHA is addressed in detail in Sections 6.5 and 10.1. This Section considers the nature and scale of the UK contribution to the ORHA workforce.

---

[36] Minute Iraq Planning Unit [junior official] to PS [FCO], 24 March 2003, 'HMG Humanitarian Planning' attaching Paper Iraq Planning Unit, 'HMG Humanitarian Planning'.
[37] Telegram 347 Washington to FCO London, 14 March 2003, 'Iraq Day After: ORHA Deploys To Kuwait'.
[38] Paper Iraq Planning Unit, 28 March 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[39] Minute Collecott to Private Secretary [FCO], 21 March 2003, 'A British Embassy in Baghdad'.
[40] The figure of 156, quoted by Mr Flaherty on 31 March 2003, is significantly lower than the 327 civilians deployed in Iraq in the calendar month of March 2003 according to the table submitted to the Inquiry by the MOD in May 2013 (see Table 7).
[41] Minute Flaherty to PS/PUS [MOD], 31 March 2003, 'Deployed Civilians in Support of OP TELIC'.
[42] Minute Iraq Planning Unit [junior official] to PS [FCO], 24 March 2003, 'HMG Humanitarian Planning' attaching Paper Iraq Planning Unit, 'HMG Humanitarian Planning'.
[43] Report DFID, 7 April 2003, 'Iraq Humanitarian Situation Update: No 12 (internal)'.
[44] Report DFID, 7 May 2003, 'Iraq Humanitarian Situation Update: No 28 (internal)'.

71. On 1 April, the IPU advised Mr Straw on the UK's future engagement with ORHA.[45] The IPU assessed that, while ORHA was "in many ways a sub-optimal organisation for delivering the UK's Phase IV[46] objectives", it was "the only game in town". There was, however, "ample scope" to use UK secondees to exert leverage over US Phase IV planning and implementation. The IPU recommended that the UK should continue to commit resources to ORHA where the UK "could add real value and exert influence over emerging US perspectives and plans".

72. The IPU also recommended that the UK should:

- continue to make clear to the US the limits within which the UK, including UK personnel within ORHA, could operate;
- seek close consultation on ORHA's plans, to ensure that they did not cross UK "red lines"; and
- subject to those points, confirm Maj Gen Cross as Deputy to Lt Gen Garner.

73. The IPU reported that ORHA, which at that stage was in Kuwait, had approximately 200 staff, expected to rise to over 1,000 by the time it deployed to Iraq. The UK and Australia each had six officers seconded to ORHA. Five more UK secondees were "in the pipeline" and one was working in ORHA's back office in the Pentagon. The UK secondees were "fully integrated" and "adding significant value". At ORHA's request, the IPU was considering whether to strengthen UK representation, particularly in the areas of public relations, civil administration and humanitarian operations.

74. On 2 April, Mr Peter Ricketts, FCO Political Director, sent Sir David Manning an earlier version of the IPU paper, which identified areas in which the UK was considering strengthening its representation: public relations, civil administration, humanitarian advice and administrative support for existing secondees.[47]

75. Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, warned Sir David Manning on 3 April that the UK was "in danger of being left behind" on ORHA.[48] The list of senior officials to "shadow" ministries in Iraq was almost complete and those officials would start deploying soon. Australia had bid for a place. The UK had not, even though the US had said it would be open to such a bid. Mr Brenton advised that:

> "Following our significant military efforts we surely have an interest in following through to the civilian phase. If so, given the advanced state of US preparations, it will be important that we vigorously pursue the point at next week's talks [at Hillsborough]."

---

[45] Minute Iraq Planning Unit to Private Secretary [FCO], 1 April 2003, 'Iraq: ORHA' attaching Paper IPU, 28 March 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[46] The military term for the post-conflict phase of operations in Iraq.
[47] Letter Ricketts to Manning, 2 April 2003, 'ORHA' attaching Paper Iraq Planning Unit, 27 March 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[48] Letter Brenton to Manning, 3 April 2003, 'Post Conflict Iraq'.

76. Sir David commented: "We need to decide if we want a place. Do we?"[49] He asked Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, to discuss the issue with the FCO.

77. UK support for ORHA was the focus of the first meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR), chaired by Mr Straw, on 10 April (see Section 9.1).[50]

78. Mr Straw visited ORHA in Kuwait on 14 April.[51] During the visit, Maj Gen Cross handed Mr Straw a copy of his 'Must-Could-Should' paper (see Section 10.1). The paper, which was sent to the MOD and the IPU on 15 April, identified ORHA posts that UK secondees must fill, should fill or could fill "to best help ORHA achieve success".[52]

79. Maj Gen Cross advised that, if all the recommendations were accepted, the number of UK staff would rise from 19 to "about 100" within an ORHA total of 1,500 (including force protection and support staff).

80. On 15 April, Mr Straw recommended to Mr Blair:

> "… a step change in the resources and personnel we offer … We are working urgently to establish where we can best make a contribution and how this will be funded.
>
> "We now need an immediate effort across government and with the private sector to get UK experts into key Iraqi ministries quickly. Patricia [Hewitt, the Trade and Industry Secretary] is particularly keen that we should appoint people to the economic ministries …"

81. In his memoir, Mr Straw wrote:

> "I could not believe the shambles before my eyes. There were around forty people in the room, who, somehow or other, were going to be the nucleus of the government of this large, disputatious and traumatised nation."[53]

82. On 15 April, the IPU informed Mr Ricketts that it had requested extra staff to cover the "major surge of work" in managing the secondment of UK officials to ORHA, and was trying to identify funding.[54] It estimated that the first UK secondees would be required by early May.

---

[49] Manuscript comment Manning, 4 April 2003, on Letter Brenton to Manning, 3 April 2003, 'Post Conflict Iraq'.
[50] Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[51] Statement Cross, 2009, pages 17-18.
[52] Minute Cross to MA/DCDS(C), 15 April 2003, 'ORHA posts UK manning: must/should/could'.
[53] Straw J. *Last Man Standing: Memoirs of a Political Survivor*. Macmillan, 2012.
[54] Minute Chatterton Dickson to PS/PUS [FCO], 15 April 2003, 'Iraq: ORHA: PUS's meeting with Permanent Secretaries, 16 April'.

83. Sir Michael Jay informed Mr Straw on 16 April that he had reached agreement with Sir Andrew Turnbull, the Cabinet Secretary, on "the modalities for deploying experts from central government, plus experts from eg the NHS and local government".[55]

84. Sir Andrew Turnbull sent Mr Blair a copy of Sir Michael's minute later the same day, commenting: "This is important and we will respond. But we will need the right collective decisions quickly if this project is to [get] under way."[56] Sir Andrew identified two problems:

- It was not clear that ORHA had reached the right conclusions about what was needed, or that ORHA's view of its role was shared by the UK.
- The UK needed to decide on the scale and precise roles of UK secondees and to reach agreement on how to finance the activity.

85. On 17 April, Mr Blair agreed that the UK should "increase significantly the level of … political and practical support to ORHA, including the secondment of significant numbers of staff in priority areas".[57] Mr Blair added that:

> "As a general rule, our role in humanitarian aid and in the reconstruction of Iraq should be commensurate with our contribution to the military phase."

86. The FCO, DFID and the Cabinet Office were instructed to provide Mr Blair with lists of secondees, their roles and dates of arrival in Iraq, by 25 April.

87. Lt Gen Garner, accompanied by Maj Gen Cross and other ORHA staff, left Kuwait to fly into Baghdad on 21 April.[58]

88. In his statement to the Inquiry, Maj Gen Cross commented that, during ORHA's time in Kuwait, his UK team was "strengthened a little, including a very useful media team provided by Alastair Campbell [Mr Blair's Director of Communications and Strategy]", but efforts to secure significant numbers of additional UK personnel were "frustratingly slow":

> "I found myself ringing around lobbying my own contacts and then asking 'formally' for named individuals who I knew would add real value – usually with little or no 'official' agreement/response. I did however manage to get some 'unofficial' additional military support."[59]

---

[55] Minute Jay to Secretary of State [FCO], 16 April 2003, 'Iraq: ORHA: UK Support'.
[56] Letter Turnbull to Prime Minister, 16 April 2003, 'Iraq: UK Civil Assistance to ORHA'.
[57] Letter Rycroft to McDonald, 17 April 2003, 'Iraq: ORHA'.
[58] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009; Statement Cross, 2009, page 20.
[59] Statement, 2009, page 18.

89. In the absence of contingency preparations for the deployment of more than a handful of UK civilians to Iraq, officials urgently sought:

- cross-Whitehall agreement on the detailed arrangements for recruitment and deployment of individuals from a range of different organisations;
- agreement with ORHA on the level of support it would provide UK secondees; and
- detailed information on secondees' roles in Iraq.

90. Sir Michael Jay launched the recruitment process on 22 April, sending a request for volunteers to Sir Andrew Turnbull and all Whitehall Permanent Secretaries.[60]

91. Sir Michael included a list of priority positions for UK secondees based on recommendations from Maj Gen Cross (see Section 10.1). Sir Michael described in broad terms the personal qualities and skills volunteers should possess:

> "The key to a successful secondment will be enthusiasm, personal impact, resilience, flexibility and the ability to take a wide top-down view of policy and priorities. The ability to deploy quickly is also essential: ideally we want the first volunteers to reach Baghdad by around 5 May to allow them to help shape ORHA's work and approach from the start. We expect secondments to last between three and six months, depending on the requirements of ORHA and the Iraqi ministry concerned.
>
> "I hope you will take a broad view in looking for volunteers … you might consider suggesting secondment of officials on your books but not currently employed … I hope you will also consider drawing people from your wider pool of stakeholders – I would, for example, welcome volunteers from eg police authorities, quangos or NHS trusts.
>
> "In all cases, enthusiasm and personal qualities are likely to be just as important as specific expertise …"

92. Sir Michael explained that salaries would be paid by employing departments. Discussions were continuing on how other costs should be met. ORHA was expected to provide accommodation. Staff would not be deployed until ORHA and Maj Gen Cross were confident it was safe to do so. The "austere" living and working conditions would be compensated by an allowance package being finalised by the FCO.

93. On 25 April, FCO, DFID, MOD and Cabinet Office officials agreed a number of steps to co-ordinate departments' responses:

- Mr Dominick Chilcott, Head of the IPU, would lead a scoping visit to identify posts of greatest value to the UK (see Section 10.1).

---

[60] Letter Jay to Turnbull, 22 April 2003, 'Iraq: UK Support for the Office for Reconstruction and Humanitarian Assistance (ORHA)'.

- The UK would pay salaries, additional allowances and transport costs to and from theatre, on the assumption that ORHA would cover accommodation and all other in-country costs.
- All departments would pay the salaries of their own staff. The MOD, DFID and the FCO would pick up additional costs for their staff. Other departments' additional costs would be met through the allocation of a portion of the UK's reconstruction budget to the FCO (see Section 13.1).
- FCO security advisers would assess the security risk in Baghdad as soon as possible.
- The IPU would inform ORHA that the UK understood that its secondees would receive the same medical, evacuation and emergency response package as US staff.
- A similar understanding would be needed "in due course" between the MOD and other departments, covering Multi-National Division (South-East) (MND(SE)).
- The FCO, DFID and the MOD would be responsible for recruiting their own staff. The Cabinet Office, in liaison with IPU and DFID, would select staff put forward by other departments.
- The FCO would arrange medical examinations and inoculations for secondees and issue formal letters of appointment and terms and conditions.[61]

94. The FCO informed No.10 on 25 April that members of the 20-strong UK contingent with ORHA in Kuwait had arrived in Baghdad.[62] It explained that 12 more civilian and military secondees were expected to arrive in Baghdad by 5 May. Secondees' roles were still unclear, partly because of continuing uncertainty about ORHA's own role. The FCO was:

> "… instructing them to take a flexible, pragmatic approach to their work, aiming to be proactive in identifying how they can best add value in support of Coalition Phase IV objectives. We are also requesting this first wave to report back with early recommendations for deeper UK engagement in specific areas."

95. Ms Emma Sky, CPA Governorate Co-ordinator for Kirkuk from June 2003 to February 2004, told the Inquiry that she was not given a briefing by the FCO before travelling to Iraq. Instead she had received a phone call telling her "You've spent a lot of time in the Middle East. You will be fine."[63]

---

[61] Minute Dodd to Manning, 25 April 2003, 'ORHA: Practical Arrangements for UK Secondees'.
[62] Letter Owen to Rycroft, 25 April 2003, 'Iraq: ORHA'.
[63] Private hearing, 14 January 2011, page 2.

96. On 6 May, Mr Straw announced to Parliament the appointment of Mr John Sawers as the Prime Minister's Special Representative on Iraq (see Section 9.1). Mr Straw explained that:

> "Mr Sawers will work alongside Chris Segar, head of the newly opened British Office in Baghdad, particularly in relation to the political process and our work in the Office of Reconstruction and Humanitarian Assistance."[64]

97. Sir John Sawers told the Inquiry that, although he was "the senior Brit on the ground" he was not Ambassador Bremer's deputy, nor was he in the line management chain of ORHA or the CPA. Rather, he was a representative of the British Government and so his role was one of "exerting influence rather than exercising power".[65]

98. By 14 May, the UK had still not reached agreement with the US on ORHA support for UK secondees.[66] The IPU explained to Mr Straw that:

> "Since ORHA deployed to Kuwait we have been trying to obtain assurances from the Americans … about the precise terms on which our contribution is being provided. So far, despite a good deal of pressing, we have not been successful …"

99. Deployment of the additional secondees was delayed briefly by DFID concerns about security.

100. On 13 May, Mr Suma Chakrabarti, DFID Permanent Secretary, informed Sir Michael Jay that ORHA's 'Outline Brief for Potential International Partners' did not cover security issues adequately.[67] The outline committed the US military to provide overall security and evacuation arrangements, but "it does not set out any security procedures or contingency plans, as we would normally require for any other UK mission in any other country".

101. Mr Chakrabarti explained that the contractors forming the bulk of the DFID team recruited in response to Sir Michael Jay's request for staff on 22 April, and due to travel to Iraq the next day, had said that their insurance cover would be invalid until there was an adequate security plan. The existing DFID secondee to ORHA had therefore been put on standby to withdraw if security arrangements were not resolved quickly, and the first two additional secondees had been stood down. Mr Chakrabarti proposed to send a DFID security team to Baghdad the next day and requested that an FCO security adviser accompany them.

102. Sir Michael Jay responded the same day, after discussing the issue with the UK military, Maj Gen Cross and Mr Sawers.[68] Sir Michael reported that Maj Gen Cross

---

[64] House of Commons, *Official Report*, 6 May 2003, column 515.
[65] Public hearing, 10 December 2009, pages 56-58.
[66] Minute Chatterton Dickson to Private Secretary [FCO], 14 May 2003, 'Iraq: ORHA: Security for UK Secondees' attaching Paper, 'Iraq: Ad Hoc Ministerial Group, 15 May: ORHA Secondees: Security'.
[67] Letter Chakrabarti to Jay, 13 May 2003, 'Iraq: Deployments to ORHA'.
[68] Letter Jay to Chakrabarti, 13 May 2003, 'Iraq: Deployments to ORHA'.

considered the issue in Baghdad to be "protection rather than evacuation". Sir Michael was "willing to accept the judgement of those on the ground that the arrangements in place adequately provide security for the military and civilian secondees already in ORHA and the augmentees we will be deploying from today".

103. Sir Michael added:

> "In briefing UK secondees … we have stressed that Baghdad is an insecure environment and that security guidelines laid down by the US military must be followed at all times … All secondees are deploying with a full suite of protective equipment including body armour, helmets and personal NBC [nuclear, biological, chemical] suits, and have been trained in their use by MOD."

104. Sir Michael agreed, however, that it would be helpful to have a more detailed plan, "not least to meet the insurance requirements of contracted staff". Depending on what the DFID security team concluded, the FCO might take up the suggestion that their work "form the basis for a security plan covering all UK secondees". DFID and the FCO should continue to liaise closely.

105. The first joint FCO/DFID security visit took place at the end of June and is addressed later in this Section.

106. Before the AHMGIR on 15 May, the IPU advised Mr Straw that:

> "Security for our secondees is a key concern … The US military are committed to providing ORHA's overall security and evacuation arrangements … ORHA does not yet have a detailed evacuation plan, but the advice from theatre is that the key issue in Baghdad is protection rather than evacuation.
>
> …
>
> "Our own judgement, including that of Security Strategy Unit, has been to accept the view of those on the ground … The UK civilians currently in ORHA … have told us that they are content with the way the US arrangements work in practice … We have therefore proceeded with the deployment of additional secondees, and the first group of 22 departed for Iraq on 14 May."[69]

107. There is no record of the issue being discussed by the AHMGIR on 15 May.[70]

108. In the Annotated Agenda for the 22 May AHMGIR, officials explained that security experts had drawn up procedures that allowed DFID "to deploy fully in support of ORHA".[71]

---

[69] Minute Chatterton Dickson to Private Secretary [FCO], 14 May 2003, 'Iraq: ORHA: Security for UK Secondees' attaching Paper, 'Iraq: Ad Hoc Ministerial Group, 15 May: ORHA Secondees: Security'.
[70] Minutes, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[71] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

109. The AHMGIR was also informed that 61 UK officials had been seconded to ORHA, five of them in Basra. Officials provided very basic information on the functions of 35 of the 61, explaining: "Some secondees have yet to be allocated specific roles."

The CPA and the return to a "war footing"

110. Section 10.1 describes ORHA's absorption into the Coalition Provisional Authority (CPA) during May 2003.

111. Mr Blair visited Basra and Umm Qasr on 29 May. DFID and the FCO provided separate briefings for the visit.

112. DFID advised that it had stepped up its "staff support" for ORHA in Baghdad and Basra and was looking at additional areas to support.[72]

113. The FCO advised that the UK now had 61 secondees in ORHA (including in Basra), most of whom were working with Iraqi ministries.[73] In Basra, the UK had provided a Deputy to Mr Ole Olsen, the Danish Head of ORHA(South), and 10 other secondees, and planned to send more.

114. On 1 June, the Deputy to Ambassador Olsen reported that ORHA(South) had 21 staff (eight UK civilians, five UK military officers, five Danish civilians, two US military officers and one Japanese civilian). Additional staff were arriving "in trickles" but were mostly military officers and had been directed to ORHA(South) by 1 (UK) Div and Maj Gen Cross. Those officers were useful as "stopgaps", but ORHA(Baghdad) needed to provide expert staff.[74]

115. On 3 June, Mr Blair called for Whitehall to return to a "war footing" in Iraq to avoid losing the peace (see Section 9.1).[75] He stated that the CPA lacked "grip and organisation" rather than money or numbers of staff. The UK needed to "beef up" its involvement and there needed to be "a strong civilian team in the South. In general, there needed to be a much stronger civilian grip".

116. After the meeting, Baroness Amos, the International Development Secretary, told Mr Hilary Benn, Minister of State for International Development, and Mr Chakrabarti that "the Prime Minister's thinking seemed to be that the UK would put in the people; US the money".[76]

---

[72] Letter Bewes to Cannon, [undated], 'Iraq – Humanitarian Update'.
[73] Letter Sinclair to Cannon, 27 May 2003, 'Prime Minister's Visit to Iraq'.
[74] Minute ORHA South [junior official] to Chilcott, 1 June 2003, 'ORHA South – First Impressions'.
[75] Minute Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's Meeting, 3 June'.
[76] Minute DFID [junior official] to DFID [junior official], 3 June 2003, 'PM Iraq meeting'.

117. In the Annotated Agenda for the AHMGIR on 12 June, officials informed Ministers that:

> "… we continue to strengthen the CPA with a fluctuating contingent of UK secondees, currently numbering around 70. The bulk of those sent in May will return to the UK in mid-August. Their concluding reports will give us the information to decide where we can best target our resources … in the medium term."[77]

118. On 16 June, Ms Sally Keeble, who had been DFID Parliamentary Under Secretary of State until earlier that month, raised with Mr Blair her concerns about DFID's planning and preparation for post-conflict Iraq and its performance since the invasion, including its slow engagement with the CPA after Ms Short's resignation in May (see Section 10.1).[78]

119. Mr Rycroft told Mr Blair that: "From what DM [David Manning] and I have seen from here, Sally's letter is accurate in highlighting DFID's failure to pre-plan and to engage with CPA."[79] Mr Rycroft recommended that Sir Andrew Turnbull pursue the issue with DFID.

120. On 4 July, Mr Chakrabarti told Sir Andrew Turnbull:

> "DFID support to CPA has grown dramatically; and continues to do so. In early April when CPA (ORHA as was) moved to Baghdad, DFID had one official in CPA. That has grown to 16 today split between Baghdad and Basra, and will rise upwards of 30 over the coming weeks – some 30 percent of the total UK contingent …
>
> "DFID secondees into CPA have been successful in work areas ranging from food distribution to refugee returns. Their success is based on thorough groundwork done beforehand to ensure they have substantive roles, the skill set they bring to their tasks, and professional support and back up from London."[80]

121. Ministers visiting Iraq in early July raised questions about the skills and seniority of secondees to the CPA.

122. On 2 July, Baroness Amos advised Mr Blair that the CPA contained "too many people with the wrong skill set – policy focus rather than operational expertise, and insufficient experience of post-conflict developing country situations".[81]

---

[77] Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[78] Letter Keeble to Blair, 16 June 2003, [untitled].
[79] Minute Rycroft to Prime Minister, 23 June 2003, 'DFID's Performance on Iraq: Letter from Sally Keeble'.
[80] Letter Chakrabarti to Turnbull, 4 July 2003, 'DFID's performance on Iraq – Letter from Sally Keeble MP' attaching Paper, 'Iraq: Areas of Concern Raised in Sally Keeble's Letter'.
[81] Letter Amos to Blair, 2 July 2003, [untitled] attaching Report, 'Iraq: Visit Report'.

123. Baroness Amos made a number of broad recommendations for enhancing the UK contribution:

- "more UK people with political skills on the ground … Arabic speakers, with knowledge of the region, to strengthen capacity in CPA(South) and CPA Baghdad";
- "strengthen the senior management" in CPA(South) and "provide other staff as required"; and
- send "whatever additional staff are required with the right skill set to CPA [in Baghdad]".

124. A week later, Ms Hewitt advised Mr Blair of the need "to ensure that we are seconding sufficiently senior people to the CPA".[82] It was noticeable that the US was sending more senior people than the UK.

125. Ms Keeble told the Inquiry:

> "… the numbers speak for themselves. I think there were two advisers embedded with the military, two others in Kuwait, one in Washington with ORHA, as it was then, one in Amman, one in Tehran, for a large part of the early stages of the action and, by the time I left DFID, I think there were – I think I'm right in saying about nine in Baghdad and six in Basra and presumably still one in Washington.
>
> "… I think it is a matter of judgement as to whether that's a large number or not. I didn't think it was a very large number."[83]

126. Participants at the Inquiry's civilian outreach event who had served in Iraq in 2003 and 2004 commented on the additional responsibilities of Occupation. Many felt that Occupying Power status changed the nature of their job from simply working overseas to carrying an immense responsibility to Iraqis to do what was needed to get Iraq functioning. Many struggled to find defined roles and hold on to them in US-dominated Iraqi ministries. They commented that it was often difficult to influence the US because of the UK's relative size and capacity.

127. The skills and seniority of civilian staff deployed to Iraq are considered later in this Section.

128. By June 2003, the security of civilian personnel in Iraq had become a major concern.

129. In Cabinet on 19 June, Baroness Amos said that the uncertain security situation in Iraq required the UK to keep the security of the people it deployed there under review.[84]

---

[82] Letter Hewitt to Prime Minister, 11 July 2003, 'Report of My Visit to Baghdad'.
[83] Public hearing, 5 July 2010, page 27.
[84] Cabinet Conclusions, 19 June 2003.

130. Baroness Amos reiterated the point on 2 July, after her visit to Iraq. She told Mr Blair:

> "The overwhelming – and immediate – priority is security … the situation appears to be worsening by the day."[85]

131. The FCO and DFID carried out a joint security assessment of Baghdad and Basra between 29 June and 3 July.[86]

132. Mr Peter Millett, Head of FCO Security Strategy Unit (SSU), set out the key conclusions to Mr Collecott:

> "We are failing to meet our duty of care to both FCO staff and those seconded to CPA through the FCO. The security situation is extremely dangerous and the CPA security resources are inadequate. The majority of secondees need to travel outside the secure zone where the threat is high and there is little or no control of the streets. The rules require secondees to travel in soft-skinned vehicles escorted by US military vehicles. This makes them extremely vulnerable since the US military are the target of daily attacks. The alternative to military escorts is a two-car convoy with 'shooters', ie armed escorts. There are not enough military personnel, so UK secondees are being asked to handle weapons, which does nothing to enhance their security."[87]

133. Mr Millett listed the steps needed to allow CPA secondees to operate "effectively and safely" in Baghdad:

- a security manager in Iraq "to brief new arrivals, keep them up to date on security incidents, manage security assets (vehicles, flak jackets etc) and act as a focal point for communications";
- a fleet of vehicles able to operate with or without US military escorts;
- a team of armed escorts to accompany secondees outside the secure zone; and
- a radio communications system to allow secondees to stay in touch with the security manager when outside the secure zone.

134. Implementation of the package required:

- agreement on the detail with DFID, which was already introducing better transport and equipment for its secondees;
- a calculation of the number of journeys required each week and therefore the number of vehicles and escorts needed;
- ordering vehicles for early delivery;

---

[85] Letter Amos to Blair, 2 July 2003, [untitled].
[86] Minute Gillett to Brewer, 5 July 2003, 'Iraq: Joint FCO/DFID Security Assessment Visit 29th June to 3rd July'.
[87] Minute Millett to Collecott, 7 July 2003, 'Iraq Security'.

- pursuing a commercial contract for the security manager and armed escorts;
- factoring additional costs into the Iraq Reserve claim; and
- agreeing with the IPU a script for briefing all UK secondees before they deployed.

135. Mr Millett described the situation in Basra as "different from Baghdad, partly because of the political context in the South and partly because UK civilians are not accompanied by military patrols". The atmosphere was "more benign", but could deteriorate. Security in Basra was enhanced by "the active involvement of a DFID team and a commercial contract that will provide armed guards and more vehicles".

136. Mr Collecott advised Mr Straw:

> "We will inevitably be faced with some very difficult prioritisation decisions: activity v. security in Iraq; activity in Iraq v. priorities elsewhere."[88]

137. Mr Chakrabarti had already set in hand the first of the recommended improvements. On 9 July, he informed Sir Michael Jay that he had appointed Control Risks Group (CRG) to provide armed support to UK CPA secondees in Baghdad.[89] The contract had been let by DFID, in consultation with the FCO, with the intention of drawing up a joint DFID/FCO contract for the longer term. Mr Chakrabarti also undertook to send a first batch of "appropriate vehicles" and hand-held communications equipment from DFID's stockpile for use by UK staff in Iraq.

138. In late June, DFID asked the MOD to provide a military close protection team for DFID staff in Baghdad.[90]

139. It its response on 17 July, the MOD explained that Royal Military Police (RMP) close protection resources were "very heavily committed … in support of the FCO presence in Baghdad and on other tasks elsewhere". Steps had been taken to bring the RMP commitment down to sustainable levels. That included a reduction in RMP support for FCO staff, which would limit their freedom of movement in Baghdad. MOD Ministers had agreed that the only way the RMP could provide resources to DFID staff would be if DFID shared the resources available to the FCO:

> "We recognise that this is far from ideal for you and is likely to further constrain HMG's [Her Majesty's Government's] diplomatic activity in Baghdad, but it may be an improvement on your current arrangements."

140. Separately, the MOD informed DFID that medical procedures were being updated to ensure that all UK civilians and contractors received the same standard of care as those in the MOD, including evacuation to the UK or Germany as appropriate.[91]

---

[88] Minute Collecott, 11 July 2003, on Minute Millett to PS [FCO], 11 July 2003, 'Iraq: Security'.
[89] Letter Chakrabarti to Jay, 9 July 2003, 'Safety and Security of UK Secondees in Iraq'.
[90] Letter Kernahan to Miller, 17 July 2003, 'Close Protection for DFID Staff in Baghdad'.
[91] Letter Ferguson to DFID [junior official], 17 July 2003, 'DFID Personnel Deployed in Iraq'.

Locally employed contractors working for DFID would receive the same level of care as locally employed civilians working for the MOD or the military: emergency care in theatre at UK medical facilities.

141. On 18 July, as part of a wider bid to the Treasury to cover additional Iraq-related costs incurred by the FCO in financial year 2003/04, Mr Straw requested £20.2m to improve security for FCO staff and UK secondees to the CPA in Iraq.[92] He advised Mr Paul Boateng, the Chief Secretary to the Treasury:

> "To meet our duty of care to staff, we need to provide armoured vehicles, armed escorts and a communication system for UK civilian secondees to CPA. This expenditure is unprecedented, unforeseen and cannot be funded by reprioritisation, nor I understand, in part from the money we have received for CPA econdees' costs."

142. Mr Boateng approved the majority of Mr Straw's request on 9 September.[93]

143. Mr Straw's request and the Treasury response are addressed in more detail in Section 13.1.

144. On 10 July, the AHMGIR agreed that:

- Secondments to the CPA should be maintained at "approximately the current level", but matched more closely to requirements, with more specialist than policy staff.
- Secondments should be extended from three months to six.
- Ministers and Sir Andrew Turnbull should help identify and release suitable staff from departments, including a senior oil expert and senior economist.
- The UK "effort" in CPA(South) should be increased "as required", including through the appointment of a "suitably strong UK figure" to replace Ambassador Olsen.
- The UK should continue to send small numbers of staff to other CPA regional offices.[94]

145. The IPU prepared more detailed proposals for the AHMGIR on 17 July.[95] It based its recommendations on the principle that the UK should seek to exert influence at "all levels", from national input provided by the Prime Minister's Special Representative to working level appointments in selected policy areas. The IPU recommended:

- filling gaps, including at a senior level in UK coverage of Security Sector Reform (SSR), the economic ministries and the oil ministry;

---

[92] Letter Straw to Chief Secretary to the Treasury, 18 July 2003, 'Iraq-Related Costs'.
[93] Letter Boateng to Straw, 9 September 2003, 'Iraq Reserve Claim'.
[94] Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[95] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper Iraq Policy Unit, 14 July 2003, 'Ad Hoc Ministerial Meeting: 17 July, (Annex C) Future Staffing of the CPA'.

- targeting secondments to other CPA ministry teams more precisely;
- increasing working level support for CPA governance and the foreign, health and culture ministries;
- appointing a senior figure to lead CPA(South), where there were already 15 UK secondees;
- continuing provision of two officials to CPA(North), including the Chief of Staff;
- continuing provision of the Chief of Staff in CPA(South Central) and a cultural expert at the Babylon archaeological site; and
- leadership of four of the 18 CPA Governorate Teams (GTs) scheduled to begin operations in September, with deployment starting in late August.

146. The IPU reported that Mr Andy Bearpark, CPA Operations Director and senior UK secondee to the CPA, advised against concentrating the UK contribution to GTs in the four southern governorates on the grounds that an all-UK sector might have more difficulty in accessing funds from Baghdad. He advised that a spread of representation would also give the UK sight of developments across Iraq.

147. The AHMGIR agreed that the UK should shift emphasis over time from regional areas of operation to governorates. Ministers requested firm recommendations for the following week.[96]

148. The briefing for the 24 July meeting of the AHMGIR explained that GT security was the responsibility of the local Coalition military, but that the UK was likely to have to provide additional security to fulfil its duty of care to UK GT members.[97] There would be "significant resource implications". DFID had undertaken to fund the set-up costs of GTs in Maysan, Muthanna and Dhi Qar and running costs to the end of October 2003. The CPA would assume liability for all costs from 1 November.

149. The AHMGIR agreed that the UK would offer to lead four GTs, two in the South-East, one in the Kurdish area and one elsewhere in the Sunni area, "but not in the less stable central areas around Baghdad".[98]

150. At the AHMGIR, Mr Straw asked the Cabinet Office and the IPU to devise a debriefing system for secondees to Iraq, "to garner their experience … and to ensure that their contribution was recognised on their return to home departments". Ministers agreed that officials should provide a report on the results.

151. On 25 July, Sir Michael Jay updated Sir Andrew Turnbull and Permanent Secretaries on civilian deployments.[99] Sir Michael explained that, since his request for volunteers on 22 April, the Government had trained and deployed "over 100 civilian staff

---

[96] Minutes, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[97] Annotated Agenda, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[98] Minutes, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[99] Letter Jay to Turnbull, 25 July 2003, 'Iraq: UK support for reconstruction'.

from sixteen different branches of government", an exercise he described as having "no modern precedent":

> "We now have 65 UK public servants working in the CPA Headquarters in Baghdad, and nearly 30 in the CPA South-East Office in Basra … Small numbers are also working in the CPA offices in central and northern Iraq."

152. Sir Michael reported that Ministers had decided the UK would maintain "approximately the current level of overall commitment" with a focus in Baghdad on SSR, the economic ministries and the oil sector, a "stronger lead" in CPA(South) and leadership of four CPA GTs.

153. Sir Michael explained that the FCO had set up a liaison office in Baghdad working to Mr Sawers and a CPA Operations Team (CPA-OT) in the IPU to put the UK's secondments on "a focused and sustainable basis, and provide secondees with the appropriate support for service in what will remain a difficult and unpredictable environment". The CPA-OT would "debrief the first group of secondees as they return to ensure we learn the right lessons from their experiences on the ground".

154. Sir Michael advised:

> "We will continue to need to provide good human resources if the CPA is to succeed. As reconstruction proceeds we expect more of this requirement to be met with staff engaged under contract from outside HMG. But we will continue to have a need to second staff with specialist skills from our own public service. The new machinery in Baghdad and the IPU will enable us to match requirements and resources more exactly."

155. Sir Michael wrote separately to Sir Nigel Crisp, Permanent Secretary at the Department of Health (DoH), to thank the DoH team in Basra for its "major contribution to the re-establishment of a functioning health system", which had been "out of all proportion" to its numbers.[100]

156. Sir Michael also wrote to Sir Robin Young, Permanent Secretary at the Department of Trade and Industry (DTI), who had raised concerns about security and staff salaries.[101] Sir Michael explained that, after the assessment of security in Baghdad and Basra, the FCO had taken urgent action that should allow it to fulfil its duty of care to staff. Working and living conditions were also improving and were now "quite reasonable (and are compensated by a good allowances package)".

157. On salaries, Sir Michael explained to Sir Robin Young that the terms under which the FCO received funding from the Treasury for CPA deployments prevented it paying the salaries of staff seconded from other departments. He hoped that "the priority given to the reconstruction of Iraq at every level from the Prime Minister down will convince

---

[100] Letter Jay to Crisp, 25 July 2003, 'Iraq volunteers'.
[101] Letter Jay to Young, 25 July 2003, 'Iraq: volunteers'.

your Ministers of the need to continue providing the CPA with the specialist help it needs". Sir Michael observed that Ms Hewitt had already made clear her support.

158. Ambassador Olsen resigned as Head of CPA(South) on 28 July.[102]

159. His successor, Sir Hilary Synnott, arrived in Basra on 30 July.[103]

160. Sir Hilary told the Inquiry what he found on arrival:

> "A pretty dysfunctional team of eight to ten different nationalities, very, very few British, three Foreign Office officials, one permanent DFID official and a lack of focus and a lack of capability … The phones didn't work, there were no mobile phones at that time and nobody had thought to provide me with any form of computer."[104]

161. The decision to appoint Sir Hilary as Head of CPA(South) and his experience on arrival in Basra are addressed in more detail in Section 10.1.

162. Shortly before Sir Hilary Synnott's arrival in Basra, the CPA produced a 'Vision for Iraq', supported by a detailed implementation plan (see Section 10.1).[105]

163. In his memoir, Sir Hilary wrote:

> "The trouble was it [the 'Vision for Iraq'] did not amount to an operational plan of action … There were no indications about how in practice they would be achieved: no details of funding, of personnel involved, of support systems or of timing."[106]

164. On 7 August, officials informed the AHMGIR that the IPU was debriefing the first wave of UK secondees to the CPA returning from Iraq.[107] Operational lessons would be put to Ministers in September.

165. Separately, the Cabinet Office Corporate Development Group (CDG) began assessing the benefits of CPA secondments to staff and departments. The aim was to report to Ministers in November, drawing on responses to a questionnaire to be put to secondees within a month of their return from Iraq.[108]

166. The outcome of both exercises is described later in this Section.

---

[102] *Iraq Report*, 1 August 2003, *Southern Iraq Administrator leaves post*.
[103] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[104] Public hearing, 9 December 2009, page 9.
[105] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009; Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[106] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[107] Annotated Agenda, 7 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[108] Minute Dodd to Barker, 4 August 2003, 'Iraq: feedback from secondees'.

The impact of deteriorating security

167. On 19 August, a bomb exploded outside the UN headquarters at the Canal Hotel in Baghdad, killing 22 UN staff and visitors, including Mr Sérgio Vieira de Mello, the UN Secretary-General's Special Representative for Iraq (see Section 9.2).[109] One member of DFID staff was slightly injured.[110]

168. Later the same day, Mr Benn held a meeting with officials to discuss next steps and review the status of DFID staff in Iraq.[111] Dr Nicola Brewer, DFID Director General Regional Programmes, stated that it would be "unfortunate if DFID precipitated a withdrawal of staff from Iraq". The department should say publicly that it would not be "intimidated" by terrorism, but any member of staff who wanted to leave should be allowed to do so. Staff employed on contracts would need advice. If anyone did want to leave, it would need to be co-ordinated across Whitehall and not perceived as an evacuation.

169. On the night of 19 August, the British Office Baghdad was evacuated to the CPA secure zone after officials received a warning of a possible attack.[112]

170. A second attack on the UN took place on 22 September.[113]

171. Security also deteriorated in the South, with fuel and electricity riots taking place in Basra during August (see Section 9.2).[114]

172. In his memoir, Sir Hilary Synnott wrote that a "shortage of space and squalid living conditions were affecting operations", but, most importantly:

> "… our combined offices and sleeping quarters were clearly unsafe. Although, in those early days, there were no instances of suicide bombs, we were still vulnerable to car bombs, rocket-propelled grenades, mortars, small-arms fire through our windows, siege and sapping. The building adjoined town houses and was flanked by roads on three sides, one of which was next to a canal. The only exit towards a military safe-haven if we were attacked was over a single bridge, which could easily be blocked by any assailants. We had to move.
>
> …
>
> "I formally called for separate and independent security reviews by the CPA in Baghdad and by the FCO in London, knowing that they could only agree on the need for us to move."[115]

---

[109] Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.
[110] Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[111] Minute Assistant Private Secretary [DFID] to Austin, 19 August 2003, 'Iraq: Meeting following the attack on the UN office in Baghdad'.
[112] Telegram 121 Baghdad to FCO London, 19 August 2003, 'Evacuation of Staff of British Office'.
[113] Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.
[114] Public hearing Synnott, Lamb, Stewart, 9 December 2009, pages 19 and 57.
[115] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.

173. The FCO Senior Overseas Security Adviser (SOSA) and the Director of CHAD OT visited Basra from 18 to 20 August and Baghdad from 20 to 22 August.[116] They reported their findings to an official-level meeting of COBR, the Government's emergency response mechanism, chaired by Mr Graham Fry, FCO Director General Wider World, on 26 August.[117]

174. The two officials described the picture in Baghdad as "relatively reassuring". Overall security and staff awareness in the CPA zone, where the British Office Baghdad would be located for the foreseeable future, had improved, but DFID and the FCO were taking additional steps to reinforce security awareness "as a matter of urgency". Basra was "more alarming". Security at the CPA compound there was "still inadequate".

175. COBR agreed that:

- Staff in Basra should move to more secure locations within Basra Airport until satisfactory physical security measures were in place, subject to Sir Hilary Synnott's agreement that the move "would not compromise the operational effectiveness of the CPA in Basra to an unsatisfactory level".
- The FCO should consider appointing permanent security managers for Baghdad and Basra to provide a rolling review of the threat.
- The Cabinet Office should raise the seriousness of the situation at the next Ministerial meeting on Iraq and "reiterate the need to deploy only those staff deemed essential".

176. Advice prepared by officials for the 28 August AHMGIR did not reflect the COBR conclusions on deploying only "essential" staff.

177. Before the AHMGIR on 28 August, Mr Neil Crompton, Head of the IPU, advised Mr Straw:

> "Concerns about security argue against putting in more staff [in Basra], but holding staff back, or withdrawing staff temporarily, will only compound the problem. The immediate solution is to strengthen security measures in CPA(South) … Civilian staff also need to be provided with a large fleet of armoured vehicles: until these arrive, which will take time, we need more assistance with escorting from the military … Resources for security assets are an issue. But the principle should be that we provide the number of security assets we need for people to do their jobs properly, rather than limit the number of tasks we take on to the number of security assets we have on the ground (as some around Whitehall have been suggesting). This will be expensive."[118]

---

[116] Minute CHAD OT to Austin, 27 August 2003, 'Security Assessment of Baghdad and Basra' attaching Paper CHAD OT, 'DFID Security Assessment of Basra and Baghdad'.
[117] Minute OD Secretariat [junior official] to Sheinwald, 26 August 2003, 'COBR: Iraq Security Situation: Update'.
[118] Minute Crompton to PS [FCO], 28 August 2003, 'Ad Hoc Ministerial'.

178. Officials also raised concern about "the unwillingness of US personnel [in Baghdad] to discuss security arrangements … in detail".[119] The UK would need to make its own assessment of the national situation, potentially leading to UK staff being unable to participate in certain CPA activities. The presence and security of UK staff sent to the CPA would "need to be balanced against our responsibilities for the government and reconstruction of Iraq".

179. Participants at the Inquiry's civilian outreach event who served in Iraq during the CPA period commented that intelligence on threats and no-go areas should have been disseminated to all civilians. They suggested that the UK had been better at this than the US, but in Baghdad, where the US controlled security, there had been problems with the flow of information.

180. The AHMGIR agreed that the recommendations in the DFID/FCO security review should be implemented as soon as possible.[120]

181. Sir Hilary Synnott told the Inquiry:

> "After the attack on the UN building at the end of August, the Spanish and Japanese Governments ordered their civilians to leave. And on 30 August, of course, the UN ordered their expatriates to leave also. Everybody else stayed. I was told by London to draw up security regulations and to take disciplinary action if they were not obeyed. I replied that I had already drawn up security instructions which we had been testing, and as for taking disciplinary action, I reminded London that I actually had no statutory authority, as far as I knew, over the nationals of another country."[121]

182. On 28 August, Mr Crompton informed Mr Straw that Sir Hilary Synnott had requested 34 secondees for CPA(South).[122]

183. Later that day, the AHMGIR agreed, "subject to security concerns", that: "Hilary Synnott should be given such assistance and staff as he deemed necessary to improve the workings of CPA South."[123]

184. Mr Crompton visited Iraq from 31 August to 3 September.[124] He concluded that "the Coalition as a whole is only just beginning to come to terms with the scale of the task". The "general view" was that the job was "doable", but the UK needed to "throw massive resources at the problem now". UK staffing in the South and the governorates needed to increase significantly. The relationship between the two was "not yet clear".

185. Mr Crompton judged that staffing in CPA Baghdad was "about right", but CPA(South) was "woefully under-staffed". It was clear that the UK would have to fill the

---

[119] Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[120] Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[121] Public hearing, 9 December 2009, page 111.
[122] Minute Crompton to PS [FCO], 28 August 2003, 'Ad Hoc Ministerial'.
[123] Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[124] Minute Crompton to Chaplin, 5 September 2003, 'Visit to Iraq: 31 August to 3 September'.

positions itself rather than rely on third country nationals or CPA Baghdad. If necessary, the FCO Board of Management should be asked to rule that Iraq was its top priority and that staff willing to go there could be pulled out of existing jobs at short notice.

186. On 2 September, Mr Blair requested advice on how to improve conditions for UK staff working for the CPA and the British Office Baghdad.[125]

187. The FCO advised that improvements were in hand in Baghdad and Basra.[126] Efforts were being made to speed up the move from the CPA building to the former regime palace in Basra, which was expected to be ready by mid-October.

188. On 4 September, the MOD put proposals to Mr Blair for additional troop deployments to the South-East to improve overall security and help accelerate reconstruction (see Section 9.2).[127] In addition to the extra troops, the MOD intended to put an additional Brigade Headquarters on reduced notice to move in order to support other requirements, which were still to be scoped, but included support to DFID-managed critical infrastructure work and the provision of military protection to civilian contractors.

189. Mr Blair agreed the proposals shortly afterwards.[128]

190. On 17 September, Sir Michael Jay informed Permanent Secretaries that:

> "We now have 18 armoured vehicles in Baghdad for travel outside the Secure Zone. By the end of November there will be 68 vehicles in country, including for staff working for CPA in Basra and the Governorate Teams … For each of these vehicles there is a two-man Armed Protection Team (APT). The contractors (Control Risks) now have 72 personnel protecting our staff in CPA and will be providing a total complement of 110 men, including for CPA Basra and the Governorate Teams."[129]

191. In his valedictory report from Basra, Sir Hilary Synnott thanked DFID for procuring a large number of armoured vehicles and civilian protection teams for CPA(South) staff to use: "They have saved several lives from explosive devices."[130]

192. On 22 September, Mr John Buck, the FCO's recently appointed Iraq Director, updated Mr Alan Charlton, the FCO Personnel Director, on staffing requirements in London and Iraq. Mr Buck stated:

> "I understand pressures on staff resources. But there is a real need to get staffing of Iraq work onto a basis sustainable in the medium term. So far, it has understandably

---

[125] Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for the Prime Minister'.
[126] Letter Adams to Cannon, 4 September 2003, 'Iraq: Briefing for the Prime Minister' attaching Paper, 'Iraq: Conditions of Service for UK Civilian Staff'.
[127] Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.
[128] Manuscript comments Blair and Rycroft on Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.
[129] Letter Jay to Street, 17 September 2003, 'Security In Iraq'.
[130] Telegram 10 CPA Basra to FCO London, 26 January 2004, 'Basra Valedictory' [Parts 1 and 2].

been a little hand to mouth. I fear No.10 will not accept our telling them that we can't do things because we don't have the people. So I hope you will be sympathetic if, after a few weeks on the job, I make further bids for staff."[131]

193. At the Iraq Senior Officials Group (ISOG) on 23 September, Mr David Richmond, the Prime Minister's Deputy Special Representative on Iraq, reported that UK "influence in CPA Baghdad is limited; we supply only 100 out of its 1,000 staff there".[132] Mr Richmond recommended that deployment of UK secondees be "continuously reviewed so that they are where we most need them. The UK is still under-represented at senior level; we should continue to seek senior posts as they become available."

194. Sir David Richmond told the Inquiry:

"I don't think we asked for a lot more people. What we wanted was Arabic speakers for obvious reasons, and we had Charles Heatley [CPA spokesman, see Section 10.1] and his successor, both of whom were very good Arabic speakers, but we probably could have done with more."[133]

195. Sir David also observed that "lack of continuity was a far greater problem than a lack of skills".[134]

196. On 15 October, the Joint Intelligence Committee (JIC) assessed that:

"The security situation remains difficult in central Iraq. The upward trend in the number of attacks against the Coalition Forces (CF) shows no sign of abatement … The vast majority of attacks (some 80 percent) occur in Baghdad and the surrounding Sunni Arab areas … Improvised Explosive Devices (IEDs) are the single most common form of attack, some increasingly sophisticated, and we have also seen more mortars being employed.

…

"The situation in the UK Area of Responsibility in the South remains relatively calm. In the first week of October, out of 174 attacks against CF in Iraq, only four were against troops in MND(SE). The mortar attack against the British base in Basra on 8 October was a serious incident, but the trend continues to be a relatively low level of attacks."[135]

197. In early October, Sir Hilary Synnott reported "markedly improved attitudes throughout the South over the last three months, and especially when compared with the hot humid days of early August when tempers exploded into violence and killings".[136]

---

[131] Minute Buck to Charlton, 22 September 2003, 'Staffing for the Iraq Directorate'.
[132] Minute [Cabinet Office junior official] to Sheinwald, 25 September 2003, 'Iraq Senior Officials Group Meeting'.
[133] Public hearing, 26 January 2011, page 87.
[134] Public hearing, 26 January 2011, page 79.
[135] JIC Assessment, 15 October 2003, 'Iraq Security'.
[136] Telegram 33 CPA Basra to FCO London, 9 October 2003, 'South Iraq: The Political Scene'.

198. Sir Hilary told the Inquiry that there was a general impression of improvement in Basra during October and November 2003.[137]

199. In late 2003, a significant number of civilian vacancies in CPA(South) were filled temporarily by the UK military, including by Reservists from the Territorial Army (TA).

200. After a visit to Basra on 2 October, Mr Adam Ingram, Minister of State for the Armed Forces, commented on the time it had taken to set up an effective CPA and the "large number of gapped posts and military personnel doing jobs that should be done by civilian volunteers".[138]

201. On 13 October, Mr Ingram described to Mr Benn, who had replaced Baroness Amos as Secretary of State for International Development on 5 October, the risks involved in using military reservists to address "the precarious situation on CPA(S) manpower".[139] Mr Ingram attached lists of the 48 military staff embedded in CPA(South) and the CPA GTs in Basra, Maysan, Muthanna and Dhi Qar. A total of 35 were Reservists, all but one of them due to leave Iraq by the end of 2003.

202. Mr Geoff Hoon, the Defence Secetary, raised the issue of Reservists with Mr Straw on 23 October.[140] The ad hoc filling of vacant posts by military personnel, including Reservists who happened to have relevant skills from civilian life, was "not a robust way to resource such an important body". Mr Hoon stated:

> "… we need to get out of a mindset where the default position is to call on 'spare' military personnel to fulfil roles for which they have not been trained. CPA(S) may well require a higher proportion of civilians than the CPA elsewhere in the country because the roles and capabilities of UK forces do not encompass all of those available within the much larger US Armed Forces. We will, of course, continue to support the overall effort in the South where we can, but the best people for the posts in CPA(S) could well come from a wider range of Whitehall departments and the civilian sector in the UK."

203. On 30 October, the MOD Iraq Secretariat briefed Mr Hoon on options for compulsory mobilisation of volunteer reserves to fill CPA gaps.[141] It advised that Reservists' willingness to take on those jobs was admirable, but it was unfair to employ them in roles for which they had not originally volunteered and for less pay than they would receive as civilians. Their transfer to civilian roles also represented an opportunity cost to the military.

---

[137] Public hearing, 9 December 2009, page 40.
[138] Minute Johnson to APS/Min(AF), 17 October 2003, 'Minister(AF) visit to Basra: 2 October 2003'.
[139] Letter Ingram to Benn, 13 October 2003, [untitled].
[140] Letter Hoon to Straw, 23 October 2003, 'Iraq: Visit to Basra 20-21 October 2003'.
[141] Minute AD Iraq to APS/Secretary of State [MOD], 30 October 2003, 'Op Telic – Support to CPA: Mobilisation of Volunteer Reserves'.

204. The Iraq Secretariat recommended that the MOD wait to see the outcome of the latest FCO/DFID recruitment drive, but also stand ready to provide what assistance it could if that was unsuccessful. Numbers were unlikely to be large ("10s of people"). The Iraq Secretariat stated that an effective CPA(South) was crucial to UK success in the South: "*If other avenues have been exhausted* it may thus be in our interest to seek Reservists to fill requirements."

205. UK policy on the deployment of Reservists in civilian roles is addressed in Section 10.3.

206. CPA(South) moved from the former Electricity Accounts building in Basra to the Basra Palace site on 15 October.[142] Sir Hilary Synnott wrote in his memoir:

> "It was security which had driven the move and which had ensured that it happened quickly, but it was the improved comfort which everyone appreciated the most.
>
> "The difference in living conditions seemed almost unbelievable. Instead of sleeping in crowded rooms or on floors, with unspeakable sanitary arrangements and virtually non-existent communications equipment, every staff member had their own cabin … with a proper bed, a cupboard, a shower and lavatory, and even an air-conditioning unit …
>
> "Within another couple of weeks FCO engineers had installed a secure communications system …
>
> …
>
> "At last, two-and-a-half months after my arrival, I was starting to muster the staff and equipment which would enable me to do my job reasonably effectively. This support was as nothing compared with the general's [Major General Graeme Lamb, General Officer Commanding (GOC) MND(SE)] staff, but it was something; and, of course, our respective tasks were different."

207. By late October, Sir Hilary Synnott had received none of the additional staff he had requested in late August.[143] On 27 October, he sent a further request to the FCO.[144] He explained that his initial request for 37 staff had focused on "our top priority areas: infrastructure, finance, police and security". It was now clear to him that 44 more staff were needed to cover "political reporting, governance issues and CPA(S) internal support".

208. Sir Hilary added:

> "I also urgently need assurance that arrangements are in hand for the succession of those UK staff currently in mission. The relatively rapid turnaround of staff makes

---

[142] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[143] Public hearing, 9 December 2009, page 45.
[144] Telegram 38 Basra to FCO London, 27 October 2003, 'CPA(South): Staffing Requirements'.

continuity difficult at the best of times. Gaps between postings, as have happened up to now, can and do seriously undermine progress in specific areas and across the board. Personnel management structures are needed for the replacement of all UK personnel in CPA(S) well in advance of their departure for mission.

"Some other factors are relevant. 18 UK military personnel currently seconded to CPA(S) will be drawn down to zero between now and 28 December. They will need civilian replacements …"

209. On 14 November, Mr Desmond Bowen, Deputy Head of OD Sec, reported to departments that 104 staff from eight countries were working in CPA(South).[145] The largest contributors after the UK were Italy and Denmark. Of the 48 UK secondees, 30 were civilians and 18 military, half of them from the TA. Seven TA personnel were in the process of being re-engaged on civilian contracts.

210. Mr Bowen explained that DFID had contracted the Crown Agents in October to recruit 37 staff: seven to replace Reservists and 30 for new posts. Recruitment had not been easy, despite financial inducements:

"Successful candidates need to have the right technical skills, aptitude for building Iraqi capacity and willingness to work in a difficult environment. When recruited, candidates also need to undergo security training. The Crown Agents should fill 15 of the 37 posts this month, including seven TA personnel who are being re-engaged on civilian contracts. These seven TA posts will be vacant for two to three weeks while the TA officers are demobilised and contracted by Crown Agents … Up to five lesser priority posts are likely to remain more difficult to fill, but Crown Agents are being pressed to locate suitable candidates as soon as possible …

"… Hilary Synnott subsequently asked FCO to fill a further 29 posts. These are in the areas of interior and justice, liaison with the southern governorates, and in the political development directorates. Job descriptions for these posts have now arrived from Basra … It should be possible to fill many of the jobs from Whitehall (eg Home Office), although outside specialists may be necessary for some. There is already a database of volunteers. But the security situation will be a deterrent. Extracting people from current jobs, security training and the logistics of deployment often take longer than we would want. But FCO aim to fill the posts during December and January.

"CPA(South) has now grown substantially, and UK civilian staffing in Iraq as a whole is moving towards the 200 mark. The number of civilians in CPA(South) is larger than in other regions. But account must be taken of the fact that the large numbers of US Army Civil Affairs officers who are available elsewhere are not available in the South."

---

[145] Letter Bowen to Owen, 14 November 2003, 'Iraq: CPA (South) Staff'.

211. Sir Hilary Synnott told the Inquiry:

> "One of my key requests was at the end of August when I asked for, I think, 37 additional expert staff, not generalists but experts, and 20 armoured vehicles. I was sent the record of the Ad Hoc Ministerial Committee [on 28 August], I think within a day of this, and it was recorded there that Synnott should be provided with everything he thought was necessary. That, to my mind, clearly came from No.10 and that was the pattern throughout. The difficulty, however, was turning that political imperative into reality … I put in this bid at the end of August. The task was ultimately given to DFID. I understood that in October they put out a trawl with a deadline of, I think, the end of October for recruitment. By 1 January, 18 out of 37 had arrived."[146]

212. Mr Jim Drummond, DFID Iraq Director from September 2003 to December 2004, described DFID's role to the Inquiry:

> "Sir Hilary Synnott, working with us, identified, I think it was 37 posts that he wanted to have filled, and we agreed to do that.
>
> "We asked the Crown Agents to source those people from the market, because we didn't at that stage across government have a pool of people that could easily be called upon, although the Iraq Planning Unit based in the Foreign Office had managed to get quite a number of civil servants from Treasury, DFID and across government into the CPA in the early days. But for Basra we were looking really to fund from contractors in the market, partly because we were looking for specialist skills in project implementation that we don't necessarily have full-time in DFID."[147]

213. Mr Drummond explained that some of the jobs were advertised across DFID, but "mostly they were people who came from the market". People had arrived in slightly greater numbers after Christmas because those selected in December had asked for their contracts to start on 1 January.

214. During his farewell meeting with Mr Straw on 11 February 2004, Sir Hilary Synnott said he had been frustrated at the length of time it had taken the FCO to deploy people and provide secure communications. The FCO response had compared unfavourably with that of other departments.[148]

215. Sir Hilary told the Inquiry that Whitehall departments' interpretation of their duty of care towards civilian personnel had been an obstacle to the recruitment of the people he needed:

> "I raised it with the Foreign Secretary, Jack Straw, and we both of us thought that it was a bit odd that our men and women in the armed forces could be exposed to risk. But … we could not risk injury or death to civilians …

---

[146] Public hearing, 9 December 2009, page 45.
[147] Public hearing, 17 December 2009, pages 10-12.
[148] Minute Owen to PS/PUS [FCO], 12 February 2004, 'FCO Response to Iraq'.

"I raised this with the Permanent Under Secretary [Sir Michael Jay] when I got back and I was told that … the Permanent Under Secretaries' Committee … were quite adamant about this: it was an important duty and civilians were different from the military … I think there was some concern about liability of being sued in the event of injury or death.

…

"A side effect of this was that the interpretation varied within ministries, and there was one occasion in early September 2003 when I discovered that I was short of 17 DFID personnel. They had gone away for a break and they had been stopped by their managers from going beyond Kuwait on the grounds that conditions were too dangerous in Basra.

"Now, we were living and working [in] Basra … The general who is the expert on security had not been consulted, but the managers of DFID had decided that they should not come back. I kicked up a bit of a stink and after quite some time they were allowed back."[149]

216. Efforts to co-ordinate departmental approaches to duty of care are addressed later in this Section.

217. Mr Buck advised Sir Michael Jay that the FCO record was not perfect, but the department had "learned several lessons and gained valuable experience for the future":

- Staffing of the FCO's Iraq operation in London had been "hand to mouth from the start, and only recently received adequate strength, depth and continuity". A properly staffed unit needed to be formed as soon as it became clear the FCO would have to manage a major new overseas deployment, and the FCO needed to accept far more quickly that the requirement would remain for the medium term.
- In London and abroad, the FCO needed to be able to redirect staff "more swiftly and flexibly" and to be able to target officers with suitable qualifications "more systematically than HR records have allowed in the past".
- A "genuinely flexible" budget allocation along the lines provided for the military, possibly controlled by the AHMGIR, would have saved time and energy and prevented the Treasury playing one department off against another. "The only area on which the Treasury have been genuinely helpful has been security."
- In the early stages DFID had not been "fully on side". When it agreed to recruit a large tranche of contractors, it had been slow to implement that commitment.
- The FCO had little previous experience of recruiting contractors, but now had a pool of knowledge to draw from in future.

[149] Public hearing, 9 December 2009, pages 108-110.

- Delays caused by duty of care obligations were "unavoidable", but the Iraq experience would help streamline the process in future.
- Part of the problem in Basra had been uncertainty about what was needed and "requests bounced about quite a bit. It would have made sense to have a senior post-conflict reconstruction expert in Basra working to Hilary Synnott, defining needs from the outset."[150]

218. On communications equipment, Mr Buck explained that a secure communications package and engineer had been deployed to the British Office Baghdad at the outset and a full Firecrest[151] system had been ready to be shipped with the flat pack Embassy in May. Firecrest systems were designed for a large network of posts. Because of the changing set of posts in Iraq, installation in Baghdad and Basra had been delayed until October. The delay had been a "major disadvantage" that made it "difficult for the FCO to establish authoritative leadership". Part of the answer lay in secure laptops. A new position had been created "to co-ordinate and improve emergency deployment of secure IT and communications".

219. Mr Buck advised that most of those points had been fed into the FCO-led review of post-conflict reconstruction (see Section 10.3).

220. Sir Michael Jay commented:

> "I agree with this. There are many lessons to learn from the – wholly unprecedented – Iraq experience; but I don't think Hilary Synnott's criticisms are entirely fair."[152]

221. On 26 October, the al-Rashid Hotel in the Green Zone of Baghdad, used as a Coalition military base, was hit by a number of rockets.[153]

222. The attack killed a US soldier, and injured 15 other people. US Deputy Defense Secretary Paul Wolfowitz, who was staying in the hotel, escaped unhurt.

223. One UK civilian seconded to the CPA was seriously injured.[154]

224. Sir David Manning, British Ambassador to the US, described the attack as "the bloodiest 48-hour period in Baghdad since March".[155]

225. Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq, commented: "Terrible news. This is the first time a CPA civilian has been killed in Iraq, a fact that will have serious repercussions."[156]

---

[150] Minute Buck to PS/PUS [FCO], 16 February 2004, 'FCO Response to Iraq'.
[151] The FCO ICT system.
[152] Manuscript comment Jay on Minute Buck to PS/PUS [FCO], 16 February 2004, 'FCO Response to Iraq'.
[153] *BBC News*, 26 October 2003, *US shocked at Iraq hotel attack*.
[154] Briefing [unattributed], 30 October 2003, 'Briefing for Foreign Secretary: Cabinet: 30 October'.
[155] Telegram 1426 Washington to FCO London, 28 October 2003, 'Iraq: US Views 28 October'.
[156] Telegram 231 IraqRep to FCO London, 26 October 2003, 'Rocket Attack on Al Rasheed Hotel'.

226. Mr Bearpark told the Inquiry that he viewed the attack as a turning point:

> "… through July, August, September we were optimistic that we were on an upward slope. We had got through the worst of the problems …
>
> "From September onwards, then the graph just went sharply down. The trigger point … would have been the mortaring of the al-Rashid Hotel."[157]

227. By the start of November, there had been several bombs and rocket attacks in Baghdad, including attacks aimed at the International Committee of the Red Cross (ICRC) and at police stations (see Section 9.2).[158]

228. The al-Rashid Hotel bombing led to a review of protective security and staffing levels in Baghdad. Plans were drawn up to provide hardened accommodation for UK civilians.

229. On 28 October, COBR, chaired by Mr Bowen, commissioned an MOD-led review of protective security within and beyond the Green Zone in Baghdad.[159]

230. The preliminary report on 3 November recommended three areas for action:

"a. Improved ballistic protection for UK staff in their place of work and accommodation. This action is required quickly as the threat is likely to worsen in the coming weeks.

b. Improved passage of information and access to detailed threat assessments. Current levels of information are poor and the CPA system for dissemination and action in the aftermath of an incident is inadequate. Greater influence is required from within the system.

c. Consideration of future accommodation options with enhanced ballistic protection. Favoured options will involve some cost and will need to be finessed with the US who are also reviewing their options."[160]

231. COBR also commissioned FCO-led reviews of training, briefing and terms and conditions for UK civilian staff in Iraq, to "ensure that there is consistency across all government departments seconding staff and consultants".[161]

232. The findings of the FCO-led reviews are described later in this Section.

---

[157] Public hearing, 6 July 2010, pages 43-44.
[158] JIC Assessment, 5 November 2003, 'Iraq security'.
[159] Minute OD Secretariat [junior official] to Sheinwald, 28 October 2003, 'Iraq: Review of Security Arrangements for UK Staff'.
[160] Paper [unattributed], 3 November 2003, 'Physical and Protective Security for UK Staff in the Coalition Provisional Authority (Baghdad): Executive Summary'.
[161] Minute OD Secretariat [junior official] to Sheinwald, 28 October 2003, 'Iraq: Review of Security Arrangements for UK Staff'.

233. Sir Nigel Sheinwald visited CPA(South) in early November.[162] During the visit a number of issues were raised by civilian secondees, including:

"
- Insufficient security support, limiting mobility of CPA staff (currently only eight protected vehicles for over 60 staff requiring transport).
- Inadequate succession planning (the much praised DoH team particularly complained of this).
- Over-reliance on TA soldiers to perform specialist civilian jobs."

234. On 11 November, Sir Michael Jay advised Permanent Secretaries and the heads of organisations with secondees in Iraq that the FCO was considering "on a contingency basis – whether it would make sense to reduce the numbers of civilian staff if the security situation were to deteriorate; and, if so, which staff we should retain in those circumstances".[163]

235. Sir Michael reported that, in Baghdad, following the recommendations of the review of accommodation after the al-Rashid Hotel bombing, the FCO was pursuing urgently the possibility of constructing accommodation in the basement of the Green Zone Convention Centre. The work could take two to three months, but the FCO was pressing hard for it to be ready before Christmas. In the meantime it was looking at interim arrangements.

236. Sir Michael explained that, to ensure security measures were implemented effectively and threat information disseminated promptly, the FCO had set up co-ordination structures in London, Baghdad and Basra:

> "The London Iraq Security Committee, chaired by the FCO, meets once a week with a secure video link to Baghdad (to be joined by Basra when their video equipment has been installed). Jeremy Greenstock chairs a UK security committee in Baghdad which is linked into a wider CPA security committee. A similar committee is being set up in Basra. Security issues are also discussed at Cabinet Office meetings including COBR, the group of senior officials chaired by Nigel Sheinwald [ISOG] and the Ad Hoc Ministerial Group [AHMGIR], which the Foreign Secretary chairs."

237. Sir Andrew Turnbull and Mr Gus O'Donnell, Treasury Permanent Secretary, discussed UK civilian secondees on 11 November. They agreed that there were roles in the provisional administration in Iraq that would need to continue to be filled, but that security must be tightened appropriately.[164]

238. On 14 November, Mr Drummond approved an expansion of DFID's contract with CRG for "security support services" in Basra and Baghdad.[165] The number of CRG

---

[162] Letter Cannon to Owen, 13 November 2003, 'Iraq: Nigel Sheinwald's Visit: Operational Issues'.
[163] Letter Jay to Chakrabarti, 11 November 2003, 'Security of UK Civilian Secondees in Iraq'.
[164] Minute [unattributed and undated], 'Sir Andrew Turnbull's Bilateral with Gus O'Donnell 11 November 2003'.
[165] Manuscript comment Drummond, 14 November 2003, on Minute Iraq Directorate [junior official] to Drummond, 31 October 2003, 'Iraq – the extension of security support services for Baghdad and Basra'.

personnel was increased from 16 to 68 and the contract extended to 31 March 2004, reflecting the expected increase in staff numbers in Basra and the recognition that "a permissive security environment will not be a reality for some time".

239. On 24 November, Mr Straw requested £2m from the Treasury for "essential new, secure accommodation for UK civilian staff in Baghdad".[166] He explained that the security review after the al-Rashid bombing had recommended conversion of the ground floor of a car park near the Convention Centre in the Green Zone into secure accommodation. Mr Straw advised Mr Boateng that the work would be completed in January. In the meantime:

> "… ad hoc accommodation for staff is extremely uncomfortable and unsatisfactory from a security point of view. To reduce discomfort somewhat, many staff are now sleeping in vulnerable trailers. We cannot allow this situation to continue any longer than absolutely necessary."

240. Mr Boateng approved the request on 8 December.[167]

241. The IPU briefing for Mr Straw's visit to Iraq on 25 and 26 November included an update on staff security.[168]

242. The IPU explained that FCO Overseas Security Advisers (OSAs) made regular joint visits with DFID to Iraq. There had been four visits since May 2003. The next was scheduled for the turn of the year.

243. The IPU summarised security provision in Baghdad, Basra and the governorates:

> "*Mobile Security*
>
> "All travel outside the Secure Zones must be in full armoured convoys with a minimum of two vehicles. There are currently 52 armoured vehicles in Iraq, shared between Baghdad and Basra, and six Governorate Teams. 23 more will arrive in theatre by the end of November. A further 40 will arrive by February. All such convoys include a four-man armed protection team supplied under contract by Control Risks Group (CRG). There are a total of 26 teams, with 104 men. A further six teams will deploy as additional armoured vehicles arrive.
>
> "*Static Security*
>
> "Security for the CPA Green (Secure) Zone in Baghdad is provided by the US military and Global Security (a private British company). The unoccupied British Embassy compound (containing the partially-built flat pack Embassy) and the

---

[166] Letter Straw to Chief Secretary to the Treasury, 24 November 2003, 'Physical and Protective Security for UK Civilian Staff in Baghdad'.
[167] Letter Boateng to Straw, 8 December 2003, 'Iraq Reserve Claim'.
[168] Minute IPU [junior official] to PS [FCO], 24 November 2003, 'Iraq: Briefing for Visit – 25-26 November 2003' attaching Paper, 'Meetings with British Staff'.

villa housing the British Office Baghdad are both guarded by a Gurkha contingent supplied under contract with ArmorGroup.

"Following the attack on the al-Rashid Hotel, all other UK civilians in CPA Baghdad are currently accommodated in trailer parks within the Secure Zone. The units now benefit from physical security barriers which protect them against lateral bomb blast. However, they remain vulnerable, particularly to mortar and rocket attack. We now have a green light to proceed with construction of new accommodation under hard cover (new trailers on the ground floor of car park building). This should be complete by mid-January.

"UK CPA civilians required to work outside the Secure Zone (eg in Iraqi ministries) are protected in those locations by an Individual Bodyguard also supplied under contract by Control Risks Group. Security for the CPA headquarters in Basra is provided by the British military.

"Close Protection

"The Head of the British Office (Chris Segar) and IraqRep (Sir J Greenstock) are protected by a … team from the Royal Military Police Close Protection Unit.

"*Security in Governorates*

"Following last week's attack on the Italian Police compound in Nasariyah, CPA Baghdad launched a review of security in the governorates where UK staff are deployed. This review is moving more slowly than we had hoped … IraqRep have … issued specific instructions to UK staff in the governorates to take extra security precautions. Additional physical security measures such as blast walls, bomb shelters, alarm systems and window protection, are also in the process of being implemented.

"UK staff in the governorates are subject to the same security procedures and discipline as UK staff in Baghdad and Basra (eg armoured cars and armed protection teams). Evacuation plans are being drawn up and tested."

244. Contingency plans for the phased withdrawal of UK CPA secondees in Baghdad were ready by 1 December.[169]

245. Sir Jeremy Greenstock discussed CPA staffing with Sir Michael Jay on 12 December.[170] He reported that "a strong spirit of commitment" among UK secondees contrasted with concern about living conditions in Baghdad and apprehension about the reaction of families in the UK to the dangers to which people were exposed.

---

[169] Minute Dodd to Sheinwald, 1 December 2003, 'Iraq: Senior Officials Group'.
[170] Minute Jay to Parham, 12 December 2003, 'Conversation with Jeremy Greenstock: Iraq: Staffing Issues'.

Some secondees who had left after the attack on the al-Rashid Hotel were returning, but security was likely to get worse rather than better and required "constant vigilance". Communication from London to Baghdad and Basra, and with families in the UK, was important.

246. Sir Michael Jay told the Inquiry:

> "… some individuals … were rather more gung-ho and rather more prepared to take risks … Some of the DFID people were rather less used than those of us in the Foreign Office or elsewhere, to be working in very difficult conditions. These were completely understandable differences and they never became serious issues, as far as I'm aware … They were the sort of things that I discussed with the Permanent Secretaries concerned, so that we reached agreement on the right approach.
>
> "… I do remember one or two conversations when some departments were less willing than others to go out into the field. I think that's inevitable …
>
> "You have got to have … duty of care at the top of the agenda and you have also sometimes got to say to people, 'I know that you say you are willing to do that, but if you get killed, your parents are not necessarily going to thank you for that or thank us.'"[171]

247. At the weekly meeting of Permanent Secretaries on 7 January 2004, Sir Nigel Sheinwald stated that the next six months in Iraq were critical and that it was important the UK maintained the quality of its secondees.[172]

248. The same day, a Treasury official advised Mr O'Donnell on the return of Treasury secondees evacuated after the al-Rashid bombing:

> "Since the rocket attack on the al-Rashid hotel … and subsequent incidents and security threats the contingent of UK economists from HMT (and the Bank of England) seconded to the CPA has withdrawn from Iraq. In part this reflects concerns about the status of the accommodation on offer … it also reflects family wishes …"[173]

249. The official explained that the FCO's conversion of the ground floor of a car park into hardened accommodation was scheduled for completion by the end of January. In the interim, in recognition of the critical importance of Treasury and Bank of England secondees to the restoration of economic stability in Iraq, the UK military had offered accommodation for up to three economists with "a solid roof and very good 'point' security".

---

[171] Public hearing, 30 June 2010, pages 62-63.
[172] Minutes, Meeting of Permanent Secretaries, 7 January 2004.
[173] Email Treasury [junior official] to Perm Sec [Treasury], 7 January 2004, 'Iraq: Secondees' attaching Paper, 'Iraq: secondees'.

250. The official recommended that existing volunteers, who were fully aware of the security risks, be allowed to make preparations for their return, and that new volunteers be permitted to attend a hostile environment course and deploy to Iraq, if their line manager agreed. Because of the timing of courses, new volunteers would not be able to deploy until at least 28 January.

251. On 9 January, Mr O'Donnell's office replied that he was "keen to see HMT people return if the conditions are appropriate and that people who volunteer are made fully aware of, and are trained about, the risks".[174]

252. On 14 January, Sir Michael Jay informed Sir Andrew Turnbull and Permanent Secretaries that the FCO and DFID had 165 civilian staff in Iraq.[175] The total was likely to rise above 200 in June, before falling after the transfer of sovereignty. Sir Michael provided a breakdown of the 165 by employer:

- 37 FCO staff;
- 23 FCO contractors;
- 52 seconded via the FCO from OGDs and the police;
- 5 DFID staff; and
- 48 DFID contractors.

He also provided a breakdown by geographical location:

- 72 in Baghdad:
  - 50 in CPA Baghdad (including 7 in the UK-CPA Co-ordination Cell);
  - 9 in the British Office Baghdad;
  - 8 in IraqRep (the office of the Prime Minister's Special Representative);
  - 4 in the DFID Baghdad Office;[176]
- 77 in Basra:
  - 72 in CPA(South);
  - 5 in the Basra Governorate Team; and
- 16 in other governorates.

253. Sir Michael listed 14 areas of UK civilian involvement in CPA Baghdad:

- policing and SSR;
- oil;
- governance;
- press and communications;

---

[174] Email PS/Gus O'Donnell to Kilpatrick, 9 January 2004, 'Iraq: Secondees'.
[175] Letter Jay to Turnbull, 14 January 2004, 'Iraq – Civilian Staffing' attaching Paper, 'Iraq: Civilian Staffing'.
[176] The numbers in Sir Michael Jay's list add up to 71, not 72.

- finance;
- immigration and customs;
- infrastructure and infrastructure security;
- civil affairs;
- human rights;
- justice;
- media policy and regulation;
- gender;
- youth and sport; and
- civic education.

He described the spread of functions in Basra as "even wider", given the UK's "overall responsibility" there.

254. Sir Michael explained that the extra staff expected to deploy between January and June were likely to include:

- 30 more secondees to CPA(South);
- a DoH team for CPA(South) and the southern governorates;
- "political process consultants"; and
- FCO staff setting up new diplomatic posts in Baghdad and Basra.

255. Sir Michael anticipated that numbers should fall to between 70 and 80 after the transfer of sovereignty, spread across the British Embassy Baghdad, the British Embassy Office Basra and "possibly" other regional offices. He warned that FCO human and financial resources were stretched, but concluded that plans for the next six months were "sensible – and manageable as long as the necessary resources are available".

256. Sir Michael Jay also updated Permanent Secretaries on security and duty of care on 14 January:

> "We would not normally deploy civilian staff to an area as dangerous as Iraq now is. But Treasury Solicitors have confirmed to the Cabinet Office that we are complying with our duty of care if (i) we take all reasonable measures to mitigate risk, at least on a par with other governments, (ii) staff are volunteers, and we put no pressure on them to take up posts in Iraq, and (iii) we deploy staff for good reason. We are confident we are fulfilling these requirements."

257. On mitigation of the security risk, Sir Michael explained:

> "The CPA itself is responsible for CPA staff security. But our guidelines and additional security assets bring security for British staff up to levels which we believe are required to allow staff to do their jobs while mitigating the risk to an acceptable

level. Most importantly, all British civilian staff are required to travel in armoured vehicles and in convoy with armed protection teams … We have to be prepared for the possibility of serious casualties: … people may just be in the wrong place at the wrong time."

258. Sir Michael Jay visited Baghdad from 21 to 23 January. He told Mr Straw:

"There are some tensions on the ground, notably over security, particularly in Baghdad: staff tend to put a greater premium on quality of life … than on security. I believe Jeremy Greenstock's maxim that no British staff should be killed by a predictable attack is right."[177]

259. On 18 February, Mr O'Donnell confirmed to Sir Jeremy Greenstock that, in light of the assurances he had received, "Treasury secondees will be making their way back to Iraq from the beginning of next week".[178]

260. Lord Jay told the Inquiry:

"Flying into Baghdad [in January 2004] in a Hercules which has got red blobs on the radar screens saying 'That's where the missiles were fired the last time round' concentrates the mind a bit … These were not normal conditions. These were, I thought, very brave, very able people from a wide range of government departments doing a fantastic job in very, very difficult circumstances and you come back thinking, 'Gosh! You have really got to focus on their safety. It is hugely important that they continue to do this job as well as they are doing it at the moment.' But you have got to have huge responsibility for their safety."[179]

261. A DFID security assessment of Baghdad and Basra in January 2004 found that:

"With many more armoured vehicles now in country, constraints on the movement of staff have eased over the period but the CRG teams remain fully stretched. Numbers of British staff at both locations (Baghdad and Basra) continue to increase, and extra armoured vehicles and Armed Protection Teams (APTs) are still urgently needed."[180]

262. On 26 January 2004, Mr Straw requested a further £9.4m from Mr Boateng:

"The firm judgement of our security experts is that, without the protection of armoured vehicles and APTs (armed protection teams), it would be too dangerous for our civilian staff to travel outside guarded CPA compounds such as the Green Zone in Baghdad."[181]

---

[177] Minute Jay to Secretary of State [FCO], 26 January 2004, 'Visit to Iraq: 21-23 January'.
[178] Letter O'Donnell to Greenstock, 18 February 2004, [untitled].
[179] Public hearing, 30 June 2010, page 46.
[180] Paper CHAD Operations Team [junior official], January 2004, 'DFID Security Assessment of Baghdad and Basra – January 2004'.
[181] Letter Straw to Chief Secretary to the Treasury, 26 January 2004, 'Iraq: Security for British Civilian Staff'.

263. Mr Boateng agreed the FCO bid in full on 30 January.[182]

264. By 21 April, the number of UK civilians seconded to the CPA had risen to about 260, with approximately 120 each in Baghdad and Basra, and 20 elsewhere in Iraq.[183] Between 70 and 80 MOD civil servants were directly supporting Op TELIC.

The British Offices in Baghdad and Basra

265. During the CPA period, the expansion of the British Office Baghdad and the opening of a British Office in Basra were delayed by the limited availability of security assets and the need to prioritise other UK activities in Iraq.

266. The British Office Baghdad was opened by Mr Segar on 5 May 2003.[184]

267. Originally staffed by a team of four, by late summer 2003 it had eight UK-based staff and a locally employed British Council officer. The Commercial Section was staffed by two UKTI officials and a secondee from industry.

268. The flat pack Embassy arrived in Baghdad on 23 June in 80 containers. It consisted of prefabricated office and accommodation units and was designed to house up to 40 staff.

269. On 18 July, in a letter to Mr Boateng requesting additional funds for security enhancements to FCO posts in Iraq, described earlier in this Section, Mr Straw reported that the British Office Baghdad was assembling the flat pack Embassy under 24-hour sniper watch and would "soon be up to full strength of eight UK-based officers".[185]

270. On 5 August, FCO officials discussed proposals from Mr Segar to expand the British Office Baghdad to 10 UK-based and 23 local staff.[186] Mr Crompton informed Mr Segar that availability of security assets was likely to be "a major constraint" on his expansion plans: "further increases in armed protection teams, armoured cars and other security equipment could only be funded through compensating savings elsewhere". He advised Mr Segar "to think carefully about prioritising".

271. On 19 August, after the bombing of the Canal Hotel, the British Office Baghdad was moved from the former British Embassy compound to a villa in the CPA secure zone.[187]

272. After visiting Baghdad at the beginning of September, Mr Crompton advised Mr Edward Chaplin, FCO Director Middle East and North Africa, that there was "a clear

---

[182] Letter Boateng to Straw, 30 January 2004, 'Iraq Reserve Claim'.
[183] Letter Tebbit to Turnbull, 21 April 2004, [untitled].
[184] Minute IPU [junior official] to PS [FCO], 'Iraq: Briefing for Visit – 25-26 November 2003' attaching Paper [unattributed], 'Background on Other Issues'.
[185] Letter Straw to Chief Secretary to the Treasury, 18 July 2003, 'Iraq-Related Costs'.
[186] Letter Crompton to Segar, 13 August 2003, 'BOB staffing, security and accommodation'.
[187] Minute IPU [junior official] to PS [FCO], 24 November 2003, 'Iraq: Briefing for Visit – 25-26 November 2003' attaching Paper [unattributed], 'Background on Other Issues'.

and distinct role for a … British Office [Baghdad] to pursue bilateral interests and begin developing long-term contacts".[188] There were also "many opportunities for TPUK and British Council", but expansion plans should be "moderated to match the availability of accommodation and security assets".

273. Further work appears to have halted until early 2004, when the FCO created a project management team in London, with project managers in Baghdad and Basra, to plan the UK's post-CPA representation in Iraq.[189] The planning process is addressed later in this Section.

274. In November 2003, the IPU reported that work on the flat pack Embassy had stopped and that it would shortly be secured and waterproofed "until the security situation is more permissive and work can continue".[190]

275. In July 2003, the FCO put on hold plans to open a British Office in Basra by the end of August in order to focus on strengthening CPA(South).[191] Any staff already identified for the British Office were to be redirected to CPA(South).

276. On 15 July, the IPU recommended to Mr Straw that the FCO establish "a limited form of UK mission in Basra on 1 December 2003 which would be gradually staffed by FCO UK secondees moving across" from CPA(South).[192] The IPU recommended a total of six UK-based staff, including one from TPUK, and an unspecified number of local staff. DFID and the British Council were reported to have indicated an interest in having one representative each.

277. Mr Straw agreed the proposal subject to Treasury approval of the necessary funds.[193]

278. A decision on whether to open a British Office in Mosul was postponed.

279. Mr Julian Metcalfe, Head of FCO Estate Strategy Unit, informed Mr Collecott on 30 July that efforts to identify premises for the British Office in Basra were "turning into something of a joke" because of security constraints and the shortage of staff resources in CPA(South).[194]

---

[188] Minute Crompton to Chaplin, 5 September 2003, 'Visit to Iraq: 31 August to 3 September'.
[189] Minute Jay to Foreign Secretary, 6 February 2004, 'Iraq: Post-Transition Representation' attaching Paper, 'Future UK Representation in Iraq'.
[190] Minute IPU [junior official] to PS [FCO], 24 November 2003, 'Iraq: Briefing for Visit – 25-26 November 2003' attaching Paper, 'Background on Other Issues'.
[191] Minute Crompton to Ehrman, 9 July 2003, 'British Office Basrah'.
[192] Minute IPU [junior official] to PS/Straw, 15 July 2003, 'Iraq: Establishing a British Office in Basra and Mosul'.
[193] Minute Owen to IPU [junior official], 21 July 2003, 'Iraq: Establishing a British Office in Basra and Mosul'.
[194] Minute Metcalfe to Collecott, 30 July 2003, 'Basra Offices'.

280. Two FCO officials visited Basra to identify a suitable location on 30 July, 24 hours after Sir Hilary Synnott's arrival as the new Head of CPA(South).[195] They reported that Sir Hilary had been very helpful, but that, in the absence of FCO staff able to facilitate the visit, it had "bordered on farce at times". Initially they had been told there was no transport or protection available for a tour of the city, but the visit was "saved at the eleventh hour from being a total disaster" by the MND(SE) visits officer and MOD/CPA liaison officer. The officials did not reach firm conclusions on a location and recommended "a more structured visit" soon.

281. Sir Hilary Synnott advised the FCO that December was not soon enough to establish a bilateral presence in Basra.[196] Commercial, visa and consular demands were all increasing. Much as he would like to help, CPA(South) did not have the capacity or the mandate to do so. He therefore recommended the early creation of a small "UK bilateral cell" in Basra.

282. Mr Straw submitted a claim on the Reserve to cover the expected cost of setting up and running the Basra Office in his letter to Mr Boateng on 18 July.[197]

283. Mr Boateng rejected Mr Straw's claim on 9 September, explaining that he "would have expected the FCO to have adjusted their internal Resource Allocation Round at the end of last year" when faced with what was an "increasingly likely" contingency.[198]

284. In November 2003, Sir Nigel Sheinwald advised Mr Blair that the idea of a bilateral UK office in Basra to handle "trade contacts, culture and visitors … fell by the wayside in the summer" and needed to be revived.[199]

285. Mr Blair asked for the FCO to "put in place a British Office in Basra to handle trade contacts, cultural ties, visitors etc".[200]

286. The IPU advised Mr Straw that there would be advantage in revisiting the idea of setting up a small unit in Basra for bilateral work, arranging visits and managing the establishment of a post-CPA British Office, "not least to flag up the resource implications to No.10".[201] Costs could be kept to a minimum by using staff already selected for other roles and providing accommodation on the CPA(South) site. Other Whitehall departments would join as the project developed.

287. On 27 November, the FCO informed No.10 that it proposed to set up a "Bilateral Unit" in Basra run by an FCO official, under the supervision of Mr Henry Hogger, the

---

[195] Paper FCO Services [junior official], 5 August 2003, 'Basra (Future Offices)'.
[196] Telegram 41 FCO London to Baghdad, 4 August 2003, 'Iraq: Pursuing British Interests in Southern Iraq'.
[197] Letter Straw to Chief Secretary to the Treasury, 18 July 2003, 'Iraq-Related Costs'.
[198] Letter Boateng to Straw, 9 September 2003, 'Iraq Reserve claim'.
[199] Minute Sheinwald to Prime Minister, 10 November 2003, 'Visit to Iraq'.
[200] Letter Rycroft to Adams, 11 November 2003, 'Iraq: Next Steps'.
[201] Minute IPU [junior official] to PS [FCO], 25 November 2003, 'Iraq: Draft Letter on British Office, Basrah'.

Basra Governorate Co-ordinator. UKTI, DFID and the British Council had identified staff to work in the new office. If circumstances and resources allowed, the "Bilateral Unit" would oversee the establishment of a substantive "British Transitional Office".

288. Mr Hogger explained on 2 January 2004 that there was "little to report yet on implementing the Prime Minister's wish for the establishment of a British Office in Basra".[202] He hoped that a visit by security experts in January would make progress on identifying possible premises for an "embryonic British Office" and the eventual Consulate. He advised that, in the current security climate, the British Office would almost certainly have to be housed in the CPA/UK military compound, which was already overcrowded.

Preparations for the transfer of sovereignty

289. On 15 November 2003, the Iraqi Governing Council announced an accelerated timetable for the transfer of sovereignty to an Iraqi transitional administration, with the CPA to be dissolved by 30 June 2004 (see Section 9.2).

290. *Hard Lessons*, Mr Stuart Bowen's account, as US Inspector General for Iraq Reconstruction, of the US experience of reconstruction between 2002 and 2008, described the impact of the new timetable:

> "Reconstruction plans that had just been devised on a two-year timetable now had to shift, and the rush began to prepare Iraq's government to stand on its own in seven months."[203]

291. On 5 December, Sir Hilary Synnott advised the FCO that the compressed timetable made adequate staffing more important than ever. Recruitment needed to look beyond the dissolution of the CPA. The UK would need to sustain "an intensive development co-operation/technical assistance relationship" with Iraq and "might usefully maintain an international co-ordination role. This will require a careful transitional process with maximum use of acquired experience."

292. Sir Michael Jay visited Iraq from 21 to 23 January 2004 to discuss the implications of the transfer of sovereignty with UK staff in Baghdad and Basra.[204] He discussed his findings with Mr Straw on 29 January.[205]

293. On 6 February, Sir Michael submitted formal recommendations for an Embassy in Baghdad, a Consulate General in Basra and an office in either Kirkuk or Mosul.[206]

---

[202] Telegram 1 CPA Basra to FCO London, 2 January 2004, 'Prime Minister's Visit to Basra: Scenesetter'.
[203] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[204] Minute Jay to Secretary of State [FCO], 26 January 2004, 'Visit to Iraq: 21-23 January'.
[205] Manuscript comment Adams to PS/PUS [FCO], 30 January 2004, on Minute Jay to Secretary of State [FCO], 26 January 2004, 'Visit to Iraq: 21-23 January'.
[206] Minute Jay to Foreign Secretary, 6 February 2004, 'Iraq: Post-Transition Representation' attaching Paper, 'Future UK Representation in Iraq'.

294. Mr Straw sent Mr Gordon Brown, the Chancellor of the Exchequer, an indication of the estimated costs of post-transition representation on 11 February as the basis for detailed discussions between FCO and Treasury officials.[207] Combined annual running costs for the three bilateral offices were estimated at £37.1m, including £21.7m (58.5 percent of the total) for security.

295. Mr Straw attached a paper setting out the proposed functions of the three offices and estimated staff numbers for Baghdad and Basra:

- Baghdad: 78 resident UK staff (including police and MOD advisers), up to 20 visiting contractors and DFID staff during peak activity, and 55-56 local staff; and
- Basra: 81 resident UK staff (including police), 10 visiting contractors and 30 local staff.

296. The expectation was that it should be possible to reduce UK representation as Iraq stabilised.

297. The paper stated that office infrastructure and key staff should be in place by the end of June. Recruitment of staff and development of sites would begin as soon as agreement had been reached with the US on a number of issues, including the use of potential sites. The plan was to recruit staff for one year if possible, six months renewable if necessary. Recruitment would not be easy. As one incentive, the FCO planned to give staff the option of having their families in Kuwait.

298. The paper also stated that the FCO had created a project management team in London, which had set up a cross-Whitehall Transition Project Management Group including representatives of interested government departments. An FCO officer had been seconded to the State Department transition team and a UK civilian was a member of the CPA Transition Team.

299. Sir Kevin Tebbit explained the arrangements for looking after civilian personnel in Iraq to Sir Andrew Turnbull and Permanent Secretaries on 21 April 2004.[208] There were two categories of civilian employee: MOD civilians deployed as part of Op TELIC, and other staff and contractors, either seconded to the CPA or deployed directly to Iraq, who were “under the wing of IraqRep”.

300. Sir Kevin explained:

> “… the 70-80 MOD civil servants deployed at any one time in direct support of Operation TELIC effectively enjoy the same protection as the military, alongside whom they live and work. They would be unlikely to have to leave, but if they were, the arrangements would be made through the Permanent Joint Headquarters which is part of their reporting chain and also ‘owns’ the military transport assets. This would be fairly straightforward given the numbers involved.

---

[207] Letter Straw to Chancellor of the Exchequer, 11 February 2004, ‘Iraq: Post-Transition Representation’.
[208] Letter Tebbit to Turnbull, 21 April 2004, [untitled].

> "Of the IraqRep staff (including civil servants and contractors) there are about 120 each in Baghdad and Basra and 20 or so in smaller locations. Most are based in secure locations which are currently protected by Coalition Armed Forces. Protection whilst on the move is normally provided by private contractors. The security guidelines for these staff is constantly under review, based on risk assessment done by full time FCO security managers in Baghdad and Basra. Staff understand that they are volunteers and that they may return to the UK if not comfortable with the security arrangements.
>
> "In the event that HMG civilians had to be withdrawn from the South, the UK Armed Forces would assist with the evacuation of UK staff, through Basra Airport, by road to Kuwait, or by sea, depending on the operational circumstances. Those in Baghdad would be assisted to leave through the airport. In the outlying areas the US military would assist. Detailed contingency plans are being drawn up."

301. Sir Kevin also commented on concerns expressed by Permanent Secretaries that the withdrawal of civilian contractors could undermine the reconstruction effort:

> "The impact on reconstruction would indeed be serious if contractors began to withdraw, although there is little evidence that this is happening on a large scale. Most companies seem to realise that they must balance their desire to participate in [the] reconstruction effort with the need to look after their staff. Many are reassessing their security arrangements, but look likely to remain … No UK or US funded contractor has withdrawn from Iraq."

302. The Annotated Agenda for the AHMGIR on 22 April advised that security had deteriorated "markedly" over Easter (9 to 12 April) and that the risks to UK civilian staff in Iraq were "high".[209] The deployment of civilians had been reviewed and, as a temporary measure, new deployments to Baghdad had been suspended and staff unable operate in the current security environment had been withdrawn.

303. The AHMGIR approved the recommendation that all other staff should remain in Iraq subject to continuing review.[210]

304. The 11 May meeting of ISOG discussed a concern raised by Mr Patrick Nixon, Sir Hilary Synnott's successor as Head of CPA(South), that there would be a gap in reconstruction activity in the South between the end of the CPA and the launch of major infrastructure projects in August.[211] The number of UK reconstruction staff would fall from 51 to seven (see Section 10.1).

305. On 18 May, Mr Philip Parham, Head of the FCO Iraq Operations Unit (IOU), updated Sir Michael Jay on the security of civilian staff in Iraq.[212]

---

[209] Annotated Agenda, 21 April 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[210] Minutes, 22 April 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[211] Letter Cabinet Office [junior official] to Buck, 13 May 2004, 'Iraq: Senior Officials Group'.
[212] Minute Parham to PS/PUS, 18 May 2004, 'Iraq: Security of Civilian Staff'.

306. Mr Parham reported that, in Baghdad, all staff were accommodated under hard cover, very few road journeys were authorised beyond Baghdad and there was heightened concern about the road between Baghdad Airport and the Green Zone. There was no operational alternative to using the airport road and staff would continue to use it while mitigating risks as far as possible.

307. Security in Basra had deteriorated over the previous two months. Staff were accommodated in soft-skinned CPA trailers, which were being sandbagged to give extra blast protection. Progress had been very slow, but was now being expedited. From 30 June, all staff at the British Embassy Office Basra would be under hard cover.

308. Mr Parham explained that the drawdown of CPA(South) staff would begin in early June as transition approached and that DFID was considering whether to bring forward the departure of experts performing non-essential tasks.

309. Mr Parham also reported on the security of UK staff in other provinces:

- In Nasiriyah, Mr Rory Stewart, Deputy Governorate Co-ordinator, had already been evacuated with the Co-ordinator and the CRG close protection team on 17 May after the CPA compound had come under sustained attack. Mr Parham explained that it would not make sense for civilian staff to return to the CPA office. Instead, a core staff might operate from the Italian military base "as security allows".
- Mr Nixon and the Basra Security Manager would visit Samawah, the capital of Muthanna province, on 19 May to assess whether the Deputy Governorate Co-ordinator, the only UK member of the GT, should remain there.
- The GT for Wasit province, headed by Mr Mark Etherington, was confined to the city of Kut, where US troops were securing the CPA compound. Mr Parham advised that the UK would pull out its staff if US troops withdrew.
- The GT in Kirkuk was "securely established in a well-protected compound".
- In Erbil, Dr Liane Saunders, CPA Regional Co-ordinator, was based in an isolated compound that was "very secure and well-guarded". She was able to operate over a wide area.

310. On 24 May, two UK civilians, an adviser to the Iraqi Oil Ministry employed by the FCO and a CRG employee, were killed by an Improvised Explosive Device (IED) just outside the Green Zone in Baghdad.[213]

311. An initial ban on staff movements outside the Green Zone introduced after the attack was lifted on 26 May.

312. ISOG instructed the FCO, MOD and DFID to review staff deployments, and the FCO and MOD to speed up the delivery of Electronic Counter-Measures (ECMs)

---

[213] Letter Overseas and Defence Secretariat [junior official] to Buck, 26 May 2004, 'Iraq: Senior Officials Group'.

against remotely controlled IEDs, which had been on order for "some time" and were now urgent.

313. IED counter-measures are described in more detail in Section 14.1.

314. On 27 May, Mr Stuart Jack, Mr Parham's successor as Head of the IOU, advised Mr Straw:

> "… we are currently at the limit of technical measures we can apply to protect staff in Iraq. They have armoured cars and armed protection … All staff have body armour and helmets. Everyone in Baghdad now sleeps under hard cover … security managers are constantly reviewing the threat and apply the security guidelines robustly; if travel becomes too dangerous, staff are required to remain in the secure zone. It would be difficult to do much more and still allow staff to carry out their jobs."[214]

315. Mr Jack identified three options for "further minimising" risk to staff:

> "(i) We could bring forward departure dates for those staff scheduled to leave in June, as DFID are planning.
>
> (ii) We could delay the deployment of new staff going out to fill jobs at the Embassy.
>
> (iii) We could reduce our presence in Baghdad."

316. FCO security advisers visited Baghdad and Basra again from 14 to 20 June. Mr Millett reported that the threat was higher than on the advisers' previous five visits. Security within the secure zones was good, but transport security remained the main problem.[215] He stated:

> "**We have now reached the limit of what we can do to protect staff in Iraq** … [I]f the numbers of attacks increase further, we have nowhere else to go …
>
> "We must ensure the numbers of staff are kept as low as possible consistent with achieving our strategic objectives in Iraq. We also have to ensure that we keep the contingency plan up-to-date for evacuation by the US and/or UK military."

317. Mr Richmond reported on 17 June that the threat to staff in Baghdad was at its highest level since April 2003.[216] Journeys outside the Green Zone were only being approved under exceptional circumstances, seriously handicapping operational capacity (although work to support the Prime Minister's Office and some other programmes were continuing). He had asked all staff who were not staying beyond 30 June to leave by 21 June.

---

[214] Minute Jack to PS [FCO], 27 May 2004, 'Iraq: Civilian Staffing and Security'.
[215] Minute Millett to Buck, 25 June 2004, 'Iraq Security'.
[216] Telegram 328 IraqRep to FCO London, 17 June 2004, 'Iraq: Security of Personnel'.

318. Participants at the Inquiry's civilian outreach event commented that, although it was difficult to arrange travel to meetings outside the Green Zone in Baghdad from mid-2004, it was equally difficult for Iraqis to attend meetings inside the Green Zone. Iraqis did so at significant personal risk and did not understand why their UK interlocutors appeared to be so risk averse. The participants reported that similar conditions prevailed in Basra from mid-2006.

319. In March 2004, Mr Jack completed a review of the FCO's worldwide security strategy, commissioned in response to the attack on the UK Consulate General in Istanbul in November 2003.[217] The terms of reference were: "To review the basis for the FCO Security Strategy. In particular to re-examine the balance between security and operational effectiveness." Mr Jack's review identified risk management as the most important tool available to identify the measures needed to meet the FCO's duty of care to staff.

320. The FCO Board endorsed the main conclusions of the review on 26 March.[218]

321. In late June 2004, the FCO advised staff of the review's conclusions, including that, although total risk avoidance was unrealistic, risk management was fundamental to striking a balance between security and operational effectiveness, and to the prioritisation of security resources.[219] The FCO's Security Strategy Unit was reported to be developing a risk matrix to help inform decisions in posts.

322. On 23 June, DFID officials sought advice from Treasury Solicitors on draft guidance on DFID's duty of care responsibilities in Iraq.[220] Treasury Solicitors confirmed that:

> "… DFID, in common with all other employers, owes its employees a duty to take reasonable care for their physical and mental health and safety in all the circumstances of the case so as not to expose them to unnecessary, reasonably foreseeable risk of personal injury or death …
>
> …
>
> "What DFID must do in order to comply with the duty of care depends on what is reasonable in all the circumstances, which include not only its own knowledge of the risks but also the degree of control it has over its employees given where they are, their experience and the nature of their work.
>
> …

---

[217] Report Jack, March 2004, 'Security Review: Final Report'.
[218] Letter Millett to FCO Heads of Mission, 29 April 2004, 'FCO Security: Stuart Jack's Report'.
[219] Telegram 224 FCO London to Abidjan, 29 June 2004, 'Review of FCO Security Overseas'.
[220] Letter Treasury Solicitors [junior official] to Department for International Development [junior official], 25 June 2004, 'Duty of care to staff in Iraq'.

"Should DFID's employees be in Iraq at all, given current circumstances? The answer is that DFID is free to employ its employees on work which will expose them to unavoidable risk of injury or death (ie against which it cannot guard by taking precautions); and, in the absence of express stipulation to the contrary, the risk is held to be with them and not with DFID. The law, however, requires DFID to use all reasonable care to diminish any inherent dangers, if it cannot eliminate these; and, if (as I presume to be the case here) it cannot effectively eliminate the dangers so that significant risks remain, it may be required to give its employees such information which is available to it to help them evaluate properly the benefits of being in Iraq against the risks. However, such a duty is more likely to arise where the risks are *not* common knowledge (which I would say they probably are here).

"DFID is not legally obliged to provide staff of consultancy organisations with the same level of support as it gives its own employees. Nor is it required by law to underwrite the steps taken by NGOs to support their staff working in Iraq."

323. On 29 July, Treasury Solicitors added that DFID should "consider carrying out formal, periodic risk assessments as a further safeguard, and amending advice and procedures as a result of any relevant risks identified".[221]

324. The first version of the DFID guidance on duty of care seen by the Inquiry is dated January 2005.[222] It stated:

"DFID has a responsibility to take reasonable measures to protect its employees from risk of injury (physical, psychological) or death … DFID does not guarantee that an employee will not be injured … In taking reasonable care, DFID will only be liable if there is some lack of care on its part for failing to prevent something that was reasonably foreseeable …

"All employees have a duty to take all reasonable steps to mitigate any risks to their safety and security to which they are exposed …

"All UK-based DFID staff visiting or working in Iraq are volunteers and are under no obligation to travel to Iraq and can leave Iraq at any time without penalty …"

325. On the question of DFID's obligations to non-DFID staff, the guidance stated:

"Individual consultants are not the employees of DFID and are ultimately responsible for their own well-being and security arrangements … However, bearing in mind the prevailing security conditions and difficulty of working in Iraq, DFID aims to provide solo and singleton consultants with the same levels of security, logistical and counselling support as it does its own staff …

…

---

[221] Letter Marriott and Treasury Solicitors [junior official] to Department for International Development [junior official], 29 July 2004, 'Duty of care document'.
[222] Paper Iraq Directorate, January 2005, 'Iraq: Guidance for DFID on its duty of care'.

> "Consultancy organisations are responsible for the well-being and security arrangements of their staff deployed to Iraq. Consultancy organisations are strongly advised to follow the same rules and procedures as DFID does for its own staff …
>
> "The responsibility for duty of care provisions and the security of NGO employees working in Iraq is held by the NGO. DFID will offer to meet the reasonable costs of providing the same level of security to NGO staff working on a DFID-financed project as DFID does for its own staff."

The post-CPA UK civilian presence in Iraq

326. On 1 July 2004, officials informed the AHMGIR that the British Embassy Baghdad and "Consulates" in Basra and Kirkuk had started operating.[223] Baghdad was reported to have 75 staff, Basra 47 and Kirkuk three.[224]

327. The FCO predicted that numbers in Baghdad would grow to "around 100 UK staff, of whom over half will be consultants to Iraqi ministries and advisers on Security Sector Reform".[225] The British Embassy Office Basra would consist of "around 80 UK-based staff, of whom around 60 will be consultants and security sector advisers".

328. Participants at the Inquiry's civilian outreach event told the Inquiry that those arriving in mid-2004 felt a clear disconnect between the CPA, whose staff were shutting up shop and anxious to be home, and what followed. Knowledge acquired by CPA personnel was not passed on and commercial rivalry between old and new contractors damaged continuity.

329. The security situation deteriorated as the number of civilian personnel rose.

330. On 12 July, Mr Simon Collis, the new Consul General in Basra, described security as "the greatest immediate preoccupation".[226] He added:

> "As we prepare to move beyond the bare essentials of an office, a secure perimeter, accommodation in hardened containers and a canteen – none yet fully in place – our duty of care requires that, after security, morale must be a high priority. Access to social amenities is currently less than any post I have seen …
>
> …
>
> "Rapid staff turnover (the tour cycle, with breather visits, leaves only five months in post before moving on) means there is a lack of institutional memory. And as yet there is no cadre of experienced local staff to provide continuity …
>
> "We need to take care to get the next phase of estate development right. This means breaking the rush-job habits which have, necessarily, been a feature of the

---

[223] Minutes, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[224] The minutes do not distinguish between UK-based and local staff.
[225] Telegram 236 FCO London to Abidjan, 2 July 2004, 'Iraq: New Embassy and Embassy Offices'.
[226] Telegram 77 Basra to FCO London, 12 July 2004, 'Basra: Creating and Supporting a New Consulate'.

inception phase … We have an excellent team here. And the Consulate [the British Embassy Office] will be a fine building when completed."

331. Mr Collis told the Inquiry:

"Security was the most important factor**,** and by several orders of magnitude more significant than any other single constraint, because it made it much more difficult to tackle any of the other constraints."[227]

332. On 5 August, Mr Collis reported that the detention on 3 August of four members of the Office of the Martyr Sadr (OMS) militia had increased tension between the Sadrist militia and the MNF in Basra City, Maysan and Nasiriyah.[228]

333. The tension was such that Mr Collis considered there was "a fair probability of mortar attack attempts on British bases tonight, possibly including our Consulate".

334. The British Embassy Office was locked down in mid-August.[229] Mr Collis reported that, with the help of the military, staff were able to fly out on recuperation breaks using spare seats on helicopters visiting the military compound in Basra. They then transferred to military flights from Basra Airport to Kuwait. Staff were not yet using that route to return to the compound.

335. The British Embassy Office Basra was locked down at least three times in the second half of September, including:

- after further OMS attacks on 17 and 18 September;[230]
- after an attack on the Basra Palace site on 22 September;[231] and
- after attacks on international civilian vehicles in Basra on 28 September.[232]

336. On 29 September, there were three rocket attacks on the Basra Palace site, including a direct hit on the British Embassy Office.[233]

337. On 21 September, Mr Dickie Stagg, FCO Director General Corporate Affairs, reported on a short visit to Baghdad and Basra.[234] He informed senior FCO officials, including Sir Michael Jay and Mr Sawers, that he had been impressed by the "resilience

---

[227] Private hearing, 22 June 2010, page 48.
[228] Telegram 86 Basra to FCO London, 5 August 2004, 'Iraq: OMS activity in Basra'.
[229] Telegram 104 Basra to FCO London, 12 August 2004, 'Southern Iraq: Sitrep'.
[230] Telegram 151 Basra to FCO London, 18 September 2004, 'Iraq: Clashes in Basra'.
[231] Telegram 154 Basra to FCO London, 23 September 2004, 'Iraq: Basra Security Situation'.
[232] Telegram 156 Basra to FCO London, 28 September 2004, 'Iraq: Attacks on International Civilian Vehicles in Basra'.
[233] Telegram U/N [un-numbered] Basra to FCO London, 29 September 2004, 'Attack on British Consulate Basra'.
[234] Minute Stagg to Jack, 21 September 2004, 'Iraq: Security/Morale/Staffing'.

and good spirits of staff (many of whom extend beyond six months) in exceptionally testing circumstances". Mr Stagg concluded:

"a) We need to review constantly the number of staff in both posts to ensure that they all really can add value, in a situation in which movement off compound is so constrained. Nobody should be there unless we are clear their role is critical to the achievement of our (very important) goals in Iraq. I am sceptical about the impact of those trying to help the Iraqis reform their ministries on the basis of 2-3 meetings a week. Similar work in Sofia[235] (a much less difficult environment) was impossible without having people working in the ministries full-time.

b) We must have adequate security staff in both posts. I wasn't convinced that the arrangements in Baghdad are adequate …

c) We need to have a contingency plan for how to handle things if many fewer staff (at all grades) were willing to serve in Iraq because of the security situation …"

338. Sir Andrew Turnbull and Sir Michael Jay discussed security in Iraq at their bilateral meeting on 29 September.[236] Sir Andrew expressed concern about the situation in Basra. Sir Michael said that it would be necessary to reconsider the terms on which staff from different departments were in Iraq.

339. Mr Collis reported on 30 September that arrangements were being made to provide military escorts for CRG vehicles and to restrict movements to certain times of day.[237] He also reported reduced availability of the military air bridge to Basra Airport that had been used in August. Staff remained under instructions to use hardened buildings only and to carry body armour when moving around the Basra Palace site at night.

340. The number of DFID contractors in Baghdad grew throughout 2004.[238] By October, the number of DFID contractors in Basra was also rising, reversing the significant drop in numbers at the end of the CPA period.

341. On 8 October, FCO Iraq Directorate briefed Mr Straw on the latest assessment of the risks to FCO staff and the measures being taken to minimise them.[239] Officials reported that the direct threat had heightened just as the number of UK civilians had increased with the deployment of extra DFID contractors. The FCO was "reaching the limits" of its ability to increase effective protection.

---

[235] Mr Stagg was a former British Ambassador to Bulgaria.
[236] Minute Cabinet Secretary's Private Office [junior official], 18 October 2004, 'Sir Andrew Turnbull's Bilateral with Sir Michael Jay: 29 September 2004'.
[237] Telegram 158 Basra to FCO London, 30 September 2004, 'Iraq: The Threat to Us in the South'.
[238] Letter Lowcock to Aldred, 24 June 2013, [untitled] attaching Table, [untitled].
[239] Minute Iraq Directorate [junior official] to PS [FCO], 8 October 2004, 'Staff Security in Iraq'.

342. Officials reviewed the situation against contingencies that would trigger a reduction in the numbers of staff exposed to the threat:

> "In Baghdad: a deterioration in security within the International Zone; a redrawing of its perimeter to place the Embassy at its edge …; an increase of accurate strikes from rockets or mortars; loss of control of the airport road; or a CBW threat.
>
> "In Basra: use of SAMS [surface-to-air missiles] in a manner that removed the scope for evacuation by air; an increase of accurate mortar or rocket strikes; more sophisticated attacks on vehicles; or a CBW threat."

343. Officials concluded that, in Basra, a rocket attack on the British Embassy Office had triggered one of the contingencies. In consultation with other departments, the FCO had initiated a limited withdrawal of less essential staff and DFID had postponed several new deployments, largely because proposed work in the governorates was not possible in current circumstances.

344. Officials reported that, in Baghdad, the contingencies had not been triggered, but the Embassy was reviewing staffing levels. DFID had reviewed its staffing in Baghdad and planned a net reduction of six consultancy posts. Some work would be based outside Iraq with shorter visits to Baghdad, but core work with the Iraqi Prime Minister's Office and on economic reform and support to civil society would not be affected.

345. An easing of the security situation in Basra during November came to an end with a rocket attack on the Basra Palace site on 4 December.[240] Mr Collis reported that staff had reverted to carrying body armour when moving outside after dark, but that the Consulate Club, which had been housed in a portakabin, had reopened in a hardened location on 5 December.

346. Further low intensity and inaccurate attacks continued throughout December.[241]

347. During 2004 and 2005, UK civilian personnel in Iraq became increasingly dependent on military assets for transport between and within Baghdad and Basra.

348. On 27 November 2004, after a series of attacks on the road to Baghdad Airport, the US Embassy announced the suspension all road travel to the airport by civilian staff.[242] Until further notice, they would travel by helicopter.

349. Mr Chaplin advised the FCO that the removal of US civilian vehicles from the airport road would raise the threat to UK road travel to an unacceptable level. US helicopters had no spare capacity and UK helicopters were committed to military operations. For the Embassy's operations to be sustainable, it needed its own helicopter assets.

---

[240] Telegram 214 Basra to FCO London, 6 December 2004, 'Iraq: Attack on Basra Palace Site'.
[241] Telegram 227 Basra to FCO London, 23 December 2004, 'Iraq: Stand Off Attack on Basra Palace Site'.
[242] Telegram 430 Baghdad to FCO London, 29 November 2004, 'Iraq: Suspension of Road Moves to Baghdad Airport'.

350. The UK military offered help in the short term where Embassy requirements matched its plans, but was not in a position to provide a regular service.[243]

351. On 1 December, the Chiefs of Staff agreed an FCO request for helicopter support to the British Embassy Baghdad.[244]

352. Sir Kevin Tebbit informed Sir Michael Jay that the military would provide the best service it could over the next couple of weeks and was looking at the possibility of making additional helicopters available from Northern Ireland.[245]

353. Mr Straw raised the issue with Sir Nigel Sheinwald, who told him Mr Blair would be ready to write to the MOD to ensure its support continued.[246]

354. The FCO Senior Overseas Security Adviser (SOSA) visited Basra and Baghdad in March 2005.[247] Security arrangements at both posts were reported to be "first class". All staff were said to have confidence in the security arrangements, which allowed them "to work with a reasonably comfortable feeling in a very hostile environment". Two issues were highlighted:

- A continuing shortage in Baghdad and Basra of ECMs for preventing remote detonation of IEDs. Additional suites of ECMs had been ordered, but more were needed.
- A substantial reinforcement of US patrolling along the Baghdad Airport road since the beginning of 2005. If the number of incidents along the road remained low, the British Embassy might be able to re-assess whether it could be used again.

355. In May 2005, in his valedictory as Head of the IPU, Mr Crompton advised:

> "… we need to sell the notion that military assets (particularly transport) belong to HMG as a whole and that decisions on how they are used are determined by HMG, rather than MOD/PJHQ on the basis of military priorities, occasionally in ways which have not best served wider HMG objectives".[248]

356. Section 9.4 describes the further deterioration in security during the second half of 2005, at the same time as the Government started to discuss the consequences for civilian activities of the planned drawdown of UK military forces from southern Iraq.

---

[243] Letter Asquith to Houghton, 29 November 2004, 'Request for Help with Helicopter Transport for British Embassy, Baghdad Between Green Zone and BIAP'.
[244] Minutes, 1 December 2004, Chiefs of Staff meeting.
[245] Minute Jay to Private Secretary [FCO], 1 December 2004, [untitled].
[246] Minute Owen to IPU [junior official], 2 December 2004, 'Iraq: Helicopter Transport'.
[247] Minute Security Strategy Unit [junior official] to Asquith, 14 March 2005, 'SSU Visit to Iraq'.
[248] Minute Crompton to Sawers, 4 May 2005, 'Iraq Reflections'.

357. On 15 July, the Iraq Strategy Group (ISG) considered a draft paper to be signed by Dr John Reid, the Defence Secretary, on operational transition in Iraq (see Section 9.4).[249]

358. The paper described a process in which Iraqi Security Forces would take primacy province by province. The transfer would be implemented from October in Maysan and Muthanna provinces. Basra and Dhi Qar would follow in spring 2006. This would lead to a reduced profile for UK forces, and reductions in numbers to around 3,000 by summer 2006.

359. After a discussion, the ISG concluded that the paper needed to cover more clearly the implications for other government departments and international actors.

360. In the revised paper, sent to No.10 on 18 July, Dr Reid stated that the drawdown could have an impact on the broader UK and international effort in the South:

> "It is also possible that other (FCO and DFID) activity in Iraq aimed at developing the Iraqi police service and reconstruction will need to be curtailed or reduced, with consequent implications for HMG's wider effort, because of the difficulties of running projects without UK military support and protection. This will need to be looked at in more detail with Other Government Departments."[250]

361. Dr Reid's paper also recognised that, although the drawdown was likely to deliver a significant cost saving to the military, there could be an increase in costs for others:

> "Other Government Departments operating in Iraq may … face increased security costs as they are forced to seek commercial alternatives to military force protection."

362. The Ministerial Committee on Defence and Overseas Policy Sub-Committee on Iraq (DOP(I)) agreed Dr Reid's recommendation on 21 July.[251]

363. On 16 September, the IPU advised Mr Straw and Sir Michael Jay that the frequency and sophistication of attacks in Basra were increasing and the British Embassy Office was locked down.[252] The threat was greater than in autumn 2004. The IPU recommended that the number of staff be kept under review and that Sir Michael Jay press the MOD for a dedicated helicopter service.

364. Officials prepared a draft paper for DOP(I) on 27 September advising that civilian activity in the South was "heavily reliant on UK forces for a range of services", such as accommodation outside Basra, helicopter transport and regular intelligence on security

---

[249] Letter Cabinet Office [junior official] to Iraq Senior Officials, 15 July 2005, 'MOD paper on operational transition in Iraq' attaching Paper MOD, 'Operational transition in Iraq'.
[250] Paper Secretary of State for Defence, 18 July 2005, 'Operational Transition in Iraq'.
[251] Minutes, 21 July 2005, DOP(I).
[252] Minute Jeffrey to PS [FCO], 16 September 2005, 'Basra Security Situation'.

threats.[253] Those services could be sourced from private contractors after the military drawdown, though at a lower "level of service" and with increased risk to civilian staff. The UK had spent £19.2m on life support (including £16m on security) in 2004/05. The cost to source those services from private contractors would be at last 80 percent higher.

365. On 29 September, after a further IED attack on a US convoy travelling on a route being considered by the British Embassy Office Basra for road transfers to Kuwait, Sir Michael Jay agreed to the temporary withdrawal of five FCO and contracted staff from Basra.[254]

366. On 30 September, Mr Straw's Private Office sent No.10 joint FCO/MOD/DFID advice on the implications for UK policy of the 17 September "Jameat incident", when two UK soldiers in Basra killed one Iraqi police officer and wounded another, and were detained by the Iraqi authorities (see Section 9.4).[255] Mr Straw's Office advised that paper had been agreed by officials, but had not yet been seen by Mr Straw. The joint paper stated:

> "For FCO, DFID and OGD personnel to operate out of Basra will … require an air bridge (similar to the one in Baghdad) from the Consulate General to Basra airport.
>
> …
>
> "**We will need to allocate more resources, which might include military resources, to security.** The next week, and possibly months, are likely to be rough. Attacks on us are becoming more sophisticated. We will need to protect our staff."

367. A manuscript comment by a No.10 official on an advance copy of the paper shown to Mr Blair stated: "John Reid does not want this [additional military resources for civilian security]."[256]

368. General Sir Mike Jackson, Chief of the General Staff (CGS), visited Iraq in early October.[257] His report of the visit referred to the pressure on the helicopter support fleet and the air bridge: "we really need to take stock of our AT [air transport] capability in the round, especially in light of our impending commitment to Afghanistan".

369. In October 2005, Dr Reid sought approval from Mr Des Browne, Chief Secretary to the Treasury, to procure a counter-measure to the threat posed to UK troops by IEDs (see Section 14.1).[258]

---

[253] Paper [draft] [unattributed], 27 September 2005, 'The Consequences of Operational Transition for Civilian Activities in Southern Iraq: A paper for DOP(I) 20 October 05'.
[254] Manuscript comment Jay, 29 September 2005, on Minute Iraq Operations Unit [junior official] to PS/PUS [FCO], 27 September 2005, 'Basra Security Situation'.
[255] Letter Hayes to Quarrey, 30 September 2005, 'Iraq: Basra' attaching Paper FCO/MOD/DFID, 30 September 2005, 'South-East Iraq: impact of security incident in Basra'.
[256] Manuscript comment Quarrey on Minute [draft] FCO/MOD/DFID, 30 September 2005, 'Iraq: Basra'.
[257] Minute CGS to CDS, October 2005, 'CGS visit to Iraq: 10-13 Oct 05'.
[258] Letter Reid to Browne, 31 October 2005, 'Iraq UORs: M*'.

370. Ten days later, Mr Benn, who had received a copy of Dr Reid's letter, expressed his support for the proposal, pointing out that it would also "significantly reduce the current threat against UK forces and DFID staff".[259]

371. The FCO SOSA visited Kirkuk, Baghdad and Basra between 10 and 21 November.[260] He reported that:

> "The number of terrorist attacks remains at a high level and continues to be well targeted and professional. The main threat to our staff in Baghdad and Basra is from Explosively Formed Projectiles (EFPs). However, all methods of Vehicle Borne Improvised Explosive Devices (VBIEDs) can be expected in all areas in which our staff operate. Indirect fire attacks are a threat to all our bases and the threat [of] kidnap is high.
>
> "The Security Managers and CRG are to be congratulated on their professional control of road movement … It is clear that all road moves are subject to risk. The completion of accommodation at the police academies and at the airports in Baghdad and Basra will allow more flexibility. The use of helicopters is vital in order to change the pattern of movements.
>
> "We recommend that all staff in Basra can move in Warrior armoured vehicles."

372. Growing pressure on military assets created tension between civilian and military personnel.

373. Assistant Chief Constable (ACC) Colin Smith, the UK's Chief Police Adviser in Iraq from May 2005 to April 2006, told the Inquiry that, when the FCO handed over responsibility for operational delivery of Security Sector Reform to the MOD in October 2005 (see Section 12.1), one UK General Officer Commanding (GOC) in MND(SE) "indicated that unless civilian contractors agreed to be carried in 'Snatch' Land Rovers their contracts should be terminated".[261]

374. Chief Constable (CC) Paul Kernaghan, holder of the International Affairs portfolio for the Association of Chief Police Officers (ACPO) from 2001 to 2008, told the Inquiry that duty of care for civilians in Iraq, including police, was addressed on a collective basis in Whitehall and that he only had to intervene twice: to allow police training officers to remain overnight at their training centre; and to prohibit police officers from being transported in UK military Snatch Land Rovers.[262] He insisted that they be transported in better protected vehicles, including Warrior:

> "I know this meant police officers were treated differently from soldiers, but police officers are not soldiers and different considerations apply."

---

[259] Letter Benn to Browne, 10 November 2005, [untitled].
[260] Minute SMD [junior official] to Patey, 1 December 2005, 'Security Visit to Baghdad and Basra'.
[261] Statement, 25 June 2010, page 7.
[262] Statement, 9 June 2010, page 8.

375. Protected mobility is addressed in more detail in Section 12.1.

376. On 16 December, DFID officials recommended to Mr Benn a number of changes to transport arrangements in Basra, including use of Warrior armoured vehicles by DFID staff for mission-critical visits to certain sites in southern Iraq.[263] Until then, DFID staff had travelled in civilian rather than military vehicles because of their lower profile, consistent with the nature of DFID's work.

377. Officials advised Mr Benn that:

> "… the continuing threat from EFPs in southern Iraq fundamentally compromises our ability to complete important projects, particularly in the power and water sectors at acceptable levels of risk."

378. Three days later, FCO officials recommended to Mr Straw "a safe and measured return to road moves" for civilian staff in the South "in order to fully promote HMG objectives".[264] They proposed that, subject to regular review:

- all civilian staff be allowed to travel in Warrior armoured fighting vehicles within Basra, where there was a significant risk from armour piercing roadside bombs;
- UK civilian police officers be able to travel with contracted British Iraqi Police Advisers in their FCO armoured vehicles, escorted by UK military Snatch Land Rovers; and
- road moves in FCO armoured vehicles should restart along the main road from Basra Airport to Nasiriyah and Basra Airport to Kuwait.

379. Mr Straw approved the recommendations on 9 January 2006, provided the rules were subject to regular review.[265]

380. On 12 January, Mr Straw told DOP(I) that he remained concerned about the need to maintain staff morale, particularly in Basra. All departments needed to keep staff morale and welfare under review.[266]

381. On 2 February, DFID officials sought Mr Benn's approval to bring DFID policy on road movements into line with the FCO.[267]

382. Officials updated Mr Benn on security in Basra six days later.[268] Rocket attacks on the Basra Palace site were becoming more frequent and accurate. Three attacks had

---

[263] Minute [DFID junior official] to PS/Secretary of State [DFID], 16 December 2005, 'Iraq: Iraq Security Update'.
[264] Minute Iraq Directorate [junior official] to Foreign Secretary, 19 December 2005, 'Iraq: Proposed Changes to Travel in Southern Iraq for HMG Civilian Staff'.
[265] Minute Siddiq to Iraq Directorate [junior official], 9 January 2006, 'Iraq: Proposed Changes to Travel in Southern Iraq for HMG Civilian Staff'.
[266] Minutes, 12 January 2006, Defence and Overseas Policy Sub Committee on Iraq.
[267] Minute [DFID junior official] to PS/Secretary of State [DFID], 2 February 2006, 'Iraq: Iraq Security Update'.
[268] Minute [DFID junior official] to PS/Secretary of State [DFID], 8 February 2006, 'Information Note: Security Update – Basra, Iraq'.

taken place on 5 and 6 February, without injuries or damage. The FCO and DFID were assessing options for a temporary reduction in staff numbers.

383. Officials also reported that concerns were growing for local staff, who were increasingly fearful for their safety "after reports of intimidation and murders of local staff employed by the UK" and increased tensions surrounding the Shia festival of Ashura. Mr James Tansley, the Consul General, and others had briefed local staff and did not believe there was much substance to the rumours:

> "However, DFID Basra have offered local staff the option of taking time off if they feel unsafe, have advised varying routes for those who do come in and have made arrangements for varying access times and gates to the compound."

384. On 14 February, in a paper for DOP(I), Dr Reid set out transport options for the British Embassy Office Basra and the UK-led Basra Provincial Reconstruction Team (PRT) after the handover of security responsibility to Iraqi control in Maysan and Muthanna provinces.[269] The options included escorts from security contractors "as now, depending on local threat" and a range of military options including land and air escort.

385. DOP(I) agreed the approach set out in the paper.[270]

Departmental reviews of staffing levels

386. After reviews of personnel safety in response to an upsurge in violence in March 2006, DFID and the FCO concluded that there should be no reduction in staff numbers.

387. On 3 March, following attacks on the British Embassy Baghdad and an upsurge in violence after the bombing of the al-Askari mosque in Samarra (see Section 9.4), DFID officials reviewed personnel numbers in Iraq. They recommended to Mr Benn:

> "DFID should maintain staffing at current levels for now. The FCO security advice is that there has been no significant change to our direct threat levels. We assess that existing staff remain important to the success of our programmes and that each person continues to deliver effective work despite restrictions on movements. We judge that HMG can continue to manage known threats robustly."[271]

388. That advice was restated two weeks later, in keeping with the conclusions of an Embassy audit of staff and security in Baghdad and Basra.[272]

---

[269] Paper Secretary of State for Defence, 14 February 2006, 'Iraq: Handover of Security in Maysan and Al Muthanna Provinces – Paper by the Secretary of State for Defence'.
[270] Minutes, 15 February 2006, DOP(I) meeting.
[271] Minute Dinham to Private Secretary [DFID], 3 March 2005 [sic], 'Iraq: Security of International Staff'.
[272] Minute Dinham to Private Secretary [DFID], 15 March 2005 [sic], 'Iraq: Security of Staff'.

389. Mr William Patey, British Ambassador to Iraq, sent an audit of staff and security to Mr Dominic Asquith, FCO Director Iraq, on 9 March.[273] He reported that all staff appreciated that working in Iraq was not without risk. The UK's safety record was good:

> "Since 2003 we have only suffered two fatal casualties in Baghdad, a DFID oil contractor[274] and a CRG team member. In Basra two CRG personnel were killed by the first Explosively Formed Projectile (EFP) in July 2005.[275]
>
> "Staff have reacted well to recent events … I have reiterated that all staff are volunteers and if at any time they feel anxious they should make their concerns known. They are free to leave and no-one would think the worse of them. No-one has asked to leave."

390. Mr Patey recommended no change to staff levels in Baghdad:

- Reducing the number of consular staff from two to one would result in no cover during staff absences and leave the Consular Section short staffed during kidnap cases.
- Reducing the size of the seven-strong Management/Security Section would be "folly".
- The Political/Economic/Military Section was large by FCO standards, but so were the demands on it. It could not meet those demands with fewer staff while ensuring they received the decompression breaks to which they were entitled.
- The single Commercial Officer was needed to cover trade promotion and air service matters.
- The Head of DFID Iraq, Mr Tim Foy, "takes security seriously and liaises constantly with us and DFID London". Mr Foy did not think the security situation warranted a drawdown of DFID staff.
- 2006 was "the year of the Police". There was a large Civilian Police Section, but the key UK objective of support to the Iraqi Police Service would have to be curtailed if numbers were reduced.

391. Mr Patey advised that numbers could be reduced In Basra, but that it would have a severe impact on the service offered "while having a negligible effect on the risk". He advised that numbers would have to be cut "drastically" to reduce the risk appreciably.

392. Mr Patey explained that risk assessments were reviewed and amended on a daily basis and in response to each incident:

> "Recent changes have been a more rigorous pre-screening to ensure staff are fit enough to cope with security measures and don't pose a danger to themselves and others; and the provision of fixed accommodation at BIAP [Basra International

---

[273] Letter Patey to Asquith, 9 March 2006, 'Staff and Security Audit'.
[274] DFID and the FCO have informed the Inquiry that the consultant was contracted by the FCO, not DFID.
[275] The first EFP attack in Basra was on 29 May 2005, not in July (see Section 14.1).

> Airport] and Basra Air Station. Future challenges include the shrinking of the International Zone [in Baghdad], the gradual transfer of responsibility for security to the Iraqi forces and Transition in MND(SE). We continually assess and evaluate these changes and will not hesitate to recommend changes to the establishment should we deem them necessary, even at the expense of achieving our objectives. Both missions have a robust Contingency Plan that can be invoked quickly to reduce staff numbers. Having reviewed again the two missions I judge that all staff are carrying out, or enabling others to carry out, jobs required of us by our clients in the UK."

393. On 4 April, Mr Tansley reported a "sustained and substantial" rocket and mortar attack on the Basra Palace site during the Queen's Birthday Party reception, with one salvo hitting and damaging a building belonging to the British Embassy Office.[276] No staff were injured. The attack was the fifth on the Basra Palace site in seven days.

394. FCO and DFID officials put advice in parallel to Mr Straw and Mr Benn, recommending a temporary reduction in the number of staff in Basra (five each from FCO and DFID), to be reviewed after two weeks.[277]

395. The IPU explained to Mr Straw that the "security conditions generally in Basra City have made it impossible for some staff to continue working effectively (the key criterion for their presence)". A review of staffing levels had concluded that it was "debatable whether the benefits of retaining them are commensurate with the risks faced".

396. At the ISG on 7 April, Sir Nigel Sheinwald observed that the drawdown of civilian staff from the Basra Palace site was a significant development and asked the FCO and DFID to "consult more widely than their respective Secretaries of State".[278]
The subsequent advice to Ministers should make clear that:

> "Set against the issue of not keeping people somewhere they could not operate, there was the problem of re-entry [of civilian staff] and the political or practical fall-out of the UK being driven out of the Basra Palace by terrorists. A decision to locate our civilian presence at the airport would represent a major failure."

397. Sir Peter Ricketts, UK Permanent Representative to NATO and FCO PUS-designate, visited Baghdad and Basra from 5 to 7 April.[279] In his visit report on 10 April, he endorsed the FCO recommendation.

398. Sir Peter described staff as "highly committed and motivated … well led and managed, doing important work with great enthusiasm and adaptability".

---

[276] eGram 9731/06 Basra to FCO London, 4 April 2006, 'Iraq: Basra: Indirect Fire Attack on Basra Palace'.
[277] Minute Iraq Policy Unit [junior official] to Private Secretary [FCO], 7 April 2006, 'Basra: Security of British Embassy Office Situation'; Minute MENAD [junior official] to PS/Secretary of State [DFID], 7 April 2006, 'Basra Security Update and Contingency Plans'.
[278] Minute Cabinet Office [junior official] to Sheinwald, 10 April 2006, 'Iraq Strategy Group: 7 April 2006'.
[279] Minute Ricketts to Asquith, 10 April 2006, 'Visit to Baghdad and Basra'.

399. Sir Peter reported that, although security was a major preoccupation in Baghdad, the threat from indirect fire seemed to be lower than in Basra and the ability to move around the Green Zone reduced the sense of claustrophobia. The arrangement with the RAF for guaranteed helicopter hours[280] seemed to work reasonably well, although there were some serviceability problems with the helicopters.

400. In Basra staff felt "pretty beleaguered". The main complaint was the difficulty getting in and out:

> "It often takes two or even three days for staff to get to/from Kuwait, given the frequent delays or cancellations in the helicopter flights to Basra airport, and then the uncertainties of the RAF surf flights up to Baghdad and then on to Kuwait. This is intensely frustrating as well as inefficient, and is leading some staff to consider not taking breather breaks because of the hassle."

401. Sir Peter recommended taking up the issue with the MOD at a high level. The Basra team perceived that the service had reduced recently because of other operational pressures on MOD assets:

> "It must be in the MOD's interests to ensure the viability of the Palace Compound, given the need for an overall plan in the South. Perhaps we should look again at contracting for a specified number of helicopter hours per month (as in Baghdad). Failing that, I wonder whether there might be a commercial solution …"

402. Sir Peter concluded with a suggestion that, after a period of heavy capital investment and a big increase in staff, there was probably scope "to start squeezing down on running costs, eg for the security contracts".

403. On 12 April, Mr Richmond, now FCO Director General Defence and Intelligence, and Mr Asquith discussed the Basra air bridge with Lieutenant General Nicholas Houghton, Chief of Joint Operations (CJO), who had returned from Iraq in March.[281] Mr Richmond and Mr Asquith explained that:

- The FCO would need "much greater confidence in the reliability of air transport" between the Basra Palace site, Basra Airport and Kuwait if it was to keep the staff drawdown to levels that did not have a significant impact on the UK's ability to achieve its objectives.
- Long delays were preventing staff engaged in the SSR programme from carrying out their objectives.
- They "suspected that the problem was a mixture of military priorities and resources". It was essential that the military viewed the operation in Basra as "a team effort".

404. Lt Gen Houghton undertook to investigate the causes of the delays. He advised that if it was a resource problem, it could probably be resolved only at Ministerial level.

---

[280] The Inquiry has not seen details of the terms of this arrangement.
[281] Minute Asquith to PS/PUS [FCO], 13 April 2006, 'Basra'.

405. Mr Asquith informed Sir Michael Jay that FCO officials were looking again at the possibility of a private sector provider for the air bridge service and exploring the possibility of using a proposed US military air bridge between the Basra Palace site and Kuwait.

406. On 20 April, FCO and DFID officials recommended the return of a small number of staff pending a further review in another two weeks.[282] Their advice drew on the views of Mr Robin Lamb, Mr Tansley's successor as Consul General, who recommended a two-stage return, reflecting a reduction in indirect fire over the previous weeks, but also the continuing constraints on staff mobility and their ability to work effectively.[283]

407. Sir Michael Jay approved the phased return to normal staffing in Basra on 15 May, after a brief delay while officials considered the implications of the shooting down of a UK military helicopter in Basra on 6 May (see Section 9.5).[284] Sir Michael instructed that:

> "… the security situation needs to be kept under constant and active review (as I know it is), and we should be ready to draw down again if the security situation deteriorates to the extent that staff are unable to carry out their duties, or if we judge the risk simply too great for them to stay."

408. DFID officials recommended to Mr Benn that DFID also return to full staffing, but explained that numbers would not rise substantially because DFID's programme in the South was "less labour-intensive" than six months earlier.[285] They stated that:

> "Numbers will be kept at the current level of eight with an occasional rise to 10 or 11 to account for overlap in rotations. This would mean a breakdown of two out of three DFID staff and five out of the nine consultants at the [Basra] Palace with a maximum of three DFID staff and seven consultants during handover periods … Visitors would be additional to those numbers. Essential visits only will go ahead, by no more than two visitors and for a maximum of four days at a time."

The Basra Provincial Reconstruction Team

409. Many of the problems the UK had encountered with the deployment of civilian personnel since 2003 resurfaced with the opening of the UK-led Basra PRT in May 2006. Those included:

- rapid turnover of staff;
- civil/military co-operation; and
- departmental co-ordination.

---

[282] Minute IPU [junior official] to PS [FCO], 20 April 2006, 'Basra: Security Situation'; Minute MENAD [junior official] to PS/Secretary of State [DFID], 21 April 2006, 'Basra Security and Staffing'.
[283] Letter Lamb to IPU [junior official], 20 April 2006, 'Basra: Security and Drawdown'.
[284] Manuscript comment Jay, 16 May 2006, on Minute Iraq Policy Unit [junior official] to PS/PUS [FCO], 15 May 2006, 'Basra: Security Situation'.
[285] Minute MENAD [junior official] to Private Secretary [DFID], 17 May 2006, 'Iraq: Staff Security and Staffing Levels in Basra'.

410. The Basra PRT was established on 14 May 2006 (see Section 10.2).[286] Its first Head was Mr Mark Etherington, previously Governorate Co-ordinator of Wasit province.

411. Mr Etherington reported on 17 May that the established strength of the PRT was 35, drawn from the UK (FCO, DFID, MOD and the inter-departmental Post-Conflict Reconstruction Unit (PCRU)), Denmark and the US.

412. Mr Etherington described the "substantial" challenges facing the PRT in Basra. He judged that:

> "… *we have but one chance properly to configure and launch the PRT in order to maximise the chances of its success.* For this reason we would wish to retain in theatre for as long as possible those resources that are already here …
>
> "… *The key to the PRT's capabilities will be the retention of a core of long-term civilian expertise in each envisaged work strand. Basra is our main problem and the notion of withdrawing valuable staff as the PRT gears up to tackle it is counter-intuitive*."

413. Mr Etherington advised that:

> "The PRT, because of its integrated civil-military structure, has continued to function despite the difficult security environment. The military component is able to travel when the civilian component cannot … In the event of a protracted deterioration in security terms, the PRT would also be forced to cease military capacity-building efforts in Basra; and it is probable that our Iraqi partners would be reluctant to continue meeting us. In these circumstances the PRT would have to suspend its work altogether until security was restored."

414. In August and September 2006, the US Office of the Special Inspector General for Iraq Reconstruction (SIGIR) examined whether PRTs were "fully empowered, staffed and resourced to meet their mission, and to identify any other barriers impeding achievement of the PRT mission" (see Section 10.2).[287]

415. The SIGIR audit, published on 29 October, concluded that the creation of 10 PRTs and eight satellite offices was a "noteworthy achievement", but that many obstacles to effective operation remained, including insecurity, a lag in funding, the difficulty of recruiting and retaining qualified civilian personnel, and the difficulty of integrating civilian and military personnel.

416. The audit stated that the unstable security situation in Basra meant that PRT members had not been able to interact personally with their Iraqi counterparts, significantly limiting the Basra PRT's ability to achieve its mission. It questioned

---

[286] Minute Etherington to [Cabinet Office junior official], 17 May 2006, 'Basra PRT: challenges and opportunities'.
[287] Office of the Special Inspector General for Iraq Reconstruction, 29 October 2006, *Status of the Provincial Reconstruction Team Program in Iraq*.

"whether the continued deployment of PRT personnel to … Basra … makes operational sense at this time".

417. More widely, the report stated that, because of the US Government's difficulties in recruiting civilians to serve in PRTs, a majority of positions were initially filled by military civil affairs personnel. In September 2006, of 128 positions allocated to civilians, 77 had been filled; of the 163 allocated to the military, just two were vacant.

418. The Inquiry has seen no evidence that the SIGIR audit was seen or considered by UK officials.

419. In a review of the first eight months of the Basra PRT commissioned by the PCRU and produced in March 2007, Mr Etherington made a number of recommendations, including:

"
- *Key staff should be held to a minimum of one year tours, with the requisite adjustments for welfare and travel.* The repeated and cyclical loss of experience in south-east Iraq [in] 2006 was damaging.
- *Where integrated bodies such as the PRT are raised in future, they should be recruited or sub-contracted by a single authority and to a single contractual template*, with clear procedures established for grievance and misconduct. Ideally such groups would train together … and move to theatre as a formed body. That single authority would also be financially and administratively responsible for the operating requirements of the group."[288]

420. Mr Etherington added:

> "The lack of clarity regarding ownership of the PRT caused substantial administrative difficulty, for the PRT disposed of no assets of its own and no single department believed itself responsible for it …
>
> "Unlike other PRTs in Iraq, the UK-led team was assembled in large measure from existing effort … While this conferred valuable operational momentum and expertise on a new team it significantly complicated administration, because the team had to merge a wide array of existing contracts, leave schemes, equipment, security procedures and cultures while lacking any defined mandate to do so.
>
> "The administrative world which the PRT was forced to inhabit was always difficult, and verged in the early months on Kafka-esque. An FCO car in the Iraq support team at Kuwait airport would not pick up the inbound PCRU-contracted PRT office manager – or book her hotel – because she was 'not an FCO responsibility'."

---

[288] Paper [unattributed], 26 March 2007, 'The Establishment and Operation of the Basra Provincial Reconstruction Team (PRT), April 2006 – January 2007: Lessons Identified'.

421. Mr Etherington singled out staffing as the best illustration of the difficulties faced by the PRT:

> "… the commercial company Enterplan fielded the bulk of consultants for DFID; which in turn seconded them into the PRT. Perhaps understandably, the consultants … tended to look to either or both of their original employers for guidance and recourse; and this divided loyalty persisted because UK departments, upon whom the PRT concept had largely been forced, were lukewarm about the idea and seconded none of their civil servants into the team, preferring to retain separate departmental structures … While this undoubtedly exposed companies like Enterplan to risk – after all, it was they who were contractually bound to individuals – it also allowed them undue influence in theatre and allowed the possibility that conflicts of interest might arise. In the only instance of the period in which misconduct proceedings were initiated these difficulties became obvious.
>
> "The PRT consisted, at peak, of staff on seven different kinds of contract … and the cumulative effect of managing … [different] leave schemes, together with a range of other frictions, was to make the maintenance of momentum almost comically difficult.
>
> "The sheer throughput of staff exacerbated this difficulty. This tended to be because parent agencies and departments tended to move 'their' people in and out of theatre without reference to PRT management …
>
> "PRT staff varied widely in calibre and disposition …
>
> "The Post-Conflict Reconstruction Unit (PCRU) contribution of core staff such as a communications and IT expert and office manager proved invaluable."

422. PCRU support for the Basra PRT is addressed in Section 10.3.

Reassessment of risk and duty of care

423. At the end of May 2006, the FCO SOSA reviewed security in Baghdad and Basra with a DFID security official.[289]

424. Mr Andrew Noble, FCO Director of Security, reported the outcome to Mr Nigel Casey, Head of the IPU:

> "The starting point for the review remains that the security risks to which our staff are exposed in Iraq are extreme by normal diplomatic standards. All plausible security measures are being put in place to provide as great a degree of assurance from attack as possible. But we are operating at the limits of what can be achieved, consistent with running a diplomatic mission. In such an extreme environment, the likely consequences of an accident or a piece of bad luck could make the difference between life and death. SMD's [Security Management Directorate's] clear

[289] Minute SOSA to Patey, 13 June 2006, 'Visit to Baghdad and Basra'.

assessment is that it is more a question of when there is a fatality amongst our diplomatic staff, rather than if. This assumption needs to be shared or challenged by the risk owners."[290]

425. The main findings included:

- Significant deterioration in the security of UK posts: in Basra, because of insufficient military protection; in Baghdad, because of the increasing threat from extremists.
- An increasing threat of kidnap. FCO security officials were looking at providing key staff with transponders to detect their location in case they were captured.
- The SOSA's judgement that senior staff were facing "undue political pressure to 'produce the goods' which could lead to the acceptance of inappropriate levels of risk". Security managers and heads of close protection teams were "acting as a constraint on senior staff movements to risky areas".
- Signs of speculation in other government departments about moving "off-shore" because of the "nearly impossible operating environment".

426. On 12 June, Sir Michael Jay updated Mrs Margaret Beckett, who had succeeded Mr Straw as Foreign Secretary in early May 2006:

"We have always been aware of the risks of operating in Iraq. Because of the political importance to the UK of our work in Iraq, we have judged it acceptable to tolerate a higher level of risk there (and in southern Afghanistan) than elsewhere in the world. But our duty of care towards our staff, and towards those from other government departments who work in our posts, remains.

"We invest considerable resources in reducing as far as is possible the risk to our staff, and all those for whom we are responsible. We have in place robust structures to manage and mitigate risk, which are subject to constant review, in response to changes in the situation on the ground. We recognise, however, that there remains a residual level of risk in operating in such an extreme environment, against which we cannot wholly protect ourselves."[291]

427. Sir Michael listed the four conditions for any FCO member of staff working in Iraq:

"
- All staff must be volunteers;
- They must be fully aware of the security risks;
- We must do all we reasonably can to reduce the risks they face;
- Conditions on the ground must be such that staff are able to do their jobs effectively."

---

[290] Minute Noble to Casey, 6 June 2006, 'Security of our Posts in Baghdad and Basra'.
[291] Minute Jay to Foreign Secretary, 12 June 2006, 'Iraq: Security of Our Posts in Baghdad and Basra'.

428. Sir Michael informed Mrs Beckett that, in response to the SOSA's report, he had asked for another review to look at "the context for our operations in Iraq; our broad approach to the risks we face; the structures and procedures we have in place to manage the risks; the extent to which these are being observed in practice; and whether these satisfy our legal obligations towards our staff". He hoped that the review would "enable us to satisfy ourselves that an acceptable basis for continuing our operations in Iraq remains".

429. Sir Michael also advised Mrs Beckett that Mr Patey and Mr Lamb "both rejected entirely the suggestion that 'senior staff in our missions are facing undue political pressure to produce the goods'". Mr Patey was clear that the advice of professional security advisers on the ground had never been overruled.

430. Staff in Basra remained concerned about the unreliability of the Basra air bridge.[292] A visiting member of FCO HR Directorate reported that the air bridge was affecting people's ability to do their job, "adding to the angst" of decompression breaks and final departures:

> "My own inward journey experience was 27 hours from leaving my hotel in Kuwait to arriving at Basra Palace with an overnight at Basra Airport. My previous trips by road to Basra usually took a morning. When I got to … Basra Airport I found that there were several … staff stuck waiting for a helicopter move – some had been waiting as long as four days … The US have agreed that we can put staff on their weekly Chinook flight to/from Kuwait, but there are no guaranteed places …"

431. On 18 June, a locally engaged (LE) member of staff at the British Embassy Office Basra was murdered. His wife, also an LE member of staff, was seriously injured.[293]

432. The murder raised concerns about the growing threat to local staff.

433. The FCO and DFID adopted different responses, reflecting the different roles and work patterns of their local staff.

434. DFID officials advised Mr Benn that, as a consequence of the murder, DFID's single LE member of staff in Basra was staying at home and DFID's five local contractors had been advised to avoid the Basra Palace site.[294] Further advice would follow when more information was available from the FCO.

435. Mr Asquith updated Mrs Beckett on 21 June.[295] He reported that the assumption was that the two LE staff had been targeted because they worked for the British

---

[292] Minute [FCO junior official] to Asquith, 4 July 2006, 'Visit by HR Manager to Basra 14-19 June 2006'.
[293] eGram 25107/06 Basra to FCO London, 19 June 2006, 'Basra: Shooting of Consulate General Local Staff'.
[294] Minute [DFID junior officials] to PS/Secretary of State [DFID], 20 June 2006, 'Iraq Security Update: Basra and Baghdad'.
[295] Minute Asquith to Private Secretary [FCO], 21 June 2006, 'Assassination of Locally Engaged Staff in Basra'.

Embassy Office. UK and US LE staff were regularly intimidated in Baghdad and Basra. One US LE member of staff had been murdered in Basra on 4 June. Multi-National Force – Iraq (MNF-I) interpreters had also been killed.

436. Mr Asquith reported that Mr Lamb had advised LE staff not to come to work until further notice, although local labourers and support staff working for contractors on the premises had continued to come in. A number of steps were under consideration to improve LE staff security. The attack was not judged to have changed the security conditions for UK-based civilians and it was not, therefore, proposed to draw down UK staff.

437. DFID officials put further recommendations to Mr Benn on 23 June, drawing on advice from DFID Basra.[296] Pending agreement from the FCO, which was expected imminently, officials recommended that:

- at his own request, the DFID LE staff member in Basra should leave the country as soon as possible on a two-month development attachment;
- the locally contracted administrative assistant for power projects should be relocated to Basra Airport; and
- two other locally contracted staff should work from home for two months.

438. On 14 July, DFID officials explained to Mr Benn that DFID and the FCO had adopted different approaches:

> "FCO offered their office-based staff three months' salary if they wanted to leave. We believe most have now accepted this offer. FCO is now deciding if and how to fill these positions with either UK or third country nationals … Although far from ideal, this has so far had no significant impact on DFID's work.
>
> …
>
> "We suggest that, where staff can work remotely (on project sites, at home, in town), we should continue to employ them on the same basis as before and that we maintain our position on this as originally planned despite it differing from the FCO approach. Our circumstances are different. FCO local staff are needed on a daily basis at the [Basra] Palace. Most of our local staff are not and the two administrative staff who were, have already resigned. All of our local staff know that they have the option to work flexibly, to take time off if they feel threatened and to leave if they feel it is too dangerous."[297]

---

[296] Minute [DFID junior official] to PS/Secretary of State [DFID], 23 June 2006, 'Iraq Security Update: Basra and Baghdad'.
[297] Minute MENAD [junior official] to PS/Secretary of State [DFID], 14 July 2006, 'Information Note: Security Update – Iraq'.

439. The introduction of the Locally Engaged Staff Assistance Scheme in 2007 in recognition of the uniquely difficult circumstances faced by LE staff is addressed later in this Section.

440. The IPU review of security submitted to Sir Michael Jay on 30 June examined the FCO's approach to risk in Iraq, structures and procedures to manage that risk, the extent to which those structures and procedures were being observed in practice and whether they satisfied the FCO's legal obligations towards its staff.[298]

441. The IPU explained that other FCO departments had contributed to the review. DFID officials had also participated and would report to their Ministers separately.

442. The IPU stated that the FCO approach to risk derived from its "duty of care in law to take reasonable steps to prevent reasonably foreseeable harm to … FCO employees (UK-based and locally engaged) as well as those who visit the premises of our missions and work from there eg from OGDs".

443. The description of the FCO's duty of care was derived from a paper prepared by FCO Legal Advisers as part of the 2004 FCO Security Review. The Legal Advisers stated:

> "Whether a duty of care exists in particular cases depends on whether the death, injury or damage sustained was foreseeable, whether there was a relationship between the FCO and the claimant viewed by a court as one of 'proximity' and whether the court considers it fair, just and reasonable to impose a duty …
>
> "Even if a duty of care does exist in a particular case, the FCO is liable in law only if it is found to have breached that duty, ie to have fallen below a reasonable standard of conduct through negligent acts or omissions. The fact that an attack on a mission has succeeded does not necessarily mean that the FCO was at fault or has failed to act reasonably."

444. The IPU described the FCO's "basic approach" as "risk averse":

> "… if we judge a situation exists whereby personnel are exposed to greater risk than the mitigating measures in place to deal with that risk, that task will not be undertaken …"

445. Decision-making structures were reported to be in line with the recommendations of the 2004 review. London decision-makers were the Foreign Secretary, the PUS (and FCO Board of Management) and the Iraq Director, supported by the IPU. Advice was provided by the Director General Corporate Affairs and Director General Defence and Intelligence and their subsidiary departments, and by FCO Legal Advisers.

---

[298] Minute IPU [junior official] to PS/PUS [FCO], 30 June 2006, 'Iraq: Review of Security' attaching Paper Iraq Policy Unit, June 2006, 'Review of Security of Staff and Missions in Iraq'.

446. The decision-makers in Iraq were the Heads of Post and Post Security Officers in Baghdad, Basra and Kirkuk, advised by their Overseas Security Managers (OSMs), Post Security Committees and the UK military.

447. The IPU set out the risk assessment procedures for posts in Iraq:

- daily assessment in each post of all operations in or out of compounds and daily contact between the FCO and posts;
- weekly meetings of Post Security Committees, with records copied to the FCO with recommendations as necessary;
- every six weeks "on average", a London-based "Nuts and Bolts" meeting to review measures in place and agree next steps, involving relevant FCO officials and other government departments as necessary;
- quarterly visits to posts by a UK-based FCO OSA, who completed a risk assessment matrix in line with FCO worldwide procedures;
- immediate reviews of security measures in response to incidents or fresh intelligence; and
- regular reviews of contingency plans and business continuity planning.

448. The IPU concluded that those procedures were "closely observed" and that steps taken by the FCO to manage the risks to staff for whom it had a duty of care "could be used as evidence of a reasonable standard of conduct by the FCO". More work was needed to:

- improve pre-deployment procedures for staff from certain departments;
- clarify with the MOD arrangements for the evacuation of third country nationals employed by the FCO as contractors; and
- clarify the status of UK civilian police in Iraq: "It remains unclear whether they are our employees or remain employees of their constabularies."

449. In an annex to the review, the IPU summarised departments' and organisations' responsibilities for the security of local and UK-based staff and contractors. It stated that the FCO's duty of care "would extend to any visiting FCO staff and staff seconded temporarily to the FCO or working directly under FCO supervision and control".
The FCO had "a similar duty of care" to employees of other government departments, foreign governments or international organisations "who live and/or work on or visit the relevant mission compounds". In practice, measures to protect those personnel had to be the same as for FCO staff. "Inevitably", pre-deployment or pre-visit training and medical clearance might vary, but in the case of other government departments it was "clearly desirable that close co-ordination occurs and that the same or equivalent measures are adopted".

450. The annex also stated that the standard of care for contractors "may, in particular circumstances, be lower than that required for employees". Those circumstances included where contractors had security expertise of their own and when it "may not

be unreasonable for the FCO to expect them to make their own assessment as to the risks to their own staff (eg while travelling to and from post)". Contracts with such firms and agencies needed to be carefully vetted and contractors were required to have employers' liability insurance.

451. The IPU recommended that as many members of the FCO Board as possible attend a meeting to discuss:

- the impact of the Iraqiisation of Iraqi Security Forces on security in Baghdad;
- the impact of the withdrawal of UK military personnel on security in the South;
- a thorough review of staffing levels; and
- a contingency planning exercise on coping with an emergency in Iraq, to be attended by as many Board members as possible.

452. Sir Michael Jay agreed the IPU recommendations on 3 July.[299] He asked for:

- the status of civilian police to be clarified quickly;
- confirmation that a number of specific issues were being addressed; and
- advice on measures to protect local staff should UK-based staff be evacuated.

453. The IPU responded on 19 July:

- Efforts were in hand to tighten DFID's pre-deployment medical screening procedures for staff and contractors.
- Pre-deployment procedures for police officers would be brought in line with those for FCO personnel by 1 September.
- Concerns remained about arrangements for the evacuation of third country nationals employed by the UK. A UK military assumption that third country nationals would be evacuated was unsatisfactory and was being pursued with the MOD.
- The Home Office had challenged the FCO view that police officers on secondment from their home police force were not FCO employees. The issue was with lawyers. The status of retired police officers was also being discussed with lawyers.[300]

454. Dr Rosalind Marsden, the newly arrived British Consul General in Basra, sent a detailed assessment of the security situation to Mr Casey on 31 August:

> "The following strikes me, as a newcomer:
>
> (a) how exposed the Basra Palace Compound (BPC) is. We abut the city: houses, parks and fishing boats crowd around our walls. The 'badlands' start about two hundred feet from my office …
>
> (b) the risks our local staff run to work for us …

[299] Minute Jay to Asquith, 3 July 2006, 'Iraq: Review of Security'.
[300] Minute IPU [junior official] to PS/PUS [FCO], 19 July 2006, 'Iraq: Review of Security'.

(c) the fragility of our transport and supply links to the airport … There are few helicopters in theatre, those that we do have are prone to breakdown (because they are worked so hard) and, when it comes to getting a seat, the military take priority over civilians;

(d) the difficulty and danger involved in moving around Basra City … Because we depend on the military for support, road moves have to be planned well in advance and are sometimes cancelled at the last moment because of other operational priorities …

(e) the vulnerability of the BPC to indirect fire (mortars and rockets) …

"We need to accept that the risks for UK-based staff are high and do everything possible to mitigate them. For example, we have mitigated the major threats (IDF [indirect fire], EFP and kidnapping) to an acceptable extent by providing hardened living accommodation, limiting helicopter flights to the hours of darkness, varying routes, using Warriors or three vehicle convoys, as appropriate, requiring minimum movement outside after dark and full body armour and constantly reviewing our alert status in the light of the latest intelligence …

…

"For LE staff the threat is much greater and, I judge, increasing. We and IPU are wrestling with the dilemma of how to justify continuing to employ a bare minimum of staff … in the light of the current threat to them."[301]

455. Dr Marsden advised that the next six to nine months would be critical to Basra and the UK legacy. The UK needed "to maintain a big operation here during that period – and indeed somewhat expand it". The level of risk was likely to increase in the short term with the planned military surge (Operation Salamanca, see Section 9.5), but the reinforcement of the UK military presence in the BPC from 430 to 600 with the arrival of an additional Warrior company would mean better patrolling and harassment of potential firing points.

456. On 1 September, Mr Casey sent Mrs Beckett a paper on staff and security issues in Iraq.[302] The paper stated that:

- LE staff and contractors were particularly vulnerable;
- intimidation of LE staff had led to severe staff shortages;
- the number of LE staff in Basra had been reduced to the bare minimum;
- restrictions to mitigate the risks to UK-based staff were observed, "but erode further staff's quality of life (and options to do anything other than work)";
- nurses were available in Baghdad and Basra to monitor staff health and welfare;

---

[301] Letter Marsden to Casey, 31 August 2006, 'Basra: Post Security'.
[302] Minute Casey to Private Secretary [FCO], 1 September 2006, 'Foreign Secretary's Visit to Iraq, 4-6 September' attaching Paper, 'Foreign Secretary's Visit to Iraq: Background Brief'.

- all FCO UK-based staff worked six weeks on with 10 days off;
- FCO staff served no more than 12 months in Iraq, with the option to extend in exceptional circumstances;
- high staff turnover and decompression breaks were a major challenge;
- it remained difficult to attract new staff, especially at lower grades, despite the incentives (high allowances and decompression breaks); and
- FCO staff who did take up postings found it rewarding and almost all the current complement had extended or would extend beyond their initial six months.

457. Sir Peter Ricketts chaired a meeting with FCO, DFID and MOD officials on 1 September to review security at UK posts in Iraq.[303] He informed Mrs Beckett that the meeting had seen no need to change Sir Michael Jay's four conditions for any FCO member of staff serving in Iraq.

458. Sir Peter reported that there had been a roadside attack on an Embassy convoy in Baghdad on 31 August and a similar attack on a DFID convoy in Nasiriyah on 1 September. One CRG employee had been badly injured in the Nasiriyah attack. Other examples of the evolving threat and risks included increased indirect fire attacks on the compounds in Baghdad and Basra. As risks increased, security measures evolved to mitigate them, but Sir Peter had concerns about two issues:

- Pressure to accommodate increasing numbers of officials and/or military staff with space in Baghdad and Basra at a premium. Sir Peter had asked officials to consider whether any functions, particularly on the management side, could be outsourced or relocated.
- The vulnerability of the Basra Palace site. The helicopter air bridge was mission critical. Because of wider problems with MOD helicopter availability, the FCO had had to start the procurement process for a dedicated helicopter service paid for by the FCO.

459. Later in September, Mr Asquith, who had replaced Mr Patey as British Ambassador to Iraq, advised Sir Peter Ricketts that the two attacks on UK convoys demonstrated the effectiveness of the UK's risk management measures.[304] The number of staff at post was evaluated continually to ensure they were able to contribute to post objectives.

460. Mr Asquith reported that space on the compound in Baghdad was at a premium, but the Embassy had not reached crisis point. He saw little scope for more outsourcing. Greater use of LE staff was the obvious option, but it was difficult to find Iraqi staff willing to work in the International Zone and, with no robust way of vetting new staff, there were questions of trust and security.

---

[303] Minute Ricketts to Foreign Secretary, 1 September 2006, 'Iraq: Security of Posts'.
[304] Letter Asquith to Ricketts, 20 September 2006, 'Iraq: Security of our Embassy in Baghdad'.

461. Mr Asquith ended with the recommendation that the UK effort be seen in context:

> "After the US we have the largest investment and the largest presence. Others look to us for direction. A major reduction in our resources risks being misunderstood as a signal of reduced commitment. Every prospective six months has been billed as a key period. But we have between now and next spring a clutch of determining events: the Baghdad Security Plan, constitutional review, oil law, amnesty, de-Ba'athification, provincial elections, International Compact, security transition … I will continue to evaluate the risk and the level of resources."

462. In his response to Mr Asquith on 9 October, Sir Peter Ricketts concluded:

> "… you … are right to underline the importance that is attached here to your teams' work. But your staff's safety must remain our paramount concern. Please do tell us immediately if you ever feel you are being pressured to take a risk with which you or your OSMs are uncomfortable."[305]

463. Participants at the Inquiry's civilian outreach event commented that, by that time, London had an insatiable appetite for updates on progress, which, it was understood, had to be positive. They described a tension between reporting the situation as it was and maintaining morale.

The move from the Basra Palace site to Basra Air Station

464. On 22 September 2006, a US contractor working for the State Department was killed when a rocket hit non-hardened US accommodation on the Basra Palace site.[306] The attack was the fourth on the compound in four days.

465. The IPU advised that, although all UK accommodation was hardened, it should not be considered mortar or rocket proof. During September, the proportion of rounds landing or exploding inside the compound had increased. The IPU reported that steps had already been taken to reduce staff exposure to the increased threat, including extended breaks from Basra. In view of the latest attack, it had had asked Dr Marsden to review those steps again and consider the scope for further drawdown.

466. DFID officials sent advice in parallel to Mr Benn.[307]

467. At DOP(I) on 12 October, Ministers expressed concern that the security situation in Basra meant UK staff were "in danger, and unable to function effectively".[308] There was "a serious question mark over whether or not HMG had the right to ask them to stay

---

[305] Letter Ricketts to Asquith, 9 October 2006, 'Iraq: Post Security'.
[306] Minute IPU [junior official] to Foreign Secretary, 22 September 2006, 'Iraq: Basra Palace Compound: Security'.
[307] Minute MENAD [junior official] to PS/Secretary of State [DFID], 22 September 2006, 'Iraq: Basra – Security Incident'.
[308] Minutes, 12 October 2006, DOP(I).

in such circumstances". Many local staff had been killed or injured, or had left because of security concerns.

468. On 20 October, DOP(I) agreed that the FCO would lead urgent work on the security of staff in Basra, identifying options, costs and risks for discussion at the next meeting.[309]

469. On 24 October, Mr Casey sent Mrs Beckett a paper[310] on the future of the UK civilian presence at the Basra Palace site, which, he explained, reflected "Ministers' clear wish to take action immediately to draw down the number of civilian staff working from that site".[311]

470. In the paper, the IPU stated:

> "The threat to our civilian staff operating from the Basra Palace Compound (BPC) has risen steadily over the last year, progressively constraining our operations … **We are now at the point where, without effective military action to reduce the IDF threat, our operations from BPC face an unacceptable level of risk.**
>
> "We need to respond. We have four broad options:
>
> a) **Continue to run all our civilian operations from BPC …**
>
> b) **Start a phased reduction in staff at BPC now …**
>
> c) **Withdraw our entire civilian operation from BPC now**, moving only a very small number to BAS [Basra Air Station], and taking the bulk out of theatre …
>
> d) **Withdraw our civilian presence from Southern Iraq altogether.**
>
> "Until now we have recommended that we maintain our civilian operations at BPC, despite the deteriorating security situation. We have recently launched a major, integrated military and civilian effort in Basra – Op SINBAD/Better Basra [see Section 10.2] – which is designed to produce sustainable change in the city and to achieve transition to Iraqi-led security responsibility. The civilian component is critical to the success of this effort.
>
> "But in the last month the security threat has become so acute that, **unless current trends can be reversed, in particular by direct action to reduce IDF,** the risks to our civilian staff in BPC can no longer be justified. We could suffer a catastrophic incident, as the US has, at any time. The US has just decided to scale back their BPC operation to a minimum.
>
> "**We therefore recommend Option (b).** This will further constrain our work, with some negative impact on SINBAD/Better Basra …

---

[309] Minutes, 20 October 2006, DOP(I).
[310] Dated 25 October, one day later than the covering minute.
[311] Minute Casey to Private Secretary [FCO], 24 October [2006], 'DOP: Political Strategy & Basra Palace Site'.

"But it will help reduce our staff's exposure, without completely abandoning the BPC – which in public terms, and our relations with Coalition allies, would be very damaging. By phasing the drawdown of police advisers in particular, we can largely preserve their critical contribution to SINBAD for the moment."[312]

471. The IPU proposed that, moving as quickly as practicable:

"a) All **FCO** staff other than a core of Consul General, Deputy CG, Arab media spokesman, Management Officer, Overseas Security Manager and Technical Works Supervisor would relocate to BAS;

b) The **DFID** team at BPC would reduce to one;

c) The entire **PRT** would be transferred to BAS. This will be a major logistical undertaking and will take time to effect;

d) The **Police** team would reduce in the next month by around 14 officers. Three of these officers would relocate to BAS. The rest would leave theatre. This would retain just enough officers in the city to provide essential support to Op SINBAD …

e) The **Prisons** team would leave theatre, pending progress on the Basra Central Prison Project;

f) The 25-strong **Control Risks** close protection team would be reduced, since all road moves will now be in Warriors;

g) The 10-strong **KBR** [Kellogg Brown & Root] **life support** team would be reduced.

"Excluding the perimeter guard force … this will mean a **reduction in the civilian headcount at BPC from 104 to around 35.** Some 35 staff would relocate to BAS.

"The 92-strong Kroll **perimeter guard force will have to remain.** As long as we have a civilian presence in BPC, the requirement to protect the perimeter of our part of the compound will remain."

472. DFID officials put separate advice to Mr Benn, agreed with the FCO, on the implications of the FCO plan for DFID staff in Basra.[313]

473. It is not clear whether the IPU paper was sent to DOP(I).

474. At DOP(I) on 26 October, Ministers stated that, because of increasing concern about the security of civilian staff in Basra, the FCO "would be consulting urgently" on recommendations for the phased withdrawal of staff from the Basra Palace site to both Basra Air Station and out of Iraq.[314]

---

[312] Paper Iraq Policy Unit, 25 October 2006, 'Iraq: Basra Palace Site'.
[313] Minute MENAD [junior official] to PS/Secretary of State [DFID], 25 October 2006, 'Iraq – Basra: Staff Security & Basra Palace Site'.
[314] Minutes, 26 October 2006, DOP(I).

475. At the ISG on 27 October, Mr Simon McDonald, FCO Iraq Director, reported that the security situation in Basra had deteriorated to the point where Mrs Beckett had decided it would be necessary to withdraw the majority of civilian staff from the Basra Palace site.[315] Mr Martin Dinham, DFID Director Europe, Middle East and Americas, explained that Mr Benn agreed with this view. Sir Nigel Sheinwald confirmed that Mr Blair would be content to accept Mrs Beckett's judgement on the matter.

476. On 29 October, 17 Iraqi interpreters working for a British company at the police training college in Shaiba were murdered.[316]

477. Mr Blair was informed on 3 November that most UK staff had withdrawn from the Basra Place site, leaving a core team of six political officers and 15 police training contractors. MND(SE) was working hard to reduce the threat from indirect fire.[317]

478. The wider implications of the withdrawal are addressed in Section 9.5.

479. On 16 November, Mrs Beckett informed DOP(I) that the withdrawal had been implemented more quickly than envisaged because of security conditions.[318]

480. Mrs Beckett told the Inquiry:

> "… we had our own internal advice and the relevant member of staff had been out to Basra and taken a look at the situation and had come back full of concerns. Concerns that were not totally shared by the people on the ground …
>
> "So Michael Jay came to see me and told me that he was concerned about the welfare of staff and we had quite a long conversation about it, and, of course, both felt that this was absolutely paramount and that we had to consider what we could and should do.
>
> "In the process of that consideration … we also took advice from the people on the ground … they didn't take quite such a grim view of the situation. They felt that there was still a good deal they could contribute, that there were adjustments that they could make, that the security situation could be improved and they wanted to do that."[319]

481. An IPU paper, 'Basra: Objectives and Presence in 2007', was prepared for the 7 December DOP(I).[320] Mr Casey explained to Mrs Beckett that the paper was intended to share FCO thinking with other departments, including the MOD, which had been asked to produce a note in parallel on the UK military posture in Basra in 2007.

---

[315] Minute [Cabinet Office junior official] to Sheinwald, 30 October 2006, 'Iraq Strategy Group, 27 October'.
[316] Minute Banner to Prime Minister, 3 November 2006, 'Iraq Update & Hadley Brief, 3 November'.
[317] Minute Banner to Prime Minister, 3 November 2006, 'Iraq Update & Hadley Brief, 3 November'.
[318] Minutes, 16 November 2006, DOP(I).
[319] Public hearing, 26 January 2010, pages 7-8.
[320] Minute Casey to Private Secretary [FCO], 1 December 2006, 'Iraq: Future of our Presence in Basra'.

482. In the paper, the IPU explained that:

> "The political and security context for our civilian operations in southern Iraq is changing significantly. The heightened security threat, which forced us to draw down staff from Basra Palace in October, shows no sign of abating. We expect security responsibility in Basra to be transferred to the Iraqis in spring 2007. And MOD are considering a major reposturing of UK forces in the coming months, with direct implications for civilian operations.
>
> "… In the political and security environment we are likely to face, what can we realistically hope to deliver? What civilian resources do we need to deliver those objectives, and where should they best be deployed?"[321]

483. The IPU strongly recommended that the UK "maintain a civilian effort in Basra province during 2007". The intention was to co-locate as much as possible of the civilian effort with MND(SE) at Basra Air Station, where plans were being pursued to construct suitable hardened facilities, without closing off immediately the option of returning to the Basra Palace site in future.

484. The IPU explained that the current PJHQ proposal was to close all bases in Basra City by April 2007 and to consolidate at Basra Air Station. Two military bases would close during January/February. The Basra Palace base, which was essential for sustaining the civilian presence, would close by 1 March. If Ministers agreed those proposals, there would be just 12 weeks to move personnel and equipment from the Basra Palace site to Basra Air Station: "an extremely tight timetable, given the operational constraints in theatre".

485. The IPU advised that there was no prospect of being able to recommend to Ministers a return to full staffing at the Basra Palace site in the near future. It was equally clear that there was "a powerful and urgent imperative for us to get our in-country civilian operations back up to strength as quickly as possible, to deliver in the critical period ahead".

486. The IPU added that conditions for staff at Basra Air Station would be "much tougher" than at the Basra Palace site:

> "Travel to/from Basra will become much harder. We are likely to face staff recruitment and retention challenges. Space will be limited. With only 54 hardened units of accommodation we will need to make difficult choices about priorities.
>
> "But against that, there will be significant advantages in co-location with the military – making possible a more cohesive approach than is currently possible from different sites in Basra."

---

[321] Paper IPU, 1 December 2006, 'Basra: Objectives and Presence in 2007'.

487. Introducing the paper at DOP(I) on 7 December 2006, Mrs Beckett stated that the decision to drawdown from the Basra Palace site had been right.[322] Work in hand suggested that the majority of civilian staff should be relocated to Basra Air Station, but urgent work was needed to make it fit for purpose, and moving staff there would undoubtedly make it a more attractive target for insurgents. Whitehall departments needed to co-ordinate plans and engage with the US.

488. A joint PCRU/DFID report on refocusing civilian efforts in Basra, produced on 19 December 2006, stated:

> "It is worth noting that the rapid (unavoidable) drawdown from Basra Palace did raise concerns among MND(SE) partners about civilian commitment and the physical move to Basra Air Station has required considerable time and attention … Construction of hardened accommodation on the FCO site at BAS is under way … but the pace of the build may slip … Claims on accommodation must be seen in the 'round' of a total demand which exceeded supply."[323]

489. Sir Peter Ricketts told the Inquiry:

> "When it became clear that the Armed Forces would in due course be moving out of the Basra Palace in the centre of Basra, and that became increasingly clear in the latter part of 2006, I was clear that our Consulate [the British Embassy Office] had to either shut and go back to Baghdad or operate out of the Air Station."[324]

Sustaining the UK civilian presence during 2007

490. On 22 January 2007, Dr Marsden reported that that the number of IDF attacks on the Basra Palace site had been high and steady since October, but January was set to be a record month.[325] Attacks since 15 January had also been more accurate. Dr Marsden's OSM and Post Security Officer felt that "we are beginning to push our luck".

491. The FCO SOSA visited Baghdad and Basra from 23 January to 1 February.[326] He reported that the security situation throughout Iraq had deteriorated significantly since the last visit by an OSA in September 2006.

492. In Basra, indirect fire on the Basra Palace site had reached record levels that month. Attacks on the Contingency Operating Base (COB, the renamed Basra Air Station) were increasing, but mainly inaccurate. The SOSA was "not overly concerned" about the security of the small UK COB compound as it was on a protected military

---

[322] Minutes, 7 December 2006, DOP(I).
[323] Letter Foy to Marsden, 19 December 2006, 'Refocussing civilian efforts in Basra in the run up to PIC' attaching Paper Foy and DFID [junior official], 'Refocussing civilian efforts in Basra in the run up to PIC'.
[324] Public hearing, 2 February 2010, page 11.
[325] Letter Marsden to McDonald, 22 January 2007, 'Basra Palace: Response to Increased IDF Threat'.
[326] Minute SOSA to Asquith, 5 February 2007, 'Visit to Baghdad and Basra'.

base, but made a number of recommendations for improving security at the COB, the Basra Palace site and two other locations in central Basra.

493. In Baghdad, the SOSA's main concern was the security of the International Zone after the handing over of checkpoints to Iraqi control. The US would ensure that its Mission remained well protected and there was a danger that the UK compound would become the target by default. The SOSA recommended:

- that a more senior member of the Embassy staff (he suggested the Deputy Head of Mission) attend meetings of the US-led International Zone security committee; and
- implementation of a number of urgent steps to strengthen and harden physical security on the UK compound.

494. In Basra by 15 March, most staff had left the Basra Palace site and the move to the COB was on track for completion by the end of the month.[327] The UK military were expected to remain at the Palace until 1 August.

495. Some DFID members of the PRT for whom there was insufficient hardened accommodation in the COB were based temporarily in a PRT office in Kuwait.[328]

496. Mr Casey informed Sir Peter Ricketts that the SOSA was content for the International Police Advisers (IPAs) employed by the contractor ArmorGroup to remain at the Provincial Joint Co-ordination Centre (PJCC) within the police headquarters, also known as the Warren, but confirmed that the arrangement would be kept under review because of concerns about the site's viability and the fact that it was co-occupied by the Iraqi Police.[329] Because there was insufficient space in the FCO's new facilities for those IPAs located at the COB, they would be accommodated in a separate COB compound with a lower standard of overhead protection. Officials were satisfied that the arrangement met the FCO's duty of care obligations, subject to a written agreement with the company.

497. On 28 March, Sir Peter Ricketts informed the House of Commons Foreign Affairs Committee of the changes in location of the British Embassy Offices Basra and Kirkuk.[330]

498. Sir Peter described the chief benefits of relocation in Basra as consolidation of all major elements of the UK effort in southern Iraq in the same place and improved safety for staff.

---

[327] Minute Casey to PS/PUS [FCO], 15 March 2007, 'Iraq: Post Security Issues'.
[328] Minute MENAD [junior official] to PS/Secretary of State [DFID], 5 February 2007, 'Information Note: Security Update – Iraq'.
[329] Minute Casey to PS/PUS [FCO], 15 March 2007, 'Iraq: Post Security Issues'.
[330] Select Committee on Foreign Affairs Minutes of Evidence, 19 November 2007, *Letter to the Chairman from Sir Peter Ricketts, KCMG, Permanent Under-Secretary of State, Foreign and Commonwealth Office, 28 March 2007.*

499. The move from Kirkuk to a temporary site at the Khanzad Hotel in Erbil had been precipitated by the US decision to relinquish the site in Kirkuk on which the British Embassy Office had been located. One benefit for UK staff would be the better security environment in Erbil.

500. On 22 April, the Chief Overseas Security Manager (COSM) at the British Embassy Baghdad reported the first IDF attack in many months in which rounds had impacted inside the Embassy compound.[331] Basic procedures in the Embassy had worked well:

> "The incident was well controlled by the Embassy Operations Room, staffed by CRG … The Garda World Gurkha Guard Force were excellent in their cordon and search operation. All wardens should also be congratulated on the speedy manner in which they conducted the head count. I was therefore able to give the FCO Response Centre in London an accurate report that all were safe and well within 15 minutes of the first impact."

501. The COSM concluded with a number of lessons to be learned locally, including the need for an urgent review of the provision of "Duck and Cover" shelters and for staff to be patient while searches were carried out.

502. The British Embassy Office site on the Basra Palace site was handed over to the UK military on 26 April.[332] Mr Robert Tinline, Deputy Consul General in Basra and Mr Etherington's successor as Head of the Basra PRT, reported that over 1,200 rockets and mortars had been fired at the Basra Palace site since attacks had increased in September 2006 and that the site had been hit 70 times:

> "We were fortunate that none of our staff were killed or injured. (Others in other parts of the compound fared less well.) But we also made our own good fortune. Four accommodation 'pods', the bar, the gym and both the main office buildings received direct hits – but because they were hardened, no serious injuries resulted. Six of the reinforced windows were hit by shrapnel – none gave way. Mortars landed one side of 'Hesco' sandbag walls, leaving people the other side unharmed."

503. Mr Tinline explained that the whole Basra Palace site was scheduled to be handed back to the Iraqis in late summer. The Iraqi authorities were expected to assume full security responsibility for Basra province at about the same time.

504. On 21 May, Mr Des Browne, the Defence Secretary, requested additional funds from the Treasury for hardened accommodation to protect troops at the COB; April had seen a threefold increase in the number of IED attacks (see Section 14.1).[333]

---

[331] Email FCO [junior official] to All Staff [British Embassy Baghdad], 22 April 2007, 'IDF Attack 21st April 2007 – Follow Up Actions'.
[332] eGram 17758/07 Basra to FCO London, 30 April 2007, 'Basra: Move of the British Embassy Office'.
[333] Letter Browne to Timms, 21 May 2007, 'Urgent Operational Requirement: Hardened Accommodation in Iraq'.

505. Mr Stephen Timms, Chief Secretary to the Treasury, approved the request on 30 May, but asked Mr Browne to take a government-wide view of how to allocate the funds, working with Mrs Beckett and others.[334]

506. The next day, Mrs Beckett submitted a parallel request for additional funds for an urgent programme of security works at the British Embassy Baghdad to meet the increased threat that would follow Iraqiisation of security in the International Zone.[335] Mrs Beckett explained:

> "The £23m work in Baghdad … will only be affordable if other departments who use the compound are prepared to contribute their full share … Of 'teeth' staff on the compound, and contractors involved in operational delivery (such as police advisers), fewer than 50 percent are FCO … Of course, there are also large numbers of contractors who provide security and life support, which is a shared benefit.
>
> "If we are not able collectively to make this investment, we would have to look hard at how we could continue to operate safely and sustainably, meeting our duty of care to all compound users and residents …"

507. Mr Timms replied on 19 June. He welcomed FCO efforts to reduce and absorb costs and agreed that the FCO should "work with other departments to agree joint funding".[336] He expressed willingness to agree a request to use End-Year Flexibility[337] "if, after agreeing contributions with other departments and taking all viable steps to reduce and absorb this pressure, the costs cannot be managed within your capital budget this year".

508. The limited availability of hardened accommodation at the COB and the lack of space to build more caused growing concern as the frequency and accuracy of IDF attacks increased.[338]

509. On 20 April. the IPU explained to Sir Peter Ricketts that IPAs employed by the FCO contractor ArmorGroup were housed in the Skylink commercial caravan park, which offered a lower standard of protection from IDF attacks. The Skylink accommodation no longer presented an acceptable level of risk. In response, the FCO intended:

> "… to continue to exert downwards pressure on overall civilian staff numbers in Basra, so as to allow us to move all our IPAs into our new compound as soon as possible … To this end, we and post will continue to look critically at all civilian slots,

---

[334] Letter Timms to Browne, 30 May 2007, 'Hardened Accommodation in Iraq'.
[335] Letter Beckett to Timms, 31 May 2007, 'Urgent Security Works at the British Embassy Baghdad'.
[336] Letter Timms to Beckett, 19 June 2007, 'British Embassy Baghdad'.
[337] In the period covered by the Inquiry, the Treasury allowed departments to carry forward unspent funds from one financial year to the next under the End-Year Flexibility (EYF) system. Unspent funds would otherwise have to be returned to the Treasury.
[338] Minute IPU [junior official] to PS/PUS [FCO], 20 April 2007, 'Accommodating ArmorGroup IPA at the Contingency Operating Base in Basra'.

and take an aggressive approach to further reducing our footprint wherever and whenever possible (including downsizing the IPA contingent itself).

"This is a difficult balancing act: our civilian staff play a critical role in securing the progress necessary to complete our overall mission. Pulling too many out too quickly will undermine our chances of success, and potentially prolong the need for our presence. But we will aim to get everyone into fully hardened accommodation by 31 July. In early August our military will leave Basra Palace and we can expect IDF rates at the Air Station [COB] to increase further, as it becomes the sole target for such attacks."

510. The IPU explained that, in the meantime, the FCO was taking steps to reduce the risk to those accommodated on the Skylink site. If personnel based there were injured or killed, the FCO could be open to claims of negligence if it failed to demonstrate that it had fulfilled its duty of care obligations. The FCO Legal Advisers' view was that the measures taken and ArmorGroup's explicit written agreement to the arrangement would put the FCO on strong ground in refuting such claims.

511. The IPU warned that if the FCO was to stop use of the Skylink accommodation it would have to remove the vast majority of the IPAs from Basra or make "deep cuts" to other parts of the mission, severely disrupting work in Basra at a critical time.

512. On 30 April, there was a direct hit on the ArmorGroup IPA office.[339] The unhardened room was not occupied at the time and there were no casualties. Two IPAs in the adjacent cabin were unharmed. On the basis of reports from the OSM, Mr McDonald issued instructions to Basra that all personnel under FCO duty of care should move to hardened accommodation immediately.

513. The British Embassy Office Basra sent proposals for a reduction in personnel "to a level that should provide adequate security and acceptable living conditions for all personnel operating from the COB, while maintaining operational effectiveness". The FCO would reduce from 12 to 10 and the Control Risks security team from 32 to 24, subject to a review by the Overseas Security Adviser later in the month. Those reductions would allow the police teams to remain at existing levels and allow three members of the PRT to return to Basra, increasing its numbers from 11 to 14.

514. Mr Benn expressed concern to DFID officials that the appropriate levels of protection were not yet in place.[340]

515. Officials explained that all staff under DFID's duty of care had been under hard cover for some time: a pre-condition for their move from the BPC to the COB. FCO and DFID staff were, however, still eating in the unhardened military dining facility.

---

[339] Minute IPU [junior official] to PS/PUS [FCO], 1 May 2007, [untitled].
[340] Email [DFID junior official] to Baugh, 2 May 2007, 'Basra: Move of the British Embassy Office'.

The hardened dining area was due to be completed by mid-July, but contingency plans were being put in place should IDF attacks prohibit use of the military facility.

516. Ministers discussed security for civilian staff at DOP(I) on 11 May.[341] Mr Benn expressed concern that hardened dining facilities were not yet available.

517. In his valedictory report to Mr David Miliband, the Foreign Secretary, on 16 August, Mr Asquith paid tribute to the work of LE and UK-based staff.[342] LE staff had:

> "… struggled daily to our offices, in Baghdad, Basra and when we were in Kirkuk, through the wreckage that Shock and Awe and subsequent decisions produces. They have risked their lives. Some have lost them. All have lost a friend or relation. All have suffered massive upheaval … I hope that … the decision will be the right one when eventually Ministers address collectively how to provide protection to those who supplicate us."

518. On UK-based staff, Mr Asquith wrote:

> "By the end of a tour in any one of our three posts in Iraq, an officer experiences what elsewhere takes three or four years. Their professionalism and fortitude is of the highest order. Their determination to secure a better future for Iraq, in the face of daily frustration and barbarity, is a source of wonderment – particularly against a background when resources and attention are being diverted elsewhere."

519. In advance of a Ministerial meeting planned for 19 July, FCO and MOD officials produced a joint paper setting out the latest "assessments and plans on security transition and the associated reposturing and drawdown of UK troops in Basra" (see Section 9.6).[343]

520. The paper had been discussed, in draft, at the ISG on 9 July, where it was agreed that the departure from the Basra Palace site and the Warren should happen simultaneously.[344]

521. In the paper, officials explained that the next key decision for Ministers was the timing of the withdrawal from the Basra Palace site, the "most heavily mortared and rocketed place in Iraq". This was complicated for a number or reasons, including the impact on the UK's SSR effort in Basra, currently co-ordinated from the PJCC, where 100 UK troops and seven UK police advisers were based. The threat to those staff if there were no significant MND(SE) presence at the Basra Palace site would be impossibly high because "there would be no quick way to get reinforcements to the site or to evacuate UK personnel in an emergency". Officials concluded that a withdrawal

---

[341] Minute [DFID junior official] to PS/Secretary of State [DFID], 16 May 2007, 'Information Note: Security Update – Iraq'.
[342] Letter Asquith to Miliband, 16 August 2007, 'Iraq: Valedictory'.
[343] Paper FCO and MOD, 12 July 2007, 'Iraq: transition in Basra'.
[344] Minute Cabinet Office [junior official] to McDonald, 11 July 2007, 'Iraq Strategy Group, 9 July'.

from the Basra Palace site would mean closing the UK base at PJCC, and so halting SSR work and losing "situational intelligence within Basra City".

522. The UK military handed over the PJCC to Iraqi control on 26 August.[345] The Basra Palace site followed on 2 September. Over 5,000 UK military, the British Embassy Office, the Basra PRT and the US Regional Embassy Office were now located at the COB.

523. In December 2007, FCO Iraq Group reviewed the status of the British Embassy Office Erbil.[346] Mr Frank Baker, Head of Iraq Group, advised Dr John Jenkins, FCO Director Middle East and North Africa, that the British Embassy Office should remain at the Khanzad Hotel despite concerns about security and value for money. Mr Baker explained that the Khanzad office achieved a score well inside the "red zone" on the FCO risk matrix. Staff in Erbil would continue to look for better short-term alternatives while preparing the business case for a long-term presence in Erbil.

524. Dr Jenkins advised Dr Kim Howells, Minister of State for the Middle East, and Sir Peter Ricketts that it was "a tough call" whether to remain in Erbil:

> "There is a serious duty of care issue. The costs of maintaining the consulate in Erbil flow from this. On the other hand it does a serious job of work. The French are looking to establish a mission there. My view is that we should accept the current level of risk and maintain our presence while actively looking for other sites (which may include co-location with the French)."

525. In the first week of December, Sir Peter Ricketts visited Baghdad and Basra with Mr Bill Jeffrey, the MOD PUS, and Ms Susan Wardell, DFID Director General Operations.[347]

526. On his return to London, Sir Peter advised Mr Miliband that the most important issue to resolve was the future of the UK presence in Basra. Mr Brown, now Prime Minister, had announced a continued UK military presence until late 2008 and Air Chief Marshal Sir Jock Stirrup, Chief of the Defence Staff, intended that the UK military should leave soon after that. Mr Brown had also set a high level of ambition for the UK contribution to economic regeneration, but the UK civilian presence was entirely dependent on the military for security and life support. Sir Peter warned: "If the military go, the civilians go, unless another very capable western military force replaces us." He also warned that the Basra PRT was small and there was "a sense of planning blight" because of uncertainties beyond late 2008.

---

[345] eGram 36335/07 Baghdad to FCO London, 4 September 2007, 'Basra: British Forces Hand Over the Final Base in Basra City'.
[346] Minute Baker to Howells, 5 December 2007, 'Erbil: Consulate General'.
[347] Minute Ricketts to Foreign Secretary, 10 December 2007, 'Visit to Iraq'.

527. Without exaggerating the problem, Sir Peter also wanted Mr Miliband to be aware of:

> "… tensions under the surface between some on the UK military side (more [Lieutenant] General [William] Rollo [Senior British Military Representative – Iraq] in Baghdad than [Major] General [Graham] Binns [GOC MND(SE)] in Basra)… who think that the civilians are moving too slowly and unimaginatively, and the UK PRT in Basra who feel that they have been turned on a sixpence from an expectation of closing down in the Spring of 2008 to a series of big new expectations, but not much more resources to deliver them. Des Browne has picked up this military view."

528. Separately, Sir Peter Ricketts suggested to Mr Baker that improving conditions in Baghdad, though not Basra, called for a reassessment of policy on the length of postings.[348] Many staff were highly motivated and able to cope with an extra six months, if not a second year: "Quite a head of steam is building up on this issue and it needs to be tackled." Sir Peter also reported that Mr Christopher Prentice, British Ambassador to Iraq, had made a persuasive case for an increase in staff numbers as prospects improved and the pace of work began to increase.

529. Mr Miliband visited Baghdad, Basra and Erbil from 16 to 18 December.[349] On return, he commented to Mr Brown: "I was struck in talking to members of our locally engaged staff in Baghdad how fearful for the future they remain – and how much they have personally borne and continue to bear."

530. Mr Miliband was impressed by staff morale and the positive "can-do" attitude in all three UK posts. He suggested to Mr Brown that: "We should think about reflecting the role of our civilian staff more widely in future statements on Iraq to Parliament."

531. Mr Tinline sent an annual review for the Basra PRT to the US Embassy in Baghdad on 19 December.[350] He reported that:

> "**Keeping going** has been a huge challenge. The team spent three months crammed four to an 8 metre x 2 metre pod and seven months under increasingly heavy rocket attack … And for most of the year we did not know whether we would still be in Basra in six months' time. The burden has been greatest on our local staff. Our legal assistant was killed in April, followed by his father the week after he attended one of our legal training events. Others have been threatened. They appreciate that the British assistance scheme [for LE staff] explicitly includes them. Throughout the spirit and support within the whole team has been tremendous."

532. Mr Tinline added that one challenge lying ahead was putting staff on a "sustainable long term footing (several members have already done two years and we are carrying some gaps on the rule of law side)".

---

[348] Minute Ricketts to Baker, 12 December 2007, 'Visit to Iraq: Administration Points'.
[349] Letter Miliband to Prime Minister, 27 December 2007, 'My Visit to Iraq: 16-18 December'.
[350] Letter Tinline to Powers, 19 December 2007, 'Basra Provincial Reconstruction Team in 2007'.

533. The Locally Engaged Staff Assistance Scheme is addressed later in this Section.

The Charge of the Knights and the UK military drawdown

534. Section 9.6 describes the changes brought about by the Charge of the Knights, the Iraqi military operation in March 2008 to drive Shia militias out of Basra.

535. Mr Keith MacKiggan, Head of the Basra PRT from the end of September 2008, was one of several witnesses to describe the operation's impact:

> *"*… post-Charge of the Knights, really the only constraint on our movement around the city and the wider province was the availability of military assets … over time, even that became less of a constraint."[351]

536. The FCO SOSA visited Baghdad with a DFID security co-ordinator and a second FCO official from 15 to 18 October 2008.[352] He reported that there had been a dramatic reduction in terrorist incidents after the US surge, but that the threat to civilian staff remained as before. Of particular concern was the use of the Improvised Rocket Assisted Mortar (IRAM), which was more effective and accurate than IDF from long range.

537. The SOSA advised that CRG was at the limit of its capacity. It was supporting 120 civilian staff with numbers intended for 80. If there was an increase in UK civilian staff or a change in security requirements because the US decided to withdraw from checkpoints in the International Zone as part of the transition to Iraqi security control, GRG assets would need to increase.

538. After visiting Basra from 19 to 21 October, the SOSA advised that the surge had led to a significant reduction in terrorist incidents, but that the threat to staff remained unchanged.[353] He highlighted the threat of IED and IDF attacks and the "high possibility of kidnap".

539. The visit raised concerns about the condition of DFID and FCO vehicles in Baghdad and Basra.[354] The inspectors recommended regular spot checks and the installation of additional security equipment.

540. During October, the FCO and DFID reverted to local authorisation by the Consul General and the DFID Head of the Basra PRT of moves outside the COB.[355] All moves had been authorised from London since the deterioration of the security situation in 2005.

---

[351] Public hearing, 7 January 2010, page 10.
[352] Letter SOSA to Prentice, 6 November 2008, 'Visit to Baghdad'.
[353] Letter SOSA to Haywood, 7 November 2008, 'Visit to Basra'.
[354] Minute Middle East and North Africa Department [junior official] to Brown, 6 November 2008, 'Back to Office Report – Iraq Security Review'.
[355] Minute Middle East and North Africa Department [junior official] to Lowcock, 13 October 2008, 'Iraq: Movements Approval'.

541. In March 2009, with the departure of the DFID Head of the PRT and the transition to US leadership, DFID authority for moves off the COB was transferred to the Head of DFID Baghdad.[356]

542. Comments from witnesses who served in Iraq reinforced the impression of slowly improving transport provision.

543. Mr Tansley, Consul General in Basra from October 2005 to April 2006, told the Inquiry: "The thing that dominated our lives, was not money and people. It was helicopters."[357]

544. Mr Asquith, British Ambassador to Iraq from August 2006 to August 2007, told the Inquiry that transport constraints inhibited movement between Baghdad and Basra:

> "Not merely was it difficult to get down there, since we were dependent, at that stage, upon helicopter trips out of Baghdad to the airport and then to Basra, and the military facilities weren't always ready for that …
>
> "It was also difficult to move around Basra …"[358]

545. Ms Kathleen Reid, Head of DFID Basra from August 2007 to September 2008, explained that:

> "[Major] General [Barney] White-Spunner [GOC MND(SE)] … made a commitment … that they were there to support. Whatever we needed in terms of assets, he would make that happen, and I have to say, always came good on that …"[359]

546. Mr Prentice, British Ambassador from September 2007 to November 2009, stated:

> "… if we wanted to get to Basra, we needed to have a military asset. Under our duty of care regulations, we couldn't use the emerging commercial flights, which towards the end of my period were available … So we had to depend on helicopters and military lift. But during my time we also had use of US civilian aircraft through the US Embassy. They kindly made those available to us occasionally. So physical movement to and from Basra I would say was improving during my time but was still difficult."[360]

547. In October 2008, FCO officials started to consider the future of the UK's network of posts in Iraq after the military drawdown in 2009.[361] The preferred option was to maintain the status quo in Baghdad and Erbil, with a reduced presence in Basra, in order to strike "the right balance between strategic policy delivery requirements and financial pressures".

---

[356] Minute Lowcock on Minute MacKiggan to Lowcock, 30 March 2009, 'Iraq: Basra Off-COB Movements Approval'.
[357] Private hearing, 22 June 2010, page 72.
[358] Public hearing, 4 December 2009, page 28.
[359] Private hearing, 24 June 2010, page 30.
[360] Public hearing, 6 January 2010, pages 4-5.
[361] Paper Iraq Group, October 2008, 'Iraq Strategy from 2009: Implications for FCO'.

548. Sir Peter Ricketts supported that conclusion "from the perspective of our relations with Iraq", but asked that FCO Ministers be given the opportunity to "consider the relative importance of continuing very high levels of FCO spending in Iraq as against other priorities".[362] Decisions should not be pre-empted by Whitehall processes before that had happened. The FCO's corporate systems were "not well developed for making those decisions about relative priorities across the network", but there would be an opportunity for the Board to look at the issue later at the end of November.

549. Sir Peter was "struck by the extremely high cost of maintaining a presence in Erbil". He did not believe it was possible to justify on value for money grounds a large capital investment in the city. If the UK was to remain, it had to be on the basis of co-location with another EU country.

550. On Basra, Sir Peter expressed scepticism about what a very small post, with declining interest from other departments, could achieve. Ministers needed to be given the option of closure. If they would not accept that, the FCO should review after 12 months whether staff had been able to make any difference in Basra.

551. Officials informed Mr Miliband on 8 December that the FCO Board had decided on 28 November that Ministers should be presented with two options for Basra: a mini-mission within a secure US military perimeter, to be reviewed again in 2009, or closure when UK forces left.[363] There was a strong case from a policy perspective for retaining the post, but Ministers would want to consider value for money in the light of wider cost pressures. Mr Brown and DFID and Department of Energy and Climate Change (DECC) Ministers were thought to be in favour of keeping Basra open.

552. Officials explained that NSID(OD)[364] would discuss Iraq and Afghanistan on 9 December, but that there would not be time for substantive discussion of the post-drawdown Iraq strategy. Mr Brown would invite Mr Miliband to seek agreement by correspondence.

553. NSID(OD) discussed Iraq on 9 December 2008.[365]

554. Papers provided for the meeting included 'Iraq: arrangements for transition'.[366] On the network of posts, the paper stated:

> "FCO will retain a substantial Embassy in Baghdad at roughly current levels (20-25 FCO UK-based staff), a small post in Erbil (4 UK staff – to be reviewed again in March 2009); and – subject to Ministers' views – a small post in Basra (3-4 UK staff, down from 9 at present) until at least March 2010. Non-staff running costs in

---

[362] Minute Ricketts to Lyall-Grant, 10 November 2008, 'Iraq Strategy from 2009'.
[363] Minute IPU [junior official] to Private Secretary [FCO], 8 December 2008, 'NSID, 9 December: Iraq: Steering Brief'.
[364] The Overseas and Defence Sub-Committee of the Committee on National Security, International Relations and Defence (NSID(OD)) was the successor to DOP(I) as the principal forum for Ministerial discussion on Iraq.
[365] Minutes, 9 December 2008, NSID(OD) meeting.
[366] Paper Cabinet Office, 8 December 2008, 'Iraq: arrangements for transition'.

Financial Year 2008/09 are £55m. These should reduce to below £50m in 2009/10. The majority of these are recovered by FCO from cost-sharers (other departments, programme budgets, tenants)."

555. On 13 January 2009, Mr Miliband's Private Office circulated a draft strategy for "UK policy towards and relations with Iraq following military drawdown".[367] It had been agreed by officials from all interested departments and by Mr Miliband.

556. Annex C set out proposals for three posts in Baghdad, Basra and Erbil:

- Baghdad. Any significant disengagement would reduce the UK's influence and be seen as an acknowledgement of failure. The FCO assessed that the security situation allowed road moves between the Embassy and the airport, rather than the RAF helicopter air bridge, but that Iraqiisation of security in the International Zone from 2009 would require additional investment in security measures.
- Basra. The FCO did not believe it would be cost-effective to maintain the same level of civilian presence after the departure of UK combat forces. The US was likely to become the public face of the Coalition in southern Iraq and the security situation did not yet permit travel between Basra and the COB without military assistance. The FCO proposed reducing the number of UK-based FCO staff from nine to three or four; DFID would not keep resident staff in Basra after June 2009, but would pay the cost of two "virtual" slots to guarantee accommodation for visiting staff.
- Erbil. The policy case for retaining a UK presence was strong, but the cost per head of operating in Erbil was extremely high and the location in the Khanzad Hotel was not sustainable on security grounds. The FCO intended to work on a more sustainable and cost-effective arrangement.

557. Mr Alistair Darling (the Chancellor of the Exchequer), Mr John Hutton (the Defence Secretary) and Mr Douglas Alexander (the International Development Secretary) all agreed to the proposed strategy.[368]

558. Mr Baker visited Basra from 15 to 18 February 2009.[369] He reported to Dr Jenkins that the security situation continued to improve:

"I spent a day driving around Basra, including a visit to a date farm outside the town in an area we could not have thought of visiting even three months ago … The improvement in security has been mirrored on the COB, where body armour is no longer required to be carried while on the base.

"While it is true that the key enabler for recent progress was Charge of the Knights, it was our reaction to those events which was critical. It would have been easy to

[367] Letter Hickey to Catsaras, 13 January 2009, 'Iraq: strategy' attaching Paper 'Iraq: a review of strategy'.
[368] Letter Jordan to Hickey, 26 January 2009, 'Iraq strategy'; Letter Ferguson to Catsaras, 29 January 2009, 'Iraq: strategy'; Letter Wright to Catsaras, 5 February 2009, 'Iraq strategy'.
[369] Minute Baker to Jenkins, 19 February 2009, 'Iraq: Visit to Basra'.

have taken that opportunity to disengage with Basra. Instead we recognised that we could take advantage of the improving security situation …"

559. The UK handed over the command of MND(SE) to the US on 31 March.[370]

560. An unattributed FCO review of lessons to be learned from the UK's experience in Basra from late 2008 included a number of observations on civilian personnel:

- "FCO (and other civilian departments) need to build on the frameworks for risk ownership and management which have been put in place over the last five years to allow maximum operational flexibility on the ground consistent with our duty of care, including through the provision at an early stage in the deployment of protective assts eg armoured transport."
- "The FCO was unprepared for the sort of operation that was to be undertaken, with the result that, in the early stages (but almost six months after the invasion) FCO staff were being sent into the field without computers, communication equipment, satisfactory communications arrangements (personal email accounts were used throughout, though some classified communications became available during 2004) and so on. Their military and DFID counterparts were better provided for."[371]

Attracting volunteers

561. Between 2003 and 2009, departments faced a range of difficulties recruiting sufficient volunteers with the right skills and experience for civilian roles in Iraq. Problems included:

- the absence of an established co-ordinating mechanism for UK civilian recruitment;
- the absence of a deployable reserve of experts in post-conflict stabilisation and reconstruction;
- a shortage of Arabic speakers;
- imprecise and changing job descriptions;
- high turnover of staff on short deployments;
- delays caused by pre-deployment training;
- concerns among potential volunteers, their families and friends about deteriorating security;
- extraction of volunteers from existing jobs;
- negative perceptions of the career impact of a posting to Iraq;

---

[370] Minute Johnstone to PS/SofS [MOD], 1 April 2009, 'CDS visit to Iraq (Basra) to attend the MND(SE) transfer of authority ceremony – 31 Mar 09'.
[371] Paper [FCO], [undated], 'Iraq: What Went Wrong in Basra?' attaching Paper, 'Reflections on Basra and the lessons to be learned from the FCO's experience in Iraq'.

- hostility in some departments to Iraq deployments; and
- Iraq fatigue.

562. In response to those constraints on recruitment:

- The Government took steps to establish a UK cadre of deployable civilian experts as part of a strategic review of the UK's approach to stabilisation and reconstruction. That process is addressed in Section 10.3.
- Individual departments introduced a range of ad hoc incentives to volunteer.

563. With the exception of problems associated with deploying volunteers from UK police forces, addressed in detail in Section 12.1, the Inquiry has seen no indication that difficulty attracting volunteers contributed to the delays in the deployment of UK civilians to Iraq in the early months of the CPA.

564. On 25 July 2003, Sir Michael Jay reported that, since his request for volunteers on 22 April, the Government had trained and deployed "over 100 civilian staff from sixteen different branches of government", an exercise he described as having "no modern precedent".[372]

565. A Treasury official recalled in mid-2004 that he had been very impressed by the turnout at an early meeting in the Treasury for people thinking of volunteering to go to Iraq:

> "We had some 60 or so people arrive for that meeting – a very high quality response – in fact such a good response that we couldn't meet everyone's desire to go out to Iraq at that point."[373]

566. By autumn 2003, as Ministerial pressure to deploy greater numbers of civilians grew, departments faced increasing difficulty attracting volunteers. Ministers and officials considered a range of incentives to aid recruitment.

567. The AHMGIR on 6 November 2003 discussed the need for CPA(South) to be staffed "properly and quickly" and requested a report on recruitment.[374]

568. Mr Desmond Bowen, Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), advised:

> "It has not proved easy to recruit staff to serve in Iraq, despite financial inducements. Successful candidates need to have the right technical skills, aptitude for building Iraqi capacity and willingness to work in a difficult environment."[375]

---

[372] Letter Jay to Turnbull, 25 July 2003, 'Iraq: UK support for reconstruction'.
[373] Paper Radio Technical Services, 19 July 2004, 'Transcript of Treasury Seminar Held in London on Monday, 19 July 2004'.
[374] Minutes, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[375] Letter Bowen to Owen, 14 November 2003, 'Iraq: CPA (South) Staff'.

569. Mr Bowen reported that: "Extracting people from current jobs, security training and the logistics of deployment often take longer than we would want."

570. In November 2003, the FCO Iraq Operations Unit (IOU) advised Sir Michael Jay that recruitment and succession planning were "difficult".[376] A number of volunteers had dropped out in recent weeks. Staffing requirements were "just about manageable" but would become more difficult if security deteriorated.

571. At a meeting with Sir Michael Jay on 25 November, Sir Hilary Synnott reported vacancies in "key areas" in Basra and advised that, unless there was "a more positive approach to recruitment, the whole policy risked failure".[377]

572. Sir Hilary reported that he had discussed the issue with Mr Straw, who had suggested that "the [FCO] administration (and by extension other departments in Whitehall) should try to encourage people by pointing out the career advantages". Sir Hilary had suggested paying people more.

573. Sir Michael Jay told Sir Hilary Synnott there were drawbacks to those proposals:

> "The strong view hitherto in Whitehall had been that all postings to Iraq should be volunteers. Andrew Turnbull had also taken the view that we should not try to pay people the market rate to get them there. This would work for the private sector, but not for us with our duty of care to staff, which was uppermost in the minds of a number of my Permanent Secretary colleagues … It was important to maintain Whitehall solidarity if possible."

574. On 5 December, Sir Hilary Synnott advised that recruitment had been made more difficult by "the widely held perception that secondment to Basra might involve danger, discomfort and long hours with little reward (although seen from here, some of these concerns are exaggerated)".[378] Sir Hilary expressed sympathy with the view put in London that imprecise and changing job descriptions presented an additional obstacle, but argued that tasks could not be defined until there was an expert on the ground:

> "We should not become mesmerised by job descriptions. The main thing is to have relatively expert people on the ground in sufficient numbers and quickly. Resourceful officers will find plenty to do for themselves. Contracts need to be sufficiently flexible to allow for this."

575. In his valedictory on 26 January 2004, Sir Hilary Synnott expressed frustration at the slow deployment of staff, complicated by the short tours which constantly led to gaps between appointments:

> "… it was brought home to me that officials could not be deployed like the military, despite notional mobility obligations; that the contracting processes to employ

---

[376] Minute Parham to PS/PUS, 25 November 2003, 'Iraq – Sir H Synnott's call on the PUS today'.
[377] Minute Jay to Parham, 25 November 2003, 'Iraq: Call by Sir Hilary Synnott'.
[378] Telegram 51 Basra to FCO London, 5 December 2003, 'South Iraq: Before and After Transition'.

non-official civilians were lengthy; that these had to be followed by pre-deployment training which was only intermittently available; and that, crucially, departments' duty of care constrained recruitment … [I]n these circumstances, "as fast as possible" was simply not fast enough."[379]

576. In his memoir, Sir Hilary described the shortage of human resources and expertise as "the greatest single deficiency of our civilian operation":

"It is now clear that there were two main reasons for this. Partly it was a result of the excessive priority which was, and still is, placed on the security of civilian public servants …

"But a more fundamental reason for the short supply of personnel and other resources stemmed from a lack of political direction … The Army could, as always, be relied upon to find solutions for themselves, albeit cut according to their overstretched means. But in the civilian domain, Blair's exhortations and verbal commitments were not reflected in exceptional measures such as identifying and encouraging volunteers by means of trawls of Embassies around the world, fast-track recruitment procedures, or new management and co-ordination systems across government departments."[380]

577. Mr James Tansley, Consul General in Basra from October 2005 to April 2006, told the Inquiry:

"Under our current terms and conditions of service you can't tell someone in the Foreign Office to go to Basra. It's a voluntary thing, and that was the Foreign Office's policy. No matter how you present it, being told you are going to be sitting in a fortified camp, being mortared every evening and probably not seeing daylight for a number of – not so much daylight, but not seeing the outside world for six weeks at a time, is not a particularly good sell, particularly if you feel that no one in London appreciates what you are doing.[381]

578. Asked whether he had the right team to do what was needed, Mr Tansley replied: "The incentives weren't there."

579. Ms Lindy Cameron, Deputy Head of DFID Baghdad from January to November 2004 and Head of DFID Iraq from November 2004 to August 2005, told the Inquiry:

"Late 2003 before I got there and early 2004, it was quite hard for us to get the right people. It's important not to underestimate the impact that the bombing of the Canal Hotel had on willingness of staff to come and work in Iraq … I recall having to brief staff before they arrived that they had to be aware that friends and family would be

---

[379] Telegram 10 CPA Basra to FCO London, 26 January 2004, 'Basra Valedictory' [Parts 1 and 2].
[380] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[381] Private hearing, 22 June 2010, page 72.

quite aggressive with them about why it was they wanted to put themselves at risk to do something that many people considered to be something which was a mistake."[382]

580. Mr Tim Foy, Head of DFID Iraq from August 2005 to August 2006, told the Inquiry:

"Generally speaking, I think we did reasonably well in terms of acquiring core staff from DFID, certainly in the early years. I think it's got progressively harder as the engagement has progressed because the lustre of going has gone there."[383]

581. The recruitment of UK police officers for deployment to Iraq faced additional obstacles.

582. CC Kernaghan, holder of the International Affairs portfolio for the Association of Chief Police Officers (ACPO) from 2001 to 2008, told the Inquiry that the impact of a posting to Iraq on police officers' careers had been a significant obstacle to effective recruitment and deployment. He had considered it his responsibility to point out to potential recruits that Iraq might not be a good career move.[384]

583. CC Kernaghan added that the police experience had not been entirely negative. After a while, the positive testimonies of returning officers had started to encourage potential recruits: "I actually found it marginally easier to deploy people. They were not affected by the big picture."

584. Former Chief Superintendent Dick Barton, UK Chief Police Adviser in Iraq from 2006 to 2007, told the Inquiry that "it was made quite clear to me that there were no guarantees regarding postings or jobs on my return".[385]

585. The resource cost to the contributing police force was also a constraint on recruitment. ACC Smith told the Inquiry: "Some forces, particularly the larger metropolitan, refused to allow serving officers to deploy."[386]

586. Government departments took a number of steps to encourage staff to volunteer for Iraq, including:

- financial allowances;
- decompression breaks;
- assistance with post-Iraq job placements; and
- temporary promotion.

587. Incentives to attract UK volunteers were not introduced uniformly across government. Differences in the terms and conditions applied by different organisations persisted throughout the Iraq campaign.

---

[382] Private hearing, 22 June 2010, page 79.
[383] Private hearing, 22 June 2010, page 67.
[384] Public hearing, 23 July 2010, page 68.
[385] Statement, 7 June 2010, page 2.
[386] Statement, 25 June 2010, page 11.

588. In November 2003, FCO officials started to consider additional incentives to attract the growing number of volunteers needed to fill civilian roles in Iraq and to be able to replace them every few months for the foreseeable future.

589. On 3 November 2003, the IOU informed Sir Michael Jay that civil service secondees in Iraq received allowances worth about £1,500 a month, depending on grade.[387] By comparison, FCO and DFID contractors earned up to £1,000 a day. The IOU advised:

> "There is no sign, yet, that money is a significant factor in finding civil service volunteers for Iraq. But we may have to consider some improvement in the financial terms if we find it increasingly difficult to recruit the civil service staff we need over the next few months."

590. DFID's November 2004 'Guide to Overseas Terms and Conditions for Long-term Assignments in Iraq' explained:

> "DFID's work in Iraq is very high profile and has assumed major corporate importance. Working in Iraq is dangerous and the conditions are difficult. We need staff with appropriate skills, e.g. programme management, and a high degree of self-motivation to carry out this work. So, we have devised a package of allowances and benefits specifically to attract such people and meet their needs."[388]

591. The details provided covered financial, travel and leave entitlements, health care, insurance, accommodation and security."

592. Hardship allowances for Iraq were said to be high compared with other countries, at £26,900 per annum in November 2004.

593. Participants at the Inquiry's civilian outreach event who served in Iraq between mid-2004 and mid-2007 viewed the financial package available to civilians positively, but expressed some resentment towards "overpaid" private sector contractors on "extraordinary" daily rates.

594. In 2003 the FCO introduced the "Golden Ticket" for staff deployed to Iraq for three months or longer.[389] The Golden Ticket gave the holder priority over other applicants when applying for their next job. It remained valid until a substantive job was secured.

595. The November 2004 text of the standard letter issued to FCO staff posted to diplomatic missions in Iraq stated: "HR and the wider Office value the contribution you have made, and we hope that this will go some way to recognising that."[390] It also

---

[387] Minute Parham to PS/PUS, 3 November 2003, 'Iraq: Civilian Staffing'.
[388] Paper DFID, 1 November 2004, 'Working for DFID: Guide to Overseas Terms and Conditions for Long-term Assignments in Iraq'.
[389] Paper Foreign and Commonwealth Office, 25 October 2004, 'Iraq Pre-Deployment Brief'.
[390] Letter [FCO junior official], 17 November 2004, 'Posting to British Diplomatic Missions in Iraq'.

explained that a posting to Iraq would not be counted as one of the maximum of two overseas postings usually allowed by the FCO before staff had to return to London.

596. The Golden Ticket policy remained unchanged in 2005.[391]

597. An official from the FCO HR Directorate told Mr Asquith in June 2006 that staff in Basra had asked whether the Golden Ticket really meant anything.[392] The official had explained to staff that the ticket was not a guarantee of a dream posting but "an added extra". It was important that staff obtained timely, good quality appraisals of their performance in Iraq to support job applications.

598. The Golden Ticket was still on offer in January 2008, with an additional caveat:

> "You will be able to 'cash in' your ticket when you next bid for jobs. A Golden Ticket will give your bid priority over other officers' bids *provided you are considered equally credible in the job in other respects.*"[393]

599. In August 2008, an official in the FCO Human Resources Directorate informed DFID that although the Golden Ticket had not been abolished formally, "we recognise that it is increasingly difficult to deliver and the staff in post also recognise this".[394]

600. Participants at the Inquiry's civilian outreach event who had been posted to Iraq during the CPA period commented that some people had been "pressured" to volunteer for tours in Iraq with the offer of a Golden Ticket, but nobody knew of anyone rewarded with a favourable posting on their return. Some said they had not had jobs held open for them during their absence because of cost-saving pressures.

601. Members of the group also commented that many in their home departments did not want to hear about their experiences on return from Iraq because of the negative perceptions of the conflict in departments and the wider public.

602. Participants who served in Iraq from mid-2004 to mid-2007 said that the career impact of a posting to Iraq was often more negative than positive. There was a perception that human resources departments did not recognise adequately the skills acquired and that the career benefits had been oversold during recruitment. Some returnees felt their departments saw them as something of a problem. The MOD was a notable exception, where skills had been recognised and there had been a positive career impact.

603. Some non-MOD participants also commented that performance in jobs following an Iraq posting was often poor. Possible contributory factors included low motivation and lack of understanding by subsequent managers of what staff had been through.

---

391 Paper [unattributed], 25 November 2005, 'Terms and Conditions: Temporary Duties to Iraq'.
392 Minute [FCO junior official] to Asquith, 4 July 2006, 'Visit by HR Manager to Basra 14-19 June 2006'.
393 Paper FCO, January 2008, 'Terms, Conditions and Allowances in Iraq'.
394 Email FCO [junior official] to FCO [junior official], 8 August 2008, 'Think piece on post-Iraq jobs'.

604. The Inquiry has seen evidence that temporary promotion was widely used in the MOD as an additional incentive for recruitment of volunteers.

605. In late 2007, Mr Jon Day, MOD Director General Operational Policy, commented unfavourably on the large number of MOD civilians given "T&G [temporary and geographical] promotion well above their grade".[395]

606. Participants at the civilian outreach event suggested that, between 2007 and 2009, it had become more difficult to recruit suitable candidates. There was concern that availability rather than suitability became the deciding factor, and that some posts had been overgraded to attract applicants.

607. The US also experienced difficulty filling positions in Iraq.

608. In June 2004, the US General Accounting Office (GAO) reported that the CPA "had generally operated with about one-third of its direct positions vacant".[396] Reasons suggested for the shortfall included the hardship of the posting, the security situation and budgetary constraints.

609. The RAND history of the CPA stated that the CPA suffered severe shortages of trained and experienced personnel throughout its existence, with a number of sectors, including police and justice, "chronically undermanned".[397] Contributory factors included rapid staff turnover, the CPA's inability to keep track of the staff it had, and its failure to identify requirements still to be met.

610. In January 2006, the Office of the Special Inspector for Iraq Reconstruction concluded that a number of circumstances had inhibited effective workforce planning, including:

- the wide-ranging role of the CPA;
- the CPA's temporary status;
- deteriorating security;
- inaccurate pre-conflict assumptions about Iraq's bureaucracy;
- limited sources of personnel;
- constantly changing requirements; and
- inconsistent inter-agency co-ordination.[398]

---

[395] Minute DG Op Pol to 2nd PUS [MOD], 9 November 2007, 'MOD Civilians in Operational Theatres'.
[396] *Rebuilding Iraq. Resource, Security, Governance, Essential Services, and Oversight Issues*, US General Accounting Office Report to Congressional Committees, June 2004, page 39.
[397] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[398] Special Inspector General for Iraq Reconstruction, January 2006, *Iraq Reconstruction, Lessons in Human Capital Management.*

Seniority

611. Ministers and officials frequently expressed concern about the difficulties faced by the UK in deploying the right people to positions where they would be able to exert UK influence in a US-dominated environment and achieve lasting impact in Iraq.

612. The issue arose in a number of different contexts. It appears not to have been addressed systematically.

613. The appointment of Major General Tim Cross as the senior UK member of ORHA in February 2003 is addressed earlier in this Section.

614. Section 9.2 describes the appointment of his successor, Mr Andy Bearpark.

615. In the Annotated Agenda for the AHMGIR on 22 May 2003, officials advised that Mr Bearpark needed to be given the right job to "maximise UK influence in ORHA".[399]

616. Mr Bearpark was subsequently appointed CPA Director of Operations and Infrastructure. He arrived in Baghdad on 16 June.

617. Section 9.2 describes how, although UK officials in Whitehall regarded Mr Bearpark as the UK's senior representative in the CPA, Mr Bearpark saw his primary loyalty as lying with the CPA and Ambassador Bremer.

618. Several weeks after Mr Bearpark's arrival in Baghdad, the Government agreed that a senior UK figure should be appointed to head CPA(South).

619. On 10 July, the AHMGIR agreed that:

- Secondments to the CPA should be maintained at "approximately the current level", but matched more closely to requirements, with more specialist than policy staff.
- The UK effort in CPA(South) should be increased "as required", including through the appointment of a "suitably strong UK figure" to replace Ambassador Olsen.[400]

620. On 11 July 2003, Ms Hewitt advised Mr Blair of the need "to ensure that we are seconding sufficiently senior people to the CPA". It was noticeable that the US was sending more senior people than the UK.[401]

621. Shortly afterwards, the IPU put forward recommendations for CPA staffing based on the principle that the UK should seek to exert influence at "all levels". These included:

- filling gaps, including at a senior level, in UK coverage of SSR, the economic ministries and the oil ministry;

---

[399] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[400] Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[401] Letter Hewitt to Prime Minister, 11 July 2003, 'Report of My Visit to Baghdad'.

- appointing a senior figure to lead CPA(South), where there were already 15 UK secondees; and
- leadership of four of the 18 CPA GTs scheduled to begin operations in September, with deployment starting in late August.[402]

622. On 25 July, Sir Michael Jay informed Sir Andrew Turnbull and Permanent Secretaries that Ministers had decided the UK would maintain "approximately the current level of overall commitment" with a focus in Baghdad on Security Sector Reform, the economic ministries and the oil sector, a "stronger lead" in CPA(South) and leadership of four CPA GTs.[403]

623. Sir Hilary Synnott arrived in Basra as Head of CPA(South) on 30 July.[404]

624. On 24 September, Sir Jeremy Greenstock, the Prime Minister's Special Representative on Iraq, commented that the UK "has not yet put the intensity of resources into the civilian side of our operation, in terms of both personnel and project money, to convince the Americans that our analysis … has to be listened to" (see Section 10.1).[405]

625. Sir Andrew Turnbull and Mr O'Donnell discussed the seniority of UK secondees to the CPA on 11 November.[406] They observed that the recent reorganisation of the CPA (see Section 10.1) had left the UK with no UK officials at Director level and concluded that: "It was difficult to continue to send staff as secondees if they were left with low level roles only."

626. Although the Treasury and Bank of England deployed only junior officials to Iraq, they were noticeably effective (see Section 10.1).

627. A Treasury official speaking at a Treasury seminar in July 2004, said that securing people with the right skills had been "paramount" in Iraq:

> "… we didn't have many people to deploy so we took care to second people who could add value, and we are very fortunate in having a skill set within the Treasury that was able to deploy effectively in the circumstances."[407]

628. Seniority was not a guarantee of influence.

629. In August 2003, officials informed Ministers that the UK was "seeking to engage the US Administration and CPA leadership over oil sector issues in order to gain influence

---

[402] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper Iraq Policy Unit, 14 July 2003, 'Ad Hoc Ministerial Meeting: 17 July, (Annex C) Future Staffing of the CPA'.
[403] Letter Jay to Turnbull, 25 July 2003, 'Iraq: UK support for reconstruction'.
[404] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.
[405] Teleletter Greenstock to Sheinwald, 24 September 2003, [untitled].
[406] Minute [unattributed and undated], 'Sir Andrew Turnbull's Bilateral with Gus O'Donnell 11 November 2003'.
[407] Paper Radio Technical Services, 19 July 2004, 'Transcript of Treasury Seminar Held in London on Monday, 19 July 2004'.

over decisions and policy" (see Section 10.1).[408] Two "senior people" were joining the CPA Oil Team, including Mr Terry Adams as the CPA Oil Technical Expert. The CPA had welcomed Mr Adams' appointment, but had been "less than enthusiastic" about the second UK appointment.

630. TPUK informed Mr Blair on 10 October that the DTI's efforts to understand and influence CPA policy on oil and gas had been "consistently unsuccessful" until Mr Adams' arrival. Mr Adams' appointment had improved the DTI's understanding to some extent, although officials believed that the CPA had restricted Mr Adams' access to information and decision-making meetings.[409]

631. On 14 October Ministers were informed that Mr Adams was "routinely excluded from some meetings".[410]

632. A further instance of US resistance to senior UK appointments occurred in January 2004, when the Iraq Senior Officials Group concluded that, given the US lead in the media sector, there was little scope for UK involvement, and that the US was resisting the secondment of senior UK staff (see Section 10.1).[411]

633. At the end of January 2004, the US asked for UK help in staffing the Program Management Office (PMO) that had been set up to oversee CPA reconstruction funds (see Section 10.1).[412]

634. UKTI contracted two individuals to work in the PMO, initially for three months. The first deployed in early March 2004, the second in early April.[413]

635. In early June, UKTI began considering whether to continue to fund the two contractors.[414]

636. A UKTI official set out the arguments for Mr Mike O'Brien, FCO Parliamentary Under Secretary of State, on 21 June:

> "We can claim indirect benefit to UK plc from these consultants, but it is difficult to quantify any direct commercial benefit. PMO procurement still (rightly) has to go through a full competitive process … But these consultancies have earned us a great deal of goodwill from PMO senior management, ensured a UK voice at the highest levels of the organisation, and [have been] a useful but unacknowledged source of commercial information."[415]

---

[408] Annotated Agenda, 7 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[409] Letter Zimmer to Rycroft, 10 October 2003, 'Iraq: Update on Commercial Issues' attaching Paper UKTI, 10 October 2003, 'Iraq: Update on Commercial Issues'.
[410] Annotated Agenda, 14 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[411] Letter Cabinet Office [junior official] to Sheinwald, 8 January 2004, 'Iraq: senior officials group'.
[412] Minute UKTI [junior official] to PS/Sir Stephen Brown, 2 July 2004, [untitled].
[413] Minute UKTI [junior official] to PS/O'Brien, 21 June 2004, [untitled].
[414] Minute Lusty to Fletcher, 9 June 2004, 'Iraq: UKTI consultancy support for the PMO'.
[415] Minute UKTI [junior official] to PS/Mr O'Brien, 21 June 2004, [untitled].

637. The official recommended that, given the difficulty in identifying any direct commercial benefit to the UK and the high cost of the contractors, UKTI should not agree to the US request to extend the contractors' contracts.

638. Discussions within UKTI and between UKTI, the FCO and DFID failed to identify further funding for the posts.[416]

639. In November 2004, in response to Mr Blair's suggestions that the UK needed to find more effective ways of getting the US to spend its funds more quickly and with greater impact, Mr Benn explained that Mr Bill Taylor, the US head of the Project Contracting Office (PCO), which had taken over some of the functions of the PMO after the transfer of sovereignty in June 2004, "has declined our offer of a senior reconstruction specialist but we are offering technical help instead" (see Section 10.2).[417]

640. Witnesses to the Inquiry offered contrasting views on the success of the UK's effort to deploy the right people to the right positions in Iraq.

641. Sir David Richmond told the Inquiry that the CPA generally received the people it needed from the UK:

> "I think we did pretty well on that … [T]here was a sort of little bit of a generation gap, perhaps inevitably, given the security circumstances, in that you got a large tranche of relatively young people, because they were single and didn't have families and children to worry about … We also had quite senior people, whose families had grown up, again less concerned. So there was sort of a missing middle to some extent, but I think that's probably inevitable in the situation."[418]

642. Mr Bearpark was less sanguine. He highlighted the effect of the imbalance between military and civilian numbers. Because civilians could not cover all the meetings taking place each day that were relevant to their work, "99 military planners are going away saying, 'DFID is useless' and only one of them is admitting that DFID does actually know what it is talking about". That systemic problem had been resolved very quickly in Bosnia in 1994 and 1995:

> "… whatever your limited civilian resource is … it must match exactly into where you insert it into the military machine. If you can only afford one person, that person has to be the equivalent of the Commanding General. If you can afford three people, you can place them two ranks down, and if you can only afford one junior person, that person must be on the personal staff of the Commanding General."[419]

---

[416] Minute UKTI [junior official] to PS/Mr O'Brien, 13 August 2004, 'UK secondees in the Project and Contracting Office (PCO) Baghdad'.
[417] Letter Benn to Blair, 10 November 2004, [untitled].
[418] Public hearing, 26 January 2011, page 78.
[419] Public hearing, 6 July 2010, page 97.

643. In his valedictory as Head of the IPU in May 2005, Mr Crompton criticised the FCO's "inability (or unwillingness)" to redeploy senior staff at short notice:

> "In summer 2003 we carried short gaps in both Baghdad and Basra at critical times, absences which damaged our reputation around Whitehall … If the FCO aspires to be the lead on post-conflict issues, it needs to be willing to redeploy senior staff immediately from other positions, leaving gaps if necessary."[420]

644. Mr Tinline, who served in Basra from 2007 to 2008, told the Inquiry that recruitment was less of a concern than it might have been because of the security situation:

> "… if the security constraints had been less, I think a lot of these things would have been far bigger issues. Because the security constraints were such, we didn't actually need that much staff. We couldn't actually do that much. So the sort of lost opportunity was in fact minimal."[421]

Skills

645. Between 2003 and 2009, UK Ministers and officials expressed concern about a shortage of UK Arabic speakers and of expertise in a number of fields associated with reconstruction and stabilisation.

646. The Government's response to the shortage of reconstruction and stabilisation expertise is addressed in Section 10.3, which considers the creation of the Post-Conflict Reconstruction Unit and its successor, the Stabilisation Unit.

647. Several witnesses to the Inquiry commented on the shortage of Arabic speakers deployed to Iraq throughout the period covered by the Inquiry.

648. Sir Mark Lyall-Grant, FCO Political Director from February 2007 to October 2009, who was not an Arabic speaker, explained that he had three experts on the Middle East working for him who were Arabic speakers: Mr McDonald, Dr Jenkins and Mr Prentice.[422]

649. Mr Tansley, Consul General in Basra from October 2005 to April 2006, told the Inquiry that he was the only Arabic speaker at the British Embassy Office Basra during his time there.[423] He explained that, not only was living in Basra more restrictive than in Baghdad, but there was also:

> "… a view, in purely career terms that the high profile work … was being done up in Baghdad, liaising with ministers, most of whom spoke English and were all western educated and quite smooth, suave and sophisticated, compared with the politicians we had to deal with down in Basra.

---

[420] Minute Crompton to Sawers, 4 May 2005, 'Iraq: Reflections'.
[421] Private hearing, 24 June 2010, page 89.
[422] Public hearing, 20 January 2010, page 5.
[423] Private hearing, 22 June 2010, pages 70-72.

> "So in many ways it was a certain sort of person who would have enjoyed his time or her time in Basra. I think there were those who did. I think I would have liked it if the Foreign Office could have come up with another Arabist.
>
> …
>
> "As I said, I think we could have had more impact in terms of personnel if we had people who were a bit more specialist in the region and who spoke Arabic, and if we could have got people to come at the time when I most needed them."

650. Mr Nigel Heywood, Consul General in Basra from April 2008 to August 2009, told the Inquiry that he had one UK-based Arabic-speaking slot on his staff and a locally engaged political adviser who acted as interpreter.[424] Mr Heywood suggested that there was a competitive advantage to be gained from having Arabists in an environment like Iraq, where other countries did not have any on their staff.

651. Mr MacKiggan, Head of the Basra PRT from 2008 to 2009, did not speak Arabic, and worked through interpreters.[425] He told the Inquiry that it was necessary to prioritise skills and that it was difficult to find the person who had all the skills you were looking for in an environment like Iraq.

652. Shortage of Arabic language skills was also a consistent theme among participants at the Inquiry civilian outreach event.

653. The Inquiry has seen no evidence that any Kurdish speakers were deployed, or available to be deployed, by either the FCO or the MOD between 2003 and 2009.

654. In March 2002, FCO Research Analysts hosted a discussion on Middle Eastern and Islamic studies in the UK involving representatives of industry and the academic community.[426] The event raised concerns about the shortage of Arabic speakers in a range of institutions, including the FCO, and the decline in the teaching of Middle Eastern studies and languages in the UK. Some Middle Eastern languages, including Kurdish, were not being taught at all in the UK. Participants warned that, when money was tight, language teaching was often the first area to suffer.

655. In 2007, the FCO closed its Language Centre.[427] The British Academy's 2013 report on languages in UK diplomacy and security described the closure as "the low point of what had been a gradual decline in language skills amongst diplomats". The decline had been particularly marked among languages that were difficult to learn, including Arabic.

---

[424] Public hearing, 7 January 2010, page 55.
[425] Public hearing, 7 January 2010, page 56.
[426] *The Middle East Quarterly,* Volume 10, Number 2, Spring 2003, *Middle Eastern Studies in the United Kingdom.*
[427] British Academy, *Lost for Words: The Need for Languages in UK Diplomacy and Security*, November 2013.

656. In 2011, Mr William Hague, the Foreign Secretary, told the Foreign Affairs Committee (FAC) inquiry into the role of the FCO in UK government that he wanted language expertise and regional knowledge to be "re-accentuated" in the FCO.[428]

657. Two witnesses to the FAC inquiry argued that there was a disjuncture between Mr Hague's emphasis on language skills for UK diplomats and decisions to cut government support for the teaching of modern languages in UK universities.[429]

658. Dr Christian Turner, FCO Director Middle East and North Africa, informed the FAC that the FCO had taken a number of steps to improve Arabic language skills:

- restoration of the length of full time Arabic training to 18 months;
- more opportunities for staff in London to learn Arabic and maintain existing skills; and
- a 40 percent increase in "Arabic speaker capacity" in Middle East and North Africa posts compared to 2010.[430]

659. In its 2012 report on British foreign policy and the Arab Spring, the FAC concluded that the FCO had "significantly degraded" its language capacity by 2010, but had since recognised the need to improve Arabic language skills.[431]

660. At the opening of the new FCO language school on 19 September 2013, Mr Hague described expertise in a foreign language as "one of the fundamental skills of our diplomats":

> "It makes them vastly more effective at communicating the viewpoint of the United Kingdom. And it is vital to understanding the political mood in different countries and to spotting trends or anticipating crises.
>
> …
>
> "It helps us, for example to identify and influence individuals and groups playing a significant part in shaping events, such as in the context of the Arab spring. Arabic is the fastest growing language on social media platforms globally, and we need good language skills to tap into this rich conversation and to put across the UK position.
>
> "Language skills are invaluable when trying to understand and predict the behaviour of countries that do not have transparent, democratic political systems, and where reliable information is harder to come [by] but vitally important to British companies or to our security interests.

---

[428] Seventh Report from the Foreign Affairs Committee, Volume I, Session 2010-2012, *The Role of the FCO in UK Government,* 12 May 2011, page 70.
[429] Seventh Report from the Foreign Affairs Committee, Volume I, Session 2010-2012, *The Role of the FCO in UK Government,* 12 May 2011, page 70.
[430] Foreign Affairs Committee, Session 2012-2013, *Written Evidence from Dr Christian Turner, Director, Middle East and North Africa Directorate, Foreign and Commonwealth Office*, 7 July 2011.
[431] Second Report from the Foreign Affairs Committee, Session 2012-2013, *British Foreign Policy and the 'Arab Spring'*, 19 July 2012, pages 22-23.

…

"With 40 classrooms we have space here to train up to 1,000 full and part-time language students over the course of 12 months, in up to 80 different languages from Arabic to Zulu. We will be offering 70,000 hours of teaching each year, not just for the men and women of the Foreign Office, but to those of other government departments if they wish to take advantage of our services.

…

"So we are also increasing the number of jobs overseas for which language skills are required in key parts of our overseas network. We've brought in a 20 percent increase in the number of posts for speakers of Latin American Spanish, Portuguese and Arabic, and a 40 percent increase in the number of Mandarin speakers."[432]

661. In his speech, Mr Hague described the new language facility as just one part of "the biggest drive to enhance the diplomatic skills of the Foreign Office that the department has ever seen". A stronger culture of learning and expertise was part of a "quiet revolution" that included "a greater emphasis on history and the retention and sharing of knowledge and expertise". Changes included moving the FCO's historians "back into the heart of the Foreign Office" and attaching greater importance to the work of Research Analysts.

662. The British Academy welcomed the opening of the new FCO language school, but warned that significant work was needed to embed the changes and reverse the decline.[433]

663. By November 2003, the UK military was also facing a shortage of Arabic speakers and interpreters.[434]

664. The Chiefs of Staff raised the shortfall in the number of linguists available at their meeting on 16 July 2003.[435] General Sir Michael Walker, Chief of the Defence Staff, directed Lieutenant General Robert Fry, Deputy Chief of Defence Staff (Commitments), to establish the exact requirement and where the linguists might be found.

665. In December 2003, MOD officials informed Lt Gen Fry that, in addition to "tactical linguist requirements" in military units, Op TELIC had a requirement for 39 linguists on six-month deployments.[436] By November 2003, officials expected that requirement would last three to four years.

---

[432] Foreign & Commonwealth Office and the Rt Hon William Hague MP [from *GOV.UK*], 19 September 2013, *Foreign Secretary opens Foreign Office language school.*
[433] British Academy, *Lost for Words: The Need for Languages in UK Diplomacy and Security*, November 2013.
[434] Minute ACDS(Ops) to All TLB Holders, 19 November 2003, 'Provision of Arabic Interpreters for Op TELIC'.
[435] Minutes, 16 July 2003, Chiefs of Staff meeting.
[436] Minute DJtCts-DCMCDACSO1 to DCDS(C), 3 December 2003, 'Op TELIC – Augmentation of Linguists'.

666. Officials explained that the search for Arabic speakers across the three services had exhausted the pool of suitably qualified regular soldiers, and the mobilisation of reserves had exhausted the pool of linguists in the Territorial Army (TA). Training individuals to the level required for the 39 core posts took 10-12 months.

667. MOD officials explained that allocating 18 of the 39 posts to civilians offered a partial solution, but there was still a need to fill the remaining 21 posts every six months for the foreseeable future. Proposals included:

- an increase in the provision of training by the Defence School of Languages;
- expansion of the pool of TA linguists;
- further civilianisation;
- a request for FCO assistance, judged unlikely to succeed because of the FCO commitment to the CPA; and
- redeployment of Arabic-speaking Defence and Military Attachés at British Embassies, thought likely to damage relations with FCO staff in those Embassies and affect working relationships with host countries.

668. It is not clear from the papers seen by the Inquiry which, if any, of those recommendations was implemented during Op TELIC.

669. In early 2004, the press reported that several language students at UK universities were putting their degrees on hold to work in Iraq as interpreters and translators for the UK military.[437] By mid-February, 16 students had been employed, with five already working in Iraq.

670. MOD guidance on the military contribution to peace support operations published in June 2004 made only passing references to language skills. It stated:

> "The ability to negotiate and mediate will place a premium on basic language skills. However, working through interpreters is currently more usual and therefore should be practised before deployment."[438]

671. The absence of clear UK military doctrine on language capability was addressed in 2013.[439] A Joint Doctrine Note on linguistic support to operations stated that the military:

- had only "a modest standing language capability … not well placed to support operational planning or high readiness deployment needs"; and
- had been "inherently slow to build capability for enduring operations".

---

[437] *The Guardian*, 18 February 2004, *Language students to help army in Iraq*.
[438] Ministry of Defence, *Joint Warfare Publication 3-50: The Military Contribution to Peace Support Operations*, June 2004.
[439] Ministry of Defence, *Joint Doctrine Note 1/13: Linguistic Support to Operations*, March 2013.

672. In 2013, the growing recognition of the importance of language skills was reflected in the opening of the new Defence School of Language and Culture 2013.[440]

673. The British Academy's 2013 report on the need for languages in UK diplomacy and security attributed the MOD's change of approach directly to lessons learned in the Iraq and Afghanistan campaigns.

674. Both the FCO and the Armed Forces failed to anticipate or prepare for the surge in demand for Arabic speakers in Iraq.

675. In its 2013 report, the British Academy described some of the steps taken by the MOD to generate language capacity quickly, but stated that, of the organisations consulted, only the secret intelligence agencies appreciated the need for and difficulty of ensuring sustainability of supply and surge capacity, especially for rare languages.[441]

676. The British Academy added that there appeared to be "little co-ordination across government to identify language needs and no overall strategic approach to enable future needs to be met." The report proposed more flexible working across departments, allowing staff with language skills to be seconded for specific projects, such as engaging with hard to reach groups. The new FCO language centre was identified as a significant opportunity for pooling resources.

Tour length and continuity

677. The difficult working conditions for civilians in Iraq were reflected in short tour lengths and frequent leave breaks. Different departments adopted different arrangements throughout the Iraq campaign.

678. Officials expressed concern about the impact of those arrangements, including:

- breaks in continuity;[442]
- loss of momentum;[443]
- lack of institutional memory;[444] and
- insufficient local knowledge.[445]

679. Participants at the Iraq Inquiry civilian outreach event also referred to reduced credibility with external interlocutors.

---

[440] British Academy, *Lost for Words: The Need for Languages in UK Diplomacy and Security*, November 2013.
[441] British Academy, *Lost for Words: The Need for Languages in UK Diplomacy and Security*, November 2013.
[442] Telegram 10 CPA Basra to FCO London, 26 January 2004, 'Basra Valedictory' [Parts 1 and 2].
[443] Minute Etherington to [Cabinet Office junior official], 17 May 2006, 'Basra Provincial Reconstruction Team (PRT): Challenges and Opportunities'.
[444] Telegram 77 Basra to FCO London, 12 July 2004, 'Basra: Creating and Supporting a new Consulate'.
[445] Minute Hatfield to Loudon, 25 April 2005, 'Visit to Iraq'.

680. An initial tour length of three months for the first wave of secondees to the CPA was extended to six months in July 2003.[446]

681. The FCO pre-deployment letter for November 2004 stated that: "In light of the dangers and discomforts a posting to Iraq is six months with the option of a further six months thereafter."[447] In addition to the FCO's normal and overseas leave, staff would be entitled to an extra 10 days' leave each year.

682. DFID's November 2004 'Guide to Overseas Terms and Conditions for Long-term Assignments in Iraq' explained that DFID postings were for up to 12 months with a rota of six weeks on, two weeks off, away from Iraq.[448]

683. In April 2005, the MOD considered introducing longer tours to mitigate some of the effects of the short tour length (six months with a 10-day break half way through).[449] Mr Richard Hatfield, MOD Personnel Director, reported that many MOD staff in Iraq were willing to do a second tour, or suggesting that slightly longer tours might be more effective, if more difficult to sell to potential volunteers. Mr Hatfield recognised the possible advantages of longer tours, particularly where continuity or local knowledge was at a premium. He proposed that the MOD take "a slightly more 'mix and match' approach about tour patterns, taking account of both the individual's circumstances/ desires and the nature of the post".

684. In May 2006, Mr Mark Etherington, Basra PRT Team Leader, reported that:

> "The military component of the PRT – roughly a third – is invaluable, but cannot act as a repository of expertise because tour lengths are short. This civilian core must be large enough to withstand the turbulence of the six-and-two week leave system … or we risk a loss of momentum."[450]

685. In December 2007, Sir Peter Ricketts called for a reassessment of policy on the length of postings to Baghdad.[451] Many staff were able to cope with an extra six months, if not a second year: "Quite a head of steam is building up on this issue and it needs to be tackled."

686. Tour lengths remained unchanged. The January 2008 version of the FCO terms and conditions for postings to Iraq stated:

> "In light of the associated dangers and discomforts of living in Iraq, a posting to Iraq is six months with the option of a further six month extension. As you know, Iraq

---

[446] Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[447] Letter [FCO junior official], 17 November 2004, 'Posting to British Diplomatic Missions in Iraq'.
[448] Paper DFID, 1 November 2004, 'Working for DFID: Guide to Overseas Terms and Conditions for Long-term Assignments in Iraq'.
[449] Minute Hatfield to Loudon, 25 April 2005, 'Visit to Iraq'.
[450] Minute Etherington to [Cabinet Office junior official], 17 May 2006, 'Basra Provincial Reconstruction Team (PRT): Challenges and Opportunities'.
[451] Minute Ricketts to Baker, 12 December 2007, 'Visit to Iraq: Administration Points'.

> remains a dangerous place, but the FCO has taken measures to minimise the risks to its staff, and will keep those measures under constant review. This is a volunteer only posting.
>
> …
>
> "Extensions beyond 12 months are rare and only granted if there are compelling operational reasons."[452]

687. Staff were not permitted to bid for consecutive jobs in Iraq and/or Afghanistan with a combined duration of over 12 months "while these posts are at a security level warranting close protection teams and decompression breaks".

688. The 2008 terms and conditions also stated that the length and frequency of decompression breaks were linked to the security situation and could change during a posting. The interval between decompression breaks was set at between six and seven weeks. In special circumstances, staff could seek authority to spend eight weeks at post without a break.

689. The Inquiry received a range of views on the merits of different models.

690. Mr MacKiggan, Head of the Basra PRT from 2008 to 2009, told the Inquiry:

> "I think nine to 12 months should be the norm, perhaps even the minimum, because it takes time to develop relationships … It is partly relationships with … locals … It is also about relationships between different parts of government."[453]

691. Mr Tansley endorsed the MOD model:

> "Comparing terms and conditions of service between the FCO and the political advisers who were attached to MND(South East), I would have preferred perhaps an arrangement that the POLADs had, which I thought was more effective than what the FCO was doing, both in terms of the level on health and safety reasons, what they could and could not do, in terms of how often they had their decompression breaks."[454]

692. All three working groups at the Inquiry's civilian outreach event debated the merits of different tour lengths, including the impact on civilian-military relations, business continuity, relationships with external partners and the impact on individuals and their families.

693. Participants who had served in Iraq during the CPA period commented that 12 months was the maximum time during which personnel could remain effective. Six weeks on and two off (6+2) was seen as an effective model. Tours were complicated

---

[452] Paper [unattributed], January 2008, 'Terms, Conditions and Allowances in Iraq'.
[453] Public hearing, 7 January 2010, page 51.
[454] Private hearing, 22 June 2010, page 71.

by the difficulty of getting out of Iraq, resulting in people not taking their leave, and by the shortage of staff to cover work while people were on leave.

694. Those who had been in Iraq between mid-2004 and mid-2007 commented that covering absences under the 6+2 model required a much higher degree of flexibility than was normal for the civil service, and that two-week absences had a negative impact on civilians' credibility with external interlocutors, including the UK military. 6+2 had the advantage that it allowed those with families to deploy and made it possible to sustain tours of one to two years, providing greater continuity than the six months (with a one-week break) served by MOD civilians.

695. There was also thought to have been an impact on relationships with Iraqi interlocutors, who were frustrated with frequent and apparently ill-planned changes of UK personnel. In some cases there was a suspicion that Iraqis had exploited the situation, for example by misrepresenting what had been agreed previously.

696. Some individuals who had been in Iraq from mid-2007 suggested that, at least initially, departments were too rigid about tour lengths. Those wanting to extend beyond 12 months had been forced by their departments to return. Different tour lengths for MOD civilians continued to inhibit business and the building of relationships during this period. The group concluded that different jobs called for different tour lengths.

Learning operational lessons

697. Between 2003 and 2009, departments debriefed some civilian staff returning from Iraq in order to learn operational lessons from their experience.

698. Departments took steps to improve the debriefing process, but do not appear to have established a comprehensive or consistent approach.

699. At the AHMGIR on 24 July 2003, Mr Straw asked the Cabinet Office and the IPU to devise a debriefing system for secondees to Iraq.[455]

700. On 7 August, officials informed the AHMGIR that the IPU was debriefing the first wave of returning UK secondees to the CPA.[456]

701. The FCO drew on the contributions of returning secondees for its November 2003 review of pre-deployment training and terms and conditions for civilian staff, described later in this Section.[457]

702. Separately, the Cabinet Office Corporate Development Group (CDG) began assessing the benefits of CPA secondments to staff and departments. The aim was

---

[455] Minutes, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[456] Annotated Agenda, 7 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[457] Letter Jay to Chakrabarti, 11 November 2003, 'Security of UK Civilian Secondees in Iraq' attaching Paper, 'Iraq: Civilian Staff: Training, Briefing, Security and Insurance'.

to report to Ministers in November, drawing on responses to a questionnaire to be given to secondees within a month of their return from Iraq.[458]

703. Mr Straw told Cabinet on 27 November that he had spoken to some 60 UK staff at CPA headquarters in Baghdad, whose "extraordinary stoicism", commitment and contribution should be recognised.[459] There was, however, a sense that staff from departments that did not normally send people on overseas postings were not properly appreciated by those departments, either while in Iraq or on their return. Mr Straw asked colleagues to ensure Permanent Secretaries were "managing and supporting" their seconded staff and suggested that regular contact should be maintained between departmental top management and their secondees.

704. On 1 December, Mr John Barker, a Director in the Cabinet Office Corporate Development Group, updated Sir Andrew Turnbull on responses to the questionnaire given to returning UK secondees to the CPA.[460] Mr Barker reported:

> "So far we have only had eight questionnaires returned. Although they have raised a small number of niggles for example in relation to visa problems in Kuwait delaying travel arrangements and to difficulties in getting help to arrange flights home, the overall response has been positive. Volunteers have enjoyed the experience, learned from it, felt proud to have been involved, enjoyed the comradeship and will be happy to recommend others to go out there. None of the questionnaires mention concerns about treatment on return to their department.
>
> "There may of course be people who have not let us know of difficulties …"

705. Mr Barker proposed that Sir Andrew Turnbull write to Permanent Secretaries, reminding them that:

> "… colleagues are doing a splendid job in very trying circumstances and will be developing their competences in many of the areas we would want them to. We should ensure that their contribution is recognised and that they do not have grounds for believing that their careers have suffered because of being there."

706. Sir Andrew Turnbull wrote to Permanent Secretaries on 3 December.[461] He reported that Ministers greatly appreciated the "courage, persistence and determination" of staff in Iraq and felt more could be done to recognise what they were achieving:

> "Please encourage your Human Resources and Communications teams to address this, for example by generating reports for your house journals, sending messages

---

458 Minute Dodd to Barker, 4 August 2003, 'Iraq: feedback from secondees'.
459 Cabinet Conclusions, 27 November 2003.
460 Minute Barker to Turnbull, 1 December 2003, 'Iraq Volunteers'.
461 Letter Turnbull to Phillips, 3 December 2003, 'Iraq: Civilian Staffing'.

> of support and appreciation to secondees, and feeding stories to local newspapers and radio stations (as our military colleagues often do so well) …
>
> "We should also ensure that the experience gained by secondees in Iraq is valued properly, and reflected in their appraisals and future career development …"

707. In July 2004, after the disbanding of the CPA, the Treasury held a seminar to learn lessons from the UK's contribution to the rehabilitation of Iraq's economic and financial administration during the CPA period.[462] Treasury and Bank of England secondees to the CPA spoke at the seminar, which was attended by Mr Brown, Mr Boateng, Sir Michael Jay and Mr O'Donnell.

708. After the seminar, Mr O'Donnell saw the secondees to the CPA "to talk about their time there and the lessons we can have".

709. Several participants at the Inquiry's civilian outreach event said that the Inquiry's event was the first time they had been asked to talk about their experiences. Most of those who had served in Iraq during the CPA period felt let down. They felt that departments had not tried to make use of the knowledge they had acquired or to bring them into strategy discussions. Most of the participants had not had a post-tour debriefing. There was a feeling at the civilian outreach event that the Whitehall approach to human resources, leaving individuals to look after themselves, was not appropriate for this sort of expeditionary civilian deployment.

710. After a visit to Iraq in April 2005, Mr Hatfield reported that the MOD needed:

> "… to make more active use of operational veterans to sell the prospect of a deployed tour to potential volunteers – their enthusiasm is catching and they are well placed to supply answers about both the real and imaginary concerns people may have about what is involved."[463]

711. Mr Hatfield also reported that:

> "The Ambassador [Mr Chaplin] was … interested in our arrangements for debriefing – which at present it seems the FCO do not do. I suspect that we need to be a bit more systematic here, too. Debriefing is therapeutic as well as potentially informative – and may also help to identify any individuals with aftercare needs."

Staff welfare

712. The FCO, the MOD and DFID provided different pre-deployment training for staff posted to Iraq.

---

[462] Paper Radio Technical Services, 19 July 2004, 'Transcript of Treasury Seminar Held in London on Monday, 19 July 2004'.
[463] Minute Hatfield to Loudon, 25 April 2005, 'Visit to Iraq'.

713. Periodic efforts to synchronise approaches did not produce consistency across departments.

714. In October 2003, COBR commissioned an FCO-led review of training, security and insurance for UK civilians serving in Iraq to "ensure that there is consistency across all government departments seconding staff and consultants".[464]

715. Sir Michael Jay sent the findings to Permanent Secretaries and the heads of organisations with secondees in Iraq on 11 November 2003.[465]

716. The paper stated that, before deployment to Iraq, staff from the FCO and other government departments (excluding DFID), and individuals contracted by the FCO, attended a security-focused training course at the Reserves Training and Mobilisation Centre in Nottingham (Chilwell). The initial course included:

"
- Medical and dental examination
- Inoculations
- Intelligence Brief
- NBC [nuclear, biological and chemical] kit issue and familiarisation
- Foreign Weapon familiarisation
- Issue of body armour and helmet, boots, kit bag etc
- Conduct after Capture
- Law of Armed Conflict
- Mine Awareness."

717. The course had been "improved and adapted" at FCO request to include:

"
- Cultural Awareness Brief
- Hostage Situations
- Environmental Health
- Combat First Aid."

718. The course also included a briefing by the FCO Iraq Directorate on working and living conditions, including a "preliminary security briefing". Modules on NBC, "Conduct after Capture" and "Law of Armed Conflict" had been dropped.

719. The paper stated that, when no course was available at Chilwell, secondees attended an equivalent course provided by a private sector company. In a few cases, including that of Sir Jeremy Greenstock, the requirement for pre-deployment training had been "overridden", but it was Iraq Directorate's "firm policy to insist that all secondees receive such training".

---

[464] Minute OD Secretariat to Sheinwald, 28 October 2003, 'Iraq: Review of Security Arrangements for UK Staff'.
[465] Letter Jay to Chakrabarti, 11 November 2003, 'Security of UK Civilian Secondees in Iraq' attaching Paper, 'Iraq: Civilian Staff: Training, Briefing, Security and Insurance'.

720. The paper also stated that the MOD arranged its own training and briefing. For recent deployments, that had matched the FCO arrangements, although MOD staff continued to receive NBC training.

721. DFID training followed the same principles, but was provided by the private sector because those courses were more frequent.

722. The paper stated that debriefing of secondees on their return from Iraq indicated that they received good preparation "now that some deficiencies in the Chilwell course … have been dealt with". Feedback from staff still in Iraq "confirms that the training has been useful and appropriate".

723. Concerns about the Chilwell course resurfaced in the MOD in 2005. After visiting Iraq in April 2005, Mr Hatfield reported that the course did not seem to be working:

> "Apart from the cultural brief, hardly a good word was said about it. To be fair, it was not designed for civil servants. As a result of my discussions with our Ambassador [Mr Chaplin], I think the solution might be to join with the FCO who have their own preparatory course."

724. In June 2006, the MOD established the Support to Operations (S2O) programme in response to lessons learned from the deployment of civilians on Op TELIC.[466] The programme's aim was "to develop a more capable deployable civilian workforce, to reduce the risk to deployed civilian staff and to ensure MOD is meeting its duty of care to those deployed".

725. S2O was designed as a "single portal" for all deployed civil servants and visitors to operations, to ensure they had been adequately trained, were medically fit and had the appropriate equipment before deployment.[467]

726. The MOD told the Inquiry that S2O oversaw both pre- and post-deployment processes, with much emphasis on the support to families.[468]

727. Mr Martin Howard, MOD Director General Operational Policy, visited Basra and Baghdad from 17 to 20 January 2007.[469] He reported to Vice Admiral Charles Style, DCDS(C), that the MOD POLAD team in Basra and the MOD training team in Baghdad were in "good spirits" and found their roles challenging and interesting, but felt that:

- pre-deployment training and briefing were not adequate;
- their accommodation and support package was not comparable to that received by FCO and DFID staff;
- succession planning was not adequate; and

---

[466] Paper Support to Operations, 23 November 2007, 'Project Management Plan'.
[467] Minute [unattributed] to PS/PUS [MOD], 4 December 2007, 'TELIC Visit – Support to Operations Brief'.
[468] Paper [unattributed and undated], 'MOD Operational Deployment Frameworks for MOD Civilians for the period 2003-2009'.
[469] Minute DG OP POL/IRAQ to DCDS(C), 26 January 2007, 'DG OP POL's Iraq Visit Report'.

- they were not valued on return and did not get enough assistance finding a new position.

728. Mr Howard undertook to write to PJHQ about those issues.

729. The Inquiry has not seen any further material addressing those issues.

730. Participants at the civilian outreach event described the setting up of the S2O programme as a significant turning point for the MOD, rectifying problems with the previous system under which there had been no centralised unit for managing MOD civilian deployments.

731. Those deployed during the CPA period characterised training and the issuing of personal security equipment as ad hoc, with practice varying between departments. Several mentioned that military body armour was too big and heavy for people not used to it, and compared it unfavourably with the lighter armour issued to the media and some US civilians.

732. Participants who served in Iraq between 2004 and 2007 described pre-posting arrangements as ad hoc and haphazard. The MOD was felt to have performed better than the FCO, particularly after the creation of S2O in 2006. FCO participants were particularly critical of FCO workforce planning, including line managers' responsibility for recruiting their own staff, which did not work well when they were in theatre.

733. Participants at the outreach event who had been in Iraq between 2007 and 2009 saw no consistency in the pre-deployment preparation offered by different departments, but commented that there had been improvements to the security course at Chilwell.

734. Living conditions for personnel seconded to ORHA in April and May 2003 were difficult. Maj Gen Cross told the Inquiry:

> "The reality was the living conditions [for ORHA personnel] were pretty atrocious, and although somebody like myself who had done a number of operations was relatively comfortable, for a lot of people just surviving was pretty hard work."[470]

735. As early as June 2003, concerns emerged that civilian personnel deployed to Iraq were not prepared for the conditions they would encounter.

736. A DFID contractor seconded to CPA(South) asked the DFID Iraq Directorate to inform new consultants of the conditions in Basra, in particular the challenges of the working environment, climate and conditions.[471] One consultant had serious health issues and no medical insurance.

737. The PJHQ recruitment notice for civilian postings to Iraq published in July 2005 stated that applicants would need to be "fit and healthy, often to a higher standard than

---

[470] Public hearing, 7 December 2009, page 50.
[471] Email [DFID contractor] to DFID [junior official], 14 June 2003, 'Secondments to CPA S'.

would be needed for a sedentary job in the UK … Unfortunately individuals with Type 1 or Type 2 diabetes … and individuals who have severe allergies cannot be deployed."[472]

738. The November 2005 version of the FCO terms and conditions for postings to Iraq advised that the FCO had contracted a private company, Frontier Medical, to provide primary health care services at posts in Iraq.[473] Secondary care was managed by International SOS using the 24-hour FCO Healthline. Close protection personnel were all first aid trained.

739. The terms and conditions stated: "The onus is on you to behave responsibly whilst at post with regard to your own health, in order to make sure you are as fit as possible at all times." Failure to act on the advice of the OSM, security personnel or Frontier Medical would be dealt with in a "firm manner".

740. On 16 February 2006, the FCO Human Resources Directorate (HRD) reviewed procedures for hostile environment training and medical clearance in response to "concerns that some FCO personnel on posting to, or visiting, Iraq are not capable of meeting the physical requirements".[474] Officials agreed a number of procedural changes, including new requirements that:

- the FCO Medical Examiner would confirm whether an officer was fit to go to Iraq before, not after, the posting board made the appointment; and
- hostile environment course instructors would comment on whether an officer was fit to deploy.

741. On 26 February, Mr Robert Gibson, Deputy Head of Mission at the British Embassy Baghdad, expressed concern about civilian staff already at post: "We judge subjectively that their fitness levels are low and their lack of speedy mobility might pose a danger to themselves and others."[475]

742. In June 2006, as part of its review of the security of staff and missions in Iraq, the IPU updated Sir Michael Jay on the measures in place to assess the health of FCO staff before, during and after deployment to Iraq:

- All potential applicants were required to complete a pre-posting fitness questionnaire. Their applications would not be processed until occupational health doctors had confirmed applicants' suitability.
- Successful applicants were required to attend hostile environment training. If the course organisers had concerns about an individual's ability to cope with "extreme conditions", the posting could be cancelled.

---

[472] Paper PJHQ, July 2005, 'Defence Instructions and Notices: PI 70-05: Short Operational Tours (SOTs) – Appointments on Behalf of Chief of Joint Operations (CJO)'.
[473] Paper [unattributed], 25 November 2005, 'Terms and Conditions: Temporary Duties to Iraq'.
[474] Minute IPU [junior official], 16 February 2006, 'Iraq Hostile Environment Training & Medical Clearance: Record of the Meeting Held on 16 February 2006'.
[475] Email Gibson to [FCO junior official], 26 February 2006, 'Staff: fitness levels'.

- "[H]ealth surveillance" was carried out on arrival in Iraq and at quarterly intervals "in liaison with Frontier Medical, Capita and HRD".
- Three months after completion of the tour, Capita interviewed the officer to assess the impact of the posting.[476]

743. The IPU explained that pre-posting procedures were "rigorously followed" for FCO staff, but it had been "unable to confirm this to be the case … for other government departments". There had been a few cases where individuals the FCO would not consider medically fit to serve in Iraq had arrived at post or medical teams had identified their medical problems at post at the last minute.

744. The IPU advised that the FCO did not have the resources to carry out medical screening and hostile environment training for all government staff deployed to Iraq. Instead it would:

> "… write to those departments and contractors most concerned, setting out our procedures and recommend that they either institute something similar or ensure their staff sit the Offshore Operators Association Medical. This is a rigorous medical required for staff working on oil rigs …"

745. In June 2006, a member of the FCO HR Directorate briefed two Frontier Medical staff in Basra on the FCO's process for pre-posting medical clearance.[477] During the discussion, it emerged that concerns persisted about the fitness of some contractors working for the FCO and other departments. The Frontier Medical staff also suggested that non-FCO personnel should have to pass a medical similar to that required for FCO staff as a condition of employment in Iraq. The FCO Iraq Directorate was reported to be pursuing the issue.

746. In July 2006, DFID officials explained to Mr Benn that, although DFID staff were covered by FCO procedures in most areas, that was not the case for pre-deployment procedures.[478] In the light of FCO concerns about the physical fitness of some DFID contractors, DFID had taken a number of steps, in consultation with the FCO, to tighten up pre-deployment medical fitness clearance and hostile environment training, including:

- asking staff to complete the FCO-led fitness pre-assessment form for postings to Iraq;
- discussing with the firms recruiting contractors the possibility of all staff undergoing a pre-assignment medical with a specialist organisation, rather than obtaining medical clearance from their GP;

---

[476] Minute IPU [junior official] to PS/PUS [FCO], 30 June 2006, 'Iraq: Review of Security' attaching Paper Iraq Policy Unit, June 2006, 'Review of Security of Staff and Missions in Iraq'.
[477] Minute [FCO junior official] to Asquith, 4 July 2006, 'Visit by HR Manager to Basra 14-19 June 2006'.
[478] Minute MENAD [junior official] to PS/Secretary of State [DFID], 14 July 2006, 'Information Note: Security Update – Iraq' attaching Paper, 'DFID planned improvements to pre-deployment procedures July 2006'.

- considering the possibility of introducing additional psychological assessments;
- making available a number of counsellors with security clearance; and
- improving Iraq-specific hostile environment training to include a fitness assessment.

747. In November, a representative of Frontier Medical in Iraq responded to concerns expressed by a junior official in DFID about medical fitness requirements.[479] He reported that: "Despite our frequent requests the FCO has still not clarified any set criteria for medical fitness for deployment to this theatre." In contrast, DFID had "instigated quite strict medical assessments prior to deployment … undertaken by an independent company, who have so far proved to be excellent".

748. Departments also provided psychological support to civilians deployed to Iraq.

749. On 5 March 2004, Mr Philip Parham, Head of the FCO Iraq Operations Unit (IOU), sent Sir Michael Jay a contingency plan for the FCO's response in the event of an attack that incapacitated the senior UK leadership in Baghdad or resulted in the death or injury of five or more UK civilian staff in Iraq.[480] The plan built on existing FCO procedures. Objectives included:

"
- ensure that all civilian staff in Iraq are promptly informed of what has happened, what remedial action is being taken, and what services and options are available to them;
- assess the attack's psychological impact on staff and advise whether staff should remain or be withdrawn."

750. The October 2004 version of the FCO pre-deployment briefing pack for staff from all departments and contractors referred to the availability of a trauma risk management (TRiM) interview for those exposed to "specific events".[481] The briefing also listed the range of medical and counselling services available, some of them 24 hours a day, and gave contact details for the information network set up "to inform and support" the relatives and friends of people serving in Iraq.

751. During the drawdown from the Basra Palace site in October 2006, the FCO confirmed that TRiM assessment was open to staff from other departments and contractors.[482]

---

[479] Email [Frontier Medical] to [DFID junior official], 30 November 2006, 'Medical Fitness Requirements for Baghdad'.
[480] Minute Parham to PS/PUS, 5 March 2004, 'Iraq – Contingency Plan'.
[481] Paper Foreign and Commonwealth Office, 25 October 2004, 'Iraq Pre-Deployment Brief'.
[482] Email Middle East and North Africa Department [junior official] to Anderson, 27 October 2006, 'Basra drawdown'.

752. At the same time, DFID introduced its own counselling service for civilians returning from fragile states.[483]

753. DFID officials recommended that service in November when approached by consultancy firms asking what counselling or debriefing was available to staff recently withdrawn from the Basra Palace site.[484]

754. Details of the new service were sent to DFID staff in London and Iraq on 28 November.[485] Staff would be expected to attend debriefing counselling sessions as part of existing security and medical procedures, in order to complement pre-deployment medical clearance and the facilities provided in Iraq by Frontier Medical.

755. DFID's Procurement Group agreed that the service should be made available to contractors on an exceptional basis, reflecting the particular conditions in Iraq, and should not set a precedent for other countries.[486]

756. Participants at the Inquiry's civilian outreach event commented on the range of security and welfare support offered by different departments before, during and after deployment.

757. Non-MOD participants who had served in Iraq between mid-2004 and mid-2007 reported that support in Iraq was poor. Staff were not briefed on what to expect psychologically and there was criticism of the fact that Deputy Heads of Mission were not trained as TRiM assessors or taught actively to look for stress warning signs in their staff. Non-MOD staff had to take the initiative to find support if they needed it. Participants also commented that there seemed to be no structured post-deployment follow-up, although there was some suggestion that the FCO support had improved by the first half of 2007.

758. Participants also commented on the serious damage caused to staff morale when senior staff without the right interpersonal skills were deployed to Iraq. FCO staff suggested that the "can do" approach of FCO senior management limited its ability to recognise when tasks might be impossible and to provide appropriate support to staff.

759. Dr Nemat Shafik, DFID Permanent Secretary from March 2008 to March 2011, told the Inquiry:

> "When we select people for these postings, we do look at … their personal qualities and their emotional resilience, and they do get pre-deployment training and a bit

---

[483] Email [DFID junior official] to [DFID junior official], 2 November 2006, 'Welfare – Basra – DFID Consultants'.
[484] Email [DFID junior official] to [PA Consultants], 6 November 2006, 'Counselling services for DFID Basra Enterplan consultants'.
[485] Email [DFID junior official] to Iraq Programme Team London, 28 November 2006, 'New procedures & services – Staff Welfare – Iraq'.
[486] Email [DFID junior official] to Baugh, 5 June 2007, 'Welfare arrangements for consultants – Cost management'.

of psychological profiling, to see if they have the tenacity and resilience to be able to work in such tough environments.

"We also make sure to support them when they are there. So – particularly after security incidents, we make sure that our welfare people and our counselling services are available to them to deal with any concerns that they have, but it is providing emotional support."[487]

760. Civil servants deployed to Iraq were covered for death and injury by the provisions of the Civil Service Pension Scheme.[488]

761. In June 2003, Treasury Solicitors advised DFID that its duty of care in Iraq did not extend to "the provision of personal accident insurance against special risks arising out of postings or travel overseas or, for that matter, advising employees to obtain appropriate insurance cover".[489]

762. In October 2003, COBR commissioned an FCO-led review of training, security and insurance for UK civilians serving in Iraq to "ensure that there is consistency across all government departments seconding staff and consultants".[490]

763. On 11 November, Sir Michael Jay reported to Permanent Secretaries and the heads of other organisations with personnel serving in Iraq that the review had found "no material gaps or inconsistencies" between departments, except in the case of insurance, where there was a difference between arrangements for MOD civilians and other civil servants.[491]

764. Sir Michael enclosed a paper summarising the death and injury provisions of the Civil Service Pension Scheme and the advice on life insurance offered to secondees by the FCO, the MOD and DFID. The paper explained that the FCO advised secondees from the FCO and other government departments (excluding DFID and the MOD) to check whether their life insurance policies covered death in Iraq. If insurers required an extra premium to provide cover under an existing policy, the FCO would cover that cost for maximum life cover of four times the officer's salary. If insurers were unwilling to provide cover, the FCO recommended taking out a new policy, on which the Iraq Directorate could offer advice. As long as the policy had a term of at least 10 years, the FCO would cover the costs on the same terms as for those paying extra premiums for existing policies.

765. The paper stated that DFID offered its staff the same support.

---

[487] Public hearing, 13 January 2010, page 30.
[488] Letter Jay to Chakrabarti, 11 November 2003, 'Security of UK Civilian Secondees in Iraq' attaching Paper, 'Iraq: Civilian Staff: Training, Briefing, Security and Insurance'.
[489] Letter Treasury Solicitors [junior official] to Department for International Development [junior official], 25 June 2004, 'Duty of care to staff in Iraq'.
[490] Minute OD Secretariat to Sheinwald, 28 October 2003, 'Iraq: Review of Security Arrangements for UK Staff'.
[491] Letter Jay to Chakrabarti, 11 November 2003, 'Security of UK Civilian Secondees in Iraq' attaching Paper, 'Iraq: Civilian Staff: Training, Briefing, Security and Insurance'.

766. The MOD provided additional cover. If an insurer rejected a claim on a secondee's life policy solely because the secondee was deployed to Iraq or travelling in an MOD aircraft, the MOD would pay the beneficiaries whatever sum they would otherwise have received from the insurer. The MOD would indemnify a secondee injured in Iraq on the same basis, but to a maximum of £50,000. Those indemnities were standard terms of MOD deployment to operational areas and not Iraq-specific.

767. The paper listed two discrepancies not mentioned in Sir Michael Jay's covering letter:

- DFID alone had encouraged staff to increase death benefit by making additional voluntary contributions to the Civil Service Pension Scheme.
- FCO and DFID contracts required contractors to take out personal accident and travel insurance before deployment. The full cost was reimbursed by the FCO and DFID up to a maximum death benefit of £300,000 (FCO) or £250,000 (DFID).

768. In May 2004, DFID reviewed insurance provisions for its staff working in or visiting dangerous locations.[492] The absence of adequate provision was said to be discouraging some existing staff from continuing to contribute to reconstruction in Iraq and Afghanistan. Financial incentives were not thought to be an issue.

769. The review stated:

> "Ministry of Defence research suggests that there is no significantly greater risk of death for service personnel embarking on operational deployment to dangerous locations compared to working in the UK. Our own discussions with the Government Actuary Department and the Office of National Statistics suggest that the probability of death or injury in Iraq or Afghanistan is too random to predict."

770. DFID officials believed that there was a limited and, arguably, small additional risk of death and injury. DFID staff were generally "less exposed to the same risks as service personnel in Iraq/Afghanistan". In line with its duty of care obligations, DFID had taken all reasonable steps to protect staff:

> "However, in the prevailing circumstances in Iraq and Afghanistan, it is understandable that staff have reviewed their insurance cover … And insurance companies have responded to the increased perception of a higher risk of death and injury … by substantially increasing premiums …"

[492] Minute MacDonald to PS/Suma Chakrabarti, 13 May 2004, 'Insurance for DFID Personnel Working [in] or Visiting Dangerous Locations, Particularly Iraq and Afghanistan'.

771. The arguments for DFID providing additional cover were:

- to respond to "a partly irrational, but understandable, fear amongst our staff": if DFID did not give them what they wanted, they would not go; and
- to allow for the difficulties and/or expense they faced in getting additional cover.

772. DFID officials discussed options with FCO and MOD counterparts and with the Treasury. Among the changes proposed was the introduction of the MOD policy of indemnifying secondees where an insurer rejected a claim. The FCO was reported to be considering the same options, but had put a decision on hold while it waited for the outcome of consideration by the Criminal Injuries Compensation Board of a compensation payment for two employees killed in the bombing of the British Consulate General in Istanbul in 2003.

773. The Treasury approved the DFID proposals, but urged officials to continue discussions with the FCO and MOD "in the interests of joined-up government".

774. Revised DFID provisions, including indemnity cover to a maximum of £300,000, were incorporated into the DFID terms and conditions for long-term assignments in Iraq published in November 2004.[493]

775. Participants at the civilian outreach event described a striking and persistent diversity of security and welfare support provided by different departments.

776. On 22 December 2006, Mr Bill Jeffrey, MOD PUS, sent Sir Peter Ricketts and Mr Chakrabarti an MOD study on the deployment of civil servants in operational theatres.[494] The letter was also sent to Sir Gus O'Donnell, the Cabinet Secretary.

777. Mr Jeffrey reported that the study had looked in particular at co-ordination between different departments, their security advisers and providers. It had become apparent that:

> "… there were different practices in different locations, both within and between departments … but there must be scope for identifying and spreading best practice. For example, it may be useful for all to see the results of the risk assessment which the MOD has undertaken for each of the roles in which our civilian staff deploy."

778. The paper recommended sharing best practice and taking advantage of economies of scale on pre-deployment training.

---

[493] Paper DFID, 1 November 2004, 'Working for DFID: Guide to Overseas Terms and Conditions for Long-term Assignments in Iraq'.
[494] Letter Jeffrey to Ricketts, 22 December 2006, 'Deployment of Civil Servants in Operational Theatres' attaching Paper S2O, 30 November 2006, 'A Report on Safety & Security of MOD Civil Servants on Operations'.

779. Mr Jeffrey explained that the paper proposed "a formal standing cross-Government group" on security and reported that he had agreed to create a new Directorate of Operational Deployment Capability in PJHQ to provide a single focus within the MOD.

780. Mr Jeffrey visited Iraq with Sir Peter Ricketts and Ms Susan Wardell, DFID Director General Operations, from 4 to 7 December 2007.

781. Mr Jeffrey's briefing included a paper from Mr Jon Day, MOD Director General Operational Policy, about the use of MOD civilians in operational theatres.[495] Mr Day expressed concern about "whether we are right to continue the current course in high risk environments such as Iraq and (increasingly) Afghanistan". Concerns about security had led the FCO to spend £37 million per annum on close protection for their "relatively small number" of staff in Iraq. The security threat had also:

> "… introduced a risk averse culture which is preventing MOD civilians embedded in the Embassy and working in the Iraqi MOD from doing their jobs effectively – to such an extent that I am increasingly inclined to start pulling them out.
>
> "… [T]he growing difficulty we are having in filling posts suggests that some – many – will not be as suitable as we would wish. I am not at all sure that all of the civilians I met in Iraq would pass the new S2O fitness and health tests …"

782. Mr Jeffrey described much of what was being done by MOD civilians in Iraq as "a legacy of the more benign environments of the Balkans and post-TELIC 1 euphoria". Nobody appeared to be auditing the roles filled by civilians against the much more hostile conditions that had prevailed until recently in Iraq. Mr Jeffrey cited the example of civilian finance staff, whose roles could be taken by appropriately trained service personnel. The MOD should minimise the number of non-essential civilian posts in operational theatres. A small number of posts would have to be filled by civilians – POLADs and perhaps scientific and contracts staff – but the right people would not volunteer "simply for the money". The MOD should "listen to what the current generation say will continue to motivate them".

783. Mr Jeffrey advised discussing a coherent and sustainable approach to duty of care with the FCO, observing that "at present we are less risk aware than the FCO in Iraq but more risk aware in Afghanistan!".

784. Mr Benn told the Inquiry:

> *"*… you need to have a common approach for everybody, not a difference between departments and that includes a responsibility of the duty of care you have for consultants and contractors whom you have asked to come and work".[496]

---

[495] Minute DG Op Pol to 2nd PUS [MOD], 9 November 2007, 'MOD Civilians in Operational Theatres'.
[496] Public hearing, 2 February 2010, pages 43-44.

785. The Inquiry received conflicting evidence about whether those differences had been resolved.

786. Dr Shafik told the Inquiry:

> "Peter Ricketts, the Permanent Secretary of the Foreign Office, and Bill Jeffrey, the Permanent Secretary at the Ministry of Defence, and I, had a series of conversations about this over 2008 and we worked very hard to see whether we could develop a common duty of care regime for all civilians, and the security teams, particularly in the MoD and the FCO, worked very hard on this, and I'm sure they could give you more detail, but in the end of that process, we realised that our civilians are doing such different things that it didn't make sense to have identical regimes."[497]

787. Mr Bowen told the Inquiry:

> "Duty of care was a problem, but it was a problem actually that was gripped, or we tried to grip it at a very senior level. Permanent secretaries were engaged in this, and tried to resolve issues."[498]

788. Sir Suma Chakrabarti identified two key lessons about duty of care:

> "One is about unifying tour lengths, and the other is about trying to unify terms and conditions around staff security and duty of care. The latter has happened. So FCO and DFID have the same standards."[499]

789. Sir Gus O'Donnell told the Inquiry that, after a trip to Helmand Province in Afghanistan with the FCO and MOD PUSs, he said to one of them: "One of the issues we really need to sort out here is terms and conditions for people sent abroad and duty of care issues."[500] Sir Gus concluded that terms and conditions were "not completely harmonised". The process was "not finished yet, but I think it has made a lot of progress".

790. In additional evidence to the Inquiry, Sir Gus O'Donnell stated:

> "The FCO and MOD use different systems of risk assessment and management, reflecting the different roles, purposes, and levels of training for their personnel when deployed to high threat environments (DFID follow FCO arrangements). In all locations, security arrangements for military and civilian personnel are determined according to the threats present, and assessed on a case by case basis. There is no "standard" or "standards" of duty of care as the practical discharge of duty of care is case and context specific.

---

[497] Public hearing, 13 January 2011, page 35.
[498] Public hearing, 16 December 2009, page 76.
[499] Public hearing, 22 January 2010, page 36.
[500] Public hearing, 28 January 2011, page 85.

"The Building Stability Overseas (BSO) Board, made up of MOD, DFID and FCO Directors (including the previous Stabilisation Unit Board) oversees ongoing discussions between departments on duty of care, seeking to provide the best possible security arrangements for delivering coherent HMG effect and exploring opportunities for greater flexibility where circumstances allow …

"However there do remain key differences between the FCO and MOD practices. In Afghanistan, FCO civilians use close protection bodyguards, while MOD civilians rely on military protection. Pay and allowances, duration of postings, R&R arrangements as well as compensation and insurance arrangements vary across all departments, often reflecting differing roles of personnel. As noted earlier, in all locations, security arrangements are determined according to the threats present, and assessed on a case by case basis."[501]

The Iraq Reconstruction Service Medal

791. In May 2004, Mr David Blunkett, the Home Secretary, wrote to Mr Straw as Chair of the AHMGIR to propose that UK police officers and other civilians seconded to Iraq should be eligible for the Iraq campaign medal or a civilian equivalent.[502] Home Office officials had advised the police that UK police officers seconded to Iraq might be eligible for the Iraq Campaign Medal, but had since been advised by the Cabinet Office Ceremonial Secretariat that it was a military medal for which police officers were not eligible. Mr Blunkett suggested that would have been a reasonable position were the campaign medal awarded solely to members of the Armed Forces, but civilians serving directly with the Armed Forces in support of Op TELIC were also eligible. It was "abundantly clear that our civilians in Iraq run risks to their own lives often comparable to those faced by the military, and certainly probably [sic] greater than in civilian deployments almost anywhere in the world".

792. Mr Blunkett warned that the repercussions for the police, who had been given to understand that they were eligible, "could be very serious". He recommended that the eligibility criteria be changed or a new medal created.

793. Mr Straw commended Mr Blunkett's letter to Mr Douglas Alexander, Minister for the Cabinet Office, and sent it to Mr Blair. Mr Straw stated: "I believe that the recognition of all personnel serving directly in support of government policy in Iraq, whether serving in Jordan or Iraq, should be appropriately rewarded."[503]

794. Sir Andrew Turnbull put three options to Mr Blair:

- extending the Iraq campaign medal to include other civilians, which was not supported by the military;

---

[501] Letter O'Donnell to Aldred, [undated], 'Iraq Inquiry' attaching Paper Cabinet Office, 7 March 2011, 'Iraq: Inquiry further questions for the Cabinet Secretary'.
[502] Letter Blunkett to Straw, 17 May 2004, [untitled].
[503] Letter Straw to Alexander, 8 June 2004, 'Honouring Service in Iraq'.

- a new medal to recognise civilian service in Iraq, which would create pressure for a series of other medals, including for past campaigns; and
- use of the Humanitarian Service Medal, approved in principle by the Queen in 1999, which could provide appropriate means for rewarding civilian service in Iraq and have longer-term application.[504]

795. Mr Benn supported the idea of a separate civilian medal.[505] He also requested either greater flexibility in the allocation of honours to DFID, which, he said, only received a small number, or an additional special list for Iraq.

796. Mr Hoon told Mr Blair that he had "no difficulty with marking the contribution made by civilians abroad", but could not support use of the military campaign medal.[506] He recommended an urgent review by the Cabinet Office Honours and Decorations Committee of ways to provide wider recognition of civilian service "appropriate to the fast moving situations in which we are increasingly likely to find ourselves".

797. Mr Blair asked the FCO to seek approval from the Queen for a special civilian medal for Iraq and endorsed Mr Hoon's separate proposal for a wider review.[507]

798. Mr Blair announced the Queen's approval of the new medal in Parliament on 30 June:

> "We should pay tribute … to the many British public servants, policemen and women and volunteers, so ably led by David Richmond, the UK Special Representative, who played a crucial role in helping the Iraqi people to rebuild their lives under difficult and stressful conditions. Her Majesty the Queen has graciously agreed that their extraordinary contribution should be recognised with the award of a special civilian medal."[508]

799. FCO officials explained to Sir Michael Jay in July 2004 that eligibility criteria, periods of qualifying service and details of the medal design were still to be worked out.[509] Late October 2004 was suggested as a possible date for a further public announcement, because of the "not inconsiderable work required to produce the Civilian Iraq Medal from scratch".

800. The first set of eligibility criteria proposed by the FCO Iraq Directorate in January 2005 excluded locally engaged staff and sub-contractors not directly employed by the UK Government.[510]

---

[504] Minute Turnbull to Prime Minister, 11 June 2004, 'Recognition for Service in Iraq'.
[505] Letter Benn to Alexander, 16 June 2004, [untitled].
[506] Letter Hoon to Blair, 17 June 2004, 'Recognising Non-military Service in Iraq'.
[507] Letter Quarrey to Owen, 21 June 2004, 'Recognition For Civilian Service in Iraq'.
[508] House of Commons, *Official Report,* 30 June 2004, column 285.
[509] Minute Protocol [junior official] to APS/PUS [FCO], 12 July 2004, 'Iraq: Special Honours List and Special Civilian Medal'.
[510] Minute Iraq Directorate [junior official] to PS [FCO], 18 January 2005, 'Iraq Civilian Medal'.

801. Sub-contractors, who included guards employed by Control Risks Group and ArmorGroup, were excluded on the grounds that the numbers involved would "very significantly increase production costs" and "risk devaluing the medal". The Iraq Directorate also observed that most sub-contractors "already receive considerable financial reward for their efforts".

802. The proposal also excluded UK police officers employed at the Jordan International Police Training Centre. While recognising that the police officers who set up the centre had volunteered for service in Iraq, were expecting to be deployed there, and worked, initially, in physically difficult conditions, the Iraq Directorate advised that service in Iraq had carried an entirely different level of risk.

803. A revised proposal, including sub-contractors, was put to Mr Straw in February.[511] Officials advised that:

> "Although these guards are well paid for their work, we believe that the risks that they undertake merit their inclusion. They are an essential part of our operation. Posts argue strongly that to exclude them would damage morale and create divisions."

804. Mr Straw was "generally content" with the proposal, but asked whether a "blanket exception" for LE staff was fair.[512]

805. The paper prepared by the FCO for the Cabinet Office in July 2005 included sub-contractors, but not LE staff.[513]

806. The FCO paper listed the "risks and rigours" facing civilians who had served in Iraq since 2003:

> "**RISKS**
>
> - Overall a high risk to personnel both on and off duty.
> - High risk of rocket and mortar attack on all civilians, both in office and staff accommodation.
> - High risk of attack by IED (improvised explosive devices), VBIED (vehicle borne improvised explosive devices) and suicide car bombers, when travelling in official transport on the ground.
> - High risk of attack by individual suicide vest bombers.
> - High risk of attack from surface to air weapons when travelling in either RAF or Army helicopter flights.
> - High risk of kidnapping.

---

[511] Minute Iraq Directorate [junior official] to PS [FCO], 16 February 2005, 'Iraq Civilian Medal'.
[512] Manuscript comment Siddiq to Crompton, 24 February 2005, on Minute Iraq Directorate [junior official] to PS [FCO], 16 February 2005, 'Iraq Civilian Medal'.
[513] Paper FCO, July 2005, 'Memorandum by the Foreign and Commonwealth Office: Iraq Civilian Medal'.

- High risk of injury/fatality from becoming involved in civil disturbances or violent attacks, including muggings.
- High risk of contraction of endemic diseases. Extensive range of inoculations required. Malaria prophylaxis required in many areas (mosquitoes present throughout Iraq).

RIGOUR

- Basic infrastructure lacking, damaged or in disrepair.
- Personnel required constantly to live and work in an extremely hostile and dangerous environment.
- Constant requirement to carry or wear heavy, restrictive and uncomfortable body armour and helmet.
- Personnel required to work and live in hardship conditions, (until recently in Basra, but still in Baghdad: shared accommodation and communal washing/ toilet facilities) in unsocial circumstances, with very limited amenities and near non-existent social facilities.
- Severe restrictions on movement. All movements outside secure area are in armoured vehicles with armed Close Protection Teams.
- Hostile climate, with high temperatures sometimes in excess of 50 degrees Celsius in the summer. Frequent sandstorms, which further impede movement of personnel."

807. The FCO estimated that the number eligible, which was likely to increase as new personnel were deployed, was approximately:

- 550 civilian public servants;
- 60 contractors not involved in the provision of security, mostly employed by the FCO and DFID;
- 850 security-related contractors; and
- 80 police officers.

808. The Ceremonial Secretariat of the Cabinet Office and the MOD raised questions about the absence of any reference to NGOs and aid or charity workers.[514]

809. In December 2005, FCO officials advised Ministers that the award, now referred to as the Iraq Reconstruction Service Medal (IRSM), should not be given to aid workers and NGO personnel on the grounds that it could compromise their independence and have a negative impact on their security. NGOs and aid organisations working in Baghdad would be encouraged to consider nominating individuals for the six-monthly honours lists.

---

[514] Minute Iraq Directorate [junior official] to PS [FCO], 15 December 2005, 'Iraq Reconstruction Service Medal (IRSM)'.

810. Officials also recommended that LE staff employed at the British Embassy Baghdad and British Embassy Offices Basra and Kirkuk since May 2003 should receive a certificate commending each individual's contribution to the reconstruction of Iraq.

811. Mr Benn recommended that, before Ministers took a final decision, the main NGOs should be contacted to confirm that they did not want their personnel to receive the award.[515] That consultation process, which was carried out by DFID and took several months, reaffirmed the FCO's advice that individuals working for NGOs should not be eligible.

812. Dr Howells approved the FCO's eligibility criteria for the IRSM on 19 May 2006.[516]

813. In April 2006, with the details of the medal still not agreed, Acting ACC Barton, Chief Police Adviser – Iraq (CPA-I), reported that awards to UK police officers serving in Iraq remained a "bone of contention".[517] Several staff had commented that police officers and FCO staff did not receive the Op TELIC campaign medal. ACC Barton proposed to award every member of staff who served three months in Iraq a Contingent Commander's Certificate of Merit. Commendations would be reserved for outstanding commitment or acts beyond the call of duty. Serving officers would also receive a letter to their Chief Constable. Retired officers would be sent a testimonial letter.

814. The Cabinet Office submitted the July 2005 FCO paper to the Committee on the Grant of Honours, Decorations and Medals in August 2006, after the negotiation of a number of amendments.[518]

815. The Secretary to the Committee explained in a covering note that:

> "No civilian medal has ever been awarded for civilian service in a war zone. It is therefore important that this case is considered carefully. It is essential that members of the military who have been awarded the military medal should not feel that they are disadvantaged by the application of less rigorous standards to a parallel medal for civilians and members of the military in non-operational roles.
>
> "The situation in Iraq has been unprecedented in terms of the number of civilians who have been involved in reconstruction and the transition to democracy …
>
> "These civilians have volunteered for this work. The work has been generally well-rewarded financially. A concern of the MOD is the fact that the military have been haemorrhaging personnel who leave the forces to become highly paid security contractors in Iraq. There is some discomfort over the prospect of these people becoming eligible for a medal on the same basis as their former colleagues."

---

[515] Minute Iraq Directorate [junior official] to PS/Dr Howells, 17 May 2006, 'Iraq Reconstruction Service Medal (IRSM)'.
[516] Manuscript comment [Dr Howells' Private Office] on Minute Drake to PS/Dr Howells, 19 May 2006, 'Iraq Reconstruction Service Medal (IRSM)'.
[517] Report Barton, 20 April 2006, 'Situational Review of the United Kingdom Civilian Police Mission in Iraq'.
[518] Paper Ceremonial Secretariat [junior official], 9 August 2006, 'Iraq Reconstruction Service Medal'.

816. The IRSM was introduced in January 2007.[519] It was decommissioned in 2013.[520]

817. The FCO told the Inquiry that "around 4,100" medals were awarded.[521]

818. A small number of recipients criticised the administration of the medal.

819. In June 2008, Sir Peter Ricketts received an email from a recipient of the IRSM, who believed that the medal's value as a good way of honouring those who served in Iraq had been "somewhat diminished by the manner in which it is administered".[522] The individual recognised that work was in hand in the FCO to improve administration of the medal, but criticised the fact that individuals had to fill out an application form, received the medal in a Jiffy bag, and that there was no presentation ceremony.

820. Sir Peter commented to the IOU: "I don't want any medals sent in Jiffy bags unless staff specifically ask for that."[523]

821. In his reply to the original email, Sir Peter explained that the application form provided the FCO with important documentation for auditing purposes.[524] Presentation of the medal was complicated by the need to balance the wishes of those who wanted to receive theirs quickly, without great ceremony, and those preferring to wait for a more formal ceremony, at post or in London. Dr Howells and Sir Peter had hosted a reception for London-based recipients of the first batch of medals in 2007. A second reception was planned for later in 2008.

822. There were some critical comments about the medal from participants at the Inquiry's civilian outreach event, including that it had been sent in a rolled up brown envelope, addressed to "Dear Colleague" and not even signed by the Permanent Secretary. One participant had refused to accept a medal on the grounds that the qualification was simply to have been in Iraq for a minimum period.

Locally engaged staff

823. UK government departments and the UK military employed Iraqi citizens in various capacities from 2003 onwards, including as supervisors of reconstruction projects, interpreters and office staff.

824. As security deteriorated and the mobility of UK personnel became increasingly constrained, locally engaged (LE) staff and contractors became critically important to the UK reconstruction effort.

---

[519] Foreign & Commonwealth Office, *The Iraq Reconstruction Service Medal*, January 2007, Cm 7000.
[520] Foreign & Commonwealth Office [from *GOV.UK*], 1 July 2013, *Iraq Reconstruction Service Medal to be decommissioned*.
[521] Email FCO to Iraq Inquiry, 15 March 2016, 'Iraq Reconstruction Service Medal'.
[522] Email FCO [junior official] to Ricketts, 4 June 2008, 'Iraq Reconstruction Medal'.
[523] Email FCO [junior official] to FCO [junior official], 13 June 2008, 'Iraq Reconstruction Medal'.
[524] Email FCO [junior official] to FCO [junior official], 17 June 2008, 'Iraq Reconstruction Medal'.

825. Concern about the safety of LE staff emerged in September 2003.[525]

826. On 18 September, during a visit to Baghdad, Mr Benn was told by UK secondees to the CPA that "there was increased nervousness amongst Iraqi staff about doing their jobs. Daily lives were difficult and the UN bombing [on 19 August 2003] had increased these tensions."[526]

827. Mr Dinham told the Inquiry that, during 2006 and 2007, access to a number of infrastructure projects was so difficult that "we had to arrange to work through local contractors … taking videos, taking digital images, contacting us by email, meeting them in safe locations so we could actually supervise at one remove".[527]

828. Sir Suma Chakrabarti paid tribute to the bravery of local staff:

> "Some quite innovative project management techniques had to be applied when staff could not get out of the Consul General's office to go and monitor progress on some of the infrastructure programmes. I have to say something about the courage of our Iraqi staff, actually, in helping with a lot of that until they also faced threats as well and then we had to stop employing them."[528]

829. On 20 April 2006, Mr Robin Lamb, British Consul General in Basra, reported that law and order in Basra had deteriorated over the preceding few weeks and that:

> "Most of our critical local staff (ie those who interpret or conduct external business for us) now consider it too dangerous to come into work …
>
> "We are taking steps to manage LE staff's perceptions. We judge that the risk to them is probably lower than they believe, and we have designed ways of working to lower their exposure (flexible patterns, shifts, rotations). But it is hard to argue with the facts on the ground. Murders have spiked in the last three weeks and there is evidence that interpreters associated with MND(SE) and the wider Coalition have been targeted.
>
> …
>
> "We judge that local staff will feel safe to return to work when the Council boycott [see Section 9.4] is lifted … Local staff tell us that they think it will be easier for them once relations with the Council are restored …
>
> "DFID see their situation slightly differently … Although two of DFID's local partners have been threatened, the risks to them are not as great as to our permanent local

---

[525] Minute [DFID junior official] to Drummond, 25 September 2003, 'Hilary Benn's Meeting with UK Secondees to CPA-HQ in Baghdad, 18 September'.
[526] Minute [DFID junior official] to Drummond, 25 September 2003, 'Hilary Benn's Meeting with UK Secondees to CPA-HQ in Baghdad, 18 September'.
[527] Public hearing, 17 December 2009, page 43.
[528] Public hearing, 22 January 2010, pages 33-34.

staff … Key local government politicians and officials are more willing to engage with DFID than with the UK military and FCO."[529]

830. On 25 April, DFID officials advised Mr Benn that two LE staff working for the UK at the Basra Palace site had left Iraq in fear of their lives after being followed home from work.[530] The incident had caused concern among other LE staff, who had been given the remainder of the week off. All local staff continued to have "standing permission not to come to work if they felt unsafe". The situation was to be reviewed once it was clearer how many local staff considered it safe to return to work and it was possible to assess the impact on the DFID programme.

831. Mr Benn commented: "The right approach – our local staff have shown a lot of courage and deserve all our support."[531]

832. On 18 June, an LE member of staff at the British Embassy Office Basra was murdered. His wife, also a local member of staff, was seriously injured.[532]

833. On 29 June, local staff working for the British Embassy Office Basra were advised that they could take the available severance package if they no longer felt safe working there.[533] They were told there might come a point when their employment would have to be terminated because of the risk to their safety, but the Embassy Office judged that point had not yet been reached.

834. During the second half of 2006, FCO and DFID officials exchanged views on departments' duty of care to LE staff.

835. Ms Diana Brookes, FCO Legal Counsellor, advised FCO officials:

"The important point is that even if they [LE staff] have accepted the risks involved this does not absolve the FCO from liability in terms of duty of care in an individual case. If the view is taken that the risk is so great that LE staff should not continue working at this time then I do not see how we could be meeting our duty of care to them by allowing them to turn down the voluntary severance package. If the risk is that high then the severance package should be made compulsory for all LE staff, otherwise we risk the possibility of liability for breach of our duty of care if a further incident were to happen."[534]

---

[529] Letter Lamb to IPU [junior official], 20 April 2006, 'Basra: Security and Drawdown'.
[530] Minute DFID [junior official] to PS/Secretary of State [DFID], 25 April 2006, 'Basra Security and Staffing'.
[531] Manuscript comment Benn on Minute [DFID junior official] to PS/Secretary of State [DFID], 25 April 2006, 'Basra Security and Staffing'.
[532] Minute Asquith to Private Secretary [FCO], 21 June 2006, 'Assassination of Locally Engaged Staff in Basra'.
[533] Email [Basra junior official] to [FCO junior official], 29 June 2006, 'Local Staff'.
[534] Email Brookes to [FCO junior official], 29 June 2006, 'Local Staff'.

836. Ms Liz Davis, DFID Human Resources Director, advised DFID officials:

> "It is our responsibility to ensure the health, safety and welfare of our staff. A failure to do so is a breach of our responsibilities in law and potentially a failure of our common law duty if we act negligently. This framework is not the same for the military. The test at law will be:
>
> - have we assessed the risks,
> - controlled those risks as far as possible,
> - trained staff where appropriate,
> - and monitored the issues."[535]

837. Those responsibilities would normally be confined to "working time", an approach Ms Davis did not believe to be reasonable in Iraq. Ms Davis advised that, as an employer, DFID could not be held responsible for the overall security situation, but that the picture was clouded by the wider role of the UK Government.

838. A table prepared by the British Council in July itemised some of the differences between the packages offered by the FCO and DFID (and the British Council), including grievance procedures, "security leave" and entitlement to termination benefits.[536]

839. By October 2006, all but one of the Iraqi civilian staff working at the Basra Palace site had been replaced by third country nationals because of "a growing campaign of intimidation at the hands of extremists."[537]

Table 1: FCO LE staff in Baghdad and Basra, 2004-2008[538]

	2004/05	2005/06	2006/07	2007/08
Baghdad	370	34	34	35
Basra	251	22	2	2
Total	**621**	**56**	**36**	**37**

The Locally Engaged Staff Assistance Scheme

840. In August 2007, faced with a further deterioration in security and growing press interest in LE staff,[539] officials sought to establish "a coherent cross-Whitehall approach" to LE staff.[540]

---

[535] Email Davis to Dinham, Foy, Shafik, 30 June 2006, 'Local Staff'.
[536] Email Shafiq to Gibson, 26 July 2006, 'TACOS for Iraq'.
[537] Paper Iraq Policy Unit, 25 October 2006, 'Iraq: Basra Palace Site'.
[538] Letter Fraser to Aldred, 22 July 2013, 'Iraq Inquiry: Deployment of Civilian Personnel: Statistics, Annex C – Iraq: Activity Recording – Schedule 5 Summary'.
[539] *BBC News*, 7 August 2007, *Interpreters 'abandoned' in Iraq*; *Times Online*, 7 August 2007, *Abandoned – the 91 Iraqis who risked all*.
[540] Minute IPU [junior official] to Private Secretary [FCO], 1 August 2007, 'Iraq: Locally Engaged Staff'.

841. Mr Giles Lever, Head of the IPU, advised Mr Miliband that officials in the FCO, MOD, DFID, Home Office and Cabinet Office had found it difficult to agree a common approach:

- The FCO saw a strong moral, reputational and operational case for doing more to assist Iraqi staff facing security threats and those who had been forced to leave UK government employment due to security. The FCO had around 27 LE staff in Baghdad and estimated no more than 100 current and former staff in Basra would be eligible.
- DFID, with a very small number of LE staff, broadly shared the FCO view.
- The MOD had directly employed around 15,000 Iraqi citizens since 2003, and tens of thousands more through international or local contractors. It was "nervous about the resource implications for any commitment to do more for Iraqi staff". The MOD was also concerned that any promise of assistance to LE staff (for example, asylum in the UK) would be "a catalyst for an exodus of staff" and "would undermine MND (SE)'s ability to operate effectively".
- The Home Office was "predictably unwilling to contemplate any relaxation of the asylum/immigration rules for Iraqis who have worked for HMG, especially in view of MOD's numbers". It was also concerned that any change in policy "could act as a pull factor for a large number of Iraqis".[541]

842. On 7 August, the Cabinet Office advised Mr Brown that the numbers involved were large, policy differed between the FCO/DFID and the MOD, and "our current immigration/asylum policies mean that there are few straightforward options".[542] The two principal alternatives were resettlement and financial assistance.

843. Three options were put forward for reducing the number of eligible staff to more manageable levels:

- Distinguishing between LE staff directly employed by the UK and those hired on a casual basis or via contractor. More than 15,000 Iraqi citizens would still be eligible, but a large number hired through international or local contractors would be excluded.
- Establishing a minimum level of service of perhaps 12 or 24 months. Depending on the timeframe, about 330 or 230 Iraqi citizens would be eligible.
- Prioritising interpreters and other white collar staff on the grounds that professional staff were mission critical and more closely identifiable with the UK. Questions of fairness could arise. Around 120 (12-month minimum service) or 100 (24-month minimum service) were estimated to be eligible.

844. Mr Brown asked the Cabinet Office to co-ordinate a Whitehall-wide review, reporting to the Defence, Foreign and Home Secretaries.[543] The review should establish

---

[541] Minute IPU [junior official] to Private Secretary [FCO], 1 August 2007, 'Iraq: Locally Engaged Staff'.
[542] Minute Turner to Prime Minister, 7 August 2007, 'Iraq: Locally Engaged Staff'.
[543] Letter Turner to Carver, 8 August 2007, 'Iraq: Locally Engaged Staff'.

a minimum threshold for assistance and consider whether more could be offered to a subset of Iraqi employees, against clear criteria and with possible resettlement in third countries. It should also consider the implications for UK operations in Iraq and elsewhere, and for UK asylum policy.

845. The 'Review of Locally Engaged Staff', written by the FCO with input from other departments, was sent to Ministers on 1 October.[544] The review recommended the establishment of "discrete schemes to assist sub-sets of a) serving and b) former Iraqi LE staff". Objective criteria, such as the length of service should be the main method for deciding which staff should be eligible.

846. The review stated:

> "Because records of former staff, in particular the estimated 20,000 employed by MOD, are incomplete, it is extremely difficult to assess with any certainty the numbers of former staff who might be … eligible …"

847. Ministers agreed on 3 October that "the best solution was to offer assistance as an ex-gratia package, not as a reward for service, but with the implicit recognition that the uniquely difficult circumstances formed part of the justification for that package".[545]

848. Ministers also agreed to set a minimum of 12 months' service for serving staff and that for former staff, only the "professional cadres" would be eligible. The package would include financial assistance, resettlement in third countries and resettlement via the Gateway Protection Programme.[546] On funding, the Home Office would offer £6 million from the annual Gateway budget. Additional costs should be met where possible by employing departments. In the MOD's case that would entail a call on the Reserve.

849. Ministers met again on 8 October to reach agreement on whether existing staff should be offered the additional option of Exceptional Leave to Enter the UK direct from Iraq and, if so, how that would be funded.[547] Ministers agreed that the MOD should be able to claim up to £20 million from the Reserve and would provide up to a further £5 million from its existing budgets.

850. Mr Brown announced the scheme to Parliament later on 8 October:

> "I would … like to take this opportunity to pay tribute to the work of our civilian and locally employed staff in Iraq, many of whom have worked in extremely difficult circumstances, exposing themselves and their families to danger. I am pleased therefore to announce today a new policy which more fully recognises the

---

[544] Paper Cabinet Office, 1 October 2007, 'Ministerial Meeting on Iraq Review of Locally Engaged Staff, Iraq: Locally Engaged Staff'.
[545] Minutes, 3 October 2007, Ministerial Meeting on Iraq – Review of Locally Engaged Staff.
[546] The Gateway Protection Programme, introduced in 2004, is operated by the UK Government in partnership with UNHCR. It offers a legal route for a fixed number of refugees from different countries to settle in the UK each year.
[547] Minutes, 8 October 2007, Ministerial Meeting on Iraq – Review of Locally Engaged Staff.

> contribution made by our local Iraqi staff, who work for our armed forces and civilian missions in what we know are uniquely difficult circumstances. Existing staff who have been employed by us for more than 12 months and have completed their work will be able to apply for a package of financial payments to aid resettlement in Iraq or elsewhere in the region, or – in agreed circumstances – for admission to the UK. Professional staff, including interpreters and translators, with a similar length of service who have left our employ since the beginning of 2005 will also be able to apply for assistance."[548]

851. Mr Miliband gave a fuller explanation in a Parliamentary Written Statement the next day.[549]

852. Neither the MOD nor the FCO was able to provide precise figures for the number of Iraqi citizens employed since 2003 and likely to be eligible under the scheme.[550]

853. At a Ministerial meeting to discuss LE staff on 18 September, Lord Drayson, Minister of State for Defence Equipment and Support, conceded that the MOD "had not done a good job on record keeping". In discussion, Ministers commented that further work on the issue was "unlikely to deliver much more clarity given the nature of the records".[551]

854. On 30 October, Mr Miliband gave more detail on eligibility, the package on offer and application procedures:

> "Both fairness and realism demand that we focus on that sub-set of staff who have had the closest and most sustained association with us, in circumstances which we judge to be uniquely difficult. We have therefore established clear and transparent eligibility criteria which are, as far as possible, objective in nature.
>
> "… We need to preserve our ability to recruit and retain qualified staff … Both the overall policy, and the design of the scheme in respect of serving staff have been designed with this in mind.
>
> "Finally, we have taken into account the need to ensure that any assistance … is practical, realistic and preserves the integrity of wider immigration and asylum policy …
>
> "The assistance … is offered ex-gratia and goes above and beyond the confines of what is lawfully or contractually required."[552]

855. On 19 December, Mr Tinline reported that implementation of the scheme was starting to work. All precedent-setting cases were referred to MND(SE) and London.

---

[548] House of Commons, *Official Report*, 8 October 2007, column 23.
[549] House of Commons, *Official Report*, 9 October 2007, column 27WS.
[550] Minute [Cabinet Office junior official] to McDonald, 7 September 2007, 'Iraq Senior Officials Group'.
[551] Minutes, 18 September 2007, Ministerial Meeting on Iraq – Review of Locally Engaged Staff.
[552] House of Commons, *Official Report*, 30 October 2007, column 30WS.

Many applications were “obviously inadmissible”, but a surprising number raised difficult questions. A number of principles had informed decisions:

- Individuals on Letters of Appointment who did not fulfil the ‘‘Eligibility criteria for former staff’’ were not eligible.
- Those still on the payroll on 8 August 2007 but not currently working because of threats should be counted as current staff.
- Those meeting the job criteria for only a brief period, such as providers of “occasional interpreting”, were not eligible, however long they had worked for the UK.

856. The first 18 “current staff” arrived in the UK from Basra on 8 April 2008.[553] By 22 May, the UK had received 1,138 applications for assistance, of which 503 had been assessed as eligible, with almost half the successful applicants opting for the financial package.

857. In March 2009, Mr Miliband informed Ms Jacqui Smith, the Home Secretary, that an assessment of the Locally Engaged Staff Assistance Scheme by Home Office, FCO, MOD, DFID and Cabinet Office officials had concluded that it was “working well” and only “minor adjustments” were needed.[554] Mr Miliband explained that he had agreed a recommendation to set a cut-off date after which new applications from “former” staff would not be accepted. He sought Ms Smith’s agreement to continue the scheme for serving staff, with a review of its future in September 2009.

858. On 23 March, Mr Miliband announced to Parliament that the scheme was “popular and effective” and would remain unchanged, but new applications from “former” staff (those who had left their jobs before 7 August 2007) would not be accepted after 19 May.

859. The scheme was closed to all applicants on 16 January 2011.[555]

860. The total number of individuals who have taken up the option to be resettled in the UK under the Locally Engaged Staff Assistance Scheme is 1,389 (see Table 2).[556]

Table 2: Iraqi citizens settled in UK under the Locally Engaged Staff Assistance Scheme

	Gateway	Direct entry
Principal applicants	183	186
Dependants	413	607
TOTAL	596	793

[553] Letter Felton to Acland-Hood, 22 May 2008, ‘Locally Engaged Iraqi Staff Scheme: Progress and Next Steps’.
[554] Letter Miliband to Secretary of State for Home Affairs, 11 March 2009, ‘Iraq: Locally Engaged Staff Assistance Scheme’.
[555] House of Commons, *Official Report,* 16 September 2010, column 58WS.
[556] Email FCO to Iraq Inquiry, 15 February 2016, ‘Locally Engaged Staff Assistance Scheme’.

UK civilian deployments to Iraq: statistics

861. The Inquiry asked government departments to provide quarterly data on the numbers, roles and location, of civilian staff and contractors deployed to Iraq between 2003 and 2009.[557]

862. In the case of the FCO, the request included information on secondees from other government departments for whom the FCO had duty of care responsibilities.

863. None of the three principal departments responsible for the deployment of civilians (the FCO, the MOD and DFID) was able to provide data in the form requested.

864. FCO data were drawn principally from the department's human resources (HR) database, Prism. An initial return covering the period from March 2003 to June 2009 was submitted to the Inquiry in 2011.[558] In 2013, the FCO updated the figures for March 2004 to June 2009.[559]

865. The Prism figures indicate the number of FCO staff deployed to bilateral FCO missions in Iraq, but do not include FCO contractors, staff from other government departments for whom the FCO was responsible, or FCO staff seconded to ORHA or the CPA.

866. The FCO supplemented the Prism material with miscellaneous data from other sources, including telephone lists and policy documents, which provided occasional snapshots of overall numbers of civilians deployed by the FCO and other departments, excluding support for Op TELIC.

867. Sir Simon Fraser, the FCO PUS from 2010 to 2015, told the Inquiry that the FCO had learned lessons from the experience of Iraq and that "the current recording system in FCO is both more robust, more complete and more accurate than was previously the case".[560]

868. The MOD provided average quarterly figures for three groups of civilians deployed in support of Op TELIC: MOD staff; staff from other government departments; and contractors.[561]

869. The figures for 2003 to 2006 are drawn from returns compiled by individual military units and based on physical counts of civilians present. The returns were collated by PJHQ.

---

[557] Letter Aldred to Heads of Iraq Inquiry Departmental Liaison Units, 8 April 2011, 'Iraq Inquiry – Role of Civilians in Iraq'.
[558] Letter FCO to Iraq Inquiry, 27 May 2011, 'Iraq Inquiry – Role of Civilians in Iraq' attaching Table, [untitled].
[559] Letter Fraser to Aldred, 22 July 2013, 'Iraq Inquiry: Deployment of Civilian Personnel: Statistics'.
[560] Letter Fraser to Aldred, 22 July 2013, 'Iraq Inquiry: Deployment of Civilian Personnel: Statistics'.
[561] Letter Ministry of Defence to Iraq Inquiry, 31 May 2013, 'Civilian Roles in Iraq'.

870. In 2006, the requirement to produce a combined total for the three groups of civilians lapsed, resulting in large gaps in the record for the later period. Figures for 2006 onwards were compiled for the Inquiry by the MOD from units' individual returns.

871. Mr Jon Thompson, the MOD PUS from 2012 to 2016, told the Inquiry:

> "… I do not see any prospect of our being able to provide you with figures which we can guarantee to be comprehensive. I am at least assured that systems now in place would enable us to provide the current data for Afghanistan without difficulty."[562]

872. The information provided by DFID was compiled from a number of sources, including duty of care sheets, contractors' records and medical spreadsheets.[563]

873. Mr Mark Lowcock, the DFID Permanent Secretary since 2011, explained that "achieving 100 per cent accuracy in this data would require a disproportionate amount of staff time (if it was possible at all)", but expressed confidence that "the trends present in the data are reliable".[564]

874. The Inquiry has produced a set of graphs and tables, drawing mostly on the data submitted by the FCO, the MOD and DFID, that gives a broad indication of overall numbers and trends.

875. Because of the limitations of the source material and the variety of sources used, the numbers quoted are approximate and, in some cases, are inconsistent with each other and cannot be reconciled.

876. Unless stated otherwise, all statistics in this Section exclude UK police officers deployed to Iraq in support of the SSR programme. The deployment of police officers is addressed in more detail in Section 12.1.

877. Figure 1 shows FCO,[565] MOD[566] and DFID[567] civilian deployments to Iraq between March 2003 and June 2009.

878. The underlying data, reproduced in Table 7 at the end of this Section, show that between March 2003 and June 2009:

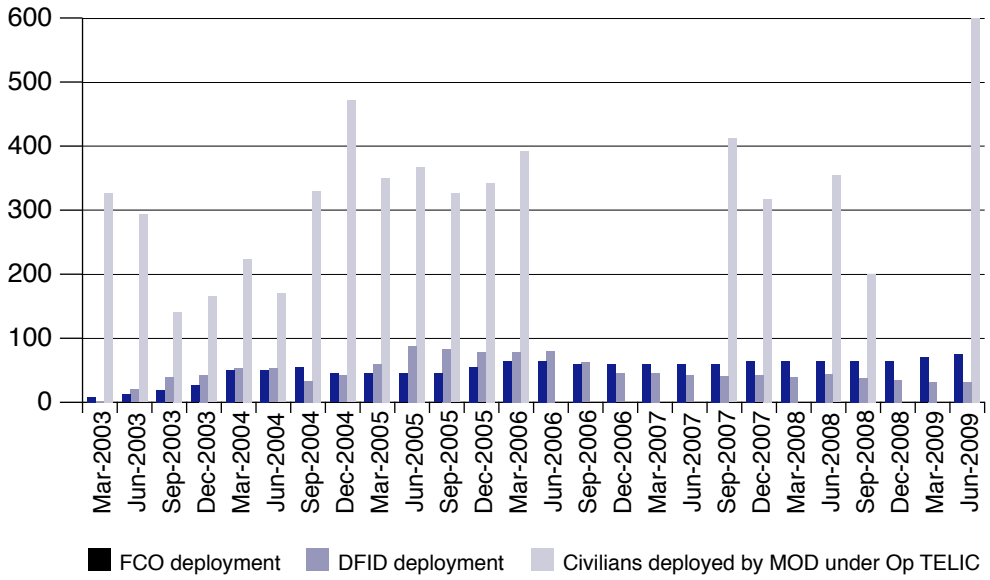
- The MOD deployed an average[568] of 320 civilians to Iraq in support of Op TELIC at any one time.

---

[562] Letter Thompson to Aldred, 8 July 2013, [untitled].
[563] Email DFID to Iraq Inquiry, 5 May 2011, 'Iraq Inquiry – Role of Civilians in Iraq'.
[564] Letter Lowcock to Aldred, 24 June 2013, [untitled].
[565] Letter FCO to Iraq Inquiry, 27 May 2011, 'Iraq Inquiry – Role of Civilians in Iraq' attaching Table, [untitled]; Letter Fraser to Aldred, 22 July 2013, 'Iraq Inquiry: Deployment of Civilian Personnel: Statistics, Annex B – Iraq: FCO Staff in post on the last day of each quarter, 2003-04 to 2009-10'.
[566] Letter Ministry of Defence to Iraq Inquiry, 31 May 2013, 'Civilian Roles in Iraq'.
[567] Letter Lowcock to Aldred, 24 June 2013, [untitled] attaching Table, [untitled].
[568] All averages quoted in this Section are arithmetic means.

- The FCO and DFID deployed a combined average of 100 civilians (including DFID contractors, but excluding police, security contractors and officials from other government departments) for post-conflict reconstruction and the UK's bilateral representation in Iraq.
- There were two peaks in DFID's contribution to reconstruction:
  - 53 personnel from March to June 2004, towards the end of the CPA period; and
  - 88 personnel in June 2005.
- The number of DFID personnel fell significantly in the face of deteriorating security in late 2006.
- The number of FCO staff deployed to Iraq reached 50 towards the end of the CPA period and climbed to 75 in mid-2009.

Figure 1: Civilians deployed to Iraq by the FCO,[569] DFID[570] and the MOD,[571] 2003-2009



879. Table 3 shows estimates of the number of UK police officers deployed in Iraq on selected dates between July 2003 and April 2009 for which data are available.[572]

880. Section 12.1 also includes data on the number of UK police officers deployed to train Iraqi police at the police training facility in Jordan.

---

[569] Letter FCO to Iraq Inquiry, 27 May 2011, 'Iraq Inquiry – Role of Civilians in Iraq' attaching Table, [untitled]; Letter Fraser to Aldred, 22 July 2013, 'Iraq Inquiry: Deployment of Civilian Personnel: Statistics, Annex B – Iraq: FCO Staff in post on the last day of each quarter, 2003-04 to 2009-10'.
[570] Letter Lowcock to Aldred, 24 June 2013, [untitled] attaching Table, [untitled].
[571] Letter Ministry of Defence to Iraq Inquiry, 31 May 2013, 'Civilian Roles in Iraq'.
[572] This is an edited version of Table 6 in Section 12.1. Sources are explained in Section 12.1.

Table 3: UK police officers deployed to Iraq, 2003-2009

Date	Estimated total in Iraq
July 2003	4
October 2003	10
November 2003	10
December 2003	34
January 2004	34
March 2004	43
September 2004	43
October 2004	46
November 2004	44
May 2005	47
October 2005	47
December 2005	35
February 2006	33
April 2007	12
July 2007	17
November 2007	11
February 2008	5
March 2008 – April 2009	14

The UK civilian deployment during the CPA period, May 2003 to June 2004

881. During the CPA period[573] the UK deployed:

- an average of 220 civilians in support of Op TELIC on any given day;
- 61 civilians to the CPA in May 2003, rising to 260 in April 2004;
- two police officers in support of the UK's SSR programme in Iraq in July 2003, rising to 37 in March 2004; and
- between four and eight staff to the British Office Baghdad.[574]

882. Table 4 shows the number and location of UK civilian secondments to the CPA between May 2003 and April 2004. In the absence of continuous data covering the whole period, the figures have been taken from four summaries prepared for senior officials and Ministers between May 2003 and April 2004.

[573] The available data do not match precisely the dates of the CPA. Some earlier figures describe deployments to ORHA, before its absorption into the CPA.
[574] All figures in this list exclude security contractors.

883. Secondments to the CPA appear to have peaked in April 2004, with approximately 260 UK civilians working for the organisation across Iraq.[575]

Table 4: UK secondments to the CPA

	22 May 2003[576]	25 July 2003[577]	14 January 2004[578]	21 April 2004[579]
Total UK secondments to the CPA	**61**	**100**	**143**	**260**
Baghdad	50	65	50	120
percentage of UK total	*82*	*65*	*35*	*46*
South	11	30	72	120
percentage of UK total	*18*	*30*	*50*	*46*
Other CPA	0	5[580]	21	20
percentage of UK total	*0*	*5*	*15*	*8*

884. The British Office Baghdad opened on 5 May 2003.[581] Originally staffed by a team of four, by late summer 2003 it had eight UK-based staff.

885. Information on the location of personnel outside Baghdad and Basra during the CPA period is sparse.

886. A contact list for UK personnel present in Iraq on 30 December 2003 listed 51 people (civilian and military) deployed to the CPA Governorate Teams (GTs) across Iraq:

- Basra 22 (including a UK military close protection team);[582]
- Dhi Qar 4;
- Wasit 6;
- Ta'Mim (Kirkuk) 7;
- Maysan 10 (including a UK military close protection team);
- Muthanna 1; and
- Erbil 1.[583]

---

[575] Letter Tebbit to Turnbull, 21 April 2004, [untitled].
[576] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting, 'Annex C, UK Secondees to ORHA'.
[577] Letter Jay to Turnbull, 25 July 2003, 'Iraq: UK support for reconstruction'.
[578] Letter Jay to Turnbull, 14 January 2004, 'Iraq – Civilian Staffing' attaching Paper, 'Iraq: Civilian Staffing'.
[579] Letter Tebbit to Turnbull, 21 April 2004, [untitled].
[580] Inquiry estimate. No figure was given by Sir Michael Jay, who referred to "small numbers" in CPA regional offices in central and northern Iraq.
[581] Minute IPU [junior official] to PS [FCO], 'Iraq: Briefing for Visit – 25-26 November 2003' attaching Paper [unattributed], 'Background on Other Issues'.
[582] The Basra Governorate Team was not part of CPA(South).
[583] Paper [unattributed], 12 January 2004, 'UK Personnel Deployed (As at 30 Dec 03)'.

887. Excluding 27 members of UK military close protection teams and the CPA Regional Co-ordinator in Erbil, who was not a member of a GT, the total number of personnel deployed to the CPA GTs was 23:[584] five in the Basra GT and 18 elsewhere.

888. Most of the 23 were from the MOD (a mix of civilian and military personnel), DFID and the FCO. The Governorate Co-ordinator for Dhi Qar was from the Department for Environment, Food and Rural Affairs (DEFRA).

889. There is no continuous set of data for the number of civilians deployed during the CPA period by UK government departments and organisations other than the FCO, the MOD and DFID.

890. A snapshot produced for the AHMGIR on 22 May 2003 listed 13 organisations other than the FCO, MOD and DFID with staff seconded to ORHA, and 11 "miscellaneous" secondees:

MOD	13
DFID	8
FCO	6
Department of Health (DoH)	6
Department of Trade and Industry (DTI)	5
No.10 Communications Information Centre (CIC)	2
British Council	1
Department of Culture, Media and Sport (DCMS)	1
HM Customs and Excise (HMCE)	1
HM Treasury (HMT)	1
Highways Agency	1
Lord Chancellor's Department (LCD)	1
Maritime and Coastguard Agency	1
Northern Ireland Office (NIO)	1
Office of the Deputy Prime Minister (ODPM)	1
Office of Telecommunications (Oftel)	1
Miscellaneous	11
Total	**61**[585]

[584] Sir Michael Jay quoted a figure of 21 personnel deployed to the GTs in his update for Permanent Secretaries on 14 January 2004. This is the figure quoted in Table 4.
[585] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting, 'Annex C: UK Secondees to ORHA'.

The post-CPA UK civilian deployment, July 2004 to July 2009

891. On 28 June 2004, the CPA handed over to a sovereign Iraqi government (see Section 9.3).

892. During the post-CPA period the UK deployed:

- an average of 372 civilians in support of Op TELIC on any given day;
- an average of 112 civilians to the UK's bilateral missions in Iraq, including the DFID offices in Baghdad and Basra, on any given day;
- 43 police officers in support of the UK's SSR programme in September 2004, falling to 13 in March 2008; and
- eight civilians to the Basra PRT from mid-2006.[586]

893. The UK civilian presence in Baghdad, previously split between the CPA and the British Office Baghdad, was consolidated in the new British Embassy Baghdad.

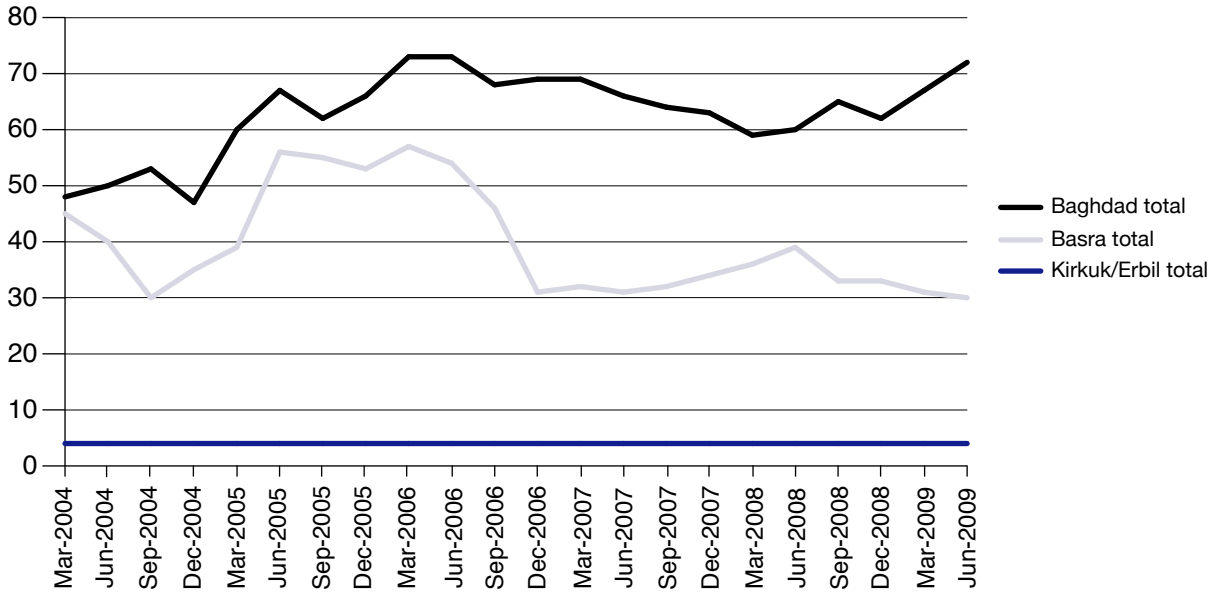
894. In Basra, UK civilians were deployed to the British Embassy Office and additionally, from April 2006, the UK-led Basra PRT.

895. A second, smaller, British Embassy Office was opened in Kirkuk, alongside the US Regional Embassy Office (REO).[587] In January 2007, the British Embassy Office Kirkuk was moved to Erbil after the US REO transferred to Kirkuk Regional Air Base.

896. Figure 2 shows the distribution of UK civilian personnel (including DFID contractors, but not civilians deployed on Op TELIC, police or security contractors) between Baghdad, Basra and Kirkuk/Erbil during the post-CPA period. The underlying data are reproduced in Table 8 at the end of this Section.

[586] All figures in this list exclude security contractors.
[587] Select Committee on Foreign Affairs Minutes of Evidence, 24 March 2005, *Letter to the Chairman of the Committee from the Secretary of State for Foreign and Commonwealth Affairs, 2 November 2004*.

Figure 2: FCO and DFID deployments to Iraq, 2004-2009[588]



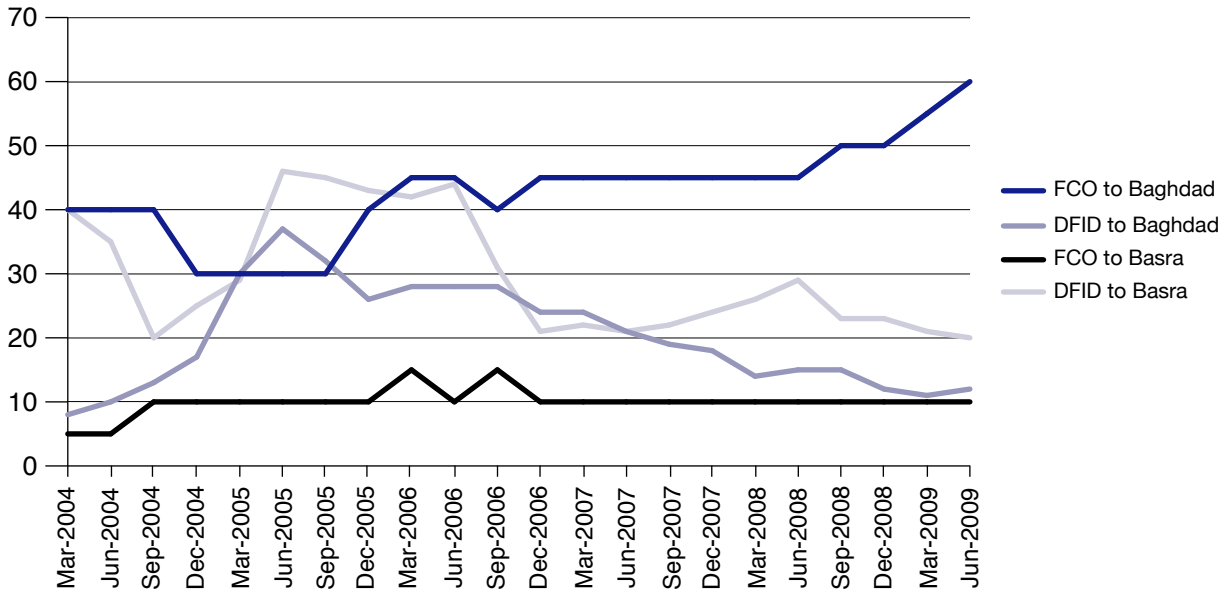
897. Figure 3 shows the relative contributions of the FCO and DFID in Baghdad and Basra:

- FCO personnel were concentrated in Baghdad (an average of 43, against 10 in Basra).
- FCO numbers in Baghdad doubled between March 2005 and June 2009, with no change in Basra.
- DFID deployed more personnel in Basra than Baghdad (an average of 30 in Basra against 20 in Baghdad).
- DFID numbers in Baghdad and Basra fell steadily from mid-2005, with an especially marked dip in Basra when security deteriorated in 2006.

898. The underlying data are reproduced in Table 8 at the end of this Section.

[588] The Inquiry has inserted a figure of four for Kirkuk/Erbil throughout the period and assumed no increase in staffing during the move from Kirkuk to Erbil in January 2007. The FCO source material refers to “five or less” and double counts for Kirkuk and Erbil between December 2007 and June 2008, long after Kirkuk had closed.

Figure 3: FCO and DFID deployments to Baghdad and Basra, 2004-2009



899. There is no continuous set of data for civilians deployed by other departments or organisations during the post-CPA period.

900. In November 2004, Mr Straw sent details of all staff present at the British Embassy Baghdad and the British Embassy Offices Basra and Kirkuk on 24 October 2004 to the House of Commons Foreign Affairs Committee.[589]

901. The list of staff, reproduced in full below, includes those deployed by the FCO, the MOD, DFID and other government departments and organisations. It is the most comprehensive record seen by the Inquiry of post-CPA civilian staff numbers.[590]

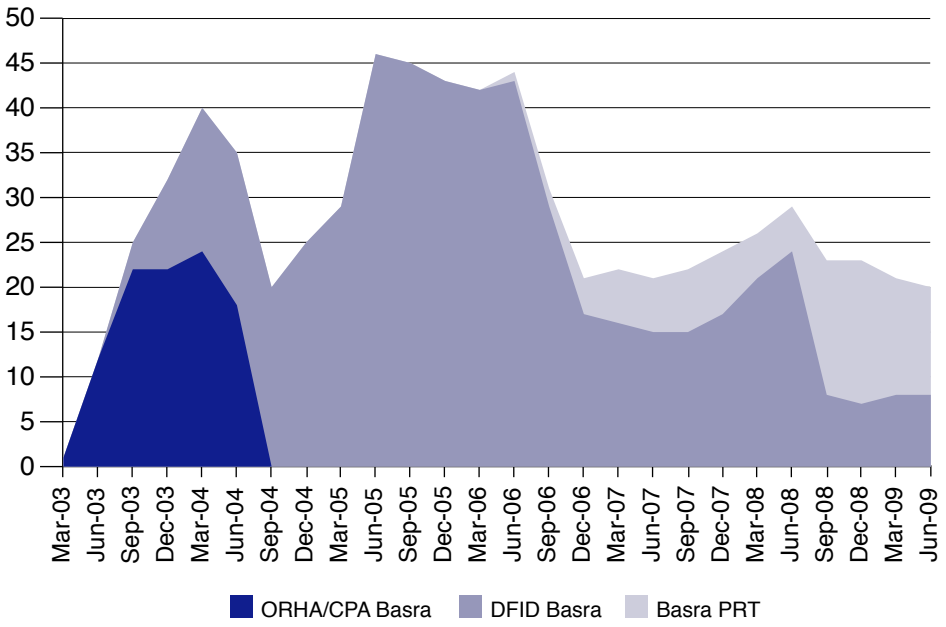
[589] Select Committee on Foreign Affairs Minutes of Evidence, 24 March 2005, *Letter to the Chairman of the Committee from the Secretary of State for Foreign and Commonwealth Affairs, 2 November 2004*.
[590] The staff list records officials visiting the Embassy and the Embassy Offices on a single day in October 2004. It does not include those on leave.

Baghdad		
Parent Department or Organisation	**Number in Baghdad**	**Comment**
FCO	30	Includes seconded staff from other government departments.
DFID	8	DFID core staff, includes two members of staff on secondment from other government departments and three on consultancy terms.
MOD	19	Eleven working from the Embassy. Five working on capacity-building in the Iraq MOD and three visiting.
Police Advisers	15	Capacity-building and advice.
Consultants	15	Fourteen working on capacity-building programmes and one visiting. One consultant seconded from the Department of Health.
No.10	1	Working with the Iraqi Government Communications Directorate.
UKTI	1	Working in the Embassy.
British Council	1	Managing a DFID project.
Crown Agents	2	Providing contracted services.
Frontier Medical	2	Contracted to provide medical services.
LE staff	36	
Total staff	**116**	
These figures do not include the static guard force employed to protect Embassy (or Consulate) premises or the private security personnel responsible for personal security. The number of consultants in Baghdad is temporarily lower than usual at the moment and not representative of the overall commitment of UK resources in this area. The Police Advisers include one Canadian national for whom we have responsibility.		
Basra		
Parent Department or Organisation	**Number in Basra**	**Comment**
FCO	14	Includes seconded staff from other government departments.
FCO contractors	2	
DFID	1	
DFID contractors	9	
Police Advisers	15	Mostly at Az Zubayr Regional Police Academy.
ArmorGroup Police Mentors	36	Most working from MNF bases.
Crown Agents	2	
Frontier Medical	2	
LE staff	22	
LE DFID contractor	1	
LE ArmorGroup Police	10	Most working from MNF bases.
Total staff	**144**	
Kirkuk		
There is usually one UK-based (FCO) member of staff, the Consul General. From time to time, UK staff from elsewhere in Iraq make extended working visits to Kirkuk. There are two LE staff members employed in Kirkuk.		
Total staff	**3**	(plus one visiting)

902. Figure 4 shows the number of DFID staff and contractors deployed to Basra between 2003 and 2009.

903. The underlying data, reproduced in Table 9 at the end of this Section, show that, between June and December 2006, DFID deployments to Basra more than halved, from 44 to 21.[591] The number of personnel recovered to 29 in June 2008, but never returned to the level seen between June 2005 and June 2006, or during the earlier CPA period.

Figure 4: DFID staff and contractors deployed to Basra, 2003-2009[592]



UK share of the Coalition civilian deployment

904. Data on civilian personnel compiled by the US Government during the CPA period shared many of the flaws of UK data for the same period. An audit of CPA personnel management by the Office of the CPA Inspector General in June 2004 found that:

> "… by the end of January 2004, many distinct personnel tracking mechanisms appeared that were intended to provide accountability for select groups of individuals. In addition, contractors were tracking their own employees. As of March 8, 2004, the CPA believed it had a total of 1,196 personnel assigned to CPA operations in Baghdad. The CPA had been authorized 2,117 positions. The 1,196 included all military and civilian personnel assigned to CPA operations in Baghdad …"[593]

---

[591] Letter Lowcock to Aldred, 24 June 2013, [untitled] attaching Table, [untitled].
[592] Letter Lowcock to Aldred, 24 June 2013, [untitled] attaching Table, [untitled].
[593] Office of the Inspector General Coalition Provisional Authority, Audit Report Number 04-002, 25 June 2004, *Management of Personnel Assigned to the Coalition Provisional Authority in Baghdad, Iraq.*

905. The audit stated that CPA officials believed their rosters were 90 to 95 percent accurate, which implied that there could be more than 100 individuals not properly accounted for.

906. The audit found even less information about staff deployed outside Baghdad:

> "CPA officials stated that if personnel departed Kuwait or other rear area to a forward site, other than Baghdad, such as Al Hilla, Basra or Erbil, in support of CPA Operations there were no reliable procedures to identify and account for these individuals. Additionally, personnel hired to work directly for Iraq ministries in Baghdad provide limited, if any, information to the CPA in Baghdad or Washington DC."

907. A report to Congress by the US General Accounting Office (GAO) in June 2004 stated that the total number of CPA civilian and military personnel in Baghdad peaked at 1,239 in April 2004 (see Table 5).[594] That figure was estimated to be about 90 percent accurate, reflecting the difficulty of tracking the arrival and departure of personnel. The GAO stated that no reliable data were available for the period before 1 March 2004.

Table 5: Composition of CPA support in Baghdad, April 2004

Type of personnel[595]	Number employed	Percentage of total	Percentage of total excluding DoD military
Temporary US government employees	237	19.1	27.5
Non-US Coalition secondees	**160**	**12.9**	**18.6**
US secondees excluding Department of Defense (DoD)	208	16.8	24.1
DoD military	377	30.4	–
DoD civilian	81	6.5	9.4
Contractors	73	5.9	8.5
Iraqi expatriates from the Iraq Reconstruction and Development Council (IRDC)	27	2.2	3.1
Personnel "in process"	76	6.1	8.8
Total	**1,239**	**100**	**–**
Total excluding DoD military	**862**	**–**	**100**

908. The GAO reported that, although the total number of CPA staff fluctuated, the approximate composition remained steady:

- 28 percent from the US military;

---

[594] US General Accounting Office Report to Congressional Committees, June 2004, *Rebuilding Iraq. Resource, Security, Governance, Essential Services, and Oversight Issues*.
[595] As listed in the GAO report.

- 26 percent civilian secondees from US federal agencies, including the Department of Defense (DoD);
- 25 percent contractors and temporary US government employees hired to work in the CPA; and
- 13 percent secondees from other Coalition countries.

909. A comparison of the very different US and UK data suggests that the 120 UK secondees in Baghdad in April 2004 (see Table 5) represented 14 percent of the CPA total of 862 (excluding DoD military) recorded in the GAO report to Congress, and 75 percent of the non-US Coalition contribution of 160.

910. In November 2003, 104 staff from eight countries were working in CPA(South) in Basra, of whom 48 (46 percent)[596] were from the UK.[597] The largest contributors after the UK were Italy and Denmark. It is not clear how many were from the US.

911. After the transfer of sovereignty in June 2004, the US established a Mission to Iraq, consisting of the Embassy in Baghdad and four Regional Embassy Offices (REOs) in Basra, Hillah, Kirkuk and Mosul.[598]

912. In addition to its bilateral diplomatic role, the new US Embassy in Baghdad included:

- a large executive secretariat to carry out the residual functions of the former CPA, which quickly reduced in size;
- the Iraq Reconstruction Management Office (IRMO); and
- the Project and Contracting Office (PCO).[599]

913. In October 2005, the US announced the restructuring of part of the US Mission in Iraq as PRTs (see Section 10.2).[600]

914. By September 2006, nine PRTs and eight local governance satellite offices had been established. Seven PRTs were US-led, one (Basra) was UK-led and one Italian-led.

915. A South Korean-led Regional Reconstruction Team (RRT) for the Kurdistan region was established in Erbil in February 2007, with two satellite offices.[601]

---

[596] 18 of 48 UK civilian posts in CPA(South) were filled by the military.
[597] Letter Bowen to Owen, 14 November 2003, 'Iraq: CPA (South) Staff'.
[598] United States Department of State and the Broadcasting Board of Governors Office of Inspector General, August 2009, *Review of the Roles, Staffing, and Effectiveness of Regional Embassy Offices in Iraq.*
[599] United States Department of State and the Broadcasting Board of Governors Office of Inspector General, March 2005, *Review of Staffing at US Embassy Baghdad*.
[600] US Department of State Archive, 19 October 2005, *Iraq and US Policy: Secretary Condoleezza Rice, Opening Remarks Before the Senate Foreign Relations Committee, Washington DC, October 19 2005*.
[601] US State Department Archive, 1 February 2007, *Regional Reconstruction Team Holds Inauguration Ceremony*.

916. According to US data for 2005, 2006 and 2009, over 1,000 civilians from US Government agencies (including the State Department and USAID) were deployed to the Embassy, REOs and PRTs (see Table 6).

917. The figure of 1,000 excludes the large number of US civilian contractors employed by the US Mission. A July 2009 report by the Special Inspector General for Iraq Reconstruction recorded that, at that time, 4,079 US civilians were contracted to the State Department in Iraq, 34,846 to the DoD and 8,948 to other agencies, including USAID.[602]

918. Without detailed information on the jobs performed by UK and US contractors, it is not possible to be certain that they were deployed in equivalent roles or to draw a direct comparison between UK and US statistics.

919. A comparison of data from 2005, 2006 and 2009 suggests that the UK provided an average of approximately 6.5 percent of the combined total of US and UK government employees[603] in post-CPA Iraq (see Table 6). When DFID (but not US) contractors are included, the figure is above 9 percent.

Table 6: US and UK civilian deployments to Iraq, 2005-2009

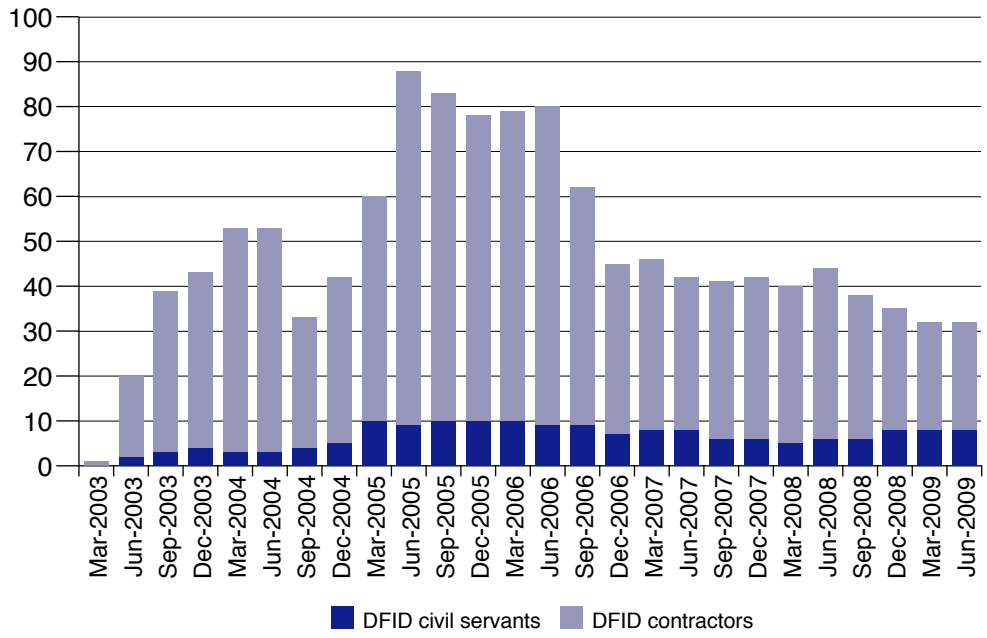
	March 2005	March 2006	July 2009
US civilian staff excluding contractors[604]	1,058[605]	1,037[606]	1,176[607]
UK civilian staff excluding DFID contractors	55	75	97
US/UK total excluding DFID contractors	1,113	1,112	1,273
UK share of total excluding DFID contractors	**4.9%**	**6.8%**	**7.6%**
UK civilian staff including DFID contractors[608]	103	134	106[609]
US/UK total including DFID contractors	1,163	1,181	1,285
UK share of total including DFID contractors	**8.9%**	**11.3%**	**8.2%**

UK civilian contractors

920. From 2003 to 2009, DFID consistently deployed significantly more contractors than civil servants to Iraq (see Figure 5). The underlying data are reproduced in Table 10 at the end of this Section.

[602] Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the United States Congress, July 30, 2009*.
[603] The calculation excludes US contractors, DFID contractors, UK security contractors, UK civilians supporting the military and UK police.
[604] US-based government employees in the US Embassy, REOs and PRTs.
[605] United States Department of State and the Broadcasting Board of Governors Office of Inspector General, March 2005, *Review of Staffing at US Embassy Baghdad*.
[606] Epstein, Susan B, CRS Report for Congress, 24 October 2006, *US Embassy in Iraq.*
[607] United States Department of State and the Broadcasting Board of Governors Office of Inspector General, July 2009, *Report of Inspection: Embassy Baghdad, Iraq*.
[608] UK-based DFID and FCO staff and DFID consultants in Iraq (excluding Op TELIC). See Table 8.
[609] June 2009. See Table 8.

Figure 5: DFID staff and contractors deployed to Iraq, 2003-2009



921. Sir Suma Chakrabarti explained the role of DFID "consultants" to the Inquiry:

> "… what we were very keen to do was use consultants in … project work around certain projects that had to be completed with deep technical skills that DFID staff no longer have. We don't have those water engineers and power engineers we used to have …
>
> "The DFID staff were working much more at the policy end on capacity. So how do you put a budget together in the Ministry of Finance? What would you need to run a Prime Minister's office properly, and those sorts of things that DFID staff focused on much more."

922. A 2013 report on DFID's use of contractors by the Independent Commission for Aid Impact explained that they were used in roles ranging from procuring equipment and providing technical advice to implementing development programmes.[610]

923. The FCO, with a focus on bilateral and policy work carried out by core FCO staff, employed contractors in smaller numbers, and principally during the CPA period. In January 2004, the FCO employed 23 contractors in Baghdad to work for the CPA.[611] In October 2004, there were just two FCO contractors in Iraq.[612]

---

[610] Independent Commission for Aid Impact, Report 23, May 2013, *DFID's Use of Contractors to Deliver Aid Programmes.*
[611] Letter Jay to Turnbull, 14 January 2004, 'Iraq – Civilian Staffing' attaching Paper, 'Iraq: Civilian Staffing'.
[612] Select Committee on Foreign Affairs Minutes of Evidence, 24 March 2005*, Letter to the Chairman of the Committee from the Secretary of State for Foreign and Commonwealth Affairs, 2 November 2004*.

Table 7: Civilians deployed to Iraq by the FCO, the MOD and DFID, 2003-2009

	FCO deployment	DFID deployment	Civilians deployed by the MOD under Op TELIC
Mar 2003	8	1	327
Jun 2003	12	20	293
Sep 2003	19	39	141
Dec 2003	26	43	165
Mar 2004	50	53	224
Jun 2004	50	53	170
Sep 2004	55	33	330
Dec 2004	45	42	471
Mar 2005	45	60	350
Jun 2005	45	88	367
Sep 2005	45	83	326
Dec 2005	55	78	342
Mar 2006	65	79	392
Jun 2006	65	80	*no data*
Sep 2006	60	62	*no data*
Dec 2006	60	45	*no data*
Mar 2007	60	46	*no data*
Jun 2007	60	42	*no data*
Sep 2007	60	41	412
Dec 2007	65	42	317
Mar 2008	65	40	*no data*
Jun 2008	65	44	354
Sep 2008	65	38	200
Dec 2008	65	35	*no data*
Mar 2009	70	32	*no data*
Jun 2009	75	32	600

Table 8: FCO and DFID deployments to Iraq, 2004-2009[613]

	FCO to Baghdad	DFID to Baghdad	FCO to Basra	DFID to Basra	Baghdad total	Basra total	Kirkuk/ Erbil total[614]
Mar 2004	40	8	5	40	48	45	4
Jun 2004	40	10	5	35	50	40	4
Sep 2004	40	13	10	20	53	30	4
Dec 2004	30	17	10	25	47	35	4
Mar 2005	30	30	10	29	60	39	4
Jun 2005	30	37	10	46	67	56	4
Sep 2005	30	32	10	45	62	55	4
Dec 2005	40	26	10	43	66	53	4
Mar 2006	45	28	15	42	73	57	4
Jun 2006	45	28	10	44	73	54	4
Sep 2006	40	28	15	31	68	46	4
Dec 2006	45	24	10	21	69	31	4
Mar 2007	45	24	10	22	69	32	4
Jun 2007	45	21	10	21	66	31	4
Sep 2007	45	19	10	22	64	32	4
Dec 2007	45	18	10	24	63	34	4
Mar 2008	45	14	10	26	59	36	4
Jun 2008	45	15	10	29	60	39	4
Sep 2008	50	15	10	23	65	33	4
Dec 2008	50	12	10	23	62	33	4
Mar 2009	55	11	10	21	66	31	4
Jun 2009	60	12	10	20	72	30	4

[613] FCO staff only; DFID staff and contractors.
[614] The Inquiry has inserted a figure of four for Kirkuk/Erbil throughout the period and assumed no increase in staffing during the move from Kirkuk to Erbil in January 2007. The FCO source material refers to “five or less” and double counts for Kirkuk and Erbil between December 2007 and June 2008, long after Kirkuk had closed.

Table 9: DFID staff and contractors deployed to Basra, 2003-2009

	ORHA/CPA Basra	DFID Basra	Basra PRT
Mar 2003	1	0	0
Jun 2003	12	0	0
Sep 2003	22	3	0
Dec 2003	22	10	0
Mar 2004	24	16	0
Jun 2004	18	17	0
Sep 2004	0	20	0
Dec 2004	0	25	0
Mar 2005	0	29	0
Jun 2005	0	46	0
Sep 2005	0	45	0
Dec 2005	0	43	0
Mar 2006	0	42	0
Jun 2006	0	43	1
Sep 2006	0	29	2
Dec 2006	0	17	4
Mar 2007	0	16	6
Jun 2007	0	15	6
Sep 2007	0	15	7
Dec 2007	0	17	7
Mar 2008	0	21	5
Jun 2008	0	24	5
Sep 2008	0	8	15
Dec 2008	0	7	16
Mar 2009	0	8	13
Jun 2009	0	8	12

Table 10: DFID staff and contractors deployed to Iraq, 2003-2009

	DFID staff	DFID contractors
Mar 2003	0	1
Jun 2003	2	18
Sep 2003	3	36
Dec 2003	4	39
Mar 2004	3	50
Jun 2004	3	50
Sep 2004	4	29
Dec 2004	5	37
Mar 2005	10	50
Jun 2005	9	79
Sep 2005	10	73
Dec 2005	10	68
Mar 2006	10	69
Jun 2006	9	71
Sep 2006	9	53
Dec 2006	7	38
Mar 2007	8	38
Jun 2007	8	34
Sep 2007	6	35
Dec 2007	6	36
Mar 2008	5	35
Jun 2008	6	38
Sep 2008	6	32
Dec 2008	8	27
Mar 2009	8	24
Jun 2009	8	24

SECTION 15.2

CONCLUSIONS: CIVILIAN PERSONNEL

Contents

Introduction and key findings 412

Overview 412

Pre-invasion planning and preparation 413

Meeting the initial demand for civilian personnel in Iraq 414

Duty of care and risk management 417

Civilian-military co-ordination 420

Locally engaged staff 421

Language skills 421

Lessons 422

Introduction and key findings

1. This Section contains the Inquiry's analysis, conclusions and lessons in relation to the deployment of civilian personnel in Iraq, the evidence for which is set out in Section 15.1.

2. This Section does not address:

- the recruitment, deployment or impact of UK police officers in Iraq, addressed in Section 12;
- whether sufficient civilian personnel were deployed to achieve the UK's objectives in Iraq, or the contribution that civilian personnel made to Iraq's reconstruction, both addressed in Section 10;
- the funding of civilian deployments, including the cost of protective security measures, addressed in Section 13; or
- the Government's reviews of the UK approach to post-conflict reconstruction and stabilisation, and the creation of a deployable UK civilian stand-by capability, addressed in Sections 10.3 and 10.4.

Key findings

- Before the invasion of Iraq, the Government had made only minimal preparations for the deployment of civilian personnel.
- There was an enduring gap between the Government's civilian capacity and the level of its ambition in Iraq.
- There was no overarching consideration by the Government of the extent to which civilians could be effective in a highly insecure environment, or of the security assets needed for civilians to do their jobs effectively.
- The evidence seen by the Inquiry indicates that the Government recognised its duty of care to UK-based and locally engaged civilians in Iraq. A significant effort was made to keep civilians safe in a dangerous environment.

Overview

3. Between 2003 and 2009, UK and Iraqi civilian personnel made an essential contribution to the UK's efforts to help rebuild Iraq. They often did so in extremely dangerous circumstances. Some locally engaged (LE) staff and UK-based contractors lost their lives.

4. The initial deployment of only a handful of civilian personnel reflected pre-invasion assumptions about the limited extent of the likely UK contribution to the post-conflict reconstruction and administration of Iraq.

5. Soon after the invasion, Mr Blair called for a significant increase in the UK civilian effort. Further calls to strengthen the UK civilian presence in Iraq followed.

6. The Government had no pre-existing machinery for recruiting and deploying at speed large numbers of civilians with the appropriate skills. As a result, efforts to deploy larger numbers of civilians to Iraq fell well short of targets.

7. There was a particular shortage of Arabic speakers and reconstruction expertise.

8. From late summer 2003, concern about staff safety led to the progressive introduction of protective security measures for civilian personnel in Iraq and placed additional constraints on civilian deployments.

9. Government departments recognised their duty of care obligations to personnel working in Iraq. Significant effort and resources went into keeping staff safe.

10. In the absence of a government-wide approach to risk or an effective framework for assessing the value of civilian personnel in a highly insecure environment, the Government struggled to establish a co-ordinated approach to the deployment of civilians.

11. The Iraq Reconstruction Service Medal and the Locally Engaged Staff Assistance Scheme were appropriate responses to the issues they addressed.

Pre-invasion planning and preparation

12. Sections 6.4 and 6.5 address the UK's pre-invasion planning and preparation for its role in the Occupation of Iraq. In the absence of effective cross-government machinery for drawing together all aspects of planning and preparation, the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MOD) and the Department for International Development (DFID) pursued broadly complementary objectives, but did so separately. This left significant gaps in UK civilian capabilities that were overlooked.

13. The UK did not plan or prepare for the deployment of more than a handful of civilians to Iraq, other than in direct support of military operations.

14. The FCO was not equipped by past experience or practice, or by its limited human and financial resources, to prepare for nation-building of the scale required in Iraq, and did not expect to do so.

15. The FCO did make effective preparations, however, for resuming diplomatic representation in Baghdad. The British Office Baghdad opened, on schedule, on 5 May 2003.

16. DFID was reluctant, before the invasion, to engage in planning and preparation for anything other than the immediate humanitarian response to conflict.

17. DFID did, however, make pre-conflict preparations to support those multilateral institutions providing humanitarian assistance in Iraq and the region.

18. The MOD made provision for civilian support to military operations in Iraq, as it would for any military operation. Military planners identified and drew attention to the gap in those UK civilian capabilities that would be needed for post-conflict reconstruction and administration.

19. Neither the FCO nor DFID took responsibility for addressing that gap.

20. The shortage of the requisite civilian expertise within government was a significant constraint on the planning and preparation for post-conflict operations and on the eventual scale of the UK civilian contribution.

21. The review of the UK's approach to post-conflict reconstruction, begun in September 2003, addressed the management of the UK's contribution, including "the identification and training of civilian personnel and the maintenance of databases, with deployable capability".[1]

22. Although successive reviews changed significantly the UK's approach to reconstruction and stabilisation, they had limited impact on the UK's civilian deployment in Iraq.

Meeting the initial demand for civilian personnel in Iraq

23. The Inquiry estimates that, on the eve of the invasion, the UK had between 10 and 16 non-MOD civilians ready to deploy to Iraq. That very small number reflected the assumptions underpinning UK planning and preparation for post-conflict Iraq, including that:

- after a short period of US-led, UN-authorised military occupation, the UN would administer and provide a framework for the reconstruction of post-conflict Iraq;
- substantial international support would follow UN authorisation; and
- reconstruction and the political transition to Iraqi rule would proceed in a secure environment.

24. Between April and October 2003, Ministers and officials pressed for an increase in the UK civilian deployments to the US-led Office of Reconstruction and Humanitarian Assistance (ORHA) and its successor, the Coalition Provisional Authority (CPA), in Baghdad, Basra and elsewhere in Iraq.

25. Government departments were not equipped to respond to those demands.

26. On 17 April, Mr Blair agreed that the UK should "increase significantly the level of … political and practical support to ORHA, including the secondment of significant numbers of staff in priority areas".[2]

---

[1] Letter Owen to Fergusson, 5 February 2004, 'Post Conflict Reconstruction: Paper for the DOP, 12 February' attaching Paper [unattributed], [undated], 'Post Conflict Reconstruction'.
[2] Letter Rycroft to McDonald, 17 April 2003, 'Iraq: ORHA'.

27. The FCO, under the direction of Sir Michael Jay, the Permanent Under Secretary, co-ordinated the Whitehall response.

28. The FCO's approach was ad hoc, reflecting the absence of:

- adequate pre-invasion planning;
- a Whitehall mechanism for co-ordinating the urgent recruitment of volunteers; and
- clear US job descriptions for the vacant ORHA/CPA posts in Iraq.

29. On 22 April, with no clear job descriptions to draw on, Sir Michael Jay called on departments to "take a broad view in looking for volunteers".[3] He stated that "enthusiasm and personal qualities are likely to be just as important as specific expertise".

30. Officials informed the 22 May meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) that 61 UK officials had been seconded to ORHA, five of them in Basra. Officials were able to provide Ministers with only very basic information on the functions of 35 of the 61, explaining: "Some secondees have yet to be allocated specific roles."[4]

31. On 25 July, Sir Michael Jay described the training and deployment since April of "over 100 civilian staff from sixteen different branches of government" as an exercise having "no modern precedent".[5]

32. While recognising that some of the difficulties faced by the UK reflected shortcomings in US plans, the Inquiry considers the deployment to have been unsatisfactory. Volunteers appear to have been recruited in a hasty and haphazard manner, without procedures to assess their suitability for a very challenging task. Civilians arrived in Iraq more slowly than required, with inadequate preparation and to fill positions that were ill defined.

33. As early as June 2003, concerns emerged that some civilians deployed to Iraq were not capable of meeting the physical requirements of working in such a difficult environment.

34. Ms Emma Sky, CPA Governorate Co-ordinator for Kirkuk from June 2003 to February 2004, told the Inquiry that she was not given a briefing by the FCO before travelling to Iraq. Instead she had received a phone call telling her "You've spent a lot of time in the Middle East. You will be fine."[6]

35. Between June and August 2003, Ministers and officials pressed for a more ambitious response to the demand for civilian personnel. The UK sought to deploy

---

[3] Letter Jay to Turnbull, 22 April 2003, 'Iraq: UK Support for the Office for Reconstruction and Humanitarian Assistance (ORHA)'.
[4] Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[5] Letter Jay to Turnbull, 25 July 2003, 'Iraq: UK support for reconstruction'.
[6] Private hearing, 14 January 2011, page 2.

individuals with the right skills and appropriate levels of seniority, and to provide leadership by appointing a UK Head of CPA(South):

- On 3 June, Mr Blair called for Whitehall to return to a "war footing".[7] There needed to be "a strong civilian team in the South. In general, there needed to be a much stronger civilian grip".
- On 2 July, Baroness Amos, the International Development Secretary, recommended the deployment of additional staff with the right skills and seniority.
- On 10 July, Ministers agreed that the UK effort in the South should be increased and that a UK figure should be made Head of CPA(South).
- On 28 August, the AHMGIR agreed, "subject to security concerns", that Sir Hilary Synnott, Head of CPA(South), should be given "such assistance and staff as he deemed necessary".[8]

36. Departments did not rise to the challenge:

- Sir Hilary Synnott told the Inquiry that, on his arrival in Basra on 30 July: "The phones didn't work ... and nobody had thought to provide me with any form of computer."[9]
- On 5 September, Mr Neil Crompton, Head of the Iraq Policy Unit (IPU), reported that the view in Iraq was that the job there was "doable", but the UK needed to "throw massive resources at the problem now".[10] CPA(South) was "woefully under-staffed". It was clear that the UK would have to fill the positions itself rather than rely on third-country nationals or CPA Baghdad.
- On 23 September, Mr David Richmond, the Prime Minister's Deputy Special Representative on Iraq, reported that UK "influence in CPA Baghdad is limited; we supply only 100 out of its 1,000 staff there".[11]
- Sir Hilary Synnott told the Inquiry: "One of my key requests was at the end of August when I asked for, I think, 37 additional expert staff ... By 1 January, 18 out of 37 had arrived."[12]

37. Departments' weak response to the instruction to strengthen the UK civilian presence in Iraq represented a missed opportunity to alleviate some of the problems created by the failures of pre-invasion planning and preparation.

38. It is not possible to assert that the rapid deployment of all the additional personnel requested would have materially altered the situation in Iraq. It is, however, the Inquiry's

---

[7] Minute Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's Meeting, 3 June'.
[8] Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[9] Public hearing, 9 December 2009, page 9.
[10] Minute Crompton to Chaplin, 5 September 2003, 'Visit to Iraq: 31 August to 3 September'.
[11] Minute [junior official Cabinet Office] to Sheinwald, 25 September 2003, 'Iraq Senior Officials Group Meeting'.
[12] Public hearing, 9 December 2009, page 45.

view that the UK's ability to influence developments in Iraq was diminished by their absence (see Section 9.8).

Duty of care and risk management

39. Between 2003 and 2009, decisions on civilian deployment were closely linked to assessments of the security threat in Iraq and departments' interpretation of their duty of care to staff.

40. Steps taken by departments to manage the threat to staff included the provision of:

- pre-deployment security training;
- secure transport;
- close protection teams; and
- hardened accommodation.

41. Protective security could not eliminate the risk of death or injury. A number of LE staff and UK-based contractors working for the UK Government were killed in Iraq.

42. The evidence available to the Inquiry shows that the Government made serious efforts to mitigate the risk of injury and death. In addition to protective security measures:

- The FCO and DFID carried out frequent reviews of security in Baghdad, Basra and other locations in Iraq.
- During 2004, the FCO introduced improved structures for managing security issues at its posts in Iraq, with responsibility shared between named decision-makers in London and Iraq. Those arrangements were kept under review.
- When the threat was assessed to exceed the protection afforded by the security measures in place, officials and, where appropriate, Ministers, took quick decisions to lock down buildings or to withdraw staff temporarily.

43. The number of civilian personnel in Baghdad and Basra fluctuated as Ministers and officials sought to reconcile departments' duty of care to staff with operational needs and the finite resources available for enhanced security in the face of a constantly evolving threat:

- On 27 May 2004, Mr Stuart Jack, Head of the FCO Iraq Operations Unit (IOU) advised Mr Jack Straw, the Foreign Secretary: "we are currently at the limit of technical measures we can apply to protect staff in Iraq".[13]
- On 8 October 2004, officials advised Mr Straw that the FCO was "reaching the limits" of its ability to increase effective protection.[14]

---

[13] Minute Jack to PS [FCO], 27 May 2004, 'Iraq: Civilian Staffing and Security'.
[14] Minute Iraq Directorate [junior official] to PS [FCO], 8 October 2004, 'Staff Security in Iraq'.

- On 6 June 2006, Mr Andrew Noble, FCO Director of Security, stated: "we are operating at the limits of what can be achieved, consistent with running a diplomatic mission".[15]
- On 22 January 2007, Dr Rosalind Marsden, the British Consul General in Basra, reported that she had been advised by her Overseas Security Manager that "we are beginning to push our luck".[16]

44. The critical contribution of some of the protective measures introduced in Iraq is reflected in comments by Mr Robert Tinline, Head of the Basra Provincial Reconstruction Team (PRT) in 2007 and 2008. In April 2007, he informed the FCO that more than 1,200 rockets and mortars had been fired at the Basra Palace site since September 2006.[17] Although the BPC had been hit 70 times:

> "We were fortunate that none of our staff were killed or injured ... But we also made our own good fortune. Four accommodation 'pods', the bar, the gym and both the main office buildings received direct hits – but because they were hardened, no serious injuries resulted."

45. The progressive introduction of protective security measures between 2003 and 2008 placed growing constraints on civilians' ability to carry out their jobs effectively.

46. LE staff and contractors became critically important to the UK reconstruction effort.

47. The limited availability of secure transport had particular consequences for the way civilians operated.

48. Mr Martin Dinham, DFID Director Europe, Middle East and Americas from 2005 to 2007, told the Inquiry that, during 2006 and 2007, access to a number of infrastructure projects was so difficult that "we had to arrange to work through local contractors … taking videos, taking digital images, contacting us by email, meeting them in safe locations so we could actually supervise at one remove".[18]

49. From mid-2003, officials had recognised that measures to protect civilians from the security threat could have implications for the UK's ability to achieve its strategic objectives in Iraq.

50. Despite the warnings, the Government failed to establish a strategic framework for assessing the impact of the security threat and protective security measures on UK objectives or to agree an appropriate response.

---

[15] Minute Noble to Casey, 6 June 2006, 'Security of our Posts in Baghdad and Basra'.
[16] Letter Marsden to McDonald, 22 January 2007, 'Basra Palace: Response to Increased IDF Threat'.
[17] eGram 17758/07 Basra to FCO London, 30 April 2007, 'Basra: Move of the British Embassy Office'.
[18] Public hearing, 17 December 2009, page 43.

51. In July 2003, Mr Peter Collecott, FCO Director General Corporate Affairs, commented on the tension between achieving UK objectives in Iraq and duty of care to staff. He advised Mr Straw:

> "We will inevitably be faced with some very difficult prioritisation decisions: activity v. security in Iraq; activity in Iraq v. priorities elsewhere."[19]

52. Concerns increased after the attacks on the UN headquarters in Baghdad in August 2003.

53. Mr Crompton advised Mr Straw:

> "Resources for security assets are an issue. But the principle should be that we provide the number of security assets we need for people to do their jobs properly, rather than limit the number of tasks we take on to the number of security assets we have on the ground (as some around Whitehall have been suggesting). This will be expensive."[20]

54. Over time, the tasks that UK civilians were able to carry out in Iraq became increasingly limited. In June 2006, the IPU characterised the FCO approach to security as "risk averse".[21] It stated that, where officials judged that a particular task exposed personnel to greater risk than the mitigating measures in place to deal with that risk, the task would not be undertaken.

55. The withdrawal of the majority of civilian staff from the Basra Palace site to Basra Air Station and Kuwait in response to a rapid deterioration in security in late 2006 followed that pattern.

56. Sir Peter Ricketts told the Inquiry that he was clear that the British Embassy Office would have to leave Basra Palace once it was known that the UK military would be moving out.

57. Officials reported in December 2006 that the rapid withdrawal had raised concerns among the UK's partners about its commitment to civilian operations.

58. The Government did not assess to what extent civilians could be effective in a highly insecure environment. Nor did the principal government departments concerned reach agreement on a cross-government framework for managing risk in such circumstances.

59. By late 2006, UK civilian activity in Iraq, particularly in Basra and the South, had become severely constrained by the security situation. Only after the change in the security environment brought about by the Charge of the Knights, the Iraqi military

---

[19] Minute Collecott, 11 July 2003, on Minute Millett to PS [FCO], 11 July 2003, 'Iraq: Security'.
[20] Minute Crompton to PS [FCO], 28 August 2003, 'Ad Hoc Ministerial'.
[21] Minute IPU [junior official] to PS/PUS [FCO], 30 June 2006, 'Iraq: Review of Security' attaching Paper Iraq Policy Unit, June 2006, 'Review of Security of Staff and Missions in Iraq'.

operation in March 2008 to drive Shia militias out of Basra, was there a strategic context in which the effectiveness of UK civilians in the South was no longer determined by the security threat and the availability of protective measures.

Civilian-military co-ordination

60. In the absence of a cross-government framework for managing risk, there was no overarching consideration of the security assets needed for civilians to do their jobs effectively, which UK military assets should be assigned to protect civilians and what constituted an appropriate level of expenditure on protective security in the particular circumstances of Iraq.

61. Sections 6.4 and 6.5 address the shortcomings in UK civilian–military co-ordination during pre-invasion planning and preparation for post-conflict Iraq.

62. Those shortcomings persisted after the invasion.

63. On 11 April 2003, shortly before the opening of the British Office Baghdad, officials advised Mr Straw that no decision had been taken on how to guard the compound perimeter. The MOD was considering the issue, but would "take some persuasion to redeploy to Baghdad from the South".[22]

64. On 15 July 2005, the Iraq Strategy Group (ISG) discussed the first draft of a paper to be signed by Dr John Reid, the Defence Secretary, on the planned drawdown of UK military forces from southern Iraq. The ISG concluded that the draft, which made no reference to the potential consequences of the drawdown for civilian activities, needed to cover more clearly the implications for other government departments and international actors.

65. In the revised paper, Dr Reid stated that, although the drawdown was likely to result in a significant cost saving to the military, other departments operating in Iraq might face increased security costs as they were "forced to seek commercial alternatives to military force protection".[23] No alternatives were proposed.

66. On 30 September 2005, a joint FCO/MOD/DFID paper recommended the allocation of additional resources to security, including UK military resources. A No.10 official told Mr Blair that Dr Reid did not support the proposal.

67. In October 2005, Dr Reid sought approval to procure a counter-measure to the threat posed to UK troops by Improvised Explosive Devices.[24] Ten days later, Mr Hilary Benn, the International Development Secretary, expressed support for the proposal, pointing out that it would also "significantly reduce the current threat against UK forces and DFID staff".

---

[22] Minute Gray to Private Secretary [FCO], 11 April 2003, 'Baghdad: Preparing to Open'.
[23] Paper Secretary of State for Defence, 18 July 2005, 'Operational Transition in Iraq'.
[24] Letter Reid to Browne, 31 October 2005, 'Iraq UORs: M*'.

Locally engaged staff

68. LE staff played an essential role in the UK effort in Iraq. They became increasingly important as security deteriorated and the mobility of UK personnel became constrained.

69. Officials recognised in 2003 the critical role of LE staff and the personal risk they took in working for the UK Government. The issue came into sharper focus in Basra in April 2006, when the British Consul General reported that most LE staff in the city considered it too dangerous to come into work.

70. On 18 June 2006, an LE member of staff at the British Embassy Office Basra was murdered. His wife, also an LE member of staff, was seriously injured.

71. The visibility of LE staff in the local community made them particularly vulnerable to attack. UK officials in Iraq took steps to manage the risk, including the introduction of flexible shift patterns. DFID local staff in Basra, who were particularly exposed to the threat because of the extent of their work outside the Basra Palace site, had standing permission not to come to work if they felt unsafe.

72. Only in August 2007, faced with a further deterioration in security and growing press interest in LE staff, did officials try, with some difficulty, to reconcile FCO, DFID, MOD and, as the department responsible for immigration, Home Office views to establish "a coherent cross-Whitehall approach".[25]

73. The design and implementation of the Locally Engaged Staff Assistance Scheme, announced in Parliament in October 2007, was further hindered by shortcomings in the data on LE staff held by the FCO and the MOD.

74. The evidence seen by the Inquiry indicates that the UK did not fail in its duty of care to LE staff, but the Inquiry concludes that the Government should have recognised sooner that LE staff were uniquely exposed to the security threat and vital to the UK effort in Iraq, and that this was an issue requiring a co-ordinated and agreed approach across departments.

Language skills

75. Several witnesses to the Inquiry commented on the shortage of Arabic speakers among civilians deployed to Iraq throughout the period covered by the Inquiry.

76. There was also a shortage of Arabic speakers available to support the UK military.

77. The deployment of more Arabic speakers would have provided the opportunity to:

- increase UK access to Iraqi institutions and society;
- build greater trust between the UK Government and influential Iraqis; and
- improve UK understanding of political and social undercurrents in Iraq.

---

[25] Minute IPU [junior official] to Private Secretary [FCO], 1 August 2007, 'Iraq: Locally Engaged Staff'.

78. Two main factors appear to have contributed to the failure to meet the demand for Arabic speakers in Iraq:

- the finite number of Arabic speakers in the FCO; and
- the absence of a mechanism for redeploying Arabic speakers from other FCO jobs at short notice.

79. The Inquiry welcomes the steps taken by the FCO since 2010 to increase the number of Arabic speaker positions at FCO posts in the Middle East and North Africa, and Mr William Hague's decision as Foreign Secretary to open a new FCO language school in 2013 and to prioritise Arabic language training.

80. The Inquiry fully endorses Mr Hague's view that expertise in a foreign language makes UK diplomats:

> "... vastly more effective at communicating the viewpoint of the United Kingdom. And it is vital to understanding the political mood in different countries and to spotting trends or anticipating crises."[26]

81. There is little evidence, however, that the Government has considered how to respond effectively to a sudden surge in demand for particular language skills, especially where demand may be unforeseen.

Lessons

82. The Inquiry recognises that, since 2003, significant changes have been made to the UK's strategic and operational approach to reconstruction and stabilisation. Some of those changes, including the establishment of a deployable UK civilian stand-by capability, are the direct result of lessons learned from serious shortcomings in the deployment of civilian personnel in post-conflict Iraq.

83. The lessons identified in this Section remain relevant to the UK's evolving approach to reconstruction and stabilisation.

84. Other lessons relating to the strategic role of civilians in post-conflict reconstruction and stabilisation operations, the relationship between civilian and military deployments, and the impact of the UK's civilian-led programmes in Iraq are addressed in Section 10.4.

85. The effectiveness of the UK civilian effort in post-conflict Iraq was compromised by a range of factors, including the absence of effective cross-government co-ordination on risk, duty of care and the terms and conditions applicable to personnel serving in Iraq.

---

[26] Foreign & Commonwealth Office and the Rt Hon William Hague MP [from *GOV.UK*], 19 September 2013, *Foreign Secretary opens Foreign Office language school.*

86. The difficult working conditions for civilians in Iraq were reflected in short tour lengths and frequent leave breaks. Different departments adopted different arrangements throughout the Iraq campaign, leading to concerns about breaks in continuity, loss of momentum, lack of institutional memory and insufficient local knowledge.

87. Different departments will continue to deploy civilian staff in different roles. Standardisation of all aspects of those deployments may not be appropriate, but greater harmonisation of departmental policies should be considered wherever possible. The same approach should be applied to LE staff.

88. At all stages, including planning, departments must give full consideration to their responsibilities and duty of care towards LE staff, who have an essential contribution to make and will face particular risks in insecure environments.

89. All civilian deployments should be assessed and reviewed against a single, rigorous, cross-government framework for risk management. The framework should provide the means for the Government as a whole to strike an effective balance between security and operational effectiveness, and to take timely decisions on the provision of appropriate security measures.

90. Standardising tour lengths for civilians deployed by different departments would have eased the overall administrative burden and, perhaps, some of the tensions between individuals from different government departments serving in Iraq. But the environment was difficult and individuals' resilience and circumstances varied. The introduction of the option to extend a tour of duty was an appropriate response.

91. Throughout any operation of this kind, departments should maintain two procedures for the systematic debriefing of staff returning to the UK: one to meet duty of care obligations, the other to learn lessons from their experience.

92. It is difficult to separate the issue of the seniority or personal impact of individual civilians from the wider question of UK influence on the US, which is addressed in Section 9.8.

93. In order to identify individuals with the right skills, there must be clarity about the roles they are to perform. Wherever possible, individuals should be recruited for and deployed to clearly defined roles appropriate to their skills and seniority. They must be provided with the equipment needed to perform those roles to a high standard.

94. The Government should consider the introduction of a mechanism for responding to a surge in demand for a particular language capability.

95. The Inquiry views the inability of the FCO, the MOD and DFID to confirm how many civilian personnel were deployed to or employed in Iraq, in which locations and in what roles, as a serious failure. Data management systems must provide accurate information on the names, roles and locations of all staff for whom departments have duty of care responsibilities.

SECTION 16.1

THE WELFARE OF SERVICE PERSONNEL

Contents

Introduction 2

The military covenant and the Harmony Guidelines 2

Early priorities and concerns 6

- Operational Welfare Package 6
- Review of allowances 6
- Delivery of the Operational Welfare Package 7
  - The air bridge 11
- Concerns over the effect of Operation TELIC on retention 15

Supporting Reservists 17

Increasing pressure on Service Personnel, 2004 to 2008 23

- The decision not to deploy a headquarters and brigade to Iraq, June 2004 23
- The decision to deploy troops to Afghanistan 25
- Concern that the Army is “running hot”, autumn 2006 27
- Introduction of the Operational Allowance 29
- Reports on recruitment and retention 30
- The impact of operations on the Harmony Guidelines 34

Rebuilding the military covenant 35

Introduction

1. This Section addresses:

- the military covenant and the Harmony Guidelines, which provided a framework for the provision of welfare support to Service Personnel, including Reservists, and their families;
- the provision of welfare support during deployments;
- changes to the welfare support available to Service Personnel, including Reservists, and their families; and
- the consideration given to the effects on Service Personnel in decisions to deploy troops, in particular in terms of the Harmony Guidelines.

2. The provision of medical care, in particular for seriously injured Service Personnel, is addressed in Section 16.2.

3. The preparations made for repatriating the bodies of those who lost their lives serving on Operation TELIC, how their deaths were investigated, and the support provided for bereaved families is addressed in Section 16.3.

4. The problems caused by deployments consistently exceeding the Defence Planning Assumptions in respect of the provision of military equipment are addressed in Sections 6.3 and 14.

5. The decision to deploy to Helmand province in Afghanistan, and the implications of that decision, are addressed in Section 9.

The military covenant and the Harmony Guidelines

6. The concept of a "covenant between the Army and its soldiers" was first articulated in the March 2000 British Army publication, *Values and Standards of the British Army*.[1] The foreword to that publication, written by General Sir Roger Wheeler,[2] Chief of the General Staff, stated:

> "As a soldier in the British Army, much is expected of you. You may be required to deploy on operations which will be dangerous, to obey orders which could put your life at risk, and to live and work for long periods under extremely challenging conditions. Your comrades, your commanders and ultimately the Nation will depend on your courage, loyalty and commitment. They will rely on you to maintain the highest standards of professionalism and self-discipline at all times. In short, they must trust you and you need to trust them.
>
> "This two-way obligation forms a covenant between the Army and its soldiers … By volunteering as a soldier in the British Army you accept that, by putting the needs

[1] Ministry of Defence, *Values and Standards of the British Army,* March 2000.
[2] General Sir Roger Wheeler was the military adviser to the Iraq Inquiry.

of the Service before your own, you will forgo some of the rights enjoyed by those outside the Armed Forces. But in return you can at all times expect fair treatment, to be valued and respected as an individual, and to be rewarded by reasonable terms and conditions of service."

7. The Armed Forces' capacity to deploy and sustain expeditionary operations was determined by decisions in the 1998 *Strategic Defence Review* (SDR 98).[3]

8. SDR 98 set out the UK's defence policy and translated that policy into detailed guidance for defence planning by using a number of "planning assumptions" which defined the required level of forces, or scale of effort, required for specific Military Tasks (see Section 6.1).

9. SDR 98 stated that the UK should be able to:

"– respond to a major international crisis which might require a military effort and combat operations of a similar scale and duration to the Gulf War when we deployed an armoured division, 26 major warships and over 80 combat aircraft.

or

– undertake a more extended overseas deployment on a lesser scale (as over the last few years in Bosnia) while retaining the ability to mount a second substantial deployment – which might involve a combat brigade and appropriate naval and air forces – if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war fighting or to maintain them simultaneously for longer than six months."

10. The principal scales of effort defined in SDR 98 were:

- Small scale: "a deployment of battalion size or equivalent".
- Medium scale: "deployments of brigade size or equivalent" for war-fighting or other operations.
- Large scale: deployments of division size or equivalent. The most recent example was the UK contribution to the 1991 Gulf Conflict, "although on that occasion the British division deployed with only two of its three brigades". This was "the maximum size of force we would plan to be able to contribute to peace enforcement operations, or to regional conflicts outside the NATO area".
- Very large scale and full scale: all the forces that would be made available to NATO to meet a major threat such as significant aggression against an ally.

11. SDR 98 also defined:

- Endurance: the likely duration of individual Military Tasks. Each Service needed to be able to sustain tasks for the required period, including where necessary by

[3] Ministry of Defence, *Strategic Defence Review*, July 1998.

rotating individual units deployed and, where units were deployed on operations, allowing units a period of respite between each deployment as set out in the Service's Harmony Guidelines.

- Concurrency: the number of operations of a given scale of effort and duration that could be sustained by the force structure. SDR 98 concluded that "not to be able to conduct two medium scale operations at the same time would be an unacceptable constraint on our ability to discharge Britain's commitments and responsibilities".[4]

12. SDR 98 also considered the "underlying problems of under-manning and overstretch that we have inherited".[5] It defined overstretch as "trying to do too much with too little manpower". One result was that units and individuals were separated from their families too often and for too long. Another was that preparation for other tasks and longer-term training suffered. The additional pressures from "persistent overstretch" contributed to higher exit rates from the Armed Forces, which exacerbated under-manning. SDR 98 concluded:

> "We must break this vicious circle. To do so we must match the commitments we undertake to our planned resources, recognising that there will always be the risk of additional short-term pressures if we have to respond rapidly to an unforeseen crisis. We need to improve recruitment and retention so that our units are properly manned. And we need to use our manpower in the most effective manner, particularly seeking to avoid unnecessary separation or disruption to individuals and their families.
>
> "The Review [SDR 98] has designed a future force structure matched to the level of commitments we plan to be able to undertake. These structural changes, combined with measures to increase recruiting and retention, will ease overstretch."

13. The Harmony Guidelines described the maximum time that Service Personnel should spend away from their families (known as Individual Separated Service)[6] and the minimum time that they should have between operational deployments (known as tour intervals).[7]

14. The MOD told the Inquiry that the Harmony Guidelines were developed to help it "get the work/life balance right" for Service Personnel and that, as the name suggested, these were for guidance and were not "rules".

15. Each Service (the Royal Navy, the Army and the Royal Air Force) derived its own Harmony Guidelines based on an "analysis of historical norms and judgements, training

---

[4] Ministry of Defence, *Strategic Defence Review – Supporting Essay 6, Future Military Capabilities*, July 1998.
[5] Ministry of Defence, *Strategic Defence Review*, July 1998.
[6] The MOD defines Separated Service as "Absence from normal place of duty or lack of freedom to enjoy leisure at the normal place of duty/residence at place of duty".
[7] Paper MOD, 25 November 2009, 'Harmony Guidelines'.

requirements, deployment patterns and the unique culture of each Service", and on the "routine level of concurrency" that the Armed Forces were resourced and structured to sustain.

16. The table below shows the Harmony Guidelines for each Service in 2003.[8]

Table 1: Harmony Guidelines, 2003

	Royal Navy	Army	Royal Air Force
Individual Separated Service	In any 36 month period, no one to exceed 660 days.	In any 30 month period, no one to exceed 415 days.	In a 12 month period, not more than 2.5% of personnel to exceed 140 days.
Unit tour intervals	Fleet Units to spend maximum of 60% deployed in 36 months.	24 month average interval between Unit tours.	16 month average interval between Unit tours.

17. On 17 January 2003, Mr Blair agreed the deployment of a large scale UK ground force, comprising the headquarters 1st (UK) Armoured Division and three combat brigades, to Iraq (see Section 6.2).

18. There is no indication that the potential pressure on Service Personnel, including with respect to the Harmony Guidelines, was a consideration in that decision.

19. The Service Personnel Board (SPB), chaired by Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) (DCDS(Personnel)), discussed the effect of current operations on personnel welfare on 21 January 2003.[9] The SPB commented that the "shift to expeditionary operations was having a significant impact on people". The lesson from Operation FRESCO[10] was that "wider welfare considerations needed to be taken into account in advance of decisions on commitments".

20. Mr Adam Ingram, Minister of State for the Armed Forces (Min(AF)), told the Inquiry that the Government knew that the invasion of Iraq would put additional strain on the Harmony Guidelines:

> "… we had been involved in both Iraq and Afghanistan, still engaged in Northern Ireland, still having people in Cyprus, still having people in Sierra Leone and other parts of sub-Saharan Africa, and still having a significant lay-down in the Falklands.
>
> "All of that made it very difficult to meet harmony guidelines, although it varied between the Services – the Army under most strain … and significant key enablers

[8] Fourteenth Report from the Defence Committee, Session 2007-2008, *Recruiting and Retaining Armed Forces Personnel*, HC424.
[9] Minutes, 21 January 2003, Service Personnel Board meeting.
[10] Op FRESCO was the provision of emergency cover by the Armed Forces in the event of industrial action by civilian firefighters.

within the Army … They would be under quite considerable stretch. So medics, engineers, a raft of people who were under very significant strain. We knew that.

"However, what was the solution? That [Iraq] was then something we then had to attend to."[11]

Early priorities and concerns

Operational Welfare Package

21. The MOD provided an Operational Welfare Package (OWP) to deployed Service Personnel. Although tailored to each deployment, it typically included access to television and films, books, the internet, and a weekly telephone allowance.

22. This support was provided "consistent with the operational and environmental circumstances in which they [Service Personnel] are placed, and the availability of resources".

23. In late January 2003, Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), asked senior officers to scrutinise the lessons identified during Op JACANA (a UK operation in Afghanistan in 2002), and to report on progress in addressing lessons relevant to Op TELIC.[12]

24. Lt Gen Palmer responded on 31 January, outlining progress towards addressing several of the lessons that had been identified, including the importance of a workable "Welfare Telephone" system early in an operation.[13] The Permanent Joint Headquarters (PJHQ) had made this, along with the delivery of mail, their priority for Op TELIC. The ratio of Welfare Telephones had been increased from one to 50 to one to 30 to meet the needs of manoeuvre forces.

Review of allowances

25. From 1 April 2003, all units (Regular and Reserve) from which more than five Service Personnel had deployed received a Family Welfare Support Enhancement (FWSE) of £1 per week per individual deployed.[14] The FWSE was to be used by the unit to improve communications between families and deployed Service Personnel (for example by providing internet and telephone facilities) and to support welfare activities for families.

26. Lt Gen Palmer advised the Chiefs of Staff on 9 April 2003 that he had reviewed the MOD's allowance policy "in support of Op TELIC Service Personnel and their families",

---

[11] Public hearing, 16 July 2010, page 18.
[12] Minute DPSO/CDS to MA/CNS, 22 January 2003, 'Op JACANA Lessons for TELIC'.
[13] MC/DCDS(Pers) to DPSO/CDS, 31 January 2003, 'Op JACANA Lessons for Op TELIC'.
[14] Minute HQ Land Command [junior official] to HQ 2 Div, 25 October 2003, 'Welfare Provision for Op TELIC 3 – Chain of Command Instruction'.

and had established a close link with the Treasury to ensure a rapid response to individual cases.[15] A number of changes had been agreed, including:

- the Longer Separated Service Allowance and Longer Service at Sea Bonus enhancements would be introduced earlier than planned;
- the introduction of new arrangements to support close relatives of injured Service Personnel hospitalised in the UK; and
- enhanced support for Service Personnel and their dependants evacuated from permanent posts in the Middle East.

27. The new arrangement to support close relatives of injured Service Personnel referred to by Lt Gen Palmer was the extension of the Dangerously Ill Forwarding of Relatives (DILFOR) scheme (which previously provided for two people to visit seriously injured Service Personnel in hospitals overseas for up to 10 days, at public expense) to include hospitals in the UK.[16] The support provided to injured Service Personnel and their families is described in Section 16.2.

28. The MOD reported in December 2003 that the FWSE had been well received.[17] A survey undertaken by the Army Families' Federation (AFF) suggested that communication between families and deployed Service Personnel was good.

29. The FWSE was increased from £1 to £2.20 per week per person deployed on 1 November 2008.[18] The increase meant that a typical infantry battalion could expect to receive in the region of £30,000 to support families during an operational tour.[19]

Delivery of the Operational Welfare Package

30. Lt Gen Palmer told the Inquiry that, rather than deliver a fixed OWP for Op TELIC, he worked closely with PJHQ to ensure that the OWP evolved over time to reflect "the views from soldiers on the ground".[20]

The free parcel service

On 24 March 2003, in an exchange with Mr Frank Roy in the House of Commons, Mr Blair undertook to try to ensure that arrangements to provide a free parcel service to troops in the Gulf were put in place as soon as possible.[21]

The free parcel service began on 17 April.[22]

---

[15] Minute Palmer to COSSEC, 9 April 2003, 'Personnel Issues Update – Op TELIC'.
[16] Minute MOD [junior official] to HQ 2 Div, 25 October 2003, 'Welfare Provision for Op TELIC 3 – Chain of Command Instruction'.
[17] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[18] Defence Instructions and Notices, October 2008, 'Amendments to the Family Welfare Grant'.
[19] Paper MOD, June 2010, 'Operational Welfare Enhancements as at June 2010'.
[20] Public hearing, 21 July 2010, page 3.
[21] House of Commons, *Official Report*, 24 March 2003, column 28.
[22] Letter Davies to Cannon, 19 February 2004, 'Iraq: Termination of Free Postal Service'.

Lt Gen Palmer told the Inquiry:

> "… free parcels, two kilograms, engraved on my heart … this was a debate about how far we could stretch the logistic operation. I mean, delivering two kilograms of parcels to everybody in theatre over distances with … not enough helicopters for operations, let alone for administration, was a real issue, but it was critical for the families back in the UK that they could send to their loved ones … things that would remind them of home."[23]

The free service was terminated in April 2004.[24] In a written statement to Parliament, Mr Ingram stated:

> "The provision of a free packet service recognised the difficult conditions Service Personnel were operating in and that it was not possible to provide the full spectrum of welfare support normally available to Service Personnel on operations. Whilst southern Iraq is not yet a benign environment, the level of welfare support and the facilities available on Operation TELIC are now comparable to those provided in other operational theatres.
>
> "It has therefore been decided that from 8 April 2004 … this free service will cease."

31. Mr Ingram visited Iraq from 13 to 15 May 2003.[25] His Military Assistant reported that the Minister had been impressed by the morale of the troops, but he had been briefed that it could be undermined by (unspecified) small-scale and easily rectified "irritants". Mr Ingram's Military Assistant concluded:

> "The Minister would be disappointed if we lost opportunities for 'quick wins' here (though he appreciates that troops in theatre examine these issues from one end of the telescope)."

32. On 22 May, Major General Robert Fry, Deputy Chief of Joint Operations (Operations) (DCJO(Ops)), listed those irritants and the actions being taken to rectify them in a report for Air Chief Marshal (ACM) Sir Anthony Bagnall, Vice Chief of Defence Staff (VCDS):

- insufficient portaloos (more could be supplied);
- insufficient fresh rations (sufficient fresh rations were available; commanders had chosen to mix these with ration packs);
- a desire for a second Op TELIC medal covering Phase IV operations[26] (being discussed by Chiefs of Staff);

---

[23] Public hearing, 21 July 2010, page 27.
[24] House of Commons, *Official Report*, 27 February 2004, column 69WS. The free parcel service was reintroduced in November 2007.
[25] Minute MA/Minister (AF) [MOD] to Sec(O) – Iraq, 16 May 2003, 'Minister (AF) Visit to Iraq'.
[26] Phase IV is the military term for the post-conflict phase of operations.

- the recent decision to withdraw the second free welfare families warrant (that decision had been waived for Land forces deployed on Op TELIC);
- the troops' desire to be able to send parcels back to their families without charge (that facility was not available for any other operation, and would not be provided for Op TELIC);
- inadequate access to TVs (the absence of a final UK "disposition plan" for Phase IV and the low standard of camp infrastructure, and in particular the lack of reliable power supply, was hindering the installation of equipment); and
- inadequate access to the internet (equipment was being rolled out).[27]

33. Maj Gen Fry concluded that sufficient weight was being given to providing support for deployed Service Personnel, who would see "incremental improvements" in the delivery of the OWP and infrastructure.

34. Mr Ingram told the Inquiry that he saw his role as one of getting "ground truth" of what was happening in Iraq, including by talking to soldiers in theatre.[28]

35. A small team from the Army's Personnel Directorate and PJHQ visited MOD civilian staff in Iraq from 18 to 20 May.[29] They reported that comments on the OWP:

> "… ranged from a claim that there wasn't a package in existence to the fact that in reality it didn't run smoothly. At Basra there was only one internet terminal available from 0000 to 0700 for [military and civilian] staff to send messages home … Telephone facilities were similarly limited …"

36. The team reported that other issues such as the availability of exercise equipment were being addressed by local purchases in theatre.

37. The 28 May meeting of the SPB was advised that Service Personnel were currently living in "basic tented accommodation, existing Iraqi buildings, or fighting vehicles".[30] Tier 1 facilities (hard-skinned or tented accommodation with air-conditioning) should be fully deployed by September and Tier 2 facilities (hard-skinned, semi-permanent accommodation) by December. A limited OWP, comprising telephone facilities, British Forces Post Office mail, British Forces Broadcasting Service radio and an electronic letter service, was currently available in all locations; internet and TV were available in some locations. PJHQ intended to provide the full OWP in all locations.

38. The SPB was also advised that a rest and recuperation (R&R) package would be introduced once roulement and force alignment had taken place; "Operational Stand-Downs" would begin on 30 May.

---

[27] Minute Fry to MA/VCDS, 22 May 2003, 'Minister(AF) Visit to Iraq'; Email MA/DCDS (Personnel) to MA/VCDS, 29 May 2003, 'Minister (AF) Visit to Iraq'.
[28] Public hearing, 16 July 2010, pages 13-14.
[29] Minute PS/Personnel Director to Brooke, 22 May 2003, 'Visit to Iraq 18th – 20th May 2003'.
[30] Minutes, 28 May 2003, Service Personnel Board meeting.

39. Lt Gen Palmer told the Inquiry that, initially, R&R was taken in theatre but, as the situation stabilised and in response to the needs of Service Personnel and their families, this was extended to allow Service Personnel to travel back to the UK.[31] Lt Gen Palmer highlighted the costs of the initiative, particularly in terms of removing Service Personnel from their roles and the demand placed on air transport.

40. The R&R allowance established in Iraq was two weeks, including travel time from and to Iraq.

41. Air Marshal (AM) David Pocock, Deputy Chief of Defence Staff (Personnel) from 2005 to 2007, told the Inquiry that the practice of flying Service Personnel back to the UK for R&R had evolved over the first years of Op TELIC:

> "… as far as I can tell, there was never a careful policy discussion about what we were going to do and why. It started off as a means of getting the troops away from particular areas of danger, hardship. They could have a break, clean up, a rest and go back again, and then it gradually evolved from moving back from the actual areas of fighting to perhaps out of the country …
>
> "… it was never actually, so far as I could tell a formal policy. Like Topsy, it grew."[32]

42. The demands placed on air transport by that practice are considered later in this Section.

43. Lt Gen Palmer visited Iraq in early June 2003. He reported to General Sir Michael Walker, Chief of the Defence Staff, on 20 June that the OWP had been "well received".[33] The main effort now was to provide air-conditioned accommodation as temperatures in Iraq rose.

44. An MOD official advised Mr Ingram on 27 June that many of the "welfare irritants" had already been resolved.[34] In general, problems in delivering the OWP had been caused by the rapid pace of operational deployment. The advice concluded:

> "Overall, the OWP policy has held up well given the scale of operation and the specific demands imposed in Op TELIC."

45. The MOD reported in July that, owing to the austere nature of the deployment and the lack of infrastructure in some locations, the OWP had been implemented in stages.[35] The first stage comprised:

- air letters (commonly known as Blueys) delivered electronically;

---

[31] Public hearing, 21 July 2010, pages 22-23.
[32] Public hearing, 19 July 2010, page 17.
[33] Minute DCDS(Pers) to DPSO/CDS, 20 June 2003, 'Op TELIC – Theatre Visit Report'.
[34] PS/VCDS to PS/Min(AF) [MOD], 27 June 2003, 'Minister (AF) visit to Iraq – Updated [sic] on Welfare Irritants'.
[35] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

- mail;
- welfare telephones;
- newspapers;
- radio broadcasting;
- limited internet access; and
- basic shop facilities.

46. By July, the OWP was being extended to provide additional internet access, fitness equipment, TV broadcasting and free books.

47. Lt Gen Palmer told the Inquiry that, over time, the MOD delivered a "very good" OWP.[36]

48. Lieutenant General Sir Alistair Irwin, the Adjutant General from 2003 to 2005, added that a key factor in delivering the OWP was managing and meeting increasing expectations.[37]

49. The Inquiry heard mixed reports on the OWP from families and veterans of Op TELIC. Limited access to telephones early in the campaign and the fragility of the air bridge between Iraq and the UK were particular sources of frustration.

50. The Inquiry put those concerns to Mr Ingram.[38] On the issue of limited access to telephones, he told the Inquiry:

> "… at the beginning of a war phase, and shortly after it, it is very hard to deliver full communication and infrastructure. Indeed, even the military infrastructure, ie in terms of operational demand, was pretty fragile as well.
>
> "So you couldn't honour the commitment in terms of the amount of time that each soldier … would have to phone back to their family, but as the lay-down became more established, and investment could then be made in communications, and when we had the communications infrastructure, we could then improve the availability and the time …"

THE AIR BRIDGE

51. In January 2004, in response to concerns over the increasing threat to Air Transport (AT), the Chiefs of Staff agreed that only aircraft fitted with a Defensive Aids Suite (DAS)[39] should fly into Basra.[40]

---

[36] Public hearing, 21 July 2010, page 12.
[37] Public hearing, 21 July 2010, pages 13-14.
[38] Public hearing, 16 July 2010, pages 21-22.
[39] A Defensive Aids Suite (DAS) is a military aircraft system which acts to defend the aircraft from attack. A DAS typically comprises chaff, flares, and electronic countermeasures combined with equipment to detect threats.
[40] Minutes, 28 January 2004, Chiefs of Staff meeting.

52. General Sir Mike Jackson, Chief of the General Staff, visited Iraq from 10 to 13 October 2005.[41] In his report to Gen Walker, he set out the heavy demands on the UK's Support Helicopter (SH) fleet, and continued:

> "If our SH capability is inadequate, our AT fleet is worse. The air bridge to theatre is now so fragile that sustaining an efficient R&R schedule is nigh on impossible. Quite apart from the morale effect of inordinate delays, the difficulties with R&R are now beginning to impact significantly on the operational effectiveness of the Division. The situation is so bad that I am asking HQ Land to re-examine, at least in principle, whether we might not re-adopt 4 month operational tours without R&R. Since I suspect there will be very many reasons against this – continuity and our current training cycle to name but two – we really need to take stock of our AT capability in the round, especially in light of our impending commitment to Afghanistan."

53. Later that month, the Chiefs of Staff "noted" that the UK's AT capability was "unable to meet current and prospective demands", and that General Sir Timothy Granville-Chapman, Vice Chief of Defence Staff, would undertake a stocktake and scope increased availability.[42]

54. Gen Granville-Chapman reported to Gen Walker in December that the main constraint on AT was the lack of DAS-equipped passenger aircraft to support current operations.[43] The decision that only DAS-equipped aircraft could carry passengers to Iraq and Afghanistan meant that only three RAF TriStar aircraft were currently available to support the air bridge.

55. Gen Granville-Chapman described the work that was under way to address the shortfall in AT availability. A further three TriStar would be fitted with DAS, and a fourth for DAS. Those aircraft would become available between May 2006 and February 2007. The MOD had chartered civil aircraft to shuttle between the UK and a "hub" at Al Udied airbase in Qatar, reducing the burden on TriStar. The first charter flight had been on 6 December.

56. The deployment of additional forces to Afghanistan in 2006 would "demand a surge in AT requirement". To handle that demand, the MOD was exploring the possibility of establishing a Forward Mounting Base (FMB) for TriStar that shortened the transit time to and from theatre.

57. Gen Granville-Chapman also addressed a number of "more radical approaches" including using civil aircraft fitted with DAS to fly into theatre, and procurement of additional aircraft. On the latter, the only viable option that would make a difference to lift capacity within two years was the early acquisition of a fifth C-17 (currently scheduled

---

[41] Report CGS to CDS, 18 October 2005, 'CGS Visit to Iraq: 10-13 Oct 05'.
[42] Minutes, 26 October 2005, Chiefs of Staff meeting.
[43] Minute VCDS to CDS, 12 December 2005, 'Air Transport Support to Operations'.

for procurement in 2011). The MOD was considering "innovative finance arrangements", including leasing arrangements.

58. Gen Granville-Chapman provided Gen Walker with an update on the stocktake on 6 January 2006.[44] After further work, the early acquisition of a fifth C-17 remained a possibility. The "less good news" was that the Treasury now contended that fitting the additional TriStar with DAS was not a legitimate charge to the Reserve, given that the "hub and spoke" arrangement using Al Udied was now operational. Officials advised that the MOD should continue fitting DAS "at risks".

59. In his post-operational tour report on 18 January, Major General James Dutton, General Officer Commanding Multi-National Division (South-East), wrote:

> "The reliance on only 3 suitably equipped TriStar C-2 aircraft to support the UK-BAS [Basra Air Station] air bridge task has again created significant problems, especially as one aircraft has been in long term major maintenance for most of the period and the others have occasionally been required for Op HERRICK tasks … consequently there is an indisputable need for additional Defensive Aids Suite (DAS) equipment for air transport assets."[45]

60. Gen Walker directed on 24 January that the MOD should "explore innovative funding operations for the early procurement of a fifth C-17 aircraft".[46]

61. In April 2006, the MOD's Directorate of Operational Capability (DOC) published its third report of Op TELIC lessons, covering the period from 1 December 2004 to 28 February 2006.[47] The report is described in detail in Section 14.1.

62. On AT, the DOC reported:

> "The availability of air transport assets became critical in October 2005. The strategic and tactical requirement for all aircraft to be equipped with Defensive Aids Suite (DAS) in theatre has compounded the problem. The air bridge to theatre became so fragile that the Rest and Recuperation (R&R) plot became close to untenable in Oct/Nov 2005 … This affected morale and the operational effectiveness of the British personnel in MND(SE). The situation became so pronounced that HQ LAND was tasked to look at initiatives that would allow a shortened tour length without R&R … the Op HERRICK deployment [to Helmand province, Afghanistan] brings with it more pain rather than respite and, as a result, the imperative to improve our AT capacity is stronger than ever."

---

[44] Minute VCDS to CDS, 6 January 2006, 'Air Transport Support to Operations'.
[45] Report HQ MND(SE) to PJHQ – J3, 18 January 2006, 'Progress Report – Operation TELIC'.
[46] Minutes, 24 January 2006, Chiefs of Staff meeting.
[47] Report DOC, 4 April 2006, 'Operation TELIC Lessons Study Volume 3'.

63. The DOC recommended:

> "There is a requirement to assess and improve our AT capacity as an operational priority. The UK should consider civilian air charter to off-load capacity …"

64. The House of Commons Defence Committee visited Iraq from 4 to 8 June.[48] On the air bridge, the Committee wrote:

> "During our visit to Iraq, we heard that air bridge reliability remained a key concern among UK Service Personnel. We witnessed at first hand the disruption caused by delays of flights in and out of, and around, theatre. The difficulties stem from problems both with the commercial service between the UK and Al Udeid and with the C-130 Hercules in theatre and the availability of RAF air bridge TriStar, VC10 and C-17. Troops travelling home on leave are frequently delayed and this reduces their time on leave."

65. The Defence Committee concluded:

> **"It is unacceptable that Servicemen and women, many of whom are serving greatly in excess of Harmony Guidelines, should have their leave disrupted by the MOD's inability to provide a reliable air bridge."**

66. The MOD ordered a fifth C-17 aircraft in July 2006, and took delivery of that aircraft in February 2008.[49]

67. In its 2009 report entitled *Support to High Intensity Operations,* the National Audit Office (NAO) wrote:

> "The Department's [the MOD's] air transport fleet is small, consists of aircraft types that are old by comparison to modern civilian fleets and is therefore susceptible to mechanical breakdown. In addition, the integration of modern Defensive Aids Suites on to these aircraft has caused reliability problems. The availability of the TriStar fleet, the Department's main passenger carrying aircraft, has been low. Of the seven TriStar passenger-carrying aircraft, on average 45.5 percent since January 2006, have been unavailable to support operations. Significant effort by those responsible for the air transport fleet has enabled the Department to deliver the overall task but the air bridge remains under considerable strain."[50]

68. On the fragility of the air bridge, Mr Ingram told the Inquiry:

> "The air bridge … was very fragile. We were dealing with ageing aircraft, you just need an aircraft to break down for a few hours and the whole thing is thrown into dislocation.

---

[48] Thirteenth Report from the Defence Committee, Session 2005-2006, *UK Operations in Iraq*, HC1241, paragraph 69.
[49] www.raf.mod.uk, 22 February 2008, *RAF Prepares To Receive Fifth C-17 Aircraft*.
[50] National Audit Office, *Support to High Intensity Operations*, 14 May 2009.

"It is why … the procurement of commercial aircraft was then put in place, but they could break down as well, and there was nothing more frustrating than hundreds of personnel hoping to get home and then being contained somewhere else, whether it was Cyprus or Oman or Kuwait or wherever …

"These were real issues, and there were not easy solutions to it."[51]

69. AM Pocock, DCDS(Personnel) from 2005 to 2007, told the Inquiry:

"The first time I went out to Iraq … the subject [the air bridge] was raised with me more often than anything else and, when I came back, I immediately went to see the Chief of the Air Staff, and he was already aware of it, but I made plain to him that, apart from it being a morale issue generally, it was disastrous for the reputation of the Royal Air Force. He understood completely."[52]

70. AM Pocock told the Inquiry that the problems with the air bridge were very well known, and were regularly discussed in Chiefs of Staff meetings.[53] He commented that "if there had been a solution, it would have been implemented".

Concerns over the effect of Operation TELIC on retention

71. In late April 2003, Lt Gen Palmer wrote to Rear Admiral (RAdm) Timothy McClement, Assistant Chief of the Naval Staff, Major General David Richards, Assistant Chief of the General Staff, and Air Vice Marshal (AVM) Philip Sturley, Assistant Chief of the Air Staff, requesting a subjective assessment of the likely impact of current operations on retention over the short, medium and long term, and how retention could be improved.

72. RAdm McClement assessed that Op TELIC would have a positive impact on retention in the Royal Navy in the short term (though there might be a slightly negative impact in some areas, including the Royal Marines).[54] A key factor in retention would be ensuring that Service Personnel had a period of "relative programme stability" after operations, to enable them to take leave and spend time with family and friends.

73. Maj Gen Richards assessed that there would be a "net benefit" on retention in the Army.[55] However, much would depend on how the recovery and recuperation phases were managed; the demobilisation of Reservists required particular attention. Measures which would improve retention included:

- recognition, possibly in the form of a memorial service and early agreement on the processes for Honours, Awards and medals;

---

[51] Public hearing, 16 July 2010, pages 23-24.
[52] Public hearing, 19 July 2010, pages 16-17.
[53] Public hearing, 19 July 2010, page 18.
[54] Minute ACNS to DCDS(Pers), 7 May 2003, 'Recuperation – People Workstrand'.
[55] Minute ACGS to MA/DCDS(Pers), 7 May 2003, 'Recuperation – People Workstrand'.

- minimising the impact on Harmony Guidelines by reducing other commitments;
- rolling out the OWP developed for Op TELIC – which had been well received – to other operations;
- establishing and resourcing appropriate immediate and long-term arrangements for stress management, including for Reservists; and
- improving accommodation.

74. Maj Gen Richards also highlighted measures which would improve the retention of Reservists, including:

- greater consistency with Regular Service Personnel, in terms of eligibility for operational benefits, allowances and medals; and
- ensuring that no Reservist was financially disadvantaged because of Op TELIC.

75. AVM Sturley assessed that "the combined effect of [Ops] FRESCO, TELIC and our other commitments has hurt".[56] AVM Sturley identified a number of measures to improve retention, the first of which (for Regular Service Personnel) was to reduce future commitments.

76. Lt Gen Palmer told the Inquiry that, as DCDS(Personnel), his "major preoccupation" was to reduce the number of troops in Iraq quickly, to reduce the pressure on individual Service Personnel and the Harmony Guidelines.[57] He emphasised that those efforts were always in consultation with PJHQ and never at operational risk.[58]

77. Commodore Noel Preston-Jones, Director Service Personnel Policy, briefed the 28 May 2003 meeting of the SPB that the responses from RAdm McClement, Maj Gen Richards and AVM Sturley "had, inter alia, highlighted the need for a reduction in commitments".[59] The assessments of the impact of current commitments on retention varied. Overall, the Royal Navy and Army anticipated a net benefit from Op TELIC, while the RAF and Defence Medical Services anticipated a net loss. The emerging conclusions of the "people" work strand of the Recuperation Initiative included the need to relieve pressure on pinch points,[60] "for example by reducing commitments, resolving under manning or adjusting the force structure".

78. At its 28 May meeting, the SPB also discussed priorities for the MOD's Short Term Plan for 2004 (STP04),[61] and in particular the "significant structural under-funding across the people area". Lt Gen Palmer concluded that any STP bid needed to be underpinned

---

[56] Minute ACAS to DCDS(Pers), 7 May 2003, 'Recuperation – People Workstrand'.
[57] Public hearing, 21 July 2010, page 75.
[58] Public hearing, 21 July 2010, page 79.
[59] Minutes, 28 May 2003, Service Personnel Board meeting.
[60] The MOD defines pinch point trades as trades or areas of expertise where there is not enough trained strength to perform operational tasks without encroaching on the time provided between deployments for recuperation, training and leave.
[61] The Short Term Plan forecast MOD spending on operational costs, looking four years ahead.

by evidence "for example to demonstrate the link between retention and improved accommodation … The process had to be placed on a more scientific basis."

79. In advance of the 26 November meeting of the SPB, Lt Gen Palmer circulated a personal "think-piece" on STP04.[62] It described STP03 as "relatively good for personnel", although "recruiting and retaining Service Personnel is becoming increasingly difficult and expensive as demographics change, expectations rise and technology evolves".

80. Looking ahead to STP04, Lt Gen Palmer assessed that, while the Services had made significant progress towards achieving manning balance targets and premature voluntary retirement (PVR) rates remained relatively low, "the current level of operational commitments … is threatening to undermine or reverse the progress made".

81. Emerging problems were:

- The Army reported that Op TELIC was having a "marked impact" on tour intervals, rendering it unable to meet Harmony/Separated Service Guidelines.
- The RAF reported a significant worsening in their figures for Separated Service.
- Across all three Services, pressure on pinch point trades was increasing. Medical services continued to be a specific concern.
- The number of Reservists available for mobilisation was falling.

82. Lt Gen Palmer concluded that the MOD's forthcoming planning round was likely to be particularly challenging; the SPB would need to give direction on which personnel priorities should be "reprieved".

83. Mr Ingram visited Basra in December 2003.[63] He reported to Mr Geoff Hoon, the Defence Secretary, that, while UK Armed Forces were in "excellent shape", he had concerns for the future:

> "Some units in Iraq have had exceptionally busy operational and training cycles before deployment … I detected signs that the pressures of repeated long separations may be building in some areas. We will need to manage this carefully in the New Year …"

Supporting Reservists

84. There are two key types of Reserve Forces:

- members of the Volunteer Reserve Forces (VRF) who serve within VRF units and usually train in the evenings, at weekends and for at least two weeks each year; and

---

[62] Paper DCDS(Pers), 17 November 2003, 'STP 04 – A Paper by DCDS(Pers)'.
[63] Letter Ingram to Secretary of State [MOD], 30 December 2003, 'Visit to UK Forces in Basra 17-19 December 2003'.

- members of the Regular Reserve, who are ex-members of the Regular Forces who still have a liability for mobilisation.[64]

85. The VRF comprises the Royal Naval Reserve, the Territorial Army (TA), the Royal Marines Reserve and the Royal Auxiliary Air Force.

86. In 2003, there were approximately 40,000 members of the VRF, of whom 35,000 were in the TA.[65]

87. The Reserve Forces have three primary roles:

- to augment Regular Forces for enduring operations;
- to provide additional capability for large scale operations; and
- to provide specialist capability.

88. Lieutenant General Mark Mans, the Deputy Adjutant General from 2005 to 2008, told the Inquiry that for Op TELIC, as for other operations, Reservists were:

> "… more often than not mobilised as individuals to support regular Army units. Sometimes they were mobilised in teams of 10 to 20, but that was quite unusual."[66]

89. Lt Gen Mans described the welfare support provided to members of the TA:

> "As far as the support to the Territorial Army, when they were mobilised, they got exactly the same as the Regulars. So there was no distinction whatsoever. As far as support to their families, the same applied, but of course, it is more difficult, because the families of Territorial [Army] soldiers are spread far and wide …
>
> "… when they are mobilised, the [Territorial Army] soldiers do support a Regular unit of one form or another and, therefore, it is incumbent upon that Regular unit, and particularly the rear party back at the home base, to make sure that those individuals within the TA, and their families, are appropriately looked after in terms of maintaining contact, and also making sure they are aware of all the support and sustenance they can achieve."[67]

90. Lt Gen Mans added that once a member of the TA was demobilised, responsibility for their welfare reverted to their TA unit.

91. The MOD told the Inquiry that it had considered providing a separate "welfare pathway" for Reservists, but concluded that it would not aid integration.[68]

---

[64] Ministry of Defence, *Future of the UK's Reserve Forces*, 7 February 2005.
[65] National Audit Office, *Ministry of Defence: Reserve Forces*, 31 March 2006.
[66] Public hearing, 19 July 2010, pages 26-27.
[67] Public hearing, 19 July 2010, page 27.
[68] Paper MOD, 6 July 2010, 'Iraq Inquiry Reservist Specific Welfare Provision'.

92. The initial call-out notice for Reservists for Op TELIC was issued in early January 2003.[69] By 19 March (when military operations against Iraq began), over 5,000 Reservists had been mobilised (comprising some 12 percent of total UK forces).

93. All TA and Regular Reservists deployed for Op TELIC 1 (the major combat phase of operations) were mobilised through the Reserves Training and Mobilisation Centre (RTMC) at Chilwell in Nottingham.[70] The briefing and preparation process at RTMC Chilwell provided Reservists with medical and dental examinations, additional operation-specific equipment, and information on pay and allowances.

94. In early June, the DOC produced a short note on lessons identified on personnel issues during Op TELIC 1; the note was sent to Mr Ingram's office on 11 June.[71] The DOC stated that, although the mobilisation of Reservists had gone well, Op TELIC had thrown up "many issues" including:

- Many Reservists had found themselves "financially disadvantaged" because of mobilisation and deployment, or had not been paid properly.
- Some medical Reservists had been compulsorily mobilised from key NHS jobs but were not subsequently deployed where they could use their specialist skills. For many medical Reservists, it was their second or third operational deployment in recent years and this might affect retention.
- In some areas it had proved difficult to provide "active support" to the families of deployed Reservists, because of the dispersed and isolated locations of people's homes, particularly in relation to other Reservists and military bases.

95. The lessons identified were:

> "A review of Reservist pay procedures is required to eliminate inefficiencies and to take into account the financial penalties likely to be incurred by Reservists as a result of mobilisation.
>
> "A review of the mobilisation and employment of Reservist medical personnel on operations is required.
>
> "A review of practical and emotional support to Reservist families is required."

96. The MOD has not been able to provide the Inquiry with papers on a number of issues relating to Reservists, including whether and how these recommendations were taken forward.

---

[69] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.
[70] House of Commons, *Official Report,* 3 June 2003, column 302W. The Reserves Training and Mobilisation Centre (RTMC) was renamed the Reinforcements Training and Mobilisation Centre in 2011 and disbanded in 2015, when its responsibilities were taken on by the Mission Training and Mobilisation Centre (Individual).
[71] Minute MA/VCDS to MA/Min(AF), 11 June 2003, 'Operation TELIC – Personnel Issues' attaching Paper MOD, [undated], 'Operation TELIC – Personnel Issues'.

97. The Inquiry asked Lt Gen Palmer what lessons had been learned from the mobilisation of Reserves for Op TELIC 1. He told the Inquiry that there were "big changes" between Op TELIC 1 and Op TELIC 2:

> "We put in place a mounting centre at Chilwell, in order to try to administer them better, because there were issues definitely about inadequacies in handling Reserve mobilisation to do with their pay, to do with their jobs, and we were very involved in trying to make sure … they could get their jobs back. Actually, I think we did have to resort to law on a couple of occasions.
>
> "We also made sure that they had access to the same packages as the Regulars and obviously the same training, but I did take a number of criticisms from Reservists who did not feel they had been properly looked after administratively or, indeed, in a training sense, but … they performed magnificently during the operation, and we simply could not have done without them."[72]

98. In October, the Army issued instructions on welfare provision for Op TELIC 3.[73] The instructions detailed the specific support available for mobilised Reservists, including:

- A TA cell had been established in theatre to handle any employment, administrative and pay concerns.
- All TA units were to ensure that they had a "proper focus established" to support the families of mobilised Reservists, and that there was regular contact with those families. The FWSE was designed to help with that work.
- All units were reminded that on mobilisation, "a Reservist becomes a Regular soldier". There had been a number of cases where a mobilised Reservist had not been given full access to medical and dental care.

99. The instructions directed recipients to take "particular note" of the "aftercare policy" for demobilised Reservists. On demobilisation, TA soldiers should be advised that they should re-establish contact with their TA unit or the Reserve Force and Cadet Association (RFCA) if they experienced any difficulties associated with their operational service. The formal departure interview should impart "the clear understanding" that the Army remained engaged in their welfare.

100. In December, an MOD report on lessons from Op TELIC highlighted the particular difficulties faced by families of Reservists:

> "The families of Reservists need particular consideration, as they may have had little or no contact with the Services and may not understand Service structures, administrative procedures, roles or jargon. Such families knew whom to contact, but … still found it much more difficult than Regular Army families to find the

---

[72] Public hearing, 21 July 2010, pages 84-85.
[73] Minute HQ Land Command to HQ 2 Div, 25 October 2003, 'Welfare Provision for Op TELIC 3 – Chain of Command Instruction'.

information and answers they wanted. This will be borne in mind in considering how best to improve the support they need."[74]

101. The report also stated that, in order to preserve the volunteer ethos of Reservists and the goodwill of families and employers, the MOD had revised the "desired notice" period for mobilisation from 14 to 21 days. Operational requirements meant that for Op TELIC 1, some Reservists received only four days' notice.

102. The report did not specify what action would be taken to address these difficulties.

103. In the same month, an NAO report on Op TELIC stated that some Reservists received as little as two or three days' notice, due to absence from home, postal times and incorrect addresses.[75]

104. The MOD set out the role of the Reserve Forces in the February 2005 publication *Future Use of the UK's Reserve Forces*.[76] The paper stated that:

- In recognition of the fact that most members of the VRF joined to undertake activities which were a contrast to their civilian employment, the MOD would not mobilise a Reservist to take advantage of his or her civilian skills except with the express agreement of the Reservist and their employer. This would not preclude a commander on operations ordering an already mobilised Reservist to carry out a task for which he or she was qualified, as a short-term expedient and where no other alternative existed.
- While the Reserve Forces Act 1996 set a limit on the time any Reservist could be mobilised (generally one year over a three-year period), the MOD believed that this level of mobilisation was "unsustainable". The MOD would therefore, where possible, limit the time that any Reservist would be mobilised to one year over a five-year period.
- The MOD would seek to provide 28 days' notice of mobilisation (21 days previously).

105. In April 2005, the MOD introduced a new remuneration package for Reservists deployed on operations.[77] Under the new scheme, if Reservists were mobilised and their civilian pay was higher than their Service pay, they could claim the difference, including certain benefits in kind. There were additional allowances to compensate for other losses.

106. Reservists had previously applied for allowances to cover the additional costs of deployment. The scheme required a Reservist to collate a great deal of evidence of personal earnings and expenditure in the short time available before deployment.

---

[74] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[75] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq*, 11 December 2003.
[76] Ministry of Defence, *Future of the UK's Reserve Forces*, 7 February 2005.
[77] National Audit Office, *Ministry of Defence: Reserve Forces*, 31 March 2006.

107. The NAO reported that the new scheme was "generous and less bureaucratic, and has been generally welcomed by the Reservists".

108. The NAO published a report on the MOD's use of the Reserve Forces in March 2006.[78] The NAO highlighted the finding from its survey of Reservists, that 41 percent of those intending to leave within one year agreed that inadequate support (relating to welfare and administration) played a part in their decision to leave. The NAO reported that, while the most used form of support was the unit's welfare representative, some units had no full-time welfare representative to support deployed Reservists and their families.

109. The NAO recommended that the MOD should focus its attention and resources on those welfare services which were most used by Reservists and their families, especially those provided by local Reserve units. In particular, it should:

- ensure that information supplied to Reservists' families was written in plain English;
- ensure that all TA regiments had adequate, dedicated welfare support, and that similar measures were available for Royal Naval Reservists and Royal Auxiliary Air Force Personnel; and
- improve the welfare support available to the families of deployed Volunteer Reservists who lived far away from the Reserve unit with which they trained and those Regular Reservists who had no unit.

110. The NAO also highlighted the lack of medical support for Reservists after their demobilisation, and recommended that the MOD should:

- undertake to provide medical treatment to all Reservists injured on operations to enable them to rejoin their civilian lives and careers as quickly as possible; and
- institute procedures for the diagnosis and treatment, through Defence Medical Services (DMS), of Reservists who develop mental health problems after the demobilisation process had been completed, as a result of an operational deployment.

111. In November 2006, the MOD established the Reserves Mental Health Programme (RMHP), to provide enhanced mental health care for current and former Reservists who had been demobilised since 1 January 2003 following deployment on an overseas operation. The RMHP is described in Section 16.2.

---

[78] National Audit Office, *Ministry of Defence: Reserve Forces*, 31 March 2006.

Increasing pressure on Service Personnel, 2004 to 2008

The decision not to deploy a headquarters and brigade to Iraq, June 2004

112. In mid-April 2004, the US made an informal request to the UK to send additional troops to Iraq.[79] Section 9.2 describes the Government's consideration of that proposal, which focused on the question of the contribution that those troops might make to achieving strategic success.

113. On 12 May, Lieutenant General Robert Fry, Deputy Chief of Defence Staff (Commitments) (DCDC(Commitments)), advised the Chiefs of Staff meeting that the effect of an additional deployment on "Harmony", previously identified as one of the main concerns, was now assessed to be "less stressing".[80]

114. Lt Gen Palmer wrote to Lt Gen Fry the following day:

> "You know my serious concerns about increasing the current level of commitments … At best, deployment of an additional brigade would reduce average unit separation from our target of 24 months to 12 months. Within this, some trades and individuals (including pinch point trades) will inevitably suffer considerably shorter tour intervals. While recruitment and retention currently remain satisfactory in most areas, the situation is potentially fragile not least because the risk is difficult to quantify."[81]

115. Lt Gen Palmer suggested that, if a "do nothing" option was judged to be unacceptable, the MOD should develop a "battlegroup only" option which would minimise "the stretch on our people". He also highlighted the difficulty of following a decision for an additional deployment with the announcement of planned measures to reduce manpower costs.

116. The Chiefs of Staff considered the US request for additional UK military assets to Iraq on 19 May.[82] Although they recognised there were risks and benefits to all the possible options, they agreed that the "best military option" was the deployment of HQ Allied Rapid Reaction Corps (HQ ARRC) and a brigade to replace US forces in the provinces of Najaf and Qadisiyah (option six).

117. During the meeting, Lt Gen Fry cautioned against the long-term effects on the Armed Forces of an additional deployment, which militated against that option. Lt Gen Palmer rehearsed the arguments he had set out in his 13 May minute to Lt Gen Fry, adding that he feared a "precipitant retention problem".

---

[79] Letter Baker to Rycroft, 21 April 2004, 'Iraq: US Approaches for Additional UK Forces'.
[80] Minutes, 12 May 2004, Chiefs of Staff meeting.
[81] Minute DCDS(Pers) to DCDS(C), 13 May 2003, 'Expanding MND(SE) – People Implications'.
[82] Minutes, 19 May 2004, Chiefs of Staff meeting.

118. Gen Walker summarised the conclusion of the Chiefs of Staff, that option six was the "best military option" although "there was current doubt whether it could be delivered and sustained".

119. Mr Hoon's Private Secretary wrote to Mr Blair's Private Secretary for Foreign Affairs on 25 May, setting out the Chiefs of Staff's advice.[83] Mr Hoon's Private Secretary stated that the option which would have the greatest effect and the least military risk was the deployment of HQ ARRC with an associated battlegroup, and a brigade to replace US forces. However, that option carried "significant penalties" including with regard to the wider impact on the Armed Forces.

120. Mr Hoon's Private Secretary set out those penalties. Deploying HQ ARRC with an associated battlegroup would further reduce tour intervals for many Service Personnel. Some 40 percent of infantry soldiers already had tour intervals of less than 12 months (against a guideline of 24 months). The deployment would reduce tour intervals for combat service support units to an average of less than 10 months; some units would have even less.

121. Reduced tour intervals would effect training and future capability, and also significantly reduce the time that Service Personnel and their families could spend together. The letter concluded:

> "For some, this may be the straw that breaks the camel's back and leads to experienced personnel leaving the Service."

122. Holding a brigade at readiness, even if it was not deployed outside the UK, would have even more significant impacts.

123. Given those penalties, and the fact that the situation in Iraq would evolve, Chiefs recommended that the Government should deploy HQ ARRC and an associated battlegroup now, but retain the brigade in the UK to be deployed if necessary.

124. In late May, Lt Gen Palmer asked the Chiefs of Staff to agree that he should develop a costed package of measures, focused on protecting untaken leave and enhanced allowances, to ameliorate the "worst consequences" of the increasing "operational load".[84] It was conceivable that an increase in the UK's commitment in Iraq would reduce tour intervals for some units, including medical units, to six months.

125. Lt Gen Palmer advised that the MOD did not have the management information to determine the extent to which increasing pressure on Service Personnel would translate into worsening retention, or when a "tipping point" in retention would be reached (work was under way to generate that information). Recruitment and retention

---

[83] Letter Naworynsky to Rycroft, 25 May 2004, 'Iraq: Options for a UK Military Contribution to the Wider South'.
[84] Minute Palmer to COSSEC, 24 May 2004, 'Increased Commitments – Ameliorating the Impact on People'.

were holding up well, but there was already evidence that people were starting to feel undervalued, particularly over the issue of pay.

126. Lt Gen Palmer concluded: "Every time we increase the operational load we increase the risk of a sudden, serious downturn in retention."

127. Section 9.2 describes discussions between Mr Blair, Ministers and senior officials on the deployment of additional troops between late May and mid-June. The extent to which personnel issues featured in those discussions is not clear.

128. On 15 June, Mr Blair, Mr Hoon, Mr Jack Straw (the Foreign Secretary), Mr Hilary Benn (the International Development Secretary), Mr Paul Boateng (Chief Secretary to the Treasury), Gen Walker and others met to discuss Iraq.[85] The meeting concluded that the UK:

> "… should not close the door to the possibility of sending further UK troops. We should keep the option open until around the time of the NATO Summit [28-29 June]. But there was no pressing military reason to send them, nor were we coming under much pressure from the US to do so."

129. On 24 June, Lt Gen Palmer provided an update on his work to develop a package of welfare measures for Mr Ingram, at his request.[86] Lt Gen Palmer advised that, with only a limited understanding of the relationship between operational tempo, separation and behaviour, he was taking a "broad view" of potential measures. These might include new financial incentives for groups under "critical stress", enhanced separation allowances, improvements to Service Accommodation and measures to protect untaken leave.

The decision to deploy troops to Afghanistan

130. In February 2005, Mr Hoon announced that the UK intended to switch its existing military effort in Afghanistan (around 1,000 Service Personnel based in northern Afghanistan) to Helmand province.[87]

131. Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser from 2003 to 2007, told the Inquiry that "this was a proposal … which came from the Chiefs of Staff".[88]

132. The 21 July meeting of the Ministerial Committee on Defence and Overseas Policy (DOP) agreed in principle proposals presented by Dr John Reid, the Defence Secretary, for both the transfer to Iraqi control of the four provinces in southern Iraq for which the UK had security responsibility, and for the redeployment of the UK effort in Afghanistan

---

[85] Letter Rycroft to Baker, 15 June 2004, 'Iraq: Prime Minister's Meeting, 15 June'.
[86] Minute Palmer to PS/Minister (AF), 24 June 2004, 'Increased Commitments – Ameliorating the Impact on People'.
[87] Paper MOD, 19 July 2005, 'Afghanistan: Resources and Strategic Planning'.
[88] Public hearing, 16 December 2009, page 93.

from the north to Helmand province in the south, with an infantry battlegroup and full helicopter support.[89] Section 9.4 addresses the decision in detail.

133. The MOD paper which informed the decision advised that this option, which comprised "around 2,500 personnel in total", would:

> "Place greatest pressure on internal MOD resourcing. It would impact on the individual personnel deployed, particularly those in 'pinch-point' trades who may have been deployed on operations significantly more than Departmental guidelines advise; stretch the MOD's logistic capability at a time when force level reductions in Iraq cannot be guaranteed; and place strain on key enablers …"[90]

134. The MOD paper concluded with a brief report on plans for UK military drawdown in Iraq. It cautioned that:

> "… any substantial prolongation of the UK military commitment in Iraq at current force levels would have significant impact on individual personnel, the logistic feasibility of any commitment in Afghanistan, and overall resourcing."

135. The minutes of the DOP meeting do not indicate that there was any discussion of the specific impact on the Iraq campaign of the proposed deployment to Helmand.[91]

136. Gen Jackson was briefed, in advance of a 17 January 2006 meeting with the House of Lords Defence Group, that:

> "Depending on campaign progress in Iraq, there is potential for some 'concurrency challenges' in 2006/07. We must try to avoid 'overstretch', but not end up 'under stretched' – particularly when the competition for resources in Whitehall is so fierce."[92]

137. On the same day, Dr Roger Hutton, MOD Director Joint Commitments Policy, provided Dr Reid with advice on the timing and detail of the deployment of UK forces to Helmand province.[93] Dr Hutton advised that the Chiefs of Staff recommended the immediate deployment of the full Helmand Task Force (HTF). That recommendation was "crucially dependent" on fulfilling three criteria, including:

> "Achievability within current UK commitments. The HTF, taken together with the HQ ARRC deployment, calls on a variety of capabilities, and a lengthy and complex logistic tail. With the continued commitment to Iraq through 2006, this presents significant but manageable challenges, particularly for logistic enablers (including air transport). During this period we will still be able to undertake immediate contingency operations, but on a limited basis."

---

[89] Minutes, 21 July 2005, DOP meeting.
[90] Paper MOD, 19 July 2005, 'Afghanistan: Resources and Strategic Planning'.
[91] Minutes, 21 July 2005, DOP meeting.
[92] Briefing, [undated], 'CGS Address to House of Lords Defence Group – 17 Jan 06'.
[93] Minute Hutton to APS/SofS [MOD], 17 January 2006, 'Afghanistan Deployments'.

138. Annex C to Dr Hutton's briefing provided more detail on key issues, including the sustainability of the proposed deployment. It stated:

> "It remains the case that, with likely timelines for transition in Iraq, the HTF deployment is achievable without serious damage to Harmony, though certain niche trades and capabilities (particularly air transport) will be placed under increased, but manageable, stress."

139. The decision to deploy to Helmand was approved in Cabinet on 26 January.[94] The minutes record that Dr Reid "was looking carefully at where the burden on our troops could be reduced, including in Iraq and Bosnia and hoped to be able to report troop and cost reductions in coming months".

140. There were different views within the MOD over the effect of the deployment on personnel. Lt Gen Palmer, DCDS(Personnel) from 2002 to August 2005, told the Inquiry that, as he left post, he expressed his concern that deploying two brigades simultaneously (to Iraq and Afghanistan) would breach the Harmony Guidelines and the Defence Planning Assumptions, and was "too big a risk".[95]

141. Sir Kevin Tebbit, MOD Permanent Under Secretary from 2001 to 2005, told the Inquiry:

> "I was apprehensive [about the deployment of UK forces to Helmand] and I made my concerns known to my planning staff and to the Chiefs of Staff. I think their view was that they could do it and it was manageable … since it was [the Chiefs of Staff] who would actually have to ensure they could do this, I did not press my objections fully."[96]

142. The impact of the decision on the availability of key equipment capabilities for Iraq is addressed in Section 14.1.

143. UK troops began to deploy to Helmand in May 2006.

Concern that the Army is "running hot", autumn 2006

144. In August 2006, concerns emerged over the treatment of injured Service Personnel being treated on civilian wards at Selly Oak hospital in the UK, and the adequacy of the welfare package provide to them and their families. The concerns are described in Section 16.2.

---

[94] Cabinet Conclusions, 26 January 2006.
[95] Public hearing, 21 July 2010, page 80.
[96] Public hearing, 3 February 2010, pages 15 and 16.

145. General Sir Richard Dannatt, Commander-in-Chief Land Command, wrote to Mr Des Browne, the Defence Secretary, on 31 August setting out his most serious concerns.[97] His letter focused on the pressures on Service Personnel:

> "… as an Army, we are running hot, and our operational deployments are well above planned levels set out in current Defence Planning Assumptions … you should be aware that, in my opinion, the demands of the organisation are currently greater than our ability to provide satisfactorily for the needs of the individuals … Quite properly, we often talk about an implied contract – the 'military covenant' – that as an Army we have with our soldiers and their families and I fear that it is somewhat out of balance."

146. Gen Dannatt stated that the concerns might seem misplaced, given that current "outflow levels" of personnel (which he described as the classic gauge of morale) were low. But the cumulative effect of the high tempo of operations, short tour intervals, hectic training and activity between tours, and under-manning gave rise to "a severe risk akin to a cliff-edge experience".

147. Gen Dannatt identified several pre-emptive actions to prevent any increase in outflow, including:

> "Away from the field, I sense that basic pay for our more junior people is becoming an issue, as are some allowances, particularly those that are related to operational deployment. I am not at all sure that a take home pay of £1,150 a month is fair return for a month's work in Helmand or Basra. But it is the standard of both single and family accommodation when our people are back home that is probably the most emotive issue …"

148. Improvements in those areas would require a "modest shift" of resources from the Equipment Programme into the Short-Term Programme.

149. Gen Dannatt took up post as Chief of the General Staff the following month.

150. Gen Dannatt told the Inquiry:

> "When the military covenant is in balance, then the engine [the Army] can do a lot of work. When the covenant is out of balance, we have problems. I think we progressively got out of balance as the amount of work we were being asked to do increased through 2005 and 2006.
>
> "I say this not in any shape or form as a criticism of any of my predecessors, but merely as a reflection of the additional work that we were being asked to do as a consequence of decisions taken to stay in Iraq until we had successfully completed our operations there, but also take on Afghanistan as well.

---

[97] Letter Dannatt to Browne, 31 August 2006, [untitled].

> "The way to bring the covenant back into balance was to make sure we were expending sufficient resources on looking after the legitimate needs of individuals, soldiers and their families in terms of their pay allowances, accommodation, and the equipment … you would want to give these people.
>
> "That's where I think we were deficient. That's where we had to work quite hard to get it back in balance. I know I said in 2006 the army was running hot. That is correct … I think we were getting quite close to a seizing-up moment in 2006."[98]

151. The Inquiry asked Gen Dannatt whether work to bring the military covenant back into balance should not have begun earlier.[99] He told the Inquiry that he had no criticism of his predecessor, and that it was:

> "… often easier to start something at the start of an appointment when you have had the chance to survey the landscape … and coming from the position of Commander-in-Chief … with time to go round the Army, [I] could sense both at home and abroad the pressures building on soldiers and their families and deciding something had to be done."

Introduction of the Operational Allowance

152. Mr Browne's Private Secretary wrote to No.10 on 9 October, setting out proposed new arrangements for supporting Service Personnel on operations.[100] The letter reported that, to reflect the current, high operational tempo and provide an immediate boost to the lowest paid Service Personnel, Mr Browne had agreed with Mr Gordon Brown, the Chancellor of the Exchequer, that the Government would introduce a tax-free Operational Allowance of £2,400 for all Service Personnel who completed a six-month tour in either Iraq, Afghanistan, the Balkans or certain other operations. Proportional amounts would be paid to those who completed shorter tours. The Allowance would be backdated to 1 April 2006.

153. The MOD had considered offering tax-free pay while on operations, but had concluded that this would not target the lowest paid and would be difficult to administer.

154. The letter also advised that the MOD would discuss the scope for abating Council Tax charges for Service Personnel deployed on operations with the Department of Communities and Local Government (DCLG). The failure of Local Authorities to exercise discretion on those charges was a "regular complaint".

155. The letter also advised that the free telephone call allowance would be raised from 20 to 30 minutes a week.

---

[98] Public hearing, 28 July 2010, pages 20-21.
[99] Public hearing, 28 July 2010, page 98.
[100] Letter PS/Secretary of State [MOD] to Phillipson, 9 October 2006, 'A Package for Service Personnel on Operations'.

156. In his autobiography, Gen Dannatt described the Operational Allowance as the product of "some journalistic pressure and keen discussions with the Treasury".[101] He also described it as the beginning of his campaign to "improve the soldiers' lot".

157. Mr Browne announced the introduction of the Operational Allowance on 10 October.[102]

158. Mr Browne raised the issue of Council Tax charges for deployed Service Personnel with Ms Ruth Kelly, the Secretary of State for Communities and Local Government, on 19 October.[103] MOD and DCLG officials subsequently met to explore options for abating Council Tax charges. The MOD's preferred option was a statutory discount of 25 percent (which would equate to a discount of £132 based on the average Council Tax bill).

159. Mr Browne announced in September 2007 that Service Personnel serving in Iraq and Afghanistan would receive a £140 rebate on their Council Tax bill (based on a six-month tour).[104]

Reports on recruitment and retention

160. The NAO published a report entitled *Recruitment and Retention in the Armed Forces* in November 2006.[105] The report stated that, at July 2006, the trained strength of the Armed Forces stood at around 180,690 Service Personnel, a shortfall of some 5,170 (2.8 percent) against the MOD's estimated requirement.

161. This figure masked significant shortages in 88 "pinch point" trades, where there was insufficient trained strength to perform operational tasks while enabling the Harmony Guidelines to be met. While 14.5 percent of the trained strength of the Army had exceeded the Harmony Guidelines at some point in the previous 30 months, this percentage rose to more than 33 percent for some pinch point trades.

162. The NAO concluded:

- Although the Armed Forces had consistently operated at or above the most demanding combination of operations envisaged by the Defence Planning Assumptions (DPAs) since 2001, and the MOD expected that this would continue to be the case for some time, the Armed Forces' manning requirements had not been adjusted to reflect the current levels of activity. The NAO reported that, while the MOD accepted that operating at that level could result in it placing additional strains on its people, the DPAs were guidelines only and were not intended to constrain decisions taken on the employment of the Armed Forces.

---

[101] Dannatt, R. *Leading from the Front.* Bantam Press, 2010.
[102] *BBC*, 10 October 2006, *Soldiers to get 'tax bill' bonus.*
[103] Minute Baker to PS/SoS [MOD], 8 December 2006, 'An Improved Package for Service Personnel on Operations – Council Tax Discounts/Rebates'.
[104] *The Guardian*, 26 September 2007, *Council tax rebates for war zone soldiers*.
[105] National Audit Office, *Recruitment and Retention in the Armed Forces*, November 2006.

- There were signs that the numbers of Service Personnel choosing to leave the Armed Forces early were beginning to increase for some key groups.
- A variety of factors influenced Service Personnel in their decisions to leave the Services, but workload, separation and the impact on family life were key factors.
- Service Personnel considered that the increased operational tempo had led to heavier workloads and more separation from families.

163. The NAO reported that the MOD was successfully using a range of short-term measures (including financial incentives) to improve retention and alleviate under-manning.

164. The NAO also reported that the MOD was facing current and future challenges to its ability to recruit sufficient numbers of new entrants as a result of demographic changes, changing attitudes to careers, and negative publicity affecting public perceptions of the Armed Forces. The MOD was taking steps to respond to each of those challenges.

165. The NAO made a number of recommendations, including:

> **"The Department should review the overall manning requirements within individual operational pinch point trade groups to determine whether they are set at sufficient levels to support enduring operational commitments.**
>
> **"The Department is constrained in its ability to reduce the operational tempo, which is impacting on personnel, but should look to investigate measures to provide greater stability and certainty of work patterns for personnel between operational deployments. Whilst recognising the limitations in how much workload can be reduced, the Department should look to improve its ability to let serving personnel know their work patterns over a longer time horizon."**

166. Mr Bill Jeffrey, MOD Permanent Under Secretary, responded to these conclusions later that month in his evidence to the Public Accounts Committee (PAC) during its consideration of the NAO's report.[106] He argued that frequency of deployment was only one factor in people's decisions to stay or leave, and that polling and opinion survey evidence suggested that it was not quite as significant a factor as it might appear.

167. Mr Jeffrey told the PAC that he agreed with the view expressed by Ministers, that the Armed Forces were "stretched quite significantly, by the combination of deployments in Iraq and Afghanistan with other things", but not overstretched. He described overstretch as the inability of the Armed Forces to fulfil the tasks allocated to them.

---

[106] Public Accounts Committee, Session 2005-2006, *Ministry of Defence: Recruitment and retention in the armed forces*, 15 November 2006. Uncorrected transcript of Oral Evidence given by Mr Bill Jeffrey CB, Permanent Secretary, Mr Chris Baker OBE and Brigadier Stephen Andrews CBE, Ministry of Defence.

168. He also stated that there was not a direct link between the MOD's Defence Planning Assumptions and the "degree of stretch". Each operation was different and required different capabilities. Deployments in Iraq and Afghanistan had stretched different capabilities to different degrees; it was a "matter of military judgement" whether the Armed Forces were overstretched. Manning requirements (which flowed from the Defence Planning Assumptions) would be reviewed at the next spending review.

169. In early March 2007, Gen Dannatt wrote to Mr Browne:

> "Two overall themes dominated my introductory letter [of 31 August 2006]: the Army is running hot; and the 'military covenant' is out of balance. I am pleased to say that I think both these concerns are now well understood across the Department and, importantly, we are taking steps to address both. Nevertheless … the level of operational commitments is still well above Defence Planning Assumptions and looks set to remain so for some years. There is now an acceptance, however, that the Army is effectively *fully* operationally committed and hence any rebalance between theatres – as we will undertake this year in Iraq and Afghanistan – has to be a 'zero sum'…"[107]

170. Gen Dannatt:

- welcomed the Operational Allowance and the recent pay award which together sent Service Personnel a "powerful message" on how highly they were valued;
- confirmed that the "general care" provided to casualties was, slowly, improving; the issue would continue to require constant, senior level attention; and
- restated his concerns that there was a risk of a "cliff-edge fall" in Army manning (although retention was holding up, recruitment was falling).

171. The PAC published its report on recruitment and retention in the Armed Forces in June 2007.[108] It echoed the conclusions and recommendations of the NAO's November 2006 report. The PAC reported that:

> "Deployments overseas have been more frequent because the Department has been operating above Defence Planning Assumptions for several years and manning levels have not kept pace with commitments … Decisions about whether the Armed Forces can undertake operations above the Assumptions are matter of military judgement. The Department intends to review [the] Defence Planning Assumptions and the funding of the Armed Forces in the light of the demands placed on them, as part of the next Comprehensive Spending Review."

---

[107] Minute CGS to SofS [MOD], [undated], [untitled].
[108] Thirty-fourth Report from the Public Accounts Committee, Session 2006-2007, *Recruitment and Retention in the Armed Forces*, HC43.

172. The PAC concluded:

> **"The increasing frequency of deployments on overseas operations and time away from home are factors causing people to leave the Armed Forces.** More than 15 percent of Army Personnel are away from home more often than is planned for under the Department's 'Harmony' Guidelines which are being consistently broken. The Department has little scope to reduce the operational tempo which is impacting on personnel but in case of enduring operations, such as those in Iraq and Afghanistan, it needs to provide people with greater stability of work patterns.
>
> **"There are indicators of overstretch in specific areas, such as the severe shortfalls in personnel in some specialist trades, such as nurses, linguists and leading hands, and the routine breaking of harmony guidelines.** The longer this situation continues the more it will begin to affect operational capability. The Department maintains that the Armed Forces are stretched, but not overstretched, and would only be overstretched if there was a failure to meet military commitments. But the Department also needs to ascertain the 'tipping points' where the degree of stretch itself precipitates the loss of scarce skills, putting operational capability at risk."

173. The Inquiry asked AM Pocock what he understood by the concept of "overstretch".[109] He told the Inquiry:

> "This is a subject where it is easy to let the heart rule the mind. If we are going to be completely objective about it, I would say there are two things … can we retain our people? And … are we doing them long-term harm? The first one, for virtually the whole period of the 2000's, certainly up to 2007, retention was virtually static. The Services were short of people, yes, but that was largely down to recruitment issues …
>
> "On the subject of, 'Were we doing our people harm?' we didn't know, but we were looking really hard [at that issue] …"

174. Vice Admiral (VAdm) Peter Wilkinson, Deputy Chief of Defence Staff (Personnel) from 2007, added that, in his view, the Harmony Guidelines provided a useful, objective measure of the degree of stretch:

> "I think they [the Harmony Guidelines] were a very good check on the department to make sure they understood, perhaps better than before, what actually they were asking of their people."[110]

---

[109] Public hearing, 19 July 2010, pages 70-71.
[110] Public hearing, 19 July 2010, page 72.

175. Lt Gen Mans told the Inquiry:

> "… recruiting is quite a complex area, so although … on balance, I think Iraq was positive [for recruitment], there were some other issues which made recruiting more difficult. At this stage, the economy in the country was doing very well and, therefore, unemployment was comparatively low. Therefore, we were competing for recruits in quite a difficult market in that respect. There were other issues associated with the phrase that has been used before, 'gatekeepers', parents and teachers. Were they actually going to encourage either their children or their pupils to join the military? Well, on balance, they probably weren't, in terms of that sort of overall perception. So overall, you had to take into consideration all these other rather complex factors, because the army was under-recruited during the period in question."[111]

The impact of operations on the Harmony Guidelines

176. The MOD told the Inquiry that, since 2002, the Armed Forces had been consistently operating at or above the level of concurrency defined in SDR 98.[112] That had "inevitably constrained" their ability to meet Harmony Guidelines particularly for Service Personnel in "Pinch Point specialist trades".

177. The MOD provided the Inquiry with figures for the percentage of Service Personnel in each Service for whom the Harmony Guidelines on Individual Separated Service were breached between 2002 and 2009; these figures are presented at the end of this Section.[113] The Navy's Guidelines were breached in respect of less that 1 percent of Navy Personnel in each of the years covered by the Inquiry. The Army's Guidelines were breached in respect of over 18 percent of Army Personnel in early 2004 (the first period for which data is available), falling to 10 percent in early 2007. The RAF's Guidelines were breached in respect of between 2 and 10 percent of RAF Personnel over the period covered by the Inquiry.

178. Professor Christopher Dandeker, Professor of Military Sociology at King's College London and Co-Director of the King's Centre for Military Health Research, told the House of Commons Defence Committee in March 2008:

> "… so far as our own research is concerned … I think that the Harmony Guidelines have been well constructed because the evidence suggests that if you stay within them they [Service Personnel] do not suffer; if you go beyond them there is a 20 to 50 percent likelihood that they will suffer in terms of PTSD [Post Traumatic Stress Disorder]."[114]

---

[111] Public hearing, 19 July 2010, pages 79-80.
[112] Paper MOD, 25 November 2009, 'Harmony Guidelines'.
[113] Paper MOD, 22 October 2010, 'Harmony – Statistics'.
[114] Fourteenth Report from the Defence Committee, Session 2007-2008, *Recruiting and retaining Armed Forces personnel, Oral and Written Evidence (25 March 2008)*, HC424.

179. In his evidence to the Inquiry, AM Pocock questioned whether Professor Dandeker was right to suggest that the Harmony Guidelines were an appropriate basis for assessing the effect of operational deployment on individuals.[115] The Guidelines had been derived in a straightforward way from the planning assumptions used in SDR 98 ("what operations have we got? How many people have we got? … that means that they can spend this long away"). AM Pocock's focus had been on the broader relationship between time deployed on operations and the risk of mental health issues.

180. Lt Gen Palmer told the Inquiry that, while his "prime concern" with regard to reducing tour intervals was for individuals, he was also concerned that reduced tour intervals could affect operational capability, as units would not be able to undertake collective training and other development and preparatory activities.[116]

Rebuilding the military covenant

181. In September 2007, in response to growing concerns that the military covenant was being steadily undermined, the Royal British Legion (RBL) launched its "Honour the Covenant" campaign.[117] The RBL argued that the covenant was being breached with respect to three key issues:

- the operation of the Armed Forces Compensation Scheme;
- healthcare and welfare support for serving Service Personnel, their dependants and veterans; and
- support for bereaved families at inquests.

182. In July 2008, partly in response to that campaign and the support it generated, the Government published a command paper entitled *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans* (known as the *Service Personnel Command Paper*).[118] The paper was underpinned by two principles:

- to end any disadvantage that armed service imposes upon Service Personnel, their families and veterans; and
- to better support and recognise those who have been wounded in the service of their country.

183. The paper covered a wide range of topics: compensation, health, housing, education and skills, transport, support for families, benefits, careers and pay.

---

[115] Public hearing, 19 July 2010, pages 68-70.
[116] Public hearing, 16 July 2010, page 77.
[117] House of Commons Library, Standard Note SN/IA/5979, 9 June 2011, *Armed Forces Covenant.*
[118] Command Paper, July 2008, *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, Cm 7424.

184. Mr Bob Ainsworth, the Minister of State for the Armed Forces, described the production of the Command Paper to the Inquiry as an:

> "… opportunity … to get for the first time at every single area of Government and deal with the things that had never been given the importance that they had been given before. There are lots of ways in which Government accidentally, local Government and central Government, discriminates against our Armed Forces because of the juxtaposition of the way that services are delivered and the way that we make them work and the way that we keep moving them around … So in the Services Personnel Command Paper what I wanted to try to do was sweep up as many of those complaints as there were, analyse them, see whether or not there was a reality to them and have them dealt with as a one-off process, but set up an ongoing process."[119]

185. Mr Ainsworth went on to describe how the Command Paper was used to co-ordinate the Government's response to veterans' needs, including on issues which had not been explicitly considered in the paper:

> "We had the Prime Minister's stamp on the *Service Personnel Command Paper*. We were able to use that as we went round different departments and say 'This is the Government's intent' …
>
> "I had problems from different Departments, but that's understandable … Government tends to work in silos … So you have to go political in order to get those things sorted out."[120]

186. VAdm Wilkinson told the Inquiry that the implementation of the Command Paper had been challenging, but that progress had been made:

> "The challenges were that there was very little new money attached to the proposals and therefore, to gain the support of other Government departments was very difficult … the second challenge was to make the gains made enduring. I think we have achieved both of those, in that other Government departments were made to change their plans and programmes to take account of the Command Paper …"[121]

187. In May 2010, the new Government committed to "work to rebuild the Military Covenant".[122]

188. An independent Task Force on the Military Covenant, chaired by Professor Hew Strachan, was established in summer 2010 to inform that work.[123] The Terms of

---

[119] Public hearing, 6 July 2010, pages 5-6.
[120] Public hearing, 6 July 2010, pages 24-25.
[121] Public hearing, 19 July 2010, page 100.
[122] HM Government, *The Coalition: our programme for government*, May 2010.
[123] Task Force on the Military Covenant, September 2010, *Report of the Task Force on the Military Covenant.*

Reference of the Task Force were to identify innovative ways in which the Government, and society as a whole, could fulfil its obligation to rebuild the covenant.

189. The Government published a written *Armed Forces Covenant* in May 2011.[124] The *Covenant* incorporated a number of the Task Force's recommendations. The *Covenant* stated that members of the Armed Forces should expect respect, support and fair treatment in return for the sacrifices they made on behalf of the nation. The *Covenant* set out two core principles:

- No current or former member of the Armed Forces, or their families, should be at a disadvantage compared with other citizens in the provision of public and commercial services.
- Special consideration was appropriate in some cases, particularly for those who had been injured or bereaved.

190. These core principles were enshrined in law in the Armed Forces Act 2011.[125] The Act did not create legally enforceable rights for Service Personnel, but required the Defence Secretary to report annually to Parliament on the Covenant with a particular focus on four areas: healthcare, education, housing and the operation of inquests.

191. The Inquiry's conclusions and lessons on the pressures on Service Personnel and the support provided to them and their families are set out in Section 16.4.

[124] Ministry of Defence, *The Armed Forces Covenant*, 16 May 2011.
[125] Armed Forces Act 2011.

Table 2: Percentage of Service Personnel for whom the Harmony Guidelines on Individual Separated Service were breached[126]

Year	Royal Navy	Army	RAF
2002/03 Q1	<1	No Record	5.3
2002/03 Q2	<1	No Record	5.4
2002/03 Q3	<1	No Record	5.1
2002/03 Q4	<1	No Record	5.0
2003/04 Q1	<1	No Record	6.8
2003/04 Q2	<1	No Record	6.2
2003/04 Q3	<1	No Record	6.2
2003/04 Q4	<1	18.1	5.4
2004/05 Q1	<1	17.0	3.6
2004/05 Q2	<1	16.8	3.8
2004/05 Q3	<1	15.5	3.6
2004/05 Q4	<1	15.5	3.9
2005/06 Q1	<1	15.6	4.1
2005/06 Q2	<1	15.3	4.1
2005/06 Q3	<1	15.1	4.2
2005/06 Q4	<1	14.5	3.9
2006/07 Q1	<1	14.0	2.9
2006/07 Q2	<1	13.4	1.7
2006/07 Q3	<1	12.4	5.2
2006/07 Q4	<1	10.3	6.2
2007/08 Q1	<1	Not available	6.7
2007/08 Q2	<1	Not available	9.2
2007/08 Q3	<1	Not available	10.0
2007/08 Q4	<1	Not available	9.2
2008/09 Q1	<1	Not available	9.4
2008/09 Q2	<1	Not available	6.1
2008/09 Q3	<1	Not available	5.9
2008/09 Q4	<1	Not available	5.9
2009/10 Q1	<1	Not available	5.4
2009/10 Q2	<1	Not available	5.0

[126] Paper MOD, 22 October 2010, 'Harmony – Statistics'. The MOD informed the Inquiry that no data was available for the Army for the period Q1 2007/08 onwards due to migration to a new personnel administration system. The reporting baseline for the RAF's Harmony Guidelines changed from Q2 2008/09.

SECTION 16.2

SUPPORT FOR INJURED SERVICE PERSONNEL AND VETERANS

Contents

Introduction 40

System for providing medical care for Service Personnel 40

Medical care during the combat phase of operations 42

- Planning and preparing to provide medical care 42
- Arrangements for supporting mental health 46
- Delivery of medical care 47

Support for injured Service Personnel and their families 49

- Establishing a Military Managed Ward at Selly Oak hospital 49
- Improvements at Headley Court 53
- Handling complex cases 56

Support for mental health 58

- Research into the physical and psychological health of Operation TELIC personnel 58
- Decompression 59
- Variations in the level of support after an operational deployment 61
- First reports from the King's Centre study 62
- Reserves Mental Health Programme 63
- Concerns over mental health issues, late 2006 64
- Trauma Risk Management 66
- Further findings from the King's Centre study 66

Compensation 68

Support for veterans 70

- Mental healthcare for veterans 71
- Community mental health pilots 72
- Priority treatment within the NHS 72

Introduction

1. This Section addresses:

- the arrangements for providing medical care to Service Personnel;
- the provision of medical care and welfare support for seriously injured Service Personnel and their families; and
- the support provided for veterans.

2. The welfare support provided to Service Personnel and their families is addressed in Section 16.1.

3. The preparations made for repatriating the bodies of those who lost their lives serving on Op TELIC, how their deaths were investigated, and the support provided for bereaved families are addressed in Section 16.3.

4. The decision to deploy to Helmand province in Afghanistan, and the implications of that decision, are addressed in Section 9.

System for providing medical care for Service Personnel

5. The healthcare system in the UK comprises three tiers:

- Primary care is provided at the first point of consultation, including by General Practitioners (GPs).
- Secondary care is provided by medical specialists who do not usually have first contact with patients, including in a hospital. It includes acute care.
- Tertiary care is specialised consultative healthcare, for example for cancer management.

6. Primary care for Service Personnel in the UK and Service base areas overseas is provided by the MOD's Defence Medical Services (DMS).[1]

7. Secondary care for Service Personnel is generally provided within the National Health Service (NHS).

8. Following the closure of military hospitals in the 1990s, the Government established five MOD Hospital Units (MDHUs) within NHS Trusts. MDHUs are not discrete military wards or units, but comprise medical Service Personnel (including substantial numbers of Reservists) integrated into a host NHS Trust. MDHUs:

- provide accelerated access for elective referrals of Service Personnel, to meet operational requirements; and
- allow medical Service Personnel to develop and maintain their skills.

---

[1] Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327.

9. In April 2001, the MOD established the Royal Centre for Defence Medicine (RCDM) within the University Hospital Birmingham Foundation Trust (UHBFT), as "a centre of military medical excellence, with academic, teaching and clinical roles".

10. During the period covered by the Inquiry, the main receiving centre for casualties evacuated from operational theatres was RCDM Selly Oak (one of the hospitals within the UHBFT).[2]

11. If Selly Oak was unable to cope with the flow of casualties, the Government could activate the Reception Arrangements of Military Personnel (RAMP) plan, engaging the wider NHS in the treatment of military casualties.

12. Military patients requiring further rehabilitation once released from hospital might be referred to the Defence Medical Rehabilitation Centre (DMRC) at Headley Court in Surrey, the principal medical rehabilitation centre run by the Armed Forces.[3] DMRC Headley Court also accepted direct admission from hospitals, and most combat casualties were referred directly to DMRC Headley Court from RCDM Selly Oak.

13. DMRC Headley Court provided both physiotherapy and group rehabilitation for complex musculo-skeletal injuries, and neuro-rehabilitation for brain-injured patients.

14. Operation TELIC was the first major military operation after the closure of the military hospitals in the 1990s. Many medical Service Personnel were therefore withdrawn from NHS Trusts, and military casualties were treated in NHS Trusts.

15. Tertiary care for Service Personnel is provided by the NHS.

16. From 2002, the MOD reconfigured its mental health services to focus on community rather than in-patient services, including by establishing 15 military Departments of Community Mental Health (DCMH) throughout the UK to provide out-patient mental healthcare for Service Personnel.[4]

17. From 2004, in-patient mental healthcare was provided by The Priory Group of hospitals, through a contract with the MOD.

18. Those changes were in line with NHS best practice, which held that individuals should be treated in as normal as environment as possible, close to their units, families and friends.

19. The Ex-Services Mental Welfare Society (generally known as Combat Stress) runs three short-stay residential treatment centres for men and women who have served in

---

[2] Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327, paragraph 21.
[3] Paper MOD, 28 June 2010, 'Medical Input to Ainsworth Brief'.
[4] Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327.

the Armed Forces or the Merchant Navy. The MOD meets the cost of fees charged by Combat Stress for "remedial treatment" at the three centres.[5]

20. Veterans' healthcare is generally provided by the NHS. Charities and welfare organisations also play an important role.

Medical care during the combat phase of operations

Planning and preparing to provide medical care

21. In July 2002, the MOD defined three options for a UK contribution to US-led military operations in Iraq:

- Package 1 – an "in-place support package" using forces already in the region;
- Package 2 – an "enhanced support package" comprising Package 1 with additional air and maritime forces; and
- Package 3 – a "discrete UK package" based on deployment of an armoured division, in addition to the forces in Package 2.[6]

22. Those three options provided the broad framework for discussions within the UK Government until the end of 2002.

23. A Strategic Medical Estimate was prepared for the MOD's Strategic Planning Group on 1 September 2002.[7] The Estimate – which assumed an entry into Iraq from Turkey – set out the expected number of Role 3 hospital admissions from an operation in Iraq, as a basis for medical planning:

- 157 (best case) to 241 (worst case) battle casualties;
- 152 (best case) to 212 (worst case) casualties from chemical warfare;
- 15 percent of those exposed to biological warfare; and
- 34 Disease and Non-Battle Injuries (DNBI) a day.

24. The Estimate stated that 55 individuals a week would require medical evacuation back to the UK.

---

[5] Paper MOD, 29 June 2010, 'Veterans Mental Health'.
[6] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.
[7] Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, 'Iraq Inquiry – Request for Evidence'.

Structure of medical support to operations

Military medical support was organised in four tiers, on the basis of the medical capabilities and resources available:

- Role 1 (broadly equivalent to Echelon 1 for maritime forces) medical support was integral or allocated to a small unit, and included the capabilities for providing first aid, immediate lifesaving measures, and triage.
- Role 2 support was normally provided at larger unit level, and included pre-hospital care.
- Role 3 support was normally provided at Division level and above. It included specialist diagnostic resources, and specialist surgical and medical capabilities. Support would usually be provided in field hospitals and (as Echelon 3) in hospital ships.
- Role 4 support was the definitive hospital and rehabilitative care of patients. That would usually be provided in the UK.[8]

25. General Sir Kevin O'Donoghue, Deputy Chief of Defence Staff (Health) (DCDS(H)) from September 2002 to 2004, told the Inquiry that medical planning was "quite advanced" by the time he took up post.[9] Staffing plans were in place and gaps in medical equipment and supplies had been identified, although approval had not yet been received to begin procurement to fill those gaps.

26. On 31 October, Mr Blair agreed that the UK should offer Package 3 to the US on the same basis as Package 2, for planning purposes.[10]

27. In early December, an MOD official invited Mr Geoff Hoon, the Defence Secretary, to agree that the MOD should hold detailed talks with the Department of Health (DoH) on the withdrawal of Regular and Reserve medical personnel from the NHS, and on the reception of casualties under the RAMP.[11] Package 3 would require around 2,000 medical personnel, of whom approximately 60 percent would be Reservists. The majority of those Reservists would be working within the NHS; their withdrawal would have a "local impact". DoH was pressing the MOD for details on the withdrawal of medical Reservists.

28. The official also advised that the procurement of medical equipment through the Urgent Operational Requirement (UOR) mechanism to support Packages 0 (Special Forces only) and Package 1 was under way. The Treasury was expected to authorise procurement of medical equipment to support Package 2 shortly. The MOD's Directorate of Capability, Resources and Scrutiny (DCRS) had not yet approved the business case

---

[8] NATO, *Logistics Handbook*, October 1997.
[9] Public hearing, 14 July 2010, pages 4-5.
[10] Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.
[11] Minute PS/VCDS to PS/Secretary of State [MOD], 6 December 2002, 'Medical Support to Operations against Iraq'.

for the medical equipment to support Package 3; that approval, and the subsequent Treasury authority to commence procurement, was needed as soon as possible.

29. The official advised that in "about three months time" the DMS would have "minimised medical risk by being properly equipped in mission critical areas".

30. On 11 December, Gen O'Donoghue told the Chiefs of Staff that the DoH had been engaged on Iraq planning, and had responded "positively and pragmatically".[12]

31. The DCRS agreed the business cases for the medical modules (packages of equipment and supplies) to support Package 3 on 16 December.[13] The modules were expected to achieve "full capability in theatre" on 15 March 2003.

32. At the beginning of 2003, in the light of continued uncertainty on whether Turkey would agree to the use of its territory by Coalition ground forces, the focus of UK military planning shifted from the North to the South of Iraq (see Sections 6.1 and 6.2).

33. The Permanent Joint Headquarters (PJHQ) assessed that the shift made the UK medical mission "less demanding in terms of supporting manoeuvre".[14] A revised Estimate specified that the Role 3 medical support required:

- the Royal Fleet Auxiliary (RFA) Argus, as the Primary Casualty Receiving Facility (PCRF), with 100 beds;
- two 200-bed field hospitals deployed;
- a third 200-bed field hospital in reserve;
- casualty staging flights through Cyprus; and
- the augmentation of the Princess Mary Military Hospital in Cyprus.

34. RFA Argus deployed on 15 January and was operational in the North Arabian Gulf by mid-February.

35. Mr Alan Milburn, the Health Secretary, wrote to Mr Hoon on 10 March to inform him that the DoH was ready to activate the RAMP, when required.[15]

36. Mr Hoon was advised by PJHQ on 14 March that an "effective medical capability", scaled to the expected number of casualties, was now operational in theatre.[16] Arrangements were also in place for the aeromedical evacuation of casualties to the UK.

---

[12] Minutes, 11 December 2002, Chiefs of Staff meeting.
[13] Minute MOD/DCRS [junior official] to APS/SoS [MOD], 31 January 2003, 'Possible Operations against Iraq UOR List, 31 January 2003'.
[14] Report PJHQ, July 2003, 'Operation TELIC 1 – Medical Post Operation Report'.
[15] Letter Milburn to Hoon, 10 March 2003, 'Military Deployment to the Middle East: the NHS's Responsibilities'.
[16] Minute PJHQ [junior official] to PS/SoS [MOD], 14 March 2003, 'Op TELIC – Casualty Treatment and Management Arrangements'.

37. Gen O'Donoghue told the Inquiry that by 19 March, when military operations against Iraq began, there remained some "shortfalls" in medical modules:

> "We had worked out what equipment we needed. We were allowed to discuss that informally with industry in, I think, mid-November. We weren't allowed to place the orders until early to mid-December, which we did with £34m/£35m worth of UORS, and those came in between then and March.
>
> "Some items may not have arrived by March, but they came fairly shortly afterwards and we topped up the modules."[17]

38. Sections 6.3 and 13 describe the development and approval of UOR business cases within the MOD and discussions with the Treasury on funding UORs. A mechanism for funding UORs was agreed between Mr Hoon and Mr Brown on 23 September; the mechanism did not require individual UORs to be agreed by the Treasury. Mr Hoon agreed that the MOD could begin discussions with industry on the provision of UORs on 2 December.

39. Brigadier Alan Hawley, Commander Medical of the Joint Force Logistic Command during Op TELIC 1 (which covered the initial combat phase of military operations in Iraq), told the House of Commons Defence Committee in October 2003:

> "From where I was, no one informed me of any clinical care that was compromised by a lack of equipment. I have to say that it was very tight."[18]

40. Brig Hawley assessed that a number of factors had combined to produce that "rather tight, fraught situation", including the late release of money for UORs, a new process for building medical equipment modules, and a change in responsibility for medical supply from the medical to the logistical Command.

41. Vice Admiral Ian Jenkins, Surgeon-General from 2002 to 2006, agreed with Brig Hawley's assessment:

> "… I can categorically assure you that clinical outcomes [during Op TELIC 1] were uncompromised. Yes there were problems with supply, equipment and everything else, mobilisation of Reserves, support … but the clinical outcomes were first class. I can put my hand on my heart and say that nobody suffered inappropriately because of a lack of medical requirement."[19]

---

[17] Public hearing, 14 July 2010, page 7.
[18] Defence Committee, *Examination of Witnesses (Questions 1176-1179)*, 22 October 2003, Q 1211.
[19] Defence Committee, *Examination of Witnesses (Questions 1176-1179)*, 22 October 2003, Q 1217.

42. Lieutenant General Louis Lillywhite, the Director General of Army Medical Services from 2003 to 2005 and Surgeon General from 2006 to 2009, told the Inquiry that cost had not been an issue in providing medical care:

> "As far as care on operations are concerned, it is effectiveness that counts, not cost-effectiveness. As far as providing care for Servicemen was concerned, I was – I personally, and I have to say Ministers supported me – did not allow cost to be an issue. If it was required, it was provided."[20]

43. A July 2003 MOD report on Op TELIC 1 stated that the medical component of the deployment was fully staffed, with 2,800 medical staff including 760 Reservists.[21] Trained psychiatric staff were also deployed.

Arrangements for supporting mental health

44. Lt Gen Lillywhite described for the Inquiry, the Armed Forces' general approach to identifying and tackling mental health issues at the beginning of Op TELIC:

- using initial and subsequent training to identify individuals with less ability to withstand stress, and to help prepare people to withstand stress;
- training commanders to identify issues as early as possible; and
- deploying field psychiatric teams to help identify those "who had true psychological disability, that … needed care and evacuation or simply support and return to duty".[22]

45. Prior to deployment on Op TELIC, Royal Navy and Army units received a pre-deployment presentation by a psychiatrist or community psychiatric nurse (or non-medical personnel if medical personnel were unavailable).[23] As the RAF deployed as individuals rather than formed units, it produced an equivalent booklet for all deploying personnel.

46. The Services also prepared post-deployment stress prevention packages, comprising two handouts and a post-operational psychological briefing.

47. MOD demobilisation policy at the beginning of Op TELIC required that:

- At the end of an operational tour but while still in theatre, all individuals should attend a presentation and be given an information leaflet covering post-traumatic stress reactions and the problems that might be encountered on returning home to families. Families should be offered a presentation and information leaflets on the possible after-effects of an operational deployment.

---

[20] Public hearing, 20 July 2010, page 73.
[21] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.
[22] Public hearing, 20 July 2010, pages 54-55.
[23] Minute DMSD/MOD to USoS [MOD], 2 April 2003, 'Op TELIC – Personnel Repatriated for Medical Reasons'.

- All personnel should undertake a period of "normalisation", lasting two to three days, before taking post-operational tour leave. It would usually be spent on routine duties. This requirement stemmed from the MOD's assessment that:
  - The immediate release of personnel after an operational tour could be a contributory factor to the likelihood of developing post-conflict syndromes.
  - Personnel should be given time to deal with issues raised by combat in the company of those who understood and had shared those experiences.[24]

48. This policy applied to Reservist as well as Regular Personnel.

49. Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) (DCDS(Personnel)), wrote to General Sir Mike Jackson, Chief of the General Staff, on 23 April 2003, advising:

> "At this morning's Op COS meeting you mentioned concerns among some of the deployed Personnel that their return to the UK was being delayed because of the requirement for a period of 'normalisation' …
>
> …
>
> "Ultimately the implementation of the overall policy guidance lies with PJHQ and the FLCs [Front Line Commands] … However, the lessons learned from the last Gulf Conflict in particular have demonstrated how important it is – not least in terms of demonstrating due diligence – that we are rigorous in adopting formal procedures to reduce the risks and incidence of psychological illness."[25]

Delivery of medical care

50. The MOD reported in July 2003 that more than 4,000 British patients had been treated in British field hospitals, and over 800 evacuated to the UK by air, during the deployment and combat phases of Op TELIC.[26] The majority of those patients had suffered disease and non-battle injuries.

51. Around 200 Iraqi Prisoners of War and 200 Iraqi civilians had also been treated in British medical facilities.

52. The number of admissions to Role 3 hospitals during Op TELIC 1 are set out in the table below.[27]

---

[24] Paper DFRC/MOD, 16 April 2003, 'Operation TELIC – Demobilisation'.
[25] Minute DCDS(Pers) to CGS, 23 April 2003, 'Op TELIC – Normalisation'.
[26] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.
[27] Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, 'Iraq Inquiry – Request for Evidence'.

Table 1: Admissions to Role 3 hospitals during Op TELIC 1

	Expected number of admissions[28]	Actual number of admissions
Battle casualties	157-241	81
Casualties from chemical warfare	152-212	0
Casualties from biological warfare	15 percent of those exposed	0
Disease and Non-battle Injuries	34 a day	31 a day
Medical evacuations	55 a week	90 a week

53. In July, PJHQ assessed that medical support during Op TELIC had been "a success by any measure".[29] The aeromedical evacuation of casualties (by VC 10 to Cyprus then by civilian aircraft to the UK) had been particularly effective.

54. PJHQ reported that some evacuated Service Personnel were nursed in NHS hospitals without other military patients and had therefore lacked "peer support".

55. The issue of treating injured Service Personnel in NHS hospitals, and on civilian wards, would come to prominence in 2006.

56. Lt Gen Lillywhite told the Inquiry that in the early part of Op TELIC, the MOD did not have the data to make an objective assessment of the effectiveness of emergency care.[30] Analysis of data relating to later phases of Op TELIC indicated that UK medical support was achieving a significantly greater than expected survival rate.

57. Gen O'Donoghue told the Inquiry that the DMS drew two major lessons from its experience during the invasion:

- It needed more Regular medical Personnel, to take account of the limited time that any individual could spend in theatre given their NHS commitments and the need to retain "medical dexterity".
- UORs allowed DMS to respond to particular threats and secure the latest equipment, but it needed more equipment and supplies "on the shelves" ready to deploy.[31]

58. Lt Gen Lillywhite described a number of changes in the provision of medical care after Op TELIC 1.[32] During Op TELIC 1, the MOD generally used armoured ambulances to move casualties from aid posts to medical regiments and a mixture of ambulances and helicopters to get from (Role 2) medical regiments to hospital. From Op TELIC 2, the military generally used helicopters to move from the point of wounding or the aid post to hospital.

---

[28] As defined in the 1 September 2002 Strategic Medical Estimate. Figures for battle casualties and casualties from chemical warfare represent best and worse case estimates respectively.
[29] Report PJHQ, July 2003, 'Operation TELIC 1 – Medical Post Operation Report'.
[30] Public hearing, 20 July 2010, pages 14-16.
[31] Public hearing, 14 July 2010, pages 16-17.
[32] Public hearing, 20 July 2010, pages 22-23.

59. Lt Gen Lillywhite told the Inquiry that he had not experienced any problems in securing sufficient helicopters for those medical moves.

Support for injured Service Personnel and their families

60. The number of casualties and aeromedical evacuations relating to Op TELIC are set out in the table below.[33] The figures for 2003, 2004 and 2005 reflect military casualties only; the figures for 2006 onwards reflect military and civilian casualties.

Table 2: Casualties and aeromedical evacuations relating to Op TELIC

Year	Casualties			Aeromedical evacuations
	Total	Very Seriously Injured or Wounded	Seriously Injured or Wounded	
2003	46	14	32	
2004	45	14	31	
2005	20	5	15	
2006	32	11	21	701
2007	69	24	45	603
2008	9	5	4	433
2009	1	0	1	234
Total	**222**	**73**	**149**	**1,971**

Establishing a Military Managed Ward at Selly Oak hospital

61. MOD Ministers and senior military officers made regular visits to injured Service Personnel, both in the UK and Iraq.[34]

62. Mr Blair made a private visit to RCDM Selly Oak in February 2005.

63. Mr Des Browne, the Defence Secretary, visited RCDM Selly Oak on 15 August 2006.

64. Lt Gen Freddie Viggers, the Adjutant General, visited RCDM Selly Oak on 21 August.[35] He reported on 22 August that:

- The quality of clinical care was excellent.
- Morale among military medical staff was “fragile”, due to under-manning, the joint military/civilian structure, and the physical environment.
- Wounded soldiers wanted to be looked after in a military environment “within which they can be with their mates, be looked after by named military nurses

[33] DASA, [undated], *Op TELIC Casualty and Fatality Tables: 1 January 2003 to 31 July 2009*. The figure for 2009 is to 31 July 2009. Casualty figures exclude casualties due to natural causes.
[34] Minute Batchelor to PS/SoS [MOD], 13 August 2006, ‘Preparatory Brief for Visit to RCDM HQ on Tuesday 15 Aug 06 of the Rt Hon Des Browne MP Secretary of State for Defence’.
[35] Minute AG to DCDS (Health), 22 August 2006, ‘Visit to Royal Centre for Defence Medicine (RCDM) – 21 August 2006’.

and be treated like soldiers (including security)". Enhancing the military environment was "essential" for soldiers' physical and psychological recovery.

- It was iniquitous that soldiers being treated at the RCDM Selly Oak lost their entitlement to the Operational Welfare Package (OWP) and some other allowances. The OWP would provide much of the support (including TVs, DVDs and telephone calls) that were currently being provided from "assorted non-public funds" or paid for by the soldiers themselves.

65. Lt Gen Viggers identified a number of immediate actions, including:

- informing wounded personnel what the MOD was planning to do to create a military environment;
- starting to create that military environment, by putting soldiers together in one area of a ward; and
- extending the OWP to patients.

66. On 23 August, General Sir Timothy Granville-Chapman, Vice Chief of Defence Staff (VCDS), reported that Mr Browne had given him a "very thorough de-brief" on his 15 August visit to RCDM Selly Oak.[36] Key points included:

- Mr Browne was "very seized" with the need for injured personnel to recover in a military environment, and was clear that a "military ward solution" was needed.
- Mr Browne was "very much behind" Lt Gen Viggers' recommendation that the OWP should be extended to injured personnel.

67. The following week, the MOD's Service Personnel Board (SPB) considered a package of financial and non-financial measures which aimed to replicate the effects of the OWP for in-patients, whether at the RCDM or elsewhere.[37] The SPB was advised that, although the package was "work in progress", Gen Granville-Chapman was clear that the proposal "cannot bear the delay inherent in the usual staff circulations".

68. The package, which included the payment of Incidental Expenses to in-patients and an extension to the Dangerously Ill Forwarding of Relatives (DILFOR) scheme, was agreed and implemented by the end of September.[38]

69. The extension of the DILFOR scheme provided for two close family members to visit the permanent residence of a hospitalised Service person, so that they could support the family members there. The DILFOR scheme was extended again in 2008

---

[36] Minute VCDS to DCDS(Pers), 23 August 2006, 'SoS Visit to Headley Court and RCDM'.
[37] Paper MOD, 31 August 2006, 'Welfare Support for Service In-Patients'.
[38] Minute Randall to Fleet-NLM DACOS PPA, 27 September 2006, 'Extension of DILFOR Travel Arrangements to the Families of Service Personnel who are Hospitalized'; Minute Randall to Fleet-NLM DACOS PPA, 27 September 2006, 'Payment of Incidental Expenses to Service Personnel who are Hospitalized'.

to allow multiple journeys to and from a hospital if the family was unable to remain at the bedside.[39]

70. In early October, there was considerable press coverage of alleged verbal abuse of military patients at Selly Oak hospital by members of the public.[40]

71. On 24 October, the SPB assessed that action to establish a Military Managed Ward (MMW) at RCDM Selly Oak was "well in hand", and that:

> "Security had been the biggest issue, and a weekly meeting was now in place between the local police (who have security primacy), MOD Police, RCDM and NHS Staffs."[41]

72. General Sir Richard Dannatt made his first visit to RCDM Selly Oak as Chief of the General Staff (CGS) in December.[42] He reported to Air Chief Marshal Jock Stirrup, Chief of the Defence Staff, that while progress was being made, the "whole 'system' for dealing with those wounded on operations, once back in the UK, has been allowed to sink to such a woefully inadequate level that the task to rebuild it … is huge". He identified two underlying problems:

- RCDM was principally focused on delivering trained medical staff, rather than treating the wounded.
- The MOD had implicitly accepted that the NHS level of care was "good enough" for Service Personnel. That was reasonable for clinical care, but not for other issues such as the nurse to patient ratio, access to specialist units, and food.

73. Gen Dannatt concluded that efforts to establish an MMW needed to be re-invigorated and, more fundamentally, that the MOD should "operationalise" Selly Oak as a Role 4 military medical facility.

74. The MMW reached Initial Operating Capability in December 2006 and Full Operating Capability in July 2007, when it comprised 39 medical Service Personnel (compared with 12 in summer 2006):

- 11 orthopaedic nurses;
- 15 general nurses; and
- 13 healthcare assistants.[43]

75. Gen Dannatt visited the MMW at Selly Oak on 22 June 2007 and reported that it was "at last moving in the right direction".[44] Clinical care, welfare support and administration were better led and co-ordinated, and there was a greater sense of

---

[39] Paper MOD, June 2010, 'Operational Welfare Enhancements as at June 2010'.
[40] *Daily Mail*, 5 October 2006, *Calls for 'military-wards' to protect troops from abuse.*
[41] Minutes, 24 October 2004 Service Personnel Board meeting.
[42] Minute Dannatt to CDS, December 2006, 'CGS Visit to RDCM Selly Oak: 6 December 06'.
[43] Paper MOD, 28 June 2010, 'Medical Input to Ainsworth Brief'.
[44] Minute Dannatt to VCDS, 26 June 2007, 'Visit to Selly Oak – 2 Jun 07'.

urgency, although "we should not take any satisfaction in reaching what is only the basic level of care that our wounded servicemen deserve".

76. The challenge now was to ensure that clinical, welfare and administrative support was delivered to injured personnel in a holistic manner wherever they were in the healthcare system.

77. In February 2008, the House of Commons Defence Committee described the clinical care for Service Personnel injured on operations as "second to none".[45] The Committee commented, however, that "many of the improvements … are relatively recent, and there has been a great deal of change over the past 18 months. The MOD should not be complacent: they have had to learn important lessons and it is now clear that the picture at Selly Oak was not always so positive."

78. Specific issues cited in the report included the provision of toiletries and basic clothing for Service Personnel, travel assistance for the families of injured Service Personnel, and accommodation for the relatives of parents. The report stated that improvements were taking place, but "some of the slack had been taken up by welfare organisations".

79. Mr Adam Ingram, Minister for the Armed Forces from 2001 to 2007, told the Inquiry:

> "It became very clear early on that there was a problem at Selly Oak. It wasn't the question of the quality of the medical care. It was the fact that they were in mixed [military/civilian] wards. You had soldiers who had been attended to by civilian nurses, civilian doctors and in the next bed there may well be a civilian injured person or old person.
>
> "That became a big issue. My instinct initially was … that if I was injured, I just wanted the best medical care …
>
> "But, as a result of a number of visits, Ministerial visits, it became abundantly clear we needed to do other things. So progressively, the number of military personnel, in terms of the medical care, changed …"[46]

80. Lt Gen Lillywhite told the Inquiry:

> "It quickly became apparent that returning casualties actually wanted to be looked after by the military …
>
> "Although at no stage … was the clinical care of casualties coming back from Iraq compromised, there was an unhappiness amongst the patients themselves and their relatives about the lack of military involvement in both their care, although actually much more so in their welfare support.

---

[45] Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327, pages 3 and 13.
[46] Public hearing, 16 July 2010, page 49.

> "So there was a period when the plan, which was working, was not in accord with what people had expected or wanted. So that led to a significant period of adverse press and internal adverse press as well, whilst both the medical services, but even more so the chain of command, organised themselves to actually provide that military bubble around the care in the hospital."[47]

81. Lt Gen Lillywhite told the Inquiry that, while establishing a "military bubble" – such as the MMW – around a military patient did not improve the quality of clinical care, "one should not underestimate the beneficial impact upon recovery, upon family dynamics, and upon psychological wellbeing of actually being content".[48] He added that the importance of continuing to provide a military bubble during treatment was one of the main lessons learned by DMS and the MOD from Iraq.

Improvements at Headley Court

82. The facilities at DMRC Headley Court had been significantly enhanced by the end of Op TELIC, including through:

- the opening of a Complex Rehabilitation and Amputee Unit in June 2006: a contract was let to a private company that manufactured individually tailored prosthetics on site;[49]
- construction of a 30-bed temporary ward annex, which was brought into use in May 2007;[50]
- construction of a 58-bed staff and patient accommodation block (Wood House) in January 2009; and
- the opening of the Centre for Mental and Cognitive Health, to provide mental health and clinical psychology services, in spring 2009.

83. In May 2008, Ministers announced £24m in capital funding over four years for a Headley Court development programme. Over the first two years, this funding was mainly applied to the MOD contribution to the "Help for Heroes" rehabilitation complex (which was officially opened in June 2010) and a utilities upgrade for the whole site.

84. Lt Gen Lillywhite told the Inquiry that, while Headley Court was a "centre of excellence", it was also "the greatest area of risk in actually managing casualties".[51] The first risk area was its capacity:

> "We were seeing far more cases that needed in-patient care in beds than we had ever seen probably since Korea … and the capacity of Headley Court was not sufficient to have met it. Luckily, the building programme, the temporary ward, the

[47] Public hearing, 20 July 2010, pages 33-34.
[48] Public hearing, 20 July 2010, pages 35-36.
[49] Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327.
[50] Paper MOD, 28 June 2010, 'Medical Input to Ainsworth Brief'.
[51] Public hearing, 20 July 2010, pages 39-40.

relationships with the local planning authority, enabled us just to keep ahead of the surge. A close run thing, I think, but we kept ahead of the surge."

85. The second risk area was the building itself:

"Headley Court is a fine listed building, which had in essence for many years treated sports injuries, complex sports injuries, but not open wounds. What we have started doing in this conflict is starting rehabilitation ever earlier, with significant success. But it posed risk in the type of surroundings that they were being managed in, in that Headley Court was not set up to look after cases that were open wounds or complex medication that required ongoing non-rehabilitation specialist care."[52]

86. The Inquiry visited Headley Court in October 2010, and spoke to a number of members of staff and Iraq veterans. Members of staff told the Inquiry that it would be helpful if they were given more forewarning about deliberate operations with potential for high casualties.

87. In early October 2006, Gen Dannatt directed Major General Mark Mans, the Deputy Adjutant General (DAG), to lead an assessment of in-Service welfare provision to see where improvements could be made.[53] Gen Dannatt directed that the assessment should include discussions with the Soldiers, Sailors, Airmen and Families Association (SSAFA) on bringing back SSAFA Social Workers.

88. Maj Gen Mans replied to Gen Dannatt on 30 November, recommending that he should:

- invite the SSAFA to:
  - provide short-stay hostels for families at Selly Oak and Headley Court;
  - provide additional support for vulnerable Service leavers;
  - provide enhanced support for Service parents of children with disabilities and special needs; and
  - provide enhanced adoption services;
- enhance the current Army Welfare Service (AWS) structure with additional Civil Service Social Workers and Welfare Workers; and
- invite DCDS(Personnel) to organise a "wide-ranging, tri-Service, Ministerially-led" conference to increase understanding of welfare and healthcare support to the ex-Service community.

89. Maj Gen Mans advised that the AWS, like the rest of the Army, was "running hot". The "heavy burden" of operational commitments and increased casualties had led to a 20 percent increase in the AWS's workload over the past year. Using Civil Service (rather than SSAFA) Social Workers would give the AWS access to an established and

---

[52] Public hearing, 20 July 2010, pages 40-41.
[53] Minute DAG to CGS, 30 November 2006, 'Welfare and Aftercare'.

trained delivery network with a national footprint. SSAFA could be best deployed to provide support on discrete activities to specific groups.

90. Lt Gen Mans advised colleagues in December 2006 that Gen Dannatt considered it was timely to hold a wide-ranging conference on welfare and aftercare provision for Service leavers and veterans, "[a]gainst a background of changing operational imperatives, high commitment levels and evolving welfare demands, as well as a steadily declining knowledge and consciousness amongst the public and in the media of military needs and expectations during and after service".[54]

91. The Tri-Service Welfare Conference was held in April 2007.[55]

92. Gen Dannatt wrote in his autobiography that although no major decisions were taken at the conference, "all those present were left in no doubt that those of us at the top of the organisation [the MOD] knew what the problems were, understood them, and had a determined commitment to tackle them".[56]

The role of charitable organisations

In the UK, charitable organisations have traditionally played an important role in providing care to Service Personnel and veterans, often working closely with the MOD, the NHS and the private sector.

Lt Gen Lillywhite told the Inquiry that the MOD welcomed the involvement of charitable organisations (although it might not always agree with their approach):

> "They all have a desire to actually progress the care of Servicemen … and they actually contribute significantly to; one, promoting the cause of particularly the ex-Servicemen; secondly, they are quite good at challenging us on what we are doing or not doing; and thirdly, they often bring a degree of expertise or approach that we might not otherwise have recognised.
>
> "… it is a complex relationship but they are an essential part, in my view, of our society in terms of actually ensuring that veterans in particular, but to a lesser extent, serving soldiers, get the appropriate care that they require."[57]

In his autobiography, Gen Dannatt described how, in 2007, charitable organisations became increasingly involved in military medical and welfare issues, as the number of casualties in Iraq and Afghanistan grew and the "fragility of the … arrangements for our seriously injured become painfully apparent".[58] That fragility related not to clinical care, which was excellent, but to the broader support that was available to injured personnel and their families.

---

[54] Paper Mans, 20 December 2006, 'Army Welfare and Aftercare Conference Victory Services Club, London on Mon 16 Apr 07'.
[55] Minute MOD [junior official] to PS/Minister for Veterans [MOD], 5 June 2007, 'Veterans Forum – 15th June 2007'.
[56] Dannatt R. *Leading from the Front.* Bantam Press, 2010.
[57] Public hearing, 20 July 2010, pages 70-72.
[58] Dannatt R. *Leading from the Front.* Bantam Press, 2010.

Gen Dannatt wrote that the increasing involvement of charitable organisations was, in his view, not a response to "a challenge thrown down by the Government, merely evidence that the nation was beginning to get behind its soldiers and their families".

Handling complex cases

93. Lt Gen Lillywhite told the Inquiry that survival rates improved significantly over the course of Op TELIC.[59] He also highlighted the increasing number of Service Personnel with "complex injuries" that would be seen in civilian life extremely rarely, and for which civilian medical and social services have not been set up to manage.

94. Lt Gen Lillywhite also told the Inquiry that since the start of the Iraq conflict, the MOD had taken a more flexible approach to determining the appropriate date for discharge, which now depended on the individual's circumstances.[60] He described that to be "a compassionate response to … very, very serious injuries and sometimes family situations".

95. A particular challenge was managing the transfer of care from the military system to the NHS, when an individual with complex injuries was discharged.[61] The military system was holding onto casualties for longer, and in some cases to a point where it did not have all the capability required to care for the individual. However, at that same point, the NHS was not set up to provide the comprehensive care that was required.
Lt Gen Lillywhite commented:

> "So arranging that care package requires individual persuasion, discussion, debate, with the local authorities in the place where that individual is at home. Of course, the issue of funding can then come into it …
>
> "So the ongoing care of the complex casualty is throwing up issues that we have not seen before."

96. Lt Gen Lillywhite suggested that individuals with complex injuries should be treated by the Government as a group with specific clinical needs, in recognition of their service and on clinical grounds to enable specialist care to be arranged and provided more consistently.[62] He subsequently stated:

> "I had general agreement when I was in office that that was what was required, but it needs giving effect to, and there are ongoing issues that can be only addressed

[59] Public hearing, 20 July 2010, page 41.
[60] Public hearing, 20 July 2010, pages 52-53.
[61] Public hearing, 20 July 2010, pages 47-49.
[62] Public hearing, 20 July 2010, pages 41-42.

in my view by treating them as a group … for example, giving them the advanced prostheses in the future, giving them access to new techniques that are becoming available as a result of research."[63]

Clinical developments during Op TELIC

The MOD told the Inquiry that it had identified five major "lessons" from the provision of medical care during Op TELIC, and had incorporated those lessons into its medical procedures.[64] The lessons were:

- Novel haemostatics. Experience during Op TELIC showed that control of catastrophic bleeding in the first 10 minutes after wounding led to a significant improvements in mortality and morbidity rates. New blood clotting agents, the Combat Applied Tourniquet, and an improved First Field dressing were introduced to arrest the flow of blood more effectively.
- Medical Emergency Response Teams (MERTs). Experience during Op TELIC led to the creation of Immediate Response Teams (IRTs), to deliver medical care at the point of wounding. The concept was developed into MERTs, which deliver consultant-led, pre-hospital emergency care.
- The introduction of a more capable "ground evacuation platform" (based on the Mastiff) which improved soldiers' confidence in the casualty evacuation chain and significantly improved the delivery of medical care during evacuation.
- The introduction of digital imaging which allowed casualties to be diagnosed more quickly and more accurately.
- The development of an enhanced system for capturing medical data from all parts of the operational medical chain which improved casualty care and treatment regimes.

The Inquiry asked Lt Gen Lillywhite what the MOD had learned from Op TELIC about trauma care.[65] Lt Gen Lillywhite highlighted three areas:

- how to save life at the point of injury, including through the use of haemostatic dressings and massive transfusion protocols;
- how to sustain the quality of life of seriously injured individuals into the long term; and
- pain management.

Lt Gen Lillywhite added that those advances, and others, were being transferred to civilian medicine.

[63] Public hearing, 20 July 2010, page 92.
[64] Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, 'Iraq Inquiry – Request for Evidence'.
[65] Public hearing, 20 July 2010, pages 24-27.

Support for mental health

Research into the physical and psychological health of Operation TELIC personnel

97. Following a meeting of the Veterans Task Force on 10 April 2003, and as major combat operations in Iraq continued, Dr Lewis Moonie, the Parliamentary Under Secretary of State for Defence, discussed with MOD officials the value of initiating a long-term study of the health of Op TELIC veterans.[66]

98. In early May, an MOD official asked Dr Moonie to agree that the UK Government should support a large-scale programme of research on the physical and psychological health of personnel deployed on Op TELIC.[67] The cost could not yet be precisely estimated, but could be around £3m.

99. The official commented that the UK Government had moved "far too late" to initiate research programmes after the 1990/1991 Gulf Conflict, leading to a loss of trust from veterans and the public:

> "By the time we [the Government] responded concern was widespread and the idea of a 'Gulf War Syndrome', for which there is still no scientific evidence, had taken root.
>
> "We therefore need to act early this time and put in place as soon as possible a robust programme of research … and respond as necessary."

100. Dr Moonie agreed that recommendation.[68]

101. The MOD subsequently commissioned the King's Centre for Military Health Research (the King's Centre) at King's College London to undertake a large-scale epidemiological study into the physical and psychological health of personnel deployed on Op TELIC.[69] The "primary objectives" of the study were:

- to assess the physical and psychological health of personnel deployed on Op TELIC in comparison with personnel not deployed on Op TELIC; and
- to ascertain whether an "Iraqi War Syndrome" had emerged following deployment, similar to the Gulf War Syndrome.

---

[66] Minute PS/USofS [MOD] to Hd GVIU, 11 April 2003, 'Op TELIC: Studies of Returning Service Personnel'.
[67] Minute MOD [junior official] to PS/USofS [MOD], 1 May 2003, 'Op TELIC – Research into Possible Health Effects Post-Conflict'.
[68] Minute PS/USofS [MOD] to Hd GVIU, 6 May 2003, 'Op TELIC – Research into Possible Health Effects Post-Conflict'.
[69] King's Centre for Military Health Research, 2006, *The Iraq Study 2003 – 2006: Monitoring the Physical and Psychological Health of Personnel Deployed on Operation TELIC 1 (Op TELIC 1): Key Results from Stage 1.*

102. Secondary objectives included:

- to compare the health of Regular and Reservist Personnel; and
- to assess risk-taking behaviours (alcohol consumption and risky driving) in personnel deployed on Op TELIC.

103. In December 2003, the MOD published a report on lessons it had drawn from operations in Iraq.[70] The report provided a brief update on the King's College work, and concluded that "to date, we are not aware of any unusual pattern of ill-health in returning personnel".

104. The initial findings of the King's College research were published in May 2006.

Over-Arching Review of Operational Stress Management

The MOD completed its Over-Arching Review of Operational Stress Management (OROSM) in September 2004, and a second phase covering Training and Communications Strategies in April 2005.

The OROSM defined six steps in operational stress management:

- pre-service entry beliefs and attitudes;
- in-service training and promotion courses for career development;
- pre-deployment;
- operational deployment;
- post-operational recovery; and
- on discharge from the Armed Forces.

Implementation and delivery of operational stress management within that framework remained the responsibility of the individual Services.

The OROSM clearly identified operational stress management as a management, rather than a medical, responsibility.

Decompression

105. Over the course of Op TELIC, in addition to the requirement for a period of "normalisation" at the end of an operational tour, commanders increasingly opted for their units to undertake a formal period of decompression at the end of an operational tour, as part of post-operational stress management.[71]

106. Decompression involved "placing groups into a structured and – critically – monitored environment in which to begin winding down and rehabilitating to a normal, routine, peacetime environment". Any individual considered to be vulnerable to any form

---

[70] Ministry of Defence, *Operations in Iraq: Lessons for the Future,* December 2003.
[71] Minute DCDS(Pers) to VCDS, July 2007, 'Decompression'.

of post-operational stress should be identified, so that the appropriate support could be provided as the individuals passed through the demobilisation process.[72]

107. The MOD assessed that decompression was best suited to formed teams and units.[73] Where possible, units should include individual augmentees (including Reservists) in their decompression arrangements. In the cases of individuals who were not available for the decompression period, the "clinically relevant" elements of the decompression process could be covered by pre-departure briefings and the subsequent normalisation period.

108. For Army units on Op TELIC, decompression usually took place in Cyprus over a period of 36 hours.

109. The first formal period of decompression took place in 2004, at the end of Op TELIC 3.[74]

110. By July 2007, the MOD's policy was that formed units should have a period of decompression unless a formal application to opt out had been agreed by the chain of command.[75] Air Marshal (AM) David Pocock, the Deputy Chief of Defence Staff (Personnel), advised Gen Granville-Chapman that, in the absence of evidence of "clinical efficacy", the policy was based on the "military judgement" that decompression promoted adjustment and re-integration into a normal environment.

111. In August 2010, the MOD produced an analysis of Op TELIC from a Land perspective.[76] The analysis stated that many units reported that individual augmentees and members of the TA could "fall between the cracks" and not carry out decompression. Some units reported that members of the TA could not remain with the unit during normalisation when it took place in the unit's barracks, and therefore went home.

112. The MOD concluded:

> "… a debate remains to be had about whether the main effort for Reservists should be to return them to civilian life as quickly as possible or extend their period in mobilised service to effect full normalisation … What is vital is to ensure that all TA Personnel are given adequate transition back to civilian life, and this includes important information on where to get assistance if he/she needs it. POSM [Post-Operational Stress Management] must continue through their chain of command."

---

[72] Minute DCDS(Pers) to MA/USoS [MOD], December 2006, 'Management of Personnel Returning from High Intensity Operations'.
[73] Minute DCDS(Pers) to VCDS, July 2007, 'Decompression'.
[74] Minute DCDS(Pers) to MA/USoS [MOD], December 2006, 'Management of Personnel Returning from High Intensity Operations'.
[75] Minute DCDS(Pers) to VCDS, July 2007, 'Decompression'.
[76] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis from a Land Perspective'.

Variations in the level of support after an operational deployment

113. The Inquiry heard from a number of veterans and witnesses that the level of support received by personnel returning from Op TELIC varied significantly.

114. The Inquiry asked Lieutenant General Sir Alistair Irwin, Adjutant General from 2003 to 2005, whether he was aware of that variation and, if so, what was done to address it.[77] He told the Inquiry:

> "… we were aware that there were varying standards … That was obviously a worry because, where the standard was good, that was fine. Where the standard was not good, then something clearly needed to be done about it.
>
> "So there was a constant interchange between my people, who were producing the advice, the guidance, the policy, and the people who were actually delivering these things, which were … the welfare staffs … the field Army and the chain of command.
>
> "… there was, amongst us all collectively, a desire to deliver as good a product as we could for those who needed it but, when it boils down to it, when you have a complex machine that consists of over 100,000 individual people, you can be absolutely certain, no matter what it is that you do, that there will be people who one way or another don't live up to the standard required.
>
> "So much to the regret of all of us involved, there were unquestionably people who weren't looked after as well as they should have been. There is no doubt about that and each one of them represents, in some degree or another, a failure.
>
> "I hope, though … without in any way wanting to sound complacent about it, that that number was probably relatively small."

115. Lt Gen Irwin agreed that those individuals were more likely to have returned to environments without significant military support around them, including Reservists returning to civilian life and Regular Personnel living away from barracks.

116. Vice Admiral Peter Wilkinson, Deputy Chief of Defence Staff (Personnel) from 2007, told the Inquiry:

> "Certainly, when we started the campaign, we were much more adept at looking after the large, formed units than we were on those individuals who had either gone out as single staff or on an augmentee basis.
>
> "I think, as we have gained greater experience of the operation and of the likely pressures on the troops, then we have become more adept and more proactive at looking after their likely needs."[78]

---

[77] Public hearing, 21 July 2010, pages 29-31.
[78] Public hearing, 19 July 2010, page 24.

First reports from the King's Centre study

117. Professor Simon Wessely and Professor Christopher Dandeker presented the early findings of the King's Centre study to the 25 May 2005 meeting of the Service Personnel Board (SPB).[79] The record of the meeting reported:

> "The initial observations suggest that for Regulars, there was no Iraqi War syndrome, no increases in general mental health problems and PTSD [Post-Traumatic Stress Disorder], or increases in alcohol intake. These observations were different to Op GRANBY [the 1990/1991 Gulf Conflict]. For Reservists, there have been increases in general mental health problems and a doubling of PTSD, but no increase in alcohol intake."

118. Two papers from the King's Centre study into the physical and psychological health of personnel deployed on Op TELIC were published in May 2006.

119. The first paper concluded that for Regular Personnel, deployment to Iraq had not, so far, been associated with significantly worse health outcomes, apart from a modest effect on multiple physical symptoms.[80] There was, however, evidence of a clinically and statistically significant effect on the health of Reservists, in relation to PTSD symptoms, multiple physical symptoms, and general perceptions of health.

120. The second paper concluded that there had been no substantial increase in symptomatic ill-health amongst members of the Regular Armed Forces who had taken part in the invasion of Iraq, and there was no pattern suggestive of a new syndrome.[81] That finding was in contrast to the situation after the 1990/1991 Gulf Conflict, when a substantial increase in symptomatic ill-health had been observed.

121. On 16 May, Mr Tom Watson, the Parliamentary Under Secretary of State for Defence, set the conclusions of the papers and the Government's response in a written statement to Parliament:

> "… a small but measurable number of Reservists (when compared either with Regulars who did deploy or Reservists who did not deploy) are showing some increased health effects as a result of deployment – particularly for common mental disorders (such as anxiety, depression and stress), post traumatic stress disorder and fatigue. It remains the case, though, that the reported rates of indicators of common mental ill-health for both Reservists and Regulars are broadly of the same order as found in the general UK population."[82]

---

[79] Minutes, 25 May 2005, Service Personnel Board meeting.
[80] Hotopf et al. The health of UK military Personnel who deployed to the 2003 Iraq war: A cohort study. *The Lancet* **367**: 1731-1741 (2006).
[81] Horn et al. Is there an 'Iraq War Syndrome'? Comparison of the health of UK Service Personnel after the Gulf and Iraq wars. *The Lancet* **367**: 1742-1746 (2006).
[82] House of Commons, *Official Report*, 16 May 2006, column 43WS.

122. Mr Watson described the issue of Reservists' mental health as the "key finding" of the study, advised that the Government was already monitoring the issue closely and looking at possible solutions, and announced that the Government would introduce an enhanced post-operational mental health programme for recently demobilised Reservists later in the year.

123. Lt Gen Lillywhite told the Inquiry that there might be several reasons why Reservists might suffer more from mental health issues:

- less preparatory training throughout their careers than Regular Personnel;
- a less supportive environment for the families of Reservists than for Regular Personnel;
- a less robust selection process; and
- an absence of "ongoing support from their peers" when Reservists left the military environment and returned to civilian life.[83]

124. The King's Centre study was extended in 2006 into a second phase (2007 to 2010), and broadened to include all subsequent Iraq deployments and deployments to Afghanistan.[84]

Reserves Mental Health Programme

125. In November 2006, in response to the findings of the King's Centre study, the MOD launched the Reserves Mental Health Programme (RMHP), to provide enhanced mental healthcare to current and former Reservists who had been demobilised since 1 January 2003 following deployment on an overseas operation.[85]

126. The RMHP provided a mental health assessment and, if appropriate, out-patient treatment at one of the MOD's Departments of Community Mental Health (DCMHs). In-patient treatment was provided through the NHS.

127. The MOD assessed that there could be, in the worse case, a "backlog" of 680 individuals (who had been demobilised since 1 January 2003 and who had concerns over their mental health), who would be referred to the RMHP when it launched.[86] Thereafter the RMHP was expected to receive 75 referrals a year.

128. A 2011 study concluded that the RMHP was an effective method of treatment for those who accessed it.[87]

---

[83] Public hearing, 20 July 2010, pages 60-61.
[84] Paper MOD, 29 June 2010, 'Veterans Mental Health'.
[85] Surgeon General's Policy Letter 28/06, 21 November 2006, 'Reservists Mental Health Programme'.
[86] Paper MOD, 25 August 2006, 'Recently Demobilised Reservists Mental Health Project: The Proposal and Business Process'.
[87] N Jones et al. A Clinical Follow-up Study of Reserve Forces Personnel Treated for Mental Health Problems Following Demobilisation. *Journal of Mental Health* **20** (2011).

Concerns over mental health issues, late 2006

129. Section 16.1 describes the concerns of General Sir Richard Dannatt, Chief of the General Staff (CGS) from August 2006, that the Army was "running hot" and the military covenant was out of balance.[88]

130. Gen Dannatt visited Iraq in late September 2006.[89] His report to Air Chief Marshal Jock Stirrup, Chief of the Defence Staff (CDS), highlighted the psychological welfare of Service Personnel as one area where action was required:

> "I was concerned to hear that there had been 99 referrals to the Field Mental Health Team from 20 Bde alone during their tour. This number seems high, though I suspect as people start returning to Iraq (or Afghanistan) for the third or fourth time it will not be atypical. I am aware … that we do not equip our soldiers as well as we might during their pre-deployment training for the combat stress of operations. I am discussing this with AG [the Adjutant General, Lt Gen Viggers], and we will shortly be taking steps to improve our commanders' understanding of, and ability to deal with, psychiatric casualties in theatre. I will ensure that this work informs DCDS(Personnel)'s Overarching Review of Operational Stress Management.
>
> "I am less sanguine, however, about what happens to psychological casualties evacuated back to UK – in the case of 20 Bde about 20 individuals. As I understand it, once in the UK these casualties are managed by The Priory, a civilian contractor, for psychiatric treatment. Not only do we tend to lose track of these casualties thereafter, but I feel intuitively that rustication from a military environment is hardly the best way to treat all but the very worst of our stress casualties. Indeed, experience from recent major conflicts tells us that soldiers suffering from combat stress are best treated in as military an environment as possible. Once the psychological props of discipline, esprit de corps, ethos and humour are removed, the road to recovery for stress casualties grows that much longer. Now that we have decided, quite rightly, to run RCDM Birmingham on more military lines,[90] we should at least ask ourselves similar questions over our care of psychiatric casualties."

131. Gen Dannatt subsequently tasked Major General Mark Mans, the Deputy Adjutant General (DAG), to address those concerns.[91]

---

[88] Letter Dannatt to Browne, 31 August 2006, [untitled].
[89] Minute Dannatt to CDS, 2 October 2006, 'CGS' Visit to Iraq: 26-28 Sep 06'.
[90] A reference to the decision to establish a Military Managed Ward at Selly Oak hospital.
[91] Minute DAG [MOD] to CGS, 30 November 2006, 'Welfare and Aftercare'.

132. Mr Ingram visited Iraq from 30 September to 1 October.[92] His Private Secretary reported that three concerns had been raised with Mr Ingram with regard to "psychiatric treatment":

- There was an "apparent upward trend (if not surge)" in the number of people requiring support in the second half of six-month tours.
- The US provided "significantly more in-theatre welfare/counselling support" than the UK (although the US deployed personnel for longer than the UK).
- Personnel evacuated back to the UK to receive treatment at The Priory had, from their unit's perspective, been "'lost' for weeks at a time".

133. Maj Gen Mans replied to Gen Dannatt on 30 November, advising that:

- The high level of psychiatric casualties being referred to the Field Mental Health Team (FMHT) was a positive feature rather than a cause for concern, as it reflected a willingness by personnel to consult the FMHT. The number of personnel evacuated from theatre was lower than might be expected from the number of referrals to the FMHT.
- The current system for providing care for personnel evacuated from theatre with mental health problems (treatment at The Priory and/or the MOD's Departments of Community Mental Health) conformed to psychiatric best practice. The recently activated RMHP would also help.
- Regarding commanders' understanding of and ability to deal with psychiatric issues, the OROSM had recommended that personnel receive stress management training at points throughout their career. This recommendation had been partially implemented; full implementation required resources and training time.[93]

134. In November, Mr Derek Twigg, Parliamentary Under Secretary of State for Defence, expressed his concern that the MOD was not providing a "comprehensive rehabilitation package" for personnel returning from operations.[94]

135. AM Pocock responded in December.[95] He advised that a forecast that the current downward trend in Road Traffic Accidents would stall, and a recent King's Centre paper indicating an increased tendency towards risk-taking behaviour after deployment, both supported Mr Twigg's "nagging concern" that the MOD might not be providing the support that personnel (including Regulars, Reservists, formed units, individuals, and individuals who had been medically evacuated) required.

---

[92] Minute PS/Min(AF) [MOD] to MA/CJO, 4 October 2006, 'Iraq: Minister (AF)'s Visit 30 Sept – 1 Oct '06'.
[93] Minute DAG to CGS, 30 November 2006, 'Welfare and Aftercare'.
[94] Minute DCDS(Pers) to MA/USoS [MOD], December 2006, 'Management of Personnel Returning from High Intensity Operations'.
[95] Minute DCDS(Pers) to MA/USoS [MOD], December 2006, 'Management of Personnel Returning from High Intensity Operations'.

136. AM Pocock set out the six-step process defined by the MOD's Operational Stress Management Policy and highlighted the role of decompression as one element of step 5 (post-operational recovery). Work to evaluate the effectiveness of decompression was under way.

137. In July 2007, AM Pocock advised Gen Granville-Chapman that, following the 2005 OROSM review, the MOD's policy on operational stress management was "both comprehensive and robust".[96] The MOD had now undertaken an analysis within the three Services and the Civil Service of how much training for operational stress was available and how effective it was. This "gap analysis" indicated that the three Services "already do much to address [operational stress management] training needs". A bid for resources to plug the gaps, including the wider implementation of the Royal Marines' Trauma Risk Management programme proposed by the Army, would be submitted.

Trauma Risk Management

138. In 2008, the Armed Forces rolled out Trauma Risk Management (TRiM) in all three Services.[97]

139. Lt Gen Lillywhite described TRiM as a form of debriefing after a traumatic event,[98] but undertaken in peer groups rather than by an external counsellor. The person who was leading the debriefing was taught to identify whether their colleagues were under stress and might need referral elsewhere.[99]

Further findings from the King's Centre study

140. Further reports from the King's Centre study in 2009 and 2010 reported that:

- There was no increase in mental health problems in Regular Personnel serving in Iraq or Afghanistan, compared with Regular Personnel not deployed to Iraq or Afghanistan.
- The rate of symptoms of PTSD remained "relatively low" among Regular Personnel deployed to Iraq or Afghanistan; estimates ranged between 1.3 and 4.8 percent following deployment. The rate of symptoms of PTSD in the general UK population was approximately 3 percent.
- Between 16 and 20 percent of Regular Personnel reported common mental disorders, such as depression and anxiety. This was similar to the rate in the general UK population.

---

[96] Minute DCDS(Pers) to VCDS, July 2007, 'Decompression'.
[97] Seventh Report from the House of Commons Defence Committee, Session 2010-2012, *The Armed Forces Covenant in Action?*, HC 762.
[98] Traumatic events might include sudden death, serious injury, near misses and overwhelming distress when dealing with disaster relief and body handling.
[99] Public hearing, 20 July 2010, pages 56-57.

- Alcohol misuse was a common problem among Regular Personnel deployed to Iraq and Afghanistan. In the first phase of the King's Centre study (2003 to 2006), only "combat troops" were found to have a higher prevalence of alcohol misuse following deployment to Iraq. Later analyses showed a higher prevalence of alcohol misuse among all Regular Personnel who were deployed to Iraq or Afghanistan, regardless of their role on deployment.
- "Combat troops" deployed to Iraq and Afghanistan showed a small but significant increase in the risk of symptoms of PTSD compared with non-combat troops. Approximately 7 percent of combat troops had symptoms of PTSD following deployment.
- Reservists deployed to Iraq or Afghanistan were at a higher risk of reporting symptoms of PTSD, when compared with Reservists not deployed to Iraq or Afghanistan. The King's Centre commented that many factors could contribute to the excess of mental ill-health observed in deployed Reservists, including their relative inexperience of combat operations, lower unit cohesion, and problems in the home and work environment during or after deployment. The King's Centre also commented that despite the introduction of measures focused on helping Reservists (including the RMHP and better support for Reservists' families), the excess of mental health problems (specifically PTSD) observed among Reservists deployed to Iraq and Afghanistan was "disappointingly persistent".
- Multiple deployments were not consistently associated with an increased risk of mental health problems. However, the cumulative duration of deployments did affect mental health; if troops deployed for more than 13 months over a three-year period they were at increased risk of mental health problems, particularly an increased risk of PTSD symptoms. The King's Centre commented that the finding supported the MOD's Harmony Guidelines for Army Personnel. Ensuring that the Guidelines were not exceeded could help to reduce the risk of mental health problems in the UK's Regular forces.
- Regular Personnel were at increased risk of alcohol misuse and PTSD symptoms where the tour length was extended during the deployment itself.[100]

141. The King's Centre concluded:

> "Despite extended campaigns in Iraq and Afghanistan, the prevalence of mental disorders in the UK's Armed Forces remains low. PTSD is in fact an issue for a relatively small proportion of military personnel. Of particular concern, however, are the high levels of alcohol misuse in Regulars, the mental health of combat troops and also the mental health of Reservists. These three issues require attention over the coming years."

---

[100] Forbes et al. The Mental Health of UK Armed Forces Personnel: The Impact of Iraq and Afghanistan. *RUSI Journal*, **156**: 14-20 (2011).

The Harmony Guidelines and mental health

Professor Christopher Dandeker, Professor of Military Sociology at King's College London and Co-Director of the King's Centre for Military Health Research, told the House of Commons Defence Committee in March 2008 that:

> "… so far as our own research is concerned … I think that the Harmony Guidelines have been well constructed because the evidence suggests that if you stay within them they [Service Personnel] do not suffer; if you go beyond them there is a 20 to 50 percent likelihood that they will suffer in terms of PTSD [Post Traumatic Stress Disorder]".[101]

In his evidence to the Inquiry, Air Marshal David Pocock, Deputy Chief of Defence Staff (Personnel) from 2005 to 2007, questioned whether Professor Dandeker was right to suggest that the Harmony Guidelines were an appropriate basis for assessing the effect of operational deployment on individuals.[102] The Guidelines had been derived in a straightforward way from the planning assumptions used in SDR 98 ('what operations have we got? How many people have we got? … that means that they can spend this long away'). AM Pocock said that his focus had been on the broader relationship between time deployed on operations and the risk of mental health issues.

142. The Inquiry asked Lt Gen Lillywhite how the MOD's approach to mental health had changed over the course of Op TELIC.[103]

143. Lt Gen Lillywhite told the Inquiry that the "perennial challenge" was to overcome the stigma associated with mental health issues:

> "A lot of effort has gone into educating both commanders and individuals that psychological adverse effects is not something that needs to be hidden. We have not fully succeeded, nor has any other nation, and neither has the civilian population. Mental health continues to have a stigma amongst many that actually inhibits its presenting for care early."

144. Lt Gen Lillywhite highlighted the introduction of a decompression period after an operational deployment and TRiM, as two significant developments in the MOD's approach to supporting mental health.

Compensation

145. The MOD provided compensation to Service Personnel who suffered from illness or injury, including mental health problems.

---

[101] Fourteenth Report from the Defence Committee, Session 2007-2008, *Recruiting and retaining Armed Forces Personnel, Oral and Written Evidence (25 March 2008)*, HC424.
[102] Public hearing, 19 July 2010, pages 68-70.
[103] Public hearing, 20 July 2010, pages 55-57.

146. For illnesses and injuries caused before 6 April 2005, compensation was provided under two separate compensation arrangements, the War Pensions Scheme (WPS) and the Armed Forces Pension Scheme 1975 (AFPS 75).

147. In September 2003, after a consultative process which began in 2001, the Government announced that it would introduce a new Armed Forces Pension Scheme (AFPS 05) (see Section 16.1) and a new compensation scheme.[104] The new compensation scheme would be introduced in April 2005 and would replace provisions under the War Pensions Scheme and attributable benefits under AFPS 75.

148. Mr Ivor Caplin, the Parliamentary Under Secretary of State for Defence, told Parliament that the new compensation scheme would have "more focus on the more severely disabled" and would provide a lump-sum payment for "pain and suffering" – a benefit that was not available under the current arrangements.

149. The new compensation scheme – the Armed Forces Compensation Scheme (AFCS) – was introduced on 6 April 2005.[105] The AFCS:

- Provided compensation for any injury, illness or death which was caused by service on or after 6 April 2005. That included injury or illness which occurred while participating in a "service related activity", such as organised sport.
- Covered all current and former members of the Armed Forces, including Reservists. For the first time, serving members of the Armed Forces could make claims.
- In the event of service-related death, paid benefits to eligible partners and children. An eligible partner was described as "someone with whom you are cohabiting in an exclusive and substantial relationship, with financial and wider dependence".
- Provided lump sum payments and, for the most severe injuries and illnesses, Guaranteed Income Payments (GIPs) to provide a regular income stream. Those payments were made according to a comprehensive tariff reflecting, for lump-sum payments, the severity of the injury or illness and, for GIPs, estimated loss of future earnings. The most severe injuries and illnesses qualified for a lump-sum payment of £285,000.
- Used the balance of probabilities standard of proof, in line with similar schemes for civil claims.[106]

150. Public concern over the level of compensation paid to injured Service Personnel grew in autumn 2007, following press coverage of the compensation awarded to Lance Bombardier Ben Parkinson.[107] Lance Bombardier Parkinson was severely injured in

---

[104] House of Commons, *Official Report*, 15 September 2003, column 40WS.
[105] Armed Forces (Pension and Compensation) Act 2004.
[106] Ministry of Defence, *Guidance: Armed Forces Compensation: What You Need to Know*, [undated].
[107] Ministry of Defence, *Military Covenant: the Support Available to Current and Former Servicemen*, 2008.

Afghanistan, losing both his legs and suffering a brain injury and multiple other serious injuries.[108] The *BBC* reported that he had been awarded £152,150 in compensation.

151. In February 2008, the MOD amended the AFCS to take account of individuals who had suffered more than one injury in a single incident and to increase the lump-sum payments to those with the most serious multiple injuries (within the £285,000 maximum).[109] The MOD stated that, when the AFCS was developed, the MOD had not envisaged the "severe, multiple injury cases of the type that are now unfortunately occurring". The changes enabled the AFCS to respond to that challenge.

152. In July 2008, within the Service Personnel Command Paper, the Government doubled the lump-sum payment for the most serious injuries, from £285,000 to £570,000.[110] All payments were increased by at least 10 percent. The Government committed to apply those increases retrospectively to all those who had already made claims under the AFCS. GIPs remained unchanged.

153. Mr Ainsworth told the Inquiry that when he pressed for that increase, he had experienced "some resistance" from some officials in the MOD:

> "… I can remember a particular official amusing me no end when he told me, 'You cannot, Minister, double the upfront compensation payment' … I think he had worked on the scheme for quite some time and was pretty dedicated to it, and he knew some of the other consequences of doubling the upfront payment, [that] potentially it would cause disparities with other people, but my attitude was 'So what? I can't defend the level of upfront payment as it exists today and you do not have to, and you are not injured and we are going to double it', and we did."[111]

154. Further increases in lump-sum payments (though not to the maximum amount) and to GIPs, and changes to the operation of the AFCS, were made in 2010 following a review of the AFCS.[112]

Support for veterans

155. In March 2001, the Government launched the Veterans Initiative to identify and address the needs of veterans, in close partnership with ex-Service organisations.[113] It also announced the appointment of Dr Moonie as the first Minister for Veterans' Affairs. The Initiative's priorities included:

- co-ordinating the Government's response to issues affecting veterans;

---

[108] *BBC*, 28 August 2007, *Maimed soldier 'let down' by Army.*
[109] Ministry of Defence, *Military Covenant: the Support Available to Current and Former Servicemen*, 2008.
[110] *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, July 2008, Cm 7424.
[111] Public hearing, 6 July 2010, pages 25-26.
[112] Ministry of Defence, *The Review of the Armed Forces Compensation Scheme*, February 2010.
[113] Standard Note SN/IA/3070, 28 June 2005, 'Veterans Policy'.

- improving communications between veterans and the Government; and
- promoting partnership between the Government and ex-Service organisations.

156. In June 2001, the War Pensions Agency was transferred to the MOD and in April 2002 it was re-launched as the Veterans Agency, with a remit to provide financial and welfare support to all former members of the Armed Forces, their widows/widowers and dependants.

157. The Veterans Agency published the *Strategy for Veterans* in March 2003, to "help ensure" a coherent Government policy and a structured plan of action.[114] The Strategy stated that services for veterans were increasingly delivered on a cross-Government basis, or through a partnership between Government and the private or voluntary sectors. Partnerships between Government and the voluntary sector should not detract from the Government's responsibilities or impinge on charities' independence.

158. The Veterans Agency published the *Communications Strategy for Veterans* in September 2003, in response to research commissioned by the MOD that indicated that many veterans, members of the general public, and "statutory and charitable service providers" were unaware of the services, advice and support available to veterans.[115]

Mental healthcare for veterans

159. The Medical Assessment Programme (MAP) was established in 1993 to examine veterans of the 1990/1991 Gulf Conflict who were concerned that their health had been adversely affected by their service.[116] The majority of cases seen by the MAP were mental health related and the service evolved into a mental health assessment programme. The MAP was extended in 2003 to include Op TELIC veterans.

160. The MAP provided a thorough assessment by a physician with knowledge of veterans' physical and mental health issues. The physician would provide a report for the referring doctor including any diagnosis made and recommendations for treatment.

161. In July 2003, King's College London published its final report on the delivery of cross-departmental support and service to veterans.[117] The study (which ran from July 2002 to March 2003) had been commissioned by the MOD to examine key areas of need not already addressed under the Veterans Initiative and the *Strategy for Veterans*.[118]

---

[114] Veterans Agency, *Strategy for Veterans*, March 2003.
[115] Veterans Agency, *Communications Strategy for Veterans*, September 2003.
[116] Paper MOD, 29 June 2010, 'Veterans Mental Health'.
[117] King's College London, July 2003, *Improving the delivery of cross-departmental support and services for veterans.*
[118] Standard Note SN/IA/3070, 28 June 2005, 'Veterans Policy'.

162. Key findings from the study included:

- There was very little published information on the experience of UK veterans.
- For "many (indeed most)" personnel, military life was a positive experience.
- Most veterans did not develop mental health problems as a result of serving in the Armed Forces. The minority of veterans who did, fared badly.
- There had been a decline in "civilian-military understanding", which adversely affected veterans' dealings with Local Authorities and Social Services.
- Only half of veterans with mental health problems were currently seeking help. Of those who had sought help, many were receiving anti-depressant therapies but few were receiving specialist advice or treatment.[119]

Community mental health pilots

163. In 2005, following recommendations on mental health services for veterans presented by the independent Health and Social Care Advisory Service (HASCAS), the MOD, in collaboration with the DoH and the Devolved Administrations, launched six community NHS mental health pilots.[120] The purpose of the pilots was to provide expert, evidence-based assessment and treatment, led by a mental health therapist with an understanding of the issues faced by veterans, and to improve local health professionals' awareness and understanding of veterans and military life.

164. The first pilot, in Stafford, started in November 2007; the sixth pilot, in Edinburgh, started in April 2009.

Priority treatment within the NHS

165. From 1953, it was Government policy that war pensioners (not all ex-Service Personnel) should receive priority examination and treatment within the NHS for the condition for which they received a pension or gratuity.[121]

166. In spring 2007, in response to a series of Parliamentary questions on the efficacy of the arrangements underpinning that policy, the MOD tasked the Service Personnel and Veterans Agency (SPVA) to record all complaints relating to priority access.

167. In June 2007, a junior MOD official advised Gen Dannatt that the arrangements for ensuring priority access had several "inherent weaknesses":

- The MOD owned the policy but was reliant on the DoH for delivery. The DoH did not regularly remind NHS clinicians and GPs of the policy. Even when clinicians

---

[119] King's College London, July 2003, *Improving the delivery of cross-departmental support and services for veterans.*
[120] Paper MOD, 29 June 2010, 'Veterans Mental Health'.
[121] Minute MOD [junior officer] to MA1/CGS, 19 June 2007, 'War Pensioners – Priority in the NHS'.

and GPs were aware of the policy, the allocation of priority treatment was determined by a number of factors.

- The arrangement between the MOD and the DoH had never been formalised, but was rather a "gentleman's agreement". "Priority access" had never been defined.
- The MOD did not regularly remind war pensioners of their right to priority access.

168. The official stated that the only alternative to the current arrangement, the provision of treatment in the private sector, was unlikely to be affordable. To mitigate the weaknesses of the current arrangement, the MOD's current level of engagement with the DoH, including at Ministerial level, should be sustained. The information that was now being collected by the SPVA would, in the future, allow better analysis and "evidence-based" action.

169. On 23 November, Mr Alan Johnson, the Health Secretary, and Mr Derek Twigg, Parliamentary Under Secretary of State for Defence and the Minister for Veterans, announced that the NHS would provide priority treatment for all veterans (not just those in receipt of war pensions), whose ill-health or injuries were attributed to their military service.[122]

170. Lt Gen Lillywhite told the Inquiry that the arrangement on priority access was of limited – but some – utility to veterans.[123]

171. In July 2008, the Government published a command paper entitled *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans* (known as the *Service Personnel Command Paper*).[124] The paper contained a number of measures to address the disadvantages experienced by veterans, including:

- a commitment that the standard of prosthetic limbs provided to veterans by the NHS, would match or exceed the standard of limbs provided to injured personnel by the DMS;
- a commitment to raise awareness amongst healthcare professionals of the healthcare needs of veterans;
- funding for supported housing for Service leavers;
- a commitment to fund tuition fees in further and higher education for Service leavers; and
- measures to improve veterans' access to transport and employment opportunities.

172. The Inquiry's conclusions and lessons on the care provided to Service Personnel are set out in Section 16.4.

---

[122] Ministry of Defence, *Government boost to veterans healthcare*, 23 November 2007.
[123] Public hearing, 20 July 2010, page 80.
[124] *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, July 2008, Cm 7424.

SECTION 16.3

MILITARY FATALITIES AND THE BEREAVED

Contents

Introduction 77

Planning and preparing for fatalities 78
- Estimates of UK military fatalities 78
- Repatriation policy 79
- Preparing to hold civilian inquests 80

Support for bereaved families 83
- The Casualty Notification Officer and Visiting Officer 83
- Immediate remedial action on bereavement procedures 84
- Joint procedures and a Joint Casualty Co-ordination Cell 89
  - Training and support for Casualty Notification Officers and Visiting Officers 91
- The experience of bereaved families 92

Early concerns about military investigations 94
- Impact of a study on military inquiries and investigations, March 2004 94
- Review of Service Police investigations, October 2004 100

Changes to MOD processes 103
- Creation of the Army Inquest Cell 104
- Reducing the number of redactions in BOI reports released to families 105
- Creation of the Defence Inquests Unit 107
- Introduction of Service Inquiries 113

Efforts to reduce the backlog of inquests, 2005 to 2007 113
- Support for the Oxfordshire Coroner 113
  - Discussions on funding 117
  - Progress in clearing the backlog of inquests 119
- Efforts to transfer more inquests to local coroners 121
- Support for the Swindon and Wiltshire Coroner 125

Efforts to improve the inquest process, 2006 to 2009 126
- US participation in inquests 126
- Legal representation at inquests 130
- The Coroners and Justice Act, 2009 135

Fatal Accident Inquiries in Scotland 137

Honouring the dead 142

Repatriation ceremonies 142

Royal Wootton Bassett 144

Letters of condolence 144

Commemoration in Parliament 147

Memorial services 148

Armed Forces Memorial 149

The Elizabeth Cross 151

Introduction

1. Between 2003 and 2009, 178 British Service Personnel and one Ministry of Defence (MOD) civilian lost their lives serving on Operation TELIC.[1] A breakdown of those fatalities by year is shown in the table below.

2. This Section addresses:

- the preparations made for repatriating the bodies of those who lost their lives on Op TELIC, and for investigating their deaths;
- changes to military investigative processes and to the civilian inquest process;
- the support offered to the next of kin and bereaved families; and
- how the Government honoured those who lost their lives.

3. This Section does not consider other UK citizens who also lost their lives in Iraq, in a variety of different roles and as the result of hostage-taking.

4. The provision of welfare support for Service Personnel is addressed in Section 16.1.

5. The provision of medical care, in particular for seriously injured personnel, and the support provided to their families, is addressed in Section 16.2.

6. The problems caused by deployments consistently exceeding the Defence Planning Assumptions in respect of the provision of military equipment are addressed in Sections 6.3 and 14.

7. The decision to deploy to Helmand province in Afghanistan, and the implications of that decision, are addressed in Section 9.

Table 1: Service Personnel and MOD civilian fatalities serving on Op TELIC, 2003 to 2009

Year	Fatalities
2003	53
2004	22
2005	23
2006	29
2007	47
2008	4
2009	1
Total	**179**

[1] *GOV.UK*, 12 December 2012, *British Fatalities: Operations in Iraq.*

Planning and preparing for fatalities

Estimates of UK military fatalities

8. Sections 6.1 and 6.2 describe military planning for operations in Iraq.

9. In early September 2002, the MOD estimated that between 31 and 48 Service Personnel would be killed in action during the initial combat phase of operations of an attack on Iraq (and that between 157 and 241 Service Personnel would be admitted to Role 3 hospitals).[2,3] Those figures excluded possible casualties from chemical and biological warfare.

10. The MOD regularly updated its casualty estimates as the military plan developed. The estimates did not consider casualties beyond the initial combat phase of operations.

11. Mr Geoff Hoon, the Defence Secretary, wrote to Mr Blair on 16 January 2003, recommending that the UK agree a US request to provide a large scale ground force for operations in southern Iraq.

12. Mr Hoon's advice did not include the estimates of UK military casualties (including fatalities) that had been developed.[4]

13. Mr Blair agreed Mr Hoon's recommendation the following day.[5]

14. On 3 February, the MOD produced a Casualty Estimate paper for the Chiefs of Staff meeting later that week.[6] The paper stated that:

- There could be between 30 and 50 fatalities in the Land Component.
- There could be between 5 and 9 fatalities in the Air Component.
- No simple estimate could be made of fatalities in the Maritime Component, given the high impact/low probability nature of incidents.
- Fatalities from a "single small-scale but well executed" chemical attack could be between 0 and 96 fatalities, depending on a range of factors including the target, the chemical agent used, and the weather.
- No useful estimate could be made of fatalities from a biological attack in the absence of more specific information about the circumstances of any attack.

15. The Chiefs of Staff concluded on 5 February that the Casualty Estimate paper would need to be shown to Ministers before any decision to commit UK troops was made.[7]

---

[2] Role 3 (Echelon 3) medical support is generally provided at field hospitals and on hospital ships.
[3] Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, 'Iraq Inquiry – Request for Evidence'.
[4] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.
[5] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.
[6] Minute Fry to COSSEC, 3 February 2003, 'Casualty Estimates – Op TELIC' attaching Paper MOD, 3 February 2003, 'Casualty Estimates for Op TELIC Based on Operational Analysis'.
[7] Minutes, 5 February 2003, Chiefs of Staff meeting.

16. On 20 February, in response to the publication of a paper, *Iraq at the Crossroads: State and Society in the Shadow of the Regime,* by the International Institute of Strategic Studies (IISS),[8] Mr Blair asked for advice on a number of questions, including: "What is our military's assessment of the likely consequences of an attack on Iraq; i.e. how many casualties; how quickly the collapse?"[9]

17. On 24 February, Mr Peter Watkins, Mr Hoon's Principal Private Secretary, wrote to Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, advising that the MOD estimated that there would be between 30 and 60 British and between 500 and 1,200 Iraqi "land battle" fatalities.[10] Mr Watkins also advised that work to estimate Iraqi civilian casualties continued.

18. Lord Boyce, Chief of the Defence Staff from 2001 to April 2003, told the Inquiry that Ministers would have been informed of the MOD's casualty estimates, as part of the routine briefing process.[11]

19. By 1 May, when President Bush declared that major combat operations in Iraq had ended, 33 British Service Personnel had died serving on Op TELIC.[12]

20. Both Lord Boyce and Sir Kevin Tebbit, MOD Permanent Under Secretary from 2001 to 2005, told the Inquiry that the actual number of casualties had been fewer than the MOD had estimated.[13] Sir Kevin commented:

> "… as far as casualties are concerned, the assessment was that they would not be any higher than we faced in the Gulf war 12 years earlier. So the figures were relatively ... modest. In the event, they were even lower than that. The uncertainty was ... the possible use of chemical/biological weapons against us. I think the original assessment was that Saddam was unlikely – but we couldn't rule it out militarily – unlikely to use them early ... but he might use them, and we expected him to use them, as a matter of last resort, which, of course, informed the nature of military planning."

Repatriation policy

21. Until the Falklands Conflict in 1982, Service Personnel who died on major operations were normally buried in theatre.[14]

22. After the Falklands Conflict, all bereaved families were offered the opportunity to have the bodies of their relatives returned to the UK, largely because of the difficulty

---

[8] Oxford University Press for the International Institute of Strategic Studies: *Iraq at the Crossroads: State and Society in the Shadow of the Regime* – Adelphi Paper 354.
[9] Minute Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'.
[10] Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'.
[11] Public hearing, 3 December 2009, page 94.
[12] *GOV.UK*, 12 December 2012, *British Fatalities: Operations in Iraq.*
[13] Public hearing, 3 December 2009, pages 94-96.
[14] Paper DCDS(Pers), 14 March 2003, 'UK Forces: Repatriation of the Dead'.

of travelling to the Falkland Islands to visit their graves. In subsequent operations, it became MOD policy to repatriate bodies to the UK in all but the most exceptional circumstances.

23. The MOD's policy on the repatriation of the dead was set out in a paper produced by Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) (DCDS(Personnel)), on 14 March 2003:

> "Repatriation to UK of the dead is to take place wherever possible and as soon as practicable."[15]

24. If fatalities were suspected to have been caused by Chemical Biological Radiological Nuclear (CBRN) agents, then repatriation should only proceed once the presence of a CBRN agent had been confirmed or ruled out, and then on the basis of a risk assessment. In certain circumstances, repatriation might require mitigating actions (such as decontamination or special isolation of the body), or the body might need to be officially cremated in theatre with the ashes repatriated. In exceptional circumstances, the body might need to be cremated and permanently buried in theatre.

Preparing to hold civilian inquests

The legal frameworks for inquests

Coroners are independent judicial officers. They are appointed and paid for by the relevant local authority and their officers and staff are employed by the local authority and/or the police.

Coroners in England and Wales had a statutory duty, under Section 8 of the 1988 Coroners Act, to investigate deaths which are reported to them when the body is lying in their district and there is reason to believe that the death was violent or unnatural, or was a sudden death of unknown cause, or in some other circumstances.[16] That duty applied "whether the cause of death arose in his district or not".

Section 14 of the 1988 Coroners Act provided that, if it appeared to the coroner for the district where a body was lying that the inquest ought to be held by another coroner, then he may request that coroner to assume jurisdiction.

The position in Scotland and Northern Ireland was different.

In Scotland, the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 required the appropriate procurator fiscal to investigate (through a Fatal Accident Inquiry) any death which occurred within Scotland in the course of an individual's employment, or in legal custody.[17] The Act also provided for the Lord Advocate to instruct a procurator fiscal to investigate a death if it appeared to him that an investigation would be in the public interest.

---

[15] Paper DCDS(Pers), 14 March 2003, 'UK Forces: Repatriation of the Dead'.
[16] Coroners Act 1988. The Act was replaced by the Coroners and Justice Act 2009.
[17] Fatal Accidents and Sudden Deaths (Scotland) Act 1976.

The Coroners Act (Northern Ireland) 1959 provided that coroners in Northern Ireland within whose district a dead body was found, or an unexpected or unexplained death or a death in suspicious and certain other circumstances occurred, "may" hold an inquest.[18] The Act also provided for the Advocate General for Northern Ireland to direct that an inquest should be held in other circumstances.

In the case of military deaths overseas, civilian inquests usually took place after the internal military investigation had concluded, although this was not formally required. The military investigation could provide evidence that would be extremely difficult for a coroner to source elsewhere.

25. An MOD official wrote to Mr Nicholas Gardiner, the Coroner for Oxfordshire, on 17 January 2003 to advise him that the Services were currently considering the administration for "potential mass casualties in the event of war", and that the majority of fatalities might be repatriated to RAF Brize Norton, which fell within his area of responsibility.[19] The official asked whether "normal peacetime rules" would apply and specifically whether, if there were a large number of fatalities, he would expect to hold an inquest into each case.

26. Mr Gardiner replied on 20 January, confirming that:

- If the cause of death appeared unnatural, then there would be an inquest. This would normally be held in public.
- Normal practice where there was a single death was to transfer responsibility for the inquest to the "home town coroner". Where there were a number of deaths in the same incident it was "clearly sensible" for the same coroner to hold those inquests; that would commonly be the coroner for the point of entry.[20]

27. Mr Gardiner and officials in the Home Office (the Department which was then responsible for coronial policy) and the MOD worked together during February and March to refine the arrangements for receiving UK fatalities.

28. Mr Gardiner advised a Home Office official on 20 February that he understood that in "contamination cases", the bodies of deceased Service Personnel would not be returned to the UK.[21]

---

[18] Coroners Act (Northern Ireland) 1959, as amended.
[19] Letter MOD [junior official] to Gardiner, 17 January 2003, 'Handling of Multiple Deaths as a Result of Operations Overseas'.
[20] Letter Gardiner to MOD [junior official], 20 January 2003, 'Foreign Deaths'.
[21] Letter Gardiner to Home Office [junior official], 20 February 2003, 'Service Deaths Overseas'. Mr Gardiner's letter provides no further details on the nature of those "contamination cases". The Inquiry believes that Mr Gardiner was referring to casualties from chemical and biological weapons.

29. Mr Gardiner wrote to a Home Office official on 18 March, the day before military operations against Iraq began:

> "There are a few matters outstanding but, generally, I think we are reasonably well prepared, although there are bound to be things we have not thought of."[22]

30. The Home Office issued guidance to all coroners on handling deaths arising from hostilities in Iraq on 26 March.[23] The guidance stated:

- The MOD had advised that, while hostilities lasted, it would not be possible to provide evidence of the incidents on the battlefield which led to injury. In those circumstances, the Home Office recommended that coroners should adjourn inquests pending the conclusion of hostilities. Coroners "could expect to receive in due course advice on when it might be appropriate to consider the resumption of such inquests".
- Coroners should notify the Home Office "if the numbers of adjourned cases in their jurisdiction seem likely to cause problems in terms of workload".

31. A Home Office official wrote to Mr Gardiner on 2 April to advise that, while the Home Office appreciated Mr Gardiner's "willingness to undertake the handling of all these cases", the extra costs involved would fall to Oxfordshire County Council and they should be invited to agree the commitment that Mr Gardiner was taking on.[24]

32. The official went on to suggest that, "wherever appropriate, it would be better for the substantive inquests to be held by coroners local to the family concerned, as with any other deaths overseas". While that approach had not been adopted for the inquests into the deaths caused by the 9/11 attack and the Bali bombing, in those cases the deaths all arose from a single incident:

> "In the case of Iraq, the deaths are occurring in different places, at different times and in different circumstances. It seems to me, that unless there is good reason to the contrary, single deaths, and multiple deaths arising from the same incident and involving personnel from broadly the same place in England and Wales, ought to be subject to local inquests where the family or families involved can attend conveniently. Inquests into multiple deaths involving individuals from different parts of the country might properly be undertaken by you, unless there seems to be a more appropriate local coroner (e.g. if the deceased were all from the same military base)."

33. Mr Gardiner replied on 4 April, agreeing that it was certainly appropriate for some inquests to be transferred to other coroners.[25] Those would generally be single deaths,

---

[22] Letter Gardiner to Home Office [junior official], 18 March 2003, [untitled].
[23] Letter Cobley to Coroners, 26 March 2003, 'Deaths Arising from Hostilities in Iraq'.
[24] Letter Home Office [junior official] to Gardiner, 2 April 2003, 'Section 14 and War Deaths'.
[25] Letter Gardiner to Home Office [junior official], 4 April 2003, 'Section 14 etc'.

and multiple deaths where there was a “significant common factor” indicating that an inquest outside of Oxfordshire would be appropriate.

34. Mr Gardiner also agreed that there were “significant financial implications” for his office, and advised that he was copying the exchange to Oxfordshire County Council.

Support for bereaved families

The Casualty Notification Officer and Visiting Officer

35. Lieutenant General Sir Alistair Irwin, the Adjutant General from 2003 to 2005, described the role of a Casualty Notification Officer (CNO) for the Inquiry:

> “It is the hope and expectation that those involved [CNOs] will be from the unit but sometimes, particularly if it was an individual based elsewhere, it had to be done by somebody else ... The general principle was that it should be based on the family entity, the military family entity.
>
> “Once the casualty has been identified beyond peradventure and all the details are correct ... the CNO ... has the unenviable task of knocking on the door and presenting the bad news.”[26]

36. Vice Admiral (VAdm) Peter Wilkinson, Deputy Chief of Defence Staff (Personnel) (DCDS(Personnel)) from 2007, told the Inquiry:

> “... it is the very first official contact that a bereaved family has with the MOD or the Armed Services that determines how the journey will go from there. If that official notification is carried out appropriately from all sides, then there is a chance that we may be able to help the family as they go through the grieving and bereavement process. If, for whatever reasons, that initial official contact doesn’t go well, then it is very hard to recover. Sometimes we never do.”[27]

37. Lt Gen Irwin described the role of a Visiting Officer (VO) for the Inquiry:

> “... that person [the CNO] then stays with the family until the notified casualty Visiting Officer appears. The CNO, the one who has broken the bad news, then departs the scene and the VO then remains with the family...
>
> ...
>
> “These people were trained ... to hold the family’s hand through the awful aftermath of this. First of all, the realisation that it has happened, then the business of going to the repatriation ceremonies, then, in many cases, going through the whole of the coroner’s process, then the funerals, and then the gradual trying to piece together

[26] Public hearing, 21 July 2010, pages 47-48.
[27] Public hearing, 19 July 2010, page 49.

life again. Some families, of course, needed their VOs only briefly; others needed them ... for really quite a long time."[28]

38. VOs were not generally specialists, but Service Personnel who were asked to take on the role in addition to their regular duties because they were thought to be suited to it.[29]

39. In December 2002, following a number of high-profile cases, the Army acknowledged that its procedures for supporting bereaved families "fell short of modern expectations" and introduced a number of changes, including:

- CNOs and VOs were briefed to try to identify any issues that might affect communications with the immediate and wider family (such as divorced or separated parents). If necessary, a second or third CNO could be appointed.
- All Notifying Authorities were instructed to maintain a pool of CNOs and VOs "who must have attended a seminar at Brigade or Divisional level".
- Notification was to take place at any time of day or night, to avoid families hearing the news from elsewhere.
- The VO would remain in contact with the family as the focus for all communication, as long as the family wished.[30]

40. The Army refined that approach through 2003 and 2004, in the light of their experience of supporting the families of Service Personnel killed in Iraq.

Immediate remedial action on bereavement procedures

41. The prospect of military operations against Iraq prompted the MOD to bring forward plans to extend some benefits to unmarried partners.

42. Mr Hoon was advised on 26 February 2003 that, with conflict in Iraq looming, the Government should end the uncertainty on whether unmarried partners of Service Personnel were eligible for benefits in the event of their death.[31]

43. Unmarried partners were not entitled to benefits under the Armed Forces Pension Scheme (AFPS) and only certain unmarried partners were entitled to benefits for death attributable to service under the War Pension Scheme (WPS). The MOD advised that the new Armed Forces compensation and pension schemes would extend benefits to unmarried partners (both heterosexual and homosexual) for attributable and non-attributable injury and death, but the new schemes would not be implemented before 2005/06.

---

[28] Public hearing, 21 July 2010, pages 48-49.
[29] Public hearing, 21 July 2010, page 50.
[30] Paper MOD, [undated], 'The Army Investigations and Aftercare Support Cell (AIASC)'.
[31] Iremonger to PS/Secretary of State [MOD], 26 February 2003, 'Unmarried Partners – Implications for the Gulf'.

44. Ministers had already indicated that, in certain circumstances, the Government would extend benefits to unmarried partners on a "case-by-case" basis.

45. That position now needed to be clarified and formalised, by agreeing that AFPS benefits should be extended to unmarried partners for deaths attributable to service.

46. On 20 March, Dr Lewis Moonie, the Parliamentary Under Secretary of State for Defence, announced that, with immediate effect, where a member of the Armed Forces died as a result of service related to conflict, ex-gratia payments equivalent to the benefits paid to a surviving spouse under the AFPS could be awarded to their unmarried partner, where there was a substantial relationship.[32]

47. In late March, the MOD's Armed Forces Personnel Administration Agency (AFPAA) wrote to the spouse of a Serviceman who had been killed in Iraq advising that an overpayment of her late husband's salary – relating to the period between his death and formal identification – would be recovered from her benefits.[33]

48. The bereaved spouse also felt that the AFPAA was pressuring her to leave her Service Family Accommodation (SFA).

49. The MOD's policy at that time was to allow spouses of deceased Service Personnel to remain in SFA for up to six months.[34] That period could be extended in some circumstances.

50. The case attracted significant press attention.

51. The bereaved spouse wrote to Mr Blair on 26 March, setting out her concerns. Mr Blair replied on 7 April, stating that Mr Hoon would consider the detailed points raised in her letter, but assuring her that she would be given all the time she required to consider her future housing needs.[35]

52. Mr Hoon told Lt Gen Palmer on 15 April that he was "very uncomfortable" with the MOD's handling of the case, including both the tone and content of the AFPAA's letter.[36] Lt Gen Palmer confirmed that the letter was "factually incorrect", as there were no grounds for seeking repayment.

53. The following day, Mr Hoon tasked Lt Gen Palmer to oversee "a comprehensive review of the way in which all three Services handled bereaved families".[37]

---

[32] House of Commons, *Official Report*, 20 March 2003, column 54WS.
[33] Minute Palmer to 2SL [MOD], 15 April 2003, 'Op TELIC – Pay, Pensions and Allowances Issues on Death of Service Personnel'.
[34] Record, 12 May 2003, 'Record of Bereavement Policy Meeting Held in St Giles Court at 1330 on 7 May 2003'.
[35] Letter Blair to [name redacted], 7 April 2003, [untitled].
[36] Minute Palmer to 2SL [MOD], 15 April 2003, 'Op TELIC – Pay, Pensions and Allowances Issues on Death of Service Personnel'.
[37] Minute Cooper to CE AFPAA, 24 April 2003, 'Assistance to Bereaved Relatives – Policy Review'.

54. Lt Gen Palmer wrote to Mr Hoon's Private Office on 17 April, confirming that work was already in hand to conduct that comprehensive review (an initial report would be available by 16 May), and reporting the "immediate remedial action" that had been taken in response to the individual's experience:

- Lt Gen Palmer had "declared" that all except one of the Op TELIC fatalities to date were attributable to service. That declaration meant that the usual assessment of attributability would not be required, and that families could be notified now that the higher benefits associated with deaths attributable to service would be paid.
- The letters used by the AFPAA were not appropriate. As of 16 April, all letters dealing with Op TELIC had been "personally vetted" by the AFPAA's Chief Executive and checked by the appropriate Service Casualty Co-ordination Centre.
- Families of Service Personnel were now able to stay in their service accommodation for "as long as they feel they need to in order to assess their longer-term housing requirements". If pressed, VOs should "talk in terms of nine months although stressing that each case will be examined on its merits".
- The MOD had asked the deceased insurer's to accelerate their procedures.[38]

55. Lt Gen Palmer was advised on the same day that the MOD was facing a new challenge: "Policy ... changing 'on the hoof'".[39]

56. Lt Gen Palmer provided his first report to Mr Hoon on bereavement procedures on 16 May.[40] It identified six recent, specific lapses in the MOD's handling of bereaved families (two of which pre-dated Op TELIC), and three broader areas where improvement was necessary:

- the volume, timing and style of correspondence between multiple MOD organisations and bereaved families;
- a lack of clarity over the sources of specialist advice available to bereaved families; and
- the "training/education" of CNOs and VOs.

57. Lt Gen Palmer reported the actions that had already been taken to prevent a recurrence of those specific lapses, and restated the decisions of the previous month

---

[38] Minute DCDS(Pers) to APS/Secretary of State [MOD], 17 April 2003, '[name redacted] – Follow-up Action'.
[39] Minute Cheadle to Palmer, 17 April 2003, 'Op TELIC – Pay, Pensions and Allowances Issues on Death of Service Personnel'.
[40] Minute DCDS(Pers) to PS/USoS [MOD], 16 May 2003, 'Bereavement – Review of Procedures'.

to relax the MOD's policy on the retention of SFA and to improve the quality of AFPAA correspondence. Lt Gen Palmer also advised that:

- He had directed that all MOD correspondence should be routed through the deceased's unit and the VO, and all MOD visits to bereaved families should be co-ordinated by the VO.
- Further work would be done to develop "simple and readable" guidance, to improve the tone of correspondence, and to develop a comprehensive guide to the sources of advice and support available.
- Further work would be done to assess the selection, training and education of CNOs and VOs.

58. In March 2004, the MOD concluded a study to identify improvements to their investigative and Board of Inquiry (BOI) processes.[41] While the study focused on the investigative and BOI processes themselves, it recommended that:

- Commands should establish a senior focal point with responsibility for pro-actively monitoring all investigations and BOIs;
- all communication with families should be routed through a "single established and known contact", who could explain the context of any correspondence and "head-off any infelicitous or insensitive drafting"; and
- a "knowledgeable and consistent" officer should regularly brief families on the detail and progress of the entire investigation and BOI process.

59. On 24 June, Lt Gen Palmer reported to Air Chief Marshal (ACM) Sir Anthony Bagnall, Vice Chief of Defence Staff (VCDS), that each Service had now appointed a "Senior Co-ordinator" to act as a focal point for monitoring investigations and Inquiries.[42] Lt Gen Palmer also gave ACM Bagnall the "specific reassurance" that he had requested that each Service had undertaken to provide regular briefings to next of kin on process and progress. All communication with the next of kin would be routed through a single contact (normally the VO) who would "act as a sift" to filter out any insensitive or inconsistent drafting.

60. Lt Gen Palmer advised ACM Bagnall that a study into Services' bereavement support procedures, including the training provided to CNOs and VOs, had now reported. The study had concluded that:

- While it might seem logical to adopt a tri-Service approach to bereavement support procedures, it was reasonable for each Service to continue to use their

---

[41] Paper MOD [junior official], 25 March 2004 [incorrectly dated on original as 24 February 2004], 'Inquiries/Investigations into Death or Serious Injury on Operations: Scope for Improvement and Tri-Service Harmonisation – a Short Study for VCDS/DCDS(Pers)'.

[42] Minute DCDS(Pers) to VCDS, 24 June 2004, 'Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing'.

"slightly different" approaches given their differing geographical spread, unit organisations and ethos.

- With the exception of the Royal Navy, which generally used qualified welfare workers, "bereavement support personnel" were appointed on an ad hoc basis from the junior officer cadre. While bespoke training for the entire cadre was neither cost-effective nor deliverable, it should be possible to provide "awareness briefings" during general staff training, supplemented by "thorough briefings" by specialist personnel when an individual was appointed to be a VO.[43]

61. Lt Gen Palmer advised ACM Bagnall that he supported those findings, but commented that ACM Bagnall might wish to "revisit" the conclusion that it would not be financially or practically viable to develop a bespoke training course for individuals involved in bereavement support.[44]

62. ACM Bagnall accepted the findings, but commented that existing single-Service or tri-Service courses could include some coverage of bereavement support procedures.[45]

63. On 30 June, Lt Gen Palmer provided Mr Hoon with an update on work to improve the BOI process.[46] The update also covered progress on improving communications with families.

64. Lt Gen Palmer advised Mr Hoon that it was "clear that we are failing to meet some families' expectations in respect of the quality and quantity of information we are providing to them". A key step in improving communications between families and the MOD would be the appointment of a Senior Co-ordinator in each of the Services to ensure that families were briefed, through their VOs, on the progress of investigations and BOIs; the role of the Senior Co-ordinator, and progress in improving the BOI process, is described later in this Section.

65. Lt Gen Palmer recalled the steps that had been taken to improve the tone and accuracy of the MOD's correspondence with bereaved families and advised that, as far as practicable, all routine correspondence now followed standard templates. The production of a joint casualty procedures manual[47] and the formation of a Joint Casualty Co-ordination Cell (JCCC) by January 2005 would further improve communication with families. As a "final filter", all communication with families was now routed through a single point of contact, usually the VO.

---

[43] Paper MOD, [undated], 'Bereavement Support Training (Scoping Study) – Summary of Findings and Recommendations'.
[44] Minute Palmer to VCDS, 24 June 2004, 'Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing'.
[45] Minute VCDS to Palmer, 1 July 2004, 'Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing'.
[46] Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, 'Boards of Inquiry – Improvements in Process'.
[47] The first Joint Casualty and Compassionate Policy and Procedures (JSP 751) manual was published in March 2005.

66. Lt Gen Palmer reported that the review of training for personnel involved in bereavement support had concluded that a bespoke training course would be neither "financially nor practically viable", but had identified a number of ways in which they would be better supported. The "problems of picking VOs from a necessarily ad hoc pool" could be overcome by including VO duties in general staff training, ensuring that specialist advice was available when needed, and ensuring that the "often junior" VO was properly briefed and supervised. Lt Gen Palmer expected that senior commanders would take a close and personal interest in ensuring that this was done properly.

67. In April 2005, Lt Gen Palmer recommended that the MOD's policy on the occupation of Service Family Accommodation by bereaved spouses should be changed to be "less prescriptive":

> "... while bereaved spouses should be offered retention of SFA for two years we should acknowledge that there might be some ... who seek to retain their SFA for an indefinite period thereafter."[48]

68. Mr Hoon agreed that recommendation, subject to a number of amendments, including that Ministers should be consulted before any decision was taken to withdraw housing entitlement beyond the two-year period.[49]

69. Mr Adam Ingram, Minister of State for the Armed Forces from 2001 to 2007, recalled the exchange in his evidence to the Inquiry:

> "... the view [in the MOD] was, 'Well, this is going to dislocate all the other arrangements, if you let this widow stay in the house', and Geoff Hoon just said 'So what? Fix it', and it was fixed. I think, to the best of my recollection, we didn't have a deluge of demand in that area. It may have been beneath the surface, but it never became a reality and, if it had been: yes, they can stay there, yes, we have to be sympathetic."[50]

Joint procedures and a Joint Casualty Co-ordination Cell

70. The Joint Casualty Co-ordination Cell (JCCC) was established in early 2005 to provide a focal point for casualty administration and notification and requests for compassionate travel.[51]

---

[48] Minute Palmer to APS/SofS [MOD], 11 April 2005, 'Draft Revised Policy for the Occupation of SFA by Bereaved Spouses Following the Death in Service of the Service Licensee'.
[49] Minute APS/SoS [MOD] to Palmer, 13 April 2005, 'Revised Policy for the Occupation of SFA by Bereaved Spouses'.
[50] Public hearing, 16 July 2010, pages 39-40.
[51] Ministry of Defence website, *Casualty Procedures.*

71. Air Marshal David Pocock, the Deputy Chief of Defence Staff (Personnel) from 2005 to 2007, told the Inquiry that in 2004:

> "... there was clear dissatisfaction with the notification procedures because ... it was a single-service responsibility and we were required very quickly to set up a Joint Casualty and Compassionate Cell ... and that took over getting the information from theatre, identifying a [Casualty] Notification Officer and setting the whole notification procedure in place ... on a joint basis."[52]

72. Lt Gen Irwin told the Inquiry that during his time as Adjutant General (from 2003 to 2005):

> "... I think [there were] 57 Army casualties ... and I would think, looking back on it, that I may have heard about issues in the notification process, and by 'issues' I mean either delays in doing it or calling on the wrong person, or the wrong sort of words being said at the wrong sort of time, I think maybe I had cases of that kind maybe between six and ten, so something of that order."
>
> "... as an individual, that family, there was nothing in the world was more significant. So we had to keep asking ourselves, 'Are we doing this right?'
>
> ...
>
> "So as each issue developed, we tried to close it off, but even after all this time and even with the establishment of the new joint system, with the new central training, even then, I am afraid I can guarantee that, in the future, there will be people who have a bad experience with this for one reason or another, and it is because we are all human beings."[53]

73. The first version of the Joint Casualty and Compassionate Policy and Procedures (JSP 751) was produced in March 2005 (policy and procedures had previously been set and managed by the individual Services).

74. Lt Gen Palmer described the JSP as drawing together into one publication the best practices and procedures currently in place across the three Services.[54]

---

[52] Public hearing, 19 July 2010, page 50.
[53] Public hearing, 21 July 2010, pages 52-53.
[54] Minute DCDS(Pers) to VCDS, 30 July 2004, 'Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing'.

75. Shortly after the JCCC was established, the Army established the Army Investigations and Aftercare Support Cell (AIASC) to improve and extend the Army's support for families.[55] The AIASC had two main roles:

- to maintain close contact with bereaved families on a regular basis for as long as they wanted, including estranged family members. This included regular letters on the progress of Service Police investigations and BOIs; and
- on behalf of the Army's Senior Co-ordinator, to oversee the BOI process and ensure that delays were kept to a minimum.

76. The AIASC had a number of secondary roles, including developing and maintaining a formal, standardised training package for CNOs and VOs. The AIASC aimed to implement that package by the end of 2005.

TRAINING AND SUPPORT FOR CASUALTY NOTIFICATION OFFICERS AND VISITING OFFICERS

77. JSP 751 stated that CNOs should "if possible ... have received some training or instruction such as in dealing with bereavement" and that VOs should "if possible ... have received some relevant training or instruction".[56]

78. Lieutenant General Mark Mans, the Deputy Adjutant General, wrote to senior Army commanders on 25 November 2005, to remind them of the importance of selecting appropriate and experienced individuals to be VOs:

> "Although the majority do an excellent job, from time to time the wrong person is nominated and invariably significant difficulties follow. This happened again recently ...
>
> "The training of both Casualty Notification Officers (CNOs) and VOs is also most important and although JSP [751] says 'if possible ... should have received some training', it should be exceptional for them not to have attended some sort of instruction."[57]

79. Lt Gen Mans advised that a centralised training package based on an interactive CD and accompanying material should issue in early 2006 and would form the basis of all future training (divisions and brigades currently ran their own training). Training would become mandatory when this package issued.

80. Lt Gen Mans told the Inquiry that VOs had:

> "... a fairly comprehensive training programme in order to deal with a number of issues ... and, indeed, as individuals, they need to be looked after as well because,

---

[55] Paper MOD, [undated], 'The Army Investigations and Aftercare Support Cell (AIASC)'.
[56] Paper MOD, 11 July 2005, 'JSP 751: Joint Casualty and Compassionate Policy'.
[57] Minute Mans to Comd BFC, 25 November 2005, 'Selection of Visiting Officers'.

> if you are a Visiting Officer, you can have a pretty traumatic time. Throughout a period of a tour of duty, you might be looking after one or two or three families one after the next, and they need to be monitored for stress ... and we have a process in place to do just that."[58]

81. Lt Gen Irwin told the Inquiry that "there is no doubt about it that the training is better now, the preparation is better now".[59]

82. MOD Ministers returned to the issue of the training and support provided to Visiting Officers in 2008.

83. In February 2008, Sir Bill Jeffrey, the MOD's Permanent Under Secretary, provided detailed advice to Mr Bob Ainsworth, Minister of State for the Armed Forces, on how the BOI process could be improved and how the existing process could be accelerated.[60] Sir Bill's advice did not consider the role of the VO.

84. Mr Ainsworth held a meeting on 11 April to discuss that advice.[61] The record of the meeting reported:

> "The Minister raised the issue of interface with families. He recognised that the Visiting Officer role was very difficult ... He also recognised the clear single Service lead in this area ... He, nevertheless, felt that more could be done in terms of the resourcing and training of Visiting Officers. He felt that the cell [the Defence Inquests Unit] should play a role in this area, focusing on ensuring the right training and guidance is provided, sharing best practice between the Services and monitoring performance."

The experience of bereaved families

85. The experiences that family members have shared with the Inquiry suggest that there was considerable variation in the quality of the notification process. Some family members spoke positively about the sensitive and prompt way in which the news was delivered. A smaller number reported negative experiences, including:

- insensitive delivery;
- an impression that details were being withheld (particularly in 'friendly fire' incidents or where there was a possibility of equipment failure);
- release of names to the media before official notification;
- circulation of names amongst the families of others deployed in Iraq before official notification; and

---

[58] Public hearing, 19 July 2010, page 45.
[59] Public hearing, 21 July 2010, page 48.
[60] Minute Jeffrey to Minister(AF) [MOD], 29 February 2008, 'Boards of Inquiry and Inquests'.
[61] Minute PS/Min(AF) to APS/Secretary of State [MOD], 11 April 2008, 'Boards of Inquiry and Inquests'.

- use of archive footage by the media which featured the deceased as though they were still alive, causing confusion about what was the truth.

86. The experiences shared with the Inquiry suggest that the creation of the JCCC led to an improvement in the quality of the notification process.

87. There was also considerable variation in families' experience of the support provided by Visiting Officers (VOs). In some cases, an enduring and positive relationship resulted. In others:

- The VO was changed without warning, in some instances more than once.
- The VO was badly briefed and lacked knowledge of procedures.
- Insensitive language and behaviour caused distress.
- Contact was sporadic.

88. The Inquiry also heard about a number of distressing incidents which, although they do not form part of a wider pattern, are illustrative of how a lack of care can have a significant impact. They were:

- Following an air crash in which several Service Personnel died, a number of body parts remained unidentified. Families of those who had died were not told about the existence of those unidentified body parts, and many had already held funerals by the time identification was complete, making a second ceremony necessary.
- One family discovered that photographs of their son's body had been used, without permission being sought, in a training seminar.
- One family member accepted military advice not to view their son's body based on the impact of the injuries suffered. But facial reconstruction had taken place and there had already been a viewing for another family member.

89. Anyone serving in the Armed Forces is asked to designate one person as their official next of kin. When a fatality occurs, the CNO contacts the next of kin, and they are the ongoing point of contact for a VO.

90. Parents who lost children in Op TELIC told the Inquiry that one consequence of this arrangement was a disparity between the information and support provided to the partner of the deceased, usually the person named as next of kin, and to parents. As one father told the Inquiry, being a bereaved parent can be a very lonely business.

91. The need for greater support to a wider family than just the next of kin was recognised by the Government in July 2008:

> "We recognise that the loss of a Service person affects the whole of the bereaved family, not just the next of kin or nominated emergency contacts, on whom we

traditionally tend to focus our contact and support. We will review our procedures to ensure that in future sufficient account is taken of the needs of the wider family."[62]

Early concerns about military investigations

92. The MOD had a wide range of internal investigations that could be carried out following a fatality or other serious incident occurring on operations.[63] They included:

- Land Accident Investigation Team (LAIT) investigations. The LAIT could respond to incidents at very short notice and would normally report within 30 days. It sought to determine the cause of an accident and make timely recommendations to prevent reoccurrence. It did not apportion blame. A LAIT report could inform a Board of Inquiry/Service Inquiry, or substitute for it where the facts of the case were sufficiently clear.
- Service Police investigations. Each Service has its own Service Police force; for the Army, that is the Royal Military Police (RMP). The Special Investigation Branch (SIB) of each Service Police force investigates the most serious cases. The MOD told the Inquiry: "While the need for a prompt investigation is important, and may be vital, there are no specific deadlines for the completion of Service Police investigations."
- Boards of Inquiry (BOIs). The purpose of a BOI was to establish the facts about an event, to make recommendations to prevent a reoccurrence, and to inform any decision on whether other action, such as administrative or disciplinary action, should be initiated.[64] BOIs would not generally attribute blame.

Impact of a study on military inquiries and investigations, March 2004

93. On 26 June 2003, Mr Hoon received an update on the SIB investigation into the death of a member of the Armed Forces.[65]

94. Mr Hoon's Private Office responded on 30 June, expressing Mr Hoon's concern that the individual's next of kin had not yet been informed of the result of the post-mortem, in particular as the media might release that information.

95. Mr Hoon's Office also asked for an update on all the BOIs and other investigations that had been launched into the deaths of Service Personnel killed in Iraq, including details of the "timescales and inter-dependencies on the investigations reaching their conclusions".

---

[62] Ministry of Defence, *The Nation's Commitment; Cross-Government Support to our Armed Forces, their Families and Veterans,* July 2008, Cm 7424, para 2.34.
[63] Paper MOD, [undated], 'Service Inquiries and Investigations'.
[64] Paper [SPEG], 19 July 2004, 'Proposals for a Tri-Service Inquiry System'.
[65] Minute APS/Secretary of State [MOD] to PJHQ Civ Sec, 30 June 2003, 'Completion of Main Stage of SIB Investigation into the Death of [name redacted] and Other Action'.

96. On 4 July, Mr Ian Gibson, MOD Deputy Director Service Personnel, sent an update on progress on BOIs and investigations to Mr Hoon's Office.[66] The update detailed 43 fatalities resulting from 21 incidents. Only one BOI, into the loss of a Sea King helicopter with six UK Service Personnel on board on 22 March, had so far reported. A date for the inquest had not yet been set.

97. Later that month, Mr Gibson sent Mr Hoon's Office a paper describing military investigative and BOI processes, which highlighted the different approaches taken by the Services.[67] The Royal Navy and RAF would generally launch a BOI as soon as an incident occurred, at the same time as they deployed a criminal investigative team (if they thought that one was required). In contrast, the Army would only launch a BOI after an investigative team had reported. The MOD was considering the scope for harmonising the Services' approaches to BOIs as part of the Tri-Service Armed Forces Act.

98. Mr Ingram's Private Secretary wrote to ACM Bagnall on 15 September:

> "Minister (AF) [Mr Ingram] is concerned about the increasing perception amongst next of kin (and as a consequence Parliamentarians) that investigations into the deaths of personnel in Iraq lack focus and are taking too long. Families also have the impression that they are not kept informed of progress, however modest. These are admittedly perceptions, but most investigations seem slow."[68]

99. While Mr Ingram understood the complications arising from the roulement of formations and the operational situation:

> "Nonetheless, he feels that we need to strengthen our 'grip' on these sensitive issues, to ensure that corporate memory is preserved, that investigations are prosecuted as vigorously as possible, and that the flow of information to NOK [next of kin] is actively managed. This may best be done through the DCMO [Defence Crisis Management Organisation]."

100. Mr Ingram's Private Secretary asked for advice on how that "central management" of the process might be achieved.

101. ACM Bagnall received advice in September and October on how the MOD's investigative processes might be improved.

102. Major General Richard Shirreff, Chief of Staff LAND, advised ACM Bagnall on 24 September that the key to accelerating RMP/SIB investigations in Iraq was more

---

[66] Minute Gibson to APS/Secretary of State [MOD], 4 July 2003, 'Investigations into Op TELIC UK Service Personnel and UK Civilian Deaths'.
[67] Minute Gibson to APS/Secretary of State [MOD], 17 July 2003, 'Investigations into Op TELIC UK Service Personnel and UK Civilian Deaths: Procedures for Service Deaths'.
[68] Minute PS/Min(AF) [MOD] to MA/VCDS, 15 September 2003, 'TELIC Incidents: Investigations'.

resources, and asked that mobilised Reservists and military police from other Services should be deployed to assist with Op TELIC investigations.[69]

103. Lt Gen Palmer advised ACM Bagnall on 17 October that the Army's policy of investigating all deaths, while "cautious and prudent", placed a heavy burden on RMP/SIB resources.[70] There was scope for the Services to consider a common policy on when it was necessary for Service Police to investigate an incident, and when a BOI or LAIT investigation would suffice.

104. Lt Gen Palmer also advised that, notwithstanding the Army's policy, the main reason for delays to investigations on Op TELIC was the difficult working environment in Iraq (including the need for force protection for Service Police and a potentially hostile population). The MOD was now deploying "SIB qualified" Reservists to Iraq, but the RMP "remain swamped with the volume of investigative work".

105. In early 2004, ACM Bagnall and Lt Gen Palmer commissioned an internal study to identify improvements that could be made to the MOD's investigative processes, and in particular the scope for harmonising procedures across the three Services.[71]

106. The study reported in late March 2004. It concluded that the core BOI process ran "reasonably well" once triggered. The more significant problems related to how and when BOIs were convened, how they linked to other investigations, and how their findings were processed.

107. The study highlighted the "considerable delay" to Army BOIs that could be caused by a LAIT investigation and by the Army's practice of undertaking a full RMP/SIB investigation into all sudden deaths:

> "LAIT TOR [Terms of Reference] define four weeks for issue of report after return from investigation, and HQLAND BOI Standing Orders define another 14 weeks after issue of final LAIT and SIB Reports before the BOI first sits. In other words, the target for the BOI to start is some five months after the incident, if everything goes to plan ... five months seems too long for a routine target."

108. The study also reported that, while existing guidance emphasised that investigations and inquiries should be opened and concluded as quickly as possible, "the words and figures do not match, and it has to be said that the Army's target timescale of some 10 to 11 months after incident [to the conclusion of the BOI] looks somewhat excessive, particularly when only two months of that is the BOI itself sitting". The majority of that 10-11 month period was allocated to "waiting for any successive comments" from advisers and senior officers to complete the BOI report.

---

[69] Minute Shirreff to VCDS, 24 September 2003, 'Op TELIC Incidents – Investigations'.
[70] Minute Palmer to VCDS, 17 October 2003, 'TELIC Incidents: Investigations'.
[71] Paper MOD, 25 March 2004 [incorrectly dated on original as 24 February 2004], 'Inquiries/Investigations into Death or Serious Injury on Operations: Scope for Improvement and Tri-Service Harmonisation – a Short Study for VCDS/DCDS(Pers)'.

109. The study made 15 recommendations, including:

- Commands should establish a senior focal point with responsibility for pro-actively monitoring all investigations and BOIs.
- There should be a presumption across all three Services that a BOI President should be appointed promptly.
- A BOI President should be required to exercise grip and co-ordination over all Service investigative bodies, and liaise with non-Service bodies. Presidents should be released from other duties.
- There should be a "renewed emphasis ... upon early commencement and conclusion of all phases and maximum concurrent activity". The standard target timescales for all phases of the investigative and inquiry processes should be reviewed and tightened. The time allowed for advisers and senior officers to comment should be limited to six weeks.
- All communication with families should be routed through a "single established and known contact", who could explain the context of any correspondence and "head-off any infelicitous or insensitive drafting".
- A "knowledgeable and consistent" officer should regularly brief families on the detail and progress of the entire investigation and BOI process.

110. The study also reported that there was a significant increase in public expectations that there should be a BOI into every incident, and that its conclusions should be disclosed. That imposed a "heavy workload" on all three Services but especially the Army.

111. Lt Gen Palmer wrote to Mr Ingram on 6 April, advising that all the recommendations in the study had been agreed by the Services; the "main recommendations" would be implemented immediately.[72] The "main advance" from the existing process was that the presumption that a BOI should be convened promptly, with a BOI President appointed within 48 hours of the incident, would now be extended to the Army (it was already standard practice in the Royal Navy and RAF). The President would normally be released from other duties and would "play a wider role in determining and co-ordinating the activities of any other necessary investigations, notwithstanding that he might decide not to convene his own Board immediately".

112. Lt Gen Palmer set out how communication with the next of kin would be improved. All communications would be routed through a single "personal contact point". The next of kin would be "briefed clearly, comprehensively and regularly" on the investigation and BOI process. Information that would not compromise the BOI could be released to the next of kin before the final report issued; a clear disclosure policy consistent with

[72] Minute Palmer to Ingram, 6 April 2004, 'Inquiries into Unnatural Death and Serious Injury on Operations: Improvements in Process and Briefing'.

the Data Protection Act (DPA), Freedom of Information Act (FOI Act) and other relevant legislation would be developed.

113. Lt Gen Palmer also advised that a report on the progress of all Inquiries and investigations would be sent to Ministers every two months.

114. Mr Hoon met some of the families bereaved during Op TELIC on 28 April.[73] They expressed concern about the Services' investigative processes in general and in particular the quality and frequency of communication from the MOD, and said that they lacked confidence in the BOI and investigative processes. Their concerns triggered a review of Service Police investigations, which is described later in this Section.

115. Mr Hoon received the first progress report on investigations and BOIs on 14 June.[74]

116. Mr Hoon's Assistant Private Secretary responded to the progress report on 18 June, stating that the MOD now had, for the first time, visibility of the extent and progress of all current investigations.[75] The Assistant Private Secretary reported that Mr Hoon had:

> "... noted that the submission has confirmed a number of weaknesses, in particular the length of time it has taken to complete many of the investigations and the apparent lack of communication with some of the families on the more protracted investigations. The Secretary of State [Mr Hoon] will expect to see improvement in these and the other areas as the Board of Inquiry study recommendations are implemented. He will also wish to see early results in the work commissioned by VCDS into the procedural aspects of SIB investigations. It is important that these workstrands are linked: how many BOIs are delayed because of SIB work? He will also wish to see progress in the next report on bringing the more protracted investigations to a speedy close."

117. Mr Hoon's Assistant Private Secretary concluded that Mr Hoon would "wish to be assured that making progress on the various investigations and the Boards of Inquiry continues to receive appropriate senior management attention".

118. Lt Gen Palmer told the Inquiry:

> "... the Secretary of State [Mr Hoon] himself was personally briefed every two months by me as to exactly which Board of Inquiry was delayed, or rather the findings were delayed, why they were delayed, what the reasons for the delay was. Could we do anything to speed up the process, and how are the families reacting to this?"[76]

---

[73] Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, 'Boards of Inquiry – Improvements in Process'.
[74] Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, 'Boards of Inquiry – Improvements in Process'.
[75] Minute APS/Hoon to DCDS(Pers), 18 June 2004, 'Inquiries into Unnatural Death and Serious Injury on Operations: First Routine Report'.
[76] Public hearing, 21 July 2010, page 56.

119. On 24 June, Lt Gen Palmer reported to ACM Bagnall that the "initial tranche" of improvements identified by the BOI study (comprising 13 of the 15 recommendations) was now in place.[77] Each Service had appointed a "Senior Co-ordinator", to act as a focal point for monitoring investigations and BOIs. Lt Gen Palmer gave ACM Bagnall the "specific reassurance" that he had requested, that:

- Each Service had agreed to appoint a BOI President within 48 hours, unless judged unnecessary by a higher authority.
- Each Service had undertaken to provide regular briefings to next of kin on process and progress. All communication with the next of kin would be routed through a single contact (normally the Visiting Officer) who would "act as a sift" to filter out any insensitive or inconsistent drafting.

120. Lt Gen Palmer also reported that he had carefully considered a suggestion from Mr Hoon that the BOI process should include "an individual who is independent of both MOD and the bereaved family ... who would give a view of whether or not the BOI had completed its job successfully, before the report was published", but had concluded that:

> "... the purpose for which BOIs are established and the perceived presentational need to prove to external parties that they carry out their work successfully cannot sensibly be reconciled."

121. Lt Gen Palmer advised that including an independent element would delay the BOI process, "yet bring no guarantee of adding value, credibility or acceptability of a Board's findings". Families' concerns could largely be met by the "administrative arrangements – including better communications – already put in place".

122. Ministers returned to the question of whether there should be an independent member on a BOI in 2007.

123. On 30 June, Lt Gen Palmer sent Mr Hoon a progress report on work to improve the BOI process.[78] Lt Gen Palmer wrote that it was "clear that we are failing to meet some families' expectations in respect of the quality and quantity of information we are providing to them". The key to improving the flow of information to families would be the new Senior Co-ordinators, who would ensure that BOIs proceeded quickly and that families were briefed on progress.

124. Lt Gen Palmer reflected on the role and impact of the Senior Co-ordinator in his evidence to the Inquiry:

> "... he was responsible for the progress of Boards of Inquiry. If there were delays, why there were delays and what should be done about it, and keeping, importantly, the families informed through the visiting officers as to what was going on.

---

[77] Minute DCDS(Pers) to VCDS, 24 June 2004, 'Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing'.
[78] Minute DCDS(Pers) to APS/SoS [MOD], 30 June 2004, 'Boards of Inquiry – Improvements in Process'.

> "We put that in place relatively quickly.
>
> "Now that did not immediately speed up the Boards of Inquiry, because some of them were quite complicated.
>
> "We have already alluded to a shortage of military police investigators ... but the emphasis – because I think this is what the grievance was – was lack of information. The families felt they were excluded from the process.
>
> "I personally believe, once we put ... in place ... a regular briefing for families about where their particular Board of Inquiry had got to, they were less exercised ..."[79]

125. Lt Gen Palmer also advised that all the "quick wins" identified in the BOI study were now in place; work continued to establish a robust disclosure policy and devise a mechanism to allow local commanders to initiate an immediate investigation in urgent and exceptional cases.

126. The target timeline for a BOI was tightened in June 2004, to allow 14 weeks from the incident to the formal release of the completed BOI report to the next of kin.[80] That timeline comprised eight weeks for the production of the BOI report and six weeks for advisers and senior officers to comment and complete it.

127. The BOI process was also amended at that time to include the production of additional progress reports for the next of kin.

128. The steps taken by the MOD to improve communication with and support for next of kin and bereaved families, including the review of bereavement procedures and the review of training for personnel involved in bereavement support, are described later in this Section.

Review of Service Police investigations, October 2004

129. During a meeting with Mr Hoon on 28 April 2004, a number of bereaved families expressed a lack of confidence in the Services' investigative processes.[81]

130. In response to those concerns, ACM Bagnall commissioned a review of the timeliness and effectiveness of Service Police investigations.[82]

131. The review, which reported in October, concluded that:

- There were no major issues that were not already being considered.
- There was no evidence that the quality of Service Police investigations was inadequate.

---

[79] Public hearing, 21 July 2010, pages 55-56.
[80] Minute DCDS(Pers) to PS/SoS [MOD], 17 July 2006, 'BOI Timelines – a Proposal for Extension'.
[81] Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, 'Boards of Inquiry – Improvements in Process'.
[82] Report Loudon, 12 October 2004, 'Review of Service Police Investigations on Operations'.

- Service Police in Basra were “operating at full stretch and had a considerable backlog”. A key constraint was that relatively few Service Police investigators were qualified to Level 3 (able to carry out the investigations into the most serious offences). More investigative personnel should be trained to the Level 3 standard, and deployed.
- Service Police in Basra needed more equipment and administrative support.[83]

132. On the timeliness of investigations, the review stated:

> “There can be both avoidable and unavoidable delays, but complex investigations and the post-investigative processes do take time and speed must not be at the expense of quality. That said, some trimming may be possible in respect of the timescales for some steps in the process.”

133. The review recommended that the timescales for the individual steps of the post-investigative process should be revalidated.

134. The review also identified the practical difficulties in undertaking investigations in a non-permissive environment such as Iraq, including:

- A number of Service Police personnel had been tasked to train the Iraqi Police Service.
- Service Police needed force protection, which was not always available.
- Access to the crime scene and to witnesses could be difficult, and could cause further tension.

135. Lt Gen Irwin told the Inquiry:

> “... as the operation [in Iraq] developed, it began to be something that came to my attention and, therefore, could be regarded as a possible problem, that the Royal Military Police were not there in sufficient numbers to do everything that was required of them in a completely timely fashion.
>
> “Now, of course, when you are trying to investigate incidents when there is shooting going on, there is always going to be a delay that would not occur in the normal circumstance, but nevertheless I began to get a feeling that maybe there were not enough military police in Iraq and maybe also that, extrapolating from that, there were not enough military policemen ... in the British Army.
>
> “So I spent – I would not say every day, but quite regularly I used to speak to the Provost Marshal (Army) and ask him the direct question, looking at him in the eye, ‘Have we got an issue here? Are your people bearing up to the strain? Are they going over too often with too short tour intervals? Do you want me to try to find some other way of reinforcing you, like doing something which the bureaucracy sometimes

[83] Report Loudon, 12 October 2004, ‘Review of Service Police Investigations on Operations’.

calls 'novel and contentious', which was to get civilian police to sort of come along and help?'

"The answer was always, 'We are a bit stretched, but we are fine'. My people and I just took that at, not exactly face value, but kept our eyes on it and at no stage did we ever have to do anything that was 'novel and contentious'."[84]

The deaths of six RMP Personnel at Majarr al Kabir

On 24 June 2003, six RMP Personnel – Sergeant Simon Hamilton-Jewell, Corporal Russell Aston, Corporal Paul Long, Corporal Simon Miller, Lance Corporal Benjamin Hyde, and Lance Corporal Thomas Keys – were killed at Majarr al Kabir in Iraq.

Mr Hoon informed the House of Commons on 17 November 2004 that a BOI into that incident had now completed its work.[85] Because of the "wider parliamentary and public interest", the MOD had taken the unusual step of providing a summary of the BOI's findings to Parliament and to the media. The families of those who died would be briefed by the President of the BOI, and would subsequently meet Mr Hoon to discuss the BOI's findings and any concerns they might have.

Continued criminal investigation prevented the BOI from considering the events that were the direct cause of the six deaths, but Mr Hoon informed the House:

> "The Board found that the incident at Al Majarr Al Kabir was a surprise attack, which could not reasonably have been predicted. The Board also found that a number of factors may potentially have had a bearing on the deaths of the six soldiers, including issues relating to ammunition, communications and command relationships within the battle group to which the Royal Military Police platoon was attached. The Board was not, however, able to state that any of these factors, either in isolation or in combination directly determined the six soldiers' fate."

Mr Hoon went on to acknowledge:

> "I am aware that some of the families have been critical of the Army's response to the deaths of the six soldiers. I hope they recognise the Board's work for the thorough and detailed review that it is. I hope, too, that they now have a much better understanding of the events leading up to the death of their loved ones and the wider context in which the events occurred, and can take some comfort from this."

The RMP suffered 12 fatalities during the course of Op TELIC, including the six fatalities at Majarr al Kabir.[86]

136. An April 2005 review of the MOD's future requirements for Service Policing recorded that "The recommendations of the [2004] review have largely been implemented".[87]

---

[84] Public hearing, 21 July 2010, pages 19-20.
[85] House of Commons, *Official Report*, 17 November 2004, columns 90-91WS.
[86] *GOV.UK*, 12 December 2012, *British Fatalities: Operations in Iraq.*
[87] Minute Rooks to VCDS, 29 April 2005, 'Review of the Department's Requirements for Service Policing'.

137. The 2005 review stated that, in relation to investigations on operations, "delay is still an issue". Delays were generally due to "overstretch and practical inhibitors", such as the need for force protection, rather than any specific failings on the part of the Service Police.

138. The review also stated that the "primary RMP output" in Iraq was now providing support for the reform of Iraq's security forces.

139. The review recorded that work on the future structure of the Army had resulted in an uplift of nearly 10 percent in the baseline figure for RMP manpower.

Changes to MOD processes

140. AM Pocock wrote to Mr Des Browne, the Defence Secretary, on 17 August 2006 proposing that the timeline for conducting BOIs should be increased from 14 to 27 weeks.[88] The MOD was operating at "maximum efficiency, within resources" but, for the Army in particular, experience since the current timeline was introduced in June 2004 had shown that it was "not achievable". No Army BOI had met the current 14-week timeline. The Royal Navy and RAF did not have a problem with the current timeline but "saw merit" in extending it.

141. AM Pocock summarised the problems in meeting the current timelines:

- It was not possible to produce a Convening Order and Terms of Reference (TORs) for a BOI within 48 hours (as the current timeline required). TORs were often dependent on Service Police or LAIT reports, which could take "several months" to produce.
- It was not possible to "staff" a BOI report (secure comments from advisers and senior officers) within six weeks.

142. AM Pocock advised that underlying those problems was a resource issue. The Army was currently required to convene up to 20 BOIs a month (compared with one or two for the Royal Navy and RAF). It took time to identify and nominate suitable experienced and available Presidents, to confirm the Terms of Reference, and for officers to consider a BOI report.

143. AM Pocock closed his advice:

> "Delays in completing BOIs have been linked in the media to delays in Coroners' inquests. Some families ... have also been critical of the time it takes to complete BOIs. It is, however, unlikely that extending the BOI timeline will attract significant media coverage."

144. In an annex to his minute, AM Pocock analysed the reasons for delays in completing BOIs. It concluded that progress had been made since 2004 but that,

---

[88] Minute DCDS(Pers) to PS/SofS [MOD], 17 August 2006, 'BOI Timelines – A Proposal for Extension'.

against a background of an increasing number of incidents, "the rate of closure has now remained more or less constant since January 2005".

Creation of the Army Inquest Cell

145. In February 2007, in response to Ministerial concerns over the MOD's support for the inquests into the deaths of Sergeant Steven Roberts and Lance Corporal of Horse Matthew "Matty" Hull, the Army established a small Army Inquest Cell with a remit to, "through more effective handling of documents and stakeholders ... provide a better co-ordinated service to the Department [MOD], the coroner, and to the bereaved families".[89] Mr Ingram was advised that the Army's existing arrangements had been unable to manage the volume of work associated with inquests.

146. An MOD official advised Mr Ingram in March that good progress was being made in clearing the "backlog" of Army BOIs.[90] The Army Inquest Cell had "now assumed the role of managing of the Inquest process", allowing the Army Inquiries and Aftercare Support Cell (AIASC) to revert to its primary role of supporting bereaved families.

147. In June, Mr Ingram informed the House of Commons that the Army was planning to appoint permanent Presidents for BOIs, in order to deliver a more consistent approach and avoid delays.[91]

148. In January 2008, Mr Giles Ahern, MOD Deputy Director Personnel with responsibility for the Army Inquest Cell, advised General Sir Richard Dannatt, Chief of the General Staff, that the team had made "significant progress" in reducing the time taken to hold an inquest.[92]

149. Mr Ahern advised that, despite this progress, Ministers remained "very concerned" about the MOD's performance. The Army Inquest Cell was focusing on:

- The provision of information to families. In the past, families had received little formal information before the inquest about how their relative had died. AIASC now provided a "Record of Events" based on SIB findings, but that might only reach the family just before the inquest. The Cell was developing an "Initial Account" containing "some basic information", which could be passed to families about one month after a death.
- Timely completion of SIB and BOI reports. In a number of cases, completion of SIB and BOI reports was "judged to have taken longer than necessary". The Cell was trying to "expedite" completion and sign-off of reports by the chain of command.

---

[89] Minute Pitt-Brooke to PS/Minister(AF) [MOD], 26 February 2007, 'Support to Inquests – Project AJAX'; Minute Ahern to MA1/CGS, 15 January 2008, 'Project AJAX – An Update on the Army Inquest Cell'.
[90] Minute Pitt-Brooke to PS/Minister(AF) [MOD], 30 March 2007, 'Support to Inquests – Project AJAX'.
[91] House of Commons, *Official Report*, 7 June 2007, column 28WS.
[92] Minute Ahern to MA1/CGS, 15 January 2008, 'Project AJAX – An Update on the Army Inquest Cell'.

- Ensuring that witnesses were properly prepared for inquests, by briefing them on their purpose and format.
- Handling of classified material. Recent lapses had resulted in the unauthorised release of classified US material; this had undermined Ministers' confidence in the MOD's management of inquests. A review was under way on whether the Services' support for inquests should be centralised, possibly using the model provided by the Cell.

Reducing the number of redactions in BOI reports released to families

150. The MOD released redacted versions of BOI reports to the next of kin and coroners. The version released to the next of kin was redacted to remove personal information relating to third parties, and security and operationally sensitive information. The version released to the coroner was redacted to remove certain security and operationally sensitive information only, with a request that the report was not introduced into court.[93]

151. The inclusion of the names of third parties in the version of the BOI released to the coroner allowed the coroner to identity potential witnesses for the inquest.

152. In November 2006, Ms Selena Lynch, Deputy Assistant Coroner for Oxfordshire, directed the MOD to provide a "full set of papers" to a bereaved family's legal team and indicated that she might consider a legal challenge if the MOD did not comply.[94]

153. Mr Chris Baker, MOD Director General Service Personnel, advised Mr Ingram on 22 January 2007:

> "It is evident that the manner in which some of the BOI reports have been redacted, by blocking out the names and text ... renders them unintelligible. Families and their respective Counsel claim that because they are unable to follow the narrative of the BOI it is difficult to consider whether to request the coroner to invite additional witnesses."

154. Mr Baker stated that the MOD's position was that the redaction of the names of third parties was necessary "to comply with both our responsibilities in accordance with the Data Protection Act 1998, and in common law, as an employer to protect the identity of current and former employees".

155. Mr Baker concluded that to meet the concerns of families and the coroner, the MOD would replace the names of third parties with unique identifiers (such as Person AA and Officer BB), which would enable families to follow the narrative of the BOI report more easily while still protecting individual identities.

---

[93] Paper [MOD], 17 December 2004, 'BOI Reports – Disclosure Policy'.
[94] Minute Baker to PS/Minister(AF) [MOD], 22 January 2007, 'Board of Inquiry Reports – Disclosure for the Purposes of an Inquest'.

156. The MOD issued revised instructions for the disclosure of BOI reports in May.[95] The instructions advised that following the full implementation of the FOI Act on 1 January 2005, the current policy (of limited release of BOI reports outside the MOD) was no longer sustainable; the underlying principle of the FOI Act was that information should be available to members of the public on request unless it had an absolute exemption or there was an overriding public interest in withholding it.

157. The way in which BOIs were conducted would not change, but the reports should now be prepared in two parts:

- Part 1, which would be generally known as the "BOI Report", should include the convening order, terms of reference, findings, recommendations, and comments from senior officers. It should be carefully structured to ensure that it contained no exempt material or, if that was not possible, suitably redacted.
- Part 2 would include all other supporting documentation including witness statements and police and investigative reports.

158. There would also be a separate master "Schedule of Proceedings", listing everything that constituted the full BOI Report.

159. Part 1 of the full BOI Report would be proactively published by the MOD under their Publication Scheme. Requests for further information would be considered under the FOI Act in the normal way. Applicants could be provided with the Schedule of Proceedings to help them refine their request.

160. Next of kin should, in the first instance, be given only Part 1 of a BOI Report. Requests for information from Part 2 would be treated in the same way as other FOI requests (although it would normally be inappropriate to redact non-sensitive personal information about the family member). The instructions stated:

> "Although this may be seen as restricting what is given to next of kin, it should be borne in mind that Part 1 ... will be a synthesis of all the relevant information presented to the Board. Although the next of kin should always be treated in a sympathetic and helpful manner, the provisions of the FOI Act and DPA98 and other relevant legislation and common law must be observed."

161. Coroners would "continue to be provided with the full unredacted copy of the report (Parts 1 and 2)", on the understanding that the report contained only information owned by the UK and was not quoted from or admitted into evidence without further reference to the MOD.

162. The instructions directed that where names were redacted, they should be replaced by a unique identifier.

---

[95] Defence Instructions and Notices, May 2007, 'Disclosure of Board of Inquiry Reports, 2007DIN02-15'.

163. In early November, Ms Lynch issued her ruling on the death of Fusilier Gordon Gentle.[96] She concluded that it was probable that the roadside bomb that killed him would not have detonated if a disabling device had been fitted to the vehicle in which he was travelling.

164. The press reported that Ms Lynch had described the MOD's policies for the disclosure of evidence to the inquest as "illogical and based on errors of law",[97] and that she had stated that the inquest had been delayed by the MOD's failure to provide documents and their policy of redacting names from the documents that were provided.[98]

165. Sir Bill Jeffrey advised Mr Ainsworth in February 2008, in the context of a paper on how to improve the BOI system, that while the MOD continued to face criticism over the redaction of BOI reports, "we have gone as far as practicable within the law".[99]

166. An MOD/Ministry of Justice (MOJ) information booklet for bereaved families on the BOI and inquest processes, which was issued in 2008, stated that "where names are removed, each will be replaced with a term like Person A, Person B to help you follow the sequence of events in the report".[100]

167. A number of the BOI reports seen by the Inquiry have followed this practice.

Creation of the Defence Inquests Unit

168. In early February 2007, the MOD sought and received an adjournment to the inquest into the death of Lance Corporal of Horse Matthew "Matty" Hull, who had been killed in a friendly-fire incident with US forces in 2003, to allow them more time to secure US agreement to the use in court of a US cockpit recording of the incident.[101]

169. The adjournment came as the UK was negotiating with the US Government on US participation in inquests into the deaths of UK Service Personnel. Those negotiations are described later in this Section.

170. Mr Baker wrote to MOD officials on 19 February advising that, in the light of the inquest into the death of L Cpl Hull, MOD Ministers might wish to have a "further urgent examination" of the BOI process, possibly including "a fundamental review as to whether [BOIs] can be considered fit for purpose given the wider uses to which they are increasingly put".[102] Mr Baker asked recipients to provide "positive points ... in support of the BOI system as it currently stands" and information on planned improvements.

---

[96] *BBC News*, 7 November 2007, *Army supply 'chaos' proved fatal.*
[97] *BBC News*, 7 November 2007, *Army supply 'chaos' proved fatal.*
[98] *Daily Telegraph*, 7 November 2007, *Army failings led to death of Gordon Gentle.*
[99] Minute Jeffrey to Minister(AF) [MOD], 29 February 2008, 'Boards of Inquiry and Inquests'.
[100] Ministry of Defence & Ministry of Justice, *Boards of Inquiry and Coroners' Inquests: information for bereaved families*, 2008.
[101] Minute Ferguson to APS/Min(AF) [MOD], 2 February 2007, 'Oxfordshire Inquests: Release of US Classified Information'.
[102] Minute Baker to DG Sec LF, 19 February 2007, 'Boards of Inquiry'.

171. Mr Ingram subsequently met Mr Baker and other MOD officials to discuss work already in hand to improve the BOI process.[103] Mr Ingram's Private Secretary recorded that Mr Ingram:

> "... postulated that there might be a need to consider a more radical approach; that rather than working to make the current system work better, we might need to consider adopting a different system."

172. Mr Baker said that he had already discussed the possibility of a more radical approach with the Services, and concluded that "there was no realistic alternative to the BOI process". The MOD needed a thorough process of examination in order to learn lessons, and needed to be able to ensure that it could be undertaken quickly and address all the relevant issues. Mr Baker advised that the arguments for continuing with the BOI process would be set out in a submission.

173. An MOD official working in Mr Baker's Directorate sent Mr Ingram's Private Office advice on the "rationale for continuing with the BOI process" on 2 March.[104]

174. The official identified three alternative mechanisms for establishing the facts surrounding an incident – Learning Accounts, Service Police investigations, and inquests – and concluded that none of them met the MOD's requirements.

175. The official concluded that the current BOI system played a "valuable role" in "establishing the full details of the circumstances surrounding an incident and in learning the lessons to prevent a recurrence". Particular advantages were:

- BOIs enabled the MOD to fulfil its duty of care and health and safety obligations towards its employees.
- Investigations into sensitive matters could be carried out "within the Service environment and by the relevant subject matter experts".
- As BOIs did not seek to apportion blame, and evidence given to a BOI could not be used in a Service court, witnesses might be more candid than in another type of investigation.
- BOIs were "tried and tested and worked well".

The official also described the work under way to improve the BOI process.

176. The BOI report into the loss of Nimrod XV230 in September 2006 (in Afghanistan) was published on 4 December 2007. Mr Browne told the House of Commons on the same day:

> "By its nature, the Board was not in a position to go into the history of those arrangements [for assessing the airworthiness of Nimrod aircraft] or to assess where responsibility lies for failures ... Flying will never be risk-free. But I do believe

[103] Minute Johnson to DG SP Pol, 22 February 2007, 'Boards of Inquiry'.
[104] MOD [junior official] to PS/Minister(AF) [MOD], 2 March 2007, 'Boards of Inquiry (BOIs)'.

> that the families of those who died are due more of an explanation of the history than the Board of Inquiry could be expected to provide. I have therefore decided to put in place a review of the arrangements for assuring the airworthiness and safe operation of the Nimrod aircraft over its service life; to assess where responsibility lies for any failures; to assess more broadly the process for compiling safety cases, taking account of best practice in the civilian and military world; and to make recommendations."[105]

177. Mr Browne discussed the BOI into the loss of Nimrod XV230 with MOD Ministerial colleagues the following day.[106] He said that the MOD would shortly announce the name of the Queen's Counsel who would lead the independent review. It would be important for the families to be able to feed their questions into that process.

178. During the meeting, MOD Ministers concluded that the Nimrod BOI was "a further example of the [BOI] process not necessarily being suited to the requirements of the MOD, the individuals and families involved and, crucially, public expectation". Mr Browne suggested that there might be merit in a new process comprising:

> "... a short, focused Learning Account style review ... conducted in a matter of a few months followed, as required, by a further review to look beyond the immediate circumstances and which was empowered to engage with individuals and the families affected by the incident, had an independent element and could draw from the advice of those who were well-practiced in preparing for evidence-based reviews".

179. Mr Browne's Private Secretary asked Mr Bill Jeffrey, the MOD's Permanent Under Secretary,[107] to provide "advice on the scope and options for improving the BOI process" by the end of January.

180. Mr Browne's Private Office wrote to Mr Ainsworth's Private Office later that week, reporting Mr Browne's concern that recent good progress in clearing the backlog of inquests would not be sustained as the military investigation/BOI process was moving too slowly.[108] Particular concerns included:

- The significant number of cases (13) over six months that were still awaiting completion of a BOI or RMP investigation, or even a decision on whether a BOI was required. In one case, a decision on whether to hold a BOI was still awaited nearly one year after the incident.
- The number of cases where the Swindon and Wiltshire Coroner was awaiting SIB reports.

---

[105] House of Commons, *Official Report*, 4 December 2007, column 687.
[106] Minute Forber to PS/Minister(AF) [MOD], 5 December 2007, 'Defence Ministerial Meetings'.
[107] Mr Jeffrey was knighted in the 2008 New Year's Honours.
[108] Minute APS/Secretary of State [MOD] to PS/Minister(AF) [MOD], 7 December 2007, 'BOI and Inquest Backlog'.

181. Mr Browne asked Mr Ainsworth to look into the backlog of incomplete BOIs and "investigate what further action should be taken to speed up this process, including whether additional staff resource is needed in theatre".

182. On 28 February, Mr Ainsworth and Ms Bridget Prentice (Parliamentary Under-Secretary of State for the Ministry of Justice), met Mr Andrew Walker (Assistant Deputy Coroner for Oxfordshire) and Mr David Masters (Coroner for Wiltshire & Swindon), at Mr Ainsworth's request, to discuss what could be done to accelerate the inquest process.[109]

183. Ms Prentice's Assistant Private Secretary recorded that Mr Walker had welcomed the new Army Inquest Cell, which had had "a profound effect" on the conduct of inquests into the deaths of Army Personnel. Working with the Cell, he had trialed a number of proposals to improve and streamline the inquest process.

184. Mr Walker described how that new partnership had worked in a recent inquest:

> "Despite the fact that there was extremely sensitive intelligence involved, the inquest was completed within 12 months from the date of the incident. The key difference was that he [Mr Walker] had been in contact with the Board of Inquiry (BOI) team from the beginning of their investigation and was kept informed throughout, enabling him sufficient time to build up the technical knowledge required to adequately conduct the inquest. Crucially, this early involvement avoided the complicated 'cold' handover from the BOI to the inquest."

185. Both coroners felt that the new arrangement enabled them to update families more effectively on progress and to respond to their needs.

186. Both coroners contrasted that positive experience, with their experiences with the Royal Navy and RAF. In one case, they said that they had had to wait four months "for a signature on a piece of paper". In four cases, it was alleged to have taken over a year to reach a decision on whether or not to hold a BOI. The coroners felt that the establishment of a tri-Service Inquest Cell based on the Army model would be a "very positive step".

187. The MOD team confirmed that the idea of a tri-Service Inquest Cell was being considered, and highlighted the greater complexity often associated with Royal Navy and RAF BOIs.

188. Mr Ainsworth told the Inquiry that he had considered the end-to-end process of investigating fatalities and had taken the unusual step of meeting both Mr Walker and Mr Masters to discuss ways in which the MOD could help.[110] He recalled some anxiety that a meeting might be seen as interfering with the coroners' independence, but he

---

[109] Minute Spence to Rothapel, 28 February 2008, 'Bridget Prentice MP Meeting with Bob Ainsworth MP and the Coroners for Oxford and Swindon & Wiltshire on 21 February'.
[110] Public hearing, 6 July 2010, page 30.

believed that it was possible both to respect that independence and to seek to understand "how the system is working for them from their point of view".

189. Sir Bill Jeffrey responded to the requests for advice on how the BOI process could be improved and how the existing process could be accelerated in a minute to Mr Ainsworth at the end of February 2008.[111]

190. Sir Bill advised that, in response to Mr Browne's question, it would be possible to hold a relatively short fact-finding exercise followed by a "fuller inquiry into the whole course of events". While the Nimrod XV230 BOI included a careful investigation of the incident itself, its remit did not extend into the history and safety record of the Nimrod; that question was now being examined by Mr Charles Haddon-Cave. Where there was "a need to capture the broader departmental perspective, and where there is high public interest in the case", the remit of the BOI could be broadened or a "further reaching independent inquiry", running concurrently with the BOI, could be held.

191. Sir Bill also advised that:

- A new direction should be issued to the chain of command, that families should always be briefed as soon as practicable after an incident and kept regularly informed thereafter.
- A new joint Secretariat should be established, building on the Army's Inquest Cell, to co-ordinate all three Services' management of inquests, the relationship with coroners and joint reports to Ministers.

192. The Army had appointed Permanent Presidents to lead high-profile Army BOIs; the Royal Navy and Royal Air Force were taking steps to establish "pools of expertise" from which Presidents could be selected.

193. There were currently 100 open inquests. That was "below last summer's peak of 132, but still well above the backlog of 80 inquests that was judged to be unacceptable in Spring 2006". The use of pre-inquest hearings, while a valuable contribution to the inquest process, could introduce delays into the process. Coroners often waited for access to the MOD's reports, including BOI reports, before undertaking an inquest. Sir Bill commented: "We must show coroners that we treat our investigations as matters of urgency so that we might expect them to do the same."

194. On 9 April, Mr Ainsworth met senior officials and military officers to discuss Sir Bill's advice.[112] Mr Ainsworth stated that he and Mr Browne remained of the view that there needed to be a "step change in the way in which the BOI and inquest process was handled, end-to-end". He had already discussed the advice with Sir Bill, and agreed that

---

[111] Minute Jeffrey to Minister(AF) [MOD], 29 February 2008, 'Boards of Inquiry and Inquests'.
[112] Minute PS/Min(AF) [MOD] to APS/Secretary of State [MOD], 11 April 2008, 'Boards of inquiry and Inquests'.

it formed "a good basis for further discussion". The key proposal was the establishment of a "single inquest cell".

195. The meeting agreed that a single inquest cell should be established as a matter of urgency. Key responsibilities would be to:

- professionally manage the MOD's relationship with coroners;
- chase progress on BOIs in order to "drive down" the time between incident and inquest; it would need sufficient "authority and clout" to do that;
- identify weaknesses in policy and ensure they were addressed, and ensure that existing policy and best practice was adhered to; the lead for developing policy would often sit outside the cell; and
- ensure the right training and guidance was provided to VOs.

196. The cell would not carry out BOIs (which would continue to be the responsibility for the Services).

197. Mr Ainsworth's Private Secretary recorded that, although the other proposals made by Sir Bill had not been discussed in any detail at the meeting, Mr Ainsworth would like them "taken forward in the context of the establishment of the new cell".

198. The Defence Inquests Unit (DIU) was created in May 2008 to act as the focal point for all coroners' inquests into the deaths of Service and MOD civilian personnel.[113]

199. The Army Inquest Cell was disbanded on the creation of the DIU, and its posts moved into the DIU.[114]

200. Mr Ainsworth told the Inquiry that the role of the DIU was not just to ensure that the MOD was providing the support that coroners required:

> "… my motives were more than just helping the bereaved, they were about the MOD getting better at learning some of the lessons that flowed from inquests … some of our systems were, from time to time, exposed pretty badly by coroners' inquests and, you know, they were a mine of information … if you were prepared to really embrace the findings …"[115]

201. Mr Mike Venables, Head of the DIU from 2009 to 2012, described the DIU's role as supporting bereaved families by making sure that coroners had everything they needed.[116] This included:

- providing all relevant reports and information, and explaining that material where necessary;

---

[113] Defence Instructions and Notices 2008DIN05-052, December 2008, 'The Defence Inquests Unit'.
[114] Minute D/VCDS to Min(AF) [MOD], 24 April 2008, 'Inquests Cell: Terms of Reference'.
[115] Public hearing, 6 July 2010, pages 30-31.
[116] *GOV.UK*, 23 February 2012, *Defence Inquests Unit: helping to find the answers.*

- helping to identify and locate military witnesses;
- organising familiarisation events on military equipment for coroners; and
- providing support to witnesses.

202. Mr Venables also indicated that the creation of the DIU served to change the MOD's policy on legal representation at inquests. The MOD had tended to be legally represented at inquests:

> "But we took the view that some families see that as intimidating. It looked as though the big bad Ministry had turned up, so now, even if the families choose to have a barrister, we tend not to, we ... send a case officer."

Introduction of Service Inquiries

203. Section 343 of the Armed Forces Act 2006 (AFA 2006), which came into force on 1 October 2008, provided for the establishment of a single form of statutory inquiry – the Service Inquiry (SI) – for all the Services.[117]

204. The Royal Navy, Army and RAF had previously held inquiries under the Prerogative, Army Act 1955 and Air Force Act 1955 respectively.

205. The MOD told the Inquiry that the AFA 2006 represented the first complete overhaul of the Service justice system in 50 years, harmonising practices and procedures across the Services to provide a single system of Service law.

206. The MOD also told the Inquiry that SIs had the same purpose as BOIs (subject to its terms of reference, to establish the facts of a particular matter and make recommendations to prevent recurrence).

Efforts to reduce the backlog of inquests, 2005 to 2007

Support for the Oxfordshire Coroner

207. From March 2003 to 1 April 2007, military fatalities on Op TELIC were repatriated to RAF Brize Norton in Oxfordshire.

208. In early 2005, Mr Gardiner applied to the Oxfordshire County Council, then to the Home Office, and finally to the MOD for additional funding to enable him to carry out his duties.[118]

209. In May 2005, the MOD convened a series of meetings with officials from the Home Office and the Department for Constitutional Affairs (DCA)[119] to consider how to resolve

---

[117] Paper MOD, 2011, 'Service Inquiries and Investigations'.
[118] Paper MOD, May 2006, 'Coronial Issues'.
[119] The DCA took over responsibility for coronial policy from the Home Office in May 2005.

the immediate problem and "explore alternative arrangements to ensure that the issue does not reoccur".

210. On 24 May, the Home Office provided £80,000 to allow Mr Gardiner's office to recruit an additional Coroner's Officer to help manage inquests into the deaths of Service Personnel in Iraq.[120]

211. Mr Don Touhig, Parliamentary Under Secretary of State for Defence, told the House of Commons in early June 2005 that the decision to provide support to Mr Gardiner's office predated recent press reports on delays in holding inquests into the deaths of Service Personnel.[121]

212. A June 2007 DCA briefing assessed that that support had "little effect" on the backlog.[122] The main constraint was the time that Mr Gardiner himself was able to devote to considering case papers in preparation for inquests.

213. On 6 February 2006, Ms Harriet Harman, Minister of State for the DCA, informed the House of Commons that she intended to bring forward legislation to reform the coroner service:

> **"**Under the current coroner service, families frequently get overlooked during the inquest process ... The system is fragmented, with no national leadership, and it is not accountable ... Standards are not uniformly good; everything rests too much on the personal qualities and abilities of individuals within the system. The legal framework is downright archaic. For most coroners, this is not even their principal occupation; it is a secondary one, added on to their main work as solicitors in private practice ...
>
> "The coroner service must serve the public interest and meet bereaved families' concerns in a way that, frankly, it currently does not ..."[123]

214. In May 2006, in response to renewed Parliamentary concern over delays in holding inquests into the deaths of Service Personnel, Ms Harman was charged with "dealing with the problem".[124]

215. On 22 May, Ms Harman wrote to Mr Browne suggesting that they meet to discuss how to clear the backlog of inquests in Oxfordshire.[125] It was important that all coroners conducted inquests in good time; she was particularly concerned that the families of Service Personnel should not face a long wait before an inquest was concluded.

---

[120] Paper MOD, May 2006, 'Coronial Issues'.
[121] House of Commons, *Official Report*, 6 June 2005, column 982.
[122] DCA [junior official] to Harman, 12 June 2007, 'Request from Wiltshire and Swindon Coroner for Additional Resources to Deal with Military Fatalities Repatriated via RAF Lyneham'.
[123] House of Commons, *Official Report,* 6 February 2006, column 607.
[124] DCA [junior official] to Harman, 17 May 2006, 'Oxfordshire Coroner and Inquests into Iraq Fatalities'.
[125] Letter Harman to Browne, 22 May 2006, 'Oxfordshire Coroner and Iraq Deaths Inquests'.

216. Ms Harman wrote:

- The DCA had been endeavouring to get a full picture of the extent of the delays, working with MOD officials and Mr Gardiner's Office, and had compiled a grid showing the number of inquests yet to be undertaken. That analysis indicated that there were 39 military deaths and 5 civilian deaths relating to Iraq in the "inquest queue", excluding cases where Mr Gardiner was waiting for evidential material from the MOD.
- The first military deaths in that queue related to the loss of a Sea King helicopter on 22 March 2003.[126] The first deaths on which Mr Gardiner had not yet received material from the MOD related to the loss of a CH46 helicopter on 21 March 2003.
- Mr Gardiner estimated that to clear the backlog, he would need an additional Assistant Deputy Coroner and continued funding for the additional Coroner's Officer, at a cost of £125,000 a year for two years. DCA officials had not yet assessed whether that estimate was realistic. The DCA was "poorly placed" to provide that funding. If those resources could not be found, the current position that most inquests were held in Oxfordshire (rather than in the home area of the deceased) would need to be reconsidered.

217. Ms Harman, Mr Browne and Mr Ingram met on 24 May.[127] Ms Harman advised that further work by DCA officials suggested that £250,000 would be required over six months in order to list or complete all cases by the end of the year.

218. A record of the meeting by Mr Browne's Assistant Private Secretary, which was circulated only within the MOD, reported that Mr Browne had agreed that if there was a "practical plan" to reduce the backlog and there was no possibility of securing funding from the Reserve, then he was "prepared in principle to put in £125,000 for the first year".

219. An informal record of the meeting by a DCA official reported that Mr Browne had agreed to provide £125,000, and to hold a further £125,000 "in reserve" which could be made available depending on progress.[128]

220. In a Written Ministerial Statement to the House of Commons on 5 June, Ms Harman and Mr Browne set out the support that the Government would provide to the Oxfordshire Coroner's office to enable it to deal with "outstanding inquests":

- three Assistant Deputy Coroners (Sir Richard Curtis, Ms Selena Lynch and Mr Andrew Walker);

---

[126] The (Royal Navy) BOI into the loss of a Sea King helicopter on 22 March 2003 had reported on 1 May 2003 (it was the first BOI relating to Op TELIC to report); the BOI report had been made available to families on 9 June 2003.
[127] Minute APS/SoS [MOD] to SPPol SC-D, 24 May 2006, 'Iraq Inquest Backlog – Oxford Coroner – Meeting with Harriet Harman MP'.
[128] Email Woolfenden to Sadler, 24 May 2006, 'Iraq Deaths'.

- two additional Coroner's Officers;
- an additional member of support staff; and
- recording equipment which would enable two extra courts to operate simultaneously.[129]

221. There were currently 59 inquests into the deaths of Service Personnel killed in Iraq and 11 inquests into the deaths of civilians to be concluded. Mr Gardiner expected, with this additional support, to be able to conclude inquests into the deaths of 30 Service Personnel where the MOD had completed their own inquiries and case papers had been prepared, and conclude inquests into the deaths of three civilians where he had been provided with reports and other information, by the end of the year.

222. Ms Harman and Mr Browne undertook to report quarterly to Parliament on progress in clearing the backlog of outstanding inquests.

223. As the Statement was being drafted, Ms Harman expressed her strong view that it should be sent to the families of deceased Service Personnel before it was laid in Parliament.[130]

224. DCA officials advised that they were "not convinced" by that proposal, and that it was in any case impractical as the MOD was "not prepared" to supply family contact details.[131]

225. Ms Harman and Mr Browne agreed on 1 June that the Statement should be sent to families before it was laid in Parliament.[132]

226. Two of the three Assistant Deputy Coroners were appointed in early June, the third in early August.[133]

227. The effectiveness of the additional support provided to the Oxfordshire Coroner's office in clearing the outstanding inquests is considered below.

228. In July, as the capacity of the Oxfordshire Coroner's office was being increased, the MOD extended the target timelines for the completion of BOIs; that decision is described earlier in this Section.

229. By the end of July, it had become clear that the MOD and DCA did not have a shared understanding of how much, and at what point, the MOD would contribute to the cost of the additional support provided to the Oxfordshire Coroner's office.

---

[129] House of Commons, *Official Report,* 5 June 2006, column 4WS.
[130] Email Tierney to Woolfenden, Patterson & Bainbridge, 1 June 2006, 'Writing to the Families'.
[131] Minute Bainbridge to Harman, 31 May 2006, 'Oxon Coroner'.
[132] Email Tierney to Anderson, 1 June 2006, 'Note of Telephone Call between Harriet Harman and Des Browne – Iraq/Coroner'.
[133] Minute DCA [junior official] to Harman, 6 October 2006, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.

The discussions between the DCA, the MOD, and the Treasury from July 2006 to February 2007 on that issue are described below.

230. The DCA bore the costs that were being incurred by the Oxfordshire Coroner's office while those discussions continued.[134]

DISCUSSIONS ON FUNDING

231. On 22 May 2006, Mr Alex Allan, Permanent Secretary at the DCA, and Mr Ian Andrews, 2nd Permanent Under Secretary at the MOD, discussed how the additional funding required by the Oxfordshire Coroner might be found.[135] Mr Allan's Assistant Private Secretary reported that Mr Allan had stated that neither the local authority nor the DCA could provide that additional funding. Mr Andrews said that the Treasury met the MOD's "operational costs", and indicated that the funding for the Oxfordshire Coroner should be included within that arrangement.[136] That would be for the MOD to explore with the Treasury.

232. On 20 July, Ms Harman sent Mr Browne an update on progress on clearing the backlog of inquests, and concluded that she "hoped that we can clarify the amount of money you will pay".[137]

233. On the same day, Ms Harman wrote to Lord Falconer of Thoroton, the Secretary of State for Constitutional Affairs and Lord Chancellor, asking if he would speak to Mr Browne to ensure that Mr Browne's decision to provide £250,000 would be communicated to MOD finance officials.[138]

234. Mr Browne replied to Ms Harman on 14 August stating that, as he had previously indicated, given that the inquests were a result of operational commitments, his preference would be for the additional funding to be sought through a call against the Reserve.[139] He stood ready to support a request to the Treasury. If funding could not be secured from the Reserve, he was "in principle willing to provide a contribution of £125,000 for the first year towards the financial costs of the additional resources, subject to Accounting Officer and Treasury approval".

235. Lord Falconer wrote to Mr Browne later that month, stating that £125,000 was insufficient to cover the costs involved and that, while DCA officials would look at the suggestion of making a bid on the Reserve, "given that the backlog is driven by the

---

[134] Letter Harman to Browne, 28 December 2006, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.
[135] Email DCA [junior official] to DCA [junior official], 22 May 2006, 'Coroners – Inquest Delays/MOD'.
[136] The established arrangements whereby the MOD claimed the Net Additional Costs of Military Operations (NACMO) from the Treasury are described in Section 13.
[137] Letter Harman to Browne, 20 July 2006, 'Iraq Inquests Backlog'.
[138] Minute Harman to Falconer, 20 July 2006, 'Funding for Extra Resources for the Oxfordshire Coroner'.
[139] Letter Browne to Harman, 14 August 2006, 'Iraq Inquest Backlog'.

MOD's policy to repatriate Iraq fatalities to RAF Brize Norton in Oxfordshire" it would not be appropriate for the DCA to make that bid.[140]

236. Mr Browne replied on 10 September, stating that while there was a strong case for funding the additional costs from the Reserve, the Treasury would expect the bid to come from the Department responsible for coronial policy.[141]

237. Lord Falconer replied on 6 October, advising that while the DCA held policy responsibility for coroners, operational responsibility rested with the relevant local authority.[142] In this case, it would normally be for Oxfordshire County Council to meet the costs of the inquests. He continued:

> "The Cabinet Office Ministerial Code of Conduct (paragraph 6.10) clearly sets out the principle that Departments responsible for initiating policy are required to take into account the effect their proposals have on other departments. It is MOD policy to repatriate bodies to RAF Brize Norton rather than Lyneham, Fairford or elsewhere and it is a direct result of this decision that the backlog of cases has occurred. If fatalities were shared amongst a number of coroners this problem would have been avoided.
>
> "It is for this reason that I consider that it is your Department's responsibility to shoulder the costs arising from the Iraq inquest backlog ... If you are unable to fund the additional resources from your existing budget then it is for your Department, not mine, to approach the Treasury for a Reserve claim."

238. Officials from the MOD, the DCA and the Department for Communities and Local Government (DCLG) met on 8 November to discuss funding options.[143]

239. A DCA official reported to DCA colleagues only that all three departments had difficulties in providing funding from within their existing budgets. The MOD had argued, for the first time, that it would be inappropriate for the MOD to be seen to be funding the inquest process when it had a clear interest in the cases involved. The meeting had agreed that DCA officials should approach the Treasury informally to see whether funding from the Reserve could be made available and, if not, whether they could suggest an alternative solution.

240. A DCA official advised Ms Harman on 13 December that the Treasury had "not replied positively" to that approach.[144] The DCA had subsequently written to the MOD, asking it to confirm that it would provide the necessary funding.

---

[140] Letter Falconer to Browne, 31 August 2006, 'Funding for Additional Resources for the Oxfordshire Coroner'.
[141] Letter Browne to Falconer, 10 September 2006, [untitled].
[142] Letter Falconer to Browne, 6 October 2006, 'Funding for Additional Resources for the Oxfordshire Coroner'.
[143] Email DCA [junior official] to Tierney, 10 November 2006, 'Oxfordshire Coroners: Progress Report'.
[144] Minute DCA [junior official] to Harman, 13 December 2006, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.

241. On 7 January 2007, Mr Lee McCauley, MOD Assistant Director of Defence Resources and Plans, wrote to a Treasury official to advise him that the MOD had "reluctantly concluded" that all additional costs related to the Oxfordshire Coroner should be "funded this year through Defence".[145] There were several arguments against doing so, but Ministers wanted the issue to be resolved. Treasury approval would be required, as the MOD did not have authority to meet costs that fell to other parts of Government.

242. Mr McCauley proposed that the MOD treat the costs as part of the Net Additional Cost of Military Operations (NACMO), and claim them from the Treasury in the normal way. If that was not possible, the MOD would need to find the funds within its core settlement.

243. On 13 February 2007, Mr Browne wrote to Ms Harman:

> "My officials have explored at length with the Treasury the possibility of making a claim against the Reserve. The Treasury have refused on the principle that such costs should lie where they fall and this is not a legitimate charge to Defence for the additional costs of operations. In light of this, I cannot accept an argument that the backlog stems solely from MOD policy: there are sound practical reasons for repatriation of bodies to RAF Brize Norton but there are also, as the current initiative[146] shows, ways in which the burden may be shared with other coroners."[147]

244. Mr Browne concluded by confirming that he held to his earlier offer to contribute £125,000 towards the additional costs of the Oxfordshire Coroner during 2006/07. That contribution should not be seen as setting a precedent for MOD funding to address "future inquest backlogs, should they arise".

245. Ms Harman replied on 27 March, expressing her disappointment with that contribution but confirming that she would accept it.[148] She would expect the MOD to contribute if further backlogs emerged.

PROGRESS IN CLEARING THE BACKLOG OF INQUESTS

246. Ministers provided quarterly reports to the House of Commons on progress in clearing the backlog of inquests in Oxfordshire. The table below summarises these reports.

247. The first report, in June 2006, covered only outstanding inquests into deaths relating to Iraq.[149] Subsequent reports included outstanding inquests relating to previous conflicts and military exercises overseas, for which the Oxfordshire Coroner was responsible.

---

[145] Letter McCauley to Treasury [junior official], 11 January 2007, 'Oxfordshire Coroner: Funding'.
[146] To allocate inquests directly to 'home-town' coroners, bypassing the Oxfordshire Coroner.
[147] Letter Browne to Harman, 13 February 2007, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.
[148] Letter Harman to Browne, 27 March 2007, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.
[149] House of Commons, *Official Report,* 5 June 2006, column 4WS.

248. Ms Harman informed the House of Commons on 12 October that Mr Gardiner would not be able to meet the target set in her June 2006 update for the completion of pre-June 2006 inquests (the end of 2006).[150]

Table 2: Progress in clearing the backlog of inquests in Oxfordshire

	Outstanding inquests	*Of which Service Personnel*	*Of which civilian*	Outstanding inquests held since June 2006
5 June 2006[151]	70	*59*	*11*	0
12 October 2006[152]	70	*59*	*11*	9
18 December 2006[153]	57	*48*	*9*	28
29 March 2007[154]	29	*25*	*4*	56
20 June 2007[155]	15	*11*	*4*	72
30 October 2007[156]	2	*2*	*0*	104

249. The June 2007 report stated that of the 72 inquests which had been completed by the Oxfordshire Coroner's Office since June 2006, Mr Gardiner had conducted five, Sir Richard Curtis six, Ms Selena Lynch 28, Mr Andrew Walker 32, and Ms Jennifer Leeming, the Greater Manchester West Coroner, one.[157]

250. The additional resources provided by the Government in June 2006 enabled the Oxfordshire Coroner's office to clear the backlog of outstanding inquests (into deaths occurring before June 2006) by October 2007.

251. The two outstanding inquests reported in the October 2007 report related to the deaths of Fusilier Gordon Gentle on 28 June 2004 and Lieutenant Richard Palmer on 15 April 2006. The inquest into Fusilier Gentle's death was due to open on 29 October 2007. The coroner had decided to await the completion of the BOI into Lt Palmer's death before opening an inquest; that inquest would therefore not be held until 2008.

---

[150] House of Commons, *Official Report*, 12 October 2006, column 28WS.
[151] House of Commons, *Official Report,* 5 June 2006, column 4WS.
[152] House of Commons, *Official Report,* 12 October 2006, column 26WS. Nine inquests had been completed since the June 2006 WMS, but Mr Gardiner had advised the Government of nine additional outstanding cases relating to deaths from previous conflicts and overseas military exercises.
[153] House of Commons, *Official Report,* 18 December 2006, column 112WS.
[154] House of Commons, *Official Report,* 29 March 2007, column 120WS. The Statement corrected the number given in the 18 December 2006 Statement for Inquests held since October 2006, from 18 to 19.
[155] House of Commons, *Official Report,* 20 June 2007, column 97WS.
[156] House of Commons, *Official Report,* 30 October 2007, column 35WS.
[157] House of Commons, *Official Report,* 20 June 2007, column 97WS.

Efforts to transfer more inquests to local coroners

252. In early September 2006, after discussions with DCA officials, Mr Gardiner alerted coroners that the additional resources he had received from the Government were not intended to be "long term" and were only to reduce the current backlog of cases.[158] He was, therefore, likely to "increasingly be making transfer requests under Section 14(i) of the Coroners Act 1988".

253. A DCA official advised Ms Harman on 6 October that Mr Gardiner's office was now receiving a significant number of fatalities from Afghanistan, as well as from Iraq.[159] The additional resources announced on 5 June only covered inquests that were outstanding at that date. The DCA had "serious doubts" that Mr Gardiner's office could handle the new (post-June 2006) cases, once the pre-June backlog was cleared and staffing levels returned to normal.

254. The official commented that it was not helpful that the MOD continued to repatriate bodies to RAF Brize Norton: DCA and MOD officials were meeting shortly to discuss that issue.

255. MOD and DCA officials met on 18 October to reconsider the policy of repatriating the bodies of deceased Service Personnel via RAF Brize Norton.[160] Points made in the discussion included:

- Mr Gardiner was "considering transferring cases to other jurisdictions, but in limited circumstances". That was in line with established policy. Mr Gardiner would not be transferring cases where there were multiple deaths in a single incident, and all transfers required the agreement of the receiving coroner.
- Arrangements for inquests relating to incidents in 2003 and 2004 were "well in hand", but there were still "serious delays" to later inquests and the number of bodies repatriated to RAF Brize Norton was increasing.
- One unavoidable factor behind those delays was the need to wait for a BOI to conclude before beginning an inquest.
- It was crucial to keep families informed of progress.
- MOD officials felt that Mr Gardiner and his officers provided effective support to families through the inquest process.
- DCA officials considered that Mr Gardiner's office would be unable to cope with the workload once the additional resources provided by the Government were removed.

---

[158] Letter Gardiner to Harman, 21 November 2006, 'Foreign Service Fatalities'.
[159] Minute DCA [junior official] to Harman, 6 October 2006, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.
[160] Record, 18 October 2006, 'Oxfordshire Coroner: Note of a meeting at 10am on 18 October 2006 in room 8.04 Steel House'.

256. The meeting considered a number of options, and agreed that:

- The MOD should continue to use RAF Brize Norton.
- MOD policy should be amended, so that when a death occurred (and before the body was repatriated), the appropriate local coroner would be alerted that the body of the deceased would be coming into their district.
- The body would be taken to the local coroner immediately after the repatriation ceremony. Such a policy "would avoid the need to involve the Oxfordshire Coroner at all".

257. Ms Harman wrote to Mr Gardiner on 17 November, following up on discussions between Mr Gardiner and DCA officials, to seek his views on that approach.[161]

258. Mr Gardiner replied on 21 November, recalling that the Coroner's Act required him to hold an inquest if he was informed that a body was within his jurisdiction and the death appeared violent or unnatural, and advised:

> "In practice it is inevitable that I will be informed, either directly or through my Officers, of any bodies in my jurisdiction. Indeed ... I would be failing in my duties if I had not over the years established appropriate lines of communication."[162]

259. Mr Gardiner also advised that he had had informal discussions with a number of coroners, and most of them had indicated that they would accept transfers from him under Section 14 of the Coroners Act. Since he had alerted coroners to the likelihood that he would be transferring more cases (in early September), he had transferred three cases.

260. On 4 December, Ms Harman met relatives of Service Personnel killed in Iraq to discuss their experience of the investigation and inquest process and the coroners' service.[163] The meeting, which was facilitated by an external organisation called Opinion Leader, was attended by 17 relatives from 12 families.

261. A record of the meeting by a DCA official highlighted relatives' concern over the distance they had to travel to inquests (there was a "particular difficulty" with Scottish fatalities as there was no discretion to hold a Fatal Accident Inquiry in Scotland where the death occurred overseas), and the perceived failure of the MOD to provide them with all documentation before the inquest.[164] The official commented that the Oxfordshire Coroner had been encouraged to transfer cases to other coroners. The DCA was also exploring ways to transfer a body directly to a local coroner.

---

[161] Letter Harman to Gardiner, 17 November 2006, 'Iraq and Afghanistan Fatalities: Handling Future Inquests'.
[162] Letter Gardiner to Harman, 21 November 2006, 'Foreign Service Fatalities'.
[163] Report Opinion Leader, January 2007, 'DCA Meeting with Families of Military Personnel who Lost their Lives in Iraq'.
[164] Email DCA [junior official] to Burden, 8 December 2006, 'Short Paper on Actions from Iraq Inquest Meeting with Families' attaching Paper, [undated], 'Actions from Iraq Inquest Meeting with Families'.

262. Discussions on whether a Fatal Accident Inquiry could be held for all Scottish fatalities are addressed later in this Section.

263. On 13 December, a DCA official advised Ms Harman that the Oxfordshire Coroner's office continued to receive a significant number of fatalities from Iraq and Afghanistan (15 and 33 respectively, since June).[165] The DCA continued to have serious doubts about whether it could cope with that workload. The Coroner's office had "raised the possibility" of extending the additional staff until all inquests (pre- and post-June 2006) had been cleared, but the DCA had advised them that that would be a matter for Oxfordshire County Council.

264. Ms Harman told the House of Commons on 18 December that, following the 4 December meeting, the DCA was "working on providing families with better information about the inquest system, how we can help families to have access to all material relevant to the inquest, and holding inquests closer to where the relatives live".[166]

265. Ms Harman wrote to Mr Browne on the same day, highlighting five areas identified at the 4 December meeting where changes might improve a family's experience:

- Holding the inquest closer to the family's home, rather than in Oxford. The DCA was encouraging Mr Gardiner to transfer cases to other coroners as a way of reducing his backlog. Another possibility would be to repatriate the bodies of deceased Service Personnel directly to the family's local coroner without any involvement by the Oxfordshire Coroner.[167]
- Creating an information pack for families of deceased Service Personnel which described what to expect from an inquest and where to go for further support. Ms Harman suggested that DCA and MOD officials should discuss the contents of the pack.[168]
- Establishing a "victims' advocate service" for families, similar to the Coroner's Court Support Service but tailored to address the particular problems of families of those killed abroad and in conflict. The service could build on the support already provided by Visiting Officers.
- Ensuring earlier and more complete advance disclosure of documents and key facts to families.
- Ending the practice of charging families for access to documents, including inquest transcripts.

---

[165] Minute DCA [junior official] to Harman, 13 December 2006, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.
[166] House of Commons, *Official Report*, 18 December 2006, column 116WS.
[167] Letter Harman to Browne, 18 December 2006, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.
[168] The resulting booklet, *MOD & MOJ Boards of Inquiry and Coroners' Inquests: Information for Bereaved Families (2008)*, was published in early 2008.

266. The Opinion Leader record of the 4 December meeting, which issued in January 2007, reported that the Coroner's service had not sufficiently met the needs of most families.[169] It identified six main issues:

- the time between incident and inquest (more than three years in some cases);
- insufficient notification of an inquest, leaving little opportunity to prepare;
- not having access to key information;
- specific problems with the running of the inquest (including key witnesses not being present, factual errors, and not having the opportunity to ask questions);
- a lack of sensitivity in the treatment of families; and
- cost and logistical issues (including being asked to pay for documents and the difficulty faced by some families in paying for legal representation).

267. The report advised that families had also raised concerns relating to their treatment by the media and the Army's investigative processes.

268. On 22 January 2007, Mr David Cameron, the MP for Witney, in whose constituency RAF Brize Norton was located, wrote to Lord Falconer stating that it was "patently unfair" that Oxfordshire County Council should have to provide funding to clear post-June 2006 inquests.[170] The Council estimated that the Coroner's office would require an additional £100,000.

269. On 13 February, Mr Browne replied to Ms Harman's letter of 18 December:

> "... I understand that your officials have confirmed with the Oxfordshire Coroner that provided the body is not formally reported to him he would be content for the repatriated body to be transferred directly from Brize Norton after the ceremonial to the area of the 'home' coroner."[171]

270. Mr Browne commented that this was a welcome development, provided that flexibility was retained; there would be occasions when the Oxfordshire Coroner, with the pathology services available to him, would be able to release a body to the family more quickly than a local coroner.

271. On 27 March, a DCA official advised Ms Harman that the DCA's line that Oxfordshire County Council should provide funding was "becoming harder to maintain".[172] It was important that Mr Walker was retained to deal with the post-June 2006 backlog. The DCA would look to the MOD to provide funding, but it was certain to resist.

---

[169] Report Opinion Leader, January 2007, 'DCA Meeting with Families of Military Personnel who Lost their Lives in Iraq'.
[170] Letter Cameron to Falconer, 22 January 2007, 'Coroner Service in Oxfordshire'.
[171] Letter Browne to Harman, 13 February 2007, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.
[172] Minute DCA [junior official] to Harman, 27 March 2007, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.

272. Ms Harman informed the House of Commons on 29 March that the Government had made further resources available to the Oxfordshire Coroner office's to enable Mr Walker to remain as Assistant Deputy Coroner and to enable one Coroner's Officer to be retained, to handle the new (post-June 2006) backlog of inquests.[173]

273. Ms Harman advised Mr Browne at the end of March that, since the Oxfordshire Coroner was now routinely transferring inquests to the appropriate local coroner, there had been no need to repatriate bodies directly to a local coroner without any involvement by the Oxfordshire Coroner.[174] Ms Harman understood that the practice of transferring single death inquests would be followed by the Swindon and Wiltshire Coroner (when fatalities began to be repatriated through RAF Lyneham from 1 April).

Support for the Swindon and Wiltshire Coroner

274. From 1 April 2007, due to essential repair work at RAF Brize Norton, ceremonial repatriations took place through RAF Lyneham in Wiltshire.

275. In May, the DCA took on certain responsibilities from the Home Office and was renamed the Ministry of Justice (MOJ). Ms Harman retained Ministerial responsibility for coronial policy.

276. Mr David Masters, the Coroner for Wiltshire & Swindon, wrote to the Ministry of Justice on 21 May, requesting additional resources for his office to enable it to deal with the bodies of Service Personnel killed in Iraq and Afghanistan.[175]

277. An MOJ official advised Ms Harman that she should resist providing additional funding, but offer Mr Masters a meeting with MOJ and MOD officials to discuss his workload and possible options. There was a risk that without additional funding a backlog could develop (as it had in Oxfordshire), but there was also a case for challenging the argument that Mr Masters could not cope without it.

278. Ms Harman replied to Mr Masters on those lines.[176]

279. Subsequently, against a background of Parliamentary concern over the possibility that the backlog of inquests was increasing, she agreed with Mr Jack Straw, Secretary of State for Justice and Lord Chancellor, that he should meet Mr Masters.

280. Mr Straw and Ms Prentice met Mr Masters on 23 July.[177] Mr Masters said that he had transferred 17 cases relating to single deaths to other coroners, but retained

---

[173] House of Commons, *Official Report*, 29 March 2007, column 124WS.
[174] Letter Harman to Browne, 27 March 2007, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.
[175] Minute MOJ [junior official] to Harman, 12 June 2007, 'Request from Wiltshire and Swindon Coroner for Additional Resources to Deal with Military Fatalities Repatriated via RAF Lyneham'.
[176] House of Commons, *Official Report*, 12 July 2007, column 1623.
[177] Minute PS/Prentice [MOJ] to MOJ [junior official], 23 July 2007, 'Meeting with Wiltshire Coroner – 23 July 2007'.

jurisdiction in 16 cases relating to multiple deaths or where the deceased was from Scotland. He needed additional staffing and resources to deal with the additional workload. Mr Straw and Ms Prentice both said that they were "sympathetic" to that request.

281. Mr Straw and Mr Browne agreed later that month that the MOJ and the MOD should share the cost of supporting Mr Masters' office,[178] and in October that their Departments should share the cost equally.[179] The cost for 2007/08 was likely to be £230,000, and £350,000 a year thereafter.

282. In October, an MOJ official advised Ms Prentice that there was no backlog of military inquests in Wiltshire and Swindon.[180]

283. The Coroners and Justice Bill, which was introduced into Parliament in January 2009, included a number of measures to ensure that any future backlogs of inquests could be addressed more easily. The Bill is described later in this Section.

Efforts to improve the inquest process, 2006 to 2009

US participation in inquests

284. Ms Harman wrote to Mr David Johnson, the Deputy Chief of Mission at the US Embassy in London, on 20 July 2006 about "the need for US co-operation which was contributing to delays in inquests" into the deaths of British Service Personnel in Iraq.[181]

285. The inquest into the death of Mr Terry Lloyd, an Independent Television News (ITN) journalist who died in a friendly fire incident with US forces on 22 March 2003, was conducted by Mr Andrew Walker, the Assistant Deputy Coroner for Oxfordshire, in October 2006. Mr Walker found that Mr Lloyd had been unlawfully killed.

286. In early August, as part of the preparations for that inquest, MOD and FCO officials met US Embassy staff on behalf of Mr Walker, to try to secure US authority to use a US Marine Corps report into one part of the incident and additional material covering the precise circumstances of Mr Lloyd's death.[182]

287. The Pentagon advised MOD officials in late September that a redacted version of the Marine Corps report could be used and that no additional material was available.

288. Mr Walker then asked for US Service Personnel to attend the inquest. When that request was refused, he ruled that the information provided by the US was

---

[178] Letter Straw to Browne, 26 July 2007, 'Wiltshire and Swindon Coroner: Additional Funding'.
[179] Minute MOJ [junior official] to Prentice, 18 October 2007, 'Overseas Military Inquests: October Written Ministerial Statement'.
[180] Minute MOJ [junior official] to Prentice, 18 October 2007, 'Overseas Military Inquests: October Written Ministerial Statement'.
[181] Letter Harman to Johnson, 6 November 2006, 'Oxfordshire Iraq related Inquests'.
[182] Briefing MOD, [undated], 'Meeting with David Johnson, Deputy Chief of Mission US Embassy London (16 November 2006)'.

"inadmissible", as he would not have the opportunity to question those who had provided witness statements.

289. Ms Harman wrote to Mr Johnson again on 6 November, to advise him that difficulties in securing US co-operation remained.[183] It appeared that US Service Personnel did not regard themselves as being required to attend inquests, despite being requested to do so. Mr Walker had told her that the inquest into the death of Mr Lloyd would have benefited considerably from the presence of US witnesses who could be questioned by him and the next of kin. Reading out the witnesses' statements (with the names of the witnesses redacted) "was no substitute".

290. Ms Harman reassured Mr Johnson that an inquest was not a criminal trial, and there was no reason for US Service Personnel not to attend. She suggested that they should meet to discuss the issue.

291. Ms Harman met Mr Johnson on 20 November.[184]

292. In advance of the meeting, Ms Harman asked for advice on a number of issues including how the UK would respond to a request for UK Service Personnel to attend a US inquest (or equivalent).[185]

293. The MOD advised that there was:

> "... no formal process ... to facilitate such attendance. Attendance would have to be assessed on a case-by-case basis and the MOD would have to carefully consider the rights of the individual under different legal/constitutional systems".[186]

294. At the meeting, Mr Johnson said that the US had provided redacted copies of US reports into incidents for a number of inquests; he was disappointed that Mr Walker had "rejected" that material.[187] Ms Harman suggested that the key issue was the ability of the coroner and families to question the material. Mr Johnson asked whether individuals who had been closely involved with the investigation of an incident could attend the inquest, instead of individuals who had been involved in it. Ms Harman agreed that that option should be explored, but said that it was for the coroner to decide who should give evidence.

295. Mr Johnson asked if UK Service Personnel were obliged to attend US or other inquests and inquiries; Ms Harman said that she had discussed that point with Mr Hoon,

---

[183] Letter Harman to Johnson, 6 November 2006, 'Oxfordshire Iraq related Inquests'.
[184] Email Tierney to English, 21 November 2006, 'Note of Meeting between Harriet Harman and David Johnson'.
[185] Email Tierney to English, 14 November 2006, 'Meeting with US Embassy Deputy Chief of Mission'.
[186] Briefing MOD, [undated], 'Meeting with David Johnson, Deputy Chief of Mission US Embassy London (16 November 2006)'.
[187] Email Tierney to English, 21 November 2006, 'Note of Meeting between Harriet Harman and David Johnson'.

who thought that "they should". Mr Johnson also raised concerns about creating a precedent for similar processes in other countries.

296. An FCO official who attended the meeting reported that the US appeared to have two concerns:

- the material that they might be required to provide; and
- the risk that attendance at inquests by US Service Personnel might expose those individuals to civil action in the UK.[188]

297. In the following weeks, DCA and FCO officials provided advice to the US Embassy on the inquest process[189] and the extent of extra-territorial jurisdiction under English law.[190]

298. The FCO's advice on extra-territorial jurisdiction was that:

- English criminal law was essentially territorial. There was no jurisdiction in English law to prosecute a foreign national for homicide committed overseas.
- If there was no extra-territorial jurisdiction, there was no question of any charges being issued against US Service Personnel.
- There were a group of "international" offences for which the UK had taken universal jurisdiction, including most relevantly "grave breaches" of the Geneva Conventions committed anywhere by persons of any nationality. It was, however, "hard to imagine circumstances in which a 'friendly fire' incident would amount to a grave breach" of the Convention.

299. Ms Harman met Mr Johnson again on 6 December.[191] Ms Harman suggested that the meeting should focus on the inquest into the death of L Cpl Hull.

300. Ms Harman said that she had spoken to Mr Walker, the coroner responsible for that inquest. He would like US witnesses to the incident to attend the inquest; however, he could accept "as a minimum":

- an unredacted copy of the US report on the incident: the US and UK reports differed, and the US report had "large sections, even whole pages" redacted; and
- a US representative to speak to and explain the contents of the report.

301. An MOD official added that "in a reverse situation the UK would consider what we could offer in terms of best evidence".

---

[188] Email FCO [junior official] to MOD [junior official], 20 November 2006, 'Iraq Coroners Inquests'.
[189] Email DCA [junior official] to US Embassy [junior official], 30 November 2006, 'Questions from the US Embassy about Inquests'.
[190] Email Adams to US Embassy [junior official], 1 December 2006, 'Questions from US Embassy about inquests'.
[191] Minute Burden to Harman, 11 December 2006, 'Update Meeting between Harriet Harman and David Johnson on US Attendance at UK Inquests into Deaths in Iraq'.

302. Mr Johnson advised that the US Government had concluded that it would not be possible for US witnesses to an incident to participate in the inquest. It was now considering whether it could provide someone who could speak authoritatively to a US report.

303. On 1 February 2007, Mr Walker stated that he wished to play in open court a video-recording taken by one of the A-10 aircraft showing the attack on L Cpl Hull's convoy.[192] That recording had been provided to the MOD by the US for use in the BOI into the incident, and had subsequently been shown to the coroner by the MOD on the mistaken premise that it was UK-owned material.

304. The following day, the MOD sought and received an adjournment to the inquest to allow time to consult the US on disclosure of the recording.

305. These events attracted a great deal of media attention, focusing on:

- claims that the family of L Cpl Hull had previously been informed by the MOD that no video-recording of the incident existed;
- the MOD's decision to seek an adjournment, thus delaying the inquest; and
- the US Government's position that US witnesses to an incident should not participate in any subsequent UK inquest.

306. On 4 February, *The Observer* newspaper quoted Ms Harman's view:

> "My letters haven't proved successful, phone calls haven't proved successful, requests from the coroners haven't. It's just not fair on the relatives to sit in on an inquest and to know that they can't ask questions. They're entitled to know the truth from our allies."[193]

307. The recording was leaked to the press on 6 February.[194]

308. Later that day, the US told the Government that the recording could be viewed by the coroner, an MOD representative and L Cpl Hull's family only.[195]

309. On 19 February, prompted by concerns arising from the MOD's support for the inquest into L Cpl Hull's death, Mr Ingram sought advice on whether the MOD should adopt a fundamentally different BOI process. This is described earlier in this Section.

---

[192] Minute Ferguson to APS/Min(AF), 2 February 2007, 'Oxfordshire Inquests: Release of US Classified Information'.
[193] *The Observer*, 4 February 2007, *Why won't the US tell us how Matty died?*
[194] *The Guardian*, 6 February 2007, *US allows 'friendly fire' tape in court.*
[195] Minute DCA [junior official] to Tierney, 21 February 2007, 'Note of meeting with David Johnson (Deputy Chief of Mission, US Embassy)'.

310. Ms Harman met Mr Johnson for a third time on 21 February.[196] A DCA official recalled Mr Walker's requests for an unredacted copy of the US report on the attack on L Cpl Hull's convoy and for a US representative to speak to the report. Ms Harman said:

> "... although it is difficult for the US to do what the coroner is asking, it is worse for the US not to ... providing no document and no representative at the inquest would be unacceptable."

311. Mr Johnson advised that the US Government was still considering these requests; discussions between the US and UK military would take place later that week.

312. Mr Bill Jeffrey and Mr Gordon England, the US Deputy Defense Secretary, discussed the issue two days later.[197] Mr England advised that, while the US aimed to be as co-operative as possible:

- They could not provide an unredacted version of the US report to Mr Walker, could not agree that he should contact the A-10 pilots directly, and could not provide an official to answer questions on the training of A-10 pilots.
- They could not agree to the in principle release of classified US information to coroners in future cases.
- They could not agree to provide "third-party US officials" to attend inquests.

313. Mr Jeffrey asked Mr England to reconsider the provision of third-party US officials; Mr England agreed that he would.

314. On 16 March, Mr Walker ruled that L Cpl Hull was unlawfully killed.[198] The press reported that Mr Walker was critical of the failure of the US authorities to co-operate with the inquest.

Legal representation at inquests

315. The Government's position at the beginning of Op TELIC was that legal aid was not normally necessary at inquests as the inquest procedure was designed to be inquisitorial and non-adversarial.[199] Legal aid could be provided in exceptional circumstances by the Lord Chancellor, provided that the Legal Services Commission (LSC) recommended it. Such exceptional circumstances might relate to a wider public interest in the applicant being legally represented, or to a need for the applicant to be legally represented to enable the coroner to carry out an effective investigation.

---

[196] Minute DCA [junior official] to Tierney, 21 February 2007, 'Note of meeting with David Johnson (Deputy Chief of Mission, US Embassy)'.
[197] Minute PS/PUS [MOD] to Policy Director, 23 February 2007, 'Coroners' Inquests – PUS Phonecall with Gordon England: 23 February 2007'.
[198] *Daily Telegraph*, 17 March 2007, *Killing of British soldier by US pilot criminal.*
[199] Standard Note, 28 January 2010, *Legal aid for representation at Inquests.*

316. Legal Help might be available (subject to a means test) to provide legal advice and assistance before an inquest.

317. The Deepcut Review into the circumstances surrounding the deaths of four soldiers at the Princess Royal Barracks, Deepcut between 1995 and 2002, led by Mr Nicholas Blake, reported in March 2006.[200] He concluded that the participation of the family of the deceased in an inquest was desirable, and that their participation was assisted by "having experienced legal professionals to advise them whether there are reasons for concern, and how they can be properly addressed". He also concluded that, in some circumstances, it was "invidious for the Army to be legally represented at such an inquest at public expense whilst the family is not".

318. Mr Blake recommended:

> "As part of the military covenant with the soldier, the MOD should ensure that the family of a deceased soldier have access to legal advice and, where appropriate, legal representation prior to, and during, the inquest or FAI [Fatal Accidents Inquiry]."

319. The Government's formal response to the Deepcut Review was issued in June, and stated:

> "An inquest is an inquisitorial, non-adversarial fact finding process of limited scope which does not make findings of civil or criminal liability. It is the general presumption that legal representation is not necessary, and it is quite appropriate for those deemed interested persons by the Coroner to ask questions of witnesses at an inquest without legal assistance. Government provision of legal aid ... is not therefore normally available ... However, under the Access to Justice Act 1999 allocation may be made to the Legal Services Commission for exceptional funding."[201]

320. Ms Harman met relatives of Service Personnel killed in Iraq on 4 December, to discuss their experience of the investigation and inquest process.[202] The formal record of the meeting reported that families "would like to be informed of their right to have legal representation [at an inquest], and that the Government should provide funding for legal representation where families could not afford it".

321. Ms Harman wrote to Mr Browne later that month summarising the conclusions of the meeting; her letter did not address the issue of legal representation.[203]

---

[200] Nicholas Blake QC, *A Review of the circumstances surrounding the deaths of four soldiers at Princess Royal Barracks, Deepcut, between 1995 and 2002*, HC795, 29 March 2006, paragraph 12.110 and recommendation 31.
[201] Ministry of Defence, *The Government's Response to the Deepcut Review*, Cm 6851, June 2006.
[202] Report Opinion Leader, January 2007, 'DCA meeting with families of military personnel who lost their lives in Iraq'.
[203] Letter Harman to Browne, 18 December 2006, 'Proposals arising from meeting with relatives of service personnel on their experience of the inquest system'.

322. On 13 December, during Prime Minister's Questions, Mr Roger Gale asked Mr Blair:

> "When inquests are held into the deaths of Service Personnel whose bodies are returned to the UK, the Government are represented by the Treasury Solicitor, who has access to effectively unlimited taxpayers' funds for QCs, witnesses and support investigations. In contrast, families of the bereaved attending the same inquest have to pay out of their own pockets. Is it right that the dice should be loaded against the bereaved?"[204]

323. Mr Blair replied that Ms Harman was looking at the arrangements for inquests, adding that "it is of course important to make sure that bereaved families are given every possible facility".[205]

324. Mr Gale continued to press the Government to provide funding routinely for legal representation for bereaved families at inquests into the deaths of Service Personnel.

325. On 17 January 2007, a DCA official advised Ms Vera Baird, Parliamentary Under Secretary of State for the DCA, that Ms Harman had received representations on the issue during a consultation meeting on the draft Coroners Bill and at her 4 December meeting with the families of Service Personnel who had died in Iraq.[206] Ms Harman was concerned that there was a "real or perceived inequality" when a public authority was legally represented at an inquest but the family of the deceased was not. She had therefore asked officials to explore options for providing (non-legal aid) funding for families at inquests where public authorities had legal representatives. That work was still at a very early stage.

326. A DCA official detailed Ms Harman's position and that work on 22 February:

> "Harriet [Ms Harman] was clear that it is of fundamental importance that there should be equality of arms between the families and MOD and something needs to be done to achieve this urgently ... Her view is that if it is not possible for families to be given legal support over and above the legal aid provisions then she would propose that equality of arms is met by there being no MOD lawyers present at the inquests in which they have an interest."[207]

327. Work was under way to:

- develop a consultation paper to seek views on how representation for families could be paid for outside of the legal aid system, in cases when a public

---

[204] House of Commons, *Official Report,* 13 December 2006, column 872.
[205] House of Commons, *Official Report,* 13 December 2006, column 872.
[206] Minute DCA [junior official] to Baird, 17 January 2007, 'Advice and draft reply to Roger Gale MO – funding for representation at Inquests'.
[207] Minute DCA [junior official] to Falconer, 22 February 2007, 'Legal Funding of Military Inquests: Correspondence from Roger Gale MP'.

authority was represented; the favoured option was a surcharge on those authorities; and

- conduct a study to establish fair and effective ways of ensuring that families routinely had official material disclosed to them before an inquest; that should improve the opportunity for families to participate in inquests on equal terms.

328. On 27 February, the All Party Parliamentary Group on Army Deaths held a seminar focusing on the issue of legal representation for families, which Ms Harman attended.[208]

329. On 9 March, a DCA official advised Ms Harman that:

- the MOD had had legal representation at eight of the 45 inquests (into 63 deaths in Iraq and Afghanistan) that had been completed;
- at five of those eight inquests, the family had also had legal representation; and
- at three other inquests the family had had legal representation and the MOD had not.[209]

330. The official advised that the DCA had been able to confirm only two cases where families had received legal aid for an inquest relating to Iraq (at a total cost of some £38,000).

331. The official recalled the Government's response to the Deepcut Review and commented:

> "If the MOD maintain the line that inquests are not adversarial ... so that families do not need to be represented, this begs the question as to why MOD needs to be represented."

332. Ms Harman wrote to Mr Browne on 14 March:

> "I am becoming increasingly concerned about the lack of legal representation for families at inquests where the military are represented.[210]
>
> ...
>
> "One solution to the problem might be for neither the military nor the family to be legally represented. Alternatively, funding should be provided to families for representation in those cases where the MOD is represented. I would look to your Department to fund this ...
>
> "I would welcome an early meeting to discuss this."

333. Ms Harman concluded with the handwritten comment: "I know you share my concern on this."

---

[208] Email Robins to Burton, 27 February 2007, 'Seminar on Army deaths'.
[209] Minute DCA [junior official] to Falconer, 9 March 2007, 'Legal Representation in Military Inquests'.
[210] Letter Harman to Browne, 14 March 2007, 'Legal Representation at Inquests'.

334. Ms Harman and Mr Ingram met on 18 April to discuss legal representation at military inquests.[211] Ms Harman said that there were two distinct areas to consider:

- "logistical and moral" support and advice for families; and
- legal advice and representation.

335. Mr Ingram and Ms Harman both stated that their departments did not have the resources to fund legal representation. They agreed that:

> "... the increased support for families from the MOD and the increased support for coroners as well as the work on greater disclosure of information would go a long way to providing families with the support they want at inquests."

336. They also agreed to set out that increased support in a Written Ministerial Statement.

337. Mr Ingram undertook to ensure that families had an MOD representative with them at the inquest "to provide explanations and support".

338. Mr Ingram made a Written Ministerial Statement on 7 June on improved support to bereaved families.[212] The Statement did not cover legal representation for bereaved families at inquests.

339. The Royal British Legion's "Honour the Covenant" campaign, which was launched in September 2007, highlighted the distress caused to families by delays to and the lack of legal representation during inquests, and called for legal advice, representation and advocacy to be provided to all families at public expense.[213]

340. Ms Joan Humble, chair of the All Party Parliamentary Group on Army Deaths, wrote to Ms Prentice on 14 December seeking advice on how the Group could best engage with Government discussions on the reform of the inquest system and in particular the issue of legal representation for the families of deceased Service Personnel.[214] Ms Humble stated:

> "To grieving families it seems a travesty of justice that MOD and Service Personnel should appear in court represented at public expense while they may have been advised they don't require representation or [are] forced to put their life savings on the line."

341. Ms Prentice replied on 19 February 2008, recalling the position that legal aid was not usually available for representation at an inquest because it was a "fact-finding

---

[211] Minute Tierney to DCA [junior official], 19 April 2007, 'Note of meeting between Harriet Harman and Adam Ingram on legal representation at military Inquests'.
[212] House of Commons, *Official Report*, 7 June 2007, column 26WS.
[213] The Royal British Legion, September 2007, *Honour the Covenant.*
[214] Letter Humble to Prentice, 14 December 2007, [untitled].

process" and not a trial.[215] Legal representation could be provided in exceptional circumstances, and the MOJ had not refused any exceptional funding applications (from the Legal Services Commission) concerning deaths in Iraq or Afghanistan.

342. Ms Prentice continued:

> "I would also say that when I met representatives of the War Widows Association recently, they did not feel that legal representation at inquests was necessary, if the families were taken through the inquest process slowly and gently by the coroner."

343. On 13 March 2008, in response to a further question from Mr Gale, Ms Harman (Leader of the House of Commons) said:

> "I agree with the hon. Gentleman that if bereaved relatives with no legal representation turn up on the steps of a coroner's court and find that the Ministry of Defence and the Army have a great battery of solicitors and QCs, they cannot help but feel that the position is unfair. The MOD is very concerned about the issue, which will be considered during debate on the Coroners Bill. We need to give bereaved relatives at inquests a real sense of fairness and support."[216]

The Coroners and Justice Act, 2009

344. A January 2009 briefing on the Coroners and Justice Bill advised that it would contain a number of measures to ensure that any future backlogs of inquests could be addressed more easily:

- It would create a new national head of the coronial system, the Chief Coroner, who would be able to reallocate work between coroners and request the Lord Chief Justice to appoint judges to act as coroners in complex cases. The wishes of the bereaved family would be taken into account in determining the location of the inquest.
- Coroners would have new powers to obtain information to help their investigations. "Rigid restrictions" on where inquests and post-mortems could be held would be relaxed and the power to transfer cases to prevent delays would be enhanced.[217]

345. The Bill would also give the Lord Chancellor powers to issue statutory guidance on how the coroners' system should operate, in particular with respect to bereaved families.

346. The Coroners and Justice Bill was introduced to Parliament on 14 January 2009.[218] It did not contain any reference to public funding for legal representation at inquests.

---

[215] Letter Prentice to Humble, 19 February 2008, 'All Party Group on Army Deaths'.
[216] House of Commons, *Official Report,* 13 March 2008, column 421.
[217] Briefing, 28 January 2009, 'Coroners and Justice Bill: Military inquests briefing 28 January 2009'.
[218] Coroners and Justice Act 2009 c.25 Explanatory Notes, paragraph 820.

347. On 21 October 2009, during a debate on the Bill in the House of Lords, Lord Thomas of Gresford moved an amendment which would have the effect of bringing inquests into deaths in State custody or while on active military service within the scope of legal aid.[219]

348. Lord Bach, Parliamentary Under Secretary of State for the MOJ, agreed to consider that amendment, adding:

> "Obviously I cannot give any guarantees that I will be able to bring forward a suitable amendment ... but I shall certainly do my best."[220]

349. An MOJ official provided advice to Lord Bach on 23 October on the form and cost of such an amendment.[221] The official identified a number of risks, including:

- The MOD was trying to reduce how often it chose to be legally represented at inquests "to tackle the perception that they have the advantage over families". If bringing military inquests into the scope of the legal aid scheme meant that most families had legal representation, then the MOD would also want representation. The MOD had chosen to be represented at "only" 45 percent of inquests in 2008.
- Bringing military inquests into the scope of the legal aid scheme meant that decisions on whether to provide legal aid would be made by the Legal Services Commission (LSC) without reference to Ministers. That might lead to military inquests being refused legal aid, particularly where the LSC did not waive the financial eligibility limits. The official recalled that all 17 of the applications for exceptional funding in relation to military inquests which had so far been made by the LSC had been granted by the MOJ.

350. When the Bill reached its Third Reading in the House of Lords on 5 November, the Government tabled an amendment which made specific provision for legal representation at an inquest into the death of British Service Personnel on active service to be publicly funded.[222] A means test applied.

351. The Bill became the Coroners and Justice Act in November 2009, with the amendment included as Section 51. That Section was not brought into force immediately.

352. Section 51 was repealed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.[223] The MOJ's consultation paper for that Act, which was published

---

[219] House of Lords, *Official Report,* 21 October 2009, column 746.
[220] House of Lords, *Official Report,* 21 October 2009, column 749.
[221] Minute MOJ [junior official] to Bach, 23 October 2009, 'Legal Aid – Coroners and Justice Bill – Extending Legal Aid to Death in Custody and Military Personnel Inquests'.
[222] Coroners and Justice Act 2009 c.25 Section 51 and Explanatory Notes, paragraphs 326 and 820.
[223] Standard Note, 10 March 2014, 'Legal aid for representation at Inquests'.

in November 2010, proposed that as inquests were non-adversarial in nature, legal aid could not be justified.

353. Following the 2010 UK general election, the incoming Government first announced that the Office of the Chief Coroner would be abolished, because of the costs involved, and then proposed to leave the Office on the statute book but to transfer some (but not all) of the functions to other posts and institutions.[224]

354. In November 2011, following criticism in Parliament and from concerned organisations, the Government announced that it would establish the Office of the Chief Coroner.

355. The first post-holder, His Honour Judge Peter Thornton, took up the post in September 2012.[225]

Fatal Accident Inquiries in Scotland

356. The Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 provided for the Lord Advocate to instruct a procurator fiscal to investigate a death if it appeared to the Lord Advocate that an investigation would be in the public interest. This contrasted with the position in England and Wales, where coroners had a statutory duty, under the 1988 Coroners Act, to investigate deaths which were reported to them when the body was lying in their district and there was reason to believe that the death was violent or unnatural, or was a sudden death of unknown cause, or in some other circumstances.[226] That duty applied "whether the cause of death arose in his district or not".

357. On 2 April 2003, two weeks after the start of military operations against Iraq, a Home Office official wrote to Mr Nicholas Gardiner, the Oxfordshire Coroner, proposing guidelines for transferring cases to other coroners:

> "An aspect of this we had not yet addressed is the handling of fatalities where they are to be transferred to Scotland or Northern Ireland. I have had a brief word with my Northern Ireland and Scottish counterparts. In neither territory would there normally be inquests or other inquiries into deaths abroad. It would therefore seem inevitable for you to accept jurisdiction for inquests in such cases ..."[227]

358. Mr Gardiner agreed with that assessment.[228]

359. There are no indications that the issue was considered again until 2006.

---

[224] House of Commons Library Standard Note, 24 November 2011, 'The Office of the Chief Coroner'.
[225] Report of the Chief Coroner to the Lord Chancellor, 2014, *First Annual Report: 2013-2014.*
[226] Coroners Act 1988. The Act was replaced by the Coroners and Justice Act 2009.
[227] Letter Home Office [junior official] to Gardiner, 2 April 2003, 'Section 14 and War Deaths'.
[228] Letter Gardiner to Home Office [junior official], 4 April 2003, 'Section 14 etc'.

360. The Deepcut Review into the circumstances surrounding the deaths of four soldiers at the Princess Royal Barracks, Deepcut reported in March 2006.[229] The Review recommended: "There should always be an inquest, or, in Scotland, a Fatal Accidents Inquiry, into a sudden death of a solider, wherever the death has occurred."

361. The Government's formal response to the Review, which issued in June, stated that discussions were continuing between the MOD and the DCA, with a view to responding to the recommendation in the context of the Coroners Bill.[230] Responsibility for legislation on inquiries into deaths in Scotland was delegated to the Scottish administration; any proposals would therefore need to be discussed with the Scottish Executive.

362. On 4 December, Ms Harman met relatives of Service Personnel killed in Iraq, to discuss their experience of the investigation and inquest process.[231] The record of the meeting reported that there was consensus that inquests should be held "more locally, including in Scotland".

363. Ms Harman wrote to Mr Browne later that month summarising the conclusions of the meeting, including:

> "There is a particular issue about Scottish fatalities which are repatriated to England and Wales ... unless there is an inquest in England there will be no inquiry at all in Scotland. It was suggested [at the meeting] that until such time as the Scottish Executive's position changes, a coroner in the north of England might be able to take on inquests for Scottish families, and my officials are looking into this possibility. I am also going to discuss with the Scottish Executive the issue of extending the scope of the Fatal Accident Inquiry to cover Service deaths abroad."[232]

364. In April 2007, Ms Harman met Mr Ingram to discuss legal representation for families at inquests.[233] Mr Ingram asked whether there was scope to transfer the inquest into the loss of Nimrod XV230 to Scotland. Ms Harman said that she had discussed the issue with the Scottish Lord Advocate and relevant Scottish Executive Minister, who had both confirmed that there was no scope in Scotland for an inquest or Fatal Accident Inquiry (FAI) into the incident.

365. Nimrod XV230 had crashed in Afghanistan on 2 September 2006, with the loss of 14 crew.[234] The aircraft was based at RAF Kinloss in Scotland.

---

[229] Nicholas Blake QC, *A Review of the circumstances surrounding the deaths of four soldiers at Princess Royal Barracks, Deepcut, between 1995 and 2002*, HC795, 29 March 2006.
[230] Ministry of Defence, *The Government's Response to the Deepcut Review*, Cm 6851, June 2006.
[231] Report Opinion Leader, January 2007, 'DCA meeting with families of military personnel who lost their lives in Iraq'.
[232] Letter Harman to Browne, 18 December 2006, 'Proposals arising from meeting with relatives of service personnel on their experience of the inquest system'.
[233] Minute Tierney to DCA [junior official], 19 April 2007, 'Note of meeting between Harriet Harman and Adam Ingram on legal representation at military inquests'.
[234] *GOV.UK*, 3 September 2006, *Fourteen personnel in Afghanistan Nimrod crash named.*

366. During Defence Questions in the House of Commons on 14 May 2007, Mr Angus Robertson asked:

> **"**Will the Ministry of Defence work with the incoming Scottish Executive to ensure that inquiries [into the deaths of Service Personnel] can take place under Scots law? After all, that would help to reduce the backlog and to ease the inconvenience to the families."[235]

367. Mr Ingram replied:

> "The answer to that is yes ... My understanding is that there would need to be a change to primary legislation. We need to look into that, but if there is a will to change in Scotland, let us hear the propositions."[236]

368. Mr Ingram subsequently discussed with MOD officials how he could respond to Mr Robertson's call.[237]

369. On 2 June, Mr Ingram wrote to Mr Kenny MacAskill, Cabinet Secretary for Justice at the Scottish Executive, to open a discussion on the issue:

> "Ensuring that they [inquests] are conducted in a family-friendly manner remains a priority for us and, where practical, we are allocating them to 'home' coroners in England and Wales. We share your concern that it has not been possible to hold them in Scotland.
>
> "The fact that we have, so far, repatriated the bodies of Scottish Service Personnel to England ensures that there can be an inquest, albeit under the Coroner's Court arrangements for England and Wales.
>
> "We would favour moving towards a position where, if appropriate, Inquiries into the deaths of Service Personnel can take place in Scotland. We would be happy to work with you to achieve this. However, we believe it will require a change of law in Scotland ..."[238]

370. Ms Prentice wrote to Mr MacAskill on 25 October, asking if there had been any developments since Mr Ingram's letter.[239] In the absence of an appropriate process in Scotland, the bodies of Scottish Service Personnel were repatriated to England "to ensure that there can be an inquest". This meant that families had to travel considerable distances from their homes in Scotland to attend inquests.

---

[235] House of Commons, *Official Report*, 14 May 2007, column 382.
[236] House of Commons, *Official Report*, 14 May 2007, column 382.
[237] Minute Baker to PS/Minister(AF) [MOD], 22 May 2007, 'Fatal Accident Inquiries for Service Deaths Overseas'.
[238] Letter Ingram to MacAskill, 2 June 2007, [untitled].
[239] Letter Prentice to MacAskill, 25 October 2007, 'Inquests of Scottish Service Personnel'.

371. Officials from the MOD, MOJ and Scottish Executive met on 14 December to consider the possibility of transferring responsibility for inquiries into the deaths of "Scottish-based" Service Personnel who were killed overseas from the coroners' service to the Crown Office and Procurator Fiscal Service (COPFS),[240] "with a view to FAIs being held rather than coroners' inquests".[241] The meeting concluded that:

- The way forward might be an order under Section 30 of the Scotland Act 1998.[242] That possibility would be explored by the Scottish Government Legal Directorate and the Office of the Solicitor to the Advocate General (OSAG).
- There did not appear to be any "fundamental obstacles" to the proposed transfer.
- The discretionary nature of the FAI system would need to be addressed.

372. On 27 March 2008, in response to a letter from Mr MacAskill, Mr Browne wrote:

> "Addressing these issues is ... a matter for Scottish Ministers. The answer is for you to make a commitment to amend Scots law in a way that can guarantee that Scottish-based Service families can be assured of mandatory inquiries into overseas operational deaths. If that were to happen then it would be entirely appropriate to repatriate deceased Service Personnel to Scottish bases once the law has been changed. You will understand, however, that I cannot contemplate changes without your commitment to mandatory investigations."[243]

373. Mr Browne's letter was copied to all Members of the Scottish Parliament, in order to inform the debate on the planned review of FAIs which would be held in the Scottish Parliament later that day.

374. The issue of enabling inquiries to be held in Scotland into the deaths of Service Personnel normally domiciled in Scotland featured heavily in the debate.[244]

375. Closing the debate, Mr MacAskill stated that an amendment to the Scotland Act 1998 would be necessary before Scotland could act:

> "If Des Browne agrees to the making of a section 30 order, we can begin to make progress; without a section 30 order, it would be ultra vires for us to proceed – the Parliament simply could not take such action."

---

[240] The Crown Office and Procurator Fiscal Service is Scotland's prosecution service.
[241] Report, [undated], 'Note of meeting to discuss possibility of Fatal Accident Inquiries into deaths of Scottish-based Service personnel in St Andrews House, 14 December 2007'.
[242] Orders made under Section 30(2) of the Scotland Act 1998 allow for modifications to be made to Schedule 5 to the Scotland Act, which lists those matters that are reserved to the UK Parliament, and as such defines the competence of the Scottish Parliament. The order-making power allows the Scottish Parliament's legislative competence to be altered by removing or updating existing reservations, or by adding new ones.
[243] Letter Browne to MacAskill, 27 March 2008, [untitled].
[244] Scottish Parliament, *Official Report*, 27 March 2008.

376. The following day, an MOJ official advised Ms Prentice that the 14 December 2007 meeting of officials, and subsequent exchanges, had identified "no simple solution".[245] There were plans for officials to meet again.

377. On 4 November, Mr Bob Ainsworth, successor to Mr Ingram as Minister of State for the Armed Forces, informed the House of Commons that: "No reply [to Mr Browne's letter of 27 March] has yet been received from the Scottish Executive."[246]

378. That exchange prompted Mr Ainsworth to ask MOD officials how momentum could be regained on the FAI issue.[247]

379. An official advised Mr Ainsworth on 11 November that the Scottish Executive had given "considerable thought" to how inquiries could be held in Scotland without changing the devolution settlement, but Scottish Ministers did not appear to have come to a conclusion. The official was not sure that work was now being actively pursued. It was not satisfactory to let the issue drift.

380. Mr Ainsworth wrote to Ms Prentice the following day, proposing that Ministers and officials should meet to consider the way forward.[248] A copy of the letter was sent to Ms Ann McKechin, Parliamentary Under Secretary of State at the Scotland Office.

381. Mr MacAskill replied to Mr Browne's letter of 27 March on 19 November.[249]

382. After a further exchange in January 2009, Mr Ainsworth wrote to Mr MacAskill on 29 January stating that "we do indeed have the basis for a way ahead".[250] That was to use the Coroners and Justice Bill to amend the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, so that the Chief Coroner (a new post that would be created by the Coroners and Justice Bill) could request the Lord Advocate to hold an FAI into a particular death.[251]

383. Section 12 of the Coroners and Justice Act provided for the Secretary of State or the Chief Coroner to notify the Lord Advocate that a death should be investigated under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.[252]

---

[245] Minute MOJ [junior official] to Prentice, 28 March 2008, 'Coroners Service in Oxfordshire'.
[246] House of Commons, *Official Report*, 4 November 2008, column 294W.
[247] Minute MOD [junior official] to PS/Minister(AF) [MOD], 11 November 2008, 'Fatal Accident Inquiries in Scotland'.
[248] Letter Ainsworth to Prentice, 12 November 2008, 'Inquiries into the Deaths of Scottish-based Service Personnel'.
[249] House of Commons, *Official Report*, 3 February 2009, column 1111W.
[250] Letter Ainsworth to MacAskill, 29 January 2009, [untitled].
[251] Minute Scotland Office [junior official] to Parliamentary Under Secretary of State [Scotland Office], 28 January 2009, 'Fatal Accident Inquiries and overseas Service deaths'.
[252] Coroners and Justice Act 2009, Section 12(4) and (5).

384. The Act also amended the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, to provide for the Lord Advocate to investigate when such a notification had been received.[253]

Honouring the dead

Repatriation ceremonies

385. The MOD's policy on the repatriation of the dead was set out in a paper produced by Lt Gen Palmer on 14 March 2003:

> "Repatriation to UK of the dead is to take place wherever possible and as soon as practicable."[254]

386. Before Op TELIC, repatriations were conducted with very little or no formal ceremony.[255]

387. The MOD put in place a unique arrangement for the repatriation of Service Personnel who died during Op TELIC, known as Operation KEIR. The repatriation ceremony under Op KEIR was designed to "demonstrate the highest level of respect", and included attendance by members of the Royal Family (or their representatives) and Ministers, military pall-bearers and a military band.

388. In his autobiography, General Sir Mike Jackson described attending a repatriation ceremony in his capacity as Chief of the General Staff:

> "We gathered before the aircraft landed, and were seated on the edge of the apron outside the terminal building to watch the C-17 aircraft land and taxi into position, coming to a rest with the nose of the aircraft facing diagonally away from the mourners. Then the ramp was lowered. A bearer party of six soldiers in parade dress advanced and marched up the ramp to take the first coffin. As they came into view down the ramp carrying the coffin, a band began playing and everyone stood. We all saluted as the bearers marched past in slow time, carrying the coffin to the waiting hearse. This simple, but profoundly moving, ceremony was repeated for each coffin on board the aircraft."[256]

389. Lt Gen Mans told the Inquiry that a repatriation ceremony could "help the bereaved family to start closure on the whole process of losing a loved one".[257]

---

[253] Coroners and Justice Act 2009, Section 50.
[254] Paper Palmer, 14 March 2003, 'UK Forces: Repatriation of the Dead'.
[255] Minute DDSP Pol O&M to PSO/CDS, 17 March 2004, 'Policy for Repatriation of Deceased Personnel from Overseas'.
[256] Jackson M. *Soldier: The autobiography of General Sir Mike Jackson,* Bantam Press, 2007.
[257] Public hearing, 19 July 2010, page 63.

390. In February 2004, Mr Ingram agreed that, following the end of major combat operations in Iraq, the MOD should "rationalise" the repatriation process.[258] The MOD would adopt three levels of repatriation:

- for non-battle deaths, where repatriation would mirror the pre-Op TELIC model;
- for Service Personnel killed in action or who had died of their wounds, where repatriation would include a "degree of ceremony" including military pall-bearers; and
- for exceptional circumstances where it was appropriate to demonstrate the highest level of respect, where Op KEIR would be used. It would be for Mr Hoon to determine whether to invoke Op KEIR, taking into account factors including the circumstances surrounding the incident.

391. Lt Gen Palmer told the Inquiry that the issue of who should attend a repatriation ceremony quickly became "a big issue":

> "Everybody wanted to be there, to show support.
>
> "I think what we realised early on was that this was going to be ongoing. Unfortunately, casualties were going to keep coming. We could not have everybody rushing to [RAF] Brize Norton, as it was then, [RAF] Lyneham, as it is now, every time there was a casualty. So we developed, I think, an extremely good policy, which I think has worked very well, about how repatriations are done."[259]

392. Lt Gen Palmer added that, in planning and conducting repatriation ceremonies:

> "... with Ministers and everybody in the MOD the absolute key thing was to try to be as responsive and sensitive to the families as we possibly could at this enormously difficult moment for them."

393. In September 2007, a fourth level of repatriation was added, covering repatriations in the event of a mass fatality incident (defined as between 15 and 35 fatalities).[260]

394. In April 2009, the MOD amended its policy so that all deaths on operations (including non-battle deaths) received a formal repatriation ceremony, in the light of the difficulty in drawing a distinction between an individual killed by direct enemy fire and one killed in an accident in direct support of operations, and given public and familial expectations that individuals who died on operations should be honoured.[261]

---

[258] Minute DDSP Pol O&M to PSO/CDS, 17 March 2004, 'Policy for Repatriation of Deceased Personnel from Overseas'.
[259] Public hearing, 21 July 2010, page 40.
[260] Minute Fancourt to various, 17 September 2007, 'Policy for Repatriation of Deceased Personnel from Overseas'.
[261] Minute DCDS(Pers) to APS/SoS [MOD], 22 April 2009, 'Policy for Repatriation from Operations'.

ROYAL WOOTTON BASSETT

395. From April 2007, due to essential repair work at RAF Brize Norton, ceremonial repatriations took place through RAF Lyneham in Wiltshire.

396. Corteges departing RAF Lyneham passed through Wootton Bassett. The Royal British Legion reported in June 2011 how the town had responded:

> "The first [repatriation] was acknowledged by a few members of the public which included members of the Royal British Legion ...
>
> "Over the past four years the number of people has increased and where we were once paying tribute on a more personal basis we have now come to represent the country.
>
> "The repatriation tributes were never and are still not organised – things just happen, such as the Church Bell which started when a bell-ringing practise was taking place just before the repatriation was due, and as a mark of respect the one bell was tolled on that occasion.
>
> ...
>
> "When the cortege is about to leave Lyneham, the police alert us here in Wootton Bassett. The Standard Bearers form an orderly line, spacing themselves at equal distances down the opposite side of the road to the War memorial ... When the cortege reaches the edge of town the bell-ringer is notified and the Church Bell starts to toll and the town falls silent. Shopkeepers close their premises and join the crowds and there is not a sound to be heard."[262]

397. A military parade was held in Wootton Bassett in October 2008 to thank the town.[263]

398. In March 2011, Prime Minister David Cameron announced that The Queen had agreed "to confer the title 'Royal' upon the town, as an enduring symbol of the nation's admiration and gratitude".[264]

Letters of condolence

399. In July 2002, following a meeting with the parents of a deceased Serviceman, Mr Hoon asked the MOD to consider whether he or the Prime Minister should routinely write to the next of kin of Service Personnel killed on operations.[265]

---

[262] The Royal British Legion website, June 2011.
[263] *Daily Express,* 13 October 2008*, Military pays tribute to respectful residents of Wootton Bassett.*
[264] *GOV.UK*, 16 March 2011, *Prime Minister announces 'Royal' Wootton Bassett.*
[265] Minute McLoughlin to APS/SofS [MOD], 17 September 2002, 'Letters to next of kin (NOK)'.

400. Ms Elizabeth McLoughlin, the Director General of Service Personnel Policy, responded in September, having consulted the Chiefs of Staff.[266] Existing practice was that, apart from letters written by those serving with the individual who had been killed, a senior officer would write one letter of condolence "on behalf of both the Sovereign and the Service". While the Services appreciated the wish to provide additional comfort to the families of personnel killed on operations, they were concerned that:

- It would be very difficult for any letter, unless written locally by the unit commander, to be other than "bland and impersonal". Experience had shown that it was not helpful for families to receive a large number of official condolence letters based on generic information.
- The Services (and the Chief of Defence Staff in particular) did not want to distinguish, for this purpose, between individuals killed on operations and those who died "as a result of the normal rigours of Service life". They did not believe that the circumstances of a death made the next of kin any more or less deserving of sympathy.
- There was also a question of whether the next of kin of Reservists and MOD civilians should be included.
- In the event of mass casualties, writing to the next of kin might be difficult.

401. Ms McLoughlin concluded that the existing practice should continue, although the Prime Minister or the Secretary of State might in addition send a personal note in "exceptional cases where it is felt that families would benefit". That would need to be assessed on a case-by-case basis.

402. In late March 2003, No.10 asked the MOD for advice on how Mr Blair should honour UK Service Personnel killed on Op TELIC, and especially whether he should write letters of condolence to the families of Service Personnel killed on operations and whether there should be a ceremony or function to commemorate deceased Service Personnel.[267]

403. Mr Hoon's Private Office responded to Mr Blair's Assistant Private Secretary on 27 March, advising that:

- the current policy (whereby a senior officer wrote a single letter of condolence) remained sound; and
- it would be appropriate for a ceremony to be held after the conflict had concluded.[268]

---

[266] Minute McLoughlin to APS/SofS [MOD], 17 September 2002, 'Letters to next of kin (NOK)'.
[267] Minute Gibson to APS/Secretary of State, 27 March 2003, 'Request from No.10: Letters for the Families of the Bereaved and Memorial Ceremony'.
[268] Letter Williams to Cannon, 27 March 2003, 'Recognition of Armed Forces Personnel who died on Operations'.

404. On 7 April, Mr Blair wrote to a bereaved spouse who had lost her husband on Op TELIC, to respond to her concerns about the way she was being treated by the MOD.[269]

405. On 9 May, in response to a further request for advice from No.10 on whether Mr Blair should write letters of condolence to the families of Service Personnel killed on operations, Mr Hoon's Private Office repeated the advice that the current policy (whereby a senior officer wrote a single letter of condolence) remained sound.[270] Mr Hoon's Private Office added that the MOD was reviewing its policy on writing letters of condolence "in the light of the specific circumstances of the operation in Iraq", but was unlikely to change it.

406. Mr Hoon's Private Office advised No.10 on 16 May that the review had concluded that the MOD's policy should not change:

> "... you [No.10] asked if our experience during operations in Iraq had caused us to alter our position ... It has not ... The Prime Minister wrote in exceptional circumstances and in response to correspondence."[271]

407. The MOD looked again at the policy at the end of June, following a meeting between Mr Blair and General Sir Michael Walker, Chief of the Defence Staff, during which Mr Blair expressed a personal desire to write.[272]

408. Lt Gen Palmer advised Mr Hoon on 30 June that, while the Chiefs of Staff considered that the policy remained sound, given Mr Blair's desire to write and the fact that he was already corresponding with some families, their preferred option was that Mr Blair should write only to the next of kin of "those who die on Op TELIC".

409. Mr Hoon's Private Office wrote to No.10 later that day, to confirm that it "could be appropriate" for Mr Blair to write to the next of kin of those killed on Op TELIC (including civilians and those killed in circumstances other than in direct action with the enemy).[273]

410. On 1 August, Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, advised Mr Blair that the MOD had, again, reviewed its policy and that Mr Hoon would now write to the next of kin of individuals who had died "while in an operational area".[274] Mr Rycroft recommended that Mr Blair should now write only to the next of kin of individuals who had been killed in action.

---

[269] Letter Blair to [name redacted], 7 April 2003, [untitled].
[270] Letter Williams to Cannon, 9 May 2003, 'Recognition of Armed Forces Personnel who Died on Operations'.
[271] Letter Williams to Cannon, 16 May 2003, 'Recognition of Armed Forces Personnel who Died on Operations'.
[272] Minute DCDS(Pers) to PS/SoS [MOD], 30 June 2003, 'Letters of condolence from Prime Minister to Bereaved Families of Service Personnel'.
[273] Letter Williams to Cannon, 30 June 2003, 'Letters of Condolence from the Prime Minister to Bereaved Families of Service Personnel'.
[274] Minute Rycroft to Blair, 1 August 2003, 'Letters of Condolence to Bereaved Families of Service Personnel'.

411. The policy was reflected in the first Joint Casualty and Compassionate Policy and Procedures (JSP 751), which was published in March 2005.[275]

Commemoration in Parliament

412. It has become established practice for the Prime Minister and Leader of the Opposition to pay tribute to fallen Service Personnel at the start of Prime Minister's Questions (PMQs). The Inquiry has considered the origins and evolution of this public commemoration.

413. The first time a Prime Minister offered condolences for the deaths of Service Personnel in Iraq at PMQs was 2 April 2003. On that day, Mr Blair said he was "sure that the whole House will want to pass on its sympathies to the families of British Servicemen who have tragically been killed in the service of their country in the past week. Again, we pay tribute to their courage and dignity and we pass on our condolences and sympathy to their families and their friends."[276]

414. The practice was repeated a week later, when Mr Blair offered condolences to the families of all those who had lost their lives in the intervening seven days.[277]

415. On 25 June, he paid tribute to (but did not name) the Royal Military Police (RMP) officers who had lost their lives and been injured at Majarr al Kabir the previous day.[278]

416. On 10 September, as Parliament returned from the summer recess, Mr Blair paid tribute to the British Servicemen who had lost their lives during the recess.[279]

417. On 5 November, Mr Blair paid tribute to Corporal Ian Plank of the Royal Marines who had lost his life the previous week.[280] That was the first time a Service person had been mentioned by name. It is not clear why the decision was taken to name Corporal Plank.

418. Over the next two years, Mr Blair regularly paid tribute at the beginning of PMQs to British Servicemen who had lost their lives, but only from April 2006 did the practice of naming individuals and their regiments become usual.

419. In June 2007, during his last PMQs, Mr Blair described those tributes as "the saddest of duties".[281]

420. The practice was continued by Mr Gordon Brown from July 2007.

---

[275] Paper MOD, 11 July 2005, 'JSP 751: Joint Casualty and Compassionate Policy'.
[276] House of Commons, *Official Report*, 2 April 2003, column 908.
[277] House of Commons, *Official Report*, 9 April 2003, column 260.
[278] House of Commons, *Official Report*, 25 June 2003, column 1039.
[279] House of Commons, *Official Report*, 10 September 2003, column 319.
[280] House of Commons, *Official Report*, 5 November 2003, column 788.
[281] House of Commons, *Official Report*, 27 June 2007, column 323.

Memorial services

421. In late March 2003, No.10 asked the MOD for advice on how Mr Blair should honour UK Service Personnel killed on Op TELIC, including whether there should be a ceremony or function to commemorate deceased Service Personnel.[282]

422. The MOD responded to No.10 on 27 March, advising that it would be appropriate for a ceremony to be held after the conflict concluded.[283] The MOD intended that the ceremony "would give the Prime Minister and the Government the opportunity to honour the efforts of the Services, and their dead".[284]

423. Mr Hoon informed Parliament on 17 July that there would be a "national service of remembrance and thanksgiving for the campaign in Iraq".[285]

424. The service took place on 10 October 2003 at St Paul's Cathedral.[286] The service was attended by the families of the 51 British Service Personnel who had, at that time, lost their lives in the campaign. They were joined by members of the Royal Family including Her Majesty The Queen and His Royal Highness The Duke of Edinburgh, Government Ministers including Mr Blair, and senior military officers.

425. Baroness Symons, joint FCO/Department of Trade and Industry Minister of State for International Trade and Investment, wrote to Mr Hoon shortly after the service.[287] She had spent her time speaking to bereaved families, and reported from those conversations that:

- There was a generally positive reaction to how they had been informed of their loss (although two families had heard through the media), and to the subsequent support from the VO.
- A number of families felt that they had been "ignored" in the design and conduct of the service.
- All families appreciated the presence of The Queen and the Royal Family at the service.

426. Mr Hoon's Private Office wrote to Mr Rycroft on 14 November advising that feedback from families had been "overwhelmingly positive".[288] There had been a great

---

[282] Minute Gibson to APS/Secretary of State [MOD], 27 March 2003, 'Request from No.10: letters for the families of the bereaved and memorial ceremony'.
[283] Letter Williams to Cannon, 27 March 2003, 'Recognition of Armed Forces personnel who died on operations'.
[284] Minute MOD [junior official] to APS/Secretary of State [MOD], 27 March 2003, 'Request from No.10: Letters for the families of the bereaved and memorial'.
[285] House of Commons, *Official Report*, 17 July 2003, column 72WS.
[286] *BBC News*, 10 October 2003, *Service honours Iraq war dead.*
[287] Letter Symons to Hoon, 13 October 2003, 'Service for Iraq: Friday October 10, 2003'.
[288] Letter Davies to Rycroft, 14 November 2003, 'Iraq: service of remembrance and reception 10 October – feedback'.

deal of praise for the "obvious effort made by the Royal Family and senior members of the Government and Armed Forces to speak with as many families as possible".

Armed Forces Memorial

427. Mr Hoon advised the House of Commons in November 2000:

> "I have given careful consideration to a number of ways in which the recognition of members of the Armed Forces who give their lives in the service of their country might be enhanced. In the light of discussion, I have concluded that the most appropriate would be the erection in central London of a memorial bearing the names of all those killed on duty and by terrorist attack since the end of the Second World War. In accordance with the long established custom for the erection of memorials, I would expect funds to be raised by public subscription. Further consultation will now take place with ex-Service organisations and other interested bodies."[289]

428. Mr Hoon advised the House of Commons in March 2002 that, following that consultation and research into suitable sites, the Armed Forces Memorial (AFM) would be sited at the National Memorial Arboretum in Staffordshire.[290]

429. On 30 June 2006, following an assessment by officials that there was a significant risk that fundraising for the Memorial would not reach the total required, Mr Des Browne, the Defence Secretary, directed Mr Jeffrey that the MOD should underwrite the Memorial project "in the sum of £3.3m which represents the balance the AFM Trustees require to fully fund the project".[291]

430. In October 2007, the Armed Forces Memorial was formally dedicated in the presence of Her Majesty The Queen at the National Memorial Arboretum in Staffordshire.[292]

431. Ministers were advised in early 2008 that the total cost of the Memorial was expected to be £7.3m.[293] The AFM Trustees had raised £6.7m, including £1.5m from the sale of Trafalgar Coins (announced by Mr Gordon Brown, the Chancellor of the Exchequer, in February 2006), £2.417m from the Millennium Commission (agreed in November 2006), with the balance from public subscriptions. There was no realistic prospect of significant further public contributions. Trustees had therefore asked the MOD to provide £500,000 to complete the project.

---

[289] House of Commons, *Official Report*, 10 November 2000, column 413W.
[290] House of Commons, *Official Report*, 20 March 2002, column 311W.
[291] Minute Jeffrey to Secretary of State [MOD], 29 June 2006, 'Armed Forces Memorial'; Minute Secretary of State [MOD] to PUS [MOD], 30 June 2006, 'Armed Forces Memorial'.
[292] Armed Forces Memorial website.
[293] Email MOD [junior official] to Hardern, 15 May 2008, 'SPB interest in AFM'.

432. AM Pocock told the Inquiry that the process of securing funding for the Memorial illustrated the difficulty of translating intent into action:

> "Although the political intent was perfectly clear, we were also told there was going to be no public money for it. We were hoping to get some money from the Lottery. We did eventually, after some strong support from newspapers caused the Lottery to change the rules.
>
> ...
>
> "We had the designs, it was in The Queen's diary to come and open it. We actually had to let the contract but we didn't have the money, and it wasn't from lack of effort ... I remember going round embassies with a begging bowl and all sorts of things, but the money just wasn't forthcoming.
>
> "The difficulty we had in getting the guarantee from the department [the MOD] was immense. We eventually did. We were able to build it."[294]

433. Both AM Pocock and VAdm Wilkinson felt that the Memorial provided a strong focus for remembrance. VAdm Wilkinson told the Inquiry:

> "The focus for recognition and remembrance that it [the Memorial] has provided and the source of comfort to a number of bereaved families, it really is quite remarkable, perhaps, that, as a nation, we didn't have one before 2007."[295]

434. The Memorial also provides a home for the Basra Memorial Wall. The wall was originally built in 2006 outside the headquarters of Multi-National Division (South East) in Basra by members of 37 Armoured Engineer Squadron to commemorate those who died in or as a result of action in Iraq.[296]

435. PJHQ advised Mr Browne's Office in June 2007 that its "current intent" was to move the Basra Memorial Wall (which comprised a collection of memorial plaques from the various bases that UK forces had occupied) to the National Memorial Arboretum when UK forces left Basra.[297]

436. The Memorial Wall was brought to the UK in April 2009, and was re-dedicated in March 2010.[298]

---

[294] Public hearing, 19 July 2010, pages 59-60.
[295] Public hearing, 19 July 2010, page 61.
[296] British Army website, 11 March 2010, *Basra Memorial Wall rededicated in moving service at its new home*.
[297] Minute Green to APS/Secretary of State [MOD], 29 June 2007, 'Request from Families of Dead Service Personnel to Visit Basra'.
[298] *BBC News*, 11 March 2010, *Service to rededicate Basra Memorial Wall.*

The Elizabeth Cross

437. On 10 June 2008, Mr Browne announced the inauguration of a new award.[299]

438. The award itself had been proposed by the Chiefs of Staff, who concluded that the time was right to recognise the "families of those personnel who die on operations, or as a result of terrorist action whilst on duty". Mr Browne confirmed that the recommendation had been welcomed by Ministers and approved by Her Majesty The Queen. Paying tribute to the bravery and courage shown by the families of all serving personnel, he hoped that the new award would "provide a more visible form of recognition from the nation for those who pay the ultimate sacrifice in the name of their country".

439. VAdm Wilkinson told the Inquiry that there was "unanimity" among the Chiefs of Staff "that it was appropriate to recognise the sacrifice that bereaved families had made".[300] The proposal reflected consultation with serving personnel and with bereaved families, as well as consideration of what other nations do to recognise the sacrifice that Service families make.

440. Mr Ainsworth, Mr Browne's successor as Defence Secretary, set out further detail about the award and the circumstances in which it would be given in July 2009.[301] He confirmed that The Queen had agreed that the award should be known as the Elizabeth Cross, the first new honour to take the name of a serving monarch since the creation of the George Cross in 1940.

441. It would commemorate the lives of those who had died on operations or as a result of terrorism from 1948 onwards (or from 1945 in the case of service in Palestine), in order to fit with the end of the period in which deaths are officially attributed to service in World War II. He reminded Parliament that "this is not a posthumous medal for the fallen but national recognition for the family for their loss". The award would consist of the Elizabeth Cross itself – awarded to the named next of kin – and a Memorial Scroll, copies of which could be presented to certain additional members of the deceased's close family. Both the Cross and the Scroll would be awarded on application, as contact details for the several thousand eligible families were unlikely to be up to date.

442. The first presentation of the Elizabeth Cross, made by The Queen, took place in Catterick Garrison, North Yorkshire, on 12 September 2009.[302] Those receiving the awards included five families of soldiers killed in Iraq.

443. The Inquiry's conclusions and lessons on the preparations made for repatriating the bodies of those who lost their lives serving on Operation TELIC, how their deaths were investigated, and the support provided for bereaved families are set out in Section 16.4.

---

[299] House of Commons, *Official Report,* 10 June 2008, column 10WS.
[300] Public hearing, 19 July 2010, pages 58-59.
[301] House of Commons, *Official Report,* 1 July 2009, columns 18-21WS.
[302] *BBC News*, 12 September 2009, *Queen honours regiment's fallen*.

SECTION 16.4

CONCLUSIONS: SERVICE PERSONNEL

Contents

Introduction and key findings 154

The pressure on Service Personnel 155

Medical care 157

- Planning and preparation 157
- Improvements in the provision of care 158

Investigations into the deaths of Service Personnel 160

- Service Police investigations 160
- Boards of Inquiry 160
  - The concerns of bereaved families 161
- Inquests 163

Support for bereaved families 166

Support for Service Personnel and their families 166

- The Operational Welfare Package 167
- Support for Reservists 167

Introduction and key findings

1. This Section addresses analysis and findings in relation to the evidence set out in Sections 16.1 to 16.3, including:

- the pressures on Service Personnel, and the welfare support provided to them and their families;
- the arrangements for providing medical care to Service Personnel; and
- the arrangements for investigating the deaths of Service Personnel who lost their lives on Operation TELIC and the support provided for bereaved families.

2. The provision of military equipment is addressed in Sections 6.3 and 14.

Key findings

- In 2002, the UK military was already operating at, and in some cases beyond, the limits of the guidelines agreed in the 1998 *Strategic Defence Review.* As a result, the Harmony Guidelines were being breached for some units and specialist trades.
- The Government's decision to contribute a military force to a US-led invasion of Iraq inevitably increased the risk that more Service Personnel would be put in breach of the Harmony Guidelines. The issue of the potential pressure on Service Personnel was not a consideration in the decision.
- The MOD planned and prepared effectively to provide medical care in support of Operation TELIC.
- There were major improvements in the provision of medical care, mental healthcare and rehabilitative care available to Service Personnel over the course of Op TELIC.
- Most of the contacts between the MOD and bereaved families were conducted with sensitivity. In a few cases, they were not. The MOD progressively improved how it engaged with and supported bereaved families, in part driven by consistent public and Ministerial pressure.
- The Government's decision in 2006 to deploy a second medium scale force to Helmand province in Afghanistan further increased the pressure on Service Personnel, on elements of the MOD's welfare, medical and investigative systems, and on the coronial system.
- Much of the MOD's and the Government's effort from 2006 was focused on addressing those pressures.
- The MOD should have planned and prepared to address those pressures, rather than react to them.
- The Government should have acted sooner to address the backlog of inquests into the deaths of Service Personnel. The support it did provide, in June 2006, cleared the backlog.
- The MOD made a number of improvements to the Board of Inquiry process, but some proposals for more substantive reform (including the introduction of an independent member) were not fully explored. The MOD significantly improved the way it communicated with and supported bereaved families in relation to military investigations and inquests.

- The MOD was less effective at providing support to Service Personnel who were mobilised individually (a category which included almost all Reservists) and their families, than to formed units.

The pressure on Service Personnel

3. In 2002, the UK military was already operating at, and in some cases beyond, the limits of the guidelines agreed in the 1998 *Strategic Defence Review*. As a result, the Services' Harmony Guidelines (which defined how much time a member of a particular Service should spend away from home and the period between tours) were being breached for some units and specialist trades.

4. The Government's decision to contribute a military force to a US-led invasion of Iraq inevitably increased the risk that the Harmony Guidelines would be breached.

5. There are no indications that the potential pressure on Service Personnel was a consideration in the Government's decision to contribute a military force, and in particular a large scale land force (a division), to a US-led invasion of Iraq.

6. The Inquiry concludes in Section 9.8 that, throughout 2004 and 2005, it appears that senior members of the Armed Forces reached the view that there was little more that would be achieved in southern Iraq and that it would make more sense to concentrate UK military effort on Afghanistan where it might have greater effect.

7. In July 2005, Ministers agreed in principle proposals presented by Dr John Reid, the Defence Secretary, both for the transfer to Iraqi control of the four provinces in southern Iraq for which the UK had security responsibility, and for the redeployment of the UK effort in Afghanistan from the north to Helmand province in the south (see Section 9.4). The proposals were based on high-risk assumptions about the capability of the Iraqi Security Forces to take the lead for security.

8. In January 2006, Cabinet approved the deployment of a UK military force to Helmand.

9. The MOD's formal advice to Dr Reid was that this deployment was "achievable without serious damage to Harmony", although certain units and specialists would be "placed under increased, but manageable, stress".[1]

10. There were different views within the MOD over the effect of the deployment on personnel. Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) from 2002 to August 2005, told the Inquiry that, as he left post, he expressed his concern that deploying two brigades simultaneously (to Iraq and

[1] Minute Hutton to APS/SofS [MOD], 17 January 2006, 'Afghanistan Deployments'.

Afghanistan) would breach the Harmony Guidelines and the Defence Planning Assumptions, and was "too big a risk".[2]

11. Sir Kevin Tebbit, MOD Permanent Under Secretary from 2001 to 2005, told the Inquiry:

> "I was apprehensive [about the deployment of UK forces to Helmand] and I made my concerns known to my planning staff and to the Chiefs of Staff. I think their view was that they could do it and it was manageable ... since it was [the Chiefs of Staff] who would actually have to ensure they could do this, I did not press my objections fully."[3]

12. The impact of the decision on the availability of key equipment capabilities for Iraq is addressed in Section 14.1.

13. The force began to deploy to Helmand in May 2006.

14. At the end of August, General Sir Richard Dannatt, Chief of the General Staff, advised Mr Des Browne, the newly appointed Defence Secretary, that "as an Army, we are running hot".[4] With operational deployments well above the levels set out in the 1998 *Strategic Defence Review* and the MOD's own Harmony Guidelines, the Army's demands on soldiers were greater than its ability to look after them.

15. Gen Dannatt told the Inquiry that the military covenant had "fallen out of balance ... as a consequence of decisions taken to stay in Iraq until we had successfully completed our operations there, but also take on Afghanistan as well".[5]

16. The MOD's assessment that the Helmand deployment was achievable without causing a substantial number of personnel to breach the Harmony Guidelines reflected overly optimistic assumptions about the intensity and duration of operations in Iraq and Afghanistan.

17. The twin deployments challenged the planning assumption agreed in the 1998 *Strategic Defence Review* that the UK should be able to undertake two medium scale deployments simultaneously but would not expect both to involve war-fighting or to be maintained simultaneously for longer than six months.

18. It would only have been possible to manage the established Iraq commitment and the new Helmand commitment, without significantly increasing the pressure on Service Personnel, if the former was wound down on schedule and the latter was contained. In the event, it proved difficult to withdraw from Iraq as quickly as hoped while Helmand developed into a more substantial combat operation than originally envisaged, pushing up force levels.

---

[2] Public hearing, 21 July 2010, page 80.
[3] Public hearing, 3 February 2010, pages 15 and 16.
[4] Letter Dannatt to Browne, 31 August 2006, [untitled].
[5] Public hearing, 28 July 2010, page 98.

19. In addition to increasing the pressure on Service Personnel, the decision to deploy a second medium scale force increased the pressure on the MOD's medical, welfare and investigative systems, and in particular on:

- the air bridge between Iraq and the UK;
- Selly Oak hospital;
- Headley Court and other rehabilitation facilities; and
- the Army's capacity to investigate fatalities and support bereaved families.

20. It also increased the pressure on the coronial system.

21. From 2006, the efforts of the MOD and the Government would increasingly be focused on addressing those pressures.

22. The MOD should have been aware of the potential impacts on its medical, welfare and investigative systems, and made the necessary contingency plans to increase their capacity.

Medical care

23. Op TELIC was the first major military operation after the closure of the military hospitals in the 1990s and therefore the first test of the new medical arrangements. Under the new arrangements, many medical Service Personnel (including a large number of Reservists) were deployed from NHS Trusts for operations in Iraq and Afghanistan, and military casualties were treated in NHS Trusts.

Planning and preparation

24. In early September 2002, the MOD estimated that between 31 and 48 Service Personnel would be killed in action during the initial combat phase of operations of an attack on Iraq, and that between 157 and 241 Service Personnel would be admitted to Role 3 hospitals[6] (figures exclude possible casualties from chemical and biological warfare). The MOD regularly updated its casualty estimates as the military plan developed. The estimates did not consider casualties beyond the initial combat phase of operations.

25. The Chiefs of Staff concluded on 5 February 2003 that a Casualty Estimate paper including estimated casualty figures, which had been produced by the MOD, would need to be shown to Ministers before any decision to commit UK troops was made.

26. In response to a question from Mr Blair on the possible number of casualties arising from an attack on Iraq, the MOD advised No.10 on 24 February that there would be between 30 and 60 British and between 500 and 1,200 Iraqi "land battle" fatalities.[7]

---

[6] Role 3 (Echelon 3) medical support is generally provided at field hospitals and on hospital ships.
[7] Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'.

27. Lord Boyce, Chief of the Defence Staff from 2001 to April 2003, told the Inquiry that Ministers would have been informed of the MOD's casualty estimates, as part of the routine briefing process.

28. Although the Inquiry has seen no evidence that the Casualty Estimate paper was shown to Ministers, it accepts that Ministers were informed of the MOD's casualty estimates.

29. The MOD established an effective medical capability in theatre to support Op TELIC by 14 March 2003.

30. By 1 May, when President Bush declared that major combat operations in Iraq had ended, 33 British Service Personnel had died serving on Op TELIC and 81 had been admitted to Role 3 hospitals.

31. Casualties would have been much higher if chemical and biological weapons had been used.

32. The MOD planned and prepared effectively to provide medical care in support of Op TELIC. Although some of the medical equipment and supplies procured by the MOD arrived in theatre shortly after military operations began, there are no indications that the quality of clinical care was compromised.

Improvements in the provision of care

33. There were a number of significant improvements to the care provided to Service Personnel over the course of Op TELIC.

34. From June 2006, the MOD, working closely with a number of charities, progressively enhanced the rehabilitation facilities at Headley Court.

35. In August 2006, following visits by MOD Ministers and senior military officers to injured Service Personnel recovering on civilian wards, the MOD began planning to establish a Military Managed Ward (MMW) at Selly Oak hospital. The MOD assessed that, while the quality of clinical care at Selly Oak was excellent, injured Service Personnel would recover better in what Lieutenant General Louis Lillywhite, the Surgeon General from 2006 to 2009, described as a "military bubble".[8]

36. The MMW was established in December 2006 and was fully staffed by July 2007.

37. In his evidence to the Inquiry, Lt Gen Lillywhite highlighted the advances during Op TELIC in the military's understanding of how to save life at the point of injury, how to sustain the quality of life of seriously injured individuals into the long term, and pain management.

---

[8] Public hearing, 20 July 2010, pages 33-34.

38. The advances in the provision of medical care during Op TELIC meant that more individuals with very serious and complex injuries survived.

39. A number of injured veterans shared with the Inquiry their concern that they might not continue to receive the same quality of care over the long term, and in particular when they left the military.

40. Lt Gen Lillywhite told the Inquiry that, in recognition of their service and on clinical grounds, individuals with very serious injuries should be treated by the Government as a group with specific clinical needs, to enable specialist care to be arranged and provided more consistently.

41. The Government will need to consider how to address the issue of providing whole-life care to individuals with very serious injuries.

42. There were also significant advances in the provision of mental healthcare.

43. In April 2003, the MOD commissioned a large-scale, long-term programme of research on the physical and psychological health of personnel deployed on Op TELIC. The findings of that programme identified a number of important mental health issues and informed the MOD's response to them.

44. The Inquiry recommends that the MOD commissions similar studies for future major operational deployments. In addition to the direct benefits for Service Personnel and the MOD, mental health is an area of significant public concern. It is important that the MOD is able to demonstrate that the effects of deployments are properly monitored and managed.

45. The major developments in the provision of mental healthcare over the period covered by the Inquiry were:

- There was increased use of a period of decompression at the end of an operational tour, as part of post-operational stress management.
- In November 2006, in response to the findings of the King's Centre study that a number of Reservists were experiencing increased mental health effects as a result of deployment, the MOD launched the Reserves Mental Health Programme (RMHP). The RMHP provided enhanced mental healthcare to current and former Reservists who had been demobilised since 1 January 2003 following deployment on an overseas operation.
- In November 2007, the MOD launched six community NHS mental health pilot programmes to provide mental health assessment and treatment for veterans. The programmes were led by a mental health therapist with an understanding of the issues faced by veterans.
- In 2008, the MOD rolled out Trauma Risk Management (TRiM) in all three Services. TRiM is a form of debriefing after a traumatic event, undertaken in peer groups rather than with an external counsellor.

Investigations into the deaths of Service Personnel

46. Investigations by the MOD and coroners into the deaths of Service Personnel serving on Op TELIC could be very slow, and in one case lasted for more than four years.

47. The Inquiry considered how the three major elements of the investigative process – Service Police investigations, Boards of Inquiry (BOIs), and inquests – changed after 2003.

Service Police investigations

48. The earliest concerns about the military's investigative process emerged in September 2003. Mr Adam Ingram, Minister of State for the Armed Forces, expressed his concern that the next of kin of deceased Service Personnel increasingly perceived that the MOD's investigations lacked focus and were too slow, and that the MOD did not keep them informed of progress.

49. The following month, Lt Gen Palmer advised that the Army's Royal Military Police (RMP) was "swamped" with the volume of work in Iraq.[9] The major challenge was the difficult working environment, including the need for force protection for Service Police and a potentially hostile population. The Army's policy of holding investigations into all fatalities added to the pressure on the RMP.

50. Reviews of Service Police investigations in October 2004 and April 2005 found that there were still delays in Service Police investigations, but did not recommend any substantial changes to the investigative process. The October 2004 review concluded that investigations could be complex and "speed must not be at the expense of quality".[10]

Boards of Inquiry

51. The purpose of a military BOI was to establish the facts about an event and to make recommendations to prevent a recurrence.

52. In response to Mr Ingram's concern over the MOD's investigative process, the MOD had, by June 2004:

- shortened the time allowed for completing BOIs to 14 weeks;
- strengthened the role of the BOI President;
- introduced measures to improve the management of BOIs by each Service; and
- introduced a series of measures to improve communications with bereaved families on progress with the entire Service Police investigation and BOI process.

---

[9] Minute Palmer to VCDS, 17 October 2003, 'TELIC Incidents: Investigations'.
[10] Report Loudon, 12 October 2004, 'Review of Service Police Investigations on Operations'.

53. MOD Ministers remained closely engaged. From June 2004, Mr Geoff Hoon, the Defence Secretary, received regular briefings on progress on BOIs and the reasons for any delays.

54. The possibility of adding an independent member to a BOI was raised by Mr Hoon in June 2004 and by Mr Browne in December 2007. On neither occasion was the idea considered seriously by the MOD.

55. The Inquiry recommends that the MOD consider whether an independent member should sit on BOIs, in particular in order to assure families that the process is as rigorous and transparent as possible.

56. The MOD, and in particular the Army (through the work of the Army Inquiries and Aftercare Support Cell and Army Inquest Cell), continued to improve the management of the Service Police investigation and BOI processes, the support provided for bereaved families, and the support provided for coroners. The Army Inquest Cell provided the model for the tri-Service Defence Inquests Unit, which was established in May 2008.

57. By early 2008, the Army had appointed permanent Presidents to lead high-profile Army BOIs, and the Royal Navy and Royal Air Force had taken steps to establish pools of expertise from which Presidents could be selected.

58. The Inquiry recommends that the MOD consider providing BOI Presidents with access to expert advisers on process and standards, who would play a role analogous to Court Clerks, in order to help establish consistency and best practice.

THE CONCERNS OF BEREAVED FAMILIES

59. A number of families shared with the Inquiry their concerns over the MOD's process for investigating fatalities. The concerns were:

- Military investigations were not sufficiently rigorous, in particular in relation to incidents where there were suspicions of friendly fire or equipment failure.
- No action appeared to be taken against individuals as a result of military investigations (this concern also applied to inquests).
- Material had been redacted from the version of the BOI report that families received, which made the content harder to understand. Some family members thought that text had been redacted to protect individuals criticised in reports or to hide failings by the MOD.

60. The Inquiry reviewed 25 percent of BOI investigations into Op TELIC fatalities, including those that attracted the most controversy. The Inquiry also reviewed the 15 BOI reports into Op TELIC fatalities that are in the public domain.

61. The BOI reports reviewed by the Inquiry were not consistent in approach or quality. Areas of particular variance were:

- the extent to which the reports considered what happened to the individual(s) who died (as well as the wider incident in which it happened); and
- the extent to which the reports recorded and addressed the concerns of the deceased's family and next of kin.

62. The Inquiry does not believe that any of the BOI reports it reviewed were deliberately produced in such a way as to protect the MOD. In at least two cases, the BOI revealed that an incident might have been caused by friendly fire when the earlier Service Police investigation had concluded otherwise.

63. However, some practices apparent in the BOI reports reviewed by the Inquiry could create a mistaken impression of a "cover-up". They were:

- interview transcripts which switch between on and off the record;
- the difficulty in taking evidence, for example from Iraqi witnesses;
- restrictions on using US material;
- the use of defensive or euphemistic language, which can give the impression that serious failings are being dismissed; and
- heavy redaction.

64. A recurring theme raised by families with the Inquiry was frustration at being denied visibility of action taken against those who were shown to have done something wrong (for example, where an individual had not provided truthful evidence to a BOI) or who a family believed to have been in some way negligent.

65. A BOI is not intended to apportion blame. The MOD defended that position, on the basis that it was the best way to ensure maximum disclosure and, therefore, the best chance to prevent a recurrence of the incident.

66. That position is not unique to BOIs. The right not to incriminate oneself is common to other investigative processes (such as inquests) where the main objective is to establish the facts of a case.

67. Very few of the BOI reports considered by the Inquiry led to disciplinary measures.

68. In order to respond to the concerns regarding the redaction of material from BOI reports, the Inquiry reviewed a sample of BOI reports relating to Op TELIC, comparing the full and redacted versions. The Inquiry considered whether the substance justified redaction, and how the redaction was made.

69. The Inquiry concludes that:

- There were no indications that information was redacted by the MOD in order to cover up wrong-doing, either by individuals or the MOD.

- The use of redaction was not consistent between BOIs.
- Not all redactions were justified. In some cases, whole passages were redacted when only a few details were sensitive. In others, material had been redacted when it was already in the public domain (for example, the name of a Commanding Officer or pathologist).
- In many cases, no attempt was made to explain the nature of the redacted material to the reader.
- There were some improvements in practice during the course of Op TELIC. In general, the most recent BOI reports contained fewer redactions and were easier to follow.

70. The Inquiry recognises that some redactions will be required in almost all such reports but recommends that the MOD take steps to ensure consistency of practice, in line with the Information Commissioner's guidance.[11] Good practice seen by the Inquiry includes:

- including a clear statement of redaction policy at the start of a document;
- providing a short overarching description of events described in text which has been redacted;
- adding a description which tells the reader the nature of the text has been redacted (for example, 'Personal medical information');
- assigning each individual a unique number or other cipher and attaching a description of their role to it; and
- leaving in ranks where names are redacted, so that command relationships are clear.

71. Many of the concerns shared by families in relation to the rigour of the BOI process and its transparency could be addressed by adding an independent member to a BOI.

Inquests

72. From January 2003, the MOD and the Home Office (the department then responsible for coronial policy) worked with Mr Nicholas Gardiner, the Coroner for Oxfordshire, to refine the arrangements for receiving UK military fatalities from Iraq. The majority of fatalities were expected to be repatriated to RAF Brize Norton, which fell within his area of responsibility.

73. During those initial exchanges, Home Office officials highlighted a number of issues that would later become problematic: the need for Mr Gardiner's office to secure additional resources (from Oxfordshire County Council) to cover the cases it was taking

[11] Information Commissioner's Office, *Anonymisation: Managing Data Protection Risk Code of Practice*, November 2012.

on; the desirability of transferring cases to coroners who were local to the families of the deceased; and how to handle cases where the deceased was based in Scotland.

74. The day before the beginning of military operations against Iraq, Mr Gardiner wrote to Home Office officials:

> "There are a few matters outstanding but, generally, I think we are reasonably well prepared, although there are bound to be things we have not thought of."[12]

75. There are no indications that the Government put in place any contingency plans to support Mr Gardiner's office, or that the Government maintained contact with Mr Gardiner's office after those initial exchanges.

76. The Inquiry recommends that for any future major operational deployment, the Chief Coroner, the department responsible for coronial policy (currently the Ministry of Justice) and the MOD should develop contingency plans to increase the capacity of the coronial system to handle fatalities. Those plans should include the identification of funding in the event that it becomes necessary to increase the capacity of the coronial system.

77. In May 2006, in response to growing concern over delays in holding inquests into the deaths of Service Personnel, Ms Harriet Harman, Minister of State for the Department for Constitutional Affairs (DCA), was charged with resolving the problem.

78. By early June, Ms Harman had brokered an agreement with the MOD to provide a substantial package of support to Mr Gardiner's office, including the recruitment of three Assistant Deputy Coroners.

79. Although the package was announced in Parliament in June 2006, discussions continued between the DCA, the MOD and the Treasury until February 2007 on how much the MOD would contribute. The discussions concluded with the DCA reluctantly accepting the MOD's initial offer of £125,000.

80. While the discussions did not delay the provision of support to Mr Gardiner's office (as the DCA bore the costs as they were incurred), a disproportionate amount of senior officials' and Ministers' time was consumed in inter-departmental wrangling over a relatively small amount of money.

81. The additional resources provided in June 2006 allowed Mr Gardiner's office to clear the existing backlog of inquests by October 2007, much sooner than it would otherwise have done.

82. From July 2006, the Government pursued a number of initiatives to make the inquest process more responsive to the needs of the families of deceased Service Personnel. The Inquiry commends Ms Harman's efforts in pursuing those initiatives.

---

[12] Letter Gardiner to Home Office [junior official], 18 March 2003, [untitled].

83. Between July 2006 and February 2007, Ms Harman pressed the US Government, through the US Embassy London, to provide classified US material and US representatives to support inquests into the deaths of UK Service Personnel. The US declined to provide that support.

84. Following a meeting with the families of Service Personnel killed on Op TELIC in December 2006 and representations in Parliament, including from Mr Roger Gale, Ms Harman explored the possibility of providing legal representation at inquests for the families of Service Personnel, in particular at inquests where the MOD chose to have legal representation.

85. The Government did not provide that support. In 2009, the Government agreed an amendment to the Coroners and Justice Bill to provide legal representation at inquests into the death of British Service Personnel on active service. However, that provision was not brought into force and was subsequently repealed.

86. From June 2007, MOD Ministers pressed the Scottish Executive to make provision for Fatal Accident Inquiries to be held into the deaths overseas of Service Personnel normally domiciled in Scotland.

87. The Government made provision for such Inquiries in the 2009 Coroners and Justice Act.

Delays in military investigations and civilian inquests

It could take several years for the MOD and the coronial system to conclude investigations into the deaths of Service Personnel.

The Inquiry considered why the investigative process should take so long. The four main factors were:

- the difficulty of conducting Service Police investigations in a hostile environment, which was exacerbated by a lack of qualified military investigators; the MOD set no deadlines for the conclusion of Service Police investigations;
- the Army's policy, at the beginning of Op TELIC, to hold an investigation into all deaths, and only to launch a BOI after the investigation had concluded; this policy changed in 2004;
- the time taken to complete BOIs, and in particular to receive comments from senior officers and advisers on draft BOI reports; and
- the backlog of inquests which built up in the Oxfordshire Coroner's office.

Support for bereaved families

88. Most of the contacts between the MOD and bereaved families were conducted with sensitivity. In a few cases, they were not.

89. In April 2003, prompted by concern over the insensitive treatment of a bereaved spouse, and at the direction of Mr Hoon, the MOD initiated a comprehensive review of bereavement procedures. By the middle of May, it had introduced new guidelines for communicating with bereaved families, begun work to make the guidance on the support available to bereaved families more accessible, and amended its policy to allow bereaved spouses to remain in Service accommodation for as long as they required it.

90. Mr Ingram attributed the MOD's failings at the beginning of Op TELIC to a continuing view within the military that bereavement was "just something that happened".[13] Mr Ingram added that, in the context of "a big sea change" in public attitudes and the experience of Op TELIC, the MOD moved quickly to improve the bereavement and welfare support it provided to families.

91. The creation, in 2005, of the Joint Casualty Co-ordination Cell (JCCC) and the production of a joint policy covering the support for bereaved families reduced the inconsistency between the Services and individual units in the support they offered to bereaved families.

92. The experiences shared with the Inquiry by bereaved families suggest that the creation of the JCCC led to an improvement in the quality of the notification process.

93. Being a Casualty Notifying Officer (CNOs) and a Visiting Officer (VOs) was (and remains) an extremely difficult role: a small number fell below the standard required. The training and support provided to CNOs and VOs remained an issue of concern for the MOD throughout the period covered by the Inquiry.

Support for Service Personnel and their families

94. The MOD progressively improved the allowances and support provided to Service Personnel and their families over the course of Op TELIC.

95. The most substantial development was the introduction of the Operational Allowance in October 2006. The Allowance, initially set at £2,400 for all Service Personnel who completed a six-month tour in Iraq, Afghanistan, the Balkans or on certain other operations, was designed "to reflect the current, high operational tempo".[14]

---

[13] Public hearing, 16 July 2010, pages 36-42.
[14] Letter PS/Secretary of State [MOD] to Phillipson, 9 October 2006, 'A Package for Service Personnel on Operations'.

The Operational Welfare Package

96. The Inquiry heard mixed reports about the Operational Welfare Package (OWP) from families and veterans of Op TELIC. Limited access to telephones early in the campaign and the fragility of the air bridge between Iraq and the UK – which reduced the time available for rest and recuperation – were particular sources of frustration.

97. While these were undoubtedly real frustrations, the Inquiry considers that the MOD delivered most elements of the OWP as quickly as could reasonably have been expected. A key challenge, recognised by the MOD, was managing and meeting rising expectations.

Support for Reservists

98. Over 5,000 Reservists were mobilised for Op TELIC 1 (comprising some 12 percent of total UK forces). Lt Gen Palmer told the Inquiry that Reservists "performed magnificently during the operation, and we simply could not have done without them".[15]

99. The MOD's policy was that deployed Reservists, and their families, should receive the same welfare support as Regular Service Personnel.

100. The MOD found it difficult to provide support to the families of deployed Reservists. It was the responsibility of the unit to which a Reservist was attached to provide that support, but the families of Reservists were often spread across the country, some distance from that unit. A Reservist's family might have had little or no previous contact with the unit to which the Reservist was attached, and find it difficult to access the support that was available.

101. The MOD introduced a number of measures to improve the support provided to Reservists in theatre and in the UK. It also sought to ensure that Reservists benefited from new initiatives, such as decompression, alongside their Regular colleagues.

[15] Public hearing, 21 July 2010, pages 84-85.

SECTION 17

CIVILIAN CASUALTIES

Contents

Introduction and key findings 170

Consideration of Iraqi civilian casualties before the conflict 171

- Statements on the human cost of not intervening in Iraq 171
- Assessments of Iraqi civilian casualties during initial combat operations 176

Civilian casualties during initial combat operations 179

- Provision of medical care to Iraqi citizens 179
- Reports on civilian casualties 180
- Case study of a bombing in a Basra suburb, 5 April 2003 182

Responding to demands to count civilian casualties 186

- Witness comment 213

Records and estimates of the number of Iraqi fatalities 214

- Non-Iraqi civilian fatalities 216

Conclusions 217

Introduction and key findings

1. This section addresses:

- the statements issued by the Government before the conflict on the human rights abuses committed by Saddam Hussein's regime and the human cost of not intervening in Iraq;
- the assessments made by the Government before and during initial combat operations of the number of Iraqi civilian casualties;
- reports of the number of Iraqi civilian casualties during initial combat operations; and
- how the Government responded to demands that it should count the number of Iraqi casualties attributable to the conflict, and to estimates of the number of casualties.

2. As this Section shows, there have been a number of studies to determine the civilian death toll in Iraq after the Coalition invasion. The numbers vary considerably. What is not in doubt is that, in both the military operation to overthrow the Iraqi regime and the subsequent violence, many tens of thousands of Iraqi citizens, most of them civilians, lost their lives. Many more were displaced or injured, or lost members of their families.

3. It is beyond the scope and abilities of this Inquiry to establish independently the number of fatalities caused by conflict in Iraq, or the broader human cost of the conflict to the Iraqi people. The Inquiry is, however, very conscious of the extent of the suffering in Iraq resulting from the conflict and this has informed its approach to its analysis of the course of the conflict and to drawing lessons for the future.

Key findings

- The Inquiry considers that a Government has a responsibility to make every reasonable effort to understand the likely and actual effects of its military actions on civilians.
- In the months before the invasion, Mr Blair emphasised the need to minimise the number of civilian casualties arising from an invasion of Iraq. The MOD's responses offered reassurance based on the tight targeting procedures governing the air campaign.
- The MOD made only a broad estimate of direct civilian casualties arising from an attack on Iraq, based on previous operations.
- With hindsight, greater efforts should have been made in the post-conflict period to determine the number of civilian casualties and the broader effects of military operations on civilians. More time was devoted to the question of which department should have responsibility for the issue of civilian casualties than it was to efforts to determine the actual number.
- The Government's consideration of the issue of Iraqi civilian casualties was driven by its concern to rebut accusations that coalition forces were responsible for the deaths of large numbers of civilians, and to sustain domestic support for operations in Iraq.

4. The Inquiry received a number of substantive submissions relating to the human cost of the conflict in Iraq, including from:

- Mr Hamit Dardagan and Professor John Sloboda for the Iraq Body Count (IBC) project.[1] The IBC project aims to record the violent civilian deaths that have resulted from the 2003 military intervention in Iraq. In its submission to the Inquiry, IBC argued that the Inquiry should take full and proper account of Iraqi casualties resulting from the conflict and the subsequent breakdown in security. It continued: "One of the most important questions in situations of armed conflict and in the laws of war is whether the use of force has been a proportionate response to the threat that prompted it … It is impossible to establish the wisdom of actions taken … if the full consequences in human welfare are not taken into account. Casualty data are perhaps the most glaring indication of the full costs of war."
- Action on Armed Violence (AOAV).[2] AOAV is a non-governmental organisation (NGO) which aims to reduce the incidence and impact of global armed violence. In its submission to the Inquiry, AOAV argued that the UK Government actively sought to maintain a position of ignorance regarding measurements of death, injury and deprivation resulting from violence in Iraq. It proposed that the UK Government should establish a structured process to undertake transparent measurement and monitoring of the impact of armed violence where its Armed Forces are active.

5. The Inquiry is grateful for these, and other, submissions, and has taken account of them in preparing its Report.

Consideration of Iraqi civilian casualties before the conflict

Statements on the human cost of not intervening in Iraq

6. The UK Government dossier *Iraq's Weapons of Mass Destruction. The Assessment of the British Government* was published on 24 September 2002.[3] The dossier is considered in detail in Section 4.2.

7. Eight of the dossier's 50 pages considered life in Iraq under Saddam Hussein, describing his security apparatus, internal repression, external wars and abuse of human rights.

8. The dossier's Executive Summary indicated the purpose of that material:

> "But the threat from Iraq does not depend solely on the [Weapons of Mass Destruction – WMD] capabilities we have described. It arises also because of the

---

[1] Dardagan and Sloboda, 26 August 2006, *Iraqi casualties must form part of Britain's Iraq Inquiry.*
[2] Action on Armed Violence, July 2010, *A State of Ignorance*.
[3] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government,* 24 September 2002.

violent and aggressive nature of Saddam Hussein's regime. His record of internal repression and external aggression gives rise to unique concerns about the threat he poses."

9. The dossier stated:

- Saddam Hussein used patronage and violence to motivate his supporters and to control or eliminate opposition. He had pursued a long-term programme of persecuting the Iraqi Kurds, including through the use of chemical weapons. Amnesty International had estimated that more than 100,000 Kurds had been killed or had disappeared during the 1987 to 1988 "Anfal" campaign of attacks on Kurdish villages. Thousands of Iraqi Shia had also been killed.
- Saddam Hussein had led Iraq into two wars of aggression, against Iran and Kuwait. The Iran-Iraq War was estimated to have caused one million casualties.
- Human rights abuses continued within Iraq: "People continue to be arrested and detained on suspicion of political or religious activities or often because they are related to members of the opposition. Executions are carried out without due process of law. Relatives are often prevented from burying the victims in accordance with Islamic practice. Thousands of prisoners have been executed."

10. Mr Blair addressed those issues in his opening statement in the 24 September 2002 Parliamentary debate:

> "People say, 'But why Saddam?' … two things about Saddam stand out. He has used these weapons in Iraq itself – thousands dying in those chemical weapons attacks – and in the Iran-Iraq war, started by him, in which one million people died; and his is a regime with no moderate elements to appeal to.
>
> "Read the chapter on Saddam and human rights in this dossier. Read not just about the 1 million dead in the war with Iran, not just about the 100,000 Kurds brutally murdered in northern Iraq, not just about the 200,000 Shia Muslims driven from the marshlands in southern Iraq, and not just about the attempt to subjugate and brutalise the Kuwaitis in 1990 that led to the Gulf war. I say, 'Read also about the routine butchering of political opponents, the prison 'cleansing' regimes in which thousands die, the torture chambers and the hideous penalties supervised by him and his family and detailed by Amnesty International.' Read it all and, again, I defy anyone to say that this cruel and sadistic dictator should be allowed any possibility of getting his hands on chemical, biological and nuclear weapons of mass destruction."[4]

[4] House of Commons, *Official Record*, 24 September 2002, column 5.

11. Amnesty International issued a press release two days later, urging the UN Security Council to consider:

> "… not only the security and political consequences of its action, but also the inevitable human rights and humanitarian toll of war … concern for the life, safety and security of the Iraqi people is sorely missing from the debate, as is any discussion on what would be their fate in the aftermath of conflict …"[5]

12. On 2 December, the FCO published a report on Saddam Hussein's crimes and human rights abuses.[6] The report is addressed in more detail in Section 6.4.

13. The FCO report was "based on the testimony of Iraqi exiles, evidence gathered by UN rapporteurs and human rights organisations, and intelligence material". It examined "Iraq's record on torture, the treatment of women, prison conditions, arbitrary and summary killings, the persecution of the Kurds and the Shia, the harassment of opposition figures outside Iraq and the occupation of Kuwait".

14. Mr Jack Straw, the Foreign Secretary, told the BBC that the report was being published "because it is important that people understand the comprehensive evil that is Saddam Hussein".[7]

15. The report was criticised by some as an attempt to influence public opinion in favour of war.[8]

16. Amnesty International responded to that report, stating that the human rights situation in Iraq should not be used selectively; the US and other Western Governments had ignored previous Amnesty International reports of widespread human rights violations in Iraq.[9] Amnesty International continued:

> "As the debate on whether to use military force against Iraq escalates, the human rights of the Iraqi people, as a direct consequence of any potential military action, is sorely missing from the equation."

17. In his speech to the Labour Party Spring Conference in Glasgow on 15 February 2003, Mr Blair said:

> "Yes, there are consequences of war. If we remove Saddam by force, people will die and some will be innocent. We must live with the consequences of our actions, even the unintended ones.
>
> "But there are also consequences of 'stop the war' …"[10]

---

[5] Amnesty International, 26 September 2002, *Iraq: human rights in the balance.*
[6] Foreign and Commonwealth Office London, *Saddam Hussein: crimes and human rights abuses,* November 2002.
[7] *BBC*, 2 December 2002, *UK unveils 'torture' dossier*.
[8] *The Guardian*, 3 December 2002, *Anger over Straw's dossier on Iraqi human rights*.
[9] Amnesty International, 2 December 2002, *Iraq: UK Government dossier on human rights abuses.*
[10] *Scoop Independent News*, 17 February 2003, *Prime Minister Tony Blair's Glasgow Party Speech.*

18. Mr Blair said that those consequences would include Saddam Hussein remaining in power in Iraq:

> "A country that in 1978, the year before he seized power, was richer than Malaysia or Portugal. A country where today, 135 out of every 1,000 Iraqi children die before the age of five – 70 percent of these deaths are from diarrhoea and respiratory infections that are easily preventable. Where almost a third of children born in the centre and south of Iraq have chronic malnutrition.
>
> "Where 60 percent of the people depend on Food Aid.
>
> "Where half the population of rural areas have no safe water.
>
> "Where every year and now, as we speak, tens of thousands of political prisoners languish in appalling conditions in Saddam's jails and are routinely executed.
>
> "Where in the past 15 years over 150,000 Shia Moslems in Southern Iraq and Moslem Kurds in Northern Iraq have been butchered, with up to four million Iraqis in exile round the world, including 350,000 now in Britain …
>
> "If there are 500,000 on that [Stop the War] march, that is still less than the number of people whose deaths Saddam has been responsible for.
>
> "If there are one million, that is still less than the number of people who died in the wars he started."

Child mortality in Iraq under Saddam Hussein's regime

The figure for child mortality in Iraq under Saddam Hussein's regime used by Mr Blair in his speech to the Labour Party Spring Conference in February 2003, and in subsequent public statements, has been questioned. The Inquiry therefore considered the origin of that figure.

On 14 February, the day before Mr Blair's speech, Ms Clare Short, the International Development Secretary, wrote to Mr Blair setting out key humanitarian issues in Iraq (see Section 6.5).[11] Ms Short advised that the humanitarian situation in the centre and the south of Iraq, which was under Saddam Hussein's control, was worse than the situation in the north. To demonstrate that point, she attached statistics, attributed to the UN Children's Fund (UNICEF), on child and maternal mortality in Iraq. Child mortality in central and southern Iraq was 135 per 1,000 ("worse than the Democratic Republic of Congo or Mozambique") compared with 72 per 1,000 in northern Iraq.

On the same day, No.10 asked the FCO for material on a number of issues in preparation for Mr Blair's speech to the Conference, including how many Iraqi children under the age of five died each month.[12]

---

[11] Letter Short to Blair, 14 February 2003, 'Iraq: Humanitarian Planning and the Role of the UN'.
[12] Minute Rycroft to Owen, 14 February 2003, 'Iraq: Prime Minister's Speech'.

The FCO's reply, which had been agreed with DFID, stated that there were no truly reliable figures for child mortality in Iraq.[13] The only figures available were from a 1999 UNICEF report which claimed that child mortality had risen from 56 per 1,000 in 1989 to 131 per 1,000 in 1999 in "Baghdad-controlled Iraq" and fallen from 80 per 1,000 to 72 per 1,000 over the same period in "UN-controlled" northern Iraq. However, those figures had been questioned. The household surveys on which the figures were based had been "conducted with the Iraqi regime's 'help' and relied on some Iraqi figures".

A No.10 official passed the figures for Baghdad-controlled Iraq (but not northern Iraq) to Mr Blair.[14] The official did not make any reference to the reliability of those figures.

The Inquiry concludes that the figures provided to Mr Blair in February 2003 by Ms Short and FCO officials were drawn from UNICEF's Iraq Child and Maternal Mortality Survey (ICMMS), published in August 1999.[15] That survey received extensive coverage in the media, in particular on whether there was a connection between the apparent rise in child mortality and the sanctions regime that was then in force.[16]

The level of child mortality in Iraq estimated by the ICMMS was significantly higher than that estimated by later surveys. The Child Mortality Estimates website, which presents the work of the UN Inter-Agency Group on Child Mortality Estimation, charts the estimates of major surveys of under-five mortality in Iraq.[17]

The UN Inter-Agency Group on Child Mortality Estimation estimates that the under-five mortality rate in Iraq was 55 per 1,000 in 1989, 46 per 1,000 in 1999, 42 per 1,000 in 2003, and 37 per 1,000 in 2010 (when Mr Blair gave his evidence to the Inquiry).[18]

In September 2010, Professor Michael Spagat reported that the child mortality estimates reported by the ICMMS were between two and three times higher than those reported by three other major UN-sponsored surveys (the Iraq Living Conditions Survey 2005, the Multiple Indictor Cluster Survey in Iraq 2007 and the Iraq Family Health Survey 2008).[19] He suggested that the high and rising child mortality rates reported by the ICMMS could be explained by:

- the manipulation of the sanctions regime by Saddam Hussein, in order to exacerbate the suffering caused by that regime for political purposes; and
- the manipulation of data by Saddam Hussein's regime, to exaggerate the suffering caused by sanctions.

---

[13] Fax Owen to Rycroft, 14 February 2003, 'PM's Speech Question'.
[14] Minute Rycroft to Prime Minister, 14 February 2003, 'Iraq: Scotland Speech – Additional Points'.
[15] UNICEF, 12 August 1999, *Iraq Child and Maternal Mortality Survey.*
[16] *BBC,* 12 August 1999, *Iraqi child death rates soar.*
[17] Child Mortality Estimates website, *Under-five mortality rate: Iraq*. Child Mortality Estimates (CME) Info is a database containing the latest child mortality estimates based on the research of the UN Inter-agency Group for Child Mortality Estimation. The UN Inter-agency Group comprises UNICEF, WHO, the World Bank, and the UN DESA Population Division.
[18] Child Mortality Estimates website, *Under-five mortality rate: Iraq*.
[19] Spagat M. Truth and death in Iraq under sanctions. *Significance* **7(3)**: 116-120 (2010).

19. On 19 March, in response to a question from Mr Martin Caton in the House of Commons, Mr Blair said:

> "Of course, I understand that, if there is conflict, there will be civilian casualties … However … civilian casualties in Iraq are occurring every day as a result of the rule of Saddam Hussein. He will be responsible for many, many more deaths even in one year than we will be in any conflict."[20]

20. The Coalition began military action against Iraq later that day.

Assessments of Iraqi civilian casualties during initial combat operations

21. In the second half of 2002, the Joint Intelligence Committee (JIC) produced four Assessments which identified the possibility of significant civilian casualties in the event of a Coalition attack on Iraq.

22. In August 2002, the JIC assessed Saddam Hussein's diplomatic and military options to deter, avert or limit the scope and effectiveness of a US attack.[21] The JIC's Key Judgements included:

> "Saddam would order the use of CBW [chemical and biological weapons] against Coalition forces at some point, probably after a Coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against Coalition forces, supporting regional states and Israel."

23. The Assessment also identified a number of "unorthodox options" that Saddam Hussein might pursue, including:

> "… a 'scorched earth' policy … with the aim of creating a humanitarian or environmental catastrophe …"

24. In September, the JIC assessed how Iraq might use chemical and biological weapons.[22] Its Key Judgements included:

> "If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance."

---

[20] House of Commons, *Official Report*, 19 March 2003, column 934.
[21] JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.
[22] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

25. In October, the JIC assessed the likely reaction of the Kurdish and Shia population of Iraq to any US-led attack.[23] It stated that:

> "… **spontaneous uprisings,** without any clear central leadership, are likely in both southern and northern Iraq … should the regime's control collapse quickly … In both areas there could be violent score settling."

26. In December, the JIC assessed Iraq's military options during Coalition air strikes and a ground attack.[24] Its Key Judgements included:

> "Saddam [Hussein] would use chemical and biological weapons (CBW) if he faced defeat. He might also use them earlier in a conflict, including against coalition forces, neighbouring states and his own people. Israel could be his first target.
>
> …
>
> "Other Iraqi responses might include seizing hostages as 'human shields'; using non-lethal BW agents in a deniable manner; suicide attacks; or a 'scorched earth' policy with the aim of creating a humanitarian or environmental catastrophe. At some point, motivated by revenge, Saddam would seek to inflict the maximum damage on his enemies, whether Iraqis or outsiders."

27. Sections 6.1 and 6.2 consider UK military planning for the invasion of Iraq, including the development of the UK's Targeting Directive.

28. On 15 January 2003, Mr Blair met Mr Geoff Hoon, the Defence Secretary, the Chiefs of Staff and others to discuss military planning for Iraq.[25] Mr Blair asked how many civilian casualties there might be, and for a list of the targets which UK air forces might be asked to attack, along with a commentary on their military importance and the risk of casualties.[26]

29. On 3 February, the MOD produced a Casualty Estimate paper for the Chiefs of Staff.[27] The estimates of UK military casualties are described in Section 16.3.

30. The MOD advised that, although detailed assessments of civilian casualties resulting from the air campaign could be produced on a "target-by-target" basis, the target set was not yet sufficiently well defined to allow an estimate to be produced for the air campaign as a whole. Analysis based on estimated civilian casualties during operations over Iraq between 1998 and 1999 suggested that the civilian casualties for an air campaign would be around 150 killed and 500 injured.

---

[23] JIC Assessment, 23 October 2002, 'Iraq: The Kurds and Shia'.
[24] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.
[25] Email PJHQ-DCJO(Ops)-MA to PJHQ-CJO/MA, 15 January 2003, 'Readout of the Brief to PM – Wed 15 Jan' .
[26] Letter Rycroft to Watkins, 15 January 2003, 'Iraq: Military Planning'.
[27] Minute Fry to COSSEC, 3 February 2003, 'Casualty Estimates – Op TELIC' attaching Paper MOD, 3 February 2003, 'Casualty Estimates for Op TELIC Based on Operational Analysis'.

31. No assessment had been produced of civilian casualties arising from "urban operations in Basra". Experience from World War II suggested that between 200 and 2,000 civilians could be killed in urban operations in Basra, depending on "circumstances, duration and the degree to which civilian casualties are minimised".

32. Mr Blair was briefed on the targeting aspects of an air campaign by Mr Hoon, Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)) and Air Commodore Mike Heath (MOD Head of the Directorate of Targeting and Information Operations) on 6 February.[28]

33. At the meeting, Mr Blair underlined the importance of "minimising the number of civilian casualties and ensuring that all targets were appropriate and proportionate" and that consideration should be given to "how best to explain publicly the scale and nature of the campaign".

34. On 19 February, at the request of the Overseas and Defence Secretariat in the Cabinet Office, the JIC provided an Assessment of the situation in southern Iraq and what might happen before, during and after any Coalition military action.[29] The JIC assessed that the "relative weakness of Iraq's conventional forces in the south, and the fact that those forces will face the brunt of a Coalition ground attack" meant that southern Iraq was **"the most likely area for the first use of CBW against both Coalition forces and the local population"**.

35. The JIC identified a number of factors that could undermine popular support for any post-Saddam Hussein administration, including major civilian casualties.

36. In mid-February Mr Blair read the Adelphi Paper *Iraq at the Crossroads: State and Society in the Shadow of Regime Change,* published by the International Institute for Strategic Studies (IISS).[30]

37. Several contributors to the Adelphi Paper warned of the potential for violent disorder in post-conflict Iraq.[31] The Paper is addressed in detail in Section 6.5.

38. The Adelphi Paper prompted Mr Blair to ask a number of detailed questions about the military campaign and post-conflict issues, including:

> "What is our military's assessment of the likely consequences of an attack on Iraq; i.e. how many casualties; how quickly the collapse?"[32]

---

[28] Letter Rycroft to Watkins, 6 February 2003, 'Iraq: Prime Minister's Meeting, 6 February'.
[29] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'.
[30] Letter Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'.
[31] Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change.* IISS Adelphi Paper 354. Oxford University Press, January 2003.
[32] Minute Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'.

39. General Tommy Franks, Commander in Chief US Central Command (CENTCOM), met Mr Blair on 25 February.[33] The record of the meeting written by a No.10 official reported that Mr Blair asked if Gen Franks had "any idea" of the scale of likely civilian casualties.

40. Adm Boyce stated that civilian casualties were likely to be in the "low hundreds". Gen Franks stated that ways to minimise civilian casualties were being explored.

41. Mr Blair concluded that "we must set out our strategy: to destroy the regime but minimise civilian casualties".

42. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, sent the MOD's response to Mr Blair's questions to No.10 on 24 February.[34] Mr Watkins advised that the MOD estimated that the UK "land battle" casualties would be in the order of 30–60 killed, and that Iraqi land battle casualties would be in the order of 500–1,200 killed. Detailed assessments of likely casualties from the air campaign, including civilian casualties, could only be done on a "target-by-target" basis and this work was "in hand". Mr Watkins stated:

> "Iraqi civilian casualties from anything other than the air campaign are likely to be relatively few, unless Coalition forces become engaged in fighting in urban areas."

43. Mr Watkins' letter did not refer to the broad estimates of civilian casualties that had been submitted to the Chiefs of Staff on 3 February.

Civilian casualties during initial combat operations

Provision of medical care to Iraqi citizens

44. Section 16.2 addresses the provision of medical care to UK Service Personnel.

45. The MOD recognised before the invasion that, under the Geneva Convention, it was obliged to provide Iraqi citizens (both military personnel and civilians) with the medical care that they required within the UK's means and capabilities.[35]

46. That obligation was reflected in military planning for Operation TELIC. The MOD's policy was that initial treatment would take place in theatre, with transfer to other countries in the region if transfer was required and if those countries agreed to accept Iraqi citizens for treatment. If those countries did not agree to accept them, the UK would evacuate the very seriously injured to the UK for specialist care.

---

[33] Letter Cannon to Owen, 25 February 2003, 'Iraq: Prime Minister's Meeting with General Franks'.
[34] Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'; Minute Rycroft to Prime Minister, 26 February 2003, 'Political and Military Questions on Iraq'.
[35] Minute PJHQ [junior official] to APS/Mr Hoon, 14 May 2003, 'Operation TELIC: Aeromedical Evacuation of Iraqi Civilians to the UK for Treatment'.

47. The Permanent Joint Headquarters (PJHQ) advised Mr Hoon on 14 May 2003, two weeks after the end of major combat operations, that only seven Iraqi citizens had so far been evacuated to the UK, predominantly for severe burns (PJHQ had planned for the evacuation of 20 Iraqi citizens).

48. The MOD reported in July 2003 that around 200 Iraqi Prisoners of War and 200 Iraqi civilians had been treated in British medical facilities during the deployment and combat phases of Op TELIC.[36]

Reports on civilian casualties

49. On 31 March, Mr Hoon and Adm Boyce briefed Mr Blair on progress on military operations.[37] Mr Blair asked for an estimate of civilian casualties. Mr Hoon replied: "Hundreds."

50. As major combat operations continued, the Government came under sustained pressure in the House of Commons to provide estimates of Iraqi and civilian casualties and to minimise civilian casualties and damage to infrastructure.

51. On 2 April, in response to a question from Mr John MacDougall, Mr Adam Ingram, Minister of State for the Armed Forces, stated:

> "We have no means of ascertaining the numbers of military or civilian lives lost during the conflict in Iraq to date, although we make every effort to keep any impact upon the Iraqi civilian population to an absolute minimum. All our military planning is conducted in full accordance with our obligations under international law to employ the minimum necessary use of force to achieve military effect, and to avoid injury to non-combatants or civilian infrastructure. Practically, this is achieved through a combination of an extremely careful targeting process and highly accurate precision guided weapons."[38]

52. The following day, in response to a question from Ms Caroline Spelman regarding the number of Iraqi civilians who had been injured and killed as a result of the conflict, Mr Ingram stated:

> "… it is impossible to know for sure how many civilians have been injured, or killed and subsequently buried."[39]

53. IBC reported in July 2005 that 7,299 non-combatant civilians had been killed between 20 March 2003 and 30 April 2003.[40] Of those deaths, 6,882 had been caused by US-led forces, 206 by "anti-Occupation forces, unknown agents and crime", and 211 by both US-led and anti-Occupation forces.

---

[36] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.
[37] Minute Rycroft to Powell, 31 March 2004, 'Iraq: Military Briefing, 31 March 2003'.
[38] House of Commons, *Official Report*, 2 April 2003, column 738W.
[39] House of Commons, *Official Report*, 3 April 2003, column 783W.
[40] Iraq Body Count, July 2005, *A Dossier of Civilian Casualties 2003 – 2005.*

Battle Damage Assessment

Section 6.2 describes the main principles of International Humanitarian Law (IHL), also known as the Law of Armed Conflict (LOAC) or the Law of War, how they were disseminated to those engaged in military action, and how they were reflected in the UK's Targeting Directive and Rules of Engagement (ROEs).

The key elements of IHL which apply to targeting of military objectives during a conflict are set out in the 1977 Protocol Additional to the Geneva Conventions of 1949 (Protocol I). The main principles can be summarised as:

- **Distinction.** The parties to the conflict must at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives, and shall direct their operations only against military objectives (Article 48).
- **Proportionality.** Military objectives must not be attacked if the attack is likely to cause civilian casualties or damage which would be excessive in relation to the concrete and direct military advantage anticipated (Article 57:2:b).
- **Military Necessity.** Offensive operations must be limited to those which are necessary (Article 57:3).
- **Feasible Precautions.** In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

Those who plan or decide upon an attack must take a number of specified precautions, focusing on the principles outlined above (Article 57).

The Battle Damage Assessment (BDA) process in place at the beginning of Op TELIC was set out in the UK's 2001 'Joint Targeting and Battle Damage Assessment for UK Forces'.[41]

The paper stated that the purpose of BDA was:

> "… to evaluate the overall effectiveness of an attack. It is also required to determine collateral and additional damage in order to provide an authoritative statement about the proportionality and legality of the attack, and on the absence or presence of collateral or additional damage when required for rebuttal purposes."[42]

The paper defined "collateral damage" as unintentional or incidental damage affecting facilities, equipment or personnel that were not justifiable military objectives. It defined "additional damage" as unintentional or incidental damage affecting facilities, equipment or personnel that were justifiable military objectives.

The paper did not describe how, after an attack, the number of civilian casualties should be determined.

The MOD told the Inquiry that, during Op TELIC 1, civilian casualty incidents were classed as "serious incidents" for which investigation was mandated by the Commanding Officer and a "higher authority".[43] The process was formalised in June 2003, so that any incident judged to have potentially fallen outside the UK's ROEs was fully investigated by the Service Police.

---

[41] Paper, January 2001, 'Joint Targeting and Battle Damage Assessment for UK Forces'.
[42] Paper, January 2001, 'Joint Targeting and Battle Damage Assessment for UK Forces, Annex G: BDA – Phases and Definitions'.
[43] Paper MOD, [undated], 'Iraq Inquiry Request for Evidence on the Assessment of Civilian Casualties Sustained during Military Operations'.

Case study of a bombing in a Basra suburb, 5 April 2003

54. The deaths of 10 members of the Hamoudi family in a Coalition air strike on houses in a residential area of Basra in early April 2003 attracted significant media attention.

55. The Inquiry has considered, as a case study, the Government's role in and response to the air strike.

56. The UK military undertook a Rapid Collateral Damage Assessment on 4 April 2003 for a possible attack on a small group of residential houses in Basra that were expected to be visited by General Ali Hasan Al-Majid (also known as Chemical Ali).[44] Gen Al-Majid was described as responsible for co-ordinating resistance to the Coalition within southern Iraq and therefore as a combatant.[45]

57. The Assessment concluded that seven houses (not including those targeted) might suffer collateral damage, and that there would be additional casualties in the open, resulting in 39 civilian casualties in a day attack and 51 in a night attack (again, not including casualties in the targeted houses).[46] No separate estimate had been made of damage to or casualties in the targeted buildings.

58. Given the number of expected civilian casualties (more than 30), approval for the attack was referred from HQ 1st (UK) Armoured Division to Air Marshal (AM) Brian Burridge, the UK's National Contingent Commander, and hence to Mr Hoon.[47]

59. AM Burridge advised Mr Hoon that:

> "… the expected civilian casualties … would not be excessive in relation to the direct and concrete military advantage anticipated should Al-Majid be successfully targeted. The attack is therefore capable of being assessed as proportional by the Commander."[48]

60. On 4 April, Mr Hoon agreed that the attack should proceed.[49] However, Gen Al-Majid was reported to have left the location before the attack could be carried out.

61. In the expectation of Gen Al-Majid's return, AM Burridge also sought approval for the attack from CENTCOM.[50]

---

[44] Minute NCHQ OA to NCHQ J3 Targets, 4 April 2003, 'Rapid Collateral Damage Estimate Residential Houses (Loc: 303121.8N 474904.0E)'.
[45] TST Log Sheet, [undated], [untitled].
[46] Minute NCHQ OA to NCHQ J3 Targets, 4 April 2003, 'Rapid Collateral Damage Estimate Residential Houses (Loc: 303121.8N 474904.0E)'.
[47] Minute BMRA to NC HQ, 15 April 2003, 'Civilian Casualties – Coalition Engagement in Basrah – 05 April 2003'; Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.
[48] TST Log Sheet, [undated], [untitled].
[49] Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.
[50] Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.

62. CENTCOM agreed the attack early on 5 April, subject to a reduction in the ordnance to be used from 500lb and 1,000lb bombs to 500lb bombs only, in order to minimise collateral damage.[51]

63. At 0530 local time on 5 April, following reports that Gen Al-Majid had returned to the location, US forces dropped seven bombs on the target.[52] The US reported immediately after the attack that:

- four bombs had hit the target and detonated;
- two bombs had missed the target; and
- one bomb had hit the target but failed to detonate.

64. Mr Abed Hassan Hamoudi wrote to the "Head of Coalition Forces" in Basra on 12 April, informing him that 10 members of his family had been killed when a number of rockets from Coalition aircraft had hit his house.[53] He had received no expression of condolence or explanation for the attack. Mr Hamoudi indicated that he would seek compensation for the attack and said that he had authorised his son, Mr Sudad Hamoudi, to pursue the case.

65. The Joint Air Reconnaissance Intelligence Centre (JARIC) produced a Phase 1 Battle Damage Assessment (BDA) for the attack on Gen Al-Majid on 14 April.[54] It stated that no collateral damage had been observed.

66. By 15 April, HQ 1st (UK) Armoured Division had associated the attack on Gen Al-Majid with the deaths reported by Mr Hamoudi.[55]

67. HQ 7 Armoured Brigade (then responsible for the Basra battlespace) issued a consolidated BDA for the Basra urban area on 19 April.[56] The BDA covered 15 targets which had been engaged by precision guided munitions, including the 5 April attack on Gen Al-Majid. The BDA for that attack reported that the target residence had been completely destroyed, but Gen Al-Majid was believed to have escaped. The attack had damaged other properties and caused civilian casualties; one neighbour had claimed that 10 members of his family including four children had been killed, and another neighbour had claimed that an additional seven children had been killed.

68. The consolidated BDA made no mention of civilian casualties in its reports on any of the other attacks.

---

[51] Minute BMRA to NC HQ, 15 April 2003, 'Civilian casualties – Coalition Engagement in Basrah – 05 April 2003'.
[52] Report 524 Expeditionary Fighter Squadron, 5 April 2003, [untitled]. Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.
[53] Letter Hamooudi to Head of Coalition Forces, 12 April 2003, [untitled].
[54] Report JARIC, 14 April 2003, 'MRNXXHACIZ/0248'.
[55] Minute BMRA to NC HQ, 15 April 2003, 'Civilian casualties – Coalition Engagement in Basrah – 05 April 2003'.
[56] Report 7 Armoured Brigade, 19 April 2003, 'Battle Damage Assessment Report for the Al Basrah Urban Area and Immediate Hinterland'.

69. The consolidated BDA considered the contribution that pre-planned strikes had made to the campaign, and concluded that:

> "… PGMs [precision guided munitions] shortened the battle … and as a result, reduced loss of life on both sides."

70. An MOD official advised Mr Ingram on 23 April that an investigation into Coalition activity on 5 April, the BDA of the attack on Gen Al-Majid, and other evidence indicated that Mr Hamoudi's claim was true.[57] Two of the bombs had missed their target "and we suspect therefore that these bombs caused the collateral damage to Mr Hamoudi's house".

71. The official also advised that although the MOD had not yet developed a policy on compensation, it was unlikely that Mr Hamoudi would have a claim. There was no legal obligation on the Coalition to compensate civilians affected by hostilities. In line with previous operations, the MOD would not expect to offer compensation for damages resulting from legitimate targeting during hostilities.

72. Mr Ingram wrote to Mr Sudad Hamoodi on 4 June. Mr Ingram advised that the UK had "looked into" the circumstances surrounding the event and could confirm that the deaths were:

> "… likely to have been the result of Coalition bombing aimed at General … Al Majid. There as no deliberate targeting of your father's home and the losses suffered by your family were quite unintended. I appreciate that this may be of very little comfort to you now.
>
> "… the Coalition does take every care to ensure that our military action avoids injury to civilian populations. That said it is not possible to eliminate the risk to civilians entirely, but I hope you will understand that when civilians are injured or killed in this way, this is a tragic accident rather than a deliberate event."[58]

73. Mr Sudad Hamoudi replied to Mr Ingram on 8 June, posing a number of questions including:

- Was the intelligence that had placed Gen Al-Majid at the location (in a residential district) reliable?
- Why had the family not been warned about the possibility of an attack, so that they could have taken action to ensure their own safety?
- Whether it was correct to describe the deaths as an accident, when they had resulted from a deliberate action.[59]

---

[57] Minute MOD [junior official] to PS/Minister(AF) [MOD], 23 April 2003, 'OP TELIC: Hamoodi Family: Civilian Fatalities'.
[58] Letter Ingram to Hamoodi, 4 June 2003, [untitled].
[59] Letter Hamoodi to Ingram, 8 June 2003, [untitled].

74. Mr Sudad Hamoudi concluded that there had to be "some kind of accountability" for the loss of civilian lives.

75. An MOD official provided Mr Ingram with a draft reply to Mr Sudad Hamoudi's letter on 20 June.[60] The official advised that further analysis of the attack suggested that the damage to Mr Abed Hamoudi's house had not been caused by one of the two bombs that had missed their target, as had been suggested in the 23 April minute to Mr Ingram, but had instead been "an unavoidable consequence of an accurate strike on the target house". The official continued:

> "The targeting planning process identified that collateral damage was likely in neighbouring properties to the target area. If the Hamoudi house was one of these, it therefore seems possible it was damaged as an expected and unavoidable consequence of the strike on the building believed to contain General 'Chemical' Ali Hassan Al-Majid, although at the moment we cannot say this with certainty.
>
> "Although we can say with complete certainty that the Hamoudi house was not deliberately targeted by the Coalition … it becomes difficult in this particular instance to sustain with any confidence the line that this was an accident."

76. The MOD official stated that there was nevertheless no doubt as to the legitimacy of the attack.

77. The official also stated: "In line with previous operations we would not expect to offer compensation for damages resulting from legitimate targeting during hostilities."

78. Mr Ingram replied to Mr Sudad Hamoudi on 23 June.[61] He reiterated his sorrow at the deaths caused by the attack and set out the UK Government's position on its legality:

> "As the Commander of the Southern Region [of Iraq] … Al-Majid was a key Iraqi military figure whose removal from command was expected to deliver considerable military advantage … thus ultimately minimising casualties on both sides. The attack on the place where he was believed to be located was therefore entirely lawful."

79. Mr Ingram was advised on 10 July – over three months after the attack – that the UK's "research" into the incident remained "incomplete, and the information available ambiguous".[62] PJHQ was trying to confirm the address of Mr Hamoudi's house, and that the strike on Gen Al-Majid was "actually accurate and directed against the correct co-ordinates".

80. Members of the Iraq Inquiry Committee met members of the Hamoudi family in 2010.

---

[60] Minute MOD [junior official] to APS/Mr Ingram, 20 June 2003, 'Op TELIC: Hamoodi Family: Civilian Fatalities'.
[61] Letter Ingram to Hamoodi, 23 June 2003, [untitled].
[62] Minute MOD [junior official] to MOD [junior official], 10 July 2003, 'Op TELIC: Hamoodi family: civilian fatalities'.

Responding to demands to count civilian casualties

81. From early June 2003, and throughout the summer, there were signs that security in both Baghdad and the South was deteriorating.

82. The Government continued to face pressure in Parliament to provide estimates of the numbers of Iraqi citizens who had died during the conflict. The Government's line remained that the UK had no means of ascertaining the number of Iraqi Service Personnel or civilians who had been killed during the conflict.

83. On 14 October 2003, in response to a question from Mr Adam Price regarding the number of Iraqi civilians who had been killed by UK or US forces in Iraq since the end of the conflict, Mr Hoon said:

> "We make every effort to minimise the impact of military operations on the Iraqi civilian population.
>
> "We have no reliable means of ascertaining the numbers of civilians killed by United Kingdom Forces since the conflict ended."[63]

84. FCO and MOD officials discussed that response.

85. On 12 November, an FCO official reported to Mr John Buck, FCO Director Iraq, that according to MOD officials:

> "… notwithstanding this answer, records are kept of all significant incidents involving UK forces. A significant incident would include … a soldier wounding or killing a civilian. At present, this information is not collated, although PJHQ accept that it could be."[64]

86. That collated information would not necessarily be "fully reliable", as UK forces could not always be sure if someone had been killed or wounded in an incident, and whether that person was a civilian.

87. On the same day, PJHQ sent Mr Hoon a report on the death of two Iraqi adults and the injury of an Iraqi child in an incident involving UK forces.[65]

88. The report prompted Mr Hoon to ask PJHQ for "further advice on the total numbers of civilians killed by UK forces since the end of major combat operations".[66]

89. On 13 November, in response to a question from Mr Price in the House of Commons, Mr Ingram confirmed that the Special Investigation Branch (SIB) of the Royal

---

[63] House of Commons, *Official Report*, 14 October 2003, column 22W.
[64] Minute FCO [junior official] to Buck, 12 November 2003, 'Iraq – Civilian Casualties'.
[65] Minute PJHQ to PS/Secretary of State [MOD], 12 November 2003, 'Iraqi Civilian Shooting in Basrah'.
[66] Minute APS/Secretary of State to PJHQ, 13 November 2003, 'Iraqi Civilian Shooting in Basrah'.

Military Police (RMP) had begun investigations into 17 civilian fatalities allegedly caused by UK forces.[67]

90. Mr Straw wrote to Mr Hoon on 18 November to ask that the MOD examine whether it would be viable to collate information on post-conflict civilian casualties inflicted lawfully and in accordance with the UK's Rules of Engagement by UK forces (and other troop contributors) in the UK's Area of Responsibility.[68] Mr Straw recalled recent media and NGO reporting on the "allegedly high levels of civilian casualties inflicted by Coalition forces" and the level of Parliamentary and public interest, and continued:

> "I recognise fully the difficulties involved in compiling accurate statistics about civilian casualties, particularly during combat operations. But I am concerned that the current UK/US position – that 'there is no reliable means of ascertaining the number of civilian casualties, even in post-conflict Iraq' – leaves the field entirely open to our critics and lets them set the agenda …
>
> "We need to find ways of countering the damaging perception that civilians are being killed needlessly, and in large numbers, by Coalition forces."

91. Mr Straw referred to the work of IBC, which he described as having "some credibility (within the sourcing limitations)".

92. Mr Hoon's Private Office passed Mr Straw's letter to PJHQ, asking for a draft reply.[69] Mr Hoon's Private Office commented that they had already asked PJHQ to identify the total number of civilians killed by UK forces since the end of major combat operations.

93. PJHQ replied to Mr Hoon's Private Office on 25 November.[70] It confirmed that assessment reports (ASSESSREPs) recorded the detail of contacts and incidents in the UK's Area of Operations, including details of civilian "casualties or deaths". It would take two weeks to review all ASSESSREPs produced since 1 May 2003, to determine the number of Iraqi civilian casualties. The number produced would not be "definitive or entirely comprehensive"; ASSESSREPs would only cover incidents which were witnessed by or involved UK forces.

94. PJHQ also advised:

> "The current line, that there is no reliable way of knowing how many casualties there have been … was perfectly reasonable during the decisive combat phase of Op TELIC … as long-range attacks meant that there was no source on the ground to verify … casualty numbers.

---

[67] House of Commons, *Official Report*, 13 November 2003, column 433W.
[68] Letter Foreign Secretary to Defence Secretary, 18 November 2003, 'Iraq: Civilian Casualties'.
[69] Minute APS/Secretary to State [MOD] to PJHQ J9 Hd Pl/Ops, 18 November 2003, 'Iraq – Civilian Casualties'.
[70] Minute PJHQ J9 to APS/Secretary of State [MOD], 25 November 2003, 'OP TELIC: Civilian Casualties'.

> "Since … the end of decisive combat operations, this line has become more difficult to defend as confirmed cases of civilian casualties where UK forces are involved are recorded locally."

95. Mr Hoon replied to Mr Straw the following day, advising that neither Iraqi ministries nor Coalition Forces currently had the capacity to collate definitive statistics on the causes of death or injury to civilians.[71] He nevertheless shared Mr Straw's desire to be able to produce accurate casualty statistics "to be able to refute some of the more wild speculation". The SIB was investigating 17 civilian fatalities allegedly caused by UK forces. The MOD was "seeking to analyse" incident reports produced since 1 May 2003 in order to determine the likely number of "additional Iraqi civilian deaths". That process would take some time; Mr Hoon undertook to write to Mr Straw with the results.

96. Mr Price secured an Adjournment Debate on "military operations and civilian deaths in post-war Iraq", which was held in Westminster Hall on 7 January 2004.[72] Mr Price had previously tabled 17 Parliamentary Questions on civilian casualties in post-war Iraq and had sent his paper *Can Kill, Won't Count* to Mr Hoon and the Attorney General.

97. Mr Ingram's briefing for the debate advised that the review of ASSESSREPs which had been initiated the previous month had been completed. In addition to the 17 civilian deaths which were subject to investigation by SIB/RMP, the review had identified a further 17 civilians who had been killed by UK forces; one in an (unspecified) accident and 16 in circumstances where force was deemed to have been used in accordance with the UK's Rules of Engagement.

98. Opening the debate, Mr Price asked Mr Ingram how many civilian casualties had been reported by UK forces.[73] In his response, Mr Ingram referred to the 17 deaths that were being investigated by SIB/RMP, but not to the 17 further deaths that the MOD review had identified.

99. Mr Ingram rejected the charge that the UK was refusing to keep records of civilian casualties:

> "That is not true … Although we record all such incidents, it would be wrong to claim that we have an exhaustive record, because we cannot always be certain of the number of fatalities that result. In some incidents … those who have been attacking UK forces and who have been injured or killed are removed from the scene …
>
> "There have also been incidents in which UK forces have been forced to withdraw from an engagement with no reliable means of ascertaining the number of fatalities … Finally, gun battles have taken place in which our forces were not involved, but there have been claims that they were responsible for casualties none the less."

---

[71] Letter Hoon to Straw, 26 November 2003, [untitled].
[72] Minute PJHQ to APS/Minister(AF) [MOD], 23 December 2003, 'Adjournment Debate on 7 January: Military Operations and Civilian Deaths in Post-War Iraq – Adam Price'.
[73] House of Commons, *Official Report*, 7 January 2004, columns 135WH to 141WH.

100. Mr Ingram also clarified the MOD's definition of a civilian:

> "For our purposes, the term 'civilian' applies to all Iraqis. Besides peaceful law-abiding men, women and children, it includes those former regime loyalists who have since April continued to bomb, kill and maim their fellow Iraqi countrymen and women and Coalition troops."

101. On 6 February, in response to a written Parliamentary Question from Mr Price, Mr Ingram stated:

> "As at 2 February, since the end of major combat operations 37 alleged fatalities had been reported by British units of which 18 have been the subject of investigations. All those not subject to investigation involved assailants attacking British forces and in defending themselves the soldiers involved were acting clearly within their Rules of Engagement."[74]

102. That was the first public statement, of which the Inquiry is aware, of the number of civilians killed by UK forces in Iraq.

103. IBC reported on 7 February 2004 that the number of "non-combatant civilian" deaths in Iraq during 2003 "as a result of the US/UK-led invasion and Occupation of Iraq" might have passed 10,000.[75]

104. IBC commented:

> "Pushing the total past the 10,000 mark were recent reports of Iraqi policemen killed since Saddam's fall in April. It is unsurprising that, as the CPA [Coalition Provisional Authority] and Occupying forces bunker themselves behind concrete fortresses, their most exposed and least well-protected front-line defence, members of the 'new' Iraqi civil defence and police forces, have suffered disproportionately."

105. On 23 April, at his request, Mr Blair received 19 "unvarnished accounts" of progress on security, the political process and reconstruction in Iraq (see Section 9.2).

106. In his response to those accounts, Mr Blair asked for answers to four specific questions, including:

> "How many civilians have been killed in Iraq, and how? The figure of 15,000 is out there as a fact – is it accurate?"[76]

107. The Cabinet Office responded to that question on 30 April, as part of a detailed update on the capabilities of the Iraqi Security Forces.[77] It advised that there were no accurate estimates of the number of Iraqi casualties since the start of combat

---

[74] House of Commons, *Official Report*, 6 February 2004, column 1104W.
[75] Iraq Body Count, 7 February 2004, *Civilian deaths in 'noble' Iraq mission pass 10,000.*
[76] Letter Rycroft to Owen, 26 April 2004, 'Iraq: 15 Reports for the Prime Minister'.
[77] Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.

operations; figures ranged from 5,000 to 20,000. The MOD's public line had been that it was not possible to determine the number of civilian casualties, and that UK forces took every effort to minimise the impact of military operations on the civilian population.

108. An "initial assessment" undertaken by the MOD in February 2004 had indicated that 36 civilians had died as a result of UK actions since 1 May 2003.[78] The MOD was now undertaking a "comprehensive assessment" of unit records to produce a more accurate estimate; the outcome of that assessment would be shared with Ministers in May.

109. On 21 May, No.10 asked the FCO to "look again" at the question of civilian casualty figures, and for a weekly "digest" of casualty figures.[79]

110. The FCO replied on 26 May. It stated that CPA advisers to the Iraqi Ministry of Health (MOH) had told the FCO that the MOH did not have reliable figures for civilian deaths or their causes. The MOH was gradually re-establishing standard practices and procedures, but those were still "very basic".

111. The FCO concluded that the UK did not have reliable figures for overall civilian casualties. As the MOH improved its systems, it might be possible for the Iraqi Interim Government (IIG) to determine numbers and causes of civilian deaths and injuries: "But, for now, we are primarily reliant on NGO websites whose reliability we cannot easily assess."

112. The Inquiry has seen no indications that the FCO provided a weekly digest on civilian casualties to No.10.

113. In response to a written question from Lord Lester of Herne Hill on whether the CPA had access to hospital records detailing Iraqi civilian deaths and injuries and their causes, Baroness Symons, FCO Minister of State, stated on 7 June:

> "Coalition Provisional Authority advisers to the Iraqi Ministry of Health (MOH) do have access to some figures on civilian deaths. However these statistics are not reliable, as Iraqis often bury their deceased relatives without official notification/ registration. This has been particularly true during periods of heightened conflict. The MOH does not therefore have accurate figures for civilian deaths or their causes for the past year. The MOH is gradually re-establishing standard practices and procedures, although these are basic. In the longer term the Iraqi Interim Government may be able to evaluate the causes of civilian deaths and injuries."[80]

---

[78] President Bush declared on 1 May 2003 that major combat operations in Iraq had ended.
[79] Letter FCO [junior official] to Quarrey, 26 May 2004, 'Iraq Casualty Figures'.
[80] House of Lords, *Official Report*, 7 June 2004, column WA1.

114. Lord Lester followed up that reply by asking the UK Government to publish the MOH statistics on Iraqi civilian deaths and injuries. Baroness Symons replied on 24 June:

> "There are no reliable figures for Iraqi civilian deaths since March 2003. The Iraqi Ministry of Health has informed us that the number of civilians killed in security incidents is 1,203 and 3,992 wounded dating from when statistics began on 5 April 2004. However they reflect only hospital admissions and may not be comprehensive. It is not possible to break these down into how they were killed or who may have been responsible. It includes casualties caused by terrorist action."[81]

115. The Occupation of Iraq formally came to an end on 28 June. Power was transferred from the CPA and Iraqi Governing Council to the IIG.[82]

116. On 6 October, the US media reported that the Iraqi MOH had recorded 3,487 insurgency-related deaths between 5 April, when the MOH began compiling data, and 19 September.[83] According to (unnamed) Iraqi officials, between 10 June (when the MOH began compiling data on cause of death) and 10 September, 1,295 Iraqis had been killed by "multinational forces and police" and 516 by "terrorist operations". The MOH defined terrorist operations as explosive devices in residential areas, car bombs and assassinations.

117. The US media reported that the MOH was "convinced" that nearly all of those reported dead were civilians or police and Iraqi national guardsmen, rather than insurgents; family members would often not report the death of a relative who had died fighting for an insurgent group.

118. No.10 wrote to the FCO on 11 October:

> "The Prime Minister [Mr Blair] has asked for an updated assessment of civilian casualties in Iraq. This should include our best estimate of civilian casualties since military action was launched last year, what the US are saying, and a comparison with figures being produced by other bodies (e.g. NGOs, Brookings) and/or quoted in the media.
>
> "The Prime Minister is concerned that we are not getting the message across effectively enough about the extent of insurgent/foreign terrorist responsibility for civilian deaths."[84]

119. Mr Robin Cook (Labour) asked Mr Straw in the House of Commons on 12 October whether he had seen the MOH figures highlighted in the US media reports, which

---

[81] House of Lords, *Official Report*, 24 June 2004, column WA138.
[82] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[83] *The Seattle Times*, 6 October 2004, *Iraq Ministry Says Coalition Kills More Civilians than Insurgents do.*
[84] Letter Quarrey to PS/Straw, 11 October 2004, 'Iraq: Civilian Casualties'.

showed that "two thirds of the civilians killed in the last six months died as a result of coalition bombing".[85]

120. Mr Straw said that he had not seen those figures.[86]

121. An MOD official provided a contribution to the FCO's response to No.10 on 13 October.[87] The MOD official confirmed that the MOD did not estimate civilian casualties because it believed that there was no reliable method for doing so, adding:

> "This is not merely our public line but our genuine judgement."

122. The official dismissed the suggestion, made by the FCO, that the civilian casualty figures that were reported to the weekly Chiefs of Staff meeting could serve as a reliable estimate of total civilian casualties. Those figures were compiled by the US based on incomplete "reporting of incidents" to US Corps HQ. The figures were reported to Chiefs of Staff as trends in them indicated whether the security situation was improving or deteriorating.

123. The official concluded by re-stating:

> "… the MOD does not produce an estimate of civilian casualties, either within our own area of operation or across Iraq. We have no methodology which would enable us to do this; nor do we believe it possible to define a methodology that would produce figures meaningful enough to alleviate No.10's concern about public presentation."

124. The FCO replied to No.10 on 14 October, having consulted UK advisers in the Iraqi MOH.[88] The FCO recommended that the UK should not take any ownership of figures of civilian casualties; none of the estimates available were reliable, and the UK Government would have difficulty in defending the methodology behind them to the media and Parliament.

125. The UK would also have difficulty in compiling its own statistics:

> "We rarely have our own people on the ground following terrorist attacks, often relying on press statistics. But their figures result in widely varying estimates …"

126. The FCO advised that it regarded hospital and mortuary admissions collated by the Iraqi MOH as the "most reliable" figures available, although there were a number of deficiencies:

- Monthly and six-monthly MOH reports were not consistent.

---

[85] House of Commons, *Official Report*, 12 October 2004, column 160.
[86] House of Commons, *Official Report*, 12 October 2004, column 162.
[87] Minute MOD [junior official] to FCO [junior official], 13 October 2004, [untitled].
[88] Letter Owen to Quarrey, 14 October 2004, 'Iraq: Civilian Casualty Figures'; Minute FCO [junior official] to Owen, 13 October 2004, 'Iraq: Civilian Casualty Figures'.

- Civilians who were taken to hospital injured and subsequently died were counted as injured.
- Hospital staff had come under (unspecified) pressure to inflate casualty figures.

127. The FCO also advised that the Iraqi MOH had publicly estimated that 3,617 Iraqi civilians had been killed and 14,554 injured in the period from 5 April 2004 to 25 September 2004. An unpublished MOH estimate indicated that of those casualties, 516 had been killed and 2,016 injured in "terrorist attacks".

128. The FCO reported that the UK's Joint Terrorism Analysis Centre (JTAC) gave "a very different estimate" of 1,125 fatalities caused by "foreign fighters" since the beginning of 2004. Of those casualties, nearly 1,000 were civilians.

129. The FCO concluded that the UK should be "wary" about being drawn into a debate on which of those figures was accurate. Another unpublished MOH estimate indicated that 1,295 Iraqi citizens had been killed and 5,479 injured in the period from 16 June 2004 to 10 September 2004 "in military action":

> "This is more than double the number they [the Iraqi MOH] estimate were killed by terrorists. Although the figures include insurgents as well as civilians, the Iraqi figures as they stand now will not help us make the case that more civilians have been killed by terrorists than by military action."

130. The FCO continued:

> "In sum, if we produce a figure that differs from the Iraqi Government figures, we will have to defend it – and the way it was arrived at – before Parliament and the media … We recommend that for the moment we continue to put our public emphasis on specific atrocities against civilians …"

131. Mr David Quarrey, a Private Secretary to Mr Blair, passed the FCO's advice to Mr Blair the following day.[89] Mr Quarrey commented:

> "You asked for an assessment of civilian casualties in Iraq, noting that we cannot let figures of 10–15,000 go unchallenged as if we are responsible for all of them …
>
> "The FCO recommend that we stick to publicising terrorist responsibility for civilian casualties in individual incidents. Underlying this is concern that any overall assessment of civilian casualties will show that MNF [Multi-National Force – Iraq] are responsible for significantly more than insurgents/terrorists.
>
> "But we should be able to handle this better …"

132. Mr Quarrey advised Mr Blair that he intended to ask the Cabinet Office to convene a meeting of departments to initiate a trial period of monitoring daily statistics

---

[89] Minute Quarrey to Prime Minister, 15 October 2004, 'Iraq: Civilian Casualties'.

on fatalities, drawing on whatever information was available. The Government could then assess how "credible (and helpful) the information would be publicly". Mr Quarrey concluded:

> "If the trial is successful, we could look at outsourcing to a credible external organisation (e.g. a think-tank or academics)."

133. Mr Blair agreed that approach.[90]

134. Mr Quarrey wrote to the MOD on 18 October, to confirm that he had asked the Cabinet Office to convene a meeting to discuss how to take forward a trial monitoring period "in order to demonstrate more effectively the harm being inflicted by terrorism in Iraq".[91] Copies of Mr Quarrey's letter were sent to the FCO and other departments.

135. A Cabinet Office official chaired a meeting on 22 October to plan how to take forward the trial monitoring period.[92] During the meeting, officials stated that there was a risk that the UK might come under pressure to disclose publicly any conclusions that were reached. Mr Quarrey told the meeting that No.10 believed that the UK needed to make a "serious attempt to quantify what is happening".

136. Officials agreed that:

- The "headline task" was to quantify, as precisely as possible, the number of civilian deaths caused by a) insurgents and b) coalition military action (both MNF – I and the Iraqi Security Forces).
- The best way to do that was to break the task down. The FCO would report from open sources, the MOD would report from Multi-National Division (South-East) (MND(SE))[93] using existing military reporting systems, and JTAC/PJHQ would analyse US statistics on casualties.
- The trial period would run for the month of November.

137. An MOD official wrote to the Cabinet Office on 28 October, setting out the MOD's concerns about the trial process.[94] The MOD's position remained that it did not believe it was possible to establish an accurate methodology for estimating the total number of civilian casualties. Although incident reports could be analysed, there was a danger that:

> "… once we have adopted a methodology, Parliament and the public would in future expect us to apply this no matter what the intensity of the operation."

---

[90] Email Quarrey to Bowen, 18 October 2004, 'Iraq Civilian Casualties'.
[91] Letter Quarrey to Naworynsky, 18 October 2004, 'Iraq'.
[92] Letter Cabinet Office [junior official] to Ad Hoc Cabinet Office Group on Civilian Casualties in Iraq, 25 October 2004, 'Iraq: Civilian Casualties'.
[93] MND(SE) comprised the four provinces in southern Iraq for which the UK had security responsibility.
[94] Letter MOD [junior official] to Cabinet Office [junior official], 28 October 2004, [untitled].

138. The official recalled the limitations of the incident-reporting process, and concluded:

> "… if HMG [Her Majesty's Government] really does wish to get into the business of challenging media and NGO statistics, we would need to open up discussions with the US and other coalition partners on how to change the incident reporting process in order that – in future – it attributed blame for civilian killings."

139. An FCO official wrote to the Cabinet Office on the same day, setting out how the FCO intended to contribute to the trial.[95] It would report figures compiled by NGOs and the media but not amend them in any way. To do so would suggest that those NGO and media figures had some reliability, when the UK's public line was that they did not. Any amendments would also make the figures releasable under the Freedom of Information Act (which would come into effect the following year). The FCO concluded:

> "The focus of our work will instead be on the figures produced by the Iraqi Ministry of Health (MOH) … these too have their limitations. However, we will work with the MOH during the next few weeks to see if these statistics can be improved."

140. On 29 October, as the Government's trial monitoring period got under way, *The Lancet* published a study by the Johns Hopkins Bloomberg School of Public Health entitled *Mortality before and after the 2003 invasion of Iraq: cluster sample survey* (the *Lancet* study).[96]

141. The study was based on a survey of 988 households in 33 clusters. It found that there had been 98,000 more deaths from all causes in Iraq than expected in the 18 months since the invasion (95 percent confidence interval 8,000–94,000) outside of Fallujah. There would be "far more" deaths if data from the Fallujah cluster were included.

142. The study stated that violence accounted for most of the excess deaths, that violent deaths were "mainly attributed" to coalition forces, and that most individuals reportedly killed by coalition forces were women and children. On the causes of death, the study stated:

> "The major causes of death before the invasion were myocardial infarction, cerebrovascular accidents, and other chronic disorders whereas after the invasion violence was the primary cause of death."

143. There had been an increase in the infant mortality rate, from 29 deaths per 1,000 live births to 57 deaths per 1,000 live births.

---

[95] Letter FCO [junior official] to Cabinet Office [junior official], 28 October 2004, 'Iraq: Civilian Casualties'.
[96] Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

144. The study stated that there had been 53 deaths in the Fallujah cluster when only 1.4 had been expected. That indicated that there had been about 200,000 excess deaths in Fallujah. However, the uncertainty in that estimate was "substantial".

145. On the same day, following a discussion with the MOD's Director of News, Professor Sir Roy Anderson, the MOD's Chief Scientific Adviser (CSA), "quickly reviewed" the study.[97] His Private Secretary sent his conclusions to Mr Hoon's Private Office and senior MOD officials:

> "CSA has concluded that the design of the study is robust … He therefore believes that the paper is a sensible one … and that the results are probably as robust as one could have achieved in the very difficult circumstances. He therefore recommends that we should proceed with caution in publicly criticising the paper.
>
> "He would, however, add three caveats. First, extrapolation from a very small sample size to the whole of Iraq is a weakness … Second, there are weaknesses in the way that deaths have been recorded … in many cases the only evidence of a death having occurred, and of the cause of death, was the verbal information provided from (not necessarily disinterested) family members. And finally … there were excess of deaths amongst males, possibly indicating that some of those who died were combatants rather than civilians."

146. The Iraq Policy Unit (IPU) sent a copy of the minute to Mr Straw's Private Office on 4 November.[98]

147. The Iraqi Minister of Health issued a statement on 29 October, offering his Ministry's own figures of civilian casualties:

> "Every hospital reports daily the number of civilians (which may include insurgents) who have been killed or injured in terrorist incidents or as a result of military action. All casualties are likely to be taken to hospital in these circumstances except for some insurgents (who may fear arrest) and those with minor injuries. The figures show that between 5 April 2004 and 5 October 2004, 3,853 civilians were killed and 15,517 were injured. I am satisfied that this information is the most reliable available."[99]

148. The *Lancet* study, and the interest shown in it by the media and MPs, prompted a discussion between Mr Hoon and Mr Straw over whether the MOD or the FCO should have responsibility for the issue of civilian casualties.[100] That discussion would continue, between senior officials, until December.

---

[97] Minute PS/CSA to MOD Director News, 29 October 2004, 'Iraqi Civilian Deaths: Lancet Article'.
[98] Minute IPU [junior official] to PS/Straw, 4 November 2004, 'Civilian Casualties in Iraq: Letter to Geoff Hoon'.
[99] House of Commons, *Official Report*, 17 November 2004, column 94WS.
[100] Letter Hoon to Straw, 2 November 2004, [untitled].

149. On 3 November, Mr Blair told the House of Commons that "we do not accept the figures released by *The Lancet* … at all".[101] Mr Blair went on to cite the figures released by the Iraqi Minister of Health.

150. The following day, Mr Straw said on *Today* that "our people are still looking into it [the *Lancet* study], the epidemiologists and statisticians".[102] Mr Straw also said that he would make the Government's assessment available to Parliament.

151. An IPU official provided advice to Mr Straw's Private Secretary on 4 November on how Mr Straw might respond to Mr Hoon's letter of 2 November, which had proposed that the FCO should have responsibility for the issue of civilian casualties.[103]

152. In that context, the official reported on the options for producing the assessment of the *Lancet* study that Mr Straw had promised to provide to Parliament:

> "One option … is that we rely on assessments from the Iraqi Ministry of Health; another is that we draw on the help of MOD experts. We already have the views of the MOD Chief Scientific Adviser … It is not a promising start. We are awaiting a report from the Iraqi Ministry of Health setting out their assessment of civilian casualties; we believe this will be a better line of response."

153. Mr Quarrey passed a transcript of a *Newsnight* discussion on the *Lancet* study to Mr Blair on 5 November.[104]

154. Mr Blair commented: "We must get robust lines on numbers killed since the war and on number of airstrikes."[105]

155. Mr Quarrey wrote to Mr Straw's Private Secretary on 8 November to confirm that the FCO should lead on the issue of civilian casualties.[106] Mr Quarrey reported that Mr Blair remained concerned that the UK was not getting across its message about "the extent of insurgent/foreign terrorist responsibility for civilian deaths", and that Mr Blair wanted the FCO to develop a "quicker and more forceful response to claims about civilian deaths that we regard as unfounded (e.g. the *Lancet* claims)".

156. Mr Dominic Asquith, FCO Director Iraq, advised Mr Straw later that day that he should challenge that allocation of responsibility.[107]

157. Mr Asquith said that MNF-I produced a daily update on operations which included details of civilian casualties (killed and wounded). The MOD itself produced the figures

---

[101] House of Commons, *Official Report*, 3 November 2004, column 301.
[102] *The Today Programme*, 4 November 2004.
[103] Minute IPU [junior official] to FCO [junior official], 4 November 2004, 'Civilian Casualties in Iraq: Letter to Geoff Hoon'.
[104] Minute Quarrey to Prime Minister, 5 November 2004, 'Iraq: Update'.
[105] Manuscript note Blair on Minute Quarrey to Prime Minister, 5 November 2004, 'Iraq: Update'.
[106] Letter Quarrey to PS/Straw, 8 November 2004, 'Iraq: Civilian Casualties'.
[107] Minute Asquith to PS/Straw, 8 November 2004, 'Iraq: Civilian Casualties'.

for MND(SE). PJHQ collated the daily MNF-I reports for the weekly Chiefs of Staff meeting.

158. The Cabinet Office was currently overseeing a trial to determine civilian casualties in MND(SE). The MOD was, however, arguing that it could not provide either the MNF-I or its own MND(SE) casualty figures to the exercise, as the US military did not allow publication of country-wide information on civilian casualties on security grounds. The MNF-I figures would in any case be unlikely to be comprehensive and did not show who was responsible for civilian casualties.

159. The UK's current line was to rely on Iraqi MOH figures, though that might not be sustainable in the face of increasing Parliamentary, NGO and media demands that the UK release its own statistics. The current military operation in Fallujah was increasing pressure on MNF-I to prove that it was making every effort to minimise civilian casualties, and:

> "There will be seen to be a certain plausibility in the argument that we can only do so if we can provide credible (i.e. our own) figures for casualties."

160. Mr Asquith concluded that any estimate of casualties, other than from MOH and NGO sources, would have to come from MNF-I, which was deployed throughout Iraq. But the MOD had ruled out the use of the MNF-I figures. If the MOD felt there were good reasons for holding back its own figures for MND(SE), it (rather than the FCO) should explain those reasons to Parliament and to the public.

161. Mr Asquith continued that if the FCO did accept the lead on handling civilian casualty issues, it should be on three conditions:

> "(a) MOD to explore with DoD [the US Department of Defense] reverting to the practice at the time of the first Gulf War when civilian casualties were released into the public domain.
>
> (b) If DoD refuses, MOD to explain publicly (to Parliament) why it is not possible to produce estimates from MNF-I sources.
>
> (c) FCO to lead on the handling of civilian casualties … But Ministers should be clear that, in the absence of releasable data from military sources, we will be heavily dependent on figures from the Iraqi MOH which will not be comprehensive …"

162. Mr Asquith advised Mr Straw in a separate minute on the same day:

> "Legal Advisers say there are no obligations to report civilian casualties in the Fourth Geneva Convention … or under any other provision of international humanitarian law.
>
> "While it is essential in advance of any particular attack to assess the likely civilian casualties, there is no obligation after the event to make any assessment of either

> the civilian casualties resulting from the attacks or of the overall civilian casualties of a conflict."[108]

163. Also on 8 November, Mr Straw chaired a meeting with FCO officials including Mr Creon Butler, the FCO's Chief Economist, to discuss the scope of a Written Ministerial Statement that he would make on 17 November, responding to the *Lancet* study.[109]

164. After the meeting, Mr Butler sent Mr Straw's Private Secretary his "initial thoughts" on the *Lancet* study.[110] Mr Butler stated that "the statistical methodology appears sound" and concluded:

> "In commenting on the study we should certainly continue to emphasise the considerable uncertainty around the central estimate [of 98,000 excess deaths] (reflecting the small sample size), as well as the lack of corroborating evidence – particularly evidence of injured in the numbers one might expect. We could also highlight some of the factors which might bias the study towards an over-estimate of deaths. However, there are as many reasons why the study might be biased in the other direction (so probably safer not to go down this road)."

165. Mr Butler stated that the "lack of corroborating evidence" related in particular to the apparent mismatch between the central estimate of 98,000 excess deaths and the much lower estimates based on press reporting and the lack of anecdotal evidence for large numbers of injured Iraqi citizens attending Iraqi hospitals. The latter mismatch was "much harder to explain".

166. Mr Butler considered how the estimates presented in the *Lancet* study might be validated and refined using data from other sources. He concluded:

> "In the absence of a detailed census (impossible in the current security environment), the best way of narrowing down the uncertainty … is likely to be to conduct a similar survey with a significantly larger sample."

167. On 9 November, the MOD sent the Cabinet Office a summary of incident reports for MND(SE) for the seven days up to 7 November, as part of the trial monitoring period.[111] There had been no incidents involving civilian fatalities; two civilians had been injured in an (unspecified) accident.

168. On 11 November, Mr Blair, Mr Straw and Mr Hoon discussed which department should be responsible for work on casualty figures.[112] After the meeting, Mr Straw's Private Secretary asked Sir Michael Jay, the FCO Permanent Under Secretary, to liaise

---

[108] Minute Asquith to PS/Straw, 8 November 2004, 'Iraq: Civilian Casualties'.
[109] Email Owen to Asquith, 8 November 2004, 'Iraq: Casualties'.
[110] Minute Butler to PS/Foreign Secretary, 8 November 2004, 'Counting Iraqi Casualties'.
[111] Letter MOD [junior official] to Cabinet Office [junior official], 9 November 2004, 'Civilian Casualties'.
[112] Letter PS/Straw to PS/PUS [FCO], 15 November 2004, 'Iraq: Casualty Figures'.

with Sir Kevin Tebbit, MOD Permanent Under Secretary, to secure the MOD's agreement to take on that responsibility.

169. At Cabinet on 11 November, Mr Straw told colleagues that he would be making a Written Ministerial Statement on the estimate of civilian casualties published by *The Lancet*, and that he proposed to make more use of the Iraqi MOH figures, which were "more reliable".[113]

170. On 12 November, the Iraq Senior Officials Group agreed that there was "potential advantage" in making more use of the Iraqi MOH's figures, but the UK needed to recognise the presentational difficulties of using those figures while "using US figures for internal planning purposes without publicly acknowledging their existence".[114] It would be useful to compare the MOH figures with those produced for the Chiefs of Staff by PJHQ.

171. Mr Straw issued a Written Ministerial Statement on 17 November, responding to the *Lancet* study.[115] Mr Straw stated that during the period of major combat operations, the Coalition had made every effort to minimise civilian casualties. He continued:

> "Casualties – civilian and military – which have occurred since major combat operations ended on 1 May 2003 have done so directly as a result of those determined to undermine the political process."

172. Mr Straw rejected the suggestion in the *Lancet* study that there was a legal obligation (deriving from Article 27 of the fourth Geneva Convention) for the MNF-I to assess civilian casualties.

173. Mr Straw stated that the UK Government shared the Iraqi Minister of Health's view, expressed in his 29 October statement, that the MOH's information was the most reliable available. The "running estimate" provided by IBC "suggested" that between 14,284 and 16,419 Iraqi civilians had died since March 2003. While that was "an estimate relying on media reports, and which we do not regard as reliable", IBC's figures did show that the Iraqi MOH's figures were not the only ones to differ widely from those presented in the *Lancet* study.

174. Mr Straw stated that the methodology used in the *Lancet* study had passed *The Lancet's* peer review process and was similar to that used in other cases, but questioned the data that the survey had produced and hence the findings of the study.

175. Dr John Reid, the Health Secretary, sent an assessment of the *Lancet* study to Mr Straw on 29 November.[116] The assessment, which Dr Reid said he had personally

---

[113] Cabinet Conclusions, 11 November 2004.
[114] Record, 12 November 2004, Iraq Senior Officials Group.
[115] House of Commons, *Official Report*, 17 November 2004, column WS61.
[116] Letter Reid to Straw, 29 November 2004, [untitled], attaching Paper, [undated], 'Mortality Before and After the 2003 Invasion of Iraq: Cluster Sample Survey'.

commissioned, had been produced by Dr Bill Kirkup, one of the Department of Health's Regional Directors of Public Health and its lead on health in Iraq.

176. Dr Kirkup's assessment was more detailed and more critical of the *Lancet* study than the assessments undertaken earlier by Professor Anderson and Mr Butler. He stated:

> "Less than a thousand [households] … is a small number on which to base death rates … The confidence intervals are correspondingly very wide … A confidence interval this large makes the meaning of the estimate very difficult to interpret …
>
> "Cluster sampling may not be appropriate when there is a large element of discontinuity in the population experience. Clearly, some parts of Iraq have seen much more violence than others …"

177. Dr Kirkup stated that, according to his calculations, the study's conclusion that "violence accounted for most of the excess deaths" was only true if the "bizarre" Fallujah cluster was included (the study stated that that cluster was not included in its central estimate of 98,000 excess deaths). Dr Kirkup calculated that if the Fallujah cluster was not included, just over 23,000 of the 98,000 estimated excess deaths were due to violence.

178. Dr Kirkup stated that it was not possible, from the data provided in the study, to confirm the study's conclusion that "air strikes from coalition forces accounted for most violent deaths".

179. Dr Kirkup explained his characterisation of the Fallujah projection as "bizarre". The study estimated that there had been 200,000 excess deaths in Fallujah (using the same techniques as for other areas). That would represent a loss of nearly 28 percent of the population of Fallujah in just 14 months. Dr Kirkup commented: "Something has plainly gone so badly wrong with the estimates in Fallujah that it must cast doubt on the validity of the rest of the findings."

180. Dr Kirkup concluded:

> "… the paper suffers from wide confidence intervals, dubious methodology, the likelihood of significant respondent bias and results that are disastrously skewed by the Fallujah outlier. The authors have been tempted into extrapolations based on shaky data that lack face validity, and in two cases are not even borne out by their own results."

Indirect effects of conflict on public health

The health charity Medact considered the direct and indirect effects of the conflict in Iraq in its November 2003 report *Continuing collateral damage: the health and environmental costs of war on Iraq 2003*.[117] That report outlined the indirect effects on health arising from:

- damage to the environment, including through the use of depleted uranium ammunition;
- damage to Iraq's water and sanitation and power infrastructure;
- the continuing risk of malnutrition and food insecurity;
- damage to housing; and
- damage to health services.

The report stated that 7 percent of hospitals had been damaged during the major combat phase of operations, and 12 percent had been looted. UNICEF had reported that the conflict had led to the breakdown of the cold chain system for storing vaccines, which meant that some 210,000 newborns had had no immunisations and were at risk from preventable diseases such as measles.

The report also outlined the physiological and social impacts of the war, and suggested that Iraq would experience a rise in behavioural and emotional disorders.

Although the report did not attempt to quantify those indirect effects, many of which would only become apparent over the long term, it concluded that they could prove to be more significant than the direct effects.

The report made a number of recommendations, including:

"
- Establish health information systems to monitor disease incidence and examine disease patterns in order to plan effective public health interventions.
- Carry out an assessment of the country's chemical risks and levels of contamination in addition to surveillance of health effects of environmental risk factors including depleted uranium.
- Fund and rapidly implement the clear-up of all unexploded ordnance.
- Study long-term effects of the war on mental health and trends in domestic and criminal violence, and develop effective health care and social policy interventions.
- Fund independent academic institutions or UN agencies to continue monitoring the health effects of war."

181. Discussions continued between senior officials in the FCO and MOD over who should have responsibility for answering questions on civilian casualties.

182. The "Count the Casualties" campaign was launched by Medact and IBC on 8 December, through an open letter to Mr Blair.[118] The letter stated that without counting

---

[117] Medact, November 2003, *Continuing collateral damage: the health and environmental costs of war on Iraq 2003*.
[118] Letter Medact to Blair, 8 December 2004, [untitled].

the dead and injured, it was not possible to know whether the UK was meeting its obligations under international humanitarian law to protect the civilian population in Iraq. It urged the Government to commission a comprehensive, independent inquiry to determine how many Iraqi citizens had died or been injured since March 2003, and the cause of those casualties.

183. The campaign also argued that information on casualties was needed to plan healthcare in Iraq.[119]

184. At Prime Minister's Questions on the same day, Mr Blair said that he did not agree that the UK needed to hold a full, independent inquiry into civilian casualties to comply with its international legal obligations, and stated that the figures from the Iraqi MOH were the most accurate available.[120] He continued:

> "… those who are killing innocent people in Iraq today … are the terrorists and insurgents … Any action that the multinational force or the Iraqi Army is taking in Iraq is intended to defeat those people …"

185. The IPU provided the Cabinet Office with a contribution to the Cabinet Office trial on 13 December.[121] The IPU analysis captured casualty figures for the five weeks from 1 November, sourced from the Iraqi MOH, the BBC, IBC, the Iraq Coalition Casualty Count project and Sky News. The casualty figures were broken down into two categories: killed by insurgents; and killed by coalition forces.

186. The total casualty figures produced by the Iraqi MOH were the highest among the five sources in four of the five weeks.

187. The figures produced by the Iraqi MOH showed that casualties caused by the coalition were higher than casualties caused by insurgents in four of the five weeks. Figures from all other sources showed that casualties caused by insurgents were higher than casualties caused by the coalition in all five weeks.

188. The IPU commented that, apart from the Iraqi MOH, the sources were "of no real value". The comparison of the figures did suggest, however, that the Iraqi MOH figures were incomplete. This could be due to delayed reporting of deaths at hospitals or bodies not being taken to hospitals. The Iraqi MOH had reported that its figures did not include the Kurdish provinces.

189. The IPU also commented that the analysis would not answer the demands from MPs and others that the UK should produce its own estimate of Iraqi civilian casualties. The only way a proper comparative analysis of the Iraqi MOH figures could be made was to set them alongside figures produced by the US and UK military.

---

[119] Count the Casualties, 8 December 2004, *46 prominent figures call on Prime Minister to commission independent inquiry into Iraqi casualties.*
[120] House of Commons, *Official Report*, 8 December 2004, column 1164.
[121] Letter IPU [junior official] to Cabinet Office [junior official], 13 December 2004, 'Iraq: Civilian Casualties'.

190. The Inquiry has seen no indications that the Cabinet Office trial was taken further.

191. A detailed brief on civilian casualties produced for Mr Blair on 18 December in advance of his visit to Iraq made no mention of the trial or its conclusions.[122]

192. An IPU official informed Mr Straw's Private Office on 15 December that the MOD was now ready to "step forward and explain why it is impossible for us to use our military assets in Iraq to get an estimate [of civilian casualties]".[123] The official commented that this was welcome. It would force the MOD to take some responsibility for managing one of the "bear-traps" in the UK's existing policy:

> "… although we say there are no reliable estimates of civilian casualties in Iraq, there are estimates of a kind that are made by MND(SE) and others made by the Pentagon. They're unreliable but are used for military planning purposes as evidence of trends …"

193. Mr Ingram made that statement on 27 January 2005, in response to a question from Mr Peter Kilfoyle.[124] Mr Ingram stated that an analysis of incident reports between 1 May 2003 and 26 November 2004 indicated that 200 Iraqi citizens believed to have been enemy combatants had died, and 80 had been injured, in incidents where military force had been deliberately applied by UK forces. Five Iraqi citizens believed not to have been enemy combatants had died, and a further 13 had been injured, in incidents during the course of which military force had been deliberately applied by UK forces. These figures did not necessarily indicate that UK forces caused the casualties, only that they recorded them during the course of incidents in which deliberate military force was applied.

194. Mr Ingram also stated that 17 Iraqi citizens believed to have been enemy combatants had died, and 22 had been injured, during the course of other incidents, and 144 Iraqi citizens believed not to have been enemy combatants had died, and 192 had been injured, during the course of other incidents. This included the full range of incidents in which UK forces had been involved but where no deliberate military force had been applied, for example Improvised Explosive Device attacks by insurgent forces on civilian targets, road traffic accidents and in one case the discovery in May 2003 of a mass grave, thought to date back to 1991, containing 32 bodies.

195. Mr Ingram stated that those figures should not be taken as an accurate estimate of Iraqi casualties; they captured only those casualties which were witnessed or discovered by UK forces. The figures did not include the major combat operations phase of Op TELIC, prior to 1 May 2003, for which incident reports were not routinely submitted when casualties were "discovered".

---

[122] Minute Quarrey to Prime Minister, 18 December 2004, 'Your Visit to Iraq' attaching Briefing, [undated], 'Civilian Casualties'.
[123] Email IPU [junior official] to PS/Straw, 15 December 2004, 'Civilian Casualties: MOD Line'.
[124] House of Commons, *Official Report*, 27 January 2005, column 541W.

196. Ms Short (who had resigned as International Development Secretary in May 2003) wrote to Mr Straw on 13 January 2005 to express her support for the Count the Casualties campaign.[125]

197. Mr Straw replied on 3 March:

> "We have never made our own assessment of Iraqi casualties … This is because, after careful consideration of the different means of calculating casualties, we decided that the current circumstances would prevent a valid assessment by the UK …"[126]

198. Mr Straw advised that the MOD had now published overall casualty figures drawn from military incident reports. The UK military aimed to minimise civilian casualties by using careful targeting procedures. Target clearance procedures considered targets on an individual basis; the MOD did not believe that an estimate of casualties in Iraq as a whole would help them to evaluate those targeting procedures.

199. Mr Asquith discussed civilian casualties with Dr Kirkup on 21 March.[127] Dr Kirkup "rebutted" the suggestion that an accurate assessment of casualties would be "an essential element of assessing and improving the current health situation in Iraq". He confirmed that the Iraqi MOH's figures provided "the most reliable assessment [of casualties] currently available".

200. Dr Kirkup identified four sources of information on casualties:

- the Iraqi MOH's systems for recording deaths, which had been reasonably sound before the conflict but had "taken a serious hit" and were only now recovering;
- civil registration (death certificates): there was no reliable civil registration system;
- surveys: the security situation was not conducive to effective research, in particular by limiting the scope to obtain the necessary range of data and by introducing interviewee bias; and
- figures from the military: "[those] would help to provide a more complete picture of the causes of death and whether deaths had actually occurred. When dealing with incomplete data it is important to have as many sources as possible."

201. Mr Asquith and Dr Kirkup also considered possible areas of assistance to the Iraqi health service, including data collection and analysis.

202. The record of the meeting concluded: "Our position on assessing Iraqi casualty figures reinforced."

---

[125] Letter Short to Straw, 13 January 2005, 'Count the Call'.
[126] Letter Straw to Short, 3 March 2005, [untitled].
[127] Minute FCO [junior official] to Asquith, 22 March 2005, 'Iraq Casualties: Director Iraq's Meeting with Dr Bill Kirkup, 21 March 2005'.

203. IBC published *A Dossier of Civilian Casualties 2003 – 2005* in July 2005.[128] The dossier stated that 24,865 civilians had been reported killed in the two years from 20 March 2003 to 19 March 2005, almost all of them as a direct result of violence.

204. Of the 13,811 fatalities for which IBC had age and gender information, 11,281 (81.7 percent) had been male (including the elderly) and 1,198 (8.7 percent) had been female (including the elderly). A total of 1,281 (9.3 percent) had been children and 51 (0.4 percent) babies.

205. The dossier also provided a breakdown of who had killed those civilians. That breakdown is reproduced in the table below.

Table 1: Civilian fatalities by category

	Killers by category	Number killed	Percentage of total
1	US-led forces alone	9,270	37.3
2	Anti-occupation forces alone	2,353	9.5
3	Both US-led and anti-occupation forces involved	623	2.5
4	Iraqi MOH-defined “military actions”	635	2.5
5	Iraqi MOH-defined “terrorist attacks”	318	1.3
6	Predominantly criminal killings	8,935	35.9
7	Unknown agents	2,731	11.0
	Total deaths	**24,865**	**100.0**

206. The “unknown agents” category included attacks which apparently targeted only civilians and lacked any identifiable military objective – for instance suicide bombs in markets and mosques, or attacks apparently motivated by personal or inter-group vendettas. The category also included 334 individual killings where media reports provided no clear information about the killer. This category was likely to overlap with others.

207. The dossier reported that 98.5 percent of deaths caused by US-led forces were attributable to the US and 1.5 percent of deaths were attributable to other coalition forces including the UK.

208. The dossier also stated that in incidents for which both death and injury information was available, it had recorded 42,500 injuries (of all kinds) against 13,424 deaths, a ratio of over 3 to 1.

[128] Iraq Body Count, July 2005, *A Dossier of Civilian Casualties 2003 – 2005.*

209. IBC stated in the introduction to the dossier that:

> "Assurances that military forces 'make every effort to avoid civilian casualties' are no substitute for real data-gathering and analysis, and can have no basis without it. On the eve of the invasion Tony Blair stated that '[Saddam Hussein] will be responsible for many, many more deaths even in one year than we will be in any conflict'. Only data such as presented here will allow a realistic evaluation of such predictions."

210. The US Government was required under the Emergency Supplemental Appropriations Act 2005 to provide quarterly reports to Congress on political, economic and security progress in Iraq.[129]

211. The second quarterly report, in October 2005, included a graph showing the average daily number of coalition and Iraqi casualties caused by insurgents since 1 January 2004.[130] The report did not provide the data used to produce that graph.

212. On the basis of that graph, *The New York Times* estimated that over 25,000 Iraqi civilians and members of the Iraqi Security Forces had been killed and wounded by insurgents since 1 January 2004.[131] *The New York Times* stated that that was fewer than reported by the Iraqi MOH and IBC.

213. A Pentagon spokesperson stated that the figures were compiled from reports filed by coalition military units after they responded to attacks. Those reports did not provide a comprehensive account of Iraqi casualties, but did provide information on trends in casualties resulting from insurgent attacks.

214. *The New York Times* reported that the graph had been included in the quarterly report as a result of specific questions posed by Congressional staff, and commented that its disclosure was significant as it showed that the US military was tracking Iraqi casualties, having "previously avoided virtually all public discussion of the issue".

215. In subsequent quarterly reports to Congress, the Pentagon updated that graph and added a breakdown of casualties by province.[132]

216. In June 2006, the UK Government signed the Geneva Declaration on Armed Violence and Development.[133] Signatories resolved to take action to reduce armed violence and its negative impact on socio-economic and human development, including by supporting initiatives "to measure the human, social and economic costs of armed violence, to assess risks and vulnerabilities, to evaluate the effectiveness of armed violence reduction programmes, and to disseminate knowledge of best practices".

---

[129] Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.
[130] Report to Congress, October 2005, 'Measuring Stability and Security in Iraq'.
[131] *The New York Times,* 30 October 2005, *US quietly issues estimate of Iraqi civilian casualties*.
[132] Report to Congress, May 2006, 'Measuring Stability and Security in Iraq'.
[133] Geneva Declaration on Armed Violence and Development, 7 June 2006.

217. The UK became one of 15 members of the "Core Group" charged with steering the Geneva Declaration process and guiding its implementation.[134]

218. *The Lancet* published the second Johns Hopkins Bloomberg School of Public Health cluster sample survey of excess mortality in Iraq (direct and indirect, violent and non-violent deaths) on 12 October 2006.[135] The first Johns Hopkins study had been published by *The Lancet* in October 2004.

219. The second study used the same (cluster sample survey) methodology as the first study, but was based on a larger sample (1,849 households as against 988 in the first study).

220. The study estimated that between March 2003 and June 2006, there had been 654,965 excess Iraqi deaths and 601,027 excess violent Iraqi deaths as a consequence of the war. The study attributed 31 percent of violent excess deaths to the coalition, 24 percent to "other" and 45 percent to "unknown". The study also concluded that levels of violence were increasing.

Criticisms of the *Lancet* studies

The 2004 and 2006 Johns Hopkins Bloomberg School of Public Health studies published by *The Lancet* have been subject to several criticisms. The most significant are:

- That the baseline pre-invasion mortality rate used by the studies was lower than the actual pre-invasion mortality rate, leading to an over-estimation of excess mortality in the post-invasion period. The second study used a pre-invasion mortality rate of 5.5 deaths per thousand people.[136] The 2008 Iraq Family Health Survey (IFHS) used a figure of nine deaths per thousand.[137]
- That the sample sizes were too small. The 2004 *Lancet* study (central estimate 98,000 excess deaths) surveyed 988 households and the 2006 *Lancet* study (central estimate 655,000 excess deaths) surveyed 1,849 households. The 2008 IFHS (central estimate 151,000 excess violent deaths) surveyed 9,345 households. The IFHS team highlighted the implications of that difference in scale: "The estimated number of deaths in the IFHS is about three times as high as that reported by the Iraq Body Count. Both sources indicate that the 2006 study by Burnham et al [the second *Lancet* study] considerably overestimated the number of violent deaths. For instance, to reach the 925 violent deaths per day reported by Burnham et al for June 2005 through June 2006, as many as 87 percent of violent deaths would have been missed in the IFHS and more than 90 percent in the Iraq Body Count. This level of underreporting is highly improbable, given the internal and external consistency of the data and the much larger same size and quality-control measures taken in the implementation of the IFHS."

[134] Geneva Declaration on Armed Violence and Development website, *How does it work*.
[135] Burnham G, Lafta R, Doocy S and Roberts L. Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey. *The Lancet* **368**: 1421-1428 (2006).
[136] Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).
[137] Iraq Family Health Survey Study Group. Violence-Related Mortality in Iraq from 2002 to 2006. *The New England Journal of Medicine* **358**: 484-493 (2008).

221. An Iraqi Government spokesperson commented on 12 October that "these figures [in the study] are unrealistic and give a very exaggerated picture".[138]

222. A DFID Statistics Adviser provided advice on the study to IPU on 12 October, at their request.[139] He concluded that "in essence, the method is tried and tested".

223. Professor Anderson provided his views on the study the following day.[140] He stated that he had received comments on the study from an independent expert on statistical epidemiology and demography. Professor Anderson advised:

> "… the study design is robust and employs methods that are regarded as close to 'best practice' in this area, given the difficulties of data collection and verification in the present circumstances in Iraq … The methods are an improvement on those used in the 2004 *Lancet* article by the same author …"

224. Professor Anderson advised that deaths were much more prevalent among adolescent to middle-aged men and suggested that bias might remain with respect to the level of non-combatant mortality.

225. Professor Anderson concluded that, given the reasonably robust study design and appropriate analysis methods, the UK Government should be cautious in publicly criticising the *Lancet* study.

226. An IPU official produced a brief on the study for Mr Blair later on 13 October.[141] The brief summarised the advice from the DFID Statistics Adviser and Professor Anderson, and identified several "key points":

"
- … People are dying at the hands of those who choose violence to pursue their aims …
- There are conflicting estimates [of the number of civilian casualties] from a number of sources, and no comprehensive or accurate figures;
- The numbers that the *Lancet* has extrapolated are a substantial leap from other figures. There is no reason to assume the *Lancet* figure is any more accurate than any other is."

227. The same IPU official wrote to colleagues on 16 October:

> "… we do not (not) accept that the figures quoted in the *Lancet* survey are accurate … The figures are extraordinarily high and significantly larger than the figures quoted by the Iraq Body Count or Iraqi Government – however the survey methodology used here cannot be rubbished, it is a tried and tested way of

---

[138] Briefing IPU, 13 October 2006, '*The Lancet*: Iraq: a Cross-Sectional Cluster Survey Sample'.
[139] Email DFID [junior official] to FCO [junior official], 12 October 2006, 'Foreign Secretary Comment on the *Lancet* Report'.
[140] Minute APS/CSA to DJC-Sec10, 13 October 2006, 'Iraq – Mortality After the 2003 Invasion of Iraq: a Cross-Sectional Cluster Sample Survey – *Lancet* October 2006'.
[141] Briefing IPU, 13 October 2006, '*The Lancet*: Iraq: a Cross-Sectional Cluster Survey Sample'.

measuring mortality in conflict zones. The overriding message is that there are no accurate or reliable figures of deaths in Iraq."[142]

228. On 18 October, in response to a Parliamentary Question from Sir Menzies Campbell, Mr Blair stated:

"It is correct that innocent civilians are dying in Iraq. But they are not being killed by British soldiers. They are being killed by terrorists and those from outside who are supporting them …"[143]

229. Researchers at Oxford University (Mr Sean Gourley and Professor Neil Johnson) and Royal Holloway, University of London (Professor Spagat) issued a press release on 19 October, claiming that there were "serious flaws" in the methodology used by the *Lancet* study which acted to inflate its casualty estimate.[144]

230. In response to a question from Mr Jeremy Corbyn on 6 November, Mr Ingram set out the Government's position on the *Lancet* study:

"Maintaining records of civilian deaths in Iraq is ultimately a matter for the Government of Iraq and we believe they are best placed to monitor the situation. The *Lancet* report is one of a number of recent studies … none of which can be regarded as definitive. The figures in the *Lancet* report are significantly higher than other casualty estimates."[145]

231. Professor Anderson revisited the *Lancet* study in March 2007, following Mr Straw's request for further advice on the study in the light of the public exchanges since its publication.[146] Professor Anderson wrote to Mr Straw on 19 March, stating that while there was "clearly a possibility of [sampling] bias":

"I reiterate my earlier advice, which acknowledged that bias and moderate confidence bounds remain in the study, and that at this stage I see no value in either criticising the study or engaging in the public debate."

232. Later that month, following the release of papers relating to the *Lancet* study under the Freedom of Information Act, the Government was asked how it could accept the *Lancet* study's methodology but reject its findings.[147] A Government spokesperson responded:

"The [*Lancet* study] methodology has been used in other conflict situations, notably the Democratic Republic of Congo. However, the *Lancet* figures are much higher

---

[142] Email FCO [junior official] to FCO [junior official], 16 October 2006, 'PMQs Deaths of Iraqis'.
[143] House of Commons, *Official Report*, 18 October 2006, column 869.
[144] Oxford University/Royal Holloway, University of London, 19 October 2006, *Lancet study fundamentally flawed: death toll too high.*
[145] House of Commons, *Official Report*, 6 November 2006, column 810W.
[146] Minute Anderson to Hickey, 19 March 2007, 'Iraq: Mortality After the 2003 Invasion of Iraq: a Cross-Sectional Cluster Sample Survey – *Lancet* October 2006'.
[147] *BBC*, 26 March 2007, *Newshour special investigation – Iraq civilian casualties.*

than statistics from other sources, which only goes to show how estimates can vary enormously according to the method of collection. There is considerable debate amongst the scientific community over the accuracy of the figures."

233. General David Petraeus, Commanding General MNF-I, presented Congress with his assessment of the US troop surge on 10 September 2007.[148] He highlighted the "considerable data collection and analysis … using a methodology that has been in place for well over a year and that has benefitted over the past seven months from the increased presence of our forces living among the Iraqi people" which underpinned his assessment, and offered Congress statistics on the number of violent civilian deaths and "ethno-sectarian" deaths.

234. Colonel Steven Boylan, Gen Petraeus' spokesman, provided details of that methodology to *The Washington Post* later that month.[149] Col Boylan reported that the statistics quoted by Gen Petraeus drew on data which combined "unverified" Iraqi reports and coalition Significant Activities reports (SIGACTS).

235. A 2008 RAND report, sponsored by the Office of the US Secretary of Defense, considered the argument for documenting civilian casualties.[150] The report stated:

"Because protecting the population is one of the central tenets of US COIN [counter-insurgency] doctrine, it can be surmised that trends related to Iraqi civilian fatalities should be a chief concern for the U.S. military."

236. RAND reviewed a number of studies of civilian casualties, including the two *Lancet* studies, the 2008 Iraq Family Health Survey (IFHS) Study Group and IBC. RAND went on to present its own dataset, which combined the RAND Terrorism Knowledge Base with the IBC dataset. RAND drew a number of observations and conclusions from the consolidated dataset, including that:

- The US military had devoted considerable effort to defeating Improvised Explosive Device (IEDs), yet IEDs accounted for only 5 percent of civilian fatalities in 2006. Firearms accounted for 58 percent of civilian deaths in 2006. RAND concluded that while measures to defeat IEDs might save coalition lives, they might not be useful for reducing civilian fatalities; the coalition and the Iraqi Government needed to implement measures to counter the types of attacks that were claiming civilian lives.
- The insurgency was specifically targeting the Iraqi Government and the Iraqi economy. Over 30 percent of insurgent attacks were aimed at these two aspects of the Iraqi polity.

---

[148] Gen David H. Petraeus, Commander, MNF-I, *Report to Congress on the Situation in Iraq*, Washington, D.C.: U.S. House of Representatives, Committee on Foreign Affairs and the Committee on Armed Services, 10-11 September 2007.
[149] *The Washington Post*, 22 September 2007, *Statement by Colonel Steven A. Boylan, spokesman for General David Petraeus, commander, Multi-National Force-Iraq, to the Fact Checker*.
[150] RAND, 2008. *An Argument for Documenting Casualties: Violence Against Iraqi Civilians 2006.*

- Most violence was directed at "for lack of a better word, the common Iraqi civilian". For over 50 percent of the individuals killed in 2006 there was "… no identifying data, no apparent or recorded reason, and no discernible affiliation or target. All we know of these people is that they were killed; this fact alone suggests that our capacity to understand, analyze, and effectively respond to the bloodshed is limited by a lack of information."

237. In April 2009, researchers from King's College London, Royal Holloway, University of London and IBC used IBC's record of Iraqi non-combatant civilian deaths to analyse the nature and effects of various weapons.

238. The researchers concluded that in events with at least one Iraqi non-combatant civilian casualty, the methods that killed the most non-combatant civilians per event were aerial bombing (17 per event), combined use of aerial and ground weapons (17 per event) and suicide bombers on foot (16 per event). Aerial bombs killed on average nine more non-combatant civilians per event (17) than aerial missiles (8). The team commented:

> "It seems clear from these findings that to protect civilians from indiscriminate harm, as required by international humanitarian law … military and civilian policies should prohibit aerial bombing in civilian areas unless it can be demonstrated – by monitoring of civilian casualties for example – that civilians are being protected."

The WikiLeaks Iraq War Logs

On 22 October 2010, WikiLeaks released 391,832 US Army Field Reports, covering the period from 1 January 2004 to 31 December 2009 (except for the months of May 2004 and March 2009).[151] WikiLeaks stated that the Field Reports detailed 109,032 deaths in Iraq over that period, comprising:

- 66,081 "civilian" deaths;
- 23,984 "enemy" deaths ("those labelled as insurgents");
- 15,196 "host nation" deaths (Iraqi Government forces); and
- 3,771 "friendly" deaths (coalition forces).

IBC reported that, based on an "early analysis", the Field Reports contained 15,000 previously unreported civilian deaths.[152] Once a full analysis was complete, casualty data would be integrated into IBC's record.

IBC stated that the majority of the previously unreported deaths came from small incidents comprising one to three deaths. That was not unexpected, as larger incidents attracted more media coverage than smaller incidents.

---

[151] WikiLeaks, 22 October 2010, *Iraq War Logs.*
[152] Iraq Body Count, 22 October 2010, *15,000 previously unknown civilian deaths contained in the Iraq war Logs released by WikiLeaks.*

Witness comment

239. The Inquiry asked Mr Ingram, Minister for the Armed Forces from June 2001 to June 2007, why the UK Government had been unable to produce an estimate of civilian casualties when other organisations including NGOs and academic organisations had done so, in particular given the public interest on the issue.[153]

240. Mr Ingram told the Inquiry:

> "The idea that somehow or other an NGO is the fount of all wisdom and knowledge and accuracy I don't think stands up.
>
> "So if we were going to take the figures from external sources, then we would have had to put effort and verification into that. Should we have done so? Perhaps, yes, and I'm not so sure it wasn't being done …"

241. Mr Ingram added that establishing the number of civilian casualties would not have changed the reality on the ground:

> "… the concept of ground truth is absolutely vital in this and, by establishing that fact, wouldn't have altered where we were. Because we couldn't, in one sense, easily have stopped the civilian casualties because it wasn't being carried out by us on the civilians, it was being carried out by the tribal wars, the family feuds, by the Sunni/Shia factionalism that was taking place, by the Shia on Shia factionalism that was taking place, but we … were being vilified, attacked and criticised that we had precipitated all of this.
>
> "I have to say I believe that to be a false logic, because that may have happened at any time under Saddam Hussein and, therefore, the establishment of the facts perhaps should have been carried out by – elsewhere in Government. I don't really think it was an MOD function in that sense."

242. The Inquiry asked Mr Ingram whether the Government would not have been better placed than external organisations to develop credible estimates of civilian casualties, and asked which department within government should have been responsible for producing such estimates. Mr Ingram told the Inquiry:

> "You [the responsible department] have then to go to the hospitals. You then have to put civilians or a military person at that hospital counting the bodies in and the bodies out. So you need force protection to do that. You put people at risk to do that. Is that what people wanted, soldiers or civilians being killed at hospitals? Because they would have been at risk.
>
> "… the UN may have been the mechanism by which we'd establish true facts, but they were withdrawn.

---

[153] Public hearing, 16 July 2010, pages 30-34.

"So there were points at which, yes, it would have been desirable, but how do you achieve that objective? Do you put other lives at risk to do that? I would say no."

243. The Inquiry asked if it was the MOD's function to develop estimates of civilian casualties, or that of another department. Mr Ingram told the Inquiry:

"Unquestionably. Is it something that DFID could have funded? Is it something the FCO should have taken ownership care of? The UN had become engaged – it was still engaged, but not in terms of presence on the ground – is it a role that they should have played? Yes. Of course the answer to that is yes.

"But what – the very establishment of the facts would not have changed what was happening. It would have confirmed what everyone knew, but it wouldn't have led to a solution …"

Records and estimates of the number of Iraqi fatalities

Approaches to determining fatalities due to conflict

There are two broad approaches to determining the number of fatalities attributable to a conflict:

- Incident, or passive, reporting. This approach, which aims to capture direct conflict deaths, typically involves the collation of reports from the media, other non-government and government sources. Its accuracy depends in part on the accuracy and completeness of those reports. Access to conflict-affected areas (or to particular communities) may be difficult, and there may be pressure to distort information. Incident reporting frequently undercounts the number of direct conflict deaths.
- Estimates derived from a survey of part of a population. This approach typically aims to estimate the number of excess deaths caused by conflict, by extrapolating from the data produced by a survey. Those excess deaths would include both direct deaths (caused by war-related injuries) and indirect deaths (caused by the worsening of social, economic and health conditions in a conflict-affected area). The accuracy of such estimates can be undermined by a lack of detailed, baseline mortality data (and conflicts often occur in areas without such information, or lead to the disintegration of the systems which provide it), the selection of an unrepresentative sample, the methodology used, and the conduct of the survey.

244. The IBC project, founded in 2003 by UK and US volunteers, aims to record the violent civilian deaths resulting from the 2003 military intervention in Iraq.[154] It draws its evidence from cross-checked media reports of violent events or of bodies being found, supplemented by the review and integration of hospital, morgue, NGO and

[154] Iraq Body Count website.

official figures. Further details of the methodology and inclusion criteria used by IBC are available on its website.

245. IBC has publicly stated that while its database cannot provide a complete record of violent civilian deaths, it does provide an "irrefutable baseline of certain and undeniable deaths based on the solidity of our sources and the conservativeness of our methodology".[155]

246. IBC continually updates its figures as new information becomes available. As at April 2016, IBC had recorded between 156,531and 175,101 violent civilian deaths since January 2003.[156]

247. As apparent from the material addressed earlier in this Section, estimates of the number of fatalities caused by conflict in Iraq after 2003 vary substantially.

248. In October 2004, *The Lancet* published a study by the Johns Hopkins Bloomberg School of Public Health entitled *Mortality before and after the 2003 invasion of Iraq: cluster sample survey*.[157] The study was based on a survey of 988 households in 33 clusters. It estimated that there had been 98,000 more deaths from all causes in Iraq than expected in the 18 months since the invasion (95 percent confidence interval 8,000–94,000). That estimate did not include data from one cluster in Fallujah.

249. In October 2006, *The Lancet* published a second study by the Johns Hopkins Bloomberg School of Public Health.[158] The study used the same (cluster sample survey) methodology as the first study but was based on a larger sample.

250. The study estimated that between March 2003 and June 2006, there had been 654,965 excess Iraqi deaths and 601,027 excess violent Iraqi deaths as a consequence of the conflict.

251. The IFHS was undertaken in 2006 and 2007 by the Iraqi Government in collaboration with the World Health Organization (WHO); the results were published in *The New England Journal of Medicine* in January 2008.[159] The IFHS collected data from 9,345 households across Iraq on a number of issues, including mortality.

252. The IFHS Study Group estimated that, between March 2003 and June 2006 (the period covered by the second *Lancet* study), there were 151,000 violent deaths in Iraq.

253. In a September 2008 report, the Geneva Declaration on Armed Violence and Development pooled a number of datasets, including IBC, to provide a consolidated

---

[155] Iraq Body Count, April 2006, *Speculation is no substitute: a defence of Iraq Body Count.*
[156] Iraq Body Count, 13 April 2016, *Documented civilian deaths from violence.*
[157] Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).
[158] Burnham G, Lafta R, Doocy S and Roberts L. Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey. *The Lancet* **368**: 1421-1428 (2006).
[159] Iraq Family Health Survey Study Group. Violence-Related Mortality in Iraq from 2002 to 2006. *The New England Journal of Medicine* **358**: 484-493 (2008).

estimate of violent (direct) deaths in Iraq.[160] It estimated that, between 2003 and 2007, at least 87,000 direct conflict deaths had occurred.

254. The report also considered indirect deaths, and commented on the difference between the figures reported by the two *Lancet* studies and the IFHS:

> "At first glance, such a wide range seems to imply that the exact number of deaths due to violence remains unknown. But the quality and reliability of these surveys is not equal. The most recent study (2008) [the IFHS] surveyed 9,345 households, and was conducted under the auspices of the World Health Organization. The previous two studies [the *Lancet* studies], both conducted under difficult circumstances and with limited resources, surveyed 990 (2004) and 1,849 (2006) households. The gain in precision with greater numbers of households surveyed in the 2008 study is obvious …"

255. The report estimated that there had been more than 150,000 indirect deaths in Iraq between March 2003 and March 2008 (with a wide possible range between 80,000 and 234,000).

256. A further analysis was undertaken in 2013 by a team of American, Canadian and Iraqi researchers, based on a sample of 2,000 households.[161] Unlike earlier studies, this was undertaken when the situation on the ground was relatively calm. The study concluded that there had been 461,000 excess deaths from 2003 to 2011. Most excess deaths were due to direct violence but about a third resulted from indirect causes, such as the failures of health, sanitation, transportation, communication and other systems.

257. About a third of the deaths due to direct violence were attributed to coalition forces (some 90,000), and a third to militias. The study reported that at the peak of the conflict men faced a 2.9 percent higher risk of death than they did before the war and women a 0.7 percent higher risk of death.

258. The majority (63 percent) of violent deaths were the result of gunshot with 12 percent attributed to car bombs.

Non-Iraqi civilian fatalities

259. The Inquiry is not aware of any comprehensive list of non-Iraqi civilian casualties, or of UK civilian casualties in Iraq. The UK Government did not maintain a record of deaths and injuries to UK civilians in Iraq.

260. The Brookings Iraq Index, drawing on a partial list of contractors killed in Iraq maintained by the Iraq Coalition Casualty Count (ICCC), reported that by October 2009

---

[160] Geneva Declaration on Armed Violence and Development, September 2008, *Global Burden of Armed Violence.*

[161] Hagopian A et al. Mortality in Iraq Associated with the 2003–2011 War and Occupation: Findings from a National Cluster Sample Survey by the University Collaborative Iraq Mortality Study. *PLOS Medicine* **10(10)** (2013).

(the end of the period covered by this Inquiry) 523 non-Iraqi civilians had been killed in Iraq.[162] The Index did not offer any breakdown of that total.

261. The ICCC reported 464 contractors killed in Iraq by October 2009, of whom it identified 45 as British.[163] Of those, the ICCC identified 37 as security contractors or security guards.

262. The US Special Inspector General for Iraq Reconstruction (SIGIR) reported in July 2012 that 321 US civilians had died during Operation Iraqi Freedom from 1 May 2003 (the end of major combat operations) to 31 August 2010.[164]

263. The Committee to Protect Journalists recorded that 191 Iraqi and international journalists and other media workers were killed in Iraq between 19 March 2003 and October 2009 (the end of the period covered by this Inquiry).[165]

Conclusions

264. In a series of Assessments in the second half of 2002, the Joint Intelligence Committee identified the possibility of significant civilian casualties in the event of a Coalition attack on Iraq, in particular as a result of Iraqi use of chemical and biological weapons, the implementation of a scorched earth policy, and disorder after the end of major combat operations.

265. The MOD made only a broad estimate of direct civilian casualties arising from an attack on Iraq, based on previous operations.

266. In the months before the invasion, Mr Blair emphasised the need to minimise the number of civilian casualties arising from an invasion of Iraq. He repeatedly asked the MOD for details on the accuracy of the weapons that the UK would use, the targeting policy and guidelines, and the estimated number of civilian casualties.

267. Sections 6.1 and 6.2 consider the MOD's responses, which offered reassurance based on the tight targeting procedures governing the air campaign. Admiral Sir Michael Boyce, Chief of the Defence Staff, advised Mr Blair on 25 February 2003 that civilian casualties were likely to be in the "low hundreds".[166]

268. In his public statements before the invasion, Mr Blair suggested that the number of civilians who would be killed in any conflict should be set in the context of the number of civilians who had been killed by Saddam Hussein's regime or were dying as a result of its policies. On the eve of the invasion, Mr Blair stated that Saddam Hussein "will

---

[162] The Brookings Institution, 13 October 2009, *Iraq Index.*
[163] Iraq Coalition Casualty Count website.
[164] Report SIGIR, July 2012, *The human toll of reconstruction and stabilization during Iraqi Freedom.*
[165] Committee to Protect Journalists website.
[166] Letter Cannon to Owen, 25 February 2003, 'Iraq: Prime Minister's Meeting with General Franks'.

be responsible for many, many more deaths even in one year than we will be in any conflict".[167]

269. In November 2003, in response to media and NGO reporting on the high levels of civilian casualties, the Government began to consider whether and how it should respond to demands for information on the number of civilians killed in Iraq, including the number killed by UK forces.

270. That consideration was driven by the Government's concern to sustain domestic support for operations in Iraq. Mr Straw and Mr Hoon agreed in November 2003 that the Government needed to produce accurate casualty figures to rebut claims that Coalition Forces were killing large numbers of civilians; in October 2004, Mr Blair stated that the Government needed an estimate of civilian casualties which showed the extent of insurgent responsibility.

271. With hindsight, greater efforts should have been made in the post-conflict period to determine the number of civilian casualties and the broader effects of military operations on civilians. A trial monitoring exercise initiated by No.10 in November 2004 was not completed. Much more Ministerial and senior official time was devoted to the question of which department should have responsibility for the issue of civilian casualties than to efforts to determine the actual number.

272. The Government was aware of several reports and studies (the Iraqi Ministry of Health in October 2004, the *Lancet* studies in October 2004 and October 2006, and the Iraq Body Count dossier in July 2005) which suggested that coalition forces were responsible for more civilian deaths than were the insurgents.

273. Those reports did not trigger any work within the Government either to determine the number of civilian casualties or to reassess its military or civilian effort. An FCO official commented that the Iraqi Ministry of Health's figures "will not help make the case that more civilians have been killed by terrorists than by military action".[168]

274. The Inquiry has considered the question of whether a Government should, in the future, do more to maintain a fuller understanding of the human cost of any conflict in which it is engaged.

275. All military operations carry a risk of civilian casualties. The parties to a conflict have an obligation under International Humanitarian Law to limit its effects on civilians.

276. In Iraq, the UK Government recognised that obligation in its Rules of Engagement, Targeting Directive and guidance on Battle Damage Assessment. The Government did not consider that it had a legal obligation to count civilian casualties.

---

[167] House of Commons, *Official Report*, 19 March 2003, column 934.
[168] Minute FCO [junior official] to Owen, 13 October 2004, 'Iraq: Civilian Casualty Figures'.

277. The Inquiry considers that a Government has a responsibility to make every reasonable effort to identify and understand the likely and actual effects of its military actions on civilians.

278. That will include not only direct civilian casualties, but also the indirect costs on civilians arising from worsening social, economic and health conditions. (Section 10.4 considers the scale of the reconstruction challenge in Iraq after the fall of Saddam Hussein's regime and the Government's contribution to meeting that challenge).

279. It may not be possible, before committing to a course of action, to produce even broad estimates of the number of civilians that would be directly and indirectly affected by it, or to identify all the effects on civilians.

280. The Government should be ready to work with others, in particular NGOs and academic institutions, to develop such assessments and estimates over time.

281. The Government should take account of those assessments and estimates in developing its strategy and plans as well as in its military tactics and use of ordnance, in order to minimise, to the extent possible, the effects on civilians. The Inquiry considers that RAND's conclusion in relation to US military operations should apply equally to the UK:

> "Because protecting the population is one of the central tenets of US COIN [counter-insurgency] doctrine … Iraqi civilian fatalities should be a chief concern for the US military."[169]

282. As well as serving to minimise the effect of military action on civilians, such assessments and estimates will also enable the Government to address criticisms of the human cost of military operations.

---

[169] RAND, 2008. *An Argument for Documenting Casualties: Violence Against Iraqi Civilians 2006.*

SECTION 2

DECISION-MAKING WITHIN GOVERNMENT

Contents

Introduction 267

Roles and responsibilities 267

- Cabinet 267
- Role of the Civil Service 269
  - The Cabinet Secretary 269
  - Permanent Secretaries 271
  - No.10 Chief of Staff 271
  - The Security and Intelligence Co-ordinator 272

Departmental roles 273

- The Cabinet Office 273
- The Foreign and Commonwealth Office 276
- The Secret Intelligence Service and C 278
  - Provision of intelligence reports to key customers 279
- The Ministry of Defence 282
  - Roles within the MOD 285
  - The Chiefs of Staff Committee 286
- The Department for International Development 288

Decision-making machinery pre-conflict 288

- The Defence and Overseas Policy Committee 288
- The Ad Hoc Meeting (the War Cabinet) 290
- Official-level inter-departmental machinery 295
  - The Joint Intelligence Committee 295
  - The Ad Hoc Group on Iraq 298
  - COBR(R) 300

Creation of the Iraq Planning Unit 302

Decision-making machinery post-invasion 306

- The Ad Hoc Ministerial Group on Iraq Rehabilitation 306
- The Ad Hoc Ministerial Group on Iraq 307
- The Defence and Overseas Policy Committee (Iraq) 308

NSID(OD) 309
Official-level inter-departmental machinery 309
The Iraq Strategy Group 309
The Iraq Senior Officials Group 309

Introduction

1. This Section addresses:

- the roles and responsibilities of key individuals and bodies; and
- the machinery established in order to make decisions pre-conflict, and post-conflict.

2. This Section does not address:

- the Inquiry's conclusions in relation to the decision to join the US-led invasion of Iraq, which can be read in Section 7.

Roles and responsibilities

Cabinet

3. Under UK constitutional conventions – in which the Prime Minister leads the Government but is not personally vested with the powers of a Head of State – Cabinet is the main mechanism by which senior members of the Government take collective responsibility for decisions that are of critical importance to the public. The decision to deploy UK Armed Forces to Iraq clearly falls into that category.

4. Cabinet is formally a Committee of the Privy Council, chaired by the Prime Minister.

5. In 2003, the *Ministerial Code* said:

> "The Cabinet is supported by Ministerial Committees (both standing and ad hoc) which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level or, failing that, by clarifying the issues and defining the points of disagreement. Second, they support the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgement will be sufficiently authoritative to ensure that the Government as a whole can properly be expected to accept responsibility for it."[1]

6. The *Code* also said:

> "The business of the Cabinet and Ministerial Committees consists in the main of:
>
> a. questions which significantly engage the collective responsibility of the Government because they raise major issues or policy or because they are of critical importance to the public;
> b. questions on which there is an unresolved argument between Departments."

[1] Cabinet Office, *Ministerial Code*, July 2001, page 3.

7. The Prime Minister was and is responsible for the *Code* and for judging whether Ministerial behaviour is consistent with its standards.

8. The *Ministerial Code* encapsulates the role of Cabinet Committees in identifying, testing and developing policy options; analysing and mitigating risks; and debating and honing proposals until they are endorsed across government. Cabinet Committees are relied on every day to keep the process of policy-making moving.

9. Although the practice of using Cabinet Committees has been a constant feature over many decades, the number of Committees, the subjects they consider and the way in which they are used has evolved, and has varied from Prime Minister to Prime Minister.

10. Discussion in full Cabinet meetings differs from that in Cabinet Committees. Cabinet would not normally be expected to explore the detailed aspects of a policy.

11. In his *Statement of Reasons* for the exercise of the executive override under Section 53 of the Freedom of Information Act 2000 (the 'Ministerial Veto') to prevent the disclosure of the minutes of meetings of Cabinet on 13 and 17 March 2003, Mr Jack Straw, Lord Chancellor from 2007 to 2010, set out the then Government's perspective on the functions of Cabinet.

12. Mr Straw wrote:

> "Serious and controversial decisions must be taken with free, frank – even blunt – deliberation between colleagues. Dialogue must be fearless. Ministers must have the confidence to challenge each other in private. They must ensure that decisions have been properly thought through, sounding out all the possibilities before committing themselves to a course of action. They must not feel inhibited from advancing opinions that may be unpopular or controversial. They must not be deflected from expressing dissent by the fear that they may be held personally to account for views that are later cast aside.
>
> "Discussions of this nature will not however take place without a private space in which thoughts can be voiced without fear of reprisal, or publicity. Cabinet provides this space. If there cannot be frank discussion of the most important matters of Government policy at Cabinet, it may not occur at all. Cabinet decision taking could increasingly be drawn into more informal channels, with attendant dangers of lack of rigour, lack of proper accountability, and lack of proper recording of decisions.
>
> …
>
> "The [Information] Tribunal thought that the deployment of troops was a hugely important step in the nation's recent history and that Cabinet should be accountable for it. I also believe that to be the case, but accountability for this decision – as for any other Cabinet decision – is properly with the Government as a whole and not with individual Ministers …

> "Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached …
>
> "If permitted to demonstrate their degree of attachment to any given policy, Ministers could absolve themselves from responsibility for decisions that they have nevertheless agreed to stand by … Thus, every Minister in the 2003 Cabinet could legitimately be held to account for the decision to use armed force in Iraq. The resignation of Ministers at the time of this particular decision recognised and reinforced that principle.
>
> "… The Government is committed to ensuring public participation in its decision making: it exposes its thinking to Parliament and public via parliamentary debate, public consultation, and engagement with the media …"

13. Mr Straw also described a "decision to commit British Service Personnel to an armed conflict" as being an "exceptionally serious" issue.

14. Many of Mr Straw's points were reiterated by Mr Dominic Grieve, the Attorney General, when maintaining the veto in 2012.

15. Mr Geoff Hoon, Defence Secretary from 1999 to 2005, told the Inquiry that he had:

> "… always seen the position of any Secretary of State as being in a sense the department's voice in the Cabinet, but equally, the Cabinet's voice in the department. So it is a two-way process …"[2]

Role of the Civil Service

THE CABINET SECRETARY

16. The Cabinet Secretary is the most senior civil servant providing policy advice to the Prime Minister.

17. There is no fixed set of functions attached to the role. Priorities and objectives for each appointee are set by the Prime Minister of the day.

18. Certain responsibilities sit by convention and long practice with the Cabinet Secretary:

- overall responsibility for security and intelligence systems and structures (in 2003, day-to-day responsibility was delegated to Sir David Omand by Sir Andrew Turnbull);

[2] Public hearing, 19 January 2010, page 178.

- responsibility for the machinery of Government (including the division of departmental responsibilities and the Cabinet Committee structure); and
- the organisation and recording of Cabinet meetings.

19. Particularly in relation to the latter two responsibilities, the Cabinet Secretary has a dual responsibility to the Prime Minister and to Cabinet collectively, and to both former and future governments.

20. In 2009, three former Cabinet Secretaries[3] told the House of Lords Select Committee on the Constitution:

> "… each of us, as Secretary of the Cabinet, has been constantly conscious of his responsibility to the Cabinet collectively and of the need to have regard to the needs and responsibilities of the other members of the Cabinet (and indeed of other Ministers) as well of those of the Prime Minister. That has coloured our relationships with Number 10 as well as those with other Ministers and their departments."[4]

21. During Sir Andrew Turnbull's tenure, the Cabinet Secretary was Head of the Home Civil Service, with leadership of the Civil Service as a whole. This role placed on the Cabinet Secretary a duty of care for the well-being of civil servants and the responsibility to be a fair employer.

22. The Cabinet Secretary has line management responsibility for departmental Permanent Secretaries across Whitehall.

23. The first edition of *The Cabinet Manual*, published in October 2011, ascribes the following specific responsibilities to the Cabinet Secretary:

- "The Cabinet Secretary is head of the Cabinet Secretariat."[5]
- "The Cabinet Secretary, unless unavoidably absent, attends all meetings of Cabinet and is responsible for the smooth running of Cabinet meetings and for preparing records of its discussions and decisions."[6]
- "Permanent Secretaries are responsible to the Cabinet Secretary or the Head of the Civil Service for the effective day-to-day management of the relevant department, or the particular issues for which they are responsible …"[7]

---

[3] Lord Armstrong of Ilminster, Lord Butler of Brockwell and Lord Wilson of Dinton.
[4] Fourth Report from the House of Lords Select Committee on the Constitution, Session 2009-10, *The Cabinet Office and the Centre of Government*, HL Paper 30.
[5] Cabinet Office, *The Cabinet Manual*, October 2011, page 36.
[6] Cabinet Office, *The Cabinet Manual*, October 2011, page 36.
[7] Cabinet Office, *The Cabinet Manual*, October 2011, page 58.

24. The *Manual* also describes the Cabinet Secretary's advisory role:

> "The Prime Minister decides – with the advice of the Cabinet Secretary – the overall structure of the Cabinet committee system, including … the terms of reference of each Cabinet committee."[8]

25. The *Manual*, according to Sir Gus O'Donnell's preface, records "the current position rather than driving change". It is quoted here on that basis.

PERMANENT SECRETARIES

26. The Permanent Secretary (referred to in some departments as the Permanent Under Secretary or PUS) is the most senior civil servant within a government department. He or she is appointed Accounting Officer (AO) for that department.

27. The *Ministerial Code* explained that an AO takes personal responsibility for the propriety and regularity of public finances, for keeping proper accounts, for the avoidance of waste and extravagance and for the efficient and effective use of the resources for which they are responsible.[9]

28. In addition:

> "Accounting Officers have a particular responsibility to see that appropriate advice is tendered to Ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money."

29. The PUS of the FCO is also designated Head of the Diplomatic Service.

NO.10 CHIEF OF STAFF

30. In 1997, Mr Jonathan Powell was appointed as the first Chief of Staff in No.10. This was a new role for a political appointee.

31. Mr Powell wrote:

> "Robin [Butler, the Cabinet Secretary] told us we needed a special Order in Council to allow Alastair [Campbell] and me to tell civil servants what to do. He thought perhaps Tony would want another similar political appointee so he suggested we allow for three positions with special powers."[10]

32. That proposal became the Civil Service (Amendment) Order 1997 which exempted "up to three situations in the Prime Minister's Office which are designated by him" from the principle of selection on merit based on a fair and open competition, allowing political

---

[8] Cabinet Office, *The Cabinet Manual*, October 2011, page 32.
[9] Cabinet Office, *Ministerial Code*, July 2001, page 22.
[10] Powell J. *The New Machiavelli: How to wield power in the modern world.* The Bodley Head, 2010.

appointees to hold central executive roles.[11] The Order was revoked by Mr Gordon Brown when he took office in June 2007.[12]

33. Mr Powell described his role to the Inquiry as "to bring together the foreign and domestic, the political and the Civil Service, the press and the policy bits of Number 10."[13] He said:

> "It was my job to make sure that Number 10 was co-ordinated to make sure that those things [provision of support and advice to the Prime Minister and government] were happening … I followed the Prime Minister's priorities, so I would shift from subject to subject …"[14]

34. In relation to Iraq, Mr Powell said that he operated more in a "link role", ensuring that Mr Blair was kept up to date and that his decisions were communicated rapidly.[15]

35. In his book *The New Machiavelli* Mr Powell wrote:

> "The most important task of a chief of staff is saying 'no'. Politicians always like to say 'yes', and it is important they continue doing so if they are to remain popular. But it is not possible to see everyone who asks for a meeting, nor to attend every event… so someone needs to refuse and take the flak for doing so. Likewise, not all advice should be accepted and someone has to send it back asking for more work or even rejecting it."[16]

36. Mr Blair said of Mr Powell: "his main contributions to the office were a knowledge of the Civil Service system, an extraordinary work rate… and a politics that was completely and naturally New Labour".[17]

THE SECURITY AND INTELLIGENCE CO-ORDINATOR

37. Commenting on the decision to create the post of Security and Intelligence Co-ordinator, the Butler Review reported that it had been "represented to us that this change had been particularly necessary after the terrorist attacks of 11 September 2001".

38. The Butler Review commented that the effect of creating the post was:

> "… that the Cabinet Secretary is no longer so directly involved in the chain through which intelligence reaches the Prime Minister. It follows that the Cabinet Secretary, who attends the Cabinet and maintains the machinery to support their decision-making is less directly involved personally in advising the Prime Minister on security

---

[11] Civil Service Order in Council 1995, as amended 1997, section 3 (3).
[12] Letter Smethurst to Watt, 19 August 2013, 'Ref: Freedom of Information Act Request'.
[13] Public hearing, 18 January 2010, page 2.
[14] Public hearing, 18 January 2010, page 3.
[15] Public hearing, 18 January 2010, page 5.
[16] Powell J. *The New Machiavelli: How to wield power in the modern world.* The Bodley Head, 2010.
[17] Blair T. *A Journey.* Hutchinson, 2010.

and intelligence issues … the Security and Intelligence Co-ordinator does not attend Cabinet and is not part of the Cabinet Secretariat supporting Cabinet Ministers in discharging their collective responsibilities in defence and overseas policy matters. We understand that the Intelligence and Security Committee will shortly review how this arrangement has worked."[18]

39. Asked about his dual role in relation to the Chairman of the JIC, Sir David Omand told the Inquiry that the Butler Report had commented that "as a result" of his appointment, the "Cabinet Secretary is no longer so directly involved in the chain through which intelligence reaches the Prime Minister" but that: "It wouldn't be correct to assume that any Cabinet Secretary had been in the loop in the provision of advice on assessed intelligence."[19] That had always been "a duty that had fallen on the Chairman of the JIC". Sir David told the Inquiry that a condition of appointment had been that he "would not interpose his judgement on the content of the intelligence".

40. Sir David told the Inquiry that his role in relation to the intelligence community was to "make sure it was in good health, argue for its resources and negotiate those with the Treasury, ensure that the Agencies were working together, try to generate some efficiencies and be on the look out … for new ways in which the community could be made more effective".[20]

Departmental roles

The Cabinet Office

41. The Cabinet Office contains the Cabinet Secretariats, which support the Cabinet and Cabinet Committees, and draw staff from across government.[21] In the period from 2001 to 2003, the Overseas and Defence Secretariat (OD Sec)[22] was responsible for foreign and defence policy issues, including Iraq.[23]

42. In 2001 and 2002, of about a dozen staff in OD Sec, only two covered Iraq.[24] In both cases, Iraq was one part of their job.

43. Sir David Manning became Mr Blair's Foreign Policy Adviser and Head of OD Sec in September 2001. That marked a change from previous arrangements, in which the two roles had been held by two different individuals.

---

[18] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898. Page 147.
[19] Public hearing, 20 January 2010, pages 3-4.
[20] Public hearing, 20 January 2010, page 5.
[21] Statement McKane, 8 December 2010, page 1.
[22] Later renamed the Foreign and Defence Policy Secretariat (F&DP Sec) and now part of the National Security Secretariat.
[23] Public hearing Manning, 30 November 2009, pages 44-45.
[24] Public hearing McKane, 19 January 2011, pages 2-3.

44. Lord Wilson of Dinton, Cabinet Secretary from 1998 to 2002, told the Inquiry that the appointment of Advisers and their role as Heads of the relevant Secretariats in the Cabinet Office had reflected Mr Blair's desire to have his senior people around him: "He had his own team. That is, to be honest, how he liked to work."[25] Lord Wilson said that he had been against the change.

45. The Butler Review commented that the effect of the decision to combine "two key posts at the top of the Cabinet Secretariat" (the Heads of the Overseas and Defence and of the European Secretariats), with the posts of the Prime Minister's Advisers on Foreign Affairs and on European Affairs, had been to: "weight their responsibility to the Prime Minister more heavily than their responsibility through the Cabinet Secretary to the Cabinet as a whole".[26]

46. The Butler Review acknowledged that the "view of the present post-holders is that the arrangement works well, in particular in connecting the work of the Cabinet Secretariat to that of the Prime Minister's office". It also recorded that "it was clear from the departmental policy papers it had seen that there was very close co-operation between officials in the Prime Minister's office and in the FCO in policy making on Iraq". The Review commented: "It is nonetheless a shift which acts to concentrate detailed knowledge and effective decision-making in fewer minds at the top."

47. The Butler Review concluded that the changes to the key posts at the head of the Cabinet Secretariat had:

> "… lessened the support of the machinery of government for the collective responsibility of the Cabinet in the vital matter of war and peace."[27]

48. Asked whether it would have been helpful for him to have a dual role similar to Sir David Manning's roles as both the Prime Minister's Foreign Policy Adviser and the Head of OD Sec, Sir David Omand told the Inquiry that he had "concluded on balance, the arrangement had more disadvantages than advantages".[28] He added that:

> "I think there is a helpful external perception of objectivity and support for the collective process amongst departments, if you are on the Cabinet Office side of the … door rather than in No.10.
>
> "I hesitate to say this, but I think it does over a period of time tend to disenfranchise the Cabinet Secretary. It is a very subtle psychodynamic effect… any Prime Minister … is going to have a trusted group of inner confidants and advisers and if … the adviser is simultaneously the Deputy to the Cabinet Secretary and Head of

---

[25] Public hearing, 25 January 2011, pages 21-22.
[26] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 147.
[27] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, pages 147-148.
[28] Public hearing, 20 January 2010, pages 52-53.

the Secretariat, then over a period of time it is likely that there will be an implicit assumption that the Cabinet Secretary's interests are being represented… so you don't really need to invite the Cabinet Secretary to the meeting."

49. Asked whether that had affected decision-making on Iraq, Sir David Omand responded that:

"I think the Cabinet Secretary was not as present as previous Cabinet Secretaries … would have been. Of course one of the reasons for that is that the Prime Minister had given the Cabinet Secretary a very different agenda … the new Cabinet Secretary was chosen explicitly on that basis."

50. Sir David agreed that the Cabinet Secretary could have "made a fuss" about that:

"But it would have been at the direct expense of not being able to devote the time to sorting out reform and delivery across the government's agenda." [29]

51. Describing the resource constraints in the Cabinet Office, Sir David Omand told the Inquiry that he had "inherited an overspend where there wasn't enough money to pay for all" the units in Downing Street and the Cabinet Office, which were "funded from the same vote".[30] The Treasury had kept them, he expected "deliberately", on a "very tight leash in order to restrain the growth of Downing Street". Sir David had found it "quite hard" to staff the Cabinet Office at the level he would have wanted and it had been necessary to prioritise.

52. In relation to Iraq, Sir David said:

"We did find money for OD Secretariat to expand… at the time of Iraq. We did find money to enable the Joint Intelligence Committee's assessment staff to work at full tilt as the crisis – the run up to the campaign – developed.

"But it was a bit of a struggle and not necessarily ideal. It was also the case that the Overseas and Defence Secretariat, who were hard pressed on Iraq, were also valiantly providing me the sole support I had to work on a counter-terrorism strategy. I have nothing but praise for them. They did a fantastic job, but it was a stretch."

53. Sir David added:

"In a sense, one of the lessons … is that you can't enter into a run-up to a major conflict and continue with business as usual. There was a certain sense that the government was trying to do everything as well as manage this very major military operation – I don't think that's possible.

---

[29] Public hearing, 20 January 2010, pages 53-54.
[30] Public hearing, 20 January 2010, pages 6-7.

> "… during the Falklands [Conflict in 1982] … although it was a much shorter affair … for that period that dominated the work of that group of Ministers. They delegated everything else. That didn't happen… on Iraq."

54. Sir David Manning recognised that the teams working on Iraq were small and heavily loaded, and that fatigue was a factor, but told the Inquiry:

> "I did not feel that, at official level, we were unable to manage the decision making processes or to relay the wishes of Ministers to the system or to reflect [the] system's concerns to Ministers themselves."[31]

The Foreign and Commonwealth Office

55. In December 2003, the Foreign and Commonwealth Office (FCO) presented a "Strategy for the FCO" to Parliament, in which it listed the department's "key contributions" to government.[32] They included:

- "co-ordination and leadership of the UK's international policies";
- "expert foreign policy advice for Ministers and the Prime Minister, feeding into the wider policy process"; and
- "rapid gathering, analysis and targeting of information for the Government and others".

56. In the period from 2001 to 2003, prime responsibility within the FCO for information on other countries fell to the relevant regional department. For Iraq, that was the Middle East Department (MED), under the supervision of the Director, Middle East and North Africa.

57. The FCO Political Director, later known as the Director General (Political), is the senior FCO official responsible for developing and implementing FCO policy on the most significant bilateral and multilateral foreign policy issues facing the UK, and for directing policy advice to Ministers on those issues.

58. The Political Director is a member of the FCO Board and reports to the PUS.

59. The FCO Directorate of Strategy and Innovation (DSI) reports to the PUS and the FCO Board. Its role is to review policy in areas of high priority and supplement or challenge advice from the relevant department within the FCO. DSI was a significant contributor of strategy papers on Iraq in the second half of 2002.

60. The FCO Research Analysts provided expert support and background for the policy recommendations made by MED and the Iraq Policy Unit, drawing on information gained from contacts with Iraqi politicians and exiles, academics and journalists, those

---

[31] Public hearing, 30 November 2009, pages 48-49.
[32] Foreign and Commonwealth Office, *UK International Priorities: A Strategy for the FCO*, December 2003, Cm 6052.

who had visited Iraq and from intelligence.[33] The Research Analysts also acted as the contact point within government for the US State Department's Future of Iraq project (see Section 6.4).

61. The FCO told the Inquiry that one analyst worked full-time on Iraq during 2001, increasing to two from mid-2002.[34]

62. On 29 November 2002, the FCO Board discussed priorities for the coming months, including reviewing Iraq policy and planning:

> "The Board agreed that the possibility of war in Iraq would remain the prime focus of attention over the next months. It discussed contingency plans being put in place. Work was in hand on staffing and establishing emergency units [see Section 6.5]. Procedures were due to be tested in January … Board members stressed the need to keep the level of threat under review; and to keep examining and testing out the contingency plans."[35]

63. On 2 December, Mr Ricketts (FCO Political Director) sent Sir Michael Jay (FCO PUS) advice on "preparations for handling an all-out Iraq crisis".[36] Mr Ricketts explained that he held daily meetings at 0900 to co-ordinate FCO activity, chaired in his absence by another FCO Board member or Mr Edward Chaplin (FCO Director, Middle East and North Africa). He also described the Iraq-related responsibilities of FCO senior officials:

> "William Ehrman [Director General Defence and Intelligence] deals with JIC and MOD, Graham Fry [Director General Wider World] supervises work on consular planning …; Edward Chaplin and Charles Gray take the lead on policy advice, working with DSI for longer range thinking, with the UN and CFSP [Common Foreign and Security Policy] teams, with the Legal Advisers and others. I have deliberately involved a wide spread of senior managers, because we may well have to sustain an intense crisis for a significant period …
>
> "You will of course want to be closely involved in all the policy-making. One of the key tasks of the Emergency Unit is to prepare the Foreign Secretary and you for the [anticipated] No.10 meetings, to ensure the FCO is pro-active and thinking ahead. I propose to take responsibility under you as overall co-ordinator …
>
> "MED and Personnel Command discussed again this week the staff numbers required to produce this structure, and other essential augmentation (for example, for the Press Office and Consular Division) … But it will be vital that the Board meets early and decides which tasks can fall away …

---

[33] Statement FCO Research Analysts, November 2009, pages 1-2.
[34] Email FCO to Iraq Inquiry, 3 June 2013, 'FCO Research Analysts'.
[35] Minutes, 29 November 2002, FCO Board meeting.
[36] Minute Ricketts to PUS [FCO], 2 December 2002, 'Iraq: Handling the Crisis'.

> "This all looks unwieldy, but I am confident that it will work … In managing this, the trick will be to have a clear co-ordinating and tasking arrangement, without vast meetings … We will need to keep [overseas] posts well briefed and targeted, while encouraging them to exercise maximum restraint in reporting …"

64. The FCO Emergency Unit, responsible for co-ordination of all aspects of FCO Iraq policy during the military campaign, opened on 14 March 2003.[37] The FCO Consular Crisis Centre opened on 17 March. Both operated 24 hours a day throughout the military campaign.

65. After the closure of the Emergency Unit on 2 May, Mr Ricketts resumed daily Iraq policy meetings in his office from 6 May.[38]

The Secret Intelligence Service and C

66. The 1994 Intelligence Services Act placed the Secret Intelligence Service (SIS) on a statutory basis, giving the Foreign Secretary responsibility for the work of SIS, defining the functions of the Service and the responsibilities of its Chief, who is known as C.[39]

67. The principal role of SIS is the production of secret intelligence on issues concerning Britain's vital interests in the fields of security, defence, foreign and economic policies in accordance with requirements established by the Joint Intelligence Committee (JIC) and approved by Ministers. SIS uses human and technical sources to meet those requirements, as well as liaison with a wide range of foreign intelligence and security services.[40]

68. Sir Richard Dearlove told the Inquiry:

> "… the Service is not the Foreign Office. It's not a policy department. It's a department which is essentially an operational department, which contains a lot of people with some really remarkable knowledge and expertise."[41]

69. Under Section 2 of the Intelligence Services Act 1994, the Chief is responsible for the efficiency of the Service and it is:

> "… his duty to ensure –
>
> a. that there are arrangements for securing that no information is obtained by the Intelligence Service except so far as is necessary for the proper discharge of its functions and that no information is disclosed except so far as necessary –
>
> (i) for that purpose;

---

[37] Telegram 130 FCO London to Abidjan, 13 March 2003, 'Opening of FCO Emergency Unit'.
[38] Minutes, 1 May 2003, FCO Emergency Unit Iraq meeting.
[39] Intelligence Services Act 1994.
[40] Cabinet Office, *National Intelligence Machinery*, 9 October 2001, page 6.
[41] Private hearing, 16 June 2010, page 12.

(ii) in the interests of national security;

(iii) for the purposes of the prevention or detection of a serious crime; or

(iv) for the purpose of any criminal proceedings …"

70. The Chief is required to make an annual report on the work of the Service to the Prime Minister and the Foreign Secretary and "may at any time report to either of them on any matter relating to its work".[42]

71. As a later version of the Cabinet Office document *National Intelligence Machinery* states, the Agencies are responsible for evaluating and circulating their "mainly single-source reports".[43]

PROVISION OF INTELLIGENCE REPORTS TO KEY CUSTOMERS

72. Intelligence collected by the three Intelligence Agencies – SIS, the Security Service and the Government Communications Headquarters (GCHQ) – is passed directly in the form of reports to customer departments in government. Those reports assist decision-making. They also contribute, with other sources of information, to longer-term analysis, including Assessments issued by the JIC.

73. Lord Wilson told the Inquiry that Mr Blair's travels overseas to secure support for action against Usama Bin Laden had had an impact on the relationship between No.10 and the Intelligence Agencies.[44] Sir Richard Dearlove, Chief of SIS, travelled with Mr Blair and had, in Lord Wilson's words: "seized his chance, quite understandably, and got to know the Prime Minister and the Prime Minister got to know him".

74. Asked about the pressures on SIS as a result of their success in producing material for the dossier, and when Mr Blair was relying on them and had put them on a pedestal, Sir Richard Dearlove told the Inquiry that was:

> "… a fragile and dangerous position, as one was well aware at the time. I don't deny that. But such are the events of government sometimes."[45]

75. Asked about his joint visits to Washington with Sir Richard Dearlove, Sir David Manning told the Inquiry that they "probably reflected the new weight that the intelligence Agencies had in the system" after 9/11:

> "It's in a sense inevitable because the Americans chose to play it this way. [George] Tenet [Director of the CIA] is an absolutely key figure … and we have to find our counterparts."[46]

---

[42] Intelligence Services Act 1994.
[43] Cabinet Office, *National Intelligence Machinery*, 19 November 2010, page 36.
[44] Public hearing, 25 January 2011, page 28.
[45] Private hearing, 16 June 2010, page 64.
[46] Private hearing, 24 June 2010, pages 9-10.

76. Sir David also commented that:

> "… after 9/11 you see a completely new emphasis in Whitehall from Ministers, and indeed in terms of budgetary provision, for the Agencies. The fact that they had become the natural interlocutors of key players in the Bush Administration, and … given … much higher priority for resourcing … reflect[ed] a sort of shift in weight in the system."[47]

77. Asked whether Sir Richard Dearlove spent more time with Mr Blair than his predecessors, Sir David commented that he did not know; but:

> "Richard was certainly part of the group the Prime Minister consulted regularly, and … had access to the Prime Minister … pretty much when he wanted it."

78. Asked for his observations on how the relationships between the intelligence services, in particular Sir Richard Dearlove, and Mr Blair, Mr Straw and himself had changed, Sir David told the Inquiry:

> "… because the whole terrorism issue moved so rapidly up the agenda, and because there is a sense that we are vulnerable to asymmetric threats in a way that we haven't been in the past, there is a new recognition of the importance of the Agencies, a new willingness among Ministers to fund and resource the Agencies, and a much greater dependence on advice from the Agencies on threats that are not the conventional threats that we have been used to.
>
> "… in addition … you have two rather remarkable personalities as the Heads of [their respective] Agencies, Richard [Dearlove] and Eliza [Manningham-Buller] … and if you find that the American system is using the Agencies really rather extensively, then it does change the pattern and the way we work, partly because the Government puts much more emphasis on the Agencies and much less, in my view – and I think it's a mistake – on the traditional departments, but partly because we don't have a lot of choice because this is the sort of network that's developing.
>
> "… in a way I think you have to accept that the Heads of the Agencies are much more like the traditional Permanent Under Secretaries, that their departments are frequently better funded to deal with these issues than the traditional departments are, have more resource, can act more quickly …
>
> "So I think there has been a shift in the way that Whitehall operates, and I think it is inevitable that, as a result of that shift, the Heads of the Agencies have greater weight in the system …"[48]

---

[47] Private hearing, 24 June 2010, page 10.
[48] Private hearing, 24 June 2010, pages 43-45.

79. Sir David added that when, in crises, time was very short, there was a "tendency", if a message was being passed through an Agency, for that Agency to deliver it.[49]

80. Asked if the Agencies were being drawn into giving policy advice without necessarily having the experience fully to occupy that role, Sir David responded that they did "give more policy advice than in the past".[50] Because of the way the process had changed they had "found themselves almost being sucked into giving that advice from time to time". They had found themselves more in a "policy influencing role, than was traditional".

81. Asked for the perspective from No.10 on whether SIS had oversold what it could deliver, Sir David Manning told the Inquiry: "I can only say, looking back … that the fact was the intelligence does feel as though it delivered more than it actually did. I think quite quickly after the invasion it became clear that some of them felt that too."[51]

82. In relation to Sir Richard Dearlove's role, Sir David Omand said that:

> "SIS were very much in the inner council. They had proved their worth to the Prime Minister in a number of really very, very valuable pieces of work, not just delivering intelligence, but … conducting back channel diplomacy, and that, I'm sure weighed heavily on the Prime Minister's calculation that, 'These are people I should be listening to.'
>
> …
>
> "… it is quite tempting to comment if you are the confidant of the Prime Minister – and you can go back to Churchill and his intelligence advisers … to find this in the role of the then Chief of the SIS in Churchill's inner council. It is quite tempting to go over that line and start expressing an opinion on the policy itself. I wasn't there to know if that happened … I'm making a more general point."[52]

83. Sir David added:

> "I think there were certainly people in the intelligence community, and there are still some, who believe that something will turn up in Syria, and I am certainly not going to break my own rules and say categorically that won't happen. We could all still be surprised. But there was a sense in which, because of past successes – very, very considerable successes supporting this government, that SIS overpromised and underdelivered, and when that became clear that the intelligence was very hard to find … they really were having to bust a gut to generate the intelligence.
>
> "I think the Butler Committee really uncovered that the tradecraft at that point wasn't as good as it should have been for validation… that's one of the background

[49] Private hearing, 24 June 2010, page 46.
[50] Private hearing, 24 June 2010, pages 46-47.
[51] Private hearing, 24 June 2010, pages 120-121.
[52] Public hearing, 20 January 2010, pages 61-62.

reasons why people were very unwilling to actually conclude: no … we may have miscalculated, or misassessed this."[53]

84. Asked about his views on Sir David Omand's comment from the standpoint of the JIC, Sir John Scarlett (Chairman of the JIC from 2001 to 2004) replied:

"I think what David was referring to there was the situation in January and February 2003, when UNMOVIC [the United Nations Monitoring, Verification and Inspection Commission] were not finding things, and so the reaction might have been: well, why is that? But the reaction was: well it's there. This just goes to show that UNMOVIC aren't much use and we will find it."[54]

85. In a letter to Mr Hoon on 17 September 2002, Sir Kevin Tebbit wrote:

"I also counselled against excessive briefings of the Prime Minister by the intelligence agencies, when it was evident that their input could be transmitted in written form and his time could be better spent with those Ministers (ie you and the Foreign Secretary) in the small groups needed to decide executive action or give policy direction."[55]

The Ministry of Defence

86. The Ministry of Defence (MOD) is both a Department of State and a Military Strategic Headquarters.

87. The Defence Secretary is responsible for the formulation and conduct of defence policy and chairs the Defence Council, which provides the formal legal basis for the conduct of Defence in the UK.

88. The Defence Council has a range of powers vested in it by Parliament (through statute) and, under Letters Patent issued by Her Majesty The Queen, exercises on Her behalf the function of the Royal Prerogative, including committing the Armed Forces to military operations.[56]

89. The Defence Secretary has two principal advisers: the PUS and the Chief of the Defence Staff (CDS).[57] They are separately responsible for ensuring that sound and timely advice reaches Ministers.[58]

90. The PUS is the Secretary of the Defence Council.

---

[53] Public hearing, 20 January 2010, pages 63-64.
[54] Private hearing, 5 May 2010, page 36.
[55] Minute Tebbit to Secretary of State [MOD], 17 September 2002, 'Iraq: Machinery of Government'.
[56] Ministry of Defence, *The New Defence Operating Model*, Version 3.0: December 2012, page 18.
[57] Ministry of Defence, *Annual Report and Accounts 2002-03*, page 145.
[58] Ministry of Defence, *Defence Framework – How Defence Works*, September 2008, pages 11-12.

91. The Defence Secretary is responsible for the direction and conduct of all operations by UK Armed Forces.[59] He provides strategic direction, endorses the allocation of resources and sets the constraints on the use of force and is accountable to Parliament for all the decisions and actions of Defence.[60]

92. Force levels and Rules of Engagement are subject to policy decisions made by Ministers, taking into account legal advice. Those decisions are recorded in a CDS Directive.

93. As a Department of State, MOD Head Office ensures the conduct of operations reflects the Defence Secretary's direction and is consistent with wider government policy.[61] Its focus is at the strategic level: to define the ways in which military force will contribute to the achievement of the Government's current and future security objectives and to determine the military means required to deliver them.

94. As the most senior civil servant in the Department of State, the PUS has primary responsibility for policy, finance and administration in the MOD.[62]

95. The PUS provides policy advice to Ministers on current and potential operations.[63]

96. The PUS's core responsibilities and accountabilities comprise:

"
- Leading [the Ministry of] Defence, with CDS (to Defence Secretary).
- Defence and nuclear policy advice …
- Accounting Officer duties …
- Developing an affordable programme (to Defence Secretary).
- Formulating Defence strategy (with CDS) (to Defence Secretary).
- Acting as head of profession for MOD civil servants (to Defence Secretary).
- Co-ordinating delivery of top level decision making …"

97. The PUS is also responsible for: "Leading the [MOD's] relationship with other Government Departments."[64]

98. The PUS is the MOD's Principal Accounting Office and is personally accountable to Parliament for the expenditure of all public money voted for Defence purposes.[65]

99. As professional head of the Armed Forces, the CDS is responsible for the delivery of military capability, including the direction of military operations.[66]

---

[59] Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013.
[60] Ministry of Defence, *Defence Framework – How Defence Works*, September 2008, page 5.
[61] Ministry of Defence, *Transforming Defence*, Version 3.0: December 2012, page 24.
[62] Ministry of Defence, *Annual Report and Accounts 2002-03*.
[63] Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013.
[64] Ministry of Defence intranet, 'Responsibilities of PUS'.
[65] Ministry of Defence, *Annual Report and Accounts 2002-03*.
[66] Ministry of Defence, *How Defence Works – Defence Framework*, September 2008, page 3.

100. Lord Boyce, CDS from February 2001 to May 2003, told the Inquiry that his responsibility was to advise on military capability and capacity.[67]

101. As the principal military adviser to the Defence Secretary and the Government/ Prime Minister, the CDS will attend Cabinet or its sub-committees as required and will draw on the operationally focused advice provided by the Service Chiefs of Staff and senior civil servants through the Chiefs of Staff Committee.[68]

102. The CDS, advised by the Vice Chief of the Defence Staff (VCDS) and the Service Chiefs, is responsible for the formulation of the military strategy and its coherence with government policy. Following the Defence Secretary's direction, the CDS is responsible for the planning, direction and conduct of all military operations.

103. Through a CDS Directive, he:

- Appoints the operational commander.
- Provides strategic direction.
- Identifies the military conditions for success.
- Designates the theatre and joint operations area.
- Specifies force levels and resources.
- Promulgates the constraints on the use of force.
- Sets the strategic intelligence requirements.[69]

104. The Chiefs of Staff Committee (COS) is the main forum through which the CDS seeks and obtains the collective military advice of the single Service Chiefs of Staff, and through which he discharges his responsibility for the preparation and conduct of military operations.[70]

105. The Committee is chaired by the CDS. The three Service Chiefs of Staff and the VCDS are the only other full members. Responsibility for the decisions and advice that emerge rests solely with the CDS. More information on COS is set out below.

106. Mr Hoon told the Inquiry that it was important that he, the CDS and the PUS "worked together, otherwise we had problems":

> "… it was important for me to enjoy the confidence of the military, but at the same time ensure that those responsible for developing policy on the Civil Service side were comfortable with where we were going."[71]

107. Mr Hoon added that "one of the great successes" of the MOD was the extent to which it was "genuinely joined up" and the "real integration between the civil servants

---

[67] Public hearing, 3 December 2009, page 76.
[68] Ministry of Defence, *How Defence Works – Defence Framework*, December 2010, page 14.
[69] Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013, page 24.
[70] Ministry of Defence, *How Defence Works – Defence Framework*, December 2010, page 29.
[71] Public hearing, 19 January 2010, page 2.

and the military". He had "excellent relationship[s]" with each of the Chiefs of Defence Staff with whom he worked, and "very regular … informal and formal meetings". In the course of "campaigns like Iraq", such meetings were "on a daily or more than daily basis".[72]

ROLES WITHIN THE MOD

108. The principal task of the Defence Intelligence Staff (DIS)[73] was the provision of intelligence to inform MOD policy formulation and procurement decisions, and to support military operations.[74]

109. DIS worked closely with other UK intelligence organisations and with overseas allies.[75] Its sources included human, signals and imagery intelligence, as well as open sources. The DIS produced a number of reports on the state of Iraq.

110. The Defence Crisis Management Organisation (DCMO) is tasked to provide "politically aware military advice to inform the strategic commitment of UK forces to overseas joint and combined operations".[76]

111. The DCMO comprises the Permanent Joint Headquarters (PJHQ) and elements of the MOD Central Staff, single service frontline commands and other relevant departments.[77]

112. As head of PJHQ, the Chief of Joint Operations (CJO) is responsible for the planning and execution of joint (tri-Service) operations.[78]

113. CJO reports directly to the CDS for contingency planning and advice on the conduct and resourcing of current operations.[79] At the operational level, CJO is responsible for the deployment, direction, sustainment and recovery of deployed forces in order to deliver the military strategy set out in the CDS's Directive.

114. The CJO is the Commander Joint Operations for current operations for which he is responsible.

115. The MOD Central Staff advises both the PUS and CDS. Between 2001 and 2009 it was led jointly by the VCDS and the Second Permanent Secretary (2nd PUS), supported by a joint staff.

---

[72] Public hearing, 19 January 2010, page 3.
[73] Now known as Defence Intelligence (DI).
[74] Letter MOD to Iraq Inquiry, 29 April 2010, 'MOD Evidence – Submission on Defence Intelligence Staff (DIS)'.
[75] www.gov.uk, 'Defence Intelligence'.
[76] Ministry of Defence, *How Defence Works – Defence Framework*, December 2010, page 14.
[77] House of Commons, *Official Report*, 16 November 2004, column 1290W.
[78] Ministry of Defence, *Annual Report and Accounts 2002-03*.
[79] Ministry of Defence, *The New Operating Model: How Defence Works*, April 2013.

116. The two most senior members of the Central Staff with responsibilities for decisions on military operations were the Deputy Chief of the Defence Staff (Commitments) (DCDS(C)) and the Policy Director. They were supported by the Assistant Chief of Defence Staff Operations (ACDS(Ops)) and the Director General Operational Policy (DG Op Pol).[80]

117. In the period from 2002 to 2003, DCDS(C) was supported by the Strategic Planning Group (SPG).

118. Lieutenant General Sir Robert Fry, DCDS(C) from July 2003 to January 2006, stated that he was "responsible for the military strategic advice to the Chiefs of Staff".[81]

119. Sir Kevin Tebbit told the Inquiry that the Policy Director was responsible for leading the effort to balance political and military considerations in producing advice.[82]

THE CHIEFS OF STAFF COMMITTEE

120. The Chiefs of Staff Committee is supported by the Chiefs of Staff Secretariat (COSSEC), which ensures that minutes and decisions are promulgated swiftly, a record of outstanding actions is prepared and maintained, and papers are prepared and circulated to support discussions.

121. The papers prepared for COS meetings and the minutes of its discussions (although they are not a verbatim record) provide a major source of information for the Inquiry.

122. From time to time, the Chiefs of Staff also hold discussions which are unminuted. Those include early discussions on Iraq in the first half of 2002 and Chiefs of Staff (Informal) (COS(I)) meetings.

123. By early 2002, the COS Committee was already meeting at least once a week, often designated as COS (Operations), to discuss operational issues in addition to the regular cycle of meetings on non-operational issues.

124. In 2002, there were 71 meetings of the COS Committee. Issues related to Afghanistan constituted the main business until 19 September, when COS discussed a paper addressing potential UK support to US operations against Iraq.[83]

125. From 19 September, the COS Committee met weekly, usually on a Wednesday morning, to discuss Iraq, and other operational issues.

---

[80] The MOD confers the title Director General on personnel at two-star, or civilian Director level; usage elsewhere in Whitehall differs.
[81] Public hearing, 16 December 2009, page 72.
[82] Public hearing, 3 December 2009, page 10.
[83] Minutes, 19 September 2002, Chiefs of Staff meeting.

126. The agenda for the weekly COS (Operations) meetings usually comprised a briefing from the Chief of Defence Intelligence, followed by:

- "political/military overview";
- operational planning;
- media; and
- next steps.

127. By the autumn of 2002, COS (Operations) meetings were attended by a range of military and civilian officials or their representatives.

128. In late 2002/early 2003, that included the MOD PUS, the Chief of Defence Logistics, the DCDS(C), the Chief of Defence Intelligence, the Deputy Chief of Defence Staff (Equipment Capability), the Deputy Chief of Defence Staff (Personnel), the Policy Director, the Director General of Corporate Communications and, frequently, senior officials from some or all of the Cabinet Office, the FCO, SIS and GCHQ.

129. The first recorded attendance by a DFID representative was on 19 February 2003.

130. Meetings with Defence Ministers often followed COS (Operations) meetings. The papers examined by the Inquiry for the period between 2001 and 2009 suggest that they were essentially briefing meetings and no records of the discussions were produced.

131. The MOD has conducted an extensive search of its archives and no records of minutes for these meetings have been located.

132. Lord Boyce told the Inquiry that attendance at COS meetings provided "transparency of what the military were doing" for other departments, and that they would provide inputs setting out their thinking.[84]

133. Sir Kevin Tebbit added that it was "a very important way of making sure people understood the tempo of planning".

134. General Sir John Reith, Chief of Joint Operations from August 2001 to July 2004, told the Inquiry that PJHQ had a "very, very close relationship" with the MOD and in particular with the Commitments Staff:

> "… every single paper that we produced at PJHQ was staffed through the … MOD before it went under my signature into the Chiefs of Staff Committee, and we had a VTC [video conference] every morning … I was on regular VTCs for the op[erations] Chiefs of Staff meetings and for the Ministerials."[85]

---

[84] Public hearing, 3 December 2009, page 80.
[85] Private hearing, 15 January 2010, pages 3-4.

The Department for International Development

135. In 2003, the Department for International Development (DFID) was responsible for leading the Government's contribution to eliminating poverty. The International Development Act, which came into effect in June 2002, had established poverty reduction as the overarching purpose of British development assistance.

136. Within DFID, the Iraq Team in the Middle East and North Africa Department included advisers with expertise on conflict, humanitarian assistance, governance, infrastructure, economics and social development who provided analysis to inform decisions.[86] The DFID Iraq Team worked closely with the FCO and drew on the FCO's Iraq-related research and analysis.

137. Advisers were drawn from the relevant DFID professional cadres with consultants brought in to provide advice on specific issues and projects where required.

138. In addition, DFID's Conflict and Humanitarian Affairs Department (CHAD) provided specific policy and operational advice on Iraq.

Decision-making machinery pre-conflict

139. Lord Wilson told the Inquiry that between January 1998 and January 1999 he had attended and noted 21 Ministerial discussions on Iraq; 10 in Cabinet, of which seven had "some substance"; five in the Defence and Overseas Policy Committee (DOP); and six ad hoc meetings, including one JIC briefing.[87]

140. The Cabinet Office informed the Inquiry that there was no discussion of Iraq in DOP in 1999 or 2000, and that the four discussions in Cabinet in early 1999 (the last on 7 March) were confined to brief updates on the No-Fly Zones.[88] There is no record of any Cabinet discussion of Iraq in 2000.

141. In contrast, Lord Wilson told the Inquiry that between 9/11 and January 2002 he attended 46 Ministerial meetings on international terrorism and/or Afghanistan.[89] Those were: 13 Cabinet meetings (four of which were very short); 12 meetings of a new Cabinet Committee, DOP(IT) (Defence and Overseas Policy (International Terrorism)), which was set up as a sort of "War Cabinet"; and 21 ad hoc meetings, although many of those had taken place "round the Cabinet table".

The Defence and Overseas Policy Committee

142. DOP, formally a Sub Committee of the Cabinet, was created in 1963, with Terms of Reference: "To keep under review the Government's defence and overseas policy."

---

[86] Email DFID to Iraq Inquiry [junior official], 19 June 2013, 'Iraq Inquiry new queries'.
[87] Public hearing, 25 January 2011, page 11.
[88] Email Cabinet Office to Aldred, 5 July 2011, 'FOI request for joint MOD/FCO memo on Iraq Policy 1999'.
[89] Public hearing, 25 January 2011, page 11.

143. DOP was chaired by the Prime Minister, and its membership included the Chancellor of the Exchequer, the Foreign Secretary, the Defence Secretary and the International Development Secretary. The CDS attended as required.

The conventions used in Cabinet minutes

The *Guide to Minute Taking* produced by the Cabinet Office in June 2001 said that the first purpose of a minute was to set out the conclusions reached so that those who have to take action know precisely what to do; the second purpose was to "give the reasons why the conclusions were reached".

The *Guide* said:

> "A good minute of a meeting will be:
>
> i. brief but intelligible;
>
> ii. self-contained;
>
> iii. in the main, impersonal; and
>
> iv. to the full extent that the discussion allows, decisive."[90]

The *Guide* made clear that a minute was "not a substitute for a verbatim record" and should not reproduce points made by every speaker. Instead they should be grouped into paragraphs which develop the argument.

Points should be attributed to an individual when "a specifically departmental view has been put forward, or a suggestion has been made to safeguard a departmental interest", or when a speaker reserves their position or registers dissent. Dissent to the conclusions of a Cabinet meeting should only be recorded if the dissenting Minister indicates an intention to resign.

The *Guide* advised that when the Chair had summed up a discussion "it is usually convenient to record this as a formal summing up" to record "the sense of the meeting" and avoid lengthy conclusions. A minute should end with conclusions which are "clear and precise".

The *Guide* explained that conventions govern the formulae used to indicate different kinds of action, which reflected "the constitutional position of Ministers as individually responsible for matters covered by their department while sharing in the collective responsibility of members of the Government". The formulae also distinguished the positions of the Chair of a Committee and its Secretariat. They were:

> "The Committee–
>
> 1. Approved [a memorandum].
> 2. Agreed [on a course of action].
> 3. Agreed to resume their discussion …
> 4. Instructed the Secretaries …
> 5. Invited the Chancellor of the Exchequer [or the Treasury in the case of an Official Committee] to … (do not say 'authorised').

[90] Cabinet Office, *Guide to Minute Taking*, June 2001.

6. Took note that the Chancellor of the Exchequer [or Treasury] would…
7. Took note.
8. Took note, with approval, of the Prime Minister's [Chair's] summing up of their discussions [and invited the Ministers concerned to proceed accordingly]."

The Ad Hoc Meeting (the War Cabinet)

144. In June 2002, officials began to discuss changes to the Government's machinery for Iraq policy and planning.

145. Recommendations to improve Whitehall co-ordination at official and Ministerial level were put to Mr Blair in mid-September.

146. Mr Tom McKane, Deputy Head of OD Sec, sent Sir David Manning a note on possible machinery "for managing Iraq" on 2 September.[91] He recalled that he and Sir David had already agreed that, "following the pattern of Afghanistan", there should be two groups of officials: an "inner group" chaired by Sir David (or Mr Desmond Bowen who would shortly be taking over from Mr McKane) and a more junior "wider group", chaired by Mr Bowen or Mr Drummond.

147. Mr McKane proposed that the inner group "should begin work once you [Sir David Manning] decide that the time is right". It would comprise the Chair of the JIC or Chief of the Assessments Staff, the FCO Middle East Director, the DCDS(C) and/or Mr Ian Lee (MOD Director General Operational Policy), and representatives of all three Intelligence Agencies and the Home Office. Mr McKane asked whether it should also include the Defence Intelligence Staff (DIS) and a No.10 information specialist. He proposed that the wider group "should meet periodically from now on and, inter alia, address the issues set out in Jim Drummond's minute of 30 August".

148. Mr McKane wrote that "we also need to consider the composition of a Ministerial Group". He recommended the creation of a separate Ad Hoc Sub-Committee of DOP, chaired by the Prime Minister, with the participation of the Foreign and Defence Secretaries and the Intelligence Chiefs. DOP "could meet less frequently and be the means of formalising decisions". Mr McKane also suggested that Lord Goldsmith, the Attorney General, be invited "to be in attendance at both these groups, as required" and Mr Robin Cook, the Leader of the House, "be invited to attend DOP".

149. Sir David Manning put the proposals to Mr Blair on 12 September.[92] At official level, Sir David recommended that he or Mr Bowen should chair an inner group, to include the JIC, the FCO, the MOD, SIS, the Security Service, GCHQ, the Home Office and Sir David Omand, the Cabinet Office Permanent Secretary.

---

[91] Minute McKane to Manning, 2 September 2002, 'Iraq'.
[92] Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.

150. A wider group, chaired by OD Sec, would be "tasked as necessary by the inner group". The additional members would include DFID, the Metropolitan Police Service, the Treasury, the Department of Trade and Industry (DTI) and media specialists from No.10 and the FCO.

151. In his advice to Mr Blair, Sir David Manning adjusted slightly Mr McKane's proposal for a Ministerial Group. He suggested:

> "If we follow the Afghan precedent, we would set up an Ad Hoc Group (perhaps technically a Sub-Committee of DOP under your chairmanship) to include Jack [Straw], Geoff [Hoon], CDS [Admiral Sir Michael Boyce], C [Sir Richard Dearlove] and No.10. The idea would be to keep it tight with meetings in the Den. If we move to military action, we would, of course, need to widen this to include John Prescott [the Deputy Prime Minister], David Blunkett [the Home Secretary] and perhaps others.
>
> "This leaves the question of what to do about the Attorney. I assume that you would not want him to attend your Ad Hoc Group except by invitation on specific occasions."

152. Ms Clare Short, the International Development Secretary, was not on Sir David's list of recommended participants.

153. Mr Blair wrote on Sir David Manning's advice: "Yes but we can wait before setting up a key Cabinet Group."[93]

154. Mr Jonathan Powell, Mr Blair's Chief of Staff, instructed Sir David Manning: "to progress official groups and leave Minist[eria]l groups for now".[94]

155. Asked by the Inquiry whether having more stress testing by very senior ministers not directly involved with Iraq issues might have helped to highlight some of the weaknesses in areas such as post-conflict planning, Mr Blair replied:

> "… in one sense I would like to say 'yes', because it would be in a way an easy enough concession to make. My frank belief is it would not have made a great deal of difference, no. The committee meetings that we had, small 'a', small 'h', ad hoc meetings, I think there were 28 of them, 14 of which were minuted. I had the right people there … no-one was saying to me 'Do it a different way'. I mean, if someone had I would have listened to it, but I have to say to you in addition when I looked, for example, at Mrs Thatcher's War Cabinet, it didn't have the Chancellor of the Exchequer on it… you have there the people that you need there."[95]

---

[93] Manuscript note Blair on Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[94] Manuscript note Powell on Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[95] Public hearing, 21 January 2011, pages 26-27.

156. A member of OD Sec wrote to Sir David Manning on 30 January with a draft minute from Sir Andrew Turnbull to Mr Blair setting out "on a contingency basis" a proposal for "meeting and briefing arrangements for handling any conflict with Iraq".[96] The official suggested that Sir David might like to discuss the issue with Mr Blair before the draft was submitted to Sir Andrew.

157. The draft minute proposed that, "given the sensitivity of the issues to be discussed", the "War Cabinet" should be a "very small, informal group" "limited to the Foreign Secretary, the Defence Secretary, CDS, C, John Scarlett plus a small Secretariat". There was also "a case for including a non-departmental Cabinet Minister who is not quite so close to the action". The membership could also be "extended **as necessary on a case by case basis**, if there was a need to involve any other Minister (such as the Attorney General or Development Secretary) in the discussions".

158. The draft stated:

> "The core group could be formally constituted as a Cabinet Committee. But I recommend that it be established as an Ad Hoc Ministerial Committee. This would help foster an air of informality and obviate the need to publish any composition and terms of reference."

159. The covering minute to Sir David stated that:

> "In terms of managing the business this is fine. But in the absence of a formally constituted 'War Cabinet' as we had with Afghanistan, which was the public face of decision taking, could lead to unhelpful speculation about how the conflict was being managed. Other Ministers might also feel excluded. One way round the problem would be for DOP to be convened occasionally (thereby bringing in Clare Short and Gordon Brown) when there is a need for a wider discussion – perhaps before Cabinet each week. This would be in addition to more regular meetings of the inner group."

160. The draft minute stated that COBR should be "activated in the immediate run up to any military action, and manned on a 24 hour basis"; and that: "As during the Afghanistan conflict, David Manning would chair official-level meetings (both in restricted and wider formats) to co-ordinate and galvanise Departmental activity and to ensure that you are properly briefed on developments." A daily intelligence update, an 'Overnight Sitrep' prepared early each morning "covering the main international and military developments", and "a more detailed thematic 'Evening Round-Up' following the Afghanistan model" were also proposed.

---

[96] Minute Gibbons to Manning, 30 January 2003, 'Iraq: Crisis Management'.

161. The official also informed Sir David that the MOD was planning on the basis of a daily press briefing at 1000, and the importance of striking a balance between the various briefings in theatre, London and Iraq.[97]

162. Sir David Manning sent the minute to Mr Jonathan Powell, writing: "Grateful if we could discuss."[98]

163. An 'Ad Hoc Meeting' of Ministers took place daily from 19 March to 12 April, with the exception of Sundays 30 March and 6 April. The Committee then met five times before the end of April.

164. Sir Kevin Tebbit wrote to Sir Andrew Turnbull on 5 March stating:

> "I am sure you have this in hand already, but in case it might help, I should like to offer you my thoughts on the procedure for handling the legal basis for any offensive operations … in Iraq – a subject touching on my responsibilities since it is the CDS who will need to be assured that he will be acting on the basis of a lawful instruction from the Prime Minister and the Defence Secretary.
>
> "It is not possible to be certain about the precise circumstances in which this would arise because we cannot be sure about the UN scenario involved … Clearly full UN cover is devoutly to be desired – and not just for the military operation itself …
>
> "My purpose in writing, however, is not to argue the legal merits of the case … but to flag up … that the call to action from President Bush could come at quite short notice and that we need to be prepared to handle the legalities so we can deliver …
>
> "In these circumstances, I suggest that the Prime Minister should be prepared to convene a special meeting of the inner 'war' Cabinet (Defence and Foreign Secretaries certainly, Chancellor, DPM [Deputy Prime Minister], Home Secretary possibly, Attorney General, crucially) at which CDS effectively receives his legal and constitutional authorisation. We have already given the Attorney General information and MOD briefings on objectives and rationale, and I understand that John Scarlett is conducting further briefing on the basis of the intelligence material.
>
> "While it is not possible to predict the timing of the event precisely … could conceivably be as early as 10 March … in the event, albeit unlikely, that the Americans lost hope in the UN and move fast. Michael Jay may have a better fix on this, but I guess the more likely timing would be for Security Council action around the weekend of 15/16 March, and therefore for a meeting after that."[99]

165. In a minute of 14 March, Mr Powell recorded that "we have agreed" that Mr Blair would start to hold daily meetings of a 'War Cabinet" from 0830 on 19 March. Mr Powell

---

[97] Minute Gibbons to Manning, 30 January 2003, 'Iraq: Crisis Management'.
[98] Manuscript note Manning to Powell, 2 February 2003, on Minute Gibbons to Manning, 30 January 2003, 'Iraq: Crisis Management'.
[99] Letter Tebbit to Turnbull, 5 March 2003, [untitled].

advised Mr Blair that he would need Mr Hoon, Mr Straw and Adm Boyce and asked which Ministers and officials Mr Blair wanted to attend, including whether Mr Blair wanted Ms Short, Sir Andrew Turnbull or Sir David Omand, and the Heads of the Intelligence Agencies.[100]

166. The minute was copied to Baroness Sally Morgan (Director of Political and Government Relations), Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy), Mr Jeremy Heywood (Mr Blair's Principal Private Secretary), Sir David Manning and Mr Rycroft. It was not copied to Sir Andrew Turnbull.

167. Sir Andrew Turnbull set out the arrangements for a small 'War Cabinet', chaired by Mr Blair "to oversee the UK's involvement in military action in Iraq", in a minute to Mr Heywood on 18 March 2003.[101] The minute said:

- OD Sec would produce a short note recording the main decisions after each meeting, which would be "sent only to those who attend".
- "There might also be a case for having weekly meetings of DOP (including the Chancellor and Home Secretary in addition), perhaps convening just before Cabinet. This would provide an opportunity for wider Ministerial involvement, including on day after issues. I suggest this is something that David Manning keeps under review."
- COBR was being activated on a 24 hour basis on 18 March: "As during the Afghanistan conflict" Sir David Manning would "chair official level meetings (both in restricted and wider formats) to co-ordinate and galvanise Departmental activity and to ensure that the Prime Minister is properly briefed on developments".
- COBR would produce "early-morning sitreps and a more detailed thematic Evening Round-Up, following the Afghanistan model".
- Mr Scarlett would "brief the Group on the intelligence picture".
- The Assessments Staff were producing daily written intelligence updates, which would "normally issue at 08:00".

168. The Committee's remit was to "cover … military and other updates and the day's events"; and "to focus on longer term policy decisions", although the time for that would be limited and would need to be "rationed carefully".[102]

169. The members of the Committee were: Mr John Prescott (the Deputy Prime Minister), Mr Gordon Brown (the Chancellor of the Exchequer), Mr Jack Straw (the Foreign Secretary), Mr David Blunkett (the Home Secretary), Ms Clare Short (the

---

[100] Minute Powell to Prime Minister, 14 March 2003, 'War Cabinet'.
[101] Minute Turnbull to Heywood, 18 March 2003, 'Iraq'.
[102] Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.

International Development Secretary), Dr John Reid (Minister without Portfolio),[103] and Mr Geoff Hoon (the Defence Secretary).

170. From 20 March, Lord Goldsmith, the Attorney General, attended almost every meeting and Mrs Margaret Beckett, the Secretary of State for Environment, Food and Rural Affairs, was a regular attendee from 25 March.

171. Adm Boyce, C and Mr Scarlett attended the meeting to advise on the progress of the military campaign and the intelligence picture.

172. The Cabinet Office circulated a record of the discussion.

173. Mr Rycroft advised Mr Blair on 19 March that there would be a standard agenda each day for the meeting, issued by the Cabinet Office, along with an update of key events which they would prepare each evening.[104] No.10 would provide Mr Blair with "a short note of specific points to cover each day". Mr Rycroft also advised that: "As this is a large group, we shall have to see in a couple of days whether it is practicable or whether we shall need a small group as well."

174. In a minute to Mr Powell dated 30 March, Mr Blair requested a change to his daily rhythm, stating:

> "I need a longer private meeting with CDS, Geoff Hoon etc.
>
> "So I suggest we make that: 8.30am. The War Cabinet at 9.00am. The political meeting at 9.30am. This should … include media handling."[105]

175. Mr Blair also set out his ideas for a communications strategy and asked for "more overt work on the guarantees to the Iraqi people".

Official-level inter-departmental machinery

THE JOINT INTELLIGENCE COMMITTEE

176. The Joint Intelligence Committee (JIC) is a cross-Government Committee created in 1936, which has been part of the Cabinet Office since 1957.

177. The JIC was (and remains) responsible for:

> "… providing Ministers and senior officials with co-ordinated intelligence assessments on a range of issues of immediate and long-range importance to national interests, primarily in the fields of security, defence and foreign affairs."[106]

---

[103] From 5 April 2003, Dr Reid's role changed to President of the Council and Leader of the House of Commons.
[104] Minute Rycroft to Prime Minister, 19 March 2003, 'Iraq: 0830 Ministerial Meeting".
[105] Minute Blair to Powell, 30 March 2003, 'Note'.
[106] Cabinet Office, *National Intelligence Machinery*, November 2010, pages 23-24.

178. The Chairman of the JIC is "responsible for the broad supervision of the work of the JIC" and "specifically charged with ensuring that the Committee's warning and monitoring role" was "discharged effectively". He also has direct access to the Prime Minister.

179. Sir John Scarlett told the Inquiry that the JIC was designed to be at the interface between intelligence and policy.[107] The Chairman of the JIC played a key role:

> "… to represent the views, which are very thoroughly considered, of the JIC itself. He doesn't have a separate status, separate from the Committee itself. He carries his authority, because he is carrying the authority of the Committee and he is representing those views."

180. Sir John Scarlett told the Inquiry that he was "answerable" to Sir David Omand "for the efficient functioning of the Committee and the Secretariat", but he was "responsible for the presentation of intelligence assessment to Government".[108]

181. The JIC is supported by the Joint Intelligence Organisation (JIO), including the Assessments Staff, comprising analysts seconded to the Cabinet Office from other departments. The JIO is "responsible for drafting assessments of situations and issues of current concern", taking "into account all sources of information, including intelligence reports produced by the Agencies, diplomatic reporting and media reports".

182. The Assessments Staff's draft Assessments are subject to formal inter-departmental scrutiny and challenge in Current Intelligence Groups (CIGs), which bring together working-level experts from a range of government departments and the intelligence agencies. In the case of Iraq between 2001 and 2003, the CIG brought together the desk-level experts from the FCO (including MED and RA), MOD (including DIS), the Cabinet Office and the intelligence agencies, and any other department with an interest in the issue being considered.

183. The JIC's terms of reference from 2001 to 2005 included responsibilities to:

- "monitor and give early warning of the development of direct or indirect foreign threats to British interest, whether political, military or economic";
- "on the basis of available information, to assess events and situations relating to external affairs, defence, terrorism, major international criminal activity, scientific, technical and international economic matters";
- "keep under review threats to security at home and overseas and to deal with such security problems as may be referred to it";
- "bring to the attention of Ministers and departments, as appropriate, assessments that appear to require operational, planning or policy action":

---

[107] Public hearing, 8 December 2009, page 12.
[108] Public hearing, 8 December 2009, page 4.

the Chairman was "specifically charged with ensuring that the Committee's monitoring and warning role is discharged effectively"; and

- "report to the Secretary of the Cabinet", except where "special assessments" were required by the Chiefs of Staff, which would be "submitted to them directly in the first instance".

184. The JIC agrees most Assessments before they are sent to Ministers and senior officials, although some papers, including urgent updates on developing issues, are issued under the authority of the Chief of the Assessments Staff.

185. The current JIC terms of reference make clear that it is expected to draw on "secret intelligence, diplomatic reporting and open source material."[109]

186. JIC Assessments are most frequently produced in response to a request from a policy department which determines the precise issues to be addressed. The JIC also commissions Assessments and can direct that the ground covered in any Assessment should be amended if it considers that is required.

187. Some CIG Assessments are issued under the authority of the Chief of the Assessments Staff and are noted but not discussed by the JIC, including where the content is regarded as routine or as an update of previous Assessments.

188. Iraq was regularly considered by the JIC in 2000 and 2001, with the focus on weapons of mass destruction (WMD), sanctions and the implications of the No-Fly Zones.[110]

189. Sir John Scarlett considered that Iraq had been one of the top priorities for the JIC for most of his time as Chairman.[111]

190. As Chairman of the JIC, Mr Scarlett attended many of the meetings on Iraq held by Mr Blair and provided advice and briefing, including in response to requests from No.10.

191. In late July 2002, Mr Scarlett was asked to provide updated intelligence on Iraq on a weekly basis for Mr Blair's weekend box.[112]

192. Mr Scarlett provided the first 'Weekly Intelligence Summary' on Iraq on 26 July.[113]

193. From 15 November, the Summary was replaced by an 'Intelligence Update' produced by the Assessments Staff. Until the end of January 2003, the Updates were produced weekly. In February the frequency increased, rising to three a week by the end of the month.

---

[109] Cabinet Office, *National Intelligence Machinery*, November 2010, page 26.
[110] Public hearing Webb, Ricketts and Patey, 24 November 2009, pages 51-54.
[111] Public hearing, 8 December 2009, page 10.
[112] Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.
[113] Minute Scarlett to Manning, 26 July 2002, 'Iraq: Weekly Intelligence Summary'

194. From March until mid-May 2003, Intelligence Updates on Iraq were produced on a daily basis.[114]

195. The Updates were used "to sweep up and summarise recent intelligence" and included "explanatory comments"; but they were "not a vehicle for assessment".[115]

THE AD HOC GROUP ON IRAQ

196. On 26 June 2002, Mr Webb informed Mr Hoon's Private Office that MOD officials were encouraging the Cabinet Office to supplement the Pigott Group (an MOD-led, inter-departmental group of senior officials – see Section 6.4) with a broader body involving a wider range of departments with a policy interest in Iraq and the region.[116]

197. Those ideas began to take shape on 8 August, when Mr Jim Drummond, Assistant Head of OD Sec, informed Mr McKane that he had spoken to Sir David Manning about possible changes to Whitehall structures.[117] Mr Drummond explained that one consequence of existing Whitehall mechanisms for discussing Iraq, including in particular the Pigott Group's focus on military matters, was that "we are focusing a lot on military aspects and less on the alliance building, morning after, unintended consequences etc. Come September there may be a case for a tighter grip from the Centre."

198. Mr Drummond raised the issue with Sir David Manning again on 30 August. He recalled that Sir David had commented earlier in the summer that it was too soon to think about management of the unintended consequences of conflict, but that the issue would probably need to be discussed in the autumn.[118]

199. Mr Drummond enclosed a "skeleton" paper on the subject prepared by a Cabinet Office junior official and suggested meeting to discuss the paper and Whitehall machinery for Iraq at the same time.

200. The Cabinet Office paper on unintended consequences focused on the possible impact of war on UK interests and on countries in the region, rather than on post-conflict Iraq.

201. The FCO produced a more substantial paper on the unintended consequences of conflict for the region and beyond on 20 September (see Section 6.4).

---

[114] Public hearing, 8 December 2009, page 7.
[115] Minute Miller to Manning, 21 February 2003, 'Iraq: Intelligence Updates'.
[116] Minute Webb to PS/Secretary of State [MOD], 26 June 2002, 'Iraq'.
[117] Minute Drummond to McKane, 8 August 2002, 'Iraq'.
[118] Minute Drummond to Manning, 30 August 2002, 'Iraq: Unintended Consequences' attaching Note Cabinet Office, 30 August 2002, 'Outline of a Paper: Iraq: Managing the Unintended Consequences' and Paper Cabinet Office, 28 August 2002, 'Unintended Consequences of War on Iraq: Skeleton of Paper'.

202. Also attached to Mr Drummond's minute was a "list of headings for future work" on unintended consequences, which included: "avoiding fragmentation of a failed state in Iraq".

203. Sir David Manning replied to Mr Drummond: "Let us discuss p[lea]se with Tom McKane before he goes. We need to do this work: there is a question about timing."[119]

204. Mr McKane sent Sir David Manning a note on possible machinery "for managing Iraq" on 2 September, which is addressed earlier in this Section.[120]

205. Mr Jonathan Powell, Mr Blair's Chief of Staff, instructed Sir David Manning "to progress official groups and leave Minist[eria]l groups for now".[121]

206. Sir Kevin Tebbit set out his views about the new Whitehall arrangements to Mr Hoon on 17 September:

> "Mindful of the difficulties (and frustrations) we have experienced in the past in establishing the right machinery and processes to run crucial politico/military campaigns, I saw David Manning yesterday to discuss the arrangements which might be presented to the Prime Minister, designed to help successful delivery of an Iraq campaign.
>
> "I reminded David of the importance of a small 'core' Ministerial team, meeting very regularly to execute daily business (as distinct from less frequent policy meetings and Cabinet itself). I outlined the linkage needed with the wider COBR and DOP machinery that would pull in government departments and agencies as a whole …
>
> "David said that he had little influence over such matters as distinct from Jonathan [Powell]. However, he took the point, especially about the importance of acting through key Ministers in small groups. The position at present was that the Prime Minister had decided over the weekend on the following:
>
> a. no Ministerial meetings at this stage;
> b. a preference, when they became necessary, for the 'late Afghan' model to apply – ie PM; Defence Secretary; Foreign Secretary; CDS; C; Scarlett; Attorney General and Alastair Campbell as appropriate;
> c. meanwhile for Restricted COBR meetings to begin on a twice weekly basis under Manning's chairmanship;
> d. for a wider DOP Committee of officials to begin work, under Bowen's chairmanship, which would be the vehicle for bringing in OGDs – DFID, Customs etc."[122]

---

[119] Manuscript comment Sir David Manning on Minute Drummond to Manning, 30 August 2002, 'Iraq: Unintended Consequences'.
[120] Minute McKane to Manning, 2 September 2002, 'Iraq'.
[121] Manuscript note Powell on Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[122] Minute Tebbit to Secretary of State [MOD], 17 September 2002, 'Iraq: Machinery of Government'.

207. Sir Kevin commented:

> "This seems satisfactory for the time being, although we shall need to watch to ensure that (b) does not begin without you being present and that (c) provides the framework we need to link effectively with the contingency planning in the MOD (and perhaps to begin to consider tricky issues of wider relevance, eg the effect on energy prices and oil aftermath management). I should have preferred Bowen to run a restricted officials forum, given the other pressures on Manning's time, the need to begin setting a regular rhythm, and some of the wider issues to be confronted. But I do not think we can do better for the present."

208. At official level, the cross-Whitehall Ad Hoc Group on Iraq (AHGI) met for the first time on 20 September 2002. It became the principal forum for co-ordination of planning and preparation for a post-Saddam Hussein or post-conflict Iraq (see Section 6.5).

209. Mr Bowen told the Inquiry that when the AHGI started its work in September 2002, the context was "a serious policy commitment to deal with weapons of mass destruction in Iraq".[123] Conflict was just one of "any number of outcomes".

COBR(R)

210. In his 12 September minute to Mr Blair, Sir David Manning recommended that he should chair an "Inner Group", to include the JIC, the FCO, the MOD, SIS, the Security Service, GCHQ, the Home Office and Sir David Omand.[124]

211. A "Wider Group", tasked by the Inner Group and chaired by OD Sec, would include, additionally, DFID, the Metropolitan Police, the Treasury, the Department of Trade and Industry and media specialists from No.10 and the FCO.

212. The Inner Group, which discussed a range of issues including counter-terrorism and Afghanistan and was not minuted (although actions were recorded in some instances), was known as the Restricted COBR or COBR(R); the wider group was the AHGI.

213. Sir David Manning told Mr Blair that:

> "This Wider Group would be tasked as necessary by the Inner Group."

214. When he reported the new arrangements to Mr Hoon on 17 September, Sir Kevin Tebbit explained that the Prime Minister had decided there should be no Ministerial meetings at this stage, but that twice weekly Restricted COBR meetings chaired by Sir David Manning and a wider officials' group under Mr Desmond Bowen (Mr McKane's successor), should begin their work.[125] Sir Kevin commented:

---

[123] Public hearing, 7 December 2009, page 10.
[124] Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[125] Minute Tebbit to Secretary of State, 17 September 2002, 'Iraq: Machinery of Government'.

> "… we shall need to watch to ensure … that (c) [Restricted COBR] provides the framework we need to link effectively with the contingency planning in the MOD … Ideally, I should have preferred Bowen to run a Restricted officials forum, given the other pressures on Manning's time, the need to begin setting a regular rhythm, and some of the wider issues to be confronted."

215. Asked to explain the Whitehall arrangements, Sir David Manning told the Inquiry that the Restricted group chaired by himself or his deputy included "all those who had access to the most sensitive intelligence".[126] It was not focused solely on Iraq, and often had other pressing issues to deal with but:

> "… it was an opportunity to bring – to report on the progress that different departments had made, on the latest assessment that may have come out of the agencies, the political issues that were being confronted by the Foreign Office, the difficulties that the Ministry of Defence might be encountering and so on and so forth."

216. The wider group drew in those with less or very little access to sensitive intelligence.

217. Between 20 September 2002 and 27 August 2003 there were 67 meetings of COBR(R).[127]

218. Agendas for the discussions usually recorded Iraq as item one, under which a bullet point list of topics followed. The first of those was usually an intelligence update.

219. None of the meetings were fully minuted. After 22 meetings out of 67 a list of actions was recorded.[128] For the others, no official record of the discussion was made.

220. Actions were allocated to specific departments or agencies. The only reference to the AHGI is found in the list of actions arising from a meeting of COBR(R) on 5 February 2003, which said:

> "The FCO to ensure that key elements of the ongoing work on 'aftermath' planning are fed to COBR(R) via the Ad Hoc Group (Action: FCO/OD Sec)."[129]

221. There is no evidence of issues being formally escalated by the AHGI to COBR(R).

---

[126] Public hearing, 30 November 2009, pages 44-45.
[127] Agenda or Notes of Actions Cabinet Office, for COBR(R) meetings dated 20, 25, 27 September 2002; 2, 7, 9, 14, 16, 21, 25, 28 October; 1, 4, 6, 8, 13, 18, 27, 29 November 2002; 4, 6, 9, 11, 13, 16, 18, 20 December 2002; 3, 6, 8, 10, 13, 15, 17, 20 22, 24, 29, 31 January 2003; 3, 5, 7,10, 11, 12, 13, 14, 17, 19, 21, 24, 26, 28 February 2003; 3, 5, 7, 10, 13, 17, 29 March 2003; 7 April 2003; 4, 25 June 2003; 30 July 2003; 6, 13, 27 August 2003.
[128] Notes of Actions Cabinet Office, for COBR(R) meetings dated 20, 27 September 2002; 2, 9, 14, 16 October 2002; 9, 11, 13, 20 December 2002; 3, 10 January 2003; 5, 7, 24, 26 February 2003; 29 March 2003; 4, 25 June 2003; 30 July 2003; 6, 27 August 2003.
[129] Note of Actions Cabinet Office, 5 February 2003, 'COBR(R)'.

222. Lord Turnbull told the Inquiry that the role of COBR(R) was "to take the fallout from that War Cabinet meeting and try and take things forward".[130]

Creation of the Iraq Planning Unit

223. The inter-departmental (FCO/MOD/DFID) Iraq Planning Unit (IPU), based in the FCO, was established on 10 February to improve Whitehall co-ordination on post-conflict issues.

224. Although the IPU was an inter-departmental unit, its head was a senior member of the Diplomatic Service and it was integrated into the FCO management structure.

225. The draft terms of reference stated that:

- The IPU would report to Mr Chaplin in the FCO, but without defining the relationship between the Unit and senior officials in DFID and the MOD.
- The IPU would work "within broad policy guidelines set by the Cabinet Office".
- Its main purpose would be to provide "policy guidance on practical questions" that UK civilian officials and military commanders would face in Iraq.
- The IPU was intended "to bring influence to bear on US plans".

226. Tasks assigned to the IPU by the AHGI included consideration of:

- the shape of the Iraqi political process needed to underpin the transition to Iraqi rule;
- management of Iraq's oil; and
- whether and where the UK should run its own sector before the restoration of Iraqi sovereignty.

227. After the creation of the IPU, the AHGI remained responsible for co-ordination of all post-conflict planning and preparation across government, including consular planning and civil contingencies.

228. On 3 February, Mr Ehrman reported to Mr Ricketts that the Pigott Group had decided that there was a need for a senior FCO official to co-ordinate full-time with MOD, DFID and others the rapidly increasing volume of work on aftermath planning.[131]

229. Mr Ehrman suggested that "in addition to work on overall legality … we will need sub-groups on WMD, OFF [the Oil-for-Food programme], SSR [Security Sector Reform], humanitarian, reconstruction, judicial, possibly terrorism. All this to feed into and influence the various aftermath groups in Washington."

---

[130] Public hearing, 13 January 2010, pages 43-44.
[131] Minute Ehrman to Ricketts, 3 February 2003, 'Pigott Group, 3 February'.

230. Mr Ricketts informed Mr Chaplin on 4 February that he had agreed with Sir Michael Jay and Mr Ehrman that:

> "… the FCO should consolidate the lead we have already taken in this area [post-conflict issues] with the work that Dominick Chilcott has been doing under your supervision.
>
> "I am sure that this work will now grow fast, particularly with the prospect of the UK inheriting responsibility for a good slice of southern Iraq following a military conflict."[132]

231. Mr Bowen chaired a meeting in the Cabinet Office on 4 February, attended by the FCO, MOD and DFID, at which it was decided to set up an inter-departmental (FCO, MOD and DFID) unit, headed by an FCO official, Mr Chilcott, to "prepare for the aftermath in practical operational terms".[133] Wider strategy would continue to be co-ordinated through the AHGI.

232. In a letter to Mr Ehrman recording the outcome of the meeting, Mr Bowen explained that there was "a good deal of uncertainty about American intentions in administering Iraq in the event of (and after) hostilities to remove Saddam Hussein's regime". Meetings in Washington that week were likely to bring greater clarity but were unlikely to produce decisions.

233. Mr Bowen reported that the meeting had recognised that:

> "… even if some of the big strategic issues remained unresolved, a lot of detailed management issues were likely to arise. Much was likely to emanate from CENTCOM, which had the prospectively imminent task of administering a country whose leadership had been removed. With this in mind we agreed that we should set up an Iraq Operational Policy Unit with contributions from the FCO, DFID and MOD … My view was that we needed an integrated unit with high calibre representation to work through the sort of issues that would confront the Coalition on the 'day after'. **Their initial remit would be to develop policy guidance to enable the administration of Iraq pending the appointment of a transitional civil administration, consistent as far as possible with the longer term vision for the future of Iraq.** They would need to work their way, with the US, through issues as diverse as humanitarian relief, policing, administration of justice, local government and provision of utilities, environmental recovery and priorities for the return to normality. The view we all reached was that this unit ought to be up and running from Monday 10 February … It will need staff who think strategically and operationally and have some background in state reconstruction from other cases (in order to feed in the lessons of eg Kosovo and Afghanistan)."

---

[132] Minute Ricketts to Chaplin, 4 February 2003, 'Iraq: Day After Planning'.
[133] Letter Bowen to Ehrman, 5 February 2003, 'Iraq: Operational Policy Unit'.

234. Mr Bowen explained that the unit would work alongside the FCO consular and emergency units, and with the Defence Crisis Management Centre (DCMC) in the MOD and the Conflict and Humanitarian Affairs Department (CHAD) in DFID.

235. The Iraq Planning Unit (IPU), headed by Mr Dominick Chilcott, was established on 10 February.[134]

236. On 17 February, Sir Michael Jay sent draft terms of reference for the IPU to Sir Andrew Turnbull, the Cabinet Secretary, copied to Permanent Secretaries. The draft, which had already been discussed with DFID, the MOD and the Cabinet Office, stated:

> "The unit will operate within broad policy guidelines set by the Cabinet Office. In the FCO, it will report to the Director Middle East and North Africa Command [Mr Chaplin]. Its main customers will be British military planners in PJHQ, MOD and, mainly through them, British officers and officials seconded to the Pentagon and CENTCOM.
>
> "The main purpose of the unit will be to provide policy guidance on the practical questions that British civilian officials and military commanders will face, in the event of a conflict in Iraq. The advice will be designed to help them to minimise the suffering of the Iraqi people and to deal with the civil administration of any sector of Iraq under the control of British forces, particularly during the period before a transitional civilian administration is established. It will aim to ensure that British operational military planning for the post-conflict phase in Iraq is consistent with and promotes the UK's policy objectives on the future of Iraq. In doing so it will take particular account of the key role of the UN.
>
> "The unit will aim to bring influence to bear on US plans by providing similar guidance, through PJHQ and MOD, to seconded British personnel working within the US military planning machinery and through the Embassy to the NSC and other parts of the US Administration.
>
> "The unit will also provide a focus in Whitehall for developing policy advice and recommendations, as required, on strategic questions concerning a post Saddam Iraq.
>
> "The role of the unit will be reviewed in three months."[135]

237. The record of the 17 February meeting of the AHGI stated that the IPU had been formed initially "to meet a UK military planning need for detailed policy guidance on occupation issues".[136] In the event of UK participation in the occupation of Iraq it was likely to expand considerably.

---

[134] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)'.
[135] Letter Jay to Turnbull, 17 February 2003, 'Iraq Planning' attaching 'Proposed Terms of reference for the tract [sic] Planning Unit'.
[136] Minute Dodd to Manning, 17 February 2003, 'Ad Hoc Group on Iraq'.

238. The record of the next meeting, on 21 February, described the co-ordinating role of the AHGI:

> "… the Ad Hoc Group draws together work related to Iraq as follows:
>
> - Work on post-Saddam issues led by the Iraq Planning Unit. This includes the HMT [HM Treasury]-led sub-group on economic and financial issues;
> - Consular planning; and
> - HMT/CCS [Civil Contingencies Secretariat]-led domestic contingency planning (the Stephens Group).
>
> "AHGI receives updates on military and intelligence issues, but these issues are handled elsewhere. AHGI provides a forum for deciding how to cover any new Iraq-related issues. There is some read across from pre-existing DTI and HMT Whitehall groups looking at oil."[137]

239. After expressions of concern by Permanent Secretaries about the possible impact on the UK of war in Iraq, Sir Andrew Turnbull had agreed in January 2003 that the AHGI should conduct further work on domestic contingencies.[138]

240. Mr Chilcott told the Inquiry that, although numbers were small ("maybe only six, eight, ten, for the first couple of weeks"), the IPU drew on expertise elsewhere in Whitehall that allowed it to pull together a strategic view.[139] While military planners and PJHQ were planning what was needed as troops occupied territory and became "responsible … for the administration of where they were", the IPU was "thinking about the political process and the big issues about the development fund for Iraq or oil policy or what to do about war criminals or the importance of legitimacy and legal questions".

241. Asked how influential the IPU had been, Mr Chilcott stated:

> "… I don't think our main issue was having to convince other parts of the government machinery that they should be doing things that they didn't want to do.
>
> "I think we were really synthesising the views and expertise across government.
>
> "Where we needed to have clout … was in influencing the United States, and I think, there, we … had no more clout than a sort of body of middle to senior ranking British officials would have had with their American counterparts."[140]

242. Mr Chilcott warned against being "dazzled" by the IPU's late creation: "a lot of the work that the IPU was able to bring together in a more intense atmosphere had

---

[137] Minute Dodd to Manning, 25 February 2003, 'Ad Hoc Group on Iraq'.
[138] Minute Dodd to Manning, 13 January 2003, 'Ad Hoc Group on Iraq'.
[139] Public hearing, 8 December 2009, pages 7-8.
[140] Public hearing, 8 December 2009, pages 8-9.

been going on for some time".[141] But he did accept that the IPU could have been set up sooner:

> "… one of the lessons is obviously you can't begin this sort of thinking too early, and although we did begin serious thinking about the day after in the preceding October … we could have created the IPU earlier. We could have had a greater sense of the reality of what we were doing. I think also, because it was contingency planning, because right up until the last moment we didn't know for sure that we were going to be involved in the military action, that maybe psychologically had an effect on us …"[142]

243. On the relationship with the Office of Reconstruction and Humanitarian Assistance (ORHA), Mr Chilcott said that: "ORHA in some ways weren't really our counterparts because they were the sort of operational implementers … as well as the drawers up of the plan, whereas we … were writing policy papers and briefing and lines to take."[143]

244. Mr Bowen told the Inquiry one reason for establishing the IPU was to set up a counterpart to ORHA: "as soon as we … understood where the centre of gravity was in America … we set up … a centre of gravity that could interact with it". At this early stage in the relationship, before misgivings about ORHA had begun to emerge in Whitehall, that seemed still to be the intention.

Decision-making machinery post-invasion

The Ad Hoc Ministerial Group on Iraq Rehabilitation

245. On 27 March, Mr Bowen sent Sir Andrew Turnbull a draft minute addressed to Mr Blair, recommending the creation of an "Ad Hoc Ministerial Group on Iraq Reconstruction" chaired by Mr Straw.[144] Mr Bowen advised that he had opted for an ad hoc group because it was "inherently more flexible and less ponderous than a formal sub-group of DOP".

246. Sir Andrew Turnbull wrote to Sir Kevin Tebbit on 31 March, seeking his and, among others, Sir David Manning's agreement to a slightly revised version of the draft minute produced by Mr Bowen on 27 March.[145] Sir Andrew advised that the revised draft had already been agreed with Sir Michael Jay and Mr Chakrabarti.

---

[141] Public hearing, 8 December 2009, pages 17-18.
[142] Public hearing, 8 December 2009, pages 47-48.
[143] Public hearing, 8 December 2009, page 20.
[144] Minute Bowen to Turnbull, 27 March 2003, 'Iraq: Reconstruction' attaching draft minute Turnbull to Prime Minister, [undated], 'Iraq Reconstruction'.
[145] Letter Turnbull to Tebbit, 31 March 2003, 'Iraq: Rehabilitation' attaching draft minute Turnbull to Prime Minister, [undated], 'Iraq: Rehabilitation'.

247. The draft minute proposed:

> "… a new Ad Hoc Ministerial Group on Iraq Rehabilitation reporting to you [Mr Blair]. The Foreign Secretary [Mr Straw] should chair … Its terms of reference would be: 'to formulate policy for the rehabilitation, reform and development of Iraq'."

248. The new Ministerial Group would be supported by an officials group, led by the Cabinet Office and including the Head of the IPU.

249. The Inquiry has not seen a final version of Sir Andrew Turnbull's minute.

250. Mr Chakrabarti wrote to Sir Andrew Turnbull on 1 April, confirming that the new groups proposed in Sir Andrew's draft minute to Mr Blair:

> "… seem the best way to take forward the detailed implications of any SCR's content, and what can be done before its passing … The key will be to agree very quickly on the work programme and to task those with the knowledge and experience in the subject areas to take the lead while consulting others with an interest in ensuring all the workstreams fit together into a coherent – and affordable – strategy. We must draw on the lessons learnt from other post-conflict situations such as Afghanistan, Kosovo, East Timor, Sierra Leone and Bosnia."

251. Sir Andrew Turnbull informed Mr Straw on 7 April that Mr Blair had agreed a new committee should be established "to formulate policy for the rehabilitation, reform and development of Iraq".[146] Mr Straw would chair; other members would be the Chancellor of the Exchequer, the Defence Secretary, the International Development Secretary and the Trade and Industry Secretary. The committee would be supported by a group of officials, chaired by Mr Bowen.

252. Mr Straw chaired the first meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 10 April.[147]

The Ad Hoc Ministerial Group on Iraq

253. In July 2004, the Butler Committee found:

> "… we are concerned that the informality and circumscribed character of the Government's procedures which we saw in the context of policy-making towards Iraq risks reducing the scope for informed collective political judgement."[148]

254. The Government accepted the Committee's conclusions, and said: "where a small group is brought together to work on operational military planning and developing the

---

[146] Letter Turnbull to Straw, 7 April 2003, 'Iraq: Rehabilitation'.
[147] Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[148] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 160.

diplomatic strategy, in future such a group will operate formally as an ad hoc Cabinet Committee".[149]

255. The Ad Hoc Ministerial Group on Iraq (AHGI) met for the first time on 16 September 2004, chaired by Mr Blair.[150] It was established "to ensure the UK government approach to Iraq was fully co-ordinated in the period up to Iraqi elections in January 2005". Mr Blair intended that the Group should meet regularly.

256. Mr Blair wrote a note to his Private Secretary on 25 February 2005 instructing that Mr Straw be "put in charge" of the AHGI and asked to minute him each week with actions on "eg reconstruction in the South; Sunni outreach; progress on security plan".[151]

257. On 10 March, in his first meeting as Chair, Mr Straw explained that Mr Blair "had asked a core group of Ministers to meet on a weekly basis to focus more closely on the delivery of policy in Iraq".[152]

258. On 18 March, Mr Blair reminded Mr Quarrey: "I need J[ack] S[traw] to do me a note each week on progress (to keep him at it)."[153]

259. Mr Straw's first report to Mr Blair, dated 24 March, covered the first three meetings[154] of the AHGI.[155]

The Defence and Overseas Policy Committee (Iraq)

260. Sir Nigel Sheinwald told the Inquiry that the AHGI was set up "briefly" in order to "give extra urgency to Whitehall work ahead of the Iraqi elections".[156] That was "very complicated" and so, after the UK General Election in May 2005, arrangements were "simplified" and a new Committee was established.

261. The Iraq Sub-Committee of the Ministerial Committee on Defence and Overseas Policy (DOP(I)) met for the first time on 26 May 2005, chaired by Mr Blair.[157] It continued to meet until Mr Blair stood down as Prime Minister in June 2007.

262. DOP(I) replaced the AHGI, which ceased to meet.

---

[149] Cabinet Office, *Review on Intelligence on Weapons of Mass Destruction: Implementation of its Conclusions*, March 2005, Cm 6492, page 11.
[150] Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.
[151] Manuscript comment Blair on Minute Quarrey to Prime Minister, 25 February 2005, 'Iraq Update'.
[152] Minutes, 10 March 2005, Ad Hoc Ministerial Group on Iraq meeting.
[153] Manuscript comment Blair on minute Quarrey to Prime Minister, 18 March 2005, 'Iraq Update'.
[154] Held on 10 March 2005; 17 March 2005; 24 March 2005.
[155] Minute Straw to Prime Minister, 24 March 2005, 'Iraq: Ad Hoc Ministerial Meetings'.
[156] Public hearing, 16 December 2009, page 12.
[157] Minutes, 26 May 2005, DOP(I) meeting.

NSID(OD)

263. After taking office as Prime Minister in June 2007, Mr Gordon Brown reorganised the structure of Cabinet Committees. Iraq fell within the remit of the Committee on National Security, International Relations and Development (NSID), and specifically its Overseas and Defence Sub-Committee (NSID(OD)).

264. The first scheduled meeting, on 19 July, was cancelled and NSID(OD) therefore met for the first time on 8 October.[158]

Official-level inter-departmental machinery

THE IRAQ STRATEGY GROUP

265. The Iraq Strategy Group (ISG) met from autumn 2003, chaired by Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser and Head of OD Sec.

266. Sir Nigel described its function as "a strategy group that was trying to look at the big political, security and economic issues".[159]

THE IRAQ SENIOR OFFICIALS GROUP

267. The Iraq Senior Officials Group (ISOG) met on a monthly basis from autumn 2003, usually chaired by the Deputy Head of OD Sec. A record of the meeting was reported to Sir Nigel Sheinwald, who described its purpose as "senior officials looking at the more operational issues".[160]

268. Sir Nigel described both the ISG and the ISOG as "trying to feed into the Ministerial discussions which were taking place".

---

[158] Minute Cabinet Office [junior official] to Prime Minister, 5 October 2007, 'NSID(OD) Iraq Meeting – Steering Brief: Monday 8 October 09:30'.
[159] Public hearing, 16 December 2009, page 56.
[160] Public hearing, 16 December 2009, page 56.

SECTION 3.1

DEVELOPMENT OF UK STRATEGY AND OPTIONS, 9/11 TO EARLY JANUARY 2002

Contents

Introduction and key findings 312
UK policy on Iraq in early September 2001 312
The impact of 9/11 320
The immediate response to 9/11 320
Resolution 1382 346
President Bush's comments, 26 November 2001 347
JIC Assessment, 28 November 2001: 'Iraq after September 11 – The Terrorist Threat' 353
Development of UK strategy on Iraq 356
Mr Powell's advice to Mr Blair, late November 2001 356
FCO advice, 3 December 2001 358
SIS advice 361
Mr Blair's paper for President Bush, 4 December 2001 367
The perspective in the US, December 2001 376
Developments in January 2002 379
Conclusions 381

Introduction and key findings

1. This Section addresses the immediate impact of the attacks on the US on 11 September 2001 (9/11), and the way in which that shaped the context in which decisions on the policy towards Iraq were made.

2. UK policy on Iraq before September 2001 is addressed in Section 1.

3. The UK's concerns about the proliferation of weapons of mass destruction (WMD) and the risk of terrorists acquiring and using such weapons, which pre-dated the attacks on the US, and the Joint intelligence Committee (JIC) Assessments of that risk are addressed in Section 4. That Section also addresses the UK's assessments of Iraq's residual chemical, biological, nuclear and ballistic missile capabilities, its intent to preserve and enhance those capabilities, and the likelihood of proliferation from Iraq.

4. The roles and responsibilities of key individuals and bodies in the UK Government, including the JIC, are set out in Section 2.

Key findings

- After the attacks on the US on 9/11, Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.
- Mr Blair took an active and leading role throughout the autumn of 2001 in building a coalition to act against that threat, including taking military action against the Taliban regime in Afghanistan.
- Mr Blair also emphasised the potential risk of terrorists acquiring and using a nuclear, biological or chemical weapon, and the dangers of inaction.
- In relation to Iraq, Mr Blair sought to influence US policy and prevent precipitate military action by the US, which he considered would undermine the success of the coalition which had been established for action against international terrorism. He recommended identifying an alternative policy which would command widespread international support.
- In December 2001, Mr Blair suggested a strategy for regime change in Iraq that would build over time, including "if necessary" taking military action without losing international support.
- The tactics chosen by Mr Blair were to emphasise the threat which Iraq might pose, rather than a more balanced consideration of both Iraq's capabilities and intent; and to offer the UK's support for President Bush in an effort to influence his decisions on how to proceed.
- That remained Mr Blair's approach in the months that followed.

UK policy on Iraq in early September 2001

5. Since the end of the Gulf Conflict in 1991, the international community had pursued a policy of "containment" towards Iraq. That was based on the provisions in a series of United Nations (UN) Security Council resolutions intended to prevent Iraq from developing WMD or threatening its neighbours and international peace and security.

6. The policy had a number of dimensions. Its key components were:

- a prohibition on the possession of WMD or long-range ballistic missiles, or programmes to develop such capabilities;
- an arms embargo;
- economic sanctions; and
- a strong deterrence component provided by US and UK forces stationed in the region enforcing the northern and southern No-Fly Zones (NFZs) and supporting the arms embargo and economic sanctions regime.

The UN Security Council

The UN Security Council is composed of five Permanent Members – China, France, the Russian Federation, the United Kingdom and the United States; and ten non-permanent Member States, elected by the UN General Assembly for two-year terms and not eligible for immediate re-election.

The Presidency of the Security Council is held by the Member States of the Security Council in turn in the English alphabetical order of their names. Each President holds office for one calendar month.

Each Member State has one vote. Decisions on substantive matters, and the adoption of a Security Council resolution, require nine positive votes, without any of the five Permanent Members voting against the decision. That is usually described as the "veto" power held by the Permanent Members. Decisions on procedural matters are made by an affirmative vote of at least nine of the 15 Member States.

7. Throughout the 1990s, there were concerns about the willingness of President Saddam Hussein's regime to disarm in accordance with the obligations imposed by the UN.

8. After the election of May 1997, the Government had to deal with a series of confrontations between Iraq and the international community about the ability of inspectors from the UN Special Commission (UNSCOM) to fulfil its remit, including difficulties over access to sites which Iraq had designated as Presidential palaces. Those events and the action in the UN Security Council, and by Mr Kofi Annan, UN Secretary-General from January 1997 to December 2006, to persuade Iraq to co-operate, are set out in Section 1.

9. It was widely assumed that Saddam Hussein had retained some of his chemical and biological capability and a small number of ballistic missiles which might be armed with chemical or biological warheads, and that he had aspirations to preserve and enhance his capabilities for the future.

10. The UK Government considered that a willingness to use force was an essential element of UK policy in persuading Saddam Hussein to co-operate.

11. For instance, in a statement to the House of Commons on 24 February 1998, Mr Blair stated that "nothing else" apart from "effective diplomacy and firm willingness to use force" would have changed Saddam Hussein's mind and produced a signed agreement with the UN:

> "Throughout the dispute, our aim has been a peaceful, diplomatic settlement. There was no desire on either side of the Atlantic to use force, but it was also clear to us throughout that Saddam Hussein only understands and respects force …
>
> "… As Kofi Annan said in Baghdad: 'You can achieve much by diplomacy, but you can achieve a lot more when diplomacy is backed by firmness and force.'
>
> "I would put it this way: with Saddam, diplomacy plus force equals success."[1]

12. Mr Blair concluded:

> "Saddam Hussein has spent seven years playing for time, but has been thwarted by the resolve of the international community. It is now clearer than ever that his games have to stop once and for all. If they do not, the consequences should be clear to all."[2]

13. Regime change became the officially-stated objective of US policy after the passage of the Iraq Liberation Act in October 1998.

14. Following further disputes about access for weapons inspectors and the withdrawal of the inspectors, the US and UK attacked a series of targets in Iraq in December 1998, in Operation Desert Fox. Its objective was described by Mr Blair as:

> "… to degrade the ability of Saddam Hussein to build and use weapons of mass destruction, including command and control and delivery systems, and to diminish the threat that Saddam Hussein poses to his neighbours by weakening his military capability."[3]

15. The impact of Operation Desert Fox is addressed in Section 4.1

16. In a press conference on 20 December 1998, Mr Blair explicitly ruled out a "land war in Iraq with literally hundreds of thousands of allied troops engaged" and called for a future strategy based on containment and stability for the region including a credible threat of force if Saddam posed a threat to the neighbourhood or developed WMD.[4]

17. By that stage, the Security Council was deeply divided on policy towards Iraq and the other three Permanent Members of the Security Council did not support the US and UK use of force.

---

[1] House of Commons, *Official Report*, 24 February 1998, columns 174-175.
[2] House of Commons, *Official Report*, 24 February 1998, column 176.
[3] House of Commons *Official Report*, 17 December 1998, volume 322, columns 1097-1102.
[4] Press conference, 20 December 1998 (as reported in *Le Monde diplomatique*).

18. A report on disarmament describing the work of UNSCOM since 1991 was sent to the Security Council on 25 January 1999.[5] That set out in three detailed annexes "material balances", for proscribed missiles, chemical and biological weapons, for which UNSCOM had been unable to account. Those were subsequently used by the UK as the basis for its estimates of the material Iraq might still retain.

Mr Blair's speech in Chicago, April 1999

In his speech to the Economic Club in Chicago of 22 April 1999 Mr Blair identified Saddam Hussein and Mr Slobodan Milošević, the President of the Federal Republic of Yugoslavia, as the cause of "many of our problems".[6]

That speech set out Mr Blair's thinking on a doctrine of the international community, including five principles for international intervention:

> "First, are we sure of our case? War is an imperfect instrument for righting humanitarian distress; but armed force is sometimes the only means of dealing with dictators.
>
> "Second, have we exhausted all diplomatic options? We should always give peace every chance, as we have in the case of Kosovo.
>
> "Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake?
>
> "Fourth, are we prepared for the long term? In the past, we talked too much of exit strategies. But having made a commitment we cannot simply walk away once the fight is over; better to stay with moderate numbers of troops than return for repeat performances with large numbers.
>
> "And finally, do we have national interests involved?"

Mr Blair told the Inquiry that the speech had been intended to set out the consequences of an interdependent world where countries would not be able to divorce their national interests from the impacts of security problems in other parts of the world.[7]

Ideas for the speech, which Sir Lawrence Freedman submitted in response to a request from Mr Jonathan Powell, Mr Blair's Chief of Staff, were set out in the attachment to Sir Lawrence's letter to Sir John Chilcot on 18 January 2010. The letter was published on the Inquiry's website.

---

[5] UN Security Council, 29 January 1999, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94).
[6] Speech, 23 April 1999, *Doctrine of the International Community*.
[7] Public hearing, 29 January 2010, pages 26-27.

19. UK policy towards Iraq was formally reviewed and agreed by the Defence and Overseas Policy Committee (DOP) in May 1999. The UK's policy objectives towards Iraq were defined as:

> "… in the short term, to reduce the threat Saddam [Hussein] poses to the region including by eliminating his weapons of mass destruction (WMD) programmes; and, in the longer term, to reintegrate a territorially intact Iraq as a law-abiding member of the international community."[8]

20. The policy of containment was seen as the "only viable way" to pursue those objectives. A "policy of trying to topple Saddam would command no useful international support". Iraq was unlikely to accept the package immediately but "might be persuaded to acquiesce eventually".

21. After prolonged discussion about the way ahead, the UN Security Council adopted resolution 1284 in December 1999, although France, Russia and China abstained.[9]

22. The resolution established:

- a new inspectorate, the United Nations Monitoring and Verification Commission (UNMOVIC), which Dr Hans Blix was subsequently appointed to lead;
- a timetable to identify and agree a work programme; and
- the principle that if the inspectors reported co-operation in key areas, that would lead to the suspension of economic sanctions.[10]

23. Iraq refused to accept the provisions of resolution 1284, including the re-admission of weapons inspectors. Concerns about Iraq's activities in the absence of inspectors increased.

24. The US Presidential election in November 2000 prompted a further UK review of the operation of the containment policy. There were concerns about how long the policy could be sustained and what it could achieve. That is addressed in detail in Section 1.2.

25. A JIC Assessment in October 2000, which assessed the prospects for Iraq after the death of Saddam Hussein, judged:

- There was "a significant risk of a period of **violent factional and internecine strife** amongst the Sunni elite followed by the emergence of a new military leader".
- "If the regime appeared weakened, the **Kurds** would be likely to try to re-establish control of the northern towns of Mosul and Kirkuk. But they would

---

[8] Joint Memorandum by the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, 'Iraq: Future Strategy'.
[9] UN Security Council Press Release, 17 December 1999, *Security Council Establishes New Monitoring Commission For Iraq Adopting Resolution 1284 (1999) By Vote of 11-0-4* (SC/6775).
[10] UN Security Council, '4084th Meeting Friday 17 December 1999' (S/PV.4084).

settle for consolidation of their autonomy rather than secession. The **Shia** would attack regime targets in the South, but they do not seek independence … Iraq's territorial integrity would be maintained."

- "**Any new regime**" was likely to be "**autocratic** and drawn from the **Sunni elite**". "Its policies and methods" were "unlikely to be different from Saddam's. Given Iraq's strategic interests in the Gulf, this will include a long-term desire for weapons of mass destruction."
- "Pressure would build internationally to end Iraq's pariah status and isolation. The level of pressure would reflect the extent to which the regime appeared to moderate its behaviour. But **Iraq's political rehabilitation could be rapid**, overwhelming any voices of caution from London, Washington or elsewhere."[11]

26. There were concerns over both the continued legal basis for operations in NFZs and the conduct of individual operations.[12]

27. A further Assessment on 1 November judged that Saddam Hussein felt "**little pressure to negotiate** over … resolution 1284 because the proceeds of oil smuggling and illicit trade have increased significantly this year, and more countries are increasing diplomatic contacts and trade with Iraq".[13]

28. The JIC also judged:

"Saddam would only contemplate co-operation with [resolution] 1284, and the return of inspectors … if it could be portrayed as a victory. He will not agree to co-operate unless:

- there is **UN-agreed timetable for the lifting of sanctions**. Saddam suspects that the US would not agree to sanctions lift while he remained in power;
- he is able **to negotiate with the UN in advance to weaken the inspection provisions**. His ambitions to rebuild Iraq's weapons of mass destruction programmes makes him hostile to intrusive inspections or any other constraints likely to be effective.

"Before accepting 1284, Saddam will try to obtain the abolition of the No-Fly Zones. He is also likely to demand that the US should abandon its stated aim to topple the Iraqi regime."

29. In November 2000, Mr Blair's "preferred option" was described as the implementation of 1284, enabling inspectors to return and sanctions to be suspended.[14]

---

[11] JIC Assessment, 11 October 2000, 'Iraq After Saddam'.
[12] Letter Goulty to McKane, 20 October 2000, 'Iraq'.
[13] JIC Assessment, 1 November 2000, 'Iraq: Prospects for Co-operation with UNSCR 1284'.
[14] Letter Sawers to Cowper-Coles, 27 November 2000, 'Iraq'.

30. In December 2000, the British Embassy in Washington reported growing pressure to change course from containment to military action to oust Saddam Hussein, but no decision to change policy or to begin military planning had been taken by President Clinton.[15]

31. The Key Judgements of a JIC Assessment in February 2001 included:

- There was "broad international consensus to maintain the arms embargo at least as long as Saddam remains in power. Saddam faces no economic pressure to accept … [resolution] 1284 because he is successfully undermining the economic sanctions regime."
- "Through abuse of the UN Oil-for-Food [OFF] programme and smuggling of oil and other goods" it was estimated that Saddam would "**be able to appropriate in the region of $1.5bn to $1.8bn in cash and goods in 2001**", and there was "scope for earning even more".
- "**Iranian** interdiction efforts" had "**significantly reduced smuggling down the Gulf**", but Saddam had "compensated by **exploiting land routes** to Turkey and Syria".
- "Most countries" believed that economic sanctions were "ineffective, counterproductive and should now be lifted. Without active enforcement, the economic sanctions regime" would "continue to erode".[16]

32. The Assessment also stated:

- Saddam needed funds "to maintain his military and security apparatus and secure its loyalty".
- Despite the availability of funds, Iraq had been slow to comply with UN recommendations on food allocation. Saddam needed "**the Iraqi people to suffer to underpin his campaign against sanctions**".
- Encouraged by the success of Iraq's border trade agreement with Turkey, "**front-line states**" were "**not enforcing sanctions**".
- There had been a "significant increase in the erosion of sanctions over the past six months".

33. There were differences of view within the UK Government about the benefits of in-country inspections, based on a concern that they could hand the initiative to Saddam Hussein without offering any substantive gains.[17]

34. The stated position of the UK Government in February 2001 was that containment had been broadly successful.[18]

---

[15] Letter Barrow to Sawers, 15 December 2000, 'Iraq'.
[16] JIC Assessment, 14 February 2001, 'Iraq: Economic Sanctions Eroding'.
[17] Minute McKane to Sawers, 15 February 2001 attaching Note, 'Iraq'.
[18] House of Commons, *Official Report*, 26 February 2001, column 620.

35. When Mr Blair met President Bush at Camp David in late February 2001, the US and UK agreed on the need for a policy which was more widely supported in the Middle East region.[19] Mr Blair had concluded that public presentation needed to be improved. He suggested that the approach should be presented as a "deal" comprising four elements:

- do the right thing by the Iraqi people, with whom we have no quarrel;
- tighten weapons controls on Saddam;
- retain financial control on Saddam; and
- retain our ability to strike.

36. The UK's thinking was set out in a paper proposing a new policy framework, circulated by Mr John Sawers, Mr Blair's Private Secretary for Foreign Affairs, on 7 March 2001.[20] That comprised:

- The pursuit of a new sanctions regime to improve international support and incentivise Iraq's co-operation, narrowing and deepening the sanctions regime to focus only on prohibited items and at the same time improving financial controls to reduce the flow of illicit funds to Saddam Hussein, (so called "smarter sanctions").
- A renewed focus on human rights abuse by the Iraq regime; and a "contract with the Iraqi people", "setting out our goal of a peaceful law-abiding Iraq, fully reintegrated into the international community, with its people free to live in a society based on the rule of law, respect for human rights and economic freedom, and without threat of repression, torture and arbitrary arrest".
- The continued operation of the No-Fly Zones, but with patrolling set at levels which would minimise the risk to UK air crew.
- Iraqi compliance with resolution 1284 (1999). That would "remain one of our stated objectives (and retaining some incentives for Iraq to comply would be necessary to restore P5 [the five Permanent Members of the Security Council – China, France, Russia, the UK and the US] unity)".

37. The paper also stated that "the Iraqi regime's record and behaviour made it impossible for Iraq to meet the criteria for rejoining the international community without fundamental change".

38. Mr Blair told the Inquiry that one of the key elements of the policy was to seal Iraq's borders to make the sanctions regime more effective.[21]

---

[19] Letter Sawers to Cowper-Coles, 24 February 2001, 'Prime Minister's Talks with President Bush, Camp David, 23 February 2001'.
[20] Letter Sawers to Cowper-Coles, 7 March 2001, 'Iraq: New Policy Framework'.
[21] Public hearing, 29 January 2010, page 15.

39. During the summer of 2001 the UK had been exploring the way forward with the US, Russia and France on a draft Security Council resolution to put in place a "smart sanctions" regime:

- The US had agreed that a straight rollover of the Oil-for-Food (OFF) provisions would be seen as a defeat and supported reviving the UK's draft resolution. But it had not agreed the final form such a resolution should take.
- France had come to the broad conclusion that a rollover would strengthen the hawks in the US Administration. The UK draft resolution would be a starting point but French support was "tepid".
- Russia had set out its arguments about the defects of the UK draft but the FCO formed "the impression that the problems … were not insuperable".[22]

40. In the context of questions about the attitude towards Iraq in September 2001, Mr Blair emphasised that the nature of the Iraqi regime had made a difference to the nature of the WMD threat and that Saddam Hussein's "profoundly wicked" mindset "definitely impacted on our thinking".[23]

41. Mr Blair told the Inquiry that, until 11 September 2001, the UK had a policy of containment, but sanctions were eroding.[24] The policy was "partially successful", but it did not mean that Saddam Hussein was "not still developing his [prohibited] programmes".

The impact of 9/11

The immediate response to 9/11

42. On 11 September 2001 three aircraft were hijacked and flown into the twin towers of the World Trade Centre in New York and the Pentagon in Washington. A fourth hijacked aircraft crashed in Pennsylvania. The attacks were unprecedented and resulted in the largest ever loss of life from an enemy attack on the territory of the United States. Nearly 3,000 people died, including 67 British citizens.[25]

43. The UK's response to the attacks was to offer support to the US, including constructing an agenda for action against international terrorism and co-opting international support.

44. On 12 September Mr Blair wrote to President Bush advocating action before further catastrophes, including a suggestion that the Taliban regime in Afghanistan should be presented with a demand to yield Usama Bin Laden and close the Al Qaida camps.

---

[22] Minute McKane to Manning, 18 September 2001, 'Iraq Stocktake'.
[23] Public hearing, 29 January 2010, page 66.
[24] Public hearing, 21 January 2011, page 8.
[25] *The Guardian*, 18 August 2002, *9/11 in numbers*.

45. In his statement following the attacks, Mr Blair stated that the democracies of the world must come together to defeat and eradicate mass terrorism.[26] It was:

> "… not a battle between the United States of America and terrorism, but between the free and democratic world and terrorism. We, therefore, here in Britain stand shoulder to shoulder with our American friends in this hour of tragedy, and we, like them, will not rest until this evil is driven from our world."

46. Describing the events of 11 September 2001, Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, recorded that after the discussion in the Cabinet Office Briefing Rooms (COBR), Mr Blair held a smaller meeting in No.10 with Mr Jack Straw, the Foreign Secretary, and Mr Geoff Hoon, the Defence Secretary.[27] During the meeting Mr Blair asked them to work up "an international agenda which went beyond the US just hitting Afghanistan"; and stated that he intended to advise President Bush to issue an ultimatum to the Taliban to hand over Usama Bin Laden (UBL).

47. Mr Blair sent a Note to President Bush on 12 September setting out three goals to:

- bring to justice those responsible;
- construct an agenda for action against international terrorism; and
- co-opt the world's leading countries in support of action.[28]

48. Mr Blair wrote that action on the second and third goals should take place as soon as possible.

49. Action on the first goal might include presenting the Taliban with a demand to yield Usama Bin Laden and his associates and close their camps or "face guilt by complicity". That would have to be "decided on evidential and military grounds".

50. In considering the need for a political agenda, Mr Blair wrote:

> "[A]fter reflection, there will be many who ask: what is the next stage of this evil? What of their capacity to get hold of biological, chemical and other WMD? We know that there are countries and individuals trading in WMD and/or trying to acquire them. We need a range of sanctions and pressures to stop this.
>
> "Some of this will require action that some will baulk at. But we are better to act now and explain and justify our actions than let the day be put off until some further, perhaps even worse catastrophe occurs. And I believe this is a real possibility."

51. Mr Blair added: "It would also help in the Islamic world if we could find a way to revive the Middle East Peace Process."

---

[26] The National Archives, 11 September 2001, *September 11 attacks: Prime Minister's statement.*
[27] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[28] Note Blair [to Bush], 12 September 2001, 'Note for the President'.

52. Mr Blair stated that Russia and China would be crucial and that it was "time to put aside other geo-political differences and unite against a common enemy".

53. A copy of the Note was sent to Mr Hoon's Private Office, which was circulated to senior officials within the MOD.

54. In the context of evidence about Mr Blair's Note to President Bush of 28 July 2002 (see Section 3.3), Mr Powell told the Inquiry that Mr Blair:

> "… had a habit of writing notes, both internally and to President Clinton and to President Bush, on all sorts of subjects, because he found it better to put something in writing rather than simply talk about it orally and get it much more concretely and … in focused terms."[29]

55. The UN Security Council adopted resolution 1368 on 12 September which stated that the Security Council had:

> "Determined to combat by all means threats to international peace and security caused by terrorist acts,
>
> "Recognising the inherent right of individual or collective self-defence in accordance with the Charter".[30]

56. Condemning the attacks "as a threat to international peace and security" the Security Council called on:

- "all States to work together urgently to bring to justice the perpetrators, organisers and sponsors of these terrorist attacks" and stressed "that those responsible for aiding, supporting or harbouring the perpetrators, organisers and sponsors of these acts" would be "held accountable";
- "the international community to redouble their efforts to prevent and suppress terrorist acts …";

and expressed:

- "its readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations".

---

[29] Public hearing, 18 January 2010, page 38.
[30] UN Security Council resolution 1368 (2001).

57. In his statement to the House of Commons on 14 September, Mr Blair said that the events of 11 September had been a warning and that "we should act on the warning".[31] Terrorists would:

> "… if they could, go further and use chemical, biological and or even nuclear weapons of mass destruction. We know, also, that there are groups of people, occasionally states, who will trade the technology and capability of such weapons."

58. Mr Blair concluded:

> "We believe in reason, democracy and tolerance. These beliefs are the foundation of our civilised world. They are enduring, they have served us well, and as history has shown, we have been prepared to fight, when necessary, to defend them. The fanatics should know that we hold our beliefs every bit as strongly as they hold theirs, and now is the time to show it."

59. In response to an intervention from Mr Paul Marsden (Labour), who asked for caution in the light of reports from American sources that NATO bombing might occur in Sudan, Iraq, Iran, Syria and Afghanistan, Mr Blair replied that Mr Marsden and others:

> "… should not pay too much attention to some of the wilder pieces of speculation that inevitably are made at a time like this. It is important to recognise that the way in which the United States of America has proceeded so far is exactly right: in a calm and considered way, and in close consultation with allies such as ourselves."[32]

60. Mr Blair added that it was:

> "… important that … we base our identification of those responsible on proper evidence, but then that we are relentless in our pursuit of those responsible and bringing them to justice."

61. In the subsequent debate on international terrorism, Iraq was mentioned briefly by a number of speakers, including Mr Tam Dalyell (Labour), who argued that a generation in Iraq and elsewhere in the Middle East was "growing up absolutely to loathe the United States and Britain" and urged the Government to look again at "10 years of bombing of Iraq and sanctions".[33]

62. Asked when he had taken the decision that "we should be prepared to join the Americans in using force and that we should be prepared to use force ourselves" against Iraq, Mr Blair told the Inquiry:

> "I think I said in my statement of 14 September 2001 that I think this issue of WMD is going to take on a different meaning now. Of course the Americans had already a policy of regime change. That was a policy in fact articulated by President Clinton,

---

[31] House of Commons, *Official Report*, 14 September 2001, columns 606-607.
[32] House of Commons, *Official Report*, 14 September 2001, column 616.
[33] House of Commons, *Official Report*, 14 September 2001, column 632.

passed in 1998 following the military action we took in Iraq, US and UK in 1998. So it was obviously going to be on the agenda. I was always going to make it clear and did make it clear we would be shoulder to shoulder with America in dealing with these threats after September 11th. So how we were to deal with that would be an open question. That we were going to deal with it I think was pretty clear from that moment on."[34]

63. Following the attacks, President Bush determined that the Taliban regime in Afghanistan, which was harbouring Al Qaida, should be the priority for the US Administration in what it called a war on terrorism.

64. In the context of a possible Phase 2 of that war, President Bush also ordered the US Defense Department to be ready to deal with Iraq if it acted against US interests.

65. On 15 September the British Embassy Washington reported to London that the US now looked at the world through a new prism: US policy towards Iraq would harden, especially if any evidence emerged which linked Saddam Hussein to the terrorists.[35] The "regime-change hawks" in Washington were arguing that a coalition put together for one purpose [against international terrorism] could be used to clear up other problems in the region.

66. President Bush convened a meeting of his national security team at Camp David on 15 September.[36] The team included Vice President Dick Cheney, Mr Colin Powell (US Secretary of State), Mr Donald Rumsfeld (US Secretary of Defense), Mr George Tenet (Director of Central Intelligence), Dr Condoleezza Rice (US National Security Advisor) and Mr Paul Wolfowitz (Deputy Secretary of Defense).

67. The National Commission on Terrorist Attacks Upon the United States, the 9/11 Commission, reported that:

- President Bush had wondered immediately after the attack whether Saddam Hussein's regime might have had a hand in it; and that he had also thought about Iran.
- On the afternoon of 11 September, Secretary Rumsfeld had instructed General Myers, the Vice-Chairman of the Joint Chiefs of Staff, that the US response should consider a wide range of options and possibilities; and said that his instinct was to hit Saddam Hussein at the same time – not only Usama Bin Laden.[37]

---

[34] Public hearing, 21 January 2011, page 7.
[35] Telegram 1056 Washington to FCO London, 15 September 2001, 'US Terrorist Attacks: Wider Foreign Policy Implications'.
[36] Bush GW. *Decision Points*. Virgin Books, 2010.
[37] Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report.* Norton.

68. Dr Rice told the Commission that the US Administration had been concerned that Iraq would take advantage of the 9/11 attacks. She recalled that, in the first Camp David session chaired by the President, Mr Rumsfeld had asked what the Administration should do about Iraq; and that Deputy Secretary Wolfowitz had made the case for striking Iraq during "this round" of the war on terrorism.

69. Dr Rice also told the Commission that a Department of Defense (DoD) briefing paper for the meeting, on the strategic concept for the war on terrorism, had specified three priority targets for initial action: Al Qaida, the Taliban, and Iraq. The paper had argued that Al Qaida and Iraq both posed a strategic threat to the United States, citing Iraq's long-standing involvement in terrorism and its interest in weapons of mass of destruction.

70. Secretary Powell told the Commission that: "Paul [Wolfowitz] was always of the view that Iraq was a problem that had to be dealt with … And he saw this as one way of using this event as a way to deal with the Iraq problem." President Bush saw Afghanistan as the priority.

71. In his memoir, *Decision Points*, President Bush recorded:

- Secretary Rumsfeld had said: "Dealing with Iraq would show a major commitment to antiterrorism."
- Secretary Powell had cautioned against it and Mr Tenet had agreed.
- Vice President Cheney had "understood the threat of Saddam Hussein and believed we had to address it. But now is not a good time to do it … We would lose our momentum."[38]

72. Mr Tenet wrote:

> "When an informal vote was taken on whether to include Iraq in our immediate response plans, the principals voted four to zero against it, with Don Rumsfeld abstaining."[39]

73. According to his memoir, President Bush took the decision on 16 September that:

> "Unless I received definitive evidence tying Saddam Hussein to the 9/11 plot, I would work to resolve the Iraq problem diplomatically. I hoped unified pressure by the world might compel Saddam to meet his international obligations. The best way to show him we were serious was to succeed in Afghanistan."[40]

---

[38] Bush GW. *Decision Points*. Virgin Books, 2010.
[39] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.
[40] Bush GW. *Decision Points*. Virgin Books, 2010.

74. Dr Rice told the 9/11 Commission that President Bush had called her that day to say the focus would be on Afghanistan, although he still wanted plans for Iraq should the country take some action or the US Administration eventually determine that it had been involved in the 9/11 attacks.[41]

75. The 9/11 Commission reported that there was some further discussion of Phase 2 of the war on terrorism, at a meeting in Washington of the National Security Council on 17 September. President Bush had ordered the Defense Department to be ready to deal with Iraq if Baghdad acted against US interests, with plans to include possibly occupying Iraqi oilfields. Within the Pentagon, Mr Wolfowitz had continued to press the case for dealing with Iraq.

76. Secretary Rumsfeld provided guidance on 19 September to US commanders working on their contingency plans.

77. The Commission reported that General Tommy Franks, Commander in Chief CENTCOM (US Central Command), told them that he:

> "… recalled receiving Rumsfeld's guidance that each regional commander should assess what these plans meant for his area of responsibility. He [Franks] knew he would soon be striking the Taliban and Al Qaida in Afghanistan. But, he told us, he now wondered how that action was connected to what might be needed to be done in Somalia, Yemen or Iraq. The CENTCOM commander told us he renewed his appeal for further military planning to respond to Iraqi moves shortly after 9/11 … Franks said that President Bush again turned down the request."

78. The JIC assessed on 18 September that the attacks on 11 September had set a new benchmark for terrorist atrocity and terrorists seeking comparable impact might use chemical, biological, radiological or nuclear (CBRN) devices. But only Islamic extremists such as those who shared Usama Bin Laden's agenda had the motivation to pursue attacks with the deliberate aim of causing maximum casualties.

79. The potential threat to UK interests would be higher the more closely the UK was identified with the US.

80. Following a request from Mr Blair, for a reassessment of the nature and scale of the threat posed to the UK by terrorism and the contingency plans for dealing with it, the JIC considered whether the scale and nature of the terrorist threat to the UK had changed.[42]

---

[41] Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report.* Norton. Page 335.
[42] Minutes, 14 September 2001, JIC meeting.

81. The Assessment, issued on 18 September, considered whether the attacks of 11 September changed the nature and scale of the terrorist threat to the UK, and its potential vulnerability to major terrorist attack, and "the current and immediately foreseeable threat in terms of the intention and capability of known terrorist groups".[43] The Assessment assumed that there would be "a continuation of the current political circumstances in which the UK is closely identified with the US".

82. The JIC's Key Judgements included:

- The attacks had "set a new benchmark for terrorist atrocity. The level of destruction and the public impact are unprecedented."
- "Terrorists seeking comparable impact may try to use chemical, biological, radiological or nuclear devices …"
- The "potential scope for terrorist attacks" was "very wide": "But in order to assess the threat to the UK, we need to consider both the capabilities and the intentions of the terrorist groups."
- "Only Islamic extremists such as those who shared Usama Bin Laden's agenda currently have the motivation to pursue" attacks "with the deliberate aim of causing maximum casualties". The more closely the UK was identified with the US, "the higher the potential threat" to UK interests "both here and overseas".
- Major attacks like those of 11 September required considerable planning and were "therefore likely to remain relatively infrequent".

83. The development of the JIC position on the risk of terrorists acquiring and using CBRN is addressed in Section 4.

84. On 20 September, Mr Blair advised President Bush to "take our time to see whether we could build up the case against Iraq or other countries" before acting.

85. Mr Blair attended a memorial service for British victims of the 9/11 attacks on the World Trade Centre in New York on 20 September, and subsequently travelled to Washington to meet President Bush.[44]

86. In relation to suggestions then circulating in the US that Iraq was behind the 9/11 attacks, the record states that Mr Blair told President Bush there was no doubt that Saddam Hussein was evil:

> "But before any action was taken against him, we would need to be very sure indeed that there was compelling evidence. It would be best to deal with Afghanistan initially

---

[43] JIC Assessment, 18 September 2001, 'UK Vulnerability to Major Terrorist Attack'. As a Director in the Treasury Public Services Directorate responsible for the Defence, Diplomacy and Intelligence Team, Ms Margaret Aldred, the Secretary to the Inquiry, was present at the discussion.
[44] *BBC News*, 21 September 2001, *Blair pledges solidarity with the US*.

and then take our time to see whether we could build up the case against Iraq or other countries."[45]

87. Mr Blair added that there was very wide international support for a careful and considered US approach. It was sometimes frustrating to work with a coalition, but its support was a crucial investment.

88. Citing the US National Security Council's record of the meeting between President Bush and Mr Blair, the 9/11 Commission wrote:

"When Blair asked about Iraq, the President replied that Iraq was not the immediate problem. Some members of his administration, he commented, had expressed a different view, but he was the one responsible for making the decisions."[46]

89. Mr Campbell wrote in his diaries that President Bush had said the focus was on Usama Bin Laden and the Taliban: "But he also talked about how they could go after Saddam's oilfields."[47]

90. Mr Jonathan Powell, Mr Blair's Chief of Staff, told the Inquiry that President Bush had agreed: "the focus would be on Afghanistan and Al Qaida".[48]

91. Sir Christopher Meyer, British Ambassador to the United States from 2001 to February 2003, told the Inquiry that Mr Blair had sent a message to President Bush:

"… setting out his views on what needed to be done and he argued very strongly for a laser-like focus on Al Qaida and Afghanistan. By the time he got to Washington … the door was already open. He didn't have to argue the case."[49]

92. In a speech to Congress, President Bush set out the US determination to fight a war against terrorism by every means at its disposal.

93. That included an ultimatum to the Taliban regime in Afghanistan to give up the leaders of Al Qaida and close its training camps.

94. Addressing the US Congress on 20 September, President Bush stated that the US had "no truer friend than Great Britain" and thanked Mr Blair for crossing the "ocean to show his unity of purpose".[50]

---

[45] Letter Manning to McDonald, 20 September 2001, 'Prime Minister's Visit to Washington on 20 September: Dinner with President Bush'.
[46] Final Report of the National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report.* Norton. Page 336.
[47] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[48] Public hearing, 18 January 2010, page 16.
[49] Public hearing, 26 November 2009, page 22.
[50] The White House, 20 September 2001, *Address to a Joint Session of Congress and the American People*.

95. President Bush stated that the evidence for responsibility for the attacks on 11 September pointed to "a collection of loosely affiliated terrorist organizations" known as Al Qaida, which was also linked to "many other organizations in different countries". Al Qaida had "great influence" in Afghanistan, and supported the Taliban regime.

96. President Bush condemned the Taliban regime for "aiding and abetting murder", and demanded that it should:

> "Deliver to United States authorities all the leaders of Al Qaida who hide in your land … Release all foreign nationals … Protect foreign journalists, diplomats and aid workers … Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist, and every person in their support structure, to appropriate authorities … Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.
>
> "These demands are not open to negotiation … The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate."

97. President Bush stated:

> "Our war on terror begins with Al Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.
>
> …
>
> "… How will we fight and win this war? We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary instrument of war – to the disruption and to the defeat of the global terror network.
>
> "This war will not be like the war against Iraq a decade ago … It will not look like the air war above Kosovo …
>
> "Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen … And we will pursue nations that provide aid or safe haven to terrorism. Every nation … now has a decision to make. Either you are with us, or you are with the terrorists … From this day forward, any nation that continues to harbour or support terrorism will be regarded by the United States as a hostile regime."

98. The attacks on 11 September 2001 fundamentally changed the context within which the US Administration and the UK Government viewed policy towards Iraq.

99. Secretary Rumsfeld recorded that President Bush had first asked him to "look at the shape of our military plans on Iraq" on 26 September; and had said that the options should be "creative".[51]

---

[51] Rumsfeld D. *Known and Unknown: A Memoir.* Sentinel, 2011.

100. Secretary Rumsfeld ordered a review of existing US war plans for Iraq on 29 September.[52]

101. Subsequent accounts by key members of the US Administration set out how they considered the context for US policy on Iraq had changed following the attacks.

102. In remarks to the press at the White House during Mr Blair's visit on 31 January 2003, President Bush said:

> "After September the 11th, the doctrine of containment just doesn't hold any water … My vision shifted dramatically after September the 11th, because I now realize the stakes. I realize the world has changed."[53]

103. In his memoir President Bush wrote that the "lack of a serious response" to previous Al Qaida attacks had been interpreted:

> "… as a sign of weakness and an invitation to attempt more brazen attacks … After 9/11, I was determined to change that impression."[54]

104. Describing the impact of the attacks on his view on Iraq, President Bush wrote:

> "Then 9/11 hit, and we had to take a fresh look at every threat in the world. There were state sponsors of terror. There were sworn enemies of America. There were hostile governments that threatened their neighbors. There were nations that violated international demands. There were dictators who repressed their people. And there were regimes that pursued WMD. Iraq combined all those threats …
>
> …
>
> "Before 9/11, Saddam was a problem America might have been able to manage. Through the lens of the post-9/11 world, my view changed … I could only imagine the destruction possible if an enemy dictator passed his WMD to terrorists. With threats flowing into the Oval Office daily – many of them about chemical, biological or nuclear weapons – that seemed like a frighteningly real possibility … The lesson of 9/11 was that if we waited for a danger to fully materialize, we would have waited too long. I reached a decision: We would confront the threat from Iraq, one way or another."

---

[52] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. HarperCollins, 2008; Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[53] The White House, 31 January 2003, *Remarks by the President and British Prime Minister Tony Blair*.
[54] Bush GW. *Decision Points*. Virgin Books, 2010.

105. Dr Rice wrote that after 9/11:

> "No security issue ever looked quite the same again, and every day our overwhelming preoccupation was to avoid another attack … Our entire concept of what constituted security had been shaken."[55]

106. Mr Tenet wrote:

> "After 9/11, everything changed. Many foreign policy issues were now viewed through the prism of smoke rising from the World Trade Center and the Pentagon. For many in the Bush administration, Iraq was unfinished business. They seized on the emotional impact of 9/11 and created a psychological connection between the failure to act decisively against Al Qaida and the danger posed by Iraq's WMD programs. The message was: We can never afford to be surprised again … we might wake up one day to find that Saddam possessed a nuclear weapon, and then our ability to deal with him would take on an entirely different cast.
>
> "… it seemed a given that the United States had not done enough to stop Al Qaida … and had paid an enormous price. Therefore … we could not allow ourselves to be in a similar situation in Iraq."[56]

107. Sir Peter Ricketts, Chairman of the JIC until September 2001 and subsequently FCO Political Director until July 2003, told the Inquiry that "through to 9/11, the dominant player [on Iraq policy in Washington] was the State Department"; but after 9/11 the dominant force changed.[57]

108. Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), told the Inquiry that "Indefinite containment … looked increasingly implausible". After 9/11 the mood in Washington had "changed dramatically" and "tolerance for containment had changed".[58]

109. Mr Powell told the Inquiry that the US saw 9/11 as a "Pearl Harbour of the 21st Century"; they were being attacked at home and that made them "much more willing to be pre-emptive".[59]

110. Mr Straw told the Inquiry that 9/11 changed everything and that in his view "people in Europe still don't quite comprehend the degree".[60] Mr Straw added that the attacks led to a consensus across the world that a policy of tolerating failing or failed states was unacceptable. The perception of risk changed.

---

[55] Rice C. *No Higher Honour.* Simon & Schuster, 2011.
[56] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.
[57] Public hearing, 24 November 2009, page 24.
[58] Public hearing, 30 November 2009, pages 28-29.
[59] Public hearing, 18 January 2010, page 15.
[60] Public hearing, 21 January 2010, pages 6-7.

111. Mr Blair told the Inquiry:

> "… I think I would fairly describe our policy … as doing our best, hoping for the best, but with a different calculus of risk assessment … up to September 11, we thought there was a risk but we thought it was worth trying to contain it. The crucial thing after September 11 is that the calculus of risk changed."[61]

112. Mr Blair added: "after September 11, our view, the American view, changed dramatically".[62]

113. Mr Blair stated that his:

> "… primary consideration … was to send an absolutely powerful, clear and unremitting message that … if you were a regime engaged in WMD, you had to stop."[63]

114. In the UK, pursuit of agreement in the Security Council for improvements in the sanctions regime for Iraq was seen as key to both sustaining the policy of containment and to removing an impediment to securing a coalition for action against international terrorism.

115. The FCO proposed amending the UK draft resolution to address the perception that it imposed additional obligations on Iraq's neighbours to enforce sanctions.

116. The background to the UK's pursuit of an improved economic sanctions regime for Iraq is set out in Section 1.2.

117. Following a meeting to "discuss the options available for dealing with the UK's draft UNSCR [UN Security Council resolution} and the best way forward in the light of terrorist attack in the US", Mr Tom McKane, the Deputy Head of OD Sec, advised Sir David Manning:

> "The Cabinet Office Assessments Staff reported that Saddam Hussein was comfortable and in control. He had no desire for a confrontation but could change his stance if the security situation changed in the North or if a new resolution was passed which brought with it tighter controls on imports and exports. Currently his position is not being challenged …
>
> "… there was no intelligence of an Iraqi link to the terrorist attacks in the US last week. But the Iraqis were nervous of being blamed for the attack. There were indications of the dispersal of Iraqi military assets. Saddam Hussein had urged the US to exercise restraint."[64]

---

[61] Public hearing, 29 January 2010, page 7.
[62] Public hearing, 29 January 2010, page 9.
[63] Public hearing, 29 January 2010, page 24.
[64] Minute McKane to Manning, 18 September 2001, 'Iraq Stocktake'.

118. Mr McKane added that there had been diplomatic activity over the summer to explore options. In relation to the end of November deadline for the renewal of the sanctions regime authorised by resolution 1360 in July 2001, the US had supported reviving the UK draft "smart sanctions" resolution. But Mr McKane advised that "it was doubtful in current circumstances whether they [the US] would be willing to throw much weight behind it, particularly with the Russians".

119. Mr McKane reported that officials had agreed that a revised draft resolution, which "dropped the proposals to tighten existing controls and the references to neighbouring states", was the option "most likely to succeed in building a consensus". He added:

> "In practice, there was no realistic prospect of tightening the existing controls at the present time, though we should return to this at a later date."

120. Mr William Patey, Head FCO Middle East Department, advised Mr Straw:

> "In the context of building the broadest possible coalition for a sustained attack on terrorism we need to address some of the wider concerns about our Iraq policy …
>
> "The main objection to the current proposals is the perception that they impose additional obligations on neighbouring states by putting the onus on them for enforcing sanctions on Iraq. The reality is that our draft resolution does not impose any new obligations on neighbouring states … These tightening provisions were mainly window dressing. We would not lose a great deal in reality by removing the provision relating to neighbouring states although it would increase the presentational difficulties for the US.
>
> "… we would undermine the Russian and other objections, and increase the prospects for consensus in the Security Council. The unanimous backing … for a Goods Review List is worth having. It would not remove the existing obligations on neighbouring states or the international community as a whole … This would not be easy to sell … but the alternative is a weakening of containment through growing sanctions busting and the withering away of existing controls on Iraq. This would leave us with little to fall back on, other than excessive reliance on military force, which in turn would undermine our ability to maintain a coalition against terrorism."[65]

121. Mr Alan Goulty, FCO Director Middle East and North Africa, commented:

> "If this approach is to be tried we should tackle the Americans soon. The key argument is that progress on Iraq will help coalition-building. But that will be hard to sell to the Washington hawks, especially in the Pentagon."[66]

---

[65] Minute Patey to Goulty and PS [FCO], 20 September 2001, 'Iraq: Way Forward'.
[66] Manuscript comment Goulty, 20 September 2001, on Minute Patey to Goulty and PS [FCO], 20 September 2001, 'Iraq: Way Forward'.

122. Mr Straw's Private Office responded that he agreed with the proposed way forward set out in Mr Patey's advice, subject to any views which Sir David Manning might have and the need for it to be worked through with senior members of the US Administration.[67]

123. Sir David and Mr McKane were sent copies of the exchange.

124. Mr Blair's speech to the Labour Party Conference on 2 October 2001 provides a clear indication of Mr Blair's thinking and approach, including: the need for the international community to come together to act to address terrorism; the dangers of inaction; and the failure of the Taliban to respond to the ultimatum to surrender Usama Bin Laden and his followers.

125. Mr Blair did not mention Iraq in his speech, but many of the points he made about Afghanistan appeared in later speeches about Iraq.

126. In a speech addressing the Assembly on Terrorism on 1 October, Mr Annan stated that, after the attacks of 11 September, "no one can dispute the nature of the terrorist threat, nor the need to meet it with a global response". He added that that would require:

> "… Member States to live up to their responsibilities under international law. They must deal firmly with the reality of armed groups and other non-State actors who refuse to respect common principles of human dignity.
>
> "It is hard to imagine how the tragedy of 11 September could have been worse. Yet, the truth is that a single attack involving a nuclear or biological weapon could have killed millions … The greatest danger arises from a non-State group – or even an individual – acquiring and using a nuclear, biological, or chemical weapon. Such a weapon could be delivered without the need for any missile or any other sophisticated delivery system."[68]

127. Mr Blair set out his vision for the world after the events of 9/11 in his speech to the Labour Party Conference on 2 October 2001:

> "It [9/11] was a tragedy. An act of evil. From this nation, goes our deepest sympathy and prayers for the victims and our profound solidarity with the American people.
>
> "We were with you at the first, we will stay with you to the last."[69]

128. Of the relatives of those who died, Mr Blair said:

> "They don't want revenge. They want something better in memory of their loved ones.

---

[67] Minute Davies to Patey, 24 September 2001, 'Iraq: Way Forward'.
[68] UN Press Release, 1 October 2001, *Secretary-General, Addressing Assembly on Terrorism, Calls for 'Immediate Far-Reaching Changes' in UN Response to Terror.*
[69] *The Guardian*, 2 October 2001, *Full text: Tony Blair's speech (Parts one and two).*

"I believe their memorial can and should be greater than simply the punishment of the guilty. It is that out of the shadow of this evil, should emerge lasting good: destruction of the machinery of terrorism … hope amongst all nations of a new beginning … so that people everywhere can see the chance of a better future through the hard work and creative power of the free citizen, not the violence and savagery of the fanatic."

129. Setting out his thoughts on the way ahead, Mr Blair stated:

"I know that here in Britain people are anxious … People know we must act but they worry about what might follow …

"Whatever the dangers of the action we take, the dangers of inaction are far, far greater …

"So what do we do? … Look for a diplomatic solution. There is no diplomacy with Bin Laden or the Taliban regime.

"State an ultimatum and get their response. We stated an ultimatum; they haven't responded …

"There is no compromise possible with such people … Just a choice: defeat it or be defeated by it. And defeat it we must …

"I say to the Taliban: surrender the terrorists; or surrender power. It's your choice …"

130. Mr Blair added:

"I have long believed … interdependence defines the new world we live in. People say: we are only acting because it's the USA that was attacked. Double standards, they say. But when Milošević embarked on the ethnic cleansing of Muslims in Kosovo, we acted.

"… if Rwanda happened again today … we would have a moral duty to act there also. We were there in Sierra Leone …

"We can't do it all. Neither can the Americans.

"But the power of the international community could, together, if it chose to.

"… our self-interest and our mutual interests are today inextricably woven together. This is the politics of globalisation …

"This is a moment to seize. The kaleidoscope has been shaken. The pieces are in flux. Soon they will settle again. Before they do, let us re-order this world around us …

> "By the strength of our common endeavour we achieve more together than we can alone.
>
> "For those people who lost their lives on September 11 and those that mourn them; now is the time for the strength to build that community. Let that be their memorial."

131. Commenting on the impact of Mr Blair's speech on 2 October, and in particular the reference to being with the US at the first and staying with them to the last, Sir Christopher Meyer told the Inquiry that, in the weeks after 9/11, Mr Blair's:

> "… reputation … was sealed … The man above all other Europeans … who expressed his sympathy for, support for the United States of America in its hour of need with unparalleled eloquence.
>
> "That speech, and that particular phrase … resonated enormously around the United States."[70]

132. Military action in Afghanistan began on 7 October.

133. A UK Government document on the responsibility for the attacks on the US on 11 September was issued by No.10 on 4 October.[71]

The October 2001 "dossier"

On 4 October 2001, No.10 issued a document setting out its conclusions on responsibility for the attacks in the US on 11 September.[72]

The document made clear that it was, in part, based on intelligence and stated:

> "The details of some aspects cannot be given, but the facts are clear from the intelligence.
>
> "The document does not contain the totality of the material known to HMG, given the continuing and absolute need to protect intelligence sources."

On the basis of the information and intelligence available, the Government was "confident of its conclusions" that:

> "Usama Bin Laden and Al Qaida, the terrorist network which he heads, planned and carried out the atrocities on 11 September 2001;
>
> "Usama Bin Laden and Al Qaida retain the will and resources to carry out further atrocities;
>
> "the United Kingdom, and United Kingdom nationals are potential targets; and

---

[70] Public hearing, 26 November 2009, pages 22-23.
[71] Paper No.10, 4 October 2001, 'Responsibility for the Terrorist Atrocities in the United States, 11 September 2001'.
[72] Paper No.10, 4 October 2001, 'Responsibility for the Terrorist Atrocities in the United States, 11 September 2001'.

> "Usama Bin Laden and Al Qaida were able to commit these atrocities because of their close alliance with the Taliban regime [in Afghanistan], which allowed them to operate with impunity in pursuing their terrorist activity."
>
> The document also stated that:
>
> - "[F]rom the early 1990s", Al Qaida had "sought to acquire nuclear and chemical materials for use as terrorist weapons".
> - In June 2001, the US had warned the Taliban that "it had the right to defend itself and that it would hold the regime responsible for attacks against US citizens by terrorists sheltered in Afghanistan".
> - The "Taliban regime had responded by saying no evidence existed against Usama Bin Laden, and that neither he nor his network would be expelled".
> - When asked in 1998 about obtaining chemical or nuclear weapons, Usama Bin Laden had said "acquiring such weapons for the defence of Muslims [was] a religious duty".

134. Mr Tim Dowse, Head of the FCO Non-Proliferation Department from January 2001 to November 2003, told the Inquiry that the issue of the dossier was "regarded as a rather successful action".[73]

135. The air campaign against the Taliban in Afghanistan began on 7 October.[74]

136. Concern that continuing speculation about further American military action against other states was undermining support for the campaign against Al Qaida led Mr Blair to try to influence President Bush to "deal with" Iraq at a later date, including suggesting that President Bush should avoid debate in public on the next steps until they knew what that might mean.

137. Following discussions with leaders in the Middle East, Mr Blair wrote to President Bush on 11 October about the military operation in Afghanistan and the pressures generated by the "War against Terrorism".[75] Mr Blair described "extending the war zone" and the Middle East Peace Process (MEPP) as the "top flashpoints".

138. Mr Blair wrote that it was time to move to the "next stage of the military operation [in Afghanistan]", and that it was "hard to see how we do this without removing the Taliban".

139. In a section headed "Extending War Aims", Mr Blair wrote that there was "a real willingness in the Middle East to get Saddam out but a total opposition to mixing this up with the current operation" in Afghanistan. The uncertainty caused by references to a "Phase 2" in the war on terrorism "seeming to extend to Iraq, Syria etc" was "really hurting … because it seems to confirm the UBL propaganda that this is West vs Arab".

---

[73] Public hearing, 25 November 2009 [morning], page 52.
[74] The White House, 7 October 2001, *Presidential Address to the Nation.*
[75] Letter Blair to Bush, 11 October 2001, [untitled].

140. Mr Blair added that he had:

> "… no doubt we need to deal with Saddam. But if we hit Iraq now, we would lose the Arab world, Russia, probably half the EU … I am sure we can devise a strategy for Saddam deliverable at a later date."

141. Mr Blair suggested that:

> "… in order to give ourselves space that we say:
>
> "Phase 1 is the military action focused on Afghanistan because it's there that the perpetrators of 11 September hide.
>
> "Phase 2 is the medium and longer term campaign against terrorism in all its forms. Of course we will discuss that … This kicks it away for the moment but leaves all options open. We just don't need it debated too freely in public until we know what exactly we want to do; and how we can do it."

142. Mr Blair concluded that a "dedicated tightly knit propaganda unit" was required, and suggested that he and President Bush should "talk soon".

143. In a telephone conversation on 17 October, mainly about Afghanistan, Mr Blair and President Bush discussed the recent anthrax attacks on the US and whether the source of the material might be Iraq.[76]

144. In his memoir, President Bush wrote that "One of the best intelligence services in Europe" had told the US it suspected Iraq.[77]

145. On 19 October, US Special Forces landed in Afghanistan to link up with the CIA and Northern Alliance.[78]

146. Lord Wilson of Dinton, Cabinet Secretary from 1998 to September 2002, told the Inquiry that he thought Mr Blair had:

> "… played … an important part in dissuading them [the US] from any thoughts that 9/11 was connected with Iraq and dissuading them from taking any action against Iraq".[79]

147. Lord Wilson stated that international terrorism and the military action in Afghanistan was the major focus of the UK government at that time.[80]

148. By mid-October, discussions on a revised economic sanctions regime for Iraq had made little progress. Russia was seen as the main obstacle to agreement.

---

[76] Letter Wechsberg to McDonald, 17 October 2001, 'Prime Minister's Telephone Conversation with President Bush: 17 October'.
[77] Bush GW. *Decision Points*. Virgin Books, 2010.
[78] Bush GW. *Decision Points*. Virgin Books, 2010.
[79] Public hearing, 25 January 2011, page 13.
[80] Public hearing, 25 January 2011, page 28.

149. Following a visit by Mr Blair to Moscow, where there was no movement in the Russian position, Mr Simon McDonald, Mr Straw's Principal Private Secretary, wrote to Sir David Manning on 11 October stating:

> "The present position is not sustainable. Sanctions are eroding. Iraqi WMD programmes are continuing. The Security Council is divided."[81]

150. Mr McDonald recorded that another, simple Oil-for-Food rollover resolution would be seen as a victory for Saddam Hussein at the US and the UK's expense.

> "We need to convince them [the US] that uniting the Security Council on Iraq is a core component of building a coalition against terrorism, not a peripheral issue. We also need to head them off the temptation to take military action against Iraq which would fracture the coalition."

151. Sir David Manning discussed the UK's draft resolution, and the need for US help to persuade Russia to support it, with Dr Rice on 12 October. He reported that it was unlikely to be a priority for President Bush in his discussions with President Vladimir Putin, the President of Russia.[82]

152. Sir David and Dr Rice also discussed differences between the UK and the US about the scale of any response if a UK or US pilot was shot down in the No-Fly Zones.[83]

Operations in the No-Fly Zones

The UK had continuing concerns about the potential US response if a UK or US pilot enforcing the No-Fly Zones (NFZs) was shot down by Iraq.

UK operations in the No-Fly Zones had been reviewed twice in the previous two years, largely at the request of Mr Robin Cook, the previous Foreign Secretary, and Lord Williams of Mostyn, the Attorney General, and his successor Lord Goldsmith. Those reviews and the outcomes are considered in Section 1.2.

Mr McKane responded to a letter of 24 August from Mr David Brummell, the Legal Secretary to the Law Officers, on 16 October.[84] Mr McKane stated that, if the UK pulled out of the southern No-Fly Zone it would have to be explained; and that "could only be politically sustainable if couched on the basis that the Zone was no longer required, presumably because we judged that Saddam's behaviour and intent had shifted in a satisfactory direction".

Mr McKane added that it would be "very difficult" to maintain the northern Zone without the southern Zone; Turkey would be "unlikely, in a minority of one, to continue to facilitate" coalition patrols. Regular patrols of the northern Zone were "necessary" if lives were to be saved.

---

[81] Letter McDonald to Manning, 11 October 2001, 'Iraq: Next Steps'.
[82] Letter Manning to McDonald, 12 October 2001, 'Iraq: Next Steps'.
[83] Letter Manning to McDonald, 12 October 2001, 'Iraq: Desert Badger'.
[84] Letter McKane to Brummell, 16 October 2001, 'Iraq: No Fly Zones'.

Mr McKane also wrote that nothing had happened to change the Ministerial conclusion earlier in the year that, if patrolling of the southern Zone ceased, "an unacceptably high risk" of "extreme humanitarian distress" would remain.

Mr McKane informed Sir David Manning that the MOD had been asked what would have to be done to ensure that Kuwait could be defended effectively if patrolling over the southern NFZ stopped. He suggested that "once the immediate crisis is over" the issue should be considered again; stopping patrolling in the Zones could "remove a major source of discomfort from our relations with the Arab world".[85]

At the Cabinet Office meeting on 30 October, the MOD reported that the US had "returned to normal operations over Iraq" but there were "fewer coalition patrols over a more restricted area (largely south and west of the Euphrates)".[86] Contingency plans in the event that a coalition aircraft was shot down were being discussed with the US.

In January 2002, Mr McKane reported that there had been no Iraqi violation of the southern No-Fly Zone since 11 September 2001, and that the last Allied bombing of an Iraq air defence target had taken place on 27 November 2001.[87] The MOD was "concerned about the risks to RAF aircrew" and considering whether "It might be necessary to attack air defence targets north of the 33rd parallel … in order to make it safe for such patrols to be resumed."

153. In late October, Sir Jeremy Greenstock advised that a damaging "vacuum" in collective policy towards Iraq was looming; a "clear long-term strategy" agreed with the US would be needed. The key elements included determining whether UNMOVIC had any genuine value and convincing the US that the UK would not support heavy military action against Iraq. The UK could not do nothing and allow "war against Iraq to become the only option by default".

154. Officials concluded that a revised draft resolution was the preferred option but, if that was not achievable, a rollover resolution would just sustain containment.

155. A paper written within the FCO on 24 October stated that the US was deliberately keeping open the option of coercive military action and US military Commanders in Chief had been "instructed … to work up contingency plans for dealing with terrorist targets within their area of responsibility".[88] The MOD was "trying to discover some of the detail".

156. In relation to Iraq, the FCO paper stated that it was:

> "The prime candidate for military action among US hawks and the only realistic target for coercive/punitive/regime-change military action (as opposed to targeted

[85] Minute McKane to Manning, 17 October 2001, 'Iraq: No Fly Zones'.
[86] Minute McKane to Manning, 31 October 2001, 'Iraq'.
[87] Minute McKane to Manning, 15 January 2002, 'Iraq'.
[88] Minute Bloomfield to Wright, 24 October 2001, 'Terrorist and State Sponsors: Possible US Strategies' attaching Paper, 'Terrorist and State Sponsors: Possible US Strategies'.

strikes). But such action would carry significant downsides in terms of alienating world opinion."

157. The FCO concluded:

"The US is in no mood to co-operate with Iraq. A likely option is to make specific demands backed up by threats of tougher action in the event of non-compliance. Whether this includes military action will depend on US judgements about the balance of advantage between the domestic pressures and the international ramifications of such actions."

158. Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, wrote to Sir David Manning on 29 October warning that the UK's draft resolution adapting the sanctions regime "looks unachievable this autumn, largely because of Russian obduracy and US unwillingness to exert sufficient pressure to move them".[89]

159. Sir Jeremy added:

"… there remains an urgent need for us to sort out a coherent strategy with the Americans, and at a level which binds in the whole Administration and not just the State Department. Our conversations with them recently … have not managed this. The WMD danger is too great to ignore. A vacuum not just in the Security Council, but also in our collective policy is looming. Most dangerously, the volume of talk … about the military option looks from here to risk real damage to our wider interests in the Middle East and our campaign against terrorism.

"In New York, there is widespread scepticism of the US/UK approach … The policy is seen not only as a failure, but also the foremost example of the double standards … in the Middle East. This corrodes support directly for sanctions … but also insidiously for our broader objectives on Afghanistan and terrorism. In the longer run, the failure of the Council to secure Iraqi compliance with the resolutions undermines its credibility more generally.

"We therefore need to think hard about a clear long-term strategy … to fill this vacuum (and to prevent the militarists doing so)."

160. Sir Jeremy set out the main elements for such a strategy, including:

- Drawing in the Russians on controlling Iraq's WMD and Saddam Hussein more generally.
- Exploring the possibility of restoring P5 unity, which would require thinking about the clarification of resolution 1284 (1999).
- Working out whether UNMOVIC had any genuine political value. The Americans did "not want a repeat of the UNSCOM problem, with Saddam calling the shots".

---

[89] Letter Greenstock to Manning, 29 October 2001, 'Iraq: Cabinet Office Meeting, 30 October'.

Sir Jeremy thought an "intensive capability" on the ground would be "an enormous asset" and that the US should be persuaded it was "worth paying a price for".

- "… perhaps most crucially, convincing the US that we will not support heavy military action against Iraq in the current circumstances. If the Americans do not buy into the strategy outlined above, then together we will have to think of another one. We cannot do nothing and allow war against Iraq to become the only option by default."[90]

161. The objectives should be:

- a "unified P5 approach to tackle Iraqi WMD, perhaps involving a negotiation to clarify but not renegotiate 1284";
- clear limits "to avoid the Russians demanding endless concessions to secure Iraqi cooperation"; and
- "reinvigorated action to tackle illegal Iraqi revenue".

162. Sir Jeremy wrote that he "remained surprised at the lack of US and UK activity to take on the Syrians over their pipeline".

163. Sir Jeremy concluded:

"Much of this deals with the US angle … The most immediate need is to have a dedicated discussion with them at a senior level in sufficient detail to thrash out the answers on the complex questions involved."

164. Sir Jeremy Greenstock told the Inquiry that:

"As the US-led Coalition in Afghanistan began to deal effectively with the problems there, and as the US machine gathered itself to create firmer defences against any possible further terrorist attacks, we began to see that there was not much energy being expended in Washington on outreach, consultation and good relationships. Even before I heard of any serious action being taken to prepare for a possible attack on Iraq, I was coming to the conclusion that the United States was missing an opportunity …"[91]

165. FCO junior officials prepared a draft paper, 'Iraq: Fallback option' for a meeting on Iraq to be chaired by the Cabinet Office on 30 October, setting out the background to the differing positions of Iraq and of the P5 members of the Security Council.[92] Those included:

- Iraq's claims that resolution 1284 (1999) was so ambiguous that the US could easily deny that co-operation had been adequate to trigger suspension of sanctions;

---

[90] Letter Greenstock to Manning, 29 October 2001, 'Iraq: Cabinet Office Meeting, 30 October'.
[91] Statement, November 2009, page 5.
[92] Email Tanfield to Saunders, 30 October 2001, 'Iraq: Fallback Option'.

- a Russian proposal to suspend sanctions in return for Iraq allowing weapons inspectors to return:
- a French preference to clarify the provisions of resolution 1284 – including:
  - definition of the key remaining disarmament tasks rather than leaving that right to UNMOVIC (the United Nations Monitoring, Verification, and Inspection Commission);
  - shortening the timetable for suspension of sanctions;
  - clarifying the trigger for suspension; and
  - defining the key differences pre- and post-suspension particularly in financial controls; and
- a prevalent view in the US Administration that resolution 1284 was best left unimplemented and UN weapons inspections were of limited value.

166. Against that background, the FCO recommended "a simple rollover resolution with a P5 statement of commitment to engage in serious discussion on how to tackle Iraqi WMD, within existing SCRs [Security Council resolutions] but including the clarification of ambiguities in SCR 1284".

167. The Cabinet Office meeting on 30 October discussed the wider approach to Iraq.[93]

168. Mr McKane reported to Sir David Manning that there was little change to Saddam Hussein's position:

- "Sanctions erosion continued with a near regular air service and up to 500,000 b/d [barrels per day] exported outside the oil for food regime. Saddam's efforts to acquire aluminium tubes and graphite for his nuclear/missile programmes showed his intention to continue to build up his WMD capability. His division of the country into semi-autonomous zones and his recent dispersal of military equipment, including from suspect CBW related sites, were indicative of contingency plans in case of coalition strikes. But there were no indications that he felt threatened."
- "Externally, Saddam maintained leverage over his neighbours through his oil exports."

169. Mr McKane stated that the US had agreed that the UK's draft resolution "remained the least bad option available" but there would be difficulties persuading Russia to support it. If that proved to be the case, the UK wanted to avoid a second veto. It would seek a P5 statement "of commitment to engage in serious discussion on Iraqi WMD, including clarification of UNSCR 1284". If that was not possible, a simple rollover resolution would be a setback: "But it would sustain containment, just."

---

[93] Minute McKane to Manning, 31 October 2001, 'Iraq'.

170. Sir David Manning continued to pursue the UK proposals for "smarter sanctions" in his contacts with Russia.[94]

171. Sir Jeremy Greenstock told the Inquiry that although the focus on Afghanistan and terrorism "overshadowed discussions on Iraq … there were intensive efforts … to re-establish P5, and especially Russian support, for a revised Goods Review List resolution".[95] That included three meetings between the Mr Straw and Mr Igor Ivanov, the Russian Foreign Minister, and discussion on the telephone between Mr Blair and President Putin.

172. Mr Patey told the Inquiry that there had been British efforts "to sweeten the deal for the Russians".[96]

173. Mr Blair met President Bush on 7 November, primarily to discuss Afghanistan.

174. Sir Christopher Meyer sent Mr Straw a letter, 'America after 11 September', on 5 November.[97] That drew attention to President Bush's anxiety about the anthrax attacks.

175. Commenting on the balance between multilateralism and unilateralism, Sir Christopher wrote that the US had a historic preference for "informal alliances and coalitions of the willing, over the sovereignty-limiting provisions of international conventions". The UN was "usually an exercise in damage limitation, save where the organisation can advance US interests, as in providing Article 51 cover to fight terrorism". The best Europe could hope for was "the continued predominance of mainstream pragmatists in the conduct of US foreign policy", but "even that" was "not guaranteed".

176. Sir Christopher added that Mr Blair, Mr Straw and Mr Hoon had leveraged UK popularity "brilliantly to influence the conduct of the war on terrorism". The "real test" of that influence would be "whether we can generate a recalibrated and more energetic US policy towards the Middle East, and stop the Americans doing something self-defeating in Iraq or elsewhere".

177. Sir Christopher concluded:

> "The Americans are very good at compartmentalising their sentimental and sincere affection for Britain from the single minded pursuit of national interest. It is a gap we have to close …"

178. Mr Blair visited Washington on 7 November for talks with President Bush, primarily about Afghanistan.[98]

---

[94] Minute McKane to Manning, 2 November 2001, 'Iraq'.
[95] Statement, November 2009, page 5.
[96] Public hearing, 24 November 2009, page 46.
[97] Letter Meyer to Straw, 5 November 2001, 'America after 11 September'.
[98] Letter Manning to Rice, 8 November 2001, [untitled].

179. Mr Blair gave President Bush a Note during their private meeting, which, under a section on 'International Initiatives', referred to the need for a new UN resolution on Iraq and a wider 'WMD Agreement'.[99]

180. The record of the meetings contains no information about discussions of Iraq.[100]

181. The Government has confirmed that a telephone conversation between Mr Blair and President Bush on 12 November did take place but it has been unable to find a record of the conversation.[101] Other papers indicate that the conversation focused primarily on Afghanistan.

182. In mid-November Mr Powell suggested that, after Afghanistan, the UK should use its leverage to engage President Bush on an alternative strategy to deal with the threat posed by terrorism, including the need to persuade the US to take the Middle East Peace Process seriously.

183. Mr Powell argued that only the removal of Saddam Hussein and a new regime would deal with the risks from Iraq.

184. Mr Powell envisaged that would be achieved by "proper backing" for the internal opposition in Iraq, not the insertion of arms inspectors or bombing Baghdad.

185. On 15 November Mr Powell wrote to Mr Blair stating that:

> "If we are successful in Afghanistan over the next few days and weeks there is a real danger that we will part company with the Americans on what comes next. The right wing of the Republican Party will want to carry on by bombing Iraq and Somalia. [President] Bush's natural tendency would be to support them unless presented with an alternative. David [Manning] has commissioned some work by the FCO on this, but I think it needs some lateral political thinking about what would provide an attractive – and effective – alternative strategy.
>
> "I think the first thing is to persuade the Americans that rather than repeating what we have done in Afghanistan elsewhere we need to use the leverage that our success in Afghanistan provides to achieve our aims elsewhere."[102]

186. On Iraq specifically, Mr Powell wrote:

> "… I think we need a new policy for Iraq. I do not believe that a warmed over UN Security Council resolution re-inserting arms inspectors and changing sanctions is likely to cut any ice with the Americans let alone the Russians and French … I think we need a completely fresh look at our policy starting from our objectives."

---

[99] Note [Blair], [7 November 2001], 'Note', attached to Letter Manning to Rice, 8 November 2001, [untitled].
[100] Letter Manning to McDonald, 8 November 2001, 'Prime Minister's visit to Washington – 7 November'.
[101] Email Cabinet Office [junior official] to Iraq Inquiry, 30 June 2014, [untitled].
[102] Minute Powell to Prime Minister, 15 November 2001, 'The War: What Comes Next?'

187. Mr Powell added:

> "It seems to me that our over-riding objective is the removal of Saddam not the insertion of arms inspectors. It is only with a new regime that we can be sure of an end to CBRN proliferation and an end to hostile intent towards his neighbours plus his support for terrorism. We need to make a far greater effort to bring him down […] with proper backing for internal opposition […]
>
> "There will be a military role, but bombing Baghdad is not the most obvious route to changing regime."

188. Mr Powell made a number of proposals for dealing with terrorists, including the need:

- for "much stronger domestic defence against future terrorist attacks";
- to stop the "martyrdom of UBL setting him up as … an inspiration to another wave of suicide bombers"; and
- to address political causes.

189. Mr Powell wrote: "Most importantly that means persuading the Americans to take the MEPP seriously."

190. Mr Powell concluded that Mr Blair should engage President Bush:

> "… on all this next week, and perhaps send him another note setting out the way forward before the Pentagon tries to take him off on another tangent".

191. Mr Blair replied: "I agree with this entirely and I should prepare a note for GWB [President Bush] next week."[103]

Resolution 1382

192. By late-November it was clear that agreement could not be reached on the UK draft resolution.

193. Resolution 1382, adopted on 29 November, was significantly less than the UK had originally sought.

194. Mr McKane wrote to Sir David Manning on 23 November, advising:

> "The UK draft does not now appear to have any realistic chance of being accepted by the Security Council."[104]

---

[103] Manuscript comment Blair on Minute Powell to Prime Minister, 15 November 2001, 'The War: What Comes Next?'
[104] Minute McKane to Manning, 23 November 2001, 'Iraq'.

195. Mr McKane identified two options:

- a further, simple rollover of the OFF resolution which "would do nothing to address the humanitarian position in Iraq or to stop erosion of the sanctions regime and would indicate that the approach to Iraq set out in SCR 1284 had hit the buffers"; and
- a compromise of a further rollover for six months with a commitment to revisit the items controlled under the Goods Review List (GRL).

196. The FCO preferred the second option, but with a two month, rather than six month rollover.

197. On 29 November, the Security Council unanimously adopted resolution 1382 extending the existing regime for 180 days and proposing a Goods Review List. The procedures for operating the List would be adopted "subject to any refinements … agreed by the Council", for implementation on 30 May 2002.[105]

198. The resolution also reaffirmed the Security Council's "commitment to a comprehensive settlement on the basis of the relevant resolutions … including any clarification necessary for the implementation of resolution 1284 (1999)".

President Bush's comments, 26 November 2001

199. On 26 November, President Bush called publicly for the readmission of weapons inspectors by Iraq.

200. In a press conference on 26 November, President Bush was asked what message he would like to send to Iraq. He responded that his message was:

> "… if you harbour a terrorist, you're a terrorist … If you develop weapons of mass destruction that you want to terrorize the world, you'll be held accountable … And I also have said … we're going to make sure that we accomplish each mission that we tackle. First things first."[106]

201. Asked whether agreement to allow weapons inspectors back into Iraq was an "unconditional demand", President Bush stated that Saddam Hussein needed to let weapons inspectors return to prove to the world that he was not developing weapons of mass destruction.

202. Asked what would be the consequences if Saddam did not, Mr Bush said: "That's up for – he'll find out."

203. Asked to confirm previous remarks that Afghanistan was "just the beginning", President Bush replied that he could not make it clearer that, if nations developed

---

[105] UN Security Council, '4431st Meeting 29 November 2001', (S/RES/1382(2001)).
[106] The White House, 26 November 2001, *The President Welcomes Aid Workers Rescued from Afghanistan.*

weapons of mass destruction "that will be used to terrorize nations, they will be held accountable".

204. Asked if the definition of terrorism was being expanded to countries like North Korea which did not just harbour terrorists but developed such weapons, President Bush stated:

> "… we want North Korea to allow inspectors in …
>
> "So part of the war on terror is to deny … weapons to be used for means of terror getting into the hands of nations that will use them.
>
> …
>
> "… I've always had that definition, as far as I'm concerned."

205. Asked when and where President Bush had included any country that produced weapons of mass destruction in his definition of terrorist aiding states, Mr Ari Fleischer, President Bush's Press Secretary, suggested that referred to "the obvious and well-known fact that Iraq and North Korea" were already listed by the US State Department as state sponsors of terrorism.[107]

206. Mr Fleischer subsequently referred to concerns that Al Qaida or another terrorist organisation would seek to acquire nuclear weapons from Iraq or North Korea. That was "another way they would use nuclear weapons if they were to give them to another nation or an entity, a terrorist group like Al Qaida".

207. Following President Bush's remarks, speculation about the possibility of military action against Iraq immediately increased.

208. The British Embassy Washington commented that although the White House spokesman had described President Bush's remarks as a re-iteration of existing policy, they would fuel media speculation about a shift towards military moves towards Iraq.[108] In its public posture the US was keeping all options open.

209. In the Embassy's view, a debate behind closed doors indicated unresolved differences between different elements of the US Administration about the way ahead, including whether to support any of the opposition groups inside or outside Iraq as part of planning for regime change.

210. Asked about the meaning of President Bush's comments, Secretary Powell stated that the President had not said what he meant and he was "not going to prejudge what it might mean".[109] The only way to make sure Iraq was complying with the agreements

---

[107] The White House, 26 November 2001, *Press Briefing by Ari Fleischer.*
[108] Telegram 1589 Washington to FCO London, 26 November 2001, 'Iraq: US Policy on Regime Change'.
[109] *CNN,* 26 November 2001, *CNN Larry King Live – Interview with Colin Powell.*

"to give up all weapons of mass destruction activity" was to let the inspectors back in and allow them to do their work.

211. Asked if the term "he'll find out" was threatening, Secretary Powell stated that it should be seen "as a very sober, chilling message". There were "many options available to the international community and to the President".

212. Secretary Powell stated that the US had been pushing "smart sanctions". It had support from 14 of the 15 members of the Security Council, and he had been "working with the Russians to see if we can find a compromise that would satisfy the need".

213. Secretary Powell added that sanctions had kept the Iraqi regime "fairly well bottled up". Iraq was a "danger" and continued "to try to develop" weapons of mass destruction. The US would:

> "… keep the pressure on them to make sure these weapons do not become a serious threat to the region or to the world."

214. In the context of President Bush's remarks on 26 November, the British Embassy Washington reported that US officials in Washington and New York were discussing the draft resolution with Russian officials.[110]

215. Mr Ben Bradshaw, the Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs, told the House of Commons on 27 November that he did not think it was "helpful to speculate about the expansion of the current military campaign [in Afghanistan]":

> "People should not speculate about expanding the … campaign beyond Bin Laden and al-Qaeda … There is no evidence of any other state involvement … We have always made it clear that the military campaign is limited and specific."[111]

216. Asked specifically about Iraq and President Bush's remarks, Mr Bradshaw replied that Iraq "could very easily solve the problem by adhering to the demands" made by the UN. He reiterated that the military campaign was directed specifically at those responsible for "the mass murder of 11 September".[112]

217. In an interview in October, Mr Tariq Aziz, Iraq's Deputy Prime Minister, stated that Iraq would not allow weapons inspectors to return asking: "Why should they return?".[113]

218. Responding to a question on whether in the light of Iraq's rejection of the call to admit weapons inspectors there was a need to increase the pressure on Iraq and the next steps, Mr Fleischer stated on 27 November that the focus remained on the first

---

[110] Telegram 1589 Washington to FCO London, 26 November 2001, 'Iraq: US Policy on Regime Change'.
[111] House of Commons, *Official Report*, 27 November 2001, column 820.
[112] House of Commons, *Official Report*, 27 November 2001, columns 820-821.
[113] *The Telegraph*, 28 October 2001, *Attack on Iraq 'will be grave mistake', warns Aziz*.

phase of the war on terrorism.[114] He emphasised the US support for the discussion in the Security Council on more effective and narrowly defined sanctions.

219. Following discussions with senior US Senators, primarily about developments in Afghanistan, the British Embassy Washington reported on 29 November that Mr John Prescott, the Deputy Prime Minister, had been told there was "an overwhelming majority (80 votes) in the Senate in favour of taking out Saddam Hussein, as a piece of unfinished business".[115]

220. One Senator suggested that the military had a "very detailed plan", which he described as constituting precision bombing and Special Forces' support for internal uprisings. He "believed they had the capacity to decapitate Saddam Hussein. Preparations were well beyond the discussions stage."

221. The Senator also suggested that the decision to attack the Taliban in Afghanistan was "a feint: he [President Bush] had been offered the choice between Afghanistan and Iraq and had chosen to do the former first".

222. Another Senator had set out a strategy of "increased heat": with strengthened sanctions, the re-introduction of inspectors, and compiling evidence followed by military action. That Senator had said that if the UK could not agree with this it should be weighing in now with the Administration. It would be much more difficult for the US to go it alone than with the European allies in support. Other countries linked to international terrorism were not threats of the same order as Iraq.

223. The Embassy commented that the discussions offered "an interesting insight into the mood on the Hill". There was "no reason to believe" that either Senator spoke for the Administration or had privileged access to Pentagon plans; the military details did "not square with what we understand of military thinking".

224. On 1 December, the British Embassy Washington reported that public speculation about action against Iraq was moving faster than Administration thinking; and that the momentum in the debate had shifted in the direction of the hawks.[116] A *Washington Post* poll of 27 November had found that 78 percent of Americans favoured "having US forces take military action against Iraq to force Saddam Hussein from power".

225. The Embassy reported that, in addition, two new elements had emerged in comments from the Administration: an increased stress on the need for arms inspectors; and a clearer identification of WMD with the terrorist threat. The increased emphasis on weapons inspectors had been seen by some as a step towards military action – "a Taliban-like deadline"; others might see it as an alternative to unilateral action.

---

[114] The White House, 27 November 2001, *Press Briefing.*
[115] Telegram 1616 Washington to FCO London, 29 November 2001, 'Deputy Prime Minister's visit to Washington: Afghanistan and Iraq'.
[116] Telegram 1631 Washington to FCO London, 1 December 2001, 'The Wider War against Terrorism: Iraq'.

226. In comments during an interview on *CBS* on 2 December, Secretary Powell stated explicitly that President Bush had not taken any decisions on what the next phase of the campaign against terrorism would be.[117] Moreover, none of the President's advisers, either individually or collectively, had yet made "recommendations … as to what we should do in the next phase" of the war on terror.

227. Secretary Powell stated that the US was "watching Iraq" because it had "always developed weapons of mass destruction that are a concern to us". Saddam Hussein had not been "as successful as he would have liked to have been" because sanctions and containment had been "effective".

228. Asked why the US did not just take Saddam Hussein out, Secretary Powell replied that President Bush would "make a judgement in due course" about how to "deal with the threat that continues to reside in Iraq". The way to keep the international community focused on the problem was to let the inspectors in. The US had not set a new deadline for compliance and President Bush retained all his options. If Saddam Hussein admitted inspectors he would be "complying with what he agreed to as his obligation under UN resolutions".

229. Secretary Powell added:

> "The United States still continues to believe as a separate matter that it would be better to have a different regime in Iraq and as you know, we have supported the efforts of opposition groups to begin organizing themselves for a change of regime in due course …
>
> "Regime change would be in the best interest of the Iraqi people. It is a goal of the United States. But the United Nations' goal is the inspectors and getting rid of those weapons of mass destruction."

230. In a separate interview on *CNN*, Secretary Powell stated that there was "no reason to believe" that Iraq had not continued its pursuit of weapons of mass destruction or that it had "abandoned their intent and desire to obtain such systems".[118] He observed that there were different kinds of weapons of mass destruction. The one which was of "the greatest concern" to him was "what might be happening with respect to biological weapons because it is much harder to detect that kind of activity".

231. Secretary Powell emphasised that President Bush had "not given away any of his authority to act in a way he believes is appropriate". The US had a policy, separate from UN policy, that "regime change would be good for the Iraqi people, good for the region". The US was "trying to find ways to make the Iraqi opposition more effective in this regard".

---

[117] US State Department, 2 December 2001, *Interview on CBS' Face the Nation – Secretary Colin L. Powell.*
[118] US State Department, 2 December 2001, *Interview on CNN's Late Edition – Secretary Colin L. Powell.*

232. Asked if, as Senator Joe Lieberman had suggested, the Iraqi opposition could play the same role that the Northern Alliance had played in Afghanistan, Secretary Powell replied that was "not clear yet". He added that Iraq and Afghanistan were different countries with different situations and different kinds of military forces. The Northern Alliance "was a competent military force but needed the support of American air power". The Iraqi opposition did "not yet rise to that level".

233. It has subsequently been made public that President Bush asked for further advice on the military plans for Iraq in late November.

234. General Franks recorded that he was asked on 27 November to give Secretary Rumsfeld a "Commander's Concept".[119]

235. General Franks confirmed with Secretary Rumsfeld on 4 December that the assumed objective, dependent on the President's ultimate decision, would be to "remove the regime of Saddam Hussein".

236. President Bush wrote in his memoir that he had asked Secretary Rumsfeld to review the existing battle plans for Iraq in November 2001, adding: "We needed to develop the coercive half of coercive diplomacy."[120]

237. Secretary Rumsfeld wrote that when asked about involving the CIA in the planning, President Bush had said that:

> "… he didn't want me to communicate with people outside DoD for the time being, and that he would personally talk to Tenet and others at the right moment."[121]

238. Asked at what point the most senior levels of the US Administration had settled on the forcible removal of Saddam Hussein's regime as their primary objective, Sir Christopher Meyer told the Inquiry:

- Although he hadn't realised at the time, the anthrax scare had "really steamed up the Administration, because they thought the last person who had ever used anthrax aggressively was Saddam Hussein".
- Those who had been arguing that "there was a need to settle accounts with Saddam and do it fast, suddenly got much more traction with the President" before the end of 2001.
- The President himself had been "reinvigorated and found a real purpose for his Presidency … which had not been evident before 9/11 … Everything changed after 9/11."[122]

---

[119] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[120] Bush GW. *Decision Points*. Virgin Books, 2010.
[121] Rumsfeld D. *Known and Unknown: A Memoir.* Sentinel, 2011.
[122] Public hearing, 26 November 2009, pages 34-35.

239. Sir David Manning told the Inquiry that he knew from his conversations with Dr Rice that the "top players" in the US seemed to have been touched personally by the attacks and that they were "puzzled and deeply disturbed by the appearance of the anthrax that seemed to have been targeted against key members of the Administration".[123]

240. Mr Jonathan Powell told the Inquiry that after 9/11:

> "… American policy shifted relatively gradually … By the time you get to December [2001], you have speeches being made in the Senate calling for action on Iraq. We started sensing that something was happening."[124]

JIC Assessment, 28 November 2001: 'Iraq after September 11 – The Terrorist Threat'

241. The JIC assessed on 28 November that Iraq had no responsibility for, or foreknowledge of, the attacks against the US on 11 September 2001.

242. Saddam Hussein had ruled out terrorist attacks for the time being; in the medium term there was a credible threat against Western interests and regional states.

243. Practical co-operation between Iraq and Al Qaida was "unlikely"; and there was no "credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups".

244. Iraq was "capable of constructing devices to disperse chemical or biological agent, or radiological material", but there was "no reliable intelligence of any Iraqi intent". If the regime was under serious and imminent threat of collapse, WMD terrorism was possible but, in other circumstances, the threat would be "slight".

245. At the request of the FCO the JIC assessed Iraq's support for terrorism on 28 November.[125]

246. The minutes of the JIC record that the Assessment was "significant" and "it would be important to get its judgements and nuances right, given the importance of the policy debate that was going on with and within the US about what might or might not be done next in the campaign against terrorism".[126]

---

[123] Public hearing, 30 November 2009, pages 7-8.
[124] Public hearing, 18 January 2010, page 17.
[125] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.
[126] Minutes, 28 November 2001, JIC meeting.

247. The JIC Key Judgements stated:

- "On the basis of the information available … **Iraq had no responsibility for, or foreknowledge of, the attacks in the US on 11 September** … Nor is there any evidence, or intelligence, of an Iraqi role in the subsequent anthrax attacks."
- "Saddam has refused to permit any Al Qaida presence in Iraq …"
- "Iraq has long seen terrorism as a potential weapon in its conflict with the US and regional enemies […] Since September 11, however, **Saddam is likely to have ruled out such attacks for the time being**, for fear of a heavy US response."
- "But in the medium term the threat against Western interests and regional states remains credible. **Saddam has not given up terrorism as a policy tool**."
- Saddam Hussein "would consider":
    - "the assassination of key oppositionists if he felt threatened, most likely in the Middle East where there would be a greater chance of success and deniability …"
    - terrorist attacks on coalition forces and regional allies in the event of a major US attack which threatened his hold on power; and
    - "WMD terrorism, if his regime was under serious and imminent threat of collapse. In other circumstances **the threat of WMD terrorism is slight**, because of the risk of US retaliation."[127]

248. Iraq had "provided finance, logistics and training to a range of secular terrorists and groups" in the 1970s and 1980s, and had "encouraged and sponsored terrorist groups to mount attacks on coalition targets" during the Gulf Conflict in 1990 to 1991, which had been "largely ineffective". Since then, Iraq had been "cautious in pursuing terrorist attacks abroad, lest it jeopardise the lifting of sanctions".

249. In "recent years", Saddam Hussein had:

> "… expanded his contact with terrorist groups to include Islamic extremists such as Hamas. In his rhetoric, he has referred more to Islam as he … sought to exploit the Palestinian issue in his conflict with the US, Kuwait and Saudi. **But ideologically he is poles apart from the Sunni extremist networks linked to UBL**; […] he is wary of allowing any presence in Iraq for fear of the radicalising effect on the population."

250. The evidence of contact between Iraq and UBL was "fragmentary and uncorroborated", including that Iraq had been in contact with Al Qaida for exploratory discussions on toxic materials in late 1988:

> "With common enemies … there was clearly scope for collaboration.

---

[127] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.

"But there is no evidence that these contacts led to practical co-operation; we judge it unlikely because of mutual mistrust … There is no evidence UBL's organisation has ever had a presence in Iraq."

251. Since 11 September, Saddam Hussein had "felt under pressure" and "adopted a low profile":

"The current US focus on the war against terrorism would make a heavy response inevitable if Iraq mounted or sponsored a terrorist attack on Western or regional interests. Iraq would also pay a wider political price, losing the international support it derives from sanctions-related propaganda. We assess that **Saddam is likely to have ruled out any terrorist attacks against the US or its allies for the time being**."

252. The Assessment stated:

"Although the risks to Iraq have increased, we judge the regime is likely still to see terrorism as a tool of policy. Saddam may be currently constrained, but he hates the US and UK, and Kuwait and Saudi Arabia for their continued support to the West. In the medium term, therefore, the threat to Western and Gulf interests remains credible. Saddam is an opportunist. We judge he would be willing to use terrorism if he thought he could gain advantage or exact revenge … without attracting disproportionate retaliation. Saddam has miscalculated in the past and he could again misread the response his actions would attract."

253. Addressing what would happen if the US attacked Iraq, the Assessment stated:

- Iraq was "likely to consider terrorism as one of its few realistic options in response to a major US attack". It saw "no need to raise the stakes" in response to limited coalition action in the NFZs, and the Desert Fox campaign [in December 1998] was not "sufficiently damaging to justify the risk. But a longer campaign aimed at regime change could alter Saddam's calculations."
- Iraq would claim attacks against US targets were "acts of self-defence".
- It was "also possible that terrorist groups not previously aligned with Iraq would consider conducting terrorist attacks against the Western 'aggressors' …"
- "Overall … unless the Iraqi regime's hold on power was threatened, it would be unlikely to undertake or sponsor such terrorist attacks, for fear of provoking a more severe US response."

254. The Assessment concluded that "Iraqi capability and willingness to conduct **WMD terrorism**" was "not known with any certainty". The JIC judged Iraq was "capable of constructing devices to disperse chemical or biological agent, or radiological material", but it had "no reliable intelligence of any Iraqi intent. Nor did it have:

"… any credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups, or of any Iraqi role in the anthrax attacks in the US.

> Iraq would have to consider the risk of US retaliation … On balance, we judge the **threat of Iraqi WMD terrorism is slight**, unless the regime was under serious and imminent threat of collapse."

Development of UK strategy on Iraq

Mr Powell's advice to Mr Blair, late November 2001

255. Mr Jonathan Powell drew the report of 26 November from the British Embassy Washington to Mr Blair's attention, commenting: "This is what I was talking about. We ought to have a brainstorming session."[128]

256. Mr Blair responded: "Get our own strategy ready."[129]

257. Sir Richard Dearlove, the Chief of the Secret Intelligence Service (SIS), wrote to Sir David Manning on 27 November, alerting him to a likely discussion about "Phase 2" of the "War against Terrorism" between US Principals[130] the following week. He suggested:

> "The end of this week would therefore be a very good moment for us to feed our thinking into the Washington machine at a variety of levels …"[131]

258. Copies of the letter were sent to the Private Offices of Mr Straw and Mr Hoon and to Sir Richard Wilson, Admiral Michael Boyce (Chief of the Defence Staff) and Sir John Kerr (FCO Permanent Under Secretary).

259. On 27 November, Sir David Manning wrote to Mr McKane: "You will now reconvene the group to look at Iraq again as a "Phase 2" issue."[132]

260. In the context of a discussion about Afghanistan on 28 November, Sir David Manning asked Dr Rice about progress in US thinking. His comment, that the UK was "giving a great deal of thought to Phase 2 issues and would want to share our ideas", was welcomed.[133]

261. Mr Powell produced a second note for Mr Blair advocating a strategy for regime change based on a demand for the return of inspectors and the use of military force to support an internal uprising, with public lines explaining why Iraq was a threat.

---

[128] Manuscript comment Powell to PM on Telegram 1589 Washington to FCO London, 26 November 2001, 'Iraq: US Policy on Regime Change'.
[129] Manuscript comment Blair on Telegram 1589 Washington to FCO London, 26 November 2001, 'Iraq: US Policy on Regime Change'.
[130] A Committee of the US National Security Council – see Box in Section 1.2.
[131] Letter C to Manning, 27 November 2001, 'Phase II of the War against terrorism'.
[132] Manuscript comment Manning to McKane, 27 November 2001 on Minute Manning to McKane, 23 November 2001, 'Iraq'.
[133] Letter Manning to McDonald, 28 November 2001, 'Conversation with Condi Rice'.

262. At the end of November, Mr Powell produced a second note for Mr Blair, 'Iraq: Change of Heart or Change of Regime', which elaborated the points in his earlier note.[134]

263. Mr Powell identified the "Objectives" as:

> "Removal of Saddam and replacement by a new, more moderate regime. Ending of WMD programmes and destruction of stocks. Ending of support for terrorism. Peace with neighbours."

264. Mr Powell envisaged a "Plan" comprising diplomatic pressure "followed by [a] military campaign (without large scale coalition ground forces)"; the insertion of inspectors which would not, "by itself, be sufficient to stop the campaign" which would end "only … with the replacement of Saddam".

265. Mr Powell set out three steps:

- Using the power of the example of US success in Afghanistan to increase pressure on Saddam". There were already signs that he was worried and might be "prepared to accept return of inspectors if he thinks [the] prospect[s] of attack are serious". The US should: "After the fall of Kandahar and the capture of UBL", make clear that "Iraq is next (in parallel with action in other countries, e.g. […])."
- The "US, UK and others" to "set up" a UN "demand" for the return of inspectors. If that did not happen, action would be taken. It would be "important not to be specific" about what the action would comprise nor "to set a deadline", and to keep Saddam Hussein guessing. If asked, the reply would be that "regime change would be desirable, but not our formal objective for the moment".
- Put in place, a military plan, and if Saddam failed to meet the demands, "there would be grounds to go ahead with the military plan … [reference to a possible coup]. Supported by air power and a small numbers of Special Forces in support roles. Need to be clear with everyone that this time we are going all the way …" If Saddam Hussein did allow the inspectors in, there would be a "need to find a new demand to justify military action".

266. Mr Powell identified a number of "Conditions", including:

- "[N]one of this will work unless we can isolate Saddam further in the international community".
- The need to secure support from Russia, France, the Middle East and Europe.
- Making progress "in parallel" on the MEPP. That would be: "Absolutely essential … or we will be accused – correctly – of double standards."

---

[134] Note Powell, [undated], 'Iraq: Change of Heart or Change of Regime'.

267. Mr Powell proposed "Public Lines" comprising:

> "Iraq a threat because of WMD capabilities and support of terrorist groups (do not try to link it to Al Qaida – war is on all international terrorism not just AQ and there is no convincing proof of AQ involvement with Iraq).
>
> "Demand return of inspectors so can verify dismantling of WMD facilities. Seek UN resolution.
>
> "If no return of inspectors will consider what further action …
>
> "Our duty to support rising … Cannot allow him to use terrorism against his own people once again. Just like Bosnia or Kosovo international community cannot stand by and watch genocide."

268. Asked about the ideas being considered in late 2001, Mr Powell told the Inquiry:

> "… we didn't really have a serious discussion of proposals at that stage, or we weren't clear, and I jotted down some ideas on a piece of paper which I would rather forget at the moment, about encouraging people in Iraq to resist, Shi'ites, Sunnis and military leaders."[135]

269. Asked whether that was an Afghanistan sort of model, Mr Powell replied:

> "Yes, it was … but it wasn't a very serious piece of work and it didn't go anywhere. The Prime Minister did me the good grace of not commenting on it."

FCO advice, 3 December 2001

270. Throughout the autumn, as Sir David Manning told Dr Rice on 28 November, the UK had been thinking about the next steps in countering international terrorism.

271. A FCO minute written in mid-November explained that a counter-terrorism strategy had been developed following extensive inter-departmental discussion, which identified the objectives needed "to defeat UBL and his networks".[136] It had "evolved from an initial MOD desire to fit the current military action in Afghanistan into a wider strategy". The intention was to draw up "country strategies" to guide efforts in the months ahead.

272. Iraq was identified as one of more than a dozen countries "which would seem to merit particular attention".

273. Following President Bush's remarks to the press on 26 November 2001, the FCO considered the legality of military action against Iraq in November 2001.

---

[135] Public hearing, 18 January 2010, page 30.
[136] Minute Bloomfield to PS [FCO], 13 November 2001, 'Counter-Terrorism Strategy: Phase Two'.

274. Mr John Grainger, an FCO Legal Counsellor in the Middle East Department, wrote a minute on 27 November, which briefly set out the history of the use of force against Iraq and the legal basis for it.[137] He emphasised that there had not been any significant decision by the Security Council since 1998 and that caution should be exercised about relying upon that decision after the expiry of such a long time. Mr Grainger advised that the UK should take a cautious line in relation to the latest US statements.

275. Sir Michael Wood, the FCO Legal Adviser from 1999 to 2006, told the Inquiry that the legality of the use of military force against Iraq had been raised as early as November 2001 "when President Bush made some kind of statement, which made it look as though force might be used. So we set out the position immediately."[138]

276. In response to a request from Mr Blair for advice on the options for dealing with Iraq, the FCO proposed "ratcheting up" the policy of containment, including pressing Iraq to comply with its disarmament obligations and making the "red-lines for military action more specific".

277. The FCO warned that the UK could be confronted with an unwelcome dilemma of supporting unlawful and widely unpopular action or distancing itself from a key US policy.

278. A visit to Washington by Sir David Manning would be an opportunity to find out what the US was thinking and "test the viability of any plans".

279. In relation to Iraq's possession of WMD, the FCO letter did not fully reflect the caveats which the JIC had attached to its Assessments.

280. Mr McDonald wrote to No.10 on 3 December:

> "In advance of David Manning's trip to Washington on Wednesday the Prime Minister has asked for a note on the options for dealing with Iraq."[139]

281. The letter began:

> "US hawks, especially in the Pentagon, are talking up the possibility of military action against Iraq and of trying to topple Saddam Hussein (regime-change). That would confront us with an unwelcome dilemma: support unlawful and widely unpopular action or distance ourselves from a key US policy. Decisions have not yet been taken in Washington: we need to influence the debate."

282. Mr McDonald added that there were:

> "… no anti-terrorist grounds for Stage 2 military action against Iraq …"

---

[137] Minute Grainger to Tanfield, 27 November 2001, 'Iraq: Comments by President Bush on WMD'.
[138] Public hearing, 26 January 2010, pages 14-15.
[139] Letter McDonald to Tatham, 3 December 2001, 'Iraq: Options'.

283. Addressing Iraq's WMD capability, Mr McDonald wrote:

> "There is real reason for concern about Iraq's WMD programmes, principally CBW and long range missiles. There is evidence of continuing Iraqi attempts to procure nuclear-related materiel. Saddam's history of aggression and use of CW sets Iraq apart from other WMD-armed states. It might be possible to construct a (threadbare) legal case for military action to deal with the threat. But a new SCR would almost certainly be needed. And though bombing can degrade missile and even nuclear capability, it is ineffective against CBW …"

284. An Annex to the letter set out the FCO perspective on Iraq's WMD capabilities and intentions and Iraq's response to its obligations. That stated Iraq was:

- "**concealing information about large quantities of chemical and biological munitions, agents and precursors.** UNSCOM inspectors were unable to account for [material related to chemical weapons] and very large quantities of growth media acquired, on Iraq's own admission, for the production of biological weapons";
- "concealing up to 20 long-range Al Hussein missiles";
- "**actively pursuing chemical and biological weapons and ballistic missiles**. The missile-related facilities damaged by Operation Desert Fox in 1998 have been repaired, research continues and new facilities are being constructed. Other former chemical and biological weapons facilities have been restored: some CW and BW-relevant activity is under way";
- "**seeking to rebuild a nuclear weapons programme**. Recent intercepted Iraqi procurement efforts have involved material relevant to production of fissile material"; and
- "most importantly, **barring entry to UNMOVIC and IAEA Action Team Inspectors**. Iraqi officials have made clear as recently as last week that they do not intend to cease this obstruction until sanctions are lifted: in defiance of UNSCRs which repeatedly call for Iraqi compliance to be *unconditional*."

285. The JIC's assessment of Iraq's WMD at that time is addressed in Section 4.1.

286. On the way ahead, Mr McDonald wrote:

> "A strategy to deal with a WMD threat will require ratcheting up our present policy of containment. We should press Iraq to comply with its disarmament obligations under the SCRs, accept an intrusive and continuing UN inspection regime and accept Kuwaiti sovereignty unequivocally."

287. The strategy "could involve" four elements:

> "… making previously declared red-lines for military action more specific; by defining what we meant by reconstitution of WMD and threats to neighbours.

"We could also make more explicit guarantees for Kurdish autonomy now and in any future Iraq.

"We should encourage and support the Iraqi opposition.

"We could mount a higher profile campaign on the issue of war crimes and consider the options for an international tribunal to try Saddam and his principal lieutenants."

288. Mr McDonald added:

"We could set out a vision of post-Saddam Iraq by deploying a 'Contract with the Iraqi People' on the lines of the attached draft …"

289. The background to the proposal for a "Contract with the Iraqi People" is set out in Section 1.2; the details of the "Contract", and the subsequent development of a vision for Iraq, are addressed in Sections 6.4 and 6.5.

290. The letter reviewed discussions with Iraq's neighbours about curbing illegal oil imports.

291. Mr McDonald concluded:

"Regime change may look an attractive alternative. Removal of Saddam, if achieved swiftly, would be applauded by his neighbours, the GCC and the wider Arab/Islamic world. But previous uprisings in 1991 failed for want of outside support and military intervention for this purpose would be illegal. The US are nevertheless considering their options again. David Manning's visit to Washington this week offers the opportunity to find out what they have in mind, and to test the viability of any plans."

SIS advice

292. In parallel, No.10 had also commissioned urgent advice from SIS.

293. SIS4 produced three papers, addressing how the UK might divert the US from a policy of regime change, a "route map" for pursuing regime change, and an analysis of the potential risks and costs were the US to take military action against Iraq.

294. On 3 December, Sir Richard Dearlove wrote formally to Sir David Manning enclosing three "papers":

- A paper discussed with SIS4 on 30 November which began: "What can be done about Iraq? If the US heads for direct action, have we ideas which could divert them to an alternative course?"
- A second paper, 'Iraq: Further Thoughts', reflecting discussion at "our meeting on 30 November" of a possible way ahead which combined "an objective of regime change in Baghdad with the need to protect important regional interests which would be at grave risk, if a bombing campaign against Iraq was launched in the short term".

- A third paper which offered "some thoughts on the risks and costs of US attacks on Iraq".[140]

295. In the first paper, SIS4 set out the issues that would bear on planning for regime change in Iraq, including:

- The "read across from Afghanistan (cf Richard Perle's ideas)" was "deceptive". The defences of the Iraqi regime were "formidable" and the Tikritis were "not a bunch of Taliban".
- Neighbouring Arab states preferred "the Sunnis" to the Shia "alternative", and feared "Kurdish expansionism".
- Iraqi external opposition groups were "divided, badly penetrated" by Iraqi intelligence and had "little credibility inside Iraq".
- Action against Iraq would undermine the unity of purpose of the war against terror.
- There was "no convincing intelligence (or common sense) case that Iraq supports Sunni extremism".
- There were "significant fragilities" in the countries neighbouring Iraq.
- The implications of a "US installed regime in Iraq" for the UK's regional alliances were "not at all positive": "'Fundamentalism' would be boosted."
- It was "not clear" that destruction of identified WMD facilities "would do more than temporarily arrest Iraq's WMD capabilities".
- There was no identified nuclear target.

296. Setting out a "Strategic View", SIS4 wrote:

- Action against Iraq "climbs a steep gradient of complex regional opposition".
- EU co-ordination would be "problematic".
- Co-ordination by the Security Council had been "difficult" because of Iraqi influence on Russia and, to a lesser extent, China.
- Iraq policy was "inextricably tied up with the problem of Israel".
- Egypt, which was "vital to UK interests in the Middle East" was "vulnerable to Iraqi influence due to the failure of MEPP".
- Maintaining international cohesion against terrorism was "a prior imperative".
- Iraq was "succeeding in eroding sanctions" but isolation was "costing Baghdad heavily". Maintaining regional balances, "especially with Iran", was "a problem for Saddam".

297. SIS4 told the Inquiry he had been asked to produce the paper that afternoon and deliver it to No.10.[141]

---

[140] Letter PS/C to Manning, 3 December 2001, 'Iraq' attaching Paper 'Iraq'; Paper 'Iraq: Further Thoughts' and Paper 'US Attacks on Iraq: The Risks and Costs'.
[141] Private hearing, Part 1, page 7.

298. SIS4 stated that Sir David Manning had asked for:

> "A quick paper … of key issues that we need to bear in mind to keep our balance and our perspective in considering Iraq as a rapidly expanding threat … A sort of sedative paper …"[142]

299. SIS4 stated that the first paper was trying to bring out the hazards about the experience to date with Iraq if direct action were taken.[143]

300. SIS4 stated that he had been concerned about:

> "… the lack of our response to the re-emergence of Iraq as a serious regional power …
>
> "I was very alarmed at the way that Iraq was eroding the sanctions regime and evading it. It had been successful in seeing us off with propaganda since the end of the first Gulf War …
>
> "… that power and vitality of Iraq were, in my view, a real threat to the stability of the region."[144]

301. Citing the impact of Iraqi chemical attacks on Iranian troops in the Iran-Iraq War, SIS4 added that "Iraq's potential, its capability in the WMD field, was very dramatic":

> "So the idea of putting an end to this problem was not something I would advocate, but I would see the force of the desire to do it to be decisive."[145]

302. Sir Richard Dearlove could not "recall the exact details" that led to the request for SIS advice, but he recalled "the circumstances", which he described as "a sort of dearth of expertise in the Foreign Office at that sort of level of sophistication, and I'm pretty sure that this initiative comes out of me, David [Manning] and [SIS4] talking amongst each other".[146]

303. Sir Richard described the papers as "catalysts" to stimulate thinking; and emphasised that they had "no status as official papers at all".

304. Sir David Manning was unable to recall the circumstances in which he had requested advice from SIS4 on 30 November, although he postulated that it was a reflection of SIS4's expertise.[147]

305. Sir David pointed out that the discussion of regime change at that stage was about fomenting regime change within Iraq, not about an invasion.

---

[142] Private hearing, Part 1, page 6.
[143] Private hearing, Part 1, page 6.
[144] Private hearing, Part 1, page 12.
[145] Private hearing, Part 1, page 13.
[146] Private hearing, 16 June 2010, pages 9-11.
[147] Private hearing, 24 June 2010, pages 9-16.

306. Although the covering letter from Sir Richard Dearlove's Private Office described the second paper as "an expansion" of the first, the paper drew on SIS4's discussion with Sir David Manning about a "possible way ahead".[148]

307. Addressing the question "Why Move?", SIS4 wrote:

> "The removal of Saddam remains a prize because it could give new security to oil supplies; engage a powerful and secular state in the fight against Sunni extremist terror, open political horizons in the GCC [Gulf Co-operation Council] states, remove a threat to Jordan/Israel, undermine the regional logic on WMD. The major challenge would be managing the regional reintegration of Iraq, without damaging important local relationships. Working for regime change could be a dynamic process of alliance building which could effect climatic change in the Arab-Israeli conflict."

308. SIS4 proposed a "new route map" where the key idea was that it would be "possible to speak openly about support for regime change in Iraq without compromising the actual project to support a coup". He suggested a "policy statement: **we want regime change in Baghdad and we are ready to provide air support to coup makers**". The latter would "need to be Sunnis ready to abide by UN resolutions".

309. SIS4 made a number of other observations, including:

- "To meet US impatience a 12-18 month timeframe should be imposed."
- There had been "a serious problem" with the legality of supporting coup makers.
- The message to key partners should include "assurances" that the approach was "going to be balanced, studied, planned and proportionate – better than bombing now".
- Examination of the interests affected and "means to compensate" them – "especially Turkey, Iran and Syria".
- Consideration of "international participation" in the military "task force".
- Legal examination of Iraqi liabilities and draft arrangements to manage them.
- "Promotion of serious **debate** within the region on **WMD**: costs and responsibilities."

310. Setting out "Our Aims for the Region", SIS4 wrote that there were:

> "… two further aims: climatic change in the psychology of regimes in the region, a pre-condition for progress in the Arab-Israel dispute … The problem of WMD is an element in driving for action in Iraq. In turn, this should open prospects for Arab-Israeli talks, and, beyond, regional work to reduce the WMD inventories which threaten Europe as well."

---

[148] Letter PS/C to Manning, 3 December 2001, 'Iraq' attaching Paper, 'Iraq: Further Thoughts'.

311. SIS4 confirmed that the second paper he had produced was:

> "… about managing the paradox of working hard for regime change, communicating in secret, and being able to communicate to the world and to the Iraqi population in the hope maybe of precipitating local Iraqi help, without compromising that core and secret effort."[149]

312. Asked about his view that it would be important not to parachute a regime in from the external opposition, and that: "The new government would need to be broadly based but predominantly Sunni", SIS4 replied:

> "… the people being toppled were Ba'athists, who were culturally Sunni … but being a Ba'athist wasn't co-extensive with being Sunni. There were a lot of Sunnis in Iraq who would have liked Iraq to be run differently.
>
> "I don't think at this time it occurred to me that it was plausible to transfer an adversarial, party political, representational political system to Iraq.
>
> "… The idea that Iraqi Shias could be fitted out with Republican, Democrat, Lib Dem identities, organisations and run the difficult place which is Iraq, a place which has never had stable political geography, wouldn't have occurred to me in 2001."[150]

313. Asked about the second paper, a "new route map", which stated that the Government Law Officers were going to have to provide assurances of legality, and that there had been a serious problem there, SIS4 replied:

> "… I can't honestly tell you what particular thought was in my mind there. I'm not aware of any discussions of the legality …"[151]

314. The third paper was a companion piece to the second, providing an expanded analysis of the risks and costs of US attacks on Iraq in four categories:

- "**Strategic**" – including increased distrust of the US and damage to confidence in HMG; serious strain on the coalition against terrorism; and reinforcing the motives and grievances of terrorists.
- "**United Nations**" – including erosion of UN sanctions and renewed splits in the Security Council.
- "**Regional**" – including resentment in the Arab street and popular pressure on regional regimes; an increase in radical Islamist extremism; a boost to the Intifada and damage to the MEPP; threats to the stability of key allies; and reduction of support for operation of the No-Fly Zones.
- "**Iraq Internal**" – including the division of Iraq and the possibility that Saddam Hussein might respond to a perceived existential threat by attacking Israel with

[149] Private hearing, Part 1, page 14.
[150] Private hearing, Part 1, pages 23-24.
[151] Private hearing, Part 1, pages 26-27.

any remaining SCUD-type missiles with chemical or biological warheads, "The Samson Scenario"; or mount conventional attacks on Israel or unconventional attacks on Israel or UK/US military assets.[152]

315. SIS4 also stated that the outcomes of a bombing campaign would be "both uncertain and hard to control".

316. Mr Blair told the Inquiry that the first paper he had received was the FCO advice on options.[153] While it "concluded there were no anti-terrorist grounds" for military action against Iraq, that was because "we saw no link between Iraq and Al Qaida". It did not "deal with the point, however, that post September 11th WMD" had taken on "a different significance". Mr Blair also referred to the details of Iraq's capabilities and its concealment activities as "not exactly … reassuring".

317. Addressing the papers provided by SIS4, Mr Blair stated that one had pointed out that getting regime change would be "very, very difficult … so watch out", and another had argued: "On the other hand, leaving him [Saddam] there is also very, very difficult."[154] Those two views remained.

318. Mr Blair added that he thought that one of the papers said "by implication you cannot stop the WMD programme unless you actually remove Saddam".

319. The papers produced by SIS4 did not address whether regime change was a prerequisite for stopping Iraq's WMD programmes. That was the conclusion of the JIC Assessment of 27 February 2002 and the CO Options Paper of 8 March (see Section 3.2).

320. On 5 December, Mr McDonald wrote to Sir Richard Dearlove's Private Office recording that Mr Straw had seen two SIS papers and thought they were "very perceptive" and he hoped that the Prime Minister would read them.[155]

321. Asked whether Mr Straw's comments constituted support for his proposals, SIS4 replied:

"No …

"I don't want to leave the impression in your minds that at this point there was an autonomous UK based drive towards regime change, because I have no memory of that. I have a vivid memory of people being very concerned that all this stuff may be about to happen, and what do we think about it. What do we think of the arguments? … What are the dangers? … But clearly we would need to be in a position to discuss

---

[152] Paper, 'US Attacks on Iraq: The Risks and Costs' attached to Letter PS/C to Manning, 3 December 2001, 'Iraq'.
[153] Public hearing, 21 January 2011, pages 32-33.
[154] Public hearing, 21 January 2011, pages 33-34.
[155] Letter McDonald to [PS/C], 5 December 2001, 'Iraq'.

it with the Americans. They were likely to bring it to us. I think there's a distinction there."[156]

322. Mr Straw confirmed that he had seen the second and third papers sent to No.10.[157] Mr Straw wrote that his comments were based on the two papers taken together and that from his perspective SIS4's reference to the need for assurances of legality were:

> "… spelling out quite plainly that 'assurances of legality' were an essential pre-condition to any HMG policy in support of UK military action with the objective of regime change."

323. Mr Straw emphasised that one of the central arguments against regime change was, as the FCO advice of 3 December and SIS4's paper had made clear, "the fact that it was illegal".

Mr Blair's paper for President Bush, 4 December 2001

324. Mr Blair and President Bush discussed future options for Iraq on 3 December 2001.

325. Mr Blair told President Bush that he was not opposed to the removal of Saddam Hussein, but an extremely clever plan would be needed.

326. Mr Blair suggested the visit to Washington by Sir David Manning and Sir Richard Dearlove later that week would be an opportunity to share thinking on the next phase.

327. Mr Blair spoke to President Bush by telephone on 3 December.[158]

328. The conversation was primarily about the position in Afghanistan, including the prospects for the Bonn Conference to generate a request for an international security force, possibly under UN auspices, and whether the UK might lead such a force.

329. In a discussion on future options in relation to Iraq, Mr Blair told President Bush that Sir David Manning and Sir Richard Dearlove would be in Washington later that week. That would be an opportunity to share thinking on "how the next phase might proceed".

330. In response to a discussion about the potential effects in the Middle East if Saddam Hussein were overthrown, Mr Blair said that:

> "… contrary to press reporting, he was not in a different place on this … it would be excellent to get rid of Saddam. But there needed to be a clever strategy for doing this."

---

[156] Private hearing, Part 1, page 15.
[157] Statement, 16 March 2011, page 1.
[158] Letter Tatham to McDonald, 3 December 2001, 'Telephone Conversation with President Bush'.

Following further discussion of the possible options, including that a conventional land invasion was out of the question, Mr Blair repeated that he was:

> "… not opposed to action against Saddam. But an extremely clever plan would be required."

331. Mr Blair and President Bush also discussed Israeli actions.

332. The record of the conversation was sent to Mr Straw's Private Office. It was also sent to Mr Hoon's Private Secretary, Adm Boyce, Sir Richard Dearlove, Sir Stephen Lander (Director General of the Security Service), Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)), Sir Christopher Meyer, Mr John Scarlett (Chairman of the JIC), Mr McKane, and to Sir Richard Wilson's Private Secretary.

333. The following day Mr Blair sent President Bush a paper setting out proposals for Phase 2 of the war against terrorism.

334. In relation to Iraq, Mr Blair stated that it was a threat because: it had a WMD capability; was acquiring more; had shown its willingness to use it; could export that capability; and was in breach of UN Security Council resolutions.

335. Mr Blair suggested a strategy for regime change in Iraq that would build over time which would permit military action to be taken "if necessary, without losing international support".

336. Mr Blair sent President Bush a paper 'The War against Terrorism: The Second Phase' on 4 December.[159]

337. The paper comprised an overview of the possible approaches to potential terrorist threats in seven countries[160] and a 'Strategy for Confronting Islamic Extremism' in moderate Muslim states.

338. In relation to Iraq, the key points were:

- Iraq was a threat because: "it has WMD capability; is acquiring more; has shown its willingness to use it; and can export that capability". Iraq was in breach of UN Security Council resolutions 687 (1991), 715 (1991) and 1284 (1999) and Saddam Hussein supported certain Palestinian terrorist groups and used terror tactics against Iraqi dissidents.
- Any link to 11 September and AQ was "at best very tenuous".
- Although "people want to be rid of Saddam", international opinion "outside the US/UK" would "at present" be "reluctant" to support immediate military action.

---

[159] Paper Blair [to Bush], 4 December 2001, 'The War Against Terrorism: The Second Phase'.
[160] Indonesia, Iran, Iraq, Philippines, Somalia, Syria and Yemen.

339. Mr Blair suggested that a "strategy for regime change that builds over time" was needed: "until we get to the point where military action could be taken if necessary" without losing international support and "facing a choice between massive intervention and nothing". That might comprise six elements.

340. The first was "Softening up" opinion by:

- drawing attention to Saddam's breach of UN resolutions;
- saying that regime change was "desirable", but "not yet setting it as a military objective";
- signalling willingness to support opposition groups;
- building a regional coalition against Iraq; and
- demanding the return of weapons inspectors "without specifying military action if the demand is not met, we let it be clearly seen that nothing is ruled out. But our time frame is deliberately vague."

341. Mr Blair commented that that would be "presentationally difficult":

> "We need to be very precise to avoid getting drawn into threats we are not yet ready to implement. But we would be unsettling Saddam; possibly forcing concessions out of him … and giving ourselves room for manoeuvre."

In the meantime, the US and UK would "continue to enforce the No-Fly Zones on a more intensive basis".

342. The other elements suggested by Mr Blair were:

- Applying "real pressure on Syria to stop the flow of Iraqi oil by closing the oil pipeline", clamping down on "Saddam's illegal financial transactions", and helping Jordan. Turkey would also need to stop illegal oil imports.
- Bringing "Russia on board, by ensuring their financial interests don't suffer adversely". Withdrawal of Russian support would have a very negative impact on Saddam Hussein.
- Supporting "opposition groups" and setting out an agenda for post-Saddam Iraq (the FCO's 'Contract with the Iraqi People').
- Mounting "covert operations" in support of those "with the ability to topple Saddam".
- "When the rebellion finally occurs we back it militarily." That included air support and support for uprisings. Mr Blair wrote: "What everyone in Iraq and around fears is that we will start this action but not finish it. They need to know, and we need to be clear, that if an uprising occurs, we are willing to act militarily in support."

343. Summarising his position, Mr Blair wrote:

> "So: my strategy is to build this over time until we get to the point where military action could be taken if necessary; but meanwhile bring people towards us, undermine Saddam, without so alarming people about the immediacy of action that we frighten the horses, lose Russia and/or half the EU and nervous Arab states and find ourselves facing a choice between massive intervention and nothing."

344. Addressing Syria and Iran, Mr Blair wrote:

> "If toppling Saddam is a prime objective, it is far easier to do it with Syria and Iran in favour or acquiescing rather than hitting all three at once. I favour giving these two a chance at a different relationship … in return for closing down support for Hizbollah and Hamas and helping us over Iraq. I don't underestimate the problems … but I think it is possible …"

345. Mr Blair also identified the dangers in any action of "unintended consequences" for international support. He added that the outcome of Afghanistan would be important to Phase 2. If Afghanistan was left as a:

> "… better country, having supplied humanitarian aid and having given new hope to the people, we will not just have won militarily but morally; and the coalition will back us to do more elsewhere. In particular, we shall have given regime change a good name, which will help us in the argument over Iraq. So in my view, the political and diplomatic must always be reinforcing the military."

346. Mr Blair drew attention to the need to put the Middle East Peace Process "back on track" or it would "complicate everything".

347. Finally, Mr Blair suggested that the US and UK should be working with Pakistan, Saudi Arabia and other Muslim countries "on a strategy for confronting Islamic fundamentalism and extremism".

348. Sir David Manning delivered the paper to the US.

349. Following discussions in Washington, Sir David reported that the US Administration was "open to Mr Blair's ideas", and that the discussions "had been worth the journey".

350. Sir David also advised that there was a need to "make more of the WMD menace presented by Saddam".

351. Following talks in Washington, at which Sir Richard Dearlove had also been present, Sir David Manning reported that he had taken Dr Rice through Mr Blair's paper, including the "vital need" for progress on the MEPP.[161] The US response had been "encouraging", except on the MEPP.

---

[161] Minute Manning to Prime Minister, 6 December 2001, 'Meeting with Condi Rice: Iraq and Phase 2'.

352. On Iraq, Sir David reported that the US was conducting a full review of the options. The US had been reviewing the possibilities before 9/11, but the attacks had given the process new urgency. He had stated that:

> "… Saddam would only be overthrown if there was a strategy which co-ordinated work on all aspects of the problem. We should be patient. We must prepare very carefully, even if Saddam felt the net tightening. We should do it right rather than do it quickly."

353. In the context of a discussion about what had changed since 1991, including the availability of precision weapons and Saddam's "new WMD capabilities", Sir David wrote:

> "We should make more of the WMD menace presented by Saddam: people were far more sensitive to the dangers after what we had discovered in Afghanistan. And we should take the time and trouble to maintain the support of the coalition that we had worked so hard to build. The moderate Arabs were impressed by our swift and successful conduct of the Afghan campaign … They were also united in loathing Saddam. If we contrived his initial overthrow, with outside support, they might stick with us."

354. Sir David concluded that the discussions "had been worth the journey" and that it seemed the thinking "at the top level of the Administration" was "very close" to Mr Blair's. The Administration was "open to Mr Blair's ideas".

355. Sir David suggested that Mr Blair should talk to President Bush and propose a US/UK group to "take the Iraq issue forward together". At the request of the US, the discussions would need to be "extremely tightly held, involving only No.10/SIS/Cabinet Office".

356. Mr Blair wrote on the minute: "I agree with all this as discussed."[162]

357. After his return to London, Sir David Manning sent a copy of the paper he had taken to Washington to the Private Secretaries to Mr Straw and Mr Hoon, Sir Richard Wilson, Mr Scarlett, Sir Richard Dearlove, Mr Powell and Sir Christopher Meyer.[163]

358. There was no mention in that letter of Sir David's visit to Washington or the substance of the discussions.

359. Sir David's report of the discussions for Mr Blair was not sent to anyone outside No.10.

---

[162] Manuscript comment Blair on Minute Manning to Prime Minister, 6 December 2001, 'Meeting with Condi Rice: Iraq and Phase 2'.
[163] Letter Manning to McDonald, 7 December 2001, 'The War Against Terrorism: The Second Phase'.

360. Mr Jonathan Powell told the Inquiry that when Sir David Manning returned from Washington, he had reported that Dr Rice had assured him that the Administration had "no immediate plans for action in Iraq".[164]

361. In a minute on 10 December, the FCO Counter-Terrorism Policy Department (CTPD) stated:

> "We have dropped plans to produce a paper on … Iraq, as our objectives there are better pursued in different ways."[165]

362. In a meeting with Secretary Powell in London on 11 December, Mr Blair repeated his view that "we needed a clever strategy to deal with Saddam"; and identified the important consequences of success in Afghanistan.[166]

363. Mr Blair and President Bush spoke on 11 December but there is no mention of Iraq or Phase 2 of the war on terrorism in the record of the discussion.[167]

364. Asked what he had said to President Bush, Mr Blair replied:

> "… when you get to my conversation with President Bush … I am saying to him 'Look, we are going to have to deal with this issue. We accept that. After September 11, the calculus of risk has changed and changed fundamentally. We cannot allow Saddam Hussein to be in breach of UN resolutions.'
>
> "So I am signalling that I am up for the policy of handling and dealing with this issue and we are going to be with America in doing that.
>
> "We then I think from memory had a discussion about all sorts of different aspects of that and how it might be done … I was in no doubt it would be beneficial for the world to get rid of Saddam Hussein and to get rid of his regime."[168]

365. Mr Blair added:

> "On the other hand, I was saying 'This is going to be difficult precisely because of the things listed in the paper from the SIS officer'. Those were:
>
> - The lack of response to the re-emergence of Iraq as a serious regional power.
> - Alarm at the way that Iraq was eroding the sanctions regime and evading it.
> - Iraq's success in seeing us [the US and UK] off with propaganda since the end of the first Gulf Conflict.

---

[164] Public hearing, 18 January 2010, page 17.
[165] Minute Bloomfield to Prentice, 10 December 2001, 'Counter-Terrorism: Phase Two: Country CT Strategies'.
[166] Letter Manning to McDonald, 11 December 2001, 'Call by Colin Powell on the Prime Minister: War on Terrorism'.
[167] Email Cabinet Office [junior official] to Hammond, 23 June 2014, 'BB8 issues'.
[168] Public hearing, 21 January 2011, pages 34-35.

- Iraq's potential to produce WMD at very short notice. Nuclear would be slightly different … but Iraq's potential, its capability was very dramatic."[169]

366. Asked whether Iraq should have been encompassed in Phase 2, Mr Blair replied:

> "Absolutely … I thought we had to deal with all the problems …
>
> "My view was that this was all part of one issue in the end, and that you had to deal with each and every individual part … that you couldn't … say: '… we will deal with it sequentially …' That was not my view."[170]

367. Asked whether he had agreed with the advice in the FCO letter of 3 December, to ratchet up containment and steering away from the idea of supporting uprisings, let alone military intervention for the purposes of regime change, Mr Blair replied:

> "… they were not quite saying that. What they were saying was, '… there is a policy of containment.'… They go on to say: 'However, it's not actually stopped him doing what he is doing'."[171]

368. Asked if, in the context of the paper he had sent to President Bush, he was actively looking at a strategy that would build up in stages to military action against Iraq to deal with Saddam Hussein, Mr Blair replied:

> "… I could see where this was heading the same as everybody else …
>
> "… It was very obvious you had to deal with the issue. There were two ways of dealing with it: change of heart or change of regime. That was more or less as it remained throughout."[172]

369. Asked if the initiative had been followed up, Mr Blair referred to "a sort of build-up", including an Assessment from the JIC, leading to his meeting with President Bush in Crawford in April.[173] That had evolved at "quite a fast pace … down a track towards regime change".

370. Mr Blair added that it was "absolutely clear from the outset" after 9/11 that President Bush was going to change the regime if Saddam Hussein did not let the inspectors back into Iraq. The question was whether the US strategy could be "put into a somewhat different track", initially an ultimatum and then through the UN.

371. The development of thinking in preparation for Mr Blair's meeting with President Bush at Crawford in early April 2002 is addressed in Section 3.2.

---

[169] Public hearing, 21 January 2011, pages 35-36.
[170] Public hearing, 21 January 2011, pages 37-38.
[171] Public hearing, 21 January 2011, pages 38-39.
[172] Public hearing, 21 January 2011, pages 40-41.
[173] Public hearing, 21 January 2011, pages 41-42.

372. Reporting a discussion with Mr Peter Mandelson on 4 December, who wanted background information on Iraq for use in speaking engagements on Middle East issues, Mr McKane recorded that Mr Mandelson had been "particularly interested in the prospects for effective action to unseat Saddam Hussein".[174] Mr McKane reported that he had "pointed out the legal position, and also the difficulties in finding an effective strategy, whether military or otherwise, to deal effectively with Iraq".

373. In response to a question about other targets for coalition action in Phase 2, Mr McKane reported that he had "sketched out in general terms" the links between Usama Bin Laden and Islamic extremists in other countries.

374. On 5 December, Mr Straw emphasised the need for Iraq to meet the obligations imposed by the UN, including the re-admission of weapons inspectors.

375. On 5 December, in a debate in Parliament on the Middle East, following terrorist attacks in Israel, Mr Dalyell asked whether the Government was "doing everything possible to deter certain Americans from the folly of attacking Iraq".[175] Mr Straw responded:

> "… The key to Iraq coming back into the civilised world is for Iraq to implement the undertakings imposed on it by the … Security Council resolutions, including the re-admission of weapons inspectors. I say strongly … that Iraq continues to pose a very serious threat to Arab states, as well as to the state of Israel, by its continued unlawful development of weapons of mass destruction."

376. Asked if the UK took the same view as President Bush that UN inspectors must return to Iraq, Mr Straw told the Foreign Affairs Committee on 5 December:

> "Yes. Saddam Hussein is the architect of the misfortunes of the Iraqi people … Iraq poses a very severe threat in terms of its development and possible use of weapons of mass destruction, of that there can be no doubt. Therefore restraining the development of those weapons … is essential, and to do that we require proper inspection."[176]

377. Mr Straw added that the UK had "been in the lead in the United Nations on seeking … a more effective replacement, of … resolution 1284". The new sanctions regime might "With luck" be in place in six months. That would allow the export of goods to Iraq for civilian use for humanitarian and other purposes, and "more effectively interdict material which is either for military use for weapons of mass destruction, certain conventional weapons, or of dual use".

---

[174] Minute McKane to Manning, 4 December 2001, 'Iraq: Peter Mandelson'.
[175] House of Commons, *Official Report*, 5 December 2001, columns 338-339.
[176] Select Committee on Foreign Affairs, 5 December 2001, *Minutes of Evidence*, Qs 47-52.

378. Asked whether Iraq could be persuaded to permit the return of inspectors "without an intensification of military action", Mr Straw replied:

> "… I would not use the verb persuade. I see some prospect of Iraq coming to accept that this has to happen for the future of the regime as well as the future of the people in that country. I would not put it higher than that but I think there is some evidence to that effect."
>
> …
>
> "There certainly has to be an intensification of diplomatic pressure … it requires more active engagement, for example by Russia … and a recognition … that what has been an ambiguous approach to Iraq … is not helpful in terms of the stability of the region and the stability of the international community."

379. Asked if he thought the rights under the UN Charter extended "to taking pre-emptive action against a state which the US" believed might attack it, Mr Straw replied that all states had a right to self-defence and he was not going to be "drawn into hypothetical answers to hypothetical questions of the 'what if' variety". If a country received "very good information" that it was about to be attacked it could take action in self defence consistent with Article 51 of the UN Charter, but the exact circumstances would vary.

380. In response to a final question about Iraq's programme of developing a larger ballistic missile capability and that it was "possibly developing chemical, biological, maybe even nuclear weapons" and what might happen next after Afghanistan, Mr Straw replied:

> "… You are right to say that Iraq's building of weapons of mass destruction is a very serious potential threat to the peace and stability of the region and, therefore, to the whole of the international community … [and] to imply that the international community has to take action. There is then a question of what action is best taken in respect of that where care and consideration is required. This is a separate matter to culpability for the atrocities of 11 September … but we are … very concerned, about Iraq's development of these weapons. We believe that international action has to take place and I have talked already about the dramatic steps which have to be taken."

MOD's initial response to international terrorism

In a speech at King's College on 5 December, Mr Hoon set out "preliminary thoughts" on the work commissioned by the MOD following the attacks on 11 September.[177]

Mr Hoon set out five approaches the Armed Forces might take in countering the threat outside the UK:

- preventing the conditions that allowed international terrorist organisations to operate, including peace support operations to prevent instability or to assist in stabilisation of states which did not have the means to exercise control over their own territory;
- deterring attacks including:
  - considering "setting out more clearly and repeatedly our views on holding to account regimes which directly support international terrorist groups, or condone their presence within their borders"; and
  - looking "at how we deter the use of chemical, biological and radiological weapons as well as nuclear weapons and, importantly, dissuade those who facilitate the proliferation of such weapons";
- coercion of regimes and states which harboured or supported international terrorism "with the threat and, ultimately, the use of, military force in the event that diplomatic and other means fail";
- active disruption of activities supporting international terrorist groups; and
- destroying terrorist cells "and, perhaps in the last instance, to act against regimes such as the Taliban" which supported and protected terrorists.

The perspective in the US, December 2001

381. On 6 December, *The Washington Post* reported the text of a letter sent to President Bush by Senators McCain, Lieberman, Holmes and Lott, amongst others, arguing that "as we work to clean up Afghanistan and destroy Al Qaida, it is imperative that we plan to eliminate the threat from Iraq", suggesting that the US "must directly confront Saddam, sooner rather than later".[178]

382. The letter stated:

> "We cannot be drawn into the ethnic politics of any particular nation, but should find a way to work with all the opposition in a unified framework. The Iraqi National Congress is the only umbrella organisation comprising all elements of the Iraqi opposition. No one group is excluded, no one group is favoured … All indications are that in the interest of our own national security, Saddam Hussein must be removed from power."

---

[177] Speech, 5 December 2001.
[178] Email Hall to various, 6 December 2001, 'Letter to the President on Iraq'.

383. Mr Kevin Tebbit, the MOD Permanent Under Secretary, visited Washington from 5 to 7 December 2001 where his meetings with a range of contacts included discussions on Afghanistan and the next stage of the war against terrorism.[179]

384. Reporting to Mr Hoon on the visit, Mr Tebbit stated that Washington saw itself as being on a "war footing" and "the focus on international terrorism remains intense".[180] That focus influenced "the US attitude and approach to the rest of the agenda". In his view that meant:

> "UK views are listened to, like nobody else's; all doors are open (but it doesn't mean that we can easily get our way or secure our interests);
>
> "… if we want our advice to be heeded on general pol/mil [political/military] issues, we need to place it in the context of counter-terrorism post 11 September … everything needs to relate back to the war in some way if we are to catch their ear; and
>
> "… there is a widespread and bipartisan sense, extending well beyond Administration 'hawks' that Iraq will need to be dealt with sooner rather than later. This rationale is not quite as simplistic as we like to think. They do not suspect Saddam of complicity in 11 September. But they regard it as all too likely that he will make WMD available to terrorist groups without much warning. Our success in dissuading the Administration from military action without proper political and diplomatic preparation (though there was no sense that a military move was imminent) will depend on our ability to engage constructively on the strategy and tactics."

385. The report was also sent to the FCO, Sir Christopher Meyer, and to Sir David Manning.

386. While Mr Tebbit was in Washington, an attempt was made by a senior Republican close to the Pentagon to persuade him that the Iraqi National Congress could be a force to be reckoned with sufficient to cause an Iraqi response and enable the US to take supportive military action. Mr Tebbit commissioned an analysis of that thesis which he expected would "show it to be flawed".[181]

387. Sir Kevin Tebbit told the Inquiry that the desire in the US State Department was to move down the UN track, but the mood in Secretary Rumsfeld's Office was "much tougher".[182] Mr Richard Perle, Chairman of the Defence Advisory Board, whom Sir Kevin regarded as one of the "most influential figures" on Secretary Rumsfeld's thinking, was "very clearly talking of trying to encourage a sort of Northern Alliance of Iraq".[183]

---

[179] Telegram 1684 Washington to FCO London, 8 December 2001, 'Tebbit's Visit to Washington: Wider War Against Terrorism'.
[180] Minute Tebbit to Secretary of State [MOD], 10 December 2001, 'Visit to Washington 5-7 December'.
[181] Minute Wilson to PS/CDI, 13 December 2001, 'Iraq: Is there a "Northern Alliance"?'
[182] Private hearing, 6 May 2010, page 4.
[183] Private hearing, 6 May 2010, page 4.

388. Sir Kevin confirmed he considered Mr Perle's thinking to be "flawed" and that the UK had not been challenging it sufficiently strongly.[184]

389. The MOD subsequently concluded that there was "no Northern Alliance equivalent … who could take advantage of precision bombing" in Iraq.[185]

390. On 7 December, Kandahar fell to anti-Taliban forces led by Mr Hamid Karzai, supported by US Marines.[186]

391. Sir Richard Dearlove advised No.10 at the end of December that it would be very much in the Government's interest to work with the US and that the outcome of US thinking would be of "enormous significance" to the national interest.

392. Following the discussion in Washington on 5 December, Sir Richard Dearlove asked SIS4 and SIS7 to hold follow up talks on Iraq.[187] He reported the outcome of the talks to Sir David Manning on 27 December, with details of the discussions between SIS and the Central Intelligence Agency (CIA).

393. SIS4 had suggested a "middle ground" option should be examined. That would be to create conditions within Iraq which, with air support, could act as a catalyst for a coup which would bring Saddam Hussein down within the next one to two years.

394. Sir Richard advised that the outcome of US thinking was likely to be "an intelligent and co-ordinated push for regime change, but a more aggressive military campaign cannot be ruled out". If it were the former, the US would look for UK support. There had been no discussion about what the US would expect from the UK in the event of a military campaign.

395. Sir Richard suggested that if a US policy decision went "the right way" he believed that it would be:

> "… very much in HMG's interest to work with the Americans. We have a contribution to make and the outcome is of enormous significance for our national interest."

396. As Section 3.2 shows, Mr Straw does not seem to have been informed of SIS discussions with the US until 19 February 2002.

397. While Sir David Manning had confirmed in early December that the US was conducting a full review of all its options, there are no indications that the UK was aware that President Bush had specifically commissioned General Franks to look at military options for removing Saddam Hussein; and that that would include options for a conventional land invasion.

---

[184] Private hearing, 6 May 2010, page 5.
[185] Minute Cholerton to APS/Secretary of State [MOD], 24 January 2002, 'Iraq: No Fly Zones'.
[186] Bush GW. *Decision Points*. Virgin Books, 2010.
[187] Letter Dearlove to Manning, 27 December 2001, 'Iraq Policy'.

398. General Franks visited Crawford on 28 December 2001 to brief President Bush on Iraq.[188] Other members of the national security team were linked by video to the briefing. General Franks informed President Bush that the plan on the shelf required a six month build up and 400,000 troops; he was looking at whether as a result of lessons from Afghanistan fewer conventional ground forces would be needed. He had "envisioned a fast invasion from Kuwait in the south, Saudi Arabia and Jordan in the west, and Turkey in the north".

399. Secretary Rumsfeld recorded that General Franks' plan called for "an invasion force of 145,000 … which would be increased to 275,000 if and as needed".[189]

400. The report from the US Special Inspector General for Iraq Reconstruction, *Hard Lessons*, stated that the concept of operations briefed to President Bush had been devised in four video conferences between Thanksgiving (22 November 2001) and late December 2001. It focused chiefly on the combat phase and "anticipated a rapid post war handoff to a provisional Iraqi government and a minimal continuing military footprint".[190]

401. President Bush wrote that after the 28 December briefing he had "asked the team to keep working on the plan", while observing that:

> "… we should remain optimistic that diplomacy and international pressure will succeed in disarming the regime … But we cannot allow weapons of mass destruction to fall into the hands of terrorists. I will not allow that to happen."[191]

402. General Franks wrote that he gave a further briefing on the developing plan to President Bush and US Principals on 7 February 2002, in which he identified the "optimum operational timing" as "December-mid-March" [2003].[192]

Developments in January 2002

403. Following an inter-departmental meeting chaired by the Cabinet Office on 14 January 2002, Mr McKane reported to Sir David Manning that the UK continued to push for the introduction of the Goods Review List by 30 May 2002 as authorised by resolution 1382 (2001).[193] The prospects for agreement on implementation of resolution 1284 (i.e. the return of weapons inspectors) were "slim". There was a continued discussion about whether the introduction of the GRL should take place before, or in parallel with, clarification of what Iraq had to do to get sanctions suspended and the regime which would be put in place thereafter.

---

[188] Bush GW. *Decision Points*. Virgin Books, 2010.
[189] Rumsfeld D. *Known and Unknown: A Memoir.* Sentinel, 2011.
[190] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[191] Bush GW. *Decision Points*. Virgin Books, 2010.
[192] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[193] Minute McKane to Manning, 15 January 2002, 'Iraq'.

404. Sir David Manning and Sir Richard Dearlove visited Washington again on 21 January 2002.[194]

405. In relation to discussions on Iraq, Sir David reported that there was an expectation that Saddam Hussein would "make a display of renewed co-operation" in the coming weeks. That would "probably include some kind of offer on inspections". The US would "resist sham inspections" which took the pressure off Saddam Hussein and "did nothing to further our interests". One senior US individual had suggested that it would be easier if Saddam Hussein "remained completely obdurate so that we were not faced with predictable arguments about giving him another chance". That was "just what he wanted".

406. Sir David added that the US Administration's "view remained that we should be pushing ahead for regime change". He had said that Mr Blair:

> "… favoured regime change but wanted a carefully constructed strategy. We must not rush in and fail. It seemed to me very unlikely that we would be in a position to take serious action before Saddam made a move on inspectors. We would have to factor this in."

407. Sir David reported that the timing of a strategy for dealing with Saddam Hussein was vague and there was "no sign that Washington has a clear plan that would allow early action". Any UK contribution would need Mr Blair's endorsement and "might have to be processed through the Attorney". The US and UK would look at options. There were some doubts about whether a strategy for regime change would be viable.

408. Sir David Manning told the Inquiry that the visit took place:

> "… in the knowledge that Iraq had been the subject of considerable debate in Washington … and I recall saying to Dr Rice that if there was a review … it would certainly … have to include the whole question of how to incorporate inspections …"[195]

409. Mr Powell told the Inquiry that Sir David had told Dr Rice that the UK would need the advice of the Attorney General before any action at any stage would be possible.[196]

410. Following a visit to Baghdad by Mr Amre Moussa, the Secretary General of the Arab League, on 18 and 19 January, Mr John Sawers, British Ambassador to Egypt, reported that Mr Moussa had told him Saddam Hussein had:

- shown "the seeds of flexibility" during the visit and professed a desire to re-open a dialogue with Mr Annan, without pre-conditions and with an open agenda,

---

[194] Minute Manning to Powell, 22 January 2002, 'Talks with Condi Rice, 21 January: Iraq'.
[195] Public hearing, 30 November 2009, page 10.
[196] Public hearing, 18 January 2010, page 100.

although Iraq would not make the first move and the initiative would have to come from the UN; and

- accepted that the time had come for Iraq to start talking about the return of inspectors and asked Mr Moussa to contact Dr Blix on his behalf.[197]

411. Mr Powell drew the telegram to Mr Blair's attention, commenting:

> "This ties in with other indications that Saddam is wriggling, trying to get off the hook. The US will want to ignore these talks and keep open the possibility of regime change instead of inspectors."[198]

412. Mr Blair responded: "We shd keep up the pressure."[199]

Conclusions

413. After the attacks on the US on 9/11, which was widely accepted as having changed the nature of the threat and the way in which Governments should address calculations about the risks being faced, Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.

414. Throughout the autumn of 2001, Mr Blair took an active and leading role in building a coalition to act against that threat, including military action against Al Qaida and the Taliban regime in Afghanistan. He also emphasised the potential risk of terrorists acquiring and using a nuclear, biological or chemical weapon, and the dangers of inaction.

415. In November 2001, the JIC assessed that Iraq had played no role in the 9/11 attacks on the US and that practical co-operation between Iraq and Al Qaida was unlikely. There was no credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups. It was possible that Iraq might use WMD in terrorist attacks, but only if the regime was under serious and imminent threat of collapse.

416. In relation to Iraq, Mr Blair sought to influence US policy and prevent precipitate military action by the US which would undermine the success of the coalition which had been established for action against international terrorism. He recommended identifying an alternative policy which would command widespread international support.

---

[197] Telegram 21 Cairo to FCO London, 24 January 2002, 'Iraq/Arab League: Moussa's Visit to Baghdad'.
[198] Manuscript comment Powell to Prime Minister, [undated], on Telegram 21 Cairo to FCO London, 24 January 2002, 'Iraq/Arab League: Moussa's Visit to Baghdad'.
[199] Manuscript comment Prime Minister to Powell, [undated], on Telegram 21 Cairo to FCO London, 24 January 2002, 'Iraq/Arab League: Moussa's Visit to Baghdad'.

417. While recognising the difficulties, the UK continued actively to pursue the policy framework agreed earlier in 2001 of strengthening the policy of containing Iraq, through a revised and more targeted sanctions regime and seeking Iraq's agreement to the return of inspectors as required by resolution 1284 (1999).

418. The adoption of resolution 1382 (2001) went some way towards that objective. But support for economic sanctions was eroding and whether Iraq would ever agree to re-admit weapons inspectors and allow them to operate without obstruction was in doubt.

419. Following President Bush's remarks on 26 November, there were renewed UK concerns that US attention was turning towards military action on Iraq.

420. Mr Blair's discussion with President Bush on 3 December and the paper he sent to President Bush the following day represented a significant development of the UK's approach. Mr Blair suggested a "clever strategy" for regime change in Iraq that built over time, until the point was reached where "military action could be taken if necessary", without losing international support.

421. Mr Blair also emphasised the threat which Iraq might pose in the future, which remained a key part his position in the months that followed.

422. Mr Blair was offering President Bush the UK's support in an effort to influence his decisions on Iraq while seeking to devise a strategy which would command international support.

423. The proposals represented a significant departure from the UK's previous approach. In essence the strategy entailed renewed demands for Iraq to comply with the obligations imposed by the Security Council and the re-admission of weapons inspectors, and a readiness to respond firmly if Saddam Hussein failed to comply.

424. The strategy had multiple diplomatic strands and Mr Blair did not, at that stage, have a ground invasion of Iraq or immediate military action of any sort in mind. But he did state that when a rebellion occurred, the US and UK should "back it militarily". That was the first step towards a policy of possible intervention in Iraq.

425. There is no evidence of any formal consideration of the detailed terms of the strategy for Iraq Mr Blair proposed to President Bush, which went beyond the strategy proposed by the FCO, or its potential implications.

426. The paper Mr Blair sent to President Bush on 4 December was not seen in advance by Mr Straw or Mr Hoon although it was sent to them subsequently.

427. A number of issues, including the legal basis for any military action, would need to be resolved as part of developing the "clever strategy".

428. The evidence indicates that Mr Straw and Mr Hoon were unaware that, with No.10's knowledge, a dialogue had subsequently been initiated between SIS and the CIA.

SECTION 3.2

DEVELOPMENT OF UK STRATEGY AND OPTIONS, JANUARY TO APRIL 2002 – "AXIS OF EVIL" TO CRAWFORD

Contents

Introduction and key findings 387

President Bush's "axis of evil" speech and the UK response 388
- No.10's response, mid-February 2002 397
- France's position, mid-February 2002 399
- The UK diplomatic perspective 402
  - Mr Blair's meeting with Mr Annan, 25 February 2002 407

Development of the rationale for dealing with the threat from Iraq 410
- JIC Assessment, 27 February 2002: 'Iraq: Saddam Under the Spotlight' 412
- MOD advice to Mr Hoon, 27 February 2002 416
- Government statements on the need to deal with the threat from Iraq 418
  - Draft paper on WMD programmes of concern 425
- Cabinet, 7 March 2002 425
- The Cabinet Office 'Iraq: Options Paper' 432
  - The process for producing the Cabinet Office 'Options Paper' 442
- Lord Goldsmith's request to be kept informed 447
- Discussions with the US Administration, March 2002 448
  - Mr Blair's meeting with Vice President Cheney, 11 March 2002 448
  - Sir David Manning's discussions in Washington, 12 to 13 March 2002 452
  - Cabinet, 14 March 2002 456
  - Sir Christopher Meyer's advice, March 2002 456

Preparations for Crawford 459
- FCO advice on the role of the Iraqi opposition and the history of weapons inspections 459
- Current Intelligence Group Assessment, 15 March 2002: 'The Status of Iraqi WMD Programmes' 462
- Mr Blair's minute, 17 March 2002 463
- The threat to the UK 464
- Advice from Cabinet Ministers 466
  - Cabinet, 21 March 2002 466

Mr Hoon's advice, 22 March 2002 466
Mr Straw's advice, 25 March 2002 468
Mr Straw's conversation with Secretary Powell, 25 March 2002 473
Mr Charles Kennedy's letter, 26 March 2002 477
Mr Powell's advice, 28 March 2002 478
Sir Christopher Meyer's advice, 1 April 2002 480
Advice on the economic effects of military action 482
Chequers meeting, 2 April 2002 483
The US perspective on Mr Blair's position, pre-Crawford 487
Mr Blair's meeting with President Bush at Crawford, April 2002 490
Mr Blair's meetings with President Bush at Crawford, April 2002 491
College Station speech, 7 April 2002 497
Reports to Parliament 501
Cabinet, 11 April 2002 508
The perceptions of key officials 510
Mr Blair's evidence 517
Conclusions 524

Introduction and key findings

1. Following the attacks on the US on 11 September 2001, Mr Blair became increasingly concerned about the risk that international terrorists might acquire and use weapons of mass destruction (WMD) and the threat that posed to the UK and its wider interests. He was convinced that:

- those risks had to be dealt with;
- Iraq was only one element of that wider problem, but the risk changed the way the threat posed by Iraq should be viewed; and
- Iraq had to be dealt with as a priority.

2. This Section of the report sets out the evidence relating to events leading up to Mr Blair’s meeting with President Bush at Crawford, the meeting itself, and the subsequent statements in public and to Cabinet.

3. The UK’s assessments of Iraq’s chemical, biological, nuclear and ballistic missile capabilities, its intent to preserve and enhance those capabilities, and the likelihood of proliferation from Iraq, are addressed in Section 4.1. That Section also addresses the initial preparation of a document for publication on WMD programmes of concern.

Key findings

- The UK continued to pursue implementation of the “smarter” economic sanctions regime in the first months of 2002, but continuing divisions between Permanent Members of the Security Council meant there was no agreement on the way forward.
- In public statements at the end of February and in the first week of March 2002, Mr Blair and Mr Straw set out the view that Iraq was a threat which had to be dealt with.
- At Cabinet on 7 March, Mr Blair and Mr Straw emphasised that no decisions had been taken and Cabinet was not being asked to take decisions. Cabinet endorsed the conclusion that Iraq’s weapons of mass destruction (WMD) programmes posed a threat to peace and endorsed a strategy of engaging closely with the US Government in order to shape policy and its presentation.
- At Crawford, Mr Blair offered President Bush a partnership in dealing urgently with the threat posed by Saddam Hussein. He proposed that the UK and the US should pursue a strategy based on an ultimatum calling on Iraq to permit the return of weapons inspectors or face the consequences.
- Following his meeting with President Bush, Mr Blair stated that Saddam Hussein had to be confronted and brought back into compliance with the UN.
- The acceptance of the possibility that the UK might participate in a military invasion of Iraq was a profound change in UK thinking. Although no decisions had been taken, that became the basis for contingency planning in the months ahead.

President Bush's "axis of evil" speech and the UK response

4. Addressing the potential threat from terrorists with weapons of mass destruction, President Bush described Iraq in his State of the Union speech on 29 January as part of an "axis of evil".

5. The speech prompted a major public debate on both sides of the Atlantic about policy towards Iraq.

6. In his annual State of the Union speech on 29 January 2002 President Bush described the regimes in North Korea and Iran as "sponsors of terrorism".[1] He added that Iraq had continued to:

> "… flaunt its hostility towards America and to support terror … The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens … This is a regime that agreed to international inspections – then kicked out the inspectors. This is a regime that has something to hide from the civilised world."

7. President Bush stated:

> "States like these [North Korea, Iran and Iraq], and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction these regimes pose a grave and growing danger.
>
> "America will do what is necessary to ensure our nation's security … We'll be deliberate, yet time is not on our side. I will not wait on events while dangers gather. I will not stand idly by, as perils draw closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.
>
> "Our war on terror is well begun, but it is only begun. This campaign may not be finished on our watch – yet it must be and it will be waged on our watch."

8. In his memoir President Bush wrote that the media had taken:

> "… the line to mean that the three countries had formed an alliance. That missed the point. The axis … was the link between Governments that pursued WMD and the terrorists who could use those weapons. There was a larger point in the speech that no one could miss. I was serious about dealing with Iraq."[2]

---

[1] The White House, 29 January 2002, *The President's State of the Union Address.*
[2] Bush GW. *Decision Points*. Virgin Books, 2010.

9. Dr. Condoleezza Rice, President Bush’s National Security Advisor, wrote in 2011 that President Bush’s phrase, an “axis of evil”, was “overdramatized”. She and the President were “stunned” when the media focused almost exclusively on it:

> “Since many people believed that we’d already decided to go to war against Iraq, sinister interpretations suggested that we were preparing to use military force against all three states. We had, for all intents and purposes, some believed, declared war on North Korea, Iraq and Iran.”[3]

10. Dr Rice added that, in a speech the following day, and in media interviews, she had sought to clarify what the President had meant:

> “The President wouldn’t take any options off the table, but he’d said we’d work with our friends to deal with the problem; diplomacy was the first line of defense. But, admittedly, the harsh language suggested that negotiation was impossible. How could you negotiate with members of an ‘axis of evil’?”

11. From early 2002, there were increasing indications that key figures in the US Administration were considering military action to achieve regime change in Iraq and there was an emphasis on the potential nexus for the fusion of WMD proliferation and terrorism.

12. Mr Blair stated that regime change would be desirable. If Saddam Hussein wanted to avoid war, he would need to agree to the return of inspectors.

13. Mr Blair told President Bush on 6 February that he agreed on the importance of sending a strong signal to the countries identified as an “axis of evil” that their behaviour needed to change.

14. At a meeting of the Overseas Sub-Committee of the Official Committee on Domestic and International Terrorism (TIDO(O)) on 1 February 2002, chaired by Mr Stephen Wright, FCO Deputy Under-Secretary Defence and Intelligence, the FCO reported that US thinking about Phase 2 of the “War on Terrorism”, as reflected in President Bush’s State of the Union address, was already under way and crystallising around two concepts: the proliferation of WMD and counter-terrorism.[4]

15. Mr Wright stated that the US appeared to be most concerned about the proliferation of WMD to terrorist groups, and that lay at the heart of concerns about a number of states including Iraq. The US saw Iraq increasingly as a WMD rather than a counter-terrorism problem. UK officials thought that the interagency process would probably result in a balanced approach. Military action was seen as a last resort. Action against Iraq was not seen as imminent.

---

[3] Rice C. *No Higher Honour.* Simon & Schuster, 2011.
[4] Minutes, 1 February 2002, Overseas Sub-Committee of the Official Committee on Domestic and International Terrorism meeting.

16. Sir David Manning, Mr Blair's Foreign Policy Adviser and the Head of the Overseas and Defence Secretariat (OD Sec), advised Mr Blair that a number of senior Americans, both Republican and Democrat, were convinced that President Bush was determined on war with Iraq; the doves in the US system were totally marginalised; it was impossible to stand out against the jingoistic mood – people wanted war; taking on the Iraqs of the international system was the best way of making sure that America would not be surprised again.[5] To avoid that, some Americans had urged that Europeans should pursue a policy of tightening sanctions against Iraq, and getting an UNMOVIC (UN Monitoring, Verification and Inspection Commission) and with teeth back on the ground in Iraq. A former US military officer had suggested that the US would invade Iraq within four or five months. Another American expressed doubt about whether Turkey would support military action because of the risk of refugees flooding across its borders.

17. Sir David Manning wrote that the "rhetoric has so far been running ahead of the reality" in the US:

> "The US military have probably been told to make contingency plans … But unless we have been pretty comprehensively deceived … no decisions have yet been taken on how or when to bring it [regime change] about."

18. Mr Blair responded:

> "… Yes it's desirable but how? If we can sort out "how", do it and this is the reason Iraq is making overtures to Iran. To avoid war, Iraq [wd] need to let the inspectors back in."[6]

19. Lord Williams of Baglan, Special Adviser to Mr Jack Straw, the Foreign Secretary, from 2001 to 2005, told the Inquiry that he recalled that:

> "By the opening months of 2002 it was becoming clearer that the Bush Administration appeared intent on a more muscular approach on Iraq that did not rule out military action. At the Davos meeting in January 2002 a US Senator had told the NATO Secretary General George Robertson that President Bush was determined on a war with Iraq and that it was 'a cast iron certainty within the year'. In reported remarks at the Munich security conference, in February the former NATO commander General Wesley Clarke told interlocutors that he believed war was inevitable."[7]

20. During a telephone call with President Bush on a range of issues on 6 February 2002, Mr Blair said that "whatever President Bush may have read in the media, he

---

[5] Minute Manning to Prime Minister, 5 February 2002, 'US Policy Towards Iraq'.
[6] Manuscript comment Blair on Minute Manning to Prime Minister, 5 February 2002, 'US Policy Towards Iraq'.
[7] Statement, 9 January 2011, page 4.

agreed on the importance of sending a strong signal” to the countries identified as part of an “axis of evil” that their behaviour needed to change.[8]

21. FCO officials advised Mr Straw that, while the immediate US focus was on getting a revised Goods Review List agreed by the deadline of 30 May, the signs were that the US would pursue regime change. Pressing for implementation of a tougher inspections regime could offer a potential alternative to military action. If Saddam Hussein failed to co-operate there would be a stronger justification for military action.

22. Reporting on talks the previous week with the US, including progress in US talks with Russia, Mr William Patey, Head of the FCO Middle East Department, advised Mr Straw that:

> “In the absence of any decisions on wider Iraq policy and the post-11 September situation, the immediate US focus is on getting the Goods Review List (GRL) agreed by 30 May deadline.”[9]

23. Mr Patey also described clarification of resolution 1284 (1999) as “anathema to the US”. It feared that would represent “a slippery slope towards a weaker inspections regime”. Mr Patey added:

> “As for the wider policy all the signs point to the US going for a regime change option. But there does not appear to be a viable plan as yet and the time frame remains uncertain. Cheney [Vice President Dick Cheney] is due to tour the Middle East in mid-March and we would be surprised if any decisions were taken before then. We have asked Washington for a further read-out of US thinking beyond State Department.”

24. Reporting on talks with a senior French official, Mr Patey wrote that his reading of US intentions was “the same as ours”. That appeared “to have produced a change in French attitudes towards [resolution] 1284 and the prospects of clarification”. Security Council “agreement on a tough inspections regime with unconditional access” was seen “as the only realistic alternative to US military action”. The talks with French officials are addressed in more detail later in this Section.

25. Mr Patey concluded:

> “If we can get agreement on a tough regime, this would represent a no-lose situation. If the Iraqis continue to resist a tough inspections regime or let the inspectors in then renege, the justification for any military action would be much stronger. If, against all expectations, UNMOVIC were allowed to do their job this would offer the best prospect of dealing with Saddam’s WMD.”

---

[8] Letter [Private Secretary No.10] to McDonald, 6 February 2002, ‘Telephone conversation with US President’.
[9] Minute Patey to Goulty and PS [FCS], 12 February 2002, ‘Iraq: Next Steps’.

26. Mr Alan Goulty, FCO Director Middle East and North Africa, commented to Mr Straw's Private Secretary:

> "So far so good. But much will depend on how the US decide to pursue the regime change option. It would be helpful if I and Mr Patey could be kept up to speed on discussions with the US: hard to write contingency planning papers in ignorance of the contingencies we are planning for."[10]

27. In a letter to Mr Peter Westmacott, British Ambassador to Turkey, the following day, Mr Goulty wrote:

> "The reality is that there is deep scepticism in the US that any UN process can deal seriously with Iraq's WMD … The Iraqis have shown little interest in 1284/ suspension, believing it to be a way of extending sanctions indefinitely. But if we are to offer an alternative to military action, both we and the French are convinced that this will need to involve a tough inspections regime based on strict implementation of existing resolutions. Events since 11 September have increased the chances of reuniting the Security Council around such a proposition. Faced with a regime threatening alternative, and Security Council unity, there is a slight chance Iraq would allow unconditional inspections. This would make it difficult for the hawks in Washington to go ahead with military action. If the Iraqis persist in their refusal then the moral and legal basis for action would be improved. Either way we are in a better position."[11]

28. Mr Goulty concluded:

> "We certainly need a clearer assessment of what the Americans are up to. But it is obvious that there are some in Washington who would not accept yes for an answer. Disillusionment with containment is widespread and the status quo is no longer an option."

29. Sir Christopher Meyer, British Ambassador to the US, saw President Bush's speech as a warning to regimes he saw as "especially dangerous", which had increased expectations of military action against Iraq. The hawks in Washington felt that they had won the argument about the need for military action. The US might want to issue an ultimatum on inspections but set the bar so high that Iraq would never comply.

30. The US might seek UK endorsement for its vision by early March.

31. Sir David Manning was assured by Dr Rice that no decisions would be taken before the planned meeting between Mr Blair and President Bush at Crawford in early April.

---

[10] Manuscript comment Goulty to PS [FCS], 12 February 2002, on Minute Patey to Goulty and PS [FCS], 12 February 2002, 'Iraq: Next Steps'.
[11] Letter Goulty to Westmacott, 15 February 2002, 'Iraq'.

32. On 11 February, Sir Christopher Meyer advised that President Bush’s reference to an “axis of evil” was:

> “… a warning to regimes which Bush sees as especially dangerous. It is not simplistic; it increases expectations of military action against Iraq; and it has added to transatlantic strains.”[12]

33. Sir Christopher reported that it was “the latest version of the Bush doctrine” which rotated “on an axis which links terrorist networks, states which harbour them, and rogue states with WMD”. President Bush had set out the first version of the doctrine, which comprised the elements in his speech to Congress on 20 September 2001. Rogue states had been added because “intelligence and the anthrax scare have generated the view that WMD in the hands of rogue states is the clear and present danger”.

34. President Bush had been “criticised for enunciating the doctrine without thinking through the policy implications”. In Sir Christopher’s view, that missed the point. The purpose in naming three countries was “to intimidate them, to put them on notice that they were marked regimes; to ‘change the terms of the debate’”. There was a “serious analysis” behind the phrase:

> “It cannot be emphasised too strongly that 11 September was a shattering blow, creating a sense of threat and vulnerability never before experienced by Americans.”

35. The consequences were:

- “an outpouring of American gratitude to Britain, which more than others appeared instantly to grasp the enormity of what had happened”;
- “incomprehension and anger at those who seemed more concerned for the rights of the Guantanamo detainees than for the need to extract information which could forestall a further atrocity”; and
- “a single-minded determination to do what it takes to defeat the nexus of terrorism and rogue WMD, if necessary by pre-emptive action, with or without allies”, which President Bush saw “as his life’s mission”.

36. Sir Christopher did not believe that the speech presaged military action against Iran or North Korea, but the phrase had “raised expectations about action against Iraq”. That did “not involve any new policy considerations”. The UK had “known for a long time” that President Bush was “looking for a way to get rid of Saddam”.

37. Sir Christopher concluded:

> “It has been tough sometimes working with the Americans since 11 September. It will be tougher still in 2002 …

---

[12] Telegram 196 Washington to FCO London, 11 February 2002, ‘US Foreign Policy: The Axis of Evil’.

"The backdrop is growing US/European mutual disenchantment. This puts the UK in an awkward spot … The Europeans are seen as burying their heads in the sand, refusing to face up to an international threat which only the US, and maybe the UK, have the guts and capability to tackle …

"Looking at this solely as an issue of unilateralism v. multilateralism does not capture the complexity of American attitudes … For all their brave talk, the Americans know perfectly well that they are better off with capable allies than not …

"War-fighting considerations are an insufficient guide to handling the next phase in combating terrorism … The task for the next few months is to demonstrate to the Americans that it is possible and desirable to reconcile the pursuit of the mission with the concerns of the main coalition partners. This may call for some very plain speaking in private. But we are just about the only foreigners to whom the Administration consistently listens.

"So the visit to London next month of the Vice President and that of the Prime Minister to the US in April assume even greater importance than usual."

38. Assessing the climate in Washington on 13 February, Sir Christopher Meyer reported that President Bush's speech had "quickened the drumbeat on Iraq" and commentators were "drawing the conclusion that military action is now inevitable".[13]

39. Drawing together the views the Embassy and senior visitors had heard over the last couple of weeks, Sir Christopher wrote:

"The line that no decision has been taken … may still formally be correct. But there are few parts of the Administration that see any alternative to US action – the real questions now are what, when, and (from our point of view) how much international legitimacy the US will seek to build …

"As ever, the hawks' agenda is easiest to discern. They feel they have won the argument over whether US action is needed …

"The military, meanwhile, continue to look at their plans in expectation that they will be asked to take on a major operation in Iraq this year (this is … what lies behind CENTCOM's [US Central Command] reluctance to provide back-up to an expanded ISAF [International Security Assistance Force] in Afghanistan) … But they remain very worried about the ideas being pushed by DoD [Department of Defense] civilian hawks, above all the perception that this would be easy to do quickly …

"The perception that key regional states are now essentially on board … now appears to have spread across the Administration … officials and pundits alike speculate that Cheney's visit will be aimed at nailing the necessary support.

---

[13] Telegram 197 Washington to FCO London, 13 February 2002, 'US/IRAQ: The Momentum Builds'.

> “What remains unclear is how the US will handle the UN track, above all the inspection regime. The Administration’s repeated high-profile demands for inspections suggest that the US will want to issue some sort of ultimatum, but set the bar so high that Iraq will never comply in practice (Armitage [Richard Armitage, US Deputy Secretary of State] as much as stated this to PUS [the FCO Permanent Under Secretary] in January). Our objective remains to persuade the US … that they must show that they are serious about implementing the resolutions – even if only to prepare the ground properly in the international community for action if Saddam fails to comply.
>
> “There is a clear tension between the argument for preparing international opinion (which leaves open the possibility of coercing Iraq into some real disarmament measures under the threat of US military action), and the arguments for striking swiftly and with maximum surprise … So although the goal of US policy may be ever firmer, the way to get there is not.”

40. Sir Christopher concluded that Vice President Cheney’s visit in early March “may or may not be the main vehicle for consulting the UK. But it would be wise to assume that by then, the US will have a reasonably clear vision, for which they will want our endorsement.”

41. Summarising the issues, the telegram predicted:

> “The Administration appears to be gearing up for a decision on removing Saddam, but are not quite there yet. The ‘how’ is still difficult. The debate looks likely to come to a head this month. The likeliest outcome is some combination of an ultimatum on weapons inspectors, backing of opposition forces, and US military intervention. Cheney’s visit to the region in mid-March is likely to be on the critical path of US diplomacy leading to action. We need to encourage the US to build international legitimacy for action, but there may be a tension between this and operational considerations.”

42. Mr William Ehrman, FCO Director International Security, reported that a meeting with Sir David Manning “and some others”, had discussed Sir Christopher Meyer’s telegram “and the question of legal considerations related to military action against WMD proliferation”.[14]

43. Mr Ehrman said he had outlined the legal difficulty in trying to argue that WMD development posed an “‘imminent’ threat”. Sir David Manning had asked whether another justification for action could be the “flouting of UN SCRs [Security Council resolutions]”. Mr Ehrman had advised that his understanding was that “a further SCR would be required to authorise military action”; and that: “It seemed highly unlikely that the US would be willing to seek such a resolution or, even if they did, that they would get it.”

---

[14] Minute Ehrman to Goulty, 13 February 2002, ‘US/Iraq’.

44. Sir David Manning had asked Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), for "an analysis of the state of opinion in Iraq" and whether there were "really segments of the population who might be willing to rise against Saddam … David was sceptical. He also mentioned work … on the … INC [Iraqi National Congress]."[15]

45. Mr Wright informed the meeting of the JIC on 13 February that US policy towards Iraq was "going to be the dominant one for relationships with US and Europe over the next few weeks".[16] The Embassy in Washington had produced a "paper drawing together all available information" which was circulated to JIC members.

46. In the discussion the following points were made:

- Policy discussions between US Principals were expected in the next 10-14 days but there was no evidence that anything sudden or unexpected would happen.
- US air supremacy "could be quick to secure, but the assembly of a large enough force to bind measures together would take much longer".
- "In the meantime Saddam had a number of options open to him to queer the US pitch."

47. JIC members were invited to "share quickly" any useful analysis or information they received.

48. The date and context of the JIC discussion suggests that Mr Wright was referring to Sir Christopher Meyer's telegram of 13 February, received in London that morning.[17]

49. Sir David Manning told the Inquiry that:

> "… Dr Rice had confirmed … that the Administration was indeed looking at options, but said that there was absolutely no plan at this stage. It was an effort to redefine policy."[18]

50. Mr Jonathan Powell, Mr Blair's Chief of Staff, told the Inquiry that "it was February and March that they [the US] started to get into more concrete plans … for considering how they would actually deal with Iraq".[19] Sir David Manning had spoken to Dr Rice on 14 February to make sure:

> "… the Americans would not plunge into any plans before the Prime Minister met the President at Crawford and received an assurance that they wouldn't."

51. The record of the discussion confirms that Sir David Manning told Dr Rice that US policy on Iraq "continued to be a source of intense speculation in the British media, as

---

[15] Minute Ehrman to Goulty, 13 February 2002, 'US/Iraq'.
[16] Minutes, 13 February 2002, JIC meeting.
[17] Telegram 197 Washington to FCO London, 13 February 2002, 'US/IRAQ: The Momentum Builds'.
[18] Public hearing, 30 November 2009, pages 10-11.
[19] Public hearing, 18 January 2010, pages 17-18.

it had been since the President’s State of the Union Address”.[20] Iraq was something that the US and UK “needed to think through very carefully together”.

52. Sir David reported that there was no expectation that anything would be decided before Mr Blair’s planned visit to the US in early April, which “would therefore provide an excellent opportunity to review the issue”.

No.10’s response, mid-February 2002

53. In a meeting to discuss Phase 2 of the war against terrorism on 19 February, Mr Blair agreed work on possible SIS operations to support Iraqi opposition groups should be taken forward.

54. No.10 also commissioned a number of papers to inform preparations for Mr Blair’s meeting with President Bush.

55. Discussions between Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), No.10 and the US about possible action in Iraq in late 2001 and January 2002 are addressed in Section 3.1.

56. In response to a request from Sir David Manning for an update before Mr Blair’s meeting with Vice President Cheney on 11 March, Sir Richard Dearlove wrote on 12 February setting out a possible SIS contribution to policy on Iraq.[21]

57. Sir Richard wrote that the option of support to opposition groups was still being considered, but there were doubts about the chances of success. He advised that Mr Blair should express support for the principle of a plan to support opposition groups, including air support, “rather than a solely military solution”.

58. Sir Richard Wilson, the Cabinet Secretary, was informed on 19 February that Sir Richard Dearlove had briefed Mr Blair on possible SIS operations in Iraq that day, and Mr Blair agreed that work should be taken forward.[22]

59. Mr Straw and Sir Michael Jay, FCO Permanent Under Secretary (PUS), were also shown a copy of the letter.

60. The papers seen by the Inquiry suggest that was the first time Mr Straw was informed of SIS discussions with the US.

61. The funding arrangements for SIS operations in Iraq were set out in a letter from Sir Richard Wilson to Mr Andrew Smith, the Chief Secretary to the Treasury, on 26 February.[23]

---

[20] Letter Manning to McDonald, 14 February 2002, ‘Conversation with Condi Rice: Iraq’.
[21] Letter C to Manning, 12 February 2002, ‘Iraq Policy’ attaching Paper ‘Iraq Policy – SIS Contribution’.
[22] Letter Private Secretary to C to Allberry, 19 February 2002, ‘SIS Funding of Operations […] in Iraq’.
[23] Letter Wilson to Smith, 26 February 2002, ‘Iraq: Requirement for funding for […] Operations by SIS’.

62. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, described a meeting in No.10 on 19 February as a "'Phase 2' war meeting" for Mr Blair with Sir David Manning, Sir Richard Dearlove, Mr Peter Ricketts, FCO Political Director, Mr Tom McKane, Deputy Head of OD Sec, Mr Powell and himself.[24]

63. Mr Campbell wrote that Mr Blair was:

> "… not sure if the Americans had taken all the decisions. He wanted to be in a position to influence their strategy, which we would project as being about fighting poverty and taking aid, but which they [the US] would see as fighting for their values. He also wanted to commission papers on Iraq, Libya, North Korea, and the European trade in WMD. He wanted work done on how to rejuvenate the MEPP [Middle East Peace Process]. He assumed that by the time of our visit to the States in April, there was chance the Americans would be casting around wider, and he wanted all the facts at his fingertips. He felt that the political situation would be different and internationally a lot harder for the Americans than things were post September 11, if they were thinking of going for any of the other countries."

64. There is no No.10 record of the meeting.

65. Mr McKane told the Inquiry that, following the meeting on 19 February, "a large number of papers" had been commissioned for the meeting between President Bush and Mr Blair, at Crawford, Texas, in early April 2002.[25]

66. The papers included:

- "**Iraq** A paper analysing the options, the state of play on the UN resolutions, the legal base and the internal dimension – the state of the opposition groups etc."
- "**WMD** A paper for public consumption setting out the facts on WMD …"[26]

67. An article appeared in *The Observer* on 24 February reporting that the Government was planning to publish detailed evidence of Iraq's nuclear capabilities.[27] A "senior No.10 official" was reported to have said that the meeting between Mr Blair and President Bush in April would "finalise Phase 2 of the war against terrorism" and: "Action against Iraq" would be "at the top of the agenda". As with Usama Bin Laden and the war in Afghanistan, it would be necessary to maintain public and international support for military action against Saddam Hussein. That was a "public persuasion" issue which would be tackled "in the same way" as the unprecedented "indictment" against Usama Bin Laden published in October 2001.[28]

---

[24] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[25] Public hearing, 19 January 2011, page 34.
[26] Minute McKane to Manning, 19 February 2002, 'Papers for the Prime Minister'.
[27] *The Observer*, 24 February 2002, *Blair and Bush to plot war on Iraq.*
[28] Paper No.10, 4 October 2001, 'Responsibility for the Terrorist Atrocities in the United States, 11 September 2001'.

68. *The Observer* article also suggested that Iraq’s nuclear capabilities included investigating a way to launch “dirty” nuclear bombs – unsophisticated devices which would nevertheless wreak havoc if used.

69. The Cabinet Office ‘Iraq: Options Paper’, produced on 8 March, is addressed later in this Section.

70. A first draft of the paper for public consumption on WMD, which addressed Iraq, Iran, North Korea and Libya, was sent to No.10 on 6 March. The content of the paper and its eventual focus only on Iraq is addressed in Section 4.1.

France’s position, mid-February 2002

71. Sir John Holmes, British Ambassador to France, reported French concerns about possible US actions and a desire to work with the UK on a policy of engagement to keep the US within the international system.

72. France was not necessarily opposed to military action to remove Saddam, but it had identified a number of conditions which had yet to be met.

73. France was also concerned that action against states such as Afghanistan and Iraq would not solve the underlying problems of WMD proliferation and terrorism, and might result in recruiting more terrorists.

74. On 11 February, the British Embassy Paris reported talks between Mr Goulty, Mr Patey and Mr Felix Paganon, UN Director in the Quai d’Orsay.[29]

75. Mr Paganon was reported to have said France was convinced the US would take military action against Iraq before the end of the year. The US considered that it did not need additional authority for action, and:

> “When it came to decision time, the US would proceed according to their own criteria, not on the basis of consultation with allies.”

76. France wanted to do whatever was achievable to prevent military action, “not out of concern for Saddam’s survival but through fear of the consequences of military action”, which could include:

- chaos in Iraq, where the vacuum might be filled by another Ba’ath general;
- division of Iraq; and
- increased instability in the region.

77. France believed the unconditional return of weapons inspectors was the only way to prevent military action. France was no longer pressing for an early discussion of the Goods Review List but there was scepticism about the prospects for toughening

[29] Telegram 100 Paris to FCO London, 11 February 2002, ‘Iraq: UK/French Talks’.

enforcement of existing resolutions, "particularly the Syrian pipeline". Tightening the sanctions regime would be "difficult to achieve and did little to prevent confrontation", which was now the "basic aim".

78. Mr Paganon and Mr Goulty agreed on the need "to maintain P5 [the five Permanent Members of the Security Council] unity".

79. Mr Patey said that if the:

> "… consensus were broken, military action would be more likely. The US would be prepared to act on their own if necessary, but would be inhibited if there were a viable UN track in train."

80. Mr Paganon agreed that it was vital the P5 and Arab states sent the same tough message to Saddam Hussein.

81. Mr Goulty stated:

> "… in the meantime we should all send the same message to the Americans, that we should continue to go down the UN route, and that if this did not work, we would then have a better pretext for dealing with WMD through military action."

82. Sir John Holmes advised on 19 February that France was "particularly concerned" about what President Bush's "axis of evil" implied for US policy.[30] It was ready to recognise that "differences with the Americans" were "more about means than ends"; but they would want to work with the UK "to keep American action within the international system".

83. France had "worried since the end of the Cold War that American power was becoming disproportionate". The main French concerns following President Bush's "axis of evil" speech were that the US:

- would be "increasingly tempted towards unilateral action without consulting allies or the UN";
- saw "military action as more or less the sole response to terrorism and proliferation"; and
- was confusing the two problems of terrorism and proliferation.

84. The French view was that:

> "… as well as clamping down hard (but in accordance with international law) on unacceptable actions, we also need to address their political economic, cultural and military causes … [A]scribing them simply to a national or individual propensity for wrongdoing is inadequate. There are reasons beyond mere wickedness why bad regimes come to power and survive: simply keeping the lid on the ambitions of

[30] Telegram 123 Paris to FCO London, 19 February 2002, 'US Foreign Policy: France and the Axis of Evil'.

dangerous regimes by military repression, or removing them by military force, may in the long run even make things worse.

“So on most cases the French favour a policy of engagement …”

85. Sir John identified Iraq as “the real problem”. France had “long been at odds” with the US and UK over “the basic analysis: arguing that a policy of punitive sanctions and containment of Saddam is in the long term likely to create even greater incentives for the regime to proliferate and more antagonism in the population, and so store up new dangers, particularly in the absence of real MEPP progress”.

86. Before 11 September, France had felt US policy was moving in its direction:

“Now, although work continues on the Goods Review List (a French idea), they suspect the gap will widen again … They are not necessarily totally opposed to an American operation to remove Saddam, which they increasingly see as inevitable, provided that it is supported in the UN and in the region; is carefully thought through in military terms; and forms part of a realistic project for creating a better and more stable future for the country and the region. So far they do not think these conditions have been met. The lack of American willingness so far to follow through on nation building in Afghanistan has not encouraged them. Nor does the present parlous state of the MEPP …”[31]

87. In addition, France was “not convinced that the approach of naming key states of concern, and dealing with them by military means or diplomatic isolation” would “solve the underlying problems of WMD proliferation or terrorism”. Those threats were developing through “shadowy non-state networks” which would “not go away” even if examples were made of Afghanistan and Iraq; “and may well gain more recruits over time”.

88. Sir John concluded the French “instinct remains to back the Americans in upholding international stability when push comes to shove”. What France wanted “above all” was “to be consulted and involved, and to have some input into analysis and policy before they are faced with the choice of following US decisions or not”. The UK was “likely to be in the front line of any split” and had “a particular incentive to act, and to do so quickly. If we wait until the Americans have a fully worked out plan, attitudes may well have hardened too far on both sides.”

89. Sir John suggested the UK needed to persuade:

- The US “using the influence we have earned” to explain their thinking and “to share intelligence as much as they can to illustrate the real, present WMD dangers of the Iraqi regime; to explain why they believe they can remove the regime without setting the region on fire; and, once they have a plan, to explain

[31] Telegram 123 Paris to FCO London, 19 February 2002, ‘US Foreign Policy: France and the Axis of Evil’.

why they think it can work". The US instinct would be to share only with the UK but that would put "us in a particularly difficult position, increasing the appearance of poodlism if we follow without being able to explain adequately ourselves. We saw in the early stages of the Afghan crisis how bad the Americans could be at appearing to have a coherent plan, and at keeping allies in the loop. Doubts were stilled by good PR work by us, and above all by quick success. But we and they should learn the lessons."

- France and others to "eschew megaphone diplomacy" and to engage the US.

90. Sir John added:

"… our chances of success with the Americans would be much greater if we could persuade other Europeans to … be serious about defence capabilities. Our chances with the Europeans would be much greater if we could persuade the Americans to put their full weight behind breaking the current disastrous MEPP cycle, and look as if they were doing so."

The UK diplomatic perspective

91. FCO officials identified the need to pursue "the UN route" demanding access for weapons inspectors as a possible way to avoid military action while establishing stronger arguments for such action if necessary.

92. The way in which the minute was written indicates that the FCO officials did not, at that stage, envisage military action would comprise a full-scale, US-led invasion.

93. The minute prompted a wider debate in the Diplomatic Service which identified a number of key issues.

94. Although those contributions did not lead to the establishment of an agreed FCO position, on the implications for the UK of military action in Iraq and the advantages and disadvantages of different courses of action.

95. On 20 February, Mr Goulty produced "a note on contingency planning in the event of military action against Iraq", which advised:

"Planning for any military action against Iraq will need to take into account the need to prepare the ground for, and minimise, the adverse humanitarian, diplomatic and PR consequences of, what will be a widely unpopular move. Much will depend on the duration of the action … and whether or not it succeeds in removing Saddam. The worst possible scenario … would be a prolonged campaign which left Saddam in power and allowed him to make maximum propaganda gains … In the current

Middle East climate, we would probably be faced with the collapse of sanctions and the effective end of our containment policy.”[32]

96. Addressing the “Legal position/UN route”, Mr Goulty wrote:

“Whether we participated or not, we would wish to see a convincing legal justification for military action …”

97. Addressing the chances of obtaining fresh UN authority, Mr Goulty advised that it seemed:

“… highly unlikely that, in the absence of a new attack on Kuwait or the Kurds or of clear and publicly usable evidence that Iraq has reconstituted its WMD, the Security Council would agree a further resolution that could justify military action. This would include a new … resolution specifically demanding access for the weapons inspectors, although we should still push for one … We should continue to put pressure on Iraq to readmit inspectors – this makes sense whether or not military action is contemplated. If the Iraqi regime continues to refuse (and signs are … it has no intention of doing otherwise) we would at least be in a stronger position to defend military action. In the unlikely event that the inspectors are admitted, history would suggest that it would not be long before they were blocked, which again would strengthen the arguments for military action. We should also continue pushing for tougher action … against those states … breaking sanctions (especially Syria). Again this makes sense whether or not military action is contemplated: it would put real pressure on Saddam either to submit to meaningful inspections or to lash out.”

98. Mr Goulty suggested:

“Our message to those who oppose military action should be to get serious about the UN route: encouraging Iraq to believe that it can escape sanctions without complying with SCRs, seeking to water down those … obligations, and blocking initiatives in the UN to crack down on smuggling serves only to make military action more likely.”

99. Mr Goulty’s view was that: “In the current climate, and in the absence of progress on the MEPP – highly unlikely in this timescale – Arab States would have the greatest difficulties in supporting an operation which is bound to be seen as serving Israeli interests.” Nevertheless there were signs that some countries would support the US. The UK would have “a better picture of regional attitudes after Vice President Cheney’s March tour”.

100. Addressing the attitudes of others, Mr Goulty wrote:

“We would expect the Iranians, hitherto (privately) in favour of action to remove Saddam Hussein, to be much less helpful in the light of President Bush’s ‘axis

[32] Minute Goulty to Fry, 20 February 2002, ‘Military action against Iraq: Issues’.

of evil' speech. France and Germany … could probably be kept on side. The French position is not greatly different from our own. Their policy remains to keep up pressure on Baghdad over inspectors and maintain P5 unity. But they accept that US military action to remove Saddam is now very much on the cards. In this event, they would want the US to fully think through the consequences and take adequate steps to build legitimacy in the UN. Recent German statements reveal a preoccupation with maintaining the rule of law, concern over the unilateralist trend in US policy, but a reluctance to criticise the US overtly … We would expect other EU members to be more overtly critical in the absence of Security Council endorsement of military action."

101. Addressing public and media reaction, Mr Goulty wrote:

"The public and media reaction to any military action would be mixed …

"The Arab and Muslim media and 'street' would be deeply hostile …

"In the build up to any action, we would need to mount an aggressive PR [public relations] campaign emphasising Iraq's record of non-compliance with UNSCRs and evidence of WMD reconstitution and other crimes (making maximum use of intelligence). Our basic message, around which further, more detailed messages could be built, might be: 'Iraq poses a unique threat to the security and stability of the region as well as the rest of the world.'

"Ideally targets selected would be purely military and steps taken to avoid non-combatant civilian casualties …"

"Ultimately the success of any campaign would depend on the success and swiftness of the military action (and removal of Saddam Hussein)."

102. Mr Goulty concluded that planning would:

"… need to take into account the need to prepare the ground for, and minimise the adverse humanitarian, diplomatic and PR consequences of, what will be a widely unpopular move … The worst possible scenario from our point of view would be a prolonged campaign which left Saddam in power and allowed him to make maximum propaganda gains from Iraqi casualties, whether or not caused by the coalition."

103. Mr Goulty's minute was circulated widely within the FCO, to Ambassadors in the region and to staff in Washington, Paris, Moscow and to the UK Mission in New York.

104. Mr John Sawers, British Ambassador to Egypt, who had been closely associated with the development of the UK's policy on Iraq as Mr Blair's Private Secretary for Foreign Affairs (see Section 1.2), responded to Mr Goulty's minute with a teleletter

to Sir Michael Jay and senior colleagues offering his views on the direction of policy on Iraq.[33]

105. Mr Sawers began:

> “I have hesitated to offer my own [views], in the knowledge that contacts between London and Washington will already be intensive and rightly held close. But I sense a danger of us becoming too predictable. I do not advocate a US march on Baghdad. But I do think we need to box more cleverly, not least to retain leverage in Washington.”

106. Mr Sawers stated containment had worked for 10 years but the price had been high. Iraq’s WMD activities were “still without doubt going ahead” and Saddam Hussein’s regime would “remain an obstacle to every single Western objective in the Middle East”. In his view the UK needed to say:

> “… clearly and consistently that our goal is Regime Change – for the sake of stability in the Middle East, for the Iraqi people, and for the goal of controlling the spread of WMD.”

107. Setting out a list of other countries where regime change had been and remained a goal of UK policy, Mr Sawers wrote:

> “Whether or not we actually express it is purely a matter of tactics. So the lawyers and peaceniks should not prevent us from saying what we really want in Iraq. And by associating ourselves with Bush’s heartfelt objective of seeing Saddam removed, we will be given more houseroom in Washington to ask the awkward questions about how.
>
> “And there are many such questions. What is the plan? How long would it take for a direct confrontation to succeed? How do we retain the support of our regional friends … If we were to build up the Kurds and Shia as proxies, what assurances would we have to give them that we would not let them down yet again? How would we keep the Iranians from meddling? How do we preserve Iraq’s territorial integrity … How would we provide for stability after Saddam and his cronies were killed?
>
> “All these are much more important questions than legality, the Arab street and other hardy Foreign Office perennials. On a tactical point, I recall Colin Powell [the US Secretary of State, who had been Chairman of the Joint Chiefs of Staff from 1988 to 1993] … in 1993 saying that one of the blessings of retirement was that he would never have to listen to another British legal opinion. Presenting Washington with one now will both irritate and weaken him. We can look for the legal basis once we have decided what to do, as we did in Kosovo.”

---

[33] Teleletter Sawers to Jay, 21 February 2002, ‘Iraq: Policy’.

108. Addressing "what should we be doing while Washington plans and we try to influence them", Mr Sawers wrote:

> "Conventional advice will be to plough on in New York, get the Goods Review List agreed, and work to implement the SCRs by sending back the inspectors.
>
> "We should think long and hard on the last point. There is not a shred of evidence that Saddam is willing to open up his WMD plants to the UN. We would be sending people … on a fool's errand and offering them as hostages. We could be precipitating the very crisis we would rather avoid, on terms favourable to Saddam … and we would offer an opportunity on a plate to the hawks in Washington. And if it is the UK in the lead, as we usually are, we will suffer a heavier backlash … We need to have an agreed strategy with Washington before we head down a road which might look sensible, legal, UN-friendly etc, but only leads us into the jam we are trying to avoid."

109. Mr Sawers concluded:

> "Visiting Americans say privately that there is still a debate to be had in Washington. Powell is not as lonely a voice as he might seem. We know that Bush, at the end of the day, will be both intelligent and responsible. If we can help the Americans come up with a persuasive plan to oust the world's worst tyrant, then we should do so. And if the best military and intelligence brains in London and Washington fail to produce a convincing plan, then we stick to containment."[34]

110. Mr Sawers' letter and its distribution caused some consternation in No.10.

111. Sir David Manning told Mr Powell that he had:

> "… asked the FCO to turn him off. Not helpful to have this winging its way around the world … If John/other HOMs [Heads of Mission] want to offer views, they should be in personal letters to Michael Jay."[35]

112. Mr Powell agreed:

> "I was gob smacked by this. John deserves a slapping down."[36]

113. As a result, the FCO sent a personal response to Mr Sawers and other Heads of Mission who had been sent copies of his teleletter stating:

> "Your teleletter of 21 February … raises a number of highly sensitive issues. I can assure you that thought is being given to them, necessarily on a highly restricted basis. You will understand that correspondence, widely copied, on these issues

---

[34] Teleletter Sawers to Jay, 21 February 2002, 'Iraq: Policy'.
[35] Manuscript comment Manning to Powell, 22 February 2002, on Teleletter Sawers to Jay, 21 February 2002, 'Iraq: Policy'.
[36] Manuscript comment Powell to Manning on Teleletter Sawers to Jay, 21 February 2002, 'Iraq: Policy'.

is to be avoided. If any addressees were intending to comment, grateful if this could be in the form of personal letters to the PUS only.

“We will of course give guidance for Posts on Iraq issues as and when we can.”[37]

MR BLAIR’S MEETING WITH MR ANNAN, 25 FEBRUARY 2002

114. In preparation for a meeting with Mr Kofi Annan, UN Secretary-General, in London on 25 February, the FCO advised Mr Blair that Mr Amre Moussa, Secretary General of the Arab League, had conveyed an “offer” from President Saddam Hussein to Mr Annan “to re-open dialogue, without pre-conditions, on co-operation with the UN”.[38] The FCO added that it was “not clear whether Saddam would under any circumstances allow the return of the inspectors” or whether it was “simply a propaganda exercise”. History “would suggest the latter”.

115. Mr Annan had responded that:

- He was always willing to talk to any [UN] Member State about complying with UN resolutions.
- Any renewed dialogue should be more focused and substantive than before, and set in the context of implementing the relevant resolutions, including getting the inspectors back in.

116. Mr Blair was advised to make a number of points to Mr Annan, including:

- Congratulating Mr Annan on his response to Saddam Hussein’s offer.
- The Iraqi regime’s support for terrorism and development of WMD was “of the utmost concern” to the international community. Saddam’s “WMD ambitions” would not be allowed to “go unchecked”.
- The UK believed getting inspectors back into Iraq was the “best way to eliminate WMD”.
- Getting them in on Saddam Hussein’s terms was “not an option”: the UK was looking for “an effective inspections regime as specified in … resolutions 687 and 1284, not false assurances”.
- The Iraqi regime had to be “brought to realise that if it continues to reject its UN obligations to disarm then military action to deal with the threat it poses becomes more likely. We collectively share responsibility for ensuring this message gets across.”

117. In their meeting, Mr Blair told Mr Annan that WMD were “the key” for the next phase of the response to terrorism, “particularly acquisition by states that were not

---

[37] Telegram 32 FCO London to Cairo, 22 February 2002, ‘Iraq’.
[38] Letter McDonald to Tatham, 21 February 2002, ‘Kofi Annan’s Call on the Prime Minister, Monday 25 February’.

democratic, stable or progressive", and "no final decisions had been taken on Iraq": "He had been hoping there would be a new UN resolution and inspectors back in."[39]

118. In response to comments about the evidence of Iraqi activity, Mr Blair said the UK was "giving thought to how to produce the necessary evidence". Nothing would "happen precipitately" and there might be "other ways to deal with Iraq, for instance if Saddam allowed inspectors back in".

119. In his memoir, Mr Annan wrote that in late February he had been told by a senior British diplomat that the US "was determined to have the resolutions obeyed, or 'to have the regime out'".[40] When Mr Annan had "responded that Saddam Hussein had a habit of miscalculating", he had been told "either they [the US] will get rid of the capability or they will get rid of him [Saddam Hussein]".

120. Mr Annan added:

> "But what was also clear, even to the most ardent of opponents of military action was that the current strategy wasn't working: the sanctions could never be made 'smart' enough to spare the Iraqi people from continued suffering; nor were they robust enough to ensure with certainty that Baghdad wasn't finding ways to rearm in contravention of its obligations …"

121. A report of discussions between Mr Blair and other European leaders at the Progressive Governance Summit in Stockholm stated that "there was a general sense … that it would be counter-productive to confront the US. The wiser course was to get the US to widen their agenda and encourage them to approach the issue from a coalition perspective."[41] Mr Blair's overall sense from those discussions was that it "would be a challenging task, but possible" to bring France and Germany "onside".

122. The FCO advised No.10 on 26 February that the immediate US focus was on getting the Goods Review List agreed. After that, the UK wanted Security Council discussions on the arrangements for inspections, but US support was uncertain. If "against all expectations" UNMOVIC was allowed to do its job that would "offer the best prospect of dealing with Iraq's WMD".

123. The FCO advice did not address the wider issues arising from the uncertainty about US policy and the possibility of military action, or what the UK's response should be to that.

---

[39] Letter Rycroft to McDonald, 25 February 2002, 'Prime Minister's Meeting with UN Secretary General, 25 February'.
[40] Annan K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[41] Letter Tatham to McDonald, 24 February 2002, 'Stockholm Progressive Governance Summit: Iraq'.

124. Mr Straw’s Private Office advised Sir David Manning on 26 February that:

> “In the absence of any decisions on wider Iraq policy and the post-11 September situation, the immediate US focus is on getting the Goods Review List (GRL) agreed by the 30 May deadline.”[42]

125. Once the GRL was implemented, there was:

> “… an expectation, if UN credibility is to be maintained, that the Security Council would begin discussions on clarification of SCR 1284 … The US are reluctant to go down this route, fearing that it represents a slippery slope towards a weaker inspection regime. But it remains our view that, properly handled, clarification would work to our advantage … If the Iraqis continued to resist a tough inspection regime or let the inspectors in then reneged, the justification for any military action would be much stronger. If, against all expectations UNMOVIC were allowed to do their job, this would offer the best prospect of dealing with Iraq’s WMD.”

126. The FCO wrote that the US was talking to the Russians. If the French could be persuaded to help, that could offer the prospect of P5 agreement on clarification.

127. Sir Derek Plumbly warned on 27 February about the danger of turning regime change into an objective, rather than an aspiration.

128. Sir Derek also identified progress on Palestine as a necessary, but not sufficient, condition for moving forward on regime change in Iraq.

129. Sir Derek Plumbly, British Ambassador to Saudi Arabia wrote to Sir Michael Jay on 27 February, warning:

> “… we have always said we want to see regime change. There is no harm in saying it now more insistently perhaps, given that the Bush Administration have raised the issue to the top of the international agenda. But to date we have presented regime change as an aspiration, not an objective which we believe we (or the US can deliver). If we cross that bridge definitively, it will be difficult to pull back later.”[43]

130. Sir Derek argued that the UK did need to take account of the Arab Street:

> “Post 11 September I really do not see how we can disregard the depth of anger in our Middle Eastern back yard … regimes may not fall in this part of the world, but instability can manifest itself in different ways.”

---

[42] Letter Sedwill to Manning, 26 February 2002, ‘Iraq’.
[43] Letter Plumbly to Jay, 27 February 2002, ‘Iraq’.

131. Sir Derek took "issue too with John [Sawers]'s caricature of 'conventional advice' in FCO". He recognised:

> "… the need to frame our arguments within the US universe of facts. But we should not kid ourselves. UNSCOM [UN Special Commission] ground to a halt because the Security Council was terminally divided … Having UNMOVIC inspectors on the ground would be less risky than a US/UK regime change campaign … Saddam knows his limitations these days.
>
> "… I do not think we should sign up to a proactive regime change policy until we have satisfactory answers to questions such as those John is posing. We should not give the Americans a blank cheque … [T]he Americans need us on Iraq, and when they look more closely into the abyss they may pause. In any event … from talking to American colleagues … the need for a UN process is recognised In Washington. We should allow that to play through … And we should promote the thought that a more balanced and determined US approach on Palestine would be a necessary (but not sufficient) condition for moving forward on regime change. Containment has worked for 11 years. We should not abandon it lightly."

132. Sir Derek's letter was copied only to Mr Ricketts and Mr Graham Fry, Deputy Under Secretary Wider World, within the FCO.

133. The letter was sent to Sir David Manning by Sir Michael Jay's Private Office and was also seen by Mr Powell.[44]

Development of the rationale for dealing with the threat from Iraq

134. Sir Richard Dearlove advised on 26 February that the US was drawing up plans for a military campaign and considering an ultimatum for the return of inspectors with which Saddam Hussein would be unable to comply.

135. On 26 February, Sir Richard Dearlove wrote again to Sir David Manning about developments in US thinking and timescales.[45]

136. Sir Richard advised that the US had concluded that containment would not work and that disarming Iraq would be more difficult with each passing year. The US military were drawing up plans for a military campaign later in the year and the Administration was considering the possibility of presenting Saddam Hussein with an ultimatum for the return of inspectors. But, Sir Richard wrote, the bar would be set "so high that Saddam would not be able to comply".

137. Sir Richard reported that his team had told the US that the UK legal position would need to be clarified before the UK could become engaged.

---

[44] Manuscript comments on Letter Plumbly to Jay, 27 February 2002, 'Iraq'.
[45] Letter C to Manning, 26 February 2002, 'US Policy on Iraq'.

138. Sir David Manning sent the letter to Mr Blair, commenting:

> “Interesting account of the latest US thinking. Much as expected: […]”[46]

139. Mr Blair replied:

> “I still don’t see how the military option will work, but I guess there will be an answer.”[47]

140. Sir Richard Dearlove’s letter was also shown to Mr Straw and Sir Richard Wilson.

141. Sir Richard Dearlove briefed Mr Gordon Brown, Chancellor of the Exchequer, on 4 March. The discussion included the possibility of the US taking “serious military action” in the autumn.[48]

142. In his memoir, published in 2007, Mr George Tenet, the Director of Central Intelligence, described how the Central Intelligence Agency (CIA) had concluded that American “boots on the ground” would be needed to remove Saddam Hussein.[49]

143. Mr Tenet recorded that a new Head of the Iraq Operations Group inside the CIA Directorate of Operations had been appointed in August 2001 who had:

> “… conducted a review of the lessons learned from our long and not-too-happy history of running operations against Iraq since …1991. The principal message … from the review was that Saddam was not going to be removed via covert action alone. As much as some would wish for … some quick, easy, and cheap solution to regime change in Iraq – it was not going to happen.”

144. Mr Tenet added that the CIA’s “analysis concluded that Saddam was too deeply entrenched and had too many layers of security around him for there to be an easy way to remove him”; and the Iraqi reaction was “always” that: “If you are serious about this, we want to see American boots on the ground.”

145. Mr Tenet wrote that his own “aversion to a CIA go-it-alone strategy was based on our estimate of the chance of success (slim to none)” and his belief that the CIA “plate was already overflowing with missions in the war on terrorism”.

146. Mr Tenet observed that even if such action “managed to take Saddam out, the beneficiary was likely to have been another Sunni general no better that the man he replaced”. That “would not have been consistent with the Administration’s intent that a new Iraq might serve as a beacon of democracy in the Middle East”.

---

[46] Manuscript comment Manning to Prime Minister, 27 February 2002, on Letter C to Manning, 26 February 2002, ‘US Policy on Iraq’.
[47] Manuscript comment Blair to Manning on Letter C to Manning, 26 February 2002, ‘US Policy on Iraq’.
[48] SIS record, 6 March 2003.
[49] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

JIC Assessment, 27 February 2002: 'Iraq: Saddam Under the Spotlight'

147. The JIC Assessment of 27 February concluded that Saddam Hussein saw the Goods Review List as making sanctions sustainable indefinitely.

148. Saddam Hussein would permit the return of weapons inspectors if large scale military action was believed to be imminent, but he would seek to frustrate their efforts.

149. Iraq continued to pursue its WMD programmes; design work for missiles with ranges greater than the UN limit of 150km was under way and it could produce chemical warfare agents "within weeks". The JIC also introduced a new judgement that, "If it has not already done so, Iraq could produce significant quantities of biological warfare agents within days".

150. Without direct intervention on the ground, the opposition would be unable to overthrow Saddam Hussein's regime.

151. If he was unable to deter a US attack, Saddam Hussein would "go down fighting and could adopt high risk options".

152. At the request of the JIC, an Assessment, 'Iraq: Saddam Under the Spotlight', was produced on 27 February.[50] It addressed "Saddam's threat perceptions and internal position: whether he is secure, what opposition he faces, and what he is doing to try and avoid the internal and international threats he faces".

153. In its discussion of the draft, the JIC concluded that the Assessment should "put … to one side" the issue of Iraq's interpretation of US policy as the latter was "itself developing, and would probably become much clearer to everyone … within the next few weeks".[51]

154. The JIC also decided that the final Assessment:

> "… needed to say a bit more about Iraq's aspirations and potential in terms of Weapons of Mass Destruction, not least because this was, and would remain, an important area for policy discussions with the US. The Pentagon's views on how soon Iraq might develop a nuclear capability did not quite match the UK's, and it would be useful for Ministers to know the JIC's mind."[52]

---

[50] JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.
[51] Minutes, 27 February 2002, JIC meeting.
[52] Minutes, 27 February 2002, JIC meeting.

155. In the first of its Key Judgements, the JIC stated:

> “Saddam fears a US military attack which would threaten his regime by bringing about the disintegration of his military and security apparatus. A force on the scale of Desert Storm (1991) would constitute such a threat.”[53]

156. The JIC also judged that Saddam did not believe such an attack was inevitable.

157. In addition, the JIC’s Key Judgements were:

- Saddam Hussein continued to “resist the enforcement” of Security Council resolutions “on disarmament while encouraging sanctions erosion”. His strategy was “threatened by US/UK efforts to introduce the Goods Review List (GRL) and make Iraq accept weapons inspectors”. Iraq saw the GRL as “making sanctions indefinitely sustainable”. But “the greatest risk seen by Saddam” was “that non-compliance with the UN may be used to justify a full-scale US attack”.
- Saddam had: “In response … begun a nominal re-engagement with the UN and a diplomatic charm offensive.” So far he had offered “nothing new”. The JIC judged that if the threat of large-scale military action was believed to be imminent, Saddam would permit the return of weapons inspectors. It they did return Saddam would “frustrate their efforts” and he would “continue to play for time”.
- Iraq continued “to pursue its WMD programmes. Design work for missiles with ranges greater than the UN limit of 150km is under way. If it has not already done so, Iraq could produce significant quantities of biological warfare agent within days and chemical warfare agents within weeks of a decision to do so.”
- The Special Republican Guard (SRG) remained “closely tied to Saddam’s regime” and was “likely to resist any attempt to overthrow him”. The Republican Guard was also “favoured” and was “relatively well equipped and trained; it would be relatively resilient under attack, but its loyalty in dire straits is more open to question than the SRG”. “Other elements of the Iraqi military” were “more liable to crack if subjected to strong attack”.
- Kurdish and Shia groups formed “the most significant opposition to Baghdad”. The “opposition” was “militarily weak and riven by factional differences”. They would “not act without visible and sustained US military support on the ground”. A “coup or military revolt” was “only a remote possibility”.

158. The JIC stated that the US reaction, to the attacks on 11 September, had “been a jolt” to Saddam Hussein’s position. President Bush’s speech labelling Iraq as part of an “axis of evil” would have “reinforced” Saddam Hussein’s concern.

---

[53] JIC Assessment, 27 February 2002, ‘Iraq: Saddam Under the Spotlight’.

159. In respect of developments at the UN, the Assessment stated:

> "In conjunction with pressure from the US, developments at the UN since November 2001 threaten to de-rail Saddam's long-term strategy of refusing to comply with UNSCRs on weapons inspectors while working to circumvent sanctions and encourage their erosion. UK and US proposals to introduce the Goods Review List (GRL) in June 2002 … undermine Iraq's propaganda over sanctions by offering Iraq unrestricted access to most goods. Iraq therefore sees the GRL as making sanctions politically sustainable indefinitely. Russia's acceptance of UNSCR 1382 while accepting only ill-defined assurances on steps to clarify UNSCR 1284 … was also a defeat for Iraq."

160. In response, there were signs that Iraq had "embarked on a **nominal policy of re-engagement with the UN and a diplomatic charm offensive**". Mr Tariq Aziz, Iraq's Deputy Prime Minister, had visited Moscow and Beijing in early 2002 "to solicit support against sanctions and the US threat […]".

161. The Assessment added:

> "But **this tactical diplomacy has failed to improve Iraq's position**. […] The UN Secretary-General has been wary of accepting Saddam's suggestion of a renewed dialogue and accurately perceives Iraq's wish to prevaricate …"

162. In relation to Iraq's WMD programme, the Assessment stated:

> "… Iraq continues to pursue the development of weapons of mass destruction. Though we lack precise data, Iraq has probably reconstituted many of the elements struck during Operation Desert Fox in December 1998. Iraq's ballistic missile programme has extensively tested missiles under the 150km UN limit and intelligence indicates that design work for systems with ranges over 1,000km is underway. Iraq is assessed to have hidden 10-20 Al Hussein missiles (range 650km) capable of hitting Israel. Iraq also continues with its chemical and biological warfare (CBW) programmes and, if it has not already done so, could produce significant quantities of BW agent within days and CW agents within weeks of a decision to do so … These can be delivered by a variety of means. Methods of ensuring survivability of CBW production facilities from attack are a high priority.
>
> "Procurement activity suggests that Iraq is continuing with a nuclear weapons programme, although its current status is unclear. Before the Gulf War intervened, Iraqi plans were well advanced and we judge they were only three years away from possessing a nuclear weapon. Were sanctions lifted now, we judge it would take Iraq at least five years to produce a nuclear weapon and a further two to produce a warhead. The acquisition of fissile material or significant technical assistance from abroad could significantly shorten this timescale. Iraq still has some low grade radioactive material which it could utilise in a radiological dispersal device, but there is no recent intelligence indicating that Iraq is pursuing such a course."

163. The Assessment stated that Saddam Hussein recognised the “greatest risk” was:

> “… that the Iraqi WMD programme and non-compliance with UNSCRs may be used to justify a US attack to overthrow him. He would probably see a force on the scale of Desert Storm (1991) as overwhelming. We judge that [if the threat of large-scale military action was believed to be imminent, Saddam would permit the return of weapons inspectors] …”

164. The JIC judged that, as “an interim fall-back position”:

> “… Iraq could try to resurrect Russian proposals to link the entry of inspectors to a pre-determined timetable of sanctions-lift. But this would be no more than a tactical move to buy time, not an admission of defeat … **even if inspectors were allowed to return, Iraq would embark on a renewed policy of frustration**, involving denial, deception, obstruction and delay. Iraq would be able to conceal from inspectors much of its CBW work and research on longer range missiles, though probably not its missile production facilities.”

165. The Assessment reviewed Iraqi opposition groups and elaborated the final Key Judgement:

> “Overall we judge that, **unaided, the Iraqi opposition is incapable of overthrowing the Iraqi regime; in the present circumstances a coup or military revolt remains only a remote possibility**. With outside help short of direct intervention on the ground, the opposition would still be unable to succeed. Spontaneous mass uprisings might be more important if the regime’s control wavered, but this is not in prospect; however, it might hasten the regime’s downfall in conjunction with a massive US attack.”

166. The Assessment added:

> “The resilience of the Iraq military is uncertain; much would depend on the particular nature and scale of the attack it faced and how it perceived that threat. Though the Iraqi military is relatively large, well-trained and well-equipped by regional standards … it also has serious weaknesses … [I]ts training and equipment is inadequate to face Western forces on equal terms and it is especially vulnerable to air power.
>
> “The Republican Guard (RG) and Special Republican Guard (SRG) are the elite … they are better equipped and trained than the regular army. For these reasons, we would expect them to be relatively resilient under attack … It [the SRG] would defend any attempt to topple Saddam. In dire straits, the RG’s loyalty would be more open to question. The regular army would be most liable to waver in its support of the regime, or disintegrate, if subject to a strong US attack.”

167. Looking to the future, the JIC judged that Saddam Hussein was "not yet convinced" that a US:

> "… move to overthrow him is inevitable. While the Coalition campaign continues in Afghanistan, he probably believes the US is militarily preoccupied; in any event, US rhetoric has not so far been backed up by overt preparations to attack. He still hopes that his efforts to counter progress at the UN will undermine support for sanctions and for US military action …"

168. The Kurds and Shia "would not show their hand until US resolve to overthrow Saddam" was "absolutely clear". There was "no obvious leader" among those groups who was "capable of unifying the opposition" and had "credibility and popular appeal inside Iraq". No likely replacement for Saddam from within the regime had been identified, but the JIC stated that, in the event of internal change, it was "likely that any successor would be autocratic and drawn from the Sunni military elite".

169. The JIC concluded:

> "In the event of a US attack, Saddam would probably shift to a well-tested defensive strategy in the hope that Iraqi resistance to a US ground campaign would strain US resolve … Alternatively, if Saddam believed he was unable to deter a US attack to oust his regime, we judge he would go down fighting and could adopt high risk options, such as seizing northern Iraq, to disrupt US planning. Faced with defeat, Saddam could resort to even riskier options such as conducting terrorist attacks or using weapons of mass destruction against US forces or Israel.
>
> "Iraq could fracture under attack. But all Iraq's neighbours agree that … is deeply undesirable. Each will try to influence events as they develop; it is likely that Iran … would try to maintain and build its influence … But we judge it would try to avoid becoming directly involved in fighting on either side."

MOD advice to Mr Hoon, 27 February 2002

170. The MOD advised Mr Hoon that the UK should not rule out military action against Iraq; but there was a need to think through the options in more depth. That would also improve the "prospects of influencing the US towards a successful outcome".

171. Mr Simon Webb, the MOD Policy Director, sent Mr Geoff Hoon, the Defence Secretary, advice on 27 February on how the UK might approach the three countries referred to by President Bush as an "axis of evil".[54]

[54] Minute Webb to PS/Secretary of State [MOD], 27 February 2002, 'Axis of Evil'.

172. Mr Webb recommended that the UK should acknowledge that the countries posed “increasing” risks to international stability; and that the US should be persuaded to explain why. The UK should:

> “Encourage a broad-based approach ranging from diplomacy to challenge inspections and levers on suppliers.
>
> “Not rule out UK participation in military action against Iraq […] if that is the only way to stem the tide of WMD proliferation and a worthwhile and legal option exists at the time.”

173. Mr Webb also stated that it was important to distinguish between two strands; the “direct risks from proliferation” and the “potential association with international terrorism”.

174. Mr Webb’s detailed advice on the risks posed by Iraq is addressed in Section 4.1.

175. In the context of the response from European partners, Mr Webb advised:

> “… it would be wiser for the UK to take a more complex position supporting the underlying concerns but advocating a greater mix of possible approaches. No.10 have started to take this line over the last week but we need to think through the options in more depth. In this way we have better prospects of influencing the US towards a successful outcome. Above all we should encourage the US to explain the issues more effectively …”

176. Mr Webb asked Mr Hoon for approval for the overall approach he had set out on which he would “be working with the Cabinet Office” before Mr Blair’s meeting with President Bush in early April.

177. Mr Ehrman, who had been shown a draft of Mr Webb’s advice, raised a number of questions and asked for a briefing for himself and Mr Patey on what the MOD considered to be the “valid options for military operations in some specific scenarios against Iraq”.[55]

178. Mr Ehrman underlined the potential legal difficulties, including differences between the UK and the US on the question of whether a determination that Iraq was flouting UNSCRs could be made without collective Security Council authorisation.

179. Mr Blair agreed to a discussion of Iraq in Cabinet, which took place on 7 March.

180. Mr Blair told Cabinet on 28 February that he would be talking to President Bush about the next phase in the war against terrorism. The main decisions, including on Iraq, needed to be properly thought through and were some way off. The Cabinet should discuss the next phase when the Foreign Secretary returned.[56]

---

[55] Letter Ehrman to Webb, 27 February 2002, ‘Axis of Evil’.
[56] Cabinet Conclusions, 28 February 2002.

181. Mr Campbell wrote that Mr David Blunkett, the Home Secretary, had referred to "the unsettling speculation and said a lot of people had difficulty with Rumsfeld" [Mr Donald Rumsfeld, US Secretary of Defense].[57] Mr Blair had said President "Bush was in charge, not Rumsfeld".

182. Lord Wilson of Dinton told the Inquiry that Mr Blunkett and Mr Robin Cook, the Leader of the House of Commons and President of the Council, had pressed for the discussion.[58] He could not recall what had prompted them but observed: "I would guess it was because the newspapers were full of stories."

Government statements on the need to deal with the threat from Iraq

183. From late February 2002, Mr Blair and Mr Straw began publicly to argue that Iraq was a threat which had to be dealt with.

184. Mr Blair discussed Iraq and other issues with President Bush on 28 February.[59]

185. Mr Blair reported the tenor of his discussions at the Progressive Governance Summit in Stockholm and that some individuals had been less hostile in private than in public. The record stated that Mr Blair understood that no plans had reached the President's desk.

186. Iraq would be discussed at their meeting in April in Crawford.

187. Before the Commonwealth Heads of Government Meeting in Australia, Mr Blair gave an interview to the *Australian Broadcasting Corporation* (*ABC*) on 28 February in which he stated that he agreed with President Bush "very strongly that weapons of mass destruction represent a real threat to world stability"; and that: "Those who are engaged in spreading weapons of mass destruction are engaged in an evil trade and it is important that we make sure that we have taken action in respect of it."

188. Mr Blair also stated that: "The accumulation of weapons of mass destruction by Iraq poses a threat, not just to the region but to the wider world." President Bush was "absolutely right to raise it".[60]

189. Asked if Britain was prepared to use force against Iraq, Mr Blair said:

> "When we're ready to take action, then we'll announce it. It is a real issue. It is a real threat. How we deal with it is an open matter."

---

[57] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[58] Public hearing, 25 January 2011, page 40.
[59] Letter Rycroft to McDonald, 28 February 2002, 'Prime Minister's Phone Call with President Bush, 28 February: Afghanistan, Iraq and Middle East'.
[60] *BBC News,* 28 February 2002, *Blair hints at Iraq action*.

190. Mr Campbell wrote that Mr Blair had given an interview for *ABC* which was “very forward on Iraq and pro GWB [President Bush]. He had decided that was the best position to adopt to gain influence.”[61]

191. *The Telegraph* the following day reported that Mr Blair had “stepped up his rhetoric against Saddam Hussein”, and that his remarks were the “strongest support yet” for President Bush’s “tough line”. It was “seen as an attempt to prepare the British public for a second phase in the war against terrorism”.[62]

192. On 3 March, Mr Blair was reported to have told *Channel Nine* in Australia:

> “We know they [Iraq] are trying to accumulate … weapons of mass destruction, we know he’s prepared to use them. So this is a real issue but how we deal with it, that’s a matter we must discuss.”[63]

193. Mr Blair was also reported to have argued that the lessons of 11 September meant that such threats must be tackled; and that “if we don’t act we will find out too late the potential for destruction”.

194. Introducing a debate in the House of Commons on 4 March, on the Government’s policy towards countries supporting international terrorism, in particular Syria, Iran and Iraq, Mr Jim Murphy (Labour) stated that Iraq had a history of support for terrorist organisations and had:

> “More recently … again assumed a high profile, taking centre stage in world politics. It is now absolutely clear in the wider sense of global and regional security that Iraq must act. Saddam Hussein, newly armed with an improved weapons of mass destruction capability, is a threat not only to his own people and his neighbours, but to international security. The United Kingdom, along with its allies, is rightly considering action, but I firmly believe that we must also publish whatever evidence we can, notwithstanding the lack of observers on the ground.
>
> “There is evidence of the increased viability and range of Iraq’s weapons of mass destruction, and we need to persuade not only the House but the British public and world opinion – especially Arab opinion that, because of the threat posed by Saddam to his neighbours and to world security, we may, unfortunately, be left with no alternative as an international community but to act, in more than a diplomatic sense …”[64]

195. Responding to Mr Murphy, Mr Ben Bradshaw, the Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs, encouraged Mr Murphy “and other

---

[61] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[62] *The Telegraph*, 1 March 2002, *Blair backs Bush on ‘evil’ of Iraq.*
[63] *BBC News*, 3 March 2002, *Blair gives Iraq new warning*.
[64] House of Commons, *Official Report*, 4 March 2002, column 125.

Members who support the Government on this issue" to make their views known in a debate on Iraq which would take place on 6 March.[65]

196. Mr Bradshaw stated that the UK's "European allies very much share our concern that Iraq should comply fully with its obligations under the United Nations resolutions to allow weapons inspectors back into that country without any conditions attached". If Iraq failed to do that, the international community would:

> "… face some very difficult decisions. Those who oppose in principle any talk of a military response against countries such as Iraq in such circumstances need to say how they would deal with rogue states determined to acquire weapons of mass destruction and use them on their neighbours and elsewhere."[66]

197. In an article published on 5 March, Mr Straw stated that if Saddam Hussein refused to co-operate with weapons inspection, he would have to live with the consequences.

198. Mr Straw wrote an article, published in *The Times* on 5 March, stating:

> "The stalemate between the United Nations and Iraq cannot go on for ever. For more than a decade, Britain and the United States have led the UN's efforts to protect Iraq's neighbours from aggression and protect the world from Iraq's weapons of mass destruction.
>
> "Iraq persistently flouts the authority of the UN Security Council and international law …
>
> "The threat from Iraq is not receding. Unique among the world tyrants, Saddam has both the ruthlessness and capability to employ weapons of mass destruction."[67]

199. "The international community's most pressing demand" was that Iraq should allow UN officials to inspect its weapons programmes.

200. The article concluded:

> "We cannot allow Saddam to hold a gun to the heads of his own people, his neighbours and the world for ever. Intense diplomatic efforts will continue, and I hope they will achieve our aim of removing the threat which Iraq's weapons of mass destruction pose to humanity. But if he refuses to open his weapons programmes to proper international inspection, he will have to live with the consequences.
>
> "No decisions have been taken, but let no one – especially Saddam – doubt our resolve."

---

[65] House of Commons, *Official Report*, 4 March 2002, column 128.
[66] House of Commons, *Official Report*, 4 March 2002, column 129.
[67] *The Times*, 5 March 2002, *Saddam must allow weapons inspectors into Iraq or suffer the consequences*.

201. The details provided by Mr Straw about Iraq’s programmes are addressed in Section 4.1.

202. A briefing paper prepared at Mr Straw’s request was sent to members of the Parliamentary Labour Party and to the members of Cabinet. That described Iraq as a threat to the international community and its WMD programmes as “massive”.

203. A briefing paper on Iraq was prepared at Mr Straw’s request by his Special Adviser, Dr Michael Williams.[68]

204. The paper provided more detail on the arguments for addressing the Iraqi regime as “a demonstrable threat to the stability of the region”, which Mr Straw had set out in his article in *The Times,* including the key elements of the strategy of containment, Iraq’s failure to comply with most of the 27 obligations imposed in UN resolutions, and criticism of Iraq’s “notorious” human rights record.[69]

205. In response to the question: “Are you preparing for military action against Iraq?”, the paper stated:

> “We cannot ignore the threat Iraq poses to the international community through its massive programme of development of weapons of mass destruction.”

206. The statements in Dr Williams’ paper on Iraq’s WMD, in particular the accuracy of the statement that Iraq had the potential to develop a crude nuclear device in about five years if its programmes remained “unchecked”, are addressed in Section 4.1.

207. Mr Straw’s Private Office signed a letter to members of Cabinet on 6 March, suggesting that they might find the briefing paper on Iraq, which had been prepared for the Parliamentary Labour Party (PLP), “useful background”.[70]

208. On 6 March, Mr Blair published an article setting out why Iraq was still a threat to the UK.

209. An article by Mr Blair, ‘Why Saddam is still a threat to Britain’, was published in the *Daily Express* on 6 March, in which Mr Blair wrote that “we now have to face the fact that there are irresponsible states which either have, or are actively seeking, biological, chemical and nuclear weapons”.[71] That was a threat which President Bush had “rightly highlighted” in his State of the Union speech on 29 January.

210. In relation to the threat posed by Iraq, Mr Blair wrote:

- We “know … from his own history that Saddam Hussein … has mass destruction weapons and will use them …”

---

[68] Statement, 9 January 2011, page 5.
[69] Paper Williams, 5 March 2002, ‘Iraq Briefing’.
[70] Letter Sedwill to Rycroft, 6 March 2002, ‘Iraq: Cabinet Discussion’.
[71] *Daily Express*, 6 March 2002, *Why Saddam is still a threat to Britain.*

- The UN had "demanded" in 1991 "that its representatives should be allowed into Iraq to dismantle his weapons of mass destruction and ensure he did not replace them" because Saddam had "used chemical weapons repeatedly against Iranian soldiers", and had used them "against his own citizens when he attacked Kurds in northern Iraq".
- The UN weapons inspectors had "discovered and destroyed thousands of chemical and biological weapons, including thousands of litres of anthrax and 48 missiles" before they had been "kicked out".
- The inspectors were "convinced" that Saddam Hussein had "hidden other deadly arsenals and the plants to manufacture more" but could not track them down because of "almost daily obstruction".
- It was important to "remain vigilant" about the threat posed by Saddam Hussein. If he was not restrained, "a volatile situation in the region could easily become a world crisis".
- The fact that Saddam Hussein had been contained "for so long" did not mean the threat had gone away, he was "continuing his chemical and biological weapons programmes and … the long-range missiles to deliver them".

211. Mr Blair concluded:

> "How we act is a matter for discussion … [I]t is in the interest of all to face up to these threats with determination and resolve.
>
> "… President Bush will consult widely with his allies. Saddam Hussein would be wise not to mistake this for weakness. He should not underestimate the determination of the international community to prevent him developing and using weapons of mass destruction."

212. The issue of possible UK support for US military action in Iraq was raised in the House of Commons on 6 March.

213. In the debate in Westminster Hall on 6 March Mr Tam Dalyell (Labour) and a number of other MPs, including Mr Menzies Campbell (Liberal Democrat), expressed concerns about the possibility of the UK Government supporting US military action in Iraq.[72]

214. The issues raised included:

- There was a need for Mr Blair to explain the policy to Parliament.
- Force should not be used until everything possible had been done to avoid war.
- Others beside Iraq were continuing to defy UN resolutions and acquire weapons of mass destruction without military action being taken.
- There was little domestic or international support for military action and a danger of a backlash in Muslim states.

---

[72] House of Commons, *Official Report*, 6 March 2002, columns 69-88WH.

- Nothing should be done without the full authority and approval of the UN.
- Military action should never be taken without clear and realistic political objectives that were capable of achievement.
- The most immediate cause of instability in the Middle East was the escalating violence between Israel and the Palestinians.
- The need to win the peace as well as war which meant considering a post-Saddam Hussein Iraq before acting.

215. Other speakers were more supportive of military action, particularly if diplomatic routes had been exhausted.

216. Mr George Howarth (Labour) asked if it “was possible to deal with rogue states under the auspices of Security Council resolutions”, and whether Iraq was “a serious enough threat to warrant the type of action that seems to be under consideration”.[73] If the United Nations was “to deserve and continue to enjoy a good level of support”, it was “vitally important that Security Council resolutions are taken seriously and amount to more than mere words on paper”. In his view there could be “no doubt” that Saddam Hussein was “developing weapons of mass destruction of various kinds” and that “our security is threatened by what might happen if no action is taken”. He had “no difficulty” supporting the positions taken by Mr Blair and Mr Straw, including “if it became obvious that an appropriate form of intervention was necessary”. In that event he advocated a debate in which the case would be argued properly. There was “a case for action, but it must be cautious, considered and carefully weighed”, and the House should be consulted before action was taken.

217. Mr Alan Duncan, the Opposition spokesman on Defence, stated:

- Iraq under Saddam Hussein had “refused to acknowledge international norms or its own international agreements”, oppressed its own people, and appeared “intent on developing weapons of mass destruction” that the UK would be “naive” to see as “merely defensive”.
- The policy of containment had been followed “with some success” but it was not enough on its own “to defeat the evil of the Iraqi regime and its weapons programme”. He questioned whether it was “any longer realistic to pursue” containment, and whether the policy was “sufficient to guarantee the safety and security of Iraq’s immediate neighbours and the wider world”.
- In facing the “latent threat” from Iraq, “we should not rule out any course of action”.
- “Conservative Members support the Prime Minister in his determination to tackle the issue and not shy away from it, as some would wish. His full support for President Bush shows an appreciation of the gravity of the issue and we await

[73] House of Commons, *Official Report,* 6 March 2002, column 74WH.

the outcome of their talks … There is a clear and present danger and we must face it."

- Saddam Hussein should tell the UN that he was prepared to admit inspection teams and prove that was a realistic option.
- Action in Iraq would be "on an altogether different scale" from Afghanistan. And there would not be a rebel force "similar to the Northern Alliance" to take that military action.
- If Saddam Hussein was to be toppled, there was a need to "be certain to win the peace as well as any war". That meant "considering a post-Saddam Iraq" before acting, and considering "reconstruction, humanitarian aid and the massive difficulty of filling the political vacuum left by the regime of a dictator".
- Nor could there be any "support for any form of separation or any breakaway state".
- If, as he believed, the Government had "considered Iraq's long-term requirements" and should be supported, "Those who continue to argue that containment is sufficient must answer the charge of naivety."[74]

218. Responding to the points raised in the debate, Mr Bradshaw stated that there were "no proposals, only speculation".[75] He agreed that everything possible should be done to avoid military action. Mr Annan would be holding talks with Iraq in New York the following day, but Mr Bradshaw said it remained to be seen if Iraq was serious. Saddam Hussein had embarked on charm offensives before and they had come to nothing. Iraq was "a state sponsor of terrorism" but the main concern was "its determination to build weapons of mass destruction and the threat it poses, not just to its neighbours, but to the rest of the world". The UK was actively pursuing diplomacy. In the "hypothetical circumstances" of military action, the legal view was that Iraq was in "flagrant breach" of both UN resolutions and the cease-fire agreement, "which made the cease-fire no longer valid". Iraq was "unique" in that it had used chemical weapons against its neighbours and its own people.

219. Mr Bradshaw added that all the Labour members who had spoken in the debate opposing the Government's policy had opposed the policy in Afghanistan and Kosovo: "They were wrong then, and they are wrong now."

220. During Prime Minister's Questions (PMQs) later that day, Ms Diane Abbott (Labour) asked if Mr Blair was:

> "… aware of the growing concern in the country that we may be moving by degrees towards war with Iraq? Does he accept that in the event that British troops are sent into action, there should be a debate and a vote on the Floor of the House?"[76]

---

[74] House of Commons, *Official Report,* 6 March 2002, columns 84-85WH.
[75] House of Commons, *Official Report*, 6 March 2002, column 87WH.
[76] House of Commons, *Official Report*, 6 March 2002, column 287.

221. Mr Blair replied:

> "Of course, were we ever to take action in respect of Iraq, there would be an opportunity for the House to express its views … However … no decisions have yet been taken about any possible action in respect of Iraq …"

222. Referring to Mr Blair's remarks to the Australian media and the debate in Westminster Hall that morning, Mr Dalyell asked a similar question during Mr Blair's statement on the Commonwealth Heads of Government meeting. Mr Blair's reply referred to his answer to Ms Abbott, but he added:

> "… it is important … before anyone takes a position condemning it or supporting it [action on Iraq], we see what the Government propose we should do …"[77]

DRAFT PAPER ON WMD PROGRAMMES OF CONCERN

223. On 6 March, Mr Scarlett sent Sir David Manning a draft of the paper which had been commissioned on 19 February, setting out the facts "for public use" on WMD programmes of concern in Iraq, Iran, North Korea and Libya.[78]

224. The draft paper was also sent to Sir Richard Wilson, the heads of the intelligence Agencies, and to senior officials in the FCO, the MOD and the Cabinet Office.

225. The substance of the draft paper and its development, including the decision that the document should focused on Iraq and that publication should be postponed, are addressed in Section 4.1.

Cabinet, 7 March 2002

226. The minutes record that Cabinet on 7 March agreed:

- **It was important that the US did not appear to be acting unilaterally.**
- **It was critically important to reinvigorate the Middle East Peace Process.**
- **Any military action taken against President Saddam Hussein's regime had to be effective.**
- **On the other hand, Iraq was in clear breach of the obligations imposed by the UN Security Council.**
- **Iraq's WMD programmes posed a threat to peace; and Iraq's neighbours regarded Saddam Hussein as a danger.**
- **The right strategy was to engage closely with the US Government in order to be in a position to shape policy and its presentation.**

---

[77] House of Commons, *Official Report*, 6 March 2002, column 297.
[78] Minute Scarlett to Manning, 6 March 2002, 'WMD Programmes of Concern – Unclassified', attaching Paper 'WMD Programmes of Concern'.

- **The international community should proceed in a measured and determined way to decide how to respond to the real threat represented by the Iraqi regime.**
- **No decision to launch further military action had been taken and any action taken would be in accordance with international law.**

227. As agreed the previous week, Cabinet discussed Iraq on 7 March.[79]

228. Mr Straw told Cabinet that "in view of the current media speculation about military action in Iraq, it was important to remind his colleagues of the background to the current situation". President Saddam Hussein had launched "an unprovoked invasion of Kuwait in 1990". Following his defeat in 1991, 27 separate obligations had been imposed on Iraq by the UN Security Council; Saddam Hussein's regime had met only three. The:

> "… regime continued to pose a threat to peace through its development of weapons of mass destruction (WMD) and the means to deliver them. United Nations weapons inspectors had been forced to leave Iraq in 1998 because they were close to exposing the full extent of … Saddam Hussein's programmes. Iraq's neighbours were concerned about the threat to peace posed by … Saddam … but feared that military action which did not result in his removal would strengthen his position."

229. Mr Straw continued:

> "… sanctions imposed by the United Nations were not preventing food and other humanitarian goods from reaching Iraq. Contracts to the value of $30 billion had been approved under the Oil-for-Food programme … The United Kingdom alone had given £100 million in humanitarian aid to Iraq. Negotiations were … in train to change the sanctions regime so that, with the exception of those military and dual-use goods included on a Goods Review List, all goods could be imported … without the prior approval of the United Nations. President Saddam Hussein's regime had to comply fully with all relevant … Security Council resolutions, including the elimination of all WMD … to normalise its relations …"

230. Mr Straw concluded:

> "No decision had been taken on launching further military action against the Iraqi regime, but it was important to ensure that the British public and international opinion understood the true nature of the threat posed by the regime and the need to respond effectively."

---

[79] Cabinet Conclusions, 7 March 2002.

231. Cabinet Ministers raised a number of points in the subsequent discussion, including:

- “it was important to distinguish between the campaign against international terrorism and efforts to address the threat to international peace posed by the Iraqi regime’s continuing development of WMD”.
- It would be “more difficult to convince the public of the need for military action” in Iraq than it had been for Afghanistan. “It would be necessary to have a clear legal basis for military action and to convince people that the situation had deteriorated sufficiently to justify military action”.
- “any military action would create new tensions” in the UK, “particularly within the Moslem community. The domestic impact of action would have to be weighed carefully before any decisions were taken”.
- “it would be important to secure maximum international support … before any military action took place. Western policy would have to be carefully calibrated to convince President Saddam Hussein that military action would ensue if he failed to comply with the United Nations Security Council resolutions, without making such action inevitable”.
- The “military action in December 1998 [Operation Desert Fox], while meeting the objectives set out by the Coalition at the time, had boosted … Saddam Hussein’s reputation on the Arab Street. The Iraqi regime was a more formidable opponent than the Taliban regime in Afghanistan”.
- “to isolate … Saddam Hussein” it would be “necessary to make progress towards resolving the Israel/Palestine problem” to avoid accusations that the West was “not being even handed”. “Many people believed” that the US Government was an “uncritical” supporter of the Government of Israel. Mr Blair “could play a key role” in persuading the US to make clear that was not the case.

232. Mr Blair concluded:

> “… the concerns expressed in discussion were justified. It was important that the United States did not appear to be acting unilaterally. It was critically important to reinvigorate the Middle East Peace Process. Any military action taken against President Saddam Hussein’s regime had to be effective. On the other hand, the Iraqi regime was in clear breach of its obligations under several United Nations Security Council resolutions. Its WMD programmes posed a threat to peace. Iraq’s neighbours regarded President Saddam Hussein as a danger. The right strategy was to engage closely with the Government of the United States in order to be in a position to shape policy and its presentation. The international community should proceed in a measured but determined way to decide how to respond to the real threat represented by the Iraqi regime. No decisions to launch military action had been taken and any action taken would be in accordance with international law.”

233. The Cabinet, “Took note, with approval.”

234. In his diaries, Mr Campbell provided more detail of the discussion. The points recorded by Mr Campbell included:

- Mr Blunkett had said "he didn't feel there was much support [for where policy on Iraq was going]".
- Several Cabinet members thought the "real concern" was the Middle East Peace Process.
- Mr Charles Clarke, Minister without Portfolio and Chairman of the Labour Party, said the Labour Party "would support provided the case was real and properly made". In his view, judgement of the UK would rest on success or failure. People "understood" Mr Blair's "position of support in exchange for influence".
- Mr Blunkett also "raised the international and legal basis for action". Support for [military intervention in] Kosovo and Afghanistan had been "pretty overwhelming", but "a military assault on Iraq would carry less weight. It would depend on the role of the UN."
- Mr Cook described Saddam Hussein as "a psychopath" and stated that there was "a fine balance" to strike on military action. Saddam would not listen to Mr Annan unless he believed "there might be military action". Mr Cook wasn't convinced that the [military] action [in December 1998] "had been productive". He "doubted whether it would be worth taking action" if Saddam was "still standing at the end", and Saddam would be "much cleverer than the Taliban". The best way of isolating Saddam would be progress on the MEPP. Mr Cook also warned against allowing the UK to become isolated in Europe.
- Mr Blair had said "people's concern's were justified. 'I do want to assure you that the management has not gone crazy.' What are the dangers? US unilateralism. Bush doing it for the wrong reasons. Lack of progress on the Middle East. Taking action which proves to be ineffective." The UK had to "try to influence and shape US strategy. But we have to try to put ourselves in the right position. Get the weapons inspectors back in … the only thing Saddam responds to was real fear. If we had regime change it would make a huge difference to the whole region."

235. Lord Wilson told the Inquiry that it was the most important Cabinet discussion of Iraq he had attended in 2002.[80] It had lasted an hour and he had taken "seven and a bit pages of notes … and Iraq occupied six and a bit pages". Lord Wilson commented that that was not bad "as a full discussion without papers". He had gone "away feeling pretty pleased. I thought 'In my time as Cabinet Secretary I have seen the Cabinet begin to play its role as I think the Cabinet should play its role.'"

236. Cabinet had:

> "… raised all sorts of issues, not political issues particularly, issues about the legal position, about … what would be involved in military action, whether you could

[80] Public hearing, 25 January 2011, pages 72-73.

succeed … about the importance of the United Nations, about the prior importance of the Middle East Peace Process."

237. Lord Wilson also stated Mr Blair had finished the meeting by saying: "The concerns expressed are justified. The management hasn't gone crazy."[81] He added:

"… those are not the words of a man who has had the authority to proceed on a course which is likely to lead to military action. It is about a Cabinet which has expressed concern … They know that force is an essential ingredient in policy on Iraq.

…

" … and I think Robin Cook said that again, but the message was … they were worried about the direction the US Administration was going and they wanted the Prime Minister to use his power and influence to focus it on the United Nations, on getting the inspectors back in and on giving Saddam Hussein a real fright to get him to co-operate. They weren't talking about military action … [T]he whole flavour … was, 'Any decisions on this are a long way away' …"[82]

238. Lord Wilson also explained that Mr Cook had made a number of points in January 1998, about the need to be "ready to use force if necessary, because not being ready … would undermine leverage over Saddam Hussein; and … the United States were clear they had legal authority to take action whereas our legal advice was more nuanced … [T]hose are things you could transpose" to March 2002.[83]

239. Mr Straw told the Inquiry that there was "great anxiety about the intentions of the Bush Administration".[84]

240. Mr Straw added that he "would have been fairly circumspect" about his own views in the discussion.[85] He would not "have spilled out all the things that I was saying to the Prime Minister in private", not least because he was "concerned about the matter leaking".

241. Mr Campbell wrote that Cabinet was not exactly divided but there was "a lot of concern" about where policy on Iraq was going. It was not a "row" but it had immediately been briefed to the press as one.[86] The next day the papers were "full of division, threats of resignation over Iraq", which were "untrue".

---

[81] Public hearing, 25 January 2011, page 73.
[82] Public hearing, 25 January 2011, pages 73-74.
[83] Public hearing, 25 January 2011, pages 73-74.
[84] Public hearing, 8 February 2011, page 36.
[85] Public hearing, 8 February 2011, page 38.
[86] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

242. In questions to Mr Cook later that day, Mr Dalyell asked for confirmation that the House of Commons would be consulted before a commitment to military action, not after.[87] Mr Cook responded that Mr Blair had said no decision had been taken, and no one anticipated one being taken in the near or medium future. Mr Cook added:

> "Indeed, there is no timetable or process by which such a decision could be taken. It would therefore be ludicrously premature … to commit myself to what the House may do in the event of a hypothetical outcome that is not expected for many months."

243. Mr Douglas Hogg (Conservative) asked for an early debate on Iraq, the publication of a document setting out "the chief areas of concern in the context of Iraq", and that, in the event of military action outside action in the No-Fly Zones, the House should be given an opportunity to vote on a substantive motion.[88]

244. Mr Cook replied that a decision might never be taken. He added that the areas of concern:

> "… were well known and unarguable. The fact is that the Iraqi regime has several thousand of unaccounted litres of toxic chemicals that would be appropriate to use in a chemical weapon; it has made a considerable investment in developing biological germ agents that could be used in biological weapons; and has proceeded intensively – and appears to be continuing to do so – with medium-range missiles that could deliver such warheads. In addition … Saddam Hussein used chemical weapons …
>
> "Given that history and the present record, it is entirely proper that the world should take action through every available channel, starting with the United Nations to ensure Saddam Hussein accepts what the rest of the world accepts: no regime should have access to weapons of mass destruction unless it fully participates in international regimes to control proliferation."

245. The following day, an article in *The Guardian* newspaper reported that, questioned by reporters at his weekly meeting, Mr Cook had:

> "… admitted that 'many people sometimes have contradictory instincts on this. Nobody likes military action.'
>
> "… also praised the Labour rebels as MPs who include some with 'long and honourable records in opposing proliferation and demanding strong action' against transgressors. That may have been a hint to colleagues that they should not be

---

[87] House of Commons, *Official Report*, 7 March 2002, column 423.
[88] House of Commons, *Official Report*, 7 March 2002, column 424.

undermining efforts to keep Saddam nervous about the West’s intentions while efforts are made to re-open weapon inspections.”[89]

246. The article also reported “Signs of real unease” had begun to emerge “last night” about “the perceived hardening of Tony Blair’s opposition towards Iraq”. Officials had described the discussion in Cabinet as a thoughtful and sombre discussion of the options. Downing Street had denied that a Minister had spoken out against the military option.

247. Lord Wilson told the Inquiry that, the day after the 7 March Cabinet, reports of the meeting “appeared in virtually every newspaper”.[90] The reports were not very accurate, but they had “caused huge ructions”.

248. Given Mr Blair’s subsequent actions, the question of what Cabinet Members understood they had endorsed is a matter of some importance.

249. Cabinet minutes do not provide a verbatim record of the discussion in Cabinet. Their purpose is to provide a record of the key points made and the decisions taken.

250. The discussion undoubtedly took place against a background of considerable Parliamentary, public and media debate about possible US military action to depose and replace Saddam Hussein and whether the UK would support and participate in such action.

251. In the previous week, both Mr Blair and Mr Straw had made public statements that Iraq was a threat which had to be dealt with, and Mr Straw reiterated to Cabinet the need for the British public and international opinion to understand “the true nature of the threat posed by the [Iraqi] regime and the need to respond effectively”.

252. The discussion in Cabinet was couched in terms of Iraq’s need to comply with its obligations and future choices by the international community on how to respond to the threat which Iraq represented.

253. Mr Blair and Mr Straw went to some lengths to assure their colleagues that no decisions had been taken and Cabinet was not being asked to take decisions.

254. Cabinet did endorse the conclusion that Iraq’s WMD programmes posed a threat to peace and a strategy of engaging closely with the US Government in order to shape policy and its presentation. But it did not discuss how that might be achieved.

---

[89] *The Guardian*, 8 March 2002, *Cabinet concern grows over Blair’s tough talk on Iraq*.
[90] Public hearing, 25 January 2011, page 88.

255. Mr Blair had committed the UK to support the US in the fight against international terrorism, but given the absence of evidence of any Iraqi support for Islamic extremists, it is hard to see how that would have applied to US policy on Iraq.

256. There was no discussion of the nature of the strategy for dealing with Iraq. At that stage, Mr Blair, Mr Straw and Mr Hoon were yet to receive advice.

UN talks with Iraq, 7 March 2002

The UN and Iraq held their first talks for more than a year on the possible return of weapons inspectors, when Mr Annan met Mr Naji Sabri, the Iraqi Foreign Minister on 7 March 2002, before a meeting with experts.[91]

The talks were described as exploratory and neither side predicted an immediate breakthrough. They ended with agreement to a further round of talks in April.

Mr Annan told journalists that the talks were an effort to prevent a new Middle East war and that he "didn't want to see a widening conflict in the region".

The Iraqis made no specific commitments to co-operate with UN resolutions and posed 19 questions about US/UK policies. The majority were about clarification of resolution 1284.[92]

The Cabinet Office 'Iraq: Options Paper'

257. The Cabinet Office co-ordinated background paper on Iraq, commissioned on 19 February, was sent to Mr Blair on 8 March.

258. The existing policy of containment was described as "the least worst option", which had been "partially successful".

259. The paper analysed two broad options, toughening the existing containment policy and regime change by military means, but it did not make any recommendations.

260. The Cabinet Office 'Iraq: Options Paper', commissioned by Sir David Manning and co-ordinated by the Overseas and Defence Secretariat, was sent to Mr Blair by Sir David Manning on 8 March, as part of the collection of "background briefs that you asked for", for the meeting with President Bush in April.[93]

---

[91] *The Guardian*, 8 March 2002, *Cabinet concern grows over Blair's tough talk on Iraq.*
[92] Minute Dodd to Manning, 5 April 2002, 'Iraq'.
[93] Minute Manning to Prime Minister, 8 March 2002, 'Briefing for the US'.

261. The Cabinet Office paper described the UK’s policy objectives on Iraq as:

> “Within our objectives of preserving peace and stability in the Gulf and ensuring energy security, our current objectives towards Iraq are:
>
> - the reintegration of a law-abiding Iraq, which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam in power; and
> - hence as the least worst option, we have supported containment of Iraq, by constraining Saddam’s ability to re-arm or build up WMD and to threaten his neighbours.
>
> Subsidiary objectives are:
>
> - preserving the territorial integrity of Iraq;
> - improving the humanitarian situation of the Iraqi people;
> - protecting the Kurds in northern Iraq;
> - sustaining UK/US co-operation, including, if necessary, by moderating US policy; and
> - maintaining the credibility and authority of the Security Council.”[94]

262. The Cabinet Office paper provided an analysis, drawing on recent JIC Assessments, of the existing policy of containment, which it described as having been “partially successful”. The policy had:

- effectively frozen Iraq’s nuclear programme;
- prevented Iraq from rebuilding its conventional arsenal to pre-Gulf war levels;
- severely restricted Iraq’s ballistic missile programmes;
- hindered Iraq’s biological and chemical weapons programmes;
- given some protection to the Kurds and the Shia through the operation of the No-Fly Zones; and
- Saddam was not seriously threatening his neighbours.[95]

263. Despite containment, there was considerable oil and other smuggling; Saddam Hussein led a brutal regime and provided a rallying point for anti-western sentiment, which was a cause of instability.

264. Incontrovertible proof of large-scale activity would be needed to convince the Permanent Five and the majority of the Security Council that Iraq was in breach of its obligations on WMD and ballistic missiles.

---

[94] Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.
[95] Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.

265. Reflecting the JIC Assessment of 27 February, that Iraq continued to pursue the development of weapons of mass destruction, the Cabinet Office paper stated that Iraq continued "to develop WMD, although our intelligence is poor". There was no greater threat now that Saddam would use WMD than there had been in recent years. Current intelligence was "insufficiently robust" to convince the P5 and the majority of the Security Council that Iraq was in breach of its obligations; the proof would need to be "incontrovertible and of large-scale activity to meet that criterion".

266. The JIC Assessments of Iraq's ability and intent to pursue weapons of mass destruction programmes, and the robustness of their judgements, is addressed in Section 4.1.

267. An improved containment policy would make a sanctions regime more attractive and reduce Iraq's illicit revenues. The return of the inspectors would also allow greater scrutiny of Iraq's WMD programme and security forces.

268. The US had, however, lost confidence in the policy.

269. The Cabinet Office paper stated that a policy to toughen containment would comprise:

- full implementation of all relevant Security Council resolutions;
- introduction of the revised sanctions regime and a Goods Review List in May as envisaged in resolution 1382 (2001);
- clarification of the modalities of resolution 1284 (1999) with a specific demand that Iraq re-admit UN inspectors with the aim of telling Saddam Hussein to admit inspectors or face the risk of military action;
- pushing for tougher action, especially by the US, against states breaking sanctions;
- maintaining the present military posture, including in the No-Fly Zones, and being prepared robustly to respond to any Iraqi adventurism; and
- continuing to make clear "without overtly espousing regime change" the view that Iraq would be better off without Saddam Hussein.

270. Toughening containment would put pressure on Saddam Hussein. The Goods Review List would make the sanctions regime more attractive. Better implementation of sanctions would reduce Iraq's illicit revenues. The return of inspectors would allow greater scrutiny of Iraq's WMD programme and security forces.

271. Some of the difficulties with the existing policy would, however, still apply. They included:

- Tougher containment would not reintegrate Iraq into the international community as it offered little prospect of removing Saddam Hussein.

- Iraq had progressively increased its international engagement and while the GRL might make sanctions more sustainable, the sanctions regime could collapse in the long term.
- Those states in breach of sanctions would want compensation.
- Saddam Hussein was only likely to permit the return of inspectors if he believed the threat of large scale US military action was imminent; and that such concessions would prevent the US from acting.
- Saddam Hussein was likely then to play for time, embarking on a renewed policy of non-co-operation.
- A “contract with the Iraqi people” would need “some detailed work” to be “at all credible”.

272. The US had lost confidence in containment. Some in the US Administration wanted Saddam Hussein removed. The success of Operation Enduring Freedom (the US military operation in Afghanistan), distrust of UN sanctions and inspection regimes, and unfinished business from 1991 were all identified as factors.

273. The Cabinet Office paper identified two possible types of future regime in Iraq:

- **a government led by a Sunni military strongman; or**
- **a Sunni-led representative and broadly democratic government.**

274. The second option would require the commitment of the US and others to nation-building for many years.

275. The paper stated that the UK should consider what sort of Iraq it wanted. It identified two possibilities:

- A “Sunni military strong man” who would be likely to maintain Iraqi territorial integrity. That might allow military forces to “withdraw quickly”. While outside assistance might be “traded” with assurances on WMD programmes and respect for human rights, there would be a strong risk of the Iraqi system reverting to type with a series of military coups until a Sunni dictator emerged who protected Sunni interests and with time could acquire WMD.
- A “representative, broadly democratic government”, which would be Sunni-led but within a federal structure which gave the Kurds guaranteed autonomy and the Shia fair access to government. Such a government was judged to be less likely to develop WMD and threaten its neighbours. But it would require the US and others to commit to nation-building for many years and entail a substantial international security force and help with reconstruction. The paper did not address how a broadly representative government would not be Shia-led.

276. The paper noted that even a representative government could seek to acquire WMD and build up its conventional forces, as long as Iran and Israel retained their WMD and conventional armouries.

277. The Cabinet Office paper stated that the only certain means to remove Saddam Hussein and his elite was to invade and impose a new government. That would be a new departure which would require the construction of a coalition and a legal justification.

278. Examining the internal position in Iraq, the paper stated:

- "In the current circumstances, a military revolt or coup is a remote possibility."
- "Unaided, the Iraqi opposition is incapable of overthrowing the regime. The **external opposition** is weak, divided and lacks domestic credibility. The predominant group is the Iraqi National Congress (INC) … The other major group, the Iraqi National Accord (INA) espouses moderate Arab socialism and is led by another Shia, Ayad Allawi. Neither group has a military capability, and both are badly penetrated by Iraqi intelligence …"
- "The **internal opposition** is small and fractured on ethnic and sectarian grounds. There is no effective **Sunni-Arab** opposition. There are 3-4m **Kurds** in northern Iraq … divided between two main parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP). These groups have an interest in preserving the status quo, and are more interested in seeking advantage over the other than allying against Saddam …"
- "The Kurds do not co-operate with the **Shia-Arabs** who form 60 percent of the population … Most Shia would like to have a greater say in Iraqi government, but not necessarily control: they do not want secession, Islamic autonomy or Iranian influence."

279. Three options for achieving regime change by military means were identified, which were described as "a new departure which would require the construction of a coalition and a legal justification". Those were:

- Covert support to opposition groups, internal revolt by the Kurds and Shia, and the defection, or at least acquiescence, of large sections of the Army.
- An air campaign providing overt support to opposition groups, leading to a coup or uprising. Pressure on the regime could be increased by massing ground and naval forces and threatening a land invasion.
- A full-scale ground offensive to destroy Saddam Hussein's military machine and remove him from power. An invasion would need to be preceded by a major air offensive to soften up Iraq's defences and be sufficient to pose a credible threat to Baghdad to persuade members of the Sunni military elite that their survival was better served by deserting to the coalition than staying loyal to Saddam. That would require fewer forces than Operation Desert Storm because

Iraqi forces were considerably weaker than they had been in 1991. The paper added: “The greater investment of western forces, the greater our control of Iraq’s future, but the greater the cost and the longer we would need to stay. The only certain means to remove Saddam and his elite is to invade and impose a new government, but this could involve nation building over many years.” For logistical reasons, a ground campaign would not be feasible until autumn 2002.

280. The three options were not “mutually exclusive”. The first had a very low prospect of success and the second had no guarantee of success, but either or both would be “natural precursors” to the third.

281. While bases in only a few countries would be essential for a successful invasion, a wider and durable international coalition would be advantageous for both military and political reasons. Securing moderate Arab support would be greatly assisted by the promise of a quick and decisive campaign, and credible action by the US to address the MEPP.

282. Any coalition would need much tending over the difficult months of preparation:

“Iran, fearing further US encirclement and that it will be invaded next, will be prickly but is likely to remain neutral. With his regime in danger, Saddam could use WMD, either before or during an invasion. Saddam could also target Israel as he did during the Gulf war. Restraining Israel will be difficult. It could try to pre-empt a WMD attack and has certainly made clear that it would retaliate. Direct Israeli military involvement in Iraq would greatly complicate coalition management and risk sparking conflict more widely.”

283. The paper stated:

“At this stage we need to wait and see which options or combination of options may be favoured by the US Government.”

284. No legal justification for an invasion currently existed.

285. The Cabinet Office paper stated:

“A legal justification for invasion would be needed. Subject to Law Officers advice, none currently exists. This makes moving quickly to invade very difficult. We should therefore consider a staged approach, establishing international support, building up the pressure on Saddam, and developing military plans. There is a lead time of about 6 months to a ground offensive.”

286. A separate paper prepared by FCO Legal Advisers, ‘Iraq: Legal Background’, circulated as an annex to the Cabinet Office paper, set out the general legal background,

Iraq's obligations in the relevant Security Council resolutions, and the potential difficulties in relying in 2002 on existing resolutions to support the further use of force.[96]

287. As well as examining the legal base for the No-Fly Zones, the Security Council resolutions relevant to the sanctions regime and resolution 1284 which had established UNMOVIC, the FCO addressed three possible bases under international law whereby the use of force could be authorised in relation to the circumstances of Iraq. It stated that two of the bases – self-defence and humanitarian intervention – were not applicable at that time.

288. The third potential legal base was the possibility that the authorisation to use force in resolution 678 (1990) could be revived. That had happened in the past, most recently when Iraq refused to co-operate with the UNSCOM in 1997 and 1998. A series of Security Council resolutions had condemned Iraq.

289. Resolution 1205 (1998) had condemned Iraq's decision to end all co-operation with UNSCOM as a "flagrant violation" of Iraq's obligations under resolution 687 (1991), and restated that effective operation of UNSCOM was essential for the implementation of that resolution. In the UK's view, that had had the effect of reviving the authorisation to use force in resolution 678.

290. In a letter to the President of the Security Council in 1998, the UK had "stated that the objective of Operation Desert Fox was to seek compliance by Iraq with the obligations laid down by the Council, that the operation was undertaken only when it became apparent that there was no other way of achieving compliance by Iraq, and that the action was limited to what was necessary to secure this objective".[97]

291. The revival argument and the UK's position during the 1990s are set out in Section 5.

292. The FCO drew attention to potential difficulties in relying on existing Security Council resolutions to support further use of force in 2002:

> "The more difficult issue is whether we are still able to rely on the same legal base for the use of force more than three years after the adoption of resolution 1205. Military action in 1998 (and on previous occasions) followed on from specific decisions of the Council; there has now not been any significant decision by the Council since 1998. Our interpretation of resolution 1205 was controversial anyway; many of our partners did not think the legal basis was sufficient as the authority

---

[96] Paper FCO, [undated], 'Iraq: Legal Background', attached to Cabinet Office Paper, 8 March 2002, 'Iraq: Options Paper'.

[97] UN Security Council, 'Letter dated 16 December 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council' (S/1998/1182).

to use force was not explicit. Reliance on it now would be unlikely to receive any support.”[98]

293. The FCO also identified a difference in the view of the UK and US about the role of the Security Council in determining any breach of the cease-fire enshrined in resolution 687 (1991). It stated:

“As the cease-fire was proclaimed by the Council … it is for the Council to assess whether any breach of those obligations has occurred. The US have a rather different view: they maintain that the assessment of a breach is for individual Member States. We are not aware of any other State which supports this view.”

294. In relation to the possible legal grounds for the use of force set out in the FCO note, Sir Michael Wood, the FCO Legal Adviser from 1999 to 2006, told the Inquiry:

“I think the legal position was pretty straightforward and pretty uncontroversial. The first possible basis would be self-defence and it was clear to all the lawyers concerned that … a factual basis for self-defence was not present unless circumstances changed …

“The second possibility would have been the exceptional right to use force in the case of an overwhelming humanitarian catastrophe. This was the Kosovo argument, the argument we used in 1999, and also used for the No-Fly Zones. Apart from the No-Fly Zones, it was clear that there was no basis, using that rather controversial argument, for the use of force in 2001/2002.

“So that left the third possible basis, which was with authorisation by the Security Council. There we had had a series of resolutions culminating in 1205 of 1998, which was seen as the basis for Operation Desert Fox … so there was a slight question whether that finding of a serious breach still had some force.

“But I think all the lawyers who looked at it … were very clearly of the view that it was not, and that if we sought to rely on that resolution of some years before, we wouldn’t have a leg to stand on.”[99]

295. The Cabinet Office paper stated that for the P5 and the majority of the Security Council to take the view that Iraq was in breach of the cease-fire provisions of resolution 687 (1991):

“
- they would need to be convinced that Iraq was in breach of its obligations regarding WMD, and ballistic missiles. Such proof would need to be incontrovertible and of large-scale activity. Current intelligence is insufficiently robust to meet this criterion …; or

---

[98] Paper FCO, [undated], ‘Iraq: Legal Background’, attached to Paper Cabinet Office, 8 March 2002, ‘Iraq: Options Paper’.
[99] Public hearing, 26 January 2010, pages 12-14.

- … Iraq refused to admit UN inspectors after a clear ultimatum by the Security Council; or
- the UN inspectors were re-admitted to Iraq and found sufficient evidence of WMD activity or were again expelled trying to do so."[100]

296. If the options for tougher containment or regime change were developed further a "full opinion should be sought from the Law Officers".

297. The Cabinet Office paper concluded that the use of overriding force in a ground campaign was the only option to offer confidence that Saddam Hussein would be removed and bring Iraq back into the international community.

298. That would require a staged approach and the US should be encouraged to consult widely on its plans.

299. In its "Conclusions", the Cabinet Office paper stated:

> "… despite the considerable difficulties, the use of overriding force in a ground campaign is the only option that we can be confident will remove Saddam and bring Iraq back into the international community."

300. The elements of a staged approach comprised:

"
- winding up the pressure: increasing the pressure on Saddam through tougher containment. Stricter implementation of sanctions and a military build-up will frighten his regime. A refusal to admit UN inspectors, or their admission and subsequent likely frustration, which resulted in an appropriate finding by the Security Council, could provide the justification for military action. Saddam would try to prevent this, although he has miscalculated before;
- careful planning: …
- coalition building: … Special attention will need to be paid to moderate Arab states and to Iran;
- incentives: … guarantees will need to be made with regard to Iraqi territorial integrity. Plans should be worked up in advance of the great benefits the international community could provide for a post-Saddam Iraq and its people. These should be published;
- tackling other regional issues: an effort to engage the US in a serious effort to re-energise the MEPP …
- sensitising the public: a media campaign to warn of the dangers that Saddam poses and to prepare public opinion both in the UK and abroad."

301. The Cabinet Office paper ended with a statement that the US should be encouraged to consult widely on its plans.

---

[100] Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.

302. The Cabinet Office also provided a paper, produced by the FCO, on the attitudes of selected third countries, which is addressed in the Box below.[101]

Attitudes of selected third countries, March 2002

The March 2002 FCO paper on the attitudes of selected third countries to military action in Iraq stated that countries were more likely to be supportive, “or at least neutral or less hostile” if:

- “some attempt is made to build UN legitimacy, ie a real effort to get the inspectors in; public presentation of the WMD evidence;
- the US are seen to be making a major effort to revive the MEPP;
- (with allies) there is genuine consultation;
- the US show that this time they are serious about getting rid of Saddam and have a plan that will work;
- the economic concerns of neighbouring states will be taken into account;
- they are convinced that the day-after questions are being addressed;
- the campaign has good prospects of being short as well as successful.”[102]

The FCO assessed that, of the Permanent Members of the Security Council:

- France would be “difficult but not impossible to bring on board”.
- Russia would be looking for “an economic quid pro quo (on debt and future business in Iraq)”.
- China’s interest in improving relations with the US “may overcome its traditional opposition to interference in other countries’ affairs”.

The FCO also advised that:

- In the absence of progress on the MEPP, Arab states would have “the greatest difficulties” in supporting an operation perceived to be serving Israeli interests.
- Turkey would want to know that the US was “focused on maintaining a centralised, secular Iraqi government” and would not want to be the only Islamic country supporting the US.
- Jordan could find itself under the greatest pressure if military action went ahead given its economic dependence on Iraq.
- “Public criticism but private neutrality” was probably the best that could be hoped for from Iran.
- Overt Israeli support would be counterproductive.
- In the EU, France and Germany could probably be brought onside “with careful attention from Washington and depending on the degree of UN cover”. Overt criticism was more likely from Italy. Spain did not want an open breach with the US.

[101] Paper FCO, March 2002, ‘Military Action Against Iraq: Attitudes of Selected Third Countries’.
[102] Paper FCO, March 2002, ‘Military Action Against Iraq: Attitudes of Selected Third Countries’.

303. SIS10 sent Sir David Manning an Annex to the Cabinet Office paper, outlining options for SIS activity, on 8 March.[103]

304. Addressing the options examined in the Cabinet Office paper, Mr Blair told the Inquiry:

> "So that was the two sides of the argument … which side you came down on really depended on whether you thought post-September 11th we had to be change makers or whether we could still be managers. Up to September 11th we had been managing this issue. After September 11th we decided we had to confront and change …"[104]

THE PROCESS FOR PRODUCING THE CABINET OFFICE 'OPTIONS PAPER'

305. The Cabinet Office 'Options Paper' was prepared as a background paper. It contained no recommendation, and did not represent agreed inter-departmental advice for Ministers.

306. The paper was seen by Mr Straw and Mr Hoon and, later, by Mr Brown; but it was not approved by them or discussed collectively.

307. No further cross-departmental analysis and advice on the policy options was commissioned before Mr Blair's meeting with President Bush.

308. Following discussions with the FCO and MOD, Mr Jim Drummond, Assistant Head (Foreign Affairs) OD Sec, had asked Sir David Manning on 15 February for a "quick meeting" to discuss what next on Iraq.[105]

309. Mr Drummond had identified two options:

- Continuing containment by tightening the No-Fly Zones and destroying Iraq's new air defence system; pursuing the revised sanctions regime; and moving towards clarification of resolution 1284, including being prepared to respond militarily if there were major finds or the inspectors' work was frustrated.
- Going "for the military option now". That could involve either "bomb plus stimulate an uprising in the South and/or Kurdish areas", which the FCO did not think would get rid of Saddam, or "bomb and invade".

310. Mr Drummond stated that the revised sanctions regime would have "limited impact" on Saddam Hussein's WMD efforts; and the military option would present legal difficulties.

---

[103] Letter [SIS10] to Manning, 8 March 2002, '[title redacted]'.
[104] Public hearing, 21 January 2011, pages 39-40.
[105] Minute Drummond to Manning, 15 February 2002, 'Iraq'.

311. Mr Drummond added:

> “The US position is critical. There is plenty of press speculation and third hand reporting from embassies about US intentions. Probably they do not yet have a plan, and could be reluctant to share with us because they believe we are firmly set on containment. The Cheney visit … next month may be important in gauging opinion. Iraq will no doubt be on the agenda for the visit to Crawford. We are planning a Whitehall meeting in early March. Before then, how should we be trying to get a better handle on US intentions?”

312. In his letter to Mr Webb on 27 February, Mr Ehrman concluded that the issues would “…need interdepartmental consultation soon. We should consider prompting the Cabinet Office to initiate the process.”[106]

313. In his minute to Mr Hoon of 27 February, Mr Webb asked for permission to participate in the process.[107]

314. A minute to Mr McKane forwarding a draft of the paper on 6 March stated: “The paper has been produced in close consultation with FCO, MOD, SIS and the Assessments Staff.”[108]

315. Mr McKane sent a folder of papers “commissioned by the Prime Minister” to Sir David Manning on 6 March, including a draft of the ‘Iraq: Options Paper’.[109] Mr McKane stated that the papers would be discussed in a meeting in Sir David’s office the following day; and that Sir David would “want to consider and discuss [the paper] with colleagues before deciding how to take it to the next stage”.

316. Copies of Mr McKane’s minute and the draft paper were sent to Sir Richard Dearlove, Mr Ricketts, Mr Geoff Mulgan, Head of Policy in the Prime Minister’s Office, Mr Scarlett, Mr Julian Miller, Chief of the Assessments Staff, Mr Drummond and to Sir Richard Wilson’s Private Office.

317. The Government has been unable to find any record of Sir David Manning’s meeting on 7 March, at which the draft ‘Options Paper’ was discussed.[110]

318. A minute to Mr Hoon described the ‘Options Paper’ as “intended to be background reading … (rather than fully worked up policy positions)”; and informed him that the “current text” had not been agreed by the MOD.[111]

---

[106] Letter Ehrman to Webb, 27 February 2002, ‘Axis of Evil’.
[107] Minute Webb to PS/Hoon, 27 February 2002, ‘Axis of Evil’.
[108] Minute Dodd to McKane, 6 March 2002, ‘Iraq’.
[109] Minute McKane to Manning, 6 March 2002, ‘Papers for the Prime Minister’.
[110] Letter Cabinet Office [junior official] to Iraq Inquiry, 22 July 2015, [untitled].
[111] Minute Cholerton to APS/SofS [MOD], 8 March 2002, ‘Iraq: OD Secretariat Options Paper’.

319. A minute from Mr Simon McDonald, Mr Straw's Principal Private Secretary, recorded that:

- The 'Options Paper', and the (Assessments Staff) paper on WMD Programmes of Concern, had been submitted by Mr Ricketts to Mr Straw on 8 March.
- Mr Straw had asked for a meeting with officials to discuss "all this" and for details of what happened in 1998, "particularly the sequence of events … what was, in Washington's view, the legal base for a strike on Iraq … [and] more detail about the Iraqi National Congress".[112]

320. Mr Straw's comments on the draft WMD paper and his role in its development are addressed in Section 4.1.

321. In late March, as agreed between Mr Blair and Mr Brown, Mr Rycroft sent Mr Brown's Private Office a copy of the "latest version" of the Cabinet Office 'Options Paper' and the draft paper for publication on WMD "strictly for the Chancellor personally".[113]

322. The letter also drew Mr Brown's attention to:

- the JIC Assessment of 27 February, 'Iraq: Saddam Under the Spotlight';[114] and
- the CIG Assessment of 15 March, 'The Status of Iraqi WMD Programmes'.[115]

323. Sir David Manning told the Inquiry that the papers were "designed to prepare the Prime Minister for discussions with the President".[116]

324. Mr McKane told the Inquiry that he had not been directly involved in the production of the 'Options Paper'; his focus had been on the implications of 9/11, and "there wasn't really a great deal of capacity certainly inside the Secretariat to think seriously about Iraq".[117]

325. Mr McKane stated that, by that time it had been "clear that the US Government is shifting its sights towards Iraq and that the policy we had adopted in the spring of the previous year is not really producing the results that had been hoped for it".[118] The 'Options Paper' did not "express an opinion on whether we should stick with containment or a tougher form of containment or should start to shift more towards looking at regime change and military intervention".

---

[112] Minute McDonald to Ricketts, 11 March 2002, 'Iraq'.
[113] Letter Rycroft to Bowman, 26 March 2002, 'Papers on Iraq'.
[114] JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.
[115] CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.
[116] Private hearing, 24 June 2010, page 23.
[117] Public hearing, 19 January 2011, page 33.
[118] Public hearing, 19 January 2011, page 34.

326. Mr McKane told the Inquiry that the Cabinet Office ‘Options Paper’:

> “… was prepared in the same kind of way as the previous one; that is a framework for the paper was produced and different elements were commissioned from different Whitehall departments … It went through a number of drafts and was finalised in early March.”[119]

327. Lord Wilson told the Inquiry that the initiative for the Cabinet Office paper had arisen from a discussion he had had with Mr McKane; and that it was “just a contingency”.[120]

328. Lord Wilson could not remember the precise origins of the paper:

> “All I can tell you now is that the idea of this paper was raised … and … I thought it was timely … We had not been looking at Iraq for a while. We used to do regular reviews of policy on Iraq and I thought it was about time we did another … I am not sure if No.10 knew or not …”[121]

329. Later in the hearing, Lord Wilson added:

> “Ever the optimist, I had rather hoped we would show the options paper to the Prime Minister or to No.10 … and get a meeting of DOP on it. Forlorn hope. I asked after a while … and I had been told that it had been wrapped up in the briefing for Crawford.”[122]

330. The Inquiry sought additional evidence from the two members of Mr McKane’s staff who had written the Cabinet Office paper. They were asked about the process for producing the paper, the basis for the judgements made, and what changes were made as a result of Sir David Manning’s meeting and who was responsible for the advice that led to those changes.

331. In a statement for the Inquiry, Mr Drummond wrote: “From 9/11 until February 2002, Afghanistan and other post 9/11 counter terrorism issues took a higher priority than Iraq in the Secretariat’s work.”[123] Mr McKane had handed over responsibility for co-ordination of policy on Iraq to him around the end of 2001.

332. Describing the production of the paper, Mr Drummond wrote that, by mid-February, Mr Blair had been expected to have “a preliminary discussion” on Iraq during his meeting with President Bush in early April. Mr Drummond’s recollection was that “the Secretariat had offered to produce an options paper as background”. The paper had to be prepared quickly in time for Mr Blair’s return from the Commonwealth Heads of Government Meeting which ended on 5 March.

---

[119] Public hearing, 19 January 2011, page 35.
[120] Public hearing, 25 January 2011, page 15.
[121] Public hearing, 25 January 2011, page 41.
[122] Public hearing, 25 January 2011, pages 83-84.
[123] Statement, 28 March 2013, pages 1-2.

333. Drafts were commissioned at a meeting on 21 February from the:

- FCO on policy objectives towards Iraq and the wider region, a tightened policy of containment, and legal advice on regime change;
- MOD on the military options for regime change; and
- SIS on possible successor regimes.

334. A draft paper had been circulated on 28 February for a discussion on 1 March and a further draft on 5 March for discussion the same day.

335. Mr Drummond had chaired the two discussions but he was unable to recall them in any detail and the files did not contain records of the contributions or what was discussed:

> "The paper clearly drew on the JIC and Assessments Staff judgements about the likelihood of Saddam having WMD and that his regime was unlikely to be removed by internal opposition … There was debate about continuing containment and that is recorded in the paper as an option, before considering regime change and the options for how that could be achieved."

336. Mr Drummond added:

> "As a background paper, no recommendations were made and … it was submitted as being in close consultation with FCO, MOD, SIS and the Assessment Staff rather than agreed word for word with them."

337. After Sir David Manning's meeting on 7 March, Mr Drummond had "made some changes … after further consultation" with the FCO, MOD and SIS, which "covered the difficulty of identifying successor regimes, that it was unlikely Iraq would disintegrate", and changes clarifying the legal advice.

338. Mr Drummond concluded:

> "At the time of drafting, we expected this paper to be the first of several that would help Ministers to reach conclusions on policy towards Iraq and hoped that there would be discussion with them."

339. In his statement, Mr Tom Dodd, who was a desk officer in OD Sec, wrote that he was the principal drafter of the paper.[124] He made similar points to Mr Drummond about the process, with more detail of the individuals and Departments with whom Mr Dodd had held bilateral discussions.

340. The judgements in the paper "drew on the collective wisdom of the time, informed by JIC judgements of the state of the threat posed by Saddam Hussein". The policy judgements had been "formulated in the first instance" by himself and Mr Drummond,

---

[124] Statement, 3 April 2013, pages 1-2.

then “endorsed or mutated in group discussion”. Sir David Manning had suggested some changes to the draft paper, but “they were not major”.

341. Mr Dodd remembered:

> “… spending some time debating as a group the final wording of the statement ‘the use of overriding force in a ground campaign is the only option that we can be confident will remove Saddam and bring Iraq back into the international community’.”

Lord Goldsmith’s request to be kept informed

342. Lord Goldsmith, the Attorney General, asked in early March to be involved in Ministerial thinking about Iraq as policy was being formulated not just to be asked for his advice at the last minute.

343. On 8 March, Mr Paul Berman, a member of the Attorney General’s Office, contacted the Cabinet Office to say that Lord Goldsmith had seen the previous week’s Cabinet Conclusions and would hope to be involved in Ministerial thinking about Iraq as policy was being formulated rather than be consulted formally only at the last minute.[125]

344. Mr McKane, explained to Mr Berman that Mr Blair had made clear to Cabinet that decisions on military action were not imminent; and that it was “well understood” that the Attorney General would need to be “properly engaged at the right time” but that was “most unlikely to be before the Prime Minister’s meeting with President Bush”.[126]

345. Mr McKane advised Sir David Manning that he thought there was:

> “… a good case for engaging the Attorney General in a discussion, so that he understands the options and the policy background, before he is asked formally for advice. Intriguingly Paul Berman said that the Attorney General did not rule out justification for military action based on Article 51 (self defence) but would certainly want to be assured that the alternatives (UN Security Council resolutions) had been thoroughly explored in the first instance.”

346. Sir David Manning replied to Mr McKane: “I think we should engage the Attorney after the Texan [Crawford] summit.”[127]

347. In a minute to Lord Goldsmith, Mr Berman recorded that he had told Mr McKane that Lord Goldsmith:

> “… wanted to be in a position to engage constructively with this issue. This meant keeping you in the loop from a very early stage, as policy was being formulated,

---

[125] Minute McKane to Manning, 8 March 2002, ‘Iraq’.
[126] Minute McKane to Manning, 8 March 2002, ‘Iraq’.
[127] Manuscript comment Manning to McKane, 8 March 2002, on Minute McKane to Manning, 8 March 2002, ‘Iraq’.

so that your advice could be factored into the development of different options. It would not be helpful for you, or Ministerial colleagues, if you were presented at the last moment with a request for a 'yes or no' answer. You [were] always available to discuss these matters with Ministerial colleagues."[128]

348. Mr Berman also wrote that he had "recalled (and Mr McKane agreed) that the legal basis for the use of force in 1998 had been very difficult and contentious. Any proposed recourse to the inherent right of self-defence would also be far from straightforward."

349. Mr Berman had contacted Mr Michael Wood, the FCO Legal Adviser, who told him that a policy paper had already been submitted to No.10 but he (Mr Wood) could not send Mr Berman a copy. Mr Wood had provided a copy of the FCO paper ('Iraq: Legal background'). Mr Berman had "underlined to Mr Wood the importance of ensuring that LSLO [Legal Secretariat to the Law Officers] was fully kept in … the loop – in relation to the development of policy as well as any comments on the legal issues".

Discussions with the US Administration, March 2002

MR BLAIR'S MEETING WITH VICE PRESIDENT CHENEY, 11 MARCH 2002

350. The FCO briefing for Mr Blair's meeting with Vice President Cheney suggested that:

- **Mr Blair should state that the UK supported the US objective of regime change in Iraq.**
- **It would be important to alert a sceptical world to the threat posed by Iraq.**

351. The FCO briefing for Mr Blair's meeting with Vice President Cheney covered a range of issues but Iraq was identified as:

"… the main issue, including for the media given speculation that the US are moving towards early decisions on military action … This will … be an important opportunity … to get a feel for where the debate in Washington stands and what options are emerging."[129]

352. The FCO suggested that the key messages for Mr Cheney on Iraq were:

- "In complete agreement on objective. World a better place without Saddam in power. Need to ratchet up the pressure on Iraq."
- "Containment policy has had some success … Climate post 11 September could provide opportunities for enhanced containment, but cannot bring about regime change."

---

[128] Minute Berman to Attorney General, 11 March 2002, 'Iraq'.
[129] Letter McDonald to Rycroft, 8 March 2002, 'US Vice President's Call on the Prime Minister, 11 March'.

- “Military action requires key allies, particularly in the region, to be on board. That is why we see continuing with the UN route – i.e. ratcheting up pressure on Iraq to comply with UN resolutions and allow weapons inspectors back in as a necessary precursor. We doubt Saddam will co-operate but we must be seen to have tried.”
- “Also essential to alert sceptical world to the WMD threat … We are working on evidence paper.”
- “Meanwhile … should continue our efforts to get GRL implemented – will remind international community that our quarrel is not with the Iraqi people.”
- “… Introduction of revised sanctions regime will send an important signal of Security Council unanimity. Thereafter focus will be on clarification of UNSCR 1284. We should use this to put pressure on Saddam to readmit inspections.”
- “Consistent message we are getting from region and beyond is that if it is decided to launch military action, that action must succeed in removing Saddam, otherwise we will be worse off than we are now.”
- “Issues arising from regime change on which I would welcome your thoughts:
    - Assessment of Iraqi Opposition …
    - Require serious movement on MEPP to give us space in which to act;
    - Day after issues loom large. Territorial integrity of Iraq important. Likely replacement for Saddam – another Sunni strongman. Establishing representative Government would require long term commitment;
    - Genuine consultation and construction of convincing legal basis will be important …”[130]

353. Mr Blair told Vice President Cheney on 11 March that it was “highly desirable to get rid of Saddam”, and that the “UK would help” the US “as long as there was a clever strategy”.

354. That meant building up the case against Saddam carefully and intelligently; putting him in the wrong place over inspections and compliance with UN Security Council resolutions; and thereby helping to convince “international opinion to rally to the idea of regime change” and avoiding unintended consequences.

355. Mr Blair’s approach reflected a deliberate choice that the right way to get close to the US in order to influence it was to offer the UK’s support for its objectives.

356. In his public statement after the meeting, Mr Blair emphasised that no decisions had been taken.

---

[130] Note FCO, ‘Visit of US Vice President Dick Cheney 11 March: Iraq’, attached to Letter McDonald to Rycroft, 8 March 2002, ‘US Vice President’s Call on the Prime Minister, 11 March’.

357. The record of the meeting between Mr Blair and Vice President Cheney confirms that most of the discussion addressed US concerns, in the context of Al Qaida's pursuit of WMD, about the need for action to deal with the threat posed by Iraq and the potential link between terrorism and WMD.[131]

358. Mr Blair confirmed that "it was highly desirable to get rid of Saddam"; and that:

> "Arguing that this was in the interests of regional stability was probably a better line even than the threat from WMD … The UK would help … as long as there was a clever strategy, and one that worked. This meant building up the case against Saddam carefully and intelligently.
>
> "… If action was taken suddenly against Saddam now, the international community would ask what had changed. It was important to take enough time to put Saddam in the wrong place over inspections and compliance with UNSCRs. This would play an important part in convincing international opinion to rally to the idea of regime change.
>
> "… we also needed a proper strategy for dealing with the Iraqi opposition.
>
> "… We should also concentrate much more on the appalling nature of Saddam's regime.
>
> "… As far as military strategy was concerned, we must ensure that our forces were equipped to finish the job quickly and successfully … the Arab world … did not want a campaign launched against him [Saddam] unless we were determined to see it through to a successful conclusion.
>
> "… it was particularly important to guard against the law of unintended consequences … We must ensure that a campaign to bring about regime change in Iraq did not inadvertently destabilise other countries in the Middle East. The Arab street was very angry … We needed to generate a sense that we were determined to promote a peace process that would give justice to the Palestinians … If this problem were not tackled successfully, it would dominate the way that the Arabs thought about the Iraq problem."

359. Following confirmation that the US were considering deploying ground troops and a discussion of whether the US was looking for a wide international discussion, Mr Blair understood that the US would welcome whatever contribution the UK could make, but it was not looking for other help. Mr Blair also said that:

> "… the diplomacy surrounding action against Saddam would be important. We must avoid giving any appearance of having taken a decision and then making everything else fit round it."

---

[131] Letter Manning to McDonald, 11 March 2002, 'Conversation between the Prime Minister and Vice President Cheney, 11 March 2002'.

360. Mr Blair concluded that “one argument worth stressing” was that we “had paid a terrible price” by failing to act on warnings about Al Qaida and the Taliban:

> “We should not make the same mistakes again ignoring warnings about the international trade in WMD and the threat that this posed to us. We must educate the public.”

361. After the meeting, Mr Blair asked for further advice about the nature and role of the opposition to Saddam Hussein inside and outside Iraq; and for advice on the timetable for trying to get weapons inspectors back into Iraq and their remit.

362. In the press conference after the meeting, Vice President Cheney stated that London was “the first stop on an important trip to the Middle East” and President Bush had wanted him to “check in first” with Mr Blair.[132] Vice President Cheney referred to the “clarity and conviction” of Mr Blair’s assurance to President Bush on 2 October 2001 that the UK would stay with the US “until the last”, and said that he was “[soliciting] the views of important friends and allies” about the “threat of weapons of mass destruction and the important choices that await us in the days ahead”.

363. Asked about the second phase of the war on terrorism and what evidence there was that Saddam Hussein had, or shortly would have, the capability to threaten countries in Western Europe or the United States, Mr Blair replied:

> “Let us be under no doubt whatever. Saddam Hussein has acquired weapons of mass destruction over a long period of time. He is the only leader in the world that has actually used chemical weapons against his own people. He is in breach of at least nine UN Security Council resolutions … He has not allowed the [UN] weapons inspectors to do the job the UN wanted them to do in order to make sure that he can’t develop them … no decisions have been taken on how we deal with this threat, but that there is a threat … is not in doubt at all.”

364. Addressing the conflict between Israel and Palestine, Mr Blair said that the UK would “do everything we possibly can to assist the US in the efforts to bring about some relaunching” of the Middle East Peace Process.

365. Vice President Cheney stated that effective policies were needed to deal both with that conflict and Iraq: “We have an obligation to deal with both simultaneously.”

366. Asked whether, if Saddam Hussein allowed inspectors back into Iraq, that would negate the need for military action, Vice President Cheney replied:

> “… we feel very strongly … that it needs to be the kind of inspection regime that has no limitations on it … so … the outside world can have confidence that he is not hiding material that he has promised to give up.”

---

[132] The National Archives, 11 March 2002, *Press Conference – PM and Vice President Dick Cheney.*

367. Mr Powell told the Inquiry that the meeting with Vice President Cheney constituted the first "face to face" discussions with the US.[133] Mr Cheney wanted to discuss Iraq with Mr Blair before he consulted Middle East leaders about what should be done in Iraq and "their tolerance … for action".

368. Mr Powell explained Mr Blair's warning about "the law of unintended consequences" as: "If you are going to deal with something like Iraq, you have to think ahead about what might happen … including things you do not expect." Mr Cheney had said "that a coalition was nice, but not essential".

369. Sir David Manning told the Inquiry that he didn't think that Mr Cheney's message had been a "particular surprise", and:

> "… when the Prime Minister says you have got to have a clever plan … I think he is probably saying that you have got to go back through the UN system … he's clear in his own mind that it's very important to try to keep the international community together …"[134]

370. Sir David added that there was a difference between Mr Blair saying Iraq would be better off without Saddam Hussein and:

> "… saying that he's sympathetic to the idea that regime change is the purpose of the activity. He always made it clear there had to be disarmament. That was what we were looking for …
>
> "So I think it would be a mistake to assume that this conversation means the Prime Minister has signed up [to an invasion] …"[135]

SIR DAVID MANNING'S DISCUSSIONS IN WASHINGTON, 12 TO 13 MARCH 2002

371. During a visit to Washington on 12/13 March, Sir David Manning reiterated the position Mr Blair had taken in his discussion with Vice President Cheney that the UK "would continue to give strong support to the idea of regime change" in Iraq, but a convincing plan would be needed.

372. Sir David Manning and Dr Rice's discussions were focused on how to achieve legitimacy and international support if the US decided to take military action to secure the removal of Saddam Hussein. Sir David and Dr Rice did not discuss the objectives of US and UK policy.

373. Sir David set out a list of concerns that would need to be addressed if the US wanted allies to participate in military action.

---

[133] Public hearing, 18 January 2010, pages 18. The transcript incorrectly records the date of the meeting as 1 March.
[134] Private hearing, 24 June 2010, pages 26.
[135] Private hearing, 24 June 2010, pages 27-28.

374. Sir David reported that President Bush wanted to hear Mr Blair’s views before taking decisions, and that Mr Blair would have real influence.

375. Sir David also warned that there was a risk that the US Administration was underestimating the difficulties.

376. In his discussions with Dr Rice on Iraq in mid-March, Sir David Manning recorded that he had “made it clear that we would continue to give strong support to the idea of regime change, but we were looking to the US to devise a convincing plan of action. This would also need to answer the question of who would follow Saddam.”[136]

377. Sir David told Dr Rice that a series of issues would need to be addressed if the US decided on military action against Iraq.

378. One was whether the US “wanted company”. If it wanted the support of a coalition, it would have to address a number of concerns that would be critical in determining the attitude of potential partners. Those were the need to:

- “mount a public information campaign explaining the nature of Saddam’s regime and the nature of the threat he posed”;
- “describe the role that the US envisaged for the UN, and particularly for the weapons inspectors”;
- “provide a convincing plan setting out how a combination of outside military pressure, and external and internal opposition could topple Saddam”; and
- “provide an equally convincing blueprint for a post Saddam Iraq … acceptable to its neighbours as well as to its own population”.

Preparing public opinion and deciding who and what might replace Saddam Hussein were tough propositions.

379. Sir David Manning told Dr Rice that the UK “hoped shortly to publish an unclassified paper giving as much detail as possible about Saddam’s WMD programme”. The UK would “share as much as possible” as a way of convincing governments and public opinion of the dangers of Saddam Hussein’s Iraq.

380. Sir David also pointed out the importance of taking:

> “… time and trouble over the UN observers. Demonstrating to international opinion that Saddam was in breach of the UNSCRs and continued to thwart the activities of Blix [Dr Hans Blix, the Executive Chair of UNMOVIC] and his team was a crucial part of coalition building … It should not be impossible to persuade moderate public opinion that it was Saddam who was at fault if he flouted the conditions and blocked the inspectors … we should find ways of getting him to speak out publicly about what his inspection team would need if they were to function effectively.”

---

[136] Letter Manning to McDonald, 14 March 2002, ‘Discussions with Condi Rice on 12-13 March’.

381. Sir David Manning told Dr Rice that the Israel/Palestine crisis, "where we were accused of double standards", would be "critical to Washington's prospects of constructing a coalition against Iraq". If the crisis "went on spiralling down, it could lead to a sharp divergence of view between Washington and the Europeans". That would "make the prospect of joint action against Iraq much more problematic". Sir David stated that the "urgent need for a process, and progress, towards peace" was "not an optional extra", it was "integral" to the strategy on Iraq. That would be the subject that Mr Blair would "concentrate on when he sees the President after Easter".

382. Sir David sent the account of his discussions with Dr Rice and other members of the US National Security Council (NSC) to Mr Straw and Mr Hoon's Private Secretaries and to key officials.

383. Sir David Manning sent a separate note to Mr Blair.[137]

384. Sir David reported that President Bush was grateful for Mr Blair's support and had registered that Mr Blair was "getting flak". Sir David had told President Bush that Mr Blair:

> "… would not budge in your support for regime change but you had to manage a press and Parliament and a public opinion that was very different from anything in the States. And you would not budge either in your insistence that, if he pursued regime change, it must be carefully done and produce the right result. Failure was not an option."

385. Sir David wrote that Dr Rice was still enthusiastic about regime change, but there were "some signs … of greater awareness of the practical difficulties and political risks". But President Bush had:

> "… yet to find answers to the big questions:
>
> - how to persuade international opinion that military action against Iraq is necessary and justified;
> - what value to put on the exiled Iraq opposition;
> - how to co-ordinate a US/allied military campaign with internal opposition …
> - what happens on the morning after?"

[137] Minute Manning to Prime Minister, 14 March 2002, 'Your Trip to the US'.

386. Sir David advised Mr Blair that President Bush would want “to pick your brains”. He would “also want to hear whether we can expect coalition support”. Sir David wrote that he had told Dr Rice that if the US:

> “… wanted company, it would have to take account of the concerns of potential partners. In particular:
>
> - the UN dimension. The issue of the weapons inspectors must be handled in a way that would persuade European and wider opinion that the US was conscious of the international framework, and the insistence of many countries on the need for a legal base. Renewed refusal by Saddam to accept unfettered inspections would be a powerful argument;
> - the paramount importance of tackling Israel/Palestine. Unless we did, we could find ourselves bombing Iraq and losing the Gulf.”

387. Sir David concluded:

> “No doubt we need to keep a sense of perspective. But my talks with Condi convinced me that Bush wants to hear your views on Iraq before taking decisions. He also wants your support. He is still smarting from the comments from other European leaders on his Iraq policy.
>
> “This gives you real influence: on the public relations strategy; on the UN and weapons inspections; and on US planning for any military campaign. This could be critically important. I think there is a real risk that the Administration underestimates the difficulties. They may agree that failure is not an option, but this does not mean they will avoid it.
>
> “Will the Sunni majority really respond to an uprising led by Kurds and Shias? Will the Americans really put in enough ground troops to do the job …? Even if they do, will they be willing to take the sort of casualties … if it turns out to be an urban war, and Iraqi troops don’t … collapse … as Richard Perle and others confidently predict? They need to answer these, and other tough questions, in a more convincing way than they have so far before concluding that they can do the business.
>
> “The talks at the ranch will also give you the chance to push Bush on the Middle East. The Iraq factor means that there may never be a better opportunity to get this administration to give sustained attention to reviving the MEPP.”

388. Sir David Manning told the Inquiry that he had gone to Washington on 12 March for a “reconnaissance visit” in preparation for the meeting at Crawford, and that the intention was to “take soundings”.[138] The UK had been clear by then that Iraq would be on the agenda and he had wanted to establish “where they [the US] had got to in reviewing Iraq policy”.

---

[138] Public hearing, 30 November 2009, pages 11-12.

389. Sir David stated that he had also wanted to reflect Mr Blair's "preoccupations" and thinking. He told Dr Rice that if the US "was thinking about reviewing its policy and … wanted the participation of its allies … it would have to address allies' concerns … including obviously our own". He had set out the issues which would need to be addressed. Sir David had also said that, after Afghanistan, the idea of working with a coalition was a "powerful" one.

CABINET, 14 MARCH 2002

390. Summing up the Cabinet discussion on 14 March on the deteriorating position in the Middle East, Mr Blair referred to his planned meeting with President Bush and stated that:

> "… it was necessary to remain close to the Government of the United States and to persuade President Bush to re-engage completely in the [Middle East] Peace Process, not least because it would otherwise be difficult to gather support for addressing the threat posed by the Iraqi regime …"[139]

SIR CHRISTOPHER MEYER'S ADVICE, MARCH 2002

391. Sir Christopher Meyer wrote to Sir David Manning reporting his conversation with Mr Paul Wolfowitz, US Deputy Secretary of Defense, on 17 March.[140]

392. On Iraq, Sir Christopher took the same line as Sir David had in his discussions with the NSC about the actions necessary if the US wanted to build support for military action against Saddam Hussein.

393. Sir Christopher told Mr Wolfowitz that:

> "If the UK were to join with the US in any operation against Saddam, we would have to be able to take a critical mass of parliamentary and public opinion with us. It was extraordinary how people had forgotten how bad he was."

394. The UK was giving serious thought to publishing "a paper that would make the case against Saddam".

395. Sir Christopher reported that Mr Wolfowitz considered the "WMD danger … was crucial to the public case against Saddam, particularly the potential linkage to terrorism", but he saw "Saddam's barbarism" as an "indispensable" element of the case for action.

396. Sir Christopher and Mr Wolfowitz also discussed the potential role of the Iraqi opposition and "well documented" debate inside the Administration about supporting the Iraqi National Congress or a wider coalition of opposition groups. Mr Wolfowitz seemed to prefer the former and "brushed over" Sir Christopher's reference to the absence

---

[139] Cabinet Conclusions, 14 March 2002.
[140] Letter Meyer to Manning, 18 March 2002, 'Iraq and Afghanistan: Conversation with Wolfowitz'.

of Sunni in the INC and argued for replacing Saddam Hussein with a functioning democracy not another military officer.

397. Sir Christopher and Mr Wolfowitz also discussed developments in Afghanistan, including the planned deployment of 45 Commando Group and Sir Christopher’s view that:

> “… the greatest danger in Afghanistan was a slipping back to the conditions which had allowed Al Qaida to prosper in the first place; that the greatest safeguard against this was a continuing visible presence of the US military … for some time to come. Wolfowitz displayed the DoD’s customary distaste for an ISAF-type expansion to other Afghan cities. He thought there was a case for something akin to OSCE monitors in certain regions.”

398. Sir David thought the report sufficiently interesting to show to Mr Blair.[141]

399. Sir Christopher Meyer told the Inquiry that Sir David Manning had given him a new set of instructions during his visit to Washington in March 2002.[142]

400. Sir Christopher described the new message for the Americans as:

> “Look, if you want to do regime change, and if this is going to require military action, you … can do it on your own … but if … you want your friends and partners to join you, far better that you should do it inside an alliance, preferably taking the UN route.
>
> “That … was the single most important message I delivered to the US Administration at that time.”

401. Sir Christopher Meyer told the Inquiry:

> “… I had to come up with a set of arguments, which … he [Wolfowitz] might find appealing enough not to become a serious obstacle to a policy that would involve the UN.”[143]

402. Later Sir Christopher added:

> “… I think the attitude of Downing Street … was … it was a fact that there was … the Iraq Liberation Act. It was a fact that 9/11 had happened and it was a complete waste of time, therefore … if we were going to be able to work with the Americans, to … say, ‘We can’t support it [regime change]’ … the attempt was made to square the circle … was actually … so to contextualise it, that regime change, if and when

---

[141] Manuscript note Manning to Prime Minister on Letter Meyer to Manning, 18 March 2002, ‘Iraq and Afghanistan: Conversation with Wolfowitz’.
[142] Public hearing, 26 November 2009, pages 38-39.
[143] Public hearing, 26 November 2009, page 39.

it happened, would be with the benefit of the support of the international community in the framework of UN action, quite possibly through a Security Council resolution.

"… What we said was, 'Let's do this cleverly … and that means … go to the UN and get a Security Council resolution …

"… You talked the talk of regime change, but you walked the walk, you hoped, of a UN Security Council resolution permitting the use of force, if that was what it was going to come to."[144]

403. Asked whether at that stage the US Administration was looking at options other than military action, Sir Christopher replied:

"… are you asking me at what point was it clear that war was inevitable? … that's a … hard question to answer. What was inevitable … was that the Americans were going to bust a gut to carry out the mandated policy of regime change."[145]

404. Asked how confident he was at that stage that the UK could influence the US, Sir David Manning replied:

"I wasn't confident, but I thought my job was to try … on two levels. One, on the role I had as an official reflecting the British Government's view that we needed to go back to the UN, we needed to get the inspectors back, the issue was disarmament not regime change. But I also felt very strongly personally that it was the way we should go …

"I wasn't confident it would work … there was a sense that the [US] Administration […] that military force had worked in Afghanistan … This was going to be the global war on terror. This was a 1945 or 1991 moment when they were going to change the world for the better on their watch. It was very tough but it was an historic moment and they would do whatever it took.

"We didn't really have that perception … So I was very conscious that there was a very strong sense of historical destiny at work in the Bush Administration …

"But I was also conscious that there were different views within the Administration …"[146]

405. Commenting on the media reaction in the US to Vice President Cheney's tour of the Middle East, Sir Christopher Meyer advised on 20 March that there had been "no public flinching by Bush et al from tackling Saddam"; and that "No attempt is being made by the Administration to counter the media supposition that it is no longer a question of whether, but when and how to take action against Saddam."[147] Public support for US

---

[144] Public hearing, 26 November 2009, pages 41-42.
[145] Public hearing, 26 November 2009, page 44.
[146] Private hearing, 24 June 2010, pages 28-29.
[147] Telegram 386 Washington to FCO London, 20 March 2002, 'US/Iraq: The Current Mood'.

action against Iraq was strong. A *CNN* poll earlier that week had shown 70 percent were in favour of military action.

406. Sir Christopher also reported that in discussions between the Foreign Affairs Committee and a range of contacts in the US about “the need to make a solid case to Europeans and others, the consensus response was that once the US showed it was serious, other countries would come on board. But, equally, there was no sense that serious military is action is imminent.”

Preparations for Crawford

FCO advice on the role of the Iraqi opposition and the history of weapons inspections

407. The FCO paper on the Iraqi opposition concluded that regime change led by the external opposition was not a viable option and the most realistic successor to Saddam Hussein would be a senior Sunni military or ex-military figure.

408. The FCO explained that the provisions of resolution 1284 were ambiguous because the P5 had been unable to reach agreement in 1999, and there had been no progress on clarification since.

409. There would be difficulties with securing agreement from Iraq, the US and Russia on its implementation. The US could seek to raise the barrier for Iraqi compliance; Russia was likely to take the opposite view. France might support the UK because it saw agreement on a tough inspection regime as the only realistic alternative to US military action.

410. On 15 March, in response to Mr Blair’s request for further advice following his meeting with Vice President Cheney on 11 March, the FCO sent Sir David Manning a Research Analysts’ paper on the opposition and a separate note summarising the history of attempts to get weapons inspectors back into Iraq.[148]

411. The FCO Research Analysts’ paper on the nature and role of the opposition to Saddam Hussein stated that the UK’s “ability to influence and/or direct the Iraqi opposition” was “reliant on contacts with the external Iraqi community, while the internal opposition remains closed to us”.[149] The paper described the internal and external opposition.

412. The Research Analysts concluded:

> “Various opposition groups … have told us of plans involving a national liberation movement in which Iraqis, backed from the outside, would launch a series of attacks

[148] Letter McDonald to Manning, 15 March 2002, ‘Iraq’.
[149] Paper Research Analysts [FCO], 14 March 2002, ‘Iraq: The Nature and Role of the Opposition to Saddam Hussein’.

on Saddam's forces with the intention of occupying specific territory. Allied air support would be required …

"In any case, we do not assess the external opposition to be capable of leading a military operation as outlined above. They do not have the leverage within the military and security apparatus to realise a plan of this kind, and leading oppositionists are not credible figures for a provisional government. Regime change relying mainly or exclusively on the external opposition is therefore not a viable option.

"More realistic calculations suggest that the immediate successor to Saddam Hussein will be a senior Sunni member or ex-member of the Iraqi military …"

413. The note on inspections summarised the history of efforts to get inspectors back into Iraq, examined the future prospects for doing so through clarification of resolution 1284 (1999), and described the remit of UNMOVIC and the IAEA (International Atomic Energy Agency).[150] It described the "main feature" of resolution 1284 as being that it offered Iraq "a suspension of sanctions in return for co-operation with the weapons inspectors, including progress on key disarmament tasks. Resolution 687 (1991) had offered lifting of sanctions "only when the inspectors say disarmament is complete", which Iraq regarded as "an unattainable goal".

414. The FCO wrote that Iraq:

- remained "determined to escape sanctions without fulfilling its disarmament obligations";
- had "never accepted" resolution 1284;
- continued to "refuse to allow inspectors to return"; and
- justified its position by claiming that resolution 1284 was "so ambiguous" that the US could "easily deny" that co-operation had been "adequate".

415. Addressing the prospects for the future, the FCO advised that there was "no independent timetable as such" for the return of the inspectors. The "key" would be persuading Iraq to accept resolution 1284:

"While it is possible that the threat of military action might also prompt a change in the Iraqi position, we have always assumed that the only real prospect lies in clarifying … [resolution] 1284. We recognise there are ambiguities … They are there for a good reason: the P5 was unable to reach agreement. If positions remain as entrenched as they were during … negotiations, there is little prospect of the situation changing, which is why clarification has not been attempted sooner. But SCR 1382 [2001] now commits the Security Council to trying."

---

[150] Note, [undated], 'Iraq: Weapons Inspectors', attached to Letter McDonald to Manning, 15 March 2002, 'Iraq'.

416. The FCO reminded Mr Blair that the US was “reluctant to go down the road of clarification” because of fears it represented a “slippery slope towards a weaker inspections regime”. No Security Council member had “yet challenged this”, although the FCO predicted that “pressure may increase” following the talks between Iraq and Mr Annan on 7 March. “Nearly all of Iraq’s serious points” had related to clarification; and Mr Annan expected the Security Council “to provide answers” before the next round of talks in April. The US would “not be able to hold out against beginning clarification talks for much longer without appearing unreasonable”.

417. The FCO advised that the UK “would be willing to see some clarification” as long as this did not water down Iraq’s obligations or cut across UNMOVIC’s mandate or rights. That included:

- “Elaboration of post-suspension financial controls, i.e. how much, if any, control of the Iraqi economy, including oil revenues, should revert to the Iraqi government once sanctions are suspended.”
- “Definition of key remaining disarmament tasks”.
- “Clarification/shortening of the suspension timetable”.
- “Clarification of the triggers for suspension, i.e. what is meant by full co-operation with the inspectors.”

418. The FCO advised that the US would “resist strongly any attempt to lower the barrier for Iraqi compliance” and they “could even seek to raise it”. That probably meant that the US would adopt an “extreme position” and Russia was “likely to take the opposite extreme”. The FCO predicted that France might support the UK because it saw a “Security Council agreement on a tough inspection regime as the only realistic alternative to US military action”.

419. The FCO also explained that UNMOVIC had been given “all UNSCOM’s responsibilities, rights and resources”. It had additionally been tasked “with establishing a reinforced system of ongoing monitoring and verification, under which outstanding disarmament issues would be addressed”. UNMOVIC and the IAEA were also asked to “draw up a list of key disarmament tasks and to report on the level of co-operation” they had received “so that the Security Council” could “judge whether the conditions for sanctions suspension” had been met.

420. The FCO concluded:

> “Neither SCR 687 or any subsequent resolutions contain any provision for ending … monitoring and verification, even after sanctions lift. It is our interpretation that ending monitoring would require a separate decision by the Security Council, hence … Iraq could be subjected to special scrutiny indefinitely, until we were completely satisfied that it no longer posed a threat.”

JIC Current Intelligence Group Assessment, 15 March 2002: 'The Status of Iraqi WMD Programmes'

421. A Current Intelligence Group (CIG) Assessment of the status of Iraq's WMD programmes was produced to inform Mr Blair's discussions with President Bush. It stated that Iraq continued to pursue a policy of acquiring WMD and their delivery means.

422. A CIG Assessment, 'The Status of Iraqi WMD Programmes', was "approved on behalf of the Committee" by Mr Miller on 15 March.[151] (The status of a CIG is explained in Section 2.)

423. The paper stated that it had been commissioned by the FCO "to aid policy discussions on Iraq", but the minutes of the JIC of 6 March suggest it was produced in response to a request from Sir David Manning specifically to inform Mr Blair's discussions with President Bush.[152]

424. The Key Judgements in the Assessment were:

"
- Iraq **retains up to 20 Al Hussein ballistic missiles** … The location and condition of these is unknown, but there is sufficient engineering expertise to make them operational.
- Iraq has begun development of **medium range ballistic missiles over 1000km** … but will **not be able to produce such a missile before 2007** provided that sanctions remain effective.
- Iraq is **pursuing a nuclear weapons programme**. But **it will not be able to indigenously produce a nuclear weapon while sanctions remain** in place, unless suitable fissile material is purchased from abroad.
- Iraq **may retain some stocks of chemical agents**. Following a decision to do so, Iraq could produce:
  - significant quantities of **mustard within weeks**;
  - significant quantities of **sarin and VX within months**, and in the case of VX may already have done so.
- Iraq currently **has available**, either from pre Gulf War stocks or more recent production, a number of biological agents. Iraq could produce more of these **biological agents** within days.
- A decision to begin CBW production would probably go undetected.
- Iraq can deliver CBW weapons by a variety of means including ballistic missiles. **Iraq's CBW production capability is designed to survive** a military attack and UN inspectors."

---

[151] CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.
[152] Minutes, 6 March 2002, JIC meeting.

425. In the main text, but not in the Key Judgements, the Assessment warned that the intelligence on Iraq’s WMD and ballistic missile programmes was “**sporadic and patchy**”. It added , however, that Iraq was:

> “… well practised in the art of deception, such as concealment and exaggeration. A complete picture of the various programmes is therefore difficult. But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means. Intelligence indicates that planning to reconstitute some of its programmes began in 1995. WMD programmes were then given a further boost with the withdrawal of UNSCOM inspectors.”

426. The Assessment and the uncertainties underlying its judgements are addressed in more detail in Section 4.1.

Mr Blair’s minute, 17 March 2002

427. Mr Blair concluded that the papers he had been given on Iraq did not constitute a properly worked out strategy and that he would need to provide the US with a far more intelligent and detailed analysis of a game plan.

428. Mr Blair asked for a meeting with military personnel. He did not seek a collective discussion with Mr Straw, Mr Hoon and other key Cabinet colleagues.

429. Mr Blair sent a minute on 17 March to Mr Powell, and a copy to Sir David Manning, setting out three points in response to the briefing papers he had been given for the meeting with President Bush:

> “(1) In all my papers I do not have a proper worked-out strategy on how we would do it. The US do not either, but before I go [to Crawford], I need to be able to provide them with a far more intelligent and detailed analysis of a game plan. I will need a meeting on this with military folk.
>
> “(2) The persuasion job on this seems very tough. My own side are worried. Public opinion is fragile. International opinion – as I found at the EU – is pretty sceptical.
>
> “Yet from a centre-left perspective, the case should be obvious. Saddam’s regime is a brutal, oppressive military dictatorship. He kills his opponents, has wrecked his country’s economy and is source of instability and danger in the region. I can understand a right-wing Tory opposed to “nation-building” being opposed to it on the grounds it hasn’t direct bearing on our national interest. But in fact a political philosophy that does care about other nations – eg Kosovo, Afghanistan, Sierra Leone – and is prepared to change regimes on their merits, should be gung-ho on Saddam. So why isn’t it? Because people believe we are only doing it to support the US; and they are only doing it to settle an old score. And the immediate WMD problems don’t seem obviously worse than 3 years ago.

> "So we have to re-order our story and message. Increasingly I think it should be about the nature of the regime. We do intervene – as per the Chicago speech. We have no inhibitions – where we reasonably can – about nation-building ie we must come to our conclusion on Saddam from our own position, not the US position.
>
> "(3) Oil prices. This is my big domestic worry. We must concert with the US to get action from others to push the price back down. Higher petrol prices really might put the public off."[153]

430. Asked to explain his thinking in the minute Mr Blair told the Inquiry:

- The first sentence was asking: "How we would either get Saddam to cease being a threat peacefully or to get him out by force." He had been very open in public about that. The minute was "more about the politics".
- The WMD question was about the changed assessment of the risk and the difficulty of making the case that Saddam Hussein posed a threat.
- The message had to address the nature of the regime and the security threat to command the support of both the right and the left of the political debate.
- The change in the security risk after 11 September was the basis for changing the regime but the nature of the regime was why "we should be proud of having got rid of him [Saddam Hussein]".[154]

431. Mr Blair added:

> "So if September 11 hadn't happened, we would have carried on in the same way frankly that George Bush and I first discussed … in February 2001."

The threat to the UK

432. From March 2002, the Security Service advised that, in the event of a US attempt to topple Saddam Hussein's regime, the threat to the UK and UK interests from Iraq would be limited and containable.

433. Consideration of Iraq's capability effectively to threaten the UK had begun in early 2002.

434. On 22 March 2002, Ms Eliza Manningham-Buller, the Deputy Director General of the Security Service, wrote to Mr John Gieve, the Permanent Secretary of the Home Office, about the "possible terrorist consequences should the US, possibly with UK support, seek to topple Saddam Hussein's regime in Iraq".[155]

---

[153] Minute Blair to Powell, 17 March 2002, 'Iraq'.
[154] Public hearing, 21 January 2011, pages 43-45.
[155] Letter Manningham-Buller to Gieve, 22 March 2002, 'Iraq: Possible Terrorist Response to a US Attack'.

435. The letter stated that since 1991, Iraq had been "implicated" in "only one terrorist plan directed against a Western target – a planned car bomb attack on ex-President Bush in Kuwait in 1993". The letter reflected the JIC Assessment, of 21 November 2001 (see Section 3.1), that Saddam Hussein was likely to order terrorist attacks only if he perceived that his regime was threatened. It stated:

> "If Saddam were to initiate a terrorist campaign … Iraqi capability to mount attacks in the UK is currently limited. We are aware of no Iraqi intelligence (DGI) officers based in the UK. There are up to […] DGI agents here who report on anti-regime activities. But most of these agents lack the inclination or capability to mount terrorist attacks. So if the DGI wished to mount attacks in the UK it would need to import teams from overseas."

436. Addressing a potential chemical or biological attack, the letter stated that there had been "media stories" during the Gulf Conflict and:

> "… a 1998 scare (arising from a tale put about by Iraqi émigrés) that Saddam planned to send anthrax abroad in scent bottles. Given Iraq's documented CB capabilities, we can anticipate similar stories again."

437. "Most Iraqi CB attacks" had, however, been "assassination attempts against individuals" and there was "no intelligence that Iraq has hitherto planned or sought mass-casualty CB terrorist attacks". If the survival of the regime was in doubt, Saddam Hussein's "preferred option would be to use conventional military delivery systems against targets in the region, rather than terrorism".

438. The letter also described the steps being taken by the Security Service in response to the potential threat.

439. Sir David Omand, Security and Intelligence Co-ordinator from September 2002 to April 2005, told the Inquiry that, in March 2002, the Security Service judged that the "threat from terrorism from Saddam's own intelligence apparatus in the event of an intervention in Iraq … was judged to be limited and containable".[156]

440. Baroness Manningham-Buller confirmed that position, stating that the Security Service felt there was "a pretty good intelligence picture of a threat from Iraq within the UK and to British interests".[157]

441. Baroness Manningham-Buller added that subsequent events showed that the judgement that Saddam Hussein did not have the capability to do anything much in the UK, had "turned out to be the right judgement".[158]

---

[156] Public hearing, 20 January 2010, page 37.
[157] Public hearing, 20 July 2010, page 6.
[158] Public hearing, 20 July 2010, page 9.

Advice from Cabinet Ministers

CABINET, 21 MARCH 2002

442. Mr Blair told Cabinet on 21 March that he would be meeting President Bush in the first week of April:

> "Their talks would focus on how to respond to the threat to international security represented by the Iraqi regime, efforts to build on the success of the Coalition's intervention in Afghanistan, how to achieve progress in the Middle East Peace process and gathering support for the New Economic Partnership for Africa's Development."[159]

443. No further discussion of the issues is recorded.

444. Cabinet also discussed the deployment of an infantry battlegroup based on 45 Commando Royal Marines to Afghanistan, and the nature of the task it would perform. Mr Blair concluded that:

> "… the troops were supported by the majority of the people in Afghanistan and would not be seeking to occupy territory, there was substantial United States air cover and there were troops from several Coalition partners involved. There was no parallel with the occupation of Afghanistan by the Soviet Union. The total number of British forces engaged in operations related to Afghanistan was substantial, but still only one-tenth of the number deployed during the 1991 Gulf War."

445. The deployment of the battlegroup, which was the largest deployment of UK forces since 1991, had been announced on 18 March.[160] That is addressed in Section 6.1.

MR HOON'S ADVICE, 22 MARCH 2002

446. Mr Hoon wrote to Mr Blair on 22 March emphasising the importance of a counter-proliferation strategy in the Middle East.

447. On Iraq, Mr Hoon advised that the UK should support President Bush and be ready to make a military contribution; and that UK involvement in planning would improve the US process. One of Mr Blair's objectives at Crawford should, therefore, be to secure agreement to the UK's participation in US military planning.

448. Mr Hoon also stated that a number of issues would need to be addressed before forces were committed to military action, including the need for a comprehensive public handling strategy convincingly to explain why such drastic action against Iraq's WMD was needed now.

---

[159] Cabinet Conclusions, 21 March 2002.
[160] House of Commons, *Official Report*, 18 March 2002, columns 37-48.

449. Following a discussion with key officials, which is addressed in Section 6.1, Mr Hoon wrote to Mr Blair, on 22 March, stating:

> “The key strategic problem is the spread of WMD – of which Saddam is only one unpleasant dimension. A more active counter-proliferation strategy is required for the region as a whole (for example any Iraqi government will seek WMD if Iran is getting them so our strategy must cover both). On Iraq, we should support President Bush and be ready for a military contribution … [W]e should be involved in the detail before we commit our forces.”
>
> “… In objective terms, Iran may be the greater problem for the UK … Ironically, we have Saddam Hussein bound into an established control mechanism. There is some substance in the US view that he as an individual is at the root of the WMD risk in Iraq. But any Iraqi government is likely to try and achieve a balance of forces with Iran. I strongly support the parallel campaign by Jack [Straw] to tackle Iran through the IAEA system.”[161]

450. Mr Hoon identified three factors that the UK should keep in mind in considering how to support President Bush:

“
- The US already has heavy land forces in the region … [and] is planning on the basis that it would take 90 days to deploy all necessary forces to the region; it would take us longer.
- Despite 10 years of searching, no one has found a credible successor to Saddam.
- If a coalition takes control of Baghdad (especially without catching Saddam), it will probably have to stay there for many years.”

451. Mr Hoon wrote that the UK “should support President Bush and be ready for a military contribution” for Iraq. Mr Hoon cautioned that the UK was:

> “… not privy to detailed US planning, either strategically across the region or on Iraq. Before any decision to commit British forces, we ought to know that the US has a militarily plausible plan with a reasonable prospect of success compared to the risks and within the framework of international law. Our involvement in planning would improve their process – and help address our lead time problem. It would enable either CDS to reassure you that there is a sound military plan or give you a basis to hold back if the US cannot find a sensible scheme … I suggest one of your objectives at Crawford should be to secure agreement to the UK’s participation in US military planning …”

[161] Letter Hoon to Prime Minister, 22 March 2002, ‘Iraq’.

452. Finally, Mr Hoon proposed that Mr Blair might raise with Present Bush "the need for a comprehensive public handling strategy, so that we can explain convincingly why we need to take such drastic action against Iraq's WMD now".

453. Copies of Mr Hoon's letter were sent to Mr Straw and to Sir Richard Wilson.

MR STRAW'S ADVICE, 25 MARCH 2002

454. Mr Straw wrote to Mr Blair on 25 March setting out the risks which could arise from discussions with President Bush, but suggesting the "case against Iraq and in favour (if necessary) of military action" might be made in the context of seeking regime change as an essential part of a strategy of eliminating Iraq's WMD, rather than an objective in its own right.

455. Mr Straw advised that the fact that Iraq was in flagrant breach of the obligations imposed on it by the Security Council provided the core of a strategy based on international law.

456. The case could be based on a demand for the unfettered re-admission of inspectors.

457. The US was likely to oppose any proposal for a new mandate from the UN Security Council, but the weight of UK legal advice was that a new mandate "may well be required".

458. Mr Straw also stated that, if the argument was to be won, the whole "case against Iraq and in favour (if necessary) of military action" needed to be narrated with reference to the international rule of law.

459. In his meeting on 18 March, Mr Straw asked for "detailed advice from FCO Legal Advisers on the provisions in international law for the use of the kind of force that might be required should the Americans set themselves the objective of regime change".[162]

460. Mr Straw concluded he would write to the Prime Minister to flag up the main issues for Crawford, including a media strategy, and asked for a draft, submitted through Sir Michael Jay.

461. Mr John Grainger, FCO Legal Counsellor in the Middle East Department, advised on 21 March that any action by HMG to assist any group to overthrow the regime in Iraq by violent means would be contrary to international law; and that any use of force with the objective of changing the Iraqi regime would be unlawful.[163] But regime change would not be unlawful if it was a consequence of the use of force permitted by international law.

---

[162] Minute Sedwill to Patey, 18 March 2002, 'Iraq'.
[163] Minute Grainger to PS [FCO], 21 March 2002, 'Iraq: Regime Change'.

462. Mr Ricketts sent a personal minute advising Mr Straw that:

> “By sharing Bush’s broad objective, the Prime Minister can help shape how it is defined and the approach to achieving it. In the process he can bring home … some of the realities which will be less evident from Washington. He can help Bush make good decisions by telling him things his own machine probably isn’t.”[164]

463. Mr Ricketts added that “broad support for the objective” brought “two real problems which need discussing”. The first was the threat from Iraq on which Mr Ricketts wrote, “The truth is that what has changed is not the pace of Saddam Hussein’s WMD programmes, but our tolerance of them” after 9/11.

464. Mr Ricketts advised:

> “This is not something we need to be defensive about, but attempts to claim otherwise publicly will increase scepticism about our case …
>
> “US scrambling to establish a link between Iraq and Al Qaida is so far frankly unconvincing. To get public and Parliamentary support for military operations we have to be convincing that:
>
> - the threat is so serious/imminent that it is worth sending our troops to die for;
> - it is qualitatively different from the threat posed by other proliferators who are closer to achieving nuclear capability (including Iran).
>
> “We can make the case on qualitative difference (only Iraq has attacked a neighbour, used CW and fired missiles against Israel). But the overall strategy needs to include re-doubled efforts to tackle other proliferators … in other ways … But we are still left with a problem of bringing public opinion to accept the imminence of a threat from Iraq. This is something the Prime Minister and President need to have a frank discussion about.”

465. The second problem was the need to define an “end state” for any military action. Mr Ricketts advised:

> “Military operations need clear and compelling military objectives … For Iraq, ‘regime change’ does not stack up. It sounds like a grudge match between Bush and Saddam. Much better, as you have suggested, to make the objective ending the threat to the international community from Iraqi WMD before Saddam uses it or gives it to terrorists. That is … easier to justify in terms of international law, but also more demanding. Regime change which produced another Sunni general still in charge of an active Iraqi WMD programme would be a bad outcome (not least because it would be almost impossible to maintain UN sanctions on a new leader who came in promising a fresh start).”

---

[164] Minute Ricketts to Secretary of State [FCO], 22 March 2002, ‘Iraq: Advice for the Prime Minister’.

466. Mr Ricketts added:

> "As with the fight against UBL, Bush would do well to de-personalise the objective, focus on elimination of WMD, and show that he is serious about UN Inspectors as the first choice means of achieving that (it is win/win for him: either Saddam against all the odds allows Inspectors to operate freely, in which case we can further hobble his WMD programmes, or he blocks/hinders, and we are on stronger ground for switching to other methods)."

467. Mr Ricketts concluded:

> "Defining the end state in this way, and working through the UN, will … also help maintain a degree of support among the Europeans, and therefore fits with another message which the Prime Minister will want to get across: the importance of positioning Iraq as a problem for the international community as a whole, not just for the US."

468. In a personal minute to Mr Blair on 25 March, Mr Straw advised:

> "The rewards from your visit to Crawford will be few. The risks are high, both for you and for the Government. I judge that there is at present no majority inside the PLP for any military action against Iraq …"[165]

469. Mr Straw wrote that making the case that "Saddam and the Iraq regime are bad" was "easy", but there were four areas where there was:

> "a long way to go to convince them as to:
>
> (a) the scale of the threat from Iraq and why this has got worse recently;
>
> (b) what distinguishes the Iraqi threat from that of eg Iran and North Korea so as to justify military action;
>
> (c) the justification for any military action in terms of international law;
>
> (d) whether the consequence of military action really would be a compliant, law abiding replacement government.
>
> "The whole exercise is made much more difficult to handle as long as conflict between Israel and the Palestinians is so acute …"

470. Mr Straw advised that the Iraqi regime posed "a most serious threat to its neighbours, and therefore to international security" but, from "the documents so far presented it has been hard to glean whether the threat from Iraq is so significantly

---

[165] Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.

different” as to justify military action. Without the attacks of 11 September, it was “doubtful that the US would now be considering military action against Iraq”. There was:

> “… no credible evidence to link Iraq with UBL and Al Qaida …
>
> “… Objectively, the threat from Iraq has not worsened as a result of 11 September. What has, however, changed is the tolerance of the international community (especially that of the US), the world having witnessed on September 11 just what determined evil people can these days perpetrate.”

471. Addressing the difference between Iraq, Iran and North Korea, Mr Straw wrote:

> “By linking these countries together in his ‘axis of evil’ speech, President Bush implied an identity between them not only in terms of their threat, but also in terms of the action necessary to deal with the threat. A lot of work will now need to be done to delink the three, and to show why military action against Iraq is so much more justified than against Iran and North Korea. The heart of this case – that Iraq poses a unique and present danger – rests on the fact that it:
>
> - invaded a neighbour;
> - has used WMD, and would use them again;
> - is in breach of nine UNSCRs.”

472. In relation to the position in international law, Mr Straw wrote:

> “That Iraq is in flagrant breach of international legal obligations imposed on it by the UNSC provides us with the core of a strategy, and one which is based on international law. Indeed, if the argument is to be won, the whole case against Iraq and in favour (if necessary) of military action needs to be narrated with reference to the international rule of law.
>
> “We also have better to sequence the explanation of what we are doing and why. Specifically, we need to concentrate in the early stages on:
>
> - making operational the sanctions regime foreshadowed by UNSCR 1382;
> - demanding the re-admission of weapons inspectors … to operate in a free and unfettered way …
>
> “… I believe that a demand for the unfettered re-admission of weapons inspectors is essential, in terms of public explanation, and in terms of legal sanction for any subsequent military action.
>
> “Legally, there are two potential elephant traps:
>
> (i) regime change per se is no justification for military action; it could form part of the method of any strategy, but not a goal. Of course, we may want credibly to assert that regime change is an essential part of the strategy by

which we have to achieve our ends – that of the elimination of Iraq's WMD capacity; but the latter has to be the goal;

(ii) on whether any military action would require a fresh UNSC mandate (Desert Fox did not). The US are likely to oppose any idea of a fresh mandate. On the other side, the weight of legal advice here is that a fresh mandate may well be required. There is no doubt that a new UNSCR would transform the climate in the PLP. Whilst that (a new mandate) is very unlikely, given the US's position, a draft resolution against military action … could play very badly here."

473. Addressing the consequences of military action, Mr Straw wrote:

"A legal justification is a necessary but far from sufficient pre-condition for military action. We have also to answer the big question – what will this action achieve? There seems to be a larger hole in this than on anything. Most of the assessments from the US have assumed regime change as a means of eliminating Iraq's WMD threat. But none has satisfactorily answered how that regime change is to be secured, and how there can be any certainty that the replacement regime will be better.

"Iraq has had no underlying history of democracy so no-one has this habit or experience."

474. Mr Straw also wrote:

"I will talk to you about handling the PLP. But one thing which would help greatly is agreeing that any UK action would have to be endorsed by a substantive resolution of the Commons. There is precedent for this – in the Gulf War. It makes the Government look weak and condescending to its own parliamentary party, to evade a substantive vote. A more messy alternative expression of dissent (on the division for the adjournment) cannot be avoided if there is no substantive vote. The question will also be asked of you – if there can be substantive votes on a trivial issue like hunting, why not on war?"

475. Mr Straw's minute does not appear to have been sent to anyone outside No.10.[166]

476. A minute from Mr Patey states that Mr Straw and Mr Blair were due to meet on 26 March to discuss "amongst other things, Iraq".[167]

477. An undated manuscript note from Mr Powell to Mr Blair suggested that Mr Straw wanted to discuss his advice.[168]

---

[166] Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.
[167] Minute Patey to Goulty, 25 March 2002, 'Iraq: Military Action'.
[168] Manuscript comment Powell to PM, [undated], on Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.

478. There is no No.10 record of that discussion.

479. Mr Straw told the Inquiry that his recommendation was:

> "… not a route of regime change … [but] not containment.
>
> "Of course there was debate about whether we should just put up with containment, but the problem with just putting up with containment, not withstanding [resolution] 1409 [adopted in May 2002] was that it wasn't going anywhere … Meanwhile, the perception of the risk had completely changed …"[169]

480. Asked if the messages to the US Administration before 25 March that the UK was prepared to be part of a coalition pursuing regime change had pre-empted his advice, Mr Straw told the Inquiry that his minute to Mr Blair was part of the debate in the UK Government.[170] Part of that was how to handle the US.

481. Mr Straw added that the UK had succeeded in achieving its policy objective when the US was persuaded to go down the UN route "for the sole purpose, not of regime change, but of dealing with, 'The threat posed by Iraq to international peace and security'".

MR STRAW'S CONVERSATION WITH SECRETARY POWELL, 25 MARCH 2002

482. In a conversation with Secretary Powell, on 25 March, Mr Straw was reported to have described the political situation in the UK as:

> "… generally 'twitchy', mostly for domestic reasons. Everyone accepted the case against Iraq but not everyone acknowledged that post-11 September, our tolerance of threats to security had reduced. He explained the need for military action, should it take place later in the year, to be clearly within international law, even if not explicitly endorsed by UNSCRs. He understood American impatience with our approach … There would be a real problem if the objective of military action were regime change. The Foreign Secretary felt entirely comfortable making a case for military action to deal with Iraq's WMD and could even say that the means of meeting those concerns might be regime change, but this could not be the objective. Politically we needed a strategy to swing parliamentary, public and European opinion behind whatever course of action we took."[171]

483. When he saw the record of the conversation with Secretary Powell, Mr Wood reminded Mr Straw that a further decision by the Security Council was likely to be needed to revive the authorisation to use force in Iraq.[172]

---

[169] Public hearing, 21 January 2010, pages 17-18.
[170] Public hearing, 21 January 2010, pages 20-21.
[171] Telegram 194 FCO London to Washington, 25 March 2002, 'Iraq: Foreign Secretary's Conversation with Colin Powell 25 March 2002'.
[172] Minute Wood to Private Secretary [FCO], 26 March 2002, 'Iraq'.

484. Having seen the telegram reporting the conversation between Mr Straw and Secretary Powell, Mr Wood wrote to Mr Straw's office to remind him of the advice in the FCO paper, 'Iraq: Legal Background', including that:

> "… we would receive no support for reliance on the 1990 resolution authorising the use of force prior to Desert Storm in the absence of a further decision by the Council (whether by Presidential statement or by new resolution) that Iraq was in flagrant violation of its obligations under the cease-fire resolution.
>
> "… The Attorney General's advice will need to be sought at the appropriate stage before Ministerial decisions on actions or public statements."[173]

485. Sir Michael Wood told the Inquiry that was the first of a series of occasions on which he sent such a note:

> "I was obviously quite concerned by what I saw him [Mr Straw] saying … often reports are not accurate. They are summaries, they are short. He may well not have said it in quite the form it came out in the telegram, but whenever I saw something like that, whether from the Foreign Secretary or from the Prime Minister or from officials … I would do a note just to make sure they understood the legal position.
>
> "This is just an example of quite a few notes, but it certainly wasn't my impression that the Foreign Secretary really misunderstood the legal position at that stage."[174]

486. Sir Michael added:

> "This was quite early. It was before it had got into the bloodstream … of the Foreign Office and others, what the legal position was. So it was necessary just to remind people of what was the accepted view."[175]

487. Asked about Mr Wood's minute, Mr Straw told the Inquiry:

> "What we were seeking to do – that was just before Crawford – was to persuade the Americans to go down the UN route. There were still a number of views about whether or not [resolutions] 678 and 687 could 'revive' the authority for military action. As is well-known, I had told the Prime Minister that my view was that we had to go down the UN route in any event, but I also had to keep our negotiating position protected publicly, and that was why I used the words that I did."[176]

488. Preliminary discussions on the US and UK interpretations of the legal authorities for the use of force took place at the end of March.

---

[173] Minute Wood to Private Secretary [FCO], 26 March 2002, 'Iraq'.
[174] Public hearing, 26 January 2010, page 16.
[175] Public hearing, 26 January 2010, page 17.
[176] Public hearing, 8 February 2010, pages 3-4.

489. In late March 2002, Lord Goldsmith, Attorney General, informed Mr Hoon and Mr Straw that there could be considerable difficulties in justifying the use of force without further action by the Security Council.

490. Lord Goldsmith was seeking to avoid Ministers making apparently authoritative statements before he had been asked to give his views.

491. On 24 March, both Mr Straw and Mr Hoon were interviewed on television and asked questions about the legal basis for any military action against Iraq.

492. In response to a question about whether international law provided a mandate to attack Iraq during an interview on *Breakfast with Frost* on 24 March, Mr Straw replied:

> “… we have never been involved in any military action in our history since the establishment of the United Nations without the backing of international law and we’re not going to be …
>
> …
>
> “We don’t have a mandate to invade Iraq now, no … what we need to do however is to ensure the full compliance by Iraq … with these United Nations obligations … if Iraq refuses to comply … then the position in international law may very well change … Nobody wants military action … at all and the way out lies very clearly in Saddam Hussein’s hands.
>
> …
>
> “… But, on the fundamental issue, do you need to ensure that any action that is taken is justified in international law, there can only be one answer and that is yes.”[177]

493. Later the same day, in an interview by Mr Jonathan Dimbleby on *ITV* about the deployment of 1,700 Royal Marines to Afghanistan, Mr Hoon was asked whether, if Saddam Hussein did not allow weapons inspectors in or only allowed them in on terms which the US and UK found unacceptable, the UK would insist on having a mandate from the United Nations Security Council or were the existing resolutions enough to validate military action.[178] Mr Hoon replied: “In principle they would be, not least because those weapons of mass destruction might well be capable of posing a threat to the United Kingdom in which case we will be entitled to act in self defence.”

494. Asked whether Ms Clare Short, the International Development Secretary, was correct to say that it was not tolerable to act militarily against Saddam Hussein without a UN mandate, Mr Hoon replied: “well what I am saying is that legally we would be perfectly entitled to use force without a specific United Nations resolution”.

---

[177] *BBC Breakfast with Frost*, 24 March 2002.
[178] *Jonathan Dimbleby ITV*, 24 March 2002.

495. In answer to a further question about what kind of necessity there might be to go back to the UN, Mr Hoon responded that would "depend on the circumstances on the ground, the nature of the information we had about the regime and crucially the extent to which Saddam Hussein was or was not prepared to accede to existing … resolutions." Pressed further, Mr Hoon added that it would: "Depend on the context … But as far as I understand the position legally we would be perfectly entitled to use force as we have done in the past without the support of a United Nations Security Council resolution."

496. A minute from Mr Patey recorded that the media were "playing up apparent differences between the Defence Secretary and Foreign Secretary over a legal basis for military action. No.10 will seek to play this down at the lobby briefing today".[179] He concluded that it would be "important not to get drawn in public on the legal position in respect of what are, at this stage, hypothetical scenarios".

497. Lord Goldsmith saw the transcripts of both interviews and wrote to Mr Hoon on 28 March pointing out that:

> "… the Law Officers' opinion has not been sought on the legality of possible action and I have not therefore offered any views on the legal position. The clarity of your statement and the apparently authoritative way it was produced puts me … in a difficult position.
>
> "I would not want to be definitive until I have had the benefit of full submissions … Nonetheless I think you should know that I see considerable difficulties in being satisfied that military action would be justified on the basis of self defence …
>
> "I am aware that another potential argument is that the breaches of Security Council resolutions by Iraq would revive the authorisation to use force in … resolution 678 (1990). I would welcome detailed submissions on that argument … but, in the absence of further action by the Security Council, there could be considerable difficulties in justifying reliance on the original authorisation to use force."[180]

498. Lord Goldsmith concluded by drawing attention to the advice of the then Law Officers in 1997, and that he "would of course be happy to discuss this matter with you and Jack Straw at any time".

499. Lord Goldsmith sent Mr Straw a copy of his letter, but it was not sent to No.10.

500. Following a discussion with Lord Goldsmith, Mr Hoon responded on 11 April stating that he had been speaking "in principle" about acting in self defence "if it were shown that Iraq had weapons of mass destruction which were capable of posing a threat to the

---

[179] Minute Patey to Goulty, 25 March 2002, 'Iraq: Military Action'.
[180] Letter Goldsmith to Hoon, 28 March 2002, [untitled].

UK”.[181] He did not think that curtailed Lord Goldsmith’s “ability to offer an opinion about the legal position in due course”. Mr Hoon added in manuscript that he was “sure that we can discuss this further”.

501. Mr Hoon told the Inquiry that the interview with Mr Dimbleby had been long and that he had been pushed “quite hard on legality”.[182] He had been “trying quite hard not to answer any questions, and that’s quite difficult”. Mr Hoon added that Lord Goldsmith had not been “particularly concerned about the nature of my legal observation, I think he was more concerned that I might be, in effect, boxing him in when he came to write his own opinion”.

502. Lord Goldsmith told the Inquiry he had “achieved my purpose of making it clear that I didn’t want to see senior ministers making apparently authoritative statements on behalf of HM Government about the use of force before I had even been asked to express any view of it”.[183]

503. Mr Wood also reminded Mr Straw that a further decision by the Security Council was likely to be needed to revive the authorisation to use force in Iraq.

504. As agreed in Mr Straw’s meeting of 18 March, Mr Wood and Mr Grainger visited Washington on 28 March for talks on a range of subjects, not just Iraq, with Mr William H Taft IV, the US State Department Legal Advisor.[184] They also met Mr John Bellinger III, the NSC General Counsel.

505. The talks included a preliminary discussion of different US and UK interpretations of the legal authorities in various UN resolutions on Iraq for the No-Fly Zones and future use of military force but were not intended to reach an agreed position.

506. The record of the discussions was sent to Mr Paul Berman who sent it to Lord Goldsmith and Mr David Brummell, the Legal Secretary to the Law Officers.[185]

Mr Charles Kennedy’s letter, 26 March 2002

507. Mr Charles Kennedy, Leader of the Liberal Democrats, wrote to Mr Blair on 26 March expressing concern about the possibility of military action against Iraq and arguing that before the UK lent its support for action the Government must be satisfied that there was no other course of action open to the international community.

---

[181] Letter Hoon to Goldsmith, 11 April 2002, [untitled].
[182] Public hearing, 19 January 2010, pages 65-66.
[183] Public hearing, 27 January 2010, page 19.
[184] Minute Grainger to Wood, 8 April 2002, ‘Meetings at US State Department’.
[185] Manuscript comment Berman to Goldsmith and Brummell, 12 April 2002, on Minute Grainger to Wood, 8 April 2002, ‘Meetings at US State Department’.

508. Mr Charles Kennedy wrote to Mr Blair on 26 March "in advance of your meeting with President Bush to express the concern that many feel with regard to the possibility of military action against Iraq".[186]

509. Mr Kennedy wrote:

> "… those of us who believe that the case for fresh military action remains unproven are in no way apologists for a brutal dictator who subjects his own people to ignominy and deprivation, flouts international law, and continues to pose a threat to international security.
>
> "Military action should never be undertaken without clear and realistic political objectives that are capable of achievement, and always as a last resort after all other available means of achieving those objectives have been explored. I urge you to seek such avenues with the same vigour and determination which you showed in helping to build the international coalition against terrorism …
>
> "It is axiomatic that those of us who seek to make Iraq fulfil its obligations under international law, should ensure that any action taken to impose these obligations is supported by international law.
>
> "… there is no evidence to link Baghdad with the events of 11 September. Nor is there any published evidence of the chemical, biological or nuclear capability of Iraq since the withdrawal of the UNSCOM inspectors in 1998, but it would be reasonable to conclude from past history that there is a strong probability that such capabilities exist or at least are being actively pursued.
>
> "The return of the weapons inspectors … must remain the international community's priority. I would therefore urge engagement with the regime to solicit agreement on access …
>
> "Before the UK lends its support for action against Iraq, the Government must be satisfied that there is no other course of action open to the international community. I would also urge the Government should seek the views of the elected representatives of the British People in debate and a substantive motion before the House of Commons before any further British forces be deployed beyond present military commitments against Iraq."

Mr Powell's advice, 28 March 2002

510. Mr Powell advised Mr Blair that the objectives for his meeting with President Bush were to "agree sensible plans" on both Iraq and the MEPP; and to "capitalise" on his standing in the US and support for the US Administration.

---

[186] Letter Kennedy to Blair, 26 March 2002, [untitled].

511. In relation to the tactics on Iraq, Mr Powell suggested making the case against Saddam Hussein and then setting an ultimatum seeking the return of weapons inspectors.

512. Mr Powell advised Mr Blair on 28 March that:

> “Your meeting with Bush is an unusually important one and as timely on substance as it is untimely in terms of domestic politics.
>
> “On substance I think we have two basic aims:
>
> a) to agree sensible plans for Iraq and for the MEPP. On the former I would not major on UN authorisation or legal base or any of that. I would stick to how we come up with a military and political plan that is likely to be successful; how we get the necessary support; and how we set it up properly, with Afghanistan as the model – we need to make the case against Saddam and then set an ultimatum (in this case return of inspectors rather than handing over UBL). On the MEPP, the US are now engaged …
> b) to capitalise on your standing in the US and your support for the Administration …”[187]

513. Mr Powell foresaw the need: “In terms of positioning” to “wrestle with three important audiences – the PLP, US and Europe – all of whom want to hear different things”. He suggested:

> “
> - Putting Iraq into the internationalist context. Refer back to Chicago …
> - Make the case against Iraq on grounds of the way it treats its own people as well as the WMD threat.
> - Set an ultimatum before we act rather than acting precipitately: we will only act if Iraq defies UN resolutions by refusing to accept the inspectors back in (and it does need to be anyone, anytime, anywhere).
> - Demonstrate we do not have double standards by showing we are persuading the Americans to engage seriously on the MEPP.”

514. Finally, Mr Powell advised on the need to position the Prime Minister’s approach “before, during and after” the visit and suggested that Mr Blair should make it clear that he was speaking as part of Europe as well as the UK: “You are a bridge not a poodle!” Mr Blair needed “warm words from him [President Bush] on MEPP in return for warm words from you on Iraq”. Mr Blair could use the speech at College Station, “to put Iraq into the wider context”.

---

[187] Minute Powell to Prime Minister, 28 March 2002, ‘Crawford’.

515. Mr Powell told the Inquiry:

> "I actually put a note to the Prime Minister setting out what I thought we should focus on … This is not Kosovo. This is not Afghanistan. If you are thinking about Iraq, you have to think about it in a different way. You have to be able to put it in a political context. I referred … to the Chicago speech … You need to think about the long term, about the Middle East peace process … and how you'd put Saddam in a … proper framework to consider this sort of action."[188]

516. Mr Powell emphasised that he was not providing Mr Blair with options in his note on 28 March, and others had also given Mr Blair their views. His role was to help Mr Blair to focus before the meeting.

517. Mr Powell added that he was:

> "… talking about how we could influence the Americans … we were trying to replicate what we had done after 9/11 on Afghanistan. We were trying to say to them, 'Don't rush into anything. Move at a deliberative pace and, above all, build a coalition. Talk to people, go the UN route. Don't rush into unilateral action.' We believed unilateral action would have been a terrible thing by America, and we wanted to try and put it in a much wider political context."[189]

518. Mr Powell said that Mr Blair was:

> "… always clear that the world would be better off without Saddam Hussein … from the very beginning … he thought the best way to pursue this, as with Afghanistan, would be to go down the UN route and give Saddam every chance to comply, but, if he didn't, to build a coalition to deal with him."[190]

Sir Christopher Meyer's advice, 1 April 2002

519. Sir Christopher Meyer advised on 1 April that President Bush had raised expectations that the US would take military action against Iraq but questions were beginning to be asked about the risks.

520. Sir Christopher also warned about the implications of the US approach to nation building in Afghanistan.

521. In a telegram describing President Bush as "riding high" on his definition of himself as "Commander in Chief of the war on terrorism" which had transformed his Presidency, Sir Christopher Meyer advised that President Bush needed to:

> "… show if not victory, at least momentum, and he has raised expectations that this means taking the war to Iraq. Until recently, the overwhelming tide of opinion inside

---

[188] Public hearing, 18 January 2010, pages 19-20.
[189] Public hearing, 18 January 2010, pages 22-23.
[190] Public hearing, 18 January 2010, pages 30-31.

the Administration and out, was that the only decision still to be taken on Iraq was how to do it. Now, the question on everyone’s lips is how far Iraq has been pushed back by the Palestinian conflict: by the outcome of Cheney’s tour: and by a longer prognosis for operations in Afghanistan.

“There is no shortage of Bush insiders who tell us that the die is cast for a regime-change operation of some sort this autumn. But there is now a sense that the Administration are for the first time really staring the hard questions in the face: how much international support is needed: what smart options are available to topple Saddam: above all what happens afterwards. There is a doubt among some – no bigger than a fist sized cloud on the horizon – that Iraq might be too risky politically.

“There is no bigger obstacle than the Israeli Palestinian conflagration …”[191]

522. Separate advice from the Embassy to Whitehall analysing recent US polls a few days earlier reported strong support (88 percent) for removal of Saddam as an important foreign policy goal of the US, although only 46 percent favoured using ground troops to invade Iraq.[192] The Embassy concluded that US public opinion was ready to respond to strong leadership: the US had been attacked and:

“… if and when a persuasive case is made for specific action in Iraq as part of the war on terrorism, the American people will be up for it. But for now, it would be unwise to interpret the headline figures as depicting a bellicose and confident US ready to do whatever it takes to rid the world of Saddam.”

523. Sir Christopher Meyer also offered advice on the US approach in Afghanistan, where decisions had been taken:

“… in a very small circle of key officials around the President. Where Rumsfeld (and General Franks) have not been fully engaged, little action has resulted. Many in the Administration recognise that, on the ground, there is a real danger of losing Afghanistan because of a US fear of getting sucked into nation-building. But Rumsfeld has, in effect, blocked all but a minimalist approach.”[193]

524. Sir Christopher suggested that the UK should “vigorously” use the leverage from the deployment of 45 Commando Royal Marines to:

“… push for greater US engagement in international stability efforts … We have proportionately far more ground forces in Afghanistan than the Americans. If we are not careful, the US will try to pass to us lead responsibility for Afghan stability for the

---

[191] Telegram 451 from Washington to FCO London, 1 April 2002, ‘PM’s Visit to Texas: Bush and the War on Terrorism’.
[192] Note British Embassy Washington, 26 March 2002, ‘US Public Opinion on Operations Against Iraq’.
[193] Telegram 451 from Washington to FCO London, 1 April 2002, ‘PM’s Visit to Texas: Bush and the War on Terrorism’.

foreseeable future. Keeping us on as … lead nation until the end of June is exactly what the Americans wanted from the start."

525. Sir Christopher told the Inquiry that he had advised Mr Blair to focus on three things at Crawford:

- "… how to garner international support for a policy of regime change, if that is what it turns out to be."
- "If it involves removing Saddam Hussein, how do you do it and when …"
- "Above all … get them to focus on the aftermath …"[194]

526. Sir Christopher added that regime change in Iraq did not, at that time, "necessarily mean an armed invasion".

Advice on the economic effects of military action

527. In response to his concern about the impact that high oil prices might have on public support for military action, Mr Blair was sent advice by both the FCO and Mr Scarlett.

528. In his minute of 17 March, Mr Blair had described oil prices as his "big domestic worry"; and that higher petrol prices "really might put the public off".[195]

529. Mr Michael Arthur, the FCO Economic Director, sent Sir David Manning a briefing on the economic effects of military action against Iraq which concluded that: while military action against Iraq would pose some risk to the oil market, it should be containable; there would be unavoidable economic consequences for Iraq's neighbours, particularly Jordan; and economic effects on Iraq itself were inevitable.[196] It suggested that the UK should think about helping northern Iraq.

530. Mr Scarlett responded to a separate request from Sir David Manning for an update on Iraq's oil production, the importance of oil income to the Iraqi regime and the effect of a halt in oil exports on the world oil market on 4 April.[197]

531. Mr Scarlett advised:

- Iraq benefited from both manipulating the Oil-for-Food regime and illegal oil exports.
- It was "unlikely that Iraq would voluntarily cease its illegal oil sales".
- Iraq had halted oil exports under OFF for five weeks in mid-2001 to pressurise the Russians to resist UK/US proposals on revised sanctions.

---

[194] Public hearing, 26 November 2009, pages 27-28.
[195] Minute Prime Minister to Powell, 17 March 2002, 'Iraq'.
[196] Letter Arthur to Manning, 26 March 2002, 'Iraq: Back Pocket Economics'.
[197] Minute Scarlett to Manning, 4 April 2002, 'Iraq: Oil'.

- Iraq could “survive for several months at least and possibly several years” without any oil income, as it had between 1991 and the end of 1996.
- The contribution of revenues from OFF was not “regarded as necessarily crucial to regime survival”.
- Removal of access to revenue from illegal oil exports would be a “more direct threat to the regime”.
- There had been considerable successes in limiting oil smuggling through the Gulf, but it had “proved politically impossible to counter effectively Iraq’s other illegal oil exports”.
- While a sudden cut in Iraqi oil exports would probably cause a temporary spike in the oil price, the price rise would be “moderate” (less than US$5 per barrel).
- Market expectations would be a key factor in determining the duration of the spike. They were already influenced by “jitters over the Middle East and talk of war with Iraq”.

532. When Iraq announced on 8 April that it would halt oil exports under the UN Oil-for-Food programme for 30 days “or until Israel withdraws from Palestinian territories”, Mr Blair was advised that the market had already factored in the possibility of disruption given the situation in the Middle East and the possibility of from an Iraqi suspension of exports around the UN discussion of sanctions at the end of May.[198]

Chequers meeting, 2 April 2002

533. Mr Blair discussed the need for a strategy to remove Saddam Hussein and possible US military action in a meeting at Chequers on 2 April 2002.

534. The meeting was clearly intended to inform Mr Blair’s approach in his discussion with President Bush.

535. Following Mr Blair’s request in his minute of 17 March for a meeting with military personnel, a meeting was held at Chequers on 2 April. No formal record was made of the discussion or who was present.

536. Accounts given by participants suggest that Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), Sir Kevin Tebbit, MOD Permanent Under Secretary (representing Mr Hoon who was unable to attend), Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), Lieutenant General Cedric Delves, senior UK liaison officer at CENTCOM, Sir Richard Dearlove, Mr Powell, Sir David Manning and Mr Scarlett were present.

---

[198] Minute No.10 [junior official] to Prime Minister, 8 April 2002, ‘Iraq Suspends Oil Exports; Impact on the Oil Markets’.

537. Mr Straw was overseas at the UK/Caribbean Summit at that time, but no FCO representative was present.[199]

538. Lt Gen Pigott produced a set of briefing slides at the meeting.[200] They identified a provisional end state for military action against Iraq which was defined as:

> "A law-abiding Iraq which is reintegrated in the international community, that does not threaten its neighbours, or global security."

539. The slides prepared for Lt Gen Pigott also contained elements related to Afghanistan, the need to eliminate international terrorism as a force in international affairs and a series of questions in relation to the goals and approach of any military action in Iraq, including that if the US wanted the UK to be involved in any military action, the UK would need to be involved in the planning.

540. Dr Simon Cholerton, Assistant Director in the MOD Secretariat (Overseas), advised Sir Kevin Tebbit:

> "… we believe that the key issue for the PM to raise with President Bush is the outcome the US would seek from any military action: would it simply be [to] control Iraq's WMD, remove Saddam from office (in the knowledge that a successor regime may well continue with Iraq's WMD programmes) or is it necessary to install a replacement regime? The answer to this question will be key to military planning; how action would fit into the framework of international law and help hugely in subsequent work to influence US policy."[201]

541. Mr Blair wrote in his memoir that Adm Boyce and Lt Gen Pigott:

> "… gave a presentation. They warned it could be a bloody fight and take a long time to remove Saddam. The US were engaged in preliminary planning, but it was hard to read where they were going with it. We needed to get alongside that planning and be part of it …"[202]

542. Mr Powell told the Inquiry that the meeting at Chequers was a "key meeting … to talk about what he [Mr Blair] should do at Crawford".[203]

543. Sir David Manning told the Inquiry that he did not remember the Chequers meeting as "outstandingly important", though he recollected that "things accelerate in the second quarter of the year".[204] There had been a similar meeting on Afghanistan which had explored the feasibility of military action.

---

[199] FCO Daily Bulletin, 2 April 2002.
[200] Email DCDS(C)/MA2 to CDS REGISTRY-5 and PS/PUS, 28 March 2002, 'Iraq Briefing Slides'.
[201] Minute Cholerton to PS/PUS [MOD], 8 April 2002 [date is incorrect], 'Iraq: Meeting with Prime Minister at Chequers'.
[202] Blair T. *A Journey*. Hutchinson, 2010.
[203] Public hearing, 18 January 2010, page 19.
[204] Private hearing, 24 June 2010, pages 34-35.

544. Sir Richard Dearlove had discussed the Chequers meeting with colleagues on 4 April.[205] In response to questions from the Inquiry, Sir Richard confirmed that regime change didn’t necessarily mean military action and could, at that stage, have meant a variety of things.

545. Asked whether, from his memory of Chequers, Sir Richard thought Mr Blair would have taken that view, Sir Richard replied: “I think you have got to look at it in the broadest, most general sense”.

546. Asked if Mr Straw and Adm Boyce would have gone along with Mr Blair’s view, or were they more cautious, Sir Richard replied:

> “I am not sure. I think you’ve got to realise that SIS at this point is in a pretty extraordinary position … with an insight into what’s happening in the US which was probably much more profound than anyone else in Government has got.”

547. Sir Richard had also reported to his colleagues that: “WMD would only be one of several arguments pointing to the need to uproot Saddam.”

548. Sir Richard had told his colleagues that Mr Blair was seized of the fact that the WMD threat from Libya was more serious than that from Iraq.[206] Sir Richard added that it had been about that time the UK “discovered that Libya has an active nuclear programme”, which had been “something of a shock”.

549. Asked whether the concerns about WMD in other countries – Iran, North Korea and Libya – were more important than Iraq, and how important WMD was for making the case “to topple the [Iraqi] regime”, Sir Richard told the Inquiry that in April 2002 concerns about Iraq’s WMD were “above the level of routine” and there was “an assumption that Iraq’s interest in WMD” continued.[207] Mr Blair would “push” President Bush to pursue an active policy on Iraq “but the initial phase would be to prepare international public opinion”.

550. Asked how to interpret a reference in the record of the discussion [on 4 April] to Mr Blair wanting to lead, not just support the process of regime change, Sir Richard told the Inquiry he thought it was the former: “keeping our hands on what’s going on and not letting the Americans run away with the ball”.[208]

551. Mr Campbell produced the most detailed account of the meeting. In his diaries, he described it as:

> “… a repeat of the smaller meeting we’d had on Afghanistan. Boyce … mainly set out why it was hard to do anything …

---

[205] Private hearing, 16 June 2010, pages 38-43.
[206] Private hearing, 16 June 2010, pages 27-28.
[207] Private hearing, 16 June 2010, pages 28-29.
[208] Private hearing, 16 June 2010, page 29.

"TB [Tony Blair] wanted to be in a position to give GWB [President Bush] a strategy and influence it. He believed Bush was in the same position as him, that it would be great to get rid of Saddam and could it be done without terrible unforeseen circumstances? …

"We were given an account of the state of Iraqi forces, OK if not brilliant, the opposition – hopeless – and Saddam's ways – truly dreadful. CDS [Adm Boyce] appeared to be trying to shape the meeting towards inaction, constantly pointing out the problems, the nature of the administration, only Rumsfeld and a few others knew what was being planned, TB may speak to Bush or Condi but did they really know what was going on? … He said apart from Rumsfeld, there were only four or five people who were really on the inside track.

"… but CDS would keep coming back to the problems … General Tony Pigott did an OK presentation which went through the problems realistically but concluded that a full-scale invasion would be possible, ending up with fighting in Baghdad. But it would be bloody, could take a long time. Also, it was not impossible that Saddam would keep all his forces back. He said post-conflict had to be part of conflict preparation. The Americans believed we could replicate Afghanistan but it was very, very different … [Lt Gen] Cedric [Delves] … said Tommy Franks [General Franks, Commander in Chief CENTCOM] was difficult to read because he believed they were planning something for later in the year, maybe New Year. He basically believed in air power plus Special Forces. CDS said if they want us to be involved in providing force, we have to be involved in all the planning, which seemed fair enough.

"TB said it was the usual conundrum – do I support totally in public and help deliver our strategy, or do I put distance between us and lose influence?

"We discussed whether the central aim was WMD or regime change. Pigott's view was that it was WMD. TB felt it was regime change in part because of WMD but more broadly because of the threat to the region and the world … [P]eople will say that we have known about WMD for a long time … [T]his would not be a popular war, and in the States fighting an unpopular war and losing is not an option.

"C said that the Presidential Finding, based on an NSC paper, made clear it was regime change that they wanted … There was a discussion about who would replace Saddam and how could we guarantee it would be better. Scarlett said it couldn't be worse …"[209]

[209] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

Presidential Finding in early 2002

In an article in *The Washington Post* on 16 June 2002, Mr Bob Woodward wrote that President Bush had signed an intelligence order earlier in the year “directing the CIA to undertake a comprehensive, covert program to topple Saddam Hussein, including authority to use lethal force to capture the Iraqi President”.[210]

The order was:

> “… an expansion of a previous Presidential Finding designed to oust [Saddam] Hussein”.

The Finding directed the CIA to “use all available tools, including:

- Increased support to Iraqi opposition groups and forces inside and outside Iraq including money, weapons, equipment, training and intelligence information.
- Expanded efforts to collect intelligence within the Iraqi government, military, security service and overall population where pockets of intense anti-Hussein sentiment have been detected.
- Possible use of CIA and U.S. Special Forces teams, similar to those that have been successfully deployed in Afghanistan since the Sept. 11 terrorist attacks. Such forces would be authorized to kill Hussein if they were acting in self-defense.”

The US perspective on Mr Blair’s position, pre-Crawford

552. Secretary Powell told President Bush that Mr Blair:

- **would want to present the strategic, tactical and public affairs lines he believed would strengthen support for the US and UK; “common cause” in relation to the war on terrorism and Iraq; and**
- **recognised he would pay a political price for supporting the US on Iraq and wanted to minimise that. UK voters would be looking for signs that the UK and US were “equity partners in the special relationship”.**

553. Secretary Powell told President Bush that Mr Blair would want to discuss “Afghanistan; Iraq; the Middle East; Russia and NATO enlargement; and trade and development”.[211]

554. Secretary Powell wrote that Mr Blair:

> “… continues to stand by you and the US as we move forward on the war on terrorism and Iraq. He will present to you the strategic, tactical and public affairs lines that he believes will strengthen global support for our common cause. […]

---

[210] *The Washington Post*, 16 June 2002, *President Broadens Anti-Hussein Order.*
[211] Memorandum Powell to Bush, 28 March 2002, ‘Your Meeting with United Kingdom Prime Minister Tony Blair, April 5-7, 2002 at Crawford’.

"Blair and the UK are in Afghanistan with us for the long haul. He readily committed to deploy 1700 commandos, even though his experts warn that British forces are overstretched … […].

"On Iraq, Blair will be with us should military operations be necessary. He is convinced on two points: the threat is real; and success against Saddam will yield more regional success. Aside from his foreign and defense secretaries, however, Blair's Cabinet shows signs of division, and the Labour Party and the British public are unconvinced that military action is warranted now. Blair may suggest ideas on how to (1) make a credible public case on current Iraqi threats to international peace; (2) keep Iraq's neighbours on our side; (3) handle calls for a UNSC blessing that can increase support for us in the region and with UK and European audiences; and (4) demonstrate that we have thought through 'the day-after.'

"The UK will follow our lead in the Middle East, but Blair may seek greater US engagement […] He will argue that continued terrorist violence and Israeli military action are rapidly sapping European and Arab support for a tough line on Baghdad.

[…]

"… He is sharply criticised by the media for being too pro-US in foreign and security policy, too arrogant and 'presidential' (not a compliment …

"Blair knows he may have to pay a political price for supporting us on Iraq, and wants to minimize it. Nonetheless, he will stick with us on the big issues. His voters will look for signs that Britain and America are truly equity partners in the special relationship."

555. The US Embassy in London reported on 2 April that MPs in the Labour Party were opposed to military action and identified the actions likely to be needed to secure their support.

556. Mr Blair's challenge was to judge the timing and evolution of America's Iraq policy, and to bring his party and the British people on board, so that the UK could be the "keystone" for any coalition the US wanted to build.

557. On 2 April, a telegram from Ambassador William Farish, US Ambassador to the UK, reported that "for a noticeable time after" President Bush had "identified Iraq's development of WMD and missiles as a serious threat" in his State of the Union speech on 26 January, Mr Blair's Government "essentially kept quiet on whether it agreed".[212] That had "changed at the end of February" when Mr Blair "spoke out forcefully" at the Commonwealth Heads of Government Meeting in Australia.

---

[212] Telegram 7579 from AMEMBASSY London to SECSTATE Washington, 2 April 2002, 'Iraq Coalition-Building: UK Labor Party Not Yet Convinced'.

558. The Embassy reported that the Government had a week later released a Foreign Office briefing paper to the Parliamentary Labour Party “that outlined the case against Iraq”. That had been followed by the article in *The Times* by Mr Straw [on 5 March] and a similar piece by Mr Blair the following day. The subsequent “debate” on the issue in the House of Commons was described as “sharp”, with opposition to military action going “unfortunately, well beyond the ‘usual suspects’”. The large number of signatories of an Early Day Motion opposing support for US military action, 130 of whom 100 were Labour MPs, was “significant” and “many more … did not sign” but agreed with its thrust. The MPs were seen to be reflecting overall voter opinion.

559. Labour MPs who considered “themselves to be moderate and strongly pro-US” had told the US Embassy that they needed “more evidence of Iraq’s connivance with terrorism and/or willingness to use WMD before they could support HMG co-operation with military action”. Labour MPs had “especially” raised “concerns about the reaction of the Arab world”. “Several MPs” had also told the Embassy “that progress in the Middle East Peace Process could defuse some of their concerns”. “Another element raised was that there would be less negative fallout if military action were taken only after all other options were seen to have been exhausted” and “virtually all MPs with whom we spoke” wanted “the UN to endorse any military action”. MPs were worried:

> “… that the US is ‘looking for another fight’ and will ‘ignore even its close friends if they object’ … There is the impression … that the US is not acknowledging the relevance of the UK to the US agenda.”

560. Addressing what it would take to convince Labour Parliamentarians to support military action against Iraq, Ambassador Farish wrote that widespread revulsion with the Iraqi regime did not:

> “… necessarily translate into support for war. Some MPs would endorse action if they had proof that Iraq has continued to develop WMD since UN inspectors left. More would follow if convinced that Iraq has succeeded in developing significant WMD capability (not just CW, but BW and/or nuclear/radiological) and the missiles to deliver it. Many more would follow if they see compelling evidence that Iraq intends and plans to use such weapons. A clear majority would support military action against Iraq if Saddam is implicated in the 9/11 attacks or other egregious acts of terrorism. Other factors of influence include … Arab sentiment, progress in the MEPP, UN support, civilian casualties, and having a plan that works.
>
> “Since making his decision to move to a more robust public diplomacy on Iraq, Blair plus Straw and … Hoon have made a string of tough statements. Blair was especially forthright when standing alongside VP Cheney on March 11.”

561. Ambassador Farish concluded:

> “Blair has proved an excellent judge of political timing, and he will need to be especially careful about when to launch a ramped-up campaign to build support

for action against Iraq. He will want neither to be too far in front, or behind, US policy. As one FCO official pointed out to us, if Blair unleashes a full scale campaign in Parliament and with the general public when Parliament returns from the Easter recess, and the US policy turns out to be on a longer-term trajectory, when the time comes for action, the PM may find that his preparations have come unglued. On the other hand, if he waits too long, then the keystone of any coalition that we wish to build may not be firmly in place. No doubt these are the calculations that Blair hopes to firm up when he meets the President at Crawford …"

Mr Blair's meeting with President Bush at Crawford, April 2002

562. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, sent a report of a visit to Washington by MOD officials to Sir David Manning on 4 April (see Section 6.1).[213]

563. Sir David Manning added in a manuscript comment: "… further request from Geoff Hoon that you should persuade Bush to include us in the US military planning process."[214]

564. Mr Campbell wrote that on 3 April Mr Blair "was anxious that we get the focus for the meeting at Crawford … off Iraq simply and on to the Middle East".[215]

565. Mr Rycroft sent Mr Blair an updated briefing pack for the meetings at Crawford to Mr Blair on 4 April.[216] For Iraq, that comprised:

- the folders of background papers requested by Mr Blair;
- a FCO steering brief;
- Sir Christopher Meyer's telegram of 1 April;
- the latest version of the draft paper for public release on Iraq's WMD;
- a draft paper on Iraq's human rights abuses;
- background papers on the Iraqi opposition and the weapons inspectors;
- the letter from Mr Charles Kennedy expressing concern about military action; and
- further background papers on ensuring the security of energy supply.

---

[213] Letter Watkins to Manning, 4 April 2002, 'Iraq'.
[214] Manuscript comment Manning to PM, 5 April 2002 on Letter Watkins to Manning, 4 April 2002, 'Iraq'.
[215] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[216] Minute Rycroft to Prime Minister, 4 April 2002, 'Texas'.

566. Sir David Manning provided a separate checklist of topics which described the objective on Iraq as:

> “Commitment from Bush to transparency and consultation. (The model is Afghanistan.) We need to start US/UK military planning (i.e. access for UK military planners in Washington and CENTCOM – the point CDS made at Chequers).”[217]

567. The Overseas and Defence Secretariat advised Sir David Manning on 5 April:

- The Iraq ‘Options Paper’ remained “current”.
- Mr Annan met an Iraqi delegation on 7 March. The Iraqis had made no specific commitments to co-operate with UN resolutions and posed 19 questions about US/UK policies. The majority were polemics but some were about clarification of resolution 1284. Mr Annan wanted the Security Council to answer those questions before further talks scheduled for 18/19 April. The UK position was that Mr Annan had no mandate to negotiate with Iraq and that he should urge them to talk to UNMOVIC and the IAEA about readmitting weapons inspectors.
- The US was working on a draft UN resolution to encapsulate recent agreements with Russia on the Goods Review List.[218]

568. Mr Campbell wrote that Mr Blair had “decided that he wanted to be totally supportive but also push for more US engagement”.[219] He “would make clear that the UK would support the US on Iraq, but also make the point about UN inspectors effectively as an ultimatum”. For the first time that Mr Campbell could recall, Mr Blair had produced “his own written checklist for the meeting” with President Bush. Mr Blair had wanted “to do Iraq and MEPP first so that he knew where he was”.

Mr Blair’s meetings with President Bush at Crawford, April 2002

569. Mr Blair met President Bush at Crawford, Texas, on 5 and 6 April. Much of the discussion took place in private meetings between the two leaders.

570. Sir David Manning told the Inquiry that President Bush and Mr Blair had dined together [on the evening of Friday 5 April] and that there was a more formal meeting on the Saturday morning.[220] Sir David stressed that the discussions at Crawford had been about “many other things as well as Iraq” particularly the Middle East Peace Process.

571. A three-page record of the discussions on Iraq was circulated on a secret and strictly personal basis by Sir David Manning in a letter to Mr McDonald which was sent

---

[217] Minute Manning to Prime Minister, 4 April 2002, ‘Crawford Checklist’.
[218] Minute Dodd to Manning, 5 April 2002, ‘Iraq’.
[219] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[220] Public hearing, 30 November 2009, pages 14-15.

only to Mr Watkins (for Mr Hoon), Admiral Boyce, Sir Michael Jay, Sir Richard Dearlove, Sir Christopher Meyer and Mr Powell.[221]

572. Much of the discussion took place privately between the two leaders. Sir David Manning recorded that the meeting on Saturday morning was informed:

- There was no war plan for Iraq.
- Thinking so far had been on a broad, conceptual level.
- A very small cell in Central Command in Florida had recently been set up to do some planning and to think through the various options.
- When the US had done that, US and UK planners would be able to sit down together to examine the options.
- The US and UK would work through the issues together.

573. Sir David recorded that Mr Blair and President Bush had discussed:

- the need to enhance not diminish regional stability;
- who might replace Saddam Hussein if action was taken to topple him;
- the impact of a moderate, secular regime in Iraq on other countries in the region;
- the need to manage public relations with great care;
- putting Saddam Hussein on the spot over UN inspections and seeking proof of the claim that he was not developing WMD; and
- the timing of possible military action. If a decision was taken to use military action, that would not take place before late 2002/early 2003.

574. Mr Blair said that it was important to go back to the United Nations and to present that as an opportunity for Saddam Hussein to co-operate:

> "… no one could doubt that the world would be a better place if there were regime change in Iraq. He was sure it was right to go the inspectors' route. But we would have to give careful thought about how we framed the ultimatum to Saddam to allow the inspectors to do their job."

575. Mr Blair thought that Saddam Hussein would probably try to obstruct the inspectors and play for time. That was why it was so important that they must be allowed in at any time and be free to visit any place or installation. He also identified the need for an accompanying public relations strategy that highlighted both the risks of Saddam's WMD programme and his "appalling" human rights record, and the importance of managing European public opinion and helping to construct an international coalition.

576. Mr Blair said he would emphasise that Saddam was being given an opportunity to co-operate. If "as he expected" Saddam failed to do so, it would be "very much harder

---

[221] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.

to resist the logic that we must take action to deal with an evil regime that threatened us with its WMD programme”.

577. Mr Blair considered that the US and UK would “still face the question of why they had decided to act now; what had changed?” In his view one of the lessons of 11 September was that: “Failure to take action in good time meant that the risks would only grow, and might force us to take much more costly action later.”

578. Sir David Manning also recorded that, following a further conversation with President Bush, Mr Blair had concluded that President Bush wanted to build a coalition, and that had led him to dismiss pressure from some on the American right.

579. The record contained no reference to any discussion of conditions which would be necessary for military action.

580. A letter from Sir Christopher Meyer to Sir David Manning on 15 May indicated that Mr Blair and President Bush had also discussed the first quarter of 2003 as a timeframe for action against Saddam Hussein.[222]

581. Mr Powell told the Inquiry that, at Crawford:

> “… [President] Bush acknowledged the possibility that Saddam would allow inspectors in and let them go about their business. If that happened we would have to adjust our approach accordingly.
>
> “So it was absolutely clear we were not signing up for a war … we were signing up for going down the UN route and giving Saddam a chance to comply.”[223]

582. Asked if military options were discussed, Mr Powell replied:

> “I don’t recall them getting into any sort of discussion of military options …”

583. Mr Powell added that he thought Mr Blair’s message to President Bush was:

> “… if you are going to do this, you have got to do this in the most intelligent manner possible, like after Afghanistan, like after 9/11. You have got to put this on a political track … build support. You have got to go down the UN route. You have got to exhaust that UN route … to give Saddam a chance to comply.”[224]

584. Mr Powell stated that Mr Blair was talking about the things that would need to be done to make action against Iraq successful:

> “The first was to put the Middle East peace process in a different place … That strikes me as a fundamental point that he repeated again and again subsequent

---

[222] Letter Meyer to Manning, 15 May 2002, ‘Your Visit to Washington’.
[223] Public hearing, 18 January 2010, page 24.
[224] Public hearing, 18 January 2010, pages 24-25.

> to that meeting. He talked about what would happen on the day after … so … he … listed all the right questions …"[225]

585. The issue of conditions for military action and how those were interpreted by Mr Blair and others is addressed in Section 3.3.

586. Mr Hoon told the Inquiry, that Afghanistan was the main pre-occupation at that time.[226] In his view, "The sense that this was all about Iraq, in my recollection, was wrong."

587. Mr Blair told the Inquiry that there had been "a general discussion of the possibility of going down the military route but obviously, we were arguing for that to be if the UN route failed".[227]

588. President Bush wrote that he and Mr Blair had:

> "… talked about coercive diplomacy as a way to address the threat from Iraq. Tony suggested that we seek a UN Security Council resolution that presented Saddam with a clear ultimatum: allow weapons inspectors back into Iraq, or face serious consequences. I didn't have a lot of faith in the UN. The Security Council had passed sixteen resolutions against Saddam to no avail. But I agreed to consider his idea."[228]

589. Dr Rice wrote that President Bush and Mr Blair had "had an extended discussion about Iraq and the need to do something about Saddam. The President was clear that Saddam had to fear the international community if he was ever going to comply. He and Blair found common ground in that assessment …"[229]

590. In their press conference on 6 April, President Bush and Mr Blair both mentioned WMD in their introductory remarks, but neither mentioned Iraq specifically. Iraq was, however, raised in many of the questions.

591. President Bush stated:

- **He and Mr Blair both agreed Saddam Hussein had to prove he was not developing WMD.**
- **US policy was regime change and all the options were on the table.**
- **Mr Blair understood that Saddam Hussein could not be allowed to "hook up" with a terrorist network.**

---

[225] Public hearing, 18 January 2010, page 26.
[226] Public hearing, 19 January 2010, page 30.
[227] Public hearing, 29 January 2010, page 59.
[228] Bush GW. *Decision Points*. Virgin Books, 2010.
[229] Rice C. *No Higher Honour.* Simon & Schuster, 2011.

592. Mr Blair stated that “doing nothing” was not an option; the threat of WMD was real and had to be dealt with. The lesson of 11 September was to ensure that “groups” were not allowed to develop a capability they might use.

593. In his memoir, Mr Blair characterised the message that he and President Bush had delivered to Saddam Hussein as “change the regime attitude on WMD inspections or face the prospect of changing regime”.

594. In the press conference President Bush said that the bonds between the peoples of the US and UK were “stronger than ever” and that they shared “common interests and a common perspective on the important challenges of our times”.[230] He was “extremely grateful” for Mr Blair’s “courageous leadership” since 11 September, and the world was “grateful for all that Great Britain has contributed in the war against terror”. He and Mr Blair both understood that “defeating global terror requires a broad based, long-term strategy” and “the importance of denying terrorists weapons of mass destruction”. They had also had “extensive conversations about the situation in the Middle East” where both nations were “strongly committed to finding a just settlement”. He and Mr Blair had “agreed to work closely in the weeks and months ahead on these difficult issues”.

595. Mr Blair said he agreed with President Bush on the Middle East and that they had also discussed international terrorism and weapons of mass destruction. They had agreed that “the issue of weapons of mass destruction cannot be ducked, it is a threat, it is a danger to our world and we must heed that threat and act to prevent it being realised”. In Afghanistan, it was important “not just that we root out the last remnants of the Al Qaida terrorist network … but also that we help that country to go from being a failed state … to a state that offers some hope of stability and prosperity for the future”.

596. In response to questions about the need for military action in Iraq, Mr Bush said he and Mr Blair had:

> “… of course, talked about Iraq. We both recognise the danger of a man who is willing to kill his own people harboring and developing weapons of mass destruction … He’s a man who obviously had something to hide.
>
> “He told the world that he would show us that he would not develop weapons of mass destruction and yet, over the past decade he has refused to do so. And the Prime Minister and I both agree that he needs to prove that he isn’t developing … [WMD]
>
> “I explained … the policy of my government is the removal of Saddam and that all options are on the table.”

---

[230] The White House, 6 April 2002, *President Bush, Prime Minister Blair Hold Press Conference.*

597. Mr Blair said that:

> "… any sensible person … asking the question, would the region, the world, and not least the ordinary Iraqi people be better off without the regime of Saddam Hussein, the only answer anyone could give … would be, yes.
>
> "… how we approach this, is a matter for discussion … for considering all the options. But a situation where he continues to be in breach of all the United Nations resolutions, refusing to allow us to assess … whether and how he is developing these weapons of mass destruction. Doing nothing is not an option …
> "But the President is right to draw attention to the threat of weapons of mass destruction. That threat is real. How we deal with it, that's a matter we discuss. But … we have to deal with it …"

598. Asked whether removal of Saddam Hussein was now the policy of the British Government, Mr Blair replied:

> "… it has always been our policy that Iraq would be a better place without Saddam Hussein. I don't think anyone can be in any doubt about that for all the reasons I have given. But how we proceed … how we make sure that this threat that is posed by weapons of mass destruction is dealt with, that is a matter that is open. And when the time comes for taking those decisions, we will tell people about those decisions …"

599. Asked whether regime change was a change in policy, President Bush replied that it was not:

> "… the worst thing that can happen is to allow the man to abrogate his promise, and hook up with a terrorist network. And then all of a sudden you've got one of those shadowy terrorist networks that have got an arsenal at their disposal, which could create a situation in which nations down the road get blackmailed. We can't let that happen, we just can't … And, obviously, the Prime Minister is somebody who understands this clearly …"

600. Asked about the absence of a direct linkage between Al Qaida and Saddam Hussein, President Bush replied:

> "… he wouldn't accept that. But can't they see the linkage between somebody who's willing to murder his own people and the danger of him possessing weapons of mass destruction, which he said he would not develop? I see the linkage between someone who is willing … to use chemical weapons in order to keep himself in power, and at the same time develop a weapon that could be aimed at Europe, aimed at Israel, aimed anywhere, in order to affect foreign policy …
>
> "I can't imagine people not seeing the threat and not holding Saddam Hussein accountable for what he said he would do, and we're going to do that. History has called us into action. The thing I admire about the Prime Minister is he doesn't need

a poll or focus group to convince him the difference between right and wrong. And it's refreshing to see leaders speak with moral clarity when it comes to the defense of freedom.

"… We will hold Saddam Hussein accountable for broken promises. And that's what a lot of our discussion … has been about. And … we are going to continue our discussions."

601. Mr Blair added:

"You talked about no linkage there. There is a reason why United Nations resolutions were passed … calling upon him to stop developing weapons of mass destruction … and that is because we know he has been developing these weapons.

"We know that those weapons constitute a threat. Three days after the 11 September when I made my first statement to the House of Commons … I specifically said then that this issue of weapons of mass destruction has to be dealt with … [W]hat happened on the 11th of September was a call to us to make sure that we didn't repeat the mistake of allowing groups to develop a destructive capability and hope that, at some point, they weren't going to use it. They develop that destructive capability for a reason.

"Now we've made it very clear to you how we then proceed and how we deal with this. All the options are open. And I think after the 11th September this President showed that he proceeds in a calm and a measured and a sensible, but in a firm way. Now that is precisely what we need in this situation too."

602. In his memoir, Mr Blair wrote that he and President Bush had "delivered a strong message" during the press conference, which he characterised as:

"It was basically: change the regime attitude on WMD inspections or face the prospect of changing regime."[231]

603. Mr Powell told the Inquiry that the "worry" about the press conference was that "we had a different position on regime change" and they had spent some time discussing how to avoid exposing a "huge gulf between us".[232]

College Station speech, 7 April 2002

604. As suggested by Mr Powell, Mr Blair used his speech at College Station on 7 April to argue for an internationalist approach in dealing with Iraq.

605. Mr Blair advocated a policy of "an enlightened self interest that put fighting for our values at the heart of the policies necessary to protect our nations".

---

[231] Blair T. *A Journey*. Hutchinson, 2010.
[232] Public hearing, 18 January 2010, page 35.

606. Leaving Iraq to develop WMD in breach of its obligations to the Security Council was "not an option", although the moment for decision on how to act had not yet been reached. Saddam Hussein had to let the weapons inspectors back in with unrestricted access.

607. Mr Blair used his speech at the George Bush Senior Presidential Library at College Station, Texas on 7 April to set out an internationalist approach drawing on his speech in Chicago in 1999.[233]

608. Mr Blair identified two views of international affairs: one, which was utilitarian, where "each nation maximises its own self interest"; the other was utopian, where "we tried to create a better world". In Mr Blair's view those two views were merging and he advocated an approach of "an enlightened self interest that put fighting for our values at the heart of the policies necessary to protect Our nations". "Engagement in the world on the basis of these values, not isolationism from it, is the hard headed pragmatism for the 21st century."

609. Citing the example of intervention in Kosovo, Mr Blair stated that it was "still costing us time, effort and money, but it's a lot less than if we had turned our back and let the Balkans plunge into civil war".

610. Mr Blair described instability as "contagious" and that "the surest way to stability is through … values of freedom, democracy and justice". Promotion of those values was:

> "… part of our long-term security and prosperity. We can't intervene in every case. Not all the wrongs of the world can be put right, but where disorder threatens us all, we should act."

611. Mr Blair described the response to the terrorist attacks on 11 September as one where "the world stood firm. America took the lead, but it led a coalition of extraordinarily wide international proportions." Mr Blair warned there was "a real danger we forget the lessons of September 11".

612. In Mr Blair's view there was "no escape" from facing events and "dealing with them". Four "policy positions" should guide those responses.

613. Firstly:

> "… the world works better when the US and EU stand together …
>
> "… The international coalition matters. Where it operates the unintended consequences of action are limited, the diplomatic parameters better fixed …"

---

[233] The National Archives, 7 April 2002, *Prime Minister's Speech at the George Bush Senior Presidential Library.*

614. Secondly:

> “… we must be prepared to act where terrorism or weapons of mass destruction threaten us. The fight against international terrorism is right. We should pursue it vigorously. Not just in Afghanistan but elsewhere. Not just by military means but by disrupting the finances of terrorism … But there should be no let up.
>
> “If necessary the action should be military and again, if necessary and justified, it should involve regime change. I have been involved … in three conflicts involving regime change …
>
> “Britain is immensely proud of the part our forces have played and with the results but I can honestly say that the people most pleased have been the people living under the regime in question …
>
> “We cannot, of course, intervene in all cases but where countries are engaged in the terror or the WMD business, we should not shirk from confronting them. Some can be offered a way out, a route to respectability. I hope in time that Syria, Iran and even North Korea … A new relationship is on offer. But they must know that sponsoring terrorism or WMD is not acceptable.
>
> “As for Iraq, I know that some fear precipitate action. They needn’t. We will proceed as we did after September 11, in a calm, measured, sensible but firm way. But leaving Iraq to develop WMD, in flagrant breach of no less than nine separate UN Security Council resolutions, refusing still to allow weapons inspectors back to do their work properly, is not an option. The regime of Saddam is detestable. Brutal, repressive, political opponents routinely tortured and executed: it is a regime without a qualm in sacrificing the lives of its citizens to preserve itself, or starting wars with neighbouring states and it has used chemical weapons against its own people.
>
> “As I say, the moment for decision on how to act is not yet with us. But to allow weapons of mass destruction to be developed by a state like Iraq without let or hindrance would be grossly to ignore the lessons of September 11 and we will not do it. The message to Saddam is clear: he has to let the inspectors back in, anyone, any time, any place that the international community demands.”

615. Thirdly, quoting the plight of the Middle East, the dispute between India and Pakistan and conflicts in the Democratic Republic of Congo, Sudan and Angola, Mr Blair stated:

> “… we should work hard to broker peace where conflict threatens a region’s stability because we know the dangers of contagion …”

616. Fourthly, Mr Blair argued:

> “Prevention is better than cure. The reason it would be crazy for us to clear out of Afghanistan once we had finished militarily, is that if it drifts back into instability, the

same old problems will re-emerge. Stick at it and we can show, eventually, as in the Balkans, the unstable starts to become stable."

617. In the concluding section of his speech, Mr Blair stated that an integrated approach was needed. He was not suggesting that nothing should be done without unanimity:

"That would be a recipe for the lowest common denominator – a poor policy. I am arguing that the values we believe in are worth fighting for … We shouldn't be shy of giving our actions not just the force of self-interest but moral force.

"And in reality, at a certain point these forces merge. When we defend our countries … we aren't just defending territory. We are defending what our nations believe in: freedom, democracy, tolerance and respect towards others.

"… Fighting for these values is a cause the world needs …

"But if that's what I and many others want … It means we don't shirk our responsibility. It means that when America is fighting for those values, then, however tough, we fight with her. No grandstanding, no offering implausible but impractical advice from the comfort of the touchline, no wishing away the hard not the easy choices on terrorism and WMD, or making peace in the Middle East, but working together, side by side.

"That is the only route I know to a stable world …

"If the world makes the right choices now – at this time of destiny – we will get there. And Britain will be at America's side in doing it."

618. Mr Campbell wrote that Mr Blair had written the speech "pretty much … himself". He would make it clear that the UK would "support" the US on Iraq "but also make the point about UN inspectors effectively as an ultimatum".[234]

619. The references in the speech to the UN and the use of the word "justified" in relation to regime change were "strengthened" after the discussions with President Bush.[235]

620. Sir Michael Jay commended the speech in a telegram to FCO posts on 7 April and invited them to draw on it.[236]

621. Mr Powell told the Inquiry that Mr Blair's College Station speech was not intended to develop a new policy on Iraq; and that there was "no intention of changing policy on regime change in Iraq". He added that the comments on regime change were in the

---

[234] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[235] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[236] Telegram 73 FCO London to Madrid, 10 April 2002, 'The Prime Minister's Meeting with President Bush, 5-7 April'.

context of a need for the international community “to take action where we need to take action, but you can’t do that just on the basis of the wish for regime change”.[237]

622. A brief account of the outcome of the visit was provided in a telegram from the FCO on 10 April, providing additional points which Mr Ricketts had used in briefing EU Ambassadors.[238] In relation to Iraq, it stated:

> “The Prime Minister came away convinced that President Bush would act in a calm, measured and sensible but firm way. There was no question of precipitate action. But they agreed that Iraq’s WMD programmes were a major threat to the international community, particularly when coupled with Saddam’s proven track record on using these weapons. Letting that programme continue unhindered was not an option. The Prime Minister and President Bush agreed that action in the UN was the priority. It was essential to get the weapons inspectors deployed to begin to assess the extent of the Iraqi WMD programmes. The Prime Minister had been tough in his demand that Saddam must let the inspectors back in: ‘any one, any time, any place that the international community demands’.”

Reports to Parliament

623. Mr Straw was concerned about the potential reaction in Parliament to developments on Iraq.

624. Mr Straw advised that Parliament should be given a chance to vote on a substantive motion before any military action.

625. Mr Straw warned Mr Blair that Lord Goldsmith had expressed “serious doubt” about whether existing resolutions would provide “sufficient cover” for military action.

626. Mr Straw also advised that Mr Blair should avoid being “pinned down” on whether a new UN resolution would be required to provide the legal basis for military action.

627. Mr Straw welcomed Mr Blair’s decision to make a statement to Parliament about the discussions with President Bush but made a number of points in relation to Iraq:

- Mr Blair should concede that any military action in Iraq should be decided in a debate on a substantive motion in the House of Commons, not a debate on the adjournment. This was “quite a point of principle with many in the PLP”.
- The shift of focus to the re-admission of weapons inspectors was welcome and would “greatly help in making the argument for military action if (as I suspect) Iraq fails properly to comply”.

---

[237] Public hearing, 18 January 2010, pages 34-36.
[238] Telegram 73 FCO London to Madrid, 10 April 2002, ‘The Prime Minister’s Meeting with President Bush, 5-7 April’.

- But it drew the UK and the US "inexorably into questions of cover in international law for any such military action". Lord Goldsmith had expressed "serious doubt" that any existing resolution would provide "sufficient cover".
- Mr Straw's "strong advice" was "not to get pinned down on the question … of whether a new UNSC mandate would be needed for military action". Mr Blair should "readily acknowledge" that the UK had "always operated within the framework of international law".
- Mr Straw had asked for work on whether it would be possible to strengthen the forthcoming resolution bringing the Goods Review List into operation "in respect of weapons inspectors".
- Mr Blair could say that the document [for publication] on Iraq would be produced "shortly". In Mr Straw's view the UK could "certainly get something out pretty quickly".
- The Early Day Motion signed by more than 150 members of the PLP had gained support because "it spoke of no military action 'at this time'; and called for weapons inspectors to go back".[239]

628. During PMQs on 10 April, Mr Blair emphasised the threat Iraq posed to the world, and the need for Saddam Hussein to comply with the UN resolutions and allow weapons inspectors back into Iraq. The region would be a better place without Saddam Hussein, but the method of achieving that was "open to consultation and deliberation".

629. During PMQs on 10 April, Mr Iain Duncan Smith, leader of the Opposition, and other MPs asked a number of questions on Iraq.[240]

630. Stating that Iraq would "if left unchecked … be able to deploy its weapons of mass destruction against targets in western Europe, including the United Kingdom", Mr Duncan Smith asked Mr Blair:

- "… to confirm reports that he told President Bush … that if military action is needed against Saddam Hussein, the British Government will support and, if necessary contribute to it?";
- "… to confirm that getting rid of Saddam Hussein may now be an objective of the Government";
- whether he believed that "countering the growing threat from Saddam Hussein" was "about protecting lives in Britain and the lives of British forces abroad, and not just about supporting our allies"; and
- in a reference to his speech at College Station, whether Mr Blair believed that those who refused to accept the need to act "misunderstand the nature of the threat, or that they will simply refuse to accept any evidence they are given".

---

[239] Minute Straw to Prime Minister, 9 April 2002, 'Your Commons' Statement'.
[240] House of Commons, *Official Report*, 10 April 2002, columns 11-18.

631. In response, Mr Blair stated:

- “The time for military action has not yet arisen. However, there is no doubt at all that the development of weapons of mass destruction by Saddam Hussein poses a severe threat not just to the region, but to the wider world … [I]n my first statement to the House … after 11 September, I made it clear that the issue of weapons of mass destruction had to be, and should be, dealt with. How we deal with it will be a matter for consultation and deliberation in the normal way. After 11 September, we proceeded in a calm and sensible way, and we shall do so again, but we must confront the issue of weapons of mass destruction.”
- “… there is no doubt at all that the region would be a better place without Saddam Hussein … the Iraqi people would rejoice most at Saddam Hussein leaving office … that regime has a particular record: the Iran-Iraq war … the annexation of Kuwait … and perhaps the most appalling act of all, the use of chemical weapons on the Kurdish people … However, the method of achieving that is … open to consultation and deliberation. When the judgements are made, I have no doubt at all that this House – indeed, the whole country – will want to debate the issue thoroughly.”
- “… The key issue is that this is not something that has suddenly arisen … Before 11 September, a whole series of negotiations took place about potential new United Nations Security Council resolutions to put in place a better sanctions regime, and about how we try to ensure that weapons inspectors get back inside Iraq. The reason why the Security Council resolutions that were originally proposed and passed demand that weapons inspections take place … is precisely that the threat of weapons of mass destruction is real and present.”
- “The issue is quite clear … Saddam Hussein has a very clear message from the international community: the weapons inspectors should go back in – anyone, any place, any time … Simply turning our backs on the issue of weapons of mass destruction is not an option. That is why I think it so important that we stand with the United States in saying this issue is one that has to be, and will be, confronted. We will do so in a sensible and measured way, but we cannot allow a state of this nature to develop those weapons without let or hindrance.”

632. Asked by Mr George Howarth (Labour) for an assurance that, before any military action which might become necessary was contemplated, Saddam Hussein would be “given every opportunity to comply with” the Security Council’s resolutions, Mr Blair replied that Saddam Hussein was:

> “… in defiance of the resolutions … However, he has the opportunity to comply now. He is not in any doubt about what is necessary. The United Nations resolutions are clear; there are nine and he is in breach of every one. The international community’s position is also clear. Whatever people think about the action that will follow, he must comply with the resolutions.”

633. Mr Blair's subsequent statement to the House of Commons focused on the discussions with President Bush on the crisis in the Middle East.

634. On Iraq, Mr Blair reiterated his statements that decisions would be "sensible", and that the House of Commons would have a proper opportunity to debate them before action was taken.

635. Mr Blair assured Parliament that the question of whether action in respect of Iraq would have the backing of international law would be considered "very carefully"; but that the time to debate any legal basis was when such action was taken.

636. Mr Blair's statement to the House of Commons on 10 April concentrated on the crisis in the Middle East.[241]

637. Addressing Iraq in the context of stability in the Middle East Mr Blair stated:

> "There will be many occasions on which to debate Saddam Hussein's flagrant breach of successive UN resolutions on his weapons of mass destruction … [His] regime is despicable, he is developing weapons of mass destruction, and we cannot leave him doing so unchecked. He is a threat to his own people and to the region and, if allowed to develop these weapons, a threat to us also.
>
> "Doing nothing is not an option … [W]hat the international community should do through the UN is challenge Saddam to let the inspectors back in without restriction … If he really has nothing to hide, let him prove it.
>
> "… no decisions on action have been taken. Our way of proceeding should be and will be measured, calm and thought through. When judgements are made, I shall ensure the House has a full opportunity to debate them."

638. Mr Charles Kennedy, Leader of the Liberal Democrats, stated that the issue of Iraq:

> "… crosses the political spectrum – there is genuine unease in the Labour party, among the Liberal Democrats and perhaps in sections of the Conservative party … that unease is a reflection of genuine and sincerely held shades of opinion throughout the country. Therefore, as a result of his discussions with President Bush, will the Prime Minister acknowledge that no country can conduct a foreign policy on the basis of 'my ally, right or wrong'? Although I am not implying that the Government are seeking to do so, there is a need for discernment. Many of us hope that the Government may be able to temper some of the ideas of the American Administration …"

---

[241] House of Commons, *Official Report*, 10 April 2002, columns 22-38.

639. Mr Kennedy welcomed the fact that “if decisions on Iraq have to be reached at some point in the future”, Mr Blair had confirmed the House of Commons would have “an opportunity to debate the matter fully”.

640. Mr Kennedy asked for confirmation that, if that stage was reached, “incontrovertible evidence” would “be presented publicly, preferably at the level of the United Nations Security Council”. That would be “most important, not just for the legitimacy of any action under international law, but for maintaining a political consensus”.

641. Mr Blair replied:

> “… Some people will be against taking action in respect of Iraq no matter what it does, but I accept entirely that there are many people who are concerned … whether that action will be sensible, whether it will have the backing of international law and whether proper thought has been given to the consequences for the wider region … [T]hose are questions that we shall consider very carefully …
>
> “… most people would accept … Saddam Hussein does lead a despicable regime, that he is a threat in respect of weapons of mass destruction and that it is important that we deal with that threat …
>
> “… it is the case that Saddam Hussein poses a threat. That is why the UN resolutions are there … [T]his is somebody who has a track record of absolutely extraordinary aggression on his neighbours, on his own people, on everyone that he sees advantage in being aggressive towards … That is why British pilots are still flying over the No-Fly Zone in order to protect people in Iraq. That is why the inspectors went in, could not do their job properly and then came out.
>
> “… in the end we can all respond to concerns but we have to take decisions on them. I can assure people that those decisions will be sensible and that the House will have a proper opportunity to debate them before we act upon them.
>
> “I have never taken the view that we support the US right or wrong … But I do believe … that the relationship is special and … that it is a fundamental part of British foreign policy and should remain so. All I can say is that in my dealings with the Administration and with this President, we have found them immensely open and consultative, and where they have acted they have acted not just with consultation but in what I would regard as a sensible way.”

642. Mr Douglas Hogg (Conservative) asked Mr Blair to tell President Bush that “many in this country are not yet persuaded that the threat posed by Saddam Hussein is sufficiently great to justify military action, especially when the Middle East is in such a turbulent state”.

643. Mr Tam Dalyell (Labour) asked whether President Chirac (of France) had told Mr Blair that he had taken “the thuggish young Vice-President of Iraq” [Saddam Hussein]

to the "French equivalent of Aldermaston"; and that it was to his (Mr Dalyell's) discredit that he "like many others, turned a blind eye to the huge amount of arms being poured into Iraq in the 1980s by our country and others". He also stated that Iraq had been given a "clean bill of health on nuclear capacity" by the International Atomic Energy Agency in January 2002; and that Mr Hoon had "an invitation to send a scientific delegation of his choosing to Iraq at the beginning of March". Mr Dalyell asked: "… would it not be wise at least to go and talk to Iraq? If nothing comes of that, so be it, but is it not high time that we started serious discussions?"

644. Mr Blair replied that sending a team out to Iraq was "best done through the United Nations" and that Saddam Hussein had "the opportunity to prove that he has nothing to hide by letting the inspectors back in unconditionally". There was "some truth" in the point that everyone had turned a blind eye "to what was happening in Iraq in the 1980s" but "what we are learning about the international community is that when we turn a blind eye, sooner or later the problems come back to us full frontally. That is precisely what happened in Afghanistan, and it is one reason why … we should certainly not turn a blind eye to what Saddam Hussein is doing." There was "no doubt" that Saddam Hussein was "still trying to acquire nuclear capability and ballistic missile capability. Furthermore, although we do not know what has happened, we suspect that the piles of chemical and biological weapons remain."

645. Mr Stuart Bell (Labour) referred to Saddam Hussein's attacks using chemical weapons on Halabja and other villages in northern Iraq in 1988 and 1999 which had affected "4 million people" and asked: "Can we not remind ourselves of how important it is that Saddam Hussein lives with UN resolutions, and the sooner he does so the better?"

646. Mr Blair replied that Mr Bell was "right to remind us of the nature of Saddam's regime and the way it deals with its political opponents". He added that "most people realise that" Saddam Hussein "constitutes a threat".

647. Mr Robert Wareing (Labour) stated that everyone would agree that the "world would be better off without" Saddam Hussein's regime, but Mr Bradshaw had told the House that "the objective of British foreign policy was to remove the threat of Iraq's weapons and not to replace the Iraqi Government, which was described as a matter for the people of Iraq". President Clinton had stated that sanctions "must remain as long as Saddam Hussein lasted".

648. Mr Wareing asked:

> "What is the current view and policy of the British Government? If they take the latter position, there is no incentive to get the current regime in Iraq to change tack and allow the inspectors back in. I happen to remember that, initially, the inspectors left of their own accord; the difficulty now is to get them back in."

649. Mr Blair replied:

> “Of course, the policy is to protect ourselves against weapons of mass destruction, but obviously that cannot be divorced from the regime, because it is the regime that is responsible … regime change in Iraq has been the policy of successive American Governments … precisely because of the fear of weapons of mass destruction … [I]t is for that very reason that the international community has said to Saddam Hussein, ‘Let the inspectors back in’. That is what I am saying, but it must be done unconditionally.”

650. In relation to Mr Blair’s comments about Saddam Hussein’s chemical weapons attacks on the Kurds, Ms Joyce Quin (Labour) asked Mr Blair to confirm that “the maintenance of the breadth of the international coalition against terrorism” remained “an important priority for him and President Bush”. She stated that it was:

> “… important to ensure that those who have already been victims … will not suffer a second time in any action against Iraq. Indeed we should not repeat the mistakes of the past, in which one evil regime was replaced by another, but try to create as far as possible the conditions for a multi-ethnic, religiously tolerant, representative regime in Iraq, if and when Saddam Hussein’s regime is changed.”

651. Mr Blair replied:

> “I strongly agree … about the international coalition. It is important that we build as much support as possible for any action that we may undertake. She is entirely right that, if the regime in Iraq is to change, it is important that it changes to one that is genuinely broad based. I hope that we have provided some symbol of our good intentions … by what has happened in Afghanistan … I am sure that she, like me and many others … would be one of the first to say that many people in Iraq would rejoice at Saddam Hussein’s departure. I hope that at some stage we shall be able to furnish the House with details of the way in which his regime operates, because its brutality is scarcely believable.
>
> “It is important to proceed in a measured way. As I said in my speech in Texas, I have been involved in three regime changes … and I can honestly say that we should not regret any of them. Let us proceed with care … we must ensure that, if we ever get a regime change in Iraq, what follows is an improvement on what is there now.”

652. Mr Elfyn Llwyd (Plaid Cymru) welcomed Mr Blair’s reference to seeking an early United Nations Security Council resolution but asked whether one would be “sought before any further action is taken against Iraq”.

653. Mr Blair replied: “The time for debating any legal basis of action against Iraq is when we take such action.”

Cabinet, 11 April 2002

654. Mr Blair told Cabinet on 11 April that regime change in Iraq was greatly to be desired but no plans for achieving that had been tabled during his discussions with President Bush at Crawford.

655. Reflecting Mr Straw's advice, Mr Blair emphasised to Cabinet on 11 April that it would be important for the Government not to "tie its hands" in relation to the need for a further Security Council resolution.

656. Mr Blair had stated publicly that doing nothing was not an option, and that the threat from Iraq had to be dealt with.

657. Mr Blair suggested that the US Government recognised the need to embark on a process involving a clear ultimatum and an effort to gather international consensus for action.

658. Mr Blair did not disclose that he had informed Vice President Cheney on 11 March that the UK would help the US to achieve its objective of regime change provided that there was a clever plan.

659. Mr Blair reported his discussions with President Bush to Cabinet on 11 April.[242] He told colleagues that the talks with President Bush had been dominated by events in Israel and the Occupied Territories.

660. On Iraq, Mr Blair said that the US Government wanted to see a change of regime, which was greatly to be desired. No plans for achieving that had, however, been tabled. The significance of the crisis in Israel and the Occupied Territories for policy in Iraq was recognised. He had consulted his hosts about his speech, at College Station on 7 April, which had made clear that Iraq should unconditionally permit UN weapons inspectors to return. That suggested the US Government recognised the need to embark on a process involving a clear ultimatum and an effort to gather international consensus for action.

661. In the subsequent discussion a number of points were made. Those included:

- A UN resolution would be helpful in cementing support both internationally and in the UK for any military action against the Iraqi regime. It would, however, be important not to become boxed in by stating that a UN Security Council resolution would be a necessary pre-condition for military action against the Iraqi regime.
- Saddam Hussein was in breach of nine UN resolutions. He could avert action by the international community if he were to abide by those resolutions.
- It was important to encourage the US to remain engaged in the Middle East and to take account of the concerns of the international community, including the Secretary-General of the UN.

---

[242] Cabinet Conclusions, 11 April 2002.

- The impact of events in the Middle East on attitudes among the ethnic minorities in the UK, and the encouragement that could give to political extremists, should not be under-estimated.

662. Mr Blair concluded that it was important to maintain the maximum possible level of international support for policy towards the Middle East, including Iraq. Given the impossibility of foreseeing precisely how events would unfold, it was important for the Government not to “tie its hands”. If Saddam Hussein were to reject a clear ultimatum on the return of weapons inspectors, there would be widespread understanding of the need to take appropriate action.

663. In his statement to the Inquiry, Mr Blair wrote that there had been “a full Cabinet discussion” after the visit on 11 April “where we set out our objectives”.[243]

664. Asked whether the Cabinet was discussing regime change and how it might have been effected, Mr Blair told the Inquiry:

> “… from 11 April … the Cabinet was discussing this. We are going to have to deal with this issue now. Everybody knew that the Americans were taking a different and stronger line. The issue was very simple. He [Saddam Hussein] either had a change of heart, or regime change was on the agenda. That was clear from the minutes, from the discussion at Cabinet and indeed from the whole of the public discourse around this.
>
> “Now you could have regime change happening in a number of different ways. There didn’t need to be military action but the likelihood was that’s what would happen.”[244]

665. Lord Wilson confirmed that the flavour of the discussion was of turmoil in the Middle East and the Arab world, although “we were left in no doubt by Crawford … that the Americans wanted regime change”, which “in a sense” was “not news”. In addition to Mr Blair, Mr Straw and Mr Hoon, four Cabinet Ministers had spoken on Iraq.[245]

666. Lord Wilson described Mr Blair’s report to Cabinet on 11 April as:

> “… skilfully touching on the things Cabinet had been concerned about and reassuring them that nothing was imminent and he was using his influence to bring the American President in the direction he wanted to go. Indeed, I think he may have been congratulated by one Cabinet Minister on shifting American thinking in … the direction of the United [Nations].”[246]

667. Lord Wilson added that he did not think “anyone would have gone away thinking they had authorised a course of action likely to lead to military action”.

---

[243] Statement, 14 January 2011, page 4.
[244] Public hearing, 21 January 2011, pages 13-14.
[245] Public hearing, 25 January 2011, pages 74-76.
[246] Public hearing, 25 January 2011, pages 75-76.

668. Mr Straw continued to make clear, as he had suggested in his letter of 25 March, that action in support of regime change in Iraq would be justified only as a means to remove the threat from WMD.

669. SIS activity was discussed in a meeting with Mr Straw and Mr Wright on 11 April.[247]

670. Mr McDonald's record of the meeting stated that Mr Straw had noted that:

> "… legally and politically, regime change in Iraq was justified only as a means to the end of removing the threat of their WMD. If Saddam Hussein were to allow in weapons inspectors, that would change the equation: to seek regime change would no longer be possible for us because our desired end state would have been achieved."

671. Mr Straw also agreed with Mr Wright that the focus was on operations which built up the forces of opposition and democracy.

The perceptions of key officials

672. The evidence offered to the Inquiry and accounts in memoirs provide some indications of the perceptions held by key officials about the UK's strategy before Mr Blair's meeting with President Bush at Crawford.

673. In his memoir, Sir Christopher Meyer described his view of the position before Mr Blair's meeting with President Bush.[248] He wrote that the debate about Iraq in Washington "had become deafening", although on the eve of Mr Blair's visit the escalating violence between Israel and the Palestinians had "reached such a pitch that for a while it pushed Iraq into the background". It had been clear to him that President Bush was:

> "… determined to implement the official American policy of regime change; but the how and when … were uncertain. It made war probable but not inevitable … There were one or two people in Washington, whose judgement I respected, who thought that when Bush finally realised the scale of his Iraqi ambition, he would see that the risk was too great.
>
> "It was time to put our fix into American thinking before it coagulated …"

674. Sir Christopher added:

> "The central issue was to influence the Americans. Blair had already taken the decision to support regime change, though he was discreet about saying so in public. It would be fruitless to challenge a fixed … policy that had bipartisan support in the US. It was hard to see how Saddam could be de-fanged without

---

[247] Minute McDonald to [SIS10], 12 April 2002, '[Name of Operation]'.
[248] Meyer C. *DC Confidential: The Controversial Memoirs of Britain's Ambassador to the U.S. at the Time of 9/11 and the Run-up to the Iraq War.* Phoenix, 2006.

being removed from power. Blair was also wedded to the proposition that, to have influence in Washington, it was necessary to hug the Americans close …”

675. Sir Christopher wrote that “Support for regime change caused deep concern inside the Foreign Office.” There were questions about the legal basis and uncertainties about the consequences of action. Those were tough questions on which the UK wanted the US to focus. In his conversation with Mr Wolfowitz on 17 March, Sir Christopher had taken his cue from Sir David Manning’s exchanges with Dr Rice, and:

“To reinforce my credentials as something to say worth listening to, I emphasised the Prime Minister’s commitment to regime change. I wanted Wolfowitz to know that we were starting from the same premise, and that in Britain it was not without political cost. It was the diplomacy of ‘Yes, but …”

676. Sir Christopher described the approach as identifying tough questions which would need to be answered if the US wanted coalition partners and support from the international community, including the need for a “clever plan which convinced people that there was a legal basis for toppling Saddam”.

677. Sir Christopher told the Inquiry that, in his speech at College Station on 7 April 2002, Mr Blair had tried to:

“… draw the lessons of 9/11 and apply them to the situation in Iraq, which led, I think, not inadvertently, but deliberately, to a conflation of the threat by Usama Bin Laden and Saddam Hussein.”[249]

678. Sir Christopher added that the speech represented “a tightening of the UK/US alliance and the degree of convergence on the danger that Saddam Hussein presented”. It drew on Mr Blair’s speech on humanitarian intervention in Chicago in 1999, and “was a rather sophisticated argument for pre-emption”, that Saddam Hussein’s record was “too bad” and the potential threat he presented could not be ignored.

679. Sir Christopher Meyer told the Inquiry that by the time Mr Blair and President Bush met at Crawford:

“… they weren’t there to talk about containment or sharpening sanctions. There had been a sea change in attitudes in the US Administration to which the British Government, progressively from October [2001] onwards, had to adapt and make up its mind where it stood.”[250]

680. In his statement, Sir Jeremy Greenstock wrote:

“I was aware of the theoretical option to promote regime change through the use of force; but it was not until February or March 2002 that I heard that serious

---

[249] Public hearing, 26 November 2009, pages 29-30.
[250] Public hearing, 26 November 2009, page 37.

preparations might have begun in Washington for an attack on Iraq. Even then I gave these relatively little credence … my conception of the difficulties and downsides of taking on such a task outweighed my understanding of the determination of the Bush Administration to undertake such an initiative."[251]

681. Sir Jeremy Greenstock told the Inquiry:

"It wasn't until the Crawford meeting … that I realised that the United Kingdom was being drawn into quite a different sort of discussion, but that discussion was not made totally visible to me … nor did I have any instructions to behave any differently in the United Nations as a result of what might have been going on in bilateral discussions with the United States.

"… I wasn't being politically naive, but I wasn't being politically informed either, and I had a job to do to maximise the strength of the United Nations instruments on Iraq at the time … and that continued to mean acting under the resolutions we had."[252]

682. Sir David Manning told the Inquiry:

"Our view, the Prime Minister's view, the British Government's view throughout this episode was that the aim was disarmament. It was not regime change. The Prime Minister never made any secret of the fact that if the result of disarming Saddam was regime change, he thought this would be a positive thing, but, for the Americans, it was. It was, 'We want regime change in order to disarm Saddam Hussein.'"[253]

683. Sir David told the Inquiry that at Crawford Mr Blair was saying:

"Yes, there is a route through this that is a peaceful and international one, and it is through the UN, but, if it doesn't work, we will be ready to undertake regime change."[254]

684. Sir David Manning believed Mr Blair had wanted to influence US policy towards Iraq:

"I think that when it became clear … that the United States was thinking of moving its policy forward towards regime change, he [Mr Blair] wanted to try and influence the United States and get it to stay in the UN, to go the UN route, which is what we spent the rest of the year trying to do, but he was willing to signal that he accepted that disarmament might not be achieved through the UN route.

"But I don't think he felt … that these were moments of decision in February and March before he went to Crawford. I think he saw that much more as an attempt

---

[251] Statement, November 2009, page 5.
[252] Public hearing, 27 November 2009, pages 24-25.
[253] Public hearing, 30 November 2009, page 24
[254] Public hearing, 30 November 2009, page 58.

to find out where the Americans had got to, but to impress on them his own conviction that we needed to ensure that inspections were continued.”[255]

685. Asked whether the US had already changed tack, Sir David replied:

“I think you are right about the Americans moving onto a different track … the perception … was that containment was probably finished … but I don’t think, at that stage, there was a view in London … that we had completely given up on containment. We were waiting … to see what sort of pressure the US would produce in the light of the debate that we knew was taking place in handling Iraq.

“Our concern … and the Prime Minister’s view … was that it [action on Iraq] must be retained within the United Nations … I don’t think he thought … that it was likely that the President … would accept containment any longer, and I suspect that he probably didn’t think containment was relevant any longer; but I think he did think that there was everything to play for in terms of trying to ensure that the Iraq problem remained managed in an international context, rather than that the Americans went unilaterally for regime change.”[256]

686. Asked when Iraq became a priority for the UK, Sir David Manning responded:

“In the early months of 2002 … we knew that we had to deal with Iraq as a more pressing priority because the US Administration were going to insist on making it more prominent. They were concerned about a threat from Iraq in a new way because they believed threats internationally were now threats they had to meet rather than contain.

“… Iraq was given a salience, it was given an importance because the US Administration was determined to confront the international community over this perceived threat. Therefore we had to respond to that.”[257]

687. Asked about the rationale for focusing on Iraq in the early months of 2002, Sir David Manning replied:

“… because the US Administration was determined to confront the international community over this perceived threat. Therefore, we had to respond to that … This was something that the Prime Minister wanted resolved in an international context … he wanted the inspectors to be reintroduced into Iraq … and he believed international pressure was the best way of trying to ensure that happened, and that in turn was the best way of managing the Iraq crisis that had been given a new prominence by an American Administration that was no longer willing to settle for containment.”[258]

---

[255] Public hearing, 30 November 2009, pages 75-76.
[256] Public hearing, 30 November 2009, pages 76-77.
[257] Public hearing, 30 November 2009, page 78.
[258] Public hearing, 30 November 2009, pages 78-79.

688. Mr Campbell told the Inquiry that he disagreed with Sir Christopher Meyer's analysis that Mr Blair's position had shifted from a policy of containment and disarmament to one of regime change.[259] He described Mr Blair's policy, before Crawford, at Crawford and afterwards as "to pursue disarmament of Saddam Hussein through the United Nations".

689. Mr Powell told the Inquiry that the policy:

> "… was to persuade the Americans to take a multilateral approach, to put the focus on the UN, to give Saddam a chance to comply with the UN Resolutions and to force the issue there … the only way you can get Saddam's attention is by the threat of military force."[260]

690. Mr Powell added that it was "a shift to a policy of disarmament through the UN", leading to military action and regime change, "If that is what was necessary to remove the threat of weapons of mass destruction".

691. Asked whether he thought "the Foreign and Defence Secretaries were trying to pull back on the Prime Minister's reins in giving advice", Sir David Manning told the Inquiry:

> "Yes, I think probably I did. How far, I'm not sure, but … certainly the Foreign Secretary was keen … to make it very clear there were risks … and not to be more forward than was wise for the Government, especially when he didn't know exactly where the policy was going to take us … I think it probably was an attempt to say let's just see where the Americans are going on this. It's a position I would certainly sympathise with."[261]

692. In the context of a reference during his evidence about his visit to the US in March 2002, to his strong personal view that the issue was disarmament not regime change, Sir David Manning was asked how much he was trying to influence Mr Blair.[262] Sir David responded that he:

> "… certainly argued strongly for the UN route with the Prime Minister, and subsequently argued very strongly that we needed two resolutions. I also argued very strongly with him that we needed more time."

693. Sir David added, "that's what you are paid for". Mr Blair had wanted to know what he thought.

---

[259] Public hearing, 12 January 2010, pages 22-23.
[260] Public hearing, 18 January 2010, page 67.
[261] Private hearing, 24 June 2010, page 30.
[262] Private hearing, 24 June 2010, page 29.

694. Asked about the rationale for focusing on Iraq first, Sir David responded that he thought there were a number of reasons. One was:

> “… that the Americans were determined to focus on it. We weren’t given a choice … In the international system, whether it wanted to have a good look at Iraq at this point or not, it really had no option because Bush was going to do this …
>
> “The question was therefore how far you could get inside the argument and try and shape it and shape what happened, and I think that’s where the Prime Minister was in April. They are going to do something. We have to try and be in a position to affect the policy.
>
> “He believed … that given his own relationship with Bush, he probably had a good chance of doing that. So therefore he was determined to have that discussion, though … he didn’t need any persuading that Iraq was a problem … he felt Iraq was a serious destabilising influence in the system, but I don’t want to pretend that it would have been his top priority at this stage if it hadn’t been one of Bush’s top priorities … it wouldn’t …”[263]

695. Asked whether Mr Blair was more forward leaning about getting rid of Saddam Hussein than his principal advisers, including Sir David himself, Sir David responded that, in terms of Mr Blair’s position as a very prominent actor on the international stage:

> “Iraq fits into a pattern … interventionism in the Balkans … Kosovo … Sierra Leone … Afghanistan, he’s very much an activist … much more inclined to push and take the bold action than probably other members of his Cabinet.”[264]

696. Asked if Mr Blair would have listened to a contrary opinion if one had been “argued powerfully” at the Chequers meeting, Sir David told the Inquiry that Mr Blair would have listened but:

> “… he was somebody who was very comfortable with his own convictions … believed he had a capacity to influence the international system in quite profound ways, had a quite a lot of success doing this … he had a sense that he could actually act for the good, he could change things, and that this was absolutely a role that he felt he could command.”[265]

697. Sir David added:

> “I don’t want to suggest he’s not open to argument … He was absolutely up for argument and didn’t hold it against you. But I think this is part of a deep conviction that there are moments when you can change things, you’ve got to have the courage to do it, and he was up for that.”[266]

---

[263] Private hearing, 24 June 2010, page 31.
[264] Private hearing, 24 June 2010, pages 32-33.
[265] Private hearing, 24 June 2010, pages 32-33.
[266] Private hearing, 24 June 2010, page 33.

698. Sir David described Mr Blair's objectives at Crawford as:

> "I think it was to find out where Bush was going [on Iraq] … What did Bush really think and what were Bush's intentions […]
>
> "… he said to me afterwards … Bush is interested in going the international route and he's not simply going to become – I can't remember his wording – the creature of the American right or something like this."
>
> "He came away … reassured that it was quite possible to persuade Bush to use the international system, rather than to bypass it."[267]

699. Sir David Manning did not believe that in April and May 2002 Mr Blair:

> "… made his mind up he was going to send troops. I think he was always ready to do it, but he always hoped he wouldn't have to … I certainly didn't feel [Crawford] was a moment of decision, no."[268]

700. Sir David added that the discussion at Crawford had been "evolutionary" but it had "crystallised the sense that we had that American thinking had gone up a gear".

701. Sir David stated:

> "But I think the reality, as far as the … international politics were concerned, that the Americans were focused on Iraq, and the issue was how we were going to manage this."[269]

702. Asked where the UK emphasis was on the policy options when he joined No.10 in February 2002, Mr Matthew Rycroft, one of Mr Blair's two Private Secretaries for Foreign Affairs, told the Inquiry:

> "From my recollection by the time I joined Downing Street the British Government had essentially decided that continued containment was not going to work … we were on a track of … dealing with Iraq's WMD … what dealing meant was to be determined by the policy over the coming months."[270]

703. Mr Rycroft told the Inquiry:

> "Undoubtedly the thought was in the Prime Minister's mind that if at the end of this we were going to go down the military intervention route, then … the aftermath would be many years."[271]

---

[267] Private hearing, 24 June 2010, pages 37-38.
[268] Private hearing, 24 June 2010, page 39.
[269] Private hearing, 24 June 2010, page 66.
[270] Private hearing, 10 September 2010, page 3.
[271] Private hearing, 10 September 2010, page 12.

704. Mr Rycroft added that Mr Blair would have seen the advice he had received from the Defence and Foreign Secretaries as “caution verging on sort of unnecessarily pessimistic”.[272]

Mr Blair’s evidence

705. Mr Blair set out his position on the preparations for Crawford and the position he adopted in his discussions with President Bush in his evidence to the Inquiry in 2010 and 2011, and in his memoir in 2010.

706. Mr Blair told the Inquiry that, after the Cabinet Office ‘Options Paper’ in March 2002, there were “a whole series of government discussions about smart sanctions”.[273]

707. Asked how the options on Iraq had been identified and reviewed, Mr Blair told the Inquiry that a decision had been taken after 11 September:

> “… that this issue had to be confronted … It could be confronted by an effective sanctions framework. It could be confronted by Saddam allowing the inspectors back in to do their work properly and compliance with the UN resolutions, or, in the final analysis … if sanctions could not contain him and he was not prepared to allow the inspectors back in, then the option of removing Saddam was there.”[274]

708. Asked whether he had had a meeting to discuss the ‘Options Paper’ and take decisions on it, Mr Blair told the Inquiry he had talked to Mr Straw and Mr Hoon, there had been a meeting of “the key people to decide where we were then going to go”, and the meeting at Chequers had been a “very structured debate”.[275]

709. Mr Blair confirmed that the ‘Options Paper’ had not been discussed in Cabinet.[276]

710. Mr Blair subsequently told the Inquiry:

> “Well, the ‘Options Paper’ really said two things. It said you can either go for containment. We can’t guarantee that that’s successful. He will probably continue to develop his programmes and be a threat, but nonetheless that is one option. The other option is regime change.”[277]

711. Mr Blair added:

> “… there’s nothing in those papers … that wasn’t surfaced as part of the discussion … [which] all the way through was: what is the judgment? … That was certainly part of the discussion that was going on in Cabinet. Now you can say, and I would be perfectly happy if you did say, look it is better to disclose all those or give everybody

[272] Private hearing, 10 September 2010, pages 12-13.
[273] Public hearing, 29 January 2010, page 14.
[274] Public hearing, 29 January 2010, pages 18-19.
[275] Public hearing, 29 January 2010, pages 21-22.
[276] Public hearing, 29 January 2010, page 23.
[277] Public hearing, 21 January 2011, page 12.

a copy of those papers. I certainly didn't say they shouldn't be, but the content of those papers, that is something that was very, very adequately discussed and the issue was clear in the end. There was not a great dispute about what we thought about the facts. The facts were he is continuing to develop WMD. He has the intention of doing that. It is crucial to his regime. On the other hand, so far we have contained him."

712. Asked what Admiral Boyce had advised (at Chequers), Mr Blair told the Inquiry that the concern was to make sure that the UK "got alongside" any US planning and "did it [the military campaign] as quickly as possible".[278]

713. Mr Blair described the Chequers meeting in his memoir as a meeting:

"… with senior army officers … not specifically in preparation for Crawford, but to kick around the basic questions of what military action might entail. There had been discussion about whether our aim was focused on WMD or regime change. I had emphasised that the two were linked, and also that it was hard at this point to say that the nature of the WMD threat specific to Iraq had changed demonstrably in the last few years. It was the assessment of risk that had."[279]

714. Mr Blair told the Inquiry that, after the meeting at Chequers and before the meeting with President Bush, there had been "quite an intensive interaction on this whole issue … smart sanctions, because I needed to get a sense of whether this policy … was really going to be a runner or not".[280]

715. Asked whether by the time of the meeting at Crawford he had reached the point of regarding the removal of Saddam Hussein's regime as a valid objective of UK policy, Mr Blair responded:

"No, the absolutely key issue was the WMD issue …"[281]

716. Asked what he intended to achieve at Crawford, Mr Blair replied he intended:

"… to get a real sense from the Americans as to what they wanted to do, and this would be best done between myself and President Bush, and really to get a sense of how our own strategy was going to have to evolve in the light of that."[282]

717. Mr Blair told the Inquiry that "nothing was actually decided at Crawford", and explained the importance of a "close and strong relationship" between a British Prime Minister and the President of the US and being able to discuss what the issues were "in a very frank way". His conversation with President Bush had been "less to do with the specifics about what we were going to do on Iraq" or the Middle East. The principal

---

[278] Public hearing, 29 January 2010, page 38.
[279] Blair T. *A Journey*. Hutchinson, 2010.
[280] Public hearing, 29 January 2010, pages 36-37.
[281] Public hearing, 29 January 2010, page 25.
[282] Public hearing, 29 January 2010, page 40.

part of the conversation had been about his view that “dealing with the various different dimensions” of the “whole issue … to do with unrepresentative extremism within Islam in a different way”. He “wanted to persuade President Bush, but also get a sense from him where he was on that broader issue”.[283]

718. Mr Blair added:

> “The only commitment I gave, and I gave this very openly, at the meeting was a commitment to deal with Saddam.”[284]

719. Asked whether he and President Bush were agreed on the ends but not the means, Mr Blair replied:

> “We were agreed on both … we were agreed that we had to confront this issue, that Saddam had to come back into compliance with the international community, and … the method is open …
>
> “… one major part of what President Bush was saying to me was just to express his fear … that if we weren’t prepared to act in a really strong way, then we ran the risk of sending a disastrous signal to the world.”[285]

720. Mr Blair told the Inquiry that he could not “explain how people have come to the view that there was some different commitment given”. What he had said to President Bush was “we are going to be with you in confronting and dealing with this threat”, as he had said at the subsequent press conference.[286]

721. Asked what conclusions President Bush would have taken from the meeting about his commitment to deal with Saddam Hussein through military action, Mr Blair replied:

> “I think he took … exactly what he should have taken, which is that, if it came to military action because there was no way of dealing with this diplomatically, we would be with him … because, as I had set out publicly … we had to confront this issue, it could be confronted by a sanctions framework that was effective … we didn’t have one. It could be confronted by a UN inspections framework … or, alternatively, it would have to be confronted by force … We had been through this with Saddam several times … the fact is that force was always an option. What changed after September 11 was this, if necessary, and there was no other way of dealing with this threat, we were going to remove him.”[287]

---

[283] Public hearing, 29 January 2010, pages 40-41.
[284] Public hearing, 29 January 2010, page 42.
[285] Public hearing, 29 January 2010, pages 42-43.
[286] Public hearing, 29 January 2010, pages 43-44.
[287] Public hearing, 29 January 2010, pages 47-48.

722. Asked whether the commitment had been given for tactical reasons, Mr Blair replied:

> "It wasn't so much for tactical reasons … I believed if you wanted to make a real change to this whole issue – this is very important to understanding … my strategic thinking …
>
> "What I believed we confronted was a new threat … based, not on political ideology, but on religious fanaticism …
>
> "What I was trying to set out, not for tactical reasons, but for deep strategic reasons, is: what did we need to do to make a successful assault on this ideology that was so dangerous? Therefore, the Middle East Peace Process was absolutely fundamental … to dealing with this issue."[288]

723. Asked if there was an identity of view at the meeting on how to deal with Iraq, Mr Blair replied:

> "We were of course pushing the UN route … the American view was regime change … because they didn't believe Saddam would ever, in good faith, give up his WMD ambitions or programmes."[289]

724. Asked if his view of the means to achieve the objective was different from the US because it was not keen on the UN route, Mr Blair replied:

> "We did have to persuade them [the US], although I think it is fair to say that, even at that meeting [Crawford], President Bush made it clear that America would have to adjust policy if Saddam let the inspectors back in and the inspectors were able to function properly."[290]

725. Addressing the key messages in his speech at College Station, Mr Blair drew the Inquiry's attention to his argument that the international community should not shrink from confronting regimes which were "engaged in terror or WMD". Some could be offered "a route to respectability" but, in relation to Iraq the point he was making was that:

> "… the issue was very simple … the need to make absolutely clear that from now on you did not defy the international community on WMD."[291]

726. Mr Blair added that when a regime was brutal and oppressive it was a bigger threat when it possessed WMD than "otherwise benign" regimes.[292]

---

[288] Public hearing, 29 January 2010, pages 48-49.
[289] Public hearing, 29 January 2010, page 50.
[290] Public hearing, 29 January 2010, page 50.
[291] Public hearing, 29 January 2010, pages 27-28.
[292] Public hearing, 29 January 2010, page 29.

727. Mr Blair said that Iraq posed a “conjoined” threat, “it was an appalling regime and we couldn’t run the risk of such a regime being allowed to develop WMD”.[293]

728. Mr Blair told the Inquiry that the American position, after the passage of the Iraq Liberation Act in 1998, was “for regime change” because it did not “trust he [Saddam Hussein] is ever going to give up his WMD ambitions”. The UK position was: “We have to deal with WMD ambitions. If that means regime change, so be it.” Mr Blair’s view was that they were “different ways of expressing the same proposition”.[294]

729. In his memoir, Mr Blair wrote that “planning was inevitable and right, not because war was inevitable but because it was an option and … had to be planned for”. The meeting in Crawford was “the first time we got to grips with it [Iraq] properly”.[295]

730. Mr Blair continued:

> “From my standpoint, by this time, I had resolved in my own mind that removing Saddam would do the world, and most particularly the Iraqi people, a service. Though I knew regime change could not be our policy, I viewed a change with enthusiasm not dismay.
>
> “In my Chicago speech of 1999, I had enunciated the new doctrine of a ‘responsibility to protect’, i.e. that a government could not be free grossly to oppress and brutalise its citizens. I had put that into effect in Kosovo and Sierra Leone.
>
> “… because war should be the last not the first resort, I had come to a firm conclusion that we could only do it on the basis of non-compliance with UN resolutions. Tyrant though he was, Saddam could not be removed on the basis of tyranny alone.
>
> …
>
> “… I was clear about two things.
>
> “The first was that Saddam had to be made to conform to the UN resolutions …
>
> “The second was that Britain had to remain … ‘shoulder to shoulder’ with America. This is not as crude or unthinking a policy as it sounds. It didn’t mean we sacrificed our interest to theirs; or subcontracted out our foreign policy. It meant that the alliance between our two nations was a vital strategic interest and, as far as I was concerned, a vital strategic asset for Britain.
>
> “It implied we saw attacks on the US as attacks on us … It argued for an attitude that did see us genuinely as at war together, with a common interest in a successful outcome … our job as an ally … should be to be with them in their hour of need.

---

[293] Public hearing, 29 January 2010, page 35.
[294] Public hearing, 29 January 2010, page 36.
[295] Blair T. *A Journey*. Hutchinson, 2010.

I know all this can be made to sound corny or even … self-deceiving in terms of our effect on US decision-making. I was well aware that ultimately the US would take its own decisions in its own interests. But I was also aware that … Britain and Europe were going to face a much more uncertain future without America … our alliance with the US mattered …

"So when they had need of us, were we really going to refuse; or, even worse, hope they succeeded but could do it without us? I reflected and felt the weight of an alliance and its history, not oppressively but insistently, a call to duty, a call to act, a call to be at their side, not distant from it, when they felt imperilled."[296]

731. In his memoir, Mr Blair wrote:

"We needed to get alongside that [US] planning and be part of it. Of course, as ever, that presented a dilemma: If you wanted to be part of the planning, you had to be, at least in principle, open to being part of the action early on, because I could see … this might have to end with Saddam's forcible removal, I resolved to be part of the planning. From around April, we were then fairly closely involved even in the early stages of US thinking.

"None of this meant that war was certain. It wasn't and indeed a constant part of the interaction between George and myself through those months, probably up to around November, was acute anxiety that since we were planning for the possible, that meant in the media mind that it was inevitable. We had the basic concepts ironed out: Saddam had to comply with the UN resolutions and let the inspectors back in: he couldn't, on this occasion, be allowed to mess about – his compliance had to be total; and if he refused we were going to be in a position where we were capable of removing him. So the diplomacy and the planning proceeded along separate but plainly at certain points connected tracks.

"It made domestic politics, however, highly uncomfortable. Naturally people were reading the reports, assuming everything was decided and taking positions accordingly. If we said that war was not agreed, they asked if we were planning; if we accepted we were doing some form of planning, that meant war was indeed agreed. The notion of a contingency was too subtle. And, to be fair, many of the noises emanating from parts of the US system did suggest that there was only one direction in which policy should go."[297]

732. In his account of the discussions with President Bush, Mr Blair wrote:

"Behind closed doors … our talk was more nuanced. We shared the analysis about the nature of the Saddam government, its risk to security and also the wider problems of the region. My concern then and subsequently was to locate

---

[296] Blair T. *A Journey*. Hutchinson, 2010.
[297] Blair T. *A Journey*. Hutchinson, 2010.

the question of Saddam in the broader context of the Middle East as a region in transition. Even then, though less clearly than today, I saw the disparate issues as essentially part of the same picture. Therefore I made a major part of my pitch to George the issue of the Israeli-Palestine peace process. To me this was the indispensable soft-power component to give equilibrium to the hard power that was necessary if Saddam was to be removed.”[298]

733. The Inquiry asked Mr Blair if there was “an explicit, recorded statement of what the UK’s objectives were in April 2002”, and how they had been agreed.[299] It also asked:

- what the UK objectives were in September 2002 and what process had been used to revise those objectives between April and September;
- how the US had interpreted comments in his meeting with Secretary Rumsfeld on 5 June and in his Note to President Bush on 28 July; and whether he had any concerns that that “pre-empted collective discussion” with Cabinet colleagues.

734. In his statement Mr Blair chose to address those points together, writing:

“Though the meeting at Crawford provides a convenient breakpoint for the purposes of the narrative, I want to stress it did not result in an alteration of policy. The policy had been clear since 9/11: we wanted to take a tougher line altogether on terrorism and WMD globally, and sought to bring Saddam into compliance with UN authority … [T]he Crawford meeting was … a chance to explain how best to implement it … Prior to the visit I had studied the Cabinet Office Options Paper, together with recent JIC reports. I had also had the Chequers meeting with CDS and read-outs of the military interaction with Washington.

“The objectives of our policy were not secret. They were set out in numerous statements by myself and other Ministers …

“The objective never changed between April and September 2002. It remained … to bring Saddam back to full and unconditional compliance with UN resolutions in respect of which he had been in breach for over a decade. It was absolutely clear that we were going to be with the US in implementing this objective. There can be no-one who was in any doubt about my determination on that score. I expressed it publicly. I made it clear also to President Bush I would be with him in tackling it … I could not and did not offer some kind of ‘blank cheque’ in how we accomplished our shared objective … I would never engage in any military campaign our military thought unwise or unachievable. What I was signalling was there would be no withdrawal of support for something we thought right and do-able, simply for reasons of political pressure, i.e. I was going to be steadfast as an ally … I sent this signal both because I believed in the substance and because we would be right alongside the US thinking from the outset.

---

[298] Blair T. *A Journey*. Hutchinson, 2010.
[299] Inquiry request for a witness statement, 13 December 2010, Q2 page 1.

> "My public pronouncements – especially at Crawford … and in the speech the next day, could have left no-one in any doubt as to my position."[300]

735. In his statement, Mr Blair wrote that there had been "a full Cabinet discussion" after the visit on 11 April "where we set out our objectives", and that:

> "The issues were regularly debated in Cabinet. I was answering questions on it, giving press interviews. It was a dominant news issue. I was constantly interacting on it, therefore, with colleagues, MPs and the media, and in the most plain terms."[301]

736. Asked if the meeting with President Bush at Crawford had been a turning point, Mr Blair told the Inquiry:

> "It wasn't a turning point. It was really that all the way through we were saying this issue now has to be dealt with. So Saddam either comes back into compliance with UN resolutions or action will follow."[302]

Conclusions

737. As a means to sustain international support for a policy of containment and improve its effectiveness, the UK continued to pursue agreement to measures for implementation of the smarter economic sanctions regime, agreed in November 2001, in the first months of 2002.

738. But continuing divisions between Permanent Members of the Security Council meant there was no agreement on the way forward on the re-admission of weapons inspectors and establishing the verification and monitoring regime identified in resolution 1284 (1999). Without inspections, there was no route for Iraq to secure the lifting of economic sanctions.

739. There were clear signals from Washington that the US Administration was determined to deal with Iraq and key figures were contemplating military action to achieve regime change.

740. The JIC assessment of 27 February and the Cabinet Office 'Options Paper' of 8 March concluded that a large scale ground invasion was the only sure way to remove Saddam Hussein.

741. In public statements at the end of February and in the first week of March 2002, Mr Blair and Mr Straw set out the view that Iraq was a threat which had to be dealt with.

---

[300] Statement, 14 January 2011, pages 3-4.
[301] Statement, 14 January 2011, page 4.
[302] Public hearing, 21 January 2011, page 8.

742. **Iraq needed to disarm or be disarmed in accordance with the obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.**

743. **The focus on Iraq was not the result of a step change in Iraq’s capabilities or intentions.**

744. **Although the possibility of future military action provided the context for the discussion at Cabinet on 7 March, Mr Blair and Mr Straw emphasised that no decisions had been taken and Cabinet was not being asked to take decisions.**

745. **The discussion was couched in terms of Iraq’s need to comply with its obligations and future choices by the international community on how to respond to the threat which Iraq represented.**

746. **Cabinet endorsed the conclusion that Iraq’s WMD programmes posed a threat to peace and a strategy of engaging closely with the US Government in order to shape policy and its presentation. But it did not discuss how that might be achieved.**

747. **Mr Blair sought and was given information on a range of issues before his meeting with President Bush. But no formal and agreed analysis of the issues and options was sought or produced; and there was no collective consideration of such advice.**

748. **The advice offered to Mr Blair by Mr Straw, Mr Hoon and Mr Powell assumed that the US objective would be regime change and that the UK would be likely to support US-led military action in some circumstances if that could be shown to be necessary to eliminate Iraq’s WMD.**

749. **At Crawford, Mr Blair offered President Bush a partnership in dealing urgently with the threat posed by Saddam Hussein. He proposed a strategy based on an ultimatum calling on Iraq to permit the return of weapons inspectors or face the consequences.**

750. **Mr Blair’s approach reflected the thinking in Mr Straw’s advice of 25 March. Proposing that the US and UK should seek an ultimatum to Saddam Hussein to readmit weapons inspectors provided a route for the UK to align itself with the US without adopting the US objective of regime change.**

751. **President Bush agreed to consider the idea but there was no decision until September 2002.**

752. **It was subsequently reported that, in his discussions with President Bush, Mr Blair set out a number of considerations in relation to the development of policy on Iraq, which were subsequently described by others as “conditions” for action (see Section 3.3).**

753. **Following his meeting with President Bush, Mr Blair stated that Saddam Hussein had to be confronted and brought back into compliance with the UN.**

754. **The statements made in public by Mr Blair clearly implied the use of force in the event that Saddam Hussein failed to comply with an ultimatum.**

755. **The acceptance of the possibility that the UK might participate in a military invasion of Iraq was a profound change in UK thinking. Although no decisions had been taken, that became the basis for contingency planning in the months ahead.**

SECTION 3.3

DEVELOPMENT OF UK STRATEGY AND OPTIONS, APRIL TO JULY 2002

Contents

Introduction and key findings 3

Development of UK policy, April to June 2002 3

A UK contribution to US-led military action 3

JIC Assessment, 19 April 2002 6

Mr Blair's interview on *BBC Breakfast with Frost*, 21 April 2002 9

Resolution 1409 (2002) 9

Discussions with the US and France 14

Definition of the UK's objective 18

Meeting with Secretary Rumsfeld, 5 June 2002 21

The need to address the legal basis for military action 25

Cabinet, 20 June 2002 26

Development of UK policy, July 2002 27

Mr Hoon asks for a collective discussion on Iraq 28

Sir Kevin Tebbit's advice, 3 July 2002 30

JIC Assessment, 4 July 2002 31

The Treasury's concerns 33

Mr Straw's advice, 8 July 2002 34

Sir Christopher Meyer's advice, 9 July 2002 35

Lord Goldsmith's request for information 36

Liaison Committee, 16 July 2002 37

Cabinet Office paper, 19 July 2002: 'Iraq: Conditions for Military Action' 40

No.10 advice, 19 July 2002 49

Sir Jeremy Greenstock's advice to Mr Straw 51

The mood in Washington 53

MOD advice to Mr Hoon 55

Mr Blair's meeting, 23 July 2002 58

Request for advice on Saddam Hussein's military capabilities and intentions 65

Sir Christopher Meyer's view 66

Mr Blair's press conference, 25 July 2002 67

FCO advice, 26 July 2002 68

Mr Blair's Note to President Bush, 28 July 2002 72
Sir David Manning's visit to Washington 80
Lord Goldsmith's minute, 30 July 2002 84
Mr Blair's conversation with President Bush, 31 July 2002 87
Conclusions 89

Introduction and key findings

1. This Section addresses the development of UK policy on Iraq following Mr Blair's meeting with President Bush at Crawford on 5 and 6 April 2002, at which Mr Blair proposed a partnership between the US and UK urgently to deal with the threat posed by Saddam Hussein's regime, including Mr Blair's Note to President Bush at the end of July proposing that the US and UK should use the UN to build a coalition for action.

2. This Section does not address:

- the development of a dossier setting out the publishable evidence on Iraq's weapons of mass destruction (WMD), the history of weapons inspections and Iraq's human rights abuses, which is addressed in Section 4.1; or
- MOD work on possible options for a UK contribution to a future military operation, which is addressed in Section 6.1.

3. The roles and responsibilities of key individuals and bodies are described in Section 2.

Key findings

- By July 2002, the UK Government had concluded that President Bush was impatient to move on Iraq and that the US might take military action in circumstances that would be difficult for the UK.
- Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership with the US and setting out a framework for action.
- Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.
- Mr Blair's Note, which had not been discussed or agreed with his colleagues, set the UK on a path leading to diplomatic activity in the UN and the possibility of participation in military action in a way that would make it very difficult for the UK subsequently to withdraw its support for the US.

Development of UK policy, April to June 2002

A UK contribution to US-led military action

4. After Mr Blair's meeting with President Bush at Crawford, the MOD began seriously to consider what UK military contribution might be made to any US-led military action and the need for a plausible military plan for the overthrow of Saddam Hussein's regime.

5. In his letter to Mr Blair of 22 March 2002 (see Section 3.2), Mr Geoff Hoon, the Defence Secretary, had cautioned that, "before any decision to commit British forces,

we ought to know that the US has a militarily plausible plan with a reasonable prospect of success compared to the risks and within the framework of international law".[1]

6. Mr Hoon had also suggested UK involvement in US planning would "improve" the US process and enable Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS) to either "reassure you that there is a sound military plan or give you a basis to hold back if the US cannot find a sensible scheme".

7. Much of the discussion at Crawford took place privately between the two leaders.[2] Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Overseas and Defence Secretariat (OD Sec), recorded that the meeting on Saturday morning was informed of a number of points, including:

- There was no war plan for Iraq.
- Thinking so far had been on a broad, conceptual level.
- A very small cell in Central Command (CENTCOM) in Florida had recently been set up to do some planning and to think through the various options.
- When the US had done that, US and UK planners would be able to sit down together to examine the options.
- The US and UK would work through the issues together.

8. Sir David Manning also recorded that Mr Blair had concluded President Bush probably wanted to build a coalition.

9. Mr Hoon discussed Iraq with Adm Boyce and Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS), on 8 April (see Section 6.1). He commissioned work on military options as a "precaution against the possibility that military action might have to be taken at some point in the future".[3]

10. On 12 April, Mr Simon Webb, MOD Policy Director, sent Mr Hoon a "think piece" to give context to the work on Iraq.[4]

11. Mr Webb explored potential end states for military action in Iraq in the context of Mr Blair's "commitment to regime change ('if necessary and justified')" in his speech at College Station on 7 April. Mr Webb added that:

- "Commitment on timing has been avoided and an expectation has developed that no significant operation will be mounted while major violence continues in Israel/Palestine."
- "Both Crawford and contacts with the Pentagon confirm that US thinking has not identified either a successor or a constitutional restructuring to provide a more

---

[1] Minute Hoon to Prime Minister, 22 March 2002, 'Iraq'.
[2] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.
[3] Minute Watkins to PSO/CDS and PS/PUS, 8 April 2002, 'Iraq'.
[4] Minute Webb to PS/Secretary of State [MOD], 12 April 2002, 'Bush and the War on Terrorism'.

representational regime: Various ideas for replacements have been aired over the years and none so far look convincing …"

12. Mr Webb's view was that "the prospects for finding a stable political solution" were "poor in the short term". The US had "sufficient forces to undertake a military operation … without anyone else's help"; but to "achieve a successful regime change, the UK would need to be actively involved (one might also argue that the Prime Minister has effectively committed us)".

13. Mr Webb set out the MOD's thinking on military issues. On the way forward, he wrote:

"Despite the massive scale of commitment, there are arguments that preventing the spread of WMD should be given the highest priority in coming years … [I]t remains the greatest risk to Middle East and international stability in the medium-term; and in the long-term countries like Iraq and Iran are on course to threaten Europe and UK direct. It is arguable that preventing this spread by making an example of Saddam Hussein would do more for long-term stability than all the displaced [military] activities combined …

"By demonstrating our capacity for high intensity warfare at large scale [the deployment of a division] the UK would also send a powerful deterrence message to other potential WMD proliferators and adversaries.

"… There would come a point at which preparations could apply some valuable pressure on Saddam; or be seen as a natural reaction to prevarication over inspections. In general … until that point … we should keep a low profile …"

14. Mr Webb concluded:

"Even these preparatory steps would properly need a Cabinet Committee decision, based on a minute from the Defence Secretary …"

15. In April the MOD established "a small group of senior officials and military planners to think about the issues that would be involved in any military operation in Iraq, as the basis for initial contingency planning in the MOD".[5] That body, which was chaired by Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments) (DCDS(C) and was known as the Pigott Group, considered issues related to UK participation in a US-led ground offensive in Iraq. Participants included the FCO, the Cabinet Office and the intelligence Agencies.

16. The work of the Group is addressed in more detail in Sections 6.1 and 6.4.

[5] Minute Ricketts to Private Secretary [FCO], 25 April 2002, 'Iraq: Contingency Planning'.

JIC Assessment, 19 April 2002

17. The Joint Intelligence Committee (JIC) judged on 19 April that it would be politically impossible for Arab states to support military action against Iraq.

18. Regional states would prefer UN inspections or covert operations to topple Saddam Hussein to a US-led attack, but US determination and a willingness to deploy overwhelming force could help bolster regional support.

19. There was consensus amongst Iraq's neighbours that its territorial integrity must be preserved.

20. At the request of the JIC, an Assessment of "Iraq's relations with its neighbours … what influence Iraq has over them and how it is trying to improve its position; where Iraq's neighbours' concerns and interests lie" and an evaluation of "the regional reactions so far to the prospects of a US-led attack on Iraq" was produced on 19 April.[6]

21. During the discussion of the draft, the JIC had been told that Israel's attack on Jenin in the Occupied Territories had produced a "seismic shift" and there were "few, if any, Arab countries who would support a strike against Iraq".[7]

22. The JIC asked for the position of Iran and Saudi Arabia to be brought out more clearly in the final Assessment.

23. The JIC's Key Judgements were:

- "The current Israel/ Palestinian crisis makes **Arab support for an attack on Iraq politically impossible at present**. There is no sign that strong anti-US sentiment will dissipate quickly, even if there is progress towards an equitable resolution of the Palestinian issue."
- "Iraq exerts considerable economic leverage over Jordan and Syria. Iraqi propaganda successfully plays up Iraq's suffering under sanctions. And Iraq uses its support for the Palestinians to gain popularity in the Arab street."
- "**But Iraq has no real allies**. Iran, Kuwait and Saudi Arabia remain concerned by Iraq's conventional military capabilities. Iran is also concerned by its development of WMD."
- "**Turkey** would probably be willing to provide basing for a US-led attack on Iraq … **Saudi Arabia** is very unlikely to provide basing for an attack, though it might permit overflights. A strong case for action would need to be made. US determination and willingness to deploy overwhelming force could help bolster regional support. However, all would strongly prefer covert operations to topple Saddam rather than a full-scale attack."

---

[6] JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.
[7] Minutes, 17 April 2002, JIC meeting.

- "Regional states would prefer UN inspections to a US-led attack on Iraq. Such an attack would provoke large-scale protests across the Arab world. Jordan would be particularly exposed to internal instability, but the Gulf States would also be nervous. None of Iraq's neighbours would regret Saddam's overthrow and none would provide practical … support for Iraq against a US-led attack."
- "There is consensus among Iraq's neighbours that its territorial integrity must be preserved, but there are great mutual suspicions and differences over the place of the Kurds and the Shia in any new Iraqi regime, the regime's nature and its relationship with the West."[8]

24. Key points from the Assessment are set out in the Box below.

JIC Assessment, 19 April 2002: 'Iraq: Regional Attitudes'

The Assessment stated:

> "Arab attitudes towards Iraq, and particularly towards any prospective US-led attack, are inextricably linked to bilateral relations with the US, events on the ground in the Occupied Territories and perceived Western 'double standards' in favour of Israel … We judge that, **in the present circumstances, even the most pro-Western Gulf States […] would find it politically impossible to support a US-led attack on Iraq**. We judge it **unlikely that the current strong anti-US sentiment will dissipate quickly**. Only significant progress towards what the Arab world would see as an equitable resolution of the Palestinian issue would mitigate this. Even if this is achieved, recent events in the West Bank will make it harder in the medium-term to win regional support for military action against Iraq."

Iraq-related concerns had "dropped significantly down the Arab agenda" and Iraq was "rarely perceived as the greatest security threat within the region". The Gulf States saw "Iran as the greater long-term threat and want an Iran-Iraq balance".

The "conjunction of the threat of US military action and the pressure in the UN to permit the return of weapons inspectors" had "led Iraq to pursue a revitalised foreign policy". That had included:

- talks with the UN Secretary-General;
- several attempts to win over its neighbours;
- an Iraqi declaration at the Arab League Summit on 27 March 2002 that it recognised Kuwait's sovereignty and independence;
- a marked decline in the number of militant attacks on Iran which suggested that Iraq had "at least temporarily restrained the MEK [Mujahideen e Khalq]"; and
- an Arab League resolution that its members would not support an outside attack on any other member.

Iraq's neighbours remained "suspicious of its intentions" and were "focused on economic gains".

[8] JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.

Addressing the longer term, the JIC stated:

> "… given real progress on Israel/Palestine, it might be possible to rebuild support for action against Iraq …"
>
> "… **Saudi Arabia** … has said it opposes an attack … **Turkey**, as a NATO ally, would probably provide basing if asked, despite its reservations […]."

Regional attitudes to an attack would "remain tentative" until US plans were "closer to completion and military preparations begin", but "a number of themes" were "already discernible". These included:

- "[G]overnments in the region would want any military campaign to be short and decisive."
- "[**M**]**utual suspicions among Iraq's neighbours**" meant regional co-operation was "likely to be minimal."
- Iran wanted "a greater role for the Iraqi Shia in a new regime, but any pro-Iran Shia regime, though unlikely would be anathema to the Gulf Arabs". Iran and Turkey were "keen not to set a precedent for their own Kurdish regions, […] A power vacuum could cause particular problems and might tempt Iran and/or Turkey to intervene."
- Gulf Monarchies might be "willing to support a representational Government, but would equate democracy with Shia rule".
- Iran's "sense of encirclement would be heightened by the presence of US forces, particularly if they remained in Iraq for an extended period".

In a concluding section entitled "**Making the case**", the JIC assessed:

> "**For governments expected to support a US-led attack, the justification and evidence will be crucial in managing their public expectation**. Given that we judge Iraq had no responsibility for … the 11 September terrorist attacks, Iraq's neighbours are likely to demand stronger proof of Iraq's development of WMD … using Saddam's brutal and repressive regime alone as a justification would not attract much support. A UN Security Council resolution authorising force would reduce regional governments' objections to an attack. **Partly because their populations will not be persuaded by any likely justification for a military option, Iraq's neighbours, except for perhaps Kuwait, would prefer UN inspections to a US-led attack**. […] Equally, it is possible that by offering to allow inspectors back into Iraq (even if he obstructed them) and making some new but limited concessions to the disarmament process, Saddam could strengthen his regional political position, at least in the short term."

Mr Blair's interview on *BBC Breakfast with Frost*, 21 April 2002

25. In an interview on *BBC Breakfast with Frost* on 21 April, primarily about the Budget, Mr David Frost asked Mr Blair how close action was on Iraq.[9] Mr Blair replied:

> "We have not taken any decisions on Iraq at all … we have identified weapons of mass destruction as a crucial issue … Saddam Hussein is a threat, the world would be better off without Saddam Hussein in power, but … we will not take decision 'til we have looked at all the options …"

26. Mr Blair added that Saddam Hussein should allow the weapons inspectors to return. That was what the United Nations had told him to do. Saddam Hussein was in breach of UN resolutions and needed to fulfil those obligations.

27. Asked whether there were differences between him and Mr Gordon Brown, Chancellor of the Exchequer, Mr Blair said:

> "… all we have decided … is that weapons of mass destruction have to be dealt with … how we deal with it, however, is an open question."

28. Mr Blair's comments on Iraq's WMD capability and the timetable for the publication of the "dossier" on those capabilities are set out in Section 4.1.

Resolution 1409 (2002)

29. Mr Jack Straw, the Foreign Secretary, was advised that there was little prospect of agreement in the Security Council to any language demanding the return of weapons inspectors.

30. A resolution implementing the "smart sanctions" regime was agreed on 14 May, but compromises were necessary to secure Russian support and tougher measures on tackling cross border smuggling were not included.

31. Since the adoption of resolution 1382 in November 2001, the UK had continued to pursue agreement on a new resolution introducing a smart sanctions regime.

32. Following Mr Blair's discussions with President Bush at Crawford, Mr Straw advised Mr Blair on 9 April that the shift in focus to the re-admission of weapons inspectors drew the UK "inexorably into the question of cover in international law" for military action in the event that, as Mr Straw suspected, Iraq failed to comply (see Section 3.2).[10]

33. Mr Charles Gray, Head of the FCO Middle East Department, wrote that Mr Straw asked for advice on:

- what, assuming a resolution authorising military action against Iraq is unachievable, we might hope to get in the Security Council to sustain the

[9] *BBC News*, 21 April 2002, *BBC Breakfast with Frost Interview: Prime Minister Tony Blair*.
[10] Minute Straw to Prime Minister, 9 April 2002, 'Your Commons Statement'.

pressure on Iraq and to begin to build a legal base for possible military action; and

- whether the May resolution giving effect to the Goods Review List (GRL) agreed in November 2001 (resolution 1382) might "repeat in stronger terms the Council's demands for the unconditional return of the inspectors".[11]

34. Mr Gray advised that he did "not think there was any prospect in foreseeable circumstances" of getting a resolution "explicitly authorising military action"; and it was "conceivable" that this might lead to "severe pressure, to the point of facing a draft resolution forcing us to back away from this option altogether".

35. Mr Gray also advised:

- Officials were "strongly inclined not to jeopardise" the GRL resolution "by attempting to include military action language in its implementing resolution".
- The prospects for inserting language into the resolution "rolling over the Oil-for-Food programme" at the end of May "might be better", but UK actions on Iraq were "now subject to minute scrutiny in the Council". Russia and Syria would "quickly detect language which smacked of easing the justification for military action".
- It might be possible to insert a demand for the return of inspectors into the Oil-for-Food resolution but success would depend on the demands of other members. If the talks between Mr Kofi Annan, the UN Secretary-General, and Iraq made progress, the UK might seek a separate resolution calling for the return of inspectors; but the difficulties involved would be "considerable".

36. Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York, told the Inquiry:

> "Towards the end of 2001, the Russians signalled to us that they might be more amenable to a smart sanctions regime … in February or so of 2002, the US … Secretary [of State] Colin Powell went serious on getting the smart sanctions regime and there was a series of bilateral negotiations between Washington and Moscow which was out of sight of the Security Council … The UK had no part in those negotiations."[12]

37. Cabinet was informed on 9 May that a revised system of sanctions was likely to be adopted by the UN.[13]

38. The Security Council adopted resolution 1409 on Iraq on 14 May. It introduced a new sanctions regime, with a revised GRL and new procedures for applications for licences to trade with Iraq, with effect from 30 May. Trade in commodities or products,

---

[11] Minute Gray to Goulty and PS [FCO], 11 April 2002, 'Iraq: UN'.
[12] Public hearing, 27 November 2009, pages 19-20.
[13] Cabinet Conclusions, 9 May 2002.

other than military or military-related ones as defined in paragraph 24 of resolution 687 (1991) or covered by the GRL, would be permitted. Applications for licences to trade still had to be scrutinised by the Office of the Iraq Programme, the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA), and the 661 Committee; and exporters would still be paid through the UN escrow account established by resolution 986 (1995) only after verification by UN agents that items had arrived in Iraq.

39. Although the resolution was adopted unanimously, Syria made a statement arguing that it was time to lift sanctions against Iraq; it was unreasonable to impose sanctions for an unlimited period of time; and the Council had lost credibility by compelling some countries, and not others, to implement its resolutions. Syria rejected the "double standards … whereby Israel carried out its policy of blatant aggression against the Palestinian people, despite the statements of United Nations representatives concerning the war crimes that it [Israel] committed in Jenin".[14]

40. There was no reference in either the resolution or any statements in the Security Council to the need for clarification of resolution 1284 (1999) as requested by Iraq in its meeting with Mr Annan.

41. Nor was there discussion of a renewed call for Iraq to permit weapons inspectors to return to Iraq. That remained the subject of continuing talks between Iraq and Mr Annan and debate between the five Permanent Members (P5) of the Security Council.

42. Mr Straw informed Cabinet on 16 May that resolution 1409 had been adopted, and that the provision to limit scrutiny by the UN sanctions committee to applications to export military and dual-use equipment was a significant step forward in ensuring that the sanctions regime could not legitimately be blamed for causing humanitarian problems in Iraq.[15]

43. There was no further discussion of the policy.

44. In his written statement to the Inquiry, Mr Carne Ross, First Secretary responsible for the Middle East at the UK Permanent Mission to the UN in New York, stated that the UK's position on Iraq was under "unceasing pressure, mainly from Iraq's allies" in the Security Council:

> "… for sanctions to be eased to reward Iraq for past progress in disarming itself … and to incentivise Iraq to co-operate once more with the weapons inspectors. There was also significant concern over the humanitarian impact of sanctions … There was also a broader complaint, particularly in the Arab world, that the US/UK practised double standards in demanding the full implementation of resolutions on

[14] UN Security Council, '4531st Meeting Tuesday 14 May 2002' (S/PV.4531).
[15] Cabinet Conclusions, 16 May 2002.

Iraq, but ignoring Israel's failure to implement resolutions demanding that it leave the occupied Palestinian territories."[16]

45. Other points made by Mr Ross in his statement included:

- "… it was not our view in New York that containment was collapsing either through the ineffectiveness of sanctions or the deterioration of international support. While there were serious sanctions breaches, it was not the UK judgement that these permitted significant rearmament, which was our major concern …";
- "… the collapse of effective sanctions was not a foregone conclusion, as some witnesses have misleadingly suggested … we undertook … sustained and detailed work … to end Iraq's manipulation of the official price of its oil exports, so that it could extract an illegal 'surcharge' …"; and
- "… the UK never made any co-ordinated and sustained attempt to address sanctions busting."

46. Mr Ross subsequently told the Inquiry:

- "It [containment] was a continuing state, and … to maintain containment you had to constantly adjust it.[17]
- "… It is astonishing to me … that neither the US nor the UK did anything about Saddam's illegal bank accounts which we knew to exist in Jordan.[18]
- "Nobody questioned at all in the Security Council that the arms embargo should be lifted. I don't think there was a single country that said at any point we should let Iraq import arms again. I think the question was: what kind of controls, short of that, do we really need to make sure that Iraq's WMD is controlled …"[19]

47. Asked about pursuing resolution 1409 while the Bush Administration was planning regime change, Sir Jeremy Greenstock told the Inquiry:

"It was entirely natural to me that we should try and maximise containment of Iraq because I didn't see an alternative … So it was very welcome that we had a smart sanctions regime in [resolution] 1409, although that didn't mean … that there weren't other aspects of policy on Iraq that needed to be followed up.

"We needed to curtail smuggling, which was increasing through Jordan, Syria and Turkey, and which Secretary Powell had not expended a huge amount of effort on behalf of his Administration to close from early 2001 onwards, which surprised me."[20]

---

[16] Statement, 12 July 2010, pages 1-5.
[17] Public hearing, 12 July 2010, page 12.
[18] Public hearing, 12 July 2010, page 17.
[19] Public hearing, 12 July 2010, page 44.
[20] Public hearing, 27 November 2009, pages 23-24.

48. Subsequently, Sir Jeremy added:

> "Somehow, the need to stop smuggling through Syria got caught up with the need not to offend or to make too expensive the Turkish and Jordanian angles to this … I regarded it as a pity that more pressure was not put on all three because the business of smuggling was more important than the business of maintaining that part of the relationship with those three countries … I understood that was the choice of the United States, not to expend capital on stopping the smuggling … there were equivocal views within the US Administration about how much effort and energy and capital to expend on maintaining sanctions and a containment regime that might, anyway, not do the trick."[21]

49. Mr Blair told the Inquiry that the fact that the provisions to tighten the borders could not be agreed with Russia was important, and that, while the sanctions framework agreed in the resolution might have been successful, it was "at least as persuasive an argument that it wouldn't have been".[22]

50. Asked whether containment was still the policy of Government, Lord Wilson of Dinton, Cabinet Secretary from January 1998 to September 2002, responded:

> "… Containment was the status quo … No-one questioned it. No-one said, '… Let's discontinue that as a policy.' It was noted as a success … After that [Cabinet discussion on 16 May 2002] there was no further discussion of containment … for it to end you would need to have a discussion about it. There was no discussion about it."[23]

51. Lord Wilson stated that Mr Blair had been disappointed that concessions had been made to secure Russian support for the resolution, and regarded it as a significant weakness.[24]

52. Lord Wilson, told the Inquiry that the "Americans had got engaged in getting it [the resolution] through".[25]

53. In his memoir, published in 2012, Mr Straw wrote:

> "… resolution 1409 was inadequate and stood no chance of plugging the gaping holes in the sanctions framework. This failure to get comprehensive and robust 'smart sanctions' effectively marked the end of the 'containment' policy, especially for those of us who regarded Iraq as a significant threat."[26]

---

[21] Public hearing, 27 November 2009, pages 26-27.
[22] Public hearing, 29 January 2010, pages 15-16.
[23] Public hearing, 25 January 2011, pages 43-44.
[24] Public hearing, 25 January 2011, page 45.
[25] Public hearing, 25 January 2011, page 76.
[26] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.

54. In early May 2002, the international effort to resolve the India/Pakistan crisis was the FCO's principal foreign policy concern and the major preoccupation for Mr Straw, Sir Michael Jay, FCO Permanent Under Secretary (PUS), and Mr Peter Ricketts, FCO Political Director.

55. Lord Wilson told the Inquiry:

> "… The main thing in April, May, into June … was India, Pakistan. Can I impress on this Committee that was far more important than Iraq. The Middle East Peace Process was far more important than Iraq … Iraq was not the major thing in those months. The Queen Mother had died; Alastair Campbell was involved in a row with Black Rod; street crime … There were all sorts of issues around which engaged attention.
>
> "If you had said to me 'Where are we on Iraq?' I would have said: 'Things are going on, No.10 has started talking to Washington.' But nothing major."[27]

Discussions with the US and France

56. In discussions with the US, Mr Straw and Sir David Manning confirmed Mr Blair's position that the UK would support the US if President Bush decided on military action.

57. In a meeting with Dr Condoleezza Rice, President Bush's National Security Advisor, on 17 May, Sir David set out what he described as the conditions "stipulated" by Mr Blair.

58. Mr Blair had a meeting on Iraq with Mr Straw, Mr Hoon and Adm Boyce on 2 May but there is no record of the discussion.[28]

59. Iraq was not discussed at Cabinet that day.

60. In a discussion on 8 May, Mr Straw told Mr Colin Powell, the US Secretary of State, that Mr Blair "had always taken the view that if in the end President Bush decided on military action, the UK had a duty to support him".[29] Mr Straw wrote that:

> "… the rhetoric (in the US) might get beyond what was possible. Powell agreed this was a considerable danger. I had rather gathered that the more military options were considered, the more, not less, difficult military action appeared."

61. Mr Straw's minute was sent to Sir David Manning and Sir Christopher Meyer, British Ambassador to the US.

---

[27] Public hearing, 25 January 2011, pages 60-61.
[28] Internal No.10 note prepared for Mr Blair's appearance at the Butler Inquiry.
[29] Minute Straw to PUS [FCO], 9 May 2002, 'Powell/Straw Tete-a-Tete, 8 May 2002'.

62. Sir David Manning was in Washington on 17 May, for discussions on a range of issues including India and Pakistan and the Middle East Peace Process (MEPP).[30]

63. In preparation for Sir David Manning's visit to Washington, Sir Christopher Meyer reported in a personal letter that he had been told by a senior official in the State Department that:

- The timeframe discussed between the Prime Minister and Bush was still valid: the first quarter of next year was "realistic" for action against Saddam Hussein.
- CENTCOM was hearing from British military sources that we were contemplating contributing an armoured division.
- This was serious stuff which was leading Administration hawks to forget the "but" in our "yes, but …"[31]

64. Sir Christopher also recorded that it was doubtful that much work had been done on handling the UN and getting the weapons inspectors back in and that the nightmare would be if Dr Hans Blix, Executive Chairman of UNMOVIC, judged that the Iraqis were co-operating and the US did not.

65. Sir Christopher advised that the UK had "been drawn into a fierce inter-agency battle on the Middle East and Iraq". That was "unavoidable if we are to retain a handle on what is going on [in] areas of vital importance to our national interest. But it does mean that we have to tread with the greatest care".

66. Sir Christopher told the Inquiry, that he had been told by a senior American official "shortly after Crawford" that there were problems with the UK's "yes, but" approach: "the 'yes' was greedily devoured by the American Administration, but the 'buts' had kind of faded away".[32]

67. In discussions with Dr Rice on Iraq, Sir David told her that the UK's "offer of military support for a campaign against Saddam was firm. But we must go the UN inspectors route first; we must stabilise Arab/Israel … and we must prepare public opinion."[33] He was assured that the UK would be brought into the planning process at a very early stage, once such planning got under way.

68. In a separate report to Mr Blair, Sir David warned that, in the light of the US perception that the UK was considering providing an armoured division, there were dangers that the "moderates in Washington" were worried that "the hawks" would

---

[30] Minute Manning to Prime Minister, 19 May 2002, 'Visit to Washington: 17 May'.
[31] Letter Meyer to Manning, 15 May 2002, 'Your Visit to Washington'.
[32] Public hearing, 26 November 2009, page 64.
[33] Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May; Iraq'.

"now simply ignore the conditions that you have stipulated".[34] Sir David reported that he had twice made very clear to Dr Rice that:

> "… before we would commit to military action, we must exhaust the UN inspectors route; there must be progress in stabilising Arab/Israel; and there must be a campaign to explain the Saddam menace to domestic and international public opinion."

69. In a meeting with Mr Richard Armitage, the US Deputy Secretary of State, Sir David Manning had been told that "a UK officer at Tampa had said that the UK would provide an armoured division". That had been "dropped into the conversation" of the most senior US policy-makers.[35]

70. Asked about that meeting and the fact that Mr Armitage had been told that Mr Blair had discussed the question of a British armoured division taking part in the invasion with President Bush at Crawford, Sir David Manning told the Inquiry: "Yes I didn't know that."[36]

71. Sir David subsequently stated:

> "I think the message that he [Mr Blair] wanted to be with the Americans in the broad sense would be correct … throughout the crisis he felt if push came to shove, the Americans should not be left to do this on their own. But I think at this stage still he believes there may be a better way to do this, and I think his willingness to stay engaged will also have been a calculation that that would have improved the chances of persuading the Americans to go back to the UN.
>
> "So I don't myself think … in April or May … he had made his mind up he was going to send troops. I think he was always ready to do it, but always hoped he wouldn't have to."[37]

72. Asked, in the context of an offer of a division, whether the military planners were getting ahead of the policy, Sir David Manning told the Inquiry that he was:

> "… surprised they had said that because certainly later … when there is a request from the MOD to the Prime Minister to give an indication of what he would be willing to sign up for, he refuses. So it doesn't seem logical to me."[38]

73. A letter from Sir Christopher Meyer on 20 May following up Sir David's visit reported that "military planning was grinding on", and described the UK conditions as "preconditions for action against Saddam".[39]

---

[34] Minute Manning to Prime Minister, 19 May 2002, 'Visit to Washington: 17 May'.
[35] Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May; Iraq'.
[36] Private hearing, 24 June 2010, page 38.
[37] Private hearing, 24 June 2010, page 39.
[38] Private hearing, 24 June 2010, page 40.
[39] Letter Meyer to Manning, 20 May 2002, 'Your Visit to Washington'.

74. In a meeting with French officials, Mr Edward Chaplin, FCO Director Middle East and North Africa, stated that a continuing threat of US action was needed to influence Iraqi behaviour, whatever some might think of the consequences of the threat.

75. Following a visit to Paris by Mr Chaplin, the British Embassy Paris reported that officials in the French Foreign Ministry:

- did not expect much movement in Iraq's third meeting with Mr Annan in Vienna, which was best described as a dialogue not a negotiation;
- were looking to see how to raise the dialogue with Iraq to persuade it to agree the return of inspectors but were sceptical about whether Iraq would agree a regime similar to that which had applied until 1998;
- took the firm position that Iraq had to make clear its willingness to agree the return of inspectors before talks on clarification of resolution 1284 (1999) could start;
- were less convinced than before that US military action was inevitable; and
- saw the return of inspectors as the best way to avoid military action and would want to maintain the unity of the P5 as the means to deliver it.[40]

76. In relation to UN authority for military action, a French official stated:

> "… past precedent demonstrated that formal authorisation by the UN was not an absolute requirement for military action. What would be indispensable, as a minimum, would be a statement by the Security Council (not necessarily in the form of a SCR [Security Council resolution]) that Iraq was in breach of its obligations, and a warning making clear to Iraq what the consequences of a continued violation would be. The Quai had given this advice to Chirac [Mr Jacques Chirac, President of France] for his meeting with Bush."

77. Another French official stated that the US had no answer to the question of what would happen "the day after". The Kurds and Shia were ready to come in behind the US, but would not go out ahead of them. The greatest fear of ordinary Iraqis was what would come after Saddam Hussein "with or without US intervention". The Shia were in a majority, but there was no question of the leadership being anything other than Sunni. It was far from clear that the Republican Guard would be able to keep control if there was a change of regime.

78. Mr Chaplin argued that the best way to avoid military action was to make resolution 1284 a reality. The UK would follow Dr Blix on the procedures he thought necessary for the inspectors to do their job: "But it was hard to see the US agreeing to

---

[40] Telegram 337 Paris to FCO London, 28 May 2002, 'Iraq: Quai's Views'.

a regime less intrusive than the last one." After the adoption of the GRL, the prospect of lifting sanctions would be less enticing for Iraq:

> "A continuing threat of US action … was needed to influence Iraqi behaviour, whatever some might think of the consequences of the threat."

79. A French official agreed, adding:

> "… if the fear of US intervention receded, there would be no co-operation at all from the Iraqis, which in turn would strengthen the hands of the hawks in Washington."

80. The personal view of the French official was:

> "… we would be in exactly the same position on Iraq in five years' time – and that would represent the least bad option, given the regional instability that would ensue from any military action."

81. The paragraph on France's views of the UN authority for military action was drawn to the attention of Lord Goldsmith, the Attorney General, with the comment that it was: "An important statement from a Permanent Member of the UNSC."[41]

Definition of the UK's objective

82. Mr Hoon advised Mr Blair on 31 May that he and Mr Straw had agreed a preliminary UK objective to guide planning which, rather than calling directly for the elimination of Iraq's WMD capability, called on Iraq to abide by its international obligations on WMD.

83. The first meeting of the Pigott Group in late April considered how to define the objective, or "end state" of a military operation.[42] Mr Ricketts advised Mr Straw:

> "As we found in the run-up to the Afghanistan operation, defining the objective of an operation is crucial … The MOD had tried their hand at a definition of the 'end-state' which was discussed at length, and I undertook to produce a further version.
>
> "I have now done so … it would be helpful to know whether the Foreign Secretary thinks we are on the right lines. At this stage, it is only to inform MOD contingency planning: at the right point, these issues would have to be negotiated carefully and at a high level with the Americans, who will have their own priorities. My proposal is as follows:
>
> – 'A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to global security or to its neighbours, and abiding by its international obligations on control of its WMD.'"

---

[41] Manuscript comment [Paul Berman] to AG, [undated], on Telegram 337 Paris to FCO London, 28 May 2002, 'Iraq: Quai's Views'.
[42] Minute Ricketts to Private Secretary [FCO], 25 April 2002, 'Iraq: Contingency Planning'.

84. Mr Ricketts added that three issues had been debated in the Pigott Group:

> "… should there be specific reference to regime change, e.g. 'no longer governed by its current leadership'? My own view is that regime change would be a by-product of a military operation not its objective (indeed, I believe such an objective would be illegal);
>
> "… should the 'end state' be stated more explicitly as the removal of Iraqi WMD or (more achievable) the removal of the threat posed by Iraqi WMD? There is a serious issue here of the credibility of any objective we declare for a campaign, since any likely future Iraqi regime would presumably feel the same national security imperatives for pursuing WMD programmes as the current regime, given potential threats from Iran. My formula above concentrates on Iraq abiding by its UNSCR [UN Security Council resolution] undertakings. But as an alternative I think it would be credible to aim at an 'end state' in which the threat posed by Iraqi WMD was removed (i.e. behaviour change if not regime change);
>
> "… should there be anything more explicit about a future regime abiding by international norms on the treatment of its own population? I have got 'law abiding' which is designed to capture that. There is a risk of overloading a definition of the 'end state' with desirable outcomes which cannot be achieved by military means."

85. Mr Michael Wood, FCO Legal Adviser, responded:

> "In the event of military action, we should need to be satisfied that there was a proper legal basis, and what we say publicly would need to be consistent with that legal basis."[43]

86. Mr Wood agreed that regime change could not of itself be a lawful objective of military action. He also warned that:

> "Some of the elements in your proposed objective or 'end state' would not justify military action … The mere possession of nuclear weapons, or indeed a general risk that they may be used, does not bring into play the right of self-defence … If, on the other hand, the legal basis were to be authorisation by the Security Council, any action would need to be within the four corners of that authorisation. The Security Council has not authorised the use of force to establish 'a stable and law abiding Iraq … cooperating with the international community' or 'regime change'. It follows from the above that the language you propose in … your minute could not serve as the public aim of any military action."

[43] Minute Wood to Ricketts, 29 April 2002, 'Iraq: Contingency Planning'.

87. On 3 May, Mr Ricketts sent a very slightly amended definition of the end state, agreed by Mr Straw, to Mr Webb:

> "A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, and abiding by its international obligations on control of its WMD."[44]

The previous reference to "global security" was replaced by "international security".

88. Mr Ricketts added:

- If the end state were to be used "as a public justification for military action", it would be "necessary to add whatever legal base was approved by the Attorney General".
- "For the record, the Foreign Secretary was strongly against any specific reference to 'regime change'."

89. Mr Webb's response of 10 May recorded that there was some discussion in the Pigott Group about the language on WMD on the grounds that a follow-on regime might only be happy if it retained some WMD as long as its neighbours continued to do the same.[45] He suggested that the end state should be amended to "abiding by its international obligations on WMD".

90. On the question of legal justification, Mr Webb noted Mr Straw's caution but added:

> "I presume … we are all still working to the line in the Prime Minister's Crawford speech that it might become justified and necessary. Consistent with that we see it as a likely – though not certain – way point in a campaign to secure the strategic objective. Following the meeting we have proposed to the Defence Secretary we take forward rapidly two distinct pieces of work, one on military *contingency planning* … and the other on *coalition options* which will need to factor in legal considerations. Rather than submitting our Ministers' conclusions to the Attorney General for his approval, we should prefer the usual approach of his putting advice to colleagues as part of a collective decision."

91. When Mr Webb visited Washington in mid-May, he discussed draft objectives with US officials.[46] His report of US views included:

- The elimination of WMD by Iraq should be a firm objective. The view that an Iraq government was unlikely to stay in office if it could not provide a counter-weight to an Iran which had a WMD capability was discounted.

---

[44] Letter Ricketts to Webb, 3 May 2002, 'Iraq: Contingency planning'.
[45] Letter Webb to Ricketts, 10 May 2002, [untitled].
[46] Minute Webb to Ricketts, 16 May 2002, 'Iraq: Objectives'.

- The US "understood – and even seemed to accept – the Foreign Secretary's point that regime change should not be an objective in its own right but a point on a path to a stable Iraq".
- A Department of Defense (DoD) official said that "no one in Washington now thought that replacement of Saddam by another military strong man now made sense: the US would end up being responsible for his actions even if he went wrong on them". The official was looking more to a government which "represented a wide range of tribal groups", while acknowledging that democracy would be unlikely. Mr Webb commented that this "does not … chime" with the views of others in the US.
- The US "clearly envisage remaining in Iraq for some time" but had taken Mr Webb's point that "permanent basing would create an adverse reaction in the region".
- Momentum in Washington had "flagged" since his last conversations in February; US resolve was "unabated" but "the sense was more *sine die* than poised".

92. Mr Webb's discussion of the possible scale and timing for any UK military contribution is addressed in Section 6.1

93. Mr Hoon informed Mr Blair on 31 May that he and Mr Straw had agreed a "preliminary objective" to guide work on contingency planning for military operations of:

> "A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by its obligations on WMD."[47]

94. Sir Peter Ricketts told the Inquiry that it was "hard to imagine that an Iraq [as envisaged in the objective] … would still have Saddam Hussein in charge".[48]

Meeting with Secretary Rumsfeld, 5 June 2002

95. In preparation for a visit to the UK by Mr Donald Rumsfeld, the US Secretary of Defense, on 5 June, Mr Hoon wrote to Mr Blair on 31 May.

96. UK contingency planning had concluded that, for the UK to have influence on US planning, a significant military contribution would be needed. This was defined as at "division level" for land forces.

97. To take planning further, greater clarity on US thinking was needed.

98. Mr Hoon also identified that exposing the constraints on the UK's ability to contribute forces before the end of 2002 could reduce its influence.

---

[47] Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[48] Public hearing, 1 December 2009, pages 20-21.

99. Mr Blair decided that the UK should not expose the constraints it faced to Secretary Rumsfeld.

100. In advance of a visit by Secretary Rumsfeld, Mr Hoon wrote to Mr Blair on 31 May with an update on the military contingency planning on Iraq.[49]

101. The minute was also sent to Mr Brown, Mr Straw and Sir Richard Wilson, Cabinet Secretary.

102. Mr Hoon advised Mr Blair that the MOD had been taking forward contingency planning in the absence of discussions with the US, but: "To make further progress we now need greater clarity on US thinking."

103. Detailed work showed that the UK would not be able significantly to contribute offensive operations before the end of November 2002 because of the constraints of operations in Afghanistan on air transport.

104. Mr Hoon wrote that the key message from the contingency planning exercise was that:

> "… if we wish to contribute meaningfully to any operation our Armed Forces would need plenty of warning time … We are clear that, for the UK to have influence on detailed planning, the US would require a significant contribution to any large scale operation. Our own analysis indicates that this would have to be at division level for land forces …"

105. Mr Hoon also stated that, to plan properly, the UK needed to know:

- what outcome the US was seeking;
- when the US might wish to take action; and
- how long the US saw itself remaining in Iraq.

Mr Hoon added that the UK needed to clarify the policy basis and legal justification for any action.

106. Mr Hoon identified that the UK faced a dilemma:

> "On the one hand, if we discuss the detail and timescales of a potential UK military contribution to a US-led coalition, it could send a misleading signal that we have decided to support a specific line of military action. (Such a signal could be used in Washington by the supporters of military action to promote their cause.) Equally if we are not clear with the US at this stage about our military constraints, we face the danger of our not being able to bring anything meaningful to the table at the right time and the consequent loss of influence that would bring. Finally it could be

[49] Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.

precisely our readiness to participate that would allow you to counsel the President against proceeding if no convincing plan were to emerge."

107. Reflecting on the approach the UK should adopt with Secretary Rumsfeld, Mr Hoon recommended:

"… there would be more mileage in raising practicalities. I would make clear that our conditions for involvement in military action remain as you have set them out: public opinion would need to be prepared; the UN inspectors would need to be given every chance of success; and there would have to be an adequate degree of stability in the Arab/Israel conflict."

108. Mr Hoon added:

"Further, by raising in general terms, that our contingency planning has shown we need plenty of warning in order to be able to contribute to military action I would reinforce the need for the UK to be exposed fully to US thinking as soon as possible."

109. Mr Blair wrote alongside the last point: "No. That will send a wobbly message."[50]

110. Mr Blair's decision on the tactics to be adopted demonstrated he did not intend to set "conditions" for UK support for the US. He was focusing on the conditions for success.

111. Mr Blair told Secretary Rumsfeld that the UK would be with the US in any military action. That would best be done by ensuring a broad coalition and avoiding unintended consequences.

112. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, advised Mr Blair that Secretary Rumsfeld wanted to ignore the UN inspectors track so Mr Blair would need to:

"… reiterate the conditions you attach to any UK involvement in any military operation, including a proper go down the UN route. You also need to press Rumsfeld to involve us closely in the military planning and warn him that we may face longer warning times than the US."[51]

113. Mr Blair's response amplified his comment on the minute from Mr Hoon:

"… We should say we'll be with you. Here's how to make it happen successfully; not: here are our conditions for being with you."[52]

---

[50] Manuscript comment Blair on Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[51] Minute Rycroft to Prime Minister, 30 May 2002, 'Don Rumsfeld'.
[52] Manuscript comment Blair on Minute Rycroft to Prime Minister, 30 May 2002, 'Don Rumsfeld'.

114. Mr Blair and Mr Hoon met Secretary Rumsfeld on 5 June.[53] The record of the discussion on Iraq confirmed that the US would begin discussions with the UK at the military level.

115. Mr Blair commented that "removing Saddam would be excellent for the Iraqi people and for the Middle East region", and that "The UK would be with the US in any military action." That would best be done "by ensuring a broad coalition of support and acquiescence" and avoiding "unintended consequences" which might arise "if military action occurred while the Arab world were hostile".

116. Regional countries would want the territorial integrity of Iraq maintained and to know what the long-term plan for Iraq would be.

117. Mr Blair expected Saddam Hussein to "play this cleverly, trying to draw us into a debate about UN weapons inspectors etc".

118. Mr Blair told Mr Rumsfeld that he had "not yet decided about public handling". The UN inspectors would be "important for European opinion". In Mr Blair's view: "Some would say that a further UNSCR would be required, but in the end they might … accept a final demand for unconditional access for the inspectors. We had to avoid a negotiation with Saddam … we would probably be in a better position with an ultimatum that Saddam refused than with no ultimatum." In his view "the WMD threat provided a sufficient reason for action against Saddam" but building up "a public picture of the history of the regime" would help convince European opinion of the need for action against Saddam Hussein.

119. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, reported on 7 June that Mr Blair's message at College Station to Saddam Hussein on the weapons inspectors had "heavily influenced" the US views on the UK's approach towards inspections, "particularly in the NSC [National Security Council] and OSD [Office of the Secretary of Defense]"; the US "assume we are on board for a tough approach".[54]

---

[53] Letter Rycroft to Watkins, 5 June 2002, 'Prime Minister's Meeting with Rumsfeld, 5 June: Iraq'.
[54] Telegram 778 Washington to FCO London, 7 June 2002, 'Iraq: US/UK Talks, 13 June'.

The need to address the legal basis for military action

120. Mr Tom McKane, Deputy Head of OD Sec, raised the question of when Lord Goldsmith should be brought in to the discussions on the legal basis for military action.

121. On 22 May, Lord Goldsmith received a visit from Mr William Taft IV, the Legal Adviser to the US State Department.[55] Mr Wood's note of this meeting recorded:

> "The meeting lasted about an hour, and consisted entirely of an informal discussion, between lawyers, on legal aspects of the use of force … The discussion was a good one, though it did not significantly add to our knowledge of the US position."

122. Mr McKane wrote to Sir David Manning and others in No.10 on 18 June suggesting that it might be necessary to:

> "… confront the legal base for military action sooner rather than later. The MOD say that the US will not admit the UK to detailed joint planning unless we are able to agree that regime change is a legitimate and legal objective."[56]

123. Mr McKane added:

> "… the question is when to start to engage with the Attorney General, bearing in mind, on the one hand, the difficulty of framing a case in the abstract and, on the other hand, the need to be able to assure the US that we will not face insuperable problems downstream on the legal base. I will provide further advice on this point shortly."

124. Sir David Manning asked Mr Jonathan Powell: "Are you content? We certainly need much greater precision from the MOD."[57]

125. Mr Powell replied: "I think there is a danger of getting ahead of ourselves here unless this is absolutely necessary, to get into detailed military planning with the US. I suggest you discuss with TB on the way to Paris."[58]

126. Before he spoke to Mr Blair, Sir David Manning asked Mr McKane to "confirm that it is now absolutely necessary to get into the detailed planning with the US" and added: "I suspect it is if we are to have a voice."[59]

127. The Inquiry has not seen any written response.

---

[55] Letter Wood to Brenton, 30 May 2002, 'UK/US Legal Contacts'.
[56] Minute McKane to Manning, 18 June 2002, 'Iraq'.
[57] Manuscript comment Manning to Powell, 19 June 2002, on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[58] Manuscript comment Powell to Manning on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[59] Note (handwritten) Manning to McKane, 21 June 2002.

Cabinet, 20 June 2002

128. Mr Blair was questioned about the UK's approach to Iraq during Cabinet on 20 June.

129. The minutes record that Mr Hoon stated that, except for continuing patrols in the No-Fly Zones, no decisions had been taken in relation to military operations in Iraq. The discussion with Secretary Rumsfeld was not mentioned.

130. Cabinet did not discuss Iraq between 20 June and 24 July when the House of Commons rose for the summer recess.

131. Iraq was discussed in Cabinet on 20 June.[60]

132. Mr Hoon told his colleagues that he would be making a statement about withdrawing troops from Afghanistan.[61] If asked whether the Government was withdrawing personnel from Afghanistan to prepare for operations against Iraq, he would make it clear that no decisions had been taken in relation to military operations, except for the continuing patrols over the No-Fly Zones (NFZs).

133. In his diaries, Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote that, Ms Clare Short, the International Development Secretary, had said that "if Bush sent in Saddam death squads" there would be a "proper discussion" in Cabinet before they went.[62]

134. Lord Wilson told the Inquiry that, following press reports of troops being "brought out of Afghanistan in preparation for military action on Iraq", two Cabinet Ministers had asked Mr Blair: "We were not finding ourselves getting involved in some strange military action by the United States, were we? There is not something happening here?" Mr Blair had been "absolutely taken aback … He gave them reassurance. They had a discussion about handling the press … which I put in the minutes."[63]

135. Lord Wilson told the Inquiry that the discussion was not a major item. It was "a tiny clue as to the mood and indication this was not a period when everyone was gung-ho. It was a period when people were worried, concerned."

136. Lord Wilson subsequently stated:

> "… the … incident is important to me because it kind of calibrates where they were and the degree to which they knew what was going on, that they were asking questions on the basis … of a press report".[64]

---

[60] Cabinet Conclusions, 20 June 2002.
[61] The statement was made on 20 June 2002.
[62] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[63] Public hearing, 25 January 2011, pages 76-77.
[64] Public hearing, 25 January 2011, page 94.

Development of UK policy, July 2002

137. Sir David Manning asked Mr Hoon for further advice on the steps which would be necessary to keep open the option of a deploying a large scale force by the end of the year.

138. Sir David also asked that military planners should make the conditions for UK involvement in military operations clear to their US counterparts.

139. Sir David Manning wrote to Mr Peter Watkins, Mr Hoon's Principal Private Secretary, on 25 June stating that, in response to Mr Hoon's minute of 31 May, Mr Blair had:

> "… asked for further advice on precisely what steps would have to be taken now, including financial commitments … to keep open the possibility of deploying a large scale force by the end of this year – bearing in mind that we might not get six months' warning."[65]

140. Sir David wrote that it was "encouraging that following the Rumsfeld visit, our military planners have now been invited to discussions with the US" (see Section 6.1). He added:

> "It will be important, as the Defence Secretary acknowledged in his minute, to make clear the conditions for UK involvement in military action set out by the Prime Minister. Public opinion needs to be prepared, the UN inspectors' route needs to be given every chance of success and there must be progress in tackling the Arab/Israel crisis."

141. Mr Watkins wrote to Sir David Manning on 26 June reporting that the US was understood to be seeking:

"
- the removal of the Hussein regime;
- the neutralisation of WMD within Iraq;
- the elimination of a safe haven for terrorists;
- an acceptable new government."[66]

142. Mr Watkins stated that the US goals:

> "… broadly align with the objective previously agreed by the Foreign and Defence Secretaries … although Mr Hoon understands that Mr Straw, rightly, sees removal of Saddam as a way point – if necessary and justified – to the final outcome rather than an objective in its own right."

---

[65] Letter Manning to Watkins, 25 June 2002, 'Iraq'.
[66] Letter Watkins to Manning, 26 June 2002, 'Iraq'.

143. A small MOD team would be going to Washington and the CENTCOM HQ in Tampa, Florida "immediately".

144. The letter concluded that Mr Hoon believed Ministers would need clarity on:

"
- whether the Prime Minister's conditions are likely to be met;
- the viability of the proposed military action;
- the policy and legal framework in which military action is justified;
- overall, whether the prospective outcome looked worth the risks, costs and losses."

Mr Hoon asks for a collective discussion on Iraq

145. The MOD advised that military planning in the US was taking place in a policy void and President Bush would be briefed on an updated plan in August. CENTCOM would be in a position to activate that plan.

146. Mr Hoon was concerned about the US approach. He suggested Mr Blair should call an early meeting of Ministers to consider how best to get the US to address the strategic, as opposed to the narrowly military, dimension.

147. On 2 July, Mr Watkins reported to Sir David Manning that "US military thinking is quite well advanced", but US planners were assuming offensive operations to overthrow Saddam Hussein "in a policy void".[67] The US "end state to be achieved after conflict" had not been identified, and there seemed to be no "overarching campaign strategy for dealing with Iraq".

148. An updated plan would be briefed to President Bush in August, and the US planning was designed "to put CENTCOM in a position to be able to activate their plan from August 2002 onwards". A "de facto invitation to the UK and Australia to participate" was "now on the table". The plan would require availability of bases and support from Kuwait, Jordan and Turkey.

149. Mr Watkins reported that Mr Hoon intended to respond positively to the invitation for a small number of British planners to join US planning teams; that was "essential in helping to inform the MOD's own thinking" so that Mr Hoon could make recommendations. But Mr Hoon was:

> "… very conscious that decisions about a military contribution cannot be made in the absence of a coherent and integrated strategic framework. An agreed strategy will be key to taking matters forward, not simply to provide justification for military action, but to clarify timelines; to incorporate the Prime Minister's conditions for UK participation; and to establish the framework for an information campaign. The draft public document, which you are currently considering, would ultimately

[67] Letter Watkins to Manning, 2 July 2002, 'Iraq'.

form an important part of that campaign. He suggests that the Prime Minister may like to call an early meeting of a small group of colleagues to consider how best to get the US to address the strategic, as opposed to the narrowly military, dimension. The freestanding military option is not a viable political proposition.

"Meanwhile, officials from the MOD, FCO and Cabinet Office should do some more homework urgently to put the Prime Minister and you in a better position to influence the President's and Condi Rice's thinking … before the updated CENTCOM plan is briefed to the President in the course of August. Mr Hoon will also review the possibilities for contact with the US Defense Secretary."

150. Mr Watkins' letter was paraphrased in a briefing note for Mr Blair from Sir David Manning, which drew attention to:

- the comment on the policy void in which military planning had taken place;
- the scale and cost of the US plans;
- the fragility of the logistic concept;
- US ignorance of Iraqi WMD locations;
- the lack of clarity about what the US might ask the UK to do;
- the need for basing in the region; and
- the use of British bases in Diego Garcia and Cyprus.[68]

151. Sir David also reported Mr Hoon's suggestion for an early meeting and advised that funding and legal issues would need to be considered "before we go much further". He proposed Mr Brown, Mr Straw, Sir Richard Wilson, Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), Mr John Scarlett, Chairman of the JIC, and Lord Goldsmith should attend.

152. Manuscript notes on the minute by Mr Powell suggested to Mr Blair that Mr Brown and Sir Richard Wilson should be removed and Adm Boyce and Lt Gen Pigott added; and that those changes had been agreed by Mr Blair.[69]

153. Asked why Mr Brown and Ms Short had not been invited to the meeting, which took place on 23 July, Mr Blair told the Inquiry:

"We were discussing then what was likely to happen in relation to the politics and the diplomacy, particularly in relation to the military …

"We were also discussing this at Cabinet level too, and obviously we were in close touch with the Treasury and so on … at that moment, the single most important areas were diplomacy and … military planning …

---

[68] Minute Manning to Prime Minister, 3 July 2002, 'Iraq'.
[69] Manuscript comments Powell on Minute Manning to Prime Minister, 3 July 2002, 'Iraq'.

> "The key thing was to get the right players together so you could have a proper, frank discussion and take the decisions necessary …"[70]

Sir Kevin Tebbit's advice, 3 July 2002

154. Sir Kevin Tebbit wrote to Mr Hoon on 3 July setting out his concerns about the absence of a strategic framework for the military plan and the dilemma for the UK that being drawn into US planning potentially posed.

155. Sir Kevin concluded that the UK could not count on a military campaign being unlikely or, if the US went ahead, that the UK could avoid being linked to the campaign.

156. Sir Kevin advised that a "credible political plan", which addressed the conditions for UK participation and moved American planning into acceptable channels and slowed it down, was needed.

157. Having seen a draft of Mr Watkins' letter to No.10, Sir Kevin Tebbit wrote to Mr Hoon on 3 July setting out a number of concerns.[71]

158. Sir Kevin advised:

> "While I have no objection to … the course of action proposed I think we should be under no illusions about the extent of the stakes as presented, or the need to raise our Whitehall game, politically, diplomatically, financially as well as militarily if we are to proceed further. This is not to say that I do not support the idea of engaging in planning … nor even that we should not agree to participate in an operation against Iraq if the conditions are acceptable, but the task ahead is formidable.
>
> "… The picture … is of a military plan being worked up in a policy vacuum, with no strategic framework which paves the way; in terms of rationale, preparation of public opinion through threat assessments, WMD risks and the like, or creation of the legal base; and no clearly defined end state, in terms of successor government and relations with the Arab world. There will, I suspect, be a natural tendency for Ministerial colleagues … to run a mile from what may appear at first (and second) sight to be a harebrained scheme with all sorts of costs and risks attached.
>
> "Ministers will need to be helped over that hump. It may be that an Iraq campaign is unlikely to happen, given the problems … But we certainly cannot count on that or that we could avoid being linked to a US military campaign if it did happen … I do not think it is a responsible option for us to let matters run without greater active engagement designed seriously to influence US conceptual as well as operational thinking, albeit at the risk that we could end up converting an unviable plan into a credible one.

---

[70] Public hearing, 29 January 2010, pages 224-226.
[71] Minute Tebbit to Secretary of State [MOD], 3 July 2002, 'Iraq'.

> "Secondly there is the difficulty of confronting the US Administration itself about the need to produce a credible political plan … (and without which the Prime Minister's conditions for UK participation could not be met) … we need to move with considerably more urgency to seek to move American planning into acceptable channels and basically I would judge, to slow it down. This is particularly the case when a major element in the strategic preparation we would want to see is concerted diplomatic effort to secure agreement to resumed WMD inspections by the UN both for its own sake and to ease the problems of public opinion and legal base. This [is] in addition to the need for prior progress on Arab/Israel and, perhaps, getting further on the road to success in Afghanistan …"

159. Sir Kevin concluded that the UK needed "some early careful engagement with the US policy machine, rather than just with the Pentagon". He would be "visiting Washington on 17-19 July and could carry messages but that would, of course, depend on prior Ministerial guidance".

160. Sir Kevin Tebbit's minute was sent after Mr Watkins' letter to Sir David Manning of 2 July.

161. Mr Watkins marked the letter to Mr Hoon observing that the MOD did not know the views of Secretary Powell or Dr Rice; and there was a risk "that the PM's conditions will be simply sidelined".[72]

162. Sir Kevin Tebbit told the Inquiry that getting involved in US planning had posed a dilemma because:

> "… it was clear … even at that stage, if one begins discussions with the United States on the military track, albeit without commitment, it becomes increasingly difficult to keep options open absolutely completely … [W]e made it clear to them that our participation … was purely to inform British Government thinking …
>
> "On the one hand, if one is drawn into discussion of timescales and details, we might give misleading signals of support for military action that was not present at that stage.
>
> "On the other hand, if we continued to stand aside, it might be too late for us to influence events or meet the political requirement which might be placed on us."[73]

JIC Assessment, 4 July 2002

163. Although it had only fragmentary intelligence about how the regime would deal with an attack including ground forces, the JIC assessed on 4 July that only massive military force would be guaranteed to topple Saddam Hussein.

---

[72] Manuscript comment Watkins to Hoon, 3 July 2002, on Minute Tebbit to Secretary of State [MOD], 3 July 2002, 'Iraq'.
[73] Public hearing, 3 December 2009, pages 20-21.

164. The JIC judged that disintegration of the regime would be most likely if Iraqi ground forces were being comprehensively defeated; if top military officers could be persuaded that their fate was not irrevocably tied to that of Saddam Hussein; or if Saddam Hussein were to be killed.

165. The JIC assessed on 27 February 2002 (see Section 3.2) that the Iraqi opposition would be unable to overthrow Saddam Hussein's regime without direct intervention on the ground.

166. At the request of the MOD, the JIC issued an Assessment of "how cohesion of the Iraqi regime is maintained and how the regime would fare under pressure or attack" on 4 July.[74]

167. The minutes of the JIC discussion of the draft paper described it as:

> "… an important paper with a specific focus. It would be of interest to Ministers more because of its context, with decisions yet to be taken about what to do with Iraq, than because of its analysis, which was familiar rather than novel.
>
> "Its key message was that although Saddam Hussein's regime was remarkably resilient to pressure … the demonstration of a real and overwhelming international determination and ability to remove the regime through military force was the likeliest way to bring it down …
>
> "Experience in Afghanistan had shown that generating expectations and influencing people's perceptions of what might happen had considerable capacity to effect real and rapid change …
>
> "… the paper needed to analyse … in more detail the nature of Saddam's support … The motives for each set of supporters were different … These mattered because under pressure the different groups would behave differently.
>
> "UK policy makers, and military planners, would be keen before too long to identify the point at which self-interested loyalty for Saddam might turn into disillusionment, fragility and fragmentation."[75]

168. The Key Judgements from the Assessment are set out in the Box below.[76]

JIC Assessment, 4 July 2002: 'Iraq: Regime Cohesion'

Key Judgements

"• Only massive military force would be guaranteed to topple Saddam. The regime expects a US attack […]

---

[74] JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.
[75] Minutes, 3 July 2002, JIC meeting.
[76] JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.

- The clear prospect of a major attack would put the regime under unprecedented pressure. But regime cohesion is unlikely to collapse in the absence of a large scale invasion.
- Saddam relies on a mixture of patronage and extreme fear to retain power and contain opposition. Real loyalty and support for his regime is confined to the top of the hierarchy.
- The Special Republican Guard (SRG) and the Republican Guard Forces Command (RGFC) are more reliable than the Regular Army (RA). All would initially fight a US-led attack. Once the regime was perceived as doomed the military's will to fight on would be sorely tested.
- Regime disintegration would be most likely if Iraqi ground forces were being comprehensively defeated; if top military officers could be persuaded that their fate was not irrevocably tied to that of Saddam; or if Saddam himself were to be killed. Military units are more likely to suffer mass desertions than revolt as coherent units."

169. The Assessment also stated:

"Saddam and his regime have proved durable …

"The Iraqi military are aware of their vulnerability to air power, probably their greatest weakness; their main way of mitigating this is through dispersal, including into urban areas […] We have only fragmentary intelligence indicating how the regime might deal with an all-out attack including ground forces. **But we assess that only massive military force could be guaranteed to topple Saddam**."

170. Addressing the policy implications of the Assessment, the JIC stated: "Saddam and his regime must be convinced that any move to topple him is serious and likely to succeed before they begin to feel the pressure."

The Treasury's concerns

171. Mr Hoon's proposal prompted Mr William Nye, Head of the Treasury Defence, Diplomacy and Intelligence Team, to advise Mr Brown that he should write to the MOD proposing that all options for UK participation in military operations (including smaller and more specialised options) should be costed.[77] This would enable the Government to assess how much it wished to devote to securing a degree of influence over US policy and operations, in terms of risk to UK troops, the opportunity cost of withdrawing from other operations, and the financial cost.

172. Treasury officials estimated the total military costs of the operation as US$70bn; and that UK participation on a large scale could cost £2bn or more in the financial year 2002/03.

---

[77] Minute Nye to Bowman, 5 July 2002, 'Iraq'.

173. The Treasury told the Inquiry that Mr Brown decided not to write to the MOD.[78]

174. Mr Nye's advice and Mr Brown's involvement in discussions on the costs of operations in Iraq are addressed in Section 13.

Mr Straw's advice, 8 July 2002

175. Mr Straw wrote to Mr Blair, supporting the proposal for an early Ministerial meeting and emphasising the need for a coherent strategy which assessed the political and economic as well as military implications before action was taken.

176. Mr Straw also referred to the need for the US to understand that the UK was serious about its "conditions for UK involvement".

177. Mr Straw wrote to Mr Blair on 8 July supporting Mr Hoon's suggestion for an early Ministerial meeting.[79]

178. Mr Straw wrote:

> "We are all agreed that we must act to remove the threat posed by Iraqi WMD. If the US decide that to do so requires military action then the UK will want to support them. But this will be harder for us to do without serious US action to address some of the lacunae in their plan, notably:
>
> - … no strategic concept for the military plan and, in particular, no thought apparently given to 'day after' scenarios … US military planning so far has taken place in a vacuum;
> - weak intelligence analysis and a quite unrealistic assumption that Iraqi WMD would be easy to identify and destroy;
> - an assumption that Kuwait would host a large scale US military effort for the 1-2 years probably necessary, that other Gulf states would provide necessary support, and that Syria and Iran would sit quietly on the sidelines;
> - no mention of your three conditions for UK involvement, nor of the legal base."

179. Mr Straw commented:

> "Much of what is required is covered by your three conditions for UK involvement (preparation of public opinion, UN route exhausted, and some MEPP improvement). Regional states in particular will want assurance that the US has thought through the 'day after' questions before giving even tacit support. The support even of key allies such as Kuwait cannot be counted on in the absence of some serious ground-work by the US.

---

[78] Email Treasury to Inquiry, 26 February 2010, [untitled].
[79] Minute Straw to Prime Minister, 8 July 2002, 'Iraq: Contingency Planning'.

"The fact that the US plan apparently ignores these conditions causes me particular concern. Are they determined to go ahead regardless? Does the omission signal a weakening of US commitment to work for progress in these areas before deciding to launch military action? None of them is getting any easier:

- in the Middle East (and elsewhere) public opinion remains deeply hostile to military action. An aggressive public opinion campaign, demonstrating – truthfully – that we had exhausted all other options and making the most of what limited new WMD evidence we have would be needed to reduce this.
- on the UN route, the UN Secretary-General's dialogue with Iraq has so far made no concrete progress …
- President Bush's speech has not improved the prospects of moving the Israel/Palestinian conflict into calmer waters.
- the prospects for constructing a legal basis for military action are uncertain at best."

180. Mr Straw concluded:

"The key point is how to get through to the Americans that the success of any military operation against Iraq – and protection of our fundamental interests in the region – depends on devising in advance a coherent strategy which assesses the political and economic as well as military implications. They must also understand that we are serious about our conditions for UK involvement."

181. The letter was also sent to Mr Brown, Mr Hoon and Sir Richard Wilson.

Sir Christopher Meyer's advice, 9 July 2002

182. Sir Christopher Meyer reported speculation in the US media and a number of recent discussions in Washington on 9 July.[80]

183. In a press conference on 8 July, President Bush had not attempted to challenge the veracity of a story about leaked military plans. Sir Christopher's contacts suggested that the aim was to have a reworked military plan on President Bush's desk before he went on holiday in August.

184. Sir Christopher reported that, following a meeting between the UN and Iraq the previous week, Mr Annan was perceived to have little interest in further meetings. The US view was that there was little point in further "technical contacts" although they would wait to see what was proposed at the next meeting of the Security Council. Iraq "hoped to pin the blame for the failure of the process on the US, UK and UN by co-operating on the marginal issues but doing little on the core questions". There was concern about the lack of knowledge about Iraq amongst the non-P5 members of the Security Council.

---

[80] Telegram 926 Washington to FCO London, 9 July 2002, 'Iraq: US views'.

Lord Goldsmith's request for information

185. Mr David Brummell, the Legal Secretary to the Law Officers, wrote to the FCO and the Cabinet Office on 11 July seeking clarification of the precise position regarding plans for any future action by the US or the UK in relation to Iraq.[81]

186. Mr McKane replied on 12 July that there were no plans for military action by the UK. As for the US, he understood that "military contingency planning" was under way, but that "no decisions have yet been taken on whether to embark on a military operation". He repeated that, as had been agreed in earlier exchanges, it would be important to ensure that Lord Goldsmith was engaged as the Government's thinking developed on the subject.[82]

187. Mr Brummell replied that Lord Goldsmith had "noted the contents" of Mr McKane's letter and was "grateful" for his confirmation of the position.[83]

188. Lord Goldsmith was invited to the meeting held by Mr Blair on 23 July.

189. Asked about his awareness of discussions about the use of force against Iraq in the first half of 2002, Lord Goldsmith told the Inquiry that he was not really aware beyond what he had read in the press about what was being said by President Bush:

> "I'm not aware of the detail of discussions. I would presume there were discussions taking place. I wasn't a part of them. I didn't attend Cabinet. This was a practice which had grown up over quite a long period of time that the Attorney General didn't attend Cabinet unless apparently legal advice was called for."[84]

190. As early as March 2002, Lord Goldsmith had "wanted to be in a position to engage constructively" so that his "advice could be factored into the development of different options" in relation to the use of force in Iraq.[85] His Office had explicitly told the Cabinet Office that "It would not be helpful" if Lord Goldsmith was "presented at the last moment with a request for a 'yes or no' answer". Lord Goldsmith was "always available to discuss these matters with Ministerial colleagues".

191. Lord Goldsmith had warned Mr Straw and Mr Hoon on 28 March that he had not been asked for an opinion on the legality of possible military action, but that he would be "happy to discuss the matter" with them "at any time".[86]

192. Asked why Lord Goldsmith was not involved until later, Mr McKane told the Inquiry that he could not recall why Lord Goldsmith was not brought into discussions after the

---

[81] Letter Brummell to Wood, 11 July 2002, 'Iraq: US views – FCO Telegram No. 926'.
[82] Letter McKane to Brummell, 12 July 2002, 'Iraq: US views – FCO telegram No. 926'.
[83] Letter Brummell to McKane, 17 July 2002, 'Iraq: US views – FCO Telegram No. 926'.
[84] Public hearing, 27 January 2010, pages 16-17.
[85] Minute Berman to Attorney General, 11 March 2002, 'Iraq'.
[86] Letter Goldsmith to Hoon, 28 March 2002, [untitled].

Crawford meeting, but he had remained in contact with the Legal Secretary to the Law Officers over the following months.[87]

193. Mr McKane told the Inquiry that the main consideration in deciding when to engage Lord Goldsmith was the difficulty in seeking formal advice when there wasn't a specific proposition to put before him.[88]

194. Asked about Lord Goldsmith's request to be involved in Ministerial thinking about Iraq policy as it developed rather than at the last minute, Lord Wilson told the Inquiry that there had been no need to involve the Attorney General as no decisions needed to be taken. He offered the view that Lord Goldsmith might have written to the Cabinet Office because previous incidents had taught him the importance and difficulty of the issues involved in military action, and the importance of being involved early.[89]

Liaison Committee, 16 July 2002

195. Mr Blair told the Liaison Committee on 16 July that he believed weapons of mass destruction posed an enormous threat to the world.

196. There was no doubt that Iraq posed a threat in respect of weapons of mass destruction which should be dealt with. No decisions had been taken on military action.

197. Mr Blair was not seeking to influence the US but to work in partnership.

198. The question of military action in Iraq was raised during Oral Questions to the Defence Secretary on 15 July. Mr Hoon assured Mrs Alice Mahon (Labour) that:

> "Absolutely no decisions have been taken by the British Government in relation to operations in Iraq or anywhere near Iraq … I can assure the House that any such decision would be properly reported to the House."[90]

199. In response to a subsequent question from Mr Bernard Jenkin (Conservative) about links between Al Qaida and the Iraqi regime, Mr Hoon replied that there was no evidence of any direct links and any new information would be investigated.[91] He added:

> "Let us not be in any doubt about Iraq. We cannot ignore the threat it poses to the international community. We have always made it clear that the world would be a much better and safer place without Saddam Hussein."

---

[87] Public hearing, 19 January 2011, page 44.
[88] Public hearing, 19 January 2011, page 47.
[89] Public hearing, 25 January 2011, pages 60-61.
[90] House of Commons, *Official Report*, 15 July 2002, column 10.
[91] House of Commons, *Official Report*, 15 July 2002, column 11.

200. President Bush telephoned Mr Blair on 15 July.[92] In relation to issues like Iraq, Mr Blair told President Bush that it was "absolutely right that the US and UK should stand together".

201. Mr Campbell recorded that President Bush had telephoned to say that he understood Mr Blair "was taking a fair bit of stick for being supportive, and he was grateful".[93] That is confirmed by the record of the telephone call.

202. At the hearing of the Liaison Committee on 16 July, Mr Blair was questioned about Iraq by Mr Donald Anderson, Chair of the Foreign Affairs Committee (FAC).[94]

203. Asked if the UK's policy on Iraq had evolved in the same way as the "sea change" in US policy under President Bush, Mr Blair observed that President Clinton "had also had a policy of regime change but how you pursue the policy is another matter". It was "true … that the issue of Iraq and weapons of mass destruction is on the agenda in a different way".

204. Referring to his statement to Parliament on 14 September 2001 (see Section 3.1), Mr Blair said that he believed weapons of mass destruction:

> "… posed an enormous threat to the world. How we deal with that however, is an open question. That is why I say constantly … there are no decisions which have been made in relation to Iraq at all, but there is no doubt that Iraq poses a threat in respect of weapons of mass destruction and there is no doubt that this is an issue which should be dealt with. The one thing we have learnt post-11 September is that to take action in respect of a threat that is coming may be more sensible than to wait for the threat to materialise and then take action."

205. Asked if the UK was "preparing for possible military action against Iraq", Mr Blair replied:

> "No, there are no decisions which have been taken about military action."[95]

206. Asked if the recent "deployment" of troops from Kosovo and Afghanistan should be interpreted as preparation, Mr Blair replied:

> "No … That is not to say it is not important that we look at all the various options that we may have … and if the situation changes in any serious or dramatic way we will tell them."[96]

---

[92] Letter Wechsburg to McDonald, 16 July 2002, 'US: Prime Minister's Telephone Conversation with President Bush'.
[93] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[94] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 93.
[95] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 94.
[96] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 95.

207. Asked whether the UK should only take action in accordance with international law, Mr Blair replied:

> "Yes, certainly I agree we should act, as I hope this country always does, in accordance with international law."[97]

208. Asked whether there was any evidence linking Saddam Hussein with Al Qaida, Mr Blair replied that "as far as he was aware there was no evidence linking Saddam Hussein to the actual attack on 11 September"; there were "various rough linkages" to Al Qaida. The issue (on Iraq) was "weapons of mass destruction. It is not what happened on 11 September or the Al Qaida terrorist network."[98]

209. Asked what had changed since President Bush took office, Mr Blair replied:

> "… First … it is clear that Saddam Hussein is still trying to develop weapons of mass destruction. Secondly … weapons inspectors where he is still refusing to abide by the UN resolutions … as more negotiations go on and he fails to comply and you know that he is developing these weapons of mass destruction, then over a period of time you are entitled to draw the conclusion that this threat is growing not diminishing. In addition … our pilots are in action virtually every day over Iraq … fourth on 11 September you can say either 'this is a one off event …' or you can say, as I would, 'there are lessons which should be learned from it' … What we should learn … is that if there is a gathering threat or danger let us deal with it before it materialises rather than afterwards … people can get the idea that all the decisions have been taken … They have not been but there is a threat … The options are open but we do have to deal with it …"[99]

210. Mr Blair also told Mr Anderson that there would be documentation setting out the nature of the WMD threat and that:

> "The only reason we have not published some of this documentation before is that you have got to choose your time … otherwise you send something rocketing up the agenda when it is not necessarily there. Certainly if we do move into a new phase, yes, of course, we will publish."[100]

211. Asked whether Parliament would be consulted before British troops were deployed, Mr Blair replied: "… we will keep up detailed consultations with Parliament … We will keep the House very, very closely involved indeed."

212. Mr Anderson stated that "the special relationship with the US is clearly the key part of our security policy and the closeness, the unwillingness to criticise is justified by the

---

[97] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 96.
[98] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 97-98.
[99] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 99-100.
[100] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 87-88.

fact that we have special influence on the US Administration". Asked if he could give examples of where that influence had changed or modified US policy, Mr Blair replied:

> "I never like to approach it that way because it suggests almost as if you go along as a supplicant … you make a case and if you are lucky you win a verdict on points. It is just not like that. The truth is that we are very interlocked in our strategic relationship and we discuss and deal with issues the whole time together … I do not put it like 'an influence on them' … post-11 September … the strategic details of the Afghan campaign … the new NATO-Russia relationship … we worked terribly closely with the United States … I prefer to look at it as a partnership."[101]

213. Commenting on the impact of Mr Blair's evidence, Mr Campbell wrote:

> "… got back for a meeting with Tom McKane, David Manning and Jonathan re Iraq and when to do the documents. TB had raised the temperature another gear by making clear publicly we intended to do something and also saying that Saddam had to be dealt with. We agreed not to go for it yet, because it would look like we were going to go to war if we did, TB having made it clear that it would be the start of another phase."[102]

214. Asked whether it would have been reasonable or expedient to have explained publicly much earlier that, while the UK hoped for a peaceful outcome, it was also preparing for all eventualities including military action, Mr Blair told the Inquiry:

> "We had not decided we would take military action at that point. On the other hand you couldn't say it wasn't a possibility … I chose the words quite carefully … the trouble was people kept writing, 'They have decided. They are off on a military campaign and nothing is going to stop them.'
>
> "… had I said – and maybe, in retrospect, it is better just to say it … 'Yes, we are doing military planning, our fear was people would push you into a position where you appeared to be on a kind of irreversible path to military action, and this wasn't our position …"[103]

Cabinet Office paper, 19 July 2002: 'Iraq: Conditions for Military Action'

215. From October 2001 onwards, Mr Blair and others had made statements on several occasions about issues that would need to be addressed before the UK and the international community would support military action in Iraq. These included:

- The UN inspectors needed to be given every chance of success.

---

[101] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 101.
[102] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[103] Public hearing, 29 January 2010, page 93.

- The US should take action within a multilateral framework with international support, not unilateral action.
- The need for a public information campaign explaining the nature of Saddam Hussein's regime and the threat he posed.
- Any military action would need to be within the framework of international law.
- The military strategy would need to ensure Saddam Hussein could be removed quickly and successfully.
- A convincing "blueprint" for a post-Saddam Hussein Iraq was needed which would be acceptable to both Iraq's population and its neighbours.
- Persuading the US to take the Middle East Peace Process seriously to give justice to Palestine, to ensure support for military action in the region, and to avoid accusations of double standards.
- Action should enhance rather than diminish regional stability.
- Success in Afghanistan would reinforce the benefits of regime change.

216. In his discussions with President Bush at Crawford in April 2002, Mr Blair set out a number of key elements for a successful strategy towards Iraq which would secure international support for any military action.

217. In numerous references in documents written between April and July 2002 to "conditions", these were described in different ways by different people at different times.

218. As is clear from his response to Mr Hoon's minute of 31 May, Mr Blair considered that he was seeking to influence US policy by describing key elements for a successful strategy to secure international support for any military action against Iraq.[104]

219. FCO officials identified high risks which might arise from military action and three conditions which it regarded as essential for UK participation in such action.

220. Following a meeting on 9 July, Mr McKane circulated an outline framework for a Cabinet Office paper for Ministers, and invited contributions from the MOD, the FCO and the Assessments Staff.[105]

221. Mr Chaplin advised Mr Straw's Private Office on 12 July that the Cabinet Office paper would "focus on the need to persuade the US Administration to put their military planning in a broader political context".[106]

222. Mr Chaplin wrote that, as Mr Straw's minute to Mr Blair of 8 July had noted, "fundamental UK interests in the region" were at stake. Mr Chaplin stated that he was "less gloomy than some of our Ambassadors about the consequences of military action", but the risks were "high".

---

[104] Manuscript comment Blair on Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[105] Minute McKane to Chaplin, 10 July 2002, 'Iraq'.
[106] Minute Chaplin to Private Secretary [FCO], 12 July 2002, 'Iraq: Military Action'.

223. The key risks identified by Mr Chaplin were:

- "immediate risks of retaliation against UK interests (ranging from political and economic retaliation against UK interests to … terrorist attack)";
- "chronic instability in Iraq" in the medium term;
- "a repeat of the Suez debacle" in the longer term, "which apart from its short-term effects (eg sweeping away the Hashemite regime in Iraq) changed Arab popular opinion towards Britain for a generation"; and
- "serious implications for the success of the global counter-terrorism campaign".

224. Mr Chaplin advised:

> "These risks can be reduced significantly by careful preparation. The three conditions spelled out to the Americans by the Prime Minister are interrelated. To build a coalition for military action and get domestic and international opinion on side we need:
>
> - clear and publicly usable evidence that the Iraq WMD threat is real …;
> - a clear effort to exhaust all other avenues, principally the UN route. This is likely to be necessary for us to establish a legal base for military action;
> - visible improvement in the Israel/Palestine situation to give us some protection against the arguments of double standards.
>
> "These … will … increase the chances of Saddam Hussein finally backing down on inspections, which I believe is possible once he sees no alternative."

225. Mr Chaplin concluded:

> "The Prime Minister has promised President Bush UK support for military action if these conditions are met. There is no commitment yet to UK participation in military action, nor any collective Ministerial discussion of this yet. As well as urging the US to do their political homework … we need to re-emphasise at the highest levels that the three conditions we have set are not just desirable in themselves for any action, but [are] essential for UK participation, on whatever scale."

226. The Cabinet Office paper 'Iraq: Conditions for Military Action' was issued on 19 July, to inform Mr Blair's meeting on 23 July with Mr Straw, Mr Hoon, Lord Goldsmith and key officials to discuss Iraq.

227. The Cabinet Office paper invited Ministers to agree:

- **the objective for any military action;**
- **to engage the US on the need to set military plans within a realistic political strategy, including "creating the conditions necessary to justify government military action", before military plans were presented to President Bush on 4 August; and**

- **the establishment of an ad hoc group of officials to consider the development of an information campaign agreed with the US.**

228. The purpose of the Cabinet Office paper was to identify the conditions which would be necessary before military action would be justified and the UK could participate in such action; and to provide the basis for a discussion with the US about creating those conditions.

229. The Cabinet Office paper stated that Mr Blair had said at Crawford that the UK would support military action to bring about regime change, provided certain conditions were met.

230. The Cabinet Office paper 'Iraq: Conditions for Military Action' was issued on 19 July to those who would attend the meeting chaired by Mr Blair on 23 July.[107]

231. Ministers were invited to note the latest position on US military planning, the timescales for possible action, and to agree:

- The objective for any military action should be, as set out in Mr Hoon's minute to Mr Blair of 31 May, "a stable and law-abiding Iraq within the present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, and abiding by its international obligations on WMD".
- To "engage the US on the need to set military plans within a realistic political strategy", which included "identifying the succession to Saddam Hussein and creating the conditions necessary to justify government military action, which might include an ultimatum for the return of UN weapons inspectors to Iraq. This should include a call from the Prime Minister to President Bush ahead of the briefing of US military plans to the President on 4 August."
- The establishment of a Cabinet Office-led ad hoc group of officials to consider the development of an information campaign to be agreed with the US.

232. The paper stated that US military planning for action against Iraq was "proceeding apace" but it lacked a political framework: "In particular, little thought has been given to creating the political conditions for military action, or the aftermath and how to shape it."

233. It seemed "unlikely" that the UK's objective could be achieved while Saddam Hussein's regime remained in power. The US objective was "unambiguously" the "removal of Saddam Hussein's regime, followed by elimination of Iraqi WMD". The view of UK officials was that it was by "no means certain" that one would follow from the other: even if regime change was "a necessary condition for controlling Iraq's WMD", it was "certainly not a sufficient one".

---

[107] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

234. The Cabinet Office stated that Mr Blair had discussed Iraq with President Bush at Crawford in April, and Mr Blair had:

> "… said that the UK would support military action to bring about regime change, provided that certain conditions were met:
>
> - efforts had been made to construct a coalition/shape public opinion,
> - the Israel-Palestine Crisis was quiescent, and
> - the options for action to eliminate Iraq's WMD through the UN weapons inspectors had been exhausted."

235. The UK now needed to reinforce Mr Blair's message and encourage the US to put its planning into a political framework. This was "particularly important for the UK" because of the need "to create the conditions" in which it could: "legally support military action". Otherwise, there was the "real danger" that the US would commit themselves to a course of action which the UK "would find very difficult to support".

236. The paper also stated that "certain preparations would need to be made, and other considerations taken into account" to "fulfil the conditions" set out by Mr Blair "for UK support for military action". The paper set them out in a form which could be adapted for use with the US Government.

237. The paper contained a series of sections addressing the conditions which would be "necessary for military action and UK participation":

- "a viable military plan";
- "justification/legal base";
- "an international coalition";
- "a quiescent Israel/Palestine";
- "a positive risk/benefit assessment"; and
- "the preparation of domestic opinion".

238. The Chiefs of Staff were not yet able to assess whether the military plans were "sound"; although a "decision in principle" might be needed "soon".

239. Ministers were invited to "note" the potentially long lead times for equipping UK forces to undertake operations in Iraq, and asked to agree that the MOD could bring forward proposals for procurement of equipment.

240. The Chiefs of Staff advised that there were a number of questions which would need to be answered before US military plans could be assessed as "sound". Those included the realism of a "Running Start"; the willingness of Iraqi forces to fight; and the potential impact of Iraqi attacks using chemical or biological weapons.

241. Without an overt military build-up, a "Running Start" military action could begin as early as November, with air strikes and support for opposition groups and small scale

land operations while further ground forces built up to overwhelm Iraqi forces; "leading to the collapse of the Iraqi regime". A "Generated Start" following a military build-up could begin as early as January 2003. This was also judged to be the latest date for the start of military operations unless action was "deferred until the following autumn".

242. The "UK's ability to contribute forces depended on the details of US military planning and the time available to prepare and deploy them". The MOD was "examining how the UK might contribute to US-led action". Options ranging from deployment of a division to making bases available had been identified. US plans assumed the use of British bases in Cyprus and Diego Garcia. Unless "publicly visible" decisions were taken "very soon" the UK would not be able to send a division in time for an operation in Iraq in January 2003.

243. A "decision in principle" might be "needed soon on whether and in what form the UK takes part in military action".

244. Ministers were invited to "note the potentially long lead times involved in equipping UK Armed Forces to undertake operations in the Iraqi theatre"; and to "agree that MOD should bring forward proposals for the procurement of Urgent Operational Requirements [UORs] under cover of the lessons learned from Afghanistan" and the "outcome" of the 2002 Spending Review.

245. The planning and preparations for equipping UK forces are addressed in Section 6.3.

246. Mr McKane advised Sir David Manning separately that the Cabinet Office paper covered US military plans "only in headline form" on the grounds that Mr Blair would "wish to receive a short oral brief from CDS".[108]

247. Regime change was "not a proper basis for international action" but it could "result from action which is otherwise lawful".

248. The UN and the international community needed to be persuaded to "set a deadline, leading to an ultimatum".

249. Reflecting the JIC Assessment of 27 February, the paper stated that Saddam Hussein was "likely to admit weapons inspectors as a means of forestalling" military action.

250. It would take "at least six months" after entering Iraq for the inspectors to establish a monitoring and verification system.

251. Addressing the basis on which military action might be justified, the Cabinet Office paper explained that the US and UK views of international law varied. While "regime

[108] Minute McKane to Manning, 19 July 2002, 'Iraq'.

change per se" was "not a proper basis for international action", it could "result from action which is otherwise lawful".[109]

252. The UK would regard the use of force as lawful if it was:

- exercised in the right of individual or collective self-defence; or
- carried out to avert an overwhelming humanitarian catastrophe; or
- authorised by the Security Council.

253. The legal position on the use of force in Iraq would "depend on the precise circumstances at the time". A legal base for an invasion of Iraq was "in principle conceivable" in relation both to self-defence or a humanitarian catastrophe, but it would be "difficult to establish because of, for example, the tests of immediacy and proportionality". Further legal advice would be needed on that point.

254. That left "the route under the UNSC resolutions on weapons inspections". There had been "no substantive progress" in the three rounds of talks held by the UN Secretary-General with Iraq to persuade them to admit the inspectors. The Iraqis were "deliberately obfuscating". The Cabinet Office paper stated that Mr Annan had "downgraded the dialogue" but more "pointless talks" were possible.

255. The UN and the international community needed to be persuaded that the situation could not be "allowed to continue ad infinitum"; and "to set a deadline, leading to an ultimatum". It would be "preferable" to obtain the "backing" of a Security Council resolution for the ultimatum. Early work would be necessary to explore the scope for achieving that.

256. The paper stated that "in practice", Saddam Hussein was "likely to admit weapons inspectors as a means of forestalling" military action, but "once admitted he would not allow them to operate freely".

257. The Cabinet Office paper stated that, under the provisions of resolution 1284 (1999) it would take UNMOVIC:

> "… at least six months after entering Iraq to establish the monitoring and verification system … necessary to assess whether Iraq is meeting its obligations. Hence, even if UN inspectors gained access today, by January 2003 they would at best only just be completing setting up. It is possible that they will encounter Iraqi obstruction during this period, but this [is] more likely when they are fully operational."

258. An earlier draft of the paper had been more explicit about the timetable for inspections set out in resolution 1284 and more cautious about the consequences,

---

[109] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

concluding that there would be difficulties in using that route as the means to establish a legal base for action in spring 2003. It had concluded:

> "So either we need to conclude that military action will be deferred until winter 2003/4 or we need to establish a justification/legal base which does not rely on the return of the weapons inspectors."[110]

259. The Cabinet Office paper stated:

> "It was just possible that an ultimatum could be cast in terms which Saddam would reject (because he is unwilling to accept unfettered access) and which would not be regarded as unreasonable by the international community … failing that (or an Iraqi attack) we would be most unlikely to achieve a legal base for military action by January 2003."[111]

260. The detailed consideration of legal issues prepared by FCO Legal Advisers and issued with the Cabinet Office paper of 8 March was circulated again as an Annex to the 19 July paper.[112]

261. Mr McKane advised that the legal basis for military action had deliberately been left open.

262. In a separate minute on the same day, Mr McKane advised Sir David Manning:

> "The paper is rather thin in its treatment of the legal base. This is because a fuller treatment would have resulted in options being closed off – in particular the justification based on self defence – by legal advisers."[113]

263. An international coalition would be necessary to provide a military platform and would be desirable for political purposes.

264. The Cabinet Office paper stated that an international coalition would be necessary to provide a military platform and would be desirable for political purposes.[114] The "greater the international support, the greater the prospects of success".

265. Military forces would need agreement to use bases in the region. Without UN authorisation, there would be problems securing the support of NATO and EU partners, although Australia "would be likely to participate on the same basis as the UK". France "might be prepared to take part if she saw military action as inevitable". Russia and China might "set aside their misgivings if sufficient attention were paid to their legal and

---

[110] Paper [draft] Cabinet Office, 'Iraq: Conditions for Military Action' attached to Minute McKane to Bowen, 16 July 2002, 'Iraq'.
[111] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[112] Paper FCO, [undated], 'Iraq: Legal Background' attached to Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.
[113] Minute McKane to Manning, 19 July 2002, 'Iraq'.
[114] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

economic concerns". Neutrality was "probably the best we could expect from the region" and the US was likely to "restrain Israel from taking part in military action".

266. Real progress towards a Palestinian state would reduce Arab antipathy to military action.

267. Real progress towards a Palestinian state would reduce Arab antipathy to military action. Both the UK and the US were pursuing some initiatives aimed at progress towards a viable Palestinian state, but "another upsurge of Palestinian/Israeli violence" was "highly likely" and Saddam Hussein "would use continuing violence to bolster popular Arab support for his regime".

268. There would be a need to address whether the benefits of military action would outweigh the risks.

269. The Cabinet Office paper stated that the UK would need to ensure that the benefits of military action outweighed the risks. It stated that a "post-war occupation of Iraq could lead to a protracted and costly nation building exercise" and that US military plans were "virtually silent" on that point. Washington could look to the UK to "share a disproportionate share of the burden". Further work was required on what form of government might replace Saddam Hussein's regime and the timescale which would be required to identify a successor.

270. The UK would also need to consider "in greater detail" the impact of military action on the UK's other interests in the region.

271. The planning and preparation for a post-conflict Iraq are addressed in Section 6.4.

272. An information campaign would be required to persuade opinion in the UK and overseas that it was necessary to take military action.

273. The Cabinet Office paper identified the need for:

- time "to prepare public opinion in the UK that it was necessary to take military action"; and
- a "substantial effort to secure support of Parliament".

274. Closely related domestic and overseas information campaigns would be needed giving "full coverage to the threat posed by Saddam Hussein, including his WMD and the legal justification for action". The overseas information campaign would be "designed to influence Saddam Hussein, the Islamic World and the wider international community".

275. The Cabinet Office paper was written in order to support a Ministerial discussion about the approach the UK should take to the US on Iraq. It identified the issues the UK should be trying to get the US to address before embarking on military action to secure regime change in Iraq in a way the UK would find difficult to support.

276. It was not written to provide a broader and more fundamental analysis of the policy choices which the UK Government might at that time have considered, and their consequences, including:

- **the actual threat posed by Iraq's WMD at that stage as opposed to future risks;**
- **the implications of issuing an ultimatum to Iraq demanding the return of inspectors in the absence of any agreement within the P5 on either a process for clarifying the provisions of resolution 1284 (1999) or what that should be seeking to achieve, including the timescale which would be needed for inspections if Iraq agreed to the demand;**
- **the potential conflict between the timetable for inspections envisaged in resolution 1284 and what the UK understood about US thinking on a timetable for military action;**
- **whether military action would be the best way to secure the UK's objective;**
- **the longer-term consequences and obligations which were likely to arise from military action; and**
- **the potential wider risks to UK interests.**

277. Some of those issues, but by no means all, were addressed in the advice sent to Mr Straw and Mr Hoon in preparation for the meeting with Mr Blair on 23 July.

NO.10 ADVICE, 19 JULY 2002

278. Sir David Manning gave the Cabinet Office paper to the Prime Minister on 19 July to read over the weekend, writing: "It covers much of the ground we discussed yesterday."[115]

279. Mr Blair commented on the Cabinet Office paper that: "The legal advice is, as ever, far too narrow."[116]

280. Mr Blair's position on the legal advice is addressed in Section 5.

281. Mr McKane reminded Sir David Manning on 19 July that:

> "Existing government policy – as established by DOP [the Defence and Overseas Policy Sub Committee of Cabinet] in May 1999 – is based on containment of Iraq. If the policy is changing, we ought to reflect this in a new DOP paper. Timing will obviously be critical but you might alert the PM to this point."[117]

282. There is no mention of this point in the written advice sent to Mr Blair.

---

[115] Note Manning to Prime Minister, 19 July 2002, [untitled].
[116] Manuscript comment Blair on Note Manning to Prime Minister, 19 July 2002, [untitled].
[117] Minute McKane to Manning, 19 July 2002, 'Iraq'.

283. Mr Blair agreed separate advice from Mr Powell, building on the proposals for a strategy leading to regime change set out in three earlier notes (two in November 2001 and one in March 2002).

284. The elements of Mr Powell's "road map" were similar to the proposals in the Cabinet Office paper.

285. Mr Powell advised that the UK and the US "must do it right" and not rush into action.

286. Mr Powell submitted separate advice on 19 July, suggesting that Mr Blair should send a Note providing a context for Iraq to President Bush before the expected briefing on US military plans on 4 August, and recommending a telephone call.[118]

287. Mr Powell advised:

> "I think we need a road map to getting rid of Saddam, drawing parallels as far as possible with his [President Bush's] success in Afghanistan, including the following elements:
>
> a. We will be there when the US takes the decision to act, but …
> b. We need to set an ultimatum as we did to the Taliban in Afghanistan. At a certain point we need to make it clear that unless Saddam agrees to inspectors on our terms – anyone, any time, anywhere – by a certain date we will act.
> c. We need to establish a legal basis. More difficult for us than for them. It needs to be based on WMD rather than terrorism or regime change.
> d. We need at least neutrality in the region before we can act … If we want to base our troops in the region this will mean a real effort on the MEPP …
> e. We need to make the case. We need a plan and a timetable for releasing the papers we have prepared on human rights abuses, WMD etc. We need to have the sort of Rolls Royce information campaign we had at the end of Afghanistan before we start in Iraq.
> f. We need a convincing military plan. What we know about so far is not convincing …
> g. And we need a plan for the day after … We need to be working on this now …
>
> "Lastly, we should not rush this. We must do it right. If we are not ready in January 2003 then we may need to wait for autumn 2003. Of course Saddam may give us a break before then that we can exploit, but slow deliberate planning like your father in the Gulf war is the best bet."

---

[118] Minute Powell to Prime Minister, 19 July 2002, 'Iraq'.

288. Mr Blair responded to Mr Powell: "I agree with this entirely".[119]

Sir Jeremy Greenstock's advice to Mr Straw

289. Sir Jeremy Greenstock warned of likely difficulties with the US and others in the Security Council.

290. Sir Jeremy Greenstock wrote that Mr Ricketts had asked for advice on prospects for Iraq at the UN, including:

- At what point do you think that the Americans will begin to say publicly that the effort to get UN inspectors back into Iraq is dead?
- Will we/other members of the Council be able to prolong the efforts beyond that with any credibility?
- Are there any prospects for getting the Council to declare some sort of ultimatum that unless Saddam lets the Inspectors in by X, the Council will conclude Iraq has no intention of complying with its obligations (or some other formula well short of an authorisation)?[120]

291. In his response of 19 July, Sir Jeremy Greenstock set out the "broad dynamics" in New York to provide context:

- There was a lack of "vocal support … even on the lighter issues such as sanctions machinery" for the UK policy of maintaining rigorous sanctions and the return of weapons inspectors.
- Russia and China were opposed to unilateral military action and insisted on the UN route but questioned the claims about Iraq's holdings of WMD and pushed for "more carrots" to be offered to Iraq.
- There had been some movement in the French position over the previous year but it was still some distance from the UK's.
- Non-permanent members of the Security Council would "go along with the emerging majority"; most favoured continued political dialogue through the UN, opposed military action, and were sceptical of the UK's WMD claims.

292. Addressing Mr Ricketts' questions, Sir Jeremy advised:

- The US already planned to say that it saw "no value in talks at any level", and that scepticism would increasingly become public.
- Mr Annan was "likely to conclude" that he "should keep the way open for further technical contacts" with Iraq, but there "should be no further talks at his level until Iraq showed some flexibility". The UK "could not credibly argue for further political talks ourselves" as that would "pitch us directly against the Americans".

---

[119] Manuscript comment Blair on Minute Powell to Prime Minister, 19 July 2002, 'Iraq'.
[120] Letter Greenstock to Ricketts, 19 July 2002, 'Iraq at the UN'.

- "If and when" there was Iraqi movement, which would "presumably only be under the pressure of US military preparations, the dynamics of the Council would mean that efforts to restart political talks would quickly resume".
- It was not "clear that the US would allow … an ultimatum to be put forward". They had rejected such an approach over Iraq in 1998 and Kosovo in 1999.
- Russia and China would "definitely" reject an ultimatum; they knew "full well that it could be used to justify military action which they do not support".
- Sir Jeremy did not "entirely discount bringing the Council round if we played our cards cleverly".
- The prospects for getting Russia, China and others on board "would be dramatically strengthened if we could catch the Iraqis with their pants down in some dramatic way". The "main obstacle … might actually be the Americans, who will not wish to be caught even asking the question".

293. Sir Jeremy advised that there was "a lot to be said for considering additional UN routes to put pressure on Iraq". These could include revisiting the idea of a travel ban for senior Iraqis or proposing new measures to screen Iraq's borders. Such proposals were "likely to fail" but would "help us demonstrate that we have tried to use the UN route. And in the event that such proposals do succeed, we benefit from increased pressure on the Iraqi regime. We would also buy time."

294. The UK would also need:

> "… to do more to convince Security Council colleagues and others that Saddam represents a clear and present danger. More WMD briefings at capitals is one way forward. I know we have been through this countless times, but we never seem to be able to hit the point of real conviction."

295. Finally, Sir Jeremy emphasised that the legality of military action was "one of the most difficult questions we are asked". The UK Permanent Mission to the UN in New York could "avoid such questions" when military action was "theoretical":

> "But taking military action against Iraq when our claims to legality are rejected by a large percentage of UN members is going to damage our multilateral image, our CT [counter terrorism] credentials and our own electability in the UN system quite severely".

296. Sir Jeremy's letter was intended to inform the discussion on 23 July, and copies were sent by Mr Ricketts to the Cabinet Office and the MOD.

297. The letter was also seen by Lord Goldsmith.[121]

---

[121] Manuscript comments Goldsmith on Letter Greenstock to Ricketts, 19 July 2002, 'Iraq at the UN'.

The mood in Washington

298. Following his minute of 3 July and a visit to Washington on 18 and 19 July, Sir Kevin Tebbit advised that the US Administration as a whole was increasingly united in the view that military action would be taken against Iraq to bring about regime change and remove WMD risks.

299. Sir Kevin reported that he had been left with an air of unreality given the enormity of what was envisaged and the absence of a policy framework and detailed planning.

300. Sir Kevin also commented that the UK's conditions were "listened to politely, but without enthusiasm or full agreement". The US preparations for a potential invasion did not yet meet the UK's conditions for success.

301. Sir Kevin Tebbit visited Washington on 18 to 19 July. The telegram from Washington reporting the visit described:

> "A harder-edged, more deliberative US view on regime change – though they acknowledge the scale of the challenge. They appear intent on building a strategic rationale for removing Saddam, and show scant interest in pursuing further the UN [inspections] track. Tebbit explains the need to build a solid case first, to ensure that the UN route has been exhausted, and to think through the implications for 'the day after' …"[122]

302. No one had disputed the need to make a strong international case first. Some senior Americans had argued that the case needed to be presented in "strategic non-Iraq specific terms – the US (and … others) having concluded that the existential threat of WMD necessitated – and justified – military action to remove it. Once set in this framework, the need for pre-emptive action against Iraq ought to be understood and accepted."

303. Sir Kevin Tebbit also wrote to Sir David Manning before the Ministerial discussion on 23 July.

304. Sir Kevin reported: "The principal conclusion to be drawn is that the Administration as a whole is increasingly united in the view that military action will be taken against Iraq to bring about regime change and remove WMD risks." That included the State Department "notwithstanding its views on the difficulties". The UK's "points about shaping public opinion, constructing coalitions, easing the Israel/Palestine crisis and exhausting the UN inspectorate route were listened to politely, but without enthusiasm or full agreement". There was "no clear indication about timing" but one American had said that the betting was for an operation in early 2003.

---

[122] Telegram 970 Washington to FCO London, 20 July 2002, 'Iraq: Sir K Tebbit's Visit to Washington, 18-19 July'.

305. Sir Kevin concluded:

> "One is still left with an air of unreality, given the enormity of what is envisaged and the absence of planning detail or policy framework to credibly make it happen. Part of the difficulty may be in the dysfunctional nature of the Washington bureaucracy under which nothing is brought together except and until it reaches the ultimate level (and Rumsfeld otherwise operates autonomously with his Commanders-in-Chief). But on the basis of the visit we still have a job on our hands to persuade the Administration to prepare for this in a way which would meet the Prime Minister's conditions for participation and, indeed for overall success."[123]

306. The letter was sent to Mr Straw's Private Office and to the Cabinet Office, Sir Richard Dearlove, and Mr Brummell.

307. The letter was seen by Mr Blair[124] and Lord Goldsmith.[125]

308. Sir Kevin Tebbit told the Inquiry that, at that stage, he and "a lot of other officials" were concerned to ensure that the UK's conditions "were … seriously being pursued", rather than (the UK) simply being invited to participate in detailed military planning albeit as a contingency.[126]

309. Sir Kevin stated that the first reason for the visit "was to be absolutely clear whether they [the US] were determined to proceed on a military track. It was not clear at that point."[127] The second was to understand the thinking of the different groups in Washington.

310. Sir Richard Dearlove reported that the US had already taken a decision on action, the question was how and when; and that he had been told it intended to set the threshold on weapons inspections so high Iraq would not be able to hold up US policy.

311. Sir Richard Dearlove discussed policy towards Iraq in a meeting with Dr Rice in Washington on 19 July.[128]

312. The report of the discussion stated that the US view was:

- There was "growing evidence of the construction of CBW production and links to terrorists [in Iraq] stoking fears of a repeat 9/11 with WMD".
- There was a strong strategic case for removing Saddam Hussein. Continued development of WMD was not in doubt.
- A "casus belli" already existed.

---

[123] Letter Tebbit to Manning, 22 July 2002, 'Iraq'.
[124] Manuscript comment Manning on Letter Tebbit to Manning, 22 July 2002, 'Iraq'.
[125] Manuscript comment Goldsmith on Letter Tebbit to Manning, 22 July 2002, 'Iraq'.
[126] Public hearing, 3 December 2009, page 28.
[127] Public hearing, 3 December 2009, page 57.
[128] Report, 22 July 2002, 'Iraq [C's account of discussions with Dr Rice]'.

313. Sir Richard reported that he was told a US "decision had already been taken – the question was only how and when".

314. Sir Richard also reported that, in a separate discussion with a senior US official, he had been told that the US Administration's intention was to set the threshold on UN weapons inspections so high that Iraq would not be able to hold up US policy.

315. Sir David Manning drew Mr Blair's attention to a report of Sir Richard Dearlove's meetings in Washington, commenting:

> "Not much doubt here that the Administration is bent on action soon, and convincing itself that it has strong strategic, as well as a historical duty to act.
>
> "Our views on links between Iraq, terrorism and development of WMD are different from Condi's: not proven at best …
>
> …
>
> "C [Sir Richard Dearlove] will be able to give the full picture tomorrow."[129]

316. Mr Powell commented: "Strengthens the need for and urgency of your note to Bush."[130]

MOD advice to Mr Hoon

317. MOD officials privately expressed strong reservations about military action to Mr Hoon, stating that there was no objective justification for a pre-emptive attack either now or in the immediate future.

318. Mr Hoon was advised that the legal framework could constrain the UK's ability to support US action.

319. In preparation for the meeting on 23 July, Mr Desmond Bowen, MOD Director General Operational Policy, advised Mr Hoon that the meeting would discuss the Cabinet Office paper of 19 July, and the agenda was expected to cover:

- US planning and timescales;
- the objectives of any military action;
- the strategic policy framework;
- the potential UK contribution; and
- an information campaign.[131]

320. Mr Bowen advised that it was "still too early to be definitive" about whether the US had a winning military concept; but that it was "likely" that the answer to that question

---

[129] Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.
[130] Manuscript comment Powell on Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.
[131] Minute Bowen to PS/Secretary of State [MOD], 22 July 2002, 'Iraq: Meeting with the Prime Minister'.

would be "'yes' with certain conditions". The key point for Mr Blair to note was that US action could take place "very quickly, as early as November".

321. Agreeing the objective for military action would be "useful", but it begged the question of the "*strategic policy framework* in which to take military action in pursuit of that objective". "In particular a framework" was "required to set the conditions for military action including the necessary justification in international law". That was "important because it may well constrain our ability to support US action".

322. Adm Boyce had directed that UK planning should concentrate on two "packages": a supporting/enabling package, including basing, maritime and air assets, in which "the only land contribution would be SF [Special Forces]"; and a discrete land contribution of a division (minus) for operations in northern Iraq. They had been chosen because they effectively represented "the maximum practical UK contribution to US-led operations for either early or later action".

323. Mr Bowen advised that the "indications from the US" were that it did "not expect a ground force contribution from the UK for operations out of Kuwait"; and that "providing land forces to integrate with the US main effort in the South" had "been discounted because of the severe difficulties we would face due to interoperability; deployment time and geographic constraints affecting logistics in particular".

324. The "Line to Take" offered to Mr Hoon included:

- It was "too early to judge" if the US military plan was a winning concept and the Chiefs of Staff were "not yet convinced". The question of whether the US had a winning concept could be answered as planning developed. The UK view was that pressure should be "applied from south, west and north".
- The US would like to establish the scale of UK involvement. Subject to the legal framework, the US expected Diego Garcia, Cyprus, air enablers, maritime force and Special Forces as a minimum. There was a "Developing expectation" of a "division size force in the North with Turkey and other allies".
- Decisions were "needed urgently" if UK forces were to be involved "this winter". A large land force contribution needed "preparatory action immediately" and would not be complete until "March/April".

325. A small number of additional details from this advice are set out in Section 6.1.

326. Mr Watkins also offered Mr Hoon a "Private Office distillation of where we think most of your key advisers – Chiefs, PUS etc (with possible exception of Simon Webb) – are coming from".[132]

---

[132] Note (handwritten) Watkins to SofS [MOD], 22 July 2002, attaching 'Iraq: Summary'.

327. In relation to the "**threat**" posed by Iraq, Mr Hoon was advised:

- "Saddam has previously attacked his neighbours; he is developing weapons of mass destruction (WMD)."
- "But he is not currently threatening his neighbours and his WMD programme is less advanced than, say, Iran's or Libya's. There is no proven link between Saddam and AQ [Al Qaida]."
- "Saddam is being contained. There is no objective justification for a pre-emptive attack on Iraq now or in the immediate future."

328. In relation to the "**geo-political implications**" of military action, the points included:

"International community […] poor at handling more than one crisis simultaneously. Attack on Iraq would provoke an additional crisis – increasing the risk that other flashpoints … would be allowed to ignite/spin out of control."

329. On US "**War Plans**" and "**UK involvement**" the points included:

- "US plans are bold and imaginative. Superior capabilities should ensure rapid defeat of Iraqi formations."
- "But success is not assured … Iraqis could use CBW."
- The "Possibility of significant numbers of casualties" could not be excluded.
- "Significant UK engagement (ie ground forces) could conceivably allow us to influence US plans and would earn us huge kudos in Washington with potential paybacks elsewhere. Refusal to provide any support would … severely damage relationship."
- "In practice, US plans are more likely to be driven by internal US factors – especially if things start to go wrong."
- "UK's standing with key Gulf states that are negative … or agnostic … about the attack would suffer: they will see that there is no longer any discernable difference between US and UK policy."

330. In relation to "**UK opinion**", Mr Hoon was advised:

- "There is widespread unease about WMD. UK involvement in a successful campaign could be immensely popular …"
- "But there is widespread scepticism about the justification for a pre-emptive attack (Saddam is not seen as posing an imminent threat) and cynicism about US motives."
- "Public support … would be lukewarm and brittle."

331. The advice concluded:

- "The case for attacking Iraq now or in the immediate future is deeply flawed. The absence of a legal justification is not in itself a reason for doing nothing.

But an attack could have unforeseen geo-political reverberations and is not assured of rapid, complete success. If Saddam forced the US to undertake a lengthy and destructive 'siege' of Baghdad … the chief beneficiaries would be AQ and other terrorist groups."

- "We must try to persuade the US that they need to do a lot more work to clear the way for an attack on Iraq … We might also try to persuade them that other aspects of the campaign against terrorism/WMD should have higher priority …"
- "If the US persist with planning for an early attack on Iraq, the UK should offer that level of support which the US might reasonably expect of a good Ally (i.e. basing in DG [Diego Garcia] and Cyprus; niche capabilities). There is no objective case for offering more."

Mr Blair's meeting, 23 July 2002

332. Sir David Manning gave Mr Blair an annotated agenda for the meeting on 23 July, which was clearly intended to prepare Mr Blair for a telephone call to President Bush and, possibly, the preparation of a Note as suggested by Mr Powell.

333. Sir David identified questions Mr Blair might ask and advised Mr Blair that there was "a lot of ground to cover in a short time".

334. Sir David Manning provided an annotated agenda for Mr Blair, which indicated that there would be "a lot of ground to cover in a short time".[133] He suggested Mr Blair should invite:

- Mr Scarlett to set the scene with a "very brief summary" of the intelligence on the position inside Iraq;
- Sir Richard Dearlove to provide a "brief account of his recent talks with [Mr George] Tenet [Director Central Intelligence] and Condi [Rice]". Sir Richard had returned from Washington "convinced that the Administration have moved up a gear"; and
- Adm Boyce to describe current US military planning for a campaign against Iraq.

335. Sir David suggested that those presentations would "throw up a number of key questions", including:

- the "legal base" for action against Iraq;
- whether US military plans were viable;
- whether the US could find the necessary bases;
- whether there was a particular role for UK forces, the lead time necessary to prepare them and when we would have to make funding available and on what scale;

[133] Minute Manning to Prime Minister, 22 July 2002, 'Iraq Meeting: 23 July: Annotated Agenda'.

- what sort of battlefield environment was anticipated, and the response to any use of biological or chemical weapons;
- how much progress would be needed on Arab/Israel before the US launched an attack;
- the impact of military action on the oil price; and
- the mood in Parliament, the Parliamentary Labour Party (PLP) and the country and when we should time a public information campaign.

336. Sir David Manning concluded:

> "In the light of this discussion, you might call Bush and prepare a note for him before the summer break – along the lines proposed in Jonathan's minute … Timing is for discussion. It might be best to wait until the middle of next week, after I have been to Washington for further talks with Condi and Tenet."

337. Mr Blair's meeting on 23 July did not take firm decisions.

338. The record of the meeting stated that the UK should work on the assumption that it would take part in any military action and Admiral Boyce could tell the US that the UK was considering a range of options.

339. Mr Blair commissioned further advice and background material on all the issues, including a possible ultimatum to Iraq and the legal basis for action.

340. No conclusion is recorded on who would approach the US Administration, when, or what the objectives and tactics of that approach would be.

341. Mr Blair discussed Iraq with Mr Straw and Mr Hoon, Lord Goldsmith, Sir Richard Wilson, Adm Boyce, Sir Richard Dearlove, Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)), Mr Scarlett, Mr Jonathan Powell, Baroness Morgan (Director of Political and Government Communications), Mr Campbell and Sir David Manning, on 23 July.[134]

342. Mr Rycroft's record of the meeting noted that:

- Mr Scarlett summarised the intelligence and latest (4 July) JIC Assessment: "Saddam's regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action." Saddam Hussein was "worried and expected an attack", but he was "not convinced" that an attack would be "immediate or overwhelming". Real support for Saddam Hussein was "probably narrowly based".
- Sir Richard Dearlove reported that there was "a perceptible shift in attitude" in Washington: "Military action was now seen as inevitable." President Bush "wanted to remove Saddam, through military action, justified by the conjunction

[134] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the UN route and no enthusiasm for publishing material on the Iraqi regime's record."

- Adm Boyce reported that Secretary Rumsfeld and President Bush would be briefed by CENTCOM planners in early August. The US was examining two military options, and saw the "UK (and Kuwait) as essential". The three main options for UK involvement were:
  "(i) Basing in Diego Garcia and Cyprus plus […] SF squadrons.
  (ii) As above, with maritime and air assets in addition.
  (iii) As above, plus a land contribution of up to 40,000 perhaps with a discrete role in northern Iraq entering from Turkey, tying down two Iraqi divisions."
- Mr Hoon said that the US had already begun "spikes of activity" to put pressure on the regime. In his view, January was the most likely timing for military action.
- Mr Straw stated that it "seemed clear" that President Bush had "made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran." The UK "should work up a plan for an ultimatum to Saddam" to allow the UN weapons inspectors back in to Iraq. That would "help with the legal justification for the use of force".
- Lord Goldsmith warned that the desire for regime change was not a legal basis for military action. Self-defence and humanitarian intervention could not be the basis for military action in this case. Relying on resolution 1205 (1998) for UN authorisation "would be difficult". The situation "might of course change".
- Mr Blair stated: "it would make a big difference politically and legally if Saddam refused to allow in the UN inspectors. Regime change and WMD were linked in the sense that it was the regime that was producing the WMD. There were different strategies for dealing with Libya and Iran. If the political context were right, people would support regime change."
- Mr Blair added: "The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work."
- Adm Boyce did not yet know if the US battleplan was "workable". There were "lots of questions", for example "the consequences if Saddam Hussein used WMD on day one, or if Baghdad did not collapse and urban warfighting began".
- Mr Straw "thought the US would not go ahead with a military plan unless convinced it was the winning strategy", but there "could be US/UK differences" on the political strategy. The ultimatum should be "discreetly" explored, despite US resistance. Saddam Hussein would "continue to play hard-ball with the UN".
- Mr Scarlett assessed that "Saddam would allow the inspectors back in only when he thought the threat of military action was real".
- Mr Hoon stated that, if Mr Blair wanted UK military involvement, an early decision would be required. Mr Hoon cautioned that "many in the US did not

think it was worth going down the ultimatum route". It would be important for Mr Blair "to set out the political context" to President Bush.

343. Mr Rycroft wrote that the meeting concluded:

"
- We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions. CDS [Adm Boyce] should tell the US military that we were considering a range of options.
- The Prime Minister would revert on the question of whether funds could be spent in preparation for this operation.
- CDS would send the Prime Minister full details of the proposed military campaign and possible UK contributions by the end of the week.
- The Foreign Secretary would send the Prime Minister the background on the UN inspections and discreetly work up the ultimatum to Saddam …
- John Scarlett would send the Prime Minister a full intelligence update.
- We must not ignore the legal issues: the Attorney General would consider legal advice with FCO/MOD legal advisers."

344. Mr Rycroft's detailed record of the meeting was sent to the participants only.

345. Mr Rycroft sent a separate letter to Mr Straw's Private Secretary on 23 July, which very briefly summarised the action points for the FCO, MOD and Cabinet Office.[135] They were:

- Mr Straw to provide advice on the positions of countries in the region, the background on UN inspectors, and – discreet – work on an ultimatum to Saddam Hussein. These were requested by 30 July.
- Adm Boyce to tell the US military that the UK was considering a range of options for any UK involvement in any military operation. He was also to send Mr Blair full details of the proposed military campaign, and options for a UK contribution, by 30 July or earlier if they were available.
- Mr Scarlett to provide updated intelligence on a weekly basis for Mr Blair's weekend box.

346. In his account of the meeting, Mr Campbell wrote that:

"C [Sir Richard Dearlove] reported his strong feeling that the US had pretty much made up their minds.

"TB was asking whether the Iraqis would welcome an invasion or not. Jack [Straw] felt the regime would appear to be popular until it tips, but when it tips, it will happen quickly. All the signs out of Washington were that their thinking had moved forward,

---

[135] Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.

as per Bush's remarks about taking the battle to the enemy, taking him on before he takes us on …

"Jack set out the political difficulties. He said it was all being driven by DOD and the NSC, and [Secretary] Powell and the State Department was not fully involved …

"TB said he did not want any discussions with any other departments at this stage and did not want any of this 'swimming round the system'. He meant the Treasury …

"Jack said of the four powers posing a potential threat with WMD … Iraq would be fourth. He does not have nukes, he has some offensive WMD capability. The tough question is whether this is just regime change or is the issue WMD.

"TB was pretty clear that we had to be with the Americans. He said at one point, 'It's worse than you think, I actually believe in doing this.' He was acutely conscious how difficult it would be both with the PLP and the public, but when Jack raised the prospect of not going in with the US, TB said that would be the biggest shift in foreign policy for fifty years and I'm not sure it's very wise.

"On the tactical level, he felt maximum closeness publicly was the way to maximise influence privately …

"TB said he needed to be convinced first of the workability of the military plan, and second of an equally workable political strategy. Jack said we could probably get the votes for a UN ultimatum, but the Americans may not want to go down that route. TB saw regime change as the route to dealing with WMD."[136]

347. In his memoir, Mr Blair recorded that Adm Boyce had made it pretty clear at the meeting that "he thought the US had decided on it [military action], bar a real change of heart by Saddam".[137]

348. In his memoir published in 2007, Mr Tenet wrote that Sir Richard Dearlove had told him that he had been misquoted.[138] Sir Richard had objected in particular to the word "fixed" and offered a correction. Mr Tenet wrote that he had been told Sir Richard had:

"… expressed the view … that the war in Iraq was going to happen. He believed the momentum driving it was not really about WMD but rather about bigger issues such as changing the politics of the Middle East."

349. Mr Tenet added that Sir Richard:

"… recalled that he had a polite, but significant, disagreement with Scooter Libby [Chief of Staff to Vice President Cheney], who was trying to convince him that

---

[136] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[137] Blair T. *A Journey*. Hutchinson, 2010.
[138] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

> there was a relationship between Iraq and al-Qa'ida. Dearlove's strongly held view based on his own Service's reporting, which had been shared with the CIA, was that any contacts that had taken place had come to nothing and that there was no formal relationship … He believed that the crowd around the Vice President was playing fast and loose with the evidence. In his view, it was never about 'fixing' the intelligence itself but rather about the undisciplined manner in which the intelligence was being used."

350. Sir Richard Dearlove told the Inquiry that, during his visit to Washington in July 2002, he had had "quite contentious and difficult conversations" with Mr Libby as well as discussions with Mr Tenet, Dr Rice and Mr Stephen Hadley, US Deputy National Security Advisor.[139] He had returned from Washington "deeply concerned that there was momentum in parts of the [US] Administration", and he had warned Mr Blair about that momentum.

351. In relation to his "alleged comment" about the intelligence being fixed around the policy, Sir Richard told the Inquiry that this was really a reference to the attempts "to join up terrorism and Iraq" with which he "radically disagreed".

352. Asked if Mr Blair had taken the conjunction between terrorism and WMD seriously, Sir Richard replied:

> "… I don't think the Prime Minister ever accepted the link between Iraq and terrorism. I think it would be fair to say that the Prime Minister was very worried about the possible conjunction of terrorism and WMD, but not specifically in relation to Iraq … [I] think, one could say this is one of his primary national security concerns given the nature of Al Qaida."[140]

353. Sir Richard added that he sought an amendment to Mr Rycroft's record of the meeting on 23 July to clarify the meaning of his remarks.[141]

354. The Inquiry has seen that document.

355. In response to subsequent questioning, referring to a manuscript note made by Lord Goldsmith during the meeting, Sir Richard accepted that he might well have used the word "fitted".[142]

356. Mr Rycroft confirmed that Sir Richard had challenged his record of the meeting but, after checking his notes and discussing it with others present, he had taken no further action.[143] Mr Rycroft told the Inquiry that he had understood Sir Richard to be making the

---

[139] Private hearing, 16 June 2010, pages 34-35.
[140] Private hearing, 16 June 2010, pages 39-40.
[141] Private hearing, 16 June 2010, page 42.
[142] Private hearing, 16 June 2010, page 70.
[143] Private hearing, 10 September 2010, pages 27-30.

point that intelligence was going to become part of the public justification for the known US policy of regime change.

357. Mr Hoon told the Inquiry that he did not have a specific recollection of the meeting but he did not recall it as a key meeting, rather it was part of an "iterative process".[144]

358. Mr Hoon subsequently wrote that there was "a very full discussion of the relevant issues" at the meeting, and that:

> "Arguments both for and against UK involvement as well as relevant legal opinions were set out and recorded in the minutes of the meeting. All of the reservations set out in the summary prepared by my Private Office were fully debated in the meeting. At such a meeting I would not have thought it necessary to repeat arguments already made by others … unless there was some specific benefit in doing so."[145]

359. Lord Wilson told the Inquiry that he didn't think the meeting on 23 July had "decided on much". It had been a "taking stock" meeting, but what had struck him "was that some of the language used implied that we were closer to military action than I had imagined that we were".[146]

360. Lord Wilson told the Inquiry that two elements of the meeting stood out in his memory: First, there was "an underlying tension … between the Prime Minister and his Foreign Secretary". Mr Straw was "very much in the business of saying: 'The crucial thing is to get all this to the United Nations. That's the way we are going to play it. We are nowhere near military action at the minute. All the military things the military are saying need to be seen in the political context.'" Mr Straw had been "pleading quite strongly for the political nuances"; and that he was "working very hard to keep the Prime Minister … focused on the United Nations and away from getting too … gung ho about military action".

361. Second, Lord Wilson remembered "quite vividly" that Lord Goldsmith:

> "… gave his legal advice … which was you would need the authorisation of a United Nations Security Council resolution if you were going to specifically undertake military action and if you didn't do that, his strong advice was that it was illegal to take military action. The Prime Minister simply said 'Well…' and that's it. I remember thinking 'There is an unresolved issue there'."[147]

362. Lord Wilson, who remained the Cabinet Secretary until the beginning of September 2002, told the Inquiry that he had still been on duty during August 2002 and had taken papers, but he could recall none on Iraq.[148]

---

[144] Public hearing, 19 January 2010, pages 20-21.
[145] Statement, 2 April 2015, paragraph 13.
[146] Public hearing, 25 January 2011, pages 37-38.
[147] Public hearing, 25 January 2011, page 38.
[148] Public hearing, 25 January 2011, page 35.

363. In response to a specific question about whether, following the meeting on 23 July, he thought that the Government's strategy on Iraq had coalesced by the beginning of September, Lord Wilson replied:

> "I thought they were in the thick of it … 'If you asked whether as a matter of proper Cabinet government the Cabinet had endorsed a course that was likely to lead to military action, I would tell you emphatically not' … If you had said to me 'Is the Prime Minister … serious about military action?' I would have said 'There is a gleam in his eye which worries me.' I think I used that phrase at the time."[149]

364. Lord Wilson stated:

> "I think the Prime Minister was torn over Iraq … Torn between all his instincts which were to be alongside the Americans, whatever that means, on the one hand and his knowledge that a lot of people in his Cabinet and in public opinion and people in Parliament would be unhappy with that. I would guess … that in the summer holidays in August he resolved it."[150]

365. In his memoir, Mr Straw wrote that he:

> "… ran through the four countries that posed a potential threat to world peace because of their unauthorised and highly dangerous weapons systems – North Korea, Iran, Libya, and Iraq. I thought it important to raise the issue as to whether we should contemplate not joining the US in any American military effort against Iraq. I was concerned that the case against Iraq (why did it merit the most severe action? what differentiated it from the other three?) had not at that stage been made: and also about the potential consequences for Tony's leadership, and the survival of his government."[151]

REQUEST FOR ADVICE ON SADDAM HUSSEIN'S MILITARY CAPABILITIES AND INTENTIONS

366. Following Mr Blair's meeting, Sir David Manning asked Mr Scarlett for advice on a number of issues.

367. It is not clear what was said about Iraq's WMD in Mr Blair's meeting on 23 July, but the following day Sir David Manning explained to Mr Blair his concern that:

> "… we (and I suspect the Americans) have only a hazy idea of Saddam's retaliatory capabilities if and when we attack Iraq. CDS was unable to say whether we would expect to fight in a CBW environment. The answer has a crucial bearing on the plausibility and viability of US military plans."[152]

---

[149] Public hearing, 25 January 2011, page 42.
[150] Public hearing, 25 January 2011, page 49.
[151] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[152] Minute Manning to Prime Minister, 24 July 2002, 'Iraq'.

368. Sir David wrote that he had "therefore, asked John Scarlett to review all the intelligence on Saddam's military capabilities and intentions, including:

- What military equipment do we think Saddam possesses, and in what state of effectiveness?
- In particular, does he [Saddam] have chemical and biological agents; and if so, can he weaponise them?
- If he can weaponise them, do we believe he can deliver them by missile or aircraft?"

369. Sir David pointed out that Iraq had not used chemical or biological agents during the 1991 Gulf Conflict, but he was unsure whether that was because Iraq did not have the capability or for other reasons. He was:

> "… anyway left very uneasy by Mike Boyce's suggestion that the Americans believe that Saddam would only use CBW as a last resort. If this is the American assessment, it strikes me as alarmingly complacent. Saddam will know that once the US launches an attack, the game is up. From his point of view, it will be last resort time from the moment the first Marines hit the beach. And with all the wisdom of the armchair strategist, it seems to me that the temptation to let fly at the Kuwait bottleneck, with everything in his armoury, could be very strong indeed."

370. These questions were addressed in the JIC Assessment of 9 September (see Section 4.2).

371. Mr Scarlett was also asked to "do more work on regime cohesion" in the light of what Sir David described as "a risk of American wishful thinking". Sir David commented:

> "Perhaps the Saddam tyranny will collapse like a pack of cards as they hope. But we should not count on it. We need as much intelligence as we can get on the popular mood, and the attitude of Saddam's entourage, before making assumptions that determine military planning."

372. Sir David added that he would try to explore the answers to his questions during his visit to Washington the following week.

Sir Christopher Meyer's view

373. Sir Christopher Meyer told a US official that, if the US decided to move against Saddam Hussein, the UK would be "with them".

374. Sir Christopher also reported his continuing concerns that the UK's "conditions" were being discounted and his perception that the US Administration had concluded that the efforts to get UN inspectors back into Iraq had "run their course".

375. In Sir David Manning's view, President Bush was "impatient to move".

376. Sir Christopher Meyer reported on 24 July that he had told a US official that the US could "rest assured that if and when the US decided to move against Saddam Hussein, the UK would be with them. This would not be easy for the Prime Minister politically."[153]

377. Sir Christopher had been asked about a speech that Dr Henry Kissinger, the former US Secretary of State, had made the previous week, emphasising the need for pre-emption in the post-9/11 world. Dr Kissinger had argued three conditions had to be met if there were to be military action in Iraq:

"
- … a rapid and successful conclusion – a prolonged war would be very dangerous …;
- that the US 'got the diplomacy right' …; and
- that the US arrived in Baghdad with a clear plan for who and what should replace Saddam …"

378. Sir Christopher had said that those views "were not a million miles" from the UK's; and that it was "very important to be able to build a public case for attacking Saddam; exhausting UN processes on inspections; and unwinding violence between the Israelis and Palestinians were part of this strategy".

379. Sir Christopher warned again that, as Sir Kevin Tebbit had picked up during his visit earlier in July 2002, the "buts" in the UK's "yes, but …" approach had "less traction in Washington than a couple of months ago". It seemed a given "across the [US] Administration that efforts to get UNMOVIC into Iraq have run their course … and that, with Israel/Palestine, the process … is enough to keep the lid on during an Iraqi campaign".

380. Sir Christopher reported that General Tommy Franks, Commander in Chief CENTCOM, would give President Bush his plans in early August. If the President was happy, visible preparations would probably begin in the autumn or early winter. The US expected to secure sufficient co-operation from neighbouring countries for military action.

381. Sir David Manning commented to Mr Blair that these were: "Further signs that Bush is impatient to move. Little reassurance on the political context."[154]

Mr Blair's press conference, 25 July 2002

382. In his press conference on 25 July, Mr Blair stated that he thought it unlikely that Iraq intended to comply with its obligations.

383. Mr Blair also stated that the evidence on Iraq's WMD would be published when he judged the moment was right.

---

[153] Letter Meyer to Manning, 24 July 2002, 'Iraq'.
[154] Manuscript comment Manning to Prime Minister, 25 July 2002, on Letter Meyer to Manning, 24 July 2002, 'Iraq'.

384. Mr Blair continued to reserve his position about whether a new Security Council resolution would be required to authorise military action.

385. During Prime Minister's Questions (PMQs) on 24 July, Mr Blair was asked by Mr Peter Kilfoyle (Labour) whether, in the event of the US commencing military action during the Recess, Mr Blair would recall Parliament before any British forces were committed. Mr Blair replied that "we have not yet got to the stage of military action"; if that stage was reached "at any point", Parliament would be "properly consulted".[155]

386. In his press conference on 25 July, Mr Blair repeated the line that he had taken at the Liaison Committee on 16 July that Iraq's position on WMD was an issue.[156] He emphasised that no decision had been taken about how to deal with it and the need to avoid "getting ahead of ourselves". He was not prepared to speculate about an area of such "tremendous sensitivity".

387. Asked why he had refused to pledge a vote in the House of Commons before any military activity, Mr Blair said that the House of Commons would be consulted but it was important to follow the precedents and there was no point in speculating at that point about the right way to consult the House. He was not going to pin himself down to any specific form of consultation.

388. Asked why the promised dossier laying out the evidence against Saddam Hussein had not appeared, Mr Blair stated that it would be published when he judged it to be the right moment.

389. Asked whether the UK would actively be encouraging the US Administration to seek a new UN Security Council resolution as a pre-requisite for military action, Mr Blair replied:

> "What is important is that whatever action we take, should we take action, it is done in accordance with international law. I don't think we can judge the issue of UN resolutions at this present moment … the most important thing is to go back to … the UN resolutions that we have … I haven't fully caught up on the exact state of the negotiations between the UN Secretary-General and the Iraqis, but the omens don't look very good frankly for Iraq.
>
> "… the issue is, is there any point in reviving those negotiations … because it seems somewhat unlikely that the Iraqis intend to comply."

FCO advice, 26 July 2002

390. In response to the request following the discussion on 23 July discreetly to work up the ultimatum to Saddam Hussein, No.10 was advised on 26 July that there would be "formidable obstacles to overcome" to secure agreement to a new

---

[155] House of Commons, *Official Report*, 24 July 2002, column 975.
[156] The National Archives, *Prime Minister's Press Conference, 25 July 2002*.

resolution incorporating an ultimatum without convincing evidence of a greatly increased threat from Iraq.

391. It would not be easy to persuade the US to support an ultimatum given the US concerns to avoid a resolution which would constrain its freedom.

392. An ultimatum issued by the US/UK might have presentational utility but it would have no legal force.

393. Mr Simon McDonald, Mr Straw's Principal Private Secretary, responded to Mr Rycroft on 26 July with advice on "how to get the Security Council to issue some sort of ultimatum ahead of any military action".[157]

394. The letter reflected advice from the UK Permanent Mission to the UN in New York and the British Embassy Washington and a list of elements which might be incorporated in a new resolution was enclosed with the letter. It was envisaged that:

- Iraq's failure to co-operate would be condemned as a "flagrant violation" of its obligations;
- the ultimatum would take the form of a demand for UNMOVIC and the IAEA to be allowed "immediate, unconditional and unrestricted access"; and
- the resolution would declare that, if Iraq did not comply, it would be clear that it had "no intention of complying with its obligations".

395. The letter stated:

- To carry conviction an ultimatum would have to be "couched as a Chapter VII Security Council resolution" deciding that Iraq is in "flagrant violation of SCR 687 and other relevant resolutions" and calling on Iraq to allow "immediate, unconditional, and unrestricted access to any and all areas", as specified in resolution 1284 (1999), by a given date.
- There were "likely to be formidable obstacles to overcome" to secure a resolution "unless there was convincing evidence of a greatly increased threat from the Iraqis".
- The US "vigorously asserted the right of individual Member States to determine whether Iraq has breached the cease-fire" set out in resolution 687 (1991), "irrespective of whether the Council" had "made such an assessment". The US would "argue against establishing an ultimatum which they would see as interfering with that right". The US would "also argue that faced with a credible ultimatum Iraq would make a show of co-operation to secure a delay, muddy the waters and split the Council"; and that Iraq would restrict the inspectors' access to facilities.

---

[157] Letter McDonald to Rycroft, 26 July 2002, 'Iraq: Ultimatum' attaching Paper 'Elements which might be incorporated in an SCR embodying an ultimatum to Iraq'.

- If the US accepted the idea, Russia and China would reject it: "They would see it as a precursor to military action. The US might be able to win over the Russians … The Chinese might then follow."
- France would still need "to be brought on board". It would be "highly suspicious if they thought the purpose of an ultimatum was to legitimise military action rather than get the inspectors in".
- If the US "refused outright to countenance" a resolution with an ultimatum, or the US and UK "failed to persuade" other Permanent Members, "there might be merit … in a bilateral US/UK ultimatum on the model used before the start of hostilities in Afghanistan". That "might be a useful manifesto of our aims … with sceptical governments and public opinion. But it would have no legal force."
- There were risks. Opponents might table a resolution condemning an ultimatum, arguing that as the US and UK would not be "*claiming* to be acting in self-defence under Article 51 of the UN Charter (as we were in Afghanistan)", an ultimatum "would amount to a threat of a use of force, breaching Article 2(4), which prohibits this". The UK might find itself "having to veto [such a resolution], leaving us worse off than if we had not tried this route at all".
- An "essential first step would be to sound out the Americans" on which the FCO was "now putting action in hand".

396. The letter stated that the FCO was reconsidering additional UN routes to put pressure on Iraq – travel bans, new measures to screen Iraq's borders. While such proposals were "likely to fail", they would "help us demonstrate that we have tried to use the UN route … if they succeeded, we would benefit from increased pressure on the Iraqi regime. We would also buy time."

397. The FCO was "giving further thought to what more we might be able to do to convince the Security Council, European Union and other governments that Saddam represents a clear and present danger. The Cabinet Office paper [the draft 'dossier' on Iraq] when the right time comes for its release, will clearly be an important element of this."

398. A copy of the FCO letter was sent to the Private Offices of Mr Hoon and the Cabinet Secretary, and to Mr Scarlett.

399. It was not sent to Lord Goldsmith.

400. Mr Straw and Secretary Powell discussed developments on 26 July and agreed to meet in August.

401. Mr Straw sent Mr Blair a personal, handwritten letter setting out his concerns which he framed in terms of doubts about the strength of the case that had been made for military action against Iraq.

402. Mr Blair recognised the difficulties but commented that it was hard to see a way through unless "we just don't do it"; and he thought it was right to take action.

403. Mr Straw spoke to Secretary Powell on 26 July to seek a one-to one discussion on Iraq in late August.[158]

404. Secretary Powell told Mr Straw that meetings in the US "the week after next" would "become 'much more serious' but would not necessarily accelerate the timing of any action".

405. Mr Straw stated that Iraq was "an increasingly big issue in the UK". As well as planning military action, there was a need "to make the case in public for such action". There was also a need for a process, as had happened in relation to Afghanistan, for "getting as many people on board internationally as possible".

406. Mr Straw and Secretary Powell discussed the papers prepared for publication on Iraq and whether they set out the case against Iraq in strong enough terms. Secretary Powell said that Mr Tenet was looking at a paper for possible publication. Mr Straw "rehearsed the history" of the UK paper (see Section 4.1) and said: "Objectively, the case against Iraq was third or fourth strongest; Iraq was not in a top priority category of its own."

407. Mr Straw told Secretary Powell that serious people were writing to Mr Blair questioning "how was Iraq different from North Korea Libya or Iran" and "why was action necessary now". Sir Michael Quinlan, a former Permanent Under Secretary of the MOD, had asked what had changed in the last year, and whether there was really any evidence that Saddam Hussein was about to use WMD. Sir Michael had concluded that not much had changed.

408. Mr Straw told Secretary Powell that he "knew that some issues were difficult in Washington – weapons inspectors and issuing an ultimatum – but they still had to be faced".

409. Mr Straw's view was that Saddam Hussein was "evil but not insane". Secretary Powell referred to the warning about the use of WMD the US had issued to Saddam Hussein in 1991.

410. Mr Straw and Secretary Powell also discussed the consequences of military action; and that the only way to ensure a strong central government would be for the US and UK to stay on. That might require "an army of occupation for years to come".

411. As well as the formal record of the discussion, Mr Straw sent Mr Blair a handwritten letter rehearsing doubts about the strength of the case for military action against Iraq.[159]

---

[158] Minute McDonald to Ricketts, 26 July 2002, 'Iraq'.
[159] Letter (handwritten) Straw to Blair, 26 July 2002, 'Iraq'.

412. Mr Straw wrote that it could be argued that "deterrence and containment had worked up to now: what was the case that argued they would not work in future?" He also pointed out that the regional reactions were "All too clear, I fear, unless a stronger case is better made." Mr Straw added his own concern about "the survival of your government" because of unease in both the Cabinet and the PLP; and the desire for "a case which has yet to be made". Without that, Mr Straw advised "the most serious divisions would open up".

413. In his memoir, Mr Straw wrote that the letter had "set out the hazards ahead if our handling of Iraq went wrong" and that it had ended: "And you know where some (not so loyal) are on all this. Licking their lips at the possibility of regime change nearer home."[160]

414. Mr Blair commented to officials in No.10:

> "I entirely agree with all this. But it is hard to see the way through, unless we just don't do it. But I think it's right to do it."[161]

Mr Blair's Note to President Bush, 28 July 2002

415. Mr Blair sent President Bush a "Note on Iraq" on 28 July.[162]

416. The Note began:

> "I will be with you, whatever. But this is the moment to assess bluntly the difficulties. The planning on this and the strategy are the toughest yet. This is not Kosovo. This is not Afghanistan. It is not even the Gulf War.
>
> "The military part of this is hazardous but I will concentrate mainly on the political context for success."

417. Mr Blair stated that getting rid of Saddam Hussein was:

> "… the right thing to do. He is a potential threat. He could be contained. But containment … is always risky. His departure would free up the region. And his regime is … brutal and inhumane …"

418. Mr Blair wrote that the first question was whether the US wanted or needed a coalition. He stated that the US "could do it alone, with UK support", but drew attention to the dangers of "unintended consequences", writing:

> "Suppose it got militarily tricky. Suppose Iraq suffered unexpected civilian casualties. Suppose the Arab street finally erupted eg in […] Suppose Saddam felt sufficiently politically strong, if militarily weak in conventional terms, to let off WMD. Suppose that, without any coalition, the Iraqis feel ambivalent about being invaded and

---

[160] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[161] Manuscript comment Blair to Powell on Letter (handwritten) Straw to Blair, 26 July 2002, 'Iraq'.
[162] Note Blair [to Bush], 28 July 2002, 'Note on Iraq'.

real Iraqis … decide to offer resistance. Suppose … that any difficulties, without a coalition, are magnified and seized on by a hostile international opinion. If we win quickly, everyone will be our friend. If we don't … recriminations will start fast.

"None of these things might happen. But they might … And there is one other point. We will need to commit to Iraq for the long term. Bedding down a new regime will take time. So, without support, the possibility of unintended consequences will persist through and beyond the military phase."

419. Mr Blair stated that he was "keen on a coalition, not necessarily military but politically".

420. Addressing the nature of a coalition, Mr Blair wrote that he was "a little alarmed" about the reports he had been given of US optimism about support from Arab nations and Europe. That was not his reading, and:

"The trouble is, everyone says: they will support action, but they add a rider … [which] is not always sufficiently heard or spoken."

421. Mr Blair identified three key areas where, in his view, changes would be needed before there would be support for action on Iraq:

- the Middle East Peace Process would need to be in a different place;
- specific UN authority; and
- public opinion in the UK, Europe and the Arab world was "quite simply on a different planet" from opinion in the US.

422. Mr Blair added that "right now", he "couldn't be sure of support from Parliament, Party, public or even some of the Cabinet"; and that, "oddly", Russia might be their "best ally".

423. Mr Blair set out six elements for "A Strategy for Achieving a Coalition".

424. Addressing "**The UN**", Mr Blair wrote:

"We don't want to be mucked around by Saddam … and the danger is he drags us into negotiation. But we need, as with Afghanistan and the ultimatum to the Taliban, to encapsulate our casus belli in some defining way. This is certainly the simplest. We could, in October as the build up starts, state that he must let the inspectors back in unconditionally and do so now, ie set a 7-day deadline. It might be backed by a UNSCR or not, depending on what support there was (and I am not sure anyone, at present, would veto it if Russia was on board). There would be no negotiation. There would be no new talks with Annan. It would be: take it or leave it."

425. Mr Blair added that he knew there would be "reluctance" to that approach:

"But it would neutralise opposition … If he did say yes, we continue the build-up and we send teams over and the moment he obstructs, we say: he's back to his games.

That's it. In any event, he probably would screw it up and not meet the deadline, and if he came forward after the deadline, we could just refuse to deal."

426. "**The Evidence**": Mr Blair wrote that he had been told that the US thought evidence was unnecessary but his view was "we still need to make the case". He suggested:

"If we recapitulate all the WMD evidence; add his attempts to secure nuclear capability; and, as seems possible, add on the Al Qaida link, it will be hugely persuasive over here. Plus … the abhorrent nature of the regime. It could be done simultaneously with the deadline."

427. "**MEPP**": Mr Blair wrote that it would be "essential" for Arab support for negotiation to have started "in earnest". It was "worth a real effort to get a proper negotiation going", and that wouldn't start unless someone took charge of the detail.

428. Addressing Iraq "**Post Saddam**", Mr Blair wrote:

"Suppose we were able to say … Regime change is vital and, in the first instance, it must be one that protects Iraq's territorial integrity and provides stability; and hence might involve another key military figure. But it should lead in time to a democratic Iraq governed by the people. This would be very powerful. I need advice on whether it's feasible. But just swapping one dictator for another seems inconsistent with our values."

429. Mr Blair suggested that some in the "**Arab/Moslem World**" would "fall into line", but others would not; and Syria and Iran "might be actively hostile or use it as a means to support terrorism in Israel". A "dedicated effort" was needed "to woo the Arab world", and "to offer hardliners a very hard-headed partnership or put them on the 'axis of evil' list".

430. Mr Blair wrote that "**Afghanistan**" had to be "going right, not wrong". It was "our one act of regime change so far, so it had better be a good advertisement", and his "hunch" was that it needed "renewed focus and effort".

431. Mr Blair wrote that both Turkey and the Kurds would "need to be OK". They might be the "easiest" [members of a coalition]: "They both want our help badly and will play ball if offered enough."

432. Mr Blair told President Bush that he would be "happy to try to pull this [the strategy] together; ie to dedicate myself to getting all these [six] elements … sorted, including involving myself in the MEPP". But it would need "a huge commitment in time and energy", and was "only really worth doing if we are all on the same page".

433. In a final section on "**The Military Plan**", Mr Blair wrote:

"Finally, obviously, we must have a workable military plan. I don't know the details yet, so this is first blush.

"The two options are running start and generated start.

"The first has the advantage of surprise; the second of overwhelming force. My military tell me the risks of heavy losses on the running start make it very risky. Apparently it involves around 15-20,000 troops striking inside Iraq, with heavy air support. The idea would be to catch the regime off balance, strike hard and quickly and get it to collapse. The obvious danger is [that] it doesn't collapse. And there is the risk of CW being used.

"For that reason, a generated start seems better. It could always be translated into a more immediate option, should Saddam do something stupid. Also, the build-up of forces in such numbers will be a big signal of serious intent to the region and help to pull people towards us and demoralise the Iraqis. This option allows us to hammer his air defences and infrastructure; to invade from the South and take the oilfields; to secure the North and protect/stabilise the Kurds. Then effectively with huge force we go on to Baghdad."

434. Mr Blair concluded:

"We would support in any way we can.

"On timing, we could start building up after the break. A strike date could be Jan/Feb next year. But the crucial issue is not when, but how."

435. Mr Powell told the Inquiry that Mr Blair was seeking a partnership with President Bush and seeking to persuade him to move in a particular direction by providing a framework for action.

436. Mr Powell told the Inquiry that the Note was "a very important one … trying to make it clear the basis on which we thought it would be sensible to go ahead", and the basis on which the US should go to the UN. Mr Blair was "talking about … the danger of unintended consequences".[163]

437. Addressing what was meant by the reference to unintended consequences, Mr Powell stated that the Iraqis would "feel ambivalent about being invaded. If we win quickly everyone will be our friend. If we don't, and they haven't been bound in beforehand, the recriminations will start fast." Mr Blair was "arguing to put this [action against Iraq] in a political context and to do it in a way that would win support of a wide coalition as with Afghanistan".

438. Asked if Mr Blair was trying to offer Britain's support in return for influence over the means for taking action, Mr Powell replied:

"Obviously, there is a trade-off between convincing someone that you are with them, that you believe what they are trying to do and you are going to try to help them and

[163] Public hearing, 18 January 2010, pages 38-39.

getting some influence. If you just go to someone and say, 'You're completely wrong. Forget it', the amount of influence you are likely to have … is less.

"So … there is a trade-off between indicating you are with someone and then persuading them to move down a particular route."[164]

439. Asked whether the elements that would be essential for success were red lines for the UK and absolutely essential or whether they were things that would be nice to have but the UK would go along with the policy whatever happened, Mr Powell said that Mr Blair was not setting conditions for UK participation in military action:

"The point of these Notes is to try and set out the right way to do it … [T]hinking of them in terms of conditions is the wrong way to look at it. We weren't trying to say 'If you tick off all these boxes, then we will be with you'. We were saying 'We are with you in terms of what you are trying to do, but this is the sensible way to do it. We are offering you a partnership to try to get to a wide coalition'.

"But being with the Americans didn't necessarily mean going to war. The Prime Minister said repeatedly to President Bush that if Saddam complied with the UN Resolutions, then there would not be any invasion and President Bush agreed with him on that.

"… So the Prime Minister was saying, 'We are with you. We need to go down the UN route, but that does not necessarily mean war. It may well be that Saddam could comply well short of war.'"[165]

440. Mr Powell emphasised that telling the US there were "pre-conditions" would have been a mistake; the UK was "setting out a framework" and "trying to persuade them to move in a particular direction".[166]

441. Sir David Manning confirmed that Mr Blair himself had written the Note he sent to President Bush on 28 July.

442. Sir David Manning told the Inquiry that Mr Blair had drafted the Note to President Bush himself. Sir David had tried to take the first sentence out because it was "too sweeping", it seemed to him "to close off options", and he did not think that that was "a sensible place to be".[167]

443. Asked who else had seen the Note in draft, Sir David Manning stated:

"The only other person I'm aware of who saw the Note in draft was Jonathan Powell … I went to Jonathan and said, 'The Prime Minister should not say this', and we went up to the flat. We talked through with him [Mr Blair], and I said that the first

---

[164] Public hearing, 18 January 2010, pages 39-40.
[165] Public hearing, 18 January 2010, pages 40-41.
[166] Public hearing, 18 January 2010, pages 77-78.
[167] Private hearing, 24 June 2010, pages 49-50.

sentence should come out and Jonathan agreed, but the Prime Minister decided to leave it.

"I have always assumed, incidentally, because he saw it as a rhetorical flourish, not because at that stage he was thinking anything in terms of what the scale of commitments might be. But it was a sort of emotional statement, I think. But it seemed to me that it went further than we should have gone."[168]

444. Asked if he thought it "was heard" in the sense Mr Blair intended, Sir David replied:

"… I just don't know. I thought there was a risk it would be taken at face value. I can't tell you whether it actually was …"

445. Asked how often his advice was declined on a matter like this, Sir David replied that there were:

"… not many such moments … he [Mr Blair] was willing to listen to advice, but he was absolutely happy to pursue his own course … he was elected and it was [for] him to decide.

"But the Prime Minister had strong views about things. He was absolutely open to debate, but on a lot of things, if he'd made up his mind, he'd made up his mind."[169]

446. In his evidence to the Inquiry, Mr Blair offered further insights into his thinking.

447. In his memoir, Mr Blair wrote:

"So it's impossible not to read the accounts of the meetings during that time without an assumption of a decision already taken.

"But here is the difference between everyone else and the final decision taker. Everyone can debate and assume; only one person decides. I knew at that moment that George had not decided. He had … a conceptual framework in which the pivotal concept was that Saddam had to come fully into compliance and disarm but he had taken no final decision on the way to make him.

"In late July, I sent George another personal, private note …"[170]

448. Mr Blair described the Note to President Bush as "setting the case for going the UN route; and stressing again the Middle East Peace Process". Following the Note he had:

"… reflected with the closest team on the different strands of the challenge. If it came to war, how did we do it with [the] least bloodshed? That was the military question. On the basis that we did it, how did we maximise the coalition? That was

---

[168] Private hearing, 24 June 2010, page 50.
[169] Private hearing, 24 June 2010, page 51.
[170] Blair T. *A Journey*. Hutchinson, 2010.

the UN question. And how did we do it without provoking uproar across the Middle East? That was the Arab question."

449. The Inquiry asked Mr Blair to address in a written statement how the US Administration would have interpreted the opening sentence of his Note and whether that corresponded with the degree of the commitment he wanted to give.[171]

450. Mr Blair did not respond directly. In the context of a section of his statement addressing the fact that the US had no need of a further UN resolution before acting, Mr Blair wrote that the Note had:

"… set out … the strong reason why, politically, I thought a UN resolution was necessary, primarily to build a broad coalition against Saddam and to show we were prepared to disarm him peacefully."[172]

451. Mr Blair also wrote:

"I could not and did not offer some kind of 'blank cheque' in how we accomplished our shared objectives."[173]

452. Asked subsequently to tell the Inquiry what was in the Note, Mr Blair said that he thought he had amended the opening sentence and commented: "Frankly I think he [Sir David Manning] would have preferred me not to have given any undertaking at all."[174]

453. Mr Blair stated:

"What I was saying to President Bush was very clear and simple. It is: You can count on us. We are going to be with you in tackling this, but here are the difficulties."

454. The Note had been "about all the issues and difficulties". In Mr Blair's view, there was "a very clear and simple decision to take". America was "going to tackle this issue". His first question for President Bush was "do we want it to be a coalition?" His "belief was it was extremely important for the international community to hold together at this point". He did not see 11 September "as an attack on America". It was "an attack on us … the West".[175]

455. Mr Blair added:

"America could do it unilaterally. Of course they could, but I would prefer them to do it multilaterally. So in a sense what I was saying to America was … 'Whatever the political heat, if I think this is the right thing to do I am going to be with you. I am not

---

[171] Inquiry request for a written statement, 13 December 2010, Qs 2e and 2f, page 1.
[172] Statement, 14 January 2011, page 5.
[173] Statement, 14 January 2011, page 4.
[174] Public hearing, 21 January 2011, page 47.
[175] Public hearing, 21 January 2011, pages 47-48.

going to back out because the going gets tough. On the other hand, here are the difficulties and this is why I think the UN route is the right way to go'."

456. Mr Blair was "absolutely sure" that was how President Bush had interpreted the Note.[176]

457. Asked whether the language he had used in his Note was wholly consistent with his statement for the Inquiry, in which he had written that he had not offered the US a blank cheque, Mr Blair told the Inquiry that he "did not think the Americans were in any doubt at all about what was being said".[177] He could not recall all the precise conversations, but "this [the Note] was entirely consistent also" with what he was saying publicly.

458. Mr Blair told the Inquiry that he was:

> "… trying to get them very substantially to change their position. Their position had been 'we are going to do it'. Then their position had been because I had asked them 'Okay with an ultimatum.' Now their position with huge opposition within his system was going to be 'We are going to put this back in the lap of the United Nations'.
>
> "Some of the people in his Administration were saying 'You are crazy. You are going to put it back into the bureaucracy of the UN they will swallow it up. You will be back to all this playing around. In the meantime you have this guy doing what he is doing, sitting there and nothing happening.'
>
> "So I was having to persuade him to take a view radically different from any of the people in his Administration so what I was saying to him is 'I am going to be with you in handling it this way. I am not going to push you down this path and then back out when it gets too hot politically, because it is going to get hot for me politically, very, very much so.'
>
> "I did this because I believed in it. I thought it was the right thing to do … frankly, whatever phrasing I used, I accept entirely I was saying 'I am going to be with America in handling this. However, we should handle it this way'. That was in the end what they agreed to do. The single thing that is most important over anything else in this whole business … is that [resolution] 1441 [agreed in November 2002] represented a huge compromise on his part and a huge opportunity for the international community to get its act together."[178]

---

[176] Public hearing, 21 January 2011, page 48.
[177] Public hearing, 21 January 2011, page 49.
[178] Public hearing, 21 January 2011, pages 49-51.

SIR DAVID MANNING'S VISIT TO WASHINGTON

459. Before his visit to Washington, Mr Scarlett provided Sir David with a list of points where more information was needed about Iraq and its intentions, for his "back pocket", including:

"
- Iraq's CBW and ballistic missile capability …
- Saddam's 'red lines' which would provoke him to use CBW against coalition forces or his neighbours.
- What Saddam plans to do if there is a credible military force being prepared … Does he [Saddam] consider pre-emption a possibility?
- Will he fully accept inspectors if the US threat seems imminent? If he does accept (likely …), how open is he willing to be?
- The cohesion of key military and security organisations … At what point will they desert/stop doing their duty?
- Who might act against Saddam and would they act before Baghdad is occupied by coalition forces?
- The prospects for an uprising of the civil populace in Shia cities and what the [Iraqi] security forces' response would be.
- The likely popular attitude to a US invasion and the arrival of US or allied troops on their territory.
- What would be the Israeli response to an Iraqi CBW attack?"[179]

460. Sir David Manning had a "pre-meeting" with Mr Armitage.[180]

461. Mr Rycroft's record of the meeting stated that Sir David and Mr Armitage discussed the US and UK positions.[181]

462. The US focus was on the disarmament of Iraq, not the re-admittance of inspectors. Sir David had raised questions about Saddam Hussein's capabilities and intentions and the importance of the UN route with an ultimatum for political and "optical" reasons, not just legal reasons, to change the international context. It would have to be a tough ultimatum with a short timeframe and no wriggle-room which shifted the onus onto Saddam Hussein.

463. Sir David told the Inquiry that he had raised a number of detailed points with Mr Armitage:

> "… Why now? What if Saddam Hussein were to use weapons of mass destruction during a military campaign? What would follow military action? What role … would

---

[179] Minute Scarlett to Manning, 26 July 2002, 'Iraq: We do not know enough about …'.
[180] Public hearing, 30 November 2009, page 16.
[181] Minute Rycroft to Manning, 31 July 2002, 'Iraq: Armitage'.

the United States see the United Nations playing, and what was the United States planning to do about the Middle East Peace Process?"[182]

464. Sir David said he had told Mr Armitage that he "didn't think we had answers to those questions". Mr Armitage had replied that he thought they needed a lot more work and that: "It was better to be right than to hurry."[183]

465. During his visit to Washington, Sir David Manning told President Bush that Mr Blair agreed Saddam Hussein had to go, but it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

466. Sir David reported that President Bush had been "very struck" by Mr Blair's emphasis on an ultimatum; and that he had not yet made up his mind. Mr Blair should push the need for action through the UN and an ultimatum "very hard" in his telephone call with President Bush on 31 July.

467. Sir David Manning delivered the Note from Mr Blair to President Bush to Dr Rice on 29 July.[184] Sir David told the Inquiry that he and Dr Rice had discussed the Note during dinner. He had told her that, as the Note made clear:

- "Britain could only take part in any policy if it was part of a coalition which went through the United Nations."
- The "Middle East Peace Process was absolutely critical".
- "[S]o was the effort … to explain why Iraq was an issue and why we felt we had to tackle it."

468. Sir David told the Inquiry that he had also set out the questions he had raised with Mr Armitage.

469. Sir David Manning's record of his discussion with Dr Rice for Mr Blair advised that he had indicated that the Note was sent personally to the President and not intended for wider circulation.[185] Sir David had concluded President Bush wanted the UK to be involved. There was some reluctance in the US Administration (to involve the UN), but Mr Blair "just might persuade" President Bush. If he did, that would "transform the public relations campaign and make action much easier to manage".

470. A meeting in early September had also been discussed which would allow President Bush to hear "directly" what Mr Blair had to say.

471. Sir David cautioned that, until then, Mr Blair should "not … commit" himself "formally and finally to anything, except moral support … Leaving things open may

---

[182] Public hearing, 30 November 2009, pages 16-17.
[183] Public hearing, 30 November 2009, pages 16-17.
[184] Public hearing, 30 November 2009, pages 17-18.
[185] Minute Manning to Prime Minister, 31 July 2002, 'Iraq: Conversation with Condi Rice'.

increase the chance that he [President Bush] will take heed of the arguments in your Note and adjust his policy."

472. Sir David Manning told the Inquiry that he had expected a further meeting with Dr Rice and others in the NSC the following morning.[186] To his surprise, he was instead invited to meet President Bush, and he and Dr Rice had a discussion with President Bush which lasted 30 or 40 minutes. President Bush had been briefed on the discussion the previous evening and had "clearly read and studied the Prime Minister's Note". Sir David had been asked to "go over [it] again"; and he had "repeated that it was impossible for the United Kingdom to take part in any action against Iraq unless it were through the United Nations. This was our preference but it was also the political reality."

473. In his record of the discussion with President Bush, Sir David Manning wrote that he had said that Mr Blair agreed Saddam Hussein had to go:

> "There was no difference about ends [regime change], but means was an issue. Iraq was politically very difficult … We were not bidding for a role. We knew that the US could do the job alone. That would be fine by you if that was the President's preference, in which case we would lend moral support. But if he wanted more … from us, he had to understand the politics from your perspective."[187]

474. Sir David Manning reported that President Bush had been "struck by your [Mr Blair's] emphasis on the need for an ultimatum" which the Administration would need to think through.

475. Sir David told President Bush that if he:

> "… preferred to work with a coalition, the UN route was the way to construct it. A tough, time-bound, ultimatum to Saddam at the end of the process would put him at a serious disadvantage while rallying the International community for action … I thought you had no difficulty with the idea of pre-emption … It was entirely understandable that we should try to pre-empt him. But it was vital to make the public case … Awkward and time-consuming though it might be, this was the route calculated to help European leaders bring their publics and parliaments in support … [President] Bush should be trying to catch all our fingers in the UN mangle."

476. Sir David reported that President Bush had understood the point and the "issue he had to reflect on now was 'how to set the stage' so that we could pursue the goal together of getting rid of Saddam".

477. Sir David's report concluded that President Bush was keen to discuss the Note with Mr Blair on the telephone on 31 July; and that Mr Blair should go to Washington in September. Sir David advised: "I do not think this [the UN and an ultimatum] is yet a lost cause. My advice is that you should push it very hard." President Bush "might decide

---

[186] Public hearing, 30 November 2009, pages 18-19.
[187] Minute Manning to Prime Minister, 31 July 2002, 'Iraq: Conversation with President Bush'.

to go this route if he thinks it is the key to your active support. If he does, it will transform the domestic and wider international context."

478. Sir David recorded the conversations with both Dr Rice and President Bush in full.

479. Sir David discussed the record of his conversation with President Bush with Mr Blair at Chequers on 31 July. He told the Inquiry:

> "… I saw the Prime Minister … at Chequers, and I said to him that I did not think a return to the UN route was a lost cause and it was worth his while to continue to press the President to go down the UN route. Provisionally an agreement was reached … for the Prime Minister to go and see the President as soon as the summer holidays were over, and this is what indeed he did."[188]

480. Sir David Manning told the Inquiry that he felt his meetings with Dr Rice and President Bush in Washington at the end of July, when he delivered Mr Blair's Note, had reopened a debate in the US that might have been closed.

481. Sir David Manning told the Inquiry:

> "… I was quite clear, when I was sent to Washington at the end of July to talk about the state of the debate in America, that … the United States could take military action if it wished to, but we could not do so unless the United States decided to go back to the United Nations."[189]

482. Subsequently, Sir David Manning told the Inquiry that he had thought "at the end of July" that "[President] Bush had probably made up his mind he was just going to go and attack Iraq at some point over the next few months … and that he had probably subscribed … to the view that the UN was a distraction".[190] President Bush had asked to see him because of the point he had made to Dr Rice that the UK could not participate without going back to the UN. While he was "wary about making this claim", he had returned from Washington "feeling that it had reopened a debate that might have been pretty much closed".

483. Sir David drew attention to the emphasis he had put on the need for a new UN resolution in his discussions.

484. Sir David stated:

> "It was quite clear to me in the summer of 2002 that the only way we could accompany the Americans in a shift in policy that might conceivably lead to regime change was if they opted to go through the United Nations and if there were a new Security Council resolution …

---

[188] Public hearing, 30 November 2009, pages 22-23.
[189] Public hearing, 30 November 2009, pages 40-41.
[190] Private hearing, 24 June 2010, pages 55-56.

> "… it would not have been possible to have softened those conditions, and so it was absolutely essential, as far as the British Government was concerned."[191]

Lord Goldsmith's minute, 30 July 2002

485. Lord Goldsmith advised Mr Blair on 30 July that military action would be unlawful without a new determination by the Security Council of a material and flagrant breach by Iraq of its obligations. A new Security Council resolution explicitly authorising the use of force would be the most secure and preferred legal basis for the use of force.

486. A report that Mr Blair had been told "by the Government's lawyers that British participation in an invasion of Iraq would be illegal" appeared in *The Independent* on 29 July.[192] The article also stated that senior government sources had said that Mr Blair had "also received conflicting legal opinion from law officers that current UN resolutions could offer sufficient cover for any military action".

487. Lord Goldsmith sent Mr Blair a 16-paragraph minute on 30 July.[193] He wrote that, as the record of the 23 July meeting set out his views "only in summary form", and "given the importance of this matter", he had thought he should set out his advice "more fully".

488. Lord Goldsmith recapitulated the advice he had given at the 23 July meeting and stated:

> "A new Security Council resolution explicitly authorising the use of force under Chapter VII would plainly be the most secure, and preferred, legal basis for military action in the current situation. The question is whether anything less than this would make military action lawful."

489. Addressing that question, Lord Goldsmith quoted the advice provided by Mr John Morris (Attorney General 1997 to 1999), supported by Lord Falconer (as Solicitor General), to Mr Blair in November 1997:

> "Charles [Lord Falconer] and I remain of the view that, in the circumstances presently prevailing, an essential precondition of the renewed use of force to compel compliance with the cease-fire conditions is that the Security Council has, in whatever language – whether expressly or impliedly – stated that there has been a breach of the cease-fire conditions and that the Council considers the breach sufficiently grave to undermine the basis or effective operation of the cease-fire."

490. Lord Goldsmith advised that reliance on the "revival" of the authorisation for the use of force in resolution 678 (1990) had been controversial when it was invoked by the

---

[191] Public hearing, 30 November 2009, page 56.
[192] *The Independent*, 29 July 2002, *Blair is warned assault on Iraq would be 'illegal'*.
[193] Minute Goldsmith to Prime Minister, 30 July 2002, 'Iraq'.

UK in 1998 (Operation Desert Fox), because resolution 1205 (1998) did not itself contain any explicit authority to use force.

491. Lord Goldsmith wrote: "I believe that it is essential to show at least some determination by the Security Council itself that there has been a sufficiently significant violation of the cease-fire conditions." Given the time that had elapsed and the impact of events, he did not "consider it legally possible to rely today on resolution 1205".

492. Lord Goldsmith concluded:

> "My view therefore is that in the absence of a fresh resolution by the Security Council which would at least involve a new determination of a material and flagrant breach [by Iraq of its obligations], military action would be unlawful. Even if there were such a resolution, but one which did not explicitly authorise the use of force, it would remain highly debatable whether it legitimised military action – but without it the position is, in my view, clear.
>
> "The issuing of an ultimatum to Iraq may be helpful in delivering a clear political message to Iraq and ensuring that all possible steps have been taken to ensure Iraqi compliance before force is used. However an ultimatum, whether issued unilaterally or by the Security Council, would not in itself provide a separate legal base for the use of force."

493. Copies of Lord Goldsmith's minute were sent to Mr Straw and Mr Hoon.

494. Mr Powell recorded that Mr Blair and Lord Goldsmith would "discuss further" in September.

495. A note for the No.10 file written by Mr Powell on 31 July recorded that the:

> "PM has seen [Lord Goldsmith's minute], as has David Manning.
>
> "I phoned Private Offices in FCO and MOD on 30/7, at the request of the AG [Attorney General] (and in his presence) to ask them to destroy their copies to avoid further leaks. PM to discuss further with AG in September."[194]

496. Mr Blair told the Inquiry that Lord Goldsmith's advice of 30 July had convinced him that a new resolution was necessary, and that it needed to be the right resolution.

497. Addressing the reference in his minute to reliance on previous resolutions, Lord Goldsmith told the Inquiry:

> "… the revival argument depends on two things. It depends … on the fact that resolution 678 authorised the use of force and that resolution 687 suspended it on conditions, but didn't, in fact, cancel it …

---

[194] Note (handwritten) Powell, 31 July 2002, 'File'.

"… the second requirement that someone has to make a determination of material breach. In 1998 a determination had been made by the Security Council in resolution 1205, actually not that there was a material breach, but that there was a flagrant violation. It sounds worse, actually it is not a legal term at all, and so it creates confusion … in any event, there was a question whether … in 2002 [you could], rely upon the fact that, in 1998, the Security Council had said that Iraq was in flagrant violation?

"My view was … no, you couldn't, because a lot had happened since then and the Security Council might take a different view today.

"… you couldn't rely on 1205 in my judgement in 2002, and you would therefore need to have at least a new determination by the Security Council … that there was a material breach."[195]

498. Lord Goldsmith told the Inquiry that he had sent his minute of 30 July because he did not want Mr Blair to be in any doubt that he could not agree with President Bush to use force without going back to the United Nations:

"I wasn't asked for it. I don't, frankly, think it was terribly welcome. I do believe that it may well have been one of the contributing factors to the Prime Minister, to his great credit, persuading President Bush that he must go down the United Nations route."[196]

499. Mr Blair acknowledged that Lord Goldsmith's advice had had an effect:

"… one of the things that was most important in us going down the UN route was precisely the legal advice we got."[197]

500. Mr Blair stated:

"… what I took from the advice … was that we needed a fresh resolution. I do point out that – because this was why at a later stage, I became concerned as to what the legal problem was, because, of course, we got a further resolution."[198]

501. Asked whether Lord Goldsmith's advice had been unwelcome, Mr Blair replied:

"It wasn't that it was not particularly welcome … I was dealing with what was already a difficult situation, and now I became aware we had to take a whole new dimension into account."[199]

---

[195] Public hearing, 27 January 2010, pages 21-22.
[196] Public hearing, 27 January 2010, page 23.
[197] Public hearing, 29 January 2010, page 143.
[198] Public hearing, 29 January 2010, pages 144-145.
[199] Public hearing, 29 January 2010, page 147.

502. Mr Blair added:

> "… it actually then was very helpful for him to do this, because he focused our minds, quite rightly, on the need to get the right resolution in 1441 … He wanted to make it absolutely clear that it wasn't merely … going down the UN route, it is getting the right resolution that will be important."[200]

Mr Blair's conversation with President Bush, 31 July 2002

503. When Mr Blair spoke to President Bush on 31 July, the "central issue of a casus belli" and the need for further work on the optimal route to achieve that, was discussed.

504. Mr Blair said that he wanted to explore whether the UN was the right route to set an ultimatum or whether it would be an obstacle.

505. Mr Blair did not tell President Bush that he had been advised that the UK would need a new UN resolution to provide legal authority for military action.

506. Mr Blair spoke to President Bush on 31 July.[201] Mr Rycroft's letter recording the conversation stated that it had become clear during Sir David Manning's visit to Washington that the US was not about to take imminent action in Iraq and was focusing on the political context.

507. In his conversation with President Bush, Mr Blair had made clear that there was "no doubt that the UK would be with the US on Iraq". He wanted to explore whether the UN route was the right way of setting an ultimatum or whether it would be an obstacle and further work on whether we should go for a UNSCR to address "how we could ensure that Saddam did not play us around". There were many parts of Iraq into which Saddam Hussein could not allow the inspectors. It could be possible to construct a quick and neat ultimatum but, "If this route were not to produce the right result, we should not go down it."

508. Mr Blair added that he had an "open mind":

> "If the ultimatum were too difficult or if it complicated the task, we should not do it. But, if we could, it would be the simplest way of building the coalition and weakening the opposition to military action. Focusing on the end-state of a democratic Iraq would give us the moral high ground."

509. Mr Blair had also discussed the importance of moving forward the MEPP, including to secure the support of Arab leaders, and the possibility of a visit to the US in the autumn.

---

[200] Public hearing, 29 January 2010, page 148.
[201] Letter Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.

510. Copies of Mr Rycroft's letter were sent to Mr Hoon's Private Secretary, and to Sir Richard Dearlove, Mr Scarlett, Sir Jeremy Greenstock and Sir Christopher Meyer.

511. A separate, fuller record of the discussion was prepared for Sir David Manning and Mr Powell.[202] It focused on the "central issue of a casus belli" and the need for further work on the optimal route to achieving that. Sir David should work with the White House on the possibility of a Security Council resolution and how an ultimatum might be fashioned.

512. Mr Blair told President Bush that he was not yet fully abreast of all the military options.

513. Mr Rycroft commented that the UK now had "an opening to explore … precisely how the ultimatum would be framed, and how we would pursue it".

514. In preparation for a meeting with President Bush in early September, No.10 commissioned further advice for Mr Blair. But Mr Blair was adamant that knowledge of the substance of his proposals to President Bush should be limited.

515. Mr Rycroft commissioned more detailed advice from the FCO on a UN ultimatum, "both on what it would look like and on how we would achieve it", for Mr Blair's return to work in late August.[203]

516. Sir David Manning sent the records of his conversations with Dr Rice and President Bush and No.10's internal note of Mr Blair's telephone call with President Bush to the FCO on 1 August, for Mr Straw "to pick up on 19 August" before the possible meeting with Secretary Powell.[204]

517. In his minute to Mr Straw, Sir David wrote:

> "The Prime Minister is adamant that they [the papers] must be seen by no-one but you. They are not being copied anywhere else in Whitehall. Only you and he are therefore fully aware of what was said and what has now been decided on follow up."

518. In a separate letter to Mr Brenton at the British Embassy Washington on 2 August, Sir David Manning sent a copy of the records of the discussions with Dr Rice and President Bush, with an instruction that they were to be seen by Mr Brenton and Sir Christopher Meyer only. They were not to be mentioned to anyone else in Whitehall "including the FCO".[205]

---

[202] Minute Rycroft to Manning, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.
[203] Letter Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.
[204] Minute Manning to Secretary of State [FCO], 1 August 2002, 'Iraq'.
[205] Letter Manning to Brenton, 2 August 2002, 'Iraq'.

519. Sir David wrote:

> "The Prime Minister is adamant that they [the records] should not be circulated to anyone except the Foreign Secretary.
>
> "Nevertheless I am clear that you and Christopher must have sight of them. I therefore enclose a set, together with the Note for No.10's internal consumption of the Prime Minister's call to the President on Wednesday. Please hold all very tightly."

520. In a discussion with Mr Straw on 5 August, Secretary Powell informed him that he had seen Mr Blair's Note to President Bush.[206]

521. Sir David Manning sent copies of Mr Blair's Note to President Bush and the records of his own conversations in Washington to Sir Michael Jay on 7 August.[207] Sir David informed Sir Michael that copies had already been sent on a personal basis to Mr Straw, Sir Christopher Meyer and Sir Richard Dearlove. Mr Blair was "adamant that these papers should not be circulated" although he had agreed that Mr Straw and Sir Michael should have a set. Copies should be held "very tightly". Mr Ricketts had seen the documents but did not have a copy: "Absolutely no reference should be made to them to anyone else in Whitehall."

522. Sir David informed Sir Michael Jay that Mr Blair and Mr Bush had agreed to set up small working groups "to examine the feasibility of the UN/ultimatum route" and report by the end of August. Mr Ricketts had agreed that Mr Chaplin would take that forward. Sir David wrote that he had "explained, in general terms" what was happening to Sir Jeremy Greenstock, but Sir Jeremy had "not seen the records". A meeting between Mr Blair and President Bush was being planned for early September.

523. There is no evidence that Mr Hoon, Lord Goldsmith or the Cabinet Secretary were informed of the Note from Mr Blair to President Bush or the subsequent discussions.

Conclusions

524. Although Mr Blair had proposed a strategy based on an ultimatum calling on Iraq to permit the return of inspectors or face the consequences to President Bush at Crawford, by mid-July 2002 little progress had been made.

525. By July, the UK Government had concluded that President Bush was impatient to move on Iraq. It was concerned that the US Administration was contemplating military action in circumstances where it would be very difficult for the UK to participate in or, conceivably, to support that action.

---

[206] Letter Davies to Manning, 5 August 2002, 'Iraq'.
[207] Letter Manning to Jay, 7 August 2002, 'Iraq'.

526. Mr Blair continued to offer the US support for its goal of regime change in Iraq but was concerned about the impact of unilateral US military action on the UK's strategic interests across a wide range of issues.

527. Mr Blair's meeting with Ministerial colleagues on 23 July was not seen by those involved as having taken decisions.

528. Further advice and background material was commissioned, including on the possibility of a UN ultimatum to Iraq and the legal basis for action, on the assumption that the UK would take part in any military action.

529. Mr Blair was advised that there would be "formidable obstacles" to securing a new UN resolution incorporating an ultimatum without convincing evidence of a greatly increased threat from Iraq. A great deal more work would be needed to clarify what the UK was seeking and how that objective might best be achieved.

530. Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership with the US and setting out a framework for action.

531. Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.

532. Mr Blair thought it unlikely that Saddam Hussein intended to allow inspectors to return. If he did, the JIC had advised that Iraq would obstruct the work of the inspectors. That could result in a material breach of the obligations imposed by the UN.

533. The Note reflected Mr Blair's own views. The proposals had not been discussed or agreed with his colleagues.

534. Sir David Manning told President Bush that Mr Blair agreed Saddam Hussein had to go, but it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

535. Mr Blair's initiative had the effect of setting the UK on a path leading to diplomatic activity in the UN and the possibility of participation in military action in a way that would make it very difficult for the UK subsequently to withdraw its support for the US.

SECTION 3.4

DEVELOPMENT OF UK STRATEGY AND OPTIONS, LATE JULY TO 14 SEPTEMBER 2002

Contents

Introduction and key findings 93

Advice for Mr Blair following his meeting of 23 July 2002 94
- MOD advice on the military options, 26 July 2002 94
- The attitudes of allies 97
- UN inspections 99
- Iraqi regime cohesion 101
- JIC Assessment, 5 August 2002: 'Iraq: Regional Attitudes and Impact of Military Action' 103

Discussions with the US, August 2002 106
- Developments in the US, early August 2002 106
- Mr Straw's meeting with Secretary Powell, 20 August 2002 108

The position at the end of August 2002 115
- The legal view 115
- JIC Assessment, 21 August 2002 116
- Dr Blix's interview, 25 August 2002 120
- FCO advice, 27 August 2002 121
- The US perspective, late August 2002 123
  - Mr Blair's discussion with President Bush, 29 August 2002 126
  - The British Embassy Washington's view, 30 August 2002 129

Mr Blair's decision to set out a public script on Iraq 130
- The Sedgefield press conference, 3 September 2002 136
- JIC Assessment, 3 September 2002 139

US agreement to pursue "the UN route" 141
- Sir Jeremy Greenstock's advice, 3 September 2002 144
- FCO advice, 4 September 2002 146
- FCO advice, 6 September 2002 148
- Sir David Manning's discussion with Dr Rice, 6 September 2002 150
- Sir Christopher Meyer's advice, 5 and 6 September 2002 152
- President Chirac's views, 6 September 2002 154

Mr Blair's meeting with Dr Blix, 6 September 2002 155
President Putin's views, 6 September 2002 156
Saudi Arabia 157
Military options 157
Mr Blair's meeting with President Bush, Camp David, 7 September 2002 159
President Chirac's interview, 8 September 2002 168
JIC Assessment, 9 September 2002: 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios' 171
Mr Blair's speech to the TUC, 10 September 2002 172
The decision to recall Parliament 173
Establishing the objectives of a UN resolution 174
The UN General Assembly 182
Mr Annan's speech, 12 September 2002 182
President Bush's speech, 12 September 2002 184
Mr de Villepin's speech, 12 September 2002 188
Russia and China's comments on Iraq 189
Mr Straw's speech, 14 September 2002 190
The UK Government's position 191
Conclusions 193

Introduction and key findings

1. This Section addresses the development of UK policy on Iraq and the UK's discussions with the US between the end of July and President Bush's speech to the UN General Assembly on 12 September 2002, in which he challenged the UN to act to address Iraq's failure to meet the obligations imposed by the Security Council since Saddam Hussein's invasion of Iraq in August 1990.

2. The Joint Intelligence Committee (JIC) Assessment of Iraq's chemical and biological weapons and potential scenarios for their use, of 9 September 2002, is addressed in Section 4.2. That Section also addresses the FCO briefing on Iraq's weapons of mass destruction (WMD) and the production of the Iraq dossier, which was published on 24 September 2002 and debated in both Houses of Parliament.

3. The development of options for a possible UK contribution to a US-led military invasion of Iraq is addressed in Section 6.1.

4. By late July 2002, the arrangements for a post-Saddam Hussein Iraq had been identified as a crucial element for success in the event of regime change in Iraq, however that occurred. UK planning for that is addressed in Section 6.4.

Key findings

- In discussions with the US over the summer of 2002, Mr Blair and Mr Straw sought to persuade the US Administration to secure multilateral support before taking action on Iraq; and to do so through the UN. They proposed a strategy in which the first objective was to offer Iraq the opportunity and "last chance" to comply with its obligations to disarm.
- If Iraq did not take that opportunity and military action was required, the UK was seeking to establish conditions whereby such action would command multilateral support and be taken with the authority of the Security Council.
- Mr Blair also decided to publish an explanation of why action was needed to deal with Iraq; and to recall Parliament to debate the issue.
- The UK made a significant contribution to President Bush's decision, announced on 12 September, to take the issue of Iraq back to the UN.
- Statements made by China, France and Russia after President Bush's speech highlighted the different positions of the five Permanent Members of the Security Council, in particular about the role of the Council in deciding whether military action was justified. As a result, the negotiation of resolution 1441 was complex and difficult.

Advice for Mr Blair following his meeting of 23 July 2002

MOD advice on the military options, 26 July 2002

5. In response to the request following the meeting on 23 July for full details of the proposed military campaign and possible UK contributions, the MOD advised No.10 on 26 July:

- **US military planning was still evolving and the Chiefs of Staff were not yet able to judge whether the US had a winning concept.**
- **Three possible options for a UK contribution were identified but no recommendation was made about which option should be selected.**

The advice was sent to Mr Blair on 31 July, as one of several background papers he had commissioned at his meeting on 23 July for summer reading.

6. Mr Blair was advised that no decision was needed at that stage.

7. The three options identified by the MOD remained the broad framework for discussions until the end of 2002.

8. The record of Mr Blair's meeting on 23 July stated that the UK should work on the assumption that it would take part in any military action against Iraq and that Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), could tell the US that the UK was considering a range of options.[1]

9. Adm Boyce was asked to send Mr Blair full details of the proposed military campaign, and options for a UK contribution, by 30 July or earlier if they were available.[2]

10. The MOD advice on options for a UK contribution to US-led military operations in Iraq was provided in a letter to Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, on 26 July.[3]

11. The MOD advised that US military planning was "in full swing but it was still evolving". The concept was for an attack launched by forces deployed in Kuwait and from other Gulf States and from ships in the Gulf and elsewhere. The plan was "neither fully developed nor finalised". The Chiefs of Staff were "not yet able to judge whether this is a winning concept". Greater clarity would be needed "before any UK option could be recommended".

---

[1] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[2] Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.
[3] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

12. The MOD stated that it was "clear that the US plan of attack from the South" did not "need British land forces":

> "… in the time available there is very little scope for the preparation and integration of British land forces into the US order of battle; moreover the logistic space available in Kuwait, with five divisions worth of equipment and logistics support entering through only one airhead and a single port would already be confined …"

13. Adm Boyce recommended three options:

- **Package 1:** an "in-place support package" using forces already in the region and US use of UK bases.
- **Package 2:** an "enhanced support package" comprising Package 1 and additional air and maritime forces. That package could include forces that would be "of particular interest to the US because of their own deficiencies, e.g. mine clearance vessels and air-to-air refuellers for their carrier-based aircraft". While no conventional land forces could meet the timescales for the deployment of maritime and air forces: "Special Forces could be deployed very rapidly to match US timescales and priorities. This is likely to be very attractive to US planners, and their contribution to success would be significant."
- **Package 3:** a "discrete UK package" based on deployment of an armoured division which the MOD envisaged would be used in northern Iraq, in addition to the forces in Packages 1 and 2. The MOD stated that a force that was "credible" would be required: "Even to create uncertainty in the mind of Saddam", and the contribution of a division "would probably require command and control at Corps level. The UK might consider providing an armoured division either as part of a US-led Corps or as part of a larger coalition force possibly led by the UK using the framework of the NATO Allied Rapid Reaction Corps [ARRC]."

14. The MOD highlighted problems with:

- the concept of a "Running Start";
- the fragility of the logistic chains; and
- vulnerability to chemical or biological weapons.

15. The MOD stated that "thinking about dealing with the aftermath of a successful attack remains sketchy".

16. Finally, the MOD drew attention to the funding which would be required once a decision in principle was made to participate in military activity.

17. Mr Geoff Hoon, the Defence Secretary, attached "two large caveats" to all three options.

- First, the timescales were "best planning estimates" and made "sweeping assumptions" about basing, transit routes, and overflights. They also assumed

that funding would be available to improve sustainability and implement Urgent Operational Requirements (UORs).

- Secondly, if the Armed Forces were required to provide 18,000-20,000 people for an emergency fire service in the event of a nationwide firefighters' strike (Operation FRESCO), and the US started military action in winter 2002/3, only the in-place support package and Special Forces would be available.

18. Mr Hoon had commissioned further work with a view to expediting what would need to be done once a decision in principle had been taken. UK representatives at a US Central Command (CENTCOM) planning meeting the following week would be instructed "to set our options positively but without committing us to any specific ones". The MOD would write again as soon as there was "greater clarity about the US plan, such that the Chiefs can update their assessment of it (and the risks involved) and the Defence Secretary can make recommendations about the best option to pursue".

19. Copies of the letter were sent to the Private Offices of Mr Jack Straw, the Foreign Secretary, and the Cabinet Secretary, and to Mr John Scarlett, Chairman of the JIC.

20. The MOD advice and subsequent developments in its contingency planning during August are addressed in Section 6.1.

21. Mr Rycroft submitted the letter to Mr Blair on 31 July, as one of several "background papers you commissioned at the Iraq meeting last week" for "summer reading".[4]

22. Mr Rycroft commented to Mr Blair:

> "The military are not yet ready to make a recommendation on which if any of the three options to go for. They are continuing to work with the US military. Nor can they yet judge whether the US have a winning concept. You do not need to take decisions yet."

23. Sir David Manning told the Inquiry that Mr Blair had said:

> "… he didn't want to take any decision or accept any of these options. I think in retrospect … this was because … this was the time … when we were pressing for the Americans to consider the UN route. I think he didn't want to give any signal that he was keen to think about a military alternative …"[5]

24. The other background papers sent to Mr Blair included advice from the FCO on the attitudes of allies, the history of weapons inspection, and from Mr Scarlett on the cohesion of the Iraqi regime.[6] Those are addressed later in this Section.

---

[4] Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.
[5] Public hearing, 30 November 2009, page 36.
[6] Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.

25. A manuscript note records that the papers were seen by Mr Blair.[7]

The attitudes of allies

26. The FCO advised that achieving an EU consensus on Iraq would be difficult.

27. Sir John Holmes advised that it would be difficult to persuade France to support military action but "not totally impossible".

28. There was a striking congruence between the conditions Mr Blair had raised in his discussions with President Bush and the conditions identified by France and other allies to help secure support – UN legitimacy; public presentation of credible evidence on WMD; consultation, including on "day after" questions; and a visible attempt to revive the MEPP.

29. Following the meeting on 23 July, Mr Straw was asked to provide advice on the positions of countries in the region and the background on UN inspections.[8]

30. The FCO provided advice on the attitudes of EU partners to military action against on 30 July.[9] It stated that the JIC would be producing an Assessment of the attitudes of regional governments.

31. In relation to EU partners, a short paper was provided based on the advice of FCO posts. The UK had deliberately tried to keep Iraq off the EU agenda because "debate would be futile and would merely expose differences". That restraint was "increasingly hard to sustain" because of speculation about military action. Achieving an EU consensus on military action would be "difficult", but a number of factors might help. These included:

- "achieving some sort of UN legitimacy, preferably … a new resolution; a real effort to get the inspectors in and public presentation of credible WMD evidence";
- "genuine consultation" by the US "before … action starts". That would "need to cover the day-after questions"; and
- "a visible effort by the US to revive the MEPP".

32. As part of the preparation of that advice, Sir John Holmes, British Ambassador to France, addressed the attitude of the new French Government led by President Jacques Chirac.

33. In a telegram about France-US relations on 24 July, Sir John advised that the French Government wanted a better dialogue with the US and that "for EU and

---

[7] Manuscript comment Rycroft on Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.
[8] Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.
[9] Letter Davies to Rycroft, 30 July 2002, 'Iraq: Attitudes of Regional States and EU Partners' attaching Paper 'Military Action against Iraq: Attitudes of EU Countries'.

transatlantic reasons we have a strong interest in encouraging the French down this road".[10] France was worried that the US wished to "free itself of external constraints and its readiness to consider short-term and military solutions do not add up to a coherent and sustainable approach to international problems". It particularly feared "the consequences of an attack on Iraq".

34. Subsequently on 26 July, Sir John advised that France would be "difficult to bring on board for action against Iraq" for the reasons he had set out in his telegram of 19 February (see Section 3.2).[11] But "despite opposition in the French media and public", there was:

> "… a better chance with [President] Chirac and his new team in place – particularly if certain conditions can be met (credible plan; answers to the day after questions; prospect of international support and legal cover; consultation with France in advance). Neutrality in the event of action is certainly possible. Participation unlikely but not totally impossible – the French want to have a say in what happens afterwards."

35. Sir John added that the new French Government would be "more inclined to keep their doubts private and to engage with the Americans". The UK needed to "encourage" and "to talk to the French ourselves".

36. The key elements of Sir John's analysis were:

- The new French Government had said nothing in public, in the lead up to the election and subsequently, about possible US military action against Iraq. They had "stuck rigidly to the need for Iraq to accept the unconditional return of inspectors". That was "partly driven" by their desire "to avoid public disagreement with the US" but also reflected "their belief that the UN track represents the best hope of averting a military solution, and that P5 [the five Permanent Members of the Security Council] consensus is essential to getting the inspectors back in".
- "Privately" the Quai d'Orsay (the French Foreign Ministry) accepted that the chances of avoiding military action were "more or less gone", and it was "deeply concerned about the implications of an attack on Iraq", which one senior official had described as "highly unwise".
- President Chirac had more freedom of movement after the election "should he choose to use it"; but he would have his "work seriously cut out in shifting press and public opinion in favour of military action" if that was what he wanted to do.
- France was not encouraged by the absence of progress since February.
- UN backing was "particularly important … not just because of the Quai's approach to international law, but because they also see it as critical to winning

[10] Telegram 461 Paris to FCO London, 24 July 2002, 'France-US Relations'.
[11] Telegram 467 Paris to FCO London, 26 July 2002, 'Iraq: Attitudes of EU Partners'.

the support of enough of the Arab world. The French would be prepared to go a long way to secure UN support for a military operation, which they believe might just be obtainable if (a very big if) the Americans want it enough … [O]n past precedent, formal UN authorisation is not an absolute requirement … But what would be indispensable would be a Security Council statement (not necessarily in the form of a SCR [Security Council resolution]) that Iraq was in breach of its obligations and a warning making clear to Iraq the consequences of continued violation."

- The new Government had been "careful not to rule out the possibility of French participation in an operation with UN backing … They know that … French interests in the region will be tied to the success or failure of US action. The French will certainly not want to be excluded from what happens afterwards. This will increase the pressure on them to acquiesce in any action …"

37. Sir John's view was that France shared the UK's desire to avoid "a great European split". He advocated engagement "seriously and early … at every level, including Chirac". That:

> "… should not just be, or seem to be, as a catspaw for the Americans, when our minds are already made up and decisions taken, but as a genuine open-ended and open-minded consultation. They will respond well if they think we are serious."

38. Information on Iraq's WMD was "a particularly urgent priority". France accepted "in principle that after 11 September we cannot watch while WMD threats develop", but was "not yet convinced that Iraq presents an imminent, severe danger, and certainly not one that justifies the wider risks of a military operation".

39. Mr Rycroft sent Sir John Holmes' telegram of 26 July with the FCO advice of 30 July to Mr Blair on 31 July.[12]

UN inspections

40. The FCO response to Mr Blair's request for a background paper on UN inspections was to provide a copy of the relevant section from the draft dossier prepared for publication.

41. In response to Mr Blair's request for background on UN inspections, Mr Straw's Private Secretary advised that the "best available assessment" was in the "Cabinet Office document now awaiting a decision on publication".[13] He provided the section on the 'History of UN Inspections in Iraq' dated 20 June (see Section 4.1), which described

[12] Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.
[13] Letter Davies to Rycroft, 29 July 2002, 'Iraq: Prime Minister's Meeting 22 [sic] July'.

the activities of the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) in Iraq before their withdrawal in December 1998, stating:

- "The history of UN weapons inspections in Iraq has been characterised by persistent Iraqi efforts to frustrate, deceive and intimidate inspectors."
- Despite that, UNSCOM and the IAEA had "a valuable record of achievement in discovering and destroying biological and chemical weapons stocks, missiles and the infrastructure for Iraq's nuclear weapons programme".
- By the end of 1998, "significant uncertainties about the disposition of Iraq's prohibited programmes" remained when "A series of confrontations and the systematic refusal of Iraq to co-operate, left UNSCOM unable to perform its disarmament mandate and the inspectors withdrew on 13 December 1998."
- Since December 1998, Iraq had "refused absolutely to comply with its UN disarmament and monitoring obligations and allow access to weapons inspectors".
- The UK judged that Iraq had "used the intervening 40-month period to rebuild significant aspects of its chemical, biological, nuclear and ballistic missile programmes".
- Those actions "not only" presented "a direct challenge to the authority of the United Nations", they also breached "Iraq's commitments under two key international arms control agreements", the Biological and Toxin Weapons Convention[14] and the Nuclear Non-Proliferation Treaty.[15]

42. The document described the UN's inspections mandate in Iraq, recorded "some instances of Iraqi obstruction" and focused on "one of the most egregious examples on non-compliance", its denial of a biological weapons programme.

43. The document concluded with a "summary of developments" since December 1998 and the steps Iraq needed to take "if the international community was ever to have any assurance that Saddam Hussein's ambitions to develop … WMD have finally been thwarted". That summary referred to the report to the Security Council by the UNSCOM Chairman in 1999 as a "damning account of Iraqi deceit"; and to the establishment of a UN Monitoring, Verification and Inspection Commission (UNMOVIC). It described "full co-operation with UN inspectors, including unconditional, immediate and unrestricted access to any and all sites" as a "key measure" of Iraqi compliance. It ended with a statement that:

> "In the interests of regional and global security, the international community cannot allow this stand off to continue indefinitely."

44. Resolution 1284, adopted by the UN Security Council in December 1999 after considerable debate and disagreement, is addressed in Section 1.1.

---

[14] "which bans the development, production, stockpiling, acquisition or retention of biological weapons".
[15] "which prohibits Iraq from manufacturing or otherwise acquiring nuclear weapons".

Iraqi regime cohesion

45. Mr Scarlett advised on 31 July that Iraq considered a US attack to be likely.

46. There was no intelligence of serious rifts within the regime and the perception that senior members would be targeted by the US gave them no incentive to work directly against Saddam Hussein.

47. Some key members of Saddam Hussein's regime were reported to favour allowing inspectors to return.

48. Popular uprisings would only be possible if there was a credible coalition attack "with the clear intention of finishing off the regime".

49. On 31 July, Mr Scarlett provided a note "examining the weaknesses and sources of friction within the regime", in response to a request from Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Overseas and Defence Secretariat (OD Sec), for more work on the cohesion of the Iraqi regime.[16] As well as internal regime tensions, which had been examined in the JIC Assessment of 4 July, 'Iraq: Regime Cohesion', and discussed in Mr Blair's meeting of 23 July (see Section 3.3), Mr Scarlett addressed military preparations and the attitudes of the Iraqi populace.

50. Mr Scarlett wrote that the Iraqi regime considered a US attack to be "likely"; and it saw the "greatest threat in the short term as coming from an 'Afghanistan' scenario of air strikes and Special Forces supporting an internal uprising". But Saddam Hussein was "beginning to realise that a much larger US military operation" was "now possible".

51. The UK had no "intelligence suggesting any serious rifts within the senior members of the regime". There were differences within the Iraqi regime over permitting the return of UN inspectors. Mr Tariq Aziz, the Deputy Prime Minister, Mr al-Hadithi, the Foreign Minister, Mr Izzat Ibrahim al-Duri, the Vice Chairman of the Revolutionary Council, and Mr Uday Hussein, Saddam Hussein's son, were "reportedly … more in favour". Mr Scarlett judged that policy differences were "unlikely to be a serious concern" for Saddam Hussein: he totally dominated the regime and "despite any damage to his prestige from allowing the return of inspectors" there was "little risk to him personally from making sharp changes in policy". He had "done so in the past" and his deputies disagreed "at their peril". It was "likely that senior members of the regime" judged that "the US threat to topple the regime" would "include them". There was "little or no incentive for them to work directly against Saddam".

52. Conditions inside Iraq were better than they were "immediately before the start of the Oil-for-Food (OFF) programme in late 1996"; but the "greatest losers under sanctions" had been the middle classes. There was "no reliable information on public opinion inside Iraq", but a belief that the Iraqi population was "cowed by Saddam's security apparatus".

---

[16] Minute Scarlett to Manning, 31 July 2002, 'The Iraqi Regime: Risks and Threats'.

53. The Kurds were "content with the status quo". They had "a significant degree of independence and, as the Kurds did not contribute to compensation payments from OFF revenue to Kuwait, they had done "disproportionately well from OFF". Their goal was "significant **autonomy** in a federal Iraq". They remained "wary of backing US military action too openly".

54. The Iraqi regime was "relatively sanguine about the risk of opposition" in the South, and deemed the "main threat" to be "from **SCIRI** [Supreme Council for Islamic Revolution in Iraq] and its military wing, the **Badr Corps**". The UK lacked "reliable intelligence on the size and attitudes of particular tribes in southern Iraq".

55. Mr Scarlett concluded:

> "… until the regime's military and security forces have been significantly weakened by external attack, neither SCIRI nor these tribal insurgents can present a significant threat to regime control. Once the regime's security and military apparatus begins to crack, however, a more general uprising is quite possible, as in 1991. Only a credible coalition attack with the clear intention of finishing off the regime will overcome the local population's natural sense of caution. After all, the precedent of 1991 showed that the regime was allowed brutally to re-establish its control without significant interference from coalition forces."

56. In response to a request from Mr Jonathan Powell, Mr Blair's Chief of Staff, Mr Scarlett also sent Mr Blair "classified reading material on Iraq" produced by the US, and the following documents produced by the Defence Intelligence Staff (DIS):

- **'**Removing Saddam', an evaluation of options for removing Saddam produced in March 2002 (see Section 6.1);
- 'The Iraqi Defence Profile', an overview of Iraq focusing particularly on Iraq's military and security organisations, produced in 1999;
- **'**Proliferation Study of Iraq', an in-depth study of each of Iraq's programmes to develop weapons of mass destruction, produced in August 2002;
- an 'aide memoire on WMD and Proliferation', including Iraq, produced in June 2002;
- 'Profile: Saddam Hussein', produced in April 2001;
- 'The Iraqi Tribes: Their Identity and Role in Internal Security', produced in June 2002;
- 'The Iraqi Ba'ath Party', produced in February 2002;
- 'The Iraqi Opposition', produced in June 2002; and
- 'Infrastructure Briefing Memorandum', produced in January 2002.[17]

[17] Minute Scarlett to Powell, 1 August 2002, 'Iraq: Classified Reading Material'.

57. It is clear from the documents on the No.10 files that Mr Blair had read them.

58. When No.10 asked for reading material for Mr Gordon Brown, the Chancellor of the Exchequer, Mr Scarlett provided the same documents.[18]

59. Further information from the DIS 'Proliferation Study of Iraq' and its 'aide memoire on WMD and Proliferation' can be found in Section 4.2.

JIC Assessment, 5 August 2002: 'Iraq: Regional Attitudes and Impact of Military Action'

60. On 5 August, the JIC provided further advice on the attitudes of regional states to military action against Iraq, which it described as a "key issue" facing Ministers.

61. The judgements in the Assessment reflected the conditions which had already been identified in policy papers and discussions.

62. The Assessment identified that the US must continue to convince regional governments of its determination and ability to remove Saddam Hussein quickly and offer credible plans for the aftermath.

63. At the request of the MOD, the JIC reconsidered the judgements in its Assessment of 19 April (see Section 3.3), 'Iraq: Regional Attitudes', on regional attitudes to military action and how much support or opposition they might offer.[19] It also assessed the impact of military action on the internal stability of regional states.

64. In its discussion of the draft Assessment on 31 July the JIC identified Iraq as:

> "… an immensely important issue for Ministers and the paper would therefore be read widely and with great interest. It looked specifically at the implications of military options but needed to spell out more, the huge ambiguities and doubts in the region about the timing of any US attack, as well as the likely aftermath … The success of any US action would also depend partly on whether the objective was for the West to have control over Iraq in the longer term … The overview … was rather negative but in fact governments in the region would rather like to be rid of Saddam;
>
> "the key issue facing Ministers now was gauging what Iraq's neighbours would say … the draft Assessment was a little too conventional on this point and did not really get beneath the surface … Iran's reactions were the most difficult to gauge but would be crucial and would merit fuller treatment in a separate paper."[20]

---

[18] Minute Scarlett to Rycroft, 5 September 2002, 'Iraq: Classified Reading Material'.
[19] JIC Assessment, 5 August 2002, 'Iraq: Regional Attitudes and Impact of Military Action'.
[20] Minutes, 31 July 2002, JIC meeting.

65. In its Key Judgements, which were very similar to those of 19 April, the JIC concluded:

- "No regional state, including Iran and Syria, would give Iraq significant practical support against a US-led attack."
- "Turkey would be willing to provide basing for a US-led attack on Iraq. Provided there were no worsening of the security situation in Palestine, Kuwait […] would provide basing or staging support […]."
- "Saudi Arabia would be very unlikely to provide basing. It might approve some over-flights, but possibly only for non-offensive operations. It would distance itself from US-led military action, […]."
- "Arab governments' support would be badly damaged if Israel used a US-led attack on Iraq […]. Their support might also be reduced if any military campaign is prolonged or causes many civilian casualties."
- "A US-led attack on Iraq would spark large-scale protests across the Arab world. Security forces would probably be able to maintain control, at least initially, […] Anti-Western sentiment in the region would not dissipate quickly and could boost popular sympathy for extremist causes, including Al Qaida."[21]

66. In the Assessment itself, the JIC stated that Iraq had "no real allies" but regional States were influenced by a long list of factors which made "winning any support [for military action] an uphill struggle". Those factors were:

- There was a "deep Arab concern" that they were "being called on to support an attack on a fellow Muslim country.
- Events in Israel/Palestine remained "a primary focus" for Arab States: "No Arab State is persuaded that Saddam should be dealt with before there is a substantial movement towards resolution of the Palestinian problem."
- For Arab States, "concerns about military action" owed "more to fears about potential internal instability than to any affection for Saddam".
- There was "uncertainty over US resolve". Regional support might "firm up when a credible plan" was "on the table" and preparations had begun: "**A quick build up and a rapid and decisive victory**, with low civilian casualties, would minimise popular discontent, especially if the Iraqi people welcomed Saddam's overthrow".
- "A UN Security Council resolution justifying force would make it easier for regional governments to justify publicly their acquiescence to US military action. Otherwise, regional States would want stronger evidence of Iraq's continued pursuit of WMD and that the return of weapons inspectors had been visibly pursued and exhausted."

---

[21] JIC Assessment, 5 August 2002, 'Iraq: Regional Attitudes and Impact of Military Action'.

- "Most regional governments would be happy to see Saddam's demise. But they would be likely to have profound misgivings about a campaign without a well-constructed plan for a new Iraq. All agree that Iraq's territorial integrity must be maintained. But there are differing regional concerns about the place of the Kurds and Shia in any new regime, the type of government and its relationship with the West. Arab States want Iraq to remain a counter-balance to Iran."
- There were "**economic** concerns about the effect of lost trade".

67. In addition, the Assessment included the following points:

- The "volatility in Israel/Palestine" continued to "dominate the Arab World's attention. The pro-Western Arab States may accept a military build up in the region, even in the absence of more concrete progress on Palestine. But we assess that in the run up to an Iraq campaign, **Arab governments' support could be withdrawn with any worsening of the Israel/Palestine security situation**."
- "As the originator of the Arab peace initiative, Crown Prince Abdullah [of Saudi Arabia]" remained "focused on Palestine". If there was "little progress there" or the US was "perceived as resistant to Saudi pressure" that would be "damaging to his domestic credibility". Anti-US sentiment remained "strong" and the JIC judged that "for the next few months at least", there was "no prospect of Saudi Arabia agreeing to provide basing for US military action … even if the prospects for the return of inspectors" remained "slim".
- Iran feared "eventually being targeted by the US" and was "seriously alarmed at the prospect of greater encirclement by the US if a pro-Western regime were installed in Baghdad". Once a US attack began, the JIC assessed that Iran "would probably boost its support for Shia groups working against Saddam, with the aim of increasing its own influence in Iraq". The JIC judged that the Iranian Islamic Revolutionary Guard Corps (IRGC) "would be likely to work directly to undermine US influence, e.g. by manipulating Iraqi groups through propaganda and the selective provision of money and arms, although it would not undertake anything that would provoke US military retaliation".
- "In the build up to an attack … Saddam would seek to speak direct to the 'Arab street to incite unrest … Saddam may also begin a campaign of **terrorism and sabotage**, possibly even before an attack began. Iraq has consistently failed in previous attempts to conduct successful attacks, either through its own agents or by proxy … But there is a risk that once Saddam was convinced a regime threatening attack was inevitable he could become more willing to adopt extreme, unpredictable and unorthodox courses of action."

68. The implication of the Assessment was that the US "must continue to convince regional governments of its determination and ability to remove Saddam quickly and offer credible plans for the aftermath".

Discussions with the US, August 2002

Developments in the US, early August 2002

69. Debate about the strategy towards Iraq continued in Washington during August.

70. The MOD reported on 12 August that President Bush had authorised preparatory military activities.

71. A meeting of the US National Security Council chaired by President Bush was held on 5 August to review what Vice President Dick Cheney described as "the latest iteration of the war plan".[22]

72. In his memoir, General Tommy Franks, Commander in Chief CENTCOM, described his strategic objective as regime change and his operational objectives as securing the oil fields and water infrastructure, while preventing Iraq's use of long-range missiles and WMD.[23] He wrote that he had told the meeting that, "In a month", the US would have the lead elements for a "Running Start" force in place. In response to a question from Mr Donald Rumsfeld, Secretary of Defense, Gen Franks confirmed that would not take the US beyond a point of no return.

73. Mr George Tenet, Director of Central Intelligence, was reported to have replied to a question from President Bush about the Iraqi people's reaction to the overthrow of Saddam Hussein: "Most Iraqis will rejoice when Saddam is gone."[24]

74. In his book published in 2012 Mr Colin Powell, US Secretary of State, wrote that he and President Bush had met on the evening of 5 August "to discuss the pros and cons of the Iraq crisis. Momentum within the administration was building towards military action and the President was inclined in that direction."[25] In Secretary Powell's view "not enough attention had been given either to non-military options or to the aftermath of a military conquest". He was concerned about the unpredictable consequences and had told President Bush: "if you break it, you own it".

75. Secretary Powell wrote that, after listening carefully to the presentation, President Bush had asked for recommendations and that he [Powell] had replied:

> "We should take the problem to the United Nations … Iraq is in violation of multiple UN resolutions. The UN is the aggrieved party. Let's see if there might be a diplomatic solution to the WMD issue. If not, and war becomes necessary, you will be in a better position to solicit the help of other nations to form a coalition."

---

[22] Cheney D & Cheney L. *In My Time: A Personal and Political Memoir.* Simon & Schuster, 2011.
[23] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[24] Cheney D & Cheney L. *In My Time: A Personal and Political Memoir.* Simon & Schuster, 2011.
[25] Powell C with Koltz T. *It Worked for Me: In Life and Leadership.* Harper Perennial, 2012.

76. Secretary Powell wrote that President Bush had added:

> "… if the UN certifies to our satisfaction that there are no weapons of mass destruction … that problem would be solved, but Saddam would still be in power. Is his elimination worth a war?"

77. On 12 August, the MOD reported that President Bush had authorised preparatory military activities and that the inter-agency process in Washington had been launched.[26]

78. An article published on 15 August by General Brent Scowcroft, the former National Security Advisor to President George H Bush, argued that the US should not attack Saddam Hussein; it should be pressing the United Nations Security Council to insist on an effective no-notice inspection regime for Iraq.[27]

79. Mr John Howard, the Australian Prime Minister, had also told President Bush that "a UN resolution was essential to win public support".[28]

Iraq's position

On 1 August, Dr Naji Sabri, the Iraqi Foreign Minister wrote to Mr Kofi Annan, UN Secretary-General proposing a further round of technical talks in Baghdad between Iraqi technical experts and UNMOVIC:

> "… to review what was accomplished in disarmament issues between May 1991 until December 1998, to look into the remaining issues … included in the report of Ambassador Amorim to the Security Council on 30 March 1999, and to study and assess their importance and decide upon measures to resolve them when the inspection team returns to Iraq."[29]

Dr Sabri wrote that the aim to reach "common ground on the scientific and practical criteria that will be adopted to treat and resolve what UNMOVIC might see as pending issues".

That would be part of the process "to progress towards a comprehensive solution and concurrent implementation of all the requirements of relevant Security Council resolutions".

On 12 August, Mr Mohammed Saeed al-Sahhaf, the Iraqi Information Minister was reported to have rejected calls for weapons inspectors to return to Iraq on the grounds that their work had been completed.[30] Mr Sahhaf was also reported to have said that it was "a 'lie' that Iraq still had weapons of mass destruction".

---

[26] Letter Davies to Wechsberg, 12 August 2002, 'Iraq: US Contingency Planning'.
[27] *Wall Street Journal*, 15 August 2002, *Don't Attack Saddam*.
[28] Bush GW. *Decision Points*. Virgin Books, 2010.
[29] *BBC News*, 2 August 2002, *Iraq's letter to the United Nations.*
[30] *BBC News*, 12 August 2002, *Iraqi Minister rejects inspections.*

On 15 August, Dr Sabri sent a further letter to Mr Annan, repeating the offer of technical discussions and asking for answers to questions to the questions it had presented to the Security Council in March 2002.[31]

Mr Straw's meeting with Secretary Powell, 20 August 2002

80. The British Embassy Washington warned that many in the US Administration were talking about "when" military action would be taken, not "if"; and that the views of Vice President Cheney and Secretary Rumsfeld were likely to prevail over those of Secretary Powell.

81. Following their discussion on 26 July (see Section 3.3), Mr Straw had agreed with Secretary Powell that he should make an unpublicised visit to the USA on 20 August.

82. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, wrote to Mr Straw's Private Office on 15 August to provide "a snapshot of the public mood and what we are hearing from contacts on Iraq".[32] He wrote:

> "Despite repeated affirmations that no decisions have yet been taken, there is a general assumption that the [US] Administration is moving towards military action to remove Saddam … The private language of the … majority of those to whom we speak is 'when rather than if'. There have been a string of … leaks from the Pentagon about the feasibility and means of doing this … the President held a carefully publicised meeting with Franks at the start of this month to look at military options. Over the past few days we have begun to hear a consistent line from the Administration … on why Saddam should be removed (BW [biological weapons/ warfare], links to terrorism, threat to neighbouring states, brutal oppressor). And [John] Bolton [US Under Secretary of State for Arms Control and International Security] told me yesterday that the US is planning to run a roadshow in the Autumn about the threat of Iraq's WMD.
>
> "This does not mean the matter is yet settled. The debate on military tactics has died down and is now focusing on some other very big problems. These include widely publicised fears about possible use by Saddam of his WMD and the risk of Israel being drawn in to a war … and the need to build more international support for US actions."

83. Mr Brenton advised that the US felt a:

> "… strong diplomatic and presentational need for the support, and perhaps involvement, of a few key allies – with the UK close to the top of the list. They of

[31] UN Security Council, 15 August 2002, 'Letter dated 15 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General' attaching 'Letter Sabri to Annan, 15 August 2002', (S/2002/939).
[32] Letter Brenton to Private Secretary [FCO], 15 August 2002, 'Iraq'.

course recognise that allied support would be much easier to achieve if they could get Security Council endorsement for military action. They are already playing the inspections issue in the Council with a view to putting Saddam clearly in the wrong. But they claim they … have sufficient legal justification for military action in Saddam's breach of earlier UNSC [UN Security Council] resolutions. It is highly unlikely that they would go to the Council for further endorsement unless they were 100 percent sure they would get it. A number of Administration hawks … have made it clear that in their view the case for regime change would not be affected if Saddam accepted inspectors, on whatever terms."

84. Mr Brenton wrote that President Bush had "recently tried to calm the press frenzy by talking about a 'patient and deliberate' approach". American domestic and political opinion would be more important to the US Administration than the UN. So far the public debate had run "rather against the Administration" with a number of Republican heavyweights, including General Scowcroft, "lining up to question the wisdom of military action". Opinion polls showed strong support for action. Congressional hearings would resume on 16 September and Mr Brenton reported that there were indications that Administration testimony would "start to make the case for military action".

85. Mr Brenton described what to do on the "day after" as the "most vexed" issue. A senior State Department official had said that they were "increasingly thinking in terms of some form of democracy, but recognised that it would need to be propped up by a long term international, (i.e. almost certainly US) security presence". In a recent conference the Iraqi opposition had made it clear there should not be a "foreign invasion"; they wanted to be in charge.

86. Mr Brenton concluded:

"Finally, as the key operational issues come to be addressed (including whether to go ahead at all), there is the balance of power within the Administration. The arch hawks are Rumsfeld and Cheney both of whom firmly support military action and are undeterred by the possible effect on the already inflammable Middle East (indeed they believe the successful US action in Iraq would have a salutary effect on other troublesome entities in the region). The instincts of the President himself (and therefore Rice [Dr Condoleezza Rice, President Bush's National Security Advisor]) are likely to be closer to their side than to that of Powell, who is plausibly reported to be more cautiously [sic]. There is also the political dimension. The Administration will not want to get into a vote losing quagmire – but will also be wary of failing to meet the strong expectations they have now created. The key point about this not unfamiliar pattern … is that (eg as on the MEPP) it is normally the Rumsfeld/Cheney faction that prevails."

87. Mr Brenton's letter was seen by Mr Blair before a telephone call with Mr Straw on 19 August in preparation for the latter's meeting with Secretary Powell.[33]

---

[33] Manuscript comment Wechsberg, 19 August 2002, on Letter Brenton to Private Secretary [FCO], 15 August 2002, 'Iraq'.

88. The meeting of the National Security Council on 16 August decided that the US strategy should be launched at the UN; but not what that strategy should be.

89. Dr Rice wrote in her memoir that, in the National Security Council on 16 August, "There was unanimous agreement that our new strategy should be launched at the United Nations, but we did not decide the question of what the President would say."[34]

90. When Mr Straw met Secretary Powell during an unpublicised visit to the US on 20 August, he was informed that Mr Blair's Note to President Bush of 28 July had been very timely; and that President Bush was keen to hear the outcome of their talks.

91. Mr Straw informed Secretary Powell that:

- **Mr Blair had been irritated to find himself in the position, where the US and UK had been "outed" before they had been able to make the case with the public for action against Iraq.**
- **The UK's draft dossier on Iraq did not in his view lead inexorably to the conclusion that military action was the only way to deal with Saddam Hussein.**
- **A better case for action could be made.**

92. Mr Straw argued that the case for an international coalition was overwhelming and UN "involvement" was essential. Military action would easier for the UK if there was a UN resolution.

93. Mr Blair wanted a "hard-edged ultimatum" issued by the UN with a clear link to military action. He would stand by the US, but he was worried. The "UN was the way through"; it was "an opportunity not an obstacle".

94. If Saddam Hussein accepted inspectors on US and UK terms, the UK view was that the case for military action would be ended "for the time being".

95. Mr Straw and Secretary Powell agreed that a key question was whether they could live with a Saddam Hussein who had fulfilled the UN mandate.

96. Lord Williams of Baglan, Special Adviser to Mr Straw from 2001 to 2005, told the Inquiry that:

> "As the summer months approached I felt increasingly that the war was becoming unavoidable and the Bush Administration had made up its mind on this course of action. The only question remaining was whether the UK would join in the military assault."[35]

---

[34] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[35] Statement, 9 January 2011, pages 6-7.

97. Lord Williams added that he had used the summer to write a long note for Mr Straw on US military actions since the Second World War, the position taken by the UK Government on those actions, and the relevance to an invasion of Iraq, concluding with the suggestion that, "if war in Iraq was to involve the UK it would be strategic and political folly without UN authorisation".

98. The FCO was unable to find a copy of the document for Lord Williams before he gave evidence.

99. Lord Williams had advised Mr Straw that "while containment had successfully boxed in would be aggressors, it has done nothing to stem the spread of weapons of mass destruction".[36] That had been addressed through arms control treaties: it had been in the mutual interest of both the US and the Soviet Union to reach such agreements. It had been "less successful in dealing with 'rogue states' and … WMD" where there were "no mutual interests between rogue states and the US". Containment was "by definition" an "acceptance of the status quo" and it was questionable whether that was "acceptable with regard to WMD". In his view, the "experience of North Korea" had taught the Bush Administration "a bitter lesson it does not want to repeat with Iraq".

100. The lessons for Iraq to be drawn from history which Lord Williams had offered Mr Straw were:

> "With the exception of Vietnam, the United States has always fought alongside substantial Allied Forces. On most occasions since 1945 … it has done so under a UN mandate. It is not unthinkable that the US could do so … against Iraq. A UN mandate may not be so unattainable …
>
> "The advantage for the US of a UN mandate would be twofold. Firstly, substantial Allied support would be likely … Secondly, most importantly, a UN mandate will be essential for post war Iraq. It will simply not be possible for the US to do this alone … Experience elsewhere … has underlined the necessity of UN involvement as the mechanism indispensable for the marshalling of global, political and economic support in the context of post war [re]construction.
>
> "… 'regime change' per se has seldom been a declared war aim. Nevertheless, it was the declared war aim of the Allies from 1942 …
>
> "In more recent cases involving the UK, the defeat of Argentina in … 1982 … led to the ousting of the junta … while the defeat of Serbia in … Kosovo … led to the overthrow of Milošević within twelve months. Despicable though both regimes were, neither were as brutal and totalitarian as … Saddam Hussein who survived military defeat in 1991 only through the exercise of extreme political coercion domestically. This … made it unlikely short of Saddam's death that his regime could change

[36] Minute Williams to Secretary of State [FCO], 19 August 2002, 'The United States and Iraq: Historical Parallels'.

without external intervention. In this regard, Iraq is different from either North Korea or Iran and its involvement in weapons of mass destruction that much more deadly."

101. A copy of the minute, which was sent to Mr Straw on 19 August, was sent to Sir David Manning on 21 August.[37]

102. When Mr Straw and Secretary Powell met on 20 August, they discussed Mr Blair's Note to President Bush of 28 July and its impact on thinking in the US.[38]

103. Mr Simon McDonald, Mr Straw's Principal Private Secretary, reported that Secretary Powell had "spoken frankly". He told Mr Straw that Mr Blair's "letter [the Note of 28 July]" to President Bush had been "very timely". The "case for doing something straight away was being pressed hard". Secretary Powell was "putting the case for a longer haul", including during a private dinner with President Bush at which Dr Rice was been the only other person present.

104. Secretary Powell told Mr Straw that what happened next would depend on what US "Principals" heard in their meeting 10 days later, "in particular about the status of the military plan". President Bush was keen to hear the outcome of the discussion with Mr Straw. Dossiers on the "case for action" were being prepared: "True believers would see a smoking gun no matter what. But most of the stuff Iraq was importing was dual-use. It was not clear that the situation was any more serious this year than last."

105. Mr Straw handed over a copy of the UK's draft dossier on Iraq: "Although it made clear that Saddam was a very bad man, the contents did not lead inexorably to the conclusion that the only way to deal with him was by military action." Secretary Powell agreed that "containment had worked".

106. Mr Straw told Secretary Powell that he had discussed the position with Mr Blair the previous day. Mr Blair was concerned and had:

"… asked him to stress that the problem was that we had been 'outed' long before we had been able to make the case with the public for action … [Mr Blair] was also signed up to the importance of the relationship with the US, and had moved mountains to ensure that the EU stayed in line with the US. Nonetheless, he had been irritated to find himself in his present position because of US hawks … The key issue … was whether the US wanted an international coalition or not. The US could go it alone; if they wanted that, they had only to tell us."

107. Mr Straw's view was that:

"… the case for an international coalition was overwhelming: first for basing and access and then for what would happen after getting rid of Saddam. But also,

---

[37] Manuscript comment McDonald to Manning, 21 August 2002, on Minute Williams to Secretary of State [FCO], 19 August 2002, 'The United States and Iraq: Historical Parallels'.
[38] Letter McDonald to Manning, 21 August 2002, 'Foreign Secretary's Visit to the US, 20 August 2002'.

> especially, if things went wrong. In such circumstances the US would need the international community at the scene of the crime … A solo US effort that ended in failure would give those who saw the EU as an alternative power to the US the chance they had been waiting for.
>
> "If the US answer to a coalition was 'yes', then UN involvement was essential. The Prime Minister's letter [the Note of 28 July] had been a little ambiguous on who should issue the ultimatum; yesterday he [Mr Blair] had been clear that the ultimatum should issue from the UN. He wanted a hard-edged ultimatum with a clear link to military action – but recognised that achieving such a text would be difficult. If Saddam … accepted inspectors on our terms, the Prime Minister thought that would end the case for military action for the time being. But he thought Saddam unlikely to give in."

108. Mr Straw said that he had a slightly different opinion: "Saddam was a busker and survivor". Mr Straw added that: "it would be harder to make the case for military action if he [Saddam Hussein] had been disarmed – and, eventually, Saddam would go".

109. Mr Straw told Secretary Powell that Mr Blair's view was that building a coalition "meant working through the UN"; and that in the Middle East it meant doing something on the Middle East Peace Process (MEPP). Mr Blair would be "willing to spend time and political capital" on the latter "including holding a peace conference". Secretary Powell responded that although he had been the principal advocate of a conference, there were not "enough elements to get it together".

110. Addressing the "public case", Mr Straw said that the UK dossier:

> "… needed a compelling last chapter. We could make a better case than the one we had made so far. Traditional Cold War-style containment did not work for WMD. Rogue states did not have as much at stake as the Soviet bloc."

111. Mr Straw said that he had told Mr Blair about Secretary Powell's "more sceptical view of Russia's likely support" but Mr Blair "was convinced that securing Russia depended on the price".

112. Mr Straw asked whether military action would work. Secretary Powell explained that US thinking had developed since the end of July; the "standing start" needed an Iraqi trigger, so the US enthusiasm for it had waned. The focus was now on the "generated case".

113. Mr Straw told Secretary Powell that "if there were action tomorrow the Prime Minister would be in difficulties". It was "not just the usual suspects causing trouble"; respected retired officials were "publicly raising doubts" and the "lawyers were saying in terms that there were not sufficient grounds … to support regime change". On "military action more generally" the lawyers "had not definitively opined but had said it would be easier if there were an SCR". Mr Straw drew Secretary Powell's attention to the passage

in Mr Blair's Note of 28 July that "in Britain, right now, I couldn't be sure of support from Parliament, Party, public or even some of the Cabinet". In Mr Straw's view, if Cabinet held a secret ballot, it was unlikely that Mr Blair would win.

114. On the "day after", Mr Straw said that Iraq had been "the artificial creation of the UK in 1921. The country had no experience of democracy and democracy could pull it apart."

115. Secretary Powell had said he "took it" that Mr Blair:

> "… wanted some kind of UN resolution. Some of his colleagues did not want UN involvement in any shape: it might frustrate their purpose. But he did not think the evil/moral case worked: there were lots of evil people we did not go after.
>
> "At the (video) meeting last week, he had made the argument that the US was isolated and had slipped badly in the Arab world … and must make the case in the international community, otherwise the US would be accused of the biggest act of unilateralism … So the US should start making the case in the President's 12 September speech [to the UN General Assembly]. The Vice President had come on board but added the line that we could not allow the UN to stop us if we did not like the way things were going. Importantly, the President had repeated that the objective of regime change was getting rid of WMD. Others in the (virtual) meeting had not, he thought, appreciated the importance of what the President was saying; but, for Powell, the logic of the President's position meant that, if WMD were dealt with, regime change would no longer be required."

116. Secretary Powell said that "the hawks had not made the terrorism case against Iraq" and Iraq had not threatened the US; "Saddam was a 'regional bastard'. So the US might find itself taking action for the benefit of regional friends who were not keen on that action."

117. Secretary Powell was "still alone in the Administration, except for the President". In response to Mr Straw's question about what the UK could do to help, Secretary Powell said that "if his strategy was OK'd by the President, the US would need to share" with the UK "what they had planned at UNGA [UN General Assembly]" and would need the UK "to back them up in the Security Council".

118. Summarising their discussion, Secretary Powell said that he and Mr Straw:

> "… were agreed that we had to do something with our public and with the international community. We had to think about the 'ultimatum sentence' and recognise that if Saddam accepted inspectors, military action would be on hold. A key question then was whether we could live with a Saddam who had fulfilled the UN mandate."

119. Secretary Powell said that:

> "… war in Iraq would define the first term. He poured scorn on the hawks' beliefs: that a quick triumph was inevitable because Iraqis were waiting to be liberated; and that victory in Iraq would help the MEPP and spread democracy in the region. What would the Syrians and Iranians make of the US action – where next?"

120. Asked where Mr Blair stood, Mr Straw replied:

> "… if he had a free choice, the PM wanted to get rid of Saddam. But the more he thought about it the more difficult it looked to the PM. He would stand by the US but he was worried. The UN was the way through. An effort now could be a dry run for later if military action were required. As the PM had said to him, the UN should be seen as an opportunity, not an obstacle."

121. The record of the discussion was to be seen only by Sir David Manning and Mr Blair.

122. In his memoir, Mr Straw wrote:

> "Not for the first time, and certainly not for the last, Colin opened up to me about his intense frustration with parts of the Administration; in particular Dick Cheney and Don Rumsfeld … I left the Hamptons pleased that Colin and I were in agreement and hopeful that although it was going to take a great effort, we might be able to get the Bush Administration to go to the UN."[39]

The position at the end of August 2002

The legal view

123. During August 2002, Mr Michael Wood, FCO Legal Adviser, continued to express concerns about assumptions that, in the absence of an identified legal basis, the UK would participate if military action was taken by the US.

124. Lord Goldsmith remained concerned to address the issues.

125. Mr Wood wrote to Mr Stephen Wright, FCO Deputy Under Secretary Defence and Intelligence, and other senior colleagues on 15 August expressing concern that, while he appreciated that no decision had been taken, "there appears to be an assumption that if military action were taken by the US, we would not only support but participate".[40]

126. Mr Wood wrote that while it was "ultimately for the Attorney General to advise HMG on matters of this importance", he thought it would "be helpful" to colleagues to briefly restate the legal position. He was "not, at present, aware of facts which would provide a respectable legal basis for military action, though further action by the Security Council

---

[39] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[40] Minute Wood to Wright, 15 August 2002, 'Iraq: Legality of Use of Force'.

could provide such a basis." Unless there was "a proper legal basis for military action, individual members of the Armed Forces and civilian officials … would also be potentially liable to charges of murder."

127. Mr Wood warned that: "To advocate the use of force without a proper legal basis is to advocate the commission of the crime of aggression, one of the most serious offences under international law." He also referred to the importance that: "HMG act in accordance with international law, and not only because this is required by the Ministerial Code."[41]

128. Mr Wright responded:

> "… I work on the premise that if a question of military action arises, the Attorney General's opinion will be sought, in the light of the facts of the case … I can see no other basis for current policy."[42]

129. On 20 August Lord Goldsmith, the Attorney General, wrote to Mr Powell reminding him that they had talked about having a further conversation in September (see Section 3.3).[43] He would be away on an official visit until 8 September and it would be helpful if they could start now to identify what timing Mr Powell had in mind.

130. Lord Goldsmith also saw Mr Wood's minute and noted that his advice on whether force was justifiable or not would be an issue.[44]

131. On 23 August, Mr McDonald wrote to Mr Wood stating that the Foreign Secretary thought that this was "very serious" and would arrange to see the Attorney General.[45]

132. Lord Goldsmith and Mr Straw discussed the legal issues on 23 September (see Section 3.5).

133. There is no indication that Lord Goldsmith and Mr Blair discussed Iraq before 22 October.

JIC Assessment, 21 August 2002

134. A JIC Assessment of 21 August re-affirmed that Saddam Hussein would permit the return of inspectors if he believed that the threat of large-scale military action was imminent, but he would seek to frustrate their activities.

---

[41] The Ministerial Code 2001 included the duty to comply with the law, including international law and treaty obligations, to uphold the administration of justice and to protect the integrity of public life.
[42] Manuscript comment Wright to Wood and all copy addressees, 15 August 2002, on Minute Wood to Wright, 15 August 2002, 'Iraq: Legality of use of Force'.
[43] Letter Goldsmith to Powell, 20 August 2002, [untitled].
[44] Manuscript comment Goldsmith to Brummell, 23 August 2002 on Minute Brummell to Attorney General, 22 August 2002, 'Iraq: Legality of the Use of Force'.
[45] Minute McDonald to Legal Advisers [FCO], 23 August 2002, 'Iraq: Legality of Use of Force'.

135. The JIC also concluded that in a conflict Saddam Hussein would order missile strikes and the use of CBW against coalition forces, supporting regional states and Israel.

136. The JIC had little intelligence on Iraq's CBW and little insight into how it would fight. Its conclusions reflected the Committee's own judgements.

137. At the request of the MOD, the JIC issued an Assessment on 21 August considering "what diplomatic options Saddam has to deter, avert or limit the scope of a US-led attack".[46] It also considered his "military options for facing a US-led attack" and how his analysis about each course of action might "change as an attack becomes increasingly imminent".

138. During the JIC discussion of the draft Assessment, it was suggested that Saddam was "likely to exploit options on weapons inspectors as a stalling tactic. An offer of unconditional access for weapons inspectors would attract international approval, and allow Saddam breathing space."[47]

139. The JIC examined Iraq's options for the short term, whether Saddam Hussein might seize the initiative, how Iraq might respond to a US military build-up, Saddam's options in "war" – including the use of missiles and WMD and "alternative scenarios and at the death".[48]

140. WMD options were considered "only briefly" as the JIC would assess those in early September.

141. The JIC's Key Judgements and the relevant supporting text are set out in the Box below.

142. The basis for the Assessment, and that the Key Judgements conveyed a much greater sense of certainty that Saddam Hussein had chemical and biological weapons and would act than the detailed text of the Assessment itself supported, are addressed in Section 4.2.

JIC Assessment, 21 August 2002: 'Iraq: Saddam's Diplomatic and Military Options'

Saddam Hussein's aim would be "to remain in power. He will use all options to achieve this. He remains innovative and capable of surprising us."

- Saddam's choices would "depend on his perceptions of the likelihood, credibility and imminence of … a US-led attack".

---

[46] JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.
[47] Minutes, 21 August 2002, JIC meeting.
[48] JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.

Saddam Hussein was "likely to pursue continued talks with the UN on the return of weapons inspectors as a means to delay a US attack. He would permit their return if he believed that the threat of large-scale military action was imminent."

- Saddam would "play for time", avoiding "giving the US a pretext to attack".
- By mid-July 2002 Saddam had "started to believe that a US-led attack was inevitable and would threaten his regime".
- An Iraqi "statement that inspectors would be allowed to return unconditionally would attract considerable international approval" and "reinforce regional concerns about the military option, even before Iraqi willingness to implement the agreement had been put to the test".
- The JIC judged that "until US military action seemed imminent" Iraq would make "incremental improvements" to its "offer on inspectors that fell short of accepting the … requirements of the UN".
- If inspectors did return, the JIC repeated its judgement of 27 February that Iraq would "embark on a renewed policy of frustration, involving denial, deception, obstruction and delay".

Saddam Hussein would "try a mix of charm, bribery and threats with his neighbours". Iraq's influence was "limited, although Saddam" was "adept at manipulating popular Arab opinion".

- Saddam would seek to deter the US "and/or potential regional allies" and use diplomacy to persuade or coerce his neighbours not to provide bases.
- Iraq was "likely to pursue every opportunity to split the … Security Council and particularly the P5".
- It would also seek to "exert economic leverage".
- Iraq could "play on regional fears" that a military attack "would have unacceptable outcomes" such as threatening Iraq's integrity, encircling Iran or emboldening the US to attack other countries.
- Iraq's ability to influence neighbouring governments was "strictly limited".
- Saddam was "likely to try to do all he can to exploit the Israel/Palestinian crisis". The JIC pointed out that, "Practical support to Palestinian rejectionists groups" was "limited"; and there was "little scope for Iraq to improve its position" as the most effective groups were "closer to Iran".
- Saddam was "adept at manipulating popular Arab opinion".

"Much as Saddam would like to seize the initiative before a US attack, his options remain limited." He was "likely to be cautious about using force early. But the closer and more credible an attack seemed, the more risks he will be willing to take, perhaps including deniable terrorist attacks, most likely in the Gulf region – though we cannot exclude a threat to the UK."

- A "concerted attempt" to bring down an aircraft in one of the No-Fly Zones was "a possibility".
- A pre-emptive attack on the Kurds or Kuwait was judged "unlikely".
- An attempt to destabilise the two main Kurdish parties "to complicate coalition planning" was "more likely".

- Saddam "would probably … order preparations for a campaign of **terrorism and sabotage** in the region".
- "… we know that Iraqi Special Forces and other organisations, such as the 'Saddam Fedayeen', also possess the capability to conduct sabotage or terrorist attacks."
- Palestinian groups "could be reluctant to carry out attacks which did not further their own objectives".
- It was "possible that Iraqi terrorist attacks could be conducted against other [non-military] interests or the leadership and economic (e.g. oil industry) targets of regional States".
- The JIC did not "know enough about Iraqi capabilities to discount the threat outside the region, including within the UK, though previously Iraqi attempts to mount terrorist attacks, or engage proxies to do so on their behalf, have been largely ineffective".

"Early on in any conflict, Saddam would order missile attacks on Israel, coalition forces and regional states providing the US with bases."

- "Saddam would probably order missile attacks …"
- The JIC judged that attacks on Israel would be "an attempt to attract Israeli retaliation and thus widen the war, split the coalition and arouse popular opinion in the Arab States".
- Missiles "could be armed with chemical or biological warfare (CBW) agents".
- "Saddam might be deterred at least initially by the threat of Israeli nuclear retaliation."
- Iraq had a "limited number of long range missiles … available"; the JIC assessed "12-20 650km range Al Hussein missiles".
- Iraq had produced more than 50 Al Samoud missiles with a range of 150km.
- Attacks on coalition forces in Kuwait would require Iraq to deploy short-range missiles into the "No Drive Zone".[49]
- A pre-emptive missile attack on Israel was "less likely because it would show Iraq had been lying about its retention of long range missiles".

"Saddam would order the use of CBW against coalition forces at some point, probably after a coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel."

- Although it had "little intelligence on Iraq's CBW doctrine" and knew "little about Iraq's CBW work since late 1998", the JIC judged it "likely that Saddam would order the use of CBW against coalition forces at some point, probably after coalition attacks had begun".
- Iraqi CBW use "would become increasingly likely the closer coalition forces came to Baghdad. Military targets might include troop concentrations or important fixed targets in rear areas such as ports and airfields."

[49] Resolution 949 (1994) imposed a "No Drive Zone" in Iraq south of the 32nd parallel.

- Saddam Hussein "might pursue an extreme course of action at an earlier stage" if he judged it to be "worth the risk of providing the US with overt justification to attack".
- Unorthodox options might include "the early or pre-emptive use of **CBW**"; "**CBW terrorism**: although Saddam probably lacks the capability to deploy a sophisticated device, he could cause widespread panic".
- "Should he feel his fate is sealed, Saddam's judgement might change to 'bring the temple down' on his enemies no matter what the cost …" At that stage, "Saddam would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel, although he would face practical problems of command and control, the loyalty of his commanders, logistics problems and the availability of chemical and biological agents in sufficient quantities to be effective and the means to deliver them."

"Iraq would probably try to ride out air strikes while conserving its ground forces. Iraq's likely strategy for a ground war would be to make any coalition advance as slow and costly as possible, trying to force the coalition to fight in urban areas."

- The JIC had "little insight into how the Iraqi military might plan to fight any ground war … At present we have little evidence to judge whether Iraq sees urban or guerrilla warfare as feasible options. Iraqi effectiveness would be mitigated by problems of command and control, inadequate training and poor morale. We doubt that guerrilla activity would be very effective; urban warfare is more plausible …"

"There is a significant potential for Saddam to miscalculate, either by escalating a crisis at an early stage, or by making concessions too late in the day to avert an attack."

Dr Blix's interview, 25 August 2002

143. In an interview on *NBC*'s *Meet the Press* programme on 25 August, Dr Hans Blix, Executive Chairman of UNMOVIC, stated that there had been "discussion and dialogue under the auspices of the [UN] Secretary-General" since the early part of 2002, in which Iraq had "shown a greater interest in inspections"; but he could not say that they had "moved closer to an invitation to the inspectors".[50]

144. Dr Blix added that Iraq did not see inspections as an isolated issue, it should be addressed in conjunction with and concurrently with other outstanding issues.

145. Asked whether Iraq possessed biological, chemical or nuclear weapons, Dr Blix responded that there were "many open questions" but the inspectors did not have proof that Iraq had weapons of mass destruction.

[50] *NBC,* 25 August 2002, *Meet the Press.*

146. Dr Blix stated that, to be effective, inspectors needed "immediate, unrestricted and unconditional" access to sites; they needed information; and they needed skill. Under the previous inspections regime there were relatively few problematic inspections where access was denied. The burden of proof did not lie with the inspectors to prove that Iraq was guilty. It was "for Iraq to restore confidence in the world that they do not have weapons of mass destruction".

147. Dr Blix pointed out that "an absence of evidence is not the evidence of absence".

FCO advice, 27 August 2002

148. The FCO's further advice on the possible text of a draft resolution judged that an ultimatum calling for the re-admission of inspectors would be "difficult to secure" but was "not out of reach".

149. If the talks between Iraq and the UN about the return of inspectors petered out or "better" broke down, that could provide a "trigger" for such a resolution.

150. The objective was for a resolution which would provide legal cover for military action, in the event of a refusal to comply with an ultimatum, without the need for further action in the Security Council.

151. Mr Straw suggested that the UK dossier might be published via the UN.

152. Mr Rycroft had commissioned further advice from the FCO on what a UN ultimatum would look like, and how it would be achieved, for Mr Blair's return to work in late August (see Section 3.3).[51]

153. The FCO advised No.10 on 27 August that it had "now done further work on the possibility of a Security Council ultimatum to Iraq", and that "President Bush's speech to the UN General Assembly on 12 September could be an important curtain-raiser."[52] An ultimatum would be "difficult to secure" but it was "not out of reach". It would "need a carefully managed campaign during the early autumn" and "a great deal of work in P5 capitals".

154. Considering tactics in the Security Council, the FCO advised that the UN/Iraq "talks petering out, or, better, a definite breakdown due to Iraqi intransigence" could provide a "trigger" for a resolution. If inspectors were allowed back into Iraq, "the trigger could be a report by Blix on Iraqi non-co-operation".

155. The text of a resolution would be "conditioned to some extent by the wider context". There might be "some political attractions … in tabling hard language" but, "unless there

---

[51] Letter Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.
[52] Letter McDonald to Manning, 27 August 2002, 'Iraq: Ultimatum'.

is a serious Iraqi outrage, the harder the language, the more difficult it will be to get the resolution through".

156. The FCO had produced a "more developed reworking" of the draft elements for a resolution setting out an ultimatum it had offered on 26 July. The key options identified were:

- A choice between describing Iraq's refusal to accept the return of weapons inspectors as a "material breach" of resolution 687 (1991) (the cease-fire resolution) or a "flagrant violation". The former would be clearer and send a very direct message, but "might be difficult for some Council members to accept". The latter might be "a little easier to sell" and was an "obvious fact".
- Whether to include an explicit operative paragraph setting a date for Iraq to allow UNMOVIC and the IAEA "immediate, unconditional and unrestricted access … so that they may discharge their mandates", after which it would be deemed that Iraq had no intention of complying with its obligations. Such a paragraph was seen to have "political and presentational" advantages although it might "not be indispensable" if a date were to be included in an earlier operative paragraph which demanded that Iraq immediately reverse its non-co-operation with UNMOVIC and the IAEA.

157. The FCO advised that, subject to Lord Goldsmith's views, a resolution "(particularly with 'material breach' language) would still give cover for military action, and that in legal terms no further Council decisions would be required".

158. The FCO warned that, in the absence of clear language on a demand that Iraq reverse its non-co-operation within a specified time, the opponents of military action would argue that Iraq "should be given still more time to comply". It would be "important" that the draft resolution provided "legal cover for military action without further Council action". The Attorney General's advice would be needed on that point.

159. Mr Straw considered that the UK should try to persuade President Bush to state that the aim of regime change was to ensure the disarmament of Iraq. The most appropriate occasion might be the President's speech to the UN General Assembly in September, as part of a wider challenge to the UN to demonstrate that it could tackle the problem of WMD in the hands of rogue states. That could open the way for a discussion in the Security Council on an "ultimatum resolution". Mr Straw also suggested that discussion might provide "a peg for publishing via the UN the long-awaited 'Iraq Dossier'".

160. The FCO advice was sent to the Private Offices of Mr Hoon and Lord Goldsmith, and to Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York.

The US perspective, late August 2002

161. The debate on Iraq in the US continued throughout August.

162. A speech by Vice President Cheney on 26 August fuelled that debate.

163. In a press conference with Secretary Rumsfeld at Crawford on 21 August, about security and defence issues, President Bush was asked whether the US had the capacity to "go to war with Saddam" alone; and whether, given remarks by General Franks that he was drawing up war plans to provide credible options, the American people should conclude that a decision was imminent.[53]

164. In response to the first question, Secretary Rumsfeld described the intense speculation about Iraq as "frenzy"; President Bush said that he would be consulting allies and Congress about how to secure peace. In response to the second question, President Bush said only that the US had to be prepared to use its military and other assets to "keep the peace" in the face of an unstable world and a global terrorist network that might strike anywhere; and that General Franks' job was to prepare for contingencies.

165. In an article in the *New York Times* on 25 August, Mr James Baker, former US Secretary of State, called for "a simple and straightforward resolution requiring that Iraq submit to intrusive inspections anytime, anywhere, with no exceptions, and authorizing all necessary means to enforce it".[54]

166. In his memoir, Vice President Cheney wrote that the White House had been talking about the idea of an "aggressive" inspection regime, advanced by Dr Rice, which was so intrusive it might result in toppling Saddam Hussein.[55] It had been discussed by the President and Mr Blair, but he (Vice President Cheney) "didn't buy it". He had therefore decided to press the issue in his speech on the threat from terrorism to a National Conference of the Veterans of Foreign Wars on 26 August.

167. In the speech, Vice President Cheney stated that Saddam Hussein had "made a science out of deceiving the international community". Vice President Cheney stated that there was no doubt that Saddam Hussein had WMD and Iraq was enhancing its capabilities. He concluded: "the risk of inaction is far greater than the risk of action". There was "no assurance whatsoever" that inspections would produce compliance with UN resolutions; on the contrary there was "a great danger that it would provide false comfort".[56]

168. In her memoir, Dr Rice wrote that President Bush asked her to call Vice President Cheney after his speech to say that the President hadn't yet made a decision. She had

---

[53] The White House, 21 August 2002, *President discusses security and defence issues.*
[54] *New York Times*, 25 August 2002, *The Right Way to Change a Regime* (James A Baker III).
[55] Cheney D & Cheney L. *In My Time: A Personal and Political Memoir.* Simon & Schuster, 2011.
[56] The White House, 26 August 2002, *Vice President Speaks at VFW [Veterans of Foreign Wars] 103rd National Convention*.

told the Vice President that President Bush was "concerned that your speech is being read as a decision to skip the UN and challenge Saddam unilaterally".[57]

169. Sir David Manning was contacted by Dr Rice on 28 August.[58] She stressed that, despite the statements and articles over the previous few days, the US position had not changed. President Bush was "determined to build international support for action on Iraq" and believed it was possible:

> "He was working on the 'UN route', and planned to use his UNGA speech to challenge the international community to deal with the Saddam threat. He was thinking of proposing that the UN should pass a further tough resolution demanding wide-ranging disarmament measures from Saddam. If he accepted them (which she thought unlikely) Saddam would be forced to run Iraq in a completely different way."

170. Sir David told Dr Rice that Mr Blair "too, remained in the same place", and that the UK "well understood the recent difficulties". They "pointed to the need for a core script we could all stick to". Dr Rice had agreed.

171. Sir David also said that a "clear line of action" was needed. Challenging and encouraging the international community to deal with Iraq through the UN "sounded exactly the right course". If the context was right, "action would become much easier". He added:

> "Action through the UN would do much to change the profile of the problem. If the UN route succeeded, well and good. If it did not, we would at least have tried to work with the international community. And anyone who blocked effective action in the UN would not only have to explain why, but … what they would do instead."

172. Dr Rice agreed; President Bush wanted to speak to Mr Blair the next day. Sir David and Dr Rice also discussed a meeting, possibly on 11 September.

173. Sir David commented to Mr Blair that the discussion:

> "… was encouraging. The signs are that Bush is now thinking of opting for a coalition strategy that takes account of the UN (though probably on pretty tough terms). I was particularly struck by Condi's remark that Saddam would have to run Iraq in a different way if he signed up to proper disarmament measures. The fact that the Administration is now conceptualising this thought, rather than reiterating its commitment to regime change irrespective of Saddam's behaviour, is significant.
>
> "… My sense is that he [President Bush] will be keen to know that he still has your support; and keen to know that you approve of his plans to work through the UN. I am sure you should encourage him strongly.

---

[57] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[58] Minute Manning to Prime Minister, 28 August 2002, 'Iraq: Conversation with Condi Rice'.

> "If Bush takes this route, it will transform the way we can approach and handle the Iraq issue."

174. The record of that discussion was sent only to Mr Straw outside No.10.

175. The British Embassy Washington reported that in a further speech in San Antonio, Texas, on 29 August, Vice President Cheney had "toned down the line on the return of UN inspectors"; describing them as "not an end in themselves".[59] He had "called more clearly for Iraq to comply with UNSCRs [UN Security Council resolutions] by disarming fully", but had "underlined concerns that Saddam would nonetheless continue to plot to develop WMD".

US national security document on Iraq, 29 August 2002

On 29 August 2002, President Bush signed the national security document, 'Iraq: Goals, Objectives, Strategy'.[60]

The stated goal of the US was to free Iraq in order to:

- eliminate WMD;
- end Iraqi threats to its neighbours;
- stop the Iraqi government tyrannising its own people;
- cut Iraqi links to terrorism; and
- "Liberate the Iraqi people from tyranny and assist them in creating a society based on moderation, pluralism and democracy."[61]

The document stated that "the United States is prepared to play a sustained role in the reconstruction of post-Saddam Iraq with contribution from and participation of the international community", and that it would work closely with the Iraqi opposition to liberate and build a new Iraq.[62]

176. In his memoir, President Bush wrote that the possibility of war was "an all-consuming" news story in Washington and recalled that he had spent much of August 2002 in Crawford, reflecting on the "next decision" he faced:

> "… how to move forward on the diplomatic track. One option was to seek a UN resolution calling on Saddam to readmit weapons inspectors. The other was to issue an ultimatum demanding that he disarm – and rally a coalition to remove him if he did not comply."[63]

---

[59] Telegram 1104 Washington to FCO, 29 August 2002, 'Iraq: Visit by Stephen Wright, DUS, to Washington, 29 August'.
[60] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[61] Feith DJ. *War and Decision.* Harper, 2008.
[62] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[63] Bush GW. *Decision Points*. Virgin Books, 2010.

177. President Bush added that Vice President Cheney and Mr Rumsfeld "believed that going to the UN would trigger a long bureaucratic process that would leave Saddam even more dangerous". But Secretary Powell had told him that "a UN resolution was the only way to get any support from the rest of the world"; and that, "if we did take out Saddam the military strike would be the easy part. Then … America would 'own' Iraq."

MR BLAIR'S DISCUSSION WITH PRESIDENT BUSH, 29 AUGUST 2002

178. President Bush and Mr Blair discussed the need to make clear that Iraq was the UN's problem on 29 August. The issue had to be disarmament, not just the return of the inspectors, with a tough and unconditional resolution so that if Iraq complied it would change the way the regime operated.

179. Mr Blair's view was that conflict was "inevitable" because he did not think that Saddam Hussein would comply with the UN's demands; "but the choice was Saddam's".

180. Mr Blair and President Bush spoke on 29 August.[64]

181. Mr Rycroft recorded that Mr Blair and President Bush had discussed the implications of speculation in August and Mr Blair's view that the US and UK had been "outed before being fully ready to make the case" against Saddam Hussein.

182. Mr Blair and President Bush had also discussed the need to make clear that Iraq was the UN's problem and that the issue was total disarmament of Iraq's WMD and associated systems not just the reintroduction of inspectors. The next phase should be to go to the Security Council with a resolution which put the burden on Iraq. That would put the US and the UK on the front foot and the challenge was for the international community and the UN. Mr Blair:

> "… wanted the UN to meet that challenge, but if it could not we would have to act. So we should remake the case, put together the evidence against Saddam, and work up a UNSCR … [It] needed to be tough and unconditional so that – if Iraq complied – it would change the way the regime operated. It was right to issue not an ultimatum to the UN but a challenge to the international community."

183. Mr Blair also said that, before that, what was needed was "a line to take" so that "we were all answering the difficult questions in the same way", including timing, the nature of the challenge to the UN, and whether conflict was inevitable. He said that the UN route "if pursued carefully was an opportunity, not an obstacle".

---

[64] Letter Rycroft to McDonald, 29 August 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 29 August'.

184. Mr Blair concluded:

> "… we were in the same place as the US. September should be the month to sort out the strategy. We should be clear within two weeks how the UN route should work. We were determined to deal with the WMD issue. September 11 had taught us the importance of dealing pre-emptively with these types of threats."

185. Copies of Mr Rycroft's minute were sent to the Private Offices of Mr Straw, Mr Hoon and the Cabinet Secretary, and to Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)), Sir Christopher Meyer (British Ambassador to the US), Sir Jeremy Greenstock, Mr Scarlett, and Mr Tom McKane (Deputy Head of OD Sec).

186. A fuller record was circulated within No.10 and to Mr Straw on a strictly personal basis.[65] It included references to the advice which had already been offered to the US and to the planned meeting between Mr Blair and President Bush in early September. It also stated that Mr Blair's view was that conflict was "inevitable": he did not think Saddam would comply with the UN demands, "but the choice was Saddam's".

187. Dr Rice told Sir David Manning that President Bush had worked carefully through the ideas in Mr Blair's Note of 28 July and concluded the best way forward was the "UN route".

188. Sir David Manning told Dr Rice that the UK would share its ideas on a resolution "shortly".

189. Dr Rice and Sir David also discussed the need to launch an effective public relations campaign to coincide with the decision to go back to the UN.

190. Dr Rice and Sir David Manning spoke later that day to follow up the discussion between Mr Blair and President Bush.[66]

191. Dr Rice told Sir David Manning that President Bush had given "a great deal of thought to Iraq during his summer vacation at the Crawford ranch". He had worked carefully through the ideas in Mr Blair's Note of 28 July and had concluded the best way forward was the UN route.

192. Sir David and Dr Rice discussed how an approach to secure UN action might best be pursued and agreed that it would be useful for Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy) and Ms Karen Armstrong,[67] to talk:
"We needed to mount a really effective public relations campaign to coincide with the

---

[65] Minute Rycroft to Manning, 29 August 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 29 August'.
[66] Minute Manning to Prime Minister, 29 August 2002, 'Iraq: Conversation with Condi Rice'.
[67] The context suggests that the record should have referred to Karen Hughes, Counsellor to President Bush from 2001 to 2002.

decision to go back to the UN." That should include addressing the nature of Saddam Hussein's Iraqi regime.

193. The possible timetable for launching the initiative in the UN and the contents of a UN resolution were also explored.

194. The options for a UN resolution included a very short resolution along the lines of the ultimatum to Iraq in 1990 or a fuller resolution which spelt out:

- the extent to which Saddam was in violation of previous resolutions;
- the steps he must take if Iraq was to be welcomed back into the international community; and
- the need for a "real" deadline, possibly 1 November.

195. The possibility of "very invasive" measures, which would involve troops being deployed inside Iraq, e.g. to protect the inspectors or in northern Iraq to prevent attacks on the Kurds, and which would change the way Saddam Hussein could rule Iraq, were also raised.

196. Sir David told Dr Rice that a deadline "must be right if we were to avoid endless prevarication and evasion". He referred to the model which had been used "successfully" the previous year in dealing with the Taliban, and said that the UK had done some thinking on a resolution. That would be shared with Dr Rice "shortly".

197. Sir David sent Mr Straw a personal copy of his minute to Mr Blair.[68]

198. Visiting Washington for talks with officials in the US State Department and National Security Council (NSC) on 29 August, Mr Wright explained the "difficult domestic political management problems" on Iraq faced by the Government in the UK.[69] He "stressed" the importance of ensuring that there was "no daylight" between the US and UK in their public presentations and the need "in particular to focus on the WMD threat and how best to address it". That meant:

> "… we needed to use the UN track. This was the best way to pursue control of WMD. It would help to build international support. And if Iraq rejected a robust inspection regime, it would strengthen the case for other action."

199. The discussions acknowledged that much of the intelligence on Iraq's WMD was "inferential" and that the "aim" should be to present the case "in terms of [Iraqi] failure to comply with the international community's demands since 1991".

---

[68] Manuscript comment Manning, 29 August 2002, on Minute Manning to Prime Minister, 29 August 2002, 'Iraq: Conversation with Condi Rice'.
[69] Telegram 1104 Washington to FCO, 29 August 2002, 'Iraq: Visit by Stephen Wright, DUS, to Washington, 29 August'.

200. The discussions also covered the scale of the military operations being examined by the US and arrangements for inter-agency co-ordination in Washington. Mr Wright stressed the need for "close UK involvement in the work".

THE BRITISH EMBASSY WASHINGTON'S VIEW, 30 AUGUST 2002

201. The British Embassy Washington reported that it would be very difficult for President Bush to do nothing, but it was clear to the main players that they would have to make a convincing case before going ahead with any action.

202. Mr Brenton wrote to Mr Edward Chaplin, FCO Director Middle East and North Africa, to provide a "snapshot of the situation as it now looks here" for a meeting on Iraq to be held on 30 August by Sir Michael Jay, FCO Permanent Under Secretary (PUS).[70]

203. Mr Brenton advised:

> "The public debate … is now firmly engaged. We have seen contributions from practically every prominent Republican … With the signal exceptions of Scowcroft … and Zinni [General Anthony Zinni, former Commander in Chief CENTCOM and US Special Envoy for Middle East Peace], virtually all have endorsed the idea of military action, subject to various preliminaries (such as going through the UN) to maximise international support. Cheney's speech … has further raised expectations of an early decision leading to military action."

204. Mr Brenton described the key points under discussion as:

- a) **Whether to do it at all**: President Bush's public position was that he would "proceed 'cautiously and deliberately' with full consultations of Congress and allies, and that a range of options remained open".
- b) **UN inspections**: Mr James Baker and others had "argued that the US must go the UN route – demanding unfettered inspections (with the expectation, but not certainty, that Saddam will refuse), and the right to take action to enforce compliance, to maximise international support".
- c) **Consulting Congress**: The White House had "made it clear" that it saw "no legal need to get Congressional support for military action … But, they have also been briefing that there will be 'full consultation' and have not ruled out seeking formal support … if the Administration made an effective case, Congress was likely to support action."

205. Mr Brenton suggested that a number of other considerations continued to weigh heavily in the debate. Those were:

- the "day after" question;

---

[70] Letter Brenton to Chaplin, 29 August 2002, 'Iraq'.

- the impact on the oil market; and
- Saddam Hussein's possible use of WMD.

206. Mr Brenton wrote that the relevance of the MEPP had not been as prominent as might have been expected: "The hawks' argument here, which has gained some resonance, is that to postpone action until Arab/Israel improves is to postpone it for ever."

207. Mr Brenton also wrote that US public opinion was "lukewarmly supportive of action … Commentators believe that if a public case begins to be made that support will firm up."

208. Mr Brenton concluded:

> "… the hard questions are now … on the table and it is clear to the main players that they are going to have to make a convincing case before going ahead with any action. So far the absence of a political green light has hindered them in making that case … The expectations that have now been generated will make it very difficult for the President to do nothing (though this … does not mean that military action is inevitable) … Even if concrete action … is still some way off, the Republicans would far prefer an Autumn in which the press is dominated by Iraq headlines than one where the economy is the lead story."

209. Copies of the letter were sent to a number of addressees, including Sir David Manning.

Mr Blair's decision to set out a public script on Iraq

210. When Mr Blair returned to No.10 after his holiday, he set out his concerns about the public debate, and that he and President Bush had been "outed" as having decided on military action when no decisions had been taken.

211. Mr Blair stated that the "strategy" should be aimed at answering the questions of those who might support military action and, in doing so, set Iraq in a bigger context.

212. Mr Blair set out a series of steps to achieve that, including working for a new UN Security Council resolution which would effectively become an ultimatum.

213. Conflict would depend on the regime's response, but Mr Blair did not think it would be long before Saddam's true intention was clear.

214. As part of a wider note to No.10 officials on 30 August, Mr Blair set out his position on Iraq:

> "I don't need any convincing as to where we are on this. The state of opinion, the difficulties. The problems are compounded by the fact that [President] Bush and myself have been 'outed' as having decided for war, come what may, when actually

no decisions have been taken. So the arguments are all being made against any action, when we are not yet in a position to make the arguments for it. But all this can be turned round in time, with the right strategy.

"My basic view on Iraq is clear and hard. The policy of containment … has worked up to a point, but can't continue indefinitely; there is no doubt that, uncontained, Iraq is a threat; they are trying to acquire nuclear weapons capability; they are developing ballistic missile capability for biological and chemical weapons of a longer range; they retain substantial WMD stocks; the regime is deeply repugnant, corrupt and repressive … The region, the world, the Iraqi people would be better off without Saddam.

"Opinion against action divides into two: those always opposed and the usual anti-American lobby; and those, a large number, who ask entirely sensible questions, but who might support action if the questions were answered."[71]

215. Mr Blair stated: "The basic strategy should be to answer these questions and, in doing so, set … Iraq in a bigger context." The steps to do that were:

- Raising the whole issue of WMD up the agenda with a separate strategy for each country developing WMD, "in particular [those] acquiring nuclear technology in secret".
- Setting out the "unique danger posed by Iraq … an inherently violent and unstable regime, with a track record of external aggression, unmitigated by any moderate elements unlike other WMD countries".
- Exposing and highlighting the "limits of the policy of containment".
- A strategy which "should be to work towards a new UN resolution on weapons inspections, effectively becoming an ultimatum to Saddam. But it must be unconditional access and change to the way the regime operates viz its military capability. It will be clear that refusal or non-compliance will not be a subject of negotiation but action. We need to begin the diplomatic work on this now. Russia and my visit to Putin [Russian President, Mr Vladimir Putin] in October will be crucial. Obviously – and this is the legitimate US worry – if we go the UN route, Saddam may yield, agree and then play about. We need to be very clear we won't let that happen. But it does mean that conflict is dependent on the regime's response, not inevitable, though I don't think it will be long before his true intention is clear."
- Building EU and Arab support for action "if the UN route does not deliver, ie we say … we will try the UN route; but doing nothing is not an option".
- Working "strenuously to put together a new MEPP process. This is the key to Arab opinion …"

[71] Note Blair [to No.10 officials], 30 August 2002, [extract 'Iraq'].

- Working on a post-Saddam Iraqi regime: "The conundrum is: if it is merely changing Saddam for another military dictator, that hardly elicits support from the rest of Iraq, especially the Shia majority, and is in any event, not in line with our principles; on the other hand, if the whole nature of the regime changes, the Sunni minority in power may be less tempted to fold and acquiesce in Saddam's removal. But there are ways through this."
- "[N]aturally" getting "detailed working on the military plan necessary to succeed".
- Developing a "proper media strategy" including "real information about life under Saddam … The moral case for regime change should be made."
- Addressing the "whole issue of the Muslim world and its relations with the West".

216. Mr Blair wanted detailed work internally within the UK and with the US and suggested:

> "A small team under JS [Jack Straw] and DM [David Manning] should meet and coordinate.
>
> "If I go to the US in the next couple of weeks, the idea should be to agree the strategy with GWB [President Bush], set it out at the TUC [Trades Union Congress] or shortly after and then get going."

217. In his memoir Mr Blair wrote that he had returned from holiday with his "lines clear". He:

> "… was going to be very tough: we had to deal with Saddam; it was right to do it; we had to send an unvarnished and plain message on WMD to the world.[72]

218. Mr Blair was concerned about the effect that press speculation, that he was seeking to influence the US, would have on President Bush.

219. Initially Mr Blair's instinct was to reiterate the lines he had been using earlier in the year, but he quickly decided to use a press conference on 3 September to set out a public script on Iraq.

220. Mr Campbell wrote to Mr Blair on 30 August to warn him that during the flight to a Sustainable Development Summit in Johannesburg the following day, the press would be pushing him on Iraq.[73] Mr Campbell recommended a statement with the top line message that inaction was not an option, but which did not move the line on the question of a decision on military action.

---

[72] Blair T. *A Journey*. Hutchinson, 2010.
[73] Minute Campbell to Prime Minister, 30 August 2002, 'Iraq/Press'.

221. Mr Campbell recorded in his diary that Mr Blair wanted to "avoid" talking about Iraq; and that he would use the line that doing nothing was not an option "if pushed", but he did not want to go beyond that.[74]

222. Mr Campbell added that Mr Blair was:

> "Privately … growing more and more dismissive of the critics … Equally he was clear that the Yanks had not handled it well over the holiday … [T]hey had allowed the game to run ahead of them, and Cheney and Rumsfeld had just made it worse.
>
> "… He was a lot steelier than when he went on holiday. Clear that getting Saddam was the right thing to do …
>
> …
>
> "David had got Condi to get GWB to offer TB next Saturday for a meeting in the margins of his so-called war counsel [sic]. I think they realised that they had messed up the presentation and had to get into a better position, so it seemed clear Bush did want TB there, but heaven knows what Cheney and Rumsfeld would make of it. TB was up for it."

223. In response to an article in the *Financial Times* of 31 August, reporting that Mr Blair had pressed President Bush for a UN mandate, Mr Campbell wrote in his diary on 1 September:

> "Iraq was becoming a frenzy again. TB was becoming more and more belligerent, saying he knew it was the right thing to do … Obviously the best thing to do would be to avoid war, get the inspectors in and all the weapons out … the US had to be managed into a better position … but we won't be able to do it if we come out against the US the whole time … Equally it was clear that public opinion had moved against us during August."[75]

224. On 2 September Mr Campbell wrote to Sir David Manning, and to Mr Powell and Mr Rycroft, saying that Mr Blair was "alarmed, and angry, at the way parts of our thinking and planning on Iraq are seeping into the media in an unco-ordinated and undisciplined way".[76] "Above all", Mr Blair was "concerned what the US Administration must think". Mr Blair intended to use his press conference the following day (in his Sedgefield constituency) to make the general position clear and "give people a public script". But more must be done "to ensure people do not depart from that, publicly or privately, or give a running commentary in every aspect of his thinking".

---

[74] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[75] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[76] Minute Campbell to Manning, 2 September 2002, [untitled].

225. Mr Campbell wrote that he left it to Sir David and Mr Powell to decide what to do with his minute, "but it might be worth sending round as a general message that if people are talking loosely … they are being foolish and risk being highly counter-productive".

226. Mr Powell commented on the manuscript: "David [Manning] will speak to the FCO."[77]

227. Sir David Manning discussed the issue with Dr Rice on both 1 and 2 September.[78]

228. There is no record of the first conversation although it was a difficult one which Sir David had reported orally to Mr Blair. He described the second conversation as "much easier" and "a great deal better than it might have been". Sir David said he had told Dr Rice that Mr Blair was "angry at the way the British press were covering the Iraq issue", and that "We were doing all we could to ensure that there were no leaks at our end." Mr Blair "had given fierce instructions". Sir David suggested that the coverage "was probably the result of speculation, lucky hits, and people driving their own agenda".

229. Sir David told Dr Rice that Mr Blair would deal with Iraq at his press conference the following day. Mr Blair would "dismiss all suggestions" that he was "trying to pressure the US". There was "no lack of consultation" and Mr Blair would not "want to pressure the President" because he "believed very strongly that Saddam must be dealt with". "However difficult, we had to face up to the problem and to the wider problem of WMD." Mr Blair and President Bush "might get together at some point if you both felt that was useful". Sir David reported that Dr Rice was content with that line.

230. Sir David Manning also reported that he and Dr Rice had discussed elements of a "very tough" resolution, including a stipulation that the UN inspectors would have force protection and the possibility of "external back up" provided by larger military forces in a number of neighbouring countries who would invade Iraq if Saddam tried to obstruct the work of UNMOVIC. The assumption was that the resolution should be tabled two or three days after President Bush's speech on 12 September. Sir David added: "With luck, we may be over the worst. Your [Mr Blair's] press conference tomorrow will obviously be important."

231. Mr Campbell wrote that Mr Blair was "livid" about the stories in the media and had spoken to Mr Powell and Sir David Manning "saying that he wanted message round the system that all this loose talk had to stop. And he wanted the Americans to know how angry he was".[79]

232. Mr Campbell also wrote that Dr Rice had "said it looked like we were trying to push them, and they didn't like it". He added that Dr Rice liked the argument that the UN was the route to deal with Iraq, not the route to avoid it.

---

[77] Manuscript comment Powell on Minute Campbell to Manning, 2 September 2002, [untitled].
[78] Minute Manning to Prime Minister, 2 September 2002, 'Conversation with Condi Rice'.
[79] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

233. The FCO was concerned that Mr Blair should strike a balance between acknowledging the deficiencies of the policy of containment without saying it had failed.

234. In preparation for his press conference in Sedgefield, Mr Blair asked for:

- a summary of "what we knew of the existing Iraqi WMD programme, in particular ballistic missile technology (and its significance); and nuclear weapons technology (including why the civil nuclear programmes they are funding is almost certainly misused for weapons programmes)";
- a "list of Saddam Hussein's atrocities";
- a "rough summary" of statistics showing the brutality of political repression;
- information on the "sanctions programme and containment" telling him "why the policy of containment cannot continue indefinitely"; and
- information on the extent to which Saddam Hussein's refusal to use the Oil-for-Food programme properly was harming the Iraqi people.[80]

235. Advice was provided by Mr Straw's Private Office on 2 September.[81]

236. Mr Charles Gray, Head of the FCO Middle East Department, explained to Mr Peter Ricketts, FCO Political Director:

> "The difficulty lies in providing No.10 with language which will adequately bring out the deficiencies in our present policy and show that there is a need to move beyond it, without suggesting that it has been a total failure (which, for the reasons set out in the first version … we do not believe to be the case). And I also see a presentational risk that if we do not in the end go hard over on a policy of military action, and [we] have already said categorically that containment has failed, we shall be setting ourselves up for accusations that we are then left with no policy at all.
>
> "So rather than tie us down to pursuing an alternative to containment immediately, the language … seeks to demonstrate why the present state of affairs cannot continue indefinitely, thus leaving us with some flexibility on the timing of any other action."[82]

237. As well as the briefing note, Mr Rycroft was sent a "blind copy" of Mr Gray's minute. He advised Mr Blair: "We need to bring out the deficiencies of the containment policy without saying that it has been a total failure."[83]

---

[80] Minute Blair to Manning, 1 September 2002, [untitled].
[81] Letter Sedwill to Rycroft, 2 September 2002, 'Iraq'.
[82] Manuscript comment Sedwill to Rycroft on Minute Gray to Ricketts, 3 September 2002, 'Iraq: Containment: Query from No. 10'.
[83] Manuscript comment Rycroft to Prime Minister, 3 September 2002, on FCO briefing note '4. The sanctions programme and containment'.

238. The brief for Mr Blair stated:

- The purpose of the policy had been to ensure that Iraq was disarmed through two main elements:
  - disarmament through inspections regimes; and
  - reducing Iraq's ability to finance its WMD programmes by controlling its revenues from oil.
- The policy had had "some success in dismantling Saddam's arsenal when the inspectors were able to operate", and it had "slowed his efforts to rebuild WMD". The arms embargo had "been effective in preventing Saddam acquiring new complete weapons systems".
- But, "in the absence of inspectors" Iraq could "work on its WMD programmes unimpeded" and Iraq was "in violation of a string of Security Council resolutions intended to curb" those programmes.
- Controls on revenues were "eroding", giving Saddam Hussein "access to large sums over which the international community had no control" and "much" of that was "certainly going into his high-priority WMD programmes".
- Although the sanctions regime had been "targeted on goods of most concern", no sanctions regime would "be completely effective in stopping a ruthless and well-funded regime getting its hands on some of the goods and technology needed for a WMD programme".

239. The FCO response to Mr Blair's questions on Iraq's WMD, which stated unequivocally that Iraq had and was hiding WMD and that it had continued its chemical, biological, nuclear and ballistic missile programmes after the departure of the UN weapons inspectors in 1998, is addressed in Section 4.2

The Sedgefield press conference, 3 September 2002

240. In his press conference, Mr Blair stated that Saddam Hussein was, "without any question, still trying to develop" a "chemical, biological, potentially nuclear capability"; and that to allow him to do so would be "irresponsible".

241. As he had discussed with President Bush, Mr Blair framed Iraq's position as a challenge to the UN which the UN should address.

242. Mr Blair's remarks indicated that time and patience were running out and that there were difficulties with the existing policy of containment.

243. Mr Blair announced that the "dossier" setting out the evidence of Iraq's attempts to develop its "chemical, biological and potentially nuclear capability" would be published in the "next few weeks".

244. Mr Campbell wrote that the hardest question to answer was "Why now?"

245. In his press conference, which lasted 90 minutes, Mr Blair stated:

> "… I think I would be right in saying that many of your questions will be on Iraq … I sense that some of you believe we have taken all the key decisions but just haven't got round to telling you. That isn't the case … We, at every level of government, have been and remain in close dialogue with the United States of America about this issue and where we are in absolute agreement is that Iraq poses a real and unique threat to the security of the region and the rest of the world. But Saddam Hussein is continuing in his efforts to develop weapons of mass destruction … We have to face up to it, we have to deal with it and will. The issue is then what is the best way of proceeding."[84]

246. Mr Blair emphasised the importance of the "broadest possible basis of support"; and that "because this is a problem for the world … the United Nations has to be the route to deal with this problem, not a way of people avoiding dealing with this problem".

247. Explaining his support for the US, Mr Blair stated: "For a long period of time we have done our best to contain that threat, though it is increasingly difficult to do without inspectors being back in there with a proper regime on the ground which alters the way the [Iraqi] regime behaves." The US was "right" to raise the issue and supporting them was not a question of "misplaced allegiance or blind loyalty"; it was the "right thing to do".

248. Mr Blair stated that the policy of containment of Saddam Hussein had "worked up to a point, but there is a point beyond which it hasn't worked because the inspectors aren't in, we don't really know what is happening now".

249. Mr Blair said: "I think I am right in saying that a couple of years ago we reckoned there was somewhere in the region of $1.8 billion of illicit money coming to the Iraqi regime, we think it is probably $3 billion … now".

250. Mr Blair also drew attention to Saddam Hussein's human rights record and the "thousands … of refugees flooding across Europe".

251. Referring to US concerns about Saddam Hussein's past record of obstructing inspections and the need to follow through on any resolution, Mr Blair concluded:

> "… is there a threat we can simply turn a blind eye to, despite the breach of all the UN resolutions. If the answer to that is no, we have to deal with it, then let's work out the right way of dealing with it. But it is perfectly understandable if in the light of previous experience, that people will look with a very sceptical eye as to whether any regime could be successful, but that is not to dismiss it."

252. A number of questioners pointed out that public opinion had moved against the idea of a strike against Iraq "partly because people feel that there hasn't been much

---

[84] The National Archives, 3 September 2002, *PM press conference* [at Sedgefield].

evidence … We have heard again and again that there is a dossier of evidence about Saddam Hussein's weapons of mass destruction. Why haven't we got it up to now and when are we going to see it?" Would there be any evidence in the dossier which had been "gleaned in the last four years" that Saddam Hussein had "moved any further down the route to nuclear weapons"? There were suggestions that there was "not going to be much new"; and that, in terms of public opinion, there was "a mountain to climb".

253. In response to the first question Mr Blair replied:

> "Originally I had the intention that we wouldn't get round to publishing the dossier until we'd actually taken the key decisions. I think it is probably a better idea to bring that forward."

254. Mr Blair added: "A lot of the work has already been done, there needs to be some more work and some more checking" but "the best thing to do is to publish … within the next few weeks". When that happened:

> "… people will see that there is no doubt at all the United Nations resolutions that Saddam is in breach of are there for a purpose. He [Saddam Hussein] is without any question, still trying to develop that chemical, biological, potentially nuclear capability and to allow him to do so without any let or hindrance, just to say, we [sic] can carry on and do it, I think would be irresponsible."

255. In terms of the specifics of Iraq's WMD Mr Blair made a number of comments including:

- "… there is no doubt that at some point the Iraqi regime were trying to develop nuclear weapons … I believe that there is evidence that they will acquire nuclear weapons capability if they possibly can."
- "Now we will provide what support we can for that, although of course the absence of inspectors … means there is necessarily a limit. But I don't think we should be in any doubt about the nature of this regime, they will acquire whatever weapons they possibly can."
- "Certainly they were trying to obtain a nuclear weapons capability. I think there is some evidence that they continued to do so."
- "… we don't really know what is happening now, there are huge amounts of stocks of chemical, biological weapons unaccounted for."
- "… we can't be quite sure what is happening on the nuclear side … but on the biological and chemical weapons side there is no doubt about it, there are vast stocks of these weapons unaccounted for by the previous weapons inspectors."
- "And in addition there is real concern that there is ballistic missile technology."

256. Mr Blair suggested that the reason Iraq might not be letting inspections take place was because "the last time the inspectors were in there, they uncovered so much that

the Iraqi regime was deeply embarrassed". He also argued that people would "think about it differently once they see the evidence".

257. Mr Campbell wrote in his diary on 3 September:

> "The hardest [question] was: 'Why now? What was it that we knew now that we didn't before that made us believe we had to do it now?' It was not going to be at all easy to sell the policy in the next few months …"[85]

258. Mr Campbell added that announcing the publication of the dossier would "raise expectations massively. Today was about beginning to turn the tide of public opinion and it was going to be very tough indeed."

259. Mr Campbell told the Inquiry that the decision to bring forward the publication of the dossier was a way of trying to calm the situation.[86] Mr Blair had wanted "to set out for the public, in as accessible a way as possible, the reasons why he had become more concerned" about Iraq.

260. The decision to publish the dossier and its preparation is addressed in Section 4.2. That also sets out the separate work in the FCO on a script addressing why the problem of Iraq's WMD, unlike other countries' programmes including Iran's, could not be resolved through containment and diplomacy.

JIC Assessment, 3 September 2002

261. A JIC Assessment reviewing Iraq's manipulation of its trade relations to obtain diplomatic support was issued on 3 September.

262. An Assessment analysing the way in which Iraq used trade to exert influence, 'Iraqi Trade: A Tool of Influence', was issued at the request of the JIC on 3 September.[87]

263. The Key Judgements were:

"
- Iraq is successful in manipulating its trade relations to obtain diplomatic support from other countries. It will continue to do so. The weakness of the economies of many of Iraq's neighbours means they will continue to be susceptible to Iraqi pressure through the offer of lucrative trading opportunities.
- Trade dependency has muted, but not eliminated, criticism of Iraq by its neighbours – whose policies are influenced but not determined by economic factors.

[85] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[86] Public hearing, 12 January 2010, pages 66-67.
[87] JIC Assessment, 3 September 2002, 'Iraqi Trade: A Tool of Influence'.

- Iraq's ability to use cuts in oil supply or threats of such disruption to cause spikes to world energy market prices is likely to be temporary and limited by the extent to which Saudi oil production can make good any loss of Iraqi supplies.
- Iraq uses economic levers to put political pressure on Russia for support, whilst Russia sees its political importance to Iraq as a means to extract economic benefit. But Russia remains the dominant partner. At present Russia is able to exercise the greater leverage.
- Russian policy on Iraq will continue to be heavily influenced by its determination to protect its economic interests. The status quo provides the benefit of a privileged commercial position; but contracts which can only be realised after sanctions are lifted may not be honoured by a post-Saddam regime.
- Iraq's use of trade to further its political influence will be limited in future by its inability to significantly expand oil production."

264. Other points from the Assessment are set out in the Box below.

JIC Assessment, 3 September 2002: 'Iraqi Trade: A Tool of Influence'

The Assessment concluded that Iraq deliberately used "**trade with other countries as one way to achieve strategic goals**".

"It had worked hard to build up trading relations, legal and otherwise, both with its neighbours and influential countries on the UNSC. **The granting of future oil/gas extraction rights for the post-sanctions period is also a source of leverage.**"

In addition, "**Iraq manipulates OFF contracts to obtain political support from other countries.**" The lifting of the ceiling on OFF contracts in 1999 had "increased Iraq's power of patronage significantly". Iraq had "used the OFF programme to divert funds illegally to Baghdad using a number of schemes, the most important being a 10 percent commission on all OFF contracts for goods coming into Iraq and the imposition of a surcharge on exports of its oil".

Iraq was also pursuing illegal trade which was described as "typically" involving "the transfer of Iraqi oil at below world prices". That gave the Iraqi regime "direct access to foreign currency" and allowed it "to procure goods prohibited by the UN from countries, firms and individuals willing to break sanctions".

The JIC assessed that Jordan and Syria were the two countries most dependent on Iraqi trade. For Jordan OFF and other trade with Iraq accounted for "about 20 percent" of its GDP; Syrian trade with Iraq was estimated to account for about 10 percent of its GDP, not including earnings of firms and individuals who dealt with Baghdad directly or some revenues derived from the use of Syria as a major transit route for illegal Iraqi trade. Illegal oil exports from Iraq through a pipeline with Syria began in 2000. Syria was the largest purchaser of illegal Iraqi oil which it used for domestic consumption allowing it to increase exports of its own oil.

With Egypt, Turkey and the United Arab Emirates, trade was "relatively significant".

The JIC set out the scale of Russia's economic interests in Iraq, including expected earnings of US$2.5bn in 2002 from OFF contracts; contracts to develop Iraq's oil and gas fields; and a five year trade agreement. Moscow was also concerned about recovering outstanding debt of at least US$8bn.

Iraq used its economic relationship with Russia to put pressure on Russia, including to engage in illegal trade which the Russian Government had resisted. Iraqi bribes paid to Russian officials, businessmen and politicians and oil industry lobbyists had helped "nurture an influential pro-Iraqi lobby in Russia".

Russian policy was "**to hope for the best and plan for the worst – so far as its economic interests are concerned**". Russia might see the "**deals it has signed with Iraq as a card to negotiate some form of compensation should the current regime be toppled by the US**". It was "hoping to maintain and possibly expand its current trading position".

Russia wanted "to maintain good relations with the US while at the same time opposing an attack on Iraq". It was "becoming increasingly irritated by Iraq's refusal to allow the return of UN inspectors", which Russia saw as "the best way to avoid a conflict in Iraq and get sanctions lifted".

US agreement to pursue "the UN route"

265. In a meeting on 3 September, Mr Blair told Mr Kofi Annan, the UN Secretary-General, that:

> "… Iraq needed to know that they had to let the inspectors back in and that, if they refused, the US would not ignore it. The President was under pressure not to go down the UN route and it was important that the international community stood ready to support him if he did."[88]

266. Mr Annan stated that he had been informed earlier in the year that it was thought Iraq would comply and let the inspectors back in.

267. Dr Rice telephoned Sir David Manning after the Sedgefield press conference to discuss the arrangements for Mr Blair and President Bush to meet at Camp David and develop US thinking on what the resolution should contain.[89]

268. Sir David Manning told Dr Rice that he had "assumed we would need to table a very tough initial draft that included negotiating fat that could be conceded". Some of the elements Dr Rice had outlined would be a "tough sell" and "we might have … to modify these demands to get the resolution through". Sir David said he would get back to Dr Rice "when our experts had thought the issues through".

---

[88] Letter Lloyd to McDonald, 3 September 2002, 'Prime Minister's Meeting with Kofi Annan'.
[89] Minute Manning to PM, 3 September 2002, 'Iraq: Conversation with Condi Rice'.

269. Outside No.10, only Mr Straw was sent a personal copy of the record of that discussion.

270. Mr Blair and President Bush agreed they should meet on 7 September to discuss Iraq.

271. President Bush announced the meeting on 4 September, as part of wider remarks about his determination to disarm Iraq about which he would also be consulting Congress and other world leaders.

272. President Bush and Mr Blair spoke later on 3 September.[90] They discussed Mr Blair's press conference and Mr Blair said he was confident that a very strong case could be made against Saddam Hussein. Mr Blair's visit to the US would be announced the next day. It would follow a US National Security Council meeting on 7 September and precede President Bush's speech to the UN on 12 September. They would also discuss the handling of the UK dossier.

273. On 4 September, in a press opportunity after a meeting with Congressional leaders in the White House to discuss foreign policy, President Bush stated that they had spent most of their time "talking about a serious threat to the United States" and to the world from Saddam Hussein. Doing nothing about that threat was "not an option".[91] He "looked forward to an open dialogue with Congress and the American people". The Administration would "participate fully in any hearings" that Congress wished to hold, and "at the appropriate time" he would seek Congressional approval to "deal with the threat".

274. President Bush also announced that he had asked Mr Blair to "come to Camp David on Saturday" where they would discuss "mutual concerns about how to make the world more secure and safe". President Bush said that he would also speak to other world leaders, including those of China, France and Russia, before giving his speech at the UN General Assembly in New York the following week.

275. Asked whether putting weapons inspectors back into Iraq was a viable option, President Bush replied that the issue was disarmament not inspectors. That was the primary issue and he would be discussing "ways to make sure that that is the case". In response to a subsequent question, President Bush added that he would be calling "on the world to recognize that he [Saddam]" was "stiffing the world"; and discussing "ways to make sure that he fulfils his obligations".

---

[90] Letter Rycroft to McDonald, 3 September 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 3 September'.
[91] The White House, 4 September 2002, *President discusses Foreign Policy with Congressional Leaders*.

276. Asked whether the time had come to issue an ultimatum "similar to that you issued to the Taliban [in October 2001 – see Section 3.1]", President Bush replied:

> "I am going to state clearly to the United Nations what I think … he [Saddam] has not fulfilled any of the obligations that he made to the world. And I believe it is important for the world to deal with this man. And I believe it is really important for the world to have an open dialogue about how to deal with this threat.
>
> "We are in a new era; the first battle of the first war of the 21st century took place in Afghanistan. The United States is under threat … this is a debate the American people must hear, must understand. And the world must understand … that its credibility is at stake."

277. *CNN* published a letter that President Bush had given to Mr Dennis Hastert, the Speaker of the House of Representatives, during the meeting on 4 September.[92] The letter stated:

> "America and the civilised world face a critical decision in the months ahead. The decision is how to disarm an outlaw regime that continues to possess and develop weapons of mass destruction … Since September 11, we have been reminded that we are vulnerable to evil people. And this vulnerability increases dramatically when evil people have access to weapons of mass destruction.
>
> "I know Members of Congress agree that Saddam Hussein's regime is still a threat to peace … America intends to lead the way to make certain that Saddam Hussein's regime is not able to threaten anyone in the world with the world's most devastating weapons.
>
> "I am in the process of deciding how to proceed. This is an important decision that must be made with great thought and care. Therefore I welcome and encourage discussion and debate. Congress will hold hearings on Iraq this month, and I have asked members of my Administration to participate fully.
>
> "Doing nothing in the face of a grave threat to the world is not an option. At an appropriate time and after consultation with the leadership, I will seek Congressional support for US action to do whatever is necessary to deal with the threat posed by Saddam Hussein's regime. Congress can play an important role in building a national consensus for action."

278. After a reference to meeting Mr Blair and consulting other world leaders, the letter continued:

> "My Administration remains committed to the regime change policy enshrined in the Iraq Liberation Act. The world must address how the Iraqi people can be liberated …

---

[92] *CNN*, 4 September 2002, *Bush letter: 'America intends to lead'.*

> "We must not allow an outlaw regime that incites and uses terror … to threaten the world by developing the ultimate weapons of terror … the civilised world must come together to deal with the threat posed by the Iraqi regime."

Sir Jeremy Greenstock's advice, 3 September 2002

279. Sir Jeremy Greenstock advised on 3 September that none of the options identified by the FCO for a draft resolution, giving Iraq an ultimatum which might then provide legal cover for military action, would be achievable. Even a challenge to Iraq to accept UN inspections would face "considerable opposition".

280. Sir Jeremy advised that the UK should focus on the elimination of WMD rather than regime change, and choose its tactics "with circumspection".

281. Mr Blair had concluded on 30 August that the UK strategy should be a new UN resolution which would become an ultimatum to Iraq.[93]

282. Sir Michael Jay had asked Sir Jeremy Greenstock for his "considered advice on the handling of a Security Council resolution on Iraq in preparation for the Prime Minister's visit to Camp David at the end of the week".[94]

283. Sir Jeremy replied to Sir Michael on 3 September addressing a draft FCO letter to No.10 provided by Mr Stephen Pattison, Head of UN Department in the FCO, "on the options for Security Council Resolutions aimed at putting pressure on Iraq and preparing the ground for enforcement action".

284. Sir Jeremy described the FCO draft as raising three possibilities:

- a resolution "specifically authorising the use of force";
- a "softer text determining a flagrant violation or material breach by Iraq of previous SCRs"; and
- a "middle-ground resolution aimed at provoking an indisputable example of Iraqi intransigence by calling for the re-admission of Inspectors with a tight timetable and more intrusive powers".

285. Sir Jeremy advised that none of those options was yet achievable and only the second was "likely to stand much chance of success after further work". He wrote:

> "We start from a point where the other 13 members of the Council will, at best, have serious doubts about the use of force. Despite the attractions from our and the US perspective of a clear and 'in your face' justification for the use of force, there is bound to be strong resistance to this in the Council. Nor would we have the necessary nine votes for an explicit pre-authorisation in the event of continued Iraqi non-compliance. There will even be considerable opposition to throwing down

---

[93] Note Blair [to No.10 officials], 30 August 2002, [extract 'Iraq'].
[94] Letter Greenstock to Jay, 3 September 2002, 'Iraq: Handling in the Security Council'.

the gauntlet to Saddam by challenging him to accept UN Inspectors under tight conditions. […] introducing force protection for UNMOVIC is simply unachievable, even if UNMOVIC decided to ask for it. The majority of the Council members will see any attempt to ratchet up the requirements on Iraq as a device to create a pretext for military action rather than an effort to get verification and inspection under way. And trying and failing to obtain this sort of language would be worse than not trying at all because it would create a presumption of further Council discussion and decision before military action could start."

286. Sir Jeremy advised that the UK should be:

"… focusing our presentation as much as possible on WMD elimination rather than regime change, and … choosing our Security Council tactics with circumspection. On the assumption that our first requirement is to secure legal cover for military intervention if the UN route fails, our priority should be to reactivate SCRs 678 and 687. The Attorney General will need to give a view on the best way to make this legally watertight, but to be politically effective we would need to secure more than the minimum nine votes necessary."

287. In that context, Sir Jeremy wrote:

"… Ideally this [the text of an ultimatum resolution] should include 'material breach' (rather than 'flagrant violation') language and be under Chapter VII of the Charter. But, subject to the Attorney General's views, I do not think that either Chapter VII or an explicit ultimatum is necessary to secure the legal cover we need. […] … in my view [we] should be very cautious about spelling out an ultimatum, which could easily be used by others to argue for a further Council decision before military action is launched. Our real objective in a resolution should be to achieve the minimum language necessary to justify the use of force (without a further SCR) without striving for extra bells and feathers …

"We may need to discuss later how to handle Iraqi reaction to a successful resolution. Actually getting inspectors back in would change the picture."

288. Sir Jeremy asked Sir Michael Jay to arrange for the distribution of the letter in London. Sir Michael sent it to Sir David Manning and Mr Straw's Private Secretary "only at this stage. For discussion at my meeting at 12 noon."[95]

289. The letter was marked to Mr Blair by Mr Jonathan Powell who wrote: "I do not agree with this."[96]

---

[95] Manuscript comment Jay, 4 September 2002, on Letter Greenstock to Jay, 3 September 2002, 'Iraq: Handling in the Security Council'.
[96] Manuscript comment Powell to Prime Minister, [undated], on Letter Greenstock to Jay, 3 September 2002, 'Iraq: Handling in the Security Council'.

290. Mr Blair replied "? why not? – sounds right to me except possibly it may be possible to get a middle ground resolution."[97]

FCO advice, 4 September 2002

291. The FCO advice to No.10 on 4 September reflected Sir Jeremy's view that it would be difficult to negotiate any resolution which implicitly or explicitly authorised the use of force without clear Iraqi provocation to provide a "trigger".

292. Mr Straw's Private Office sent advice to No.10 on 4 September on a "wider range of possible UNSCRs and a game-plan for securing them", drawing attention to Sir Jeremy Greenstock's advice in his letter of 3 September.[98] The letter to Sir David Manning made clear that Mr Straw had not seen the advice.

293. The FCO set out three possible approaches, but made no recommendation. First**, a resolution specifically authorising the use of force:** affirming that Iraq had "ignored" the UN's demands and failed to comply with relevant resolutions; confirming that Iraq's behaviour, and in particular its possession of WMD, "constituted a threat to international peace and security"; and authorising a "coalition of the willing to take 'all necessary measures' to ensure Iraq's compliance with the UN's demands".

294. Such a resolution would "provide an unambiguous justification for the use of force" but it would be "immensely difficult to negotiate" and the prospects would improve "only if there were a recent and flagrant example of Iraqi non-compliance".

295. Secondly, **a resolution determining that Iraq's failure to co-operate with "UNMOVIC etc" constituted a flagrant violation or material breach of previous resolutions:** with a call for Iraq to co-operate fully and possibly a timed ultimatum "though the warning to Iraq would be implicit without it".

296. In the FCO view "such a resolution could be argued to provide sufficient grounds for the use of force … on the [grounds] that it revived the authorisation … in [resolution] 687". That would "undoubtedly be easier for some UNSC members to support than one which explicitly authorised all necessary measures, although many would recognise it for what it is, and take up positions accordingly".

297. Thirdly, **a resolution calling for re-admission of inspectors with a tight timetable, more intrusive powers etc:** re-affirming Security Council support for UNMOVIC and the IAEA and for disarming Iraq of WMD with a tight timetable for compliance and UNMOVIC reports and a commitment to take action if UNMOVIC reported Iraq was not co-operating.

---

[97] Manuscript comment Blair, [undated], on Letter Greenstock to Jay, 3 September 2002, 'Iraq: Handling in the Security Council'.
[98] Letter Sedwill to Manning, 4 September 2002, 'Iraq' attaching Paper 'Iraq: UNSC Action'.

298. The FCO advised that, in that eventuality: "It would obviously be preferable to have automatic authorisation of the use of force" but the Russians and others were "likely to insist on a separate decision". Armed support for UNMOVIC "would be very difficult, if not impossible to negotiate".

299. Such a resolution would "demonstrate … willingness to give Iraq one last chance. But there would be pressure … to keep to the timetable outlined in … [resolution] 1284, which gave UNMOVIC months rather than weeks to report full Iraqi compliance." There would also have to be tight criteria for determining whether Iraq was co-operating "to ensure that there would be no return to Iraq playing cat and mouse with UNMOVIC".

300. The FCO judged that the UK would be "unlikely to secure language which provided a clear justification for future military action without further recourse to the UNSC". It also pointed out that, "A failed attempt in this area would be damaging. For this reason, it would be wise not to go for the hardest option."

301. Reviewing the "Prospects and Pitfalls" of action, the FCO concluded that it would be "difficult to negotiate any resolution which implicitly or explicitly authorises the use of force without clear Iraqi provocation". It identified the Russian attitude as "pivotal"; and argued that China and other Security Council members would be nervous of setting a precedent for "what may look like regime change".

302. The FCO also addressed the need for a trigger to support a resolution authorising the use of force:

> "The best trigger would be if Iraq were to be caught out taking action in clear violation of UN Security Council demands. For example, if we were to get new evidence of an egregious attempt by Iraq to rebuild its WMD programme … But it is unlikely that Iraq will play into our hands in this way.
>
> "The next best trigger would be to adopt a resolution demanding more intrusive inspections … in the expectation that Iraq would not co-operate … Iraq's refusal to let UNMOVIC in or a subsequent report from UNMOVIC of Iraq's failure to co-operate would suffice.
>
> "Even without a specific trigger … we might argue that the UNSC's patience had run out … the first anniversary of … resolution [1382] (on 29 November [2002]) might be a useful opportunity to focus minds."

303. Addressing an ultimatum the FCO advised:

> "Various types of ultimatum are possible. They would need to be linked to demands for the re-admission of inspectors, and Iraqi co-operation … Some options would include deadlines … but … in the absence of … Iraqi move[s] to comply within a reasonable (but short) period, they would be in clear violation."

304. The FCO concluded: "The first step must be to share our thinking with the US" before addressing the approach to the other Permanent Members of the Security Council.

Attack in Iraq, 5 September

In response to hostile acts against coalition aircraft monitoring the southern No-Fly Zone, US aircraft, with UK aircraft in support, attacked an Iraqi air defence facility in western Iraq on 5 September 2002, prompting press speculation that it was a prelude to Special Forces attacks and more general military action.[99]

Mr Amre Moussa, Secretary General of the Arab League, told a press conference in Cairo on 5 September that any attack would cause major instability in the region.[100] The press also reported Arab foreign ministers had said that military action to topple Saddam Hussein would "open the gates of hell" and that no Arab countries would join it.

FCO advice, 6 September 2002

305. Mr Straw had a different perspective. He advised that the UK should seek a resolution that simply determined that Iraq's failure to co-operate constituted a breach of its obligations and set an ultimatum for the readmission of inspectors on the basis of the provisions in resolution 1284.

306. Mr Straw's Private Secretary wrote to No.10 on 6 September offering "elements" for a possible resolution "authorising a tougher mandate and enforcement powers for UNMOVIC inspectors in Iraq" and a draft resolution taking a different approach.[101]

307. The first draft resolution made clear that "Iraq would be obliged to grant inspectors immediate access to any sites, records or officials as requested"; with the "provision of armed guards to accompany UNMOVIC" and authorisation for "a standby force to assist UNMOVIC obtain Iraqi compliance if necessary". The FCO stated that it had assumed military operations would be run by a "coalition of the willing led by the US", not run by the UN.

308. The FCO advised that there would be "strong pressure" from members of the Security Council "to be consulted again before military action" commenced. The draft aimed "high" by "including various formulae designed to obtain prior UNSC authority or at least approval in principle, for any enforcement action".

309. The timetable in the draft resolution was "modelled on the arrangements envisaged in UNSCR 1284 [1999]", which the FCO commented were "likely to be considered too

---

[99] *Daily Telegraph*, 6 September 2002, *100 jets join attack on Iraq*.
[100] *BBC News*, 6 September 2002, *Iraqi air defence site attacked.*
[101] Letter Davies to Manning, 6 September 2002, 'Iraq' attaching Paper 'Draft Elements for a UNSCR on UNMOVIC'.

leisurely in the current political climate". Any timetable would "in practice" need to take account of Dr Blix's views.

310. The draft included only an implicit reference to regime change; "the market will bear no more".

311. The draft "also included requirements for Iraq to allow access to humanitarian agencies, and for other UN members to co-operate by providing assistance to the coalition and information on sanctions busting".

312. The second draft resolution reflected Mr Straw's amendments to a draft letter to No.10 offered by officials on 5 September on which Mr Straw had commented that the options were "too 'in your face' at present".[102]

313. While Mr Straw recognised "the importance of engaging the White House in discussion of the UN options and of a tough draft UNSCR designed to get the inspectors back in", he believed the UK should:

> "… point out to the White House that this is unlikely to be achievable and that the concerns of Sir Jeremy Greenstock … must be taken seriously. You will recall that the Foreign Secretary mentioned this to the Prime Minister at yesterday's meeting."[103]

314. The letter of 6 September summarised Sir Jeremy's concerns and stated that the FCO was, "therefore", providing:

> "… a draft resolution which takes a different approach, namely determining that Iraq's failure to co-operate constitutes a material breach/gross violation of its obligations and sets an ultimatum for it to admit inspectors on the basis of the current arrangements."

315. The text of the draft resolution was that sent to No.10 by the FCO on 27 August. The FCO stated:

> "Even this approach will be difficult. We start from a point where the other 13 members of the Council will, at best, have serious doubts about the use of force."

316. The FCO concluded with a caution on timing:

> "… no action in the Security Council should be taken until the Russians have been squared. A text as complex as the revised UNMOVIC mandate would require even more pre-cooking if it were to succeed … It would be far less difficult to see that

---

[102] Manuscript comment Straw on Letter [draft] [FCO to No.10] attaching Minute Pattison to Ricketts and PS [FCO], 5 September 2002, 'Iraq'.
[103] Letter Davies to Manning, 6 September 2002, 'Iraq' attaching Paper 'Draft Elements for a UNSCR on UNMOVIC'.

[a Russian resolution] off than to salvage a negotiation of our own that was launched before the ground had been properly prepared."

317. The FCO letter was sent to Sir David Manning; no copy addresses were identified.

318. Mr Straw's meeting with Mr Blair on 5 September is addressed later in this Section.

319. In a conversation with Secretary Powell on 6 September, Mr Straw said that the UK would not want a kitchen sink resolution which was un-negotiable.[104] He was sure that Mr Blair would reinforce that message with President Bush.

Sir David Manning's discussion with Dr Rice, 6 September 2002

320. Sir David Manning advised Mr Blair that there would be better prospects of securing a tough mandate if there was a promise to return to the Security Council before force was used.

321. Sir David Manning and Dr Rice discussed the contents and handling of a draft resolution in the morning of 6 September.[105]

322. Sir David reported to Mr Blair that he had told Dr Rice:

- A resolution "must not be a transparent device to justify military action. The focus must be the return of Inspectors, and WMD. If Bush tabled something that could not easily be dismissed as a transparent pretext for immediate military action, there would be a wide measure of international support."
- That "did not mean that the resolution should not be tough on Saddam. But it would need nice judgement and strong nerves to get the balance right … Once the international community had signed up, we would be in a different place."
- "The Russians would be key. It was essential that Bush did a great deal of heavy lifting with Putin before the resolution was tabled …"
- "France would also be crucial to the argument." Mr Blair was talking to President Chirac that day.
- Sir David "thought that the French would rally to a well constructed, even if tough resolution, as long as they believed the US purpose in tabling it was genuine".
- A resolution was needed that "made it clear this was Saddam's last chance. But the question of an ultimatum would need great care. It might be worth adopting a strategy in two parts: an initial resolution that stipulated strict conditions with the implication that further action would follow swiftly if these were not met. Thereafter, if Saddam failed to fulfil the conditions, we would need a second resolution containing an ultimatum. Countries that had supported the first resolution would find it correspondingly harder to oppose the second … these

---

[104] Minute Davies to Gray, 6 September 2002, 'Iraq'.
[105] Minute Manning to Prime Minister, 6 September 2002, 'Iraq: Conversation with Dr Rice'.

were preliminary thoughts … you [Mr Blair] would want to explore the pros and cons of an ultimatum, and its timing, when you saw [President] Bush tomorrow."

323. Dr Rice did not contest Sir David's points. She told him that "the current plan" was for President Bush's speech at the UN General Assembly to "focus on a clear demand that Iraq must forswear WMD" which would be "accompanied by an announcement" that the US would be tabling a draft resolution.

324. Sir David reported that current White House thinking on the core points for the resolution included:

- full "WMD disarmament under the international supervision of the Security Council";
- "unrestricted access for UNMOVIC";
- freedom for "witnesses" to the WMD programme to leave Iraq and be interviewed by UNMOVIC "at any time";
- empowerment for inspectors "to destroy any prohibited material they discovered";
- "force protection" for UNMOVIC; and
- Iraqi agreement to no-fly and no-drive zones as required.

The resolution would conclude by stating that If Saddam Hussein "adhered to these conditions", that would "lead to a new international relationship with Iraq".

325. Sir David told Dr Rice that force protection would be "a hard sell". He had repeated the need to have some "negotiating fat" in the draft resolution for Russia, which might include force protection. Dr Rice agreed.

326. Sir David reported that he had "welcomed the fact" that the US was "not now thinking of stipulating regime change". Dr Rice said that as they "had discussed before, Saddam's acceptance of the other conditions would lead to a radically different regime anyway". Sir David also said that there was a need to find a way to emphasise that the "quarrel was with Saddam not the Iraqi people"; the "aim should be to isolate him, as we had tried to isolate Milošević". Dr Rice agreed.

327. Sir David reported to Mr Blair:

> "As I said to you afterwards, further encouragement. White House thinking about the contents of the resolution has come back to earth and looks broadly plausible. And their view of handling (a serious text, working with Putin etc) seems close to ours. We must hope all this survives Cheney and the NSC meeting starting this evening. But on this evidence, the Administration may now be ready to make a genuine effort to go the UN route. Cementing this at Camp David will be a real prize."[106]

---

[106] Minute Manning to Prime Minister, 6 September 2002, 'Iraq: Conversation with Condi Rice'.

328. Sir David did not send a report of his conversation to the FCO.

Sir Christopher Meyer's advice, 5 and 6 September 2002

329. Sir Christopher Meyer reported on 5 September that the US Administration was considering starting to make the case against Saddam Hussein and using President Bush's speech at the UN to indict him then circulating a draft resolution the following week. Congressional resolutions authorising military action would be sought in early October.[107] The US was also thinking about a further resolution at a date to be determined which would issue a 48 hour ultimatum before military action was taken.

330. Sir Christopher added that there was still "feverish debate" about the content of the first resolution, and in particular how to secure intrusive inspections and whether to expand the case against Saddam beyond WMD. A study to be released on 6 September would suggest an "Inspection Implementation Force" to be established in neighbouring countries. Other options were also being considered although any option was likely to be unacceptable to Iraq. One official had commented: "but that was the whole point".

331. Sir Christopher reported that he had made clear that the UK view was that the focus had to remain squarely on the WMD threat, but there were two US concerns about that approach. First, the intelligence was not substantial enough to make a convincing case that regime change was necessary and justified. American public opinion would need something more; issues like human rights would play well. Secondly, there was concern that, if the focus was only on WMD and Saddam Hussein folded at the eleventh hour, it would undercut the imperative for regime change.

332. Sir Christopher Meyer advised on 6 September that Iraq was likely to dominate Washington politics during the autumn and there was a raft of unanswered questions about a "UN route".

333. Sir Christopher warned that it was "far from a given" that the "UN process should be exhausted, as we would understand it, before military action is contemplated".

334. Sir Christopher suggested that it would be more important to get it right than to do it fast.

335. Before the meeting at Camp David, Sir Christopher Meyer advised that, while President Bush's decision to go the UN route and to consult widely at home and abroad was welcome it left "a raft of questions unanswered".[108]

---

[107] Telegram 1130 Washington to FCO London, 5 September 2002, 'Iraq: The US Diplomatic Game Plan'.
[108] Telegram 1140 Washington to FCO London, 6 September 2002, 'PM's visit to Camp David: Iraq'.

336. Sir Christopher wrote:

- A military invasion and its aftermath would be "less perilous [for the US] in company".
- President Bush's initiative (his letter to Congress of 4 September) had "got him off the defensive" but he had "been damaged by policy drift". Iraq was "likely to dominate Washington politics until Congress adjourns for the mid-term elections [in November 2002]".
- President Bush had repeated comments that the policy was Saddam Hussein's removal: "Disarmament as [an] objective has been left to lesser spokesmen to articulate."
- President Bush's instincts "were with the hawks": Saddam Hussein had "had his chance" and would "never change". The elimination of WMD was "inseparable from the elimination of Saddam himself; inspections were a discredited instrument" and the UN "was not to be trusted".
- Mr Blair was "likely to find a President with his heart and his head in conflict". While President Bush's instincts might be to "move to attack Iraq as soon as possible", now that he had "launched a process of consultation" he would "to a degree be bound by its dynamic". The challenge for the President would be how to convince Congress and the American people "why it is urgent" to get rid of Saddam Hussein.
- Hearings in Congress could last "through October". There was a "huge debate inside the Administration about the content of Security Council resolution(s) … even the principle of a SCR remains under challenge. I am reluctant to predict how this will be decided … before the Prime Minister arrives."
- The "dilemma … over inspections" was "sharp": "Many Americans want to set the bar so high that if Saddam were to accept, it would be tantamount to regime change. I assume this is unsaleable in New York. For others … the nightmare is that Saddam will say 'yes' and avoid attack. I think it is far from a given … that the UN process should be exhausted, as we would understand it, before military action is contemplated. The UK could find itself in an awkward two-way stretch between the Americans and others in the Security Council."
- The White House hoped that the UN approach would "square the circle of divisions within the Administration". Sir Christopher commented that it might succeed but it was "as likely to reopen the fault line between [Secretary] Powell and the neo cons and by extension between the two sides of the Atlantic".
- "The pre-conditions for military action are a focal point for Camp David. So are post-war Iraq and the MEPP … The President seems to have bought the neo con notion that with the overthrow of Saddam all will be sweetness and light in Iraq, with automatic benefits in the rest of the Middle East (which partly explains his inactivity on the latter). In reality, it will probably make pacifying Afghanistan look like child's play. The US is probably in greater need of coalition and UN

support for what is likely to be a very protracted post-war phase, than for the attack itself. Afghanistan has shown that the US is not good at consolidating politically what it has achieved militarily."

337. Sir Christopher commented:

> "The Prime Minister will have very clear ideas how he wants to play Iraq with Bush. I would say only that it is more important to get it right than to do it fast. Bush's head will agree. But his heart is impatient, he fears being labelled a wimp like his father, and his emotions will be stirred by the approach of the 9/11 anniversary."

There would be "pressure on Bush to elide the distinction" between the two positions.

President Chirac's views, 6 September 2002

338. President Chirac told Mr Blair that the inspectors had to return to Iraq immediately with full powers and they needed to be intelligent. He would support that sort of resolution.

339. The disadvantages of any US unilateralism would be much greater than the advantages.

340. In a conversation with President Chirac on 6 September, Mr Blair asked for his views in advance of the meeting with President Bush.[109]

341. President Chirac's response was reported to have included:

- Iraq had been "systematically and stupidly provoked … into getting rid of the inspectors".
- He did not think Saddam Hussein "posed an immediate nuclear danger, but clearly there were CBW risks".
- The inspectors had to return immediately, but in the current climate Mr Annan should give Iraq an assurance that the inspectors were real, not spies.
- The inspectors must have full powers, but they needed to be intelligent.

342. President Chirac told Mr Blair that France would support that sort of UN resolution, but if that did not work, there were two scenarios:

- The US could attack Iraq on its own initiative but, "France would not participate, 'since we are against unilateralism and do not want to feed anti-Americanism', and because it would be dangerous militarily especially if Saddam had CBW. It would not lead to the right result. There was a risk of Iraq blowing up in the absence of a serious opposition figure to take power. The disadvantages would

[109] Letter Rycroft to Sedwill, 6 September 2002, 'Iraq and MEPP: Prime Minister's Phone Call with President Chirac, 6 September'.

be much greater than the advantages. He thought most Arab and EU countries would agree."

- The Security Council "could be seized. If so, France would be ready to discuss options. France would not be alone in the possible use of its veto."

343. Mr Blair told President Chirac that Saddam Hussein had to know that this was "his last chance to co-operate". It would be:

> "… difficult to persuade the US to go down the UN path unless they believed that a refusal by Saddam to abide by his UN obligations would result in some damage to him."

344. Mr Blair added:

> "… he understood the French position: support for a UNSCR on inspectors, no support for unilateral military action, and ready to discuss UN S[ecurity] C[ouncil] measures if Saddam refused to comply."

345. President Chirac:

> "… confirmed that that was his position. He recognised that maximum pressure was needed on Saddam. Saddam understood that he faced a choice: inspectors or attack. The problem was that he always took stupid decisions. So Chirac was worried. And worse was Cheney's talk about military action whatever Saddam did on inspections, which gave Saddam no incentive to accept inspectors. There were imbeciles on both sides."

346. Mr Blair "agreed to report back" to President Chirac after his discussions with President Bush.

Mr Blair's meeting with Dr Blix, 6 September 2002

347. Mr Blair met Dr Blix on 6 September.[110]

348. The record stated that Dr Blix told Mr Blair that Iraq was continuing to insist on a comprehensive settlement, which would link lifting the No-Fly Zones, removing the US threat, lifting sanctions, and establishing a zone free of WMD. The threat of military action had led to Iraq weakening its position but Iraq would not move to allow inspectors back in if it thought that military action was inevitable or if they thought there was no prospect of military action. They would move if they saw a link between a move and avoiding military action. Mr Blair said that he thought there was such a link but the inspection regime would have to be tough.

---

[110] Letter Rycroft to Sedwill, 6 September 2002, 'Iraq: Prime Minister's Meeting with Hans Blix, 6 September'.

349. Dr Blix told Mr Blair that Iraq had two "fears":

- Once the inspectors returned there would be a "a stand-off over access which the US would take as a casus belli".
- UNMOVIC would "inherit UNSCOM's leakiness" which had "discredited UNSCOM".

350. Dr Blix said that he would support stronger inspections if that was the decision of the Security Council. Whatever arrangements were agreed, there would be limits to what inspections could achieve: "For instance, it would be very hard to catch Iraq's mobile installations."

351. Dr Blix also warned Mr Blair that UNMOVIC would need a couple of months to prepare and 60 days thereafter for "rebaselining": "So it would be nearly four months before the inspectors could present the issues to the UNSC."

President Putin's views, 6 September 2002

352. President Putin told Mr Blair that he had great doubts about the legality of the use of military force, but was prepared to work to achieve a UN resolution which would convince Iraq to readmit inspectors on terms which had been agreed in the Security Council.

353. In a telephone conversation on 6 September, President Putin stated that he thought the Russian and UK approaches were "very close":

- both were insisting on the return of inspectors in accordance with UN Security Council resolutions;
- Foreign Ministers were working with a close understanding; and
- we had to be 100 percent sure that Iraq would never produce WMD programmes.[111]

354. Russia had been working with Iraq to ensure that it understood, and the Iraqi Foreign Minister had confirmed in Moscow earlier that week that it was prepared to discuss the return of "UN structures". Iraq was prepared to allow UN inspectors and monitoring to return; we had to ensure that was on our conditions. Russia had to be involved in developing those conditions or it would not be possible for it to subscribe to those "rules". Mr Blair agreed.

355. President Putin told Mr Blair that Russia had great doubts about the legality of the use of military force and all diplomatic means were far from exhausted: "But he thought it would be possible for the UN Security Council to come up with a common position, to ensure that the Iraqis saw that they had no way out."

---

[111] Letter Rycroft to Sedwill, 6 September 2002, 'Iraq: Prime Minister's Telephone Call with President Putin, 6 September'.

356. Mr Blair also agreed to a request from President Putin for the information on Iraq's WMD that had formed the basis of his remarks in his press conference on 3 September.

Saudi Arabia

357. Mr Straw and Mr Blair met the Saudi Foreign Minister, Prince Saud, on 6 September. They discussed concerns about the effect on the solidarity of the international coalition on terrorism of the current speculation about military action in Iraq and the dangers in the region if military action was taken without some improvement in the situation of the Palestinian people. Mr Blair agreed to reflect those points in his discussions with the US.[112]

Military options

358. No decision on a possible UK military contribution to US operations was taken before Mr Blair's meeting with President Bush, but the MOD advised that there could be a need for tough decisions within two weeks of that.

359. Mr Blair told Mr Hoon and Mr Straw that he did not expect President Bush imminently to commit the US to military action.

360. Mr Hoon had cautioned Mr Blair about the potential impact of a firefighters' strike in the MOD advice of 26 July.[113] The strike and its impact on the development of military options in the MOD are addressed in Section 6.1.

361. The MOD's assessment of the implications of having to earmark military personnel to provide cover during a firefighters' strike (Op FRESCO) was set out in a letter to Sir David Manning on 28 August.[114] The letter said that Mr Hoon considered:

> "… it particularly important that we guard against any false assumptions that the US might make about the UK's potential contribution to any military action … Explaining the impact … to the US would … serve to focus US planners on the real practical limitations we would face, were political decisions taken to join the US in military action."

362. Sir David Manning commented to Mr Powell that he was not clear where the firefighters' issue stood; and that he would be "grateful for a word ab[ou]t what to say to Washington and when".[115]

---

[112] Letter Wechsberg to McDonald, 6 September 2002, 'Iraq/MEPP: Prime Minister's Meeting with Saudi Foreign Minister'.
[113] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.
[114] Letter Williams to Manning, 28 August 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.
[115] Manuscript comment Manning to Powell, 30 August 2002, on Letter Williams to Manning, 28 August 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.

363. Mr Blair's view, as reported on 3 September by Sir David Manning, was for "nothing to be said to the US about Op FRESCO for the moment".[116] Mr Blair hoped it would be possible to discuss the issues with Mr Hoon the following week before he flew to Washington.

364. Mr Blair discussed the UK's military contribution with Mr Hoon on 5 September.[117] Mr Straw was also present.

365. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, recorded that Mr Blair, Mr Hoon and Mr Straw had discussed the packages, and that Mr Hoon had highlighted the benefits of Package 2. "No decisions were taken" and Mr Blair "did not expect President Bush to commit himself imminently to a military campaign".

366. Mr Watkins also recorded that Mr Hoon had met Mr Gordon Brown, Chancellor of the Exchequer, to discuss the options and alert him to the likely costs of Package 2.

367. There was no No.10 record of the meeting.

368. Mr Watkins wrote to No.10 on 6 September, providing an update on US military planning and "the factors informing decisions on any UK military contribution".[118] He cautioned that the MOD's assessment was "necessarily provisional", partly because the US plan was still evolving, and partly because there had not yet been "detailed joint planning with the US".

369. The MOD had identified three options ranging from minimum to maximum effort, including a further revision of the impact of Op FRESCO which meant that:

> "Were we to throw in everything we are likely to have, the UK could potentially generate up to a divisional headquarters, an armoured brigade, 16 Air Assault Brigade and a logistic brigade."

370. The MOD was also "examining whether a Royal Marine Commando could form part of Package 2 [the air and maritime forces packages]".

371. A land Task Force would "offer significant capability to a US-led northern force, although it would not be fully suitable for involvement in decisive war-fighting operations".

372. The MOD advice concluded that should "US military preparations continue at their current pace, we will face some early tough decisions within two weeks of your return from Camp David".

---

[116] Letter Manning to Williams, 3 September 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.
[117] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.
[118] Letter Watkins to Manning, 6 September 2002, 'Iraq: Military Planning'.

373. Copies of the letter were sent to the Private Offices of Mr Straw and Sir Andrew Turnbull, who became Cabinet Secretary in September 2002, and to Mr Desmond Bowen, who succeeded Mr McKane as Deputy Head of OD Sec.

374. More detail from the letter is provided in Section 6.1.

Mr Blair's meeting with President Bush, Camp David, 7 September 2002

375. President Bush held a meeting of his National Security Council at Camp David before his meeting with Mr Blair, during which he decided to seek a UN resolution on Iraq.

376. President Bush described the meeting of the US National Security Council at Camp David on 7 September as having been convened "to finalize my decision on the resolution"; the US was "trying to find a way to remove the threat in Iraq without war".[119]

377. The meeting was given a briefing by Gen Franks, who introduced his concept of five simultaneous "operational fronts" in Iraq.[120]

378. Describing the positions of senior members of the Administration, President Bush wrote that:

- Vice President Cheney had recommended giving Saddam: "30-60 days to come clean, and then disarm him by force if he refused to comply … We can't delay for another year … An inspection regime does not solve our problem."
- Secretary Powell had pushed for a UN resolution: "If we take the case to the UN, we can get allies to join. If not, it will be hard to act unilaterally. We won't have the international support we need to execute the military plan."[121]

379. President Bush also wrote:

> "After listening to the options one last time, I made a decision: We would seek a resolution. 'There's ambiguity in the international community's view of Saddam … and we need to clear it up. Either he will come clean about his weapons or there will be war'."

380. President Bush had told his team that he would deliver the message in his speech to the UN the following week:

> "Either the words of the Security Council would be enforced, or the UN would exist only as a useless international body …"

---

[119] Bush GW. *Decision Points*. Virgin Books, 2010.
[120] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[121] Bush GW. *Decision Points*. Virgin Books, 2010.

381. Dr Rice gave a similar account of the 7 September NSC meeting in her memoir:

> "The President had decided on a policy of coercive diplomacy. He would give Saddam a chance to respond to the united pressure of the international community, and the build-up of US forces would make that pressure credible … One way or another, the threat of Saddam Hussein's Iraq would finally be removed."[122]

382. Dr Rice further commented:

> "Some people have claimed that the President never asked his advisors whether he should go to war against Saddam. At that September meeting … the National Security Council, after a full and frank discussion, decided on a course of action. Everyone in that room heard the President say: 'Either he will come clean about his weapons, or there will be war.' There was no disagreement. The way ahead could not have been clearer."

383. Vice President Cheney wrote that he had been a strong advocate of using President Bush's speech to "challenge the UN", to "confront" it and "hold the organization accountable", making clear that "if the Security Council was unwilling to impose consequences for violations, the UN would become irrelevant".[123] He did not want "yet one more meaningless resolution".

384. Vice President Cheney also wrote that President Bush:

> "… had not yet made a decision, but in neither this meeting nor any other I attended did any of the President's advisors argue against using military force to remove Saddam … Nor did anyone argue that leaving Saddam in power, with all the risks and costs associated with that course, was a viable option."

385. Mr Tenet wrote in his memoir:

> "Colin Powell was firmly on the side of going the extra mile with the UN. The Vice President argued just as forcefully that doing so would only get us mired in a bureaucratic tangle with nothing to show for it other than time lost off a ticking clock … To me, the President still appeared less inclined to go to war than many of his senior aides."[124]

386. In a press conference before the discussions at Camp David, Mr Blair stated that Iraq had to be dealt with; the purpose of the meeting with President Bush was to work out the strategy.

387. President Bush and Mr Blair gave a press conference before their meeting.

---

[122] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[123] Cheney D & Cheney L. *In My Time: A Personal and Political Memoir.* Simon & Schuster, 2011.
[124] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.

388. President Bush stated that it was "an important meeting" with "an important ally" and friend. They were going to talk about how to keep the peace, the threats faced by the world and how to promote freedom.[125]

389. Mr Blair was more direct, stating that they would be "discussing the issues that are preoccupying us", and adding:

> "The point I would emphasise … is the threat from Saddam Hussein and weapons of mass destruction, chemical, biological, potentially nuclear weapons capability, that threat is real. We only need to look at the report from the International Atomic Agency [sic] this morning[126] showing what has been going on at the former nuclear site to realise that. And the policy of inaction is not a policy we can responsibly subscribe to. So the purpose of our discussion today is to work out the right strategy for dealing with this, because deal with it we must."

390. In response to a question, Mr Blair emphasised concern about Iraq's attempts to develop nuclear weapons and the importance of the IAEA report he had mentioned, which showed there was "a real issue that has to be tackled here". He stated that, on the way to Camp David, he had been reading "the catalogue of attempts by Iraq to conceal its weapons of mass destruction, not to tell the truth … over a period of years".

391. President Bush said that Saddam Hussein had:

> "… said he was going to get rid of weapons of mass destruction. And for 11 long years, he has not fulfilled his promise. And we are going to talk about what to do about it. We owe it to future generations to deal with this problem, and that's what these discussions are all about."

392. Asked about international support, Mr Blair replied that:

> "… people were asking perfectly reasonable questions … but the one thing no one can deny is that Saddam Hussein is in breach of the United Nations resolutions on weapons of mass destruction … that that poses a threat not just to the region, because there is no way, if those weapons are used, that the threat would simply stay in the region.
>
> "People understand that. Now we have got to make sure that we work out a way forward that, of course, mobilises the maximum support, but does so on the basis of removing a threat that the United Nations itself has determined is a threat to the whole world."

---

[125] The White House, 7 September 2002, *President Bush, Prime Minister Blair Discuss Keeping the Peace*.
[126] The IAEA issued a press release (IAEA Press Release 2002/11) on 6 September 2002 stating: "With reference to an article published today in the New York Times, the International Atomic Energy Agency would like to state that it has no new information on Iraq's nuclear weapons programme since 1998 when its inspectors left Iraq. Only through a resumption of inspection … can the Agency draw any conclusion with regard to Iraq's compliance with its obligations … relating to its nuclear activities."

393. The British journalists covering the Camp David meeting focused on the WMD dossier.

394. The *Sunday Express* anticipated a "*Dossier of Doom*".[127]

395. An editorial in the *News of the World* claimed that the dossier would be "as devastating as it is vital".[128] It would show that "evil Saddam has enough chemical and biological stocks to attack the entire planet, and the missile technology to deliver them", and would confirm that he is on the brink of nuclear capability. The editorial concluded "We believe Mr Blair CAN convince us a military attack on Iraq is right. We have faith in our Prime Minister."

396. In their meeting Mr Blair told President Bush that he was in no doubt about the need to deal with Saddam Hussein.

397. Mr Blair argued that the strategy should be to seek two resolutions; one making tough initial demands including intrusive inspections, with the option of a second if and when Saddam Hussein did not comply.

398. The UN would then need to accept the responsibility for enforcing its decisions, or action would be taken without it.

399. Mr Blair also set out the need to build a case to persuade the international community of the threat posed by Iraq, including the potential for fusion of WMD and terrorism.

400. It was "critically important" that the US and UK made it clear that they remained committed to the return of inspectors.

401. Mr Blair cautioned President Bush about his assumption that the UK would be ready to lead a strike into northern Iraq. But he told President Bush that the UK would take a significant military role if it came to war with Iraq.

402. Sir David Manning suggested that US and European opinion should be reminded that, while the US and UK would prefer to take action through the UN, they would find other means if that was not possible.

403. Mr Campbell recorded that Mr Blair had discussed the content of a resolution on the flight to Camp David; and that "after a long discussion", Mr Blair had "[come] round" to Sir David Manning's view "that it was probably best to get a tough first mandate by promising to go back to the UN, but make it clear that the UN had to face up to this".[129]

---

[127] *Sunday Express*, 8 September 2002, *PM Sets Out Dossier of Doom*.
[128] *News of the World*, 8 September 2002, *Blair Will Win The PR Battle*.
[129] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

404. The meeting at Camp David was in two parts.[130]

405. Mr Blair, supported by Sir David Manning, discussed Iraq with President Bush, Vice President Cheney and Dr Rice from 1600 to 1745. Sir David Manning recorded that it was a "remarkable" meeting. President Bush had congratulated Mr Blair on his speech at Sedgefield.

406. During the meeting, the arguments for taking the issue to the UN, the type of resolution, the attitude of other members of the Security Council, the relationship with the MEPP, and aspects of a military campaign and the "morning after", were discussed in depth.

407. Mr Blair said that he was in no doubt about the need to deal with Saddam Hussein; and that the likelihood was that this would mean military action at some point. The immediate issue was "how to maximise the chance of resolving the Saddam dilemma quickly and cleanly". It was possible that sustained pressure would lead to his quick collapse, but "we could certainly not count on it". That might "in part" depend on "winning the propaganda battle" and securing wide international support:

> "If it came to force, we could hope that we would secure the relatively quick overthrow of Saddam. But even if we did, we would still be faced with the big issue of what followed his departure."

408. There would be even more difficult problems if Saddam Hussein did not collapse quickly. We should not assume that there would be a quick collapse in Iraq as there had been with the Taliban in Afghanistan.

409. Mr Blair stated that the position of the international community made it important to bring the issue back to the UN and secure a new Security Council resolution. Indeed, two resolutions might be necessary: one setting conditions and one stipulating action when Saddam failed to meet them. Without a resolution, military action would have little or no international backing.

410. Later, Mr Blair recognised that the two resolution route offered a better chance of setting tough initial demands, but with a risk of difficulties in securing a second resolution authorising action. In a discussion about how a breach would be established and the need to avoid a long debate, Mr Blair said: "If Saddam was obviously in breach we would know, and we had to be ready to move." On balance, Mr Blair favoured a tough initial resolution leaving open the option of going back to the UN for a second resolution, if and when Saddam were in breach.

---

[130] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.

411. Mr Blair said that it was "unlikely" that Saddam would comply with the new resolution; even if he let the inspectors back in he would probably prevent them from doing their job. He added:

> "We should then be in a very powerful position in demanding action in response to his obstruction and prevarication."

412. Mr Blair suggested the need, in parallel with UN activity, to:

> "… start making military deployments to demonstrate to Saddam and the international community our seriousness of intent; and to be ready to move if we had to. The message would be stark; either the regime must change in response to the UN resolution, or it would be changed through military action."

413. Mr Blair stated that there would be a need to table a very strong resolution that would stipulate intrusive inspection; and that Dr Blix would do a "thorough job". Dr Blix had put forward some good ideas about UNMOVIC's coverage of Iraq in a discussion the previous day. The resolution would also need to include provisions for humanitarian monitoring inside Iraq, and possibly force protection for UNMOVIC. "The trick would be to make a resolution acceptable to Security Council members but sufficiently stringent to bring about profound change in Iraq were Saddam to implement it."

414. Mr Blair also set out the need to make a good public case against Saddam, publishing all the evidence. The UK would publish a dossier. He stated that the US and UK:

> "… must build our case, persuading the international community of the nature of the threat. In particular we must get over to our publics the reality that any crisis in the Gulf generated by Saddam would inevitably involve us."

415. Later Mr Blair stated that there was a need to explain the case for action fully to public opinion: "While insisting that no-one wanted war, we must spell out why we had to act." This included reminding people of the horrors of Saddam's regime.

416. Mr Blair said that there was a:

> "… natural reluctance to do difficult things, made worse by ignorance … of Saddam's capabilities and intentions. We had to correct this, at the same time answering the legitimate question of why we were taking action now. 11 September was a powerful argument for dealing with threats before they materialised … At some point, WMD and terrorism would come together, with appalling consequences, unless we took action."

417. In the context of a discussion about the attitudes of other members of the Security Council, Sir David Manning suggested that US and European opinion should be reminded of what had happened over Kosovo:

> "We had tried to go the UN route; we were thwarted; so we had had to resort to a coalition of the willing. The moral was that we would prefer to take action through the UN if we could but we would find other means if we could not."

418. Mr Blair stated that in those circumstances, the US and UK would have to make clear that either the UN accepted its responsibilities for enforcing its decisions, or action would be taken without it. It was "critically important" that the initial resolution should not appear to be "merely a pretext for military action"; we had to make it clear that we remained committed to the resumption of inspections and wanted the resolution to succeed.

419. President Bush and Mr Blair also discussed the prospects for a military campaign, including the possibility of leaving Saddam "bottled up" in Baghdad.

420. Sir David Manning recorded that Mr Blair had expressed caution about the US assumption that the UK would be ready to lead a strike from Turkey into northern Iraq and provide two-thirds of the force. But Mr Blair emphasised that the UK would indeed take "a significant military role" if it came to war with Iraq.

421. Finally, the importance of US action to make progress on the MEPP was also discussed.

422. Sir David Manning's record of the discussion was submitted to Mr Blair and sent to a number of colleagues in No.10. A personal copy was also sent to Mr Straw. No other copies appear to have been made.

423. US and UK officials held a meeting in parallel with the discussions between President Bush and Mr Blair. The only record of that meeting appears in Mr Campbell's diary, in which he wrote that they had addressed three issues:

- building the case on the evidence for why Saddam had to be dealt with now;
- why Saddam posed a unique threat; and
- the need for the US to engage on the Middle East.[131]

424. A plenary meeting between President Bush and Mr Blair and their teams followed the restricted discussion.[132]

425. Presentational issues were discussed between officials and in the plenary, including the "Why now?" question.

---

[131] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[132] Letter Rycroft to Sedwill, 8 September 2002, 'Prime Minister's Meeting with Bush, Camp David 7 September: Public Presentation of Iraq Policy'.

426. Mr Blair stated that since 1998, there was evidence, including in the 6 September IAEA report, of continued development of WMD. He also thought that the nature of the Iraqi regime "should become part of our case on WMD"; and that: "We needed an active strategy to take the debate to the rest of the world." He set out the UK's plans to publish the dossier within a few weeks. Mr Campbell emphasised the need for people "to understand what BW actually did"; and that the "media threshold would be high, so the dossier would need to include new facts from the last four years".

427. During the plenary meeting Mr Stephen Hadley, US Deputy National Security Advisor, put forward principles for a post-Saddam Hussein Iraq: territorial integrity, democracy, and a role for the UN.

428. Mr Rycroft's record of the plenary contained little of the substance addressed in the restricted meeting. It was sent to the Private Secretaries to Mr Hoon and the Cabinet Secretary, and to Sir Richard Dearlove, Sir Francis Richards, Mr Scarlett, Mr Bowen, Sir Christopher Meyer and Sir Jeremy Greenstock. It was again marked personal and it is clear from the copy on the FCO files that named senior officials were allowed to read the letter only in Mr Straw's Private Office.

429. Mr Campbell wrote in his diaries that Mr Blair "felt that his job was to sell the case for the UN route to Cheney".[133] After the private meeting, Sir David Manning had said that President Bush had used Mr Blair to persuade the Vice President; and that President Bush had made up his mind on the threat and the need for the UN to deal with it.

430. The official record confirms that was the UK perception.[134]

431. Mr Campbell wrote that President Bush had told him:

> "… it's the right thing to do and future generations will surely thank us. I really believe that. I really believe the world has to get rid of Saddam and I really appreciate y'all coming over."[135]

432. President Bush wrote in his memoir that he had told Mr Blair at Camp David that he had taken the decision to ask the UN for a resolution to disarm Saddam Hussein; and that if diplomacy failed he would take military action.

433. President Bush wrote in his memoir that following the attack of 11 September 2001, he had chosen to pursue a policy of coercive diplomacy on Iraq:

> "My first choice was to use diplomacy …

---

[133] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[134] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.
[135] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

"… We believed Saddam's weakness was that he loved power and would do anything to keep it. If we could convince him that we were serious about removing his regime, there was a chance he would give up his WMD … The odds of success were long. But given the alternative it was worth the effort. The approach was called coercive diplomacy.

"Coercive diplomacy with Iraq consisted of two tracks: One was to rally a coalition of nations to make clear that Saddam's defiance of his international obligations was unacceptable. The other was to develop a credible military option that could be used if he failed to comply. These tracks would run parallel at first. As the military option grew more visible and more advanced, the tracks would converge. Our maximum leverage would come just before they intersected. That would be the moment of decision. And ultimately, it would be Saddam Hussein's decision to make."[136]

434. President Bush wrote that Mr Blair had been "pleased when I told him that I was planning to ask the UN for the resolution", and that Mr Blair had replied: "Many opponents wish we would just be unilateral – then they could complain … But you are calling their bluff."

435. President Bush added:

"We both understood what the decision meant. Once we laid out our position at the UN, we had to be willing to follow through with the consequences. If diplomacy failed, there would be only one option left. 'I don't want to go to war,' I told Tony, 'but I will do it'.

"Tony agreed."

436. Vice President Cheney wrote that President Bush wanted to support Mr Blair's position; but he also expressed scepticism about the utility of inspections in achieving the US objectives.

437. Vice President Cheney wrote that in the meeting with Mr Blair they had talked through the need for UN involvement:

"Blair was tough. He understood the stakes and the importance of acting against Saddam, and he was clear that he would be with us no matter what – and that was likely to include strong opposition from within his own party.

"Blair argued that a UN resolution was necessary to achieve maximum international cooperation. He was very persuasive, and I understood that the President wanted to support his friend. There was no legal obligation for us to pursue a resolution, but there were some in the United States and many more in Europe who felt it would legitimize military action, and a resolution would also speak to their concerns. The President told the Prime Minister he would go forward with a resolution.

---

[136] Bush GW. *Decision Points*. Virgin Books, 2010.

> "I knew the President was no more interested than I was in an endless round of inspections and deception in Iraq, and in the days that followed, I recommended inserting into the resolution a requirement for Saddam to submit within thirty days a declaration disclosing his WMD capacity and holdings."[137]

438. Mr Blair told Mr Hoon that he had been alarmed by US expectations that the UK would lead the northern axis and that there should be no visible preparations for a month or so. But Mr Hoon was not sent a copy of Sir David Manning's record of the discussions at Camp David.

439. Mr Blair telephoned Mr Hoon on the evening of 8 September, to give him a read-out of his discussions with President Bush and Vice President Cheney, and the US position on the UN route, in advance of Mr Hoon's visit to the US.[138]

440. Mr Rycroft recorded that:

> "The Prime Minister said that he had been alarmed that [President] Bush had understood that the UK would be 'leading the invasion' from the North of Iraq. This required very careful handling. Having received the military advice, the Prime Minister's view was that we could not offer Package 3 in the timescale required and given the constraints of Operation Fresco. But we might be able to offer Package 2, plus some further elements. There should be no visible preparations for a month or so."

441. Mr Hoon was not sent a copy of the record of the discussion at Camp David.

442. Mr Hoon told Secretary Rumsfeld on 11 September that the UK would not want to offer more than it could deliver and was therefore expecting to offer maritime and air assets for any military campaign.[139]

President Chirac's interview, 8 September 2002

443. President Chirac's concerns about the broader implications for the international system of military action against Iraq without a Security Council decision, including the impact on the international coalition to counter terrorism, were published in the *New York Times* on 9 September.

444. President Chirac supported the return of inspectors on the basis of the provisions of resolution 1284. He made clear that consideration of the use of force should be considered in a second resolution if Iraq refused to allow inspections.

---

[137] Cheney D & Cheney L. *In My Time: A Personal and Political Memoir.* Simon & Schuster, 2011.
[138] Minute Rycroft to Manning, 9 September 2002, 'Iraq: Military Contribution'.
[139] Letter Williams to Manning, 13 September 2002, 'Iraq: Meeting with Donald Rumsfeld: 11 September 2002'.

445. President Chirac gave an interview to the *New York Times* on 8 September, which was published the following day.[140]

446. In the context of the US position that a doctrine of pre-emption was necessary to fight terrorism, President Chirac stated that he had told President Bush that he had "great reservations" about that doctrine: "As soon as one nation claims the right to take preventive action, other countries will naturally do the same … How would the Americans, the Europeans and others react?"

447. Asked what would be the best way to be sure that Saddam Hussein did not develop "further weapons of mass destruction" and whether he shared the US objective of regime change, President Chirac replied:

> "I don't need to tell you that I condemn the regime …
>
> "Secondly, I am totally against unilateralism in the modern world. I believe that the modern world must be coherent and consequently, if a military action is to be undertaken, it must be the responsibility of the international community, via a decision by the Security Council. Now, the Security Council has decided that Iraq must not have weapons of mass destruction; it did not say that a regime change was necessary there. So if the objective is to prevent Iraq from having weapons of mass destruction, we have to go along with what the United Nations has done, that is, impose the return of inspectors in Iraq without restrictions or preconditions … If it refuses, then it's up to the Security Council to deliberate and decide what must be done and notably whether a military operation should be undertaken or not …"

448. Asked about divisions between allies in the context of Mr Blair's visit to Washington and his own meeting with Chancellor Schröder, President Chirac replied:

> "France is a member of the Security Council, it cannot be prejudiced … I agree completely that there must be a Security Council decision concerning the return of the inspectors … If the inspectors are not allowed to return, then there should be a second Security Council resolution to say if there should be or not an intervention. Following the second resolution, France will definitely give its position. But I am very worried about the consequences of an intervention on the international coalition to counter terrorism …"

449. Asked under what circumstances France would favour the use of force, President Chirac responded that he "naturally" wished for a change in the Iraqi regime:

> "But a few principles and a little order are needed to run the affairs of the world. The issue today is to know whether there are any weapons of mass destruction. And to see it, the inspectors must be free … to visit. This is the objective. If this is fulfilled, then it's over. The Security Council or the international community never wanted to

---

[140] *New York Times*, 9 September 2002, *Threats and Responses: Perspectives/Jacques Chirac; French Leader Offers America Both Friendship and Criticism.*

> change the regime in Iraq, because there are numerous countries where one wished to see another regime. But if we go down that road, where are we going?"

450. President Chirac stated that military action was possible "if it's decided by the international community on the basis of indisputable proof. For the moment, we have neither proof, nor decisions …"

451. In a conversation with Mr Blair on 9 September, President Chirac reiterated his points.[141] Mr Blair gave him a report of his talks with President Bush. Mr Blair told President Chirac that a UN resolution must focus on WMD, not regime change, and ensure that the inspectors could return unconditionally and do their job properly.

452. Mr Rycroft recorded that President Chirac supported a resolution seeking the return of inspectors but was concerned that some in the US wanted Saddam Hussein to refuse to justify military action. In President Chirac's view, there would have to be a second resolution to justify military action "and that would not be adopted". Mr Blair responded that that "would depend on the circumstances". If the inspectors returned and Saddam's WMD were disarmed, the nature of the regime would change. Saddam Hussein should be given the chance to comply. If he refused to do so, we should be tough.

453. In response to a question from President Chirac about whether the UK was sure that Saddam Hussein had WMD, Mr Blair said that: "Personally he had no doubt that Saddam was trying to rebuild his WMD capacity." Mr Blair's view was:

> "… we should move to the point where the choice was Saddam's. Either he accepted and abided by the new resolution, or we would have to act to ensure that he abided by it."

454. After further discussion of the US approach and its potential impact, Mr Blair said that he had made clear to President Bush the need to take action to relaunch the MEPP and the importance of Afghanistan. He was "convinced that through co-operation with the US on Iraq it would be possible to make progress in other areas".

455. Following a conversation between Mr Jean-David Levitte, French Permanent Representative to the UN, and Sir Jeremy Greenstock on 11 September, the UK Mission to the UN New York reported that the French view was:

- Two resolutions were the only way of achieving consensus and building a coalition on Iraq. France would negotiate a second resolution, if needed, in a "positive spirit".
- Consultations should start in capitals with the Permanent Five in New York discussing "concepts" not a draft text.

---

[141] Letter Rycroft to Sedwill, 9 September 2002, 'Iraq: Prime Minister's Phone Call with President Chirac, 9 September'.

- To be successful in achieving the return of inspectors, any resolution had to coincide with a credible military timetable to maximise the pressure on Saddam.
- There should be no additional conditions for inspections.[142]

JIC Assessment, 9 September 2002: 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'

456. The JIC issued an Assessment of Iraq's possession of chemical and biological weapons and possible scenarios for their use on 9 September 2002.

457. The Assessment contained a number of significant changes which strengthened previous JIC judgements on Iraq's possession of chemical and biological weapons and the likelihood of their use.

458. In response to the request from Sir David Manning for advice on the possible scenarios for Iraqi use of chemical and biological weapons, the JIC commissioned an Assessment.[143]

459. The Key Judgements of the JIC Assessment, which was issued on 9 September, were:

"
- Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.
- Faced with the likelihood of military defeat and being removed from power, Saddam is unlikely to be deterred from using chemical and biological weapons by any diplomatic or military means.
- The use of chemical and biological weapons prior to any military attack would boost support for US-led action and is unlikely.
- Saddam is prepared to order missile strikes against Israel, with chemical or biological warheads, in order to widen the war once hostilities begin.
- Saddam could order the use of CBW weapons in order to deny space and territory to coalition forces, or to cause casualties, slow any advance, and sap US morale.
- If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance. But such an order would depend on the availability of delivery means and the willingness of commanders to obey."[144]

460. The preparation of the Assessment, its detailed findings, and the intelligence underpinning it are addressed in Section 4.2. That Section also addresses the dossier,

---

[142] Minute [junior official] to HMA [UKMIS New York], 11 September 2002, 'Iraq: Meeting with Levitte'.
[143] Minutes, 4 September 2002, JIC meeting.
[144] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

Iraq's Weapons of Mass Destruction: A Net Assessment, published by the International Institute for Strategic Studies (IISS) on 9 September.[145]

Mr Blair's speech to the TUC, 10 September 2002

461. In his speech to the TUC on 10 September, Mr Blair argued that the threat posed by Iraq was not imminent but it had to be dealt with before it could "erupt and engulf us all".

462. As he had planned in his minute of 30 August, Mr Blair set out the rationale for tackling the problem of Iraq – "why I say Saddam is a threat that has to be dealt with" – in the first section of his speech to the TUC on 10 September.[146]

463. In the speech, Mr Blair elaborated many of the points he had made in his press conference on 3 September. Mr Blair argued that Saddam Hussein's actions in starting wars of aggression, using chemical weapons against his own people and oppressing them made his regime:

> "With the Taliban gone … unrivalled as the world's worst regime …
>
> "Given that history … to allow him to use the weapons he has or to get the weapons he wants would be an act of gross irresponsibility and we should not countenance it."

464. Mr Blair stated that "when the weapons inspectors were evicted from Iraq in 1998 there were still enough chemical and biological weapons remaining to devastate the entire Gulf region". He also stated that Saddam Hussein had a nuclear programme, which he had denied and which had been "disrupted" by inspections. He was in breach of "23 outstanding UN obligations requiring him to admit inspectors and disarm".

465. Containment had worked "up to a point", but sanctions were eroding and Saddam Hussein was getting around US$3bn a year through illicit trade which he was "almost certainly" using for his weapons programmes. British and American pilots were risking their lives to police the No-Fly Zones; and that couldn't "go on for ever".

466. Addressing the way ahead, Mr Blair stated that it was right to deal with Iraq through the UN; it was the will of the UN that Saddam was flouting. The challenge for "all in the UN" was "to resolve the threat from Saddam not avoid it". Mr Blair added:

> "Let it be clear that he must be disarmed. Let it be clear that there can be no more conditions, no more games, no more prevaricating, no more undermining of the UN's authority.
>
> "Let it be clear that should the will of the UN be ignored, action will follow. Diplomacy is vital. But when dealing with dictators … diplomacy has to be backed by the certain

[145] IISS Dossier, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.
[146] *The Guardian*, 10 September 2002, *Full text of Tony Blair's TUC address*.

knowledge in the dictator's mind that behind the diplomacy is the possibility of force being used.

"… if we do not deal with the threat from this international outlaw and his barbaric regime, it may not erupt and engulf us this month or next; perhaps not even this year or the next. But it will at some point. And I do not want it on my conscience that we knew the threat, saw it coming and did nothing."

467. Mr Blair concluded this section of his speech by asking people to "listen to the case" he would "be developing over the coming weeks and to reflect on it".

468. In a broader call for action, including to "restart the Middle East Peace Process" and for renewed efforts on international terrorism, Mr Blair stated:

"Internationalism is no longer a utopian cry of the left, it is practical statesmanship."

469. It is clear from a record of Mr Hoon's discussions in Washington on 11 September that officials in the US Administration were following what Mr Blair said in public closely: one senior official had described the speech to the TUC as "spectacular".[147]

The decision to recall Parliament

470. Mr Blair asked for Parliament to be recalled to debate Iraq and the issue of weapons of mass destruction.

471. On 11 September, Mr Blair wrote to the Speaker of the House of Commons, and to the Lord Chancellor, asking for Parliament to be recalled in the week beginning 23 September.[148]

472. Mr Blair wrote that "Parliament must and will be at the heart of the national debate on the issue of Iraq and Weapons of Mass Destruction". He was seeking permission "to recall Parliament for a one-day debate on the Adjournment", led by Mr Straw, following a statement from himself. He added:

"By then, important discussions at the UN will have taken place. And the Government will be in a position to publish the dossier on what we know of the Iraqi regime and its WMD programme."

473. Mr Blair emphasised that "we are not yet at the stage of making decisions about military commitments with regard to Iraq, and that should we be so in the future, Parliament would obviously be given every opportunity to express its view".

---

[147] Telegram 1159 Washington to FCO, 11 September 2002, 'Iraq: Mr Hoon's Visit to Washington, 11 September'.
[148] Letter Blair to Martin, 11 September 2002, [untitled].

Establishing the objectives of a UN resolution

474. Questions emerged in Washington shortly after the meeting at Camp David about whether Mr Blair regarded intrusive inspections as a necessary first stage in the plan.

475. In discussions with Secretary Powell about the strategy, Mr Straw raised doubts about the plan to seek authority for the use of military force in a second resolution.

476. Letters from Sir Christopher Meyer[149] and Mr Brenton[150] on 9 September reported suggestions in the US Administration that Mr Blair had indicated at Camp David that he would be willing to move straight to a resolution that sought approval to use "all necessary means" in response to Iraq's existing material breaches of its obligations without a resolution strengthening the inspection regime first. The UK was being asked to make sure that the White House correctly understood its position and, in particular, whether the UK regarded intrusive inspections as a necessary first stage in the plan.

477. Mr Straw spoke twice to Secretary Powell on 9 September.[151]

478. In the first conversation they discussed the issue of whether to go for one or two resolutions. The record stated that both were concerned to preserve what they described as "the Kosovo option"; and that Mr Straw thought that that "would require only one resolution as long as it contained a fig leaf for military action. We should not commit to a second resolution, although that option could be kept open."

479. Mr Straw and Secretary Powell also agreed that no public document could produce an incontrovertible case for military action; the focus had to be on compliance with UN resolutions.

480. In the second conversation, Mr Straw had "confirmed '100%' that a UNSCR was a key part of the strategy discussed between" Mr Blair and President Bush, and that President Bush had "made clear he did not regard military action as the first option".

481. Secretary Powell and Mr Straw discussed the latest position in a telephone conversation on 10 September.[152] US thinking, influenced by Mr Blair at Camp David, was that the provision for the use of "all necessary means" against Iraq should be put in the second resolution. Mr Straw said that he was:

> "… in two minds. He was searching for what would work best. If we could get what was needed in the first resolution, it would be good to have it in the bank. He was

---

[149] Letter Meyer to Manning, 9 September 2002, 'Iraq'.
[150] Letter Brenton to Manning, 9 September 2002, 'Iraq'.
[151] Letter Sedwill to Manning, 9 September 2002, 'Iraq: Foreign Secretary's Conversations with Colin Powell, 9 September'.
[152] Telegram 1615 UKMIS New York to FCO London, 10 September 2002, 'Iraq: Foreign Secretary's conversation with US Secretary of State, 10 September'.

certain that Saddam would play carefully and long to undermine the coalition we put together to pass the first resolution."

482. Mr Straw and Secretary Powell discussed the possibility that a second resolution might not be agreed, whether they would be free to follow the "Kosovo model" and what Security Council members opposed to the use of force might do. Mr Straw said that "good wording in the first resolution would change the politics". They agreed to discuss the issues further after Mr Straw had spoken to Mr Blair and Sir Jeremy Greenstock.

483. In parallel discussions with Dr Rice and in the context of clear US concerns about the potential timetable required by inspections, Sir David Manning emphasised the importance of inspections and the need for a report to the Security Council before addressing enforcement. Dr Rice asked for Mr Blair's views.

484. Mr Blair stated that Iraq needed to be played cleverly, using a step by step approach to convince opinion that action was needed.

485. Sir David Manning and Dr Rice also discussed the developing thinking on a UN resolution on 10 September.[153] Sir David reported to Mr Blair that Dr Rice had told him President Bush was:

"… keen to find a way to ensure the onus was put back on Saddam. We did not want the 'inspectors searching around forever' in a game of cat and mouse. Bush was uneasy about finding himself in the position of asking the Security Council to give Saddam a last chance when Saddam had been given so many last chances already."

486. Sir David had replied that this:

"… was unavoidable: we would inevitably be in the business of giving Saddam 'another last chance'. This had its difficulties. But it had the overriding benefit of ensuring that we could attract widespread international support by making clear that we wanted to go the UN route. And this 'last chance' came with the widespread expectation that, this time we meant business."

487. Dr Rice told Sir David that the US Administration was:

"… exploring the possibility of tabling a resolution in two parts. The first would stipulate that Saddam must make a declaration within fifteen to thirty days explaining why there had been a discrepancy between his claims and those of the UNSCOM inspectors … in 1998. He would be required to account for the materials that UNSCOM had been unable to identify and to promise that UNSCOM would have access to any that were remaining. This would challenge him to provide physical evidence relating to his WMD programme, as well as test his commitment

[153] Minute Manning to Prime Minister, 10 September 2002, 'Iraq: Conversation with Condi Rice'.

of re-engaging seriously with the international community. Anything less than a forthcoming response would amount to an admission of guilt, confirming that he was in material breach of the … UN resolutions.

"The second part would deal with inspections. This would stipulate that the inspectors would have sixty days to certify that they had now been granted full and unfettered access to all installations and materials in Iraq, with provision for them to report back to the Security Council … If Saddam were co-operating, inspections could continue after the sixty day period. This part of the resolution would cover the conditions … including free access (anyone, anywhere, anytime) … and an explicit invitation to all members of the international community to provide full intelligence to the Inspectors."

488. Dr Rice told Sir David that the US had abandoned the idea of seeking force protection for UNMOVIC and the second part of the resolution could be "dispensed with" if the response on a declaration was "unsatisfactory". She said the US and UK "could argue that this would amount to a material breach and provided a green light for action".

489. Sir David replied:

"… there were attractions in demanding a declaration from Saddam although we should not kid ourselves: he was likely to refuse, or to announce blithely that there had been no discrepancy with UNSCOM and all his WMD had long since been destroyed. But his response would show either that he was unco-operative and obstructive; or that he was ready to make claims that the inspectors would probably quickly expose.

"But … there could be no question that the second part of the resolution could be dispensed with if Saddam's response to the first part seemed unsatisfactory. As … [Mr Blair] had told President Bush at Camp David, it was essential that the resolution stipulated intrusive inspection, and that this was carried out. This was the only way in which the international community would believe that we were serious about the UN route. I reiterated forcefully the points you had made at Camp David about avoiding any impression that the resolution was merely a pretext for quick military action, or that we were not sincere when we said that our preferred option was the reintroduction of an inspection regime. However unsatisfactorily Saddam responded to the first part of the proposed resolution, we were bound to be faced with a chorus of demands that we should test his response by getting the Inspectors back into Iraq. It was only after they had reported that we could move onto the enforcement issue."

490. Dr Rice "pressed" Sir David, who said he:

"… was absolutely clear. We needed the international community behind us; this meant a resolution that did not appear to be a pretext for military action; and this in turn meant serious commitment to UNMOVIC inspections. I was confident that this

would be your view. I would check with you as soon as possible. The second part of the draft resolution was an integral part of the strategy."

491. Dr Rice told Sir David that "'speaking very frankly', there was a timing problem". The timetable he had set out "risked running well into next year before we could clear the decks for military action (assuming Saddam's continued obstruction)".

492. Sir David told Dr Rice that the US and UK should refuse to accept the:

"… ideal, but too leisurely, UNSCOM timetable. Once we had a resolution stipulating the return of the inspectors, we should get teams in quickly to look at carefully chosen targets. We should insist that they tackled the job right away. [Dr] Blix could build up to full strength in slower time."

493. Dr Rice also said that the US was looking at giving the inspectors a Security Council label, which Sir David resisted because it would "look restrictive and alienate the wider UN membership". It might be possible to associate the Security Council with the teams, and that "could be advantageous" if it was "sold" to Russia "as a way of ensuring" it was "fully consulted and implicated".

494. Dr Rice said she would feed Sir David's views into the White House debate and asked for Mr Blair's views by the end of the day.

495. Sir David commented:

"The pressure on Bush to try a quick fix through the 'material breach ploy' will be Cheney's attempt to rewrite the Camp David conclusions. I pushed back hard and made it clear that this would not run."

496. Sir David subsequently discussed the issues with Mr Blair who:

"… emphasised the need to play Iraq cleverly. We must look reluctant to use force, making it clear that we saw the current situation as a challenge to the credibility of the UN, and to the international community. You [Mr Blair] were increasingly convinced that, in the end, people would come round to accepting the need to deal with Saddam, if we had made full and willing use of the UN route. You were confident that we could get the Security Council behind us once we had demonstrated clearly that Saddam remained in violation. But if we appeared to be riding roughshod over the UN or taking it for granted, opinion would be very difficult to shift. We should move step by step. Once we had a new resolution … we would be putting the onus on Saddam as Bush wanted. But this would only work if the Americans resisted the Cheney temptation to go to the UN with what amounted to a take it or leave it resolution, and with the clear intention of early resort to military force."

497. Sir David advised that, despite his prodding, the UK did not know what President Bush would say in his speech on 12 September. Mr Blair might have to speak to President Bush again "to try to hold him to the Camp David conclusions".

498. Sir David subsequently informed Dr Rice that Mr Blair's position was that Iraq must be made a challenge to the whole international community through a UN resolution which required intrusive inspections; that they were an indispensable part of the strategy; and that if the UN route was proposed with real conviction, support could be secured.

499. Sir David spoke again to Dr Rice on the evening of 10 September conveying Mr Blair's:

> "… very strong view that we must make Iraq a challenge to the whole international community. We must do so through a UN resolution that … provided for an intrusive inspection regime. The inspectors were an indispensable part of the strategy. Saddam would either refuse to let the inspectors back, or he would let them in but almost certainly obstruct their operations. We should then be in a very strong position to insist on action. You [Mr Blair] believed that we should deal with Iraq step by step. We needed to get this resolution under our belt, put the onus squarely on Saddam, and then decide what to do in the light of his reaction."[154]

500. Sir David added that it was "essential" that a resolution was put forward:

> "… with conviction and made it absolutely clear that we wanted it to succeed. We should be emphasising at every turn that war was the last resort. The US Administration would have the worst of both worlds if it appeared to have been forced reluctantly to choose the UN route, or if it appeared to want a new resolution to serve as nothing more than a pretext for early military action."

501. Sir David added that it was "increasingly" Mr Blair's:

> "… impression that public opinion would come round if we proposed the UN route with real conviction. If and when it became clear that Saddam had yet again violated the will of the UN and the international community, there was a real chance that we could build wide support for further action. But if we failed to do this, and it appeared that Washington wanted to go the unilateral route, the international community would be resistant or hostile to action. Securing wide support would be a great prize, one that you [Mr Blair] believed was in reach."

---

[154] Minute Manning to Prime Minister, 11 September 2002, 'Iraq: Conversation with Condi Rice'.

502. Sir David told Mr Blair that Dr Rice had been "pretty receptive to his arguments". President Bush was "not currently planning to say anything about a resolution or inspection". The speech made:

> "… a strong and persuasive case about the horrors of Saddam and his regime, but cannot bring itself to say that, in dealing with this threat, we must have another UN resolution and further inspections. Arguably, this is implicit. But it would be far better in winning hearts and minds if Bush made it explicit, and did not leave it to Colin Powell to make the UN case afterwards …"

503. Sir David told Dr Rice that Mr Blair would want to talk to President Bush before the speech.

504. Sir David commented to Mr Blair:

> "There is little doubt that the Cheney counter-attack, with its wilful distortion of what you said at Camp David, will be sustained right up to the moment that Bush mounts the UN rostrum. Despite my two conversations with Condi … it would still be very valuable if you could speak to Bush yourself."

505. Although Sir David's minutes were apparently sent only to addressees within No.10, copies were in the papers sent to the Inquiry from the Private Offices of Sir Michael Jay and Mr Straw.

506. Sir Jeremy Greenstock told Mr Annan on 10 September that the UK wanted to avoid the use of military force.

507. Sir Jeremy Greenstock told Mr Annan on 10 September that there had been "intensive discussions" between the US and UK.[155] "The priority for the UK was to make the UN route work if at all possible and to avoid the use of military force." But the problem of WMD in Iraq "must be dealt with". Sir Jeremy predicted that there was work to be done, including between capitals, before a debate could be launched in the Security Council.

508. Sir Jeremy and Mr Annan also discussed Iraq's position, including a suggestion that Mr Tariq Aziz had been "casting around for a way out, willing to contemplate the return of inspectors but apparently genuinely puzzled as to how this could help Iraq if the inspectors were likely to be cover for spies to indicate Iraqi military targets". Mr Annan said he had assured Mr Aziz of Dr Blix's professionalism and independence.

509. Sir Jeremy commented that Mr Annan was aware that Iraq would not be contemplating any moves at all without the threat of military action.

510. Secretary Powell told Mr Straw that there was still debate in Washington about the UK's position on the need for inspectors.

---

[155] Telegram 1611 UKMIS New York to FCO, 10 September 2002, 'Iraq: Conversation with Annan'.

511. Mr Straw advised Mr Blair that he would need to make his position clear to President Bush.

512. On 10 September, Mr Straw and Secretary Powell, with officials, met for supper in New York.[156]

513. Secretary Powell told Mr Straw that President Bush's speech would not refer to a resolution but he (Powell) would confirm to journalists that a resolution was the aim. It would have four key elements:

- A "statement that Iraq was in 'material breach' of its obligations".
- Iraq to provide "all information required under [resolution] 687" within 15 days, and "a declaration of everything they were holding". There had been a debate in the Administration about how to respond if Iraq complied. Inspectors "would have to go in to destroy what Iraq had declared: there [would] be no further scope for military action. But most in the Administration did not think that Iraq would respond satisfactorily."
- Secretary Powell had acknowledged that intrusive inspections were an "alternative at this stage" and that all necessary means could be in either a first or second resolution.
- "Either way, the first resolution would deal with Iraq's violation of everything apart from WMD … [T]he President would linger on this kind of thing in his speech."

514. Secretary Powell said:

> "It was possible that the US would want to move from material breach to all necessary means without interim steps, ie without inspectors … [T]there was some confusion about how the Prime Minister had left things at Camp David, i.e. some argued that the Prime Minister did not attach priority to inspectors."

515. Using Sir David Manning's record of the discussions at Camp David, Mr Straw put Secretary Powell "straight" on the UK position. He stressed that Mr Blair's "whole focus was on inspectors: regime change might be an incidental consequence of our policy but it was not the aim".

516. Secretary Powell said that he had heard that Dr Rice had presented Sir David Manning with the "declaration of holdings option"; and he implied that was "with some success".

517. Mr Straw said that was the first he had heard of the option and asked whether it "was a device to avoid inspectors". The world knew that Saddam Hussein was bad but not everybody was convinced by the threat he posed; the only way to prove it was to get inspectors in. Mr Straw was "worried about the motives of those suggesting the

---

[156] Letter McDonald to Manning, 10 September 2002, 'Iraq'.

declaration alternative. Saddam was intelligent and well advised; he could be coached into providing a difficult answer."

518. In response to a question from Sir Jeremy Greenstock about whether the US was genuine about the UN approach or whether it was "a brief effort before the early use of force", with the status of inspectors the key difference between the two approaches, Secretary Powell said that President Bush was not doing this as a fig leaf for war: the US could not act unilaterally; it needed too much help in the region. Secretary Powell added that the US needed more than resolution 1284 (1999). If the UN approach worked and regime change "dropped away", the US would need a really tough inspection regime ("Blix plus plus"), not a weak UNSCOM.

519. Mr Straw gave an account of Sir David Manning's telephone conversation with Dr Rice earlier that day, which Secretary Powell summed up as the UK saying that the US can't say "we don't like the answer [to our declaration demand], we're going to war". Secretary Powell advised that Mr Blair might need to make the importance he attached to the return of inspectors clear to President Bush.

520. Mr Straw sent Mr Blair a separate minute reporting the conversation and "recommend[ing] strongly" that Mr Blair should speak to President Bush after his speech "to secure a reconfirmation" of what he had agreed at Camp David.[157] Mr Straw suggested that Mr Blair should also "dismiss" any idea of simply giving Iraq 15-30 days to explain the discrepancies the inspectors had unearthed then moving to military action rather than seeking the insertion of inspectors.

521. Sir David Manning told Dr Rice that Mr Blair thought President Bush should use his speech at the UN General Assembly to make a virtue of going the UN route.

522. Sir David Manning spoke again to Dr Rice at 12.15pm on 11 September.[158] He suggested that President Bush's speech needed to expand his concluding sentence on the role of the UN by announcing he would be proposing a new resolution "within the next few days". That would have "immediate impact at the UN and great resonance in Europe and more widely. At present the speech left us hanging." It was "at best, only implicit" what President Bush thought the UN should do.

523. In response to a question from Dr Rice, Sir David told her he was "confident" that was Mr Blair's view. The President should use the speech to make a virtue of going the UN route.

524. Dr Rice told Sir David that President Bush "would probably be ready to do this" for Mr Blair.

---

[157] Minute Straw to Prime Minister, 10 September 2002, 'US/Iraq'.
[158] Minute Manning to Prime Minister, 11 September 2002, 'Iraq: Conversation with Condi Rice'.

525. Following a conversation with Mr Blair, Mr Straw made the same point to Secretary Powell during two further discussions in New York on 11 September.[159,160]

The UN General Assembly

MR ANNAN'S SPEECH, 12 SEPTEMBER 2002

526. Mr Annan opened the annual debate of the UN General Assembly on 12 September by re-affirming the indispensable necessity and enduring relevance of multilateralism and multilateral institutions in maintaining international peace, security and freedom for all.

527. Mr Annan called on Member States to act through the UN adding that an effective international security system depended on the Security Council's authority and willingness to act even in the most difficult cases.

528. Mr Annan called on Iraq to comply with its obligations and appealed to those who had influence with Iraq to encourage it to do so. If Iraq's defiance continued, the Security Council "must face its responsibilities".

529. Mr Annan's address to the General Assembly on 12 September focused on the arguments for multilateral not unilateral action to address the challenges on the UN's agenda and for the full use of multilateral institutions, where all States had "a clear interest, as well as a clear responsibility, to uphold international law and maintain international order".[161]

530. Mr Annan stated that "only concerted vigilance and co-operation among all States" would offer "real hope of denying terrorists their opportunity" and warned:

> "On all these matters, for any one State – large or small – choosing to follow or reject the multilateral path must not be a matter of simple political convenience. It has consequences far beyond the immediate context …
>
> "The more a country makes use of multilateral institutions – thereby respecting shared values, and accepting the obligations and restraints inherent in those values – the more others will trust and respect it, and the stronger its chance to exercise true leadership."

531. Addressing the role of the Security Council, Mr Annan stated that "when States decide to use force to deal with broader threats to international peace and security", not acting under the inherent right to self-defence under Article 51 of the UN Charter, there was "no substitute for the unique legitimacy provided by the United Nations". Member

---

[159] Letter McDonald to Manning, 11 September 2002, 'Iraq'.
[160] Letter Straw to Manning, 11 September 2002, 'Iraq'.
[161] UN General Assembly, 'Fifty-seventh session Thursday 12 September 2002' (A/57/PV.2).

States attached "fundamental importance to such legitimacy and the international rule of law". They had shown, "notably in the action to liberate Kuwait", that they were:

> "… willing to take actions under the authority of the Security Council, which they would not be willing to take without it.
>
> "The existence of an effective international security system depends on the Council's authority – and therefore on the Council having the political will to act, even in the most difficult cases … The primary criterion for putting an issue on the Council's agenda should not be the receptiveness of the parties, but the existence of a grave threat to world peace."

532. Addressing "current threats to world peace, where true leadership and effective action are badly needed", Mr Annan stated:

> "… the leadership of Iraq continues to defy mandatory resolutions adopted by the Security Council under Chapter VII of the Charter.
>
> "I have engaged Iraq in an in-depth discussion on a range of issues, including the need for arms inspectors to return, in accordance with the relevant Security Council resolutions.
>
> "Efforts to obtain Iraq's compliance with the Council's resolutions must continue. I appeal to all who have influence with Iraq's leaders to impress on them the vital importance of accepting the weapons inspections. This is the indispensable first step towards assuring the world that all Iraq's weapons of mass destruction have indeed been eliminated, and – let me stress – towards the suspension and eventual ending of the [economic] sanctions …
>
> "I urge Iraq to comply … If Iraq's defiance continues, the Security Council must face its responsibilities."

533. Mr Annan wrote in his memoir that concerns had been expressed in early September about the impact on international law of pre-emptive action taken by one state, and that his response had been that support given by the United Nations for military action would bestow both legitimacy and legality on anything done with respect to Iraq.[162] In his address to the Assembly, he stated:

> "…there was no alternative for the legitimate use of force than through a united Security Council and that there was still time to seek a peaceful way out."

534. Mr Annan added:

> "After the meeting I spoke with Tony Blair for whom the process of negotiating a new resolution wasn't so much about achieving the disarmament goals. To him, above all, it was a test of the UN in the eyes of the United States: 'a critical moment for the

[162] Annan K. *Interventions: A Life in War and Peace.* Allen Lane, 2012.

UN to persuade the US that the UN has the wherewithal to be effective and relevant in the future'."

PRESIDENT BUSH'S SPEECH, 12 SEPTEMBER 2002

535. In his speech to the General Assembly, President Bush set out his view of the "grave and gathering danger" posed by Saddam Hussein and challenged the UN to act to address Iraq's failure to meet the obligations imposed by the Security Council since 1990.

536. President Bush made clear that, if Iraq defied the UN the world must hold Iraq to account and the US would "work with the UN Security Council for the necessary resolutions".

537. But the US would not stand by and do nothing in the face of the threat.

538. President Bush's speech to the UN General Assembly on 12 September focused primarily on Iraq.[163]

539. President Bush began his speech by referring to the origin of the United Nations, stating that the Security Council had been created "so that, unlike the League of Nations, our deliberations would be more than talk, our resolutions would be more than wishes". He stated that security was being challenged by regional conflicts, ethnic and religious strife, and "outlaw groups and regimes that accept no law of morality and no limit to their violent ambitions". The "greatest fear" was that terrorists would "find a shortcut to their mad ambitions when an outlaw regime supplies them with the technologies to kill on a massive scale".

540. President Bush stated:

> "In one place and one regime, we find all these dangers in their most lethal and aggressive forms – exactly the kind of aggressive threat the United Nations was born to confront."

541. President Bush stated that, to suspend hostilities after its invasion of Kuwait in August 1990, Saddam Hussein had "accepted a series of commitments" and "agreed to prove" that he was "complying with every one of those obligations". By "breaking every pledge", Saddam had "made the case against himself".

542. President Bush set out the obligations imposed by the UN on Iraq, including that it should:

- "cease at once repression of its own people";
- "return all prisoners from Kuwait and other lands";

---

[163] The White House, 12 September 2002, *President's Remarks to the United Nations General Assembly.*

- "renounce all involvement with terrorism and permit no terrorist organisations to operate in Iraq"; and
- "destroy and stop developing all weapons of mass destruction and long range missiles and to prove to the world it has done so by complying with rigorous inspection".

543. President Bush set out Iraq's failure to meet those obligations. Iraq had "broken every aspect" of the last pledge, including:

- "Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons."
- UN inspections had revealed that Iraq "likely maintains stockpiles of VX, mustard and other chemical agents, and that the regime is rebuilding and expanding facilities capable of producing chemical weapons".
- Iraq continued "to withhold important information about its nuclear program"; employed "capable nuclear scientists and technicians"; and retained "the physical infrastructure needed to build a nuclear weapon". It had "made several attempts to buy high-strength aluminium tubes used to enrich uranium for a nuclear weapon". If Iraq acquired fissile material, "it would be able to build a nuclear weapon within a year".
- Iraq's "state controlled media" had "reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons".
- Iraq also possessed "a force" of SCUD-type missiles with greater than permitted range and was "building more … that can inflict mass death throughout the region".
- Iraq had "subverted" the OFF programme "to buy missile technology and military materials".
- Despite the UN's demands for the return of inspectors, Iraq had had "four years … to plan and to build and to test behind the cloak of secrecy".

544. Challenging the United Nations to act, President Bush stated:

> "We know that Saddam Hussein pursued weapons of mass murder even when inspectors were in his country. Are we to assume that he stopped when they left? The history, the logic and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume … good faith is … a reckless gamble … [T]his is a risk we must not take.
>
> "We have been more than patient … Saddam Hussein has defied all these efforts and continues to develop weapons of mass destruction. The first time we may be completely certain he has … nuclear weapons is when … he uses one. We owe it to all our citizens to prevent that day from coming.

> "The conduct of the Iraqi regime is a threat to the authority of the United Nations, and a threat to peace … All the world now faces a test, and the United Nations a difficult and defining moment. Are the Security Council resolutions to be honoured and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding or will it be irrelevant?
>
> "The United States … want the United Nations to be effective and respected and successful. We want the resolutions of the world's most important multilateral body to be enforced, and right now those resolutions are being unilaterally subverted by the Iraqi regime …"

545. Challenging Iraq, President Bush stated: "If the Iraqi regime wishes peace" it would act in accordance with its obligations to the UN. He listed those obligations but did not explicitly mention the obligation to allow weapons inspectors to return.

546. President Bush offered the prospect of a new relationship:

> "If all these steps are taken, it will signal a new openness and accountability in Iraq. And it could open the prospect of the United Nations helping to build a Government that represents all Iraqis – a Government based on respect for human rights, economic liberty and internationally supervised elections.
>
> "The United States has no quarrel with the Iraqi people …
>
> "My nation will work with the UN Security Council to meet our common challenge. If Iraq's regime defies us again, the world must move deliberately and decisively to hold Iraq to account. We will work with the UN Security Council for the necessary resolutions. But the purposes of the United States should not be doubted. The Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable, and a regime that has lost its legitimacy will lose its power."

547. President Bush warned:

> "Events can turn in one of two ways.
>
> "If we fail to act in the face of danger the people of Iraq will continue to live in brutal submission. The regime will have new power to bully, dominate and conquer its neighbours, condemning the Middle East to more years of bloodshed and fear. The regime will remain unstable … With every step the Iraqi regime takes towards gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these weapons to terrorist allies, then the attacks of September 11 would be a prelude to far greater horrors.
>
> "If we meet our responsibilities, if we overcome this danger, we can arrive at a very different future. The people of Iraq can shake off their captivity. They can one

day join a democratic Afghanistan and a democratic Pakistan, inspiring reforms throughout the Muslim world …"

548. President Bush concluded:

"Neither of these outcomes is certain … We must choose between a world of fear and a world of progress. We cannot stand by and do nothing while dangers gather … By heritage and by choice, the United States will make that stand. And, delegates to the United Nations, you have the power to make that stand as well."

549. President Bush also made a brief reference to the conflict between Israel and Palestine, stating:

"… there can be no peace for either side without freedom for both sides. America stands committed to an independent and democratic Palestine, living side by side with Israel in peace and security … My nation will continue to encourage all parties to step up to their responsibilities as we seek a just and comprehensive settlement to the conflict."

550. Dr Rice wrote in her memoir that the speech was intended to remind the audience of the dangers of Saddam Hussein's regime and "to put the world on notice that the United States would act – alone if necessary – to deal with the threat".[164] President Bush had been "supposed to call for a *new* resolution … Somehow it had been left out … The President … immediately noticed the omission and ad-libbed a line that put the fate of Saddam into the hands of the UN Security Council."[165]

551. There was uncertainty in the UK until the last moment about whether President Bush would announce that the US would seek a new Security Council resolution on Iraq.

552. Mr Straw wrote in his memoir that he had "been slipped an advance copy" of the speech and that he and others had:

"… spotted that the crucial line on working with the Security Council 'for the necessary resolution' had been omitted … I immediately assumed dirty work … But simple human error … was to blame. Fortunately the President spotted the omission and ad-libbed …"[166]

553. In a handwritten letter to President Bush congratulating him on the speech, Mr Blair wrote:

"It was a brilliant speech. It puts us on exactly the right strategy to get the job done. The reception has been very positive with every one now challenged to come up to the mark. Well done."[167]

---

[164] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[165] President Bush added: "We will work with the UN Security Council for the necessary resolutions."
[166] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[167] Letter (handwritten) Blair to Bush, 12 September 2002, [untitled].

MR DE VILLEPIN'S SPEECH, 12 SEPTEMBER 2002

554. Mr Dominique de Villepin, the French Foreign Minister, stated that France supported a demarche requiring Iraq to meet its obligations within a defined timetable, but emphasised the need for collective responsibility to be exercised through the Security Council; and that the Security Council should determine the action taken if Iraq did not comply.

555. In his statement to the General Assembly Mr de Villepin warned that the use of "force alone" was "often futile" and that, in an interdependent world, "Let us take care that our interventions do not give rise to new frustrations, do not produce new imbalances and spark fires which we cannot put out."[168]

556. Mr de Villepin stated:

> "The case of Iraq is typical of this new situation. It is a country that has defied the authority of the Security Council and flouted international law for several years. It is a regime that poses a grave threat to security, particularly the security of the peoples of its region, because of the risk of proliferation of weapons of mass destruction. Its conduct is the direct cause of the great suffering endured by its people.
>
> "Is the international community concerned? Of course it is. Can it continue to tolerate this situation? Definitely not. Should it act? Obviously: the status quo cannot go on. France's determination to obtain compliance with the law is absolute.
>
> "We must act, but we must do so effectively …"

557. Mr de Villepin added that action should not "exacerbate" a situation that was "already very disturbing":

> "We must act, but there are many traps. Intervention that is politically or legally ill-defined or poorly mounted would not garner the broad support necessary; it might galvanise public opinion in the region against it, and the regime in Baghdad which is isolated now could benefit; lastly, it might aggravate tensions in the Middle East and beyond at a time when we should … re-double our efforts to return to the path of dialogue and peace."

558. Mr de Villepin stated that there was "only one way" to avoid those traps, the path of "collective responsibility":

> "The necessary measures must be adopted by the international community after an in-depth and transparent consideration. Any temptation to engage in unilateral preventive action would be dangerous. We must take care to avoid any suspicion of bias or injustice. This is the only way to ensure that any action to enforce law and restore security does not add to insecurity …

---

[168] UN General Assembly, 'Fifty-seventh session Thursday 12 September 2002' (A/57/PV.2).

> "That is why … France advocates a demarche made completely legitimate through collective deliberation. It requires two successive steps. First, we must together reaffirm the need for United Nations inspectors to return and demand that Iraq comply at last with its obligations under the Security Council decisions taken since 1991, and to do so according to a definite timetable … If Baghdad persists in its refusal to allow the inspectors to return unconditionally, then there must be consequences. The Security Council should then decide measures to be taken without excluding any option. Responsibilities would be clarified. The world must be able to act. But it must also be coherent and effective, in a sustained way. That is today the real challenge to our values, and to our democracies."

559. Mr Blair spoke to President Chirac on 13 September to discuss the UN resolution.[169] Mr Blair emphasised the need for a tougher inspections regime. He said that Saddam Hussein had to understand that there would be action against him if he did not comply: "unless Saddam thought we were serious there was no chance of him complying".

560. Mr Blair and President Chirac also discussed the need to be clear when the inspectors had finished their work "either because WMD had been discovered and destroyed or because there was no WMD". Mr Blair said that he would think about the two resolutions route (a return to the Security Council in the event of Iraq's non-compliance).

RUSSIA AND CHINA'S COMMENTS ON IRAQ

561. Russia and China emphasised the importance of dealing with Iraq through the instruments of the UN and in accordance with international law.

562. In his speech on 13 September, Mr Igor Ivanov, the Russian Foreign Minister, made only a brief reference to Iraq. In a passage in his speech on regional conflicts he stated:

> "Experience shows that no matter how complex international crises and conflicts may be, whatever challenges and threats they may be fraught with, they can be settled with the aid of United Nations instruments and on the basis of international law. This fully applies to the situation around Iraq, which has long required political settlement in strict compliance with the Security Council resolutions."[170]

563. Mr Tang Jiaxuan, the Chinese Foreign Minister, stated that:

> "Counter-terrorism should be pursued on the basis of international law and of the norms of international relations, allowing the United Nations and its Security Council to play a leading role … Efforts should be made to prevent the arbitrary enlargement

---

[169] Letter Rycroft to Sedwill, 13 September 2002, 'Iraq: Prime Minister's Phone Call with Chirac, 13 September'.
[170] UN General Assembly, 'Fifty-seventh session Friday 13 September 2002' (A/57/PV.5).

of the scope of the counter-terrorism campaign, but proven terrorists … must be resolutely stamped out."[171]

564. Mr Tang added that, in relation to Iraq, China stood "for a political settlement" in which the United Nations "should play an important role". He called on Iraq to "implement the relevant Security Council resolutions in a faithful and strict manner".

MR STRAW'S SPEECH, 14 SEPTEMBER 2002

565. Mr Straw's speech to the General Assembly focused on the unique challenge to the UN posed by Iraq's continued defiance, and the consequences for the UN's wider authority if action was not taken.

566. Mr Straw's speech to the UN General Assembly on 14 September focused on the critical role the UN had to play in world affairs, and the "three rising challenges" of failing states, terrorism and weapons of mass destruction.[172] He cited the experience with the International Security Assistance Force working with the UN in Afghanistan as showing what could be done.

567. Addressing the threat from proliferation, Mr Straw stated: "Nowhere is the case for universal support for the enforcement of the UN's law stronger than in the field of weapons of mass destruction." He added:

> "… with one infamous exception – no States have resorted to these, the world's worst weapons.
>
> "That exception is Iraq. For two decades, Saddam has defied and frustrated every attempt to enforce the international rule of law. Iraq is the only country to be condemned by the United Nations for breaching the Convention on Chemical Weapons. Iraq has fought two wars of aggression … No country has deceived every other country in the world as systematically and cynically as Iraq. And no country presents as fundamental a challenge to the United Nations …
>
> "Every society has to have rules … So those of us who believe in an active international community cannot stand by and do nothing while Iraq continues to defy the will of the United Nations. All of us who believe in the United Nations have to make up our minds now about how to deal with Iraq. The authority of the United Nations itself is at stake.
>
> "We cannot let Iraq do grave damage to this Organisation and the international order it represents. We cannot let Iraq go on defying a decade of Security Council resolutions. If we do, we will find all our resolutions are dismissed by aggressors everywhere as mere words …

---

[171] UN General Assembly, 'Fifty-seventh session Friday 13 September 2002' (A/57/PV.5).
[172] *FCO News*, 14 September 2002, *'Security is not an option, it is a necessity – Straw (14/09/02)'.*

> "There are times when hard choices have to be made. On Iraq, we have now reached such a moment. If we fail to deal with this challenge, the United Nations will be seriously weakened. And that would make the world a much more dangerous place.
>
> "As President Bush spelled out … we have to be resolute in the face of Iraq's defiance as President Bush said in his excellent speech … and secure the will of the United Nations. We must require Iraq to re-admit inspectors with unfettered access. We have not just an interest but a responsibility to ensure that Iraq complies fully with international law. We have to be clear to Iraq and to ourselves about the consequences which will flow from a failure by Iraq to meet its obligations."

THE UK GOVERNMENT'S POSITION

568. Mr Blair wrote in his memoir that he had decided during August 2002 that Saddam had to be dealt with; and that the one objective of his meeting with President Bush at Camp David on 7 September was to persuade President Bush to go to the UN.

569. Mr Blair described that as obtaining a resolution and giving Saddam Hussein a final chance to comply.

570. In his memoir Mr Blair described Iraq, and what the UK was going to do about it, as, by the summer of 2002, "an insistent and pervasive backdrop".[173] He recorded that as a result of 24-hour media:

> "Literally every day, stories would appear moving the debate this way and that and in line with developing patterns of reporting, always hardening speculation into fact. At times we would not be sure whether we were driving the agenda or being driven by it. On holiday in France in August 2002, I took a call from George, who was equally frustrated by the fact that everyone assumed we had made up our mind and that the march to war was inexorable."

571. Mr Blair added:

> "When I returned from holiday … I also had my lines clear. I was going to be very tough: we had to deal with Saddam; it was right to do it; we had to send an unvarnished and plain message to the world."

572. Mr Blair wrote that the Camp David meeting had had one objective:

> "… to get [President Bush] to go down the UN route, ie to agree that before any action we would pass a UN resolution and give Saddam a final chance.

---

[173] Blair T. *A Journey*. Hutchinson, 2010.

> "This was not an easy sell. The US context … was completely opposite to ours; and the UN did not play well there. The meeting was a little tense … In the end, one to one, I got his acceptance … because … ultimately he bought the idea that this was going to be a whole lot easier if we had a coalition behind us."[174]

573. In the context of putting Iraq back into the UN system, Mr Blair told the Inquiry, that he had had "to persuade [President Bush] to take a view radically different from any of the people in his Administration".[175]

574. Sir David Manning told the Inquiry that it would in his view have been impossible for the UK to act in support of the US without "the UN route", but US acquiescence was reluctant.

575. Asked what thought had been given to the position if President Bush had decided not to take the UN route, Sir David Manning told the Inquiry that his assumption was that it would have been impossible for the UK to act for two reasons:

> "One was that I thought the domestic political position was just impossible … the other … was it seemed to me legally it would be very, very difficult."[176]

576. Asked whether the US had fully embraced the UN route, Sir David replied:

> "No, I think the description … is we moved them from scepticism to reluctant acquiescence. I don't think there was a sudden conversion."

577. In his memoir, Mr Straw expressed concern that the US Administration interpreted Mr Blair's position in his discussions with President Bush as offering the UK's unconditional support.

578. Mr Straw told the Inquiry that President Bush's speech was the critical point at which the US "committed itself to the strategy which we had been arguing for", and "meant that we were embarked on the strategy which, in my judgement could easily have led to a peaceful resolution of this major dispute and that was fundamental to the approach of the British Government".[177]

579. In his memoir, Mr Straw wrote:

> "… when telling people things they didn't want to hear, Tony frequently used ambiguous, elliptical language. I continually worried that Bush heard Tony's nuanced phraseology as offering unconditional support. Time and again, on Iraq and the Middle East especially, Colin told me that this was exactly what he was picking up

---

[174] Blair T. *A Journey*. Hutchinson, 2010.
[175] Public hearing, 21 January 2011, page 50.
[176] Private hearing, 24 June 2010, pages 70-71.
[177] Public hearing, 21 January 2010, page 540.

inside the US Administration. 'The Bush team took TB's comments as full support, and pocketed them', is Colin's subsequent comment to me."[178]

580. Lord Turnbull told the Inquiry that the UK's strategy on Iraq was set following the meeting at Camp David.

581. Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, told the Inquiry:

> "I arrived at a very interesting transitional phase in this whole story … This was, I would say, the conclusion of the strategy phase. The strategy was basically set following Camp David. The idea that Saddam Hussein would be confronted, that there would be an approach to the UN in alliance with the US and a justification would be put into the public domain. All that happened within days of my arrival …"[179]

582. Lord Turnbull added:

> "I think that was a point where a particular strategy coalesced, and at that point the position of [the] Cabinet Office, the Civil Service generally was: we now have a settled strategy and we now will pursue this and make it effective.
>
> "… there was never any opportunity seriously to say, 'This is the wrong option. Iran is the real problem or Korea is the real problem' or whatever … certainly by September 2002 that decision had been made …
>
> "… We had agreed, not only what we wanted to do but the Prime Minister … had agreed with the President of the United States what was going to be done next, and the idea of formulating [a] single resolution, and you could almost say setting a trap for Saddam Hussein – the idea of an ultimatum, that was all formulated at around that time."[180]

583. Asked whether the pros and cons of toppling Saddam Hussein had been examined, Lord Turnbull replied: "I think that was largely concluded by September."[181]

Conclusions

584. Following Mr Blair's meeting of 23 July, there were no further collective recorded discussions within the UK Government about the UK's Iraq strategy before Mr Blair's meeting with President Bush at Camp David on 7 September.

585. From the end of July 2002 until Mr Blair's meeting with President Bush at Camp David, Mr Blair and Mr Straw were attempting to persuade the US Administration to secure multilateral support before taking action on Iraq.

---

[178] Straw J, *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[179] Public hearing, 13 January 2010, page 4.
[180] Public hearing, 13 January 2010, pages 21-22.
[181] Public hearing, 13 January 2010, page 76.

586. By late August, the UK was proposing coercion of Iraq to disarm by means of a UN resolution issuing an ultimatum to Iraq to admit the weapons inspectors. In the event that Saddam Hussein refused, or subsequently obstructed, the inspectors, the UK was seeking a commitment from the Security Council to take action.

587. The UK Government's first objective was to offer Iraq the opportunity and a last chance to comply with its obligations and avoid military action. In the event of Iraq not taking that opportunity, the UK was also seeking to establish conditions whereby military action (should it become necessary) would command multilateral support and be taken with the authority of the Security Council.

588. In his public statements, Mr Blair clearly presented the strategy as providing a final opportunity for Saddam Hussein to disarm peacefully.

589. Reflecting the level of public debate and concern, Mr Blair decided in early September that an explanation of why action to deal with Iraq was needed should be published. That led to the publication of the Iraq dossier on 24 September. He also considered debate on the issue was sufficiently important for both Houses of Parliament to be recalled from recess.

590. As a result of Mr Blair's initiative and the subsequent bilateral discussions involving Mr Blair, Sir David Manning and Mr Straw, the US Administration was left in no doubt that the UK Government needed the issue of Iraq to be taken back to the Security Council before it would be able to participate in military action in Iraq.

591. The UK's arguments complemented and reinforced the arguments being made within the US Administration, particularly by Secretary Powell, that the US should not act alone.

592. The UK was a key ally whose support was highly desirable for the US.

593. That and the force of UK diplomacy undoubtedly made a significant contribution to President Bush's decision in the meeting of the National Security Council on 7 September to take the issue of Iraq back to the UN.

594. The objective of the subsequent discussions between President Bush and Mr Blair at Camp David was, as Mr Blair stated in the press conference before the discussions, to work out the strategy.

595. Although at that stage no decision had been taken on which military package might be offered to the US for planning purposes, Mr Blair also told President Bush that, if it came to war, the UK would take a significant military role.

596. When President Bush made his speech on 12 September, the US and UK had agreed the broad approach but not the substance of the proposals to be put to the UN Security Council, nor the tactics.

597. **Statements made by China, France and Russia in the General Assembly debate after President Bush's speech highlighted the different positions of the five Permanent Members of the Security Council, in particular about the role of the Council in deciding whether military action was justified. The UK also recognised the danger that the US might seek to set the bar for Iraq so high that a new resolution might not be agreed by the Security Council.**

598. **Those tensions meant the negotiation of resolution 1441 was complex and difficult. That is addressed in Section 3.5.**

SECTION 3.5

DEVELOPMENT OF UK STRATEGY AND OPTIONS, SEPTEMBER TO NOVEMBER 2002 – THE NEGOTIATION OF RESOLUTION 1441

Contents

Introduction and key findings 199

US/UK discussion of a draft resolution 200

- Iraq's agreement to the return of inspectors 209
- Discussion of US draft of 20 September 2002 215
- Agreement to offer UK military forces to the US for planning purposes 218

Publication of the Iraq dossier 221

- Cabinet, 23 September 2002 221
- Parliamentary debates, 24 September 2002 228
  - Mr Blair's statement, 24 September 2002 228
  - Adjournment debate in the House of Commons, 24 September 2002 236
  - Debate in the House of Lords, 24 September 2002 240
  - Mr Straw's evidence to the Foreign Affairs Committee, 25 September 2002 241

Discussions between the US, the UK, France and Russia 242

- US/UK draft resolution, 25 September 2002 243
- Mr Blair's speech to the Labour Party Conference, 1 October 2002 251
- Mr Blair's conversations with President Bush, 2 October 2002 253

Continuing difficulties in securing agreement on a draft text 260

- Iraq's rebuttal of the UK dossier 260
- Discussions between Iraq, UNMOVIC and the IAEA about the return of inspectors 261
- President Bush's speech in Cincinnati, 7 October 2002 265
- JIC Assessment, 10 October 2002 267
  - JIC Assessment, 16 October 2002: 'International Terrorism: The Current Threat from Islamic Extremists' 270
- JIC Assessment, 11 October 2002 271

Differences between the US, the UK, France and Russia remain unresolved 276
Security Council open debate, 16 and 17 October 2002 290
The US offers compromise language for OP10 302
Mr Blair's meeting with Mr Straw and Mr Hoon, 17 October 2002 307
Cabinet, 17 October 2002 309
Legal views on the draft resolution 310
Lord Goldsmith's conversations with Mr Powell and Mr Straw, 17 and 18 October 2002 312
Lord Goldsmith's meeting with Mr Blair, 22 October 2002 316
Discussion of the US/UK draft resolution of 23 October 2002 320
Decision to offer a land contribution to the US for planning purposes 329
Final stages of the negotiation of resolution 1441 331
Cabinet, 7 November 2002 336
Mr Straw's conversation with Lord Goldsmith, 7 November 2002 337
Mr Straw's statement to Parliament, 7 November 2002 339
Resolution 1441 (2002) 342
Explanations of Vote 346
Statements by the Permanent Members of the Security Council 351
What was resolution 1441 intended to achieve? 358
Lord Goldsmith's role in the negotiation of resolution 1441 366
The role of FCO Legal Advisers in the negotiation of resolution 1441 375
Conclusions 386

Introduction and key findings

1. This Section addresses the negotiation of resolution 1441 following President Bush's speech to the United Nations (UN) General Assembly on 12 September, including the provision of legal advice, and the unanimous adoption of the resolution by the Security Council on 8 November

2. There were a number of other key developments during this period which are addressed elsewhere in the Report:

- The Joint Intelligence Committee (JIC) Assessments of Iraq's weapons of mass destruction (WMD) capabilities and Iraq's intentions for their use are set out in Section 4. The production of the Iraq dossier, published on 24 September 2002, and the presentation of its contents to Parliament are addressed in Section 4.2. The subsequent assessments of Iraq's actions, including its attitude towards the return of weapons inspectors, are addressed in Section 4.3.
- The development of options for a possible UK contribution to a US-led military invasion of Iraq, and the decision on 31 October to offer ground forces to the US for planning purposes, are addressed in Section 6.1.
- UK planning for a post-Saddam Hussein Iraq is addressed in Section 6.4.

3. The discussion within the UK Government after the adoption of resolution 1441 about the legal effect of the resolution, and Lord Goldsmith's advice on that issue and the legal basis for military action in Iraq, are addressed in Section 5.

Key findings

- The declared objective of the US and UK was to obtain international support within the framework of the UN for a strategy of coercive diplomacy for the disarmament of Iraq. For the UK, regime change was a means to achieve disarmament, not an objective in its own right.
- The negotiation of resolution 1441 reflected a broad consensus in the UN Security Council on the need to achieve the disarmament of Iraq.
- To secure consensus in the Security Council despite the different positions of the US and France and Russia, resolution 1441 was a compromise containing drafting "fixes".
- That created deliberate ambiguities on a number of key issues including: the level of non-compliance with resolution 1441 which would constitute a material breach; by whom that determination would be made; and whether there would be a second resolution explicitly authorising the use of force.

US/UK discussion of a draft resolution

4. The US and UK were in agreement about the objective of securing a UN resolution demanding that Iraq should permit the immediate and unconditional return of weapons inspectors and setting out the consequences of non-compliance.

5. At the beginning of the negotiations, however, there were significant differences between the US and the UK about the detailed content of a UN resolution and the approach to negotiations with China, France and Russia, the other Permanent Members, and with the wider Security Council.

6. The debate between the Foreign and Commonwealth Office (FCO) and No.10 on the objectives and terms for a new Security Council resolution on Iraq, between the end of July and President Bush's speech to the United Nations (UN) General Assembly on 12 September, are addressed in Section 3.4.

7. Initial discussion within the UK, and between the UK and US, about the terms of a draft resolution revolved around seven key issues:

- the need for a UN determination that Iraq was in material breach of its obligations;
- whether the demands for Iraq to comply should be limited to WMD (weapons of mass destruction) or address Iraq's wider failures to meet the obligations specified in UN resolutions since 1991;
- the nature of the ultimatum to Iraq on WMD and whether that should demand an immediate Iraqi declaration of its WMD holdings, and/or the return of weapons inspectors;
- whether to seek more intrusive and quicker inspections than those specified in resolution 1284 (1999);
- whether to seek explicit agreement to the use of "all necessary means" in the event of Iraqi non-compliance, which would provide explicit authority for military action;
- when the UN route would be deemed exhausted and the role of the Security Council in determining the seriousness of any reported Iraqi breach and in authorising the use of force; and
- whether to seek one resolution which met all the objectives or to adopt a two stage approach.

8. Resolution 1284 establishing the UN Monitoring, Verification and Inspection Commission (UNMOVIC), to replace the UN Special Commission (UNSCOM), was adopted on 17 December 1999, with China, France, Russia and Malaysia all abstaining.[1]

---

[1] UN Security Council resolution 1284 (1999).

The timetable for inspections and the position of UNMOVIC in September 2002 is set out in the Box below.

Resolution 1284 (1999) and action to establish UNMOVIC

In March 1999, the panel chaired by Mr Celso Amorim, the Brazilian Permanent Representative to the UN in New York, which was tasked to provide a "comprehensive review" of UN approaches to Iraq, reported that "although important elements still have to be resolved, the bulk of Iraq's proscribed weapons programs has been eliminated".[2] Nonetheless, some inspections-based monitoring was needed to prevent rearmament.

The timetable set out in resolution 1284 for UNMOVIC and the International Atomic Energy Agency (IAEA) to start work and report to the Security Council on Iraq's position resolution envisaged the inspectors would:

- "draw up, for approval by the Council, a work programme" not later than 60 days after they started work in Iraq;
- report "immediately when the reinforced system of ongoing monitoring and verification is fully operational in Iraq";
- 120 days after that, report on whether "Iraq has co-operated in all respects with UNMOVIC and the IAEA in particular in fulfilling the work programmes in all the aspects to suspend sanctions".[3]

The resolution also stated that:

- The 120 days would be renewable, subject to the "elaboration of effective financial and other operational measures" to ensure that Iraq did not acquire prohibited items.
- Should the Executive Chairman of UNMOVIC or the Director General of the IAEA report that Iraq was not co-operating in all respects, sanctions could be renewed.
- The IAEA would remain responsible for nuclear inspections and certification.

As Section 1.1 shows, the resolution was a compromise. Iraq was not required to demonstrate full compliance, just co-operation; and co-operation was not clearly defined. In addition, there was no certainty of a definitive end to sanctions. For this reason Iraq did not accept resolution 1284. It apparently hoped that sanctions would be suspended or at least eroded without it having to do much.

The decision to establish a new organisation to replace UNSCOM reflected allegations that it had not been impartial and had been used by western intelligence agencies to spy on Iraq. The intelligence agencies of member states could supply information to any new body but could not expect to receive any in return. Intelligence traffic would only be one-way. Inspectors were to be recruited independently and work directly for the UN, following UN standards and rules on impartiality and professionalism, rather than be loaned to the Commission by Member States. UNMOVIC was to be controlled by a College of Commissioners.

UNMOVIC was funded from Oil-for-Food (OFF) revenue.

[2] UN Security Council, 30 March 1999, 'Letter dated 27 March 1999, from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council' (S/1999/356).
[3] UN Security Council resolution 1284 (1999).

Dr Hans Blix was appointed as Executive Chairman of UNMOVIC on 27 January 2000.

A junior member of the UK permanent Mission to the UN in New York met Dr Blix on 12 September 2002 for a confidential conversation to explore:

- how long it would take UNMOVIC to establish a presence in Iraq;
- how long it would take to be "up and running";
- how often it would be realistic for UNMOVIC to report on progress; and
- what its priorities would be for reinforcing inspections.[4]

The official reported that the practical arrangements for the return of inspectors would be crucial and would need to be agreed before their deployment. Discussions on the arrangements should take place outside Iraq, but once agreed an advance party from UNMOVIC could be in Iraq in a week. UNMOVIC would prefer to have three months to build up its presence before it "started work as set out in resolution 1284", but it "could just about manage two months".

The 60 days to draw up a work programme was "doable if Iraq co-operated" but that deadline could slip; the report would need to be shown to Iraq and approved by the College of Commissioners. Some inspections could take place within that period; that would be an early test of Iraqi compliance. There was nothing to stop Iraq providing UNMOVIC with the backlog of its biannual declarations on WMD. Depending on the co-operation it received, UNMOVIC could be "fully operational at the same time as it presented the work programme".

The official noted that UNMOVIC already produced quarterly reports and a report every month was likely to be "too frequent". Regular reports could help to put pressure on Iraq and could be used to highlight non-co-operation.

Dr Blix had received a suggestion that UNMOVIC be asked to report to the Council immediately if Iraq was not co-operating positively. He did not underestimate the difficulties of annulling the modalities governing access to sensitive sites and had advised that the Security Council could usefully reaffirm existing rights. Asking UNMOVIC to put forward suggestions to strengthen inspections would put its independence in doubt.

9. In preparation for a meeting with Mr Blair and following initial discussions in New York, Mr Jack Straw, the Foreign Secretary, set out his thinking on the UK's approach to the negotiation of a new UN resolution on 14 September.

10. Mr Straw advised that the UK's objective should be a more intrusive inspections regime. If Saddam Hussein complied, that would achieve the UK's WMD objectives.

11. Mr Straw advocated that the UK and the US should seek only one resolution; and that it should incorporate both a demand for the return of inspectors and a tougher inspections regime. That would maximise pressure on Iraq to comply and avoid giving France and Russia a veto over military action.

---

[4] Minute FCO [junior official] to HMA [UKMIS New York], 12 September 2002, 'Iraq: Meeting with Blix'.

12. Reporting a conversation with Dr Condoleezza Rice, President Bush's National Security Advisor, at a reception given by President Bush on 12 September, Mr Straw wrote that he had rehearsed his concerns about a two resolution strategy, "not least because it was being pushed … by those who wanted a veto on military action and who wanted to avoid hard choices".[5] They had also discussed the possibility of seeking an Iraqi "declaration" of its WMD programmes. While that might create "something to do" while UNMOVIC got its teams into place, Mr Straw had said he thought it could be a "very dangerous proposal". Saddam Hussein "would be very likely to respond with a massively detailed document to split the five Permanent Members of the Security Council (the P5) and international public opinion and buy more time".

13. Following his discussions in New York and in preparation for a meeting with Mr Blair on 17 September, Mr Straw sent a minute to Mr Blair setting out a proposed strategy for "achieving our objectives through the UN".[6]

14. Summarising his views, Mr Straw advised that the UK should:

"
- deliver a more intrusive inspection regime which, if Saddam complies, achieves our WMD objectives;
- demand Iraqi actions not words, within tight deadlines;
- get all we need into a first resolution, without either committing ourselves [to] or ruling out a second [resolution];
- persuade President Bush to commit to the heavy lifting necessary to secure Russian acquiescence, while we take the lead with the French;
- be prepared to run the resolution ourselves if the US agree, since we are better placed to deliver in the Security Council."

15. Mr Straw wrote that President Bush's speech on 12 September had "transformed the politics of the issue, at least in the short term", which "gives us a huge opportunity". He added that achieving the objectives would be a "highly complex process" which would require Mr Blair's intervention at "crucial moments", and that:

> "US views will carry a lot of weight. But as on many issues, they will need our advice and tactical judgement to get what they need out of the Security Council."

16. Mr Straw reported that he had been assured that President Bush was "serious about trying intrusive inspections as a means to achieve Iraqi WMD disarmament". There were, however, differences of view within the US Administration. Mr Straw was concerned that there were voices suggesting that any resolution should be loaded "with impossible demands to ensure the inspectors never get deployed, and to create the earliest pretext for military action".

---

[5] Letter Straw to Manning, 13 September 2002, 'Iraq'.
[6] Minute Straw to Prime Minister, 14 September 2002, 'Iraq: Pursuing the UN Route'.

17. Mr Straw was also concerned that others in the Security Council wanted an approach which would "make it politically impossible to take military action". It would be "crucial to avoid both traps".

18. Addressing the substance of the issues, Mr Straw wrote that "our own emerging thinking and that of the US is converging" and the US and UK should seek a resolution which:

- determined that Iraq had been and was "now in material breach of a … series of obligations to the Security Council". That was "designed to provide the necessary legal cover";
- demanded "unfettered access for inspectors, with clear deadlines as a first test of Iraqi acceptance and a more intrusive mandate"; and
- included "some provisions on what happens if Iraq fails to comply with the specific requirements", but "falling short of authorising 'all necessary measures'". Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, judged that was "simply a non-starter" with China, France and Russia.

19. Mr Straw provided "an illustrative draft" resolution, which reflected initial discussions with the US but had not been shown to them.

20. The draft included elements from each of the options offered by the FCO on 6 September (see Section 3.4). Mr Straw identified a number of issues that would require political judgements:

- The advantages and disadvantages of the US proposal to challenge Iraq to produce a full declaration of its WMD holdings very quickly. Mr Straw thought that was "a bad idea" and that there were "better ways of setting early deadlines".
- How much tougher an agreed inspection regime could be without making demands which would not be agreed by either the members of the Security Council or Iraq. The US was "thinking of a provision which would allow [Dr] Blix to decide what further access he needed to achieve his mandate". That "would mean jettisoning previously agreed special arrangements (like exemption of palaces etc)". That "would be difficult to negotiate" and Mr Straw did not want Iraq to reject the resolution because it "could be said to move the goalposts"; but he favoured trying the approach.
- How clear the resolution could be about the consequences in the event of non-compliance. That would be "the hardest-fought point in the Security Council". As "all necessary measures" looked "unnegotiable", and the US would "adamantly oppose a requirement" for a further resolution, the current US preference was "to stipulate that any failure to comply with the provisions of the resolution would constitute a further material breach and that Iraq would be responsible for the serious consequences of that". Mr Straw took the view

that, while the negotiations should "start tough": "The final result will almost certainly be less explicit."

21. Addressing the tactics, Mr Straw wrote that the P5 lunch the previous day had, in the words of Mr Colin Powell, US Secretary of State, been "a good start on securing a consensus".

22. Mr Straw added that France's approach of two resolutions was "attractive to some precisely because it postpones any hard choices and gives Russia and France a veto on military action. I think it a very dangerous idea." It would postpone hard choices and give other members of the P5 a veto over military action.

23. Mr Straw had argued to his Ministerial colleagues that "the tougher and more complete the first resolution, the greater the chance of Iraqi compliance. Paradoxically … [a] two resolution approach would make the use of force more likely, because Iraq would view it as weak."

24. Mr Straw wrote that he and Secretary Powell both believed that "we should get a long way down the road of agreeing the strategy in capitals" with the P5 before putting any draft text into the Council. They envisaged that, after intensive discussions, the US and UK would be "in a position to table proposals in the Security Council early in the week of 23 September". He also suggested that there might be tactical advantages in the UK tabling the resolution.

25. Sir David Manning, Mr Blair's Foreign Policy Adviser and the Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), sent the minute to Mr Blair with his own comments on a number of points:

- Mr Jacques Chirac, the French President, would not accept the use of the phrase all necessary measures "at this stage".
- A declaration did not need to precede inspections: it could be pursued in parallel.
- The UK dossier was "designed to show how unsatisfactory absolving palaces from inspections has proved".
- Mr Straw's view that the negotiations should start tough but the consequences in the event of non-compliance would be less explicit than agreement to "all necessary measures" looked "right."[7]

26. The UK was concerned to avoid US proposals for a comprehensive Iraqi declaration being used to provide the basis for military action before the return of inspectors.

[7] Manuscript comments Manning to Prime Minister on Minute Straw to Prime Minister, 14 September 2002, 'Iraq: Pursuing the UN Route'.

27. US and UK officials discussed draft resolutions on 15 and 16 September. Mr Peter Ricketts, FCO Political Director, reported that the main differences between them were; a US demand for comprehensive declarations and making failure to comply with that a "casus belli"; detailed proposals for unfettered access for inspectors; and "the 'all necessary means' issue".[8]

28. Sir David Manning discussed developments with Dr Rice on 16 September.[9] He stated that the position was "very much better … than … eight weeks ago"; and that Mr Blair was "pleased that the issue was now focused in the UN, where the early signs suggested the debate was going well". Saudi Arabia had announced that they would permit overflights if there was a resolution authorising action.

29. Sir David Manning reported that he had told Dr Rice:

- The UK would consider two resolutions, one dealing with Iraq's WMD and one dealing with other aspects of the Iraqi problem, including the restoration of Kuwaiti property.
- The UK was still considering whether to demand that Saddam Hussein should make a "Declaration about his WMD stocks". There would be a discussion between Mr Blair and Mr Straw the following day.
- Mr Blair would be "sympathetic" to the need for an effective and intrusive inspections regime and the measures to ensure that, such as protection for UNMOVIC and the role of P5 representatives.
- On the question of whether to seek "all necessary means" or accepting language specifying "serious consequences", there was the option of falling back on the Kosovo model (taking independent action if ultimately the UN route failed). It was the right way forward.

30. The US and UK Missions to the UN in New York produced a draft "composite resolution" on 16 September, which Mr Straw and Sir Jeremy Greenstock discussed with Secretary Powell later that day.[10]

31. Secretary Powell told Mr Straw that he had discussed the possibility of an Iraqi letter agreeing to unconditional access for inspectors with Mr Kofi Annan, Secretary-General of the UN, "three times in the last 14 hours". Mr Annan had made it clear to Iraq that there would be a new resolution and there was nothing it could do to stop it.

32. Mr Straw thought that "overall the argument was going well". Egypt and other countries were complaining about where an objective of regime change left them, but: "Saddam Hussein had a choice, either complying with SCRs [Security Council

---

[8] Minute Ricketts to Secretary of State [FCO], 16 September 2002, 'Iraq: UN Resolutions'.
[9] Letter Manning to McDonald, 16 September 2002, 'Iraq: Conversation with Condi Rice'.
[10] Telegram 1729 UKMIS New York to FCO London, 16 September 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 16 September'.

resolutions] and surviving; or failing to comply and his regime ending up being changed as a consequence of the international community enforcing compliance."

33. Secretary Powell told Mr Straw that the US was looking for a serious response from Iraq to a required declaration. If it was not serious, "Saddam would clearly be playing games and that should be considered a casus belli". The US wanted something which it could measure, and "to assess Iraqi seriousness before they got rolling on inspectors". In his view, Mr Blair and President Bush "needed to talk about the role of a declaration: there was still some uncertainty in the Administration about what the UK wanted/could live with".

34. Mr Straw replied he "feared" a declaration "could be a trap for us, not Saddam", and "a real chance that Saddam would deliver a Rolls Royce reply in order to 'scatter his enemies' … [A] full, final and complete declaration could only be done with the inspectors." A declaration could be folded into the process in a different way. The US and UK should focus on the return of the inspectors and ask for a declaration after practical arrangements had been agreed but before the inspectors arrived.

35. Asked what would happen if the declaration was inadequate, Sir Jeremy Greenstock stated that the Security Council could say the "inspectors would check the points over which there was disagreement".

36. Secretary Powell said that "his hunch" was that Iraq would be forthcoming:

> "They would send something which matched what we knew. In that case we could say we had a 'serious basis' for inspectors … If, on the other hand, the Iraqis gave something thin, there would be no point sending inspectors …"

37. Mr Straw thought that Iraq would calibrate its response to satisfy France and Russia: "We preferred the test to rely less on subjective judgement". Mr Blair had "been consistent in giving prominence to the importance of inspections since the Crawford meeting in April. A declaration would be a diversion from our long-standing position."

38. Mr Straw and Secretary Powell agreed that there were "no real differences" between the US and UK on the conditions for the inspectors' return and the modalities for their operations.

39. Sir Jeremy Greenstock asked "how fierce the US wanted to be over 'all necessary means'". Sir David Manning's conversations with Dr Rice seemed to indicate this was "not an absolute requirement" for President Bush. The US should talk to Russia before putting it to the Security Council. If the US and UK tried and failed to get Security Council agreement to inclusion of the phrase, "we would be further back than if we had not tried at all".

40. Secretary Powell assessed that Mr Vladimir Putin, the Russian President, "wanted to be on this train" and we could get him "to sign up to most anything". He reminded Mr Straw that "the US was going to deliver the French".

41. In relation to the preparation of the UK dossier, Secretary Powell said "he was laying less stress on (disputable) dossiers and more on the fact that Saddam had (indisputably) violated SCRs for the last 11 years".

42. Mr Straw and Secretary Powell also discussed whether to produce two resolutions. Mr Straw "pointed out that … would both fulfil President Bush's promise and help Villepin [Mr Dominique de Villepin, the French Foreign Minister] off a hook". The UK preference was for a second resolution, addressing other problems with Iraq including terrorism, to be tabled later "so as not to blur the focus on WMD".

43. Mr Straw and Secretary Powell were reported to have agreed that "we will only get a peaceful resolution if we prepare for war".

44. Mr Simon McDonald, Mr Straw's Principal Private Secretary, sent a separate letter to Sir David Manning reporting that, at the end of the discussion, Mr Straw and Secretary Powell had had a private word to discuss US uncertainty about Mr Blair's position on the proposal for a comprehensive declaration.[11] Mr McDonald advised Sir David that Mr Straw had concluded "we need to incorporate a declaration within our approach but not in such a way that it can be used as a casus belli".

45. Mr Straw also discussed possible resolutions with Mr Igor Ivanov, the Russian Foreign Minister, including whether, if Baghdad offered to allow the inspectors to resume their work, a new resolution would be needed.[12]

46. Mr Ivanov warned Mr Straw not to repeat the actions of Operation Desert Fox (in December 1998) or Kosovo (in 1999).

47. In parallel with negotiations on the content of the UN resolution, preparations to publish the Iraq dossier continued.

48. Mr Blair saw the purpose of the dossier as making the case for the return of inspectors with a tough regime.

49. In a note to No.10 officials covering a range of issues on 15 September, Mr Blair wrote:

> "The dossier is crucial. The expectations must be right. Remember the case we need to make is for the return of a tough inspection regime, not that he is about to launch a strike. In my view, advice to me from the JIC is sufficiently persuasive. We also need to decide what we can show key politicians here and in the EU; early sharing of the info. will go down well and show willing."[13]

---

[11] Letter McDonald to Manning, 17 September 2002, 'Iraq'.
[12] Telegram [un-numbered] UKMIS New York to FCO London, 16 September 2002, 'Foreign Secretary's Meeting with Russian Foreign Minister: Iraq'.
[13] Note Blair [to No.10 officials], 15 September 2002, [extract 'Iraq'].

Iraq's agreement to the return of inspectors

50. Iraq informed Mr Annan on 16 September that it had decided to allow the return of inspectors and that it was ready to discuss the practical arrangements with the UN.

51. A subsequent letter from Saddam Hussein made clear that Iraq still saw agreement on those arrangements as part of a wider discussion reflecting Iraq's rights under the UN Charter and the need to address all the obligations of both Iraq and other Member States in relevant Security Council resolutions, not just Iraq's disarmament obligations.

52. Saddam Hussein declared that Iraq was "totally clear of all nuclear, chemical and biological weapons"; and challenged President Bush's "insinuation" that Iraq was linked to the attacks on 9/11 and international terrorism.

53. In a meeting with Foreign Ministers of the League of Arab States on 14 September, Mr Annan sought their support for the return of inspectors to Iraq as a means to strengthen peace and stability in the region and to avoid another major conflict.[14] He also raised the issue in a meeting with Mr Amre Moussa, the Secretary General of the League of Arab States, and Dr Naji Sabri, the Iraqi Foreign Minister, later that day.

54. Dr Sabri wrote to Mr Annan on 16 September to inform him that, following the series of talks between Iraq and the UN in New York and Vienna between March and July 2002 and the latest round in New York on 14-15 September, Iraq had decided "to allow the return of United Nations inspectors to Iraq without conditions".

55. Dr Sabri stated that, in taking the decision, the Government of Iraq was responding to the appeals of Mr Annan, Mr Moussa and those of "Arab, Islamic and other friendly countries". The decision was based on Iraq's "desire to complete the implementation of the relevant Security Council resolutions and to remove any doubts that Iraq still possesses weapons of mass destruction".

56. Responding to the points in Mr Annan's statement to the General Assembly on 12 September, the Dr Sabri stated that the decision was:

> "… the indispensable first step towards an assurance that Iraq no longer possesses weapons of mass destruction and equally important, towards a comprehensive solution that includes the lifting of sanctions … and the timely implementation of other provisions of the relevant … resolutions. To this end … Iraq is ready to discuss the practical arrangements necessary for the immediate resumption of inspections."[15]

---

[14] United Nations, 16 September 2002, *Daily Press Briefing by the Office of the Spokesman for the Secretary-General.*

[15] UN Security Council,16 September 2002, 'Letter dated 16 September from the Minister of Foreign Affairs of Iraq addressed to the Secretary-General', attached to 'Letter dated 16 September from the Secretary-General addressed to the President of the Security Council' (S/2002/1034).

57. Mr Annan sent the letter to the President of the Security Council, asking him to bring it to the attention of the Council.[16]

58. Mr Blair and Mr Straw agreed that they should secure as much of the elements required as possible in a first resolution, keeping an open mind on whether to seek two resolutions as the US would not at that stage accept a two stage approach.

59. Sir David Manning discussed the Iraqi initiative with Dr Rice in the early hours of 17 September.

60. Sir David reported to Mr Blair that he had told Dr Rice Mr Blair's position was that "the UN must be a facilitator for Iraqi disarmament".[17] The UK would "continue to express scepticism about Saddam's intentions, given his capacity for games playing". Sir David stated he was sure Mr Blair would "continue to insist on a very tough resolution" demanding the return of inspectors and Iraq's full and immediate compliance with its terms. The UK would argue that "the new resolution was as important as ever in establishing the criteria for future Iraqi behaviour, and the benchmark for measuring it".

61. Sir David and Dr Rice had agreed to speak again later that day.

62. Mr Blair discussed the "state of play on the Iraq UNSCR(s)[UN Security Council resolutions]" with Mr Straw and Sir Jeremy Greenstock on 17 September.[18] Mr Jonathan Powell (Mr Blair's Chief of Staff), Sir David Manning, Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy), and Baroness Morgan (Mr Blair's Director of Political and Government Relations), were also present.

63. The record of the meeting listed its conclusions as:

- "The UK should continue to press, quickly, for a **new resolution**
  - (a) describing Saddam [Hussein] as in 'material breach' of his obligations,
  - (b) setting out the demand … to allow unconditional UNMOVIC entry, and
  - (c) using the strongest language the Security Council … would bear on the consequences in the event of non-compliance …"
- The UK should "seek to secure in the first resolution as much as possible of the wording required, using the argument that the tougher the resolution, the less likely military action would become"; and "keep an open mind on whether a **second resolution** would be required, ruling it neither in nor out. It would be too much for the US to accept two resolutions now."

---

[16] UN Security Council, 16 September 2002, 'Letter dated 16 September from the Secretary-General addressed to the President of the Security Council' (S/2002/1034).
[17] Minute Manning to Prime Minister, 17 September 2002, 'Iraq'.
[18] Letter Rycroft to Sedwill, 17 September 2002, 'Iraq: Prime Minister's Meeting with Foreign Secretary and Sir Jeremy Greenstock, 17 September'.

- The "proposed **declaration of Iraq's WMD** should be an update rather than a final and complete declaration … [pursued] in parallel with the return of inspectors, not delay the inspectors' return".
- "**Publicly**" the UK should "describe [Iraq's] offer of accepting inspectors as a tactical ploy, exactly as we had expected. We suspected that he [Saddam Hussein] had absolutely no intention of complying with all UN demands. It showed [the] tough approach was working. We must maintain the pressure. The inspection regime must be tough and able to do its job."
- Mr Blair would speak to President Putin "in concert with" President Bush's call.
- The UK "should keep in close touch with Blix, so that the resolution took account of his practical considerations". He would "have to be very tough with the Iraqis".

64. The record of the meeting was sent to the Ministry of Defence (MOD), Cabinet Office, the Private Secretary to Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), and to Sir Jeremy Greenstock, Sir Christopher Meyer (British Ambassador to the US), Sir John Holmes (British Ambassador to France) and Sir Roderic Lyne (British Ambassador to the Russian Federation).

65. Sir David Manning subsequently informed Dr Rice of the conclusions of Mr Blair's meeting.[19]

66. The record of that conversation shows differences of view on the advantages and disadvantages of demanding a comprehensive Iraqi declaration; whether the resolution should address non-WMD issues; and the details of a new inspection regime.

67. Sir David and Dr Rice agreed that the purpose of the resolution was to dismantle Saddam Hussein's WMD, not to get the inspectors back into Iraq: "The inspections were a means to this end, not an end in themselves." They also discussed the risk that the inspectors would find nothing. Sir David said he thought "we were likely to find evidence, even though Saddam would have been busily hiding and disguising his stocks of WMD".

68. Sir David and Dr Rice agreed that Sir Jeremy Greenstock and Ambassador John Negroponte, US Permanent Representative to the UN in New York, should be asked for "their expert advice on next steps about content and handling".

69. Reporting a statement by Mr Straw, the FCO informed the UK Permanent Mission in New York that: "We see no advantage in an early UNSC [UN Security Council] debate on the Iraqi offer … But we accept that pressure for Council discussion may be irresistible."[20]

---

[19] Letter Manning to McDonald, 17 September 2002, 'Iraq: Conversation with Condi Rice'.
[20] Telegram 535 FCO London to UKMIS New York, 17 September 2002, 'Iraq: Letter Accepting Weapons Inspectors'.

70. The key points of the UK position were:

"
- … scepticism. Iraq has a long history of playing games. The … offer comes only four days after Iraq rejected inspections;
- Not clear what, exactly, the Iraqi letter amounts to …
- Note Iraqi reference to discussion of practical arrangements for inspections. Iraq must not be allowed to drag this process out. A new UNSCR [UN Security Council resolution] would need to address this point …
- Offer does not make clear that Iraq has accepted our basic demand, namely to grant inspectors immediate access to any site, building, records, personnel at any time of UNMOVIC's choosing …
- We must keep up the pressure on Iraq. Their latest offer has only come because the international community has demonstrated its determination to stand firm. We must continue to do so.
- We must, therefore, work for a new UNSC resolution …
- History tells us that we cannot trust Saddam's word. This time, our goal is to ensure that he complies with UNSC demands."

71. Mr Blair and President Bush decided to continue to pursue a new Security Council resolution.

72. Mr Blair and President Bush discussed the position on 18 September.[21]

73. Mr Blair said that they should stick to the strategy. A resolution was needed and the inspectors must be allowed in to do their job properly. Mr Blair was sceptical about whether Saddam would comply: "It was obvious that Saddam would play games. He had only made his offer on inspections … because he felt under pressure." The pressure would need to be continued.

74. Mr Blair and President Bush also discussed the need for a new inspections regime that was unconditional and unrestricted. Mr Blair's view was that:

> "This time we must be clear that obstruction would mean military action. This had to be a disarmament process. There could be no mindset of accepting conditions …"

75. Mr Blair stated that, in relation to the overall strategy, Saddam Hussein was "trying to drag us into a negotiation", and that the UN route provided the means to deprive him of the argument that the US would attack him whatever he did. Mr Blair said that disarmament "would occur, either through inspections or military action" and that the "choice was Saddam's". In Mr Blair's view, the Iraqi regime "could crack with the arrival of inspectors". Keeping up the public pressure would give the international community "no option but to support us".

---

[21] Letter Rycroft to Sedwill, 18 September 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 18 September'.

76. Iraq welcomed the US decision to act through the UN while emphasising that Iraq's "inalienable rights" should be met and members of the Security Council should meet their obligations.

77. A letter from Saddam Hussein stated that Iraq was "totally clear of all nuclear, chemical and biological weapons" and would accept inspections to "achieve, with transparency the goal of making sure Iraq no longer possesses … weapons of mass destruction".

78. In his speech to the UN General Assembly on 19 September, Dr Sabri offered Iraq's "condolences to the American people, especially the families of the victims" of the 11 September 2001 attacks.[22]

79. Dr Sabri expressed "sincere gratitude" to states and organisations which had rejected US threats against Iraq and called for "a comprehensive political solution to the impasse in the relationship between Iraq and the Security Council". The Iraqi Government's decision "to allow the return of UN weapons inspectors without conditions as a first step towards a comprehensive solution" that included "the lifting of sanctions imposed on Iraq and the timely implementation of other provisions of relevant Security Council resolutions", was a response to the appeals of Mr Annan and others.

80. Dr Sabri told the Security Council that he had been instructed by Saddam Hussein to convey excerpts from his letter to the General Assembly, which presented "Iraq's position on the latest developments in the relationship between Iraq and the Security Council".

81. Saddam Hussein welcomed the US decision "for the first time since the end of the cold war" to put one of its problems to the General Assembly "after years of disregard of the weight, effect and opinion of others". But the letter was critical of American actions on Iraq and its support for Israel. It described President Bush's speech on 12 September as presenting "extreme distortions of the so-called nuclear, biological, and chemical threats" posed by Iraq:

> "… so as to make American citizens believe the deliberate insinuation that Iraq was linked to the American people's tragedy of September 11."

82. Saddam Hussein's letter set out Iraq's views on US actions and statements, including:

> "So, after utilizing the American propaganda machine for a long time and spouting official statements full of lies, distortion, and falsehood, the focus was basically turned on inciting the American public against Iraq and pushing it to believe the United States Administration's schemes of aggression as a fait accompli as if it were

[22] UN General Assembly, 'Fifty-seventh session 19 September 2002' (A/57/PV.17).

the solution or the necessary rescue that would allow American citizens to live in security and stability after what they had gone through in the 11 September events."

83. Saddam Hussein stated that when the US Administration had realised the necessity to have:

"… international cover for using force and that the world did not believe the lies it tried to propagate to link Iraq to the September events, it changed the issue and began to shed crocodile tears about international law and the necessity to comply with the resolutions of international legitimacy, alleging that Iraq is not complying with the Security Council resolutions, especially with regard to … inspectors. This implied that Iraq had the intention to develop or already possesses nuclear, chemical and biological weapons …"

84. Iraq "might give those weapons to terrorist organizations that pose a threat to world security".

85. After complaining about the "intelligence and espionage" activities of weapons inspectors in the past and accusing the US of "acting on behalf of Zionism" and wanting "to destroy Iraq in order to control Middle East oil, and consequently control the politics as well as the oil and economic policies of the whole world", Saddam Hussein stated that Iraq "was, and still is ready to co-operate with the Security Council and international organizations". But it rejected "anyone's transgression of its rights, sovereignty, security and independence".

86. Iraq had "not rejected the relevant resolutions", even though they were "unjust and at odds with the United Nations Charter and international law". It called on members of the Security Council to meet their obligations, and demanded that Iraq's "inalienable rights" should be met.

87. Saddam Hussein declared that Iraq was "totally clear of all nuclear, chemical and biological weapons" and offered to receive "any scientific experts accompanied by politicians" who wished to see "places and scientific and industrial installations" alleged to "contain prohibited materials or activities". He also stated that Iraq had "accepted the return of inspections teams … taking into consideration the arrangements that should safeguard" the principles that Iraq's rights, sovereignty and security should be respected. That would "achieve, with transparency, the goal of making sure that Iraq no longer possesses nuclear, biological and chemical weapons of mass destruction".

88. Saddam Hussein stated that Iraq had been:

"… keen to see the issue discussed between the Security Council and Iraq, through the United Nations Secretary-General and the representatives of Iraq, with a view to reaching a balanced formula, based on the principles of the Charter and the relevant resolutions of the Security Council, within a comprehensive solution which should bring to an end the cyclone of American accusations and fabricated

crises against Iraq. At the same time, this would reassure Iraq with regard to its security, sovereignty, territorial integrity and its right to choose its own way without interference, in accordance with … the [UN] Charter …"

Discussion of US draft of 20 September 2002

89. Intensive discussions about the approach to be adopted continued.

90. Some elements of the US proposals continued to present difficulties.

91. Sir David Manning explicitly warned Dr Rice that the UK was not in the business of manufacturing a casus belli.

92. Intensive discussions between the US and UK continued over the next three days. As well as discussions between officials in New York and Washington, there were frequent telephone calls between No.10 and the White House.

93. Mr Straw also spoke to Secretary Powell.[23]

94. Mr Straw spoke to Mr Dominique de Villepin.[24]

95. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, spoke to the Élysée.[25]

96. In addition to the points set out in the preceding paragraphs, other issues which emerged during the discussions were:

- Re-writing or going beyond resolution 1284 (1999) would open up "Pandora's box".
- Whether to seek to interview Iraqi citizens outside Iraq.
- Saddam Hussein could not impose conditions on UNMOVIC operations.
- Disarmament would occur either through inspection or military action.
- There was a good chance that Iraq would now make mistakes.
- Avoiding Saddam Hussein spinning out the process so that military action could not be launched and completed before summer 2003.
- The importance of demonstrating a firm position and unity in the Security Council.

---

[23] Telegram 482 FCO London to Washington, 18 September 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 18 September'.
[24] Telegram 198 FCO London to Paris, 20 September 2002, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 20 September 2002'.
[25] Letter Rycroft to Sedwill, 18 September 2002, 'Iraq: French Views'.

97. Following two conversations with Dr Rice on 19 September, Sir David Manning recorded that Mr Blair:

> "… accepts that we should bid high … with a view to being negotiated down to the sort of resolution … we really want. He is content for us to work for specific mention of disarmament in the resolution. He is also content for us to work for a compromise on the question of an Iraqi declaration in parallel with preparations for the inspectors' return. He is ready, too, to agree to a formulation that stipulates that UNMOVIC's inspection regime must be settled in consultation with the Security Council; and that we should load this section of the resolution with demands on force protection for regional bases, participation by the P5 etc., in the knowledge that we shall have to jettison some of this under pressure from the Russians and French. He has, however, confirmed that he is not willing to allow references to terrorism to detract from the force of a resolution. This remains a firm UK red line."[26]

98. In advance of a planned visit to Moscow on 10 and 11 October, Mr Blair spoke to President Putin on 19 September.[27]

99. Mr Blair said that the US decision to take the issue of Iraq to the UN was a significant and welcome step, but in the light of Iraq's letter of 16 September:

> "… we must hold to our original position: unconditional access for inspectors, backed by a strong resolution. It was only under pressure that Saddam would move further. So we had to keep the pressure up."

100. President Putin had agreed that firm action was needed and that we must not lose time or give Saddam Hussein a breathing space. As a result of pressure, including from Russia, Saddam Hussein had yielded to an ultimatum. It would be wrong to engage in a debate about a new resolution until we had seen how the inspectors got on. President Putin would think further about what Mr Blair had said, and they had agreed that it would be vital to keep together. There would be further discussions between officials, including a briefing in London on Iraq's WMD capability.

101. The US produced a draft resolution late on 20 September.

102. Sir David Manning told Dr Rice on 21 September that the draft was "very difficult" for the UK.[28] The risk was that it would be interpreted as a pretext for very early military action and the UK was:

> "… not in the business of manufacturing a casus belli. Only if we were seen to have tried genuinely to make a success of the inspection route would we be able to secure support for other action if Saddam blocked us."

---

[26] Letter Manning to McDonald, 19 September 2002, 'Iraq: Conversation with Condi Rice'.
[27] Letter Rycroft to Sedwill, 19 September 2002, 'Iraq: Prime Minister's Phone Call with Putin, 19 September'.
[28] Letter Manning to McDonald, 21 September 2002, 'Iraq: Conversation with Condi Rice'.

103. With President Bush, Mr Blair emphasised the need for the inspectors to return to test Saddam Hussein's intentions.

104. On 21 September, Mr Blair and President Bush discussed the difficulties if the resolution was too weak and Saddam Hussein outwitted the inspectors so that when they returned they found nothing.[29] They also discussed the need for the draft resolution to be divided into two: a strong resolution concentrating on WMD – the toughest regime possible – and a second on non-disarmament issues.

105. Mr Blair argued that if Saddam Hussein "messed about with the inspectors, we must be ready to pull them out and take the appropriate steps. This was not going to be a re-run of UNSCOM." It was likely that "Saddam would get up to his old tricks pretty quickly". But "for the moment we must insist that we wanted to make inspections work so that we could disarm Saddam".

106. Mr Blair agreed the need for a quick resolution and the rapid return of inspectors. They could not wait for another year for the inspectors to do their work.

107. Mr Campbell recorded that Mr Blair had had to "work on" President Bush in a conversation that had lasted 30 minutes because the US was "going down an impossible road again, basically a route that was unsellable". No.10 was "worried that Rumsfeld [Mr Donald Rumsfeld, US Secretary of Defense] and Cheney [Mr Dick Cheney, US Vice President] were pushing for the idea that we get in conditions that we know Iraq could not meet".[30]

108. The record of the discussion between President Bush and Mr Blair on 21 September (and records of other discussions) confirms those comments.[31]

109. Mr Blair and Mr Straw eventually agreed on 23 September that the time had come to test the negotiability of the US position with France and Russia. They also agreed a negotiating strategy which asked for more than the UK thought could be agreed.

110. Mr Blair and Mr Straw discussed the content of the revised draft resolution on 23 September.[32] They agreed that there were dangers with a proposal for a full, final and complete declaration of Iraq's capabilities but the time had come to test its negotiability with France and Russia.

111. Mr Blair agreed that Mr Straw should tell Secretary Powell that, while he understood the US anxieties about whether the UN would deal effectively with the Iraqi

---

[29] Letter Manning to McDonald, 21 September 2002, 'Iraq: Conversation between the Prime Minister and President Bush'.
[30] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[31] Letter Manning to McDonald, 21 September 2002, 'Iraq: Conversation between the Prime Minister and President Bush'.
[32] Letter Rycroft to Sedwill, 23 September 2002, 'Iraq: UN Resolution'.

threat, the strategic decision that this was a better course than unilateral action was right. It would be "important to show that we were serious about allowing the UN to do its business".

112. Following that meeting, Sir David Manning told Dr Rice that Mr Blair and Mr Straw were "pleased that the new draft resolution focused on the destruction of Iraq's WMD, and the regime that would govern UNMOVIC inspections. This was the right place to be but there was one area of the draft in particular that continued to give us serious difficulties."[33] That was the stipulation that Iraq must make a declaration of its holdings within 15 days of the passage of the resolution. He and Dr Rice had discussed the issues many times, including the likely response of other Security Council members. They discussed the language on that point and in the final operative paragraphs [OPs] and the regime for inspections.

113. Reporting the discussions Sir David Manning wrote that he had been assured that the resolution was not a "trigger" for military action and that he had told Dr Rice that he expected the discussions on the resolution to be difficult:

> "They would be particularly resistant to the reference in OP10 to '… authorises Member States to use all necessary means'. We were very unlikely to get this, even though we should press it to see how the other Security Council members reacted. Condi agreed. She said that the Administration was privately prepared to concede this and settle for something like 'serious consequences'."

114. Sir David concluded that the UK had "done as much as we can in the last 48 hours to get the resolution into something approaching a plausible shape". The UK would now have to wait to see the reactions to the draft.

Agreement to offer UK military forces to the US for planning purposes

115. On 20 September, the MOD sought Mr Blair's agreement to offer Package 3 as a "possible add-on" to the US "for planning purposes".

116. In parallel with the discussions on a new UN resolution, military planning continued although knowledge was kept to a very tight group of people and the sensitivities about potential leaks remained.

117. In response to a minute from Mr Jim Drummond, Assistant Head of OD Sec (Foreign Policy), primarily about military planning which Mr Drummond had classified 'Confidential', Sir David Manning commented: "Please ensure all minuting is Secret and Personal – and keep circulation to [the] barest minimum."[34]

---

[33] Letter Manning to McDonald, 23 September 2002, 'Iraq: Conversation with Condi Rice'.
[34] Manuscript comment Manning on Minute Drummond to Manning, 16 September 2002, 'Iraq: Pigott Meeting'.

118. Mr Peter Watkins, Principal Private Secretary to Mr Geoff Hoon, the Defence Secretary, wrote to Sir David Manning on 20 September, advising that two issues needed quickly to be addressed:

- what potential UK force contribution should be presented to a US planning conference the following week; and
- whether to replace army units already allocated to Operation FRESCO, the plan for the Armed Forces to provide cover in the event of a firefighters' strike, so that they would be available if a land force contribution was approved.[35]

119. The MOD proposed that the air and maritime package, with Special Forces (Package 2), should be presented as a potential UK contribution at the US Central Command (CENTCOM) planning conference; and that further work was under way on whether the UK might also offer a Commando Group of around 1,700 Royal Marines for early operations in southern Iraq, although further work would be needed to establish whether that could be sustained in parallel with ground operations in northern Iraq.

120. The MOD had also considered the provision of a divisional headquarters together with an armoured brigade to operate with the US (Package 3). That would be "more complicated", but the Chiefs of Staff regarded it as the "minimum sensible" ground contribution to operations in the North. It would entail a commitment of around 28,000 service personnel in addition to the 13,000 in Package 2, and the call-out of around 6,000 reservists.

121. Mr Watkins told Sir David that Mr Hoon felt it would be "premature" to offer a ground contribution on the same basis as Package 2:

> "… we should indicate to CENTCOM that we are still considering this option and that they should model two plans in parallel, one including the UK land force contribution and one without it."

122. Mr Blair and Sir David Manning had reservations about the viability and costs of the MOD proposal.

123. Sir David Manning advised Mr Blair that:

> "The possibility that the military could make a land contribution in the North is a surprise. Until recently we were being told that covering the firemen's strike (Operation FRESCO) would make this impossible. Now, suddenly it isn't. The (militarily mouth-watering) prospect of being given tactical leadership of the campaign in the North … may have something to do with this volte face."[36]

---

[35] Letter Watkins to Manning, 20 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.
[36] Minute Manning to Prime Minister, 22 September 2002, 'Iraq: Possible UK Military Contribution'.

124. Sir David advised Mr Blair to register "extreme caution" and to address a number of questions; in particular how this was suddenly possible, the Turkish angle, and whether the UK could sustain the numbers and, if so, for how long.

125. Mr Blair commented: "As discussed. Be careful of this Land idea …"[37]

126. In a meeting with Mr Hoon on 23 September, Mr Blair agreed limited contingency preparations for a land option, but asked for publicity to be minimised.

127. Following the discussion, the MOD informed the US that the UK was still considering a land option.

128. That was not the No.10 understanding of what had been agreed.

129. In the context of the many issues which were being addressed on 23 September 2002,[38] the Inquiry has seen no evidence to indicate that the difference of view about what Mr Blair and Mr Hoon had agreed was anything other than a genuine misunderstanding.

130. Mr Blair discussed the issues with Mr Hoon on 23 September.

131. Following that meeting, Mr Watkins informed officials in the MOD that:

> "The Prime Minister is content for us to proceed broadly as set out in my letter of 20 September. The Prime Minister remains very cautious about the viability of Package 3, not least because of its implications for our ability to meet other contingencies and the significant cost premium entailed. In the light of this, Mr Hoon believes that it is all the more necessary heavily to caveat this possibility in contacts with the US. We should emphasise that it is at the limits of what we could offer and that – because of other potential demands on our Armed Forces including FRESCO – we cannot be sure that we could deliver it. The US must therefore examine carefully how they would plan the campaign in the absence of such a contribution."[39]

132. The packages that might be offered to the US were to be conveyed in terms cleared with Mr Hoon's Private Office.

---

[37] Manuscript comment Blair on Minute Manning to Prime Minister, 22 September 2002, 'Iraq: Possible UK Military Contribution'.
[38] Preparations for publication of the WMD dossier and statement/debates in Parliament on 24 September 2002.
[39] Minute Watkins to DG Op Pol, 23 September 2002, 'Iraq: Meeting with the Prime Minister: 23 September'.

133. When the Chiefs of Staff discussed Iraq planning on 25 September, Admiral Sir Michael Boyce, Chief of the Defence Staff, emphasised that:

> "… expectation management with respect to UK caveats had to be taut. Package 2 … was a formidable contribution in its own right and Package 3, given its importance to the US, was not just a 'nice to have'."[40]

134. Sir David Manning's record of the meeting on 23 September, issued on 25 September, stated that Mr Blair had agreed that "we should present Package 2 as a potential contribution at the CENTCOM Planning Conference".[41] "We should not be shy about presenting this as a significant and valuable offer." Units for Op FRESCO should be re-allocated to maintain the possibility of a Land Force contribution, with minimum publicity. Mr Blair did not, however, want "any suggestion" that the UK might offer "a major land contribution to a Force in northern Iraq. We should not surface the possibility at the [US] Planning conference."

135. By that time, the MOD had already acted. Mr Hoon's Private Office replied to No.10 immediately, stating:

> "Separately and heavily caveated, we have indicated to CENTCOM that we are still considering a Land option … [W]e agreed that the UK involvement … should continue on this basis. Defence staffs will continue actively to ensure that US expectations remain realistic."[42]

136. Sir David Manning commented to Mr Jonathan Powell: "Just about OK" and referred to being "bounced" by the MOD.[43]

Publication of the Iraq dossier

Cabinet, 23 September 2002

137. Mr Blair told Cabinet on 23 September that the dossier "would show that the policy of containment had worked up to a point" but Saddam Hussein "continued to rebuild" his weapons of mass destruction.

138. Cabinet was informed that the question of military action would arise "only if inspections were thwarted again"; and "there would be a discussion about the military options".

139. Mr Blair concluded that a "crunch point" had been reached with the sanctions regime being eroded and Saddam Hussein "on the way to acquiring

---

[40] Minutes, 25 September 2002, Chiefs of Staff meeting.
[41] Letter Manning to Watkins, 25 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.
[42] Letter Williams to Manning, 25 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.
[43] Manuscript comments Manning to Powell on Letter Williams to Manning, 25 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.

new capability in weapons of mass destruction". Iraq "had to comply" with its obligations to the UN.

140. The record of the meeting held by Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), at 1pm on 20 September (see Section 4.2) stated that copies of the dossier would be made available for Cabinet on 23 September.[44]

141. Cabinet met at 5pm on 23 September. The minutes record only brief updates by Mr Blair and Mr Straw.[45]

142. Opening the discussion, Mr Blair told his colleagues that:

> "… the dossier on Iraq's weapons of mass destruction would show that the policy of containment had worked up to a point, but that Saddam Hussein … continued to rebuild his programme to acquire such weapons. The evidence showed his efforts to procure equipment and materials, and to restore production facilities. This was an issue for the United Nations, with whose Security Council resolutions Iraq had not complied. A new resolution was being negotiated."

143. Mr Blair added:

> "It was the threat of military action which had caused Saddam Hussein recently to invite United Nations inspectors back into Iraq. Only if inspections were thwarted again would the question of military action arise. Meanwhile, pressure had to be maintained … We were not at the point of authorising military action now."

144. Mr Blair stated:

> "In presenting the case to Parliament … he intended also to stress our commitment to rebuilding Afghanistan and making progress towards solving the Israel/Palestine problem."

145. Mr Straw told Cabinet that "the climate of opinion had changed". Since President Bush's speech to the UN on 12 September:

> "Responsibility for dealing with Iraq's non-compliance had been placed with the United Nations. To achieve a peaceful outcome a tightly worded Security Council resolution was required and maximum support, including for the threat of the use of force."

146. Mr Straw added that "the nature of the motion to be put before Parliament if military action became necessary would require consideration".

---

[44] Minute [Cabinet Office] to Rycroft and others, 20 September 2002, 'Iraq Dossier: Public Handling and Briefing'.
[45] Cabinet Conclusions, 23 September 2002.

147. In discussion a number of points were made:

- "the accusation of double standards, particularly in respect of dealing with Israel, would be made, but the … development of weapons of mass destruction by Saddam Hussein presented a quite different order of threat";
- "facing the United Nations with its responsibility for dealing with Iraq provided an opportunity" for the UN "to achieve success". Iraq's "defiance of the international community needed a firm response";
- "promotion of multilateral action through the United Nations and our respect for international law" gave the UK's stance "political legitimacy";
- "in the event of military action a clear vision was required of the outcome we wanted in reconstructing Iraq: this would be a major task";
- "the proportionality of any military action would have to balance the safety of UK forces with the avoidance of civilian casualties";
- the impact on Muslim opinion in the UK "would need to be managed to preserve community cohesion";
- the UK had "a clear role to play in overcoming a tendency in the United States towards unilateralism and in Europe towards anti-Americanism";
- "the Middle East needed political impetus, as did other international problems …"
- "the international community had to build confidence in democratic values and address the causes of terrorism"; and
- "solidarity and resolution backed by the threat of force" would be needed "to achieve a peaceful outcome".

148. Summing up the discussion, Mr Blair said that a "crunch point" had been reached:

> "The sanctions regime … was being eroded and Saddam Hussein was on the way to acquiring new capability in weapons of mass destruction. Iraq had to comply with the obligations placed on it by the United Nations. A tough line was required. If military action was required, the job could be done. There would be a discussion about the military options … civilian casualties should be kept to a minimum, but there could be no doubt that the main beneficiaries of the removal of Saddam Hussein would be the Iraqi people. Iraq was basically a wealthy country. The international community had to be committed to Iraq's reconstruction. Progress also had to be made in the Middle East which he had stressed in his contacts with the United States Administration."

149. Mr Blair concluded that the UK had to engage with Muslim countries. It also had to "deal with weapons of mass destruction elsewhere as a growing threat to peace and security".

150. Cabinet "Took note".

151. Cabinet was not told about the difficulties in reaching agreement on the content of a UN resolution.

152. Cabinet recognised that the strategy being pursued would lead to the use of military force if Saddam Hussein failed to disarm, but it was not asked to address the strategy or to endorse any decision.

153. Mr Campbell wrote that:

- Mr Blair had explained that the dossier "brought together accumulated evidence about Iraq's attempts to build WMD, part historical, part intelligence-based" – "not saying that he [Saddam Hussein] was about to launch an attack on London, but we were saying there was an attempt to build a WMD programme in a significant way". Mr Blair had "made clear we were still focused on the UNSCR route and if he doesn't comply there will have to be international military action", and that Saddam Hussein would not comply "unless he thinks the threat is real".
- Mr John Prescott, the Deputy Prime Minister and Deputy Leader of the Labour Party, had said that the Cabinet was "in this together" and Mr Blair had "done a brilliant job of moving the US down the UN route and we should stick with him and stick together".
- Mr Gordon Brown, the Chancellor of the Exchequer, had made "a few long-term points for the US, the need to think through post-Saddam, the importance of the MEPP [Middle East Peace Process]".
- Ms Patricia Hewitt, the Trade and Industry Secretary, had suggested that the Attorney General should come to Cabinet to explain the legal position.
- Ms Clare Short, the International Development Secretary, has said that "if we are going to have collective responsibility we should have a collective decision"; there was "no doubt that Saddam was dedicated to possessing WMD but re the UN there's a double standard vis-a-vis Israel".
- Mr Blair had said "he believed it would be folly for Britain to go against the US on a fundamental policy" and that he "really believed in getting rid of bad people like Saddam".
- Mr Hoon had said "the ultimate objective was disarmament and that the weapons inspectors are a means to an end. The clearer we are that we would use force, the likelier it may be that we don't have to." On "why now?", Mr Hoon had said Saddam's record, his use of WMD and the continued development.
- Mr Blair had argued that the US could become unilateralist or it could "be part of a wider agenda on Africa, MEPP, Afghanistan".[46]

[46] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

154. Mr Campbell commented:

> "It was a pretty good discussion, though focused as much as anything on the idea that we were having to deal with a mad America and TB [Mr Blair] keeping them on the straight and narrow. JP [John Prescott] referred to the idea that TB would have sleepless nights, that we knew it could go to a difficult choice between the US and the UN."

155. Mr Campbell added that the discussion had been "serious and sober and hard-headed and TB was in control of all the arguments": "Funnily enough, I think TB won the Cabinet over more easily than the public."

156. In his memoir published after the conflict, Mr Robin Cook, Leader of the House of Commons, June 2001 to March 2003, wrote that only he and Ms Short had "openly questioned the wisdom of military action".[47] Ms Short had concluded that it was an unjust war. Mr Cook wrote that for him "the most difficult question was 'Why now?'. What had happened in the past year to make Saddam Hussein more of an imminent danger than he has been any year in the past decade?" Mr Hoon's attempt to answer that question by reference to the attack on 11 September 2001 had, in Mr Cook's view, "only served to confirm the difficulty of the question" as "no one has a shred of evidence that Saddam Hussein was involved" in that attack.

157. Mr Cook wrote that he had closed his contribution:

> "… by stressing the vital importance of getting approval for anything we do through the UN. 'What follows after Saddam will be the mother of all nation building projects. We shouldn't attempt it on our own – if we want the rest of the international community with us at the end, we need them in at the start.'"

158. Mr Cook also wrote that in summing up the meeting, Mr Blair had:

> "… put rather more stress on the US than the UN. 'To carry on being engaged with the US is vital. The voices on both the left and right who want to pull Europe and the US apart would have a disastrous consequence if they succeeded.'"

159. Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, described Cabinet on 23 September as an "important meeting"; the members:

> "… weren't simply listening … They were actually applying their political judgement and – for the most part supportively, in the direction that the Prime Minister wanted.
>
> "… the only dissension was Robin Cook … Everyone else accepted … that containment wasn't working and he was the one person to say he thought it was, and I am sorry he isn't around to take the credit for that …"[48]

---

[47] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[48] Public hearing, 13 January 2010, page 49.

160. Asked if Mr Cook thought containment was working and could be defended and sustained, Lord Turnbull replied:

> "Yes, but what the Prime Minister was saying was it wasn't working, it couldn't be sustained and we couldn't take the risk that he [Saddam Hussein] would use this period to come back at someone."
>
> …
>
> "… there is a slight implication in the way you put that they were just getting a nice interesting briefing. What was interesting about these occasions was – and it happens quite rarely – virtually everybody spoke."[49]

161. Lord Turnbull also stated that Mr Cook had said: "You are overestimating the extent to which containment has been eroded."[50]

162. Lord Boateng, Chief Secretary to the Treasury in September 2002, told the Inquiry that Cabinet in September 2002 was a "critical discussion". His sense was that the UK was not, at that point, set on a particular course; it was:

> "… engaged in a process, where there was strenuous diplomatic activity in order to bring Saddam Hussein to the table, that we were engaged in a process where diplomacy was obviously the preferred route and considerable activity in the UN and in capitals around that …"[51]

163. Asked whether there had been a debate about different scenarios and different possible courses, Lord Boateng replied:

> "… there was certainly a discussion around different scenarios that came up in the way in which we addressed these issues in Cabinet …
>
> "… in the September meeting, where, as you know, we were about to publish the dossier, there was about to be a report to Parliament and there was a discussion around that and it was a full discussion and, in the course of that, colleagues made various contributions and various scenarios surfaced. Did we come together at that meeting in September and say 'These are the options, what are we going to go for?' It wasn't that sort of discussion …
>
> "What we did have was a full discussion around the issues as they were reported to us by those … who were obviously most closely involved, and you never got a sense that debate and discussion were being curtailed, but you also got a sense – and indeed it was the case – that there were those who were most intimately involved on a day-to-day basis because it fell within their areas of responsibility and competence

---

[49] Public hearing, 13 January 2010, page 50.
[50] Public hearing, 13 January 2010, page 58.
[51] Public hearing, 14 July 2010, page 3.

and that they clearly were having the sort of debate and discussion that you have referred to."[52]

164. Asked if, given his estimation that Saddam Hussein was unlikely to back down, Cabinet understood that beyond the UN route lay the possibility of military action, Mr Blair said he had been saying that at every Prime Minister's Questions, and the Cabinet was fully behind the UN route.[53] He added that there were two groups in Cabinet:

"One group would have been absolutely with me all the way. The other group were saying: 'Well … we understand it's a big problem, but let us try to avoid military action if we possibly can and the United Nations route is a good way of doing that.'

"All of us knew that at some point there was going to be a moment of truth … where you had to decide are you seeing it through or are you not …"

165. In response to a series of questions about when he sought Cabinet endorsement for the policy and whether Cabinet was aware that preparations for military action were under way and that it was taking collective responsibility for the policy, Mr Blair told the Inquiry:

"… the policy was totally clear. The policy was that we were going to deal with this issue. Our preference is to deal with it through the United Nations but not dealing with it is not an option."[54]

166. Mr Blair added:

- "Of course they were taking collective responsibility for the policy because it was being outlined the entire time. They know you can't simply decide one day …"
- "I would have been astonished if they didn't [know that military preparations were under way] because there was discussion of that."
- "I don't think anybody was in any doubt about the course they were on."
- "… that does not mean to say that there were not some who were saying 'I wish we weren't on this course', but it really does defy common sense and logic, let alone the discussion, to think that there were people in the Cabinet who didn't know … that we were on a course where the principles of it were absolutely clear. Go down the UN route, get an ultimatum. If he fails to meet the ultimatum we are going to be with America on military action … my public comments at the time. I set it out with crystal clarity at the time. That was our position. It was a position … I was under a certain amount of criticism for having, but the Cabinet were completely aware of the fact that's what we were on."[55]

---

[52] Public hearing, 14 July 2010, pages 4-5.
[53] Public hearing, 21 January 2011, pages 19-20.
[54] Public hearing, 21 January 2011, page 22.
[55] Public hearing, 21 January 2011, pages 23-25.

Parliamentary debates, 24 September 2002

167. Both Houses of Parliament were recalled from recess on 24 September 2002 to debate the case for effective action in respect of the threat posed by Iraq.

168. When he sought the recall of Parliament, Mr Blair wrote that: "Parliament must and will be at the heart of the national debate on the issue of Iraq and weapons of mass destruction"; and that he envisaged a statement from himself followed by "a one-day debate on the Adjournment", led by Mr Straw.[56]

169. The dossier, *Iraq's Weapons of Mass Destruction – The Assessment of the British Government*, was published on 24 September 2002 (see Section 4.2).[57]

170. The Foreword to the dossier written by Mr Blair set out the Government's position that "the inspectors must be allowed back to do their job properly". If Saddam Hussein refused or "made it impossible for them to do their job" then "the international community will have to act".

MR BLAIR'S STATEMENT, 24 SEPTEMBER 2002

171. Mr Blair stated that the dossier had been produced to explain the Government's concerns to the British people.

172. The accuracy of the information in the dossier and some of the comments made by Mr Blair in its Foreword and in his statement to Parliament are addressed in Section 4.2.

173. Mr Blair's statement to Parliament on the publication of the dossier on 24 September and the subsequent questions and answers lasted for 90 minutes.[58]

174. Mr Blair began by thanking the Speaker for recalling Parliament "to debate the best way to deal with the issue of the present leadership of Iraq and weapons of mass destruction" and described the dossier as "detailing the history of Iraq's weapons of mass destruction programme, its breach of United Nations resolutions and its attempts to rebuild that illegal programme".

175. Addressing the problems encountered by the inspectors, Mr Blair placed the issues being addressed firmly in the context of:

> "… an 11-year history … of UN will flouted, of lies told by Saddam about the existence of his chemical, biological and nuclear weapons, and of obstruction, defiance and denial.

---

[56] Letter Blair to Martin, 11 September 2002, [untitled].
[57] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.
[58] House of Commons, *Official Report*, 24 September 2002, columns 1-23.

> "There is one common, consistent theme … the total determination of Saddam to maintain that programme; to risk war, international ostracism, sanctions and the isolation of the Iraqi economy …"

176. Addressing the question of why Saddam Hussein had decided in mid-September, but not before, to permit the weapons inspectors, Mr Blair stated that the answer was in the dossier, and it was because:

> "… his chemical, biological and nuclear programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active, detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now."

177. Mr Blair stated that the dossier disclosing the intelligence assessments provided by the JIC had been produced because it was "important to explain our concerns about Saddam to the British people". The "intelligence picture" painted by the JIC "had been accumulated over the last four years" and was:

> "… extensive, detailed and authoritative. It concludes that Iraq has chemical and biological weapons, that Saddam has continued to produce them, that he has existing and active military plans for the use of chemical and biological weapons which could be activated within 45 minutes, including against his own Shia population, and that he is actively trying to acquire nuclear weapons capability."

178. Addressing the content of the dossier, Mr Blair told Parliament that:

- As well as the chemical agents and pre-cursor chemicals, growth media for anthrax and special munitions for the delivery of chemical and biological agents which were "missing and unaccounted for" in 1998, Iraq continued "to produce chemical weapons; has rebuilt previously destroyed production plants across Iraq; has brought dual use chemical facilities; has retained key personnel … and has a serious ongoing research programme into weapons production, all of it well funded".
- "… production of biological agents has continued; facilities formerly used for biological agents have been rebuilt; equipment has been purchased for such a programme; and again Saddam Hussein has retained the personnel who worked on it prior to 1991. In particular, the UN inspection regime discovered that Iraq was trying to acquire mobile biological weapons facilities … Present intelligence confirms that it has now got such facilities." The UK believed Iraq could produce anthrax, botulinum toxin, aflatoxin and ricin, which "all eventually result in excruciatingly painful death".
- Saddam Hussein's previous nuclear programme had been "shut down by the inspectors" and "known remaining stocks of uranium" were "held under

supervision" by the IAEA. Key personnel who used to work on the nuclear weapons programme were "back in harness". Saddam Hussein had also:

- "bought or was attempting to buy" items that could have a use in a nuclear programme; and
- "been trying to buy significant quantities of uranium from Africa, although we do not know whether he has been successful".

- Iraq's ballistic missile programme was required for the delivery of its chemical, biological and nuclear weapons, and "a significant number of longer-range missiles were effectively concealed from the previous inspectors and remain, including up to 20 extended-range SCUD missiles". In mid-2001 there had been a step change in the programme; "development of weapons with a range of more than 1,000km was well under way; and … hundreds of people are employed in that programme". The capability being developed was "for multi-purpose use, including with WMD warheads".

179. Mr Blair stated that: "In addition, we have well founded intelligence to tell us that Saddam Hussein sees his WMD programme as vital to his survival and as a demonstration of his power and influence in the region."

180. Mr Blair added:

> "There will be some who dismiss all this. Intelligence is not always right. For some of the material, there might be innocent explanations. There will be others who say rightly that … it could be several years before Saddam acquires a usable nuclear weapon – though if he were able to purchase fissile material … it would be only a year or two."

181. In the light of the information he had set out, Mr Blair asked whether the world would be wise to trust to the "good faith of the current Iraqi regime". Mr Blair added:

> "Our case is simply this: not that we take military action come what may, but that the case for ensuring Iraqi disarmament, as the UN itself has stipulated, is overwhelming. I defy anyone, on the basis of this evidence, to say that that is an unreasonable demand for the international community to make when, after all, it is only the same demand that we have made for 11 years and that Saddam has rejected."

182. Mr Blair posed, and addressed, three questions: '"Why Saddam?"; "Why now?"; and "Why should Britain care?".

183. On the question "Why Saddam?", Mr Blair said two things about Saddam Hussein stood out: "He had used these weapons in Iraq" and thousands had died, and he had used them during the war with Iran "in which one million people died"; and the regime had "no moderate elements to appeal to".

184. On the question "Why now?'", Mr Blair stated:

"I agree I cannot say that this month or next, even this year or next, Saddam will use his weapons. But I can say that if the international community, having made the call for his disarmament, now, at this moment, at the point of decision, shrugs its shoulders and walks away, he will draw the conclusion dictators faced with a weakening will always draw: that the international community will talk but not act, will use diplomacy but not force. We know, again from our history, that diplomacy not backed by the threat of force has never worked with dictators and never will.

"If we take this course and if we refuse to implement the will of the international community, Saddam will carry on, his efforts will intensify, his confidence will grow and, at some point in the future not too distant, the threat will turn into reality. The threat therefore is not imagined. The history of Saddam and weapons of mass destruction is not American or British propaganda. The history and the present threat are real."

185. Mr Blair said that Britain should care:

"Because there is no way this man, in this region … could begin a conflict using such weapons and the consequences not engulf the whole world, including this country. That … is the reason the UN passed its resolutions. That is why it is right that the UN Security Council again makes its will and its unity clear and lays down a strong new UN resolution and mandate. Then Saddam will have the choice: comply willingly or be forced to comply. That is why alongside the diplomacy, there must be genuine preparedness and planning to take action if diplomacy fails.

"Let me be plain about our purpose. Of course there is no doubt that Iraq, the region and the whole world would be better off without Saddam. Iraq deserves to be led by someone who can abide by international law, not a murderous dictator; by someone who can bring Iraq back into the international community where it belongs, not … languishing as a pariah; by someone who can make the country rich and successful, not impoverished by Saddam's personal greed; and by someone who can lead a government more representative of the country as a whole while maintaining absolutely Iraq's territorial integrity.

"We have no quarrel with the Iraqi people. Indeed, liberated from Saddam they could make Iraq prosperous and a force for good in the Middle East. So the ending of this regime would be the cause of regret for no one other than Saddam. But our purpose is disarmament. No one wants military conflict. The whole purpose of putting this before the UN is to demonstrate the united determination of the international community to resolve this in the way it should have been resolved years ago: through a proper process of disarmament under the UN. Disarmament of all weapons of mass destruction is the demand. One way or another it must be acceded to."

186. Mr Blair also set out the UK's commitment, following regime change in Afghanistan, to "stick with" the Afghan people "until the job of reconstruction" was done. He highlighted the need for "a firm commitment to action and a massive mobilisation of energy" to get the Middle East Peace Process moving again, to address resentment in the Arab world that the international community was not pursuing that issue with the same vigour as addressing the threat from Saddam Hussein.

187. Mr Blair's statement concluded:

> "Finally, there are many acts of this drama still to be played out. I have always said that Parliament should be kept in touch with all developments, in particular those that would lead us to military action. That remains the case, and to those who doubt it I say: look at Kosovo and Afghanistan. We proceeded with care, with full debate in this House, and when we took military action, we did so as a last resort. We shall act in the same way now, but I hope we can do so secure in the knowledge that should Saddam continue to defy the will of the international community, this House, as it has in our history so many times before, will not shrink from doing what is necessary and what is right."

188. Mr Blair's statement was followed by questions from the Leaders of both the main Opposition parties and 24 other MPs.

189. Mr Iain Duncan Smith, Leader of the Opposition, said the "key question" was whether Saddam Hussein had "the means, the mentality and the motive to pose a threat to Britain's national security and the wider international order". Mr Duncan Smith concluded that Saddam Hussein had the means and mentality. He stated:

> "The evidence produced in the Government's report shows clearly that Iraq is still pursuing its weapons of mass destruction programme …
>
> "The … dossier confirms that Iraq is self sufficient in biological weapons and that the Iraqi military is ready to deploy those, and chemical weapons, at some 45 minutes' notice."

190. Addressing whether Saddam Hussein had the motive to strike against Britain, Mr Duncan Smith stated:

> "… I believe that it is fair to assume that he has …
>
> "The report shows that Saddam has illegally retained at least 20 Al Hussein missiles, with a range of 650km, capable of carrying the various warheads that he needs, and that he is also developing new ones."

191. Mr Duncan Smith also asked a number of questions, including whether a new Security Council resolution would be needed to take military action. He concluded it was "time to act" and: "The matter is now in Saddam Hussein's hands."

192. Mr Blair responded that:

- There was a need for the new UN Security Council resolution to be "absolutely clear and unambiguous about what is expected from Saddam and about what will follow if he does not comply".
- The UK would "always act in accordance with international law".

193. Mr Charles Kennedy, Leader of the Liberal Democrats, stated that legitimate questions had not been "adequately answered" either by Mr Blair's statement or the dossier, including the role of the House of Commons and "the overriding supremacy of the United Nations". In his view, the "notion of regime change" was "ill-defined" and would "set a dangerous precedent". The UK also had to be "clear about the possible consequences", including the "longer-term need for a rehabilitation strategy".

194. Mr Kennedy asked:

> "Does the Prime Minister truly believe that, on the evidence published today, a sufficient case has now been made that both clarifies Iraq's present capacity, as well as its intent?"

195. Mr Blair responded:

> "… yes I do believe the information we published today shows that there is a continuing chemical and biological weapons programme, and an attempt by Saddam Hussein to acquire a nuclear weapons capability. That is what I believe, and that is the assessment of the Joint Intelligence Committee – and frankly I prefer its assessment to the assessment of the Iraqi regime, which, let us say, on the basis of experience, is not one that should carry a lot of credibility."

196. Mr William Hague (Conservative) asked:

> "Does the Prime Minister recollect that, in the half-century history of various states acquiring nuclear capabilities, in almost every case – from the Soviet Union in 1949 to Pakistan in 1998 – their ability to do so had been greatly underestimated and understated by intelligence sources at the time? Estimates today of Iraq taking several years to acquire a nuclear device should be seen in that context … [I]s there not at least a significant risk of the utter catastrophe of Iraq possessing a nuclear device without warning, some time in the next couple of years? In that case, does not the risk of leaving the regime on its course today far outweigh the risk of taking action quite soon?"

197. Mr Blair responded:

> "I entirely agree … For the preparation of the dossier we had a real concern not to exaggerate the intelligence that we had received. For obvious reasons, it is difficult to reflect the credibility of the information, and we rate the credibility of what we have very highly. I say no more than that.

…

"… I entirely agree that the danger of inaction … far outweighs the danger of action."

198. Mr Elfyn Llwyd (Plaid Cymru) asked if Mr Blair had "given the United States any commitment that the United Kingdom would support unilateral action against Iraq".

199. Mr Blair replied that it was:

"… important to recognise that in the event of the UN's will not being complied with we must be prepared to take that action. We are not at the point of decision yet, but no one should be in any doubt that it is important to express very clearly that should the UN's will not be resolved through the weapons inspections and monitoring, it has to be resolved in a different way."

200. Other points made by Mr Blair included:

- There was "no point in the UN taking charge … again unless we are precise and clear about what we expect the Iraqi regime to do".
- A fresh resolution was needed to focus on disarmament and for the "international community to reassert its will very clearly".
- Experience suggested the Americans were "right to be cautious about believing that it [Iraq] intends to comply".
- "In fact, I am sure that the regime does not intend to comply at all, although it may be forced to do so. Therefore, it is important that we make it clear that the pressure is there all the time. The purpose of any new UN resolution should be focused on disarmament because that is where the UN has expressed its will clearly."
- "… it is perfectly natural to look at the history of Saddam Hussein and what he has done and to be sceptical about whether we shall be able to get a weapons inspection regime back in there that will be able to do its job properly."
- "… in my judgement, if we do not deal with the proliferation of weapons of mass destruction and their retention by highly unstable states, often with dictatorial regimes, then perhaps not this year or next, but in the not too distant future, that problem will explode on to the consciousness of the world. I believe that passionately, which is why, whatever the issues in relation to Iraq … it is important to take a stand now and say that, when we have made determinations on behalf of the international community, we will see them through. If we do not, the message to Saddam and anyone else will be that they can develop these weapons with impunity and that the international community lacks the will to deal with them."
- "I have no doubt that if the weapons inspectors are able to do their job and we are effectively able to disarm Iraq, that will change the whole nature of the regime. Our ability to do so has to depend on the United Nations being prepared

to assert its will firmly and to back it by the threat of force, which is the only thing that will work."

- "If we cannot get the UN resolution – I believe that we can – we have to find a way of dealing with this."
- "We should make sure … that the United States and the international community are working to the same agenda, and I believe they are … I believe … very strongly; it is an article of faith with me – the American relationship and our ability to partner America in these difficult issues is of fundamental importance, not just to this country but to the wider world. Those people who want to pull apart the transatlantic relationship … or who can sneer about the American relationship that we have, may get some short-term benefit, but, long-term, that is very dangerous to this country."
- "… the point is that if we know that someone has weapons of mass destruction, if they have used them before and if, as a result, the international community has said they must be disarmed of those weapons, surely the greatest risk is letting them carry on developing those weapons and not doing anything about it."
- "… in the past four or five years the issue of Iraq, weapons inspections and what to do about that regime has come over my desk pretty much week after week … [I]t has been there as an issue the whole time … What we know now from the assessment given by our Joint Intelligence Committee is that the very thing that we feared is the very thing that the Iraqi regime is working on."
- "… the purpose of any action should be the disarmament of Iraq. Whether that involves regime change is in a sense a question for Saddam …"
- "What has happened … is that, whether we like it or not, now is the point of decision …"
- "We have to be clear that the consequences of saying now to Iraq that we are not going to do anything will be really, really serious."
- "… we have to make the decision, and I do not think we can duck the consequences of that decision."

201. Mr Blair did not directly respond to a question from Sir Brian Mawhinney (Conservative) about how long he was prepared to allow the UN to reassert its authority before looking for alternative strategies.

202. Mr Blair concluded that the threat was not that Saddam Hussein was going to launch an attack on the UK "tomorrow":

> "… the threat is that within his own region, or outside it given the missile capability that he is trying to develop, he launches an attack that threatens the stability of that region and then the wider world. All the evidence that we have is that if there is such a conflict in that region, we will not be able to stand apart from it."

203. In his diaries, Mr Campbell wrote that Mr Blair had "done the statement pretty much himself".[59]

ADJOURNMENT DEBATE IN THE HOUSE OF COMMONS, 24 SEPTEMBER 2002

204. Mr Blair's statement was followed in the House of Commons by a nine-hour debate.

205. In his speech, Mr Straw focused on the risk that, given his past actions, Saddam Hussein might "easily" use weapons of mass destruction in the future and his "deliberate and persistent flouting of the will of the United Nations".

206. Mr Straw stated that only free and unfettered inspections, backed by a Security Council united in its determination to disarm Iraq, offered the prospect of dealing with that threat by peaceful means. The paradox in respect of Iraq was that diplomacy had a chance of success only if it was combined with the clearest possible prospect that force would be used if diplomacy failed.

207. In his speech opening the debate, Mr Straw stated that it was "about the case we make for effective action in respect of the threat posed by Iraq".[60]

208. Mr Straw addressed four issues:

- Is the Iraqi regime the threat that we say it is?
- Are there not other countries that have developed equally dangerous arsenals of weapons of mass destruction?
- Is not the international community guilty of double standards?
- Even if Iraq is the danger that we claim, is the threat of force or its use justified?

209. Before dealing with the threat posed by Saddam Hussein's WMD, Mr Straw said:

> "… I want to detain the House briefly on another aspect of the Iraqi regime – its record on human rights. That record speaks volumes not only about the way in which the regime deals directly with its own people, but with the way in which it would seek to operate in respect of other countries and territories beyond its borders. Taking both the threat from Iraq's weapons of mass destruction and its human rights record, Iraq is in a league of its own – uniquely evil and uniquely dangerous.
>
> "On human rights, no other regime now in power anywhere in the world has Saddam's record for brutality, torture and execution as a routine way of life and as the principal means by which the elite stays in power."

---

[59] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[60] House of Commons, *Official Report*, 24 September 2002, columns 26-34.

210. In relation to other states which might have amassed stockpiles of weapons of mass destruction and could proliferate those weapons, Mr Straw stated:

> "It is our hard-headed judgement that we can best prevent the use of their weaponry through diplomacy.
>
> "With Saddam Hussein, the diplomatic route has been constantly and consistently obstructed by his intransigence and duplicity. It has been blocked altogether since December 1998 leaving us no alternative but to consider other options. Iraq not the UN has chosen the path of confrontation."

211. Mr Straw added that Iraq had:

> "… much greater intent to use … [weapons of mass destruction] Saddam's is the only regime in recent history to have used chemical weapons, the only regime to have been declared in breach of the Geneva protocol on chemical weapons and the only regime that sees those weapons of mass destruction as an active tool of regional and internal dominance. As page 19 of the dossier sets out, Saddam is prepared to use these weapons – they are by no means a last resort."

212. Asked why he was convinced that Saddam Hussein would use weapons of mass destruction, except as a suicidal gesture in response to a military invasion when he was desperate and beaten, Mr Straw replied that there was "no need to look in the crystal ball for the reason why". The answer was in Saddam's record: "He has done it once, he has done it twice; he can easily do it again."

213. Addressing the question of whether it would be justifiable to use force to deal with the threat from Iraq, Mr Straw stated:

> "The short answer … is yes, provided force is a last resort and its use is consistent with international law.
>
> "Law … depends for its legitimacy on the values it reflects … But … there will always be some who reject or despise the values on which the law is based. Against them, the law has to be enforced, ultimately by the force of arms. But the force used has to be consistent with the moral and legal framework it seeks to defend."

214. Mr Straw added:

> "The UN declaration of human rights and the UN Charter … recognised that … the ultimate enforcement of the rule of international law had to be by force of arms.
>
> …
>
> "Diplomacy … should always be tried first, but the paradox of some situations – Iraq is pre-eminently one – is that diplomacy has a chance of success only if it is combined with the clearest possible prospect that force of arms will be used

if diplomacy fails … We have used all the diplomatic instruments at the disposal of the United Nations, but, so far, Saddam has rendered them unworkable."

215. Drawing attention to the recent changes in Iraq's position on the admission of inspectors, Mr Straw stated:

"This is a pretence at co-operation, but even this has come about only because Saddam has at last realised that he faces a clear choice …

"Some assert that the policy of containment has worked. My answer is that containment, backed by the potential use of force, was broadly working while the inspectors were able to do their job and the Security Council's resolve remained firm. But all the evidence suggests that Saddam has used the past four years … to break out of his containment and to seek to re-establish his power. Only free and unfettered inspections, backed by a Security Council united in its determination to disarm Iraq, offer the prospect of dealing with the threat by peaceful means."

216. Mr Straw concluded:

"We should all be gravely exercised by the potential use of force … I hope and pray that it will not come to a use of force. It there is military action, any participation … will be strictly in accordance with our obligations in international law, and its purpose would be the disarmament of the Iraqi regime's weapons of mass destruction and an end to its deliberate and persistent flouting of the will of the United Nations.

"The choice is Saddam's … But if Saddam continues to defy the international community … doing nothing – will be much worse …

"We faced difficult choices over Kosovo, Afghanistan and Sierra Leone, but does anyone now say that we should not have taken action in respect of those countries? …

"Abdication of responsibility, and equivocation in the face of evil, led Europe down a desperate path in the late 1930s. From the ashes was born the United Nations … But this international order requires law, and law requires enforcement. That is the issue before us today."

Issues raised in the debate

A wide variety of issues were raised, by MPs of all parties, in the course of the debate, in which 50 backbench MPs spoke. There was a broad consensus about the brutal nature of Saddam Hussein's regime, and the need for inspectors to return to Iraq and complete their task.

The points raised included:

- the level of threat posed by Iraq; and whether that justified military action.
- the importance of a UN resolution for the legal authorisation of military action and the need for compliance with international law;

- whether the real reason for a military conflict was access to oil and oil contracts;
- the desire for a vote in the House of Commons before any commitment of UK forces to Iraq;
- the extent of the UK's influence on the US, and the importance to the UK of maintaining its relationship with the US;
- the implications of Saddam Hussein's human rights record;
- preparations for a post-Saddam Iraq and the need for an "exit strategy";
- implications of a potential conflict for the Middle East as a whole;
- whether the UK had sufficient military manpower for the task, and the protection of those deployed;
- the potential use Diego Garcia;
- Saddam Hussein's willingness to use WMD;
- US and UK roles in supplying arms to Iraq;
- whether the international community should concentrate on Afghanistan where there was still much to do;
- implications of the dossier and of military action for the threat from international terrorism; and
- whether public opinion would support military action.

A number of MPs also protested that the debate should have been held much earlier.

217. In his speech closing the debate, Mr Adam Ingram, the Minister of State for Defence, set out "two critical questions" which Mr Blair and Mr Straw had said had to be addressed:

- Had the threat from Saddam Hussein increased?
- Should action be taken to address that threat and, if so, what action?

218. Mr Ingram stated that the dossier demonstrated:

- There was "significant evidence" that Saddam Hussein had "brazenly flouted" UN resolutions "to which he had agreed to adhere".
- Saddam Hussein had:
  - "continued to produce chemical and biological weapons";
  - "tried covertly to acquire technology and materials that could be used in the production of nuclear weapons";
  - "sought significant quantities of uranium from Africa";
  - "recalled specialists to work on his nuclear programme";
  - "commenced a comprehensive weapons development programme across a range of capabilities to deliver his future and current weapons of mass destruction"; and
  - "already begun to conceal sensitive equipment and documentation in advance of the inspectors' return".

219. Mr Ingram said that there was "unanimity in the House on the brutal nature of Saddam Hussein's regime". In relation to the dossier, he commented:

> "With such evidence, I am surprised that there are hon. Members who continue to argue that Saddam Hussein does not now pose an increased threat both to the stability of the Middle East and on a wider international scale. I fear their opinion is based more on an entrenched position than on a cool analysis of the facts."

220. Mr Ingram concluded that he had:

> "… no doubt that the country at large will recognise why we have to confront this issue … [E]very effort must be made to achieve a diplomatic solution … but … the choice is Saddam's … There is no middle way. The threat has to be removed or it will continue to grow."

221. Mr Michael Martin, Speaker of the House of Commons, described the decision by 64 MPs to vote against a motion to adjourn the House after the debate as demonstrating "the strength of feeling in some quarters of the House on this difficult issue".[61]

222. Mr Cook wrote that he had congratulated Mr Straw on his focus on upholding the UN and commented that he was "thoroughly impaled on the UN route". Mr Cook added that he suspected "some tension between the Foreign Office and Downing Street about the extent to which the UN can be the only route".[62]

DEBATE IN THE HOUSE OF LORDS, 24 SEPTEMBER 2002

223. The corresponding debate in the House of Lords also took place on the afternoon of 24 September.[63] It covered much of the same ground as the Commons, including strong support for the UN route and for inspections, questions about legality and what role UK forces might play in military action, concerns about the impact of military action on the Middle East and the need to plan for what would follow in Iraq if Saddam Hussein was removed from power.

224. Closing the debate, Lord Bach said:

> "The inspectors were very useful and they did a wonderful job. But let us not pretend to ourselves that somehow the inspectors managed to achieve all that they wanted. We cannot know all the details of how Saddam Hussein may lash out next time, but one thing is clear and I believe the House is united upon it. Doing nothing now is just not an option."

---

[61] House of Commons, *Official Report*, 24 September 2002, columns 155-156.
[62] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[63] House of Lords, *Official Report*, 24 September 2002, columns 870-1025.

MR STRAW'S EVIDENCE TO THE FOREIGN AFFAIRS COMMITTEE, 25 SEPTEMBER 2002

225. Mr Straw told the Foreign Affairs Committee on 25 September that a new Security Council resolution was desirable but not essential.

226. During his appearance before the Foreign Affairs Committee (FAC) on 25 September, Mr Straw was asked if existing Security Council resolutions provided a sufficient legal basis for military action without a further resolution.[64]

227. Mr Straw referred to his speech the previous day, adding:

> "It has never been the case that the only basis of international law [for the use of force] is an extant resolution. Sometimes some people think it is and it is actually clear from within the United Nations Charter itself that this is not the case.
>
> …
>
> "… there are various points in the Charter, which is one of the key bases of international law, where the Charter itself refers to the inherent right of individual members. So as far as this is concerned, the direct answer to your question is no, we do not regard it as absolutely essential that there should be another Security Council resolution. We do regard it as desirable. As to what legal advice we receive if there is not a Security Council resolution, that frankly depends on the circumstances at the time …"

228. Mr Straw added that the UK did "not regard it [existing resolutions] as an inadequate basis" for action, but "a clear, new resolution" was "desirable, not least politically". But there was "ample power" in the existing resolutions and "ample evidence of a material breach".

229. Mr Straw emphasised the extent to which Saddam Hussein's actions "in the last 20 years" posed a unique threat to peace and security.[65] The UK approach in relation to other proliferators was to pursue progress through diplomatic channels for as long as possible, even if progress was slow, but it was impossible to do that with Iraq.

230. When Mr Michael Wood saw the evidence, he reminded Mr Straw that the use of force required express authorisation by the Security Council, which in turn required a further decision from the Council, such as a finding of material breach.[66]

---

[64] Minutes, Foreign Affairs Committee (House of Commons), 25 September 2002, [Evidence Session], Qs 21-24.
[65] Minutes, Foreign Affairs Committee (House of Commons), 25 September 2002, [Evidence Session], Qs 34-35.
[66] Minute Wood to PS [FCO], 4 October 2002, 'FAC: Iraq: International Law'.

Discussions between the US, the UK, France and Russia

231. Following the agreement between Mr Blair and Mr Straw on 23 September, there were further intensive discussions between the US and the UK in pursuit of agreement on a draft text which the US and UK might co-sponsor. That included further discussions in New York,[67] several telephone calls between Sir David Manning and Dr Rice,[68] advice from Washington,[69] and telephone calls between Mr Straw and Secretary Powell.[70]

232. The UK was adamant that Iraqi non-compliance in relation to the proposed declaration of its holdings should not itself be a trigger for military action:

> "It was essential that inspectors got onto the ground before any irrevocable decisions were made."[71]

233. Mr Blair spoke to Mr Annan after the Parliamentary debates on 24 September, telling him that "a new, strong, clear resolution, focused on disarmament without extraneous issues, was essential".[72] Mr Blair said that it "was a critical moment for the UN and for persuading the US that the UN could deal with these issues". There were concerns that Saddam Hussein would play games and the inspectors would not find any material.

234. Speaking about the Parliamentary debate, Mr Blair stated:

> "People accepted that the threat had to be dealt with. It was important to demonstrate that military action was a last resort."

235. A letter from Mr Straw to Mr Blair on 24 September recorded Sir Jeremy Greenstock's concern that the draft "will not be seen as credible, it will be seen as a pretext".[73]

---

[67] Telegram 1827 UKMIS New York to FCO London, 24 September 2002, 'Iraq Resolution: Where We Stand on 24 September'.
[68] Letter Manning to McDonald, 23 September 2002, 'Iraq: Conversation with Condi Rice'; Letter Manning to McDonald, 25 September 2002, 'Iraq: Conversation with Condi Rice'; Letter Manning to McDonald [second letter], 25 September 2002, 'Iraq: Conversation with Condi Rice'.
[69] Letter Brenton to McDonald, 25 September 2002, 'Iraq: Security Council Resolution'.
[70] Telegram 497 FCO London to Washington, 25 September 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 25 September'.
[71] Minute Ricketts to Secretary of State [FCO], 24 September 2002, 'Iraq: Resolution'.
[72] Letter Rycroft to Sedwill, 24 September 2002, 'Iraq: Prime Minister's Conversation with UN Secretary General, 24 September'.
[73] Letter (handwritten) Straw to Blair, 24 September 2002, [untitled].

US/UK draft resolution, 25 September 2002

236. The UK and the US eventually agreed the text of a draft resolution as the basis for discussion with other members of the P5 on 25 September.

237. The detailed text of a draft resolution for discussion with other members of the P5 was finally agreed in a conference call between Mr Straw, Secretary Powell, Dr Rice and officials, including Sir David Manning and Sir Jeremy Greenstock, on 25 September.[74]

238. In the conference call:

- It was agreed to set the timeline for the production of an Iraqi declaration as "prior to the beginning of inspections and not later than 30 days of the date of the resolution".
- Following a discussion of Dr Blix's reservations about interviewing Iraqi officials outside Iraq and concerns that they would be used to seek asylum, Dr Rice stated that conducting interviews outside Iraq was "a red line" for the US.
- It was agreed that the resolution should allow Permanent Members of the Security Council to request representation on the inspection teams. Dr Rice's view was that there was "no need to be sympathetic to Iraqi concerns" that that would be a route for the US and UK to get intelligence for military strikes.
- Dr Rice said that there was no intention to force inspections but the US wanted to "signal that conditions were different". It was "important to have things in the resolution to discard later".
- Reflecting UK concerns about US draft language on provisions for No-Fly or No-Drive Zones, which Mr Straw described as looking like "an attempt to legitimise NFZs" – which was "not necessary for the future and dangerous for the past" – it was agreed that the draft should distinguish zones for the purposes of the resolution from the existing No-Fly Zones.
- Reflecting Sir Jeremy Greenstock's concerns that there were "many things in the text that looked like trip wires", and that it would be "better to judge Iraq by its actions not its words", it was agreed that Iraq should be given a week, not 48 hours, to indicate that it accepted the resolution.
- It was agreed that it would be better to engage Russia and France "at a political level" before the French and Russian Permanent Representatives to the UN "got their hands on the text". As the US and UK got close to agreement, senior officials should be sent to Moscow and Paris "to begin the task of selling the text".

[74] Telegram 498 FCO London to Washington, 25 September 2002, 'Iraq: Foreign Secretary's Conference Call with US Administration, 25 September'.

239. The draft resolution focused on WMD.[75] The key elements of the draft and the relevant operative paragraph (OP) are set out in the Box below.

US/UK draft resolution, 25 September 2002

The key elements in the draft resolution agreed by the US and the UK on 25 September 2002 were:

- a decision that Iraq "is still, and has been for a number of years, in material breach of its obligations under relevant resolutions, including resolution 687 (1991 …)" (**OP1**);
- a decision that "to begin to comply with its disarmament obligations, the Government of Iraq shall provide … prior to the beginning of inspections and not later than 30 days from the date of this resolution an acceptable and currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological and nuclear weapons, ballistic missiles and unmanned aerial vehicles …" (**OP2**);
- detailed provisions setting out an intrusive inspection regime including:
  - interviews outside Iraq;
  - a date to be specified for the resumption of inspections;
  - that members of the P5 could "recommend" sites for inspection and "request" to be represented on inspection teams;
  - UN security forces to protect the inspectors;
  - the right to declare No-Fly and No-Drive Zones "for the purposes of the resolution"; and
  - that Iraq should not "take or threaten hostile acts directed against any representative or personnel of the United Nations or of any member state taking action pursuant to any Security Council resolution" (**OPs 3-6**);
- a request that the Secretary-General should notify Iraq of the revised procedures for inspections set out in OP5 and a decision that Iraq should accept those and the provisions in OPs 2, 3, 4 and 6 "within 7 days" (**OP7**);
- a request that all Member States "give full support to UNMOVIC and the IAEA" (**OP8**);
- a direction to the Executive Director of UNMOVIC and the Director General of the IAEA "to report immediately to the Council any interference with or problems with respect to the execution of their mission" (**OP9**);
- a decision that "false statements or omissions in the declaration submitted by Iraq and failure by Iraq at any time to comply and co-operate fully in accordance with the provisions laid out in this resolution, shall constitute a further material breach of Iraq's obligations, and that such breach authorises Member States to use all necessary means to restore international peace and security in the area" (**OP10**); and
- a decision "to remain seized of the matter" (**OP11**).

[75] Letter Brenton to McDonald, 25 September 2002, 'Iraq: Security Council Resolution' attaching Paper [unattributed], 25 September 2002, 'Draft [Security Council Resolution] 9/25/02, 3:21PM'.

240. Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, reported that concerns arising from the vote in the House of Commons the previous day had been a key factor in achieving compromise.[76]

241. President Bush continued to determine the US position.

242. Dr Rice stated in her memoir that during the negotiations, she had "run interference" for the State Department:

> "… taking up practically every controversy directly with the President rather than allowing continued haggling among the various agencies. I know that caused some unhappiness in Defense and within the Office of the Vice President, but the process was taking long enough at the United Nations; we didn't need to slow it down with divisions within our own ranks."[77]

243. Mr Straw wrote in his memoir:

> "It was one thing to have President Bush declare in favour of going to the UN. Turning his twelve words about 'necessary resolutions' into a text that could command a majority in the Security Council, and had teeth, was quite another.
>
> "The first task was to pin down an acceptable draft. Inevitably parts of the US Government weren't bothered about securing a consensus in the Security Council. If the other members of the Council supported it, fine; if they vetoed it, fine too … The early drafts from the US were unacceptable to us. To resolve this we organised a six-way conference call … We made good progress, but there were still some outstanding issues, which could only be resolved by Tony talking to the President."[78]

244. Lord Goldsmith, the Attorney General, confirmed that he was satisfied with the arrangements for the exchange of information with FCO Legal Advisers when he and Mr Straw discussed the position on 23 September.

245. A meeting between Lord Goldsmith and Mr Straw took place on 23 September.[79]

246. Mr Simon McDonald recorded that:

> "Lord Goldsmith said he admired what the Prime Minister and Foreign Secretary had achieved in persuading the US back to the UN route … he would have to see the final shape of any resolution. Too much emphasis on a second resolution would cause him problems (about whether or not the first resolution allowed the use of force …). It seemed to him unarguable that [the threat] of force had got Saddam Hussein to move.

---

[76] Letter Brenton to McDonald, 25 September 2002, 'Iraq: Security Council Resolution'.
[77] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[78] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[79] Minute McDonald to Legal Adviser, 24 September 2002, 'Attorney General'.

> "Lord Goldsmith stressed the importance of the purpose for which force was used. Although regime change could not be the objective, it could possibly be the means by which an objective was achieved (if the only way to disarm Iraq of its WMD was to change the regime …).
>
> "Lord Goldsmith confirmed that he was satisfied with [the] existing arrangements for the exchange of information with FCO Legal Advisers. The Foreign Secretary stressed that you [Mr Michael Wood, FCO Legal Adviser] had his full authority to talk to Lord Goldsmith."

247. Lord Goldsmith was asked for his advice on the draft US/UK resolution on 24 September. He offered oral views to Mr Wood and Mr Grainger on 27 September.

248. On 24 September, Mr Wood wrote to Ms Cathy Adams, Legal Counsellor in the Legal Secretariat to the Law Officers, with a copy of the draft resolution which had "now been largely agreed with the US Government".[80] He stated that Lord Goldsmith would be "aware of the context and background".

249. Mr Wood reviewed the provisions of the draft resolution, focusing on the question of whether, if it were not possible to agree the current draft text authorising the use of "all necessary means", the resolution would provide a legal basis for the use of force in the event of a breach which was sufficiently grave to undermine the basis or effective operation of the cease-fire agreed in resolution 687 (1991) "on the ground that it revived the authorisation to use force contained in resolution 678".

250. Mr Wood wrote that the Government had "last relied upon this legal basis" in 1998; and that "The passage of time has not changed the principle". In his view, if a resolution could be achieved which contained "an amended version … with 'serious consequences' language it would be an adequate legal basis for the use of force".

251. Mr Wood qualified that view by reference to advice set out by Mr Grainger in an internal FCO minute, which stated that the military action authorised would be such action as was necessary and proportionate to remedy a particular breach in the circumstances at the time.[81]

252. Mr Wood stated that he "would be grateful for any advice which the Attorney General [might] wish to give on the resolution as currently drafted, or on any of the possible outcomes mentioned".[82]

---

[80] Letter Wood to Adams, 24 September 2002, 'Iraq: Use of Force'.
[81] Minute Grainger to Pattison, 23 September 2002, 'Iraq Resolution: Draft of 22 September'.
[82] Letter Wood to Adams, 24 September 2002, 'Iraq: Use of Force'.

253. Ms Adams advised Lord Goldsmith that she did not think the letter disclosed any new issues and there was "no particular deadline" for a response. Mr Wood had offered to discuss the issues if Lord Goldsmith wished.[83]

254. Lord Goldsmith met Mr Wood and Mr Grainger on 27 September.[84]

255. There is no record of the meeting but Ms Adams prepared a draft reply to Mr Wood, which did not differ materially from the views expressed in Mr Wood's letter of 24 September. Lord Goldsmith saw it before the meeting, but it was not sent. A manuscript note by Ms Adams recorded that Lord Goldsmith had "indicated agreement with substance" of the draft.[85]

256. In his statement to the Inquiry, Lord Goldsmith wrote that he had responded to Mr Wood's request during a meeting on 27 September:

> "I gave him my view of the text and what would be necessary to achieve our objectives in the various different scenarios that he posed. The text at that stage provided that failure by Iraq at any time to comply and co-operate fully with the provisions of the draft resolution would constitute a further material breach and that such a breach authorised member states to use all necessary means to restore international order. I believe I said that if the draft resolution was adopted … it would constitute a clear statement by the Security Council that Member States were authorised to take measures, including the use of force … I believe that I went on to say though that the use of force would have to be directed towards securing compliance with Iraq's disarmament obligations and any force would have to be a necessary and proportionate response to the breach of the resolution."[86]

257. France and Russia immediately raised serious concerns about the approach in the draft resolution and in particular the draft of OP10 and whether it would "trigger" or permit "automatic" military action without a specific decision of the Security Council.

258. Sir Jeremy Greenstock advised that two resolutions might be needed:

- **The primary objective for the first would be "unequivocal powers for inspections and hurdles for Iraq".**
- **There would be "differing views about what constituted an Iraqi sin of sufficient gravity to trigger a second resolution authorising force".**

---

[83] Minute Adams to Attorney General, 26 September 2002, 'Iraq: Request for Advice'.
[84] Minute Adams to Attorney General, 27 September 2002, 'Security Council Resolution on Iraq: Request for Advice'.
[85] Manuscript comment Adams, 27 September 2002, on Letter [draft] to Wood, 'Iraq: Use of Force'.
[86] Statement, 4 January 2011, paragraph 1.16.

259. The US and UK began to circulate elements of the draft resolution, which became resolution 1441, to fellow Security Council members on 25 September.[87]

260. Following visits to Paris and Moscow by Mr Ricketts[88] and a conversation between Sir David Manning and Mr Jean-Marc de La Sablière, Diplomatic Adviser to President Chirac,[89] it became clear that France and Russia had serious concerns about the key elements of the draft resolution proposed by the US and UK.

261. A perception that the draft text of OP10 implied automaticity for the use of force was one area of difficulty. As a result, both Sir Jeremy Greenstock and Mr Ricketts began to consider how the UK should react if, as they had predicted, it proved impossible to secure agreement to "all necessary means" in a first resolution.[90]

262. Sir Jeremy advised that there was "a case for not showing too deep a concern about the need to come back to the Council for a decision". In his view, the "primary objective of a first resolution" was to "establish unequivocal powers for the inspectors and hurdles for Iraq".

263. Sir Jeremy wrote that the US and UK should not "walk away" if the first stage failed; that would "almost certainly lead to a critical resolution which we would have to veto". Instead they should "bear with it to a second stage" when:

> "… the chance of persuading the Council to come with us will remain open; and if they eventually do not, we will be seen to have tried harder, our political case … will look more objective, and we shall be less likely … to confront a critical resolution."

264. Sir Jeremy also advised:

> "There will, of course, be differing views about what constitutes an Iraqi sin of sufficient gravity to trigger a second resolution authorising force."

265. Mr Ricketts reported that he had told a US colleague that the UK remained "absolutely firm on the need for an 'all necessary means' authorisation" but it looked as though "we might well not win the argument".[91] While the shared negotiating priority was to take a "hard position" on that point to "line up support for the toughest possible inspection regime", there was a recognition that "we would have to find a middle way between our present position and an explicit two resolution approach". They had agreed work was needed on a formula which would achieve that.

---

[87] House of Commons, *Official Report*, 7 November 2002, column 431.
[88] Telegram 555 Paris to FCO London, 26 September 2002, 'Iraq: UNSC Resolution'; Telegram 341 Moscow to FCO London, 29 September 2002, 'Iraq: UNSC Resolution'.
[89] Letter Manning to McDonald, 26 September 2002, 'Iraq: Contacts with the French'.
[90] Telegram 1861 UKMIS New York to FCO London, 27 September 2002, 'Iraq: Security Council Resolution'.
[91] Minute Ricketts to Private Secretary [FCO], 30 September 2002, 'Iraq: Security Council Resolution'.

266. Mr Ricketts reported that he had said the UK would consider "a range of formulae which we would pass the Americans very privately". He also drew attention to the likely sensitivities in Washington to a change of approach.

267. Sir David Manning discussed the French and Russian reactions with Dr Rice on 30 September.[92]

268. Sir David reported that he had decided not to get into a detailed discussion about one resolution or two, although he had said that Mr Blair "remained very firm on substance and would want to be convinced that the two resolution route would work".

269. Sir David Manning and Dr Rice also discussed what had happened over Kosovo. Sir David asked for "a note setting out our own views on Kosovo" before he spoke to Dr Rice the next day.

270. Mr Straw discussed French concerns, about "how far a UN resolution should rewrite arrangements for weapons inspections and 'automaticity' of military action", with Mr de Villepin on 30 September.[93]

271. Mr Straw told Mr de Villepin that the "resolution had to be tough enough so Saddam understood this was his last chance"; and that "a peaceful solution was more likely to be found through a strong and clear resolution". The provisions in resolution 1284 were "unsatisfactory, not least on the access to Presidential sites".

272. Mr Straw warned Mr de Villepin that:

> "… we had to ensure that Washington could keep on board those within the Administration who were averse to handling Iraq in the UN. If that required one resolution, France would still have the option of tabling … another if it did not like what the US proposed."

273. In Mr Straw's view, there would be "serious difficulties" without an international consensus. He and Mr de Villepin agreed that should be the aim.

274. In a telegram later that day, Sir John Holmes identified a number of underlying French concerns, including:

- a French conviction that the US were set on a policy of regime change;
- the damage "unilateral(ish) action … would do to the UN's credibility and thus to French influence in the world";
- the "precedents unilateral pre-emptive action could set";
- the "damage it would do to the whole way international relations work";

---

[92] Letter Manning to McDonald, 30 September 2002, 'Iraq: Conversation with Condi Rice'.
[93] Telegram 208 FCO London to Paris, 30 September 2002, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 30 September'.

- the "effects in the region of military action … without reasonable cause and wide international support could be disastrous";
- that "Western, and French, political and economic interests in the Middle East could suffer irreparably"; and
- the impact on Muslims in France and the "potential for further race-related violence".[94]

275. Sir John commented that the UK should:

> "… keep hammering home to the key decision makers [in France] that … a tough resolution now can really avoid military action – indeed it is the only way to do so – and thus avoid the consequences they fear … At the same time we must continue to make the intellectual arguments for action (Why Saddam? Why now? Why does deterrence not work?);
>
> "work … on persuading the French that the Americans:
>
> (a) have a plan capable of quick military success;
> (b) are committed to seeing through the post-military phase of political reconstruction in Iraq;
> (c) have a plan for dealing with the wider repercussions in the region."

276. In a separate telegram, Sir John reported that President Chirac's spokesman had briefed the French press on 27 September about the President's reaction to the UK/US draft text.[95]

277. In a telephone conversation with President Bush, President Chirac had asserted that France "like the majority of the international community" favoured a "two-step approach"; and that France's objective was disarmament of Iraq within the UN framework and therefore the unconditional and immediate return of the inspectors. A simple, firm resolution showing the unity of the Security Council and the international community could help achieve that.

278. Sir John Holmes reported that the spokesman had also said that a telephone call to President Putin the previous day confirmed that France and Russia took the same approach; and that the French spokesman had quoted the Chinese Prime Minister as saying:

> "… if inspections did not take place, and there was no proof of Iraqi WMD and no authority for action from the UN Security Council, there should be no question of launching an attack on Iraq. The consequences of such an attack would be 'incalculable'."

---

[94] Telegram 562 Paris to FCO London, 30 September 2002, 'Iraq: Military action: France's Dilemma'.
[95] Telegram 563 Paris to FCO London, 30 September 2002, 'Iraq: Chirac's Reaction to the US/UK Text'.

279. Reporting his most recent discussions in New York, Sir Jeremy Greenstock repeated his warning that:

> "Starting publicly with 'all necessary means' and then losing it risks looking like a defeat and undermining any subsequent argument that we have legal cover for military action."[96]

Mr Blair's speech to the Labour Party Conference, 1 October 2002

280. In his speech to the Labour Party Conference on 1 October, Mr Blair briefly set out the arguments for acting in a global partnership, and for the UK to "help shape" the new world through its friendship with the US and its membership of the EU.

281. Mr Blair also stated that in dealing with a dictator, sometimes the only chance for peace was a readiness for war.

282. Mr Blair's speech to the Labour Party Conference on 1 October was mainly about domestic issues, but in his remarks on international relations he focused on:

- The need to build "a new global partnership" that moved "beyond a narrow view of national interest". That was "the antidote to unilateralism".
- The basic values of democracy, freedom, tolerance and justice were shared by the UK, the US and Europe. But they were "human values", not western values and should be used to "build our global partnership" and be applied in an even-handed way.
- Partnership was "statesmanship for the 21st Century".[97]

283. In relation to Iraq, Mr Blair stated:

> "Some say the issue is Iraq. Some say it is the Middle East Peace Process. It is both.
>
> "Some say it's poverty, some say it's terrorism. It's both.
>
> "So the United Nations route. Let us lay down the ultimatum. Let Saddam comply with the will of the UN.
>
> "So far most of you are with me. But here is the hard part. If he doesn't comply, then consider.
>
> "If at this moment having found the collective will to recognise the danger, we lose our collective will to deal with it, then we will destroy not the authority of America or Britain but of the United Nations itself.

---

[96] Telegram 1869 UKMIS New York to FCO London, 30 September 2002, 'Iraq Resolution: Discussions with Levitte and E10'.
[97] *BBC News*, 1 October 2002, *Blair's conference speech in full.*

> "Sometimes and in particular dealing with a dictator, the only chance for peace is a readiness for war."

284. Mr Blair also set out his goals for the Middle East Peace Process:

> "By this year's end, we must have revived final status negotiations and they must have explicitly as their aims: an Israeli state free from terror, recognised by the Arab World and a viable Palestinian state based on the boundaries of 1967."

285. Mr Blair added that "to help shape" that new world, the UK needed to be part of it. That meant making the most of both the UK's friendship with the US and its membership of Europe. In five years in government he had learnt that:

- "the radical decision is the right one";
- the "right decision is usually the hardest one"; and
- "the hardest decisions are often the least popular at the time".

The "starting point" was not policy, it was "hope".

286. Public opinion in the US was supportive of President Bush's position.

287. In early October, the US Administration was also negotiating the terms of a bipartisan resolution to be tabled in Congress.

288. Sir Christopher Meyer reported that "the points of disagreement [were] relatively narrow: no one doubts that inspections will fail, the argument is how hard to try for international support for the war that will ensue".[98]

289. A draft circulated by the Chair of the Senate Foreign Relations Committee (Senator Biden) and his Republican counterpart (Senator Lugar) required the President to certify before using force against Iraq that he had attempted to seek UN approval for action, and provided for regular updates to Congress on how far allies were assisting the military effort. It also focused on the WMD threat as the basis for action rather than the wider failings of the Iraqi regime.

290. Sir Christopher reported that the White House was taking an "uncompromising approach" and had rejected that text.

291. Sir Christopher assessed that the Administration was in a strong position, with at least 70 out of 100 votes for military action in the Senate and a Democrat leadership which did not want to fight the November mid-term elections by challenging President Bush on national security.

---

[98] Telegram 1263 Washington to FCO London, 1 October 2002, 'Iraq: US Congressional and Public Opinion'.

292. Recent polls had showed that public support for military action had "eased since mid-September to around 60 percent". That dropped to "40 percent or less" if there was "no UN approval or allied support", but jumped:

> "… into the seventies if action is taken by an international force or with UN backing. Some 50 percent or fewer think that the Bush policy is well thought through, has been fully explained, or sufficiently backed up by evidence, and people want Congress to ask more questions. But while waiting to be convinced, people continue to endorse Bush's leadership, and trust him to get this right by huge margins over the Democrats."

293. The joint resolution was agreed by Congress, and signed by President Bush on 17 October.

Mr Blair's conversations with President Bush, 2 October 2002

294. Mr Straw described getting the inspectors into Iraq to tackle WMD disarmament as his and Mr Blair's "overriding objective".

295. France and Russia's position was that in the event of non-compliance a "second" decision of the Security Council would be required before the use of force would be authorised. In the light of that, Mr Straw advised a two stage approach would be needed for agreement on a first resolution establishing a tough inspections regime and sending a strong signal of the Council's willingness to use force in the event of a clear Iraqi violation.

296. The US and UK might also have to make clear that only a serious violation would trigger further Council action.

297. Sir David Manning advised Mr Blair that he should try to persuade President Bush to adopt a two resolution approach.

298. In a conversation with Secretary Powell on 1 October, about whether to table OP10 as currently drafted in the Security Council, Mr Straw told Secretary Powell that the resolution which had argued against military action in any circumstances, and had been tabled at the Labour Party Conference, had been defeated; but the debate "had confirmed that the Government would be in serious difficulty if a good new [UN] resolution was not agreed".[99]

299. When Sir David Manning subsequently spoke to Dr Rice, they discussed three options for amending OP10:

- Leaving open the possibility of coming back to the Security Council, but not to specify it, and to tone down the language of "all necessary means" to something

[99] Telegram 510 FCO London to Washington, 1 October 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 1 October'.

like “serious consequences”. Any member of the Security Council would be free to bring the issue back to the UN.

- Casting OP10 in terms of a stark warning that the Iraqis must comply with the resolution but without specifying what would follow if they did not.
- Putting the “all necessary means” provision into a second resolution.[100]

300. Sir David stated:

> “There should be no difficulty if Blix [Dr Hans Blix, Executive Chairman of UNMOVIC] notified the Council that Saddam was in breach. It might be more difficult if there were a series of low level skirmishes between Blix and the Iraqi authorities that we interpreted as obstruction but that the French or others tried to interpret differently. In that event, we should have to be very clear and very tough.”

301. Mr Blair and President Bush were to discuss the issue the following day. Sir David asked the FCO for advice.

302. Mr Straw spoke to Secretary Powell at 12.30pm on 2 October and talked him through proposed language for “the ‘one and a half’ resolutions” they had discussed.[101]

303. Mr Straw’s Private Office subsequently advised Sir David Manning that:

- The US and UK were focusing in the P5 in New York on the arrangements for inspections in OP5, which would leave “time for the Prime Minister and President Bush to discuss the most politically difficult point, the consequences of non-compliance, in OP10”.
- It was clear that “both the French and the Russians” would “insist that the Council must take a second decision before the use of force is authorised”.
- Mr Straw and Secretary Powell had “therefore agreed to look at an alternative two stage approach”, which Mr Blair and Mr Straw had “always seen … as a possible approach to achieving our overriding objective of getting the inspectors in to tackle the disarmament of Iraqi WMD”.
- That “would involve a first resolution establishing a tough inspections regime and sending a strong signal of the Council’s willingness to authorise the use of force in the event of Iraqi non-co-operation”.
- There “would be a private side agreement committing the French/Russians to agree the adoption of a short second resolution authorising the use of force in the event of clear Iraqi violations”.
- To address French and Russian concerns that OP10 as drafted could authorise the use of force on a trivial pretext, it would be redrafted to “drop the prior determination that any violation constituted a material breach and the prior authorisation” for the use of “all necessary means”.

---

[100] Letter Manning to McDonald, 1 October 2002, ‘Iraq: Conversation with Condi Rice’.
[101] Letter McDonald to Manning, 2 October 2002, ‘Iraq’.

- The US and UK "might also have to make clear that only a serious violation would trigger further Council action".[102]

304. The FCO provided a paper on the options, including:

- variants on the language for a "new OP10";
- how these variants were likely to be viewed by France and Russia;
- whether Kosovo provided a precedent; and
- the principles on which a possible side agreement might be based.[103]

305. Mr Straw recommended that Mr Blair should discuss the case for moving to one of those options, with President Bush, "to achieve the goal of a much tougher inspections regime, and putting the onus on the Security Council to pass the necessary second resolution in the case of non-compliance or do huge damage to the credibility of the UN system". Mr Blair should start with an option whereby the Security Council declared its readiness, in the event of non-compliance, to decide whether there had "been a further material breach of Iraq's obligations" and "that such a breach" authorised "member states (or another formula …) to use all necessary means to restore international peace and security".

306. The FCO did not address the precedent of Kosovo for Iraq. The paper stated only that:

> "Several Council resolutions on Kosovo warned of an impending humanitarian catastrophe, and affirmed that the deterioration in the situation constituted a threat to peace and security in the region. But we argued that military action was justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe, rather than that it was based on any provisions in a resolution."

307. The FCO suggested that a possible side agreement between the parties on the adoption of a second resolution should be based on the following general principles:

> "… where there is information/evidence [reported by UNMOVIC/IAEA] of any Iraqi:
>
> - action/attempts to conceal information related to weapons programmes;
> - action/attempts to conceal other information which UNMOVIC/IAEA deem necessary to fulfil their mandate;
> - action/attempts to obstruct the work of UNMOVIC/IAEA personnel in a manner likely to impede UNMOVIC/IAEA's effectiveness in fulfilling their mandate;
> - failure to co-operate in the establishment of OMV [ongoing monitoring and verification], or in the destruction of any equipment designated by

---

[102] Letter McDonald to Manning, 2 October 2002, 'Iraq: UNSC Resolution' attaching Paper, 'Options for a New OP10'.
[103] Paper 'Options for a New OP10', attached to Letter McDonald to Manning, 2 October 2002, 'Iraq: UNSC Resolution'.

UNMOVIC/IAEA or in any other way required of them under the terms of relevant resolutions or under terms set out by UNMOVIC/IAEA …

- failure to meet the deadlines set out in the relevant resolutions."

308. Sir David Manning told Mr Blair that the "main issue" for his conversation with President Bush was the provision for the use of "all necessary means" if Saddam Hussein was found to be in breach of his obligations.[104] That "automaticity" went "too far" for France and Russia. President Bush would "ideally like to dispense" with the draft OP10, but accepted that was "a political impossibility". The UK wanted "something like OP10 to give us legal cover if at some stage we take military action".

309. Sir David added that the FCO letter "identified various possible fixes", and he recommended that Mr Blair should persuade President Bush "to go the two resolution route (you warned that this might well be necessary at last month's Camp David meeting)".

310. Sir David proposed language in OP10 that stipulated "in the event of a breach, the Council will decide to authorise all necessary means". That conceded the issue would "have to come back to the Security Council for further decision, so saving Chirac's face".

311. Sir David advised that, "at the same time", the US and UK "should insist on privately pre-negotiating the terms of a second, follow-up resolution [with France and Russia] that would authorise 'all necessary means' once a breach is established"; and that the current draft should not be revised until that had been agreed. That would:

"… not be without difficulties:

– bringing the French and Russians to pre-negotiate a tough second resolution and commit themselves to it;

– establishing clearly what would constitute a breach and so trigger action: this will need to be pinned down in advance.

"But there is a chance a deal of this kind can be struck … The French and Russians may well be reluctant: but if this is the price to avoid early US unilateralist action with serious long term damage to the Security Council, they may well pay."

312. Sir David concluded that if Mr Blair and President Bush could agree, "we can get on with the business of trying to sell it in capitals and the UN. We now need to move fast."

313. In a second conversation on 2 October, Mr Straw was informed that President Bush was "very energised" about a single resolution.[105]

---

[104] Minute Manning to Prime Minister, 2 October 2002, 'Iraq: Your Phonecall Today with Bush'.
[105] Letter Straw to Manning, 2 October 2002, 'Iraq: Conversations with Colin Powell'.

314. In the first of two conversations with President Bush on 2 October, Mr Blair initially focused on achieving a tough regime for inspections as more important than the issue of a two stage approach.

315. Mr Blair spoke twice to President Bush on the afternoon of 2 October.[106]

316. In the first conversation, Mr Blair and President Bush discussed their concerns about the outcome of Dr Blix's talks with Iraqi representatives in Vienna on 1 October and that the burden of proof that he had no WMD must be on Saddam Hussein.

317. Mr Blair told President Bush that the need to ensure a sufficiently strong inspection regime was "more important than the question of one resolution or two". The inspectors should "go in as soon as possible".

318. Mr Blair set out three options in descending order of preference:

- two resolutions (as set out by Sir David Manning);
- a "tough resolution keeping open whether a second resolution would be needed, with others knowing that we would be prepared to act without a second resolution if necessary. We need not rule out a second resolution, but we should not tie ourselves to one"; and
- the "worst outcome" of requiring a second resolution but not being able to get it.

319. In a conversation with Dr Rice between the two discussions between Mr Blair and President Bush, Sir David Manning pursued the argument for two resolutions.[107] He also suggested that Mr Blair and President Bush should confer about the scale of the deceit that would require military action: "We would want to establish a 'pattern of deceit' rather than a specific incident as a trigger."

320. Separately, Mr Straw was informed by Secretary Powell that the White House was interpreting Mr Blair's conversation with President Bush as support for a single resolution and that some in the US were warning the President about the dangers of being mired in the UN.[108] Mr Straw had talked him through the UK proposals for modifying the existing resolution which Sir Jeremy Greenstock thought France would agree. They agreed it was worth trying to get President Bush's agreement.

321. In the subsequent conversation Mr Blair suggested draft language for the resolution implying a second resolution would be sought if Iraq failed to comply with the provisions in the new resolution and indicating that the Security Council would be willing to authorise force in those circumstances.

---

[106] Letter Rycroft to Sedwill, 2 October 2002, 'Iraq: Prime Minister's Telephone Calls with Bush, 2 October'.
[107] Letter Rycroft to Sedwill, 2 October 2002, 'Iraq: Prime Minister's Telephone Calls with Bush, 2 October'.
[108] Letter Straw to Manning, 2 October 2002, 'Iraq: Conversations with Colin Powell'.

322. Mr Blair said that any significant obstruction or discovery of WMD would constitute a breach. The inspectors should report the facts and we should make the judgements.

323. Mr Blair told President Bush that if the UN did not authorise force in the event of a breach, the US and UK would still act.

324. The issues of what would constitute a breach and who would decide on the appropriate action were key issues in the negotiation of the resolution and its subsequent interpretation.

325. In the second conversation with President Bush, Mr Blair proposed that OP10 should be amended to read:

> "Decides that false statements and omissions in the declaration submitted by Iraq to the Council and failure by Iraq at any time to comply and co-operate fully in accordance with the provisions laid out in this resolution shall constitute a further flagrant violation of Security Council resolutions, and expresses its readiness to authorise all means necessary to restore international peace and security in the area."[109]

326. In exchange, Mr Blair said the US and UK should "hang tough" on OP5 [the arrangements for intrusive inspections] and on material breach in OP1. When the first resolution was passed the US and UK should make clear that, in the event of non-compliance, "we would expect the Security Council to authorise the use of force". If for any reason it were not to do so, "we would go ahead anyway, on the Kosovo model".

327. Mr Blair and President Bush also discussed what would constitute a breach and who would decide.

328. Mr Blair said that if Iraq declared it had no WMD and the inspectors then found a significant amount, it "would be a casus belli"; any significant obstruction or discovery of WMD would constitute a breach. That was not a judgement for Dr Blix; "the inspectors should report the facts, and we should make the judgements".

329. In a subsequent telephone call Secretary Powell told Mr Straw that he and Dr Rice were about to discuss the UK proposal.[110]

330. In a fifth conversation that evening Secretary Powell told Mr Straw that the US "were buying into" Mr Blair's proposal, but "there would need to be a lot of work done on it".[111]

331. Mr Campbell wrote that Mr Blair and Mr Straw had had "a very difficult meeting early on" when Mr Straw had explained that the US was "getting very jittery about the

---

[109] Letter Rycroft to Sedwill, 2 October 2002, 'Iraq: Prime Minister's Telephone Calls with Bush, 2 October'.
[110] Letter Straw to Manning, 2 October 2002, 'Iraq: Conversations with Colin Powell'.
[111] Letter Straw to Manning, 3 October 2002, 'Iraq'.

UN route". Mr Straw had also said that France was making clear it would not support war at all, China "didn't care, and Russia was playing hardball".[112]

332. Mr Campbell wrote that the US "wanted one resolution that would allow them to hit Iraq at the first sign of Saddam lying or causing trouble". Mr Blair had described his first conversation with President Bush as "difficult". President Bush was "beginning to wonder whether we are going down the right road". Mr Campbell wrote that the US was "getting more and more impatient".

333. Mr Campbell also wrote that President Clinton's references to Iraq in his speech to the Labour Party Conference were intended to convey the view that Mr Blair "was in a position to influence US policy" and to get President Bush "to side with [Secretary] Powell". But Mr Blair was "less confident we could get the tough resolution we wanted". President Bush had told Mr Blair that he was "having trouble holding on to my horse". Mr Campbell wrote it was clear that President Bush was trying to get Mr Blair "to agree that if Saddam was found to be lying that was a '*casus belli*'".

334. Following the second conversation between Mr Blair and President Bush, Mr Campbell wrote that Mr Blair was concerned that rhetoric aimed at managing the Republican right wing would stop President Bush getting to the right policy positions; and that Mr Blair "seemed to be moving to the view that this [the US Administration] was a government that was ruthless about its own power and position".

335. In his memoir, Mr Straw wrote that in his first conversation with President Bush, Mr Blair's mind was on the Labour Party Conference and he:

> "… simply didn't make the key points. I told him that, however embarrassing, he'd have to make the call again. It was fixed for later that evening."[113]

336. Mr Straw wrote that the second call:

> "… went well. We had a text to broker with the other members of the Security Council.
>
> "There then followed an extraordinary five-week period in which not just every phrase, but every word, and even the punctuation, was the subject of the closest debate and argument. I often spent hours each day in telephone calls with Colin [Powell] and Dominique de Villepin and Igor Ivanov, as well as with the Chinese foreign minister, Tang Jiaxuan and the foreign Ministers of the non-permanent members of the Security Council."

---

[112] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[113] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.

Continuing difficulties in securing agreement on a draft text

Iraq's rebuttal of the UK dossier

337. The Iraqi Ministry of Foreign Affairs published a "detailed rebuttal" on 2 October, which described the UK dossier as "a series of lies and empty propaganda" which was "totally inconsistent" with the facts and reports made by UNSCOM and the International Atomic Energy Agency (IAEA).[114]

338. The rebuttal emphasised Iraq's "intensive efforts" and co-operation between 1991 and 1998 in implementing resolution 687 (1991) and other resolutions. It also stated that Iraq had not imported any prohibited material.

339. Detailed comments on Iraq's rebuttal are set out in Section 4.3.

340. Mr Julian Miller, Chief of the Assessments Staff, told Sir David Manning that a review of the rebuttal conducted by the Assessments Staff, the intelligence agencies and the FCO dismissed it as: "In broad terms … very weak; long on rhetoric and short on detail." It did not undermine the UK dossier and in a number of key areas failed to provide a credible response.

341. Mr Miller added that the document presented "a somewhat rosy picture" of Iraq's relationship with UNSCOM. He characterised Iraq's refutation of the UK "claim that its WMD programmes have continued post 1998" as an "attitude of denial".

342. Under the heading "Iraq: Still Playing Games", press lines prepared by the Communications and Information Centre (CIC) focused on:

- Iraq's pre-1998 co-operation with UNSCOM and its failures:
  - to provide full and comprehensive disclosures;
  - to allow the inspectors immediate, unconditional and unrestricted access to relevant sites, documents and persons; and
- material for which UNSCOM had been unable account.

343. Mr Miller concluded: "I do not think we need to offer a fuller reply to any of Iraq's claims."

344. Iraq's explicit denials of possession of prohibited weapons, materials and programmes were not addressed, and there was no consideration of the risk which Iraq would have faced by issuing a detailed rebuttal which inspections might show to be untrue.

---

[114] Minute Miller to Manning, 4 October 2002, 'The Dossier: Iraq's Response' attaching Email FCO [junior official] to Hamill, 3 October 2002, 'Iraq's reply on Blair's Report' and Paper [CIC], [undated], 'Iraq – Still Playing Games!'.

Discussions between Iraq, UNMOVIC and the IAEA about the return of inspectors

345. Dr Blix told the Security Council on 3 October that, although there was no legal need for a new resolution to authorise the return of inspectors, it would be better, if there was going to be a new resolution, for them to wait to return to Iraq until that was in place.

346. Dr Blix and Dr Mohamed ElBaradei, Director General of the IAEA, held separate talks with Iraqi officials about the practical arrangements for inspections in Vienna on 30 September and 1 October.

347. Some officials had identified the practicalities of the timetable for preparing and conducting inspections as "the most difficult area".[115]

348. The UK Mission to the UN in Vienna reported that Dr Blix thought the talks had gone well in most respects, including Iraq's agreement to drop the 1996 arrangements for visits to sensitive sites.[116] The main outstanding issues were:

- arrangements for the safety of inspection flights in the No-Fly Zones;
- interviews, where the Iraqis were still insisting on the presence of an Iraqi official and the right to film; and
- UNMOVIC use of U2 (surveillance) flights.

Access to Presidential sites had not been addressed.

349. Mr Campbell wrote that Dr Blix:

> "… seemed to be making progress and looked like he was trying to do a deal which would not necessarily include palaces. It wasn't good enough for the US but the UN were pushing it and suggested that we didn't need another UNSCR. Powell was very hard line that there could be no new inspections without a new UNSCR."[117]

350. The British Embassy Washington reported that Secretary Powell had responded swiftly to the talks with an impromptu press conference warning that UNMOVIC should not return to Iraq until a new resolution had been adopted; and that the US preference was for a single resolution.[118]

351. The Embassy also reported that:

- The US press was reporting a claim by Secretary Rumsfeld that the No-Fly Zones were the air component of the inspections regime under resolution 687.

---

[115] Minute Pattison to FCO [junior official], 12 September 2002, 'Iraq: Draft Resolution'.
[116] Telegram 95 UKMIS Vienna to FCO London, 2 October 2002, 'Iraq: Return of Inspectors'.
[117] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[118] Telegram 1264 Washington to FCO London, 1 October 2002, 'US/Iraq: 1 October'.

He had also stated that, since promising on 16 September to allow the unconditional return of inspectors, Iraq had fired on coalition aircraft 67 times with the clear inference that Iraq was threatening US interests.

- A White House spokesman had stated that "regime change is welcome whatever form it takes"; and that "the cost of one bullet" fired by the Iraqi people would be "substantially less" than the cost of military action.

352. The FCO instructed Sir Jeremy Greenstock to use Dr Blix's report to the Security Council on 3 October to emphasise that key issues remained to be resolved and a new resolution was "essential to demonstrate that the UNSC is determined to ensure proper inspections this time, backed up by the will to enforce its decisions if necessary".[119] In an interview for the *BBC's Today* programme on 1 October, Mr Blair had stated that a tougher resolution was necessary before the inspectors returned.

353. While recognising that Member States could not dictate the inspectors' activities, the UK was concerned that inspectors should not return to Iraq before "new modalities" had been agreed.

354. Sir Jeremy Greenstock reported that Dr Blix's view, as expressed to the Security Council on 3 October, was that, while it would be helpful to reaffirm and strengthen UNMOVIC's rights, there was no legal need for a new resolution before the inspectors returned.[120] His "main concern" was "unanimity and a Council willingness to back inspectors up". If there was going to be a new resolution there would be no point in returning to Iraq only for new arrangements then to be put in place.

355. Sir Jeremy Greenstock told the Council that a further resolution was necessary to ensure the inspectors were effective. Iraq was continuing to take measures to conceal its WMD facilities and stocks. The Council needed to hear from Dr Blix and Dr ElBaradei what additional measures were required and it would be prudent to tie up loose ends – "one man's loose end could be another man's casus belli".

356. The agreement reached in Vienna was set out in a letter of 8 October from Dr Blix and Dr ElBaradei to the Government of Iraq.[121] It was subsequently endorsed by the Security Council and resolution 1441 (OP6) made its contents legally binding.

357. Negotiations on the content of the draft resolution between the UK and US and with other members of the P5 continued without agreement being reached on a text which would secure support in the Security Council.

358. The FCO considered that the two stage approach would mean a second resolution would be required to authorise the use of force.

---

[119] Telegram 576 FCO London to UKMIS New York, 3 October 2002, 'Iraq: Blix's Briefing to the Security Council and P5'.
[120] Telegram 1903 UKMIS New York to FCO London, 4 October 2002, 'Iraq: Informal Council Meeting with Blix and El Baradei'.
[121] Letter Blix and ElBaradei to Al-Saadi, 8 October 2002, [untitled].

359. On 3 October, the FCO provided a revised text incorporating the amended OP10 and other changes to reflect discussions between the P5.[122] The covering letter explicitly stated:

> "In our view, a text along these lines would require a further Security Council resolution to authorise the use of force."

360. The FCO also stated:

> "There would, of course, be … argument about the extent to which any Iraqi transgression constituted a flagrant violation. It would therefore be important to obtain a clear commitment from the French and Russians in advance. This could either be through a side agreement with them containing an indication of the circumstances in which we would want to seek authorisation on the lines described in the paper enclosed with my letter … of 2 October. It could also be useful to agree on a contingency basis among the P5 the text of a second resolution."

361. Sir David Manning discussed the draft resolution with Dr Rice on 3 October, pointing out that it "did not rule out military action if there were no further Security Council resolution ie it did not pre-empt the 'Kosovo option' … President Bush had yet to take a view on it."[123]

362. Mr Campbell wrote that Sir David Manning was concerned that Saddam Hussein was "probably going to make positive noises about inspections and try to drag things to February because then the 'window of war' would close".[124]

363. Mr Ricketts advised that failure to obtain a second resolution was likely to leave the UK with "no plausible legal basis" for the use of force; the "Kosovo option" would be no help.

364. Mr Straw told Secretary Powell that there was "no parallel" between the circumstances of military action in Iraq and in Kosovo.

365. In a minute on 3 October to Mr Straw's Private Office, which was sent to Sir David Manning and Sir Jeremy Greenstock, Mr Ricketts set out his views, "As a mind clearing exercise", on whether: "If the Security Council adopts a resolution with our new version of OP10 … we have conceded the principle that a second resolution is required."[125] He added: "If we do not for some reason get it, it must be very likely that the Attorney would conclude that [the UK] did not have a legal basis for military action."

366. Mr Ricketts did "not think the 'Kosovo option' helps in these circumstances". The UK had not relied on or sought a resolution authorising the use of force; it had relied on

---

[122] Letter McDonald to Manning, 3 October 2002, 'Iraq: UNSC Resolution'.
[123] Letter Manning to McDonald, 3 October 2002, 'Iraq: Conversation with Condi Rice'.
[124] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[125] Minute Ricketts to Private Secretary [FCO], 3 October 2002, 'Iraq: Resolutions: The "Kosovo Option"'.

"an alternative legal base i.e. that action was necessary to prevent an overwhelming humanitarian catastrophe (by analogy with the 1991 action in Northern Iraq to help the Kurds)". Mr Ricketts commented:

> "… that would not be credible grounds for action this time. So far as I can see, failure to get a second resolution would leave us with no plausible legal basis."

367. In a manuscript comment in the margin of Mr Ricketts' minute, Sir David Manning wrote: "What about the reference in OP1 to 'material breach'?"[126]

368. It is not clear whether Sir David had seen the minute before his conversation with Dr Rice.

369. On 4 October, Sir David Manning reported that the US Administration was not yet willing to discuss detailed draft texts with the French.[127] Secretary Powell would discuss "concepts" with Mr de Villepin. The instinct was to move cautiously and to take time to see if agreement was possible. The US was also considering changes to the proposed text of OP10.

370. In his conversation with Mr de Villepin on 4 October, Mr Straw stated that: we had to find out the extent of the problem with Iraq and its WMD by getting the inspectors back.[128] We had got as far as we had with the Iraqis by threatening force. We would prefer to resolve the problem peacefully. If this was not possible we would use force.

371. Mr Straw and Mr de Villepin agreed officials should discuss.

372. Mr Straw spoke twice to Secretary Powell on 4 October. In the second conversation he told Secretary Powell that there was "no parallel" with the Kosovo model.[129]

373. FCO Legal Advisers continued to voice concerns about the absence of a clear statement from the Security Council reviving the authority for the use of force, and that Lord Goldsmith's views would be needed once the language in the draft resolution on that point had been firmed up.

374. On 4 October, in a minute copied to Sir Jeremy Greenstock among others, Mr John Grainger, FCO Legal Counsellor, expressed concerns that the current draft resolution

---

[126] Manuscript comment Manning on Minute Ricketts to Private Secretary [FCO], 3 October 2002, 'Iraq: Resolutions: The "Kosovo Option"'.
[127] Letter Manning to McDonald, 4 October 2002, 'Iraq: Conversation with Condi Rice'.
[128] Telegram 213 FCO to Paris, 4 October 2002, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 4 October'.
[129] Telegram 521 FCO London to Washington, 4 October 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 4 October'.

would allow other Member States to argue that it did not amount to an authorisation of the use of force. He concluded:

> "In the time available I have not been able to consult the Attorney General, whose views would be crucial. In the past his predecessors have emphasised the need for a clear statement that the Council authorises the revival of the use of force, which this draft does not appear to offer. We will need to obtain the Attorney's view on the effect of any language once it firms up."[130]

375. The British Embassy Washington reported on 4 October that Vice President Cheney wanted a resolution that would provide a 'tripwire' for military action.

376. Mr Brenton reported on 4 October that he had been told that Vice President Cheney "simply didn't believe that any achievable inspection regime would give us the cast iron assurance we had to have that Iraqi WMD had been eliminated." He "[supported] the … US approach" of trying to get the UN to endorse a tough inspections regime; but he expected "Saddam would try to play games" and "would be caught out, providing the US with its casus belli".[131] Vice President Cheney would not "sign up to any regime which seemed likely to fail in this tripwire function".

377. Mr Blair saw the minute.[132]

President Bush's speech in Cincinnati, 7 October 2002

378. President Bush set out the case for urgent action to disarm Iraq on 7 October.

379. President Bush stated that Iraq had "an opportunity to avoid conflict" only if it complied with all its obligations. The US hoped it would make that choice but it had "little reason to expect it".

380. On 1 October, in advance of the votes in Congress to authorise the use of force, if it proved necessary to enforce Security Council demands, the Central Intelligence Agency produced its National Intelligence Estimate (NIE) on 'Iraq's Continuing Programs for Weapons of Mass Destruction'.[133]

381. An unclassified document based on the NIE was published on 4 October (see Section 4.3).[134]

---

[130] Minute Grainger to Ricketts, 4 October 2002, 'Iraq: Draft Resolution: OP10'.
[131] Minute Brenton to HMA [Washington], 4 October 2002, 'Iraq: Cheney's Attitude'.
[132] Manuscript comment Powell on Minute Brenton to HMA [Washington], 4 October 2002, 'Iraq: Cheney's Attitude'.
[133] CIA, 1 October 2002, *National Intelligence Estimate, Iraq's Continuing Programs for Weapons of Mass Destruction*.
[134] CIA, 4 October 2002, *Iraq's Weapons of Mass Destruction Programs*.

382. President Bush used a speech in Cincinnati on 7 October to set out in detail the case for urgent action to disarm Iraq.[135]

383. President Bush described Iraq as "a grave threat to peace" and stated that the US was determined "to lead the world in confronting that threat". Members of Congress and the Security Council agreed that Saddam Hussein was a threat and "must disarm"; the question was how best that could be achieved.

384. President Bush stated that the US Administration had "discussed broadly and fully" the nature of the threat and the urgency of action. The threat from Iraq stood "alone" because it gathered "the most serious dangers of our age in one place". Iraq was "unique" because of its "past and present actions … its technological capabilities … the merciless nature of its regime".

385. President Bush set out the main components of that threat, including the US perception of Iraq's WMD programmes and intent and its ability to deliver such weapons; Saddam Hussein's potential links to international terrorism; and the need for the US to act to protect itself. The points made included:

- The possibility of Iraq acquiring a nuclear weapon.
- Concerns that Iraq was "exploring ways of using UAVs [Unmanned Aerial Vehicles] for missions targeting the United States".
- Iraq and Al Qaida (AQ) had "high level contacts that go back a decade".
- Some AQ leaders who had fled Afghanistan were in Iraq, including "one very senior … leader" who had "been associated with planning for chemical and biological attacks".
- "[C]onfronting the threat posed by Iraq" was "crucial to winning the war against terror". Saddam Hussein was "harboring terrorists and the instruments of terror, the instruments of mass death and destruction". He could not be trusted and the risk that he would "use them, or provide them to a terror network" was "simply too great".
- The enemies of the US would be "eager to use biological or chemical, or a nuclear weapon", and it "must not ignore the threat": "Facing clear evidence of peril, we cannot wait for the final proof – the smoking gun – that could come in the form of a mushroom cloud."

386. President Bush stated that the danger, from Iraq, could not be addressed "by simply resuming the old approach to inspections". After eleven years of trying "containment, sanctions, inspections, even selected military action", Saddam Hussein still had chemical and biological weapons and was "increasing his capabilities to make more"; and he was "moving ever closer to developing a nuclear weapon".

---

[135] The White House, 7 October 2002, *President Bush Outlines Iraqi Threat.*

387. President Bush warned the Iraqi regime that it had "an opportunity to avoid conflict" only if it took steps to comply with all its obligations [as set out in Security Council resolutions]". The US hoped the regime would make that choice but it had "little reason to expect it".

388. President Bush also warned the Iraqi regime against attempting "cruel and desperate measures" if it were facing its demise. If Saddam Hussein ordered such measures, his generals would be "well advised to refuse"; "they must understand that all war criminals will be pursued and punished".

389. President Bush stated that waiting to act was "the riskiest of all options". There could be "no peace" if the security of the US depended "on the will and whims of a ruthless and aggressive dictator".

390. Addressing concerns that regime change could produce instability in Iraq, President Bush concluded that the situation in Iraq:

> "… could hardly get worse, for world security and for the people of Iraq …
>
> "Freed from the weight of oppression, Iraq's people will be able to share in the progress and prosperity of our time … the United States and our allies will help the Iraqi people rebuild their economy, and create the institutions of liberty in a unified Iraq …"

JIC Assessment, 10 October 2002

391. The JIC Assessment of 10 October stated that Iraq's ability to conduct effective terrorist attacks was very limited; and it was "inadequate" to carry out terrorist, chemical or biological attacks outside Iraq.

392. The JIC also assessed that Saddam Hussein would use terrorism only in response to a US attack.

393. At the request of the FCO, the JIC produced a specific Assessment on 10 October 2002 of the terrorist threat in the event of US-led military action or imminent action against Iraq.[136] That included an assessment of the relationship between Iraq and members of Al Qaida, and how Al Qaida would "use an attack on Iraq as further 'justification' for terrorist attacks against Western or Israeli interests".

394. The Assessment stated that Saddam Hussein's "overriding objective" was to "avoid a US attack that would threaten his regime", but the JIC judged that in the event of US-led military action against Iraq, Saddam would:

> "… aim to use terrorism or the threat of it. Fearing the US response, he is likely to weigh the costs and benefits carefully in deciding the timing and circumstances in

[136] JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq'.

which terrorism is used. But intelligence on Iraq's capabilities and intentions in this field is limited."

395. The Key Judgements of the JIC Assessment of 10 October were:

"
- Saddam's capability to conduct effective terrorist attacks is very limited, especially outside the Gulf region.
- But Iraq will aim to conduct terrorist attacks against Coalition interests and Israel during a military campaign. Terrorism could be attempted against Coalition forces and Gulf States supporting them during a military build-up if Saddam believes an attack is inevitable.
- Saddam will seek to conduct terrorist attacks against UK interests abroad in the event of military action against him. Iraqi attacks within the UK are unlikely.
- No major terrorist group will conduct attacks on behalf of Iraq. But Al Qaida and other Islamic extremists may initiate attacks in response to Coalition military action. Al Qaida will use an attack on Iraq as further 'justification' for terrorist attacks against Western or Israeli interests.
- Iraq's terrorism capability is inadequate to carry out chemical or biological attacks beyond individual assassination attempts using poisons. But Al Qaida or other terrorist groups could acquire a chemical/biological capability from the dispersal of Iraqi material or expertise during a conflict in Iraq or following the collapse of Saddam's regime."

396. The Assessment stated that during the 1991 Gulf Conflict, Iraq had "sought (with negligible success) to conduct terrorist attacks against Coalition interests" and that Saddam Hussein's "overriding objective" was to "avoid a US attack that would threaten his regime".

397. In the event of US-led military action against Iraq, the JIC judged that Saddam Hussein would:

"… aim to use terrorism or the threat of it. Fearing the US response, he is likely to weigh the costs and benefits carefully in deciding the timing and circumstances in which terrorism is used. But intelligence on Iraq's capabilities and intentions in this field is limited."

398. Other key points in the Assessment are set out in the Box below.

JIC Assessment, 10 October 2002: 'International Terrorism: The Threat from Iraq'

Iraq's capabilities and intentions

The Assessment stated that:

- Diplomatic and economic restrictions since 1991 had "severely degraded Baghdad's already limited overseas terrorism capability".

- The Directorate of General Intelligence (DGI) had "little reach or capability outside Iraq".
- There were indications that Saddam Hussein was "trying to rebuild a terrorist capability", but the willingness of individuals to conduct attacks was "in doubt".
- There were suggestions of individuals being trained in Iraq for terrorism in the event of a Coalition attack, including "uncorroborated reports" of suicide attackers, but "some of this reporting may reflect aspiration rather than reality".
- Iraq had the materials for chemical and biological (CB) terrorism but the JIC judged that the overall terrorist capability was "inadequate to carry out CB terrorist attacks outside Iraq other than individual assassinations using poisons".
- Iraq was "likely to attempt terrorist attacks against military targets during a build up of Coalition Forces" and it was "possible that attacks – or threats – could be directed against regional states affording support to Coalition Forces".
- Even after hostilities commenced, the expectation of diplomatic options might "restrain any attempt to use terrorism until he [Saddam Hussein] believes collapse of his regime is certain".
- "In the event of military action", Saddam Hussein would "seek to conduct terrorist attacks" against the UK's overseas interests, "especially military forces and diplomatic facilities in the Middle East" and possibly Cyprus; but there was "no intelligence" suggesting specific plans for attacks in the UK. The "experience of 1991 and current intelligence" suggested that Iraq might "seek less well-protected targets overseas, for example South East Asia".

Al Qaida

The JIC judged that "**the greatest terrorist threat in the event of military action against Iraq will come from Al Qaida and other Islamic extremists**"; and they would be "pursuing their own agenda".

The JIC did "**not believe that Al Qaida plans to conduct terrorist attacks under Iraqi direction**".

The JIC assessed that "US-led military action against Iraq" would "motivate other Islamic extremist groups and individuals to carry out terrorist attacks against Coalition targets".

Al Qaida had:

> "… sought to portray anticipated US-led military operations against Iraq as further confirmation that the US is waging a war on Islam, attracting widespread popular support across the Muslim world and on the Arab 'street'. Al Qaida could also use the opportunity of a military build up to target Coalition forces in the Gulf."

The JIC predicted that:

> "In the longer term, a Coalition attack may radicalise increasing numbers of Muslims, especially Arabs, and boost support and recruitment for terrorist groups."

The JIC concluded:

> "… the terrorist threat from Al Qaida and other Islamic extremists will increase in the event of US-led action against Iraq. Widespread, sporadic, opportunity attacks are most likely. Major, complex operations would be mounted by Al Qaida only if the timing of military action coincides with culmination of their longer-term attack plans."

Iraq's links with Al Qaida

The Assessment stated that:

- There had been "sporadic links between Al Qaida and the Iraqi regime since at least the early 1990s".
- Saddam Hussein's attitude to Al Qaida had "not always been consistent"; he had "generally rejected suggestions of co-operation".
- "Intelligence nonetheless indicates that […] meetings have taken place between senior Iraqi representatives and senior Al Qaida operatives."
- "Some reports also suggest that Iraq may have trained some Al Qaida terrorists since 1998."
- "Al Qaida has shown interest in gaining chemical and biological expertise from Iraq, but we do not know whether any such training was provided."
- There was "no intelligence of current co-operation between Iraq and Al Qaida".
- There was intelligence on an Al Qaida presence in Iraq.
- Abu Musab al-Zarqawi, "a prominent Al Qaida associated operational planner, was in Baghdad" and appeared "to act with a considerable degree of autonomy". It was "possible that he could be acting independently of the senior Al Qaida leadership".
- In addition, there were "a number of Al Qaida extremists (possibly in the hundreds)", "linked to al-Zarqawi", in the Kurdish Autonomous Zone (KAZ) in northern Iraq. Some were "involved in development and production of CB substances at a facility near Halabjah, within a base run by the Kurdish extremist group **Ansar al-Islam** (associated with Al Qaida)."
- There was "no evidence of control" by the Iraqi regime over either Ansar al-Islam or the Al Qaida elements in the KAZ.

Iraq's links with other terrorist groups

Senior Iraqi Government officials had "sought to establish contact with **Hizballah**" in the summer of 2002, but "those approaches were rejected"; Hizballah would "not respond in any way that might be perceived as support for Saddam".

There had also been Iraqi "attempts to increase co-operation" with "major **Palestinian terrorist groups**". The JIC assessed that they would remain preoccupied with events in Israel and the Occupied Territories; and that they would "be influenced more by Iran and Syria – who want to avoid antagonising the US – than by Saddam". Individual Palestinian terrorists and groups under Saddam Hussein's influence had "limited capabilities, but could mount small scale attacks".

JIC ASSESSMENT, 16 OCTOBER 2002: 'INTERNATIONAL TERRORISM: THE CURRENT THREAT FROM ISLAMIC EXTREMISTS'

399. A further JIC Assessment, 'International Terrorism: The Current Threat from Islamic Extremists', was produced on 16 October 2002.

400. In the light of recent terrorist attacks, including an attack on a French supertanker off Yemen on 6 October, an attack against US Marines in Kuwait on 8 October and the

bombings in Bali on 12 October, a JIC Assessment of the current threat from Islamic extremists was produced at short notice on 16 October.[137]

401. Mr Campbell wrote on 15 October that the question of "how can we do terrorism and Iraq" was "growing", and that Mr Blair was "keen to build argument that they were part of the same coin".[138]

402. The minutes of the JIC discussion on 16 October record that the draft Assessment focused "on the areas of greatest current concern and presented a rather sombre picture".[139] The final Assessment could "bring out the changing nature … of the threat to the UK, especially CBW attacks". There was "a huge amount of intelligence and a kaleidoscope of ghastly possibilities, but it was important to balance that with the aspirational nature of much of the planning – not all threats came to fruition".

403. The Assessment addressed the overall threat posed by AQ and other Islamic extremists. In relation to the UK and US interests, the JIC judged that: "Many known threats to Western interests include US interests as a target. Planning and preparation for attacks in the UK itself is probably also in progress. There is a continuing risk of displacement from hardened US targets to the UK, UK interests and other Western interests."[140]

404. The JIC assessed that AQ was "also intent on attacking US allies, especially the UK; and […]. Intelligence on attacks against US interests often includes UK interests as a parallel or secondary target."

405. The Assessment stated that an AQ network based in northern Iraq was interested in the use of toxic chemical and biological materials, based on techniques learned in Afghanistan, but also wished to mount conventional operations.

JIC Assessment, 11 October 2002

406. The JIC assessed on 11 October that Saddam Hussein was determined to retain Iraq's proscribed weapons programme and that he was confident he could prevent the UN inspectors, operating under existing UN resolutions, from finding any evidence before military options started to close in spring 2003.

407. Without specific intelligence, the inspectors would not know where to look.

---

[137] JIC Assessment, 16 October 2002, 'International Terrorism, The Current Threat from Islamic Extremists'.
[138] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[139] Minutes, 16 October 2002, JIC meeting.
[140] JIC Assessment, 16 October 2002, 'International Terrorism, The Current Threat from Islamic Extremists'.

408. As military pressure increased, Iraq's concealment policy could be undermined by the requirement to prepare hidden "chemical and biological missile systems for military deployment".

409. The JIC had assessed, most recently on 21 August, that Saddam Hussein would permit the return of weapons inspectors if he believed the threat of large scale military action was imminent. The JIC had also assessed that he would seek to frustrate the activities of the inspectors.

410. At the request of the Cabinet Office (OD Sec), the JIC assessed Iraq's attitude and approach to dealing with the return of UN weapons inspectors and its concealment policy.[141]

411. The minutes of the JIC discussion of the draft Assessment on 9 October recorded:

- Iraq was "very confident" about its concealment policy and "had put a lot of effort into ensuring that inspectors would not find anything".
- "UNMOVIC still had no information about suspect sites and without specific intelligence, it would be impossible for them to know where to start looking."
- "A tougher, penetrative [inspections] regime backed by a good intelligence flow from inside Iraq, would therefore be absolutely central to success".
- "… as military pressure increased, the point would come when concealment would make it impossible" for Iraq to "prepare for weaponisation".[142]

412. The JIC's Key Judgements were:

"
- Saddam is determined to retain Iraq's proscribed weapons programmes. He is confident that he can prevent UNMOVIC, operating on the basis of existing UNSCRs, from finding any evidence before military options start to close off in spring 2003.
- Concealment and dispersal of sensitive items are the main elements of Iraq's strategy for dealing with UNMOVIC. The inspectors are hampered by poor preparedness and a lack of intelligence, so far, to guide them.
- Saddam will probably accept a new UN resolution. If inspections are conducted under a tougher regime, and if specific intelligence on WMD locations is forthcoming in response to clear US determination to topple Saddam, UNMOVIC might find evidence of Iraq's WMD programmes.
- In the short-term, we do not expect a repeat of the blatant Iraqi policy of intimidation and obstruction that UNSCOM encountered. Widespread Iraqi obstruction would be seen as too obvious a challenge to the authority of the UN. But if inspectors come close to uncovering evidence of WMD, Iraq will employ a wide range of tactics to delay their work.

---

[141] JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.
[142] Minutes, 9 October 2002, JIC meeting.

- Iraq will use all diplomatic efforts, backed by its economic leverage on its neighbours, to undermine political support for a continuation of the inspections and sanctions."[143]

413. Details of the Assessment are set out in the Box below.

JIC Assessment, 11 October 2002: 'Iraq: The Return of UN Inspectors'

The Assessment stated that Saddam Hussein's decision to agree to the return of weapons inspectors on 16 September appeared "to have been driven by a serious wish to avoid a new, strong UN Security Council resolution".

Overall strategy

Intelligence indicated that Saddam Hussein was "determined to retain Iraq's weapons of mass destruction", which he considered "to be a key part of Iraq's regional political and military power. He was "adamant that UN weapons inspectors should not be allowed to find and destroy the WMD capability that Iraq has been able to develop further in the four years since UNSCOM left in 1998".

Iraq was "confident" that it could "ensure the inspectors, acting under the terms of existing UNSCRs", would "not be able to find anything when they return and that Iraq will retain its proscribed weapons programmes".

Iraq's tactics would be:

> "… guided principally by the need to avoid military action which would threaten Saddam's regime. Whilst there is a credible military threat, Iraq is likely to co-operate with the inspectors and present them with sanitised sites, the result of a programme of concealment and deception. This will be backed by a political effort to focus the inspection issue on as narrow a programme as possible (in scope, geography and time). Iraq will continue to pursue a 'comprehensive solution' and argue for unwarranted interim 'rewards', such as softening of sanctions or the No-Fly Zones for early reasonable behaviour."

The JIC judged that:

> "Iraq's obstruction may initially be limited, for fear of provoking early US military action, but that Saddam will incrementally test the extent to which the international community retains the political will to enforce Iraqi disarmament. […] Iraq's Deputy Prime Minister Tariq Aziz is confident that it will be easier to delay the inspectors once they arrive in Iraq."

Practical arrangements for the return of the inspectors

Under the provisions of resolution 1284 (1999), UNMOVIC would submit a work programme for UN approval 60 days after inspections began. It would then have 120 days after being able to establish monitoring and verification to confirm co-operation by Iraq: "Possibly by the end of July/Sept[ember] 2003".

[143] JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.

Discussions with UNMOVIC revealed concerns focused on "the limited technical knowledge of the sites and equipment to be inspected and poor quality of some inspectors". Dr Blix and the IAEA had "also expressed concerns about the lack of reliable information currently available to them". Dr Blix "would prefer to have any new UNSCR agreed before the inspectors return[ed] to Iraq". To be effective "he needed:

- authority (including ability to freeze sites);
- practical arrangements including regional bases;
- a supporting threat (from the UN Security Council rather than forces on the ground);
- information on where to look."

The Assessment stated that, "despite its public statements", Iraq "would reluctantly judge it had to accept" a new Security Council resolution:

> "International pressure to do so would be overwhelming and rejection would trigger military action to overthrow the regime. A further round of technical talks might be required to take account of a new UNSCR. […] Saddam may lose patience at the constant pressures … and refuse to co-operate. A resolution with such stringent conditions that it threatened Iraq's sovereignty or the regime's confidence in its concealment policy would clearly increase the likelihood of such a refusal. On balance, however … Iraq is likely to accept a new resolution, play for time and rely on concealment to deal with inspections.
>
> "In the short term, we do not expect the same level of intimidation and obstruction that UNSCOM encountered. But a policy of deniable obstruction is likely, where problems at individual inspection sites are blamed on over-zealous local Iraqi officials, avoiding too obvious a challenge to the authority of the UN. However, we cannot rule out a mistake by Saddam that would result in a serious breach of UNMOVIC's mandate and bring about the military attack he seeks to avoid."

Concealment tactics

"A body of intelligence" indicated that "concealment and dispersal of sensitive items" were "the main planks of Iraq's strategy to deal with the return of weapons inspectors". Saddam Hussein had "reportedly taken into account the experience gained during the UNSCOM inspections" and believed he could "exploit weaknesses in the inspections regime" in resolution 1284.

The JIC stated:

> "Iraq's current preparedness to be flexible on access to these sites [presidential palaces as defined in a 1998 MOU [Memorandum of Understanding] between Iraq and the UN] should be seen in the light of this intelligence. Qusay [Saddam Hussein's son] also instructed that the production of sensitive materials be moved to other secret locations. We have little intelligence on these locations and Blix has expressed his concern at this weakness."

Iraq's concealment efforts were "widespread"; Iraq had "had time to prepare"; and stocks of chemical and biological weapons would be "considerably smaller than after the Gulf War". Intelligence showed that:

> "… steps were being taken to prevent weapons inspectors from finding any prohibited weapons, sensitive papers and documents, including by hiding them in residential

buildings, schools and private homes. Duplicate and non-essential papers had been destroyed and the remaining archives had been split up and hidden in the homes of trusted officials. In the absence of specific intelligence, the prospects of successfully finding illicit material at such sites is very limited … Iraq will use widespread media coverage to exploit any UNMOVIC failures to find anything of significance at any sites, including presidential palaces, to undermine public opinion in the need for inspections. Iraq is likely to seek to move the onus of responsibility away from it having to prove its compliance onto the inspectors to justify their activity."

Iraq was "exploiting dual-use sites and mobile production facilities" and reporting indicated that it was "confident that any inspection of dual-use facilities" would be "unsuccessful": the equipment could be used for legitimate purposes "and any incriminating raw material or prohibited product would be removed before any inspection". Iraq had:

"… developed transportable biological production facilities with the intention of not only making it harder to target them but also difficult to find them. Iraq may also have dispersed stocks of chemical and biological weapons away from suspect sites to avoid detection. Intelligence indicates that Iraq has explored unorthodox options for delivering chemical and biological weapons which means the weapons inspectors will have difficulty knowing what to look for."

Iraq was "confident in its concealment plans":

"The fact that Saddam is prepared, temporarily, to allow sensitive equipment out of his 'immediate' control, indicates the importance he attaches to retaining chemical and biological weapons and ballistic missiles."

Commenting on Iraq's repeated statements that it had "nothing to declare and no documents to reveal", the Assessment stated:

"… the longer inspectors remain in Iraq the greater the likely impact on Iraq's development programmes. UNMOVIC are more likely to come up with evidence of proscribed activity at Iraq's missile facilities than those associated with the chemical, biological and nuclear programmes. We judged that production could continue at a much reduced level whilst inspectors were in-country. As the military pressure against Iraq increases, its concealment policy could be undermined by the Iraqi requirement to prepare its hidden stocks of chemical and biological missile systems for military deployment."

Prospects for concealment

The JIC judged that Iraq's "emphasis on concealment and the limited capabilities of UNMOVIC" meant that:

"… without additional guidance to UNMOVIC, there is a serious risk that Iraq could prevent inspectors from finding conclusive evidence of its WMD programmes before military options start to close off in spring 2003. Nonetheless, Iraq's concealment policy will face some challenges. Inspections conducted under a tougher regime than allowed for under UNSCR 1284 could, for example, allow interviews to be conducted without an intimidating Iraqi presence, increasing the prospects for obtaining incriminating evidence. And the changed political context, including the clear determination of the US to bring about regime change, may itself encourage a greater intelligence flow, which could enable UNMOVIC to discover substantive evidence of Iraq's WMD programme."

Differences between the US, the UK, France and Russia remain unresolved

414. Following discussions with Mr Blair, President Putin stated on 11 October that he supported an effective inspections regime but questioned whether there was evidence that Iraq had any weapons of mass destruction.

415. In preparation for Mr Blair's meeting with President Putin, the FCO advised that Russia was negotiating but its position was that there was no need for a new resolution.[144] It was unlikely to agree a resolution which would allow military action without further reference to the Security Council. The FCO suggested Mr Blair would wish to:

- "major on Iraq";
- reassure President Putin that the overriding objective was "to remove WMD from Iraq and therefore to ensure the inspectors have a means of doing so", and that we would "continue to take full account of Russian views"; and
- say that if military action became "inevitable", the long-term stability of Iraq would be "a key consideration".

416. Mr Blair met President Putin on 10 and 11 October.[145]

417. President Putin emphasised that action against Saddam Hussein should be channelled through the UN.

418. Mr Blair and President Putin also discussed the political and economic constraints, including the effect on Russia of a reduction in the price of oil if Saddam Hussein were overthrown and the supply of Iraqi oil on the world market increased.

419. In the subsequent joint press conference President Putin stated that he agreed the "need to take into account the experience of the work done by the UN inspectors" and "to take a decision to ensure the effective operation of the UN inspectors".[146] For the first time, President Putin added:

> "With this purpose we don't exclude … the possibility of adopting a UN resolution."

420. Asked what he thought about the UK dossier, President Putin replied:

> "Russia does not have in its possession any trustworthy data which would support the existence of nuclear weapons or any weapons of mass destruction in Iraq and we have not received from our partners such information as yet.

---

[144] Letter Davies to Manning, 8 October 2002, 'Prime Minister's Visit to Russia, 10-11 October 2002'.
[145] Letter Manning to McDonald, 12 October 2002, 'The Prime Minister's visit to Moscow on 10/11 October: Iraq'.
[146] *The Guardian*, 11 October 2002, *Russian rebuff for Blair over Iraq*.

"This fact has also been supported by the information dispatched by the CIA to the US Congress.

"We do have apprehensions that such weapons might exist on the territory of Iraq and this is precisely why we want to see to it that United Nations inspectors should travel there."

421. France remained opposed to a resolution which permitted military action without an explicit decision by the Security Council.

422. On 5 October, Mr Straw and Mr Blair discussed the need to induce France to move.[147] Mr Blair said that he would speak to President Chirac after President Bush had done so.

423. Following discussions between Sir David Manning and Dr Rice,[148] and his own discussions with Secretary Powell and Mr de Villepin, Mr Straw told Mr de Villepin in a meeting in Paris on 7 October that he had listened to two telephone conversations between Mr Blair and President Bush in which the President had said he wanted to solve the problem peacefully.[149] Mr Straw said he "believed him [President Bush]". Mr Straw encouraged Mr de Villepin to get President Chirac to talk to President Bush.

424. Sir Jeremy Greenstock reported on 7 October that:

"… under the pressure of the unmistakeable determination of Washington to resort to force unless Saddam throws in the towel completely, is the growing focus amongst other members of the Council, not on avoiding war, but on preserving the authority of the UN. It is therefore quite possible that a large majority in the Council would go along with a package which (a) adopted a first resolution which did not (not) specifically prefigure a second one to authorise force; and (b) gave the Council a chance to pass an authorising resolution even if the Americans were going to go ahead anyway.

"… This could be done by drafting the two resolutions at the same time …"[150]

425. Sir Jeremy offered some suggestions.

426. In a conversation on 9 October, Sir David Manning told Mr de La Sablière:

"… we did not envisage taking military action if there were one isolated act of stupidity. The test would be whether there was a pattern of obstruction or deceit … Washington realised that the Council would need to review the position and decide

---

[147] Minute Manning to Wechsberg and Rycroft, 6 October 2002, 'Prime Minister's Conversation with Foreign Secretary on 5 October'.
[148] Letter Manning to McDonald, 8 October 2002, 'Iraq: Conversation with Condi Rice'.
[149] Telegram 254 Cairo to FCO London, 8 October 2002, 'Iraq: Foreign Secretary's Meeting with French Foreign Minister, Paris 7 October'.
[150] Telegram 1924 UKMIS New York to FCO London, 7 October 2002, 'Iraq: Security Council Resolution(s)'.

> what to do next. And this was the solution to the French worry about automaticity. In practice, we all knew that if Blix were unable to do the job, the Security Council would have to meet to consult. There was thus bound to be a second stage in the UN process …"[151]

427. Sir David suggested that the resolution might say something to the effect that the Security Council "would consult and decide". He told Mr de La Sablière that the "time had come" to "talk seriously about texts … We needed to find a way through quickly. The price of failure would go well beyond the immediate Iraq crisis. It would strike at the viability of the UN itself."

428. Sir David also discussed the points with Dr Rice, who told him that President Bush and President Chirac were due to speak later that day.[152]

429. FCO Legal Advisers considered that the draft resolution would not authorise the use of force.

430. In response to a request from Mr Edward Chaplin, FCO Director Middle East and North Africa, for his views on a further draft of the resolution, which stated that if Iraq failed to comply fully with its obligations it would "bear full responsibility for the serious consequences" that would follow, Mr Grainger advised on 11 October that "even read in the context of the rest of the draft" that provision "would not in itself authorise the use of force".[153]

431. Mr Grainger was concerned that the draft did not use the language of material breach of resolution 687 (1991): "This point is crucial, as it is only a material breach of the cease-fire terms which permits the revival argument."

432. Mr Grainger added: "If our objective is that the resolution itself authorises the use of force", amendments would be needed and even then the resolution would need to be looked at as a whole and in the light of any statements made at the time it was adopted.

433. Mr Grainger also raised a question about whether the finding that Iraq was in material breach of OP1 of the draft resolution could be relied on "in current circumstances" to justify the use of force. That would be "difficult to maintain when the [other] provisions … indicate that the Council is itself taking the responsibility of setting out the steps Iraq must follow to remedy those breaches".

434. Mr Grainger warned that the addition of language suggested by Sir Jeremy Greenstock, to the effect that the Council had decided to "remain fully seized of its responsibility", would in his view have the effect of making it "even clearer that the Council was not authorising the use of force".

---

[151] Letter Manning to McDonald, 9 October 2002, 'Iraq: Conversation with Jean-Marc de La Sablière'.
[152] Letter Manning to McDonald, 9 October 2002, 'Iraq: Conversation with Condi Rice'.
[153] Minute Grainger to Chaplin, 11 October 2002, 'Iraq: Latest US Compromise'.

435. In conclusion, Mr Grainger wrote:

> "What we say to the French as a tactical ploy is one thing, but we should be under no illusion that the use of force solely on the basis of the first resolution as currently drafted would be unlawful."

436. Reporting major difficulties with the negotiations, Sir Jeremy Greenstock proposed a way of bridging the gap between the US, UK and French positions by making the UK's expectation of a second resolution authorising force implicit rather than explicit.

437. In a telegram to Mr Straw late on 11 October, Sir Jeremy Greenstock advised that Mr Straw's visit to Washington was "an opportunity to get a firm message across to the Americans about UK requirements", and offered "some thoughts about turning our need for UN legal cover into virtue".[154]

438. Sir Jeremy advised: "The French/US standoff is looking unresolvable. It places the UK in a very difficult situation."

439. Sir Jeremy calculated that the US "could not get nine positive votes for a first-stage resolution that appeared to authorise US military force". Norway and Bulgaria would be the only two countries which could be counted on to vote with the US and UK; but "only if some of the excesses" in the draft provisions on the inspections regime were "trimmed". There could be seven abstentions.

440. Sir Jeremy predicted:

> "Even if they [the US] managed to find a text which attracted nine votes, it would leave the inspection regime in a weak position and Iraq somewhat comforted. More to the legal point, many members of the Council … could be expected to make explanations of vote stating that they regarded it as essential for the Council to meet to take a decision on any report of significant Iraqi non-co-operation."

441. Sir Jeremy reported that he was concerned that Secretary Powell thought he had nine votes for a first stage resolution that would satisfy the US. His judgement was that Mr de Villepin's calculation was more accurate. Mr Annan agreed.

442. Addressing the question of where that left the UK, Sir Jeremy wrote:

> "We have to ensure that decisions taken by … [the UK Government] conform with international law, as you [Mr Straw] and the Prime Minister have made clear publicly. A first resolution which falls short of explicit or implicit authorisation of the use of force would, I assume be insufficient as a basis for UK military action, depending of course on the circumstances and the final advice of the Law Officers. I have seen no

---

[154] Telegram 1955 from UKMIS New York to FCO London, 11 October 2002, 'Iraq: Security Council Resolution'.

indication that we have Self-Defence grounds for military action. We need a second resolution if the first does not do the job; or at the very least we need to … point to a clear Council failure to face up to its responsibilities.

"If this is the case, there is a way of making a virtue out of necessity. If the Americans jib at the need for a second resolution, the UK does not have to. If we stated clearly and publicly … that we would expect the Council to meet to discuss any significant Blix report of non-co-operation, and we … would want to hear Council views about that, we would be providing a bridge between the US and French positions."

443. Sir Jeremy explained:

"The US would not have expressed a commitment [to a second resolution], but the rest of the Council would know that a second stage was inevitable, in practice even for the US unless the latter decided, improbably, to go for unilateral military action before Blix had reported …

"If we were to make this signal about future Council action, it would add strength to our approach if it was we who put a second-stage resolution on the table …"

444. Sir Jeremy concluded:

"We should in this way have put our money where our mouth is with the Americans; we would solve a problem for them; we would have found a constructive way of telling them that we could not go with them on a unilateral route; and we should have enhanced our legal cover for the use of force."

445. Sir Jeremy offered to discuss the telegram with Mr Straw on 14 October before he (Mr Straw) left for Washington.

446. There is no record of any discussion.

447. The telegram was also sent to Sir David Manning and British Ambassadors in Washington, Paris and Moscow.

448. Sir Christopher Meyer advised on 11 October that President Bush was the prime mover for US policy on Iraq and he believed war would be necessary to eliminate Saddam Hussein. With Congressional authorisation to use force, he was likely to become "increasingly impatient and tough with the Security Council" and US and UK views on what exhausting the UN process meant could diverge.

449. Sir Christopher also questioned whether there would be an "intolerable contradiction" between the preferred military timetable and that for inspections.

450. If there was no agreement in New York and the US was faced with acting alone, the UK's position might have a decisive effect on President Bush's decision.

451. Sir Christopher Meyer sent a telegram to Mr Straw later on 11 October.[155] He wrote that President Bush wanted:

> "… to be rid of Saddam. He is the prime mover of US policy. He believes that this can be done in the end only by war. To eliminate the danger presented by Iraqi WMD is to eliminate Saddam. Anything short of that, including highly intrusive inspections backed by a new SCR, will not do the trick. Inspections are a tripwire for war."

452. Sir Christopher advised that President Bush was "intensely suspicious of the UN", and in an:

> "… ideal world, he would be on his way now to Baghdad, with a little assistance from the British and a handful of regional helpers. This is why he is eternally susceptible to those like Cheney and Rumsfeld who think coalition-building is of limited utility and inspections a waste of time (thus their attempt to insert in the UNSCR a pre-inspections tripwire in the requirement for Saddam to make a declaration of his WMD holdings)."

453. Sir Christopher wrote that his analysis was "a little different" from his advice before Mr Blair's visit to Camp David in early September: "the forces arguing for more haste, less speed have gathered some strength, sharpening dilemmas for the White House".

454. Sir Christopher reported that President Bush had "bought the argument that it is worth trying to maximise international support by giving the Security Council one last chance". That argument had "got stronger as the Administration started to focus … on 'day after' issues: it is one thing to go to war without … UN cover, quite another to rule Iraq indefinitely without UN backing".

455. The polls were telling the White House that "Americans are far happier about going to war if they do so in company and under UN cover". President Bush was "well aware of the British political debate". Sir Christopher reported that he had been told by Mr Scooter Libby, Vice President Cheney's Chief of Staff, that "the UK was the only indispensable ally for an attack on Iraq". President Bush's "rhetoric has been less inflammatory and he has soft-pedalled on regime change". That had "helped him get, by large majorities, the Congressional resolutions which as near as dammit give him a free hand in Iraq". With that behind him, the President was likely to become "increasingly impatient and tough with the Security Council".

456. Sir Christopher warned that if there was no progress in discussions with the French, "patience could start to expire next week"; and that:

> "As I have previously warned, the US and UK's views of what exhausting the UN process means could suddenly diverge.

---

[155] Telegram 1326 Washington to FCO London, 11 October 2002, 'US/Iraq: Will the President go to War'.

"Most people in Washington see two scenarios, each leading to war: Security Council discussions collapse without agreement, in which case the UN will – in Bush's eyes – have failed the key test; or Saddam flouts a new UN resolution on WMD declarations/inspections, thereby bringing the full force of the international community to bear.

"The big worry for the hardliners is a third way: that Saddam appears to … take 'yes' for an answer. If Saddam is clever, he will give UNMOVIC and the Security Council no cause for complaint for months to come, until the US becomes enmeshed in the 2004 presidential election campaign."

457. Sir Christopher added:

"Assuming we can get past the current US/French impasse … the next argument will therefore be over the trigger. The White House claims to agree with us that there would have to be a pattern of non-co-operation to provide a casus belli: I do not think … this is bankable. An important point for you to discuss with [Secretary] Powell is whether … mobilisation has reached such a point that there is an intolerable contradiction between the preferred military timetable and Blix scouring Iraq for months on end."

458. Sir Christopher concluded:

"We are not yet at the moment of truth when the irresistible force meets the immovable object … I appear to be in a minority of one in thinking if it all goes wrong in New York, and the US is faced with going it alone, Bush may blink. Or, to put it another way, what the UK decides to do in these circumstances could be the decisive factor in the White House."

459. Sir David Manning showed the telegram to Mr Blair, commenting: "Good tel[egram] on Bush: prejudices and pressures – and continued importance of UK to him."[156]

460. Mr Straw spoke to both Mr de Villepin[157] and Secretary Powell[158] on 12 October. The discussions focused primarily on the difficulties with OP10.

461. Mr Straw also spoke to Mr Tang Jiaxuan on 13 October to discuss progress.[159]

---

[156] Manuscript comments Manning to Prime Minister on Telegram 1326 Washington to FCO London, 11 October 2002, 'Your Visit to Washington'.
[157] Telegram 220 FCO London to Paris, 12 October 2002, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 12 October'.
[158] Telegram 535 FCO London to Washington, 12 October 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 12 October'.
[159] Telegram 550 Beijing to FCO London, 14 October 2002, 'Iraq: Foreign Secretary's Conversation with Chinese Foreign Minister'.

US Congressional authorisation for the use of force

On 10 and 11 October, the House of Representatives and the Senate passed a joint resolution authorising the use of military force against Iraq.[160]

The resolution expressed support for President Bush's efforts:

> "to –
>
> (1) strictly enforce through the United Nations Security Council all relevant … resolutions regarding Iraq and encourages him in those efforts; and
>
> (2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and non-compliance and promptly and strictly complies with all relevant … resolutions …"

It also authorised President Bush to:

> "use the Armed Forces of the United States as he determines to be necessary and appropriate to –
>
> (1) defend the national security of the United States against he continuing threat posed by Iraq; and
>
> (2) enforce all relevant United Nations … resolutions …"

Signing the joint resolution on 16 October, President Bush stated that it symbolised the united purpose of the nation and expressed the considered judgement of Congress.[161] Congress had authorised the use of force but he had not ordered that use, and he hoped that would not become necessary.

President Bush added that confronting the threat from Iraq was:

> "… necessary, by whatever means that requires. Either the Iraqi regime will give up its weapons of mass destruction, or, for the sake of peace, the United States will lead a global coalition to disarm that regime …
>
> "The Iraqi regime is a serious and growing threat to peace … [T]he regime is armed with biological and chemical weapons, possesses ballistic missiles, promotes international terror and seeks nuclear weapons …
>
> "If Iraq gains even greater destructive power, nations in the Middle East would face blackmail, intimidation or attack. Chaos in that region would be felt in Europe and beyond. And Iraq's combination of weapons of mass destruction and ties to terrorist groups and ballistic missiles would threaten the peace and security of many nations. Those who choose to live in denial may eventually be forced to live in fear."

President Bush also called on the members of UN to meet the challenge:

> "Every nation that shares in the benefits of peace also shares in the duty of defending the peace. The time has arrived once again for the United Nations to live up to the purposes of its founding to protect our common security …"

---

[160] Almanac of Policy Issues, 15 October 2002, *Congressional Resolution Authorizing Force Against Iraq.*
[161] The White House, 16 October 2002, *President Signs Iraq Resolution.*

President Bush stated that Iraq had an obligation to comply with the world's demands. He added:

- Failure to provide "an accurate and full and complete accounting for all chemical, biological and nuclear materials, as well as missiles and other means of delivery … would be further indication of the regime's bad faith and aggressive intent".
- New and effective rules were needed for inspections which Iraq "must accept … without qualification or negotiation".
- The regime must allow witnesses to be interviewed outside Iraq and take their entire families with them.

President Bush emphasised that the US was seeking to liberate and free Iraq and its people. When it had "a government committed to the freedom and well-being of its people", the US and other nations would "share a responsibility to help Iraq reform and prosper". He pledged that the US would meet those responsibilities.

President Bush concluded:

> "… those risks only increase with time. And the costs would be immeasurably higher in years to come.
>
> "To shrink from that threat would bring a false sense of temporary peace …
>
> "The terrorist attacks of last year put our country on notice … This nation will not live at the mercy of any foreign power or plot. Confronting grave dangers is the surest path to peace and security …
>
> "The broad resolve of our government is now clear to all … We will defend our nation, and lead others in defending peace."

462. On 14 October, Mr Blair and President Bush discussed progress on the draft resolution and the need to find common ground with France.

463. Mr Blair told President Bush that if, in the event of a breach there were no action in the UN, the US and UK should take action.

464. Following a conversation with Dr Rice on 12 October, Sir David Manning reported that discussions between the US and France were continuing but the US Administration was determined to resolve the wording of the resolution the following week.[162] He and Dr Rice also discussed:

- Dr Blix's insistence on independence and legitimacy and the need to ensure he did not underestimate the tricks Saddam Hussein would play and the efforts he would make to obstruct the inspectors.
- Whether Saddam Hussein might refuse to allow the inspections to go ahead which "would be a casus belli". The regime might collapse once rigorous inspections were taking place.

[162] Letter Manning to McDonald, 12 October 2002, 'Iraq: Conversation with Condi Rice'.

465. Sir David replied that the last "would be ideal" and reported: "To my surprise, Condi warmly agreed."

466. Sir David commented that he had been left in little doubt that Washington's patience was "wearing very thin". He added that he had been struck by Dr Rice's:

> "… comment on the possible collapse of Saddam's regime. Perhaps, even in the White House there is now a faint sense of disquiet about what a military campaign against Iraq, and its subsequent occupation, would involve. Long shot though it may be, the thought that the Iraqis might do the job themselves may seem increasingly attractive."

467. Sir David Manning advised Mr Blair that a resolution was needed that week and the UK should:

- insist on material breach language in OP1;
- get the tightest inspection regime it could negotiate in OP5, taking account of Dr Blix's legitimate concerns;
- look for language in OP10 that balanced commitment to consult with commitment to act; and
- consider pre-negotiating a second resolution which committed everyone to action "when Saddam is in breach" as a way through the "current impasse".[163]

468. Mr Blair spoke to President Bush on 14 October.

469. The conversation on Iraq focused primarily on the progress of the discussions on the draft UN resolution, including the need to find common ground with France and to take action if the UN did not respond.[164]

470. Referring to the "Kosovo model", Mr Blair said that it would allow a return to the Security Council for a further discussion in the event of a breach but it was clear that "if there were no UN action then we would take action ourselves".

471. Mr Blair also underlined the importance of OP5; the key was for Saddam Hussein not only to allow inspectors in but also to co-operate fully with them and tell the truth about Iraq's WMD holdings.

472. Commenting on President Bush's public line that war was his last choice, Mr Blair said that had registered in Europe. They also discussed the possibility that the issue could be resolved peacefully. A tough inspections regime could embolden dissidents "a la Romania". Mr Blair agreed that war was not inevitable but disarmament was; either through UN inspections or through enforcement.

---

[163] Minute Manning to Prime Minister, 14 October 2002, 'Bush Call'.
[164] Letter Rycroft to Sedwill, 14 October 2002, 'Iraq: Prime Minister's Phone Call with Bush'.

473. Following the discussion, Mr Rycroft commissioned further advice on the conditions the US would want to impose on inspections.

474. France continued to pursue an explicit Security Council decision on any measures against Iraq, including military action.

475. France produced revised language in New York on 14 October which proposed that, in the event of a report from UNMOVIC or the IAEA of any serious failure by Iraq to comply with its obligations, the Security Council would meet to decide any measure, including the use of force.[165] Sir Jeremy Greenstock judged that was unlikely to be acceptable to the US.

476. Mr Ricketts advised Mr Straw that the French proposal was the first time that they had been willing to engage in textual discussion and that should be encouraged.[166]

477. Mr Ricketts wrote that the US was considering seeking text which would decide that the Council should meet to assess how to meet its responsibility for international peace and security; and that Iraq would bear responsibility for the consequences. If that proved acceptable to the US, Mr Ricketts thought that implied a second Council decision and would "put us in the position of needing a second resolution: and therefore potentially at odds with the US at a later stage. But that is implicit in the Greenstock approach."

478. No.10 officials discussed the position with Lord Goldsmith on 14 October.

479. The advice prepared for Lord Goldsmith focused on the implications of a failure to secure a resolution authorising the use of force.

480. It included the possibility of action in "exceptional circumstances" without a Security Council resolution, if it "was evident to and generally accepted by the international community as a whole" that Iraq had repudiated the cease-fire and military force was the only way to secure compliance.

481. Lord Goldsmith met Sir David Manning and Baroness Morgan to discuss Iraq on 14 October 2002.[167]

482. The briefing note prepared for Lord Goldsmith advised him that the "French and Russians" were "insisting on a two resolution approach" whereas the Americans were "dead against". There appeared to be a "stalemate" in the discussions, "with neither the

---

[165] Telegram 1963 UKMIS New York to FCO London, 15 October 2002, 'Iraq: French Proposal and Second Iraqi Letter'.
[166] Minute Ricketts to Private Secretary [FCO], 15 October 2002, 'Iraq Draft SCR: French Compromise Proposal'.
[167] Minute Adams to Attorney General, 14 October 2002, 'Iraq: Meeting with David Manning, 14 October'.

French nor the US willing to back down on their approach". That left "the UK in a very difficult position":

> "Unlike the French, we are committed (politically) to participating in any military action. But unlike the Americans, the Government needs to be sure that there is a secure legal basis … given that the PM has stated on numerous occasions that any action will be in accordance with international law."

483. Ms Adams told Lord Goldsmith that she had "no indication of precisely what Number 10 would like to discuss with you", but she addressed three points:

- the need for the Council to "make clear that there has been a breach of the cease-fire conditions which is 'sufficiently grave to undermine the basis or effective operation of the cease-fire'";
- "what would be the position if the UK were to propose a second resolution which was then not adopted by the Council?"; and
- what would happen in the event of no resolution.

484. Addressing the second point, Ms Adams wrote that there was:

> "… nothing to prevent us from tabling a draft second resolution authorising the use of force if, as expected, the Iraqis did not comply with the Council's demands in the first resolution. But there is no guarantee that such a resolution would be adopted. The question then would be whether the perverse failure of the Council to adopt the resolution (perhaps because of a single veto) would justify recourse to unilateral action …"

485. Ms Adams advised:

> "This is a question which would have to be considered very carefully in the light of the circumstances at the time. The Law Officers advised in 1997 … that there could be 'exceptional circumstances in which although the Council had not made a determination of material breach it was evident to and generally accepted by the international community as a whole that Iraq had in effect repudiated the cease-fire and that a resort to military force to deal with the consequences of Iraq's conduct was the only way to ensure compliance with the cease-fire conditions."

486. Ms Adams added:

> "I understand this passage was included in the advice to cover the sort of situation where the Council was unable to act. But of course the counter view would be that if the Council has rejected a resolution authorising the use of force, then under the scheme of the Charter, it cannot be said that force is legally justified."

487. Ms Adams recommended that if Lord Goldsmith had "concerns about the lawfulness of military action under any of these scenarios", he should make that "very

clear at the meeting, as it is likely to increase the political efforts to achieve a satisfactory resolution".

488. There is no record of the discussion.

489. Mr Straw separately sought urgent advice from Mr Wood on the practical consequences of acting without international legal authority.

490. On 15 October, Mr Straw's Private Office asked Mr Wood for an urgent note about the practical consequences of the UK acting without international legal authority in using force against Iraq for the UK Government or individual Service personnel; whether they would be vulnerable to charges relating to unlawful use of force and therefore whether the legality of the UK's actions would be determined in domestic courts; and whether the International Court of Justice could have any role.[168]

491. Mr Wood replied the same day, outlining a number of potential consequences, including that such action might constitute a breach of the Ministerial Code, and the possible risk of civil litigation.[169] He stated that the advice had been provided "on the basis that we enter into an armed conflict which is clearly unlawful, without respectable legal arguments"; and that it was "therefore in the realm of extremely theoretical speculation".

492. Mr Wood wrote that, while the legality of the conflict would not be directly in issue either in UK courts or the International Criminal Court, "the choice of lawful targets would be difficult if the objectives of the conflict were themselves unlawful". In that context, it was "not inconceivable" that allegations of war crimes could be made on the basis that the objectives of the conflict were unlawful. In addition, it was "just conceivable" that an attempt could be made in the UK "domestic courts to launch a private prosecution for the crime of aggression".

493. Mr Straw and Sir David Manning advised Mr Blair that two resolutions would be needed to authorise military action.

494. Mr Straw urged Mr Blair to give President Bush clear messages about the need for a two resolution approach to secure support in the UN and the legal authority required by the UK.

495. Secretary Powell told Mr Straw that President Bush had not been clear from the telephone conversation with Mr Blair, on 14 October, that Mr Blair needed two resolutions.[170]

---

[168] Minute McDonald to Legal Adviser, 15 October 2002, 'Iraq'.
[169] Minute Wood to PS [FCO], 15 October 2002, 'Iraq'.
[170] Telegram 544 FCO London to Washington, 16 October 2002, 'Iraq: My Conversation with US Secretary of State, 15 October'.

496. Mr Jonathan Powell marked the telegram to Mr Blair with the comment "Important".[171]

497. In a minute to Mr Blair on 16 October, Mr Straw reported discussions with Secretary Powell on 14 and 15 October.[172]

498. Mr Straw told Secretary Powell that he had spoken to Mr Blair on 13 October, who "had … favoured a two resolution approach". He had also told Secretary Powell:

> "… legally and politically it was almost certain that we would need a second resolution explicitly authorising military action were the UK to be involved in such [military] action against Saddam."

499. Mr Blair wrote alongside that point: "I don't accept this in all circs."[173]

500. Mr Straw and Secretary Powell had also discussed the risks of acting without international backing and the problems of the "day after" which would be the "largest and most hazardous exercise in nation-building"; it would not be as straightforward as some thought.[174]

501. Mr Straw told Secretary Powell that he felt:

> "… with two resolutions we could close a deal with [President] Chirac, but otherwise Chirac would use every chance he had, of which there would be many, to stift [sic] both us and the US. And right now, the French had the votes and we did not."

502. As he had agreed with Mr Blair, Mr Straw also set out the arguments for two resolutions, including:

- "In the real world, there was bound to be a further discussion in the S[ecurity] C[ouncil] if there was any non-compliance by the Iraqis, and (since we did not control the agenda) a second resolution. On this … the only question was who took the initiative – us (US/UK) or others."
- He "accepted that Blix could not determine whether the US could go to war but we were all bound to rely on Blix's reports as to the facts about non-compliance, on which the US and others would then make their own judgements".

503. In relation to the political environment in the UK, Mr Straw had told Secretary Powell that he was:

> "… as certain as [he] could be that there would be insufficient support in Cabinet and the parliamentary Party to allow us to go to war without clear UN backing. I was

---

[171] Manuscript comment Powell to PM on Telegram 544 FCO London to Washington, 16 October 2002, 'Iraq: My Conversation with US Secretary of State, 15 October'.
[172] Minute Straw to Prime Minister, 16 October 2002, 'Iraq: Conversation with Powell: No US Interlocutors'.
[173] Manuscript comment Blair on Minute Straw to Prime Minister, 16 October 2002, 'Iraq: Conversation with Powell: No US Interlocutors'.
[174] Minute Straw to Prime Minister, 16 October 2002, 'Iraq: Conversation with Powell: No US Interlocutors'.

completely certain that there would be monumental political controversy: and this ran into the legal problems which were more hazardous for us than the US. I was getting advice on the domestic legal consequences of such military action and would share this with him [Secretary Powell]."

504. Finally, Mr Straw recorded that he had asked whether the military preparations were such that war was inevitable and had been told "emphatically" that they were not. Secretary Powell had told him that, as President Bush got into the issue, he became more nervous of the outcome and he was watching the opinion polls carefully. Those showed a big majority against military action without UN backing.

Security Council open debate, 16 and 17 October 2002

505. An open debate of the Security Council on 16 and 17 October demonstrated the extent of interest amongst Member States about the provisions of a further resolution on Iraq and concerns about its implications.

506. Statements by the five Permanent Members of the Security Council made clear their strongly held and very different perspectives about events since the late 1990s; and the reasons why, in addition to Iraq's position, there had been no progress in implementing the comprehensive approach towards Iraq provided for by resolution 1284 adopted in December 1999.

507. The divergence in their positions on the way ahead remained.

508. The Non-Aligned Movement (NAM) asked on 10 October for an "emergency open debate on the situation in Iraq".[175] In its view, all Members States and Permanent Observers of the UN should be "afforded an opportunity to air their views" on the draft resolution on Iraq because the issues were "of importance to the entire membership … and the future role of the United Nations in the maintenance of international peace and security". It was "imperative for the Security Council to hear the views of the wider … membership" before it adopted "such an important resolution".

509. An open debate of the Council, attended by more than 50 Member States or Permanent Observers, in addition to the members of the Security Council, took place on 16 and 17 October.[176]

---

[175] UN Security Council, 'Letter dated 10 October 2002 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council' (S/2002/1132).
[176] UN Security Council, '4625th Meeting Wednesday 16 October 2002' (S/PV.4625, S/PV.4625 Resumption 1); UN Security Council, '4625th Meeting Thursday 17 October 2002' (S/PV.4625, S/PV.4625 Resumption 2, S/PV.4625 Resumption 3).

510. In his absence, a statement from Mr Annan was read to the Council by Ms Louise Fréchette, Deputy Secretary-General. In addition to reiterating the points he had made on 12 September (see Section 3.4), Mr Annan also stated that:

- Iraq's "failure to comply fully" with the resolutions of the Council was one of the "gravest and most serious" situations facing the Council.
- The Council's primary responsibility for the maintenance of international peace and security, conferred in Article 24 of the UN Charter, was a grave responsibility. It was "essential" for the Council to face up to that responsibility.
- The situation also presented an opportunity to "strengthen international co-operation, the rule of law and the UN".
- Iraq's decision to readmit the inspectors without condition was "an important first step, but only a first step".
- Full compliance remained "indispensable", and had "not yet happened". The Council would expect "unfettered access". A new resolution "strengthening the inspectors' hands" would be "appropriate": "The new measures must be firm, effective, credible and reasonable."
- If Iraq failed "to make use of this last chance, and if its defiance continues", the Council would "have to face its responsibilities". It did that "best and most effectively" when its members worked "in unison".

511. Mr Annan concluded by "urging" the Council:

> "… to make every effort to retain their unity of purpose. If you allow yourselves to be divided, the authority and credibility of the … [UN] will undoubtedly suffer; but if you act in unison, you will have a greater impact and a better chance of achieving your objective, which must be a comprehensive solution that includes the suspension and eventual ending of the sanctions that are causing such hardship for the Iraqi people, as well as the timely implementation of other provisions of your resolutions. If the Council succeeds … it will strengthen the United Nations in a way that will place future generations in its debt."

512. During the debate that followed, a wide range of views and concerns were aired reflecting the positions of the participants.

513. Mr Mohammed Aldouri, Iraqi Permanent Representative to the UN, criticised the US Administration's "plans to invade and occupy Iraq, using military force" and argued that it wanted "a blank cheque" from the Security Council to "colonize Iraq … [and] subject the entire region to American hegemony". He stated that there were "no nuclear, chemical and biological weapons of mass destruction in Iraq and that Iraq had implemented many years ago the disarmament requirements" in resolution 687 (1991).

514. Following a description of Iraq's position on its implementation of resolution 687 and the conduct of inspectors before their departure in December 1998, "as instructed by the United States", and criticism of the implementation of the sanctions regime,

Mr Aldouri stated that Iraq had taken the initiative of opening a dialogue with Mr Annan. That had achieved "some progress" but the US had exerted pressure "which prevented the Council from participating in efforts to seek a comprehensive solution".

515. The Iraqi Government had "agreed, unconditionally, to the return" of inspectors on 16 September and agreed arrangements with Dr Blix and Dr ElBaradei in Vienna for the return of inspectors by 19 October. The US had hampered those arrangements by "calling for the imposition of unfair, impossible and arbitrary conditions on Iraq".

516. Mr Aldouri concluded by reiterating that Iraq "had pledged to co-operate with inspectors in every possible way so as to facilitate their task of ascertaining" there were "no weapons of mass destruction in Iraq". There was "absolutely no need for adoption of a new Security Council resolution".

517. Following the statements by non-members of the Security Council, Sir Jeremy Greenstock set out the UK position in his speech on 17 October. He stated that the issues being debated went much wider than Iraq and included:

- "the security of the whole neighbourhood of Iraq";
- "the reinforcement of our collective effort to eliminate terrorism";
- "justice for Palestine and security for Israel within the law";
- "the role of the Security Council when serious matters of national security are before its members"; and
- "the overall effectiveness of the United Nations itself".

518. Sir Jeremy emphasised that the UK's "firm objective" was "the complete disarmament of Iraq in the area of weapons of mass destruction, by peaceful means", and "a peaceful resolution to the current crisis surrounding Iraq". But ensuring that there was such a solution lay "in the hands of Iraq".

519. Addressing Iraq's response to the conditions of the cease-fire in 1991, Sir Jeremy stated that Iraq remained "in material breach of these obligations". He added:

> "We all know of the myriad ways in which Iraq sought, almost immediately after inspections began to frustrate inspections and intimidate inspectors.
>
> "We all know of the succession of allegedly final declarations … We all know that Iraq tried to limit and hinder inspections to the extent that in August 1998 the then head of … UNSCOM said it was impossible for him to do his job. We all know of the outstanding weapons of mass destruction for which UNSCOM was unable to account. We all know of the multiple warnings sent to Iraq …
>
> "No shadow of a doubt remains that Iraq has defied the United Nations …
>
> "Iraq could have invited inspectors back without conditions at any time … Sanctions could have been lifted … Only Baghdad's insistence on retaining weapons of mass

destruction capability has blocked that path …Only under recent intense diplomatic pressure, and particularly the threat of military action, has the Iraqi Government letter of 16 September … emerged."

520. Sir Jeremy stated that Iraq's:

"… words, while necessary, are of themselves not enough. We remain deeply perturbed by evidence that Iraq believes it can hide its weapons of mass destruction rather than declare them, that it can again fool the inspectors and play games with them. The United Kingdom analysis, backed by reliable intelligence, indicates that Iraq still possesses chemical and biological materials, has continued to produce them, has sought to weaponise them, and has active military plans for the deployment of such weapons. The United Kingdom analysis, backed up by reliable intelligence, shows that Iraq has in recent years tried to buy multiple components relevant to the production of a nuclear bomb. The United Kingdom analysis, backed by reliable intelligence, points to the retention of extended-range missiles and to the employment of hundreds of people in projects to develop weapons with a range of over 1,000 kilometres that could carry both weapons of mass destruction and conventional warheads.

"It would be an abdication of responsibility to ignore this challenge to the international community. We cannot afford to bury our heads in the sand and pretend the problem does not exist. We cannot accept the Iraqi Government's word at face value, knowing what we know."

521. Sir Jeremy stated that the UK wished "to see the Security Council … express its will and its unity in a clear strong resolution", which gave the Iraqi regime "an unequivocal choice" to complete WMD "disarmament and normal membership of the international community, or refusal and the inevitable consequences". The offer to Iraq was genuine and represented "a single final chance for Iraq". If that was understood and the Council kept its nerve, there might be:

"… a prospect that Iraq will finally comply with its obligations and that military action can be averted. If we fail to send that tough signal, we shall be ignoring the realities. The weaker we collectively appear, the more probable it is that military action will be the outcome."

522. Sir Jeremy added that effective inspections were an "essential component" of the message and there should be no return to the "ambiguous modalities" and exceptions of the past. He questioned whether the language in recent Iraqi letters about the practical arrangements for inspections was sufficient and called for the arrangements to be made legally binding.

523. Sir Jeremy said he had "heard loud and clear the concerns of many speakers that, on a decision so crucial, we should not rush into a war"; and that "any Iraqi violations must be discussed by the Security Council". If either Dr Blix or Dr ElBaradei reported

that Iraq was "not fully co-operating with the inspections process", the UK Government would "expect there to be a detailed Security Council discussion". The UK would "want at that point to hear the views" of the other members of the Council.

524. Addressing the comments by a number of speakers that the non-permanent members of the Council had "been kept in the dark" or even humiliated, Sir Jeremy said he believed the facts had been "misrepresented". None of the permanent members had:

> "… been in a position so far to bring a draft resolution to each other here or to the Council as a whole. The permanent five have done no negotiating on a text in New York. Discussion in capitals has taken place on bilateral channels. Of course our Governments have been working to make a negotiation worthwhile … Once there is a draft with a prospect of broad acceptance in the Council, no Council member will be excluded from discussion …"

525. Sir Jeremy concluded by referring to Iraq's breach of other Security Council obligations and called on Iraq to rectify that position.

526. The description of Iraq's WMD capabilities in Sir Jeremy Greenstock's statement reflected the judgements in the UK dossier on Iraq and the JIC Assessment of 11 October.

527. Setting out China's position, Mr Zhang Yishan, Chinese Deputy Permanent Representative to the UN, stated that the "absence for so long of a solution to the question of Iraq" had "not served peace and stability in the Gulf region or the authority and credibility of the Security Council". Nor had it "been conducive to improving the humanitarian situation in Iraq". "An early and appropriate settlement" was "the important and urgent task" for the international community and the UN in particular.

528. The Chinese Government had "consistently maintained that Iraq should unconditionally and strictly implement the relevant Security Council [resolutions] … and fully co-operate with the United Nations" on inspections and other issues.

529. Commenting that the number of participants attested to the importance of the issues and the concerns about the implications for international relations, Mr Zhang added:

> "The overwhelming majority of States have emphasised during the debate that the question of Iraq should be settled within the framework of the United Nations, that the Security Council should play a central role in the process and that the unity of the Security Council was of paramount importance.
>
> "A number of countries, especially the Arab States, have also expressed their strong wish for peace not war. They have pointed out that war can only further exacerbate the already tense situation in the Middle East. The independence, sovereignty and territorial integrity of Iraq, Kuwait and other countries of the region should be

respected. These views and positions are very important, and we agree with them. We hope the Security Council will give them serious consideration."

530. Mr Zhang stated that disarmament was "at the core of the Iraqi question", but: "Only when the … weapons inspectors return to Iraq and conduct effective inspections can the truth ultimately emerge." He welcomed the agreements reached in Vienna for inspections, adding that China hoped Iraq would "honour its commitments and translate them into actual deeds", and it believed weapons inspectors should return:

"… as soon as possible to conduct independent, fair and professional inspections and report truthfully and in a timely manner to the Council the results of such inspections, so that the Council can draw objective, fair and realistic conclusions …

"Under such circumstances, it is not that we cannot consider the adoption by the Council of a new resolution … Such a draft … however, should be practical and feasible, in the interests of an appropriate settlement …"

531. Mr Zhang concluded:

"The Iraqi question has reached a critical juncture. The international community has high hopes of the Security Council. It hopes that the Council will be able to effectively undertake its responsibilities to maintain international peace and security and take action to safeguard the purposes and principles of the Charter. The Chinese Government is ready to join other countries in promoting an appropriate settlement of the Iraqi question within the Security Council."

532. Ambassador Negroponte described President Bush's speech to the General Assembly on 12 September as a "declaration of purpose, not a declaration of war" which had:

"… put the United Nations in the spotlight and challenged the international community to restore the Security Council's relevance on this issue by confronting this threat to international peace and security and 11 years of failure by Iraq to accept the demands made of it after its invasion and destruction of Kuwait."

533. The threat from Iraq was "serious and unique", arising directly from Iraq's "history of aggression and brutality, its defiance of the international community and its drive towards an arsenal of terror and destruction". It was a regime which had:

- "invaded two of its neighbours and tried to annihilate one of them";
- "used chemical weapons on its neighbours and on its very own citizens";
- "lied about its development of weapons of mass destruction"; and
- "signed the Nuclear Non-Proliferation Treaty and then proceeded to develop a major nuclear weapons programme".

534. Since 1991, the Council had "tried in every way to bring Iraq to peaceful fulfilment of the … cease-fire", but the Iraqi regime had "violated all of its obligations".

535. Ambassador Negroponte stated that the Council was meeting "to publicly discuss the message that the Security Council will send to Iraq and … Saddam Hussein". The US view had been clear since 12 September; there could be:

> "… no more business as usual or toothless resolutions that Iraq will continue to ignore. Our intent is that the Council should meet the challenge and stand firm, resolute, and united in adopting a draft resolution that holds Iraq to its commitments, lays out clearly what Iraq must do to comply and states that there will be consequences if Iraq refuses to do so."

536. The US expected the Council to act, and that when it adopted a resolution which sent "a clear and united message to Iraq that it must fulfil its obligations", Iraq would have a choice "whether to take this last chance to comply". The US hoped Iraq would comply, but if it did not, the US would "seek compliance and disarmament by other means".

537. Addressing the role of the UN, Ambassador Negroponte described the world's "united response" to Iraq's aggression in 1990 and 1991 and the resolutions passed by the Security Council as "unique and ground-breaking", which "brought the world body closest to the visions of its founders". But in the ensuing 10 years, Iraq's "failure to implement" the "peace terms" had become "a question of enormous significance". The challenge was whether the UN could "perform the function its founders envisaged".

538. The US hoped the answer would be "Yes". Since 12 September it had "seen signs of emerging Council unity during intensive discussions here and in capitals". But it had "also seen clear signs" that Iraq was "reverting to form", including inviting inspectors to return without conditions, then placing conditions, and responding to UNMOVIC and IAEA requests for clarity with "obfuscation and multiple answers". Iraq had shown it hoped "to return to the word games, ephemeral commitments and misdirection of the past, while continuing to develop the world's deadliest weapons". That was "why a clear, firm message from the Council was so important".

539. The Council and the UN membership would do "no favour" to the people of Iraq, the countries of the region or the credibility of the UN if they created "the impression that an outcome in which Iraq retains its chemical, biological and nuclear weapons programmes is an acceptable or possible outcome". A consensus had been forming in the Council that "the time for denial, deception and delay" had "come to an end and that Iraq must be verifiably disarmed". There was "a growing agreement that there must be immediate, unconditional and unrestricted inspections of all Iraqi facilities that may have a role in the development of weapons of mass destruction".

540. Ambassador Negroponte stated that the US and UK had shared "the elements of our vision of a resolution that will address Iraq's material breach of its obligations … specify the types of access and authorities that UNMOVIC and IAEA must have to be able effectively to verify Iraqi disarmament, make clear Iraq's obligations and articulate to Iraq that there will be consequences to non-compliance" with other members of

the Council. The US believed that the "best way to ensure Iraqi compliance" was one resolution which was "firm and unambiguous in its message". A resolution "with clear and immediate requirements … that Iraq would voluntarily meet if it chooses to co-operate" would be placed before the Council "in the near future". Dr Blix and Dr ElBaradei had "made it clear that they would welcome a new … resolution that strengthens their hands and allows for more effective inspections".

541. Ambassador Negroponte concluded:

> "Now, the spotlight is back on the Security Council. We hope and expect that the Council will act and play its proper role as a safeguard of our common security. If it fails to do so, then we and other States will be forced to act.
>
> "The approach of the United States and United Kingdom aims at clarity … with respect to what Iraq must now do to fulfil its 1991 obligations to restore peace and security in the region … what inspectors must be allowed to do; and our seriousness. Without such clarity there is too high a danger that Iraq will miscalculate. And miscalculation by Iraq will lead to precisely the military action we all hope to avoid.
>
> "The Security Council faces a defining moment. The Council works best on Iraq when it works together … when the Council is resolute and united, its actions produce results. We must stand together and show Iraq that its failure to comply will no longer be tolerated."

542. Mr Jean-David Levitte, French Permanent Representative to the UN, stated that the international community had been unable, since December 1998, to verify whether Iraq possessed weapons of mass destruction and whether it was "pursuing programmes to that end". By refusing to allow the return of inspectors, Iraq had defied the authority of the Council. "Even though France" did "not possess irrefutable proof", there were "several indications" that Iraq had used the absence (of inspectors) to "pursue or resume its prohibited programmes, notably in the chemical and biological areas". The "behaviour of the Baghdad authorities" had "given rise to strong suspicions". That situation could "not be tolerated"; proliferation of WMD and their delivery systems, "in Iraq or elsewhere", constituted "a serious threat to international security". In the face of that challenge, France considered the objective was the disarmament of Iraq and that implied "the return of the inspectors and the resumption of monitoring on the ground".

543. Iraq had confirmed the practical arrangements for inspections agreed in Vienna, and inspectors "must now return … as soon as possible", but the UN would need to verify the sincerity of Iraq's commitments:

> "In the light of past experience, the international community cannot be satisfied with words alone. Iraq must translate its promises into concrete, verifiable and lasting acts."

544. Mr Levitte observed that the outcome of past UN inspections had been "very positive. UNSCOM had destroyed more WMD between 1991 and 1998 than military operations in 1991", and: "In 1998, the IAEA believed it had succeeded in dismantling the Iraqi nuclear programme. It was not the inspections that failed, but the international community's ability to enforce its decisions in a sufficiently firm and united manner." He added that France was "fully disposed to support measures strengthening the inspection regime, insofar as that proves necessary to facilitate the inspectors' work". But it rejected "measures that would … multiply the risk of incidents without improving the effectiveness" of UNMOVIC and the IAEA. In addition, France "also set store" on the "multinational, independent nature of the inspectors" and any measure which countered that "would be tantamount to repeating past mistakes". The Council should be guided in its choices by Dr Blix and Dr ElBaradei.

545. Addressing the role of the Council, Mr Levitte stated that France attached "importance to the principle of collective security". That was why it was proposing a two-stage approach. In the first, the Council "should adopt a resolution clearly stating the 'rules of the game'". It would "define the inspection regime with a view to ensuring the inspectors" could "accomplish their mission fully and without any hindrance". It "should also send a clear warning to Iraq" that the Council would "not tolerate new violations".

546. In the second stage, if the inspectors observed that Iraq was "refusing to co-operate fully" with them, the Council "would meet immediately to decide on the appropriate measures to take, without ruling anything out a priori".

547. France's view was that such an approach, which was also the one proposed by Mr Annan in his statement to the Council, was "the only one" that could offer "unity, cohesion, fairness and legitimacy". Unity of the Council was "absolutely vital". In the past Iraq had "taken advantage of divisions … to renege on its obligations and defy the Council's authority":

> "Only a united front will convince it not to repeat this error. Only a two-stage approach will allow us to preserve our Council's unity; any kind of 'automaticity' in the use of force will profoundly divide us.
>
> "The two-stage approach is, rather, the choice of cohesion. United in sending Iraq a message of firmness in an initial resolution, the Security Council will, we have no doubt, remain united to assume all of its responsibilities during the second stage, should Iraq violate its commitments."

548. Mr Levitte added that the Council "should also demonstrate fairness by showing Iraq that war is not inevitable if it fully and scrupulously fulfils its obligations". That would "open the way to the suspension then lifting of sanctions in accordance with Security Council resolutions". Given the "gravity of the situation", it was "essential for the Security Council to stay in charge of the process every step of the way". That was "fundamental for the legitimacy of our action and essential for maintaining unanimous support for our common objectives".

549. Mr Levitte concluded the Council was discussing:

> "… the future of the international order, relations between North and South, and notably, our relationship with the Arab world. An action of uncertain legitimacy … that does not enjoy the support of the international community, would not be understood and could gravely affect these relations.
>
> "By placing this action within the framework of collective security, the French approach aims to ensure its legitimacy and effectiveness, while respecting the principles defined by the United Nations Charter."

550. In his opening remarks, Mr Sergei Lavrov, Russian Permanent Representative to the UN, stated:

> "For almost 12 years now, the international community has sought a way to settle the Iraqi situation. Throughout that time the Security Council has adopted more than 50 resolutions and endured several severe crises. The current ongoing impasse is rooted not only in the position of the Iraqi side, although we are far from condoning Baghdad's behaviour, while the need for Iraq to meet all its obligations … has been frequently alluded to … We fully support such assessments. At the same time, in a number of instances the Security Council has been unable to hold up its own end with respect to an objective assessment of the situation and to meeting its own obligations to work for a comprehensive settlement …"

551. After making similar remarks to Mr Levitte on the overall achievements of the inspectors, Mr Lavrov stated that it was unfortunate that the Council "was not able to recognise" the opinion of the IAEA in 1998 that its task could be converted into a "long-term monitoring regime". That conclusion had been supported in a letter from Dr ElBaradei to the President of the Council on 14 October, which had "clearly indicated" there were "no outstanding unresolved nuclear issues requiring further clarification". Mr Lavrov added that:

- There was a "virtually complete picture of the missile situation".
- A "significant portion of the stocks of chemical weapons" had been destroyed, "although there were some outstanding issues requiring further clarification".
- The "largest problems persisted in the biological sphere".
- "But on these issues and all the outstanding issues, solutions were possible. At any rate, documents of the former UNSCOM testify that such was the case."
- "In December 1998 the head of the former UNSCOM [Dr Richard Butler] provoked a crisis, arbitrarily withdrawing inspectors from Iraq without the approval of the Security Council. His report came to the Security Council only after [the] United States and the United Kingdom had launched military strikes against Iraq."

- After the strikes, the US Government stated they "had dealt with the issue of eliminating the vestiges of Iraqi weapons of mass destruction programmes, although the relevant information was not given to the Security Council".[177]
- Through its "acts of provocation" the former UNSCOM had "fully discredited itself and simultaneously undermined the pre-December 1998 prospects for reaching a comprehensive settlement".
- The "Council then found itself in a profound crisis not of its own making on the question of Iraq and for a long time was unable to get out of the impasse".
- Resolution 1284 "allowed us to renew the inspections on a new genuinely international basis", but it "contained extremely ambiguous criteria for suspension of the sanctions". That gave individual Council members the opportunity "to maintain the embargo indefinitely". Russia had made proposals to give "concrete substance to the criteria of sanctions suspension in the context of a comprehensive settlement", which remained extant.
- The Security Council had implemented the provisions of resolution 1382 (2001) in respect of the creation of a Goods Review List, but it had not pursued the "commitment to a comprehensive settlement on the basis of existing Council decisions".
- Russia would "do its utmost to prevent a renewal" of Iraq's WMD programmes, and was "prepared to co-operate" on that "with all States". But Russia, "like all unbiased observers", had "not seen any kind of persuasive evidence that there are weapons of mass destruction in Iraq or programmes to develop them". Nor had it "seen any other facts that would situate Iraq in the context of combating terrorism".
- The "immediate redeployment of the international inspectors to Iraq" was the "only way to remove any doubts".

552. Mr Lavrov stated that Iraq had "consented" to an unconditional return of inspectors and the "new, enhanced and very effective parameters for conducting inspections". There was "everything we need to ensure there is no renewal of the proscribed military programmes in Iraq" and for "a political and diplomatic settlement of the crisis". There was "no need to delay deployment" of the inspectors. He added:

> "If the Council has a prevailing desire to give further support to UNMOVIC and the IAEA in the interest of the effective implementation of the existing resolutions … we will be prepared to look at the relevant proposals, including and based on the great importance of maintaining Council unity."

553. In his concluding remarks, Mr Lavrov stated that Russia was "calling for collective steps by the international community" and unilateral actions did "not facilitate the efforts

[177] The UK assessment of the impact of Operation Desert Fox is set out in Section 4.1.

for a settlement". The Council should continue to press for Iraq's compliance with all resolutions. The crux of the matter was:

> "If we are all sincerely interested in the non-renewal of weapons of mass destruction … What are we waiting for? … If we are talking not about the deployment of the inspectors but about an attempt to use the Security Council to create a legal basis for the use of force, or even for a regime change of a United Nations Member State – and this goal has been constantly and publicly alluded to by several officials – then we see no way how the Security Council could give its consent to that …
>
> "The Charter powers of the Security Council allow it at any time to make decisions about any measures which could be required to eliminate real threats. The important thing now is to achieve a comprehensive settlement based on political and diplomatic methods, with the central role of the Security Council and in strict compliance with Council resolutions on the norms of international law.
>
> "… we are prepared to interact on this platform with other members of the Security Council. This is what we have been called on to do by the vast majority of the international community during the discussions … We are convinced that Security Council members will not be able to ignore this call."

554. In a second intervention, Mr Aldouri made a number of further points, including:

- The Council was "fully aware that the only objectives of the approaching war are oil, wealth and hegemony … the world is now split into two and that the larger part favours peace …" He was in the latter camp.
- The future of the UN had "recently been jeopardised by the statement of one major Power that, if the United Nations failed to take into account the interests of that State, it would go its own way".
- One State had adopted war legislation during the debate, and that was "a virtual declaration of war".
- Iraq's doors were "open" to the inspectors. Iraq had "full trust" in Dr Blix, and "he and his teams will be welcomed in Iraq". Iraq's "hands were now clean" and there were "no weapons of mass destruction in Iraq". It hoped the inspectors would "return soon" so that they "could tell the international community that Iraq" had no WMD. Iraq would not "in any way hinder the work of the inspectors".
- American and British officials had "made clear statements to the effect that sanctions and the embargo will never be lifted until there has been 'regime change' in Iraq".

555. The report of the second day of the debate from the UK Mission in New York stated that the Security Council was "almost unanimously open to a new resolution" that

strengthened inspections.[178] There was overwhelming support for two stages "or at least a continued central role for the Council" in authorising military action. There was "an overwhelming dislike of unilateral action and strong desire for [a] diplomatic solution".

556. Sir John Holmes advised that France was likely to stand firm on the need for a two stage approach, which would leave the UK in an uncomfortable dilemma.

557. Sir John Holmes advised that France thought that it was winning the argument and did not think that much would happen until the debate on Iraq in the Security Council on 16 October.[179] France "remained convinced of the need for the international community to stay united to avoid an explosion of unrest and terrorism". It was concerned about "the catastrophic consequences of a war on Iraq without clear proof of Saddam's WMD ambitions and full international, including Arab, support". France would "nevertheless" be:

> "… ready to support military action if the full cycle of inspections/renewed (serious) Iraqi misbehaviour/international agreement can be gone through, and have confirmed that someone else's veto of a second resolution would not deter them if they were convinced of the need for action. But they are uncomfortably aware that there may … not be time available for this full cycle to be gone through before the presumed climatic window … for military action closes."

558. That led to two reflections which were "mutually contradictory": that the US was "bent on war come what may … and are only looking for the UN to endorse a casus belli" or that "even the US are not mad enough to embark on military action … without significant international support". Both led "the French to think that they should stand firm".

559. Sir John concluded that, if the deadlock was not broken, the UK risked "being left in the most uncomfortable position of all, choosing whether to follow the US without UN cover, with all that entails, domestically and internationally". He understood the UK's "reluctance to get squeezed between the Americans and the French", but suggested that Mr Blair might have a "crucial" role.

The US offers compromise language for OP10

560. The US tabled compromise language on 16 October intended to bridge the difference between the US and French positions, deliberately creating ambiguity by stating that the Security Council would "consider" reports of a breach, not "decide" if a breach existed.

561. That language remained virtually unchanged in the final resolution.

---

[178] Telegram 1992 UKMIS New York to FCO London, 17 October 2002, 'Iraq: Security Council Open Debate: Day 2'.
[179] Telegram 597 Paris to FCO London, 15 October 2002, 'Iraq: French Thinking'.

562. Sir Jeremy Greenstock reported that US "understood and accepted" the UK's need for a second resolution but did not want this "spelt out" in the resolution.

563. Reporting on discussions in New York on 16 October, Sir Jeremy Greenstock wrote that the latest US draft was intended to show that the US had taken French concerns seriously and made an effort to meet them halfway.[180] The reference to "all necessary means" had been removed and the draft provided for a Security Council meeting. The US would not agree to the Council "explicitly taking the decision to approve force; but that did not mean that the Council would not take it". Sir Jeremy reported that President Bush had personally approved the draft text in OP10.

564. Sir Jeremy also reported that he had told Ambassador Negroponte that Mr Straw had made clear to Secretary Powell that the UK "needed a second resolution. It was extremely unlikely we could find a legal basis without it." The US "understood and accepted" the UK need for a second resolution; "but it didn't have to be spelt out in the resolution". Sir Jeremy had agreed but warned that, if the formulation in the draft "made it through the Council, the explanations of vote were likely to make it unequivocally clear there needed to be a second resolution".

565. In relation to a discussion about the political importance of interviews to the US, Sir Jeremy reported that the language on interviews would be unchanged. In response to his concerns that the draft language would make it harder to secure interviews and that Dr Blix was likely to oppose it, Ambassador Negroponte had said the arrangements were discretionary.

566. Sir Jeremy also reported that the French Mission had been pleased with the indications of US movement, but were likely to suggest France should "push for an amendment saying that the Council would convene immediately to 'consider any measures'". He had warned Mr Levitte that there would be "a very big reaction" if the compromise was rejected.

567. Sir Jeremy concluded that the new text had a "good chance of being a basis for progress so long as the French are not foolish enough to reject it". It was clear the US had "no appetite to give more ground".

---

[180] Telegram 1983 UKMIS New York to FCO London, 16 October 2002, 'Iraq: US Compromises and UK Intervention'.

568. Sir Michael Wood drew the Inquiry's attention to the "American compromise language" handed over in New York by Ambassador Negroponte to Sir Jeremy Greenstock.[181] It stated that the Security Council would:

> "… convene immediately, upon receipt of a report … [of a breach] in order to consider the situation and the need for full compliance with all the relevant Security Council resolutions in order to restore international peace and security."

569. That paragraph remained virtually unchanged throughout the rest of the negotiation and became OP12 of resolution 1441.

570. Before a meeting planned for 17 October, Mr Straw sent a handwritten letter to Mr Blair addressing the differences of view within the US Administration.[182]

571. Mr Straw wrote that Mr Blair should read the record of his conversation with Secretary Powell, which would give him a "flavour of the intense and dangerous arguments in the Administration".

572. In response to Mr Blair's question about whether Secretary Powell was "winning", Mr Straw wrote that "he should win in the end", but Mr Blair had a critical role to play. Mr Straw advised that Mr Blair now needed "to give some clear messages" to President Bush that:

> "… we'll have to settle for a two resolution approach; that it is safe to do so; and that the non-UN approach being pushed by Cheney et al would be a catastrophe for the US, and whatever your personal sentiment, not something where you would get support, still less obtain legal authority. In other words, you need to tell him that you have politics too. At present, partly because they are mesmerised with your standing in British politics, they (White House) take your support for any US position for granted. This (a) is to misread your position (b) weakens people like Powell."

573. Mr Straw concluded:

> "David and I can work up a good case for two resolutions to put to Bush – not a climb-down or a wimp-out, but a way of squaring – and then cornering Chirac – by a private deal with him on the second resolution."

574. Sir David Manning spoke twice to Dr Rice on 16 October.

575. In the first conversation they discussed possible wording for the draft resolution which avoided conceding that the Security Council would "decide" on the action to be taken in the event of a report of a serious breach by Iraq and leave the question of a decision ambiguous.[183]

---

[181] Statement, 15 March 2011, page 8, quoting Telegram 1983 UKMIS New York to FCO London, 16 October 2002, 'Iraq: US Compromises and UK Intervention'.
[182] Letter (handwritten) Straw to Prime Minister, 16 October 2002, 'Iraq: US'.
[183] Letter Manning to McDonald, 16 October 2002, 'Iraq: Conversation with Condi Rice'.

576. Sir David and Dr Rice agreed that everyone knew that the Security Council would have to meet if Dr Blix reported that the Iraqis were in breach; and that everyone knew that the French could table another resolution at that point if they wanted to. Sir David told Dr Rice that "it was important to signal, through the new resolution, that the Security Council was united in its determination to support Blix and bring the maximum pressure to bear on Saddam to disarm. We had to go through this process."

577. Mr Powell asked, "Where does this leave us with the AG [Attorney General]?"[184]

578. Sir David responded:

> "Can't say at this stage.
>
> (i) Will almost certainly be the beginning not the end of the negotiation with the French.
>
> (ii) If we have a material breach in OP1 with an open OP10 (ie consultations) we shall still be in the same place with the AG as before – at least I presume so. Still better for us to get a pre-cooked second resolution."[185]

579. In the second conversation, Dr Rice told Sir David that the US had agreed to put new language "in play" while ensuring that it remained clear to everyone that the US would insist on safeguarding its freedom to act if the UN would not.[186]

580. Sir David Manning also wrote to Mr Powell, pursuing the idea that Mr Blair could suggest a private agreement to President Bush on the text of a second resolution authorising "all necessary means", which the UK would table at the UN Security Council "if and when appropriate".[187] Sir David thought it "could be a tough sell" but Sir Jeremy Greenstock thought it was "possible". Sir David added: "This would give us legal cover."

581. Mr Powell marked the minute to Mr Blair "to see".[188]

582. Mr Straw clearly expected that in response to a breach, a second resolution would be tabled.

583. In a conversation with Mr de Villepin on 17 October, Mr Straw encouraged France to accept the US language, including by pointing out that France could set out its interpretation in an explanation of its vote, "consider" was an active verb implying a subsequent decision, and a two stage approach would be required.

---

[184] Manuscript comment Powell to Manning on Letter Manning to McDonald, 16 October 2002, 'Iraq: Conversation with Condi Rice'.
[185] Manuscript comment Manning to Powell, 16 October 2002, on Letter Manning to McDonald, 16 October 2002, 'Iraq: Conversation with Condi Rice'.
[186] Letter Manning to McDonald, 16 October 2002, 'Iraq: Conversation with Condi Rice'.
[187] Minute Manning to Powell, 16 October 2002, 'Iraq: The Second Resolution Dilemma'.
[188] Manuscript comment Powell to PM on Minute Manning to Powell, 16 October 2002, 'Iraq: The Second Resolution Dilemma'.

584. Mr de Villepin made clear that the decision would be made by President Chirac.

585. In the conversation with Mr de Villepin on 17 October, Mr Straw reminded him of his "undertaking not to veto" a second resolution "if Iraq were obviously in breach, and of his suggestion that France might participate in military action even if someone else had vetoed (following the Kosovo precedent)". Mr de Villepin had not demurred.[189]

586. Mr Straw told Mr de Villepin that Secretary Powell had "moved mountains to accommodate French concerns" and that the draft resolution "referred explicitly to a further meeting of the Council":

> "The US could not accept language requiring a further SCR, but they accepted that a further meeting implied a second SCR whether moved by them or other members of the Council. There was no need to spell this out …"

587. Mr de Villepin:

> "… described the new text as very good and a basis for final agreement. He accepted the need for some ambiguity, so was prepared to agree the verb 'consider' rather than 'decide', which he recognised was too much for the US. But … [h]e would like language along the lines of: '… consider the situation and any necessary measures to ensure full compliance …'."

588. Mr Straw warned Mr de Villepin that:

> "… pressing the US for more … risked making the best the enemy of the good … Levitte could use his EOV [Explanation of Vote] to explain the French interpretation, even if it were not possible to get the exact language they wanted. He explained at some length that, in English political language, 'consider' was an active verb implying a subsequent decision. It was a stronger concept than the French equivalent. He also explained that 'need' should be read as embracing 'measures'."

589. Mr de Villepin warned Mr Straw that:

> "… although he entirely took the point about the debate within the US Administration, he would have to persuade Chirac, who would probably want the text strengthened. For Chirac the second step had to have credibility."

590. In their further conversation, Mr Straw:

- Urged Mr de Villepin "to take Yes for an answer", which Mr de Villepin was reported to have "agreed; as soon as he got an answer from Chirac on 'measures'".

---

[189] Telegram 223 FCO London to Paris and Washington, 17 October 2002, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 17 October'.

- Warned Mr de Villepin not to make an issue of the "material breach" language in OP1. That was "a matter of historical fact and, with the new OP10, no longer permitted the one stage approach France had feared".
- Told Mr de Villepin that the French position was "a matter of trust for the UK as well as the US. Villepin's reassurances about France's willingness to support and participate in military action if justified had empowered Powell to get the changes made in OP10. If France tried to get 'material breach' language out of OP1, those in the [US] Administration who opposed the UN route would argue that France could not be trusted on a second SCR."

591. Mr de Villepin was reported to have responded "somewhat half-heartedly" that "others in the Council opposed 'material breach' language … and that the SCR should focus on the need for inspections rather than looking back". He had not suggested it was a French "red line".

592. Mr Straw concluded that, if President Chirac "were willing to sign up to the new OP10 language, he would have more negotiating room … should he want to reach a private agreement on how to move forward".

593. In a statement for the Inquiry, Sir Michael Wood wrote:

> "Early the next morning (17 October) the Foreign Secretary ran through the new OP10 with the French Foreign Minister, saying in this context that the US could not accept any language requiring a further Security Council resolution but that they accepted that a further meeting implied a second SCR whether moved by them or other members of the Council."[190]

Mr Blair's meeting with Mr Straw and Mr Hoon, 17 October 2002

594. Mr Blair discussed the latest developments on the UN negotiations and the military options with Mr Straw, Mr Hoon and Adm Boyce on 17 October.[191] Mr Powell, Mr Campbell, Baroness Morgan, Sir David Manning and Mr Rycroft were also present.

595. Mr Blair continued to take the position that a further resolution explicitly authorising military action would not be needed in all circumstances.

596. Mr Blair, Mr Straw and Mr Hoon concluded on 17 October that the only way to keep the US on the UN route was if there was a clear understanding that, in the event of a reported breach of the new UN resolution, action would be taken even if a second resolution could not be agreed.

---

[190] Statement, 15 March 2011, page 8.
[191] Letter Rycroft to Sedwill, 17 October 2002, 'Iraq: UN Route'.

597. The record of the discussion on the UN negotiations stated that the meeting had:

> "… concluded that the only way to keep the US on the UN route was for there to be a clear understanding that if [Dr] Blix reported an Iraqi breach of the first resolution, then Saddam would not have a second chance. In other words, if for some reason (such as a French or Russian veto) there were no second resolution agreed in those circumstances, we and the US would take action."[192]

598. The meeting also agreed that, "at the time the first resolution was passed", the UK:

> "would make three public points:
>
> (a) When the Inspectors returned, Iraq's obligation was not only to co-operate with them on access to sites etc, but also to provide accurate and full information about WMD.
>
> (b) If Iraq breached this resolution, action would follow.
>
> (c) In the meantime we could not assume a peaceful solution to the problem of Iraq's WMD, so we would outline the military preparations we were making. (It was important to do this only once the resolution was passed, and not before.)"

599. Mr Rycroft's record of the meeting was sent to the FCO. It was also sent to Sir Jeremy Greenstock, the MOD, the Cabinet Office and various diplomatic posts.

600. Mr Campbell wrote that at the meeting, Mr Blair had felt that Mr Straw was "too close to caving in on the two-resolution route".[193]

601. Mr Blair told the Inquiry that the meeting had:

> "… agreed … that there were clear objectives for the resolution, and those objectives were … the ultimatum goes into 1441. If he [Saddam Hussein] breaches the ultimatum action follows. So this was the instruction given."[194]

602. In response to Mr Hoon's request to tell the US that it could plan on the assumption the UK would make a land contribution, Mr Blair concluded that, while he wanted to keep the option of Package 3 open, the UK must not commit itself at that stage.

603. Mr Hoon wrote to Mr Blair on 15 October, seeking a decision that week on whether to tell the US it could assume a UK land contribution in addition to the air, maritime and Special Forces package already offered for planning purposes.[195]

---

[192] Letter Rycroft to Sedwill, 17 October 2002, 'Iraq: UN Route'.
[193] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[194] Public hearing, 21 January 2011, pages 55-56.
[195] Minute Hoon to Prime Minister, 15 October 2002, 'Iraq: UK Military Options'.

604. Mr Hoon also sent his minute to Mr Brown, Mr Straw and Sir Andrew Turnbull.

605. The background to that request, the detailed arguments set out by Mr Hoon, the advice for Mr Straw and the immediate reaction in No.10, are addressed in Section 6.1.

606. In relation to the discussion of military options, Mr Rycroft recorded that Mr Hoon and Adm Boyce had:

> "… set out the options, as in the Defence Secretary's minute … of 15 October. CDS [Adm Boyce] put the military arguments for agreeing to Package 3. But if we were to end up agreeing on Package 2, it would be better to tell the US now. The Foreign Secretary said that the international case for Package 3 was strong."[196]

607. Mr Blair took "these points" but:

> "… remained concerned about the costs. He concluded that he wanted to keep open the option of Package 3. But we must not commit to it at this stage."

608. The meeting also "agreed that there must be no leaks and no public announcements (for instance any notices to Reserves) until after the first UN resolution had passed and after a further discussion" with Mr Blair.

609. Copies of Mr Rycroft's record of the discussion on military options were sent to the Private Offices of Mr Hoon, Mr Straw, Mr Brown and Sir Andrew Turnbull, and to Mr Desmond Bowen, Deputy Head of OD Sec.

Cabinet, 17 October 2002

610. The discussion on Iraq recorded at Cabinet on 17 October, which focused on other foreign policy concerns, was brief.

611. The minutes record that Cabinet on 17 October was informed that discussions continued amongst the Permanent Members of the UN Security Council on a resolution on Iraq. The right balance had to be struck and progress was being made.[197]

612. Mr Campbell wrote that the discussion at Cabinet "was almost all foreign", including on the Middle East Peace Process, India and Pakistan, the bombings in Bali and the risk of further attacks.[198] There had also been a discussion of the firefighters' strike.

---

[196] Letter Rycroft to Watkins, 17 October 2002, 'Iraq: UK Military Options'.
[197] Cabinet Conclusions, 17 October 2002.
[198] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

Legal views on the draft resolution

613. Mr Wood remained concerned about the references to the "Kosovo model" providing a precedent and that the draft resolution then under discussion did not have the effect of reviving the authority to use force.

614. Mr Wood wrote to Mr Chaplin on 17 October to express concerns about Mr Blair's statement, reported in the record of a conversation with President Bush on 14 October, that:

> "… the Kosovo model would allow a return to the Security Council for a further discussion in the event of a further breach by Iraq; but if there were UN inaction (i.e. no second UN resolution authorising the use of force) we would take action."[199]

615. Mr Wood was "concerned that the conversation does not take full account of legal advice". The legal justification for action in Kosovo was an overwhelming humanitarian catastrophe which could not be prevented by any other means. That was not the position in Iraq. The "Kosovo model" was "no authority for a proposition that action would be legally justified if authority from the Security Council had been sought but without success". The facts available to Mr Wood did "not justify action in self-defence". "The use of force would, therefore, be unlawful unless authorised by the Security Council."

616. Mr Wood added:

> "There is currently no express authorisation to use force against Iraq, nor would a resolution on the lines discussed … give an implied authorisation based on the revival of the authority to use force contained in resolution 678 (1990). Subject to consideration of a final text (and the circumstances of its adoption), a finding of material breach in OP1 of the current text, followed by a long list of provisions detailing the action which the Council expects Iraq to take, together with a final paragraph which indicates that the Council would need to meet in the case of a further breach by Iraq, or some such, would not permit the revival argument. Rather, it would point to further action to be taken by Iraq, and then by the Council if Iraq were not to co-operate.
>
> "In my view, we need to write urgently to No.10 recalling the legal position."

617. When Mr Wood saw Mr Rycroft's record of Mr Blair's meeting on 17 October, he sent an "urgent and personal" minute to Mr Ricketts, stating:

> "The concerns in my minute to Edward Chaplin earlier today are reinforced by [the] record of the Prime Minister's meeting this morning, suggesting that 'if for some reason [such as a French or Russian veto] there were no second resolution … we and the US would take action'.

---

[199] Minute Wood to Chaplin, 17 October 2002, 'Prime Minister's Phone Call with Bush, 14 October'.

> "I have spoken briefly to the Foreign Secretary, who assured me that the Prime Minister understood that action could not be taken if the Attorney advised that it was unlawful …
>
> "The Foreign Secretary saw no point in writing again to No.10. The … record was … abbreviated … The Foreign Secretary had made clear to the Prime Minister the legal advice.
>
> "I think it is important, even if we do not write, that we ask David Manning to draw the Prime Minister's attention to your [Mr Ricketts'] minute of 2 [sic] October."[200]

618. Mr Chaplin sent Mr Wood's minute of 17 October to Mr Straw's Private Secretary, stating that he and Mr Wood had discussed the minute and, given the advice already offered to No.10, thought "it would be sufficient for you [the Private Secretary] to remind Sir David Manning" of previous advice, saying that it was strongly endorsed by FCO Legal Advisers and asking him to make that clear to the Prime Minister.[201]

619. A copy of Mr Wood's minute to Mr Chaplin of 17 October, with Mr Chaplin's comments to Mr Straw's Private Secretary, is in the Attorney General's files, with a manuscript note stating that Mr Wood had "handed over" a copy of his minute to Mr Ricketts to Mr David Brummell, Legal Secretary to the Law Officers, on the evening of 17 October.[202]

620. On 18 October, Mr Wood sought Lord Goldsmith's views on whether the draft resolution could have the effect of reviving the authorisation to use force.

621. Mr Wood wrote to Ms Adams with the most recent text of the draft resolution on Iraq on 18 October.[203] He drew attention to the key elements of the draft which were "particularly relevant to the issue of whether it could be regarded as authorising the use of force" against Iraq. Mr Wood stated that, as the Attorney General would be aware, a finding by the Council that Iraq was in material breach of its obligations under the cease-fire resolution 687, together with a warning that Iraq would face serious consequences in the event of continued non-compliance, "can have the effect of reviving the authorisation to use force". The draft, however, had to be "read as a whole" and other paragraphs gave "a clear indication that further action would be for the Council". Mr Wood's view was that: "Accordingly … this resolution cannot be read as permitting the revival argument."

---

[200] Minute (handwritten) Wood to Ricketts, 17 October 2002, 'Iraq: UN Route'. The reference to a minute from Mr Ricketts of 2 October is an error; that minute was written on 3 October.
[201] Manuscript comment Chaplin on Minute Wood to Chaplin, 17 October 2002, 'Prime Minister's Phone Call with Bush, 14 October'.
[202] Manuscript comment Brummell on Minute (handwritten) Wood to Ricketts, 17 October 2002, 'Iraq: UN Route'.
[203] Letter Wood to Adams, 18 October 2002, 'Iraq: Latest Text'.

622. Mr Wood concluded:

> "We would be grateful for any advice which the Attorney General may wish to give on the resolution as currently drafted and would, as ever, be happy to come over and discuss the matter."

LORD GOLDSMITH'S CONVERSATIONS WITH MR POWELL AND MR STRAW, 17 AND 18 OCTOBER 2002

623. Lord Goldsmith raised his concerns with Mr Straw on 18 October.

624. Mr Straw persuaded Lord Goldsmith not to put his views in writing until he had spoken to Mr Blair.

625. Mr Straw told Lord Goldsmith that he accepted a second resolution would be needed "unless circumstances changed", but he argued that could not be acknowledged publicly for tactical reasons.

626. Mr Straw subsequently advised Mr Blair that they should camp on the position they had both taken publicly not to rule out involvement in military action if circumstances required that and, for example, a second resolution were to be vetoed.

627. Lord Goldsmith spoke to Mr Jonathan Powell on 17 October to register his concerns about what Mr Blair was reported to have told President Bush on 14 October. Mr Powell suggested that he should speak to Mr Blair.[204]

628. Asked how Mr Powell had responded, Lord Goldsmith was unable to recall any further details of his conversation with Mr Powell than the details in the record of his discussion with Mr Straw the following day.[205]

629. Lord Goldsmith spoke to Mr Straw on 18 October.

630. Both Ms Adams and Mr Straw's Private Office made records of the conversation. There is a considerable difference in emphasis between the two documents.

631. Ms Adams recorded that Lord Goldsmith had told Mr Straw that "he was concerned by reports he had received" that Mr Blair had indicated to President Bush that "he would join the US in acting without a second Security Council decision if Iraq did not comply with the terms of a resolution in the terms of the latest US draft".[206]

---

[204] Note Adams, 21 October 2002, 'Iraq: Record of Attorney General's Telephone Conversation with the Foreign Secretary, 18 October'.
[205] Statement, 4 January 2011, paragraph 2.6.
[206] Note Adams, 21 October 2002, 'Iraq: Record of Attorney General's Telephone Conversation with the Foreign Secretary, 18 October'.

632. In Lord Goldsmith's view, the "draft would not be sufficient to authorise the use of force without a second resolution". He had made that clear the previous day to Mr Powell, who had suggested that he should speak to the Prime Minister.

633. Discussing the detail of the draft, Lord Goldsmith reiterated that he was "very troubled by the way things appeared to be going".

634. Ms Adams reported that Mr Straw had "explained the political dimension", his conviction that the "strategy of standing shoulder to shoulder with the US was right politically", and the importance of obtaining a "decent Security Council resolution". Mr Blair had said that the UK would act in accordance with international law:

> "That remained the position. The consequences of acting unlawfully were clearly unacceptable. But it was important not to suggest publicly that we had doubts about the proposed resolution. It would make the prospects of reaching agreement remote."

635. Mr Straw told Lord Goldsmith that he had made Lord Goldsmith's views on the legal position clear to Mr Blair.

636. Lord Goldsmith responded that he understood the politics and the importance of getting President Bush "behind" a UN resolution. He was:

> "… not concerned about what Ministers said externally, up to a point. The Government must, however, not fall into the trap of believing it was in a position to take action which it could not take. Nor must HMG promise the US Government that it can do things which the Attorney considers to be unlawful."

637. Ms Adams recorded that Mr Straw commented that he believed Secretary Powell "understood the legal position".

638. Recalling his advice to Mr Blair of 30 July, Lord Goldsmith told Mr Straw that he might "now need to send a further note". Lord Goldsmith:

> "… recognised that circumstances may change, but he wished to make clear to the Foreign Secretary that his firm view was that if a resolution was adopted in the terms of the present US draft, and if Blix subsequently reported to the Council that there had been a breach by Iraq, the resolution as it stands would not be sufficient to authorise the use of force without another Security Council resolution."

639. Mr Straw was recorded as suggesting that Lord Goldsmith might:

> "… not wish to commit himself on paper until he had seen the Prime Minister. There might be circumstances, for example, if Russia vetoed a second resolution in the face of clear evidence that Iraq was flouting the Council's demands, in which force would be justified on the basis of existing resolutions. The French had indicated that they would support such an interpretation."

640. Lord Goldsmith had agreed but "stressed that he wished to ensure that his advice was clearly on the record". Mr Straw had "assured" Lord Goldsmith that Mr Blair was fully aware of Lord Goldsmith's views.

641. Finally, Ms Adams recorded that Lord Goldsmith:

> "… hoped that, if there were any further meetings … at which decisions on the use of force were to be made, the Foreign Secretary would make clear that the Attorney ought to be present. The Foreign Secretary agreed."

642. The note of the conversation produced by Mr Straw's Private Office records that Lord Goldsmith told Mr Straw that the latest draft of the resolution "did not provide legal authorisation for the use of force".[207] In a discussion of the tactics necessary to persuade the US to take the UN route, Lord Goldsmith said he was:

> "… comfortable with what had been said publicly so far. He noted the Prime Minister's assurance to Bush that we would participate in military action should the Security Council route fail, but he took the Foreign Secretary's point that to maintain influence over the American approach, we had to demonstrate that we stood shoulder to shoulder. The Foreign Secretary reassured the Attorney that both he and the Prime Minister had explained our legal position to Powell and Bush who understood the constraints."

643. Lord Goldsmith and Mr Straw agreed that discussions within Government "should take full account of the legal issues". Mr Straw "accepted" that "unless circumstances changed … we would need a second resolution to authorise the use of force" but "tactically, we should not commit ourselves to this externally yet". Mr Straw also pointed out that he "could envisage circumstances in which it might be possible to take action without specific Security Council authority", but "obviously the Government would need the Attorney's advice". Lord Goldsmith would be seeing Mr Blair the following week and he and Mr Straw would keep in touch.

644. The FCO record of Lord Goldsmith's conversation with Mr Straw was sent to Mr Ricketts. It was also sent to the Private Secretaries of Mr Straw and Sir Michael Jay, FCO Permanent Under Secretary (PUS), Mr Wood, Mr Stephen Pattison, Head of FCO United Nations Department and other senior officials.

645. No record of the conversation between Lord Goldsmith and Mr Straw appears to have been sent to UKMIS New York.

646. In his statement to the Inquiry, Lord Goldsmith wrote that he had not had the opportunity to consider the draft resolution in detail before his telephone call to Mr Straw, but his view was that the draft was not sufficient to authorise the use of force.[208]

---

[207] Minute Sedwill to Ricketts, 18 October 2002, 'Iraq: Foreign Secretary's Conversation with the Attorney-General, 18 October'.
[208] Statement, 4 January 2011, paragraph 2.2.

647. Lord Goldsmith explained that his telephone call to Mr Straw had been "prompted" when he had learned of Mr Blair's statement to President Bush (on 14 October) that he would join the US in acting without a second Security Council resolution:

> "I thought that such action by the UK would be unlawful and I felt strongly that there had to be recognition within government of the constraints under which we were acting, and we should not lead the US to believe that we would take action … I knew too that if we boxed ourselves into a corner that would make my task when I came to advise on the effect of the resolution more difficult."[209]

648. Lord Goldsmith confirmed that Mr Straw had persuaded him not to provide a note of advice until he (Lord Goldsmith) had seen Mr Blair.[210] Mr Straw had said that there might be circumstances in which the UK could proceed without a second resolution, for example if Russia exercised a veto unreasonably. Lord Goldsmith wrote that although he "was not persuaded by that example … it did make sense to him to have a discussion with the Prime Minister … before putting his advice in writing".

649. Intense discussions on the elements of a draft resolution continued.

650. Reporting a discussion on 16 October, Sir Christopher Meyer wrote that Mr Sandy Berger, President Clinton's National Security Advisor, thought that an attack on Iraq would be "very risky" and might destabilise a number of countries in the region. In addition, he "thought that, whatever the scenario, the British Government has got itself into the position where it would go with the US whatever the circumstances. 'The die is cast for the UK.'"[211]

651. Sir Christopher also reported that Mr Berger could envisage a situation where UNMOVIC might find "something nasty" and the US "would want to go to war", but others on the Security Council would say that it "showed inspections were working and that they should continue".

652. Sir David Manning commented to Mr Powell that that was "an inherent risk in the UN route"; and that: "Other routes were even riskier."[212]

653. Mr Blair and Mr Annan discussed the need to bring the discussions on a new resolution to a successful conclusion for all concerned on 17 October.[213] They agreed that: "If the UN handled this well, it would emerge stronger, and reinforce the international rule of law."

---

[209] Statement, 4 January 2011, paragraph 2.3.
[210] Statement, 4 January 2011, paragraph 2.8.
[211] Letter Meyer to Manning, 17 October 2002, 'Iraq: Berger's Views'.
[212] Manuscript comment Manning to Powell, 18 October 2002, on Letter Meyer to Manning, 17 October 2002, 'Iraq: [US individual's] Views'.
[213] Letter Wechsberg to McDonald, 17 October 2002, 'Iraq: Prime Minister's Telephone Call with UN Secretary General'.

654. Mr Blair emphasised that the US and UK wanted to see the UN's will enforced. They did not want to see action on the slightest pretext but they were worried that in the event of a breach the UN might fail to act and lead us into another round of negotiation. We could not end up where we were before – ie Saddam Hussein ignoring the process.

655. In a letter to Sir Christopher Meyer on 19 October reporting two of Mr Straw's conversations with Secretary Powell, Mr Straw's Private Office recorded that he had:

> "… touched base with the Prime Minister, Jonathan Powell and David Manning … As well as running through this morning's exchanges they had a brief discussion of the implications should it not prove possible to secure a second resolution in the event of Iraqi defiance, which the Foreign Secretary noted that he had also talked over with the Attorney General."[214]

656. A copy of the letter was sent to Sir Jeremy Greenstock.

657. The FCO instructions to the UK permanent Mission in New York, issued on 21 October, stated that the latest draft of the resolution could not be "read as authorising the use of force, taking into account the draft resolution as a whole, including OP10, which gives a clear indication that further action will be for the Council".[215] The UK was keen that the full text of the draft resolution being discussed with the US should be shown to other P5 members "as soon as possible".

LORD GOLDSMITH'S MEETING WITH MR BLAIR, 22 OCTOBER 2002

658. Lord Goldsmith informed Mr Blair on 22 October that, although he would not be able to give a final view until the resolution was adopted, the 19 October draft resolution would not on its own authorise military action.

659. In response to a question from Mr Blair, Lord Goldsmith agreed to give "further consideration" to the implications of an "unreasonable veto".

660. The meeting between Lord Goldsmith and Mr Blair took place on 22 October.

661. Ms Adams advised Lord Goldsmith that Mr Straw's comments recorded in Mr McDonald's letter to Sir David Manning of 21 October made it "all the more important" for Lord Goldsmith to "place" his views "clearly on the record in writing".[216]

---

[214] Letter Sedwill to Meyer, 19 October 2002, 'Iraq: Foreign Secretary's Conversation with Powell, 19 October'.
[215] Telegram 602 FCO London to UKMIS New York, 21 October 2002, 'Iraq: Draft UNSCR'.
[216] Minute Adams to Attorney General, 22 October 2002, 'Iraq: Meeting with the Prime Minister, 22 October'.

662. Ms Adams also provided suggested "Lines to Take" for Lord Goldsmith.[217] They:

- explained why the draft resolution did not amount to an authorisation to use force;
- dismissed the Kosovo "precedent" as: "Simply not relevant"; and
- reminded Lord Goldsmith of the 1997 advice, set out in her minute of 14 October, which identified the possibility of "exceptional cases" where military action might be taken without a determination by the Security Council.

663. On the last point, Ms Adams wrote:

> "It is impossible to give a firm view on this now. We should certainly not plan on being able to rely on such a justification. There does not seem to [be] wide support for military action among the wider international community at present."

664. Lord Goldsmith's aide memoire of the points he wished to make stated:

> "1. Anxious you know my legal advice
>
> 2. Note statements – political imperative
>
> 3. As it stands – will need a 2nd resolution (says so in Op10)
>
> 4. Need to express my view in writing?
>
> 5. [a reference to correspondence with an MP]."[218]

665. In his statement to the Inquiry, Lord Goldsmith confirmed that the manuscript notes were an aide memoire made by him before the meeting of the points he wished to make.[219]

666. Lord Goldsmith added:

> "As it happened, we also discussed the legal effect of one of the other P5 members exercising a veto unreasonably."

667. No.10 did not produce a record of the meeting, but Lord Goldsmith's account was reported in a letter from Mr Brummell to Sir David Manning.[220] Mr Brummell wrote:

> "The Attorney expressed the view … that, as things stand at present and viewing the text as a whole, a resolution in the form of the latest draft seen by him (dated 19 October) would not on its own authorise military action … However, it will not

---

[217] Briefing 'Lines to take' attached to Minute Adams to Attorney General, 22 October 2002, 'Iraq: Meeting with the Prime Minister, 22 October'.
[218] Manuscript comment Goldsmith on Minute Adams to Attorney General, 22 October 2002, 'Iraq: Meeting with the Prime Minister, 22 October'.
[219] Statement, 4 January 2011, paragraph 3.1.
[220] Letter Brummell to Manning, 23 October 2002, 'Iraq: Attorney General's Meeting with the Prime Minister, 22 October'.

> be possible to give a final view on the legal effect of the resolution until it has been adopted. Unless the Council's intent is crystal clear from the text (which seems unlikely), it will have to be assessed in light of all the circumstances, in particular any statements concerning the effect of the resolution made by Council members at the time of its adoption."

668. Mr Blair asked about the position "if, following a flagrant violation by Iraq, one of the other P5 Members perversely or unreasonably vetoed a second resolution intended to authorise the use of force". Mr Brummell's note records that Lord Goldsmith replied that it was "not easy to see how there is room for arguing that a condition of reasonableness can be implied as a precondition for the lawful exercise of a veto"; but he agreed to give the issue further consideration.

669. Mr Brummell wrote that it would "be important for the Attorney to be kept closely informed of developments"; and that: "The attitude of other Council members (and the wider international community) in response to any breach by Iraq will also be critical, i.e. whether there is general support within the Council and the wider community for military action to enforce the terms of the 1991 cease-fire arrangements as amended by the new resolution."

670. Mr Brummell concluded by stating that he had been asked "to make clear" that Lord Goldsmith would be "available for a further meeting at any time the Prime Minister would find this helpful".

671. Mr Brummell's letter was not sent to anyone other than Sir David Manning.

672. Mr Brummell's letter provoked concern from No.10. In a note for the No.10 file, Mr Powell recorded:

> "I spoke to the AG to make it clear that we do not expect records of meetings from other departments, especially from people not even at the meeting. We produce records should they be needed. Furthermore, this was a commentary on a draft UNSCR that no longer exists."[221]

673. Lord Goldsmith told the Inquiry that, although the draft resolution he had discussed with Mr Blair on 22 October had, as Mr Powell had pointed out, been replaced, "none of these immediate changes affected the concerns" he had raised.[222]

674. Mr Blair told the Inquiry:

> "… I can't remember exactly what I said after 22 October [the meeting with Lord Goldsmith], but I should imagine I said, 'Well, you [Lord Goldsmith] had better make sure it does meet our objectives.'"[223]

---

[221] Note (handwritten) Powell, 25 October 2002, 'File'.
[222] Statement, 4 January 2011, paragraph 3.7.
[223] Public hearing, 21 January 2011, pages 55-56.

The UK's draft strategic objectives

The preliminary objective for UK policy in Iraq agreed by Mr Straw and Mr Hoon in May, and recorded in Mr Hoon's minute to Mr Blair of 31 May 2002 (see Section 3.3), was revised in October 2002.

Mr Stephen Wright, FCO Deputy Under Secretary Defence and Intelligence, told the first FCO co-ordination meeting on 6 September that, following a conversation with the Chiefs of Staff, he thought more work needed to be done on strategic campaign objectives.[224]

Mr Bowen sent a draft to Sir David Manning on 4 October, explaining that "Whitehall would find it helpful" to agree objectives "for the present phase of activity" and, "in particular, it would help us in formulating an information strategy".[225]

The draft stated that the UK's prime objective was:

> "… to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles (BM) … in accordance with United Nations Security Council resolutions … an expression of the will of the international community, with which Iraq has persistently failed to comply, thereby perpetuating the threat to international peace and security."

Other objectives included the desired end-state for Iraq,[226] to which "and providing effective and representative government for its own people" had been added; and restoring the authority of the UN. The draft also stated that: "Success in achieving our prime objective should help deter the proliferation of WMD and B[allistic] M[issiles] more generally."

The Cabinet Office draft identified the immediate priorities as:

- achieving "a tough new UNSCR";
- the return of inspectors to Iraq "under conditions which enable them to identify and eliminate prohibited WMD/BM material, associated equipment and activity";
- enabling UNMOVIC and the IAEA to institute a regime of long-term monitoring and verification measures to ensure compliance;
- maintaining "international solidarity behind the UN Security Council and support for effective … action" by UNMOVIC and the IAEA;
- preserving regional stability; and
- continuing to "make military plans and preparations in case military action" was required to "force compliance with UNSCRs".[227]

Mr Bowen advised that some had argued that the aspirations for the future of Iraq should be translated into the main objective. He had resisted:

> "… on the grounds that our purpose has been plainly stated by the Prime Minister as disarmament and because the effective implementation of that policy does not necessarily deliver our wider aspirations".

---

[224] Minute [FCO junior official] to Grey [sic], 6 September 2002, 'Iraq Coordination Meeting'.
[225] Minute Bowen to Manning, 4 October 2002, 'Iraq: Strategic Policy Objectives'.
[226] Agreed by Mr Straw and Mr Hoon in May 2002 and included in the Cabinet Office paper of 19 July, 'Iraq: Creating the Conditions for Military Action', which was discussed by Ministers on 23 July.
[227] Minute Bowen to Manning, 4 October 2002, 'Iraq: Strategic Policy Objectives'.

The objectives would also need to "evolve with changing circumstances".

Mr Bowen stated that the paper was not intended for publication: if Mr Blair was content, Sir David would "no doubt … arrange for it to be sent to DOP [Defence and Overseas Policy Sub-Committee of Cabinet] colleagues" (see Section 2).

Mr Bowen's advice was also sent to Sir David Omand, Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, Mr Scarlett, and to officials in the FCO, the MOD and the Home Office.

Mr Ian Lee, MOD, Director General Operational Policy, sent a copy of the draft to Mr Hoon's Private Office, commenting that while the text was "helpful" it did not "go far enough in providing direction for current military activity and an information strategy".[228] Mr Lee did not expect the draft to move forward until there was a clear UN position.

Pointing out that there was "a good deal of contingency planning work going on in Whitehall to support action in the United Nations on Iraq", Sir David Manning wrote on 22 October to Mr McDonald and the Private Secretaries of DOP members to inform them that Mr Blair had approved the objectives enclosed with his letter, which "should help guide work in Departments for current phase of activity".[229]

The letter was also sent to the Private Secretaries to Mr David Blunkett (the Home Secretary), Mr John Prescott and Mrs Margaret Beckett (the Environment, Food and Rural Affairs Secretary).

The objectives were unchanged from those proposed by Mr Bowen on 4 October.

The draft objectives underpinned subsequent policy statements both to explain the UK's position and to maintain the pressure on Saddam Hussein to comply with the demands of the international community.

Mr Straw formally announced the UK's objectives on 7 January 2003 (see Section 3.6).[230]

Discussion of the US/UK draft resolution of 23 October 2002

675. A telegram from the British Embassy Paris on 21 October, recorded that there was "universally positive" coverage in the French media of President Chirac's firm stance on Iraq, including a threat of the "first use of France's veto since Suez" and suggestions that he had forced US concessions over a two-step approach.[231] The media also reported some details of the textual negotiations.

676. President Chirac's stance was cited as the main reason for the jump in his popularity in the latest opinion poll from 52 percent in September to 57 percent. President Chirac was also given credit for the paragraph on Iraq in the Francophone Summit conclusions "defending multilateralism, the primacy of international law and the pivotal role of the UN".

---

[228] Minute Lee to PS/Secretary of State [MOD], 7 October 2002, 'Iraq: Strategic Policy Objectives'.
[229] Letter Manning to McDonald, 22 October 2002, 'Iraq' attaching Paper Cabinet Office, 'Iraq: Strategic Policy Objectives'.
[230] House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.
[231] Telegram 609 Paris to FCO London, 21 October 2002, 'Iraq: French views: Chirac Riding High'.

677. On 22 October, Mr Straw and Secretary Powell discussed French and Russian concerns that the draft text had reintroduced "automaticity" in the preambular paragraphs (PPs) and in OPs 1-3.[232]

678. Mr Powell suggested to Sir David Manning that it was "Worth bringing to the AG's attention. Shows Russians and French think OPs 1-3 [?] automaticity."[233]

679. Following the conversation between Mr Straw and Secretary Powell, the FCO told UKMIS New York on 22 October that it could confirm that the UK would act as co-sponsor of the resolution if that was what the US wanted.[234]

680. In the face of signs of mounting US impatience with the UN process, Mr Blair sought to persuade President Bush to continue to negotiate a resolution.

681. Mr Blair continued to assert that the UK would take action in the event of a further material breach by Iraq.

682. Mr Blair did not offer any caveats to reflect the views Lord Goldsmith had expressed.

683. Sir David Manning told Dr Rice that, after the "difficult" discussions of the draft text between the P5 in New York on 22 October, Mr Blair thought the time had come to engage Foreign Ministers directly in the debate.[235] He had asked Mr Straw to talk to Secretary Powell "about a meeting at Foreign Minister level" early the following week. Dr Rice thought that was an attractive idea which she would discuss with Secretary Powell.

684. Mr Blair also thought "we should revisit the possibility of agreeing the wording of a short second resolution that the P5 would table if Saddam violated the terms of the first resolution". Sir David added:

> "If we could secure this, the French and the Russians would have acknowledged, in writing, that they would be ready to use 'all necessary means' if Saddam were again in material breach."

685. Sir David reported that Dr Rice had doubts:

> "… the difficulty would be that the French or the Russians would quibble over whether Saddam had committed a violation serious enough to trigger the follow up action required for the second resolution."

---

[232] Telegram 560 FCO London to Washington, 22 October 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 22 October'.
[233] Manuscript comment Powell to Manning on Telegram 560 FCO London to Washington, 22 October 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 22 October'.
[234] Telegram 560 FCO London to Washington, 22 October 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 22 October'.
[235] Letter Manning to McDonald, 23 October 2002, 'Iraq: Conversation with Condi Rice'.

686. Dr Rice told Sir David that the objections raised by France in relation:

> "… to the language dealing with: 'material breach'; 'serious consequences'; and OP5 … were unacceptable to Washington. The US had gone a long way in meeting French and Russian difficulties. The earlier reference to 'all necessary means' had been dropped … there was agreement to go back to the Council to assess any Blix report of violations; and it was clear to everyone that a second resolution could be tabled by the French whatever the US and UK might prefer. The Administration could not give any more ground … on the substance. There had been lots of publicity about US concessions already. Today there were two editorials in major US newspapers … saying it was time for Washington to put down its draft resolution … either the UN backed the resolution; or the US went to war."

687. Sir David told Dr Rice that he "understood the political pressures" but the effect of tabling a resolution "on a take-it or leave-it basis would not necessarily be clear cut". France and Russia might table a resolution which might attract more support. In response to a comment from Dr Rice that the US and UK "would have to veto the counter-draft just as the French and Russians would no doubt veto ours", Sir David replied that was possible, "but deeply unattractive". That was why the UK had proposed discussion at Foreign Minister level.

688. Dr Rice told Sir David that the:

> "Essential elements for the US were:
>
> - Maintaining the references to 'material breach' and 'serious consequences'
> - Retaining the wording '… false statements or omissions … and failure by Iraq at any time to comply …'
> - Standing firm on the terms of the inspections regime
> - No further weakening of OP12."

689. Sir David stated that the UK's willingness to co-sponsor the resolution demonstrated that it was "in firm agreement on the elements" of the resolution, but he "accepted that there might be differences on where to compromise if there was a serious negotiation". That would be a matter "for the Prime Minister and the Foreign Secretary" whom he would consult. Dr Rice also said she would try to set up a conference call between herself, Sir David, Secretary Powell and Mr Straw.

690. Dr Rice concluded that France still seemed to misunderstand the US position, and its apparent belief that the US would, if pushed, concede was "mistaken". "Washington was ready to go it alone if it had to; and the consequence would be that the UN would be marginalised for a long time to come."

691. Sir David suggested that he was not sure President Chirac understood. It "seemed to him" that President Chirac's "grasp of the issue" was "uncertain, and sometimes emotional". Dr Rice should talk to the Élysée.

692. Sir David wrote that he had told Mr Straw there were "signs of mounting impatience in the White House with the whole UN process". He added:

> "Apparent evidence, too, that this is pushing the White House to consider putting the resolution down, and challenging the French (and Russians) to block it. Condi's mood this morning was that the US had made enough concessions. If the UN process failed, Paris and Moscow would be responsible for the broken UN china …"

693. Sir David Manning advised Mr Blair that he should tell President Bush to persist with the UN route despite the frustrations and that "real negotiations" were "just beginning". The domestic pressures on President Bush to do so were considerable. There was nervousness in Middle America about war on Iraq without UN cover, or without UK company. That gave the UK "leverage in the UN context".

694. In his conversation with President Bush, Mr Blair accepted that the negotiations in New York were in pretty good shape: the three vital elements in the resolution were material breach, the declaration of Iraqi WMD, and the tough inspection regime.[236]

695. Mr Blair's view was that those provisions should not be weakened. If they were agreed, the UK could accept a further Security Council discussion in the event of a breach, but "on the understanding that either this discussion would then authorise action or if it did not we would go ahead anyway".

696. To ensure that President Bush understood the UK position, Mr Blair underlined the importance for the UK of securing the first resolution.

697. Mr Blair also stated that he continued to think that tough inspections just might lead to the collapse of Saddam Hussein's regime.

698. A draft resolution agreed by the US and UK was tabled in the Security Council on 23 October 2002.

699. The US/UK draft resolution was presented to the full Security Council on 23 October.[237]

700. Delegations were invited to refer the text, "which remained a working document", to capitals.[238]

701. The key changes to the text agreed by the US and UK at the end of September are set out in the Box below.[239]

---

[236] Letter Rycroft to McDonald, 23 October 2002, 'Iraq: Prime Minister's Conversation with President Bush, 23 October'.
[237] Telegram 2031 UKMIS New York to FCO London, 23 October 2002, 'Iraq: Draft Resolution of 23 October'.
[238] Telegram 2030 UKMIS New York to FCO London, 23 October 2002, 'Iraq: UK/US Text Presented to the Security Council'.
[239] Telegram 2031 UKMIS New York to FCO London, 23 October 2002, 'Iraq: Draft Resolution of 23 October'.

US/UK draft resolution, 23 October 2002

Key revisions in the text tabled in the Security Council by the US and UK on 23 October were:

- a new **OP2** recalling that the Council had repeatedly warned Iraq that it would face serious consequences as a result of its continued violations of its objectives, replacing the reference to all necessary means in the initial OP10;
- a new **OP4** deciding that false statements and omissions in the declarations submitted by Iraq (pursuant to this resolution - the original OP2 provisions) and failure by Iraq at any time to comply with, and co-operate fully in the implementation of this resolution shall constitute a further material breach of Iraq's obligations;
- a new **OP11,** a revision of the previous OP9, directing Dr Blix and Dr ElBaradei to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution; and
- a new **OP12,** a revision of the previous OP10, deciding that the Council would convene immediately upon receipt of a report (in accordance with OP11) to consider the situation and the need for full compliance with all the relevant Security Council resolutions in order to restore international peace and security.

702. Sir Jeremy Greenstock reported that he had stated:

> "In terms of process this was the first time we … had a text worth putting down as [the] basis for discussion. The text gave Iraq a clear warning that it had a last chance to comply with strengthened UN inspections. This was a genuine offer … the co-sponsors were proposing two clear stages. No decisions on further action would be taken until inspections had been tested by UNMOVIC/IAEA, professional and independent bodies. If [they] reported problems, the text made clear that the Council would immediately meet to discuss the way forward – this was something the UK had wanted and which had not figured in previous drafts. The rest of the draft dealt with two main priorities: strengthening inspections so Iraq understood it had no escape but to comply; and underlining the serious consequences if Iraq did not comply, subject to OPs 11 and 12."[240]

703. Sir Jeremy added that he "hoped this was something the whole Council could support".

704. Sir Jeremy reported that while the French delegation had welcomed the progress since the initial draft to identify two, well-defined stages, there were still concerns that it contained "hidden triggers" for automatic military action. France also wanted the

[240] Telegram 2030 UKMIS New York to FCO London, 23 October 2002, 'Iraq: UK/US Text Presented to the Security Council'.

mandate for the inspectors to be checked with Dr Blix and Dr ElBaradei. France had proposals for alternative text.

705. Russia had supported France and drawn attention to the importance of the practical arrangements set out in the letter from Dr Blix and Dr ElBaradei on 8 October.

706. China had also sympathised with the French position and stated that the Council should look for a solution by peaceful means, not authorising force in the resolution.

707. The Council agreed to discuss the draft on 25 October and to meet on 28 October to discuss the draft with Dr Blix.

708. Cabinet was informed on 24 October that negotiations on the UN resolution continued and progress was "slow".

709. Mr Blair said that Iraq would continue to be discussed at Cabinet, "including in due time the military options".

710. Mr Straw told Cabinet on 24 October that discussions with the Permanent Members of the Security Council and with others continued on a resolution on Iraq.[241] It was a long drawn out process and progress was slow.

711. In discussion a number of points were made:

- A strong resolution was required so that Saddam Hussein would understand that the disarmament of Iraq would be achieved.
- In the event of a breach of that resolution, the Security Council's response would determine its future reputation.
- If there was military action and Iraq responded with chemical or biological weapons, a humanitarian disaster could ensue.
- Effective disarmament of Iraq through inspection remained a possibility, as did the Iraqi regime cracking under the pressure applied.

712. Mr Blair stated that Iraq would continue to be discussed in Cabinet, "including in due time the military options". The Government must "keep its options open in responding to future developments" after a resolution was achieved.

713. Other members of the P5 continued to express concerns about key elements of the new US and UK draft resolution, primarily that it should not contain any triggers permitting automatic military action.

714. Mr Blair and President Chirac discussed Iraq during a meeting in Brussels on 24 October. The record of the meeting concluded that there was "no meeting of minds".[242]

---

[241] Cabinet Conclusions, 24 October 2002.
[242] Letter Rycroft to Sedwill, 24 October 2002, 'Iraq: Prime Minister's Meeting with Chirac, 24 October'.

715. The following day there was a major disagreement between President Chirac and Mr Blair over reform of the Common Agricultural Policy. Mr Campbell wrote in his diaries that:

> "They had also had some pretty fiery exchanges on Iraq, TB telling him [President Chirac] that the US were going to do it so it depended [on whether] he wanted to be part of the equation or not."[243]

716. Discussions between Mr Straw and other Foreign Ministers and between Sir David Manning and Dr Rice, including on French ideas on the detailed text, continued.

717. Reporting discussions with a wide range of colleagues in New York, Sir Jeremy Greenstock said he had told Ambassador Negroponte that there was a case for putting the US/UK text into near final form ("into the blue") on 25 October, to pre-empt possible alternative texts being tabled by France or Russia. "Doing so would show that we were serious about not wasting time."[244]

718. Ambassador Negroponte agreed. The three compromise changes discussed with the UK on 23 October "were getting nowhere in Washington": "The main stumbling block was State Department lawyers."

719. Sir Jeremy stated that, as he saw the UK's position, "we had no fear of a second stage Council discussion. We would not be bound if, at that stage, the Council funked its responsibilities." He "did not understand why the US lawyers were frightened. This would simply mean taking the process to that point." Sir Jeremy "asked if UK pressure would help". He also suggested amending OP11 to require Dr Blix to report "any systematic interference", rather than "any interference".

720. Sir Jeremy reported that Ambassador Negroponte had also said Mr Lavrov had told him he had been instructed to make clear that the draft resolution was "unacceptable" and "Russia would veto".

721. Sir Jeremy commented:

> "The tactical manoeuvring is now getting sharp. Lavrov's veto threat is presumably agreed by Putin. My instinct is to regard this as hard negotiating … they [the Russians] would not veto on their own. But it makes clear that, whatever further concessions are squeezed out of the Washington system, the Russians will not vote positively.
>
> …
>
> "The French text … is actually not bad from a UK point of view. We shall have to see what Washington makes of it. My guess is that there is probably one more round of

---

[243] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[244] Telegram 2042 UKMIS New York to FCO London, 25 October 2002, 'Iraq: Discussions on 24 October'.

> significant concessions, in the 'material breach' area to be had out of the Americans. I see our role tomorrow as being primarily a listening one … But I would like to see the Americans showing more teeth."

722. On 25 October, Mr Straw and Secretary Powell discussed the need to deal with views amongst other P5 members, that the reference to material breach in OP4 was a potential trigger for military action.[245] They agreed that the issue needed to be addressed.

723. During the discussion in the Security Council on 25 October Sir Jeremy Greenstock stated that the draft:

> "… was a text about disarmament and nothing else. It was not, and would not be, a text that established a casus belli. The whole point was to make clear that Iraq had not complied, but … we were giving it a last chance to get this right through peaceful disarmament. OP4 did not establish that a false declaration or omission was, on its own, a casus belli. There were no triggers except as set out in OPs 11 and 12, ie requiring a second stage of Council business."[246]

724. Discussions also focused on whether the finding of material breach in OP1 would be framed in the past or present tense, and the need to make clear that it did not constitute a trigger for action.

725. Reporting informal consultations between Security Council members and Dr Blix and Dr ElBaradei on 28 October, the UK Mission in New York advised that there was support for most provisions in the UK/US draft resolution. Both Dr Blix and Dr ElBaradei had emphasised:

- the importance of clear and unified support for inspections from the Council;
- UNMOVIC and the IAEA should choose their staff; and
- the modalities for the conduct of interviews should be left to the inspectors.[247]

726. There were foreseeable practical difficulties with interviews outside Iraq. Dr Blix was aware of the large responsibility placed on UNMOVIC in reporting Iraqi interference and failure to comply. Its reports would have to be accurate. But that would not mean war and peace were in the inspectors' hands – they would simply report to the Security Council, which would decide on the consequences.

727. FCO Legal Advisers continued to warn that the resolution might not deliver legal authority for military action and that the revival of the authority for the use

---

[245] Telegram 566 FCO London to Washington, 25 October 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 25 October'.
[246] Telegram 2050 UKMIS New York to FCO London, 25 October 2002, 'Iraq: Informal Consultations 25 October'.
[247] Telegram 2057 UKMIS New York to FCO London, 28 October 2002, 'Iraq: Informal Consultations with Blix and ElBaradei'.

of force was not a judgement which could be made by individual Member States of the Security Council.

728. The final amendments to the draft resolution were seen by FCO Legal Advisers and by Lord Goldsmith and his officials.

729. Lord Goldsmith also asked FCO Legal Advisers for information on the use and effect of a veto.

730. Mr Wood reminded Lord Goldsmith that the Law Officers had not excluded the possibility of action in the event of a failure to act by the Council, in "exceptional circumstances" where "the international community as a whole favoured action"; but they had reached no firm conclusion on the point.

731. Mr Grainger drew Sir Jeremy's remarks to Ambassador Negroponte to the attention of Ms Elizabeth Wilmshurst, FCO Deputy Legal Adviser.[248]

732. Mr Grainger wrote to Mr Chaplin on 31 October, stating that:

> "The effect of this resolution will be that it does not authorise the use of force, either now or in the event of further Iraqi non-compliance, and that it envisages further Council action if force is to be authorised (as recognised in OP12). Equally, the Council failing to take its responsibilities (i.e. not authorising the use of force when we believe that politically it ought to do so) would not provide a legal basis for the use of force."[249]

733. Echoing Lord Goldsmith's advice to Mr Straw on 18 October, Mr Grainger cautioned that "we must be careful not to give the US (or … others in Whitehall) a false impression of our understanding of the legal position".

734. Mr Grainger sent copies of his minute to Mr Pattison and others within the FCO, but not to the UK Mission in New York.

CIG Assessment, 28 October 2002

A global survey of chemical and biological weapons, produced at the request of the MOD, was issued by the JIC on 28 October.[250] It provided a general assessment of the practicalities involved in producing and using chemical and biological agents and an assessment of the capabilities of several countries. Its judgements in relation to Iraq are addressed in Section 4.3.

---

[248] Email Grainger to Wilmshurst, 25 October 2002, 'Iraq: Discussions on 24 October'.
[249] Minute Grainger to Chaplin, 31 October 2002, 'Iraq: UKMIS NY TELNO 2078'.
[250] CIG Assessment, 28 October 2002, 'Global Chemical and Biological Weapons Survey'.

Decision to offer a land contribution to the US for planning purposes

735. The MOD advised Mr Blair on 29 October that its influence on US planning was reducing and the option to deploy UK ground forces was at risk of being excluded by default. The only way to avoid that was to offer Package 3 to the US for planning on the same basis as Package 2.

736. Package 3 could also significantly reduce the UK's vulnerability to US requests to provide a substantial and costly contribution to post-conflict operations.

737. Mr Watkins wrote to Sir David Manning on 29 October, to report that "US military planning [was] continuing, but increasingly assuming no UK Land contribution"; and that an option for a "significant land contribution" could be "sensibly kept open only by placing it on a similar basis" to Package 2.[251]

738. The MOD stated that Package 3 was:

> "… for practical purposes being excluded by default. If we are to keep the option open, and continue to have the strongest military cards to underpin our political influence, the Defence Secretary believes that we should indicate to the US that they should plan on the assumption that the land contribution would be available, subject to final political approval … It is also worth noting that, while Package 3 is significantly more expensive in itself than Package 2, making it available could significantly reduce our vulnerability to US requests to provide a substantial (and costly) contribution to post-conflict stabilisation operations."

739. The MOD letter and the advice for Mr Blair from Sir David Manning are addressed in Section 6.1.

740. On 31 October, Mr Blair agreed that the MOD could offer Package 3 to the US on the same basis as Package 2.

741. The decision to offer ground forces (Package 3) to the US for planning purposes was a significant step. Once the offer had been made, it would have been difficult to withdraw and constrained the UK's subsequent policy choices.

742. Mr Blair, Mr Straw, Mr Hoon and Adm Boyce discussed the MOD wish to offer Package 3 to the US for planning purposes again on 31 October.[252]

743. Mr Rycroft recorded that Mr Blair concluded that the MOD should tell the US that the UK was "prepared to put Package 3 on the same basis as Package 2 for planning purposes, in order to keep the option open; but that no warning should be issued to the Reservists at this stage". Mr Blair "should be consulted again before any such warning was issued".

---

[251] Letter Watkins to Manning, 29 October 2002, 'Iraq: UK Military Options'.
[252] Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.

744. Copies of the record of the meeting were sent to Adm Boyce, the Private Offices of Mr Hoon, Mr Straw and Mr Brown, and to Mr Bowen.

745. The reasons for the decision to offer ground forces are considered in Section 6.1.

746. Sir David Manning raised the possibility with Dr Rice of delaying action until winter 2003 in view of the potential mismatch between the timetable for inspections and the US military plan, but there was no substantive discussion of that option.

747. Sir David Manning flew to Washington on 31 October for talks with Dr Rice, Secretary Powell and Mr Richard Armitage, US Deputy Secretary of State.

748. The record of the discussions sent to Whitehall stated that Sir David had "underlined the importance for the UK of a UNSCR" and had discussed the prospects for reaching agreement. The US was working on a revised text. Sir David had "a strong impression that the gap between [the US and France] had widened again".[253]

749. A separate private minute from Sir David to Mr Blair reported concern about whether the potential difficulties in reaching agreement with the French had been underestimated, and an assurance that President Bush understood the UK's political constraints.[254]

750. The other major issue discussed was whether a UK military force would be permitted to transit through Turkey.

751. Sir David Manning reported that he and Dr Rice had discussed the fact that "the UN inspection timetable was now out of sync with the timetable for possible military action beginning in early January". He had asked "whether we might now be looking at the second of the original 'windows' ie a campaign next winter rather than this". That had not been ruled out but the conversation had shifted to the prospects for internal regime change sparing the need for military action. The best chance of securing that was "a very tough UN resolution accompanied by threatening military preparations, in the hope that Saddam's system would implode under the strain".

752. Sir David reported that Dr Rice had been focused on events developing in a way which meant military action might not be necessary. He speculated whether that might indicate a shift in the US attitude. They had also discussed the possibility of issuing an ultimatum to Saddam Hussein and his sons to leave Iraq if he was in breach of the resolution.

753. In conclusion, Sir David reported that there had been a "pretty sharp change of mood over the past three months, perhaps fuelled by polls which show growing doubts among the US public, and a growing appreciation of the huge difficulties we shall face

---

[253] Letter Rycroft to McDonald, 1 November 2002, 'Iraq: US Views, 1 November'.
[254] Minute Manning to Prime Minister, 3 November 2002, 'Visit to Washington: Talks with Condi Rice'.

if we have to occupy … Iraq". He did not "want to make too much of this" but wondered if it suggested "a new wariness at the heart of the [US] Administration".

Final stages of the negotiation of resolution 1441

754. Cabinet was informed on 31 October that a UN resolution was likely to be agreed the following week.

755. On 31 October, Mr Straw told the Cabinet that the Security Council was in the final stages of the negotiation of a resolution on Iraq.[255] The text would need to meet French concerns that it would not provide a pretext for war and UK and US concerns to avoid too restrictive a formulation on what would follow an Iraqi breach of the resolution. The most likely outcome was a resolution the following week. The pressure to reach closure was "growing".

756. In discussion the need for the inspection regime to be tough and for existing defects to be rectified, and for the resolution to provide for further discussion in the Security Council, were raised.

757. Mr Blair concluded that a "robust resolution was required which would send a clear message to Saddam Hussein. If Iraq did not comply there would be further discussion in the … Security Council of the next steps."

758. Mr Straw told Mr Ivanov on 1 November that if Iraq did not comply, the draft resolution meant the issue would "have to go back to the Security Council to decide what action was required".

759. In a conversation with Mr Straw on 1 November, Mr Ivanov stated that efforts should be concentrated on two sets of questions:

- The provisions in the resolution on inspection procedures should reflect the views of Dr Blix and Dr ElBaradei. In his view, that would be "difficult, but feasible".
- What happened in the event that a resolution was violated.[256]

760. Mr Ivanov was reported to be content for the resolution to contain references to previous material breaches:

> "But the resolution had to be careful about future material breaches. He did not want a situation where military action could be automatically sanctioned without further reference to the Security Council."

---

[255] Cabinet Conclusions, 31 October 2002.
[256] Telegram 583 from FCO London to Washington, 1 November 2002, 'Iraq: Foreign Secretary's Conversation with Russian Foreign Minister, 1 November'.

761. Mr Straw told Mr Ivanov that his "strong hope was that negotiations in New York would lead to a resolution that all sides could vote for", and:

> "… underlined that the resolution could not be used as a pretext for unjustified military action … the reference to 'all necessary means' had now gone. In its place stood OP11 and OP12. The issue would now have to go back to the Security Council to decide what action was required."

762. Citing the differences in view about the legal basis for the No-Fly Zones in Iraq, Mr Ivanov said he wanted to "avoid situations of ambiguity" and "repeated that he did not want to see the resolution … used unilaterally for military action".

763. Mr Straw responded that:

> "… there was no intention of using force unless it was absolutely essential. If the UK sought the use of force, then it was likely that Russia, France and China would want it too."

764. Following a warning from Sir Jeremy Greenstock on 1 November that there was a risk that China, France and Russia would veto the resolution, intense negotiations on the precise wording of the draft resolution continued between P5 capitals and in New York.

765. Reporting his discussions in New York on 1 November, Sir Jeremy Greenstock said that he had told the US delegation: "We could be close to a Russian/French/Chinese deal to exercise a triple veto because of OP4." (They were concerned that OP4 could be a trigger for military action.)[257]

766. Sir Jeremy questioned whether OP4 was useful given that: "With any negotiable OP4, the Council would have to 'establish' or 'assess' any material breach leading to potential argument and constraining our flexibility." He had suggested losing the OP and moving the reference "to false statements or omissions in the declaration" to OP11.

767. Mr Grainger sent a copy of the text of the US draft resolution of 1 November to Mr Brummell on 4 November, saying that Mr Wood would be in touch.[258]

768. The draft text of OP4 included text additional to the draft resolution of 23 October, stating that in the event of a further material breach, "the Council shall convene in accordance with paragraphs 11 and 12" of the draft resolution.

769. The reference to the Council's warnings "that Iraq will face serious consequences as a result of continued violations of its obligations", OP2 in the draft of 23 October, had been moved to the end of the resolution, and became OP13 in resolution 1441.

---

[257] Telegram 2097 UKMIS New York to FCO London, [01] November 2002, 'Iraq Resolution: 1 November'.
[258] Note (handwritten), Grainger to Brummell, 4 November 2002, attaching text of US draft resolution.

770. The draft text also included a new provision deciding that "notwithstanding" the finding in OP1 that Iraq "remains" in material breach of its obligations under relevant resolutions, Iraq would be afforded "a final opportunity to comply" with its obligations.

771. That provision, which was designed to provide a 'firebreak' between the finding of material breach in OP1 and the rest of the provisions in the resolution, became, after further amendment, OP2 in resolution 1441.

772. Intense discussions on the precise wording of those and other provisions in the draft resolution continued between capitals and in New York.

773. A document setting out "a further update of the compendium of proposals on key paragraphs", reflecting discussions over the preceding weekend, was circulated with an email from Mr Pattison's office on the morning of 4 November.[259] That included an option for alternative additional text in OP4 to the proposal in the 1 November draft which stated: "and will be reported to the Security Council for assessment in accordance with OP12".

774. Mr Grainger immediately sent Mr Pattison's email of 4 November to Mr Wood and Ms Wilmshurst.[260]

775. A minute from Mr Ricketts to Mr Straw's Private Office on 5 November reported that the French were concerned about the omission of a reference to OP11 – as well as to OP12 – in OP4. That could be read as opening the door "further" to a report to the Council from a Member State for assessment in accordance with OP12.[261]

776. Mr Ricketts' advice was sent to Mr Grainger, amongst others.

777. Lord Goldsmith met Mr Wood and Mr Grainger on 5 November.

778. A letter from Mr Grainger to Mr Brummell later that day makes clear that Lord Goldsmith asked for further information on the use and effect of the veto by the Permanent Members of the Security Council.[262] The letter indicated that the discussion centred on the question of the legal effect of a veto of a resolution by a Permanent Member of the Security Council.

779. One of the questions on which Lord Goldsmith had sought further information was whether it would be possible to argue that a P5 veto had been cast on unreasonable grounds and therefore would not prevent a resolution being adopted. Mr Grainger's clear advice was that there was nothing in the practice of the Council or in the UN Charter to support that argument.

---

[259] Email PA/Mr Pattison to FCO officials, 4 November 2002, attaching Paper 'Iraq: UNSCR: UK, French and American proposals'.
[260] Email Grainger to Wood and Wilmshurst, 4 November 2002, 'Iraq'.
[261] Minute Ricketts to Private Secretary [FCO], 5 November 2002, 'Iraq: French Reactions'.
[262] Letter Grainger to Brummell, 5 November 2002, 'Iraq: Legal Effect of the Veto'.

780. There is no record of whether the text of the draft resolution and its effect were discussed at that meeting.

781. Lord Goldsmith drew the Inquiry's attention to a copy of Mr Grainger's note of 4 November in the files of the Attorney General's Office, which had "a manuscript reference" in the margin of OP4 which read: "and will be reported to SC [Security Council] for assessment in acc with para [11+]12".[263]

782. Lord Goldsmith told the Inquiry that:

> "… it is not clear when that manuscript note was made. In any event I do not believe that I saw it and there was no request to advise on the effect of the words. I feel reasonably confident that if I had been asked about those words I would have said that they were problematic and would have argued for their removal. In the event, when I came to advise on the text after it was adopted, the words became of central importance and caused me much difficulty."[264]

783. In a conversation with President Bush on 6 November, Mr Blair reiterated his view that the clear message to Saddam Hussein must be that, if there were a further breach by Iraq, action should follow.

784. Mr Blair telephoned President Bush on 6 November primarily to discuss Iraq.[265]

785. The UK/US draft resolution was to be circulated later that day and Mr Blair welcomed its provisions for a tough inspections regime. Mr Blair and President Bush also discussed making statements after the resolution had been adopted and the messages that would send to Saddam Hussein.

786. Mr Blair told President Bush that there was a chance, albeit a small one, that under the pressure and humiliation of inspections the regime might crumble. They "must play into that" and "be very tough, to encourage regime members to split off". A psychological profile would be useful.

787. Mr Blair said that:

> "… there must be a clear understanding that if there were a further breach action must follow; we should imply, without spelling it out, that if there were a veto in those circumstances, there would still be action."

788. In his subsequent conversation with Dr Rice, Sir David Manning reported that Mr Blair had told the President that he would point to the commitment in the resolution

---

[263] Note (handwritten) Grainger to Brummell, 4 November 2002, attaching text of US draft resolution.
[264] Statement, 4 January 2011, paragraph 1.7.
[265] Letter Rycroft to McDonald, 6 November 2002, 'Iraq: Prime Minister's Phone Call with Bush, 6 November'.

to consult if there were a violation, and underline that he would then expect the Security Council to act.[266]

789. In a discussion with Secretary Powell on 6 November, Mr Straw commented that the UK and US had got what they wanted, including "serious consequences".[267]

790. On 2 November, France proposed that the following words should be added to the paragraph:

> "shall constitute a further material breach of Iraq's obligations when assessed by the Security Council."[268]

791. The US then proposed:

> "… shall constitute a further material breach of Iraq's obligations and will be reported to the Security Council for assessment in accordance with OP12."

792. The resolution was finally tabled in the Security Council on 6 November.

793. The revised US/UK draft resolution was presented to the Security Council on 6 November.[269]

794. Lord Goldsmith saw the draft text.[270]

795. The omission of a reference to OP11 in the US proposal was a matter of concern to both France and Russia. Russia expressed concern that its omission created a casus belli before a reported breach reached the Security Council; France was concerned that OP4 should refer to OPs 11 "and" 12 lest it might be taken to imply that a meeting of the Security Council could take place, not on a report from UNMOVIC or the IAEA, but from a Council member.[271]

796. Sir Jeremy Greenstock reported that points raised in discussions between P5 Ambassadors included:

- Ambassador Negroponte said the draft resolution "was a genuine US effort to go through the UN and strengthen inspections – not to find hidden triggers". A resolution with P5 support "would give the clearest possible signal to Iraq".

---

[266] Letter Manning to McDonald, 6 November 2002, 'Iraq: Conversation with Condi Rice'.
[267] Telegram [un-numbered] FCO London to Washington, 6 November 2002, 'Foreign Secretary's Conversation with US Secretary of State, 6 November'.
[268] Telegram 585 FCO London to UKMIS New York, 2 November 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 2 November'.
[269] Telegram 2120 UKMIS New York to FCO London, 7 November 2002, 'Iraq: Security Council Consultations'.
[270] Manuscript comment Adams to AG on Telegram 2112 UKMIS New York to FCO London, 6 November 2002, 'Iraq: 6 November Revised Resolution'.
[271] Telegram 2119 UKMIS New York to FCO London, 7 November 2002, 'Personal Iraq: P5 Meeting and Contacts with Negroponte'.

- Mr Lavrov was disappointed that the draft did not take on board comments on a number of issues, but he had been instructed to focus on four:
  - "… 30 days was unrealistic for a declaration covering non-WMD chemical and biological programmes." That was "important given omissions … could trigger a material breach".
  - The draft language in OP4 "created a casus belli before the report reached the Council". He had been instructed to insist on the earlier French formulation, referring to a material breach being reported to the Council, "in accordance with Ops 11 and 12".
  - A preference for French language on Presidential sites in OP7.
  - The reference to restoring international peace and security in the draft of OP12 was not appropriate "(it was not clear it would need restoring)". He could compromise on "secure".
- Mr Wang Yingfan, Chinese Permanent Representative to the UN, shared Mr Lavrov's view on OP4 and was not clear what "assessment" meant in Chinese.
- Mr Levitte said that unanimity was essential. OP4 "had to refer to OPs 11 'and' 12, not 11 'or' 12": "'Or' could mean a meeting taking place, not on a report from Blix, but from a Council member. If this was the intention, the result would be conflicting reports from different Members. If reports were not sent through Blix or ElBaradei we would end up with a very ambiguous situation … He expected Powell and Villepin to address the issue."

797. In subsequent discussion, the US said OP4 created a distinction between an "automatic casus belli" and "automaticity for the use of force": "further failures to comply would constitute a material breach, but that material breach would result in a Council discussion". Ambassador Negroponte "clarified" that an omission in the declaration (required by OP3) "on its own would not constitute a material breach".

798. In a bilateral discussion with Ambassador Negroponte, Sir Jeremy suggested that "and" could be reinstated in OP4 but the use of "or" should be retained in OP12 (which provided for the Council to convene immediately upon receipt of a report in accordance with OP4 or OP11).[272]

CABINET, 7 NOVEMBER 2002

799. Mr Blair told Cabinet on 7 November that after the return of inspectors to Iraq, "tricky questions would arise about whether Iraq had breached its obligations and what steps should be taken".

---

[272] Telegram 2119 UKMIS New York to FCO London, 7 November 2002, 'Iraq: P5 Meeting and Contacts with Negroponte'.

800. Mr Straw told Cabinet on 7 November that the vote on the resolution on Iraq was likely to take place the following day and described its provisions.[273] The aim was to achieve unanimity, which would be a triumph for UK and American diplomacy.

801. In discussion, it was suggested that:

- public opinion in the US, which had in the past not been supportive of the UN, was now supportive of the multilateral approach;
- inspections had to be done properly and would need to be backed by a sufficient level of military threat to ensure Iraq's compliance;
- the facts of any breach would be reported by the inspectors, with the Security Council having to judge what the facts meant; and
- media speculation that pressure on Iraq was about access to oil supplies and that British companies would be disadvantaged was not helpful.

802. Mr Blair concluded that "after the return of inspectors tricky questions would arise about whether Iraq had breached its obligations and what steps should be taken". The resolution "should send a clear message to Iraq in terms of what the international community required and the consequences of non-compliance". The "need to move forward on the Middle East Peace Process had not been overlooked".

MR STRAW'S CONVERSATION WITH LORD GOLDSMITH, 7 NOVEMBER 2002

803. In preparation for a discussion between Mr Straw and Lord Goldsmith, Mr Wood wrote to Mr Straw on 6 November offering his view of the legal considerations.[274] Mr Wood emphasised that it was important that anything said by the Government, either publicly or to the US or others, was not incompatible with the position under international law. All statements, including Explanations of Vote and Parliamentary Statements, should be seen by the Legal Secretariat to the Law Officers.

804. Mr Wood identified "the most difficult question on which doubtless we shall be pressed, is what the legal position would be if [in the event of a further material breach by Iraq] the Council 'fails to act' at a second stage". He wrote:

> "The first resolution [what became 1441] … does not itself authorise the use of force, or revive the authorisation to use force given in SCR 678. Although OP1 decides that Iraq has been and remains in material breach of the cease-fire resolution, the remaining paragraphs (and in particular OPs 11 and 12) indicate that the Council has decided to take action itself if the breach continues or if there are further violations. This is the case even though OP4 remains in the resolution.

---

[273] Cabinet Conclusions, 7 November 2002.
[274] Minute Wood to PS [FCO], 6 November 2002, 'Iraq: Legal Basis for the Possible Use of Force'.

> "If at a second stage the Council authorises the use of force, or uses language which revives the authorisation given by SCR 678 … the position will be relatively straightforward.
>
> "If, however, the Council is unable to take a decision at the second stage, whether because there are insufficient votes for another resolution, or a resolution is vetoed, there will be nothing to point to by way of revival of the authorisation to use force given in SCR 678. We have previously noted that this is not a judgment to be made unilaterally by individual Member States."

805. Mr Wood also addressed the position if the Security Council failed to act in response to a further material breach by Iraq:

> "The position that could arise if the Council 'fails to act' was … addressed, in hypothetical terms, by the then Law Officers in November 1997. After concluding that in circumstances then prevailing an essential precondition for the use of force was appropriate action by the Council, the Law Officers went on to say that they 'did not exclude the possibility' (though they reached no firm conclusion) that exceptional circumstances could arise in which it was generally accepted by the international community as a whole that Iraq had in effect repudiated the cease-fire and that a resort to military force to deal with the consequences of Iraq's conduct was the only way to ensure compliance.
>
> "Too much should not be read into this … The possibility raised in 1997 has not been relied upon and is not based on authority or precedent. In any event, the situation envisaged was a very narrow one where the international community as a whole favoured action but the Council decided not to act."

806. Copies of Mr Wood's letter were sent to FCO officials and to Mr Iain Macleod, Legal Counsellor, in the UK Permanent Mission to the UN in New York.

807. Lord Goldsmith saw the letter.[275]

808. Lord Goldsmith addressed the issue of an "unreasonable" veto in his advice to Mr Blair of 14 January 2003 (see Section 5).

809. There is no record of Lord Goldsmith's conversation with Mr Straw on 7 November.

810. In preparation for the conversation, Ms Adams advised Lord Goldsmith:

> "… the main purpose … was to make clear to the Foreign Secretary that he should not take it for granted that 'it will be alright on the night'."[276]

---

[275] Manuscript comment Adams to AG, 6 November 2002, on Minute Wood to PS [FCO], 6 November 2002, 'Iraq: Legal Basis for the Possible Use of Force'.
[276] Minute Adams to Attorney General, 7 November 2002, 'Iraq: Meeting with the Foreign Secretary'.

811. Lord Goldsmith told the Inquiry that was the main purpose of the conversation with Mr Straw on 7 November; and he had meant that "they shouldn't take it for granted that, when it came to it and definitive legal advice was given, that it was going to be that we are in a position to take military action".[277]

812. Ms Adams also wrote:

> "A vote is expected at the end of the week. The draft … may change further … so you are still not in a position to give a definitive view of what it means (and of course we will need to wait and see what statements are made on adoption)."[278]

MR STRAW'S STATEMENT TO PARLIAMENT, 7 NOVEMBER 2002

813. Mr Straw told Parliament that the UK's objective was consensus on a tough resolution that left Iraq under no illusions about the need for disarmament.

814. The UK wanted a peaceful resolution to the crisis, and the best chance of achieving that was a clear and credible threat of the use of force.

815. If Saddam Hussein failed to comply, it was open to any member of the Security Council to table a further resolution seeking UN support for the use of force and the UK reserved the right to do so. But Mr Straw could not anticipate what could happen.

816. Whether military action was justified would depend on the circumstances. The UK reserved its "right" within international law to take military action if that was required.

817. Mr Straw made a statement to the House of Commons on 7 November.[279]

818. Mr Straw stated:

> "… our overriding objective is to disarm Iraq of its weapons of mass destruction through an effective inspections regime …
>
> "As one of the five Permanent Members of the Security Council, the UK has been determined to ensure that the UN emerges from this crisis with its credibility enhanced. During the negotiations, our aim has been to secure consensus on a tough resolution that leaves Iraq under no illusions about the need for disarmament …"

819. Mr Straw stated that the resolution used the full powers of the UN under Chapter VII of its Charter and that the "key points" included the finding in OP1 that Iraq had been

---

[277] Public hearing, 27 January 2010, page 32.
[278] Minute Adams to Attorney General, 7 November 2002, 'Iraq: Meeting with the Foreign Secretary'.
[279] House of Commons, *Official Report*, 7 November 2002, columns 431-451.

and remained in material breach of its obligations, and that OP2 offered Iraq a final opportunity to comply.

820. Mr Straw also stated:

> "The text sets out the procedure to be followed in the case of failure by Iraq to comply; it requires in operative paragraph 4 that any further material breach … should be reported to the Security Council. It directs in operative paragraph 11 the Executive Chairman of UNMOVIC and the Director General of the IAEA to report immediately to the Council any interference by Iraq with their inspection activities of failure to comply with its disarmament obligations. It provides in operative paragraph 12 that the Council will convene immediately on receipt of a report of non-compliance in order to consider the situation."

821. Mr Straw stated:

> "Britain wants a peaceful resolution to this crisis, and the United States has shown by its engagement in the long negotiation over the past weeks that it too is committed to using the UN route in order to resolve this problem."

822. Quoting Mr Annan's remarks (on 16 October), Mr Straw stated that in relation to Iraq, diplomacy had to be backed by military force to succeed and that:

> "The more credible the threat, the more likely it is that Iraq will respond to the demands of the UN … The choice for Saddam Hussein is to comply with the UN or face the serious consequences."

823. Mr Michael Ancram, the Opposition Front Bench Spokesman on Foreign Affairs, asked for clarification on whether OP2 of the resolution meant that:

> "… in the event of non-compliance, no further resolutions will be required? Is it implicit in the resolution that action is already justified by the existing and continuing breach of Iraq's obligations?"

824. In response, Mr Straw referred to the provisions of OPs 1, 2 and 3-10, adding:

> "… under operative paragraph 11, the inspectors are under a duty to report to the Security Council if they come across any breach; and under operative paragraphs 4 and 11, the Security Council can – and will – resume its meetings to consider the circumstances if there is a breach.
>
> "I do not want to anticipate what will happen if there is a breach, except to say that although we would much prefer decisions to be taken within the Security Council, we have always made it clear that within international law we have to reserve our right to take military action, if that is required, within the existing charter and the existing body of UN Security Council resolutions, if, for example, a subsequent resolution were to be vetoed … I do not believe it will come to that."

825. Asked by Mr George Osborne (Conservative) if UN-authorised military action would require a new resolution if Iraq was in material breach of the resolution, Mr Straw replied:

> "The processes set out in the Security Council resolution are complicated … False statements or omissions or failure to comply, as set out in operative paragraph 4, will amount to a material breach, and any reporting by the inspectors may turn out to show a material breach. Then, under operative paragraph 12, the Security Council will meet to discuss the matter. Any member of the Council can table a resolution, and it remains to be seen whether the Security Council or individual members judge that a further resolution is necessary to deal with the material breach that is presented to them. It is complicated, but it is clear."

826. Asked if the British Government intended to table a resolution seeking UN support for the use of force in the event that Saddam Hussein failed to comply, Mr Straw replied that it was "open to any member of the Security Council … to put forward a resolution or resolutions" and that the UK reserved the right to do so. But he could not "at this stage anticipate what could happen".

827. Asked by Ms Ann Clwyd (Labour) about progress using international law to set up a war crimes tribunal on Iraq, Mr Straw replied:

> "We have been making as much progress as we can in respect of indicting war criminals in Iraq. I recognise my hon. Friend's feeling that is not sufficient and I will continue to pursue indictment in the United Kingdom … I speak to … Attorney General about this from time to time. I shall be seeing him again this afternoon for a further discussion. We certainly do not rule out an international tribunal trying Saddam Hussein and others in his Government for war crimes."

828. In response to other points raised by MPs, Mr Straw stated:

- "… any decisions that we make in respect of military action will be made within the context of the body of international law, of which Security Council resolutions form part, but not the whole."
- The "best chance of a peaceful solution to the crises" was "through unanimity of the international community and a clear and credible threat of the use of force" if Iraq did not comply. He remained "quite optimistic" that the process could work.
- The text did not define "material breach" because it was "a term of art familiar in international law".
- In relation to who was to decide if there was a material breach, it would "become patent [sic] whether there has been a material breach", and what followed would "in the first instance be a matter for discussion within the Security Council".
- If the resolution was passed unanimously, there would be "clear deadlines for compliance".

- Whether military action was justified in law "with or without a second resolution" would depend on the circumstances, which he could not predict.
- There was "now a great emerging consensus" which recognised that Saddam Hussein had "been in the most terrible breach of international obligations … and that the time had come to require that awful, terrible regime to put right those breaches".
- There were "no trip wires in the resolution"; the UK had "been extremely careful to ensure" that there were none.
- The UK was working on the basis that Saddam Hussein was "a liar and a cheat".
- He and Mr Blair were aware "of the anxieties of the public … about the prospect of military action", and: "Military action should never be used except as a last resort when all other possibilities have been exhausted."
- The UK "would prefer to stay with the UN Security Council route" but "must reserve the right, within our obligations under international law, to take military action if we deem that necessary, outwith a specific Security Council resolution being passed in the future". The UN Charter, Security Council resolutions and customary international law were the basis of international law, and judgements about whether military action was "necessary and justified" had to be made on "that totality".
- The prospect of military action was seen "very much as a last resort"; if the resolution was passed, the prospect of military action would recede.

Resolution 1441 (2002)

829. Following a series of discussions in New York on 7 November, the US and UK tabled a revised draft resolution.

830. An instruction to the UK Mission in New York agreeing amendments to the draft text was cleared with No.10 on the morning of 7 November.[280] That included an amendment to the text of OP4 to refer to OP11 "and" OP12, "while keeping 'or' in OP12" to "leave open the possibility of a member state, as well as Blix, making a report to the Council".

831. Mr Blair discussed the resolution with President Putin on 7 November.[281]

832. Mr Blair said that he "hoped that, through this resolution and the inspection regime, the issue of Iraq's WMD could be resolved without conflict". Mr Blair and President Putin also discussed the issue of who under OP4 would establish the material breach. Mr Blair told President Putin that if there were a breach by Iraq then we would come back for a further discussion in the Security Council. Our expectation would be that if there were a significant breach, the Security Council would authorise action.

---

[280] Fax Ricketts to Rycroft, 7 November 2002, attaching Paper 'Draft telegram to UKMIS New York'.
[281] Letter Rycroft to McDonald, 7 November 2002, 'Iraq: Prime Minister's Conversation with Putin, 7 November'.

833. Mr Putin proposed a joint EOV by the P5. Mr Blair was prepared to agree that, provided that the undertaking to consult was tied to an undertaking to act.

834. Following a series of discussions in New York on 7 November, which focused on Security Council unity and the need for a balance between safeguards on Council involvement, a clear warning of the consequences of non-compliance and the powers needed by the inspectors to secure the objective of Iraq's disarmament, the US and UK agreed the final changes to the draft resolution.[282]

835. Sir Jeremy Greenstock reported that Mr Lavrov had sought an addition to OP4 providing for a material breach to be "reported [to] and assessed by the Council", and had also expressed concern that the "US wanted the whole Council to accept some unpredictable future event would constitute a material breach".

836. Sir Jeremy Greenstock subsequently stated that the purpose of the resolution was:

> "(i) to clarify and strengthen the inspections regime so that the disarmament of Iraq's WMD, in accordance with its obligations … could be brought to full and verified completion through this enhanced inspections regime; and (ii) to deliver the clear-cut warning, one final time, that failure to comply with its disarmament obligations would, in accordance with this resolution, including the procedures specified in OPs 4, 11 and 12, mean that Iraq will face serious consequences."

837. The US and UK also made clear that the resolution provided for a two stage process with the Council at its centre.

838. Following discussion with Washington and agreement with the UK, the US delegation introduced a revised text. The decision that a further material breach would be "reported to the Council in accordance with paragraphs 11 and 12", not "11 or 12", in OP4 was described as a "substantial change". At the request of Russia, "secure" replaced "restore" in OP12.

839. Mr Lavrov had also asked the US and UK for confirmation that the "failures" referred to in OP4 related to WMD programmes, and to clarify whether they understood OP4 to require a report by UNMOVIC and the IAEA to the Security Council and then Council discussion.

840. On the last point, Sir Jeremy had responded that:

> "If there was a further Iraqi breach … the matter would return to the Council for discussion as required under OP12. We would then expect the Security Council to meet its responsibilities."

841. Resolution 1441 was adopted on 8 November by a unanimous vote of the members of the Security Council.

---

[282] Telegram 2128 UKMIS New York to FCO London, 8 November 2002, 'Iraq Resolution: 7 November'.

842. The preambular paragraphs (PPs 1-18) set out the relevant Security Council resolutions and the obligations they imposed on Iraq.[283] The resolution:

- recognised that Iraq's non-compliance with existing obligations imposed by the Security Council, in relation to WMD and long range missiles, posed a threat to international peace and security (PP3);
- recalled that resolution 678 (1990) had authorised Member States to use all necessary means to uphold and implement the relevant resolutions and to restore international peace and security in the area (PP4);
- expressed the Council's determination to secure full compliance with its decisions (PP17); and
- stated that it was acting under Chapter VII of the Charter (PP18).

843. A summary of the key operative paragraphs is in the Box below.

Resolution 1441 (2002): summary of key operative paragraphs

- Iraq "has been and remains in material breach of … relevant resolutions, including Resolution 687 (1991)", the "cease-fire" resolution (**OP1)**.
- Iraq had "a final opportunity to comply with its disarmament obligations". The Security Council had decided to set up "an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by … resolutions of the Council" (**OP2**).
- Iraq "shall provide … not later than 30 days from the date of this resolution, a currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological and nuclear weapons, ballistic missiles and other delivery systems … including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material" (**OP3**).
- "[F]alse statement or omissions in the declarations … and failure by Iraq … to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach" which would be "reported to the Council for assessment in accordance with paragraphs 11 and 12" (**OP4)**.
- Iraq "shall provide UNMOVIC and the IAEA with immediate, unimpeded, unconditional and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted and private access to all officials and other persons whom … wish to interview in the mode or location of UNMOVIC's or the IAEA's choice … inside or outside of Iraq … without the presence of observers from the Iraqi Government". UNMOVIC was instructed, and the IAEA requested, "to resume

[283] UN Security Council resolution 1441 (2002).

inspections no later than 45 days" following adoption of the resolution and "to update the Council 60 days thereafter" (**OP5**).

- The contents of the letter of 8 October 2002, from Dr Blix and Dr ElBaradei to General Amir al-Sa'adi, the Scientific Adviser to the Iraqi Presidency, setting out the rights of the inspectors agreed in talks in Vienna [1 October], would be "binding" (**OP6**).
- UNMOVIC and the IAEA were given specified "revised or additional authorities … to facilitate their work in Iraq" which were "binding upon the Iraq" (**OP7**).
- Iraq was prohibited from taking or threatening hostile acts against any representative of the UN, IAEA or Member State taking action to uphold any Council resolution (**OP8**).
- Iraq was given seven days to confirm "its intention to comply fully" with the resolution and to co-operate "immediately, unconditionally, and actively with UNMOVIC and the IAEA" (**OP9**).
- Member States were requested to "give full support to UNMOVIC and the IAEA in the discharge of their mandates" (**OP10**).
- Dr Blix and Dr ElBaradei were directed to "report immediately to the Council any interference … with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations" (**OP11**).
- The Council would "convene immediately upon receipt of a report" of any failure by Iraq to comply with its obligations under OP4 or OP11 "in order to consider the situation and the need for full compliance with all of the relevant … resolutions in order to secure international peace and security" (**OP12).**
- Iraq would "face serious consequences" as a result of its continued violations of its obligations (**OP13**).
- The Security Council would "remain seized of the matter" (**OP14**).

844. After the vote, Mr Annan stated that the resolution had "strengthened the cause of peace and given renewed impetus to the search for security in an increasingly dangerous world".[284] He urged the Iraqi leadership to "seize this opportunity" provided by the resolution and reiterated his statement of 12 September 2002 that: "If Iraq's defiance continues, however, the Security Council must face its responsibilities."

845. Mr Annan stated that the road ahead would be "difficult and dangerous". For the inspectors to succeed, they would "require full and unconditional co-operation on the part of Iraq and the continued determination of the international community to pursue its common aim in a united and effective manner". The goal was to "ensure the peaceful disarmament of Iraq in compliance with Security Council resolutions" and "a better, more secure future for its people".

846. Mr Annan concluded: "How this crisis is resolved will affect greatly the cause of peace and security in the coming years, in the region and in the world."

[284] UN Security Council, '4644th Meeting Friday 8 November 2002' (S/PV.4644).

Explanations of Vote

847. Reflecting the need for ambiguity to secure consensus, the UK's Explanation of Vote did not directly address the issue of whether there should be a further resolution and decision by the Security Council, stating only that, in the event of a report of a further breach, the UK "would expect the Security Council to meet its responsibilities".

848. As Sir Jeremy Greenstock had predicted, each member of the Security Council made a statement explaining the basis for its vote, and in a number of cases its interpretation of the provisions of the resolution.[285] Many Member States, including the US and the UK, stressed that resolution 1441 did not provide "automaticity" for the use of force.

849. Referring to his statement on 17 October, during the Security Council's open debate on Iraq, Sir Jeremy Greenstock stated that there was "no shadow of doubt" that Iraq had defied the UN and had sought to hinder and frustrate inspections since 1991.

850. Sir Jeremy also stated:

- "With the adoption of this resolution the Security Council has clearly stated that the United Nations will no longer tolerate this [Iraq's] defiance." Iraq was "being given a final opportunity to comply with its disarmament obligations; a final opportunity to remedy its material breach of resolution 687". The regime in Baghdad faced "an unequivocal choice: between complete disarmament and the serious consequences indicated in paragraph 13" of the resolution.
- The unanimous support of Council members sent the most powerful signal that Iraq could no longer evade its obligations.
- Because of the strength of that signal there was "at last a chance" that Iraq would "finally comply … and that military action can be averted".
- The provisions agreed in the resolution made the practical arrangements set out by the inspectors legally binding. That would "reinforce international confidence in the inspectors". It would also, he hoped, "lead Iraq away from a fatal decision to conceal weapons of mass destruction".
- The Council had "heard loud and clear … the concerns about 'automaticity' and 'hidden triggers' – the concern that on a decision so crucial we should not rush into military action; that on a decision so crucial any Iraqi violations should be discussed by the Council".
- As a co-sponsor of the resolution, the UK would be "equally clear in response". There was: "… no 'automaticity' in this resolution. If there is a further Iraqi breach of its disarmament obligations, the matter will return to the Council for discussion as required in paragraph 12." The UK "would [then] expect the Security Council to meet its responsibilities".

[285] UN Security Council, '4644th Meeting Friday 8 November 2002' (S/PV.4644).

- "Ultimately" the choice lay with Iraq "whether to take the peaceful route to disarmament". The UK hoped it would do so: disarmament "by peaceful means" remained "the UK's firm preference".
- If Iraq chose "defiance and concealment, rejecting the final opportunity" it had been given, the UK "together, we trust with other Members of the Security Council" would "ensure that the task of disarmament required by the resolutions" was "completed".

851. Key points made by other members of the Security Council in their EOV are set out in Table 1 in the order in which they were made.

Table 1: Key points from Explanations of Vote

Country	Extracts from Explanations of Vote (EOV)
USA	"By this resolution we are now united in trying a different course … to send a clear message to Iraq insisting on disarmament … or face the consequences. "… This resolution is designed to test Iraq's intentions … Every act of Iraqi non-compliance will be a serious matter, because it would tell us that Iraq has no intention of disarming. "… this resolution contains no 'hidden triggers' and no 'automaticity' with respect to the use of force. If there is a further Iraqi breach, reported to the Council by UNMOVIC, the IAEA or a Member State, the matter will return to the Council for discussions as required in paragraph 12. The resolution makes clear that any Iraqi failure to comply is unacceptable and that Iraq must be disarmed … If the Security Council fails to act decisively in the event of further Iraqi violations, this resolution does not constrain any Member State from acting to defend itself against the threat posed by Iraq or to enforce relevant United Nations resolutions and protect world peace and security."
France	"The Resolution strengthens the role and authority of the Security Council. That was the main and constant objective of France … reflected in our request that a two-stage approach be established and complied with, ensuring that the Security Council would maintain control of the process at each stage. "That objective has been attained: in the event that … UNMOVIC or the … IAEA reports to the Security Council that Iraq has not complied with its obligations, the Council would meet immediately to evaluate the seriousness of the violations and draw the appropriate conclusions. France welcomes the fact that all ambiguity on this point and all elements of automaticity have disappeared from the resolution. … "This resolution represents a success for the Security Council and the United Nations …

Country	Extracts from Explanations of Vote (EOV)
France (continued)	"It is against that backdrop, and through collective responsibility, that the efforts of the international community to disarm Iraq should be carried out. War can only be the last recourse. The rules of the game spelled out by the Security Council are clear and demanding and require the unfailing co-operation of Iraqi leaders. If Iraq wants to avoid confrontation it must understand that this is its last opportunity."
Mexico	"The resolution just adopted is the result of negotiations in which those who called for automatic recourse to the use of force agreed to give Iraq one last chance to voluntarily, immediately and unconditionally comply with Security Council resolutions … [T]his resolution also constitutes progress, as it eliminates the concept of automaticity in the use of force in response to a serious violation without the explicit agreement of the Council. "We welcome the fact that the two-stage approach has been accepted … [A]ny decision in response to possible material breach by Iraq … will have to be taken on the basis of two prerequisites. "… The first stage would entail a credible process to evaluate Iraq's true military capability and its intentions to use its weapons or the ability of terrorist groups to have access to them. The second … would entail the agreement of the Security Council and other States involved on the measures to be adopted if the evaluation process detects a threat to international peace and security. … "… We emphasise the importance that the Security Council decisions taken in this connection must continue to comply with the principles of the Charter and international law on the basis of objectively verifiable facts. "We reiterate the belief reflected in the agreed text that the possibility of the use of force is valid only as a last resort, with prior explicit authorisation required from the Security Council. "… the resolution stipulates that should Iraq fail to comply, it will be the inspectors who will report to the Council. This multilateral body will then determine the nature of the failure to comply, judge whether international peace and security have been imperilled, and then decide what is appropriate under the … Charter."
Ireland	"… we welcome the assurances given by the sponsors that their purpose in presenting this resolution was to achieve disarmament through inspections and not to establish a basis for the use of military force … … "… the resolution … offers the most likely means of securing Iraq's voluntary compliance … avoiding a military conflict and preserving the primary responsibility of the Security Council for the maintenance of international peace and security … "The resolution provides for a clear, sequential process whereby … UNMOVIC or the … IAEA will give the Council its assessment of any material breach or alleged material breach of Iraq's obligations … The matter will then be fully examined by the Security Council itself.

Country	Extracts from Explanations of Vote (EOV)
Ireland (continued)	"As far as Ireland is concerned, it is for the Council to decide on any ensuing action … we are confident that, should it be necessary, the Council will … face its responsibilities. "… As the concept of material breach is a key element of this resolution … Ireland's understanding of this concept is in accordance with the definition contained in the 1969 Vienna Convention on the Law of Treaties: 'the violation of a provision essential to the accomplishment of the object or purpose of the treaty … We fully expect this same definition to be applied in determining whether any further material breach has occurred, should it become necessary to do so."
Russia	"… our delegation participated constructively in work on additional procedures for inspections that would ensure there would be no resumption of Iraqi programmes for weapons of mass destruction and at the same time would create the conditions for a comprehensive settlement of the situation around Iraq, including the lifting of sanctions. "At all stages … we were guided by the need to direct the process of a settlement onto a diplomatic and political path and not to allow a military scenario … the resolution … contains no provisions for the automatic use of force. It is important that the resolution's sponsors today officially confirmed … that that is their understanding and that they provided an assurance that the resolution's objective is the implementation of existing Security Council decisions concerning Iraq through inspections … "… it is of fundamental importance that the resolution clearly confirms that all Members of the United Nations respect the sovereignty and territorial integrity of Iraq … It also confirms the need for full implementation of resolution 1382 (2001), whereby all members of the Security Council undertook to seek a comprehensive settlement … which assumes the lifting of sanctions. … "The … wording is not ideal … but that reflects the very complicated nature of the compromise that was reached. The Russian Federation made a choice … What is most important is that the resolution deflects the direct threat of war and that it opens the road towards further work in the interests of a political diplomatic settlement. "It is particularly important that … in the event of any kind of disagreement over disarmament matters, it is the heads of UNMOVIC and of the IAEA who will report … to the Security Council, and that it is the Council that will consider the situation … … "Implementation … will require goodwill … the willingness to concentrate on moving forward towards the declared common goals, not yielding to the temptation of unilateral interpretation of the resolution's provisions and preserving the consensus and unity of all members of the … Council."
Bulgaria	"This Resolution is not a pretext for automatic recourse to the use of force … "My country welcomes the fact that the resolution categorically reaffirms the centrality of the Security Council in our decision-making process."

Country	Extracts from Explanations of Vote (EOV)
Syria	"Syria voted in favour … having received reassurances … that it would not be used as a pretext for striking against Iraq and does not constitute a basis for any automatic strikes against Iraq. The resolution should not be interpreted … as authorising any State to use force. It reaffirms the central role of the Security Council in addressing all the phases of the Iraqi issue. "Syria has also received reassurances from the Permanent Members of the … Council that the resolution strengthens the mandate of the international inspectors; that it serves the objective of preserving Iraq's sovereignty, territorial integrity and inviolability and that it will lead to a comprehensive solution of the Iraqi issue."
Norway	"… we commit ourselves to using the Security Council to resolve a serious crisis and thus signal our determination to uphold the authority of the Organisation and respect for international law. "… In case of Iraqi non-compliance, the resolution sets out a procedure whereby the Security Council will convene immediately in order to secure international peace and security."
Singapore	"It makes clear that Iraq will be given a full and final opportunity to comply with its obligations under the relevant resolutions … "The difference between successful and unsuccessful inspections may be the difference between peace and war …"
Colombia	"We insisted on preserving the central role of the Security Council … This resolution is not, nor could it be at this time, a resolution to authorize the use of force."
Cameroon	"My country welcomes the clear statements … by the sponsors spelling out the fact that the resolution … does not contain traps or automaticity … they are working, and will always work, for the centrality of the Security Council in the maintenance of international peace and security."
Guinea	"My country … reaffirms the unity and the role of the Security Council as the guarantor of international peace and security."
Mauritius	"We are pleased to see the clear and unambiguous role of the Security Council and the maintenance and promotion of international peace and security through peaceful means."
China	"China stands firmly for a peaceful solution to the question of Iraq, through political and diplomatic means and within the framework of the United Nations. "China has consistently held that, in seeking a comprehensive settlement of the question of Iraq, the sovereignty and territorial integrity as well as the legitimate concerns of Iraq should be respected … … "China supports the two-stage approach … the sponsors of the draft resolution accommodated our concerns, and the Council members have finally reached consensus.

Country	Extracts from Explanations of Vote (EOV)
China (continued)	"… the purpose of the resolution is to achieve the disarmament of Iraq through effective inspections. The text no longer includes automaticity for authorising the use of force … only upon receipt of a report by UNMOVIC and the IAEA on Iraq's non-compliance and failure to co-operate fully in the implementation of the resolution, will the Security Council consider the situation and take a position. … "The Security Council bears the primary responsibility for the maintenance of international peace and security – a responsibility that is entrusted to it by the Charter. Now the … Council has adopted this important resolution … we hope it will contribute to preserving the authority of the Council, facilitate a political settlement … and enable an early return of the … inspectors to Iraq. … "We would also like to point out that the … inspectors should draw lessons from the United Nations Special Commission. We trust that UNMOVIC and the IAEA will strictly abide by the mandate provided by the … Council … and faithfully fulfil its duties."

Statements by the Permanent Members of the Security Council

852. China, France and Russia made a joint statement that, in the event of a report of a further material breach, it would "be for the Security Council to take a position on the basis of that report".

853. China, France and Russia also issued a joint statement outlining their interpretation of the resolution:

> "Resolution 1441 (2002) adopted today by the Security Council excludes any automaticity in the use of force. In this regard, we register with satisfaction the declarations of the representatives of the United States and the United Kingdom confirming this understanding in their explanations of vote, and assuring that the goal of the resolution is the full implementation of the existing Security Council resolutions on disarmament of Iraq's weapons of mass destruction. All Security Council members share this goal.
>
> "In case of failure by Iraq to comply with its obligations, the provisions of paragraphs 4, 11 and 12 will apply. Such failure will be reported to the Security Council by the Executive Chairman of UNMOVIC or the Director General of the IAEA. It will then be for the Council to take a position on the basis of that report.

> "Therefore, the Resolution fully respects the competences of the Security Council in the maintenance of international peace and security, in conformity with the Charter of the United Nations."[286]

854. Sir John Holmes told the Inquiry that President Chirac's "overriding objective throughout this period … was to prevent war with Iraq because he did not believe that it was justified".[287]

855. Sir John added that the wider French objectives were:

> "… to get the inspectors back in, to make sure that there was going to be no automaticity … [there] had to be a subsequent decision by the Security Council, and there should be no hidden triggers in 1441, which would allow the Americans and the British to claim that somehow they had legitimised military action when they hadn't."[288]

856. Sir John was very clear that France had deliberately accepted ambiguity about the need for a further decision by the Security Council:

> "… if the language could have been more explicit about that they would have liked that, but they accepted weaker language in the interests in the end of getting a result, and I think the other objective they did share at that point was getting the international community united about something, which of course 1441 did, however temporarily, because everybody was on board and, therefore, they thought that was a difficult negotiation, but a successful one, from their point of view, at the end of the day."[289]

857. Sir John stated:

> "Well of course they [the French] knew what they were agreeing to, that there was no actual decision to have a second resolution … their preference always was, because the main concern was to avoid automaticity, therefore, the main concern was to be sure that you had to go back to the Security Council. Now, what that meant, whether it meant a resolution or not was perhaps less important to them, which is why they conceded the language at the end of the day, than the fact that you had to go back there and the fact that 1441 could not be considered of itself as a sufficient legitimisation by the Security Council of military action … everybody knew that this was ambiguous. This was the best language that could be achieved in the circumstances … [but] it did leave a central area of doubt about what exactly would happen should Saddam Hussein be determined to be in a further material breach … they knew what they meant in their heads by that, and we knew what we

---

[286] UN Security Council, Annex to Letter dated 8 November 2002 – 'Joint statement by the People's Republic of China, France and the Russian Federation' (S/2002/1236).
[287] Public hearing, 29 June 2010, page 18.
[288] Public hearing, 29 June 2010, pages 22-23.
[289] Public hearing, 29 June 2010, pages 23-24.

meant in our heads by that, but that's the nature of a negotiation like that. You come up with some language that can encapsulate both those things simultaneously, but it doesn't remove the ambiguity."[290]

858. Asked whether the French position had remained that the use of force could only be authorised by a decision of the Security Council, Sir John replied that was essentially the French position, but:

"They were a little bit wary about articulating that as clearly as they might have done, and I think that's because, like us, they had always had this concern, a broader concern, not related to any particular situation, that they didn't want to be in a position where military action in the modern world could only be authorised by the Security Council."[291]

859. Mr Blair's statement of 8 November focused on the decision made by the UN that Iraq must comply with its obligations, and the choice for Saddam Hussein of whether to disarm willingly.

860. Mr Blair also stated that he hoped that disarmament would be achieved peacefully.

861. In a statement issued on 8 November, Mr Blair expressed delight that the Security Council had risen to the challenge and, by unanimously adopting resolution 1441, it had "made clear beyond doubt" that Iraq had to comply with its obligations to the UN.[292]

862. Mr Blair stated:

- Iraq's obligation was to co-operate with the weapons inspectors. It was "not a game of hide and seek, where the inspectors try their best to find the weapons and Saddam does his best to conceal them".
- The "duty of co-operation" meant "not just access but information. Failure to be open and honest in helping the inspectors … is every bit as much a breach as failure to allow access to sites."
- The survival of Saddam Hussein's regime was "in his hands". Conflict was "not inevitable". Disarmament was.
- In the event of Saddam refusing to co-operate or a breach, there would be "a further UN discussion". There was no "automatic trigger" in the resolution.
- "But everyone now accepts that if there is a default … the international community must act to enforce its will. Failure to do so would mean, having stated our clear demand, we lacked the will to enforce it."

---

[290] Public hearing, 29 June 2010, pages 25-26.
[291] Public hearing, 29 June 2010, page 30.
[292] The National Archives, 8 November 2002, *PM statement on Iraq following UN Security Council resolution.*

- He hoped the issue could be "resolved peacefully". "From the outset" he had wanted the issue "resolved through the UN with the international community acting together": "We have made our choice: disarmament through the United Nations, with force as a last resort."
- The message to Saddam Hussein was "disarm or you face force. There must be no more games, no more deceit, no more prevarication, obstruction or defiance."

863. Mr Blair also stated that there was no quarrel with the Iraqi people; and that: "Whatever happens, the territorial integrity of Iraq will be absolute."

864. Mr Blair concluded that he hoped "an Iraq free of WMD" and a "Government unable to use them to oppress its people and its neighbours" was "a symbol of change … and hope for the future".

865. President Bush emphasised that Iraq's co-operation would need to be "prompt and unconditional" or it would "face the severest consequences". "Any act of delay or defiance" would be "a clear signal" that the Iraqi regime had "abandoned the path of voluntary compliance".

866. The US had "agreed to discuss any material breach with the Security Council, but without jeopardising" its "freedom of action to defend our country".

867. The US was determined not to allow anything in a new resolution which would detract from the authorities to use force it believed it had.

868. Reporting conversations with senior officials in the US Administration on 7 November, Mr Brenton wrote that the hawks in Washington saw the resolution as a defeat and warned that they would be "looking for the least breach of its terms as a justification for resuming the countdown to war".[293] They had also discussed the issue of the supervision of the oil sector "post occupation".

869. In remarks to the press on the adoption of resolution 1441, President Bush stated that Saddam Hussein had been "given clear and fair notice" that:

- he "must fully disclose and destroy his weapons of mass destruction";
- he "must submit to any and all methods to verify his compliance"; and
- co-operation "must be prompt and unconditional or he will face the severest consequences".[294]

870. President Bush added that the Iraqi regime had "treated its own pledge" to disarm "with contempt" since 1991. Iraq was already in material breach of its obligations and

---

[293] Minute Brenton to Gooderham, 7 November 2002, 'Iraq'.
[294] The White House, 8 November 2002, *President Pleased with UN Vote.*

had "aggressively pursued weapons of mass destruction, even while inspectors were inside the country". The world had learned "an essential lesson" from that experience:

> "… inspections will not result in a disarmed Iraq unless the Iraqi regime fully co-operates. Inspectors do not have the power to disarm an unwilling regime. They can only confirm that a government has decided to disarm itself. History has shown that when Iraqi leaders stall inspections and impede the progress, it means they have something to hide."

871. President Bush warned Iraq that "the old game of cheat and retreat" would "no longer be tolerated"; and:

> "Any act of delay or defiance will be an additional breach of Iraq's international obligations, and a clear signal that the Iraqi regime has once again abandoned the path of voluntary compliance."

872. Setting out the US standpoint, President Bush stated:

> "With the passage of this resolution, the world must not lapse into unproductive debates over whether specific instances of Iraqi non-compliance are serious. Any Iraqi non-compliance is serious, because such bad faith will show that Iraq has no intention of disarming …
>
> "America will be making only one determination: is Iraq meeting the terms of the Security Council resolution or not? The United States has agreed to discuss any material breach with the Security Council, but without jeopardising our freedom of action to defend our country. If Iraq fails to comply, the United States and other nations will disarm Saddam Hussein."

873. President Bush stated that the US would support the UN inspections teams, including with "information that can help identify illegal activities and materials in Iraq", and called on other nations and "patriotic Iraqis" to do the same. Saddam Hussein could not "hide his weapons of mass destruction … without the co-operation of hundreds and thousands of Iraqis – those who work in the weapons programmes and those who are responsible for concealing the weapons".

874. Framing action on Iraq squarely in the context of the threat from international terrorism, President Bush stated:

> "Americans recognise what is at stake. In fighting a war on terror, we are determined to oppose every source of catastrophic harm that threatens our country, our friends, and our allies … And we oppose a uniquely dangerous regime – a regime that has harboured terrorists and can supply terrorists with weapons of mass destruction; a regime that has built such terrible weapons and has used them to kill thousands; a brutal regime with a history of both reckless ambition and reckless miscalculation.

> "The United States of America will not live at the mercy of any group or regime that has the motive and seeks the power to murder Americans on a massive scale. The threat to America also threatens peace and security in the Middle East and far beyond. If Iraq's dictator is permitted to acquire nuclear weapons, he could resume his pattern of intimidation and conquest and dictate the future of a vital region.
>
> "In confronting this threat, America seeks the support of the world. If action becomes necessary, we will act in the interests of the world. And America expects Iraqi compliance with all UN resolutions."

875. President Bush concluded that the UN Security Council "must maintain its unity and sense of purpose so that the Iraq regime cannot revert to the strategies of obstruction and deception it used so successfully in the past". The question for Iraq was whether to meet its obligations voluntarily. If it did not, the US was "prepared for the alternative" and the "just demands of the world" would be met.

876. Secretary Rumsfeld wrote:

> "President Bush wanted to rally the United Nations to support a US-led effort to enforce the Security Council's resolutions. The British Prime Minister, a persuasive advocate, buttressed Bush's efforts. Bush and Blair, Powell and … Straw coaxed and cajoled the members of the Security Council on the matter. Finally … the Security Council voted 15-0 to support resolution 1441."[295]

877. Mr Blair used a speech on 11 November to emphasise the importance of dealing with WMD and terrorism as part of a wider agenda and the importance of US leadership for success.

878. Commenting on a draft of his speech to the Lord Mayor's Banquet at the Mansion House on 11 November 2002, Mr Blair set out the elements of the argument he wanted to make about the importance of a shared agenda in international politics.[296]

879. In relation to Iraq, Mr Blair stated that fighting the new threats, which crossed all national boundaries and were linked to extremism and failed states, needed a unified international community and that depended on a shared agenda:

> "The real reason people worry about Iraq is that they think the US is solely concerned with their issues but no-one else's. A shared agenda can only be based on a sense of fair play and justice and of one standard for all. Hence the importance of the MEPP."

880. Mr Blair also commented: "helping failed states recover ie Afghanistan or, potentially Iraq, can't just be invaded and left".

---

[295] Rumsfeld D. *Known and Unknown: A Memoir*. Sentinel, 2011.
[296] Note Blair [to No.10 officials], 3 November 2002, [extract 'Lord Mayor's Speech'].

881. Mr Blair began his speech:

> "Last Friday was an important day for the world. After months of debate, the United Nations came together and made its will plain. Saddam now has to decide: he can either disarm voluntarily … or he can defy the world, in which case he will be disarmed by force."[297]

882. Most of the speech focused on the broader threat posed by WMD and terrorism, stating that they were linked, and the need to counter them by moving forward the Middle East Peace Process, being prepared to help failed or failing nations to recover, and creating "bridges of understanding" between religions, and coalitions of force buttressed by a coalition of common ideas and a shared agenda.

883. Drawing together the capabilities of Iraq and North Korea, Mr Blair warned:

> "States which are failed, which repress their people brutally, in which notions of democracy and the rule of law are alien, share the same absence of rational boundaries to their actions as the terrorist. Iraq has used WMD. North Korea's admission that it has a programme to produce Highly Enriched Uranium was an important confession. We know that North Korea has traded ballistic missile technology. We know there are other highly unstable states who want to get their hands on Highly Enriched Uranium. With it a nuclear weapon could be a step away. Just reflect on that and the danger is clear.
>
> "And terrorism and WMD have the potential, at least, to be directly linked …"

884. Mr Blair added that Al Qaida could and would buy and use WMD:

> "So these are new and different dangers …
>
> "… above all the international community needs to be unified in its response."

885. Mr Blair concluded that it would be "irresponsible to ignore the threat" posed by terrorism and WMD. President Bush recognised that "full US engagement and leadership" was needed, as the "decision to go through the UN on Iraq" showed.

886. In his diaries, Mr Campbell wrote:

> "We were also having to get the balance right re Bush. There was no point him [TB] just getting up there and putting the US line but he did not want to be seen as anything other than supportive. The question was how you weave in the argument about maximising influence without being explicit."[298]

---

[297] The National Archives, 11 November 2002, *PM speech at the Lord Mayor's Banquet.*
[298] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

What was resolution 1441 intended to achieve?

887. The Inquiry was given a range of views about the UK's policy objectives for resolution 1441, the relative priority of those objectives, and what had been achieved.

888. Some witnesses emphasised the objective of disarming Iraq through a policy of coercive diplomacy and agreement on an effective inspections regime without military action.

889. Other witnesses emphasised the purpose of providing a legal base for military action without the need for a further decision by the Security Council.

890. Resolution 1441 decided (OP1) that Iraq "has been and remains in material breach" of its obligations under relevant resolutions adopted by the Security Council, in particular its failure to co-operate with UNMOVIC and the IAEA and to complete the actions for disarmament required by resolution 687 (1991), and decided to set up an enhanced inspection regime.

891. In his advice of 7 March 2003, Lord Goldsmith wrote that:

> "… while the US objective was to ensure the resolution did not constrain the right of action which they believed they already had, our objective was to secure a sufficient authorisation from the Council in the absence of which we would have had no right to act."[299]

892. Lord Goldsmith's consideration of the legal effect of the resolution and whether it achieved that objective is addressed in Section 5.

893. Mr Blair was asked to provide a statement setting out:

- his understanding of President Bush's objectives in relation to the UN;
- his objectives and strategy in the negotiation of [resolution] 1441;
- whether he was aware of differences between the UK's position and prevailing American objectives for 1441; and
- the implications of those differences for his strategy.[300]

894. In response, Mr Blair wrote:

> "The objectives for both President Bush and myself in trying to secure a fresh resolution were clear: to give Saddam one final chance to comply; and to make it clear if he didn't, then we would act, if necessary by force. In other words: change of heart or change of regime. Because he had so frequently broken his word, disregarded UN resolutions and refused to comply with the inspectors, we knew

---

[299] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.
[300] Inquiry request for a written statement, 13 December 2010, Q4, page 2.

the wording of the resolution had to be unequivocal: he had to co-operate fully and unconditionally. The stress on co-operation was deliberate. His concealment activity was again very clear and had been further demonstrated by his treatment of his son-in-law who had revealed his intentions, been lured back to Iraq and executed.

"So we had to insert language in the resolution that made this plain; and in particular resist language that meant that the words 'final opportunity' were diluted by requiring another UNSC decision. So we also sought to ensure that in the resolution itself, we specifically had a provision that a failure to comply would be itself a material breach.

"I was kept closely in touch with the negotiation, as was Jack Straw. We were very satisfied with the outcome. It achieved our objectives. We resisted attempts by France to insert language that would have required an additional decision. We never had a problem with another discussion in the UNSC. What we could not tolerate was a situation where Saddam continued to refuse to comply fully and unconditionally and yet we were powerless to act."[301]

895. Mr Blair concluded:

"Then, but even more in retrospect, UNSCR 1441 was a pivotal moment. If Saddam at that point had genuinely changed; had he welcomed inspectors and fully co-operated, action would have been avoided. I made this clear to President Bush and he agreed. I also think at the time those more sympathetic to Saddam thought he would. The fact is he did not and the Iraq Survey Group reports show why he did not."

896. Asked for a statement about what he thought would be achieved by inspections and his expectations about Iraqi co-operation with UNMOVIC, Mr Blair wrote:

"It is fair to say that I did not think that Saddam would change his behaviour. His record was clear. On the other hand he might have."[302]

897. Mr Blair cited Libya's response to the events of 9/11, which had condemned the attack and co-operated in pursuing Al Qaida, as evidence of a country which had demonstrated "a genuine change of heart, a strategic decision to alter" its position in the world. Saddam Hussein's actions and behaviour, including payments to the families of Palestinian suicide bombers, had shown "a completely different attitude". Inspections were "necessary", but they could only be successful with genuine co-operation."

898. Asked at what point he had asked for and received advice about what would happen if the inspectors did get back into Iraq, Mr Blair told the Inquiry that "the view of our system was, and certainly the intelligence services, was the likelihood that Saddam

[301] Statement, 14 January 2011, pages 5-6.
[302] Statement, 14 January 2011, page 7.

would play around, but I always thought it was possible that he would realise that this was the moment of choice".[303]

899. In the context of advice from officials in the 19 July Cabinet Office paper, 'Iraq: Conditions for Military Action', that the inspectors would "need at least six months", Mr Blair added:

> "For me it was never a matter of time but a matter of attitude. You could have given him [Saddam Hussein] longer than six months if he was co-operating but if he was not it wouldn't really matter … I do not accept that if Blix had carried on doing his inspections we would have found out the truth."[304]

900. In his first statement for the Inquiry, Mr Straw wrote that the UK objective was to secure agreement to:

> "… a robust text which provided terms for the readmission of inspectors to Iraq, and their unfettered operation, which was tough but not so tough that the Saddam Hussein regime could plausibly reject them altogether."[305]

901. Asked whether the purpose of 1441 was to ensure the return of the weapons inspectors to Iraq, or to create the conditions necessary to justify military action, Mr Straw replied:

> "The purpose of 1441 was as it stated. It was to secure compliance by Saddam Hussein with the obligations imposed on him by the Security Council. As I have said probably to the point of tedium, had Saddam complied with the resolution, he would have stayed in post. At the very minimum it would have been impossible for any British Government to have taken part in any military action, but I don't believe military action would have taken place, because the casus belli would have gone … It was not there as an excuse for military action. Certainly not … sometimes diplomacy has to be backed by the threat and, if necessary, the use of force … It was, to use the jargon, based on the idea of coercive diplomacy, but its purpose was to secure compliance, essentially the disarmament of Iraq, and that's what we set about achieving."[306]

902. In his memoir, Mr Straw wrote:

> "The resolution provided the best hope there was of resolving the crisis through peaceful means. The obligations that it imposed on the Iraqi government were easy to meet. Iraq had to make a full declaration of all its WMD programmes, and allow the IAEA and UNMOVIC inspectors unrestricted access. I often said that 'we would take yes for an answer'. There would have been no possibility whatever of war if the

---

[303] Public hearing, 21 January 2011, page 76.
[304] Public hearing, 21 January 2011, page 77.
[305] Statement, January 2010, page 9.
[306] Public hearing, 2 February 2011, pages 59-60.

inspectors had reported in unequivocal terms that Iraq was complying with 1441. Resolution 1441 was the means of enabling Saddam to say 'yes'. But we could only resolve this peacefully with the threat of military action."[307]

903. In his statement for the Inquiry, Sir Jeremy Greenstock wrote:

"The UK … was interested in ending the threat from Iraq of the use of WMD against UK interests. If this could be done by a successful and effective UN regime of intrusive inspections, this was preferable to a war."[308]

904. Sir Jeremy Greenstock told the Inquiry:

"UK strategy was influenced by two principal factors: the need to research every possible angle for the disarmament of Iraq through means short of the use of actual force; and the need to establish with the greatest international consensus the justification for the use of force, if force in the end proved necessary. This meant … that the UN inspectors had to return to Iraq to establish in detail whether or not Saddam Hussein was complying with UN resolutions, under conditions that both attracted support within the Security Council and gave the inspectors a real chance of achieving something useful."[309]

905. In his statement for the Inquiry, Sir Jeremy Greenstock wrote:

"The US … was keen to impose terms on Saddam Hussein which made the case for military measures unquestionable if he did not fulfil them. There was therefore an American interest in setting the bar very high for Iraq."[310]

906. Sir Jeremy added:

"The UK, on the other hand, was interested in ending the threat from Iraq from the use of WMD against UK interests. This could be done by a successful and effective UN regime of intrusive inspections, this was preferable to a war."

907. Sir Jeremy wrote that it was the expectation of many Member States that there would be a Security Council decision before force was used:

"Most members of the Council, however, made an assumption that further discussion in the Security Council about Iraqi compliance would itself lead to a decision for or against the use of force. In public explanations of vote after 1441 was adopted, only Mexico was absolutely explicit that this was their expectation. France and Russia were not so explicit, which implied to me that they recognised that 1441 did not amount unambiguously to such a condition."[311]

---

[307] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[308] Statement, November 2009, page 7.
[309] Statement, November 2009, page 9.
[310] Statement, November 2009, page 7.
[311] Statement, November 2009, page 11.

908. Sir Jeremy also wrote:

> "… the UK was not specific in saying that a new decision would not be necessary. Nor in fact was the United States. We left it that SCR 1441 would have to speak for itself.
>
> "The UK's actual position was that the whole corpus of resolutions, from SCR 678 and 687 onwards, substantiated the case for the use of force against Iraq, through the termination of the 1991 ceasefire, if Iraq was shown not to have complied with relevant resolutions. In taking this position, we were using exactly the same approach as in justifying the bombing of Iraq in December 1998, which up to this time had never been contested on a legal basis by another Member State."[312]

909. Sir Jeremy told the Inquiry that, in negotiating resolution 1441, the UK had:

> "… had to scale Washington's more unilateral ambitions back down to something that was negotiable within the Security Council."[313]

910. Subsequently, Sir Jeremy said: "it was an important objective of our diplomacy that we should have as large a consensus in the Security Council as possible for those reasons of legitimacy".[314]

911. Sir Jeremy Greenstock told the Inquiry:

> "We found language to express a consensus that meant that the inspectors would normally be expected to declare whether or not Saddam Hussein was in compliance, but there could also be a report from other sources that there was non-co-operation or non-compliance … Secondly, that if there was a report that there was non-compliance, the Security Council would meet to assess what that meant, and that was the only requirement of the resolution. It was not expressly stated in any operative paragraph of 1441 that the Security Council should meet and decide what to do in the case of non-compliance, and that was where the French and the Americans met, that there should be a further stage of consideration but that further stage of consideration should not necessarily mean that there would be a further decision of the Security Council if force had to be used under the terms of the whole corpus of resolutions up to that point."[315]

912. Sir Jeremy added:

> "It was my instructions that we should not concede … that it would be necessary to have a specific decision of the Security Council before force was used under the cover of the previous resolutions."[316]

---

[312] Statement, November 2009, page 11.
[313] Public hearing, 15 December 2009, page 33.
[314] Public hearing, 27 November 2009, page 39.
[315] Public hearing, 27 November 2009, page 41.
[316] Public hearing, 27 November 2009, page 47.

913. Sir Jeremy told the Inquiry:

> "The French and Russians and some others were absolutely determined to establish that there should be no use of force without a specific decision of the UN Security Council. The United States was absolutely determined to resist the need for a specific decision by the United Nations Security Council on the use of force. Those two positions were irreconcilable."[317]

914. Sir Jeremy told the Inquiry:

> "It was actually quite surprising to me that only the Mexican delegation said unequivocally that they expected that, if it came to the use of force, it would be solely the Security Council that had the authority to take that decision. The Irish delegate said something similar … but not as unequivocally as the Mexicans. Strangely, the French and the Russians, who were, as it were, our antagonists in this operation in the Security Council, were equivocal in what they said in their explanations of vote, which they had to be, because they had tried to negotiate specific language in 1441 and they had failed to negotiate that."[318]

915. Summing up the position following adoption of Resolution 1441, Sir Jeremy said:

> "This is where diplomacy gets clever and, as you can see from the outcome, from 1441, too clever for its own good, but diplomacy got clever and it produced a text in 1441 that was equivocal on two issues: one, what should happen if Saddam Hussein and his regime did not comply with the terms of 1441; and who should be the judge of whether or not Iraq was complying with the terms of 1441."[319]

916. Sir Jeremy also told the Inquiry:

> "It was not expressly stated in any operative paragraph of 1441 that the Security Council should meet and decide what to do in the case of non-compliance, and that was where the French and the Americans met, that there should be a further stage of consideration but that further stage of consideration should not necessarily mean that there would be a further decision of the Security Council if force had to be used under the terms of the whole corpus of resolutions up to that point."[320]

917. Mr Chaplin told the Inquiry:

> "… there was a surge of hope after 1441. 1441 was quite a remarkable achievement and if the Security Council could once more come together, as it had before, and we could see a track record going way back into the 90s, that, when the Security Council were united, Saddam Hussein took notice, as indeed he did on this occasion

---

[317] Public hearing, 27 November 2002, page 40.
[318] Public hearing, 27 November 2009, pages 47-48.
[319] Public hearing, 27 November 2009, pages 40-41.
[320] Public hearing, 27 November 2009, page 41.

by letting the inspectors back in, that there might, after all, be a route to resolving this problem through the inspection route and without military action."[321]

918. In his statement to the Inquiry, Mr Pattison offered his perspective "on how FCO policy officials understood" resolution 1441 "at the time of its drafting".[322]

919. Mr Pattison wrote that the "objectives in negotiating the text were clear by early September 2002". The FCO wanted "if possible to secure a resolution which:

(i) brought the UN back into the process by putting the focus on the disarmament process (rather than follow the perceived US agenda of regime change);

(ii) made clear that Iraq had an absolutely final opportunity to comply with UN demands; and

(iii) contained authorisation to use force if necessary."

920. Mr Pattison's "broad understanding during the negotiations was that, at a minimum, the position of previous Attorneys General required us to obtain a resolution which contained a material breach finding and talked of 'serious consequences' if Iraq remained in breach".

921. Mr Pattison explained:

"At the risk of stating the obvious, I think it worth pointing out that Security Council resolutions are often the products of complex political negotiations. The result is that the texts are sometimes more nuanced than one might expect in domestic law making … They are made by states seeking to protect political positions as well as to make international law. They often contain important compromises, which allow states with different points of view to sign up to a final text claiming it protects their positions while knowing it gives another group of states what they were seeking."[323]

922. Mr Pattison told the Inquiry that the objectives "were all equally important" as a means to achieving the objective of trying to "bring about an Iraq about whom we had no questions concerning their weapons programme".[324]

923. Mr Rycroft told the Inquiry:

"Our top objective was to get the Iraq issue back into the UN. By that we meant a UN Security Council resolution ideally by unanimity that sets out a final opportunity, an ultimatum to comply with all the previous resolutions, and a two-stage process so that if there were further evidence of non-compliance or non-co-operation, then … a discussion but not a further resolution by the Security Council about the consequences. So one objective was to keep the international community

---

[321] Public hearing, 1 December 2009, page 26.
[322] Statement, January 2011, paragraphs 1-2.
[323] Statement, January 2011, paragraph 3.
[324] Public hearing, 31 January 2011, page 11.

together and the other objective was to ensure that if there was a material breach either through non-co-operation or through a find of WMD, then we didn't have to go through this whole rigmarole again and have another resolution that then gave a final, final opportunity to comply."[325]

924. Mr Macleod thought that there were two main objectives for the resolution:

"One was to achieve the disarmament of Iraq by essentially inspections and peaceful means, if we could at all, and that's why part of the focus of 1441 is on a strong inspection regime, but I think it was very much a part of the framework, also, that there should be one final opportunity for Iraq to disarm and that that should be this resolution, and that there would not be a further Security Council decision at a later stage."[326]

925. In his private hearing, Sir Jeremy Greenstock told the Inquiry that the US:

"… wanted freedom to be able to pin Iraq down in material breach, either through something that was heinous in the declaration, or through a further act or omission, and they wanted the capacity to report that to the Security Council without it being reported through the inspectors."[327]

926. Sir Jeremy stated:

"The French knew what they were agreeing to, and then later didn't want to live up to what they had agreed to, and to that extent changed their policy from the basis of the understanding of the negotiation in 1441."[328]

927. Sir Jeremy added:

"The French wanted to make sure that the United States could not take unilateral action. This was underlying the French position from beginning to end.

"… the French knew that they had not achieved in 1441 the requirement that the Security Council make a decision following 1441, that 1441 was the last point of agreement that we had reached, and that left the decision open by a Member State, devoid of a Security Council resolution, to follow up on the previous resolutions."[329]

928. In his first statement for the Inquiry, Mr Straw wrote that the US had "never", so far as he was aware, "explicitly ruled out the possibility of a 'second resolution'", but their "hard policy commitment was for one resolution only": "An objective of the

[325] Private hearing, 10 September 2010, page 61.
[326] Public hearing, 30 June 2010, page 10.
[327] Private hearing, 26 May 2010, pages 11-12.
[328] Private hearing, 26 May 2010, pages 12-13.
[329] Private hearing, 26 May 2010, pages 13-14.

negotiations … was therefore that it should be self contained, and not legally contingent on a second resolution."[330]

929. Mr Straw told the Inquiry that his view "was that there was an overwhelming argument that 1441 required a second stage but not a second resolution".[331]

930. Mr Straw told the Inquiry:

> "I believed that we were intent on negotiating a self-contained resolution … The Americans would never agree to a resolution that was not self-contained. I would say everybody else we were negotiating with took the same view. As Jeremy Greenstock has pointed out, if we had been ready to accept a resolution which simply required another resolution, we would have got that in a week."[332]

931. In his memoir, Mr Straw described the negotiation of resolution 1441 as "a great team effort". The UK and US teams had:

> "… argued so intensely over every last detail because everyone knew what was riding on it."[333]

932. Mr Straw wrote that he had felt a "great sense of relief and achievement "about the outcome of the resolution; it was "comprehensive", it was "mandatory, based on Chapter VII of the UN Charter" and, "crucially it recognised 'the threat Iraq's non-compliance … poses to international peace and security'".[334]

Lord Goldsmith's role in the negotiation of resolution 1441

933. Lord Goldsmith's officials were involved in the initial formulation of proposals for a resolution, but he was not formally asked for his views until 24 September, after a draft had been agreed with the US.

934. Lord Goldsmith was sent a copy of the FCO advice to No.10 of 27 August, setting out possible elements for a new resolution.[335]

935. In his statement for the Inquiry, Lord Goldsmith wrote that the letter of 27 August:

> "… attached a rudimentary outline of the terms of a possible resolution. I was shown the letter but I am sure I would have assumed that my advice was not required in relation to that text but that instead it would be sought on a more developed draft …"[336]

---

[330] Statement, January 2010, page 7.
[331] Public hearing, 8 February 2010, page 13.
[332] Public hearing, 2 February 2011, page 67.
[333] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[334] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[335] Letter McDonald to Manning, 27 August 2002, 'Iraq: Ultimatum'.
[336] Statement, 4 January 2011, paragraph 1.15.

936. Sir David Manning proposed the establishment of an Ad Hoc Ministerial Group on Iraq to Mr Blair on 12 September (see Section 2).[337] Setting out proposals for membership, Sir David wrote:

> "This leaves the question of what to do about the Attorney. I assume that you would not want him to attend your Ad Hoc Groups except by invitation on specific occasions."

937. Mr Blair decided to wait to set up a Cabinet Group.[338]

938. There are no records of Lord Goldsmith's direct involvement in UK Government discussions before his meeting with Mr Straw on 23 September, when Mr Straw had "stressed" that Mr Wood "had his full authority to talk to Lord Goldsmith".[339]

939. Mr Wood's letter of 24 September stated that Lord Goldsmith would be "aware of the context and background" of the draft resolution and asked for his advice.[340]

940. Lord Goldsmith told the Inquiry that a "number of difficulties" had "prevented" him "from being more actively engaged" in advising on resolution 1441.

941. In his statement, Lord Goldsmith identified three broad areas of difficulty:

- his Office was not sent all the relevant documents;
- he was not sufficiently involved in Ministerial discussions; and
- the approach to seeking his advice was inconsistent.

942. Lord Goldsmith initially told the Inquiry that during the drafting of resolution 1441:

> "I don't know whether every draft was being copied, but certainly some drafts were copied to my office, not with a request that I should advise, which was slightly unsatisfactory, because it was sort of 'keep you in the picture' but not actually ask you to advise."[341]

943. Asked to clarify his comment that the arrangements for seeking his advice on the resolution were "unsatisfactory" and that he had not been asked to provide advice, Lord Goldsmith's witness statement identified a "number of difficulties" that had "prevented" him "from being more actively engaged" in advising on resolution 1441.[342]

944. The negotiation of resolution 1441 was difficult and at times conducted directly between Mr Blair and Mr Straw and their counterparts.

---

[337] Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[338] Manuscript comment, [unsigned and undated], on Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[339] Minute McDonald to Legal Adviser, 24 September 2002, 'Attorney General'.
[340] Letter Wood to Adams, 24 September 2002, 'Iraq: Use of Force'.
[341] Public hearing, 27 January 2010, page 26.
[342] Statement, 4 January 2011, paragraph 1.8.

945. While the exceptional nature of the negotiations would have made it impossible for Lord Goldsmith to follow each twist and turn of the negotiations, he was not sent the records of some of the most critical discussions.

946. Lord Goldsmith wrote that, as Ms Adams had told the Inquiry, his Office was not sent copies of all the telegrams during the negotiation process. In particular, he had not seen those reporting "some of the most critical discussions".[343]

947. Ms Adams told the Inquiry that the Attorney General's Office (then known as the Legal Secretariat to the Law Officers (LSLO)) received telegrams from UKMIS New York and from the Foreign Office itself:

> "… during the course of the negotiation … there were two distributions for telegrams … and … a lot of the very critical points in the negotiation were issues that were discussed between the Foreign Secretary and US Secretary Powell and obviously the French Foreign Minister and so on. Those records of rather key moments were not coming to us at the time."[344]

948. The evidence confirms that Lord Goldsmith did not see records of key discussions between Mr Blair and Mr Straw and their counterparts, or proposals on the draft resolution which were being discussed within the UK Government, before decisions were taken.

949. Mr Macleod told the Inquiry that, during the negotiation of resolutions 1154 and 1205 in 1997 and 1998, he had been working in the Attorney General's Office. In relation to resolution 1154, he described a letter and briefing which took him and the Attorney General through the background in New York, the UN processes, the significance of the different terminology, the origins of the revival doctrine and the view of previous Law Officers on it:

> "The picture that emerges is very much of the Attorney's office being told what was happening, being offered ideas about what the future shape of the resolution might be, being asked for advice on whether one formulation was the stronger basis than another and giving views on that."[345]

950. After the adoption of resolution 1154 and before and during the negotiation of resolution 1205 Mr Macleod stated:

> "… it [the process] worked exactly the same way; we knew what was coming, there were drafts going round, different operative paragraphs. I think there were even drafts of the explanations of vote, and they were gone through both before and after the adoption of the text, and I think there was guidance from the Attorney."

---

[343] Statement, 4 January 2011, paragraph 1.8.
[344] Public hearing, 20 July 2010, page 10.
[345] Public hearing, 30 June 2010, pages 14-15.

951. Mr Macleod's account of the involvement of the Attorney General in 1998 is supported by contemporaneous records that the Inquiry has seen.

952. Ms Adams contrasted the process during the drafting of resolution 1441 with that which subsequently took place on the second resolution and other cases when:

> "… the Attorney General was presented with a draft and it was clear, 'This is our objective for this resolution. Is this text sufficient to achieve this objective, and if it isn't, what do we need as a sort of legal red line?' … the Attorney was able to say 'I think X or Y' and therefore, that informed the process of the negotiation in New York …"[346]

953. Sir Michael Wood told the Inquiry that the FCO Legal Advisers "kept the Attorney General informed" about the "course of the negotiations" and about the advice they were giving as the draft resolution developed: "both to ensure that he was in a position to give advice to Ministers and to the negotiators at any time, either on request or as he saw fit, whether or not his advice was formally sought".[347]

954. Sir Michael explained:

> "What was in my view more important than a formal request for advice was for the FCO Legal Advisers to keep the Attorney General's Office as fully informed as they could throughout the negotiations. This we did. We sent to his Office anything we saw that was legally significant as soon as we received it, and we kept him informed of the advice that we were giving. We wished to ensure that the legal advice we were giving within the FCO and beyond on a matter of such importance did not differ from his own views.
>
> "The Attorney's advice was … obtained during the negotiation of 1441, but not at every stage (which would have been impractical, given the complexity of the negotiations and the manner in which they were being carried out). His views on the revival argument, and the kind of language that was needed in any resolution if it was of itself to authorise the use of force, were well known."[348]

955. Sir Michael Wood also told the Inquiry that there were "no formal or other rules" on seeking the Attorney General's advice during the negotiation of UN Security Council resolutions, "either in general or in exceptional circumstances like 1441"; and that it "all depends on the circumstances". The FCO Legal Advisers had "made it clear throughout to policy clients, including Ministers, that it was highly desirable to seek the Attorney's advice, and in particular that the Attorney's advice would be needed before military force was used".[349]

---

[346] Public hearing, 20 July 2010, pages 13-14.
[347] Statement, 15 March 2011, page 1.
[348] Statement, 15 March 2011, page 12.
[349] Statement, 15 March 2011, page 14.

956. Lord Goldsmith's requests to Mr Straw on 18 October and Mr Blair on 22 October, to be invited to meetings and "to be kept closely informed of developments", which would have allowed him to be more involved in discussions about the resolution and the policy behind it, were not followed up by Mr Straw or Mr Blair.

957. Despite agreement in July that Mr Blair and Lord Goldsmith should discuss his advice in September, that discussion did not take place until 22 October.

958. The meeting took place as a result of Lord Goldsmith raising his concerns with Mr Powell and Mr Straw.

959. Key decisions on the resolution had already been taken and the draft was at an advanced stage.

960. In his statement for the Inquiry, Lord Goldsmith wrote that he was not sufficiently involved in the Ministerial meetings and discussions about the resolution and the policy behind it. He had told:

- Mr Straw on 18 October that he should be present at "any meetings between the Prime Minister, the Foreign Secretary and others at which decisions on the use of force were made"; and
- Mr Blair in the meeting on 22 October that that it would be important for him "to be kept closely informed of developments". He had made it clear that he "was available for a further meeting with the Prime Minister at any time".[350]

961. After that, Lord Goldsmith was not invited to key meetings to discuss the UK's negotiating strategy and the implications of changes to the draft resolution.

962. There were inconsistencies about the level of involvement expected from Lord Goldsmith.

963. His advice was sought in the early stages of the development of the draft resolution, but from late-September onwards that was not the case.

964. In his statement Lord Goldsmith wrote that there "was an inconsistent approach within Government about the level of engagement that was expected" from him.[351]

965. In the period between his meeting with Mr Blair on 22 October and his "telephone call" with Mr Straw on 7 November, his "views were not sought"; and "During that period … important changes [to the draft resolution] occurred."[352]

---

[350] Statement, 4 January 2011, paragraph 1.9.
[351] Statement, 4 January 2011, paragraph 1.11.
[352] Statement, 4 January 2011, paragraph 1.2.

966. Identifying those changes, Lord Goldsmith wrote:

> "In particular … OP2 said that Iraq was being given a 'final opportunity' to comply with its obligations; OP4 contained the words 'for assessment'; and OP13 recalled that the Council had repeatedly said that there would be 'serious consequences' as a result of Iraq's continued violation of its obligations."[353]

967. Lord Goldsmith identified the addition stipulating that any further material breaches would be reported to the Council for assessment in the text of what became OP4, as the "most important" of those changes.

968. In addition, there had been "no further meetings" between Lord Goldsmith and "Ministers or officials of the FCO on this … prior to adoption of the resolution".[354]

969. Lord Goldsmith wrote that after 18 October there had been "no further requests" for advice:

> "… the FCO Legal Advisers were not pressing for advice before the resolution was adopted. I recall … that at some point after the meeting on 22 October 2002 Cathy Adams expressly informed me that my advice was not being sought and that documentation was being provided for my reference only."[355]

970. FCO Legal Advisers and Lord Goldsmith's office were aware on 4 November of the revision of the final clause of OP4 over the weekend of 2-3 November, when Secretary Powell agreed to replace the text that, in the event of a further material breach, the Security Council would "convene in accordance with OPs 11 and 12" with the phrase that it would be "reported to the Council for assessment".

971. There is no evidence that any concerns were raised about the inclusion of "for assessment" before the adoption of resolution 1441.

972. Lord Goldsmith saw the draft resolution containing the revised text on 6 November.

973. Sir Michael Wood identified that, as well as his letters of 24 September and 18 October, the note from Mr Grainger to Mr Brummell of 4 November 2002, was a specific occasion when the FCO Legal Advisers had "made it clear to the Attorney and his Office, formally or informally, that we needed his advice".[356]

---

[353] Statement, 4 January 2011, paragraph 1.6.
[354] Statement, 4 January 2011, paragraph 1.10.
[355] Statement, 4 January 2011, paragraph 1.11.
[356] Statement, 15 March 2011, page 12.

974. Sir Michael Wood told the Inquiry that in the meeting with Lord Goldsmith on 5 November 2002:

> "… we expressed concerns that assumptions were being made by Ministers about his eventual advice, and that therefore in our view early advice from the Attorney was desirable. As I recall, the Attorney's response was to the effect that he would give his advice when it was requested by Ministers, but that in any event we knew his views."[357]

975. Asked what legal advice had been provided on the effect of the insertion of the words "for assessment", Sir Michael Wood wrote that the words were "proposed by the US Secretary of State, in response to a French request, and agreed by him directly with the British and French Foreign Ministers, without, so far as I am aware, legal advice being sought".[358]

976. Despite the difficulties which Lord Goldsmith rightly identified as limiting his contribution during the negotiation of resolution 1441, the way in which Lord Goldsmith's advice was provided raises a number of issues.

977. After the meeting with Mr Blair on 22 October, Lord Goldsmith understandably felt it necessary to ask Mr Brummell to record his views.

978. Accordingly, on Lord Goldsmith's instructions, Mr Brummell wrote to Sir David Manning setting out the points that Lord Goldsmith had made in his meeting with Mr Blair.

979. Asked about his meeting with Mr Blair on 22 October and Mr Brummell's letter of 23 October 2002 before the declassification of his manuscript notes of that meeting, Lord Goldsmith told the Inquiry that he hadn't thought he needed to put his views in writing at that stage:

> "I think I had been very clear in my oral statements that there needed to be a clear statement of material breach and so forth. So I don't think I needed to add anything else."[359]

980. Asked if he had been anxious that Mr Blair should know his legal advice, Lord Goldsmith replied:

> "I don't think so … I couldn't have given definitive legal advice at that stage, because the whole point was he [Mr Blair] had had the advice in July about what needed to happen … Until there was a resolution finally, there wasn't really anything more to say, although I was giving a bit of guidance about a couple of matters. One of them

---

[357] Statement, 15 March 2011, page 13.
[358] Statement, 15 March 2011, page 18.
[359] Public hearing, 27 January 2010, pages 29-30.

was some expressions of concern about the developing resolution, draft resolution, though, as I have said it actually changed in significant ways at the last moment."

981. Lord Goldsmith subsequently wrote that in his oral evidence he had had in mind the passage in Mr Brummell's letter recording that he could not give a final view on the effect of the resolution until it had been adopted.[360]

982. Asked about Mr Brummell's letter to Sir David Manning of 23 October, Lord Goldsmith wrote that he "felt there should be a record of the advice" he had offered; that he had asked Mr Brummell to send the letter; and that, if he had not recorded his advice through that means, he "would have ensured that the same result was achieved by other means, i.e. through written advice in a note to No.10".[361]

983. Lord Goldsmith's argument that he could not give a 'final view' on the legal effect of resolution 1441 until after its adoption is evidently correct.

984. Lord Goldsmith was also being advised that he should not "provide a running commentary".

985. Nevertheless, and given its importance, Mr Blair and Mr Straw should have ensured that Lord Goldsmith was invited to advise on the legal implications of the text under discussion at key stages in the development of resolution 1441.

986. That would have ensured that policy decisions were fully informed by consideration of the legal issues.

987. Specifically Lord Goldsmith's views should, at the very least, have been sought and considered first in the context of the decision on 17 October that the UK should seek to negotiate a resolution which would be capable of authorising the use of force without a further decision by the Security Council, and secondly once the near final draft of the resolution was available on 4 November and before the resolution was adopted on 8 November.

988. There should have been an agreed, collective understanding of the legal effect of the resolution amongst key Ministers, the Cabinet Secretary, the Chief of the Defence Staff and senior officials participating in the negotiations.

989. As Ms Adams pointed out, the UK Government "didn't really know what it was voting for".

990. Ms Adams had told the Inquiry that the timing of the legal advice was:

"… a very important issue … and in fact for me this is the key lesson learned from the whole episode … I say this with the benefit of hindsight – I do think that if definitive advice had been given, and perhaps it might have had to be conditional

[360] Statement, 4 January 2011, paragraph 3.8.
[361] Statement, 4 January 2011, paragraphs 3.3 and 3.5.

advice, but nevertheless, if definitive advice from the Attorney had been given prior to the adoption of resolution 1441, events would have unfolded rather differently."[362]

991. Ms Adams stated:

"… it has struck me very forcibly with the benefit of hindsight that that would have been desirable, to say the least, in relation to 1441 because the net effect was … the Government didn't really know what it was voting for … the Foreign Secretary and Sir Jeremy had a very clear view of what they thought the resolution meant. Michael Wood had a very clear view which was a rather different view, but the one person whose view actually mattered hadn't even been asked at that stage."[363]

992. Ms Adams told the Inquiry that Lord Goldsmith's advice at an earlier stage:

"… would have influenced the statements that were made about the resolution after its adoption … the Explanation of Vote which was made. Normally, when you have a resolution negotiated, if you don't achieve everything that you want to achieve in the negotiation and you end up with a less than clear text, it is a classic way to reinforce one's interpretation by stating clearly that you think it means a certain thing … our statement was arguably not inconsistent with the view that the Attorney had reached, but it could have been clearer and I think some of the things that were said … about what automaticity did or didn't mean and these kind of issues, but if there had been a very definitive legal view, then perhaps that would have fed into a clearer Explanation of Vote."[364]

993. Lord Goldsmith wrote that there was a view within his Office that he "should not provide a running commentary on the drafts as they emerged".[365] He only saw what were "effectively snapshots provided … for information". His role should be to "provide advice on the legal effect of the final, agreed wording". That seemed to him "a valid position" which he "understood to be consistent with the role adopted by his predecessors". Lord Goldsmith wrote that that was what he "had in mind" when he told Mr Blair in their meeting on 22 October that "it would not be possible to give a final view on the legal effect of the resolution until it had been adopted".

994. Asked to address the effect greater involvement during the negotiation of the resolution could have had, Lord Goldsmith wrote:

"If my advice had been provided to the negotiating team at key points in the later stage of the negotiations, I think this may well have influenced the negotiations and the statements that were made about the resolution after its adoption.

---

[362] Public hearing, 20 July 2010, page 9.
[363] Public hearing, 20 July 2010, pages 13-14.
[364] Public hearing, 30 June 2010, pages 15-16.
[365] Statement, 4 January 2011, paragraph 1.13.

> "It is impossible to say what difference this would have made but the text did change after my meeting with the Prime Minister [on 22 October 2002] and my advice on it was not sought. Some of those changes were in my view significant and featured in my eventual advice."[366]

995. Lord Goldsmith added that it would not be "impossible for an Attorney General in London to give advice throughout the process of negotiations", but that would have required him to have "been given much more information and to have been included to a far greater extent".[367]

996. Asked whether Lord Goldsmith should have been more closely involved in the negotiation of resolution 1441, Mr Blair stated:

> "… in retrospect it would have been sensible to have had him absolutely in touch with the negotiating machinery all the way through …"[368]

997. Sir Michael Wood identified the "main consequence" of the fact that Lord Goldsmith did not give advice at the later stages of the negotiation was that "there was inevitably some uncertainty about his views on the meaning of the resolution, which made it difficult for FCO Legal Advisers to advise Ministers". But it was "far from clear that having his further views during the negotiation would have made a significant difference to the course of the negotiations or to the terms of the eventual resolution".[369]

998. Lord Goldsmith decided to convey his views orally rather than in writing on a number of occasions, including in response to the three explicit requests, of 24 September, 18 October and 4 November 2002, from FCO Legal Advisers for his advice.

999. Lord Goldsmith bears some responsibility for not seeking more assertively to ensure that his views were known and understood by those negotiating the resolution and those responsible for its implementation.

The role of FCO Legal Advisers in the negotiation of resolution 1441

1000. Mr Wood and Mr Macleod did not have full visibility of the discussions between Mr Blair and Mr Straw and their counterparts which led to some of the key provisions in resolution 1441.

1001. Nor did they see all the records of discussions in which Lord Goldsmith set out his concerns.

1002. The accounts given to the Inquiry by Sir Michael Wood, Sir Jeremy Greenstock and Mr Macleod, about the UK Permanent Mission to the UN

---

[366] Statement, 4 January 2011, paragraphs 1.5-1.6.
[367] Statement, 4 January 2011, paragraph 1.14.
[368] Public hearing, 21 January 2011, page 53.
[369] Statement, 15 March 2011, page 12.

in New York's knowledge and understanding of the views of the FCO Legal Advisers and Lord Goldsmith during the negotiations and of their understanding in early November 2002 of the legal effect of the drafts of resolution 1441, were not consistent.

1003. In a statement to the Inquiry, Sir Michael Wood wrote that he, Ms Wilmshurst and Mr Grainger worked closely together as a team on all matters concerning the use of force against Iraq.[370]

1004. Legal advice was "folded in to the day-by-day instructions to UKMIS New York". Mr Grainger attended the daily meetings on Iraq, discussed drafts with the United Nations Department (UND), cleared draft instructions to New York and gave day-to-day advice orally and in writing. Virtually all significant pieces of written legal advice were a co-operative effort.[371]

1005. Sir Michael had been aware of, and agreed with, all the advice Mr Grainger had given.

1006. Sir Michael stated that he had ensured that he was "consulted … on all significant legal questions concerning Iraq", and that he gave his own written advice whenever he "was asked directly by Ministers or senior officials".[372] He would "intervene directly only when we considered that necessary, particularly to get a point across to Ministers".

1007. Instructions to the Mission in New York on the negotiation of resolution 1441 were issued from the FCO in London.

1008. Sir Michael Wood's and Mr Macleod's evidence indicates that direct contact between the FCO Legal Advisers and the Legal Counsellor in UKMIS New York was limited.

1009. Mr Straw told the Inquiry that the Legal Counsellor in New York had "played a very important role in the negotiation and drafting of 1441 and after that, in its interpretation".[373]

1010. In his statement to the Inquiry, Mr Macleod wrote that his instructions came "from or through UND", and that was the case "even on issues with a high 'legal' content".[374] Direct contact with FCO Legal Advisers was "not commonplace", and

[370] Statement, 15 March 2011, pages 5-7.
[371] Statement, 15 March 2011, pages 6-8.
[372] Statement, 15 March 2011, pages 6-7.
[373] Public hearing, 8 February 2010, page 52.
[374] Statement, 24 June 2010, paragraphs 1-2, 6-8.

on major negotiations, such as resolution 1441 "pretty rare". He reported "ultimately to the Permanent Representative [Sir Jeremy Greenstock]". There was:

> "… no line of reporting, direct or indirect to the FCO Legal Adviser in London … Nor was there any routine process of … reporting on legal issues or anything of that sort."

1011. Sir Michael Wood wrote that "the work of a legal adviser overseas is quite different from that of a lawyer in London, having large policy and representational elements".[375] The Legal Counsellor and First Secretary (Legal) in UKMIS New York reported to the UK Permanent Representative to the UN and, while it was "important" that the links to the FCO Legal Advisers were maintained, it would not have been "appropriate" for them to "report directly to, and effectively work under the FCO Legal Adviser".

1012. Sir Michael added:

> "… the negotiation of SCR 1441 was wholly exceptional, with Washington firmly in the lead and key negotiations taking place directly between foreign ministers and often on the telephone. The negotiating process was quite different from that for other SCRs, such as SCRs 1154, 1205, the second resolution in early 2003, and subsequent resolutions on Iraq adopted in 2003/4."

1013. As a result, in Sir Michael's view: "It was, therefore, not always easy for anyone, including the lawyers, to follow the negotiations blow-by-blow and to feed in considered and timely advice in the usual way."[376]

1014. In Mr Macleod's view, the UK Mission in New York had had "a relatively limited role" in the drafting of resolution 1441:

> "The main components of the draft came to us from Washington via London."[377]

1015. Mr Macleod wrote that he had received "no instructions" from London in relation to the negotiation of resolution 1441 "beyond or in addition to those received by Sir Jeremy Greenstock and UKMIS".[378]

1016. Mr Macleod told the Inquiry that, "as a member of Sir Jeremy's team", he was "closely involved in the negotiation of what became UNSCR 1441 from an early stage".[379] He "knew what we were trying to achieve and attended the majority of the negotiating sessions". He had: "Occasionally … noted and reported the discussion", but "on the whole" he had "a watching brief".

---

[375] Statement, 15 March 2011, page 1.
[376] Statement, 15 March 2011, page 9.
[377] Statement, 24 June 2010, paragraph 12.
[378] Statement, 24 June 2010, paragraph 10.
[379] Statement, 24 June 2010, paragraph 12.

1017. Mr Macleod wrote:

> "On some key points, Sir Jeremy [Greenstock] had a crucial input, and I was involved in the drafting and discussion of proposals within the mission."

1018. Asked about the process of providing advice to Sir Jeremy, Mr Macleod told the Inquiry that it was "fairly informal":

> "… Jeremy knew the issue very, very well. He understood that the legal parameters in which 1441 was being negotiated were very well-established, at least as far as we were concerned, because he had been responsible for negotiating resolution 1205 and he had probably been involved in the earlier ones too. So the framework we were operating in was very clear and pretty well understood by all of us, and I don't recall really any occasion when we had to sit down and have a head-to-head about any legal issue."[380]

1019. Within the FCO, Mr Pattison was responsible for the formulation of policy on Security Council resolutions, and provided instructions to the UK Mission in New York.[381]

1020. Mr Pattison wrote that the key tactical decisions were taken at twice-daily meetings chaired by Mr Ricketts which agreed instructions for UKMIS New York on how to handle negotiations on the text of resolution 1441.[382]

1021. Mr Pattison told the Inquiry that instructions were sent in the form of a telegram, known as an e-gram, and were complemented by daily telephone conversations between Mr Ricketts and Sir Jeremy Greenstock, and by correspondence with other members of UKMIS New York.[383]

1022. Mr Pattison circulated a draft of the instructions around the 'core group', which included Mr Chaplin, Mr Charles Gray, Head of the FCO Middle East Department, representatives of the FCO Non-Proliferation Department (headed by Mr Tim Dowse) and FCO Legal Advisers, before sending them to New York.

1023. Telegrams sent by the FCO in London to the UK Mission in New York during the negotiation of resolution 1441, were in accordance with usual practice, signed "Straw" but would have been compiled by the process Mr Pattison described. Some report the Foreign Secretary's own involvement in discussions on the draft resolution with his US and French counterparts. Others contain detailed instructions to New York for discussion in the Security Council.

---

[380] Public hearing, 30 June 2010, pages 8-9.
[381] Statement, January 2011, paragraphs 27 and 29.
[382] Statement, January 2011, paragraph 27.
[383] Public hearing, 31 January 2011, pages 22-23.

1024. When it was drawn to his attention that only one of the telegrams expressly stated the legal view of the effect of the draft resolution, Mr Pattison replied that:

> "… legal advice was incorporated into all the instructions we sent. We did not normally practise making a distinction between legal and … policy advice."[384]

1025. Sir Michael Wood confirmed that:

> "… instructions were drafted by United Nations Department, cleared with the FCO Legal Advisers and others, and, presumably, submitted to Ministers as necessary. They would be conveyed to UKMIS by telegram, fax or on the phone. This was standard practice for the drafting of SCRs."[385]

1026. Sir Jeremy Greenstock told the Inquiry that he was not aware of the divergence of view about whether the draft of resolution 1441 would authorise the use of force without a further resolution.

1027. Mr Straw, Sir Jeremy Greenstock and Mr Pattison all referred to the fact that Mr Macleod took the view that resolution 1441 authorised the use of force, without the need for a further resolution.

1028. There is no contemporaneous written evidence of Mr Macleod's advice during the negotiation of resolution 1441.

1029. Mr Macleod told the Inquiry that he was not conscious of the strength of the FCO Legal Advisers' concerns until late November.

1030. Asked whether he was aware of the views, after its negotiation, of Sir Michael Wood and other Foreign Office Legal Advisers on the effect of resolution 1441, Sir Jeremy Greenstock told the Inquiry:

> "I was not copied in on the minuting, for instance, between Michael Wood and the Secretary of State, Jack Straw, at the time …
>
> "I relied on two things in New York, one was the telegrams of instruction, signed 'Straw', coming from London; and secondly, my legal adviser Iain Macleod's advice in New York …"[386]

1031. Sir Jeremy told the Inquiry that Mr Macleod's advice:

> "… was different in substance and character from the legal advice coming from Elizabeth Wilmshurst and Michael Wood to the Secretary of State."

---

[384] Public hearing, 31 January 2011, page 24.
[385] Statement, 15 March 2011, pages 7-8.
[386] Private hearing, 26 May 2010, page 14.

1032. Subsequently, in the context of questioning about the later debate on the interpretation of resolution 1441 and the need for a second resolution, Sir Jeremy Greenstock stated:

> "If I had known that there was that degree of doubt in London, I would have had to examine whether the advice I was getting from my own legal adviser was the advice I should be listening to."[387]

1033. The Inquiry drew those extracts from Sir Jeremy's evidence, which addressed the understanding in New York of the legal effect of resolution 1441 after its adoption and which had not at that stage been published, to the attention of Mr Macleod before he gave evidence to the Inquiry.

1034. Addressing his advice to Sir Jeremy in his statement, Mr Macleod wrote:

> "Sir Jeremy Greenstock knew the legal framework as well as I did … I think we had a shared understanding of what London's instructions required and a shared assessment of what the final text meant. I did not have to offer lengthy written advice: my views were simply fed into the negotiating process, along with those of the rest of the team. At no time during the negotiation of UNSCR … was there any opposition or questioning of the views I expressed, and nor was I put under any pressure to advise in any particular direction (by Sir Jeremy or anyone else)."[388]

1035. Mr Macleod told the Inquiry that he was "not really clear about what exactly happened in London during the negotiation of resolution 1441".[389] He understood from papers that he had seen "that questions were being asked of the Attorney on a couple of occasions" but he did not "think that was evident to us at the time in New York".

1036. Mr Macleod added that "there seemed to be no definitive view from the Attorney's Office during the 1441 process"; which he thought had been "a big mistake" and which he contrasted with the process adopted during the negotiations in 1997 and 1998.[390]

1037. Mr Macleod told the Inquiry that UKMIS "had one view of the resolution, we thought it would authorise the use of force". He thought difficulties "could have been avoided" if Lord Goldsmith's view "had been obtained at that earlier stage".[391]

1038. Referring to the "doubts in London that began to emerge and really became apparent to us in November", Mr Macleod stated that it was:

> "… puzzling … that people decided just to continue allowing UKMIS to negotiate a text which was, to use the phrase, 'unfit for purpose' because … a key criterion for

---

[387] Private hearing, 26 May 2010, page 26.
[388] Statement, 24 June 2010, paragraph 22.
[389] Public hearing, 30 June 2010, page 12.
[390] Public hearing, 30 June 2010, pages 12-13.
[391] Public hearing, 30 June 2010, page 16.

the resolution was that there wouldn't have to be a further decision of the Security Council to authorise the use of force.

"… the other reason why it is odd is that we had been negotiating in New York side by side with the US …

"… to have reached the end of that and then have to turn round and tell the Americans that 'Actually, what you and we thought we were negotiating, we haven't achieved at all', it is a very strange place to end up."[392]

1039. Asked if he was completely unaware that the FCO Legal Adviser was repeatedly and very clearly advising Mr Straw during and after the negotiation of 1441 that it did not authorise the use of force without a further resolution, Mr Macleod replied:

"There are minutes – on the file which I have seen subsequently, which in hindsight you could see … the London legal view was diverging from the policy as we thought of it. But I wasn't really aware, to be honest, that there was such a divergence of view."[393]

1040. Mr Macleod added that it was not until "towards the end of November" when he saw the draft of the instructions asking Lord Goldsmith to advise that he "really realised that something was not quite right here. I hadn't really spotted it before then, and perhaps I should have, but I hadn't really."

1041. Addressing what he described as "the legal advice beginning to diverge from where the policy was", Mr Macleod stated "Jeremy [Greenstock] and I both thought that it [resolution 1441] did achieve that [the policy aim]"; and:

"That remains my view and, in the end that was the view the Attorney also took. But London, it is clear certainly now, that wasn't the view in [the FCO] Legal Advisers. The way to fix that was actually relatively straightforward, which is to get a view from the Attorney. I think it should have happened. Now, why it didn't is very difficult for me to say from where I was, but I think it is a big gap in the process."[394]

1042. Asked specifically if he was aware that Lord Goldsmith had advised Mr Straw on 18 October that the draft resolution would not in itself authorise force, Mr Macleod said he was not aware of that advice.[395]

1043. Pressed on the implications, Mr Macleod stated that he should have been aware of the advice, and that:

"… it would have had an impact. There would have had to be some quite serious analysis with London, but also with Washington, of where we were going.

---

[392] Public hearing, 30 June 2010, pages 16-17.
[393] Public hearing, 30 June 2010, pages 20-21.
[394] Public hearing, 30 June 2010, pages 21-22.
[395] Public hearing, 30 June 2010, pages 28-30.

> "… If that kind of doubt had begun to emerge about where we were going, that ought to have been fed into every conversation the Foreign Secretary was having with Secretary of State Powell, indeed the conversations that were taking place above that and below it and at the USUN … that would have been a huge impact on the whole way the negotiations were going without any doubt at all."

1044. Mr Pattison, who was in daily contact with the UK Mission in New York, and Mr Ricketts, who spoke frequently to Sir Jeremy Greenstock, were both aware of the decision taken on 17 October, the views of the FCO Legal Advisers, and Lord Goldsmith's conversation with Mr Straw on 18 October.

1045. The FCO's arrangements to provide instructions to the UK Mission in New York on a day by day basis should have meant that Sir Jeremy and Mr Macleod were both aware of the essential points made by the FCO Legal Advisers and Lord Goldsmith which were of direct relevance to the negotiations.

1046. Mr Pattison told the Inquiry he had assumed that there had been direct contact between the FCO Legal Advisers and Mr Macleod.

1047. Mr Pattison told the Inquiry that he had not discussed Lord Goldsmith's advice to Mr Straw with Mr Macleod, asserting that Mr Macleod's contacts with the Foreign Office "were entirely with Legal Advisers, as was proper and appropriate at the time"; and that he had "assumed that the Legal Advisers were talking to each other offline, privately in telephone conversations".[396]

1048. Mr Pattison told the Inquiry that Mr Macleod "had a different opinion on the interpretation of the text, as of course, did United States' lawyers".[397]

1049. Mr Pattison would have been:

> "… surprised if the Mission in New York wasn't aware that Iain Macleod's views were not endorsed by the Foreign Office Legal Adviser".[398]

1050. Mr Pattison told the inquiry that he was "surprised" that UKMIS New York was not aware of the Lord Goldsmith's views of 18 October:

> "Jeremy must have had regular conversations with Peter Ricketts … I would have thought that the evolution of the Attorney General's view was a subject in them …"

1051. Mr Grainger's minutes of 4 and 11 October and the FCO telegram of 21 October were sent to the UK Mission in New York.

---

[396] Public hearing, 31 January 2011, pages 31-32.
[397] Public hearing, 31 January 2011, page 31.
[398] Public hearing, 31 January 2011, page 33.

1052. They clearly set out the view of FCO Legal Advisers that the drafts of the resolution then under discussion would not authorise the use of force without a further decision by the Security Council.

1053. Sir Jeremy Greenstock took the same position in a conversation with Ambassador Negroponte on 16 October.

1054. Mr Straw took the same position in conversations with Secretary Powell and Mr de Villepin on 16 and 17 October.

1055. The Inquiry has seen no evidence that the correspondence recording the concerns expressed by the FCO Legal Advisers and Lord Goldsmith and their discussions with Mr Straw on 17-18 October was sent to the UK Mission in New York.

1056. Advice from Mr Wood to Mr Straw was not sent to the UK Mission in New York until 6 November.

1057. In his statement for the Inquiry, Sir Michael Wood wrote:

> "… there were occasions when written legal advice was copied directly to UKMIS New York. This was the case, for example, with John Grainger's minutes of 4 and 11 October 2002 and my submission … of 6 November 2002."[399]

1058. Sir Michael wrote that, given the convention that neither the advice of the Law Officers nor the fact that they had advised was to be disclosed, there was a general practice that their advice should not be sent to posts overseas.[400]

1059. No copies of the minutes expressing Mr Wood's concerns at that time or the records of the conversation between Lord Goldsmith and Mr Straw on 18 October appear to have been sent to the UK Mission in New York.

1060. The FCO instructions to the UK Mission issued on 21 October clearly stated, however, that the draft could not "be read as authorising the use of force, taking into account the draft resolution as a whole, including OP10, which gives a clear indication that further action will be for the Council".[401]

1061. Mr Pattison also told the Inquiry that by 6 November, when Mr Wood sent his advice to Mr Straw, he "certainly understood" Mr Wood's position [that there would need to be a further decision by the Security Council to revive the authorisation to use force in resolution 678]; and that he had had that understanding "for some time".[402]

---

[399] Statement, 15 March 2011, page 8.
[400] Statement, 15 March 2011, page 9.
[401] Telegram 602 FCO London to UKMIS New York, 21 October 2002, 'Iraq: Draft UNSCR'.
[402] Public hearing, 31 January 2011, page 31.

1062. Mr Pattison added that he was "reasonably confident that both Iain Macleod and Jeremy Greenstock would have understood that to be the Legal Adviser's opinion".

1063. Asked if it was "strange" that the UK Mission in New York was finalising the negotiation in ignorance of Lord Goldsmith's position and thought that they had achieved something which Lord Goldsmith said that they had not, Mr Pattison agreed.[403]

1064. Sir Michael Wood told the Inquiry that it was not clear to him that Mr Macleod took a different view from himself; and that the differences between their positions only crystallised when it became clear that a second resolution would not be forthcoming.

1065. Mr Straw told the Inquiry that Mr Macleod took a different view to Mr Wood about the effect of resolution 1441.[404]

1066. Asked whether Mr Macleod and Sir Jeremy Greenstock were aware during the course of the negotiation of resolution 1441 of his view that the various drafts did not authorise the use of force without a further resolution, and whether it was recognised that there was a discrepancy between their respective positions, Sir Michael Wood responded that he did not think that during the negotiation of resolution 1441 Mr Macleod had a radically different view of the essential legal position from that of the lawyers in London.[405] They were both clear that resolution 1441 in itself did not authorise the use of force and that a second stage was needed.

1067. Sir Michael added:

> "The only question was what precisely was needed at that second stage, which only crystallised as a major issue following the adoption of the resolution."

1068. Asked whether a difference of view had been recognised at the time, Sir Michael wrote:

> "… I do not believe that there was a significant discrepancy between the legal views in London and New York during the negotiation of the resolution. Such differences as there may have been seem to have arisen when it came to interpreting the resolution as adopted, in the light of the preparatory work … and of the surrounding circumstances."[406]

1069. Asked to identify the consequences of failing to resolve the differences of view during the negotiation, Sir Michael responded:

> "Given (i) the limited nature of such differences as there may have been, (ii) the fact that what mattered at the end of the day was the Attorney General's opinion,

---

[403] Public hearing, 31 January 2011, page 34.
[404] Public hearing, 2 February 2011, page 66.
[405] Statement, 15 March 2011, pages 8-9.
[406] Statement, 15 March 2011, page 10.

not those of lawyers in the FCO or in UKMIS New York, and (iii) the nature of the negotiations, I do not consider that there would have been any significant change in the course of the negotiation, or the wording of the eventual resolution."[407]

1070. The Inquiry was given divergent views on the question of whether it would have been appropriate for there to have been more direct links between the FCO Legal Advisers and the Legal Counsellor in New York.

1071. The different reporting arrangements under which the Legal Counsellor in New York reports to the Head of the Mission rather than to the FCO Legal Adviser in London, and the reasons for that, are understandable.

1072. But given the importance of resolution 1441 and the complex legal considerations, and notwithstanding Sir Michael Wood's position that the general practice at that time was that the advice of the Law Officers was not sent to posts overseas, direct discussions between Mr Wood (or Mr Grainger on his behalf) and Mr Macleod of the drafts during the negotiation could have ensured a common understanding of, and advice on, the legal effect.

1073. Sir Michael Wood wrote that he:

"… did not recall discussing the negotiation of SCR 1441 with Sir Jeremy Greenstock or Iain Macleod, though we were … seeing many of the same papers. Direct contact was not necessary since … legal advice was fully incorporated into the instructions … Lawyers in New York and London played quite different roles …"[408]

1074. Sir Michael Wood added:

"Nor in my view would it have been appropriate for Iain Macleod and me to have conducted some sort of 'back channel' discussion among lawyers on the course of the negotiations and the ever-changing texts. It would have short-circuited the regular process for feeding in combined policy and legal considerations into the instructions sent to New York. And, in the particular circumstances of this negotiation, it would have risked crossing wires, and might even have been seen as interfering in matters of great political sensitivity."[409]

1075. Sir Franklin Berman, who preceded Sir Michael as the FCO Legal Adviser, provided the Inquiry with his thoughts on the processes followed in negotiating resolution 1441; he did not seem to share that concern.[410]

1076. Acknowledging that, unlike in London, as a member of the Mission the legal adviser answers to and takes instructions from the Head of Mission, Sir Franklin

[407] Statement, 15 March 2011, page 10.
[408] Statement, 15 March 2011, page 9.
[409] Statement, 15 March 2011, page 9.
[410] Submission Berman, 7 March 2011, 'The process for giving and receiving Legal advice'.

said he had never known a Head of Mission take umbrage at separate, parallel, correspondence between the Mission legal adviser and the FCO Legal Advisers.

1077. Sir Daniel Bethlehem, Sir Michael's successor as FCO Legal Adviser, agreed fully with the observations that had been made in evidence about the wholly exceptional nature of the negotiations that led to resolution 1441.[411] He identified the close personal involvement of the Foreign Secretary, the particular political significance of the resolution, the sensitivity of the issues in question, their security classification and the potential consequences that would follow from the resolution as the reasons for the exceptional nature.

1078. Sir Daniel also commented on the formality of the process of instruction from London to UKMIS New York during the negotiation of resolution 1441.

1079. Sir Daniel added that in more recent years issues concerning the negotiation of Security Council resolutions would be conducted by email (with multiple copy addresses), video-conferencing and other mechanisms which enabled timely, inclusive and interactive communication, as well as by more formal electronic telegrams.

Conclusions

1080. The declared objective of the US and UK was to obtain international support within the framework of the UN for a strategy of coercive diplomacy for the disarmament of Iraq. For the UK, regime change was a means to achieve disarmament, not an objective in its own right.

1081. A new UN resolution was a key element of Mr Blair's "clever strategy" to achieve the policy objectives of the US and UK in a manner which fostered international unanimity and maintained the authority of the UN.

1082. The UK's stated objective for the negotiation of resolution 1441 was to give Saddam Hussein "one final chance to comply" with his obligations to disarm. The UK initially formulated the objective in terms of:

- **a resolution setting out an ultimatum to Iraq to readmit the UN weapons inspectors and to disarm in accordance with its obligations; and**
- **a threat to resort to the use of force to secure disarmament if Iraq failed to comply.**

1083. Iraq's agreement in principle on 16 September to the return of inspectors, was almost certainly a response to President Bush's speech on 12 September, but the US and UK immediately expressed scepticism about the terms on which Iraq would readmit inspectors and its future conduct.

---

[411] Statement, 24 June 2011, pages 4-5.

1084. **A new resolution would not have been required to permit UNMOVIC and the IAEA to operate in Iraq. The UK and the US had, however, already agreed that the provisions of resolution 1284 (1999) were no longer sufficient to secure the disarmament of Iraq and a strengthened inspections regime would be required. A new resolution would maintain the pressure on Iraq and define a more intrusive inspections regime allowing the inspectors unconditional and unrestricted access to all Iraqi facilities.**

1085. **Iraq's letters of 16 and 19 September to the Security Council declaring that Iraq was "totally clear of all nuclear, chemical and biological weapons" and Saddam Hussein's rebuttal of suggestions that Iraq might share such weapons with Al Qaida were immediately discounted. In response to Iraq's detailed rebuttal of the UK dossier, the Assessments Staff concluded that there was no need for a full reply to Iraq's claims.**

1086. **The negotiation of resolution 1441 reflected a broad consensus in the United Nations Security Council on the need to achieve the disarmament of Iraq.**

1087. **There were, however, significant differences between the US and UK positions: and between them and China, France and Russia about the substance of the strategy to be adopted, including the role of the Security Council in determining whether peaceful means had been exhausted and the use of force to secure disarmament was justified.**

1088. **Those differences resulted in difficult negotiations over more than eight weeks before the eventual unanimous adoption of resolution 1441 on 8 November 2002.**

1089. **In September and October 2002 negotiations were being conducted simultaneously at three separate levels: discussions between Heads of State and Government and their advisers; between foreign ministers; and in New York.**

1090. **The degree to which Mr Blair, Mr Straw and Sir David Manning, and their counterparts in other capitals, were directly engaged in the detailed negotiations with counterparts in other capitals was highly unusual and demonstrated the difficulty and political sensitivity of the issues under discussion.**

1091. **Mr Blair played an active role in determining the UK's negotiating strategy and seeking to influence President Bush, President Chirac and President Putin.**

1092. **Within the UK's overarching objective, the initial discussion of the resolution focused on the crucial need to revive UN authority to permit UK use of military force if coercive diplomacy failed.**

1093. **Mr Blair was advised that it would be impossible to get agreement in the Security Council to a single resolution unequivocally providing that authority.**

From the end of September, Mr Blair was advised that a second decision by the Security Council would be needed to authorise military action.

1094. **Mr Straw and Sir David Manning advised Mr Blair that tough messages were required to persuade President Bush to accept the UK position and to address the difficulties for the UK that the US stance might create. He was encouraged to try to get the US to agree to two resolutions.**

1095. **Between 2 and 17 October, Mr Blair made a series of decisions which aligned the UK with the declared US position that no further decision by the Security Council could be explicitly conceded in the negotiation.**

1096. **To maintain pressure on Iraq, Mr Blair and Mr Straw decided on 17 October not to address the question of a second resolution at that time.**

1097. **The effect of the policy was that if a material breach of the resolution was reported to the Security Council, Saddam Hussein would not get a second chance.**

1098. **But Mr Blair, Mr Straw and other senior UK participants in the negotiation of resolution 1441 envisaged that, in the event of a material breach of Iraq's obligations, a second resolution determining that a breach existed and authorising the use of force was likely to be tabled in the Security Council.**

1099. **The pursuit of a possible "side agreement" to that end, Mr Straw's conversations with Secretary Powell and Mr de Villepin, and Sir Jeremy Greenstock's suggestion that the UK might table such a resolution all confirm that conclusion.**

1100. **Mr Blair and Mr Straw were, however, concerned that it might be difficult to secure agreement to a second resolution within the Council and that one or more of the Permanent Members might veto the resolution.**

1101. **In those circumstances, Mr Blair's and Mr Straw's position was that if the Security Council failed to meet its responsibilities, military force should be used to disarm Iraq. Mr Blair had already assured President Bush on several occasions that the UK would take such action.**

1102. **Mr Blair framed that in terms of the "Kosovo option" and what would happen in the event of an "unreasonable" veto.**

1103. **Mr Straw told Lord Goldsmith that he accepted a second resolution would be needed "unless circumstances changed", but he argued that could not be acknowledged publicly for tactical reasons.**

1104. **Lord Goldsmith informed Mr Blair on 22 October that, although he would not be able to give a final view until the resolution was adopted, the draft of the resolution of 19 October would not on its own authorise military action.**

1105. **The way in which the legal advice was sought and considered during the negotiation of resolution 1441, and the substance of that advice, including Lord Goldsmith's views on the legal effects of the drafts he saw and whether there was any reason for the Government to assume that the resolution adopted on 8 November could by itself provide the authority for the use of force, are addressed earlier in this Section.**

1106. **Decisions made by Mr Blair at key stages in the negotiations limited the policy options subsequently available to the UK.**

1107. **In seeking to influence President Bush's decisions, Mr Blair offered the UK's support while suggesting possible adjustments to the US position.**

1108. **In his discussions with President Bush, Mr Blair did not seek to use the potential UK military contribution to influence the US during the negotiation of resolution 1441.**

1109. **The way in which the decision on 31 October to offer significant forces for ground operations to the US for planning purposes was taken is addressed in Section 6.1.**

1110. **The UK was successful in changing some aspects of the US position during the negotiations, in particular ensuring resolution 1441 was based on the disarmament of Iraq rather than wider issues as originally proposed by the US.**

1111. **Initial US/UK drafts of the resolution which would not be acceptable to other members of the Security Council were tabled without identifying the impact that would have on the timetable for reaching consensus, the consequent delay in the return of the inspectors, and the extent to which that would require key questions to remain unresolved.**

1112. **The length of time taken to agree resolution 1441 meant the first update from the inspectors for the Security Council would not be required until mid-February, and the resolution was silent on what would happen after that.**

1113. **The potential tension between the time available for inspections and when US would be ready to take military action was recognised in papers produced by officials from July onwards.**

1114. **Reporting from Washington in mid-October identified clear indications that the US Administration was likely to be impatient about the time allowed for inspections.**

1115. **Notwithstanding Mr Blair's and Mr Straw's statements at the time and his evidence to the Inquiry, resolution 1441 did not meet all the UK's original objectives.**

1116. **To secure consensus in the Security Council despite the different positions of the US and France and Russia (described by Sir Jeremy Greenstock as "irreconcilable"), resolution 1441 was a compromise containing drafting 'fixes'.**

1117. **That created deliberate ambiguities on a number of key issues including:**

- **the level of non-compliance with resolution 1441 which would constitute a material breach;**
- **by whom that determination would be made; and**
- **whether there would be a second resolution explicitly authorising the use of force.**

1118. **As the Explanations of Vote demonstrated, there were significant differences between the positions of the members of the Security Council about the circumstances and timing of recourse to military action. There were also differences about whether Member States should be entitled to report Iraqi non-compliance to the Council.**

SECTION 3.6

DEVELOPMENT OF UK STRATEGY AND OPTIONS, NOVEMBER 2002 TO JANUARY 2003

Contents

Introduction and key findings 4

The response to resolution 1441 5

- Iraq's response 5
- Cabinet, 14 November 2002 7
- UK assumptions about Iraq's position 8
  - JIC Assessment, 14 November 2002: 'Iraq: Regime Cohesion Under Pressure' 8
  - Psychological profile of Saddam Hussein 10
- Concerns about the US view on the threshold for a material breach 12
- The Prague Summit, 21 November 2002 19
- Intelligence update, 21 November 2002 25
- Mr Blair's meeting with Dr Blix, 22 November 2002 26
- Security Council, 25 November 2002 29
- Debate on resolution 1441, 25 November 2002 30
  - Cabinet, 28 November 2002 34

Iraq's declaration of 7 December and the response 35

- JIC Assessment, 6 December 2002: 'Iraq: Military Options' 42
- Iraq's declaration, 7 December 2002 43
- The UK's initial response 43
  - JIC Assessment, 13 December 2002 49
  - Mr Blair's conversation with President Bush, 16 December 2002 51
  - Sir Richard Dearlove's visit to Washington, December 2002 53
  - Mr Straw's statement, 18 December 2002 54
  - Prime Minister's Questions, 18 December 2002 55
  - Mr Hoon's statement, 18 December 2002 56
- JIC Assessment, 18 December 2002 56
- Cabinet, 19 December 2002 61
- Security Council, 19 December 2002 62
- The need for a communications strategy 67

The absence of a "smoking gun" 69
Advice for Mr Blair in early January 2003 71
Public statements, 7 and 8 January 2003 78
Publication of the UK's policy objectives 78
Mr Hoon's statement, 7 January 2003 80
Mr Blair's speech to the Foreign Office Conference, 7 January 2003 81
Prime Minister's Questions, 8 January 2003 83
Cabinet, 9 January 2003 84
Security Council, 9 January 2003 86
Growing pressure to find evidence of Saddam Hussein's non-compliance 88
Mr Blair's press conference, 13 January 2003 91
Lord Goldsmith's draft advice, 14 January 2003 93
Prime Minister's Questions, 15 January 2003 93
Concern that the US might act at the end of January 95
Cabinet, 16 January 2003 98
The decision to deploy ground forces 101
Mr Blair's meeting with Dr Blix, 17 January 2003 103
Security Council, 20 January 2003 105
The positions of other members of the Security Council 107
Mr Blair's conversation with President Bush, 24 January 2003 113
Cabinet, 23 January 2003 114
Mr Blair's Note to President Bush, 24 January 2003 115
Mr Blair's interview on *BBC*'s *Breakfast with Frost*, 26 January 2003 121
Security Council, 27 January 2003 124
President Bush's State of the Union address, 28 January 2003 131
Security Council, 29 January 2003 134

Mr Blair's meeting with President Bush, 31 January 2003 135
The US position 135
Other views 138
JIC Assessment, 29 January 2003 144
Cabinet, 30 January 2003 150
Mr Blair's conversations with President Bush, 29 and 30 January 2003 151
Mr Blair's meeting with Mr Aznar, 30 January 2003 153
Papers produced for Mr Blair's meeting with President Bush 154
MOD letter, 29 January 2003 154
FCO advice, 30 January 2003 155
Lord Goldsmith's minute, 30 January 2003 158

Mr Blair's Note, 30 January 2003 158
Sir Jeremy Greenstock's advice, 31 January 2003 160
Mr Blair's meeting with President Bush, 31 January 2003 163
The views of Mr Blair and Sir Jeremy Greenstock 172
Conclusions 174

Introduction and key findings

1. This Section addresses the development of UK strategy on Iraq between the adoption of resolution 1441 on 8 November 2002 (see Section 3.5) and Mr Blair's meeting with President Bush, in Washington, on 31 January 2003.

2. Other key developments in the UK's thinking between mid-November and the end of January which had an impact on the strategy and the planning and preparation for military action are addressed elsewhere in the report:

- The Joint Intelligence Committee's (JIC) Assessments of Iraq's declaration of 7 December 2002, and its view that there was a continuing policy of concealment and deception in relation to its chemical, biological, nuclear and ballistic missile programmes, are addressed in Section 4.3.
- How advice was sought from Lord Goldsmith, the Attorney General, regarding the interpretation of UN Security Council resolution 1441 (2002) and the manner in which that advice was provided is addressed in Section 5.
- The development of the options to deploy ground forces and the decision on 17 January to deploy a large scale land force for potential operations in southern Iraq rather than for operations in northern Iraq, as well as maritime and air forces, are addressed in Sections 6.1 and 6.2.
- UK planning and preparations for a post-Saddam Hussein Iraq are addressed in Sections 6.4 and 6.5.

Key findings

- Following the adoption of resolution 1441, the UK was pursuing a strategy of coercive diplomacy to secure the disarmament of Iraq. The hope was that this might be achieved by peaceful means, but views differed on how likely that would be.
- The UK Government remained convinced that Iraq had retained prohibited weapons and was pursuing chemical, biological and ballistic missile programmes in contravention of its obligations to disarm; and that the absence of evidence of weapons and programmes was the result of a successful policy of concealment.
- By early January 2003, Mr Blair had concluded that Iraq had had "no change of heart" and military action to remove Saddam Hussein's regime was likely to be required to disarm Iraq.
- The US Administration was planning military action no later than early March.
- Mr Blair and Mr Jack Straw, the Foreign Secretary, concluded that a second UN (United Nations) resolution would be essential to secure domestic and international support for military action. In the absence of a "smoking gun", that would require more time and a series of reports from the UN inspectors which established a pattern of Iraqi non-compliance with its obligations.

- Mr Blair secured President Bush's support for a second resolution but did not secure agreement that the inspections process should continue until the end of March or early April. That left little time for the inspections process to provide the evidence that would be needed to achieve international agreement on the way ahead.

The response to resolution 1441

Iraq's response

3. Iraq announced on 13 November 2002 that it would comply with resolution 1441.

4. Iraq challenged US and UK claims, including the UK statement that it had decided to keep possession of its weapons of mass destruction (WMD), and restated its position that it had neither produced nor was in possession of weapons of mass destruction.

5. Iraq informed the Security Council of its decision to comply with resolution 1441 (2002), without conditions, in a letter from Dr Naji Sabri, the Iraqi Foreign Minister, to Mr Kofi Annan, the UN Secretary-General, on 13 November 2002.[1]

6. The letter stated:

- The claims by President Bush and Mr Blair that "Iraq might have produced, or might have been on the way to producing, nuclear weapons" since 1998 and that "Iraq had indeed produced chemical and biological weapons" was "an utterly unfounded fabrication" and "baseless".
- Iraq had agreed to the return of the inspectors, and had "already stated" that it had "neither produced nor possessed any nuclear, chemical or biological, weapons of mass destruction during the absence of the inspectors".
- Iraq would "deal with resolution 1441, despite its iniquitous contents". It was "ready to receive the inspectors so that they can perform their duties, and ascertain that Iraq has produced no weapons of mass destruction during their absence".
- Iraq was "eager for them to accomplish their task in accordance with international law as soon as possible". If they did so "in a professional and lawful manner" the (US and UK) "liars" would be "revealed to the public and the declared aim of the Security Council will be achieved".
- The Security Council would be "under obligation" by "the public and the law to apply paragraph 14 of … resolution … 687, by applying it to … (Israel), and

[1] UN Security Council, 13 November 2002, 'Letter dated 13 November 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General' (S/2002/1242).

> thereafter to the entire region of the Middle East … so that it is free of mass destruction weapons".

7. The letter challenged a statement made by Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, that Iraq had been provided with the opportunity to dispose of its weapons of mass destruction, but Iraq had ignored that opportunity and decided to keep possession. The letter asked why "none of the representatives" of the members of the Security Council had "asked … when, how or where such an alleged decision had been taken by Iraq to keep weapons of mass destruction".

8. Iraq referred to the American Administration having exerted pressure and threatened to leave the UN if it did not agree to what America wanted; and that America threatened to perpetrate "aggression". Iraq feared that the United Nations may "lose the trust and interest of peoples". "All those" who were concerned about the organisation were "called upon to exercise caution and act in accordance with international law and the Charter of the United Nations".

9. Iraq appealed to Mr Annan to ensure that those implementing the resolution did not:

> "… push the situation to the edge of the precipice … because the people of Iraq will not choose to live if the price is their dignity, homeland, their freedom or things sacrosanct to them. On the contrary, the price will be their lives if that is the only way forward to preserve what must be preserved."

10. The UK remained sceptical about Iraq's intentions, focusing on its track record of deceit and deception, and repeating the need to maintain the threat of military action to secure compliance.

11. In a lecture that evening, Mr Jack Straw, the Foreign Secretary, welcomed Iraq's response "so far as it goes" but added:

> "… we must remain vigilant for experience with Iraq tells us to temper optimism with scepticism and to read the small print. Iraq's intentions are notoriously changeable. What matters above all is their actions not their words.
>
> "… The history of UN weapons inspections in Iraq is littered with examples of deceit, evasion, intimidation and harassment. I hope even Iraq will recognise the consequences of any repeat. If Saddam fails to co-operate fully, then he faces force.
>
> "UNSCR [UN Security Council resolution] 1441 sets out the pathway to peace. Those of us who negotiated the text were determined to ensure that it was not a set of traps for Iraq … But we must be clear: he will not comply unless he is sure that the international community has another route to disarmament – the military route …"[2]

---

[2] The National Archives, 13 November 2002, *The Future of Foreign Policy.*

12. Mr Blair used an interview with the Arabic Service of *Radio Monte Carlo* on 14 November to send a message to Saddam Hussein, the Iraqi people and the Arab world that it was Saddam Hussein's fault that the people of Iraq were not enjoying real wealth and prosperity.[3] He declared that the objective of the United Nations resolution was disarmament not regime change.

13. Mr Blair emphasised that Saddam Hussein's duty was to co-operate fully with the inspectors by providing an "honest declaration [of Iraq's proscribed capabilities]" and then to co-operate in eradicating them. Mr Blair added that if Saddam did not disarm the consequence would be that he would be "disarmed by force". The choice for Saddam Hussein was "very, very clear".

14. Mr Blair also stated that weapons of mass destruction and terrorism were two separate, but linked issues that had to be dealt with:

> "… if we allow countries which have got repressive and brutal regimes to develop these weapons, at some point they will use them, and that is why we have got to take the action."

Cabinet, 14 November 2002

15. Mr Straw told Cabinet on 14 November that while the Security Council would need to be reconvened to discuss any breach in the event of Iraqi non-compliance, the key aspect of resolution 1441 was that military action could be taken without a further resolution.

16. Mr Straw told Cabinet on 14 November that Iraq was required to accept the terms of resolution 1441 by the end of that week. Iraq had sent the UN a tirade of abuse but the response was nevertheless positive.[4] The requirement for Iraq to make a declaration of its holdings of weapons of mass destruction and the facilities for developing such weapons was more important. The new inspection regime would start work by 23 December.

17. Mr Straw stated that a "key aspect of the resolution was that there was no requirement for a second resolution before action was taken against Iraq in the event of its non-compliance, although reconvening the Security Council to discuss any breach was clearly stated".

18. Mr Blair concluded that "the Iraq regime was under pressure and the leadership was concerned about the reliability of internal support".

19. The issue of whether assurances to Cabinet that military action could be taken without a further resolution accurately reflected the position of Lord Goldsmith at that time is addressed in Section 5.

---

[3] The National Archives, 14 November 2002, *Prime Minister gives interview to Radio Monte Carlo.*
[4] Cabinet Conclusions, 14 November 2002.

UK assumptions about Iraq's position

JIC ASSESSMENT, 14 NOVEMBER 2002: 'IRAQ: REGIME COHESION UNDER PRESSURE'

20. In mid-November, the Joint Intelligence Committee reviewed its July 2002 Assessment of regime cohesion in Iraq.

21. The JIC judged that Iraq had accepted resolution 1441 to avert a large-scale US-led ground attack and it would focus on concealing sensitive items from the inspectors.

22. If Saddam Hussein believed a large-scale attack was inevitable, he would probably cease co-operation and become far more confrontational.

23. In parallel with the adoption of resolution 1441, the JIC decided to revisit its July 2002 assessment of regime cohesion in Iraq to:

> "… examine how the Iraqi regime is responding to mounting international pressure … [and] assess whether there are any signs of strain within the regime and evaluate the speed and effectiveness of Iraqi decision-making."[5]

24. In the JIC discussion of the draft Assessment on 13 November, three key points were made:

- The draft Key Judgement that the cracks in the Iraqi regime had not widened since the last Assessment was correct.
- Concealment and the retention of a WMD capability "remained a cornerstone of Saddam's policy" and his intention was to allow the inspectors in and "manage" the inspections indefinitely as a means of avoiding conflict. But the resolution put the onus on Iraq to prove it had no WMD programmes. The inspectors would need to be prepared to deal with diversionary tactics including lengthy inspections of sites not related to WMD. The UN Monitoring, Verification and Inspections Commission (UNMOVIC) would "eventually" bring pressure to bear on Saddam Hussein, "causing further cracks in the regime".
- The Assessment should address the extent to which cracks might widen, the role of regime members and how concerns about their personal survival might affect their support for Iraq's WMD policy.[6]

25. The Key Judgements of the JIC were:

"
- Iraq accepted UNSCR 1441 because Saddam knew this was the only way to avert a large-scale US-led Coalition ground attack. The regime probably believes that a Coalition attack will not be possible when inspectors are inside Iraq.

---

[5] JIC Assessment, 14 November 2002, 'Iraq: Regime Cohesion Under Pressure'.
[6] Minutes, 13 November 2002, JIC meeting.

- Iraq could try to overload UNMOVIC by releasing large volumes of information about legitimate industries. Although less likely, Iraq might admit to some 'expendable' parts of its WMD programmes to demonstrate ostensible co-operation and to provoke divisions in the UN. But it will focus on concealing sensitive items from inspectors.
- There is no real evidence as yet of real cracks within the regime, but these might appear if UNMOVIC makes real progress. But loyalty within the Iraq military or security apparatus is unlikely to collapse until an overwhelming Coalition attack is seen as inevitable or actually begins. And regime breakdown cannot be guaranteed short of a major ground invasion.
- If Saddam were to perceive a large-scale Coalition attack to be inevitable, he would probably cease any co-operation with the UN and become far more confrontational.
- Saddam's total control means that Iraqi policy can change substantially with little warning. There is considerable scope for Saddam to miscalculate or react unpredictably."[7]

26. Other important points made in the Assessment were:

- The agreement of "new, tougher rights for inspectors" in resolution 1441 had been "an unwelcome surprise to the Iraqi leadership".
- "Regime survival" was Saddam Hussein's "overriding priority". But he also "had a very strong commitment to retaining WMD" which he saw as "key to Iraq's power and influence".
- Iraq's security apparatus was "designed to prevent internal rebellion". Top officials already associated "their fate with that of the regime, fearing retribution from the Iraqi population, or the Coalition".
- Regime concerns about internal security were "focused on southern Iraq" but the JIC continued to judge that "an internal uprising would be unable to overthrow Saddam except in conjunction with a large-scale external attack".
- Iraq had "no credible alternative to ostensible co-operation with the UN" and it could "only continue playing for time in the hope that the international pressure it faces eventually weakens". Saddam Hussein would "avoid extreme actions, at least in the short term".
- The JIC had "no new intelligence" on whether Iraq would "declare any prohibited materials or activity in response" to resolution 1441. Any disclosures on WMD would "damage the regime's already limited credibility, given its continuing blanket denials of WMD possession". The Iraqi regime would "seek to take advantage of any opportunity to fudge Iraq's obligations or delay the UN process".

---

[7] JIC Assessment, 14 November 2002, 'Iraq: Regime Cohesion Under Pressure'.

- "Senior Iraqis" agreed "that Iraq should maintain a WMD capability", but if UNMOVIC made "demonstrable progress which threatens to overcome Iraq's policy of deception and concealment, and Saddam refuses to give ground, there could be pressure on key insiders to break with Saddam in order to ensure their own survival".

PSYCHOLOGICAL PROFILE OF SADDAM HUSSEIN

27. Following Mr Blair's discussion with President Bush on 6 November (see Section 3.5), No.10 commissioned a psychological profile of Saddam Hussein, "not least for the pointers this may give on splitting off Saddam from his regime".[8]

28. On 14 November, the Private Secretary to Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), sent Mr John Scarlett, Chairman of the JIC, a draft psychological profile of Saddam Hussein, based on a Defence Intelligence Staff (DIS) document produced in late 2001.[9]

29. The key points identified in the profile included:

"
- Personal survival, survival of the regime, and Iraqi-led Arab unity are the three most powerful factors that motivate Saddam …
- He thinks strategically and will operate tactically. He is a judicious political calculator …
- His propensity to take risks coupled with vigilance and a task-oriented approach to problems has led to generally judicious decision making. However, his tendency to seek and filter information to support his beliefs has created a skewed appreciation of any risks he may take …
- The result is perpetuation of a deeply entrenched belief that the intention of outsiders is unjust and it is they who are responsible for the ills in Iraq …"

30. The profile stated that Saddam Hussein would "not wish a conflict in which Iraq will be grievously damaged and his stature as a leader destroyed". His perception of damage was "far more focused on reputation than on physical or economic standing". Saddam Hussein would:

> "… use whatever force is necessary. This is reflected in [...] Saddam's willingness to use WMD both internally and regionally if he believes he is about to fall."

31. Addressing Saddam Hussein's decision-making, the profile stated:

> "Although his actions may at times appear obtuse and reckless to the West, Saddam is a rational actor … Each time he defies the UN or US he will push them, testing

---

[8] Letter Rycroft to McDonald, 6 November 2002, 'Iraq: Prime Minister's Phone Call with Bush, 6 November'.
[9] Letter PS/C to Scarlett, 14 November 2002, 'Iraq: Psychological Profile of Saddam' attaching Paper 'Saddam Hussein, DIS Psychological Profile Updated'.

their resolve a step at a time, often until his adversary is on the brink of military attack … if he feels he is losing control, and becoming increasingly politically confined and potentially 'losing', he can become very dogmatic, increasingly impulsive and extremely non-compliant."

32. In relation to Saddam Hussein's perception of risk, the profile stated that he was only likely to identify alternative strategies "once something has been *proved* to fail outright".

33. In terms of predicting Saddam Hussein's future behaviour, the profile stated: "Saddam maximises benefits before he minimises costs." He was:

"… not aiming to gain extra power or resources but simply to maintain his current leadership position. The assumption that the current situation may increase his intent to take dramatic action, does not, therefore, necessarily apply.

"Whilst there is little doubt that Saddam's behaviour is being influenced by political pressure, there are no compelling indications that he is likely to take radical or unpredictable action. On the contrary, Saddam is currently making decisions and adopting tactics that make his near term behaviour more predictable and stable than usual."

34. The profile concluded:

"… [Saddam still judges there to be some opportunity to derail moves towards war.] Whilst his threat perception remains 'potential' Saddam will continue to pursue a strategy of relative compliance, with the main intention of not giving the US or the UK any ground to move against him militarily; provocation at this stage is therefore not an option.

"Many factors within the next few months might serve to either maintain Saddam's current threat perception, or give him cause to confirm the inevitability of an attack. The UN resolution is one such factor. If Saddam perceives a semblance of hope in the resolution, the likelihood of him taking precipitate action remains low. If, however, the resolution confirms in Saddam's mind, the inevitability of an attack, then he will have little motivation to remain compliant.

"In the longer term, there will come a time where Saddam may decide that a strategy to deal with the potential loss he faces requires him to take radical, aggressive action. He is unlikely to wait until such a threat becomes imminent. Once he is confronted with tangible evidence of an inevitable attack, such as troops on Iraq's borders … he is likely to conclude that he has no alternative option to guarantee his survival. In this instance he is likely to act quickly, decisively and whilst he still maintains some degree of loyalty within his command structures."

35. The profile was seen by Mr Jonathan Powell, Mr Blair's Chief of Staff, and Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office

Overseas and Defence Secretariat (OD Sec), but there is no indication whether or not it was seen by Mr Blair.[10]

Concerns about the US view on the threshold for a material breach

36. Concerns about the differences between the UK and the US on what would constitute a material breach, the US stance of "zero tolerance", and the debate in the US on "triggers" for military action were already emerging.

37. A debate on what might constitute a material breach and what actions by Iraq might trigger a military response had begun within the US Administration before the adoption of resolution 1441.

38. Reporting conversations with senior officials in the US Administration on 7 November, Mr Tony Brenton, Deputy Head of Mission, British Embassy Washington, reported that the hawks in Washington saw the resolution as a defeat and warned that they would be "looking for the least breach of its terms as a justification for resuming the countdown to war".[11]

39. The US statement after the adoption of resolution 1441 on 8 November 2002 made it clear that the US would regard every act of Iraqi non-compliance as an indication that Iraq had no intention of disarming.[12] President Bush had also warned that "the old game of cheat and retreat" would "no longer be tolerated".

40. Sir Jeremy Greenstock advised overnight on 14-15 November that there were indications that President Bush's reference to "zero tolerance" was causing some members of the US Administration to seek to lower the bar set in resolution 1441.[13] That might include Iraqi attacks on aircraft enforcing the No-Fly Zones (NFZs), despite the agreement that operative paragraph (OP)8 of resolution 1441 did not apply to the NFZs.

41. Sir David Manning subsequently spoke to Dr Condoleezza Rice, President Bush's National Security Advisor, on 15 November.[14] They agreed that recent Iraqi attacks on UK and US planes in the NFZs would continue to be treated as a "discrete issue, separate from what would trigger military action under [resolution] 1441".

42. Sir David stated that the UK and the US should not be drawn on "hypothetical scenarios" about what would constitute a material breach. Reflecting Mr Blair's words to President Bush at Camp David on 7 September (see Section 3.4), that "If Saddam

---

[10] Manuscript comment Manning, 14 November 2002, on Letter PS/C to Scarlett, 14 November 2002, 'Iraq: Psychological Profile of Saddam' attaching Paper 'Saddam Hussein, DIS Psychological Profile Updated'.
[11] Minute Brenton to Gooderham, 7 November 2002, 'Iraq'.
[12] The White House, 8 November 2002, *President Pleased with UN Vote.*
[13] Telegram 2169 UKMIS New York to FCO London, 15 November 2002, 'US Moves Towards "Zero Tolerance"'.
[14] Letter Manning to McDonald, 15 November 2002, 'Iraq: Conversation with Condi Rice'.

Hussein was obviously in breach we would know", Sir David added that "the Security Council would know a material breach when it saw it". He reported that the US Administration would continue to insist on "zero tolerance" to keep up the pressure on Saddam Hussein.

43. Mr Straw and Mr Colin Powell, US Secretary of State, also discussed Iraq on 15 November, including the reporting in the US that military action was imminent and inevitable.[15] Mr Straw emphasised the need to build as wide a coalition as possible for any military action. They also discussed the need for patience on the Middle East Peace Process (MEPP), because of the political situation in Israel.

44. Sir Christopher Meyer, British Ambassador to the US, took a slightly different view from Sir Jeremy Greenstock about the US Administration's position.[16] As he had previously warned, "Administration hawks" would "seek to lower as far as possible the threshold for attacking Iraq". They hated resolution 1441 and were "looking for ways of short circuiting it". But, in his view, the "debate" on the NFZs was now "over"; although if an aircraft was shot down that would "lead to war". The reference to "zero tolerance" was the "key [point] in the Administration's public presentation". There would be a "battle … between the hawks and the rest". The key would be President Bush's position.

45. Sir Christopher also reported that he had been told by a senior member of the Administration earlier that week that the preferred outcome was for the Iraqi regime to implode.

46. Dr Hans Blix, Executive Chairman of UNMOVIC, was asked, at his pre-inspections press conference on 15 November, whether, if Iraq continued to insist in its declaration that it lacked WMD, that would constitute a material breach.[17] He replied that although Iraq had reaffirmed that it had no such programme, "it would nevertheless have some time now to check its records". That might lead to a change of position:

> "If, on the other hand, Iraq maintained that position, it would be up to those who had evidence of such a programme to produce such evidence. If the inspectors came up with evidence, that would be brought to the notice of the Security Council."

47. Mr Blair suggested that the UK should be working on the possibility of weakening Saddam Hussein's regime from within. He also wanted to agree a wider agenda of action with the US.

48. In a note to No.10 officials on 17 November addressing a range of issues as well as Iraq, Mr Blair wrote that he did not know if there was "anything in the stories about

---

[15] Letter McDonald to Manning, 15 November 2002, 'Conversation with US Secretary of State'.
[16] Telegram 1495 Washington to FCO London, 15 November 2002, 'Iraq: Triggers'.
[17] UN Press Briefing, 15 November 2002, *Headquarters Press Conference by Head of UN Iraq Weapons Inspection Team*.

Saddam preparing a bolt hole. But we should be working assiduously on trying to weaken his regime from within."[18]

49. Mr Blair also set out concerns about the risks from WMD more generally:

> "The true criticism of us is not that we are doing Iraq; but that we are only doing Iraq. I agree with DM [David Manning], this needs to form a major part of our agenda with the US. I want the next bilateral meeting … with the US to draw up an agenda for action across a range of fronts … the timing is right, i.e. not just on terrorism but on WMD; MEPP and the Arab world; climate change; WTO [World Trade Organization]. We need to be articulating a strong world vision."

50. The note was also sent to Sir Andrew Turnbull, the Cabinet Secretary, Dr John Reid, the Minister without Portfolio and Labour Party Chair, and Mr Douglas Alexander, the Minister of State (Cabinet Office).

51. The MOD reported on 19 November that the option of a military campaign launched on 6 January appeared to have lapsed, and the timelines were "uncertain".

52. The MOD did not regard the position that we would know a material breach when we see it as a suitable basis for planning.

53. Mr Hoon's view was that agreement with the US on what constituted a trigger for military action was needed quickly.

54. On 19 November, following a visit to the US by Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), and before the NATO (North Atlantic Treaty Organisation) Summit in Prague on 21 November and the planned debate on Iraq on 25 November, Mr Peter Watkins, Principal Private Secretary to Mr Geoff Hoon, the Defence Secretary, sent Sir David Manning an update on military discussions with the US.[19] He set out the themes which had emerged and registered a number of concerns, including the need to press the US to clarify Turkey's position.

55. Mr Watkins wrote that the option of a military campaign launched on 6 January 2003 seemed to have "effectively lapsed" and the timelines were "uncertain". The US military position was described as "get ready, but not too ready", because they did "not want to bring too large a force to too high a pitch of readiness". The MOD was concerned that:

> "Lack of clarity in US thinking about possible triggers for military action needs to be resolved quickly, particularly in relation to the No-Fly Zones."

---

[18] Note Blair [to No.10 officials], 17 November 2002, [extract 'Iraq/Saddam, WMD'].
[19] Letter Watkins to Manning, 19 November 2002, 'Iraq: Military Planning after UNSCR 1441'.

56. Addressing the issue of "Timetable and Triggers", Mr Watkins wrote:

> "To some extent, triggers are now under Saddam's control and so cannot be slotted into any firm timetable. Moreover, what constitutes a 'violation' and/or 'material breach' remains undefined: many in the US are reduced to saying 'we'll know when we see it', which is not a suitable base for planning."

57. There was "a sense in the US" of "two broad timelines in play, implying two different plans". The first was a "high-impact event to which the US might feel the need to respond quickly at short notice". The second was a decision that a material breach had occurred which would be followed by a "more deliberative build-up to military action".

58. The first scenario would effectively hand the initiative to Saddam Hussein. It might provoke a rapid response, but that could not be decisive because it could not involve sufficient land forces to take control of Iraq, "unless … it leads … to regime collapse, a scenario in which the US seem to invest quite a lot of hope".

59. The second scenario would give Saddam Hussein time, which he "might be able to exploit diplomatically and militarily". A deliberate campaign "would require some 60-90 days' build-up, and the time will soon come when the question has to be confronted of whether it is sensible to contemplate fighting in the summer". A "common understanding" needed to be reached with the US and plans "shaped accordingly".

60. The MOD was concerned that, if a Coalition aircraft was shot down, it would, "under long-standing plans, trigger a massive US response", which the US might use to trigger a wider campaign.

61. Mr Hoon believed that the UK response should include:

- pressing the US to "unblock" the Turkish position (on whether it would allow US and UK forces to transit Turkey);
- working "quickly to reach an agreed US/UK view on triggers … well before we are confronted with it in practice"; and
- explaining to the US that hostility in the No-Fly Zones should be met only by "self-defence responses".

62. A copy of the letter was sent to the Private Offices of Mr Straw, and Mr Gordon Brown, the Chancellor of the Exchequer, and to Mr Desmond Bowen, Deputy Head of OD Sec.

63. Mr Blair and Mr Straw, and their most senior officials, were clearly aware that difficult and controversial questions had yet to be resolved in relation to:

- **what would constitute a further material breach and how and by whom that would be determined;**

- **the issue of whether a further resolution would be needed to authorise force; and**
- **the implications of a veto.**

64. The papers produced before Mr Straw's meeting on 20 November recognised that Lord Goldsmith's advice would be needed to clarify those issues.

65. A paper on what might constitute a material breach, which highlighted "a number of difficult questions … on which we will need to consult the Attorney General", was prepared by the FCO and sent to Sir David Manning, Sir Jeremy Greenstock, Sir Christopher Meyer and Mr Watkins on 15 November.[20]

66. The FCO paper stated that "Most, if not all members of the Council will be inclined" to take the view that a "material breach" should be interpreted in the light of the Vienna Convention. Dr Blix had "made it clear" that he would "be using a similar definition for the purposes of reporting under OP11". The paper stated that it was not for Dr Blix to determine what constituted a material breach, "but his decision (or not) to report to the Council and the terms in which he reports" would "be influential".

67. The FCO stated that the US was "becoming more and more inclined to interpret the 1441 definition downwards": "Although, some weeks ago, NSC [National Security Council] indicated that they would not regard trivial omissions in Iraq's declaration [or minor problems encountered by UNMOVIC] as triggers for the use of force, more recently DoD [Department of Defense] have indicated that they want to test Saddam early."

68. The FCO also drew attention to President Bush's remarks on 8 November, which it described as "zero tolerance" and his warning against "unproductive debates" about what would constitute an Iraqi violation.

69. An examination of past practice on seven separate occasions since 1991 showed that the Council had determined Iraq to be in material breach of its obligations where there seemed "to have been a conviction that an Iraqi act would seriously impede inspectors in the fulfilment of their mandate and therefore undermine an essential condition of the cease-fire".

70. Against that background, the FCO listed the following incidents as ones which the UK would consider to be material breaches:

- "[A]ny incident sufficiently serious to demonstrate that Iraq had no real intention of complying" such as "an Iraqi decision to expel UNMOVIC, or to refuse access to a particular site, parts of a site or important information", "discovery by

[20] Letter Sinclair to Manning, 15 November 2002, 'Iraq: Material Breach', attaching Paper [FCO], [undated], 'Iraq: A Material Breach'.

UNMOVIC/IAEA [International Atomic Energy Agency] of a concealed weapons programme, or of a cache of WMD material not declared …"

- "Efforts to constrain UNMOVIC/IAEA's operations in significant ways contrary to the provisions of SCR 1441 (2002) … and other relevant resolutions. Systematic efforts to deter, obstruct or intimidate the interview process would need to be particularly carefully watched."
- "Systematic Iraqi harassment of inspectors … which jeopardised their ability to fulfil their duties …"
- Failure to accept resolution 1441.
- "A pattern of relatively minor Iraqi obstructions of UNMOVIC/IAEA."

71. On the last point, the paper added:

"We would not take the view that a short (hours) delay in giving UNMOVIC access to a site would constitute a material breach unless there was clear evidence that the Iraqis used such a delay to smuggle information out of a site or to coach potential witnesses. But repeated incidents of such obstruction, even without evidence of accompanying Iraqi deception, would cumulatively indicate that the Iraqis were not fully co-operating, and thus cast doubt upon whether UNMOVIC would ever be able to implement its mandate properly."

72. The FCO stated that a similar US list would "probably … be even tougher". "Given the opportunity" in the resolution for the US to make its own report to the Council, the UK needed "to be clear in our own minds where the dividing lines" were. The paper recommended that the UK would need to work out "where to draw our red lines" with the US; and that "in the interests of maintaining maximum Council support for use of force, we should try to persuade the Americans to focus on the more serious possible violations, or to establish a pattern of minor obstruction".

73. The paper did not address the issue of whether a Council decision would be needed "to determine that Iraq's actions justify the serious consequences referred to in OP13 of 1441". That would be "a matter on which we will need the Attorney's views".

74. An undated, unsigned document, headed "Background on material breach" and received in No.10 around 20 November, raised the need to address three, primarily legal, issues:

- the need to clarify whether OP4 "must be construed" in the light of the Vienna Convention and past practice as that suggested "a much higher bar than the US";
- the need to seek Lord Goldsmith's advice "on how OPs 1 and 2 (and 13) and the declaration of material breach they contain affect the legal situation of Iraq and our authority to use force"; and specifically whether it could be argued that "1441 itself (especially OPs 1, 2 and 13 taken together) contains a conditional

authority to use force … which will be fully uncovered once that Council discussion has taken place"; and

- "What happens if a second Resolution is vetoed?"[21]

75. The document appears to have drawn on the analysis in the FCO paper of 15 November.

76. On the second issue, the author wrote:

> "If this [the argument that 1441 contains a conditional authority to use force] has merit (and the most we can hope for in the absence of an express Chapter VII authorisation is a reasonable argument) it would be helpful to know that now. We would not have to impale ourselves and Ministers on the difficult point of what happens if the US/UK try and fail to get an express authorisation.
>
> "… we think London seriously needs to consider revising its thinking on 1441.
>
> "… from the point of view of OP4 the question is 'What does Iraq have to do to put itself beyond the protection of the law? At what point does its conduct amount to material breach?' Innocent until proved guilty.
>
> "But if you come at it through OPs 1 and 2 the question is 'When has Iraq blown its last chance? (regardless of whether OP4 is ever breached)'. Compliance with OP4 is strictly irrelevant: Iraq is guilty but released on a suspended sentence/ parole. This seems to us to have huge presentational angles – as well as whatever legal deductions can be made. **If we are not careful, we are in danger of losing the key advantage of the resolution and turning a provision which we thought of deleting as unnecessary into the main operational paragraph of the text** …"

77. Someone in No.10 wrote: "Is this, tho' a hidden trigger? (We and the US denied that there was one in 1441.)"[22]

78. On what would happen in the event of a veto, the author of the document wrote that this was:

> "… probably too difficult at this stage – everything depends on the circs … But knowing the answer to the legal implications of 1441 … would either (i) leave us no worse off than we are – if the AG thinks the argument doesn't run or (ii) radically improve the situation if the AG thinks we have a case."[23]

---

[21] Paper, [unattributed and undated], 'Background on Material Breach'.
[22] Manuscript comment [unattributed], 20 November 2002, on Paper, [unattributed and undated], 'Background on Material Breach'.
[23] Paper, [unattributed and undated], 'Background on Material Breach'.

79. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, commented to Sir David Manning that the document was:

> "… helpful. Of course a S[ecurity] C[ouncil] discussion is needed if there is a material breach. But as the PM has said all along that discussion must be in the context of an understanding that action must follow."[24]

80. Mr Straw held an office meeting on 20 November to discuss Iraq policy with Sir Michael Jay, FCO Permanent Under Secretary (PUS), Sir Jeremy Greenstock, Sir David Manning, and Mr Peter Ricketts, FCO Political Director.[25]

81. Sir Jeremy Greenstock told Mr Straw that he "believed we could get a second resolution provided the Americans did not go for material breach too early". The "facts to convince nine members of the Security Council" would be needed. He thought that the Council "would not … need much persuading".

82. Sir Jeremy proposed that "When the time came", the UK should put down a draft resolution and, "if we could show that we had done everything possible, then we would be in the best possible position if – in the end – there were no resolution".

83. Sir David Manning suggested that France should be invited to co-sponsor the resolution. Mr Straw agreed.

84. Sir Jeremy Greenstock advised that "the real strength" of resolution 1441 lay in its first two operative paragraphs: OP1 reaffirming Iraq's material breach up to the adoption of 1441 and OP2 suspending that material breach to give Iraq a final opportunity. Sir Jeremy stated that OP4 (and 11 and 12) were, therefore, not needed to reach the "serious consequences" in OP13. He was already using that argument in the Security Council and cautioned Mr Straw that focusing too much on OP4 brought a danger of weakening OPs 1 and 2.

85. Sir Michael Jay took a different view, advising that the UK could use all the OPs in resolution 1441. Mr Straw agreed that it would be a mistake to focus exclusively on OPs 1 and 2.

The Prague Summit, 21 November 2002

86. In his remarks at the NATO Summit in Prague on 21 November and in his subsequent statement to Parliament on 25 November, Mr Blair emphasised the resolve of the international community and his hope that that would result in the peaceful disarmament of Iraq; but that if it did not there was a commitment to act.

---

[24] Manuscript comment Rycroft, 20 November 2002 on Paper [unattributed and undated], 'Background on Material Breach'.
[25] Minute McDonald to Gray, 20 November 2002, 'Iraq: Follow-up to SCR 1441'.

87. In his bilateral discussion with President Bush, Mr Blair assessed that there was a need to be ready for military action early in the New Year, as soon as possible after it was clear that there was a material breach. The chance of Saddam Hussein co-operating was no higher than 20 percent.

88. Mr Blair confirmed that the UK would provide military support if that was necessary.

89. In preparation for the bilateral discussion with President Bush at the NATO Summit in Prague, Sir David Manning suggested that the points Mr Blair might cover on Iraq included:

> "We are well placed after … 1441. International community behind us. If we are patient, and let Saddam make mistakes, they will stay there. We must work together to help Blix/UNMOVIC. We should avoid being trapped into tight definition of what would constitute material breach – keep our options open."[26]

90. Mr Alistair Campbell, Mr Blair's Director of Communications and Strategy, wrote in his diaries that he had been told by Mr Dan Bartlett, President Bush's Communications Director, at dinner on 20 November that the US view was that it was "seventy to thirty that there would be war, but that thirty was genuine".[27] They had also discussed the need to "set up a proper operation in Qatar, not least to have people to make an impact on Al Jazeera".

91. Sir David Manning reported that, during the lunch for Heads of State and Government, President Bush had emphasised that resolution 1441 was about disarmament, not inspections.[28] As Mr Blair had said at the earlier plenary discussion, that was not a game of hide and seek. Saddam Hussein must co-operate. There would be very severe consequences if he didn't.

92. President Bush added that Mr Blair had made the excellent point that the greater our resolve appeared to be, the greater the chances that the current crisis could be resolved peacefully. Saddam Hussein must be under no illusion that if he did not disarm, an international coalition would do the job for him. President Bush had emphasised that he very much wanted the UN route to work and that he was grateful for the support he had received.

93. Sir David reported that there had been "wide support" for President Bush's intervention. The Prime Ministers of Denmark, Iceland, the Netherlands, Portugal and

---

[26] Minute Manning to Prime Minister, 20 November 2002, 'Prague Summit: Bush Bilateral'.
[27] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[28] Letter Manning to McDonald, 21 November 2002, 'NATO Prague Summit: Lunch for Heads of State and Government'.

Spain had all promised full support. Mr Blair had said that "it was very important that the UN had come to a common view on Iraq and therefore on the threat from WMD". It:

> "… had been right to go the UN route; but we must now have the courage to go the whole way. The international community had expressed its will and set out its demands. It must not flinch from enforcing them."

94. In the press conference before the bilateral meeting with Mr Blair, President Bush was asked about his expectations of support from the UK in the event of "possible conflict" in Iraq.[29] He replied:

> "My expectation is that we can do this peacefully if Saddam Hussein disarms … If he chooses not to disarm, we will work with our close friends, the closest of which is Great Britain, and we will disarm him. But our first choice is not to use the military option, our first choice is for Mr Saddam Hussein to disarm and that is where we will be devoting a lot of our energies."

95. Mr Blair stated:

> "We will do what is necessary both to secure ourselves at home and to make sure that the will of the United Nations is enforced abroad. And I think what you will find here at the NATO Summit is a total and united determination … that Saddam Hussein has to disarm himself … and how that happens is a choice for him. We hope and want it to happen through the United Nations inspectors … But if he fails to co-operate with them … then he will be disarmed by force, and that is the clear will of the international community …"

96. In his bilateral discussion with President Bush, Mr Blair confirmed that the UK would support the US militarily if necessary.[30]

97. In response to a request for his views on the military planning, Mr Blair said there was a need to be ready for military action early in the New Year and as soon as possible after it became clear that there was a material breach. There was a chance of Saddam Hussein co-operating, but it was "no higher than 20 percent".

98. In a discussion about what co-operation meant, Mr Blair's view was that Iraq's duty to co-operate extended to the declaration, the inspections and the interviews. The inspectors were "meant to enter Iraq and dismantle all the WMD with full co-operation with Iraq … [I]t was not a game of cat and mouse." He thought that "Saddam would miscalculate at some point". Mr Blair doubted that Saddam Hussein would admit to up to date WMD facilities or technology, but he might admit to some residual WMD.

---

[29] The National Archives, 21 November 2002, *Press conference: PM Tony Blair and President George Bush*.
[30] Letter Rycroft to McDonald, 21 November 2002, 'Prime Minister's Meeting with President Bush, 21 November'.

99. Mr Blair thought that there was "an outside possibility of Saddam's regime crumbling".

100. Mr Blair and President Bush also discussed the need to provide support for Dr Blix and to be clear about his role, including that it would not be for Dr Blix to take decisions on military action.

101. Mr Blair and President Bush discussed the importance of moving forward on the Middle East Peace Process, which would become easier to manage without Saddam Hussein, and the need to persuade Israel not to escalate the conflict if it was attacked by Iraq.

102. Describing the Summit in his diaries, Mr Campbell wrote that the "press were all focused on Iraq, and on the line that the US had pretty much decided".[31]

103. Mr Campbell wrote that President Bush:

> "… felt there was a need for real pressure to build through troop movements, international condemnation, really tough and unpredictable inspections, to get Saddam off balance.
>
> "… once we made that phone call that agrees Saddam's in breach, we had to do something militarily and quickly. Quick sustainable bombing raid, and boots on the ground … [I]f Blix gets dicked around, while a US or UK plane gets shot down, we go for him.
>
> "… was clearly not keen on Blix, said he was wringing his hands and talking war and peace but 'That is our judgement. He is not going to get between us and freedom. Once we strike we go for it, we don't wait …'"

104. Mr Campbell also wrote that, in response to a comment from Mr Blair that he "believed the regime would crumble pretty quickly", President Bush had said that "both our secret services needed to be put to work to help that. They were thinking of a list of the top ten most wanted as part of a divide and rule strategy …"

105. Mr Rycroft's record of the conversation confirms Mr Campbell's account.[32]

106. In Sir David Manning's bilateral meeting with Dr Rice, they discussed the possibility of seeking an "audit" of Iraq's declaration of its WMD holdings and pressing for implementation of the provision in resolution 687 (1991) that stipulated Saddam Hussein must pass legislation requiring the Iraqi people to reveal any WMD or associated facilities.[33] That would be a test of how co-operative Saddam Hussein intended to be.

---

[31] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[32] Letter Rycroft to McDonald, 21 November 2002, 'Prime Minister's Meeting with President Bush, 21 November'.
[33] Minute Manning to Prime Minister, 21 November 2002, 'Blix: Conversation with Condi Rice'.

107. The statement on Iraq issued after the Summit said that the 19 Heads of State and Government had:

> "… expressed our serious concern about terrorism and the proliferation of weapons of mass destruction.
>
> "Concerning Iraq, we pledge our full support for the implementation of … resolution 1441 and call on Iraq to comply fully and immediately with this and all relevant UN Security Council resolutions.
>
> "We deplore Iraq's failure to comply fully with its obligations, which were imposed as a necessary step to restore international peace and security and we recall the Security Council has decided in its resolution to afford Iraq a final opportunity to comply …
>
> "NATO Allies stand united in their commitment to take effective action to assist and support the efforts of the UN to ensure full and immediate compliance by Iraq, without conditions or restriction, with UNSCR 1441. We recall that the Security Council in this resolution has warned Iraq that it will face serious consequences as a result of its continued violation of its obligations."[34]

108. In his statement to Parliament on 25 November, Mr Blair described the Summit as "a profound demonstration of unity in the face of the new threats that confront us".[35] "Every nation" had spoken of "the menace of international terrorism and weapons of mass destruction". The Summit statement was "a remarkable statement of defiance" which had "rightly" linked terrorism and weapons of mass destruction. The threat from WMD "in the hands of rogue unstable states" was:

> "… not part of some different danger …
>
> "The strength of the … statement on Iraq was testimony to that belief. There was complete unanimity … that the choice for war or peace lies with Saddam, and that if he breaches the will of the United Nations, the United Nations will have to act. There was strong support for multilateralism and for the decision of President Bush to go through the UN, but equally strong insistence that multilateralism and the UN be seen to work.
>
> "Some of the most powerful expressions of these sentiments … came not from the old but from the new members of the NATO Alliance."

109. Mr Blair concluded that the "ultimate message" from the Summit was that "if we care about these values of freedom, the rule of law and democracy, we should not flinch from the fight in defending them"; and that "Britain" would "defend them with courage and certainty".

---

[34] NATO Press Release, 21 November 2002, *Prague Summit Statement on Iraq.*
[35] House of Commons, *Official Report*, 25 November 2002, columns 36-44.

110. In response to a question from Mr Doug Henderson (Labour) about whether action without the express authority of the UN would lack "international political legitimacy" and "severely damage" the UN and NATO, Mr Blair responded that it "would all depend on the circumstances". In Kosovo, action had been taken "outside the UN because there was an unreasonable blockage against action being taken". Mr Blair did not believe that the Security Council would "get to that point" on Iraq: "The countries that signed up to the deal at the United Nations know that if there is a breach by Saddam we have to act."

111. Asked by Mr Alan Simpson (Labour) for an assurance that, before he committed "any British troops or support to such a war" Mr Blair would seek a specific mandate through the UN and a specific vote in advance from the House of Commons, Mr Blair replied that Mr Straw would "deal with both points" in the debate on resolution 1441 later that day.

112. In response to a question from Mr Tam Dalyell (Labour) about the effect of discussion in the Security Council and if it would have "the final judgement", Mr Blair replied that it would "be for the weapons inspectors to say whether there is a breach", and that there would then be "a discussion about the seriousness of that breach". "All that" the UK had been "saying throughout" was that "the implication is that if there is a significant breach, there must be action". There was an "international consensus" that it was "not sensible to tie ourselves down to every single set of circumstances, that we want to keep some freedom of manoeuvre and that we should keep maximum pressure on Saddam".

113. Mr Blair added:

> "President Bush made a principled and difficult decision to go through the United Nations. He was right to do that. We supported him strongly and we are now obliged to ensure that the UN route works. I believe that we can do it in a way that avoids conflict, if at all possible."

114. Mr Blair's statement was repeated in the House of Lords.[36] No major issues on Iraq were raised.

115. An Oral Question on the UK's policy on Iraq had been answered earlier that afternoon when a number of issues, including who would be responsible for determining a material breach, the potential consequences in the region of military action in Iraq, and the need for an effective and well-planned exit were raised.[37]

---

[36] House of Lords, *Official Report*, 25 November 2002, columns 597-604.
[37] House of Lords, *Official Report*, 25 November 2002, columns 557-560.

Intelligence update, 21 November 2002

116. Mr Scarlett wrote to No.10 on 21 November to highlight new intelligence on Iraq's thinking on managing UNMOVIC which he considered "confirmed" earlier JIC judgements.

117. Mr Scarlett concluded that the Iraqi regime was confident in its ability to mislead the inspectors.

118. Subsequent intelligence that Saddam Hussein had made clear that UNMOVIC was to be given no grounds for claiming that inspections were being obstructed was interpreted as part of a policy of concealment. The possibility that it might have indicated an intention to co-operate with UNMOVIC appears not to have been considered.

119. Mr Scarlett wrote to Sir David Manning and other senior officials on 21 November drawing their attention to "the first significant … intelligence we have received on the Iraqi regime's thinking on how to manage UNMOVIC" since the adoption of resolution 1441.[38]

120. Mr Scarlett stated that the key points were:

- Iraq intended to demonstrate its ostensible co-operation with UNMOVIC but would actually resume its game playing.
- Iraq intended to declare a small part of its illegal programmes, and overload UNMOVIC with large quantities of information on legitimate activities.
- WMD was seen as vital to the regime's survival, so a core WMD capability and infrastructure must be retained.
- Iraq was concerned about the provisions for conducting interviews of Iraqis outside Iraq, which could expose illicit procurement.
- There was concern about the potential destruction by the inspectors of dual-use facilities.

121. Mr Scarlett commented that the concerns exposing illicit procurement might be referring to conventional weapons programmes and that the dual-use facilities supported "the WMD programmes".

122. Mr Scarlett wrote that the intelligence confirmed earlier JIC judgements, including the identification of "overload" as a potential strategy. There was no intelligence on which illegal programmes might be declared.

123. Mr Scarlett also drew attention to preparations to intimidate potential Iraqi interviewees.

---

[38] Minute Scarlett to Manning, 21 November 2002, 'Iraqi Strategy for Dealing with UNMOVIC'.

124. Mr Scarlett's other comments included the observations that:

- There seemed to be "an inconsistency in Iraq's policy towards inspectors. The [intelligence] indicates the regime plans to let the inspectors into any site. But it also indicates that the regime must rethink a core WMD capability."
- It was "possible" that Iraq was "so confident of its concealment strategy that it believes inspectors will not discover prohibited activity. Nonetheless, this [intelligence] is important in that it further confirms that ultimately the Iraqi regime does not envisage having to accept genuine and complete disarmament, and is confident in its ability to mislead inspectors".

125. The intelligence described by Mr Scarlett was based on reported comments, including from someone with access to senior members of the Iraqi regime; but it was not quoting Saddam Hussein's views.

126. Mr Campbell wrote in his diaries:

> "There was some interesting stuff around on deception programmes, for example [Iraqi] officials being forced to put papers and materials in their homes with the warning that they and their families would be harmed if they were lost."[39]

127. The Assessments Staff Intelligence Update on 26 November stated that intelligence indicated Saddam Hussein was personally handling all dealings with UNMOVIC; and he was confident the inspectors would not find anything, nor find grounds for claiming Iraq had obstructed its work.[40]

128. The Update was summarising intelligence from a reliable source quoting Saddam Hussein's own views second hand. The intelligence reported that Saddam had made clear UNMOVIC was to be given no grounds for claiming that inspections were being obstructed; not that he was confident that the inspectors would not find grounds for claiming that they were being obstructed.

Mr Blair's meeting with Dr Blix, 22 November 2002

129. Mr Blair was advised to tell Dr Blix in a meeting on 22 November that there was a need for UNMOVIC to "bolster its credibility with some in the US"; and that UNMOVIC should make full use of the powers resolution 1441 had provided.

130. Dr Blix told Mr Blair that Iraq's tactics seemed to be co-operation on practical arrangements but no real change in their approach.

131. Mr Blair said inspections should not be a game of hide and seek, and that one of the reasons for strong action on Iraq was to deter others.

---

[39] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[40] Minute [Assessments Staff Intelligence Update], 26 November 2002, 'Iraq – 26 November 2002'.

132. At a press conference on 15 November, Dr Blix had identified potential practical problems with interviews outside Iraq.[41]

133. In response to a question about whether it was possible for Iraqi experts to be interviewed adequately inside the country, Dr Blix responded that:

> "… interviews were an important source of information. If there were a big weapons programme in Iraq there would be many people engaged in it. The UNSCOM [UN Special Commission] and the IAEA had interviewed a lot of people in the past and learned a great deal. He [Dr Blix] was also aware that most of the interviews had gone rather well and without great problems. There was also quite a number in which the persons interviewed were clearly intimidated by Iraqi representatives. Hence, there should be the possibility for interviews to be done in private, with the IAEA and the Commission deciding the modalities and the place for them. The question would be whether in the present atmosphere the Iraqis would be willing to be interviewed alone. He said he understood the need for the interviews to be carried out abroad. Defectors had been a very important source of information, and would presumably continue to be so. His concerns were about the practicality of taking people abroad if the [Iraq] Government was not willing to allow that to happen."

134. An advance team of 30 staff from UNMOVIC travelled to Baghdad with Dr Blix and Dr Mohamed ElBaradei, Director General of the IAEA, on 18 November to prepare for inspections.[42]

135. In Mr Straw's office meeting of 20 November with Sir Michael Jay and others, discussed earlier in this Section, Sir Jeremy Greenstock stated that UNMOVIC was "desperate for professional help (e.g. sniffing equipment and investigation techniques). So far they had been underwhelmed by the initial UK response."[43]

136. Mr Straw had agreed the UK should do more.

137. Mr Charles Gray, Head of the FCO Middle East Department, advised the Cabinet Office that the UK was providing a list of 10 suspect sites, including the test bed site at al-Rafah, which they would like UNMOVIC to inspect at an early stage.[44] It was also planning to offer a list of the top 10 individuals the UK thought UNMOVIC should interview as a priority.

---

[41] UN Press Briefing, 15 November 2002, *Headquarters Press Conference by Head of UN Iraq Weapons Inspection Team*.
[42] *The Guardian*, 18 November 2002, *UN weapons inspectors arrive in Iraq.*
[43] Minute McDonald to Gray, 20 November 2002, 'Iraq: Follow-up to SCR 1441'.
[44] Letter Gray to Bowen, 20 November 2002, 'Iraq: Obfuscation under UNSCR 1441'.

138. In preparation for his meeting with Dr Blix on 22 November, the FCO advised Mr Blair that it would be helpful if he could give Dr Blix a number of key messages, including that the UK:

- had "worked very hard" for resolution 1441 and it was determined to do everything it could to make it work and UNMOVIC was vital to that;
- would do "whatever we can" to meet Dr Blix's "practical needs", including intelligence support;
- did "not want to compromise UNMOVIC's credibility as an independent organisation", but there was a need for UNMOVIC to "bolster its credibility with some in the US"; UNMOVIC should make full use of the powers resolution 1441 had provided.[45]

139. The FCO stated that there was "a continued whispering campaign against" Dr Blix in the US press. The UK was "keen to see a programme of multiple inspections designed to stretch Iraqi countermeasures and put Saddam's willingness to co-operate under early test". But the UK recognised "that UNMOVIC will need time to re-establish itself … It will not help our objectives if we push the inspectors into making mistakes by forcing them to run before they can walk."

140. The FCO advised that the US was "putting great weight" on the powers in resolution 1441 for UNMOVIC and the IAEA to interview individuals free of Iraqi Government "minders", if necessary outside Iraq. The UK agreed that interviews would be a "very important route to obtaining the sort of information we will need if covert Iraqi programmes are to be uncovered". But the UK also understood Dr Blix's "concerns about the practical and legal implication of extracting Iraqis – perhaps with a large number of family members – from Iraq and then holding them perhaps indefinitely". The US had admitted that it had not "thought through all these points" although it was now doing so.

141. In their meeting on 22 November, Mr Blair told Dr Blix that there had been much support at the Prague Summit for him and the inspectors, and for a tough line on the need for full Iraqi compliance with resolution 1441.[46]

142. Dr Blix reported that he had told the Iraqi Foreign Minister and others in Baghdad that Iraq should not make the mistakes it had made after the Gulf Conflict of providing an incomplete account of their holdings; and that they should not repeat the mistake of playing with the UN and offering too little too late. He had not, however, detected any sign that the Iraqi approach had changed. Nor was there any sign of legislation to prohibit involvement by Iraqi citizens in WMD programmes; that could be passed overnight and would have got Iraqi co-operation off to a flying start. Preparations for

---

[45] Letter Davies to Wechsberg, 21 November 2002, 'Iraq: Prime Minister's Meeting with Dr Hans Blix, 22 November'.
[46] Letter Rycroft to Sinclair, 22 November 2002, 'Iraq: Prime Minister's Meeting with Blix, 22 November'.

the first inspections were well under way. Iraq's tactics appeared to be co-operation on practical arrangements but no real change in their approach to giving up their WMD.

143. Mr Blair agreed with Dr Blix that the preference was Iraqi compliance and that the "inspections should not be a game of hide and seek". Mr Blair concluded that "one of the reasons for a strong multi-lateral approach on Iraq was to deter others".

144. Sir David Manning said that Dr Blix should audit the declaration and be ready to audit new material supplied by the UK and US. Mr Blair "strongly agreed. He emphasised that it was important the Iraqis knew that if Blix found their declaration to be false it would constitute a material breach". Dr Blix had "agreed", adding that "denying access would also be a material breach".

Security Council, 25 November 2002

145. Dr Blix provided an informal briefing to the Security Council on 25 November reporting on his and Dr ElBaradei's visit to Baghdad from 18 to 19 November.[47] They had been assured that Iraq intended to provide full co-operation. The first group of UNMOVIC and IAEA inspectors had arrived in Baghdad earlier on 25 November, and inspections would begin on 27 November, only 19 days after the adoption of resolution 1441. The report to the Security Council specified in OP5 would, therefore, be due on 27 January 2003.

146. Dr Blix reported that he had told Iraq that "many governments believed that WMD programmes remained in Iraq"; and that "The Council had wanted to offer Iraq a last opportunity. If the Iraqi side were to state – as it still did at our meeting – that there were no such programmes, it would need to provide convincing documentary or other evidence." The FFCDs (Full, Final, and Complete Declarations) submitted by Iraq to UNSCOM had, "in many cases left it an open question whether some weapons remained".

147. Dr Blix also reported that he had been assured by:

- Mr Dominique de Villepin, the French Foreign Minister, of "firm French support for the implementation stage"; and
- Mr Blair that the UK Government would provide "support for effective inspections" and that it was determined to "ensure the implementation of resolution 1441 … and the elimination of WMDs and long-range missiles from Iraq".

---

[47] UNMOVIC, *Briefing of the Security Council on 25 November 2002, Executive Chairman's visit to Baghdad.*

Debate on resolution 1441, 25 November 2002

148. The House of Commons voted on 25 November to "support" resolution 1441 and agreed that if the Government of Iraq failed "to comply fully" with its provisions, "the Security Council should meet in order to consider the situation and the need for full compliance".

149. Mr Straw's speech focused on the definition of a material breach and whether it would be for the Security Council to determine whether such a breach had occurred.

150. After its return from recess, the House of Commons debated resolution 1441 on 25 November.

151. The Government motion proposed:

> "That this House supports UNSCR 1441 as unanimously adopted by the UN Security Council; agrees that the Government of Iraq must comply fully with all provisions of the resolution; and agrees that, if it fails to do so, the Security Council should meet in order to consider the situation and the need for full compliance."[48]

152. Mr Michael Moore (Liberal Democrat) proposed an amendment to make it clear that the Security Council should determine whether military action should be taken. The amendment proposed the following addition to the Government motion:

> "… and believes that any decision that Iraq is in material breach of resolution 1441 is for the UN Security Council as a whole to determine and that no military action to enforce resolution 1441 should be taken against Iraq without a mandate from the UN Security Council; and further believes that no British forces should be committed to any such military action against Iraq without a debate in this House and a substantive motion in favour."[49]

153. Normally the Speaker of the House of Commons, selects the amendment proposed by the Official Opposition.[50]

154. In his opening speech, Mr Straw stated that resolution 1441 had "one central aim: the peaceful removal of Iraq's weapons of mass destruction through an effective inspection regime".[51] He set out the inspection process, including that inspections would resume in Iraq by 27 November, "four weeks ahead of the Security Council's deadline".

---

[48] House of Commons, *Official Report*, 25 November 2002, column 47.
[49] House of Commons, *Official Report*, 25 November 2002, column 73.
[50] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[51] House of Commons, *Official Report*, 25 November 2002, columns 47-63.

155. Mr Straw also posed and then answered four "key questions" which arose from the resolution:

- What constituted a material breach?
- Who would decide what happened if there was a material breach?
- Whether there would be a second Security Council resolution if military action proved necessary?
- Whether, if military action was necessary, the House of Commons would be able to vote on it and, if so, when?

156. Addressing what would constitute a material breach, Mr Straw referred to operative paragraph 4 of the resolution, but went on to say:

> "As with any definition of that type, it is never possible to give an exhaustive list of all the conceivable behaviours that it covers. That judgement has to be made against the real circumstances that arise, but I reassure the House that material breach means something significant: some behaviour or pattern of behaviour that is serious. Among such breaches could be action by the Government of Iraq seriously to obstruct or impede the inspectors, to intimidate witnesses, or a pattern of behaviour where any single action appears relatively minor but the actions as a whole add up to something deliberate and more significant: something that shows Iraq's intention not to comply."

157. Mr Straw also stated that the resolution made clear that there were two parts to a material breach, "a failure of disclosure and other failure to comply".

158. Addressing who would decide what happened if there was a material breach, Mr Straw stated that if there were "any further material breach", it would be reported to the Security Council "for assessment" and the Council would convene immediately to "consider the situation and the need for full compliance with all the relevant … resolutions in order to secure international peace and security".

159. Mr Straw added:

> "If there is evidence of a false statement or omission, together with a failure to comply in other respects, it can be reported to the Security Council as a further material breach either by a Security Council member or by the inspectors. The Council will undoubtedly require the opinion of the inspectors, regardless of who makes the final report.
>
> "There is then a clear requirement for an immediate meeting of the Security Council to make the assessment … Where the breach is flagrant – say, a physical and serious attack on the inspectors the decision on whether there had been a material breach will effectively have been made by the Iraqis … there will be no decision to be made. The Security Council will undoubtedly then act …"

160. Addressing the need for a second Security Council resolution if military action proved necessary, Mr Straw stated that resolution 1441 did:

> "… not stipulate that there has to be a second … resolution to authorise military action in the event of a further material breach … The idea that there should be a second resolution was an alternative discussed informally among members of the … Council … during the weeks of negotiation, but no draft to that effect was ever tabled … nor put to the vote ...
>
> "I should make it clear … that the preference of the Government in the event of any material breach is that there should be a second … resolution authorising military action. However, the faith being placed in the Security Council … requires the Council to show a corresponding level of responsibility. So far it has done and I believe it will do so in the future, but we must reserve our position in the event that it does not … So the discussion … in the event of a material breach, will be on the understanding action will follow."

161. Mr Straw also stated:

> "… the moment there is any evidence of a material breach … there will be a meeting of the Security Council at which it is … open for any member to move any resolution … Our preference is for a Security Council resolution, and I hope we would move it."

162. Addressing whether the House of Commons would be able to vote if military action was necessary and, if so, when, Mr Straw told Parliament:

> "No decision on military action has yet been taken … and I fervently hope that none will be necessary … However, we have got this far in terms of Saddam's compliance only because active diplomacy has been backed by the credible threat of force. For that threat to remain credible, it is crucial that we make proper preparations."

163. Mr Straw stated:

> "Any decision … to take military action will be put to the House as soon as possible after it has been taken … [T]he Government have no difficulty about the idea of a substantive motion on military action … at the appropriate time."
>
> "… If we can come to the House without placing our troops at risk, we shall do so …"

164. In response to questions, Mr Straw added:

> "… if we can and if it is safe to do so, we will propose a resolution seeking the House's approval of decisions … before military action takes place."

165. Mr Michael Ancram (Conservative) supported the motion although he sought to highlight divisions within the Parliamentary Labour Party by asserting that he would have "liked the motion to be more specific and stronger … and to dispel the uncertainties

which … cloud parts of the issue."[52] He referred to the statement made by Mr Blair in his interview with *Radio Monte Carlo* on 14 November that if Saddam failed to disarm "the consequence is that the weapons will be disarmed by force".

166. Mr Hoon assured the House of Commons that military action would be a last resort. There were "prudent preparations and planning necessary for military action", but that did "not mean a commitment to take such action".

167. In his speech closing the debate, Mr Hoon stated:

> "Neither Britain nor the United States is looking for a pretext for military action, which is always a grave step, and which will certainly be a last resort. No member of the Government will risk British lives unnecessarily."[53]

168. In response to a question from Mr Mohammad Sarwar (Labour), Mr Hoon added:

> "We expect Saddam Hussein to have the survival instinct … to co-operate with UNMOVIC and to comply with resolution 1441, but we cannot exclude the possibility that he will fail to do so. Let us not delude ourselves. All our experience shows that Saddam Hussein has only ever complied with the will of the international community when diplomacy has been backed by the credible threat of force."

169. Mr Hoon stated that continuing with "the prudent preparations and planning necessary for military action" was the "only responsible course". But that did "not mean a commitment to take such action in any circumstances". It did mean that appropriate steps were being taken "to ensure that British forces" were "ready", and that they had "the training, equipment and support" that they would need "to undertake military action, should it prove necessary".

170. Addressing the US request to "a number of countries … seeking support in the event that military action proves necessary", Mr Hoon stated:

> "Although no decision has been made to commit UK forces to military action, discussions with the US will continue so that an appropriate British contribution can be identified should it prove necessary.
>
> "… There is no inevitability about military action. The US is clear about the fact that the issue is Iraqi disarmament …
>
> "Those who have accused the US of unilateralism should consider carefully. The US Government have followed an impeccably multilateral approach, first in building unanimous Security Council support for resolution 1441 and now in seeking to build broad-based support for military action should it be required … within the limits

---

[52] House of Commons, *Official Report*, 25 November 2002, columns 63-65.
[53] House of Commons, *Official Report*, 25 November 2002, columns 122-129.

imposed by these uncertainties, we have been considering the contribution we might be able to make if military action ultimately becomes necessary.

"At this stage it would be inappropriate to go into details of the size and shape of forces that might be involved, for two specific reasons. First, as events unfold and time passes, plans will inevitably evolve. It would be misleading to describe specific force packages today as if they had some permanent and definitive status … Secondly, as I am sure the House appreciates, I have no intention of assisting Saddam Hussein's contingency planning."

171. The Liberal Democrat amendment was defeated by 452 votes to 85.

172. The question of who would be responsible for interpreting whether there had been a material breach was also raised by Baroness Williams of Crosby in an Oral Question in the House of Lords.

173. In response to an Oral Question from Baroness Williams of Crosby, Baroness Symons of Vernham Dean, the joint FCO/Department of Trade and Industry (DTI) Minister for Trade and Investment, stated on 25 November that she could not:

"… give an exhaustive list of what amounts to a material breach. It would be a question of judgement at the time … it might be referred by the inspectorate … it might be referred by a member of the … Security Council. There would be an immediate meeting, when no doubt there would be a discussion about how serious such a breach was."[54]

174. In response to a question from Lord Howell of Guildford, about whether a further resolution would be required before the UK could "go to war", Baroness Symons responded that resolution 1441 did:

"… not stipulate that there has to be a second Security Council resolution to authorise military action. Such a stipulation was never tabled … the preference of the British Government in the event of a material breach is that there should be a second resolution. But we are not about rewriting UNSCR 1441. It says what it says, and it does not say that such a second resolution would be necessary."

CABINET, 28 NOVEMBER 2002

175. In Cabinet on 28 November, Mr Straw described the vote in the House of Commons on 25 November as an "overwhelming endorsement of the Government's strategy towards Iraq".[55] The next deadline for Iraq was the requirement for a full declaration of their weapons of mass destruction programmes by 8 December.

---

[54] House of Lords, *Official Report*, 25 November 2002, columns 557-560.
[55] Cabinet Conclusions, 28 November 2002.

176. Cabinet was also informed that the Oil-for-Food resolution had been rolled over for only nine days because of difficulties with the United States on the Goods Review List.

177. Cabinet did not discuss the issues.

178. A FCO report on Saddam Hussein's crimes and humanitarian abuses, which was published on 2 December, is addressed in Section 6.4.

Iraq's declaration of 7 December and the response

179. Resolution 1441 (OP3) required Iraq to provide:

> "… not later than 30 days from the date of this resolution, a currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles and other delivery systems such as unmanned vehicles and dispersal systems designed for use on aircraft, including any holdings and the precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research development and production facilities, as well as all other chemical, biological, and nuclear programmes, including for any which it claims are for purposes not related to weapons production or material."[56]

180. The inclusion of a mandatory requirement for an immediate declaration of Iraq's WMD holdings by a defined date had been the subject of much discussion during the negotiation of resolution 1441 (see Section 3.5).

181. Mr Straw had originally warned that it would provide Iraq with opportunities for obfuscation, leading to endless arguments within the Council.[57]

182. In a conversation with Secretary Powell on 16 September, Mr Straw had suggested that a full, final and complete declaration could only be done once the inspectors were in Iraq.[58]

183. The JIC Assessment of 14 November stated that Iraq would "try to overload UNMOVIC by releasing large volumes of information"; and that it would "seek to take advantage of any opportunity to fudge" its obligations.[59]

184. On 20 November, in response to a remit from COBR(R) (see Section 2), Mr Gray provided a note, agreed within the FCO and with DIS about how to handle Iraq's likely efforts to flood UNMOVIC with masses of detail as an obfuscatory tactic.[60]

---

[56] UN Security Council resolution 1441 (2002).
[57] Minute Straw to Prime Minister, 14 September 2002, 'Iraq: Pursuing the UN Route'.
[58] Telegram 1729 UKMIS New York to FCO London, 16 September 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 16 September'.
[59] JIC Assessment, 14 November 2002, 'Iraq: Regime Cohesion Under Pressure'.
[60] Letter Gray to Bowen, 20 November 2002, 'Iraq: Obfuscation under UNSCR 1441'.

185. Mr Gray pointed out that:

- Resolution 1441 required Iraq to declare all relevant material even if it was not used for WMD production.
- UNMOVIC had an extensive database of dual-use facilities and it was thought that there could be a need to examine about 700 sites.
- UNMOVIC could take some time to scrutinise and update that "mass of material (even US analysts with very large resources at their disposal) have admitted … that going through the material could take months)".
- There was an expectation that there would be "many discrepancies" between the Iraqi declaration and UNSCOM documentation and approvals under resolution 661 (1990).

186. Sir David Manning warned Mr Blair in late November that there would be pressure on President Bush to move to military action as soon as Iraq submitted the declaration required by resolution 1441.

187. The UK position remained that the declaration could not constitute a casus belli. If an "audit" by the inspectors subsequently discovered significant discrepancies in the declaration that could constitute a material breach.

188. Following a conversation with Dr Rice on 24 November to "explore next steps on Iraq", Sir David Manning reported to Mr Blair that Dr Rice had returned to the suggestion she had made in their discussion during the NATO Summit in Prague that Dr Blix should audit Iraq's declaration and the information provided by the US and UK; and that she was:

> "… confident this would expose an 'audit gap'. It was very unlikely Saddam would account for the WMD outstanding … and very unlikely that Saddam would include the details of secret holdings …"[61]

189. Sir David stated that he had told Dr Rice that he thought Mr Blair:

> "… would have no difficulty with this. Establishing a base-line audit was presumably what the declaration was all about … we could not accept that the declaration itself could be a casus belli. But we were in no doubt that if the declaration proved false when Blix and UNMOVIC began their inspections Saddam would be in material breach."

190. Sir David added that, if it was decided to adopt that strategy, "we should try to bring the French and Russians with us. This pointed to a discussion in the Security Council …"

---

[61] Minute Manning to Prime Minister, 24 November 2002, 'Iraqi: Conversation with Condi Rice'.

191. Sir David and Dr Rice also discussed the positions of France and Russia and indications that their stance might have shifted in response to a calculation that "one way or another, the game was up for Saddam".

192. Sir David reported that he had told Dr Rice that, if President Bush was "willing to continue down the UN route, he would have the international community pretty much behind him. As long as there were UN cover, very few of the key countries seemed likely to break ranks." The unanimous support for resolution 1441, President Bush's victory in the US mid-term elections and his performance in Prague had "changed the terms of trade".

193. Sir David told Mr Blair that Dr Rice had asked if he would be willing to talk to President Bush. There were some people in Washington who would want to argue for military action as soon as the Iraqi declaration was available. President Bush would be under a lot of pressure from those who wanted him to discount the international dimension.

194. Sir David told Dr Rice he was sure Mr Blair would welcome a discussion. He added that, in his view, the UN process had been a triumph for President Bush. "If he were patient, he would now be able to take an international coalition with him all the way. This would have benefits for US policy across the board." That would not be incompatible with a strategy "to audit the gap", particularly if "support or acquiescence" from France and Russia had been secured.

195. Sir David commented that Dr Rice had been "clearly signalling that [President] Bush would probably be willing to continue working within UN parameters, taking the international community with him, if you [Mr Blair] made the case". He concluded:

> "… this offers us a valuable opening to influence President Bush at a key moment. I suggest you speak to him … when we have had another day to digest developments post Prague."

196. Mr Blair told President Bush on 26 November that he thought the inspectors probably would find something, and that would be the trigger for military action.

197. Mr Blair telephoned President Bush on 26 November to discuss the outcome of the Prague Summit, Mr Blair's discussion with Dr Blix and the response to Iraq's declaration, and how to make progress on the Middle East Peace Process.[62]

198. In the discussion on Iraq, Mr Blair stated that if Iraq did not provide a full declaration, Dr Blix should produce his own audit. Mr Blair "accepted that the first time the inspectors found anything significant that was not in the declaration would constitute a material breach". He thought that the inspectors probably would find something and that this would be the trigger for military action.

---

[62] Letter Rycroft to McDonald, 26 November 2002, 'Prime Minister's Conversation with Bush, 26 November'.

199. Concerns were already being expressed in discussions between the US and UK about whether, in the face of Iraq's deception and concealment activities, the inspections would be able to find evidence of a material breach – a "smoking gun".

200. The UK sought to persuade the US not to make snap judgements on the declaration and to allow Dr Blix to make the first formal response.

201. On 29 November, in response to a request from Sir David Manning, Mr Straw's Private Office provided advice on handling the Iraqi declaration.[63]

202. The FCO advised that Iraq could maintain it had "no WMD and defy UNMOVIC/IAEA to prove them wrong, confident that they can conceal the programmes uncovered by UNSCOM in 1998", but the expectation was that it would be "more subtle: declaring very large quantities of dual-use items and programmes and reiterating all … past declarations. In both cases our assumption is that they will continue to hide programmes …"

203. Dr ElBaradei had suggested that the nuclear declaration was "likely to contain information that would be of use to proliferators"; and that it should not be circulated to the Council as a whole. Resolution 1441 required Iraq to provide the declaration to the inspectors and the Council.

204. The FCO anticipated that the US might "plan to rush out its own analysis (and probable dismissal) of the document in very short order" and advised that any immediate criticism of a lengthy and technical declaration would be likely to be regarded as "evidence of a determination to pursue military action regardless". It might also lead to requests for evidence which might not be releasable or would alert Iraq to potential inspections.

205. The FCO expected the US to focus on seven areas in the declaration:

- ballistic missiles;
- biological programmes;
- chemical programmes;
- an Unmanned Aerial Vehicle (UAV) programme intended to deliver chemical and biological warfare (CBW) agents;
- mobile WMD facilities;
- the outstanding discrepancies in relation to CBW munitions; and
- the procurement of aluminium tubes.

206. The FCO advised that it would be best to "delay giving a definitive response until we have been able to assess the content, while expressing a healthy scepticism based

---

[63] Letter Sinclair to Manning, 29 November 2002, 'Iraq: 8 December Declaration'.

on Iraq's past record of deceit". There was a "need to avoid giving the impression that an omission in the declaration would, in itself, constitute a material breach". The UK should caution the US "against a rush to judgement".

207. The UK aim should be to get the inspectors to "check (or audit)" the declaration "as soon as possible through intrusive inspections, interviews and access to records" against information from other sources, including:

- The information available to UNSCOM in 1998. If Iraq declared "nothing", it "must demonstrate the destruction of material or the disbandment of possible WMD programmes identified by UNSCOM".
- "Intelligence material provided by the US/UK. We have already pointed UNMOVIC towards key sites and provided a list of 6,500 individuals involved in WMD programmes"; the DIS was "working on a top ten list of people". UNMOVIC/IAEA was "willing to visit sites not mentioned" by Iraq but they would "not want to be seen to be taking instructions from the UK/US".
- "Information obtained … through early interviews …"

Where the declaration was "inconsistent with intelligence", the UK would "want UNMOVIC/IAEA to be able to discover that inconsistency on the ground before notifying the Council". That would avoid giving Iraq the chance to conceal evidence.

208. The FCO stated that an early initial meeting of the Security Council in mid-December would demonstrate support for the inspectors and maintain pressure on Iraq as well as demonstrating the intention "to keep the Council at the centre of Iraq handling". That should also call for a more detailed discussion of the declaration in early January. That would "give the US/UK a better opportunity (and more time) to highlight shortcomings" before the meeting of the Council to discuss the inspectors report, which was due on 27 January.

209. The FCO letter also provided a refined version of the advice in its letter to Sir David Manning of 15 November about what might comprise a material breach. This was further refined in advice on 6 December, which is addressed later in this Section.

210. Mr Campbell had asked Mr John Williams, FCO Press Secretary, for "a wider note on handling in the context of a set of public objectives to be agreed with the US". That would include:

- The declaration would be "a key test of Iraq's willingness to comply".
- The inspectors needed to test the declaration before a decision could be taken on whether Saddam Hussein was in breach or complying.
- The UK would be drawing "any discrepancies or mis-statements … to the attention of UNMOVIC/IAEA and, if necessary the Security Council, where the issues will be pursued".

- With “his long record of obstruction and deceit”, Saddam Hussein was “unlikely to make an honest declaration”; the UK wanted “to see his dishonesty demonstrated by inspections” if he made a false declaration.
- The UK would not allow the process “to become an indefinite game of hide and seek”.

211. In a discussion between No.10 and FCO officials and a team of US officials on 2 December, one senior US official expressed doubts about whether the inspectors would ever find any WMD evidence.[64]

212. In a separate meeting between FCO and MOD officials and the team of US officials, it was suggested that the strategy of “force of [sic] mind” had not got through to Saddam Hussein, partly it was thought because of the mixed signals from France and Russia.[65] One US official thought that once he did get that message Saddam’s position might “shift very quickly”.

213. Concerns were also expressed about the activities of Al Qaida in northern Iraq.

214. On 3 and 4 December, Sir David Manning discussed the need to avoid making snap judgements on the Iraqi declaration and the advantages of allowing Dr Blix time to make the first formal response with Dr Rice.[66] They also discussed the need to avoid “the prospect of a protracted game of hide and seek, waiting to see whether Saddam could be caught out, or whether he would make a mistake”.

215. Sir David recorded that the US Administration was “now thinking hard about what might constitute triggers” and asked the FCO for advice on that before a telephone call between Mr Blair and President Bush the following week.

216. On 5 December, Mr Straw told Cabinet that the Iraqi declaration was “likely to be lengthy” and “designed to show dissension inside the United Nations”.[67] It was “unlikely to be fully compliant”. The weapons inspectorates should be “encouraged to make a proper assessment”.

217. No further discussion on Iraq was recorded.

218. The FCO advised on 6 December that there was no agreement in the Security Council on precise criteria for what would constitute a material breach. Each case would need to be considered in the light of circumstances.

219. The FCO position was increasingly shifting from a single specific incident demonstrating a material breach to the need to establish a pattern of

---

[64] Letter Rycroft to Watkins, 2 December 2002, ‘Iraq: Talks with US Officials 2 December’.
[65] Minute Ehrman to Private Secretary [FCO], 2 December 2002, ‘Iraq: Visit of Wolfowitz and Grossman’.
[66] Letter Manning to McDonald, 3 December 2002, ‘Iraq: Conversation with Condi Rice’; Letter Manning to McDonald, 4 December 2002, ‘Iraq: Conversation with Condi Rice’.
[67] Cabinet Conclusions, 5 December 2002.

non-co-operation over time demonstrating that Iraq had no intention of complying with its obligations.

220. Following its advice of 15 and 29 November, Mr Straw's Private Office responded on 6 December to Sir David Manning's request for further advice on what would constitute a "trigger" for action.[68]

221. The FCO stated that a material breach could not "be a minor violation but must be a violation of a provision essential to achieving the object or purpose of the original Gulf War [1991] cease-fire". That position had been reflected in Mr Straw's remarks in the House of Commons on 25 November. The FCO expected most members of the Security Council to take a similar view.

222. Consistent with the advice sent to Sir David on 15 and 29 November, the FCO wrote that there were two broad areas where Iraqi behaviour could amount to a material breach:

- **Non-compliance with its disarmament obligations** – if Iraq concealed WMD. Evidence might take the form of discovery of WMD material not included in the declaration or evidence which Iraq could not satisfactorily explain which clearly pointed to a concealed WMD programme (e.g. a yellowcake receipt).
- **Non-co-operation with UNMOVIC/IAEA** – if Iraq's behaviour demonstrated that it had no intention of co-operating fully with UNMOVIC in fulfilling its mandate under resolution 1441 (2002) or other relevant resolutions. Evidence might comprise a single incident such as denying access to a particular site, information or personnel. Evidence of coaching witnesses or smuggling information out of potential sites would be "pretty damning". Attempts to impede the removal and destruction of WMD or related material would be potentially a material breach.

223. The FCO view was that there would be no need for "a single specific instance". A "pattern of lower level incidents" could amount to a demonstration of non-co-operation sufficiently serious to constitute a material breach. Indications of concealment could include "a series of unanswered questions identified by UNMOVIC/IAEA which suggested a concealed WMD programme" or "failure … to demonstrate convincingly that the WMD material identified by UNSCOM in 1998 had been destroyed and properly accounted for". "Much would depend on the circumstances and whether the incidents demonstrated deliberate non-co-operation rather than inefficiency or confusion."

224. The FCO concluded that there were:

> "… bound to be grey areas over whether Iraqi failures are sufficiently serious to constitute a material breach. There is no agreement in the Council on the precise criteria. We would need in each case to look at the particular circumstances.

---

[68] Letter McDonald to Manning, 6 December 2002, 'Iraq: Material Breach'.

Moreover, some incidents of non-compliance may be susceptible to remedial action by UNMOVIC/IAEA (e.g. by destroying weapons etc). In such cases, those seeking to trigger enforcement action would need to explain how such action would be necessary to enforce Iraqi compliance."

225. When Dr Blix briefed members of the Security Council on 6 December, the Council decided to make UNMOVIC "the depository of the declaration" and asked UNMOVIC and the IAEA to "review it immediately, with their experts and from the standpoint of existing international treaties, for any areas in the declaration that may contribute to proliferation, or be sensitive, in order to assure confidentiality of that information".[69] Members of the Council would meet the following week to decide on the further handling of the declaration. The declaration would "not be available for some days until this procedure is carried out and mechanical/logistical arrangements are made".

JIC Assessment, 6 December 2002: 'Iraq: Military Options'

226. A JIC assessment of Iraq's military options on 6 December confirmed that a massive ground force would be required to be certain of toppling Saddam Hussein and highlighted the possibility of Iraqi attacks on Coalition Forces.

227. At the request of the MOD, the JIC evaluated Iraq's military capabilities and its military options and issued an Assessment on 6 December.[70]

228. In the JIC discussion on 4 December, the draft Assessment was described as "an important paper which highlighted the gaps in our knowledge".[71] The judgements were based "largely on a mixture of observation and past experience", but the draft Assessment "did not quite do justice to the intelligence"; the judgements "could be made more confidently". The Assessment needed to bring out more clearly the risks of a phased attack and unpack the risks involved in possible scenarios, such as the use of CBW before Coalition Forces were properly assembled and urban fighting: "Nothing short of a massive deployment would guarantee overthrowing the regime."

229. The JIC's Key Judgements included:

- Saddam Hussein would "initially seek international pressure to halt Coalition [military] action". If that failed, he would "seek to inflict serious casualties on Iraq's neighbours and on Coalition Forces".
- A ground attack might fracture Saddam's regime, but only a massive Coalition force was guaranteed to topple him. The smaller the initial Coalition force, the more likely Iraqi forces were to resist. A phased Coalition attack could allow Iraq to claim military successes.

---

[69] UN Press Release, 10 December 2002, *December 6 Press Statement by Security Council President on Briefing of Council Members by Dr Blix* (SC/7594).
[70] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.
[71] Minutes, 4 December 2002, JIC meeting.

- Iraqi responses to military action might include "seizing hostages as 'human shields'; using non-lethal BW in a deniable manner; suicide attacks; or a scorched earth policy with the aim of creating humanitarian or environmental catastrophe. At some point, motivated by revenge, Saddam would seek to inflict the maximum damage on his enemies, whether Iraqi or outsiders."[72]

230. The Assessment of the military options is addressed in Section 6.1.

231. The statements on Iraq's WMD capabilities and intentions are addressed in Section 4.3.

Iraq's declaration, 7 December 2002

232. Iraq's declaration was provided to the Security Council on 7 December 2002.

233. The Iraqi declaration was detailed and technical, written in a combination of English, Russian and Arabic, with approximately 7,000 pages dealing with ballistic missile projects.[73] A backlog of semi-annual declarations of activity, covering the period 1998-2002 which Iraq had already provided to UNMOVIC, was not then available to the UK.

234. On 8 December, the President of the Security Council issued a statement recording that:

> "After consulting with the members of the Security Council, the Presidency decided to allow access to the Iraqi declaration to those members with the expertise to assess the risks of proliferation and other sensitive information to begin its immediate review.
>
> "This review will be in close co-ordination and consultation with … UNMOVIC and the … IAEA, and will assist them in producing a working version of the declaration as soon as possible."[74]

235. In a statement issued on 8 December, the Russian Ministry of Foreign Affairs said that "Iraq's timely submission of its declaration, parallel to its continuing co-operation with the international weapons inspectors, confirms its commitment to act in compliance with resolution 1441".[75]

The UK's initial response

236. Mr Blair expressed scepticism about Iraq's intentions and reiterated that, if it did not comply, force would be used.

---

[72] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.
[73] JIC Assessment, 18 December 2002, 'An Initial Assessment of Iraq's WMD Declaration'.
[74] UN Press Release, 9 December 2002, *Press Statement on Iraq by Security Council President* (SC/7590).
[75] Telegram 448 Moscow to FCO London, 9 December 2002, 'Russia: Local Reaction to Iraqi Declaration'.

237. In an interview for the *Financial Times* published on its website on 9 December, Mr Blair was reported to have stated that war with Iraq was "plainly not inevitable" if Saddam Hussein complied, but:

> "… you would have to be somewhat naive not to be sceptical about the likelihood of his compliance, given his past history … If he fails to co-operate, either in any false declaration or in refusing access to the sites, or interviewing witnesses, or any of the rest of it, then that is a breach. And in those circumstances, my understanding is that the United Nations are very clear that there should [be] action.
>
> "As for a second resolution, we said we would go back for a discussion …
>
> "We want to do this with the maximum international support and I believe that support will be there … in my view it is clear and right that if Saddam is in breach then we have to impose by conflict, that which we would have preferred to impose by the will of the UN and the inspectors."[76]

238. Asked if he was saying he did not need a second resolution to take military action, Mr Blair replied:

> "If we get to a situation … where there is a clear breach and … someone puts an unreasonable block … on it [action] … as we have seen before … over Kosovo you cannot say there are no set of circumstances in which you would ever refuse to act, because in my view if he breaches and the UN does nothing, then the authority of the UN is then hugely weakened. But I don't believe that will happen.
>
> "I believe that at the heart of that UN resolution is really a deal … which said … the US and the UK and those who feel really strongly about the threat that Saddam and weapons of mass destruction pose, they are prepared to go the UN route, to bring everyone together … we will put in the inspectors and give him the chance to comply. We'll go back to the UN route as the way of enforcing this, then the quid pro quo is … if he then having been given the chance to do the right thing does the wrong thing, we are not going to walk away from it."

239. Mr Blair also emphasised the threat posed by WMD and the "enormous" potential for them to "fall into the hands of either unstable states or terrorist groups".

240. During a discussion of the deficiencies in Iraq's declaration between Mr Straw and Secretary Powell on 11 December, and in response to probing about the statement that "a deficient declaration would be enough" to warrant action, Mr Straw told Secretary Powell that he did not think Mr Blair had "gone beyond the well rehearsed UK lines on two resolutions".[77]

---

[76] *Financial Times*, 9 December 2002, *Tony Blair on the Iraq crisis and the Middle East.*
[77] Letter McDonald to Manning, 11 December 2002, 'US Secretary of State'.

241. On 9 December, the FCO issued the formal request seeking Lord Goldsmith's advice on whether a further decision by the Security Council would be required before force could be used to secure Iraq's compliance with its disarmament obligations.

242. The request stated that Lord Goldsmith's advice was not needed "now".

243. The content of the letter from Mr Michael Wood, FCO Legal Adviser, to Lord Goldsmith[78] and the meeting held at Lord Goldsmith's request with No.10 officials on 19 December,[79] are addressed in Section 5.

244. Mr Blair was advised on 11 December that there was impatience in the US Administration and it "looked intent on military action in February/March".

245. There was a need to build "the strongest possible case" that Saddam Hussein was in material breach of his obligations and "the widest possible international support for action" through a second resolution.

246. Sir David Manning and Sir Richard Dearlove had a joint meeting with Dr Rice and Mr George Tenet, the Director of Central Intelligence, in Washington on 9 December.[80]

247. Sir David reported to Mr Blair that Dr Rice had "clearly been provoked" by Saddam Hussein's "challenge that it was up to us to prove he had WMD rather than up to him to prove he did not". She was:

> "… confident that the [Iraqi] declaration would be a sham. The [US] Administration would in due course declare it deficient and say that Saddam was in material breach. But she again accepted that this would not amount to a casus belli."

248. Dr Rice had "made no effort to hide the fact that the Administration would now be looking to build the case for early military action … probably mid/late February as we suspected". But she had:

> "… denied that military planning was dictating the timetable. The need to resolve the crisis quickly was dictated by political factors. Internally … President [Bush] was being 'griddled'. Externally, the international community … would soon lose their nerve if they began to doubt our determination to impose disarmament on Saddam if he did not disarm himself. And if we let the inspections process run, and Blix found nothing as was only too likely, the Russians, French and others would deride US and UK claims … leaving us exposed and Saddam strengthened."

---

[78] Letter Wood to Adams, 9 December 2002, 'Iraq: Security Council Resolution 1441 (2002)'.
[79] Minute Brummell, 19 December 2002, 'Iraq: Note of Meeting at No. 10 Downing Street – 4.00 pm, 19 December 2002'.
[80] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.

249. Sir David reported that he had been clear about Mr Blair's determination that Saddam Hussein had to disarm or be disarmed; he was "obliged to co-operate" and if he didn't, "he would be in breach and military action would follow".

250. Sir David said that Iraq's declaration should be handled in a way "calculated to maintain Coalition support and to try to secure a second resolution". He thought that was possible, but Dr Rice's.

> "… impatience for action was much more obvious than her commitment to secure international backing. She wanted to know what I thought would constitute material breach, and how we could catch Saddam out if he did not trap himself through his own mistakes."

251. Sir David told Dr Rice that some cases would be straightforward, such as:

> "… the discovery of VX, anthrax, or a nuclear programme … But it would be much more difficult if we were dogged by a series of low-level and less clear-cut acts of obstruction … We would then be in a grey area where it would be much harder to persuade the international community to act."

252. Sir David stated that the UK needed "a convincing case based on evidence. Public defiance by Saddam was not the same as proving non-compliance." The US and UK "should work hard over the next couple of months to build our case and secure a second resolution". That would comprise three strands of action:

- Analysing the declaration: "If Saddam failed to address the discrepancies identified by UNSCOM … would immediately have a powerful argument that the declaration was false and incomplete".
- "the smoking gun: it was unlikely but not impossible, that we would acquire intelligence that caught Saddam red-handed …" Dr Rice thought the chances of that were "very slim".
- "Pattern of deceit": building up "a comprehensive picture of Saddam's obstruction and deception. This would consist of the steady accumulation of examples that might be small in themselves but would be telling when taken together".

253. Dr Rice had agreed the US and UK should pursue those strands and:

> "… would like to go to the Security Council around the end of January or early February to make the case that Saddam was not co-operating and the time had come for military action."

254. Before that, Mr Blair and President Bush "should meet to review the evidence and the options".

255. Sir David wrote that Dr Rice was "very irritated" about Dr Blix's reluctance to interview key individuals outside Iraq, and she was "impervious to arguments" that those

identified might refuse because of fear for their lives or those of their families. If Dr Blix would not use the powers in resolution 1441, he would "have to go".

256. Sir David reported that he had also "raised the question of British energy companies". He "hoped they would be treated fairly and not overlooked if Saddam left the scene and new oil and gas concessions were being allocated".

257. Dr Rice had responded that:

> "… it would be particularly unjust if those energy companies who had observed the sanctions regime …. were not among the beneficiaries in a post-Saddam Iraq. She knew UK companies belonged in this category."

258. Sir David concluded:

> "Condi's mood has hardened substantially since the NATO Prague Summit in favour of early military action. (This may be fuelled by a President who is increasingly uncomfortable with pressure inside the Republican Party, and riled by Saddam's taunts). She does not expect the inspections process to produce conclusive (perhaps not even convincing) evidence. This is prompting her insistence that we must make clear that the burden of proof is on Saddam, not us … From this evidence I think there is a real risk that the Administration will overdo the pressure on Blix: they might force him into resignation with damaging repercussions …
>
> "The mood of the Administration could shift again. But on present form they look intent on military action in February/March. We need to ensure that they use the next two to three months to build the strongest possible case that Saddam is in material breach; and then secure the widest possible international coalition of support for action expressed through a second … resolution. We are in for a tough few weeks. Your influence with Bush will be critical."

259. Sir David recommended:

- co-ordinating US and UK reactions to the Iraqi declaration and asking pointed questions exposing its shortcomings, "putting the onus on Saddam to explain and justify";
- impressing on Dr Blix the need for a "robust and energetic inspections regime, including a programme of interview" while discouraging the US Administration from putting such pressure on him that he "denounces them and/or resigns";
- making "maximum efforts to find a smoking gun", ideally "a top level defector … willing to testify publicly about Saddam's WMD programme. Sir Richard Dearlove and Mr Tenet were "on the case";
- building up "the dossier on Saddam's pattern of deception and obstruction, eg pieces of intelligence showing that he is moving equipment around, has destroyed documentation, etc"; and

- "consider an early, steadying phone call from you to Bush; and pencil in a January meeting between you."

260. During a meeting with Mr Hoon and Adm Boyce to discuss military planning on 11 December (see Section 6.1), Sir David Manning and Sir Richard Dearlove also briefed Mr Blair on their recent visits to Washington and "on UK attempts to secure credible evidence that the Iraqi WMD declaration was false.[81]

261. Mr Rycroft recorded that Mr Blair:

> "… said that we needed to analyse the Iraqi declaration, ask pointed questions about issues which the declaration failed to deal with … encourage Blix to ask these questions of the Iraqis too, and continue to work on securing credible evidence that Saddam was pursuing WMD programmes."

262. Mr Blair would speak to President Bush and possibly Dr Blix in the next few days.

263. Mr Campbell wrote in his diaries:

> "C [Sir Richard Dearlove] and David Manning were just back from the US and they reported the mood there was far tougher. They [the US] felt Saddam was just messing about and that Blix was hopeless and too soft."[82]

264. In preparation for a conversation with President Bush, Mr Stephen Pattison, Head of the FCO United Nations Department, provided advice on key messages for Mr Blair.[83]

265. The FCO messages were:

- We're working fast on analysing the declaration and identifying discrepancies between it and our intelligence.
- We should not rush to a final judgement. It will be worth taking a little time to build the best possible case against Iraq.
- The UK would adopt a sceptical tone when Dr Blix briefed the Security Council on 19 December.
- The onus was on Iraq to demonstrate it was co-operating fully and UNMOVIC should be encouraged to push hard. Access to information would be crucial.
- The UK should help UNMOVIC to identify personnel who might be able to provide relevant information.
- An omission in the declaration would not "by itself" constitute a material breach.
- It was "much more likely that we shall be able to establish a material breach over time, as we build up a pattern of non-compliance which is sufficiently serious to

---

[81] Letter Rycroft to Watkins, 11 December 2002, 'Iraq: Military Preparations'.
[82] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[83] Letter Pattison to Rycroft, 11 December 2002, 'Iraq: PM's Conversation with President Bush'.

indicate that Iraq has no intention of full co-operation … We need to encourage UNMOVIC to keep careful data to establish whether there is a pattern of Iraqi behaviour indicating they have no intention of complying".

- It would be important to keep the Security Council united, but that would "not be easy".

266. Cabinet on 12 December was told that the Security Council had decided that Iraq's declaration had to be scrutinised before it was made available to a wider audience to ensure that particularly sensitive information had been excised.[84] An initial discussion of the declaration was expected the following week.

267. Mr Peter Gooderham, Political Counsellor in the British Embassy Washington, reported on 12 December that a US official had told him that he expected the US Administration to decide "probably sometime in mid-January, to lay it on the line that Iraq had 'one last chance' to co-operate".[85] This would be accompanied by "an increasingly overt military build up from early January". Additional measures for putting pressure on Saddam Hussein were also being considered. The US Administration was also considering a public presentation of the evidence against Iraq.

268. The letter was seen by Sir David Manning.[86]

269. Mr Julian Miller, Chief of the Assessments Staff, advised Sir David Manning on 13 December that the Iraqi declaration was "largely based on material already presented to the UN", and that:

> "There appears to have been no attempt to answer any of the unresolved questions highlighted by UNSCOM or refute any of the points made in the UK or US dossiers."[87]

270. The absence of new material was described as "striking, particularly in relation to the biological weapons programme, where UNSCOM have described previous Iraqi FFCDs as deficient in all areas". The DIS had also clarified that Iraq had "only previously admitted to testing VX in aerial munitions, not to any other weaponisation".

JIC ASSESSMENT, 13 DECEMBER 2002

271. A JIC Assessment issued on 13 December warned that any US-led action against Iraq and a subsequent occupation was one of many issues that could draw large numbers to Islamist extremist ideology over the next five years.

272. The Assessment is addressed in the Box below.

---

[84] Cabinet Conclusions, 12 December 2002.
[85] Letter Gooderham to Oakden, 12 December 2002, 'Iraq: How Imminent is War?'
[86] Manuscript comment Manning, 17 December 2002, on Letter Gooderham to Oakden, 12 December 2002, 'Iraq: How Imminent is War?'
[87] Minute Miller to Manning, 13 December 2002, 'Iraq: WMD Declaration'.

JIC Assessment, 13 December 2002: 'International Terrorism: The Next Five Years'

At the request of the Cabinet Office, the JIC assessed the threat from international terrorism over the next five years, to inform the UK's counter-terrorism strategy, on 11 December.[88]

The minutes record that the points made in discussion included:

- The paper needed to make a firmer judgement about whether the threat from terrorism would diminish or increase. For instance, "would the terrorists up the ante … by attempting to use CBRN [chemical, biological, radiological and nuclear] weapons"?
- "The paper should make more of the possible links between terrorist groups and the loose network of WMD suppliers."
- In relation to prospects for 2007, the paper should "stress the likelihood of mutation of the threat, and highlight linkages to regional political factors, particularly in the Middle East".

The JIC Assessment judged that Al Qaida would continue to attempt mass effect attacks, and that "Attacks using chemical/biological materials within the next five years are almost inevitable."[89]

The JIC also judged that Al Qaida might "develop radiological dispersal devices or, less likely, improvised nuclear devices" and that "Technology, expertise and materiel could be acquired from state programmes."

The JIC assessed that "Strong Coalition measures in the campaign against terrorism" would "further radicalise at least some young Muslims. Many issues could draw large numbers to the Islamist extremist ideology over the next five years, including US-led action against Iraq and a subsequent occupation."

The Assessment stated: "Major political change in countries like Iraq [... and others] could place elements of state CBRN programmes at the disposal of Al Qaida."

The JIC sustained its Assessment that the UK would "remain a priority Al Qaida target".

Sir David Omand, the Cabinet Office Permanent Secretary and Security and Intelligence co-ordinator from June 2002 to April 2005, told the Inquiry:

> "On 13 December 2002, we warned that US-led action could draw large numbers to the Islamist extremist ideology over the following five years …"[90]

[88] Minutes, 11 December 2002, JIC meeting.
[89] JIC Assessment, 13 December 2002, 'International Terrorism: The Next Five Years'.
[90] Public hearing, 20 January 2010, page 39.

273. Following Mr Blair's meeting with Mr Jacques Chirac, the French President, on 13 December, in the margins of the European Council, Sir David Manning reported that President Chirac:

> "… had sounded sceptical about the need for military action in Iraq. He would only support this if Saddam made a huge mistake."[91]

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH, 16 DECEMBER 2002

274. Following Iraq's declaration, Mr Blair concluded that it was hard to see how conflict could be avoided unless Saddam Hussein started to behave honestly.

275. On 15 December, Mr Straw and Secretary Powell discussed the Iraqi declaration and the need for "hard, on-the-ground evidence" to secure international support for military action.[92] They also discussed "flood[ing] the zone with intelligence driven inspections", and an article by Harlan Ullman in the *Washington Post* which had "correctly" made the point that "if you don't find anything, then there can be no casus belli".

276. Mr Blair sent a note to officials in No.10 on 16 December.[93]

277. On Iraq, Mr Blair wrote that the Iraqi declaration was "plainly inconsistent with our intelligence. The test will be to prove it is false." Mr Blair asked for a report on Dr Blix's "modus operandi" and to see him later that week or in early January if that were possible.

278. Mr Blair wrote:

> "We also need to build on the whole issue of WMD and show its importance. AC [Alastair Campbell] to do a communications note on this, amplifying his earlier one this weekend. But studying the Iraqi declaration, it is hard to see how conflict can be avoided, unless Saddam starts to behave honestly. My sense of Russia and France is that albeit reluctantly, they accept this and will support a new resolution if the breach by Saddam is clear and significant."

279. Mr Campbell's response on 19 December is addressed later in this Section.

280. Sir David Manning advised Mr Blair to warn President Bush not to rush to a final judgement. Time would be needed to build the "strongest possible case" against Iraq, and to secure a second resolution.

---

[91] Letter Rycroft to Sinclair, 13 December 2015, 'Prime Minister's Meeting with Chirac, 13 December'.
[92] Letter Straw to Manning, 17 December 2002, 'Powell: Iraq'.
[93] Note Blair [to No.10 officials], 16 December 2002, [extract 'Iraq'].

281. Sir David Manning advised Mr Blair that he should make the following points in his discussion with President Bush:

- The declaration was a "sham" which they should expose in the debate in the Security Council later that week.
- "We should build up the strongest possible case over the next few weeks. Try to find the smoking gun. Tough but may not be impossible." A defector "ready to give details of Saddam's WMD programme" would be better than in country interviews.
- "In addition we need to piece together comprehensive picture of Iraqi obstruction and deception to demonstrate pattern of deceit."
- "Do everything possible to maintain international coalition you skilfully built. If there is a clear material breach, believe we can get a second resolution …"
- The UK's military preparations were "beginning to become more public". The US and UK military chiefs needed "to keep in very close step".[94]

282. Mr Blair told President Bush on 16 December that the Iraqi declaration was "patently false".

283. Mr Blair was "cautiously optimistic" that the inspectors would find proof. Sir Richard Dearlove was pursuing that.

284. Mr Blair suggested that he and President Bush should take stock in January.

285. Mr Blair and President Bush spoke on 16 December.[95]

286. Mr Blair commented that the Iraqi declaration "was patently false. We now needed proof that demonstrated it." He and President Bush discussed the need to put the burden of truth on Saddam Hussein, how much time he should be allowed, and the need to avoid a loss of momentum.

287. Mr Blair said that military preparations should continue. He did not think that Saddam Hussein would co-operate. He was "cautiously optimistic that the inspectors might find proof that the declaration was false. We needed something or someone who was in some way involved." Sir Richard Dearlove was pursuing that with Mr Tenet.

288. Mr Blair was "hopeful that this strategy would work; we should take stock in January if it was".

---

[94] Minute Manning to Prime Minister, 16 December 2002, 'Call to Bush at 12.30 – Checklist'.
[95] Letter Rycroft to McDonald, 16 December 2002, 'Prime Minister's Telephone Call with President Bush, 16 December'.

SIR RICHARD DEARLOVE'S VISIT TO WASHINGTON, DECEMBER 2002

289. During a visit to Washington in mid-December, Sir Richard Dearlove emphasised the need for sufficient evidence to make a convincing case that Iraq had failed to abide by resolution 1441.

290. During a discussion on 15 December, Sir Richard Dearlove told his interlocutor that his impression from his meeting with Mr Blair on 11 December was that "HMG would need clear evidence beyond an audit of the Iraqi declaration, to commit to military action".[96]

291. Sir Richard reported a view that President Bush was relying on Mr Blair's assurances that HMG would be with the US.

292. The report sent to Sir David Manning recorded that Sir Richard had discussed the Iraq declaration and the need for a "road map" setting out the next steps with a number of US officials.[97]

293. Sir Richard had told one US official that, in addition to setting out clearly and persuasively that Iraq had failed to abide by resolution 1441:

> "… we needed to continue on parallel tracks designed to reinforce the case, and for HMG, to give the PM sufficient evidence of a breach which the declaration by itself did not. We needed:
>
> - a detailed audit of the declaration
> - to press the interview issue or force Saddam's refusal to co-operate
> - to prepare for the release of intelligence to prove deception
> - to press on with a rigorous inspection regime absent a 'silver-bullet'."

294. Sir Richard had said that "perhaps by the end of January all those elements would have produced sufficient evidence to make the convincing case we needed". A "convincing defector or a revealing site inspection" would be preferable, "but we could not depend on this". He added later that "success was far from guaranteed".

295. In a separate conversation with another official, Sir Richard Dearlove had said that he "estimated the chance of a successful operation to produce a defector or a smoking gun at about 20 percent".

296. In a manuscript comment to Mr Blair, Sir David Manning wrote that "we should go flat out" to find a defector or evidence in a site inspection.[98]

---

[96] SIS Internal Record, 16 December 2002.
[97] Letter PS/C to Sir David Manning, 18 December 2002, 'Iraq: C's Discussions in Washington 16-17 December' attaching Paper, 'Iraq: C's Discussion in Washington 16-17 December'.
[98] Manuscript comment Manning, 18 December 2002, on Paper, 'Iraq: C's Discussion in Washington 16-17 December'.

297. Mr Blair replied: "absolutely".[99]

298. In relation to the estimate that the chance of a successful operation to produce a defector or a smoking gun was about 20 percent, Mr Powell commented: "Not good".[100]

299. On the description of a discussion about a possible presentation of intelligence "when conflict was inevitable", including overhead photographs of material being moved and intercepts of conversations about deception operations, Mr Blair wrote "but can't this be used to convince Blix?"[101]

300. A separate copy of the report was sent to Mr Straw's Private Office on 19 December.

MR STRAW'S STATEMENT, 18 DECEMBER 2002

301. In a statement issued on 18 December Mr Straw said that Saddam Hussein had decided to continue the pretence that Iraq had no WMD programme. If he persisted "in this obvious falsehood" it would become clear that he had "rejected the pathway to peace".

302. Mr Straw issued a statement on 18 December stating:

> "We have not yet completed a full analysis. But it is clear, even on a preliminary assessment, that it is not the full and complete declaration requested … and we wish to hear the views of UNMOVIC and the IAEA.
>
> "There are some obvious omissions … And it seems that Saddam Hussein has decided to continue the pretence that Iraq has had no WMD programme since UNSCOM left in 1998.
>
> "This will fool nobody. If Saddam persists in this obvious falsehood, it will become clear that he has rejected the pathway to peace laid down in resolution 1441.
>
> "… we have always said that we would want the declaration tested by hard questions and robust inspections. As that process continues, we will complete a full analysis of the Iraqi documents.
>
> "Saddam can be in no doubt by now that resolution 1441 offers him the final opportunity to comply honestly and openly."[102]

---

[99] Manuscript comment Blair on Paper, 'Iraq: C's Discussion in Washington 16-17 December'.
[100] Manuscript comment Powell on Paper, 'Iraq: C's Discussion in Washington 16-17 December'.
[101] Manuscript comment Blair on Paper, 'Iraq: C's Discussion in Washington 16-17 December'.
[102] The National Archives, 18 December 2002, *Statement by Foreign Secretary on Iraq Declaration.*

PRIME MINISTER'S QUESTIONS, 18 DECEMBER 2002

303. Mr Blair continued to express scepticism about whether Saddam Hussein would comply with resolution 1441; and to emphasise that the UK would if necessary disarm him by force.

304. During Prime Minister's Questions (PMQs) on 18 December Mr Iain Duncan Smith, Leader of the Opposition, asked Mr Blair when the Government would make a formal response to the Iraqi declaration and whether he agreed that Secretary Powell's scepticism was well founded.[103] Mr Blair replied that the Government would respond "shortly after the Christmas break"; "most people" were "pretty sceptical", but it was important to study the Iraqi declaration in detail and make a considered response.

305. In response to a question from Mr Charles Kennedy, Leader of the Liberal Democrats, about military deployments, and a reported comment by Mr Hoon that the Security Council would not be the final judge of whether military action was necessary, Mr Blair stated:

> "… resolution 1441 assumes that there will be a further discussion in the UN Security Council … [I]t has always been our desire to act with the full authority of the … Council. We have always made it clear, however, that, if there were a breach and if, for any reason, the Security Council were blocked in any way, we do not believe it right that that breach should go unpunished … [I]t is important to make sure that we do our level best to work with the UN in any way that we can, but the bottom line – as I have set out from the very beginning – must be that the United Nations route must be the way of dealing with the issue, not the way of avoiding dealing with it … I believe that the UN will support action in circumstances where there has been a breach."[104]

306. Mr Kennedy also asked if the Government would back the US if it decided to take any "pre-emptive unilateral action" before the UN inspectorate had completed its task and submitted its conclusions and recommendations to the Security Council. Mr Blair replied that the US was "bound by the UN resolution, just as we are", and reiterated the points he had made to the *Financial Times* on 10 December about the nature of the "deal" in resolution 1441.

307. Subsequently, in response to a question from Mr Andrew Selous (Conservative) asking for a "clearer explanation" of whether the purpose of a "possible war" in Iraq was "to protect Iraq's citizens and neighbours from Saddam, to enhance UN authority, or to protect Britain from a future missile attack or Iraqi-sponsored terrorism, Mr Blair responded that those factors were not "mutually inconsistent":

> "The reasons for being prepared to take action … are, first, that Saddam has weapons of mass destruction that threaten his region … if a conflict took place

[103] House of Commons, *Official Report*, 18 December 2002, columns 835-837.
[104] House of Commons, *Official Report*, 18 December 2002, columns 841-842.

there involving weapons of mass destruction, it is unthinkable that we would not be involved in some way, as we were 10 years ago.

"Secondly, it is important because there is a UN resolution … that Saddam must give up those weapons … [I]f … we were to allow Saddam to breach the UN will and did nothing about it, the consequences would be felt not just in respect of Iraq. We would send a message across the world that this was a serious issue, but one about which we were prepared to do nothing … We are members of the international community and we believe it is important that Britain make sure that Saddam complies with those UN resolutions. That is why Britain has a vital national interest in ensuring that the resolution is implemented."[105]

MR HOON'S STATEMENT, 18 DECEMBER 2002

308. Mr Hoon told Parliament on 18 December that the UK was making contingency preparations, including the deployment of a naval Task Group for exercises; and that there might be additional maritime deployments in the New Year.

309. In a statement to Parliament on 18 December on contingency preparations for military operations against Iraq, Mr Hoon reported that he had "authorised a range of steps to improve readiness".[106] He also referred to the planned deployment of a naval Task Group, led by HMS Ark Royal, to the Gulf and Asia-Pacific region, in early 2003, which remained "available for a range of potential operations if required".

310. Mr Hoon added that the UK was also considering the deployment of "additional maritime forces early in the new year to ensure the readiness of a broad range of maritime capabilities, should they be required".

311. The development of plans for a possible UK contribution to US-led military action after Mr Blair's decision at the end of October to offer ground forces to the US for planning purposes, and discussions with the US, are addressed in Sections 6.1 and 6.2.

JIC Assessment, 18 December 2002

312. The JIC's initial Assessment on 18 December of the Iraqi declaration stated that:

- **Intelligence from late November indicated that Iraq's aim was to overload UNMOVIC with information.**
- **Iraq "continued to claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991".**

---

[105] House of Commons, *Official Report,* 18 December 2002, columns 841-842.
[106] House of Commons, *Official Report*, 18 December 2002, columns 845-846.

- **There had been "No serious attempt" to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier on Iraq's WMD programme.**

313. The JIC Assessment addressed the substance of the issues, but the judgement that Iraq had made no attempt to deal with the points in the dossier made the dossier a test for Iraq.

314. That was not its purpose. It was for the UN not the UK to define the bar for Iraq.

315. An 'Initial DIS Assessment' of Iraq's declaration, based on an analysis of the text provided in English and a partial but continuing translation of the key sections written in Arabic, was produced on 16 December.[107]

316. On 18 December, the JIC discussed a draft Assessment, supported by the DIS analysis of 16 December.[108]

317. Comments recorded in the minutes of the discussion included:

- There had been "no significant disagreements of perception or judgement between the UK and the US".
- The declaration was "surprisingly bad"; virtually none of the issues arising from the 1999 UNSCOM report had been answered.
- Further analysis of the annexes "would be an enormous job", and the UK "would have to rely upon seeing the UN translation of much of the Arabic material". That text was "unlikely to contain the missing information".
- There would be "a fuller assessment in due course".

318. The JIC Assessment, 'An Initial Assessment of Iraq's WMD Declaration', was issued on 18 December, with the DIS Assessment of 16 December as an Annex.[109]

319. The Key Judgements were:

- The declaration failed "to address the issues outstanding from UNSCOM's report to the UN Security Council in 1999".
- Iraq maintained that it currently had "no proscribed WMD programmes".
- "The majority of information in the declaration" had "already been passed to the UN in some form".
- "The new material so far found" did "not alter UK assessments of Iraq's WMD programmes".

---

[107] Paper [DIS], 16 December 2002, 'Iraq: Initial DIS Assessment of the "Currently Accurate, Full and Complete Declaration"'.
[108] Minutes, 18 December 2002, JIC meeting.
[109] JIC Assessment, 18 December 2002, 'An Initial Assessment of Iraq's WMD Declaration'.

- The declaration made "no attempt to deal with the points made in the UK dossier".

320. The key elements of the Assessment are set out in the Box below.

JIC Assessment, 18 December 2002: 'An Initial Assessment of Iraq's WMD Declaration'

The Assessment rehearsed the UK's knowledge of Iraq's production of WMD before 1991 and the material which UNSCOM had been "unable to account for", and the judgements in the September dossier.

Intelligence on the declaration

"Intelligence indicated in early November that Iraq was considering a number of options … including a possible admission of a small proportion of its illegal activity. But by late November intelligence indicated that Iraq's declaration would omit references to its banned weapons and that the aim was to overload UNMOVIC with information." A senior Iraqi official was quoted as saying "the declaration would be general and lacking in detail and had been padded out with various scientific reports and studies".

Overview

The declaration was "largely based on material already presented to the UN in previous FFCDs [Full, Final, and Complete Declarations] and other correspondence". "No serious attempt" had "apparently been made to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier". Iraq continued to "claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991". "Little new material … on the nuclear, chemical or biological weapons" had been found; there was "some new material" on missiles.

Chemical weapons

The declaration was based on a June 1996 FFCD and additional information provided to the UN before 1998. Some of that information had not been seen previously by the UK. As well as the "unaccounted for" quantities of agent, precursors and munitions which UNSCOM had identified, the declaration did not:

- "provide a key document detailing the consumption of special munitions in the 1980s" which had been "removed from UNSCOM by the Iraqis";
- "substantiate Iraq's denials … that attempts were made to manufacture and weaponise VX".

The list of "over 30 sites in which chemical activity" took place was "incomplete".

Biological weapons

The declaration reiterated information already provided to the UN, which had already been reviewed. It failed to "provide a technically coherent account of Iraq's biological weapons programme". The declaration provided new material relating to 40 sites which Iraq claimed had no connection with proscribed activity but which were judged capable of supporting a BW programme. It did not mention some dual-use sites previously monitored by UNSCOM. Names of individuals included in previous declarations on biological weapons

had been “systematically removed”, although the declaration stated that they would be “provided to UNMOVIC on request”.

It did not:

- “address the issue of unaccounted for growth media”;
- “provide fully documented accounts” of the pre-1991 programmes or “recognition of the military application”;
- “acknowledge any proscribed biological weapons activity post-1991”; or
- “mention … transportable production facilities”.

Nuclear weapons

The declaration was “largely the same as the FFCD” for activity pre-1991 which had been issued in 1998, “with a new extended summary”. It was “accurate” but “incomplete”. It maintained that no weapons-related work had been undertaken since 1998. It did not address whether Iraq had been seeking uranium in Africa.

Ballistic missiles

Most of the data provided related to pre-1991 programmes. The declaration acknowledged “some facilities established since 1998” and “known from intelligence”. It also provided “some limited new evidence of proscribed missile development post-1991”. Two designs were judged to have ranges greater than the limit of 150km.

The “major omissions” were:

- “no attempt to resolve outstanding issues” relating to SCUD missiles;
- “no mention of any post-1998 activity at many missile related facilities, including the al-Rafah engine test stand”, which was “capable of testing engines for missiles with ranges over 1000km”; and
- “no details of recent procurement activity associated with more advanced missile propellant”.

Unmanned Aerial Vehicles (UAVs)

- The declaration referred to “aborted attempts” to convert an anti-ship missile into a land attack weapon with a range of 95km. The JIC judged the “system would be suitable for chemical and biological delivery”.
- The declaration claimed that the L-29 aircraft was “a target-drone” and there “was no mention of a chemical or biological agent delivery capability”. The JIC judged that Iraq had “more aircraft” and had “conducted more flight tests than stated”; and that its range was “understated”.
- The declaration provided “limited, but new information on two UAV programmes”, which Iraq claimed had “started after 1998”, that had been included in reports recently passed to UNMOVIC. They would be “used as target drones”. The JIC judged that the UAVs “would have a significantly better performance” than claimed and could be “adapted to chemical and biological agent delivery”.

Conclusion

The JIC concluded that the declaration so far analysed failed to address the outstanding issues from UNSCOM's report to the Security Council in 1999 and "made no attempt to answer any of the points outlined in the UK dossier". Iraq might:

> "… feel they dealt with these points in their previous rebuttal of the dossier. Some of the deficiencies may be addressed in the parts yet to be translated, but this does not look likely."

321. On 20 December, Mr Miller sent Sir David Manning a further DIS overview of the Iraqi declaration.[110]

322. Mr Miller re-stated the key findings outlined in the 18 December JIC Assessment and identified the principal areas of apparent omission. The main new points identified were:

"
- an admission by the Iraqis that they have delivered 50 Al Samoud missiles to their military. The UK dossier stated that at least 50 of these missiles had been produced and were being deployed to military units;
- details of missile related procurement activities post-1998, which Iraq claims were for permitted programmes. There are no details concerning the origin of the material and equipment procured, some of which we judge were obtained illicitly;
- the document fails to cover refurbishment at potential BW sites."

323. Mr Miller reported that the DIS would continue to analyse the declaration when a full English text was available from the UN. That was likely to be after Christmas.

324. On 18 December, the JIC also discussed a letter of 13 December from Mr Miller on the cohesion of the Iraqi regime.[111]

325. The main point raised was that the fundamental judgement of the JIC of 6 December had not changed, "especially that nothing short of a massive Coalition force was guaranteed to threaten the regime enough to topple it". There were, however, "more areas of pressure building within the regime, although it was still impossible to say how and when it might fracture". The Iraqi people's perceptions of Saddam Hussein's position would be "crucial". The two "tipping points" would be when:

- "people decided that they would be better off without Saddam"; and
- "they decided that he had finally lost control".

326. The JIC "would need to keep coming back to this subject as events developed in the New Year".

---

[110] Minute Miller to Manning, 20 December 2002, 'Iraq: WMD Declaration'.
[111] Minutes, 18 December 2002, JIC meeting.

Meeting of the US National Security Council, 18 December 2002

In his memoir, *War and Decision*, Mr Douglas Feith, US Under Secretary of Defense for Policy, described a meeting of the US National Security Council on 18 December 2002, at which the US response to Iraq's declaration was discussed.[112]

Mr Feith described differences of view between President Bush and other members of the Council about the position the US Administration should adopt in response to the discussion of the Iraqi declaration of 7 December in the Security Council on 19 December, and the impact which describing the declaration as a material breach of resolution 1441 would have.

Mr Feith reported that, after some discussion, President Bush stated that he thought "war was inevitable". President Bush was concerned that use of the term material breach would create an expectation of military action and a debate about whether it was sufficient for the US to go to war.

Secretary Powell was reported to have taken a different position; and that he had suggested the US should make its case to the Security Council that Saddam Hussein was not co-operating soon after Dr Blix's report on 27 January 2003.

Mr Feith reported that President Bush had reminded those in the room that the point of the 7 December declaration was to test whether Saddam would accept the "final opportunity" for peace offered by the Security Council; and that he had summed up the discussion by stating:

> "We've got what we need now, to show America that Saddam won't disarm himself."

Cabinet, 19 December 2002

327. In his update to Cabinet on 19 December, Mr Straw suggested that the Iraqi declaration did not meet the requirements of resolution 1441 and that the next step would be increased efforts by the inspectors to find the evidence. The Security Council could be in a position to declare a material breach by 27 January 2003.

328. Mr Hoon informed Cabinet that preparations were being made to be ready for possible military action.

329. Mr Blair promised that there would be an "opportunity to discuss Iraq in the New Year".

330. Mr Straw reported to Cabinet on 19 December that Iraq's declaration did not look as "accurate, full and complete as the resolution required"; and that, in particular, it failed to explain the material which had been "unaccounted for in 1998 such as: 360 tonnes of bulk chemical warfare agent; 3,000 tonnes of precursor chemicals; growth media

[112] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism.* HarperCollins, 2008.

for biological agent production and 30,000 munitions for the delivery of chemical and biological agents".[113]

331. Mr Straw reminded his colleagues that a false statement did not represent a material breach, "but it could be a contributing factor". The next step would be increased efforts by the inspectors to find the evidence. The inspectors had to report to the UN Security Council on progress by 27 January. By that time, "the Security Council could be in a position to declare a material breach". President Bush would be making his State of the Union speech on 28 January.

332. Mr Hoon informed his colleagues that, "to be ready for possible military action", it was "increasingly necessary to make visible preparations. Contracts for equipment would be let; Reservists and their employers would be consulted; the notice to move for some units would be reduced; and a naval Task Group led by HMS Ark Royal would depart for exercises." The US had not yet finalised its military planning but it was "already building up a formidable force and would be ready to use it".

333. Mr Blair said that "there would be an opportunity to discuss Iraq in the New Year".

334. Mr Campbell wrote in his diaries that Ms Clare Short, the International Development Secretary, had pointed up the need for more discussion on Iraq.[114]

Security Council, 19 December 2002

335. In response to a briefing from Dr Blix and Dr ElBaradei on 19 December, the Security Council agreed to a further discussion early the following month, after members of the Council had completed their analytical work.

336. Sir Jeremy Greenstock reported overnight on 17/18 December that Dr Blix would tell the Security Council on 19 December that it could not have confidence that the declaration "disposed of" the question of Iraq's WMD holdings but that he could not say Iraq definitely had WMD; there was more work to do and the ball was in Iraq's court.[115]

337. On 17 and 18 December, Secretary Powell and Mr Straw discussed the pressure on the US Administration to say "something strong" (in response to Dr Blix's briefing to Members of the Security Council) and the need to catch Iraq "red-handed".[116]

338. Dr Blix and Dr ElBaradei briefed Members of the Security Council on 19 December on inspections in Iraq and their preliminary assessment of Iraq's declaration.[117]

---

[113] Cabinet Conclusions, 19 December 2002.
[114] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[115] Telegram 2411 UKMIS New York to FCO London, 18 December 2002, 'Iraq: Handling of WMD Declaration'.
[116] Letter [1] McDonald to Manning, 18 December 2002, 'Iraq'; Letter [2] McDonald to Manning, 18 December 2002, 'Iraq'.
[117] UN Press Release, 19 December 2002, *Statement to press on Iraq inspections by Security Council President* (SC/7614).

339. Dr Blix reported on the speed of UNMOVIC's build-up of operations in Iraq and that it had inspected 44 sites, including eight newly declared locations.[118] Access to the sites, including those previously designated by Iraq as sensitive or Presidential, had been "prompt", and assistance had been "expeditious". The location of artillery shells and containers with mustard gas, which had been placed under UNSCOM supervision in 1998, had been identified and they would be sampled and eventually destroyed. Dr Blix reported that Iraq had formally been asked to submit the names of all personnel currently or formerly associated with some aspect of Iraq's programme of weapons of mass destruction and ballistic missiles by the end of the year; and for legislation implementing resolutions, notably laws prohibiting engagement in the development, production or storage of proscribed material.

340. In his "necessarily provisional" comments on the declaration, Dr Blix stated that Iraq continued to state that there were no weapons of mass destruction in Iraq when the inspectors left in December 1998 and that none had "been designed, procured, produced or stored in the period since then". While individual Governments had stated that they had "convincing evidence to the contrary", UNMOVIC was, at that point, "neither in a position to confirm Iraq's statements, nor in possession of evidence to disprove it".

341. During the period between 1991 and 1998, Iraq had submitted many declarations which had "proved inaccurate or incomplete or was unsupported or contradicted by evidence". The statements by Iraq were not sufficient to create confidence that no weapons programmes and proscribed items remained: the statements needed to be "supported by documentation or other evidence" which would allow them to be verified.

342. The overall impression was that "not much new significant information" had been provided which related to proscribed programmes; nor had "much new supporting documentation or other evidence been submitted". Iraq had provided new information on:

- missile activities, including a series of new projects at various stages of development, which Iraq claimed were permitted;
- a short-range rocket manufactured using 81mm aluminium tubes; and
- the "Air Force" document[119] relating to the consumption of chemical weapons in the Iran-Iraq war.

New material had been provided "concerning non-weapons related activities".

---

[118] UN Security Council, 19 December 2002, 'Notes for briefing the Security Council regarding inspections in Iraq and a preliminary assessment of Iraq's declaration under paragraph 3 of resolution 1441 (2002) – Hans Blix, Executive Chairman UNMOVIC'.

[119] A document found by an UNSCOM inspector in a safe in Iraqi Air Force headquarters in 1998. It gave an account of the expenditure of bombs, including chemical bombs, by Iraq in the Iran-Iraq war which raised questions about Iraq's previous accounts. Iraq had taken the document from the inspector.

343. There were also inconsistencies and areas which needed clarification, including:

- the omission of information on imports of bacterial growth media;
- declaration of the development of a variant of the Al Samoud missile which had exceeded the permitted range in test flights; and
- a lack of supporting evidence to address unresolved issues identified in the 1999 UNSCOM and Amorim reports.

344. In conclusion, Dr Blix stated that, if Iraq failed to provide evidence supporting its statements, the inspectors could not guarantee that all possibly concealed items and activities would be found; but they would make attempts at concealment more difficult.

345. A statement by the President of the Council said that the members had noted the contents of the briefing and expressed their intention to have a further discussion "early in January after all members of the Council finish their own analytical work" and more regular briefings from UNMOVIC and the IAEA.[120]

346. In his remarks to the Security Council, Sir Jeremy Greenstock drew on the statement issued by Mr Straw on 18 December. He gave examples of weapons and materials which had not been accounted for in the declaration and added that:

> "The declaration fell well short of providing compelling evidence that Iraq wishes to establish a new co-operative relationship with UNMOVIC and the Council. On the contrary, it suggested that Iraq had no intention of complying with SCR 1441, or taking the pathway to peace laid down in that resolution. We wanted to see … the discrepancies probed rigorously … In short, we were very disappointed that Iraq had not taken the 1441 opportunity. I would not speculate what this meant. But Iraq now had to be 100 percent pro-active in co-operating with the inspectors in accounting for every remaining doubt. Withholding this quality of co-operation risked bringing into play the second part of OP4 of 1441."[121]

347. Sir Jeremy Greenstock also reported that Dr ElBaradei had appealed to Member States to offer whatever information they had to assist UNMOVIC and the IAEA in reaching credible conclusions on Iraq's weapons programmes.

348. Sir Jeremy described the meeting as a "surprisingly low key affair, largely because the non-permanents had only had the declaration for 36 hours". Some of them were insisting that they see the un-excised version.

349. Sir Jeremy reported that Dr Blix had told the press that there was little new evidence in the declaration and what was new generally related to non-weapons programmes. Iraq was co-operating on process but much more was needed on

---

[120] UN Press Release, 19 December 2002, *Statement to Press on Iraq Inspections by Security Council President* (SC/7614).
[121] Telegram 2450 UKMIS New York to FCO London, 20 December 2002, 'Iraq: WMD Declaration'.

substance. There were open questions which had not been answered with evidence. Iraq had missed an opportunity in its declaration, but could still provide information.

350. Mr Campbell recorded that Mr Blair was "worried about Blix's comments that we had not been helping enough with the intelligence".[122]

351. Mr William Ehrman, FCO Director General Defence and Intelligence, advised Mr Straw's Private Secretary on 19 December that the UK was passing intelligence to UNMOVIC but "We had not found a silver bullet yet."[123]

352. Mr Straw issued a statement which said that the declaration failed to meet Iraq's obligations and that there could not, therefore, be any confidence in Iraq's claims that it had no WMD.

353. In a statement issued after the reports to the Security Council, Mr Straw said that they showed:

> "… clearly that Iraq has failed to meet the obligations imposed on it by Security Council resolution 1441, which requires them to make a full and complete disclosure of their weapons of mass destruction … as Dr Blix has said, this means that we cannot have confidence … to put it very mildly – that Iraq has no weapons of mass destruction as it has claimed. This now means that Iraq faces even greater responsibilities to comply fully with the inspectors and co-operate fully with the United Nations if military action is to be avoided. This disclosure does not of itself trigger military action … but it is a very serious failure to comply, and a clear warning has to go out to Iraq that they now have to co-operate fully with the United Nations and its inspectors as is required of them by international law."[124]

354. Secretary Powell warned that Iraq was "well on its way to losing its last chance", and that there was a "practical limit" to how long the inspectors could be given to complete their work.

355. Secretary Powell gave a press conference on 19 December stating that the Iraqi declaration did not address Iraq's stockpiles or supplies of chemical and biological agents and the procurement and use of high-strength aluminium tubes that can be used in a nuclear weapons programme: "Most brazenly of all, the Iraqi declaration denies the existence of any prohibited weapons programs at all."[125] There was a "pattern of systematic holes and gaps". The US was "disappointed, but … not deceived … On the

---

[122] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[123] Minute Ehrman to Private Secretary [FCO], 19 December 2002, 'Iraq: Passing Intelligence to UNMOVIC'.
[124] The National Archives, 19 December 2002, *Jack Straw's Statement on Iraq after Weapons Inspectors' report.*
[125] US Department of State Press Release, *Press Conference Secretary of State Colin L Powell, Washington, 19 December 2002*.

basis of this declaration, on the basis of the evidence before us, our path for the coming weeks is clear."

356. Secretary Powell proposed a four-step approach in the coming weeks to:

- audit and examine the Iraqi declaration "to understand the full extent of Iraq's failure to meet its disclosure obligations";
- conduct interviews with scientists and other witnesses outside Iraq;
- intensify UN inspectors' efforts inside Iraq; and
- consult the Security Council and US allies on how to compel Iraq to comply with the terms of the resolution.

357. Secretary Powell stated that the United States, and he hoped other Council members, would "provide the inspectors with every possible assistance, all the support they need to succeed in their crucial mission". Resolution 1441 had called for "serious consequences for Iraq" if it did not comply. So far, Iraq was "well on its way to losing its last chance". There was "no calendar deadline", but there was "a practical limit to how much longer you can just go down the road of non-co-operation and how much time the inspectors can be given to do their work … This situation cannot continue."

358. Mr Straw and Secretary Powell had spoken before the press conference about Mr Straw's remarks on the *BBC*'s *Today* programme earlier that day. Mr Straw said that he had "repeated [the] long standing position that [the UK] would prefer a second resolution, with the usual Kosovo caveats".[126]

359. Mr Straw and Secretary Powell also discussed the need for the White House to be clear about Mr Blair's position.

360. In a letter to Mr Straw's Private Secretary, Mr Ehrman wrote:

> "With the American military machine now increasingly set on auto-pilot towards war, the nightmare scenario of the UK having to decide whether to join US military action without a second SCR is only made more likely …"[127]

361. Sir Christopher Meyer reported on 19 December that there was "some fairly intensive kremlinology going on in the White House about the British political scene … What did Tony Blair need to be able comfortably to go to war?".[128] The current US view "which could change, was that a second SCR was attainable". Sir Christopher had told a senior US official that "a spring war looked as close as possible to being inevitable without actually being inevitable".

---

[126] Letter McDonald to Manning, 19 December 2002, 'Iraq: Conversation with Colin Powell, 19 December'.
[127] Minute Ehrman to Private Secretary [FCO], 19 December 2002, 'Iraq: Passing Intelligence to UNMOVIC'.
[128] Letter Meyer to Manning, 19 December 2002, 'Iraq'.

The need for a communications strategy

362. Mr Campbell advised Mr Blair that a statement would be needed early in the New Year bringing all the strands of the strategy on Iraq together to set out the UK Government's position and to counter the sense that the UK was acting for America.

363. Mr Campbell suggested that the statement should communicate the "big picture" and provide the basis for addressing difficult questions: Why Iraq? Why now? And why us? That should include the UK's definition of material breach.

364. Mr John Williams had written to Mr Campbell on 2 December in response to a request for "strategic public objectives on Iraq, setting out our aims, and working through the difficult issues".[129] Mr Williams provided two papers, one on "Public Objectives" for public use and one on "Media Tactics". Both had been approved by Mr Straw.

365. The paper on "public objectives" drew on the strategic objectives agreed by Mr Blair and sent to Ministers on 22 October (see Section 3.5).

366. Production of a document setting out the UK objectives and the need to be more "in control of the agenda" was discussed at meeting of an Iraq Strategy Group chaired by Mr Campbell on 10 December and subsequently.[130]

367. In response to Mr Blair's request of 16 December, Mr Campbell wrote to Mr Blair on 19 December setting out the need to explain the UK's strategy and seeking Mr Blair's views.[131]

368. Mr Campbell wrote: "Iraq is moving up a gear as an issue and as we enter the New Year we need to step up our communications efforts."

369. Mr Campbell recommended that the objectives approved in October should be published as soon as Parliament returned on 7 January, with a statement in the House of Commons from Mr Blair alongside publicity generated by the FCO Heads of Mission Conference. The statement would set out the strategic framework for the Government's overall approach and draw together the diplomatic, political and humanitarian strands of the strategy on Iraq as well as addressing issues of proliferation and terrorism. It would "give us all the big picture to communicate and give us a handle for the difficult questions as we go".

---

[129] Email Williams to Campbell, 2 December 2002, 'Strategy Note' attaching Paper, 'Public Objectives' and Paper, 'Media Tactics'.
[130] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[131] Minute Campbell to Prime Minister, 19 December 2002, 'Re: Iraq Communications'.

370. Mr Campbell argued that the communications strategy "should be rooted in where we think we will end up which currently looks like a military conflict that ends in Saddam falling". The major steps and key messages envisaged by Mr Campbell were:

- Iraq's declaration would be "shown to be false – requires strategy which … emphasises our determination to ensure Saddam Hussein understands … this is his last chance and that we are trying our hardest to make the process work … We need to guard against the sense that we are looking for the process to fail, rather than looking for the process to succeed;"
- a "UN discussion" where the tone would be one of "regret that he [Saddam] failed to take the chance" and with the "UK at heart of coalition building around key arguments";
- a "Military build up" which moved from the "current argument that 'sometimes the only way to avoid conflict is by making it clear willing to use force if necessary' to 'we did not want war, but Saddam Hussein has rejected the peaceful path to disarmament'";
- "Military conflict: This is the last resort. Now we need to get the job done"; and
- "Post conflict: We're there to help for the long term."

371. A "specific communications plan for the Iraqi people" was being developed which would emphasise Iraq's territorial integrity and make it clear that "we are gunning for Saddam's people at the top, not the 'ordinary' people". In Mr Campbell's view they would "actually prefer a 'regime change' message to a more subtle 'disarmament' message".

372. Mr Campbell argued that the UK needed a "clear sense of a UK Government position that is our own … not merely an echo" of the US position and counter the sense that the UK was acting for America. The UK had to "communicate better the threat and relevance to the UK". The UK position "should be that the issue of Iraq/WMD has to be addressed, we worked hard to get [the] UN route … and we're working hard to make that route work. But Saddam has to understand this is his last chance, and in the meantime we carry on military preparations."

373. Mr Campbell wrote that the US tone was "dismissive" on inspections; the UK had to be deliberative. The UK needed to "set out our own definition of material breach. The closest we have is Jack [Straw]'s statement that 'material breach means something significant: some behaviour or pattern of behaviour which is serious'". In Mr Campbell's view, the media confused "material breach and trigger".

374. Other points made by Mr Campbell were that the UK needed to:

- "… rebut the 'poodle charge' by answering more clearly the questions – Why Iraq? Why now? And why us?";
- "… put over to the public" that we are in charge of our military preparations, separate from the Americans, "though obviously linked". The fact that the US/UK

had hugely superior military was likely to have the most impact on Iraqi opinion "so we have agreed MOD should step up their military preparedness briefing";

- rebut negative stories, including the "charge that the conflict is all about oil";
- "… make more of the issue of WMD more generally, and make the link (largely unbelieved here or in the US) with terrorism. It is a theoretical link, not yet an actual one, and the US, in continuing to make claims of an actual link, risk being counter productive"; and
- have "better answers to the charge of double standards re Israel, which is the single biggest impediment to effective communications in the region".

375. Mr Campbell concluded that there was "a big job of work to do" which would "require a lot of input" from Mr Blair and set out a list of potential communications opportunities in January.

376. Mr Campbell also set out the arrangements he had put in place to "implement a major communications strategy, including:

- a weekly strategy meeting;
- daily reviews;
- daily US conference calls;
- CIC [Communications and Information Centre] reactivated;
- excellent output by the Islamic Media Unit;
- a small but effective presence in Amman (media route to Baghdad); and
- good co-operation with the Agencies."

377. Mr Campbell also sent Mr Blair an "agreed Iraq strategy document", advising him that it showed "a lot of work has been done, and we have the outlines of a good communications strategy".

The absence of a "smoking gun"

378. Mr Straw told Secretary Powell on 30 December that the US and UK should develop a clear "plan B" postponing military action on the basis that inspections plus the threat of force was containing Saddam Hussein.

379. On 24 December, Mr Straw told Secretary Powell that the UK was:

> "… clear that a second resolution should be sought if justified. Such an approach was essential from the point of view of UK politics. Although we had not sought or received definitive legal advice, I thought it would be hard going with our Attorney General if there were no second resolution. It would be especially difficult for us without a second resolution except in a 'Kosovo-equivalent situation' (where we had a majority in the Security Council but were vetoed by one P5 Member only)."[132]

[132] Letter Straw to Manning, 24 December 2002, 'Conversation with Powell: Iraq'.

380. Mr Straw and Secretary Powell discussed again the importance of Mr Blair making that point when he next spoke to President Bush. They also discussed that it would be hard to see how there could be a second resolution, and even harder to justify military action, if the inspectors failed to find anything.

381. Mr Straw and Secretary Powell spoke twice on 30 December. In their first conversation, they discussed the possibility that the military would be ready to take action but there would be no casus belli.[133]

382. In their second conversation Mr Straw and Secretary Powell discussed the likelihood that, when the UN inspectors reported to the Security Council on 27 January, they would report that they needed more time to complete their work.[134]

383. Mr Straw said it was:

> "… perfectly possible that a clear casus belli could have been presented by 27 January, in which case we would get a second resolution and military action would go ahead. But there was a sufficient possibility that we would not be in that position. We should therefore develop a clear 'plan B' for the President and the Prime Minister in which military action was postponed on the basis that inspections plus the threat of force was containing Saddam."

384. Mr Straw said he would discuss that further with Sir David Manning and Mr Ricketts.

Resolution 1452

On 30 December, the Security Council adopted resolution 1452, adjusting the Goods Review List approved in resolution 1409 (2002) and deciding to conduct a thorough review of the List and the procedures for its implementation.[135]

Russia and Syria abstained in the vote:

- The Russian representative stated that the text was too restrictive.
- The Syrian representative stated that Iraq's co-operation with the weapons inspectors and constructive approach on resolution 1441 (2002) should lead to the lifting of sanctions, not the addition of further restrictions.[136]

---

[133] Telegram 671 FCO London to Washington, 30 December 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 30 December'.
[134] Letter Straw to Manning, 30 December 2002, 'Iraq: Conversation with Colin Powell, 30 December'.
[135] UN Security Council resolution 1454 (2002).
[136] UN Press Release, 30 December 2002, *Security Council Adjusts List of Restricted Goods Procedures of Iraq Oil-for-Food Programme* (SC/7623).

Advice for Mr Blair in early January 2003

385. Mr Straw advised Mr Blair on 3 January 2003 that there was an urgent need to lower expectations that military action against Iraq was inevitable.

386. The UK should emphasise that the preferred strategy was peaceful disarmament and that decisions would not be taken at the Security Council on 27 January.

387. Mr Straw and Secretary Powell's view was that it would be rash to bank on an assumption that the inspectors' reports to the Security Council on 27 January would provide grounds to trigger a further meeting of the Security Council and a resolution authorising the use of force.

388. There was a need for private discussions with the US on the strategy in the event that the inspections failed to produce an "early and large smoking gun".

389. Mr Straw's view was that a peaceful solution was, on balance, more likely than conflict.

390. Mr Straw wrote to Mr Blair on 3 January 2003 about the need urgently to lower public expectations, in the UK and abroad, that:

> "… the die will be cast at the Security Council meeting on 27 January. If we are not careful, the necessary military build up will allow the media to set us up for a fall … when and if the out come … is far from an authorisation for war. Your speech to the Diplomatic Service Conference on Tuesday [7 January] is therefore very important in setting the scene for the next three weeks."[137]

391. Mr Straw wrote:

> "… a lot of effort is being made by the … agencies to provide Blix and ElBaradei [with leads drawing on intelligence reports] … to enable them to upgrade their inspections over the next three weeks. It is possible that this will produce a big smoking gun, sufficient for Blix and ElBaradei to point in their 27 January report to a breach of obligation by Iraq sufficient to trigger OPs 11 and 12 of [resolution] 1441, a further meeting of the Security Council, and a resolution authorising the use of force … But, in my view (shared by Powell) it would be rash to bank on this. So far, reality has not matched the expectation generated by the intelligence …
>
> "Scenarios just as likely as a clear material breach by 27 January are:
>
> (i) an indication from Blix/El-Baradei that they have been broadly satisfied with the level of co-operation by Iraq, and have so far found nothing of any significance but will continue looking;

[137] Minute Straw to Prime Minister, 3 January 2003, 'Iraq – Plan B'.

(ii) concerns by them of some lack of co-operation, and in respect of some of their finds, but in neither case adding up to a casus belli to satisfy a majority on the Security Council."

392. Mr Straw suggested the UK's messages should be:

"
- to emphasise that our preferred strategy continues to be … disarmament by peaceful means, through the UN system;
- the 27 January meeting is not and never has been a decision deadline …
- whatever the inspectors say to the 27 January meeting, decisions, particularly on military action, would not be taken then."

393. Mr Straw warned Mr Blair that the UK would be "faced with the argument that the finds prove that inspection is working: we will be told to let them continue and destroy what they find rather than going to war".

394. Mr Straw suggested that the UK needed "to discuss very privately with the Americans over the next few weeks our strategy if inspections produce no early and large smoking gun". The purpose would be to explore whether the US could or would maintain the position of continuing inspections and a military build-up at a high state of readiness "for weeks or even months".

395. Mr Straw stated that there were signs that President Bush recognised that going to war "without a publicly convincing trigger, and without a second UNSCR, could well be politically worse for him … as well as acutely difficult for us". Secretary Powell had told Mr Straw that "if there was an insufficient case for a second resolution, there would equally be an insufficient case for the US to go unilateral".

396. Mr Straw offered to discuss the issues with Mr Blair.

397. Mr Campbell wrote in his diaries that Mr Straw had:

"… called me a couple of times over the holiday and emphasised the importance of TB [Mr Blair] not positioning himself so that no war looked like failure."[138]

398. Mr Straw told the Inquiry that in "very early January [2003] he had bumped in to two journalists" who had asked about the odds of avoiding war, and that he had replied "60/40".[139] That reply then "found its way into the newspapers". Mr Straw stated that he had formed that "provisional judgement" from his own reading of the Iraqi regime's behaviour:

"… by its own terms it acted with some rationality. I could not believe that, faced with the near certainty of military action if it failed to comply with 1441, the regime could

---

[138] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[139] Statement, January 2010, paragraphs 34-35.

fail to appreciate that its very survival depended on full compliance, and that this would be relatively straightforward for them to prove – unless they had something terrifying to hide. In the event, however, my optimism proved unfounded."

399. Asked to explain the basis for his optimism, Mr Straw responded in his statement for the Inquiry in January 2011 that:

"… a key foundation … was that the United States had committed itself to dealing with Saddam by working through the United Nations …

"This was coupled to emerging evidence that, while by no means sufficiently, the inspectors were beginning to make some progress …

"Additionally, there were indications from the United States that it was moving closer to committing itself to going for a second resolution. My optimism at the time was therefore also in part based on the hope of a unified Security Council position, in the form of a second resolution. I believed at the time, and I still believe today, that confronting Saddam Hussein with this clear united position from the international community … would have presented us with the best way to deal with Iraq peacefully."[140]

400. Mr Straw confirmed that he was aware that Mr Blair was more sceptical than he was, but in early 2003 his instinct was more optimistic that there would be compliance.[141]

401. Mr Straw wrote in his memoir that he "wanted to pull back on the idea of a 'rush to war' and in particular avoid Hans Blix's next report, due on 27 January, being the decisive moment". At the beginning of 2003, he was "optimistic about a peaceful resolution" and, when he had been asked about "the odds of avoiding war" by journalists from *The Times* and the *Sun* on 3 January, he had replied "Sixty/forty".[142]

402. Sir David Manning advised Mr Blair that the US was close to giving up hope on the UN route and that President Bush was in danger of being driven by the tempo of his own military build-up.

403. The UK should continue to seek to persuade the US that more time was needed to build the case against Saddam Hussein and improve the odds for a second resolution.

404. Sir David Manning provided a note for Mr Blair's return to office on 4 January, which stated that there had been "no major developments while you have been away. But we need to focus hard on inspections, and military planning in the next few days."[143]

---

[140] Statement, 19 January 2011, paragraphs 4.1-4.6.
[141] Public hearing, 2 February 2011, pages 79-80.
[142] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[143] Minute Manning to Prime Minister, 3 January 2003, 'Iraq'.

405. On inspections, Sir David advised:

> "My sense is that the Americans are close to giving up hope that UNMOVIC can deliver results. We should urge them to stick with it. UNMOVIC only reached full strength at Christmas … The inspectors needed targeted support; and time to build up operating skills. Even so, it's true that the chances of them finding a smoking gun are relatively small which is why we need a defector if we can get one. But this too, needs time.
>
> "The Americans are in a hurry; perhaps too much of one. This colours their approach to UNMOVIC and makes them impatient … Too much looks like hurried improvisation, half thought out strategy, with fingers crossed that Saddam will collapse in short order …"

406. Sir David concluded that there was a danger of the US being driven by the tempo of the military build-up and understandable preference to fight in the spring not the summer. In his view, "more time" was needed "to build the case against Saddam and improve the odds for a second resolution".

407. In a manuscript note on Mr Straw's letter of 3 January, Sir David Manning told Mr Blair that Washington was "aware of the pitfalls and thinking in terms of a second resolution".[144]

408. Sir David Manning discussed potential developments before Dr Blix's report to the Security Council on 27 January with Dr Rice on 3 January. "Emphasising that he was speaking personally", he told Dr Rice that he was:

> "… convinced that we needed a second resolution; and that we would only get one if we could produce convincing evidence that Saddam was in breach. Supposition would not be enough. Apart from the problem of the Security Council, we would not be able to get endorsement from the House of Commons for military action …"[145]

409. Sir David suggested the pursuit of a three-part policy:

- compiling a register of intelligence reports that pointed to specific locations where Saddam Hussein might be hiding WMD, or documents relevant to the WMD programme, and trying "to persuade Dr Blix to mount co-ordinated surprise inspections [...] It was much too early to assume that the inspection route would yield nothing";
- urging Dr Blix to state publicly that there were numerous gaps and unanswered questions in the declaration: "By demanding that Saddam produce the missing pieces we would be putting the pressure back on him in a way which his apologists would find difficult to counter"; and

---

[144] Manuscript comment Manning to PM, 3 January 2003, on Minute Straw to Prime Minister, 3 January 2003, 'Iraq – Plan B'.
[145] Letter Manning to McDonald, 3 January 2003, 'Iraq: Conversation with Condi Rice'.

- staying closely engaged with the Arab world and exploring the recent suggestion that Saddam Hussein should be given an ultimatum to leave Iraq.

410. Returning to the issue of a second resolution, Sir David wrote that he had repeated that it would be needed:

> "… if we were to take military action. This was not because our determination to deal with the Iraqi problem had diminished in any way. Rather it was about the political realities in the UK."

411. Sir David Manning recorded that the UK must now work closely with the Americans over inspections and approaches to Dr Blix. He knew that the FCO and SIS were working on that and he had asked for advice by 8 January, "on the best way forward", which he could show to Mr Blair.

412. Sir David and Dr Rice had also discussed the possibility of a meeting between President Bush and Mr Blair.

413. Sir David recommended that Mr Blair should read the record of the conversation in full and that it had been "helpful on a second resolution".[146] Dr Rice had been very keen that President Bush and Mr Blair should meet at the end of January.

414. Describing this conversation, Sir Jeremy Greenstock told the Inquiry that Dr Rice had told Sir David Manning that:

> "… she had been giving considerable thought to this whole issue over the Christmas holidays and had decided that a second resolution was necessary for American interests, that the American public were not necessarily fully on board for an attack on Iraq and the use of the American military and this was something that she felt the President would need to consider very carefully."[147]

415. After the conversation with President Bush on 16 December and the meeting of the Security Council on 19 December, Mr Blair also reviewed the position on Iraq in the light of likely US actions.

416. By the time Mr Blair returned to the office on 4 January 2003 he had concluded that the "likelihood was war" and, if conflict could not be avoided, the right thing to do was fully to support the US.

417. Mr Blair focused on the need to establish evidence of an Iraqi breach, persuade opinion of the case for action, and finalise the strategy with President Bush at the end of January.

---

[146] Manuscript comment Manning to PM, 3 January 2003, on Letter Manning to McDonald, 3 January 2003, 'Iraq: Conversation with Condi Rice'.
[147] Public hearing, 27 November 2009, pages 66-67.

418. In a meeting overseas in early January, SIS1 told Mr Blair that the body of available evidence was "highly damning" but "none of the reports could yet be termed a silver bullet".[148] Mr Blair had been "surprised and pleased" that so much had been accumulated, but he needed some more evidence that Saddam Hussein was in breach (of resolution 1441), which he (Mr Blair) could use as the basis for personal assurances to Cabinet, the Parliamentary Labour Party (PLP), and to key allies such as President Chirac and President Bush and regional leaders. As a result, SIS1 recorded that Mr Blair had asked for a "stocktake", including an assessment of the likelihood that the UNMOVIC process would produce that kind of evidence.

419. On 4 January, Mr Blair sent a long note to officials in No.10.[149]

420. On Iraq, Mr Blair stated:

> "We start from behind. People suspect US motives; don't accept Saddam is a threat; worry it will make us a target. Yet the truth is removing Saddam is right; he is a threat; and WMD has to be countered. So there is a big job of persuasion. We need the following in place:
>
> (i) most obviously, the evidence of breach of the UN resolution leading hopefully to a new resolution. Time is short. We need either evidence of actual WMD; or documentation concealed; or an eye witness account of the programme. We are making efforts on all three. But one or more needs to be in place. [...] our biggest hindrance, is the intimidation Saddam is exercising. Those who might co-operate are being told very clearly their families will die. So even though we all know the declaration … is a lie, proving the lie will be hard. I need an early meeting on this with C.
>
> (ii) We need to set out the WMD case generally; publish evidence of it; and have some high profile interdiction of WMD material. People just totally underestimate the WMD threat.
>
> (iii) We need to link WMD and terrorism. The truth is the two coming together, is only a matter of time. But people need to understand that if we don't act, the world will be more unsafe.
>
> (iv) We need to prepare a very clear statement of guarantees for the Iraqi people, setting out territorial integrity etc; and I assume without Saddam we could lift sanctions.
>
> (v) We need to work out the post-Saddam scenario. Are we going to identify him, and his close associates only, as fit for removal, in the hope of having the regime crumble; or are we going to be more forward. By instinct, I favour making it clear: removing Saddam is the immediate task; the

---

[148] Private hearing, SIS1, Part I, pages 60-61.
[149] Note Blair [to No.10 officials], 4 January 2003, [extract 'Iraq'].

new government has to be stable; and we can move forward in time … There must be as little as possible vested interest in resistance.

(vi) We need to be sure the military plan is viable. I need a meeting on this and our military's assurance that the plan can work. This is no small undertaking.

(vii) We must strive to move the MEPP forward …

(viii) We have got to show sensitivity to any humanitarian fall-out from war. Britain should take the lead on this, working with the UN."

421. Mr Blair believed it would be "sensible to go to Washington late January in order to finalise the strategy".

422. There is no evidence that Mr Blair had seen Mr Straw's minute of 3 January or Sir David Manning's minute of the same day before he wrote his note of 4 January.

423. In his memoir, Mr Blair wrote that, in December 2002 and during a short winter break in January 2003, he had "tried to work out what was the right thing to do". He was:

> "… past expediency, past political calculation, past personal introspection. I knew this could be the end politically. I just wanted to know: what is the right thing?
>
> "I could see by now … that barring something unanticipated, the likelihood was war. We could opt out … I was sure … and stay out of the conflict, coming in only for the aftermath. We had many allies by then. Thirteen out of 25 EU countries were onside … But many were taking the route of avoiding the initial fighting."[150]

424. At Chequers over Christmas 2002, he had asked himself:

> "What did I truly believe? That Saddam was about to attack Britain or the US? No. That he was a bigger WMD threat than Iran or North Korea or Libya? Not really, though he was the only leader to have used them. That left alone now, with these inspections ending the same way as the last, he would threaten the stability of the region? Very possibly. That he would leach WMD material or provide help to terrorists? Yes … Was it better for his people to be rid of him? For sure. Could it be done without a long and bloody war? You can never be sure of that. Did I want more time? Yes, but to allow me to probe every other way of doing it, rather than because I believed the nature of his regime would ever change. Would a new Iraq help build a new Middle East? I thought that was possible.
>
> "Did I think that if we drew back now, we would have to deal with him later? … yes, there was no other way that this man with his past was going to be anything other than a source of instability. At some point, especially if strengthened now, he would be back to his old tricks.

---

[150] Blair T. *A Journey*. Hutchinson, 2010.

> "So, in or out? In I concluded. And, if in, better in fully and not partly. I still thought it possible to avoid war. I still thought it possible that other alternatives, diplomatic or through a coup, of some sort (there was much private Arab talk about such a thing), could be available to avoid conflict. I was determined at the least, to try to persuade the Americans to get more time. But I had said I would be with them, and if conflict could not be avoided, I would be in with the whole and not half a heart."

Public statements, 7 and 8 January 2003

PUBLICATION OF THE UK'S POLICY OBJECTIVES

425. The UK's policy objectives in relation to Iraq were published by Mr Straw on 7 January.

426. Mr Blair's Note of 4 January was discussed at Mr Blair's Monday morning meeting with No.10 staff on 6 January.[151]

427. Subsequent discussions and decisions on the military plan, and planning for humanitarian assistance and a post-conflict Iraq, are addressed in Section 6.

428. Mr Campbell wrote in his diaries:

> "TB was pretty sure there would be a war, or that in any event Saddam would go, and war remained the likeliest if not the only way of that coming about."

429. Mr Campbell added:

> "On Iraq, pretty much everyone was emphasising how little support there was, how little understanding there was of a real threat, but he [Mr Blair] was in pretty defiant mood on that too, said the threat was real and people would come round."

430. Mr Campbell wrote that he had talked to Mr Blair and then agreed in a conference call that the policy objectives should be published. In Mr Campbell's view: "These strategy papers were as much about internal understanding as publicity."

431. Mr Bowen informed the FCO on 6 January that Mr Blair had decided to publish the policy objectives for Iraq.[152]

432. The objectives were published in a Written Ministerial Statement by Mr Straw on 7 January.[153]

433. Mr Straw stated that he had "made clear to the House on a number of occasions" that the policy on Iraq was "to ensure that Iraq" complied "with its obligations under

---

[151] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[152] Letter Bowen to McDonald, 6 January 2003, 'Iraq' attaching Paper, January 2003, 'Iraq: Policy Objectives'.
[153] House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.

relevant … Security Council resolutions … including by giving up its weapons of mass destruction". He "thought, however, that the House would now appreciate a more detailed statement of the Government's objectives".

434. The "prime objective" was:

> "… to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles … as set out in UNSCRs. This would reduce Iraq's ability to threaten its neighbours and the region, and prevent Iraq using WMD against its own people. UNSCRs also require Iraq to renounce terrorism, and return captured Kuwaitis and property taken from Kuwait."

435. Iraq's failure to comply with the "will of the international community" as expressed by the UN was "thereby perpetuating the threat to international peace and security".

436. Mr Straw also stated that a "further objective" was "to maintain the authority of the United Nations by demonstrating the Security Council's effective response to the challenge posed by Iraq's non-compliance"; and that "Success in achieving our prime objective should help deter the proliferation of WMD and BM [ballistic missiles] more generally."

437. Mr Straw identified that the six "immediate priorities" were to:

- support UNMOVIC/IAEA inspectors in Iraq;
- enable UNMOVIC/IAEA to ensure long-term Iraqi compliance;
- maintain international solidarity behind the UN Security Council.
- preserve regional stability;
- continue to make military plans in case military action was needed; and
- continue to support humanitarian efforts to relieve suffering in Iraq.

438. The objectives were based closely on those approved by Mr Blair in October 2002, as was the definition of the post-conflict end state:

> "We would like Iraq to become a stable, united and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective and representative government to its own people."

439. A reference to achieving the end state "as rapidly as possible" was omitted. Other changes included the addition of a statement that the objectives were "consistent with wider government policy", including:

- "Efforts to resolve other causes of regional stability, including the MEPP";
- "Wider political engagement with Arab countries and the Islamic world";

- "Efforts to counter the proliferation of WMD"; and
- "The elimination of terrorism as a force in international affairs".

440. Mr Straw also stated:

> "To achieve our objectives we will act in conformity with international law, including the United Nations Charter and international humanitarian law."

441. Mr Straw concluded that the Government was "working intensively with our allies and partners to secure the peaceful disarmament of Iraq's WMD by means of UNMOVIC/IAEA inspections". He also warned that if the Iraqi regime did not comply, it would, as resolution 1441 made clear, "face serious consequences".

MR HOON'S STATEMENT, 7 JANUARY 2003

442. On 7 January, Mr Hoon announced a decision to deploy additional maritime forces, including an amphibious capability, and an order to enable the call-out of Reservists.

443. This was presented as a necessary part of a policy of maintaining the pressure on Saddam Hussein to persuade him to disarm. Mr Hoon stated that no decision had been taken to commit UK forces to military action; and no "justification" for military action had been identified.

444. In an oral statement on Iraq on 7 January, Mr Hoon commended the policy objectives to the House of Commons.[154]

445. Mr Hoon also stated that the Government was "restating" its "full and active support" for the UN inspections and was "looking to them to investigate urgently the gaps in Iraq's declaration" of its WMD programmes, which failed "to give a satisfactory account of Iraq's activities".

446. Mr Hoon added that, while the Government wanted Iraq "to disarm voluntarily", it was "evident" that this would not be achieved unless Saddam Hussein was presented with "a clear and credible threat of force".

447. Mr Hoon concluded:

> "None of that means that the use of force is inevitable … no decision has been taken to commit those forces to action … But … as long as Saddam's compliance with … resolution 1441 is in doubt … the threat of force must remain and it must be a real one."

448. The details of military deployments in the announcement are addressed in Section 6.1.

---

[154] House of Commons, *Official Report*, 7 January 2003, columns 23-39.

449. Mr Hoon did not respond to an observation from Mr Bernard Jenkin (Conservative) that "It now seems unlikely that the UN inspectors will find any weapons of mass destruction in Iraq. Saddam Hussein has had too much time to conceal them and to destroy the evidence."

450. Asked by Mr James Paice (Conservative) about the "huge task to convince the British people that they are doing the right thing", Mr Hoon replied that it was:

> "… not possible to secure overwhelming public support for military action before the explanation for that military action has been given and, therefore, before the justification for that military action has been identified. We have not yet reached that point in the process, and unless and until we do I accept that we cannot explain the justification for military action."

451. Other points made by Mr Hoon in response to questions included:

- The Iraqi declaration was "seriously short on detail and lacks in particular any significant reference" to the conclusions reached by UNSCOM in 1999.
- If Saddam Hussein left Iraq, there "would be a different regime as far as the international community was concerned". The removal of weapons of mass destruction from the control of the regime would be a "prerequisite".
- Military action would be necessary "because every other avenue has been exhausted" and the opportunities offered by resolution 1441 had been "spurned by the Government in Iraq".
- There was no "inevitability about conflict".
- The position of the US was "no different" to that of the UK, "it agreed to a United Nations process and it wants that process to be properly implemented and enforced".

MR BLAIR'S SPEECH TO THE FOREIGN OFFICE CONFERENCE, 7 JANUARY 2003

452. As recommended by Mr Straw and Mr Campbell, Mr Blair used his speech to senior diplomats and others on 7 January to set out the importance for the UK of remaining "the closest" ally of the US.

453. Within that context, Mr Blair stated that if Iraq defied the UN, the US should not be "forced to take on this issue alone".

454. In his speech to the Foreign Office Conference on 7 January about Britain's place in the world, Mr Blair stated that "people all over the world" wanted the "universal values" of freedom, human rights, the rule of law and democracy, alongside "justice, the opportunity for all".[155] The world had an "overriding common interest to make progress with order"; and that the threat was "change through disorder, because then the consequences of change cannot be managed".

---

[155] The National Archives, 7 January 2003, *PM Speech to Foreign Office Conference in London*.

455. Mr Blair set out seven principles to guide the UK. The first was that the UK:

> "… should remain the closest ally of the US, and as allies to influence them to continue broadening their agenda. We are an ally of the US not because they are powerful, but because we share their values … Anti-Americanism … is a foolish indulgence. For all their faults and all nations have them, the US are a force for good …
>
> "… it is massively in our self-interest to remain close allies …
>
> "But we should use this alliance to good effect … People listen to the US … they want the US to listen back.
>
> "So for the international community, the MEPP is … important … the UN is important.
>
> "The US choice to go through the UN over Iraq was a vital step, in itself and as a symbol of the desire to work with others …
>
> "The price of British influence is not … to do what the US asks. I would never commit British troops to a war I thought was wrong or unnecessary. Where we disagree … we disagree.
>
> "But the price of influence is that we do not leave the US to face tricky issues alone. By tricky, I mean the ones which people wish weren't there, don't want to deal with, and … know the US should confront … So if the US act alone, they are unilateralist … International terrorism is one such issue … WMD is another … [A]t my first meeting with President Bush I said this was the key issue facing the international community. I believe this even more today … But no one can doubt the salience of WMD … and the importance of countering it …
>
> "So when as with Iraq, the international community through the UN makes a demand on a regime to disarm itself of WMD and that regime refuses, that regime threatens us. It may be uncomfortable … unless the world takes a stand on this issue of WMD and sends out a clear signal, we will rue the consequences of our weakness.
>
> "America should not be forced to take on this issue alone. We should be part of it. Of course it should go through the UN – that was our wish and what the US did. But if the will of the UN is breached then the will should be enforced.
>
> "Jack Straw has today set out for Parliament … our policy objectives on Iraq.
>
> "So when the US confront these issues, we should be with them, and we should, in return, expect these issues to be confronted with the international community, proportionately, sensibly and in a way that delivers a better prospect of long-term peace, security and justice."

456. Mr Blair's seventh principle identified the need to "reach out to the Muslim world". Mr Blair stated: "The reason there is opposition over our stance on Iraq has less to do with any love of Saddam, but over a sense of double standards. The MEPP remains essential …"

PRIME MINISTER'S QUESTIONS, 8 JANUARY 2003

457. In PMQs on 8 January Mr Blair reiterated his position that if Saddam Hussein did not disarm voluntarily he would be disarmed by force, but he declined to speculate about the circumstances when that would be necessary.

458. Iraq and reports of differences between Mr Straw and Mr Hoon were raised by several Members of Parliament during Prime Minister's Questions on 8 January.[156]

459. Mr Blair consistently reiterated his position that Iraq must comply with the Security Council resolutions and "must be disarmed of all weapons of mass destruction". If Iraq did not do so willingly, it would "have to be done by force".

460. Mr Blair declined to respond to questions from Mr Iain Duncan Smith about whether he agreed with Mr Straw's view that the prospects of military action were "60:40 against".

461. Mr Duncan Smith also commented that "one cannot half prepare for war. Not for the first time, the Government are sending different messages to different audiences …"

462. Referring to Mr Hoon's statement the previous day, Mr Blair replied:

> "We have made every preparation that we should make … It is completely wrong to say that British troops are half prepared for any action. That is nonsense."

463. In response to questions from Mr Charles Kennedy about whether Britain would be involved if the inspectors failed to produce concrete evidence of weapons of mass destruction but the US "nonetheless" decided to go ahead with military action, Mr Blair replied that he was "not going to speculate on the circumstances that might arise". The weapons inspectors were "in Iraq to discover whether there has been a breach of the UN resolution" and they should be "allowed to do their work".

464. Mr Blair also told:

- Mrs Anne Campbell (Labour) that she was "right to say that people have anxieties about the possibility of conflict in Iraq" and that British troops "should never" be put into action "unless it is necessary to do so", but he "believed passionately that the issue of weapons of mass destruction and the related issue of international terrorism" were the "key security threats" facing the UK and that it was "only a matter of time before those issues come together"; and

---

[156] House of Commons, *Official Report*, 8 January 2003, columns 162-166.

- Mrs Patsy Calton (Liberal Democrat) that it was his "duty to explain" why he thought it was "necessary in certain circumstances to commit British troops to war". If Saddam Hussein was "in breach of the United Nations' will and we refused to act as an international community" it would "send a signal to Saddam that we would do nothing to prevent him from building up weapons of mass destruction" and "a signal that we were not serious about the issue of weapons of mass destruction". He understood why people felt that it was "a very distant threat", but what was dangerous was to do nothing: we would "rue the consequences of that weakness later".

465. Mr Blair had an internal meeting on Iraq with No.10 officials after PMQs on 8 January.[157] Mr Campbell wrote that Mr Blair had said that, if Dr Blix found nothing and the UN gave no specific sanction, it was going to be very hard to do. Mr Blair felt that we had to be out there fairly soon making the case, that it was only a matter of time before Al Qaida get their hands on WMD unless we show how serious we are at dealing with the WMD issue. He was clear that it was the right thing to do, but also accepted that there was not much support.

Cabinet, 9 January 2003

466. Mr Blair told Cabinet on 9 January that there would be an opportunity for an "in-depth" discussion on Iraq the following week.

467. Mr Straw was overseas on 9 January.[158]

468. Mr Blair told the Cabinet on 9 January that the inspection process was fully under way and:

> "The report to the UN Security Council on 27 January was in no sense a deadline, rather a first report of [the inspectors'] findings. Meanwhile, the build up of military forces was necessary to sustain the pressure on Iraq."[159]

469. Points made during the discussion included:

- the inspections process had its own integrity and should not be compromised;
- inspections were being conducted against the background of a concerted Iraqi plan to disperse and conceal WMD, including threats to execute Iraqi experts involved with such programmes if they divulged information to the UN inspectors;
- the onset of summer in Iraq did not constitute an absolute deadline by which military action would have to be taken; and

---

[157] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[158] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[159] Cabinet Conclusions, 9 January 2003.

- the MEPP had to be taken forward and efforts were continuing to hold a conference with the Palestinians on reform in London the following week.

470. Mr Hoon reported his visit to Turkey and the sensitivities about actions involving Iraq.

471. Commenting on the preparations for the deployment of military forces to the Gulf, Mr Hoon told his colleagues that no decisions had been taken to launch military action. Nor had the US finalised its military planning. Some changes to forces assigned to Operation FRESCO, to provide an emergency fire fighting capability during the firefighters' strike, would be necessary to keep options open.

472. Mr Blair concluded that the future behaviour of Saddam Hussein in responding to UN pressure was "unpredictable". The UK was "right to continue with its military preparations". It should also maintain the focus on the fight with international terrorism and preventive measures at home. Media reports of a rift within the Cabinet were "nonsense". Cabinet the following week would "provide the opportunity for an in-depth discussion of Iraq".

473. In the press briefing after Cabinet, the Prime Minister's Official Spokesman said that Mr Blair had "underlined his view that the weapons inspectors in Iraq had to be given the time and space to do their job properly", and that "while 27 January was an important staging point in the process, it should not be regarded in any way as a deadline".[160]

474. The Spokesman also said dismissed press reports that Mr Blair had authorised an attack on one Secretary of State by another.

475. In his diaries, Mr Campbell wrote that there had been a discussion about comments by Cabinet Ministers and the need to avoid giving personal opinions.[161] Ms Short had accused Mr Hoon and the MOD of briefing against Mr Straw. She had also asked for a discussion of the military options because she did not believe that UK forces were needed.

476. In his memoir, Mr Robin Cook, Leader of the House of Commons, June 2001 to March 2003, wrote that three newspapers that morning had carried a story demanding Mr Straw's resignation, and a claim that Mr Blair had authorised attacks by Mr Hoon.[162] Mr Cook did not believe the story. He wrote that in Cabinet Ms Short had deplored the attacks and he had said that Mr Straw was "doing a great job in keeping the Iraq crisis in the UN track".

---

[160] The National Archives, 9 January 2003, *Thursday 9 January morning government press briefing*.
[161] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[162] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

477. Lord Turnbull told the Inquiry that "the presentation to … Cabinet was still – nothing was inevitable. We are pressing the UN option. No decisions on military action, whereas you can see that, at another level, the decisions on military action were hardening up quite considerably."[163]

Security Council, 9 January 2003

478. In response to the briefing to the Security Council by Dr Blix and Dr ElBaradei on 9 January, Sir Jeremy Greenstock reported that members of the Security Council wanted time for the inspectors to reach a view.

479. As agreed on 19 December, Dr Blix and Dr ElBaradei gave an informal update of their assessment of the Iraqi declaration and the progress of inspection activities to the members of the Security Council on 9 January.[164] Dr Blix understood that the meeting was intended to allow members of the Council to comment on Iraq's declaration.

480. Dr Blix stated that, if UNMOVIC had found a "smoking gun" or if there had been any impediment to their inspections, it would have been reported to the Council. Iraqi officials had "sought to construe the prompt access given to inspection teams and the fact that no weapons of mass destruction or other proscribed items have been found as confirmation" that there were none in Iraq; but the matter was "not … that simple". Prompt access was "an indispensible element of transparency" as part of a process of peaceful disarmament, but it was:

> "… by no means sufficient to give confidence that nothing is hidden in a large country with an earlier record of avoiding disclosures. Iraq is very familiar with the fact that only declarations supported by evidence, will give confidence about the elimination of weapons. In this respect we have not so far made progress."

481. Commenting on the "issues on which doubts exist as to whether all proscribed items or activities had been eliminated", identified by UNSCOM and the Amorim report in 1999 (see Section 1.1), Dr Blix added that UNMOVIC was "not bound by every conclusion in these reports". But they did give Iraq a "clear idea of questions, which need to be answered and of doubts, which must be dispelled by very active efforts". His "overall impression" remained that Iraq's declaration was "rich in volume but poor in new information" and "practically devoid of new evidence on such issues".

482. Dr Blix said that "to create confidence that it has no more weapons of mass destruction or proscribed activities relating to such weapons, Iraq must present credible evidence". That could be "of the most varied kind", including "interviews by knowledgeable persons who are not subjected to intimidation". He had "not asserted … that proscribed items or activities" existed; but if they did "Iraq should present them

---

[163] Public hearing, 25 January 2011, page 15.
[164] UNMOVIC, *Briefing the Security Council, 9 January 2003: Inspections in Iraq and a further assessment of Iraq's weapons declaration.*

in our presence". There was "still time" for that. There was "no way the inspectors" could "close a file by simply invoking the precept that Iraq cannot prove the negative". In "such cases", the inspectors "must conclude, as they have done in the past, that the absence of the particular item is not assured".

483. Dr Blix listed a series of inconsistencies between the declaration and earlier Iraqi declarations which had been described as full, final and complete, in addition to the issues he had highlighted on 19 December, including in relation to special munitions, imports of missile engines and solid missile fuel and VX. He also stated that UNMOVIC did not feel that Iraq had "made a serious effort" to provide lists of personnel engaged in proscribed programmes.

484. Dr ElBaradei reported that good progress had been made in re-establishing knowledge of Iraq's capabilities and that "no evidence of ongoing prohibited nuclear-related activities" had been detected and the IAEA's verification activities were "an important deterrent to the resumption of such activities".[165]

485. Further work would be necessary before the IAEA could draw definitive conclusions, including in relation to reports of Iraqi attempts to import uranium after 1991, the relocation and consumption of dual-use materials, and the attempted purchase of prohibited aluminium tubes, which appeared to be "consistent with the reverse engineering of rockets" and "not directly suitable" for the manufacture of centrifuges. Dr ElBaradei emphasised the importance of active co-operation from Iraq.

486. A press statement issued by the President of the Security Council stated that the members had "listened with the utmost attention and interest"; and that they had "reiterated their full support for the work and action of Dr Blix and Dr ElBaradei and to the continuation of inspection activities".[166]

487. Sir Jeremy Greenstock reported that the discussion had been "relatively low key". Dr Blix and Dr ElBaradei had made "clear that the Iraqi declaration is inadequate and that Iraq needs to co-operate more pro-actively".[167] There had been more than 250 inspections at more than 200 sites. Sir Jeremy had noted that Iraqi co-operation in giving access was "satisfactory", but "more passive than active". Iraq had to be pro-active to prove it had no WMD. He had "hoped the pace could accelerate".

488. Sir Jeremy also reported that Ambassador John Negroponte, US Permanent Representative to the UN, had again described the Iraqi declaration as a material breach and stated that a continued failure to co-operate actively would constitute a further one.

---

[165] IAEA Newscenter, 9 January 2003, *Status of the Agency's Verification Activities in Iraq as of 8 January 2003*.
[166] UN Press Statement, 9 January 2003, *Press Statement on Iraq by Security Council President* (SC/7628).
[167] Telegram 35 UKMIS New York to FCO London, 10 January 2003, 'Iraq: 9 January Council Discussion'.

489. In a subsequent conversation with representatives of EU Missions in New York, Sir Jeremy had stated that it was "clear that Council members wanted a steady, intensifying process which would give the inspectors time to provide either positive or negative proofs"; and that "if the inspections proceeded normally, with increasing intensity, there would be no need to rush to an early military judgement (although the US response … was unpredictable)". The timetable set out in resolution 1284 (1999) was "still obligatory"; and that the UK believed Iraq was concealing evidence.[168]

Growing pressure to find evidence of Saddam Hussein's non-compliance

490. With indications of concerns in Washington about becoming trapped in the UN and tensions between the UN timetable and the military build-up, the UK focus on the need to find convincing evidence that Saddam Hussein was not complying with the obligations set out in resolution 1441 and preceding resolutions intensified.

491. Mr Blair had a meeting with Sir Richard Dearlove on the afternoon of 9 January.[169] There is no No.10 record of the meeting.

492. Sir Richard Dearlove's Private Secretary recorded Sir Richard's view that it had been a good meeting at which Mr Blair had emphasised the importance of being able to demonstrate that the Iraqis were in material breach of resolution 1441.

493. In response to a question from Mr Blair about the likelihood of being able to find a "silver bullet" that would demonstrate a material breach, Sir Richard was reported to have said that "he felt the odds were 50/50". That was "higher than the US estimates but he simply could not guarantee a successful outcome".

494. Sir Richard had also reported that Mr Blair's parting words were: "Richard, my fate is in your hands."

495. Mr Campbell wrote in his diaries that:

- C told Mr Blair that Dr Blix "knew he was being 'cat and moused' but he was not on a mission. He was sure that Saddam was lying but he had to establish that for himself. C felt that we had a better chance of finding the breaches than the US."
- Mr Blair had said, "half in jest", "My future is in your hands."
- "The nightmare scenario, or one of them, was a discovery that was sufficient for the US but not for us."

---

[168] Teleletter [unnumbered] UKMIS New York to FCO London, 10 January 2003, 'Iraq: EU HOMS Discussion'.
[169] SIS record, 9 January 2003, 'PM Meeting on Iraq'.

- "C said the other risk was that we found the evidence of the breach before the US was ready to go to war … if the inspectors had another month with genuine access, the picture would be pretty clear. We were now pushing the line that they needed time and space to do the job."[170]

496. Asked about the comment that Mr Blair's future was in his hands, Sir Richard Dearlove told the Inquiry that he thought Mr Blair "was beginning to understand that he was in a tough position vis-a-vis the inspection issue".[171]

497. In response to a further question, Sir Richard stated:

> "No, I think when the Prime Minister says something like that – the one thing if you are head of SIS is you have to be quite robust, and not be sort of put off by such comments.
>
> "I think the problem for the Prime Minister at that point in time is it's much more important to him domestically that UNMOVIC has a success than it is to the US Administration."

498. A report of a discussion between Adm Boyce and General Richard Myers, Chairman of the US Joint Chiefs of Staff, stated that the US could stay poised for military operations for 3-4 months.[172]

499. Sir David Manning wrote to Mr Powell that this was a "much better timeline as far as inspections are concerned. Whether Bush will buy it is another matter."[173]

500. When Mr Straw and Secretary Powell spoke on 11 January, they discussed reporting in both the UK and US, including a *Washington Post* article criticising Secretary Powell for trapping the US Government in the UN route and Mr Blair's comments that 27 January was not a deadline which would be widely noted in Washington.[174] There was a need to synchronise the military planning and politics. It was improbable that the inspectors' reports to the Security Council on 27 January would provide sufficient evidence for a second resolution, and the negotiation of such a resolution would take weeks.

501. Mr Blair sent a note to No.10 officials on 12 January.[175]

---

[170] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[171] Private hearing, 16 June 2010, pages 76-77.
[172] Minute Zambellas to PS/Secretary of State [MOD], 10 January 2003, 'CDS Telephone call to CJCS: 9 Jan 03'.
[173] Manuscript note Manning to Powell, on Minute Zambellas to PS/SofS [MOD], 10 January 2003, 'CDS telephone call to CJCS: 9 Jan 03'.
[174] Letter Straw to Manning, 13 January 2003, 'Iraq: Conversation with Colin Powell, 11 January'.
[175] Note Blair [to No.10 officials], 12 January 2003, [extract 'Iraq'].

502. On Iraq, he wrote:

> "We need to go back to the basic principle: the UN has made a decision; that decision must be upheld. The inspectors inspect; if they find a breach, then the UN should pass a new resolution. If it does, how can anyone dispute the case for war? If the UN doesn't, despite a breach, then we are in the same positions as we were at the time of Kosovo. But the integrity of the UN process has to be upheld.
>
> "We have two immediate weaknesses in our case:
>
> - people think we will go to war even if no breach is found. That is not correct.
> - people don't really believe WMD or Saddam are real threats."

503. Mr Ricketts was in Washington on 13 January.[176] He reported to Mr Straw's Private Secretary that his overriding impression was that:

> "… there is still a good deal of uncertainty and confusion, but that all accept we are entering a critical four weeks, in which the tensions between the political/UN track and the military build-up will come to a head … the President is getting impatient and wants a basis for moving against Iraq sooner rather than later.
>
> "There are conflicting pressures in all directions … the press are full of the drum-beat of military build-up. With the sense that war is close, people want to rally round the President. On the other hand there is still a lot of uneasiness … White House letters are running nine to one against the war.
>
> "… there will be big pressure on President Bush to say something powerful in the State of the Union message on 28 January. I was assured … this would not be a declaration of war. But equally no-one thinks that he will want the present uncertainty to drag on … there is no work in hand on how to sustain the present strategy over a period of months.
>
> "Blix will be the fulcrum in the coming weeks … All I talked to were determined not to allow Saddam to put us back in the position where the onus was on the inspectors to find something …"

504. Mr Ricketts reported that the US was considering a presentation setting out "the evidence of Saddam's bad faith" soon after 27 January to "challenge the Security Council to go for a second resolution". Views amongst US officials on the wisdom of that were mixed.

505. Mr Ricketts' minute was copied to Sir David Manning and others.

506. In the context of a "flurry of comment … in the UK media" and Mr Blair's press conference later that day, Sir David told Dr Rice on 13 January that Mr Blair would point

---

[176] Minute Ricketts to Private Secretary [FCO], 14 January 2003, 'Iraq: The Mood in Washington'.

out that Saddam Hussein was "wasting the UN opportunity with every day that he failed to comply".[177]

507. Discussing the difficulty of finding a smoking gun, Sir David told Dr Rice:

> "… we should not give up on looking for hard evidence. The discovery of the rocket motors[178] might not be a breach of 1441, but it was important evidence that Saddam was determined to thwart international controls. It told us much about his approach and vindicated our claims that he was a liar."

508. Sir David reported that he had:

> "… rehearsed again our need for a second resolution before moving to military action. There would be support here for action against Iraq if sanctioned by the UN. But it would be very hard, and probably impossible, for us without another resolution. The domestic politics were too difficult."

509. Sir David asked Dr Rice if the US would be content to let the inspections run until the end of February; he "understood the military pressures" but it "would be important to UK and wider European opinion to see the strongest possible case". The UK "would want … time to build this". Sir David added that "the stronger the case, the easier the President would find it to secure international support and a second resolution".

510. Sir David concluded that "at present it seems unlikely that there will be enough evidence" by 27 January, "to persuade the Security Council to start work on the second resolution".

MR BLAIR'S PRESS CONFERENCE, 13 JANUARY 2003

511. In public, Mr Blair emphasised that the inspectors had only just started work and there was no point in imposing an "arbitrary timescale".

512. Mr Blair's press conference on 13 January was dominated by questions on Iraq.[179]

513. In his opening remarks, Mr Blair stated that, while the threat seemed to some people to be remote, he passionately believed Iraq must be disarmed of its weapons of mass destruction; the authority of the United Nations must be upheld; and rogue states and terrorist organisations shown that "when we say we intend to deal with the issue of weapons of mass destruction, we mean it". The UN had "given Saddam [Hussein] a chance"; he should take the peaceful route and disarm.

---

[177] Letter Manning to McDonald, 13 January 2003, 'Iraq: Conversation with Condi Rice'.
[178] Illegally imported Volga engines.
[179] The National Archives, 13 January 2003, *PM Press Conference.*

514. In response to questions, Mr Blair stated:

- Inspections were the right process, but the inspectors had only just started their work and reached their full complement the previous week. There was no point in putting an "arbitrary timescale" on their task. Saddam Hussein had a duty to co-operate. In Mr Blair's view, Iraq's declaration of 8 December was false and it was the inspectors' job to find out the truth and report their findings.
- If there was a breach, there would be a further discussion at the UN and the UK expected the UN to honour its undertakings and for its authority to be upheld.
- The trade in chemical, biological and nuclear weapons posed a direct threat to Britain's security. Without a stand, it was simply a matter of time before terrorism and weapons of mass destruction came together. Iraq was important because it was known that Saddam Hussein had the weapons and had used them before. It had been "chosen" by the UN and the UN "had to be a way of resolving this and sending a signal to the whole of the world that this trade will not be tolerated, that people who have these weapons in breach of UN resolutions, will be forced to disarm".
- The "discussion" on Iraq had "begun against the background of sanctions eroding, of us being unable to be sure that we were really preventing Saddam acquiring these weapons and of intelligence to the British Security Services … I don't think they would be advising me this if they weren't doing this honestly and properly. There is no doubt at all in our mind that Saddam has been trying to rebuild that arsenal of chemical, biological and potentially nuclear capability …"
- Indicting Saddam Hussein was "kept under consideration" and "reasonable arguments" had been made by Ms Ann Clwyd, Vice-Chair of the Parliamentary Labour Party and Chair of INDICT (see Box later in this Section), and others. It would be a decision for the Attorney General "but we have to weigh up a number of different considerations as to whether it is worth such a prosecution. But I don't think that should divert us from the main issue … which is … whether it is necessary to change the regime in Iraq in order to disarm them of weapons of mass destruction."
- There was "no point in speculating" about what might happen if the US wanted to take action before a smoking gun had been found; whatever happened, Saddam would be disarmed.
- The way to avoid military action would be for Saddam "to agree to make an honest declaration of what he has and have it destroyed".

LORD GOLDSMITH'S DRAFT ADVICE, 14 JANUARY 2003

515. As agreed with Mr Powell on 19 December 2002, Lord Goldsmith handed his draft advice on resolution 1441 to Mr Blair on 14 January.

516. The draft advice stated that a further decision by the Security Council would be required to revive the authorisation to use force contained in resolution 678 (1990) although that decision did not need be in the form of a further resolution.

517. Lord Goldsmith also wrote that there would be no authorisation for military action in the event of a veto by one of the P5.

518. Lord Goldsmith's draft advice[180] and No.10's response, including Mr Blair's statements that military action would not be ruled out if a further resolution in response to an Iraqi breach was vetoed, are addressed in Section 5.

Mr Annan's comments, 14 January 2003

At a press conference on 14 January, Mr Annan stated:

> "We are all aware … of Council resolution 1441 (2002) and the legislative climate surrounding the passage of that resolution. We will have to assume … that the members of the Council acted in good faith; that the issue is disarmament and that they will do whatever it takes to disarm; and that if the disarmament were to succeed and we were to agree that Iraq has been stripped of its weapons of mass destruction, then that should be the end of the story. If, on the other hand, it were to come out that Iraq continues to defy, and that disarmament has not happened … the Council will have to face up to its responsibilities and take the necessary action. But, of course, this is the understanding and the spirit of the resolution, which I hope we will all respect."[181]

PRIME MINISTER'S QUESTIONS, 15 JANUARY 2003

519. During PMQs on 15 January Mr Blair answered a number of questions on Iraq.[182]

520. Mr Alan Beith (Liberal Democrat) asked what would happen if the inspectors reported on 27 January that they needed more time to complete their work, and whether a statement made by Mr Blair's official spokesman that the inspectors would be given the time and space they needed reflected President Bush's view. Mr Blair initially referred to remarks made in his press conference on 13 January, including that he was not going to speculate on "arbitrary timetables", and to remarks made by Mr Annan on 14 January that, if Iraq continued to defy the UN and disarmament hadn't happened, the Security Council would have to "face up to its responsibilities and take the necessary action".

---

[180] Minute [Draft] [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.
[181] *UN News Centre*, 14 January 2003, *Secretary-General's press conference*.
[182] House of Commons, *Official Report*, 15 January 2003, columns 673-682.

521. Pressed by Mr Beith to answer the question in the light of the very serious consequences of military action before the case for it had been made, Mr Blair replied that before the adoption of resolution 1441, many people had insisted that the US would "not bother with" the UN and "would not give the process a chance to work". "That had not been the case". Mr Blair added that "the single most dangerous thing we could do at the moment", which would in his view "increase the likelihood of conflict, would be to send out a signal of any weakness in our determination to see the mandate laid out by the UN carried through".

522. Asked by Mr Iain Duncan Smith whether the Government's position was that a second resolution was preferable or, as Ms Short had said, essential, Mr Blair replied:

> "… we want a UN resolution. I have set out continually, not least in the House on 18 December [2002], that in circumstances where there was a breach we went back to the UN and the spirit of the UN resolution was broken because an unreasonable veto was put down, we would not rule out action. That is the same position that everybody has expressed, and I think it is the right position. However … it is not merely preferable to have a second resolution. I believe that we will get one."

523. In response to further questions from Mr Duncan Smith about differences within the Cabinet, Mr Blair emphasised that the UN route had been chosen "very deliberately" because it was "important" that Saddam Hussein was "disarmed with the support of the international community". He hoped that the House would unite around the position that, if the UN resolution was breached, "action must follow, because the UN mandate has to be upheld".

524. The Government's position was that a "second UN resolution" was "preferable", but it had:

> "… also said that here are circumstances in which a UN resolution is not necessary, because it is necessary to be able to say in circumstances where an unreasonable veto is put down that we would still act."

525. Mr Mohammad Sarwar (Labour) asked whether any breach of resolution 1441 should be a matter for the weapons inspectors and the Security Council, not President Bush and the US Administration; and whether unilateral US action would be defying the United Nations. Mr Blair replied that the UN inspectors "should be allowed to do their job", but they had only been able to return to Iraq because of the "firm stand" that had been taken. It was "important" to "continue to send that signal of strength". If Saddam Hussein believed "for a single instance that the will of the international community has abated … the consequences of either conflict or prolonged conflict" would be "increased".

526. Asked by Mr Elfyn Llwyd (Plaid Cymru) how it could possibly be right to risk the lives of British service men and women "on a venture in Iraq that does not have the

backing of international law, or the support of the majority of the British people", Mr Blair replied:

> "… let us wait and see what happens in the coming weeks in relation to the United Nations … [I]t is right that we are prepared to take action if necessary … because weapons of mass destruction – the proliferation of … weapons and ballistic missile technology … are a real threat to the security of the world and this country …. [W]e have to deal with North Korea, but that is not a reason for failing to deal with Iraq.
>
> "The truth is that this issue of weapons of mass destruction is a real threat to the world. I believe … that it is only a matter of time before it is linked with international terrorism. Does anyone believe that, if we do not take a stand … now in respect of weapons of mass destruction, some terrorist group is not in future going to get hold of that material and use it.
>
> ...
>
> "This is a difficult time. I understand the concerns that some people have, but sometimes the job of a Prime Minister is to say the things that others do not want them to say but we believe are necessary to say because the threat is real and if we do not deal with it the consequences of weakness will haunt future generations."

527. Other points made by Mr Blair included that, if Saddam Hussein wanted to avoid conflict, he could "comply with the UN resolution, co-operate with the inspectors, tell us where this material is, and have it destroyed as it should be. Conflict would then be avoided … The choice is now for Saddam."

Concern that the US might act at the end of January

528. Sir David Manning was assured by Dr Rice on 15 January that the US would not take any further action with the Security Council until after the planned meeting between Mr Blair and President Bush at the end of January.

529. Sir David told Dr Rice that public opinion had to be convinced that the inspections process was serious and had produced serious evidence. The UK needed timelines for decisions no earlier than March or April.

530. Sir David Manning spoke to Dr Rice on 15 January.[183]

531. In the context of a visit to Washington by Dr Blix the previous day, Sir David and Dr Rice discussed the relationship between the timelines for inspections set out in resolutions 1284 (1999) and the requirements of resolution 1441. Sir David thought that the issue could be "finessed"; and suggested that, when they met on 17 January, Mr Blair might encourage Dr Blix to report to the Security Council "at regular intervals" about Saddam Hussein's compliance. Although that "was not stipulated in the

[183] Letter Manning to McDonald, 15 January 2003, 'Iraq: Conversation with Condi Rice'.

resolution", it would be "hard for anyone to object" if Dr Blix agreed. The provisions of resolution 1284 could "run in parallel". Sir David and Dr Rice also discussed whether Dr Blix could be encouraged to call for Saddam Hussein's full co-operation to resolve the issues in his report to the Security Council.

532. Sir David and Dr Rice also discussed the "immediate tasks" for Dr Blix, including:

- an audit of Iraq's declaration;
- an energetic programme of site inspections;
- a process of interviews without minders; and
- whether he should destroy proscribed items.

533. They also discussed Iraq's deceptions and concerns about whether UNMOVIC could ensure that information about future inspections did not reach Iraqi officials.

534. Sir David commented that, "as far as the battle for public opinion was concerned", the UK:

> "… needed hard evidence that Saddam had WMD if we could possibly get it, which meant allowing time for us to acquire and deploy the intelligence. There was a suspicion in the UK that we were rushing our fences. It would be very difficult to persuade people … that [the Security Council on] 27 January should do more than take note of Dr Blix's report … [I]t was too soon to try to use it as the moment when we could demonstrate that the inspection system had failed."

535. Sir David asked Dr Rice about developments in her thinking about how the US Administration would handle the meeting and immediate follow-up. Dr Rice replied that Secretary Powell would not present the US case on Iraq's deception until after the meeting between President Bush and Mr Blair on 31 January. President Bush would "not want to give the impression that he was presenting the Prime Minister with a *fait accompli*".

536. Sir David reported that he had welcomed that assurance, and pointed out that Mr Blair had taken a very robust line at his press conference on 13 January; but "there was nevertheless a great deal of uneasiness and opposition to Government policy … We had to take account of this …"

537. Sir David added that he had "repeated that this meant there was a premium on producing hard evidence if we could, and allowing the inspection process more time. This was also necessary if we were to get the support we needed for a second UNSCR."

538. Responding to Dr Rice's view that President Bush would want to take advantage of the current military window, Sir David had stated that he "realised this", but "additional days and weeks mattered in the battle for public opinion … the UK needed timeline[s] for decisions that were no earlier than March or April, not January or February."

539. Sir David reported that, in the context of a discussion about France's arguments for more time and that war should be avoided to prevent a conflagration in the Middle East, Dr Rice had said President Bush "was not prepared to wait for months and months". Sir David's view was that:

> "If military action proved necessary, it would be better to do it sooner rather than later in terms of managing our relations with the Arab world … the argument for not rushing our fences applied much more strongly to Western … countries. We had to convince our public opinions that the inspection process was serious, that it had produced serious evidence, and that this was the basis for a second resolution."

540. Sir David commented that he was "encouraged" by the response to his arguments about "the political pressures and realities … and the need for time and evidence".

541. Mr Straw warned Sir David Manning on 16 January that the momentum in Washington was to do something soon after 27 January, and it was being assumed that Mr Blair would be with President Bush.

542. Mr Straw recommended that Mr Blair should speak to President Bush.

543. Sir David Manning agreed, reiterating his advice that more time was required.

544. On 16 January, Mr Straw discussed the UK's need for more time and "decisions no earlier than March and April rather than January and February", as Sir David Manning had told Dr Rice the previous day, with Secretary Powell.[184]

545. Reporting the conversation to Sir David, Mr Straw warned that the momentum in Washington to do something soon after 27 January was "running very high". It might be "virtually impossible" for the US to follow the timetable of "no deadlines" set out in resolution 1284.

546. Mr Straw told Secretary Powell that there had been "unanimous support" for Mr Blair's position "after a good discussion in Cabinet".

547. Mr Straw also advised that assumptions were being made that Mr Blair would be with President Bush "in any event". The US could not create a Coalition without the UK; and it would be hard to imagine the US taking military action without the UK.

548. Mr Straw recommended that Mr Blair should talk to President Bush in the middle of the following week "before the draft State of the Union speech is put to bed".

549. Sir David Manning told Mr Blair that he agreed with Mr Straw's recommendation, commenting that it would be easier for the UK if there were "major inspection successes".[185] He also wrote: "Giving ourselves until March/April is a luxury we can

---

[184] Letter Straw to Manning, 16 January 2003, 'Iraq: Conversation with Colin Powell, 16 January'.
[185] Manuscript comments Manning to Prime Minister, 16 January 2003, on Letter Straw to Manning, 16 January 2003, 'Iraq: Conversation with Colin Powell, 16 January'.

afford to get this right – particularly if the US [think] Saddam will rapidly collapse when the blow comes."

Cabinet, 16 January 2003

550. As promised by Mr Blair on 19 December 2002, Cabinet discussed Iraq on 16 January 2003.

551. Mr Blair told Cabinet that the strategy remained to pursue the United Nations course. The inspectors needed time to achieve results. If Iraq was not complying with the demands of the UN, a second resolution would be agreed.

552. Mr Straw stated that there was a good prospect of achieving a second resolution. While sticking to the UN route, the UK should not rule out the possibility of military action without a second resolution. Mr Blair repeated the latter statement in his concluding remarks.

553. At Cabinet on 16 January, Mr Blair said that:

> "… he wanted to make the United Nations route work. The inspectors were doing their job inside Iraq and he was optimistic that they would discover weapons of mass destruction and their associated programmes which had been concealed. They needed time to achieve results, including from better co-ordinated intelligence. If Iraq was not complying with the demands of the United Nations, he believed the … Security Council would pass a second resolution."[186]

554. Mr Blair told his colleagues that evidence from the inspectors would make a veto of a second resolution, by other Permanent Members of the Security Council, "less likely":

> "Meanwhile, British and American forces were being built up in the Gulf. If it came to conflict, it would be important for success to be achieved quickly. The [military] build up was having an effect on the Iraqi regime, with internal support dwindling for President Saddam Hussein …"

555. Mr Blair concluded by telling Cabinet that:

> "The strategy remained to pursue the United Nations course. He would be meeting President Bush to discuss Iraq at the end of the month, after Dr Blix had reported to the Security Council on 27 January."

556. Mr Straw said that:

> "… he was aware of anxieties about the possibility of having to diverge from the United Nations path. There was a good prospect of achieving a second resolution. Many had been doubtful about achieving the first resolution; in the event, the … Security Council vote had been unanimous. While sticking with the United Nations

[186] Cabinet Conclusions, 16 January 2003.

route we should not rule out the possibility of military action without a second resolution. Voting decisions in the Security Council could be driven by domestic politics, not the demands of the international situation."

557. Mr Straw added that:

"In his recent contacts with the Muslim and Arab world, all could see the benefit of Saddam Hussein's demise. He had utterly rejected the notion that we were hostile to Islam … Saddam Hussein had attacked his own people and his neighbours – all of whom were Muslims."

558. Ms Short told the Cabinet that "keeping to the United Nations route would hold the Government's support together. She had been reviewing humanitarian scenarios for Iraq and concluded that extra resources would be required, given the other humanitarian priority of Southern Africa."

559. Ms Short added that the possibility "of chemical and biological weapons being used inside Iraq, and their effect on local civilians", was a "particularly worrying scenario". The involvement of the United Nations would be "essential" for the management of the aftermath of military action: it would "provide legitimacy for the political and economic reconstruction of Iraq, including the use of oil revenues. Work on the aftermath should be taken forward urgently."

560. Points made during the discussion were:

- Communication "needed to be improved, on the basis of a core script". The message was "complex but should start from first principles; part of the message was that the policy flowed from our own national interest and respect for international law". A "small proportion of the population would always be opposed to military action, the political battle was for the centre ground which could be won by argument".
- Although Mr Blair, Mr Straw and Mr Hoon were "best able to speak from an informed position, since they had access to the intelligence, Cabinet members more generally needed to speak up for the Government's policy on Iraq".
- The "leadership of the United States was not widely trusted" in the UK "but President Bush's resolve was weakening the Iraqi regime".
- "[T]he inspectors had only recently started their work and it was unreasonable for opponents to assert that the absence of evidence so far meant that military action was unjustified; once evidence of weapons of mass destruction was produced, the public mood would change dramatically".
- Maintaining internal cohesion within the UK "was important, not least in respect of the Islamic community".
- "[P]ushing the Middle East Peace Process forward remained an important part of our policy, as was stability in the region".

561. Summing up the discussion, Mr Blair said:

> "… the strategy based on the United Nations route was clear, although the uncertainties loomed large and there was a natural reluctance to go to war. It was to be expected that the public would want the inspectors to find the evidence before military action was taken. Pursuing the United Nations route was the right policy, but we should not rule out the possibility of military action without a second resolution. The priorities for the immediate future were:
>
> - improved communications, which would set out the Government's strategy and be promoted by the whole Cabinet;
> - preparatory work on planning the aftermath of any military action and the role of the United Nations in that, which should in turn be conveyed to the Iraqi people so that they had a vision of a better life in prospect; and
> - contingency work on the unintended consequences which could arise from the Iraqi use of weapons of mass destruction, environmental catastrophe or internecine strife within Iraq."

562. Mr Campbell wrote that Cabinet was "fine". In addition to the points recorded in the minutes, Mr Campbell wrote that Mr Blair had said that:

- Russia was "closer to the Americans" than it said publicly and France did "not particularly want to be left on the outside": "But it was going to be tough."
- "In the meantime we build up our troops, and make sure that if it does come to conflict we are able to get it over quickly."
- "… we had to stay close [to the US] publicly to maximise influence privately."[187]

563. Mr Campbell also wrote:

- Mr Cook had said that "we were in a tremendous position in the UN", thanks to Mr Blair. The prospect of getting a second resolution was stronger if we did not rule out doing without one.
- Mr John Prescott, the Deputy Prime Minister and Deputy Leader of the Labour Party, had "done a very passionate wind-up"; the "discussion showed that there was no real division 'so let's stop pretending there is". The briefings had to stop. The [Labour] Party didn't "like the idea of intervention but sometimes we have to make difficult judgements".

564. The discussion at Cabinet on 16 January took place at a key point in the development of the UK's position on Iraq and focused primarily on the role of inspections, forthcoming diplomatic activity at the UN, the need for effective communication of the Government's position, and a high level discussion of some of the possible consequences of military action.

---

[187] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

565. Mr Blair's decision not to reveal that he had received Lord Goldsmith's draft advice, or that it concluded a further determination by the Security Council that Iraq was in material breach of its obligations would be required to provide the legal basis for military action, is addressed in Section 5.

THE DECISION TO DEPLOY GROUND FORCES

566. Despite the imminence of the formal decision to offer a significant land contribution Cabinet was informed only that forces were building up in the Gulf. There is no evidence of any discussion of the nature and scale of the likely UK contribution of ground forces or their imminent deployment.

567. The formal proposal for the deployment was sent to Mr Blair later that day. The absence of any formal collective discussion of the proposal by senior Ministers before it was approved by Mr Blair is addressed in Sections 6.2 and 6.5.

568. Nor did Cabinet discuss the strategic implications of making such a military contribution, including the risks associated with military action and the potential responsibilities which might be incurred.

569. The need for such a discussion is addressed in Section 7.

570. Although Mr Blair had said on 24 October 2002 that Cabinet would, "in due time" be able to discuss the military options, and he had said on 9 January that the discussion on 16 January would be an "in-depth discussion" of Iraq, Cabinet was not told that the imminent deployment of a large scale ground force to southern Iraq was under serious consideration.

571. The development of thinking in the MOD on the options for deploying a large scale ground force for operations in southern Iraq, including the presentation to Mr Blair on 15 January and his response, and the way in which the decision was then taken to deploy UK forces, is described in detail Sections 6.1 and 6.2.

572. Mr Hoon wrote to Mr Blair on 16 January seeking agreement to the "key role in southern Iraq" proposed by the US for the UK:

> "Important questions remain to be resolved … But the role proposed for the UK is a sensible and significant one, and I recommend that with certain qualifications, we accept it. We need to decide quickly.
>
> "If you agree, I propose to announce the composition and deployment of the force in an oral statement on Monday 20 January."[188]

573. Copies of the letter were sent to Mr Brown, Mr Straw and Sir Andrew Turnbull.

---

[188] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

574. Mr Straw wrote to Mr Blair on 17 January, flagging up three major issues: targeting; the response to any Iraqi use of WMD; and the need for greater clarity on thinking and plans for the aftermath.[189]

575. Sir David Manning commented to Mr Blair: "Good questions. But I don't think they affect your decision in principle."[190]

576. Mr Blair replied: "agreed".[191]

577. Late on 17 January, following a telephone conversation, Sir David replied to Mr Watkins that Mr Blair was "content to proceed on the basis of the Defence Secretary's recommendations" and that he would be grateful "if you and the FCO would now take things forward as proposed".[192]

578. Mr Hoon announced the deployment of UK ground forces, which would "include the headquarters of 1 (UK) Armoured Division with support from 7 Armoured Brigade, 16 Air Assault Brigade and 102 Logistics Brigade", in an oral statement in Parliament on 20 January.[193]

579. Asked whether Cabinet on 16 January might have been an opportunity for some of the points from the MOD briefing on military options to be mentioned, Lord Turnbull told the Inquiry that Mr Blair was:

> "… very reluctant to discuss the military options …
>
> "I could see he didn't want key discussions of where we were going, through the North or the South and who was going to bring what forces to bear where, and there is some sense in that. But the strategic choices that they implied … didn't get discussed either. For example, the fact that if you have ground forces you become an Occupying Power. I don't remember someone saying 'Wouldn't it be better if we just halted at Option 2, because then we will not be involved in being an Occupying Power?' ..."[194]

580. Lord Turnbull subsequently added that Cabinet was given "Week by week progress reports on the state of play of the inspections … That's the bit they were actually rather well-informed about, much more so than on the military side."[195]

581. The absence of a collective discussion on the implications of the military deployment is addressed in Section 7.

---

[189] Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[190] Manuscript comment Manning, 17 January 2002, on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[191] Manuscript comment Blair, on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[192] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.
[193] House of Commons, *Official Report*, 20 January 2003, columns 34-46.
[194] Public hearing, 25 January 2011, pages 15-16.
[195] Public hearing, 25 January 2011, page 17.

Mr Blair's meeting with Dr Blix, 17 January 2003

582. In a meeting on 17 January, Mr Blair urged Dr Blix to tell Baghdad that this was their last chance and the US was serious about military action. If Iraq was co-operating, the inspectors would need more time; if it was not, it would be better to make that clear soon.

583. Reporting on the discussion in the Chiefs of Staff meeting on 15 January, Mr Paul Johnston, Head of the FCO Security Policy (Sec Pol) Department, informed Mr Straw that it was UK information which had led to the discovery of SA-2 (Volga) engines, but "It was not yet clear whether they constituted a material breach."[196] The MOD was considering providing additional interviewers to support UNMOVIC, "whose resources were stretched. Evidence from Iraqi scientists might be the most likely basis for an eventual material breach."

584. Mr Johnston also reported that the FCO was addressing "how far and how fast the US might push to bring matters to a head in the Security Council if, after 27 January, the Americans became concerned that 'business as usual' had set in". Mr Blair's visit to the US at the end of January might be too late to influence the immediate US reaction to the Council discussion. Mr Blair might try to call President Bush the following week.

585. In preparation for Mr Blair's meeting with Dr Blix on 17 January, the FCO advised No.10 that:

- Dr Blix had made a "sound start in getting UNMOVIC operational"; the UK had provided "considerable support, which we believe is beginning to show fruit".
- UK intelligence had helped UNMOVIC to discover illegally imported rocket engines.
- The key message was the need for UNMOVIC to intensify its inspections, not to focus exclusively on infrastructure, which was "often easy to conceal or move around", and to focus on interviews, both formal and informal, of Iraqi scientists.
- The UK had doubts about the practicality of interviews outside Iraq but was looking at ways to try to overcome those.
- Expectations were "running high" for the 27 January meeting. The UK was making clear that it was "not a deadline but a status report". After that, while the "strategy outlined in 1284" would give UNMOVIC "60 days to identify key disarmament tasks", the UK wanted to use the next phase to "put maximum pressure on Iraq to co-operate in answering all unresolved questions, eg, including use of mobile laboratories".
- The UK thought Dr Blix should offer to brief the UN Security Council more regularly, perhaps once a fortnight. That would include reporting illegal imports for consideration of further action "even if there is no proven link to illegal programmes".[197]

---

[196] Minute Johnston to Private Secretary [FCO], 15 January 2003, 'Iraq: Chiefs of Staff: 15 January'.
[197] Letter Davies to Rycroft, 15 January 2003, 'Prime Minister's Meeting with Hans Blix, UNMOVIC'.

586. In response to a request from Sir David Manning for advice on interviews by UN inspectors in Iraq, Mr Scarlett provided a brief co-ordinated with the FCO, SIS, DIS and OD Sec.[198]

587. Mr Scarlett wrote that Iraq had deployed many subterfuges to interfere with the interview process conducted by UNSCOM in the 1990s. Despite those efforts, UNSCOM had "found interviews an extremely important tool, particularly on the biological warfare programme, where the availability of other types of information was limited".

588. Mr Scarlett described measures currently being taken by Iraq to ensure that interviews did not "succeed in uncovering prohibited activity". The UK had provided a database with about 6,000 names although information on individuals involved in WMD activities post 1991 was limited. The UK was in the process of providing a shortlist of "priority" candidates for interview, and had offered advice on interview techniques. So far, only the IAEA had conducted two formal interviews; both had taken place in Iraq and the individuals had asked for Iraqi officials to be present.

589. Mr Scarlett concluded that interviews had the "potential, if conducted effectively, to uncover gaps in Iraq's cover story". Iraq was "worried about this prospect". The UK was concerned that UNMOVIC and the IAEA lacked "the expertise necessary to use this important tool effectively". Mr Blair should press Dr Blix on the continuing need for effective interviews.

590. In their meeting on 17 January, Mr Blair urged Dr Blix to "give Baghdad a strong message that this was their final chance and that the US were serious about military action".[199] Mr Blair also underlined "the importance of the inspectors carrying out interviews without minders" and offered UK help in identifying potential interviewees.

591. Following further discussion of recent developments including the finds of shells and documents the previous day, Mr Blair stated that "if Iraq was co-operating then the inspectors would need time to continue their work. But if Iraq was not co-operating it would be better to make that clear soon after 27 January, before the end of February."

592. Dr Blix said:

> "[A]lthough the Iraqis gave prompt access, they did not seem sincere. They did things for the media, eg a 12,000 page declaration that contained no new substance … The Prime Minister concluded that if there were a major find Blix would report it immediately, and if there were not a major find before 27 January Blix would report then that his overall assessment was a lack of substantive co-operation. Blix agreed. He thought the Iraqis would prefer to deny access to the inspectors than to be caught red-handed; he would of course report either to the Security Council."

---

[198] Minute Scarlett to Manning, 16 January 2003, 'Inspections in Iraq – The Use of Interviews'.
[199] Letter Rycroft to Sinclair, 17 January 2003, 'Iraq: Prime Minister's Meeting with Blix, 17 January'.

Security Council, 20 January 2003

593. Mr Straw warned a meeting of the Security Council on 20 January that patience with Iraq had nearly run out.

594. In a joint statement issued on 20 January, following a meeting in Baghdad to take stock of inspections, UNMOVIC and the IAEA reported some progress on detailed issues, including that "persons asked for interviews in private" would be "encouraged to accept".[200]

595. Mr Campbell wrote that, at the No.10 morning meeting on 20 January, Mr Blair was "becoming increasingly worried about Iraq. The whole question was what we did if and when the US went without the UN."[201]

596. France as President of the Security Council had proposed a special, Ministerial-level meeting of the Council on 20 January, to discuss counter-terrorism.

597. In his speech to the Security Council, Mr Straw stated:

> "… we have to expose the connection between the terrorists who respect no rules, and the states which respect no rules. It is the leaders of rogue states who set the example: brutalise their people; celebrate violence; provide a haven for terrorists to operate; and, worse than that, through their chemical and biological weapons … provide a tempting arsenal for terrorists to use …
>
> "So … action to stop rogue states' proliferation is as urgent as action to stop terrorism … wherever we can, we should use diplomatic means to get proliferators to comply as we are with North Korea … But there comes a moment when our patience must run out.
>
> "We are near that point with Iraq … so the moment of choice for Iraq is close. He [Saddam Hussein] must either resolve this crisis peacefully, by the full and active compliance with his Security Council obligations and full co-operation with inspectors, or face the 'serious consequences' – the use of force – which this Council warned would follow when it passed [resolution] 1441."[202]

598. Mr McDonald reported that Mr Joschka Fischer, the German Foreign Minister, had told Mr Straw in the margins of the discussion that Germany would not vote for a second resolution, even if there was clear evidence of a material breach; and that there were no circumstances in which Germany would be involved in military action.[203] Asked if he really meant no circumstances, such as "some flagrant breach, a large find, the murder of an inspector", Mr Fischer replied that that "was different", and Germany "might" vote for a second resolution.

---

[200] UNMOVIC, *Joint Statement, Baghdad, 20 January 2003.*
[201] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[202] Speech, Straw to the UN, 20 January 2003, 'Vindicating the UN's founding ideal' [FCO, *Iraq,* Cm 5769, 25 February 2003].
[203] Minute McDonald to Gray, 21 January 2003, 'UN Security Council Meeting/Iraq'.

599. In remarks to the press, Mr Dominique de Villepin, the French Foreign Minister, condemned unilateral use of military force and stated that, as long as progress was being made through inspections, France saw no reason to choose military intervention.

600. In his press conference after the meeting, Mr de Villepin stated that Iraq could not be separated from other proliferation issues, and what was done on Iraq:

> "… must apply to all the other crises. If war is the only way to resolve the problem, we're immediately forced down a blind alley. The international community must clearly demonstrate initiative and imagination. We must also maintain international unity. Unilateral military intervention must be perceived as a victory for the maxim 'might is right', an attack against the primacy of the law and international morality."[204]

601. Mr de Villepin stated that the international community had chosen inspections, and Iraq had to understand that it was "high time that she co-operated actively". Iraq's weapons of mass destruction programmes had "essentially been halted, even frozen". In his view, Iraq could be disarmed by peaceful means.

602. In response to questions, Mr de Villepin stated that there was a choice between continuing with co-operation and "military intervention because we are impatient". France believed that "nothing today justifies envisaging military action". The inspectors had been working for "fewer than 60 days" and progress was "satisfactory", although there was more that could be done to seek Iraq's active co-operation.

603. Mr de Villepin raised questions about the legitimacy and effectiveness of any US unilateral military action, and warned of the potential consequences for a united Iraq and a stable and safe region in the Middle East. France's view was that it would "take us down a path where we would have no control over the gains and benefits".

604. Asked if France would use her veto, Mr de Villepin responded that President Chirac had "said from the outset" that France would not "join in military action" that did not have:

> "… the support of the international community, UN support. Moreover we believe military intervention would be the worst solution, and that the use of force can only be a last resort, implying that all other avenues have been exhausted. If that point is reached, France, as a Permanent Member of the Security Council, will shoulder her responsibilities, remaining true to her principles … so long as progress can be made through co-operation with inspectors, there is no reason to choose … military intervention …"

605. In his memoir, Mr Straw wrote that Mr de Villepin's comments about the unilateral use of force "had effectively denounced the US".[205] That had "soured relations especially with Colin [Powell]".

---

[204] French Embassy, 20 January 2003, *Iraq – Meeting of the UNSC ministerial-level meeting on the fight against terrorism – Press conference given by Mr de Villepin, New York*.
[205] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.

606. Mr Straw also wrote that the special Ministerial meeting of the Security Council, and the three that followed in a seven-week period, were "among the most serious and dramatic meetings in which I have ever been involved".

The positions of other members of the Security Council

607. President Bush stated on 21 January that it was clear Saddam Hussein was not disarming and time was running out.

608. Sir David Manning was assured by Dr Rice that the US wanted a second resolution.

609. In a press conference following a meeting with leading economists at the White House on 21 January, President Bush was asked if he was frustrated by the French "saying that they would block a UN resolution authorizing force on Iraq". He replied that Saddam Hussein possessed "some of the world's deadliest weapons" and posed "a serious threat to America and our friends and allies". The world, including France, had come together "to say he must disarm". But he was "not disarming", he was "delaying … deceiving … asking for time". He was "playing hide-and-seek with the inspectors". The US "in the name of peace" would "continue to insist" that he did disarm.[206]

610. Asked when he intended to take a decision about whether the inspection process had any real hope of disarming Saddam, President Bush replied:

> "It's clear to me now that he is not disarming … Surely we have learned how this man deceives and delays. He's giving people the run-around … time is running out … Make no mistake … he will be disarmed."

611. President Bush concluded that Saddam Hussein had:

> "… been given ample time to disarm. We have had ample time now to see that … he's employing the tricks of the past …
>
> "He wants to focus the attention of the world on inspectors. This is not about inspectors; this is about a disarmed Iraq …
>
> "… this looks like a rerun of a bad movie and I'm not interested in watching it."

612. Mr Campbell wrote in his diaries that President Bush's remarks were a "clear message that [the US was] losing patience with the UN, and they had pretty much decided it was going to happen and that was that". Mr Blair "felt there had definitely been a change in mood and it was pretty bad"; President Bush needed to do more to make it an international coalition.[207]

---

[206] The White House Press Release, 21 January 2003, *President Meets with Leading Economists.*
[207] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

613. Secretary Powell wrote in 2012:

> "In January 2003, as war with Iraq was approaching, we needed to present our case against Iraq to the public and the international community. By then the President did not think that war could be avoided. He had crossed the line in his own mind, even though the NSC [National Security Council] had never met – and never would meet – to discuss the decision."[208]

614. Following the debate at the UN on 20 January, Sir David Manning spoke again to Dr Rice.[209] He reported that opinion polls in the UK showed that "over 60 percent" of those questioned would "accept" military action if mandated by a second UN resolution, but the figures "plummeted to near single figures without one". He reported that he had been assured that the US Administration wanted a second resolution.

615. Sir Jeremy Greenstock advised that the "vast majority" of the Security Council believed that the inspectors should be given more time, although many were also sceptical of Iraqi co-operation.

616. Sir Jeremy Greenstock chaired an informal discussion of Security Council members on 21 January, which he described as to report on the discussion between Dr Blix and Mr Blair on 17 January. Sir Jeremy had stated that the UK continued to feed the inspectors with information on a "one way basis" and there was a "good chance" that, as the inspectors got closer to Iraq's proscribed activities, more information would come out of the system:

> "Iraq was therefore taking an amazing risk by trying to conceal its WMD. The Iraqis had to realise that there was only one way to avoid complete disarmament through military action – much more pro-active co-operation. If they did not provide that co-operation they would themselves be choosing to realise the threat of military action."[210]

617. Sir Jeremy reported that Ambassador Negroponte had stated that the situation could not be allowed to drag on; and that he was talking about days, not weeks or months. It was for Iraq to prove to the Council it was complying, not the other way round. The French Deputy Permanent Representative had argued that simply saying that co-operation was insufficient was not enough; demonstrable, precise evidence was needed to justify war, not become a prisoner of the military build-up. That could be hours, but it could also be months or years.

618. Sir Jeremy stated that the "vast majority" of Security Council members believed that "inspections should be given more time, although many are also sceptical of Iraqi co-operation".

---

[208] Powell C with Koltz T. *It Worked for Me: In Life and Leadership.* Harper Perennial, 2012.
[209] Letter Manning to McDonald, 22 January 2003, 'Iraq: Conversation with Condi Rice'.
[210] Telegram 121 UKMIS New York to FCO London, 22 January 2003, 'Iraq: Informal Meeting of Security Council Members'.

619. In a separate telegram, Sir Jeremy Greenstock warned that "the terms of the Iraq debate are not moving in our favour … most Council members are focused on giving more time to inspections not on the Iraqi failure to disarm".[211] He highlighted key areas for discussion at the Security Council meetings on 27 and 29 January, and wrote: "If UNMOVIC can produce the evidence of Iraqi biological or chemical weapons in particular … we have a very good chance of turning Council opinion back towards a second resolution."

620. Sir John Holmes, British Ambassador to France, advised that the gap between the UK and French positions was "unbridgeable". President Chirac was strongly opposed to war and thought it would have disastrous consequences. France also questioned the level of threat posed by Iraq.

621. On 21 January, Sir John Holmes wrote to Sir David Manning setting out his perspective on the French position.[212] Sir John Holmes acknowledged that France would try "to avoid having to veto" and noted that "opportunities to push Chirac in our direction may arise as circumstances change".

622. Sir John reported that President Chirac strongly opposed war and that for him preventing it was more important than disarming Saddam Hussein. It would be very difficult to persuade President Chirac to:

> "… support a second resolution and participate in war short of a new and evident *casus belli.* He may well accept the pain of exclusion from the action than change this position, though he has yet to face up to this choice and hopes to avoid it. The driving force of Chirac's policy is to avoid a war at almost any cost. He does not believe it is necessary/proportionate to the real threat. He fears disastrous consequences in the region for the MEPP, for the US-Western image more widely, and for further fuelling of terrorism …"

623. Sir John reported that terrorism was perceived as the most urgent threat which the French thought was in danger of being neglected. President Chirac was also "seriously concerned" about the effect on the world economy and the impact of that on France's economic recovery. Beyond those concerns, Sir John described President Chirac as wanting to demonstrate a different, multilateralist world view and preserve French influence through keeping the main decisions in the Security Council. President Chirac did not really believe Saddam Hussein was a threat although WMD more widely were.

624. Sir John Holmes described French tactics as to "encourage international pressure against the war, to argue for more time, to help the inspectors do their work, and to put more pressure on Saddam to co-operate". Sir John advised that President Chirac did not believe there was anything seriously incriminating to find; a view which

---

[211] Telegram 122 UKMIS New York to FCO London, 22 January 2003, 'Iraq: The Run-Up to 27 and 29 January'.
[212] Letter Holmes to Manning, 21 January 2003, 'Iraq: French Thinking'.

Sir John reported was "widely shared here". Secondly, President Chirac thought Iraq's concealment techniques would be "too good for the inspectors". Thirdly, if inspectors did find something, the French were bound to argue, at least in the first place, that it showed the inspections were doing their job, making war unnecessary.

625. Sir John predicted that:

> "If Saddam manifestly blocks the inspectors, with or without a major find, but more obviously with, the French will probably concede that he has had his chance and blown it, vote for a second resolution … and take part [in military action].
>
> "If the inspectors find something big, the French will first argue for the continuation of inspections; but if it is a plausible smoking gun, and it is clear the US (and we) are committed to military action, again they will probably commit to a second resolution and to take part. But they will try everything to find alternatives …
>
> "If there is no major obstruction and no smoking gun, France will oppose a second resolution (while trying to avoid having to veto) and stay out of military action, though they would probably at the end of day try to sound neutral … Continuing Iraqi deception and only passive co-operation … will almost certainly not be enough to persuade them to change this in the short term …"

626. Sir John wrote:

> "As things stand, there is a relatively narrow window of circumstances in which the French would take part fully in military action: a clear *casus belli* and a second resolution. This looks to me possible in the next few weeks but not probable. Short of that, they will not go with the Americans, though they could stop short of outright opposition and be ready to do something to help eg backfilling."

627. Sir John added that "The consequences for France of not being there if the US go are painful for them to contemplate", including being on the wrong side of the argument if the action is an obvious rapid success. But:

> "There would be consolations if the Americans had no or few allies … And if it all went wrong, they would be on the right side of the argument."

628. Addressing the implications for UK policy, Sir John wrote that "the gap between the Prime Minister's convictions and Chirac's is, for the present, unbridgeable". He saw "no alternative to massaging our differences … and staying within shouting distance of each other".

629. Sir John concluded that, if the UK and the French (and Germans) diverged over military action, the consequences would depend:

> "… on the circumstances and the success of the war. But the implications for the successful pursuit of our European policy … could be severe … So if any chance emerges in the next few weeks of bringing our positions together, we should grab it with both hands."

630. In advance of the Security Council meeting on 27 January, Mr Straw and the FCO were concerned to identify a strategy which would allow more time for the strategy of coercion to work.

631. Mr Straw visited Washington and repeated the political arguments for trying to get a second resolution on 23 January.[213]

632. Mr Straw and Secretary Powell discussed the inspectors' reports to the Security Council on 27 January, the need to "shift the burden of proof to Iraq" and the need to ensure there were no differences between the US and UK.[214]

633. Mr Straw made the case for a second resolution in his subsequent meeting with Mr Dick Cheney, US Vice President, telling him that "the key question was how to navigate the shoals between where we were today and a possible decision to take military action".[215] The UK would be "fine" if there was a second resolution; and that it would be "ok if we tried and failed (a la Kosovo). But we would need bullet-proof jackets if we did not even try". In response to Vice President Cheney's question whether it would be better to try and fail than not to try at all, Mr Straw said the former.

634. In the subsequent discussion, Mr Straw stated that:

- The composition of the Security Council since 1 January "made matters more difficult".
- If there were "a half decent statement" from Dr Blix and Dr ElBaradei (to the Security Council on 27 January), "which enumerated Iraqi shortcomings, we would have the beginnings of a further material breach as defined by OP4 of [resolution] 1441. We could then use a period of time – weeks not months – to negotiate a second resolution." The text of such a resolution would "write itself".
- The effort of getting a second resolution "would help the UK and – he thought – the US to nail the canard that the US was operating outside the international community. It would also help with the 'day-after'."
- Mr Blair "felt strongly that diplomatic effort could make the military effort easier. If the international community was united, then the Arabs could go to Saddam with a strong message that he had either to go or his regime would face destruction. Arab leaders were desperate to get rid of Saddam. A second resolution would embolden them." If the international community was split, that would "embolden Saddam Hussein".
- People in the UK had a "sense of the UN as a legitimator of action". Vice President Cheney said the same was true in the US.

---

[213] Telegram 93 Washington to FCO London, 23 January 2003, 'Foreign Secretary's Meeting with Vice President of the United States, 23 January'.
[214] Telegram 91 Washington to FCO London, 23 January 2003, 'Iraq: Foreign Secretary's Lunch with US Secretary of State, 23 January 2003'.
[215] Telegram 93 Washington to FCO London, 23 January 2003, 'Foreign Secretary's Meeting with Vice President of the United States, 23 January'.

635. Vice President Cheney made a number of points, including:

- A French veto "wouldn't hurt one bit in the States".
- Secretary Powell had felt "bushwhacked" at the meeting of the Security Council on 20 January, and the position of Germany was "increasingly fragile".
- The US Administration "had not yet figured out next steps", which would "to some extent" depend on what happened on 27 January.
- It "would clearly be preferable to get a second resolution". There was a "sense in the US that a process was unfolding", "But there was no prospect of the inspectors working properly unless the party inspected was willing. The burden of proof was on the Iraqis and they were not delivering."
- There was "a timing problem. The idea that we could let it drift through months of discussion was not on. Troops were already in place. The weather was a factor … If we backed off now, or sat there for months, the Saudis and others would back off. It would be one more example of bold talk and no action. We would never get them gingered up for action again."
- President Bush "could not let a charade continue at the UN"; and he "could not let France and Germany dictate policy". He would have thought France had "a vested interest … in preserving the status of the Security Council", but "Instead, they were allowing the Council to be a place not of action but of restraining legitimate US action."
- Once military operations started, "the Iraqi regime was likely to fall apart quickly": "Iraqis would reveal all the WMD now hidden away."
- The US Administration "had not yet resolved" whether it wanted a second vote or not.

636. At the end of the meeting, Mr Straw:

> "… discussed the Kosovo model and its limitations. The tactics of tabling a text in the knowledge of a likely veto were very delicate. But we might also face the situation where France or Germany tabled a resolution to give the inspectors more time. We would have to veto but that would put us on the back foot. Last autumn, the knowledge that the US and UK had a text in play had deterred others from tabling an alternative [...] …"

637. Mr Straw's comments on proceeding with military action if the UK tried and failed to obtain a second resolution prompted Mr Wood to write to Mr Straw.[216] That correspondence and Lord Goldsmith's subsequent correspondence with Mr Straw are addressed in Section 5.

---

[216] Minute Wood to PS [FCO], 24 January 2003, 'Iraq: Legal Position'.

638. On a flight from Washington on 23 January, Mr Ricketts, gave Mr Straw an outline of a strategy which Mr Blair could put to President Bush.[217]

639. The key messages were that the strategy was working, but it needed more time. That would have three strategic advantages:

- The military build-up was "already producing signs of fracturing in the regime … We might be able to achieve our objectives without firing a shot";
- Inspections "were beginning to produce results".
- The UK was working with "moderate Arabs" to "get Saddam out using the leverage of a second resolution".

640. Mr Ricketts stated that:

- In the present circumstances, it was clear that there would not be the nine votes in the Security Council needed for a second resolution.
- Without a "dramatic new fact", Mr Ricketts did not see how a second resolution could be achieved "in the next few weeks".
- "UK politics [made] it essential to have a second resolution".

641. In Mr Ricketts' view, the US and UK had to "contrive the circumstances" in which they could "carry a broad coalition and domestic opinion with us. Going without the UN carried the big price of resentment in the Muslim world, including increased terrorism/ risk of being stuck for years with the burden of rebuilding post-Saddam Iraq." Working with the UN would allow Iraq to be "rebuilt with international support" which would allow the UK "to exit", and would be a "powerful message for other would-be proliferators. That prize is worth taking time over."

Mr Blair's conversation with President Bush, 24 January 2003

642. Mr Blair decided on 23 January to ask President Bush for a few weeks' delay to maximise the chances of finding a "smoking gun" as the basis for a second resolution.

643. Mr Campbell wrote that on 22 January he and Baroness Morgan, Mr Blair's Director of Political and Government Relations, had "banged on" about the need for the US to be on a "broader international route" and that Mr Blair:

> "… sensed the inspectors would not necessarily come out with what was needed for absolute clarity, so we would have to face the prospect of going in without a UNSCR. Chirac was making it clearer than ever that he would be against war come what may, even with a smoking gun."[218]

---

[217] Minute Ricketts to Private Secretary [FCO], 23 January 2003, 'Iraq: Discussion with the Prime Minister' attaching Paper, 'Iraq: Planned Presentation for President Bush'.
[218] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

644. Mr Campbell also wrote:

- He had also discussed the problems for the UK caused by the US focus on their domestic audience with the US.
- Baroness Morgan had warned Mr Blair that the PLP needed UN support, and they had to see real evidence.
- Mr Blair had been "pretty clear that we couldn't peel off from the US without very good reason".

645. In a meeting with Sir Jeremy Greenstock and No.10 officials to discuss the handling of Iraq in the UN Security Council in the coming weeks, at 9.30am on 23 January, Mr Blair set out an approach which included:

- There was a need "if we could possibly get it" for "hard proof" that Saddam Hussein was "lying over his WMD, to bring public opinion to accept the need for military action"; and that inspections would need to be given time.
- In their planned meeting (on 31 January), Mr Blair would seek to convince President Bush to delay a decision to start military action for a few weeks.
- Confirmation was needed that the assumption that the Arabs, and in particular the Saudis, would only favour military action on the basis of a second resolution, was correct.
- The "extra time should be used to maximise the chances of the inspectors finding a smoking gun or of being seriously obstructed (the inspectors should be encouraged to inspect sites which we knew the Iraqis would want to block)".
- The "less optimal outcome would be no smoking gun and no serious obstruction but a series of regular Blix reports that he was not satisfied with the level of Iraqi co-operation".
- The "extra time would also give the Arabs the opportunity to press Saddam to go into exile".
- The argument needed to be made that "the inspectors were not supposed to be a detective agency … South Africa was a model of how it could be done."[219]

CABINET, 23 JANUARY 2003

646. Mr Blair told Cabinet that a "big debate was developing over the value of the inspections route" and that he would "report back" after his meeting with President Bush at the end of January.

647. Mr Blair told Cabinet on 23 January that his meeting with Dr Blix on 17 January had confirmed that Iraq was not co-operating fully with the UN.[220] The Security Council meeting on 27 January would not be a "trigger date"; the "inspectors had to continue their work". The military build-up was under way and Saddam Hussein was "under increasing pressure".

---

[219] Minute Rycroft to Manning, 23 January 2003, 'Iraq: Prime Minister's Meeting with Jeremy Greenstock'.
[220] Cabinet Conclusions, 23 January 2003.

648. Mr Blair also said that "A big debate was developing over the value of the inspections route." He would "report back to colleagues on the outcome" of his meeting with President Bush.

649. Sir Richard Dearlove advised on 23 January that the US had "in effect" taken the decision to use force against Iraq.

650. In response to a request from Mr Blair for briefing on US planning, Sir Richard Dearlove's Private Secretary sent Sir David Manning an update, advising that a decision had "in effect" been taken to use force against Iraq.[221] The US military would be ready in mid-February.

MR BLAIR'S NOTE TO PRESIDENT BUSH, 24 JANUARY 2003

651. In a Note to President Bush on 24 January, Mr Blair told President Bush that the need for a second resolution was overwhelming, and that inspectors should be given until the end of March or early April to carry out their task.

652. Mr Blair suggested that, in the absence of a "smoking gun", Dr Blix would be able to harden up his findings on the basis of a pattern of non-co-operation from Iraq and that would be sufficient for support for military action in the Security Council.

653. In addition, Mr Blair framed his argument in the context that extra time would be crucial to make a better case and work up coherent plans for the "aftermath" of a conflict and to secure international support.

654. Mr Blair sent a Note to President Bush on 24 January, setting out the dilemma, as he saw it, in the absence of a "smoking gun".[222]

655. Addressing the question "What's the problem?", Mr Blair wrote:

> "If we delay, we risk Saddam messing us about, sucking us back into a game of hide and seek with the Inspectors where, unless they find 'the smoking gun', the thing drags on for ever until we give up or get distracted.
>
> "On the other hand, at present there is not support for a second UN resolution; and Blix is not yet in a clear and unambiguous position on Iraqi non-co-operation."

656. Mr Blair wrote that the arguments for proceeding with the second resolution, "or at the very least a clear statement" from Dr Blix which allowed the US and UK to argue that a failure to pass a second resolution was in breach of the spirit of 1441, remained in his view, overwhelming. He cited six reasons:

- It would be "the best protection" in the event of "a military hitch" or a protracted campaign.

---

[221] Letter PS/C to Manning, 23 January 2003, [untitled].
[222] Letter Manning to Rice, 24 January 2003, [untitled], attaching Note [Blair to Bush], [undated], 'Note'.

- Given the risk of casualties, military and civilian, “doing this in the context of international opposition would be very tough”.
- Arab opinion wanted “it done”, and wanted “it done quickly”, but they were assuming a second resolution: “Without one they will be in a real bind, especially if parts of Europe, Russia, China, etc were all vociferous in their opposition.”
- Saddam Hussein would be “emboldened by a lack of international support for us and weakened by its existence”. If he believed international opinion was against the US and UK, he might hunker down in Baghdad.
- Internecine fighting in Iraq when a military strike destabilised the regime would be the “biggest risk”: “They are perfectly capable, on previous form, of killing each other in large numbers.” The US and UK “would need the backing of the international community and preferably the UN to handle it”; without that the US and UK would “get the blame for any fighting”.
- If they forfeited the UN route, the US and UK would lose the high ground. They had “invested huge capital” in that and it had given everyone “a big comfort blanket”. If that were taken away, it would be “about US power, naked and in your face”. There were “big majorities against action without UN backing everywhere, even in the UK” and “even in the UK Cabinet”. That would be “so in spades” if the UN inspectors appeared to be asking for more time and the US and UK were refusing.

657. Addressing the “way through”, Mr Blair wrote:

> “In truth, the world is in contradiction. No one is really prepared for war, except us. But equally no one believes Saddam is telling the truth. In part we are victims of our own success. Your strength … has forced Saddam to let inspectors back in; has made him seem weak and back in his box. So, everyone asks: why bother?
>
> “But they also know, deep down, WMD is an issue and that given half a chance Saddam would be at it again. And they don’t want, ideally to fall out with the US. But to avoid falling out, they need some cover.”

658. Mr Blair described the position of France and Germany as being that the inspectors were in Iraq “to play hide and seek”, and “they should stay as long as it takes for them to find anything without any obligation on Saddam other than not to hinder them”.

659. The “true view”, however, was that resolution 1441 gave Iraq a “duty” to “co-operate fully: not just in access, but in being open, honest and transparent about where WMD was and actively helping the inspectors to seize and destroy it”. Dr Blix accepted that view:

> “… if things carry on as they are, then he will say that there is not full co-operation though there is not either the absence of any co-operation; but as he continues to demand Iraq fully co-operates and they continue to refuse, this pattern of non-co-operation – even in the absence of any ‘smoking gun’ is sufficient for him to harden up his findings; and I think it will be sufficient for us.”

660. Mr Blair added:

> "ie in the US/UK view, the failure … fully to co-operate is enough now and technically we are right. 27 January should be crunch time. But we won't carry other people … However, if Blix carries on reporting non-co-operation, makes increasing demands, and hardens his findings with each stage, I think we will carry people – even without the 'smoking gun' – shortly."

661. Mr Blair stated that military action starting at the end of March/early April would not be "a big military problem": "But the extra time could be crucial in carrying international opinion" with the US and the UK, provided they had defined clearly the true role of the inspections and Dr Blix was behind the proposal.

662. Mr Blair's proposal was for:

- a report on 27 January stating that Dr Blix was not satisfied and identifying specific questions for Iraq to address;
- the US and UK to set out "the true role" of the inspectors and get Dr Blix's support, saying that they believed "Iraq is in breach but even so, out of deference to allies, we are prepared to give the inspectors some time";
- Dr Blix to agree to report every two weeks;
- the US and UK to make it clear that, if by the time of the late March report there was not a definitive change of Iraqi attitude, the US and UK would take the issue back to the UN and expect action; and
- regular reports from Dr Blix in February and March to build "a clear pattern of deceit".

663. Mr Blair argued that the disadvantages of that strategy would be military delay but "only, effectively, for a month". The advantages would be "huge", including:

- The US and UK could "build a case based on the Inspectors not just our own judgement".
- Dr Blix might find "the smoking gun".
- Saddam "might crack".
- There would be "a far better chance of a second resolution" which would give them "a clear run with public support".
- The Saudis and other Arabs could "build support for their strategy to push Saddam out".
- It would provide time, which Mr Blair believed was needed, "to work up more coherent post-Saddam and 'aftermath' plans".
- It would also provide time "to make a bigger case on WMD and the link with terrorism".

664. Mr Blair concluded: "In parallel we should of course maintain our rhetoric and step up military preparations."

665. Mr Campbell wrote that the Note was "a very well made, carefully constructed argument that made sense", and that President Bush had read it before the telephone call with Mr Blair.[223]

666. Sir David Manning spoke to Dr Rice about the Note.[224] He reported that it was clear that the White House had a different perspective about the advantages of moving to military action as soon as possible and the importance of a second resolution, including for securing support from Arab governments.

667. In his subsequent conversation with President Bush, Mr Blair pursued the proposals in his Note and explained his political difficulties.

668. When Mr Blair spoke to President Bush later that day, he set out the strategy in his Note and his view on the dilemma they faced.[225] The international community was "not yet ready" for a second resolution, but an operation without one would be "much tougher".

669. Mr Blair said that it was possible that the inspectors would find a smoking gun, but he was "not relying on that". In his view, even if there were no smoking gun and the Iraqis were giving the inspectors access, Dr Blix:

> "… would say that they were not co-operating sufficiently. Saddam had to co-operate actively with identifying and destroying all his WMD … So in our view Saddam was already in breach of 1441. But the international community was in denial. Our case would strengthen if there were a series of Blix reports that Iraq was not co-operating. We needed to give the inspectors more time to firm up the case."

670. Mr Blair proposed setting a clear deadline. Unless there were full co-operation by then, we would seek a second resolution: "If this were not achievable, military action would follow anyway." Military preparations and diplomatic work to build international support should continue.

671. Later Mr Blair argued that "we needed to look reasonable" and that the deadline for the start of military action should be delayed to the end of March.

672. Mr Campbell wrote that Mr Blair had been clear that there was no international political support "without Blix finding a smoking gun and we needed more time". The inspectors should be given another month. Mr Blair was "sure that in time we could turn opinion". President Bush was "pretty clear there would have to be war, because

---

[223] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[224] Minute Manning to Prime Minister, 24 January 2003, 'Iraq: Your Conversation with Bush'.
[225] Letter Rycroft to McDonald, 27 January 2003, 'Iraq: Prime Minister's Conversation with President Bush, 24 January'.

he did not believe Saddam would ever comply, or that the inspectors would be allowed to do their job".[226]

673. The record of the discussion confirms Mr Campbell's account.[227]

674. In response to a question from Mr Campbell about whether he thought President Bush "had basically decided there was going to be a war," Mr Blair had said "if that call was anything to go by, pretty much", Mr Blair hoped that "he could keep things on a multilateral track but it was not going to be easy. He was facing a very tough call indeed, about as tough as they get."[228]

675. Mr Campbell wrote that Mr Blair "was confident that we could get Bush to the position where he stayed [action] long enough for a second UNSCR"; and that there was also "a real danger that the Attorney General would resign if he thought the plan was disproportionate force".

676. Mr Campbell reported that Mr Blair had told a political Cabinet on 24 January that "it was important to stay with the Americans". He had emphasised "closeness as a way of influencing the debate there" and said "he wanted to do a big … diplomacy round" before his meeting with President Bush. Mr Blair had also:

> "… set out what he saw as the political and other realities. He felt that Bush deserved praise for showing strength in forcing Saddam to the position of getting the inspectors in, but … we didn't have enough international support and we needed time to build it."

677. Describing the political Cabinet on 24 January, Mr Campbell wrote that Mr Prescott had said more Cabinet Committee discussion on policy was needed.

678. In a conversation with Mr de Villepin on 24 January, Mr Straw said that it was "important for everyone to keep to the process" set out in resolution 1441.[229] That was "the guide against which we could test whether the inspectors had been able to do their job or not". He restated the UK's preference for a second resolution.

679. Mr Straw said that "how France played its hand had major consequences". It was vital to take the UN route. Citing the League of Nations in the 1930s, he said that "failure by the UN would lead to questions about its legitimacy". After complaining about the US approach, Mr de Villepin stated that if in the end it was decided force was needed, "France would join in".

---

[226] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[227] Letter Rycroft to McDonald, 27 January 2003, 'Iraq: Prime Minister's Conversation with President Bush, 24 January'.
[228] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[229] Telegram 16 FCO London to Paris, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 24 January'.

INDICT

INDICT was established in 1996.[230] Although it was UK based, the non-governmental organisation (NGO) operated with funding from the US Congress granted under the auspices of the Iraq Liberation Act 1998. INDICT advocated the establishment of an ad hoc International Criminal Tribunal to try Saddam Hussein and leading members of his regime on charges of genocide and torture, war crimes and other crimes against humanity. Founder members included a number of notable Iraqi exiles including Dr Ahmed Chalabi and Mr Hamid Al Bagali (who was later appointed Iraqi Ambassador to the UN), and Ms Clwyd.

INDICT focused its attention on Saddam Hussein and a dozen senior members of the Iraqi regime including Mr Tariq Aziz, the Deputy Prime Minister.[231]

Ms Clwyd wrote to Lord Williams of Mostyn, the Attorney General, in September 2000, enclosing a copy of Leading Counsel's opinion which advised that there was "a powerful body of evidence that Saddam Hussein and Tariq Aziz were party to, and criminally responsible for … detentions" and that there was "direct evidence that implicates Saddam Hussein and Tariq Aziz in issuing threats to detain the hostages".[232]

Counsel advised that, subject to the consent of the Attorney General being obtained, both Saddam Hussein and Tariq Aziz could be charged in the UK with the offence of Hostage Taking, contrary to section 1 of the Taking of Hostages Act 1982. That was an offence prosecutable in the UK whether committed "in the United Kingdom or elsewhere" regardless of the nationality of the offender.

Lord Williams wrote to Ms Clwyd on 22 March 2001 notifying her of his refusal to grant his consent to the prosecution.[233] He explained the basis of his decision as:

> "I have concluded in respect of Saddam Hussein that there is at present no realistic prospect of a conviction. There are two elements to my assessment. I have concluded that Saddam Hussein, as Head of State of Iraq, would presently be entitled to assert immunity from criminal prosecution. Moreover, I am not satisfied in any event that the evidence as submitted to me is sufficient to provide a realistic prospect of a conviction.
>
> "Whether the court would uphold any claim of immunity that may be asserted by Tariq Aziz is in my judgement less clear. However, leaving that issue aside, I am not satisfied that the evidence at present submitted by INDICT provides a realistic prospect of conviction for the offences which appear to me to fall to be considered."

In October 2002, INDICT submitted further advice from Leading Counsel to Lord Goldsmith, the Attorney General, again seeking consent to the prosecution of Saddam Hussein, Tariq Aziz and on this occasion two others, Mr Ali Hassan Al-Majid (who was said to have been appointed the Governor of Kuwait) and Mr Taha Ramadan,

---

[230] Public hearing Clwyd, 3 February 2010, pages 11-12.
[231] Public hearing Clwyd, 3 February 2010, page 13.
[232] Letter Clwyd to Williams, 26 September 2000, [untitled], attaching Note Montgomery, 11 July 2000, 'In the Matter of Iraqi Crimes Against Humanity'.
[233] Letter Williams to Clwyd, 22 March 2001, 'Request for a Fiat'.

the Vice President of Iraq, (characterised by INDICT as the "second most powerful man in Iraq").[234] All were alleged to have committed offences of hostage-taking in 1990.

Lord Goldsmith wrote to Ms Clwyd on 24 January 2003.[235] He stated that he was not prepared to consent to a prosecution on the "theoretical possibility" that Saddam Hussein's "current immunity could at some point lapse" particularly, in the light of the Yerodia[236] decision which implied that the formal grant of his consent might itself contravene the basis of his immunity. Lord Goldsmith was not satisfied, moreover, that the evidence submitted by INDICT provided a realistic prospect of conviction.

Lord Goldsmith did not express a view as to whether Tariq Aziz might continue to enjoy immunity. In his case, and with regard to Ali Hassan Al-Majid and Taha Ramadan, he did not consider the evidence to be sufficiently cogent or persuasive for there to be a realistic prospect of a conviction and Lord Goldsmith refused consent in each case.

Lord Goldsmith closed his letter with the following paragraph:

> "My conclusions on the material provided, focus only on the question of exercising criminal jurisdiction against individuals in the domestic courts. They have nothing to do, of course, with the quite separate question of whether the international community may in due course consider it worthwhile to establish an international tribunal, depending on how the international situation develops. An international tribunal can be set up on a basis that overrides Sovereign immunity. But this is not a matter for me and it would not be right for me to speculate as to how the situation will develop over the next few weeks or months."

Mr Blair's interview on *BBC*'s *Breakfast with Frost*, 26 January 2003

680. Mr Blair decided to use an interview on *Breakfast with Frost* on 26 January to set out the position that the inspections should be given sufficient time to determine whether or not Saddam Hussein was co-operating fully. If he was not, that would be a sufficient reason for military action. A find of WMD was not required.

681. In an extended interview on the *BBC*'s *Breakfast with Frost* programme on 26 January, Mr Blair set out in detail his position on Iraq.[237]

682. Asked whether Dr Blix should be given more time, Mr Blair stated that the inspectors had "to be given the time to do the job", but there was "confusion" about what that job was. The time they needed was to certify whether Saddam Hussein was "fully co-operating or not". Saddam had to provide information on "exactly what weapons material" he had, "allowing the inspectors to inspect it, monitor it and shut it down". If they were not able to do that job, Saddam would have to be disarmed by force. That should not take months, but Saddam was not co-operating.

---

[234] Note Montgomery, 25 September 2002, 'In the Matter of Iraqi Crimes Against Humanity'.
[235] Letter Goldsmith to Clwyd, 24 January 2003, 'Saddam Hussein, Tariq Aziz, Ali Hassan and Taha Ramadan'.
[236] Democratic Republic of Congo v Belgium ICJ, 14 February 2002.
[237] *BBC*, 26 January 2003, *Breakfast with Frost.*

683. Pressed as to whether non-compliance rather than evidence of weapons of mass destruction justified "a war", Mr Blair replied that he "profoundly" disagreed with the idea that a refusal to co-operate was of a "lesser order". He added:

> "… what we know is that he has this material … we know there is something like 350 tonnes of chemical warfare agent. We know there is something like 30,000 special munitions for the delivery of chemical and biological weapons.
>
> "He hasn't even told us where those old leftovers from 1998 are … we know … that there is an elaborate process … of concealment …
>
> "… the people that the inspectors want to interview … are being told, by the Iraqi authorities, they can only come for interviews with an Iraqi … minder, and only be interviewed in certain places.
>
> "And we know also from intelligence that these people's families are being told that if they co-operate and give any information at all they will be executed.
>
> "… if he fails to co-operate in being honest and he is pursuing a programme of concealment, that is every bit as much a breach as finding, for example, a missile or chemical agent."

684. Asked whether there would be "another dossier" setting out what UK intelligence had discovered, Mr Blair stated:

> "… we have the intelligence that says that Saddam has continued to develop these weapons of mass destruction; that what he's doing is using a whole lot of dual-use facilities in order to manufacture chemical and biological weapons; and … that there is an elaborate programme of concealment … forcing the inspectors to play a game of hide and seek."

685. Asked if he had sufficient evidence to back action, Mr Blair replied:

> "… I've got no doubt at all that he's developing these weapons and that he poses a threat but we made a choice to go down the UN route …
>
> "… our judgement, the American judgement … is that Saddam has these weapons, but the purpose of the inspectors … is … to report back to the UN and say whether he is fully co-operating or he's not."

686. Asked whether a second resolution was needed, required or preferred, Mr Blair replied:

> "Of course we want a second resolution and there is only one set of circumstances in which I've said that we would move without one … all this stuff that … we're indifferent … is nonsense. We're very focused on getting a UN resolution …
>
> "… you damage the UN if the UN inspectors say he is not co-operating, he's in breach, and the world does nothing about it. But I don't believe that will happen …"

687. Mr Blair reiterated his arguments that the world had to take a stand to disarm Iraq so as to send a message to other countries that were potentially developing weapons of mass destruction that they had to take the international community seriously. Delay would make it more difficult to deal with the issue: in his view it was "only a matter of time before international terrorism and these types of weapons come together".

688. Asked what was the most important item on the agenda for his meeting with President Bush, Mr Blair replied:

> "To agree the right strategy for the future and to … explain … yet again why it is important to deal with this issue."

689. Mr Blair concluded in relation to Iraq that:

> "… when America is taking on these tough and difficult questions our job is to be there. Not be there at any price, not be there without saying how we think the thing should be dealt with, but being there in the difficult and tricky times, not simply … as fair weather friends."

690. Mr Scarlett and SIS1 provided material for use during the interview. This is addressed in Section 4.3.

691. Mr Campbell wrote in his diaries that the UK problem was that President Bush "seemed hell-bent on war and we looked like we were doing things from a US not UK perspective".[238]

692. Mr Campbell added on 27 January: "Despite yesterday people were still applying the yardstick that the inspectors would have to find WMD rather than simply that Saddam had to co-operate."[239]

693. Mr Vladimir Putin, the Russian President, told Mr Blair on 27 January that inspections needed more time.

694. President Putin contacted Mr Blair on 27 January to discuss the differences in the international community's approach to North Korea and Iraq.[240] On the former, the strategy was to pursue a negotiation, including contacts between the US and North Korea. Mr Blair agreed to discuss that with President Bush, and that:

> "We need to bind the North Koreans into an agreement that preserved their dignity while ensuring that they could not develop their weapons."

---

[238] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[239] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[240] Letter Rycroft to McDonald, 27 January 2003, 'North Korea and Iraq: Prime Minister's Phone Call with Putin, 27 January'.

695. On Iraq, President Putin's view was that the purpose of the military build up was to put pressure on Iraq, not a preparation for war. Russia was doing the same through diplomatic means and had managed to ensure that the Iraqis gave permission for scientists to go abroad to be interviewed and searches of private homes. UNMOVIC and the IAEA had some questions, but they were procedural, there were no complaints that Iraq was interfering with the inspections. The inspectors should be allowed to continue their work. He trusted the inspectors and they should be given more time.

696. Mr Blair agreed that the inspectors should have time to do their job, but it was "crucial" that it "did not become a game of hide and seek". Iraq had to help the inspectors; Saddam Hussein was obliged to give them positive co-operation, not just access. He would discuss the issues with President Bush and then speak to President Putin again.

697. President Putin emphasised that it was a very important conversation and concluded that Saddam Hussein should comply with all his obligations and the inspectors' requests; he must accommodate our demands. Moscow was not interested in covering for Iraq if it had weapons or was seeking to acquire them. If Iraq had any weapons, they must destroy them and comply with the inspectors.

698. Mr Campbell wrote that the call was "encouraging"; President Putin was "really losing patience with Saddam".[241]

699. In an interview before the reports to the Security Council on 27 January, Mr Igor Ivanov, the Russian Foreign Minister, told Al Jazeera that he strongly doubted that the Council would authorise military action against Iraq: "the chances … are practically nil".[242]

Security Council, 27 January 2003

700. Dr Blix reported to the Security Council on 27 January that Iraq appeared to have decided in principle to co-operate on process, but an Iraqi decision to co-operate on substance would be "indispensible" for the inspectors to complete their tasks.

701. Iraq's declaration of 7 December did not provide new evidence which would eliminate or reduce the unresolved issues identified in 1999.

---

[241] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[242] Telegram 28 Moscow to FCO London, 28 January 2003, 'Russia/Iraq: Russian Response to UNSC Reports'.

702. In his report to the Security Council on 27 January, Dr Blix rehearsed the disarmament process since 1991 and identified three "important questions" for the Security Council:

- "[H]ow much [prohibited material and activity] might remain undeclared and intact from before 1991"?
- "[W]hat, if anything, was illegally produced or procured after 1998, when the inspectors left"?
- How to prevent "any weapons of mass destruction be[ing] produced or procured in the future"?[243]

703. Dr Blix reported on UNMOVIC's activities and gave an assessment of the extent of Iraq's co-operation with those activities, including its declaration of 7 December 2002.

704. Dr Blix stated that UNMOVIC shared "the sense of urgency felt by the [Security] Council to use inspection as a path to attain, within a reasonable time verifiable disarmament of Iraq". UNMOVIC's capability was "growing". It had 260 staff members of whom 100 were inspectors. It had conducted about 300 inspections at more than 230 sites, of which 20 were sites which had not been inspected before. A training programme in Vienna would create a pool of 350 qualified experts from which inspectors could be drawn.

705. Dr Blix reported: "It would appear from our experience so far that Iraq has decided in principle to provide co-operation on process, namely access." Iraq had "on the whole co-operated rather well so far … access has been provided to all sites that we wanted to inspect and with one exception it has been prompt". There had, however, been "some problems" in two areas: Iraq's refusal to guarantee the safety of U2 flights to provide aerial imagery and for surveillance during inspections; and helicopter operations, although that had been "solved". There had also been "some recent disturbing incidents and harassment".

706. Dr Blix stated that an Iraqi decision to provide co-operation on substance was "indispensible" to bring "the disarmament task to completion". OP9 of resolution 1441 required Iraqi co-operation to be "active". It was "not enough to open doors". Inspection was "not a game of 'catch as catch can'. Rather … it is a process of verification for the purpose of creating confidence."

707. Dr Blix reported: "In the fields of missiles and biotechnology, Iraq's declaration contains a good deal of new material and information covering the period from 1998 and onward. This is welcome."

---

[243] UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).

708. But Dr Blix stated:

> "One might have expected … that Iraq might have tried to respond to, clarify and submit supporting evidence regarding the many open disarmament issues, which the Iraqi side should be familiar with from the UNSCOM document S/1999/94 of January 1999 and the so-called Amorim Report of March 1999 … These are the questions which UNMOVIC, governments and independent commentators have often cited."

709. UNMOVIC had found "the issues listed in those two documents as unresolved, professionally justified". The reports pointed to:

> "… lack of evidence and inconsistencies … which must be straightened out, if weapons dossiers are to be closed … They deserve to be taken seriously by Iraq rather than being brushed aside as evil machinations of UNSCOM. Regrettably, the … declaration, most of which is a reprint of earlier documents, does not seem to contain any new evidence that would eliminate the questions or reduce their number."

710. Dr Blix set out examples of questions and issues that needed to be addressed in some detail, including:

- UNMOVIC had information indicating that Iraq had worked on purifying and stabilising the nerve agent VX, and had achieved more than it had declared. This conflicted with the Iraqi account that the agent had only been produced on a pilot scale, had been destroyed in 1991, and was never weaponised. There were also questions to be answered about the fate of VX precursor chemicals.
- Iraq had provided a copy of the "Air Force" document it had withheld in 1998. It indicated that 13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1988. Iraq had claimed that 19,500 bombs were consumed during that period. In the absence of evidence to the contrary, UNMOVIC "must assume these quantities are now unaccounted for".
- The discovery of "a number of 122mm chemical rocket warheads in a bunker at a storage depot southwest of Baghdad". The bunker was relatively new, which meant "the rockets must have been moved there in the past few years, at a time when Iraq should not have had such munitions". Iraq had stated that they were "overlooked from 1991 from a batch of 2,000 that were stored there during the Gulf War. That could be the case. They could also be the tip of a submerged iceberg. The discovery of a few rockets does not resolve, but rather points to, the issue of several thousands of chemical rockets that are unaccounted for." Iraq had subsequently found four more chemical rockets at a storage depot in al-Taji. The warheads were "empty".
- Inspectors had found "a laboratory quantity of thiodiglycal, a mustard gas precursor".

- There were "strong indications that Iraq produced more anthrax than it declared, and that at least some of this was retained after the declared destruction date. It might still exist."
- Iraq had not declared "a significant quantity of bacterial growth media" which had been included in Iraq's submission to the Amorim panel. This omission appeared "to be deliberate as the pages of the resubmitted document were renumbered". The quantity of growth media involved would "suffice to produce … about 5,000 litres of concentrated anthrax".
- The Al Samoud 2 and Al Fatah missiles "might well represent *prima facie* cases of proscribed systems" but further technical consideration would be necessary before reaching a conclusion on the issue.
- Iraq had refurbished its missile production infrastructure, including a number of casting chambers which were capable of producing motors for missiles with ranges greater than the 150km limit.
- Iraq had illegally imported 300 rocket engines which might be for the Al Samoud 2, chemicals used in propellants and other potentially proscribed items.

711. Dr Blix questioned Iraq's claims that there were no more documents about its activities. After the discovery of documents in the home of a scientist "relating to the laser enrichment of uranium", UNMOVIC could not "help but think that the case might not be isolated and that such placements of documents is deliberate to make discovery difficult". He warned that: "Any further sign of the concealment of documents would be serious."

712. Dr Blix also questioned whether Iraq had provided a complete list of the names of personnel who had worked on proscribed programmes, and pointed out the difficulties of interviewing individuals "in private". He reported that UNMOVIC had asked 11 individuals for interview in Baghdad and that none of them would speak without the presence of an Iraqi official.

713. Dr ElBaradei reported that the IAEA had found no evidence that Iraq had revived its nuclear weapons programme but it was still investigating a number of issues and Iraq needed to shift from passive to pro-active support.

714. Dr ElBaradei called for a few months to verify Iraq's nuclear disarmament and to demonstrate that the inspection process worked as a central feature of the international nuclear arms control regime.

715. Dr ElBaradei reported that the IAEA had conducted 139 inspections at some 106 locations, with a "focus on areas of concern identified by other States, facilities identified through satellite imagery as having been modified or constructed since 1998, and other inspection leads identified independently".[244] They had been able to "gain

[244] UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).

ready access and to clarify the nature of the activities" at those facilities. "No prohibited nuclear activities" had been identified.

716. Dr ElBaradei described the Iraqi declaration as "consistent with our understanding of Iraq's pre-1991 nuclear programme". Iraq had not provided "any new information relevant to … questions which had been outstanding since 1998". While those questions did "not constitute unresolved disarmament issues", further clarification was needed.

717. The IAEA had been conducting "exhaustive analysis of supporting information". Dr ElBaradei also reported difficulties in securing private interviews with the three individuals the IAEA had approached.

718. Iraq's unsuccessful attempts to procure high-strength aluminium tubes which Iraq had indicated were related to a programme to reverse engineer conventional rockets, had been a particular focus. The IAEA had concluded that the tubes "would be consistent with" use in a conventional rocket programme. They "would not be suitable for manufacturing centrifuges" without modification. The IAEA was "still investigating" the issue, but the attempt to acquire such tubes was "prohibited" by resolution 687 (1991).

719. The IAEA was investigating how "dual-use" material had been relocated or used, including the "HMX" high explosive which had been removed from IAEA seals at the end of 1998. Dr ElBaradei stated that it would be difficult to verify how that had been used.

720. The IAEA was investigating reports of Iraqi efforts to import uranium but it did "not have enough information, and … would appreciate more".

721. Dr ElBaradei stated that the IAEA had "begun in the last few weeks to receive more actionable information from States", and he called on those that "had access to such information to provide it … so that the inspection process can be accelerated and additional assurances generated".

722. Dr ElBaradei emphasised the need for Iraq to "shift from passive support … to pro-active support". He cited as an example the retrieval of documents relating, "in part, to Iraq's pre-1991 efforts to use laser technology for enriching uranium". It was "urgent and essential" for Iraq "on its own initiative, to identify and provide any additional evidence that would assist the inspectors in carrying out their mandate".

723. Dr ElBaradei warned that there was:

> "… a window of opportunity that may not remain open for very much longer. Iraq should make every effort to be fully transparent … The international community will not be satisfied when questions remain open … the world is asking for a high level of assurance that Iraq is completely free from all such weapons, and is already impatient to receive it."

724. Dr ElBaradei stated that the presence of international inspectors in Iraq "continues to serve as an effective deterrent to and insurance against resumption of programmes to develop weapons of mass destruction, even as we continue to look for possible past activities".

725. Dr ElBaradei concluded:

> "… we have to date found no evidence that Iraq has revived its nuclear weapons programme since the elimination of the programme in the 1990s … [O]ur work is steadily progressing and should be allowed to run its natural course … [W]e should be able within the next few months to provide credible assurance that Iraq has no nuclear weapons programme. These few months … would be a valuable investment in peace because they could help us avoid a war. We trust that we will continue to have the support of the Council … to verify Iraq's nuclear disarmament through peaceful means and to demonstrate that the inspection process can and does work as a central feature of the international nuclear arms control regime."

726. Sir Jeremy Greenstock reported that, in subsequent informal consultations of the Council, there was general scepticism that Iraq had "co-operated adequately", but also a desire for more time.[245]

727. Sir Jeremy reported that Ambassador Negroponte had delivered a pre-prepared statement saying that there was nothing in either Dr Blix or Dr ElBaradei's reports which gave hope that Iraq ever intended to comply with resolution 1441 and that the time was fast approaching when the Security Council would have to demonstrate it meant what it had said.

728. Sir Jeremy stated that the Council had heard "a catalogue of unresolved questions". The "onus was on Iraq to prove the zero it had declared" and to provide "substantive evidence". Iraqi co-operation had been "limited and grudging" and looked like "a carefully considered policy of withholding information and obstruction". UNMOVIC and the IAEA needed to conduct more intrusive inspections and "carry out more productive interviews to unravel the facts".

729. At a later meeting, Dr Blix and Dr ElBaradei had provided answers to specific points raised in the informal discussion, including:

- Dr Blix had complained about the number of Iraqi minders for inspections.
- There had been demonstrations during inspections but UNMOVIC had not been intimidated.
- Dr Blix felt that there was a determination at a high level to co-operate on process but "on substance, Iraq simply said the outstanding questions were nonsensical". Unless that changed, he was "not optimistic of solutions".

---

[245] Telegram 152 UKMIS New York to FCO London, 28 January 2003, 'Iraq: Informal Consultations to Consider Blix and El-Baradei Reports'.

- Dr Blix said that interviews with minders were not "without value", but "a long pattern of refusals to attend private interviews would be hard to interpret as anything other than intimidation".
- Denial of access to a private house would be a serious matter.
- Dr ElBaradei said that the documents found at a private home "looked like a scientist's personal collection of papers over 30 years". They had "not added to IAEA knowledge and it was impossible to judge whether this was an example of hidden documents".
- The IAEA had no authority to force people to give interviews.

730. Sir Jeremy commented that the day had been important and a good foundation for "a harder debate on 29 January". He concluded:

> "If we play this carefully, and can win a bit more time, we might be able to construct a bit more of an edifice."

731. In a press statement on 28 January, Mr Straw published "a list of 10 key questions" from Dr Blix's report.[246] Mr Straw also stated:

> "The conclusion is now inescapable that Iraq is in material breach of resolution 1441. We want to see the matter resolved … by peaceful means … The regime does not have long to change its behaviour fundamentally. We cannot let Saddam Hussein and the Iraqi regime get away with never-ending deceit and delay."

732. Russia emphasised the need for political efforts through the Security Council to disarm Iraq.

733. In a press conference in New York after the meeting, Mr Sergei Lavrov, Russian Permanent Representative to the UN, stated that Russia believed the inspections were "going well" and a spokesman for the Russian Ministry of Foreign Affairs in Moscow stated: "only inspections can give an answer to the international community's question about whether Iraq has weapons of mass destruction".[247] Mr Igor Ivanov told US *NBC* that Russian diplomats would try to find a solution which would preserve the Security Council's unity.

734. Sir Roderic Lyne, British Ambassador to Russia, reported that all Russian officials were playing down the significance of the reports to the Security Council, "emphasising that they were only preliminary findings". Russia was keeping its options open on future handling of the issue "while calling for the inspections to continue".

---

[246] The National Archives, 28 January 2002, *Iraq is in Material Breach of Resolution 1441*.
[247] Telegram 28 Moscow to FCO London, 28 January 2003, 'Russia/Iraq: Russian Response to UNSC Reports'.

735. During a visit to Kiev on 28 January, President Putin stated that international security was "a more important issue than Iraq" and that any steps on the Iraqi problem must be taken through the Security Council. Iraq was co-operating so far but:

> "… if Iraq begins to create problems for the inspectors, Russia can change its position and reach an agreement with the US on developing different, tougher decisions in the Security Council."[248]

736. In a separate statement, Mr Igor Ivanov stressed that inspections must continue, but that Iraq must co-operate actively, giving the inspectors "every possible assistance". There were "a lot of unclear questions" remaining about chemical and biological weapons. He criticised Iraqi officials who had stated that Iraq might attack Kuwait in the event of a war. That did not promote "the necessary conditions for continuing political efforts to settle the Iraq situation". Russia was firmly opposed to military action both against Iraq and from its territory. Unilateral action against Iraq would split the anti-terrorist coalition. Russia would direct its efforts to "thinking how to avoid a veto" and finding a solution that would preserve the important unity of the Security Council. If Iraq committed "flagrant violations" of resolution 1441, the Security Council should consider "the possibility of additional steps" to meet the requirements of the resolution.

737. Sir Roderic Lyne commented that the two statements "seemed to mark a shift in Russian rhetoric on Iraq".

President Bush's State of the Union address, 28 January 2003

738. In his State of the Union address on 28 January, President Bush set out his view that Iraq's actions demonstrated it had decided not to take the final chance to disarm. Saddam Hussein had shown "utter contempt" for that offer; he was deceiving the international community, not disarming. The US would not wait to act until the threat from Iraq was imminent.

739. President Bush announced that the US had asked for a meeting of the Security Council on 5 February at which Secretary Powell would present information and intelligence on Iraq's illegal programmes.

740. In his "State of the Union" address on 28 January, President Bush emphasised the threat of terrorism to the US and others, the potential threat from Iraq in that context, and the need to disarm Iraq.[249]

741. President Bush's detailed statements about the threat posed by Iraq are set out in the Box below.

---

[248] Telegram 32 Moscow to FCO London, 29 January 2003, 'Russia/Iraq: Putin/Ivanov Statements'.
[249] The White House Press Release, 28 January 2003, *President Delivers "State of the Union"*.

Extracts from President Bush's State of the Union address, 28 January 2003

President Bush stated:

> "Today, the gravest danger in the war on terror, the gravest danger facing America and the world, is outlawed regimes that seek and possess nuclear, chemical and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to terrorist allies, who would use them without the least hesitation.
>
> "This threat is new; America's duty is familiar …
>
> "America is making a broad and determined effort to confront these dangers …
>
> "Different threats require different strategies …
>
> "Our nation and the world must learn the lessons of the Korean peninsula and not allow an even greater threat to rise up in Iraq. A brutal dictator with a history of reckless aggression, with ties to terrorism, with great potential wealth, will not be permitted to dominate a vital region and threaten the United States.
>
> "Twelve years ago, Saddam Hussein … agreed to disarm … For the next 12 years, he systematically violated that agreement. He pursued chemical, biological and nuclear weapons … Nothing to date has restrained him from his pursuit of these weapons – not economic sanctions, not isolation from the civilized world, not even cruise missiles strikes on his military facilities.
>
> "… the United Nations Security Council gave Saddam Hussein his final chance to disarm. He has shown instead utter contempt … The … UN inspectors … were not sent to conduct a scavenger hunt for hidden materials … The job of the inspectors is to verify that Iraq's regime is disarming. It is up to Iraq to show exactly where it is hiding his banned weapons, lay those weapons out for the world to see, and destroy them as directed. Nothing like this has happened.
>
> "The United Nations concluded in 1999 that Saddam Hussein had biological weapons sufficient to produce over 25,000 litres of anthrax – enough doses to kill several million people. He hasn't accounted for that material. He has given no evidence that he has destroyed it.
>
> "The United Nations concluded that Saddam Hussein had material sufficient to produce more than 38,000 litres of botulinum toxin …
>
> "Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tonnes of sarin, mustard and VX nerve agent …
>
> "US intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them – despite Iraq's recent declaration denying their existence …
>
> "From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs …

"The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program … The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminium tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.

"The dictator of Iraq is not disarming. To the contrary; he is deceiving. From intelligence sources we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the UN inspectors, sanitising inspection sites and monitoring the inspectors themselves. Iraqi officials accompany inspectors in order to intimidate witnesses.

"Iraq is blocking U2 surveillance flights … Iraqi intelligence officers are posing as the scientists inspectors are supposed to interview. Real scientists have been coached by Iraqi officials on what to say. Intelligence sources indicate that Saddam Hussein has ordered scientists who co-operate with UN inspectors … will be killed, along with their families.

"Year after year, Saddam has gone to elaborate lengths, spent enormous sums, taken great risks to build and keep weapons of mass destruction … The only possible explanation, the only possible use … is to dominate, intimidate or attack.

"With nuclear arms or a full arsenal of chemical and biological weapons, Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in that region. And this Congress and the America[n] people must recognise another threat. Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaida. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own.

"Before September the 11th, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers … armed by Saddam Hussein …

"Some have said we must not act until the threat is imminent … If this threat is permitted to fully and suddenly emerge, all actions or words, or recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

"The dictator who is assembling the world's most dangerous weapons has already used them … International human rights groups have catalogued other methods used in the torture chambers of Iraq …

"… tonight I have a message for the brave and oppressed people of Iraq: your enemy is not surrounding your country – your enemy is ruling your country. And the day he and his regime are removed from power will be the day of your liberation.

"The world has waited 12 years for Iraq to disarm. America will not accept a serious and mounting threat to our country …

> "We will consult. But let there be no misunderstanding: if Saddam Hussein does not fully disarm, for the safety of our people and for the peace of the world, we will lead a coalition to disarm him."

742. President Bush also announced that the US would ask the UN Security Council to convene on 5 February to "consider the facts of Iraq's ongoing defiance"; and that Secretary Powell would "present information and intelligence about Iraq's … illegal weapons programs, its attempt to hide those weapons from inspectors, and its links to terrorist groups".

Security Council, 29 January 2003

743. Sir Jeremy Greenstock continued to advise that there was little support in the Security Council for a second resolution.

744. Sir Jeremy Greenstock advised that only four countries definitely supported a second resolution and that:

> "Things will not move in our direction without some fact or development to give countries the grounds on which to change position, or at least give us more time to … confirm the conclusion that Iraq will not co-operate."[250]

745. Sir Jeremy Greenstock told the Security Council on 29 January that Iraq was in material breach of resolution 1441 and the Council could not "simply tread water". It would have to "take tough decisions soon".

746. On 29 January, the Security Council met for a second time to discuss the reports delivered by Dr Blix and Dr Elbaradei on 27 January.[251]

747. Sir Jeremy Greenstock reported that the discussion was "a replay of earlier positions", and that "Almost every delegation" had welcomed Secretary Powell's intention to "provide evidence" on 5 February. Most delegations saw the presentation as "feeding in to the inspections process".

748. Sir Jeremy told the Council that, in asking for more time, there was a need to be realistic: "Time would not achieve anything without the co-operation we expected." Iraq had: not given "access to its illegal WMD programmes"; "allowed omissions in the declaration"; and "failed to co-operate". "The inescapable conclusion was Iraq was in material breach of [resolution] 1441."

---

[250] Telegram 161 UKMIS New York to FCO London, 29 January 2003, 'Iraq: Which Way Will the Votes Stack Up?'

[251] Telegram 167 UKMIS New York to FCO London, 30 January 2003, 'Iraq: 29 January Security Council Discussion'.

749. Sir Jeremy said that he was sure others shared the frustration that Iraq was not taking the final opportunity. It was "still not too late – but Iraq had to co-operate now. If it did not, there was no way the inspectors would be able to fulfil their mandate."

750. Sir Jeremy asked a series of questions about how, if the difficulties experienced were a reflection of planned Iraqi resistance, more time would resolve the issues. He added that the Council:

> "… had to realise that it was up against a serious decision under a tight timescale. More time would not help … [W]e had to stay together in insisting the non-compliance had to stop or the Council would no longer be in charge of this process through inspections …"

751. Sir Jeremy reported that he had hammered home that the Council could not "simply tread water" and would have to "take tough decisions soon".

Mr Blair's meeting with President Bush, 31 January 2003

The US position

752. Sir David Manning and Sir Richard Dearlove reiterated the UK's concerns in talks in Washington on 29 January, including a request to delay military action until the end of March.

753. Sir David Manning advised Mr Blair that he thought the US accepted that a second resolution would be needed, but there was no "agreement to wait until the end of March".

754. Sir Christopher Meyer advised that President Bush would be "pretty implacable" and "impatient", and that he was convinced that the critics of military action would be routed by an early and easy military victory.

755. Reflecting previous difficulties, Sir David Manning and Sir Christopher Meyer both advised Mr Blair that he would need to spell out his message to President Bush in a way which left no scope for "interpretation" in Washington.

756. Sir David Manning spoke to Dr Rice on 27 January about the UK's need for Parliamentary support for military action; and that the only way to get that support would be a second resolution.[252] That would need a delay until the end of March.

757. Sir David did not get the response he had wished. He advised Mr Blair that he would need to speak to President Bush again before their meeting in the US on 31 January.

---

[252] Minute Manning to Prime Minister, 27 January 2003, 'Iraq: Conversation with Condi Rice'.

758. Sir David Manning visited Washington on 29 January for talks with Dr Rice.[253] He was accompanied by Sir Richard Dearlove.

759. Sir David Manning reiterated many of the points he had made in previous conversations with Dr Rice.

760. Sir David reported that he had informed Dr Rice that, without a second resolution, Mr Blair would not be able to secure Cabinet and Parliamentary support for military action; and that he could be forced from office if he tried: "The US must not promote regime change in Baghdad at the price of regime change in London." Mr Blair was not asking for much time: "weeks not months" and action beginning at the end of March.

761. Sir David reported that the UK was significantly less optimistic than the US about the current level of support for a second resolution authorising military action and the prospects for increasing that support. The UK was anxious not to give the impression that inspections were running out of time; that was needed for more reports from Dr Blix which would carry much more weight internationally than the US and UK view. Mr Blair was in a very different position from President Bush, who already had Congressional authority to act.

762. Sir Richard Dearlove had "briefed in detail on our intelligence" which the US Administration "clearly find very impressive".

763. Sir David had "spelt out the political realities about Iraq extremely bluntly". He thought that the US had accepted a second resolution would be needed but there was no agreement to wait until the end of March. Mr Blair would need to "stick very strongly to the arguments in your Note" and to "spell them out in a way that leaves no scope for … 'interpretation'". A late March date would mean a pretty intensive timetable. He suggested that one possibility would be to review the position again after Dr Blix's next report in mid-February.

764. The minute was sent only to addressees inside No.10 with a private and personal copy sent to Mr Straw.

765. Reporting on the mood in Washington for Mr Blair's visit, Sir Christopher Meyer advised:

> "It is politically impossible for Bush to back down from going to war in Iraq this spring, absent Saddam's surrender or disappearance from the scene. If Bush had any room for manoeuvre beforehand, this was closed off by his State of the Union speech …

---

[253] Minute Manning to Prime Minister, 30 January 2003, 'Talks with Condi Rice in Washington on 29 January'.

"… Bush … said in effect that destroying Saddam is a crusade against evil to be undertaken by God's chosen nation: 'this call of history has come to the right people'.

"The target of Bush's messianic appeal was … the anxious and unconvinced in the country at large … The call to rally to the flag, the President and to the military should, on past precedent, evoke an emotional and positive response …

"… The novel element was the promise that Powell would produce fresh evidence of collaboration between Saddam and Al Qaida. For the White House, the key to the questions 'Why Iraq, why now?' has always been the rogue state/WMD/terrorism nexus: not as a worrying possibility in future years, but as a clear and present danger.

"… if Powell goes off at half-cock, it will only reinforce, as Jeremy Greenstock has underlined already, the view that the US is hell-bent on war and short-circuiting SCR 1441.

"The Prime Minister will find on Friday a pretty implacable Bush: impatient, deeply disillusioned with France and Germany, convinced that his – and Mr Blair's – critics will be routed by an early and easy military victory. He is very much influenced by … [the fact] that in the past the US has failed to respond forcibly to multiple provocation and attacks to the detriment of its reputation and standing. This time the US could not back off.

"Unless we have some good ideas for sending Saddam into exile, Mr Blair's task on Friday will be to ensure that we and the US go to war in the best company possible. That means securing the time to assemble the largest possible coalition both for the war itself and for the aftermath. If the notorious smoking gun can be found, this will make things much easier …

"Bush does not look to have the patience to let Blix make the case. I said in an earlier report that exhausting the UN route was likely to mean different things in Washington and London. Bush is undecided about a second resolution: whether it will be worth going for and, if it is, what should be put in it. In other words – as of this morning – Bush has not yet bought into the strategy which the Prime Minister put to him last week."[254]

766. Reflecting the difficulties which had arisen from ambiguity about the messages Mr Blair had given President Bush during their meeting at Camp David in early September 2002, Sir Christopher concluded:

"There are huge expectations here of Friday's meeting and the press are watching like vultures for splits. The Prime Minister will obviously want to reach full agreement

[254] Telegram 131 Washington to FCO London, 29 January 2003, 'Iraq: PM's Visit'.

with the President on the way ahead in the next few weeks. Unless something changes in the next 48 hours, that will require pressing back very forcefully to secure our interest, on another resolution and timelines. The subsequent agreement will have to be clear beyond doubt in its particulars. After the last Camp David meeting, the hawks immediately started to distort the outcome to their own ends."

Other views

767. Mr Blair decided to canvass the views of his European colleagues and other allies in advance of the meeting with President Bush on 31 January.

768. A joint statement issued by the UK and seven other European nations on 30 January stated that the international community should remain united in calling for the disarmament of Iraq and that the Security Council should face up to its responsibilities.

769. The leaders of eight European nations – Spain, Portugal, Italy, the UK, the Czech Republic, Hungary, Poland and Denmark – produced a joint article published on 30 January arguing that Europe and the USA must stand united.[255]

770. The statement set out the importance of the relationship between Europe and America and argued that:

"The transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security …

"… success in the … battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious.

"The Iraqi regime and its weapons of mass destruction represent a clear threat to world security."

771. The adoption of resolution 1441 had:

"… sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein's weapons of mass destruction.

"We must remain united in insisting that his regime is disarmed.

"The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

"The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences.

---

[255] *BBC News*, 30 January 2003, *Leaders' statement on Iraq: Full text.*

> "It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein's last chance to disarm using a peaceful means …
>
> "Sadly this week the UN weapons inspectors have confirmed that his long-established pattern of deception, denial and non-compliance with UN Security Council resolutions is continuing …
>
> "The United Nations Charter charges the Security Council with the task of preserving international peace and security.
>
> "To do so the Security Council must maintain its credibility by ensuring full compliance with its resolutions.
>
> "We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.
>
> "We are confident that the Security Council will face up to its responsibilities."

772. Mr Blair decided to speak to a number of his colleagues to establish their views, particularly about the circumstances in which they would support military action, before his meeting with President Bush.[256] Mr Blair also planned to speak to them again after the visit.

773. Sir Stephen Wall, the Prime Minister's Adviser on European Issues, was also asked to speak to a number of his European counterparts.[257]

774. Mr Blair and Mr John Howard, the Prime Minister of Australia, discussed the position on Iraq on 28 January. Mr Blair said that, militarily, it might "be preferable to proceed quickly", but it "would be politically easier with a UN resolution". He:

> "… intended to tell President Bush that the UN track was working. Blix had said … that Saddam was not co-operating. If he repeated this in reports on 14 February, and perhaps in early March there would be a strong pattern on non-co-operation and a good chance of a second resolution."[258]

775. Mr Blair and Mr Howard agreed that a second resolution would be "enormously helpful". It would be better to try and fail than not to try at all for a second resolution but they should "pencil in a deadline beyond which, even without a second resolution, we should take a decision". Mr Blair said that his instinct was that "in the end, France would come on board, as would Russia and China".

---

[256] Letter Rycroft to McDonald, 27 January 2003, 'Iraq: Contacts Before Camp David'.
[257] Minute Rycroft to Wall, 28 January 2003, 'Iraq: A Pitch for the Europeans'.
[258] Letter No.10 [junior official] to McDonald, 28 January 2003, 'Prime Minister's Telephone Conversation with John Howard'.

776. President Chirac told Mr Blair that he would not support war unless Saddam Hussein did something unacceptable.

777. In a conversation later on 28 January, President Chirac told Mr Blair that the French position had not changed; they were "against war, unless Saddam did something unacceptable".[259] Although Dr Blix had reported that Iraq was not co-operating, Dr ElBaradei had reported good co-operation. War was "always the worst outcome". Iraq had very little WMD compared with North Korea. The desire to preserve the transatlantic link had to be balanced against the costs of a war.

778. Mr Blair and President Chirac agreed that the inspectors should be given more time. President Chirac thought that the inspectors would find nothing; Mr Blair said it would be "serious if the inspectors continued to report insufficient co-operation, e.g. if the Iraqis refused interviews or denied proper access". They agreed that, "in that case, a second resolution would come into play".

779. President Chirac welcomed Mr Blair's offer to speak again after his meeting with President Bush.

780. Mr Rycroft commented that President Chirac appeared:

> "… to be positioning himself to support a second resolution if the inspectors find WMD or are denied access. But his straight 'non' to the Prime Minster's question about continued Iraqi non-co-operation shows the problem we shall have with the French if we are in the scenario of arguing that a pattern of non-co-operation is a material breach of 1441."

781. A minute from Sir David Manning to Mr Blair records that President Chirac had refused to accept a phone call from Mr Blair for the preceding two weeks.[260]

782. Mr de Villepin spoke twice to Mr Straw on 29 January.

783. In the first conversation, Mr de Villepin questioned why military action should be used against Iraq when 20-30 other countries had chemical weapons. It was hard to explain the threat posed by Iraq when there was almost no risk from the nuclear programme.[261]

784. Mr Straw's response focused on the process in resolution 1441 agreed by the UK and France. In his view, there were "two key questions":

> "… was there a material breach and what action should the international community take. Blix's report had shown that Iraq was in material breach according to the

---

[259] Letter Rycroft to Sinclair, 28 January 2003, 'Iraq: Prime Minister's Conversation with Chirac, 28 January'.
[260] Minute Manning to Prime Minister, 26 January 2003, 'UK/France'.
[261] Telegram 21 FCO London to Paris, 29 January 2003, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 29 January'.

definition set out in OP4. There had been plenty of material breaches in the past which had not led to military action. But, as UNSCR 1441 set out, if there were a further material breach then Iraq would face serious consequences. This could only mean military action."

785. Mr de Villepin responded that, as politicians, he and Mr Straw had to show how military action corresponded to the threat. The issue of material breach had to be faced.

786. Mr Straw countered that "just because the international community was not taking action against other states was not an argument for inaction against Iraq"; and taking action against Iraq "would be a deterrent to other countries". In his view it would be "possible to avoid military action only if the international community remained united in telling Iraq to comply".

787. In the second conversation, Mr de Villepin expressed surprise about the joint article signed by eight European Prime Ministers which Mr Blair had not mentioned to President Chirac.[262]

788. Mr Straw told Mr de Villepin that at the time resolution 1441 was agreed, "everyone knew that a further material breach would trigger a meeting of the Security Council". Mr de Villepin did not agree with Mr Straw's view that Iraq "had committed a further material breach". Mr Straw argued that resolution 1441 had:

"… agreed a 60-day inspection period. Blix had then reported. There would be further discussions in the Security Council. If Iraq changed its behaviour, then good. If not, military action would become inevitable …"

789. Mr de Villepin had stated that France would never be placed in a position where it would agree to a second resolution simply as window dressing for military action; it wanted time to allow the build-up of pressure to work. The US timeframe was too short.

790. Mr Straw said:

"… the more the inspectors found a pattern of non-compliance, the greater the suspicion surrounding Saddam's WMD …

"It would be terrible if, in the case of a clear further material breach, the international community did nothing. It was in no one's interest to see the US act unilaterally. That would mean the international community losing influence over US actions."

791. When Mr Straw asked whether France would consider using its veto, Mr de Villepin "ducked the question".

---

[262] Telegram 23 FCO London to Paris, 29 January 2003, 'Iraq: Foreign Secretary's Second Conversation with French Foreign Minister, 29 January'.

792. Sir Roderic Lyne advised that Russia would vote in favour of a second resolution in response to a "smoking gun"; but that it might support or abstain on a resolution based on reports of non-co-operation.

793. In a telegram on 30 January, Sir Roderic Lyne advised that Russia was "not nearly as steamed up about Iraq" as France and Germany.[263] President Putin's attitude was "based on a pragmatic assessment of Russia's interests – which means avoiding war if possible, but more importantly not falling out with the Americans and avoiding marginalisation at the UN". Russia was "not talking veto language" and President Putin's remarks were beginning "to prepare public opinion for a vote in favour [of a second resolution]".

794. Sir Roderic wrote that Russia was "in the 'most opposed' group in the Security Council" but Moscow was "not signalling real determination to make difficulties or hold out to the end – rather the opposite". The mood was "a mixture of pragmatism and sullen acquiescence in a presumed outcome".

795. The evidence for those conclusions set out by Sir Roderic included:

- The official Russian line before the reports to the Security Council, about the need for more time and that military action would not be justified, was "ritualistic, carefully moderated and designed not to box Russia in (nor to whip up public emotions)". President Putin's remarks in Kiev had "changed the tune sharply". Mr Igor Ivanov had "swung into line".
- President Putin had told Mr Blair "two years ago that he would not regret the passing of Saddam Hussein", and he had not "pressed hard" since resolution 1441.
- "THE FRANCO-RUSSIAN SYMPHONY" wasn't playing: "Before 1441, Chirac and Villepin were burning up the phone lines to Moscow, and Lavrov and Levitte [Mr Jean-David Levitte, French Permanent Representative to the UN] were (for a while) in bed together in New York. It feels different this time." That was partly because "the Russians thought the French welshed on them in the 1441 end game". The larger point was that President Putin knew that Iraq was the "litmus test" for his strategic relationship with President Bush. President Putin's visit to France and Germany from 9-11 February might "well create the impression of a common front, but under the surface it isn't so".
- "Almost no one" in Russia wanted to see a war in Iraq. The "Russian body politic" was "acutely uncomfortable with US hyperpower and Russian impotence" but there was "less heat" about Iraq than "in France, Germany or Western Europe in general". No one was forecasting that President Putin would "break with the Americans".

---

[263] Telegram 33 Moscow to FCO London, 30 January 2003, 'Iraq: Which Way Will Russia Jump?'

- "Keeping the oil price high (though not extreme) and avoiding a post-conflict collapse" was a key Russian interest.
- Russia was "not trying any" political initiatives. It seemed to have "put some pressure" on Iraq, but relations were "not warm".

796. Sir Roderic advised that Russia would:

> "… tuck in behind the French and Germans in the Security Council, with the Chinese, but not lead the pack. They'll support more time for inspections, calls for proof positive, and ploys to get Saddam to concede or step down.
>
> "They will not veto in isolation; probably not veto in Chinese company alone; and in general will do all they can to avoid vetoing. They would rather let through (perhaps on abstention) a distasteful second UNSCR than see the Americans go unilaterally and sideline the Security Council. They would vote in favour of a 'smoking gun' resolution and in favour or abstain (depending on the French vote) on a resolution based on reports from Blix of non-co-operation.
>
> "… It would be awkward but not completely impossible for Putin domestically to be more US-friendly in a vote than … [Germany or France].
>
> "… If the US goes unilateral, the Russians will make a decent show of grumbling … but they won't be actively obstructive."

797. Sir Roderic concluded that the UK approach should be: "More of the same." The UK "should help the Americans to keep the Russians engaged, including on day after issues". This meant continuing conversations with Russians, including with President Putin and Mr Igor Ivanov. The "bottom line" was that President Putin would not want:

> "… to lose the chips he's staked on Bush. Iraq versus the USA is a no brainer. (Nor does Putin wish to part company with us, in the run-up to his State Visit.)"

798. Mr Straw told Mr Igor Ivanov that the question of a material breach was for the Security Council or individual members. He accepted that resolution 1441 had not set a timetable for inspections.

799. The record of Mr Igor Ivanov's telephone call to Mr Straw on the afternoon of 30 January reported that Mr Ivanov had said it was necessary to address the problems identified in Dr Blix's report, but he saw no problems which could not be resolved by negotiations.[264]

---

[264] Telegram 19 FCO London to Moscow, 30 January 2003, 'Iraq: Foreign Secretary's Conversation with Russian Foreign Minister, 30 January'.

800. Mr Straw agreed that most problems in Dr Blix's report:

> "… could be resolved if Iraq complied. But there could be no doubt that Iraq was in further material breach because of its non-compliance. It was important that Iraq got the message that time had almost run out. It would be stupid of them not to co-operate now."

801. Questioning Mr Straw's statement, Mr Ivanov said: "it was up to the inspectors to say how much time they needed to complete their mission. If they needed five to six months, who were we to say they should not get it."

802. Mr Straw "accepted" that there was nothing in resolution 1441 on the timing. That was: "a matter for the Security Council. But Iraq should have complied over the past two months, or even in the 1990s."

803. Mr Ivanov agreed that:

> "… it was for the Security Council to decide on timing … [T]he previous inspectors had worked for eight years and done a great job. ElBaradei had told … [him] that he needed two more months. Blix needed more time too. The Security Council could give the inspectors time to finish their job.
>
> "… the Blix report had said nothing about a material breach."

804. Mr Straw said:

> "… material breach was not a matter for the inspectors, but for the Security Council or for individual members. If one looked at OP4 … it was very hard to see how Iraq was not now in further material breach."

805. Mr Ivanov agreed that:

> "… it was for the Security Council to decide if there were a further material breach. But, looking at the Blix and ElBaradei reports, Russia saw no reason to declare that Iraq was in material breach. But there was a definite need to seek further co-operation from Iraq."

JIC Assessment, 29 January 2003

806. The JIC assessed on 29 January that retaining WMD was a vital Iraqi interest and that Saddam Hussein was unlikely to agree to relinquish power or go into exile.

807. The JIC predicted that, once military action began, widespread lack of loyalty to the regime would become clear and a hard-fought professional defence of Baghdad was "unlikely".

808. The JIC sustained its earlier judgements on Iraq's ability and intent to conduct terrorist operations.

809. At the request of the FCO, the JIC reviewed current developments in Iraq from Saddam Hussein's perspective and possible Iraqi moves in the coming weeks.[265]

810. The minutes of the JIC discussion on 29 January record that the draft Assessment had been difficult to write given the fast-moving developments and it was important to ensure it reflected the latest information, especially the UNMOVIC perspective.[266] They also recorded that:

> "… it was difficult to predict if and when Saddam might launch pre-emptive strikes, but the paper should try and make a judgement on possible timescales. The trigger would probably be set when Saddam concluded that his fate was sealed, rather than any movements by Coalition Forces. Most of the Iraqi military would probably crumble quickly under attack. Saddam would maintain his hold on of power until then, and there were no indications of possible coups beforehand. Whilst the Iraqi public might welcome the end of Saddam's regime, they were also concerned about the human costs of fighting."

811. The key elements of the Assessment are set out in the Box below.

JIC Assessment, 29 January 2003: 'Iraq: The Emerging View from Baghdad'

Key Judgements

- "Retaining WMD remains a vital Iraqi interest. Saddam might nevertheless consider a last minute tactical declaration of some of his WMD to avert a war, believing that he can rebuild his WMD capability later."
- "Saddam does not appear to realise the severity of the military attack he faces. Senior Iraqi officials, although increasingly convinced of the inevitability of a US-led attack, are unlikely to be telling Saddam about their concerns."
- "Saddam has not lost control or the capacity for rational tactical decisions. He continues to maintain regime cohesion, primarily through intimidation. He is unlikely to agree to relinquish power or to go into exile. He still believes he has a chance of averting military action or, once military action begins, forcing the Coalition to cease hostilities before his regime collapses."
- "Once military action has begun, widespread lack of loyalty to the regime will become clear. Iraqis may not welcome Coalition military forces, but most will at least acquiesce in Coalition military activity to topple the regime, as long as civilian casualties are limited. A hard-fought professional defence of Baghdad is unlikely, although elite military and security elements closely identified with the regime may fight until their positions become untenable."

[265] JIC Assessment, 29 January 2003, 'Iraq: The Emerging View from Baghdad'.
[266] Minutes, 29 January 2003, JIC meeting.

- "Saddam probably believes he has some strong political and military cards to play, even in the face of an inevitable attack. These include exploiting international divisions over war with Iraq and rousing the Arab street. He may use human shields, fire CBW against Coalition Forces, launch a pre-emptive attack on the Kurds, Coalition Forces building up in Kuwait or Israel, or sabotage Iraqi oil wells and water supply."

Inspections

The JIC had "judged in October" that:

> "Saddam was confident he could prevent UNMOVIC from finding any evidence before military options started to close off … and that concealment and dispersal of sensitive items were the basis of Iraq's strategy. [...] But by mid-January there were signs that Iraq was coming under pressure from UNMOVIC finds that were inconsistent with its December 2002 declaration. [...]
>
> "[...] Intelligence is unclear, but it is possible the UNMOVIC discoveries have increased Iraqi uncertainty. Blix's tough statement to the Security Council on 27 January surprised Baghdad and may have increased the regime's concerns about UNMOVIC. Saddam Hussein continues to believe that the possession of WMD is a vital Iraqi interest. [...] Any WMD admission would therefore be tactical rather than indicative of a genuine change of policy."

Reading the outside world

The JIC assessed that:

- Iraqi officials were "**increasingly convinced of the inevitability of a US-led military attack**".
- Saddam Hussein continued to "give the impression that military action, though increasingly likely," was "not imminent".
- Saddam Hussein's speeches in early January had been "bellicose, calling for bravery and sacrifice in defending the homeland from invaders".
- It was "not clear that Saddam and his officials" had "fully grasped the severity of the military attack they face from the US-led Coalition assembling in the Gulf". [...]
- "Reporting … indicated" that Iraq believed the West was "squeamish about casualties".
- Saddam Hussein was "**misreading the international scene**". Media reporting of debate in the West might "well lead him to overestimate the impact of opposition to military action on US determination to deal decisively with him".
- Saddam Hussein might "also be unsure whether the aim of the Coalition [was] regime change and disarmament or just disarmament".
- Iraq "continued to seek support from Russia and China as well as Arab and Muslim states. But such attempts to gather Arab and international support appear overambitious."

Iraq and terrorism

Addressing Iraq's capability to conduct terrorist attacks and its possible intentions, the Assessment stated:

- The JIC continued to judge that Iraq's capability to conduct terrorist attacks was "limited, especially outside the Gulf region".
- The JIC had "previously judged that terrorism could be attempted against Coalition Forces during a military build-up if Saddam believed an attack was inevitable. There [had] been no indication that Iraq was behind the recent attack on US contractors … in Kuwait". That had, however, highlighted "the vulnerability of the large numbers of Coalition Forces concentrated in an area as small as Kuwait".
- Iraq might "well seek to use its influence over some smaller militant Palestinian groups to encourage them to strike at US and Coalition interests in the Middle East in the event of a Coalition attack".
- There were "also uncorroborated reports of Iraq assembling teams in various countries to attack UK and US interests in the event of war against Iraq.
- Despite the presence of terrorists in Iraq with links to Al Qaida, there was "no intelligence of current co-operation between Iraq and Al Qaida".

Iraqi military preparations

The Assessment stated:

- There were "continuing military defensive preparations, including deployments and reinforcement of military units in the South, West and along the border of the Kurdish autonomous zone" which appeared to be "directed against both the threat of [an] internal uprising and external attack".
- "Since early January part of the Iraqi 4th Corps has moved southwards, including possibly 1,000 troops on the al-Faw Peninsula, apparently in response to the Coalition build-up in Kuwait."
- But Iraq's options for redeployment in the South were "limited": "Any significant redeployment in the South would risk triggering a Coalition attack by breaching the southern No-Drive Zone."
- The regime did "not trust the Republican Guard enough to deploy them in Baghdad, except possibly as a last resort, leaving them exposed beyond the capital's boundaries".
- Iraqi preparations in and around Baghdad were judged to be "of limited utility".
- There had been "no clear indication of any plan for a pre-emptive military strike against the Kurds, neighbouring countries or Israel".
- Saddam Hussein would have "little incentive to launch such a strike while the Iraqi strategy focuses on convincing UNMOVIC that Iraq does not have WMD holdings", but it might "become an attractive option in the face of imminent Coalition military action".
- There was "unlikely" to be "any advance warning of a pre-emptive attack on the Kurds".
- A "pre-emptive limited artillery strike on Kuwait using CBW could be launched in as little as two hours".

- "Preparations for a possible attack on Israel" were "likely to be more extensive and to stretch Iraqi capabilities to the limit".
- There were indications of "plans to sabotage oil fields to prevent them falling into Coalition hands".

Maintaining control within Iraq

The Assessment stated:

- The regime continued to "**maintain regime cohesion primarily through intimidation**".
- It had "attempted to maintain its hold by claiming" that the return of inspectors had "averted a US attack"; the international community was "intent on disarming Iraq, not on regime change"; the regime was "maintaining 'business as usual': anybody thinking of deserting will face serious consequences".
- Clear signs of dissent or defection might not be seen until the regime was "about to fall".
- Saddam Hussein had "sought to mitigate the regime's unpopularity by promising some measures of liberalisation". Such measures had "little credibility" as the regime had "made them under pressure in the past, then withdrawn them once the crisis has passed".
- There was "little intelligence on Iraqi popular attitudes towards a Coalition attack".
- The JIC judged that "most Iraqis will welcome the departure of Saddam. A few reports suggest that some Iraqis may fight to defend their homeland from what they see as external aggression. [...] Overall we judge that **while Iraqis may not welcome military forces, they will at least acquiesce in Coalition military action to topple the regime, as long as civilian casualties are limited.**"
- Morale in much of the regular army was "low" and "many soldiers" were "reluctant to fight". "But as long as Iraqi security officers remain with military units and able to enforce discipline, fear of execution is likely to keep regular units at their posts."

Saddam Hussein's mindset

The Assessment stated:

- The JIC judged that Saddam Hussein was "**still in control**" and was "**unlikely to relinquish power voluntarily**".
- Saddam Hussein would "fear the humiliation of exile, possible assassination and the threat of trial before an international war crimes tribunal". Suggesting to him "that he step down to avert a war would be likely to provoke a murderous rage".
- The prospects for a "Turkish initiative to promote a regional peace plan" did not "look good". There had been "no indication" that Saddam was "preparing to flee". There had been "uncorroborated reports of plans for Saddam's family to seek refuge abroad in the event of a Coalition attack".
- Saddam Hussein was "under increasing pressure" as the inspections regime intensified, UNMOVIC had made "significant discoveries" and the Coalition military build-up continued.
- The JIC judged that Saddam Hussein had "underestimated UNMOVIC's capability to expose his deception". He had "failed to realise that he was facing a situation different from the days of UNSCOM". UNMOVIC's "limited success" highlighted

the "risks Saddam took in providing a weak declaration of Iraq's WMD-holdings".

- There was "**no sign**" that Saddam Hussein was "**unstable or losing the capacity to make rational tactical decisions**". He might "**well believe**" that he had "**some strong cards left to play**".
- Saddam Hussein was "already placing military targets in residential areas to score a propaganda victory in the event of a Coalition air campaign".
- "In the face of an attack, or even before hostilities if he judged that an attack was imminent," Saddam Hussein might take a number of actions, including:
  - making a last-minute declaration of his WMD;
  - taking hostages or exploiting "foreign volunteers from countries such as UK and France as human shields";
  - moving "against the KAZ [Kurdish Autonomous Zone] to provoke a humanitarian crisis and to provide a military distraction";
  - mounting a pre-emptive attack against Israel to "provoke a wider regional crisis and rouse the Arab street"; and
  - inflicting "high enough casualties on any Coalition ground forces, perhaps in Kuwait, including through use of CBW, to halt a Coalition attack and to swing public opinion in the West against hostilities".
- "Once hostilities were underway", Saddam might also:
  - "seek to cause an international outcry over the level of Iraqi or Coalition casualties"; and
  - "pursue a scorched earth policy, including the destruction of oil wells and poisoning the water supply".

The JIC had judged in December 2002 that Saddam Hussein "would initially seek international pressure to halt Coalition action". If that failed, he "would seek to inflict serious casualties on Iraq's neighbours and on Coalition Forces, in order to undermine the Coalition's will to fight on".

In its Assessment of 29 January, the JIC judged that Saddam Hussein still believed he had "a chance of averting military action or, once military action begins, forcing the Coalition to cease hostilities before his regime collapses".

812. Mr Scarlett assured Sir David Manning on 30 January that the intelligence reporting was "consistent and convincing", and there was no evidence that Saddam Hussein was considering the renunciation of WMD.

813. In addition to the JIC Assessment of 29 January, Mr Scarlett sent Sir David Manning his "personal observations on the overall intelligence picture".[267] Mr Scarlett wrote: "Our intelligence reporting has been consistent and convincing. I have not seen a single reference to Saddam even considering the renunciation of WMD to save his regime (and probably his own life)."

[267] Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'.

814. The details in the letter are addressed in Sections 4.3 and 6.2.

Cabinet, 30 January 2003

815. Mr Blair held a meeting with senior Ministers to discuss Iraq before Cabinet on 30 January, but there is no official record of what was discussed or the conclusions reached.

816. Iraq was discussed with Mr Prescott, Mr Straw, Mr Hoon and Adm Boyce in a meeting before Cabinet.

817. Mr Campbell wrote that:

- Mr Straw had told Mr Blair several times that he had to make clear [to President Bush] that the UK could not go ahead without a resolution.
- Mr Straw was also concerned about Lord Goldsmith's reaction to some of the proposed targets for the air campaign, "because he would feel that disproportionate force was being applied".
- Adm Boyce had "warned that he was worried the Americans felt they would be seen as liberators. It just wasn't so. They would be resented."
- Mr Blair was "clear that he wanted" to get President Bush to a second resolution; and he had "got the message that we couldn't do without one".
- Mr Blair felt that "two or three Blix reports, and more time for Arab leaders to push Saddam out" were needed.
- Mr Hoon was "worried"; Mr Donald Rumsfeld, the US Secretary of Defense, was saying "that the problem with the UN route was that it was open-ended, that other countries just used the process so nothing ever happened".[268]

818. There is no No.10 record of the discussion.

819. Mr Blair told Cabinet on 30 January that he would be discussing the policy on Iraq with President Bush the following day. Saddam Hussein was not co-operating fully and while the inspectors would need time to reach a firm conclusion, that period could not be open-ended.

820. Mr Blair told Cabinet on 30 January that he would be discussing the policy on Iraq with President Bush the following day.[269] The United Nations inspectors "needed to be given clear direction following their report" to the Security Council on 27 January. Saddam Hussein was "not co-operating fully but the pressure on him to do so was increasing. It would take time for the inspectors to come to a firm conclusion, but that period could not be open-ended."

---

[268] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[269] Cabinet Conclusions, 30 January 2003.

821. In the subsequent discussion, the points made included:

- Dr Blix's report could be interpreted as an argument that containment had worked: more explanation was required why we could not continue as before.
- The onus was on Saddam Hussein to explain the discrepancies between the Iraqi declaration and a series of unanswered questions: "about 223 missile motors imported illegally; the production of VX nerve agent; 6,500 missing chemical bombs; 12 newly stored chemical shells; and the refusal to allow [Iraqi] scientists to be interviewed in private" listed by Dr Blix. Resolution 1441 "demanded Iraqi co-operation: it was not for the inspectors to act like detectives to find evidence of Saddam Hussein's guilt".
- The British public was "supportive of the UN route, but was averse to being rushed into war by pressure from the US".
- Military action could precipitate a humanitarian crisis involving internecine strife, the release of Iraqi WMD or the breakdown of the UN Oil-for-Food programme.
- The military build-up continued and there would be announcements on the call-up of Reservists and the Royal Air Force contribution.
- The importance of reviving the MEPP had to be constantly reinforced with the US.

822. Mr Blair concluded that Saddam Hussein "had the choice of either co-operating or being disarmed". The UN route "should be pursued". "More time was needed" to allow the inspectors "to do their job properly and to ensure broad international support". American rhetoric was "weakening the Iraqi regime from within. If military action was required we would need to make clear our commitment to the people of Iraq and to managing the aftermath of hostilities to their benefit. The UN would need to be involved in that process. Military action would be embarked upon only if necessary to enforce the will of the United Nations."

823. Mr Campbell wrote that Mr Blair had been "clear that his role was to pull the US into the right position" on a UN resolution; and that he had later left Cabinet to take a call from President Bush, "from which he returned looking very worried".[270]

Mr Blair's conversations with President Bush, 29 and 30 January 2003

824. Mr Blair spoke to President Bush on both 29 and 30 January.

825. Mr Blair continued to emphasise that Dr Blix would need time to report a pattern of non-co-operation from Iraq before it would be possible to secure support for a second resolution.

---

[270] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

826. While Mr Blair had proposed on 24 January that inspections, and fortnightly reports to the Security Council should continue until the end of March, the timetable being discussed on 30 January was that a decision on a second resolution could be sought after more reports from Dr Blix.

827. In his diary for 29 January, Mr Campbell wrote:

> "For obvious reasons, Iraq was worrying TB more and more. He wasn't sure Bush got just how difficult it was going to be without a second UNSCR, for the Americans as well as us. Everyone TB was speaking to, including tough guys like [John] Howard, was saying that they need a second resolution or they wouldn't get support. TB felt that was the reality for him too, that he couldn't deliver the party without it."[271]

828. Mr Rycroft advised Mr Blair that he should tell President Bush that:

> "Even our closest allies are clear about their own domestic political constraints. They would all much prefer a second resolution if at all possible. You have to have one too …
>
> "… a pattern of non-co-operation would not suffice for a French vote in favour of a second resolution. Our assessment is that there are only four positive votes …
>
> "So it follows that a WMD find or an Iraqi obstruction of the inspectors would transform the international context. Short of that, we need a pattern of Blix reports on Iraqi non-co-operation. This all points to a little more time – weeks not months – as you argued in your Note, to improve the chances of securing a second resolution."[272]

829. The conversation on 29 January was brief.[273]

830. Mr Blair congratulated President Bush for setting out the case on Iraq in his State of the Union address. He told President Bush that he [Mr Blair] was speaking to several colleagues so that he would have a clear picture of their positions before their meeting. Dr Blix's January report had been much better than expected and had helped to change some minds.

831. Mr Blair and President Bush agreed to speak the following day on a secure line.

832. In their telephone conversation on 30 January, Mr Blair and President Bush discussed the message that should come out of Mr Blair's visit.[274]

---

[271] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[272] Minute Rycroft to Prime Minister, 29 January 2003, 'Iraq: Phone Call to Bush'.
[273] Letter Rycroft to Sinclair, 29 January 2003, 'Iraq: Prime Minister's Conversation with Bush, 29 January'.
[274] Letter Rycroft to McDonald, 30 January 2003, 'Iraq: Prime Minister's Conversation with Bush, 30 January'.

833. Repeating many of the points in his Note to President Bush of 24 January, Mr Rycroft reported that Mr Blair said that:

> "… having consulted other leaders it was clear that the issue was not time for its own sake but time to secure a second resolution. Leaving aside public opinion, a second resolution would help protect us against any unexpected events during a military campaign. Saddam had no intention of complying with 1441 so Bush was right to ensure that this did not drag on. The Prime Minister thought that we needed two more Blix reports, one every two weeks, to build up a pattern of Iraqi non-co-operation. At that point, all other countries including France could possibly come on side for a second resolution. But they would need a reason to change their position, which Blix's reports could provide. For instance, it would be difficult for Putin to support a second resolution next week but he might do so in the future. This could make it impossible for France to attract sufficient support. If they vetoed alone, the French would be the unilateral ones."

834. Following a discussion of President Bush's position, Mr Blair accepted that there would be a need to "maintain a position of strength and exhibit increased confidence in our case. Blix's role would be important."

835. Mr Blair and President Bush also discussed the need to push hard for peace in the Middle East and dealing with WMD proliferation by countries beyond Iraq.

Mr Blair's meeting with Mr Aznar, 30 January 2003

836. Mr Blair suggested to Mr José Maria Aznar, the Spanish Prime Minister, that a second resolution could be sought in late February, but not earlier.

837. Mr Blair met Mr Aznar in Madrid on 30 January on his way to Washington.[275] The meeting was followed by a press conference.

838. Mr Blair told Mr Aznar that he had told President Bush that a second resolution was politically necessary for the UK. If the inspectors did not find any WMD, the "next best outcome would be for Blix to establish through a second and third report to the Security Council that Iraq was refusing full co-operation". The UK should thereafter, in early March, seek a second resolution when, "assuming strong Blix reports", Mr Blair judged Russia would not object and France would need to choose whether to veto. Mr Blair also suggested allowing time after a second resolution for Arab countries to try to force Saddam Hussein into exile.

839. Mr Blair and Mr Aznar discussed the impact of a veto on the UN and, therefore, the need to avoid one; and whether it would be better to seek a second resolution in mid- rather than late February. Mr Blair argued that the situation could not be allowed to "drag on, but it was important to give it a little longer". He acknowledged that public

---

[275] Letter Rycroft to Sinclair, 30 January 2003, 'Iraq: Prime Minister's Meeting with Aznar, 30 January'.

opinion was moving against military action but suggested it could be brought round. Mr Blair's preference was to wait until the end of February, including to allow further reports from Dr Blix, which would highlight Iraq's non-compliance, and give time to work on Security Council members.

840. Mr Blair thanked Mr Aznar for his role in the joint article and stated that he would propose "a system of communications co-ordination" to President Bush.

841. Asked what would happen if there was no second resolution, Mr Blair responded that "he thought military action would follow anyway, but in far tougher political circumstances"; and "The aftermath would be much easier to handle if the UN had authorised military action and the subsequent rebuilding of Iraq."

Papers produced for Mr Blair's meeting with President Bush

842. Mr Blair was sent a number of papers from across Whitehall before his meeting with President Bush.

843. In preparation for the meeting with President Bush, Mr Rycroft sent Mr Blair a pack of "background papers" on 30 January.[276] He added that there would be "plenty of other papers, including JIC papers to give you on the plane".

844. The papers on Iraq were produced by the FCO, the MOD and the Cabinet Office.

845. Mr Jim Drummond, the Assistant Head of OD Sec (Foreign Policy), sent Mr Rycroft a minute setting out a "few OD Sec points, just in case they slip through the briefing" provided by the FCO and MOD.[277] Those included:

- the need to agree joint military campaign objectives for publication "shortly before any conflict starts"; the UK should offer a draft;
- an offer of "help on handling Iran";
- the "importance of transparency in the use of oil revenues"; and
- the need for agreement on an "UNMOVIC/IAEA role in finding and destroying WMD post Saddam".

MOD LETTER, 29 JANUARY 2003

846. The MOD drew attention to the implications which any delay in military action beyond the spring would have for its ability to provide a major contribution for military action, and the need for the US and UK to have agreed military objectives.

847. The MOD briefing of 29 January comprised a general update and sections on targeting, "aftermath", and Saddam Hussein's options, including Fortress Baghdad.[278]

---

[276] Minute Rycroft to Prime Minster, 30 January 2003, 'Camp David'.
[277] Minute Drummond to Rycroft, 28 January 2003, 'Iraq: US visit'.
[278] Letter Williams to Rycroft, 29 January 2003, 'Prime Minister's Briefing – Iraq'.

848. The MOD "line to take" suggested for Mr Blair was that, if military operations were to be delayed beyond April/May, the UK would "struggle to put together this scale of force again for the autumn, especially if the fire strike continues. So militarily we could bear some delay but not too much."

849. The background briefing for Mr Blair advised that, if operations were not initiated in the spring, the UK would "face some awkward choices". Some "key elements of the UK contribution were unique" – including the Commando Brigade, the Air Assault Brigade and a specialist helicopter carrier ship. The MOD suggested:

> "If operations were not going to start until the autumn, we would need to consider bringing some forces back to the UK in the meantime. Our ability to provide a major contribution later in the year will also be severely constrained if the fire strike continues beyond the spring."

850. The MOD also advised Mr Blair that agreement on the objectives for a military campaign would be needed. The development of the UK's objectives and the discussion of the legal basis for the conduct of military operations are addressed in Section 6.2.

851. In relation to targeting, the "line to take" offered to Mr Blair was that the UK was "working up our strategic objectives for a military campaign. We need to relate this to the legal base we establish." It was "Very important that UK and US objectives are aligned soon and in advance of commitment to action so that we can come to a clear and common understanding on **targeting issues** and the **information campaign**." That would need "careful handling domestically".

852. The background briefing for Mr Blair explained that the current thinking was that the objectives would be published "close to, or at the start of hostilities". The MOD explained that the military objectives would enable it to "satisfy" itself "that they represent[ed] minimum use of force as required by international law", and to use the CDS Directive to indicate "what military missions are legitimate, including … what targets we can legitimately attack from the air; and plan information operations".

853. A "publicly agreed set of aligned military objectives", being prepared by the Cabinet Office, would enable the UK to participate in a "joined up **information operations campaign**".

FCO ADVICE, 30 JANUARY 2003

854. The FCO focused on the need for more time in the hope of disarming Iraq without military action and, if that was not possible, support for a second resolution.

855. The briefing paper for Mr Blair prepared by the FCO Middle East Department on 30 January described the objectives for the meeting as:

> "to convince President Bush that:
>
> - our strategy, though working, needs more time;
> - the military campaign will be very shocking in many parts of the world, especially in its opening phase (five times the bombing of the [1991] Gulf War);
> - a second UN Security Council resolution (i) would greatly strengthen the US's position, (ii) is politically essential for the UK, and almost certainly legally essential as well;
> - we should support Saudi ideas for disarmament and regime change with UN blessing;
> - the US needs to pay much more attention, quickly, to planning on 'day after' issues; and that the UN needs to be central to it."[279]

856. The paper set out a number of key messages for Mr Blair to convey to President Bush reflecting those objectives, including:

- More time would not be "stringing things out: it is patience with a purpose". The disarmament of Iraqi WMD and the departure of Saddam Hussein could be achieved "with wide international support", but we were "not there yet".
- There were three strategic advantages in "letting time work for us":
  - The military build-up was "already producing some signs of fracturing in the regime. We will lose nothing by letting the pressure build. We might be able to achieve our objectives without firing a shot."
  - Inspections were "beginning to produce results … The Iraqis are rattled. They are showing signs of non-co-operation (U2s, interviews). Blix brought this out very clearly in New York … shifting the terms of the debate against Iraq. More time will increase the evidence of systematic failure by Saddam to comply. Before long likely to produce compelling evidence of Iraqi deceit …"
  - The mounting pressure was "finally galvanising moderate Arabs to work with us to get Saddam out using the leverage of a second resolution. We need to build up a plan on the basis of Prince Saud's [Saudi Arabian Foreign Minister] ideas covering who would have to go, and how we would handle a transition to a new group of leaders who would meet Iraq's obligations under our supervision."

[279] Paper FCO [MED], 30 January 2003, 'Prime Minister's Visit to Camp David, 31 January: Iraq'.

- A second UN resolution would be the “Basis for this approach”. It would “transform the politics in the UK, Europe and the wider world” and it “might even produce an implosion in Iraq”.
- It would “take an effort to get the nine positive votes needed”.
- Moderate Arabs might support military action “when the time comes”, but they would need “a second resolution and wider international support for force, as well as being seen to give Saddam Hussein one last chance to climb down”.
- All the trends pointed to “a crunch time around end March”. The FCO did not see how a second resolution could be obtained “in the next few weeks, absent a dramatic new fact”.
- The UK was with the US “100% on the goal; full disarmament by force and regime change if necessary. But we have to contrive circumstances in which we can carry a broad coalition and domestic opinion with us.”
- Working with the UN would “produce a huge prize” in relation to rebuilding Iraq with international support “which allows us to exit”, sending a “powerful message” to other “would be proliferators”, and that domestic opinion would be “more convinced by the legal case”. That was “worth taking time over”.
- There was merit in the Saudis’ idea for Arab League pressure on Saddam to go and the idea of a “UN trusteeship” was “worth close examination”.
- An overall “winning concept” was needed which “should embrace both military action and ‘day-after’ administration in Iraq”. It would be “pointless and damaging to win war and lose peace”.
- It would be “irresponsible to abandon Iraq quickly after toppling Saddam”. The “risk of civil war would be real” and “Iraq’s neighbours would get dragged in, creating instability in the whole region”.
- Coalition Forces would “not be seen as liberators for long, if at all. Our motives are regarded with huge suspicion. The Iraqis … want us gone quickly. Our occupation and administration of Iraq will become more unpopular and its awfulness more debatable, the longer it continues.”
- The “Blunt fact” was “that in those circumstances any reforms are unlikely to stick. Iraqis will need legitimate international presence holding the ring while they themselves set up new, Iraqi, structures.”
- The period of “government by military coalition” should be kept “as short as possible” and an “international administration with UN blessing” introduced “quickly”.
- Restoring the oil production would be “an immediate challenge”. The oil sector would “need some technology and a lot of capital”. The US and UK should “encourage an open investment regime and a level playing field for foreign companies”.
- The UK media and Parliament had “not yet focused on day-after questions. But it would be very difficult to sustain a UK contribution to day-after if our

occupation of Iraq were opposed, in Iraq and in region." The UK did not "want a repeat of the 1920s".

- The UK agreed with the US "objective of a NATO role" but "there is very little chance of getting a formal … decision at present".

857. A three-page Background Note and an Annex setting out the views of key governments was also produced.

858. On the legal position, the Background Note stated:

> "There are concerns that a second resolution authorising the use of force is needed before force may lawfully be employed against Iraq to enforce the WMD obligations in the UNSCRs. If a draft resolution fails because of a veto (or indeed because it does not receive nine positive votes), the fact that the veto is judged 'unreasonable' is immaterial from a legal point of view."

859. In response to a request from Mr Blair, Mr Edward Chaplin, FCO Director Middle East and North Africa, provided additional briefing on:

- the humanitarian situation – described as "the one area where US Day After planning is reasonably advanced";
- options for a second resolution – work was "in hand" and details were "in briefing pack"; and
- UN involvement in the aftermath – that was "only likely to make progress if the US side gets a signal from the President to take it seriously".[280]

LORD GOLDSMITH'S MINUTE, 30 JANUARY 2003

860. Lord Goldsmith wrote to Mr Blair on 30 January to emphasise that his view remained that resolution 1441 did not authorise the use of military force without a further determination by the Security Council.

861. Lord Goldsmith's minute to Mr Blair of 30 January,[281] and the fact that he thought it necessary to send such a letter despite having been told it was not needed for the meeting with President Bush, is addressed in Section 5.

MR BLAIR'S NOTE, 30 JANUARY 2003

862. A Note entitled 'Countdown' set out a checklist of issues for Mr Blair's discussion with President Bush.

863. It reflected Mr Blair's convictions that Saddam Hussein had no intention of complying with resolution 1441 and the inspectors would report Iraq's

---

[280] Paper FCO [MED], 30 January 2003, 'Prime Minister's Visit to Camp David, 31 January: Iraq' attached to Letter Sinclair to Rycroft, 30 January 2003, 'Iraq: Prime Minister's Visit to Camp David, 31 January: Additional Briefing'.
[281] Minute Goldsmith to Prime Minister, 30 January 2003, 'Iraq'.

non-compliance if they were allowed more time. That would be sufficient to bring round public and international opinion to support military action, even without a "smoking gun".

864. A document entitled 'Countdown' appears in the No.10 files for 30 January 2003.[282]

865. The Note set out a potential timetable for action which anticipated two further reports from Dr Blix, on 14 and 28 February and each "harder on non-co-operation", leading to a UN discussion and a resolution "authorising action; or at least declaring Iraq in material breach" by 5 March. Saudi Arabia might then have "10 days to mobilise Arab opinion to try to force Saddam out" before military action beginning on 15 March. It would be "preferable" if the report on 28 February judged that there was "no sign of Iraq fully co-operating" and that the inspectors could not "disarm unless there is full co-operation". The timetable could be:

> "… shortened if either dramatic find by Blix or 14 February report sufficiently hard; lengthened, but not beyond end March, if resolution takes more time."

866. The document comprised six sections with very short bullet points in each. Those were:

- "Military Questions". Whether there were sound plans: in the event that Saddam Hussein used WMD, attacked Israel, or destroyed oil wells; to keep rival groups and tribes apart; and to avoid civilian casualties.
- "Aftermath Questions". What would happen immediately, "a new Iraqi government or US run"? What type of Iraqi government would be the aim in the medium term?
- "Blix". Had been given "very good intelligence". The Note suggested; "Close working", "Persuasion of doctrine of non-co-operation"; "Tie in with ElBaradei"; and "To be seen by coalition leaders", including Mr Blair and President Bush before 14 February.
- "Related Issues". A renewed push on Afghanistan; progress on the MEPP; "HIV/AIDS and Poverty"; "North Korea"; "US/EU relations"; and "Oil".
- "Diplomacy". The approaches to be adopted with a number of UN Member States and the Iraqi Opposition, including courting Russia and China and bringing them fully on board and finding a "way down" for France.
- "Strategy". The need for: a "Proper communications operation"; joint work on planning; and "regular updates between principals, with clear and set agenda".

867. Mr Campbell wrote in his diaries that Mr Blair had worked on a Note for President Bush on the strategy on the flights to Washington.[283] Mr Blair was extremely concerned

---

[282] Note [Blair to Bush], [undated], 'Countdown'.
[283] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

by the signals of mounting US impatience and was seeking to avoid a US decision to take action outside the UN. He had concluded that he needed to secure more time and President Bush's support for a second resolution. Sir David Manning had reported that the US "was really impatient with the UN" and advised Mr Blair that "we had to fight hard for more time, that we should persuade them [the US] it was in their own interests".

868. Mr Blair was "clear in his own mind about policy and strategy, but worried [President] Bush would not go for it". Mr Blair saw his "challenge" would be:

> "… persuading the US that it was in America's interests to stay with the UN … it would be total madness not to … but it was not going to be easy. He was aiming to persuade Bush to wait until the middle or end of March and support a second resolution before action."

869. Mr Campbell wrote that Mr Blair had been "worried" after the telephone call with President Bush (on 30 January) because the President had "sounded much more frustrated re the UN, definitely listening more to those saying he had to go for it". Mr Blair wanted to take President Bush to one side to:

> "… go through the whole thing. They [the US] may not like it, but Blix was the key … They couldn't just bully here. Blix had to get the evidence of non-co-operation and we had to get the argument round to non-co-operation being a breach, but we needed two or three Blix reports to get that …"

870. Mr Campbell added that Mr Blair was:

> "… really worried. He just didn't know how [President] Bush would be … he wanted as much time on his own as we could get, to persuade him [President Bush] that he was more vulnerable than he thought. There was a risk of hubris. He needed world support more than he thought, especially if something went wrong …"

SIR JEREMY GREENSTOCK'S ADVICE, 31 JANUARY 2003

871. Sir Jeremy Greenstock advised that time would be needed to secure a second resolution. Persuading France to change its position would be the key to influencing others.

872. A clearer understanding of the UK's legal "bottom lines" was urgently needed to inform thinking on a second resolution.

873. A more consultative approach by the US would "work wonders".

874. Sir Jeremy Greenstock advised early on 31 January that Dr Blix's report to the Security Council on 27 January had "moved the debate from Iraq's performance to what we should do about its non-compliance".[284] Russia, China, Germany and

[284] Telegram 174 UKMIS New York to FCO London, 31 January 2003, 'Iraq: Where We Go From Here'.

France's "contention" that "Iraq's co-operation was pretty good so far" did not "echo in the Council". But, at the same time, "all other Council members want to give the inspections longer".

875. Sir Jeremy recommended that the UK's approach to forthcoming discussions of Iraq in the Security Council should be to:

- Hammer home the message that further time would be "a cop-out". It would give "the Iraqis comfort" and mean that they did not need to "take the necessary steps to comply". Assuring Iraq that the Security Council was "determined and willing to contemplate force" was the only solution to getting the Iraqis to "crack". Persuading France to change its position would be the key to influencing others.
- Continue working as hard as possible to provide a "smoking gun" (or denial of access) through UNMOVIC. That was "indispensible" and the UK should "fight for time" for that. The planned presentation by Secretary Powell, to the Security Council on 5 February, would need to be convincing: "A weak presentation will leave us worse off."
- Develop our thinking on a second resolution: "Most crucially and rapidly we need a clearer understanding of our legal bottom lines." The "most realistic way forward may well be an ultimatum". Further work would be needed "on how best that might be constructed (e.g. making use of the UNMOVIC clusters)".

876. Sir Jeremy stated that he would need discretion on the best moment to float a second resolution, but at that stage he did not envisage the issue coming to a head before the second half of February. Securing a second resolution would, in his view, take time. Secretary Powell's address to the Security Council would be used to encourage discussion.

877. Sir Jeremy concluded:

> "Securing a second resolution is going to take time and some coaching of the Security Council. Resolution 1441 took four times as long as we first imagined. Our policy as we go into the meetings … [with President Bush] is therefore well justified. A more nuanced and consultative approach by the US, even for a few days, would also work wonders – focused more on why we need to deal with Iraqi non-compliance and less on the relentless drive to an inevitable war. Powell's decision to address the Security Council has to be used as discussion time, not just a lecture."

Iraq letter, 31 January 2003

In anticipation of Secretary Powell's presentation of 5 February, Dr Sabri wrote to Mr Annan on 31 January requesting the US Government to "submit immediately its alleged evidence" to enable UNMOVIC and the IAEA to begin investigations and report to the Security Council.[285]

Dr Sabri also stated that the 518 inspections since 27 November, which included all the sites identified by the US and the UK, had shown that the allegations were "devoid of truth and had been drafted in order to distort the picture of Iraq and create pretexts for aggression against Iraq and against the region as a whole".

878. Sir Jeremy Greenstock went to see Mr Annan on 31 January to bring him up to date with the UK's thinking.[286]

879. Sir Jeremy reported that he had told Mr Annan that:

- The UK "would be encouraging the US to give the process more time and would also underline the importance of a second resolution".
- The UK wanted to hear Dr Blix's report on 14 February and might want another one after that.
- He did not think there would be military action during February.
- "We were concerned to ensure enough time (even beyond that [late February]) to make it as likely as possible we could secure a second resolution."
- "The only way to resolve this issue without force was for Saddam to crack and preferably to leave (though we realised the latter seemed unlikely at present)."

880. Sir Jeremy also asked whether what he had proposed "offended Annan's bottom line on the need to safeguard the international system". Mr Annan had replied that it did not.

881. Mr Campbell wrote that, "going over the same questions again and again" in Washington on 31 January before the meeting with President Bush, Mr Blair:

> "… kept saying we needed a clear intellectual construct, which was that 1441 focus should be on co-operation issues, if the Iraqis didn't co-operate and Blix makes that clear repeatedly, we should say so and then we go for a second resolution and action could follow. We had allowed the goalposts to be moved to the smoking-gun issue, and instead it had to be about the inspectors not getting co-operation."[287]

---

[285] UN Security Council, 31 January 2003, 'Letter dated 31 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General' (S/2003/132).
[286] Telegram 183 UKMIS New York to FCO London, 31 January 2003, 'Iraq: Discussion with Kofi Annan'.
[287] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

Mr Blair's meeting with President Bush, 31 January 2003

882. When Mr Blair met President Bush on 31 January it was clear that the window of opportunity before the US took military action would be very short. The military campaign could begin "around 10 March".

883. President Bush agreed to support a second resolution to help Mr Blair. Mr Blair confirmed that he was "solidly with the President and ready to do whatever it took to disarm Saddam" Hussein.

884. The absence of discussion about planning for the post-conflict administration and reconstruction of Iraq is addressed in Section 6.5.

885. Mr Blair and President Bush had a two-hour meeting in Washington on 31 January followed by a press conference and an informal dinner.[288]

886. The meeting began with a presentation on the threat posed by Abu Musab al-Zarqawi[289] and the Al Qaida poisons network by a US official. Sir Richard Dearlove attended that part of the discussion.

887. The remainder of the discussion focused on the issue of a second UN resolution and the timetable of a military campaign.

888. Following a discussion of whether a second resolution would help the UK and the relationship between US planning for military action and the diplomatic strategy, Mr Blair confirmed that he was:

> "… solidly with the President and ready do whatever it took to disarm Saddam."

889. Mr Blair added that he firmly believed that it was essential to tackle the threats posed by WMD and terrorism. He wanted a second resolution if we could possibly get one because it would make it much easier politically to deal with Saddam Hussein. He believed that a second resolution was in reach. A second resolution was an insurance policy against the unexpected.

890. Mr Blair set out his position that the key argument in support of a second resolution must rest on the requirement in 1441 that Saddam Hussein must co-operate with the inspectors. Dr Blix had already said on 27 January that this was not happening; he needed to repeat that message when he reported to the Security Council in mid-February and at the end of February/early March. That would help to build the case for a second resolution.

---

[288] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.
[289] A prominent member of Al Qaida who was in Baghdad (see JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq').

891. Mr Blair added that there were various uncertainties:

- Saddam Hussein might claim at the eleventh hour to have had a change of heart.
- We could not be sure that Dr Blix's second and third reports would be as helpful as his first.

892. Mr Blair was, therefore, flexible about the timing of the second resolution. If we could get it quickly, "well and good". But the key was to ensure that we secured it. We had taken the UN route in the expectation that the UN would deal with the Iraq problem, not provide an alibi for avoiding the tough decisions. Resolution 1441 was clear that this was Saddam Hussein's final opportunity. We had been very patient. Now we should be saying that the crisis must be resolved in weeks, not months. The international community had to confront the challenges of WMD and terrorism now.

893. Mr Blair told President Bush that the second resolution:

> "… was not code for delay or hesitation. It was a clear statement that Saddam was not co-operating and that the international community was determined to do whatever it took to disarm him. We needed to put the debate in a wider context. The international community had to confront the challenges of WMD and terrorism now, whether in Iraq or North Korea, otherwise the risks would only increase."

894. President Bush and Mr Blair discussed Dr ElBaradei's analysis on the aluminium tubes procured by Iraq. They also discussed the uncertainties and risks arising from Saddam Hussein's potential actions.

895. On military planning, Mr Blair and President Bush discussed the possibility that Iraqi forces would fold quickly. Mr Blair asked about planning for the aftermath. In his view a UN badge would be needed. That would help with the humanitarian problems. Mr Blair and President Bush discussed an initial military occupation, how to manage the dilemma of managing the transition to civil administration and the nature of an Iraqi government.

896. Mr Blair concluded that the US and UK needed to prepare to organise on a "war footing" working very closely together "particularly on our public communications".

897. Sir David Manning recorded that it was clear that the window of opportunity would be only a few weeks. Otherwise the US would take military action. The military campaign could begin "around 10 March", and earlier if Dr Blix's report on 14 February was tough. The timing was "very tight".

898. The UK should do all it could to help the inspectors make a significant find and work hard on the other members of the Security Council to accept the "non-co-operation case" to "secure the minimum nine votes when we need them, probably by the end of February".

899. The FCO Iraq policy meeting on 3 February was informed that feedback from the 31 January meeting indicated that Mr Blair had "persuaded President Bush to allow time for a serious effort to secure a second resolution"; and that Mr Ricketts would discuss options and tactics with Mr Straw.[290]

900. Mr Campbell wrote in his diaries that Sir David Manning's record of the meeting with President Bush:

> "… made pretty clear they [the US] had made their minds up and that the campaign was going to start … For Bush the diplomacy had to be based round the military campaign, not the other way round. We had very short timelines now."[291]

901. Mr Campbell added that Mr Blair had told him that the meeting with President Bush had been "the best … they had in terms of substance". President Bush "had read and digested" Mr Blair's Notes and "was more on the same page than we thought, said he intended to work hard for a second resolution and work to get a majority for it".

902. Addressing Mr Blair's success in getting President Bush to support a second resolution on 31 January, Sir Jeremy Greenstock wrote in his statement for the Inquiry that it had not been easy to get US agreement "because of the spread of views in Washington and because we had already used up much of our ammunition with Washington on the utility of the UN route in securing [resolution] 1441".[292]

903. Sir Jeremy added: "It was noticeable … that President Bush's words on this subject in public were rather less warm and specific than those he had used with the Prime Minister in private."

904. Sir Jeremy told the Inquiry that President Bush had told Mr Blair: "We, ourselves, don't particularly need a second resolution, but we realise that you do."[293]

905. The record of the meeting between Mr Blair and President Bush on 31 January confirms these elements of Mr Campbell's and Sir Jeremy Greenstock's accounts.[294]

906. Mr Campbell also wrote that Mr Blair was "confident of getting a second resolution"; and he was:

> "… adamant that it was the right thing to do to get rid of Saddam and send out the message that we were determined to deal with WMD. But he knew how tough it was going to be. Expressing confidence in a second resolution was the best way of dealing with that."

---

[290] Minute Tanfield to PS/PUS [FCO], 3 February 2003, 'Iraq Morning Meeting: Key Points'.
[291] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[292] Statement, November 2009, page 13.
[293] Public hearing, 27 November 2009, page 67.
[294] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.

907. Mr Blair had "felt things had gone about as well as they could have done, but still felt they [the US] were doing the right thing in the wrong way, and just wished they could improve the way they put their case to the world".

908. In their press conference President Bush and Mr Blair stated clearly that time was running out for Saddam Hussein to disarm peacefully; but neither stated a commitment to securing a second resolution. That left their position ambiguous.

909. In the press conference following the meeting President Bush expressed his appreciation for Mr Blair's "vision", his "willingness to lead" and: "Most importantly … his understanding that after September 11th, 2001, the world changed: that we face a common enemy."[295] President Bush also stated that he trusted Mr Blair's judgement and appreciated his wisdom.

910. Mr Blair stated that it was essential to mobilise international support and the international community to deal with the linked threats of international terrorism and weapons of mass destruction. That was "essential for the future peace and security and prosperity of the world".

911. In the questions that followed, President Bush said twice that the timing of a decision on Iraq would be "weeks, not months" and that was also Mr Blair's view. He added that the US would resist "any attempt to drag the process on for months". He had gone to the United Nations asking it to show that it had "the capacity to keep the peace". If the UN decided to pass a second resolution "it would be welcomed" if it was "yet another signal that we're intent upon disarming Saddam Hussein": "But 1441 gives us the authority to move without any second resolution." Secretary Powell's presentation to the UN would "make it clear" that Saddam was "fooling the world, or trying to fool the world". He subsequently added: "Saddam Hussein would like nothing more than to use a terrorist network to attack and kill …"

912. Mr Blair did not answer a question asking if he had asked President Bush to secure a second resolution. He stated that the judgement had to be that Saddam Hussein was "not co-operating with the inspectors, and therefore is in breach of the UN resolution". That was why time was "running out".

913. Asked if there was a link between Saddam Hussein and those who had attacked the US on 11 September 2001, President Bush replied: "I can't make that claim."

914. President Bush and Mr Blair both emphasised that Saddam Hussein had played games for 12 years, and that he was still playing games. He had to co-operate with the inspectors and demonstrate he was disarming. If not, he would be disarmed by force.

---

[295] The White House, 31 January 2003, *President Bush Meets with Prime Minister Blair.*

915. Mr Campbell wrote that he had wanted to get President Bush "as close as possible to a second resolution" and to "tone down the rush-to-war talk".[296]

916. Mr Campbell added that there had been debate about what to say about a second resolution. The White House Press Secretary had been opposed to the idea that President Bush should say he was "open" to a second resolution because "that would be seen as a shift in US policy". President Bush had been impatient and the messages had not been "properly prepared".

917. In Mr Campbell's view:

> "The overall impression was poor. TB didn't really answer the question about the second resolution. And though Bush said it would be 'welcome' he looked uncomfortable and the body language was poor … Even though the words were kind of OK, the overall impression was not."

918. Mr Campbell's decision to give journalists travelling to Washington with Mr Blair a report, 'Iraq – its Infrastructure of Concealment, Deception and Intimidation',[297] and the content of the report which became the subject of considerable controversy, is addressed in Section 4.3.

919. Accounts published by President Bush and Vice President Cheney demonstrate that there were serious reservations about pursuing a second resolution and whether it was achievable.

920. In his memoir President Bush wrote that Mr Blair had gone to Washington "for a strategy session". They had "agreed" that Saddam Hussein had "violated" resolution 1441 "by submitting a false declaration"; and that they "had ample justification to enforce the 'serious consequences'".[298]

921. President Bush added that Mr Blair:

> "… wanted to go back to the UN for a second resolution clarifying that Iraq had 'failed to take the final opportunity afforded to it'.
>
> "'It's not that we need it' Tony said. 'A second resolution gives military and political protection.'"

922. President Bush wrote that he "dreaded the thought of plunging back into the UN" and that Vice President Cheney, Secretary Rumsfeld and Dr Rice "were opposed". Secretary Powell had told him that "we didn't need another resolution and probably couldn't get one". President Bush added that if Mr Blair "wanted a second resolution,

---

[296] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[297] Report [No.10], January 2003, 'Iraq – Its Infrastructure of Concealment, Deception and Intimidation'.
[298] Bush GW. *Decision Points*. Virgin Books, 2010.

we would try"; and that he had said: "As I see it, the issue of the second resolution is how best to help our friends."

923. Vice President Cheney wrote that Mr Blair had "returned to Washington at the end of January" to argue that "we needed yet another resolution"; and that he, Secretary Powell, Mr Rumsfeld and Dr Rice:

> "… were all in agreement that this was a mistake. We'd managed one resolution, no one believed we needed a second, and it would be very hard to get …
>
> "I also thought that going to the UN again would make us look hesitant and uncertain, but Blair saw a second resolution as a political necessity for him at home …
>
> "Britain was our major ally and when the President decided to try for a second resolution, I understood his reasons."[299]

924. Mr Blair told the Inquiry that the main objective of his meeting with President Bush on 31 January had been to secure US agreement to a second resolution for political reasons.

925. Mr Blair told the Inquiry that the main objective of the meeting on 31 January was to convince President Bush that it was necessary to get a second resolution.[300] That "was obviously going to make life a lot easier politically in every respect". Mr Blair added: "we took the view that that was not necessary, but, obviously, politically, it would have been far easier". The American concern was that "they'd get pulled into a UN process, you'd never get to a proper decision and then you'd never get the closure of the issue in the way that you should".

926. Asked about President Bush's view of the need for a second resolution, Mr Blair told the Inquiry:

> "President Bush's view, and the view of the entire American system was that, by that time, Saddam had been given the opportunity to comply …
>
> "… he hadn't taken it. Indeed, what we now know is that he was continuing to act in breach of the UN resolutions even after the inspectors got back in there.
>
> "So … the American view throughout had been … 'This leopard isn't going to change his spots. He is always going to be difficult.' So … their concern … that they'd get pulled into a UN process, you'd never get to a proper decision and then you'd never get the closure of the issue in a way that you should.
>
> "The problem … from our perspective, was that … we wanted to carry on going down the UN route, but the Americans had taken the view – and in a sense we

---

[299] Cheney D & Cheney L. *In My Time: A Personal and Political Memoir.* Simon & Schuster, 2011.
[300] Public hearing, 29 January 2010, pages 95-96.

took the same view of the Iraqi behaviour up to … the end of January – that they weren't complying."[301]

927. Asked by the Inquiry whether a 2006 report in the *New York Times,* that President Bush had said at the meeting that the Americans would put the work behind the effort but, if it ultimately failed, military action would follow anyway, was correct, Mr Blair responded:

"The President's view was that if you can't get a second resolution because, in essence France and Russia are going to say no, even though … I don't think they were really disputing that Iraq was in breach of resolution 1441, then we were going to be faced with a choice I never wanted to be faced with: did you go without a second resolution?"[302]

928. Asked if his position had been that he would take military action with the US if a second resolution could not be agreed, Mr Blair replied that "all sorts of factors would be in play", including the legal question and whether there would be political support. But, in the context of an Iraqi breach, Mr Blair was:

"… under absolutely no doubt … that, if you backed away, when he was playing around with the inspectors in precisely the way he had done before, then you were going to send a very, very bad signal."[303]

929. Asked if his recollection was that the proposed start date for military action discussed at that meeting was 10 March, Mr Blair replied: "It was at that meeting or around about that time, certainly, yes."[304]

930. In his memoir Mr Blair wrote that with the New Year there was a sense of being "in the final phase": "The first Blix report in mid-January was clear: Saddam was not complying." Resolution 1441:

"… had been silent on the need for a further resolution prior to any military action. There were legal debates as to whether it was necessary, and Peter Goldsmith was again anxious about it. The Russians had become negative, and it was perfectly possible that a second resolution might be vetoed.

"I was still thinking it might be possible to get a second resolution – George [President Bush] was adamant he didn't need one. Jack Straw and others warned me that, without one, I might be unable to survive the expected House of Commons vote.

"I was about as isolated as it is possible to be in politics. On the one hand, the US were chafing at the bit and essentially I agreed with their basic thrust. Saddam was

---

[301] Public hearing, 29 January 2010, pages 97-98.
[302] Public hearing, 29 January 2010, page 98.
[303] Public hearing, 29 January 2010, page 99.
[304] Public hearing, 29 January 2010, page 100.

a threat, he would never co-operate fully with the international community, and the world, not to say Iraq would be better off with him out of power. My instinct was with them. Our alliance was with them. I had made a commitment after September 11 to be 'shoulder-to-shoulder'. I was determined to fulfil it.

"On the other hand, my isolation within Cabinet, let alone the PLP and large parts of the media and public opinion, was colossal. And worrying, not because I might go down … but because so much was at stake. War and peace. The struggle against terrorism. The future of our treasured alliance. The reputation of the country and its armed forces. Above all, people's lives. Either way people's lives, since 'peace' would not be peace for those in Iraq under the boot of Saddam."[305]

931. In his statement for the Inquiry, Mr Blair wrote:

"The political debate then crystallised in late 2002/early 2003 around calls for a second resolution.

"We discussed this at various Cabinet meetings, the first of which was from my recollection, that of 16 January 2003. It was then debated again at 30 January, 6 February, 13 February, 27 February and 6 March Cabinet meetings. In addition, of course, it was informally hotly debated everywhere. In this instance there was no disagreement: everyone thought it was politically beneficial."

932. Mr Blair also wrote:

"There was no doubt this was the easiest thing politically, both domestically for the Government and internationally, to build the broader coalition. So in January 2003 we began discreetly to canvass support. When asked, we said we were open to one but did not need one. I also knew that Robin Cook was likely to resign in the absence of one.

"We certainly believed at the outset that if we could push the US to go for it, we had a real chance of getting it, though it would be very difficult. Germany's leader had apparently told President Bush that it would not support but it would not oppose. There were reasonable discussions with France, though by early February, France had hardened again. The US were working hard on the Russians."[306]

933. Mr Blair added:

"We knew we would not ever get a resolution explicitly authorising force. But we thought it possible that the resolution might state what we all knew to be the case: that Saddam was not fully and unconditionally co-operating. The Blix reports were clear that any co-operation fell short. In particular, Blix lacked the ability to conduct interviews without restrictions, a key issue for the inspections. So a 'final' final ultimatum resolution might be agreed."

---

[305] Blair T. *A Journey*. Hutchinson, 2010.
[306] Statement, 14 January 2001, pages 7-8.

934. The Inquiry asked Mr Blair at what point he had concluded that the US "had definitely decided on military action in March 2003".[307]

935. In his statement for the Inquiry, Mr Blair wrote:

> "It was clear from continuing discussion with the US in late 2002/early 2003 that March was the likely date for military action. That firmed up as it became plain that there was no significant shift in the attitude of Saddam. The December declaration … was incomplete, as Blix noted … His first report was to the effect that there was not full compliance, essentially around interviews. There were various possible alternatives to military action surfacing, including proposals for Saddam peacefully to give up power."[308]

936. In the context of questions about his decision not to tell President Bush privately that he was at that stage being advised by Lord Goldsmith that a second resolution would be needed to provide the legal basis for UK participation in military action, Mr Blair told the Inquiry that President Bush knew perfectly well that the UK needed a second resolution. He added:

> "If I had started raising legal issues at that point with the President, I think it would have started to make him concerned as to whether we were really going to be there or not and what was really going to happen. Now I would have done that because in the end whatever I thought about the legal position, the person whose thoughts mattered most and definitively were Peter [Goldsmith]'s, but I wasn't going to do that until I was sure about it."[309]

937. Lord Goldsmith's position is addressed in more detail in Section 5.

938. Asked when the question of more time had come up against the US military timetable, Sir David Manning told the Inquiry:

> "The issue, I think, of timing becomes acute after 1441 and the declaration. Once Saddam has produced his 12,000 pages and the Americans decide this is not serious, then they just want to get on with it really."[310]

939. Asked whether the military timetable was so fixed that time was running out, Sir David replied that the build up of troops meant there was "a sort of pressure to move forward", and:

> "There's also the American political timetable ticking. Bush wants this well out of the way before going into the mid-term election process in – the build-up for elections the following year …"[311]

---

[307] Inquiry request for a witness statement, 13 December 2010, Q8, page 6.
[308] Statement, 14 January 2011, page 11.
[309] Public hearing, 21 January 2011, pages 69-70.
[310] Private hearing, 24 June 2010, page 87.
[311] Private hearing, 24 June 2010, pages 87-88.

The views of Mr Blair and Sir Jeremy Greenstock

940. The evidence set out in this Section demonstrates that, by the end of January, Mr Blair had taken a public position that Iraq was failing fully to comply with resolution 1441, and that this was a further material breach.

941. Mr Blair told the Inquiry that Saddam Hussein:

> "… was deliberately concealing documentation, and … he was deliberately not allowing people to be interviewed properly.
>
> "In December 2002 … we received information, and this information remains valid, that Saddam called together his key people and said that anybody who agreed to an interview outside of Iraq was to be treated as a spy."[312]

942. Mr Blair suggested that Saddam Hussein:

> "… retained full intent to restart his programme, and, therefore, it was very important for him that interviews did not take place, because the interviews with senior regime members were precisely what would have indicated the concealment and the intent."[313]

943. Asked whether there was a risk that, in putting down the second resolution the UK would appear to be trying to curtail the inspection process because of the demands of the military planning, Mr Blair replied:

> "It was more … the other way round, that what we were trying to do was to say: 'how do you resolve what, on any basis, is a somewhat indistinct picture being painted by Dr Blix?'"[314]

944. In his memoir Mr Blair quoted at length from Dr Blix's report of 27 January, which he described as providing "essential context to understanding the decisions being taken by me and others".[315]

945. Mr Blair wrote that the report was:

> "… critical to understand the context in which WMD were being debated in the run-up to the outbreak of conflict. We the key allies had no doubt that Saddam had an active WMD programme …
>
> "There could be no doubt that the only reason for the inspectors being allowed back into Iraq was a threat of military action. The build-up of American forces was likewise the only conceivable reason for what co-operation there was. But the co-operation fell short of what resolution 1441 demanded. And the history of dealing with Saddam did not exactly lead to belief in his fidelity to the UN."

---

[312] Public hearing, 29 January 2010, page 104.
[313] Public hearing, 29 January 2010, pages 104-105.
[314] Public hearing, 29 January 2010, page 116.
[315] Blair T. *A Journey*. Hutchinson, 2010.

946. Mr Blair wrote that he still "pinned some considerable hope on getting a diplomatic breakthrough"; and that the prospect of a second resolution "was central". But it was apparent that "the law and politics were inextricably intertwined". Above all, a second resolution "would reunite the international community".

947. In his statement to the Inquiry, Mr Blair wrote:

> "So I thought inspections necessary but I knew they would only be successful with genuine co-operation. The key to successful inspections was the ability to interview and analyse the work of the technical experts. The JIC reports of 11 October 2002 and then following the December 2002 declaration, of 18 December 2002 gave me no grounds for believing inspections would be properly complied with."[316]

948. Mr Blair added:

> "The Iraqi declaration … and the Blix reports to the UNSC were as unsatisfactory as we anticipated. It was clear Saddam was not fully complying, i.e. he was in breach of [resolution] 1441, but as the prospect of military action advanced, so he was inclined to co-operate more. This is what JIC papers had said he would do."

949. Mr Blair also wrote that the declaration was "incomplete" and "That itself was a breach of [resolution] 1441."[317]

950. Asked if he had concluded quite early after the declaration that there was no prospect of Saddam Hussein complying with the requirements of resolution 1441, Mr Blair replied:

> "Yes. It's basically correct …The intelligence reports were that he didn't intend to co-operate, that the declaration wasn't correct, but there was also a very significant piece of intelligence at that time, which was … that Saddam had said that anybody who co-operated with overseas interviews would be treated as a spy, in other words executed."[318]

951. Mr Blair explained that "some in the American system" had "tried to claim" that the declaration was a material breach, but the advice he received and his attitude was that action could not be taken at that stage.[319]

952. Asked whether he had expected in December 2002 and January 2003 that Dr Blix would report that Saddam Hussein was not co-operating with the inspectors, Mr Blair replied that, "given the history", they had been looking for "very early and significant signs that Saddam had genuinely changed the position of his regime".[320]

---

[316] Statement, 14 January 2011, page 7.
[317] Statement, 14 January 2011, page 11.
[318] Public hearing, 21 January 2011, page 78.
[319] Public hearing, 21 January 2011, page 110.
[320] Public hearing, 21 January 2011, page 110.

953. Asked if the US military timetable would leave enough time to see whether UNMOVIC could do its job, Mr Blair replied:

> "… the timeline was pressing … because the Americans took the view it was absurd to think that Saddam was going to change his mind, because he wasn't …"[321]

954. Sir Jeremy Greenstock suggested that the primary reason for the second resolution was as a means to persuade Saddam Hussein to disarm peacefully, although it would also have helped to provide a legal basis for action if required.

955. Asked about the UK's objectives for the second resolution, Sir Jeremy Greenstock told the Inquiry:

> "I think we had two objectives and I have thought quite carefully about this, because those objectives became confused in the heat of battle and in subsequent interpretation with hindsight of what happened.
>
> "… the two fundamental points were, first, that we had to try and create international pressure on Iraq to give up WMD without a fight, and it was only possible to do that, as far as I was concerned, through the United Nations, by having a very firm body of international opinion that was against Iraq and determined to bring to a halt its 12-year contravention of UN resolutions. That was a primary purpose behind what I was trying to design as a further resolution.
>
> "Second, we were also concerned to establish the safest possible legal grounds for the use of force if that should be necessary. We felt that we had legal grounds in 1441, but those grounds were contested. They were a matter of subjective opinion. If one had a further resolution, establishing that there had been a material breach since we had given Iraq the final opportunity, this would be unequivocal, and that would be the safest possible legal grounds for the next steps, whatever they were."[322]

Conclusions

956. In December 2002, President Bush said that the Iraqi declaration of 7 December 2002 demonstrated Saddam Hussein had had "no change of heart".

957. By early January 2003, Mr Blair had concluded that the military action was the more likely outcome and, if conflict could not be avoided, that the UK should support the US.

958. The Inquiry has already concluded in Section 3.5 that Mr Blair and Mr Straw envisaged that in the event of a material breach of Iraq's obligations, a second resolution determining that a breach existed and authorising the use of force was likely to be tabled in the Security Council.

---

[321] Public hearing, 21 January 2011, pages 79-80.
[322] Public hearing, 27 November 2009, pages 64-65.

959. Lord Goldsmith was not invited to provide draft advice on the legal effect of resolution 1441 until mid-January and, at that stage, it was given only to Mr Blair.

960. Lord Goldsmith's position that a further decision by the Security Council would be required to revive the authorisation to use force contained in resolution 678 (1990), although that decision need not be in the form of a further resolution; and that there was no "room for arguing that a condition of reasonableness [could] be implied as a precondition for the exercise of a veto", is addressed in Section 5.

961. That remained Lord Goldsmith's view throughout the events addressed in this Section of the report.

962. Mr Blair and Mr Straw repeatedly stated, however, that military action would be justified if the Security Council failed, in the face of a report of a further material breach, to "face up to its responsibilities".

963. In public statements Mr Blair and Mr Straw continued to declare that reports from the inspectors would be the basis for seeking a second resolution which was regarded as an essential prerequisite for securing both UK domestic and international support for military action.

964. In January 2003, there was a clear divergence between the UK and US Government positions over the timetable for military action.

965. The decisions to deploy military forces to the Gulf and the absence of collective discussion of the implications are addressed in Sections 6 and 7.

966. On 24 January, Mr Blair sent President Bush a proposal suggesting the inspectors should be given until the end of March or early April to carry out their task and asking for fortnightly reports to the Security Council on the extent of Iraqi compliance.

967. Mr Blair considered that, if those reports established a pattern of non-compliance, they would, in the absence of other evidence that Iraq had concealed WMD (a "smoking gun"), be sufficient to secure Security Council support for a second resolution.

968. The US and UK should seek to persuade others, including Dr Blix, that that was the "true view" of resolution 1441.

969. By the end of January, Mr Blair had taken a public position that Iraq was failing fully to comply with resolution 1441, and that that was a further material breach.

970. Mr Blair and Mr Straw saw the meeting with President Bush on 31 January as the best opportunity to gain US support for an approach designed to secure a second resolution.

971. **The Inquiry recognises that events were moving fast and that Mr Blair was seeking to influence President Bush's position.**

972. **President Bush agreed to seek a second resolution to help Mr Blair, but there were major reservations within the US Administration about the wisdom of that approach.**

973. **Mr Blair confirmed that he was "solidly with the President and ready to do whatever it took" to disarm Saddam Hussein.**

974. **But President Bush was not prepared to agree a timetable which would preclude US military action in early March.**

975. **Mr Blair's proposed approach to the discussion with President Bush was discussed in a meeting of Ministers before Cabinet on 30 January and then discussed in general terms in Cabinet itself. But no detailed and in depth analysis of the strategy and its advantages and disadvantages, including the likelihood of success, was prepared or discussed collectively by either senior officials or Ministers. Nor were alternative options, which might have been available to the UK at that stage, identified and considered.**

976. **A review of the strategy would inevitably have focused on the tension between the military timetable of the United States and the UK view that the inspections needed more time before it would be possible to secure international support and a further UN Security Council resolution.**

977. **In the event, the approach failed to secure majority support in the Security Council in mid-March for a resolution stating that Iraq had failed to take the final opportunity offered by resolution 1441; that the inspections had run their course; and that military action was necessary as a last resort to disarm Saddam Hussein of his weapons of mass destruction and the means for their delivery. That is addressed in subsequent Sections of the Report.**

SECTION 3.7

DEVELOPMENT OF UK STRATEGY AND OPTIONS, 1 FEBRUARY TO 7 MARCH 2003

Contents

Introduction and key findings 179

1 to 13 February 2003 181
- Parliamentary debates on Iraq, 3 February 2003 181
- 3 and 4 February 2003 185
- Secretary Powell's presentation to the Security Council, 5 February 2003 188
- Cabinet, 6 February 2003 196
- Meetings with Dr Blix and Dr ElBaradei, 6 February 2003 199
- President Bush's statement, 6 February 2003 204
- Mr Blair's interview on *Newsnight*, 6 February 2003 205
  - The UK's position, 7 February 2003 208
- Mr Annan's speech, 8 February 2003 209
- The impact of military action on the terrorist threat to the UK 211
  - JIC Assessments, 10 and 19 February 2003 212
- UK consideration of the timing and tactics for a second resolution 216
- Tripartite declaration, 10 February 2003 219
- The US position, 10 and 11 February 2003 221
- Mr Straw's speech, 11 February 2003 225
- Discussions on the timing and content of a second resolution 227
  - Prime Minister's Questions, 12 February 2003 232
- UK views on UNMOVIC inspections 234
- Cabinet, 13 February 2003 238
- Mr Straw's statement, 13 February 2003 241

Security Council, 14 February 2003 244
- Dr Blix's report, 14 February 2003 244
- Dr ElBaradei's report, 14 February 2003 247
- Security Council discussions, 14 February 2003 249
- Mr Blair's speech to the Labour Party conference, 15 February 2003 260

Decisions on the way forward 263
- European Council, 17 February 2003 272

UK proposals for a draft second resolution 278
Mr Blair's conversation with President Bush, 19 February 2003 284
Security Council open debate, 18 and 19 February 2003 292
Mr Blair's conversation with Dr Blix, 20 February 2003 294
Agreement on the text of a second resolution 298
Presentation of the UK's strategy 300

Response to the draft resolution of 24 February 2003 304
Parliament, 25 and 26 February 2003 314
President Bush's speech, 26 February 2003 320
Cabinet, 27 February 2003 323
Lord Goldsmith's meeting with No.10 officials, 27 February 2003 326
Discussions at the UN, 27 and 28 February 2003 326

UK attempts to secure support for the draft resolution 331
The positions of other members of the Security Council 350
The UK position, 5 and 6 March 2003 356
Cabinet, 6 March 2003 364
Using the "clusters" document 366
Assessment of Iraq's intentions, 6 March 2003 370
Mr Straw's meetings in New York, 6 March 2003 371
Agreement on a revised draft resolution 373

7 March 2003 374
Security Council, 7 March 2003 374
Dr Blix's report to the Security Council, 7 March 2003 374
Dr ElBaradei's report, 7 March 2003 377
Security Council discussions, 7 March 2003 378
Mr Blair's conversation with President Putin, 7 March 2003 392
Lord Goldsmith's advice, 7 March 2003 394
Mr Blair's conversation with President Bush, 7 March 2003 394

Introduction and key findings

1. This Section addresses the development of the UK position on Iraq between Mr Blair's meeting with President Bush on 31 January 2003, at which he sought US support for a further, "second", Security Council resolution before military action was taken, and the meeting of the Security Council on 7 March, at which the UK, US and Spain tabled a revised draft resolution stating that Iraq would have failed to take the final opportunity offered by resolution 1441 unless the Council concluded on or before 17 March that Iraq was demonstrating "full, unconditional, immediate and active co-operation" with its obligations to disarm.

2. During that time, the UK Government was pursuing both intense diplomatic negotiations with the US and other members of the Security Council about the way ahead on Iraq and a pro-active communications strategy about why Iraq had to be disarmed, if necessary by force, against the background of sharply divided opinion and constant political and public debate about the possibility of military action.

3. Development of UK strategy and options between 8 March and the start of military action overnight on 19/20 March is addressed in Section 3.8.

4. Other key developments in February and early March are addressed elsewhere in the Report, including:

- The provision of advice by Lord Goldsmith, the Attorney General, on the legal basis for military action to secure Iraq's compliance with its disarmament obligations is addressed in Section 5.
- The planning for military operations in southern Iraq and preparations to equip the forces deployed are addressed in Sections 6.2 and 6.3 respectively.
- UK planning and preparation for a post-Saddam Hussein Iraq is addressed in Section 6.5.
- Advice and briefings on Iraq's chemical, biological, nuclear and ballistic missile capabilities and its intentions in relation to concealing them from inspections and in response to military action are addressed in Section 4.3.

Key findings

- By the time the Security Council met on 7 March 2003 there were deep divisions within it on the way ahead on Iraq.
- Following President Bush's agreement to support a second resolution to help Mr Blair, Mr Blair and Mr Straw continued during February and early March 2003 to develop the position that Saddam Hussein was not co-operating as required by resolution 1441 (2002) and, if that situation continued, a second resolution should be adopted stating that Iraq had failed to take the final opportunity offered by the Security Council.

- On 6 February, Mr Blair said that the UK would consider military action without a further resolution only if the inspectors reported that they could not do their job and a resolution was vetoed unreasonably. The UK would not take military action without a majority in the Security Council.
- Mr Blair's proposals, on 19 February, for a side statement defining tough tests for Iraq's co-operation and a deadline of 14 March for a vote by the Security Council, were not agreed by the US.
- The initial draft of a US, UK and Spanish resolution tabled on 24 February, which simply invited the Security Council to decide that Iraq had failed to take the final opportunity offered by resolution 1441, failed to attract support.
- Throughout February, the divisions in the Security Council widened.
- France, Germany and Russia set out their common position on 10 and 24 February. Their joint memorandum of 24 February called for a programme of continued and reinforced inspections with a clear timeline and a military build-up to exert maximum pressure on Iraq to disarm.
- The reports to the Security Council by the International Atomic Energy Agency (IAEA) reported increasing indications of Iraqi co-operation. On 7 March, Dr Mohamed ElBaradei, Director General of the IAEA, reported that there was no indication that Iraq had resumed nuclear activities and that it should be able to provide the Security Council with an assessment of Iraq's activities in the near future.
- Dr Hans Blix, Executive Chairman of United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), reported to the Security Council on 7 March that there had been an acceleration of initiatives from Iraq and, while they did not constitute immediate co-operation, they were welcome. UNMOVIC would be proposing a work programme for the Security Council's approval, based on key tasks for Iraq to address. It would take months to verify sites and items, analyse documents, interview relevant personnel and draw conclusions.
- A revised draft US, UK and Spanish resolution, tabled after the reports by Dr Blix and Dr ElBaradei on 7 March and proposing a deadline of 17 March for Iraq to demonstrate full co-operation, also failed to attract support.
- China, France and Russia all stated that they did not favour a resolution authorising the use of force and that the Security Council should maintain its efforts to find a peaceful solution.
- Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, advised that a "side statement" with defined benchmarks for Iraqi co-operation could be needed to secure support from Mexico and Chile.
- Mr Blair told President Bush that he would need a majority of nine votes in the Security Council for Parliamentary approval for UK military action.

1 to 13 February 2003

Parliamentary debates on Iraq, 3 February 2003

5. Reporting on his visit to Washington on 31 January 2003, Mr Blair told Parliament on 3 February that Saddam Hussein was not co-operating as required by UN Security Council resolution (UNSCR) 1441(2002) and, if that continued, a second resolution should be passed to confirm such a material breach.

6. Mr Blair continued to set the need for action against Iraq in the context of the need to be seen to enforce the will of the UN and to deter future threats.

7. Following his meeting with President Bush in Washington on 31 January 2003, Mr Blair made a statement to Parliament on Monday 3 February.[1]

8. Mr Blair described Iraq as the "immediate focus of the visit" although he and President Bush had also discussed the Middle East Peace Process (MEPP), Afghanistan, and global poverty and development. Mr Blair also reported that he had had meetings and discussions with other Heads of State and Government.

9. Stating that, "We are entering the final phase of a 12-year history of the disarmament of Iraq", Mr Blair said that Saddam Hussein had "consistently flouted" 27 "separate and categorical obligations" in a series of 17 resolutions. That was why a sanctions regime had been in place, which "because of the way in which Saddam has applied it, has caused wholly unnecessary suffering for the Iraqi people".

10. Mr Blair stated:

> "Eight weeks have now passed since Saddam was given his final chance. Six hundred weeks have passed since he was given his first chance. The evidence of co-operation withheld is unmistakable. Saddam has still not answered the questions concerning thousands of missing munitions and tons of chemical and biological agents unaccounted for."

11. Mr Blair reported the recent finds by the weapons inspectors and drew attention to the report published by No.10 the previous weekend, which made clear that Iraq had "a huge infrastructure of deception and concealment designed to prevent the inspectors from doing their job".

12. That report, the No.10 dossier, 'Iraq – Its Infrastructure of Concealment, Deception and Intimidation', is addressed in Section 4.3.

---

[1] House of Commons, *Official Report*, 3 February 2003, columns 21-38.

13. Referring to the report by Dr Hans Blix, the Executive Chairman of the UN Monitoring, Verification and Inspection Commission (UNMOVIC), to the Security Council on 27 January, including his comments that Iraq did not appear to have come to a genuine acceptance of the disarmament demanded, and that the discovery of chemical rocket warheads could be the "tip of an iceberg", Mr Blair added:

> "The situation therefore could not be clearer. There is a duty on Saddam to co-operate fully. At present, he is not co-operating fully. Failure to do so is a material breach of resolution 1441. Should Dr Blix continue to report Iraqi non-co-operation, a second resolution should be passed to confirm such a material breach. President Bush and I agreed that we should seek maximum support for such a resolution, provided, as ever, that seeking such a resolution is a way of resolving the issue, not delaying or avoiding dealing with it at all."

14. Mr Blair also drew attention to the "powerful evidence of the continuing terrorist threat" which had appeared over the past few weeks. Terrorist groups were "actively seeking to use chemical or biological means to cause as much death and injury and suffering as they can".

15. Mr Blair stated that Iraq was not alone in developing weapons of mass destruction (WMD) and repeated his warning that:

> "… unless we take a decisive stand now as an international community, it is only a matter of time before these threats come together. That means pursuing international terrorism across the world in all its forms. It means confronting nations defying the world over weapons of mass destruction. That is why a signal of weakness over Iraq is not only wrong in its own terms. Show weakness now and no one will ever believe us when we try to show strength in future. All our history, especially British history, points to this lesson. No one wants conflict. Even now, war could be avoided if Saddam did what he is supposed to do. But if having made a demand backed up by a threat of force, we fail to enforce that demand, the result will not be peace or security. It will simply be returning to confront the issue again at a later time, with the world less stable, the will of the international community less certain and those repressive states or terrorist groups that would destroy our way of life emboldened and undeterred."

16. Mr Blair concluded that he hoped that conflict with Iraq could be avoided and that Saddam Hussein "can come to his senses, co-operate fully and disarm peacefully". But if he did not:

> "… he must be disarmed by force. If we have to go down that route, we shall do all we can to minimise the risks to the people of Iraq, and we give an absolute undertaking to protect Iraq's territorial integrity …
>
> "Saddam's weapons of mass destruction and the threats they pose to the world must be confronted. In doing so, this country and our Armed Forces will be helping the long-term peace and security of Britain and the world."

17. In response, Mr Iain Duncan Smith, Leader of the Opposition, stated that his party fully supported the UN route and he hoped a second resolution would be possible: "Although it is not a prerequisite for future action, it is highly desirable." He stated that the "fundamental problem is not lack of time, but the attitude of Saddam Hussein". He agreed with Mr Blair that "if the international community backs away from dealing with Saddam Hussein now, that will be seen as a green light by every rogue state and terrorist group around the world".

18. Mr Charles Kennedy, Leader of the Liberal Democrats, referred to the extent of public anxiety about developments and "a sense that we seem to be hastening into war ahead of the events". He stated that the Government had "still to make a credible case", and: "That case, for any fair-minded person viewing it, has to be based on credible evidence, which has not so far been forthcoming."

19. Mr Blair responded that, after 12 years of trying to get disarmament, resolution 1441 offered Saddam Hussein a final opportunity. That was "hardly hastening into a war". It was a response to Saddam Hussein's "point blank" refusal to do what the United Nations had asked. If, as Dr Blix had said, Saddam Hussein was "carrying on in breach of his obligations, that was "credible evidence" that he was not co-operating. The United Nations had decided that Saddam Hussein was in breach of its resolutions and he had "got to produce the evidence that he is now co-operating fully – and he is not doing so".

20. Mr Blair added that the inspectors' task was "not to engage in an elaborate game of hide and seek". That was the game Saddam Hussein had been playing for 12 years; and it was "unacceptable". The US had chosen to go through the UN process, "but that process should be a way of dealing with this issue once and for all, not of kicking it into the long grass again and avoiding it altogether".

21. In response to a question from Mr Donald Anderson, Chairman of the Foreign Affairs Committee (FAC), about whether he feared that Russia, France or China might "unreasonably" veto a second resolution, Mr Blair responded that he was:

> "… working on the basis that people hold to both the spirit and the letter of resolution 1441. The process has integrity. Saddam has a final opportunity and he must co-operate fully. If he does not, a fresh resolution will be issued. The logic of that will take people along with us, especially when there are further inspectors' reports to come."

22. Asked by Mr David Heath (Liberal Democrat) whether he disagreed with a view that war would be a potent recruiting tool for terrorist groups, Mr Blair responded: "If we are taking action where we are obviously and clearly enforcing the will of the UN", that view was "not right".

23. Mr Blair added:

> "… the people who will be most delighted to see the end of Saddam are the people who are his first and primary victims – his own people. In those circumstances, I do not believe that it will recruit people to the cause of terrorism … what will recruit people to the cause of terrorism is a belief among these fanatics that the will of the international community is weak, that it does not have a determination to confront these issues, and that, when faced with the challenge, we will fail to meet it."

24. In response to a question from Mr James Paice (Conservative) about the need to explain to the British public "the conjunction between the Iraqi situation and international terrorism", Mr Blair stated that "we have constantly tried to explain to people" that the two issues of WMD and terrorism were "not separate". Both represented "the threats of the fanatical over the rational … [T]hreats to the civilised world from acts of barbarity." The fact was that the two issues were:

> "… intimately linked … without a doubt, if we do not deal with both these issues at some point … [they] will come together. It is simply not possible to have a situation in which states are developing and trading in this stuff, with their scientists being hired by the top bidder, and in which terrorist groups are well-financed and able to recruit … It is not possible to have those two threats operating and for them not to come together at a certain point, and the consequences would then be devastating."

25. Mr Blair stated that he was taking a risk politically on Iraq because he did not "want to be the Prime Minister to whom people point the finger in history and say, 'You knew perfectly well that these two threats were there, and you didn't do anything about it. In the end, you took the easy way out …' We know that those threats are there and we have got to deal with them."

26. Asked by Mr Ian Lucas (Labour) to confirm that he would support military action against Iraq only if the UN weapons inspectors certified that there was a continuing material breach of UN resolution 1441, Mr Blair responded: "That is exactly the position I have outlined. If the inspectors continue to certify that Iraq is not co-operating fully, that is a material breach. It is precisely so that the inspectors can make those findings a fact that we put them there."

27. Mr Blair's statement was repeated in the House of Lords by Lord Williams of Mostyn, the Lord Privy Seal.[2]

28. Lord Strathclyde (Conservative) supported the need for action, stating that a second resolution was highly desirable but it "should not be used as an excuse for delay". He also asked for further information about the specific danger Saddam Hussein posed to the UK. He concluded that Saddam Hussein had been given "a second chance once

---

[2] House of Lords, *Official Report*, 3 February 2003, columns 20-33.

too often"; and that while no one wanted to go to war, "the dangers of stopping now may be greater than going ahead".

29. Lord Wallace of Saltaire (Liberal Democrat) stated that the Liberal Democrats supported Mr Blair's efforts "to ensure that containment of Iraq" continued to be managed multilaterally, and noted the "very careful balancing act" with the unilateral language used by the US Administration. Questioning a linkage between rogue states, WMD and terrorism, Lord Wallace concluded:

> "What worries us most on these Benches is the extent to which the questions of rogue states, weapons of mass destruction and terrorism are conflated, as they are again in this statement. Terrorism is a real, long-term problem, and it will not be resolved by military intervention in Iraq or by disarming Iraq. What worries many of us about what we hear from Washington at the moment is what we perceive as a lack of understanding about the long-term nature of the terrorist problem in the Muslim world. We need to be sure that we are standing up for universal values and not simply Western values, let alone American values … An upsurge of terrorism after an invasion of Iraq is a possibility for us."

30. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote that Mr Blair "felt … we had finally got the focus where it needed to be, on the issue of co-operation with Blix".[3]

3 and 4 February 2003

31. When Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), spoke to Dr Condoleezza Rice, President Bush's National Security Advisor, on 3 February. They agreed that a second resolution should be "pursued energetically".[4] The UK and US approaches should be carefully co-ordinated. Following a discussion of the positions of various members of the Security Council, Dr Rice agreed with Sir David's conclusion that, "we would undoubtedly have to work hard to get our nine votes; but it did not look impossible".

32. Mr Blair told Mr José María Aznar, the Spanish Prime Minister, that President Bush favoured a second resolution "in principle".[5] They agreed that the UK and Spain should work together on a resolution.

---

[3] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[4] Letter Manning to McDonald, 3 February 2003, 'Iraq: Conversation with Condi Rice'.
[5] Letter Rycroft to Sinclair, 3 February 2003, 'Iraq and MEPP: Prime Minister's Conversation with Aznar, 3 February'.

33. Mr Blair telephoned Mr Vladimir Putin, the Russian President and Mr Silvio Berlusconi, the Italian Prime Minister (who was in Moscow).[6] Mr Blair also spoke to a number of his other counterparts, with similar messages.

34. On 4 February, Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York, told Mr Kofi Annan, the UN Secretary-General, that the UK "had not won as much further time as we wished" in the meeting between Mr Blair and President Bush on 31 January, but "we still had the whole of February and a bit of March to work with" and "the Americans would work actively for a second resolution". The UK wanted the UN inspectors to "deliver further results, because this would make it more likely that the international non-proliferation system remained in control".[7]

35. Sir David Manning told Dr Rice on 5 February that, while the UK would want Sir Jeremy Greenstock's advice before taking a firm view, his preference was to start discussing a second resolution after the report to the Security Council on 14 February by Dr Blix.[8]

36. At the Franco-British Summit on 4 February, Mr Jacques Chirac, the French President, made clear that inspections should continue unless the inspectors reported that they could not do their job. War would be the worst possible solution.

37. Sir John Holmes, British Ambassador to France, reported on 1 February that, in a conversation about the forthcoming summit, Mr Maurice Gourdault-Montagne, President Chirac's Diplomatic Adviser, had emphasised that France had never been a pacifist country, and was certainly not one now, and it was not anti-American and never would be.[9] But it was:

> "… not acceptable for Europe simply to be dragged along in the US wake when our interests did not fully coincide. In the case of Iraq, there was no disagreement on the need to disarm Iraq, but all the options short of war had not been explored properly yet, and we were being forced to march to an artificial US timetable which was not in our interests. It remained to be seen whether Powell [Mr Colin Powell, US Secretary of State] would produce much … [at the Security Council meeting on 5 February]. For the moment the French were still not convinced there were really major things for the inspectors to find, or that Iraqi non-co-operation was sufficient to say they were in breach of 1441."

38. Sir John wrote that he judged President Chirac was "finally beginning to think that France is in danger of finding herself in a false position", but he was "not yet ready to move towards us very significantly".

---

[6] Letter Rycroft to Sinclair, 3 February 2003, 'Iraq and Middle East: Prime Minister's Phone Call with Putin and Berlusconi'.
[7] Telegram 204 UKMIS New York to FCO London, 5 February 2003, 'Iraq: Discussions on 4 February'.
[8] Letter Manning to McDonald, 5 February 2003, 'Iraq: Conversation with Condi Rice'.
[9] Email Holmes to Manning, 1 February 2003, 'Franco-British Summit'.

39. Mr Blair told President Chirac on 3 February that he had agreed with President Bush that if Dr Blix continued to report Iraqi non-co-operation there should be a second UN resolution "within weeks".[10]

40. There was little movement on Iraq at the Franco-British Summit on 4 February. Mr Blair stressed the value of uniting around a second resolution to put pressure on Saddam Hussein to go without war. President Chirac's view was that the inspectors should be allowed to continue their work, with more resources if they said they needed them. The issue of a second resolution would not arise until the inspectors said they could no longer do their work. He was concerned about the regional implications of any military action and the potential consequences of trying to introduce democracy in Iraq.[11]

41. The No.10 record of the discussion reported that President Chirac doubted that Secretary Powell's presentation the following day:

> "… would contain anything new. If it did, the inspectors should verify it … A second resolution would be necessary for a war, but one was not needed yet since the inspections should continue. If the inspectors said they could not continue their work, there could then be a second resolution. If the inspectors reported continued non-co-operation, perhaps a High Commissioner for Disarmament could visit Baghdad, and the inspections could be strengthened."[12]

42. President Chirac's public comments focused on the need to let the inspectors do their job; he stated that war was the worst possible solution.[13]

43. Mr Campbell reported that, after the meeting, Mr Blair said his strategy was to get Saddam Hussein out without a war, by obtaining a second resolution then persuading him to go.

44. Mr Campbell wrote in his diaries that Mr Blair had called him late on 4 February, following the Franco-British Summit, to say that "he could now see a way of getting to the same place as Chirac". In response to Mr Campbell's comment that the "best thing" for President Bush "was to get Saddam out without a war", Mr Blair had replied:

> "… that was his whole strategy, get the Blix report, then a second resolution, then get the Arabs to press him to go."[14]

---

[10] Letter Rycroft to Sinclair, 3 February 2003, 'Iraq and UK/France: Prime Minister's Phone Conversation with Chirac, 3 February.'
[11] Telegram 058 Paris to FCO London, 5 February 2003, 'Franco-British Summit, 4 February'.
[12] Letter Rycroft to McDonald, 4 February 2003, 'UK/France Summit, 4 February: Prime Minister's Bilateral Meeting with Chirac and Raffarin'.
[13] Telegram 65 Paris to FCO London, 5 February 2003, 'Franco-British Summit at Le Touquet – Press Reactions'.
[14] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

Secretary Powell's presentation to the Security Council, 5 February 2003

45. Secretary Powell gave a long and detailed presentation to the Security Council on 5 February setting out the US position on the threat posed by Iraq and its failure to comply with resolution 1441.

46. President Bush wrote in his memoir that he had agreed to pursue a second resolution if Mr Blair wanted one at their meeting in Washington on 31 January; and that "the best way to get a second resolution was to lay out the evidence".[15] He asked Secretary Powell to make a presentation to the UN:

> "He had credibility as a highly respected diplomat known to be reluctant about the possibility of war. I knew he would do a thorough, a careful job. In early February, Colin spent four days and nights at the CIA [Central Intelligence Agency] personally reviewing the intelligence to ensure he was comfortable with every word in his speech."

47. In his presentation to the Security Council on 5 February, Secretary Powell stated that he had asked for the meeting for two purposes:

- The first was to support the "core assessments" made by Dr Blix and Dr ElBaradei on 27 January that:
  - "… Iraq appears not to have come to a genuine acceptance – not even today – of the disarmament that was demanded of it"; and
  - "… did not provide any new information relevant to certain questions that have been outstanding since 1998".
- The second was to provide "additional information and to share … what the United States knows about Iraq's weapons of mass destruction, as well [as] Iraq's involvement in terrorism".[16]

48. Secretary Powell stated that the information, "when combined with what all of us have learned over the years," was "deeply troubling". There was "an accumulation of facts and disturbing patterns of behaviour" that demonstrated that Saddam Hussein and his regime had "made no effort to disarm as required by the international community" and was "concealing their efforts to produce more weapons".

49. Secretary Powell provided tapes of intercepted conversations and satellite imagery which he interpreted as demonstrating Iraq's attempts to conceal activity to "clean up" facilities before visits by the inspectors.

---

[15] Bush GW. *Decision Points*. Virgin Books, 2010.
[16] UN Security Council, '4701st Meeting Wednesday 5 February 2003' (S/PV.4701).

50. Secretary Powell also stated that human sources had told the US that:

- The Iraqis were moving "not just documents and hard drives but also weapons of mass destruction to keep them from being found by inspectors".
- "In early December, Saddam Hussein had all Iraqi scientists warned of the serious consequences that they and their families would face if they revealed any sensitive information to the inspectors. They were forced to sign documents acknowledging that divulging information is punishable by death."

  "Saddam Hussein also said that scientists should be told not to agree to leave Iraq. Anyone who agreed to be interviewed outside Iraq would be treated as a spy."
- A "false death certificate" had been issued for one scientist, and he was sent into hiding, and a "dozen experts have been placed under house arrest … at one of Saddam Hussein's 'guest houses'."

51. Secretary Powell added that the "information and intelligence" pointed to "an active and systematic effort on the part of the Iraqi regime to keep materials and people from the inspectors".

52. Secretary Powell stated that Iraq had failed the test of providing an honest declaration and the conclusion that Iraq was now in further material breach of its obligation was "irrefutable and undeniable". Iraq had "placed itself in danger of the serious consequences called for in resolution 1441". The Council placed itself "in danger of irrelevance" if it allowed "Iraq to continue to defy its will without responding effectively and immediately".

53. Secretary Powell set out the "real and present dangers" posed by Iraq's WMD, in particular its ability using mobile production facilities to produce biological agent and its ability to disperse biological agents "indiscriminately" (see Section 4.3). Secretary Powell also described intelligence and information on Iraq's chemical weapons, nuclear weapons and long range missile programmes.

54. Secretary Powell concluded by setting out the US position on the activities in Iraq of Al Qaida and Ansar al-Islam. Iraq's denial of those links and its support for terrorism was "a web of lies". The US was not prepared to run the risk of Saddam Hussein using his weapons of mass destruction.

55. Secretary Powell said that Iraq was not taking its last chance and the Council had an obligation to ensure that its resolutions were complied with.

56. During his presentation, Secretary Powell also drew attention "to the fine paper that the United Kingdom distributed yesterday which describes in exquisite detail Iraqi deception activities".

57. Secretary Powell was referring to the No.10 document, 'Iraq – Its Infrastructure of Concealment, Deception and Intimidation', which is addressed in Section 4.3.

58. Mr Jack Straw, the Foreign Secretary, stated that Iraq was now in further material breach of resolution 1441. If that continued, the Security Council should meet its responsibilities.

59. In a discussion of 29 January about the Security Council on 5 February, Mr Straw told Secretary Powell that he had considered the idea that the UK should publish a dossier alongside the US presentation but he "did not think it was a good idea since it could only be an echo of his".[17] They also discussed how to address Iraq's human rights record.

60. In his statement to the Security Council, Mr Straw described Secretary Powell's presentation as "a most powerful and authoritative case against the Iraqi regime" and thanked him for "laying bare the deceit practised by the regime of Saddam Hussein, and worse, the very great danger which that regime represents".[18]

61. Mr Straw stated that resolution 1441 had given Iraq "a final opportunity to rid itself of its weapons of mass terror, of gases which can poison thousands in one go; of bacilli and viruses like anthrax and smallpox which can disable and kill by the tens of thousands; of the means to make nuclear weapons which can kill by the million".

62. Resolution 1441 had strengthened inspections but without Iraq's "full and active co-operation" they could never be sure of finding all WMD in a country the size of Iraq. But the inspectors' reports on 27 January and Secretary Powell's presentation could leave "no illusions". Saddam Hussein held resolution 1441 in contempt and was defying the Council. He was questioning "our resolve" and was "gambling that we will lose our nerve rather than enforce our will".

63. The resolution had "set two clear tests for a further material breach by Iraq":

- not to make "false statements" or "omissions" in its declaration; and
- "to comply with, and co-operate fully in the implementation" of resolution 1441.

64. In relation to the first, Mr Straw stated that Iraq's declaration of 7 December was "not full, nor accurate, nor complete":

- It was "a false statement. Its central premise – that Iraq possesses no weapons of mass destruction – is a lie."
- "The declaration also has obvious omissions, not least a failure to explain what has happened to the large quantities of chemical and biological weapons materiel and munitions unaccounted for by UN weapons inspectors in 1998."
- There was "no admission of Iraq's extensive efforts to develop WMD since the last round of UNSCOM [UN Special Commission] inspections ended".

---

[17] Letter Straw to Manning, 29 January 2003, 'Iraq: Foreign Secretary's Conversation with Colin Powell, 29 January 2003'.
[18] UN Security Council, '4701st Meeting Wednesday 5 February 2003' (S/PV.4701).

65. Mr Straw stated that it was "clear that Iraq has failed" the second test. The briefings to the Council had:

> "… confirmed our worst fears, that Iraq has no intention of relinquishing its WMD, no intention of following the path of peaceful disarmament set out in UNSCR [UN Security Council resolution] 1441. Instead of open admissions and transparency, we have a charade, where a veneer of superficial co-operation masks wilful concealment, the extent of which has been devastatingly revealed this morning by Secretary Powell."

66. Mr Straw stated that there was "only one possible conclusion … Iraq is in further material breach" of resolution 1441. The Council faced a difficult choice. It would be "Easy but wrong" to hope for a change of heart by Iraq. That would be "repeating the mistakes of the last 12 years and empowering a dictator".

67. Commenting on Secretary Powell's description of reports about the presence in Iraq of "[Abu Musab] al- Zarqawi [Leader of Al Qaida in Iraq], and other members of Al Qaida, and their efforts to develop poisons", Mr Straw stated that: "It defies the imagination that all of this could be going on without the knowledge of Saddam Hussein. The recent discovery of the poison ricin in London has underlined again that this is a threat that all of us face."

68. Mr Straw concluded:

> "… time is now very short. The Council will have further reports from the inspectors on … 14 February. If non-co-operation continues, the Council must meet its responsibilities.
>
> …
>
> "This is a moment of choice for Saddam and the Iraqi regime. But it is also a moment of choice for … the United Nations … the League of Nations … failed because it could not create actions … It could not back diplomacy with the credible threat and, where necessary, the use of force … At each stage good men said, 'Wait. The evil is not big enough to challenge'. Then before their eyes, the evil became too big to challenge. We slipped slowly down a slope, never noticing how far we had gone until it was too late. We owe it to our history, as well as our future, not to make the same mistake again."

69. In response to Secretary Powell's presentation, most members of Council stated that the information presented would require serious and thorough study and encouraged Iraq to co-operate with the inspectors and provide answers to the outstanding questions.

70. Mr Igor Ivanov, the Russian Foreign Minister, stated that the information Secretary Powell had provided required "very serious and thorough study". It should be handed immediately to UNMOVIC and the International Atomic Energy Agency (IAEA) for on-site

verification. Baghdad must give the inspectors answers and inspections should continue; they alone could provide answers on the extent of Iraqi compliance.

71. Addressing the question of whether time was running out, Mr Ivanov stated that resolution 1441 contained no concrete timeframe: "The inspectors alone" could advise on how much time they needed "to carry out the tasks entrusted to them". Further resolutions could not be ruled out, but efforts should continue to do "everything possible to facilitate the inspection process. That had "proven its effectiveness" and made it "possible to implement Council decisions by peaceful means".

72. The international community was confronting new global threats and challenges, and "The unity of the world community" would "continue to be the principal guarantee of the effectiveness of the world's action".

73. Mr Dominique de Villepin, the French Foreign Minister, stated that the UN had chosen a policy based on:

> "… three fundamental points: a clear objective on which we cannot compromise – the disarmament of Iraq … a rigorous system of inspections that requires Iraq's active co-operation and that affirms the Security Council's central role at each a stage; and finally a requirement … our unity."

74. Inspections had already achieved "important results". There had been good progress in understanding Iraq's nuclear capacity and no chemical or biological agents had been detected, including in the empty warheads discovered on 16 January.

75. There were "still grey areas in Iraq's co-operation" and the inspectors had "reported real difficulties". The uncertainties reported by Dr Blix were "not acceptable". France had evidence of Iraq's capacity to produce chemical agents and the possible possession of significant stocks of anthrax and botulism toxin, and possibly a production capability. The absence of long range delivery systems reduced the threat of those weapons, but there were "disturbing signs of Iraq's continued determination to acquire ballistic missiles" beyond the range permitted.

76. Mr de Villepin called for a "demanding démarche anchored in resolution 1441" from the Council. France did not rule out recourse to force but, before going down that road, consideration had to be given as to whether the nature and the scope of the threat justified force. The United Nations had to be "at the centre of the action to guarantee Iraq's unity, ensure the region's stability, protect civilians and preserve the unity of the world community".

77. Mr de Villepin proposed arrangements to strengthen the inspections regime and to agree a list of unresolved disarmament questions and a "demanding and realistic timeframe" to address them. Iraq needed to do more. But France was convinced disarmament could succeed if the international community devoted all its energy to it and maintained its unity and cohesion.

78. Mr Mohammed Aldouri, Iraqi Permanent Representative to UN, challenged the "incorrect allegations" in Secretary Powell statement and reiterated that Iraq had no weapons of mass destruction. He stated that inspectors had visited the sites identified in US and UK reports in September and October and "none of the allegations" were true. He also rebutted statements made by President Bush in his State of the Union Address on 28 January (see Section 3.6).

79. Mr Aldouri reaffirmed Iraq's commitment to pro-active co-operation with the inspectors so that they could verify that Iraq was free of weapons of mass destruction, sanctions could be lifted, and progress could be made on regional security by ridding the whole Middle East of WMD.

80. Reporting on the discussion, Sir Jeremy Greenstock wrote that Mr Straw and Ms Ana Palacio, the Spanish Foreign Minister, had strongly supported Secretary Powell's presentation and Mrs Soledad Alvear, the Chilean Foreign Minister, had made a "noticeably stronger intervention".[19] Most other countries had, however, argued for more time.

81. Sir Jeremy commented:

> "A dramatic day. Powell's presentation was impressive – at the higher end of expectations. It has pushed the rock further up the hill. It has also helpfully raised the bar of inspections by underlining that the Iraqis will need to answer real questions about their activities if they are to satisfy the inspectors …
>
> "But I do not think it was decisive. Most Council members reiterated familiar positions. The most significant shift was the … Chileans. French ideas … had an air of desperation about them. But they could be the straw which many in the Council attempt to grasp as the option other than war."

82. Sir Jeremy told the Inquiry that Secretary Powell had given:

> "… an extremely impressive presentation of the evidence we had of Iraqi WMD, but it was not decisive. There wasn't a smoking gun there in the presentation. There hadn't been a smoking gun presented by the inspectors to the Security Council, and it seemed to many members of the Security Council that Secretary Powell was trying too hard to establish a case for which there was no clear proof … it didn't convert the unconverted."[20]

83. President Bush wrote:

> "Colin's presentation was exhaustive, eloquent and persuasive. Coming against the backdrop of Saddam's defiance of the weapons inspectors, it had a profound

---

[19] Telegram 215 UKMIS New York to FCO London. 6 February 2003, 'Iraq: Powell's Presentation to the Council'.
[20] Public hearing, 27 November 2009, pages 86-87.

impact on the public debate. Later, many of the assertions in Colin's speech would prove inaccurate. But at the time, his words reflected the considered judgement of intelligence agencies at home and around the world."[21]

84. In his memoir, Mr Annan wrote:

"… I was impressed with his delivery but I was most concerned about the substance. He did not produce any evidence of the 'smoking gun' variety, despite effectively claiming to possess such evidence. Worse, I was not alone in thinking that Powell himself did not appear as though he entirely believed his own case."[22]

85. Sir Jeremy Greenstock reported that, in private discussions over lunch, Mr Annan commented that the forthcoming visit to Baghdad by Dr Blix and Dr Mohamed ElBaradei, Director General of the IAEA, could be used to tell Iraq that the Security Council "unanimously insisted on much improved co-operation".[23]

86. Sir Jeremy reported that Dr Blix had said he was grateful for the information provided by Secretary Powell, which he would study carefully. If there were things hidden in Iraq, the inspectors would try to find them. He had welcomed the Council's wish to stay united and the message that Iraq must co-operate actively:

"This could not be a game of catch-as-catch-can. Co-operation had to be spontaneous. UNMOVIC could do a lot with more resources and improved equipment. But Iraq was a big country. What really counted was active co-operation on the South Africa model."

87. Dr ElBaradei had "echoed" most of what Dr Blix had said: "There were plenty of things to be clarified by the Iraqis … Iraqi co-operation must improve in a dramatic way."

88. Asked by Secretary Powell to explain his idea of reinforced inspections, Sir Jeremy reported that Mr de Villepin stated he believed:

"… there was space between fully active co-operation and war for other options … The Middle East was complex. A broader strategy was needed. Force had to be the very last resort, and then only with the legitimacy of the UN. To win the peace after the war, the involvement of the UN was essential. The inspection regime under 1441 allowed the Council this further possibility. Only if they [the inspectors] met a deadlock would we need to come back to 1441. We could not afford to go to a bloody, long, expensive war on the basis of impatience. Other states would draw the conclusion that you needed nuclear weapons to avoid attack: compare North Korea. Such crises had to be solved by the international community collectively.

---

[21] Bush GW. *Decision Points*. Virgin Books, 2010.
[22] Annan, K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[23] Telegram 214 UKMIS New York to FCO London, 6 February 2003, 'Iraq: 5 February Security Council Lunch'.

"So the answer … was to use 1441 fully. Reinforce the inspectors. If after a time it did not work, then force could be considered. The problems of the world had to be solved through collective responsibility … If the route he had set out proved unsuccessful, then France would assume its responsibilities with the rest."

89. Other points made during the discussion included:

- Mr Joschka Fischer, the German Vice-Chancellor and Foreign Minister, supported Mr de Villepin's proposals for strengthened inspections.
- Ms Palacio said that it was the message to Saddam Hussein that a change of will was needed that had to be strengthened, not the inspections.
- Mr Straw said that more inspectors and equipment would not solve anything. The fundamental point was that "Iraq was not complying. If there was co-operation, there was no need for greater numbers. If there was no co-operation, higher numbers could not help." The inspectors needed intellectual evidence, "Yet Iraqi scientists had been terrorised into silence." Mr de Villepin's proposal was "a chimera, a false message. And it would lead to split in the Council." The key was co-operation.
- Mr Ivanov stated that there were complaints, but the inspectors had to continue and Russia would help. President Putin had asked him to set out a list of the current problems and work with the Iraqis to solve them. "Baghdad could hardly change overnight … Pressure would be needed. But the opportunities for a political settlement were far from being exhausted."

90. Sir Jeremy reported that, as Council President, Mr Fischer had tried to sum up that:

"There was agreement the Council should send out the message that a very serious point had been reached. This was a major crisis with widespread consequences. War would be very damaging. 1441 had to be implemented fully. Inspections must continue: there was no contradiction between that and the presence of sharp instruments. The message to Baghdad had to be that they now had to deliver."

91. Secretary Powell had not, however allowed that to stand. He had listened to the arguments for a peaceful solution but the Council had "so far been denied that". The US:

"… was not fixated on war … But he would not accept the premise that the world could not accept the risks. He hoped it would not come to war. But war could even produce good results. If it came to that point, the US would be happy to act with a coalition of the willing under the authority of the UN, in the full understanding of the risk of unintended consequences and of the overall situation in the Middle East. Too much time had already gone by."

92. In his memoir, Mr Annan recounted the exchanges during that lunch in some detail, commenting that it captured:

> "… as few other moments do in that year of extraordinary drama and diplomatic maneuvering [sic], the depth of passions, and the way in which the question of Iraq became about something far larger: the foundations of peace and security, and the place of the United Nations as the sole legitimate authority to endorse the use of force except in cases of self-defense."[24]

93. Sir Christopher Meyer, British Ambassador to the US, reported that the US Administration:

- was satisfied with the impact of Secretary Powell's presentation;
- hoped that it might help to capture the swing vote in the Security Council; and
- believed that the session had shown that the US had gone the extra mile along the UN route.[25]

94. President Bush had announced that the US would welcome and support a new resolution "which made clear that the Security Council stood behind its previous demands"; and that he had "repeated his resolve to lead a coalition of the willing if necessary to disarm the Iraqi regime".

95. Sir Christopher also reported that support for action was growing. An *NBC* poll published on 5 February showed that 60 percent of Americans supported military action in Iraq, and the number of Americans who would strike without UN support had increased from 29 percent in January to 37 percent.

Cabinet, 6 February 2003

96. Mr Blair told Cabinet on 6 February that if Iraq's non-compliance continued, a fresh resolution would be sought from the Security Council.

97. Mr Straw told Cabinet it should be possible to gain consensus on such a resolution.

98. Cabinet agreed that Ministers should actively make the case for the Government's position on Iraq.

99. Mr Blair told Cabinet on 6 February that "the Government's policy on Iraq was on track".[26] If the UN inspectors continued to report Iraqi "non-compliance with its obligations", a fresh resolution would be sought from the Security Council. There was "mounting impatience on the part of Arab countries" with Saddam Hussein and their opinion would be "more favourable to military action if the US pushed the Middle East

---

[24] Annan, K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[25] Telegram 174 Washington to FCO London, 6 February 2003, 'Iraq: US Thinking'.
[26] Cabinet Conclusions, 6 February 2003.

Peace Process forward so that the agenda of the international community did not appear one-sided". Following his discussion with President Bush, on 31 January, Mr Blair reported US willingness to re-engage.

100. Mr Blair said that the next step was for Dr Blix and Dr ElBaradei to return to Baghdad:

> "It was possible that Saddam Hussein would show some movement towards compliance; the Coalition military build-up would continue in the Gulf; and planning for the aftermath of military action and humanitarian relief needed greater emphasis."

101. France had "proposed more resources to support the inspectors", but Mr Blair said that "the issue was rather the lack of Iraqi co-operation, including their failure to explain the weapons of mass destruction material which had been logged as missing in 1999, and the intimidation of scientists whom the inspectors wished to interview".

102. Mr Blair also stated that it was important to use the UN process to address the agenda of the international community more broadly, such as on North Korea and the proliferation of WMD more generally. The "likely identity of interest between rogue states and terrorists who wanted to acquire weapons of mass destruction" was "of particular concern". The "presence of Al Qaida terrorists in Iraq was a reality which was part of the changing picture".

103. Mr Straw said that Secretary Powell's presentation to the Security Council had been made "forensically and calmly, with well chosen examples from intelligence of Iraqi mendacity". The "true colour and substance of the Iraqi regime had been highlighted".

104. Mr Straw's view was that "it should be possible to gain consensus for a further resolution" if the inspectors returned "without real concessions on Iraqi compliance". The focus "had to remain" on the UN route: "We could now be entering the final phase" with the next report to the Council on 14 February.

105. Mr Straw also said that the aftermath was "being discussed intensively" with Ms Clare Short, the International Development Secretary, and Mr Geoff Hoon, the Defence Secretary.

106. The points made in discussion included:

- The use of the word "aftermath" was "ill-chosen: it incorrectly implied that Iraq would be utterly destroyed by military conflict whereas we should gear our thinking around the future of the people of Iraq and their interests".
- The reconstruction and development of Iraq would "provide opportunities for British companies to be involved".

- The focus after hostilities "had to be on civil society which had suffered 35 years of tyranny that had reduced the country to the point where 60 percent of the population relied on United Nations food programmes".
- The US inter-agency process to address Iraq's redevelopment after any military action was being led by the Pentagon.
- It was "essential" that the UN should be involved in Iraq's redevelopment after any military action "to avoid the military coalition being viewed as an army of occupation".
- The nature of a further resolution "would depend on the circumstances at the time, but it was likely that there would be a period between the adoption of a resolution and the start of any military action so that a final ultimatum could be given for the departure of the current Iraqi regime".
- International consensus in support of military action would "encourage public support" in the UK.
- Some people "did not recognise the lessons we had learned from not confronting tyranny in Kosovo, Afghanistan, and now Iraq".
- Briefing on the Government's position on Iraq "should be improved and disseminated widely; it was clear that colleagues were operating at different levels of knowledge, and it would be helpful if the best possible information about the facts were available to enable them to advance the best possible arguments".
- Parliament would need an opportunity to debate any further UN resolution.

107. Summing up the discussion, Mr Blair said that:

> "… Ministers needed to be active with their supporters, both inside and outside Parliament, to make the case. Briefing material had to be improved so that the facts were drawn together in a coherent form under various headings: the Iraqi regime; the United Nations' involvement; non- compliance by Iraq with the weapons inspectors; the humanitarian angle, all of which would need to be updated regularly."

108. The UK would continue to pursue the UN route. That was "important in respect of Iraq, but it was also necessary in dealing with a dysfunctional world where a broad agenda had to be addressed to deal with poverty, the Middle East Peace Process, terrorism and weapons of mass destruction".

109. In his diaries, Mr Campbell wrote that:

- Mr Blair had "put a pretty optimistic face" on the reports of his meetings with President Bush and President Chirac.
- Mr Robin Cook, then Leader of the House of Commons, had quizzed on the Parliamentary process.

- Dr John Reid, Minister without Portfolio and Labour Party Chair, "said he was troubled about the lack of domestic consensus, that there was a sense of people losing their moral compass about the nature of the Iraqi regime".
- Ms Tessa Jowell, the Culture, Media and Sport Secretary, "didn't know anyone under twenty five who supported action and we had to do better at countering the scepticism".[27]

110. Following Cabinet, Mr Blair asked Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), "to provide a confidential and intelligence based briefing on Iraq for small groups of Ministers attending Cabinet". The briefing would "take as its starting point Part 1 of the Government's dossier published last September" and cover:

- the "latest assessment of Iraq's holding of weapons of mass destruction";
- the Iraqi response to resolution 1441;
- "recent developments in Iraq and our current assessment of the cohesion of the regime";
- "Iraq and terrorism".[28]

Four "briefing sessions" were offered the following week.

111. The content of those briefings is addressed in Section 4.3.

Meetings with Dr Blix and ElBaradei, 6 February 2003

112. In meetings on 6 February, Mr Blair told Dr Blix and Dr ElBaradei that he doubted Saddam Hussein would co-operate. He argued that a second resolution would provide a basis for mobilising the international community to persuade Saddam Hussein to leave. A tough line was the best way to avoid conflict.

113. Mr Straw told Dr ElBaradei that Saddam Hussein would choose exile only if he thought it was his last chance of survival.

114. Dr Blix stated that UNMOVIC's next quarterly report, due on 1 March, would identify "clusters" of issues that could be used to pose sharp questions for Iraq, possibly as part of an ultimatum.

115. Dr Blix reminded Mr Blair that the material described as "unaccounted for" in UNSCOM's report of 1999 was not necessarily present in Iraq; and that it would be "paradoxical to go to war for something that might turn out to be very little".

116. Dr Blix told Mr Straw he thought Iraq had prohibited programmes, and it "definitely possessed the ability to jump-start BW programmes".

---

[27] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[28] Minute PS/Chairman JIC to Prout, 7 February 2003, 'Intelligence Briefing on Iraq'.

117. Dr Blix and Dr ElBaradei met Mr Blair and Mr Straw on 6 February, before a visit to Baghdad on 8 to 9 February.[29]

118. The FCO briefing note stated that:

> "Since the Prime Minister last saw Blix on 17 January, he has hardly put a foot wrong. His statement to the UN Security Council (UNSC) on 27 January was stronger than many expected: in particular he helpfully made clear that Iraq was not offering the full and active co-operation that the UNSC expected, and there were serious unanswered questions, and that Iraq still did not accept that it had to disarm."[30]

119. In the meeting with Mr Blair, Dr Blix registered a number of questions about Secretary Powell's briefing to the Security Council the previous day.[31] He also said that intelligence leads had so far produced only one success.

120. The record of the meeting stated that Dr Blix:

> "… would seek to resolve three relatively minor points related to process: U2 overflights, interviews, and Iraqi domestic legislation. His approach would be that the Iraqis had better come up with co-operation on substance … If Saddam decided to be as helpful on substance as he was on process, fine."

121. Mr Blair doubted that Saddam Hussein would co-operate:

> "He would try some trick to divide the Security Council. Retaining his WMD was essential to his own view of his grip on Iraq."

122. Dr Blix reminded Mr Blair that: "UNSCOM had not reported that the 1999 left-overs were present in Iraq, just that they were unaccounted for." UNMOVIC was more cautious than the UK, but Dr Blix agreed that if Iraq did not have documents it should be more eager to allow interviews to go ahead. There was a stalemate on the issue. The inspectors might have to ask for interviews without minders, but Dr Blix was uneasy about risking people's lives.

123. Dr Blix was reported to have informed Mr Blair that his report to the Security Council on 14 February would probably contain a "balance sheet". His last assessment had been "honest but harsh"; the next might have to say that the inspectors "had not found any WMD".

---

[29] Letter Rycroft to Owen, 6 February 2003, 'Iraq: Prime Minister's Meetings with Blix and El-Baradei, 6 February'.
[30] Minute Owen to Rycroft, 5 February 2003, 'The Prime Minister's Meeting with Hans Blix, UNMOVIC, and Mohamed El-Baradei, IAEA'.
[31] Letter Rycroft to Owen, 6 February 2003, 'Iraq: Prime Minister's Meetings with Blix and ElBaradei, 6 February'.

124. Dr Blix suggested that the next quarterly report under resolution 1284, due on 1 March:

> "… might be the moment to set out clear, crisp questions based on the clusters … If he surfaced those … questions now, Iraq would simply demand six months to answer them. It would be better to use them as part of an ultimatum …"

125. In response to a comment by Mr Blair that containment "was not a long term policy, and sanctions caused misery to the Iraqi people", Dr Blix "commented that it would be paradoxical to go to war for something that might turn out to be very little". Mr Blair replied that "if Saddam had no or little WMD he should prove it".

126. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, reported that Sir David Manning had:

> "… underlined we were confident of our judgements on Iraq's CBW. If the inspectors had difficulty finding it, this was because Saddam was not co-operating."

127. In response to a question from Dr Blix about when Saddam Hussein might crack, Mr Blair:

> "… thought the moment of maximum pressure might be after a second resolution (following a clear Blix report) when the Arab world might encourage Saddam and his immediate entourage to leave Iraq. The logic was that Iraq was not co-operating; we should have a second resolution saying he was in breach; and then we should mobilise the international community to try and get him to leave so that we did not have to resort to military action. The best way to avoid a conflict would be to take a very tough line."

128. Mr Campbell wrote that Dr Blix felt that Secretary Powell had done well but was avoiding comment.[32] Dr Blix was "pretty cagey" and had "made clear his job was to be sceptical". Dr Blix was talking to Iraq about enhanced co-operation and trying to resolve the issues of anthrax and VX: "On the remnants of old programmes they should be able to tell us."

129. Dr Blix had told Mr Blair that South Africa was sending a delegation to Iraq to tell them how to give up WMD. The inspectors had been to some of the places named in the dossier, "and it could be that they had been sanitised, but they found nothing". By 14 February, Dr Blix "would be saying they had not found WMD but there was no real co-operation. He didn't want to name scientists for interview for fear that they would be killed." Dr Blix "felt … 14 February was a little early to report to the UN [Security Council]".

---

[32] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

130. Mr Campbell added that Mr Blair "said he felt Iraq would come up with some surprise to split the international community, that intelligence showed he would regard giving up WMD as a total humiliation, and it was essential to his internal grip".

131. Mr Campbell commented that Dr Blix "was a lot less bullish than last time and clearly fed up with the feeling he was being bullied by America".

132. In his subsequent meeting with Mr Straw, Dr Blix was reported to have told Mr Straw that his next report to the Security Council might include what the Iraqis had not yet proved they did not have, rather than much evidence of what UNMOVIC had found.[33]

133. Dr Blix had clear indications that anthrax had been weaponised and his personal judgement was that Iraq did have programmes and definitely possessed the ability to jump-start BW programmes. The trick would be to find evidence.

134. Dr Blix also told Mr Straw that if the Al Samoud missiles were found to be illegal, they would be destroyed. That could force a real confrontation with the Iraqis who were not keen to lose billions of dollars of armaments at a time when they were threatened with military action.

135. Dr ElBaradei was reported to have told Mr Straw that he would press Iraq hard on possible uranium imports and interviews. He did not expect much movement from Iraq and tough messages from the international community could only help the inspectors.

136. When Dr ElBaradei raised the possibility of building an option for exile into the second resolution, Mr Straw responded that Saddam Hussein would "choose exile (if at all) only if he was convinced that was his only chance of survival". Mr Straw did not favour including it in a second resolution. If a strong resolution was passed, there would be "enough time [for Saddam Hussein] to consider his options" and for "high level envoys to help him make the right choice".

137. Mr Straw encouraged Dr ElBaradei to focus on interviews; the UK had portable "safe rooms" and could provide them to the IAEA and UNMOVIC if it helped. Dr ElBaradei reported that the scientists he had interviewed were clearly extremely nervous, but he saw great difficulties with conducting interviews overseas.

138. The record of the discussion with Mr Blair reported that Dr ElBaradei thought opinion was moving towards a second resolution.[34]

---

[33] Telegram 79 FCO to UKMIS New York, 7 February 2003, 'Iraq: Foreign Secretary's Meetings with Blix and El-Baradei, 6 February'.
[34] Letter Rycroft to Owen, 6 February 2003, 'Iraq: Prime Minister's Meetings with Blix and El-Baradei, 6 February'.

139. Dr ElBaradei told Mr Blair:

> "Not all members agreed with the US timing … Iraq was not co-operating. Unless there were clear signs of an Iraqi change of heart on co-operation, (both process, including interviews, and substance), UNSCR 1441 would have to be implemented. Not allowing interviews was a lack of full co-operation … dribbling out concessions was not full co-operation … His 14 February report would be a clear as possible."

140. In Dr ElBaradei's view, CBW was the key.

141. On nuclear issues, the inspectors continued to assess the aluminium tubes. Reports of the possible import of uranium were: "Much more disturbing … There could only be one reason for such an import."

142. Dr ElBaradei told Mr Blair:

> "If satisfactory co-operation was not forthcoming, the next best outcome would be to force Saddam … out … [He] did not oppose more time for inspections. Any war would risk radicalising the region. It should be UN-controlled. As should the future Iraq …"

143. The No.10 record stated that Mr Blair had made clear to both Dr Blix and Dr ElBaradei "the importance of putting Iraqis on the spot with some sharp questions, to show whether they were co-operating fully or not". He had "also emphasised the importance of interviews".

144. In Mr Blair's view: "Our best chance of avoiding war was a clear verdict from the inspectors followed by a massive international effort to get Saddam to go."

145. Mr Campbell wrote in his diaries that Mr Blair had told Dr ElBaradei that:

> "… we had to sort out Saddam in as peaceful way as possible, but above all sort out MEPP. Saddam's duty was one hundred per cent co-operation, not hide and seek … [I]f there was a breach, there would be second resolution and then we could build pressure on him to go."[35]

146. Mr Campbell also wrote that Dr ElBaradei:

- had said the Iraqis claimed they never tried to get uranium but it wasn't true;
- did not think many tears would be shed in the Arab world if Saddam went;
- was worried that Iraq would claim it was being attacked not because of weapons but because they were a Muslim country;
- felt it would be better if Mr Blair and President Bush could say it was part of a vision of a zone free of nuclear weapons;

---

[35] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

- said the IAEA strategy was to force Saddam Hussein into co-operation, though he doubted it was possible;
- came back again and again to the theme that American public diplomacy wasn't working; and
- said we needed intrusive inspections but it could not be done without active co-operation.

147. At the FCO Iraq morning meeting on 7 February, it was reported that Dr Blix and Dr ElBaradei had both expressed concern that plans for a second resolution should factor in the need to allow the weapons inspectors time to get out of Iraq.[36]

President Bush's statement, 6 February 2003

148. In a statement on 6 February, President Bush said that Saddam Hussein was throwing away his final opportunity to disarm voluntarily.

149. President Bush reiterated that he would "welcome" a second resolution, as he stated in the press conference with Mr Blair on 31 January, "which made clear the Security Council stands behind its previous demands".

150. The "game" was "over" and the US was resolved to take whatever action was necessary to defend itself and to disarm the Iraqi regime.

151. On 5 February, Sir David Manning and Dr Rice discussed President Bush's statement and the possibility that he might "lean forward" on a second resolution.[37] President Bush would not seek a second resolution for its own sake, but he was open to one if others wanted it.

152. In a statement on 6 February, President Bush emphasised the challenges of uncovering secret information in a totalitarian society.[38] He stated that Iraqi violations of Security Council resolutions were "evident, and they continue to this hour".
The Iraqi regime had "never accounted for a vast arsenal of deadly biological and chemical weapons" and it was "pursuing an elaborate campaign to conceal its weapons materiels, and to hide or intimidate key experts and scientists", directed "from the very highest levels".

153. President Bush set out examples of Iraq's violations, including:

- "Firsthand witnesses have informed us that Iraq has at least seven mobile factories for the production of biological agents" that "could produce within just months hundreds of pounds of biological poisons".

---

[36] Minute Tanfield to PS/PUS [FCO], 7 February 2003, 'Iraq Morning Meeting: Key Points'.
[37] Letter Manning to McDonald, 5 February 2003, 'Iraq: Conversation with Condi Rice'.
[38] The White House, 6 February 2003, *President Bush: "World Can Rise to this Moment" – Statement by the President.*

- The possibility of unmanned aerial vehicles with spray tanks for biological agents being "launched from a vessel off the American coast" which "could reach hundreds of miles inland".
- Iraq might pass weapons of mass destruction to terrorists, had "provided Al Qaida with chemical and biological weapons training", and was "harbouring a terrorist network, headed by a senior Al Qaida terrorist planner". That network ran "a poison and explosive training center in northeast Iraq", was "responsible for the murder … of an American diplomat", and "was caught producing poisons in London".

154. President Bush stated that resolution 1441 had given Saddam Hussein a final chance, and that he was "throwing that chance away". Having made its demands, the Security Council "must not back down, when those demands are defied and mocked by a dictator".

155. Referring to a second resolution, President Bush stated:

> "The United States would welcome and support a resolution which makes clear that the Security Council stands behind its previous demands. Yet resolutions mean little without resolve. And the United States, along with a growing coalition of nations, is resolved to take whatever action is necessary to defend ourselves and disarm the Iraqi regime.
>
> "… We will not wait to see what terrorists and terrorist states could do with chemical, biological, radiological or nuclear weapons. Saddam Hussein can now be expected to begin another round of empty concessions, transparently false denials. No doubt, he will play a last-minute game of deception. The game is over.
>
> "All the world can rise to this moment … The United Nations can renew its purpose and be a source of stability and security in the world. The Security Council can affirm that it is able and prepared to meet future challenges … And we can give the Iraqi people their chance to live in freedom and choose their own government.
>
> "… Saddam Hussein has the motive and the means and the recklessness and hatred to threaten the American people. Saddam Hussein will be stopped."

Mr Blair's interview on *Newsnight*, 6 February 2003

156. In his interview on *Newsnight* on 6 February 2003, Mr Blair said that the UK would act without a second resolution only if the inspectors reported that they could not do their job and a resolution was vetoed unreasonably.

157. Mr Blair also stated that the UK would not take military action without a majority in the Security Council.

158. Mr Blair gave an extended interview about Iraq and public services on *BBC Television*'s *Newsnight* on 6 February.[39]

159. During the interview Mr Jeremy Paxman challenged Mr Blair on a number of issues, including:

- whether Iraq posed a clear and imminent danger to the UK or was a potential future threat;
- what had changed since Mr Blair had stated in November 2000 that Saddam Hussein was being effectively contained;
- that the inspectors had not been "thrown out" of Iraq in 1998, but had withdrawn;
- whether, if the inspectors were present in Iraq, it would be "impossible for Saddam Hussein to continue developing weapons of mass destruction";
- what evidence there was of Iraqi concealment;
- how much time and space the inspectors needed to do their job;
- whether Mr Blair would "give an undertaking" that he would "seek another UN resolution specifically authorising the use of force";
- the absence of links between Baghdad and Al Qaida; and
- why action against Iraq was the priority, not other states with WMD.

160. The key elements of Mr Blair's responses to Mr Paxman and related questions from a panel of voters are set out below.

161. Explaining his position on a second resolution, Mr Blair stated that "the only circumstances in which we would agree to use force" would be with a further resolution "except for one caveat". That was:

> "If the inspectors do report that they can't do their work properly because Iraq is not co-operating there's no doubt that under the terms of the existing United Nations resolution that that's a breach of the resolution. In those circumstances there should be a further resolution.
>
> "… If a country unreasonably in those circumstances put down a veto then I would consider action outside of that."

162. Pressed whether he considered he was "absolutely free to defy the express will of the Security Council", Mr Blair responded that he could not "just do it with America", there would have to be "a majority in the Security Council":

> "[The] issue of a veto doesn't even arise unless you get a majority in the Security Council. Secondly, the choice … is … If the will of the UN is the thing that is most important and I agree that it is, if there is a breach of resolution 1441… and we do nothing then we have flouted the will of the UN."

---

[39] *BBC News*, 6 February 2003, *Transcript of Blair's Iraq Interview.*

163. Asked if he was saying that there was already an authorisation for war, Mr Blair responded:

> "No, what I am saying is … In the resolution [1441] … we said that Iraq … had … a final opportunity to comply.
>
> "The duty of compliance was defined as full co-operation with the UN inspectors. The resolution … say[s] any failure to co-operate fully is a breach of this resolution and serious consequences i.e. action, would follow … [W]e then also put in that resolution that there will be a further discussion in the Security Council. But the clear understanding was that if the inspectors say that Iraq is not complying and there is a breach … then we have to act.
>
> "… if someone … says … I accept there's a breach … but I'm issuing a veto I think that would be unreasonable … I don't think that's what will happen. I think that … if the inspectors do end up in a situation where they're saying there is not compliance by Iraq, then I think a second resolution will issue."

164. Asked whether he agreed it was "important to get France, Russia and Germany on board", Mr Blair replied, "Yes … That's what I am trying to get."

165. Asked if he would "give an undertaking that he wouldn't go to war without their agreement", Mr Blair replied:

> "… supposing in circumstances where there plainly was breach … and everyone else wished to take action, one of them put down a veto. In those circumstances it would be unreasonable.
>
> "Then I think it [not to act] would be wrong because otherwise you couldn't uphold the UN. Because you would have passed your resolution and then you'd have failed to act on it."

166. Asked whether it was for the UK to judge what was "unreasonable", Mr Blair envisaged that would be in circumstances where the inspectors, not the UK, had reported to the Council that they could not do their job.

167. Asked if the US and UK went ahead without a UN resolution would any other country listen to the UN in the future, Mr Blair replied that there was "only one set of circumstances" in which that would happen. Resolution 1441 "effectively" said that if the inspectors said they could not do their job, a second resolution would issue: "If someone then … vetoes wrongly, what do we do?"

THE UK'S POSITION, 7 FEBRUARY 2003

168. The FCO sent guidance on "key UN aspects" of the UK's policy on Iraq to diplomatic posts on 7 February.[40] Extracts from the guidance are summarised in the Box below.

FCO guidance on the UK's position, 7 February 2003

Can anyone launch military action without a further Security Council resolution?

- Mr Straw had said that, if there was a material breach, the Government's preference was for a second resolution. So far the Security Council had "faced up to its responsibilities". The UK believed it would continue to do so, but had to "reserve our position in the event it does not".
- Any failure by Iraq to comply would have serious consequences. The action necessary to bring Iraq into compliance would "depend on the circumstances at the time".

Does Iraq's declaration of 7 December mean that Iraq is co-operating?

- The declaration did not contain "any new evidence that would eliminate the outstanding disarmament questions or reduce their number"; and it was "not the full and complete declaration required by resolution 1441".
- Mr Straw had published a list of "10 outstanding questions, identified by Dr Blix, that Iraq must answer".[41]
- "Saddam and his officials would do well to remember that concealment is not compliance. Only declarations supported by evidence will give confidence in a country with such a long history … of avoiding disclosures."

Is Iraq co-operating with inspectors?

- Dr Blix's update of 27 January had "highlighted a number of instances of Iraqi non-co-operation …: failing to answer outstanding issues, identified by UNSCOM; obstructing U2 reconnaissance flights; hindering interviews; some instances of harassment of the inspectors".

Is Iraq in material breach?

- Resolution 1441 was clear: "false statements or omissions in the declaration and failure to co-operate fully with the inspectors shall constitute a further material breach of Iraq's obligations".
- Mr Straw had made clear "Iraq has failed both tests". The "inescapable conclusion" was that Iraq was "now in material breach". War was "not inevitable. But the responsibility to avoid conflict rests with Saddam Hussein."

---

[40] Telegram 65 FCO London to Abidjan, 7 February 2003, 'Iraq: UN Aspects'.
[41] The National Archives, 28 January 2003, *Iraq is in Material Breach of Resolution 1441*.

Did Mr Straw's judgement that Iraq is in material breach mean the UK is taking the issue to the Council under paragraph 4 of the resolution and "going for a second resolution authorising military action"?

- "The Council, through its meetings last week, and in future meetings such as those scheduled for 5 and 14 February, is continuously assessing Iraq's compliance."
- "Resolution 1441 warned that Iraq would face 'serious consequences' if it failed to comply. We expect the Security Council to live up to its responsibilities."

How much time is left?

- "It is not a matter of time it is a matter of attitude. And the attitude we're getting from the Iraqis at the moment is just not sufficient for the eradication of the programmes we know about."

What chance is there of Security Council agreement to authorise the use of force?

- The unanimous adoption of resolution 1441 showed the "clear determination" of the Council to ensure Iraq fulfilled its obligations; it was "the toughest resolution on Iraq for years. Iraqis and others should be in no doubt that members of the Council are determined to ensure its implementation."

UNMOVIC's powers/chances of success?

- The UK Government was "committed" to giving UNMOVIC the necessary support.
- Iraq was "concealing WMD programmes … including through the use of mobile facilities and hindering inspectors' efforts to interview personnel".
- "Inspectors are not meant to be detectives. While they will verify the accuracy, completeness and credibility of Iraq's declarations, the onus is on Iraq to show they have no WMD. It is up to them to co-operate … and to demonstrate to the international community they that they are committed to eliminating the threat of WMD …"

Timetable?

- Iraq had submitted its declaration by the deadline required.
- Inspections had started on 27 November, "ahead of the 23 December deadline required by resolution 1441" and Dr Blix and Dr ElBaradei had updated the Council 60 days later. They had offered another update on 14 February.

Mr Annan's speech, 8 February 2003

169. In a speech on 8 February, Mr Annan stated that Iraq had not yet satisfied the Security Council that it had fully disarmed, and that success in getting Iraq to disarm by inspections would be a great prize.

170. Mr Annan also stated that the United Nations had a duty to exhaust all the possibilities for a peaceful settlement before resorting to the use of force; but if that time came the Council "must face up to its responsibilities".

171. Mr Annan called for unity and warned of the consequences of the use of force without the legitimacy provided by the Security Council.

172. In a speech in Williamsburg, Virginia, on 8 February 2003, Mr Annan addressed the "anxiety, in this country and throughout the world about the prospect of war in Iraq".[42] He stated:

- The UN had been founded "to save succeeding generations from the scourge of war", which "We all – and, first and foremost, the leaders of Iraq itself – have a duty to prevent it if we possibly can."
- But "there would be times when force must be met with force"; and there were provisions in the UN Charter "to enable the world community to unite against aggression and defeat it".
- Iraq had "not yet satisfied the Security Council that it has fully disarmed itself of weapons of mass destruction".
- That was "an issue not for any State alone, but for the international community as a whole. When States decide to use force, not in self-defence but to deal with broader threats to international peace and security, there is no substitute for the unique legitimacy provided by the United Nations Security Council. States and peoples around the world attach fundamental importance to such legitimacy, and to the international rule of law."
- It was "vitally important" that the whole international community acted in a "united way – so as to achieve greater security by strengthening, and not weakening or undermining, the multilateral treaties on disarmament and non-proliferation. Only a collective, multilateral approach can effectively curb the proliferation of weapons of mass destruction, and make the world a safer place."
- The UN had "the duty to exhaust all the possibilities of peaceful settlement, before resorting to the use of force".
- It was "thanks in large part to the firm challenge issued by President Bush – and the pressure that followed it – that the inspectors are back in Iraq".
- There was "total unanimity" that "Iraq must disarm, and must do so pro-actively".
- Success in getting Iraq to disarm "by effective and credible inspections" would be a great prize.
- If Iraq failed to make use of the "last chance" provided in resolution 1441, and continued its defiance, the Council would "have to make another grim choice, based on the findings of the inspectors … And when that time comes, the Council must face up to its responsibilities."
- In his experience, the Council met its responsibilities "best and most effectively when its members work in unison. The Council should proceed in a determined, reflective and deliberate manner. Its measures must be seen as firm, effective,

[42] UN Security Council Press Release, 10 February 2003, *Secretary-General says United Nations has duty to exhaust all possibilities of peaceful settlement before resorting to use of force* (SG/SM/8600).

credible and reasonable not only by the Council members, but by the public at large."

- What happened in Iraq would "not take place in a vacuum"; it had "implications – for better or worse – for other issues of great importance to the US and to the world. For instance, it will greatly affect the climate in which we conduct our struggle against international terrorism."
- The UN and the US were successful when there was "strong US leadership, exercised through patient diplomatic persuasion and coalition-building". The UN was "most useful to all its Members, including the US" when it was "united, and works as a source of collective action rather than discord".

Discussions in Baghdad, 8 to 9 February 2003

Dr Blix's account of the discussions in Baghdad on 8 and 9 February recorded that they had been "professional and had shed some new light, but had not really brought any new evidence".[43] He and Dr ElBaradei had been given new assurances that people would be "encourage[d]" to provide interviews without minders or recording equipment and the mandate for the special commission appointed to search for any remaining chemical weapons was extended to cover any prohibited items, but the questions about U-2 flights remained unresolved until shortly after the visit.

Dr Blix concluded that they "had obtained much less than we felt was needed" but their "overall impression" had been that the Iraqis were genuinely rattled". The Iraqis continued to do "too little, too late".

Dr Blix and Dr ElBaradei reported the discussion to the Security Council on 14 February.

The impact of military action on the terrorist threat to the UK

173. The Security Service warned on 6 February that Al Qaida would use an attack on Iraq to step up activity in the UK.

174. Mr Blair had a meeting with Mr Hoon, Mr Straw, Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)), Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Ms Eliza Manningham-Buller (Director General of the Security Service), Mr Scarlett, Air Commodore Mike Heath (Head of the MOD Directorate of Targeting and Information Operations), and No.10 officials on 6 February, during which he was briefed on the targeting aspects of an air campaign, for his meetings with Dr Blix and Dr ElBaradei, and on the terrorist threats to UK interests.[44]

175. Mr Campbell wrote:

> "C [Sir Richard Dearlove] reported that Blix was making clear there could be no aggressive inspections in mosques and cemeteries. He also said that no serious interviews had taken place at all because there had been so much intimidation.

---

[43] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.
[44] Letter Rycroft to Watkins, 6 February 2003, 'Iraq: Prime Minister's Meeting, 6 February'.

> "Eliza [Manningham-Buller] gave a very gloomy picture of the terrorist scene here, said that even though Al Qaida were not directly linked to Iraq, they would use an attack on Iraq to step up activity here. TB [Mr Blair] was looking really worried at that point."[45]

176. Mr Campbell added that Mr Blair had "said he had no doubt that trying to remove Saddam quickly in the event of action was the best way, but he wanted to know what he was in for". C and Mr Scarlett had "said that there were suggestions that the Republican Guard were to be kept out of Baghdad because Saddam didn't trust them fully".

JIC ASSESSMENTS, 10 AND 19 FEBRUARY 2003

177. The Joint Intelligence Committee (JIC) Assessment of 10 February reiterated earlier warnings, described in Section 3.5, that:

- **Al Qaida and associated networks would remain the greatest terrorist threat to the UK and its activity would increase at the onset of any military action against Iraq.**
- **In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists, including Al Qaida.**

178. At the request of the MOD and the FCO, on 10 February the JIC assessed "broader terrorist activity that would be triggered by war with Iraq".[46]

179. The JIC's Key Judgements were:

"
- The threat from Al Qaida will increase at the onset of any military action against Iraq. They will target Coalition forces and other Western interests in the Middle East. Attacks against Western interests elsewhere are also likely, especially in the US and UK, for maximum impact. The worldwide threat from other Islamist terrorist groups and individuals will increase significantly.
- Al Qaida associates and sympathisers may well attempt chemical or biological terrorist attacks in the Gulf, including against UK civilian targets there, in the event of war with Iraq. While individual attacks are likely to be small-scale they may be numerous. Individual attacks might inflict relatively few casualties, but will cause significant alarm.
- Al Qaida associated terrorists in Iraq and in the Kurdish Autonomous Zone in Northern Iraq could conduct attacks against Coalition forces and interests during, or in the aftermath of, war with Iraq. But Al Qaida will not carry out attacks under Iraqi direction.

---

[45] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[46] JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'.

- Saddam's own capability to conduct terrorist attacks is limited, especially outside the Middle East. But the threat of terrorism conducted or directed by Iraqi Intelligence, including the use of chemical or biological material, cannot be discounted.
- In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists including Al Qaida, whether or not as deliberate regime policy.
- Al Qaida and associated networks will remain the greatest terrorist threat to the UK. The risk of attacks will increase following any Coalition attack on Iraq.
- Hizballah's terrorist wing will not conduct attacks in support of Saddam. But it may attack US forces in Iraq following a campaign, if it judges that the US intends to act against Hizballah, Syria or Iran. […] Individual Palestinian terrorists may attack Western interests, without sanction from parent groups."

180. Other key elements from the Assessment are set out in the Box below.

JIC Assessment, 10 February 2003: 'International Terrorism: War with Iraq'

Al Qaida and other Islamist terrorists

- There was "continuing determination by Al Qaida and other Islamist terrorists to attack Western interests around the globe".
- The JIC had "previously judged that Al Qaida and other Islamist terrorists may initiate attacks in response to Coalition military action against Iraq, and that Al Qaida will use an attack on Iraq as further justification for terrorist attacks in the West and Israel".
- Some reports indicated that Usama Bin Laden had "instructed that there should be no terrorist attacks before the start of a conflict".
- Al Qaida intended "to exploit both anti-Western sentiment within the Muslim world, and the preoccupation of the US and UK that would come from action against Iraq".
- Al Qaida or associated groups might "also seek to conduct attacks against Israel, intended to provoke a reaction that would further inflame feeling within the Islamic world".
- The JIC believed that Islamist terrorists had manufactured and stockpiled chemical and biological (CB) material intended for attacks against both UK and US targets in the Gulf, and that: "Instructions for production of similar CB materials" had been "distributed by Gulf-based terrorists to extremists".
- The JIC had "**some doubts about the viability of the proposed attack methods**", but judged there was "**a serious intention to use CB weapons**".
- "Even if successful, individual attacks might inflict relatively few casualties. But attacks could be numerous and cause significant alarm."
- The use of CB materials was "an increasing aspiration of Islamic extremists globally, including in Europe".
- "Such material may be manufactured locally or provided by production facilities such as that operating in the Kurdish Autonomous Zone (KAZ) in Northern Iraq."

- There was "no intelligence" that Iraq had "provided CB materials to Al Qaida".
- The JIC continued "to judge that **in the event of imminent regime collapse there would be a risk of transfer of such material, whether or not as deliberate Iraqi regime policy"**.
- The JIC also judged that Al Qaida retained "its long-standing interest in acquiring a nuclear device", but had "no convincing intelligence that it has done so".

Al Qaida in Iraq

- There was "no intelligence" to suggest that Al Qaida planned to carry out attacks under Iraqi direction.
- Intelligence showed "the presence of Al Qaida associated extremists in Baghdad. […] We do not know what the current presence is, its purpose, or what relationship it has to Saddam's regime, if any."
- The JIC judged that it was "unlikely that the Iraqi regime" were "unaware" of the Al Qaida presence but it did not know whether those terrorists planned to conduct activities in or from Iraq.
- Intelligence suggested "the presence of […] Al Qaida-linked terrorists in North Eastern Iraq, in the KAZ, with safe haven provided by Ansar al-Islam, an Al Qaida-associated extremist group".
- "Some of these individuals" were "involved in production and distribution of CB materials".
- Intelligence showed that extremists continued to arrive in the region.
- The terrorists might "re-locate in the event of imminent Coalition action" but "equally they **could conduct terrorist activities (including possible use of CB materials) or guerrilla actions against Coalition forces in Iraq**".

Iraqi terrorism

- The JIC had previously judged that Saddam Hussein "would aspire to conduct terrorist attacks against Coalition interests in the event of military action against him, or possibly if he believed an attack was inevitable".
- Authoritative reporting suggested that "**Iraqi Intelligence (DGI) has little reach or capability outside Iraq**".
- The JIC had "no intelligence of Iraqi intentions to conduct CB terrorist attacks using DGI or its agents; but such activity remains a possibility".
- Iraqi plans for terrorist activity in the event of conflict would be:

  "… dependent on individual operatives' willingness to implement them, which will be in doubt if they perceive regime change to be certain. **But the threat from terrorism conducted or directed by DGI cannot be discounted**."

181. Addressing the prospects for the future, the JIC Assessment concluded:

"Despite a significant body of intelligence on Iraq's preparations to conduct terrorism against Western interests, […], we have seen no persuasive evidence that these efforts will be effective. **Al Qaida and associated groups will continue to represent by far the greatest terrorist threat to Western interests, and that**

threat will be heightened by military action against Iraq. The broader threat from Islamist terrorists will also increase in the event of war, reflecting intensified anti-US/anti-Western sentiment in the Muslim world, including among Muslim communities in the West. And there is a risk that the transfer of CB material or expertise, during or in the aftermath of conflict, will enhance Al Qaida's capabilities."

182. On 11 February, Usama Bin Laden issued a call for Muslims everywhere to take up arms in defence of Iraq.[47] That was followed on 16 February by a call for "compulsory jihad" by Muslims against the West.

183. A Security Service report in February 2003 concluded:

"Iraq is unlikely to use terrorism to attack the worldwide interests of the US and its allies prior to military action."[48]

184. A further JIC Assessment on 19 February predicted that the upward trend in the reports of threats to the UK was likely to continue.

185. On 19 February, the JIC updated the December 2002 Assessment of the continuing threat posed by Al Qaida and associated extremists, including to the UK.[49]

186. The JIC's Key Judgements were that:

"
- A high impact, spectacular, attack is a priority for Al Qaida, most likely against American or British interests in the Gulf, US or UK. Al Qaida will also seek to conduct frequent, perhaps multiple, small-scale attacks.
- The threat from Islamist terrorists, including Al Qaida, will increase in the event of war with Iraq.
- Attacks in the UK could include use of chemical and biological agents, probably on a small-scale (though potentially causing significant alarm). But conventional attacks remain more likely. UK interests are now on a par with US targets for some Islamist terrorists, although the US is likely to remain the priority for most.
- Both large and small-scale attacks overseas could include use of chemical, biological (or radiological) materials.
- Bin Laden's 11 February statement is probably linked to Al Qaida's intent to attack Coalition targets in the event of war with Iraq, rather than intended to trigger attacks before then.
- There are differences within the leadership of Al Qaida over strategy, although these do not so far appear to indicate any diminution of the threat."

---

[47] JIC Assessment, 19 February 2003, 'International Terrorism: The Current Threat from Islamic Extremists'.
[48] Report Security Service, 18 February 2003.
[49] JIC Assessment, 19 February 2003, 'International Terrorism: The Current Threat from Islamic Extremists'.

187. Other key elements from the Assessment were:

- There were suggestions that UK interests were "**on a par with US targets** for some Islamist terrorists" although it was "likely that the US" would "remain the priority for most".
- The threat of a "conventional' attack" in the UK remained "a major concern".
- The "**threat of CB attacks in the UK**" remained; they "would probably be small-scale (but potentially high impact)".
- There had been "a particularly high number of threat reports" during the previous "two months", although "only a small proportion" would "materialise into terrorist action".
- The "upward trend" was "likely to continue" as a possible conflict with Iraq approached.
- Usama Bin Laden's statement of 11 February was "unlikely to be the trigger for attacks by Islamist extremists", although it would "enable him to take credit for attacks conducted in response to a war with Iraq".

188. An update of the 10 February Assessment, of terrorist activity which would be triggered by military action in Iraq, was produced by the JIC on 12 March.[50] That is addressed in Section 3.8.

UK consideration of the timing and tactics for a second resolution

189. The FCO advised No.10 on 10 February that only four votes in the Security Council could be counted on for a second resolution. It would be impossible to obtain support for a resolution explicitly authorising the use of "all necessary means" to disarm Iraq.

190. The key element in the resolution would be a sufficient link to resolution 1441 to establish that the Security Council has concluded that Iraq had failed to take its final opportunity.

191. The FCO identified three options and planned to discuss the approach with the US before tabling a draft resolution following Dr Blix and Dr ElBaradei's report to the Security Council on 14 February.

192. On 7 February, Mr Peter Ricketts, FCO Political Director, reported to Mr Straw that the UK's strategy on Iraq was approaching "the critical phase".[51] Sir Jeremy Greenstock had advised that here was "no prospect" of getting an explicit "all necessary means" provision in a resolution. Lord Goldsmith had been consulted about more implicit options.

---

[50] JIC Assessment, 12 March 2003, 'International Terrorism: War with Iraq: Update'.
[51] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.

193. Mr Ricketts advised Mr Straw that possible elements for a resolution included an ultimatum (to allow the possibility of persuading Saddam Hussein to leave to be explored) and a possible reference to a further resolution authorising post-conflict work.

194. Mr Ricketts suggested that the right channel for discussing text with the US would be through the UN Missions in New York, and highlighted the need for an intensive campaign, in close co-ordination with the US, to lobby other members of the Security Council.

195. Mr Straw endorsed the recommendations.[52]

196. Sir Jeremy Greenstock reported that he had reassured Mr Annan that it was unlikely that the UK would circulate a draft resolution the following week.[53] There were likely to be difficulties in the Council.

197. In a discussion with Ambassador John Negroponte, US Permanent Representative to the UN, Sir Jeremy had emphasised the importance of a draft which "helped bring people on board". That would determine whether to include an ultimatum and whether to mention "serious consequences" or "all necessary means".

198. Mr Straw's Private Office forwarded advice on the timings and tactics for a second resolution to Sir David Manning on 10 February.[54]

199. The FCO advised:

- Only four votes in the Security Council (the US, UK, Bulgaria and Spain) could be "counted on" for a second resolution.
- Russia, Chile and Pakistan could be "moving in our direction" and China also seemed "to be moving away from a veto".
- France, Germany and Syria remained "strongly opposed" and Mexico was "highly sceptical". The position of France and President Chirac was described as "heavily dependent on strength of evidence".
- Guinea, Cameroon and Angola might be "coming round to supporting a second resolution but needed working on".

200. The FCO provided a more detailed matrix summarising the positions of the UN Security Council members with proposals for further lobbying by the UK and others, but concluded that "without more dramatic evidence of Iraqi non-compliance, most members of the UNSC will remain non-committal".

201. On the text of a second resolution, the FCO advised that it would be "impossible to obtain support for a second resolution explicitly authorising 'all necessary means'".

---

[52] Manuscript comment Straw on Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.
[53] Telegram 228 UKMIS New York to FCO London, 8 February 2003, 'Personal Iraq: 7 February'.
[54] Letter Owen to Manning, 10 February 2003, 'Iraq: Second Resolution'.

202. The FCO identified three options which, it believed, met the legal requirements and reflected Lord Goldsmith's advice, that "the key element of any resolution would be a sufficient link back [to] resolution 1441, to establish that the [Security] Council has concluded that Iraq has failed to take its 'final opportunity'".

203. All three options included a first operative paragraph (OP) stating that the Security Council decided that:

> "Iraq has failed to take the final opportunity afforded to it in resolution 1441 (2002) by submitting a declaration pursuant to that resolution containing [false statements and] omissions and by failing to comply with and co-operate fully in the implementation of, that resolution".

204. The options also included a final OP determining that the Council had decided "to remain seized of the matter".

205. The difference between the three options was whether to include an additional OP containing an "ultimatum", "couched in general terms".

206. To avoid the risk of opening up the debate about whether a further determination that Iraq had failed to comply with the ultimatum was needed from the Security Council, the FCO proposed "a formula which would, in effect, authorise action against Iraq unless the Council took the decision that Iraq had decided to come into compliance".

207. The FCO draft proposed: "unless … the Council concludes before 5 March that the Government of Iraq has taken an unconditional and irreversible decision [at the highest levels] to come into compliance with its obligations under resolution 1441 (2002) and previous relevant resolutions" either:

- "the final opportunity granted to Iraq in resolution 1441 (2002) will expire on 5 March 2003"; or
- "Iraq will face the serious consequences it has been repeatedly warned of, including in paragraph 13 of resolution 1441 (2202)".

208. The draft provided for the decision to be "based on" reports from Dr Blix and Dr ElBaradei.

209. The FCO explained that it was:

> "… possible to imagine more explicit options, particularly those which include an explicit finding that Iraq is in 'material breach'. This would not be strictly necessary from a legal point of view. But, as a matter of tactics, we will need to consider with the Americans whether we should start with a more ambitious text …"

210. The FCO aim was to agree the text and tactics with the US in New York "in the course of next week", but not to "float" the ideas with other Council members until after Dr Blix's report to the Security Council on 14 February, although that might depend on events.

211. Copies of the letter were sent to Lord Goldsmith and to Mr Hoon's Private Office as well as to Sir Jeremy Greenstock and Sir Christopher Meyer.

212. Lord Goldsmith's advice, that the key element of a second resolution would be the provision of a sufficient link back to resolution 1441 to establish that the Security Council had concluded Iraq had failed to take the final opportunity to disarm provided by the resolution,[55] is addressed in Section 5.

Tripartite declaration, 10 February 2003

213. *Der Spiegel* published an article on 10 February, entitled *The Mirage Project*, reporting that French and German officials had been holding secret talks aimed at installing a disarmament regime in Iraq monitored by aircraft patrolling Iraqi airspace and "thousands" of armed UN peacekeepers to "secure a victory without bullets".[56]

214. Mr Jonathan Powell, Mr Blair's Chief of Staff, sent a translation of the article to Mr Blair suggesting that the UK needed to produce an ultimatum in a UN resolution along the lines that:

- Iraq was not co-operating or disarming.
- The international community intended to ensure that resolution 1441 was "implemented in full".
- Iraq would face serious consequences if by 28 February it did not accept and begin full implementation of the following steps:
  - a "No-Fly Zone covering the whole country", patrolled by international aircraft;
  - an international ground force to "enforce disarmament", comprising an "international coalition of the willing headed by a British general with approx 40,000 troops";
  - a "UN mandate for governance of Iraq while the international force is there making Iraq a UN protectorate under a UN permanent co-ordinator"; and
  - establishment of a "special UN court of justice" to "punish infringements of the resolutions and human rights infringements".[57]

---

[55] Letter Adams to Grainger, 6 February 2003, 'Iraq: Second Resolution'.
[56] *Der Spiegel*, 10 February 2003, 'Translation – Extract from an articled entitled *The Mirage Project* in *Der Spiegel*, 10 February 2003, attached to Note (handwritten), Powell to PM, [undated], [untitled].
[57] Note (handwritten) Powell to PM, [undated], [untitled], attaching Paper 'UN Resolution: Ultimatum'.

215. France, Germany and Russia issued a tripartite declaration on 10 February, reaffirming the objective of disarming Iraq as soon as possible but stating that potential of resolution 1441 for peaceful disarmament had not yet been fully explored.

216. Sir John Holmes described the declaration as "a symbolic act" which was "significant".

217. In a press conference in Paris on 10 February, President Chirac and President Putin issued a tripartite declaration on behalf of the Governments of France, Germany and Russia which stressed the alternatives to the use of force, and the need to give peaceful disarmament every opportunity.[58]

218. The main points of the declaration were:

- Reaffirmation that disarmament of Iraq in accordance with a series of resolutions following resolution 687 (1991) remained the common aim of the international community and must be achieved as soon as possible.
- The solution "must be inspired" by the principles of the UN Charter as stated recently by Mr Annan in his speech of 8 February.
- Resolution 1441 (2002) offered a framework but its "possibilities" had "not yet been fully explored".
- Inspections had "already yielded results".
- The three countries favoured "the continuation of the inspections and the substantial strengthening of their human and technical capacities by all possible means".
- There was "still an alternative to war".
- The use of force could "only be considered as a last resort".
- The three countries were "determined to give every chance to the peaceful disarmament of Iraq".
- Iraq had to "co-operate actively" with the inspectors and "face up to its responsibilities in full".
- The position expressed reflected that "of a large number of countries, particularly within the Security Council".

219. Sir John Holmes, told the Inquiry that the tripartite declaration was: "a symbolic act … to say something very different from what we and others were saying at the time", which "was, of course, significant".[59]

---

[58] Embassy of the Republic of France in the UK, *Joint declaration by Russia, Germany and France on Iraq, Paris 10.02.03.*
[59] Public hearing, 29 June 2010, page 37.

220. The British Embassy Moscow reported on 13 February that, during the visit to France, President Putin had said "so far we see no need to exercise our right of veto"; and it was also reported that he had then said that "with France or alone", Russia would veto an "unreasonable use of force".[60] He had described the tripartite declaration as "the first attempt since the Second World War to settle a serious and acute international issue outside the regime of blocs"; and "if we want the world to be more predictable, and easier to forecast, and therefore a safer place, it should be a multipolar world".

221. The Embassy also reported that, referring to the veto in a subsequent conversation with journalists in Bordeaux, President Putin had said: "We have used this right more than once, and we can do it again." He had also warned against "fuelling controversy over this issue", and stressed that "Russia will never return to the state of conflict with its partners either in Europe or North America."

222. The Embassy commented that President Putin's remarks in France had "had a harder edge to them. But this is probably in part a negotiating tactic in advance of the series of key events … over the next few days; and in part a desire to please his host." The French Embassy in Moscow continued to "believe that Russia would not veto" a second resolution.

The US position, 10 and 11 February 2003

223. After consultations in New York on 10 February, Sir Jeremy Greenstock reported that the US priority was to "pour cold water" on the tripartite proposals.

224. The US was "very hesitant" about the UK's ideas for an ultimatum.

225. Following discussions in New York on 10 February, Sir Jeremy Greenstock reported that the US had agreed there should be no action in the Security Council until after 14 February; the immediate priority was "to pour cold water on the latest Franco-German ideas".[61]

226. Sir Jeremy also reported that France had written to Dr Blix to expand its ideas for strengthening the inspection regime, drawing on the tripartite declaration, but had declined to share the text until Dr Blix had responded.

227. Sir Jeremy Greenstock reported that the US was "still very hesitant about any variant of the ultimatum", because it would give the Security Council a second chance to consider whether the ultimatum had been implemented. By putting the onus on the reports of the inspectors, it could also give them an effective veto. Sir Jeremy had informed Ambassador Negroponte that the UK needed "a second stage of Council action beyond 1441, and a determination, even implicit, of material breach. After further

---

[60] Telegram 53 Moscow to FCO London, 13 February 2003, 'Putin in France and DUMA Activity'.
[61] Telegram 236 UKMIS New York to FCO London, 11 February 2003, 'Iraq: 10 February Bilaterals'.

discussion, Negroponte had "conceded the possibility of issuing an ultimatum provided that we had the lock in our favour".

228. Separately, Sir Jeremy Greenstock provided a revised draft resolution.[62] The draft, which had been agreed with the US, recalled the provisions of previous resolutions including resolution 1441 and, anticipating the reports from Dr Blix and Dr ElBaradei on 14 February, added a draft preambular paragraph (PP) suggesting that the Security Council was "Deeply concerned" that the reports had "made clear" that Iraq had "not co-operated fully with inspections nor addressed deficiencies in the declaration" submitted pursuant to resolution 1441.

229. The draft resolution proposed that the Security Council should decide that "Iraq's submission of a declaration containing false statements and omissions and continuing failure to comply with, and co-operate fully in the implementation of, resolution 1441 (2002)" constituted "a further material breach of Iraq's obligations under relevant resolutions of the Council and that Iraq accordingly has failed to take the final opportunity afforded to it by the Council in resolution 1441 (2002)".

230. The draft did not contain a deadline, but stated that "Iraq alone" was "fully responsible for the serious consequences it must now face as a result of its continued violations of its obligations under the resolutions of the Council"; and that the Council had decided "to remain seized of the matter".

231. Sir Christopher Meyer advised that President Bush would not tolerate another two months of negotiations. Washington was getting ready for war in mid- to late March, although it did not want to act alone.

232. In preparation for a visit to Washington by Mr Hoon (see Section 6.2), Sir Christopher Meyer advised overnight on 10/11 February that: "Washington is getting ready for war."[63]

233. Sir Christopher wrote:

> "For the Administration and the Hill the time has come to go to war. Powell's presentation to the UNSC has boosted public support for war, including support for action without UN approval, provided that some Allies join in. In Congress it has silenced most of those who were asking for more evidence. The cautious multilateralists of both parties now accept that the case has been made …
>
> "The Administration would go to war without a further UNSCR, but knows that others need one. For the time being Bush is following the UN route and has said publicly that he would support a second resolution. But he will not tolerate another two months' negotiation. Everything points towards early action, possibly by

---

[62] Telegram 237 UKMIS New York to FCO London, 11 February 2003, 'Iraq: 10 February'.
[63] Telegram 189 Washington to FCO London, 11 February 2003, 'Iraq: Defence Secretary's Visit to Washington – 11-12 February'.

mid- to late March. The military will be fully in place, and, the White House believes, political support, both domestically and within the region, will wane, the longer Bush is seen to prevaricate."

234. Sir Christopher commented that the US Administration considered that Dr Blix and Dr ElBaradei's visit to Baghdad had achieved "next to nothing". It knew:

"… full well that some in the UNSC will seize on the faintest glimmer of hope of Iraqi co-operation as a reason to delay decisions. The US bottom line remains full Iraqi co-operation …"

235. Sir Christopher also commented:

"Although militarily capable of doing so, the US does not want to go it alone. On the Sunday talk shows, Powell and Rice highlighted the support of eighteen European allies and of Turkey and Jordan …"

236. Referring to the "shenanigans in NATO over precautionary planning for the defence of Turkey", Sir Christopher added:

"These tussles with the international system will only deepen US scepticism about a role for the UN in managing the aftermath in Iraq."

237. Mr Blair suggested to President Bush on 11 February that a second resolution might include a decision that Iraq was in material breach, an ultimatum that Saddam should leave, and a timeline.

238. When he telephoned President Bush on 11 February, Mr Blair discussed opinions in the UK and international community, including the reports of a Franco-German "plan" which had appeared in *Der Spiegel* and the forthcoming European Council.[64]

239. Mr Blair suggested that a second resolution might include three main points:

- a decision that Iraq was in material breach of UNSCR 1441;
- an ultimatum that Saddam should leave; and
- a timeline.

Even if the ultimatum failed, it would show that the UK had been prepared to resolve the issue peacefully right to the end.

240. Mr Blair and President Bush also discussed the need for US action if a second resolution was to be achieved.

---

[64] Letter Rycroft to McDonald, 11 February 2003, 'Iraq: Prime Minister's Conversation with Bush, 11 February'.

241. Mr Campbell wrote that, during the telephone call, President Bush had been "very solicitous" about Mr Blair's political position and had "said he was determined to help" get a second resolution.[65]

242. The record of the discussion confirms Mr Campbell's comment.[66]

243. Mr Campbell also wrote that President Bush had been "livid with the French and Germans, less so with the Russians.[67] But he was just as worried as TB was." Mr Blair "said the problem was everyone accepted Saddam was bad, evil, and a threat, but they didn't necessarily believe that gave you a reason to go to war. We had to be the people putting forward one last push for peace."

244. In a subsequent conversation with Dr Rice, Sir David Manning said that in his report on 14 February, Dr Blix would need to answer the questions which had been raised at the end of January. They were central to the issue of non-co-operation.[68]

245. In a discussion on public opinion, Sir David Manning said that the position in the UK was:

> "… a great deal more difficult … There was a strong wish to find a peaceful way of disarming Saddam and avoid taking military action. French and German claims that this was still possible were seized on eagerly, however implausible the proposals …"

246. Sir David and Dr Rice also discussed the possibility of public statements from President Bush emphasising that resolving the Iraq crisis through the UN was critical to the future of the Security Council. Sir David encouraged Dr Rice to consider whether President Bush would be willing to speak out strongly about the need to give new impetus to the MEPP: "That would have a great impact" on international opinion.

247. Mr Campbell wrote that, on 11 February, Mr Blair had "decided that maybe we took the wrong line" on the *Der Spiegel* report, "maybe we should say it was interesting because it accepted conventional inspections wouldn't work and was effectively arguing for taking the country over without saying so". Mr Blair and No.10 officials had "grasped our way to a plan that was basically wait for Blix, then surface the elements of a second resolution that included the ultimatum, then Saddam to go, and if he didn't we were going to go for it".[69]

---

[65] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[66] Letter Rycroft to McDonald, 11 February 2003, 'Iraq: Prime Minister's Conversation with Bush, 11 February'.
[67] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[68] Letter Manning to McDonald, 11 February 2003, 'Iraq: Conversation with Condi Rice'.
[69] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

248. Sir John Holmes reported that he had been informed that little more had been discussed between Presidents Putin and Chirac than had appeared in the declaration; the report in *Der Spiegel* was "extravagant"; and France had never raised the idea of UN peacekeeping forces.[70]

Mr Straw's speech, 11 February 2003

249. Mr Straw set out a detailed case for confronting the challenge posed by Iraq in a speech to the International Institute for Strategic Studies on 11 February.

250. In a speech made at the International Institute for Strategic Studies (IISS) on 11 February, Mr Straw set out "the disturbing outcome of a failure to act decisively to secure Iraq's disarmament" and the need, "for the sake of the Iraqi people, long-term stability in the Middle East, the credibility of the UN and the cause of international law and collective security", to confront the challenge posed by Iraq.[71]

251. Mr Straw argued that international terrorism and the proliferation of WMD were the "crucial strategic questions of our time" and the response to those threats would "determine the stability of the world for generations to come". That was "an awesome responsibility" which called for "courageous leadership" and required "the vision and foresight to act decisively and – if necessary – with military force before our worst nightmares are realised".

252. Saddam Hussein's regime typified the threat in which rogue regimes sheltered individuals plotting "mayhem and mass murder in our streets". Mr Straw stated:

> "Weapons of mass destruction have been a central pillar of Saddam's dictatorship since the 1980s. He has amassed poisons and viruses both to suppress his own people, and to threaten his neighbours. He has relentlessly pursued his ultimate ambition, the acquisition of a nuclear weapons capability, in flagrant disregard of SCRs and Iraq's obligations as a non-nuclear weapons state under the Non-Proliferation Treaty. His pursuit of these weapons has lain at the heart of the UN's stand-off with Iraq for the past 12 years."

253. Examining "six of the most commonly expressed arguments about the UK Government's approach", Mr Straw argued that:

- **The Iraqi threat to Europe and the US was not "overstated".** Resolution 1441 recognised the "singular menace" from Iraq's weapons of mass destruction. UNSCOM had had some successes, including overseeing the destruction of "significant quantities" of weaponry, but when the inspectors left in 1998, it was "clear that the regime continued to hold vast stocks of deadly weaponry". The absence of inspectors since 1998 had "allowed Saddam to

[70] Telegram 77 Paris to FCO London, 11 February 2003, 'Iraq: Chirac and Putin in Paris'.
[71] The National Archives, 11 February 2003, *Iraq: A challenge we must confront*.

accelerate his weapons programmes". The report published in autumn 2002 (the September dossier) had "demonstrated determined efforts" to enhance Iraq's nuclear, biological and chemical capabilities. Dr Blix's report to the Security Council in January had "underlined these concerns". Diplomacy, intelligence co-operation, reinforced export controls, and interdiction and disruption of supplies were options being used to "frustrate the ambitions" of other regimes. But "in respect of Iraq", those options had been "exhausted … over 12 long years". It was the "deadly combination of capability and intent" which made Saddam Hussein "uniquely dangerous". Rogue regimes which showed "total disregard for the rule of law, and share the terrorists' hatred of our values" were the "most likely source of materials and know-how". Given Saddam Hussein's "longstanding support for terrorist causes", the "terrifying possibility that his poisons and diseases" would "find their way into the hands of Al Qaida and its sympathisers" could not be ruled out.

- **Backing diplomatic efforts with the credible threat of force did not undermine international law.** Law required enforcement and Iraq's failure to comply with "23 out of 27 separate obligations under Chapter VII of the UN Charter" had "done great harm to the UN's credibility". Failure "to back our words with deeds" would "follow one of the most catastrophic precedents in history": the failure of the League of Nations to face up to the challenges of the 1930s. If the weapons inspectors confirmed "the behaviour which has put Iraq in continuing material breach, then the case for a second resolution will be overwhelming".
- **Disarmament by force could be needed even if containment was working.** The key was Iraq's immediate compliance with resolution 1441 and its active co-operation to ensure its disarmament. The "proposals" for a No-Fly Zone covering the whole of Iraq and for thousands of UN troops to assist and protect the inspectors were "simply not feasible in the absence of complete Iraqi co-operation" and "not necessary" if there was "co-operation". If the weapons inspectors were "unable to provide" a guarantee that Iraq was complying with its obligations, Iraq would "have to face the 'serious consequences'" defined in resolution 1441; disarmament by force. The UK did not want war and hoped that "Saddam Hussein would recognise the gravity of the situation and embark on the pathway to peaceful disarmament", but "the time had arrived to back our demands with the credible threat of force".
- **Military action would not have a disproportionate effect on the Iraqi people or the wider region.** The UK had to "strain every sinew, even at this late stage, to avoid war; to force Saddam to face the fact that he has to comply; to offer, as we have already, an escape route to exile for him and his entourage". But if military action did "prove necessary", "huge efforts" would "be made to ensure that the suffering of the Iraqi people" was "as limited as is possible". The Iraqi people deserved "the chance to live fulfilling lives free from the oppression and terror of Saddam"; and to "choose their own destiny and government, and

to pursue a prosperous life within a safe environment". The UK's first objective was disarmament, but the "next priority would be to work with the United Nations to help the Iraqi people recover … and allow their country to move towards one that is ruled by law, respects international obligations and provides effective and representative government".

- **Control of Iraq's oil was not the motivation for action.** The mission was disarmament. Iraq's oilfields would be protected from any acts of environmental terrorism, and the revenue generated would be used to benefit the Iraqi people.
- **The UK was not guilty of double standards in relation to the conflict between Israel and Palestine.** The UK was "working tirelessly" to achieve the implementation of UN Security Council resolutions in respect of Israel/Palestine; a conflict that had "long provided terrorists with a convenient rallying point". As long as that dispute was unresolved, collective security would "remain elusive".

Discussions on the timing and content of a second resolution

254. Mr Straw told Secretary Powell that the UK wanted to delay tabling a resolution until after a special European Council which would take place on 17 February.

255. The US continued to resist UK proposals for a draft resolution containing either an ultimatum to Saddam to leave or a timetable for a decision.

256. Mr Straw and Secretary Powell spoke three times on 11 February.

257. In the first conversation, they discussed US reservations about including an ultimatum in the resolution and the timing of a draft.[72]

258. Following a discussion with Mr Blair, Mr Straw telephoned Secretary Powell to set out concerns that tabling a resolution before the European Council would be interpreted as pre-empting the meeting.[73] Mr Straw stated that the "critical thing" on both timing and content would be "what tactically was most likely to ensure nine votes and no veto". He had asked Sir Jeremy Greenstock for a menu of options.

259. Secretary Powell had asked whether Mr Blair really wanted an ultimatum in the resolution; it might be better for it to be delivered personally by President Bush or Mr Blair.

260. The record of the FCO Iraq evening meeting on 11 February reported that Mr Blair and Mr Straw had agreed that the UK would run with the text of a draft resolution agreed

---

[72] Letter McDonald to Manning, 11 February 2003, 'Foreign Secretary's Conversation with Colin Powell, 11 February'.
[73] Letter McDonald to Manning, 11 February 2003, 'Foreign Secretary's Second Conversation with Colin Powell, 11 February'.

between the US and UK Missions to the UN in New York which did not include any ultimatum or deadline.[74]

261. In a third conversation, Mr Straw and Secretary Powell again discussed the timing and the US reservations about including an ultimatum.[75]

262. Mr Straw reported that he had argued in favour of inclusion, but it had subsequently occurred to him that it might be possible to table a simple resolution and discuss the merits of an ultimatum with partners. If that attracted a consensus, it could be adopted. That could be less difficult than starting off with an ultimatum and then dropping it from a resolution.

263. Sir Jeremy Greenstock advised that the US wanted to keep the option of tabling the resolution immediately after the reports to the Security Council on 14 February to send the message that the US and UK were not going to wait around.

264. Sir Jeremy also stated that Security Council members would be very reluctant to grant cover for military action within weeks and the draft resolution might not secure nine positive votes.

265. The FCO instructions to the UK Permanent Mission to the UN in New York (UKMIS New York) on 11 February set out the questions the UK wanted Dr Blix and Dr ElBaradei to address: "to ensure that the 14 February update … is as uncomfortable as possible for the Iraqis … and ensure the Iraqis cannot avoid the hard questions."[76]

266. Following consultations with Ambassador Negroponte on 11 February, Sir Jeremy Greenstock advised that Washington was coming to the conclusion that it might be necessary to table the draft resolution on 14 February to keep a priority place for the US/UK language, provide an alternative to the Franco-German proposals and create an "implication that the US/UK were not going to wait around".[77]

267. Sir Jeremy reported that Dr Rice's response to the UK "ultimatum ideas" had been "reluctant".

268. Sir Jeremy also reported that, in a conversation between Mr John Howard, the Australian Prime Minister, and Mr Annan, Dr Blix had said "there was no evidence of a fundamental shift in the Iraqi approach, though he 'detected the possibility of a shift in the future'". Mr Annan was reported to have:

> "… given … the impression that he accepted the inevitability of military action at some point, but was focused on gaining more time: not for the inspectors, because

---

[74] Minute Tanfield to PS/PUS [FCO], 11 February 2003, 'Iraq Evening Meeting: Key Points'.
[75] Letter McDonald to Manning, 12 February 2003, 'Foreign Secretary's Third Conversation with Colin Powell, 11 February'.
[76] Telegram 82 FCO London to UKMIS New York, 11 February 2003, 'Iraq: Blix and ElBaradei'.
[77] Telegram 239 UKMIS New York to FCO London, 12 February 2003, 'Iraq'.

he realised the limitations; more for the Security Council, as he saw that more than a few days would be needed to find language that brought people together."

269. Commenting on the debate in London on ideas for the final stages of diplomatic activity, Sir Jeremy advised that the Franco-German proposals for reinforced inspections would be:

"… recognised by the Security Council middle ground as a delaying tactic and unlikely to make a difference on complete disarmament … But Council members remain very reluctant to grant cover for military action within weeks … The Americans may be upbeat about the likely effect of their lobbying and cajoling. But I cannot say at this point that we would definitely get nine votes for a material breach resolution on the basis of what seem to be the Blix/ElBaradei intentions for the 14 February report.

"Injecting an ultimatum … might possibly help at the margins … though I would hesitate to bank on it. If the ultimatum was directed at Saddam's departure … that would be a clearer criterion than offering up elements of WMD. But the Americans are right that the Council majority are expressly opposed to the idea of regime change …"

270. Sir Jeremy suggested consideration of "a more radical halfway-house plan":

"If the UK has to be sure of recapturing the initiative, we may have to think bolder. We should test the Franco-German model to destruction. A Chapter VII resolution authorising all necessary means for the specific purpose of hunting down hidden WMD is worth considering. The objective has to be to place enough Coalition troops on the ground, with No-Fly and No-Drive Zones declared by the Security Council throughout Iraq, for mobile WMD transports etc to be tracked down, revealed and destroyed. Baghdad and other major cities would be left to one side, at least for the first stage. There could be arrangements for interviews offering greater protection than the present."

271. Sir Jeremy thought that, when faced with the alternatives, Council members would "rally to this approach". But it might not "readily fit" the American "military preferences". Sir Jeremy wrote:

"… the most important aspect … would be Saddam's reaction. He would bitterly oppose a UN-authorised take-over of parts of Iraq. If it were imposed on him, he might quickly break the no-resistance conditions. In that case, the 'last resort' would have been much more clearly established."

272. Sir Jeremy concluded:

"This plan does not have to be used immediately. We could go through the stages of presenting and arguing for the second resolution of the kind we have been discussing, before coming to a final decision. But the prospects of a 15-0 SCR

(even the Arabs might see the advantages, provided the end-objective was an Iraq for Iraqis), and of a stronger consensus in the EU and NATO, needs to be weighed against all the lateral implications of the wave we are riding at present."

273. Sir David Manning told Dr Rice that there was a need to regain the political and public relations initiative.

274. Mr Blair was considering the approach to a second resolution.

275. Mr Blair had also identified the need to make the case publicly that the US and the UK were making 'one last push for peace'.

276. On 12 February, Sir David Manning and Dr Rice discussed the progress of inspections, including the outcome of the visit by Dr Blix and Dr ElBaradei to Baghdad.[78] Sir David commented that the inspectors only needed intelligence because Iraq was not co-operating.

277. Sir David Manning also gave Dr Rice an account of the UK's current thinking on a second resolution, which he described as "very much work in progress". He reported that Mr Blair had "yet to take any decisions"; the UK and US now had to regain the political and public relations initiative.

278. Mr Blair would be making a major speech that weekend to "set out the arguments again, but to do so in the context of one last pitch for peace". Mr Blair "would probably say that the time had come to accept that Saddam was in breach of 1441 and that we should now table a second resolution insisting that he must go or face the consequences". Sir David said that the ultimatum need not be in the resolution itself, but that "we must indicate our readiness to allow to Saddam to leave within a short, specified period so offering the chance of avoiding war".

279. Sir David also outlined Mr Blair's plan to write to Mr Costas Simitis, the Greek Prime Minister in advance of the European Council, and the need to generate momentum to attract support.

280. Commenting on the position after the call, Sir David wrote that the UK would need to think further about the timing for tabling the draft resolution over the next 24 hours.

281. The UK decided to continue to explore the possibility of including an ultimatum in the resolution with the US.

282. The FCO informed Sir Jeremy Greenstock on 12 February that Ministers were "broadly content" with the draft resolution he had provided the previous day (following discussions on 10 February) but had decided, before receipt of his later advice, that

[78] Letter Manning to McDonald, 12 February 2003, 'Iraq: Conversation with Condi Rice'.

the UK should continue to explore with the US the possibility of adding an ultimatum, aimed particularly at getting Saddam to step down, to the draft resolution.[79]

283. Two possible options for an ultimatum in a draft resolution were set out:

> "Decides that unless the Council concludes before x March 2003 that a government has emerged in Iraq which [intends to] [has demonstrated its intention to] [has taken an unconditional and irreversible decision to] come into compliance with its obligations under resolution 1441 (2002) and previous relevant resolutions, Iraq will face the serious consequences it has been repeatedly warned of, including in para 13 of resolution 1441 (2002)."

Or:

> "Decides that unless the Council concludes before x March 2003 that the government of Iraq has taken an unconditional and irreversible decision to come into compliance with its obligations under resolution 1441 (2002) and previous relevant resolutions, Iraq will face the serious consequences it has repeatedly been warned of, including in para 13 of resolution 1441 (2002)."

284. The telegram also set out the option, identified by Mr Straw following his third conversation with Secretary Powell on 11 February, of taking soundings before tabling an ultimatum.

285. In relation to Sir Jeremy's own suggestions, the FCO took the view that there would be "serious obstacles". It did not think that authorising all necessary means to hunt down WMD would meet the disarmament objectives, particularly if Baghdad and other cities were left aside. The key was:

> "… co-operation rather than resources. For example work on BW can be very easily concealed under legitimate guises … Without full access to documents and full co-operation from personnel, it would be impossible to guarantee success."

286. The FCO also identified difficulties with providing scientists "adequate protection while they remain under Saddam's regime", and practical problems with assembling and protecting a UN force.

287. The record of the FCO Iraq evening meeting on 12 February reported concerns that some members of the US Administration were "increasingly inclined" to table the resolution straight after Dr Blix's report to the Security Council on 14 February.[80]

288. Sir Jeremy Greenstock told Dr Blix that the US was worried about losing backing and momentum and saw only one way to deal with Iraq's non-co-operation.

---

[79] Telegram [number unknown] FCO London to UKMIS New York, 12 February 2003, 'Iraq – Second Resolution'.
[80] Tanfield to PS/PUS [FCO], 12 February 2003, 'Iraq: Evening Meeting: Key Points'.

289. Sir Jeremy recommended that in the Security Council meeting on 14 February, the UK should seek to draw out the truth about non-co-operation.

290. Sir Jeremy Greenstock reported that he had told Dr Blix on 12 February that an ultimatum remained an option and that they had discussed how to create a concrete ultimatum which required Iraqi co-operation on substance.[81]

291. Sir Jeremy had set out the UK position that:

> "… pushing for reinforced inspections was a mistake. The Security Council needed to realise that Saddam was in denial of 1441 and there had to be a firm decision that he either gave up his WMD or left Iraq, or faced military action."

292. In response to Dr Blix's questions about the issue coming to a head after only two and a half months and the timing of military action, Sir Jeremy had replied that, "more than the climate", the "US was worried about losing backing and momentum and saw only one way to deal with Iraqi non-co-operation. That was why we were running out of time". He had "added" that he had "always felt that the best way to keep the UN together was through a WMD find which demonstrated the Iraqi lie". In Sir Jeremy's view, "by distracting from the main issue of Iraqi co-operation and giving the Iraqis false hope, the French ideas could make war more likely".

293. Sir Jeremy reported that Dr Blix had also raised the possibility of using UNMOVIC expertise in a post-war scenario.

294. Commenting on the conversation, Sir Jeremy reported that Dr Blix "genuinely believes that inspections still have something to contribute, but could not claim that he had acquired anything of substance out of the recent period". Dr Blix was:

> "… torn between time for more peaceful disarmament through inspections and helping to pile on the pressure to make the Iraqis crack. He would have been more inclined to follow the latter course if he felt less certain that the Americans were hell-bent on war anyway."

295. Sir Jeremy suggested that Mr Straw should use his intervention in the Council meeting on 14 February to pose questions for Dr Blix and Dr ElBaradei "that draw out the non-co-operation truths".

PRIME MINISTER'S QUESTIONS, 12 FEBRUARY 2003

296. Mr Blair told the House of Commons on 12 February that the Security Council should be the judge of whether there was full and complete co-operation from Iraq with the inspectors.

---

[81] Telegram 247 UKMIS New York to FCO London, 13 February 2003, 'Iraq: Conversation with Dr Blix'.

297. Mr Blair also emphasised the costs to the Iraqi people of continuing the policy of containment.

298. Mr Blair was asked several questions on Iraq during Prime Minister's Questions (PMQs) on 12 February.[82]

299. In response to questions about whether he would support Dr Blix if he asked on 14 February for more time for inspections, Mr Blair said that the UK would "take full account of anything" Dr Blix said, but the issue was about Iraq's co-operation and the time needed to make a judgement about whether that was happening:

> "… the judgement that has to be made in the end is one by the Security Council as to whether there is full and complete co-operation by Iraq with the United Nations inspectors."

300. Mr Blair warned that there was a:

> "… danger that we get sucked back into delays of months then years, with the inspectors playing a game of hide and seek with Saddam and we are unable then to shut down the weapons of mass destruction programme … that everyone accepts is a threat and a danger to the world."

301. Asked whether military action would make peace in the Middle East more likely and Britain less of a target for terrorists, Mr Blair replied that if Saddam Hussein had "complied fully" with resolution 1441, conflict would not be an issue. The choice was Saddam's, but:

> "… if we fail to implement resolution 1441, and if we lack the determination and resolution to make sure that that mandate is carried, the consequence will be that Saddam is free to develop weapons of mass destruction. Also there will be an increasing risk that the threat of those weapons of mass destruction and the existing terrorist threat will join together. This country will then be less secure and safe."

302. Asked why people were not persuaded of the threat, Mr Blair replied that it would "be different if there is a second resolution". People believed that Saddam Hussein was "evil" and that there was "a threat to this country from his accumulated weapons of mass destruction", but they asked if there was an alternative to war. That alternative was "full and complete co-operation".

303. Asked what new, proven or imminent threat there was to justify war, Mr Blair said that had been identified in resolution 1441 and the preceding 12 years and that there were two ways to deal with it, disarmament or sanctions. If there was a decision to go to war, the morality of that "should weigh heavily on our conscience because innocent people die as well as the guilty in a war". But the way in which Saddam Hussein had

---

[82] House of Commons, *Official Report*, 12 February 2003, columns 857-860.

implemented the policy of sanctions meant that too was "a moral choice with bad and devastating consequences for the Iraqi people".

304. Asked about the origins and accuracy of the dossier produced by No.10, ('Iraq – Its Infrastructure of Concealment, Deception and Intimidation' – see Section 4.3), Mr Blair said that the part of the document that dealt with intelligence was from intelligence sources and was accurate, as was the document as a whole.

305. In his memoir, Mr Cook wrote:

> "What was novel … was the way in which Tony has shifted the terms in which he justifies military intervention. For the first time he argued that war would be preferable to sanctions because of the suffering and malnutrition that comes in the wake of sanctions."[83]

UK views on UNMOVIC inspections

306. At Sir Richard Dearlove's request, his Private Secretary sent an update on the progress of inspections to Sir David Manning on 12 February.[84]

307. Sir David was told that the strike rate in relation to the UK intelligence-led inspections was low, but it had been responsible for two out of three UNMOVIC finds to date, from more than 550 inspections. In addition, "even where there is no WMD, something else has often been concealed […] Our inspections have revealed the Iraqi game."

308. Sir Richard's update also stated that "we needed to keep going in the expectation that an intelligence-led inspection would lead to a find or a solid refusal of entry".

309. Sir David sent the letter to Mr Powell with the comment: "More inspections ahead – but time getting very short."[85]

310. The UK used about 30 separate pieces of intelligence from human sources and satellite imagery covering 19 sites to provide leads for the UN inspectors. UNMOVIC visited seven of those sites, made a partial examination of one more and subjected one further site to an inspection by ground-penetrating radar.[86]

311. In a 'Note' produced on 12 February, the Defence Intelligence Staff (DIS) Counter Proliferation Support Group reported that UNMOVIC and the IAEA had conducted over 550 site visits or inspections.[87]

---

[83] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[84] Letter PS/C to Manning, 12 February 2003, 'Update on Intelligence-Led UNMOVIC Inspections'.
[85] Manuscript comment Manning to Powell, 12 February 2003, on Letter PS/C to Manning, 12 February 2003, 'Update on Intelligence-Led UNMOVIC Inspections'.
[86] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004 HC 898, paragraph 357.
[87] Note DIS Counter Proliferation Support Group, 12 February 2003, 'The Effectiveness of UN Weapons Inspections in Iraq'.

312. UNMOVIC had moved more quickly to establish the inspection process than originally envisaged. It had begun work on 27 November 2002, almost a month earlier than the deadline of 23 December in resolution 1441. It had also been able to establish the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC) and a temporary centre at Mosul more quickly than the 60 days it thought would be needed before entering Iraq.

313. Most of the site visits conducted during the first six weeks were "intended [to] familiarise inspectors with the sites, and inspection techniques". In addition, inspectors checked the equipment which had been tagged by UNSCOM, examined remote cameras and asked about work carried out at sites since 1998. Some visits had been superficial. From early January, "the inspections had become longer and more intrusive".

314. Initially UNMOVIC had been hampered by a lack of support equipment, personnel and experience. It had taken UNMOVIC until mid-December to get to near full strength with 100 inspectors. The inspectors were on short contracts with "a consequent loss of expertise" and "few" had experience of operating in Iraq.

315. UNMOVIC had acknowledged the problems. By the beginning of February, it had "visited or inspected all but one of the UK's recommended sites", and continued to be receptive to UK advice on potential targets. "Fatigue" was, however, "becoming a significant factor" which had been "reflected in an increasing number of accidents" during inspections. Fatigue was the result of:

> "… a combination of the pace of the inspection programme; Iraqi pressure; the perceived need for a 'success'; and concern for personal safety in the event of war."

316. During January and early February, "a total of 22 biological associated scientists and missile experts refused to meet inspectors in private". The three scientists who had agreed to interviews were "selected by the Iraqi National Monitoring Directorate". Even if Baghdad did concede interviews, all the scientists would be "concerned that anything they say will become known to the Iraqi authorities".

317. Finds had included:

- "nuclear-related documents hidden at the home of […] an Iraqi scientist" on 16 January, although "the general perception has been that these do not constitute a 'smoking gun'";
- "CW associated rocket warheads at Ukhaider ammunition depot" the same day. The liquid in one warhead was "awaiting the delivery of chemical sampling equipment". That had arrived but was "not yet operational";
- a "small quantity of … CW precursor chemicals at a Laboratory";
- "aluminium nozzles for 80mm rockets that Iraq had recast, but not declared" were discovered by the IAEA on 31 January; and
- "parts" from a "suspected … biological or chemical sub-munition" were found "at the al-Numan factory".

318. The Iraqis realised that some inspections had "been mounted on the basis of intelligence," and had "increased even further" the measures being taken to prevent damaging material being uncovered by either UNMOVIC or the IAEA. That included "ensuring that WMD material only remains at a particular location for an absolute maximum of 24 hours, and contingency plans to ensure that 'crowds' will always be available to disrupt an inspection that might prove successful".

319. The DIS report concluded that:

> "While UNMOVIC is gaining in confidence, the inspectors are under increasing pressure at a time when consideration is having to be given to a possible evacuation. Internally, despite the full inspection programme having been under way for only some five weeks, there is already a sense that time is running out.
>
> "UNMOVIC and the IAEA are capable of conducting thorough inspections; however, mistakes have resulted in at least two inspections failing to uncover concealed material …
>
> "UNMOVIC and IAEA remain very receptive to UK intelligence. On balance, however, in the absence of Iraqi cooperation, we assess that the discovery of a 'smoking gun' will probably be the result of intelligence information, skill on the part of the inspectors, an Iraqi mistake, and an element of luck."

320. Mr Blair told Mr John Howard that the inspectors' reports of 28 February should be the final reports to the Security Council.

321. A *BBC* poll published on 13 February found that 60 percent of people questioned thought that the UK and US Governments had failed to prove their case that Iraq had WMD, and 45 percent said that the UK should play no part in a war on Iraq, whatever the UN decided. Fewer than 10 percent said that they would back a war with Iraq without a second resolution.[88]

322. Mr Blair and Mr Howard discussed Dr Blix's forthcoming report and the prospects for a second resolution in a breakfast meeting on 13 February.[89]

323. Sir David Manning advised that there would be a need to challenge Dr Blix's likely assessment that there had been some movement on process and some movement on interviews; and to focus in public "on the underlying message that there was no fundamental change in attitude, and the key questions remained unanswered". International opinion should not be allowed "to be distracted by nuances about process".

---

[88] *BBC News*, 13 February 2003, *Blair puts 'moral' case for war.*
[89] Letter Lloyd to Owen, 13 February 2003, 'Prime Minister's Breakfast with John Howard'.

324. Other points which Mr Blair and Mr Howard discussed included:

- Dr Blix was writing his report on the presumption that there would be more time and it was implicit in his approach that there would be more time.
- Concern that the report would be critical of Secretary Powell's presentation to the UN on 5 February.
- Russia and China were likely to abstain in a vote on a second resolution and France and Germany might put forward a rival text.

325. Mr Blair told Mr Howard that:

> "… people in the UK were suspicious that the US were eager to use force and did not want the inspections to work. They could accept the need for war, but not for war *now*. If Blix came up with a firm report that could change. The report on the 28th [of February] should be the final report. The US needed in parallel to ensure the support of the Security Council."

326. In response to Mr Howard's assessment that a second resolution was not needed for legal reasons, Mr Powell said that UK lawyers were studying the issue. Mr Blair said it was needed for political reasons.

327. In the subsequent press conference, Mr Blair stated that the discussion had been "dominated" by Iraq.[90] He and Prime Minister Howard had agreed that Iraq needed to disarm and resolution 1441 had to be upheld.

328. Prime Minister Howard praised Mr Blair's "strong and principled stance" and his "strong and effective leadership" and stated that he believed:

> "… very strongly that if the whole world speaking through the United Nations Security Council said with one clear voice to Iraq that it had to disarm then that would more than anything else be likely to bring forth the faint hope of a peaceful solution."

329. In reply to a question, Mr Howard stated that the problem was not time, it was Iraq's attitude.

330. Mr Blair was asked whether Iraq's ballistic missiles were enough to justify military action; and whether the news overnight of a North Korean threat that its missiles could hit US targets anywhere in the world "presented a more urgent and larger threat to international stability". He replied that the judgement on Iraq had to be "made in the round" in the context of resolution 1441. In relation to the need to confront the threat from North Korea, albeit "by different means", Mr Blair emphasised that the United Nations would be "tremendously weakened and undermined" if it showed "weakness and uncertainty over Iraq". That was "the key issue".

---

[90] Australian Government – Department of the Prime Minister and Cabinet, 13 February 2003, *Joint Press Conference with Prime Minister, Tony Blair.*

Cabinet, 13 February 2003

331. Mr Gordon Brown, the Chancellor of the Exchequer, announced on 12 February that he was allocating a further £750m to help meet the costs of potential military action in Iraq.[91]

332. Mr Blair convened a meeting on humanitarian issues with Mr Straw, Mr Hoon, Ms Short, Adm Boyce and No.10 officials in the margins of Cabinet on 13 February.[92] That meeting is addressed in Section 6.5.

333. In Cabinet on 13 February, Mr Straw stated that Iraq was not co-operating on substance and its Al Samoud missiles and engines could be further evidence of a material breach of resolution 1441. The authority of the UN was at stake.

334. Mr Hoon stated that the second resolution needed to provide straightforward legal justification for taking military action.

335. Mr Blair concluded that there was no point in conceding more time for inspections if the lack of co-operation did not permit the inspectors to do their job. The "best course was to keep our nerve and persevere".

336. Mr Straw told Cabinet on 13 February that the UN inspectors were likely to tell the Security Council on 14 February that:

> "… the Iraqis were co-operating a bit more on the process but not on the substance. One issue of significance could be the inspectors' attitude to the Al Samoud missiles and the 223 new Volga engines, which they could decide were in breach of Iraq's obligations. That would be further evidence of material breach."[93]

He would report to the House of Commons later that day that Iraq had been, and continued to be in material breach; and that further confirmation of the facts by the inspectors "would lead logically to a Security Council resolution".

337. Mr Straw also reported difficulties in NATO over a request from Turkey for support. That was "a serious situation which was pulling NATO apart". The Presidency of the EU had called a summit [meeting of the European Council] for 17 February.

338. Mr Straw told his colleagues that:

> "… the authority of the United Nations was at stake. There was a parallel with the failure of the League of Nations in the 1930s to enforce international law … The best chance of avoiding military action was to hold our nerve in keeping to the United Nations process."

---

[91] House of Commons, *Official Report*, 12 February 2003, column 883.
[92] Letter Cannon to Bewes, 13 February 2003, 'Iraq: Humanitarian Issues'.
[93] Cabinet Conclusions, 13 February 2003.

339. Reporting on his visit to the US, Mr Hoon told Cabinet that the US Administration "had a good appreciation" of the Government's political situation. In his view, it would be "important politically" that any further resolution "should be simple" and "provide straightforward legal justification for taking military action"; "obscurity or justification relying on bureaucratic references back to earlier resolutions" should be avoided.

340. The points made in discussion included:

- the authority of the UN "could be undermined both by a failure to act and by action taken without its sanction";
- the tone of public communications "should not give the impression of a rush to war: there was a benefit in a distinctively British approach";
- while public opinion "did not seem persuaded of the necessity of war, it appeared to support military action when combined with a further Security Council resolution";
- emphasis had to be given to the future welfare of the Iraqi people as well as the re-invigoration of the MEPP;
- work "had started" in the US to "put in place structures for the recovery and reconstruction of Iraq in the event of military conflict".

341. Summing up the discussion, Mr Blair said that the Government "should maintain the integrity" of the UN process. That "did not mean allowing Iraq to prolong inspections indefinitely". Iraq had:

> "… been given a final chance to comply and full co-operation was required, otherwise the issue returned to the Security Council for discussion. There was no point in conceding more time for inspections if the lack of co-operation did not permit the inspectors to do their job."

342. Mr Blair expected public opinion "to shift before we got to the point of military action. Some polling showed that there would be support both in the event of a further Security Council resolution and if the majority of the Security Council supported action despite a veto". Strenuous efforts were being made to avoid the alienation of France and Germany. The UK would stand up for itself and had support in Europe. The international community need to be engaged in dealing with the humanitarian consequences of Saddam Hussein's rule in Iraq. The "best course was to keep our nerve and persevere".

343. Mr Campbell wrote that Mr Cook had "really played up the extent of the opposition" on Iraq, and that he might be "putting down a marker" about his departure: "He was clearly very offside and had become more so."[94]

---

[94] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

344. In his memoir, Mr Cook wrote that he had offered three suggestions for how "we should conduct ourselves if we are going to reconnect with the public":

> "We could stop appearing to force the pace on the war. The public will only follow us if they believe we are reluctant about conflict …
>
> "We need to find a distinctive British tone in which we address the Iraq crisis. We should stop appearing as the US and UK axis.
>
> "We should stick to the UN like glue. If tomorrow Hans Blix asks for more time for inspectors, he must get it. If we depart from the UN process we shall be committing suicide …"[95]

345. Mr Campbell wrote that there was also a meeting with Mr Straw on tactics for the second resolution and whether it should be tabled before the European Council.[96]

346. Sir David Manning and Dr Rice discussed the next steps and tactics and timings on 13 February, including concerns about a possible Franco-German initiative.[97]

347. Sir David told Dr Rice that the UK preference was to wait to table a second resolution until after the special EU Council on Iraq, unless circumstances dictated an earlier date.

348. In the meeting of the Security Council the following day, the UK aim was to move the discussion away from process and focus it on substance: "The best bet seemed to be to put a series of very tough questions to Blix about Iraqi performance and insist on very clear answers." The UK did not want "Saturday's headlines being about calls in the Security Council to give the inspectors more time".

349. In his record of the discussion, Sir David commented: "We should also have a draft resolution in our back pockets, ready to put down at a moment's notice."

350. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, wrote to Sir David Manning on 13 February stating:

> "Sitting in on Mr Hoon's meetings with Condi Rice and Don Rumsfeld [Mr Donald Rumsfeld, US Secretary of Defense] yesterday I was very struck by how the military timetable is now driving the diplomatic end game."[98]

---

[95] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[96] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[97] Letter Manning to McDonald, 13 February 2003, 'Iraq: Conversation with Condi Rice'.
[98] Letter Brenton to Manning, 13 February 2003, 'Iraq: The Timetable'.

Mr Straw's statement, 13 February 2003

351. Mr Straw told the House of Commons on 13 February that the conclusion that Iraq was in further material breach of resolution 1441 was "inescapable".

352. A peaceful outcome to the crisis depended on maintaining unrelenting pressure on Saddam Hussein to disarm, and a decision by him to co-operate.

353. Because the House of Commons would be in recess the following week, Mr Straw made a statement on 13 February.[99]

354. Mr Straw said that the reports presented by Dr Blix and Dr ElBaradei on 27 January had "painted a disturbing picture". "Most damning of all" was Dr Blix's observation that Iraq appeared "not to have come to a genuine acceptance" of the demand for disarmament. Mr Straw added that the central premise of Iraq's "so-called disclosure", that Iraq possessed no WMD "was, and remains, a lie". "Nor was there any admission of Iraq's extensive efforts to develop weapons of mass destruction since … December 1998" when the inspectors were "effectively excluded from Iraq".

355. Mr Straw stated that the briefings on 27 January and Secretary Powell's presentation to the Security Council on 5 February left "no doubt that Iraq had failed to meet" the "two clear tests for further material breach" set out in resolution 1441. Mr Straw added : "The conclusion is therefore inescapable: Iraq is in further material breach …"

356. The points made by Mr Straw included:

- He still hoped and prayed "for a peaceful outcome to the crisis", but that would only be possible if "unrelenting pressure" was maintained on Saddam Hussein, "including the threat of force, rather than casting around for excuses to delay".
- If the international community "lost its nerve", that would "significantly undermine the UN's authority and make the world a much more dangerous place, as dictators got the message that international law consisted of mere words and nothing else".
- French and German calls to "bolster the inspections regime" would not "deliver the assurance the world needs" and were "unrealistic and impractical". They shifted "the burden of proof from Iraq … to the inspectors"; and sent "Saddam the signal that defiance pays".
- Armed intervention was not inevitable and a peaceful resolution of the crisis remained in Saddam's hands. But the inspectors would "not be able to fulfil their mandate to verify Iraqi disarmament" without Iraq's compliance. In that event, resolution 1441 warned Iraq to expect "serious consequences": "By now, even Saddam Hussein must be under no illusions: that can only mean disarmament by force."

---

[99] House of Commons, *Official Report*, 13 February 2003, columns 1056-1071.

357. The points made by Mr Alan Duncan (Conservative) included:

- Diplomatic relations between the US and France and Germany were "to put it mildly, scratchy", but relations between Western democracies should not "slide into disarray".
- The Conservative Party shared the judgement, enshrined in resolution 1441, that the cost of doing nothing was greater than the cost of doing something". The UK should not resile from implementing resolution 1441.
- Given "the doubting mood of public opinion", the Government should focus on Saddam Hussein's arsenal of weapons, not other issues such as links with terrorism and the publication of an "utterly substandard dossier" which diverted attention from the main issue and dented the Government's credibility.
- Was a second resolution, which a "fortnight ago" had "seemed a dead cert", now touch and go?

358. Mr Mark Oaten (Liberal Democrat):

- Expressed concerns about the impact on the unity of the international community of ignoring a veto by one of the Permanent Members of the Security Council.
- Asked why Mr Straw was dismissing the options of further UN inspection and containment. If the inspectors believed that "with more time, co-operation and space, progress could be made, they should be given more time".

359. In response to those points, and subsequent questions, which included both support for action and concerns, points made by Mr Straw included:

- It would be the Government's decision whether or not to move a resolution. It would make decisions after the inspectors' reports to the Security Council the following day; decisions would be reported to the House of Commons as quickly as possible.
- The Government was asking all the members of the Security Council, when they assessed the inspectors' reports, "to follow through the true meaning of the language to which every single member … signed up". The UK and other members of the Security Council could not be in a position where they believed the "conclusions following from the true meaning of 1441" were "inescapable, but one member, for example", sought "to avoid those conclusions".
- Resolution 1441 was "a sufficient mandate" for military action because it spelled out "with complete clarity" that there were "obligations on Iraq that it must follow through", which were "very straightforward".

- It had been suggested during the negotiation that a requirement for a second resolution "if military force was to take place" should be written into resolution 1441. That had been "dropped from the final draft".
- The UK should "seek to lower, not raise the temperature of relations" with friendly nations. It did not want to be, and would not be, involved in recriminations between friendly members of UN.
- If the inspectors asked for more resources, that would be considered, but the UK could not "be drawn into the argument from outside the inspectors' ranks, which seeks to imply that, in the absence of co-operation, more inspectors will resolve the matter. They will not. Procrastination is not the solution to the problem; co-operation is."
- The evidence in respect of Iraq's possession of "chemical and biological weapons and weapons programmes, and its readiness to develop a nuclear programme" was "overwhelming". Iraq had been "found guilty" in 1991 and had to "prove its innocence". The "absence of evidence in a huge country where there are only 100 inspectors" did "not prove the absence of a programme … other circumstantial evidence" had to be examined. Iraq had had a highly developed nuclear programme in 1991.
- No one was "exaggerating the problem" and "no one had invented the fact that Iraq had the programme [of weapons of mass destruction]". Until Iraq proved otherwise, the evidence suggested that Iraq continued to have "the programme".
- There was no evidence of links between Al Qaida and Iraq in respect of the attacks on the US on 11 September 2001, although he "would not be surprised if such evidence came forward". There was "some evidence of links between the Al Qaida organisation and Iraq, in terms of the Iraq regime allowing a permissive environment for Al Qaida operatives".
- There had been "very active co-operation between the intelligence agencies in the United States and the United Kingdom, and the weapons inspectors".
- He "shared the anxieties" about military action which "should only ever be a last resort", but "on occasions" it was "essential to enforce law by force, otherwise the world becomes extremely dangerous".
- It "would have been better, in a way" to include the words "disarmament by force" in the resolution, "but in diplomatic speak the choice was between 'all necessary means' and 'serious consequences'. Everybody in the diplomatic community knows that 'serious consequences' means the use of force".[100]

[100] House of Commons, *Official Report*, 13 February 2003, column 1068.

Security Council, 14 February 2003

360. The third Ministerial-level meeting of the Security Council to discuss Iraq took place on 14 February.

Dr Blix's report, 14 February 2003

361. Dr Blix reported that UNMOVIC had not found any weapons of mass destruction and the items that were not accounted for might not exist, but Iraq needed to provide the evidence to answer the questions, not belittle them.

362. Dr Blix pointed out that the evidence that Iraq had prepared for inspections by cleaning up sites and removing evidence, presented to the Security Council by Secretary Powell on 5 February, could have a different interpretation.

363. Dr Blix told the Security Council that:

- The total number of UNMOVIC staff in Iraq had increased to more than 250. The regional office in Mosul was "fully operational" and plans for a regional office in Basra were "being developed". UNMOVIC had conducted more than 400 inspections covering more than 300 sites.
- "All inspections were performed without notice, and access was almost always provided promptly. In no case have we seen convincing evidence that the Iraqi side knew in advance that the inspectors were coming."
- Inspections were "effectively helping to bridge the gap in knowledge" that had arisen because of the absence of inspectors between December 1998 and November 2002.
- UNMOVIC had informed the Iraqi authorities that it planned to start U-2 surveillance flights early the following week and was still expanding its capabilities.
- Intelligence information provided to UNMOVIC had been "gradually increasing". But there were "limitations" and "misinterpretations" could occur.
- Three persons who had previously refused interviews on UNMOVIC's terms had given "informative" interviews just before the visit to Baghdad by Dr Blix and Dr ElBaradei. Dr Blix hoped that Iraq's commitment to encourage persons to accept interviews would mean further interviews would be accepted.
- UNMOVIC had begun the process of destroying approximately 50 litres of mustard gas declared by Iraq.
- More than 200 chemical and more than 100 biological samples had been collected. Three-quarters of the samples had already been tested and the results were consistent with Iraq's declarations.[101]

[101] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

364. Addressing how much, "if any" was left of Iraq's weapons of mass destruction, Dr Blix stated that UNMOVIC had not found any so far, "only a small number of empty chemical munitions, which should have been declared and destroyed". UNMOVIC had destroyed the "laboratory quantity" of a "mustard gas precursor" that had been found. Many proscribed weapons and items had not been accounted for, but:

> "One must not jump to the conclusion that they exist. However that possibility is also not excluded. If they exist they must be presented for destruction. If they do not exist, credible evidence to that effect should be presented."

365. Referring to his warning on 27 January that Iraq should not brush aside questions on significant outstanding issues of substance, including on anthrax, the nerve agent VX and long range missiles, Dr Blix stated that the fact that Iraq had, in its declaration of 7 December 2002, "missed the opportunity to provide the fresh material and evidence needed to respond to the open questions" was "perhaps the most important problem we are facing". He added:

> "Although I can understand that it may not be easy for Iraq in all cases to provide the evidence needed, it is not the task of the inspectors to find it. Iraq itself must squarely tackle this task and avoid belittling the questions."

366. Some papers had been provided in Baghdad on 9 February. Dr Blix stated that "could be indicative of a more active attitude" but there were problems verifying the quantities of anthrax and two precursors for VX which Iraq had unilaterally destroyed: "Documentary evidence and testimony by staff who dealt with the items still appears to be needed." Iraq's initiative to identify 83 participants "in the unilateral destruction in the chemical field" appeared "useful and pertain[ed] to co-operation on substance". Dr Blix trusted that Iraq would put together a "similar list of names of persons who participated in the unilateral destruction of other proscribed items".

367. Dr Blix also welcomed the extension of the mandate of an Iraqi commission to look for any proscribed items and the appointment of a second commission to search for documents relevant to the elimination of proscribed items and programmes. But they would "evidently need to work fast and effectively to convince us, and the world, that it is a serious effort".

368. Experts had "concluded unanimously" that the two variants of the Al Samoud 2 missile declared by Iraq were capable of exceeding the range of 150km. Those, and any of the 380 SA-2 (Volga) engines which had been imported in contravention of resolution 687 (1991) and converted for use in the Al Samoud missile system, were proscribed. The casting chambers for missile motors were also proscribed. Clarifications were needed before decisions could be made on the capabilities of the Al Fatah missile and the al-Rafah engine test stand.

369. In response to urgings that Iraq should implement the requirement in resolution 687 to enact legislation implementing the UN prohibitions on WMD, Iraq had told UNMOVIC and the IAEA earlier that day that it had issued a Presidential Decree. The text was being studied.

370. Addressing the role of intelligence, Dr Blix stated that in the closed society of Iraq, and the history of inspections, "other sources of information, such as defectors and government intelligence agencies" were "required to aid the inspection process". International organisations then needed to analyse such information critically.

371. Dr Blix added that intelligence had been useful for UNMOVIC, and in one case had led to the discovery of documents relating to laser enrichment of uranium:

> "In other cases, intelligence has led to sites where no proscribed items were found. Even in such cases, however, inspection of these sites were useful in proving the absence of such items and in some cases the presence of other items – conventional munitions. It shows that conventional arms are being moved around the country and their presence is not necessarily related to weapons of mass destruction."

372. Referring to Secretary Powell's presentation on 5 February, and in particular the suggestion that "Iraq had prepared for inspections by cleaning up sites and removing evidence of proscribed weapons programmes", Dr Blix stated that he wanted to comment on "the trucks identified by analysts as being for chemical decontamination at a munitions depot". That depot was a declared site, and one that Iraq would have expected UNMOVIC to inspect. Dr Blix stated that: "We have noted that the two satellite images of the site were taken several weeks apart. The reported movement of munitions at the site could just as easily have been a routine activity as a movement of proscribed munitions in anticipation of imminent inspection." He added that: "Our reservation on this point does not detract from our appreciation of the briefing."

373. Concluding his report, Dr Blix commented that:

> "UNMOVIC is not infrequently asked how much more time it needs to complete its task in Iraq. The answer depends on which task one has in mind … the disarmament task – or the monitoring that no new proscribed activities occur …
>
> "… Regrettably the high degree of co-operation required of Iraq for disarmament through inspection was not forthcoming in 1991 …
>
> "If Iraq had provided the necessary co-operation in 1991, the phase of disarmament … could have been short and a decade of sanctions could have been avoided. Today, three months after the adoption of resolution 1441 (2002) the period of disarmament through inspection could still be short if 'immediate, active and unconditional cooperation' with UNMOVIC and the IAEA were to be forthcoming."

374. Sir Jeremy Greenstock commented that Dr Blix's presentation had been "more equivocal than 27 January, highlighting progress on process and other 'hopeful' signs (e.g. new documents, the Iraqi commissions and the Iraqi decree on WMD)".[102]

375. In his memoir, Mr Blair wrote that it paid to re-read Dr Blix's reports of 14 February:

> "It was clear that compliance was stepped up significantly as the prospect of military action became more real, but it was also clear that the problem was unlikely to be resolved unless those running Iraq had a genuine and not transitory change of heart …
>
> "They [UNMOVIC] were hopeful that Iraq could be disarmed; but the report still concluded compliance had yet to conform to the requirement of the UN resolution [1441] …"[103]

Dr ElBaradei's report, 14 February 2003

376. Dr ElBaradei reported that the IAEA had found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq, although a number of issues were still under investigation.

377. Dr ElBaradei reported that:

- The IAEA had conducted an additional 38 inspections at 19 locations since his report to the Council on 27 January.
- Iraq had continued to provide immediate access at all locations.
- The IAEA had continued to interview key personnel and had recently been able to conduct four interviews in private, although the interviewees had recorded their interviews. In the meeting in Baghdad, Iraq had "reconfirmed its commitment to encourage its citizens to accept interviews in private, both inside and outside of Iraq".
- Iraq had expanded the list of relevant personnel to more than 300 to include higher-level key scientists; IAEA continued to ask for information about personnel of lesser rank.
- The IAEA intended to increase the numbers of inspectors and support staff and to "expand and intensify the range of technical meetings and interviews".[104]

378. Iraq had provided documentation relating to the reported attempt to import uranium, the attempted procurement of aluminium tubes, the procurement of magnets and magnet production capability, and the use of HMX. The IAEA was pursuing the

---

[102] Telegram 265 UKMIS New York to FCO London, 15 February 2003, 'Iraq: Blix and ElBaradei Presentations: Open Debate'.
[103] Blair T. *A Journey*. Hutchinson, 2010.
[104] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

acquisition of uranium and examining issues in relation to aluminium tubes and magnets. On HMX, the IAEA might be unable to reach a final conclusion:

> "While we have no indication that this material was used for any application other than declared by Iraq, we have no technical method of verifying … the declared use …"

379. In relation to "documents found on 16 January in the private residence of an Iraqi scientist", the IAEA had "completed a more detailed review". The documents related "predominantly to lasers, including the use of laser technology to enrich uranium". "Nothing" in the documents altered "the conclusions previously drawn by the IAEA" about the extent of Iraq's laser enrichment programme.

380. Iraq had also provided documentation about questions and concerns which had remained since 1998 about weapons and centrifuge design, but the documents contained "no new information". Dr ElBaradei hoped that "the new Iraqi commissions … will be able to discover documents and other evidence that could assist in clarifying remaining questions and concerns".

381. Dr ElBaradei stated that the IAEA would continue to expand its capabilities to "strengthen and accelerate" its ability to investigate matters of concern, and to "reinstate and reinforce" its monitoring and verification system.

382. Dr ElBaradei had "reported on numerous occasions" that the IAEA had:

> "… by December 1998 … concluded that it had neutralised Iraq's past nuclear programme and that therefore no unresolved disarmament issues remained … Hence, our focus since the resumption of inspections … has been verifying whether Iraq revived its nuclear programme in the intervening years.
>
> "We have to date found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq. However … a number of issues are still under investigation … we intend to make full use of the authority granted to us … to build as much capacity into the inspection process as necessary.
>
> "In that context, I would underline the importance of information that States may be able to provide to help us in assessing the accuracy and completeness of information provided by Iraq."

383. Dr ElBaradei concluded that it was:

> "… possible with an intrusive verification system, to assess the presence or absence of a nuclear weapons programme … even without the full co-operation of the inspected State.
>
> "However, prompt, full and active co-operation by Iraq as required under resolution 1441 (2002) will speed up the process. More importantly, it will enable us to reach the high degree of assurance required by the Security Council in the case of Iraq

in view of its past clandestine programmes of weapons of mass destruction and its past pattern of co-operation. It is my hope that the commitments made recently in Baghdad will continue to translate into concrete and sustained action."

Security Council discussions, 14 February 2003

384. In the discussion which followed the reports, significant differences between members of the Security Council remained.

385. Mr de Villepin stated that the inspectors should be given time to fulfil their mission and a further meeting to assess the situation should be held on 14 March.

386. France did not exclude a resort to force but it could be justified "only" if inspections failed. The Council would "have to take a decision" if the inspectors reported it was impossible to continue.

387. The reports from Dr Blix and Dr ElBaradei were followed by a discussion in the Security Council on 14 February.[105]

388. The points made by Mr de Villepin included:

- In adopting resolution 1441 the Council had collectively agreed two stages: "disarmament through inspections and, if this strategy should fail, consideration by the Security Council of all the options, including resorting to force". A second resolution could be justified "only" if inspections failed.
- France did not believe the option of inspections had "been exhausted", it could "provide an effective response to the imperative of disarming Iraq".
- The use of force would "have such heavy consequences for the people, the region and international stability that it should be envisaged only as a last resort".
- Inspections were producing results, although each member of the Council "would like more" and pressure on Baghdad should be maintained to achieve that.
- Real progress was being made. Aerial reconnaissance had been agreed. Iraq had allowed interviews without minders. Draft legislation barring activities linked to programmes for weapons of mass destruction was being adopted. Iraq was providing a list of experts who witnessed the programmes of destruction in 1991.
- France had set out proposals to enhance the efficiency of inspections and would be providing additional resources.
- War might seem to be the swiftest option in ensuring Iraqi compliance, but building peace would be long and difficult. No one could maintain that war would "lead to a safer, more just and more stable world"; war was "always the outcome of failure".

[105] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

- The inspectors should have "the time that is necessary for their mission to succeed". The Council should meet again at Ministerial level, on 14 March, to "assess the situation".
- The use of force was "not justified at this time" and "premature recourse to the military option would be fraught with risks". It would call the unity of the Council into question, and that would: "… remove its legitimacy and, in the long run, its effectiveness. Such intervention could have incalculable consequences for the stability of a scared and fragile region. It would compound the sense of injustice, would aggravate tensions and would risk paving the way for other conflicts."
- The priority was fighting terrorism. France had no intelligence of the links between Al Qaida and the Baghdad regime alleged by Secretary Powell on 5 February. Military action would exacerbate the divisions that nurtured terrorism.
- France did not exclude recourse to force if the inspectors reported that it was "impossible for inspections to continue". In that case, the "Council would have to take a decision, and its members would have to shoulder all of their responsibilities".

389. Sir Jeremy Greenstock commented that Mr de Villepin's "impassioned plea for continued inspections" had won "unprecedented applause from the gallery".[106]

390. Mrs Alvear called for the inspections process to be continued and enhanced.

391. Chile was dismayed by the divisions in the Council and called for a return to co-operation and unity to achieve Iraq's disarmament.

392. Mrs Alvear stated that indications of progress raised "some hopes for a decisive change of attitude" from Iraq towards the demands of the international community, but other attitudes revealed "an intention not to co-operate" and gave rise to "suspicions about the presence of weapons of mass destruction".[107] Iraq was not fully implementing the resolutions and pressure on Saddam Hussein's regime had to be maintained "relentlessly and without relaxation".

393. Chile believed that the "inspections process must be continued, strengthened and expanded to make it accurate, intrusive and capable of thwarting any effort at deception or evasion".

394. The Security Council had a "key role" and Chile had "noted with dismay over the past month a growing division within the Council". While that was "rooted in positions" that were "legitimately different", it had been "fuelled by a lack of willingness to listen and to propose". Chile wished to contribute to a "return to the path of debate and to a method

---

[106] Telegram 265 UKMIS New York to FCO London, 15 February 2003, 'Iraq: Blix and ElBaradei Presentations: Open Debate'.
[107] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

of work that combines conviction with respect for the concerns of others, the capacity of persuasion with tolerance and, above all, patience". Unity of the Council was:

> "… the basis of any international action that seeks to be both legitimate and effective. Only a united Council could credibly adopt the appropriate decisions for achieving the objective of the disarmament of the Iraqi regime."

395. Chile wholeheartedly accepted Mr Annan's invitation, in a recent speech, "to take the necessary time to continue to seek the broadest possible consensus for achieving a comprehensive solution". That was the only way to exhaust all means to settle the conflict peacefully and reserve the use of force "until the moment when it becomes clear to all that peaceful means have failed".

396. China also called for the pursuit of a political settlement.

397. Mr Tang Jiaxuan, the Chinese Foreign Minister, urged Iraq to recognise the importance and urgency of inspections and to co-operate more pro-actively. China, "in agreement with the majority opinion among Council members", believed that the inspections process was working. The Council had to "step up its efforts". "Only by pursuing a political settlement" could the Council "live up to the trust and hope that the international community places in the Security Council".

398. Spain questioned Iraq's will to co-operate.

399. Ms Palacio pointed out that active, immediate and complete co-operation from Iraq was not yet forthcoming and all the areas of non-compliance and unresolved issues mentioned in Dr Blix's report of 27 January remained. Spain saw no need for more inspections or an increase in capability. Peace and security were "ensured through respect for and compliance with Security Council resolutions". If there was no change in the political will of Saddam Hussein to co-operate, the Council would be "obliged to assume its responsibilities in the interests of the peace and security of the world".

400. Mr Straw also questioned whether Iraq had decided to co-operate and stated that Iraq's material breaches still existed.

401. The authority of the United Nations and the responsibility of the Council for peace and security were at issue from Iraq's continued defiance.

402. The UN Charter required the diplomatic process to be backed by the credible threat of the use of force and its use if necessary.

403. Mr Straw thanked Dr Blix and Dr ElBaradei for "their great efforts in the face of what I think is still very clear: Iraq's failure, fully and actively to comply with resolution 1441".[108]

---

[108] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

404. Mr Straw stated that the issue, which "could not be graver", was "about the authority of the United Nations and about the responsibility of the Security Council for international peace and security". All the members of the Council knew that Iraq had "had these weapons [of mass destruction and long-range missiles]"; Iraq had been "found guilty" in 1991. The issue was whether Iraq was "actively co-operating to get rid of them".

405. Mr Straw stated that Iraq had lied, had concealed weapons and played games. As Dr Blix and Dr ElBaradei had:

> "… spelled out in their report of 27 January, Iraq has failed to account for thousands of tons of chemical weapons and precursor chemicals, of shells and bombs for anthrax, for mustard gas, for VX nerve agent. They have failed to make a full and complete disclosure as required of them … They have failed to co-operate fully and actively on substance, as well as on process with the inspectors, and failed substantively to meet the obligations imposed on them."

406. Mr Straw added:

> "… nobody who has spoken so far … has suggested for a second that Iraq is fully and actively complying with the obligations that we imposed … So Iraq's material breaches … are still there."

407. Mr Straw posed a number of questions for the inspectors including:

- What were Iraq's motives for refurbishing prohibited equipment destroyed by UNSCOM?
- How many interviews had taken place, and how many could the inspectors be sure were not subject to Iraqi surveillance?
- Had the "outstanding material identified by UNSCOM" been "satisfactorily dealt with"?
- How many "open issues" in the nuclear dossier had the IAEA been able to close?

408. Mr Straw stated that he interpreted Dr Blix's report as meaning that "Iraq has yet to be forthcoming with … immediate, active and unconditional co-operation". Picking up a phrase from Dr Blix's report of 27 January, Mr Straw asked whether Dr Blix believed Iraq had "yet come to a genuine acceptance of the disarmament that has been demanded of it".

409. "Like every other member" of the Council, Mr Straw hoped and believed that a peaceful solution to the crisis might "still be possible". But that would require a "dramatic and immediate change by Saddam" which would be achieved only if the Council held its nerve.

410. Mr Straw concluded by stating that the period since resolution 687 (1991) had been passed had "frankly been a period of humiliation" for the Council and the UN as "games have been played with the Council's authority". The Charter required the Council to "back the diplomatic process with a credible threat of force and also, if necessary, to be ready to use that force". If the Council decided to:

> "… back away … to give unlimited time for little or no co-operation on substance – then the disarmament of Iraq and the peace and security of the international community, for which we are responsible, will not get any easier, but very much harder.
>
> "This issue is not just about Iraq … If we send out the message to proliferators … that defiance of the United Nations pays, then it will not be peace that we have secured."

411. Secretary Powell stated that the Council should consider whether it was time to consider the serious consequences intended by resolution 1441.

412. The points made by Secretary Powell included:

- The inspectors had reported progress, but it was on process not substance, and tricks were being played by Iraq.
- Resolution 1441 was about disarmament, not inspections. It stated that Iraq was in material breach of its obligations and must now come into compliance.
- The requirement in the resolution for a full, complete and accurate declaration of its activities had been "an early test of Iraq's seriousness; the answer in its declaration [of 7 December] was that it was not going to co-operate".
- Connections between Iraq and terrorist organisations were "now emerging". We could not wait for weapons of mass destruction to show up in our cities. The weapons "could kill tens of thousands of people" if they "got into the wrong hands".
- If Iraq had been co-operating, documents would be flooding in and there would be a queue of interviewees.
- Iraq did not need time to decide to co-operate. Iraq's recent actions were not responsible, they were "continued efforts to deceive, to deny, to divert, to throw us off the trail".
- Resolution 1441 had anticipated Iraq's response. The improvements in process, more inspections and a longer inspection period would not move the position that Iraq had "failed to comply".
- The threat of force "should always be a last resort", but it "must be a resort". The process could not be "endlessly strung out", as Iraq was trying to do, until the world's attention moved in other directions.
- Iraq could not "be allowed to get away with it again". The Council had to think through the consequences of walking away or the reality of facing

the problem and the choice of whether or not it was time to consider the serious consequences intended by 1441.

413. Secretary Powell concluded that:

> "The security of the region, the hopes for the people of Iraq, and our security rest upon us meeting our responsibilities and, if it comes to it, invoking the serious consequences called for in resolution 1441 …"

414. Mr Igor Ivanov stated that Iraq should be set clear tasks to provide objective criteria by which to assess progress and the threat posed by Iraq.

415. The debate in the Council demonstrated that remedies other than the use of force to achieve Iraq's disarmament had not yet been exhausted.

416. Mr Igor Ivanov stated that the Council should be guided by the professional data provided by the inspectors to, "without making a mistake, come to the correct conclusion".

417. Substantial progress had been made and could not be ignored. The Council should urge Baghdad to increase co-operation and the work of the inspectors "must be made more systematic and focused". Iraq should be set clear tasks, including through the submission of the UNMOVIC and IAEA work programme and the list of key disarmament tasks required by resolution 1284 (1999). Adoption of such a programme would provide "objective criteria" to assess both the degree of Baghdad's co-operation and whether Iraq was "a threat to international peace and security".

418. Russia's position, "shared by the overwhelming majority of States in the world, including within the Security Council", was that inspections "must continue". There was:

> "… a unique opportunity to reach agreement on how to solve this … problem through political means, in strict accordance with the UN Charter. This is a real opportunity, and it must not be missed. Force may be resorted to, but only when all other remedies have been exhausted. As may be seen from today's discussion, we have not yet reached that point …"

419. Other members of the Security Council emphasised the need for Iraq to co-operate actively and unconditionally to disarm; the need to exhaust the inspections route; and the importance of Council unity.

420. Mr Luiz Derbez, the Mexican Foreign Minister, stated that the Iraqi Government continued to evade its international responsibilities and the Council was united about the goal of disarmament. But the Council was "increasingly divided as [to] the most effective and least costly manner by which it may be achieved". Mexico's view was that the "Security Council's primary task" was to ensure the inspectors fulfilled their mission.

421. Mr Mamady Traoré, Guinean Permanent Representative to the UN and President of the Council, advocated continued inspections although they "should not be continued indefinitely". Guinea was "concerned at the abrupt rise in tension within the international community" over the Iraq crisis and appealed "for a swift beginning of direct and constructive dialogue among Security Council members so that we can move beyond this climate of tension which could deal a harsh blow to the United Nations system". Iraq must "finally agree" to co-operate and end its delaying tactics.

422. Mr Munir Akram, Pakistani Permanent Representative to the UN, stated that it was "understandable that the patience of some important members of the Security Council is running out". The call in resolution 1441 "was credible because it was unanimous". Pakistan believed that the "Security Council must maintain this unity of purpose and action". It could still unite around:

- "a general preference, even at this late stage, to secure the elimination of Iraq's weapons of mass destruction through peaceful means";
- Iraq's "immediate, active and unconditional co-operation"; and
- "a readiness to allow more time".

423. Mr Martin Belinga-Eboutou, Cameroonian Permanent Representative to the UN, stated that Cameroon wished to "emphasise … the need for the Security Council to continue to safeguard … its unity and cohesion". He added: "The discord, the cacophony, indeed the confusion surrounding us in recent days can only harm our effectiveness." Cameroon was "in favour of a peaceful settlement" and was "trying to take a pragmatic and realistic approach". It had "raised the possibility of more robust inspections" which would require Iraq's immediate, active and complete co-operation. It was "clear that further non-compliance by Iraq with the demands of the Security Council would be one violation too many", which would leave the Council with "no other choice but to adopt, in unity and cohesion, appropriate measures to have its decisions respected within the provisions of the Charter".

424. Referring to Mr Annan's speech on 8 February, Mr Belinga-Eboutou appealed for unity and cohesion. He stated:

> "The maintenance of peace and security is a very delicate and serious mission. It requires at all times those who are responsible for it [to] transcend their differences and act only in the interests of peace."

425. Mr Ismael Gaspar Martins, Angolan Permanent Representative to the UN, stated that the Council was unable to say that Iraq was free from weapons of mass destruction, but:

> "… we are equally unable to state unequivocally that Iraq is fully armed with weapons of mass destruction or other weapons that pose a clear and impending threat to international peace and security."

426. Mr Gaspar Martins was "confident that the Council" represented "a unified coalition of the willing to secure international peace and security". Whatever decision it reached, it was "pivotal" that it was "based on convincing and far-reaching information". He warned that:

> "Whatever decision we collectively take must be proportionate to the gravity of the issue before us. That decision need not be popular; but it must be justified. The consequences of a war clearly outweigh its benefits …"

427. Mr Stefan Tafrov, Bulgarian Permanent Representative to the UN, stated that Bulgaria believed that Iraq's co-operation was "unsatisfactory" and it was unfortunate, "as the statements made by the chief inspectors have confirmed", that the Iraqi authorities were "still in material breach" of resolution 1441. Bulgaria hoped that France's ideas would be one element of the overall Security Council strategy to disarm Iraq and believed that that goal could still be achieved through peaceful means. But the Council had repeatedly warned Iraq of serious consequences if it did not comply. Bulgaria appealed to the Council to "stand united". That was "an essential condition for a peaceful outcome to the crisis and for averting future threats".

428. Mr Fischer stated that Iraq "must not be allowed to possess any weapons of mass destruction and must disarm completely". The inspectors had made "headway" and their presence had "substantially diminished the danger emanating from Iraq". They "must be given the time to successfully complete their mission". That required Iraq to co-operate fully, unconditionally and actively if a "looming tragedy" was to be averted.

429. Mr Fischer concluded:

> "All possible means for resolving the Iraqi crisis by peaceful means must be thoroughly explored. Whatever decisions need to be made must be made by the Security Council alone. It remains the only body internationally authorised to do so.
>
> "Military action against Iraq would, in addition to the terrible humanitarian consequences, above all endanger the stability of a tense and troubled region. The consequences for the Near and Middle East could be catastrophic. There should be no automatism leading to the use of military force. All possible alternatives need to be exhaustively explored."

430. Iraq continued to state that it did not possess weapons of mass destruction.

431. Mr Aldouri stated that Iraq had agreed to act on resolution 1441 and had "provided everything that might fall within the concept of pro-active Iraqi co-operation". The documents provided with the Iraqi declaration of 7 December 2002, required "in-depth study" because they contained "updated relevant information responding to many questions". Iraq had "the right to wonder whether the declaration had been studied with due diligence and thoroughness". Iraq had "begun to co-operate pro-actively", and many speakers had called for that but there was a question about what that would mean.

432. Mr Aldouri pointed out that there was an "Arabic proverb that an empty hand has nothing to give. You cannot give what you do not have. If we do not possess such weapons, how can we disarm ourselves? How can such weapons be dismantled if they do not exist?"

433. Iraq agreed that the "best way to resolve these issues is through continuing pro-active co-operation with the inspectors". Mr Aldouri stressed that Iraq had:

> "… chosen the path of peace. We have opted for solutions that would satisfy the international community. We are prepared to provide all means to assist in making clear the true picture …
>
> "We hope the Security Council will heed the desire of the vast majority of States Members of the United Nations and allow the inspectors to fulfil their role …"

434. In the subsequent private discussion, Mr Straw stated that there was overwhelming evidence that Iraq had had WMD; if there was no evidence to show that it had been destroyed, we had to work on the basis that it existed.

435. Sir Jeremy Greenstock reported that, in response to points raised during the private session of the Council:

- Dr Blix had clarified that it was too soon to say whether Iraq had come to a genuine acceptance of the disarmament required – there were some signs but no break through. Interviews were a mixed bag. In reality, the inspectors had had no one accept their conditions, though some people they had asked had subsequently come back and accepted. The Iraqi decree on WMD did not say anything about what Iraq would do in practice. UNMOVIC had expanded as much as it could; if it expanded too fast, there was a risk of mistakes.
- Dr ElBaradei had voiced concerns about Iraq's approach to interviews and emphasised the importance of inspections as the cornerstone of the international disarmament regime. He had also questioned whether Iraq needed reassurance that a new item would not be regarded as a material breach.
- Mr Straw had stated that the reason that the Council had said Iraq's WMD posed a threat was because there was overwhelming evidence that Iraq had had the material. If we had no evidence it had been destroyed, we had to work on the basis that it existed and that there was a danger to the region and to our national security. Oral cross-examination was the best way to get the truth. Interviewees were not saying anything and were insisting on tape recorders because they wanted to stay alive. Until Iraq allowed interviews outside Iraq and in free conditions, we would be naive to think that they were co-operating.

- Ms Palacio commented that "Iraqi progress had always been last minute and under pressure". In her legal experience, she had "never seen a situation were [sic] witnesses did not speak freely unless they were threatened".
- Secretary Powell questioned whether those who advocated reinforced inspections were serious or afraid to step up to the challenge of Iraq's lack of compliance".[109]

436. Sir Jeremy commented that Dr Blix's report was much more equivocal than that of 27 January. His, and Dr ElBaradei's, answers in the closed session were:

> "… more indicative of their underlying suspicions, as though they knew their prepared remarks had over-compensated. Tough exchanges with the Americans the day before may have made Blix more determined to assert his independence.
>
> "We have to go on hammering away at the logic of SCR 1441: it is about Iraq's approach, and not the inspections … When the Council middle ground … realise they have to face up to hard and final decisions, they may take more account of the responsibility they hold. So far, wishful procrastination continues to rule."

437. Sir Jeremy Greenstock told the Inquiry that, following his report on 27 January, Dr Blix had "got a bit cross" with the US because they felt that might in itself amount to a material breach. As a result, in his report on 14 February, Dr Blix had:

> "… within the scope that he felt he had for interpretation … said, 'They are actually beginning to cooperate … So I feel I'm getting somewhere.' The Americans were quite cross about that …"[110]

438. Sir Jeremy added that, "in the lunch after", Dr Blix "was tougher on the Iraqis and their lack of co-operation in private than he had been in public, and it was clear from my conversations with him … that … was affected by the reaction of the Americans to what he had said on 27 January".

439. Asked if that was because Dr Blix did not want to provide an automatic trigger for action, Sir Jeremy replied: "Yes".

440. Asked what Dr Blix had said about pressure from the US or UK, Sir Jeremy replied:

> "Hans Blix complained more than once to me about the pressures from the Americans. … [H]e felt the relationship with the British was much more reasonable and professional and we weren't trying to distort the facts for political reasons.
>
> "… I never heard a word of complaint from him about the pressure being put on him by the British …"[111]

---

[109] Telegram 266 UKMIS New York to FCO London, 15 February 2003, 'Iraq: Blix and ElBaradei Presentations: Private Session'.
[110] Public hearing, 27 January 2009, pages 70-71.
[111] Private hearing, 26 May 2010, pages 18-19.

441. Mr Annan concluded that there were real differences on strategy and timing in the Security Council. Iraq's non-co-operation was insufficient to bring members to agree that war was justified; they would only move if they came to their own judgement that inspections were pointless.

442. The UKMIS New York record of a meeting between Mr Straw and Mr Annan reported that they had discussed the fact that the majority of Council members remained unpersuaded by the US and UK arguments.[112] The strong probability of Iraqi non-co-operation was not sufficient to bring them to agree that war was justified. There were real differences on strategy and timing and Council members would only move if they came to their own judgement that inspections were pointless.

443. Mr Straw had commented that Saddam Hussein's behaviour would be quite different if he really had zero WMD. The UK and US would look at the timing of a second resolution. The Council was more likely to be brought to a decision if we stuck to the game plan, but we also had to do the political arithmetic. The Americans would find it difficult to move forward if the Council majority really believed the inspections were working.

444. A separate record produced by the FCO reported that Mr Straw had commented that the public saw 200,000 troops in the region and heard belligerent language and thought we were determined to go to war tomorrow without good reason.[113] He and Mr Annan had discussed the need to keep the pressure on Saddam Hussein; and that the threat of force could be more effective than its use. There was a possibility of building a consensus with time but if the pace was forced there was a risk of one or more vetoes. The problem was that the burden of evidence had shifted to those who wanted military action. The fact that resolution 1441 required Iraqi compliance was lost. Time was needed to get people to look at things differently, but different countries faced different time pressures. American time was very expensive; others felt it was natural to ask for more time. When asked to define "a little time", Dr Blix had answered "one year".

445. Asked by the Inquiry whether, after the report on 27 January, he had expected Dr Blix to be firm in his determination of a material breach, Mr Blair stated:

> "… the whole point was that his [Dr Blix's] view was that Iraq was complying somewhat, but not fully and unconditionally, and as time went on, I became increasingly alarmed … that we were just back into a game-playing situation with Saddam … I think it is very clear from what we now know that he never had any intention of his people co-operating fully with the inspectors."[114]

---

[112] Telegram 268 UKMIS New York to FCO London, 15 February 2003, 'Foreign Secretary's Meeting with the UN Secretary-General: 14 February'.
[113] Telegram 92 FCO London to UKMIS New York, 15 February 2003, 'Foreign Secretary's Meeting with UN Secretary General, New York, 14 February'.
[114] Public hearing, 29 January 2010, page 108.

446. Asked if he had been disappointed by Dr Blix's report of 14 February, Mr Blair replied:

> "It wasn't that I was disappointed. I was getting confused as to what he was really trying to tell us … what particularly struck me … and this then had a huge significance in what I then tried … to construct a final way of avoiding the war, is, on page 26 of his briefing, he deals with the issue of interviews and he says that the Iraqi side … are starting to move on interviews … they have made a commitment that they will allow it, but then, when he actually comes to the interviews themselves, people are reluctant …"[115]

Mr Blair's speech to the Labour Party conference, 15 February 2003

447. Mr Blair used his speech to the Labour Party conference on 15 February to continue to link the timetable for decisions on Iraq to a judgement about whether Iraq had decided to co-operate as required by resolution 1441.

448. Mr Blair also continued to emphasise the moral case for removing Saddam Hussein.

449. On 15 February, as part of a weekend of worldwide protests against military action in Iraq, a march organised by the Stop the War Coalition, the Campaign for Nuclear Disarmament and the Muslim Association of Britain took place in London. The police described it as the UK's biggest ever demonstration, estimating that at least 750,000 people took part. The organisers put the figure closer to two million. There were also anti-war gatherings in Glasgow and Belfast.[116]

450. In the entry in his diaries for 13 February, Mr Campbell wrote that Mr Blair had decided to focus on a humanitarian theme to "at least give the marchers something to think about and something to put them on the defensive".[117]

451. Mr Campbell wrote the following day that Mr Blair had said Dr Blix's presentation was "a total disgrace, that he should have just told the truth, and the truth was Saddam was not co-operating". Mr Blair was in "a tough place", but "showed no signs of changing tack … said we were doing the right thing. But whether we liked it or not, we were moving towards a regime change argument." Mr Blair "felt we had to make more of the moral case but we agreed we could not really set out the forward plan he had devised on the back of this, because it would look like weakness …"

---

[115] Public hearing, 29 January 2010, pages 110-111.
[116] *BBC News*, 16 February 2003, "*Million" march against Iraq war.*
[117] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

452. In the entry in his memoir for 14 February, Mr Cook wrote:

> "The news from New York is electrifying. The latest report by Hans Blix registers a lot of progress in co-operation from Iraq, fails to identify any evidence of weapons of mass destruction and expresses confidence that with more time more progress can be made. What Hans Blix was in effect confirming was that the UK strategy of applying pressure on Saddam to co-operate on disarmament, through the dual track of inspectors on the ground and the threat of force across his border, is working rather well."[118]

453. Mr Cook added his view that Mr Blair needed the inspectors:

> "… to prove that Saddam will not co-operate and that he is therefore justified in going to war … The ghastly dilemma he now faces is that without Hans Blix denouncing Saddam, there is little chance of getting a majority in the Security Council for military conflict, and therefore even less chance of getting a majority of the British people."

454. In his speech to the Labour Party conference in Glasgow on 15 February, Mr Blair stated that the Labour Party would come through an uncertain time by holding firm to its beliefs and the United Nations was one of those beliefs. He wanted:

> "… to solve the issue of Iraq and weapons of mass destruction through the UN. That is why last November we insisted on putting UN inspectors back into Iraq to disarm it.
>
> "Dr Blix reported to the UN yesterday and there will be more time given to inspections. He will report again on 28 February. But let no one forget two things. To anyone familiar with Saddam's tactics of deception and evasion, there is a weary sense of déjà vu. As ever, at the last minute concessions are made. And as ever it is the long finger that is directing them. The concessions are suspect. Unfortunately, the weapons are real."[119]

455. Mr Blair continued that the inspections regime in resolution 1441 was tough because for 12 years Saddam Hussein had played a "game with the inspectors" and:

> "The time needed is not the time it takes for the inspectors to discover the weapons. They are not a detective agency. We played that game for years in the 1990s. The time is the time necessary to make a judgement: is Saddam prepared to co-operate fully or not. If he is, the inspectors can take as much time as they want. If he is not, if this is a repeat of the 1990s – and I believe it is – then let us be in no doubt what is at stake.

---

[118] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[119] *Scoop World*, 15 February 2003, *Prime Minister Tony Blair's Glasgow Party Speech.*

"By going down the UN route we gave the UN an extraordinary opportunity and a heavy responsibility. The opportunity is to show that we can meet the menace to our world together … The responsibility, however, is indeed to deal with it."

456. Referring to the failure of the League of Nations, Mr Blair stated:

"… Saddam would not be making a single concession without the knowledge that forces were gathering against him. I hope, even now, Iraq can be disarmed peacefully, with or without Saddam. But if we show weakness now, if we allow the plea for more time to become just an excuse for prevarication until the moment for action passes, then it will not only be Saddam who is repeating history. The menace, and not just from Saddam, will grow; the authority of the UN will be lost; and the conflict when it comes will be more bloody. Yes, let the United Nations be the way to deal with Saddam. But let the United Nations mean what it says; and do what it means."

457. Referring to the threats posed by the proliferation of WMD and the threat from terrorism and their potential consequences, as well as Iraq's past behaviour, Mr Blair stated:

"That is why Saddam and Weapons of Mass Destruction are important.

"Every time I have asked us to go to war, I have hated it …

"At every stage, we should seek to avoid war. But if the threat cannot be removed peacefully, please let us not fall for the delusion that it can be safely ignored. If we do not confront these twin menaces of weapons of mass destruction and terrorism, they will not disappear …

"When people say if you act, you will provoke these people … remember that Al Qaida attacked the US …

"… Everyone agrees Saddam must be disarmed …

"No-one seriously believes he is yet co-operating fully. In all honesty, most people don't really believe he ever will … It's not really an issue of timing … It is a moral purpose, and I respect that.

"… I abhor the consequences of war."

458. Addressing the question of why he pressed "the case so insistently", Mr Blair stated that he had set out:

"… the "geo political reason – the threat of Weapons of Mass Destruction and its link with terrorism. And I believe it.

"If I am honest about it there is another reason why I feel so strongly …

"The moral case against war has a moral answer: it is the moral case for removing Saddam. It is not the reason we act. That must be according to the United Nations mandate on weapons of mass destruction. But it is the reason, frankly, why if we do have to act, we should do so with a clear conscience.

"Yes, there are consequences of war. If we remove Saddam by force, people will die and some will be innocent. And we must live with the consequences of our actions, even the unintended ones.

"But there are also consequences of 'stop the war'.

"If I … did not insist on disarmament … there would be no war. But there would still be Saddam … ruling the Iraqi people …

"This isn't a regime with weapons of mass destruction that is otherwise benign. This is a regime that contravenes every single principle or value anyone of our politics believes in.

"There will be no march for the victims of Saddam …

"I rejoice that we live in a country where peaceful process is a natural part of the democratic process …

"I do not seek unpopularity as a badge of honour. But sometimes it is the price of leadership. And the cost of conviction."

459. Mr Campbell wrote that Mr Blair's speech was heard "in near silence … It was well received, not least because it was so serious". Mr Blair had been "confident and felt we had the right argument and we now needed a big strategy to put the case properly".[120]

460. In his memoir, Mr Blair wrote that he had been determined that "people should not be able to hide from the ghastly reality of Saddam continuing in power".[121]

Decisions on the way forward

461. After the discussions in the Security Council on 14 February, Dr Blix proposed consideration of a "benchmark approach" using "clusters" of issues being identified as part of the work programme required by resolution 1284.

462. Mr Straw spoke briefly to Dr Blix about the next steps after the presentation on 14 February. The report of the discussion stated that Dr Blix:

- had decided that Iraq had to destroy the (Volga) missile engines;
- did not think it worth pursuing any ultimatum which required Saddam to quit Iraq;

---

[120] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[121] Blair T. *A Journey*. Hutchinson, 2010.

- was compiling a list of explicit questions about outstanding issues to "pin the Iraqis down";
- was looking at establishing a No-Fly Zone for the whole of Iraq; and
- was looking at freezing movements in certain areas to improve the chances of catching a mobile "bio-lab".[122]

463. Dr Blix recorded that he told both Mr Straw and Secretary Powell about the document being prepared by UNMOVIC, as required by resolution 1284 (1999), which "contained 'clusters' of unresolved issues and indicated precisely what was required of Iraq" that could be used "as a basis for selecting key disarmament tasks for the work programme" in a "'benchmark' approach".[123] Mr Straw and Secretary Powell were both "most interested" in the idea.

464. Dr Blix discussed the idea with both Dr Rice and Secretary Powell over the next two days. When he asked whether a deadline of 15 April was acceptable, Secretary Powell said that was too late.

465. Dr Blix also wrote that there was a lack of smoking guns that would impress the public; and that the British "who were most fervently in favour of a resolution embodying an ultimatum" had felt the resistance stiffen and "came to think that a change of focus might help. The new resolution could demand a declaration by Saddam showing that he had had a change of heart."

466. Mr Straw and Sir David Manning agreed with Secretary Powell and Dr Rice that, over the next few days, the US and UK should reflect on what the next steps should be.

467. Sir David Manning suggested that military action should not start before late March.

468. Discussing the next steps with Secretary Powell after the Council discussion, Mr Straw raised the possibility of issuing an ultimatum to Saddam Hussein and expressed caution on the timing of a second resolution. The US and UK had been on the back foot all day and needed to be clear about how they intended to play the end game before it began.[124]

469. Sir David Manning and Dr Rice agreed on 14 February to reflect over the next two to three days on what the next move at the UN should be, including an ultimatum.[125] Stressing that he was speaking personally, Sir David suggested that one possibility

---

[122] Telegram 89 FCO London to UKMIS New York, 15 February 2003, 'Foreign Secretary's Meeting with Executive Chairman of UNMOVIC, New York, 14 February'.
[123] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[124] Telegram 269 UKMIS New York to FCO London, 15 February 2003, 'Foreign Secretary's Meeting with Powell: 14 February'.
[125] Letter Manning to McDonald, 14 February 2003, 'Iraq: Conversation with Condi Rice'.

would be to use the French demand for a further meeting in a month to ask for another report from Dr Blix. It would also be important to leave time for an initiative to persuade Saddam to leave. That would mean delaying the start of military action until late March.

470. The British Embassy Washington reported that the US Administration was disappointed with Dr Blix's less than categorical verdict on Iraqi compliance.[126] A White House spokesman had downplayed the importance of the new avenues of co-operation identified by Dr Blix. The meeting had made securing a second resolution more difficult, but the Administration was determined to press ahead.

471. In the light of the position in the Security Council and the perception that the US would push for a vote by the end of February, FCO and No.10 officials proposed using the French proposal for a Ministerial discussion on 14 March to provide a deadline for a report from the inspectors on whether Iraq was co-operating.

472. Mr Ricketts wrote to Mr Straw on 15 February stating: "I know you want to cogitate over the weekend about how we adjust strategy." He set out the FCO's thinking "about how we might rally opinion in the Council through some version of an ultimatum and more time to give it effect".[127]

473. Mr Ricketts sent Mr Straw a minute from Mr Edward Chaplin, FCO Director Middle East and North Africa, of 13 February and a minute from Mr Stephen Pattison, FCO Head of the UN Department, which set out ways to make specific demands of Iraq.

474. Mr Chaplin had written that it was:

> "… probably the last opportunity to reflect on whether we can extract … a better outcome … than at present looks likely.
>
> "The mood in Washington points to early tabling of a second SCR and a quick drive to adoption. At best this will secure 9-10 positive votes and 5-6 abstentions. There is a substantial risk … that the text will be vetoed, at which point the US … will go for military action … I cannot imagine the Prime Minister then refusing to follow.
>
> "… No SCR and a feeble, at best, legal basis for military action is a nightmare scenario. The domestic consequences (and increased risk of terrorism to British citizens and staff) are daunting enough for Ministers. But the … longer term damage to UK interests would be more severe because longer lasting. The image of the UK, lone ally […] of a rampant US in its assault on Iraq, will be the touchstone for Arab and Muslim attitudes for a generation – this is the real Suez effect. A quick collapse of the Iraqi regime (quite likely); subsequent clear proof, because we

---

[126] Telegram 209 Washington to FCO London, 14 February 2003, 'Iraq: Initial US reactions to the Blix/ElBaradei Report'.
[127] Minute Ricketts to Secretary of State [FCO], 15 February 2003, 'Iraq: Rethinking Strategy'.

find the stuff, that we were right all along about the Iraqi WMD threat (questionable – what convinces the experts may not convince public opinion unless it is pretty spectacular); and a smooth transfer to a democratic and stable government (improbable, especially without UN cover) would reduce the damage. But this is a high risk route.

"Before we go down this route, we should have a last look at alternatives, as Jeremy Greenstock is urging."[128]

475. Mr Chaplin suggested that the UK should consider a deal with France, Germany and Russia, insisting on full Iraqi compliance with a short list of key disarmament tasks, backed by the maximum number of inspectors and increased air surveillance, with a short deadline (15 March). There should be a signal in advance that, short of full compliance, the five Permanent Members of the Security Council (P5) would vote for an "all necessary means" text. This would come into force 10 days after the passage of a Security Council resolution to give time for the Arabs to persuade Saddam Hussein to stand down. The "goal would be one more last chance for Saddam Hussein".

476. Mr Chaplin and Mr Ricketts had agreed that the latter would discuss the idea with Mr Straw on their way to New York on 14 February.

477. Mr Pattison suggested two options to attract support from the "middle ground members":

- encouraging Dr Blix to set specific tasks to demonstrate Iraqi compliance, building on his own ideas; or
- the Security Council to set specific tasks for Iraq with a deadline.[129]

478. There would be difficulties with both approaches. The problem with the first option would lie in "getting the US to accept further delay and the likelihood that Iraq would do just enough to provoke future wrangling over the extent of their compliance". In addition, the US might be hesitant about giving Dr Blix a greater role. The problem with the second option was that it "would create an expectation that the UNSC would need to take a further decision to authorise serious consequences and we would expect Iraq to do just enough to split the Council".

479. Mr Ricketts advised Mr Straw:

"Each variant had pros and cons. The main difficulty could well be to bring the Americans to accept any specific ultimatum given the scope it would leave for Iraq to gain more time through minor concessions."[130]

---

[128] Minute Chaplin to Ricketts, 13 February 2003, 'Iraq: The Endgame'.
[129] Minute Pattison to Ricketts, 15 February 2003, 'Iraq: Options for UNSC Action'.
[130] Minute Ricketts to Secretary of State [FCO], 15 February 2003, 'Iraq: Rethinking Strategy'.

480. Mr Ricketts wrote that he and Sir David Manning had discussed a variant of the approach Sir David had set out in his conversation with Dr Rice on 14 February. That was to use the French proposal for a ministerial discussion in the Security Council on 14 March to provide a deadline for asking Dr Blix and Dr ElBaradei to state whether Iraq was "in full and active co-operation", including a demand that Iraq destroy its prohibited rocket motors, which would then be taken as the basis for a resolution. Dr Rice's initial reaction had been maybe, but she had wanted a deadline of 28 February. Mr Ricketts and Sir David thought that was too soon and would not allow sufficient time to rally middle-ground opinion. A 14 March deadline "should still fit with other time lines and demonstrate that we are listening to those who call for more time".

481. Mr Ricketts conceded that the proposal was "not a brilliant strategy" but it "might be a way forward avoiding signals of weakness".

482. Sir Jeremy Greenstock advised that more time would be needed and that the inspectors should be given the chance to deliver a judgement which would convince the Council.

483. Sir Jeremy Greenstock advised that the UK could table a resolution the following week.[131] The existing version would "not get nine votes, but it will signal the beginning of the end game and Council minds will have to concentrate within a harder context". In his view, the "Best area for plan B options" was "some kind of loaded ultimatum".

484. Sir Jeremy's view was that postponing the discussion to 14 March would not be sufficient to secure support: "If the judgement is left to Blix, e.g. to say whether or not Iraq has co-operated 'immediately, actively and unconditionally'", he "may not be capable of taking the heat or Council members may try to alter the terms in their favour".

485. There would also be a problem with the US. Sir Jeremy reported that Ambassador Negroponte had told him that President Bush would not agree to anything which changed the terms of 1441 (especially OP2), or altered their current legal foundation for action, or ensnared the Council in endless argument about interpretation. The current US thinking was to table their draft mid-week and to set a date (probably the end of February) for a vote.

486. Sir Jeremy reported that he had told Ambassador Negroponte "in general terms" that more would be needed:

> "Ideally, we should not move to the use of force without a find, a smoking gun. We should maximise the possibilities for that. We should expose the French reinforcement proposals as clearly inadequate for the disarmament of Iraq: indeed, no proposition other than war has yet been made which will realistically achieve that – something I said in terms to EU HOMS [Heads of Mission] meeting this morning."

---

[131] Telegram 270 UKMIS New York to FCO London, 15 February 2003, 'Personal Iraq Next Steps'.

487. Sir Jeremy suggested that elements in the ultimatum should "either test the French idea to destruction … or give the inspectors a real chance to deliver a judgement which will convince six more Council members". Dr Blix could play a role: "There should be room to move him to a firmer approach which raises the chances of the inspectors achieving more." Sir Jeremy reported that Dr Blix was interested in ideas for more vigorous inspections "though downbeat about the amount of time available from the US".

488. Sir Jeremy concluded:

> "If we and the US are true to our pronouncements of force as a last resort, bringing the Americans back to their mid-September approach as a last gasp before pressing the plunger at least has a certain logical force."

489. Sir David Manning proposed a resolution setting a deadline of 14 March for Saddam Hussein to demonstrate that he was complying fully with resolution 1441, after which he would be in further material breach.

490. Sir David envisaged that military action would not begin until late March, giving 10 days for Arab leaders to persuade Saddam Hussein to depart.

491. The resolution should specify what compliance meant. That would set the bar at a level it would be difficult for Saddam Hussein to reach and prevent equivocation in the inspectors' reports.

492. France would seek to block the resolution and to string out inspections indefinitely.

493. Sir David Manning advised Mr Blair on 16 February that Dr Blix's careful "fence sitting" in his report to the Security Council had:

> "… encouraged the wishful thinkers and procrastinators. For the moment, there is almost certainly a Security Council majority for letting the inspections run, not for moving to early military action."[132]

494. Sir David advised that it would be necessary "to go on making the argument that the issue is compliance. Our best bet may be to concede a little more time while issuing an ultimatum."

495. Sir David set out a proposal along the lines suggested by Mr Ricketts to Mr Straw, including a second resolution "stipulating that unless Blix reports on 14 March that Saddam is in full, unqualified, unequivocal compliance with 1441, he will be in further material breach". There would then be an immediate vote after Dr Blix reported.

---

[132] Minute Manning to Prime Minister, 16 February 2003, 'Iraq: Way Forward'.

496. Sir David suggested that, subject to advice from Sir Jeremy Greenstock, the UK might "spell out, either in the resolution or orally … that full compliance includes:

- explaining satisfactorily what happened to all the BW and CW unaccounted for when UNSCOM were forced out of Iraq in 1998;
- full and unfettered access to, and co-operation from […] who were allegedly involved in the destruction of Iraq's chemical stocks;
- full and unfettered access to, and co-operation from, all scientists UNMOVIC wished to interview both inside and outside Iraq, as provided for in UNSCR 1441."

497. Sir David added that those "conditions set the bar too high for compliance, yet are fundamental to it". Dr Blix would "find it hard to pretend otherwise, whatever marginal improvements Saddam may go on making on process as opposed to substance".

498. In tabling the resolution, the UK:

> "… should emphasise that we are giving the French the extra time they want; and we are taking Blix at his word … 'inspections could still be short if immediate, active and unconditional co-operation … were to be forthcoming'."

499. Sir David identified a number of disadvantages:

"
- The Americans will dislike it. As usual they are in a hurry. But the military timetable can be adjusted if necessary. It would probably mean action in the last few days of March i.e. after a vote on the second resolution on 15 March and a further 10 days for the Arabs to press Saddam to leave.
- Blix will dislike having to make a categoric judgement … We must draft the resolution so that he cannot equivocate and cannot honestly give a verdict of full compliance.
- The French … will work to block it. Their game is to string things out indefinitely …"

500. Sir David also identified the advantages:

"
- It gives us another month to find our secure nine votes. We can claim that we have been reasonable; four months on from 1441 no-one should seriously argue that it is impossible to tell if Saddam is complying. A deadline will also focus minds …
- We have another four weeks in which the inspectors just might get lucky. A real find would have a major impact on Security Council opinion …
- It will give Saddam four more weeks to make a mistake. He may do so, perhaps reacting badly if Blix announces later this week that the Iraqis must destroy their Al Samoud 2 missiles with their costly engines. If Saddam refuses to co-operate, it will be a glaring example of Iraqi non-compliance."

501. Sir David concluded that it was "impossible to be certain" that the strategy would work, "but it gives us a chance. The odds are against a successful second resolution at the end of February … an extra couple of weeks could make the difference."

502. Sir David advised "saying nothing" until after the European Council, allowing France a little more time, then hitting them with the draft resolution "probably in mid-week". Before that, Mr Blair would "need to do a heavy selling job" with President Bush.

503. Mr Blair agreed the proposals were worth exploring and asked for advice, particularly on the proposed "tests" for Iraq's compliance.

504. Mr Blair agreed that the ideas in Sir David Manning's advice of 16 February were worth exploring.[133] That is addressed later in this Section.

505. Mr Straw was told that President Bush believed Mr Blair would commit troops if the US took unilateral action.

506. Mr Straw discussed developments with Secretary Powell twice on 16 February.

507. In the first conversation at 1pm, Mr Straw set out his "emerging thinking", including the suggestion that a meeting might be held on 14 March at which Dr Blix and Dr ElBaradei would be asked to report if Iraq was "actively and fully co-operating, perhaps against a checklist".[134] Mr Straw added that he thought that Dr Blix:

> "… would try to avoid responsibility for this. But whilst a further material breach and what we did about it were matters for the Security Council, saying whether Iraq was or was not co-operating had initially to be a matter for the inspectors since the information … was theirs. After all, it was Blix's statement … about further co-operation … on process which had put us on the back foot."

508. In a discussion about the content of any checklist, Mr Straw said that it was important it:

> "… did not become a 'tick in the box for compliance', but rather good evidence of compliance and it had to be very comprehensive, so that if he [Saddam Hussein] did all these things he was complying in reality."

509. Mr Straw and Secretary Powell agreed that if Saddam Hussein was faced with a choice, for example, of whether to destroy missile engines and the survival of his regime, he would choose the latter. Mr Straw added that:

> "… since the objective of HMG's policy was … the disarmament of Iraq's WMD if possible by peaceful means, clear and continuing evidence of Saddam's compliance

---

[133] Letter Manning to McDonald, 17 February 2003, 'Iraq: Way Forward'.
[134] Letter Straw to Manning, 17 February 2003, 'Iraq: Telephone Conversation with Colin Powell, 16 February'.

on substance would be bound to negate the case for the UK's involvement in military action."

510. Secretary Powell was reported to have responded that he understood that:

"… but he was not sure that was where President Bush was. He might still be inclined to 'go it alone' for the removal of Saddam and the President believed that the Prime Minister would commit British troops in any event."

511. Mr Straw said that Mr Blair's "personal loyalty to the President was never in doubt; but that alone would not answer the question whether there was adequate legal and political justification for UK military involvement".

512. In response to Secretary Powell's comment that he assumed the demonstration on 15 February made a second resolution "even more necessary", Mr Straw replied:

"… yes. If there were nine votes or more in the Security Council for a second resolution, and this majority was subject to a veto by one only of the P5, I thought we could carry the day in the Commons and the country but there would have to be … clear evidence of substantive non-compliance by Iraq of 1441. Without the latter, we could have no chance. Regime change per se had never been the objective of HMG's strategy however desirable it was."

513. Mr Straw added that:

"… even with a second resolution (or a majority and a veto but good case) the political and public order consequences of the early stages of military action on current plans would be hard to handle: without a very strong case, consistent with our clear, already stated objectives, they could become unmanageable. Unless we were very lucky, military action without an effective international consensus could severely damage US as well as UK interests."

514. In a discussion of the timing for a second resolution, Mr Powell said he was still thinking about tabling a resolution that week but stating that a vote was not being asked for immediately. Mr Straw pointed out the disadvantages for the UK while Parliament was in recess, adding that tabling a resolution without any commitment for an early vote would be seen as a sign of weakness. It might also make it harder to secure the votes of the elected members of the Council. It might also be seen as ignoring the outcome of the inspectors' reports on 28 February.

515. In their second conversation at 8.30pm, following a conversation between Dr Blix and Secretary Powell, Mr Straw and Secretary Powell considered a list of particular issues which could be used to judge compliance.[135] Those need not be specified in the resolution but could include:

- the destruction of the Al Samoud 2 missiles;
- a push on interviews;
- control of road traffic;
- control of the Syrian pipeline; and
- legitimisation of existing No-Fly Zones and their potential extension to cover all of Iraq.

516. The bar would need to be set high enough to ensure that there really was compliance. Dr Blix had suggested a deadline of 15 April, which Secretary Powell said "would be difficult for the US", though it fitted with the deadline Mr Blair had "originally suggested".

517. Secretary Powell also suggested that there would be a presentational problem for President Bush if Saddam complied, and that "He would be unhappy publicly, but almost certainly relieved in private."

European Council, 17 February 2003

518. On behalf of the European Union, the Greek Presidency had delivered a demarche to Iraq on 4 February stating that it was "deeply concerned" about the crisis and that time was "running out". It called on Iraq "fully, unconditionally and immediately" to comply with all resolutions and to co-operate pro-actively with the inspectors. If Iraq did not comply, it would "carry the responsibilities for all the consequences".[136]

519. Mr Blair wrote to Mr Simitis,[137] other EU Heads of State and Government, Mr Romano Prodi, the President of the European Commission, and Mr Javier Solana, the Secretary General of the Council of the European Union, on 12 February, welcoming the decision to call an extraordinary European Council on 17 February and proposing that the 10 new EU Accession Partners and three candidate countries should also be invited "given their interests".[138]

---

[135] Letter Straw to Manning, 17 February 2003, 'Iraq: Second Telephone Conversation with Colin Powell, 16 February'.
[136] European Commission, 'Demarche by the Presidency on behalf of the EU regarding Iraq (4 February 2003)'.
[137] Greece held the Presidency of the European Council at that time.
[138] Letter Blair to Simitis, 12 February 2003, [untitled].

520. Recognising that the debate would need to "take full account" of Dr Blix and Dr ElBaradei's reports to the Security Council on 27 January and 14 February, Mr Blair set out a number of elements that "might form the basis for our debate and the conclusions we draw". Those included:

- Reaffirming the EU position agreed at the 27 January meeting of the General Affairs and External Relations Committee (GAERC), "particularly the full implementation of UNSCR 1441 to achieve the objective of Iraqi disarmament of all its WMD. Iraq must comply fully, actively, immediately and unconditionally with its international obligations".
- Clarity about the implications of resolution 1441. OP2 had given Iraq a final opportunity to comply: "But Saddam had not taken that opportunity. His false statements and omissions in the December declaration and failure to co-operate fully with the inspectors are a material breach of the resolution [OP4]". So, as OP13 made "explicit", Saddam faced "serious consequences".
- Military action was a last resort, but the Council "must make it clear that no Member State rules it out if needed to uphold the authority of the Security Council. We should also be clear that in the absence of full and immediate co-operation, the UNSC should move quickly to a second resolution."
- Maintaining and increasing the pressure on Saddam: "Time is now running very short. There is still a last opportunity for Saddam to co-operate unconditionally with the international community's demands or to leave. But failing that, we should be clear Saddam faces immediate and serious consequences."
- The EU should ensure it was ready to contribute to humanitarian and reconstruction issues.
- Addressing the regional implications of the crisis by "underlining … the importance we attach to early progress towards a lasting settlement between Israelis and Palestinians on the basis of the Road Map".

521. Mr Straw wrote to his Cabinet colleagues on 14 February, reiterating the point he had made in Cabinet on 6 February, about the importance of maintaining contacts with members of the Security Council in "the crucial period leading up to consideration of a new resolution on Iraq".[139] The position of the 10 elected Members of the Security Council (the E10)[140] would be crucial.

522. Mr Blair discussed Iraq, including the different expectations of what would constitute a material breach and the time required to bring people together and avoid further polarisation, with Mr Annan on 16 February.[141] Mr Blair said the time required was the time needed to "make a judgement on whether Iraq was co-operating".

---

[139] Minute Straw to Prime Minister, 14 February 2003, 'Iraq: Contacts with Members of the Security Council'.
[140] Angola, Bulgaria, Cameroon, Chile, Germany, Guinea, Mexico, Pakistan, Spain and Syria.
[141] Letter Rycroft to Owen, 16 February 2003, 'Iraq: Prime Minister's Conversation with UN Secretary General, 16 February'.

523. Mr Campbell wrote in his diaries that, at the No.10 morning meeting on 17 February, Mr Blair "was keen on a major upgrade of our communications and believed we could win the argument as set out at the weekend".[142]

524. An extraordinary meeting of the European Council to discuss Iraq on 17 February pledged "full support" to Security Council efforts and to work with partners, "especially the United States", to disarm Iraq.

525. Mr Annan appealed for transatlantic unity and patient persuasive diplomacy behind closed doors. The UN would be seriously weakened if action was taken without its authority.

526. The discussion of Foreign Ministers addressed the objective of disarmament rather than regime change, the need for a second resolution whilst the inspections were continuing, the consequences of military action, and the role of the EU, its relationship with the US and its credibility.[143]

527. Mr Straw said:

> "… what was at stake was the future of multilateralism in a unipolar world. France emphasised the power of words but not the power of action. Europe was very multilateralist in decision-making but not so when it came to action. There were essentially three fundamental issues involved: Iraq remained a threat to international security; the only reason that inspections were taking place was because of military pressure on Saddam; and Iraq was not complying. The EU would not be having this discussion unless the US and the UK were willing to pay for this military build up and put their troops on the line. They could not stay there forever but that did not mean that events were being driven by a military timetable."

528. Mr Annan's address to the Council was reported as "uncompromising in putting the onus on Saddam to implement resolution 1441; and to implement it swiftly".[144] If the Security Council managed the current crisis successfully, it would emerge with its authority enhanced. But if it failed, and action was taken without its authority, the UN would be seriously weakened. If Iraq were allowed to defy the Security Council because the international community failed to impose itself, the foundations of collective security would be gravely undermined. An effective international security system depended on the Council and on its determination to take action in even the most difficult cases.

529. Mr Annan had appealed for transatlantic unity and patient persuasive diplomacy behind closed doors to build a common front. The greater the degree of consensus

---

[142] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[143] Telegram [un-numbered] UKREP Brussels to FCO London, 17 February 2003, 'Iraq: Special European Council, 17 February: Foreign Ministers Discussion'.
[144] Telegram 178 UKREP Brussels to FCO London, 18 February 2003, 'Iraq: Special European Council, 17 February: Discussion with UNSG Annan'.

in dealing with Iraq, the greater the chance of resolving other crises, particularly Israel/Palestine.

530. In the discussion over dinner, Mr Blair said there were three issues at stake:

- **The authority of the UN**. That was set out in resolution 1441 passed after twelve years of Iraqi prevarication. The UN had made clear this was a final opportunity requiring full compliance. In neither the December declaration nor Dr Blix's reports to the Security Council in January and February was there any sign of full compliance on substance. If there were 100 percent Iraqi compliance, the inspectors could take as long as they needed. But the inspectors were not supposed to be a detective agency. Co-operation was key. If we were not careful we would be back in the situation we were in in the nineties.
- **Iraq's WMD**. There was no intelligence agency of any member state which did not know Iraq possessed these weapons. It was true that conflict meant bloodshed. But it was not true that the absence of conflict meant the absence of bloodshed. Thousands of Iraqis were dying under Saddam Hussein. Four million were in exile. The rate of Iraqi infant mortality in areas outside Saddam's control was a quarter of that in areas under Baghdad's rule.
- **EU/US relations**. Iraq had to be resolved in a way which met the objective of maintaining EU/US relations. That did not mean the EU had to do things simply because the US wanted. The way Europe handled Iraq would have profound implications for generations to come. The key was to ensure resolution 1441 was implemented. "The UN had to be the way of dealing with this issue, not a way of avoiding it."[145]

531. The Council statement agreed at the dinner left the decision on inspectors' time and resources to the UN Security Council and made it clear that immediate action was needed by Iraq.[146] It was seen by the media as more robust than expected.

532. The statement said that the European Council was "determined to deal effectively with the threat of proliferation of weapons of mass destruction"; and that it was "committed to the United Nations remaining at the centre of the international order". The European Council recognised that "the primary responsibility for dealing with Iraqi disarmament lies with the Security Council"; and it pledged its "full support". It wanted to achieve disarmament peacefully, and that was what the people of Europe wanted: "War is not inevitable. Force should only be used as a last resort. It is for the Iraqi regime to end this crisis …"

---

[145] Telegram 179 UKREP Brussels to FCO London, 18 February 2003, 'Iraq: Special European Council, 17 February: Dinner Discussion'.
[146] Council of the European Union, 21 February 2003, *Extraordinary European Council Brussels, 17 February 2003*.

533. The European Council reiterated its:

> "… full support for the … work of the UN inspectors. They must be given the time and resources that the UN Security Council believes they need. However, inspections cannot continue indefinitely in the absence of full Iraqi co-operation. This must include the provision of all the additional and specific information on the issues that have been raised in the inspector's reports.
>
> "Baghdad should have no illusions … The Iraqi regime alone will be responsible for the consequences if it continues to flout the will of the international community and does not take this last chance."

534. The European Council would "work with Arab countries and The League of Arab Nations … to bring home to Saddam Hussein the extreme danger of miscalculation". It also reiterated "its firm belief in the need to invigorate the peace process in the Middle East and to resolve the Israeli-Palestinian conflict".

535. The European Council concluded:

> "The unity of the international community is vital in dealing with these problems. We are committed to working with all our partners, especially the United States, for the disarmament of Iraq, for peace and stability in the region and for a decent future for all its people."

536. The UK had argued that the extraordinary meeting of the Council should have been extended to include Accession Partners and candidates to allow them to contribute fully to the debate.

537. After the Council, Mr Blair wrote to the Heads of State and Government of the Accession Partners and candidates setting out his impressions of the meeting. The letter concluded:

> "… it is essential that we keep the focus on Iraq and its obligation to disarm. This is a defining moment for the multilateral system. It calls for unity and unwavering determination on the part of the international community and, in particular, for solidarity between Europe and the United States …"[147]

538. The Partners and candidates subsequently agreed a statement supporting the outcome of the Council.[148]

---

[147] Telegram 7 FCO London to Budapest, 18 February 2003, 'Prime Minister's Letter to Accession Partners and Candidates'.
[148] Telegram 181 UKREP Brussels to FCO London, 18 February 2003, 'Special European Council: Accession Partners and Candidates'.

539. In his monthly press conference the following day, Mr Blair made an opening statement setting out the "basic case" for the international community's response to Iraq.[149]

540. The points made by Mr Blair included:

- Saddam Hussein was "a threat" whose actions over the last 12 years made him unique.
- The stance taken by the world against Saddam was "not just vital in its own right", it was "a huge test of our seriousness in dealing with the twin threats of weapons of mass destruction and terrorism".
- If the UN was "to keep credibility, it must act to implement its stated will".
- It was "plain in our judgement that Saddam" continued to be "in breach". No country at the European Council had disputed that his co-operation was "neither unconditional nor complete".
- There was "no rush to war". It was "over three months" since Saddam Hussein had been given a final opportunity to comply. But without a change of heart, the inspectors were "never going to be able to play detective to search out weapons hidden in a country" the size of Iraq.
- The basis for action was disarmament.
- The demonstrators on 15 February had "a rightful hatred of the consequences of war", but they should "also listen to the voices of some of the four million Iraqi exiles". The nature of the regime could not itself provide justification for war, it could "at least show why if we do have to take military action, we do so in the sure knowledge that we are removing one of the most barbarous and detestable regimes in modern political history".
- People were against a war which they felt was "rushed or unnecessary" and wanted to know war was not inevitable. Saddam Hussein could avoid war if he co-operated fully and that was the "reasonable and easily delivered requirement" of the international community.

541. Asked if he reserved the right to go to war without a majority in the UN, Mr Blair stated that there were "certain situations in which you have simply got to say to people look this is what I believe and this is what I think is right". He added that there were "certain issues, particularly where there are issues of life and death, where I think the job and duty of the Prime Minister is to say to people what you honestly think, and then they have got to make up their minds".

542. Mr Blair subsequently stated that he did not believe that he would be in a position where there was no majority in the Security Council, and he did not want to indulge in speculation on that point.

---

[149] The National Archives, 19 February 2003, *PM press conference 18 February transcript*.

543. Asked about concerns that Washington was rushing unilaterally into action, Mr Blair responded that people who wanted "to pull Europe and America apart" were "playing the most dangerous game of international politics" he knew. That was "so dangerous for the security of the world". The US had listened to its allies and agreed to go through the UN to give Saddam Hussein a final chance to disarm. But having done that, if Saddam did not disarm, Mr Blair asked, "what prospect is there of persuading America in the future to go down the multilateral route if having taken that route we then just shy away from the consequences"?

544. Asked why public opinion was moving against action, Mr Blair replied that in relation to Kosovo and Afghanistan, there had been "a very immediate casus belli". It was "more difficult to persuade people of the link between a state like Iraq with chemical, or biological, or nuclear weapons and the link with international terrorism". It was his job to try to "persuade people of that, and also to persuade people of the moral case for removing Saddam".

545. Mr Campbell wrote in his diaries that "the plan was to consolidate" on the success at the European Council, and "restate the basic case and get going re Iraq exiles". In his meeting of the Iraq communications group on 18 February there was:

> "… a clear understanding that we were widening [the communications strategy] to take in the bigger dimension of the moral and humanitarian side, and we had to be clear about whether this was shifting to a regime change position. We had to be clear that it didn't, that the basic rationale hadn't changed, but equally we were entitled to make the case that the world would be better off without him [Saddam Hussein] in power."[150]

546. Mr Campbell also wrote:

> "The US was still giving out the message that it was going to happen and the rest was just giving us cover, eg saying that a second resolution wasn't absolutely necessary but they would try to get it. Maybe they were just getting irritated with us for having taken them down the UN route in the first place."

UK proposals for a draft second resolution

547. On 17 February, Sir David Manning had sent his advice to Mr Blair, of 16 February, to Mr Straw's Private Office and to Sir Michael Jay, FCO Permanent Under Secretary (PUS), Sir Jeremy Greenstock and Sir Richard Dearlove.[151] He wrote that Mr Blair had asked if they "could look particularly at the tests" suggested for Iraqi compliance.

---

[150] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[151] Letter Manning to McDonald, 17 February 2003, 'Iraq: Way Forward' attaching Minute Manning to Prime Minister, 16 February 2003, 'Iraq: Way Forward'.

548. Sir David asked:

- Were these the "right" tests?
- Were there others that could added?
- "Should the tests be included explicitly in a second resolution, or should this take the form of a short text simply stating that Saddam Hussein is in breach of 1441, while the conditions he must meet by 14 March are set out in an accompanying statement?"

549. Sir David asked for advice that day, stating that his letter and accompanying minute should be held "very tightly", handled "on a strictly need to know basis" and the addressees should "keep the papers off main files".

550. Sir David Manning spoke to Dr Rice before the EU Council on 17 February.[152]

551. In response to Dr Rice's report that, in a conversation with Dr Blix over the weekend, Dr Blix had "felt bad that he had given the Iraqis too much in his … presentation to the Security Council", Sir David said that Dr Blix had "overdone the course correction, worried by the reaction to his earlier presentation on 27 January".

552. Sir David told Dr Rice that Dr Blix "had hinted" to Mr Straw "that he might be in the market for an ultimatum" and they discussed his report which would summarise the outstanding disarmament questions. They also discussed whether the Security Council should instruct Dr Blix to destroy the Al Samoud missiles. Sir David commented that he "strongly favoured" that: "Saddam would hate having to do it and might be provoked into making a mistake."

553. Sir David said the UK was thinking about the shape and timing of an ultimatum:

> "We did not have nine votes in the Security Council at present, and were very unlikely to get there by 28 February … we needed time to shift three or four abstentions … If it became clear that we could win, we could hope the French would decide to abstain rather than veto. It was going to be a tough sell … Once the ultimatum was down, and the deadline was clear, the dynamics would change … We must take more time if we needed it."

554. In the subsequent discussion about how to increase the number of votes in favour of a resolution and whether, if there was a majority, France would abstain rather than veto, Dr Rice said that would be a "tough fight" in the US Administration about more time. She thought 8 March, "exactly four months" after the adoption of resolution 1441, might be better than 14 March as the French wanted. Sir David commented that he "saw the attraction", but: "We must take more time if we need it."

---

[152] Letter Manning to McDonald, 17 February 2003, 'Iraq: Conversation with Condi Rice'.

555. Sir David and Dr Rice discussed possible avenues to increase the diplomatic pressure on Saddam Hussein to leave. Dr Rice's view was that "there were still two possible outcomes to the crisis: Saddam could step down; or the Security Council would conclude that he was not complying with 1441 and that action must follow". They agreed it would be important to have a clear plan by the end of that week.

556. Sir David asked Sir Jeremy Greenstock to "sound out" Dr Blix about a possible visit to London "in the next few days" because Mr Blair "would like to see him, one on one, to discuss ideas about an ultimatum". He concluded that the evidence suggested Dr Rice's:

> "… thinking on the way forward is similar to ours. We shall have to think hard about whether to press for 14 rather than 8 March as the date for a vote … but at least Condi [Rice] has now moved away from 28 February. This is something the Prime Minister will want to discuss with Bush when they speak later this week."

557. Mr Blair spoke to Dr Blix on 20 February.

558. Separately, Mr Rycroft produced a list of possible elements for inclusion in an ultimatum, drawing on the provisions of resolution 1441:

- Full explanations of all the material unaccounted for in the last UNSCOM report, and answers to all of UNSCOM's questions.
- A full list of those involved in the destruction of old chemical weapons stocks, and full and unfettered access to them in interviews at the location of the inspectors' choice and without Iraqi government representatives.
- Similarly full co-operation over the interviews of any other witnesses called by the inspectors, inside or outside Iraq.
- Full co-operation over any exclusion zones declared by the inspectors.
- Full co-operation over the destruction of the Al Samoud rockets and all other material identified for destruction by the inspectors.[153]

559. Sir Richard Dearlove counselled against specifying the points on which Saddam Hussein should comply; there was "ample evidence" that he was not, and had no intention of, complying. There was no guarantee that inspections would produce conclusive physical evidence.

560. Sir Richard Dearlove stated that, in his view, the best course would be to stick with a short text stating that Saddam Hussein was not complying with, and was therefore in breach of, resolution 1441, backed by the available evidence that that was the case.[154] Listing the points on which we wanted Saddam Hussein to comply would undermine the overarching argument of resolution 1441 that it was Saddam Hussein, not the international community, who must do the work of disarmament. The UK should avoid further moves which perpetuated an inversion of roles. Setting Saddam Hussein

[153] Minute Rycroft to Manning, 17 February 2003, 'Iraq: Specific Demands'.
[154] Letter Dearlove to Manning, 17 February 2003, 'Iraq: The Way Forward'.

an agenda would allow him to be seen to be making efforts to comply and therefore to be co-operating with the UN; and that it would be difficult to act on a deadline if Saddam Hussein was seen still to be co-operating.

561. Sir Richard also wrote that there was ample evidence, including from Dr Blix, that Iraq was not, and had no intention of, complying. Given the resources Saddam Hussein had available to thwart inspections, and the scale of the task of uncovering something "truly damning", there was no guarantee that the inspections would produce conclusive physical evidence.

562. Sir Jeremy Greenstock advised that the US would have difficulty with any language which renegotiated resolution 1441 or changed the legal basis for the use of force; and that there were difficulties in identifying concrete tests which did not go beyond the resolution.

563. Sir Jeremy questioned whether the material was available to convince the majority of the Security Council that the end of the road had been reached.

564. Sir Jeremy Greenstock discussed the way ahead with Dr Blix and, separately, Ambassador Negroponte on 17 February, including informal ideas for an ultimatum.[155]

565. Sir Jeremy told Dr Blix that the UK remained committed to disarmament by peaceful means and to a second resolution. But the UK "wanted to force the issue in the next four weeks"; and that there might be less time if the US "baulked".

566. Sir Jeremy reported that Dr Blix had "noted that it was amazing that, in all their inspections, UNMOVIC had found no WMD except the (empty) chemical warheads". Dr Blix had also commented that nothing had been found in the sites suggested by the US: "If they had come close there would at least have been a denial of access."

567. In response, the UK had "underlined the sophistication of the Iraqi deception regime – we were confident in our intelligence while some information, e.g. on BW production, was corroborated by a variety of sources"; and that "given the Iraq deception mechanism, the key thing was co-operation".

568. Sir Jeremy also reported that Ambassador Negroponte "showed interest in an ultimatum process with concrete tests", but he foresaw problems with Washington. The UK should not propose language which renegotiated 1441 or changed the legal basis for the use of force.

---

[155] Telegram 271 UKMIS New York to FCO London, 18 February 2003, 'Personal Iraq: Meetings with Blix and Negroponte'.

569. Reflecting further discussions with the US Mission in New York on 17 February, Sir Jeremy subsequently reported that:

- It was proving difficult to define concrete disarmament tasks with the information available and which did not go further than the resolutions required.
- It would be better if the benchmarks came from Dr Blix. The "key" would be "that they forced either Iraq to reveal its lie or the Council to come to a conclusion that Iraq was failing to co-operate".
- The US Mission still favoured a simple "serious consequences" resolution with a vote by a certain date (or abandon the exercise altogether) if Iraq had not radically changed its approach.[156]

570. Sir Jeremy advised that he remained of the view that we should put forward a resolution sooner rather than later to move the debate on. That could include a list of benchmarks discussed with Dr Blix, but he could also see the attractions of tabling a resolution now which simply called for disarmament, leaving Dr Blix or the middle-ground members of the Council to seek to define concrete actions. That would tie the US into the process. Delay risked appearing to be on the back foot, "uncertainty about our/the Council's intentions, perhaps reducing the likelihood that Iraq will realise the game is up and surrender its WMD (or ditch Saddam)".

571. The telegram also made clear that Sir Jeremy had commented to Ambassador Negroponte that "perhaps we just did not possess the material to convince others that we were right to claim it was the end of the road".

572. The UK Mission in New York offered suggested elements for a resolution which reflected discussions with Dr Blix.

573. The UK Permanent Mission to the UN in New York provided a paper overnight on 17/18 February setting out possible elements for a new ultimatum strategy.[157] It pointed out that resolution 1441 had used words like "active" and "unconditional" without defining them, and referred to a "final opportunity" for "immediate" co-operation without specifying how long that should take.

574. Addressing whether co-operation had been immediate, the UK Mission stated:

- "On the whole there has been great promptness of response", and co-operation on process had been "without delays or foot dragging".
- Co-operation on substance could "hardly be said" to have been "active", although "a few recent measures" could be, "provided their potential usefulness is borne out by real results".

---

[156] Telegram 274 UKMIS New York to FCO London, 18 February 2003, 'Personal Iraq: Discussion with Wolf'.
[157] Fax UKMIS New York [junior official] to Ricketts and Chaplin, 17 February 2003, attaching Paper [unattributed], 'February resolution 2003'.

- Iraq had appointed two Commissions, one to look for any remaining proscribed items and one to look for any relevant documentation. A third Iraqi initiative had been the provision of a list of personnel who had taken part in the destruction of proscribed chemical items in 1991.
- The Iraqi papers presented at the meeting in Baghdad on 8 to 9 February were spontaneous and "focused on central issues, but without any new evidence".
- Iraq claimed it was encouraging "persons to come for 'private' interviews In Baghdad", but there was doubt that they "really feel they can talk freely". Interviews outside Iraq were "certainly an option", but raised "difficult issues".

575. The UK Mission asked:

> "**If it seems clear that many governments feel that enough time has not yet been given for the option of disarmament through inspection, how much further time, would they ask for inspections** … before they give up on this option and how 'active' should Iraq be required to be?
>
> "It does not seem unreasonable to hold that **11 weeks of inspections**, which have barely come up to full strength, and which come after a period of eight years of inspections between 1991 and 1998 and four years of non-inspections between the end of 1998 and November 2002, **is a rather short** period to allow a final conclusion that the disarmament requirements cannot be fulfilled through this method. What is clear … is that military and political pressure has been and remains indispensable to bring about compliance. A slackening of it would, in all likelihood, result in less co-operation."

576. The UK Mission proposed that, in the circumstances, an "**explicit time line** within which satisfactory co-operation and the required resolution of unresolved disarmament issues (or 'key remaining disarmament tasks') would be demanded", would "not seem unreasonable". Addressing how long would be needed, it stated:

> "Under resolution 1284 (1999) 120 days were thought to be a time frame within which 'progress' on key remaining disarmament tasks would be. It is evidently a question of **political judgement how much time should now be given under resolution 1441 (2002)**. However, a time frame should not be set without any regard to what may be achievable …"

577. Addressing who would judge "**whether there has been co-operation and disarmament**", the UK Mission stated:

> "In the last resort the Security Council must provide the answer, but it seems likely that the Council would need to rely on a prior assessment by UNMOVIC and the IAEA."

578. Both questions were "very broad" and judgements would be easier if there were "some particular actions" or "benchmarks" which could be identified as "indispensable

but not conclusive". Similarly, the extent of disarmament "could perhaps be judged on the basis of progress noted on some key issues (as was specified in resolution 1284 (1999)) rather than the whole catalogue of issues". Although some of the measures required might not be possible, because of lack of documents or witnesses, "it would probably be possible to see whether Iraq provided active, genuine co-operation to solve the issues rather than dragging its feet and be evasive".

579. The UK Mission provided an illustrative text for a draft resolution, including a request that UMOVIC and the IAEA submit a list of unresolved disarmament issues and questions "by [1 March] … indicating which, in their view are key points, and what … Iraq should do to solve these issues and to answer these questions". The draft left open the date by which UNMOVIC and the IAEA would be asked to submit a report with their judgement on whether the issues and questions had been resolved and Iraq had fulfilled its obligations.

Mr Blair's conversation with President Bush, 19 February 2003

580. Mr Straw and Mr Blair discussed the way ahead before a telephone call with President Bush. As result, the FCO produced an illustrative list of benchmarks which Dr Blix could be encouraged to propose alongside a "simple draft resolution" declaring Saddam Hussein to be in breach of resolution 1441.

581. Sir David Manning told Dr Rice on 18 February that the European Council had "gone well" and that the "emphasis had been on the need for Saddam's swift and full compliance" with resolution 1441: "Recourse to force, once other options were exhausted had been conceded albeit reluctantly in the usual quarters."[158]

582. Sir David and Dr Rice discussed the next steps, including the nature of a second resolution declaring simply that Saddam was in violation of resolution 1441; the possibility of a vote after Dr Blix's next report to the Security Council and the advantages and risks of setting rigorous benchmarks requiring total compliance to judge Saddam's performance.

583. Sir David told Dr Rice that Mr Blair's preference was for a vote on 14 March. That:

> "… had the advantage of playing to the date proposed by the French. But it also gave us a precious extra few days to secure nine votes. In the end this was what it was about. We had to fashion our ultimatum and choose our timing to give ourselves the very best chance of getting the necessary majority … this was critically important for us politically."

584. Mr Straw told Secretary Powell that the UK needed a second resolution, and that "everything now had to be subordinate to that".[159] He suggested setting Iraq

---

[158] Letter Manning to McDonald, 18 February 2003, 'Iraq: Conversation with Condi Rice'.
[159] Letter McDonald to Manning, 18 February 2003, 'Iraq: Foreign Secretary's Conversation with Colin Powell, 18 February 2003'.

"benchmarks" for co-operation by "filleting" Dr Blix's paper. If the benchmarks were set high and Saddam Hussein co-operated, the US and UK would have "won by a different route". Although Secretary Powell had reservations about including benchmarks in a second resolution, they agreed that Sir Jeremy Greenstock and Ambassador Negroponte should discuss a list with Dr Blix.

585. In response to a request for advice in preparation for Mr Blair's discussion with President Bush, Sir David Manning wrote that:

- Mr Blair should seek to secure President Bush's agreement to delay a vote in the Security Council until 14/15 March to provide "a few, precious extra days … [which] might make the difference to securing the critical nine votes".
- The second resolution should be "very simple, declaring Saddam in violation/ breach of [resolution] 1441 – without specifying what happens or when". That should be accompanied by tough tests "agreed with Blix if possible" which Saddam Hussein would have to pass "in full". Sir David wrote that Saddam Hussein "almost certainly won't comply. If he does, we've won anyway"; the tests should "stick to what is stipulated in resolution 1441 and to the general disarmament categories, otherwise Saddam will play games"; and that the UK would be looking for "yes/no answers" from Dr Blix.
- There would also be a much better chance of gaining support for the resolution if it was clear that the UN would have a "key role" after any military action and that a "massive humanitarian aid programme" would be instituted; and by publishing and implementing the Road Map on Israel/Palestine before any military action. Sir David advised that both points would be a "tough sell" with President Bush, but "both are very important in helping us to win the argument".[160]

586. Following a discussion between Mr Blair and Mr Straw, Mr Ricketts sent Sir David Manning an illustrative list of benchmarks, which Dr Blix could be encouraged "to propose alongside a simple draft resolution".[161] Mr Straw recommended allowing a few days before tabling the draft resolution early the following week.

587. Mr Ricketts wrote that Dr Blix had "spoken about selecting benchmarks from the list of unresolved disarmament issues which UNMOVIC has drawn up (the cluster document)"; and that it would "not be easy to circulate the cluster document before 1 March".

588. Mr Ricketts suggested the UK could propose its own benchmarks as a way to get Dr Blix to focus quickly. The illustrative list covered biological weapons, chemical weapons, ballistic missiles, documentation and unrestricted interviews with key personnel.

---

[160] Minute Manning to Prime Minister, 18 February 2003, 'Iraq: Points for Bush'.
[161] Letter Ricketts to Manning, 18 February 2003, 'Iraq: The Way Forward in the Security Council'.

589. In his memoir, Dr Blix recorded that he had finalised his ideas about how UNMOVIC's work on clusters might be used on 17 February, producing both a draft resolution and a background paper which he gave to Sir Jeremy Greenstock.[162] Sir Jeremy gave the documents to the Americans.

590. Explaining his thinking that inspections offered Iraq "an opportunity that was not open endlessly" and that it was "for the Council – but not individual members of it – to consider and decide on the alternative to inspections", Dr Blix wrote that military pressure "was and remained indispensable to bringing about Iraqi compliance" but:

> "… many delegations felt that not enough time had yet been given to inspections; eleven weeks was rather a short time to allow the final conclusion that disarmament could not be achieved through the inspection path and would have to be abandoned. It would not seem unreasonable … to set 'an explicit time line' within which satisfactory co-operation and resolution of unresolved disarmament issues and key remaining disarmament tasks would be demanded. It was a political judgement … to decide how much time would be given.
>
> "It would be for the Security Council to judge – after a report by the inspectors – whether there had been adequate co-operation and resulting disarmament …
>
> "My draft requested that UNMOVIC/IAEA submit by 1 March a list of 'key points' … along with indications of what Iraq should do to resolve them (the benchmarks). It further spelled out a number of demands for Iraqi actions … It requested UNMOVIC/IAEA to report to the Council before a specific date … whether Iraq had done what was asked of it. Lastly, it stipulated that if the Security Council were to conclude that Iraq had not fulfilled what was demanded and thus had 'not made use of the inspection process,' the inspections would be terminated and the Council would 'consider other measures to solve the disarmament issue'."

591. Sir Christopher Meyer advised that there was no agreed position within the US Administration about how to work on a second resolution and UK views were best registered directly with President Bush.

592. Sir Christopher Meyer advised that the US Administration was still debating the timing and contents of a second resolution and that there was no agreed interagency position on how best to work with Dr Blix on a second resolution.[163]

593. There was concern about Dr Blix's reluctance to press Iraq on mobile biological weapons facilities, because the "knowledge" of those facilities came from intelligence, which "appeared to put the onus on the US/UK to prove these existed rather than on Iraq to reassure the Council that they did not"; and that he might have lost sight of the fact that Iraq's co-operation on process was not synonymous with disarmament.

---

[162] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[163] Telegram 219 Washington to FCO London, 19 February 2003, 'Iraq: US Thinking, 19 February'.

594. The US Principals were minded to see benchmarks as a record of what Iraq had not done, rather than a headline list of what Saddam Hussein should do.

595. Sir Christopher also advised that the UK's views were "best registered directly by the Prime Minister" with President Bush.

596. Mr Blair sent President Bush a six-page Note on 19 February.

597. Mr Blair proposed focusing on the absence of full co-operation and a "simple" resolution stating that Iraq had failed to take the final opportunity, with a side statement defining tough tests of co-operation and a vote on 14 March to provide a deadline for action.

598. Mr Hoon was not consulted about the approach to be adopted.

599. Mr Blair sent President Bush a six-page Note on 19 February.[164]

600. Mr Blair stated that it was "a defining moment in EU/US relations and in the future direction of Europe". He wrote that it was "apparent to me from the EU summit that France wants to make this a crucial test: is Europe America's partner or competitor? … For the first time … a strong bloc prepared to challenge France and Germany" was emerging.

601. Mr Blair wrote that "European public opinion seemed to favour France" and that was being used "to embarrass the pro-US case, to inhibit the pro-US leaders". Those leaders had been:

> "… remarkably firm in the face of really difficult polls and demonstrations.
>
> "But the issue will be this: is it the US that is forced to go it alone with the UK, or is it France that is left isolated with a choice as to whether to use its veto?
>
> "That is in turn a function of where public opinion is outside … the US."

602. Mr Blair added that was "far more nuanced than people think". In his view, public opinion outside the US was:

> "… not against conflict in all circumstances. What they fear is that we are hell bent on war, come what may, that we don't really want the UN to succeed."

603. Mr Blair wrote that fear was "absurd":

> "The issue of time for the inspections has become vicariously, the focus for this sentiment. At the heart of this is a confusion between active and passive co-operation. The duty on Saddam is to co-operate fully; ie actively to help the Inspectors. If he isn't he's in breach. But the France/Germany view – too much shared by others on the Security Council – is that the inspectors should have

[164] Letter Manning to Rice, 19 February 2003, 'Iraq' attaching Note [Blair to Bush], [undated], 'Note'.

> the time they need to "sniff out" the weapons … and all Saddam needs to do is to offer passive co-operation, ie the absence of obstruction. Obviously if this is right, they could be there for months or years."

604. Mr Blair added:

> "Our view, which is correct is that time is irrelevant unless he [Saddam] is co-operating fully and actively. If he isn't, the time needed is just the time necessary to make a judgement as to his co-operation: is it full or not? And actually, no one … is seriously suggesting Saddam is co-operating fully."

605. Mr Blair wrote that Dr Blix "unfortunately" embodied that confusion. His report to the Security Council on 14 February "never suggested there was full co-operation; indeed the opposite". But the tone "seemed to imply that because Saddam was co-operating more on process, that was an improvement despite the fact that there was no co-operation on substance".

606. Mr Blair reported that recent conversations with Dr Blix showed that he was "aware of this problem, and is prepared to countenance a definitive judgement and was shocked at how negatively for the US/UK his report was spun". Mr Blair added: "My faith in Blix is somewhat shaken. But he remains key."

607. Mr Blair suggested:

> "… the trick we need to take is this: we have to find a way of re-focusing the issue on the absence of full co-operation … and do so in a way that pulls public opinion and the UNSC waverers back to us by showing that we have indeed made every effort to avoid war."

608. Mr Blair proposed that the US and UK should:

- Put down a new resolution "soon, probably early next week". That resolution would be "simple and clear and as easy to vote for as we can make it".
- Put the resolution "to a vote on 14 March, the date France has suggested for a [Security Council] meeting of Foreign Ministers". That would then become "the deadline for action".
- "At the same time" the resolution was tabled, there would be a side statement defining the categories of full co-operation: "full disclosure of the 1998 leftovers; witnesses interviewed outside Iraq; destruction of the rocket motors etc". That should be "sufficient if he did it, to amount to a complete and total capitulation by Saddam". That was "the ultimatum".

609. Mr Blair wrote that he would be speaking to Dr Blix the following day to try to "tie" him in "to accept this is indeed what must happen".

610. Mr Blair continued that the UK and US should say that:

> "… failure in any respect to meet this test, will amount to non-co-operation; that this is a final attempt by us to disarm Saddam peacefully; that by 14 March it will be 4 months since 1441, quite long enough to assess whether he is co-operating or not.
>
> "We work like crazy next week to get the UNSC members to agree or at least not oppose this strategy; and then build the support to carry a majority for 14 March."

611. Mr Blair recognised that there were both advantages and disadvantages in his proposed approach. The disadvantages were identified as:

- The risk that Saddam Hussein "might conceivably comply fully – but the chances of this, according to all the intelligence are minimal". If he did comply, "it would still amount to a huge humiliation [to Saddam Hussein]".
- Saddam Hussein might "seem" to comply but that was "a risk in any event and by defining non-compliance so clearly" the "chances of ambiguity" would be minimised.
- The start of military action might be delayed by a week: "But this is not long and the blunt truth is that by next Friday i.e. 28 February or even a week later … the chances of securing nine votes are very slim. A week's wait is worth a resolution; or at least a majority on the UNSC."

612. Mr Blair saw the advantages as:

- putting the US and UK "back in the driving seat, with a clear deadline and ultimatum";
- re-focusing the "debate where it should be" on Iraq's duty "fully to co-operate";
- giving the "doubters a reason to sign up";
- helping "the Arab world come on board";
- accepting the French date;
- allowing the US and UK to "show the world we are going to war, not because we want to, but because we have to"; and
- "Above all":
  - show "the US reaching out";
  - set "the UN a fundamental test";
  - give the Europeans something to rally round; and
  - "When we do act, it will show we went the last mile for peace."

613. Mr Blair told President Bush:

> "A successful second resolution would be an enormous success for your diplomacy over the last few months.

> "I have never come across an issue in which the dividing line between overwhelming support and overwhelming opposition is so slender."

614. Mr Blair added that, in the UK, which was "reasonably typical of European opinion", "large majorities" believed:

- Saddam Hussein was "a threat and needs disarming";
- "without the threat of action, he wouldn't disarm"; and
- "in military action if there is a new UN resolution or even without a resolution if we had a majority of the UNSC … ie France would veto and we could still do it."

615. Mr Blair wrote: "Around 80 percent" in the UK supported an ultimatum and acknowledged that inspections could only work if Saddam co-operated. Yet a majority opposed action at that time. The "only explanation" was that:

> "… they needed to be persuaded that the US and UK would prefer peaceful disarmament if that were possible. Proving it isn't possible is the huge benefit of the ultimatum route."

616. Finally, Mr Blair offered "two further thoughts":

- "Publishing the MEPP Road Map would have a massive impact in Europe and the Arab world."
- There was a "need to start firming up the humanitarian work for the aftermath of the conflict … and show how we will protect and improve the lives of Iraqi people."

617. Mr Campbell wrote that the Note had set out the basic strategy: "that we put down a UNSCR, not to push to a vote, instead use it like an ultimatum, give him two weeks or so to take us to the French date of 14 March."[165]

618. In their discussion at lunchtime on 19 February, Mr Straw and Secretary Powell discussed the fact that Dr Blix was "not yet ready to say that Iraq was not co-operating on substance" and the difficulties of agreeing a list of tests with him that "set the bar satisfactorily high".[166]

619. Sir David Manning spoke to Dr Rice before the phone call between Mr Blair and President Bush on 19 February to explain the UK's thinking. He reported that he had "emphasised yet again that … It was critical to give ourselves enough time to secure nine votes."[167]

---

[165] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[166] Letter McDonald to Manning, 19 February 2003, 'Iraq: Foreign Secretary's Conversation with Colin Powell, 19 February'.
[167] Letter Manning to McDonald, 19 February 2003, 'Iraq: Conversation with Condi Rice'.

620. Sir David had also addressed in some detail the importance of a US commitment to the Road Map, for the MEPP.

621. Mr Straw spoke twice to Secretary Powell on the evening of 19 February.[168]

622. Mr Straw continued to press for the draft resolution to be tabled after the weekend, not before, and for a vote to take place on 14 March. He and Secretary Powell also discussed the text of the resolution, benchmarks and a possible ultimatum to Saddam Hussein telling him to leave. Mr Straw commended Sir Jeremy Greenstock's language in the draft resolution, stating that the Council "decides the final opportunity has not been taken" and talking more about Saddam Hussein's obligation for "voluntary disarmament".

623. In the context of conversations with Palestinian and Israeli representatives, Mr Straw repeated the imperative for publication of the Road Map to secure Arab support for action on Iraq.

624. President Bush and Mr Blair agreed to introduce a draft resolution at the UN the following week but its terms were subject to further discussion.

625. Mr Blair telephoned President Bush later on 19 February.[169] They discussed the positions of France, Germany and Russia and key regional countries. Mr Blair said it was "a defining moment".

626. Mr Blair repeated the arguments that the resolution and ultimatum route would help to demonstrate that the US and UK did not want war but were prepared to use force if that was the only way to disarm Saddam Hussein. Addressing the question of whether disarmament should be defined for Dr Blix and if identifying tasks for Saddam Hussein would allow Saddam Hussein to do some and try to show he was co-operating, Mr Blair said that, when the resolution was tabled, "we should set out the issues that were part of full co-operation".

627. Mr Blair and President Bush agreed the resolution would be introduced at the UN the following week.

628. Mr Blair also set out the reasons for a vote around 14 March. It would be important for No.10 and the White House to remain in close contact on communications. Mr Blair said that the resolution and ultimatum route would "help us to demonstrate that we did not want war but were prepared to use force if that was the only way to disarm Saddam".

629. Finally, Mr Blair underlined the importance of progress on the MEPP to help transform opinion in Europe and the Arab world.

---

[168] Letter Straw to Manning, 20 February 2003, 'Iraq: Foreign Secretary's Conversation with Colin Powell, 19 February 2003'.
[169] Letter Rycroft to McDonald, 19 February 2003, 'Iraq and MEPP: Prime Minister's Telephone Conversation with Bush, 19 February'.

630. Mr Campbell wrote that Mr Blair told President Bush that we couldn't dispute public opinion was against us but he strongly felt that the French and Germans were in the right place for public opinion but in the wrong place for the world.[170]

631. President Bush wrote in his memoir that, in his Note of 19 February, Mr Blair had "urged that we forge ahead" and that he had written: "The stakes are now much higher". Mr Blair had also written that it was "apparent" to him "from the EU Summit that France wants to make this a crucial test: Is Europe America's partner or competitor?", and that there was support for the US from a strong European coalition.[171]

JIC Assessment, 19 February 2003: 'Southern Iraq: What's in store?'

At the request of the Cabinet Office Overseas and Defence Secretariat, the JIC produced an Assessment on 19 February of the situation in southern Iraq and what might happen there before, during and after any coalition military action.[172]

The Assessment and Mr Blair's request for further advice are addressed in Sections 6.2 and 6.5.

Security Council open debate, 18 and 19 February 2003

632. An open debate of the Security Council requested by the Non-Aligned Movement (NAM) was held on 18 and 19 February.[173] The debate gave the Security Council the opportunity to hear the views of non-members.

633. Sixty UN Member States or Permanent Observers spoke in the debate, the overwhelming majority opposing the use of force. The members of the Security Council did not speak. Ms Louise Fréchette, UN Deputy Secretary-General, attended the debate, but did not speak.

634. Mr Dumisani Kumalo, South African Permanent Representative to the UN, speaking on behalf of the NAM, said that NAM members considered resolution 1441 to be "about ensuring that Iraq is peacefully disarmed". The Security Council was yet to "fully utilize the inspection mechanisms of resolution 1441".

635. Mr Aldouri stated that the United States had transformed a "technical and scientific issue" into a "political" one, and reaffirmed Iraq's commitment to "full and active co-operation with UNMOVIC and the IAEA".

---

[170] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[171] Bush GW. *Decision Points*. Virgin Books, 2010.
[172] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'.
[173] UN Security Council, '4709th Meeting Tuesday 18 February 2003' (S/PV.4709); UN Security Council, '4709th Meeting Wednesday 19 February 2003' (S/PV.4709, Resumption 1).

636. Mr Paul Heinbecker, Canadian Permanent Representative to the UN, stated that, since the withdrawal of inspectors in 1998, there had been "no proof" that Iraq had rid itself of WMD. There were reasons to believe the opposite was the case. Recent Iraqi co-operation had only come in response to intense international pressure. More time for inspectors could be useful, but only if Iraq decided to co-operate "fully, actively and transparently, beginning now".

637. Sir Jeremy Greenstock reported that the debate had been a "necessary exercise" which had been organised by Germany (as President of the Council).[174] "Almost all" Member States who had spoken "expressed a preference for a peaceful outcome, but almost all stressed the need for better Iraqi compliance".

Deployment of South African scientists to Baghdad

When Mr Blair met Mr Thabo Mbeki, the South African President, at Chequers on 1 February, they had three hours of private talks.[175]

On Iraq, the readout from the discussions was that Mr Blair had "debriefed" Mr Mbeki on his talks with Washington and set out the UK position "in normal terms". Mr Mbeki told Mr Blair that Mr Tariq Aziz, the Iraqi Deputy Prime Minister, "had asked South Africa to send a team to Iraq to advise on how disarmament should be done". Mr Blair "commented that there was not much doubt about what Iraq should do".

Mr Aziz Pahad, the South African Deputy Foreign Minister, told the British High Commission that, following his visit to Baghdad from 9 to 13 February, where he had had meetings with Saddam Hussein, Mr Tariq Aziz and others, South Africa would be sending a team of apartheid-era scientists to advise Iraq on disarmament.[176]

Mr Pahad said that he had delivered the message that Iraq must comply fully with resolution 1441, and the time for compliance was running out. Subsequently he added that he had urged full rather than partial co-operation; this was "an all or nothing" decision.

Mr Pahad's assessment was reported to be that:

- Iraqi attitudes were slowly shifting;
- the inspectors to whom he had spoken had noticed and reported this mood change;
- those in favour of co-operation might be "winning out"; and
- the resolution of the U2 over flights issue was "major progress".

Mr Pahad said South Africa's objective was to prevent war by ensuring the success of weapons inspections. A team of experts would be sent to Iraq "imminently". They would not have direct contact with the UN inspectors, "but would be proactive in helping Iraq to co-operate and demonstrate this co-operation".

---

[174] Telegram 280 UKMIS New York to FCO London, 20 February 2003, 'Iraq: Security Council Open Debate, 18/19 February'.
[175] Letter Lloyd to Davies, 1 February 2003, 'Prime Minister and President Mbeki at Chequers: 1 February 2003'.
[176] Telegram 42 Pretoria Capetown to FCO London, 18 February 2003, 'South Africa/Iraq: Pahad Returns from Baghdad'.

Mr Pahad added that the initiative gave Iraq "the possibility of a face-saving climb-down … if Saddam seriously rushed to comply".

The British High Commission commented that Mr Pahad was "cautiously optimistic that South Africa might be able to help resolve the current stand-off in Iraq", but was "realistic about the obstacles" that remained.

Mr Blair's conversation with Dr Blix, 20 February 2003

638. Sir Jeremy Greenstock told Dr Blix that the Security Council had to realise that if it was not willing to authorise force if Iraq did not disarm, the issue would be taken out of its hands.

639. Sir Jeremy Greenstock told Dr Blix on 19 February that the UK was likely to go for an approach "signalling the end game on Iraq".[177] The UK "would say that the Council had to realise that this would be out of the hands of the UN unless it decided that Iraq had to start the process of real disarmament and was willing to authorise force if it did not". The UK "still hoped to avert the use of force – but we had to be realistic".

640. Sir Jeremy reported that Dr Blix was not averse to a deadline but 15 March was "not theoretically doable". He concluded that the "Blix benchmark possibilities" had been "tested" and "set aside as too risky".

641. Sir Jeremy also reported that Dr Blix had said he would issue a decision on missiles to Iraq within 24 hours; and that UNMOVIC had "just received an 'amazingly' detailed document on the persons involved in the destruction of biological weapons which could be significant". The meeting of the College of Commissioners for UNMOVIC on 24 and 25 February would discuss the "clusters" document. Dr Blix expected it to be finalised by 3 March, but he did not intend to submit it to the Security Council; it "was an exercise to help UNMOVIC define the key remaining disarmament tasks due under 1284 – but would do so if asked".

642. Sir Jeremy commented that the UK was "likely to say that, if Iraq did not rapidly demonstrate it was engaging in voluntary disarmament, this document was academic".

643. Mr Blair told Dr Blix that he wanted to offer the US an alternative strategy which included a deadline and tests for compliance. He did not think Saddam would co-operate but he would try to get Dr Blix as much time as possible.

644. Dr Blix stated that full co-operation was a nebulous concept; and a deadline of 15 April would be too early.

645. Mr Blair telephoned Dr Blix on 20 February.[178] They spoke for 45 minutes.

---

[177] Telegram 287 UKMIS New York to FCO London, 20 February 2003, 'Iraq: 19 February'.
[178] Letter Cannon to Owen, 20 February 2003, 'Iraq: Prime Minister's Conversation with Blix'.

646. The record of the discussion stated that Mr Blair referred to US disappointment with Dr Blix's report of 14 February and that it was "now difficult to dissuade the Americans from going down the military route". Mr Blair told Dr Blix that he was concerned about the risk of the UN being marginalised and of a split in the international community; and that he wanted to offer the US "an alternative strategy".

647. Mr Blair outlined the need to devise an ultimatum including a deadline and imposing a duty on Saddam Hussein to co-operate actively; and that failure to do so would be a breach of resolution 1441. That would accompany a "simple" resolution that would be Saddam Hussein's "final final" warning. There were "some indications" that, with a second resolution, "the Arabs might be able to lever Saddam out of power". Mr Blair added that co-operation would need to be defined and Saddam Hussein would need to comply in full.

648. Dr Blix was attracted by timelines but commented that "full co-operation was a nebulous concept". Later he stated that demands for co-operation had to be related to what was "realistically do-able".

649. Dr Blix told Mr Blair that the UN should have a catalogue of the action required on disarmament by the end of the following week. He should be able to share the "clusters" of unanswered questions with the UNMOVIC College of Commissioners by 24 February. The intelligence he had received was "not all that compelling". While he still tended to think that Iraq was concealing some WMD, he needed evidence to put to the Security Council. He was receiving "a flow of half promises" on Iraqi co-operation and needed more time.

650. Mr Blair said that the Iraqis could have signalled a change of heart in the December declaration. The Americans did not think that Saddam Hussein was going to co-operate: "Nor did he. But we needed to keep the international community together."

651. Dr Blix suggested that "key disarmament tasks" could be selected from resolution 1284 as it would be easier to judge compliance on those. They discussed the difficulties with interviewing Iraqis, which Dr Blix said he would be working on the following week. It was important to keep the pressure on Iraq.

652. Dr Blix confirmed that he had suggested a deadline of 15 April to the US, which they thought was too late. He thought it was too early. The threat of war was making it difficult to recruit and retain inspectors.

653. Mr Blair told Dr Blix that he would pursue the ultimatum route and try to get Dr Blix as much time as possible.

654. Dr Blix commented that "perhaps there was not much WMD in Iraq after all". Mr Blair responded that "even German and French intelligence were sure that there was WMD in Iraq". Dr Blix said they seemed "unsure" about mobile BW production facilities:

"It would be paradoxical and absurd if 250,000 men were to invade Iraq and find very little."

655. Mr Blair responded: "our intelligence was clear that Saddam had reconstituted his WMD programme".

656. The record stated that Dr Blix had "concluded that he accepted the need for timelines and benchmarks".

657. In his account of the conversation, Dr Blix wrote that he had said:

> "Only at three sites to which we had gone on the basis of intelligence had there been any result at all.
>
> "Personally I tended to think that Iraq still concealed weapons of mass destruction, but I needed evidence. Perhaps there were not many such weapons in Iraq after all."[179]

658. After the conversation between Mr Blair and Dr Blix, Sir David Manning told Dr Rice that while Dr Blix had understood the key point that Iraq was not co-operating fully with the UN, it was "equally clear that he was not ready to say so to the Security Council".[180] The need was therefore to keep him focused on this question of co-operation and "persuade him that the logic of the situation was that we should now issue an ultimatum". Dr Blix would need to decide whether "he was going to be a party to the pretence that Iraq was co-operating with the UN system when, in fact, Saddam's defiance risked wrecking it".

659. Sir David also recorded US/UK agreement to table a second resolution on 24 February and the UK's preference for the "very light" resolution proposed by Sir Jeremy Greenstock. There would be a need to prepare the launch carefully with members of the E10 and potential allies in the Security Council.

660. Asked about his response to Dr Blix's comment about the implications of invading Iraq and finding "very little", Mr Blair told the Inquiry that he had told Dr Blix: "What you have to tell us is … whether he is complying with the resolution. Is he giving immediate compliance and full compliance or not?" Dr Blix's answer was: "No, but, you never know, it may be that, if we are given more time, he will."[181]

661. Mr Blair added that the conversation had led to him working with Dr Blix "to try and get a fresh … resolution. I kept working on that right up until the last moment."

---

[179] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[180] Letter Manning to McDonald, 20 February 2003, 'Iraq: Conversation with Condi Rice'.
[181] Public hearing, 29 January 2010, pages 112-113.

662. Sir Richard Dearlove's Private Secretary advised Sir David Manning on 20 February that the "chances of a successful inspection are increasingly slim".[182] SIS had sent messages to its best placed sources "emphasising the utmost importance of a major find in the next two weeks, and asking them to do everything possible to try and identify where materials or papers being hidden". The chances of a potential defector were "not encouraging".

663. An internal FCO minute of the Iraq morning meeting on 20 February recorded that the UK was "now moving away from the idea of benchmarks from Dr Blix, given US concerns … and the difficulty of coming up with anything specific enough".[183]

664. The FCO instructions for Dr Bryan Wells, MOD Director Counter-Proliferation and Arms Control and UK representative on the UNMOVIC College of Commissioners, for the discussion of the "clusters document", stated that it was important that he did:

> "… nothing which suggests the UK endorses the document, or even accepts the validity of proceeding with work against the SCR 1284 timetable in present circumstances. That is not to say that we regard … 1284 as invalid. But it must now be viewed in the light of SCR 1441, which requires Iraq to co-operate 'immediately, unconditionally and actively' with the inspectors. We see no point in proceeding with work mandated by … 1284 so long as such co-operation is lacking."[184]

665. The FCO added: "We realise that this will not be an easy line to take. It may in the event be best simply to say that the paper appears irrelevant in present circumstances of Iraqi non-co-operation, and then decline to engage on the substance."

666. The FCO also wrote that it realised the position might "annoy" Dr Blix, and UKMIS New York was asked to forewarn him of the UK's likely approach, and to:

> "… explain our concern that the … document may be exploited by some countries as an excuse to postpone a further decision on the fundamental issue of Iraqi co-operation … thereby undermining the pressure on Baghdad."

667. The letter showed that the initial view of officials had been that the document "could be played into the long grass" as "no more than an internal piece of UNMOVIC work-in-progress"; and that "As such there should be no question of it being presented to the Security Council." But there were suggestions that others might present it "as a set of benchmarks" which could be used to "focus the Council's attention on the middle distance – well past the mid-March date we and the US are looking at for a decision".

---

[182] Letter PS/C to Manning, 20 February 2003, 'Iraq: UNMOVIC Inspections and Defectors'.
[183] Minute Tanfield to PS/PUS [FCO], 20 February 2003, 'Iraq Morning Meeting: Key Points'.
[184] Letter Dowse to Wells, 20 February 2003, 'UNMOVIC Commissioners' Meeting: "Clusters Document"'.

Agreement on the text of a second resolution

668. Mr Straw and Secretary Powell reached agreement on the text of the draft resolution on 20 February.

669. Sir Jeremy Greenstock gave Ambassador Negroponte a revised "light draft resolution" on 19 February which:

- noted (draft preambular paragraph 5) that Iraq had "submitted a declaration … containing false statements and omissions and has failed to comply with and co-operate fully in the implementation of that resolution [1441]"; and
- decided (draft OP1) that Iraq had "failed to take the final opportunity afforded to it in resolution 1441 (2002)".[185]

670. Sir Jeremy reported that he had told Ambassador Negroponte that the draft "was thin on anything with which Council members could argue and would be less frightening to the middle ground". It did not refer to "serious consequences" and that "instead of relying on OP4 of 1441", the draft resolution "relied on OP1 of 1441, re-establishing the material breach suspended in OP2".[186]

671. Sir Jeremy added that issuing the draft would signal the intent to move to a final debate, which they should seek to focus "not on individual elements of co-operation but on the failure by Iraq to voluntarily disarm" and being "thrown off course by individual benchmarks or judgement by Blix". It should be accompanied by a "powerful statement about what 1441 had asked for" which had "been twisted into partial, procedural, and grudging co-operation from Iraq"; and that "substantive, active and voluntary co-operation was not happening".

672. In response to a question from the US about whether the "central premise", that the final opportunity was "now over", would be disputed, Sir Jeremy said that: "was where we would have to define our terms carefully: voluntary disarmament was not happening."

673. The US and UK agreed they should co-sponsor the resolution with Spain and that the UK would "lead in explaining it to the Council".

674. Lord Goldsmith's response to Sir Jeremy Greenstock's rationale for the second resolution is addressed in Section 5.

675. Mr Straw had two conversations with Secretary Powell on 20 February. In the first, they discussed UK and US drafts for a second resolution. Mr Straw said that he had "no firm view about which one was best".[187] Sir Jeremy Greenstock's view was that the lighter the language the more likely the UK was to attract the support needed

---

[185] Telegram 288 UKMIS New York to FCO London, 20 February 2003, 'Iraq: 19 February: Draft Resolution'.
[186] Telegram 287 UKMIS New York to FCO London, 20 February 2003, 'Iraq: 19 February'.
[187] Letter McDonald to Manning, 20 February 2003, 'Iraq: Conversation with Colin Powell, 20 February'.

from “swing countries”. Mr Blair wanted a report to the Council on 7 March but there were indications that Dr Blix might want longer. If a majority in the Security Council supported more time, Mr Blair would be in “a very difficult position”. Mr Straw told Secretary Powell that an agreed strategy was needed, including tabling a side document with the resolution “containing our list of demands”.

676. Concluding the conversation, Mr Straw stated that if “extraordinarily Iraq complied, the UK could not go to war”. Secretary Powell was reported to have replied that “in the end, there was only one difference between us: President Bush had already made his decision”. If Mr Blair’s “efforts did not permit the UK to be there, Bush would still go alone”.

677. Following the first conversation with Secretary Powell, Mr Ricketts advised Mr Straw that the US draft would be “much more difficult for middle ground opinion” to accept.[188] Mr Ricketts wrote that it was the UK, not the Americans, which needed the resolution; and that the Greenstock text delivered what the UK needed and would be more difficult to oppose. It was “more compatible with building a case in the Security Council that the issue is a simple one of whether or not Iraq is in compliance”.

678. Mr Ricketts advised Mr Straw to go back to Secretary Powell to press the UK view.

679. Mr Ricketts suggested that the UK might also “move away from the concept of tabling lists of benchmarks”. He wrote that the work with the US delegation in New York had “shown up how difficult it is to isolate questions which are susceptible [to] yes/no answers in the time-frame we need”; and that there was a risk that it would “play into the hands of the ‘more time’ merchants”. Mr Ricketts suggested that it might be better to draw on the work that had been done to “set out in a co-ordinated way some illustrative tests such as the destruction of rocket motors or producing specified people for interview in acceptable conditions”.

680. Mr Ricketts concluded that would be “more compatible with the approach in the Jeremy Greenstock draft resolution of making our case on the basis of whether Iraq was in full co-operation or not”.

681. In his second conversation with Secretary Powell on 20 February, Mr Straw stated that the UK Government “was signed up to the Greenstock language. If countries voted for that … they would … be voting to let us go to war.”[189]

682. In response to questioning from Secretary Powell about whether he was sure that was the right call, Mr Straw said that “we were sure that the Greenstock language would do the trick”.

---

[188] Minute Ricketts to Private Secretary, 20 February 2003, ‘Iraq: UN Tactics’.
[189] Letter McDonald to Manning, 20 February 2003, ‘Iraq: Conversation with Colin Powell, 20 February’.

683. The British Embassy Washington reported overnight that, subject to a final word from President Bush, the US was prepared to "go with" the UK draft and was gearing up for a major lobbying exercise.[190]

684. Mr Blair spoke to President Bush, Mr Berlusconi and Mr Aznar about tabling the resolution in a conference call on 22 February.[191]

685. In a conversation with Prime Minister Aznar, Mr Blair agreed that the resolution should be tabled late on Monday 24 February, after the meeting of the General Affairs and External Relations Council of the EU.[192]

Presentation of the UK's strategy

686. In response to the level of concern in the UK, Mr Blair asked for a communications strategy based on the theme of a "last push for peace".

687. Mr Campbell wrote that, on the morning of 20 February, Mr Blair "was getting more and more worried about Iraq, and with good reason". He had asked for a strategy on the theme of "the last push for peace", with a strong media plan to underpin it. Mr Campbell had emphasised the need for a sense that "we were trying to avoid war, not rush towards it.[193]

688. Dr Rowan Williams, the Archbishop of Canterbury, and Cardinal Cormac Murphy O'Connor, the Archbishop of Westminster, issued a joint statement on 20 February about "the crisis involving Iraq".[194] Recognising the "huge burden of responsibility carried by those who must make the ultimate decision", the statement said:

> "The events of recent days show that doubts still persist about the moral legitimacy as well as the unpredictable humanitarian consequences of a war with Iraq.
>
> "We recognise that the moral alternative to military action cannot be inaction … It is vital therefore that all sides … engage through the United Nations fully and urgently in a process, including continued weapons inspections, that could and should render the trauma and tragedy of war unnecessary.
>
> "We strongly urge the Government of Iraq to demonstrate forthwith its unequivocal compliance with UN resolutions on weapons of mass destruction.
>
> "… We must hope and pray … an outcome that brings peace with justice to Iraq and the Middle East may yet be found."

---

[190] Washington Telegram 222 to FCO London, 21 February 2003, 'Iraq: US Thinking, 20 February'.
[191] Letter Hallam to McDonald, 22 February 2003, 'Iraq: Prime Minister's Conversation with President Bush and Prime Ministers Aznar and Berlusconi'.
[192] Letter Hallam to McDonald, 23 February 2003, 'Iraq: Prime Minister's Conversation with Aznar'.
[193] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[194] The Church of England News Release, 20 February 2003, *Joint statement from Archbishop and Cardinal*.

689. In a speech on reintegrating Iraq into the international community at Chatham House on 21 February, Mr Straw focused on the threat which Saddam Hussein posed to the people of Iraq and the moral case for action.[195]

690. Mr Straw stated that there was international unity about the objective of disarming Saddam Hussein who posed "a unique threat to international peace and security". But "with each passing year" of Iraq's defiance, there had "been a growing awareness of the immense consequences of a failure to match our words with actions", and:

> "The stakes could not be higher. If the UN proves unable to act on the spirit and the letter of mandatory Chapter VII resolutions when faced with the most egregious non-compliance it risks joining its predecessor, the League of Nations, as a footnote in history."

691. Mr Straw said that, without military pressure on Iraq, there would be "no co-operation; no inspections". Mr Straw also stated that the threat of military action was "and always has been, about pressuring Saddam Hussein to comply with resolution 1441".

692. In preparation for visits to key capitals to pursue support for the UK's position, Mr Julian Miller, Chief of the Assessments Staff, informed Sir David Manning that a script was being prepared which would:

> "… briefly summarise evidence and judgements on Saddam's WMD, describe the effect of some of the agents; set out the Iraqi response to UNSCR 1441, including the flaws in the 7 December declaration; and cover what we know of concealment, intimidation of witnesses and other aspects of non-co-operation. It will also provide supporting material on Saddam's regime and – briefly – on links with terrorism. We will update the pack as new material becomes available."[196]

693. Sir Jeremy Greenstock reported that, during a briefing for E10 representatives in New York on 21 February, he had made clear that the UK viewed war as a last resort, but the objective of disarming Iraq had to be achieved and the threat could not be allowed to continue for much longer. Verified disarmament had not happened; and no-one had explained how inspections could work without Iraq's co-operation. The UK supported the UN as a relevant international body, and did not favour unilateral action. Sir Jeremy stated:

> "We had to factor in the US determination to deal with Iraq … [The UK was] prepared to work with the E10 members to achieve a unified Council keeping the pressure on Saddam and perhaps allowing him to crack."[197]

---

[195] The National Archives, 21 February 2003, *Reintegrating Iraq into the International Community – A cause with 'compelling moral force'.*
[196] Minute Miller to Manning, 21 February 2003, 'Iraq: Briefing Foreign Government'.
[197] Telegram 294 UKMIS New York to FCO London, 21 February 2003, 'Iraq: 21 February'.

694. The UK strategy was set out in a telegram from Mr Ricketts to diplomatic posts on the evening of 21 February.[198] The key points were:

> "The present plan is to table a simple draft resolution in the Security Council, probably on 24 February. This would provide the … legal authority for military action if necessary. We would make clear that it was part of a strategy to give Iraq another short period in which to demonstrate finally and fully whether it was co-operating in order to achieve voluntary disarmament of its WMD. We would … not be seeking a vote … for another two weeks or so, but were not prepared for the process to string out in the absence of a clear will by Iraq to comply with 1441.
>
> "… we would expect several further rounds of discussion in the Security Council … culminating in a report by the inspectors to a meeting on or around 7 March, probably attended by Foreign Ministers."

695. Mr Ricketts advised that there would be an intensive lobbying campaign of the elected members of the Security Council with a "good deal of travel by Ministers". The campaign would be co-ordinated with the US and Spain. The FCO would be setting up a system to "provide an up-date at least twice a week while the crisis remains at its present pitch", and was producing a daily "core script" for media purposes.

696. In a letter to Mr Campbell about statements over the weekend of 22 and 23 February, Mr Straw advised against any reference to either an "ultimatum" or to "benchmarks".[199] Mr Straw explained that the US was hostile to the use of the former term because "it would cut across a real ultimatum which President Bush had in mind to issue at about the time the resolution was voted – to Saddam to 'get out of town'".

697. On benchmarks, there was:

> "… a trap here for us to avoid. If we are too specific about how we judge Saddam's compliance, we set ourselves up as a target, both from Saddam but also from Blix. Saddam will know what he appears to have to do to get ticks in the right boxes. Judging from the Prime Minister's conversation with Blix yesterday, I think Blix is also in the mood to say if he possibly can that Iraq has passed any benchmarks that we offer. Most of the members of the Security Council will look to Blix for their judgement."

698. In his diaries, Mr Campbell wrote that, on 21 February, Mr Blair, who was on his way to Rome, had called him to say that "everything now had to be set in the context of pushing for peace, that we wanted to resolve it peacefully". Mr Campbell had worked with the White House on a briefing note. Mr Blair and Mr Straw had been happy to include a reference to an ultimatum until Mr Straw spoke to Secretary Powell "who

---

[198] Telegram 16 FCO London to UKREP Brussels, 21 February 2003, 'Iraq: Next Steps at the UN'.
[199] Letter Straw to Campbell, 21 February 2003, 'Choreography of Statements over the Weekend'.

said the real ultimatum would be made just before action when we tell Saddam to get out of town".[200]

699. In his press conference with Mr Berlusconi on 21 February, Mr Blair warned that military action on Iraq could not be avoided unless Saddam Hussein chose "the route of peaceful disarmament".[201] Mr Blair emphasised that no one wanted war. That was why:

> "… last summer, instead of starting a war, we went to the UN …
>
> "But there is a moral dimension to this question too. If we fail to disarm Saddam peacefully, then where does that leave the authority of the UN?
>
> "And if we leave Saddam in charge of Iraq with his weapons of mass destruction, where does that leave the Iraqi people who are the principal victims of Saddam?"

700. Asked about the opposition to conflict expressed by church leaders, Mr Blair replied:

> "I don't pretend to have a monopoly of wisdom … and I totally understand why people don't want war …
>
> "That's the very reason why we have given every single opportunity for this to be resolved peacefully. All I ask people to do is understand that however sincerely they hold their view, I hold my view sincerely too. And there is another side to this argument.
>
> "I understand exactly why people feel so strongly, but in the end, I have got to make a decision and that's the difference between leadership and commentary.
>
> "I have got to make a decision. If we cannot disarm him peacefully, are we just going to ignore the issue and hope it will go away?"

701. Late that evening, there was a conference call, including Dr Rice, Mr Stephen Hadley (US Deputy National Security Advisor), Sir David Manning and Mr Powell as well as Mr Campbell.[202] The US was worried about the text, which included "a side statement directly challenging Saddam". In his diaries, Mr Campbell wrote that Dr Rice:

> "… feared that setting it out as a final chance – again – or a challenge to Saddam, suggested there was something here beyond 1441. She said 1441 was all that we needed. We tried to use the call to get over the need for a different sort of language on this, but they really didn't get it."

---

[200] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[201] *The Guardian*, 21 February 2003, *Blair: war difficult to avoid*.
[202] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

702. Mr Campbell added that despite five phone calls including the conference call, the US and UK:

> "… were not really in the same place. I could sense that Condi thought we were weakening. She really didn't like the final, final opportunity line, couldn't see it was simply a way of trying to show we preferred peace to war …"

703. Mr Campbell told Dr Rice that she had to understand "we were hit hard here because people felt we were rushing to a timetable set by others".

704. On 23 February, Mr Blair spoke to President Putin who was prepared to work on a second resolution which put tougher requirements on Saddam Hussein, but President Putin did not think it should provide an automatic start to hostilities.[203]

705. Mr Blair also spoke to Mr Vicente Fox, the Mexican President,[204] and Mr Ricardo Lagos, the Chilean President.[205]

706. Mr Straw and Sir David Manning also made a number of telephone calls.

707. Mr Straw spoke to Mr de Villepin on 23 February about French concerns that pushing for a second resolution was premature and indicated that the US and the UK had no faith in the inspection process.[206]

708. On 24 February, Mr Campbell wrote that "Iraq was totally dominating" and he had suggested in Mr Blair's morning meeting that "something concrete, like signs of Arab pressure, or a new diplomatic effort that meant something" was "needed to add some substance to the 'last push for peace', which at the moment just sounded vacuous".[207] Mr Blair "said the last push WAS the pressure being applied, or the pressure was the last push", which Mr Campbell "still felt looked like we were trying to meet a US timetable, not genuinely trying to avoid war. But all the US politicians did was communicate an impatience to get to war."

Response to the draft resolution of 24 February 2003

709. The UK, US and Spain tabled a draft resolution on 24 February stating simply that Iraq had failed to take the final opportunity offered by resolution 1441 and that the Security Council had decided to remain seized of the matter.

---

[203] Letter Hallam to McDonald, 23 February 2003, 'Iraq: Prime Minister's Conversation with Putin'.
[204] Letter Hallam to McDonald, 23 February 2003, 'Iraq: Prime Minister's Conversation with President Fox of Mexico'.
[205] Letter Hallam to McDonald, 23 February 2003, 'Iraq: Prime Minister's Conversation with President Lagos of Chile'.
[206] Telegram 40 FCO London to Paris, 23 February 2003, 'Iraq: Foreign Secretary's Telephone Call with French Foreign Minister, 23 February'.
[207] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

710. Sir Jeremy Greenstock stated that resolution 1441 required Iraq "visibly and unmistakably to divest itself of weapons of mass destruction immediately, unconditionally and actively"; that had not happened and the US and UK had concluded that Iraq had decided to defy the international community.

711. A meeting of the Security Council was held on 24 February at the request of the UK.[208]

712. A draft of a second resolution was tabled by the UK, US and Spain. The draft operative paragraphs stated simply that the Security Council:

- "Decides that Iraq has failed to take the final opportunity afforded to it by resolution 1441"; and
- "Decides to remain seized of the matter."[209]

713. Sir Jeremy Greenstock told the Security Council that:

> "The co-sponsors are convinced that Iraq is not achieving, nor intending to achieve, the objective of SCR 1441 … its unanimous message represented a powerful signal that the UN was in control. The Security Council was challenged by the US President to raise its game on its most difficult agenda item … The resolution set out the most stringent terms ever decided upon by the United Nations for the process of disarmament. But there was also an olive branch … Iraq was given every incentive to repair its documented non-compliance.
>
> "Today, 15 weeks on … we are no further advanced towards that objective of complete disarmament. Indeed, nor is Iraq taking adequate steps to correct its wider breaches of 687, including its support for terrorism. The terms of resolution 1441 are not being respected …"[210]

714. Sir Jeremy stated:

> "What we all asked of Iraq was, first, a marked change from its denial and deception of 1991 to 2002, which had already placed it in material breach of relevant resolutions; and second, full compliance with and co-operation with the implementation of 1441. In other words, a decision by Iraq visibly and unmistakably to divest itself of weapons of mass destruction immediately, unconditionally and actively. That means bringing proscribed materials or programmes to the notice of inspectors and providing a full and credible account of Iraq's WMD activity backed up by documentary evidence and testimony from personnel.

---

[208] Telegram 301 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution'.
[209] Telegram 302 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution'.
[210] Telegram 303 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: UK Statement'.

"What 1441 was not was the establishment of a detective or a containment exercise … The final opportunity afforded in SCR 1441 was not for the Council to slide back into process, but for Iraq to recognise a new determination in the Security Council to complete the business in a way which represented a complete change of attitude in Baghdad.

"That has not happened."

715. Sir Jeremy said that the UK was "convinced" that Iraq had "decided to remain in defiance of the UN". The reasons included:

- Iraq had "only agreed to inspections" after President Bush's speech on 12 September 2002 "in a cynical attempt to scupper any new resolution strengthening them".
- The Iraqi letter of 13 November 2002 was "full of tirades and complaints", "grudgingly accepting that it would 'deal with' the resolution". That was "way short of the wholehearted commitment to voluntary disarmament we had hoped for".
- Iraq's 12,000 page declaration was "indisputably inadequate".
- Iraq had "done everything possible to prevent unrestricted interviews".
- Iraq had "dragged its feet on as many other elements of procedural co-operation as possible. Instead of serious collaboration with the inspectors, Iraq has tried to make the process into a tightly monitored media circus …"
- "Iraq's co-operation on substance has been non-existent … UNMOVIC have not been able to close a single outstanding issue … And there are now even more unresolved questions …"
- "This continues … an all too familiar pattern of Iraq trying to get us to focus on small concessions of process, rather than on the big picture … there is no semblance of whole-hearted co-operation … nothing like a regime with nothing to hide …"

716. Sir Jeremy concluded that the UK was seeking:

"… to keep the Council in control of the process and to build renewed Council consensus … that Iraq has made the wrong choice: the choice not to take … the final opportunity voluntarily to disarm … We shall, in detailed discussions, set out further the argument that this choice has been made, that the choice is a defiance of 1441 and the available remedies are fast disappearing."

717. The UK was "not asking for any instant judgements": there was "time still … for Iraq to make the right choice". The UK would not "call for a vote … until a proper debate has been held". There was:

"… still an opportunity to avert conflict. But the Council's judgement that Iraq has made the wrong choice should be clear and consensual. The last chance for peace

is that the Council should say this together and formally, confront Baghdad with the stark implications, and trust … the response will be complete disarmament which we demanded … in SCR 687 [1991] …"

718. Mr Sergei Lavrov, Russian Permanent Representative to the UN, asked Sir Jeremy for the "additional facts justifying" his reference to Iraq's support for terrorism. Sir Jeremy reported that Mr Lavrov also stated that the "allegations being levelled against Iraq" addressed the process of disarmament, not the substance.[211]

719. In subsequent remarks to the press, Sir Jeremy stated that resolution 1441 "had set out the terms. Iraq had failed to co-operate. The draft resolution was about taking the hard decisions that followed."[212]

720. Asked by the Inquiry why the UK had tabled that draft resolution when, unlike UNSCOM in December 1998, Dr Blix had stated he was getting co-operation on process, Mr Blair replied:

"Whether he thought the action was justified or not, his reports were clear that the compliance was not immediate and the co-operation unconditional. It plainly wasn't."[213]

721. Mr Blair added that he did not believe that "if Dr Blix had another six months, it would have come out any differently". Saddam Hussein "was definitely in material breach" of resolution 1441; Mr Blair "had to decide" whether his (Saddam Hussein's) behaviour "really" indicated that he was "someone who had had a change of heart".

722. Asked if there was a risk in tabling the resolution that it would appear that the UK was trying to curtail the process because of the demands of military planning, Mr Blair replied:

"It was more, actually … the other way round … what we were trying to do was to say: how do you resolve what, on any basis, is a somewhat indistinct picture being painted by Dr Blix …

"… I think we [Mr Blair and Dr Blix] … had a long conversation on the phone. I remember Jack Straw was very much involved in this. Jeremy Greenstock, I think, at the UN, was very much involved in this. We tried to construct these tests, and the most important one, to me, was this ability to get the scientists out of the country."[214]

---

[211] Telegram 301 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution'.
[212] Telegram 301 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution'.
[213] Public hearing, 29 June 2010, pages 113-114.
[214] Public hearing, 29 January 2010, page 116.

723. France, Germany and Russia responded by tabling a memorandum which proposed strengthening inspections and bringing forward the work programme specified in resolution 1284 and accelerating its timetable.

724. France, Germany and Russia responded to the draft resolution by tabling a memorandum, building on the earlier tripartite declaration of 10 February, stating that "full and effective disarmament" remained "the imperative objective of the international community".[215] That "should be achieved peacefully through the inspection regime". The "conditions for using force" had "not been fulfilled". The memorandum stated that the Security Council "must step up its efforts to give a real chance to the peaceful settlement of the crisis". A "combination of a clear programme of action, reinforced inspections, a clear timeline and the military build-up" provided "a realistic means to unite the Security Council and to exert maximum pressure on Iraq".

725. Canada also circulated ideas for a process based on key tasks identified by UNMOVIC.

726. In a "non-paper" circulated on 24 February, Canada set out its ideas on establishing "a defined process for a specific period of time to address the Iraq situation".[216]

727. The document stated that the Security Council divisions on Iraq "could have serious long-term implications for the UN and for international peace and stability"; and that both sides of the division had a point:

"
- An open-ended inspection process would relieve the pressure on the Iraqis to disarm.
- A truncated process would leave doubt that war was a last resort."

728. Canada suggested that the inspectors should bring forward their "clusters" document "early" on 28 February and provide the Council with a prioritised list of key substantive tasks for Iraq to accomplish. The inspectors would then provide four, weekly, reports on the substance with a final report on 28 March for discussion at a Ministerial-level meeting of the Security Council on 31 March.

729. If the 28 March report indicated that Iraq had not complied, "all necessary means could be used to force them to disarm". If Iraq co-operated "an enhanced inspection, verification and monitoring system would be implemented".

730. Mr Rycroft commented to Mr Blair on 26 February that the paper was "unhelpful".

---

[215] UN Security Council, 24 February 2003, 'Letter dated 24 February 2003 from the Permanent Representatives of France, Germany and the Russian Federation to the United Nations addressed to the President of the Security Council' (S/2003/214).
[216] Letter Wright to Colleagues, 24 February 2003, [untitled], attaching 'Non-paper: Ideas on Bridging the Divide'.

731. The UK began an intense and determined effort to secure support for the draft resolution.

732. Between the discussion in the Security Council on 24 February and the reports to the Security Council from Dr Blix and Dr ElBaradei on 7 March, the UK, US and Spain began an intense and determined effort to try to persuade the members of the Council, and other allies, to support the draft resolution.

733. The campaign included letters from Mr Blair, telephone calls, meetings and visits by Ministers and Sir David Manning, as well as discussions in New York and capitals and public statements in the US and UK.

734. Mr Straw and Secretary Powell discussed developments on 25 February and the "troublesome" implications of the request for more time. Mr Straw commented that "everyone was running for cover, finding any reason not to take action". In the tea room of the House of Commons, he had "found much support for continued containment as the best way of avoiding unintended consequences".[217]

735. Iraq was reported to have "dominated" the discussion during a meeting and lunch between Mr Straw and Mr Fischer on 25 February.[218]

736. The record stated that "there was no meeting of minds". Mr Fischer had:

- made it clear that Germany could not vote for the UK/US/Spanish resolution, which in "German eyes would lead directly to war";
- questioned why the inspections should stop now;
- suggested that destruction of Al Samoud 2 missiles would "prove resolution 1441 was working", and that there were "other hopeful signs";
- stated that the German/French/Russian joint memorandum set out the only process that would lead to peace; containment was working; and
- stated that "war would lead to serious repercussions; increased terrorism; insecurity in the Middle East".

737. Mr Straw was reported to have argued that the problem with Saddam Hussein was that: "he had history of 'stringing it out'. He only made concessions which represented the bare minimum, under the threat of force, and at the last minute." The joint memorandum "made the error of putting the burden on the inspectors to find Iraq's weapons of mass destruction"; and that it "would merely lead to loose containment not disarmament". The burden should be on Saddam Hussein; he "could comply quickly" and, as Mr Blair had said, "if Saddam complied, then he could stay in power". The joint

---

[217] Telegram 87 FCO London to Washington, 25 February 2003, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 25 February'.
[218] Telegram 33 FCO London to Berlin, 25 February 2003, 'Iraq: Foreign Secretary's Lunch with German Foreign Minister, 25 February'.

memorandum "simply created the message that Saddam wanted to hear; that the international community was divided".

738. In a letter to Sir David Manning on 25 February, Mr Straw's Private Office identified the core arguments for the UK to use in persuading other members of the Security Council to support the resolution as:

"
- There is an objective case against Iraq. We have given inspections 12 years already. SCR 1441 (2002) set clear benchmarks – immediate, unconditional and active co-operation. Iraqi co-operation has not been forthcoming.
- More time will make no difference. Inspections are not a detective agency. How many last chances can you have?
- The authority of the UN is at stake. Collective threats in a globalised world means taking on threats where they emerge …
- It is in no-one's interest to see the US go unilateral. We need to show the US that the UN can play a constructive role."[219]

739. Following their discussion of the next steps on 25 February, Sir David reported that Dr Rice thought there would be no vetoes of the resolution.[220]

740. President Chirac's position was identified as important but Mr Blair decided to wait for "the right moment" to resume their dialogue.

741. Sir John Holmes wrote to Sir David Manning on 24 February offering advice on the way ahead.[221] He recommended that it remained important that Mr Blair continued to talk to President Chirac, "even if there is at present no chance of changing his mind". There would be "the usual problems about who picks up the phone first" but it would be "much easier to attempt any final persuasion if we have kept up a dialogue".

742. Recognising that it was "outside my province, and very much for" Sir Jeremy Greenstock, Sir John also wrote:

> "… the assumption here is that the French will not have to veto if we cannot assemble nine positive votes … But have we thought about going ahead with a vote even if we know we cannot get nine positive votes? Might there not be value in a vote with six or seven positive votes and everyone else abstaining – it would be a diplomatic failure in one sense, but if no-one had voted against, perhaps more of a political mandate than otherwise? There might of course still be the risk of a French vote against, but would they really want to do it in these circumstances? It is obviously too soon to know how all this will play out in the end, but it might be worth keeping the thought in mind."

---

[219] Minute Owen to Manning, 25 February 2003, 'Iraq: Second Resolution: Positions of E10'.
[220] Letter Manning to McDonald, 25 February 2003, 'Iraq: Conversation with Condi Rice'.
[221] Letter Holmes to Manning, 24 February 2003, 'Iraq: France'.

743. Sir David Manning commented that he was not sure Mr Blair would have much enthusiasm for Sir John's first recommendation, but it was worth "bearing the argument in mind".[222] Sir David agreed with Sir John's second point.

744. Mr Blair replied: "We sh[oul]d wait 'til the right moment."[223]

745. Sir Jeremy Greenstock remained concerned about the lack of support in the Security Council and the implications, including the legal implications, of putting the resolution to a vote and failing to get it adopted.

746. Sir Jeremy Greenstock advised that in the circumstances Sir John Holmes had identified (fewer than nine positive votes but everyone else abstaining), the resolution would not be adopted and it would have no legal effect.[224] He found it:

> "… hard to see how we could draw much legal comfort from such an outcome; but an authoritative determination would be a matter for the Law Officers. (Kosovo was different: in that case a Russian draft condemning the NATO action as illegal was heavily defeated, leaving open the claim that the action was lawful … (or at least was so regarded by the majority of the Council).)
>
> "Furthermore, in the current climate … the political mandate to be drawn from a draft which failed to achieve nine positive votes seems to me likely to be (at best) weak … The stark reality would remain that the US and UK had tried and failed to persuade the Council to endorse the use of force against Iraq. And the French (and the Russians and Chinese) would no doubt be sitting comfortably among the abstainers …
>
> "My feeling … is that our interests are better served by not putting a draft to a vote unless we were sure that it had sufficient votes to be adopted … But we should revisit this issue later – a lot still had still to be played out in the Council."

747. Following discussions with the US and Spanish Missions in New York on 25 February, Sir Jeremy Greenstock reported that the "key arguments" in relation to Canadian and other benchmarking proposals were:

> "
> - it was impossible accurately to define key remaining disarmament tasks, or other benchmarks, in the absence of Iraqi co-operation …
> - the Council had to accept there would never be total clarity …
> - 1441 set the benchmarks for Iraqi co-operation, benchmarks it had manifestly failed; and
> - the big picture was that we were being taken for a ride …"[225]

---

[222] Manuscript comment Manning to Prime Minister, 25 February 2003, on Letter Holmes to Manning, 24 February 2003, 'Iraq: France'.
[223] Manuscript comment Blair on Letter Holmes to Manning, 24 February 2003, 'Iraq: France'.
[224] Letter Greenstock to Manning, 25 February 2003, [untitled].
[225] Telegram 309 UKMIS New York to FCO London, 26 February 2003, 'Iraq: 25 February'.

748. Mexico had raised questions about the legal effect of the UK draft and whether it signalled that peaceful means had been exhausted and whether a third Council decision would be needed for the use of force.

749. Sir Jeremy suggested that "consistent with being legally accurate", the "most persuasive answers" might be along the lines that:

"
- the resolution itself asked the Council to conclude that Iraq had failed to take its final opportunity to comply. This was something on which, given Iraq's pattern of non co-operation, the Council should be able to unite;
- the consequence of that judgement, deriving from 1441 and previous resolutions, was that force would be authorised;
- this did not mean that the resolution would lead to the use of force or that peaceful means were exhausted. Rather, with a clear Council decision … there was still a chance of last minute radical moves by the Iraqis. We recognised that the probability of Iraq taking that chance … was low, but it was perhaps the only route by which we could secure disarmament and a peaceful outcome."

750. Sir Jeremy also reported that Mr Lavrov had suggested the inspectors had said that there were no false statements and Iraq's submission of 30 documents might have rectified the omissions in the declaration.

751. Sir Jeremy emphasised the importance of the Council meeting on 27 February and asked for "additional detailed punchy arguments" he could deploy.

752. Reporting discussions in New York on 26 February, Sir Jeremy Greenstock wrote:

- There remained "a general antipathy to having now to take decisions on this issue, and a wariness about what our underlying motives are behind the resolution".
- The German position was that the process of inspections had not been exhausted; the work programme and key tasks envisaged in resolution 1284, which had not been revoked, had not begun; it had good reason to suspect that that Iraq had WMD, but there was no proof and it could turn out that Saddam Hussein was telling the truth.
- The US position was that resolution 1441 had found Iraq in material breach and partial compliance would not do. Continued inspections was, in effect, an argument for containment; and "Business as usual" would not produce the radical Iraqi transformation needed. The US was willing to ensure disarmament by itself if necessary and the Council had to factor that into its decisions.[226]

753. Sir Jeremy reported that he had argued that the UK had not given up on a peaceful outcome. The second resolution would maximise pressure on Saddam Hussein and

---

[226] Telegram 314 UKMIS New York to FCO London, 27 February 2003, 'Iraq: 26 February'.

there was still a chance for him to make a last minute decision to leave or genuinely yield all his WMD. The UK:

> "… wanted a further Council decision because we wanted it to stay in control of this issue. Saddam's assertion that he had no WMD made benchmarks a pipe-dream – how could we benchmark something the Iraqis said did not exist? Having unanimously adopted 1441, we could not go back to extended inspections under 1284 … The fact … that Iraq was not fully co-operating – was the point. If colleagues believed that Iraq was co-operating fully, then it was justified to vote against the text or amend it. If they voted against the text for any other reason, they were denying what was unanimously agreed in resolution 1441."

754. Sir Jeremy concluded that the US was focused on preserving its room for manoeuvre while he was "concentrating on trying to win votes". It was the "middle ground" that mattered. They "resent[ed] being forced to choose" between the P5 and wanted "to come to an objective judgement". Mexico and Chile were the "pivotal sceptics"; and "effective arguments (and intelligence evidence) to show that Iraq's zero is a huge lie are going to be more productive … in bringing them over".

755. Sir Jeremy also reported that an UNMOVIC contact regarded letters received from the Iraqis in the last few days, which included names of people involved in the destruction of VX, as showing that the Iraqis were trying to be active.

756. The UK considered that the Franco/German/Russian proposals were "misconceived".

757. The UK viewed the Franco/German/Russian approach as "misconceived". A telegram to posts setting out the UK position on 26 February:

- Questioned the assertion that there was no evidence that Iraq still possessed WMD. That was a "Fundamental misunderstanding of the inspections process", which had "to date left very large questions unanswered – particularly about Iraqi chemical and biological programmes". It was "not for others to prove that Iraq has got WMD, but for Iraq to prove that it has not, through full, immediate and active co-operation with the inspectors as required by resolution 1441". It was "an extraordinary statement". "Substantial evidence", including the September dossier, had been presented "of continuing Iraqi programmes and capabilities".
- Described Secretary Powell's presentation to the Security Council on 5 February as having "offered extensive evidence of Iraqi activities to hinder inspections". In addition, in relation to specific provisions in resolution 1441, "no interviews have taken place with individuals … under the conditions requested"; the Iraqis had complied with the requirement to provide names of personnel "partially, belatedly, and under pressure"; and the inspectors had faced "obstruction and delay in attempting to search sites". For example, on 16 January they were obstructed by Iraqi officials when they attempted to enter a scientist's

private home. After insisting on their rights, the inspectors discovered a cache of documents on nuclear enrichment.

- Asserted that the proposals put the onus on the Security Council, not "where it should be – on Iraq".
- Asked how offering more time would increase the pressure on Iraq.
- Questioned how identifying key tasks would oblige Iraq to co-operate as "even when requirements are stated very clearly", as in resolution 1441, Iraq complied "belatedly, grudgingly, partially or not at all".
- Stated that none of the proposals for strengthening inspections could be implemented quickly.
- Questioned the need to allow 120 days for a report on progress in completing key tasks: "we already have ample evidence to the contrary".
- Stated that it was: "Disingenuous to express support (indeed encouragement) for the military build-up while at the same time making proposals which would require forces to be held at a high state of readiness for a wholly unrealistic period."[227]

Parliament, 25 and 26 February 2003

758. Mr Straw published key documents on Iraq on 25 February.

759. Mr Straw stated that Iraq continued to pose the clearest possible threat to international peace and security. He still hoped that Iraq would comply, but if it did not, he hoped the international community would recognise its responsibilities.

760. During Oral Questions to the Foreign Secretary on 25 February, Mr Straw announced the publication of a Command Paper on Iraq.[228]

761. The Command Paper was "intended to bring together in an easily accessible form some of the key international documents relevant to the Iraq crisis". It comprised:

- key Security Council resolutions;
- the report of the Amorim Panel in 1999;
- the briefings to the Security Council by Dr Blix and Dr ElBaradei on 27 January and 14 February 2003;
- statements by the European Union on 13 December 2002 and 27 January and 17 February 2003;
- the NATO Summit statement of 21 November 2002; and

---

[227] Telegram 103 FCO London to UKMIS New York, 26 February 2003, 'Iraq: French/Russian/German proposals'.
[228] House of Commons, *Official Report*, 25 February 2003, column 109.

- Mr Straw's statements to the Security Council of 20 January, 5 February and 14 February 2003.[229]

762. Mr Straw told Ms Annabelle Ewing (Scottish National Party):

> "… Iraq has been, and remains in material breach of a string of very clear obligations that have been imposed on it. It has had a final opportunity to deal with those violations … but continues to pose the clearest possible threat to international peace and security through its possession of weapons of mass destruction and long-range missiles, and its defiance of international law. I hope that the whole of the international community will recognise the responsibilities borne by it and by individual members of the Security Council to ensure that international law means what it says. I still hope that we can gain enforcement by peaceful means but, if we cannot, the serious consequences … we spelled out in … resolution 1441 will have to follow through."[230]

763. Subsequently, in response to Ms Joan Ruddock (Labour), Mr Straw stated:

> "I continue to hope that a vote [on the draft resolution] can be avoided because the purpose of the resolution is to serve very clear notice on Saddam … that the final opportunity has nearly passed."[231]

764. In a statement on 25 February, Mr Blair rehearsed the Government's strategy.

765. On 25 February, Mr Blair made a statement in the House of Commons on Iraq.[232]

766. Mr Blair provided a brief history of the crisis in which he emphasised Saddam Hussein's concealment of his biological and nuclear weapons programmes from the inspectors and his continued deception.

767. Mr Blair stated that the intelligence was "clear" that Saddam Hussein continued "to believe that his weapons of mass destruction programme is essential both for internal repression and for external aggression". It was also "essential to his regional power". "Prior to the inspectors coming back in", Saddam Hussein "was engaged in a systematic exercise in concealment of those weapons". The inspectors had reported some co-operation on process, but had "denied progress on substance".

768. Mr Blair said that the UK, US and Spain had introduced a resolution deciding that Iraq had "failed to take the final opportunity", but would "not put the resolution to a vote immediately" to "give Saddam one further final chance to disarm voluntarily". The UN inspectors would have a further report to make in March but the time had come for Saddam Hussein to decide. Peaceful disarmament required active co-operation.

---

[229] FCO, *Iraq*, 25 February 2003, Cm 5769.
[230] House of Commons, *Official Report*, 25 February 2003, column 110.
[231] House of Commons, *Official Report*, 25 February 2003, column 113.
[232] House of Commons, *Official Report*, 25 February 2003, columns 123-139.

769. Mr Blair said that the memorandum put forward by France, Germany and Russia called "for more time – up to the end of July at least". But the issue was not time but will. The risk was that Saddam Hussein wanted to drag the process out until the attention of the international community waned.

770. Mr Blair emphasised that the objective was disarmament but "the nature of Saddam's regime was relevant", first because "weapons of mass destruction in the hands of a regime of this brutality" were "especially dangerous, in particular because Saddam has chosen his willingness to use them". Secondly, the innocent were dying in Iraq every day.

771. Mr Blair concluded that the authority of the United Nations and the international community was at stake. If that was not upheld, the consequences would "stretch far beyond Iraq".

772. In response to questions about the threat posed by Iraq, Mr Blair stated that that the "whole basis of resolution 1441" was that Saddam Hussein constituted a threat, adding:

> "Moreover, there is a whole set of related dangers to do with unstable states developing or proliferating such material and with potential links to terrorism. That is why, in the end, the world has to take a very strong view of the matter and deal with it."

773. Mr Campbell wrote in his diaries that Mr Blair had called him later and said:

> "… it was going to be really tough from now on in. The truth was we may well have to go without a second UNSCR, or even without a majority on the UNSC. The Bush poodle problem would get bigger … but he was adamant it was the right thing to do, and worth the political consequences."[233]

774. Mr Campbell added that "an awful lot" of Labour MPs were "committed to rebellion" and were asking if Iraq was a threat "to us, and now"? Mr Blair was "dismissive" of Dr Blix; he had "said his job was to set out the facts, but he now saw his mission as to stop war".

775. In his memoir, Mr Cook wrote that Mr Blair had been:

> "… at his most effective. He was convincing and passionate about his own belief in the correctness of his course of action …
>
> "However, no amount of skilled presentation could conceal the immense confusion that we are in over the role of the UN. Tony knows that he desperately needs the blessing of the UN if he is to have any chance of carrying domestic opinion with him,

---

[233] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

> but since he knows that Bush will go to war whatever the UN says, Tony's attempt to wrap himself in the UN flag is fatally hobbled by his inability to say that the UN will have the last word."[234]

776. Mr Cook added that Mr Blair's exchanges with backbenchers had "clearly laid out the nexus of issues which have brought him to his present conviction". That was that "proliferation, plus unstable states plus terrorism adds up to a new and serious threat". That was:

> "… a way of linking action against Saddam to the response to 9/11, and avoids the irritating evidence that Saddam has no link whatsoever to 9/11 and has no link with Al Qaida. But it does still leave unanswered why Iraq is the focus of so much effort. Whatever else we may say about the Iraqi regime, it is not unstable …"

777. Asked by Mr Duncan Smith during PMQs on 26 February whether he would support action in the absence of a majority in the Security Council, Mr Blair responded that he believed that there would be support for a second resolution.[235]

778. Mr Blair subsequently stated that he was "working flat out" to achieve a second resolution, and that the best way to do that was "to hold firm to the terms of resolution 1441". That required "full, unconditional and immediate compliance" from Iraq, and was intended "genuinely to be the final opportunity" for Saddam Hussein.[236]

779. The House of Commons was asked on 26 February to reaffirm its endorsement of resolution 1441, to support the Government's continuing efforts to disarm Iraq, and to call upon Iraq to recognise that this was its final opportunity to comply with its obligations.

780. The Government motion was approved by 434 votes to 124; 199 MPs voted for an amendment which invited the House to "find the case for military action against Iraq as yet unproven".

781. The Government motion tabled for debate on 26 February invited the House of Commons to:

> "Take note of Command Paper Cm 5769 on Iraq; reaffirm its endorsement of United Nations Security Council resolution 1441, as expressed in its resolution of 25 November 2002; support the Government's continuing efforts in the United Nations to disarm Iraq of its weapons of mass destruction; and call upon Iraq to recognise this is its final opportunity to comply with its disarmament obligations."[237]

---

[234] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[235] House of Commons, *Official Report*, 25 February 2003, column 251.
[236] House of Commons, *Official Report*, 25 February 2003, column 258.
[237] House of Commons, *Official Report*, 26 February 2003, column 265.

782. In his statement opening the debate, Mr Straw said that the motion meant what it said. It was "not an endorsement of military action" and no decision "to deploy British forces in action" had "yet been taken".[238] Any decision on military action would be put to the House and "subject only to the usual caveat about the safety of our forces". It was "as much in the Government's interest as it is in the paramount interest of the House, that we should do so before the start of hostilities". The House would be kept informed on the business of the Security Council and have "a full opportunity to debate and vote on the outcome of proceedings on any second resolution".

783. Stating that he intended to answer the "central and continuing question in people's minds", Mr Straw said that the 13 Security Council resolutions in the Command Paper provided the best answer to the question "Why Iraq?" They showed "paragraph by paragraph, the exceptional danger posed by Iraq, and its continued defiance of the United Nations". Iraq had "flatly and completely" refused to comply with resolution 1284 (1999). Resolution 1441 gave Iraq its "final opportunity". Iraq was the "only country in such serious and multiple breach of mandatory UN obligations".

784. In response to the question "Why now?", Mr Straw stated that Saddam Hussein's aim was that "now" should never arrive. His tactics were to "prevaricate in the hope that by exploiting people's natural anxieties" he could "string out the process forever and keep his arsenal". Since the inspectors' return to Iraq, Saddam Hussein had not provided new evidence and there were concerted Iraqi efforts to prevent unrestricted interviews with scientists. The inspectors had not been able to close a single outstanding issue.

785. In response to calls for "more time and more inspections", Mr Straw said that in the absence of active and immediate Iraqi co-operation, more time would not achieve anything of substance. The disarmament of South Africa had taken nine inspectors and three years. The "grudging concessions on process" from Saddam Hussein had been "secured only because of the military build up". Saddam Hussein "must either embark immediately on voluntary and full disarmament or the Security Council must face up to its responsibility to see that he is disarmed by force".

786. Iraq had made "a string of cynically timed concessions" that were "calculated to divide and delay". A second resolution was needed to "bring this game to a halt". If the words "final opportunity" in resolution 1441 were to have any meaning, it was that Saddam Hussein should not be allowed to "lure the international community into endless indecision". Saddam Hussein:

> "… would use a further 120 days to bring the authority of the United Nations lower week by week, to tie the weapons inspectors in knots, and create further divisions within the international community."

---

[238] House of Commons, *Official Report*, 26 February 2003, columns 265-276.

787. Mr Straw added:

> "Worse, this delay would send Saddam the clearest possible signal that his strategy is succeeding. It would tell him that the international community lacked the will to disarm him, and it would tell all those who threaten our security that Saddam Hussein has broken the United Nations as an instrument for defending peace through the force of international law."

788. Mr Straw argued against persisting with a policy of containment. That was "not the policy of disarmament as set out in resolution 1441 or any of the preceding resolutions". There could be "no stable, steady state for Iraq unless it is properly disarmed". Nor could there be stability for the region and the international community: "What may appear to be containment to others is rearmament for Saddam." "Far from keeping a lid on Saddam's ambitions", the policy of containment between 1998 and 2002 had "allowed him to rebuild his horrific arsenal, his chemical and biological weapons, and the means of delivering them". Mr Straw cited Iraq's refurbishment of prohibited equipment and the building of a missile test stand as proof of that activity. Containment required "a degree of trust in Saddam that we cannot risk and which runs contrary to all the evidence".

789. In relation to questions about double standards, especially in relation to Israel and Palestine, Mr Straw said that he and Mr Blair accepted that there had been a "considerable amount to that charge" but the way to deal with that was "not by ignoring outstanding UN obligations, but by working even harder to see all of them implemented". The UK was "working actively to implement" UN policy on Israel/Palestine "including the early publication of the Road Map".

790. Mr Straw stated:

> "International terrorism and the proliferation of weapons of mass destruction are the crucial strategic questions of our time. Our answer to the threats will determine the stability of the world for decades to come. This is an awesome responsibility. It calls for courageous leadership and it requires a vision and foresight to act decisively and, if necessary, with military force."

791. Mr Straw concluded that a "moment of choice" had been reached for Saddam Hussein and for the Iraqi regime, and for the United Nations. The:

> "… issue of what we do about tyrannical states with poison gases, nerve agents, viruses and nuclear ambitions, and which defy international law and the principles of the UN, will not go away. We have to face the issue. We have to give Saddam Hussein a categorical choice, and after 12 long years he has to give us his answer now."

Points made during the debate

The debate that followed Mr Straw's statement returned repeatedly to the question of whether the inspectors should be given more time, and whether the case had yet been made that military action was necessary.[239] A number of MPs referred to the need for an authorising UN resolution if action was to go ahead, and for plans for the delivery of humanitarian aid to Iraq.

Mr Chris Smith (Labour) told the House that there must be "the clearest possible reasons" for going to war and risking thousands of lives, and added "I do not believe those reasons are there".

Mr Kenneth Clarke (Conservative) said: "I cannot rid myself of doubts that the course to war upon which we are now embarked was decided on many months ago, primarily in Washington, and there has been a fairly remorseless unfolding of events since that time."

That point was echoed by Mr John Gummer (Conservative), who said: "There is no Member of Parliament who does not know that this war is war by timetable, and the timetable was laid before the United States had any intention of going to the United Nations."

792. After the debate, 199 MPs voted for an amendment to the Government motion which invited the House to "find the case for military action against Iraq as yet unproven".

793. The Government motion was approved by 434 votes to 124.

794. Sir David Manning spoke to Dr Rice on 27 February to explain the political difficulties in the UK:

> "Yesterday's outcome [in the House of Commons] emphasised in stark terms that a second resolution was absolutely vital …"[240]

795. Mr Cook wrote that it was the largest rebellion against the Government in his 30 years in Parliament, and that the newspapers the following morning had described it as the "biggest government rebellion since Gladstone introduced the Home Rule Bill".[241]

President Bush's speech, 26 February 2003

796. In a speech on 26 February intended to make the case for action against Iraq, President Bush stated that the safety of the American people depended on ending the direct and growing threat from Iraq.

797. President Bush also set out his hopes for the future of Iraq.

---

[239] House of Commons, *Official Report*, 26 February 2003, columns 265-371.
[240] Letter Manning to McDonald, 27 February 2003, 'Iraq: Conversation with Condi Rice'.
[241] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

798. In a speech at the American Enterprise Institute on 26 February, President Bush stated that Saddam Hussein was "building and hiding weapons that could enable him to dominate the Middle East and intimidate the civilized world"; and that the US would "not allow it".[242] In addition, Saddam Hussein had "close ties to terrorist organizations, and could supply them with terrible means to strike" the US. The danger that posed "could not be ignored or wished away" and "must be confronted". The US hoped:

> "… that the Iraqi regime will meet the demands of the United Nations and disarm, fully and peacefully. If it does not, we are prepared to disarm Iraq by force. Either way, this danger will be removed.
>
> "The safety of the American people depends on ending this direct and growing threat. Acting … will also contribute greatly to the long-term safety and stability of our world … A liberated Iraq can show the power of freedom to transform this vital region, by bringing hope and progress into the lives of millions."

799. If it "must use force", the United States and "our coalition" stood ready to: "help the citizens of a liberated Iraq"; "lead in carrying out the urgent and dangerous work of destroying chemical and biological weapons"; "provide security against those who try to spread chaos, or settle scores, or threaten the territorial integrity of Iraq"; and "protect Iraq's natural resources from sabotage … and ensure those resources are used for the benefit of the owners – the Iraqi people".

800. The US had "no intention of determining the precise form of Iraq's new government"; that choice belonged to the Iraqi people. But the US would "ensure that one brutal dictator is not replaced by another":

> "All Iraqis must have a voice in the new government and all citizens must have their rights protected.
>
> "Rebuilding Iraq will require a sustained commitment from many nations … we will remain in Iraq as long as necessary, and not a day more … in the peace that followed a world war … we did not leave behind occupying armies, we left constitutions and parliaments. We established an atmosphere of safety, in which responsible, reform-minded local leaders could build lasting institutions of freedom …
>
> "… The nation of Iraq – with its proud heritage, abundant resources and skilled and educated people – is fully capable of moving towards democracy and living in freedom."

801. A new regime in Iraq would:

> "… serve as dramatic and inspiring example of freedom for other nations in the region …

---

[242] The White House, 26 February 2003, *President discusses the future of Iraq.*

> "Success in Iraq could also begin a new stage for Middle Eastern peace and set in motion progress towards a truly democratic Palestinian state. The passing of Saddam Hussein's regime will deprive terrorist networks … of a wealthy patron … And other regimes will be given a clear warning that support for terror would not be tolerated."

802. President Bush also stated that a future Palestinian state must abandon for ever the use of terror and that, as the threat of terror receded, Israel must support efforts to create a viable state. He reiterated his personal commitment to implement the Road Map, but without setting a timetable.

803. President Bush said that confronting Iraq showed the US "commitment to effective international institutions"; and that he wanted the words of the Security Council to have meaning. The world needed:

> "… international bodies with the authority and will to stop the spread of terror and chemical and biological weapons … High-minded pronouncements against proliferation mean little unless the strongest nations are willing to stand behind them – and use force if necessary … the United Nations was created, as Winston Churchill said, 'to make sure that the force of right will, in the ultimate issue, be protected by the right of force'."

804. In her memoir, Dr Rice wrote that the speech was made after she and Mr Hadley had "realized belatedly" in late February "that the President had not made the broader arguments" for action in Iraq. She also commented: "But the die had been cast. This was a war that had been justified by an intelligence judgement, not a strategic one."[243]

805. Following the speech, Mr Straw asked for further work on the draft vision for the Iraqi people, which had first been produced in 2001, on the grounds that a "public commitment on the lines of the draft could have a powerful impact in Iraq and the region as well as on the British domestic debate".[244] It would not be launched or trailed until after the UN had voted on the second resolution because of the risk that it would be presented as "discounting the role" of the Security Council. Care would also be needed to avoid confusing the message that the justification for military action rested firmly on disarmament of WMD.

806. Mr Straw thought it essential that the UK, US and "other coalition members" were speaking to a common script. That underlined the importance of making progress with the US on post-conflict planning; and although there was nothing in the UK draft that "could not be squared with US policy" as set out in President Bush's speech, "elements … go further than the US has so far done in public or, on some issues including UN involvement, in private".

---

[243] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[244] Letter Owen to Rycroft, 28 February 2003, 'A Vision for Iraq and the Iraqi People'.

807. A 'Vision for Iraq and the Iraqi People' was eventually agreed, and issued at the Azores Summit on 16 March 2003 (see Section 3.8).

JIC Assessment, 26 February 2003: 'Iraq: Prospects in the North'

At the request off the FCO the JIC produced an Assessment on 26 February of how the Iraqi regime would respond in northern Iraq to a Coalition attack; the likely attitudes and actions of Turkey and the Iraqi Kurds; and the prospects for northern Iraq post-Saddam Hussein.[245] The Assessment highlighted the short and longer-term risks of action in northern Iraq.

The JIC specifically asked Mr John Scarlett, the Chairman, to draw the Assessment to the attention of Mr Blair, Mr Straw and Mr Hoon.[246] He wrote that it noted:

- "The continued presence of significant military forces in the North and the possibility that they were equipped with WMD."
- "The potential for fighting between Turkish and Kurdish forces."
- "The potential for Iranian involvement".

Mr Blair commented: "I need to talk on this."[247]

Cabinet, 27 February 2003

808. Mr Blair told Cabinet on 27 February that:

- **he would continue to push for a further Security Council resolution;**
- **humanitarian and reconstruction planning needed to take "centre stage", and he would pursue that with President Bush in the coming days;**
- **decisions had to be made; and**
- **failure to achieve a second resolution would reinforce the unilateralists in the US Administration.**

809. Mr Campbell wrote in his diaries that Mr Blair had held a meeting with Mr John Prescott, the Deputy Prime Minister, and Mr Straw, "at which we went over the distinct possibility of no second resolution because the majority was not there for it".[248] Mr Blair "knew that meant real problems, but he remained determined on this, and convinced it was the right course".

810. Mr Straw told Cabinet that the draft resolution could be put to the vote in the week after the 7 March discussion of Dr Blix's and Dr ElBaradei's reports in the Security

---

[245] JIC Assessment, 26 February 2003, 'Iraq: Prospects in the North'.
[246] Minute Scarlett to Rycroft, 27 February 2003, 'JIC Assessment: Iraq: Prospects in the North'.
[247] Manuscript comment Blair to Rycroft on Minute Scarlett to Rycroft, 27 February 2003, 'JIC Assessment: Iraq: Prospects in the North'.
[248] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

Council, which was likely to be at Foreign Minister level.[249] There had been considerable diplomatic activity to win the votes of the 10 non-permanent members of the Council. He thought that Spain and Bulgaria would support; and Syria and Germany would vote against or abstain. Angola, Cameroon, Chile, Guinea, Mexico and Pakistan were being encouraged to vote for the resolution. France and Russia would need to "think through their responsibilities".

811. Reporting on his visit to Bahrain, Kuwait and Qatar, Mr Hoon said that they were supportive of "our approach". The Royal Navy Task Force and about half the total British military commitment of 45,000 service men and women was in the region. He was "confident that the troops and their equipment would arrive in place as planned".

812. Mr Hoon had "one particular concern" which he had discussed with General Tommy Franks, Commander in Chief US Central Command (CENTCOM), that:

> "Not enough planning had been done on the post-conflict phase of operations, including humanitarian relief. British forces could find themselves in charge of a portion of Iraq quite quickly if resistance to Coalition military action collapsed. It would be helpful if experts from the Department for International Development could work with military planners in the region and consider pre-positioning humanitarian supplies so that there was no hiatus in the event that military action took place."

813. Ms Short said that experts had been involved in talks in the Pentagon. Preparations were "just beginning and needed to be expedited". A UN legal mandate was "essential" for the humanitarian and reconstruction tasks that lay ahead. Without that, "proper preparation was impossible". That matter "needed to become a priority for the Coalition". It would be "difficult" to accommodate action in Iraq within her department's contingency reserve: "Greater resources were likely to be needed."

814. The points made in discussion included:

- The MEPP needed to be revived quickly. That was the focus of much Arab frustration.
- Unity inside Europe needed to be restored "as soon as possible after any military action".
- Keeping to the UN route and winning support for a new Security Council resolution would garner support in the UK.
- In the event of a veto, gaining a preponderance of votes for a new resolution could still be important.
- Insufficient credit had been given to the value of the No-Fly Zones and the difference between life in northern Iraq, which was beyond Saddam Hussein's direct control, and that elsewhere in Iraq.

---

[249] Cabinet Conclusions, 27 February 2003.

- There had been “sharp differences of view” in the debate in Parliament on 26 February, the tone was not “unpleasant, but the issues were difficult, and views could still be swayed”. The commitment to a further debate had been “wise”.

815. Mr Blair said that he would continue to push for a further Security Council resolution. President Bush’s commitments the previous day in respect of the MEPP were “helpful”. Looking beyond the current divisions in the international community it would be “important to seek unity of purpose through the humanitarian and reconstruction work which would follow any military action”. Planning in this field “needed to take centre stage”. He would pursue that with President Bush “in the coming days”. The “transitional civil administration in Iraq should have a United Nations mandate, although the scale of United Nations involvement should balance the administrative effectiveness with the necessity for proper authority”.

816. Mr Blair described the debate in the UK and Parliament as “open”:

> “Feelings were running high and the concerns expressed were genuine. But decisions had to be made. The central arguments remained the threat posed by weapons of mass destruction in the hands of Iraq; the brutal nature of the Iraqi regime; and the importance of maintaining the authority of the UN in the international order. Failure to achieve a further Security Council resolution would reinforce the hand of the unilateralists in the American Administration.”

817. Mr Campbell wrote:

> “At Cabinet, things were pretty much rock solid … I could sense a few of them only fully realising … the enormity of the decisions, the enormity of the responsibility involved. Robin [Cook] was the trickiest … Clare [Short] was doing her usual … and for her was relatively onside. She wanted to do a big number on aftermath preparations but TB was there ahead of her. He was very calm, matter of fact, just went through where we were on all the main aspects of this. Margaret Beckett [Secretary of State for Environment, Food and Rural Affairs] … made a very strong intervention. She was a really useful barometer and she was very supportive. Nobody was really looking to make TB’s position more difficult … with the possible exception of Robin.”[250]

818. Mr Campbell added that Mr Blair had:

> “… said later that he felt only now was [President] Bush really aware of the full extent of the stakes here. This had the potential to transform for good America’s relations with Europe and the rest of the world, and in a worst-case scenario was a disaster

---

[250] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

for everyone. He wanted to get the thing done quickly, but he also wanted them to understand better the broader agenda. He felt Bush had moved a good deal on that but was less convinced it permeated through the rest of the Administration."

LORD GOLDSMITH'S MEETING WITH NO.10 OFFICIALS, 27 FEBRUARY 2003

819. When Lord Goldsmith met No.10 officials on 27 February he advised that the safest legal course would be to secure a further Security Council resolution.

820. Lord Goldsmith told them, however, that he had reached the view that a "reasonable case" could be made that resolution 1441 was capable of reviving the authorisation to use force in resolution 678 (1990) without a further resolution, if there were strong factual grounds for concluding that Iraq had failed to take the final opportunity offered by resolution 1441.

821. Lord Goldsmith advised that, to avoid undermining the case for reliance on resolution 1441, it would be important to avoid giving any impression that the UK believed a second resolution was legally required.

822. At the request of No.10, Lord Goldsmith met Mr Powell, Baroness Morgan (Mr Blair's Director of Political and Government Relations) and Sir David Manning on 27 February.[251] The discussion, and Mr Powell's request that Lord Goldsmith's advice should not "become public", are addressed in Section 5.

Discussions at the UN, 27 and 28 February 2003

823. Informal consultations in the Security Council on 27 February showed there was little support for the UK/US/Spanish draft resolution.

824. The Security Council held "informal consultations" on the UK/US/Spanish proposal on 27 February.[252]

825. Mr Miller provided a brief for Sir Jeremy Greenstock to use in the Council discussion, setting out the UK assessment of Iraq's WMD and its response to resolution 1441.[253] That is addressed in Section 4.3.

826. Sir Jeremy Greenstock reported:

- Ambassador Negroponte had said he "hoped for a decision on the resolution in the not too distant future"; and that it "asked only if Iraq had complied with its final opportunity". "The Council should judge the facts on the basis of what had happened over the last 108 days." He would be "concerned" about the

---

[251] Minute Adams to Attorney General, 26 February 2003, 'Iraq: Meeting at No.10, 27 February'.
[252] Telegram 318 UKMIS New York to FCO London, 28 February 2003, 'Iraq: 27 February Consultations and Missiles'.
[253] Letter Miller to Greenstock, 26 February 2003, 'Iraq: WMD Brief'.

message to Iraq "if the Council were not able to pass this straightforward justified resolution".

- Mr Lavrov had said implementation of 1441 and 1284 should continue "until the inspectors encountered impediments and obstacles". Iraq was "not blocking the work of [the] inspectors and was more and more actively co-operating on substance". That was "the result" of "continuing pressure" from a "unified" Council "and the strong inspection mandate which could, if necessary, be made more effective". Facts were needed "to close this issue". He suggested distribution of UNMOVIC's "clusters" document to provide the basis for discussion.
- Mr Aguilar Zinser, Mexican Permanent representative to the UN, said Mexico "still wanted: disarmament; a peaceful solution; inspections … and multilateral consideration of this issue" and, unusually, asked the UK, US and Spain a series of questions about the proposal.
- Mr Juan Gabriel Valdés, Chilean Permanent Representative to the UN "urged the P5 to find a solution". He "did not reject the use of force but it must only be once all peaceful means had been exhausted". He "wanted the continuation of inspections for some time before a definitive report".
- Mr Inocencio Arias, Spanish Permanent Representative to the UN, had said the draft was "one more step in imposing serious diplomatic pressure". Saddam Hussein co-operated only under pressure. The more time was given, "the less pressure he would face".[254]

827. Sir Jeremy reported that the points he had made included:

- We were not getting Iraqi co-operation because "the 'zero' Iraq had declared was a lie".
- Iraq was "trickling out concessions to divide the Council, buy time and avert military action while continuing concealment".
- It was "very probable that Iraq would decide to destroy the Al Samoud missiles. In addition they might also start trickling out what they claimed to be newly discovered documents and announce 'private' interviews which would in reality still be monitored and taped."
- He "recognised" that he was "saying things that could not be confirmed by the inspectors", but the UK had "invested in facilities not available to other member states or the inspectors because our national interest was at stake and the UN was being defied. We were providing detailed intelligence to the inspectors".
- It was "our word against Saddam's – but Council members had to choose whom they believed".

---

[254] Telegram 318 UKMIS New York to FCO London, 28 February 2003, 'Iraq: 27 February Consultations and Missiles'.

828. Sir Jeremy reported that he had used "the points provided by the Assessments Staff", including Iraq's:

> "… capacity to produce chemical and biological weapons; its delivery mechanisms; the efforts the regime had taken to conceal WMD; the fact that the regime had considered whether to declare some weapons but concluded it was too risky; plans to obstruct … [the inspectors] if they got too close; and the intimidation to prevent private interviews which Iraq saw as the weak link that could expose their WMD".

829. In addition, he stated that "UNMOVIC had been tagging proscribed equipment that had been repaired by the Iraqis".

830. Directly challenging the French/German/Russian proposal, Sir Jeremy reported that he had said it "wrongly claimed inspections were not being hindered" and "wrongly suggested" a number of other proposals to strengthen inspections and allow more time. It "did not add up to a solution delivering disarmament, but at best temporary containment while Iraq continued to exploit major holes in sanctions to develop WMD".

831. Addressing the legal arguments "using the lines agreed with London", Sir Jeremy said that the "new draft, if adopted, would confirm the authorisation of the use of force inherent in resolutions 678, 687 and 1441". It would increase the pressure on Iraq; but it:

> "… did not necessarily mean that its adoption would in practice lead to immediate use of force. There was still a chance that at the last minute Iraq would take radical action to disarm. The UK hoped that would be the result. This was the only remaining route to secure disarmament and a peaceful outcome."

832. Sir Jeremy stated that he "recognised that [resolution] 1441 set an awkwardly high standard. But we had adopted it and at no point had inspectors reported the immediate, active and unconditional co-operation demanded". He "accepted delay was more comfortable and that there were downsides to the action … proposed". But colleagues should read the relevant provisions of resolution 687 (1991). Iraq "continued to cheat the UN".

833. Mr Jean-Marc de La Sablière, French Permanent Representative to the UN, had responded that Sir Jeremy's statement showed that the resolution "was not about increased pressure but about force". He questioned whether the Council "would be strengthened by supporting a war against which so many objected". He set out the French/German/Russian proposal "in standard terms". There was "no reason to resort to force in the current circumstances nor to discuss a resolution to legitimise it".

834. Mr Wang Yingfan, Chinese Permanent Representative to the UN, said that "the road of peaceful inspections had not run its course".

835. Dr Gunter Pleuger, German Permanent Representative to the UN, said "the resolution was about war". The goal was "peaceful disarmament – if we went to war we would have failed".

836. Sir Jeremy commented that: "Positions remain generally unchanged" but the co-sponsors had produced a "more effective line of argument than the opposition".

837. Following the meeting, details emerged of a letter from Iraq to Dr Blix confirming "agreement 'in principle' to the destruction of Al Samoud 2 missiles". Sir Jeremy reported that he had "tried to discount it in advance with the Council". If Iraq's "acceptance 'in principle'" did not turn into concrete destruction before 1 March, which Sir Jeremy thought "unlikely", that would be "a bonus".

838. Dr Blix told the UK Mission that he could and would make the "clusters" document available for the Council meeting on 7 March. But preparation of the work programme and key remaining tasks would not be ready by then.

839. Dr Blix lunched with EU Heads of Mission in New York on 28 February.[255]

840. The UK Mission reported that Dr Blix had made a number of points including:

- Iraq "had not actively co-operated until recently". It was now producing documents, a list of participants in destruction activities in 1991, and digging up R-400 bombs. But Iraq had not started to disarm, the picture on interviews was "disappointing", and the flow of documents was "limited".
- He shared the US view that it "was for Iraq to declare its WMD holdings and show how it was disarming". UNMOVIC was not a detective agency. There was plenty Iraq could do to address allegations which were well known to Baghdad, such as checkpoints for trucks and an inventory of underground facilities.
- Iraq could have acted earlier. Iraq was not co-operating fully and actively. Full co-operation should not take a long time. If UNMOVIC secured full co-operation, "verification would take neither years nor weeks but months".
- There had been no change of heart, just more activity. Iraq had attempted to conceal things.
- The debate was "somewhat over-focused on the outstanding questions identified by UNSCOM". It was not possible to prove a negative (Iraq's claim that it had not resumed any WMD programmes): "But Iraq could certainly make the negative plausible (e.g. producing documents; opening underground facilities)." It could "certainly do more on interviews".
- He thought there was increasing acceptance in the Council that he should circulate UNMOVIC's clusters of unresolved questions. But UNMOVIC should not "grade" Iraq's co-operation; that was "the responsibility of the Council". But producing the document would facilitate Iraq's task.
- He did not think he was bound to deliver the work programme required by resolution 1284 "only on 27 March". It would be "fairly short", but the Commissioners had still to take a view.

---

[255] Email Thomson to Greenstock, 1 March 2003, 'Iraq: Blix'.

- It would "make sense for UNMOVIC to identify some priorities" within the clusters. He suggested VX, anthrax and SCUD missiles.
- "… just three months of inspections was 'not fully satisfactory' as a decent amount of time to give the inspections effort. But that was a Council decision."
- If the Council voted for war, there would be a long term monitoring requirement. It would be for the Council to decide whether UNMOVIC should go back and on what terms.

841. Dr Blix subsequently told the UK Mission that he could and would make the clusters document available for the Security Council meeting on 7 March. But preparation of the work programme and key remaining tasks would not be ready by then.

842. The UK Mission also reported that Ambassador James Cunningham, US Deputy Permanent Representative to the UN, had:

- said he was "not opposed to surfacing the clusters document … provided it was not accompanied by the list of key remaining tasks"; and
- agreed that, "after any conflict, US forces should certainly be accompanied by UNMOVIC inspectors to witness the uncovering of WMD and missiles. But there was Pentagon resistance … and, if the resolution failed to pass, giving UNMOVIC a role could be a difficult argument."

843. The UK continued to provide information to UNMOVIC on potential targets for inspection but, by late February, it was "less confident about these than some of the previous targets".[256]

UNMOVIC report, 28 February 2003

UNMOVIC issued its quarterly report to the Security Council on 28 February.[257]

The UK Permanent Mission to the UN in New York reported that UNMOVIC had concluded that Iraq had been helpful on process but there was no explicit conclusion on substance.[258]

Other points included:

- The "clusters" document could serve as an important source for the selection of key remaining tasks.
- Verified disarmament would be "problematic" without co-operation and even with co-operation it would take some time.
- Results in terms of disarmament had been very limited so far.

[256] Minute DI ACR [junior official] to DDI CPSG et al, 25 February 2003, 'Proposed Targets for UNMOVIC Briefing – 26/27 February 2003'.
[257] UN Security Council, 28 February 2003, 'Note by the Secretary General' (S/2003/232).
[258] Telegram 323 UKMIS New York to FCO London, 28 February 2003, 'Iraq: UNMOVIC Quarterly Report'.

- Iraq could have made a greater effort in the period and it was hard to understand why some measures which might achieve results had not been taken earlier.
- It was only after mid-January that Iraq took a number of steps that had the potential to result in the presentation of either proscribed items or of relevant evidence.

The report was discussed in the Security Council on 7 March.

UK attempts to secure support for the draft resolution

844. In meetings in Madrid on 27 and 28 February, Mr Blair and Mr Aznar discussed the need for a second resolution and the positions of other members of the Security Council, including:

- Mr Aznar's concerns following his meeting with President Bush that the US might be over-confident.
- Doubt that France would actually veto a resolution although it was attempting to prevent nine positive votes.
- The need for the US to "win" the Mexican vote given its "history of non-intervention … strong anti-US nationalism, and [President] Fox's lack of a majority in Congress".
- President Lagos' understanding "that military action would go ahead", his view that "it would be better for it to do so in the UN context", his wish not to have the "decisive vote", and the need "to find something to help Mexico and Chile".
- Pressure from, for example, Brazil for a common Mexican/Chilean position.
- The outcome of the visit to Africa by Baroness Amos, FCO Parliamentary Under Secretary of State.
- Hopes that Pakistan could be persuaded to vote in favour of the resolution.
- Uncertainty about President Putin's position.
- That it was "unlikely that the Arab idea of exile for Saddam would work, but it was worth a try".[259]

845. Mr Blair focused on:

- the importance of keeping close to Dr Blix, who "must not be taken in by the likely Iraqi destruction of the Al Samoud missiles";
- the UK's assessment of Iraq's concealment of its WMD;
- the need to focus on the "1999 left-overs" and interviews;

[259] Letter Rycroft to McDonald, 28 February 2003, 'UK/Spanish Summit, Madrid, 27-28 February: Iraq'.

- the need to show "as quickly as possible that military action had brought the Iraqi people a humanitarian benefit"; and
- the need to press the US that the UN "had to be centrally involved, legitimising the international presence".

846. To address the difficulties created by "the impression that the US was determined to go to war come what may", Mr Blair and Mr Aznar agreed the need to pursue a communications strategy showing that they "were doing everything possible to avoid war". Mr Blair would also seek more public support from Denmark and the Netherlands.

847. Mr Campbell wrote in his diaries:

> "Blix was now causing us significant problems. He was talking now about Saddam's line on [potential decommissioning of] Al Samoud missiles being a significant piece of disarmament. TB was raging again, said the man was supposed to be a civil servant, but had decided to behave like a politician. He is just desperate not to be seen as the person who allowed a war to start, but his job is to present the facts. He felt Blix was being bullied successfully by the French who, he was now convinced, wanted as their main foreign policy objective to build Europe as a power rival to the US, and determined to shaft TB …"
>
> "He was also worried that Kofi [Annan] … was getting closer to the Franco-German position …"[260]

848. At the end of February, a senior official in the US Administration sought the UK's views on whether the resolution should be put to a vote or withdrawn if it was judged that there was insufficient support for its adoption.

849. No.10 took the view that it would want a vote.

850. Following his farewell calls in Washington, Sir Christopher Meyer reported that Mr Richard Haass, the Director of Policy Planning in the State Department, had produced a memorandum which challenged the conventional wisdom by suggesting that the second resolution should be withdrawn if it was likely that it would not be adopted; and that Secretary Powell would be interested in Mr Straw's views.[261]

851. Sir Christopher's letter was also copied to Sir David Manning, Sir Michael Jay, and Sir Jeremy Greenstock.

852. Mr Powell sought Mr Blair's views, commenting that he had told Mr Haass on 28 February that the UK "would prefer to put the resolution to a vote and that, "having thought about it", that was "even more strongly" his view: "Refusing to put this to the vote and claiming we had nine votes would hole us below the waterline." In addition,

---

[260] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[261] Letter Meyer to McDonald, 28 February 2002 [sic], 'Iraq: Confronting a French Veto'.

Mr Powell commented, "how do we know if the French will veto if we don't put it to the test".[262]

853. Mr Powell also recorded that Mr Blair was very opposed to the idea.

854. Sir David Manning commented "Me too".[263]

855. In his memoir, *War of Necessity War of Choice*, Mr Haass described a "mini-debate" within the US Administration:

> "… about whether to press for a second resolution despite its poor prospects. Some … favored doing so as a means of pressurising others to stand up and declare themselves against going to war, even if it did not appear that we had the votes to win. I never understood this logic and thought this approach misguided, and instead argued that the worst of all outcomes would be to lose a vote and then go to war. This would be widely viewed as … arrogant … and raise even more fundamental questions concerning the legitimacy and legality of what the US was contemplating. I also thought it would do real and lasting damage to the United Nations. Far better to explore getting a second resolution and then pull back if consultations demonstrated that it was likely that we could not prevail … I argued all this out in a memorandum that Powell distributed to the [NSC] Principals. Fortunately, this position carried the day, and the Administration decided to pull back if and when it became obvious that no international consensus favoring war would emerge."[264]

856. An Arab League Summit on 1 March concluded that the crisis in Iraq must be resolved by peaceful means and in the framework of international legitimacy.

Arab League Summit, 1 March 2003

An Arab League Summit meeting, held in Sharm al-Sheikh on 1 March, discussed the "serious developments in the crisis over Iraq". The communiqué recorded that the Summit had resolved:

- "To reaffirm its absolute rejection of a strike on Iraq … The Iraqi crisis must be resolved by peaceful means and in the framework of international legitimacy."
- "To demand that the inspection teams should be given enough time to complete their mission … and to call upon them to continue to observe objectivity …"
- "To emphasise the UNSC's responsibility to ensure that Iraq and its people are not harmed, and to protect Iraq's independence and the integrity and unity of its territories …"

---

[262] Manuscript comment Powell on Letter Meyer to McDonald, 28 February 2002 [sic], 'Iraq: Confronting a French Veto'.
[263] Manuscript comment Manning on Letter Meyer to McDonald, 28 February 2002 [sic], 'Iraq: Confronting a French Veto'.
[264] Haass RN. *War of Necessity War of Choice: A Memoir of two Iraqi War*. Simon & Schuster, 2009.

- "To re-affirm that their countries should refrain from taking part in any military action targeting the security, territorial integrity and unity of Iraq or any other Arab country."
- "To emphasise solidarity with the Iraqi people … and to stress that it is time to lift the sanctions imposed …"
- "The Kingdom of Bahrain to form a Presidential Committee …"
- "The affairs of the Arab world and development of its regimes are a thing decided by the peoples in the region in [a] way that suits their national interests, not by foreign interference. In this context the leaders denounce reported attempts to impose changes on the region, interfere in its internal affairs or ignore its interests and just causes."
- "To consider the disarmament of WMDs in Iraq an inseparable part of the WMD disarmament of the region, including Israel …"[265]

Mr John Sawers, British Ambassador to Egypt, reported that the proceedings had been broadcast live on Egyptian television and that the statements by Arab leaders had "displayed a more balanced approach than was evident from the communiqué".[266] Mr Hosni Mubarak, the Egyptian President, had said that the best way to solve the crisis would be for Iraq to comply with international law represented by the UN; and to co-operate fully with the inspectors. Mr Bashar al-Assad, the Syrian President, had said that war was inevitable and the region should focus on the aftermath of war. Sheikh Zayed, the Emir of Qatar, had tabled a written suggestion that Saddam Hussein should be given an amnesty and step down.

857. Sir David Manning and Mr Scarlett visited Mexico and Chile on 1 and 2 March to explain the UK's position to Presidents Fox and Lagos and to seek their support.

858. On 27 February, Mr Gregory Faulkner, British Ambassador to Chile, reported Chilean concerns that the Permanent Members of the Security Council were not seeking to resolve their differences on Iraq.[267] The Chileans thought that passed the buck for decision-taking to the non-permanent members, which was unfair. Chile wanted an amendment to the draft resolution asking the inspectors to produce a conclusive report within a specific deadline of a week to 10 days. This would also help Mexico.

859. Sir David Manning was reported to have told President Fox on 1 March that Mr Blair believed that matters had come to a head, UN credibility was eroding and containment was not sustainable.[268] Iraq must come clean now or face the consequences. Mr Blair was convinced that Iraq's WMD had to be dealt with now or we would face a worse situation later. The Iraqi declaration of 7 December 2002 had been a disappointment which did not address vital issues such as the whereabouts of anthrax

[265] Telegram 68 Cairo to FCO London, 2 March 2003, 'Arab League Summit: Final Communique'.
[266] Telegram 67 Cairo to FCO London, 2 March 2003, 'Arab League Summit'.
[267] Telegram 31 Santiago to FCO London, 27 February 2003, 'Chile/Iraq'.
[268] Telegram 1 Mexico City to Cabinet Office, 1 March 2003, 'Iraq: Mexico'.

and VX. Since then, the inspectors had been prevented from doing their job properly. War must be a last resort but the international community could not allow Saddam Hussein to play games and spin things out. Proper access to scientists was one key to progress.

860. Mr Scarlett was reported to have told President Fox that the UK had developed:

> "… a range of sources, some inside Iraq, that had proven reliability. We had built up a consistent picture in which we had confidence. Our allies, including Europeans, had no serious differences of substance with us …
>
> "While we believed that UNSCOM had been able to disarticulate Iraq's nuclear programme it had not been able to account for a wide range of chemical and biological materials – we were particularly worried about VX and anthrax. Even conservative estimates of material Iraq still held indicated the capacity to assemble thousands of WMD artillery shells. Since 1998 Iraq had continued to produce new agents, develop its missile capability and, with less success, reconstitute its nuclear programme.
>
> "In 2002 a conscious decision was taken to deny possession of WMD to frustrate a renewed and strengthened inspection programme. We had watched a policy of concealment and intimidation develop. Evidence had been dispersed, factories cleaned up and scientists cowed.
>
> "… Some UNMOVIC successes in January resulted in further efforts to hide evidence and deceive inspectors. Continued small successes forced Iraq to move to a policy of slow, small concessions to give the impression of movement (eg on missiles). For the UK, the litmus test would be interviews with scientists. Iraq realised their knowledge was their Achilles heel, hence the intimidation."

861. President Fox was reported to have listened carefully and with an open mind. Mexico wanted to continue to seek consensus. It did not like talk of action "with or without the UN"; overriding international institutions had grave internal consequences for countries nurturing fragile newly created institutions. He was attracted to the Canadian idea of benchmarking Iraqi co-operation.

862. Sir David Manning had concluded that Mexican support for a second resolution was "not impossible, but would not be easy and would almost certainly require some movement".

863. In a telephone conversation with Mr Blair on 2 March, before his meeting with Sir David Manning and Mr Scarlett, President Lagos wondered if there was room for clarification of what the Security Council was trying to achieve.[269] He was worried that talk of regime change was overshadowing the issue of disarmament in the media.

---

[269] Letter Cannon to Owen, 3 March 2003, 'Iraq: Prime Minister's Conversation with President of Chile, 2 March'.

He wondered if the Council could set benchmarks and mentioned interviews with scientists. He understood UNMOVIC had interviewed only seven scientists. “Setting benchmarks … looked better than going to war over a few missiles.”

864. President Lagos said that he was calling on other P5 states to assume responsibility for what was going on. It was not acceptable for them to say: “We’ll abstain, it’s not our war”. He had told President Chirac that was not good enough; if he did not agree with the resolution, he should veto rather than shift the responsibility on to others. President Chirac had sent an emissary to try to win him [Lagos] over, but he thought it would be possible to work out a compromise in the Security Council “during the week” and he wanted to talk through the benchmarks idea with Sir David Manning.

865. Mr Blair recommended that Chile should look again at the 1999 UNSCOM report which made clear the scale of outstanding material and the extent of Iraqi deceit. The issues were the “unaccounted for WMD and the need for real co-operation”. The missiles were “a side issue”. Saddam Hussein “had admitted their existence thinking they were not in breach of sanctions”, and he “had had little choice but to destroy them when UNMOVIC decided that they were”.

866. Mr Blair stated that he:

> “… took [President] Lagos’ point about the need to be precise and specific about what the Security Council wanted. Otherwise people interpreted the destruction of the missiles as real progress and said that we should leave the inspectors in longer.”

867. President Lagos agreed. The real issue was CBW not missiles, and that should be put to the international community. Mr Blair was right that Saddam Hussein was only co-operating because of the pressure on him, but he wanted the P5 to “participate and assume their responsibilities”.

868. President Lagos added that the French political system seemed to be divided on a veto: “There was an internal discourse … But the French were not producing alternative ideas, they were just playing for time.” President Chirac had told him that he was against any deadline at all, not just that suggested by Canada.

869. Mr Blair stated that he was “in no doubt that Saddam had CBW and was concealing it”, but he “accepted the need to think about how to present the case”.

870. In his subsequent meeting with President Lagos, Sir David Manning was reported to have set out the need to act on Iraq to prevent other potential proliferators; the importance of the UN delivering after President Bush had been persuaded to go down the UN route; and Saddam Hussein’s failure to take his opportunity and the continued pattern of obstruction.[270] Sir David “regretted” the split in the Security Council; without it, Saddam Hussein might have cracked. The UK saw war as a last resort and “needed a

---

[270] Telegram 34 from Santiago to FCO London, 2 March 2003, ‘Chile/Iraq: Visit by Manning and Scarlett’.

second resolution because of public pressures"; it liked the Canadian idea of a deadline. Resolution 1441 already contained benchmarks, but they might have to be presented in a different way. Sir David had also said that, if it came to war, it would have to be "through the UN and with the UN heavily involved in the aftermath".

871. Mr Scarlett was reported to have described the intelligence assessment and, in response to a specific question, informed President Lagos that "although there were some differences of detail e.g. over the degree to which Saddam could weaponise, the French assessment was similar" to the UK's.

872. President Lagos repeated his concerns, including the difficulty of securing nine votes or winning the presentational battle without further clarification of Iraq's non-compliance, and his suggestions to identify benchmarks with a short deadline. Sir David Manning agreed to report the conversation to Mr Blair.

873. Mr Blair wrote in his memoir that, during February, "despite his best endeavours", divisions in the Security Council had grown not reduced; and that the "dynamics of disagreement" was producing new alliances. France, Germany and Russia were moving to create an alternative pole of power and influence.

874. Mr Blair thought that was "highly damaging" but "inevitable": "They felt as strongly as I did; and they weren't prepared to indulge the US, as they saw it."

875. Mr Blair concluded that for moral and strategic reasons the UK should be with the US.

876. Mr Campbell wrote that Mr Blair had called him on 1 March "for a chat re Blix": "A combination of Blix and the recent moves by the Iraqis had got us on the back foot again." Mr Blair:

> "… felt it was all now about the politics of the UNSC, and would come down to a hard-headed argument for votes. It was all going to ebb and flow but we just had to keep going. He was clear that the consequences of not being with the US now were incalculable.
>
> "I said I felt there had been various points where we could have done something different vis-a-vis the US. He said no, the only way to have had influence with them was to be clear from the start that we would be with them when things got really tough. He was clear that our interests were aligned."[271]

877. In his memoir, Mr Blair wrote that, "politically, as well as to put the issue beyond any legal claim to the contrary, a second resolution was certainly desirable".[272] During

---

[271] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[272] Blair T. *A Journey*. Hutchinson, 2010.

February 2003, "despite his best endeavours", divisions in the international community had grown not reduced:

> "The ten new accession countries [in the EU] came out strongly for the US position … Spain and Italy both supported action. Allies of the US outside Europe such as Japan and South Korea also rallied. So did many of the applicant countries for NATO. Australia gave unstinting and determined support.
>
> "But public opinion in many traditionally supportive countries, like Turkey was strongly anti. Canada decided they couldn't support without a new resolution, as did Mexico …
>
> "Basically, there were nations for whom the American alliance was a fundamental part of their foreign policy. They tended to back the US. Then there were those for whom the alliance was important, but not fundamental. They backed off … the dynamics of disagreement then started to fashion new alliances, with France, Germany and Russia, in particular, moving to create an alternative pole of power and influence."

878. Mr Blair added:

> "I thought this was highly damaging; but I also understood it was inevitable. They felt as strongly as I did; and they weren't prepared to indulge the US, as they saw it. They thought conflict would harm relations between the West and Islam, and of course the more they said this, the more they rather played into that analysis and strengthened it.
>
> "… I agreed with the basic US analysis of Saddam as a threat; I thought he was a monster; and to break the US partnership in such circumstances, when America's key allies were all rallying round, would in my view, then (and now) have done major long-term damage to that relationship.
>
> "I had one last throw of the dice. The problem which sensible opinion had with it all was the feeling that it was a rush to war … the US position was that this was all very well but … they couldn't simply wait until a diplomatic dance, which they had fair evidence for thinking would be interminable, was played out. Their position was: resolution 1441 was a final chance; if he didn't take it; if we give him time, we just allow him to mess us around as he has before; he won't reform; we're kidding ourselves if we think he will; so let's go and get the job done.
>
> "The inspectors' reports were at best inconclusive, but they certainly weren't evidence of 'immediate, unconditional and active compliance'. The US was champing at the bit. President Bush was actually losing support by waiting. The international community was split. The party was split. I was between numerous rocks and hard places.

> "The strain on everyone around me was almost unbearable …
>
> "Gradually I did deal with it. I sat and reasoned it all through. I knew in the final analysis I would be with the US, because it was right morally and strategically. But we should make a last ditch attempt for a peaceful solution. First to make the moral case for removing Saddam … Second, to try one more time to reunite the international community behind a clear base for action in the event of a continuing breach."

879. Mr Campbell wrote that Mr Blair had telephoned him at 7:45am on 3 March and was:

> "… even more worried than he had been on Friday. He felt things were just not where they needed to be. David M[anning] and John Scarlett came back from their weekend trip … both countries were very firmly on the fence and could see no reason to come off it. TB said it was still possible we could get a majority on the UNSC but if it was in circumstances where people felt we bullied and arm-twisted, the French would be less worried about putting down a veto. The Americans were frankly alienating people by their tactics. David M said the message these smaller countries got was the basic assumption from the Americans that they would come over in the end.
>
> "I said … that our problem on the communications front was largely caused by US friendly fire … They looked the whole time like they were desperate for war. We at least didn't look like we were desperate for war, but we did look like we were desperate to be with them … TB said he would have to tell Bush that it was not possible to get the votes at the moment. It was totally what they didn't want to hear but they had to hear it from someone. He was very down on the Americans … I sensed they were becoming irritated with us …"[273]

880. Mr Campbell added that the destruction of missiles had "tipped the balance" of public opinion "towards giving the inspectors more time". Mr Blair was "moving to the Canadian position of a bit more time to get the questions finally answered".

881. Mr Straw proposed an offer of safety and immunity if Saddam Hussein would go into exile and returned to the earlier idea of setting out publicly some key benchmarks against which Iraq's "full and active" compliance could be judged.

882. Mr Straw spoke twice to Secretary Powell on 2 March to discuss progress in securing support for the UK/US/Spanish draft resolution and possible ideas for addressing the concerns that had been raised by other members of the Security Council.[274]

---

[273] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[274] Letter Straw to Manning, 3 March 2003, 'Iraq: Conversations with Colin Powell, 2 March'.

883. In a discussion on the position of Russia, Secretary Powell said that Mr Ivanov had stated that there was nothing in it for Russia to vote for the second resolution. It meant an end to inspections and Iraq's neighbours were not threatened by Saddam Hussein.

884. In the context of remarks reported to have been made during a visit to China, Secretary Powell had asked Mr Ivanov if Russia would veto the second resolution. Mr Ivanov had responded, "You know me better than that"; he had simply been explaining that, under the UN Charter, Russia had the right of veto but he had avoided getting drawn into whether it would be used. Secretary Powell would be urging President Bush to speak to President Putin.

885. Mr Straw reported that he had told Secretary Powell that the level of support in the UK for military action without a second resolution was palpably "very low". In that circumstance, even if a majority in the Security Council had voted for the resolution with only France exercising its veto, he was "increasingly pessimistic about whether we could carry the Party" to support military action.

886. Mr Straw added that the debate in the UK was:

> "… significantly defined by the tone of the debate in Washington and particularly remarks made by the President and others to the right of him, which suggested that the US would go to war whatever and was not bothered about a second resolution one way or another."

887. Mr Straw had proposed consideration of additional language in the second resolution "pledging immunity to Saddam and entourage if he were to leave Iraq by a specific date". Secretary Powell had declined, commenting that he did not think Saddam Hussein would agree.

888. Mr Straw sought Mr Blair's agreement to adding an ultimatum to the draft resolution.[275]

889. Mr Straw wrote: "Things may be moving towards a majority but I will not believe it until it happens", There were concerns that the draft resolution looked like a "fait accompli" and a "blank cheque for war". Key potential allies "needed a better reason" for supporting the resolution.

890. Mr Straw's view was that the language in the resolution on performance targets and deadlines would not be acceptable "to either US or UK for obvious reasons", but he had "two thoughts":

- an offer, subject to legal advice, of safety and immunity if Saddam Hussein would go into exile; and
- returning to the earlier idea of setting out publicly some key benchmarks against which Iraq's "full and active" compliance could be judged.

---

[275] Minute Straw to Prime Minister, 3 March 2003, 'Iraq: Second Resolution'.

891. Mr Straw thought that an ultimatum had "significant" advantages: "It would indicate that we still wanted a peaceful outcome to the crisis; help get the moderate Arabs on board; help our friends on the Security Council; and put France especially on the spot." It might make France "think twice about a veto"; "they knew as well as we did that he [Saddam Hussein] was only likely to take it [the final opportunity offered in resolution 1441] when he knew for certain there was no other way out".

892. Mr Straw suggested that the "clusters" document could be turned to the UK's advantage by "setting out a few carefully selected tests" and pointing to the document for further amplification. There was a risk that Saddam Hussein might produce "thousands of pages of commentary" and the UK would need to keep the emphasis on the need for "compelling evidence that he was now committed to full and active compliance".

893. Mr Straw advised that, to "be credible with the middle ground", his proposals would need "another week or two" to "convince some of the crucial swing voters". In his view, that might "be possible without disrupting the military plan".

894. On 3 March, Mr Blair proposed an approach focused on setting a deadline of 17 March for Iraq to disclose evidence relating to the destruction of prohibited items and interviews; and an amnesty if Saddam Hussein left by 21 March.

895. In a conversation with Mr Jan Peter Balkenende, the Dutch Prime Minister, Mr Blair commented that "Saddam was still playing around"; and that he was "struck by the parallels with 1997-98".[276] The "situation would be clearer by the middle of the week"; the UK was "working flat out to get the votes in the Security Council". Mr Blair stated that "a majority in the Security Council with a French veto would be almost as good as a SCR". He hoped the French were carefully considering the implications of a veto. "Unless Saddam co-operated in full, the inspectors would never find all the WMD: the history of UNSCOM showed a pattern of Iraqi concealment and deceit."

896. In a conversation with Mr Anders Fogh Rasmussen, the Danish Prime Minister, Mr Blair stated that "the 'middle group' in the Security Council was moving in the right direction. We needed to focus on the facts that Saddam had still not accounted for the WMD identified by UNSCOM up to 1998 and no real interviews of scientists had taken place."[277]

897. Mr Blair also told Mr Rasmussen that he thought the timing "would move pretty quickly – days rather than weeks" after Dr Blix's report on 7 March; and that the Americans would take action if there was no further resolution.

898. Mr Rycroft sought Mr Blair's agreement to a strategy to secure the Chilean vote, adding that if that was obtained, "we will probably also get the Mexicans". President

---

[276] Letter Cannon to Owen, 3 March 2003, 'Iraq: Prime Minister's Conversation with Dutch Prime Minister, 2 March'.
[277] Letter Cannon to Owen, 3 March 2003, 'Iraq: Prime Minister's Conversation with Danish Prime Minister, 2 March'.

Lagos was "In particular … looking for a little more time and a report from Blix judging Saddam's compliance against specific benchmarks".

899. Mr Rycroft suggested that the three main elements of a strategy could be:

- "**A slight change to the draft resolution**." We could add in explicit references to the reports from Dr Blix and Dr ElBaradei, concluding that they confirmed either that Saddam Hussein had "failed to comply with, and co-operate fully in the implementation" of resolution 1441, or that Iraq had "failed to take the final opportunity" afforded by the resolution.
- "**Benchmarks**." Making public "in the next day or so what is required of Saddam in one or more key areas". The benchmarks would not be set out in the resolution but the date of the vote would provide a deadline for compliance. That would allow Chile to say that "as there is not full compliance", it would vote for the resolution.
- "**Offer of exile/amnesty to Saddam**." Making "clear publicly again that we are not intent on war come what may, and that we are determined to explore every last avenue for peace. This includes making clear that we support Arab attempts to get Saddam to leave Iraq and go into exile in exchange for an amnesty."[278]

900. Mr Blair produced a handwritten note on 3 March setting out a list of potential actions, including;

- Setting Saddam Hussein a deadline of 17 March for disclosure of documentation and proof of destruction.
- Presenting the "20 best" scientists for interview outside Iraq, with their families identified and their safety guaranteed.
- If Saddam Hussein failed, giving him until 21 March to leave Iraq with an agreed amnesty.
- A declaration "by the nine/ten [non-permanent members of the Security Council]" endorsed by Canada.
- A "launch" following Dr Blix's report to the Security Council on 7 March in Chile or Mexico.
- "… trying to persuade Russia".
- Agreeing a:
  - UN role in post-conflict Iraq;
  - broad-based government; and
  - humanitarian effort.
- Making "a last plea to France not to veto but to help".
- Publishing an "analysis of Saddam's deception alongside the … declaration".[279]

---

[278] Minute Rycroft to Prime Minister, 3 March 2003, 'Iraq: Securing the Chilean Vote'.
[279] Note (handwritten) [Blair], 3 March 2003, [untitled].

901. A typed version of Mr Blair's note, with Mr Rycroft's comments, is published with this report.[280]

902. A separate minute from Mr Rycroft, stating "You asked for a plan we could work up with the Mexicans and Chileans, as a way of bringing them to vote for the second resolution", elaborated on the suggestion of identifying benchmarks to define "full co-operation", making clear that judgements were for the Security Council; and that Dr Blix's reports "would form an important basis for the facts underpinning the judgements".[281]

903. Mr Rycroft added that that differed from previous work on benchmarks because it was "us" not Dr Blix "putting forward the benchmarks and answering the questions on Iraqi compliance".

904. The minute set out the key demands in resolution 1441 and a note listing benchmarks on biological weapons, chemical weapons, missiles, documentation and personnel. On tactics and timing, Mr Rycroft advised Mr Blair:

- "we face an uphill struggle securing US agreement to any further time".
- The judgements on Iraqi performance "must not" be tied to Dr Blix's report to the Security Council on 7 March, and the UK should not "seek or encourage a further Blix report after 7 March".
- The UK "must avoid at all costs a further Council decision after our second resolution".
- The UK "could be vague publicly about when we would judge Iraqi behaviour".
- The UK "would have to make clear privately to the US that we were talking about making those judgements at some point next week or at the latest early in the week of 17 March".

905. Mr Rycroft also wrote:

- Sir David Manning had not seen the proposals.
- Mr Straw wanted to talk to Mr Blair "as soon as possible".
- The FCO opposed benchmarks on the grounds that Saddam Hussein would fulfil a few of them.
- The UK needed to make clear that "full, positive answers to all of the questions" would be needed to demonstrate full co-operation – "destruction of a handful of Al Samouds is a small part of the picture".
- Sir Jeremy Greenstock should advise on the tactics: "His advice so far is that we should not respond to the Chilean concerns until after 7 March, because it may be unnecessary if by then the Chileans intend to vote for our resolution and because it would cause a split with the US …"

---

[280] Note, [undated], 'Iraq: PM's note of 3 March, with MR comments in italics'.
[281] Minute Rycroft to Prime Minister, 3 March 2003, 'Iraq, Blix, Benchmarks and More Time?'

906. Following a discussion with Mr Blair, Mr Straw told Secretary Powell that Mr Blair:

> "… was concerned that, having shifted world (and British) public opinion over the months, it had now been seriously set back in recent days. We were not in the right position. The Prime Minister was considering a number of ideas which he might well put to the President."[282]

907. Mr Straw recorded that Secretary Powell had advised that if Mr Blair wanted to make proposals, he should do so quickly.

908. Mr Straw also recorded that the US was not enthusiastic about the inclusion of an immunity clause for Saddam Hussein in the resolution. He had told Secretary Powell that Mr Blair had thought that "might be seen as premature"; and that "if necessary" it might be done "at the appropriate time in a separate resolution".

909. Mr Straw reported that he and Secretary Powell had discussed the problems in the UK. Secretary Powell had told President Bush that he judged a vetoed resolution would no longer be possible for the UK. Mr Straw said that he had been told that, without a second resolution, only 100 Conservative MPs would vote with the Government. In those circumstances, approval for military action would be "beyond reach".

910. In the context of a discussion about the lack of real serious US planning for post-conflict, the number of troops that might be required to secure the ground behind the US advance to Baghdad, and the role envisaged for the UN, Mr Straw recorded that he had told Secretary Powell that, "whilst the US Administration had to be the best judge of its long term interests", he "thought that it would reap a whirlwind if it failed to secure legitimacy for what it was doing in respect of Iraq. We were not there yet."

911. Sir Jeremy Greenstock reported that Dr Blix continued to see attractions in the Canadian proposal but was talking about a deadline of 1 May or 1 June.

912. Sir Jeremy Greenstock's report of discussions in New York on 3 March, included:

- Discussion with the US delegation about:
  - US thinking that a French veto would not severely undercut the legitimacy of military action and Ambassador Negroponte's "guess" that France was "talking up the veto to deter us from putting the resolution to a vote".
  - Setting Iraq a deadline for Iraq to be "unconditionally disarmed" by 17 or 21 March with the UK suggesting a variant setting a deadline by which Iraq would have "failed to take its final opportunity".
- In response to a suggestion from Sir Jeremy Greenstock that it might make more sense for UNMOVIC temporarily to withdraw before any vote on a resolution, Dr Blix said he would discuss that with Mr Annan, but "he would not want to be accused of playing to a minority in the Council".

---

[282] Letter Straw to Manning, 4 March 2003, 'Iraq: Conversation with Colin Powell, 3 March'.

- Dr Blix would circulate the "clusters" document to the Security Council on 7 March, but the work programme would not be ready.
- Dr Blix was concerned that while it was possible to establish material balances up to 1998, it was less clear how Iraq's flat denial of any activity since then should be treated.
- Iraq was being "hyper-active"; there has been some private interviews over the previous weekend, one of which – on UAVs – had been "informative". In response to UK questions reflecting concerns that interviews would still be monitored, Dr Blix said that interviewees had not been searched and "there could of course be bugs in the room".
- Dr Blix saw attractions in the Canadian proposal, which would help to unite the Council around key tests, which were becoming evident from the "clusters" document, and a deadline; and had mentioned possible deadlines of 1 May or 1 June.
- The UK had argued that the risk was that "we would simply end up back at square one a couple of months hence".
- In a separate E10 discussion of the Canadian proposal, Germany had declared it could not countenance an ultimatum and others "had not seemed particularly interested, perhaps as it brought the Council back to the same place in the end".
- The majority of the E10 were more concerned about US statements the previous weekend that the aim of US action was regime change.[283]

913. In separate advice "on the end game options", Sir Jeremy Greenstock stated that there was little chance of bridging the gap with the French – "senior politicians were dug in too deep"; and that a French veto appeared "more of a danger than failure to get nine votes".[284]

914. Sir Jeremy had told Mr Annan that "the UK would not give up on finding a non-war route if we possibly could"; and that "the French/German/Russian proposal … merely diminished the pressure on Saddam".

915. Sir Jeremy identified the options as:

- "… stay firm … and go with the US military campaign in the second half of March with the best arguments we can muster … if a second resolution … is unobtainable, we fall back on 1441 and regret that the UN was not up to it …";
- "… make some small concessions that might just be enough to get, e.g. Chile and Mexico on board". The "most obvious step" might be "ultimatum language" making military action the default if the Council did not agree that Iraq had come into compliance with resolution 1441;

---

[283] Telegram 338 UKMIS New York to FCO London, 4 March 2003, 'Iraq: 3 March'.
[284] Telegram 339 UKMIS New York to FCO London, 4 March 2003, 'Personal Iraq: End Game Options'.

- "… try something on benchmarks, probably building on Blix's cluster document". That "would be better done outside the draft resolution" to "avoid diluting 1441 (and avoid placing too much weight on Blix's shoulders)";
- "… putting forward a second resolution not authorising force", although it was clear that Sir Jeremy envisaged there would be an "eventual use of force";
- "… a peaceful introduction of forces into Iraq for the purposes of complete disarmament". That would be a "genuine last resort", which would "cut across the short-term timetable of the Americans and could only be feasible if there was a genuine wish to avoid an international bust-up." As Saddam Hussein would be unlikely to co-operate, it would be a longer route to military action.

916. Commenting that the talk of vetoes "may be as much to scare us off as an indication of genuine voting intentions", Sir Jeremy concluded:

"We will need to:

- remain robust that disarmament must be achieved, that there is very little time left, and that we are willing to contemplate military action without a further resolution if necessary;
- keep up the lobbying with key swing voters, but also with Russia (… even if the noises right now are negative), so that France increasingly faces the prospect of an isolated veto;
- work on a sample ultimatum that could be proposed by Chile or Mexico …;
- continue to reflect internally on whether we would rather:
  - force a vote …;
  - not force a vote …"

917. Sir Jeremy concluded: "So long as we have enough swing votes, the simplest route may just be to force our (slightly amended) resolution to a vote, and test the French to veto or not."

918. Mr Ricketts told Mr Straw that he and Sir David Manning had discussed Sir Jeremy's telegrams and believed that the "best package" might comprise:

- Adding a deadline to the draft resolution requiring "a bit more time". A US suggestion "that Iraq should have 'unconditionally disarmed' in ten days" would be "seen as unreasonable".
- A small number of carefully chosen benchmarks "set out separately from the resolution, ideally by the Chileans and Mexicans … We could then use the clusters document to illustrate how little compliance there had been across the board."
- The US to make clear that it "accepted a significant UN role in post-conflict Iraq".[285]

[285] Minute Ricketts to Private Secretary [FCO], 4 March 2003, 'Iraq: UN Tactics'.

919. On 4 March, Sir David Manning and Dr Rice discussed progress in securing support for the resolution, including the desire of some members of the Security Council for clear evidence of Saddam's failure to comply to justify a vote for a second resolution and possible amendments.[286] Sir David said that "interviews were a litmus test of Saddam's intentions"; UNMOVIC "would be having no difficulties … if Saddam had nothing to hide". He also suggested pre-empting the argument that Dr Blix's "clusters" document might provide the benchmark needed for full Iraqi disarmament: "Instead we should emphasise that Blix was producing a list … of all the disarmament tasks that Saddam had failed to undertake …"

920. Sir David told Dr Rice that the vote on the resolution should not take place until "we knew we could get nine votes".

921. Mr Straw told the Foreign Affairs Committee on 4 March that it was "a matter of fact" that Iraq had been in material breach "for some weeks" and resolution 1441 provided sufficient legal authority to justify military action against Iraq if it was "in further material breach". He emphasised Iraq's attempts to conceal its capabilities and deceive the inspectors.

922. Mr Straw also stated that a majority of members of the Security Council had been opposed to the suggestion that resolution 1441 should state explicitly that military action could be taken only if there were a second resolution.

923. Mr Straw gave evidence to the Foreign Affairs Committee on 4 March.[287]

924. In an opening statement setting out the UK Government's position on Iraq's failure to comply with resolution 1441, Mr Straw said that Saddam Hussein's tactics had been:

> "… to deny the existence of weapons of mass destruction and, if caught out, to offer the smallest concession possible in order to work for delay … We can expect more concessions right up to the point at which Saddam Hussein concludes that the international community has, once again, been lured into doing exactly what he wants. Then the concessions will stop, and Saddam Hussein will be left in possession of an arsenal of deadly weapons."

925. Mr Straw stated that it was assessed that Iraq had the capability to produce a range of chemical and biological agents and:

> "The Iraqi regime has put up an elaborate screen of concealment based on intimidation and deception to cover this capability … [W]e know that sensitive materials and documents have been hidden in the homes of employees and hidden too in hospitals, farms and other sites. Intelligence also suggests that WMD-related items may have been buried and others were being kept on the move every 12 hours using trucks and trains. Throughout the period of inspection

[286] Letter Manning to McDonald, 4 March 2003, 'Iraq: Conversation with Condi Rice'.
[287] Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session].

> Iraq's security and intelligence agencies have been monitoring UNMOVIC and the IAEA and plans are available to obstruct them if they come close to WMD itself … Iraq is particularly concerned about … interviews of scientists and others because if they were carried out as mandated by [resolution] 1441 they would unquestionably expose the regime's deception and its stockpile of weapons … In early December we know that Saddam Hussein issued instructions that scientists were to be threatened with serious consequences for themselves and their families if they revealed any sensitive information to UNMOVIC. They were ordered not to agree to any interviews taking place outside Iraq … The potential witnesses have been coached in the answers they have to give. Some of them have been removed from their homes and places of work and detained to prevent them from being interviewed."

926. Mr Straw added:

> "… we can expect Iraq will continue trickling out so-called concessions, one at a time, at the last minute to split the Security Council and buy more time while continuing an active policy of concealment; to start trickling out 'newly discovered' documents as part of a co-ordinated plan to tie down UNMOVIC on what the regime considers to be expendable parts of its WMD programme. We can also expect Iraq soon to announce that interviews may take place unaccompanied …"

927. Mr Straw concluded that it was clear that:

> "… Saddam Hussein believes he can once again divide and outwit the international community through a pretence of co-operation. We cannot afford to send him … any signal, that he is close to success … He is also hoping that he final opportunity, which was originally afforded to him 12 years ago and then repeated by 1441, was not final at all …"

928. Mr Straw was asked a series of questions by Mr Donald Anderson, the Chairman of the Committee, about the legality of military action without a second resolution.

929. Asked about Mr Blair's "escape clause" and whether the Government "would not feel bound to await" a second resolution "or to abide by it if it were to be vetoed unreasonably", Mr Straw replied:

> "The reason why we have drawn a parallel with Kosovo is … it was not possible to get a direct Security Council resolution and instead the Government and those that participated in the action had to fall back on previous … resolutions and general international law … to justify the action that was taken … We are satisfied that we have sufficient legal authority in 1441 back to the originating resolution 660 [1990] … to justify military action against Iraq if they are in further material breach."

930. Mr Straw added that was "clearly laid down and it was anticipated when we put 1441 together". The Government would "much prefer" military action, if that proved

necessary, "to be backed by a second resolution", but it had had to reserve its options if such a second resolution did not prove possible. That was what Mr Blair had "spelt out".

931. Asked if the Government should proceed without the express authority of the UN, Mr Straw replied:

> "We believe there is express authority … There was a … a very intensive debate – about whether … 1441 should say explicitly … that military action to enforce this resolution could only be taken if there were a second resolution. That … was not acceptable to a majority of members of the Security Council, it was never put before the … Council. Instead … what the Council has to do … is to consider the situation …"

932. Mr Straw told Sir Patrick Cormack (Conservative) that Iraq had "been in material breach as a matter of fact for some weeks now because they were told they had to co-operate immediately, unconditionally and actively". He added:

> "… we are anxious to gain a political consensus, if that can be achieved … which recognises the state of Iraq's flagrant violation of its obligations. As far as … the British Government is concerned, that is a matter of fact; the facts speak for themselves."

933. Mr Straw also stated:

> "What we also believe, because we want this crisis resolved peacefully, is that the only way you are going to get this active, immediate and full co-operation by Saddam Hussein, even at this late stage, is if he realises fully what the alternative is … [F]or all the suggestions that it is diplomacy that has brought about what co-operation there has been … it has come about … above all, by the fact that there are now a large number of US and UK troops stationed on Saddam's doorstep concentrating his mind."

934. Asked by Mr Andrew MacKinlay (Labour) how there was going to be "proper conscious decision-making" about whether Iraq was complying, Mr Straw replied:

> "… we make our judgement on the basis of the best evidence. I have to say it was on the basis of the best evidence that the international community made its judgement on 8 November. They had hundreds of pages of reports …"

935. Mr Straw also told Mr Mackinley that:

- "by simply passing …1441" Saddam Hussein "readmitted the inspectors having said he would not".
- "I have seen nothing at all which says we have to take action immediately because of military planning necessities. The point we are making … is that the reason we want immediate compliance is because that is what the

Security Council said … 110 days … is stretching the meaning of the word 'immediate' to breaking point."

- France took "the view that it was possible by continuous diplomacy to secure Saddam Hussein's compliance. We take a different view. I think the facts and history are with us."

IAEA position on Iraq's nuclear programme

The FCO advised No.10 on 4 March that the UK Mission in Vienna had confirmed that the IAEA was on the verge of closing the file on nuclear issues in Iraq, despite information from the UK that had "still not been followed up".[288] The IAEA had apparently concluded that:

- There was "no significant evidence that Iraq had attempted to procure uranium from Niger". The documents the IAEA had seen "that formed the basis of such an allegation appeared to be forgeries".
- Aluminium tubes, "although imported illegally", were "not connected with a gas centrifuge programme". The Iraqis had "satisfactorily explained the use of the tubes, and the reasons for their various fine tolerances". The Iraqis "were no longer (if ever) in a position to manufacture a gas centrifuge, especially without foreign assistance".
- There was "no evidence to link the magnets with a covert nuclear programme"; the IAEA had found the part in the guidance system of a missile.
- The IAEA had evidence that a significant amount of the missing 32 tonnes of HMX (a high explosive used to help trigger nuclear fission), had been used for commercial purposes, as the Iraqis had claimed".

The positions of other members of the Security Council

936. Sir John Holmes advised on 4 March that France was intent on preventing the US and UK mustering the nine positive votes required for a majority in the Security Council.

937. Sir John Holmes confirmed on 4 March that France's main aim was to "avoid being put on the spot" by influencing the undecided, preventing the US and UK mustering nine votes, and keeping alongside the Russians and Chinese; and that there was "nothing that we can now do to dissuade them from this course".[289] He advised that "nothing the French say at this stage, even privately, should be taken at face value".

938. If the French strategy failed, Sir John advised that "a lone French veto remains hard to imagine but is by no means out of the question".

---

[288] Letter Owen to Rycroft, 4 March 2003, 'Iraq Weapons Inspections: IAEA Line on 7 March'.
[289] Telegram 110 Paris to FCO London, 4 March 2003, 'Iraq: Avoiding a French Veto'.

939. Sir John repeated his advice of 24 February that Mr Blair (and President Bush) should, "if and when it becomes clear that we have the votes, and that the Russians and Chinese will not veto", attempt to dissuade President Chirac.

940. A subsequent telegram set out the key elements of the French position and the suggestions for arguments the UK might use.[290] They included:

- France had repeatedly said that war was the worst of all possible solutions, but "war had been made more likely by Saddam's ability to exploit differences in the international community". The chances of Saddam Hussein taking the opportunity to avoid war looked "slim". A veto would not help and "the only conceivable way of achieving a peaceful solution now is to increase the pressure on Saddam by re-establishing the maximum degree of consensus in the UN".
- France had argued that war was a disproportionate response to the threat posed by Saddam Hussein's WMD, but the point had been reached where failure to act firmly caused "disproportionate damage to the credibility of the will of the international community and to wider efforts to limit the proliferation of WMD".
- If war became inevitable, it would be easier to "limit the destabilising effect elsewhere in the region, about which France has rightly been concerned, if military intervention is seen to be taken with the authority of the international community".
- Weakening UN credibility would make it more difficult "to re-establish the clear and authoritative UN-backed administration and the rapid transition to a civil regime in Iraq … and more difficult for Europe to play the role the region and the world will need at that point".

941. Separately, Dr Michael Williams, Mr Straw's Special Adviser, sent Mr Straw an analysis of the use of the veto by France.[291] He did not think France would veto on its own; but if it believed Moscow would veto, the second resolution would be lost. It was "perhaps most likely, if the yes votes creep up to nine and beyond", that France would "back down and say it accepts a majority verdict". But the UK could not rely on that. Dr Williams advised that a strategy was needed which reminded France "of the dangers and consequences of its present course of action"; and that would need Mr Blair's engagement.

942. The analysis was sent to Sir David Manning and was seen by Mr Blair.

943. Sir Roderic Lyne, British Ambassador to Russia, had reported on 27 February that Russia's position was hardening and it largely agreed with President Chirac. President Putin would find it hard to vote in favour of military action without a "smoking gun" or near-consensus in the Security Council.

---

[290] Telegram 111 Paris to FCO London, 4 March 2003, 'Iraq: Avoiding a French Veto – Arguments to Use with the French'.
[291] Minute Williams to Secretary of State [FCO], 4 March 2003, 'France and the Security Council'.

944. Sir Roderic had reported on 27 February that: "Influenced by Paris and Berlin", Russia's position was hardening and it "largely agreed with" President Chirac. The policy was "to stay with (and behind) the French and Germans while trying not to antagonise the Americans". Russia recognised that US action was "not far off": "Their preferred option is to prevent nine positive votes and thus avoid an awkward choice on the veto." Russia was "unlikely to be the first to break ranks", and it seemed "far-fetched" to conceive of Russia "helping the UK to get the swing votes [in the Security Council]".[292]

945. Sir Roderic wrote:

> "In the political class, almost everyone would vote for endless containment rather than conflict. US arguments for bringing this to a head are not accepted. There is nervousness about the wider consequences. US policy is seen as potentially dangerous, and part of a right wing 'axis-of-evil' agenda … no-one to the right of the Communists is arguing that Russia should obstruct the Americans. The prevailing mood is that Russia should not endorse the war, but should stand to one side …"

946. President Putin "would find it very hard to justify internally a vote in favour of war, absent a smoking gun or a Security Council near-consensus". The Russians did "worry about the UN's authority"; but they did not "buy our argument that this obliges them to support the US regardless". They would "prefer it if we were forced not to put our resolution to the vote".

947. Sir Roderic concluded:

> "The best, and probably the only, chance of getting the Russians onside without a smoking gun would be for [President] Bush to spell out personally to [President] Putin that support for the resolution will determine the future of the US/Russian relationship."

948. Mr Ivanov told Mr Straw on 4 March that Russia had failed in an attempt to persuade Saddam Hussein to leave and it would veto a resolution based on the draft circulated on 24 February. President Bush had already decided to go to war.

949. Mr Straw reported that he had told Mr Ivanov that the international community had no choice but to pay attention to President Bush's priorities.

950. During his visit to London on 4 and 5 March, Mr Ivanov informed Mr Straw that Mr Yevgeny Primakov, the former Russian Prime Minister, had just visited Baghdad in a failed attempt to persuade Saddam Hussein to leave.[293] Russia, and others, would veto the resolution tabled on 24 February. Mr Ivanov also expressed doubts about claims that military action in Iraq would be quick.

---

[292] Telegram 68 Moscow to FCO London, 27 February 2003, 'Ivanov's Visit to London: Iraq'.
[293] Telegram 37 FCO London to Moscow, 3 [sic] March 2003, 'Iraq: Foreign Secretary's Meetings with Russian Foreign Minister, 4 March'.

951. In response to a comment from Mr Ivanov that President Bush had already decided to go to war, Mr Straw responded that President Bush "would go to war unless – and the unless had to be big and happen quickly".

952. In a discussion on the draft resolution, Mr Straw stated that the UK had never taken the position that draft text was "take it or leave it". He had no problem in principle with tough benchmarks and a very tight timeline; but if an initial 120 days was followed by another 120 days, "momentum would dribble away. Saddam Hussein only responded because of military pressure and that could not be sustained for ever.

953. Mr Straw proposed additional language for the draft resolution setting a deadline for a Security Council decision on whether Iraq had "clearly begun the process of full active disarmament as provided by [resolutions 1441 and 687]", together with a "private understanding about the targets Iraq had to reach". Mr Straw was reported to have said that he was "very allergic to timelines and public benchmarks" which "could lead to a tick in the box mentality by Saddam and good opportunities for further game playing".

954. In his subsequent discussion with Secretary Powell, Mr Straw said that he had told Mr Ivanov that he thought war could be avoided if Saddam went into exile and there was real evidence that Iraq was co-operating in its own disarmament.[294]

955. Later in the conversation, in response to a question about why Iraq was being targeted, Mr Straw had replied that "Iraq was President Bush's No.1 priority; the international community had no choice but to pay attention to Bush's priorities".

956. Mr Ivanov told Mr Blair that Russia was looking for concrete demands and a decision on how much time was needed to resolve the issues.

957. In his meeting with Mr Ivanov on 5 March, Mr Blair explained that the threat from terrorist groups and unstable states meant that Iraq must be dealt with firmly.[295] The issue was whether Iraq was co-operating to the extent required by resolution 1441. If the UN route did not work on this occasion, the US would not use it for a very long time. If Saddam Hussein made a genuine change, the inspectors could have as much time as they liked.

958. Mr Ivanov had made it clear that Russia was looking for concrete demands and a decision on how much time was needed to resolve all the issues; and that Russia would not be able to support any decision that ran counter to its principles.

959. The record described the meeting as "constructive", but that "everything that Ivanov said was consistent with his public threat of the use of a Russian veto of our current draft".

---

[294] Letter McDonald to Manning, 4 March 2003, 'Foreign Secretary's Conversation with Colin Powell, 4 March'.
[295] Letter Rycroft to Sinclair, 5 March 2003, 'Iraq/Russia'.

960. Mr Straw agreed after the meeting with Mr Blair that Mr Ivanov could share Mr Straw's proposals with Mr de Villepin and Mr Fischer.[296]

961. France, Germany and Russia stated on 5 March that they would not let a resolution pass that authorised the use of force.

962. Mr de Villepin, Mr Ivanov and Mr Fischer met in Paris on 5 March.

963. In a press conference after the meeting the Foreign Ministers declared that they would "not allow a resolution to pass that authorises resorting to force".[297] Russia and France, "as Permanent Members of the Security Council, will assume all their responsibilities on this point".

964. Sir Christopher Hum, British Ambassador to China, advised on 4 March that if the resolution was put to a vote that day, China would abstain.

965. Mr William Ehrman, FCO Director General Defence and Intelligence and Mr Straw's Special Envoy, met the Chinese Vice Foreign Minister, Mr Wang Guangya, and a senior official from the Ministry of Foreign Affairs (MFA), on 4 March.[298]

966. The report of the meeting with Mr Wang records that, following a briefing on the UK's assessment of Iraq's non-co-operation and the need for a second resolution, China's view was that Iraq must bear the major responsibility for failing to co-operate fully, but believed inspections should be given more time. Although it might take longer to resolve the issue by peaceful means, the time taken would be worth it. There was a common desire amongst the international community to avoid war. Unanimity was important for upholding the authority of the UN. China was still studying the draft resolution. Pressing for a vote now would split the Council and harm its authority.

967. Mr Ehrman had referred to the points emphasised by Mr Blair in his speech to Parliament on 25 February. He told Mr Wang that Saddam Hussein's behaviour since the middle of 2002, when he had directed the implementation of a concealment policy, had been "instructive"; and Saddam's aim was to buy time. Mr Ehrman described key elements of the concealment policy and stated that much of the evidence in the UK's September 2002 dossier "had been supported or confirmed subsequently by UNMOVIC (for example the range of the Al Samoud 2 rockets)". Despite Iraq's efforts, the UN inspectors had found a number of undeclared items and "Iraq itself had 'found' four empty chemical warheads and one aerial bomb containing biological agent". Iraq was particularly concerned about interviews with scientists because "if carried out as mandated they would expose Iraq's WMD programme" and had obstructed the process. The UK "judged it unlikely that Saddam would leave" and "faced with military defeat,

---

[296] Telegram 37 FCO London to Moscow, 5 March 2003, 'Iraq: Foreign Secretary's Meetings with Russian Foreign Minister, 4 March'.
[297] *The Guardian*, 5 March 2003, *UN war doubters unite against resolution. The Guardian*, 6 March 2003, *Full text of Joint declaration*.
[298] Telegram 89 Beijing to FCO London, 4 March 2003, 'Iraq: Lobbying the Chinese'.

Saddam would be prepared to use CBW". Saddam "had not taken the final opportunity afforded to him by … 1441".

968. Mr Ehrman set out the UK difficulties with the tripartite French/German/Russian proposal and stated that the UK/US/Spanish resolution "would increase pressure on Iraq". There was still a chance for Iraq to take radical action to disarm and the resolution "was the only remaining route to peaceful disarmament".

969. In the separate meeting with a senior MFA official, Mr Ehrman had repeated the briefing and emphasised the importance of preserving international order and international law. The UK had made great efforts in persuading the US that it should use the UN route; that "should not now be lost".[299]

970. Mr Hum advised that China had "appreciated" the UK's willingness to share its assessments; but that "if a vote occurred today, I have little doubt they would abstain".

971. Baroness Amos advised on 4 March that Angola, Cameroon and Guinea were not yet ready to commit to a "yes vote" and had emphasised the need for P5 unity.

972. Following a visit for discussions with the Presidents of Angola, Cameroon and Guinea, Baroness Amos reported to Mr Straw that:

> "… our approach to the visits was right with a focus on our strong relationship with Africa … our desire to work with each of the countries in partnership and to share intelligence information available to us about the situation in Iraq …
>
> "All three listened carefully to our arguments, in particular the need to keep the UN in control of events, to keep the US engaged in multilateral fora and that the harassment and intimidation faced by the weapons inspectors made a nonsense of a longer inspection regime."[300]

973. Baroness Amos wrote: "I think we won the argument"; and that:

> "… it might be possible to secure the votes. But – as expected – none of the three were prepared to commit themselves explicitly to a yes vote … They would all much prefer to abstain than have to choose between us and the US on the one hand and France and Africa on the other. I was struck by the same argument from all three, the importance of unity amongst the P5 … and the need for a majority in the Security Council …"

974. Baroness Amos cautioned that the UK and US would need to stay in close touch to ensure that lobbying was complementary and to avoid being perceived to be harassing the African members of the Security Council. In addition, "some of what is

---

[299] Telegram 90 Beijing to FCO London, 4 March 2003, 'Iraq: Lobbying the Chinese'.
[300] Minute Amos to Foreign Secretary, 4 March 2003, [untitled].

appearing in the press about 'inducements' to secure votes only makes it harder for the Africans to come on board".

975. The report was sent to Sir Michael Jay, Sir Jeremy Greenstock and Sir Richard Dearlove. It was also widely circulated within No.10.

976. Mr Rycroft commented to Mr Blair: "An effective visit, but the three votes are not yet in the bag."

The UK position, 5 and 6 March 2003

977. Mr Blair was informed on the evening of 4 March that US military planners were looking at 12 March as the possible start date for the military campaign; and that Mr Hoon was concerned about the "apparent disconnect" with activity in the UN.

978. Mr Hoon's Private Secretary informed Sir David Manning on the evening of 4 March that Adm Boyce had reported indications of growing pressure from US military commanders, for force posture and other reasons, to take early military action: and that 12 March had emerged as a possible start date for the military campaign.[301]

979. Mr Hoon was "concerned by the apparent disconnect between US military planning and continuing diplomatic activity in the UN" and thought that Sir David "might wish to ensure that Condi Rice is alive to the continuing need to keep the diplomatic and military tracks aligned".

980. Sir Kevin Tebbit, the MOD Permanent Under Secretary, wrote to Sir Andrew Turnbull, the Cabinet Secretary, on 5 March about the need for an agreed legal basis for military action.[302] That is addressed in Section 5.

981. In Prime Minister's Questions on 5 March, Mr Blair expressed confidence in the prospects for securing a second resolution.

982. In response to a question from Ms Lynne Jones (Labour) asking whether nine affirmative votes would provide "clear" legal authority "for war", Mr Blair responded that the Government would "always act in accordance with international law" and that "we are confident of securing the votes for that resolution and we will carry on working for that end". He added:

> "… I know that we both agree the authority of the UN is important. If that authority is to be upheld, it is important that what we said last November is implemented. If it is not, the effect on the UN … would be disastrous."[303]

---

[301] Letter Watkins to Manning, 4 March 2003, 'Iraq: Timing of Military Action'.
[302] Letter Tebbit to Turnbull, 5 March 2003, [untitled].
[303] House of Commons, *Official Report*, 5 March 2003, column 817.

983. Asked by Mr Andrew Selous (Conservative) about the direct threat and risks to the UK, Mr Blair replied:

> "… I think that the threat of leaving Saddam Hussein armed with weapons of mass destruction is two fold. First, it is that he begins another conflict in his region, into which Britain … would inevitably be sucked … Alternatively – and I think this is a powerful and developing threat that the world must face – the risk is that states such as Iraq, which are proliferating these chemical and biological weapons of mass destruction, will combine in a way that is devastating for the world with terrorists who are desperate to get their hands on those weapons to wreak maximum destruction.
>
> "… If we do not stand firm over Iraq now, we will never be able to deal with the next threat that encompasses us."[304]

984. In the entry in his diary for 5 March, Mr Cook wrote that PMQs "was notable for the confidence" Mr Blair had "expressed about getting a second resolution".[305] He added:

> "I don't know whether this is calculated bravado to keep Saddam wary, or whether he is in a state of denial about the mounting evidence that they can't get a second resolution on the present terms."

985. Mr Cook told Mr Blair that he would be unable to carry public opinion if he sidelined the inspectors; if Dr Blix needed months, he should be given until the autumn.

986. In a meeting in the House of Commons shortly after PMQs, Mr Cook told Mr Blair that he had "gone out on a limb" and he should "stop climbing further".[306] The UK had "to be seen on the side" of Dr Blix. Mr Blair would "never carry British opinion" if the UK was "seen to be sidelining the work of the inspectors".

987. Mr Cook also wrote that when Mr Blair had told him that Britain might propose a new deadline on 7 March, he had said it had to be "seen logically to arise from what Blix said. If he needed months, we should be prepared to give him until the autumn." Mr Blair had replied that he could not deliver that, adding:

> "Left to himself, Bush would have gone to war in January. No, not January, September."

988. Mr Cook subsequently wrote that the conversation "was an honest exchange between two colleagues who were both open about the gulf widening between them": and that Mr Blair had "always [been] candid about his intention to be with Bush when the war began". Mr Cook had been "deeply troubled" by "two distinct elements" of that conversation. First, that "the timetable for war was plainly not driven by the progress

---

[304] House of Commons, *Official Report*, 5 March 2003, column 818.
[305] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[306] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

of the UN weapons inspections". Mr Blair had "made no attempt to pretend" that what Dr Blix might report "would make any difference to the countdown to invasion". In his speech in Glasgow on 15 February, Mr Blair had said that he wanted to "solve the issue" through the UN: "Today he was telling me that the solution was not going to be disarmament through the UN, but regime change through war."

989. Secondly, Mr Blair "did not try to argue" Mr Cook out of the view that "Saddam did not have any real weapons of mass destruction that were designed for strategic use against city populations and capable of being delivered with reliability over long distances".

990. Mr Straw told Mr Blair that the Labour Party would not support action beginning the following week.

991. Mr Blair wrote in his memoir that Mr Straw had:

> "… come over after PMQs. He was genuinely alarmed and worried about the political fallout. 'If you go next Wednesday with Bush and without a second resolution, the only regime change that will be happening is in this room.' He said it as a friend and colleague, and he meant it."[307]

992. In his memoir, Mr Straw gave a similar account of that discussion, explaining that his warning "was not about what I would do. I'd support him. But I felt … we would not muster the numbers when it came to the vote in the Commons."[308]

993. Mr Blair and President Bush discussed developments on 5 March.

994. Mr Blair proposed amending the draft resolution by adding a deadline for a decision by the Security Council.

995. On 5 March, Sir David Manning agreed with Dr Rice that Mr Blair and President Bush should speak later that day to discuss possible amendments to the resolution, including the question of a deadline, and to review the lobbying campaign.[309] Sir David told Dr Rice that Chile and Mexico would need "something on timing, and meeting their need for some sort of benchmarking". His preference was to focus on the issue of interviews. Sir David suggested welcoming Dr Blix's "clusters" document on 7 March as "graphic proof" of Saddam Hussein's failure to disarm over the last 12 years.

996. Sir David also said that the UK was looking at ways of trying to discount Dr ElBaradei's decision to close the nuclear file by asking detailed questions.

---

[307] Blair T. *A Journey*. Hutchinson, 2010.
[308] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[309] Letter Manning to McDonald, 5 March 2003, 'Iraq: Conversation with Condi Rice'.

997. Sir David advised Mr Blair that he should suggest a "package deal" to President Bush.[310] That should include a deadline in an amended resolution, which would "probably have to give us an extra week to ten days", and an "accompanying declaration (either written or oral)" to meet the Chilean and Mexican need for benchmarks and calling on Saddam Hussein to go into exile if he were unwilling to co-operate with the UN.

998. Sir David said he had told Dr Rice that Mr Blair might travel to Chile and Mexico to show we were taking account of their concerns. That might be followed by a "carefully orchestrated" meeting with President Bush to demonstrate his (President Bush's) willingness to listen to partners and allies and that he was still, "even at the eleventh hour", hoping that Saddam Hussein would disarm. Mr Blair and President Bush might then consult President Putin. Even if that did not persuade President Putin to support the resolution, it might ensure a Russian abstention rather than a veto, leaving President Chirac isolated.

999. Sir David said he had made it very clear to Dr Rice that the proposals were his idea and that they had not yet been agreed by Mr Blair.

1000. Mr Rycroft advised Mr Blair that the key points he should make to President Bush were:

- The second resolution was "absolutely vital".
- The UK needed "at least nine positive votes and no Russian veto".
- "If the French veto alone, it would be just about manageable."
- The UK thought Russia intended to veto, but "would be moved" by President Bush.
- Angola, Cameroon, Chile, Guinea, Mexico and Pakistan were "moving in the right direction"; but they were "not in the bag yet". Mexico and Chile were "interested in more time, a deadline, and benchmarks".
- Adding an ultimatum into the resolution the UK which identified a "set date (e.g. 17 or 21 March)" for Iraqi compliance.
- It was: "Important that it would take a positive decision by the Security Council to decide that Iraq had taken the required step – so we have the initiative and lock on the process."
- The need to "define some benchmarks to show what we mean by full co-operation".
- The "clusters" document provided "ample evidence on non-co-operation" and "must" be used to extract benchmarks on BW, CW and missiles.

---

[310] Minute Manning to Prime Minister, 5 March 2003, 'Iraq Strategy: Conversation with Condi Rice: 5 March'.

- We should "add our own benchmark on interviews … immediate access to a large number of key people". That was "where Saddam is really vulnerable" and "could change overnight".
- A "little more time" would be required and there could be a need for further meetings and discussions.
- It was: "Crucial to have [a] UN role post-conflict."
- The importance of progress on MEPP.[311]

1001. Mr Blair spoke to President Bush proposing a further amendment to the draft resolution.[312]

1002. Mr Blair said that an ultimatum should include a deadline of 10 days from the date of the resolution for the Security Council to decide that "Unless … Iraq is complying by [[313]], then Iraq is in material breach".

1003. Mr Blair stated that if there were nine votes but a French veto, he thought that "politically and legally" UK participation in military action would be acceptable. "But if we did not get nine votes, such participation might be legal", but he would face major obstacles. It would be "touch and go".

1004. Mr Blair and President Bush also briefly discussed the military plan.

1005. Mr Campbell wrote that he had only heard Mr Blair's side of the call "saying we had a real problem with world opinion, that these countries need a reason to come round, that he wanted to go to Chile and set out the outlines of an amended resolution with a deadline".[314] Mr Blair had also told President Bush that he "needed to work more on Putin".

1006. The record of the discussion broadly confirms Mr Campbell's account.[315]

1007. Mr Campbell also wrote that Dr Blix "was out again today, as much commentator as civil servant".[316] Mr Blair "felt the UNSC had to take control of this now, not Blix". Mr Powell had reported that the US and UK "seemed far apart" but Mr Blair "said it was not as bad as that" he had told President Bush "we would be with them come what may" but it was "other countries" who "needed help to come over". The US had "claimed they had already slowed down as a result of TB, that Bush had wanted to go as early as yesterday but TB made sure they didn't. It was a pretty grim scene, and no matter, how grim, TB was still saying constantly that it was the right thing to do."

---

[311] Minute Rycroft to Prime Minister, 5 March 2003, 'Bush Call'.
[312] Letter Rycroft to McDonald, 'Iraq: Prime Minister's Conversation with Bush, 5 March'.
[313] No date specified.
[314] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[315] Letter Rycroft to McDonald, 'Iraq: Prime Minister's Conversation with Bush, 5 March'.
[316] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

1008. In their subsequent discussion, President Lagos agreed to consider Mr Blair's proposals and to discuss them with President Fox.

1009. Mr Blair spoke to President Lagos on 5 March about rallying international support and making public opinion understand why he thought Saddam Hussein was not co-operating.[317]

1010. Mr Blair wanted President Lagos' view on:

> "… setting a deadline for full co-operation, and saying that if the Iraqis did not co-operate … they would be in breach. In parallel, we would set out our criteria for co-operation. This would face Saddam with the decision: co-operate, leave the scene or face the use of force. It would make clear that force was our last resort."

1011. President Lagos agreed to consider the proposal and Mr Blair's suggestion of a meeting in Chile, to discuss it with President Fox and others, and to respond the following day.

1012. Mr Campbell wrote that Mr Blair wanted to go to Moscow and the US as well as Chile: "We are in this and nobody must think we would ever wobble."[318] Mr Campbell's view was that the idea of a visit to Chile "was clearly not on as things stood" and Mr Blair would need a purpose for a meeting with President Bush.

1013. Mr Campbell added that Mr Blair described the purpose of a visit to the US as "to get them to do the right thing". Mr Campbell had responded that the US was "already very clear about their purpose, which was to go for it". He had also asked Mr Blair "Are you not sure that your frustration at the way others are dealing with it is just producing a kind of wanderlust?" Mr Blair had replied that there was no substitute for face-to-face meetings. Asked if he was sure the issue was really worth "sacrificing everything", Mr Blair had replied that it was:

> "… always worth doing what you think is the right thing … Iraq is a real problem, Saddam is a real problem, for us as much as anyone, and it's been ignored too long."

1014. The British Embassy Washington reported overnight on 5/6 March that the US was now "firmly on track for military action" and would deal firmly with any efforts in the UN to slow down the timetable.

1015. The only event which might significantly affect their timetable would be problems for the UK and the US was therefore pulling out all the stops at the UN.

---

[317] Letter Cannon to Owen, 5 March 2003, 'Iraq: Prime Minister's Conversation with President of Chile, 5 March'.
[318] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

1016. Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, reported overnight on 5/6 March that "barring a highly improbable volte face by Saddam", the US was "now firmly on track for military action – with or without a second … resolution"; and that the "only event which might significantly affect their timetable would be problems for the UK".[319] That had been described as "huge – like trying to play football without the quarterback". The US was "therefore pulling out all the stops at the UN".

1017. Mr Brenton reported that the US fully understood the importance of the second resolution for the UK and he had explained the Parliamentary arithmetic. He also reported that the US had "gained the impression that we need the resolution for legal reasons" and that he had "explained the real situation".

1018. Mr Brenton advised that the US was "reasonably hopeful of getting the nine votes (although a little disturbed that the Mexicans have not yet come back to them on our suggested amendment)". The US was "sanguine" about Russia, and thought China would not veto "unless, at least, the French and Russians do". The US could not "call" France.

1019. The US would discuss tactics with Mr Straw in New York. The US intention remained "to go for a vote next week, perhaps with … a very short ultimatum tagged on". He had told one of his contacts that "it was not helpful for the US to refer to the possibility of not going for a vote".

1020. Mr Brenton concluded:

> "… the military clock is now audibly ticking and only a major shock to our (ie UK) plans is likely to jolt it substantially. The US can be expected to deal quite firmly with any efforts in the UN to slow things down."

1021. Sir Jeremy Greenstock advised that the US would not countenance the use of benchmarks. That would delay the military timetable.

1022. Reporting discussions in New York on 5 March, Sir Jeremy Greenstock wrote that the US would not countenance benchmarks; that "simply risked delaying the military timetable".[320]

1023. Sir Jeremy and Ambassador Negroponte had agreed on the need to avoid the risk that Dr Blix would say that Iraq was demonstrating "unconditional, active and full co-operation". Sir Jeremy had agreed with Ambassador Negroponte and Mr Arias that wording was needed "on Iraq demonstrating a genuine change of heart": "But this had to be something that could not be played back at us, e.g. in a statement by Saddam saying he had taken an 'unconditional and irreversible decision'." One key test was Iraq yielding its WMD.

---

[319] Telegram 294 Washington to FCO London, 6 March 2003, 'Personal Iraq: UN Endgame'.
[320] Telegram 353 UKMIS New York to FCO London, 6 March 2003, 'Iraq: 5 March'.

1024. Discussions between experts on the tactics for the Security Council discussion on 7 March had agreed the need to pose questions to Dr Blix and that "more material drawing out key points from the clusters document" was needed:

> "We could and should use it to illustrate just how much the Iraq has not done with respect to inspections. We should also highlight the huge gaps in knowledge as an illustration that we could not benchmark, nor define key tasks, without Iraqi co-operation."

1025. Sir Jeremy provided two alternative formulations for the draft resolution in a separate telegram.[321]

1026. Mr Blair and Mr Straw agreed that, in the Security Council meeting on 7 March, the UK would:

- **explore additions to the draft resolution;**
- **express outrage over the lack of Iraqi co-operation;**
- **pose tough questions to Dr Blix; and**
- **demand the publication of the UNMOVIC "clusters" document.**

1027. In a meeting on the morning of 6 March, Mr Blair agreed that Mr Straw should explore additions to the draft resolution, including ultimatum language, exile and the UN role in post-conflict humanitarian assistance, with Secretary Powell and others in New York later that day.[322]

1028. Mr Rycroft recorded that:

- Subject to the views of Chile and Mexico, Mr Straw "should stick to our preference for a period of ten days between the passage of the resolution and the expiry of the ultimatum".
- Mr Straw should see Dr Blix to "insist that the clusters document is published on 7 March".
- The UK "should express outrage over the lack of Iraqi co-operation".
- Mr Straw would "put tough questions" to Dr Blix.
- Mr Straw would warn Mr Annan "of the consequences for the UN if our draft resolution is not passed".
- Mr Blair would speak to Presidents Lagos and Putin later that day; and to President Chirac after the Security Council debate.

1029. Mr Campbell wrote: "we needed to get out the idea that we wanted the clusters document out there, also the sense that Blix was just inhaling the politics in all this. We agreed we needed to publish a version of the clusters document which would help

---

[321] Telegram 354 UKMIS New York to FCO London, 6 March 2003, 'Iraq: 5 March'.
[322] Letter Rycroft to McDonald, 6 March 2003, 'Iraq'.

turn round the arguments." Mr Straw was to go to New York "with the message from TB that we needed to turn the clusters document to our advantage".[323]

CABINET, 6 MARCH 2003

1030. Mr Blair told Cabinet that the argument boiled down to the question of whether Saddam Hussein would ever voluntarily co-operate with the UN to disarm Iraq.

1031. Mr Blair concluded that it was for the Security Council to determine whether Iraq was co-operating fully.

1032. Mr Blair explained to Cabinet on 6 March that Dr Blix and Dr ElBaradei would be reporting to the Security Council the following day.[324]

1033. Dr Blix was proposing to put forward a document which analysed the outstanding disarmament issues. It was important that the facts should be made public.

1034. The UK was discussing an amendment to the draft resolution – "to encourage support from those members who remained undecided" – with some Security Council members. The support of Mexico and Chile "could be critical to the vote". It was not clear what Russia and France would do. The "argument boiled down to whether" Saddam Hussein "would ever voluntarily co-operate with the United Nations to disarm Iraq. Members of the Security Council needed to be persuaded on this point."

1035. Mr Blair also said that he had agreed with President Bush on the need for the UN to be "heavily involved" in "the post-conflict situation, in the event that military action was necessary". They had also discussed the importance of moving the Middle East Peace Process forward on the basis of a "Road Map".

1036. The points made in discussion included:

- the amendment of the draft Security Council resolution should incorporate a deadline "since the public attached importance to the inspection work";
- the "integrity and dignity" of the UN process was being "diminished" by the "political arm-twisting" by some members;
- reconstruction of Iraq would require a UN mandate, not just their involvement; otherwise the right of Coalition forces to engage in reconstruction work would be limited by their status as an occupation force;
- the focus on Iraq's WMD should be maintained, not "diverted to discovery and destruction of ballistic missiles, albeit the latter could deliver toxic material in their warheads"; and

---

[323] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[324] Cabinet Conclusions, 6 March 2003.

- the British media operating in Baghdad did not adequately acknowledge the restrictions under which they were working.

1037. Summing up the discussion, Mr Blair said it was "the responsibility of the Chief Inspectors to present the truth about Saddam Hussein's co-operation with the United Nations, so that the Security Council could discharge its responsibilities in making the necessary political decisions". The UK was "lobbying hard in favour of the draft Security Council resolution". It was the duty of Saddam Hussein to co-operate fully, "and it was for the Security Council to determine whether that had been the case".

1038. Mr Cook wrote that Mr Blair had been "surprisingly upbeat about the prospects of getting the six swing votes on the Security Council" and "even expressed a hope that Russia might abstain and France might not veto". That was "not just surprising, but manifestly unrealistic".[325]

1039. Ms Short wrote that her diary entry for that meeting recorded that she had said she regretted:

> "… we couldn't use our leverage to get publication of the Road Map. Arm twisting members of the Security Council looks bad and diminishes the UN. Can't we let the Blix process have integrity. Have to have UN mandate for reconstruction, otherwise occupied territory."[326]

1040. Ms Short added that, in a meeting before Cabinet, Mr Blair had said that he might need to go to see President Bush again which was the "only way he can get him [President Bush] to listen". Ms Short asked Mr Blair to see Mr Annan too.

1041. Mr Campbell described the meeting as "scratchy". Both Mr Cook and Ms Short had been "a bit bolder in setting out their concerns". Ms Short had said the "idea of horse trading and bullying was bad for the authority of the UN". Mr Blair had "hit back quite hard" saying "it was not just the US who were bullying and intimidating"; France was making threats too.[327]

1042. After Cabinet on 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Short, Baroness Symons of Vernham Dean (the joint FCO/Department of Trade and Industry (DTI) Minister for Trade and Investment), Sir Michael Jay and "other officials".[328] That meeting is addressed in Section 6.5.

---

[325] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[326] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.
[327] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[328] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.

USING THE "CLUSTERS" DOCUMENT

1043. Since 3 March, No.10 and the FCO had been discussing how to use the UNMOVIC "clusters" document to the UK's advantage.

1044. Officials recognised that the document was largely historical and a list of things Iraq should have done; UNMOVIC was not due to present its analysis of "Key Disarmament Tasks" required by resolution 1284 to the Security Council until 27 March. The document was described as a "167 page-long catalogue of Iraqi intransigence".

1045. At No.10's request, the FCO analysis of the document was sent to all Cabinet Ministers on 6 March.

1046. Mr Rycroft advised Mr Blair on 4 March:

> "Our best guess is that … we have a reasonable chance of securing ten positive votes … But we are also faced with an increasingly likely French veto.
>
> "To increase the chances of securing nine or ten votes, we should take on board Chilean/Mexican concerns."[329]

1047. Mr Rycroft identified Chile and Mexico as the least likely of the 10 possible positive votes. He set out options identified by Sir Jeremy Greenstock, of which "the most promising" was "a combination of an ultimatum and benchmarks".

1048. Setting out a spectrum of options for the language of an ultimatum setting out actions Iraq would need to have taken "by [17 March]", Mr Rycroft wrote:

> "There are mixed signs as to whether the US would accept any of these approaches. But our instinct is to press on hard, and to try to persuade the Chileans/Mexicans themselves to table this amendment, after Blix's 7 March report."

1049. Mr Rycroft added:

> "In parallel … but outside the resolution, we should set out what we mean by full compliance by picking out benchmarks based on Blix's clusters document … [I]f we end up with ultimatum language at the soft end of the spectrum, we shall need to say what we mean [by the language of the resolution] …"

1050. Mr Rycroft advised:

> "There is no guarantee that these moves would help prevent a French veto. But they should help ensure a Russian abstention and increase France's isolation. We shall have to decide, at the last minute, whether the costs of a French veto outweigh the advantages of a vote showing majority Security Council support. At present, our view

---

[329] Minute Rycroft to Prime Minister, 4 March 2003, 'Iraq: A Strategy'.

is that we must test the French veto threat to destruction and put our resolution to the vote … Certainly we should give no hint to the French of looking at options short of putting our text to a vote.

"It is possible that a find by the inspectors would be what it takes to move [President] Chirac away from a veto. If there were a find (see separate note), it would be well worth your talking to Chirac to see if it will do the trick."

1051. On the timing for a vote, the "preference, shared by the US," was to seek a vote "as soon after 7 March as we are confident that we have nine positive votes". With the planned ultimatum, there would then be "a week or so before the start of military action to work on public opinion, rather than attempting to do this before the vote".

1052. Mr Rycroft concluded:

"On 7 March, we need to turn Blix's 'clusters' document to our advantage. We need to stress that it is not exhaustive, yet it still offers a damning indictment of Iraq's failure to co-operate. It comprises sections on 29 different weapons/agents … for each of which Blix includes outstanding questions for Iraq to answer. (I am sending you the complete list …) At 167 pages, it shows not only what Iraq would have to do in the future to give full co-operation, but also what Iraq should have done over the last 12 years. This is further compelling evidence, if any were needed, of Iraq's failure to co-operate fully."

1053. Responding to a request from Mr Blair for further information on the UNMOVIC "clusters" document; a minute from Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, described it as "rather historical" and that most of the information was drawn from UNSCOM's work.[330] The UK had "urged" Dr Blix to "give appropriate weight to post-1998 unresolved issues". He had "promised to try", but argued that while it was "possible to establish material balances for the earlier period", it was "less clear what one could do with the flat Iraqi denial of any activity in the latter period"; and it was "unclear whether all gaps could be resolved".

1054. Mr Cannon reported that France, Germany and Russia had pressed for the "clusters" document and the UNMOVIC work programme, to be released to the Security Council. The UK thought that they intended:

"… to distil … a few benchmarks to assess Iraqi compliance. We doubt whether it would be possible to define 'key tests' that did not allow Iraq room to fudge compliance or Security Council members room for debate about whether Iraq was meeting the criteria or not. Saddam would be encouraged to continue to dribble out concessions piecemeal rather than offer a step change on co-operation. So far we have argued that without full co-operation from Iraq, specific disarmament tasks are at best irrelevant and at worst allow Saddam off the hook."

---

[330] Minute Cannon to Prime Minister, 4 March 2003, 'Iraq: "Clusters" Document'.

1055. Addressing two questions, Mr Cannon advised that the document:

- Exposed the "scale and range" of Iraq's WMD and the "long-term pattern of concealment and deceit". It flagged up "recent examples of Iraqi deception". It could be used as "evidence of Iraq's failure to co-operate" and its UN provenance "gave it more credibility than products of potential belligerents".
- Could be used after publication as a quarry for benchmarks, but it "tended to focus on hardware rather than interviews" and the "sheer number of outstanding questions" made it possible for the Iraqis reasonably to ask for more time. Boiling down the list might open the way to suggestions that Iraq had partially complied.

1056. Mr Cannon concluded:

> "But we can draw on the 'clusters' in drawing up our own 'benchmarks' … We need to ensure that on balance it is seen as a list of the things that Iraq should have done, not a list of things for Iraq to do in the future."

1057. FCO analysis of the draft "clusters" document sent to No.10 on 5 March explained that the document was "intended to form the basis for UNMOVIC's determination of the 'Key Disarmament Tasks'", which the terms of resolution 1284 (1999) stipulated were to be submitted to the Security Council for discussion by 27 March. A revised draft would be submitted to the Council on 7 March.[331]

1058. The FCO suggested that France, Germany and Russia would "try to use the document to draw up a 'leisurely' timetable for those issues to be addressed". The UK position had been that "without full and active Iraqi co-operation, it is not possible to draw up a comprehensive list of disarmament tasks"; and that: "In any case, the requirements of resolution 1441 take precedence."

1059. The FCO drew attention to a number of points in the draft document, including:

- Iraq had "admitted refurbishing some equipment previously destroyed by UNSCOM, in particular some chemical facilities".
- There had been "a modest expansion of biological industries … UNMOVIC also acknowledge that there have been a number of intelligence reports concerning bio-weapon production facilities."
- There had "been 'a surge of activity' in missile technology over the past four years".

1060. The FCO commented that the draft document was "not exhaustive" but did reveal "the enormous amount of Iraqi non-co-operation over the years; a 167 page-long catalogue of Iraqi intransigence".

---

[331] Fax Owen to Rycroft to, 5 March 2003, attaching Papers prepared by Patrick Davies (MED) for Peter Ricketts, 'Iraq: Key Papers'.

1061. The FCO identified a number of "key points", including:

- The report was "inevitably not comprehensive". It was: "Impossible to provide a comprehensive list of disarmament tasks without Iraqi co-operation and given the inspectors were out of Iraq for four years."
- A "huge number of questions remain unanswered". More than 100 specific actions had been identified which Iraq "must take". Those were "not difficult, mostly concerning the need to present documents, evidence and more coherent accounts of Iraq's work". Iraq "could have provided this at any time".
- Iraq could "give no credible account of the surge of activity in the missile technology field over the last four years".
- Destruction of the Al Samoud 2 missiles had begun by the UNMOVIC set deadline of 1 March and 28 had been destroyed by 5 March: "No end-date has been set for the process."
- There were "uncertainties about Iraq's use of mobile 'factories'".
- Iraq's failure to co-operate over private interviews raised "further suspicions that Iraq has something to hide".
- UNSCOM had a list of 3,500 names of those it might wish to interview.

1062. At No.10's request, the FCO analysis was sent to all Cabinet Ministers on 6 March.[332]

1063. A further analysis of the "clusters" document by Downing Street officials on 6 March picked out the areas which demonstrated Iraqi non-co-operation. As there was only limited material on ongoing production programmes (other than ballistic missiles), the two key sets of concerns related to leftover questions from UNSCOM on chemical and biological weapons, and evidence of a "systematic pattern of deceit and concealment".[333]

1064. In his discussions with President Lagos on 6 March, Mr Blair stated that the US would go ahead without the UN if asked to delay military action until April or May.

1065. In his discussion with President Lagos on 6 March, Mr Blair was reported to have stated that:

- Saddam Hussein would not make concessions unless he was under pressure.
- If the US was asked to delay action until April or May, "they would simply go ahead without the UN"; we could not expect President Bush to wait after the end of March.

---

[332] Letter Owen to Prout, 6 March 2003. 'Iraq: Report from UNMOVIC Chairman, Hans Blix'.
[333] Minute Cannon to Prime Minister, 6 March 2003, 'Iraq: "Clusters" Document'.

- If "Saddam co-operated, war could even now be averted", but Mr Blair now "did not think" that Saddam Hussein would co-operate.
- He was "prepared to sign up to a statement that war was avoidable if Saddam co-operated … if Saddam really co-operated he could have more time to complete disarmament. But the Security Council had to be the judge of co-operation".
- He "needed to know whether he had Chilean and Mexican support".[334]

1066. Mr Rycroft reported that President Lagos was opposed to a short deadline and had decided to wait to see what happened at the Security Council the following day.

ASSESSMENT OF IRAQ'S INTENTIONS, 6 MARCH 2003

1067. An assessment of Iraq's intentions on 6 March concluded that the strategy was to play for time, and Iraq thought that strategy was working.

1068. The Assessments Staff was confident that Saddam Hussein's aim would be the eventual re-creation of his WMD capability.

1069. Mr Miller provided an assessment of 'Saddam's possible next moves' for Sir David Manning on 6 March.[335] The document was also sent to officials in the FCO, the MOD and the Cabinet Office.

1070. Mr Miller described Saddam Hussein's strategy as "to play for time, gradually releasing limited information on Iraq's terms or when there is no other option". Iraq thought its strategy was working. Mr Miller stated: "Even if he [Saddam Hussein] does opt for a declaration of WMD, we are confident that his aim would be the eventual re-creation of his capability."

1071. Mr Miller advised that the decision to destroy the Al Samoud 2 missiles was "indicative of Saddam's strategy: a drawn out debate with UNMOVIC over legality; an offer to form a 'technical committee' to review the weapon; compliance; and an attempt to portray compliance as a major concession". Mr Miller predicted that Iraq would "draw out the destruction process", which might take "as long as two months to complete".

1072. Other points made by Mr Miller included:

- Iraq was "likely to follow a pattern of a drip feed of information to UNMOVIC".
- Passing over documents only in Arabic might be a deliberate tactic to delay verification.
- It could take two to three weeks to validate any documentation to back up Iraq's claims to have destroyed VX.

---

[334] Letter Cannon to Owen, 6 March 2003, 'Iraq: Prime Minister's Conversation with President of Chile, 6 March'.
[335] Minute Miller to Manning, 6 March 2003, Iraq: Potential Compliance with UNMOVIC'.

- Progress with interviews continued to be "unsatisfactory", although there had been "some improvement". Iraq was likely to continue attempts to monitor interviews and to resist interviews outside Iraq.
- Iraq was likely to support proposals – for more time for inspections or an agreed timetable or checklist – put forward by those in the UN reluctant to authorise a resolution permitting war.

1073. Mr Miller concluded:

> "In short, we have seen no indication that there will be a change in Iraq's strategy … Iraq will continue to put the onus on the inspectors to set out what they want rather than pro-actively provide information … Saddam will be prepared to offer further concessions – or at least to say he is ready to. But based on current behaviour any information will be incomplete, will be difficult to interpret and will not represent a full declaration of Iraq's capability. On overseas interviews and any proposal for a substantial UN military force, agreement is likely only in the face of imminent military action."

MR STRAW'S MEETINGS IN NEW YORK, 6 MARCH 2003

1074. In a meeting with Mr Annan, Mr Straw set out the thinking on revising the second resolution.[336]

1075. Mr Straw told Mr Annan that military considerations could not be allowed "to dictate policy", but the military build-up "could not be maintained for ever", and:

> "… the more he had looked into the Iraq dossier the more convinced he had become of the need for action. Reading the clusters document made his hair stand on end."

1076. Mr Straw set out the UK thinking on a deadline, stating this was "Iraq's last chance", but the objective was disarmament and, if Saddam Hussein did what was demanded, "he could stay". In those circumstances, a "permanent and toughened inspections regime" would be needed, possibly "picking up some earlier ideas for an all-Iraq NFZ [No-Fly Zone]".

1077. Other points in the discussion included:

- Mr Kieran Prendergast, UN Under Secretary-General for Political Affairs, pointed out that the UK was "reversing the veto: if there were no positive finding, then there would be war".
- Mr Ricketts stated that "it had to be this way round if there were to be a clear deadline".

---

[336] Telegram 366 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Foreign Secretary's Meeting with UN Secretary-General, New York, 6 March'.

- It had been decided not to include a provision about exile, but "we were telling our Arab friends that we had got exile language".
- Mr Prendergast stated that giving Saddam Hussein impunity would cause a "big public problem: how could we ignore the ICC [International Criminal Court]".
- Mr Straw responded that "if the choice was between war or immunity", he had the sense that "people would breathe a sigh of relief".
- If there were to be a conflict, "the UN had a role in humanitarian aid and reconstruction, and only the UN could give legal authority for any post-Saddam government".
- Mr Annan was reported to be "disturbed" by the American position that everyone had to vote for the resolution "or else the UN would be irrelevant". The US knew it needed the UN on a range of issues. The UN was "bigger than Iraq".
- Mr Straw responded that "if we failed the cohesion of the Security Council would be weakened".

1078. Sir Jeremy Greenstock reported that Mr Annan had approved.

1079. In a meeting with Dr Blix on 6 March, Mr Straw had "acknowledged" that the draft resolution:

> "… missed out a necessary intermediate step. We now proposed to offer Saddam an opportunity to show full compliance accompanied by a slightly longer time frame …
>
> "… [the Government's] agenda was disarmament and not regime change. The Prime Minister had told Ivanov that if Saddam gave up his WMD he could stay. President Bush could not say this publicly, but he too would prefer peaceful voluntary disarmament to war. If Dr Blix, as the most important witness in the whole process, reported to the Security Council that Iraq was co-operating then the bunting would go up in London."[337]

1080. Mr Straw had also "stressed that the underlying intelligence picture which was agreed by a number of services from several countries was clear – Saddam was not complying and was misleading the inspectors".

1081. Dr Blix told Mr Straw that he would report that the Iraqis had made "some progress but they still had a long way to go". Dr Blix "did not personally doubt that the Iraqis were self sufficient in precursors and had the capability to jump start production of a range of agents. But the inspectors had found little … although the Iraqis had been 'hyperactive' of late in handing over documents and making other gestures, overall they were not co-operating fully." Dr Blix had agreed with Mr Straw that "while difficult to define we would all soon realise what constituted compliance when the Iraqis started co-operating fully".

---

[337] Telegram 373 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Your Meeting with Blix: 6 March'.

1082. Sir Jeremy Greenstock reported that Mr Fischer had told Mr Straw that: the problem was the US agenda of regime change and the timelines created by the military build-up.[338] He could not accept a resolution with language setting an ultimatum plus a trigger because it would lead directly to war.

AGREEMENT ON A REVISED DRAFT RESOLUTION

1083. The UK, US and Spain agreed a revised resolution to be tabled in the Security Council on 7 March.

1084. Following a telephone call between Mr Straw and Secretary Powell, Sir Jeremy Greenstock reported that the US was "relaxed about the exact language in the second resolution; they will agree to what works for us".[339]

1085. The key elements of the draft are set out in the Box below.[340]

UK/US/Spanish draft resolution, 7 March 2003

The draft resolution recalled the provisions of previous Security Council resolutions on Iraq and noted that:

- the Council had "repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations"; and
- Iraq had "submitted a declaration … containing false statements and omissions and has failed to comply with, and co-operate fully in the implementation of, that resolution".

The draft stated that the Council:

"Mindful of its primary responsibility under the Charter … for the maintenance of international peace and stability;

"Recognising the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security;

"Determined to secure full compliance with its decisions and to restore international peace and security in the area;

"Acting under Chapter VII …;

"Reaffirms the need for full implementation of resolution 1441 (2002);

"Calls on Iraq immediately to take the decisions necessary in the interests of its people and the region;

[338] Telegram 377 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Foreign Secretary's Meeting with German Foreign Minister, 6 March'.
[339] Telegram 360 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Foreign Secretary's Meeting [sic] with US Secretary of State, New York, 6 March'.
[340] Telegram 378 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Draft Resolution'.

> "Decides that Iraq will have failed to take the final opportunity afforded by resolution 1441 (2002) unless, on or before 17 March 2003, the Council concludes that Iraq has demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament obligations under resolution 1441 (2002) and previous relevant resolutions, and is yielding possession to UNMOVIC and the IAEA of all weapons, weapon delivery and support systems and structures, prohibited by resolution 687 (1991) and all subsequent resolutions, and all information regarding prior destruction of such items;
>
> "Decides to remain seized of the matter."

7 March 2003

Security Council, 7 March 2003

DR BLIX'S REPORT TO THE SECURITY COUNCIL, 7 MARCH 2003

1086. In his report to the Security Council on 7 March, Dr Blix stated that there had been an acceleration of initiatives from Iraq since the end of January, but they could not be said to constitute immediate co-operation. Nor did they necessarily cover all areas of relevance; but they were nevertheless welcome.

1087. As required by resolution 1284 (1999) UNMOVIC was drawing up a work programme of key disarmament tasks for approval by the Security Council which would be ready later that month.

1088. It would take "months" to complete the task.

1089. Introducing UNMOVIC's 12th quarterly report of activity to 28 February 2003, as required by resolution 1284 (1999), which had already been circulated to the Security Council, Dr Blix stated that, when the report had been finalised, there had still been "relatively little tangible progress to note" and the report had been "cautious". By 7 March, there had been a number of relevant events on which he would bring the Council up to date.[341]

1090. The key points from Dr Blix's report are set out in the Box below.

Dr Blix's report, 7 March 2003

Inspections process

Inspections had begun on 27 November 2002, and "faced relatively few difficulties". Initial difficulties about helicopters and aerial surveillance had "been overcome". While there were "frictions", "at this juncture", UNMOVIC was "able to perform professional no-notice

[341] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

inspections all over Iraq and to increase aerial surveillance" and its capabilities were being increased.

Documents and interviews

Iraq, "with a highly developed administrative system", should have been "able to provide more documentary evidence".

It was "a disappointment" that Iraq's declaration of 7 December 2002 "did not bring new documentary evidence". Dr Blix hoped that "efforts … including the appointment of a governmental commission" would "give significant results":

> "When proscribed items are deemed unaccounted for, it is, above all, credible accounts that are needed – or the proscribed items, if they exist."

Where "authentic documents" did not become available, interviews "may be another way of obtaining evidence". Iraq's provision of "many names" had prompted two reflections:

> "… with such detailed information existing regarding those who took part in the unilateral destruction, surely there must also remain records regarding quantities and other data concerning the various items destroyed.
>
> "… with relevant witnesses available it becomes even more important to be able to conduct interviews in modes and locations, which will allow us to be confident that the testimony is given without outside influence."

Iraq seemed "to have encouraged interviewees not to request the presence of Iraq officials … or the taping of interviews" but "conditions ensuring the absence of undue influence were difficult to attain inside Iraq. Interviews outside Iraq might provide such assurance. It is our intention to request such interviews shortly."

Thirty-eight individuals had been asked for interviews and 10 had accepted UNMOVIC's terms, seven during the last week.

Inspections

Iraq had denied the existence of mobile production units for biological weapons and that proscribed activities were being conducted underground. Inspections had taken place at declared and undeclared sites but no evidence of proscribed activities had "so far been found". Iraq was "expected to assist in the development of credible ways to conduct random checks of ground transportation".

Inspectors were examining Iraq's programmes for remotely piloted vehicles and data was being collected to assess the range and other capabilities of the models found.

In relation to "reports of proscribed activity conducted underground", which Iraq had denied, Dr Blix stated that "no facilities for chemical or biological production or storage have been found so far". Iraq should provide information on any underground facilities that were suitable for the production or storage of weapons of mass destruction.

Dr Blix stated that UNMOVIC would need some more staff to monitor ground transportation and to inspect underground facilities, but he:

> "… would rather have twice the amount of high quality information about sites to inspect than twice the number of expert inspectors to send."

Recent developments

Dr Blix stressed the importance of Iraq's acceptance of the destruction of Al Samoud 2 missiles and associated items, which constituted a "substantial measure of disarmament … the first since the middle 1990s".

Other points covered by Dr Blix included:

- UNMOVIC was reviewing the legality of the Al Fatah missile.
- Papers on anthrax, VX and missiles had recently been provided. Many re-stated what Iraq had already declared, but some required further study and discussion.
- There was "a significant Iraqi effort under way to clarify a major source of uncertainty" about the "quantities of biological and chemical weapons" that had been "unilaterally destroyed in 1991", by excavating a site that was formerly "deemed too dangerous". Eight intact bombs had been unearthed, two of which had a "liquid fill". That "should be followed by a serious and credible effort to determine" how many R-400 bombs had been produced.
- Iraq had informed UNMOVIC that there would be further legislation on prohibiting work on weapons of mass destruction.

Dr Blix stated that, in relation to Iraq's recent initiatives:

> "One can hardly avoid the impression that, after a period of somewhat reluctant co-operation, there has been an acceleration of initiatives from the Iraqi side since the end of January. This is welcome, but the value of these measures must be soberly judged by how many question marks they actually succeed in straightening out. This is not yet clear."

Dr Blix stated that the question which was being asked was "whether Iraq has co-operated 'immediately, unconditionally and actively' with UNMOVIC, as required" by resolution 1441.

Dr Blix stated: "The answers can be seen from the factual descriptions I have provided." He added that, "if more direct answers are desired":

- Iraq had not "persisted" in attaching conditions on the exercise of the inspectors rights.
- The recent Iraqi initiatives to address long-standing issues could be "seen as active or even proactive". But "three to four months into the new resolution" they could not be said "to constitute 'immediate' co-operation. Nor do they necessarily cover all areas of relevance. They are nevertheless welcome, and UNMOVIC is responding to them in the hope of solving presently unresolved disarmament issues."

Key disarmament tasks

Dr Blix stated that UNMOVIC was working under several resolutions and that resolution 1284 (1999) instructed "UNMOVIC to 'address unresolved disarmament issues' and to identify 'key remaining disarmament tasks' … to be submitted for approval by the Council in the context of a work programme". UNMOVIC was required to submit only the work programme to the Council, and the draft would be ready "this month as required".

Dr Blix added that, as he understood "several Council members are interested in the working document with the complete clusters of disarmament issues, we have declassified it and are ready to make it available to members of the Council on request". It provided "a more up-to-date review of the outstanding issues"; and each cluster ended "with a number of points indicating what Iraq could do to solve the issue. Hence, Iraq's co-operation could be measured against the successful resolution of issues."

1091. Dr Blix concluded that "co-operation can and is to be immediate", but "disarmament and … verification … cannot be instant". "Even with a pro-active Iraqi attitude" it would still take "months" to "verify sites and items, analyse documents, interview relevant persons and draw conclusions".

DR ELBARADEI'S REPORT, 7 MARCH 2003

1092. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998 and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq's nuclear capabilities in the near future.

1093. Dr ElBaradei reported that the IAEA was focused on the "central question" of "whether Iraq has revived, or attempted to revive, its defunct nuclear weapons programme over the last four years".[342] Dr ElBaradei noted that:

> "… in the past three weeks, possibly as a result of ever-increasing pressure by the international community, Iraq has been forthcoming in its co-operation, particularly with regard to the conduct of private interviews and in making available evidence that could contribute to the resolution of matters of IAEA concern."

1094. That "should enable" the IAEA "in the very near future to provide the Security Council with an objective and thorough assessment of Iraq's nuclear-related capabilities".

1095. The key points made by Dr ElBaradei are set out in the Box below.

Dr ElBaradei's report, 7 March 2003

Iraq's industrial capacity had deteriorated sharply, including through the departure of foreign support present in the 1980s and large numbers of skilled Iraqi personnel in the preceding decade.

Interviews were continuing, including two "private interviews in the last 10 days". Interviews outside Iraq might be the best way to ensure that interviews were "free", and the IAEA intended to request such interviews "shortly".

[342] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

The primary technical focus of the IAEA in the field had been on the possible resumption of Iraq's efforts to enrich uranium. In relation to the three key issues, the IAEA had:

- Failed to uncover any evidence that Iraq's attempts to purchase high strength aluminium tubes was for "any project other than … rockets". The documents provided and interviews had allowed the IAEA "to develop a coherent picture of attempted purchases and intended usage".
- Verified that none of the magnets Iraq had declared could be used directly for the magnetic bearings in centrifuges. It was likely that Iraq possessed the expertise to manufacture such magnets and the IAEA would continue to monitor and inspect equipment and materials.
- Stated that documents relating to the reports of possible acquisition of uranium from Niger were not authentic, but it would continue to follow up any additional evidence.

Dr ElBaradei concluded that there was no indication:

- "of resumed nuclear activities" in buildings identified as new or reconstructed since 1998";
- "of nuclear-related prohibited activities at any inspected sites";
- "that Iraq has attempted to import uranium since 1990";
- "that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment";
- "to date that Iraq imported magnets to use in a centrifuge enrichment programme".

Dr ElBaradei stated that Iraq's procurement efforts, including those in relation to magnets and aluminium tubes, had been conducted "in contravention of the sanctions controls" imposed by the Security Council. The IAEA would continue to scrutinise and investigate those issues and hoped "to continue to receive from States actionable information relevant to our mandate".

SECURITY COUNCIL DISCUSSIONS, 7 MARCH 2003

1096. In the discussion, there was unanimity in calls for Iraq to increase its co-operation.

1097. But there was a clear division between the US, UK, Spain and Bulgaria who spoke in favour of a further resolution, and China, France, Germany and Russia and most other Member States who spoke in favour of continuing to pursue disarmament through strengthened inspections.

1098. The UK, US and Spain circulated a draft resolution deciding that Iraq would have failed to take the final opportunity offered by resolution 1441 (2002) unless the Security Council concluded, on or before 17 March 2003, that Iraq

had demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament obligations and was yielding possession of all weapons and proscribed material to UNMOVIC and the IAEA.

1099. Mr Fischer stated that the international community was united in its condemnation of the Iraqi regime but had different views about how to achieve that "common goal".[343] He added that the briefings from Dr Blix and Dr ElBaradei made clear that Iraq's co-operation did "not yet fully meet" the UN's demands. Iraq "could have taken many of its recent steps earlier and more willingly", but co-operation had "notably improved". That was "a positive development" which made it "all the less comprehensible why that development should now be abandoned".

1100. In line with the French/German/Russian joint memorandum presented to the Security Council on 24 February, Mr Fischer called for a "tough regime of intensive inspections" with "a time frame for every single problem". Dr Blix and Dr ElBaradei should present the Security Council "with a detailed, comprehensive working programme … without delay".

1101. Mr Fischer added that the disarmament of Iraq had to be "pursued energetically and systematically" and the Iraqi Government had to co-operate fully with the inspectors. But there was "no need for a second resolution" and the use of force: peaceful means were "very far from having been exhausted". Progress in recent days showed that there were "efficient alternatives to war". Taking that path would "strengthen the relevance of the United Nations and the Security Council".

1102. Mr Farouk al-Sharaa, the Syrian Deputy Prime Minister and Minister for Foreign Affairs, reminded the Council of calls by the Non-Aligned Movement, the Arab Summit and others for the inspectors to be given time to complete their work. Syria was "confident" that the United Nations, which represented the "will of the international community", would opt for peace.

1103. Mr Derbez expressed concern about the "lack of active, immediate and effective co-operation" from the Iraqi regime. But Mexico was "greatly distressed" by the erosion of relationships and common values caused by different visions of how to disarm Iraq and "worried by the distance" between members of the Council. Mr Derbez called on members to "avoid taking up inflexible positions".

1104. Mr Derbez stated that Mexico:

- called on the Iraqi Government "radically [to] change its attitude" to "carry out immediately clear and unequivocal actions" to demonstrate it had chosen the path of disarmament;
- was "convinced that we have to explore all options and take advantage of all opportunities to resolve this issue in a peaceful manner";

---

[343] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

- insisted “on the importance of working towards a consensus position” on future action with respect to Iraq; and
- urged members of the Security Council “to work with greater creativity” on the issue.

1105. Secretary Powell stated that the Security Council had “one very, very important question” of intent to address: “Has the Iraqi regime made the fundamental strategic and political decision to comply with United Nations Security Council resolutions and to rid itself of all of its weapons of mass destruction and the infrastructure for the development of weapons of mass destruction?” It was not a question of “clusters of unanswered questions” or benchmarks, but of whether Iraq had made the choice actively to co-operate. In his view, the presentations by Dr Blix and Dr ElBaradei had been “a catalogue of non-co-operation”. Iraq’s “initiatives” were only small steps, which had been “taken only grudgingly; rarely unconditionally; and primarily under the threat of force”.

1106. Secretary Powell argued that the inspectors should not need more resources to look for prohibited facilities. That showed Iraq was not co-operating. The Council “must not allow Iraq to shift the burden of proof onto the inspectors”. Nor could the Council “return to the failed bargain of resolution 1284 (1999), which offered partial relief for partial disclosure”. Iraq had to be held to the terms of resolution 1441, which required “full and immediate compliance”.

1107. Secretary Powell stated that progress was “often more apparent than real”. Missiles were being destroyed but Iraq had the infrastructure to make more, which had not yet been identified and destroyed.

1108. In the light of events in 1991, when the IAEA had mistakenly been about to determine Iraq did not have a nuclear programme, Secretary Powell urged caution in relation to Dr ElBaradei’s report, citing further information calling into question the conclusion that the aluminium tubes were for unguided rockets.

1109. Secretary Powell welcomed UNMOVIC’s “compilation of outstanding issues” which added up to “a damning record of 12 years of lies, deception and failure to come clean on the part of Iraq”. Iraq had lied to previous inspectors and planted false evidence. The US view was that those activities were “still ongoing”. In 1998, when faced with the threat of military action, Iraq had made promises, but had not delivered. In Secretary Powell’s view, that position had not changed and the UNMOVIC document revealed:

> “… a strategic decision to delay, to deceive, to try to throw us off the trail … to hope that the will of the international community will be fractured …”

1110. Secretary Powell stated that the Iraqi regime had not taken the decision to disarm. The Security Council “must not walk away”. If it failed to meet its responsibilities, “the credibility of the Council and its ability to deal with all the critical challenges we face will

suffer". It was time for the Council to send a "clear message" to Saddam Hussein about the political will of the Council and its willingness to use force, if necessary, to achieve the disarmament of Iraq.

1111. Secretary Powell concluded that the draft resolution for action by the Council was appropriate, and that it should be put to a vote "in the very near future". He added: "The clock continues to tick and the consequences of Saddam Hussein's continued refusal to disarm will be very, very real."

1112. Mr Ivanov stated that the Council's "united, energetic efforts" and the pressure on Iraq "from all sides, including the build up of a military presence" had produced progress in implementing resolution 1441. There was "a real disarmament process in Iraq for the first time in many years".

1113. Mr Ivanov said that he "agreed in principle" with Dr Blix that if the latest steps taken by Baghdad had been taken earlier, "the results could be more convincing". But they opened the way to resolving outstanding problems. In those circumstances, Mr Ivanov questioned whether it was "now reasonable to halt inspections" and resort to force. Russia was "firmly in favour of continuing and strengthening inspection activities and making them more focused". The UNMOVIC work programme should include a list of key disarmament tasks which should be "formulated with utmost clarity" and be realisable: "That would allow us to evaluate objectively Iraq's level of co-operation and, most importantly, to provide an exhaustive answer to all the remaining open questions regarding banned Iraqi military programmes."

1114. Mr Ivanov concluded with a plea that the differences in the Security Council should not produce a rift, and that:

> "Only by acting in solidarity will we effectively face up to new global threats and challenges. We are certain that the Security Council has to emerge united and strong from the Iraq crisis, not weakened and divided. Russia will continue to work towards that goal."

1115. Mr de Villepin stated that the inspectors had revealed that Iraq had been actively co-operating for a month. He asked why, in those circumstances, the Security Council should engage in a war with Iraq and "smash instruments that have just proved their effectiveness". It was "clear to all that in Iraq, we are resolutely moving towards the complete elimination of weapons of mass destruction programmes".

1116. Mr de Villepin argued that the Council should proceed "with information, verification, destruction"; and Iraq had to provide "further information in a timely fashion". Iraq was less of a danger than in 1991. Diplomatic action was bearing fruit and the American and British presence in the region lent support to the international community's collective resolve.

1117. Mr de Villepin proposed that the pace of inspections should be stepped up on the basis of:

- a hierarchy of key disarmament tasks drawn from UNMOVIC's work programme;
- a progress report from the inspectors every three weeks to maintain the pressure on the Iraqi authorities; and
- a schedule for assessing implementation: France was willing to shorten the time-frame of 120 days set out in resolution 1284 if the inspectors thought that was feasible.

1118. Mr de Villepin stated that the "military agenda must not dictate the calendar of inspections". France could not "accept an ultimatum as long as the inspectors are reporting progress". He asked whether "by imposing a deadline of a few days", that would be "merely seeking a pretext for war". Some countries might believe that problems could be solved by force, but not France. It believed that the use of force could "give rise to resentment and to hatred, and fuel a clash of identities and civilisations – something that our generation has a prime responsibility to avert".

1119. Mr de Villepin stated:

> "To those who believe that war would be the quickest way to disarm Iraq, I can reply that it would create divisions and cause wounds that would be long in the healing …
>
> "… force is certainly not the best way of bringing about democracy. In this case and in others, it would encourage a dangerous instability.
>
> "… War would only increase it [terrorism], and we could then be faced with a new wave of violence. Let us beware of playing into the hands of those who want a clash of civilisations or a clash of religions."

1120. Mr de Villepin stated that France understood the "profound sense of insecurity with which the American people had been living since the tragedy of 11 September 2001", but there was nothing to indicate a link between the Iraq regime and Al Qaida and the world would not be a safer place after a military intervention in Iraq.

1121. Mr de Villepin argued for priority to be given to addressing the crisis in the Middle East, which represented "our greatest challenge in terms of security and justice".

1122. Mr de Villepin concluded that the Council would face a choice of disarming Iraq through war or peace, and that to make that choice heads of State and Government should meet.

1123. Mr Tang stated that resolution 1441 had been "widely welcomed and supported" because it manifested the determination of the Council to destroy Iraq's WMD and "truly reflected the desire of the international community for a political settlement". There had been "much progress" on inspections. It was "true" that there were "problems and difficulties", but that was "exactly why" it was "necessary to continue the inspections".

1124. China believed that a political settlement could still attain the goal of destroying Iraq's WMD. That would "need resolve and determination and, more importantly, patience and wisdom". China was "not in favour of a new resolution, particularly one authorising the use of force". The power of the Security Council was derived from all UN member states and it had "no reason to remain indifferent" to the calls for "peace not war" from the peoples of many countries. The Chinese Government strongly appealed "to the Council to shoulder its responsibility and to do all it can to avoid war and to maintain its efforts to achieve a political settlement".

1125. Mrs Alvear stated that the reports by Dr Blix and Dr ElBaradei allowed Chile "to infer" that Iraq's co-operation was "inadequate" and the signs of progress in specific areas did not detract from that conclusion. Chile reaffirmed the need for the "immediate, full and effective disarmament of Iraq" and reiterated its "urgent appeal to Iraq" to co-operate. Chile supported "a solution in keeping with international law and with the purposes and principles of the United Nations Charter", which was the only source of legitimacy for the Council's decisions.

1126. Chile appealed to the five Permanent Members of the Council to find a point of convergence and "advocated the continuation of rigorous inspections subject to a time limit". The use of force under Chapter VII of the Charter could be invoked "only when all peaceful means of disarming Iraq have been exhausted". Chile believed a solution was possible through a "strengthening of inspections … with clear deadlines and concrete demands".

1127. Ms Palacio stated that the Council had "been marking time for 12 years" and that the Council found itself in the "same situation as in 1991". Saddam Hussein's strategy remained to deceive. She questioned how much time was necessary to take the strategic decision to collaborate. Saddam Hussein had managed to divide the international community and to reverse the burden of proof. Only maximum pressure and the credible threat of force could make an impression on the Iraqi regime. Why should the international community believe Saddam Hussein's claims that he had destroyed all his weapons without being able to detect a "genuine will to disarm".

1128. Ms Palacio stated that the Security Council should send clear messages to Iraq about its determination to achieve complete disarmament and that the Council should assume its responsibilities to respond. A strategy of more inspectors or more time was "merely the strategy of impotence". It was possible to envisage results with respect to nuclear material and missiles without Iraq's pro-active collaboration, but that was "not true for chemical or bacteriological weapons". Spain wanted a peace that was "safe and that ensures that those weapons will not be used by Iraq and that they will not fall into the hands of terrorist groups".

1129. In his speech to the Security Council, Mr Straw stated that everyone agreed Iraq must be fully disarmed and that "Iraq's failure to co-operate immediately, unconditionally

and actively with the inspectors" had to be "dealt with".[344] The first question for the Council was, "has Iraq taken this final opportunity"? His answer was that, as no-one had said Iraq was "now fully, actively and immediately in compliance", it had "not so far taken this final opportunity".

1130. Dr Blix's "clusters" document to the Council was a "chilling" account of Iraq's non-compliance over 12 years and there had "not been active co-operation in the areas which matter". The examples cited by Mr Straw included:

- Iraq had "dragged its feet on as many elements of procedural and substantive co-operation as possible".
- Iraq was still refusing to pass a law prohibiting State authorities from engaging on work relating to weapons of mass destruction.
- Iraq had "done everything possible to prevent unrestricted, unrecorded interviews". Of the 3,500 people on UNSCOM's lists, "just twelve private interviews had been allowed", and "all of those … were threatened and intimidated beforehand". He understood that "the scientists most likely to have the most incriminating evidence have been locked away". There had been no interviews outside Iraq. Mr Straw stated: "The restrictions placed on [these] interviews is itself the most incriminating evidence that Saddam has something to hide."
- Under-reporting of the import of Al Samoud 2 missile engines and the missile's range were examples of Iraq's "calculation that it can satisfy the Council with a partial response".

1131. Addressing the memorandum produced by France, Germany and Russia, Mr Straw stated that "it defies experience to believe that continuing inspections with no firm end date" would achieve complete disarmament "if Iraq's full and active co-operation" was not "immediately forthcoming". The memorandum was "not even a formula for containment, given Iraq's proven ability to develop weapons of mass destruction".

1132. Mr Straw welcomed the progress the inspectors had reported. His "earnest wish", and that of the UK Government, was to achieve Iraq's disarmament, "if possible by peaceful means". But it was necessary to recognise that "the progress that has been reported represents only the tip of a very large iceberg of huge unfinished business required of Iraq". He also welcomed the diplomatic pressure on Iraq but suggested it was the presence of US and UK troops in the region which had influenced the recent increase in Iraq's co-operation.

1133. Addressing Mr de Villepin's statement that "the choice before us was disarmament by peace or disarmament by war", Mr Straw pointed out that that was

---

[344] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

"a false choice". The paradox was that diplomacy had to be backed by a credible threat of force to achieve Iraq's disarmament by peaceful means. He wished:

> "… we lived in a different world where this was not necessary, but … the choice is not ours as to how this disarmament takes place – the choice is Saddam Hussein's … he can act with astonishing speed when he chooses to … It may take time to fabricate falsehoods but the truth takes only seconds to tell."

1134. In response to Mr de Villepin's concerns about automaticity, Mr Straw added that the threat of force or its use had:

> "… always been conditional. It would be utterly irresponsible and in defiance of our solemn duties to the Council for us to walk into a situation where force was used automatically …"

1135. In conclusion, Mr Straw stated that the UK remained "committed to exploring every reasonable option for a peaceful outcome and every prospect of a Council consensus". He asked, on behalf of the UK, US and Spain as co-sponsors, for a revised draft of the second resolution to be circulated.

1136. In his memoir, Mr Straw wrote that he had deliberately picked up Mr de Villepin's words and "There was not a word in my speech about the intelligence. It was the indisputable facts of Saddam's behaviour that convinced me we had to act."[345]

1137. Mr Georges Chikoti, the Angolan Deputy Minister for Foreign Affairs, stated that the reports from Dr Blix and Dr ElBaradei showed that Iraq's co-operation was "relatively insufficient" and called on Iraq to take a more energetic and pro-active role.[346] He suggested that the progress made was associated with specific benchmarks and dates. That might be a model for strengthening the scope and intrusiveness of inspections.

1138. Mr Chikoti noted that international community, regional and sub-regional organisations and international public opinion had been calling for the peaceful disarmament. Those were "valid and legitimate concerns" but they could not be "interpreted or transformed into an unwillingness to act". The responsibilities of the Council included "exhausting all diplomatic and peaceful means to achieve such disarmament".

1139. Mr Belinga-Eboutou stated that Cameroon was pleased to note the momentum of inspections was "well established". UNMOVIC's report from the inspectors showed real progress but also made clear that the results had "been very limited so far". Cameroon did not believe that Iraq had "yet taken the final opportunity afforded by … resolution 1441". It was in favour of inspections but they should not go on "indefinitely". The Council should "together seek, in good faith, a credible alternative to war and to endless inspections".

---

[345] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[346] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

1140. Mr Belinga-Eboutou identified the "major and central problem" was to "induce the Iraqi authorities to co-operate actively, fully and unconditionally". The "gravity of the situation and the need for effectiveness" required the Council to "harmonise viewpoints through mutual concessions" to find a solution based on consensus. Council members should build a common position to make it clear to Iraq that if it wanted peaceful disarmament it had "no alternative but to abide by the decisions of the international community".

1141. Mr Tafrov stated that Dr Blix's report was nuanced. Results to date had been "modest". Co-operation was "insufficient" and Bulgaria's view was that Iraq was still in material breach of resolution 1441.

1142. Mr Tafrov thought that the tripartite memorandum and the draft resolution submitted by Spain, the US and the UK were "not incompatible". Bulgaria agreed with France, Germany and Russia that the pressure on Iraq must be increased and the draft resolution was an effective means to do so. Its adoption would be "a logical continuation of the efforts of the Security Council to make Iraq understand that patience has its limits". Bulgaria called for unity of the Council to preserve the credibility of the United Nations and a means to achieve Iraq's disarmament, and for an additional effort for peaceful disarmament.

1143. Mr Akram stated that, if war was to be avoided, the Council must impress on Iraq that it must comply "fully and faithfully". It was "unfortunate" that "divergent approaches" had emerged within the Council. Pakistan believed that "an agreed approach can and must be evolved". He stated: "Once we establish the ways to credibly achieve the disarmament of Iraq … we can also agree on a relatively short time frame." That proposition "would be better than propositions that could result in the early use of force". Pakistan did not believe there was an "imminent threat to international peace and security" and the "cost of delay" would be "much less than the cost of war". War would "have grave consequences for the Iraqi people, for peace and stability in our fragile region, for international security and for a world order based on the principles of the United Nations Charter and the rule of law".

1144. Mr François Lounceny Fall, the President of the Council and the Guinean Foreign Minister, stated that Guinea "remained convinced" that "while the opportunity for a peaceful solution still exists", it could "be seized only if the Iraqi authorities co-operate sincerely". Guinea was "in favour of continued inspections" but believed they could not "go on indefinitely". A more unified approach from the Council was the "only course" that could give the Council's actions "the necessary authority and legitimacy".

1145. Mr Aldouri underlined Iraq's "pledge to continue pro-active co-operation" with UNMOVIC and the IAEA. He drew attention to the position of France, Germany, Russia and China who had demanded that the work of the inspectors should continue and that they should "be given enough time to complete their tasks by peaceful means".

1146. Responding to Secretary Powell's statement that there was a lack of a strategic political decision by Iraq to demonstrate its commitment to comply with the UN resolutions, Mr Aldouri stated that Iraq had taken "the strategic decision to rid itself of weapons of mass destruction" in 1991. He added that:

> "All weapons that have been proscribed fall into one of two categories: they have been either declared or unilaterally destroyed by Iraq. All the declarations that Iraq has been repeatedly asked to present concerned the details and verification of that unilateral destruction and nothing … else. It is for the accusers to prove otherwise, if they possess any evidence."

1147. Mr Aldouri stated that Iraq had no VX programme.

1148. Mr Aldouri stated that the issues of concern identified by the US and UK were "an attempt to confuse the issue" and mask their real agenda to take over Iraq's oil and the political and economic domination of the region. Iraq continued to hope for justice from the Security Council and called on the Council to thwart aggression and prevent "a crime whose impact would far surpass that of any crime of the past century". He concluded:

> "… war against Iraq will wreak destruction, but it will not unearth any weapons of mass destruction, for one very simple reason: there are no such weapons, except in the imagination of some …"

1149. Sir Jeremy Greenstock reported that questions had been raised about what would demonstrate that Iraq had taken the strategic decision to disarm. There was no visible indication of additional votes.

1150. A "side statement" including benchmarks could be needed to bring Chile and Mexico on board.

1151. Sir Jeremy Greenstock reported that, during the lunch for Foreign Ministers hosted by Mr Annan:

- Mr Annan had appealed for Council unity and for UN responsibility post-conflict on humanitarian relief and administrative matters.
- Mr Straw had "defended the ultimatum idea and focused it on Iraqi co-operation, which needed no time at all to signal convincingly".
- Secretary Powell had said the "US would not have come to the UN unless it believed in collective action" and that the US "would want the UN in Iraq as soon as circumstances allowed".
- Dr Blix had said that the "months he needed were for verification with a compliant Iraq … if Saddam could turn out 13,000 pages in a month, he could manage one and a half pages of a convincing commitment to compliance in a very short time".[347]

---

[347] Telegram 389 UKMIS New York to FCO London, 8 March 2003, 'Iraq: 7 March Open Debate and Lunch'.

1152. Sir Jeremy Greenstock reported that "no votes were visibly harvested". The "body language" of African members "much improved" over the two days Mr Straw had been in New York; but:

> "We have not yet avoided the benchmarks problem … what would demonstrate that Iraq had taken the strategic decision to disarm… We could well need a side statement to bring the Latins on board."

1153. The Council was followed by "a long session of informal consultations".[348]

1154. Sir Jeremy Greenstock reported that discussion had centred on three questions raised by Mr Zinser:

- "What did the Security Council have to do to avoid the use of force?"
- "What did Saddam Hussein have to do?"
- "How long did the Council have to address these issues?"

1155. The points made by Sir Jeremy included:

- The core issue was making "best use of the limited time left".
- The Security Council "could not, in the light of existing resolutions … set itself the aim of 'avoiding war' … The real question was how the Council could ensure full implementation of the relevant resolutions (ie complete disarmament without resort to force."
- The Council "should unite in exerting the heaviest pressure on Iraq so that Saddam Hussein embarked on the road to peace before the road to war was authorised".
- "Indefinite delay was an abdication of the Council's responsibilities. Time would be needed to reach 'full and verified disarmament'; but the alternative was not an open-ended invitation to conduct investigations".
- Saddam Hussein "had to convince the co-sponsors and the Council that he and his regime had indeed changed their attitude and taken a strategic decision to disarm voluntarily".
- There was "no real evidence of non-compliance on the nuclear weapons file".
- The "key question" was whether Iraq had WMD: "The UK was sure they did. But the WMD could not be located because Iraq had hidden them, and they would not be found without unconditional and immediate Iraqi co-operation."
- The US and UK "had invested time and money in finding out the truth. So we knew that WMD were being moved every 12 hours; that mobile weapons facilities existed; and that documents and materials were being moved around."

---

[348] Telegram 388 UKMIS New York to FCO London, 8 March 2003, 'Iraq: 7 March 2003: Informal Consultations'.

- The Council "had not made the best use of its time since adoption of [resolution] 1441. In an understandable wish to avoid war, colleagues had perhaps not really believed the UK/US warnings: but we had taken a decision to put our need for long term security over our wish to avoid war."

1156. Sir Jeremy reported that he had asked Dr Blix and Dr ElBaradei a series of questions:

- "How could they be sure the interviewees were not being bugged or threatened?"
- "What real chance was there of UNMOVIC resolving the mobile biological facilities issues without Iraqi co-operation?"
- "Was there any evidence of Iraqi procurement and sites associated with this programme?"
- What was UNMOVIC's "assessment of Iraq's declaration in relation to UAVs"?

1157. Ambassador Cunningham stated that the French and German proposals assumed Iraqi co-operation, but "it was hard, reading the UNMOVIC cluster document, to conclude that verifiable disarmament could happen in the near future or was ever feasible". Iraq was "behaving now as it had always done". Subsequently, he stated that if the Council "spent the next 10 days dreaming about benchmarks it would miss its final opportunity to secure a peaceful outcome". The Council "could assist by bringing maximum pressure to bear"; but since 20 January, "Baghdad had felt under no pressure".

1158. Mr de La Sablière was reported to be "troubled that the Council's timetable was being fixed by the US military agenda, and by having to discuss the choice between war and peace when inspections still offered a real chance of peaceful disarmament". The "clusters" document gave the Council an objective basis to address the state of Iraqi disarmament and: "Only a few questions were left to be addressed: Iraq was 'largely disarmed' …" The inspectors "should list the priority issues to be addressed and the key remaining disarmament tasks".

1159. Sir Jeremy reported that:

- Spain questioned Mr de La Sablière's comments and whether the Council was "really being asked to believe that Saddam Hussein had complied fully with resolution 1441".
- Russia said it was clear that, to avoid war the Council had to continue inspections. It also asked whether any of the intelligence received had helped the inspectors to find anything.
- China said the inspections were working and producing results; they should continue. The draft resolution would "strangle the 1441 system in its infancy".

- Germany stated that it made no sense to break off inspections, especially when the process was delivering results. The only way forward was for UNMOVIC and the IAEA to produce objective criteria.
- Cameroon stated that the threat of force had been a key element in the progress so far and military forces could not be left in place indefinitely, but 17 March might be too soon.
- Bulgaria had been ready to support the previous draft and "was studying the latest proposal positively".
- Syria said there had to be a peaceful resolution of the issue and the inspectors should produce a specific work programme.
- Chile agreed that the Council should work for a consensus; the inspection process must be allowed to mature; and Iraq must comply immediately. But he questioned how Saddam Hussein was to be judged. The real question was "whether the threat posed by Iraq was such that there had to be an end now to inspections".
- The US responded to Chile that the Council should judge Iraq on the basis of its experience. Iraqi co-operation over the years was grudging at best.
- For the UK, Sir Jeremy Greenstock said that, if Saddam Hussein admitted he had lied about Iraq's WMD over the years, "that would go a long way to convincing us that he had had a real change of heart. If he came forward with the truth; that would be respected. If he lied, he would be dealt with."

1160. In response to the points raised, Dr Blix stated that UNMOVIC worked under resolutions 1284 (1999) and 1441 (2002). The former asked for "a work programme and key disarmament tasks". UNMOVIC "did not yet know which of the many issues … were the key remaining tasks"; it "aimed to submit a list to the Council in the week beginning 19 [sic] March". The Council had asked UNMOVIC to "complete" the "remaining" disarmament tasks. Resolution 1441:

> "… imposed a greater sense of urgency on the inspection and disarmament process, but he did not think the Council's resolutions necessarily led to the conclusion that UNMOVIC's activities should cease as soon as next week. The resolutions did not demand 'immediate disarmament' but 'immediate co-operation' …"

1161. Dr Blix was also reported to have stated:

- Iraqi co-operation "sometimes seemed grudging", but "only if UNMOVIC found that Iraq was concealing things could one say that there was a real lack of co-operation".
- With the Al Samoud missiles and UAVs, Iraq was "trying to push to the boundaries of what was permissible". On the former, Iraq had arguably "trespassed over the border"; the resolution did not prohibit UAVs, but they were "on the border of what was allowed". UNMOVIC was "still investigating".

- Iraq "seemed to be trying to find ways of assisting UNMOVIC" on mobile BW facilities.
- Walls "might contain eavesdropping devices, but even taking witnesses to Cyprus might not necessarily guarantee truthful evidence".
- UNMOVIC "could be expected to deal with the key remaining disarmament tasks in a matter of months". The timetable proposed in the draft resolution "could not conceivably allow completion".
- Iraq was "frantic" but "selective" in its co-operation.
- A "strategic decision" by Iraq to co-operate would be easily recognised.
- "Various intelligence agencies were sure Iraq had retained 'a jumpstart' capacity, but UNMOVIC had seen no hard evidence."
- Not all the evidence the inspectors had been given "was convincing, and some of it was not even trustworthy".

1162. Dr ElBaradei stated that the IAEA had nearly reached a satisfactory outcome and two to three more months would lead to a conclusion. The test applied to Iraq had to be "an objective results oriented one".

1163. Sir Jeremy reported that initial reactions to the revised draft resolution had focused on "the short time offered to Iraq to comply and on the ultimatum".

1164. Following a meeting between Mr Straw and Mr Tang, Sir Jeremy Greenstock reported that China did not want a second resolution "now"; was concerned about the economic, political and humanitarian consequences of a conflict; and the consequences for the UN of a public split amongst the P5.[349]

1165. Dr Blix recorded that the US and UK had made pre-emptive use of the "clusters" document before it was formally circulated after the Security Council meeting on 7 March.

1166. Dr Blix wrote that although the members of the Security Council knew of the existence of the draft, they were not aware of its contents before finalised copies of the text were presented on 7 March.[350] The German and Russian Foreign Ministers had been:

> "… keen that it should become public to show that precise requirements could be placed on Iraq, rather than nebulous demands for a 'strategic decision' or a 'change of heart' … neither the US nor the UK was opposed to a declassification of what was still an internal document. As it turned out, both the US and the UK Foreign Ministers

---

[349] Telegram 379 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Foreign Secretary's Meeting with Chinese Foreign Minister, 7 March'.
[350] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

got copies of the not yet declassified draft, presumably through the American and British members of our College [of Commissioners].

"The German and French foreign ministers, who had been eager to make use of the document but did not have such a channel of quick provision … could not make use of it to show what concrete benchmarks might look like. Their US and UK colleagues, by contrast, were therefore able to make extensive and preemptive use of the draft to show how unreliable Iraqi declarations and conduct had been in the past."

1167. Dr Blix added that Mr John Wolf, the US Commissioner, had been critical of the relevance of the draft "clusters" document, which provided "only a readable historical account testifying to Iraq's deception" and had only a few pages on what had happened after 1998. The US was interested in whether Iraq had taken "a strategic decision", and that "was all that mattered". The US "did not afford the smallest window to the benchmark approach that Washington saw London working on". The US "disdain" had "shocked and surprised the other members of the College".

Mr Blair's conversation with President Putin, 7 March 2003

1168. President Putin told Mr Blair on 7 March that Russia would oppose military action.

1169. Following the discussions with Mr Ivanov on 4 and 5 March and the observation in Mr Brenton's telegram of 6 March, that the Americans were sanguine about avoiding a Russian veto, Sir Roderic Lyne wrote to Mr Ricketts on 6 March with advice, including for Mr Blair's planned telephone conversation with President Putin.[351] The letter was copied to Sir David Manning.

1170. Sir Roderic wrote that he was "less sanguine" about avoiding a Russian veto unless the French position changed. Mr Ivanov's aim was to help deny nine positive votes for the resolution and thereby avoid the need to take a definitive decision. He would have reported to President Putin that the UK was not totally confident of success and was looking at concessions over language.

1171. Sir Roderic suggested that when Mr Blair spoke to President Putin, he should repeat and reinforce the message that he had given to Mr Ivanov, and argue that the issue was about two fundamental questions of principle:

- The need to deal with the problem of proliferation. That was: "big … and … getting worse … The international community had let this drift … We have to work together on this. We can't go around attacking everyone; but if Iraq gets away with it, it's open house for everyone … we've got to send the message

[351] Letter Lyne to Ricketts, 6 March 2003, 'Iraq/Russia: Ivanov's Visit, the End Game, and the Prime Minister's Call to Putin this Evening'.

that the Iraqi threat is over. Dealing with it … will help us stabilise the Middle East (it's what moderate Arabs privately want). And, with this behind us, we can get together to bring the full range of diplomatic pressures to bear on those who proliferate or support terrorism."

- A multilateral approach to the problem was "hanging in the balance". Mr Blair had "persuaded" President Bush to go through the UN because he wanted to "preserve the Security Council" and wanted "the UN – and all of us, Russia included – to have a say in what happens thereafter in and around Iraq". That was "as much in Russia's interest as the UK's".

1172. The conversation with President Putin lasted over an hour. Mr Blair emphasised the importance of working with Russia as a partner and the need to stand firm in dealing with the threat of terrorism and WMD.[352] The record stated that Mr Blair had told President Putin that resolution 1441 had given Saddam Hussein a final opportunity:

> "He had made some concessions with troops on his doorstep, but he was not co-operating fully and had no intention of disarming. We must carry out what we had said we would do to uphold UN authority and avoid unilateral action. So we would put the second resolution to a vote, with terms to be discussed. We would have nine or ten votes."

1173. During the conversation – and in response to a suggestion that Iraq was currently co-operating, presented no threat to its close neighbours or to the US or UK, had nothing to do with fundamentalist terrorists, and that inspections should continue on the basis of the disarmament tasks based on resolution 1284 (1999) – Mr Blair argued that the time required was that needed to make a judgement about whether there was full Iraqi co-operation; and that Dr Blix's "clusters" document would set out the outstanding items. In his view:

> "In the absence of full co-operation, Iraq was in breach … we must explore every possibility to resolve the issue peacefully, including through forcing Saddam into exile. Saddam would only do so if he thought the alternative was force."

1174. Mr Rycroft recorded that President Putin thought military action would be a mistake which Russia would oppose. He commented that President Putin had been:

> "… unyielding, but at pains to spell out his reasoning in great detail … On the face of it, a clear intention to veto. But there may have been just a hint that if negotiations begin in New York, and engage Moscow, that he will at least be ready to listen."

---

[352] Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with President Putin, 7 March'.

Lord Goldsmith's advice, 7 March 2003

1175. Lord Goldsmith wrote to Mr Blair on 7 March, recording that he had been asked for advice on the legality of military action against Iraq without another resolution of the Security Council.[353]

1176. That is addressed in Section 5.

Mr Blair's conversation with President Bush, 7 March 2003

1177. When Mr Blair spoke to President Bush at 1800 on 7 March, he emphasised the importance of securing nine positive votes in the Security Council for Parliamentary approval for UK military action.

1178. Mr Blair argued that while the 17 March deadline in the draft resolution was not sufficient for Iraq to disarm fully, it was sufficient to make a judgement on whether Saddam Hussein had had a change of heart. If Iraq started to co-operate, the inspectors could have as much time as they liked.

1179. Sir David Manning discussed the response to French and Russian tactics to try to prevent a vote on the draft resolution with Dr Rice on 7 March.[354] Sir David told Dr Rice that the UK "had to have" a vote: that it "had to have one that was understood to be an ultimatum"; and that it "had to have nine votes". The UK "could probably manage the political fall-out if there were a veto, or perhaps even two vetoes", but the UK "could not take part in military campaign if they did not reach the nine vote threshold. We would not be able to get the necessary Parliamentary support."

1180. Sir David Manning subsequently told Dr Rice that President Putin was opposed to the resolution and would reject it. There was also a further discussion of the political position in the UK: Sir David "repeated at length" the point he had made that morning and said that "we had to do whatever it took to secure nine votes". That "might mean adjusting the wording of the second resolution; it might mean time; or it might mean some sort of benchmarking".

1181. Sir David reported that Dr Rice had assured him that President Bush was determined to deliver nine votes. Sir David also commented: "But although the Administration is clearly pulling out all the stops, there is still no sign of willingness to accept that this may mean extending the time lines."

1182. Mr Campbell wrote in his diaries:

> "Condi [Rice] had told David [Manning] overnight that Putin had been clear with Bush that they would veto a second resolution. Also we still didn't have a clue as to whether Chile and Mexico would come over. The mood was gloomier than ever.

---

[353] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.
[354] Letter Manning to McDonald, 7 March 2003, 'Iraq: Conversations with Condi Rice'.

> TB was keen to get up the clusters document and also move towards the sense of an ultimatum. He and David were both now expressing their irritation at the US. David was even of the view that we should be pushing the US to a version of the Franco-German idea of inspections with force, a blue beret [UN] force involved on disarmament."[355]

1183. When Mr Blair spoke to President Bush, they discussed progress and further lobbying.[356]

1184. Mr Blair emphasised again the importance of securing nine positive votes for Parliamentary approval for military action.

1185. Mr Blair stated:

> "… there remained a confusion in many minds … about time. If Saddam had decided to co-operate fully, the inspectors could have as much time as they wanted. But he had not – no-one believed he was co-operating unconditionally and fully. Ten days was of course not enough for him to disarm fully, but it was enough to make a judgement on whether there was a change of heart. In 1441 we had all agreed to full, immediate and unconditional co-operation, not concessions dribbled out under the threat of force."

1186. Mr Campbell wrote that Mr Blair had:

> "… wanted to give him [President Bush] a clear message about the political realities, namely that we couldn't do this without a Commons vote and it was not going to be easy without a second resolution, or with a resolution that was vetoed. The Russian veto was a new element … Putin's position had clearly hardened. During their call Putin was very clear that he felt taken for granted by the Americans …"[357]

1187. Mr Campbell also wrote that President Bush:

- was agreeing to a slightly later deadline, 17 March;
- had told Mr Blair that he would "certainly go for a vote on the second resolution", although he was "still making clear he didn't feel he needed a UNSCR";
- "was at least conscious of the difficulties they gave us"; and
- had said to Mr Blair, "don't worry, I'll be more subtle than you fear …"

1188. Mr Blair had a meeting with Mr Powell, Baroness Morgan, Mr Campbell and Mr Pat McFadden, Mr Blair's Deputy Chief of Staff, to discuss the "what-ifs", including

---

[355] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[356] Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 7 March'.
[357] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

if he lost the vote in the House of Commons.[358] Mr Campbell wrote that Mr Blair "still felt we were doing the right thing. He said even though we were all rightly irritated by the Americans, it was the French we should be really angry with."

1189. Mr Campbell added:

> "We were all outraged at the Blix report. TB said it was political and dishonest … Scarlett said he was wrong in saying the Iraqis were trying to co-operate more … TB was very philosophic about it all. As I sat listening to him on the phone, I lost count of how many times he said: 1. we are right on the issue; 2. we have to see it through; 3, I'm philosophical about what it means for me and whether I survive or not. TB was keen to push the idea that the only reason the concessions were coming was because of the pressure we were applying. But there were very real divisions and dangers and the UN was on dangerous terrain. There was a very clear picture, clearer than ever, of the US in one place, us in another, the French in another, the Russians in another, and the UN as an organisation really worried about where it was heading."

1190. Mr Campbell wrote that on 8 March: "Blix didn't come out as badly as it might have done. In a sense he was almost irrelevant now."[359] He had agreed with Mr Blair "the lines to push for the Sundays [Sunday newspapers] – namely there are two routes by which he can avoid conflict: 1. he disarms, or 2. he goes." The key was winning the necessary votes at the UN. Mr Blair "was clear we just had to keep our nerve and keep striving to get their votes".

1191. Mr Cook wrote that Dr Blix's report was "carefully balanced" and "painfully honest", which was not what the US and UK needed: "No.10 desperately wanted Blix to lay into Saddam and to report no progress, in order that they could mobilise the Security Council for war."[360]

1192. In his evidence to the Inquiry, Mr Blair drew attention to the passage in Dr Blix's report which stated:

> "It is obvious that while the numerous initiatives which are now taken by the Iraqi side with a view to resolving some longstanding, open disarmament issues can be seen as active or even proactive. These initiatives three or four months into the new resolution, cannot be said to constitute immediate co-operation. Nor do they necessarily cover all areas of relevance. They are nonetheless welcome."[361]

---

[358] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[359] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[360] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[361] Public hearing, 29 January 2010, page 114.

1193. In his memoir, Mr Blair subsequently wrote:

> "Having stated that it [co-operation] was increasing, which as he [Dr Blix] put it in somewhat of an understatement, 'may well be due to outside pressure', he then addressed the matter of interviews and documents:
>
> 'It is obvious that, while the numerous initiatives, which are now taken by the Iraqi side with a view to resolving some long-standing open disarmament issues, can be seen as 'active' or even 'pro-active', these initiatives some 3-4 months into the new resolution cannot be said to constitute 'immediate co-operation.'
>
> "Most of all, on the crucial matter of interviews, Blix was never going to get co-operation. That only came after March 2003 with the ISG [Iraq Survey Group, see Section 4.4] …"[362]

1194. The development of UK strategy and options from 8 March is addressed in Section 3.8.

[362] Blair T. *A Journey*. Hutchinson, 2010.

SECTION 3.8

DEVELOPMENT OF UK STRATEGY AND OPTIONS, 8 TO 20 MARCH 2003

Contents

Introduction 402

The end of the UN route 402

- Mr Straw's statement, 10 March 2003 412
  - Informal consultations in New York 416
- President Chirac's interview, 10 March 2003 421
- Events of 11 March 2003 426
  - Mr Straw's minute to Mr Blair 426
  - Ministerial meeting to discuss legal issues and the military plan 429
  - Telephone diplomacy, 11 March 2003 432
  - Consultations in New York 442
- Events of 12 March 2003 446
  - Mr Straw's meeting with Mr Blair 446
  - Prime Minister's Questions, 12 March 2003 449
  - Sir Jeremy Greenstock's proposal to revise the draft resolution of 7 March ... 452
  - Sir Jeremy Greenstock's meeting with Mr Annan 453
  - Mr Straw's conversation with Mr Igor Ivanov 454
  - Mr Blair's conversation with President Bush, 12 March 2003 455
  - US concerns about UK diplomatic activity 459
  - Security Council open debate, 11 and 12 March 2003 460
  - Presentation of the UK's position 461
  - Consultations on UK proposals to identify key tests for Iraq 463
  - French concerns about the UK presentation of President Chirac's remarks ... 467
  - JIC Assessment, 12 March 2003 468
- Events of 13 March 2003 470
  - Cabinet, 13 March 2003 472
  - France's position 477
  - Ministerial meeting to discuss the military plan 481
  - Mr Blair's conversation with President Bush, 13 March 2003 482
  - Developments in New York, 13 March 2003 484
  - The divisions in the Security Council 486

Events of 14 March 2003 490
President Chirac's conversation with Mr Blair 490
Mr Blair's conversation with President Bush 493
Mr Blair's conversations with President Lagos 494
Developments in New York, 14 March 2003 496
The UK decision that Iraq had committed further material breaches 497
The exchange of letters of 14 and 15 March 2003 497
The FCO paper of 15 March, 'Iraqi Non-Compliance with UNSCR 1441' 499
Events of 15 and 16 March 2003 505
The FCO game plan 506
Mr Blair's conversation with President Bush, 15 March 2003 507
Mr Blair's contacts with other leaders 510
Tripartite declaration, 15 March 2003 512
Ministerial statements, 16 March 2003 513
Mr Blair's conversation with Prime Minister Balkenende 514
Mr Blair's conversation with Mr Annan, 16 March 2003 515
The Azores Summit, 16 March 2003 517
President Chirac's interview with *CNN*, 16 March 2003 524
The end of activity on the second resolution 526
Mr Blair's conversation with President Bush, 17 March 2003 527
Russia's position 527
Sir Jeremy Greenstock's announcement, 17 March 2003 528
Mr Ivanov's statement, 17 March 2003 533
Impact of the US military timetable 534

The decision to take military action 537
The military plan 539
Mr Scarlett's advice, 17 March 2003 539
Cabinet, 17 March 2003 539
Statements to Parliament, 17 March 2003 544
Mr Straw's statement, 17 March 2003 544
Mr Cook's resignation statement, 17 March 2003 550
President Bush's ultimatum to Saddam Hussein, 17 March 2003 552
Events of 18 March 2003 556
Australia commits troops 556
President Chirac's statement 557
Mr Blair's conversation with President Bush, 18 March 2003 559
CDS' Directive for military operations 559

Parliamentary approval for military action 559
Debate in the House of Commons, 18 March 2003 559
Debate in the House of Lords, 18 March 2003 570
Events of 19 and 20 March 2003 572
Security Council debate, 19 March 2003 574
Military operations begin 586

Introduction

1. This Section addresses the final attempts to secure support for the UK, US and Spanish draft resolution tabled in the Security Council on 7 March 2003 and, when that failed, the UK Government's decision to take military action without the support of the majority of the Security Council.

2. Other key developments during that time are addressed elsewhere in the Report, including:

- provision of advice by Lord Goldsmith, the Attorney General, on the legal basis for military action to secure Iraq's compliance with its disarmament obligations, which is addressed in Section 5;
- planning for military operations in southern Iraq, which is addressed in Section 6.2;
- UK planning and preparations for a post-Saddam Hussein Iraq, which are addressed in Section 6.5; and
- assessments and advice on Iraq's chemical, biological, nuclear and ballistic missile capabilities, its intention to conceal them from inspections and its intentions for their use in response to a military attack, which are addressed in Section 4.3. That Section also addresses the withdrawal after the conflict of three streams of intelligence reporting which had influenced judgements about Iraq's capabilities and intentions.

3. The Inquiry's conclusions in relation to the development of the UK Government's strategy and options on Iraq before the invasion began, including the way in which the policy was developed and decisions were taken, are contained in Section 7.

The end of the UN route

4. In an attempt to secure support in the Security Council for the second resolution, Mr Blair decided on 8 March to propose delaying a decision and identifying specific tests as the basis to determine whether Saddam Hussein intended to co-operate.

5. Mr Blair began by consulting Mr Ricardo Lagos, the Chilean President, who agreed the proposal was worth exploring, although he thought more time would be needed.

6. The UK's attempts, during February and early March 2003, to reach agreement with the US on the text of a draft resolution stating that Iraq had failed to take the final opportunity to comply with its obligations and to secure international support for that position, and the opposition of France, Russia and others, are set out in Section 3.7.

7. The text of the UK, US and Spanish draft resolution tabled in the Security Council on 7 March called on Iraq "to take the decisions necessary in the interests of its people and the region", which was characterised as a strategic decision by Iraq to disarm.

8. The draft resolution also set a deadline of 17 March for Iraq to demonstrate its "full, unconditional, immediate and active co-operation" in accordance with its obligations and to yield possession of all prohibited items to the UN Monitoring, Verification and Inspection Commission (UNMOVIC) or the International Atomic Energy Agency (IAEA).

9. In the discussions in New York on 7 March, questions were raised about how the judgement would be made that Iraq had taken a strategic decision to disarm.[1] Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, also advised that benchmarks for Iraqi compliance would need to be agreed to secure the support of Chile and Mexico for the UK's proposals.

10. In his conversation with President Bush on 7 March, Mr Blair emphasised the importance of securing nine positive votes in the Security Council for Parliamentary approval for UK military action.[2] While the 17 March deadline in the draft resolution was not sufficient for Iraq to disarm fully, it was sufficient to make a judgement on whether Saddam Hussein had had a change of heart. Mr Blair argued that if Iraq started to co-operate, the inspectors could have as much time as they liked.

11. Following up their conversations in the previous week, Mr Blair spoke to President Lagos on 8 March.[3]

12. The draft speaking note produced by Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, suggested that Mr Blair could tell President Lagos that, after the report to the Security Council on 7 March by Dr Hans Blix, the Executive Chairman of UNMOVIC:

> "… no one believes that Saddam has given immediate, unconditional or full co-operation and intelligence shows that he has no intention of doing so, but that he will continue to dribble out concessions under pressure from our military build-up in order to fool some people and divide international opinion.
>
> "We must not allow ourselves to be fooled. Equally we need to be fair, so that Saddam genuinely does have a chance for a change of heart to avert military action. So I have taken on board your point that you need some concrete tests to judge Saddam by."

---

[1] Telegram 389 UKMIS New York to FCO London, 8 March 2003, 'Iraq: 7 March Open Debate and Lunch'.
[2] Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 7 March'.
[3] Minute Rycroft to Prime Minister, 8 March 2003, 'Iraq: Chile'.

13. The points in the speaking note also included:

- A description of "five key areas and one key test in each area, for Saddam to meet by 17 March", which had been "picked out" from the draft "clusters" document produced by UNMOVIC.[4]
- If Saddam Hussein "had any intention of complying, he would be able to do these. If he were to do all of them, it would show that he has had a change of heart, though even then it would not add up to full disarmament."
- The tests were designed to be "as straightforward and concrete as possible".
- The "onus" was "on Saddam to prove his innocence, not on us to prove his guilt".

14. It was clear in Mr Blair's discussion with President Lagos on 8 March that Chile did not support the approach in the draft resolution.[5]

15. Mr Blair stated that he had worked out five specific tests. He would send them to President Lagos, who agreed to discuss the proposals with Mr Vicente Fox, the Mexican President.

16. Mr Blair told President Lagos that China would not veto the resolution but France would; and that he had not given up on persuading Russia to abstain. A "further reason to want a second resolution, with a gap before the start of military action, was to give the Arabs a chance to press Saddam to go into exile".

17. Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), subsequently wrote to President Lagos setting out five tests.[6]

18. The first test would be to insist on interviews outside Iraq as specified in resolution 1441. The remaining four tests were "based on" the UNMOVIC "clusters" document and would require Saddam Hussein "to provide either the material that is unaccounted for, or to produce full documentation proving its destruction" in respect of:

- chemical weapons – "specifically VX";
- biological weapons – "specifically anthrax";
- missiles – "specifically SCUDS"; and
- remotely piloted vehicles (RPVs) – "specifically their possible adaptation to deliver CW [chemical weapons]".

---

[4] UNMOVIC Working Document, 6 March 2003, *Unresolved Disarmament Issues: Iraq's Proscribed Weapons Programmes.*
[5] Letter Rycroft to Owen, 8 March 2003, 'Iraq: Prime Minister's Conversation with Chilean President, 8 March'.
[6] Letter Manning to Lagos, 8 March 2003, [untitled].

19. Sir David stated that Mr Blair believed:

> "… that if Saddam Hussein intends to disarm voluntarily, and comply with successive UN resolutions, he should be ready to co-operate fully in each of these categories. The Prime Minister also believes that public opinion would see these five demands as clear and fair tests of Saddam Hussein's intentions, and ones that can quickly be met."

20. In a further conversation late on 9 March, President Lagos and Mr Blair discussed the proposed tests.[7]

21. Mr Blair agreed that they should check that Dr Blix "did not think the tests were unreasonable". If the tests showed that Saddam Hussein was serious about co-operation, the tests could be followed by a timetable leading to disarmament. The proposal was "halfway between setting out a detailed time schedule now, which the US would not agree, and the current situation with its lack of definition of full co-operation".

22. Mr Blair also raised the possibility of pushing back the deadline to 24 March, "though he had not raised this with the US".

23. Mr Blair told President Lagos that:

> "… he thought we had eight votes. If Mexico and Chile could support the resolution on the basis of these proposals there would be enormous pressure on Saddam, and it would be possible that France/Russia would not veto."

24. President Lagos agreed the approach was worth exploring, but he would want to see changes to the wording of the draft ultimatum and an additional week.

25. On 9 March, Ms Clare Short, the International Development Secretary, declared she would resign if the UK took military action against Iraq without UN authority.

26. In an interview for *BBC Radio 4's Westminster Hour* broadcast on 9 March, Ms Clare Short said she would resign from the Government if the UK took military action against Iraq without UN authority.[8]

27. Asked whether she thought Mr Blair had acted "recklessly", Ms Short described the situation as "extraordinarily reckless".

28. In response to further questions Ms Short said:

- "… what worries me is that we've got the old spin back and we have detailed discussions either personally or in the Cabinet and then the spin the next day is: 'we're ready for war'."

---

[7] Letter Rycroft to Owen, 9 March 2003, 'Iraq: Prime Minister's Conversation with Lagos, 9 March'.
[8] *BBC News,* 10 March 2003, *Clare Short interview [extracts].* [Link to full interview no longer available.]

- "If it takes another month or so, that is fine …"
- "… I think you could get a world where we see the UN in authority … proper care for the people of Iraq, because at the moment the preparations to care for the humanitarian aftermath of any military conflict are not properly in place."
- "And there's another major legal point – if there isn't a UN mandate for the reconstruction of Iraq … It will in international law be an occupying army and won't have the authority to make changes in the administrative arrangements in Iraq."

29. Ms Short informed Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, and Mr Suma Chakrabarti, the Department for International Development (DFID) Permanent Secretary, of her action as soon as the interview had been recorded.[9]

30. Ms Short wrote in her memoir that she:

> "… had decided war was unstoppable. I had experienced enough wars to know that it was too late to criticise when our troops were on the ground …"[10]

31. Ms Short also wrote that her diary entry for 9 March read:

> "TB [Mr Blair] rang, furious. Said I am undermining his delicate negotiations …
>
> "… I said sorry to upset but doing what I think right, no good resigning after war started. He said 7 days yet, can't leave that man there."

32. Mr Robin Cook, who in March 2003 was Leader of the House of Commons, wrote that on 10 March he had agreed with Ms Hilary Armstrong, the Chief Whip, that, on 13 March, he would announce a debate on Iraq for the following week.[11]

33. No.10 officials emphasised to their counterparts in the White House the crucial importance of securing nine votes in support of a resolution in the Security Council.

34. The UK thought that more time, possibly until the end of March, could be needed to build support.

35. Sir David Manning told Dr Condoleezza Rice, the US National Security Advisor, that he thought they were "still short of nine votes" for the draft resolution.[12] Chile and Mexico "would probably abstain" and China "might veto in French and Russian company". There was "an increasingly difficult domestic political background", which "re-emphasised how crucial it was to secure nine votes". Time would be a factor in that.

---

[9] Letter Chakrabarti to Turnbull, 11 March 2003, 'Iraq'.
[10] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.
[11] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[12] Letter Manning to McDonald, 9 March 2003, 'Iraq: Conversation with Condi Rice'.

36. Sir David argued that the US and UK "should be ready to oblige if what they wanted was another ten days, or the end of the month". That would be:

> "… a small price to pay for securing the nine votes that were needed if UK forces were to participate in military action, and if we were to be sure that the Prime Minister could survive a vote in the House of Commons. Obviously these were our priorities … It did not make sense to give the military timetable precedence over the political realities … I could not believe that the military planning could not be massaged to allow more time if there was a chance that this would make the difference."

37. Sir David commented that he had:

> "… laid it on the line this evening. I left Condi [Dr Rice] in no doubt about our political difficulties; and … that the Administration should be ready to make concessions on test/benchmarks and on timing if that was what it took to get nine votes …"

38. The timing of the vote on a second a resolution and for a Parliamentary debate in the UK, and the potential difficulties of securing nine votes in the Security Council and a majority in Parliament, were discussed in a subsequent conference call between Mr Jonathan Powell, Mr Blair's Chief of Staff, Mr Campbell and Sir David Manning and the White House.[13]

39. In his diaries, Mr Campbell wrote that the White House had said that:

> "… if we got a majority with vetoes, Bush wanted to go straight in, within days, even short of the March 17 deadline, would say the UN had failed to act, and get going, on the basis of 1441. We made the point that we needed a second resolution. Without it we had real problems in Parliament. They said continually that they wanted to help us but of course what they really wanted was the use of our forces.
>
> "Jonathan and I continually emphasised we needed the second resolution. We had seven definite votes still, but Condi was less confident re Chile and Mexico … They [the US] basically wanted by Tuesday/Wednesday to say we had exhausted every effort and now the diplomatic window had closed. We said that if we got the majority for a second resolution, even with vetoes we would have to go through with it, including the timetable. Andy Card [President Bush's Chief of Staff] said he feared the President's response would be 'Here we go, another final opportunity, a final final opportunity and this time we really mean it.' I said TB's job was on the line and we did not want to lose him. 'No, nor do we', said Condi. I think our concern was probably deeper."[14]

---

[13] Letter Rycroft to McDonald, 9 March 2003, 'Iraq: US/UK Conference Call, 9 March'.
[14] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

40. Mr Blair left President Bush in no doubt that he needed a second resolution to secure Parliamentary support for UK involvement in military action and sought support for his initiative of setting out tests in a side statement, including that the vote in the Security Council might have to be delayed "by a couple of days".

41. Offered the opportunity not to take military action, Mr Blair assured President Bush the UK would be with the US "if he possibly could be".

42. President Bush was evidently unwilling to countenance delay and was reported to have told Mr Blair that, if the second resolution failed, he would find another way to involve the UK.

43. Mr Blair and President Bush discussed the position late on 9 March, including the positions of Mexico and Chile.[15]

44. Mr Blair told President Bush that he was working with President Lagos on identifying tests for compliance in five specific areas and suggested that they (the US and the UK) should consider delaying the vote by a couple of days.

45. Mr Blair told President Bush that "he [Mr Blair] would be with the US if he possibly could be".

46. Mr Rycroft recorded that President Bush responded that if the second resolution failed, he would find another way to involve the UK. He would "rather go alone militarily than have the British Government fall".

47. President Bush wrote in his memoir that he told Mr Blair he would "rather have him drop out of the Coalition and keep his government than try to stay in and lose it"; and that Mr Blair said, "I'm with you … I absolutely believe in this. I will take it up to the very last".[16]

48. Mr Campbell wrote:

> "TB started by saying he was 'fighting on all fronts'. 'Attaboy' came the reply, a bit too patronisingly for my tastes. TB said one of his Ministers was threatening to resign, also that Chirac [Mr Jacques Chirac, the French President] told Lagos that the Africans were 'in the bag' … TB had spoken to four of the leaders who made up the 8 plus 1. Musharraf [Mr Pervez Musharraf, the Pakistani President] was with us but it was difficult for him. Cameroon said absolutely. Guinea's Foreign Minister coming tomorrow. Dos Santos [Mr José Eduardo Dos Santos, the Angolan President] solid.
>
> "TB was doing most of the talking … He felt Bush needed to work some more on Fox. He felt if we could get them to accept the idea of the tests, other countries

---

[15] Letter Rycroft to McDonald, 9 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 9 March'.
[16] Bush GW. *Decision Points*. Virgin Books, 2010.

would also come with us. But Bush said he was already putting enormous pressure on Mexico. He said he had also been twisting Lagos' arm …

"Bush not happy. Bush said Saddam was very adept at exploiting weakness and Blix was weak. These countries need to see that we want to do this peacefully. He wants the vote to go through but not on an unreasonable basis.

"TB said the public opinion problem stemmed from people feeling the US wanted a war. We have to put up the genuine tests of disarmament, show the determination to try to do this peacefully.

"Bush said he had never come across a situation where the dividing line between success and failure was so narrow. He said he wanted it done peacefully, or any other way. His tone was very different to TB's. Bush was talking the diplomatic talk while clearly very irritated by the whole thing. His worry was that we were negotiating with ourselves, that we got a resolution with a timeframe, everything we want, and we get nothing for it. He said he couldn't believe Chirac said he had the Africans in the bag. 'I can', said TB. 'I have a lot of experience of them.'

"He [Bush] was clearly aware of how tough things were getting for TB. He said if the swing countries didn't vote with us 'my last choice is for your Government to go down. That is the absolute last thing I want to have happen. I would rather go it alone than have your Government fall.' 'I appreciate that', said TB. 'I really mean that' said Bush. TB said it was also important that he understood that he really believed in what they were trying to do. Bush – 'I know that but I am not going to see your Government fall on this.'

"TB said 'I've got our troops there too. If I can't get this through Parliament, we fall, and that's not exactly the regime change I want. We have to work out what Chile and Mexico need.'

"They agreed to speak again to Lagos and to Fox. TB said we were in high-risk, high-reward territory. Bush said he was being eroded domestically by inactivity. He also said he felt the hardest part would be after Saddam. Then Bush did a number on the changes in the Arab world that could follow.

"TB said the biggest concern in not going with the UN was the lack of support if things went wrong. Tommy Franks [General Franks, Commander in Chief US Central Command (CENTCOM)] had said ninety per cent of precision bombs are precise. That leaves ten per cent.

"But Bush was left in no doubt TB would be with him when the time came.

"Bush said 'I'm not going to let you down. Hang on in there buddy. You are doing great.'

> "What had been interesting was that Bush listened far more intently to TB. TB did not make too much of his own problems, and was stressing he thought we were doing the right thing."[17]

49. Sir Jeremy Greenstock reported that Dr Blix was prepared to work with the UK on identifying tests "as long as the bar was not out of reach of a complying Iraq".

50. Dr Blix had reminded Sir Jeremy that UNMOVIC still lacked clear evidence that Iraq possessed any weapons of mass destruction (WMD).

51. Sir Jeremy Greenstock met Dr Blix late on 9 March to explore whether the various ideas for an ultimatum combined with specific tests for Iraq could be made part of a new UN resolution.[18]

52. Sir Jeremy told Dr Blix that the "risk of failure on our current draft was high enough for another way forward to be contemplated". The UK might now be prepared "to set Saddam a series of tests, with dates set for him to meet specific requirements. If he failed at any stage, the final opportunity would be lost". It would be important to devise tests that set the bar high, and not to lower them "in the face of Iraqi bluster". The UK needed a professional judgement from Dr Blix on which areas should be set as tests.

53. Sir Jeremy reported that Dr Blix was prepared to work with the UK on a series of tests over timed periods "as long as the bar was not out of reach of a complying Iraq"; and that he had assured Dr Blix that that was not the UK's objective. The US still had to be persuaded, "but that was our job".

54. Dr Blix had also reminded Sir Jeremy "that UNMOVIC still lacked clear evidence that Iraq possessed any WMD at all".

55. Following discussion of the details, Sir Jeremy commented that:

> "… subject to further thoughts from UNMOVIC … a convincing test by, say 21 March would comprise:
>
> - Interviews [outside Iraq], accepting UNMOVIC's lower number, with a venue of either Larnaca or Bahrain, and adding a warning about intimidation.
> - RPVs and spray tanks [for possible delivery of chemical or biological agent]: full documentation and explanations.
> - Completion of the Al Samoud destruction (since they are obviously keeping some for a conflict).
> - A convincing public statement by Saddam."

56. The FCO suggested some changes to the tests identified by No.10.

---

[17] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[18] Telegram 391 UKMIS New York to FCO London, 10 March 2003, 'Iraq: Second Resolution'.

57. Mr Tim Dowse, Head of the FCO Non-Proliferation Department, wrote to Mr Peter Ricketts, FCO Political Director, on 10 March, commenting that the No.10 benchmarks "more or less" overlapped with a version he had produced, but cautioning against setting a figure on the number of scientists to be interviewed outside Iraq.[19] In Mr Dowse's view there was "no magic in 150"; UNMOVIC could not handle that number.

58. Mr Dowse also commented that:

- The tests on biological programmes might include growth media as well as anthrax. Iraq had admitted possessing material "as recently as 1999" and it was "simply not credible that all documentation has disappeared in such a short space of time".
- He had "included the mobile bio-labs mainly because they've had so much publicity", and there was "fairly firm intelligence about them"; but if Iraq refused to admit their existence, the UK was "in a bind, because we are unlikely to be able to prove they do exist. So perhaps we should drop them."
- He had included bombs and shells because they were "concrete things, more easily visualised than VX", and there was "less room for argument over whether they have been destroyed or not" in the light of the "scope for Iraqi obfuscation over destruction of VX".
- The problem with "almost any benchmark relating to SCUD-type missiles" was that Iraq had claimed they were destroyed and "we can't prove the contrary". Demands for the 50 SCUD warheads which were "unaccounted-for" faced the same problem.
- He thought accelerated destruction of the Al Samoud 2 missiles and the associated production equipment, including "the test stand [at al-Rafah] if Blix agrees", would be a better test.
- The No.10 benchmark on Unmanned Aerial Vehicles (UAVs) was "a poor one" referring to a programme in the 1990s. It would be better "to use the 'drone with a wingspan of 7.45 metres' which UNMOVIC have just discovered" which had not been declared by Iraq and which the US was "pretty confident" was an illegal system which they thought they had tracked "flying over 500km".
- His preference was to pitch the test more widely for the destruction of "all UAVs with CBW applications".

59. Mr Ricketts sent the comments to Mr Rycroft, observing that there were some good comments and Mr Dowse was available to be used for further drafting.[20]

60. In his discussion with Mr Blair, Dr Blix appears to have been ambivalent about the specifics of the UK's proposed tests.

---

[19] Email Dowse to Ricketts, 10 March 2003, 'Benchmarks – No 10 Version'.
[20] Manuscript comment Ricketts to Rycroft on Email Dowse [NPD FCO] to Ricketts, 10 March 2003, 'Benchmarks – No 10 Version'.

61. In preparation for a telephone call to Dr Blix on 10 March, Mr Rycroft advised Mr Blair that he could not allow the proposals for tests to be watered down and that initial tests would show whether there was a change of heart to allow full co-operation.[21] Mr Blair might need to remind Dr Blix that his 7 March report had noted that Iraq should be able to provide more documentary evidence; and that where documents were not available, interviews could be another way to obtain evidence.

62. Mr Blair told Dr Blix that "the only way to avoid immediate conflict and allow more time for inspections was to lay down a set of tests … If these were met, we could establish a future work programme."[22] He did not know if the US would agree the approach and could try to "extend the 17 March deadline a bit".

63. In the discussion of the possible tests, Dr Blix noted that it would not be possible for Iraq to "yield up" all its WMD by 17 March, as proposed in the draft resolution. The proposed test on anthrax would also be difficult. He suggested the addition of the complete destruction of Al Samoud missiles.

64. Dr Blix wrote that he had been invited to the UK Permanent Mission to the UN in New York to take a call from Mr Blair at 1.30pm London time.[23] Mr Blair had said "they needed five or six items on which the Iraqis would demonstrate their compliance with UNMOVIC's work programme". The items the UK had been considering "included accounting for anthrax, the chemical agents VX and mustard, SCUD missiles and remotely piloted vehicles: and promising genuine co-operation with UNMOVIC's plans to take scientists (along with their families) for interviews outside Iraq".

65. Dr Blix wrote that: "The process could not go on until April/May but perhaps it could extend a few days beyond March 17."

66. Dr Blix added that he had told Mr Blair that all the "items" he had mentioned would fall within the list of unresolved disarmament issues, but: "Whether they would all be among the key issues we would select, I could not yet say with certainty."

67. Dr Blix commented that he had "sensed" that Mr Blair had "found it hard to persuade the US to go along".

Mr Straw's statement, 10 March 2003

68. Mr Jack Straw, the Foreign Secretary, told the House of Commons on 10 March that the choice lay between standing firm and giving Saddam Hussein a deadline for compliance or a return to the "failed policy" of containment.

69. Mr Straw made an oral statement to the House of Commons on 10 March in which he described the reports to the Security Council on 7 March by Dr Blix and

---

[21] Minute Rycroft to Prime Minister, 10 March 2003, 'Blix Call'.
[22] Letter Rycroft to Owen, 10 March 2003, 'Iraq: Blix, 10 March'.
[23] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.

Dr Mohamed ElBaradei, the Director General of the IAEA, and the provisions of the revised draft resolution, tabled by the UK, US and Spain on 7 March, giving the Iraqi regime a deadline by which it was required to demonstrate that it was prepared to disarm peacefully.[24]

70. Mr Straw emphasised that resolution 1441, giving "Iraq a 'final opportunity' to comply with a series of disarmament obligations" had been adopted four months previously; and that, during the debate in the Security Council:

> "… not a single speaker claimed that Iraq was in compliance with those obligations; neither did a single speaker deny that Iraq has been in flagrant breach of international law for the past 12 years."

71. Mr Straw welcomed Dr ElBaradei's report that "the IAEA had found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq".

72. Dr Blix, "on the other hand", had "reported movement in some limited areas: for example the partial destruction of prohibited Al Samoud missiles". But that was "only the tip of the iceberg of Iraq's illegal weapons programme", and the "full extent of the iceberg was revealed" in an UNMOVIC document, *Unresolved Disarmament Issues: Iraq's Proscribed weapons Programmes*, which had now been made public.[25] Mr Straw described the document as setting out, in "173 pages of painstaking detail, the terrible nature of the weapons Saddam has sought with such determination to develop".
It was "a catalogue of evasion, deceit and feigning co-operation while in reality pursuing concealment". The "sheer scale of Iraq's efforts to develop and hide" its weapons could "be grasped only by reading the whole document".

73. Citing the potential impact of "tiny amounts" of anthrax, Mr Straw stated that: "Contrary to Iraqi assertions", the inspectors found evidence of anthrax where Iraq had declared there was none. There was "a strong presumption that some 10,000 litres of anthrax" had not been destroyed and "may still exist", and Iraq possessed "the technology and materials to allow it to return swiftly to the pre-1991 production levels".

74. Addressing the suggestions that inspections should be given more time, and specifically the memorandum produced by France, Germany and Russia on 5 March, Mr Straw said that Saddam Hussein was "a master at playing for time" and that continuing inspections "with no firm end date" would "not achieve the disarmament required by the Security Council".

---

[24] House of Commons, *Official Report*, 10 March 2003, columns 21-39.
[25] UNMOVIC Working Document, 6 March 2003, *Unresolved Disarmament Issues: Iraq's Proscribed Weapons Programmes.*

75. Challenging Iraq's claim that it had no weapons of mass destruction, Mr Straw said it was:

> "… the same old refrain that we have heard … for the past 12 years. Yet whenever the inspectors have caught the regime out, it has first protested, then conceded that narrow point, but then mendaciously claimed that there are no more."

76. Characterising the choice to be made as whether to "stand firm" in pursuing the objective of disarmament or settling for a policy which would "in truth" allow Saddam Hussein to:

> "… rebuild his arsenal under cover of just enough co-operation to keep the inspectors tied down for years to come. We should not deceive ourselves. The alternative proposals before the Security Council amount to a return to the failed policy of so-called containment. But the truth is that containment can never bring disarmament, nor is it the policy of the United Nations as expressed in resolution 1441 and in all the preceding resolutions going back to 1991."

77. Stating that the reality was that Saddam Hussein only responded to pressure, and therefore that that pressure should be increased, Mr Straw said that Saddam Hussein had to be put to the test. The initiative to produce the revised resolution tabled in the Security Council on 7 March stemmed from the Government's "desire to secure a peaceful outcome". Negotiations on the detail were continuing and the UK was "examining whether a list of defined tests for Iraqi compliance would be useful in helping the Security Council to come to a judgement".

78. Mr Straw said that he profoundly hoped that the Iraqi regime would "even at this late stage, seize the chance to disarm peacefully". He added: "The only other peaceful alternative would be for Saddam Hussein to heed the calls of a number of other Arab leaders for him to go into exile and to hand over to a new leadership prepared to conform with the Council's demands." If Saddam Hussein refused to co-operate, the Security Council "had to face up to its clear responsibilities" under the UN Charter.

79. Addressing the potential consequences of military action, Mr Straw stated that the international community would have "a duty to build a secure, prosperous future for the Iraqi people". In his meeting with Mr Kofi Annan, the UN Secretary-General, on 6 March, he had proposed "that the UN should take the lead role in co-ordinating international efforts to rebuild Iraq, and that they should be underpinned by a clear UN mandate".

80. Mr Straw acknowledged the fear that action on Iraq might "exacerbate tensions elsewhere in the region", and emphasised the need for progress in restoring a meaningful peace process between Israel and the Palestinian Authority. He concluded:

> "A lasting settlement in the Middle East will remove one great threat to security … In confronting the danger from Iraq's weapons, the UN can remove another great threat. We must not let Saddam turn his 'final opportunity' to disarm … into endless

> opportunities to delay. The future not only of the region but of UN authority is at stake."

81. Mr Michael Ancram (Conservative), described the Iraq situation as outlined by Mr Straw as "grim" and encouraged the Government, in response to the serious questions and doubts about whether the case for action had been made, to "ensure that the case for action continues to be made and strongly", and to produce more of the information it had for the British people to absorb.

82. Asked by Mr Ancram what the Government's position would be in the event that three Permanent Members of the Security Council vetoed a second resolution, Mr Straw replied:

> "We have made it clear throughout that we want a second resolution for political reasons, because a consensus is required, if we can achieve it, for any military action. On the legal basis for that, it should be pointed out that resolution 1441 does not require a second resolution …"

83. Mr Michael Moore (Liberal Democrat) asked Mr Straw to accept that there were "still diplomatic and political options open to the international community and that the military agenda must not dictate the calendar for inspections"; and if he believed that "war should be the last resort". Threatening to ignore the United Nations undermined the principles of international law.

84. Mr Straw responded that war was and "should always be a last resort". The UK was not ignoring the UN. Mr Blair had "moved heaven and earth to ensure that the whole issue of Iraq" was "dealt with through the United Nations".

85. Asked by Mr Simon Thomas (Plaid Cymru) to remind the House "exactly … which part of resolution 1441 authorises war", Mr Straw said:

> "I am delighted to do so. We start with paragraph 1, which says that the Security Council 'Decides that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 … in particular through Iraq's failure to co-operate with United Nations inspectors and the IAEA, and to complete the actions required under paragraph 8 to 13 of resolution 687'.
>
> "We then go to paragraph 4, in which the Security Council 'Decides that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations' – obligations of which it is now in breach. We turn to operative paragraph 13, in which the Security Council 'Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations'."

INFORMAL CONSULTATIONS IN NEW YORK

86. Reporting informal consultations in New York on 10 March, Sir Jeremy Greenstock said that he had drawn the attention of the Security Council to Mr Straw's statement and the reference to work on a list of defined tests.[26] That had "caused a fair bit of interest".

87. Sir Jeremy also reported that, in response to questions, the points made by Dr Blix included:

- 40 interviews had been requested and 15 had been conducted "to UNMOVIC's modalities".
- The RPV UNMOVIC had discovered was important and should have been declared. UNMOVIC was examining whether it was proscribed.
- 52 Al Samoud 2 missiles had been destroyed.
- It was difficult for him to assess the regional threat posed by WMD. There were no confirmed cases of its existence and UNMOVIC had never maintained Iraq had them. But the clusters document recorded Iraqi deceit; repeated Full, Final and Complete Disclosures (FFCDs); hide and seek and cheating in the past. There were a lot of accounting problems.
- UNMOVIC was not expressing any low regard for intelligence agencies but no WMD had been found as a result of tips on location. Part of the reason might be that intelligence was gathered at levels which did not deal with actual storage.
- Experience showed that it was possible that Iraq could have mobile biological facilities.

88. Mr Blair failed to secure unqualified support from President Lagos for his approach.

89. Mr Blair spoke twice to President Lagos on 10 March in an attempt to find a path both President Lagos and President Fox could support.

90. In the first telephone call, before a conversation with Dr Blix, Mr Blair reported Dr Blix's response to Sir Jeremy Greenstock on the draft tests.[27]

91. In the second conversation, Mr Blair reported progress on the three areas President Lagos had raised:

- Sir Jeremy Greenstock had worked up an agreed text with UNMOVIC identifying a set of concrete tests on which to judge Iraqi compliance.
- Mr Blair thought it "would be possible to find different wording" on the ultimatum to Iraq.

---

[26] Telegram 403 UKMIS New York to FCO London, 11 March 2003, 'Iraq: 10 March Council Consultations'.
[27] Letter Rycroft to Owen, 10 March 2003, 'Iraq: Chile, 10 March'.

- Timing “would be difficult, but he would try to get some flexibility” if the first two issues “fell into place”.[28]

92. If Mr Blair knew he had Chilean and Mexican support, the UK would share the ideas with France and Russia.

93. President Lagos’ response was positive although he did not agree to support the resolution. Mr Blair offered to visit Chile if that would be helpful.

94. Mr Campbell wrote that President Lagos had said he was “eighty per cent there but worried about France and Russia”.[29]

95. By 10 March, President Bush’s position was hardening. He was very reluctant to delay action.

96. Reporting a conversation at 9.30pm on 10 March, Mr Straw told Sir David Manning that Mr Colin Powell, the US Secretary of State, thought that there were seven solid votes, and uncertainty about Mexico, Chile and Pakistan.[30] If there were fewer than nine, the second resolution should not be put to the vote.

97. Mr Straw had responded that “he was increasingly coming to the view that we should not push the matter to a vote if we were going to be vetoed”; but that had not yet been agreed by Mr Blair.

98. When Mr Blair spoke to President Bush, they discussed the “seven solid votes” for the resolution.[31] Mr Blair planned to speak to President Musharraf the following day. Mr Blair outlined the tests and his efforts to secure support from Chile and Mexico. They would not support a Spanish proposal simply to affirm resolution 1441.

99. In his account of the conversation, Mr Campbell wrote that Mr Blair had done most of the talking.[32] President Bush thought that there were “seven votes solid ‘locked up’, but Pakistan and the Latins were difficult”; and that President Chirac was “trying to get us to the stage where we would not put [the resolution] to a vote because we would be so worried about losing”. Mr Campbell added that he “could sense in his voice and the manner of the discussion that [President] Bush was less emollient than yesterday”.

100. In answer to a question from President Bush about the timeframe for his proposal, Mr Blair had “said they [Chile and Mexico] would want to kick us back a few days as a way of showing they got something out of this”. Mr Blair had argued that if Chile and

---

[28] Letter Rycroft to McDonald, 10 March 2003, ‘Iraq: Prime Minister’s Phone Calls with Lagos, Bush and Aznar, 10 March’.
[29] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[30] Letter Straw to Manning, 11 March 2003, ‘Conversation with US Secretary of State, 10 March’.
[31] Letter Rycroft to McDonald, 10 March 2003, ‘Iraq: Prime Minister’s Phone Calls with Lagos, Bush and Aznar, 10 March’.
[32] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

Mexico could be shifted, that would "change the weather". If France and Russia then vetoed the resolution but the "numbers were right on the UN", Mr Blair thought that he would "have a fighting chance of getting it through the Commons". Subsequently, Mr Blair had suggested that a change in Chile and Mexico's position might be used to influence Mr Vladimir Putin, the Russian President.

101. President Bush was "worried about rolling in more time" but Mr Blair had "held his ground", arguing that Chile and Mexico would "need to be able to point to something that they won last minute that explains why they finally supported us". President Bush "said 'Let me be frank. The second resolution is for the benefit of Great Britain. We would want it so we can go ahead together.'" President Bush's position was that the US and the UK "must not retreat from 1441 and we cannot keep giving them more time"; it was "time to do this" and there should be "no more deals".

102. Mr Campbell wrote that Mr Blair concluded the conversation by saying "he was sure we were doing the right thing and we had to see it through, but it was going to be tough". President Bush had replied: "Hang on in there friend."

103. Mr Campbell wrote that he "felt a bit sick" about "the extent to which our problems were US-created, and our politics now so dominated by their approach".

104. Sir David Manning sent the UK's proposals for a revised deadline and a side statement identifying six tests on which Saddam Hussein's intentions would be judged to Dr Rice and to President Lagos.

105. Reflecting some of the comments from Dr Blix and Mr Dowse, Sir David Manning wrote to Dr Rice setting out six proposed tests, with additional details in a "draft side statement", which Mr Blair had "briefly described" to President Bush:

- a public statement in Arabic by Saddam Hussein announcing that:
  - Iraq had in the past sought to conceal its WMD and other proscribed activities but had taken a strategic decision not to produce or retain them;
  - Iraq would immediately yield all prohibited and proscribed material to the weapons inspectors;
  - Iraq would co-operate fully with UNMOVIC and the IAEA in immediately addressing and resolving all outstanding questions; and
  - all government personnel and citizens would cease any proscribed activity and provide items, documentation and information to the inspectors;
- undertakings to:
  - make at least 30 Iraqi scientists available for interview outside Iraq;
  - surrender all remaining anthrax and anthrax production capability (including growth media) and provide credible evidence to account for outstanding questions on production and destruction;
  - surrender all mobile bio-production laboratories for destruction;

- destroy all Al Samoud 2 missiles and components; and
- account for the purpose of all UAV and RPV programmes.[33]

106. The draft side statement was also sent to President Lagos.

107. Sir David informed Dr Rice that Mr Blair was willing to consider a redraft of operative paragraph (OP) 3 of the draft resolution (tabled by the UK, US and Spain on 7 March), which "might read":

> "decides that Iraq will have failed to take the final opportunity unless by X date it shows that it has demonstrated that it is co-operating fully, unconditionally and immediately with its disarmament obligations under UNSCR 1441."

108. The decision on Iraq's co-operation would be taken on the basis of Iraq's response to the six tests.

109. Mr Blair wrote in his memoir that President Bush and his military were concerned about delay:

> "It [the proposal for tests/more time] was indeed a hard sell to George. His system was completely against it. His military were, not unreasonably, fearing that delay gave the enemy time – and time could mean a tougher struggle and more lives lost. This was also troubling my military. We had all sorts of contingency plans in place for what Saddam might do. He might set the oilfields on fire, release chemical, or worse, biological material, or attack Israel. His past record gave us no confidence in his trustworthiness or his humanity. There was both UK and US intelligence warning us of the risk.
>
> "Nonetheless I thought it was worth a try …
>
> "I set out my case for delay in a Note to George. We then had a call. It was tricky but I laid it on the line and reluctantly he agreed. We got the document prepared with the Blix people. It had five crucial tests in it. It would, especially on the interview, have flushed out the regime thoroughly on what they were hiding and on whether they had any good faith.
>
> "Chile and Mexico were prepared to go along, but only up to a point. Ricardo made it clear that if there was heavy opposition from France, it would be tough for them to participate in what would then be a token vote, incapable of being passed because of a veto – and what's more, a veto not by Russia, but by France.
>
> "Unfortunately, the French position had, if anything, got harder not softer. They were starting to say they would not support military action in any circumstances, irrespective of what the inspectors found …"[34]

---

[33] Letter Manning to Rice, 10 March 2003, [untitled].
[34] Blair T. *A Journey*. Hutchinson, 2010.

110. In a press conference on 10 March, Mr Annan reiterated the Security Council's determination to disarm Iraq, but said that every avenue for a peaceful resolution of the crisis had to be exhausted before force should be used.

111. Mr Annan also warned that if the Security Council failed to agree on a common position, and action was taken without the authority of the Council, the legitimacy and support for any such action would be seriously impaired.

112. During a press conference in The Hague on 10 March, Mr Annan made a short statement on the position on Iraq.[35]

113. Mr Annan warned that the "atmosphere of crisis and great anxiety" was "affecting the whole world", and that:

> "The question of Iraq's disarmament has brought the international community to a dangerous point of division and discord …
>
> "… the threat of weapons of mass destruction. It is an issue of the utmost gravity – by no means confined to Iraq. The whole international community needs to act together to curb the proliferation of these terrible weapons, wherever it is happening.
>
> "The determination of the Security Council to disarm Iraq of such weapons is the most urgent issue – because Iraq has actually used such weapons in the past, and because it has twice committed aggression against its neighbours … On this critical question, there are no divisions, no grounds for doubt, dispute or delay.
>
> "… people want to see this crisis resolved peacefully. There is widespread concern about the long term consequences of war in Iraq for the fight against terrorism; for the Middle East Peace Process [MEPP]; and for the world's ability to address common concerns in the future if deep divisions are sowed today between nations and between people of different religions.
>
> "Indeed, one must have no illusions about what war means. In certain circumstances the use of force may be necessary to secure a lasting peace. But the reality is that it would cause great human suffering, whether it is long or short; that it may lead to regional instability and economic crises; and it can … lead to unintended consequences producing new threats and new dangers.
>
> "War must always be a last resort – arrived at only if and when every reasonable avenue of achieving Iraq's disarmament by peaceful means has been exhausted. The United Nations … has a duty to search till the very end for the peaceful resolution of conflicts."

---

[35] United Nations, 10 March 2003, *Secretary-General's press conference (unofficial transcript).*

114. Mr Annan added:

> "The members of the Security Council now face a great choice. If they fail to agree on a common position, and action is taken without the authority of the Security Council, the legitimacy and support for any such action will be seriously impaired. If, on the other hand, they can … address this threat in a united manner and ensure compliance with their previous resolutions, then the Security Council's authority will be enhanced, and the world will be a safer place.
>
> "… Iraq does not exist in a vacuum. What happens there will have profound implications … for other issues of great importance … The broader the consensus on Iraq, the better the chance that we can come together again and deal effectively with other burning conflicts, starting with the one between Israelis and Palestinians. Only a just resolution of that conflict can bring peace and stability in the region.
>
> "… the success or failure of the international community in dealing with Iraq will crucially affect its ability to deal with … conflicts …"

115. Mr Annan concluded:

> "However this conflict is resolved, the United Nations will remain as important as it is today.
>
> "We have seen in recent months what an immense significance States and people around the world attach to the legitimacy provided by the … Security Council, and the United Nations, as the common framework for securing the peace. As they approach their grave decision, I must solemnly urge all members of the … Council to keep this in mind, and to be worthy of the trust in them that the world's peoples have shown."

116. Asked whether an attack on Iraq without a second resolution would be a breach of the UN Charter, Mr Annan responded:

> "… the Charter is very clear on circumstances under which force can be used. I think the discussion … is to ensure that the … Council, which is the master of its own deliberations, is able to pronounce itself on what happens. If the US and others were to go outside the Council and take military action it would not be in conformity with the Charter."

President Chirac's interview, 10 March 2003

117. Sir John Holmes, the British Ambassador to France, reported on 10 March that, after the debate in the Security Council on 7 March, France believed it had the momentum.[36] The press and public were firmly behind President Chirac. France was

[36] Telegram 123 Paris to FCO London, 10 March 2003, 'Iraq: French Reaction to 7 March Debate'.

"impervious" to the UK's arguments, although that "could still change if it looks as if we might secure the nine votes and avoid Russian and Chinese vetoes".

118. Sir John reported that France's strategy remained:

> "(a) to persuade us not to go for a vote, (b) if this did not work, to stop us from securing nine votes, and (c) if there are nine votes, to ensure that they have Russian and Chinese company in vetoing."

119. France was "on the diplomatic offensive". Mr Dominique de Villepin, the French Foreign Minister, was visiting Angola, Cameroon and Guinea and President Chirac was "canvassing support" for a Security Council meeting at Head of State level for a vote on Iraq.

120. Sir John commented:

> "Although the French have still so far steered clear of saying in so many words that they will veto, it is hard to interpret their comments and approach in any other way … It is getting increasingly difficult for the French to backtrack now, having built up so many expectations domestically and internationally. Whilst we are both fully engaged in our respective lobbying campaigns there is little we can say to them likely to have much impact …
>
> "I doubt that benchmarks and a little more time will do the trick … That said, the dynamics may yet change this week … In any case, going to a vote without at least some Prime Ministerial contact with Chirac would … be odd. If it looks as though we have the nine votes and might persuade Russia and China not to vote, a serious phone call would be well worth a try – if only to ease the way for co-operation in the aftermath."

121. In a television interview on the evening of 10 March, President Chirac made clear that France did not consider that the UN inspections had reached a "dead end" and warned of the adverse consequences of unilateral US military action.

122. Addressing the "most probable" scenario that evening, President Chirac said that the revised resolution tabled by the UK, US and Spain on 7 March would not secure the support of nine members of the Council. If, however, there was a majority, France would "vote no".

123. Asked about his position, President Chirac replied that "regardless of the circumstances", France would vote "no" because "this evening" there were no grounds for waging war to disarm Iraq.

124. President Chirac also stated that if the inspectors reported that they were not in a position to guarantee Iraq's disarmament, war would become inevitable.

125. In a television interview on the evening of 10 March, President Chirac argued that a country with Iraq's past and political structure was always dangerous, but it

was “genuinely dangerous only if it has the capabilities to commit aggression, if it has the capabilities to attack”.[37] The “problem was to make sure it no longer had those capabilities or … that those capabilities could be controlled and destroyed”. The inspections regime between 1991 and 1998 had destroyed more weapons than the Gulf Conflict in 1991, and “resulted in the complete, almost complete eradication in all likelihood … of Iraq’s nuclear programmes”. Iraq’s (Al Samoud 2) missiles with a longer than permitted range were “being destroyed”.

126. President Chirac acknowledged that there were “probably other weapons” but Dr Blix had told the Security Council that if Iraq stepped up co-operation, which was “never sufficient but which has improved”, weapons of mass destruction could be eliminated. It was for the inspectors to advise whether they could complete their task. If they reported that they were not in a position to guarantee Iraq’s disarmament, it would be:

> “… for the Security Council alone to decide the right thing to do. But in that case … regrettably, the war would become inevitable. It isn’t today.”

127. President Chirac stated that other regimes, such as North Korea, had nuclear weapons which were “not hypothetical”, but definitely existed.

128. President Chirac stated that the international community had unanimously chosen the path of disarming Iraq; it had not decided the objective was to change the Iraqi regime; and that:

> “Today nothing tells us that this path is a dead end and, consequently, it must be pursued since war is always a final resort, always an acknowledgement of failure, always the worse solution … And we don’t consider we are at that point. That is why we are refusing to embark on a path automatically leading to war so long as the inspectors haven’t told us: ‘we can’t do any more’ … they are telling us the opposite.”

129. President Chirac argued that the “new resolution setting an ultimatum” represented a move from a course of action involving the pursuit of inspections in order to disarm Iraq to “a different one consisting of saying: ‘in so many days, we go to war’”. France would not accept “that solution”.

130. In response to a series of questions, President Chirac stated:

- “So the first scenario which is today, this evening, the most probable, is that this resolution won’t get a majority of nine members …”
- “There will be nations who will vote ‘no’, including France … But … there won’t be a majority. So there won’t be a veto problem.”

---

[37] The Élysée, *Interview télévisé de Jacques Chirac, le 10 mars 2003*. A translation for HMG was produced in a Note [unattributed], [undated], ‘Iraq – Interview given by M. Jacques Chirac, President of the Republic, to French TV (10 March 2003)’.

- "… the second scenario … the views of a number of people change … there may indeed be a majority … in favour of the new resolution … If that happens, France will vote 'no' … when one of the five Permanent Members … votes 'no', and even if there is a majority in favour … the resolution isn't adopted. That's what's called exercising a veto."

131. Asked: "And, this evening, this is your position in principle?", President Chirac responded:

> "My position is that, regardless of the circumstances, France will vote 'no' because she considers this evening that there are no grounds for waging war in order to achieve the goal we have set ourselves, ie to disarm Iraq."

132. Asked whether France would use its veto regardless of the position of China and Russia, President Chirac replied that if there was a resolution authorising war, they would adopt the same attitude as France.

133. President Chirac stated that it was possible to have a difference of view with the US. Principles and values should not be sacrificed because there was a crisis. France had warned the US that it could not:

> "… be a standard bearer for democracy and dialogue and not use every possible method to avoid a war … [I]f the international community didn't give its approval, a dangerous precedent would be set if the United States bypassed the UN."

134. President Chirac added that he had told President Bush that the US had "already won". It was "highly probable" that "Iraq wouldn't have provided the more active co-operation the inspectors demanded", if the US and the UK had not deployed such significant forces.

135. President Chirac made clear that although France disagreed with military action, it would remain an ally of the US. It would not stop US overflights. But he warned that the consequences of war would be unpredictable. Reconstruction would be required which could only be done through the UN. The responsibility of restoring a viable situation in Iraq and the region could not be taken on by one country alone. France would have a part to play.

136. In response to a question about whether war would lead to a resurgence of terrorism and clashes between the different communities in France, President Chirac replied:

> "It's certain that, if there's war, the first victors will probably be those seeking confrontation, the clash of civilisations, cultures and religions. In my opinion, a war of this nature can lead only to increased terrorism."

137. President Chirac stated:

> "… it seems to me that war is something which will break up the world coalition against terrorism … we mustn't forget that a very great majority of the world's countries and peoples are against this war … France isn't isolated … So if there is a war there is indeed a risk of a new upsurge in terrorism."

138. The headline in *Le Monde* the following day was "*Quelles que soient les circonstances, la France votera non*".[38]

139. Commenting on the interview the following day, Sir John Holmes wrote that, "Even if only in response to a question", President Chirac had gone "out of his way to make his position categoric".[39] He added:

> "The French calculation is presumably that this makes it as hard as possible for the Russians and Chinese not to follow, and as easy as possible for the swing six to abstain, as an obvious middle course between the two opposing blocs. The only glimmer of encouragement that I can see for us is that he may have played this card too soon, apparently ruling out any flexibility even if the text of a resolution is amended … We may be able to use this against the French in arguing with others. I suppose it is possible in theory that … Chirac could change to an abstention. But this is clutching at straws, such is the limb he has deliberately put himself on."

140. Sir John Holmes told the Inquiry that President Chirac had prepared his remarks and had decided at that stage that he was "fully in opposition to … the invasion of Iraq".[40]

141. Sir John thought President Chirac had been saying: "The text, as we have it at this moment, is not one we can support and we will vote against it."[41]

142. Sir John stated, "There was genuine ambiguity" about what President Chirac had meant: "There was scope for interpretation."[42]

143. Sir Jeremy Greenstock also told the Inquiry:

> "The fact was that, although the words didn't surprise us, the fact that Chirac said it at that time, in that way, was politically aggressive by the French. That was the point."[43]

---

[38] *Le Monde*, 11 March 2003. [Taken from *Le Monde (international),* 22 March 2003.]
[39] Telegram 124 Paris to FCO London, 11 March 2003, 'Iraq: Chirac's TV Interview – France's Veto'.
[40] Public hearing, 29 June 2010, page 40.
[41] Public hearing, 29 June 2010, pages 43-44.
[42] Public hearing, 29 June 2010, page 49.
[43] Private hearing, 26 May 2010, page 35.

Events of 11 March 2003

144. In a press conference, Mr Blair stated that he hoped that France and Russia would not talk about vetoes but try to find common ground.

145. In a press conference following a meeting with Mr José Manuel Durao Barroso, the Portuguese Prime Minister, Mr Blair set out that there had been an attempt to unify people around a common position based on resolution 1441 to try to disarm Iraq peacefully, but if that became impossible, the international community had to be "prepared to take action".[44] He also said that divisions between Europe and the US would be "very damaging" and that he was:

> "… prepared to try and find common ground, but we need others to be equally willing to do so."

146. In response to a question about what more could be given to find common ground with France and Russia, Mr Blair replied:

> "… if France or any other country is simply going to say we will veto, no matter what, that is obviously a very difficult position … [E]verybody, including France and Russia, accepts there is not full co-operation … So I hope we won't talk about vetoes in any set of circumstances or in all sets of circumstances, but rather we will try and find the common ground that allows us a way through here … And what we are trying to do in the Security Council now is to offer very, very clear ideas as to what Iraq has to do in order to demonstrate it is prepared to disarm voluntarily.
>
> "But let us not be under any illusion, there is no way that Iraq will make any concession or co-operate in any way without the threat of force being there … [M]y concern is that if countries talk about using a veto in all sets of circumstances, the message that sends to Saddam is you are off the hook …"

MR STRAW'S MINUTE TO MR BLAIR

147. Mr Straw advised Mr Blair that the UK and the US should not push the second resolution to a vote if they could not secure nine votes and be certain of avoiding any vetoes.

148. Mr Straw suggested that the UK should adopt a strategy based on the argument that Iraq had failed to take the final opportunity offered by resolution 1441, and that the last three meetings of the Security Council "more than fulfil the requirement" for Security Council consideration of reports of non-compliance.

149. Mr Straw also identified the need for a "Plan B" in the event that the Government failed to secure a majority in the Parliamentary Labour Party for military action.

---

[44] The National Archives, 11 March 2003, *Press Conference: PM Blair and Portuguese PM Barroso*.

150. Mr Straw wrote to Mr Blair on 11 March setting out his conclusion that:

> "If we cannot gain nine votes and be sure of no veto, we should not push our second resolution to a vote. The political and diplomatic consequences for the UK would be significantly worse to have our … resolution defeated (even by just a French veto alone) than if we camp on 1441. Kofi Annan's comments last evening have strengthened my already strong view on this. Getting Parliamentary approval for UK military action will be difficult if there is no second resolution: but in my view marginally easier by the strategy I propose.
>
> "We also need to start working up a Plan B for our armed forces if we cannot be sure of Commons' approval for their inclusion in the initial invasion of Iraq."[45]

151. Mr Straw set out his reasoning in some detail, making clear that it was predicated on a veto only by France. That was "in practice less likely than two or even three vetoes". The points made included:

- The "upsides of defying a veto" had been "well aired", including that it would "show at least we had the 'moral majority' with us".
- In public comments, he and Mr Blair had kept their "options open on what we should do in the event that the resolution does not carry within the terms of the [UN] Charter". That had "been the correct thing to do". "In private" they had "speculated on what to do if we are likely to get nine votes, but be vetoed" by one or more of the five Permanent Members (P5).
- Although in earlier discussion he had "warmed to the idea" that it was worth pushing the issue to a vote "if we had nine votes and faced only a French veto"; the more he "thought about this, the worse an idea it becomes".
- The intensive debate over Iraq in the past five months had shown "how much faith" people had in the UN as an institution; and that "far from having the 'moral majority' with us … we will lose the moral high ground if we are seen to defy the very rules and Charter of the UN on which we have lectured others and from which the UK has disproportionately benefitted".
- The "best, least risky way to gain a moral majority" was "by the 'Kosovo route' – essentially what I am recommending. The key to our moral legitimacy then was the matter never went to a vote – but everyone knew the reason for this was that Russia would have vetoed. (Then, we had no resolution to fall back on, just customary international law on humanitarianism; here we can fall back on 1441.)"
- The veto had been included in the UN Charter "for a purpose – to achieve a consensus". The UK could not "sustain an argument (politically, leave aside legally) that a distinction can be made between a 'reasonable' and an 'unreasonable' veto". That was "a completely subjective matter".

---

[45] Minute Straw to Prime Minister, 11 March 2003, 'Iraq: What if We Cannot Win the Second Resolution?'

- The "three recent meetings of the Council more than fulfil the requirement for immediate consideration of reports of non-compliance. So we can say convincingly that the process set out in 1441 is complete. If we push a second resolution to a veto, then the last word on the Security Council record is a formal rejection of a proposal that Iraq has failed to take its final opportunity."

152. Mr Straw advised that it would be "more compelling in Parliament and with public opinion to take our stand on the basis of [resolution] 1441, and the overwhelming evidence that Iraq has not used the four months since then to co-operate 'immediately, unconditionally and actively'". The UNMOVIC "clusters" document would be "a material help in making that case".

153. Mr Straw advised Mr Blair that he interpreted Mr Annan's "important" statement on 10 March:

> "… essentially as a gypsies' warning not to try and then fail with a second resolution. If the last current act of the Security Council on Iraq is 1441, we can genuinely claim that we have met Kofi's call for unity and for acting within (our interpretation of) the authority of the Security Council."

154. There was no reference in Mr Straw's minute to President Chirac's remarks the previous evening.

155. Mr Straw advised Mr Blair that it would not be possible to decide what the Parliamentary Labour Party and the House of Commons would agree until deliberations in the Security Council had concluded. If a second resolution was agreed, it would be "fine", but that was "unlikely". He added:

> "I sensed yesterday that sentiment might be shifting our way; but we would need to be very clear of the result before putting down a resolution approving military action. We could not possibly countenance the risk of a defeat …
>
> "But it need not be a disaster for you, the Government, and even more important for our troops, if we cannot take an active part in the initial invasion, provided we get on the front foot with our strategy.
>
> "I am aware of all the difficulties of the UK standing aside from invasion operations, not least given the level of integration of our forces with those of the US. But I understand that the US could if necessary adjust their plan rapidly to cope without us … [W]e could nevertheless offer them a major UK contribution to the overall campaign. In addition to staunch political support, this would include:
>
> - intelligence co-operation;
> - use of Diego Garcia, Fairford and Cyprus, subject to the usual consultation on targeting; and

- as soon as combat operations are over, full UK participation in the military and civilian tasks, including taking responsibility for a sector and for humanitarian and reconstruction work. We could also take the lead in the UN on securing the … resolution to authorise the reconstruction effort and the UN role in it which the US now agree is necessary."

156. Mr Straw concluded:

> "We will obviously need to discuss all this, but I thought it best to put it in your mind as event[s] could move fast. And what I propose is a great deal better than the alternatives. When Bush graciously accepted your offer to be with him all the way, he wanted you alive not dead!"

157. Mr Straw's minute was not sent to Lord Goldsmith or to Mr Geoff Hoon, the Defence Secretary.

158. Mr Straw's Private Office replied separately on 11 March to a request from Sir David Manning for advice on the implications of the argument that a French veto would be unreasonable.[46]

159. The FCO advised that there was "no recognised concept of an 'unreasonable veto'"; and warned that: "In describing a French veto as 'unreasonable' we would therefore be inviting others to describe any future vetoes as 'unreasonable' too." That could have implications in other areas "such as the Middle East". In addition, "describing the veto as unreasonable would make no difference to the legal position". There was "no implied condition" in the UN Charter that a veto was valid "only" if it was reasonable. There was "already pressure at the UN to abolish veto rights". And pressure could be expected to increase "if the argument that certain vetoes were 'unreasonable' – and could therefore be ignored – gained ground".

160. The UK was "on record as saying that the veto should only be used with restraint and in a manner consistent with the principles of the Charter".

MINISTERIAL MEETING TO DISCUSS LEGAL ISSUES AND THE MILITARY PLAN

161. Ministers discussed legal issues, including holding the response to a US request for the use of UK bases for a few days, on 11 March.

162. They also discussed the viability of the military plan.

163. Mr Blair held a meeting to discuss the military plan and legal issues with Mr John Prescott (Deputy Prime Minister), Mr Hoon, Lord Goldsmith and Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)).[47] Mr Straw attended part of the meeting.

---

[46] Letter Owen to Manning, 11 March 2003, 'Iraq: Security Council: Use of Vetoes'.
[47] Minute Rycroft to Prime Minister, 11 March 2003, 'Iraq Military: 1300 Meeting'.

Sir Andrew Turnbull (Cabinet Secretary), Mr Powell, Mr Campbell, Baroness Morgan (Mr Blair's Director of Political and Government Relations), Sir David Manning and Mr Rycroft were also present.

164. Mr Blair had already had a bilateral discussion with Lord Goldsmith on 11 March on the legal basis for the use of military force early. That is addressed in Section 5.

165. Mr Straw's Private Office wrote to No.10 on 11 March, reporting that the US was pressing for a response "as soon as possible" to the letter delivered by the US Ambassador to London to Mr Straw on 5 March.[48] That had formally requested the British Government's agreement to the use of RAF Fairford, Diego Garcia and, possibly, other British bases for military operations against Iraq.

166. The FCO advised that "under international law, the UK would be responsible for any US action in breach of international law in which the UK knowingly assisted". The draft response was "premised on a decision that UNSCR [UN Security Council resolution] 1441 and other relevant resolutions" provided "the authority for action".

167. A minute from Mr Desmond Bowen, the Deputy Head of OD Sec, advised Sir David Manning that the request was to be discussed at Mr Blair's meeting with Lord Goldsmith, Mr Straw and Mr Hoon on 11 March.[49] He understood that Mr Straw and Mr Hoon had copies of Lord Goldsmith's advice of 7 March.

168. The briefing note for Mr Blair described confirmation of the viability of the overall military plan as the "main purpose of the meeting".[50]

169. The record of the meeting on 11 March stated that Mr Blair had started by addressing the legal base for military action.[51] He stated that Lord Goldsmith's "advice made it clear that a reasonable case could be made" that resolution 1441 was "capable of reviving" the authorisation of resolution 678, "although of course a second resolution would be preferable".

170. Other points recorded by Mr Rycroft included:

- Adm Boyce said he "would need to put a short paragraph [on the legal basis] in his directive to members of the Armed Forces".
- That "should be cleared with the Attorney General".
- The UK would send the US a positive reply on its request to use Diego Garcia and RAF Fairford "in a day or two, with the usual conditions attached".
- Mr Hoon and Adm Boyce advised that "once we had given our approval, the US might give very little notice before the start of the campaign".

---

[48] Letter Sinclair to Rycroft, 11 March 2003, 'US Request to use Diego Garcia and RAF Fairford for Possible Operations Against Iraq'.
[49] Minute Bowen to Manning, 11 March 2003, 'US use of British Bases'.
[50] Minute Rycroft to Prime Minister, 11 March 2003, 'Iraq Military: 1300 Meeting'.
[51] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.

- Sir Andrew Turnbull asked whether a legal basis for military action was required for civil servants, as well as for members of the Armed Forces.
- Mr Hoon asked whether the Attorney General's legal advice was ever disclosed.
- Mr Blair asked for a quick study into the precedents for that.
- Adm Boyce told the meeting that he was "confident that the battle plan would work".
- Mr Blair stated that "we must concentrate on averting unintended consequences of military action. On targeting, we must minimise the risks to civilians."

171. In his diaries, Mr Campbell wrote that:

- Mr Hoon had "said he would be happier with a clearer green light from the AG [Attorney General]".
- Mr Blair had been "really irritated" when Sir Andrew Turnbull had "said he would need something to put round the Civil Service that what they were engaged in was legal". Mr Blair was "clear we would do nothing that wasn't legal".
- Lord Goldsmith had provided "a version of the arguments he had put to TB, on the one hand, on the other, reasonable case".
- Mr Hoon had advised that the response to the "US request for the use of Diego Garcia and [RAF] Fairford" should be that it was "not … automatic but had to go round the system". Mr Blair had said he "did not want to send a signal that we would not do it".
- Mr Hoon and Mr Straw were telling Mr Blair that the US could act as early as that weekend, and "some of our forces would have to be in before".[52]

172. Following the meeting, Mr Peter Watkins, Mr Hoon's Principal Private Secretary, provided an outline of the military plan for Iraq and the need for decisions on the development of the UK's role to Sir David Manning.[53] That is addressed in Section 6.2.

173. Ms Short recorded that she had spoken to Mr Blair on the evening of 11 March about the fact that DFID had not been invited to attend the meeting "on the legality of military action", which she understood was about "the use of UK bases by the US in war, but the fundamental question on whether there was legal authority for military action was presumably the same".[54] Mr Blair had said she would "see all" and that it had been decided to defer the decision on basing. He was: "Hopeful on a second resolution." Lord Goldsmith had "said 1441 enough. A bit later, 1441 enough if detail available to show SH [Saddam Hussein] had not complied."

---

[52] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[53] Letter Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.
[54] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

Secretary Rumsfeld's remarks, 11 March 2003

In a telephone call to Mr Donald Rumsfeld, the US Secretary of Defense, on 11 March about the timing of military action, Mr Hoon emphasised the importance of a few extra days to win over Chile and Mexico and the domestic politics in the UK.[55]

The MOD reported that Secretary Rumsfeld had said Gen Franks was looking at how to "work around" a position in which the UK could not participate in military action which assumed that the UK would be available for post-conflict activities. Mr Hoon had responded that the UK would not want to be in that position and reiterated the case for waiting a few more days.

In a subsequent press briefing, Secretary Rumsfeld said that it was unclear what the UK role would be in the event that a decision was made to use force:

> "… until we know what the resolution is, we won't know the answer to what their role will be …"[56]

Secretary Rumsfeld subsequently clarified his comments, saying he had "no doubt of the full support of the United Kingdom for the international community's efforts to disarm Iraq".[57] Obtaining a second resolution was important to the UK, and the US was "working to achieve that". He added:

> "In the event that a decision to use force is made, we have every reason to believe that there will be a significant military contribution from the United Kingdom."

In his memoir Mr Blair wrote that Secretary Rumsfeld had been "trying to be helpful", but it had not helped and "by then the military were absolutely determined, rightly, that they would be part of the action from the outset, and took amiss any sense that we might be in the second rank".[58]

In the entry for 11 March in the edition of his diaries published in 2012, Mr Campbell wrote that the incident was "indicative of the difficulties" of working with the US.[59] Secretary Rumsfeld's clarification was the result of a further telephone call from Mr Hoon "making it clear that we were with them".

TELEPHONE DIPLOMACY, 11 MARCH 2003

174. Mr Blair and Mr Straw met early on 11 March to take stock and agree a plan to make telephone calls lobbying contacts for support for the UK approach.[60]

175. President Putin told Mr Blair that there were grounds for believing that Saddam Hussein understood the need for disarmament and had opted for

---

[55] Letter Watkins to Manning, 11 March 2003, 'Iraq: Call to Donald Rumsfeld'.
[56] US Department of Defense, 11 March 2003, *DoD News Briefing – Secretary Rumsfeld and Gen. Myers*.
[57] *BBC News*, 12 March 2003, *Text of Donald Rumsfeld remarks.*
[58] Blair T. *A Journey*. Hutchinson, 2010.
[59] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[60] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Gameplan for 11 March'.

maximum co-operation with the inspectors. Russia could not accept a proposition giving a green light to war.

176. President Putin also warned of the risks of military action.

177. Following Mr Blair's discussion with President Putin on 7 March (see Section 3.7), Sir Roderic Lyne, British Ambassador to Russia, had advised Mr Ricketts on 10 March that he had been considering whether there was "anything to be done at the 11th hour to turn the Russians on our current text".[61] He had concluded that Russia would "only move if":

"
- the French moved;
- and/or major amendments were made to the resolution;
- or if the Americans had brokered a bilateral deal so heavily weighted towards Russian interests that it outweighed the downside of splitting from the French position."

178. Sir Roderic added that "the Americans have now left it too late". President Putin did not "want a breach with the Americans, for well known reasons; and this explains the repeated Russian encouragement … to just go ahead and do it in a way which does not involve Russia in approving war".

179. Stating that he was "deliberately over-simplifying", Sir Roderic advised that President Putin was not now going to "put himself out" or "take risks", because:

- The Americans had "not picked up Russian hints from mid-2001 onwards that there is a price tag attached".
- The Americans "… did not cut the Russians in on the discussion. They proclaimed the 'axis of evil', which worries the Russians mightily; they deployed their forces; they then demanded acceptance of their resolution within a tight time-frame and without a smoking gun or trigger. If the Russians buy into this, what else are they buying into? War on N. Korea or Iran? (It's not impossible that the Russians could be brought to subscribe to a tougher approach to proliferation, but they would need to be carried along stage by stage.) So the Russians are very susceptible to the French line of argument that the Americans are trying to drag us down a very dangerous road … and the time to make a stand is now."
- Russia had "not been given its due reward for supporting the Americans on various issues, or for not opposing them on others".
- Russia wanted freedom to act on Chechnya.
- Russian domestic opinion thought France and Germany were right to stand firm against the US.

---

[61] Email Lyne to Ricketts, 10 March 2003, 'Iraq/Russia'.

180. In Sir Roderic's view, the "only way we are now likely to get them [the Russians] on board would be to drop the authorisation for war". The Russians were "convinced that the Americans are going to attack, come what may".

181. Sir David Manning put the email to Mr Blair on 11 March, commenting: "Good Rod Lyne analysis on Putin/Iraq."[62]

182. Mr Blair spoke to President Putin who was ready to look for a way forward but made it clear that Russia could not accept any proposition which looked like a "green light for war".[63]

183. President Putin told Mr Blair that, following the visit to Baghdad by the Speaker of the Russian Parliament, there were grounds to believe that Saddam Hussein understood the necessity for disarmament, and had opted for the maximum co-operation with the UN inspectors.

184. President Putin also said that the Iraqis had been robust and confident and were prepared to resist the Coalition; and that an initial military action might be over quickly but Iraq was a big country and guerrilla warfare could continue for some time.

185. Mr José Maria Aznar, the Spanish Prime Minister, told Mr Blair that he would not favour putting the resolution to a vote without a guarantee of success.

186. In a conversation with Mr Aznar, Mr Blair argued that the Spanish proposal for a simple resolution needed to be combined with tests for Saddam Hussein.[64]

187. Mr Aznar identified a number of concerns about the risks with the approach, but he agreed to try. He was also reported to have said that without a guaranteed win, he would not favour putting the resolution to a vote.

188. Mr Blair also spoke to:

- President Musharraf,[65]
- Mr Silvio Berlusconi, the Italian Prime Minister,[66] and
- Mr Göran Persson, the Swedish Prime Minister,[67]

to seek support for his approach.

189. Mr Blair warned Mr Annan that the US timeframe was "days not weeks" and it was in "no mood to negotiate further".

---

[62] Manuscript comment Manning to PM, 11 March 2003, on Email Lyne to Ricketts, 10 March 2003, 'Iraq/Russia'.
[63] Letter Cannon to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Putin, 11 March'.
[64] Letter Cannon to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Aznar, 11 March'.
[65] Letter Cannon to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with President of Pakistan, 11 March'.
[66] Letter Rycroft to Owen, 'Prime Minister's Conversation with Berlusconi, 11 March'.
[67] Letter Lloyd to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Persson'.

190. Mr Blair sought Mr Annan's support for the proposals he was discussing with Chile, and through them Mexico, to construct "clear and specific tests that would allow us to assess whether Saddam was going to come fully into compliance and had genuinely changed his mind".[68]

191. Mr Blair stated that the tests would be tough but achievable and the timeframe could be short: "The US were only prepared to accept a timeframe of days not weeks. If Saddam did demonstrate his seriousness by complying with the tests then a full work programme would ensue."

192. Mr Blair added that President Chirac's comments "that he would veto a second resolution in any circumstances would cause a real difficulty if they were proved true. If the UN could not reach an agreement and military action took place the UN would be seriously weakened." It would be hard to achieve a compromise and the US "were in no mood to negotiate further".

193. Mr Straw told Secretary Powell that, if Iraq delivered, the UK and US "might have to take 'yes' for an answer", and that he was reviewing whether to push for a vote if it would be unsuccessful.

194. Secretary Powell expressed concern about the perceived shift in the UK's position given Mr Blair's assurances that the UK would proceed if there were nine votes for a resolution but a French veto.

195. In the first of six conversations with Secretary Powell on 11 March, Mr Straw said that he had sent him the latest version of the UK's six tests, and that Mr Blair thought there was a chance it would secure votes.[69] He and Mr Blair would be making a series of phone calls making the point that: "We've moved twice and won't move again."

196. Secretary Powell was reported to have said that Ms Ana Palacio, the Spanish Foreign Minister, "was concerned that the Iraqis could do something with the tests: they could, for example, produce 30 scientists". Mr Straw responded that if Iraq delivered "we might have to take 'yes' for an answer". Secretary Powell said that "was easier for … [Mr Straw] to say than for him to accept**".**

197. Mr Straw said Mr Blair's plan was to get President Lagos "in the bag then get him to sell the latest draft to Fox".

198. Raising the question of pushing for a vote "if we knew that would not get a result", Mr Straw warned Secretary Powell that he was "increasingly of the view that … would not be in the interests of international solidarity and respect for the UN".

---

[68] Letter Lloyd to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with Kofi Annan'.
[69] Letter McDonald to Manning, 11 March 2003, 'Foreign Secretary's Conversation with US Secretary of State, 11 March'.

199. Secretary Powell responded that that would be "a brand new element": Mr Blair had "always said that if we had nine votes but a French veto he could work with it".

200. Mr Straw reminded Secretary Powell of their conversation the previous day, adding that "he was not at all sure that here would be only one veto: two vetoes would be heavy; it was better not to vote". Mr Blair had not yet made up his mind, but his "concern was which course of action would be easier to get through the House of Commons: no resolution because of a veto, or no resolution because of an expected veto".

201. President Lagos told Mr Blair he needed more time to think about the proposals.

202. In the first of three conversations on 11 March, President Lagos confirmed that Mr Blair's proposed approach could work but he wanted more time and was still thinking about the precise terms.[70] Mr Blair emphasised US concerns about delay and the risk of an unworkable compromise. They agreed to talk again later that day.

203. Mr Straw told Secretary Powell that Mr Blair had made clear that the proposal was the UK's "bottom line", and there was little flexibility in timing.

204. Ms Palacio expressed scepticism about any French suggestion that with more time it could be supportive.

205. In a conference call with Secretary Powell and Ms Palacio, Mr Straw reported that Mr Blair thought President Lagos had "bought the language on tests" in the proposed "Side statement", but "might try to share the language with President Chirac".[71] Mr Blair had made clear that the proposal "was our bottom line and also that there was no flexibility on timing of the deadline (beyond 24 hours or so)". Neither Mr Blair nor Mr Straw expected any Chilean approach to France "to bring acceptable results". Secretary Powell and Ms Palacio had agreed.

206. Ms Palacio was reported to have said that France had been working on the assumption that nine votes would not be achieved. If that looked closer, the French would "change tack and instead play for time they knew the UK, US and Spain didn't have". Chile was convinced it "could bridge the gap" and was "likely to come back … with a French offer". France would probably try to persuade Chile (and Mexico) that it "might be able to sign up to our approach, providing" there was "a little more time". But France had "absolutely no intention of signing up to anything we produced". Any French "offer" to Lagos was "highly unlikely to be anything useful". Mr Straw and Secretary Powell had agreed.

---

[70] Letter Cannon to Owen, 11 March 2003, 'Iraq: Prime Minister's Conversation with President of Chile, 11 March'.
[71] Telegram 112 FCO London to Washington, 'Iraq: Foreign Secretary's Conference Call with US Secretary of State and Spanish Foreign Minister, 11 March'.

207. Secretary Powell told Mr Straw that the US message to President Fox would be that it was "not interested in another series of negotiations".

208. In a subsequent bilateral conversation, Secretary Powell and Mr Straw discussed the position of Mexico and Chile.[72]

209. Secretary Powell told Mr Straw that President Lagos had not yet spoken to President Chirac. President Bush would tell President Fox that Mr Blair's "offer was all he was going to get". The US was "not interested in another series of negotiations. Any modifications would have to be made tomorrow for a vote on Thursday."

210. Reporting that Dr Rice was "showing some interest in ditching OP3" (the provision that Iraq had to demonstrate it was co-operating by a defined date), Secretary Powell stated that he had pointed out that President Chirac would "veto anything, explaining that the simplest language was being used as a pretext for war".

211. The FCO asked Ambassadors in Arab countries to make clear that little time was left to persuade Saddam Hussein to stand down.

212. In a telegram on the afternoon of 11 March, the FCO stated:

> "If the Arabs are still serious about pressing Saddam to stand aside, they need to get going now without waiting for a second UN SCR. If they delay there may not be time for Arab diplomacy."[73]

213. The FCO added:

> "We are now approaching the end game on Iraq. A vote on the current draft Security Council resolution is now likely this week. If this includes, as at present, a deadline for Iraqi action, our assumption is that that is the end point for Arab efforts. If the resolution does not pass, the window for Arab action may be very short, and might not be explicit."

214. Mr Straw told Secretary Powell that they should not put the draft resolution to a vote if there would be a French veto. He was considering whether the UK strategy needed to be adapted, but had not yet agreed that with Mr Blair.

215. Secretary Powell suggested that Mr Blair should make plain to President Bush the UK's problems if the second resolution failed.

216. Mr Straw and Secretary Powell spoke again at 6.45pm to discuss the difficulties with securing nine votes in the Security Council and the timing of military action.[74]

---

[72] Letter McDonald to Manning, 11 March 2003, Foreign Secretary's Conversation with US Secretary of State, 11 March'.
[73] Telegram 31 FCO London to Riyadh, 11 March 2003, 'Iraq – Pressure on Saddam from other Arab Governments'.
[74] Letter McDonald to Manning, 12 March 2003, 'Foreign Secretary's Conversation with US Secretary of State, 11 March'.

217. Discussing whether it would be wise to go ahead with a vote without the support of Mexico and Chile, and the different views within the US Administration, Mr Straw told Secretary Powell that:

> "… he was clear that if we did not have nine votes we should go nowhere near the Security Council. Even if we did have nine votes we should not go if we knew the French would veto. Annan had signalled yesterday his unhappiness with the possibility of the last act of the Security Council showing it divided and fractured … [H]e knew that some people in the [US] Administration did not give a fig for the UN, but the US and President Bush needed the UN across a range of subjects. The President could make a better speech about the negotiating history of 1441 and French failure to insert a provision for a second resolution than about why we were ignoring a Security Council veto."

218. Secretary Powell asked that Mr Blair should make plain to President Bush the UK's problems with a failed second resolution.

219. Mr Straw said that in his opinion we would "need to adapt our strategy" and that the "Kosovo model might be useful. In some ways our position was now stronger: in Kosovo we had relied on customary international law, whereas here we had a string of resolutions culminating in 1441". Mr Straw stressed that was his opinion and had not yet been agreed with Mr Blair.

220. In a conversation with Mr Blair that evening, President Lagos confirmed he was still working on a draft resolution.

221. When Mr Blair and President Lagos spoke for a second time, President Lagos confirmed that he was still working on a draft Mexican/Chilean resolution.[75]

222. In response to a warning from Mr Blair that President Bush would not agree a deadline "beyond 24 March", President Lagos was reported to have commented that he would put his preferred deadline in the draft and there could then be a negotiation.

223. In the absence of nine votes for the resolution, Mr Straw and Secretary Powell discussed not putting the resolution to a vote. They agreed the decision to pull out of a vote could be explained by blaming France.

224. Mr Straw stated that in four successive meetings of the UN, no-one had said Iraq had fully complied. "Iraq was therefore in material breach."

225. When Mr Straw and Secretary Powell spoke again at 9pm, Secretary Powell stated that the US and UK had "just about convinced President Lagos and President Fox; their objections were fading away.[76] Mr Straw said that President Lagos "seemed to be biting".

---

[75] Letter Rycroft to Owen, 11 March 2003, 'Iraq: Chile, 11 March'.
[76] Letter Sinclair to Manning, 12 March 2003, 'Foreign Secretary's Conversation with US Secretary of State, 11 March'.

226. Mr Straw told Secretary Powell that Mr Blair was "coming round to the view that if the nine votes weren't there, then we should not push it to a vote". Secretary Powell responded that President Bush was on the same wave-length.

227. Mr Straw added that "the situation was less clear if we had nine votes but faced a veto". Secretary Powell suggested that his answer to the question of how to explain pulling out of a vote in that situation would be to "blame Paris and leave".

228. Mr Straw agreed, stating they could:

> "… point to France signing [resolution] 1441. That resolution had demanded 'immediate' co-operation, but here we were four months later. The resolution had demanded 'active' co-operation, but Blix could not confirm that. And, in four successive meetings at the UN, not one of the 15 … members had said that Iraq had fully complied. Iraq was therefore in material breach."

229. Secretary Powell added that the US and UK "had worked hard to obtain a second resolution, but Chirac had clearly said on 10 March that he would veto a resolution in any circumstances". Mr Straw said they could also point to Mr Annan's statement.

230. In a subsequent conversation at 10.45pm, Mr Straw and Secretary Powell discussed the indications that Chile and Mexico were thinking about a timeline of 45 days and the remarks made earlier that day by Secretary Rumsfeld.[77]

231. When Mr Blair and President Bush discussed the position late on 11 March, it was clear that President Bush was determined not to postpone the start of military action.

232. Mr Blair stated that President Chirac's remarks gave "some cover" for ending the UN route.

233. Mr Blair spoke to President Bush late on 11 March.[78]

234. They discussed Secretary Rumsfeld's comments about the UK, the continuing problems in securing support for the resolution and the impact of President Chirac's "veto threats". Mr Blair considered that President Chirac's remarks "gave some cover" for ending the UN route.

235. President Bush wrote in his memoir that, at Mr Blair's request, he "had made one last effort to persuade Mexico and Chile … to support the second resolution".[79] President Fox did not give him an answer. President Lagos had "talked about giving Saddam an additional two to three weeks". President Bush "told him a few more weeks would make

---

[77] Letter Straw to Manning, 12 March 2003, 'Conversation with US Secretary of State, 11 March'.
[78] Letter Cannon to McDonald, 11 March 2003, 'Iraq: Prime Minister's Conversations with Bush and Lagos, 11 March'.
[79] Bush GW. *Decision Points*. Virgin Books, 2010.

no difference. Saddam had already had years to comply." Asked "one last time how he planned to vote", President Lagos had "said no".

236. Mr Campbell wrote that President Bush had apologised for Secretary Rumsfeld's comments, describing them as "one of those attempts to be helpful that wasn't very helpful".[80]

237. Mr Campbell added that President Bush had described his latest telephone calls with President Fox and President Lagos as "difficult"; that they "had to give us their votes"; and that "we had to get this over with". President Bush was "determined we could not let the date slip".

238. The record of the conversation confirms Mr Campbell's account.[81]

239. Mr Campbell also wrote:

- When Mr Blair had "said we needed to hold their feet to the fire", President Bush had responded that he was "waiting your instructions. If it falls apart I'm going to make a speech to the American people saying I tried, and now Saddam has forty-eight hours to leave the country."
- Mr Blair "still felt Chile would come round and not walk away".
- President Bush "felt seven days was too big a stretch to give them … Congress was getting restless and all the polls were showing criticism of the UN for inaction. 'We just got to go.'"
- Mr Blair had "said we had to do something to change the diplomatic weather and get on the front foot but if we can't get anything, we're in real trouble and there is no point in pushing the UN beyond what it will take".
- President Bush said "We know he's not going to disarm. We already had benchmarks." He had told President Lagos "it was time to stand up and be counted. I want your vote. He said no."
- Mr Blair said he would speak to President Lagos again, and that "a week's delay was the top end for us". If we were "on the front foot" it would be possible to gain altitude again.
- President Bush "said these guys [Presidents Fox and Lagos] were just playing for time. He felt maybe we stand up on Thursday [13 March] and say there could be no new UNSCR, that it had failed in its mission …"

---

[80] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[81] Letter Cannon to McDonald, 11 March 2003, 'Iraq: Prime Minister's Conversations with Bush and Lagos, 11 March'.

- Mr Blair felt that there had been "a bit more give" from President Putin in their last call; and that "the problem was that the Chiles and Mexicos were not used to making decisions as big as these …"[82]

240. Mr Campbell commented that President Bush "did not feel the need to buy more time" and that he was "more impatient than ever". He was "not really listening".

241. Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, reported that Mr Richard Armitage, the US Deputy Secretary of State, told him on 11 March, before Mr Blair's conversation with President Bush, that he was "unsure whether Chile and Mexico were moving in the right direction".[83] President Bush had spoken to President Fox, who had "bid for a 45-day deadline". When President Bush had "said no way", President Fox "had retreated, saying he would study the papers further". President Bush "was still trying to speak" to President Lagos.

242. In response to a question from Mr Armitage about whether if it looked as though there would be nine positive votes but "one or two vetoes" the UK would want to go for a Security Council vote "or pull the resolution", Mr Brenton had said that "would depend crucially on calculations of how it would play in Parliament". Mr Armitage "thought that President Bush's instinct would be to go for a vote, though the impact on the UK would weigh heavily with him".

243. Mr Stephen Hadley, the US Deputy National Security Advisor, had been "more direct". President Bush's "instinct would be to go for a vote on 12 March, or 13 March at the latest, whatever the situation".

244. Mr Kurt Volker, the US National Security Council (NSC) Director for NATO and West Europe, had separately told UK officials that President Bush had rejected a suggestion from Mr Aznar that the resolution might be pulled; he wanted, and had promised the American people, a vote. Mr Aznar had also proposed that those supporting the resolution might be asked to co-sponsor it "to act as a disincentive to France and Russia to veto". Mr Brenton and Mr Volker "agreed co-sponsorship seemed a bridge too far right now".

245. Mr Brenton reported that he had also been asked by both Mr Armitage and Mr Hadley whether Mr Hoon's comments to Secretary Rumsfeld meant that the UK's "determination to go in alongside the US was diminishing". He had said "not"; the UK "remained confident that we would go alongside the US" and he "assumed" that Mr Hoon "had simply been setting out the Parliamentary realities" to Secretary Rumsfeld.

---

[82] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[83] Telegram 325 Washington to FCO London, 11 March 2003, 'Iraq: US views, 11 March'. [Contents suggest that date of telegram should be 12 March.]

246. Following three conversations with Mr Blair, President Lagos remained adamant that more time was needed and that nobody would view a deadline of 24 March as serious.

247. After his conversation with President Bush, Mr Blair spoke again to President Lagos to say that one last effort was needed to get Saddam Hussein to comply: "Ten days was adequate for him [Saddam Hussein] to make the right statements, get the interviews going and produce the hidden anthrax."[84]

248. President Lagos was not convinced; in his view, even 24 March looked too short a deadline, and that nobody would believe it was serious. He wanted to talk to other Security Council members.

CONSULTATIONS IN NEW YORK

249. After consultations on 11 March, Sir Jeremy Greenstock reported that the draft resolution tabled by the UK, US and Spain on 7 March had "no chance of adoption" and that avoiding providing the US "with a new basis for the use of force" was "a major criterion for most members of the Council". The UK now faced "a choice between a number of hard options".

250. Dr Blix had questioned whether it was right to describe failure to co-operate, and in particular to take part in interviews, as "a very serious crime".

251. Sir Jeremy Greenstock was given authority to circulate the UK's "language" to Security Council colleagues.[85] A decision on whether to speak to the French would be subject to consultation with Sir Jeremy and a conversation should take place "only at the end of the New York day".

252. Reporting discussions in New York on 11 March on the draft resolution and details of a possible "side statement", Sir Jeremy Greenstock advised that he had discussed the proposed tests with Dr Blix and Dr Dimitri Perricos, the UNMOVIC Director of Planning and Operations.[86]

253. They had raised a number of questions about the tests, the timelines for assessing Iraqi actions and who would judge compliance. Dr Blix was:

- "concerned" about the statement that Iraq should yield proscribed items "immediately" for destruction, "without delay" would be "more realistic". In addition "he wondered whether it was right to refer to a failure to co-operate with UNMOVIC/IAEA, and in particular to take part in interviews, as a 'very serious' crime"; and

---

[84] Letter Cannon to McDonald, 11 March 2003, 'Iraq: Prime Minister's Conversations with Bush and Lagos, 11 March'.
[85] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Gameplan for 11 March'.
[86] Telegram 417 UKMIS New York to FCO London, 12 March 2003, 'Personal Iraq: Side Statement and End Game Options'.

- "nervous about the concept of requiring interviewees and their families to leave Iraq, but equally recognised the dangers – in terms of undue pressure – of letting families remain in Iraq. He seemed to realise there was little way round this, and said he would say in the Council only that this was a dilemma."

254. Dr Perricos:

- "was not keen on London's suggestion of asking for the list of all personnel currently and formerly associated with Iraq's WMD programmes … Iraq had provided names and had said they were willing to provide more in particular areas on request". While it would be "possible to get the interviewees out of Iraq in the timescale we envisaged, it would be difficult to interview them as well";
- "did not expect anything new to arise" from the test on anthrax;
- "was nervous" that the inclusion of mobile laboratories "made the whole package a bit too heavy for the envisaged 7-10 day timetable" and "thought little would come of it – i.e. Iraq would present legitimate facilities". He thought that if the test was kept, "it should also refer to chemical facilities and to the sites that could support such mobile facilities";
- "preferred to stick with the language" in Dr Blix's letter to Dr Amir al-Sa'adi, the Scientific Adviser to the Iraqi Presidency, on missile destruction, which he "thought would cover all Volga engines" and "agreed our inclusion of the destruction of equipment designed for the production and testing of the Al Samoud 2";
- "wondered whether the benchmarks would lead to a strategic shift in Iraq's behaviour though they would certainly 'burn' Iraq";
- "underlined that while action in the time period proposed was possible, there would need to be some time afterwards to assess the action taken"; and
- "asked a number of pertinent questions" including: "Who would judge compliance? Would we want to specify whether the information should go to UNMOVIC and/or the Council? What would we do if Iraq gave straight denials?"

255. Sir Jeremy had discussed the draft with Mr Inocencio Arias, the Spanish Permanent Representative to the UN, who made "few comments", and Ambassador John Negroponte, US Permanent Representative to the UN, who was "very concerned that the statement should not be part of the resolution". Another US official had commented that Washington was "intensively discussing the benchmarks ideas, but he had heard no one in State or the NSC who favoured them", thought that "it would be relatively easy for the Iraqis to satisfy the tests", and they "would not lead to the US feeling any safer".

256. Sir Jeremy had also briefed Ambassador Negroponte "in general terms" on possible fallback options. Ambassador Negroponte thought the side statement "would not go anywhere. Mexico and Chile were asking for a lot more then we had in mind,

including on time." He subsequently told Sir Jeremy that President Lagos had told President Bush that "he wanted 45 days and a second Council decision".

257. Sir Jeremy concluded that the draft resolution tabled by the UK, US and Spain on 7 March had "no chance … of adoption". The UK now faced "a choice between a number of hard options":

- A "light" resolution without the deadline for a decision on whether Iraq had failed to take the final opportunity and no benchmarks. That would "allow each Council member to interpret the text as they see fit" but had "considerable legal risks … as well as appearing too obviously as cover for US military action".
- A "light" resolution accompanied by "Blix-cleared benchmarks" while saying "we were going the last mile for peace". But Dr Blix and Dr Perricos "did not think the benchmarks would necessarily be strong enough to amount to a 'strategic change' by Iraq". There would be a "difficult choice of what to do if the benchmarks were met … especially if we believed … that Iraq was still not serious about complete disarmament".
- A "light" resolution accompanied by "stronger benchmarks". Sir Jeremy thought that Dr Blix might regard the UK list as "unreasonable for completion in the timescale that we envisage". He was inclined to chose a "Blix-approved version if (if) we can bring the US along".
- No resolution with or without national benchmarks.

258. Sir Jeremy commented that the FCO would:

> "… wish to consider the legal implications of each of these options. If we won an adopted resolution under [the second or third] options … we would have to live with the (improbable?) consequences of Saddam meeting the requirements, even if the US was not in the same position."

259. Sir Jeremy added:

> "If we do not look like winning adoption, it might be easier to make our legal case if no resolution is put to the vote … we could presumably still argue that 1441 had found Iraq to be in material breach and offered it a final opportunity; that it was now objectively clear on the basis of the Blix reports and other emerging evidence, that Iraq had failed to take the final opportunity; and that therefore the authorisation in 678 [1990] was revived.
>
> "To the objection that we should have tested the Council we would reply (a) that a Council decision was not needed under 1441 … and (b) that putting the text to the vote would have been futile in the circumstances, in particular because of publicly stated French intransigence.
>
> "If a resolution was put to the vote and defeated, or adopted with a majority of antagonistic EOVs [Explanations of Vote], it would seem harder (than it already

is) to assert plausibly that our intended action carried, in any sense, the implicit authorisation of the UN on the basis of the revival doctrine."

260. Sir Jeremy suggested that "it was difficult to gauge, with all the fluid dynamic of current telephone calls, where anyone might be on a new proposal". The "middle ground [countries]" were "constantly cross-checking with each other". His "best judgement" was that it would be worth trying the second and third options during informal discussions the following afternoon. Avoiding providing the US "with a new basis for the use of force" was a "major criterion for most members of the Council, and he would need to make clear that the options proposed did not do that. If that revealed opposition which could not be overcome, that would leave the fourth option "leaving our benchmarks out there if this has better political resonance".

261. The open debate on Iraq in the Security Council on 11 and 12 March is addressed later in this Section.

262. By the end of 11 March, it was clear that Mr Blair's efforts to persuade President Bush to extend the deadline for military action, while he tried to secure support from other members of the Security Council for a second resolution determining that Iraq had failed to take the final opportunity offered by resolution 1441, had almost reached the end of the road.

263. There were also concerns that if a majority in the Council supported the resolution, France, Russia and China might all exercise their veto.

264. Mr Campbell wrote that on 11 March there was a "Growing sense of crisis", and that:

> "We desperately need some change in the diplomatic weather. The best thing may in the end be to go in without a vote because of the timings, and that once troops are in there the mood changes. But short of that, which was risky enough, it was hard to see how the dynamic changed."[87]

265. Mr Cook wrote that on 11 March he had asked Mr Powell to press on Mr Blair his view that, without a second resolution, Mr Blair could not have military action.[88] If Mr Blair went "to the House with no UN resolution he may well be defeated if he persists in going to war".

---

[87] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[88] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

266. Mr Cook also wrote that Mr Straw had been "genuinely worried" when they had discussed possible dates for the debate on Iraq. When asked if Mr Blair understood that he could not go for military action without a second resolution, Mr Straw had replied:

> "Tony is just focused on getting a second resolution. He is not thinking about what we do if it fails."

267. Mr Campbell also recorded that Mr Blair had taken a telephone call on 11 March from Mr Rupert Murdoch "who was pressing on timings, saying how News International would support us, etc".[89] Mr Campbell and Mr Powell "felt it was prompted by Washington, and another example of their over-crude diplomacy. Murdoch was pushing all the Republican buttons, how the longer we waited, the harder it got."

268. The Government has been unable to find any records in the No.10 files of conversations between Mr Blair and Mr Rupert Murdoch, Chairman and CEO of News Corporation, Mr James Murdoch, Director/CEO BSkyB, or Lord Black of Crossharbour (Chairman of The Daily Telegraph) in early 2003.[90]

Events of 12 March 2003

MR STRAW'S MEETING WITH MR BLAIR

269. When he discussed the options with Mr Straw early on 12 March, Mr Blair decided that the UK would continue to support the US.

270. Mr Straw agreed.

271. In response to a question about consideration of alternative options on the eve of conflict, Mr Straw initially told the Inquiry that he had:

> "… submitted formal minutes to him [Mr Blair]. This was far too serious to make suggestions to him. So I thought about this a very great deal. I talked to my officials and advisers in the Foreign Office and the agencies about this. I prepared a paper for Mr Blair. I talked to him about it."[91]

272. The Inquiry was told by a witness it agreed not to identify that, in a meeting on 12 March, with officials from No.10 present, Mr Straw had advised Mr Blair that he had "the final opportunity to decide on a different track".[92] Mr Straw had suggested to Mr Blair that he had a "way out and why don't you take it". The witness had been "struck" by "the speed" and the "absolute insistence" of Mr Blair's response: "he had got his arguments all marshalled and all laid out". The witness did not think there was a risk of Mr Straw resigning.

---

[89] Blair T. *A Journey*. Hutchinson, 2010.
[90] Minute Cabinet Office [junior official] to Iraq Inquiry, 13 October 2014, 'Records of Conversations between Mr Blair and Mr Rupert Murdoch; and Mr Blair and Mr Conrad Black'.
[91] Public hearing, 21 January 2010, page 105.
[92] Evidence given to the Inquiry on condition of anonymity.

273. Officials in No.10 "decided, after careful consideration, that the meeting should not be recorded because it didn't change anything … it was a very personal meeting and a very personal discussion and that in operational terms … the track … was unchanged".[93]

274. Asked specifically in the light of that evidence if he had discussed whether Mr Blair should go ahead with committing British troops to military action when the second resolution failed, Mr Straw told the Inquiry that his minute of 11 March "set out for Mr Blair the different routes open to him in the event of us not getting the second UNSCR and my judgements on those various courses of action".[94] In the meeting on 12 March, he had "made clear" to Mr Blair that he "had options other than committing to the invasion, and that these were still open to him, should he want to take them".

275. The Inquiry asked Mr Blair if Mr Straw or any of his Cabinet colleagues had tried to dissuade Mr Blair from taking military action in Iraq, and, if so, when.[95]

276. In his statement Mr Blair wrote:

> "It was clear following 1441 that if Saddam did not comply fully and unconditionally, military action was likely. No-one tried to persuade me not to take this course, other than those who publicly and openly declared themselves, like Robin Cook and certain ministers, who later resigned over the absence of a second resolution.
>
> "It is correct that Jack, shortly before we were due to go in, warned me of the political perils of doing so. I was well aware of them. But for me the issue was straightforward: we had got the US to go down the UN route and give Saddam a final chance; he had not taken it; such co-operation as there was, was under the duress of military action; if we backed away now, it would have disastrous consequences for a tough stance on WMD and its proliferation; and for our strategic relationship with the US, our key ally."[96]

277. Asked whether his position was one of advocating to Mr Blair that he should not commit British troops to military action, Mr Straw told the Inquiry that was "probably putting it too strongly".[97]

278. Mr Straw added that he:

- had "never wanted to give the false impression that when it came to it over the weekend [of 15 to 16 March] and then the decision on 17 [March] my position was anything [other] than thoroughly to endorse the decision we did come to, which was in favour of military action";

---

[93] Evidence given to the Inquiry on condition of anonymity.
[94] Statement, 19 January 2011, page 17.
[95] Inquiry request for a witness statement, 13 December 2010, Qs11a and 11b, page 7.
[96] Statement, 14 January 2011, page 16.
[97] Public hearing, 2 February 2011, page 105.

- was certainly aware by 12 March that there was a "clear prospect" [of military action] and he did not "think anybody was keen on military action";
- was "anxious that we should explore all possible alternatives"; and
- "owed" Mr Blair the "best and most robust advice I could give him".

279. Mr Straw confirmed that the anonymous witness had given "a fair summary" of both his and Mr Blair's positions.

280. Mr Straw also stated:

> "The interesting thing … was that from an early stage it was the Chief of the Defence Staff who had argued very strongly that if we were going to get involved in the military action, the Army had to be there, because they would be unhappy and cross if they weren't. I don't trivialise the way it was put across … So we could have provided facilitation and then go[ne] in afterwards … which would not have meant standing down the troops we had in theatre and it was essentially what the Spanish and the Italians did."[98]

281. Section 6.1 concludes that none of the key decision-takers regarded the question of whether the Army would be unhappy if it did not participate in combat operations as a decisive factor in the decision on 31 October 2002 to offer ground forces to the US for planning purposes.

282. Describing the circumstances in which he had sent the minute of 11 March, Mr Straw wrote in his memoir, that, after his speech in the Security Council on 7 March, he had been:

> "… convinced that unless there was a last-minute change of attitude by Saddam, for which I hoped and prayed, war was inevitable. Whether the UK would be part of the invasion was still unclear though … it was still far from certain that we could win a vote on war in the Commons."[99]

283. Mr Campbell recorded the concerns about the US approach which were discussed in the meeting.

284. Describing the discussion with Mr Straw in the edition of his diaries published in 2012, Mr Campbell wrote that he and Mr Powell had concluded that Mr Rumsfeld's comments and the telephone call from Mr Murdoch on 11 March had "effectively been a pincer movement". The former had "forced" the UK "to come out strong" in support of the US in the event of military action.[100]

---

[98] Public hearing, 2 February 2011, pages 105-106.
[99] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[100] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

285. Mr Campbell added that:

- Mr Straw had said "we were victims of hopeless bullying and arrogant diplomacy" and that the UK "was being driven by the US political strategy".
- Sir David Manning also thought the actions had been "a rather crude attempt to shaft us" and had "felt we should say to the Americans they could only use our troops after the first effort and also on humanitarian duties".
- Mr Blair "did not want to go down that route, no matter how much he agreed the Americans were not being helpful".

286. In his daily conference call with the White House, Mr Campbell told the US that it should not comment on UK politics and, in a later call he told Mr Dan Bartlett, President Bush's Communications Director, that the US was doing real damage.

PRIME MINISTER'S QUESTIONS, 12 MARCH 2003

287. In Prime Minister's Questions (PMQs) on 12 March, Mr Blair focused on efforts to secure a second resolution and the importance for the UN of being seen to act in response to Saddam Hussein's failure to co-operate as required by resolution 1441 and of achieving unity in the international community.

288. In a clear reference to President Chirac's statement on 10 March but without naming France, Mr Blair drew attention to the difficulties created by countries saying that they would veto a resolution "whatever the circumstances".

289. Mr Blair also stated that:

- **the UK would not do anything which did not have a proper legal basis; and**
- **it was the Government's intention to seek a vote on a second resolution "in a way that most upholds the authority of the UN".**

290. Mr Rycroft sent an urgent email to Mr Powell, Sir David Manning and other No.10 officials at 11.48am, informing them that the French Ambassador to the UK (Mr Gérard Errera) had called "on the instructions of the Elysée".[101]

291. Mr Rycroft reported that Mr Errera had told him that President Chirac's comment about a veto:

> "… needed to be read in the context of what had been said immediately before about two hypotheses – either our resolution gets nine votes or it doesn't. In other words, the Ambassador claims that it is not the case that he [President Chirac] said that he would vote no against any resolution."

292. Most of the questions raised during PMQs on 12 March related to Iraq.[102]

---

[101] Email Rycroft to No.10 officials, 12 March 2003, 'French veto – urgent'.
[102] House of Commons, *Official Report*, 12 March 2003, columns 280-290.

293. In relation to the policy the questions included:

- Mr Peter Bradley (Labour) asked Mr Blair which was the lesser evil, allowing more time for disarmament or dividing the international community "particularly in view of the French President's commitment to exercise his veto". He also asked for an assurance that he would resist US pressure while there was a prospect of rebuilding the international coalition under the authority of the UN.
- Mr Iain Duncan Smith, Leader of the Opposition, asked whether there would be a vote in the UN and whether the US would go to war without the UK if there was no second resolution.
- Mr Barry Sheerman (Labour) asked Mr Blair to use all his efforts to tell President Bush that we needed another UN resolution and that there was "no need for an unseemly haste to war".

294. The points made by Mr Blair included:

- He was doing "everything" he could "to make sure that the international community stays united and that we achieve a second resolution".
- Although he had not complied for "many months", there was still time for Saddam Hussein to avert conflict.
- The "worst thing that could happen" was for Saddam Hussein to defy the clearly expressed will of the UN and for no action to follow.
- It was the Government's intention to seek a UN vote on a second resolution "in a way that most upholds the authority of the UN".
- The UK "should not take military action unless it is in our interests to do so. It is the British national interest that must be upheld at all times."
- In working "flat out" for a second resolution, Mr Blair said the UK was "looking at whether we can set out a clear set of tests for Iraq … to demonstrate that it is still in compliance – not partial compliance …"
- "… not one Iraqi scientist has been interviewed outside Iraq".
- "Iraq should produce the unmanned aerial vehicles, which can spray chemical and biological poison …"
- "If we set out those conditions clearly, and back them with a will of a united UN, we have a chance even now of averting conflict. What we must show, however, is the determination to act if Saddam will not comply fully."
- Military action had been "delayed precisely in order to bring the international community back round the position … set out in 1441".
- The "heart of the agreement" of the US "to take the multilateral path of the United Nations" was that the "other partners inside the United Nations agreed that, if Saddam did not fully comply and was in material breach, serious consequences and actions would follow".
- It would "be a tragedy for the UN" if it failed "to meet the challenge".

- Everyone accepted that Saddam Hussein was not co-operating fully with the United Nations: "[N]ot a single person … in Europe; not a single person in the rest of the world – believes that he is co-operating either fully or unconditionally, and certainly not immediately."

295. Mr Charles Kennedy, Leader of the Liberal Democrats, asked if the Attorney General had advised that a war in Iraq would be legal in the absence of a second resolution authorising force; Mr Richard Shepherd (Conservative) asked why a UN resolution was required; and Mr John Randall (Conservative) asked if Mr Blair would publish the legal advice.

296. In response, the points made by Mr Blair included:

- As he had "said on many occasions … we … would not do anything that did not have a proper legal basis".
- Resolution 1441 provided the legal basis and the second resolution was "highly desirable to demonstrate the will of the international community".
- It was not the convention to publish legal advice but it was "the convention to state clearly that we have a legal base for whatever action we take, and … we must have such a base".

297. In response to a question from Mr Kennedy about whether Mr Annan had said that action without a second resolution would breach the UN Charter, Mr Blair stated that Mr Annan had said that it was "important that the UN comes together". Mr Blair added that it was:

> "… complicated to get that agreement … when one nation is saying that whatever the circumstances it will veto a resolution."

298. Mr Alan Howarth (Conservative) asked whether Mr Blair agreed that:

- divisions in the international community only gave "comfort and opportunity to Saddam Hussein";
- that "a deadline receding into the summer haze was not a serious interpretation of 'serious consequences'" as the Security Council had unanimously agreed in November 2002; and
- given Saddam Hussein's motive and capacity to equip terrorists with chemical and biological weapons, there was an urgent necessity to disarm him whether there was a second resolution or not.

299. Mr Blair replied that Mr Howarth had set out "precisely why we need to take action". Leaving troops in the region "for months on an indefinite time scale, without insisting that Saddam disarms, would send not only a message of weakness … to Saddam, but a message of weakness throughout the world".

300. Mr Blair added:

> "I hope that even now those countries that are saying they would use their veto no matter what the circumstances will reconsider and realise that by doing so they put at risk not just the disarmament of Saddam, but the unity of the United Nations."

301. Mr Duncan Smith also asked, in the light of Ms Short's comments on 9 March, whether the doctrine of Cabinet responsibility applied to the option of committing British forces without a second resolution. Mr Blair replied: "Yes of course it does."

302. In response to a question from Mr Elfyn Llwyd (Plaid Cymru), about whether the House of Commons would have a vote on whether to commit troops, Mr Blair replied that it was:

> "… subject to the security and safety of our troops … it is right that this House has a say on this issue. People will then be able to see the stand that we take, and people will then have to make up their minds as to the stand that they take."

303. In response to a question from Mr James Gray (Conservative) asking if Mr Blair felt he needed the support of the Parliamentary Labour Party, the House of Commons and the country as a whole, as well as the majority support he commanded in Cabinet, before committing the UK to war, Mr Blair replied that as well as a vote in the House of Commons it was:

> "… important that I set out, as Prime Minister, what I believe to be right in this country's national interest. I have tried to do that over the past few months …"

SIR JEREMY GREENSTOCK'S PROPOSAL TO REVISE THE DRAFT RESOLUTION OF 7 MARCH

304. Sir Jeremy Greenstock suggested early on the afternoon of 12 March that in the Security Council that day the UK should:

- table a revised draft resolution explaining that the UK was "setting aside the ultimatum concept" in operative paragraph 3 of the draft of 7 March "because it had not attracted Council support";
- distribute the side statement with tests for Saddam Hussein, "explaining that the text was a national position to which the UK wanted as many Council Members as possible to adhere to maintain the pressure on Saddam"; and
- state that the 17 March date was "being reviewed".[103]

305. Sir Jeremy favoured using the open debate in the Security Council later that day to explain the UK move, adding: "At no point will I signal, in public or in private, that there is any UK fallback from putting this new text to a vote within 24-36 hours."

---

[103] Telegram 419 UKMIS New York to FCO London, 12 March 2003, 'Iraq: Second Resolution'.

306. Sir Jeremy reported that he had explained the gist of the plan to Ambassador Negroponte who was briefing Secretary Powell for a conversation with President Bush.

SIR JEREMY GREENSTOCK'S MEETING WITH MR ANNAN

307. Sir Jeremy reported that Mr Annan had asked how it could be right, when the Council had not yet reached a decision to authorise force, for some Member States to take the right to use force into their own hands.

308. At Mr Annan's request, Sir Jeremy Greenstock called on him on 12 March.[104]

309. Mr Annan was reported to have told Sir Jeremy that he had an idea from his telephone calls with Mr Blair about the UK efforts to unite the Security Council around compromise text (for a resolution), but how would France and Russia react? Sir Jeremy explained the UK concept of a side statement and tests which Saddam Hussein could meet "within the tight deadline we would offer (ideally 10 days)" if he "was serious about disarming". Council members "should be able to agree the concept we were offering as a way out of the current impasse".

310. Sir Jeremy reported that he had stressed that the UK's objective "was the disarmament of Iraq by peaceful means if possible". The "aim was to keep a united Security Council at the centre of attempts to disarm Iraq", but calls for "grace period for Iraq" of 45 days or longer were "out of the question". The UK would not amend the draft resolution tabled on 7 March:

> "… until it was clear that the new concept had a chance of succeeding. If the Council was interested, we might be able to move forward in the next day or so; if not, we would be back on the 7 March text and my instructions were to take a vote soon."

311. Sir Jeremy and Mr Annan had also discussed press reporting, on 11 March, of Mr Annan's comments, "to the effect that military action without a Council authorisation would violate the UN Charter". Mr Annan said that he had been:

> "… misquoted: he had not been attempting an interpretation of 1441 but merely offering, in answer to a specific question, obvious thoughts about the basic structure of the Charter. Nevertheless the Council was seized of the Iraq problem and working actively on it. It had not yet reached a decision to authorise force; how … could it be right for some Member States to take the right to use force into their own hands?"

312. Sir Jeremy reported that he had "remonstrated that the Council was in paralysis: at least one Permanent Member had threatened to veto 'in any circumstances'. The Council was not shouldering its responsibilities."

---

[104] Telegram 427 UKMIS New York to FCO London, 13 March 2003, 'Iraq: Call on the Secretary-General, 12 March'.

313. Mr Annan "had agreed ruefully", but asked what the UK would do if we failed to get even nine votes. Sir Jeremy said:

> "… we would have to consider the next steps; but we believed we had a basis for the use of force in existing resolutions (based on the revival of the 678 authorisation by the material breach finding in OP1 of 1441, coupled with Iraq's manifest failure to take the final opportunity offered to it in that resolution) … OP12 … did not in terms require another decision. This was not an accidental oversight: it had been the basis of the compromise that led to the adoption of the resolution."

314. Sir Jeremy reported that he had "urged" Mr Annan "to be cautious about allowing his name to be associated too closely with one legal view of a complicated and difficult issue".

315. At Mr Annan's suggestion, Sir Jeremy subsequently gave the UN Office of Legal Affairs a copy of Professor Christopher Greenwood's (Professor of International Law, London School of Economics) memorandum to the Foreign Affairs Committee (FAC) of October 2002 and Mr Straw's evidence to the FAC on 4 March 2003.

316. Sir Jeremy concluded that Mr Annan had said "several times" that he "understood" what Mr Straw and Mr Blair "were trying to do, and expressed sympathy for the tough situation you found yourselves in". Mr Aznar was "in a similar predicament". The "US did not always realise how comments intended by US politicians for US domestic audiences seriously damaged the position of their friends in other countries".

317. Sir Jeremy also reported that, in a conversation with President Chirac on 12 March, Mr Annan had "found him 'tough but not closed' to possible compromises".

MR STRAW'S CONVERSATION WITH MR IGOR IVANOV

318. Mr Straw informed Mr Igor Ivanov, the Russian Foreign Minister, that the UK was about to table a revised resolution, omitting the paragraph from the 7 March draft which contained the deadline of 17 March for Iraq to demonstrate that it had taken the final opportunity offered in resolution 1441 to comply with its obligations.

319. Mr Straw telephoned Mr Ivanov to inform him that Sir Jeremy Greenstock was about to table a "much lighter draft second resolution", which omitted the third operative paragraph from the draft of 7 March.[105] Mr Straw explained that the UK "did not want the last act of the UN on Iraq to be a deeply divided one"; the "imperatives" in resolution 1441 had not been met; and that neither Mr Blair nor Mr Straw "wanted military action, nor did Powell or Bush". The US and the UN inspectors had "agreed" the tests the UK would propose in a side statement. The format of the tests would be for the UN to decide.

---

[105] Telegram 46 FCO London to Moscow, 12 March 2003, 'Iraq: Foreign Secretary's Conversation with Russian Foreign Minister, 12 March'.

320. Mr Ivanov agreed to analyse the proposals and respond.

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH, 12 MARCH 2003

321. Mr Blair decided not to seek to extend the deadline of 17 March. In a telephone call with President Bush on 12 March, he proposed only that the US and UK should continue to seek a compromise in the UN, while confirming that he knew it would not happen. He would say publicly that France had prevented a resolution.

322. Mr Blair sought President Bush's help in handling the debate in the House of Commons planned for Tuesday 18 March, where he would face a major challenge to win a vote supporting military action.

323. Mr Blair wanted:

- **to avoid a gap between the end of the negotiating process and the Parliamentary vote in which France or another member of the Security Council might table a resolution that attracted support from the majority of the Council; and**
- **US statements on the publication of a Road Map on the MEPP and the need for a further resolution on a post-conflict Iraq.**

324. On the afternoon of 12 March, Mr Blair and President Bush discussed the latest position and the difficulties with Chile and Mexico.[106]

325. In preparation for the call, Mr Rycroft advised Mr Blair that he needed "to decide if you want to ask for the further week".[107] If he did, Mr Blair could "make the case for trying over the next 24 hours to secure a UN resolution based on the Blix agreed tests with the revised deadline of 24 March (or whatever he [President Bush] accepts)".

326. If Mr Blair decided not to make the case for more time or it was rejected by President Bush, Mr Rycroft advised Mr Blair to set out a "fallback":

- He had "not given up hope of trying to secure a second resolution" and he knew that President Bush "wanted to get out of the UN morass", but he needed "a further 24 hours" to see if he could "get the Chileans to put forward a serious proposal".
- It was "important" that the US did not "publicly lose interest in the UN route" because of concerns that an alternative resolution with a "long, e.g. 45-day, time-line" could be put forward which "could attract 11 votes".

---

[106] Letter Rycroft to McDonald, 12 March 2003, 'Iraq: Prime Minister's Telephone Conversation with President Bush, 12 March'.
[107] Minute Rycroft to Prime Minister, 12 March 2003, 'Bush Call'.

- He had publicly set out the "Blix-agreed tests" and "also argued that because of President Chirac's threat of a veto in any circumstances, it is difficult to see how the UN can uphold 1441".
- He planned to put the issue to a vote in Parliament.

327. Mr Rycroft suggested that Mr Blair should ask President Bush for help to win the vote in Parliament by stating publicly that he would publish the Road Map for the Middle East and make a commitment to further UN resolutions, establishing a UN role in reconstruction and humanitarian issues and in running the Oil-for-Food programme post-conflict.

328. In the discussion with President Bush, Mr Blair argued that the US and UK should continue to seek a compromise in the UN and show that they were reasonable by setting out the tests, but he knew it would not happen.[108] Mr Blair would say publicly that the French had prevented them from securing a resolution, so there would not be one.

329. Mr Blair and President Bush discussed continuing the diplomatic route until Sunday, 16 March and then closing it down.

330. Mr Blair said he wanted to avoid a gap between the end of the negotiating process and the House of Commons vote planned for the following week; and to minimise the risk of an unhelpful French initiative. He would "have to pull out all the stops to win the vote".

331. Mr Blair and President Bush also discussed:

- a US ultimatum to Saddam to leave;
- the military timetable;
- the need for a communications strategy with an initiative each day before the start of military action;
- the need for initiatives on the Road Map; and
- a US statement on the need for a further UN resolution on post-conflict Iraq.

332. Sir David Manning would pursue the details with Dr Rice.

333. Mr Campbell wrote in his diaries:

> "Bush said his people had watched TB at PMQs and said he was brilliant. TB said he had spoken to Lagos and the Chileans … Bush said Fox had told him he would get back to him within an hour and then went off to hospital … TB laid it on the line that we had to have a vote in the Commons. He said we couldn't pull the plug on UN negotiating because the bigger the gap between the end of the negotiation and the Commons motion, the worse it was for us. We had to keep trying.

---

[108] Letter Rycroft to McDonald, 12 March 2003, 'Iraq: Prime Minister's Telephone Conversation with President Bush, 12 March'.

"Bush said when do you anticipate a vote? TB said we had pencilled in next Tuesday. Bush: 'Erm.' Long pause. TB: 'You want to go on Monday?' Correct. TB: 'My military have given me formal advice re the full moon.' It's not a problem, said Bush … TB said he would have to check it out. There was a clear tension between Bush wanting sooner and TB wanting later.

"Bush was clear that the French position meant no UNSCR. But we were still trying to be reasonable. He felt that on withdrawal of the resolution he would give a speech saying the diplomatic phase is over, issue a 48-hour ultimatum to Saddam, say late Friday, which takes us to Sunday.

"TB went over the politics here, how we were pulling out every stop. TB said the Tories would see this as their chance to get rid of him, support us on a war motion, but not a confidence motion.

"Bush said they would make it clear to the Tories that if they moved to get rid of TB 'we will get rid of them'…

"The French had definitely allowed themselves to be presented as the unreasonable ones, which was probably swinging opinion our way a bit, but it was still very difficult. TB said it was important we still showed we were trying to be reasonable. But he said if Bush could delay his broadcast till after our Commons vote, it would help. Sunday, say you've tried, the French are being impossible, we are working the phones. Monday, we take it to Parliament and say we must bring this to a conclusion. Vote Tuesday. Forty-eight hours you go to their people and say war. The best argument we had is that we don't want our foreign policy decided by the French, though TB was clear again that Rumsfeld's comments had given us a problem.

"He [Mr Blair] then started to press on the Middle East and said if Bush would commit to publishing the Road Map, that would be a big breakthrough. We needed a fresh UNSCR on the humanitarian situation post-conflict. Nobody doubts us on the tough side of things, but it's Middle East, humanitarian, democracy in Iraq, that people want to hear about.

"TB spelled out the symbolism in the Road Map. Bush didn't quite get it but he was willing to do it … But TB really pressed on him and he got it in the end. Bush said that we had to watch out for the French, that they would be worried they had got themselves into a ridiculous position."[109]

334. Sir David Manning and Mr Campbell discussed the next steps and news management with their counterparts in the White House.

---

[109] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

335. A meeting on 15 March was proposed before the UK withdrew the draft resolution on 17 March. The US would issue a 48-hour ultimatum to Saddam Hussein to leave.

336. After the conversation between President Bush and Mr Blair, Mr Campbell and Sir David Manning each spoke to the White House.

337. Reporting his conversation with Mr Bartlett, Mr Campbell advised that the US would need to respond quickly with a "we're going in" message once it was clear that the UN process had collapsed.[110] Given the potential impact on opinion in the Parliamentary Labour Party, Mr Campbell asked that the UK should be consulted about the US message.

338. Mr Campbell also reported a suggestion for a meeting on neutral territory on Saturday (15 March) to "show continued efforts on the diplomatic front, and tactically, to forestall any French ruse. The plan would be to indicate continued strategising around the draft UNSCR." That would "fill the void" and "would mean that any UN talks collapse would be delayed to Monday".

339. Mr Campbell's view was that the perception that Mr Blair and President Bush were "making a 'last push for peace' was fine; 'Council of War' was less so". He feared it would be seen as the latter. Dr Rice would discuss the idea with Sir David Manning. Ending the process on 14 March, with a debate in the House of Commons on 15 March, was also a possibility.

340. Sir David Manning told Dr Rice that publishing the Road Map that weekend was "critical" for the UK; "it had huge symbolic significance in the Middle East" and in the UK.[111] "It might be worth 50 votes to the Government" which "could make all the difference" in the Parliamentary debate.

341. Sir David and Dr Rice discussed the UK intention to withdraw its draft resolution on Monday, 17 March; "news management would be critical in the next four or five days".

342. Sir David told Dr Rice that:

> "… we could fill a lot of column inches in the next 36 hours with the activity at the UN. Jeremy Greenstock would be making great play today with our six tests … This should get us through today, and with any luck comment and follow-up would carry us through tomorrow. Friday might be a short day at the UN anyway. But it would be good to publish the Road Map then."

343. The US proposed a meeting. Sir David and Dr Rice also discussed the timings of a US ultimatum to Saddam Hussein to leave, the UK Parliamentary debate and the beginning of military action.

---

[110] Minute Campbell to Manning, 12 March 2003, 'Re Dan Bartlett Call'.
[111] Letter Manning to McDonald, 12 March 2003, 'Iraq: Conversation with Condi Rice'.

344. The record of the discussion was sent to Mr Straw's and Mr Hoon's Private Secretaries.

US CONCERNS ABOUT UK DIPLOMATIC ACTIVITY

345. Secretary Powell subsequently contacted Mr Straw to express concerns about the UK's activity in New York.

346. Mr Straw told Sir Jeremy Greenstock not to table the UK's revised draft resolution, only a "non-paper" setting out "six tests".

347. After Mr Blair's conversation with President Bush, Mr Straw spoke three times to Secretary Powell.

348. In their first conversation at 4.30pm, Secretary Powell asked for clarification of Sir Jeremy Greenstock's instructions in the light of his activity on a new resolution. Mr Straw explained that Secretary Rumsfeld's intervention had "complicated matters" in the UK:

> "We now had to go even further to show we were pursuing an alternative to automatic war. Greenstock's instructions came from himself and the Prime Minister. He had already spoken to Ivanov and Alvear [Mrs Soledad Alvear, the Chilean Foreign Minister] about the new draft."[112]

349. Following further discussion about the US position that the UN route was exhausted and their concerns about the UK activity in the UN, Mr Straw told Secretary Powell that "nonetheless it was important to go through the motions". The chance of success was "one per cent" but "if Jeremy succeeded we would have to go for it". Mr Straw added: "But there was a ninety nine per cent chance that this would simply be for PR."

350. The letter reporting the conversation was sent to Sir David Manning and copied to Sir Jeremy Greenstock, Mr Brenton, Sir Michael Jay, FCO Permanent Under Secretary (PUS), and Mr Ricketts.

351. The Government has been unable to find any record of the second conversation.[113]

352. In a third conversation at 6pm, Secretary Powell reiterated concern about Sir Jeremy Greenstock's activity at the UN and the risks if people thought a real effort was under way which was then brought to an abrupt end on 17 March.[114]

---

[112] Letter McDonald to Manning, 12 March 2003, 'Foreign Secretary's Conversation with US Secretary of State 12 March'.
[113] Minute Cabinet Office to Iraq Inquiry, 14 March 2014, 'Declassification: 3.6B-MA-4'.
[114] Letter McDonald to Manning, 12 March 2003, 'Foreign Secretary's Conversation with US Secretary of State 12 March'.

353. Mr Straw reassured Secretary Powell that, since their first conversation, Mr Simon McDonald, his Principal Private Secretary, had spoken to Sir Jeremy "to ask him to push but not too hard". In the light of Secretary Powell's continuing concern, Mr Straw "repeated that there was only a one percent chance of success but it gave us room to make the case here".

354. Separately, Mr Straw spoke to Sir Jeremy Greenstock, who was with Ambassador Negroponte, to ask him "not formally to introduce anything this afternoon but to say that we were consulting about the six tests which had already been made public".

355. Mr Brenton reported that the US Administration's "impatience" was "growing over the delay at the UN", and that:

- "However much they want to help us obtain UN backing, they are equally determined to get on with the job of tackling Saddam. Minds are increasingly moving in the direction of abandoning the diplomatic pursuit of the 'undecided six', and focusing instead on firming up a coalition of the willing."
- The latest opinion polls showed "increased impatience with the UN process, with some 55 percent … prepared to support a war without a new UNSCR. Chirac in particular is seen as the villain of the piece for threatening an unreasonable veto under all circumstances."
- A White House spokesman had told the daily press conference that President Bush "was confident that the UK would be with the US in the endeavour to disarm Saddam from a military point of view".[115]

356. Mr Brenton had been told by senior US officials that President Bush would have washed his hands of the Security Council long ago, but he was determined that, whatever, "within reason", Mr Blair needed, he should get. That included the possibility of UN discussions continuing into the following week if necessary. It did not, however, extend to movement on the operational timetable. He had been advised that there was no US willingness to shift the dates to assist a process which seemed to be going nowhere.

SECURITY COUNCIL OPEN DEBATE, 11 AND 12 MARCH 2003

357. At the request of Malaysia, representing the Non-Aligned Movement (NAM), the Security Council held an open debate on the "situation between Iraq and Kuwait" on 11 and 12 March.[116] More than 50 speakers contributed to the debate, but no member of the Council spoke.

---

[115] Telegram 328 Washington to FCO London, 12 March 2003, 'US/Iraq'.
[116] UN Security Council, '4717th Meeting Tuesday 11 March 2003' (S/PV.4717).

358. Mr Mohamed Aldouri, Iraqi Permanent Representative to the UN, who spoke at the beginning and end of the debate, stated that:

- The US and UK had propagated "falsehoods and untrue allegations" about "Iraq's compliance and implementation of the relevant Security Council resolutions".
- Ninety-five percent of the disarmament tasks had been completed between 1991 and 1994.
- Dr Blix had reported on 7 March that Iraq was "proactively co-operating".
- There were "no obstacles" to inspections, which were "serious, effective and immediate".
- Iraq had recently unilaterally declared its missile programme and was destroying the Al Samoud 2 missiles which UNMOVIC had deemed to be proscribed.
- None of the "allegations" presented to the Council by Secretary Powell on 5 February had "proved to be true".
- The most recent "intelligence report produced by the UK" (the No.10 dossier 'Iraq – Its Infrastructure of Concealment, Deception and Intimidation' – see Section 4.3), contained previously published information.
- It was important for Iraq to view the "clusters" document presented on 7 March "in order to implement" the main tasks required "as soon as possible and to study such questions and answer them".
- Recent allegations about RPVs were unfounded. They were small experimental aircraft which had been examined by the inspectors.

359. In both his opening and closing statements, Mr Aldouri stated that Iraq had "taken the strategic decision" to rid itself of weapons of mass destruction. In his concluding statement, he warned that war would bring "incalculable catastrophe", and asked for time to provide what evidence Iraq could to the international community to prove it had no weapons of mass destruction. He appealed to the Security Council not to "stand idly by" in the face of the "clear, present and serious" threat to Iraq.

360. A number of states supported the draft resolution tabled by the US, UK and Spain, giving Iraq a deadline, including Kuwait, Australia and Japan. The majority, however, argued that inspections should be given more time in an effort to avoid war.

PRESENTATION OF THE UK'S POSITION

361. UK diplomatic posts were informed that the UK was "working flat out for a second resolution", and there was a possibility of a short extension of the deadline of 17 March.

362. On the evening of 12 March, Mr Edward Chaplin, FCO Director Middle East and North Africa, sent out a personal telegram to Heads of UK Missions, informing them that:

> "All efforts from the Prime Minister downwards are focused on securing at least nine positive votes for a second SCR. To help the middle ground of the Council, we have amended our original draft [resolution] to include an ultimatum (currently 17 March, with a possibility of further softening) and are discussing some tests designed to show whether Iraq is prepared to make a strategic decision to comply fully with the Security Council's demands."[117]

363. The telegram summarised the tests and stated:

> "The hope is that these objective tests, plus a short extension of the 17 March deadline, might deliver positive votes from Mexico and Chile. With their support, plus positive votes from Bulgaria (certain), the three Africans (reasonably secure), Pakistan (not so certain) we would have the nine positive votes required …
>
> "The threat of vetoes by France, Russia and perhaps even China is real. It remains to be seen if they will take this step if they are convinced that nine positive votes are in the bag. But Chirac has virtually committed himself to a veto in any circumstances, and the Russian line is firmly against any automatic recourse to force. The final denouement in New York will be before the end of the week …"

364. The telegram stated that decisions on UK participation in military action would "depend on the outcome in New York and a debate and vote in the House of Commons, likely to be on 17 March".

365. Heads of Mission were told that the telegram was for "background"; and that:

> "… in any private conversation, even with trusted interlocutors, you should not speculate but rest for the moment on the fact that we are working flat out for a second resolution which reunites the Council and puts the pressure back where it belongs, on Iraq."

366. Mr Chaplin added that if the resolution passed "and assuming the Iraqi regime fails the tests set for it (there is absolutely no sign of Saddam Hussein preparing a U-turn), we can assume military action would follow quickly after the expiry of the ultimatum". If the resolution did not pass, the timetable was "much more uncertain". The Americans would "not want to delay long". Mr Straw had decided that the UK "would not want to get ahead of US travel advice" which would "squeeze the time available for UK citizens [in the region] who want to get out".

367. Mr Chaplin commented that Heads of Mission had been receiving "plenty of guidance in the form of ministerial statements and reports from UKMIS New York on

---

[117] Telegram 33 FCO London to Riyadh, 12 March 2003, 'Personal for Heads of Mission: Iraq: The Endgame'.

the negotiations" on the second resolution, but they "might like a bit more of the flavour as we enter the end game". Events were "moving pretty fast" and they should not be "surprised" if the guidance was "a little out of date by the time you read it".

CONSULTATIONS ON UK PROPOSALS TO IDENTIFY KEY TESTS FOR IRAQ

368. As agreed by Mr Blair and Mr Straw, the UK's draft tests were circulated in a meeting of Security Council members late on 12 March where they attracted a mixed response. It was recognised that the UK was making "a real effort" to find a way forward; but there was "no breakthrough".

369. France, Germany and Russia focused on UNMOVIC's identification of key disarmament tasks and a work programme, as required by resolution 1284 (1999).

370. Dr Blix said UNMOVIC would be seeking comments on its proposals on 14 March.

371. The UK circulated its draft side statement setting out the six tests to a meeting of Security Council members in New York on the evening of 12 March.[118] The draft omitted an identified date for a deadline and included the addition of a final clause stating that:

> "The United Kingdom reserves its position if Iraq fails to take the steps required of it."

372. Sir Jeremy Greenstock told Council members that the UK "non-paper", setting out six tasks to be achieved in a 10-day timeline, responded to an approach from the undecided six (U-6) looking for a way forward.[119]

373. Sir Jeremy said he had consulted Dr Blix and Dr Perricos, but the list was the responsibility of the UK, which was:

> "… anxious to preserve the possibility of a peaceful solution and had been distressed by the failure of the Security Council to find a formula around which the Council could group without vetoes.
>
> "I was asking all Council members without exception if this was an opportunity we could take. If there was traction we would be willing to consider dropping OP3 of our draft resolution. But if the Council did not see this as a way through, the co-sponsors would stick with the current draft and the package was null and void.
>
> "There was a placeholder in the non-paper for a date – 17 March remained and I had no other date to offer. But clearly 17 March was approaching fast and was not consistent with a 10 day timeline for the tests if the idea was taken up. The discussion of dates would have to be set against the realities – there was no great scope for moving to the right.

---

[118] Telegram 429 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Side-Statement'.
[119] Telegram 428 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Circulates Side-Statement'.

"I suggested a further session the following day to get more considered reactions."

374. Sir Jeremy reported that the points made by the representatives of the other Permanent Members of the Council were:

- Mr Sergei Lavrov, Russian Permanent Representative to the UN, said that "Russia had not changed its position: they could not accept automaticity or ultimata" and the "10-day deadline was too short". He "questioned how the UK's tasks" related to the "key remaining disarmament tasks and the work programme" required by resolution 1284 which would be issued the following week.
- Ambassador Negroponte "said it was clear the UK was going the extra mile to find a basis for an agreed approach. The proposal should be seriously considered especially if it strengthened the prospects for Council unity."
- Mr Wang Yingfan, Chinese Permanent Representative to the UN, "felt confused". Would the UK approach "wipe the slate – and material breach – clean for Iraq?" He "doubted the timeline was feasible".
- Mr Jean-Marc de La Sablière, French Permanent Representative to the UN, "said France had always been interested in an approach based on benchmarks – but this had to be in the context of the work programme and key remaining tasks" required by resolution 1284. "Benchmarks also had to be completely separate from any ultimatum." He "thought we could have disarmament in a limited time without inspections" but "the UK approach did not allow" Council unity to be preserved.

375. Points raised by the representatives of other members of the Council included:

- Mr Gunter Pleuger, German Permanent Representative to the UN, "pleaded for time to discuss the proposal in detail", and asked about the status of the paper, what would be the purpose of the draft resolution without OP3 and whether it "made sense to set some tasks now when the 1284 key remaining tasks would be issued soon and subsume them".
- Mr Aguilar Zinser, Mexican Permanent Representative to the UN, was "effusive" about the initiative. He said that the Council "would have to devote time to studying the proposal". He questioned the "relationship with the 1284 tasks; the timeframe … proposed; the role of UNMOVIC and IAEA in verifying compliance; whether the tests would be collectively assessed; the connection with the resolution; and whether the use of force would be conditioned". He had been asked to set out his Government's reservations. "They still did not see a way out of the difficulties in the Council nor elements allowing consensus and understanding. They still did not have a final position on the draft resolution."
- Mr Mamady Traoré, Guinean Permanent Representative to the UN and President of the Council, was "happy" that the UK "had made this attempt to reach consensus".

- Mr Mikhail Wehbe, Syrian Permanent Representative to the UN, said the UK's "non-paper made matters even worse as it included warnings over and above those in 1441 as well as multiple ultimata".
- Mr Stefan Tafrov, Bulgarian Permanent Representative to the UN, "felt this was a genuine effort at consensus that would need some time to digest".
- Mr Martin Belinga Eboutou, Cameroonian Permanent Representative to the UN, "thought this might open a path to bringing forward the different viewpoints".
- Mr Munir Akram, Pakistani Permanent Representative to the UN, asked "a host of questions" and said "he had always envisaged a 'credibility test' that would show peaceful disarmament was possible"; but Pakistan had seen that as the "first instalment and as deriving from the 1284 key tasks".
- Mr Ismael Gaspar Martins, Angolan Permanent Representative to the UN, "saw value in the paper and liked the idea of disarmament in instalments".
- Mr Juan Gabriel Valdés, Chilean Permanent Representative to the UN, "welcomed this effort addressing the concerns many had recently expressed". He would divulge his country's views the following day.
- Mr Arias said the approach "was a positive way of achieving consensus". He "supported the concept and content".

376. Dr Blix said UNMOVIC would be sending its draft of the key tasks required by resolution 1284 to the College of Commissioners that evening for comment by 14 March. The tasks would be ready the following week. It was for the Council to decide whether it agreed with the tasks selected.

377. Sir Jeremy reported that Dr Blix had:

> "… said there had been recent discussion of how to continue exerting pressure, of which military pressure was the most important element. There was the concept of a "strategic decision" by Iraq …
>
> "He understood the UK was asking for a commitment from Iraq along with a down-payment. While they might not be formulated identically, all the questions raised by the UK figured in the key remaining disarmament tasks … The statement by Saddam Hussein was none of UNMOVIC's business while interviews outside Iraq was an element of the work programme. Progress on missiles could be speeded up.
>
> "How far Iraq would be able to do the rest, he did not know. UNMOVIC's judgement was that these tasks were doable. This was not possible in two days. As for 10 days, he did not think he could guarantee Iraq would do it but UNMOVIC would report on what had been done in the time set by the Council but not offering a judgement.
>
> "As we reached the end of the period, there might be another batch of tests so to continue and renew the pressure on Iraq to deliver the fastest disarmament possible."

378. Sir Jeremy stated that the Council "had to be clear that the ship of the Security Council was heading for an iceberg". The UK's proposal:

> "… was a repair job … The whole point was to avoid military action. We could not go blindly on with 1284 without the crucial missing ingredient – Iraq's full and willing co-operation."

379. Addressing specific questions that had been raised, the points made by Sir Jeremy included:

- "The UK would take yes for an answer if the tests were completed in their totality. The tests were not impossible and would make it blindingly obvious if Iraq had taken a strategic decision to disarm …"
- "[W]e might not have to vote as early as 14 March if there was traction … If there was no traction we would likely vote on 14 March on the current text."
- "The co-sponsors … had agreed on the package and wanted to see the Council's response."
- "[T]he more people who joined us the more the judgement of compliance would be a collective one. We valued the judgement of the inspectors, but it was for the members who signed up to the statement … to assess whether the tests had been satisfied. 1441 did not specify who would make the judgement on compliance – that was one of its ambiguities – but if the tests were collective, the UK had no problem with the judgement being collective".
- "[W]ithout OP3 our resolution would not be an ultimatum …"
- "[I]f there was traction on this idea, the UK would be committed to getting maximum time. But it was not possible at this stage to give a firm date and the flexibility for extra time was very limited …"

380. France, Germany and Russia had all responded that the draft resolution, "even without OP3", would still authorise force. Sir Jeremy replied that:

> "… without OP3, the resolution would be a restatement of resolution 1441 … There was no way out of the dilemma … unless we delivered Iraqi co-operation. We were trying to offer a means of doing that. We had to rally, not to camp on national positions."

381. Sir Jeremy commented that the initiative had resulted in:

"
- genuine expressions of warmth from the U-6 for taking them seriously;
- recognition that the UK had made a real effort to find a way through for the Council;
- discomfiture of the negative forces, who sounded plaintive and inflexible in their questioning;
- reasonable support from Blix, who did more than not disown us (though he could have been more helpful on the timeline); and

- finally, a bit of time. I can keep this going at least until the weekend."

But:

- the UK had not achieved "any kind of breakthrough. The French, Germans and Russians will undoubtedly home in on the preambular section of the draft resolution and on the whiff of ultimatum in the side statement"; and
- there were "serious questions about the available time", which the US would "not help us to satisfy".

382. Sir Jeremy concluded that informal consultations would resume the following afternoon. He did "not think he needed detailed instructions if we continue down this track for a further day or two, but grateful for comments and telling arguments on where we have reached so far".

FRENCH CONCERNS ABOUT THE UK PRESENTATION OF PRESIDENT CHIRAC'S REMARKS

383. France registered its concerns about the way in which the UK Government was describing President Chirac's comment about a veto.

384. In addition to his conversation with Mr Rycroft that morning (described earlier in this Section), Mr Errera called on Mr Ricketts on the evening of 12 March for "a private talk on where things stood" between the UK and France on Iraq.[120]

385. Mr Ricketts reported to Sir John Holmes that Mr Errera had remonstrated "about how British Ministers had misconstrued President Chirac's comments", and that he [Ricketts] had responded by pointing out the prominence of the quote on the front page of *Le Monde*. He and Mr Errera had:

> "… agreed fairly quickly that the immediate crisis would play out with France and the UK on different positions, and that the more productive thing was to look ahead, and consider what lessons we should learn from recent events …"

386. Mr Errera had assumed "that the UK would not want to go through again what we had been put through in recent weeks by the Americans"; "nor would it be so easy for the UK to claim that our policy of close alliance gave us real traction over US policy".

387. Mr Ricketts responded that Iraq had shown up:

> "… very starkly a difference of threat perception, with the UK, Spain, Italy and some others … genuinely believing that the threat of WMD in the hands of a regime like Iraq, in a world inhabited by the likes of Al Qaida, was a worse prospect than the risks of military action to deal with it … Ministers were genuinely convinced of the rightness of the policy, it was not poodleism …"

---

[120] Letter Ricketts to Holmes, 13 March 2003, 'France and Iraq'.

388. In response to Mr Ricketts' attempt to focus on issues after the conflict and wider US/European relations, Mr Errera stated that "the Americans were determined to divide and rule"; and that they expected "unquestioning support for whatever was their policy objective of the moment".

389. Mr Ricketts "disputed the model", commenting that "a bit more modesty" in European ambitions for a common foreign and security policy "might not be a bad thing". Mr Errera "did not have any new thoughts on how a different transatlantic relationship could be constructed in the light of Iraq beyond the need to strengthen Europe".

390. Mr Ricketts concluded that Mr Errera was "keen to keep channels open despite the difficulties"; and that he had given the same message.

391. A copy of the letter from Mr Ricketts was sent to Sir David Manning.

JIC ASSESSMENT, 12 MARCH 2003

392. The Joint Intelligence Committee (JIC) continued to warn in March that the threat from Al Qaida would increase at the onset of military action against Iraq.

393. The JIC also warned that:

- **Al Qaida activity in northern Iraq continued; and**
- **Al Qaida might have established sleeper cells in Baghdad, to be activated during a US occupation.**

394. On 12 March, the JIC produced a further update on the implications for international terrorism of military action in Iraq.[121]

395. In its Key Judgements, the JIC stated:

"
- The threat from Al Qaida will increase at the onset of military action against Iraq. Attack plans in the time-frame of a potential conflict are probably now going ahead under the control of lower-level operational leaders, but Khalid Sheikh Muhammad's capture may lead to postponement or abandonment of at least some terrorist plans.
- The greatest threat to Western interests from Islamist terrorists is in the Middle East. South-East Asia and East Africa are the most likely regions for attack outside the Middle East, although Al Qaida retains a strong determination to mount attacks in the US and UK.
- Al Qaida and sympathisers may well attempt chemical or biological terrorist attacks in the Gulf, including against UK civilian targets there, in the event of war with Iraq.

---

[121] JIC Assessment, 12 March 2003, 'International Terrorism: War with Iraq: Update'.

- Al Qaida terrorists in the Kurdish Autonomous Zone (KAZ) previously noted testing and producing chemical and biological substances remain active and are likely to attack Coalition forces.
- Senior Al Qaida associated terrorists may have established sleeper cells in Iraq, to be activated during a Coalition occupation.
- Iraq continues to prepare for terrorist attacks against Western interests in the Middle East, Europe, South-East Asia and elsewhere, although the regime's capability remains limited, especially beyond the Middle East."

396. Other key elements from the Assessment are set out in the Box below.

JIC Assessment, 12 March 2003: 'International Terrorism: War with Iraq: Update'

Islamist terrorists

- There was "a substantial body of reporting of plans by Al Qaida and other Islamist terrorists for attacks in the Middle East".
- "Arrests of extremists involved in chemical/biological (CB) attack plans in Bahrain may have reduced the threat of an attack there linked to conflict with Iraq. But the full distribution of instructions for making CB devices has yet to be uncovered […]"
- "A substantial body of reporting (much of which is also uncorroborated) suggests targeting against UK and US interests."
- Al Qaida retained "a strong determination to mount attacks in both countries".

Islamist terrorists in Iraq

- Reporting since 10 February had suggested that the senior Al Qaida associate, Abu Musab al-Zarqawi, had "established sleeper cells in Baghdad, to be activated during a US occupation of the city".
- It was "possible" that the sleeper cells had "received CB materials from terrorists in the KAZ".
- "Whatever the precise relationship between al-Zarqawi and his DGI [Directorate of General Intelligence] contacts", it was "unlikely that he could conduct activities in Iraq without the knowledge (and probably the support) of the regime".

Conclusion

- "Despite serious setbacks for Al Qaida, and some disruption of terrorist activity, especially in the Middle East, the threat from Islamist terrorism in the event of war with Iraq remains high, with continuing evidence of attack planning. We can expect Al Qaida to persist with plans for at least one major attack to coincide with an outbreak of hostilities, as well as widespread attempts at low-level attacks by extremist groups and individuals worldwide, especially in the Middle East, Africa and South-East Asia."
- The JIC judged that the threat from Al Qaida remained "greater than any terrorist threat from Iraq".

Events of 13 March 2003

397. Mr Blair saw both Mr Cook and Ms Short before Cabinet on 13 March to discuss their concerns.

398. Mr Campbell wrote in his diaries that, in the context of preparations for meetings with Mr Cook and Ms Short:

> "JP [John Prescott] emphasised how important it was to make clear today was not the final Cabinet before any action, that there would be another one if the UN process collapsed. The political argument that we needed now was that the French had made it more not less likely that there would be conflict. This was the way some of our MPs could come back … Jack [Straw] agreed to go out and do clips [for the media] on the French."[122]

399. Mr Cook wrote in his memoir that he told Mr Blair before Cabinet on 13 March that his mind was made up (to resign if the UK went ahead without a second resolution), but he would not make a public move while Blair was "still working for a result at the UN".[123]

400. Mr Cook wrote that his impression was that Mr Blair was "mystified as to quite how he had got into such a hole and baffled as to whether there was any way out other than persisting in the strategy that has created his present difficulties".

401. In relation to press reports that Mr Blair had told Mr Duncan Smith that he now thought a second resolution "very unlikely", Mr Cook also wrote:

> "Since the fiction that Tony still hopes to get a second resolution is central to his strategy for keeping the Labour Party in check, it is not welcome news that IDS has told the world that not even Tony believes this."

402. Following Ms Short's interview with the *BBC*'s *Westminster Hour* on 9 March, Mr Chakrabarti had written to Sir Andrew Turnbull on 11 March to explain Ms Short's position.[124]

403. Mr Chakrabarti described Ms Short's concerns as:

- The process of trying to obtain the second resolution "prior to military action should be fair and transparent". "That would include no undue pressure on the smaller SC members; allowing enough time (perhaps until the end of March) after voting on a new resolution for the process of an ultimatum to run its course; an objective judgment about whether Iraq had complied with any ultimatum

---

[122] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[123] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[124] Letter Chakrabarti to Turnbull, 11 March 2003, 'Iraq'.

(which the proposed tests would help with); and a clear legal opinion about the circumstances under which military action without a further resolution could meet the UK Government's commitment to respect international law."

- "Early and public agreement with the USA on a UN SC mandate for the civil administration and reconstruction of Iraq", which would "almost certainly require" Mr Blair's personal involvement with President Bush. DFID understood that "it would be illegal for us, the UN and many other donors to get involved in the reform of Iraqi institutions and reconstruction of the country (beyond what is needed for the delivery of immediate humanitarian assistance under our Hague and Geneva Convention obligations) without a further … UNSC mandate. The absence of agreement with the US on this is holding up international planning and the prospects of burden sharing."
- It would be "highly desirable" for Mr Blair to meet Mr Annan "soon and more often". That "would send a clearer signal of the certainty we attach to the UN role".
- The Quartet Road Map "should be published before any military action". Ms Short felt "strongly that now is the time" for Mr Blair to get President Bush to "sign up" to publication. Progress would "reduce the hostility to the West and tensions in the Arab world which our actions in Iraq risk provoking".

404. In relation to the need for a legal opinion, Mr Chakrabarti added:

> "I know DFID is not alone in wanting to see written advice from the Attorney General and/or Ministerial discussion about the legality of military action without the second UNSCR. It would be strongly desirable for the legal opinion, to cover the range of possible voting outcomes, to be put to Ministers before the end of the week. If that legal opinion gave backing to US/UK military intervention in the absence of a second resolution, Clare believes the Government would still need a discussion on the political merits of taking that course of action."

405. Mr Chakrabarti suggested that the Government's communications strategy might "make clearer the UK's concerns for the Iraqi people and the centrality of the UN in resolving the crisis, including through a strong role for the UN after any conflict".

406. Mr Chakrabarti also suggested that "more frequent and systematic discussion of these issues between senior ministers would be helpful". He understood that Mr Blair might ask senior ministers to meet more regularly if conflict started, but advised starting sooner, "given the scale and significance of the decisions being taken". In addition, Mr Blair and Ms Short needed "to talk more often, probably on a daily basis until negotiations on the second resolution are concluded". "Most of her concerns" were "agreed government policy", but she needed to be reassured that they would be "taken fully into account".

407. In her memoir, Ms Short wrote that when she arrived in her office on 11 March, Mr Chakrabarti and senior officials had "obviously been instructed by No.10 to try to get me in line".[125] They had also "been asked to find out what it would take to make me stay". After discussion, they agreed that the conditions were:

"1. Publish Road Map [for the Middle East]
2. Absolute requirement UN mandate for reconstruction
3. UN mandate for military action."

408. Ms Short added that her diary also recorded:

> "Briefing from No.10 I had not raised these issues before. Shocking! Raised at every Cabinet and at a series of private meetings with TB."

409. Mr Blair told Ms Short that President Bush had "promised a UN mandate for reconstruction" and that her position on the Road Map might help him with President Bush. In response to a request from Ms Short that he should "try a process at UN that treats UN with respect not just forcing US timelines", Mr Blair "said he could get more time".

CABINET, 13 MARCH 2003

410. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution and, following the French decision to veto, the outcome remained open.

411. Mr Blair indicated that difficult decisions might be required and promised a further meeting at which Lord Goldsmith would be present.

412. Mr Straw told Cabinet that Iraq continued to be in material breach of resolution 1441 and set out his view of the legal position.

413. Mr Straw told Cabinet that there was "good progress" in gaining support in the Security Council and described President Chirac's position as "irresponsible".

414. The position presented to Cabinet by Mr Blair and Mr Straw did not acknowledge the reservations expressed by the non-permanent members of the Council. The limited time available for a decision, dictated by US decisions on the military timetable, meant that it would be very difficult to secure nine votes in support of the UK proposals.

415. Nor did Mr Blair and Mr Straw acknowledge the concern that, if there were nine votes in support of the resolution, China and Russia, as well as France, might exercise their vetoes.

---

[125] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

416. Cabinet was not informed of the strategy Mr Blair had agreed with President Bush to manage the issue until 17 March.

417. There was no discussion of the options available to the UK if the attempt to secure a second resolution failed.

418. Mr Gordon Brown, the Chancellor of the Exchequer, and Ms Short, whose responsibilities were directly engaged, had not seen Lord Goldsmith's legal advice of 7 March.

419. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution.[126] The UK had presented proposals for six "tests", "endorsed by Dr Blix", to judge whether Saddam Hussein had decided to commit himself to disarmament. Satisfying those tests would not mean that disarmament was complete, but that the first steps had been taken. The non-permanent members of the Security Council were uncomfortable with a situation where "following the French decision to veto", the Permanent Members were "not shouldering their responsibilities properly". The "outcome in the Security Council remained open". If the United Nations process broke down, difficult decisions would be required and there would be another Cabinet meeting at which the Attorney General would be present.

420. Mr Blair also stated that the MEPP needed to be "revived"; and that "the reconstruction of Iraq after a conflict would need a United Nations Security Council resolution". The US had "now agreed" to that, which would "help to bring countries with divergent views on military action back together again".

421. Mr Straw said that although there were differences between members of the Security Council, "none was saying that Iraq was complying with its international obligations"; and that it "followed that Iraq continued to be in material breach" of those obligations.

422. On the legal basis for military action, Mr Straw said that he "was already on record setting out the position to the Foreign Affairs Committee" on 4 March. Mr Straw rehearsed the negotiating history of resolution 1441 (2002), stating that:

- "the French and Russians had wanted a definition of what would constitute a material breach, but had settled for the facts being presented to the Security Council";
- "they had also wanted a statement that explicit authorisation was required for military action and instead had settled for further consideration by the Security Council …"; and
- failure by Iraq to comply with resolution 1441 "revived the authorisations existing" in resolutions 678 (1990) and 687 (1991).

---

[126] Cabinet Conclusions, 13 March 2003.

423. Mr Straw noted that the Government's supporters had "a clear preference" for a second resolution but that "had not been seen as an absolute necessity". There had been "good progress" in New York in "gaining the support of uncertain non-permanent members of the Security Council, including Mexico and Chile".

424. Mr Straw described Mr Chirac's public assertion that "France would veto in any circumstances" as "utterly irresponsible"; and that Mr Annan was "equally unhappy" with that development.

425. Mr Straw's sense was that there was "growing understanding for the Government's case" in the House of Commons.

426. In the discussion, the points made included:

- the integrity of the UN process should be respected and enough time allowed for Saddam Hussein to meet the tests;
- the French veto was significant because "it implied that France would never be prepared to use force"; its approach "amounted to dismissing the evidence and insisting on indefinite delay". The French position had "undermined the unity" of the Security Council;
- a majority of the members of the European Union supported the UK line;
- a "balance had to be struck between striving" for a second resolution and "being prepared to do without it if that was the outcome of negotiations". It would be "easier" to make the "political, moral and legal case" if such a resolution could be achieved;
- although the rhetoric used by the US leadership was "sometimes unpopular", that "did not mean that their policy was wrong". President Bush had made more use of the UN than his predecessor and he had publicly committed the US to a two-state solution in the Middle East;
- the "atmosphere in the Middle East and more generally would be transformed for the better" if the United States could be persuaded to publish the Road Map for the MEPP; and
- UN authority for the reconstruction of Iraq was "essential so that all countries and international institutions could contribute".

427. Summing up the discussion, Mr Blair said that there had been welcome progress in the Middle East with the appointment of a Palestinian Prime Minister. That called for a positive response by the US. The French position "looked to be based on a calculation of strategic benefit". It was "in contradiction of the Security Council's earlier view that military action would follow if Iraq did not fully and unconditionally co-operate with the inspectors". The UK would "continue to show flexibility" in its efforts to achieve a second resolution and, "if France could be shown to be intransigent, the mood of the Security Council could change towards support for the British draft".

428. Cabinet: "Took note."

429. Mr Cook wrote in his memoir:

> "When we began, Gordon launched a long and passionate statement of support for Tony's strategy. The contribution was rather marred by an outspoken attack on France: 'the message that must go out from this Cabinet is that we pin the blame on France for its isolated refusal to agree in the Security Council'."[127]

430. Mr Cook added that he had reminded colleagues that "when this is over, the first priority must be to repair the divisions in Europe" and that the Government should not make that job more difficult by sending out messages that attack France or any other European country". He had "applauded" the "ingenuity" of Mr Blair, Mr Straw and Sir Jeremy Greenstock in finding new initiatives but stated that "the intensity of our efforts to get agreement in the Security Council means that we cannot now pretend that it does not really matter if we fail to get agreement". Mr Cook had warned that the Government "should avoid saying that we will take military action even if we fail to get a resolution, as we need some flexibility to consider what we do if we find ourselves in that position".

431. Ms Short wrote that she had asked for "a special Cabinet with the Attorney General present" and that had been agreed.[128] She had also said, "if we have UN mandate, possible progress on Palestine /Israel and try with the second resolution process, it would make a big difference". She was "hopeful of progress".

432. Ms Short added:

- "GB spoke animatedly about what France was saying – no to everything."
- "Jack Straw also anti-France."
- "David Blunkett [the Home Secretary] said we must stand by the PM and Chirac was reckless …"

433. Ms Short had been advised by Mr Chakrabarti that she should focus her intervention in Cabinet on the need for "a proper decision making process", which would be "important both in substance and … for the politics". In his view, there were two key points to make:

- "Cabinet needs to discuss now the legal opinion of the Attorney General and how to make it public. This is vital for Ministers, our armed services and the civil service."

---

[127] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[128] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

- "As soon as we are clear on the second resolution (whether it fails to get the necessary votes or is not put to a vote), Cabinet should meet again for a discussion on the politics and to put a proposition to Parliament for immediate debate."[129]

434. Mr Campbell wrote in his diaries that:

- Lord Williams of Mostyn, the Leader of the House of Lords and Attorney General from 1999 to 2001, had "said there would be a debate [in Cabinet] on the legality", and Ms Short had said Lord Goldsmith should be present. Mr Blair had "said of course he would".
- Mr Blair "said that the French had exposed fully how intransigent they were. Chirac's 'whatever the circumstances' was a mistake, and the wrong approach, and people were angry about it. They had also now rejected the basis of the tests we were proposing without any discussion or consideration. He felt Chirac's desire for a 'bipolar world' was leading him to turn away from discussion of any kind on this. He promised another discussion before a vote."
- Mr Brown "came in very strongly later on, on the French in particular".
- Mr Cook "said we should not 'burn our bridges' with the French, made clear that there must be a legal base for action, there was no political case without a second resolution and we must keep working for it".
- Ms Short "said we needed the Road Map published, lambasted the 'megaphone diplomacy' but as ever gave the impression that it was just us and the Americans who engaged in it. She said the world community was split because the Americans were rushing. We should not be attacking the French but coming up with a different kind of process. 'If we can get the Road Map, we can get the world reunited behind it.'"[130]

435. Mr Campbell commented that Mr Cook had spoken "very deliberately" and his intervention was "a very clear marker" that he would resign "if there was action without a second resolution. He felt we did not have the moral, diplomatic or humanitarian cover."

436. Ms Short told the Inquiry that the "strategy was: blame the French and claim that they'd said they would veto anything. And they said it at the Cabinet …"[131]

437. Sir Stephen Wall, Mr Blair's Adviser on European Issues and Head of the Cabinet Office European Secretariat 2000 to 2004, told the Inquiry that at Cabinet on 13 March:

> "As Tony Blair came into the room John Prescott stood up and saluted. It was a sort of funny moment but in I think in a rather characteristic way John Prescott was doing something quite clever. He was saying 'You are the Commander in Chief and

---

[129] Minute Chakrabarti to Secretary of State [DFID], 12 March 2003, 'Cabinet 13 March 2003: Iraq'.
[130] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[131] Public hearing, 2 February 2010, page 103.

this is the time to rally to the flag'. People laughed but interestingly the atmosphere changed. Sitting at the back I had thought to myself 'This is going to be a difficult Cabinet', and it wasn't."[132]

438. Asked by the Inquiry why he had decided to continue the negotiations and whether that was "not in particularly good faith", Mr Blair replied:

"No. It was very simply this, that obviously this was a second best thing now … but what we decided was … even if you can't get the resolution because they have said they will veto, nonetheless you would have some greater, if you like, political authority if you could at least get a majority of members of the Security Council to say they would agree such a resolution even vetoed."[133]

439. Asked whether a vetoed resolution would have undermined the authority for military action in resolution 1441, Mr Blair said:

"No, it would not have undermined that because we were saying that we accept that we believed we had authority in 1441, but it would have allowed us politically to say we had the majority of the Security Council. So had we ended up in a situation where Chile and Mexico had said 'We are with you'. We would probably have put this resolution down, had it vetoed."[134]

FRANCE'S POSITION

440. In a statement on 13 March, Mr de Villepin rejected the UK's tests.

441. In a statement issued on 13 March, Mr de Villepin said that the UK proposals did "not address the issues raised by the international community".[135] The aim was "not to grant Iraq a few extra days before embarking on a path leading to the use of force, but to move resolutely forward on the peaceful disarmament route". Inspections were "a credible alternative to war" and were "producing results" as Dr Blix and Dr ElBaradei had "pointed out in the 7 March report". In the "spirit" of resolution 1441, France wanted "a realistic timeframe in which to achieve effective disarmament". Success would "demand" Iraq's "full and wholehearted co-operation".

442. In subsequent interviews for French media, Mr de Villepin stated that the UK proposal embraced "the idea of an ultimatum, of the automaticity of the recourse to force" which for France "was unacceptable".[136] He pointed out that the US had "a determining role" as it was "maintaining that the die is cast" and was "intent on moving towards a military intervention".

---

[132] Public hearing, 19 January 2011, page 25.
[133] Public hearing, 21 January 2011, page 106.
[134] Public hearing, 21 January 2011, pages 106-107.
[135] Embassy of the Republic of France in the UK, *Iraq – Statement by M. Dominique de Villepin, Minister of Foreign Affairs, Paris 13.03.2003*.
[136] Embassy of the Republic of France in the UK, *Iraq – Interview given by M. Dominique de Villepin, Minister of Foreign Affairs, to French radio stations, Paris 13.03.2003*'.

443. Mr Straw characterised France's position as "extraordinary".

444. In remarks to the press in Downing Street, Mr Straw said that he found it "extraordinary" that France had rejected the UK's proposals "without even proper consideration".[137] That made a peaceful resolution of the crisis "more difficult".

445. On 13 March, Sir David Manning asked Mr Rycroft for the full text of President Chirac's remarks of 10 March, which was circulated within No.10.[138]

446. President Chirac's Diplomatic Adviser, Mr Maurice Gourdault-Montagne, complained about the UK Government's "increasingly polemical approach", its interpretation of President Chirac's remarks out of context, and the difficulties with the UK tests.

447. Sir John Holmes robustly defended the UK position.

448. Mr Gourdault-Montagne telephoned Sir John Holmes at lunch time on 13 March "to complain about the increasingly polemical approach" the UK was taking.[139]

449. Mr Gourdault-Montagne stated that the UK approach "ran counter to the understanding hitherto that we should try to minimise the bilateral fall-out and avoid mutual or personalised criticism". France was "particularly upset by our repeated taking out of context … the President's remarks on the veto in all circumstances". The UK "must be well aware that he had been talking about the particular circumstances that evening … It was not reasonable to distort what he had said in this way." Mr Straw's reaction to Mr de Villepin's statement "had also seemed excessively sharp".

450. Sir John Holmes reported that he had responded that France:

> "… could hardly be surprised if it became harder to avoid criticism of the French position when they had spelled out their intention to veto the draft of their allies, apparently whatever it said. The French were doing everything they could to block us, not least in our attempt to give a last chance to Saddam to disarm peacefully and to achieve the second resolution which would reunite the international community and make international participation in the next stage easier. Villepin's statement … this morning attacking our proposals had been particularly hard to take."

451. Sir John stated that the UK "conditions" were taken from the UNMOVIC report and "were precisely the questions which needed answering if we were to conclude that Saddam Hussein had taken a strategic decision to disarm".

452. Mr Gourdault-Montagne responded by saying that the requirement that Saddam Hussein should appear on TV to apologise was "a nonsense". The UK "knew the Arab

---

[137] *The Independent*, 13 March 2003, *Britain furious at 'extraordinary' French statement.*
[138] Manuscript comments Manning to Rycroft, 13 March 2003, on Email Rycroft to No.10 officials, 12 March 2003, 'French veto – urgent'.
[139] Telegram 127 Paris to FCO London, 13 March 2003, 'France: Iraq'.

world better than that"; and the UK was "still on the line of an ultimatum with an absurdly short deadline". France's position had been "consistent and coherent throughout", and it had "warned" the UK "not to underestimate" its "determination to carry this position to its logical conclusion".

453. Sir John stated that he "respected the French right to have a different position, but there had been no need to go as far as a veto, and a deliberate move to declare it in advance to try to influence others against our ideas". He added that:

> "France seemed to be forgetting what was in 1441 – Saddam had to make an immediate and accurate declaration and co-operate fully and immediately … or face the consequences. He had done neither of these things. We could not simply let things drift."

454. Mr Gourdault-Montagne replied that "the inspectors had made clear that the process was working, even if co-operation was not total. In these circumstances, it was not right to rush to war." He repeated "in a spirit of friendship" that what the UK was doing "was against what the French had … thought was agreed between us. The French had been very careful to avoid any such thing …"

455. Sir John concluded that Mr Gourdault-Montagne "should appreciate the extent to which France had pushed her position against her closest allies was hard to understand". The UK "had offered to try to find common ground several times but to no avail".

456. Sir John also recorded that he had been told by the US Ambassador to France that "he had seen Mr de Villepin the previous evening to enquire what lay behind the President's words on the veto". Mr de Villepin "had claimed US and French positions were really quite close, but the problem was the lack of flexibility in the US stance". The Ambassador had advised him to speak to Secretary Powell and they had subsequently "spoken at length" but their "positions were too far apart … on timescale and automaticity" to reach agreement: "Like us, the Americans judged that Chirac was not really looking for a way out."

457. Sir John commented that it was:

> "Predictable that the French would react in this way. There is a clear danger of an upward spiral of polemics which could make working together afterwards harder. But our position can hardly surprise the French, nor the fact that we are using Chirac's words against him when the stakes are so high – he did say them, even if he may not have meant to express quite what we have chosen to interpret."

458. Mr de Villepin told Mr Straw that France was willing to look at an ultimatum as long as the Security Council was responsible for the final decision on action.

459. Mr Straw responded that France had made life very difficult for the UK.

460. In response to a suggestion that France and the UK should look for a point of compromise, Mr Straw replied that "the key decision had to be made in the Security Council" and "no one on 10 March had said that Saddam Hussein was complying with his obligations. He was therefore in further material breach."

461. Mr de Villepin also telephoned Mr Straw on 13 March. The record stated that he:

> "… said France was still willing to consider any new proposals … ready to discuss any solution based on benchmarks … [and] any timetable, even a reduced one, if that was 'satisfactory for you and the US'. His bottom line focused on automaticity. France could work on any mechanism which contained an ultimatum as long as it was the Security Council which took full responsibility at the end of any deadline."[140]

462. Mr Straw said that President Chirac's statement on 10 March that "France would vote against a second resolution 'whatever the circumstances' had caused great difficulties. It was clear that France would veto."

463. Mr de Villepin responded that President Chirac had "never said that"; he "had not meant that France would not try to find common ground"; nor "that, whatever happened, France would vote no". His comments had been "only in the context of text [of the draft resolution] on the table" on 10 March.

464. Mr Straw replied that:

> "… he had read the comments differently. It had made life very difficult in the US. They had assumed France would vote no in any circumstances. As a result they were now falling back on UNSCR 1441. The UK had, however, managed to keep dialogue going through the weekend. The UK had never said that 1441 contained automaticity … But the UK did not want Iraq stringing things out. If things went on too long, the military threat was degraded."

465. In response to a request from Mr de Villepin that they should look for "a point of compromise" with a meeting of the Security Council following a further report from the inspectors "perhaps in one month, two months or perhaps just three weeks", Mr Straw pointed out:

> "The key decision had to be made by the Security Council. The inspectors' role was to provide evidence, although others could too. It was clear that Iraq was in material breach. Though there were many different positions in the Security Council, no one on 10 March had said that Saddam Hussein was complying with his obligations. He was therefore in further material breach."

---

[140] Telegram 53 FCO London to Paris, 13 March 2003, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 13 March'.

466. Later in the conversation, Mr Straw:

> "… briefly described the importance of the UK's new benchmarks. Unless Iraq realised it was facing its final, final chance, the international community would not get Iraq to face reality. Put bluntly, delay played into the hands of those in the US who said we should not go down the UN route. That said, he was happy to see new propositions at any time."

467. Mr de Villepin concluded that "a way forward could be found". Mr Straw replied that "there would have to be discussion of these issues at Heads of Government level, though not in New York".

468. The UK Embassy in Paris reported that Mr de Villepin had followed his rejection of the UK's proposals on 13 March with a briefing emphasising France's wish to find a solution leading to consensus in the Security Council and referring to his conversation with Mr Straw.[141]

469. Asked to confirm that France did not exclude an ultimatum, a senior French Foreign Ministry official had, however, been "adamant: any ultimatum that did not leave the final decision to the Security Council constituted a red line … The French were open to any solution that enabled inspections to continue." The official had claimed that a failed attempt to get a second resolution would annul the effects of the first resolution; the Council would have refused to authorise military intervention and any intervention would be outside the Charter and "at the limit of aggression".

470. The Embassy concluded that Mr de Villepin's position was "a tactical move intended to deflect criticism" of President Chirac's announcement of a veto "'whatever the circumstances": "It was too little, too late – and the French know it."

MINISTERIAL MEETING TO DISCUSS THE MILITARY PLAN

471. Mr Blair agreed the military plan later on 13 March.

472. On 13 March, Mr Blair held a meeting, with Mr Prescott, Mr Straw, Mr Hoon and Adm Boyce to discuss the timing of the start of the military campaign and formal approval of the military plan set out in Mr Watkins' letter of 11 March (see Section 6.2).[142] There was "a discussion about the timing of the end of the UN process … and the start of military action". It was agreed that Mr Blair would pursue the timing issues with President Bush.

---

[141] Telegram 130 Paris to FCO London, 14 March 2003, 'Iraq: Quai Views'.
[142] Letter Rycroft to Watkins, 13 March 2003, 'Iraq: Military Planning'.

473. Adm Boyce advised that:

> "… the full moon meant that a later start date […] would certainly be preferable, but that the projected date was not a show stopper. The US military shared the preference for a later date, but had been told to accept the earlier date."

474. Sir David Manning confirmed Mr Blair's approval for the plan in a letter to Mr Watkins the following day.[143]

475. Reflecting discussion at the JIC on 12 March, the Assessments Staff produced a JIC Note on Saddam Hussein's plan to defend Baghdad, on 13 March.[144] The detail of the JIC Note is addressed in Section 6.2.

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH, 13 MARCH 2003

476. Mr Blair and President Bush discussed withdrawing the resolution on 17 March followed by a US ultimatum to Saddam Hussein to leave within 48 hours. There would be no US military action until after the vote in the House of Commons on 18 March.

477. Mr Blair continued to press President Bush to publish the Road Map because of its impact on domestic opinion in the UK as well as its strategic impact.

478. Mr Blair also suggested their meeting in the next few days should produce "something" on the UN "angle" addressing post-conflict issues.

479. Mr Campbell spoke to Mr Bartlett about the proposed meeting between President Bush and Mr Blair.[145] President Bush was prepared to come to London but Mr Campbell (and Mr Blair) considered that was "not what we needed".

480. Sir David Manning told Dr Rice that Mr Blair was keen to have a meeting with President Bush and Mr Aznar but the weekend might be very difficult. The political situation in the UK:

> "… remained extremely tense … Condi [Dr Rice] should not underestimate the political pressure we were now under. There might be resignations from the Cabinet … We had a huge fight on our hands. We needed all the help we could get."[146]

Sir David emphasised the importance of the US publishing the Road Map to influence opinion in the UK.

481. Sir David and Dr Rice also agreed the need for experts to discuss the UK's proposals for the role of the UN in a post-conflict Iraq. The main area of debate was

---

[143] Letter Manning to Watkins, 14 March 2003, 'Iraq: The Military Plan'.
[144] Note JIC, 13 March 2003, 'Saddam's Plan for Baghdad'.
[145] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[146] Letter Manning to McDonald, 13 March 2003, 'Iraq: Conversation with Condi Rice'.

likely to be the relationship between a UN Co-ordinator and the military authorities. Sir David reported that "Washington wanted something that was more or less the reverse of the situation in Afghanistan where Brahimi [Mr Lakhdar Brahimi, Special Representative of the UN Secretary-General for Afghanistan and Head of the UN Assistance Mission in Afghanistan, October 2001 to December 2004] was pre-eminent and the military were subordinate".

482. Mr Blair and President Bush discussed the prospects for a vote in the House of Commons and a Road Map for the Middle East.[147] Mr Blair said that it would have considerable impact on political opinion in the UK. Later he commented on its "totemic significance" in the Middle East.

483. On the UN, Mr Blair commented that the "haggling over texts in New York was frustrating and muddied the waters. But it was buying the vital time we needed this weekend."

484. Mr Blair and President Bush also discussed the possibility of a meeting in the next few days. Mr Blair said that it would be useful if something on aftermath issues could emerge from that meeting "with a UN angle".

485. A discussion on the military timetable was reported separately.[148] That envisaged the withdrawal of the resolution on 17 March followed by a speech from President Bush which would give Saddam Hussein an ultimatum to leave within 48 hours. He (President Bush) would call for freedom for the Iraqi people and outline the legal base for military action.

486. There would be no military action before a vote in the UK Parliament on 18 March. President Bush would announce the following day that military action had begun. The main air campaign was planned to begin on 22 March.

487. In a conversation after the telephone call between Mr Blair and President Bush, Mr Bartlett advised Mr Campbell that the meeting had been postponed to 16 March, and they had agreed on the Azores as the venue.[149]

488. Mr Campbell wrote:

> "Bush said they could do the Road Map, give it to the Israelis and Palestinians once Abu Mazen [about to become Palestinian Prime Minister] accepts the position.
>
> "TB said that would make a big difference, anything up to fifty votes. 'It'll cost me 50,000', said Bush. TB said he had seen a group of 'wobbly MPs' who were all clear the Road Map would help. TB said it might also help him hang on to a couple of

---

[147] Letter Cannon to McDonald, 13 March 2003, 'Iraq and MEPP: Prime Minister's Conversation with Bush, 13 March'.
[148] Letter Cannon to McDonald, 13 March 2003, 'Iraq: Military Timetable'.
[149] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

Cabinet Ministers. GWB [President Bush] suggested he might be better off without them. He clearly could not fathom why the Road Map mattered so much. He had been reluctant because of Arafat. He then said 'Tell Alastair, like I'm telling my boys, that I don't want to read a word about this until I've said it. It is in our interests that I come out and say this, and it's clear I mean it.'

"TB said the French thought they had lost the initiative and were getting worried. He felt we had to keep in very close touch with Mexico and Chile over the weekend. He was worried the French would come up with a counter-proposal and win them over."

489. Mr Campbell wrote:

"They kept going back to the Parliamentary arithmetic. TB said it was knife edge … He said I know you think I have gone mad about the Road Map but it really will help.

"Bush said that Rumsfeld had asked him to apologise to TB.

"He [Bush] said … After our vote, if we win, the order goes to Rumsfeld to get their troops to move. Ops begin. He said he would not be doing a declaration of war. Wednesday 8pm in the region … 'They go …' He intended to wait as long as possible before saying the troops were in action."[150]

490. In his memoir, Mr Blair wrote that he and President Bush were due to meet in the Azores on 16 March "partly to bind in Spain and Portugal who were both supportive and both of whose Prime Ministers were under enormous heat from hostile parliamentary and public opinion", and that:

"It was clear now that action was inevitable barring Saddam's voluntary departure. George had agreed to give him an ultimatum to quit. There was no expectation he would, however."[151]

DEVELOPMENTS IN NEW YORK, 13 MARCH 2003

491. Reporting developments in New York on 13 March, Sir Jeremy Greenstock warned that the UK tests had attracted no support, and that the US might be ready to call a halt to the UN process on 15 March.

492. Sir Jeremy Greenstock reported overnight on 13/14 March that:

- In a meeting with the "undecided six" he had hosted, the "Latins [had] come down hard against the UK compromise package". The main objections had included the "perceived authorisation of force in the draft resolution" and a desire to wait for UNMOVIC's own list of key tasks which would issue early the following week.

---

[150] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[151] Blair T. *A Journey*. Hutchinson, 2010.

- Mr Lavrov had argued that the resolution was not necessary given that the inspections were making progress; the side statement was based on an unproven premise that Iraq had WMD; contained an arbitrary timeframe (shorter than Blix's months); and unacceptably left the decision on whether Iraq fulfilled the tests with the member states. The Council should wait until the inspectors submitted the list of key tasks the following week.
- Mr de La Sablière had taken a similar position. France had "suspicions" that Iraq had WMD but it could not hand over weapons that did not exist.[152]

493. Sir Jeremy reported that he had "explained again":

> "There had to be a test of Iraqi willingness to comply. I did not think anyone thought that Iraqi compliance had been immediate, unconditional and active. We therefore needed a 'downpayment' or the contract of inspections could not continue. We were trying to create an alternative to the 'serious consequences' in 1441 … In the next 24 hours I would wish to discuss with all members of the Council … We had to maintain the two essential elements of 1441: pressure and the effective use of inspections. The pendulum had swung too far to inspections only. The intention of the draft was not to provide authorisation for the use of force. We already had sufficient authorisation in 1441 and related resolutions provided the conditions in 1441 were met."

494. In subsequent discussion, Sir Jeremy stated:

- the "tests were a 'downpayment' on whether Iraqi co-operation would be forthcoming";
- resolution "1441 was deliberately ambiguous on whether the Council or Member States would judge Iraqi compliance. We would want the inspectors to report on the facts"; and
- "the timeframe had to reflect the realities on the ground and the need for pressure on Iraq …"

495. In comments to the press after the meeting, Sir Jeremy emphasised the need for a strong signal of strategic change from Iraq and strict time limits based on resolution 1441 not resolution 1284.

496. In a subsequent telegram, Sir Jeremy commented that the US thought the benchmark process was "running out of steam", and that support from London would be needed. That:

> "… might take us through to the end of Friday. But by 15 March (if not before), I suspect that Washington will be ready to call a halt to the UN process, no doubt with some strong words about France and Russia."[153]

---

[152] Telegram 438 UKMIS New York to FCO London, 14 March 2003, 'Iraq: 13 March'.
[153] Telegram 439 UKMIS New York to FCO London, 14 March 2003, 'Iraq: 13 March'.

497. Dr Blix wrote that on 13 March Sir Jeremy had:

> "… tried desperately to win support for the British benchmark paper. If he got 'traction' on it, he could be flexible on a number of points, even altogether dropping the draft operative paragraph 3 or, indeed the whole draft resolution, which looked like an ultimatum. Although this step was presented as a last concession, the political signal of the benchmark paper standing alone would probably be seen as an ultimatum. It would be understood that if the declaration was not made and/or the benchmarks not attained, serious consequences could be expected."[154]

498. Asked by the Inquiry if he was aware in the second half of the week beginning 10 March that the Prime Minister and the President had decided on 12 March that the game was up; and that the UK would, for appearances' sake, continue negotiations in New York for a couple more days, and then withdraw the resolution, Sir Jeremy Greenstock replied "No".[155]

499. Sir Jeremy added that activity had "really stopped after Wednesday [12 March]" and that:

> "On Thursday morning, which was probably my most difficult day, I suspected that somebody would put down an alternative resolution, saying that the use of force should not be allowed, because we knew that the Mexicans and the Chileans were beginning to draft that …
>
> "… By Friday morning there was an eerie silence. Nothing was happening. We were not negotiating. Nobody was putting down anything against us. We knew that the allies were going to meet … at the weekend, and there was no negotiating going on in New York."

THE DIVISIONS IN THE SECURITY COUNCIL

500. Although there had been unanimous support for a rigorous inspections and monitoring regime backed by the threat of military force as the means to disarm Iraq when resolution 1441 was adopted, there was no such consensus in the Security Council in March 2003.

501. Although the Security Council had unanimously agreed resolution 1441 on 8 November, there were marked differences in the positions of the members of the Council, particularly between the five Permanent Members – China, France, Russia, the US and the UK, reflecting the history of the Security Council's role in relation to Iraq since 1991.

---

[154] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[155] Private hearing, 26 May 2010, pages 35-36.

502. As the preceding Sections of the Report show:

- France and Russia had consistently expressed reservations about US and UK policy on Iraq and the consequences of military action. In particular, they were concerned about the use of force without clear evidence that Iraq had weapons of mass destruction and without an explicit authorisation by the Security Council.
- Members of the Security Council had differing views of Iraq's position and whether or not its actions indicated a strategic decision to co-operate with the requirements of resolution 1441.

503. In his statement for the Inquiry, Sir Jeremy Greenstock wrote that:

- he had been in no doubt that France and Russia, accompanied consistently by Germany, would be fighting the UK all the way on the proposed second resolution;
- the US, the UK, Spain and Bulgaria were a "reasonably solid quartet";
- China and Syria "could not be expected to support the UK"; and
- much of the resistance in the Security Council to the UK's arguments revolved around the question "What is the hurry when the inspectors are just getting down to business again?"[156]

504. Sir Jeremy judged "with hindsight that most members of the Security Council would have opposed the use of force … on almost any timing unless the inspectors had succeeded in exposing Iraq's deception with the discovery of an active chemical or biological weapon".

505. Sir Jeremy told the Inquiry, "I never felt that we got close to having nine positive votes in the bag" and that when he was asked by London how many votes he felt were sure, he would say four:

> "I would never report it back to London that I had more than four sure votes."[157]

506. Sir Jeremy said that President Chirac's remarks on 10 March:

> "… made my life more difficult, because it made the 'undecided six', for instance, believe that we were now going through the motions of something that was not going to produce a result; therefore why should they do something unpopular with their public opinions at home in siding with the United States on attacking an Islamic country like Iraq, or whatever the reasons were domestically, when clearly the Security Council was not going to reach anything if a Permanent Member had pre-declared a veto?
>
> "So it did rather undercut the ground that we were on, yes."[158]

---

[156] Statement, November 2009, pages 14-15.
[157] Public hearing, 27 November 2009, page 71.
[158] Public hearing, 27 November 2009, page 88.

507. Asked whether President Chirac's statement was "simply saying what everybody already knew, and what to a degree had already been said by the French in public", Sir Jeremy replied:

> "Yes, but saying it at Presidential level very publicly changed the political effect of the French position on the rest of the Security Council."[159]

508. Sir Jeremy subsequently told the Inquiry that the effect of the statement had "considerably lessened" the chances of turning the middle-ground six round and "therefore it was quite an important turning point in the public politics".[160] President Chirac's statement had an impact "on the little tiny bit of momentum we still had in the Security Council with the middle ground".

509. Sir Jeremy stated that:

> "… we knew we had only a minority chance of achieving a second resolution … but with the United States in the game pulling out all the stops, you never quite know when countries opposing them may be pulled into another position."[161]

510. Asked what, at the beginning of the negotiation, he had thought the chances of success in the second resolution were, Sir Jeremy Greenstock told the Inquiry: "Less than 50 percent."[162] Sir Jeremy added that hindsight discoloured his recollection but, "in my mind, between a quarter and a third of a chance that we might do this". He "wasn't advising London that we were likely to succeed".

511. Asked about his statement that the UK never had more than four firm votes, Sir Jeremy Greenstock replied:

> "Right at the end. We knew we had four. We were after those six to make it ten, the middle-ground members. Each of those six at some point during February, as they were being chased round by Baroness Amos and others, trying to persuade them in their capitals to follow us, said that they might do it or were going to follow us, and then backed off when they saw that the others weren't following. So we were herding cats unsuccessfully in that respect, and never got all six together to have confidence in each other's preparedness to do it."[163]

512. Sir David Manning did not think that the middle-ground six would have supported action in the timeframe that was under discussion:

> "… if there had been more time, I think that the six in the UN – their minds weren't necessarily closed … if you had got a different dynamic going in February, March, April between the leaders on the basis of whatever Blix was saying, and there

---

[159] Private hearing, 26 May 2010, page 33.
[160] Private hearing, 26 May 2010, page 34.
[161] Private hearing, 26 May 2010, page 30.
[162] Private hearing, 26 May 2010, page 32.
[163] Private hearing, 26 May 2010, page 32.

seemed to be more common ground, then it was possible that you could have found some kind of common resolution."[164]

513. Asked whether Ministers had been over-optimistic in tabling the second resolution, thinking that France and Russia would agree to it, Sir John Holmes told the Inquiry:

"It was always an optimistic approach to think you would get a second resolution and you would get nine votes for it, as the struggle to get those votes demonstrated very clearly in the weeks that followed."[165]

514. Sir John Holmes stated that France thought the timelines and tests in the draft resolution were "deliberately impossible" for Saddam Hussein to pass and were "not a way of actually avoiding war but was simply a way of legitimising it".[166] That was why it was "so strongly opposed".

515. Asked if there were any circumstances in which France might have supported a second resolution authorising the use of force, Sir John said that, by that stage, "it would have taken something pretty dramatic", such as a find by the inspectors or reckless behaviour by Saddam Hussein, to change the mind of France.[167]

516. Mr Straw told the Inquiry that, before President Chirac's statement of 10 March, the UK had "got the three African states on board, we thought we had the Chileans and the Mexicans" although the negotiations were finely balanced.[168] The moment when he did not think it would be possible to achieve a second resolution was when he had "turned on the television" and seen "President Chirac saying that, whatever the circumstances, France would veto a second resolution".

517. Later, Mr Straw took a more qualified view:

"… our judgement was that we thought that the three African states were highly likely to support a resolution. The problem was between … Chile and Mexico and President Fox and President Lagos [each] looking over [his] … shoulder at the other one. My own view is – not that – in the absence of the Chirac 'veto' statement on 10 March, we would have got their support, but it would have been much more probable."[169]

518. Mr Straw also stated:

"… the great danger, which we felt we faced, was that, if you didn't bring this to a conclusion one way or the other quite quickly, then the whole strategy of diplomacy

---

[164] Private hearing, 24 June 2010, page 86.
[165] Public hearing, 29 June 2010, page 38.
[166] Public hearing, 29 June 2010, pages 42-43.
[167] Public hearing, 29 June 2010, pages 43-44.
[168] Public hearing, 21 January 2010, page 83.
[169] Public hearing, 8 February 2010, page 88.

backed by the threat, and if necessary, the use of force, would fall away and that's what Saddam wanted."[170]

519. Mr Stephen Pattison, Head of the FCO UN Department, told the Inquiry:

"I am not sure that the American Administration was ever formally committed to a second resolution … I think … they were willing to let us have a go at trying … They certainly did not see a legal necessity for it and they, I think, obviously feared that it could only result in more complication at the UN Security Council."[171]

520. Asked whether that was his understanding, Mr Straw replied:

"That was, of course, the downside. That it might expose divisions rather than resolve them. I still with the benefit of hindsight think it was worth attempting the second resolution. We were elusively close, in my judgement, to getting those magic nine votes and no veto but it didn't happen. That was their concern. That said, the Americans, certainly Secretary Powell, were very assiduous in seeking to build up support for the second resolution. There are records that you will have seen where he reports he worked the phones with various people."[172]

521. In his memoir, Mr Straw wrote that the leaders of the African nations, Chile and Mexico "would not put their heads above the parapet knowing that France would veto 'whatever the circumstances'. The resolution was dying."[173]

522. Mr Blair told the Inquiry that the UK had come "pretty close" to a majority of votes; and that, "we could have got Chile and Mexico actually if the French position had been less emphatic".[174]

Events of 14 March 2003

523. In a minute of 14 March, Mr Jonathan Powell recorded that Mr Blair had agreed that he would start holding meetings of a "War Cabinet" from 19 March.[175]

524. The composition of the War Cabinet is addressed in Section 2.

PRESIDENT CHIRAC'S CONVERSATION WITH MR BLAIR

525. President Chirac asked Mr Blair on 14 March if Mr Straw and Mr de Villepin could discuss whether there was sufficient flexibility to find an agreed way forward. Mr Blair agreed.

---

[170] Public hearing, 8 February 2010, pages 72-73.
[171] Public hearing, 31 January 2010, page 58.
[172] Public hearing, 2 February 2011, pages 92-93.
[173] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[174] Public hearing, 21 January 2011, pages 94-95.
[175] Minute Powell to Prime Minister, 14 March 2003, 'War Cabinet'.

526. Mr Blair had "insisted that it must be the Security Council" which decided whether Saddam Hussein had co-operated, not the inspectors.

527. President Chirac asked to speak to Mr Blair on 14 March.[176]

528. Drawing the report of Mr Straw's conversation with Mr de Villepin on 13 March to Mr Blair's attention before the telephone call with President Chirac, Sir David Manning wrote:

> "No surprises: will probably complain we are misrepresenting him; will offer new effort based on the shorter time line but no automaticity. You can certainly point to his frenetic efforts to block us at every turn."[177]

529. President Chirac told Mr Blair that France was "content to proceed 'in the logic of UNSCR 1441'; but it could not accept an ultimatum or any 'automaticity' of recourse to force".[178] He proposed looking at a new resolution in line with resolution 1441, "provided that it excluded these options".

530. Mr Blair "said that we needed clear, specific 'tests' to measure whether Saddam was co-operating". Of the six tests proposed by the UK, "five were from the Blix 'clusters' report and the sixth had been proposed by the inspectors and was intended to provide a mechanism for junior Iraqi officials and scientists to co-operate with the inspectors".

531. President Chirac "suggested that the UNMOVIC work programme might provide a way forward. France was prepared to look at reducing the 120 day timeframe it envisaged."

532. Mr Blair responded that "still did not get round the problem that if Saddam was found to be in breach, all the [sic] followed was more discussion and we were back where we started. It must be clear that … action would ensue."

533. In response to a question from President Chirac about whether it would be the inspectors or the Security Council who decided whether Saddam had co-operated, Mr Blair "insisted that it must be the Security Council".

534. President Chirac agreed, "although the Security Council should make its judgement on the basis of the inspectors' report". He "wondered whether it would be worth" Mr Straw and Mr de Villepin "discussing the situation to see if we could find some flexibility"; or was it "too late"?

535. Mr Blair said "every avenue must be explored".

---

[176] Letter Cannon to Owen, 14 March 2003, 'Iraq: Prime Minister's Conversation with President Chirac, 14 March'.
[177] Manuscript comment Manning to Prime Minister on Telegram 53 FCO London to Paris, 13 March 2003, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 13 March'.
[178] Letter Cannon to Owen, 14 March 2003, 'Iraq: Prime Minister's Conversation with President Chirac, 14 March'.

536. President Chirac concluded that "talking direct was better than via TV and radio broadcasts". He had told Mr Blair that he did not want "disagreements over Iraq to have an impact on the UK and France's joint interests in Europe" and they should talk before the European Council on 20 March.

537. Mr Blair "said that he too did not want things to become more difficult". He "wanted to ensure the strength of the UK/France relationship was not affected".

538. Mr Campbell suggested that Mr Straw was "instructed" to "concede nothing" when he spoke to Mr de Villepin.

539. Mr Campbell wrote that the discussion was "a lot friendlier than it might have been" but President Chirac had been:

> "… straight on to the point TB expected, namely he could see a way of co-operating on the tests but it must be the inspectors who decide if Saddam is co-operating. He said he could not support an ultimatum or anything taken as a support for military action.
>
> "TB said the problem with that was that it meant he could have as many last chances and as much time as he [Saddam] wanted. There had to be automaticity [trigger for attack].
>
> "Chirac said there could not be automaticity."[179]

540. Mr Campbell added that Mr Blair and President Chirac had agreed Mr Straw and Mr de Villepin should talk, but Mr Blair "issued instructions" to Mr Straw "to concede nothing. There was intelligence suggesting the French were seeking to get the undecided six to go for tests plus more time." Mr Blair suspected President Chirac "would move to a position of automaticity but inspectors are the sole judges of compliance".

541. Asked whether the UK had been told by France that it was misrepresenting President Chirac's position, Mr Blair told the Inquiry that he had spoken to President Chirac on 14 March and:

> "The French position was very, very clear. It wasn't that they would veto any resolution, it is that they would veto a resolution that authorised force in the event of breach."[180]

542. Mr de Villepin stated that no country had shown any support for the UK proposals.

---

[179] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[180] Public hearing, 29 January 2010, pages 124-125.

543. In an interview with *BBC Newsnight* on 14 March, Mr de Villepin asked what game was being played and whether there was a search for a "scapegoat in order to accuse one country of being irresponsible".[181] He stated that: "We should present the real position of both countries."

544. Mr de Villepin pointed out that "no country … had shown any support" for the UK proposals tabled in the Security Council late on 12 March.

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH

545. In a conversation with President Bush about the French position and what to say when the resolution was pulled, Mr Blair proposed that they would need to show that France would not authorise the use of force in any circumstances.

546. When Mr Blair and President Bush spoke on 14 March they discussed the French position and what to say about the French position when the decision was taken to pull the resolution.[182]

547. Mr Blair stated that:

> "… we would need to do so as the reasonable party, showing that France would not authorise the use of force in any circumstances, and demonstrating that we were sticking to 1441."

548. Mr Blair said that at some point we needed to set out our views on post-conflict, including humanitarian issues; a joint statement at the Azores Summit would be welcome.

549. Mr Campbell wrote:

> "Bush said he was predicting a 'landslide, baby!'
>
> "TB said it was too close to call.
>
> "Bush … The Azores was on.
>
> "TB said we had to be seen striving all the way even if we felt the French made it impossible.
>
> "Bush said it was a 'moment of truth' meeting …
>
> "TB said we must not let it be built up as a council of war. The more we talk about the UN and the aftermath the better …

---

[181] Embassy of the Republic of France in the UK, *Interview given by M. Dominique de Villepin, Minister of Foreign Affairs, to BBC Newsnight, Paris 14.03.2003.*
[182] Letter Rycroft to McDonald, 14 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 14 March'.

> "TB briefed on the Chirac call, said the divide was between those prepared to consider military action and those who were not, who would give him [Saddam?] as much time as he wanted.
>
> "Bush said that he did not trust the French but we had to do a slow waltz with them in the next few days. He felt they thought America was more guilty than Saddam.
>
> "TB said that the French appearing to be so unreasonable had been a big mistake by Chirac."[183]

550. Asked whether he had agreed with President Bush on 14 March that "the game was up", Mr Blair said:

> "The game was up in the sense that we were not going to get a resolution. This was the second best … Our preference was to have got a resolution that passed the Security Council … I was very conscious that I had Cabinet members who were unhappy about this … that it might give us some political weight, I mean not much frankly, but some if we could say at least we have a majority of members on our side, even though we knew we were not going to get the resolution."[184]

551. Mr Blair added:

> "It is simply a political point. If you can say, 'Well we didn't get the resolution because France vetoed but nonetheless we got the majority of the Security Council in our favour,' it would allow us to say that … It would have helped me. I would have definitely used this in terms of the presentation of the case …"

MR BLAIR'S CONVERSATIONS WITH PRESIDENT LAGOS

552. President Lagos initially informed Mr Blair on 14 March that the UK proposals did not have Chile's support and that he was working on other ideas.

553. Later President Lagos informed Mr Blair that he would not pursue his proposals unless Mr Blair or President Bush asked him to.

554. No.10 reported that President Lagos told Mr Blair on 14 March that the "elected six" had been working on some ideas which they planned to announce at "noon" (New York time).[185] Those ideas were "based on reasonable benchmarks and timing, but also the use of force if Saddam did not comply".

555. President Lagos also told Mr Blair that the draft resolution tabled on 7 March did not have Chile's support and he "had the impression that France and Russia were now

---

[183] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[184] Public hearing, 21 January 2011, pages 107-108.
[185] Letter [Francis] Campbell to Owen, 14 March 2003, 'Iraq: Prime Minister's Conversation with President Lagos of Chile, 14 March'.

looking for a real solution" in the Security Council. There was "a slim chance that war could be avoided within the next 3-4 days". He would be holding a press conference in three hours.

556. Mr Blair had responded that it was not clear how things would develop. The Security Council "did not want to vote on a resolution that would be vetoed. Both France and Russia were very clear that they would not allow a resolution which authorised the use of force."

557. Sir Jeremy Greenstock reported at 5.50pm on 14 March that the US, UK and Spanish Permanent Representatives had met early that morning to discuss how to react to the new proposal forming amongst the "middle-ground six (U-6)". They had agreed:

- the proposal that "the Council would meet at the end of an ultimatum period to decide on Iraq's co-operation towards compliance with the tests was completely unacceptable"; and
- to "major on the primacy of 1441" and tell contacts that "if any of the U-6 abandoned that baseline, they would do huge damage to the Security Council".[186]

558. President Lagos telephoned No.10 that evening and, in the absence of Mr Blair, spoke to Mr Rycroft to draw attention to the key points in his statement, including the benchmarks proposed by the UK and a deadline of three weeks, not longer, reflecting Mr Blair's advice.[187]

559. Mr Rycroft also reported that President Lagos would not push the proposal further unless President Bush or Mr Blair wanted him to; and that he [Lagos] had not received any reaction from other Security Council members.

560. An unofficial translation of President Lagos' statement produced by the British Embassy Santiago reported that it expressed "full understanding of the United States concern for the threats posed to its security", which were "also threats to world security".[188] It also stated that Chile continued to make "best efforts to avert war" while fully supporting the "UN decision aimed at bringing to full and verified compliance the Iraqi disarmament process" mandated in resolution 1441. President Lagos referred to "a special co-operative bond", which Chile had established with the UK.

561. The proposal was "for the Security Council to impose … five critical conditions" derived from the inspection process which should be fulfilled "within a realistic time period not later than three weeks as from the date on which they are approved by the Security Council". Verification of compliance was to be reported by inspectors with the Security Council controlling the decisions that followed.

---

[186] Telegram 441 UKMIS New York to FCO London, 14 March 2003, 'Iraq: End Game'.
[187] Letter Rycroft to Owen, 14 March 2003, 'Iraq: Chile: 14 March'.
[188] Letter British Embassy Santiago to No.10, 14 March 2003, 'Statements by President Lagos'.

562. The Chilean proposal omitted the demand for a public statement by Saddam Hussein but repeated the UK proposal for interviews outside Iraq. The remaining tests were a subset of the UK proposals, requiring Iraq to:

- disclose any remaining warhead with mustard gas or mustard gas bombs or any documentation to prove their destruction;
- disclose the 10,000 litres of anthrax or account for its destruction;
- destroy any Al Samoud 2 missiles and their components; and
- disclose any information stating that "Remote Control" vehicles do not carry chemical weapons.

563. President Lagos also stated that the "great powers" had "unfortunately failed to include" the "delicate equilibrium" between "reasonable goals and realistic deadlines" in their proposed resolutions. Chile would "not concur with a resolution" that failed "to exhaust all the means available to complete Iraqi disarmament and preserve world peace". It was "still possible to reach an understanding and strengthen international unity"; and that unity would be "the only guarantee of a stable, fair peace". Chile believed that Iraqi disarmament could "still be done while preserving and strengthening the international institutional framework afforded by the United Nations and its Charter, and seeking any other alternative for the rule of law to prevail over force".

564. Dr Blix wrote that the Chilean proposal replaced the requirement for a televised speech from Saddam Hussein with a less humiliating letter from the Iraqi leadership and extended the time given for attainment of the benchmarks to three weeks or 30 days and for Council collectively to assess if Iraq had attained the benchmarks and to decide on further action.[189] Chile was "not willing to let the Council abdicate this prerogative. The US on the other hand were not ready to drop the claim of a right to go it alone."

DEVELOPMENTS IN NEW YORK, 14 MARCH 2003

565. Sir Jeremy Greenstock reported that US pressure on Chile had contributed to its decision to stop work on its proposal.

566. Sir Jeremy told his colleagues in New York that the UK would continue to look for agreement on its proposals. Key decisions would be made at the Azores Summit.

567. Reporting on developments on 14 March, Sir Jeremy Greenstock wrote that the U-6 had "made no further efforts to achieve consensus" and their proposal had been "confirmed dead".[190]

---

[189] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[190] Telegram 451 UKMIS New York to FCO London, 15 March 2003, 'Iraq: 14 March'.

568. Sir Jeremy commented that the process had "ground to a halt" because the text leaked and the leaked version did not resemble the final draft and because President Lagos had spoken out too soon, "alerting the US who then put on great pressure to kill it". A Chilean official had told the UK Mission that the US pressure on Chile in particular had been "more … than that put on them to support the UK/US/Spain resolution".

569. When the EU Heads of Mission met to take stock on 14 March, Sir Jeremy Greenstock told them "discussions were continuing" and he had made clear to the African and Latin American members of the Council that he was "ready to talk at any stage. But there remained differences on substance and procedure." In response to a comment from the German Ambassador that "both the British and U-6 proposals were dead in the water", Sir Jeremy replied that the UK "would keep going"; the Azores Summit "represented a final opportunity".

570. A scheduled meeting of the P5 was cancelled because there was "little to talk about".

571. Sir Jeremy also spoke to Dr Blix, and to Mr Annan about "the leading role" he (Mr Annan) could play in the event of conflict "in healing wounds and reinserting the UN into the post-conflict situation".

572. Sir Jeremy concluded:

> "The fact of the Azores Summit, the collapse of the U-6 compromise under our combined pressure and general exhaustion here in New York, have all added up to a less troublesome day than we might have expected.
>
> "Clearly key decisions on the resolution will be made at the Summit. In addition to any other instructions, grateful if you could consider whether it is worth giving UNMOVIC/IAEA and the UN advance notice of any announcement on next steps so that they can make the earliest possible preparations to evacuate staff from Iraq …"

573. Mr Campbell wrote that on 14 March "the diplomatic scene was going nowhere but we kept going with the line we were working flat out for a second resolution".[191]

The UK decision that Iraq had committed further material breaches

THE EXCHANGE OF LETTERS OF 14 AND 15 MARCH 2003

574. Resolution 1441 decided:

- that Iraq had been and remained "in material breach of its obligations under relevant resolutions", in particular through its "failure to co-operate" with the

[191] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

UN inspectors and the IAEA and to complete the actions required by operative paragraphs 8 to 13 of resolution 687 (OP1);

- to afford Iraq "a final opportunity" to comply with its obligations (OP2);
- that Iraq should provide "a currently accurate, full, and complete declaration of all aspects of its programmes" within 30 days of the resolution (OP3); and
- "that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council for assessment …" (OP4).

575. On 14 March, Lord Goldsmith asked for confirmation of Mr Blair's view that Iraq had "committed further material breaches as specified in [operative] paragraph 4 of resolution 1441".[192]

576. Mr David Brummell, Legal Secretary to the Law Officers, wrote to Mr Rycroft on 14 March:

> "It is an essential part of the legal basis for military action without a further resolution of the Security Council that there is strong evidence that Iraq has failed to comply with and co-operate fully in the implementation of resolution 1441 and has thus failed to take the final opportunity offered by the Security Council in that resolution. The Attorney General understands that it is unequivocally the Prime Minister's view that Iraq has committed further material breaches as specified in [operative] paragraph 4 of resolution 1441, but as this is a judgment for the Prime Minister, the Attorney would be grateful for confirmation that this is the case."

577. Mr Rycroft replied to Mr Brummell's letter the following day, stating:

> "This is to confirm that it is indeed the Prime Minister's unequivocal view that Iraq is in further material breach of its obligations, as in OP4 of UNSCR 1441, because of 'false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure to comply with, and co-operate fully in the implementation of, this resolution'."[193]

578. It is unclear what specific grounds Mr Blair relied upon in reaching his view.

579. Following receipt of Mr Brummell's letter of 14 March, Mr Blair neither requested nor received considered advice addressing the evidence on which he expressed his "unequivocal view" that Iraq was "in further material breach of its obligations".

580. The significance of Lord Goldsmith's request and Mr Blair's response are addressed in Section 5.

---

[192] Letter Brummell to Rycroft, 14 March 2003, 'Iraq'.
[193] Letter Rycroft to Brummell, 15 March 2003, 'Iraq'.

581. The preparation of a Written Answer on 17 March, setting out Lord Goldsmith's view of the legal basis for military action, is also addressed in Section 5.

THE FCO PAPER OF 15 MARCH, 'IRAQI NON-COMPLIANCE WITH UNSCR 1441'

582. A paper for publication providing examples of Iraq's failure to comply with the obligations imposed by the UN was produced by the FCO on 15 March.

583. The question of what would constitute a further material breach as specified in OP4 of resolution 1441 (2002) was the subject of considerable debate within the UK Government in late 2002 (see Section 3.6).

584. In January 2003, Mr Blair said that, if the inspectors' reports established a pattern of non-compliance, they would, in the absence of other evidence that Iraq had concealed WMD (a "smoking gun"), be sufficient to secure Security Council support for a second resolution stating that Iraq was in further material breach of resolution 1441.[194]

585. Mr Blair proposed that the US and UK should seek to persuade others, including Dr Blix, that this was the "true view" of resolution 1441.

586. By the end of January, Mr Blair had taken a public position that Iraq was failing fully to comply with resolution 1441, and that that was a further material breach (see Section 3.6).

587. In his advice of 7 March, Lord Goldsmith said that the views of UNMOVIC and the IAEA would be highly significant in demonstrating hard evidence of non-compliance and non-co-operation.[195]

588. In his minute to Mr Blair of 11 March, Mr Straw wrote that the:

> "… three recent meetings of the [Security] Council more than fulfil the requirement for immediate consideration of reports of non-compliance. So we can say convincingly that the process set out in resolution 1441 is complete."[196]

589. Mr Straw suggested that the UK Government should use "the overwhelming evidence that Iraq has not used the four months" since the adoption of resolution 1441 "to co-operate 'immediately, unconditionally and actively'" to make a "more compelling" case to Parliament and public opinion. The UNMOVIC "clusters" document would be a material help in making that case".

590. A draft of the FCO paper on Iraq's failure to comply with resolution 1441, intended to "demonstrate clearly the extent of Iraqi intransigence" was sent to Mr Straw's Private

---

[194] Letter Manning to Rice, 24 January 2003, [untitled] attaching Note [Blair to Bush], [undated], 'Note'.
[195] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.
[196] Minute Straw to Prime Minister, 11 March 2003, 'Iraq: What if We Cannot Win the Second Resolution?'

Office and other FCO addressees on 13 March.[197] It was agreed with the MOD, Defence Intelligence Staff (DIS) and the Cabinet Office Assessments Staff.

591. The paper was referred to in a note on the Attorney General's file, in relation to the need for "further material to be assembled" as discussed by Lord Goldsmith and Mr Straw, in their meeting late on 13 March, to provide "evidence showing" that Iraq was "in further material breach". That listed a need for:

"
- Any examples of false statements/omissions and (significant) non-co-operation reported to Security Council pursuant to OP4 of SCR 1441.
- Any examples of Iraqi interference reported by Blix or ElBaradei to the Council pursuant to OP11.
- For these purposes, we need to trawl through statements from the draft Command Paper on Iraqi non-compliance which is to be published.
- See attached FCO paper Iraqi non-compliance with UNSCR 1441 of 13 March 2003."[198]

592. A note of a conversation with Ms Kara Owen in Mr Straw's Private Office, on 14 March, recorded that Mr Brummell had made the following points on Lord Goldsmith's behalf:

- "Demonstration of breaches of UNSCR 1441 are critical to our legal case. Therefore we must be scrupulously careful to ensure that the best examples of non-compliance are referred to."
- "It would be distinctly unhelpful to our legal case if the examples of non compliance … were weak or inadequate; and it would be difficult – indeed it would be too late – to seek to add further (better) examples 'after the event'."
- The FCO needed to check the document they were preparing "very carefully" and subject it to "the tightest scrutiny".
- The document should include "a caveat … acknowledging that the examples of non-compliance … were not exhaustive but illustrative".
- The submission to Mr Straw should reflect those points.[199]

593. Mr Brummell's record of his conversation with Ms Owen on 14 March also stated that he had been informed that the FCO paper would be sent out with a letter from Mr Blair to Ministerial colleagues on 17 March, "after Cabinet". Mr Blair's letter would also contain a "one page" summary of the legal position, which was "news" to Mr Brummell. A subsequent conversation with Mr Rycroft had "confirmed that it would be helpful if" Lord Goldsmith's staff would draft that summary.

---

[197] Minute [FCO junior official] NPD to PS [FCO], 13 March 2003, 'Iraq: Compliance with UNSCR 1441'.
[198] Note [on Attorney General's files], [undated], 'Iraq Further Material to be Assembled (as discussed by the Attorney General and Foreign Secretary on 13 March 2003)'.
[199] Note Brummell, 14 March 2003, 'Iraqi Non-Compliance with UNSCR 1441: Note of Telephone Conversation with Kara Owen'.

594. The FCO paper was finalised on 15 March.[200] It was produced by officials in the FCO but drawn largely from official reports and statements by UN inspectors. It drew heavily on UNMOVIC's report, 'Unresolved Disarmament Issues – Iraq's Proscribed Weapons Programmes', the "clusters" document, which it characterised as "a 173 page-long catalogue of Iraqi intransigence since 1991".

595. The paper examined the extent of Iraq's non-compliance with the obligations placed upon it by the UN Security Council in resolution 1441, which it stated was "unambiguous". Resolution 1441:

- recognised the threat which Iraq's non-compliance "and proliferation of weapons of mass destruction and long-range missiles" posed to international peace and security (preambular paragraph (PP) 3);
- decided that Iraq had been and remained "in material breach of its obligations under relevant resolutions" (OP1);
- decided to "afford Iraq … a final opportunity to comply" (OP2); and
- decided that "false statements or omissions in the declarations submitted by Iraq … and failure by Iraq at any time to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations" (OP4).

596. Assessing Iraq's "progress in complying with relevant provisions of UNSCR 1441", the paper stated that Iraq had "Not met" the requirement in five areas and had only "Partially met" or "Not yet met" other demands.

597. The FCO paper stated:

- Iraq had "Not met" the requirement for a "currently accurate, full, and complete declaration of all aspects of its programmes". The Iraqi declaration, of 7 December, "did not contain any new information to answer any of the outstanding questions", and there were "significant falsehoods".
- Iraq had not provided UNMOVIC and the IAEA with "immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or the IAEA wish to interview". Only 16 interviews had taken place and there was "reason to believe" that the Iraqi authorities had intimidated interviewees.
- No interviews had taken place outside Iraq. The paper cited "evidence that Iraqi scientists have been intimidated into refusing interviews … They – and their families – have been threatened with execution if they deviate from the official line."

---

[200] Paper FCO, 15 March 2003, 'Iraqi Non-Compliance with UNSCR 1441' attached to Letter Straw to Colleagues, 17 March 2003, [untitled].

- Iraq had not provided UNMOVIC and the IAEA with "the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated … facilities".
- Iraq was not co-operating "immediately, unconditionally, and actively with UNMOVIC and the IAEA". It had not answered the outstanding questions raised by UNSCOM when it was forced to withdraw or by the 1999 Amorim panel (see Section 1.1).

598. The list of unresolved "outstanding issues" included:

- "Failure to account adequately for SCUD-type missiles and components 'suggests that these items may have been retained for a prohibited missile force'."
- "Failure to explain why Iraq has built a missile test stand at al-Rafah that can accommodate missiles with over four times the thrust of the prohibited Al Samoud missile."
- "[A]t least 80 tonnes (in 550 shells and 450 aerial bombs)" of "unaccounted for" mustard gas, and that quantity "could be substantially higher".
- Whether Iraq had retained "some capability with regard to VX".
- Whether Iraq's claimed destruction of bulk agent, including anthrax, in 1991 had occurred.
- Failure to account for the aircraft associated with the L-29 RPV programme.

599. The FCO paper also stated that Iraq had only:

- "Partially met" the requirement for free and unrestricted use of aircraft "belatedly and under pressure".
- "Not yet met" the requirement to destroy Al Samoud missiles and associated equipment. It stated that the programme of destruction had started by the deadline set by UNMOVIC, but suggested it could be stopped "at any time".
- "Partially met" the requirement not to "take or threaten hostile acts", although it stated "inspections had been largely incident-free".

600. The paper also identified Iraqi "gestures" which it characterised as examples of a "pretence of co-operation".

601. The paper was sent to all Members of Parliament on 17 March.[201]

602. The statements in the FCO paper about Iraq's approach to interviews and its intimidation of personnel were based on the UK's interpretation of the intelligence reporting it had received that Iraq was actively and successfully pursuing a policy of concealing its programmes and deceiving and obstructing the inspectors.

---

[201] Letter Straw to Colleagues, 17 March 2003, [untitled] attaching Paper FCO, 15 March 2003, 'Iraqi Non-Compliance with UNSCR 1441'.

603. The FCO paper did not evaluate the seriousness of either the five requirements which Iraq had "Not met" or the other areas where Iraq had only "Partially met" or "Not yet met" the requirement.

604. The way in which that intelligence was drawn on in briefings for and statements by Ministers, and the withdrawal of some of the reporting in September 2004, is addressed in Section 4.3.

605. OP11 of resolution 1441 (2002) directed Dr Blix and Dr ElBaradei "to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution".

606. OP12 recorded that the Security Council had decided "to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 … in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security".

607. The FCO paper did not mention that OP4 of resolution 1441 required a further material breach to be "reported to the Council for assessment in accordance with paragraphs 11 and 12" of the resolution. Nor did it contain any reference to the Security Council having done so.

608. In setting out the analysis, there were a number of salient points the FCO paper did not make, including:

- Dr Blix had reminded Mr Blair on 6 February that the material described as "unaccounted for" in UNSCOM's report of 1999 was not necessarily present in Iraq; and that it would be "paradoxical to go to war for something that might turn out to be very little".[202]
- Dr Blix made a similar point in his report to the Security Council on 7 March.[203]
- The quantities of material described as "unaccounted for" were estimates extrapolated from data in UNSCOM official records.
- Dr Blix had not at that point requested any interviews outside Iraq. He told the Security Council on 7 March that he would be requesting such interviews "shortly".
- There had been no problems once aircraft flights over Iraq started.
- UNMOVIC had not reached a conclusion on the purpose of the test stand at al-Rafah or the L-29 RPV programme.
- Iraq had already destroyed 65 of the 120 short-range Al Samoud 2 missiles it was estimated to possess.

---

[202] Letter Rycroft to Owen, 6 February 2003, 'Iraq: Prime Minister's Meetings with Blix and El-Baradei, 6 February'.
[203] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

609. UNMOVIC had informed Sir Jeremy Greenstock on 11 March that Iraq had provided names of personnel currently and formerly associated with Iraq's WMD programmes and had said "they were willing to provide more in particular areas on request".[204]

610. Dr Blix's reports to the Security Council presented a nuanced picture. He did not say that Iraq was complying, but neither he nor Dr ElBaradei had reported to the Security Council that Iraq was not complying or that the inspectors could not complete their tasks.

611. In his report of 7 March, Dr Blix stated that, when the quarterly report had been finalised, there had still been "relatively little tangible progress to note" and the report had been "cautious".[205] By 7 March, however, there was more. Iraq had accepted the destruction of Al Samoud 2 missiles and associated items and that constituted a "substantial measure of disarmament … the first since the middle 1990s".

612. In relation to other recent Iraqi initiatives, Dr Blix stated:

> "One can hardly avoid the impression that, after a period of somewhat reluctant co-operation, there has been an acceleration of initiatives from the Iraqi side since the end of January. This is welcome, but the value of these measures must be soberly judged by how many question marks they actually succeed in straightening out. This is not yet clear."

613. Dr Blix added that Iraq had not "persisted" in attaching conditions to inspections. Recent Iraqi initiatives could not be said "to constitute 'immediate' co-operation. Nor do they necessarily cover all areas of relevance"; but they were "nevertheless welcome".

614. Dr Blix was not reporting that he was unable to carry out inspections. He stated that "Even with a pro-active Iraqi attitude" it would still take "months" to "verify sites and items, analyse documents, interview relevant persons and draw conclusions". A document addressing unresolved disarmament issues and to identify key remaining disarmament tasks, as required by resolution 1284 (1999), would be submitted later that month.

615. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998, and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq's nuclear capabilities in the near future.[206]

---

[204] Telegram 417 UKMIS New York to FCO London, 12 March 2003, 'Personal Iraq: Side Statement and End Game Options'.
[205] UNMOVIC Briefing of the Security Council, 7 March 2003, 'Oral introduction of the 12th quarterly report of UNMOVIC'.
[206] UN Security Council, '4714th meeting Friday 7 March 2003' (S/PV.4714).

616. Dr Blix told the Inquiry that he had been "pushed very hard" to conduct interviews abroad.[207] Resolution 1441 had provided for such interviews but did not say they were mandatory. He:

> "… never thought that you would get much out of it. It would only have been trouble, but we would have been driven to it in the end. I think the push was so hard, so we would have persuaded the Iraqis …"

617. Dr Blix added that he did not think interviews outside Iraq were realistic but he would have pursued them if there had been more time: "The pressure from the British was also strong. [Mr] Blair felt very strongly about it."[208]

Events of 15 and 16 March 2003

618. In the entry in his diaries for 15 March, Mr Campbell wrote that there was a meeting with Mr Blair at 8.30am. He was "clear now what the French would try – yes to the tests, even to the possibility of military action, but they would push for a later date".[209]

619. That had been followed by a pre-meeting with Mr Prescott, Mr Brown and Mr Douglas Alexander, Minister of State at the Cabinet Office. Mr Campbell commented:

> "GB [Gordon Brown] was beginning to motor a bit, firing with good media and political lines. He also felt we needed to explain more clearly why we had been so keen to get the second resolution when now we were saying we didn't need one. The answer lay in the pressure we had been putting on the Iraqis, through the building of international support. He also felt that we should be pressing publicly over some of the questions he felt Blix had not fully answered.
>
> "Goldsmith was happy for us to brief that in the coming days he would make clear there was a legal base for action. We now had to build up the Azores as a genuine diplomatic effort, which was not going to be easy …
>
> "John Scarlett [Chairman of the JIC] joined us, reported signs of the Iraqis really hunkering down, said there were reports of summary executions …
>
> "Godric [Smith – Mr Blair's Official Spokesman] and I were briefing Ministers and then the media re the forthcoming AG [Attorney General] advice. A few decisions having been taken, the travel of direction clear, we felt in a stronger position."[210]

---

[207] Public hearing, 27 July 2010, page 57.
[208] Public hearing, 27 July 2010, page 58.
[209] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[210] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

THE FCO GAME PLAN

620. A Note for the Record written by Mr McDonald on 15 March reported that Cabinet on 17 March would need:

> "… to be choreographed with the Security Council meeting where Jeremy Greenstock would announce that we were pulling our resolution.
>
> "The Foreign Secretary assumed the Cabinet would meet sometime in the morning. It will need specifically to approve the course of action proposed and to have passed across the terms of the Commons motion for Tuesday.
>
> "… it might be a good idea for him [Mr Straw] to do a statement on Monday to inform colleagues of the decision to withdraw … A statement … might give us a better chance of assessing from where the strongest arguments would come."[211]

621. The FCO advised No.10 that the UK's "aim should be to leave the current diplomatic process in a way that helps ensure that we can return to the Council shortly for action on other important areas, such as amending the Iraq sanctions regime and obtaining UN authorisation of post conflict arrangements".[212] That could best be done by a "short statement" by Sir Jeremy Greenstock in informal Council consultations, making clear that the UK "regretted that it had proved impossible to make progress on our text and that we were not taking any further action on it": "Ideally this should coincide with any US announcement of a short final ultimatum to Iraq."

622. The FCO also identified the risk of a resolution being tabled in the Security Council or the UN General Assembly criticising the use of force; the need to address travel advice and the safety of UK nationals in the region; and the reaction to the US announcement about publishing a Road Map on the MEPP.

623. Mr Ricketts subsequently advised that Sir Jeremy Greenstock had pointed out "that we should try to keep the issue open in the Security Council for as long as possible in order to minimise the risk of rival initiatives"; and that "a key element" of that strategy would be "to ensure that we do not say we are closing down or giving up on the Security Council route".[213]

624. Sir David Manning recorded that Mr Blair had made those points "strongly" at the Azores Summit.[214]

---

[211] Note, McDonald, 17 March 2003, 'Iraq: Meeting with the Attorney General'.
[212] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit'.
[213] Letter Ricketts to Manning, 16 March 2003, 'Iraq: Azores'.
[214] Manuscript comment Manning, 17 March 2003, on Letter Ricketts to Manning, 16 March 2003, 'Iraq: Azores'.

625. Sir Jeremy Greenstock told the Inquiry that it was his "responsibility not to be caught having allowed somebody to put down a resolution against us because I had lost the initiative. I would have been criticised for that."[215]

626. The FCO advice on setting out a "Vision" for Iraq after the conflict at the Azores Summit is addressed in Section 6.5.

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH, 15 MARCH 2003

627. In his discussion with President Bush on 15 March, Mr Blair proposed that the main message from the Azores Summit should be that it was the final chance for Saddam Hussein to demonstrate that he had taken the strategic decision to avert war; and that members of the Security Council should be able to sanction the use of force as Iraq was in material breach of its obligations.

628. The UK would take the decision on the timing for bringing the UN process to an end on 17 March.

629. President Bush was trying to help Mr Blair achieve a majority for military action in the Parliamentary Labour Party before the House of Commons vote on 18 March.

630. When Mr Blair spoke to President Bush on 15 March, he thanked him for the announcement on the MEPP.[216]

631. Mr Blair said that the main message for the Azores Summit should be that this was a final chance for the UN to deliver, and that countries should be able to sanction the use of force as Iraq was in material breach. They discussed the positions of various countries and Mr Blair underlined the importance of appearing as reasonable as possible when we pulled the UN resolution. The timing of that decision would be for the UK.

632. Mr Blair and President Bush also discussed the role of the UN post-conflict, the need to have a post-conflict strategy to deal with the opponents of military action, and the consequences of the experience on Iraq for the UN in the longer term.

633. Mr Blair's attempts to agree the role of the UN post-conflict with the US are addressed in Section 6.5.

634. In his diaries, Mr Campbell provided a long account of the conversation, including:

> "He [President Bush] accepted that we had done the right thing on the Road Map. 'Good advice and it has helped a lot.' …

---

[215] Private hearing, 26 May 2010, page 30.
[216] Letter Rycroft to McDonald, 15 March 2003, 'Iraq and Middle East: Prime Minister's Telephone Conversation with President Bush, 15 March'.

"Bush was pretty vile about Fox, Chirac and Schröder [Mr Gerhard Schröder, the German Chancellor] and to a lesser extent Lagos. He wanted to go for a 'coalition of the willing' meeting next week …

"TB said it was time for the UN to show it could do its job.

"Bush said that anything that weakened 1441 was not on. His plan now was: 1. get through Monday, 2. get through our vote; then 3. Coalition of the willing.

"He and TB then came up with the idea of doing the press conference before rather than after the meeting in the Azores. I was opposed, felt it would fuel the idea it was all a charade …

"His [Bush's] main line was that anything that takes us back from 1441 was not enough. This was the final stage of the diplomacy.

"TB said the UN had to be seen to do its job.

"Bush felt the TB lines re the divisions being between those prepared to use force and those who were not would come best from TB not him … He said we have to come to a conclusion at the UN. If we issue an ultimatum and the prospect of force, and France says no, it becomes impossible.

"TB said he still thought Chirac might say yes, but with a delay.

"Bush said that if he went for yes with twenty-one days, he would reject it. They are the ones being unreasonable, not us.

"TB said he would definitely lose … RC [Robin Cook] …

"TB said he was not sure where Kofi [Annan] was.

"Bush said he had totally different problems to us re the UN … the pressure in the States was to bury it. Then 'I told Fox he has seriously messed up. He has really let me down on this.' …"[217]

635. Mr Brenton reported that President Bush was determined to remove Saddam Hussein and to stick to the US timetable for action.

636. The UK's "steadfastness" had been "invaluable" in bringing in other countries in support of action. Helping Mr Blair to make the transition from the UN process to military action was in the US's own interests.

---

[217] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

637. Advising on the perspective from Washington, Mr Brenton reported that President Bush was:

> "… utterly determined to get Saddam out. In retrospect it looks as if he finally and firmly reached that conclusion in early December at the time of the false Iraqi declaration. The entire subsequent action has been driven by it. This is a President who sets targets and expects his subordinates to deliver. Hence the ironclad determination of the timetable (which has hardly budged in three months) and the occasionally visible uneasiness about focusing exclusively on disarmament and sticking to the UN route (in case we got the answer 'yes'). This does not mean that Bush wants to go to war, but the bottom line is that Saddam must go."[218]

638. Mr Brenton added that President Bush "had every reason to feel confident" about military action:

> "The chief current nightmare in the Pentagon and intelligence community is 'catastrophic success' – a collapse of resistance in Iraq which moves too fast for us instantly to establish order in its wake. Of course nothing is certain and there are downside scenarios … But the high probability projection is for a quick and relatively clean victory.
>
> "As you know, the US are ready to start the (short) countdown to military action next week."

639. President Bush also had domestic political grounds for confidence as the conviction that war is inevitable "had taken hold". Liberal politicians had "kept their heads down", and conservative commentators had "grown increasingly impatient with the UN's delays".

640. Mr Brenton wrote that the US Administration had, however, "been shocked" at their "inability" to get Turkey on board and the "failure, despite what they see as vigorous arm twisting, to get a majority for a second … resolution". The State Department was "concerned at images of US unilateralism" and was:

> "… working hard at giving the 'coalition' of supportive countries a more visible presence. In this optic, the steadfastness of UK support, bringing with it other key players … had been invaluable to them. The President is thus concerned about the Prime Minister's present political difficulties not only out of fellow feeling (… a genuinely significant factor …) but also out of self interest. It would be massively damaging for US interests for the British Government to fall because of our support in Iraq. The US will go to great lengths to help it not happen (as indeed they have started to do with their announcement on the Road Map)."

---

[218] Telegram 350 Washington to FCO London, 15 March 2003, 'Iraq'.

641. Mr Brenton concluded:

> "At the Azores Summit … Bush will be looking for a way of making the transition from the UN process to the military countdown in a manner maximally helpful to the Prime Minister. A key component of this will be the announcement of our intentions for a post-Saddam Iraq, and in particular the level of UN involvement in administering. […] and there is a clear US red line on fighting to liberate Iraq and then handing the governance over to the UN. Extensive UN involvement short of this ought to be achievable, and is a prize worth fighting for."

642. Mr Blair saw the telegram on the way to the Azores Summit.

643. Mr Sherard Cowper-Coles, the British Ambassador to Israel, subsequently reported that there were some suggestions that the announcement of the Road Map had been a gesture to help Mr Blair; and that "as such it should not be taken too seriously by Israel".[219]

MR BLAIR'S CONTACTS WITH OTHER LEADERS

644. Mr Blair contacted a number of leaders to prepare the ground for the announcement that the UK would be taking no further action on the draft resolution.

645. Mr Rycroft recorded that in the conversation with Mr John Howard, the Australian Prime Minister, on 15 March, Mr Howard asked "if the diplomatic process was dead".[220] Mr Blair replied that it had "reached an impasse. The process would struggle on until Monday. Even the Russian position was making things difficult."

646. Mr Blair added that "a way forward could have been found" if everyone had supported the proposals tabled by the UK the previous week; the "US had not been eager about the proposals, but they were prepared to go along with them. The tests had been taken from the Inspectors' own reports – they were perfectly reasonable." Saddam Hussein was "now busy hiding material around Iraq".

647. Mr Blair and Mr Howard also discussed the effect of the French veto which the "elected six"' were "hiding behind". The implication would be that the US, UK and Australian troops should stay in the region indefinitely; without forces in the region the inspectors would be "kicked out". If it was clear the diplomatic process was not going to proceed, there was little point in putting the resolution to a vote.

648. Mr Blair and Mr Howard also discussed the role of the UN and international financial institutions after conflict and the importance of a Road Map for the MEPP.

---

[219] Telegram 109 Tel Aviv to FCO London, 17 March 2003, 'MEPP/Iraq: Local US View'.
[220] Letter [Francis] Campbell to Owen, 15 March 2003, 'Iraq: Australia, 15 March'.

649. In response to a letter from Mr Atal Vajpayee, the Prime Minister of India, proposing a summit-level meeting of the leaders of the five Permanent Members of the Security Council about the situation in Iraq, Mr Blair wrote:

> "… the current situation in Iraq poses many challenges for the international community. How we handle this issue will have wide-ranging global implications for many years to come. It is for this reason that we and other UNSC members are working so hard to secure a peaceful resolution.
>
> "I am conscious that all P5 members have a duty to do everything within their power to resolve this issue without eroding the authority of the UN system. I am meeting my US and Spanish counterparts on 16 March in the hope that a way can be found to bridge the differences within the Security Council. I hope that the UK and India will keep in very close touch as the situation develops."[221]

650. In a discussion with President Lagos about the Chilean proposal, the position of the "elected six" and the position of the US and other members of the Security Council, Mr Blair said that there were concerns that the "elected six" document would be "used by the French to cause further delay".[222] Time was running out. It was clear from his conversation with President Chirac the previous day that France "would still not accept the automatic use of force or an ultimatum in the event of non-compliance".

651. President Lagos stated that benchmarks without a timeline would result in endless discussion, but it was not clear what the Security Council could do and time was running out. Secretary Powell had told the Mexican Foreign Minister that the US did not want any further movement at the UN.

652. President Lagos was reported to have stated that he:

> "… had acted in good faith, but he would not do anything further. He was very mad with the US response. They had assumed motives that were not true."

653. Mr Blair said he would have further discussions with the US and "there could be a chance to squeeze things through"; and that "he thought there was still time and he would keep trying until the last minute".

654. President Lagos responded that Mr Blair "knew where Chile stood and he was sorry that they had not been able to achieve a successful outcome last week".

655. Mr Blair wrote in his memoir that the six tests tabled by the UK on 12 March:

> "… were immediately rejected by France. Jacques Chirac gave a very strong statement saying he would not support military action whatever the circumstances. Dominique de Villepin … also then rejected the tests per se. This was before

---

[221] Letter Blair to Vajpayee, 15 March 2003, [untitled].
[222] Letter [Francis] Campbell to McDonald, 15 March 2003, 'Iraq: Chile, 15 March'.

the Iraqis even responded. Ricardo [Lagos] then explained that, in this case, he couldn't really participate in an obviously futile charade at the UNSC. The UN route was blocked."[223]

656. In his statement for the Inquiry, Mr Blair wrote:

"… the strength of the French statements of opposition and his internal politics made President Lagos say, reasonably enough, that he could not support what was going to be not only a resolution doomed to a veto, but one strongly attacked by certain P5 members."[224]

TRIPARTITE DECLARATION, 15 MARCH 2003

657. In a declaration on 15 March, France, with Germany and Russia, attempted to secure support in the Security Council for continued inspections.

658. In a declaration late on 15 March, France, Germany and Russia appealed to Security Council members to "make every effort to ensure" that a peaceful approach prevailed to meet the shared goal of the international community for the disarmament of Iraq.[225] The points made in the declaration included:

- The inspections regime in resolution 1441 was "unprecedented".
- A reaffirmation that "nothing in current circumstances justifies abandoning the inspections process or resorting to force".
- The "successive reports" to the Security Council by Dr Blix and Dr ElBaradei had shown that inspections were "producing results" and that disarmament of Iraq had begun. There was "every reason to believe that it can be completed rapidly and in accordance with the rules set out by the Council. Iraq, for its part, must co-operate actively and unconditionally."
- "France, Russia and Germany, supported by China" had "submitted proposals" to achieve disarmament "by defining key disarmament tasks and establishing a rigorous timetable".
- "Suggestions in the same spirit" had "been put forward by other members of the Council".
- The unity of the Security Council could be preserved, and all members bore "a particular responsibility for ensuring" it was "not divided at this crucial time".
- When UNMOVIC's work programme was submitted to the Security Council, the Council should meet "immediately thereafter at the ministerial level to approve key disarmament tasks and establish an implementation timetable" which was "both demanding and realistic".

---

[223] Blair T. *A Journey*. Hutchinson, 2010.
[224] Statement, 14 January 2011, page 9.
[225] UN Security Council, 18 March 2003, 'Letter dated 15 March 2003 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council' (S/2003/320).

- The use of force could only be "a last resort".
- A "peaceful approach" was "supported by the immense majority of the international community".

659. President Chirac's interview with *CNN*, which was broadcast on 16 March, is addressed later in this Section.

MINISTERIAL STATEMENTS, 16 MARCH 2003

660. Mr Blair and other Ministers continued on 16 March to insist that there was still time for a peaceful solution. They also drew attention to difficulties created by President Chirac's stance on a veto and dismissed the tripartite proposal to extend the inspections process.

661. In his interview on the *BBC's Breakfast with Frost* programme on 16 March, Mr Brown focused on the Government's wish to avoid military action.[226] He stated that "obviously we don't want war, we want peace, we want the diplomatic process to work". The UK was not seeking military action: "Even now … Saddam Hussein could announce that he would comply and he would co-operate …" The "purpose of the second resolution was to put the maximum pressure on Saddam Hussein … that he had to disarm immediately and that he could not get off the hook".

662. Mr Brown stated:

> "My view … and I think this is the view of Tony Blair, is that we should continue to try, even now, even in these difficult times, to secure international agreement … to a resolution that would involve international co-operation and force Saddam Hussein to disarm. It is unfortunate that we have both got non-compliance on the part of Iraq …
>
> "And of course the other issue that makes it difficult is that at least one country has said that although it has supported the resolutions that imply the use of force, that they would not support a resolution now on the use of force, at this stage, whatever the circumstances …
>
> "… even today the focus is on seeing if we can move the diplomatic process forward … even at this stage there are initiatives that can be taken that would move it forward. I would like every one of the Security Council members to be in a position to say that they would support the disarmament of Saddam Hussein."

663. Mr Brown added:

> "This is about our national interests, this is our role in the international community. Tony Blair has tried to bring Europe and America together. He's trying to find a

---

[226] *BBC News*, 16 March 2003, *BBC Breakfast with Frost Interview: Gordon Brown, MP, Chancellor of the Exchequer.*

diplomatic way forward … I believe there are options still available to us and these will be discussed today with President Bush … the important thing to recognise is that when the international community passes its resolutions … it has got to show that it's got a mechanism for enforcing its will. And that was, of course, the purpose of the second resolution, but … that could form initiatives that could be taken this afternoon and later, to see if we can resolve this issue without military action.

"… Even now there are initiatives on the table that have been put forward by us and others that may help us resolve the question of whether there can be international co-operation but the blockage is the non-compliance of Saddam Hussein and … at least one country saying … in what I think is unreasonable terms, that whatever the circumstances … they would not consider the use of force. And that really deprives us of a mechanism for action …"

664. Mr Brown also stated that the Government would not be acting in the way it was "unless it was satisfied that there was a legal basis for its actions".

665. In his diaries, Mr Campbell described a "long meeting" in Sir David Manning's office before leaving for the Azores, with Sir David, Baroness Morgan and Mr Rycroft, who were joined by Mr Brown, Dr John Reid, Minister without Portfolio and Labour Party Chairman, and Ms Armstrong.[227]

666. The meeting had tried:

"… to boil down the central arguments and dividing lines now. I suggested we say we intend to go back to the French and test their position – do they support any element of what we are saying? Are they really saying there are no circumstances in which they would support anything seen as a threat of military action. If they are, we go. If not, we have to look again.

"David M said there was no indication the French intended to shift.

"GB did *Frost* and came back saying the really tough questions were in the field of legality. GB also said if we are saying this is the final shot at diplomacy, what are we actually saying we are going to do after today? Bush didn't want a process story but I suggested one, namely a last round of contacts at the UN post the Azores meeting."

MR BLAIR'S CONVERSATION WITH PRIME MINISTER BALKENENDE

667. Mr Rycroft recorded that in a conversation with Mr Jan Peter Balkenende, Prime Minister of the Netherlands, Mr Blair had said, in reply to a question about

---

[227] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

whether Mr de Villepin and President Chirac's recent telephone calls signalled a "willingness to be more co-operative", that France:

> "… would still not accept a resolution that contained an ultimatum or the automatic use of force. They were only prepared to look at timing and benchmarks. An impasse had been reached."[228]

668. Subsequently, Mr Blair stated that:

- "… the UN track was now quite difficult. The 'elected six' had been close to agreement last week but were frightened off by pressure from Russia and France."
- There was a "slim chance" of a majority in favour of a second resolution, "but only with a big push": "The problem was that once it became clear … France was going to veto the elected six saw little point in putting the resolution to the vote."
- The ideas put forward by Mr de Villepin were "yet another way of creating further delays. The process was going round in circles."
- "… France, Germany and Russia had made an agreement that they would act together. Russia would not countenance anything other than a peaceful solution … France and Russia were prepared to veto a resolution containing an ultimatum or the automatic use of force."
- "China was one step removed … they would not use their veto."
- "… French and Russian statements that disarmament was happening went against reality. Had the international community presented Saddam with a strong ultimatum then he would probably have complied."
- At the Azores Summit "they would try to give the UN one last chance".
- "… it had to be made clear – compliance or military action would follow".

MR BLAIR'S CONVERSATION WITH MR ANNAN, 16 MARCH 2003

669. Mr Blair told Mr Annan, who wanted to explore the scope for compromise before the Azores Summit, that an impasse had been reached with France, and Saddam Hussein would comply only if there was a clear threat of force.

670. Ms Short spoke to Mr Annan on 15 March. She recorded that he had:

> "… said he had talked to every member of the Security Council and governments across the world were ringing him saying surely one more effort at compromise was possible … all agree time too short and should not be automatic trigger to war."[229]

---

[228] Letter [Francis] Campbell to Owen, 16 March 2003, 'Iraq: Netherlands, 16 March'.
[229] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

671. Ms Short also recorded that she had subsequently spoken to both Mr Brown and Mr Blair. She had told Mr Brown, who "kept on about French" that he should speak to Mr Annan. In response to a request for her view on announcing a UN lead on reconstruction in the Azores, she told Mr Blair that if war was inevitable that was all he had got. Mr Blair had said he would "still be open to other possibilities".

672. The FCO suggested that Mr Blair should talk to Mr Annan from the Azores with key messages including:

- Exploring the scope for any remaining diplomacy (if relevant), including the possibility of a final ultimatum to Saddam Hussein as the last window for a peaceful solution.
- Discouraging any further visits to Baghdad (as suggested by Iraq – see Box below), "whose only purpose would be to buy more time".
- Looking forward to the UN having "a significant role after any conflict in helping Iraq move quickly towards new prosperity and stability".
- Hoping that Mr Annan could "work to improve the atmosphere in the Council and keeping the UN steady".[230]

Iraqi actions

Iraq also sought to deflect military action.

Dr Blix wrote that a letter from Dr al-Sa'adi, Scientific Adviser to the Iraq Presidency who represented Iraq in its negotiations with the UN, inviting Dr Blix and Dr ElBaradei to visit Baghdad to try to accelerate the inspections process and take note of the progress achieved, was received on 15 March.[231]

Dr Blix and Dr ElBaradei had earlier concluded that any visit would need to be preceded by a declaration from Saddam Hussein and that they would come to discuss its implementation. Dr Blix informed Mr Annan, Ambassador Negroponte and Sir Jeremy Greenstock.

Dr Blix wrote that:

- Sir Jeremy responded quickly; the UK Foreign Office urged caution. The bars for a visit should be set high with the need not only for a declaration but also some "down payment".
- Ambassador Negroponte "discouraged" a visit.
- Mr Annan advised that Dr al-Sa'adi should be asked to clarify more precisely what he thought could be attained; and that the President of the Council should be informed.

On 16 March, Saddam Hussein was reported to have said that Iraq used to have weapons of mass destruction to defend itself against Iran and Israel, and that when he (Saddam) said he had no weapons "he means what he says".[232]

---

[230] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit'.
[231] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[232] *The Independent*, 17 March 2003, *Saddam acknowledges Iraq had weapons of mass destruction.*

673. Mr Blair spoke to Mr Annan, who wanted to explore the scope for compromise, before the Azores Summit.[233]

674. Mr Blair reiterated his comment that an impasse had been reached:

> "There was no point in passing a resolution, which was not backed by force because Saddam would just ignore it. France had also rejected the tests Britain had put forward last week. The problem with the latest French proposal was that after allowing a further month of inspections, there would be yet another discussion and we would be back to where we started. Clear tests were needed … but the French would not accept that. It was very difficult to see a way through."

675. Mr Blair added that: "Saddam would only comply if there was a clear threat of force."

676. Mr Blair and Mr Annan also discussed the importance of a strong UN role in post-conflict Iraq, the need for a relationship between the UN and "whoever was occupying Iraq" and a resolution establishing the relationship between the occupying force and occupied Iraq.

THE AZORES SUMMIT, 16 MARCH 2003

677. At the Azores Summit it was agreed that unless there was a fundamental change in the next 24 hours, the UN process would end.

678. In public the focus was on a "last chance for peace". The joint communiqué contained a final appeal to Saddam Hussein to comply with his obligations and to the Security Council to back a second resolution containing an ultimatum.

679. When President Bush, Mr Blair, Mr Aznar and Mr Barroso met in the Azores, Mr Blair stated that the meeting:

> "… had to send a message that this was the final appeal to Saddam to comply, and to the Security Council to back a second resolution containing an ultimatum."[234]

680. They also discussed:

- The need to avoid an alternative resolution which might secure enough support to delay action.
- The likelihood that the invasion would be welcomed but the risk that there would be communal violence.
- The role the UN should play, including that it would not be able to deal with communal violence. That would need to be "handled rapidly by the military".
- The importance of pushing the peace process in the Middle East.
- The document on transatlantic security which they would issue.

---

[233] Letter [Francis] Campbell to Owen, 16 March 2003, 'Iraq: Kofi Annan, 16 March'.
[234] Letter Manning to McDonald, 16 March 2013, 'Iraq: Summit Meeting in the Azores: 16 March'.

681. Mr Blair said that:

> "The point of decision had arrived. It had been an agonising process going through the UN. But the justification had been that we had to look at every alternative before turning to military action. We should now be prepared to explain that continued non-compliance by Saddam Hussein could not be met by another discussion. We had made every effort … We had to explain yet again that unless there was effective pressure on Saddam, he would never comply. Yet the French and Russians made it impossible to bring that pressure to bear. We should now engage in a last round of final contacts, and appeal to the Security Council to take its responsibilities seriously."

682. Mr Blair added there was "24 hours to assess whether there had been a fundamental change … If not … we should be ready for military action". He would be content to ask Sir Jeremy Greenstock to take the draft resolution off the table "tomorrow morning 'if there had been no lightning strike'. He would do so on behalf of the three co-sponsors."

683. Mr Blair stated that the role of the UN in post-conflict Iraq must be defined very carefully:

> "We must give the impression that the administration was under UN authority. The clearer the UN role, the better. It was vital that UK public opinion understood that we were not taking possession of Iraq's oil."

684. Mr Blair also stated that the UN should be seen to give overall authorisation but it could certainly not run everything. He wanted the UN Security Council to remain seized of the Iraqi issue.

685. The record of the discussion was to be seen by Mr Straw and Mr Hoon and their Principal Private Secretaries.

686. Mr Campbell wrote:

- "Bush talked about it being a last effort. But he said it was important the world saw we were making every effort to enforce 1441. He said everyone had to be able to say we did everything we could to avoid war. But this was the final moment, the moment of truth, which was the line most of the media ran with. He stressed he wanted the UN to play an important role in the post-Saddam era. He was clear we had to emphasise Iraq's territorial integrity. He was emphasising he really would move on MEPP. He said again TB had been right to push him on the Road Map, and said he intended to spend a lot of time on this. He said re Chirac 'I don't want to provoke him into unreasonableness.' He was however keen to say he wanted the UN properly involved in the post-Saddam era …"

- "TB said we had reached the point of decision for people. We had been there before but there really had to be a decision. How many times could there be a last chance, serious consequences for material breach? He reported that Kofi [Annan] had said the French and Russians would not rule out force but would not agree to an ultimatum, which was an odd position. He really hit the UN buttons post-Saddam, and was trying to force Bush to go further on that. 'It has to be a UN-authorised government.' He was also hammering home the advantages on MEPP, but I wasn't convinced it would happen."
- "We needed some kind of process story so I suggested to TB they all instruct their ambassadors at the UN to have one last go, see if the position of the others had changed."
- "TB was constantly emphasising final appeal, final opportunity."
- "Bush was scathing re the Turks … He was pretty keen to get on with things now, wanted to pull down the SCR now. He then said he would address the American people tomorrow – say diplomacy had failed, issue the ultimatum. He said to TB we should say we were issuing one last set of instructions to UN ambassadors to have a go at securing agreement."
- "Aznar was really pushing the importance of the transatlantic alliance, but he was in even more political hot water on this than we were."[235]

687. The 'Vision for Iraq and the Iraqi People', issued at the Summit, and outlining the challenge Saddam Hussein posed to the world, stated:

- "Iraq's talented people, rich culture, and tremendous potential had been hijacked by Saddam Hussein", whose "brutal regime had reduced" Iraq "to an international pariah" that oppressed "its citizens, started two wars of aggression against its neighbours" and still posed "a grave threat to the security of the region and the world".
- "Saddam's defiance" of Security Council resolutions demanding disarmament had "undermined the authority of the UN". The international community had "tried to persuade him to disarm and thereby avoid military conflict, most recently through the unanimous adoption of resolution 1441". If he refused "even now to co-operate fully" with the UN, he brought "on himself the serious consequences foreseen in resolution 1441 and previous resolutions".
- "In these circumstances, we would undertake a solemn obligation to help the Iraqi people build a new Iraq at peace with itself and its neighbours. The Iraqi people deserve to be lifted from insecurity and tyranny, and freed to determine for themselves the future of their country. We envisage a unified Iraq with its territorial integrity respected. All the Iraqi people – its rich mix … should enjoy freedom, prosperity, and equality in a united country. We will support the Iraqi

[235] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

people's aspirations for a representative government that upholds human rights and the rule of law as cornerstones of democracy."

- "We will work to prevent and repair damage by Saddam Hussein's regime to the natural resources of Iraq and pledge to protect them as a national asset of and for the Iraqi people. All Iraqis should share the wealth generated by their national economy. We will seek a swift end to international sanctions, and support an international reconstruction program …"
- "We will fight terrorism in all its forms. Iraq must never again be a haven for terrorists any kind."
- "In achieving this vision, we plan to work in close partnership with international institutions, including the UN; our Allies and partners; and bilateral donors."
- "If conflict occurs we plan to seek … new … resolutions that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, and endorse an appropriate post-conflict administration for Iraq. We will also propose that the Secretary-General be given authority', on an interim basis, to ensure that the humanitarian needs of the Iraqi people continue to be met through the Oil-for-Food program."
- "Any military presence, should it be necessary, will be temporary and intended to promote security and elimination of weapons of mass destruction; the delivery of humanitarian aid; and the conditions for the reconstruction of Iraq. Our commitment to support the people of Iraq will be for the long term."
- "We call upon the international community to join with us in helping to realize a better future for the Iraqi people."[236]

Azores communiqué on Transatlantic Solidarity

The communiqué on transatlantic solidarity stated that:

- The Summit had been held "at a time of great challenge"; and that the four leaders faced "painful choices".
- They had reaffirmed their "commitment to our core values and the Transatlantic Alliance", which rested on "a common commitment to democracy, freedom and the rule of law". They were "bound by a solemn commitment to defend one another"; and they would "face and overcome together the twin threats of the 21st century: terrorism and the spread of weapons of mass destruction".
- Security was "tied to peace and security throughout the world".
- They were "working together to bring security to Afghanistan".
- They had affirmed "a vision of a Middle East peace in which two states, Israel and Palestine, will live side by side in peace, security, and freedom"; and they welcomed "the fact that the Road Map designed to implement this vision will soon be delivered …"

[236] The White House, 16 March 2003, *Statement of the Atlantic Summit: A Vision for Iraq and the Iraqi People*.

- They urged “friends and allies to put aside differences, and work together for peace, freedom and security”. The “friendship and solidarity between Europe and the United States” was “strong” and would “continue to grow in years to come”.[237]

688. In the press conference following the Summit, President Bush said that the following day would be the “moment of truth for the world”.[238] Nations had “voiced a commitment to peace and security” and now needed to demonstrate that “in the only effective way, by supporting the immediate and unconditional disarmament of Iraq”.

689. In response to questions, President Bush added:

- Saddam Hussein could “leave the country if he’s interested in peace … the decision is his to make”.
- His speech of 12 September 2002 had “called the UN into account” because he understood the “wars of the 21st century” were “going to require incredible international co-operation”. He hoped that the following day the UN would “do its job”.

690. Mr Blair emphasised the “key point” was “our responsibility to uphold the will of the United Nations set out in resolution 1441”, which had provided the final opportunity for Saddam Hussein to disarm and for “serious consequences” to follow if he failed to do so.

691. In an oblique reference to France, Mr Blair stated that there was an “impasse” where “some say there should be no ultimatum, no authorisation of force in any new resolution”. He added:

> “… without a credible ultimatum authorising force in the event of non-compliance, then more discussion is just more delay, with Saddam remaining armed with weapons of mass destruction …”

692. Mr Blair warned that Saddam Hussein was still playing “a game he has played over the last 12 years” and:

> “Disarmament never happens … instead the international community is drawn into some perpetual negotiation … but never real and concrete progress leading to disarmament.”

693. Mr Blair stated that “Nobody” was prepared to say there was “full co-operation” and drew attention to the absence of interviews outside Iraq and Iraq’s failure to provide evidence of the destruction of 10,000 litres of anthrax as the reason why the

---

[237] The White House, 16 March 2003, *Statement of the Atlantic Summit: Commitment to Transatlantic Solidarity.*
[238] The White House, 16 March 2003, *President Bush: Monday “Moment of Truth” for World on Iraq.*

international community needed to give a "strong and unified message" that the "games had to stop". The UK would do all it could:

> "… in the short time that remains to make a final round of contacts to see if there is a way through this impasse. But … now is the time when we have to decide."

694. In response to a question, Mr Blair added:

> "So when people say we haven't exhausted all the diplomatic avenues, we tried … But … from our perspective and from the perspective of the security of the world, we cannot simply go back to the Security Council, for this discussion to be superseded by another discussion. That's what happened for 12 years …"

695. Dr Blix wrote that it seemed to him that there was a difference in tone between President Bush and Mr Blair.[239] The former had talked about "what a bright future Iraq would have if Saddam was taken out". Mr Blair had talked about "going the last mile for peace and the need for the UN to stop a proliferator". Dr Blix wrote: "Perhaps Blair still had some hope that Saddam would crack … if he was faced with a unanimous Council resolution."

696. Dr Blix recorded that Sir Jeremy Greenstock had "ventured" that the Azores Summit was "about peace rather than about war"; but that the declaration seemed to him to be "more belligerent than peaceful". Dr Blix commented that:

> "… the statement from the one-hour meeting was at this late stage perhaps less of an ultimatum to Saddam than one to the members of the Security Council – to support the resolution or be bypassed. The game was over … later that Sunday afternoon I got the call from … Washington saying that it was time to withdraw our inspectors from Iraq."

697. In his memoir, President Bush described the meeting as a "last-minute summit on diplomatic strategy" where they had "all agreed the diplomatic track had reached its end. We planned to withdraw the second resolution Monday morning."[240]

698. President Bush wrote:

> "I was deeply disappointed that diplomacy had failed but I had promised the American people, our allies and the world that we would enforce the UN resolutions. I was not going to break my word.
>
> "For months I had solicited advice … Some believed we could contain Iraq by keeping the inspectors in Iraq. But I didn't see how. If we were to tell Saddam he had another chance – after declaring this was his last chance – we would shatter our credibility and embolden him.

---

[239] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[240] Bush GW. *Decision Points*. Virgin Books, 2010.

"Others suggested that the threat wasn't as serious as we thought … we had a warning like a blaring siren. Years of intelligence pointed overwhelmingly to the conclusion that Saddam had WMD. He had used them in the past. He had not met his responsibility to prove their destruction. He had refused to co-operate with the inspectors … The only logical conclusion was that he was hiding WMD. And given his support of terror and his sworn hatred of America, there was no way to know where those weapons would end up.

"Others alleged that America's real intent was to control Iraq's oil and satisfy Israel. Those theories were false. I was sending our troops into combat to protect the American people.

"I knew the cost would be high, but inaction had a cost, too. Given everything we knew, allowing Saddam to remain in power would have amounted to an enormous gamble. I would have had to bet that every major intelligence agency was wrong or that Saddam would have a change of heart. After seeing the horror of 9/11, that was not a chance I was willing to take. Military action was my last resort. But I believed it was necessary."[241]

699. Mr Blair described the Summit in his memoir as a:

"… slightly surreal event. On the face of it we were still pushing for a political solution. There were some last minute hopes of an Arab initiative to get Saddam out; or of a Saddam capitulation. George was content to adopt the line that we were going to hold out every last hope for peace …

"We rehearsed again the main arguments. He was completely calm. He thought we had to send out a message of total clarity to the world: have anything to do with WMD and we are going to come after you. More even than me, he was focused on the possibility of terrorist groups getting hold of WMD material: 'I am just not going to be the president on whose watch it happens' …"[242]

700. Mr Blair concluded:

"So when I look back … I know there was never any way Britain was not going to be with the US at that moment, once we went down the UN route and Saddam was in breach. Of course such a statement is always subject to *in extremis* correction. A crazy act of aggression? No, we would not have supported that. But given the history, you couldn't call Saddam a crazy target.

"Personally I have little doubt that at some point we would have to have dealt with him. But throughout I comforted myself, as I put it in the Glasgow speech, that if we were wrong, we would have removed a tyrant; and as a matter of general principle, I was in favour of doing that.

---

[241] Bush GW. *Decision Points*. Virgin Books, 2010.
[242] Blair T. *A Journey*. Hutchinson, 2010.

> "Nonetheless, I was also aware that the very split in international opinion meant that we were absolutely at the mercy of events … So as we left the Azores, I knew the die was cast. I was aware of my isolation … my total dependence on things going right not wrong … What's more this was the first time I would be committing troops to an action to topple a regime where we would be the junior partner, where we would not be in charge of the arrangements …
>
> "… I was calm … I was doing what I thought was right. But … I wished I wasn't doing it."

701. Mr Campbell wrote in his diaries that, on the way to the Azores, Mr Blair was "still angry at the way the US had handled it" and that he had said: "If we had been totally in charge of this, I am absolutely sure we could have won the French round." Mr Campbell "felt the US and France both, for different reasons did not want to meet on this".[243]

702. Commenting on the Summit, Mr Campbell wrote:

> "Everyone kept going on about it being 'the last effort for a political solution'. But there was more than a slight feeling of going through the motions."

703. Mr Campbell also wrote that Mr Blair "was still saying it was the right thing to do" and that he "had lost count of how many times" he "had heard those same words".

PRESIDENT CHIRAC'S INTERVIEW WITH *CNN*, 16 MARCH 2003

704. In an interview broadcast on *CNN* on 16 March, during the Azores Summit, President Chirac said that he hoped the Summit would recognise that inspections provided an effective system "to achieve our common goal … the disarmament of Iraq, elimination and destruction of her weapons of mass destruction".[244]

705. Asked about his bottom line for a compromise, President Chirac replied that was a matter for the inspectors. In his view, the Security Council had unanimously:

> "… decided to disarm Iraq peacefully through inspections for as long as the inspectors consider this possible."
>
> "We see today … that a lot of progress has been achieved … admittedly we haven't reached the goal, but the inspectors consider … that we have the possibility of reaching our goal without waging war. That is the goal I am seeking. I am totally ready to accept all the practical arrangements that the inspectors will suggest …"

---

[243] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[244] Embassy of the Republic of France in the UK, *Interview given by M. Jacques Chirac to CNN and CBS, Paris 16.03.2003.*

706. Asked if he would be prepared to accept a 30- or 60-day deadline, President Chirac stated that the inspectors' advice must be accepted:

> "We have given them a mission and we have a moral and political obligation to accept their advice or else explain why we are not following it. But if we don't follow their advice, then only the Security Council can decide not to."

707. President Chirac added that it was in that spirit that France, Germany and Russia, "supported today by China", had proposed a Ministerial meeting of the Security Council to discuss the inspectors' proposed work programme.

708. President Chirac accepted that US and British military pressure had achieved a shift in Iraq's position, adding that he considered:

> "… the Americans have already won … without firing a shot… we should be thankful to them for exercising that effective pressure. But that doesn't mean that we have to wage war if it isn't necessary. And today, I don't think it's necessary."

709. Asked if it would have sent a stronger signal if France had also sent troops, President Chirac replied that "from the very beginning" France felt that the process of resolution 1441 "didn't embrace the possibility of war". That was why France was "refusing today, and I mean today, the prospect of war". If the strategy (of inspections) failed, France would "refuse no solution, including war".

710. Asked if his repeated vow to veto had strengthened and emboldened Saddam Hussein, President Chirac replied:

> "I don't think so at all and, in any case, it isn't a relevant problem today … there isn't a majority on the Security Council for war …"

711. Asked if he believed Iraq had chemical or biological weapons, President Chirac replied: "I don't know … we have no proof", but that was the task for the inspectors.

712. Asked in conclusion again why France hadn't sent troops to exert pressure on Saddam Hussein, President Chirac replied that the US on its own was "exerting all the pressure"; the British were "just making an additional contribution". He wanted to "limit the risks of war as far as possible". He was "not a pacifist", but "simply saying that war is the last resort when everything else has been done. And we are not in that situation."

713. Mr Campbell wrote that Mr Blair said: "It was clear now … that the French did not intend to move."[245]

714. Mr Campbell also wrote that the briefing to the press on the aircraft on the way back from the Azores made "clear that the French had to come back and say whether there were any circumstances at all in which they might support military action".

---

[245] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

The end of activity on the second resolution

715. Sir Jeremy Greenstock reported that he had agreed with his US and Spanish colleagues to tell the press "late the following morning" that there was no prospect of putting the resolution to a vote, and blaming France.

716. After the Azores Summit, Sir David Manning spoke to Sir Jeremy Greenstock to ask him to phone his Security Council colleagues that evening to establish whether there had been any change in their positions on the draft resolution.[246]

717. Sir Jeremy Greenstock subsequently reported that the UK Mission in New York had spoken to all Security Council colleagues with the message that:

> "… there was now a short time left to consider whether the Council could agree at last on an ultimatum to Saddam which, if he did not fulfil it, would result in serious consequences. If their respective governments were in a position to engage in such a discussion, I would need to hear it as early as possible on 17 March. When asked (as the majority did), I said that I had no (no) instructions as to whether to put the text … to a vote …"[247]

718. Sir Jeremy commented that the French and Russians did not like the message. Mr de La Sablière had claimed that the French had moved significantly over the last two days as President Chirac's interview would show. The "undecided 6" were "only slightly more positive".

719. Sir Jeremy also reported that he had agreed with his American and Spanish counterparts to tell the press during the "late morning" of 17 March that there was "no prospect of putting our resolution to the vote, casting heavy blame on the French". The key elements of the statement should be:

"(a) the Azores Summit had called for a last effort to see if the Council could unite around an ultimatum;

(b) having contacted every member it was clear that Council consensus was not possible within the terms of 1441, given the determination of one country in particular to block any ultimatum;

(c) we would therefore not be pursuing a vote;

(d) the Azores communiqué had made clear the positions of our governments on the way forward."

720. Sir Jeremy informed Mr Annan and Dr Blix that he would be receiving final instructions "eg on whether to stop pursuing the resolution on the morning [Eastern Standard Time] of 17 March".

---

[246] Letter Manning to McDonald, 16 March 2014, 'Iraq: Summit Meeting in the Azores: 16 March'.
[247] Telegram 452 UKMIS New York to FCO London, 17 March 2003, 'Iraq: Developments on 16 March'.

721. Sir Jeremy asked for instructions and comments on a draft statement, writing: "I have assumed you will want to be fairly strong on the French."

722. Mr Campbell wrote that a meeting on 17 March between Mr Blair, Mr Prescott, Mr Brown, Mr Straw, Dr Reid and Ms Armstrong had:

> "… agreed Greenstock would put down the SCR at 10.15 New York time, that we would say at the 11[am briefing for the media] there would be a Cabinet at 4, Jack's statement later and also that the Attorney General would publish his view that there was a solid legal base for action. Jack would go through the motions of chatting to his opposite numbers but basically the game was up."[248]

723. Mr Straw spoke to Secretary Powell at lunchtime to brief him on the timetable for Sir Jeremy Greenstock's announcement of the end of the diplomatic route, Cabinet and his Parliamentary Statement.[249] Mr Straw also informed Secretary Powell that Lord Goldsmith had issued legal advice to the effect that a second resolution was not necessary for military operations.

MR BLAIR'S CONVERSATION WITH PRESIDENT BUSH, 17 MARCH 2003

724. Mr Blair discussed his efforts to rally political support in the UK with President Bush at 12.45pm on 17 March.[250] The publication of the Road Map and the public airing of the UN role post-conflict had had a positive effect. They also discussed the positions of Dr Blix and other members of the Security Council.

725. Mr Blair commented that: "It should not be forgotten how many times Saddam had given the UN supposed full and final declarations of his WMD." Keeping the UN "in play" was "a high priority with British opinion".

RUSSIA'S POSITION

726. Sir Roderic Lyne reported that President Putin had stated earlier that day that "a possible war in Iraq is a mistake fraught with the gravest consequences, which may result in casualties and destabilise the international system in general".[251]

727. Mr Straw telephoned Mr Ivanov at lunchtime to confirm that he was anxious that the UK and Russia should maintain good relations despite "current difficulties" and his hope that:

> "… even if military action appeared necessary, the UK and US could still make good use of the UN, especially on post-conflict reconstruction and relief."[252]

---

[248] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[249] Note McDonald, 18 March 2003, 'Iraq: Conversation with US Secretary of State, 17 March'.
[250] Letter Cannon to McDonald, 17 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 17 March'.
[251] Telegram 87 Moscow to FCO London, 17 March 2003, 'Russia/Iraq'.
[252] Telegram 48 FCO London to Moscow, 17 March 2003, 'Iraq: Foreign Secretary's Conversation with Russian Foreign Minister, 17 March'.

728. The FCO reported that Mr Ivanov had stated that Russia wanted to continue working under the aegis of the Security Council. The Council should discuss Dr Blix's report, which constituted a real action plan for Iraq's disarmament, in its meeting on 19 March. He would attend that meeting. The Azores meeting represented the views of only three states; it could not replace a Security Council meeting. No single country had the right to stop the work of the weapons inspectors, whose authority came from the UN. Recalling an assurance from Mr Blair to President Putin before the adoption of resolution 1441 that it did not imply the automatic use of force, Mr Ivanov stated that Russia's main condition remained that the Security Council should vote on any resolution sanctioning military action.

SIR JEREMY GREENSTOCK'S ANNOUNCEMENT, 17 MARCH 2003

729. At "about 3.15pm UK time" on 17 March, Sir Jeremy Greenstock announced that the resolution would not be put to a vote, stating that the co-sponsors reserved the right to take their own steps to secure the disarmament of Iraq.

730. At "about 3.15pm UK time",[253] Sir Jeremy Greenstock made a statement announcing that the UK, the US and Spain, as co-sponsors of the draft resolution, would not be pursuing a vote on it.[254]

731. Sir Jeremy stated:

> "… we have worked very hard in the last few days in a final effort to seek a Council consensus on Iraq. In an effort to reunite the Council the United Kingdom proposed last week an ultimatum which would challenge Iraq to take a strategic decision to disarm.
>
> "There were three key elements to the compromise we proposed …
>
> "Having held further discussions with Council Members over the weekend and in the last few hours, we have had to conclude that Council consensus will not be possible … One country in particular has underlined its intention to veto any ultimatum 'no matter what the circumstances'. That country rejected our proposed compromise before even the Iraqi government itself and has put forward suggestions that would row back on the unanimous agreement of the Council in 1441 – those suggestions would amount to no ultimatum/no pressure/and no disarmament.
>
> "The communiqués and press statements that issued at the Azores Summit explain the positions of our governments … The co-sponsors reserve their right to take their own steps to secure the disarmament of Iraq."

---

[253] House of Commons, *Official Report*, 17 March 2003, column 703.
[254] Telegram 465 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution: Statement'.

732. The subsequent discussion in the Council suggested that only the UK, the US and Spain took the view that all options other than the use of military force had been exhausted.

733. Sir Jeremy reported that he had "highlighted the particular role played by France – without naming her – in making agreement impossible". Mr de La Sablière had said shortly afterwards that the French position reflected the majority view in the Council.

734. In the subsequent Council meeting, which Sir Jeremy Green stock described as a "downbeat and rather surreal affair", France Germany and Russia continued to push for an open Council meeting at Ministerial level to consider and approve the work programme for the inspectors.[255]

735. Mr Lavrov said the statement by France, Russia and Germany on 15 March spoke for itself: "Inspections were actively under way and yielding results." He wanted to hear more from Dr Blix about recent steps by Iraq "on substance". The Council should meet at Ministerial level on 18 or 19 March to consider the work programme. Russia "took a different approach based on the concrete facts that disarmament was working".

736. Sir Jeremy reported that he had "regretted that it was not possible to find a way forward on an ultimatum that would both put pressure on Iraq to take the strategic decision to disarm and maintain inspections as the tool"; and stated that the UK:

> "… reserved the right to take steps that would deliver disarmament. While the prospects for peace were very slim, it was still possible even at this late hour for Saddam to take a strategic decision and the actions that would prove such a decision. In the circumstances, our national advice to UNMOVIC/IAEA and UN staff was that it would be prudent to suspend inspections and for staff to withdraw immediately … we remained interested in the 1284 work programme against the background of the slim possibility of a strategic decision by Iraq."

737. Sir Jeremy reported that Ambassador Negroponte told the Council that, given the threat of a veto, there had been no purpose in pursuing the resolution any further. The US had warned UNMOVIC and the IAEA the previous evening that it would be necessary to evacuate their personnel: "War was not imminent but it would not be possible to give further notice."

738. Mr de La Sablière was reported to have told the Council that:

> "At a time when inspections were making progress and peaceful disarmament in a limited time seems possible his delegation had indeed made clear that it would oppose a resolution authorising force. But it was not a veto when the co-sponsors did not have a majority – it was a straight no. The situation was serious but we

---

[255] Telegram 464 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution'.

should continue to work for even the slightest likelihood of a peaceful outcome … the Council should consider and approve the work programme and key tasks … It was up to the inspectors to set the timetable … if they said a month was necessary, France could live with that. In accordance with 1441 the Council would then evaluate the situation. Automaticity was difficult for the French, as for the majority, as it allowed for the use of force without a Council decision. We should continue to work for peaceful disarmament – the basis supported by the majority of the delegations and of the world."

739. Sir Jeremy also reported:

- Germany wanted the work programme to be discussed and approved: "As there was not much difference between the UK proposal and the key tasks, it could, even at this late hour, lead to consensus."
- Spain had "concurred" with Sir Jeremy's intervention.
- Syria had argued that there was another course which would have led to peaceful disarmament and supported the Russian position.
- China stated that if "withdrawing the resolution signalled a push for war, this was very regrettable. Avoiding war was in the interest of all sides."
- Chile "continued to believe that inspections and the persistent threat of force could have achieved peaceful disarmament". It had made a proposal "along the lines in the UK compromise and designed to bridge the gap between the different parties", but it had been "rejected within half an hour".
- Mexico stated that there was "no justification or implicit authorisation for the use of force".
- Bulgaria was "open to any initiative that might restore unity".
- Angola stated that it had "always believed that all alternatives should be exhausted before war. Unfortunately, this now appeared to be the case." If the proposed ministerial meeting "was just one more meeting we should let things calm down first. If it could help to find a way forward, even at this late hour, that was another matter."
- Cameroon appealed for dialogue, stating that the "failure to agree was a disservice to multilateralism and the Council". The draft Presidential statement from the "undecided six" would have been "a platform for compromise".
- Guinea "hoped for a miracle".
- Pakistan said that members should "continue to explore all possible approaches for a unified Council. The Council should accept the work programme and continue to appeal for a positive response from Iraq, even at this late stage."

740. In the light of misunderstandings in the Council, Sir Jeremy explained that the co-sponsors:

> "… were not withdrawing the resolution but, instead, not putting it to a vote. The key to any chance for diplomacy lay in our being convinced that Iraq would co-operate within the terms of 1441. The Council had failed to find that key and unlock the possibility of further inspections. On the authorisation for force … I would be circulating the view our Attorney General had given earlier that day."

741. Dr Blix told the Council that the UNMOVIC draft programme identifying key tasks would be available that afternoon, and that with a pro-active attitude it would take Iraq "months" to complete.

742. Sir Jeremy Greenstock reported that Dr Blix had told the Council that:

- UNMOVIC's draft work programme would be available that afternoon. It identified 12 key tasks. With a pro-active Iraqi attitude, all disarmament tasks would take months to complete.
- The UK had set out a smaller group of tasks and UNMOVIC would accept a time set down by the Council and then report for it to judge compliance. Some issues would take little time with Iraqi co-operation (eg interviews, missile destruction and UAVs). But others – anthrax and mobile labs – were more difficult: it would not take long to present materials if they existed, but it could take longer to prove their non-existence.
- While there had been pro-active Iraqi co-operation in recent days (including further efforts to convince UNMOVIC that anthrax/VX had been destroyed and footage of mobile sites), Dr Blix could not offer conclusions until he had a view from his experts.
- It was not clear whether the pro-active Iraqi co-operation covered all areas.[256]

743. Mr Annan announced the withdrawal of the inspectors.

744. Mr Annan told the Security Council that, following the US call to evacuate personnel, he had decided to withdraw:

- all UN humanitarian personnel from Iraq, which could lead to the suspension of the Oil-for-Food programme;
- UNMOVIC and IAEA inspectors; and
- troops and personnel in the UN Iraq-Kuwait Observation Mission (UNIKOM).[257]

745. Sir Jeremy commented that delegations would be waiting for President Bush's speech, but the "danger of blow-back in the Security Council and General Assembly"

---

[256] Telegram 464 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution'.
[257] Telegram 464 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution'.

remained. He suggested that "it would be helpful to neutralise work programme arguments – e.g. by pointing to a post-conflict UNMOVIC/IAEA disarmament role".

746. In a press conference after the meeting, Mr Annan announced that he was withdrawing staff from Iraq following a warning from the US authorities the previous day "that it would be prudent not to leave our staff in the region".[258] Mr Annan also announced that several UN mandates, such as the Oil-for-Food programme, would be suspended, but the UN would "find a way of resuming our humanitarian activities" and to do "whatever we can to give them [the Iraqi population] assistance and support". Regardless of how the issue was resolved, the Security Council would have a role to play in post-conflict Iraq.

747. Mr Annan stated:

> "I have made it very clear that in my judgement if the Council were to be able to manage this process successfully and most of [sic] the collective will to handle this operation, its own reputation and credibility would have been enhanced. And I have also said if the action is to take place without the support of the Council, its legitimacy will be questioned and the support for it will be diminished."

748. In response to questions, Mr Annan stated that war was "always a catastrophe" and would lead to "major human tragedy":

> "… nobody wanted that and this was why we had hoped that the Iraqi leadership would have co-operated fully and would have been able to do this [disarm] without resort to the use of force. But the little window that we seem to have seems to be closing very, very fast. I am not sure at this stage the Council can do anything in the next couple of hours."

749. Sir Jeremy Greenstock's proposal to cast "heavy blame on the French" for the failure to reach agreement and his draft statement to the Security Council on 17 March were sent to No.10 and the FCO for clearance.

750. The terms of Sir Jeremy's statement about the position of France were almost unchanged from the draft text he had sent to London earlier that day asking for instructions and comments.[259]

751. Sir Jeremy subsequently told the Inquiry that, in making his statement to the Security Council on 17 March, casting blame on France, he "was acting under instructions".[260] The "basic telegram" drafting his statement had gone "backwards and forwards [between London and New York]", but he had spoken to Mr Straw by telephone on 16 March.

---

[258] United Nations, 17 March 2003, *Press Encounter with the Secretary-General at the Security Council Stakeout (unofficial transcript).*
[259] Telegram 453 UKMIS New York to FCO London, 17 March 2003, 'Elements of Statement on Iraq'.
[260] Private hearing, 26 May 2010, pages 37-38.

752. Having been notified of this point, Mr Straw told the Inquiry that he had:

> "… had the record checked. No-one can find any telegram of instructions to New York to say 'Blame the French'. None exist."[261]

753. Mr Straw added that he spoke frequently to Sir Jeremy on the telephone but Sir Jeremy did not "need instructions".[262] President Chirac's intervention spoke "for itself"; he had been "absolutely categorically saying" that, "the position of France this evening is that we will vote no". President Chirac's statement had undermined the UK's efforts.

MR IVANOV'S STATEMENT, 17 MARCH 2003

754. A statement issued on 17 March by Mr Ivanov said that:

- Russia had "firmly adhered" to an agreement made in a telephone call between President Putin and President Bush on 6 September 2002, to "jointly seek the unconditional return of inspectors to Iraq in accordance with UN Security Council resolutions mandating Iraq's disarmament".
- Russia had taken "a step towards Washington" by helping to pass resolution 1441 unanimously, and sought Iraq's "full co-operation and the meeting of all demands" made by UNMOVIC and the IAEA.
- Russia's position, which was "shared by most members of the Security Council and by other states, allowed the establishment of a reliable mechanism of inspections that would be able to disarm Iraq"; and: "Because of this pressure from the international community, disarmament is under way".
- In that context, "the idea of an imminent war against Iraq does not appear to be valid". It would involve "serious risks to all nations". "In speaking out for a political solution", Russia was "striving not only to overcome this particular crisis [Iraq] but also to push for continued joint efforts to solve other international problems that are no less acute".
- The relationship between Russia and the US was "marked by growing mutual trust and the spirit of co-operation"; including "an open and honest dialogue over the most complex issues". If Russia believed "that war against Iraq" would "lead to harsh consequences", it should "talk about it openly" with its partners in Washington. Eliminating the threat of Iraq's weapons of mass destruction by working with the US and other countries "and using political means" would be "true partnership".
- "The value of partners and allies" was "not that they automatically agree with one another but that they search together for solutions to solve problems in

[261] Public hearing, 8 February 2010, page 95.
[262] Public hearing, 2 February 2011, pages 95-96.

common interests". Striving for a political solution on Iraq was "in the best interests" of Russia, the US and the rest of the world.[263]

755. Separately, Sir Roderic Lyne reported that Mr Ivanov's statement was:

> "… claiming that Iraq 'no longer presents a threat to international peace and security' and that 'under these conditions, the use of force against Iraq, particularly with references to the previous UNSC resolutions has absolutely no grounds, including legal'."[264]

756. Mr Ivanov had stressed that resolution 1441 gave "no one the right to an automatic use of force" and said that Russia wanted to ensure that the Security Council retained control of the situation.

IMPACT OF THE US MILITARY TIMETABLE

757. The US decision on the timing of military action determined the time available for diplomatic negotiations.

758. As the evidence in this and preceding Sections of the Report shows, the timetable available for diplomatic negotiations on the second resolution was determined by President Bush's decisions on the timing of military action.

759. Sir Jeremy Greenstock identified President Bush's decision on the timing of military preparations as the main factor leading to the end of the attempt to secure a second resolution.[265]

760. Sir Christopher Meyer, the British Ambassador to Washington from 1997 to February 2003, told the Inquiry that "when you looked at the timetable for the inspections, it was impossible to see how Blix could bring the inspection process to a conclusion for better or for worse by March".[266]

761. Sir Christopher added that had the effect of turning resolution 1441, which had been a challenge to Saddam Hussein, "on its head". The military timetable meant that the UK found itself "scrabbling for the smoking gun" to prove that Saddam Hussein was guilty.

762. Mr Jonathan Powell told the Inquiry that, from January 2003, the UK had repeatedly asked for, and been given, more time by President Bush; but by mid-March "he wasn't going to give us more time".[267]

---

[263] Ministry of Foreign Affairs of the Russian Federation, 17 March 2003, *A Russian Resolve for Peace and Partnership by Igor Ivanov*.
[264] Telegram 89 Moscow to FCO London, 18 March 2003, 'Iraq: Russian Reactions'.
[265] Public hearing, 27 November 2009, pages 76-79.
[266] Public hearing, 26 November 2009, page 52.
[267] Public hearing, 18 January 2010, page 82.

763. Asked whether it was the need for the Armed Forces to move which set the deadline, Mr Powell replied: "Yes".[268]

764. Asked whether the approaches from France following President Chirac's remarks had made clear that it was not closed to the idea of continuing the inspections negotiation and, if this led to a particular result, voting for a resolution further down the track, Sir Jeremy Greenstock replied:

> "Yes, that's probably true. But we knew by 10 March, because we had been talking with the Americans all along about how much time we had for the benchmarks, that we didn't have time for that sort of escape route from what Chirac said."[269]

765. Asked about Mr Annan's report on 12 March that President Chirac was not closed to compromise, Sir Jeremy stated: "The Americans were closed to compromise."

766. Sir John Holmes told the Inquiry that the dialogue with France about a second resolution had continued after President Chirac's statement:

> "… but … it was becoming increasingly clear that this was a game without meaning at that point, because the military timetable was so close to fruition …"[270]

767. If the matter had been left to the Security Council to decide, military action might have been postponed.

768. In his statement for the Inquiry, Sir Jeremy Greenstock said that, "[I]t would have been in our interests to give the inspectors more time to find a smoking gun", and that the second resolution might have taken on a different shape or character on a different timing.[271]

769. Sir Jeremy thought it was "more than a 50 per cent chance that, if we had waited until October, the inspectors would not have found a satisfactory solution and that military force might well have been used at that point, the difference being the legitimacy involved in giving the inspectors the greater time".

770. Sir David Manning told the Inquiry that he believed "letting the inspections run longer … would have been a useful thing to do". He:

> "… regretted that this process ended when it did, but … by this stage, the United States was convinced these provisions were not working and it was also convinced that a second resolution was impossible because of the political backdrop, not

---

[268] Public hearing, 18 January 2010, page 98.
[269] Private hearing, 26 May 2010, page 35.
[270] Public hearing, 29 June 2010, page 50.
[271] Statement, November 2009, page 15.

least the suggestion that the French made that they would not approve any second resolution, so I think you get into a situation where there is impatience in Washington with the process and a determination to bring it to an end."[272]

771. Asked whether the suggestion by France and others to extend the period of inspections was "for real" or "purely tactical to hold off the invasion", Sir David responded:

"I don't know that I can be sure … there was an element of tactics and I think it is important to recall how bad political relationships were at the top among different governments at this time.

"One of the difficulties I felt … was the lack of communication between those who were on different sides of the argument and I think there was undoubtedly a tactical perception …

"I am not sure it was entirely tactical …"[273]

772. Sir David Manning subsequently told the Inquiry:

"It became clear in January and February that it was very, very tough. This is a period when relationships between leaders become very strained, and to a certain extent just break down, to be honest.

"The French sort of go into overdrive against the idea of the second resolution in February. The Americans tell us, well, we will get you the second resolution, we know the Prime Minister needs one, and are, I think, considerably surprised when they find actually they can't deliver a second resolution.

"And I think the degree to which emotion and anger are affecting the argument at the very top of Government during this period is very considerable.

"So it looked pretty bleak, to be honest. On the other hand, it seemed to me tempers might cool. It would have been dramatically changed, the whole tempo of the crisis, if Hans Blix had had a serious find, and initially it didn't look impossible."[274]

773. Sir David added:

"… if over a series of months we didn't find anything, then the mood would have changed anyway, and whether we needed to get a second resolution or rethink the whole crisis, at least you had a shot at that."

---

[272] Public hearing, 30 November 2009, page 81.
[273] Public hearing, 30 November 2009, page 82.
[274] Private hearing, 24 June 2010, pages 83-84.

774. Asked if France would have been prepared to vote for a resolution authorising force if the process had been pursued to the point where Dr Blix might have reported that the process was exhausted, Mr Blair replied that in his judgement:

> "… it was very, very clear … the French, the Germans and the Russians had decided they weren't going to be in favour of this and there was a straightforward division … I don't think it would have mattered how much time we had taken, they weren't going to agree that force should be used."[275]

775. Mr Blair added that, if the inspectors had uncovered something "absolutely dramatic", that "might have made a difference" to France's position, but "there was by then a political divide on this, of a pretty fundamental nature".

776. Mr Blair told the Inquiry:

> "We never misrepresented the French view. The French view was perfectly clear. It wasn't that they were against any second resolution. They would perfectly happily have agreed a second resolution provided it meant a third resolution and they would have agreed a third resolution provided it meant a fourth one.
>
> "What they were not prepared to do in any set of circumstances, never mind ce soir, was that they were not prepared to agree to a resolution with an ultimatum."[276]

777. Mr Blair added that the UK was "caught" in a situation where the US was "quite rightly" saying that what France was "prepared to agree" was "basically a rerun of 1441 except possibly weaker"; and that was "useless".

778. Mr Blair stated that President Chirac's view was that inspections were working and that was the route to deal with Saddam Hussein; "we should not deal with him by force, whatever the circumstances". President Chirac's "point was not time", "His point was if it has an ultimatum in it, I don't want it."[277] Mr Blair added: "Anything with an ultimatum, they were going to veto."

The decision to take military action

779. On the morning of Monday 17 March, preparations for Cabinet later that day and Parliamentary debates the following day were put in place.

780. Mr Straw wrote to Parliamentary colleagues drawing their attention to the documents being published, the statements issued at the Azores Summit the previous day, and an FCO paper assessing Iraq's progress in meeting the provisions of resolution 1441.

---

[275] Public hearing, 29 January 2010, pages 125-126.
[276] Public hearing, 21 January 2011, page 100.
[277] Public hearing, 21 January 2011, pages 100-101.

781. Lord Goldsmith replied on the morning of Monday 17 March to a Written Question tabled by Baroness Ramsey of Cartvale (Labour):

> "To ask Her Majesty's Government what is the Attorney General's view of the legal basis for the use of force against Iraq."[278]

782. Mr Straw sent a copy of Lord Goldsmith's Written Answer to Mr Donald Anderson, Chairman of the Foreign Affairs Committee (FAC), on the morning of 17 March, together with an FCO paper giving "the legal background in more detail".[279]

783. Lord Goldsmith's Written Answer and Mr Straw's letter to the Chairman of the FAC, with a copy of Lord Goldsmith's Answer and a FCO paper which addressed the legal background, are addressed in Section 5.

784. To supplement the Command Paper of UN documents published in February (Cm 5769), Mr Straw published a further Command Paper (Cm 5785) with UN documents from early March.[280]

785. That comprised:

- Dr Blix and Dr ElBaradei's statements to the Security Council on 7 March;
- Mr Straw's statement to the Security Council on 7 March;
- UNMOVIC's 12th quarterly report to the Security Council: and
- UNMOVIC's working document of "unresolved disarmament issues", the "clusters" document of 6 March 2003.

786. Mr Straw wrote to all Parliamentary colleagues with a copy of the FCO paper of 15 March on Iraq's non-compliance (considered earlier in this Section), a copy of his letter to the Chairman of the FAC, and copies of the statements made at the Azores Summit the previous day.[281]

787. Mr Straw wrote that the FCO paper, 'Iraqi Non-Compliance with UNSCR 1441', stated that Iraq had "failed to comply fully with 14 previous UN resolutions related to WMD" and assessed Iraq's "progress in complying with relevant provisions of UNSCR 1441 with illustrative examples".

---

[278] House of Lords, *Official Report*, 17 March 2003, column 2WA.
[279] Letter Straw to Anderson, 17 March 2003, 'Iraq: Legal Position Concerning the Use of Force' attaching PQ and Paper FCO, 17 March 2003, 'Iraq: Legal Basis for the Use of Force'.
[280] Foreign and Commonwealth Office, 17 March 2003, *Iraq – UN Documents of early March 2003*, Cm 5785.
[281] Letter Straw to Parliamentary colleagues, 17 March 2003.

THE MILITARY PLAN

788. A letter from Mr Hoon's Private Office to Sir David Manning on 17 March confirmed that the military plan took full account of the risks and problems identified by the JIC Note of 13 March, 'Saddam's Plan for Baghdad'.[282]

789. The MOD's objectives and plans for the military campaign, and the JIC's assessments of Iraq's capabilities and intent, and are addressed in Sections 6.2 and 8.

MR SCARLETT'S ADVICE, 17 MARCH 2003

790. In response to a request from Sir David Manning, Mr Scarlett provided advice on "the strength of evidence showing Saddam's possession of WMD".[283]

791. In relation to Iraq's chemical and biological weapons capability, Mr Scarlett concluded that the JIC view was clear: Iraq possessed chemical and biological weapons, the means to deliver them, and the capacity to produce them.

792. Mr Scarlett attributed the failure to find any significant evidence of chemical and biological weapons to Iraq's ability to conceal its activities and deceive the inspectors.

793. Mr Scarlett's advice is addressed in more detail in Section 4.3.

794. A draft of the document held by the MOD, also dated 17 March 2003, shows Sir David Omand, Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), Sir Francis Richards, Director, Government Communications Headquarters (GCHQ) and senior officials in the MOD, the FCO and the Cabinet Office as copy recipients.[284]

795. The Government was unable to find any evidence that the final version of Mr Scarlett's minute to Sir David Manning was sent to anyone outside No.10.[285]

Cabinet, 17 March 2003

796. A specially convened Cabinet at 1600 on 17 March 2003 endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action against Iraq to enforce compliance, if necessary.

797. Mr Blair told his colleagues that he had called the Cabinet because "an impasse" had been reached at the UN.[286]

---

[282] Letter Watkins to Manning, 17 March 2003, 'JIC Paper: 'Saddam's Plan for Baghdad'.
[283] Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.
[284] Minute [unsigned draft] Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.
[285] Letter Cabinet Office to Iraq Inquiry, 19 March 2014, 'Declassification'.
[286] Cabinet Conclusions, 17 March 2003.

798. The Government had tried its "utmost", and had "tabled a draft … resolution, amended it, and then been prepared to apply tests against which Iraq's co-operation … could be judged". Although the UK had been "gathering increasing support from members of the Security Council", the French statement "that they would veto a resolution in all circumstances had made it impossible to achieve a new … resolution". France, with Russia in support, "were not prepared to accept" that if Saddam Hussein "did not comply with the United Nations obligations, military action should follow". The UK was in a situation it had "striven to avoid": "There would be no second resolution and military action was likely to be necessary … to enforce compliance by Saddam Hussein with Iraq's obligations."

799. Mr Blair stated that the US "had now undertaken to produce a 'Road Map' for the Middle East Peace Process, once the new Palestinian Prime Minister's appointment had been confirmed". That would "open the way to a full and final settlement within three years". The US "had also confirmed" that it "would seek a UN mandate for the post-conflict reconstruction of Iraq", and: "Oil revenues would be administered under the UN's authority."

800. Mr Blair stated:

> "A lot of work was needed to repair the strains which had arisen internationally over the past few weeks. He regretted that the international community had sent mixed messages to Saddam Hussein, whose regime could have been disarmed peacefully if confronted by international solidarity. The blockage we had encountered in the United Nations impeded any progress."

801. Mr Straw said that Mr Blair:

> "… had persuaded President Bush … to go down the United Nations route in order to achieve the maximum authority for the disarmament of Iraq, but the diplomatic process was now at an end."

802. Mr Straw added:

> "Progress had been made towards forging a consensus before the French and Russians had indicated their intention to veto any Security Council resolution proposed which indicated that military action would follow Saddam Hussein's failure to comply. His assessment was that President Chirac of France had decided to open up a strategic divide between France and the United Kingdom; the row in Brussels in late 2002 had been manufactured. Effectively, one member of the Security Council had torpedoed the whole process."

803. Mr Straw concluded:

> "… the one chance now remaining to Saddam Hussein was to seek exile. If that course failed, the Government would seek the support of the House of Commons

for military action against Iraq. There would be a substantive motion in a debate now scheduled for Tuesday [18 March].”

804. Lord Goldsmith told Cabinet that he had answered a Parliamentary Question in the House of Lords that day “on the authority for the use of force against Iraq”; and that Mr Straw had also sent a document “on the legal basis” to the FAC.

805. The minutes record that Lord Goldsmith informed Cabinet that:

“Authority existed from the combined effect of United Nations Security Council resolutions 678, 687 and 1441, all of which were adopted under Chapter VII of the United Nations Charter. The latter allowed the use of force for the express purpose of restoring international peace and security … resolution 1441 determined that Iraq had been and remained in material breach of … resolution 687 and gave Iraq a final opportunity to comply with its disarmament obligations, warning of serious consequences if it did not do so. It was plain that Iraq had failed so to comply and therefore continued to be in material breach. The authority to use force under … resolution 678 was revived as a result … [R]esolution 1441 did not contain a requirement for a further … resolution to authorise the use of force.”

806. The points made during discussion included:

- the attitude of France “had undermined the mechanism of the United Nations to enforce the will of the international community”;
- with the removal of a tyrant and the new initiative on the MEPP, “a different Middle East was in prospect”;
- “after the strenuous efforts to find a diplomatic solution”, the Government “had enhanced its credibility by the integrity and consistency of its position on Iraq”;
- the Government’s supporters “needed a comprehensive statement to explain the position”: a second resolution “had been politically desirable but not legally essential”;
- “it was important to focus on Saddam’s failure to comply, and to avoid the impression that the failure to gain a further … resolution was the issue”;
- within the UK the views of all citizens had to be respected and a dialogue with the Muslim community maintained, “while setting out clearly the case for military action in the current circumstances”;
- failure to disarm Iraq “risked sending a message of encouragement to dictators and countries illegally holding weapons of mass destruction”;
- in conducting military operations, it would be important to show “we wished to protect civilians, seek the surrender of Iraqi conscripts, and protect religious and cultural sites”;
- the Government’s commitment to the UN was to make “its writ run” and to encourage its members to work within that framework;

- the "stalemate" in the UN "should prompt a new look at the international security architecture whose modernisation needed to be addressed";
- as occupation forces would be "restricted" in the action they could take, there was a legal necessity for a UN mandate for the reconstruction of Iraq;
- the "real test of the Government's credibility" would be the extent to which the MEPP was driven forward "and the manner in which the Iraqi people were cared for after the conflict"; and
- the Government "was motivated by a world view which promoted justice, good governance and pluralism and this set it apart from other governments of the industrialised world".

807. Mr Prescott stated that Mr Blair:

> "… had played a major role in upholding the credibility of the United Nations. French intransigence had thwarted success in taking the United Nations process to its logical conclusion. Nevertheless, the use of force against Iraq was authorised by existing … resolutions."

808. Mr Blair concluded that:

> "… the diplomatic process was now at an end. Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary."

809. Cabinet: "Took note."

810. Mr Cook's decision to resign from the Government was announced during Cabinet, which he did not attend.[287]

811. Cabinet was provided with the text of Lord Goldsmith's Written Answer to Baroness Ramsey setting out the legal basis for military action.

812. That document represented a statement of the Government's legal position – it did not explain the legal basis of the conclusion that Iraq had failed to take "the final opportunity" to comply with its disarmament obligations offered by resolution 1441.

813. Cabinet was not provided with written advice which set out, as Lord Goldsmith's advice of 7 March had done, the conflicting arguments regarding the legal effect of resolution 1441 and whether, in particular, it authorised military action without a further resolution of the Security Council.

---

[287] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

814. Cabinet was not provided with, or informed of, Mr Brummell's letter to Mr Rycroft of 14 March; or Mr Rycroft's response of 15 March. Cabinet was not told how Mr Blair had reached the view recorded in Mr Rycroft's letter.

815. The consideration of the legal basis for military action and the evidence from those present on the discussion of the legal issues in Cabinet is addressed in Section 5.

816. The majority of Cabinet members who gave evidence to the Inquiry took the position that the role of the Attorney General on 17 March was, simply, to tell Cabinet whether or not there was a legal basis for military action.

817. None of those Ministers who had read Lord Goldsmith's 7 March advice asked for an explanation as to why his legal view of resolution 1441 had changed.

818. There was little appetite to question Lord Goldsmith about his advice, and no substantive discussion of the legal issues was recorded.

819. Cabinet was, however, being asked to confirm the decision that the diplomatic process was at an end and that the House of Commons should be asked to endorse the use of military action to enforce Iraq's compliance. Given the gravity of this decision, Cabinet should have been made aware of the legal uncertainties.

820. Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March, explained the legal basis on which the UK could take military action, and set out the risks of legal challenge.

821. Mr Blair and Mr Straw continued to attribute the primary responsibility for the failure to secure support in the Security Council to France's statements that it would veto a resolution setting an ultimatum for Iraq to demonstrate that it was co-operating as required by resolution 1441.

822. As the evidence in this Section shows, the Security Council was deeply divided and China, France and Russia, and others, took the view that options other than the use of military force had not yet been exhausted.

823. Mr Campbell wrote in his diaries that Mr Blair had told Cabinet that "an impasse was an impasse" and that the "French block" was "not conditional but absolute".[288]

824. In his memoir, Mr Blair wrote:

> "Apart from Clare Short, the Cabinet were supportive. All my most loyal people weighed in. As ever on these occasions, John Prescott was a rock. Derry Irvine [Lord Irvine of Lairg, the Lord Chancellor] came in with a very helpful intervention

[288] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

saying that if France had not threatened to veto any resolution authorising action, we could probably have got a second resolution and the problem was that we had tried so hard to get a second resolution that people assumed, wrongly, that we needed one legally."[289]

825. In his memoir, Mr Prescott wrote that:

"Apart from Clare and Robin, everyone understood and accepted what was happening. Although we all had worries, we tended to go along with the feeling that we were stuck with Bush. Tony couldn't walk away. We were blaming the French, for backing out of supporting an invasion, but we knew the Americans would go in whatever happened, so the French didn't really matter.

"Our relationship with the US had always been fundamental. All British prime ministers have to decide whether we're with the US or not. And Tony had decided we were. Most of us agreed with that, deep down. During the run-up to the invasion, we all had our own reservations, and we were genuinely trying to delay an actual invasion, and go the UN route, if not stop it altogether, for as long as possible. But once it was inevitable we felt that was it.

"My attitude was that Tony, having made up his mind, should be supported. I took one of the Cabinet meetings on Iraq and got quite carried away, saying it was vital to stick together. We should do the brave thing, not be cowards."[290]

826. Lord Boateng, Chief Secretary to the Treasury from 2002 to 2005, told the Inquiry that he had been "governed by a desire" that he sensed was shared with colleagues that "military action should be a last resort" and that it was not until Cabinet on 17 March:

"… when it was clear that all other options had been exhausted and where we had the benefit of legal opinion … that I formed the firm view that it was now inevitable."[291]

Statements to Parliament, 17 March 2003

MR STRAW'S STATEMENT, 17 MARCH 2003

827. In his Statement to the House of Commons that evening, Mr Straw said the Government had reluctantly concluded that France's actions had put a consensus in the Security Council on a further resolution "beyond reach".

828. As a result of Saddam Hussein's persistent refusal to meet the UN's demands, Cabinet had decided to ask the House of Commons to support the UK's participation in military action should that be necessary to achieve the

---

[289] Blair T. *A Journey*. Hutchinson, 2010.
[290] Prescott J. *Docks to Downing Street: My Story.* Headline Review, 2009.
[291] Public hearing, 14 July 2010, page 9.

disarmament of Iraq "and thereby the maintenance of the authority of the United Nations".

829. Mr Straw stated that Lord Goldsmith's Written Answer "set out the legal basis for the use of force".

830. Mr Straw drew attention to the significance of the fact that no one "in discussions in the Security Council and outside" had claimed that Iraq was in full compliance with its obligations.

831. Mr Straw made a statement to the House of Commons at 8.24pm.[292]

832. Referring to the statement issued at the Azores Summit calling on all members of the Security Council to adopt a resolution challenging Saddam Hussein to take a strategic decision to disarm, Mr Straw told the House of Commons:

> "Such a resolution has never been needed legally, but we have long had a preference for it politically."

833. Mr Straw stated that there had been "intense diplomatic activity to secure that end over many months, culminating in the last 24 hours". Despite "final efforts" by Sir Jeremy Greenstock the previous evening and his own conversations with his "Spanish, American, Russian and Chinese counterparts that morning", the Government had:

> "… reluctantly concluded that a Security Council consensus on a new resolution would not be possible. On my instructions, Sir Jeremy Greenstock made a public announcement to that effect at the United Nations at about 3.15pm UK time today."

834. Mr Straw continued that, since the adoption of resolution 1441 in November 2002, he, Mr Blair and Sir Jeremy Greenstock had "strained every nerve" in search of a consensus "which could finally persuade Iraq by peaceful means, to provide the full and immediate co-operation demanded by the Security Council".

835. Mr Straw stated that it was significant that "in all the discussions in the Security Council and outside" no-one had claimed that Iraq was "in full compliance with the obligations placed on it"; and:

> "Given that, it was my belief, up to about a week ago, that we were close to achieving a consensus that we sought on the further resolution. Sadly, one country then ensured that the Security Council could not act. President Chirac's unequivocal announcement last Monday that France would veto a second resolution containing that or any ultimatum 'whatever the circumstances' inevitably created a sense of paralysis in our negotiations. I deeply regret that France has thereby put a Security Council consensus beyond reach."

---

[292] House of Commons, *Official Report*, 17 March 2003, columns 703-705.

836. Mr Straw told the House of Commons that the proposals submitted by France, Germany and Russia for "more time and more inspections" sought to "rewrite" resolution 1441. They "would have allowed Saddam to continue stringing out inspections indefinitely, and he would rightly have drawn the lesson that the Security Council was simply not prepared to enforce the ultimatum … at the heart of resolution 1441".

837. Mr Straw pointed out that "in the event of non-compliance" Iraq should, as OP13 of resolution 1441 spelled out, expect "serious consequences". Mr Straw stated:

> "As a result of Saddam Hussein's persistent refusal to meet the UN's demands, and the inability of the Security Council to adopt a further resolution, the Cabinet has decided to ask the House to support the United Kingdom's participation in military operations, should they be necessary, with the objective of ensuring the disarmament of Iraq's weapons of mass destruction, and thereby the maintenance of the authority of the United Nations."

838. Mr Straw confirmed that Parliament "would have an opportunity to debate our involvement in military action prior to hostilities" the following day; and that the debate would be on a substantive motion "proposed by the Prime Minister and Cabinet colleagues". He also drew the attention of the House to Lord Goldsmith's Written Answer, which "set out the legal basis for the use of force against Iraq" and the documents provided earlier that day.

839. Mr Straw concluded:

> "Some say that Iraq can be disarmed without an ultimatum, without the threat or the use of force, but simply by more time and more inspections. That approach is defied by all our experience over 12 weary years. It cannot produce the disarmament of Iraq; it cannot rid the world of the danger of the Iraq regime. It can only bring comfort to tyrants and emasculate the authority of the United Nations …"

840. Mr Ancram responded that diplomacy was "at an end" and there was the "grim prospect of war … because Saddam Hussein has contemptuously failed to take the final opportunity … offered him". There had been "a chance that a clear, unequivocal and united voice from the international community might … have persuaded him to disarm or to go. France put paid to that. I hope that in Paris they will reflect tonight on what they have achieved."[293]

841. Mr Ancram stated: "Saddam Hussein, in possession of weapons of mass destruction, is a threat to international peace and security… including ourselves. That is why we believe that action to disarm him can no longer be delayed."

---

[293] House of Commons, *Official Report*, 17 March 2003, columns 705-706.

842. Mr Ancram concluded:

> "Our thoughts tonight must be with our Armed Forces … they have our unqualified support. We will offer the Government our support in the decisions that must now be made. We will do so because they have reached the same conclusions as us on the threat posed by Saddam Hussein and the legality of taking action. We believe they are acting in the national interest and as long as that is the case we will continue to support them. Her Majesty's Opposition will do what in our hearts we know for our country to be right."

843. In response to a question from Mr Moore about the implications of taking action without the backing of the Security Council and allowing inspections to continue, Mr Straw agreed that it would have been better to achieve a consensus in the UN. He also stated that France and Russia had agreed the process in resolution 1441:

> "… if Iraq was in further material breach, which it has been for weeks, setting out further discussions in the Security Council, which have already taken place; and … if Iraq failed to comply, serious consequences would follow."[294]

844. The provisions required by resolution 1441 were examined in depth by Lord Goldsmith in his advice of 7 March, which is addressed in Section 5.

845. Asked about his statement to the House of Commons on 17 March that it was his "belief, up to about a week ago, that we were close to achieving a consensus that we sought on the further resolution", Mr Straw told the Inquiry:

> "My point … was accurate. I didn't say we had a consensus. I said we were close to it."[295]

846. Mr Straw's statement was repeated in the House of Lords by Baroness Symons of Vernham Dean, the joint FCO/Department of Trade and Industry (DTI) Minister for Trade and Investment.[296]

847. In reply to the points made in response to her statement, Baroness Symons made a number of comments, including:

> "… I believe that the legality of the position is indeed settled. I do not think we have ever had such a clear statement from the Attorney General at a juncture like this."[297]

848. Subsequently, Baroness Symons stated that the Government "had gone further than any Government" to put the "advice" into the public arena, and that Lord Goldsmith had "given a clear statement of his opinion".[298]

---

[294] House of Commons, *Official Report*, 17 March 2003, column 708.
[295] Public hearing, 8 February 2010, page 96.
[296] House of Lords, *Official Report*, 17 March 2003, columns 97-98.
[297] House of Lords, *Official Report*, 17 March 2003, column 101.
[298] House of Lords, *Official Report*, 17 March 2003, column 102.

849. Baroness Symons' statement took place during a debate on the legality of the use of armed force. In closing the debate, Baroness Symons again stated that Lord Goldsmith had published his "advice".[299]

850. As Section 5 explains, the Written Answer was not Lord Goldsmith's advice or his legal opinion.

851. Other points raised during the debate on the legality of the use of armed force are set out in the Box below.

House of Lords debate on the legality of the use of armed force, 17 March 2003

The House of Lords debated the legality of the use of armed force on the evening of 17 March.

Opening the debate, Lord Goodhart (Liberal Democrat) set out his view of the legality of the use of force in Iraq without the specific authority of a further resolution of the Security Council. Commenting on the summary of Lord Goldsmith's legal advice to the Government he stated:

> "… we should have liked to see much more detail of what must have been a lengthy opinion … All we have seen is the baldly stated summary. We also regret that the … Attorney General has not given us the opportunity to ask questions and to hear his answers.
>
> "The Attorney General's opinion reaches a highly questionable conclusion, which is based on a dubious interpretation of deliberately ambiguous wording.
>
> …
>
> "Both the United States and British Ambassadors to the United Nations when resolution 1441 was adopted said that it contained no automaticity. I believe that there was a clear understanding that resolution 1441 did not confer a right of action without referring back to the Security Council. Unless there had been such an understanding, it would have been difficult if not impossible to get resolution 1441 through the Security Council.
>
> "A final decision on the use of armed force requires judgement as to the seriousness of the breaches by Iraq, the effectiveness of the inspection system and whether the breaches could be corrected by means short of war. Those are difficult decisions. The Attorney General is arguing that the Security Council has delegated those decisions to the United Kingdom and the United States of America – in effect, to the US alone. I do not believe that that is the kind of decision that the Security Council could, or would, delegate to any one member, however powerful. A decision to use armed force under Article 42 in full scale war is the most solemn decision that the Security Council can ever take. The idea that vague and ambiguous words in those

[299] House of Lords, *Official Report*, 17 March 2003, column 1117.

> resolutions can be read as implying a delegation to the United States, with or without the United Kingdom, to take these decisions verges on the absurd."[300]

A range of views was expressed by speakers during the ensuing debate.

Lord Mayhew (Conservative) described the United Nations as "a relatively new jurisdiction".[301] The world was far from having "an article or precedent" for every situation it faced. As a result, there would often be arguments "which it would take years to litigate in any international court to an authoritative conclusion". He concluded that UN member states "must sometimes have the courage to act when the law may not be explicitly cut and dried and to bear the heavy duty themselves for doing what they conscientiously believe to be necessary and lawful."

Lord Mayhew stated that, because the cease-fire established under resolution 687 was conditional, it had left resolution 678 undischarged: "in force, but … placed in abeyance or suspension provided Iraq fulfilled its obligations and continued to fulfil the conditions". Because Iraq had never complied with those conditions, resolution 678 was no longer in abeyance, but available. Those who refused to agree a further resolution were entitled to make that choice, but it could not have the effect of a veto on the operation of resolution 678.

Lord Hannay, a former UK Permanent Representative to the United Nations, stated that resolution 1441 had not, on its own, provided authority for the use of force in the event of non-compliance because it had not needed to.[302] The authority already existed in resolution 687. That there had been Iraqi non-compliance since resolution 687 was "surely not seriously in doubt". That there had been some limited compliance was not the point. Unfortunately, the Security Council had "fallen prey to divided counsels". The purpose of the draft second resolution had been political, not legal: "to draw a line under the phase on non-compliance with Security Council resolution 1441 and to signal that serious consequences were now imminent."

Lord Hannay concluded that military action by the UK, the US and other allies:

> "… does not herald either a new doctrine bypassing the system laid down in the UN Charter, nor the flouting of international law. In fact, it is far less daring than was the decision by NATO to use force against Yugoslavia in the case of Kosovo …"

Lord Howell (Conservative) stated that the question of legality "ought to have been settled long before we reached the point at which the troops are going into action".[303] There was "no doubt" that the case for intervention had been "poorly put forward", adding greatly to tensions.

Lord Lloyd of Berwick, a former Law Lord, stated that he found it "impossible as presently advised" to accept the argument offered by Lord Goldsmith in his Written Answer to Baroness Ramsey.[304]

---

[300] House of Lords, *Official Report*, 17 March 2003, columns 69-71.
[301] House of Lords, *Official Report*, 17 March 2003, columns 74-76.
[302] House of Lords, *Official Report*, 17 March 2003, columns 80-83.
[303] House of Lords, *Official Report*, 17 March 2003, column 99.
[304] House of Lords, *Official Report*, 17 March 2003, column 108.

Responding to points raised during the debate, Baroness Symons set out the Government's position, including by reference to previous occasions since 1991 when force had been used in Iraq.[305] She stated that resolution 1441:

> "… provided for any failure by Iraq to be 'considered' by the Security Council under paragraph 12. That consideration has taken place regularly since the adoption of resolution 1441. It is plain from UNMOVIC statements … that Iraq has not complied, as required, with its disarmament obligations. Whatever other differences there may be on the Security Council, no member of the Council has questioned that conclusion. It follows that Iraq has not taken the final opportunity offered and remains in material breach …"

MR COOK'S RESIGNATION STATEMENT, 17 MARCH 2003

852. In a statement later that evening, Mr Cook set out his doubts about the degree to which Saddam Hussein posed a "clear and present danger" and his concerns that the UK was being "pushed too quickly into conflict" by the US without the support of the UN and in the face of hostility from many of the UK's traditional allies.

853. Mr Cook set out the reasons why he could not "support a war without international agreement or domestic support" and why, in order to vote against military action in the House of Commons the following day, he had resigned from the Government.[306]

854. Mr Cook applauded the "heroic efforts" of Mr Blair and those of Mr Straw in seeking to secure a second resolution, but pointed out:

> "… the very intensity of those attempts underlines how important it was to succeed. Now that those attempts have failed, we cannot pretend that getting a second resolution was of no importance.
>
> "France has been at the receiving end of bucket-loads of commentary in recent days. It is not France alone that wants more time for inspections … We delude ourselves if we think that the degree of international hostility is all the result of President Chirac. The reality is that Britain is being asked to embark on a war without agreement in any of the international bodies of which we are a leading partner …
>
> "To end up in such diplomatic weakness is a serious reverse. Only a year ago, we and the United States were part of a coalition against terrorism that was wider and more diverse than I would ever have imagined possible. History will be astonished at the diplomatic miscalculations that led so quickly to the disintegration of that powerful coalition. The US can afford to go it alone … Our interests are best protected not by

[305] House of Lords, *Official Report*, 17 March 2003, columns 117-121.
[306] House of Commons, *Official Report*, 17 March 2003, columns 726-728.

> unilateral action but by multilateral agreement and a world governed by rules. Yet tonight the international partnerships most important to us are weakened … Those are heavy casualties in a war in which a shot has yet to be fired."

855. Dismissing any parallels with the action in Kosovo in 1999, where there had been multilateral support and the need to respond to an urgent and compelling humanitarian crisis, Mr Cook stated:

> "Our difficulty in getting support this time is that neither the international community nor the British public is persuaded that there is an urgent and compelling reason for this military action in Iraq.
>
> "The threshold for war should always be high. None of us can predict the death toll of civilians …"

856. Mr Cook continued:

> "Nor is it fair to accuse those of us who want longer for inspections of not having an alternative strategy … Over the past decade that strategy [of containment] had destroyed more weapons than in the Gulf War, dismantled Iraq's nuclear weapons programme and halted Saddam's medium and long range missile programmes."

Iraq's military strength was now less than half its size in 1991; and, "Ironically" it was "only because Iraq's military forces" were "so weak that we can even contemplate its invasion".

857. Mr Cook questioned the threat posed by Iraq:

> "Iraq probably has no weapons of mass destruction in the commonly understood sense of the term – namely a credible device capable of being delivered against a strategic city target. It probably … has biological toxins and battlefield chemical munitions, but it has had them since the 1980s when US companies sold Saddam anthrax agents and the then British government approved chemical and munitions factories. Why is it now so urgent that we should take military action to disarm a military capacity that has been there for twenty years, and which we helped to create? Why is it necessary to resort to war this week, while Saddam's ambition to complete his weapons programme is blocked by the presence of UN inspectors?"

858. Drawing attention to the lack of action in the face of Israel's refusal to comply with resolution 242 (1967) demanding its withdrawal from the Occupied Territories, Mr Cook warned of the "strong sense of injustice throughout the Muslim world" as a result of the perception that there was "one rule for the allies of the US and another rule for the rest". He added:

> "Nor is our credibility helped by the appearance that our partners in Washington are less interested in disarmament than they are in regime change in Iraq. That

explains why any evidence that inspections may be showing progress is greeted in Washington not with satisfaction but with consternation: it reduces the case for war."

859. Mr Cook concluded that the British people:

"… do not doubt that Saddam is a brutal dictator, but they are not persuaded that he is a clear and present danger to Britain. They want inspections to be given a chance, and they suspect that they are being pushed too quickly into conflict by a US Administration with an agenda of its own. Above all they are uneasy at Britain going out on a limb on a military adventure without a broader international coalition and against the hostility of many of our traditional allies."

860. Mr Cook's account of his view of the September dossier and the briefing he was given in February 2003 by Mr Scarlett are addressed in Sections 4.2 and 4.3 respectively.

Ms Short's letter, 18 March 2003

Ms Short sent a letter to colleagues in the Parliamentary Labour Party the following morning, explaining her reasons for deciding to support the Government.[307] She wrote that there had been "a number of important developments over the last week", including:

> "Firstly, the Attorney General has made clear that military action would be legal under international law. Other lawyers have expressed contrary opinions. But for the UK Government, the civil service and the military, it is the view of the Attorney General that matters and this is unequivocal."

President Bush's ultimatum to Saddam Hussein, 17 March 2003

861. President Bush issued an ultimatum giving Saddam Hussein 48 hours to leave Iraq.

862. The British Embassy Washington reported that the US media had:

"… recognised the Azores outcome as the beginning of the end game, and declared the diplomatic process dead even before we announced the end in the Security Council … Both the *Washington Post* and the *New York Times* referred to the US and its allies 'going through the motions'."[308]

863. The Embassy wrote that US commentators were:

"… already apportioning blame for the Administration's failure to muster international support …

"The longer-term fallout from almost six months of activity at the UN would probably only be clear once the war is over. But the media has already gone into analysis

---

[307] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.
[308] Telegram 354 Washington to FCO London, 18 March 2003, 'US/Iraq: Update'.

mode. One of the larger issues is whither US/UN relations. Powell said today that the UN would survive, but was equally clear that the UNSC had failed a crucial test … the Administration hawks who cautioned Bush against the UN route last summer are sourcing stories making their opposition at that time clear."

864. The Embassy also reported that US public support for war had risen to its highest level since November 2001, "though support would drop to 47 percent without a second resolution". Mr Blair's role had "won fulsome praise from some unexpected quarters".

865. Secretary Powell announced in his morning press conference on 17 March that President Bush would issue an ultimatum during his address to the nation that evening calling for Saddam and his cohorts to leave Iraq.[309]

866. In an "Address to the Nation" at 8pm Eastern Standard Time on 17 March, President Bush stated that "the final days of decision" had been reached and issued an ultimatum giving Saddam Hussein and his sons 48 hours to leave Iraq.[310]

867. President Bush stated that the world had "engaged in 12 years of diplomacy" and "sent hundreds of weapons inspectors to oversee the disarmament of Iraq" but:

"Our good faith has not been returned.

"The Iraqi regime has used diplomacy as a ploy to gain time and advantage … Peaceful efforts to disarm the Iraqi regime have failed … because we are not dealing with peaceful men.

"Intelligence gathered by this and other governments leaves no doubt that the Iraqi regime continues to possess and conceal some of the most lethal weapons ever devised …

"The regime has a history of reckless aggression … It has a deep hatred of America and our friends. And it has aided, trained and harbored terrorists, including operatives of Al Qaida.

"The danger is clear: using chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill hundreds of thousands of innocent people …

"… Before the day of horror can come, before it is too late to act, this danger will be removed.

"The United States of America has the sovereign authority to use force in assuring its own national security. That duty falls to me …

---

[309] Telegram 354 Washington to FCO London, 18 March 2003, 'US/Iraq: Update'.
[310] The White House, 17 March 2003, *President says Saddam Hussein must leave within 48 hours.*

> "Recognizing the threat to our country, the United States Congress voted overwhelmingly last year to support the use of force against Iraq. America tried to work with the United Nations to address this threat because we wanted to resolve this issue peacefully. We believe in the mission of the United Nations. One reason the UN was founded … was to confront aggressive dictators, actively and early …
>
> "In the case of Iraq, the Security Council did act, in the early 1990s. Under resolutions 678 and 687 – both still in effect – the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction. This is not a question of authority, it is a question of will."

868. President Bush continued that he had "urged the nations of the world to unite and bring an end to this danger" and the Security Council had unanimously passed resolution 1441. But:

> "… no nation could possibly claim that Iraq has disarmed. And it will not disarm as long as Saddam holds power as required … some permanent members of the Security Council have publicly announced that they will veto any resolution that compels the disarmament of Iraq. These governments share our assessment of the danger, but not our resolve to meet it. Many nations … do have the resolve and fortitude to act against this threat to peace … The United Nations Security Council has not lived up to its responsibilities, so we will rise to ours."

869. Issuing the ultimatum, President Bush stated:

> "In recent days, some governments in the Middle East have been doing their part. They have delivered public and private messages urging the dictator to leave Iraq, so that disarmament can proceed peacefully. He has thus far refused. All the decades of deceit and cruelty have now reached an end. Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict …"

870. In a message to Iraqis, President Bush stated:

> "If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you … The day of your liberation is near.
>
> "… It is not too late for the Iraqi military to act with honor and protect your country by permitting the peaceful entry of Coalition forces to eliminate weapons of mass destruction …"

871. President Bush explicitly warned all Iraqis against destroying oil wells or using weapons of mass destruction: "War crimes will be prosecuted. War criminals will be punished."

872. President Bush acknowledged that military action could expose the US and its allies to an increased possibility of attack and that additional security measures had been put in place. He concluded:

> "We are now acting because the risk of inaction would be greater … Saddam Hussein and his terrorist allies could choose the moment of deadly conflict when they are strongest. We choose to meet that threat now …
>
> "… a policy of appeasement could bring destruction of a kind never before seen on this earth.
>
> "… responding to such enemies only after they have struck first is not self-defense, it is suicide. The security of the world requires disarming Saddam Hussein now.
>
> "As we enforce the just demands of the world, we will also honor the deepest commitments of our country. Unlike Saddam Hussein, we believe the Iraqi people are deserving and capable of human liberty. And when the dictator has departed, they can set an example to all the Middle East of a vital and peaceful and self-governing nation.
>
> "The United States, with other countries, will work to advance liberty and peace in that region. Our goal will not be achieved overnight, but it can come over time. The power and appeal of human liberty is felt in every life and every land. And the greatest power of freedom is to overcome hatred and violence and turn … to the pursuits of peace.
>
> "That is the future we choose. Free nations have a duty to defend our people by uniting against the violent. And tonight, as we have done before, America and our allies accept that responsibility."

873. The British Embassy Washington reported that President Bush "looked nervous but the message was uncompromising. Only a complete climb down by Saddam can now prevent war."[311]

874. A later telegram reported that a White House spokesman had "amplified" the President's statement and said that, if Saddam Hussein were to comply with the deadline and go into exile, US troops would still enter Iraq in order to pursue and disarm WMD; and that he hoped the international community would consider prosecuting Saddam Hussein for war crimes even in the case of exile.[312]

875. The Embassy also reported that "some 66 percent of Americans told Gallup that they supported Bush's intention to attack if Saddam did not leave within 48 hours"; and that "around 68 percent … agreed that the US had done everything possible to solve the

---

[311] Telegram 355 Washington to FCO London, 18 March 2003, 'Iraq: US Ultimatum'.
[312] Telegram 359 Washington to FCO London, 19 March 2003, 'US/Iraq: Update, 18 March'.

crisis diplomatically". A "vocal minority, including the Democratic … leadership" did not support President Bush.

876. Separately, the Embassy reported that President Bush had decided to publish the names of nine Iraqis who were regarded as either war criminals or having decisive command and control responsibilities.[313]

877. Mr Naji Sabri, the Iraqi Foreign Minister, rejected the US ultimatum.[314]

878. On the morning of 17 March, Mr Campbell had written to Mr Bartlett setting out the planned timetable for announcements, and commenting that: "By tonight, things will be pretty febrile."[315]

879. Mr Campbell predicted that the debate in Parliament the following day would be difficult: "the rebellion looks bigger than last time". He warned Mr Bartlett of the potential that:

> "If our MPs wake up to 'Bush tells Saddam: go into exile or face war' we'll hold most of our people. If they wake up to 'Bush: we're at war' with the ultimatum drowned out, with no mention of humanitarian, or MEPP etc, we'll be in trouble. It'll be hard for the President to win people back for us, but he could push some of our wobblers over the edge."

880. Mr Blair wrote in his memoir that the ultimatum had the UK's "changes all taken on board", and that it was "balanced not bellicose", "strongly supportive of the Iraqi people"; "And, critically for me, it played up the Middle East Peace Process."[316]

Events of 18 March 2003

AUSTRALIA COMMITS TROOPS

881. In response to a formal request from President Bush, "shortly after 0600 local time", for Australia to participate in any military intervention in Iraq should Saddam Hussein not respond to the ultimatum and an "immediate" meeting of the Australian Cabinet, Mr Howard announced that a decision had been taken to commit Australian troops, and that:

> "… the Government strongly believed the decision taken was right, it was legal, it was directed towards the protection of the Australian national interest."[317]

882. Mr Howard also stated that the Iraq issue was one of morality and not just legality. He agreed to table immediately in Parliament the text of the legal advice to the

---

[313] Telegram 353 Washington to FCO London, 18 March 2003, 'Iraq: Top Crooks'.
[314] *BBC News*, 17 March 2003, *Iraq crisis hour-by-hour: 16-17 March*.
[315] Letter Campbell to Bartlett, 17 March 2003, [untitled].
[316] Blair T. *A Journey*. Hutchinson, 2010.
[317] Telegram 34 Canberra to FCO London, 18 March 2003, 'Iraq: Australia Commits'.

Australian Government which he said was consistent with the advice given to the British Government by Lord Goldsmith.

PRESIDENT CHIRAC'S STATEMENT

883. President Chirac maintained his position that the UN route had not been exhausted and the Security Council should explicitly authorise the use of force. The US was taking unilateral action against the will of the international community.

884. Sir John Holmes reported on 17 March that France was taking UK "criticism on the chin for the moment", and was saying that it would be ready to help in the post-conflict period, "but the greater the UN role, the easier it will be for them".[318] Senior advisers to Mr de Villepin and Mr Jean-Pierre Raffarin, the French Prime Minister, understood the UK position but had "made clear that they regretted nothing, and believed that they had acted perfectly consistently throughout". Mr de Villepin's "clear view was that France should not stoop to respond to our criticism, but the Elysée were less calm".

885. Sir John concluded:

> "The French shifted a little as we approached the wire. Villepin's acceptance of our six tests when he spoke to you [Straw] … was particularly interesting, given his previous sharp public rejection. But all this was far too little, far too late: positioning rather than a genuine effort at agreement. The French know they are now cast as scapegoats but, at least for the time being, seem to be determined to maintain a dignified silence, on the assumption that once war begins we will all have an interest in coming together at the UN to handle the aftermath."

886. The Elysée issued a statement early on 18 March stating that the US ultimatum was a unilateral decision going against the will of the international community who wanted to pursue Iraqi disarmament in accordance with resolution 1441.[319] It stated:

> "… only the Security Council is authorised to legitimise the use of force. France appeals to the responsibility of all to see that international legality is respected. To disregard the legitimacy of the UN, to favour force over the law, would be to take on a heavy responsibility."

887. President Chirac issued a recorded speech later that morning which reiterated that statement and made a number of other comments, including:

> "France's action has been inspired by the primacy of international law …
>
> "… France considers the use of force is a last resort when all other options have been exhausted. France's stance is shared by the great majority of the international community.

---

[318] Telegram 132 Paris to FCO London, 17 March 2003, 'France: Iraq'.
[319] Telegram 135 Paris to FCO London, 18 March 2003, 'Iraq: Chirac's Reaction to Ultimatum'.

> "The latest discussions clearly showed that the Security Council was not disposed in the current circumstances to sanction a rush to war.
>
> "The United States has just given Iraq an ultimatum. Whether it is a question … of the necessary disarming of Iraq or the desirable change of regime in that country, there is no justification here for a unilateral decision to resort to war.
>
> "However events develop in the near future, this ultimatum calls into question the notion we have of international relations. It commits the future of a people, the future of a region, and the stability of the world.
>
> "It is a grave decision at a time when the disarmament of Iraq is under way and the inspections have proved they were a credible alternative for disarming that country.
>
> "It is also a decision which compromises – for the future – the methods of peacefully resolving crises linked to the proliferation of weapons of mass destruction. Iraq does not today represent an immediate threat such as to justify an immediate war."[320]

888. Sir John Holmes commented that President Chirac's statement continued to emphasise France's position "as on the side of the majority", but that his description of regime change as "desirable" might be "significant".[321] President Chirac "could have been more categorical on the legal authority and used the language of condemnation". Sir John concluded that President Chirac had "kept his options open for co-operation over the day after".

889. Reporting after the start of the conflict, Sir John Holmes offered the view that President Chirac had consistently disagreed with UK policy on Iraq on sanctions and military action.[322] French policy had been driven by his personal convictions. President Chirac had never believed that Saddam Hussein was "really a danger to us" and France had disagreed with UK policy on sanctions and military action. France had:

> "… only ever agreed with great reluctance to each step to ratchet up the pressure on Saddam while accepting that only our military pressure had made him [Saddam] co-operate … [T]hey believe they have been consistent and that their opposition to the use of force will in the end be vindicated."

890. Sir John wrote that it was hard to be sure of the exact moment when France resolved to take on some of their closest allies and veto action if necessary. The "present hard line was inherent in the Franco-German position in late January" but Sir John's view was that President Chirac had begun to see the attractions of a veto during February and his confidence in a Russian veto increased after Mr Ivanov's visit to Paris on 5 March. The crucial element had been the realisation shortly after that

---

[320] *BBC News*, 18 March 2003, *Chirac and Schroeder on US ultimatum.*
[321] Telegram 135 Paris to FCO London, 18 March 2003, 'Iraq: Chirac's Reaction to Ultimatum'.
[322] Telegram 147 Paris to FCO London, 24 March 2003, 'France/Iraq: How did Chirac Finish Up Where he did and What Does it Mean?'.

visit, “under pressure from the Chileans and Mexicans”, that there was little chance of persuading the “swing six” to abstain “unless France was … ready to say she would veto”.

MR BLAIR’S CONVERSATION WITH PRESIDENT BUSH, 18 MARCH 2003

891. Mr Blair spoke to President Bush at 1830 on 18 March.[323] Mr Blair said that he was starting to win the political argument in the UK; and that the opinion polls were moving in his favour. They agreed to keep in touch “on a daily basis” and considered meeting in Washington the following week. Mr Blair said that he was “keen to follow up in some detail some of the issues raised in the Azores”.

892. On 18 March, Sir David Manning wrote to Dr Rice, formally confirming the UK’s agreement to US use of Diego Garcia and RAF Fairford for “operations to enforce compliance by Iraq with the obligations on Weapons of Mass Destruction laid down in UNSCR 1441 and previous relevant resolutions”.[324]

CDS’ DIRECTIVE FOR MILITARY OPERATIONS

893. Adm Boyce’s Directive to Lieutenant General John Reith, the UK Commander Joint Operations for Operation TELIC, was issued at 2300 on 18 March. Operations would not begin before 1800 the following day.[325]

894. The military plan and arrangements for the command and control of the military operation are addressed in Sections 6.2 and 8.

Parliamentary approval for military action

DEBATE IN THE HOUSE OF COMMONS, 18 MARCH 2003

895. Debates on Iraq took place in both the House of Commons and the House of Lords on 18 March 2003.

896. The Government tabled a motion inviting the House of Commons to:

“
- note its decisions of 25 November 2002 and 26 February 2003;
- recognise that Iraq’s weapons of mass destruction and long-range missiles, and its continuing non-compliance with Security Council resolutions, pose a threat to international peace and security;
- note that in the 130 days since resolution 1441 was adopted Iraq had not co-operated actively, unconditionally and immediately with the weapons inspectors, and had rejected the final opportunity to comply and is in further

[323] Letter Cannon to McDonald, 18 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 18 March’.
[324] Letter Manning to Rice, 18 March 2003, [untitled].
[325] Letter Watkins to Manning, 18 March 2003, ‘Iraq: Military operations’.

material breach of its obligations under successive mandatory UN Security Council resolutions;

- regret that despite a sustained diplomatic effort by Her Majesty's Government it had not proved possible to secure a second resolution in the UN because one Permanent Member of the Security Council made plain in public its intention to use its veto whatever the circumstances;
- note the opinion of the Attorney General that, Iraq having failed to comply and Iraq being at the time of resolution 1441 and continuing to be in material breach, the authority to use force under resolution 1441 has revived and so continued that day;
- believe that the United Kingdom must uphold the authority of the United Nations as set out in resolution 1441 and many resolutions preceding it, and therefore support the decision of Her Majesty's Government that the United Kingdom should use all means necessary to ensure the disarmament of Iraq's weapons of mass destruction;
- offer wholehearted support to the men and women of Her Majesty's Armed Forces on duty in the Middle East;
- in the event of military action require that, on an urgent basis, the United Kingdom should seek a new Security Council resolution that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, allow for the earliest possible lifting of UN sanctions, an international reconstruction programme, and the use of all oil revenues for the benefit of the Iraqi people and endorse an appropriate post-conflict administration for Iraq, leading to a representative government which upholds human rights and the rule of law for all Iraqis;
- welcome the imminent publication of the Quartet's Road Map as a significant step to bringing a just and lasting peace settlement between Israelis and Palestinians and for the wider Middle East region, and endorse the role of Her Majesty's Government in actively working for peace between Israel and Palestine."[326]

897. In his statement opening the debate, Mr Blair set out his position on the need for military action.[327]

898. Mr Blair told the House it faced a "tough choice" between standing down British troops and turning back, and holding firm to "the course we have set"; and that he believed "passionately" in the latter. That mattered because the outcome would not just determine the fate of the Iraqi regime and the Iraqi people, but would:

> "… determine the way in which Britain and the world confront the central security threat of the 21st century, the development of the United Nations, the relationship

[326] House of Commons, *Official Report*, 18 March 2003, column 760.
[327] House of Commons, *Official Report*, 18 March 2003, columns 760-774.

> between Europe and the United States, the relations within the European Union and the way in which the United States engages with the rest of the world. So it could hardly be more important. It will determine the pattern of international politics for the next generation."

899. Mr Blair rehearsed the Government's position on Iraq's past pursuit and use of weapons of mass destruction; its failures to comply with the obligations imposed by the UN Security Council between 1991 and 1998; Iraq's repeated declarations which proved to be false; and the "large quantities of weapons of mass destruction" which were "unaccounted for". He described UNSCOM's final report (in January 1999) as "a withering indictment of Saddam's lies, deception and obstruction" in which "large quantities of weapons of mass destruction" were "unaccounted for".

900. Addressing Saddam Hussein's claims that Iraq had no weapons of mass destruction, Mr Blair stated that "after seven years of obstruction and non-compliance" before the inspectors left in 1998, "we are asked to believe" he had "voluntarily decided to do what he had consistently refused to do under coercion". Mr Blair also stated:

> "We are asked now seriously to accept that in the last few years – contrary to all history, contrary to all intelligence – Saddam decided unilaterally to destroy those weapons. I say that such a claim is palpably absurd."

901. Resolution 1441 required "full, unconditional and immediate compliance". The first step was a full and final declaration of all Iraq's weapons of mass destruction. Mr Blair stated that he would not address the events that had taken place since the declaration "as the House is familiar with them", but "all members" of the Security Council "accepted" that the Iraq declaration (of 7 December 2002) was false. That was:

> "… in itself … a material breach. Iraq has taken some steps in co-operation but no one disputes that it is not fully co-operating. Iraq continues to deny that it has any weapons of mass destruction, although no serious intelligence service anywhere in the world believes it."

902. Mr Blair cited the UNMOVIC "clusters" document issued on 7 March as "a remarkable document", detailing "all the unanswered questions about Iraq's weapons of mass destruction", listing "29 different areas in which the inspectors have been unable to obtain information".

903. Describing the activity in the Security Council since 7 March, Mr Blair argued that, "had we meant what we said in resolution 1441", the Security Council should have convened when UNMOVIC published the "clusters" document on 7 March, and "condemned Iraq as in material breach". Saddam Hussein was "playing the same old games in the same old way". There were "minor concessions", but there had been "no fundamental change of heart or mind".

904. Referring to the draft resolution tabled by the UK, US and France on 7 March, Mr Blair added:

> "… we could have asked for the second resolution then and there, because it was justified. Instead, we laid down an ultimatum calling on Saddam to come into line with resolution 1441, or be in material breach."

905. That was "not an unreasonable proposition, but still countries hesitated", asking how full co-operation would be judged. The UK had "worked on a further compromise", consulting the inspectors to draw up "five tests, based on" the "clusters" document. The inspectors had "added another test: that Saddam should publicly call on the Iraqis to co-operate with them". Saddam would have been given a specified time to fulfil all six tests to show full co-operation. If he did so, "the inspectors could then set out a forward work programme that would extend over a period of time to make sure that disarmament happened". If, however, Saddam had failed to meet the tests, "action would follow".

906. Mr Blair told the House of Commons that:

> "Last Monday [10 March], we were getting very close … We very nearly had the majority agreement …
>
> "… there were debates about the length of the ultimatum, but the basic construct was gathering support. Then … France said it would veto a second resolution whatever the circumstances. Then France denounced the six tests. Later that day, Iraq rejected them. Still we continued to negotiate …
>
> "Last Friday, France said it could not accept any resolution with an ultimatum in it. On Monday [17 March], we made final efforts to secure agreement. However, the fact is that France remains utterly opposed to anything which lays down an ultimatum authorising action in the event of non-compliance by Saddam."

907. Mr Blair added:

> "Those on the Security Council opposed to us say that they want Saddam to disarm but they will not countenance any new resolution which authorises force in the event of non-compliance. That is their position – no to any ultimatum and no to any resolution that stipulates that failure to comply will lead to military action. So we must demand that Saddam disarms, but relinquish any concept of a threat if he does not."

908. Mr Blair stated that Saddam Hussein had allowed the inspectors into Iraq after four years of refusal because of:

> "… the threat of force … It is the imminence of force. The only persuasive power to which he responds is 250,000 allied troops on his doorstep. However when that fact is so obvious, we are told that any resolution that authorises force in the event of non-compliance will be vetoed – not just opposed, but vetoed and blocked."

909. Mr Blair added:

> "The tragedy is that had such a resolution ensued and had the UN come together and united – and if other troops had gone there, not just British and American troops – Saddam Hussein might have complied. But the moment we proposed the benchmarks and canvassed support for an ultimatum, there was immediate recourse to the language of the veto. The choice was not action now or a postponement of action; the choice was action or no action at all."

910. Asked what he meant by an unreasonable veto, Mr Blair responded:

> "In resolution 1441, we said that it was Saddam's final opportunity and that he had to comply. That was agreed by all members of the Security Council. What is surely unreasonable is for a country to come forward now, at the very point when we might reach agreement and when we are – not unreasonably – saying that he must comply with the UN, after all these months … on the basis of six tests or action will follow. For that country to say that it will veto such a resolution in all circumstances is what I would call unreasonable."

911. Mr Blair stated:

> "The tragedy is that the world has to learn the lesson all over again that weakness in the face of a threat from a tyrant is the surest way not to peace but … to conflict … we have been victims of our own desire to placate the implacable, to persuade towards reason the utterly unreasonable, and to hope that there was some genuine intent to do good in a regime whose mind is in fact evil."

912. In response to a suggestion that the diplomatic process should be continued for a little longer, Mr Blair responded:

> "We could have had more time if the compromise proposal that we put forward had been accepted … unless the threat of action was made, it was unlikely that Saddam would meet the tests.
>
> "… the problem with diplomacy was that it came to an end after the position of France was made public – and repeated in a private conversation – and it said it would block, by veto, any resolution that contained an ultimatum … the French were not prepared to change their position. I am not prepared to carry on waiting and delaying, with our troops in place in difficult circumstances, when that country has made it clear it has a fixed position and will not change."

913. Questioned whether it was he, not the French, Russians and Chinese, who had changed position and about his statement – that the only circumstances in which he would go to war without a second resolution was if the inspectors concluded that there had been no more progress, which they had not; if there were a majority on the Security

Council, which there was not; and if there was an unreasonable veto from one country, when three Permanent Members were opposed to his policy – Mr Blair replied:

> "… resolution 1441 … stated in terms … that if Iraq continued in material breach, defined as not co-operating fully, immediately and unconditionally, serious consequences would follow. All we are asking for in the second resolution is the clear ultimatum that if Saddam continues to fail to co-operate, force would be used. The French position is that France will vote no, whatever the circumstances. Those are not my words, but those of the French President. I find it sad that at this point in time he cannot support us in the position we have set out, which is the only sure way to disarm Saddam."

914. Addressing the conclusion which "any tyrannical regime" might take from the "world's diplomatic dance with Saddam Hussein" over the previous 12 years, Mr Blair stated that such a conclusion would be:

> "That our capacity to pass firm resolutions was only matched by our feebleness in implementing them. That is why this indulgence has to stop – because it is dangerous: dangerous if such regimes disbelieve us; dangerous if they think they can use our weakness … and dangerous because one day they will mistake our innate revulsion against war for permanent incapacity, when in fact, if pushed to the limit, we will act. But when we act, after years of pretence, the action will have to be harder, bigger, more total in its impact. It is true that Iraq is not the only country with weapons of mass destruction, but … to back away from this confrontation now, and future conflicts will be infinitely worse and more devastating in their effects.
>
> "… any fair observer does not really dispute that Iraq is in breach of resolution 1441 or that it implies action in such circumstances. The real problem is that, underneath, people dispute that Iraq is a threat, dispute the link between terrorism and weapons of mass destruction, and dispute, in other words, the whole basis of our assertion that the two together constitute a fundamental assault on our way of life."

915. Arguing that the time had come to act, Mr Blair set out why he believed, in the context of "an ever more interdependent" world where the threat was "chaos and disorder", Iraq posed a threat that was "so serious and why we must tackle it".

916. In his view, there were:

> "… two begetters of chaos: tyrannical regimes with weapons of mass destruction and extreme terrorist groups who profess a perverted and false sense of Islam."

917. Mr Blair set out his concerns about:

- proliferators of nuclear equipment or expertise;
- "dictatorships with highly repressive regimes" who were "desperately trying to acquire" chemical, biological or "particularly, nuclear weapons capability"; some

of those were “a short time away from having a serviceable nuclear weapon”, and that activity was increasing, not diminishing; and

- the possibility of terrorist groups obtaining and using weapons of mass destruction, including a “radiological bomb”.

918. Mr Blair stated that tyrannical regimes with weapons of mass destruction and terrorist groups had very different motives and different origins and he accepted “fully” that the association between the two was:

> “… loose – but it is hardening. The possibility of the two coming together – of terrorist groups in possession of weapons of mass destruction or even of a so-called dirty radiological bomb – is now in my judgement, a real and present danger to Britain and its national security.”

919. Addressing the effects of chemical and biological agents, Mr Blair stated that Iraq was “not the only part of this threat”. But it was “the test of whether we treat the threat seriously”. Mr Blair added that, faced with the threat:

> “… the world should unite. The UN should be the focus both of diplomacy and of action. That is what [resolution] 1441 said … to break it now, and to will the ends but not the means, would do more damage in the long term to the UN than any other single course that we could pursue. To fall back into the lassitude of the last 12 years; to talk, to discuss, to debate but never to act; to declare our will but not to enforce it; and to continue with strong language but with weak intentions – that is the worst course imaginable. If we pursue that course, when the threat returns, from Iraq or elsewhere, who will then believe us? What price our credibility with the next tyrant?”

920. Mr Blair stated:

> “… there will in any event be no sound future for the United Nations – no guarantee against the repetition of these events – unless we recognise the urgent need for a political agenda we can unite upon.
>
> “What we have witnessed here is the consequence of Europe and the United States dividing from each other … the paralysis of the UN has been born out of the division that there is.”

921. Mr Blair stated that there was a risk of the world being divided into rival poles of power “with the US and its allies in one corner and France, Germany, Russia and their allies in the other”. That would be “profoundly dangerous”. There was “resentment of US dominance” and “fear of US unilateralism”.

922. Reflecting the strategy he had adopted, Mr Blair stated that the way to deal with the US was "not rivalry, but partnership". Europe should have said to the US in September 2002:

> "We understand your strategic anxiety over terrorism and weapons of mass destruction and we will help you meet it. We will mean what we say in any resolution we pass and will back it with action if Saddam fails to disarm voluntarily."

923. In return, Europe should have asked:

> "… that the US should indeed choose the UN path and you [the US] should recognise the fundamental overriding importance of restarting the Middle East Peace Process, which we will hold you to.
>
> "That would have been the right and responsible way for Europe and America to treat each other … and it is a tragedy that it has not happened …"

924. Mr Blair stated that "what happens after any conflict in Iraq" was of "critical significance". There was a chance to unify around the United Nations and a UN resolution:

> "… should provide for the proper governance of Iraq … protect totally the territorial integrity of Iraq. And that … oil revenues … should be put in a trust fund for the Iraqi people administered through the UN."

925. Mr Blair set out the abuses of Saddam Hussein's regime and stated that his removal was the "only true hope" for the Iraqi people.

926. Concluding his speech, Mr Blair stated:

> "If this House now demands that … British troops are pulled back … what then? … Saddam … will feel strengthened beyond measure … other states … will take it that the will confronting them is decaying and feeble …
>
> …
>
> "… In this dilemma, no choice is perfect, no choice is ideal, but on this decision hangs the fate of many things … To retreat now … would put at hazard all that we hold dearest. To turn the United Nations back into a talking shop; to stifle the first steps of progress in the Middle East; to leave the Iraqi people to the mercy of events over which we would have relinquished all power to influence for the better …
>
> "This is not the time to falter. This is the time … to give a lead: to show that we will stand up for what we know to be right; to show that we will confront the tyrannies and dictatorships … to show, at the moment of decision that we have the courage to do the right thing."

927. In his speech, Mr Duncan Smith stated that the official Opposition would support the Government because it was acting "in the national interest".[328] Iraq posed a threat to the safety and stability of the Middle East and Saddam Hussein had "the means, the mentality and the motive to pose a direct threat to our national security".

928. Other points made by Mr Duncan Smith included:

- Saddam Hussein was "in complete breach of all his obligations to the United Kingdom and to the international community".
- He had "absolutely no intention whatsoever of relinquishing the weapons" he had developed.
- The threat from Iraq's "arsenal to British citizens at home and abroad" could not "simply be contained. Whether in the hands of his regime or in the hands of the terrorists to whom he would give his weapons, they pose a clear danger to British citizens."
- Saddam Hussein's "last hope" was "to string along the international community for as long as possible", and to delay action until the autumn, and, "in the meantime", his "prevarication and games" would "split the international community and wreck the UN".
- There were "pressing questions" about the arrangements for dealing with the humanitarian consequences of military action.
- If "decisive action" had been taken earlier, "we would not now stand on the verge of war".

929. Mr Duncan Smith concluded that, if the House of Commons voted to give Saddam Hussein:

> "… yet another chance, the moment will pass, our concentration will falter, our energy and focus will disperse and our nerve will fail, with disastrous consequences …
>
> "… We should stand firm, act and show that we have learned from past failures …"

930. The Speaker selected a cross-party amendment to the Government motion, moved by Mr Peter Kilfoyle (Labour), which stated that the House:

> "… believes that the case for war against Iraq has not yet been established, especially given the absence of specific United Nations authorisation; but, in the event that hostilities do commence, pledges its total support for the British forces engaged in the Middle East …"[329]

931. In his speech supporting the amendment, Mr Kilfoyle argued that military action would be "illegal, immoral and illogical". Saddam Hussein had been contained; there was

---

[328] House of Commons, *Official Report*, 18 March 2003, columns 774-779.
[329] House of Commons, *Official Report*, 18 March 2003, column 779.

no evidence provided of links with Al Qaida; he did not have the wherewithal to attack the UK directly; and there had been "an awful lot of scaremongering". The Government's "impatience" would "reap a whirlwind".[330]

932. In his speech, Mr Kennedy stated that he did "not believe that the case for war" had been established, but he acknowledged that the Government deserved credit for persuading a "reluctant" US "to go down the UN route" and for emphasising the primary need for a "meaningful" MEPP.[331] He also drew attention to Mr Annan's remarks the previous day, expressing concern about the legitimacy of action without the support of the Security Council.

933. Mr Kennedy concluded by drawing attention to the number of people who had expressed concern about the "doctrine of regime change", were "wary of the motives" of the US Administration, and "did not like to see Britain separated from its natural international allies".

934. More than fifty backbench MPs spoke in the debate, offering a wide range of views about the prospect of military action.

935. In his speech closing the debate, Mr Straw drew attention to the importance of a just and lasting settlement of the dispute between Israel and Palestine, which was, "as important for the future stability of the region as the disarmament of Iraq's weapons of mass destruction".[332]

936. In relation to Iraq, Mr Straw drew attention to the recommendations of the Select Committee on International Development, including the need for a new UN Security Council resolution "to provide proper authority for reconstruction and redevelopment work, and, in addition, a proper mandate for any Government who are to operate within the territory of Iraq once Saddam Hussein is removed".

937. Mr Straw stated that the House of Commons had never before had the opportunity to vote on a substantive motion for its explicit support for the use of the Armed Forces. That placed "a heavy responsibility" on each member of the House.

938. Mr Straw added that the choice was "not easy". He had "worked for months for a peaceful resolution of the crisis", and he was as certain as he could be "that the Government's course of action was right".

939. Mr Straw also stated:

- "… no one, either today or in New York in the four Security Council meetings that I attended, has … claim[ed] that Saddam Hussein has fulfilled the full and immediate compliance that was required of him."

---

[330] House of Commons, *Official Report*, 18 March 2003, columns 779-781.
[331] House of Commons, *Official Report*, 18 March 2003, columns 781-787.
[332] House of Commons, *Official Report*, 18 March 2003, columns 896-902.

- There was “no other alternative” to seeking the exile of Saddam Hussein and, if that failed, “his disarmament by force”.
- Containment “failed when the inspectors had to leave in 1998”. Three Permanent Members of the Security Council had failed to support resolution 1284 (1999) which had been an attempt to offer Iraq “a new way to peaceful disarmament while containing the threat”. Iraq had said no. The inspectors were not allowed to return; sanctions were eroded, “and containment was left weaker than ever”.
- The strategy encapsulated in resolution 1441 (2002) was “for the active disarmament of the regime, backed by a credible threat of force”.
- There was “no automaticity about the use of force”; “it was entirely conditional on Saddam Hussein’s compliance or otherwise with the resolution”.
- “We also said – to our five permanent colleagues that if the only issue between us and them over the ultimatum was more time than the 10 days we had allowed, of course we could negotiate more time. But no country … has been prepared to say how much more time should be allowed before time runs out. None of them is prepared to issue an ultimatum. In reality, they are not asking for more time. They are asking for time without end.”
- Saddam Hussein would not disarm peacefully, so the choice was “either to leave Saddam where he is, armed and emboldened, an even bigger threat to his country, his region and international peace and security, or we disarm him by force”.

940. Mr Straw concluded:

> “… of course there will be consequences if the House approves the Government motion. Our forces will almost certainly be involved in military action. Some will be killed; so, too, will innocent Iraqi civilians, but far fewer Iraqis in the future will be maimed, tortured or killed by the Saddam regime. The Iraqi people will begin to enjoy the freedom and prosperity that should be theirs. The world will become a safer place, and, above all, the essential authority of the United Nations will have been upheld.”

941. The amendment to the Government motion was defeated by 396 to 217 votes.

942. The Government motion was approved by 412 to 149 votes.

943. Mr Blair did not argue that Iraq posed an imminent threat. He stated that the threat which Saddam Hussein’s arsenal posed to “British citizens at home and abroad” could not be contained, and that in the hands of the Iraqi regime or in the hands of the terrorists to whom Saddam Hussein “would give his weapons”, they posed “a clear danger to British citizens”.

944. It was the ingrained belief of the UK Government and the intelligence community that Saddam Hussein’s regime retained chemical and biological

warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active and successful policy of deception and concealment. That, and the JIC Assessments of whether and in what circumstances Iraq might use those capabilities, is addressed in Section 4.

945. **Iraq's capability was judged to be limited and its chemical and biological weapons did not pose a direct or imminent threat to the UK. Iraq was judged to be most likely to use its weapons as a last resort in response to a military attack which threatened the survival of the regime.**

946. **Mr Blair's statements on the risk of terrorists willing and able to use weapons of mass destruction being able to obtain them from Iraq are addressed in Section 7.**

947. **Saddam Hussein's regime had the potential to proliferate material and know-how to terrorist groups, but it was not judged likely to do so.**

948. **Mr Blair's and Mr Straw's statements claimed that the UK Government was acting on behalf of the international community "to uphold the authority of the Security Council".**

949. **The Charter of the United Nations vests responsibility for the maintenance of peace and security in the Security Council.**

950. **On 18 March, the majority of the Security Council's members were not persuaded that the inspections process, and the diplomatic efforts surrounding it, had reached the end of the road. They did not agree that the time had come to terminate inspections and resort to force.**

951. **In the absence of a majority in the Security Council in support of military action at that point, the UK was undermining the authority of the Security Council.**

DEBATE IN THE HOUSE OF LORDS, 18 MARCH 2003

952. Lord Williams of Mostyn set out the Government's position in the House of Lords, stating: "Ours is a stark choice: we stand our troops down and turn back or we hold firm to the course that we have set. We must hold firm."[333]

953. Lord Strathclyde (Conservative) agreed that "to turn about now would be to court incalculable future danger in the face of the greater emerging threat to our future security".[334]

954. Baroness Williams (Liberal Democrat), referring to Mr Cook's resignation statement on 17 March, commented that there was "more than one set of opinions about how

[333] House of Lords, *Official Report*, 18 March 2003, columns 138-142.
[334] House of Lords, *Official Report*, 18 March 2003, column 146.

effective are the weapons of mass destruction in Iraq … As so often in this argument, we look at a profound ambiguity, which people interpret in different ways."[335]

955. Addressing the failure to secure a second resolution, Baroness Williams added:

> "Much of the blame has been passed over to France. France has been seriously misinterpreted, not least by our own tabloid newspapers … I am told by the French Embassy … that France indicated it would veto a second resolution even if there were nine members of the Security Council supporting it, but made absolutely plain this was a judgement about timelines, not about Iraq failing to comply with Security Council resolutions. In other words – surely, it is not too complex a thought for us to understand – France believes that timelines for the inspectors were unacceptably short … [and] would have supported the resolution if in its view the inspectors indicated that there was no longer sufficient compliance with their work to enable them to complete it in a satisfactory manner.
>
> "Without the second resolution the legitimacy of our actions will continue to be disputed."

956. In her concluding remarks, Baroness Symons highlighted "the breadth of agreement [during the debate] that the Iraqi regime is evil, cruel and has palpably failed to disarm and meet a series of UN obligations placed on it".[336]

957. Baroness Symons responded to a number of questions raised during the debate, including on:

- The threat from WMD. Iraq had "thousands of chemical and biological bombs". The 150 weapons inspectors "simply will not find the weapons of mass destruction in a country the size of France".
- The exhaustion of possibilities for a negotiated solution. France's position on the second resolution meant that negotiation was now "beyond our reach".
- The legality of military action. Divisions of legal opinion in international law were "nothing new". The Attorney General had had access to all information and had delivered a clear view.
- The legal position of those engaged in conflict. Military action would take full account of requirements and obligations of international law.
- Whether military action was the right response. The Iraqi people would be liberated from a life of tyranny and repression and it was necessary for the UN to face up to its responsibilities. It was the mission of the UK's Armed Forces to "enforce the will of the United Nations and the international community".

---

[335] House of Lords, *Official Report*, 18 March 2003, column 147.
[336] House of Lords, *Official Report*, 18 March 2003, columns 223-232.

Events of 19 and 20 March 2003

958. Mr de Villepin telephoned Mr Straw on 19 March with a message for Mr Blair from President Chirac.[337] The President had been "shocked and hurt" by Mr Blair's statements to Parliament. They had been unnecessary. President Chirac understood the pressures that the UK Government was under, but such statements were not acceptable from an ally and an EU partner. Nor were they in accordance with reality.

959. Mr Straw rebutted the comments. He and Mr Blair had felt their comments were justified by the circumstances; not to solve domestic problems but to explain the reality of the situation to which France had contributed. The UK felt that, after resolution 1441, "France had made a strategic choice not to follow through".

960. Mr de Villepin responded that what he had heard from London and Washington did not "link with the truth". He concluded that the statements from the UK Government had shown no courage.

961. Mr Straw concluded that "he knew a great deal about courage: the Prime Minister had shown great courage".

962. The first Ad Hoc Meeting on Iraq (also known as the "War Cabinet") took place at 8.30am on 19 March.

963. Mr Straw informed the meeting that he had received "an official complaint" from Mr de Villepin "about the British representation of the French position in respect of Iraq". He also set out the need to explain the UK's position to other countries and to publicise the international support for the Coalition.[338]

964. The discussion on the importance of a UN resolution covering the post-conflict phase is addressed in Section 6.5.

965. Advice on military issues is addressed in Section 8.

966. Subsequently, Mr Hoon and Adm Boyce briefed Mr Blair on the military preparations.[339]

967. A JIC Note issued on 19 March, 'Saddam: the Beginning of the End', stated that intelligence showed the Iraqi regime was making final preparations for war.[340] Saddam Hussein had rejected US demands for his exile and the US had:

> "… now made clear that even a last-minute change of mind by Saddam would not stop the Coalition from moving against Iraq's WMD."

---

[337] Telegram [unnumbered] FCO London to Paris, 19 March 2003, 'Iraq: Foreign Secretary's Conversation with French Foreign Minister, 19 March'.
[338] Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.
[339] Manuscript comment Manning on Letter Watkins to Manning, 18 March 2003, 'Iraq: Military operations'.
[340] Note JIC, 19 March 2003, 'Saddam: The Beginning of the End'.

968. The Note added that the JIC continued to judge that Saddam Hussein's scope for "extreme and unpredictable action is increasing as the prospect of an attack approaches". The JIC view on the possible use of CBW is set out in Section 4.3.

969. Sir David Manning spoke to Dr Rice at noon.[341]

970. Sir David told Dr Rice that the French had "launched a fierce public attack" on the UK.

971. Sir David and Dr Rice also discussed the meeting of the Security Council and the need to rebuild relationships. Sir David said that Dr Blix's work programme provided "further confirmation of how little Saddam had done to fulfil his disarmament obligations". The UK was in favour of a continuing role for UNMOVIC; it would be "important to have UNMOVIC available to provide independent verification when we found WMD".

972. Mr Blair and President Bush spoke at 12.40pm on 19 March.[342] They discussed the military plans and timetable. Mr Blair said that he had "reviewed the military plans and was confident that they would work". Post-conflict issues would be the focus of conversation when they met. A full-day meeting was envisaged to cover the ground. Mr Blair suggested that the discussions might include bringing in allies who had opposed military action and co-ordinating a communications strategy.

973. Mr Campbell wrote in his diaries:

> "As Bush said … other leaders would look at what he [Blair] did, and the power with which he did it, and really learn lessons from it. 'Landslide' he [Bush] said, referring to the Road Map publication as 'genius'. He referred back to what he called 'the *cojones* conference' at Camp David. 'You showed *cojones*, you never blinked. A leader who leads will win and you are a real leader.' He said the object is regime change … TB felt that the next stage after winning the war would be to work out the geopolitical fallout and repair some of the divisions. Bush said Condi had this line that we should 'punish the French, ignore the Germans and forgive the Russians', which was pretty glib. TB didn't comment at the time but later said he didn't agree. We should try to build bridges with all of them. We finally got Bush to agree there was no point TB going to the US at the moment, that we should wait until the fighting starts …
>
> "… Bush said that the Iraqis would now be 'shredding documents like crazy'… the Road Map would be published today when Abu Mazen was confirmed …"[343]

---

[341] Letter Manning to McDonald, 19 March 2003, 'Iraq: Conversation with Condi Rice'.
[342] Letter Cannon to McDonald, 19 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 19 March'.
[343] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

974. President Bush wrote in his memoir that he convened "the entire National Security Council" on the morning of 19 March where he "gave the order to launch Operation Iraqi Freedom".[344]

SECURITY COUNCIL DEBATE, 19 MARCH 2003

975. Although there had been unanimous support for a rigorous inspections and monitoring regime backed by the threat of military force as the means to disarm Iraq when resolution 1441 was adopted, there was no such consensus in the Security Council in March 2003.

976. In the Security Council debate on 19 March, the majority of members of the Security Council, including China, France and Russia, made clear that they thought the goal of disarming Iraq could be achieved by peaceful means and emphasised the primary responsibility of the Security Council for the maintenance of international peace and security.

977. The Security Council held an open debate on Iraq on 19 March. The Foreign Ministers of France, Germany, Guinea, Russia and Syria attended.[345]

978. Dr Blix stated that UNMOVIC's draft work programme had been presented to the Security Council on 17 March in response to the wishes of its members, but, "on the very same day", UNMOVIC had been "constrained together with other United Nations units to order the withdrawal of all our inspectors and other international staff from Iraq".

979. Dr Blix stated that he felt:

> "… sadness that three and a half months of work … have not brought the assurances needed about the absence of weapons of mass destruction or other proscribed items in Iraq, that no more time is available for inspections and that armed action now seems imminent."

He was relieved that there had been full Iraqi co-operation on the withdrawal of UN staff.

980. Dr Blix stated that the inspectors had "worked broadly" but it was "evidently possible for the Council to single out a few issues for resolution within a specific time". The draft programme selected "12 key tasks" where progress "could have an impact on the Council's assessment of co-operation of Iraq under resolution 1284 (1999)". But, whatever approach was followed, the results would depend on Iraq's active co-operation. Since his last report to the Security Council [on 7 March], Iraq had sent several more letters on unresolved issues. Those efforts by Iraq "should be acknowledged", but UNMOVIC's experts had "found, so far, that, in substance, only limited new information has been provided that will help to resolve remaining questions".

---

[344] Bush GW. *Decision Points*. Virgin Books, 2010.
[345] UN Security Council, '4721st Meeting Wednesday 19 March 2003' (S/PV.4721).

981. Dr Blix said that the draft work programme "would seem to have only limited practical relevance in the current situation". It was "evidently for the Council to consider the next steps". He hoped the Council would "be aware" that it had "in UNMOVIC staff a unique body of international experts"; that "no other international organisation has trained inspectors in the field of biological weapons and missiles"; and that, "With increasing attention being devoted to proliferation of these weapons [of mass destruction], this capability may be valuable to the Council".

982. Mr Gustavo Zlauvinen, International Atomic Energy Agency representative to the UN, said that the Agency had transmitted its work programme, which was "self-explanatory", to the Council that morning. Dr ElBaradei would be "available any time in the future to discuss … the work programme should the Council decide to do so".

983. Mr Joschka Fischer, the German Vice Chancellor and Foreign Minister, stated that the world was "facing an imminent war in Iraq". The Security Council could not "remain silent" and its task "must be to safeguard its function and preserve its relevance". Developments had "brought the work of the United Nations on the ground to a standstill" and were "cause for the deepest concern". The draft work programme "with its realistic description of unresolved disarmament issues" provided "clear and convincing guidelines on how to disarm Iraq peacefully within a short space of time". He wanted "to stress" that it was "possible to disarm Iraq peacefully by upholding those demands with tight deadlines". Peaceful means had "not been exhausted" and Germany "emphatically rejects the impending war".

984. Mr Fischer deeply regretted that "considerable efforts to disarm Iraq using peaceful means" seemed to have little chance of success. France, Germany and Russia had "put forward proposals for a more efficient inspections regime consisting of clear disarmament steps with deadlines, most recently on 15 March", and other members of the Council had also "submitted constructive proposals until the final hours of the negotiations".

985. Mr Fischer stated:

> "During the last few days, we have moved significantly closer to our common objective: that of effectively countering the risk posed by Iraqi weapons of mass destruction with complete and comprehensive arms control. Especially in recent weeks, substantial progress was made in disarmament. The scrapping of the Al Samoud missiles made headway … And the regime in Baghdad is beginning, under pressure, to clear up the unanswered questions on VX and anthrax."

986. Mr Fischer continued:

> "Iraq's readiness to co-operate was unsatisfactory. It was hesitant and slow. The Council agrees on that. But can this seriously be regarded as grounds for war…?

> "There is no doubt that, particularly in recent weeks, Baghdad has begun to co-operate more. The information Iraq has provided … are steps in the right direction. Baghdad is meeting more and more of the demands contained in the Security Council resolutions. But why should we … especially now – abandon our plans to disarm Iraq by peaceful means?
>
> "The majority of Security Council members believe that there are no grounds now for breaking off the disarmament process …"

987. Mr Fischer made three points:

- The "myth" that the Security Council had "failed" must be countered. It had "made available the instruments to disarm Iraq peacefully". The Security Council was "not responsible" for what happened outside the United Nations.
- "… clearly, under the current circumstances the policy of military intervention has no credibility. It does not have the support of our people. It would not have taken much to safeguard the unity of the Security Council. There is no basis in the United Nations Charter for regime change by military means."
- The inspection regime should be preserved and the work programme endorsed because both would be needed after military action.

988. Mr Fischer concluded that Germany was "convinced that the United Nations and the Security Council must continue to play the central role in the Iraq conflict". That was "crucial to world order and must continue to be the case in the future". The United Nations was "the key institution for the preservation of peace and stability and for the peaceful reconciliation of interests". There was "no substitute for its functions as a guardian of peace".

989. Mr Fischer also argued that an "effective international non-proliferation and disarmament regime" continued to be needed. The instruments developed in the Iraq process could be used to make the world a safer place. But the UN was the "only appropriate framework" for that: "No one can seriously believe that disarmament wars are the way forward." Europe had experienced the horrors of war "too often": "It can only be the very last resort when all peaceful alternatives really have been exhausted." Germany had:

> "… accepted the necessity of war on two occasions … because all peaceful alternatives had proved unsuccessful.
>
> "Germany fought side by side with its allies in Kosovo. It did likewise in Afghanistan.
>
> "Today, however, we in Germany do not believe that there is no alternative to military force. To the contrary, we feel that Iraq can be disarmed using peaceful means."

990. Mr de Villepin said that for France "war can only be a last resort". He stated that the inspectors' work programmes reminded the Council that there was "still a clear and

credible prospect for disarming Iraq peacefully" with a "realistic timetable". Inspections were "producing tangible results".

991. Mr de Villepin stated that a choice was being made "between two visions of the world"; between "those who choose to use force and think that they can resolve the world's complexity through swift preventive action"; and those who choose "resolute action and a long-term approach". He warned:

> "… in today's world, to ensure our security, we must take into account the manifold crises and many dimensions, including the cultural and religious ones. Nothing enduring in international relations can be built without dialogue and respect for the other, without strictly abiding by principles, especially for democracies that must set the example. To ignore that is to run the risk of misunderstanding, radicalisation and spiralling violence. That is especially true in the Middle East, an area of fractures and ancient conflicts, where stability must be a major objective for us."

992. Mr de Villepin added:

> "To those who think that the scourge of terrorism will be eradicated through what is done in Iraq, we say that they run the risk of failing … An outbreak of force in such an unstable area can only exacerbate the tensions and fractures on which terrorists feed."

993. Subsequently, Mr de Villepin stated:

> "… terrorism is fuelled by organised crime networks; it cleaves to the contours of lawless areas; it thrives on regional crises; it garners support from the divisions in the world; and it uses all available resources, from the most rudimentary … to whatever weapons of mass destruction it can manage to acquire."

994. Mr de Villepin called for the international community to "intensify" the fight against terrorism; for a "new impetus" in the fight against proliferation of weapons of mass destruction; and to "recover the initiative in regional conflicts" and in particular the Israeli-Palestinian conflict.

995. In Iraq, the international community should "remain mobilised" to "dress the wounds of war" and to "build peace". No State could "claim the necessary legitimacy" for the latter; the "legal and moral authority" could "stem only from the United Nations", which should also "establish a framework for the country's economic reconstruction". Action should be guided by "respect for the unity and territorial integrity of Iraq, and the preservation of its sovereignty".

996. Mr de Villepin concluded:

> "In a world where the threats are asymmetrical, where the weak defy the strong, the power of conviction, the capacity to persuade and the ability to change hearts counts as much as the number of military divisions …

> "Given this new world, it is imperative that the international community's action be guided by principles.
>
> "The first is respect for law. The keystone of international order, it must apply under all circumstances, but even more so when it is a question of taking the gravest decision: to use force. Only on that condition can force be legitimate, and only on that condition can it restore order and peace.
>
> "Next is the defence of freedom and justice. We must not compromise on what is at the core of our values. We shall be listened to and heeded only if we are inspired by the very ideals of the United Nations.
>
> "Last is the spirit of dialogue and tolerance …
>
> "… Never has the United Nations been so necessary. It is up to this body to muster the resolve to meet these challenges, because the United Nations is the place where international law and legitimacy are founded and because it speaks on behalf of peoples.
>
> "To the clash of arms … the international community … must respond …"

997. Mr Ivanov stated that, by unanimously adopting resolution 1441 (2002), the Security Council had taken upon itself "the serious responsibility of completing the process of Iraq's disarmament". The reports from UNMOVIC and the IAEA showed "convincingly that the international inspectors have succeeded in achieving tangible results". As a result of the unity of the international community and the joint pressure on the Iraqi authorities, "including a military presence in the region", Baghdad had "fulfilled virtually every condition set by the inspectors" and had "not put up any kind of serious obstacle to their activities". If the international inspectors were "given the opportunity to continue their work", they had "everything they need to complete the process of Baghdad's peaceful disarmament".

998. Mr Ivanov questioned the "the right to use force against Iraq outside the Charter of the United Nations" and the authority for "the violent overthrow of the leadership of a sovereign State".

999. Mr Ivanov concluded that President Putin had extended "solidarity and support" to President Bush after the attacks on 11 September 2001, and:

> "If today we really had indisputable facts demonstrating that there was a direct threat from the territory of Iraq to the security of the United States of America, then Russia, without any hesitation, would be prepared to use the entire arsenal of measures provided under the United Nations Charter to eliminate such a threat. However, the Security Council today is not in possession of such facts. That is why we prefer a political settlement, relying on the activities of UNMOVIC and the IAEA, which enjoy the full trust of the international community."

1000. Mr Farouk al-Sharaa, the Syrian Foreign Minister, reminded the Council of the "most important commitment" in the United Nations Charter "to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security". He questioned whether the US "and its ally, the United Kingdom" could absolve themselves of the responsibility for the difficulties of finding constructive solutions for the problems in Iraq and Palestine. He suggested that a "war of aggression" was about to be unleashed which was "unfair and unjustified" and would "come back to haunt those who have advocated and promoted it, instead of enhancing their status in history".

1001. Drawing attention to Israel's rejection of international inspection and supervision, Mr al-Shara' stated that Syria had supported resolution 1441 because of its:

> "… belief in supporting the international will to find a peaceful solution to the Iraqi crisis and to eliminate Iraqi weapons of mass destruction through peaceful means."

1002. Mr al-Shara' said that "the majority of the members of the Council rejected the idea of adopting a draft resolution authorising the use of force". He expressed "extreme regret and concern at attempts by some to call into question the role of the Security Council in particular, and the United Nations in general, simply because they did not succeed in imposing their will and positions on the Council and the United Nations". He was highly critical of those who had "reneged" on resolution 1441, alleging that the objective was not to disarm Iraq "but to occupy it and usurp its natural resources". He questioned whether Iraq represented a threat to the US, pointing out that Al Qaida had active or sleeper cells in more than 150 countries.

1003. Mr al-Shara' concluded that the "letter and the spirit" of the ultimatum issued by the US led Syria to conclude that the objective was "the removal or the bringing to justice of an individual or a group of individuals". Syria urged "those concerned to shut down the machinery of war" and to spare the lives of:

> "… millions of innocent Iraqis as well as the lives of their new oppressors who are marching thousands of miles … holding up the banner of liberation like a myth. Many people – including many Americans – have stood against the foreign occupier in defence of liberty and independence. That is the logic of history … that will continue …"

1004. Mr Akram stated that Pakistan had "consistently advocated a peaceful solution". He stressed "that every possible avenue should be exhausted to secure a peaceful solution, and that the use of force must be the very last resort". Pakistan believed that the programme of work identified by Dr Blix "could have provided a useful basis for the completion of the disarmament process … if Iraq's full and unconditional co-operation

could have been assured and obtained in time". Members of the Security Council had been separated by "honest differences". Once military action began, the duties:

> "… of the Security Council to restore peace and security, to contain conflict, to prevent the suffering of the Iraqi people and others in the region, to ensure the territorial integrity of Iraq and its neighbours and to ensure the stability of this sensitive region … will not end; they will become more acute."

1005. Mr Zinser deplored "the path of war", referring to the UN Charter and the "principles" which Mexico had learned from history for the "peaceful settlement of disputes and disarmament". He described the inspections regime for Iraq as "the most robust, dynamic and effective effort at peaceful disarmament that has ever been attempted" and stated that Mexico was "convinced that … the United Nations could have brought about the peaceful disarmament of Iraq".

1006. Ambassador Negroponte stated that the consideration of the draft programmes was "incompatible with Iraq's non-compliance with resolution 1441 (2002) and the current reality on the ground"; the work programme was "predicated on the assumption that Iraq will provide immediate, unconditional and active co-operation". That had:

> "… been manifestly lacking. No realistic programme of work or outline of key unresolved issues can be developed … while Iraq fails to co-operate fully, actively and unconditionally, nor can it be developed absent sound information on Iraqi programmes since 1998 and all other information that is lacking."

1007. Ambassador Negroponte added that the draft work programmes and:

> "… the paper on key remaining disarmament tasks make clear the multitude of important issues that Iraq has avoided addressing. These are the kinds of documents that we would have been able to discuss if Iraq had met the requirements of resolution 1441 (2002), but they cannot now lead us to the results that this Council demanded: the immediate peaceful disarmament of Iraq.
>
> "Under current circumstances we have no choice but to set this work aside for the time being … we do not exclude the possibility that it may prove useful to return to these documents at some point in the future."

1008. Ambassador Negroponte stated that the US had committed "significant resources … across all relevant United States Government agencies and in support of United Nations efforts to anticipate likely requirements and to be prepared to administer necessary relief as quickly as possible".

1009. Mr Belinga Eboutou stated that "the peaceful disarmament of Iraq by means of inspections" had ended. The UNMOVIC draft work programme "would have been a good basis for work" but "much remained to be done" and his delegation did "not see how the inspectors would have achieved their heavy task in the absence of full, active and unconditional co-operation".

1010. Mr Arias said Saddam Hussein was responsible for the suspension of inspections:

> "Through his ongoing policy of deceit, concealment and delaying tactics, he has decided to openly opt for the path of confrontation, contravening the interests of his people and the demands of the Security Council."

The draft resolution tabled by the US, UK and Spain was "designed to ratchet up the pressure on the Iraqi regime" and had "in fact, offered Saddam Hussein another opportunity".

1011. Mr Arias stated that resolution1441 recognised that Iraq's non-compliance with the Council's resolutions constituted a threat to international peace and security; that the Council had met "many times to examine successive reports of the inspectors". Iraq had "still not complied with the will of the international community as had been demanded … Therefore, peace and security continue unassured."

1012. Mr Juan Gabriel Valdés, Chilean Permanent Representative to the UN, stated that Chile had been convinced that "the inspections programme – strengthened, zealous and investigative, carried to its logical conclusion and accompanied by growing and persistent military pressure – was capable of achieving … the peaceful disarmament of Iraq." The Council:

> "… needed to make clear to the regime of Saddam Hussein that the United Nations would move towards the disarmament of Iraq at any cost. The Council should have cultivated its internal unity …
>
> "That was not possible. We fear that the consequences will be serious for humanity. The Iraqi regime never understood the dimension of its lethargy and did not appreciate the gravity of the punishment to which it was exposing its own people … the Council was unable to find … the flexibility needed to set deadlines and to define a path of collective action that would have enabled it to shoulder the responsibilities entrusted to it by the Charter of the United Nations. Today, every one of us must assume his part of the responsibility."

1013. Mr Valdés continued that it was "not the time for recriminations"; and that nothing could be more serious than suspending the inspections process which "could create doubts concerning the validity of this instrument". He concluded:

> "The Security Council … must now work tirelessly, inspired by the objective of preserving life and restoring peace. Perhaps if we do everything that we can and save as many lives as we can, the millions of people in the world who have now lost faith in our capacity to make the world a civilised place may again lend their inspiration to our tasks."

1014. Mr Helder Lucas, Angolan Deputy Permanent Representative to the UN, deplored the "fact that the inspectors were unable to complete their task of disarming Iraq of its weapons of mass destruction. Angola also deplored the "fact that Iraq was

unable to seize the last opportunity afforded to it by the Security Council". Angola [had] made repeated pleas to Iraq to co-operate fully and honestly with the United Nations in complying with the Council resolutions relating to its unconditional disarmament – particularly resolution 1441 (2002) – and to convince the international community as a whole that it was making genuine and determined efforts to disarm. The use of force should be a last resort; and that the decision "should be within the United Nations framework in order to count on the international community's full support"; that Angola had "advocated the principle of safeguarding the Security Council's primacy as the most appropriate mechanism for regulating crisis situations and for imposing international law through compliance with its resolutions"; and that it had "defended the necessity" of Council unity.

1015. Mr Wang stated that the work programme, "if implemented" would "surely make the inspections more organised, and more targeted" and would "help enhance" their effectiveness. He added that:

> "In the light of recent progress made in the inspections, we believe that it is possible to achieve the goal of disarming Iraq through peaceful means. We should not put an end to the road to peaceful disarmament."

He expressed China's "utmost regret and disappointment" about a situation where war might break out at any minute. China would do all it could to avert war.

1016. Mr Wang concluded:

> "The Council bears the primary responsibility for the maintenance of international peace and security. No matter what the circumstances may be, the Council must shoulder its responsibility …"

1017. Mr Tafrov stated that inspections were "truly effective only with … full and active co-operation on the part of the country and Government concerned". He stated that Bulgaria sincerely regretted that efforts to disarm Iraq peacefully had "not yielded the desired results"; and confirmed that "since all the political possibilities" had "been exhausted", Bulgaria's position was that Iraq had "failed to seize its last chance".

1018. Sir Jeremy Greenstock underlined:

> "… the United Kingdom's deep regret that it has not been possible for the Council to find an agreed way forward on Iraq. The United Kingdom tried as hard as any member of the Security Council to achieve that.
>
> "… we should not forget what brought us to this point: the fundamental failure of Iraq to disarm in the face of 12 years of demands, pressure and pleas from the Security Council and … virtually the whole international community. If Iraq had made a genuine effort … to close outstanding issues of substance at any time in the past decade, particularly after resolution 1441 (2002) afforded it the final opportunity to do so, and if Iraq had respected the United Nations, we would not be where we are.

> "I repeat what British Ministers have made clear: any action which the United Kingdom has to take in this matter will be in accordance with international law and based on relevant resolutions of the Security Council."

1019. Sir Jeremy stated that the UN had a central role to play "on Iraq and on the wider issues associated with it" and he hoped that "with the active contribution of the Secretary-General", rapid progress could be made "on this crucial area". Ms Short was in New York to discuss humanitarian issues.

1020. Sir Jeremy concluded that the UK continued "to see an important role" for UNMOVIC and the IAEA "in verifying the disarmament of Iraq and in carrying out longer term monitoring". He commended the inspectors for their "professional work" and noted the work programmes and key tasks, but: "Equally" he noted that "without a co-operating Iraqi government … it would never be possible to be confident of the key tasks or of making progress against them". The programmes should be kept under review but a "more definitive" programme would be "possible when there is an administration in Iraq which is prepared to co-operate fully, actively and unconditionally and when there is a secure situation on the ground".

1021. Mr François Lounceny Fall, President of the Security Council and the Guinean Foreign Minister, deeply regretted that the Security Council had not been able to arrive at a common position. Guinea believed "in the possibility of safeguarding peace and attaining our common objective: the complete disarmament of Iraq". If armed conflict was "inevitable", "appropriate steps … to spare the civilian population and limit the destruction of the economic and social infrastructure" were "desirable". He was determined "to work together with other members to continue dialogue" which was "the only way to restore unity". That was "the very basis of the credibility of the Security Council" and was "more than ever necessary in order to enable it effectively to carry out its mission of preserving international peace and security".

1022. Mr Aldouri expressed his "appreciation" for the efforts made by Council members to find a peaceful solution to the "current crisis", which had been "created by the United States, the United Kingdom and Spain, with the intention of launching a hostile war against Iraq and occupying it under the pretext of the presence in Iraq of weapons of mass destruction". There had been "three or four discordant voices calling for war". Many other voices "responding to the international community and human conscience, as well as to the principles of truth, justice and the Charter of the United Nations" had called for peace.

1023. Mr Aldouri continued:

> "For the record, and for the sake of historical accuracy, as well as to reassure every State that has recently made active efforts to maintain peace and to prevent war, we would like to reiterate that Iraq no longer possesses weapons of mass destruction. The presence of such weapons has been relegated to the past. Iraq decided in 1991 to destroy the weapons it had produced. That action stemmed from the conviction

> underlying Iraq's policy to rid itself of such weapons. Proof of this … lies in the failure by the United States and Britain to prove any allegation that Iraq has possessed such weapons in recent years, and especially during the period following the adoption of resolution 1441 (2002)."

1024. Mr Aldouri stated that the inspectors had "refuted all the misleading information that was presented" by the US and UK; and that the inspectors had "proved that information to be false", including the information that Secretary Powell had "worked so arduously to put before the Council as damning evidence". The US and the UK had failed to "provide even a shred of evidence".

1025. Mr Aldouri added that, when the US and the UK:

> "… realised that the world was beginning to understand the truth, namely, that Iraq was free of weapons of mass destruction, those countries decided to expose their real goals and intentions … to occupy Iraq and to control its oil wells … The coming days will prove the reality of that truth. But by then it will be too late."

1026. Mr Aldouri stated that Iraq welcomed the work programme presented by Dr Blix and would "do its utmost to complete those tasks as soon as possible and to answer every question raised in the report". Iraq had finalised two "important" reports, on anthrax and unmanned planes, which would be handed over to UNMOVIC. He warned that the already "dire humanitarian situation", which was "due to an unjust embargo", would deteriorate further:

> "Electricity, potable water, sewage treatment, communications and other essential needs … will be affected or, as was the case in 1991, destroyed. That will lead to a real humanitarian catastrophe …
>
> "The direct humanitarian effects of the military attack will mean tens of thousands of casualties and the complete destruction of the country's infrastructure."

1027. Mr Aldouri dismissed the offers of millions of dollars of aid from the US and the UK and the commitment to rebuild the infrastructure that would be destroyed. He regretted the withdrawal of all UN agencies, the suspension of the Oil-for-Food programme and the withdrawal of its entire international staff "in record time". That was "truly astonishing"; and the "decision to withdraw the inspectors so swiftly" paved the way for the US and UK to "carry out acts of military aggression … much faster than was expected".

1028. Mr Aldouri concluded by reaffirming that Iraq would "continue to work with the Security Council to make the truth known" that Iraq was "free of weapons of mass destruction". Iraq hoped that the Council would "continue to search for a peaceful solution to the crisis, ensure that the work of the inspectors continues and resume the Oil-for-Food programme".

1029. Sir Jeremy Greenstock reported:

> "Even at the precipice of war, Aldouri maintains Iraq has no WMD."[346]

1030. Mr Annan stated that he shared "the regrets expressed by many members of the Council" that it had "not been possible to reach a common position".[347] It was "a sad day for the United Nations and the international community". He knew that "millions of people around the world" shared that "sense of disappointment" and were "deeply alarmed by the prospect of imminent war".

1031. Mr Annan added that it was the "plight of the Iraqi people" that was now his "most immediate concern". In the short term, a conflict could "make things worse – perhaps much worse". The members of the Council should agree to "do everything we can to mitigate this imminent disaster".

1032. Mr Annan explicitly pointed out that:

> "Under international law, the responsibility for protecting civilians in conflict falls on the 'belligerents'. In any area under military occupation, responsibility for the welfare of the population falls on the Occupying Power."

1033. Mr Annan added that: "Without in any way assuming or diminishing that ultimate responsibility", the UN would do "whatever we can to help". There would be an appeal for more funds to finance relief operations and decisions by the Council would be needed to adjust the Oil-for-Food programme.

1034. Mr Annan concluded by expressing:

> "… the hope that the effort to relieve the sufferings of the Iraqi people and to rehabilitate their society after so much destruction may yet be the task around which the unity of the Council can be rebuilt."

1035. Sir Jeremy Greenstock commented that France, Russia, Germany and Syria had been "most forthright in underlining that peaceful disarmament would have been possible"; and that most delegations had underlined "the importance of re-establishing Council unity". He concluded:

> "The day went as well as could have been expected with no real recrimination. While there was a lot of regret and gloom about the political state we had reached, there was just as much focus on the way forward and humanitarian efforts. Many will have wondered why Ministers were there at all."[348]

---

[346] Telegram 492 UKMIS New York to FCO London, 20 March 2003, 'Iraq: 19 March Open Debate'.
[347] UN Security Council, '4721st Meeting Wednesday 19 March 2003' (S/PV.4721).
[348] Telegram 492 UKMIS New York to FCO London, 20 March 2003, 'Iraq: 19 March Open Debate'.

1036. In his memoir, Mr Annan wrote:

> "The decision by the United States and its allies to proceed with the invasion of Iraq without Security Council authorisation was a defeat for all of us who had sought to ensure that Iraq's defiance of the United Nations was met by a unified and effective response. But it was a vindication, too, of principle over power. Members of the Council, including close allies and neighbours of the United States, had insisted on the prerogative of the United Nations Security Council to decide under international law whether a member state was in material breach of the Council's resolutions, and what the consequences should be."[349]

MILITARY OPERATIONS BEGIN

1037. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US air strikes would be launched at 0300 GMT on 20 March.[350]

1038. Early on the morning of 20 March, US forces crossed into Iraq and seized the port area of Umm Qasr.[351]

1039. Mr Straw told the Cabinet on 20 March that inspections had not produced the disarmament of Iraq and that Dr Blix had told the Security Council on 19 March that Iraq had "failed to produce assurance of its disarmament".[352]

1040. Mr Blair concluded that the Government:

> "… should lose no opportunity to propagate the reason, at every level and as widely as possible, why we had arrived at a diplomatic impasse, and why it was necessary to take action against Iraq. France had not been prepared to accept that Iraq's failure to comply with its obligations should lead to the use of force to achieve compliance."[353]

1041. The invasion of Iraq is addressed in Section 8. The continuing discussions about the planning and preparations for a post-conflict Iraq and the UK's role in that are addressed in Section 6.5.

---

[349] Annan, K. *Interventions: A Life In War And Peace.* Allen Lane, 2012.
[350] Letter Manning to McDonald, 20 March 2003, 'Iraq'.
[351] Ministry of Defence, *Operations in Iraq: Lessons for the Future,* December 2003, page 12.
[352] Cabinet Conclusions, 20 March 2003.
[353] Cabinet Conclusions, 20 March 2003.

Mr Blair's "Address to the Nation", 20 March 2003

In an "Address to the Nation" on 20 March, announcing that UK forces were taking part in military action, Mr Blair stated that the world faced a:

> "… new threat: of disorder and chaos born either of brutal states like Iraq, armed with weapons of mass destruction; or of extreme terrorist groups. Both hate our way of life, our freedom, our democracy.
>
> "My fear, deeply held, based in part on the intelligence that I see is that these threats come together and deliver catastrophe to our country and world.
>
> "Some say if we act, we become a target. The truth is all nations are targets …
>
> "Should terrorists obtain these weapons now being manufactured and traded round the world, the damage they could inflict to our economies, our security, to world peace, would be beyond our most vivid imagination.
>
> "My judgement, as Prime Minister, is that this threat is real, growing and of an entirely different nature to any conventional threat to our security that Britain has faced before.
>
> "For 12 years, the world has tried to disarm Saddam … UN weapons inspectors say vast amounts of chemical and biological poisons, such as anthrax, VX nerve agent, and mustard gas remain unaccounted for in Iraq.
>
> "So our choice is clear: back down and leave Saddam hugely strengthened; or proceed to disarm him by force. Retreat might give us a moment of respite but years of repentance at our weakness would I believe follow.
>
> "It is true that Saddam is not the only threat. But it is true also … that the best way to deal with future threats peacefully, is to deal with present threats with resolve.
>
> "Removing Saddam will be a blessing to the Iraqi people …
>
> "Our commitment to the post-Saddam humanitarian effort will be total. We shall help Iraq move towards democracy …
>
> …
>
> "But these challenges and others that confront us … require a world of order and stability. Dictators like Saddam, terrorist groups like Al Qaida threaten the very existence of such a world.
>
> "That is why I have asked our troops to go into action tonight …"[354]

[354] The National Archives, 20 March 2003, *Prime Minister's Address to the Nation.*

1042. On 20 March, Ambassador William S. Farish, the US Ambassador to the UK, sent a letter congratulating Mr Blair on his success in the House of Commons debate and vote on 18 March.[355]

1043. Thanking Ambassador Farish, Mr Blair responded that he believed:

> "… the action the American and British Armed Forces are taking in Iraq will make our two countries safer and Iraq a better place for its people. I think this view is increasingly supported by British and international opinion. It is the right thing to do. I am pleased to be working so closely with President Bush on this …"[356]

[355] Letter Farish to Prime Minister, 20 March 2003, [untitled].
[356] Letter Blair to Farish, 21 March 2003, [untitled].

SECTION 4

IRAQ'S WEAPONS OF MASS DESTRUCTION

Introduction

1. Section 4 addresses:

- how the Joint Intelligence Committee's (JIC) Assessments of Iraq's chemical, biological, nuclear and ballistic missile capabilities, and the intent of Saddam Hussein's regime to retain, produce, use or proliferate such weapons, evolved between 2000 and the invasion of Iraq in March 2003;
- the robustness of the evidence base on which those judgements were made;
- other advice given to Ministers on Iraq's capabilities and intent;
- the way in which the intelligence and Assessments were used:
  - within Government to underpin policy decisions; and
  - in public statements and material presented to Parliament to underpin the Government position that urgent action was needed to secure the disarmament of Iraq;
- the search for weapons, materials and evidence of prohibited programmes after the conflict; and
- the background to and findings of the four previous Inquiries into aspects of the issues covered in this Section.

2. In doing so, the Inquiry has drawn on the JIC Assessments addressing these issues produced between 2000 and 2005, which are being published alongside this Report.

3. The roles of the JIC, the Cabinet Office Assessments Staff and the Secret Intelligence Service (SIS), and the priority given to collection of intelligence on Iraq, are set out in Section 2.

4. As well as documents provided by the Government and the oral evidence it was given, the Inquiry has drawn on other authoritative accounts including:

- reports to the United Nations Security Council by the International Atomic Energy Agency (IAEA), the UN Special Commission (UNSCOM) and the UN Monitoring, Verification and Inspection Commission (UNMOVIC); and
- various reports of the Iraq Survey Group (ISG) published in 2003 to 2005.

5. Section 1.1 describes Iraq's chemical, biological, nuclear and ballistic missile programmes after the 1991 Gulf Conflict and the international community's attempts to disarm Iraq – through a series of UN Security Council resolutions, a UN inspection and monitoring regime and a policy of containment supported by limited military action – and

Iraq's responses. That Section also sets out, from information available in open sources, the evolution of the JIC's Assessments of Iraq's capabilities between 1990 and December 1998.

6. Section 1.2 addresses the UK's Iraq strategy between September 2000 and September 2001.

7. The wider context of the development of UK strategy and options for Iraq after the attacks on the US on 11 September 2001 (9/11) is addressed in Section 3, including the judgement that Iraq was not involved in 9/11, the absence of evidence of links between Iraq and Al Qaida (AQ), and the potential consequences of military action for the threat to the UK and UK interests from international terrorism.

Previous Inquiries

8. Aspects of the UK Government's actions in relation to its assessment of Iraq's weapons of mass destruction (WMD), and the way in which intelligence information was deployed in support of the case for urgent action to disarm Iraq, have already been addressed by four previous Inquiries.

9. The terms of reference for each of those Inquiries, which were narrower than those of the Iraq Inquiry, are set out below.

10. The report of the House of Commons Foreign Affairs Committee (FAC), *The Decision to go to War in Iraq* (HC 813), was published on 7 July 2003.[1] It sought to "establish whether the Foreign and Commonwealth Office (FCO), within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in respect of weapons of mass destruction".

11. The report of the Intelligence and Security Committee (ISC), *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* (Cm 5972), was published in September 2003.[2] The ISC stated that it had "looked at the supporting intelligence in critical areas to ensure that the [JIC] Assessments reflected the intelligence correctly".

12. The Report of the Inquiry into the *Circumstances Surrounding the Death of Dr David L Kelly CMG* by Lord Hutton (The Hutton Inquiry, HC 247), was published on 28 January 2004.[3]

---

[1] Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq,* HC 813.
[2] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm 5972.
[3] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* ["The Hutton Inquiry"], 28 January 2004, HC 247.

13. The Inquiry was established by Lord Falconer of Thororton, the Secretary of State for Constitutional Affairs, on 18 July 2003:

> "urgently to conduct an investigation into the circumstances surrounding the death of Dr Kelly."[4]

14. Lord Hutton's interpretation of his terms of reference is set out in his report.[5]

15. Lord Hutton concluded that the "allegations attacking the integrity of the Government", broadcast on the *BBC Today* programme on 29 May 2003, that:

- "the Government probably knew, before it decided to put it in its dossier ... that the statement was wrong that the Iraqi military were able to deploy weapons of mass destruction within 45 minutes of a decision to do so"; and
- that No.10 had "ordered the dossier to be sexed up"

had to be considered under his terms of reference, because it was those allegations that had drawn Dr Kelly into the controversy about the broadcasts.

16. Lord Hutton explicitly determined that two other areas fell outside his terms of reference.

17. First, Lord Hutton stated that the question of "whether, if approved by the Joint Intelligence Committee and believed by the Government to be reliable, the intelligence contained in the dossier was nevertheless unreliable" was a "separate issue".

18. Secondly, Lord Hutton wrote that he had carefully considered "the view expressed by a number of public figures and commentators" that his "terms of reference required or, at least, entitled" him to consider:

> "... whether the intelligence in relation to weapons of mass destruction set out in the dossier published by the Government on 24 September 2002 was of sufficient strength and reliability to justify the Government in deciding that Iraq under Saddam Hussein posed such a threat to the safety and interests of the United Kingdom that military action should be taken against that country."

19. Lord Hutton "concluded that a question of such wide import, which would involve the consideration of a wide range of evidence" did not fall within his terms of reference.

20. The *Review of Intelligence on Weapons of Mass Destruction* by a Committee of Privy Counsellors chaired by Lord Butler of Brockwell (The Butler Report, HC 898), was published on 14 July 2004.[6]

---

[4] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* ["The Hutton Inquiry"], 28 January 2004, HC 247, page 1.
[5] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* ["The Hutton Inquiry"], 28 January 2004, HC 247, pages 2-3.
[6] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.

21. The Butler Review was established by Mr Blair in February 2004 to:

> "investigate the intelligence coverage available in respect of WMD programmes in countries of concern and on the global trade in WMD, taking into account what is now known about these programmes;
>
> "as part of this work, to investigate the accuracy of intelligence on Iraqi WMD up to March 2003, and to examine any discrepancies between the intelligence gathered, evaluated and used by the Government before the conflict, and between that intelligence and what has been discovered by the Iraq Survey Group since the end of the conflict; and to make recommendations to the Prime Minister for the future on the gathering, evaluation and use of intelligence on WMD, in the light of the difficulties of operating in countries of concern."[7]

22. The Butler Report stated that, in assessing the intelligence on Iraq's nuclear, biological, chemical and ballistic missile capabilities to establish whether there were "any detectable systemic issues" which might have affected the JIC Assessments in the period before March 2003 and whether Assessments made at the time of the 1990 to 1991 Gulf Conflict "had a lasting impact which was reflected in JIC Assessments made in 2002 and 2003", it had addressed "three broad questions":

"
- What was the quality of the intelligence and other evidence, and the assessments made of it, about the **strategic intent** of the Iraqi regime to pursue ... programmes in contravention of its obligations under ... resolution 687?
- What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraq seeking to sustain and develop its indigenous knowledge, skills and materiel base which would provide it with a **'break-out' capability** ...?
- What was the quality of the intelligence or other evidence, and the assessments made of it, about Iraqi **production** or **possession** of prohibited ... agents and weapons ...?"[8]

23. Sir John Chilcot was a member of the Butler Review.

24. The Iraq Inquiry has drawn in its work on both the evidence offered to those Inquiries, where available, and their analyses and conclusions, but the judgements in this Report are the Inquiry's own.

Definition of weapons of mass destruction

25. The term "weapons of mass destruction" originated as an umbrella concept covering weapons with the capability to cause indiscriminate loss of life and wide-scale destruction.

---

[7] House of Commons, *Official Report*, 3 February 2004, column 625.
[8] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 152-153.

26. The first official definition was provided by the UN Commission for Conventional Armaments in 1948 which defined weapons of mass destruction as "atomic explosive devices, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above".[9] This definition has been used in successive UN resolutions dealing with disarmament.

27. The Butler Report pointed out that there was "a considerable and long-standing academic debate about the proper interpretation of the phrase 'weapons of mass destruction'" which had been "used so variously as to confuse rather than enlighten readers".[10] The Butler Report avoided the use of the term WMD wherever possible. Where it was used, for example when quoting documents or evidence, the Butler Report interpreted it in the light of the obligations imposed by the UN Security Council after the 1990 to 1991 Gulf Conflict to address the threat posed by Iraq and to control Iraq's military capabilities, including weapons of mass destruction and ballistic missiles in resolution 687 (1991) (see Section 1.1).

28. The Inquiry shares the view expressed in the Butler Report but recognises that the term has gained common currency and may, therefore, appear in the analysis that follows as a shorthand description of weapons that would not fall within the original definition.

29. All nuclear, chemical and biological weapons are frequently characterised as weapons of mass destruction, and radiological devices have been included more recently.

30. The Butler Report defined radiological weapons as those employing "conventional, typically high-explosive means to distribute radioactive material".[11]

31. Systems that fall within the definition of WMD may cause limited casualties within a finite area; for example attacks such as the use of the chemical agent sarin in the Tokyo underground. On the other hand, as the attacks on the US on 11 September 2001 demonstrated, mass casualties that have a strategic impact can be produced in other ways.

32. Mr Tim Dowse, Head of the Foreign and Commonwealth Office (FCO) Non-Proliferation Department from January 2001 to November 2003, told the Inquiry that "efforts to restrain the spread of ballistic missiles" tended to be "associated with" weapons of mass destruction because they provided a means of delivery against which it was difficult to defend and which was regarded as "quite destabilising".[12]

---

[9] UN Document S/C.3/32/Rev.1, August 1948.
[10] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 14.
[11] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 17.
[12] Public hearing, 25 November 2009, page 4.

33. Nuclear, chemical and biological weapons are all subject to arms control regimes:

- the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force in 1970, requires non-nuclear weapons states to agree not to seek to acquire nuclear weapons; and
- the 1975 Biological and Toxin Weapons Convention (BTWC)[13] and the 1997 Chemical Weapons Convention (CWC) prohibit the development, production and stockpiling of the respective sets of weapons.

34. Iraq signed the BTWC in 1972, but did not ratify it. It did not sign the CWC until 2009. One important difference between the two conventions is that the BTWC has no effective enforcement mechanisms while the CWC does.

35. Iraq has never been a member of the Missile Technology Control Regime (MTCR).[14]

[13] The BTWC reaffirms the 1925 Geneva Protocol, which prohibits use of biological and toxin weapons.
[14] The MTCR was established in 1987 to prevent the proliferation of unmanned systems capable of delivering weapons of mass destruction. It is an informal and voluntary association that seeks members' adherence to common export policy guidelines (the MTCR Guidelines) applied to a common list of controlled goods.

SECTION 4.1

IRAQ WMD ASSESSMENTS, PRE-JULY 2002

Contents

Introduction and key findings 8

The UK's assessment of Iraq's WMD capabilities pre-9/11 9

- The legacy of the 1990s 9
- The UK's assessment of Iraq's WMD 2000 to 2001 12
  - JIC Assessment, 19 April 2000: 'Iraq: Chemical and Biological Weapons Programmes' 12
  - JIC Assessment, 1 December 2000 16
  - JIC Assessment, 9 February 2001: 'Long Range Ballistic Missile Threat' 21
  - JIC Assessment, 10 May 2001 24

Wider concerns about proliferation and terrorist use of WMD 30

Assessment of Iraq's WMD capability after 9/11 41

- November to December 2001 41
- The decision to produce a dossier covering Iraq, Iran, North Korea and Libya 45
- JIC Assessment, 27 February 2002: 'Iraq: Saddam Under the Spotlight' 47
- Public statements by Mr Blair and Mr Straw 54
  - Draft 'WMD Programmes of Concern' paper, 6 March 2002 59
  - Cabinet, 7 March 2002 62
  - Cabinet Office, 'Iraq: Options Paper', 8 March 2002 62
- JIC Current Intelligence Group Assessment, 15 March 2002 64
- Draft 'WMD Programmes of Concern' paper, 15 March 2002 73

Decision to produce a dossier focused on Iraq 77

- Proposal for a media strategy to prepare opinion for possible military action 77
- Decisions to focus the dossier on Iraq but to postpone publication 79
- Mr Hoon's and Mr Straw's advice for Mr Blair, March 2002 87
- MOD consideration of Iraq's ability to acquire a nuclear capability 88

Development of the Iraq dossier, April to July 2002 94

- Revision of the estimates of unaccounted for Iraqi material 94
- The Iraq dossier 97

Conclusions 109

Introduction and key findings

1. This Section addresses:

- the evolution of the assessment of Iraq's weapons of mass destruction (WMD) capabilities before Mr Blair's meeting with President Bush at Crawford in early April 2002; and
- how the information was used within Government and in public, including the preparation between February and July 2002 of a document for publication, initially on WMD programmes of concern in four countries and subsequently on Iraq.

2. The development of UK strategy on Iraq before the attacks on the US in September 2001 is addressed in Section 1.2; the development of UK strategy and options after 9/11 is addressed in Section 3.

3. The development of the Joint Intelligence Committee (JIC) Assessments of Iraq's WMD programmes from late July onwards, and the resumption of work on the dossier after Mr Blair's press conference in Sedgefield on 3 September, are addressed in Section 4.2.

Key findings

- The ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, had underpinned UK policy towards Iraq since the Gulf Conflict ended in 1991.
- Iraq's chemical, biological and ballistic missile programmes were seen as a threat to international peace and security in the Middle East, but overall, the threat from Iraq was viewed as less serious than that from other key countries of concern – Iran, Libya and North Korea.
- The Assessments issued by the JIC reflected the uncertainties within the intelligence community about the detail of Iraq's activities.
- The statements prepared for, and used by, the UK Government in public from late 2001 onwards, conveyed more certainty than the JIC Assessments about Iraq's proscribed activities and the potential threat they posed.
- The tendency to refer in public statements only to Iraq's "weapons of mass destruction" was likely to have created the impression that Iraq posed a greater threat than the detailed JIC Assessments would have supported.
- There was nothing in the JIC Assessments issued before July 2002 that would have raised any questions in policy-makers' minds about the core construct of Iraq's capabilities and intent. Indeed, from May 2001 onwards, the perception conveyed was that Iraqi activity could have increased since the departure of the weapons inspectors, funded by Iraq's growing illicit income from circumventing the sanctions regime.

- In the light of sensitivities about their content and significance, publication of documents on 'Iraq's Weapons of Mass Destruction', 'Weapons Inspections' and 'Abuse of Human Rights' was postponed until the policy on Iraq was clearer.

The UK's assessment of Iraq's WMD capabilities pre-9/11

The legacy of the 1990s

4. The conviction that Iraq had retained elements of its prohibited nuclear, chemical, biological and ballistic missile programmes was the fundamental tenet of UK policy towards Iraq throughout the 1990s.

5. When Saddam Hussein invaded Kuwait in August 1991, Iraq had deployable stocks of chemical and biological weapons, was developing long-range missiles and had an active nuclear programme.

6. Saddam Hussein had used chemical weapons during the 1980s, in breach of international law, both against the Kurds and during the war with Iran. He did not, however, use them during the 1991 Gulf Conflict.

7. After the 1991 Conflict, the UN Security Council sought to contain Iraq's military capability and restore international peace and security. On 3 April 1991, the UN Security Council adopted resolution 687 imposing a wide range of obligations on Iraq. The obligations in relation to "weapons of mass destruction" are summarised in the Box below.

Resolution 687 (1991): Iraq's WMD obligations

Section C of resolution 687 invited Iraq (operative paragraph (OP) 7) to reaffirm unconditionally its obligations under the 1925 Geneva Protocol and to ratify the Biological and Toxin Weapons Convention (BTWC).

The Security Council decided (OP8) that "Iraq shall unconditionally accept the destruction, removal or rendering harmless, under international supervision", of all:

- "chemical and biological weapons";
- "stocks of agents";
- "related sub-systems and components";
- "research, development, support and manufacturing facilities";
- "ballistic missiles with a range greater than one hundred and fifty kilometres";
- "related major parts"; and
- "repair and production facilities".

Iraq was required (OP9) to submit, within 15 days, "a declaration of the locations, amounts and types of all items" specified in OP8, and agree to urgent on-site inspection.

The Council decided (OP10) that "Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified" in OPs 8 and 9.

Iraq was invited (OP11) "to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968".

The Council decided (OP12) that "Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-useable material, or any sub-systems or components or any research, development, support or manufacturing facilities related to" nuclear weapons.

The resolution also made provision for on-site inspection, destruction and removal of prohibited material and future monitoring and verification.

8. Containment of the threat from Iraq, and in particular its WMD capability, was a continuing foreign policy concern throughout the 1990s and frequently required active consideration of difficult and controversial issues, including significant military action.

9. The difficulties encountered by UN inspectors in pursuing the remit in resolution 687 and subsequent UN resolutions, and the decision in December 1998 to withdraw UN inspectors and to launch US and UK military action against Iraqi facilities, Operation Desert Fox, are addressed in Section 1.1.

10. In his statement to Parliament following Operation Desert Fox, Mr Blair said that the objectives were "clear and simple: to degrade the ability of Saddam Hussein to build and use weapons of mass destruction".[1]

11. The impact of Operation Desert Fox is addressed later in this Section.

12. A Joint Memorandum produced by the Foreign and Defence Secretaries for the Defence and Overseas Policy Committee (DOP) in May 1999 described policy towards Iraq as "in the short term, to reduce the threat Saddam poses to the region, including by eliminating his weapons of mass destruction (WMD) programmes".[2]

13. A summary of the evolution of the JIC Assessments of Iraq's capabilities between 1990 and December 1998 is in Section 1.1. The Butler Report concluded that it had been "left with four strong impressions" from its analysis of those Assessments:

"
- … effective – but not demonstrably complete – work carried out by the IAEA and UNSCOM to supervise the dismantlement of Iraq's nuclear, biological and chemical weapons programmes, together with those missile programmes prohibited under United Nations Security Council resolution 687.
- … a progressive reduction in JIC estimates of Iraq's indigenous capabilities in the period to 1994/95.

[1] House of Commons, *Official Report*, 17 December 1998, column 1097.
[2] Joint Memorandum by the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, 'Iraq: Future Strategy'.

- … growing suspicions and concerns underlying JIC Assessments between 1995 and 1998 of Iraq's chemical, biological and ballistic missile capabilities, which were exacerbated and reinforced by Iraqi prevarication, concealment and deception."[3]

14. The Butler Report added that it had detected "signs that this context led to the JIC making its estimates of Iraqi capabilities on an over-cautious or worst case basis" but that was "not always declared as such".

15. The Butler Report also concluded that there were "differences in the quality of the assessments carried out by the JIC" and contrasted the quality of the JIC Assessments of Iraq's nuclear capability during that time with those on chemical and biological weapons.[4]

16. On nuclear capabilities, the Butler Report stated that it had:

> "… been impressed by intelligence assessments … They were generally thorough; drew fully on both open and secret material; brought together human and technical intelligence; offered a view where appropriate on the quality of the underlying intelligence sources; were balanced and measured; identified explicitly those areas where previous assessments had been wrong, and the reasons why, to correct the record; and at each significant stage included consideration of alternative hypotheses and scenarios, and provided an explanation of the consequences were any to arise, to aid readers' understanding."

17. In relation to the Assessments on chemical and biological weapons, the Butler Report recognised that assessments were:

> "… intrinsically more difficult, and that analysis draws on different intelligence techniques. We are conscious in particular that, because chemical and biological weapons programmes can draw heavily on 'dual use' materials, it is easier for a proliferating state to keep its programmes covert. The intelligence community will also have had in mind that Iraq had used its chemical weapons in the past, and was engaged in a sustained programme to try to deceive United Nations inspectors and to conceal from them evidence of its prohibited programmes. Even so, we have found JIC Assessments in these areas less assured. Our impression is that they were less complete, especially in their considerations of alternative hypotheses; used a different 'burden of proof' in testing Iraqi declarations; and hence inclined towards over-cautious or worst case estimates, carrying with them a greater sense of suspicion and an accompanying propensity to disbelieve."

---

[3] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 207.
[4] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 208-209.

18. After its withdrawal from Iraq, the UN Special Commission (UNSCOM) produced two reports on 25 January 1999, one on the disarmament of Iraq's weapons of mass destruction and one on monitoring and verification, which were formally circulated to the Security Council on 29 January.[5]

19. The report on disarmament described the work of UNSCOM since 1991 and its methodology and set out "material balances" for proscribed missiles and chemical and biological weapons in three detailed annexes. It also included an annex "on actions by Iraq to obstruct disarmament".

20. In March 1999, the Amorim panel made a series of recommendations for changing the regime of inspection.[6]

21. After prolonged debate, resolution 1284, adopted on 17 December 1999, welcomed the reports of the three panels chaired by Mr Celso Amorim, which had been subject to "comprehensive consideration" by the Council, and stressed the "importance of a comprehensive approach to the full implementation of all relevant Security Council resolutions … and the need for Iraqi compliance with those resolutions".[7]

22. The resolution replaced UNSCOM with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), which would operate as the Amorim panel recommended, to provide "a reinforced system of ongoing monitoring and verification, which will implement the plan approved by the Council in resolution 715 (1991) and address unresolved disarmament issues".

23. There were significant differences about the interpretation of the resolution and the way ahead. As a result, China, France, Malaysia and Russia abstained in the vote, but there was no veto.[8]

The UK's assessment of Iraq's WMD 2000 to 2001

JIC ASSESSMENT, 19 APRIL 2000: 'IRAQ: CHEMICAL AND BIOLOGICAL WEAPONS PROGRAMMES'

24. In April 2000, the JIC judged that it was likely that Iraq was continuing to develop offensive biological and chemical warfare capabilities.

---

[5] UN Security Council, 29 January 1999, 'Letter dated 25 January 1999 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the President of the Security Council' (S/1999/94).
[6] UN Security Council, 30 March 1999, 'Letter dated 27 March 1999, from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council' (S/1999/356).
[7] UN Security Council resolution 1284 (1999).
[8] UN Security Council, '4084th Meeting Friday 17 December 1999' (S/PV.4084).

25. On 19 April 2000, the JIC produced a substantial Assessment of Iraq's chemical and biological weapons programmes.[9]

26. In its Key Judgements, the JIC stated:

"
- Our picture is limited. But it is likely that **Iraq is continuing to develop its offensive chemical warfare (CW) and biological warfare (BW) capabilities**.
- There is **clear evidence of continuing Iraq biological warfare activity**, including BW related **research** and the **production of BW agent**. Iraq seems to be exploring the **use of mobile facilities to give its BW activities greater security**. But we have **no evidence for Iraq filling weapons with biological agent since the Gulf War**.
- There is **less evidence of continuing Iraqi chemical warfare activity, including advances in binary weapons development and the reconstruction of suspect civil chemical production facilities**. There is **no evidence of Iraq filling weapons with chemical agent since the Gulf War**.
- **The chances of detecting any production of biological warfare agent, or small scale production of chemical agent, with or without UN inspections, would be slim.** But we would expect to detect evidence of the production of large quantities of chemical agent, with or without UN inspectors."

27. The Assessment stated that Iraq's doctrine for offensive chemical and biological warfare remained "unclear". It had used chemical weapons for internal repression and against Iran in the 1980s and the JIC judged that it "would be prepared to use such weapons again in similar circumstances, and, in extremis, in defence of the regime". The JIC warned that since the departure of UNSCOM in December 1998, its picture was "limited" and had been "further reduced". Iraqi officials were "well practised in concealing such programmes". Increased procurement of dual use equipment and materials could not be linked to chemical and biological warfare programmes. There were indications of continuing progress. The JIC did not know if those were "accelerating"; but the departure of the inspectors had removed "a constraint".

28. In relation to Iraq's chemical warfare activity, the Assessment stated:

- Iraq "could have hidden dual use precursor chemicals and production equipment" and the JIC continued "to assess that even with UNMOVIC and other UN controls, Iraq could produce mustard agent within weeks of a decision to do so. Iraq could produce limited quantities of nerve agent within months of such a decision."
- Procurement activities "**which could be associated with a chemical weapons programme**" had "**continued**", including efforts to procure dual use chemicals, and attempts to procure crop spraying aircraft and protective suits.

---

[9] JIC Assessment, 19 April 2000, 'Iraq: Chemical and Biological Weapons Programmes'.

- Facilities "**formerly associated with Iraq's chemical warfare programme at … Habbaniyah**" were "**being reconstructed**". There were signs of "renewed activities" but "no firm evidence" that activity was "chemical weapons related, or of the precursor plant which would be needed to produce CW agent".
- Iraq was "restoring its civil chemical production capability, including pesticides" and the JIC assessed that "would help any revival of its CW programme".
- Iraq "could be modifying bombs […] aerial bombs, procured in the 1980s, for delivery of chemical warfare agents […] a significant advance in Iraqi development of a binary type munition".
- The JIC judged that Iraq was "likely to be continuing to develop" its knowledge of chemical weapons "and other aspects of its CW capabilities".

29. In relation to Iraq's biological warfare activity, the Assessment stated:

- Iraq had "never revealed" the full extent of its offensive biological warfare programme to UNSCOM although it had admitted to "laboratory work on a range of BW agents" and that anthrax spores, botulinum toxin and aflatoxin were "produced in bulk". Bombs and missile warheads had been "filled with these agents immediately prior to the Gulf War". Iraq had "yet to make a credible 'Full, Final and Complete Declaration' of BW activity required by the UN", and its claims that it had "terminated its programme at the end of the Gulf War" had "failed to convince" the UN.
- The JIC assessed that Iraq was "likely to have concealed BW production equipment, agent stocks and weapons".
- The JIC continued "to assess that, even without procurement from abroad, Iraq has retained sufficient expertise, equipment and materials to produce BW agents within weeks using its legitimate biotechnology facilities".
- Iraq had been "trying to procure **dual use materials and equipment** which could be used for a BW programme", but it was "impossible to determine" whether the procurement was for a BW programme.
- There were indications that, contrary to its claims to have terminated the BW programme at the end of the Gulf War, during the last decade, Iraq had continued to conduct research on a range of biological agents using personnel known to have been connected with the programme before 1991.
- "A recent piece of liaison intelligence reported that Iraq had started to **produce biological agent in 'mobile production centres'**."
- "According to an Iraqi defector, planning for the project had begun in 1995 under Dr Rihab Taha … known to have played a central role in Iraq's BW programme." There were "reportedly six mobile production centres, with one under construction. As of March 1999, three of these were fully functional and work was under way to enable the production of five unspecified BW agents. At one of these sites, some 20-30 tonnes of primary product were reportedly manufactured over four months."

- The JIC assessed that those quantities of agent "could produce significant casualties".

30. The Assessment stated:

> "**Iraq seems to be exploring the use of mobile facilities to give its biological warfare activities greater security.** The Iraqis had mobile … facilities for filling chemical weapons at the time of the Gulf War. We know that senior Iraqis have told UNSCOM that the use of mobile facilities was considered during the planning of their one dedicated BW facility. But we have no other evidence for BW mobile production centres. We judge that it would be technically feasible for Iraq to produce 20-30 tonnes of … BW agent … We have no evidence for Iraq filling weapons with biological agent since the Gulf War. But for practical reasons, advance stockpiling of some BW agents is less likely than for CW agents.
>
> "In the light of this and other evidence of Iraqi illicit procurement of dual use equipment and materials, we judge that Iraq is likely to be continuing to develop its BW capabilities."

31. The Butler Report stated that the Key Judgement on Iraq's biological warfare activities was based on two new strands of evidence, and was somewhat more firmly expressed than the subsequent analysis in the Assessment might bear.

32. Considering the Assessment in 2004, the Butler Report stated that the firmer assessment (that there was "clear evidence" of continuing BW activity) in the Key Judgement:

> "… was based on two new strands of evidence. The first was intelligence reports on aspects of Iraqi research and development activities in 1997/1998. The second, and more significant, was new intelligence from a liaison service received a few days before the production of the JIC Assessment on the use by Iraq of mobile facilities to produce biological agent."

33. The Butler Report stated that the language in the Assessment on mobile laboratories:

> "… was appropriate for a new source whose reporting had not by then been validated although the Key Judgement was somewhat more firmly expressed than the subsequent analysis in the Assessment might bear."[10]

34. Sir John Scarlett, Chairman of the JIC from September 2001 to July 2004, told the Inquiry that the first report on mobile laboratories came through "in early 2000" and was "reflected … if only briefly" in the Assessment in April 2000.[11]

---

[10] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 239.
[11] Private hearing, 5 May 2010, page 17.

35. Mr Julian Miller, Chief of the Assessments Staff from September 2001 to November 2003, told the Inquiry that the reporting on mobile laboratories, which had been received "through liaison channels":

> "… appeared to tie in with some understandings that the British experts had of previous interest in use of mobile facilities. So it wasn't seen as being inherently implausible."[12]

JIC ASSESSMENT, 1 DECEMBER 2000

36. As part of the inter-departmental review of policy on Iraq in late 2000, the JIC judged that:

- **It was likely that Iraq had a limited residual WMD and prohibited long-range missile capability.**
- **Since the departure of inspectors, the pace and scope of Iraq's missile research and development programme had increased.**
- **Without sanctions and UN monitoring, Iraq would accelerate its WMD and missile programmes.**

37. A JIC Assessment of the prospects for Iraq co-operating with resolution 1284 (1999) on 1 November 2000, judged that Saddam Hussein's "ambitions to rebuild … weapons of mass destruction programmes" would "make him hostile to intrusive inspections or any other constraints likely to be effective".[13]

38. In December 2000, at the request of the Cabinet Office Overseas and Defence Secretariat (OD Sec), the JIC produced an Assessment of Iraq's capability to threaten its neighbours with conventional forces and weapons of mass destruction, and an analysis of how changes in the sanctions regime might affect those judgements, to inform the inter-departmental policy review on Iraq.[14]

39. The review of policy on Iraq, which began in 2000 and was intended to inform discussions with the new US Administration, is addressed in Section 1.2.

40. In its Key Judgements on WMD, the JIC stated:

"
- Iraq has probably concealed a **handful of 650km range ballistic missiles** that could reach Kuwait, Saudi Arabia and even Israel, as well as some **chemical and biological agent**. But even if Saddam Hussein has such weapons, he is **unlikely to use** them except in extremis, in order to preserve his regime or as a final gesture of defiance.
- Without economic sanctions but with effective UN monitoring, Iraq **could develop though not produce longer range missiles**. Although its ability

[12] Private hearing, 5 May 2010, page 16.
[13] JIC Assessment, 1 November 2000, 'Iraq: Prospects for Co-operation with UNSCR 1284'.
[14] JIC Assessment, 1 December 2000, 'Iraq's Military Capabilities'.

to rebuild dedicated chemical weapons or large scale biological weapons production capabilities would be constrained, it would be able to **use civil industry to produce chemical and biological agents**. UN monitoring would, however, act as a **deterrent to Iraqi development of its nuclear ambitions**.

- Without both economic sanctions and UN monitoring, Iraq would **accelerate its WMD and missile programmes**. It could produce new 650km range missiles within a year. But it would take **at least five years to make a crude nuclear device and a further two to manufacture a nuclear warhead for missiles**."

41. The conclusions on Iraq's WMD are set out in the Box below.

JIC Assessment, 1 December 2000: 'Iraq's Military Capabilities'

The residual threat from WMD

Assessing whether there was a "**residual threat**" from Iraq's WMD, the JIC stated that "most of [its] **ballistic missiles, chemical weapons** and nuclear programme have been destroyed". Iraq had claimed to have destroyed its biological weapons capability but that could not be confirmed. It was "likely" that Iraq had a "**residual WMD and missile capability**":

- a "handful of ageing SCUD-derived **missiles** with a **range of up to 650km**" [the Al Hussein] were "probably disassembled and concealed". Those "could be re-assembled quickly ['within weeks'] and used (albeit with limited accuracy) against targets in Kuwait, Saudi Arabia, and even Israel";
- "some **chemical and biological agent** may be concealed, possibly weaponised";
- Iraq had "developed a **missile with a range of 150km** [the Al Samoud], which is permitted under UN controls. Although not fully operational, this could reach Kuwait and Saudi Arabia"; and
- Iraq was "converting the L-29 jet trainer aircraft into a crude **remotely piloted vehicle** which could carry an explosive, chemical or biological weapon to Kuwait and against other targets in the northern Gulf".

Prospects for the future

The JIC stated that "in the absence of UN inspectors", since December 1998, Iraq had:

- "… increased the pace and scope of its **missile** research and development programmes. Series **production**" of the Al Samoud missile "**could begin within months**". A "longer range version (up to 200km)" was "being worked on".
- There was "no evidence" of a revival in the Al Hussein programme.
- "According to intelligence preliminary work" was "under way on another missile with a possible range of over 700km".
- Intelligence suggested "some **biological** and **chemical** warfare activity". Iraq was "rebuilding its civil chemical industry, including facilities formerly associated with chemical weapons".

- The JIC judged that "**Iraq may already be producing biological agent and could produce a small number of chemical weapons within weeks** of a decision to do so"; and, "were economic sanctions lifted", Iraq could "build a **large scale production capability within a few years**".
- The same was "probably true for **biological weapons**".
- There was "little evidence of **nuclear** weapons research": but, "as in all areas of WMD", Iraq retained "expertise" and was "trying to buy dual-use materials".

The JIC judged that Saddam Hussein would "**seek to re-establish all his WMD and missile programmes**":

"• **effective UNMOVIC and IAEA monitoring** would act as a **deterrent** and constraint to his ambitions, in particular on the nuclear and longer range missile programmes. But it would be less effective in monitoring Iraq's development of chemical and biological weapons, which could be more easily concealed;

- **without economic sanctions** but with **effective UN monitoring**, Iraq could conduct research and development on longer range missiles. It could not, however, put them into production. Its ability to rebuild a dedicated chemical weapons or large scale biological weapons production capability would be constrained. But Iraq could use its restored civil chemical industry and existing biotechnology industry to produce chemical and biological agent. Effective UN monitoring would act as a deterrent to Iraqi development of its nuclear ambitions;
- without either economic sanctions or an effective UN monitoring presence, Iraq would significantly increase its procurement and accelerate its WMD and missile programmes. Iraq could begin to produce a small number of new … Al Hussein missiles within a year. We would be less likely to detect progress in other areas. It would take Iraq at least five years to make a crude nuclear device and a further two years to manufacture a nuclear warhead for missiles."

The Assessment stated if economic sanctions were lifted, military sanctions would remain in place for some time. If they were eventually lifted "both Saddam Hussein and any likely successor" were "likely to give **high priority**" to restoring military capability, "**including WMD**".

How sanctions and UN monitoring had affected the development of Iraq's WMD and ballistic missile programmes, and how the progressive lifting of both would affect the future of Iraq's WMD capability against its neighbours, was examined in more detail in an Annex to the Assessment. That included:

Ballistic missile capability

- The JIC judged that, following the Gulf War, Iraq had "probably concealed components and a small number of … Al Hussein missiles".
- Since 1991, Iraq had "expanded its liquid propellant expertise with the Al Samoud missile". Development of the missile had "**accelerated** over the past year as a result of increased funding and Saddam Hussein's personal interest" and "Iraq had also been working on extending its range to at least 200km". Iraq believed that "with further imports, they could complete development work for this version within 6 months". Iraq was "also expanding a number of sites associated with its

solid fuel missile programme". "Preliminary work" was "under way on the 150km Ababil-100". Iraq "would continue with the development" of that missile and "the longer range solid propellant project".

- "**Series production of Al Samoud could begin within months**. A longer range version might be developed over the same period."
- Iraq "could **assemble a number of Al Hussein missiles for deployment within weeks**".
- "Without trade sanctions and UN monitoring, **Iraq could produce a small number of new Al Hussein missiles within a year**."

Chemical warfare programmes

- "All known CW production facilities and dedicated precursor plants were disassembled or destroyed during the Gulf Conflict or subsequently under UNSCOM supervision"; but "agents, munitions, warheads, precursor chemicals and production equipment" could have been concealed from UN inspectors.
- Sanctions and monitoring had slowed "**reconstruction of some of the facilities formerly associated with**" Iraq's CW programme.
- While there was "no firm evidence of a chemical warfare programme", Iraq had "continued to acquire **dual use chemicals** and conduct research". That "and intelligence of **research into weaponising** aerial **bombs** suggests that some chemical warfare activity continues".
- Iraq "**could produce small but significant amounts of mustard agent within weeks** of a decision to do so. It **could produce nerve agent within months** … It could **also produce small numbers of CW munitions and missile warheads**."
- "Were trade sanctions lifted, and in the absence of UNMOVIC, Iraq could re-establish a large scale production capability within a few years."

Biological warfare programme

- Iraq "claimed to have … destroyed all … materials and weapons" related to its biological warfare programme, but the JIC judged that it might "retain hidden production equipment, stocks of agent and even biological weapons".
- Sanctions had "slowed but not prevented imports of dual use equipment that could be used in a BW programme".
- Iraq still had "**sufficient expertise, equipment and material to produce BW** without procurement from abroad. It could **use legitimate civil or dedicated BW facilities, including mobile laboratories**, for this work."

Nuclear weapons programme

- Iraq had "retained the scientific cadre associated with nuclear weapons work. Iraqi entities, some formerly associated with its nuclear programme, seek **dual use equipment that could be used in association with a centrifuge programme**. Unconfirmed intelligence indicates **Iraqi interest in acquiring uranium and continuing nuclear weapons related research after the Gulf War**. None of the intelligence acquired since the war is 'smoking gun' evidence. But it remains suspicious and seems indicative of attempts to retain a cadre of expertise, which will decline over time without international access."

- Iraq still lacked "fissile material and the infrastructure to make it".
- If Iraq were "able to acquire sufficient fissile [material] for a weapon or centrifuges and feed material from outside Iraq", the time periods to manufacture a crude nuclear weapon and a nuclear warhead could, "with foreign assistance", be "significantly shortened, with or without current controls".

42. The JIC's conclusions in relation to Iraq's threat to its neighbours are set out in Section 1.2.

43. The Butler Report stated that the intelligence supporting the judgements on Iraq's research and development programmes for ballistic missiles "came from a range of sources", and was "substantial".[15]

44. Addressing the intelligence underpinning the Assessment on Iraq's nuclear activities, the Butler Report stated:

- Intelligence had detected a visit of Iraqi officials to Niger in 1999,[16] and some details had subsequently been confirmed by Iraq. The purpose of the visit was not immediately known but, in the circumstances, including Iraq's previous purchases of uranium ore from Niger, the JIC judged that the purchase of uranium ore could have been the subject of discussions and noted that unconfirmed intelligence indicated Iraqi interest in acquiring uranium.[17]
- "There was further and separate intelligence that in 1999 the Iraqi regime had also made inquiries about the purchase of uranium ore in the Democratic Republic of Congo."[18]
- The description of the intelligence underpinning the statement on Iraq's interest in acquiring uranium from Africa was "represented correctly by the JIC".[19]
- The statements in the Assessment about Iraqi attempts to procure dual use equipment that could be used in association with a centrifuge programme fairly represented the intelligence.[20]

---

[15] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 248.
[16] The Butler Report stated: "This visit was separate from the Iraqi-Nigerien discussions, in the margins of the mid-1999 Organisation of African Unity meeting in Algiers, attested to by Ambassador Wilson in his book 'The Politics of Truth'" (Carroll & Graf, 2004, page 28).
[17] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 493.
[18] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 494.
[19] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 220.
[20] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 220.

JIC ASSESSMENT, 9 FEBRUARY 2001: 'LONG RANGE BALLISTIC MISSILE THREAT'

45. In February 2001, the JIC assessed that Iraq was covertly working on long range missile systems, but it would be unable to achieve an operational capability while sanctions remained effective.

46. Based on one recent intelligence report, the JIC suggested for the first time that Iraq might have assembled "up to 20" Al Hussein missiles.

47. The JIC issued an updated Assessment of the "long range ballistic missile intentions and capabilities of North Korea, Iran, Iraq and Libya and their likely development over the next 10-15 years" on 9 February 2001.[21] Those four countries were the only states currently developing long range ballistic missiles (with ranges over 1,000km) which were of concern to the UK.

48. The Assessment stated that North Korea was the main proliferator of ballistic missile technology. It also stated that Iran was developing long range missiles as part of what was judged to be a regional policy to deter other actors, including Iraq.

49. In its Key Judgements relevant to Iraq, the JIC stated:

"
- At present, none of them intends to attack the UK and **only North Korea** has a **clear intent** to develop a capability to **reach the US**. But their intentions could change quickly. Our assessments must therefore concentrate on capabilities, including both **worst case engineering judgements** and best estimates of the **likely timeframes** of their acquisition of usable … missiles.
- Iraq is covertly **developing ballistic missiles** that are **beyond the 150km range permitted** … It could also be in the **early stages** of developing a **two stage system with a possible range of 2,000km**. If successful, this would significantly increase the threat Saddam poses in the region and could, in the longer term, be developed to become a threat to the UK and US. At present, however, Iraq's **missile programmes** are **constrained by sanctions**. While they remain effective, it is **unlikely that Iraq could achieve an operational long range capability**."

50. The JIC Assessment stated:

- Iraq was "**known to want a capability to target Israel and Iran, and would like to acquire a capability to reach the rest of the Gulf**"; and its "strategic objectives" would "probably remain the same whether or not the current Government remains in power".
- The JIC did "not know" whether an Iraqi Government "would aim to target Western Europe or the US, but it would be a credible deterrent objective for Saddam".

---

[21] JIC Assessment, 9 February 2001, 'Long Range Ballistic Missile Threat'.

- Any acquisition of long range missiles "would significantly increase Saddam's threat to the region and could, in the longer term, become a threat to the UK and US".
- In the absence of the UN monitors, Iraq had "**increased the pace and scope of its missile programmes**".
- The programmes were "at an early stage of development" and, while the embargo remained effective, it was "**improbable that Iraq** could produce an **operational long range capability**".
- The JIC knew that Iraq had "retained key components of disassembled **650km range Al Hussein missiles**. Recent intelligence suggests that **they may have assembled up to 20 of these** missiles."
- Iraq had used its permitted programmes "to develop the expertise it acquired on longer range systems before the Gulf War".
- Intelligence indicated that "**Iraq may be working on a two stage solid propellant missile capable of delivering a payload to a range of some 2000km.**
- Iraq had "yet to develop successfully even its current short range solid propellant system".
- The JIC assessed that "**Were sanctions lifted** … Iraq **could produce a missile that could reach Europe**, and possibly **the UK within about six years and one capable of reaching the US within ten years**." Those timeframes "could be shortened if Iraq received significant external assistance or was able to buy North Korean missile kits".
- Iraq was "technically capable of arming a missile with a conventional, chemical or biological warhead".
- The JIC judged it would take Iraq "at least seven years after the lifting of sanctions **to produce a nuclear warhead**".
- The JIC could not yet "assess" what the payload would need to be for a nuclear warhead on a missile which would be able to reach the UK, or whether Iraq would "be able to develop the 500kg nuclear payload needed [for a missile] to reach the US in that time".

51. The Butler Report stated that the JIC appeared to have based its judgement about Iraq's possession of Al Hussein missiles on its long-standing view on Iraq's concealment activities and three pieces of intelligence from three separate sources.[22] The figure of "up to 20" missiles, which was used in all subsequent JIC Assessments and Government statements, was provided by one of those sources who was in a position to report authoritatively and reported reliably. He was, however, passing on the comments of a

[22] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 250.

sub-source who reported only once and whom the Secret Intelligence Service (SIS) was not able to contact after the conflict.

52. The need for a revised set of controls for Iraq's WMD and military programmes was agreed by No.10 in March 2001.

53. An FCO initiative seeking more information publicly to explain policy on Iraq seems not to have been pursued.

54. Sir John Sawers, Mr Blair's Private Secretary for Foreign Affairs from 1999 to 2001, told the Inquiry that, during the first meeting of Mr Blair and President Bush at Camp David on 23 February 2001 (see Section 1.2), Mr Colin Powell, US Secretary of State, had:

> "… made clear that he was most concerned about Iraqi activities on chemical and biological weapons. There was a range of dual use goods here that should be properly controlled and should be subject to sanctions but the wider range of trade sanctions should be removed."[23]

55. The record of the Camp David meeting stated that the US and UK agreed on the need for a policy which was more widely supported in the Middle East region.[24] As a result of the policy of the previous 10 years, Iraq was not as large a threat as it could have been (including to Kuwait); but Saddam was still pursuing WMD (he had done little on the nuclear side).

56. The revised policy framework for Iraq, issued by No.10 on 7 March 2001, began:

> "A revised set of controls [on Iraq] would be introduced as soon as possible, focused on Iraq's WMD and military programmes."[25]

57. Mr Tim Dowse, Head of the Foreign and Commonwealth Office (FCO) Non-Proliferation Department from January 2001 to November 2003, told the Inquiry that the FCO Board expressed an interest in early 2001 in drawing on intelligence and unclassified material to put more into the public domain to explain policy on Iraq.[26]

58. The UK Government has been unable to identify any documents relating to this issue.[27]

---

[23] Public hearing, 10 December 2009, pages 15-16.
[24] Letter Sawers to Cowper-Coles, 24 February 2001, 'Prime Minister's Talks with President Bush, Camp David, 23 February 2001'.
[25] Letter Sawers to Cowper-Coles, 7 March 2001, 'Iraq: New Policy Framework'.
[26] Public hearing, 25 November 2009, page 67.
[27] Letter Cabinet Office [junior official] to Aldred, 16 September 2015, 'Iraq Inquiry Request for Documents'.

59. On 25 April, Mr Dowse asked Mr Peter Ricketts, Chairman of the JIC from September 2000 to September 2001, for his help.[28] Mr Dowse wrote that there was "growing frustration" in the FCO that:

> "… while we continue publicly to emphasise our concerns about the rebuilding of Iraqi WMD (and indeed the current UK/US review of policy looks like putting even more emphasis on this angle), the lines we have to deploy are based entirely on pre-Desert Fox material and are showing signs of too much recycling. Requests earlier this year from the Foreign Secretary and the FCO Policy Advisory Board for more up-to-date material received no response."

60. A Defence Intelligence Staff (DIS) review of the intelligence had produced "somewhat disappointing results".

61. Mr Dowse added that he understood the difficulties, but wrote:

> "… it may be that there really is no more we can say and that we will have to rely on clever re-packaging. But our material compares unfavourably with fuller and fresher briefings […] … I wonder whether it might be worth a meeting to go over the possibilities, on the lines of the exercise the Cabinet Office co-ordinated just before Desert Fox, which produced an 'unclassified JIC paper' and a note for MPs, journalists etc?"

62. The UK Government has been unable to identify any response to this minute.[29]

JIC ASSESSMENT, 10 MAY 2001

63. An Assessment issued on 10 May 2001, examining the UK's ability to identify Iraq's WMD facilities and the impact of military action, marked a shift in the JIC's perception of Iraq's intentions and activities.

64. The JIC acknowledged that the evidence base for its judgements on developments since December 1998 was "patchy", but stated that Iraq was "becoming bolder" in conducting prohibited activities.

65. At the request of the MOD, a further JIC Assessment examining "what we know of Iraq's WMD programmes, their future direction, our level of confidence in the intelligence, our confidence in being able to identify the location of Iraq's WMD facilities accurately and the potential impact of direct military action against them", was produced on 10 May 2001.[30]

---

[28] Letter Dowse to Ricketts, 25 April 2001, 'Iraqi WMD: Public messages' attaching Minute DI ACR to Wedge, 29 March 2001, 'Iraq: Review of Intelligence on Weapons of Mass Destruction' and Minute DI ACR to Wedge, 11 April 2001, 'Iraq: Release of Information Concerning Iraqi Regeneration of Bombed Facilities to the Press'.
[29] Letter Cabinet Office [junior official] to Aldred, 22 July 2015, 'Declassification 3.3-MA'.
[30] JIC Assessment, 10 May 2001, 'Iraqi WMD Programmes: Status and Vulnerability'.

66. The JIC noted that its "**knowledge of developments**" in Iraq's WMD and ballistic missile programmes since December 1998 was "**patchy**", but that "**intelligence gives grounds for concern** and suggests that Iraq is becoming bolder in conducting activities prohibited by UNSCR [UN Security Council resolution] 687".

67. The JIC knew "**most about Iraq's ballistic missile programme**", where there had been "**a step change in progress**" over the previous two years. It knew that Iraq was "**developing longer range systems** possibly up to 2,000km", and had "good intelligence on **research and development facilities**" but did "not **know where the longer range missiles will be built**".

68. The JIC had "**no clear intelligence on Iraq's nuclear programme**". There was "evidence of increased activity at Iraq's only remaining nuclear facility and a growing number of reports on **possible nuclear related procurement**".

69. The JIC judged but could not confirm that Iraq was "conducting **nuclear related research and development** into the **enrichment of uranium** and could have longer term plans to produce enriched uranium for a weapon. If successful, this **could reduce the time needed to develop a nuclear warhead once sanctions were lifted**."

70. The JIC continued to assess that "while sanctions remain in place, Iraq cannot indigenously develop and produce nuclear weapons. Were sanctions lifted, it would **take Iraq at least five years to produce a nuclear device** and a **further two to produce a warhead**."

71. The JIC had "**good intelligence of Iraq's former chemical and biological warfare (CBW) facilities**, their **limited reconstruction** and **civil production**". That suggested "a continuing research and development programme". There was "additional unconfirmed but credible **intelligence of weapons filling**". But the JIC could not "confirm that specific sites" were "being used for CBW related activity".

72. In the main body of the Assessment, the JIC:

- judged that intelligence reports reflected "**a continuing chemical warfare programme**, including research and development, together with the possible production and weaponisation of agent";
- stated that the picture of Iraq's BW programme was "unclear"; and
- stated that Iraq's CBW capability was "not new", but represented "the **most immediate Iraqi threat**".

73. Other key points in the Assessment are set out in the Box below.

JIC Assessment, 10 May 2001: 'Iraqi WMD Programmes: Status and Vulnerability'

- Intelligence on Iraqi WMD was "difficult to obtain and to verify".
- "Little of the intelligence is, however, sufficiently clear to identify the exact status and ultimate objectives of these programmes. Intelligence is clearest on Iraq's **missile facilities and associated activities**."
- "Because of the need for raw materials and components from abroad, sanctions remain an obstacle to the development of all Iraq's WMD programmes."

Iraq's ballistic missile programme

- There was "**reliable intelligence of Iraq's current short range ballistic missile programmes**" and "a growing body of evidence that Iraq intends to develop missiles well beyond its permitted range of 150km". That "would represent **a step change in Saddam Hussein's military capabilities**".
- "An injection of an additional [US]$20 million and political pressure from Saddam Hussein" appeared "to have **accelerated progress over the past year**". That included:
  - "work on **extending the range of the Al Samoud missile to 200-300km** – production could start within the year";
  - "work on a **further missile engine test stand with the capacity for much larger engines than the Al Samoud, including SCUD**";
  - the intelligence was "less clear on longer term missile objectives";
  - "… tests on pairs of solid propellant motor cases. These are at a very early stage of development, but **if combined in a missile**, they could have a range of up to **2,000km** with a 500kg payload. Developed individually into missiles, using the same payload, they could achieve a range of between **700-1,200km**."
- The JIC assessed that both the Al Samoud and its extended range version "could deliver a conventional, chemical or biological warhead".
- The JIC did "**not know** the location of some 20 reassembled 650km range Al Hussein missiles".
- "Apart from the construction of a large test stand", there was "**nothing to indicate plans to produce new SCUD type missiles**".
- The JIC did "not know enough about the possible 2,000km range missile to judge a timescale for its completion".

Chemical warfare programmes

- The JIC had "good intelligence of **Iraq's former CW associated facilities**"; intelligence of "other related **CW activity, including possible weaponisation**" was "**less clear**".
- The JIC did "not know the location of pre-Gulf War CW related stocks or where Iraq may have filled weapons. Such stocks would enable Iraq to use its chemical industry to **produce significant amounts of mustard gas within weeks** of a decision to do so, and **nerve agents within months**."

Biological warfare programme

- The JIC had "good **intelligence of one facility** that could be used to **support BW agent production**. Other Intelligence which points to the possible research and **production of BW agent is unconfirmed**."
- Iraq retained "**equipment and materials to produce BW**" and it had "a **number of delivery options**"; but there was "currently little evidence of BW activity at facilities formerly associated with Iraq's BW programme".
- The Assessment pointed to additional intelligence on "Iraqi **attempts to recruit new scientists by people formerly associated with Iraq's BW programme** to work on **BW related research, including genetic engineering**"; "liaison reports of at least **six mobile Iraqi BW production facilities** for a number of unidentified agents"; and "evidence of increased activity at a former **BW associated plant in Amariyah**".
- The JIC continued to judge that "**Iraq could produce BW agent within weeks** of a decision to do so".

Iraq's nuclear programme

- Iraq had "recalled its nuclear scientists in 1998". It had made "**efforts … since 1998 to procure items that could be used in a uranium enrichment programme using centrifuges**".

Those included: "**aluminium pipes** [tubes]" and "**other dual use items**".

Vulnerability of Iraq's WMD programme

In relation to direct military action, the JIC judged that: "Although some WMD facilities could be destroyed by direct military action, this would be **unlikely to have a significant overall impact on Iraq's WMD programmes**". This was because:

"
- we do not know where all ballistic missile development is taking place. There would be **some impact on Iraq's permitted missile development programme,** but military action would at best **only delay the development of prohibited longer range missiles**;
- **although targeting of Iraq's remaining nuclear facility** might have some impact on its nuclear programme, it would be **unlikely to eliminate all nuclear activity**, some of which may be taking place at other sites;
- because much of Iraq's CBW activity can be conducted in legitimate civil research facilities, Iraq's **CBW** programme is likely to be unaffected by action against known suspect sites."

The Assessment stated that "**targeting of suspected chemical or biological facilities would be portrayed as attacks on the civil infrastructure** and would in any case have limited or **no impact on Iraq's ability to produce and weaponise chemical or biological agent**".

The Assessment concluded:

> "… **our ability to constrain Iraqi development of its WMD through other means is limited**. The development of Iraq's WMD has been helped in recent years by **the absence of UN inspectors, the increase in illegal border trade and hard currency available to Iraq**. There have been an increasing number of

> […] reports on orders for illegal imports of missile related components and missile related components and materials […] Because of the need for raw materials and components from abroad, sanctions remain an obstacle to the development of all Iraq's WMD programmes."

74. Under a heading "Implications", the JIC observed:

> "This Assessment underlines the importance of pursuing vigorously work on the proposed UN controlled goods list, which would help sustain effective controls on Iraqi WMD development."

75. The Butler Report commented that the Assessment "signalled a clear change in the JIC's perception".[31]

76. The Butler Report considered that the JIC judgements on Iraq's ballistic missile programmes were "well-founded and properly expressed".[32]

77. Mr Miller told the Inquiry that the intelligence on the ballistic missile programme was "fuller, and in retrospect, proved to be more reliable".[33] There was reliable reporting on missile production at one site. Separate reporting about the retention of Al Hussein missiles came from a source that was "characterised as regular and reliable".

78. Mr Miller added that the report on the retention of the Al Hussein missiles was from "a year or two previously", and that there was "a rather longer standing view that their disposal hadn't been properly accounted for".[34]

79. In relation to the judgement that Iraq was "conducting nuclear related research and development into the enrichment of uranium and could have longer term plans to produce enriched uranium for a weapon", the Butler Report stated it:

> "… was based on two human intelligence reports, both from new sources and neither speaking from direct, current experience. Unusually in the nuclear field, we conclude that those reports were given more weight in the JIC Assessment than they could reasonably bear."[35]

80. Mr Miller told the Inquiry that there was "limited" new intelligence underpinning the Assessment on the nuclear programme. There was an SIS report that scientists had

---

[31] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 221.
[32] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 254.
[33] Private hearing, 5 May 2010, page 6.
[34] Private hearing, 5 May 2010, page 7.
[35] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 225.

been recalled to work on the programme in 1998 and other reports on Iraq's attempts to procure aluminium tubes and magnets.[36]

81. The Butler Report stated that the judgements on Iraq's CW programme:

> "appear to have been based on three main pieces of evidence:
>
> - A single report from a new source who reported details of a project three years ago to integrate … VX into rocket artillery warheads and the subsequent filling of 60 warheads.
> - A further single report from a new source, passing on the comments of a subsource that he had been part of a project to produce the nerve agent VX in the period to 1998, again three years earlier.
> - Intelligence pointing to the restoration of a facility formerly used for production of chemical agent precursors and on shipments to the plant, although there was no positive evidence that precursors had been produced.
>
> "A further report from a liaison service on the establishment of a group of chemical experts to work on the production of chemical agent using mobile facilities appears to have been discounted by the JIC."[37]

82. The Butler Report concluded that the Assessment "reflected these reports fairly"; the intelligence "applied mainly to historical (as opposed to current) activity and, even so, was by no means conclusive".[38]

83. Mr Miller told the Inquiry:

- There was a new, UK human source at that time, "giving an account of weaponisation of … VX in the mid- to late 1990s".
- There was "another new source, with older reporting, about production in the earlier 1990s".
- The reporting on VX "seemed to be reports to which we should pay serious attention" from "people who would have been in a position to know", although one of them was "a new source".
- Chemical production had been mentioned in the reporting "through liaison on mobile laboratories … The view at the time by the technical experts was that if there were mobile facilities … they were more likely to have a role in filling chemical munitions than the production of chemical agents."[39]

---

[36] Private hearing, 5 May 2010, page 2.
[37] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 233-234.
[38] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 235.
[39] Private hearing, 5 May 2010, pages 7-8.

84. In relation to reports of the recruitment of new scientists to work on BW research and activity at a facility formerly associated with BW, the Butler Report stated that the "additional intelligence" identified "came from human intelligence and imagery". It concluded that, "although the human intelligence was recording events that had taken place some time previously", it had been fairly reflected by the JIC.[40]

85. Sir John Scarlett told the Inquiry that the May 2001 Assessment had drawn "on two big assessments" in 2000 and provided "a sort of starting point". By that time:

- "… there was heightened concern … about possible nuclear-related procurement and longer-term plans to enrich uranium."
- "Iraq was assessed to retain some stocks of chemical … agents and weapons, but there were no details on locations or quantities. But there was a lot of attention being paid to the reconstruction of … facilities which had been used in the past for chemical agent production."
- There was "clear evidence of continuing biological warfare activity … [T]he intelligence about mobile production laboratories … was taken seriously. And … there was a lot of emphasis on the capability of Iraq's … industry to start production of agents very quickly if a decision was taken to do that."
- If Iraq "were to extend" the range of permitted ballistic missiles and then "design longer range missiles, that was given a lot of prominence in the assessment as a step change in the progress they were making".[41]

86. Sir John subsequently added that the Assessment was:

> "… a fairly firm judgement based on limited intelligence, but taking account of a lot of other issues, including past behaviour … not just in terms of use but also of deception and concealment and so on."[42]

Wider concerns about proliferation and terrorist use of WMD

87. The perception of the threat posed by Iraq's WMD programmes should be seen in the context of wider concerns about the proliferation of nuclear, chemical and biological weapons and their delivery systems, particularly ballistic missiles. By 2000 this was regarded as a major threat.

88. The Butler Report examined the background to the concerns about the nuclear, chemical, biological and ballistic missile programmes of Libya, Iran, North Korea and Iraq, and the state of knowledge about global trade and potential sources of proliferation. It also reviewed the intelligence available on the possibility that terrorist groups might seek to use such weapons.

---

[40] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 242-243.
[41] Public hearing, 8 December 2009, pages 35-36.
[42] Public hearing, 8 December 2009, page 42.

89. The possibility that terrorist groups might seek to use unconventional weapons was, until the mid-1990s, considered unlikely.

90. The Butler Review reported that JIC Assessments during the 1980s considered the possibility that terrorist groups might seek to use unconventional weapons as "remote".[43]

91. In June 1989, the JIC stated:

> "We have no intelligence that any terrorist group makes CBW agents, possesses any such agents or is currently contemplating attacks using CBW agents or other toxic chemicals. The use of CBW agents by terrorists would generate widespread fear and could cause large numbers of casualties … The mere threat of such use could be sufficient to cause panic.
>
> "A terrorist would need only small quantities of CW agents. The simpler ones could in principle be made by anyone with a knowledge of A-level chemistry using readily obtainable materials. We believe that terrorist organisations could also readily obtain and handle without insurmountable difficulty, suitable bacteria, viruses and certain toxins.
>
> "Although CBW proliferation undoubtedly increases the risk that CBW agents could be stolen … or even supplied to terrorists by state sponsors … this prospect must be viewed against a background where many suitable agents can be manufactured in small quantities using easily available materials. So far as terrorism is concerned, proliferation (if it comes about) may not necessarily be much affected by the actions of States with the relevant capability."[44]

92. In July, the JIC stated:

> "We believe that even the most sophisticated and well-organised terrorist group is highly unlikely to be able to steal and then detonate a nuclear weapon within the foreseeable future … At present the most feasible terrorist nuclear incident would probably be a credible hoax …"[45]

93. In April 1992, the JIC considered the technical options for terrorist attacks using chemical, biological, radiological or nuclear weapons, but emphasised the perceived difficulties, stating that terrorist groups might:

> "… be deterred by the danger to their own members, or by the risk of alienating the public and especially their own supporters. They may also fear that an attack would cause international outrage leading to determined efforts on an international scale

---

[43] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 111.
[44] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 111.
[45] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 111.

to bring them to book. By contrast, conventional weapons are cheaper, easier to procure, and offer equal or greater effectiveness against traditional targets …"[46]

94. In the context of reports of fissile material being available on the black market, the JIC concluded in April 1994 that it was:

"… extremely unlikely that a terrorist group could produce even a crude nuclear device; nor is there any evidence that any group has contemplated the use of nuclear weapons. A more plausible scenario might be the dispersal of radioactive materials …

"We believe that terrorists would not be able to acquire or deploy a nuclear weapon; radiological attacks are … unlikely."[47]

95. The Assessment also stated:

"Attacks involving chemical or biological agents are also unlikely …"

96. In an Assessment in July 1996, responding to a G7 declaration that special attention should be paid to the threat of the use of nuclear, biological and chemical materials for terrorist purposes, the JIC stated:

"There is no indication of any terrorist or other group showing interest in the use of nuclear, biological or chemical (NBC) materials against the UK. For a number of reasons, conventional weapons are likely to remain more attractive for terrorist purposes. But last year's nerve agent attack in Tokyo [the use of sarin by the Aum Shinrikyo sect in the Tokyo underground in March 1995] will have heightened interest and, with ever more NBC information publicly available, hoaxes threatening NBC use are likely to become more difficult to assess."[48]

97. After Usama Bin Laden returned to Afghanistan, evidence accumulated of his interest in chemical and biological materials.

98. Usama Bin Laden had first become known as a high-profile supporter of Islamist extremism when fighting the Soviet forces in Afghanistan in the 1980s.[49]

99. He founded the international terrorist group known as Al Qaida in 1989, "dedicated to opposing 'un-Islamic' governments in Muslim countries with force and violence". He was based in Afghanistan and Pakistan from 1989 to 1991, when he moved to Sudan. Usama Bin Laden returned to Afghanistan in 1996.

---

[46] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 113.
[47] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 114.
[48] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 116.
[49] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 117.

100. In response to the presence of the US in the Arabian Peninsula and its "continuing aggression against the Iraqi people", Usama Bin Laden and others issued a "fatwa" in February 1998 stating that it was "an individual duty for every Muslim" to "kill the Americans and their allies – civilian and military".[50]

101. In November 1998, the JIC stated that Usama Bin Laden had:

> "… a long-standing interest in the potential use of CBR [chemical, biological and radiological] materials, and recent intelligence suggests his ideas about toxic materials are maturing and being developed in more detail … There is also secret reporting that he may have obtained some CB material – and that he is interested in nuclear materials. We assess that he lacks the expertise or facilities even to begin making a nuclear weapon, but he might seek to make a radiological device."[51]

102. In an interview with the *BBC* and the London-published Arabic newspaper *Asharq Al-Awsat* in December 1998, following Operation Desert Fox, Usama Bin Laden stated that "The British and American people loudly declared their support for their leaders' decision to attack Iraq", and that made it "the duty of Muslims to confront fight and kill" citizens of the two countries.[52]

103. *BBC News* reported that Usama Bin Laden had stated that it was the duty of Muslims to "get rid of all the Americans and all of the Jews out of the land of Islam".

104. In 1999, the JIC revised its position, concluding that some terrorists were no longer reluctant to cause mass casualties. The risk of a terrorist incident using chemical, biological, radiological or nuclear material had increased, but most terrorists would "continue to favour conventional weapons".

105. Following receipt of further intelligence, the JIC stated in June 1999:

> "Most of UBL's [Usama Bin Laden's] planned attacks would use conventional weapons. But he continues to seek chemical, biological, radiological and nuclear material and to develop a capability for its terrorist use. There is insufficient evidence to conclude that he has yet acquired radiological or nuclear material. In contrast, we now assess that his followers have access to some unspecified chemical or biological material. Some have received basic training in its use against individuals or in confined spaces.
>
> "In April a leading Egyptian terrorist … told an Egyptian court that UBL had CB 'weapons' which he could use against US or Israeli targets."[53]

---

[50] World Islamic Front, 23 February 1998, *Jihad against Jews and Crusaders*.
[51] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 117.
[52] *BBC News*, 26 December 1998, *Bin Laden urges revenge*.
[53] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 118.

106. In July 1999, the JIC changed one of the key assumptions underpinning previous assessments, concluding that some terrorists were no longer reluctant to cause mass casualties:

> "Over the 1990s there has been a significant increase in the quantity and quality of intelligence that some terrorists are interested in CBRN – and particularly in chemical and biological materials – as weapons. The risk of a CBRN terrorist incident has risen, albeit from a low base. In part this increase reflects the rise of Islamic extremism and ethnic hatred as terrorist motivations: some of the terrorists … are less constrained by considerations such as public support, casualties among innocent bystanders, and the prospect of retaliation. It may also reflect the increasing availability of information about making and using CB materials … [S]ociety's vulnerability to terrorist attack from CB or radiological materials is high, exacerbated by the lack of a tried and tested CB counter-terrorist response in some countries."[54]

107. In addition, the JIC assessed that Usama Bin Laden had successfully acquired non-conventional weapons:

> "… It has become clear that Usama Bin Laden has been seeking CBRN materials … His wealth permits him to fund procurement, training and experimentation to an extent unmatched by other terrorists … Given the quantity and quality of intelligence about his interests in CB materials, the length of time he has sought them, and the relative ease with which they can be made, we assess that he has by now acquired or made at least modest quantities of CB materials – even if their exact nature and effectiveness are unclear. The significance of his possession of CB materials is that, in contrast to other terrorists interested in CB, he wishes to target US, British and other interests worldwide. There is also intelligence on training in the use of chemicals as weapons in a terrorist camp in Afghanistan, although it is not yet clear if this is under Bin Laden's auspices … Bin Laden's attacks remain more likely to employ conventional weapons than CB materials."[55]

108. The JIC retained its conclusion that:

> "… the indications of terrorist interest in CBRN materials have yet to be matched by a comparable amount of evidence about possession and intent to use CBRN. Most terrorists continue to favour conventional weapons, as easier to use, more reliable, safer and more controllable than CBRN materials."[56]

---

[54] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 119.
[55] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 120.
[56] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 121.

109. Security Council resolution 1267 (1999) noted the US indictment of Usama Bin Laden and deplored the fact that the Taliban continued to provide him with a safe haven "to operate a network of terrorist training camps … and to use Afghanistan as a base from which to sponsor international terrorist operations".[57]

110. The resolution:

- insisted that the Taliban authorities should "comply promptly" with previous resolutions "and in particular cease the provision of sanctuary and training for international terrorists and their organisations …";
- demanded that the Taliban turn over Usama Bin Laden to a country where he could be "effectively brought to justice"; and
- decided to impose sanctions on the Taliban.

111. In January 2000, the JIC stated that :

> "UBL retains his interest in obtaining chemical, biological, radiological and nuclear (CBRN) materials and expertise. In autumn 1999 there was intelligence that he had recruited … chemicals specialists … Our assessment remains that UBL has some toxic chemical or biological materials, and an understanding of their utility … But we have yet to see hard intelligence that he possesses genuine nuclear material."[58]

112. By August 2000, the JIC concluded that, although other Islamist extremist groups had an interest in non-conventional weapons, Usama Bin Laden posed the most severe threat.[59]

113. Addressing the terrorist threat from unconventional weapons in January 2001, the JIC stated:

> "The actual threat does not match the media hype. Almost all the available intelligence refers to terrorist interest in CB materials, rather than to specific attack plans. There is no credible intelligence that any terrorist except UBL has the capability or serious intent to explore the use of weapons-grade materials – nor, except for Chechen extremists, radiological material. Terrorists interested in CB are generally those least constrained by public opinion … [T]he risks of attacks using toxic materials have always been greater overseas.
>
> "UBL has sought CBRN materials for use as terrorist weapons … From his public statements and interviews it is clear that he believes it is legitimate to use them as weapons …

---

[57] UN Security Council resolution 1267 (1999).
[58] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 122.
[59] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 123.

> "In 1999 he sought equipment for a chemical weapons lab in Afghanistan, and claimed already to have … experts working there."[60]

114. In 2001, Iran, North Korea and Libya were "probably of greater concern than Iraq" in terms of nuclear and missile proliferation.

115. By early 2000, intelligence had revealed that AQ Khan, who directed Pakistan's nuclear programme, was discussing the sale of nuclear technology to countries of concern, and that he was at the centre of an international proliferation network.[61]

116. Sir William Ehrman, FCO Director International Security from 2000 to October 2002, told the Inquiry that, at the beginning of the century, the nuclear programmes of concern in Libya, Iran and North Korea were "maturing".[62]

117. Sir William confirmed that, in terms of nuclear and missile proliferation, Iran, North Korea and Libya were "probably of greater concern than Iraq".[63]

118. Mr Dowse told the Inquiry that:

> "… by 2001 … various international regimes had clearly delayed and obstructed proliferation, but we were extremely concerned that in some specific cases determined proliferators were making progress. We were concerned about Iran … Libya … Iraq … North Korea … and we had also begun to get information about the activities of AQ Khan in Pakistan who was offering nuclear assistance for weapons programmes covertly to a number of countries, notably Libya.
>
> "So we had a sense that … the international non-proliferation regimes were important but not sufficient …"[64]

119. Mr Dowse added that there was particular concern about nuclear weapons and concerns about the impact of biological weapons. But it was "often quite difficult to see" how the latter "would be easily usable in an inter-state conflict".

120. Lord Wilson of Dinton, the Cabinet Secretary from January 1998 to September 2002, described AQ Khan's activities as:

> "One of the most chilling developments in my time … truly chilling and hugely worrying."[65]

---

[60] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 124.
[61] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 64-65.
[62] Public hearing, 25 November 2009, page 9.
[63] Public hearing, 25 November 2009, page 10.
[64] Public hearing, 25 November 2009, pages 6-7.
[65] Public hearing, 25 January 2011, pages 51-52.

121. Following the 9/11 attacks, the JIC assessed on 18 September that they had set a new benchmark for terrorist atrocity, and that terrorists seeking comparable impact might seek to use chemical, biological, radiological or nuclear devices. But only Islamic extremists such as those who shared Usama Bin Laden's agenda had the motivation to pursue attacks with the deliberate aim of causing maximum casualties.

122. The potential threat to UK interests would be higher the more closely the UK was identified with the US.

123. Following a request from Mr Blair for a reassessment of the nature and scale of the threat posed to the UK by terrorism and the contingency plans for dealing with it, the JIC considered whether the scale and nature of the terrorist threat to the UK had changed.[66]

124. The key points made in discussion included:

- The attacks "marked a step change" and: "What had before been only an assessed possibility had now become a fact. A new benchmark had been set, and there could be no going back to the status quo ante."
- "Even if the component parts of those attacks had not been wholly new, their sheer audacity, scale, co-ordination and ambition were novel."
- "The terrorists with creativity and imagination would look for other ways to make as much impact. The draft [Assessment] needed to say more about the threat from chemical, biological, radiological and nuclear terrorism, which it underplayed."
- "The paper needed to include some blue-sky thinking about what the future might hold, but to maintain a sense of proportion."

125. Mr Scarlett concluded that "the draft needed reworking, in terms of both of its structure and framework, and of its detail". A revised version would be circulated for further comment.

126. The Assessment, issued on 18 September, considered whether the attacks of 11 September changed the nature and scale of the terrorist threat to the UK, and the UK's potential vulnerability to major terrorist attack, and "the current and immediately foreseeable threat in terms of the intention and capability of known terrorist groups".[67] The Assessment assumed that there would be "a continuation of the current political circumstances in which the UK is closely identified with the US".

---

[66] Minutes, 14 September 2001, JIC meeting. As a Director in the Treasury Public Services Directorate responsible for the Defence, Diplomacy and Intelligence Team, Ms Margaret Aldred, the Secretary to the Inquiry, was present at the discussion.
[67] JIC Assessment, 18 September 2001, 'UK Vulnerability to Major Terrorist Attack'.

127. The JIC's Key Judgements included:

- The attacks had "set a new benchmark for terrorist atrocity. The level of destruction and the public impact are unprecedented."
- "Terrorists seeking comparable impact may try to use chemical, biological radiological or nuclear devices …"
- The "potential scope for terrorist attacks" was "very wide": "But in order to assess the threat to the UK, we need to consider both the capabilities and the intentions of the terrorist groups."
- "Only Islamic extremists such as those who shared Usama Bin Laden's agenda currently have the motivation to pursue" attacks "with the deliberate aim of causing maximum casualties". The more closely the UK was identified with the US, "the higher the potential threat" to UK interests "both here and overseas".
- Major attacks like those of 9/11 required considerable planning and were "therefore likely to remain relatively infrequent".

128. Addressing the nature of international terrorist groups, the JIC stated:

> "The word 'groups' can be misleading in the context of *Islamic extremist terrorists*. There are established groups in different countries, usually working to a national agenda, but the networks associated with UBL are changeable ad hoc groupings of individuals who share his agenda, and who may come together only for a particular operation."

129. The Assessment stated that it was "not yet clear" whether the success of the 9/11 attacks would:

> "… alter how international terrorist groups view the context in which they operate. But it has certainly changed the psychological landscape. What had seemed a remote possibility has become a fact … Copycat attacks could follow. Some terrorists might feel driven to match or exceed the scale of casualties in order to achieve a comparable impact. Or they might seek the same sort of shock, for example by using chemical, biological, radiological or nuclear devices. On the other hand, the sheer horror of the destruction could lead to a backlash against wanton attacks by those who have previously supported terrorists. And if the US successfully mobilises a new coalition of allies to end … UBL's career, some groups, and especially supportive states, might be deterred. But it will be some time before intelligence is able to build up a picture of the actual effect of the 11 September attacks …"

130. Conventional munitions or Improvised Explosive Devices (IEDs), "now including hijacked aircraft", were "the most likely form of attack". But there was a need to take into account the "following potential threats":

- **Chemical warfare agents:** UBL's group was "assessed to have acquired a limited and unsophisticated chemical capability" and had been "reported at one stage to have seen potential use in assassinations and other attacks in small, confined spaces. But given time they might develop such ideas into plans to cause large numbers of casualties."
- **Some biological warfare agents:** Intelligence had indicated that "UBL and other Islamic extremists" had "shown an interest in BW agents and their effects".
- **Radiological dispersal devices:** There was "a considerable body of intelligence relating to trafficking in illicit nuclear materials, and intelligence that UBL possesses a small quantity of uranium. The use of uranium in a radiological dispersal device is extremely ineffective, and does not present anything other than the most minor of radiological hazards."
- **Improvised nuclear device:** This would be "harder to design and build than a radiological dispersal device. […] Such a device would be large, fragile and probably unreliable. It would need to be delivered by a vehicle or boat, or assembled in situ. […] Acquiring the fissile material (plutonium or highly enriched uranium) would be the major obstacle. No terrorists have the ability to make fissile materials, and we have no evidence that any have acquired enough for a weapon. A terrorist with explosives expertise could detonate a nuclear weapon acquired from a nuclear-armed state, although it is unlikely to give its intended yield, if any." There was "no credible intelligence to suggest that UBL or any other terrorist had acquired a nuclear device from the former Soviet Union".

131. The Assessment stated that the forms of possible attack from those threats were:

> "… not new in themselves. We assessed in 1990 that Iraq could use chemical and biological agents in covert attacks on western countries as well as in conflict. But the 11 September attacks highlight the risk that extremist groups might turn to these means of attack in order to maximise death and disruption. Unlike states – in most circumstances – such terrorists cannot be deterred by the prospect of retaliation.
>
> "Terrorists have already shown they can cause mass casualties by conventional means … The difficulties in making or using chemical, biological, radiological or nuclear weapons (CBRN), though by no means insurmountable, may make those options less attractive to them. But CW and especially BW agents have the potential to produce casualties in excess of those seen in New York. Hence any use, or threat of use … would generate a degree of terror and panic out of proportion to the low probability of a successful major attack."

132. Addressing who might have the capability and intent to threaten the UK, the Assessment stated that Islamist extremists had the "motivation to attack the West" and their means of operation made them "particularly difficult to identify and disrupt". The US was "their main target". Most Islamic extremists had not targeted the UK "to date", but "the UK, France, Israel and 'the West' generally" were a "second rank in their list of priorities".

133. The JIC judged that Hizballah, Hamas and Palestinian groups did not "currently intend to target UK interests". That "could change if the situation in the Middle East deteriorates further", but only Hizballah's External Security Organisation had capability to "carry out significant attacks".

134. Addressing the potential threat from Usama Bin Laden, the Assessment stated:

> "In the context of UBL's jihad, casualties and destruction could be an end in themselves as much as a means to an end.[68] He has no interest in negotiation and there is no indication that he can be deterred. Further major attacks by those who share his agenda cannot be ruled out, and may be more likely if UBL himself is killed and/or the US retaliates against Afghanistan. While his focus remains on the US and the Gulf, he has the capability to mount operations against the UK."

135. The Assessment concluded:

> "Further attacks in the near future are possible … Nor should we conclude from the volume of intelligence on Islamic extremists' aspirations that we necessarily face an escalating spiral of increasingly frequent attacks. Many will be disrupted … Major attacks on anything like the scale seen in New York are likely to remain relatively infrequent. But the capacity to undertake them demonstrably exists."

136. After 9/11, concerns in the UK about the risks of nuclear, biological, chemical and ballistic missile proliferation intensified.

137. In a speech addressing the Assembly on Terrorism on 1 October, Mr Kofi Annan, the UN Secretary-General, stated that, after the attacks of 9/11, "no one can dispute the nature of the terrorist threat, nor the need to meet it with a global response".[69] He added that that would require:

> "… Member States to live up to their responsibilities under international law. They must deal firmly with the reality of armed groups and other non-State actors who refuse to respect common principles of human dignity.
>
> "It is hard to imagine how the tragedy of 11 September could have been worse. Yet, the truth is that a single attack involving a nuclear or biological weapon could have killed millions … The greatest danger arises from a non-State group – or even an individual – acquiring and using a nuclear, biological, or chemical weapon. Such a weapon could be delivered without the need for any missile or any other sophisticated delivery system."

---

[68] "UBL's stated objective is to secure US withdrawal from the Middle East or, failing that, to provoke a reaction which would further demonise the US in the eyes of Muslims and destabilise moderate Arab states that he perceives as un-Islamic."
[69] UN Press Release, 1 October 2001, *Secretary-General, Addressing Assembly on Terrorism, Calls for 'Immediate Far-Reaching Changes' in UN Response to Terror.*

138. Sir John Scarlett told the Inquiry that there had been "serious concern" in the autumn of 2001 about the availability of fissile material "especially from the former Soviet Union", but he and Mr Miller both confirmed that there was no specific intelligence about potential supply to Iraq.[70]

139. Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec) from 2001 to August 2003, told the Inquiry that his American interlocutors were "very concerned about what was going on in North Korea".[71]

140. Sir David also told the Inquiry that finds in Afghanistan had refocused attention on WMD and proliferation. There was pressure to deal with the Libyan programme and concerns about Iran and AQ Khan (in Pakistan).[72]

141. The Butler Review described how, in early 2002:

> "For the small group of policy-makers with access to the most sensitive JIC Assessments, there were increasing concerns about proliferation … It [the JIC] was also reporting on the evidence found, as a result of military operations in Afghanistan, of Usama Bin Laden's efforts to seek unconventional weapons. Finally senior policy-makers were also pre-occupied with the crisis between India and Pakistan and the nuclear risks which that posed."[73]

142. The Butler Review concluded that those elements "would have contributed to a strong sense of what one witness called a 'creeping tide' of proliferation and growth in the nuclear, biological, chemical and ballistic missile capabilities of countries of concern".[74]

Assessment of Iraq's WMD capability after 9/11

November to December 2001

143. FCO advice to Mr Straw and No.10 on Iraq's nuclear, chemical and biological warfare programmes in early December was, in some instances, couched in more definitive terms than the language used by the JIC and omitted the JIC caveats.

144. Mr Dowse told the Inquiry that, shortly after 9/11, Mr Jack Straw, the Foreign Secretary, asked about Iraq's ability to use WMD if it was attacked and that the assessment provided by the FCO drew on the existing JIC papers.[75]

---

[70] Private hearing, 5 May 2010, page 49.
[71] Public hearing, 30 November 2009, page 4.
[72] Private hearing, 24 June 2010, pages 6-7
[73] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 256.
[74] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 257.
[75] Public hearing, 25 November 2009, page 44.

145. Mr Straw was sent copies of the December 2000 and May 2001 JIC Assessments in mid-November.[76] He was told that the Key Judgements were "unchanged" and the JIC would be reviewing its judgements and the "threat of onward proliferation of WMD expertise and technology from Iraq to terrorist groups" later that month.

146. The FCO informed Mr Straw that the main conclusions to be drawn included:

- Iraq "probably" had the capability to strike Israel and other countries "with missiles tipped with chemical and biological warheads".
- It was "highly unlikely" that Iraq possessed a nuclear weapon, but it had "the motive and technology to develop a radiological device".
- UN sanctions had "prevented the reconstruction of Saddam's conventional military machine".

147. The FCO advice also stated:

- Recent intelligence indicated that research and development on nuclear weapons continued and that Iraq was seeking equipment for a uranium enrichment programme.
- Iraq's CBW capabilities were the "greatest concern".
- It was judged that Iraq "was able to conceal large quantities of chemical and biological stocks".

148. The FCO also provided a copy of the "current press lines", including:

- The UK believed the "Baghdad regime" was "still hiding weapons of mass destruction in a range of locations".
- The "Baghdad regime" had "continued to pursue ballistic missile, nuclear, chemical and biological programmes in breach of its UN obligations".
- Iraq had "admitted hiding chemical, biological weapons and missile parts in the desert … caves and railway tunnels".
- The UK believed Iraq still had "chemical and biological agents and the means to deliver them in a range of locations".
- Iraq had admitted producing chemical and biological warfare agents, the effects of which were "horrendous".
- The UK believed the "Baghdad regime" had "recently accelerated its weapons programmes".

---

[76] Minute FCO [junior official] to Dowse and PS [FCO], 13 November 2001, 'Iraqi Capacity to Hit Back'. This mistakenly refers to an assessment in "November" 2000.

149. In support of the last statement the FCO identified:

- continued progress of Iraq's ballistic missile programme and repair of facilities damaged by Operation Desert Fox, and a belief that Iraq was planning to extend the range of its permitted missiles;
- concern about reports of increased nuclear procurement, a view that research and development on a nuclear programme had restarted, and a belief that if sanctions were lifted Iraq could develop a nuclear weapon within five years; and
- a belief that Iraq's biological and chemical weapons programmes were continuing.

150. The JIC Assessment of 28 November judged that:

- **Practical co-operation between Iraq and Al Qaida was "unlikely"; and there was no "credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups".**
- **Iraq was "capable of constructing devices to disperse chemical or biological agent, or radiological material", but there was "no reliable intelligence of any Iraqi intent". If the regime was under serious and imminent threat of collapse, WMD terrorism was possible but, in other circumstances, the threat would be "slight".**

151. At the request of the FCO, the JIC assessed Iraq's support for terrorism on 28 November.[77] The Assessment is addressed in Section 3.1.

152. In relation to Iraq's capabilities and the possibility of proliferation to terrorist groups, the JIC Key Judgements stated that Saddam Hussein "would consider":

> "WMD terrorism, if his regime was under serious and imminent threat of collapse. In other circumstances **the threat of WMD terrorism is slight**, because of the risk of US retaliation."

153. The Assessment concluded that "Iraqi capability and willingness to conduct **WMD terrorism**" was "not known with any certainty". The JIC judged that Iraq was "capable of constructing devices to disperse chemical or biological agent, or radiological material", but it had "no reliable intelligence of any Iraqi intent. Nor did it have:

> "… any credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups, or of any Iraqi role in the anthrax attacks in the US. Iraq would have to consider the risk of US retaliation … On balance, we judge the **threat of Iraqi WMD terrorism is slight**, unless the regime was under serious and imminent threat of collapse."

---

[77] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.

154. Mr Miller sent "a short note on Iraq's WMD and ballistic missile capability", which drew "heavily" on the JIC Assessment of 10 May, to JIC members on 30 November 2001.[78]

155. Mr Miller described the main points as:

- Iraq "probably has a capability to target a limited number of ballistic missiles against other countries in the Middle East and Gulf regions, particularly Israel".
- It was "possible that such missiles could be armed with chemical or biological warheads, although other conventional options for these weapons, such as aircraft or artillery, are available".
- While Iraq was "judged unlikely to be able to acquire any nuclear capability in the short term", the "construction of a radiological dispersal device" was "technically possible".

156. The UK Government has been unable to find a copy of the note Mr Miller provided.[79]

157. The FCO perspective on Iraq's WMD capabilities and intentions was set out in a letter from Mr Simon McDonald, Mr Straw's Principal Private Secretary, to No.10 on 3 December in response to a request from Mr Blair for a note on options for dealing with Iraq (see Section 3.1).[80]

158. The letter stated:

> "There is real reason for concern about Iraq's WMD programmes, principally CBW and long range missiles. There is evidence of continuing Iraqi attempts to procure nuclear-related materiel. Saddam's history of aggression and use of CW sets Iraq apart from other WMD-armed states."

159. In an Annex addressing Iraq's response to its obligations, the FCO stated that Iraq was:

> "(a) **concealing information about large quantities of chemical and biological munitions, agents and precursors**. UNSCOM inspectors were unable to account for [material related to chemical weapons] and very large quantities of growth media acquired, on Iraq's own admission, for the production of biological weapons;
>
> (b) **concealing up to 20 long-range Al Hussein missiles**;
>
> (c) **actively pursuing chemical and biological weapons and ballistic missiles**. The missile-related facilities damaged by Operation Desert Fox in 1998 have been repaired, research continues and new facilities are being constructed. Other former

---

[78] Minute Miller to Wright, 30 November 2001, 'Iraqi WMD capability in the event of a US attack'.
[79] Letter Cabinet Office [junior official] to Aldred, 22 July 2015, 'Declassification – 3.3-MA'.
[80] Letter McDonald to Tatham, 3 December 2001, 'Iraq: Options'.

chemical and biological weapons facilities have been restored: some CW and BW-relevant activity is under way;

(d) **seeking to rebuild a nuclear weapons programme**. Recent intercepted Iraqi procurement efforts have involved material relevant to production of fissile material;

…"

160. On 4 December, Mr Blair sent President Bush a paper setting out proposals for Phase 2 of the war against terrorism.

161. Mr Blair stated that Iraq was a threat because it had a WMD capability; was acquiring more; had shown its willingness to use it; could export that capability; and was in breach of UN Security Council resolutions.

162. Mr Blair sent President Bush a paper 'The War against Terrorism: The Second Phase*'* on 4 December (see Section 3.1).[81]

163. The paper comprised an overview of the possible approaches to potential terrorist threats in seven countries[82] and a 'Strategy for Confronting Islamic Extremism' in moderate Muslim states.

164. In relation to Iraq, the key points included:

- Iraq was a threat because: "it has WMD capability; is acquiring more; has shown its willingness to use it; and can export that capability". Iraq was in breach of UN Security Council resolutions 687 (1991), 715 (1991) and 1284 (1999) and Saddam Hussein supported certain Palestinian terrorist groups and used terror tactics against Iraqi dissidents.

The decision to produce a dossier covering Iraq, Iran, North Korea and Libya

165. To inform preparations for the meeting between Mr Blair and President Bush in early April 2002, No.10 commissioned a number of papers in February 2002.

166. That included a paper for public consumption setting out the facts on WMD in relation to the key capabilities of countries of concern.

167. In his annual State of the Union Address on 29 January 2002 President Bush described the regimes in North Korea and Iran as "sponsors of terrorism". In relation to Iraq's WMD he stated that Iraq had continued to:

"… flaunt its hostility towards America and to support terror … The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade.

---

[81] Paper Blair [to Bush], 4 December 2001, 'The War against Terrorism: The Second Phase'.
[82] Indonesia, Iran, Iraq, Philippines, Somalia, Syria and Yemen.

> This is a regime that has already used poison gas to murder thousands of its own citizens … This is a regime that agreed to international inspections – then kicked out the inspectors. This is a regime that has something to hide from the civilised world.
>
> "States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction these regimes pose a grave and growing danger."[83]

168. President Bush's speech prompted a major public debate on both sides of the Atlantic about policy towards Iraq.

169. There were increasing indications that key figures in the US Administration were considering military action to achieve regime change in Iraq and an emphasis on the potential nexus for the fusion of WMD proliferation and terrorism.

170. On 13 February, Sir Christopher Meyer, British Ambassador to the US, advised that the hawks in Washington felt that they had won the argument about the need for military action; and that the US might want to issue an ultimatum on inspections but set the bar so high that Iraq would never comply.[84] The US could want UK endorsement for their vision by mid-March.

171. Mr William Ehrman, FCO Director International Security, reported that a meeting with Sir David Manning "and some others" had discussed Sir Christopher Meyer's telegram "and the question of legal considerations related to military action against WMD proliferation".[85] Mr Ehrman said he had outlined the legal difficulty in trying to argue that WMD development posed an "imminent threat".

172. President Bush's speech, Sir Christopher's telegram and Mr Ehrman's report of the discussion, and the development of UK thinking, are covered in more detail in Section 3.2.

173. Mr Tom McKane, Deputy Head of OD Sec from 1999 to 2002, told the Inquiry that a meeting in No.10 on 19 February (see Section 3.2) had commissioned "a large number of papers … for the meeting between President Bush and Mr Blair at Crawford, Texas, in early April 2002".[86]

174. The request was recorded in Mr McKane's minute of 19 February.[87] The papers included:

- "**Iraq** A paper analysing the options, the state of play on the UN resolutions, the legal base and the internal dimension – the state of the opposition groups etc."
- "**WMD** A paper for public consumption setting out the facts on WMD …"

---

[83] The White House, 29 January 2002, *The President's State of the Union Address.*
[84] Telegram 197 Washington to FCO London, 13 February 2002, 'US/IRAQ: The Momentum Builds'.
[85] Minute Ehrman to Goulty, 13 February 2002, 'US/Iraq'.
[86] Public hearing, 19 January 2011, page 34.
[87] Minute McKane to Manning, 19 February 2002, 'Papers for the Prime Minister'.

175. Mr Miller commented that the paper on WMD was "intended to be more about capabilities than proliferation".[88]

176. Ms Jane Hamilton-Eddy, one of the Deputy Heads of the Assessments Staff, wrote to the members of the JIC Current Intelligence Group (CIG) on proliferation on 22 February, with a first draft of the WMD paper which concentrated on Iran, Iraq, North Korea and Libya.[89] The draft drew heavily on US published sources.

177. Ms Hamilton-Eddy wrote that the aim was to include "relevant UK intelligence which helps to underpin our assessment". Recipients, "particularly in the agencies", were asked to "determine what additional material might be available".

178. An article appeared in *The Observer* on 24 February reporting that the Government was planning to publish detailed evidence of Iraq's nuclear capabilities.[90]

179. A "senior No.10 official" was reported to have said that the meeting between Mr Blair and President Bush in April would "finalise Phase Two of the war against terrorism", and "Action against Iraq" would be "at the top of the agenda". As with Usama Bin Laden and the war in Afghanistan, it would be necessary to maintain public and international support for military action against Saddam Hussein. That was a "public persuasion" issue which would be tackled in the same way as the unprecedented "indictment" against Usama Bin Laden published by No.10 in October 2001 (see Section 3.1).

180. *The Observer* article also suggested that the document would "reveal that Iraq was attempting to amass rudimentary nuclear capabilities" and was "also investigating a way to launch 'dirty' nuclear bombs – unsophisticated devices which would nevertheless wreak havoc if used".

JIC Assessment, 27 February 2002: 'Iraq: Saddam Under the Spotlight'

181. A JIC Assessment issued on 27 February 2002 stated that Iraq continued to pursue its WMD programmes: design work for missiles with ranges greater than the UN limit of 150km was under way and it could produce chemical warfare agents "within weeks" of a decision to do so.

182. The JIC also introduced a new judgement that if it had not already done so, Iraq could produce significant quantities of biological warfare agent within days.

---

[88] Manuscript comment Miller on Minute McKane to Manning, 19 February 2002, 'Papers for the Prime Minister'.
[89] Letter Hamilton-Eddy to JIC (Proliferation CIG) Members, 22 February 2002, 'WMD Programmes of Concern'.
[90] *The Observer*, 24 February 2002, *Blair and Bush to plot war on Iraq*.

183. The JIC commissioned an Assessment of "Saddam's threat perceptions and internal position: whether he is secure, what opposition he faces and what he is doing to try and avoid the internal and international threats he faces".[91]

184. In its discussion of the draft, the JIC decided that the final Assessment:

> "… needed to say a bit more about Iraq's aspirations and potential in terms of Weapons of Mass Destruction, not least because this was, and would remain, an important area for policy discussions with the US. The Pentagon's views on how soon Iraq might develop a nuclear capability did not quite match the UK's, and it would be useful for Ministers to know the JIC's mind."[92]

185. The Assessment, issued on 27 February, is addressed in detail in Section 3.2.

186. In relation to Iraq's WMD, a Key Judgement stated that Iraq continued:

> "… to pursue its WMD programmes. Design work for missiles with ranges greater than the UN limit of 150km was under way. If it has not already done so, Iraq could produce significant quantities of biological warfare agent within days and chemical warfare agents within weeks of a decision to do so."[93]

187. In relation to Iraq's WMD capabilities, the Assessment stated:

> "… Iraq continues to pursue the development of weapons of mass destruction.
>
> "Though we lack precise data, Iraq has probably reconstituted many of the elements struck during Operation Desert Fox in December 1998.
>
> "Iraq's ballistic missile programme has extensively tested missiles under the 150km UN limit and intelligence indicates that design work for systems with ranges over 1,000km is under way.
>
> "Iraq is assessed to have hidden 10-20 Al Hussein missiles (range 650km) capable of hitting Israel.
>
> "Iraq also continues with its chemical and biological warfare (CBW) programmes and, if it has not already done so, could produce significant quantities of BW agent within days and CW agents within weeks of a decision to do so. These can be delivered by a variety of means. Methods of ensuring survivability of CBW production facilities from attack are a high priority.
>
> "Procurement activity suggests that Iraq is continuing with a nuclear weapons programme, although its current status is unclear.

---

[91] JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.
[92] Minutes, 27 February 2002, JIC meeting.
[93] JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.

"Before the [1991] Gulf War intervened, Iraqi plans were well advanced and we judge they were only three years away from possessing a nuclear weapon.

"Were sanctions lifted now, we judge it would take Iraq at least five years to produce a nuclear weapon and a further two to produce a warhead.

"The acquisition of fissile material or significant technical assistance from abroad could significantly shorten this timescale.

"Iraq still has some low grade radioactive material which it could utilise in a radiological dispersal device, but there is no recent intelligence indicating that Iraq is pursuing such a course."

188. The JIC judged:

"… **even if inspectors were allowed to return, Iraq would embark on a renewed policy of frustration**, involving denial, deception, obstruction and delay. Iraq would be able to conceal from inspectors much of its CBW work and research on longer range missiles, though probably not its missile production facilities."

189. The JIC concluded:

"… if Saddam believed he was unable to deter a US attack to oust his regime, we judge he would go down fighting and could adopt high risk options, such as … using weapons of mass destruction against US forces or Israel."

190. The shortening of the timescale that Iraq would require to produce significant quantities of BW agent from "weeks" in the JIC Assessment of May 2001 to "days" was significant.

191. The Butler Report stated that continuing reports on Iraqi mobile biological agent production facilities, which were received from a liaison service, had had a significant impact on the Assessment.[94] The Butler Review had been told that was "based on a more thorough understanding of the capabilities of the mobile production facilities, and on [the] refurbishment of an Iraqi facility" which had been involved in research and biological agent production before the Gulf Conflict.

192. Other evidence on this point, in the context of the Assessment of 15 March, is addressed later in this Section.

193. Mr Simon Webb, MOD Policy Director, advised Mr Geoff Hoon, the Defence Secretary, that Saddam Hussein was "the strategic centre of gravity" of Iraq's WMD programmes.

---

[94] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 244-245.

194. Mr Webb also advised that Iraq's nuclear programme could move forward more quickly if it obtained fissile material from abroad.

195. Mr Webb, offered advice on the UK approach in response to President Bush's "axis of evil"' speech to Mr Hoon on 27 February (see Section 6.1).[95]

196. Mr Webb recommended that the UK should:

- acknowledge that the three countries identified by President Bush posed increasing risks to international stability; and
- persuade the US to explain why, releasing intelligence in a "road show".

197. Mr Webb also proposed adding Libya to the list of countries of concern.

198. Mr Webb sent Mr Hoon summaries of material on WMD programmes which might be released to European allies and informed him that the JIC was "working further on a public version".

199. In relation to Iraq, Mr Webb wrote:

> "Iraq came close to developing nuclear weapons before the Gulf War, with medium range missiles. The containment policy since then halted her nuclear progress, eg by UN inspection regimes and bombing in 1998. But Saddam has kept trying: we do not currently assess him as having succeeded but the high level of technical capacity that Iraq has sustained means that they could move forward quickly, especially if Saddam could lay his hands on fissile material."

200. Mr Webb added that some of the programmes could be explained:

> "… in regional terms: Iran and Iraq in particular respond to each other's fears. But once the capability exists, it will pose risks not just to each other but to the wider region."

201. Mr Webb also identified the potential risks to deployed forces and UK bases such as Cyprus, as well as the more general interest in stemming the tide of proliferation by using non-military and military options.

202. In the context of using international diplomatic pressure to control the proliferation of WMD, Mr Webb described Saddam Hussein as "the strategic centre of gravity of Iraqi WMD programmes". He added that "unless we tackle some of those cheating on their treaty obligations, the rest of the WMD regime will crumble".

203. The information sent to Mr Hoon about Iraq's ballistic missile and biological warfare programmes reflected the JIC Assessments.

---

[95] Letter Webb to PS/Secretary of State [MOD], 27 February 2002, 'Axis of Evil'.

204. On Iraq's nuclear weapon programmes, Mr Hoon was told:

"
- Until 1991 Iraq had a massive nuclear weapon project. If the Gulf War had not intervened, it might have produced a crude nuclear device by late 1993.
- It is assessed that Iraq has no capability to manufacture weapons-usable fissile material. However, some dual-use material may still be in the inventory.
- With the departure of the IAEA … in December 1998, Iraq could have recommenced nuclear weapons activity as it retains skilled scientists and weapons design information.
- If sanctions were lifted or became ineffective Iraq could possibly develop its first nuclear weapon – a crude weapon for air-delivery – in 5-7 years; and a further 2-3 years to produce a warhead for missile delivery. These timelines could be shortened if it has procured fissile material from abroad."

205. On Iraq's chemical weapons programme, Mr Hoon was told:

- "We assess that Iraq probably retains a stockpile, which could easily amount to more than 100 tonnes of agent."
- "Iraq has the capability to start the production of significant amounts of mustard agent immediately, and the production of nerve agent within weeks of a decision to do so."

206. In a letter of 27 February, Mr Ehrman questioned what was meant by the description of Saddam Hussein as the centre of gravity of Iraq's WMD programmes, asking whether it was "too sanguine to suggest, if that is the intention, that his removal would necessarily bring them to an end".[96]

207. Mr Ehrman expressed surprise at Mr Webb's assertion that "the bombing in 1998 helped to halt Iraqi progress in developing nuclear weapons", commenting that the FCO understanding was that that was "not among the claims we made at the time".

208. The evidence in Section 1.1 on the dismantling of Iraq's nuclear programme and the objectives of Operation Desert Fox supports Mr Ehrman's point.

209. The UK's understanding of the impact of Desert Fox is set out in the Box below.

Impact of Operation Desert Fox

The JIC assessed in May 2001 that Operation Desert Fox had:

- set back parts of the ballistic missile programme by up to a year;
- not attacked CW facilities;
- damaged the castor oil plant, but there was no known impact on BW capability;

[96] Letter Ehrman to Webb, 27 February 2002, 'Axis of Evil'.

- damaged the aircraft shelters associated with the L-29 trainer, but no aircraft had been destroyed; and
- disrupted security organisations involved in Iraq's WMD, but those connected with concealment were unlikely to have been damaged.[97]

The CIG Assessment of 15 March 2002 stated that a "few high profile sites" associated with Iraq's ballistic missile programme had been targeted in the operation.[98]

The DIS advised in April 2002 that the "direct impact" of Operation Desert Fox on Iraq's CBW capabilities was "very limited, being confined to an attack on a single facility with BW potential, with no attacks at all on CW-related facilities".[99]

The DIS understood:

- "Desert Fox was not intended to eliminate Iraq's ability to regenerate its **biological, chemical or nuclear weapons** programmes and had minimal effect on this ability."
- Even if the BW facility had been destroyed, "this would not greatly affect Iraq's capability to regenerate its BW programme".
- The Ministry of Industry and Military Industrialisation building, which was presumed among other things to have been "the administrative centre for Iraq's WMD programmes", had "sustained moderate damage".
- The value of the operation "from a WMD perspective" had been the damage to "Iraq's means of delivery". The DIS's internal assessment was that the "ballistic missile programme had been set back by a year, and that damage to some facilities could take up to another year to repair".

Mr Webb told the Inquiry that, after Operation Desert Fox, it had been concluded it was "not effective" and the MOD was "not able to offer any assurance that you would have been able to deal with the WMD problem solely by air power".[100]

Subsequently Mr Webb stated that the operation had "a very useful effect on reducing the capacity of the Iraqi integrated air defence system" which was "posing a threat" to aircraft enforcing the No-Fly Zones.[101]

210. The Assessments Staff produced a revised draft of the dossier on 28 February.

211. Ms Hamilton-Eddy circulated a revised draft paper, 'WMD Programmes of Concern', on 28 February. She wrote that it:

> "… seems to be coming along well. But there are a few areas where … statements need to be backed up with evidence. Iraq continues to look a bit thin."[102]

---

[97] JIC Assessment, 10 May 2001, 'Iraqi WMD Programmes: Status and Vulnerability'.
[98] CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.
[99] Letter Barker to Hamilton-Eddy, 8 April 2002, 'Iraq: WMD'.
[100] Public hearing, 24 November 2009, page 76.
[101] Public hearing, 24 November 2009, page 136.
[102] Letter Hamilton-Eddy to [JIC Proliferation (CIG) members], 28 February 2002, 'WMD Programmes of Concern'.

212. The draft stated that it was "difficult to assess how close" Iraq was to "restoring its WMD capability, since the withdrawal of UN inspectors". The sanctions regime had "hindered" reconstitution efforts, "although we believe these continue unabated".[103]

213. The draft set out descriptions of Iraq's ballistic missile, nuclear and CBW capabilities which provided the basis for subsequent drafts.

214. The version sent to No.10 on 6 March is described later in this Section.

215. On behalf of Mr Webb, Mr Paul Schulte, MOD Director, Proliferation and Arms Control Secretariat, set out a number of concerns about the approach adopted, including that:

- the countries discussed in the paper were too narrow;
- there was a risk it would undermine the principle of not commenting on intelligence; and
- it would lead to questions about the action being taken and criticism of inaction.[104]

216. Mr Webb suggested that the paper should address "only nuclear and missile issues in detail" and limit the "concerns over CBW to a more general statement" given that "In many cases, the arguments … are somewhat thin and unconvincing".

217. The DIS provided detailed comments from the MOD on the draft paper.[105]

218. Most of the comments offered by the DIS on Iraq were incorporated in the draft paper sent to No.10 on 6 March.

219. A DIS document produced on 5 March stated that there was no definitive intelligence on Iraq's concepts for the use of WMD.

220. At the request of Air Marshal Joe French, Chief of Defence Intelligence, the DIS produced a paper on 5 March examining "US military" options for removing Saddam Hussein over the next 12 months.[106]

221. The paper is addressed in Section 6.1.

222. Addressing the possibility of Iraq using WMD, the DIS wrote that it had "no definitive intelligence" on Iraq's concepts for the use of WMD:

> "Iraq did not employ WMD against coalition forces … [in 1991], nor against the subsequent internal uprisings. We judge that Saddam wished to avoid

---

[103] Letter Hamilton-Eddy to [JIC Proliferation (CIG) members], 28 February 2002, 'WMD Programmes of Concern' attaching Paper Cabinet Office, [undated], 'WMD Programmes of Concern'.
[104] Letter Schulte to Hamilton-Eddy, 4 March 2002, 'WMD Programmes of Concern'.
[105] Letter ADI PS [MOD] to Assessments Staff [junior official], 4 March 2002, 'DIS Comments on WMD Programmes of Concern (Unclassified Paper)'.
[106] Paper DIS, 5 March 2002, 'Politico Military Memorandum, Removing Saddam'.

regime-threatening retaliation from the coalition. Hence the use of WMD will be linked to perception of regime survivability. Were the regime in danger of imminent collapse, Saddam might consider use of WMD against internal opposition, US forces or Israel."

223. The paper was sent to Mr Hoon, the Chiefs of Staff, Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS), Mr Webb, Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), and a small number of other individuals. It was also sent to Mr Scarlett and the Assessments Staff, Mr Tom Dodd, OD Sec, Ms Amanda Tanfield, Head of the Iraq Section in the FCO Middle East Department, and SIS.

224. The paper was subsequently included in the pack of reading material on Iraq for Mr Blair, which was sent to No.10 by Mr Scarlett on 1 August (see Section 3.4).

Public statements by Mr Blair and Mr Straw

225. From late February 2002, Mr Blair and Mr Straw began publicly to argue that Iraq was a threat which had to be dealt with.

226. In a memorandum to the Foreign Affairs Committee (FAC) in June 2003, the FCO stated:

"In the early months of 2002, British Government statements underlined the singular threat posed by Iraq's behaviour."[107]

227. Before the Commonwealth Heads of Government Meeting in Australia, Mr Blair gave an interview to the *Australian Broadcasting Corporation* on 28 February in which he stated that he agreed with President Bush "very strongly that weapons of mass destruction represent a real threat to world stability"; and that: "Those who are engaged in spreading weapons of mass destruction are engaged in an evil trade and it is important that we make sure that we have taken action in respect of it."[108]

228. Mr Blair also stated that: "The accumulation of weapons of mass destruction by Iraq poses a threat, not just to the region but to the wider world." President Bush was "absolutely right to raise it".

229. On 3 March, Mr Blair was reported to have told *Channel Nine* in Australia that:

"We know they [Iraq] are trying to accumulate … weapons of mass destruction, we know he's prepared to use them. So this is a real issue but how we deal with it, that's a matter we must discuss."[109]

---

[107] Memorandum FCO to Foreign Affairs Committee, 19 June 2003, 'Further memorandum from the Foreign and Commonwealth Office – Building a case against Iraq'.
[108] *BBC News,* 28 February 2002, *Blair hints at Iraq action*.
[109] *BBC News*, 3 March 2002, *Blair gives Iraq new warning*.

230. Mr Blair was also reported to have argued that the lessons of 9/11 meant that such threats must be tackled; and that "if we don't act we will find out too late the potential for destruction".

231. In an article published on 5 March, Mr Straw stated that if Saddam Hussein refused to co-operate with weapons inspection, he would have to live with the consequences.

232. Mr Straw provided an article, published in *The Times* on 5 March, stating that:

> "The stalemate between the United Nations and Iraq cannot go on for ever. For more than a decade, Britain and the United States have led the UN's efforts to protect Iraq's neighbours from aggression and protect the world from Iraq's weapons of mass destruction.
>
> "Iraq persistently flouts the authority of the UN Security Council and international law …
>
> "The threat from Iraq is not receding. Unique among the world tyrants, Saddam has both the ruthlessness and capability to employ weapons of mass destruction."[110]

233. In relation to WMD the article stated that, since 1991:

- "… evidence has been building up that the threat from Iraq's weapons programmes is growing once more".
- "Many of the facilities damaged in 1998 … in Operation Desert Fox had been repaired."
- Iraq had "persisted with its chemical and biological weapons programmes" and was "developing ballistic missiles capable of delivering such weapons to targets beyond the 150km limit imposed by the UN".
- There was "evidence of increased efforts to procure nuclear-related material and technology, and that nuclear research and development work [has] begun again".
- Without the controls which had been imposed, "Saddam would have had a nuclear bomb by now".
- Saddam Hussein had "both the ruthlessness and capability to employ weapons of mass destruction".
- The regime had "admitted hiding" WMD.
- Iraq had admitted manufacturing chemical weapons and biological agents: "The destructive potential of these weapons beggars the imagination."

---

[110] *The Times*, 5 March 2002, *Saddam must allow weapons inspectors into Iraq or suffer the consequences*.

- The UN weapons inspectors, who had been "denied access to Iraq" could not "account for large quantities of materials used to make these deadly substances".
- "The international community's most pressing demand" was that Iraq should allow UN officials to inspect its weapons programmes.

234. The article concluded:

> "We cannot allow Saddam to hold a gun to the heads of his own people, his neighbours and the world for ever. Intense diplomatic efforts will continue, and I hope they will achieve our aim of removing the threat which Iraq's weapons of mass destruction pose to humanity. But if he refuses to open his weapons programmes to proper international inspection, he will have to live with the consequences.
>
> "No decisions have been taken, but let no one – especially Saddam – doubt our resolve."

235. In his reply to a debate in Westminster Hall on 6 March, Mr Ben Bradshaw, the Parliamentary Under Secretary for Foreign and Commonwealth Affairs, stated that the main concern was Iraq's "determination to build weapons of mass destruction and the threat it poses, not just to its neighbours, but to the rest of the world".[111]

236. A briefing paper prepared at Mr Straw's request was sent to members of the Parliamentary Labour Party and to the members of Cabinet. That described Iraq as a threat to the international community and its WMD programmes as "massive".

237. The paper stated that if Iraq's programmes remained unchecked, Iraq could develop a crude nuclear device in about five years.

238. A briefing paper on Iraq, prepared at Mr Straw's request by his Special Adviser, Dr Michael Williams, was issued to the Parliamentary Labour Party (PLP).[112]

239. The paper provided more detail on the arguments for addressing the Iraqi regime as "a demonstrable threat to the stability of the region" which Mr Straw had set out in his article in *The Times*, including the key elements of the strategy of containment, Iraq's failure to comply with most of the 27 obligations imposed in UN resolutions and criticism of Iraq's "notorious" human rights record.[113]

240. In relation to WMD, the paper stated:

- The Iraqi regime was threat "as a result of its continued development of weapons of mass destruction".

---

[111] House of Commons, *Official Report*, 6 March 2002, column 87WH.
[112] Statement, Lord Williams of Baglan, 9 January 2011, page 5.
[113] Paper for the Parliamentary Labour Party, 5 March 2002, 'Iraq Briefing'.

- Saddam Hussein's use of chemical weapons against Iraq's people and neighbours made him "unique among modern dictators".
- Saddam Hussein remained "determined to retain and rebuild his Weapons of Mass Destruction (WMD) and threaten the region".
- Iraq had "admitted hiding chemical, biological weapons and missile parts in the desert and in railway tunnels".
- "We believe Iraq is still hiding WMD in a range of locations."
- UN inspectors had been unable to account for significant quantities of precursor chemicals for use in the production of chemical weapons.
- "We fear Iraq is taking advantage of the absence of UN weapons inspectors to rebuild its WMD."
- If Iraq's weapons programmes remained "unchecked", Iraq "could redevelop offensive chemical and biological capabilities within a very short period of time and develop a crude nuclear device in about five years. Without the controls they would have developed a nuclear weapon by now."

241. Posing the question "Are you preparing for military action against Iraq?", the paper stated:

> "We cannot ignore the threat Iraq poses to the international community through its massive programme of development of weapons of mass destruction."

242. Mr Straw's Private Office signed a letter to members of Cabinet on 6 March, suggesting that they might find the PLP briefing paper on Iraq "useful background".[114]

243. In response to press reporting about Iraq's potential to develop a crude nuclear device in about five years if its programmes remained "unchecked", Mr Dowse wrote to Dr Williams on 13 March, pointing out that the reference in the PLP briefing paper statement differed from the FCO's "usual line" on Iraq's nuclear weapons.[115] That was that the development of a nuclear weapon would be possible only if UN sanctions were lifted. Mr Dowse added:

> "… we believe that at present … the Iraqi nuclear weapons programme is not 'unchecked' (CBW programmes are another matter) …"

244. Mr Dowse wrote that the difference was "small, but significant" and it raised an issue in relation to the "draft public dossier on 'WMD programmes of concern', which the Cabinet Office was producing". Mr Dowse added:

> "We clearly will now have to review the text, to avoid exposing differences with your paper."

---

[114] Letter Sedwill to Rycroft, 6 March 2002, 'Iraq: Cabinet Discussion'.
[115] Minute Dowse to Williams [Michael], 13 March 2002, 'Iraqi WMD – Public Lines'.

245. Mr Dowse concluded by underlining the importance of "very close co-ordination at a time when so much public briefing material is in preparation on WMD – and Iraqi – issues".

246. On 6 March, Mr Blair published an article setting out why Iraq was still a threat to the UK.

247. An article by Mr Blair, 'Why Saddam is still a threat to Britain', was published in the *Daily Express* on 6 March.[116]

248. Mr Blair wrote that "we now have to face the fact that there are irresponsible states which either have, or are actively seeking, biological, chemical and nuclear weapons", and that was a threat which President Bush had "rightly highlighted" in his State of the Union speech on 29 January.

249. In relation to the threat posed by Iraq, Mr Blair wrote:

- We "know … from his own history that Saddam Hussein … has mass destruction weapons and will use them …"
- The UN had "demanded" in 1991 "that its representatives should be allowed into Iraq to dismantle his weapons of mass destruction and ensure he did not replace them" because Saddam Hussein had "used chemical weapons repeatedly against Iranian soldiers", and had used them "against his own citizens when he attacked Kurds in northern Iraq".
- The UN weapons inspectors had "discovered and destroyed thousands of chemical and biological weapons, including thousands of litres of anthrax and 48 missiles" before they had been "kicked out".
- The inspectors were "convinced" that Saddam Hussein had "hidden other deadly arsenals and the plants to manufacture more" but could not track them down because of "almost daily obstruction".
- It was important to "remain vigilant" about the threat posed by Saddam Hussein. If he was not restrained, "a volatile situation in the region could easily become a world crisis".
- The fact that Saddam Hussein had been contained "for so long" did not mean the threat had gone away, he was "continuing his chemical and biological weapons programmes and … the long-range missiles to deliver them".

250. Mr Blair concluded:

> "How we act is a matter for discussion … [I]t is in the interest of all to face up to these threats with determination and resolve …"

---

[116] *Daily Express*, 6 March 2002, *Why Saddam is still a threat to Britain*, www.ukpressonline.co.uk.

DRAFT 'WMD PROGRAMMES OF CONCERN' PAPER, 6 MARCH 2002

251. Mr Scarlett told Sir David Manning that the draft paper for publication on WMD programmes of concern had taken a maximalist line, but said little that had not already been published by the US.

252. Mr Scarlett sent a draft paper setting out the facts "for public use" on WMD programmes of concern in Iraq, Iran, North Korea and Libya, which had been commissioned on 19 February, to Sir David Manning on 6 March.[117]

253. Mr Scarlett wrote that there were:

> "reservations on several points:
>
> - acknowledging that specific judgements draw on intelligence;
> - including material that we know only from intelligence sources;
> - going further than before in our accusations …"

254. Mr Scarlett added:

> "We can discuss these issues (and indeed whether the paper should only focus on Iraq) at your meeting tomorrow … while the draft does take a maximalist line, it goes little further on most points than the material already published by the Americans (to whom we are showing this version in parallel).
>
> "Getting the presentational tone right will clearly be key. We will need to consider at what stage to consult Alastair Campbell [Mr Blair's Director of Communications and Strategy]. Alastair is aware that the draft paper is being shown to you today and stands ready to advise …"

255. The Introduction to the draft paper stated:

- "Several countries have WMD programmes and missile systems to deliver nuclear, chemical or biological warheads. They are working to develop more accurate and longer range missiles that will allow them to threaten more than just their immediate neighbours."
- "Several countries that promised not to acquire nuclear weapons are trying to build them; North Korea has probably already succeeded."
- "There are similar problems over chemical weapons … Saddam Hussein used chemical weapons … as recently as the late 1980s."
- "Some countries also have or wish to acquire, biological weapons, some of which have the potential to cause casualties on the same scale as nuclear weapons."

---

[117] Minute Scarlett to Manning, 6 March 2002, 'WMD Programmes of Concern – Unclassified' attaching Paper, 'WMD Programmes of Concern'.

- "We know too that Usama Bin Laden's Al Qaida has for several years tried to get nuclear, chemical and biological agents. They had some success, and may even have obtained some chemical, biological and radiological materials, before being seriously disrupted by coalition action in Afghanistan. They will keep on trying."
- "These facts are alarming. This paper sets out what the Government knows about them, consistent with the protection of sensitive sources of information."

256. In relation to nuclear proliferation, the draft paper drew attention to the "increasingly worrying evidence that several countries that have signed the NPT" were:

> "… nonetheless seeking to breach the Treaty and acquire nuclear weapons. Such actions are illegal and destabilising. The governments concerned are themselves volatile and unpredictable. If these countries succeed in bypassing their international obligations and acquire nuclear weapons, the world will become immeasurably more dangerous."

257. The Summary of Iraq's capabilities stated:

"
- Iraq has a chemical and biological weapons capability.
- Iraq is seeking a nuclear weapons capability.
- Iraq is developing longer range ballistic missiles capable of delivering these weapons of mass destruction throughout the Middle East and Gulf Region."

258. In the section on Iraq, the draft paper stated:

> "Successful enforcement of the sanctions regimes and the UN arms embargo have hindered Iraq's reconstitution efforts, although WMD programmes continue. Since the withdrawal of inspectors in 1998, monitoring of Iraqi attempts to restore a WMD capability has become more difficult."

259. The draft paper stated that Iraq had "Retained more than a dozen prohibited Al Hussein (650km) missiles" and was "Working on designs for longer range missiles". It highlighted Iraq's achievements pre-1991, the use of ballistic missiles during the Iran-Iraq War and the 1991 Gulf Conflict, and, drawing on intelligence, Iraq's more recent activities.

260. In relation to Iraq's nuclear ambitions, the draft paper stated: "Iraq has a nuclear weapons programme, but it is unable to produce fissile material while sanction[s] remain in place." The UK assessed that, in 1991, Iraq was "only three years away from possessing a nuclear weapon", and:

> "Iraq still wants a nuclear weapons capability and is working to achieve it. Much of their former expertise has been retained and there is intelligence that specialists have been recalled to work on a nuclear weapons programme. But Iraq needs certain key components and materials for the production of fissile material, which would be necessary before a nuclear bomb could be developed. Iraq is covertly

attempting to acquire nuclear related technology and materials, such as specialised aluminium, which is prohibited under the terms of international non-proliferation agreements because of its potential application to gas centrifuges used to enrich uranium."

261. As long as sanctions hindered the import of "crucial goods", Iraq "would find it difficult to produce a nuclear weapon". It was assessed that "Iraq would need five years to produce a weapon" if all sanctions were lifted, and progress would be "much quicker if Iraq was able to buy suitable fissile material".

262. In relation to chemical and biological weapons, the draft paper stated: "Iraq has a capability to produce CBW weapons at short notice." It set out Iraq's activities pre-1991, including its use of chemical weapons against Iran and Kurds in Northern Iraq; its history of denying its chemical and biological programmes; and the estimates of material produced which the UN weapons inspectors had been unable to account for.

263. The draft paper added that the UK assessed that Iraq had:

"… a covert chemical and biological weapons programme. All the necessary expertise has been retained. Iraq appears to be installing or repairing dual use equipment at suspect facilities, which could be used for chemical or biological weapon production … Iraq is assessed to be self-sufficient in terms of producing biological weapons."

264. The draft paper also stated that Iraq had developed "Strategies that enable key parts of the chemical and biological weapons programme to survive a military strike"; and that it was:

"… modifying L-29 light aircraft and seeking UAV [Unmanned Aerial Vehicle] technology, which would be suited for delivery of chemical and biological weapons."

265. The draft paper was also sent to Sir Richard Wilson, Cabinet Secretary, the heads of the intelligence Agencies, Mr Peter Ricketts, FCO Political Director, AM French, Mr Webb, Mr McKane and Mr Miller.

266. Mr Miller sent the draft to the US Embassy in London asking for comments, including if it raised "any sensitivities from an intelligence perspective", and any additional input that "might strengthen the public case", by early the following week.[118]

267. At the JIC meeting on 6 March, Sir David Manning said it would be "very helpful if an updated assessment on Iraq's WMD capabilities could be provided by the end of the following week", to form part of the package of briefing being prepared for Mr Blair's visit to the US.[119]

---

[118] Letter Miller to US Embassy, 6 March 2002, 'WMD: Public Handling'.
[119] Minutes, 6 March 2002, JIC meeting.

268. Mr Scarlett invited the Assessments Staff to prepare a CIG Assessment.

269. The Assessment, issued on 15 March, is addressed later in this Section.

270. The UK Government has been unable to find any record of Sir David Manning's meeting on 7 March, at which the draft Cabinet Office 'Iraq: Options Paper' was also discussed.[120]

CABINET, 7 MARCH 2002

271. Cabinet was told on 7 March that Iraq's WMD programmes posed a threat to peace.

272. Cabinet's discussion of the wider policy on Iraq is addressed in Section 3.2.

273. In relation to WMD, Mr Straw told Cabinet that "it was important to remind his colleagues of the background" of Iraq's failure to meet the obligations imposed by the Security Council, and that Saddam Hussein's:

> "… regime continued to pose a threat to peace through its development of weapons of mass destruction (WMD) and the means to deliver them. UN weapons inspectors had been forced to leave Iraq in 1998 because they were close to exposing the full extent of Saddam's programmes."[121]

274. Mr Straw concluded:

> "No decision had been taken on launching further military action … but, it was important to ensure that the British public and international opinion understood the true nature of the threat posed by the regime and the need to respond effectively."

275. Cabinet Ministers raised a number of points in the subsequent discussion, including that "it was important to distinguish between the campaign against international terrorism and efforts to address the threat … posed by the Iraqi regime's continuing development of WMD".

276. In his conclusion, Mr Blair stated:

> "… the Iraqi regime was in clear breach of its obligations … Its WMD programmes posed a threat to peace …"

CABINET OFFICE, 'IRAQ: OPTIONS PAPER', 8 MARCH 2002

277. The Cabinet Office co-ordinated background paper on Iraq, commissioned on 19 February, was sent to Mr Blair on 8 March.

---

[120] Letter Cabinet Office [junior official] to Iraq Inquiry, 22 July 2015, [untitled].
[121] Cabinet Conclusions, 7 March 2002.

278. Iraq's WMD capabilities were briefly summarised in line with the JIC Assessment of 27 February, including that Saddam Hussein would continue with his WMD programmes.

279. The Cabinet Office 'Iraq: Options Paper', commissioned by Sir David Manning and co-ordinated by OD Sec, was sent to Mr Blair by Sir David on 8 March, as part of the collection of "background briefs that you asked for" for the meeting with President Bush.[122] The paper is addressed in detail in Section 3.2.

280. In relation to WMD, the paper advised that containment had:

- effectively frozen Iraq's nuclear programme;
- prevented Iraq from rebuilding its conventional arsenal to pre-Gulf Conflict levels;
- severely restricted Iraq's ballistic missile programmes; and
- hindered Iraq's biological and chemical weapons programmes.[123]

281. The intelligence was "poor"; and there was no greater threat now that Saddam would use WMD than there had been in recent years.

282. The 'Options Paper' proposed consideration of a staged approach to establish international support for military action, advising that for the five Permanent Members (P5) and the majority of the UN Security Council to take the view that Iraq was in breach of the cease-fire provisions of resolution 687 (1991):

"
- they would need to be convinced that Iraq was in breach of its obligations regarding WMD, and ballistic missiles. Such proof would need to be incontrovertible and of large-scale activity. Current intelligence is insufficiently robust to meet this criterion …; or
- … Iraq refused to admit UN inspectors after a clear ultimatum by the Security Council; or
- the UN inspectors were re-admitted to Iraq and found sufficient evidence of WMD activity or were again expelled trying to do so."

283. Mr Straw stated that the WMD paper had to show that Iraq posed an exceptional threat, and did not yet do so.

284. The Cabinet Office 'Options Paper' and the WMD paper were sent to Mr Straw on 8 March.[124] In relation to the draft paper on WMD, Mr Straw commented that it was:

> "Good, but should not Iraq be first and also have more text? The paper has to show why there is an exceptional threat from Iraq. It does not quite do this yet."

---

[122] Minute Manning to Prime Minister, 8 March 2002, 'Briefing for the US'.
[123] Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.
[124] Minute McDonald to Ricketts, 11 March 2002, 'Iraq'.

JIC Current Intelligence Group Assessment, 15 March 2002

285. A Current Intelligence Group (CIG) Assessment of the status of Iraq's WMD programmes was produced to inform Mr Blair's discussions with President Bush. It stated that Iraq continued to pursue a policy of acquiring WMD and their delivery means.

286. A CIG Assessment, 'The Status of Iraqi WMD Programmes', was "approved on behalf of the Committee [JIC]" by Mr Miller on 15 March 2002.[125]

287. The Assessment stated that it had been commissioned by the FCO "to aid policy discussions on Iraq", but the minutes of the JIC of 6 March suggest it was produced in response to a request from Sir David Manning specifically to inform Mr Blair's discussions with President Bush.[126]

288. The Key Judgements in the Assessment were:

"
- Iraq **retains up to 20 Al Hussein ballistic missiles** … The location and condition of these is unknown, but there is sufficient engineering expertise to make them operational.
- Iraq has begun development of **medium range ballistic missiles over 1,000km** … but will **not be able to produce such a missile before 2007** provided that sanctions remain effective.
- Iraq is **pursuing a nuclear weapons programme**. But **it will not be able to indigenously produce a nuclear weapon while sanctions remain** in place, unless suitable fissile material is purchased from abroad.
- Iraq **may retain some stocks of chemical agents**. Following a decision to do so, Iraq could produce:
  - significant quantities of **mustard within weeks**;
  - significant quantities of **sarin and VX within months**, and in the case of VX may already have done so.
- Iraq currently **has available**, either from pre-Gulf War stocks or more recent production, a number of biological agents. Iraq could produce more of these **biological agents** within days.
- A decision to begin CBW production would probably go undetected.
- Iraq can deliver CBW weapons by a variety of means including ballistic missiles. **Iraq's CBW production capability is designed to survive** a military attack and UN inspectors."

---

[125] CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.
[126] Minutes, 6 March 2002, JIC meeting.

289. In the main text, but not in the Key Judgements, the Assessment warned that the intelligence on Iraq's WMD and ballistic missile programmes was "**sporadic and patchy**". It added, however, that Iraq was:

> "… well practised in the art of deception, such as concealment and exaggeration. A complete picture of the various programmes is therefore difficult. But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means. Intelligence indicates that planning to reconstitute some of its programmes began in 1995. WMD programmes were then given a further boost with the withdrawal of UNSCOM inspectors."

290. The detailed assessment of Iraq's capabilities is set out in the Box below.

CIG Assessment, 15 March 2002: 'Status of Iraqi WMD Programmes'

Ballistic missiles

- "Iraq has rebuilt much of the military production infrastructures associated with the missile programme and the few high profile sites targeted in Operation Desert Fox in 1998."
- "New infrastructure is being built with a particular focus on improving the support to the solid propellant missile programme."
- The **Al Samoud** missile had been "extensively flight-tested" and intelligence indicated that Iraq had "produced at least 50 … including those test fired". Preparations were under way "to deploy some of these to military units".
- "Iraq has reportedly succeeded in developing a number of 200km variants of Al Samoud although it is unclear if these are for operational use or research and development for longer range systems."
- "A small number of transporter-erector-launchers (TELs) have been seen, although others may exist."
- Both the Al Samoud and the Al Hussein "could deliver basic chemical and biological warheads". There were "a limited number of launchers available" for the missiles. "Identification and destruction by US aircraft of these missiles" was "unlikely in the first few days of an attack".
- The "solid-propellant **Ababil-100** has also been tested and has reached ranges up to 150 km. We judge that this system is likely to become operational as an SRBM [short-range ballistic missile] within 2 years. It might enter service earlier as an artillery rocket. Intelligence indicates that Iraq has plans to extend the range … to 250km."
- Iraq was "seeking to develop new, **larger liquid and solid propellant missiles**, contrary to UN limits".
- "Recent intelligence" indicated "personnel associated with the Al Samoud programme" had "now been tasked to concentrate on designing liquid propellant systems with ranges of 2,000-3,000km".

- "New intelligence" indicated "the main focus may be on the development of a SCUD derivative, which we judge has an intended range of around 1,200km". "Work on an engine for this system began in 1998, involving personnel who had been reviewing the details of previous Al Hussein production since 1995, although by the end of the year 2000 they were still experiencing technical problems. Additional personnel were probably assigned to other parts of the programme during 2000. A large static test stand capable of testing liquid propellant engines bigger than the SCUD engine has been under construction since mid-2000, probably in support of this programme. Work on larger motor cases for longer-range solid propellant systems has been noted over the last 2-3 years."
- **"UN sanctions and the work of the inspectors"** had "caused significant problems for Iraq's missile industry in acquiring components and production technology, in particular, for improving guidance and control systems and therefore missile accuracy".
- Iraq was "actively seeking to procure material for its missile programme". Imports entered the country "mainly via Syria and the UAE, with some also coming through Jordan and Turkey"; "In the last six months, Iraq's foreign procurement front companies have become bolder in approaching Western firms, […]."

Chemical warfare

- The CIG continued "to judge that Iraq has an **offensive chemical warfare (CW) programme**, although there is very little intelligence relating to it".
- From the evidence available, the CIG believed that Iraq retained "some production equipment, and some small stocks of … agent precursors, and may have hidden small quantities of agents and weapons".
- **"Anomalies in Iraqi declarations to UNSCOM"** suggested that "stocks could be much larger".
- Intelligence on production facilities was "scarce"; and "the reconstructed former precursor … facility near Habbaniyah" was "insufficient to support large-scale CW agent production. Other industrial chemical facilities could be used … but we have no intelligence to suggest they are currently being used in that role."
- Intelligence had "indicated an Iraqi interest in transportable production facilities for chemical weapons, but these could produce only small amounts of agent" and the CIG judged it "more likely that the mobile units are for filling munitions".
- Iraq could produce "**Significant quantities of mustard within weeks**, using hidden stocks of precursors and with support from Iraq's chemical industry", and "**Significant quantities of nerve agents within months**, mainly sarin and VX".
- Production of significant quantities of nerve agent would be "heavily dependent on hidden stocks of precursors, the size of which are unknown". "There had been one uncorroborated report that Iraq had filled some artillery rocket munitions with VX in the period 1996-1998, and another that a team of chemists was formed in 1998 to produce 5 tons of VX. The source had been told that this had been completed by the end of 1998."
- Iraq could also produce "incapacitants".

Biological warfare

Work on a **biological warfare (BW) programme** had "continued throughout the period of UNSCOM inspections" and intelligence indicated "that this programme continues. Key figures from the pre-Gulf War programme are reported to be involved." Research and development was "assessed to continue under cover of a number of legitimate institutes and possibly in a number of covert facilities".

The CIG judged Iraq "could produce significant quantities of BW agents within days of a decision to do so".

There was:

> "… no intelligence on any BW agent production facilities, but one source indicates that Iraq may have developed **mobile production facilities**. A liaison source reports that:
>
> - the transportable production programme began in 1995;
> - 6 road-based facilities on trailers, and one rail based facility … were constructed and by March 1999; three were operational;
> - the facilities were capable of making five different (unspecified/unknown) biological agents. Between November 1998 and March 1999 20-30 tons of BW agent was produced."

The CIG commented:

> "Though not corroborated, we judge the reporting is technically credible. Imagery has yet to provide firm collateral but has identified a number of sites that could be associated with this programme. The mobile production facilities have yet to be identified."

The CIG did not "know which types of agent are produced by these facilities" but judged that "Iraq currently has available either from pre Gulf War stocks or more recent production, anthrax spores, botulinum toxin, aflatoxin and possibly plague".

- The "castor oil extraction plant at the former Habbaniyah chemical weapons site may provide the base for producing ricin", although there was "no evidence that Iraq is currently doing so".
- "Reporting that Iraq has also conducted research on smallpox and other toxins cannot be corroborated."
- The JIC judged that Iraq was "self-sufficient in the production of biological weapons".

Delivery means

- Intelligence indicated that Iraq had "command, control and logistical arrangements in place" for the use of chemical weapons.
- Iraq had a "variety of **delivery means** available for both chemical and biological weapons, some of which" were "very basic".
- "Because of the shortage of some platforms, such as aircraft and helicopters, we judge that Iraq would not be able to conduct a sustained CBW campaign … even if Iraq could produce enough CBW agents to do so. But a single major attack or a number of small attacks would be feasible."

Nuclear weapons programme

- The CIG judged that Iraq "**does not possess a nuclear weapons capability**", and that: "Its programme was effectively dismantled by the IAEA".
- Although there was "very little intelligence", the CIG continued to judge that Iraq was "pursuing a nuclear weapons programme" which was assessed to be:

  "… based on gas centrifuge **uranium enrichment** … the route Iraq was following for producing fissile material prior to the Gulf War. Recent intelligence indicates that nuclear scientists were recalled to work on a nuclear programme in the autumn of 1998, but we do not know if large-scale development work has yet recommenced. Procurement of dual use items over the last few years could be used in a uranium enrichment programme. There have been determined efforts to purchase high strength aluminium alloy …"
- A shipment stopped in Jordan was inspected by the IAEA, "who accepted, that with some modifications … would be suitable for use in centrifuges". But there was "no definitive intelligence that the aluminium was destined for a nuclear programme".

The CIG continued to judge that:

- "while sanctions remain effective, Iraq cannot indigenously develop and produce nuclear weapons";
- "**if sanctions were removed or became ineffective, it would take at least five years to produce a nuclear weapon**. This timescale would shorten if fissile material was acquired from abroad."

Iraq "was capable of producing an **improvised nuclear device**, but it lacks suitable fissile material. Iraq has in the past explored the use of **radiological dispersal devices**, but the design we have seen was not a credible weapon. There is no intelligence that Iraq is interested in such devices."

Dispersal of key equipment

- Iraq had "temporarily dispersed key equipment from its missile production facilities" following 11 September 2001, and was "likely to do so again" if it believed an attack was "imminent".
- Recent intelligence indicated that Qusay Hussein "has directed the Military Industrialisation Commission to ensure that all sensitive weapons and chemical technology was well hidden in case of further UN inspections, and that 'destruction committees' have also been formed at suspect CW facilities".
- Dispersal made "the targeting of production equipment very difficult, but it also prevents any surge in production".

291. The view that Iraq had used the period since the departure of the weapons inspectors in December 1998 to seek to enhance its capabilities and was pursuing a programme of concealment and deception was firmly embedded in UK thinking by March 2002.

292. There was also an impression that Iraq had a clear strategic intent to pursue its prohibited programmes.

293. The Butler Report concluded that, for Iraq, readers of JIC Assessments would:

> "… have had an impression of:
>
> a. The continuing clear strategic intent on the part of the Iraqi regime to pursue its nuclear, biological, chemical and ballistic missile programmes.
> b. Continuing efforts by the Iraqi regime to sustain and where possible develop its indigenous capabilities, including through procurement of necessary material.
> c. The development, drawing on those capabilities, of Iraq's 'break out' potential in the chemical, biological and ballistic missile fields, coupled with the proven ability to weaponise onto some delivery systems chemical and biological agent."[127]

294. The Inquiry concurs with that conclusion.

295. Mr Dowse told the Inquiry:

> "If sanctions were to go … our assessment was that Saddam would very quickly aim to rebuild his WMD programmes and then would pose a threat to his neighbours and international peace."[128]

296. Asked about the impact of international conventions, Mr Dowse added:

> "… the view was that Iraq would be likely to ignore them. It had a long history of cheating, attempting to hide, attempting to evade those controls. So I would say we had very little doubt that Saddam would try to rebuild his programmes."

297. Mr Hoon told the Inquiry that, having got the capability, Iraq was capable of using it.[129] Asked whether Iraq's nuclear programme had been frozen, Mr Hoon responded:

> "His [Saddam Hussein's] nuclear programme had been frozen because of the absence of fissile material, but I think there was sense that his efforts to develop larger and longer-range missiles was part of an ambition to deliver a nuclear weapon, if he could secure the fissile material."

298. Sir William Ehrman stated that, in relation to chemical and biological capabilities, there were concerns about Iraq, "particularly through the spring and summer of 2002", although much of the intelligence on which that was based was subsequently withdrawn.[130] Iraq's previous actions in using chemical weapons and its breaches of UN Security Council resolutions also made it a unique case.

---

[127] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 255.
[128] Public hearing, 25 November 2009, pages15-16.
[129] Public hearing, 19 January 2010, page 27.
[130] Public hearing, 25 November 2009, page 10.

299. Sir William subsequently stated that, by August 2002, concerns about the Libyan nuclear programme and the Iranian and North Korean nuclear and missile programmes were top priorities in respect of the UK's counter-proliferation strategy; but so was Iraq:

> "… because its WMD may be the exception to the rule that such programmes are usually driven by defensive needs and, more importantly, are most likely to be deployed against UK forces and those of our allies."[131]

300. Sir Richard Dearlove, Chief of SIS from August 1999 to May 2004, told the Inquiry that, in spring 2002, Libya's WMD programme was viewed as a more serious problem than Iraq.[132]

301. Sir John Scarlett told the Inquiry that the stronger judgement in the 15 March 2002 CIG Assessment about Iraq's capability to produce biological agents "reflected a better understanding of the mobile facilities … and the refurbishment of a former production facility".[133]

302. Sir John Scarlett confirmed that there had been a change in the assessment between May 2001 and March 2002, as the influence of the reporting on mobile laboratories had "built up".[134]

303. Mr Miller told the Inquiry that there was a "slight strengthening in March [2002] of the judgement that BW production was likely to be continuing".[135] That was based on a "slight accumulation of evidence" from reporting from a new source on a possible laboratory and previous reporting in May 2001 from an SIS source on "anthrax production in the early 1990s", taken together with a "more thorough review of the reporting on mobile laboratories".

304. Sir John Scarlett added that "it was judged by the experts to be technically credible and indicated significant production in 1998 and 1999" and it had been "set against separate reporting, not from the same source, on procurement of large amounts of growth media, which at that stage was influential in the assessment".[136] That was the reason for the judgement that production of biological agent could begin within days, rather than the previous assessment of weeks.

---

[131] Private hearing, 14 June 2010, pages 2-3.
[132] Private hearing, 16 June 2010, page 27.
[133] Public hearing, 8 December 2009, pages 37-38.
[134] Private hearing, 5 May 2010, page 17.
[135] Private hearing, 5 May 2010, page 16.
[136] Private hearing, 5 May 2010, page 18.

305. The Butler Report also drew attention to uncertainties underlying the judgements in the Assessment on Iraq's:

- **attempts to procure aluminium tubes;**
- **possession of plague; and**
- **chemical weapons programme.**

306. The Butler Report stated that the Assessment had been "careful in its description" of the purpose of Iraq's attempts to procure aluminium tubes.[137]

307. The Butler Report explained that the seizure of aluminium tubes in Jordan in 2001 had not deterred Iraq from its efforts, and "By November 2001, there was intelligence that their requirement had increased to 100,000 tubes". It had, however, been "clear from an early date" that, "on the basis of the specifications of the tubes" sought by Iraq, "they would have required substantial re-engineering to make them suitable for gas centrifuge use, including reducing them in length, and machining metal off the inside and outside". That was "paradoxical" given the "very fine tolerances" specified by Iraq.

308. An alternative explanation for the purpose of the tubes had been available "from the outset".[138] Intelligence reporting in summer 2001 mentioned their potential use as rocket motor casings. One report recorded that Iraq had been seeking tubes of the same precise specification from Switzerland "probably for the Iraqi Air Force". Other reports "suggested possible conventional military uses".

309. Commenting on the inclusion of references to Iraq possibly possessing plague, the Butler Report stated that they seemed to have been included in the list of Iraq's biological agents "mainly on the basis of reporting from a much earlier period".[139] The judgement that Iraq could "possibly" produce plague within days "was stronger than was justified by more recent intelligence". A report issued in 1999 had "noted that the informant was unaware of any Iraqi work on plague". Comments on that report had "concluded prudently: 'We do not currently have any evidence that plague forms part of the Iraq BW programme.'"

310. The Butler Report added that "although little new intelligence was received, and most of that was historical or unconvincing, plague continued to be mentioned in JIC Assessments up to March 2003". It concluded that those Assessments "reflected historic evidence, and intelligence of dubious reliability, reinforced by suspicion of Iraq, rather than up-to-date evidence".[140]

---

[137] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 535-537.
[138] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 540.
[139] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 554.
[140] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 564-565.

311. The Butler Report also stated that the Assessment fairly reflected the intelligence on Iraq's chemical weapons programme, and that the word "may" had been used to reflect previous intelligence reports on the production and weaponisation of chemical agent.[141] But it added, "we believe the position is best described by a DIS commentary at the time", which stated:

> "Since 1998, there have been numerous claims that Iraq has continued to weaponise agent, but much of the reporting has come from dubious sources and that worth closer examination has lacked collateral and remains unsubstantiated."

312. Mr Miller told the Inquiry that there was little new intelligence on the chemical warfare programme, "but one of the reports on ballistic missiles had carried at least the implication that the person reporting believed that there was filling of missile warheads with chemical agents".[142]

313. Sir John Scarlett told the Inquiry that the May 2001 Assessment on chemical agents had been "slightly stronger" than that of March 2002.[143]

314. Mr Miller added that imagery had shown that plants which had been destroyed had been "recreated", "in some cases … with apparently surprising levels of security".[144] But the reasons for the "less firm" assessment in March 2002 were "no longer completely clear". His view was that:

> "… it reflected the judgement of the particular group of experts who had been convened on each occasion to look at the evidence. They reached slightly different conclusions on the weight to attach to it."

315. Sir John Scarlett also drew attention to the assessment of Iraq's ability to conceal and disperse its weaponry and that there was:

> "… intelligence to show … that thinking was being given to that and orders had gone out accordingly and there had been a temporary dispersal of what was called 'sensitive equipment' after 9/11."[145]

316. Sir John added: "It was a firm underlying judgement that Iraq was pushing where it could, but there was little detailed intelligence on nuclear and chemical programmes." That had been "set against the underlying judgements [in earlier Assessments] on command and control and logistical support, weaponisation". But it did not answer the questions of what chemical or biological agents Iraq currently possessed or was producing.[146]

---

[141] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 276.
[142] Private hearing, 5 May 2010, page 8.
[143] Private hearing, 5 May 2010, pages 9-10.
[144] Private hearing, 5 May 2010, page 10.
[145] Public hearing, 8 December 2009, page 38.
[146] Public hearing, 8 December 2009, pages 38-39.

Draft 'WMD Programmes of Concern' paper, 15 March 2002

317. The revised draft of the paper for publication on WMD programmes of concern sent to No.10 on 15 March incorporated new material strengthening the sections on Iraq's capabilities, including highlighting some unique features in relation to Iraq's violation of Security Council resolutions and Saddam Hussein's use of CW agents against his own people.

318. The draft included a diagram illustrating the impact of a nuclear warhead with a 20 kiloton yield exploding over London, despite the fact that Iraq did not have such a capability and there was no indication that Iraq would target the UK.

319. In response to a request from Sir David Manning to look hard at the facts on Iraq, which would come in for tough scrutiny, particularly about the missile programmes, Mr Miller advised on 11 March that:

- "… there is not much new intelligence in the paper. It is open to the question: so what has changed?"
- Mr Campbell had had "a first run through the draft" that morning, and thought it was on "the right lines" but "suggested a number of areas where more details could be included".
- Mr Campbell had "also commissioned an unclassified paper on the world trade in WMD".[147]

320. Mr Scarlett sent what was described as a "final draft" of the paper on WMD programmes of concern to senior officials in the FCO, the MOD and the intelligence agencies, on 13 March.[148]

321. Mr Scarlett wrote that the draft further reflected the views of No.10 on an earlier version, and that it was "broadly content with the thrust of the paper".

322. Mr Scarlett drew attention to the fact that there were "still some reservations on a number of key points", including going further than before in statements on Iran and Libya's nuclear programmes.

323. Mr Scarlett sought final comments before a meeting the following day "to resolve any outstanding issues".

324. The key changes to the draft paper submitted on 6 March were:

- The Introduction, Background and Aim were largely unchanged although a sentence was added to the last stating that the paper focused "on four countries, which we judge pose a potential threat to our interests".

---

147 Minute Miller to Manning, 11 March 2002, 'WMD: Public Paper'.
148 Minute Scarlett to C and others, 13 March 2002, 'WMD Programmes of Concern – Public Version'.

- The Summary of Iraq's capabilities had been revised to focus first on Iraq's ballistic missiles, including the addition of a statement that Iraq retained "some prohibited missile systems".
- A statement that Al Qaida would "continue with its efforts to acquire WMD and will use them if successful" was added to the Summary.

325. In the detailed section on Iraq, the key changes were:

- References to relevant UN resolutions and statements that Iraq was in breach of those resolutions and the NPT were added and emphasised throughout the text.
- Addition of text stating that the sanctions regime had "impeded" Iraq's efforts to reconstitute its capabilities, but had "not halted them. Much of Iraq's missile infrastructure has been rebuilt; the nuclear weapons programme is been [sic] reconstituted; and Iraq continues to have the capability to produce chemical and biological weapons, and may already have done so."
- The section on ballistic missiles was strengthened by the addition of further details, including:
  - Iraq had chemical and biological warheads available in 1991, but did not use them.
  - Recent evidence suggested that Iraq had succeeded in "reverse" engineering SCUD missile engines, which meant it could build new missiles.
  - Some Al Hussein missiles "could be available for use", and although they were "not very accurate" they were "still an effective system which could be used with a conventional, chemical or biological warhead".
  - Reporting had recently confirmed that Iraq's priority was "to develop longer-range missile systems, which we judge are likely to have ranges over 1,000km".
  - Removal of the reference to Iraq working on missile systems "with ranges up to 2,000km".
- The nuclear section was strengthened by the addition of text on:
  - Iraq's aim before the Gulf Conflict to produce a weapon with a 20 kiloton yield, "ultimately" for delivery in a ballistic missile warhead.
  - Details of the impact of such a weapon if it was used over London.
  - Intelligence in the last year which "indicated" that specialists were recalled to work on the nuclear programme "in the autumn of 1998".
  - Iraq exploration of the use of radiological dispersal devices before the Gulf Conflict, but there was "no evidence that they have maintained this interest".
- Detailed drafting changes to the text on chemical and biological weapons, including that Iraq's modification of the L-29 trainer was judged to be "designed for the delivery of chemical and biological agents".

326. Comments described as the "advice of DIS desk officers rather than the official DIS position", were sent to the Assessments Staff in advance of Mr Scarlett's meeting, including that:

- Iraq had not admitted "large-scale" production of VX agent until 1995; and
- there was insufficient intelligence to support a statement that the modification of the L-29 (jet trainer aircraft) was designed to disperse chemical and biological agents.[149]

327. A record of Mr Scarlett's meeting produced by a DIS participant stated that Mr Straw's comment, that he had been "left with the conclusion that there is nothing exceptional regarding Iraq", was "seen as a fair assessment".[150] That was "to be considered further". The drafting comments on Iraq offered in the email from AM French's office had been accepted.

328. The DIS document which appears to have provided the basis for the DIS comments sent to the Assessments Staff on 14 March, contained one additional point on Iraq questioning the categorical statement in the Summary section of the draft that Iraq had a chemical and biological weapons capability.[151] The author stated that that was historically correct, but:

> "… we are currently unsure as to Iraq['s] absolute capability. We feel there may be difficulty supporting this in the public domain. We should prefer a bullet point similar to … Iran."

329. The relevant statement on Iran was that:

> "Iran has a chemical weapons programme and is capable of producing a wide range of chemical weapons. Iran is also capable of producing biological agents."

330. The UK Government has been unable to locate a CO record of Mr Scarlett's meeting.[152]

331. A revised draft of the WMD paper, which had been agreed with the intelligence agencies in the UK and included some comments from the US, was sent to Sir David Manning by Mr Scarlett on 15 March.[153]

---

[149] Email AMA/CDI to [junior official], 14 March 2002, 'FW: WMD Programmes Draft'.
[150] Minute DDI CPAC to PS/CDI and others, 14 March 2002, 'WMD Programmes of Concern – Public Version'.
[151] Document [unattributed], [undated], 'DIS comments on WMD Programmes of Concern'.
[152] Letter Cabinet Office [junior official] to Aldred, 16 September 2015, 'Iraq Inquiry Request for Documents'.
[153] Minute Scarlett to Manning, 15 March 2002, 'WMD Programmes of Concern'.

332. Addressing points raised by policy departments, including in relation to Iraq, Mr Scarlett wrote that:

- In the context of Mr Straw's comment that an earlier draft did not demonstrate why Iraq posed a greater threat than other countries of concern, the new draft highlighted "some unique features" in relation to Iraq's violation of Security Council resolutions and Saddam Hussein's use of CW agents against his own people.
- Sir David might wish to consider whether the paper could achieve more impact if it "only covered Iraq": "This would have the benefit of obscuring the fact that in terms of WMD, Iraq is not that exceptional. But it would diminish the impact of the paper in terms of the wider problem of WMD proliferation."
- There was a "potential for some awkwardness" because the briefing document circulated to the PLP in early March stated that Iraq could have nuclear weapons in five years if its programmes remained unchecked.

333. Mr Scarlett also drew attention to the implications of making public for the first time the UK's assessments of Iran and Libya's nuclear and chemical programmes, and the omission of Syria because it was "not expected to develop capabilities threatening to western interests (no long-range missiles)" and it was "not clear" if it was "pursuing a nuclear programme".

334. Mr Scarlett suggested that Sir David might want to consider a wider discussion of the issues raised, and advised that it would be important to set the paper "in a wider policy context" and prepare defensive press material before it was released.

335. Mr Scarlett also mentioned a separate paper, on the world trade in WMD commissioned by Mr Campbell, which "might be more effective as an appendix" to the paper on WMD programmes of concern. That could be considered when a more developed text was available.

336. There is no evidence that Sir David sought a wider discussion.

337. Changes to the draft included:

- A revision to the Aim to state that the paper focused "on four countries, whose activities are assessed to pose a direct threat to our interests".
- Saddam Hussein's "demonstrated readiness to deploy extensively WMD in the form of chemical weapons both against his neighbours and his own population" before the Gulf Conflict.
- Reference to Iraq's failure to comply with UN Security Council resolutions.
- The statement that recent evidence indicated Iraq had succeeded in reverse engineering SCUD missiles was amended to "may have succeeded".
- Addition of a reference to the IAEA having dismantled Iraq's nuclear weapons infrastructure, and the removal of a reference to a judgement that Iraq still

wanted a nuclear weapons capability while retaining the judgement that it was working to achieve one.

- Removal of the reference to Iraq's past exploration into the use of radiological dispersal devices.
- The statement "We judge that Iraq has a covert chemical and biological weapons programme …" was changed to: "We assess that …"

338. An FCO note summarising the history of attempts to get weapons inspectors back into Iraq, sent to No.10 on 15 March, in response to a request from Mr Blair, is addressed in Section 3.2.[154]

Decision to produce a dossier focused on Iraq

Proposal for a media strategy to prepare opinion for possible military action

339. The FCO News Department prepared a draft media strategy suggesting that momentum could be built by feeding the media information on WMD and ensuring that, if military action became necessary, it would be clear that other means had been exhausted and it was Saddam Hussein who was at fault.

340. It is not clear what prompted this advice or how authoritatively it represented the FCO position at the time. But it does provide an indication of the thinking in the FCO News Department about the prospect of military action. It was sent to Ministers and senior officials in the FCO, and to Mr Campbell in No.10.

341. As part of the wider policy debate on Iraq, which is addressed in Section 3.2, Mr Blair and Mr Straw were, by mid-March, both addressing the need for an effective message about the specific threat posed by Iraq to underpin the wider strategy.

342. Mr John Williams, Head of the FCO News Department, sent Mr Straw's Private Office advice on a media strategy on 11 March, stating:

> "The process of preparing media and public opinion for possible action on Iraq is under way …
>
> "The Prime Minister's interviews in Australia and the Foreign Secretary's piece in *The Times* have established a solid base from which to work. The media has taken the point and is eager for detail. There is high interest in evidence being compiled for the dossier with [sic] the UK will share with the US.
>
> "We should exploit this interest by feeding newspapers and broadcasters with information on WMD, diversion of imports for military use, and human rights abuse:

[154] Letter McDonald to Manning, 15 March 2002, 'Iraq' attaching Note, 'Iraq: Weapons Inspectors'.

all of it presented as evidence from the Government's forthcoming dossier. By doing so, we can build momentum."[155]

343. Mr Williams identified the need to "encourage support from sympathetic newspapers and carry the argument to those likely to criticise our policy". Journalists who were "too easily inclined to discount the threat Saddam poses" should be "forced by the weight of facts" to justify their position. The exercise:

> "… should be part of a big effort to convey more clearly than we have before a sense that we are proposing a peaceful means of dealing with the problem through the UN, while Saddam is deliberately making a peaceful solution impossible. We have to stop his propagandists portraying him as the victim, rather than the villain. If action becomes necessary, it must be clear to all but a minority in [the] media and public opinion that we have exhausted all other means, and that Saddam is at fault."

344. Mr Williams also suggested the need to co-ordinate information and activity between London and Washington and consideration of using the Communications and Information Centre (CIC).

345. Mr Williams provided a more detailed media strategy, "agreed with Middle East Command [in the FCO] and No.10 Press Office", which had been prepared by one of his staff and was "designed to co-ordinate and pace our efforts for maximum impact".

346. The objectives of the strategy were identified as:

- convincing people of "the real threat to their safety and security" from Iraq's WMD programmes;
- demonstrating that Iraq was "in breach of its international obligations to co-operate with the UN";
- preparing "public opinion in Britain and abroad … for possible military action"; and
- rebutting allegations about the UK's policy, "e.g. that it is to toe the line or keep the Muslim world weak".

347. The strategy set out suggested key messages and a list of potential pitfalls, including balancing the need to prepare against the risk of "raising expectations that military action is a foregone conclusion before a final decision has been taken".

348. A list of potential media activities included:

- working with "No.10 and others on a dossier of releasable evidence about Saddam's weapons programmes"; and
- following "a decision in principle to take military action" establishing an FCO-led, CIC-style unit to "generate material" for use by the FCO and No.10.

---

[155] Minute Williams [John] to PS/Secretary of State [FCO], 11 March 2002, 'Iraq Media Strategy'.

349. Mr Williams told the Inquiry that he could "recall feeling it necessary" to produce the note, "though not what internal or external event prompted this", and that "clearly there was a heightened activity in Whitehall at the time".[156]

350. The proposals were discussed in a meeting held by Mr Straw on 18 March. That is addressed later in this Section.

351. Mr Blair concluded on 17 March that the papers he had been given on Iraq did not constitute a properly worked out strategy and that he would need to provide the US with a far more intelligent and detailed analysis of a game plan if the UK was to influence its decisions.

352. That included a need to "re-order our story and message" to address the limited support for a policy of regime change.

353. In a minute to Mr Jonathan Powell, his Chief of Staff, on 17 March, Mr Blair noted the absence of a "proper worked-out strategy" on Iraq, and the need to provide the US "with a far more intelligent and detailed analysis of a game plan".[157]

354. Mr Blair wrote:

> "The persuasion job on this seems very tough. My own side are worried. Public opinion is fragile. International opinion – as I found at the EU – is pretty sceptical.
>
> "Yet from a centre-left perspective, the case should be obvious …"

355. Mr Blair acknowledged that "the immediate WMD problems don't seem obviously worse than 3 years ago". He concluded: "So we have to re-order our story and message. Increasingly I think [these] should be about the nature of the regime."

356. Asked to explain the thinking in his minute, Mr Blair told the Inquiry that, in relation to WMD, the:

> "… question was about the changed assessment of the risk and the difficulty of making the case that Saddam Hussein posed a threat."[158]

Decisions to focus the dossier on Iraq but to postpone publication

357. Mr Straw concluded that the draft paper on WMD programmes of concern should be replaced by one solely on Iraq. A more general paper on other countries might be issued later.

358. Officials in No.10 agreed.

---

[156] Statement, December 2010, page 2.
[157] Minute Prime Minister to Powell, 17 March 2002, 'Iraq'.
[158] Public hearing, 21 January 2011, pages 43-45.

359. Mr Straw held a meeting to discuss Iraq on 18 March, addressing preparations for Mr Blair's visit to the US, the current discussions between Iraq and the UN and public and Parliamentary handling.[159] The last item comprised:

"– Media strategy … and the next steps in the run-up to Crawford.
– Handling of paper for public use on WMD programmes of concern.
– Ensuring co-ordination."

360. After the meeting, Mr Straw's Private Secretary recorded in relation to the public presentation of WMD:

> "[T]he JIC paper for publication should be solely about Iraq. The Foreign Secretary has discussed this with Alastair Campbell, who agreed. The Foreign Secretary suggests the paper resemble Michael Williams' paper for the PLP, with the meat of the JIC material inserted, so that it covers the range of concerns about Iraq but also draws explicitly on intelligence material. He is content, thereafter, for a more general paper on WMD, including other countries programmes, to be issued."[160]

361. Mr Straw would write to Mr Blair "to flag up the main issues for Crawford, including a media strategy beforehand".

362. Mr Straw would be:

> "… willing to brief the Diplomatic Correspondents and the Muslim media on Iraq, perhaps launching the JIC paper. Overall, we should continue to highlight the WMD threat, increase the profile of the UN angle and play down the prospect for military action."

363. Mr Straw agreed that the FCO News Department/CIC should be reinforced with expertise on Iraq.

364. Mr Straw's request for advice on a media strategy and the legal issues is addressed in Section 3.2.

365. Mr Campbell wrote to Mr Scarlett, Mr Powell, Sir David Manning and others on 19 March, stating that he had discussed the draft with Mr Straw and others and:

> "The general view, including Jack's, is that with such a focus on the public debate on Iraq at the moment, we may be trying to do too much by looking at Iran and North Korea too."[161]

366. Mr Campbell added that Mr Straw was making a speech to the Foreign Policy Centre on 25 March and "was wondering" whether an "Iraq only version" of the

---

[159] Minute Patey to PS [FCO], 15 March 2002, 'Secretary of State's Meeting – Iraq: Monday 18 March'.
[160] Minute Sedwill to Patey, 18 March 2002, 'Iraq'.
[161] Minute Campbell to Scarlett and others, 19 March 2002, [untitled].

document could be published. Mr Straw was also thinking of making a statement to Parliament.

367. Mr Campbell asked: "Do you and copy recipients agree with this approach? Is it doable?"

368. The JIC was informed on 20 March that an unclassified paper on Iraq's weapons of mass destruction was "due to be made public on 25 March, following detailed discussion with interested parties".[162]

369. The minutes of the JIC meeting record that:

> "In a short discussion, the main point made was that the production of this document followed in the wake of similar exercises during the Kosovo conflict and after the events of 11 September. On each occasion there had been a need to use secret intelligence for public consumption, in this current case because of policy imperatives, but each case needed to be taken on its merits. In some circumstances it would be difficult to meet the political need for material to use in public."

370. Concern was expressed about the potential to undermine the Government's policy of not commenting on intelligence matters, which might merit further discussion "at some stage".

371. Sir David Manning sought Mr Blair's views on the publication of the document, which gave details of Saddam Hussein's WMD programmes "drawn from intelligence, providing as much detail as we can safely reveal", on 20 March.[163] Mr Campbell, Mr Powell, Mr Scarlett and he had discussed the handling of the paper and concluded that it should be issued "soon". A speech or statement by Mr Straw on 25 March, which described "a regime which terrorises its own people and is determined to acquire WMD to terrorise its neighbours … would be the cue for placing" the paper "in the Library of the House, and for subsequent briefing of the media".

372. Sir David concluded:

> "We discussed whether we should delay until after you have been to Crawford. On balance we concluded it would serve our purpose better to release the material now to avoid charges that this was an exercise that we had undertaken at Bush's prompting.
>
> "Are you content for us to go ahead on this basis?"

373. In a manuscript postscript, Sir David added that the proposal had been discussed with Mr Straw, who was happy but preferred a speech in the House to a statement.

---

[162] Minutes, 20 March 2002, JIC meeting.
[163] Minute Manning to Prime Minister, 20 March 2002, 'Iraq'.

374. There is no indication in the No.10 papers sent to the Inquiry of a response from Mr Blair.

375. Sir David Manning wrote on 2 April: "Not to issue at present."[164]

376. A revised draft paper on Iraqi WMD programmes was produced on 20 March, explicitly stating that Iraq was in breach of UN Security Council resolutions and giving more prominence to its strategies for concealment.

377. Mr Miller sent the draft paper, which was "very much as you have seen it before", to the US Embassy asking for "final comments".[165]

378. Mr Miller also wrote to Sir Richard Dearlove, Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)) and AM French with a similar request.[166]

379. The Introduction of the draft paper had been revised to place the UK's concerns in the context of the failure of a few countries to sign the NPT, the CWC and BTWC or a decision, if they had signed, "to break them".[167]

380. The Introduction focused on Iraq's failure to comply with the NPT, its previous use of chemical weapons, and its failure to comply with relevant UN resolutions adopted since the 1991 Gulf Conflict. It also stated:

> "The International Community has repeatedly sought to disrupt Iraq's efforts to acquire WMD. On each occasion Saddam has sought to rebuild his capabilities. His efforts are making progress. The Government monitors these efforts very closely. This paper sets out what the Government is able to say about them."

381. The Introduction remained unchanged in all subsequent versions of the document produced before September.

382. Other changes in the draft paper included:

- An acknowledgement that Iraq's nuclear weapons infrastructure had been dismantled by the IAEA, but the addition of a judgement that Iraq was "still working to achieve a nuclear weapons capability". That was in breach of its NPT and IAEA obligations, and resolution 687 (1991).
- A reference to Iraq's obligation under resolution 707 (1991) to "cease all nuclear activities of any kind other than the civil use of isotopes".

---

[164] Manuscript comment Manning, 2 April 2002, on Minute Manning to Prime Minister, 20 March 2002, 'Iraq'.
[165] Letter Miller to US Embassy, London, 20 March 2002, 'Iraqi WMD Programmes'.
[166] Letter Miller to C and others, 20 March 2002, 'Iraqi WMD Programmes'.
[167] Letter Miller to C and others, 20 March 2002, 'Iraqi WMD Programmes' attaching Paper Assessments Staff, [undated], 'Iraqi WMD Programmes'.

- A statement that extending short-range missile systems beyond 150km and retention of Al Hussein missiles would be a breach of resolution 687.
- The addition, to the assessment that Iraq had a covert chemical and biological weapons programme, of a statement that Iraq was in breach of resolution 687.
- The addition of a judgement that Iraq had the capability to produce cyclosarin.
- A box setting out the effects of anthrax, botulinum toxin and aflatoxin.
- A statement that: "Strategies to conceal and protect key parts of the chemical and biological weapons programmes from a military attack or a UN inspection have been developed." These included "use of transportable laboratories; use of covert facilities; dispersal of equipment when a threat is perceived".
- A statement that: "Some of these techniques [concealment and protection] also apply to the nuclear and missile programmes. In particular we know that the Iraqi leadership has recently ordered the dispersal of its most sensitive WMD equipment and material."

383. Commenting on the draft of what he described as the "WMD Proliferators' Dossier", Mr Sebastian Wood, Counsellor for External Affairs at the British Embassy Washington, suggested there was a need to "try to present the paper in its wider context alongside other evidence of our commitment to a wide range of non/counter-proliferation tools".[168]

384. In response to receiving a copy of the draft text on Iraq only, Mr Wood wrote to Mr Ricketts:

> "Firstly, if the primary aim of this exercise is to build public understanding of and support for decisive action to prevent Saddam's further acquisition of WMD, we think that whatever is published should spotlight the nexus between State sponsors of terrorism and WMD, and the associated risk that State-developed WMD technology is made available to terrorists who would not hesitate to use it: the [US] Administration have repeatedly stated that this is their number one concern, and focusing the dossier on this risk would bring out more vividly the threat to the UK. Neither does that at the moment."[169]

385. Mr Wood questioned the urgency in producing the document and recommended that US policy officials, including Dr Condoleezza Rice, President Bush's National Security Advisor, should be given a chance to comment on the tactics and timing of publication: "We would not want them to think we are bouncing them on such a politically sensitive issue."

386. Mr Straw was advised on 22 March that the evidence would not convince public opinion that there was an imminent threat from Iraq.

---

[168] Fax Wood to Miller, 20 March 2002, 'WMD Proliferators' Dossier' attaching Minute O'Neill to Wood, 20 March 2002, 'WMD Proliferators' Dossier'.
[169] Fax Wood to Miller, 20 March 2002, 'WMD Proliferators' Dossier' attaching Email Wood to Ricketts, 20 March 2002, 'Re: US/UK: WMD paper'.

387. Publication of the document was postponed. The Cabinet Office was given the responsibility of co-ordinating preparation of a public "dossier; Mr Campbell was to "retain the lead" on its form and the timing of publication.

388. Mr Miller sent "the latest version of the paper for public consumption setting out the facts on Iraq's weapons of mass destruction" to Sir David Manning on 21 March.[170] He added: "The intelligence agencies here have had a final look at it." The document also incorporated earlier comments from the US.

389. Mr Miller reported to Mr Scarlett that Mr Ricketts had "held a meeting of all concerned" on 21 March and that, after the meeting, No.10 had "decided to delay publication till a decent interval after Crawford".[171]

390. Mr Miller added: "There are nonetheless some points for us to consider", including:

- "Peter's meeting was very concerned that our first paragraph on CBW … was general figures, not the specific numbers used recently and for some time) by the FCS [the Foreign and Commonwealth Secretary]. I explained that the US had asked for the change, not recognising the old figures, and that the DIS had in any case recently amended their estimates. Peter planned to draw this to Mr Straw's attention. His Private Office … thought the paper should be delayed until the figures were amended and issued in a PQ [Parliamentary Question]. We need to press the DIS to ensure they stand by their new figures …"
- Sir David Manning would not show the paper to Dr Rice until Mr Blair had approved it.

391. The announcement of the revised estimates produced by the DIS is addressed later in this Section.

392. In a personal minute to Mr Straw on 22 March, Mr Ricketts wrote that there were "two real problems" in supporting US objectives "which need discussing".[172] The first was the threat from Iraq:

> "The truth is what has changed is not the pace of Saddam's WMD programmes, but our tolerance of them post-11 September. This is not something we need to be defensive about, but attempts to claim otherwise publicly will increase scepticism about our case. I am relieved that you decided to postpone publication of the unclassified document. My meeting yesterday showed there is more work to do to ensure that the figures are accurate, and consistent with those of the US. But even the best survey of Iraq's WMD programmes will not show much advance in recent years on the nuclear, missile or CW/BW fronts: the programmes are extremely worrying but have not, as far as we know, been stepped up."

---

[170] Minute Miller to Manning, 21 March 2002, 'Iraqi WMD Programmes – Public Version'.
[171] Note (handwritten) Miller to Scarlett, 21 March 2002, 'Iraq: WMD'.
[172] Minute Ricketts to Secretary of State [FCO], 22 March 2002, 'Iraq: Advice for the Prime Minister'.

393. Mr Ricketts added:

> "US scrambling to establish a link between Iraq and Al Qaida is so far frankly unconvincing. To get public and Parliamentary support for military operations we have to be convincing that:
>
> - the threat is so serious/imminent that it is worth sending our troops to die for;
> - it is qualitatively different from the threat posed by other proliferators who are closer to achieving nuclear capability (including Iran).
>
> "We can make the case on qualitative difference (only Iraq has attacked a neighbour, used CW and fired missiles against Israel). But the overall strategy needs to include re-doubled efforts to tackle other proliferators … in other ways … But we are still left with a problem of bringing public opinion to accept the imminence of a threat from Iraq. This is something the Prime Minister and President need to have a frank discussion about."

394. Mr Ricketts' advice on the second problem, the end state of military operations, is addressed in Section 3.2.

395. In a separate minute to Mr William Patey, FCO Director Middle East, and others on 22 March, Mr Ricketts wrote:

> "We now have a bit more time to prepare the public dossier of material on Iraq. We need to use it to ensure that the material is accurate and meets the presentational needs of Ministers."[173]

396. Mr Ricketts added that he had asked No.10 to consider asking the Cabinet Office to take forward work on the dossier through an inter-departmental group. That would need to:

> "… ensure that the US policy community gets enough time to consider our draft paper and comment on it. Ideally, David Manning would send it to Condi Rice soon as work in progress … We will need to keep the Embassy in Washington and UKMIS New York in the loop."

397. Mr Ricketts envisaged that the dossier would also be sent to key European allies in advance of publication.

398. A manuscript note on Mr Ricketts' minute from Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, recorded that Sir David Manning had agreed an inter-departmental group chaired by Mr McKane "could usefully meet after Easter on the

---

[173] Minute Ricketts to Patey, 22 March 2002, 'Iraq: Preparing Material for Public Release'.

substance of public dossier"; Mr Campbell "should retain the lead role on the timing/form of its release."[174]

399. In his statement for the Inquiry, Mr McKane wrote:

> "There was a concentration on ensuring that we produced a document which would make an impact. I therefore had to include as much fresh material as possible. But throughout the process we were clear that the material had to be factually accurate and as comprehensive as possible. We drew from a range of sources, both open and classified, including intelligence material. I relied on the Cabinet Office Assessments Staff and other representatives of the intelligence community to advise on the accuracy of the material which they were providing and the benefits and risks of using intelligence material in a public document."[175]

400. Mr McKane told the Inquiry that there was a debate in Whitehall about whether Iraq represented a greater threat than the other countries, and that "the distinguishing feature of Iraq was that … they had actually used these weapons".[176] He added that he was aware of differences of view about whether it was sensible to publish the document at that stage.

401. Following a discussion with Mr Tony Cragg, Deputy Chief of Defence Intelligence, about a proposed amendment to the paper, a junior official in the DIS recorded that he had been told on 26 March by a junior official in the Assessments Staff that the latest plan was for the paper to be issued after a "decent interval" following Mr Blair's meeting with President Bush.[177] The Assessments Staff official was not sure when that meeting would take place.

402. *The Guardian* reported on 1 April that the UK Government had "indefinitely delayed publishing a dossier revealing damning evidence against Saddam Hussein", which had been "trailed by" Mr Campbell.[178] It would "now be published when 'it is believed to be appropriate'". The article suggested that No.10 feared publication would add to "fevered speculation of an imminent strike", and that "Labour MPs considered the outlines of the evidence to be unconvincing".

403. *The Guardian* also reported that there had been:

> "… intense discussions within the intelligence community about what should be published and how much speculation it should contain.

---

[174] Manuscript comment Rycroft to McKane, 25 March 2002, on Minute Ricketts to Patey, 22 March 2002, 'Iraq: Preparing Material for Public Release'.
[175] Statement, 8 December 2010, page 4.
[176] Public hearing, 19 January 2011, page 72.
[177] Email AD(GI) WMDP to DI GI PA, 26 March 2002, 'Public Paper on Iraq'.
[178] *The Guardian*, 1 April 2002, *Blair delays Iraq dossier release*.

"In the end it was agreed that the dossier should be 'factual' … MI6 was also concerned that it should not contain any information that could threaten its intelligence sources …

"However, many of the new allegations … are based on assumption and speculation … evidence about Baghdad's development of biological weapons … is largely based on what was discovered by UN weapons inspectors back in 1998.

"Even the CIA [Central Intelligence Agency] admits that intelligence gathered after that date … is far from reliable."

Mr Hoon's and Mr Straw's advice for Mr Blair, March 2002

404. Mr Hoon and Mr Straw both wrote to Mr Blair before the meeting with President Bush at Crawford, Texas on 5 to 6 April 2002.

405. In relation to Iraq's WMD:

- **Mr Hoon emphasised the importance of a wider counter-proliferation strategy in the Middle East, stating that, in objective terms, Iran might be a bigger problem for the UK than Iraq.**
- **Mr Hoon also stated that a number of issues would need to be addressed before forces were committed to military action, including the need for a comprehensive public handling strategy convincingly to explain why such drastic action against Iraq's WMD was needed now.**

406. The preparations for Mr Blair's meeting with President Bush in early April 2002, including minutes to Mr Blair from Mr Hoon on 22 March and Mr Straw on 25 March which raised a range of issues, are addressed in detail in Section 3.2.

407. In relation to the threat posed by Iraq's WMD, Mr Hoon wrote:

"The key strategic problem is the spread of WMD – of which Saddam is only one unpleasant dimension. A more active counter-proliferation strategy is required for the region as a whole (for example any Iraqi government will seek WMD if Iran is getting them so our strategy must cover both) …

"… In objective terms, Iran may be the greater problem for the UK … Ironically, we have Saddam Hussein bound into an established control mechanism. There is some substance in the US view that he as an individual is at the root of the WMD risk in Iraq. But any Iraqi government is likely to try and achieve a balance of forces with Iran …"[179]

[179] Minute Hoon to Prime Minister, 22 March 2002, 'Iraq'.

408. Mr Hoon also proposed that Mr Blair might raise with President Bush "the need for a comprehensive public handling strategy, so that we can explain convincingly why we need to take such drastic action against Iraq's WMD now".

409. Mr Straw pointed out that the evidence did not explain why the threat from Iraq would justify military action.

410. On 25 March, Mr Straw sent a personal minute to Mr Blair on the way ahead on Iraq.

411. In relation to the draft document for publication, Mr Straw wrote that making the case that "Saddam and the Iraq regime are bad" was "easy", but there were four areas where there was "a long way to go to convince" the PLP, including about "the scale of the threat from Iraq and why this has got worse recently" and "what distinguishes the Iraqi threat from that of eg Iran and North Korea so as to justify military action".[180]

412. Mr Straw advised that the Iraqi regime posed "a most serious threat to its neighbours, and therefore to international security" but, from "the documents so far presented it has been hard to glean whether the threat from Iraq is so significantly different" as to justify military action. There was:

> "… no credible evidence to link Iraq with UBL and Al Qaida …
>
> "… Objectively, the threat from Iraq has not worsened as a result of 11 September. What has, however, changed is the tolerance of the international community …"

413. Addressing the difference between Iraq, Iran and North Korea, Mr Straw wrote:

> "By linking these countries together in his 'axis of evil' speech, President Bush implied an identity between them not only in terms of their threat, but also in terms of the action necessary to deal with the threat. A lot of work will now need to be done to delink the three, and to show why military action against Iraq is so much more justified than against Iran and North Korea. The heart of this case – that Iraq poses a unique and present danger – rests on the fact that it:
>
> - invaded a neighbour;
> - has used WMD, and would use them again;
> - is in breach of nine UNSCRs."

MOD consideration of Iraq's ability to acquire a nuclear capability

414. Work in the MOD in late March to address the difference between US and UK estimates of the time Iraq would need to acquire a nuclear weapon exposed the extent of the difficulties Iraq would face.

---

[180] Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.

415. Following discussions in Washington, Mr Webb discussed the time Iraq would need to acquire a nuclear weapon with Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), and AM French on 20 March.[181]

416. A DIS paper, "What does Iraq need to do to get the bomb quickly?" was produced later that day.[182]

417. Referring to the Assessment of 15 March, the DIS stated:

> "Although there is very little intelligence, the JIC judges that Iraq is still pursuing a nuclear weapons programme. Intelligence indicates that scientists were recalled to work on a nuclear weapons programme in the autumn of 1998, but it is not known if large scale development work has yet recommenced. Procurement of dual use items over the last few years could be used in a uranium enrichment programme. But we have no definitive intelligence that such items are intended for a nuclear programme."

418. Addressing the question "What does Iraq have now?", the DIS stated that the Atomic Weapons Establishment (AWE) had concluded that Iraq had "made significant progress in designing a nuclear device" before 1991:

> "Many aspects of a simple design had been studied, although the high explosives needed to detonate the device had not been fully developed. More sophisticated concepts were being considered to produce a smaller and lighter device, capable of missile delivery, but it is unlikely that much progress has been made … Iraq will have retained **documents, drawings and expertise**.
>
> "… Iraq still needed to complete aspects of its design and, in particular, to validate the high explosives system. It is unlikely that much of this would have been done before IAEA inspectors left in December 1998 for fear of detection. However, if all the key scientists had been recalled … they could have reconstituted the programme and **further developed warhead designs** since then. This would not necessarily have been detected by intelligence.
>
> "Iraq also has some possible **platforms to deliver** a suitable nuclear device. Its Russian made jet aircraft … could probably be adapted [to] carry a simple nuclear bomb … Any former SCUD missiles that could be assembled could take a more sophisticated device. However, the remaining … Al Hussein missiles would not be suitable."

---

[181] Minute CDI to Policy Director, 21 March 2002, 'Iraq – Nuclear Weapons'.
[182] Minute DIS [junior official] to DI ST, 20 March 2002, 'What does Iraq need to do to get the bomb quickly?'

419. Addressing the question "What would Iraq need?", the DIS stated:

"Iraq does not have the **fissile material** to make a weapon. To rebuild its uranium enrichment programme would take years and require extensive foreign procurement, which would not be possible with effective sanctions in place. To make a weapon quickly, Iraq would need Highly Enriched Uranium (HEU) from the 'black market' (eg stolen from Russia). It would be credible but very difficult for Iraq to do this. We have no good evidence of Iraq ever acquiring any such material.

"Iraq cannot make the crucial **neutron initiator** for the device. Iraq needs a nuclear reactor to make a key material in the original unfinished design: it has not had a[n] operable reactor since 1991. Iraq would need to develop or buy a completely new initiator system [from abroad]. Even if it acquired [a] system … Iraq would have to develop the theory and practicalities of how to use such a component. Iraq could only do this quickly with outside expertise.

"Iraq's goal has been to produce a missile warhead. If it had the necessary components and fissile material, Iraq could complete its former simple warhead design for **air delivery** within a year. However a **missile warhead** would require a more sophisticated design concept which would take at least two years longer. These timescales could only be shortened with outside assistance."

420. Addressing Iraq's ability to produce an improvised nuclear device (IND), the DIS stated that: "If Iraq could acquire reactor-grade plutonium on the 'black market' it could assemble a crude nuclear weapon." That would be "large and unreliable" and have to be delivered by "unconventional means (eg a lorry)". There was, however, "no evidence" that Iraq had sought such material.

421. The DIS concluded:

"(a) Iraq does not have any nuclear weapons.

(b) Iraq has much of the design technology for a simple nuclear weapon.

(c) It cannot make the fissile material or a neutron initiator for a weapon.

(d) To make a nuclear weapon quickly, Iraq would have to acquire fissile material and a weaponised neutron initiator system, together with foreign expert assistance.

(e) If Iraq could acquire sufficient low-grade plutonium from power reactor fuel it could make a crude IND, but would need to use risky unconventional delivery means."

422. AM French commented that the views Mr Webb had heard in the Pentagon were "not held unanimously in Washington", and the DIS analysis was supported by their "US counterparts":

> "If you take a 'best case' scientific and technical approach to this issue, rather than using intelligence, then we judge that Iraq could probably complete its former simple warhead design for air delivery within about a year."[183]

423. On 22 March, Mr Webb asked Dr Paul Roper, Director Strategic Technology, for:

> "… a second opinion, in particular on how quickly and under what circumstances Iraq might acquire a deployable nuclear capability. There is a range of opinions on this, even within the US Administration."[184]

424. Mr Webb asked for a response by 8 April.

425. Dr Roper responded that he agreed with the advice in the DIS paper, which was "a 'best guess' broad based scientific judgement" in circumstances where hard intelligence was "a little thin on the ground". He added that it was "very important to distinguish" between those two cases.[185]

426. Dr Roper wrote that it was:

> "… hard to believe that Iraq had covertly established a domestic source [of fissile material] given the relatively large signatures of the necessary facilities and it would almost certainly take a few years from start up to acquire enough material."

427. Dr Roper's view was that the likelihood of Iraq acquiring fissile material from abroad was "low", but that was "purely an intelligence matter" not a scientific judgement.

428. Dr Roper set out other components that would be required for a nuclear weapon or device, concluding that even if "against all the odds" Iraq acquired those components from a third party: "The nuclear component would have to be fabricated and integrated with the explosives system and the firing electronics and incorporated in a bomb case." That would "take some time and the one year 'guesstimate' is reasonable".

429. Dr Roper pointed out that work could be carried out in advance of the acquisition of fissile material. In that case "it might take only a few weeks to complete assembly" once fissile material was obtained. Whether such activity would be detected was an "intelligence judgement".

---

[183] Minute CDI to Policy Director, 21 March 2002, 'Iraq – Nuclear Weapons'.
[184] Minute PS/Policy Director to D Strat Tech, 22 March 2002, 'Iraq – Nuclear Weapons'.
[185] Minute Roper to Policy Director, 27 March 2002, 'Iraq – Nuclear Weapons'.

430. Dr Roper concluded:

> "A more advanced design suitable for deployment on a missile would almost certainly involve more development work and explosive trials. I have no feel for timescale but 2-3 years is a good guess. Again most of this work can be done in advance of acquiring the fissile material."

431. Mr Webb told the Inquiry that there was a "pretty sharp contrast" between the US and UK assessments of the time required by Iraq to obtain a nuclear weapon.[186] Mr Doug Feith, US Under Secretary of Defense for Policy, had told him that the US view was: "We think they can get to a nuclear device within a few months." That had prompted him to ask the DIS for advice.

432. Mr Webb added that, in relation to essential components for a nuclear device, he was aware that the AQ Khan network had placed Pakistani nuclear technology into the hands of a number of states:

> "I knew that AQ Khan had been providing designs to North Korea, to Libya. I suppose I would probably have assumed that if he could do a design, why wouldn't he be prepared to hand over a [key nuclear component] if he had one?"[187]

433. Mr Webb told the Inquiry that his focus "was all about timescales". In the light of the advice that one year would be required to produce "a real nuclear weapon, as distinct from a dirty bomb, and two to three years for a nuclear missile", he had informed Mr Feith, "I think you are overdoing this, but at a year-ish we are in the same sort of zone".

434. In his discussions with President Bush, Mr Blair identified the need for a public relations strategy which highlighted the risks posed by Iraq's WMD programme.

435. Mr Blair's meetings with President Bush at Crawford, Texas on 5 to 6 April, and his speech at College Station on 7 April arguing for an internationalist approach to dealing with Iraq, and the dangers of not doing so, are addressed in Section 3.2.

436. In the discussions with President Bush about a strategy of taking the issue of Iraq back to the UN, Mr Blair identified the need for a public relations strategy that highlighted both the risks of Saddam Hussein's WMD programme and his "appalling" human rights record, and the importance of managing European public opinion and helping to construct an international coalition.[188]

437. Mr Blair said he would emphasise that Saddam Hussein was being given an opportunity to co-operate. If "as he expected" Saddam failed to do so, it would be "very

---

[186] Private hearing, 23 June 2010, pages 51-52.
[187] Private hearing, 23 June 2010, page 54.
[188] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.

much harder to resist the logic that we must take action to deal with an evil regime that threatened us with its WMD programme".

438. Mr Blair also considered that the US and UK would still face the question of why they had decided to act now; "what had changed?"

439. In the joint press conference on 6 April, Mr Blair stated that the threat of WMD was real and had to be dealt with.

440. Mr Blair said he and President Bush had agreed that "the issue of weapons of mass destruction cannot be ducked, it is a threat, it is a danger to our world and we must heed that threat and act to prevent it being realised".[189]

441. Subsequently Mr Blair stated:

> "There is a reason why United Nations resolutions were passed … calling upon him [Saddam Hussein] to stop developing weapons of mass destruction … and that is we know he has been developing the weapons.
>
> "We know that those weapons constitute a threat …"

442. As part of his advice to Mr Blair on a statement to Parliament about the discussions with President Bush, Mr Straw wrote that Mr Blair could say that the document on Iraq would be produced "shortly".[190] In Mr Straw's view the UK could "certainly get something out pretty quickly".

443. In his statement to the House of Commons on 10 April, Mr Blair said only that Saddam Hussein was "developing weapons of mass destruction", was "a threat to his own people and the region", and that if he was "allowed to develop these weapons" that would be a threat to the UK.[191]

444. In his response to a question from Mr Tam Dalyell (Labour), Mr Blair said there was "no doubt" that Saddam Hussein was:

> "… still trying to acquire nuclear capability and ballistic missile capability. Furthermore, although we do not know what has happened, we suspect that the piles of chemical and biological weapons remain."[192]

445. Asked by Mr Llew Smith (Labour) on 16 April why he had not published the dossier on the status of Iraq's weapons programmes, Mr Blair replied:

> "We have already placed some evidence concerning Iraq's programmes in the Library of the House. When the time is right, we shall release further material, including the threat posed by the development of weapons of mass destruction.

---

[189] The White House, 6 April 2002, *President Bush, Prime Minister Blair Hold Press Conference.*
[190] Minute Straw to Prime Minister, 9 April 2002, 'Your Commons Statement'.
[191] House of Commons, *Official Report*, 10 April 2002, columns 22-24.
[192] House of Commons, *Official Report*, 10 April 2002, columns 31-32.

> The Government believes it important that we should divulge as much information to the public as we can without prejudicing sensitive sources, including intelligence reporting. It has been the practice of successive governments not to comment on intelligence matters."[193]

446. In an interview with Mr David Frost on *BBC Television*'s *Breakfast with Frost* on 21 April, primarily about the Budget, Mr Blair was asked about the imminence of military action against Iraq (see Section 3.3).[194]

447. In response to a suggestion that the dossier on Iraq had been stopped because it was out of date because there hadn't been any decent intelligence for two or three years or because it was insufficient to convince critics within the Labour Party, Mr Blair replied:

> "… it wasn't pulled … we will publish it at the appropriate time and when that's going to be I simply don't know … The evidence of Saddam Hussein on weapons of mass destruction is vast.
>
> "… [W]hat we also know from our experience of September 11 that it's sensible to try to deal with these threats before they become fully operational rather than after."

Development of the Iraq dossier, April to July 2002

Revision of the estimates of unaccounted for Iraqi material

448. Revised estimates of material which UNSCOM had been unable to account for when it left Iraq in December 1998 were published on 2 May.

449. Mr Straw was advised that the figures were an extrapolation based on UNSCOM data, but it was "inherently difficult to arrive at precise figures".

450. Mr Ricketts asked Mr Dowse on 22 March to "take forward work with the Assessments Staff" on the new figures provided by the DIS for "Iraqi stocks of CW precursors and munitions" which should, "if possible", be the same as those being used by the US.[195] Ministers would then need to be advised:

> "… how best to get them into the public domain before any comprehensive paper is published: probably by inspired PQ as soon as Parliament re-assembles, making clear that these are revised estimates."

451. Mr Dowse wrote to Mr Miller on 25 March "to sort out how we manage the DIS' new calculations of unaccounted-for Iraqi CW precursors and munitions".[196]

---

[193] House of Commons, *Official Report*, 16 April 2002, columns 861-862W.
[194] *BBC News*, 21 April 2002, *BBC Breakfast with Frost Interview: Prime Minister Tony Blair*.
[195] Minute Ricketts to Patey, 22 March 2002, 'Iraq: Preparing Material for Public Release'.
[196] Letter Dowse to Miller, 25 March 2002, 'Iraq: Material for Public Release'.

452. Mr Dowse added:

> "Clearly, the first step is to resolve with the DIS just how robust are their new figures. If they carry no more confidence than the previous ones, which we have been using in public for several years, I see no reason to change our lines …
>
> "Thereafter, if it appears we do have to change our public line, I wonder if we might finesse the presentational difficulty by changing the terms? Instead of talking about tonnes of precursor chemicals (which don't mean much to the man in the street anyway), could we focus on munitions and refer to 'precursor chemicals sufficient to produce x thousand SCUD warheads/aerial bombs/122mm rockets filled with mustard gas/the deadly nerve agents tabun/sarin/VX'? Presumably we know from UNSCOM what types of munitions the Iraqis had prepared or were working on at the time of the Gulf War."

453. Mr Dowse concluded:

> "I realise that this would not in the end hoodwink a real expert, who would be able to reverse the calculation and work out that our assessment precursor quantities had fallen. But the task would not be straightforward, and would be impossible for a layman. And the result would, I think, have more impact on the target audience for [an] unclassified paper."

454. Mr Scarlett sent Sir David Manning a revised draft of the paper on WMD on 4 April.[197] That "differed slightly" from the version provided the previous week, because figures for CW material for which UN inspectors had been unable to account had been included. Those were being "double-checked".

455. The draft made clear that the UK could not be sure whether the material the inspectors could not account for had been destroyed or remained at the disposal of the Iraqi Government.

456. Before the first meeting of the inter-departmental group to discuss the paper on Iraq's WMD prepared by the Assessments Staff, Mr McKane wrote to colleagues stating:

> "The only outstanding question in relation to the WMD paper of which I am aware is a discrepancy between certain numbers quoted by Ministers in Parliament and the latest assessment generated in the preparation of the paper for publication. The issue, as I understand it, is whether it is preferable to correct the previous answers to Parliament by means of an inspired PQ or to disguise the discrepancy in the new WMD document."[198]

---

[197] Minute Scarlett to Manning, 4 April 2002, 'Iraqi WMD Programmes: Proposed Public Paper'.
[198] Letter McKane to Tanfield, 9 April 2002, 'Iraq'.

457. Mr McKane's meeting on 12 April agreed that:

> "… in terms of public presentation, it would be desirable to stick with the chemical weapons numbers used by Ministers in Parliament. If the numbers of tonnes of declared precursor chemicals was in fact seriously out of line with latest DIS assessments and US assessments, then we would recommend use of the new numbers. Jane Hamilton-Eddy agreed to write following receipt of further input from Sebastian Wood in Washington. Thereafter [junior official] would submit advice to the Foreign Secretary in the course of next week. The numbers in the paper can then be finalised …"[199]

458. The FCO review of the revised DIS estimates for Iraqi holdings of precursor chemicals and special munitions which were "unaccounted for" was sent to Mr Straw on 23 April.[200]

459. Mr Straw was told that the DIS had been asked to ensure that the figures previously used in public were defensible, given that they were "based on a series of Iraqi declarations (some of which have altered over time) extrapolated from data in UNSCOM official records" and it was "inherently difficult to arrive at precise figures (a point exemplified by the fact that there is no inter-Agency agreement in Washington on a definitive set of numbers)". The DIS had "therefore produced revised estimates which it judges would be readily defensible in public".

460. The revised estimates were that:

> "UNSCOM inspectors were unable to account for:
>
> – up to 3,000 tonnes (previously 4,000) of precursor chemicals, 'approximately 300 (previously 610) tonnes of which … were unique to the production of VX nerve agent';
> – up to 360 tonnes of bulk CW agent including 1.5 tonnes of VX (new figures);
> – and over 30,000 (previously 31,000) special munitions for delivery of chemical and biological agents;
> – large quantities of growth media acquired for use in the production of biological weapons – enough to produce over three times the amount of anthrax Iraq admits to having manufactured."

461. Mr Straw was advised to announce the revised figures to Parliament, and incorporate them into the "JIC public lines document" on Iraqi capabilities, which the Cabinet Office would be submitting to Mr Blair "by the end of the month".

462. An alternative to such an announcement would be "to move away from precise figures and use more general terms … on the grounds that precise figures are inherently

---

[199] Letter McKane to Tanfield, 12 April 2002, 'Iraq'.
[200] Minute FCO [junior official] to Dowse and PS [FCO], 23 April 2002, 'Iraqi WMD: Public Dossier'.

unreliable". The "major downside to this approach" was that the media would "seize on the more vague formulation to suggest that the Government has misled the public for the past three years in talking up the Iraqi WMD threat".

463. To defend the new figures, the FCO suggested the answer should state:

> "These figures represent our latest assessment. This assessment is subject to continual review … The changes we have made do not alter our view on the scale of the Iraqi WMD threat. Indeed, they reinforce our judgement that Iraq's chemical and biological capabilities are substantial and a very real danger to the region and the wider world. We shall be releasing further material about this threat in due course."

464. In a manuscript comment on the submission to Mr Straw, Mr Dowse confirmed he had agreed the minute which would "clear the way for release of the 'WMD dossier' – but whether and when to do that awaits a separate decision".[201]

465. Mr McKane's meeting on 26 April was informed that the FCO had sought Mr Straw's views on an inspired PQ to "bring our public statements on chemical weapons numbers into line with the latest DIS estimates".[202]

466. Mr Straw agreed the recommended approach but asked that the answer should explicitly draw attention to the fact that the figures had been revised, and that he was correcting the estimates in an answer he had given during oral questions on 12 March.[203]

467. Mr Straw also asked that press notice should be issued immediately after the answer, "so that no-one can accuse us of concealing this".

468. The revised estimates were published in a Written Answer from Mr Straw on 2 May.[204]

The Iraq dossier

469. In April the Iraq dossier was expanded to include material on human rights and a history of weapons inspections.

470. Mr McKane told the Inquiry, "In April it was decided that we should work on a group of papers", not "simply a document about weapons of mass destruction".[205] These were worked on until June "when it was decided to put them on ice".

471. In response to a request from Mr Blair for a paper on Saddam Hussein's record of human rights abuses, which might be published alongside the WMD paper, Mr McKane had sent Mr Rycroft the material which had been prepared by the FCO for use by

---

[201] Manuscript comment Dowse on Minute FCO [junior official] to Dowse and PS [FCO], 23 April 2002, 'Iraqi WMD: Public Dossier'.
[202] Letter Dodd to Gray, 26 April 2002, 'Iraq'.
[203] Minute Sedwill to FCO [junior official], 30 April 2002, 'Iraqi WMD: Public Dossier'.
[204] House of Commons, *Official Report*, 2 May 2002, columns 929-930W.
[205] Public hearing, 19 January 2011, page 74.

Mr Straw.[206] Mr McKane added that he had asked for material produced around the time of Operation Desert Fox "in case" Mr Blair decided "a more comprehensive treatment of Saddam's human rights record going back to the 1980s" was needed.

472. Mr McKane also asked the FCO to "produce an expanded version of the paper on Iraqi Human Rights abuses to cover Saddam's record from his accession in 1979, stating that the intention was "to produce a clear picture of Saddam's record of human rights abuses throughout his career".[207]

473. In relation to the draft paper on Iraqi Regime Crimes and Human Rights Abuses, which also drew on intelligence, the FCO would revise the paper, "including boxes to highlight particularly vivid and detailed pieces which illustrated the nature of the regime".[208]

474. Junior officials in the FCO questioned whether the draft WMD paper would be sufficient to underpin an argument that WMD posed such a threat that action should be taken to deliver Iraq's disarmament and offered suggestions to improve its impact.

475. Mr Mark Matthews, a junior official in the FCO News Department, was critical of the style of the draft WMD paper and:

> "… the repeated efforts of the authors to emphasise what they do not know as well as what they know. In some cases this is necessary for the sake of accuracy. In others it is unnecessary and unhelpful."[209]

476. After offering detailed comments, Mr Matthews added:

> "It is important that, where unnecessary and unhelpful, these expressions of the authors' uncertainty are removed. Otherwise we risk undermining further a paper which already looks a little thinner than earlier versions of evidence of Iraqi wrongdoing."

477. Mr Matthews also provided a "revised version of the general briefing paper", including a draft Introduction by the Foreign Secretary. The document shows that the briefing paper would set out the wider context of policy on Iraq and would be issued by the FCO. The detailed papers on Iraq's WMD and Saddam's human rights abuses being prepared under the auspices of the inter-departmental group would be published as Annexes to that paper.

---

[206] Minute McKane to Rycroft, 27 March 2002, 'Saddam's Record of Human Rights Abuses'.
[207] Letter McKane to Tanfield, 9 April 2002, 'Iraq'.
[208] Letter McKane to Tanfield, 12 April 2002, 'Iraq'.
[209] Email Matthews to Tanfield, 15 April 2002, 'Iraq Dossier' attaching Paper FCO, [undated], 'British Government Briefing Paper on Iraq'.

478. The points in the draft Introduction included:

- Iraq continued to claim that it had "no chemical, biological or nuclear weapons. We are therefore taking the important step of publishing further information from Government intelligence reports about Iraq's weapons. This shows there is no doubt that Iraq has dangerous chemical, biological and nuclear weapons programmes."
- The concern was "heightened" by Saddam Hussein's previous use of "these horrific weapons". That made him, and the threat he posed, "unique".
- Saddam Hussein would "use these weapons again in pursuit of his aim of regional domination and against the West if he thinks he can get away with it".
- "Doing nothing about this threat" was "not an option".
- That was why the Government was "devoting immense diplomatic energy to pressing Iraq to comply with UN resolutions to destroy its weapons", including giving "UN weapons inspectors full and unfettered access".
- The Government was "serious about wanting to resolve this issue through compliance with UN resolutions …"

479. The key points identified in the FCO briefing paper included statements that:

- The Iraqi regime was "a demonstrable threat to the stability of the region as a result of its continued development of weapons of mass destruction".
- The onus of complying with UN resolutions was on Saddam Hussein: "If Iraq poses no threat, why does he continue to refuse access to UN inspectors?"

480. Sending the email and FCO briefing paper to Mr McKane, Dr Tanfield wrote:

> "I would like you to see this now because I am not convinced that NPD [Non-Proliferation Department] is giving DIS/AS [Assessments Staff] a sufficiently hard time even after all the problems we have already had. May be necessary to bang heads together at next meeting!"[210]

481. An Assessment of regional attitudes towards Iraq and an evaluation of "the regional reactions so far to the prospects of a US-led attack on Iraq", produced at the request of the JIC, was issued on 19 April (see Section 3.3).[211]

482. The Assessment did not examine Iraq's WMD capabilities but, in a concluding paragraph entitled "**Making the case**", it stated:

> "**For governments expected to support a US-led attack, the justification and evidence will be crucial in managing their public presentation.** Given that we judge Iraq had no responsibility for, or foreknowledge of, the 11 September terrorist attacks, Iraq's neighbours are likely to demand stronger proof of Iraq's development

[210] Email Tanfield to McKane, 15 April 2002, 'Iraq Dossier'.
[211] JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.

of WMD (even though many of them are ambivalent on the issue); using Saddam's brutal and repressive regime alone in justification would not attract much support …"

483. Following a meeting chaired by Mr Campbell, it was agreed that the Iraq dossier should include a history of weapons inspections and an explanation of the sanctions regime.

484. Reflecting the decision recorded in Mr Rycroft's manuscript note of 25 March, that he would "retain the lead role on the timing/form of the release" of the document on Iraq, Mr Campbell held a meeting on 23 April.

485. The meeting agreed that the Government:

"should aim to release …:

- the dossier on WMD: JIC will continue their work;
- a readable history of weapons inspections: FCO will compile;
- an explanatory note on sanctions to get across the message that our fight is not with the Iraqi people: FCO will prepare;
- a note detailing the Iraqi regime's human rights abuses: FCO will look again at the material it has prepared for release with the WMD dossier."[212]

486. The documents should be released "as a prelude to a further push on getting the UN weapons inspectors back into Iraq". That could be done through a statement by Mr Straw linked to the UN Security Council's agreement to the Goods Review List (GRL) (see Section 3.3). An alternative might be publication when the GRL entered into force at the end of May.

487. Mr Straw considered that publication of the dossier on WMD should be separate from action in the UN on the revised Goods Review List.

488. Mr Ben Bradshaw, FCO Parliamentary Under Secretary of State, told the FAC on 23 April:

"We will put more evidence in the public domain and we will publish in whatever form we think is most effective … When we feel the time is right."[213]

489. The FCO official who attended Mr Campbell's meeting advised Mr Straw that it would be better to separate the publication of the Iraq dossier and the discussion of the GRL/Oil-for-Food (OFF) resolution in the UN for a number of reasons; and proposed a number of briefing exercises instead.[214]

---

[212] Minute Pruce to Campbell, 23 April 2002, 'Iraq'.
[213] Seventh Report from Foreign Affairs Committee, Session 2001-2002, *Foreign Policy Aspects of the War against Terrorism*, HC 384, Qs 293-294.
[214] Minute FCO [junior official] to Gray, Chaplin and PS [FCO], 24 April 2002, 'Iraq: Adoption of the Goods Review List and Media Handling'.

490. Mr Charles Gray, Head of Middle East Department, and Mr Edward Chaplin, Director Middle East and North Africa, agreed.

491. A letter from Mr Straw's Private Office to Mr Campbell on 25 April recorded Mr Straw's understanding that Mr Campbell's meeting had:

> "… agreed that the launch of the Iraq dossier must not convey a misleading impression of imminent military action, and therefore decided that new material should be added to cover the record of inspections, humanitarian issues and the GRL."[215]

492. The letter set out the FCO preference for separating publication of the dossier from activity on a GRL, including that:

- "The WMD dossier would eclipse the humanitarian message of the GRL/OFF resolution."
- The "Arab world" was "particularly unreceptive at present".
- The "best bet" might be for publication to coincide "with a renewed effort to get weapons inspections readmitted".
- The release of the dossier should be co-ordinated with the US and briefing "governments, notably in the Arab world, in greater detail than is possible in a public document".

493. Mr McKane continued to co-ordinate work to refine the Iraq paper.

494. Mr McKane held a further meeting to discuss progress on the draft public documents on Iraq on 26 April.[216]

495. The meeting was informed that the WMD paper was "ready, although as a living document" it would need "a few days notice to prepare before issue". The FCO would finish the paper on weapons inspections by 2 May and it was finishing the paper on human rights abuses. The documents would "need to be cleared with Washington".

496. The FCO and CIC were preparing "Q and A" material and Mr McKane would "check with No.10 on the desirable extent of ministerial involvement in launching the package".

497. Mr McKane sent the draft papers 'Iraqi WMD Programmes' and 'Iraqi Regime Crimes and Human Rights Abuses' to Sir David Manning on 26 April, reporting that:

- The "WMD paper is in a finished condition, though John Scarlett continues to keep it under review".

---

[215] Letter Sedwill to Campbell, 25 April 2002, 'Iraq: Adoption of the Goods Review List'.
[216] Letter Dodd to Gray, 26 April 2002, 'Iraq'.

- "The Humanitarian Abuses paper needs some further work, principally to insert boxes and photographs …"[217]

498. Mr McKane stated that the papers would need to be shown to the US Administration "at some point", and asked for Sir David's views on the timing for that. He also asked for Mr Blair's views on whether they "should be launched under the name of the Foreign Secretary or a group of Ministers, who might include the Prime Minister, the Defence Secretary and the International Development Secretary (or any combination)" before DFID was consulted.

499. There were only three material changes to the previous draft:

- References to UNSCOM being unable to account for all imported missiles and that Iraq could have built more missiles using components it had retained and hidden were added as "evidence" to the summary of Iraq's ballistic missile capability.
- The Human Rights Watch estimate of casualties from Saddam Hussein's attack on Kurds in Northern Iraq in 1988 was added to the text.
- The revised estimates of chemical agent and precursor chemicals produced by the DIS replaced broad brush figures.

500. A further Cabinet Office meeting was held on 21 May, to discuss progress on the draft FCO documents on weapons inspections and human rights abuses, which were to be finalised for discussion, with the WMD paper, on 29 May.[218] Officials were generally content with the drafts, subject to a number of detailed, mainly presentational, amendments.

501. Mr Patrick Lamb, a member of the FCO Non-Proliferation Department, sent the Cabinet Office "a copy of the latest version of the Inspections Paper" on 27 May.[219]

502. Mr McKane sent the three draft papers, which he described as "virtually in final form, although the CIC is still making presentational changes", to the MOD, the FCO and the Department for Trade and Industry (DTI) on 30 May.[220]

503. Mr McKane added that he envisaged submitting the drafts to No.10 in the second half of June.

---

[217] Minute McKane to Manning, 26 April 2002, 'Iraq'.
[218] Minute Dodd to Lamb, 22 May 2002, 'Iraq'.
[219] Letter Lamb to Dodd, 27 May 2002, 'Iraq Inspections Paper'.
[220] Letter McKane to Bowen, 30 May 2002, 'Iraq: Public Documents' attaching Papers, [undated], 'Iraqi WMD Programmes'; 'Iraqi Regime Crimes and Human Rights Abuses'; 'UN Weapons Inspections in Iraq'.

504. The paper on Iraq's WMD programmes was very little changed from the version of 26 April. The key changes were:

- The insertion of a reference to a judgement that Iraq's nuclear programme "is based on gas centrifuge uranium enrichment, which was the route Iraq was following for producing fissile material before the Gulf War", as context for text on Iraq's attempts to acquire technology and material with nuclear applications, including specialised aluminium.
- The addition of the words "in their chemical and biological weapons programmes" to a statement that Iraq was using transportable laboratories for concealment.
- Adding to the conclusion that Iraq had a chemical weapons capability, the words "and has used it. It also has a biological weapons capability."

505. The paper on UN inspections and the key changes between the initial draft and the version of 20 June are described in the Box, 'Weapons Inspections in Iraq', later in this Section.

506. A "consolidated draft" of the papers on Iraq, produced by the CIC on 3 June, was circulated by the Cabinet Office on 6 June.[221]

507. The CIC had produced a revised draft of a Foreword for the document. That identified Saddam Hussein as personally responsible for Iraq's WMD programmes and defying the Security Council resolutions. It amended the previous text, which stated that the papers showed "there was no doubt that Iraq has chemical, biological and nuclear programmes", to a statement that they showed "Saddam Hussein has dangerous chemical, biological weapons and is nearing completion of nuclear weapons".

508. The draft Foreword also changed the statement about the UK's diplomatic efforts to resolve the issue through compliance with UN resolutions to one which stated:

> "The world is urging Saddam Hussein to comply … giving UN weapons inspectors … access to Iraq – **any time, any place, any where**.
>
> "No decision has been taken to launch military action. It is up to Saddam Hussein to show the world that he is serious about fulfilling Iraq's … obligations."

509. The CIC had reformatted and reordered the text of the Summary and draft paper 'Iraqi WMD Programmes', including addressing Iraq's nuclear capabilities first, before its chemical and biological weapons and ballistic missiles. The substance was, however, largely unchanged.

510. The CIC added summaries for the papers on the 'History of UN Weapons Inspections' and the 'Iraqi Regime's Crimes and Human Rights Abuses'. There were a

---

[221] Minute Dodd to [unattributed], 6 June 2002, 'British Government Bri[e]fing Paper on Iraq' attaching Paper FCO, 3 June 2002, 'British Government Briefing Paper on Iraq'.

number of minor changes to the former, the most important of which was to correct a statement that Iraq had, in 1991, been "within 1-2 years" of acquiring a nuclear weapon. Consistent with the paper on Iraqi WMD programmes, that was replaced by the words "within less than three years".

511. A detailed list of occasions on which UN inspectors had been harassed or denied access to sites was removed.

512. Mr McKane told the Inquiry that the role of the CIC was "to sharpen up the product … to make the language clearer, to make it language that would be more readily understood by the public".[222]

513. Mr Miller reported to Mr McKane on 7 June that there was "no serious difference of analysis or interpretation" between the US and UK on WMD.[223] He also reported that work had been commissioned on a US paper for publication on Iraqi WMD.

514. The paper on Iraq produced for the Chiefs of Staff "Strategic Think Tank" on 18 June, stated:

> "Although Iraq's nuclear capability (essentially a 'dirty' bomb) cannot be dismissed, the main threat, at the moment, is from CB weapons."[224]

515. In a minute to Mr Miller on 17 June, a junior official in the Assessments Staff confirmed that the CIC had attempted "to reformat the Iraqi WMD section of the Government briefing paper to match other sections", but "Apart from removing the word 'evidence' from the summary, they have not altered the text".[225]

516. The draft Iraq dossier was sent to Sir David Manning on 21 June, with advice that Ministerial guidance would be needed on the content of the paper and the timing of publication.

517. Following a meeting on 19 June, Mr McKane sent the latest versions of the three "Iraq public documents" and a draft Foreword to Sir David Manning, stating that Ministerial guidance was needed on:

- "**Whether Ministers are content with the texts** …"
- "**Whether to invite the International Development Secretary to sign the Foreword alongside the Foreign and Defence Secretaries.**"
- "**Timing of publication.**"
- "**Whether to treat three Iraqi public documents as a package or separate out the Iraq WMD paper.**"

---

[222] Public hearing, 19 January 2011, page 76.
[223] Minute Miller to McKane, 7 June 2002, 'Iraq WMD: Public Documents'.
[224] Minute MA1/DCDS(C) to PSO/CDS and others, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 Jun' attaching Paper.
[225] Minute Assessments Staff [junior official] to Miller, 17 June 2002, 'Releasable Dossiers on WMD'.

- "**Whether in the meantime to publish the wider WMD Programme[s] of Concern paper.**"[226]

518. Mr McKane wrote that the drafts took account of comments from the CIA but had not been passed to other parts of the US Government. He also pointed out that the drafts had not, at that stage, been "shared with DFID".

519. The inter-departmental group advised:

> "… that the drafts should now be held in readiness for an appropriate moment to issue them. Choosing that moment requires careful judgement. The publication of the documents will be regarded by some as an indication that the Government has moved closer to decisions on military action. On the other hand, as part of the carefully co-ordinated exercise, they could serve to increase the pressure on Saddam Hussein."

520. Mr McKane reported that Mr Scarlett's "strong preference" was to:

> "… keep the WMD paper separate in order to preserve its status as a considered assessment of what the intelligence says about Iraq's existing WMD capabilities – in contrast with the other two papers which are based on a mixture of historical material, intelligence and reportage. Most of my group felt that this point was out-weighed by the advantages of presenting the three papers as a single package, in particular because of the close relationship between the WMD and the Weapons Inspection papers."

521. Mr McKane also provided a copy of the separate draft paper addressing wider WMD programmes of concern, stating that:

> "The Foreign Office, in particular, have advised that this paper should not be published at the same time as the Iraq dossier, because of awkward comparisons which might be drawn between the threat posed by other countries of concern and that posed by Iraq. More generally, the FCO have concerns about the quality of the 'evidence' …"

522. Mr McKane concluded:

> "Despite the case for shining a spotlight on all states of WMD concern, the balance of the arguments points towards delaying, at least until we are clearer about the way forward on Iraq."

523. The draft papers sent to Sir David Manning were largely identical to those produced by the CIC on 3 June. The key changes to the WMD paper were:

---

[226] Minute McKane to Manning, 21 June 2002, 'Iraq: Public Documents'.

- The text on nuclear weapons in the draft Foreword was amended to state the papers showed only that Saddam Hussein was "still seeking to acquire nuclear weapons".
- References to Iraq's ability to produce ricin and its effect were added to the section on biological agents in the paper on Iraq's WMD programmes.

524. The key points in the paper on UN inspections, which drew on published and intelligence sources, including reports by UN personnel and non-Government sources, are set out in the Box below.

'UN Weapons Inspections in Iraq'

The draft FCO paper on weapons inspections stated:

> "The history of UN weapons inspections in Iraq has been characterised by persistent Iraqi efforts to frustrate, deceive and intimidate inspectors. Despite the conduct of the Iraqi authorities towards them, both UNSCOM and the IAEA … have valuable records of achievement …
>
> "By the end of 1998 there nevertheless remained significant uncertainties about the disposition of Iraq's prohibited WMD programmes. A series of confrontations and the systematic refusal by Iraq to co-operate, left UNSCOM unable to perform its mandate and the inspectors withdrew …"

Since December 1998, Iraq had:

> "… refused absolutely to comply with its UN … obligations and allow access to weapons inspectors. We judge that Iraq has used the intervening … period to rebuild significant aspects of its chemical, biological, nuclear and ballistic missile programmes."

That was "a direct challenge to the authority of the UN". In addition, Iraq's actions breached its commitments under:

- the Biological and Toxin Weapons Convention – which bans the development, production, stockpiling, acquisition or retention of biological weapons; and
- the Nuclear Non-Proliferation Treaty – which prohibits Iraq from manufacturing or otherwise acquiring nuclear weapons."

The paper described the setting up of two inspection teams in accordance with the provisions of resolution 687 (1991) and set out an account of Iraq's concealment of its activities together with a list of "infamous examples" of Iraq's harassment of the inspectors.

The 20 June version of the paper acknowledged that special access to Presidential sites had been negotiated in 1998. A statement in the initial draft that the sites housed units "which had in the past been associated with concealing Iraq's WMD programme" was replaced by a statement that they were "an integral part of Iraqi counter-measures expressly designed to hide weapons material".

The initial reference to Iraq having "admitted… a large, effective, system for hiding proscribed material" was replaced by a reference to Iraq's acknowledgement that it had set up a unit in April 1991 to "conceal vital aspects of its proscribed programmes".

The paper set out in considerable detail Iraq's "blatant" obstruction of UN inspectors in relation to its biological weapons programme. Iraq did not acknowledge that biological agents had been produced "on an industrial scale" until July 1995. It also "admitted producing in excess of 200 biological weapons with a reserve of agent to fill considerably more". Subsequent disclosures in relation to the programme were "technically inadequate" and Iraq had refused to elaborate on the details.

The paper also set out the inspectors' achievements in dismantling and destroying Iraq's proscribed weapons systems, but "a series of significant unresolved disarmament issues remained".

The paper stated the UK believed "that Iraq has pressed ahead with its WMD programmes" since 1998; and that the heads of UNSCOM and the IAEA had "declared that in the absence of inspections", it was "impossible to verify Iraq's compliance with its … obligations".

The paper concluded:

> "In the interests of regional and global security, the international community cannot allow this stand off to continue indefinitely."

525. In a report published on 20 June, the FAC recommended that the UK Government should follow the precedent it had set in relation to Afghanistan, in October 2001, and:

> "… publish the fullest possible documentation on the need for further military action, before any such action is seriously contemplated. While nothing should be published which might compromise sources or methods of intelligence, the Government must try to secure the widest possible support in Parliament and among the British people if it is proposing to risk the lives of British servicemen and women as part of a further phase of the war against terrorism."[227]

526. In mid-July, No.10 officials decided that publication should be put on hold for the time being.

527. During questions on Iraq from the Liaison Committee on 16 July (see Section 3.3), Mr Blair replied that "as far as he was aware there was no evidence linking Saddam Hussein to the actual attack on 11 September"; and that there were "various rough linkages" to Al Qaida; but the issue (on Iraq) was "weapons of mass destruction. It is not what happened on 11 September or the Al Qaida terrorist network."[228]

528. Asked what had changed since President Bush took office, Mr Blair replied:

> "… First … it is clear that Saddam Hussein is still trying to develop weapons of mass destruction. Secondly … weapons inspectors where he is still refusing to

---

[227] Seventh Report from Foreign Affairs Committee, Session 2001-2002, *Foreign Policy Aspects of the War against Terrorism*, HC 384, paragraph 233.
[228] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Qs 97-98.

> abide by the UN resolutions … as more negotiations go on and he fails to comply and you know that he is developing these weapons of mass destruction, then over a period of time you are entitled to draw the conclusion that this threat is growing not diminishing … there is a threat … The options are open but we do have to deal with it …"[229]

529. Mr Blair also told Mr Anderson that there would be documentation setting out the nature of the WMD threat and that:

> "The only reason we have not published some of this documentation before is that you have got to choose your time … otherwise you send something rocketing up the agenda when it is not necessarily there. Certainly if we do move into a new phase, yes, of course, we will publish."[230]

530. Sir David Manning discussed Mr McKane's minute of 21 June with him and Mr Powell and Mr Campbell on 16 July.[231] They agreed:

> "… now was not the time to publish any of the three Iraq public documents or the wider WMD programmes of concern paper. We should, however, be ready to move quickly in the light of changing circumstances."

531. It was also agreed that the draft would not be shown to the US until closer to the date of publication and that:

> "We should keep an open mind on whether to publish the Iraq WMD paper separately from the other two Iraqi papers. We should aim for a Foreword signed by either the Foreign and Defence Secretaries, or possibly the Prime Minister."

532. Mr McKane told the Inquiry that he had "had an exchange with Sir David Manning in which we agreed that we should keep it ready … to dust it off and use it at short notice, if necessary".[232]

533. In his diaries Mr Campbell wrote that Mr Blair had:

> "… raised the temperature another gear by making clear publicly we intended to do something and also saying that Saddam had to be dealt with. We agreed not to go for it yet, because it would look like we were going to war if we did, TB having made it pretty clear that it would be the start of another phase."[233]

---

[229] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Qs 99-100.
[230] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Qs 87-88.
[231] Minute Manning to McKane, 16 July 2002, 'Iraq: Public Documents'.
[232] Public hearing, 19 January 2011, page 77.
[233] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

534. In his press conference on 25 July, Mr Blair was asked a number of questions about the policy on Iraq (see Section 3.3).[234] Asked why the promised dossier laying out the evidence against Saddam Hussein had not appeared, Mr Blair stated that it would be published when he judged it to be the right moment.

Conclusions

535. The ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, had underpinned UK policy towards Iraq since the Gulf Conflict ended in 1991.

536. While the detail of individual JIC Assessments on Iraq varied, this core construct remained in place.

537. Security Council resolutions adopted since 1991, demanded Iraq's disarmament and the re-admission of inspectors, and imposed sanctions in the absence of Iraqi compliance with those – and other – obligations. Agreement to those resolutions indicated that doubts about whether Iraq had disarmed were widely shared.

538. In parallel, by 2000, the wider risk of proliferation was regarded as a major threat. There was heightened concern about:

- **the danger of proliferation, particularly that countries of concern might obtain nuclear weapons and ballistic missiles; and**
- **the potential risk that terrorist groups which were willing to use them might gain access to chemical and biological agents and, possibly, nuclear material, and the means to deliver them.**

539. These concerns were reinforced after 9/11.

540. The view conveyed in JIC Assessments between December 2000 and March 2002 was that, despite the considerable achievements of UNSCOM and the IAEA between 1991 and December 1998, including dismantling Iraq's nuclear programme, the inspectors had been unable to account for some of the ballistic missiles and chemical and biological weapons and material produced by Iraq; and that it had:

- **not totally destroyed all its stockpile of chemical and biological weapons;**
- **retained up to 360 tonnes of chemical agents and precursor chemicals and growth media which would allow it to produce more chemical and biological agents;**

---

[234] The National Archives, *Prime Minister's Press Conference, 25 July 2002*.

- **hidden a small number of long-range Al Hussein ballistic missiles; and**
- **retained the knowledge, documentation and personnel which would allow it to reconstitute its chemical, biological, nuclear and ballistic missile programmes.**

541. The JIC also judged that, since the departure of the weapons inspectors, Iraq:

- **was actively pursuing programmes to extend the range of its existing short-range ballistic missiles beyond the permitted range of 150km;**
- **had begun development of a ballistic missile with a range greater than 1,000km;**
- **was capable of resuming undetected production of "significant quantities" of chemical and biological agents, and in the case of VX might have already done so; and**
- **was pursuing activities that could be linked to a nuclear programme.**

542. Iraq's chemical, biological and ballistic missile programmes were seen as a threat to international peace and security in the Middle East region, but Iraq was viewed as a less serious proliferation threat than other key countries of concern – Iran, Libya and North Korea – which had current nuclear programmes. Iraq's nuclear facilities had been dismantled by the weapons inspectors. The JIC judged that Iraq would be unable to obtain a nuclear weapon while sanctions remained effective.

543. The JIC continued to judge that co-operation between Iraq and Al Qaida was "unlikely", and that there was no "credible evidence of Iraqi transfers of WMD-related technology and expertise to terrorist groups".

544. In mid-February 2002, in preparation for Mr Blair's planned meeting with President Bush in early April 2002, No.10 commissioned the preparation of a paper to inform the public about the dangers of nuclear proliferation and WMD more generally in four key countries of concern, North Korea, Iran, Libya and Iraq.

545. When the preparation of this document became public knowledge, it was perceived to be intended to underpin a decision on military action against Iraq. The content and timing became a sensitive issue.

546. Reflecting the UK position that action was needed to disarm Iraq, Mr Blair and Mr Straw began, from late February 2002, publicly to argue that Iraq was a threat which had to be dealt with; that Iraq needed to disarm or be disarmed in accordance with the obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.

547. The focus on Iraq was not the result of a step change in Iraq's capabilities or intentions.

548. **When he saw the draft paper on WMD countries of concern on 8 March, Mr Straw commented:**

> **"Good, but should not Iraq be first and also have more text? The paper has to show why there is an exceptional threat from Iraq. It does not quite do this yet."**[235]

549. **On 18 March, Mr Straw decided that a paper on Iraq should be issued before one addressing other countries of concern.**

550. **On 22 March, Mr Straw was advised that the evidence would not convince public opinion that there was an imminent threat from Iraq.**

551. **Publication was postponed. No.10 decided that the Cabinet Office Overseas and Defence Secretariat should co-ordinate the production of a "public dossier" on Iraq, and that Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, should "retain the lead role on the timing/form of its release".**

552. **The statements prepared for, and used by, the UK Government in public, from late 2001 onwards, about Iraq's proscribed activities and the potential threat they posed were understandably written in more direct and less nuanced language than the JIC Assessments on which they drew.**

553. **The question is whether, in doing so, they conveyed more certainty and knowledge than was justified, or created tests it would be impossible for Iraq to meet. That is of particular concern in relation to the evidence in this Section on two key issues.**

554. **First, the estimates of the weapons and material related to Iraq's chemical and biological warfare programmes for which UNSCOM had been unable to account were based on extrapolations from UNSCOM records. Officials explicitly advised that it was "inherently difficult to arrive at precise figures". In addition, it was acknowledged that neither UNSCOM nor the UK could be certain about either exactly what had existed or what Iraq had already destroyed.**

555. **The revised estimates announced by Mr Straw on 2 May were increasingly presented in Government statements as the benchmark against which Iraq should be judged.**

556. **Second, the expert MOD examination of issues in late March 2002 exposed the difficulties Iraq would have to overcome before it could acquire a nuclear weapon. That included the difficulty of acquiring suitable fissile material from the "black market".**

---

[235] Minute McDonald to Ricketts, 11 March 2002, 'Iraq'.

557. **In addition, the tendency to refer in public statements only to Iraq's "weapons of mass destruction" without addressing their nature (the type of warhead and whether they were battlefield or strategic weapons systems) or how they might be used (as a last resort against invading military forces or as a weapon of terror to threaten civilian populations in other countries) was likely to have created the impression that Iraq posed a greater threat than the detailed JIC Assessments would have supported.**

558. **The way in which information was presented in the dossier on Iraq published on 24 September 2002 is addressed in Section 4.2.**

SECTION 4.2

IRAQ WMD ASSESSMENTS, JULY TO SEPTEMBER 2002

Contents

Introduction and key findings 115

Late July and August 2002 116
- Mr Blair's meeting, 23 July 2002 116
- "Summer reading" 121
- Reservations about the wisdom of publishing the dossier 124
- Revision of the WMD paper 129
- JIC Assessment, 21 August 2002: 'Iraq: Saddam's Diplomatic and Military Options' 132
- Mr Blair's position at the end of August 2002 134

September 2002 136
- Mr Blair's decision to publish the dossier 136
- The FCO position on the problem posed by Iraq 145
- Mr Campbell's meeting, 5 September 2002 149
- Mr Blair's meeting with President Bush, Camp David, 7 September 2002 154
- JIC Assessment, 9 September 2002 156
- Confirmation of Mr Scarlett's responsibility for producing the dossier 170
- Draft dossier, 10 September 2002 173
  - The view of the JIC 175
  - Other comments on 10 September draft dossier 179
  - Instructions from No.10 182
  - The US perspective 188
- SIS report, 11 September 2002 190
- Draft dossier, 16 September 2002 197
- Draft dossier, 19 September 2002 203
- Preparation of Mr Blair's Foreword 208

The final version of the dossier 215
- Mr Blair's Foreword 218
- Key points in the dossier 219
  - Chemical and biological weapons 220
  - Nuclear weapons 223

Ballistic missiles 225
Funding for the WMD programme 226
Questions about the judgements in the dossier 226
Defence Intelligence Staff concerns 229
Mr Blair's Foreword 245
Threat to the UK national interest 246
Continued production of chemical and biological "weapons" 249
Iraq's efforts to develop nuclear weapons 254
Longer-range missile systems 258
Publication of the dossier, 24 September 2002 260
Cabinet, 23 September 2002 260
Mr Blair's statement to Parliament, 24 September 2002 263
Accuracy of the statement 275
The Butler Review conclusions on the JIC authorship of the dossier 279
Conclusions 280

Introduction and key findings

1. This Section addresses:

- the assessment between late July and late September 2002 of Iraq's capabilities and intentions to develop, produce and use chemical, biological and nuclear weapons and ballistic missiles;
- the production of the Government dossier *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, which was published on 24 September; and
- Mr Blair's statement to the House of Commons that day.

2. A significant number of the documents relevant to the events considered in this Section are already in the public domain, including:

- documents published by the Hutton Inquiry, including the four drafts of the dossier produced in September 2002; and
- documents released in response to FOI requests.

3. The Inquiry has examined most of the original, unredacted, versions of these documents and, in some cases, is adding further information to that already in the public domain. In a small number of cases, however, primarily emails given to the Hutton Inquiry, the Government has been unable to provide copies of the original documents.

4. The roles and responsibilities of the Joint Intelligence Committee (JIC) and the Secret Intelligence Service (SIS) are addressed in Section 2.

5. The development of UK strategy during the period addressed in this Section is addressed in Sections 3.3, 3.4 and 3.5.

6. The military planning for a campaign in which chemical and biological weapons could be used, and in particular the arrangements to provide protection for UK forces, are addressed in Section 6.1 to 6.3.

Key findings

- The urgency and certainty with which the Government stated that Iraq was a threat which had to be dealt with fuelled the demand for publication of the dossier and led to Mr Blair's decision to publish it in September, separate from any decision on the way ahead.
- The dossier was designed to "make the case" and secure Parliamentary and public support for the Government's position that action was urgently required to secure Iraq's disarmament.
- The JIC accepted ownership of the dossier and agreed its content. There is no evidence that intelligence was improperly included in the dossier or that No.10 improperly influenced the text.

- The assessed intelligence had not established beyond doubt either that Saddam Hussein had continued to produce chemical and biological weapons or that efforts to develop nuclear weapons continued. The JIC should have made that clear to Mr Blair.
- In his statement to Parliament on 24 September Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction; and that at some point in the future that threat would become a reality.
- The dossier's description of Iraq's capabilities and intent became part of the baseline against which the UK Government measured Iraq's future statements and actions and the success of weapons inspections.
- The widespread perception that the September 2002 dossier overstated the firmness of the evidence has produced a damaging legacy which may make it more difficult to secure support for Government policy, including military action, where the evidence depends on inferential judgements drawn from intelligence.
- There are lessons which should be implemented in using information from JIC Assessments to underpin policy decisions.

Late July and August 2002

Mr Blair's meeting, 23 July 2002

7. Mr Blair's meeting on Iraq on 23 July did not take firm decisions and he commissioned further advice and background material on the issues.

8. On 23 July, Mr Blair discussed Iraq with Mr Jack Straw (the Foreign Secretary), Mr Geoff Hoon (the Defence Secretary), Lord Goldsmith (Attorney General), Sir Richard Wilson (Cabinet Secretary), Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)), Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Sir Francis Richards (Head of the Government Communications Headquarters (GCHQ)), Mr John Scarlett (Chairman of the JIC), Mr Jonathan Powell (Mr Blair's Chief of Staff), Baroness Morgan (Mr Blair's Director of Political and Government Relations), Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy) and Sir David Manning (Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec)).[1]

9. The meeting and the advice prepared for Mr Blair and other participants are addressed in detail in Section 3.3.

10. The Cabinet Office paper, 'Iraq: Conditions for Military Action', which was prepared to inform the discussion, was based on the assumption that Iraq was in possession of prohibited weapons and material and was not complying with its UN obligations; but

[1] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

it did not address the issue of Iraq's weapons of mass destruction (WMD) capabilities and intentions or the actual threat posed by Iraq's WMD at that stage.[2]

11. Sir Richard Dearlove discussed policy towards Iraq in a meeting with Dr Condoleezza Rice, President Bush's National Security Advisor, in Washington on 19 July.[3]

12. The report of that discussion stated that the US view was:

- There was "growing evidence of the construction of CBW production and links to terrorists [in Iraq] stoking fears of a repeat 9/11 with WMD".
- There was a strong strategic case for removing Saddam Hussein. Continued development of WMD was not in doubt.
- A casus belli already existed.

13. Sir Richard reported that he was told a US "decision [on action] had already been taken – the question was only how and when".

14. Sir Richard also reported that, in a separate discussion with a senior US official, he had been told that the US Administration's intention was to set the threshold on UN weapons inspections so high that Iraq would not be able to hold up US policy.

15. Sir David Manning drew Mr Blair's attention to the report, commenting:

> "Not much doubt here that the Administration is bent on action soon, and convincing itself that it has strong strategic, as well as a historical duty to act.
>
> "Our views on links between Iraq, terrorism and development of WMD are different from Condi's: not proven at best …
>
> …
>
> "C [Sir Richard Dearlove] will be able to give the full picture tomorrow."[4]

16. Mr Powell commented: "Strengthens the need for and urgency of your note to Bush."[5]

17. Sir David Manning gave Mr Blair an Annotated Agenda for the meeting on 23 July, including inviting:

- Mr Scarlett to set the scene with a "very brief summary" of the intelligence on the position inside Iraq; and
- Sir Richard Dearlove to provide a brief account of his recent talks in Washington. He had returned "convinced that the Administration have moved up a gear".[6]

---

[2] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[3] Report, 22 July 2002, 'Iraq [C's account of discussions with Dr Rice]'.
[4] Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.
[5] Manuscript comment Powell to Prime Minister on Minute Manning to Prime Minister, 22 July 2002, 'Iraq'.
[6] Minute Manning to Prime Minister, 22 July 2002, 'Iraq Meeting: 23 July: Annotated Agenda'.

18. Sir David also identified questions Mr Blair might ask, including what sort of battlefield environment was anticipated, and the response to any use of biological weapons (BW) or chemical weapons (CW).

19. The record of the 23 July meeting written by Mr Matthew Rycroft, one of Mr Blair's two Private Secretaries for Foreign Affairs, noted:

- Mr Scarlett summarised the intelligence and latest [4 July] JIC Assessment: "Saddam's regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action." Saddam Hussein was "worried and expected an attack", but he was "not convinced" that an attack would be "immediate or overwhelming". Real support for Saddam Hussein was "probably narrowly based".
- Sir Richard Dearlove reported that there was "a perceptible shift in attitude" in Washington: "Military action was now seen as inevitable." President Bush "wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC [National Security Council] had no patience with the UN route and no enthusiasm for publishing material on the Iraqi regime's record."[7]

20. Mr Rycroft recorded that the meeting concluded that the UK "should work on the assumption that the UK would take part in any military action". Mr Blair also asked for further advice on a number of issues, including that Mr Scarlett would send Mr Blair a full intelligence update.

21. In a separate record circulated more widely in Whitehall, Mr Rycroft wrote that it had been suggested that Mr Scarlett provide a weekly update, on Friday mornings for Mr Blair's weekend box.[8]

22. In his account of the meeting in his diaries, Mr Campbell wrote, in relation to the points made on WMD, that:

- Mr Straw had "said of the four powers posing a potential threat with WMD … Iraq would be fourth. He [Saddam Hussein] does not have nukes, he has some offensive WMD capability. The tough question is whether this is just regime change or is the issue WMD."
- Mr Blair "said he needed to be convinced first of the workability of the military plan, and second of an equally workable political strategy. Jack [Straw] said we could probably get the votes for a UN ultimatum, but the Americans may not want to go down that route. TB saw regime change as the route to dealing with WMD."[9]

---

[7] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[8] Letter Rycroft to McDonald, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July: Follow Up'.
[9] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

23. In his memoir, Mr Straw wrote that he:

> "… ran through the four countries that posed a potential threat to world peace because of their unauthorised and highly dangerous weapons systems – North Korea, Iran, Libya, and Iraq. I thought it important to raise the issue as to whether we should contemplate not joining the US in any American military effort against Iraq. I was concerned that the case against Iraq (why did it merit the most severe action? what differentiated it from the other three?) had not at that stage been made: and also about the potential consequences for Tony's leadership, and the survival of his government."[10]

24. Sir Richard told the Inquiry that he had had "quite contentious and difficult conversations". He had returned from Washington "deeply concerned that there was momentum in parts of [US] Administration", and he had warned Mr Blair about that momentum.[11] In relation to his "alleged comment" about the intelligence being fixed around the policy, Sir Richard told the Inquiry that was really a reference to the attempts "to join up terrorism and Iraq" with which he "radically disagreed".

25. Sir Richard Dearlove's report of his meetings in Washington and the comment that "the intelligence and facts were being fixed around the policy" are addressed in more detail in Section 3.3.

26. Sir David Manning asked Mr Scarlett for advice on a number of issues, including a review of Saddam Hussein's military capabilities and intentions.

27. It is not clear what was said about Iraq's WMD in Mr Blair's meeting on 23 July, but the following day Sir David Manning explained to Mr Blair his concern that:

> "… we (and I suspect the Americans) have only a hazy idea of Saddam's retaliatory capabilities if and when we attack Iraq. CDS [Adm Boyce] was unable to say whether we would expect to fight in a CBW [chemical and biological warfare] environment. The answer has a crucial bearing on the plausibility and viability of US military plans."[12]

28. Sir David wrote that he had "therefore, asked John Scarlett to review all the intelligence on Saddam's military capabilities and intentions, including:

- What military equipment do we think Saddam possesses, and in what state of readiness?
- In particular, does he [Saddam Hussein] have chemical and biological agents; and if so, can he weaponise them?
- If he can weaponise them, do we believe he can deliver them by missile or aircraft?"

---

[10] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[11] Private hearing, 16 June 2010, pages 34-35.
[12] Minute Manning to Prime Minister, 24 July 2002, 'Iraq'.

29. Sir David pointed out that Iraq had not used chemical or biological agents during the 1991 Gulf Conflict, but he was unsure whether that was because Iraq did not have the capability or for other reasons. He was:

> "… anyway left very uneasy by Mike Boyce's suggestion that the Americans believe that Saddam would only use CBW as a last resort. If this is the American assessment, it strikes me as alarmingly complacent. Saddam will know that once the US launches an attack, the game is up. From his point of view, it will be last resort time from the moment the first Marines hit the beach. And with all the wisdom of the armchair strategist, it seems to me that the temptation to let fly at the Kuwait bottleneck, with everything in his armoury, could be very strong indeed."

30. Mr Scarlett was also asked to "do more work on regime cohesion" in the light of what Sir David described as "a risk of American wishful thinking".

31. Mr Scarlett subsequently provided a list of points on Iraq, to which he believed answers were needed, for Sir David Manning to use during his visit to Washington (see Section 3.3).[13] The points on Iraq's WMD were:

"
- Iraq's CBW and ballistic missile capability …
- Saddam's 'red lines' which would provoke him to use CBW against Coalition Forces or his neighbours.
- What would be the Israeli response to an Iraqi CBW attack?"

32. A JIC Assessment addressing Sir David Manning's questions about Iraq's military capabilities was produced on 9 September. That is addressed later in this Section.

33. On 29 July, Sir David Manning delivered to Dr Rice a Note from Mr Blair to President Bush.

34. Mr Blair sent President Bush a "Note on Iraq" dated 28 July which was intended to influence President Bush's thinking on Iraq.[14] The Note and the subsequent discussions between Sir David Manning and senior members of the US Administration, including President Bush, and Mr Blair's own discussion with President Bush, are addressed in Section 3.3.

35. Mr Blair's Note included six elements for "A Strategy for Achieving a Coalition".

---

[13] Minute Scarlett to Manning, 26 July 2002, 'Iraq: We do not know enough about …'.
[14] Note Blair [to Bush], 28 July 2002, 'Note on Iraq'.

36. One of the elements was the need to explain why action to disarm Iraq was necessary. In a paragraph on "**The Evidence**", Mr Blair wrote that he had been told that the US thought evidence was unnecessary but his view was "we still need to make the case". He suggested:

> "If we recapitulate all the WMD evidence; add his [Saddam Hussein's] attempts to secure nuclear capability; and, as seems possible, add on the Al Qaida link, it will be hugely persuasive over here. Plus … the abhorrent nature of the regime. It could be done simultaneously with the deadline."

37. In a final section addressing "**The Military Plan**", Mr Blair wrote that he had been advised that there was a "risk of CW being used" if a military attack was launched which did not result in the rapid collapse of the Iraqi regime.

38. Sir David Manning had a "pre-meeting" with Mr Richard Armitage, the US Deputy Secretary of State.[15]

39. Sir David told the Inquiry that he had raised a number of detailed points with Mr Armitage:

> "… Why now? What if Saddam Hussein were to use weapons of mass destruction during a military campaign? What would follow military action? What role … would the United States see the United Nations playing, and what was the United States planning to do about the Middle East Peace Process [MEPP]?"[16]

40. Sir David said that he had told Mr Armitage that he "didn't think we had answers to those questions". Mr Armitage had replied that he thought they needed a lot more work and that: "It was better to be right than to hurry."

"Summer reading"

41. In response to a request from Mr Powell, Mr Scarlett sent Mr Blair "classified reading material on Iraq" including two documents produced by the Defence Intelligence Staff (DIS) on proliferation of weapons of mass destruction and Iraq:[17]

- 'Proliferation Study of Iraq', providing an in-depth study of each of Iraq's programmes to develop weapons of mass destruction, produced in August 2002; and
- an 'aide memoire on Weapons of Mass Destruction and Proliferation', including Iraq, produced in June 2002.

---

[15] Public hearing, 30 November 2009, page 16.
[16] Public hearing, 30 November 2009, pages 16-17.
[17] Minute Scarlett to Powell, 1 August 2002, 'Iraq: Classified Reading Material'.

42. The first was a document of almost 500 pages, "designed to provide a comprehensive reference and briefing document" for use by government departments, providing details of:

- Iraq's nuclear, chemical and biological programmes and their potential means of delivery, particularly ballistic missiles;
- procurement mechanisms in recent times;
- the critical goods which Iraq would require for WMD-related programmes;
- goods and technologies which Iraq was actively seeking;
- developments in indigenous military production; and
- Iraq's conventional arms purchases.[18]

43. The document replaced a version produced in 1996.

44. A one-page summary of key judgements was provided, including:

- The location and condition of the concealed Al Hussein missiles was "unknown", but there was "sufficient engineering expertise to make them operational".
- Iraq had "begun development" of ballistic missiles with a range of more than 1,000km, but it would "not be able to produce such a missile before 2007 provided sanctions remain effective".
- Iraq was "continuing to carry out research into nuclear weapons development at a theoretical level" and intelligence indicated that it might have recalled its nuclear scientists from civilian work in 1998.
- Iraq might "be trying to develop centrifuge enrichment of uranium", but that was "likely to produce significant, if not insurmountable problems".
- "Some clandestine procurement has been attempted abroad using foreign front companies. Many 'dual-use' items such as machine tools and electrical equipment have been acquired which would be available for the nuclear programme."
- It was assessed that Iraq had "no intention of restoring its CW agent production to pre-Gulf Conflict levels" but it "could begin the production of mustard gas on a significant scale at any time and the nerve agents sarin and VX within weeks".
- It was assessed that Iraq was "continuing to conceal the full extent of its BW programme in order to preserve a limited offensive capability and that it could revive its BW programme within a matter of weeks without much difficulty or outside assistance".
- Iraq's CBW production capability had "been dispersed to survive a military attack and UN inspections".

[18] Paper Defence Intelligence Analysis Staff, August 2002, 'Proliferation Study: Iraq'.

45. The second document addressed several countries of concern.[19] A two-page Annex provided comments on Iraq.

46. On Iraq's nuclear weapons, the DIS stated that the intelligence on Iraq's nuclear weapons programme was "limited". Saddam Hussein had held regular meetings with Iraqi Atomic Energy personnel and expressed continuing support of atomic energy. There was:

> "No confirmed weapon-related facilities have been identified but some civil research continues at Tuwaitha and rebuilding of Military Industrial Complex facilities continues. Many scientists from the former nuclear weapons programme are known to work at … al-Tahidi and may conduct nuclear-associated research. Any links to a weapons programme have yet to be established."

47. On Iraq's ballistic missiles systems, the DIS set out Iraq's activities to develop short range systems. On long-range missiles, it stated that Intelligence indicated Iraq had:

- a longer-range SCUD-derived missile "under development". That was "probably linked to the construction of a new large liquid propellant rocket engine static test stand";
- continued work on longer-range systems but it was "unlikely to produce such new systems within five years if sanctions remained effective"; and
- "reported ambitions for missiles with ranges of 2,000 to 3,00km".

48. In addition, the DIS had "recently noted a world-wide drive to acquire production-level quantities of materials for making solid rocket motors and a continued emphasis on guidance and control technology".

49. On Iraq's chemical and biological programmes the DIS stated:

- There had been "some refurbishment" of the former CW precursor production facility near Habbaniyah, but "this could not support large-scale CW agent production".
- The possibility existed that Iraq had "a series of transportable production facilities, although none have yet been identified, possibly as a result of denial and deception".
- Iraq had "the necessary command and control structure necessary to deliver CBW weapons". There were "no specifics on preferred delivery options" but they could, in the future, include the L-29 Unmanned Aerial Vehicle (UAV).

50. It is clear from the documents on the No.10 files that Mr Blair read the papers.

---

[19] Paper Defence Intelligence Analysis Staff, June 2002, 'aide memoire on Weapons of Mass Destruction and Proliferation'.

51. When No.10 asked for reading material for Mr Gordon Brown, the Chancellor of the Exchequer in September 2002, Mr Scarlett provided the same documents.[20]

Reservations about the wisdom of publishing the dossier

52. As set out in Section 4.1, Mr Tom McKane, Deputy Head of OD Sec, was asked in March 2002 to chair an inter-departmental group to take forward work on the substance of a paper for publication on Iraq.[21] Mr Campbell was to retain the lead role on the form of the document and timing of its publication.

53. Mr McKane sent the latest versions of the "three Iraq public documents: on WMD, Weapons Inspections and Abuse of Human Rights" to Sir David Manning on 21 June, asking whether the three documents should be treated as a package or the WMD paper should be published separately.[22] Mr Scarlett's preference was for the latter, but most officials in the inter-departmental group thought the papers should be published together.

54. Mr McKane also produced a draft Foreword "which could be issued in the name of Mr Straw or jointly by him, Mr Hoon and Ms Short [the International Development Secretary]".

55. On 16 July, Sir David Manning, Mr Powell and Mr Campbell agreed that publication of the three papers on Iraq should be put on hold.[23]

56. The Cabinet Office paper of 19 July recommended that Ministers should:

> "Agree to the establishment of an ad hoc group of officials under Cabinet Office chairmanship to consider the development of an information campaign to be agreed with the US."[24]

57. There was no mention of that issue in the record of Mr Blair's meeting on 23 July.[25]

58. Mr McKane told the Inquiry that the proposal had come from the MOD and that he had seen it as related to, but separate from, the production of the dossier.[26] The dossier seemed to him to be:

> "… about putting the fact[s] before the British public in a way that would explain why this [Iraq] was a problem and a problem that had to be dealt with.
>
> "So … it might have formed an element of a broader information campaign."

---

[20] Minute Scarlett to Rycroft, 5 September 2002, 'Iraq: Classified Reading Material'.
[21] Manuscript note Rycroft to McKane, 25 March 2002, on Minute Ricketts to Patey, 22 March 2002, 'Iraq: Preparing Material for Public Release'.
[22] Minute McKane to Manning, 21 June 2002, 'Iraq: Public Documents'.
[23] Minute Manning to McKane, 16 July 2002, 'Iraq: Public Documents'.
[24] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[25] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[26] Public hearing, 19 January 2011, pages 79-80.

59. On 5 August, Mr Peter Watkins, Mr Hoon's Principal Private Secretary, wrote to Sir David Manning suggesting that there was "a need to bolster our public lines on Iraq for the summer while not changing our fundamental posture that no decision has been taken on military action".[27]

60. Mr Watkins wrote that the Government was "likely to face a long hot summer of media speculation about the possibility of military action". He suggested strengthening the presentation of existing lines and reinforcing them with recent quotes from Mr Blair and others "about the WMD threat posed by Saddam Hussein". MOD and FCO officials were working on that but careful drafting would be required "to avoid foreshadowing the document now under consideration in the Cabinet Office". He added:

> "The aim would be to reinforce the message that the threat is real, without suggesting that we have determined any particular policy to counter it."

61. Mr Watkins suggested there was a need for "some closely held inter-departmental thinking on a contingent information strategy in support of any decision to take military action against Iraq".

62. Sir David Manning was not persuaded that action was needed immediately and asked Ms Anna Wechsberg, one of Mr Blair's two Private Secretaries for Foreign Affairs, to follow up.[28]

63. Sir David also sent a copy of the minute and his comments to Mr Scarlett.

64. Ms Wechsberg spoke to Mr Hoon's Private Office to say that No.10 was "not enthusiastic" about the proposals. It was agreed that, unless the MOD identified "other arguments for proceeding, the idea will be dropped for now".[29]

65. In a minute on 8 August, reporting developments while Mr McKane had been on leave, Mr Jim Drummond, Assistant Head OD Sec (Foreign Policy), wrote that, in the context of the public debate on Iraq "raging on in the press", Sir David Manning had "been very clear that he wants no action taken on the release of the dossier or any private briefing of those engaging in the debate".[30]

66. Mr Drummond also reported that Mr John Williams, FCO Press Secretary (formerly Head of FCO News Department), had told Mr Straw that "releasing the dossier would be a bad idea because it has insufficient evidence to convince public opinion".

---

[27] Letter Watkins to Manning, 5 August 2002, 'Iraq: Public Posture and Information Strategy'.
[28] Manuscript comment Manning to Wechsberg, 6 August 2002, on Letter Watkins to Manning, 5 August 2002, 'Iraq: Public Posture and Information Strategy'.
[29] Manuscript comment Wechsberg, 7 August 2002, on Letter Watkins to Manning, 5 August 2002, 'Iraq: Public Posture and Information Strategy'.
[30] Minute Drummond to McKane, 8 August 2002, 'Iraq'.

67. Mr McKane had an interdepartmental meeting planned for 19 August. Mr Drummond suggested that if it went ahead, it might be "small and informal to consider the options for a press campaign if/when Ministers take political decisions about Iraq".

68. Mr Williams had written a minute on 2 August which prompted Mr Edward Chaplin, FCO Director Middle East and North Africa, to write to Mr Andrew Patrick, FCO Head of Newsroom, that: "Although the dossier includes some good material, it presents little new evidence of Iraq's WMD to justify a move away from our policy of containment/ deterrence."[31] He had discussed the issue with SIS who took "the same view".

69. Mr Chaplin suggested that special briefings for key foreign leaders would be needed "in addition to any dossier", to "convince them that the Iraqi WMD threat was real, drawing on intelligence material more freely than would be possible in a public document".

70. That might be extended to:

> "… a selection of opinion-formers in the UK … In private briefings one could be much more explicit about the threat, using recent JIC Assessments (SIS have suggested that this could be done without undue threat to sources), plus a political briefing and, perhaps, a description of the damage which a relatively small quantity of WMD could inflict in urban areas of Britain."

71. Mr Chaplin also reported that another senior FCO official had pointed out the risk of "binning the dossier, given that it has already been so heavily trailed", and suggested a briefing note could still be published "nearer the time of military action" along the lines of a document on the "sins of Saddam" produced in 1998.

72. Mr Chaplin suggested the message would be that:

> "… there is still a serious potential threat to UK national security; action has to be taken; the problem could still be resolved peacefully; but if Iraq pursues this route, military action as a last resort is right."

73. Mr Chaplin concluded that, if Mr Patrick and Mr Williams thought his proposals were "a runner", the idea could be developed with the Cabinet Office and others and submitted to Ministers "after the holiday season".

74. Mr Chaplin's minute was sent to the Private Offices of Mr Straw and Mr Mike O'Brien, Minister of State for Foreign and Commonwealth Affairs, and to Sir Michael Jay, FCO Permanent Under Secretary (PUS), and other senior officials.

---

[31] Minute Chaplin to Patrick, 9 August 2002, 'Iraq'.

75. In his statement to the Inquiry, Mr Williams wrote that he had been "instinctively against the idea of a dossier" which seemed to him:

> "… to rest on uncertainties, as by definition we did not know what Iraq had done with weapons and materials which it had been told by the UN to account for, but hadn't. That is not to say I questioned the general concern about Iraq, only that I had a feeling we would be in difficulty if we were asked for evidence of things that were inherently unknown to the international community."[32]

76. Mr Williams added that he:

> "… had no inkling that Iraq may no longer possess such weapons, only an anxiety that we could not know the extent of weaponry which the UN was unable to inspect or verify."

77. Mr Williams also wrote that his recollection was that "there was never a voice raised" in Mr Straw's presence, "or in the flow of paper … that ever raised doubts that Iraq still possessed weapons of mass destruction".[33]

78. Mr Williams stated that he had done nothing about his concerns until August 2002, when he "vividly" recalled that he felt "he had to do something", and he wrote a note asking Mr Straw, when he returned from holiday, to try to persuade Mr Blair "to forget about a dossier".[34] He had argued that the Government should not take it upon itself to prove what the inspectors had not been able to prove. The note was overtaken by Mr Blair's announcement at Sedgefield, which is addressed later in the Section, and Mr Williams did not receive a response.

79. The Government has been unable to find either Mr Williams' minute of 2 August or any subsequent minute to Mr Straw in August 2002. Mr Williams' minute of 4 September is addressed late in this Section.

80. During an unpublicised visit to the US on 20 August, Mr Straw informed Mr Colin Powell, US Secretary of State, that:

- **Mr Blair had been irritated to find himself in the position, where the US and UK had been "outed" before they had been able to make the case with the public for action against Iraq.**
- **The UK's draft dossier on Iraq did not in his view lead inexorably to the conclusion that military action was the only way to deal with Saddam Hussein.**
- **A better case for action could be made.**

---

[32] Statement, December 2010, paragraph 7.
[33] Statement, December 2010, paragraph 10.
[34] Statement, December 2010, paragraphs 13-14.

81. When Mr Straw and Secretary Powell met on 20 August, they discussed Mr Blair's Note to President Bush of 28 July and its impact on thinking in the US.[35]

82. In relation to Iraq's weapons of mass destruction, Secretary Powell told Mr Straw that dossiers on the "case for action" were being prepared:

> "True believers would see a smoking gun no matter what. But most of the stuff Iraq was importing was dual-use. It was not clear that the situation was any more serious this year than last."

83. Mr Straw handed over a copy of the UK's draft dossier:

> "Although it made clear that Saddam was a very bad man, the contents did not lead inexorably to the conclusion that the only way to deal with him was by military action."

84. Mr Straw told Secretary Powell that he had discussed the position with Mr Blair the previous day. Mr Blair was concerned and had:

> "… asked him to stress that the problem was that we had been 'outed' long before we had been able to make the case with the public for action …"

85. Addressing the "public case", Mr Straw said that the UK dossier:

> "… needed a compelling last chapter. We could make a better case than the one we had made so far. Traditional Cold War-style containment did not work for WMD. Rogue states did not have as much at stake as the Soviet bloc."

86. On 19 August, Mr McKane chaired a "restricted" inter-departmental meeting on an information strategy on Iraq.[36]

87. The MOD had provided an outline of the shape an information strategy might take, with the objectives of attaining "domestic acquiescence" and regional and international support.

88. The meeting also discussed the forthcoming International Institute of Strategic Studies (IISS) report (on Iraq's WMD). It was perceived as "useful", but the UK should "resist any calls" to publish the dossier, "which would be seen by the media as a positive indication of UK preparations for a military operation against Iraq".

89. In conclusion, Mr McKane:

> "… re-iterated the sensitive nature of the meeting. It was important that no work was taken forward in the absence of a policy decision, and that no action was taken that might be misconstrued by the media as an indication of the UK's policy decision."

---

[35] Letter McDonald to Manning, 21 August 2002, 'Foreign Secretary's Visit to the US, 20 August 2002'.
[36] Minute [Cabinet Office junior official] to McKane, 21 August 2002, 'Information Strategy – Iraq'.

90. It is not clear who attended the meeting as the record was not sent to participants.

91. Mr McKane described the meeting to the Inquiry as a "throat clearing exercise".[37]

92. Reporting on a meeting on 22 August to update Sir David Manning on developments concerning Iraq, Mr Tom Dodd, a junior official in OD Sec, wrote that the IISS would be publishing "an academic dossier" on Iraqi WMD on 9 September:

> "Officials have considered whether we should publish our own dossier in advance or shortly afterwards. However they feel that the HMG dossier should only be published in the context of Ministerial decisions on a policy change towards Iraq and as part of a fully-fledged media campaign."[38]

Revision of the WMD paper

93. Mr Scarlett had been working on the WMD paper in the dossier during August.

94. On 8 and 9 August, there was an email exchange between the Assessments Staff and the MOD about whether there was evidence available on Iraq's ballistic missile work outside the activities permitted by the UN:

- The MOD was asked if it could provide two to three "examples of ballistic missile related sites" which were relevant to the claim that Iraq was breaking the limit of 150km range permitted by the UN.[39] Mr Scarlett was "keen" to include them in the dossier. The MOD was also asked for "an explanation of the shed going up at al-Rafah", which Mr Scarlett also wanted to mention.
- The MOD replied that it was not sure what it could provide but it would "see what we can do".[40]
- In a subsequent email, the MOD stated that al-Rafah was a known engine test site, which had been bombed in 1991 and December 1998.[41] It was "no surprise" that Iraq was putting "a lid on the new stand to prevent imagery observation of test objects – the implication being that the stand is nearing completion and/or there will be something to test on it".
- The MOD also commented: "You will recall that … we said that … points about buildings being reconstructed … rely on inference and comparisons with what they were trying to do before the Gulf War with BADR-2000. A big assembly building does not automatically make large missiles … If the Chairman wants

---

[37] Public hearing, 19 January 2011, page 79.
[38] Minute Dodd to Manning, 23 August 2002, 'Iraq'.
[39] Email [1525] [Assessments Staff junior official] to [MOD junior official], 8 August 2002, 'Dossier – missile sites'.
[40] Email [1646] [MOD junior official] to [Assessments Staff junior official], 8 August 2002, 'Re: Dossier – missile sites'.
[41] Email [1815] [MOD junior official] to [Assessments Staff junior official], 8 August 2002, 'Re: Dossier – missile sites'.

to make the UK paper into a smaller clone of […] … I would tend towards relying on quality …"

- The MOD suggested "Further to your request to make the public paper more exciting", text describing facilities which had "potential applicable to production of the prohibited long-range missile that Iraq is known to be developing", and a reference to "concerted efforts to acquire additional manufacturing technology for its missile programmes" with some items "inevitably" slipping through the embargo.[42]

95. On 19 August, Ms Jane Hamilton-Eddy, one of the Deputy Heads of the Assessments Staff, sent a further draft of the dossier to the DIS. She wrote that Mr Scarlett had recently reviewed the document, and made changes. The presentation of the CBW sections had been revised "to bring out more clearly our judgements" although the text itself was "not new".[43] Mr Scarlett was also:

> "… particularly keen to include examples of suspicious facilities, so can I ask that we look closely at the relevant areas to see if anything more can be said."

96. Ms Hamilton-Eddy added that the aim was to have the revised document ready "by the end of the summer break".

97. While the revised draft largely contained the same material as the draft sent to Sir David Manning by Mr McKane on 21 June (see Section 4.1), there were a small number of additions.[44] Those included:

- In relation to the material for which the inspectors had been unable to account, Iraq's "declarations to UNSCOM [UN Special Commission] deliberately obscure the picture".
- "Iraq's military forces maintain the capability to use these weapons, with command, control and logistical arrangements in place."
- "Facilities of concern include the Castor Oil Production Plant at Habbinayah, which could be used in the production of ricin … and the Al-Dawrah Foot and Mouth Disease Vaccine Plant, which was involved in BW agent production before the Gulf War."
- Details of the possible delivery means for chemical and biological agents.
- "Following the expulsion of weapons inspectors in 1998 Iraq has increased [covert efforts to acquire technology and materials with nuclear applications]. There is compelling evidence that Iraq has sought the supply of significant quantities of uranium from Africa."

---

[42] Email [1806] [MOD junior official] to [Assessments Staff junior official], 9 August 2002, 'Re: Dossier – missile sites'.
[43] Minute Hamilton-Eddy to [DIS junior official], 19 August 2002, 'Iraq Public Dossier'.
[44] Minute [DIS junior official] to [DIS junior official], 30 August 2002 attaching 'Iraq Public Dossier' Paper [Cabinet Office], [undated], 'Iraqi WMD Programmes'.

- A box on the gas centrifuge uranium enrichment process which described “Many hundreds or thousands of centrifuges …”
- “Iraq admitted to UNSCOM it had 50 chemical and 25 biological warheads [in 1991] but did not use them.”
- Iraq had retained “up to 20”, Al Hussein missiles, rather than “more than a dozen”.
- The new facilities at al-Rafah “would not be needed for systems that fall within the UN permitted range of 150km. The Iraqis have recently taken measures to conceal activities at this site.”
- “Some aspects of this [the new missile-related infrastructure under construction], including rocket propellant mixing and casting facilities at the Al Mamoun Plant, appear to replicate those linked to the prohibited BADR-2000 programme that were destroyed in the Gulf War or by UNSCOM.”

98. The DIS responded on 30 August, stating:

- The UK did not “know where CBW work was being conducted – by its nature it can be conducted in small facilities or labs … Even if only a few litres of agent a day had been manufactured in the 1,200 or so days since UNSCOM left, a considerable stockpile could have been built up.”
- Iraq had a capability to produce biological “agents” as well as weapons.
- Iraq had repeatedly claimed that the agents in “unaccounted for CW weapons would have deteriorated sufficiently to render the weapons harmless. But this was found not to be the case by UNSCOM when they examined Iraqi weapons, many years after they and [sic] been filled (in fact the inclusion of stabilisers in the nerve agent would prevent decomposition).”
- Iraq had admitted that it had 75 chemical warheads for SCUD type missiles.
- It had “nothing else to offer” on Iraq’s ballistic missile programmes.
- Iraq had started to take journalists to facilities to “demonstrate that they are benign”.
- Dr Hans Blix, the Executive Chairman of UNMOVIC, had recently stated that there were “some 700 sites” in Iraq the inspectors would like to visit. None were “proven WMD sites” and if specific facilities were mentioned in a public dossier, there was a risk Iraq would target those facilities for visits by journalists “in an attempt to undermine the impact of the dossier”.[45]

[45] Minute [DIS junior official] to [DIS junior official], 30 August 2002, ‘Iraq Public Dossier’.

JIC Assessment, 21 August 2002: 'Iraq: Saddam's Diplomatic and Military Options'

99. A JIC Assessment of 21 August concluded that in a conflict Saddam Hussein would order missile strikes and the use of CBW against Coalition Forces, supporting regional states and Israel.

100. The JIC had little intelligence on Iraq's CBW and little insight into how it would fight. Its conclusions reflected the Committee's own judgements.

101. In relation to Saddam Hussein's intentions to use CBW and missile strikes, the sense of certainty that Iraq had chemical and biological weapons and that it would use them in the Key Judgements reflected a wider judgement than could have been derived from the information in the Assessment itself.

102. At the request of the MOD, the JIC issued an Assessment on 21 August considering "what diplomatic options Saddam has to deter, avert or limit the scope of a US-led attack".[46] The judgements on these issues are set out in Section 3.4.

103. In addition, the Assessment considered Saddam Hussein's "military options for facing a US-led attack" and how his analysis about each course of action might "change as an attack becomes increasingly imminent". It examined Iraq's options for the short term, whether Saddam Hussein might seize the initiative, how Iraq might respond to a US military build-up, Saddam's options in "war" – including the use of missiles and WMD, and "alternative scenarios and at the death".

104. Iraq's options for the use of weapons of mass destruction were considered "only briefly" as the JIC would assess those in early September, but the JIC offered two Key Judgements:

- "Early on in any conflict, Saddam would order missile attacks on Israel, Coalition Forces and regional states providing the US with bases."
- "Saddam would order the use of CBW against Coalition Forces at some point, probably after a Coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against Coalition Forces, supporting regional states and Israel."

105. The Assessment stated that "Saddam would probably order missile attacks" and the JIC judged that attacks on Israel would be "an attempt to attract Israeli retaliation and thus widen the war, split the Coalition and arouse popular opinion in the Arab States". Missiles "could be armed with chemical or biological warfare (CBW) agents", although "Saddam might be deterred at least initially by the threat of Israeli nuclear retaliation."

---

[46] JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.

106. The Assessment also stated:

- Iraq had a "limited number of long-range missiles … available"; the JIC assessed "12-20 650km range Al Hussein missiles".
- Iraq had produced more than 50 Al Samoud missiles with a range of 150km.
- Attacks on Coalition Forces in Kuwait would require Iraq to deploy short-range missiles into the "No Drive Zone [south of the 32nd parallel – imposed in resolution 949 (1994)]".
- A pre-emptive missile attack on Israel was "less likely because it would show Iraq had been lying about its retention of long-range missiles".

107. Although it had "little intelligence on Iraq's CBW doctrine" and knew "little about Iraq's CBW work since late 1998", the JIC judged it "likely that Saddam would order the use of CBW against Coalition Forces at some point, probably after Coalition attacks had begun". Iraqi CBW use "would become increasingly likely the closer Coalition Forces came to Baghdad. Military targets might include troop concentrations or important fixed targets in rear areas such as ports and airfields."

108. Addressing the possibility of "Alternative scenarios and at the death" the Assessment also stated:

- Saddam Hussein "might pursue an extreme course of action at an earlier stage" if he judged it to be "worth the risk of providing the US with overt justification to attack".
- Unorthodox options might include "the early or pre-emptive use of **CBW**"; "**CBW terrorism**: although Saddam probably lacks the capability to deploy a sophisticated device, he could cause widespread panic".
- "Should he feel his fate is sealed, Saddam's judgement might change to 'bring the temple down' on his enemies no matter what the cost". At that stage, "Saddam would order the unrestrained use of CBW against Coalition Forces, supporting regional states and Israel, although he would face practical problems of command and control, the loyalty of his commanders, logistics problems and the availability of chemical and biological agents in sufficient quantities to be effective and the means to deliver them."

109. The *Review of Intelligence on Weapons of Mass Destruction,* the Butler Report, stated:

> "The Key Judgements … would rightly have been prepared on a precautionary basis. Perhaps for that reason, we have observed that when set against the intelligence on Iraqi programmes contained in advice to Ministers in March [2002], the JIC assessment reflected more firmly the premise that Iraq had chemical and biological weapons and would use them in war. Underpinning this must have been

a presumption that, if Iraq did not have stocks of these weapons, it would quickly produce agent, weaponise it and deploy weapons to units …"[47]

110. The Butler Report also stated:

"We were told that the JIC's conclusions were based in part on one human intelligence report from one source, but mainly on the JIC's own judgements. They thus represent an insight into the views of JIC members of Iraq's chemical and biological weapons capabilities at that time."[48]

111. Mr Julian Miller, Chief of the Assessments Staff from September 2001 to November 2003, told the Inquiry that the Assessment had:

"… picked up a report from an established source which referred to the intention to use weapons. I think it didn't distinguish between chemical and biological. It implied both were intended to be used. […]"[49]

Dr Blix's interview, 25 August 2002

Dr Hans Blix, Executive Chairman of UNMOVIC, gave an interview on NBC's *Meet the Press* programme on 25 August.[50]

Asked whether Iraq possessed biological, chemical or nuclear weapons, Dr Blix responded that there were "many open questions" but the inspectors did not have proof that Iraq had weapons of mass destruction.

Dr Blix also pointed out that "an absence of evidence is not the evidence of absence".

Other points made by Dr Blix are set out in Section 3.4.

Mr Blair's position at the end of August 2002

112. In August, debate in the US about whether military action would be taken against Iraq intensified.

113. The events and debate within the UK Government before Mr Blair's press conference in Sedgefield on 3 September are addressed in Section 3.4.

114. On 26 August, in a major speech to a National Conference of the Veterans of Foreign Wars on the threat from terrorism, the US Vice President, Mr Dick Cheney, stated that Saddam Hussein had "made a science out of deceiving the international

---

[47] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 292.
[48] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 293.
[49] Private hearing, 5 May 2010, page 11.
[50] *NBC,* 25 August 2002, *Meet the Press.*

community".[51] The "Iraqi regime has in fact been very busy enhancing its capabilities in the field of chemical and biological weapons" and that "we now know that Saddam has resumed his efforts to acquire nuclear weapons … Many of us are convinced that Saddam will acquire nuclear weapons fairly soon."

115. Vice President Cheney added that there was "no doubt" that Saddam Hussein had weapons of mass destruction and was "amassing them to use against our friends, against our allies, and against us".

116. In a telephone call on 29 August, Mr Blair and President Bush discussed Iraq, including the need to make clear that Iraq was the UN's problem and that the issue was total disarmament of Iraq's WMD and associated systems not just the reintroduction of inspectors.[52] Mr Blair:

> "… wanted the UN to meet that challenge, but if it could not we would have to act. So we should remake the case, put together the evidence against Saddam, and work up a UNSCR [UN Security Council resolution] …"

117. When Mr Blair returned to No.10 after his holiday, he set out his concerns about the public debate, and that he and President Bush had been "outed" as having decided on military action when no decisions had been taken.

118. As part of a wider note to No.10 officials on 30 August about the strategy on Iraq, Mr Blair set out his position:

> "I don't need any convincing as to where we are on this. The state of opinion, the difficulties. The problems are compounded by the fact that [President] Bush and myself have been 'outed' as having decided for war, come what may, when actually no decisions have been taken. So the arguments are all being made against any action, when we are not yet in a position to make the arguments for it. But all this can be turned round in time, with the right strategy.
>
> "My basic view on Iraq is clear and hard. The policy of containment … has worked up to a point, but can't continue indefinitely; there is no doubt that, uncontained, Iraq is a threat; they are trying to acquire nuclear weapons capability; they are developing ballistic missile capability for biological and chemical weapons of a longer-range; they retain substantial WMD stocks …
>
> "Opinion against action divides into two: those always opposed and the usual anti-American lobby; and those, a large number, who ask entirely sensible questions, but who might support action if the questions were answered."[53]

---

[51] The White House, 26 August 2002, *Vice President Speaks at VFW [Veterans of Foreign Wars] 103rd National Convention*.
[52] Letter Rycroft to McDonald, 29 August 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 29 August'.
[53] Note Blair [to No.10 officials], 30 August 2002, [extract 'Iraq'].

119. Mr Blair stated: "The basic strategy should be to answer these questions and, in doing so, set … Iraq in a bigger context." The steps to do that included:

- raising the whole issue of WMD up the agenda with a separate strategy for each country developing WMD, "in particular [those] acquiring nuclear technology in secret"; and
- setting out the "unique danger posed by Iraq … an inherently violent and unstable regime, with a track record of external aggression, unmitigated by any moderate elements unlike other WMD countries".

September 2002

Mr Blair's decision to publish the dossier

120. On 2 September, Mr Campbell wrote to Sir David Manning, Mr Powell and Mr Rycroft, saying that Mr Blair was "alarmed, and angry, at the way parts of our thinking and planning on Iraq are seeping into the media in an uncoordinated and undisciplined way".[54] "Above all", Mr Blair was "concerned what the US Administration must think". Mr Blair intended to use his press conference the following day (in his Sedgefield constituency) to make the general position clear and "give people a public script".

121. The FCO advice to Mr Blair before the press conference in Sedgefield on 3 September 2002 stated unequivocally that Iraq had and was hiding WMD; and that it had continued its chemical, biological, nuclear and ballistic missile programmes after the departure of UN weapons inspectors in December 1998.

122. The FCO advice conflated past, present and potential future capabilities and conveyed a sense of certainty about Iraq's capabilities and intentions without acknowledging that the judgements were inferential and that there were uncertainties about Iraq's current capabilities and caveats about the absence of intelligence in the existing JIC Assessments.

123. The FCO asserted the belief that Iraq had recently accelerated its weapons programmes, but it did not substantiate that assertion.

124. In preparation for his press conference in Sedgefield, Mr Blair asked for information on a number of issues, including a summary of:

- "what we knew of the existing Iraqi WMD programme, in particular ballistic missile technology (and its significance); and nuclear weapons technology (including why the civil nuclear programme they are funding is almost certainly misused for weapons programmes)".[55]

---

[54] Minute Campbell to Manning, 2 September 2002, [untitled].
[55] Minute Blair to Manning, 1 September 2002, [untitled].

125. The FCO response was sent to No.10 on 2 September by Mr Mark Sedwill, one of Mr Straw's Private Secretaries who had been attached to UNSCOM between 1996 and 1998.[56]

126. Addressing the question "**Does Iraq possess WMD?**", the FCO stated:

> "Yes. Iraq is still hiding weapons of mass destruction in a range of locations. The regime has admitted hiding chemical, biological weapons and missile parts …
>
> "The Iraqi regime has admitted producing large quantities of chemical warfare agents … It has also admitted … producing biological warfare agents …
>
> "In the course of their work between 1991 and 1998, UN weapons inspectors were unable to account for thousands of tonnes of so-called precursor chemicals used in the production of weapons; hundreds of tonnes of chemicals used in the production of VX nerve agent; up to a dozen ballistic missiles with a range of over 600 kilometres; and tens of thousands of special munitions which can be used in chemical and biological weapons."

127. Addressing "**Developments in Iraq's WMD programmes Since the Last Inspections?**", the FCO stated:

> "… the Baghdad regime continues to pursue ballistic missile, nuclear, chemical and biological programmes in breach of its UN obligations.
>
> "We believe that Iraq has recently accelerated its weapons programmes. For example:
>
> "Saddam's ballistic missile programme has made continued progress and facilities damaged by Operation Desert Fox in 1998 have been repaired. We believe that he is planning to extend the range of his current missiles beyond the 150km limit imposed by the UN …
>
> "We have reports of increased nuclear procurement. We think R&D on a nuclear weapons programme has restarted. If sanctions are lifted, we believe that Saddam could develop a nuclear weapon within 5 years. If he were able to procure fissile material from outside Iraq, then he might possess a nuclear capability in a much shorter timeframe.
>
> "We believe that the Iraqi regime continues its biological and chemical weapons programmes."

128. The FCO advised Mr Blair that Iraq did not have an active civil nuclear programme and that almost all its facilities had been dismantled after 1991. The International Atomic Energy Agency (IAEA) inspected "the small quantity of radioactive material which Iraq was permitted to keep for research". The FCO added: "In these circumstances,

[56] Letter Sedwill to Rycroft, 2 September 2002, 'Iraq'.

it is more important than ever that the … inspectors are given unconditional and unrestricted access …"

129. The FCO stated that "UN measures" had "played a vital role in frustrating Saddam's ambitions to develop WMD" and described the new sanctions regime adopted by the UN on 14 May 2002 as demonstrating "that the international community remains united in its determination to control the export of military-related items to Iraq".

130. In response to a potential suggestion that the absence of the promised dossier demonstrated the weakness of the Government's case, the FCO stated:

> "Not at all. The scale of the Iraqi WMD programme uncovered by UN inspectors in the 1990s demonstrates the extent of Saddam's ambitions. And his previous use of chemical agents against his own people demonstrates that he will show no compunction in using such weapons.
>
> "… All of our intelligence reporting, revelations from Iraqi defectors and past experience tells us that Iraq is taking advantage of absence of inspections to revive its chemical, biological and nuclear programmes."

131. The FCO also referred to the examples of past Iraqi concealment and deceit identified in UNSCOM's final report in 1999.

132. The FCO stated that further details on Iraq's WMD programmes were set out in the draft dossier on Iraq, which had been produced earlier in the year for possible publication.

133. A separate FCO brief on the policy of containment stated:

- The purpose of the policy (of containment) had been to ensure that Iraq was disarmed through two main elements:
  - disarmament through inspections regimes; and
  - reducing Iraq's ability to finance its WMD programmes by controlling its revenues from oil.
- The policy had "some success in dismantling Saddam's arsenal when the inspectors were able to operate", and it had "slowed his efforts to rebuild WMD". The arms embargo had "been effective in preventing Saddam acquiring new complete weapons systems".
- But, "in the absence of inspectors", Iraq could "work on its WMD programmes unimpeded" and Iraq was "in violation of a string of Security Council resolutions intended to curb" those programmes.
- Controls on revenues were "eroding", giving Saddam "access to large sums over which the international community had no control" and "much" of that was "certainly going into his high-priority WMD programmes".

- Although the sanctions regime had been "targeted on goods of most concern", no sanctions regime would "be completely effective in stopping a ruthless and well-funded regime getting its hands on some of the goods and technology needed for a WMD programme".[57]

134. In his press conference, Mr Blair stated that Saddam Hussein was, "without any question, still trying to develop" a "chemical, biological, potentially nuclear capability"; and that to allow him to do so would be "irresponsible".

135. Mr Blair announced that the "dossier" setting out the evidence of Iraq's attempts to develop its "chemical, biological and potentially nuclear capability" would be published in the "next few weeks".

136. Mr Campbell wrote that the hardest question to answer was "Why now?"

137. On 3 September, in his Sedgefield press conference, which lasted 90 minutes, Mr Blair stated:

> "… I think I would be right in saying that many of your questions will be on Iraq … I sense that some of you believe we have taken all the key decisions but just haven't got round to telling you. That isn't the case … We, at every level of government, have been and remain in close dialogue with the United States of America about this issue and where we are in absolute agreement is that Iraq poses a real and unique threat to the security of the region and the rest of the world. But Saddam Hussein is continuing in his efforts to develop weapons of mass destruction … We have to face up to it, we have to deal with it and will. The issue is then what is the best way of proceeding."[58]

138. A number of questioners pointed out that public opinion had moved against the idea of a strike against Iraq "partly because people feel that there hasn't been much evidence … We have heard again and again that there is a dossier of evidence about Saddam Hussein's weapons of mass destruction. Why haven't we got it up to now and when are we going to see it?" Would there be any evidence in the dossier which had been "gleaned in the last four years" that Saddam Hussein had "moved any further down the route to nuclear weapons? There were suggestions that there was "not going to be much new"; and that, in terms of public opinion, there was "a mountain to climb".

139. In response to the first question, Mr Blair replied:

> "Originally I had the intention that we wouldn't get round to publishing the dossier until we'd actually taken the key decisions. I think it is probably a better idea to bring that forward."

---

[57] Minute Gray to Ricketts, 3 September 2002, 'Iraq: Containment: Query from No.10'.
[58] The National Archives, 3 September 2002, *PM press conference* [at Sedgefield].

140. Mr Blair added: "A lot of the work has already been done, there needs to be some more work and some more checking" but "the best thing to do is to publish … within the next few weeks". When that happened:

> "… people will see that there is no doubt at all the United Nations resolutions that Saddam is in breach of are there for a purpose. He [Saddam Hussein] is without any question, still trying to develop that chemical, biological, potentially nuclear capability and to allow him to do so without any let or hindrance, just to say, we [sic] can carry on and do it, I think would be irresponsible."

141. In terms of the specifics of Iraq's WMD, Mr Blair made a number of comments including:

- "… there is no doubt that at some point the Iraqi regime were trying to develop nuclear weapons … I believe that there is evidence that they will acquire nuclear weapons capability if they possibly can."
- "Now we will provide what support we can for that, although of course the absence of inspectors … means there is necessarily a limit. But I don't think we should be in any doubt about the nature of this regime, they will acquire whatever weapons they possibly can."
- "Certainly they were trying to obtain a nuclear weapons capability. I think there is some evidence that they continued to do so."
- "… [W]e don't really know what is happening now, there are huge amounts of stocks of chemical, biological weapons unaccounted for."
- "… [W]e can't be quite sure what is happening on the nuclear side … but on the biological and chemical weapons side there is no doubt about it, there are vast stocks of these weapons unaccounted for by the previous weapons inspectors."
- "And in addition there is real concern that there is ballistic missile technology."

142. Mr Blair suggested that the reason Iraq might not be letting inspections take place was because "the last time the inspectors were in there, they uncovered so much that the Iraqi regime was deeply embarrassed". He also argued that people would "think about it differently once they see the evidence".

143. Mr Campbell wrote in his diary on 3 September:

> "The hardest [question] was: 'Why now? What was it that we knew now that we didn't before that made us believe we had to do it now?' It was not going to be at all easy to sell the policy in the next few months …"[59]

---

[59] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

144. Mr Campbell added that announcing the publication of the dossier would "raise expectations massively. Today was about beginning to turn the tide of public opinion and it was going to be very tough indeed."

145. The Inquiry asked Mr Blair for a statement addressing whether, before his press conference in Sedgefield, he had refreshed his memory in relation to the 15 March 2002 JIC Assessment, 'The Status of Iraqi WMD Programmes'.[60]

146. In his statement, Mr Blair wrote:

> "The basis for the statements I made on the issue of Saddam and WMD were based, of course, on the JIC Assessments and on the whole history of Saddam and WMD going back over many years, including his use of chemical weapons, the findings of previous UN inspectors, his well documented attempts at concealment.
>
> "… [F]or my press conference at Sedgefield … I requested and received a special briefing from the FCO. I would probably also have re-read the JIC report of 15 March 2002 and the list of unaccounted for items from the UNSCOM reports. I draw attention to the first part of the [FCO] briefing of 2 September 2002, in particular to the reference that 'we believe that Iraq has recently accelerated its weapons programme'; 'increased nuclear procurement'; and to the fact that UN inspectors in 1998 'were unable to account for thousands of tonnes of so-called precursor chemicals'."[61]

147. As Section 4.1 sets out, the decision to produce a document for publication setting out the facts on WMD in relation to countries of concern, including Iraq, was taken in mid-February 2002 and was briefed to the press shortly thereafter.[62]

148. Speculation about the publication of a document on Iraq's WMD and its significance in relation to a decision about military action against Iraq had continued throughout the spring and summer of 2002.

149. On 16 July, No.10 decided to put publication on hold and that further decisions would be needed on its precise form.[63]

150. On the same day, Mr Blair had told the Liaison Committee that if policy on Iraq moved into a new phase, a document would be published.[64]

---

[60] Inquiry request for a witness statement, 13 December 2010, Q3(a) page 2.
[61] Statement, 14 January 2011, page 4.
[62] *The Observer*, 24 February 2002, *Blair and Bush to plot war on Iraq*.
[63] Minute Manning to McKane, 16 July 2002, 'Iraq: Public Documents'.
[64] Minutes, Liaison Committee (House of Commons), 16 July 2002, [Evidence Session], Q 87-88.

151. Asked what had led to his change of mind in early September and the decision to publish the dossier, Mr Blair told the Hutton Inquiry:

> "What changed was really two things which came together. First … there was a tremendous amount of information and evidence coming across my desk as to the weapons of mass destruction and the programmes … that Saddam had.
>
> "There was also a renewed sense of urgency, again, in the way that this was being publicly debated …
>
> "President Bush and I had a telephone call towards the end of that [August] break and we decided … we really had to confront this issue, devise our strategy and get on with it and I took the view … that we really had to disclose what we knew or as much as we could of what we knew."[65]

152. Mr Blair added: "The aim of the dossier was to disclose the reason for our concern and the reason why we believed this issue had to be confronted."

153. Sir David Manning told the Inquiry that Mr Blair:

> "… wanted to publish information as he saw it was because he thought it was important that the public were as aware as possible of the pressures that he had seen coming across his desk."[66]

154. Mr Campbell told the Inquiry that the decision to bring forward the publication of the dossier was a way of trying to calm the situation.[67] Mr Blair had wanted "to set out for the public, in as accessible a way as possible, the reasons why he had become more concerned" about Iraq.

155. In his memoir, published in 2010, Mr Blair wrote:

> "One other rather fateful decision was taken at that time. Reasonably enough, people wanted to see the evidence on Saddam and WMD. This evidence was contained in intelligence. It was not practice, for obvious reasons, to disclose intelligence. We decided we had to do it. Many times afterwards, I regretted the decision. The 'dossier', as it was called, later became the subject of the most vicious recrimination and condemnation. In reality, it was done because we could see no way of refusing it, given the clamour for it. The very unprecedented nature of it was, however, part of the problem. Both opponents and supporters of the war were urging us to share with the public the evidence we had."[68]

---

[65] The Hutton Inquiry, public hearing, 28 August 2003, pages 2-3.
[66] Public hearing, 30 November 2009, page 64.
[67] Public hearing, 12 January 2010, pages 66-67.
[68] Blair T. *A Journey*. Hutchinson, 2010.

156. In his memoir, published in 2012, Mr Straw wrote:

> "Earlier in the summer there had been a mounting and understandable clamour for more and more explanation about why we and the US were now taking the threat from Iraq so much more seriously than we had before 9/11. People assumed we must know much more than we were letting on. Through the CIA [Central Intelligence Agency], SIS and the other agencies, we did … have access to what we believed to be reliable intelligence about Saddam's continuing intentions in respect of his banned weapons. The mistake we made – on both sides of the Atlantic – was to believe that the best way to respond was to include a declassified summary of some of the intelligence in the dossier."[69]

157. Mr Blair's announcement galvanised thinking on the draft Iraq dossier.

158. On 2 September, in response to a discussion with Mr Rycroft about "the need for a capping piece for the Iraq dossier currently sitting on the shelf", Mr McKane provided a draft, which set out "the argument for effective action against Saddam Hussein".[70]

159. Mr McKane concluded:

> "If you or David think the draft is worth developing and refining, the next step would be for me to circulate it … We should also, as you and I agreed, be considering whether there is more up to date material which could be incorporated in the dossier itself."

160. The draft referred to the general threat from the spread of chemical and biological weapons and stated that Saddam Hussein's regime was a "particularly dangerous example" of that general threat because of "his track record and his continuing flouting of international norms of behaviour. That is why it is so important to deal now with the threat he represents."

161. The draft also stated:

- Since 1998, the UN had "tried repeatedly to persuade Saddam to comply" with his obligations, but he had sought "At every turn … to divert attention from his failure to comply." The "only reasonable explanation" for that "prevarication" was that "he has something to hide, something he is unwilling to give up".
- "… [W]e cannot wait for ever for the right answer from Saddam, when all the time he is engaged in work on weapons which could threaten our [sic] own population and certainly the population of his neighbours. If we were to do so, particularly after 11 September, and our patience were to be rewarded with another devastating attack, we would rightly be castigated for our inaction."

---

[69] Straw J. *Last Man Standing: Memoirs of a Political Survivor.* Macmillan, 2012.
[70] Minute McKane to Rycroft, 2 September 2002, 'Iraq'.

- The facts in the dossier "as a whole" presented a picture of a regime which was "so opposed to international norms of behaviour that it must be confronted effectively now".

162. Mr Rycroft suggested that Mr McKane should develop the draft.[71]

163. Sir David Manning wrote: "Yes. Let's see what the response is."[72]

164. In his statement for the Inquiry, Mr McKane wrote that Mr Blair:

> "… had decided the dossier should be ready for publication within weeks, in order to explain publicly why effective action had to be taken to counter the threat posed by Iraq. This is brought out in the draft 'capping piece' which I sent to Matthew Rycroft …"[73]

165. Asked about the origins of the capping note, Mr McKane told the Inquiry that it "followed an exchange with either Sir David Manning or Matthew Rycroft in which we agreed that the draft needed something … which would encapsulate the main points".[74]

166. Mr McKane subsequently stated:

> "I suppose what I was doing was trying to answer the question: why should we take action now? So it is related to the shift in approach that was marked by the meeting on 23 July and the greater sense of pace and urgency that was injected thereafter."[75]

167. Following the Sedgefield press conference, Dr Michael Williams, Mr Straw's Special Adviser, wrote to Mr Straw reporting that the Director of the International Institute for Strategic Studies (IISS) had informed him that it would be publishing its dossier on the threat posed by Iraq's possession of weapons of mass destruction and past practices of deception in relation to UN inspections.[76] Dr Williams thought that it would "be helpful in moving towards a more informed debate about Iraq which is long overdue".

168. Commenting on the draft UK dossier, Dr Williams wrote that he shared many of Mr John Williams' views:

> "The text I've seen is not significantly different from one I saw in late Spring.
>
> "It is certainly not a 'killer' dossier. The material is often poorly presented and would benefit from professional editing to make it a sharper assessment.

---

[71] Manuscript comment Rycroft to Manning, 3 September 2002, on Minute McKane to Rycroft, 2 September 2002, 'Iraq'.
[72] Manuscript comment Manning to Rycroft, 3 September 2002, on Minute McKane to Rycroft, 2 September 2002, 'Iraq'.
[73] Statement, 8 December 2010, page 5.
[74] Public hearing, 19 January 2011, page 83.
[75] Public hearing, 19 January 2011, page 84.
[76] Minute Williams [Michael] to Straw, 3 September 2002, 'Iraq Publication'.

I am surprised that we do not have stronger material … We need, I believe, to regard the publication of the strongest material as a political imperative."

169. Mr McKane wrote to Mr Stephen Wright, FCO Deputy Under Secretary Defence and Intelligence, on 4 September asking the FCO to renew the chapters in the dossier it had produced on 'Human Rights Abuses' and the 'History of Weapons Inspections' to "ensure they are as up to date and hard hitting as possible".[77]

170. Mr McKane stated that Mr Scarlett had "already started work to refresh the WMD chapter" and asked for comments on the draft capping piece.

171. Sir David Manning replied:

"This looks good.

"Let's point out that there has been no monitoring since ?1998 when the inspectors were expelled in violation of UNSCRs."[78]

172. The Assessments Staff had already sought more information from the DIS.[79]

173. The DIS provided additional material on:

- missile numbers on 4 September;[80]
- "Nuclear Weapons" on 5 September;[81]
- WMD funding on 6 September;[82] and
- chemical facilities on 6 September.[83]

The FCO position on the problem posed by Iraq

174. The FCO was also developing a script addressing why the problem of Iraq's WMD, unlike the programmes of other countries, including Iran, could not be resolved through containment and diplomacy.

175. The argument relied on Saddam Hussein's past behaviour and his continuing refusal at that time to admit weapons inspectors as required by resolution 1284 (1999).

---

[77] Minute McKane to Wright, 4 September 2002, 'Iraq: The Dossier'.
[78] Manuscript comment Manning to McKane, 4 September 2002, on Minute McKane to Wright, 4 September 2002, 'Iraq: The Dossier'.
[79] Email [1626] [DIS] to [Cabinet Office], 4 September 2002, 'Iraqi WMD Dossier'.
[80] Email [1642] [DIS] to [Cabinet Office], 4 September 2002, 'Iraqi WMD Dossier – Missile numbers', attaching Minute [DIS], 4 September 2002, 'Al Hussein Accounting'.
[81] Email [1232] [DIS] to [Cabinet Office], 5 September 2002, 'Iraq Dossier – Nuc section'.
[82] Email [1529] [DIS] to [Cabinet Office], 6 September 2002, 'Iraq Dossier – WMD funding' attaching Document, [undated], 'Iraq dossier – Section on Illicit Income Generation and WMD-funding'.
[83] Email [1708] [DIS] to [Cabinet Office], 6 September 2002, 'Dossier'.

176. With its advice to No.10 on "possible UNSCRs and a game plan for securing them" of 4 September, which is addressed in Section 3.4, Mr Straw's Private Office also provided:

- a "script on why the problem of Iraqi WMD was being treated differently from other WMD programmes"; and
- a "note setting out the broader problem of WMD proliferation and the action we are taking to tackle it".[84]

177. The script on Iraq's WMD stated that there were:

> "… particular concerns about Iraq's WMD programmes. Since Iraq's persistent obstruction forced the UN Inspectors to leave in 1998, Iraq has maintained its chemical and biological weapons programmes, and is developing ballistic missiles capable of delivering them to targets beyond the 150km limit imposed by the UN for defensive systems."

178. The "key differences between Iraq and other countries such as Iran and North Korea" were that:

- Saddam Hussein had used WMD.
- UNSCOM had uncovered the scale of his programmes.
- Iraq had "been shown to have broken every commitment it has ever made under the NPT [Treaty on the Non-Proliferation of Nuclear Weapons] and BTWC [Biological and Toxin Weapons Convention] (it is not a member of the CWC [Chemical Weapons Convention])".
- Iraq was "in flagrant violation" of 14 UN Security Council resolutions relating to its WMD and missile programmes, and was in violation of nine of the remaining 13 obligations on other issues.

179. The script added that the UK approaches "to Iraq and to other governments with WMD programmes of concern" were "fundamentally identical": political and diplomatic engagement. But:

> "… in the case of Iraq, the diplomatic route has been constantly obstructed by Saddam's intransigence and duplicity, and has been blocked altogether since Inspectors left in 1998 – leaving us no alternative but to consider other options."

180. The note, 'Proliferation of WMD: The Wider Context', described the "wider problem of the proliferation of WMD and long-range missiles" and "An additional increased concern since 11 September 2001" that international terrorists would obtain WMD. Iraq, Iran, North Korea, Libya and Syria were identified as "priorities for counter-action … (as the most likely to pose a threat to the UK, our allies, or deployed UK forces)".

---

[84] Letter Sedwill to Manning, 4 September 2002, 'Iraq' attaching Paper 'Iraq: UNSC Action' and Note, 'Proliferation of WMD: The Wider Context'.

181. The note stated:

- The UK was "keen to raise awareness of the WMD and missile threat beyond the US/UK partnership, to draw others into closer co-operation in countering the threat".
- "[M]ain efforts over the past year" had been directed "at key EU partners – particularly the **French** and **Germans**".
- The UK was the US "partner of choice in countering WMD and missile proliferation".
- The US Administration was "clearly more interested in deploying tools at the robust end of the spectrum", including "direct action", rather than "diplomatic processes to strengthen the treaty regimes or build wider multilateral consensus against proliferation".

182. Mr Tim Dowse, Head of FCO Counter-Proliferation Department in 2002, told the Inquiry that, in a paper on counter-proliferation strategy produced in July/August 2002, Iraq was viewed as a priority because it might be "the exception to the broader rule that WMD programmes are generally acquired for defensive purposes".[85]

183. Mr Dowse added that it had been the political context which made Iraq a priority.

184. In a subsequent private hearing, Sir William Ehrman, FCO Director International Security in 2002, told the Inquiry that the paper, approved by Mr Blair in August 2002, stated:

> "In country programme terms, our top CP [counter-proliferation] priorities are:
>
> "Iraq – because its WMD may be the exception to the rule that such programmes are usually driven by defensive needs and, more importantly, are the most likely to be deployed against UK forces and those of our allies."[86]

185. Asked if the "threat from WMD from Iraq" would have continued to be contained if sanctions had been maintained, Mr Dowse told the Inquiry:

> "… the nuclear threat would have been contained and there would have been constraints on his other activities, although we believed he was making progress with missiles, with chemical and biological weapons, despite the constraints.
>
> "The problem was … we did not have high confidence that the sanctions regime would be maintained …"[87]

186. Mr John Williams produced advice on a media strategy for Iraq on 4 September.

---

[85] Public hearing, 25 November 2009, page 55.
[86] Private hearing, 14 June 2010, pages 2-3.
[87] Public hearing, 25 November 2009, page 60.

187. In response to a request from Sir Michael Jay, Mr John Williams provided advice on a media strategy for Iraq on 4 September.[88]

188. Mr Williams advised that there was a lot to be done, but it could be done "with simple arguments and plain language". Mr Blair's press conference had shown that the media landscape could be changed "in a way that separates the hard core critics from the doubters who are open to persuasion". The key would be to "put the burden of the argument on to Iraq and on the critics":

> "Detailed facts will be necessary but not enough.
>
> "We should make the case with conviction … The tone … should reflect difficult choices, which on balance leave us no alternative but to protect the peace and stability we have come to take for granted … The public … needs to feel it shares a sense of reaching a point where minds have to be made up … In the end, it will come down to an appeal for the public's trust that the Prime Minister has got a big judgement right in circumstances where there is no easy answer."

189. The means of dealing with Iraq were "not yet decided".

190. Mr Williams set out the elements of a possible argument:

- The Iraqi regime was a "uniquely dangerous example" of a threat to peace.
- Saddam Hussein's record was "a challenge to the whole international community".
- The "harsh facts have to be faced, and addressed, whether or not we are able to deal with the threat by asserting the authority of the United Nations, whether or not military force becomes necessary".
- The threat would not go away, it would "become more dangerous".
- The events of 11 September 2001 had shown that distant threats could not safely be ignored.
- Saddam Hussein had in the past provided a safe haven for terrorists.

191. There was a "need to stress the general threat Iraq poses to international peace and stability, as well as the direct and specific threat of its WMD being used against us". Mr Williams also cited Saddam Hussein's human rights abuses.

192. Mr Williams stated that the "evidence dossier" was:

> "… unlikely to be enough by itself to win the argument: it will convince persuadable opinion only if launched in the right environment, framed by a broad case that establishes Iraq as a threat to international peace and security. There is no 'killer fact' in the dossier which 'proves' that Saddam must be taken on now, or this or that weapon will be used against us.

---

[88] Minute Williams [John] to PS/PUS [FCO], 4 September 2002, 'Iraq Media Strategy'.

> "But it does make a convincing case that Iraq has been trying to recruit people for a nuclear weapons programme and to acquire materials usable in such a programme; and that it has been trying to extend the range of some missiles in breach of Security Council resolutions. These are too deeply buried … there is too long a prologue on what was happening before the inspectors were withdrawn. The dossier should either be re-structured, and perhaps pared down, or have an executive summary."

193. Mr Williams warned that the exercise would be "counter-productive" if the media was allowed to "trap" the Government "into having to provide 'proof' to Appeal Court standards". The focus should be on an audience that knew we could not have "certain knowledge of what is going on inside a closed tyranny", but would:

> "… take seriously a careful assessment which avoids over-statement and appeals to people to trust the judgement of those taking the decisions … understand that intelligence is partial, dangerous to acquire and limited in what it is safe to put out in public. If the dossier is judged by these … standards it will be worth doing."

194. Mr Williams also addressed the possible timing of publication depending on whether "the UN route" was agreed, and the need for a longer-term strategy for Iraq. He concluded that Mr Blair's press conference had already had an impact, with a *Sky* poll showing "48 percent favour military action, with 52 percent against". This suggested that public opinion was more fluid than the critics believed.

Mr Campbell's meeting, 5 September 2002

195. Sir David Manning commissioned Sir Richard Dearlove to examine whether SIS had material for inclusion in the dossier.

196. Sir Richard Dearlove told the Hutton Inquiry that Sir David Manning had telephoned him on the morning of 4 September and they had:

> "… discussed … to what extent it would be possible to put intelligence from my service into the public domain; and I said that I thought it would be possible … but I would insist on grounds of source protection on having the last word in withholding material from publication, if necessary."[89]

197. In a discussion on 5 September, Sir Richard Dearlove told Mr Straw that SIS had new material for which the sourcing was "strong but indirect" which might be used in the dossier. There might also be a "significant increase of relevant intelligence" before publication of the dossier on 25 September.[90]

198. Sir Richard also told Mr Straw that the draft dossier "was weakened by the JIC doctrinaire approach to its drafting". It would be "better if SIS made its own in-house judgements on the release of material from sources". SIS had established a team that

---

[89] The Hutton Inquiry, public hearing, 15 September 2003, pages 87-88.
[90] Minute SIS, 5 September 2002, 'SOSFCA – Iraq Discussions with C on 5 September'.

was working on the text, which would be speaking to Mr Scarlett about the re-draft (of the dossier) on 6 September.

199. Sir Richard Dearlove agreed that Mr Straw could tell Mr Campbell about the SIS drafting exercise.

200. Mr Campbell wrote in his diaries that Mr Straw told him on 5 September that he had seen Sir Richard, who "had agreed to go through all the relevant material [for the dossier]".[91]

201. Asked what his comment about the draft being weakened by the JIC's doctrinaire approach had meant, Sir Richard Dearlove told the Inquiry:

> "Good question. I mean, the answer is I have seen this reference and I'm not sure. There must be something specific that that refers to. It must be something to do with material from one of our sources and how it was presented. I'm sorry. I mean, I'm sure if you searched long and hard enough in SIS records, we could turn it up, but it would be difficult, I think. I'm really not sure what that is."[92]

202. A revised structure for the dossier was agreed at a meeting chaired by Mr Campbell on 5 September, which also decided that Mr Scarlett and Mr Miller would lead the work.

203. Mr McKane wrote to Mr Campbell on 4 September with suggestions for the agenda of the meeting to be chaired by Mr Campbell the next day "to discuss how to take forward" Mr Blair's decision to publish the dossier.[93]

204. The suggested agenda comprised:

"
- Timetable for publication
- The shape of the Dossier – ie should all three chapters be published together?
- Arrangements for allowing the US Government the opportunity to comment on our documents
- Press lines to be used in connection with the IISS report to be published on Monday 9 September …"

205. Mr McKane wrote that he was sending Mr Campbell "the latest version of the Dossier – though John Scarlett's people are doing further work on the WMD chapter". Mr Campbell had already been sent the "first draft of a capping piece to answer the question: 'Why Now?'"

---

[91] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[92] Private hearing, 16 June 2010, page 55.
[93] Minute McKane to Campbell, 4 September 2002, 'Iraq: Public Dossier'.

206. The version of the dossier sent to Mr Campbell was the 20 June draft of the dossier sent to Sir David Manning and others, including Mr Campbell, on 21 June; it did not include the later draft of the WMD paper produced by Mr Scarlett in mid-August.

207. Mr Campbell's meeting on 5 September was attended by Sir David Manning, Mr Scarlett, Mr Miller, Mr McKane, Mr Desmond Bowen, who was about to succeed Mr McKane, Mr Wright, Mr Chaplin, Mr John Williams and Mr Paul Hamill, Communication and Information Centre (CIC).[94]

208. Reporting the outcome of the meeting to Mr Powell, Mr Campbell wrote:

- There would be a "substantial rewrite" with Mr Scarlett and Mr Miller "in charge".
- The structure would be "as per TB's [Mr Blair's] discussion".
- It had been agreed that there had to be "real intelligence material" in the document.
- Mr Scarlett would take the draft to the US on Friday 13 September.[95]

209. Commenting on the meeting, Mr Campbell wrote that the dossier:

> "… had to be revelatory and we needed to show that it was new and informative and part of a bigger case. John Williams … was offering to write it full time. John Scarlett was clearly aware of the responsibility, he was so serious … He warned us that there was very little re nuclear."[96]

210. Following the meeting, Mr Miller recorded the agreement on a revised structure for the dossier, and who would be responsible for action on each of the seven sections:

"
- Section 1: Background to the bloody nature of Saddam's regime. How he gained and retains power. [**Action: FCO/MED**]
- Section 2: Saddam's use of power … Human rights abuses. [**Action: FCO/MED**]
- Section 3: Short link section covering the international community's demand to dismantle Iraq's WMD capability … to ensure Iraq's regional ambitions did not cause further instability. **[Action: Assessments Staff]**
- Section 4: Effects of using WMD and ballistic missiles. Why the international community was right to be concerned then and why we are still concerned now. **[Action: Assessments Staff]**
- Section 5: The history of UN weapons inspections. What UNSCOM found? What the Iraqi's [sic] subsequently admitted. History of concealment and obstruction (including the withdrawal of UNSCOM and the failure to co-operate with UNMOVIC. What remains unaccounted for? **[Action: Assessments Staff]**

---

[94] Email McKane to Blackshaw, 5 September 2002, 'Meeting with Alastair Campbell'.
[95] Email Campbell to Powell, 5 September 2002, [untitled].
[96] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

- Section 6: What is the current situation concerning Iraq's WMD programmes? Account of his … capabilities. New procurement activity and retention of experts. Use of illicit funding and circumvention of 'Oil-for-Food' arrangements. What is the threat posed by Iraq's on-going WMD programmes? **[Action: Assessments Staff]**
- Section 7: Why we cannot continue to rely on containment and why we should act now. Future intentions. [**Action: FCO/MED**]"[97]

211. Mr Miller wrote that much of the work was seen as "cutting and pasting" existing material, and that the Communications and Information Centre (CIC) had "offered to … co-ordinate the various inputs and produce a revised draft of the dossier". That would be discussed at a meeting on 10 September.

212. Mr Sebastian Wood, Counsellor, British Embassy Washington, wrote that Mr Scarlett had told him:

- Mr Blair wanted the paper on "what Saddam has been doing since 1998 and how we currently assess his WMD programmes" to be "as intelligence-rich and convincing in detail as possible", and Mr Scarlett expected to be "able to 'break out' some current intelligence".
- Mr Scarlett would come to Washington with a draft and Sir David Manning wanted the Embassy to tell the US that Mr Scarlett had been "designated" by Mr Blair to take the dossier forward".[98]

213. Mr Williams suggested revising the "capping piece" for the draft dossier.

214. On 5 September, Mr Williams sent Mr McKane a revised version of the draft capping piece for the dossier, which he described as offering "suggestions" on how it might be amended to "make the document easier for Ministers to defend in interviews".[99]

215. Mr Williams' changes included reference to Saddam Hussein's regime being "uniquely" dangerous and that it had a "capacity for aggression". He also described the material in the dossier as "**our best publishable assessment**" of the facts.

216. Mr McKane told the Inquiry that his only recollection of an exchange with Mr Williams on the dossier was of his comments on the draft capping note "which were designed … to improve the draft and make … it read better".[100]

217. Mr McKane stated that his draft was "overtaken by the decision to move responsibility" for the dossier, from OD Sec to the Assessments Staff when it was decided that it would be "more overtly an intelligence-based document".[101]

---

[97] Letter Miller to Grey [sic], 6 September 2002, 'Iraq: Public Dossier'.
[98] Minute Wood to Gooderham, 5 September 2002, 'Iraq: Dossier: Scarlett's Visit'.
[99] Minute Williams to McKane, 5 September 2002, 'Iraq: The Dossier'.
[100] Public hearing, 19 January 2011, page 81.
[101] Public hearing, 19 January 2011, pages 82-83.

218. Mr Williams produced a draft executive summary for the dossier over the weekend of 7 to 8 September.

219. Mr Williams wrote to Mr Campbell on 6 September saying that he had spoken to Mr Straw and Sir Michael Jay about the "the media-friendly editorial job that will need to be done when John Scarlett and his team have produced the dossier".[102] They were "happy" for him "to devote whatever time necessary" to work on the draft and he would be able to work full time on it (from the week beginning 16 September).

220. Mr Williams added that it would, in his view, "be good for the Foreign Office if we could do it that way". He also offered a press officer with a "very good eye for the kind of material which works with the media", to work with Mr Scarlett and his team "on producing the right kind of material".

221. In his statement for the Inquiry, Mr Williams wrote that at Mr Campbell's meeting on 5 September:

> "It was clear that no decision had been taken about who would produce the dossier. John Scarlett said that intelligence had no experience of writing documents for publication and would need the help of a 'golden pen'. He turned to me. Alastair Campbell did not take this up. At the end of the meeting I asked Alastair what his intention was. He said he was inclined to give the task to the No.10 Strategic Communications Unit.
>
> "When I reported this … to the Foreign Secretary and Michael Jay, they were clear that the dossier must be produced by the Foreign Office, not No.10, and I should be the 'golden pen'."[103]

222. Mr Williams added that he was "still sceptical of the whole idea", but the "dossier was going to happen". He was about to accompany Mr Straw to the UN General Assembly in New York, so he asked Mr Scarlett:

> "… if he would like to give me the material he intended to use, so that I could show him how to produce it in publishable form. I did this over the weekend. It was a routine job of taking the strongest points and putting them in an executive summary, while taking care to reflect their content accurately, and introducing them with the sort of language that was familiar from speeches and interviews given by … [Mr Blair and Mr Straw]."

223. Mr Williams stated that the "result was underwhelming", that there was "nothing much new", and that his "feeling that this was not a good idea persisted".[104] He had been "relieved" when he heard that No.10 had decided that Mr Scarlett would write the dossier.

---

[102] Minute Williams [John] to Campbell, 6 September 2002, [untitled].
[103] Statement, December 2010, paragraphs 16-17.
[104] Statement, December 2010, paragraph 17.

224. The document which Mr Williams produced was released by the FCO in February 2008 in response to a Freedom of Information request.[105]

225. Mr Williams told the Inquiry:

> "Some journalists have detected similarity between the shape of my effort and the finished product, but it would have been surprising if an organisation which had never produced a public document [had] not taken some pointers from a professional."[106]

226. Following Mr Campbell's meeting on 5 September, four drafts of the dossier were prepared and circulated for comment to JIC members and other officials in the FCO, the MOD, the Cabinet Office and the Intelligence Agencies, on 10, 16, 19 and 20 September. Each is addressed later in this Section.

Mr Blair's meeting with President Bush, Camp David, 7 September 2002

227. In a press conference before the discussions at Camp David Mr Blair stated that Iraq had to be dealt with. The purpose of the meeting with President Bush was to work out the strategy.

228. Mr Blair's meeting with President Bush at Camp David on 7 September, and the press conference which preceded the meeting, are addressed in Section 3.4.

229. In the press conference, Mr Blair stated:

> "The point I would emphasise … is the threat from Saddam Hussein and weapons of mass destruction, chemical, biological, potentially nuclear weapons capability, that threat is real. We only need to look at the report from the International Atomic [Energy] Agency this morning[107] showing what has been going on at the former nuclear site to realise that. And the policy of inaction is not a policy we can responsibly subscribe to. So the purpose of our discussion today is to work out the right strategy for dealing with this, because deal with it we must."[108]

230. In response to a question, Mr Blair emphasised concern about Iraq's attempts to develop nuclear weapons and the importance of the IAEA report he had mentioned which showed there was "a real issue that has to be tackled here". He stated that, on the way to Camp David, he had been reading "the catalogue of attempts by Iraq to conceal its weapons of mass destruction, not to tell the truth … over a period of years".

---

[105] Paper, [undated], [John William's re-draft].
[106] Statement, December 2010, paragraph 18.
[107] The IAEA issued a press release (IAEA Press Release 2002/11) on 6 September 2002 stating: "With reference to an article published today in the New York Times, the International Atomic Energy Agency would like to state that it has no new information on Iraq's nuclear weapons programme since 1998 when its inspectors left Iraq. Only through a resumption of inspection … can the Agency draw any conclusion with regard to Iraq's compliance with its obligations … relating to its nuclear activities."
[108] The White House, 7 September 2002, *President Bush, Prime Minister Blair Discuss Keeping the Peace*.

231. Asked about international support, Mr Blair replied that:

> "… people were asking perfectly reasonable questions … but the one thing no one can deny is that Saddam Hussein is in breach of the United Nations resolutions on weapons of mass destruction … that that poses a threat not just to the region, because there is no way, if those weapons are used, that the threat would simply stay in the region.
>
> "People understand that. Now we have got to make sure that we work out a way forward that, of course, mobilises the maximum support, but does so on the basis of removing a threat that the United Nations itself has determined is a threat to the whole world."

232. The British journalists covering the Camp David meeting focused on the WMD dossier.

233. The *Sunday Express* anticipated a "Dossier of Doom".[109]

234. An editorial in the *News of the World* claimed that the dossier would be "as devastating as it is vital". It would show that "evil Saddam has enough chemical and biological stocks to attack the entire planet, and the missile technology to deliver them". It would confirm that he is on the brink of nuclear capability. The editorial concluded: "We believe Mr Blair CAN convince us a military attack on Iraq is right. We have faith in our Prime Minister."[110]

235. In their meeting, Mr Blair told President Bush that he was in no doubt about the need to deal with Saddam Hussein.

236. Mr Blair also set out the need to build a case to persuade the international community of the threat posed by Iraq, including the potential for fusion of WMD and terrorism.

237. During the discussion with President Bush, Mr Blair set out the need to make a good public case against Saddam Hussein, publishing all the evidence. The UK would publish a dossier. He stated that the US and UK:

> "… must build our case, persuading the international community of the nature of the threat. In particular we must get over to our publics the reality that any crisis in the Gulf generated by Saddam would inevitably involve us."[111]

238. Later Mr Blair stated that there was a need to explain the case for action fully to public opinion: "While insisting that no-one wanted war, we must spell out why we had to act." That included reminding people of the horrors of Saddam Hussein's regime.

---

[109] *Sunday Express*, 8 September 2002, *PM Sets Out Dossier of Doom*.
[110] *News of the World*, 8 September 2002, *Blair Will Win The PR Battle*.
[111] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.

239. Mr Blair said there was a:

> "… natural reluctance to do difficult things, made worse by ignorance … of Saddam's capabilities and intentions. We had to correct this, at the same time answering the legitimate question of why we were taking action now. 11 September [2001] was a powerful argument for dealing with threats before they materialised … At some point, WMD and terrorism would come together, with appalling consequences, unless we took action."

240. A plenary meeting between President Bush and Mr Blair and their teams followed the restricted discussion.[112]

241. Presentational issues were discussed between officials and in the plenary, including the "Why now?" question.

242. Mr Blair stated that since 1998, there was evidence, including in the 6 September International Atomic Energy Agency (IAEA) report (see previous comment), of continued development of WMD. He also thought that the nature of the Iraqi regime "should become part of our case on WMD"; and that: "We needed an active strategy to take the debate to the rest of the world." He set out the UK's plans to publish the dossier within a few weeks.

243. Mr Campbell emphasised the need for people "to understand what BW actually did"; and that the "media threshold would be high, so the dossier would need to include new facts from the last four years".

JIC Assessment, 9 September 2002

244. On 9 September, the JIC issued an Assessment of Iraq's possession of chemical and biological weapons and possible scenarios for their use.

245. The Assessment contained a number of significant changes which strengthened previous JIC judgements on Iraq's possession of chemical and biological weapons and the likelihood of their use.

246. In response to the request from Sir David Manning for advice on the possible scenarios for Iraqi use of chemical and biological weapons, the JIC commissioned an Assessment.[113]

247. The Assessment was discussed in "an informal CIG [Current Intelligence Group] of experts" and then considered by the JIC on 4 September.

---

[112] Letter Rycroft to Sedwill, 8 September 2002, 'Prime Minister's Meeting with Bush, Camp David 7 September: Public Presentation of Iraq Policy'.
[113] Minutes, 4 September 2002, JIC meeting.

248. A number of key points were made in the JIC discussion:

- "Once finalised it [the Assessment] would be of immense interest to Ministers and officials, and would help to underline the importance and seriousness of the threat Iraq posed with these weapons. The fact that Saddam Hussein possessed these capabilities, and that he showed every sign of being prepared to use them, was significant."
- "Another important message, which needed to be brought out more clearly in the draft, was that if the chips were down, and Saddam believed his regime to be under real threat of extinction, nothing was going to deter him from using such weapons. Readers of the paper needed to be reminded of Saddam's unpredictability, and of the fact that his thought processes did not work in a recognisably Western rational and logical way."
- "The draft should also distinguish more clearly between the three different ways in which Iraq might use its offensive chemical or biological capabilities: in weaponised form against military targets; in an unconventional attack on military targets; or as part of a sponsored terrorist attack aimed at spreading fear and influencing public attitudes".
- "[S]ince the draft had been written and circulated, an important and valuable supply of new intelligence had been received, from a variety of sources, judged by the producers to be reliable and authoritative. The draft needed to … include this intelligence with an expert assessment of its significance."
- "It [the Assessment] also needed to be clearer which of its judgements were based on firm intelligence, which were based more on informed assessment or interpretation, and where the major gaps in the UK's knowledge and understanding of Iraq's capabilities remained."
- "It was possible that further insights from intelligence would be forthcoming in the relatively near future. These might not only inform any future Assessments but might also need to be reflected somehow in the dossier on Iraq's weapons of mass destruction programmes that was being prepared for publication."

249. Mr Scarlett proposed that the paper should be revised to reflect the discussion and then reviewed "at working level by the relevant experts". Once that was done, the paper would be issued in its final form.

250. The Key Judgements of the JIC Assessment of 9 September stated:

"
- Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.
- Faced with the likelihood of military defeat and being removed from power, Saddam is unlikely to be deterred from using chemical and biological weapons by any diplomatic or military means.
- The use of chemical and biological weapons prior to any military attack would boost support for US-led action and is unlikely.

- Saddam is prepared to order missile strikes against Israel, with chemical or biological warheads, in order to widen the war once hostilities begin.
- Saddam could order the use of CBW weapons in order to deny space and territory to Coalition Forces, or to cause casualties, slow any advance, and sap US morale.
- If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance. But such an order would depend on the availability of delivery means and the willingness of commanders to obey."[114]

251. The Assessment stated that it had taken "account of new intelligence that has recently become available on Iraq's intentions". Unusually, it stated explicitly that it had "an intelligence cut off point of 4 September".

252. To provide context, the Introduction to the Assessment stated:

> "Recent intelligence casts light on Iraq's holdings of weapons of mass destruction and on its doctrine for using them. Intelligence remains limited and Saddam's own unpredictability complicates judgements about Iraqi use of these weapons. Much of this paper is necessarily based on judgement and assessment."

253. The JIC added:

> "Iraq used chemical weapons on a large scale during the Iran/Iraq War. Use on the same scale now would require large quantities of chemical weapons and survivable delivery means in the face of overwhelming US air superiority. Iraq did not use chemical weapons during the [1991] Gulf War. Intelligence suggests that Iraq may have used the biological agent, aflatoxin, against the Shia population in 1991. We do not believe that Iraq possesses nuclear weapons and there is no intelligence that Iraq is currently interested in radiological dispersal devices."

254. Other key elements of the Assessment are set out in the Box below.

JIC Assessment, 9 September 2002: 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'

Chemical and biological capabilities

"Based on intelligence on the nature of Iraqi CBW weapons, known delivery means, continuing procurement activity, and experience from previous conflicts", the JIC judged:

- Iraq currently had available "either from pre Gulf War stocks or more recent production, a number of biological warfare (BW) and chemical warfare (CW) agents and weapons".

[114] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

- "following a decision to do so, Iraq could produce significant quantities of mustard agent within weeks … [and] the nerve agents sarin and VX within months (and in the case of VX … may have already done so)".
- Production of VX and sarin would be "heavily dependent on hidden stocks of precursors, the size of which are unknown".
- Iraq could produce "more biological agents within days".
- "the commencement of large-scale production of chemical and biological agents would probably go undetected, and a decision to do so may already have been taken. The location of production facilities is unknown."
- Even if stocks of weapons were "limited", that would "allow for focused strikes against key military targets or for strategic purposes (such as a strike against Israel or Kuwait)".
- Iraq "could deliver CW and BW agents by a variety of means including free fall bombs, airborne sprays, artillery shells, mortar bombs and battlefield rockets".
- Iraq had told UNSCOM that it had "filled 25 warheads with anthrax, botulinum toxin and aflatoxin" for the Al Hussein missile and "developed 50 chemical warheads" for the missile.
- Iraq retained "up to 20 Al Hussein and a limited number of launchers".
- "One intelligence report suggests that Iraq has 'lost' the capability to develop warheads capable of disseminating chemical and biological agent and that it would take six months to overcome the 'technical difficulties'".
- "an emergency operational capability with conventional warheads" was "probably available" for the Al Samoud and Ababil-100 short-range ballistic missiles.
- "Iraq may have other toxins, chemical and biological agents we do not know about".
- "the effectiveness of any CBW attack would depend on the method of delivery, concentration of the target, dissemination efficiency, meteorological conditions and the availability of suitable defensive counter measures".

"Other recent intelligence" indicated that:

- "production of chemical and biological weapons is taking place;
- Saddam attaches great importance to having CBW, is committed to using CBW if he can and is aware of the implications of doing so. Saddam wants it to dominate his neighbours and deter his enemies who he considers are unimpressed by his weakened conventional military capability;
- Iraq has learned from the Gulf War the importance of mobile systems that are much harder to hit than static sites. Consequently Iraq has developed for the military, fermentation systems which are capable of being mounted on road-trailers or rail cars. These could produce BW agent;
- Iraq has probably dispersed its special weapons, including its CBW weapons. Intelligence also indicates that chemical and biological munitions could be with military units and ready for firing within 20-45 minutes."

Intentions for use

"Intelligence indicates that Saddam has already taken the decision that all resources, including CBW, be used to defend the regime from attack. One report states that Saddam

would not use CBW during the initial air phase of any military campaign, but would use CBW once a ground invasion of Iraq has begun. Faced with the likelihood of military defeat and being removed from power, we judge that it is unlikely there would be a way to deter Saddam from using CBW."

The JIC judged that "several factors could influence the timing of a decision … to authorise the use of CBW weapons":

"• the availability of stocks of CW and BW agents;
- the survivability of … delivery means … Once a military campaign is under way the pressure will increase to use certain assets before they are destroyed;
- the survivability of command and control mechanisms … Intelligence indicates that Saddam's son Qusay may already have been given authority to order the use of CBW … Saddam may … specify in advance … the specific conditions in which unit commanders should use these weapons e.g. once Coalition Forces have crossed a particular geographical line;
- the reliability of the units … Late in any campaign commanders may not be prepared to use CBW if they judge that Saddam is about to fall."

The JIC also examined **possible scenarios** for the use of CBW weapons.

- **Before a conflict** – The JIC stated that the aim "would be to incapacitate or kill Coalition troops in their concentration areas. Intelligence indicates that … Bahrain, Jordan, Qatar, Israel and Kuwait" had been identified as targets. "Turkey could also be at risk. Both chemical and biological weapons could be used … But the use of CBW weapons carries serious risks and Saddam will weigh up their military utility against the political costs. Use … would expose the lies and deception … The early, widespread use of CBW or non-lethal agents would affect Coalition military planning … On balance however we judge that the political costs of using CBW weapons would outweigh the military advantages and that Saddam would probably not use CBW … pre-emptively."
- **During the ground phase** – "There is no intelligence on specific Iraqi plans for how CBW would be used in a conflict. Large numbers of chemical munitions would need to be used to make a battlefield impact. BW could also be used although it is less effective as a tactical weapon … But the use of even small quantities of chemical weapons would cause significant degradation in Coalition progress and might contribute to redressing Coalition conventional superiority … Iraq could make effective use of persistent chemical agents to shape the battlefield … by denying space and territory to Coalition Forces. Booby-traps and improvised explosive devices could be used … to inflict local losses in urban areas. It is also possible that Saddam would seek to use chemical and biological munitions against any internal uprising; intelligence indicates that he is prepared to deliberately target the Shia population. One report indicates that he would be more likely to use CBW against Western forces than on Arab countries."
- **Drawing Israel into the conflict** – "… One intelligence report suggests that if Saddam were to use CBW, his first target would be Israel. Another … suggests that Iraq believes Israel will respond with nuclear weapons if attacked with CBW or conventional warheads. It is not clear if Saddam is deterred by this threat or judges it to be unlikely in the face of US pressure on Israel not to take such a course of action."

- **Unconventional use of CBW** – "Although there is no intelligence to indicate Iraq has considered using chemical and biological agents in terrorist attacks, we cannot rule out the possibility. […] Saddam could also remove his existing constraints on dealing with Al Qaida … Intelligence indicates that Saddam has specifically commissioned a team of scientists to devise novel means of deploying CBW."
- **"At the death"** – "In the last resort Saddam is likely to order the indiscriminate use of whatever chemical and biological weapons remain available to him, in a last attempt to cling on to power or to cause as much damage as possible in a final act of vengeance. If he has not already done so by this stage Saddam will launch CBW attacks on Israel. Implementation of such orders would depend on the delivery means still available, the survivability of the command chain and the willingness of commanders to obey."

255. The JIC acknowledged that much of the Assessment was "necessarily based on judgement and assessment".

256. The Butler Report highlighted that the new judgements relied heavily on inferences made by the JIC in its assessment of recently received intelligence reports.

257. Mr Scarlett told the Hutton Inquiry that the Key Judgements in a JIC Assessment:

> "… represent the formal view of the JIC on the central questions which are being considered in the Assessment itself. They are not a summary of the main points in the text. They are a bringing together and drawing on existing JIC Assessments, a wide body of information which may be outside, much of it open source, secret intelligence, in addition, and other relevant factors, such as past behaviour, past actions and so on."[115]

258. In response to the Intelligence and Security Committee (ISC) report in February 2004, the Government stated that the purpose of the Key Judgements section of JIC Assessments was "to highlight the judgements to be drawn from the intelligence assessed"; it was "not intended to be a summary of the main facts in the paper".[116]

259. The Butler Report stated that the JIC Assessment of 9 September "was prepared in parallel with the Assessment of 21 August", and that:

> "Its tone was set by its first Key Judgement, which reflected a significant change from previous JIC judgements on Iraqi possession of chemical and biological weapons."[117]

---

[115] The Hutton Inquiry, public hearing, 23 September 2003, pages 79-80.
[116] *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments, 11 September 2003*, Cm6118, February 2004, paragraph 7.
[117] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 294.

260. The first Key Judgement stated:

> "Iraq has a chemical and biological weapons capability and Saddam is prepared to use it."

261. The Butler Report commented:

> "The JIC made clear that much of the [9 September] Assessment was based on its own judgement, drawing on the work done for its Assessment of 21 August. But we were struck by the relative thinness of the intelligence base supporting the greater firmness of the JIC's judgements on Iraqi production and possession of chemical and biological weapons, especially the inferential nature of much of it."[118]

262. Sir John Scarlett explained to the Inquiry that the "relationship between collection, dissemination, comment, analysis, assessment and then policy-making was a subtle one".[119] Intelligence reports were issued by the collection agency and there was the possibility for that agency "to make a comment on the report and very often put it into context compared with what other reports have said on a given subject". Reports were then issued to customers across government "particularly … in the Defence Intelligence Staff who are … an important body of analysts". Those customers played a role in the Current Intelligence Groups, but it was the job of the Assessments Staff to bring it all together into a "big picture assessment".

263. Sir John Scarlett stated that the 9 September Assessment had a "separate judgement on the capabilities which existed"; and that it was not intended to be a worst case scenario. The change was the firm judgement on Iraq's current possession of agents and weapons which:

> "… referred to recent intelligence on the production of weapons now taking place, the development of mobile systems and then, importantly, on the regime and Saddam's intent. The great importance that he attached to the possession of chemical and biological weapons and his readiness to use them if necessary, including to defend the regime from attack.
>
> "He saw possession as a central feature of his regional power position and continued ability to project influence.
>
> "That intelligence on intent was significant – taken to be significant.
>
> "It was also noted that we did not know specific plans for CBW use in the event of conflict, the location of production facilities, the size of stocks."[120]

---

[118] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 304.
[119] Public hearing, 8 December 2009, pages 17-18.
[120] Public hearing, 8 December 2009, pages 39-40.

264. Addressing the judgements that had been reached, Sir John Scarlett stated that it was "not at all unusual for an intelligence base behind judgments to be limited or described as sporadic and patchy". The intelligence received in September was:

> "… judged against a set of standing judgments from the past which I'd been at pains to point out were already quite strong …"[121]

265. Sir John subsequently stated: "We thought there was a sound intelligence base, and we had a firm judgment. That's the point I want to make."[122]

266. Mr Miller added:

> "The discussion on 4 September at the JIC really was one that gelled with the very firm view amongst the community about both the possession and the readiness to use, on Saddam's part, these weapons.
>
> "We went away, in the light of that discussion, and wrote the paper which is the final Assessment and expressed those views really quite specifically and as very firm judgments which did, I think, pin down the view of the JIC community at that point. It was the moment which sticks with me as being quite an important one in terms of the arrival of new intelligence, and the precipitation of a discussion in the JIC which led to a very firm expression of the judgments it had reached on both possession and intent."

267. In response to a question about the categorical nature of the Key Judgements in comparison with the detailed text in the 9 September Assessment, Sir John Scarlett emphasised the importance of the distinction to be drawn between the strength of the intelligence base on which an Assessment drew and the firmness of the JIC's Key Judgements; and that the JIC had, in September 2002, made "quite firm judgements" despite the limitations in the intelligence.[123]

268. Mr Miller told the Inquiry that the document discussed by the JIC on 4 September:

> "… wasn't a full JIC Assessment, and it was full of … caveated language …
>
> "In the discussion, the point was made by one of the JIC members that at this stage we should, as a Committee, be very clear on what we were telling Ministers, and there was a view expressed in terms that, despite the caveats in the document prepared by the Assessment Staff, the view was that Saddam did possess the weapons and would be ready to use them, and that was the view that was shared around the JIC table, and which the JIC specifically wanted set out in those terms as the advice that Ministers should read from their intelligence committee.

---

[121] Private hearing, 5 May 2010, page 42.
[122] Private hearing, 5 May 2010, page 43.
[123] Private hearing, 5 May 2010, pages 85-86.

> "So you are absolutely right to distinguish between the body of the paper and the judgements, but it is a distinction which was made consciously and with deliberation."[124]

269. Sir John Scarlett told the Inquiry that the 9 September Assessment "stayed in place as the confirmed view of the JIC in the months that followed and it didn't change significantly".[125]

270. The Assessments Staff and most members of the JIC were not aware at the time of the details of the sourcing chains and that little of the information provided by "reliable sources" was based on first-hand knowledge.

271. In the context of comments on the intelligence underpinning the judgements in the Assessment of 9 September, the Butler Report stated:

> "… the JIC did not reflect in its Assessment, even if only to dismiss it, material in one of those reports suggesting that most members of the Iraqi leadership were not convinced that it would be possible to use chemical and biological weapons."[126]

272. Commenting on the Assessment, the Butler Review concluded that:

> "By mid-September 2002, therefore, readers of JIC assessments will have had an impression of continuity with, but also some change from, the JIC assessment of 15 March:
>
> a. The continuing clear strategic intent on the part of the Iraqi regime to pursue its nuclear, biological, chemical and ballistic missile programmes.
> b. Continuing efforts by the Iraqi regime to sustain and where possible develop its indigenous capabilities.
> c. The apparent considerable development, drawing on these capabilities, of Iraq's 'break-out' potential. Although Iraq's nuclear programme continued to be constrained, there was strong evidence of continuing work on ballistic missiles, including the development and production of systems with ranges in excess of limits set by the United Nations. There was also evidence from one source, supported by one complementary report, of Iraq having the ability to produce biological agent in mobile facilities, and additional evidence of activity at one site formerly associated with Iraq's biological warfare programme. Finally, there were recent intelligence reports, albeit mainly inferential, that Iraq was producing chemical agent. For analysts, intelligence on Iraqi production of biological and chemical agent would have been put alongside Iraq's proven ability to weaponise agent onto at least some delivery systems, and separate intelligence

---

[124] Private hearing, 5 May 2010, pages 86-87.
[125] Public hearing, 8 December 2009, page 41.
[126] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 304.

reports on Saddam Hussein's intention to use chemical and biological weapons if attacked."[127]

273. The Butler Report stated that the "more definite judgements inside the Assessment" were based on:

"… significant new intelligence in August and September 2002 … Four reports were received in total, from three sources, which were influential … The first provided material from a range of original informants reporting via an intermediary to the source.[128] We have noted, however, that the individual items from the informants did not confirm directly that Iraq had chemical weapons. They came from senior Iraqi officials who were believed at the time to have direct knowledge of Iraq's intentions, use, deployment or concealment of chemical weapons, but were based for most of the informants on an assumption (not direct knowledge) that Iraq had such weapons."[129]

274. The Butler Report added:

"The second and third [reports] were from a source who had previously reported reliably and who continued to do so in the following months. This source, too, could not confirm from direct experience that Iraq had chemical weapons, resting on reporting '*common knowledge'* within his circle that chemical agent production was taking place. The second report from this source seems to us to duplicate much of the first."[130]

275. The fourth intelligence report described in the Butler Report:

"… was a single report, from a reliable and established source reporting a new subsource who did not subsequently provide any further reporting, which was described as '*confirming'* the intelligence on Iraqi mobile biological agent production facilities received from the liaison service. Contrary to the JIC view at the time, we believe that this report would have been more accurately described as '*complementary'* to, rather than '*confirming'*, it."[131]

276. Mr Miller told the Inquiry that the intelligence reports were from:

- "one established and reliable source, which was quoting senior Iraqi officers, […], about the use of CBW";

---

[127] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 306.
[128] "We were told by SIS during the course of our Review that there is now doubt about the reliability of this reporting chain and hence of the reports derived from it. Section 5.9 provides further detail."
[129] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 300-301.
[130] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 302.
[131] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 303.

- "another one of the very well established sources […] about the determination of the Iraqi regime to have CBW capable missiles, and the reliance on those weapons as being a contributor or an important part of the ability to project power in the region, to establish Iraq as a regional power"; and
- "a reliable source", "about the use of CBW against the Shia population internally".[132]

277. Mr Miller added:

> "So there was a body of reporting by September that was talking not about technical details of production, but about an understanding that these weapons were available, and that there was a clear place for them in Iraq's thinking about how to conduct itself and how to maintain regional influence."

278. Mr Miller concluded:

> "As the Assessment said, the intelligence was patchy. It was sporadic. It didn't flow through in great volumes routinely, particularly prior to the summer of 2002. But I think the sense of the community was that yes, we are not getting a full picture, but we are getting here a pretty consistent picture, even if it is a rather patchy one, sufficient to inform these judgements, but certainly as additional intelligence came through in the course of 2002, the sense was that that did then begin to provide a weightier basis for reaching the conclusions that were set out in September."[133]

279. Asked about the sources, their background and reliability and whether they were providing hearsay evidence, Mr Miller explained:

> "There were different sources. In the Assessment Staff we didn't seek to have expertise in the sourcing of the intelligence. So we relied on rather summary accounts of the sourcing given in the reports, which tended to characterise it as new or established, reliable or not yet proven, and we give some indication of whether the reporting was direct or indirect."

280. Mr Miller told the Inquiry that reporting which influenced the Assessment came from six new reports, "from apparently solid sources".[134]

281. Sir John Scarlett stated that "at the time, the separation of the different streams of reporting wasn't always clear to the Assessment Staff", and that:

> "… with the slight benefit of hindsight, I can say now that essentially we are talking about three different streams of reporting … which were coming through

[132] Private hearing, 5 June 2010, page 11.
[133] Private hearing, 5 June 2010, page 12.
[134] Private hearing, 5 June 2010, page 15.

in a two-week period at the time the 9 September Assessment was being prepared and discussed."[135]

282. Sir John stated that:

- the source who had produced "the 45-minute report as well", was "an established and reliable reporting [source], but reporting from a line of … named sub-sources"; and
- that source "was quoting his knowledge" and had been "speaking in very definite terms about their continued possession [of chemical and biological weapons]".[136]

283. The "45 Minute" report "quoting the sub-sources on the intention to use [CBW]" was withdrawn on 28 September 2004 (see Section 4.3).[137] Sir John said he had known "in about May 2004" that there was "a big question mark about that report".

284. In relation to the production of biological agent, Sir John Scarlett stated that a report in early September:

> "… from an established and reliable source … referred to a … fermentation system, which … was judged to be very likely to be a reference to the same general capability and the same focus on mobile production capabilities, and that was referred to in assessments after that as corroboration for the mobile reporting.
>
> "So a lot of weight was placed upon the reporting […] from that source."[138]

285. Sir John stated that the reporting on mobile production facilities was withdrawn on 29 September 2004.[139]

286. Mr Miller told the Inquiry:

> "… we were the recipients of the intelligence on the basis described and we gave weight to those descriptions, but we didn't try to get underneath the surface of what had led to a conclusion particularly about the reliability of any particular stream."[140]

287. Asked how much the JIC had known about the sources, Mr Miller added:

> "Generally not a great deal. From time to time, when there was a particular source which the agencies attached great weight to, there was some briefing given on why they were attaching particular weight to a source. But it was all at a fairly high level of generality, and there was, for the bulk of the reporting, nothing more than the descriptors on the individual reports."

---

[135] Private hearing, 5 June 2010, page 13.
[136] Private hearing, 5 June 2010, page 20.
[137] Private hearing, 5 June 2010, page 21.
[138] Private hearing, 5 June 2010, page 18.
[139] Private hearing, 5 June 2010, page 21.
[140] Private hearing, 5 June 2010, page 30.

288. Sir John Scarlett added:

> "… at that time none of us in the Assessment Staff, including me, knew the details of this sourcing. Nor were we clear how many lines of reporting there were, and I know that because just before the conflict I was asking … how many lines of reporting are we actually talking about? …"[141]

289. The withdrawal, in September 2004, of reporting on Iraq intentions for the use of CBW and earlier reporting on mobile biological production facilities, is addressed in Section 4.3.

IISS Assessment, 9 September 2002

The International Institute for Strategic Studies (IISS) published a dossier, *Iraq's Weapons of Mass Destruction: A Net Assessment*, on 9 September.[142]

In his press statement, the Director of the IISS, Dr John Chipman, said that the IISS objective had been "**to assess, as accurately and dispassionately as possible, Iraq's current WMD capabilities**".[143] The task was challenging: "**Iraq made every effort to obscure its past, obstruct dismantlement of its present assets, and retain capabilities for the future**."

Other comments made by Dr Chipman included:

- UNSCOM's experience showed that no on-site inspections could succeed "unless inspectors develop an imaginative and carefully co-ordinated counter-concealment strategy".
- UNMOVIC would need "time to develop and refine the unique inspection techniques required" and to develop "considerable field experience to develop the necessary tradecraft to deal with Iraqi obfuscation efforts".
- The "strength of Baghdad's commitment to possess WMD" was "measurable in part by its efforts to resist unfettered UN inspections".

The IISS dossier identified the differences in view amongst experts as to whether Iraq was focused on reconstituting its biological and chemical warfare capabilities or was "prepared to risk detection and re-invest massive resources in pursuit of nuclear weapons".[144] There was, however, "general agreement" that it was "very unlikely to have achieved the ability to produce sufficient fissile material for nuclear weapons". But if Iraq:

> "… were able to acquire sufficient fissile material from foreign sources, it could probably produce nuclear weapons on short order, perhaps in a matter of months. This is based on the plausible assumption that Iraqi designers, working from the 1991 baseline, have been able to complete the preparations for building a nuclear weapon …"

---

[141] Private hearing, 5 June 2010, pages 30-31.
[142] IISS Dossier, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.
[143] IISS Press Statement Dr John Chipman, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.
[144] IISS Dossier, 9 September 2002, *Iraq's Weapons of Mass Destruction: A Net Assessment*.

The IISS stated that Iraqi acquisition of fissile material was "not a high probability", but "it has to be seen as a real risk that could dramatically and quickly shift the balance of power".

The IISS regarded Iraq's biological weapons programme as "the least understood and accounted for by 1998". Iraq could "plausibly" have retained substantial quantities of growth media and BW agent. It was "not known for certain" whether Iraq had resumed production of agent, but it seemed "a safe bet that it has, or will, in the face of an impending attack".

The IISS judged that, from Baghdad's perspective, biological weapons presented "Iraq's closest approximation to nuclear weapons as an instrument of deterrence or terror". But, in practice, "the magnitude of Iraq's BW threat depends on its delivery capability, which appears limited".

The IISS stated, however, that even if Iraq had not advanced the designs for missile warheads since 1991, and depending on the agent used and a number of ambient factors, "casualties in an unprotected population could run in the hundreds or even thousands". If Iraqi aircraft could survive opposing air forces and air defences, delivery by airborne spray devices would be "even more deadly".

The IISS described Iraq's chemical weapons arsenal as "better known and less threatening". It had "probably retained a few hundred tonnes of mustard and enough stable precursors to produce a few hundred tonnes of sarin/cyclosarin and perhaps a similar amount of VX". It could have mobilised production facilities to produce fresh CW agent, but its current capability probably comprised "hundreds of tonnes of agent … and perhaps a few thousand munitions". Before 1991 it had had "thousands of tonnes of agent and tens of thousands of effective munitions". Iraq had an ability to "deliver chemical warheads on its rocket and artillery pieces, as well as aerial bombs", but its capability effectively to deliver chemical munitions with missiles or aircraft over longer distances was "questionable". Unless Iraq had advanced its pre-1991 designs, its ability efficiently to disseminate chemical agent with missile warheads was "extremely limited".

The IISS concluded that Iraq most likely had a small force of ballistic missiles, "perhaps a dozen or so", with a range of 650km and capable of delivering CBW warheads.

Finally, the IISS stated:

> "As in the past, the threat or use of force may compel Iraq to extend greater co-operation, but signs of weakness and division in the Security Council are likely to invite Iraqi backsliding …
>
> "Either course of action carries risks. Wait and the threat will grow. Strike and the threat may be used …"

Confirmation of Mr Scarlett's responsibility for producing the dossier

290. On 9 September, it was confirmed that Mr Scarlett and the Assessments Staff would be responsible for the production of the Iraq dossier.

291. After a discussion with Mr Scarlett, Mr Campbell wrote setting out the process by which the dossier would be produced:

> "The first point is that this must be, and be seen to be, the work of you and your team, and that its credibility depends fundamentally on that.
>
> "The second is that you are working on a new dossier, according to the structure we agreed at the meeting last week, to meet the new circumstances which have developed over recent weeks and months. Therefore, the rush of comments on the old dossier are not necessary or totally relevant. People should wait for the new one which will be more detailed and substantial."[145]

292. Mr Campbell wrote that the structure agreed the previous week was "roughly":

"
- why the issue arose in the first place
- why the inspection process was necessary
- the history of concealment and deception
- the story of inspectors, leading to their departure
- the story of weapons unaccounted for, and what they could do
- a section on ballistic missile technology
- CW/BW
- nuclear
- the sanctions regime, and how the policy of containment has worked only up to a point
- illicit money
- the repressive nature of the regime
- why the history … makes us worried he cannot be allowed further to develop these weapons."

293. Much of the content of the dossier would be "obviously historical", and that was "a vital part of the overall story". Mr Campbell added:

> "The media/political judgement will inevitably focus on 'what's new?' and I was pleased to hear from you and your SIS colleagues that, contrary to media reports today, the intelligence community are taking such a helpful approach to this in going through all the material they have. It goes without saying that there should be nothing published that you and they are not 100 percent happy with."

---

[145] Minute Campbell to Scarlett, 9 September 2002, [untitled].

294. Mr Campbell also wrote:

> "Our public line is that the dossier will set out the facts which make HMG judge Iraq/WMD to represent a real threat. It will be detailed and comprehensive."

295. Mr Campbell set out the need to avoid leaks and comments to the media which might "talk up the dossier", adding:

> "We should be making clear that even with the intelligence material, the picture can never be a complete one because the inspectors have been out for so long."

296. "[M]ost of the draft material" would be available later that day, "with the Agencies providing the sections relevant to the middle part of our structure [Iraq's chemical, biological, nuclear and ballistic missile programmes], and the FCO providing the more historical material". Mr Scarlett would "want to go through the material before submitting a consolidated draft to No.10 and others".

297. Mr Campbell would "chair a team", including officials from the FCO and No.10, who would "go through the document from a presentational point of view and make recommendations" to Mr Scarlett, who would decide whether they would be incorporated in the dossier.

298. Once Mr Scarlett had reached a view on what would be "incorporated", a "judgement" would be needed on "whether a single person should be appointed to write the final version".

299. Mr Blair had "expressed an interest in seeing an advanced draft". The timing and arrangements for the launch of the document, including the involvement of Mr Blair and other Ministers, were to be addressed once an advanced draft of the document was available.

300. Mr Campbell concluded by referring to US intent to produce "a series of dossiers" and wrote that he was "confident" that the UK dossier could complement rather than conflict with them.

301. Mr Campbell's minute was sent to Mr Straw and Mr Hoon as well as to the intelligence Agencies, Sir David Omand, Security and Intelligence Co-ordinator, and senior officials in the FCO and the MOD.

302. Mr Campbell wrote that he had had a meeting with Mr Scarlett on the dossier before being "joined by three SIS people", and they had "agreed a process for writing the report". He and Mr Scarlett had agreed that "the FCO was trying to take it over", and Mr Scarlett wanted ownership.[146]

303. Mr Campbell also wrote that he told Mr Straw that Mr Williams "should be part of the team, not the writer".

---

[146] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

304. In a minute to Mr Blair in June 2003 Mr Scarlett wrote that, following Mr Blair's announcement on 3 September, the structure of the dossier had been discussed between Sir David Manning, Mr Campbell and himself and their respective teams.[147] The purpose of the dossier was "to present a more detailed account of Iraqi capabilities to be placed in the wider context".

305. Mr Scarlett added:

> "Unlike the previous drafts, it would refer specifically to intelligence material. It was agreed that since this would now be an intelligence-based document I, as JIC Chairman, rather than OD Secretariat would be in charge of the process. These agreements were set out in detail in Alastair's note to me of 9 September …"

306. Mr Scarlett added that the drafting of the revised document was co-ordinated by Mr Miller, "working with representatives of Departments, including DIS, SIS, GCHQ, and FCO". The draft had been discussed at "two meetings of two to three hours each" and there had been "numerous exchanges of drafts and constant consultation between the experts concerned". The intelligence Agencies had agreed to the involvement of Mr Daniel Pruce, a Press Officer in No.10, and Mr Williams and others from the FCO Press Office. JIC members were asked to consult Ministers during the drafting process "as appropriate".

307. Mr Scarlett also wrote:

> "The aim was to ensure that the public assessment deployed the intelligence effectively, taking account of the reliability of the information and the demands of source protection."

308. Mr Scarlett told the Hutton Inquiry that he had had a discussion with Mr Campbell before the meeting on 9 September to say that:

> "… it was very important that only one person and one unit had ownership and command and control of this exercise, that that should be me, that I wanted it stated clearly in writing; and I wanted that to be the outcome of the meeting …"[148]

309. Mr Blair told the Hutton Inquiry:

> "… the whole purpose of having the JIC own this document was in order to provide the absolute clarity and certainty … that in the end they were perfectly happy with this. And I think it was … it was essential that anything we said … in the dossier we could hand on heart say: this is the assessment of the Joint Intelligence Committee."[149]

---

[147] Minute Scarlett to Prime Minister, 4 June 2003, 'September 2002 Iraq Dossier'.
[148] The Hutton Inquiry, public hearing, 23 August 2003, pages 56-57.
[149] The Hutton Inquiry, public hearing, 28 August 2003, pages 18-19.

Draft dossier, 10 September 2002

310. A DIS record of a meeting held by Mr Miller on 9 September recorded that the DIS had been asked to address a number of points including:

- "the provision of more detail on Iraq's military capability to use WMD";
- "the provision of more information on the retention of experts and expertise relating to WMD";
- "to provide information if possible on the diversion and attempted illicit procurement of dual-use materials and equipment"; and
- "the provision of a timeline for the development of a nuclear weapon by Iraq if it were to acquire fissile material."[150]

311. Mr Scarlett produced a first draft of the new dossier on 10 September which drew on the 9 September JIC Assessment and the recent intelligence reports about Saddam Hussein's willingness to use chemical and biological weapons. The draft stated that Iraq could deploy such weapons within 45 minutes of the order being given for their use.

312. A first draft of the revised dossier was produced on 10 September and sent to Mr Campbell, Mr Powell, Sir David Manning, Sir David Omand, the Private Secretaries to Mr Straw and Mr Hoon, Mr Desmond Bowen, who succeeded Mr McKane as Deputy Head of OD Sec in the week beginning 9 September, and to Mr John Williams.[151]

313. Mr Scarlett wrote that he had had "considerable help from John Williams and others in the Foreign Office". The draft required further work and he could not confirm that he was "content with the overall tone … and the balance between the main text and the Annexes", but it had "now reached the stage where it would be useful" to have advice on presentation from Mr Campbell. Mr Williams might also offer further views.

314. Mr Scarlett added that the draft drew "on all the available intelligence identified so far". He was "most grateful for the co-operation of the SIS, GCHQ and the DIS in constructing the key section on Iraq's capabilities"; and the drafters continued to "check for any further intelligence for inclusion in the text".

315. Mr Scarlett concluded by asking recipients to "hold the text very tight" and to "continue to refrain from public reference to its contents".

316. The draft Foreword drew heavily on Mr Williams' 5 September revisions to Mr McKane's draft "capping piece".

317. The Executive Summary stated that the paper set out the Government's "knowledge" of Iraq's programmes to acquire weapons of mass destruction, traced

---

[150] Minute DIGI to [CDI and DCDI Private Offices and others], 9 September 2002, 'Iraq Dossier Meeting – 9 Sep 02'.
[151] Minute Scarlett to Campbell, 10 September 2002, 'The Iraq Dossier'.

their history, and, “Drawing on very sensitive intelligence”, set out the assessment of current capabilities and showed how the picture was “continuing to develop as new information becomes available”.

318. Specifically, the Executive Summary stated that recent intelligence had added to the picture of Iraq’s capabilities and indicted that Iraq:

- attached “great importance to the possession of weapons of mass destruction and that Saddam Hussein is committed to using them if necessary”;
- envisaged “the use of weapons of mass destruction in its current military planning and could deploy such weapons within 45 minutes of the order being given for their use”;
- had “begun dispersing its most sensitive weapons, equipment and material because Saddam is determined not to lose the capabilities developed in the last four years”;
- was “preparing plans to conceal evidence of its weapons of mass destruction from any renewed inspections, including by dispersing incriminating documents”;
- had “acquired mobile laboratories for military use, corroborating earlier report[ing] about the mobile production of biological warfare agents”;
- had “purchased large quantities of uranium ore, despite having no civil nuclear programme that could require it”.

319. The draft comprised six sections:

- Saddam Hussein’s regime and his rise to power;
- Saddam Hussein’s wars;
- Iraq’s WMD programme – the threat in 1991;
- The response of the international community;
- The history of UN weapons inspectors;
- Iraqi chemical, biological, nuclear and ballistic missile programmes: the current position.

320. The section on Iraq’s current capabilities stated:

> “Intelligence plays a central role in informing government policy towards Iraq’s weapons of mass destruction and ballistic missile programmes. The reports are often very sensitive … But, taken with Saddam’s record of using chemical weapons and the evidence from UN weapons inspections, the intelligence builds a compelling picture of Saddam’s capabilities.
>
> “This section sets out what we now know …”

321. Other statements in the section included:

- Iraq could "deliver chemical and biological agents using an extensive range of artillery shells, free-fall bombs, sprayers and ballistic missiles".
- "Intelligence from reliable and well-informed sources has become available in the last few weeks. This has confirmed that Iraq has chemical and biological weapons and the Iraqi leadership has been discussing a number of issues related to them."
- "[T]he order to produce … chemical and biological agents has been given".
- Intelligence had confirmed that the Iraqi military had acquired mobile facilities to produce biological agent.
- "If Iraq acquired sufficient fissile material from abroad we judge it would take at least two years to make a working nuclear device. However, Iraq could produce an improvised nuclear device within a few months but this would be unreliable."

322. Addressing the specific issue of the use of intelligence "about the deployability of CBW within 45 minutes", Mr Scarlett wrote in his minute to Mr Blair in June 2003:

> "This intelligence came from a line of reporting judged to be reliable and was consistent with standing JIC judgements it was included by the drafters and approved by the JIC. It's [sic] inclusion was not suggested by No.10. The report was highlighted in the same terms in a JIC Assessment of 9 September."[152]

323. Mr Scarlett added that the 9 September Assessment reflected other recently received intelligence and that was "recorded in the dossier under the heading, 'Recent Intelligence'".

THE VIEW OF THE JIC

324. The JIC discussed the dossier on Iraq in its meeting on 11 September, including that:

- **the Committee's authority would lend important weight to the dossier's content and enhance its impact; and**
- **the dossier needed to "convey accurately but dramatically the rising concern about Iraq's weapons programmes" and that recent intelligence had shed light on progress since 1998.**

325. Mr Scarlett wrote to JIC members on 10 September asking for comments on an additional section which he had agreed with Mr Campbell "would be considered for inclusion in the 'dossier'".[153] It gave "an account of the JIC assessment of developments in Iraqi WMD programmes since UNSCOM inspectors were withdrawn in late 1998",

---

[152] Minute Scarlett to Prime Minister, 4 June 2003, 'September 2002 Iraq Dossier'.
[153] Minute Scarlett to JIC Members, 10 September 2002, 'Iraqi WMD: Public Presentation of Intelligence Material'.

which would "demonstrate that this question has been the subject of continuous assessment throughout the four years and has been brought to the regular attention of the Government".

326. Mr Scarlett wrote that he "hoped to be able to brief you further at JIC on 11 September" and that he "would particularly welcome your comments on the attachment", which set out key points from relevant JIC Assessments.[154]

327. Mr Scarlett also sent the 10 September draft of the dossier to the members of the JIC on 11 September. Describing it as "very much work in progress", Mr Scarlett wrote:

> "… several sections … are already being rewritten. Nevertheless, you need to see where we have got to. I would be grateful if you could study the intelligence-related sections … and let me or Julian Miller have your views by mid-day tomorrow, if not at this afternoon's JIC. We particularly need advice on any remaining security implications of publishing … We also need to be sure that overall the balance of the judgements remains consistent with those previously reached by the JIC."[155]

328. A member of the DIS expressed concern about the reference in the draft to Iraq producing an improvised nuclear device (IND).[156]

329. The DIS official wrote:

> "As I feared, the whole issue of Iraq considering the development of an IND has gained momentum. I would like to delete all mention of INDs in the dossier, but the CO [Cabinet Office] consider it vital to the picture for no sensible reason. Unfortunately an Iraqi JIC paper referred to it (against DI52 advice) and that is being used as a justification. This will probably grow as the dossier is released to the press, with the result that the spotlight will be diverted from the real, important issues. However, this does not concern the CO. If you have a chance to advise CDI [Chief of Defence Intelligence] before this afternoon's JIC, I would appreciate your support on the removal of all mention of INDs …"

330. The DIS official stated that he had only agreed language saying that Iraq would not go down this route.

331. There is no mention of INDs in the published version of the dossier.

---

[154] Minute Scarlett to JIC Members, 'Iraqi WMD: Public Presentation of Intelligence material' attaching Draft Paper, 'Iraq and Weapons of Mass Destruction: Joint Intelligence Committee Assessment'.
[155] Minute Scarlett to JIC Members, 11 September 2002, 'Iraq WMD: Papers for Public Presentation'.
[156] Email [1331] DIS [junior official] to DIS [junior official], 11 September 2002, 'Non-existent Iraqi INDs'.

332. A separate email from the same DIS official stated that a member of his team would "not give the idea of an IND time of day" and assessed there were only two scenarios to consider:

> "(a) If Saddam still thinks he has time on his side, he will try to develop a nuclear weapon … Iraq won't succeed while sanctions are in place, and will take at least five years once sanctions are removed …
>
> "(b) In the last resort – when his regime and he are about to fall with the US infantry on the doorstep, he will use what ever he can do rapidly – eg indiscriminate spreading of CB agents and toxic chemical … One point which I believe everyone has missed in the ridiculous debate on INDs is that there will be one obvious last ditch action that Saddam will take in the spirit of torching the oilfields as he retreated in 1991 … demolish the store of natural and low-enriched yellowcake … in the southern outskirts of Baghdad .. There is no risk of a nuclear blast … However … Saddam would want to play on the irrational fears in Western opinion as he heads for a safe haven. He would, of course, blame … the US …"[157]

333. The DIS official also provided draft language explaining how difficult nuclear weapons were to make.

334. At the JIC on 11 September, Mr Scarlett explained that his "purpose in circulating the draft, and in tabling it for discussion, was to invite comments on its content. In particular on the question of whether or how best to describe or present the work the JIC had done in the last several years to assess Iraq's weapons of mass destruction capabilities and intentions."[158]

335. The minutes record that the main points which were made were:

"a. the part of the draft that looked at what was known or assessed from intelligence was at the heart of the dossier with the potential to have a significant impact. It needed to be as factual as possible, and to convey accurately but dramatically the rising concern about Iraq's weapons programmes. It needed in particular to emphasise the importance of recent intelligence in shedding light on the progress Iraq had made since 1998, and on Saddam Hussein's readiness to deploy and use these weapons;

b. it made good sense both to describe the way that the JIC and the central intelligence machinery had kept Iraq's weapons of mass destruction programme under regular review, and to outline in the main body of the text what the Committee's key judgements or messages to Ministers and policy makers since 1998 had been. The Committee's authority would lend important weight to the dossier's content and enhance its impact. But on balance, to avoid setting

---

[157] Email [1132] DIS [junior official] to DIS [junior official], 11 September 2002, 'Questions from [Assessments Staff junior official]'.
[158] Minutes, 11 September 2002, JIC meeting.

unhelpful precedent, it would be better not to quote directly from specific or identified JIC Assessments themselves."

336. It was also suggested that it would be a good idea to keep the Intelligence and Security Committee informed of what was proposed.

337. Mr Scarlett invited Mr Miller:

"… to lead on preparing a revised version of the dossier for further comment, to be circulated later in the week. The new draft would in particular describe the impact of recent intelligence and explain the evolution and significance of the JIC's assessments. The Committee's agreement to the section of the draft dealing with the intelligence assessment would be sought before the dossier was finalised."

338. There is no record of any discussion of the substance of specific points in the draft dossier.

339. Sir Richard Dearlove, Sir Francis Richards, Air Marshal Joe French (Chief of Defence Intelligence), Sir David Omand, Sir David Manning, Mr Simon Webb (MOD Policy Director), Mr Bowen, Ms Eliza Manningham-Buller (Deputy Director General of the Security Service), and Mr Mike Grannatt (Cabinet Office Director General, Government Information and Communication Service (GICS)), were among those present at the meeting.

340. In its discussion of the future work programme, the JIC "agreed that there was an increasing appetite for papers on aspects of the Iraqi question".

341. Mr Scarlett told the Hutton Inquiry that his instructions from the JIC were "to keep what we were writing in line with standing JIC Assessments and also with recent intelligence".[159]

342. Mr Scarlett also stated that the JIC had given its formal agreement to taking on the dossier; and that it had responded with several important points. It wanted the drafters to:

- "… convey the rising level of concern on which the JIC took its view about Iraq's programmes and development of weapons of mass destruction."
- "… in particular … to highlight the progress which was being made since 1998, despite sanctions."
- "… make it clear the JIC assessment that Iraq was ready to use these weapons."
- "… take full account of the recent intelligence which had been coming in."[160]

---

[159] The Hutton Inquiry, public hearing, 23 September 2003, page 159.
[160] The Hutton Inquiry, public hearing, 23 September 2003, page 85.

343. Sir Richard Dearlove told the Hutton Inquiry that he had seen the draft dossier before the JIC meeting, and that it was "normal practice" for him "to be closely briefed" before JIC meetings.[161] He added that the process of producing the dossier had been "covered very closely on a day-to-day basis" by an SIS team, and that he had been "kept closely involved".

344. Asked if any comments from the DIS had been raised on the 45 minutes point at the JIC discussion on 11 September, Sir Richard Dearlove told Lord Hutton on 15 September: "Not that I can recall. It was not raised."[162]

345. An SIS officer, who was not an expert in the issues addressed in the dossier, sent a colleague unsolicited general views about the draft. The officer questioned the language used in the draft, which he thought needed to be more convincing in answering the questions "Why Iraq?" and "Why now?". The minute was also sent to senior managers. It was drawn to the attention of Sir Richard Dearlove, by his Private Secretary, before a meeting with Mr Blair on 12 September.[163]

346. Sir Richard Dearlove's Private Secretary recorded that Sir Richard found the comments useful and timely, and that Sir Richard had drawn on them extensively in his meeting with Mr Blair.[164]

347. The meeting with Mr Blair is addressed later in this Section.

OTHER COMMENTS ON 10 SEPTEMBER DRAFT DOSSIER

348. Mr Bowen pointed out that it was unclear what Saddam Hussein intended to do with any weapons of mass destruction and long-range ballistic missiles.

349. Commenting on the draft dossier of 10 September, Mr Bowen wrote:

- "The bit of the jigsaw that doesn't quite hang together is what Saddam intends to do with the WMD he has been so intent on acquiring. It is one thing to ask the rhetorical question: what could they be used for except making mischief regionally; it is another to be able to point to stated objectives either from the intelligence or public documents. It is, of course, the case that you point to the facts of Saddam's aggression and repression and use of WMD; perhaps we can make more of this and his unpredictability."
- "In looking at the WMD sections, you clearly want to be as firm and authoritative as you can be. You will need to judge the extent to which you need to hedge your judgements with … caveats. I appreciate that this can increase the authenticity of the document in terms of it being a proper assessment, but that needs to be weighed against the use that will be made by the opponents of

[161] The Hutton Inquiry, public hearing, 15 September 2003, page 90.
[162] The Hutton Inquiry, public hearing, 15 September 2003, page 94.
[163] Minute [SIS internal minute], 12 September 2002.
[164] Minute [SIS internal minute], 12 September 2002.

action who will add up the number of judgements on which we do not have absolute clarity."

- "… [T]here are two key sections … which will need to be given proper prominence … Why Are We Concerned and the Conclusions."
- "I think it would be helpful to draw together the state of advancement of both chemical and biological capability, with military thinking and the delivery means."
- "It would be helpful if there was more about where ballistic missiles are likely to be targeted rather than what countries are in range."[165]

350. Mr Bowen concluded:

> "Finally the question which we have to have in the back of our minds is 'Why Now?'. I think we have moved away from promoting the idea that we are in imminent danger of attack and therefore intend to act in pre-emptive self defence. The approach is rather that Saddam has failed to abide by the UNSCRs and his flouting of international law and continuing acquisition of WMD cannot be tolerated any longer. This difference is important because the focus shifts to Saddam's continuing efforts to equip himself with WMD, which is what the evidence shows."

351. Mr Bowen's comments on the draft Foreword are addressed later in this Section.

352. Asked whether he had felt under pressure to firm up the judgements in the draft as a result of Mr Bowen's comments, Mr Scarlett told the Inquiry that he had "no memory" of seeing the document and no action had been recorded on it.[166]

353. Mr Sedwill asked the UK Permanent Mission in New York for advice on whether the UK should table the dossier in the Security Council in support of a US resolution on Iraq.

354. In advice for No.10 on 27 August, Mr Straw had addressed a possible draft resolution containing an ultimatum to Iraq to readmit inspectors, and what President Bush might say in his speech to the UN General Assembly on 12 September as part of a wider challenge to the UN to demonstrate that it could tackle the problem of WMD in the hands of rogue states.[167] He suggested that a subsequent Security Council discussion might provide "a peg for publishing via the UN the long-awaited 'Iraq Dossier'".

355. On 11 September, Mr Sedwill reported that he had sent the draft dossier to Mr Straw's "party" in New York, to check whether they think it is along the right lines".[168] He had also asked Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, to advise on whether any or all of it might be tabled in the Security Council to support the UK intervention when the US tabled their resolution.

---

[165] Minute Bowen to Scarlett, 11 September 2002, 'The Iraq Dossier'.
[166] Public hearing, 8 December 2009, pages 58-60.
[167] Letter McDonald to Manning, 27 August 2002, 'Iraq: Ultimatum'.
[168] Email Sedwill to Gray, 11 September 2002, 'Dossier 10/9 Version - Comments'.

It is clear from the email that the timing of publication was uncertain, and that Mr Sedwill and Mr Campbell had discussed the possibility of publication in the week beginning 17 September.

356. Mr Sedwill commented that the draft was "much better than earlier drafts" and "could move further in the direction of factual analysis". The document needed to "set out the problem, rather than the solution"; people "should conclude that for themselves". He made a number of detailed suggestions for additions and amendments to the draft. His suggestions included:

- The Executive Summary could be "tweaked a bit" to "explain the centrality of WMD" to Saddam Hussein's rule, for example his projection of power.
- "Crucially", Section 2 needed to "explain the role of WMD in the political mythology which has sustained the regime, implicitly why giving it up would amount to a change of regime and how responsibility for WMD rests with those parts of the apparatus on which Saddam depends for his own security. People need to understand that for Saddam giving up WMD is not like a British Govt deciding we don't need Trident any more …"
- Section 3 should be depersonalised "a bit", with references to "the regime" rather than Saddam Hussein.
- The effects of chemical and biological agents could be explained "more vividly".
- Sections 3 and 4 should be combined to "demonstrate more explicitly the link between UNSC [UN Security Council] action and persistent Iraqi obstruction".
- The history of weapons inspections was "an interesting story and would give the media a better feel for the difficulties they faced and the persistence of the Iraqi obstruction". It should be expanded.
- Section 6, setting out the detail of Iraq's programmes, was the "crux" of the dossier and should be as factual as possible.

357. Mr Sedwill subsequently reported that Mr Straw had endorsed his comments and offered a number of additional points.[169]

358. Mr Straw's suggestion that the Foreword should be signed by Mr Blair is addressed later in this Section.

359. A junior official in the UK Permanent Mission to the UN in New York (UKMIS New York) replied that it would "probably be a bit much to deposit the whole report with the Security Council, though we could deposit something like Section 6 if this were felt useful".[170]

---

[169] Email Sedwill to Gray, 11 September 2002, 'Iraq Dossier: 10/9 Version – Foreign Secretary's Comments'.
[170] Letter FCO [junior official] to Sedwill, 12 September 2002, 'Iraq: The Dossier'.

360. The official also commented that the draft was "a substantial improvement" and suggested adding a number of points, including:

- "Something showing the elaborate Iraqi apparatus of concealment would demonstrate to just what lengths this government is going to keep its hands on WMD".
- It "would be desirable to give more detail of dodgy procurements … We need to show the lengths Iraq has been willing to go to get its hands on WMD components".
- Explaining why Iraq's unilateral destruction of WMD was of such concern, "ie it allowed Iraq to obscure its WMD stocks and capabilities, eg by claiming to have destroyed more items than was actually the case".

INSTRUCTIONS FROM NO.10

Mr Blair's speech to the TUC, 10 September 2002

In the first section of his speech to the Trades Union Congress (TUC) on 10 September, Mr Blair set out the rationale for tackling the problem of Iraq – "why I say Saddam is a threat that has to be dealt with".[171]

Mr Blair stated that "when the weapons inspectors were evicted from Iraq in 1998 there were still enough chemical and biological weapons remaining to devastate the entire Gulf region". He also stated that Saddam Hussein had a nuclear programme, which he had denied and which had been "disrupted" by inspections. He was in breach of "23 outstanding UN obligations requiring him to admit inspectors and disarm".

361. The Assessments Staff reported that No.10 was understood to want the dossier to be as strong as possible within the available intelligence, subject to it being owned by the Joint Intelligence Committee.

362. On 11 September, Mr Blair wrote to the Speaker of the House of Commons, and to the Lord Chancellor, asking for Parliament to be recalled in the week beginning 23 September (see Section 3.4).[172] Mr Blair wrote:

> "By then, important discussions at the UN will have taken place. And the Government will be in a position to publish the dossier on what we know of the Iraqi regime and its WMD programme."

---

[171] *The Guardian*, 10 September 2002, *Full text of Tony Blair's TUC address.*
[172] Letter Blair to Martin, 11 September 2002, [untitled].

363. An email from an official in the Assessments Staff at 1pm on 11 September stated:

> "We have now received comments back from No.10 … Unsurprisingly they have further questions and areas they would like expanded."[173]

364. The official wrote that the "main comments" from No.10 were:

> "1. They liked the use of a specific personality … in the paras on CW. Can we add any more personalities, related to BW, nuclear, BM [ballistic missiles], who are doing jobs now that are suspiciuos [sic] because of their previous role …
>
> "2. Is there any intelligence that Iraq has actively sought to employ foreign experts, in particular in the nuclear field?
>
> "3. They want more details on the items procured for their nuclear programme – how many did they buy, what does this equate to in terms of significance to a nuclear programme?
>
> "4. Can we say how many chemical and biological weapons Iraq currently has by type! If we cant give weapons numbers can we give any idea on the quantity of agent available!
>
> "I appreciate everyone, us included, has been around at least some of these buoys before, particularly item 4."

365. The official concluded:

> "But No.10 through the Chairman want the document to be as strong as possible within the bounds of avaialable [sic] intelligence. This is therefore a last (!) call for any items of intelligence that agencies think can and should be included."

366. In a postscript, the official added:

> "[…] we have already discussed the continuing need to say something about Iraq's capability to make INDs [Improvised Nuclear Devices] (as per March JIC paper)."

367. The email was not specific about who in No.10 was being quoted or how the message was conveyed.

368. A series of internal emails within No.10 on 10 and 11 September, some of which were written after the email from the Assessments Staff, discussed the approach to be taken in the dossier.

---

[173] Email Assessments Staff [junior official] to "agencies and departments", 11 September 2002, 'Iraqi dossier – Questions from No.10'.

369. Mr Pruce commented on 10 September that he thought the dossier should focus on Saddam Hussein as much as possible and use personal witness statements about Saddam's abuses and quotations from Saddam's speeches. He added:

> "In the public's mind the key difference between this text and the IISS text will be the access to intelligence material I like the idea of a history of JIC Assessments Might we also include a general statement on the nature of the intelligence services and their role …"[174]

370. On 11 September, Mr Pruce wrote:

> "Who will issue the text? Us? The Cabinet Office? Why don't we issue it in the name of the JIC? Makes it more interesting to the media."[175]

371. Mr Pruce suggested that:

- The draft should be personalised onto Saddam "as much as possible".
- The aim should be to "convey the impression that … over the past decade he [Saddam Hussein] has been aggressively and relentlessly pursuing WMD while brutally repressing his own people".
- Wherever there was a reference to weapons, there should be a description of their destructive capacity.

372. Mr Pruce commented that the section on intelligence would be:

> "… the one that readers will go to first. This draft already plays up the nature of intelligence sourcing. I think we could play this up more The more we advertise that unsupported assertions (eg Saddam attaches great importance to the possession of WMD) come from intelligence the better The history of JIC Assessments will help too …"

373. Mr Pruce's comments on the Foreword are set out later in this Section.

374. Mr Philip Bassett, a Special Adviser in No.10, commented:

> "Very long way to go I think … we're in a lot of trouble with this as it stands now".[176]

375. Mr Tom Kelly, the Prime Minister's Official Spokesman, wrote that the draft had "one central weakness", it did "not differentiate enough between capacity and intent":

> "We know he is trying to get WMD – and this shows those attempts are intensifying But can we show why we think he intends to use them aggressively, rather than in self-defence We need that to counter the argument that Saddam is bad, but not mad

---

[174] Email Pruce to Mathews, 10 September 2002, 'Dossier'.
[175] Email Pruce to Campbell, 11 September 2002, 'Draft Dossier (J Scarlett Version of 10 Sept)'.
[176] Email Bassett to Pruce and Campbell, 11 September 2002, 'Draft Dossier (J Scarlett Version of 10 Sept)'.

We also … need more direct argument on why containment is breaking down In other words, putting the emphasis as much (maybe more) on the present and future, as the past

"The key must be to show that Saddam has the capacity, and is intent on using it in ways that threaten world stability, and that our ability to stop him is increasingly threatened."[177]

376. Mr Rycroft responded:

"yes, part of the answer to 'why now?' is that the threat will only get worse if we don't act now – the threat that Saddam will use WMD, but also the threat that Iraq's WMD will somehow get into the hands of the terrorists […] This all links into the illicit money, since the more funds he has – and his cash pile is growing all the time – the more likely he is to buy fissile material etc".[178]

377. Mr Godric Smith, the Prime Minister's Official Spokesman, wrote:

"I think there is material here we can work with but it is a bit of a muddle and needs a lot more clarity in the guts of it in terms of what is new/old In each area we need to distinguish between the two and better source (as much as we can) to intelligence It needs to be more factual if anything, less assertion based, with the rhetoric stripped out as I think this undermines it".[179]

378. Mr Bassett responded that he agreed with Mr Smith and suggested that the language of the dossier was "too journalistic", it needed to be written "more in officialese" and "much more weight and detail":

"- crucially though, it's intelligence-lite … All intelligence material tends to read like unevidenced assertion, and we have to find a way to get over this a) by having better intelligence material […], b) by having more material (and better flagged-up), and c) more convincing material …"[180]

379. There was a meeting between Mr Campbell and Mr Scarlett, and others from No.10, at 6pm on 11 September.[181]

380. In his diaries Mr Campbell wrote that he:

"… gave some suggestions later re a different structure. We had the basic story and now had to fill it out. TB looked at it and said it was pretty compelling stuff."[182]

---

[177] Email Kelly to Campbell, 11 September 2002, 'Dossier'.
[178] Email Rycroft to Kelly and Campbell, 11 September 2002, 'Dossier'.
[179] Email Smith to Pruce and Campbell, 11 September 2002, 'Draft Dossier (J Scarlett Version of 10 Sept)'.
[180] Email Bassett to Smith, Pruce and Campbell, 11 September 2002, 'Draft Dossier (J Scarlett Version of 10 Sept)'.
[181] Emails Blackshaw to Poston and Mathews, 11 September 2002.
[182] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

381. When Mr Miller asked to talk to someone in No.10 about the latest thinking on the dossier, "without getting into circulating copies just so as they are on the right track", Mr Smith suggested he should speak to Mr Campbell or Mr Tom Kelly on 13 September.[183]

382. On 13 September, Mr Campbell wrote:

> "Meeting with Julian Miller … to go through the new structure. I was worried that it was going to have to rely too much on assertion …"[184]

383. In relation to the recall of Parliament, Mr Campbell also wrote:

> "I was worried that the dossier was going to be too assertive and that even though the agencies presented it as their work, it would be seen as us trying to spin them a line."

384. Mr Campbell told the Hutton Inquiry that, in relation to the dossier, he had told Mr Scarlett: "The drier the better, cut the rhetoric"; and that "the more intelligence based it was, the better". There was a need to distinguish between material in the Government's dossier and the IISS publication.[185]

385. Asked about the emails from Mr Pruce, Mr Smith and Mr Bassett, Mr Campbell said that he could not recall seeing them.[186]

386. Mr Campbell was not asked about the emails from Mr Kelly and Mr Rycroft.

387. Mr Scarlett told the Hutton Inquiry that he had not seen the No.10 emails at the time but he could see from the documents presented to him that some of the main comments had been made orally in the discussion that had taken place in Mr Campbell's office at 6pm on 11 September 2002.[187]

388. Asked whether he had received the comments from No.10 orally from Mr Campbell, Mr Scarlett stated that the person who had drafted the email recalled only that Mr Scarlett had said to him that the points were from No.10. Mr Scarlett had "no recollection" and "no record" of receiving the points, or who they were received from.[188]

389. Mr Campbell subsequently told the Hutton Inquiry that, in relation to the content of the emails between Mr Bassett, Mr Smith and Mr Pruce, he stood by what he had said on 19 August 2003; and that he could not recall pointing out any of the sentiments to Mr Scarlett in their meeting on 11 September.[189]

---

[183] Email Smith to Campbell, 12 September 2002, 'Dossier'.
[184] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[185] The Hutton Inquiry, public hearing, 19 August 2003, page 35.
[186] The Hutton Inquiry, public hearing, 19 August 2003, pages 36-39.
[187] The Hutton Inquiry, public hearing, 23 August 2003, page 61.
[188] The Hutton Inquiry, public hearing, 23 August 2003, page 63.
[189] The Hutton Inquiry, public hearing, 22 September 2003, pages 159-160.

390. Mr Scarlett stated that he remembered Mr Bassett being at the meeting with Mr Campbell, but he did not remember what Mr Bassett had said and he did not remember taking any notice of it.[190] Mr Scarlett added:

> "… the general advice that I took away from Alastair Campbell, from nobody else … was that the … draft … needed, ideally, to have more detail in it, needed to be less assertive, less rhetorical … And indeed the 16th September draft was clearly striking a slightly different tone in its language."

391. Asked about the views expressed in the emails and their impact, Mr Campbell told the Inquiry:

> "That may have been their honestly held opinions, but I didn't agree with them. I actually thought that the paper that John Scarlett produced on September 10 was … a very, very good piece of work. So, as I said at the Hutton inquiry, they are all perfectly entitled to make those points, if that's their opinion, but, ultimately, it would not be their decision …"[191]

392. Mr Blair told the Hutton Inquiry that he was aware of the process for producing the dossier, and his view was that it was "important that it made the best case we could make subject, obviously, to it being owned by the Joint Intelligence Committee".

393. There is no evidence that Mr Blair saw the emails on the issue between officials in No.10.

394. Asked, in the light of the comment that No.10 had wanted the dossier "to be as strong as possible within the bounds of available intelligence", whether he was aware that process (the email exchange) was going on, Mr Blair told the Hutton Inquiry that he had been aware of that, and "it was important that it [the dossier] made the best case we could make subject, obviously, to it being owned by the Joint Intelligence Committee".[192]

395. Mr Blair added that, as Parliament was being recalled and he would be presenting the dossier, he had been concerned to make sure the dossier made the "best case":

> "Provided that is clearly understood as meaning that it is only if the intelligence agencies thought both that the actual intelligence should be included and that there was not improper weight being given to any aspect of that intelligence."[193]

---

[190] The Hutton Inquiry, public hearing, 23 September 2003, page 151.
[191] Public hearing, 12 January 2010, page 83.
[192] The Hutton Inquiry, public hearing, 28 August 2003, page 6.
[193] The Hutton Inquiry, public hearing, 28 August 2003, page 7.

THE US PERSPECTIVE

396. The discussions with the US about President Bush's speech to the UN General Assembly on 12 September are addressed in Section 3.4. Key points from the speech are set out in the Box below.

President Bush's speech, 12 September 2002

In his speech to the UN General Assembly on 12 September, President Bush set out his view of the "grave and gathering danger" posed by Saddam Hussein and challenged the UN to act to address Iraq's failure to meet the obligations imposed by the Security Council since 1990.[194]

President Bush made clear that, if Iraq defied the UN the world must hold Iraq to account and the US would "work with the UN Security Council for the necessary resolutions".

But the US would not stand by and do nothing in the face of the threat.

President Bush set out Iraq's failure to meet those obligations imposed by the UN, including:

- "Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons."
- UN inspections had revealed that Iraq "likely maintains stockpiles of VX, mustard and other chemical agents, and that the regime is rebuilding and expanding facilities capable of producing chemical weapons".
- Iraq continued "to withhold important information about its nuclear program"; employed "capable nuclear scientists and technicians"; and retained "the physical infrastructure needed to build a nuclear weapon". It had "made several attempts to buy high-strength aluminium tubes used to enrich uranium for a nuclear weapon". If Iraq acquired fissile material, "it would be able to build a nuclear weapon within a year".
- Iraq's "state controlled media" had "reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons".
- Iraq also possessed "a force" of SCUD-type missiles with greater than permitted range and was "building more … that can inflict mass death throughout the region".
- Iraq had "subverted" the Oil-for-Food programme "to buy missile technology and military materials".
- Despite the UN's demands for the return of inspectors, Iraq had had "four years … to plan and to build and to test behind the cloak of secrecy".

Challenging the UN to act, President Bush stated:

> "We know that Saddam Hussein pursued weapons of mass murder even when inspectors were in his country. Are we to assume that he stopped when they left? The history, the logic and the facts lead to one conclusion: Saddam Hussein's regime

[194] The White House, 12 September 2002, *President's Remarks to the United Nations General Assembly.*

> is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume … good faith is … a reckless gamble … [T]his is a risk we must not take.
>
> "We have been more than patient … Saddam Hussein has defied all these efforts and continues to develop weapons of mass destruction. The first time we may be completely certain he has … nuclear weapons is when … he uses one. We owe it to all our citizens to prevent that day from coming."

397. Mr Scarlett discussed the draft dossier with US Administration officials on 12 September.

398. Sir Christopher Meyer, British Ambassador to the US, reported that, in meetings on 12 September, US Administration officials had welcomed Mr Scarlett's briefing on the UK plan to publish a dossier on Iraqi WMD on 24 September.[195]

399. Mr Scarlett had "stressed the importance of co-ordinating UK and US public presentation strategies". The issues discussed included:

- recent Iraqi attempts to procure aluminium tubes; and
- the differences between US and UK assessments of the timelines for Iraq to acquire a nuclear weapons capability. President Bush had said publicly, notably in his speech to the UN General Assembly, that, if it obtained fissile material, Iraq could build a nuclear weapon within a year.

400. Sir Christopher Meyer also wrote:

> "US interlocutors all pointed more generally to the need not to get trapped into juridical standards of proof. The bulk of the case should rest on history and common-sense argument, rather than specific new intelligence. When it came to Saddam's WMD, absence of evidence was not the same as evidence of absence. We should not be afraid to argue that, just as in 1991, Iraq's programmes were probably much further advanced than we knew."

401. One official in the National Security Council suggested:

> "… setting out convincing arguments as to why Saddam continued his costly pursuit of WMD. Deterring attacks on the regime was not a full explanation. For Saddam, WMD were weapons of choice, not of last resort. In particular … [he] believed, Saddam wanted nuclear weapons so that he could threaten or use CW or BW in the region, and use his nuclear capability to deter nuclear retaliation … we should not be afraid to make this argument publicly."

---

[195] Telegram Misc 2 Washington to FCO London, 12 September 2002, 'Personal Public Dossiers on Iraqi WMD'.

402. Mr Scarlett also discussed the draft with the CIA:

> "The WMD section of the 10 September draft was also shown to the US Central Intelligence Agency (CIA) and they made comments."[196]

SIS report, 11 September 2002

403. On 11 September, SIS issued a report stating:

- **Iraq had accelerated the production of chemical and biological agent;**
- **it had built further facilities throughout Iraq; and**
- **Saddam Hussein was determined to maintain his CBW capability.**

404. SIS expected to receive additional material through the same source.

405. Reflecting concerns about source protection, the report was given a very limited distribution to named senior officials.

406. The report did not make clear that SIS was not itself in contact with the source whom it considered had direct access to Iraq's programmes.

407. The Butler Report stated:

> "One further intelligence report which has been described to us as being significant was received between the production of the JIC's Assessment of 9 September and the publication of the Government's dossier. This … reported that production of biological and chemical agent had been accelerated by the Iraqi regime, including through the building of further facilities throughout Iraq."[197]

408. Notes of a telephone discussion between Sir Richard Dearlove and Mr Scarlett on 11 September recorded that Sir Richard told Mr Scarlett:

- SIS was "on the edge of [a] significant intel breakthrough". The intelligence was from a "first contact with BCW phenomenal access". It could be the "key to unlock" Iraq's BCW programme.
- Asked whether the source definitely had "the access", Sir Richard replied "yes".
- Sir Richard expected "additional material in 3-4 weeks time". He mentioned a "CD with everything in it".
- Sir Richard believed that it would be too risky to include the material from the new source [in the dossier]: "The moment we publish Saddam will lock up his BCW scientists."

---

[196] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, September 2003, paragraph 74.
[197] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 305.

- Sir Richard was reported to have "summarised the report", stating: "Production closed down but sufficient stocks already."
- Mr Scarlett agreed that the report would not be fed into "today's discussion [of the draft dossier]". He was: "Not happy with draft. Section 6 & 7 are keys."[198]

409. A letter from Sir Richard Dearlove's Private Secretary to Sir David Manning, with two copies of the report (one for Sir David and one for Mr Powell) recorded that Sir Richard had "referred" to the report during his meeting with Sir David on 10 September.[199]

410. Sir Richard Dearlove told the Butler Review that he had been aware of the report and had mentioned it to Sir David Manning at a meeting on 10 September.[200] He had subsequently arranged for the report to be sent to No.10.

411. SIS issued the new intelligence report on 11 September.[201]

412. The report stated that, in early September, a senior official who had a background of involvement in Iraq's CW programme described a particular military establishment's participation in BW and CW programmes, including:

- "The regime had demanded accelerated production of BCW substances. Senior workers were working a seven day week and safety measures, which were common in the 1980s, were now being ignored …"
- "Although BW and CW production is centred on Baghdad, the regime has built further facilities throughout Iraq. There was now excess capacity, with more production facilities than there were suitably qualified and trusted staff to operate them."
- Chlorine gas produced at the facility was "shipped to 'Iraq Atomic Energy'".
- "… [A]nthrax was being produced at a separate facility …"
- "Approximately two weeks ago, an order was received to stop producing prohibited substances at … [the establishment]. All machinery producing these substances was to be decontaminated and the remaining prohibited substances sent to storage. The same order had been sent to all MIC [Military Industrial Commission] factories involved in producing BCW in Iraq."

---

[198] Note [PS/C transcription in September 2003 of handwritten notes], 11 September 2002, [telephone conversation between Sir Richard Dearlove and Sir John Scarlett].
[199] Letter PS/C to Manning, 11 September 2002.
[200] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 578.
[201] Report [SIS], 11 September 2002, 'Iraq: Accelerated production of Chemical and Biological Warfare (BCW) Substances throughout Iraq suspended end of August'.

413. The report stated that the SIS source had commented that:

- "Saddam Hussein was determined to maintain his CBW capability. If the major production centres near Baghdad were attacked and damaged, the regime would order staff to relocate to an alternative undamaged site."
- Iraq "was concentrating its efforts on the production of anthrax and that Iraq had received a lot of help from neighbouring and friendly countries".
- The action was "in preparation for the admission of weapons inspectors".
- "New accommodation for senior scientists and their colleagues was being built near to the major BW and CW production sites. The families of those scientists would, in effect, be held hostage. They would be discouraged from deserting or from leaking information about activities at their facilities that might lead to the sites being targeted for bombing by allied forces."

414. An SIS comment informed readers that:

- Chlorine was "one of the base chemicals for the production of CW agents such as mustard and the nerve agent sarin".
- Chlorine was also used in the production of uranium trichloride "which in turn may be used as a feed material for the electromagnetic isotope separation process (EMIS) to enrich uranium for weapons production". Iraq had previously admitted, in its declarations to UNSCOM, "attempting to pursue this route to produce weapon grade highly enriched uranium" before 1991; and, "Although Iraq encountered problems in scaling up the production capability, it had succeeded in producing a small quantity of lower enrichments and was continuing to resolve the problems before the EMIS programme was halted by Coalition air strikes."

415. The report was described as "high impact" and the source was described as: "A new source on trial with direct access." SIS advised that readers would "receive relevant briefing as soon as can be arranged".

416. The report was sent to Mr Simon McDonald (Mr Straw's Principal Private Secretary), Sir Michael Jay, Mr Wright, Mr Chaplin, Mr Ehrman, Sir David Manning, Mr Scarlett, Mr Bowen, Mr Miller, Mr Peter Watkins (Mr Hoon's Principal Private Secretary), Sir Kevin Tebbit (MOD Permanent Under Secretary) and Mr Webb.

417. It was not sent to Sir David Omand, AM French, Mr Tony Cragg, MOD Deputy Chief of Defence Intelligence (DCDI), or the Heads of GCHQ or MI5.

418. Documents seen by the Inquiry state that the distribution was approved personally by Sir Richard Dearlove.

419. A minute for the file written by SIS9 recorded that he and Sir Richard Dearlove had briefed Mr Blair on the sources of the report (of 11 September) on 12 September.[202] The sources were not named but Mr Blair was given details of the source's background and his access, and his relationship with the sub-source.

420. Mr Blair was also briefed on two other sources who had provided recent reports.

421. Sir David Manning, Mr Powell and Mr Campbell were present.

422. Mr Campbell wrote:

> "Meeting with TB, Jonathan, DM, AC, C and a SIS colleague re chemical and biological weapons, and what Blix would be looking for if the inspectors went in. It showed what was going on was really bad and getting worse, that he [Saddam Hussein] was determined to keep WMD for reasons of regional power. They were strategically vital and he was going to keep them come what may. C said we could use some of the material through assertion.
>
> "They were confident this stuff was real, not being run against us. SIS believed the regime would collapse and there would be lots of defections etc. Very interesting meeting."[203]

423. Sir Richard Dearlove told the Butler Review in 2004 that he had had a meeting with Mr Blair on 12 September to brief him on SIS operations in respect of Iraq, and that he had briefed the Prime Minister on each of SIS' main sources including the new source on trial.[204]

424. Sir Richard also told the Butler Review that he had:

> "… underlined to the Prime Minister the potential importance of the new source [of the 11 September report] and what SIS understood his access to be; but also said that the case was developmental and that the source remained unproven."

425. The Butler Report stated that SIS had hopes that this source would become a major asset.[205] In particular, the source had indicated to SIS that he would be able to provide substantial and critical additional intelligence in the near future.

426. SIS4 suggested that Mr Blair had already known about the intelligence before the meeting between Mr Blair and Sir Richard Dearlove on 12 September, and that he wanted to see the product.[206]

---

[202] Minute [SIS internal record], 12 September 2002.
[203] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[204] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 578.
[205] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 574.
[206] Private hearing Part 1, page 58.

427. Sir Richard Dearlove told the Inquiry that "it would have been very rare" for him to have talked to Ministers or Mr Blair "about our source base".[207]

428. Asked about Mr Blair's reaction, Sir Richard told the Inquiry that Sir David Manning had asked him to give Mr Blair a briefing "which would give him [Mr Blair] more of a flavour for what was actually going on on the ground".[208] Mr Blair "had an appetite for that sort of briefing which was a pretty rare event", and had had a "fair amount of general discussion" with SIS9 "about the difficulties and problems we were facing".

429. Asked whether, as some witnesses had suggested, he had been precipitate in going to Ministers with the report so quickly, Sir Richard replied:

> "I think in the circumstances, I don't agree … because if you issue a report like that in the middle of a crisis, you're going to get a phone call from a Ministerial office within a short period of time."[209]

430. Sir Richard also stated that in the circumstances it would have been "impossible" not to issue the report; SIS could not "sit on something as potentially important" as that.[210]

431. The SIS report of 11 September was used by Mr Scarlett and Mr Miller in reaching key judgements about Iraq's chemical and biological weapons capabilities included in the Government dossier published on 24 September.

432. Specifically it provided the assurance for the judgements that Iraq had:

- **"continued to produce chemical and biological agents";**
- **"military plans for the use of chemical and biological weapons …"**

433. The judgements on Iraq's production of chemical and biological weapons and the circumstances in which they could be used became the baseline for subsequent advice to Ministers and public statements on the threat posed by Iraq.

434. The Butler Report concluded that the intelligence report (of 11 September) had "a major effect on the certainty of the statements in the Government's dossier of September 2002 that Iraq possessed and was producing chemical and biological weapons".[211]

435. The Butler Report added that the SIS report had provided "significant assurance to those drafting the … dossier that active, current production of chemical and biological agent was taking place".[212]

---

[207] Private hearing, 16 June 2010, page 53.
[208] Private hearing, 13 July 2010, page 33.
[209] Private hearing, 13 July 2010, pages 34-35.
[210] Private hearing, 13 July 2010, page 35.
[211] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 401.
[212] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 405.

436. In the context of Sir Richard Dearlove's evidence, that he had told Mr Blair on 12 September 2002 that the SIS report issued on 11 September was developmental and the source unproven, the Butler Report stated:

> "Nevertheless, it may be that, in the context of the intense interest at that moment in the status of Iraq's prohibited weapons programmes, and in particular continuing work on the dossier, the concurrence of events caused more weight to be given to this unvalidated new source than would normally have been the case."[213]

437. In his evidence to the Inquiry, Sir Richard Dearlove maintained that material from the report of 11 September had not been used in the dossier:

> "… maybe I should add now, because I'm sure you are going to question me … I think this is an important point, so we don't waste too much time on it. I can say very authoritatively there was no material in the dossier [from the new source on trial in September 2002].
>
> "I can also say, if you actually look at the introduction to the dossier, it refers to assessed intelligence, specifically assessed intelligence. [The new source on trial] was not assessed intelligence, and therefore are actually authoritatively excluded because they don't fall into that category, and I had put my foot down and said this material could not be used."[214]

438. Sir Richard subsequently told the Inquiry that he had insisted that the September reporting was not included in the dossier because he wanted to retain the source for use during inspections.[215]

439. Sir John Scarlett told the Inquiry that the "further intelligence" reporting on the "acceleration" of the "production of chemical and biological agent" was "regarded as significant".[216]

440. Sir John subsequently stated that the report issued on 11 September was "influential" and "did famously influence what was said in the dossier".[217] He also referred to a further report from the same source in late September and that "a composite version" of the two reports had been "issued in early April 2003" and that it "was still considered to be sound reporting as of that date".

441. The SIS report of 23 September is addressed in the Box below.

---

[213] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 578.
[214] Private hearing, 16 June 2010, page 56.
[215] Private hearing, 13 July 2010, pages 30-31.
[216] Public hearing, 8 December 2009, page 41.
[217] Private hearing, 5 May 2010, page 20.

SIS report, 23 September 2002

On 23 September, SIS issued a second report from the same sourcing chain as the 11 September report. That stated VX, sarin and soman had been produced at Al-Yarmuk, and were loaded into a variety of "containers", including "linked hollow glass spheres". The source commented that there had been "accelerated production of CW substances at Al-Yarmuk for several years". It was described by SIS as expanding and clarifying the intelligence in the first report, and that it was "valuable intelligence".[218]

The report was circulated to the same restricted group as the report on 11 September, with the addition of Mr Mark Bowman, Mr Brown's Private Secretary.

It arrived too late to have influenced the conclusions in the dossier.

442. When the reporting was reissued in April 2003 Mr Scarlett was not informed that SIS had doubts about the reliability of the reporting chain. That is addressed in Section 4.3.

443. The potential impact of the reporting on Mr Blair's statement to the House of Commons on 24 September is addressed later in this Section.

Mr Straw's speech, 14 September 2002

Mr Straw's speech to the UN General Assembly on 14 September focused on the critical role the UN had to play in world affairs, and the "three rising challenges" of failing states, terrorism and weapons of mass destruction.[219]

Addressing the threat from proliferation, Mr Straw stated: "Nowhere is the case for universal support for the enforcement of the UN's law stronger than in the field of weapons of mass destruction." He added:

> "… with one infamous exception – no States have resorted to these, the world's worst weapons.
>
> "That exception is Iraq. For two decades, Saddam has defied and frustrated every attempt to enforce the international rule of law. Iraq is the only country to be condemned by the United Nations for breaching the Convention on Chemical Weapons. Iraq has fought two wars of aggression … No country has deceived every other country in the world as systematically and cynically as Iraq. And no country presents as fundamental a challenge to the United Nations …"

[218] Report [SIS], 23 September 2002, 'Iraq Details of CW Production at Al Yarmuk'.
[219] FCO News, 14 September 2002, *'Security is not an option, it is a necessity - Straw (14/09/02)'.*

Draft dossier, 16 September 2002

444. In a note to No.10 officials covering a range of issues on 15 September, Mr Blair wrote on Iraq:

> "The dossier is crucial. The expectations must be right. Remember the case we need to make is for the return of a tough inspection regime, not that he [Saddam Hussein] is about to launch a strike. In my view, advice to me from the JIC is sufficiently persuasive."[220]

445. Mr Blair told the Hutton Inquiry:

> "The purpose of the dossier was to respond to the call to disclose the intelligence we knew but at that stage the strategy was not to use the dossier as the immediate reason to go to conflict, but as the reason why we had to return to the issue of Saddam and weapons of mass destruction …"[221]

446. There were a number of significant changes in the revised draft of the dossier of 16 September, including giving prominence in the Executive Summary to:

- **the IISS judgement that Iraq could obtain a nuclear weapon within months if it obtained fissile material, rather than the JIC's more conservative view of one to two years which was not mentioned in the Summary;**
- **Saddam Hussein's readiness to use weapons of mass destruction and his determination to retain them; and**
- **a statement that the JIC judged that Iraq continued to produce chemical and biological agents.**

447. Mr Scarlett sent a revised version of the dossier to JIC members on 16 September, which put the description of Iraq's chemical, biological, nuclear and ballistic missile programmes first.[222]

448. The draft did not contain a draft Foreword; the development of the text signed by Mr Blair is discussed later in this Section.

449. The key additions to the Executive Summary from the previous draft were references to:

- the "valuable assessment" in the IISS paper of 9 September, including that it judged "Iraq could assemble nuclear weapons within months of obtaining fissile material from foreign sources";

---

[220] Note Blair [to No.10 officials], 15 September 2002, [extract 'Iraq'].
[221] The Hutton Inquiry, public hearing, 28 August 2003, page 10.
[222] Minute Scarlett to JIC Members, 16 September 2002, 'Iraq WMD: Papers for Public Presentation' attaching Paper, 'Iraq's Programme for Weapons of Mass Destruction: The British Government Assessment'.

- intelligence providing a "fuller picture of Iraq's plans and capabilities" and showing that Saddam Hussein did "not regard them only as weapons of last resort"; he was "ready to use them … and determined to retain them"; and
- intelligence allowing the JIC to judge that Iraq had "continued to produce chemical and biological agents"; and that Saddam Hussein and his son Qusay had "the political authority to use" WMD.

450. The draft included a new Chapter 1 on the role of intelligence, which stated:

> "Intelligence rarely offers a complete account of activities which are designed to remain concealed. And the nature of Saddam's regime makes Iraq a difficult target … Nonetheless, we have been able to develop a range of well positioned sources. The need to protect and preserve these sources inevitably limits the detail that can be made available. But intelligence has provided important insights into Iraqi programmes, and into Iraqi military thinking. Taken together with what is already known from other sources, this builds our understanding of Iraq's capabilities and adds significantly to the analysis already in the public domain.
>
> "Iraq's capabilities have been regularly reviewed by the … JIC, which has provided advice to the Prime Minister on the developing assessment on the basis of all available sources … [T]his paper includes some of the most significant views reached by the JIC between 1999 and 2002."

451. The text on Iraq's programmes was significantly expanded. As well as more detail on Iraq's attempts to procure material that could be used for prohibited programmes, and judgements from JIC Assessments, changes to the previous text included:

- a box describing the effect of detonating a 20-kiloton nuclear warhead over a city;
- the addition of statements that: there had been "recent production of chemical and biological agents"; intelligence confirmed that Iraq continued to produce chemical agents; and "we know from intelligence that Iraq has continued to produce biological warfare agents";
- a statement that intelligence had provided "**Confirmation**" that chemical and biological weapons played an important role in Iraqi military thinking;
- two separate statements that the Iraqi military "may be able to deploy" chemical and biological weapons within 45 minutes of a decision to do so;
- the replacing of the judgement that, if Iraq obtained fissile material, it would take at least two years to make a working nuclear device, by a statement that it would be "much shorter" than the five years Iraq would require to produce a nuclear weapon once sanctions were lifted or became ineffective, and, "depending on the effectiveness of Iraqi weapons design", that could be "between one and two years"; and

- the replacing of the reference to an ability to produce an unreliable IND within a few months, by a reference to Iraqi experimentation with radiological dispersal devices (RDDs) during 1987, but the programme "never progressed beyond the research stage and was dropped". A box described such devices as an "ineffective weapon".

452. The draft also contained a new "Conclusion" summarising the current position.

453. Mr Scarlett asked that the "representatives" of JIC members attending a meeting to be chaired by Mr Miller at 0900 the following morning, should "come armed with suggested additions/ deletions/amendments to be decided at the meeting".[223] He also asked for "final comments" by 1300 on 17 September.

454. Mr Scarlett cautioned:

> "In public presentation terms, this draft remains a highly sensitive document. I would therefore be grateful if you each retain very tight control over its distribution …"

455. Mr Scarlett held a meeting "to work up a strategy on Iraq" later that day.[224]

456. A minute from Mr Kelly to Mr Campbell on 17 September suggests that this discussion was essentially about plans for printing and publishing the document and preparing supporting material.[225]

457. Mr Miller told the Hutton Inquiry that the draft dossier was discussed in a meeting he chaired on 17 September.[226]

458. The Defence Intelligence Staff expressed concerns that some of the statements in the draft on Iraq's chemical and biological weapons could not be substantiated by the intelligence it had seen.

459. A member of the Defence Intelligence Staff (DIS) wrote to the Assessment Staff early on 17 September reflecting concerns that some of the statements on chemical and biological weapons in the draft could not be substantiated by the intelligence seen by the DIS.[227] The comments included:

- "**Executive Summary, Para 3 – 1st Bullet**: The judgement 'has continued to produce chemical and biological agents' is too strong with respect to CW. 'has probably' would be as far as I would go. And 'continued to produce BW agents'. This is quite strong considering what the int actually says. [Iraq has a biological production capability and can produce at least anthrax, botulinum toxin, aflatoxin

---

[223] Minute Scarlett to JIC Members, 16 September 2002, 'Iraq WMD: Papers for Public Presentation'.
[224] Email Blackshaw to Kelly and Smith, 16 September 2002, 'Iraq Strategy'.
[225] Minute Kelly to Campbell, 17 September 2002, 'Publication of the Dossier'.
[226] The Hutton Inquiry, public hearing, 11 August 2003, page 155.
[227] Minute ADI PS [DIS junior official] to JIC Assessments Staff, 17 September 2002, 'Iraqi WMD dossier – Comments on Revised Draft (15 Sept 2002)'.

and ricin within day of the order to do so. Sought mobile facilities to produce biological agent. […]]"

- "**Executive Summary, Para 3 – 2nd Bullet**: The judgement 'has military plans for the use of chemical and biological weapons, some of which could be ready within 45 minutes of an order to use them'. Is also rather strong since it is based on a single source. 'Could say intelligence suggests …'"
- "**Part 1, Chapter 2, Para 16:** The statement '… Iraq continues to produce chemical and biological agents.' This is too strong. See comment above. Suggest 'may continue to produce' even 'probably continues to produce'."
- "**Part 1, Chapter 3, Para 1 – 1st Bullet:** The statement 'which has included recent production of chemical and biological agents;' is too strong from the CW perspective. This is based on a single source."
- "**Part 1, Chapter 3, Para 5 Recent Intelligence:** From the CW perspective the language is too strong since the information is based on single sources. The wording 'intelligence shows that' is too strong and inappropriate" 'reports that', 'indicates that', 'suggests that' would be more appropriate."
- "**Part 1, Chapter 3, Para 8 – Line 1:** The statement 'Intelligence confirms that Iraq has continued to produce chemical agent.' This is far too strong considering the available evidence. The word confirms is totally inappropriate. "Intelligence suggests that …' would be better".
- "**Part 1, Chapter 3, Para 12:** The statement 'We know from intelligence that Iraq has continued to produce BW agents'. This is quite strong considering what the int actually says …"
- "**Part 1, Chapter 3, Para 16:** The statement 'Iraq has continued to produce CBW agent'. Some elements of the summary repeat the same overly strong statements as in the rest of this chapter."

460. The response to the DIS concerns is addressed later in this Section.

461. Mr Blair and officials within No.10 offered a number of comments on the draft.

462. Mr Pruce commented that the new draft:

- "re-ordered the text, with the new intell nearer the front (might be able to bring it further forward)";
- "added a short chapter on JIC and intelligence", which was "Good but could give more details";
- "kept in the longer nuclear timelines … We need to think carefully about how these will appear to compare with the IISS figure of a weapon within a few months"; and

- "added a short conclusions table – not sure this adds a lot to the Executive Summary".[228]

463. Mr Pruce summarised:

> "The re-organised material paints a more convincing picture, but the facts remain thin on nuclear".

464. Mr Campbell sent Mr Scarlett his and Mr Blair's comments on the draft dossier on 17 September.[229]

465. Mr Campbell wrote that Mr Blair thought it was "a very good job and it was convincing", but had a number of comments. These included that Mr Blair:

- thought the chapter on the current position on Iraq's chemical, biological, nuclear and ballistic missile programmes "should be re-ordered, to build towards the conclusion through detail";
- "like me, was worried about the way you have expressed the nuclear issue … Can we not go back … to 'radiological device' in months; nuclear bomb in 1-2 years with help; 5 years with no sanctions";
- "thought we should make more of the 'no civil nuclear' point, and list dual-use products"; and
- "felt we don't do enough on human rights".

466. Mr Campbell's own comments included:

- "… we should make more of the point about current concealment plans."
- The Executive Summary "would be stronger if we said that despite sanctions and the policy of containment, he [Saddam Hussein] has made real progress".
- The statement that Saddam's sons "may have" the authority to use chemical and biological weapons in the text was weaker than the statement in the Summary that they had that authority.
- "Can we say that he [Saddam] has secured uranium from Africa?"

467. Mr Campbell also asked for Mr Scarlett's views on the draft Foreword for Mr Blair. This is addressed later in this Section.

468. In his diaries Mr Campbell wrote:

> "I got the new dossier draft and did detailed comments … TB also read it and made some comments. Nuclear was the most difficult part. Scarlett and I chatted away re that."[230]

---

[228] Email Pruce to Kelly, Campbell and others, 17 September 2002, 'Dossier – 16 September Draft'.
[229] Minute Campbell to Scarlett, 17 September 2002, [untitled].
[230] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

469. In an email to Mr Scarlett on 17 September, Mr Powell wrote:

> "The dossier is good and convincing for those who are prepared to be convinced
>
> "I have only three points, none of which affect the way the document is drafted or presented
>
> "First the document does nothing to demonstrate a threat, let alone an imminent threat from Saddam In other words it shows he has the means but it does not demonstrate he has the motive to attack his neighbours let alone the west We will need to make clear in launching the document that we do not claim to have evidence that he is an imminent threat The case we are making is that he has continued to develop WMD since 1998, and is in breach of UN resolutions The international community has to enforce those resolutions if the UN is to be taken seriously
>
> "Second we will be asked about connections with Al Qaida […]
>
> "Third, if I was Saddam I would take a party of western journalists to the Ibn Sina factory or one of the others pictured in the document to demonstrate there is nothing there How do we close off that avenue to him in advance?"[231]

470. In his response Mr Scarlett stated:

- A note was being prepared on Iraq and Al Qaida.
- The dossier stressed the problems [in identifying prohibited activities], posed by dual-use facilities and the ease of concealment. That "applied to trained inspectors let alone journalists".[232]

471. Mr Campbell commented:

> "I think we risk complicating the issue if we get into links with Al Qaida The dossier, and the debate in Parliament, are explicitly about Iraq/WMD On the question of sites, we should in our briefing make clear that we assume he will sanitise one of them for the media, and pull some stunt, but remain robust re our judgements Re the 'imminent threat', point, that is why TB's foreword sets out 'the case I am making'. John, I will show him your revisions and hopefully get the Foreword signed off today".[233]

472. In a further email on 18 September, Mr Powell emphasised that he was "not suggesting any changes to the dossier, just flagging up points where we are going to need to mould expectations in advance of publication and on publication".[234]

---

[231] Email Powell to Scarlett, 17 September 2002, 'Dossier'.
[232] Email Scarlett to Powell, 18 September 2002, 'Re Dossier'.
[233] Email Campbell to Scarlett and Powell, 18 September 2002, 'Re: Dossier'.
[234] Email Powell to Campbell and Scarlett, 18 September 2002, 'Re: Dossier'.

473. Mr Powell concluded:

> "The threat argument will be a major problem in the press/parliamentary assault after the dossier comes out and we need to flag up the point in the preface at publication and during the debate We need to set the test for ourselves at a level we can meet".

474. Later on 18 September, Mr Campbell sent Mr Scarlett the impressions of a member of his team whom he had asked to read the draft.[235] Mr Campbell wrote that "Overall, she found it convincing", "CW/BW in particular". She had, however, found the nuclear section confused and unconvincing, and it had left her thinking that there was "nothing much to worry about". The section "lacked the clarity of the rest of the document".

475. Mr Campbell added:

> "Sorry to bombard on this point, but I do worry that the nuclear section will become the main focus and as currently drafted is not in great shape."

476. Mr Scarlett informed Mr Campbell that he had seen the comments and was taking account of them in the revision of the dossier.[236]

477. Commenting on the Executive Summary, Mr Ed Owen, Mr Straw's Special Adviser, wrote that it did not read "well enough to give a sceptical reader the confidence to believe that the dossier provides the necessary information".[237]

Draft dossier, 19 September 2002

478. Mr Scarlett informed the JIC on 18 September of the latest position on the draft dossier, and that "a final version would have to be agreed and with the printers by the end of the following day".[238]

479. The co-ordination arrangements for producing the draft and deciding on its handling had "gone well". Mr Scarlett also "said he wanted to thank all those from the intelligence community who had played a part in the document's production. Their helpful, balanced, co-operative and collaborative approach had been much appreciated."

480. There is no record of any substantive points being raised.

481. Sir Stephen Lander, Director General of the Security Service, Sir Francis Richards, Sir Richard Dearlove, Mr Webb, Mr Cragg, and Sir David Omand were amongst those present. Sir David Manning, AM French and Mr Bowen were not present.

---

[235] Email Hatfield to Scarlett, 18 September 2002, 'Another dossier memo'.
[236] Email Scarlett to Campbell, 18 September 2002, 'Another dossier memo'.
[237] Email Owen to Scarlett and others, 17 September 2002, 'Re Iraq – Dossier'.
[238] Minutes, 18 September 2002, JIC meeting.

482. Mr Scarlett told the Hutton Inquiry that at the JIC on 18 September:

> "The Committee also noted that some new intelligence had come in on nuclear matters which would need to be incorporated in the draft.
>
> "The Committee raised no particular point – no points of further debate or contention."[239]

483. On 18 September, Mr Scarlett sent Mr Campbell detailed responses to his and Mr Blair's comments.[240]

484. The response to Mr Blair's comments included:

- The revised restructuring suggested by Mr Blair would have "less impact than the original".
- Mr Scarlett had explained "the decision to drop earlier references to an improvised nuclear device, on which there is no intelligence".
- No change had been made to the timelines for Iraq to acquire a nuclear weapon which summarised the JIC position, but one paragraph had been revised to bring out the judgements more clearly.
- Dual-use products had been listed separately; and the impact was "much improved".
- Material on human rights abuses had been added and the issue was given "a little more prominence" in the Executive Summary.

485. Mr Scarlett also addressed Mr Campbell's more detailed comments, including that the language on current concerns and plans had been strengthened and the Summary brought out the point suggested by Mr Campbell – that Iraq was making progress despite sanctions and containment.

486. Addressing comments in Mr Campbell's minute of 17 September, Mr Scarlett told the Hutton Inquiry:

> "… we looked again at what we were saying in the draft about Iraq's concealment plans and activities – what the intelligence was saying, and also how we were expressing the success or otherwise of sanctions and the policy of containment.
>
> "This, of course, was a point that we had been expressly asked to highlight by the JIC at its meeting of 11 September.
>
> "… [I]ntelligence … was very clear about Iraq's confidence that it could learn lessons from its past experience with the inspectors, and pursue effective concealment plans."[241]

---

[239] The Hutton Inquiry, public hearing, 23 September 2003, page 88.
[240] Minute Scarlett to Campbell, 18 September 2002, 'Iraq: Weapons of Mass Destruction'.
[241] The Hutton Inquiry, public hearing, 23 September 2003, pages 94-95.

487. In his diaries, Mr Campbell recorded that, on 18 September, he also:

> "… went through nuclear section with Julian Miller, which was OK. JS [Jack Straw] was keen to keep in the very downbeat assessment."[242]

488. In an email on 19 September, Mr Campbell recorded that he told Mr Miller:

> "… it would be simpler to have just one clearer section on nuclear timelines, perhaps along the following lines …
>
> "It is impossible to be precise about nuclear timelines We can be clear however, that provided sanctions and export controls remain in place and effective, it is not possible for Iraq to develop nuclear weapons. This is because although they have the expertise, the design data, the planning and the intent they do not have the material necessary for the production of fissile material. This contrasts with CW/BW, which they can produce indigenously. Even if sanctions were removed, we assess that it would take up to five years for them to develop nuclear weapons. The timelines are considerably shortened however if Iraq manages to obtain fissile material illegally from overseas In these circumstances, the JIC assessed in early 2002 that they could produce nuclear weapons in between one and two years".[243]

489. Mr Scarlett sent the draft dossier to Mr Campbell on 19 September.[244]

490. The minute was also sent to JIC members "on a personal basis, reflecting the continuing sensitivity of the document and the imperative need to avoid leaks". They were asked to let Mr Scarlett have "any essential further comments on this draft by 15:00 today".

491. Mr Scarlett wrote:

> "I should draw your attention to some changes to the Executive Summary reflecting comments from the Foreign Office; to a simplified account of Saddam's nuclear programme; and to a restructuring of the final section on Saddam's Iraq to bring out the human rights issues more clearly. In particular you should note that we have toned down the reference to aluminium tubes … and removed it from the Executive Summary. This reflects some very recent exchanges on intelligence channels. Finally, I have recast the conclusion to remove the chart, which a number of readers considered to lack impact."

---

[242] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[243] Email Hatfield to Scarlett, 19 September 2002, 'Nuclear Section'.
[244] Minute Scarlett to Campbell, 19 September 2002, 'Iraqi WMD: Public Presentation of Intelligence Material' attaching Paper, 19 September 2002, 'Iraq's Programme for Weapons of Mass Destruction: The Assessment of the British Government'.

492. A concluding paragraph in the Executive Summary, stating that Saddam Hussein would "use his weapons of mass destruction to protect and eventually project his power", reflected a revised Conclusions section at the end of the paper which stated:

> "Four themes dominate even the most sober account of Saddam Hussein's rule in Iraq:
>
> - Brutality … against his own people,
> - Aggression against neighbour states,
> - Cynicism in dealing with the Iraqi people, regional states and the International Community; and,
> - Single minded pursuit of military power and above all weapons of mass destruction as the most effective means of exercising that power.
>
> "This paper has set out our assessment of Saddam's current holdings … as well as his programmes for their development. Although our knowledge is partial, the paper concludes that he possesses mass destruction weapons and the means to produce them and to deliver them. His development programmes continue. An analysis of what he will do with these weapons now and in the future, must rest upon his record and our current information, including intelligence. It is reasonable to conclude that he will use whatever weaponry he has to hand to protect his power and eventually to project it when he feels strong enough to do so."

493. Other changes included:

- the firming up of the judgement on the timeline for deploying chemical and biological weapons, from "may be able" to deploy within 45 minutes to "are able";
- the addition of a statement that Iraq had learned lessons from its previous experience with inspections to identify and exploit weak points and that sensitive equipment and papers were easily concealed;
- the addition of a statement that the "possession of mobile biological agent production facilities" would "also aid concealment efforts"; and
- the omission of the box explaining the difficulties of producing a nuclear weapon and the inclusion of one which described the elements of a nuclear programme and the process to convert those elements into a reliable weapon. The only comment on the difficulty was that the complexity was "much greater for a weapon that can fit into a missile warhead than for a larger Nagasaki-type [free fall] bomb".

494. In an email to Mr Scarlett, Mr Campbell commented that he did not think the revised Conclusion worked and that he would "either revert to, and strengthen" the previous format (a box summarising key points), or drop the section.[245] Mr Campbell also wrote that the Foreword covered most of the points made in the Conclusion.

---

[245] Email Campbell to Scarlett, 19 September 2002, [untitled].

495. In an email to Mr Campbell and Mr Scarlett on the afternoon of 19 September, Mr Powell wrote that he agreed with Mr Campbell that the Conclusion should be dropped.[246]

496. Mr Powell also:

- asked what headline "we want" in the *Standard* on the day of publication; and
- pointed out that the statement that Saddam Hussein was "prepared to use chemical and biological weapons if he believes his regime is under threat is a bit of a problem", because it backed up the argument that there was "no CBW threat and we will only create one if we attack him".

497. Mr Powell added:

> "My memory of the intelligence is that he has set up plans to use CBW on western forces and that these weapons are integrated into his military planning."

498. In further comments later on 19 September, Mr Campbell raised three further points in relation to nuclear weapons.[247]

499. In relation to the time required to produce a nuclear weapon, the draft text on nuclear timelines (paragraph 23) stated:

> "In early 2002, the JIC assessed that UN sanctions on Iraq were hindering the import of crucial goods for the production of fissile material. The JIC judged that while sanctions remain effective, Iraq would not be able indigenously to produce a nuclear weapon. If they were removed or proved ineffective, it would take Iraq at least five years to produce a weapon. But we know that Iraq retains expertise and design data relating to nuclear weapons. We therefore judge that if Iraq obtained fissile material and other essential components from foreign sources, the timeline for production of a nuclear weapon would be shortened and Iraq could produce a nuclear weapon in between one and two years."[248]

500. Apologising for not having spotted the point earlier, Mr Campbell wrote:

> "If we are saying that it would take between one and 2 years for them to build a nuclear weapon by illegal means, why would it take 5 years with no sanctions? A lay reader may assume that no sanctions would mean he could do what he wanted and therefore, presumably, what he needed between 1 and 2 years
>
> "If the answer is that it would take 5 years to go from planning to reality, whereas he could purchase ready-made material from overseas, and so cut the timelines, I think that should be made explicitly clear".

---

[246] Email Powell to Campbell, 19 September 2002, 'RE: [untitled]'
[247] Email Blackshaw to Scarlett, 19 September 2002, 'Re final points for your 5pm meeting'.
[248] Paper Assessments Staff, 19 September 2002, 'Iraq's Programme for Weapons of Mass Destruction: The Assessment of the British Government'.

501. Secondly, Mr Campbell commented that the draft text on radiological dispersal devices added little.

502. Finally, Mr Campbell suggested that the text of the draft relating to attempts to purchase two different machines which "could be used" in a gas centrifuge uranium enrichment process (paragraph 21, fourth and fifth bullets), might be amended to read "is required to".[249]

503. In his diaries on 19 September, Mr Campbell wrote:

> "Most of my work at the moment was on the dossier. Nuclear timelines just about sorted … I agreed to drop the conclusion. Some people reasonably convinced, others not. We'd end up convincing those who wanted to be and not those who didn't."[250]

504. Sir Richard Dearlove told the Hutton Inquiry that he "reported to my directors, I think on 19 September that we had had full visibility of the process of preparing the dossier and that the whole process had gone extremely well".[251]

Preparation of Mr Blair's Foreword

505. The Foreword for the dossier was largely written by Mr Campbell, following conversations with Mr Blair. It was produced in the week before publication separately from the main text of the dossier.

506. Mr Scarlett and the JIC were asked for comments.

507. In comments on the Foreword in the draft dossier of 10 September, Mr Pruce wrote:

> "… the Foreword is good but whose voice is it? Do we need a Minister to sign it off? Probably not".[252]

508. Mr Sedwill wrote that the Foreword needed to make Saddam Hussein's defiance of the UN "a key issue".[253] This was what distinguished him "from other dictators and holders of WMD".

---

[249] Email Blackshaw to Scarlett, 19 September 2002, 'Re final points for your 5pm meeting'.
[250] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[251] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 187.
[252] Email Pruce to Campbell, 11 September 2002, 'Draft Dossier (J Scarlett Version of 10 Sept)'.
[253] Email Sedwill to Gray, 11 September 2002, 'Dossier 10/9 Version - Comments'.

509. Mr Owen agreed with Mr Sedwill. He suggested that the Foreword needed:

> "… to refer to the UN in the first sentences. This is after all, about the authority of the UN and international law. This is the only way we can win the argument in Parliament and elsewhere …"[254]

510. Mr Straw suggested that the Foreword for the dossier "should be in a narrative form" by Mr Blair, and that it needed "a killer" paragraph on "Saddam's defiance of the UN, only annexation of another member state and unprecedented use of WMD".[255]

511. Writing before the decision had been taken that Mr Blair would sign the Foreword or the text had been drafted, Mr Bowen wrote:

> "I take it as read that the Foreword is a political piece, signed by the Prime Minister or another Minister. In that text it would be useful to make the point that what follows is the work of officials drawing on sensitive intelligence material. The Foreword can be as loaded as we like in terms of the political message (provided it is consistent with the dossier itself), whereas the text itself should be the judgement of the experts."[256]

512. The minute was copied to Mr Campbell, Mr Powell and Sir David Manning.

513. Mr Campbell produced a draft Foreword for Mr Blair on 16 September.[257] The draft began:

> "The document published today is the work of the Joint Intelligence Committee …"

514. Referring to the intelligence which had "formed the judgements" in the dossier, the draft stated:

> "I and other Ministers have been briefed in detail on the sources, and are satisfied as to their authority, and the authority of the information they have disclosed.
>
> "What I believe they established beyond doubt is that Saddam has continued to produce chemical and biological weapons that he continues in his efforts to develop nuclear weapons, and to extend the range of his ballistic missile programme.
>
> "This picture … has become more not less worrying. Faced with the picture put before me on seeing a succession of JIC papers on the subject, as Prime Minister I have a choice: do I ignore this evidence or do I act to address the threat?

---

[254] Email Owen to Sedwill, 11 September 2002, 'Dossier 10/9 Version – Comments'.
[255] Email Sedwill to Gray, 11 September 2002, 'Iraq Dossier: 10/9 Version – Foreign Secretary's Comments'.
[256] Minute Bowen to Scarlett, 11 September 2002, 'The Iraq Dossier'.
[257] Email Hatfield to Blackshaw, 16 September 2002, 'Draft' attaching Document, [undated], 'Dossier Foreword by TB'.

"I am in no doubt that the threat is serious, and current; and that he has made progress on WMD and that he has to be stopped."

515. The draft concluded:

"The case I make is not that Saddam could launch a nuclear attack on London or another part of the UK (He could not). The case I make is that the UN resolution[s] demanding he stops his WMD programme are being flouted; that since the inspectors left four years ago, he has continued with this programme; and the inspectors must be allowed in to do their job properly.

"It is the minimum necessary to ensure that he does not get to use the weapons he has, or get hold of the weapons he wants."

516. A draft was sent to Mr Powell and Sir David Manning on 17 September, asking for comments as soon as possible before it was shown to Mr Blair or Mr Scarlett.[258]

517. Mr Powell offered three comments on the Foreword:

- "I think it is worth explicitly stating, as TB keeps saying, this is the advice to him from the JIC. On the basis of this advice what other action could he as PM take. Something like 'I am today taking the exceptional step of publishing the JIC's advice to me because I want MPs and the British public to see the advice on which I am acting. When you have read this I ask you to consider what else a responsible PM could do than follow the course we have in the face of the advice?'"
- "We need to do more to back up the assertions. We cannot of course publish the detailed raw intelligence on which this report is based without endangering the lives of agents. But all the statements in this report are backed up by detailed intelligence reports, the veracity and sources of which have been verified by the intelligence agencies. Is there any independent verification we can cite?"
- "In the penultimate para you need to make it clear Saddam could not attack us at the moment. The thesis is he would be a threat to the UK in the future if we do not check him."[259]

518. When Mr Campbell sent his and Mr Blair's comments on the draft dossier to Mr Scarlett on 17 September, he also asked Mr Scarlett for his views on the draft Foreword.[260]

---

[258] Email Blackshaw to Manning, 17 September 2002, 'Iraq Dossier Foreword'. The draft was replaced 20 minutes later by a slightly amended version circulated with – Email Hatfield to Powell, 17 September 2002, 'Revised Dossier Foreword'.
[259] Email Powell to Campbell and Manning, 17 September 2002, 'Re: Revised Dossier Foreword'.
[260] Minute Campbell to Scarlett, 17 September 2002, [untitled].

519. Mr Campbell wrote that Mr Blair:

> "… has also read my draft Foreword, which I enclose (he will want another look at it before finally signing it off but I'd appreciate your views at this stage)."

520. The draft Foreword was sent to Mr Scarlett by Mr Campbell's office.[261]

521. The original version of the final paragraph had been amended to read:

> "I believe that faced with the information given to me by the JIC in recent months, the UK Government has been right to support the demands that this issue be confronted and dealt with. We must ensure that he does not get to use the weapons he has, or get hold of the weapons he wants."

522. Mr Scarlett sent suggested changes to the draft Foreword to Mr Campbell on 18 September.[262] The changes included:

- The first sentence was revised to state: "The document published today is based, in large part, on the work of the Joint Intelligence Committee (JIC), which is chaired by the Cabinet Office …"
- The second sentence of the second paragraph was revised to make clear that it was the Government, not the JIC, which was publishing the document.
- The fifth sentence of the fourth paragraph was amended to remove the reference to Mr Blair and Ministers having been briefed on the sources of intelligence and having been satisfied as to the authority of their information. It was amended to state: "I and other Ministers have been briefed in detail on the intelligence and are satisfied as to its authority."
- A new final sentence was added to the fifth paragraph stating: "I also believe that, as stated in the document, Saddam will now do his utmost to try to conceal his weapons from the UN inspectors."
- A new final sentence was added to the eighth paragraph stating: "I am quite clear that he will go to extreme lengths, indeed has already done so, to avoid giving them up."
- The reference to information from the JIC "in recent months", in the first sentence of the final paragraph, was replaced by the words "over the past three years".

523. Mr Scarlett also wrote:

> "For me the key points are the references to the JIC and the use of intelligence. I am now seeking views of JIC colleagues on this amended text and will revert as soon as possible."

---

[261] Email Blackshaw on behalf of Campbell to Scarlett, 17 September 2002, 'Views Please'; Email Hatfield on behalf of Campbell to Scarlett, 17 September 2002, [untitled].
[262] Email Scarlett to Campbell, 18 September 2002, 'PM's dossier foreword'.

524. The same version of the Foreword was sent to members of the JIC with the following message from Mr Scarlett:

> "This is under active discussion now and reflects amendments I have made. The aim is to have the text agreed by close of play today. Please come ready to discuss at this afternoon's JIC meeting."[263]

525. The Government has been unable to find the original document but an email to Sir David Omand and Mr Miller indicates that it was dispatched late morning on 18 September.[264]

526. Mr Campbell informed Mr Scarlett on 18 September that Mr Blair had "signed off" the Foreword, and that it incorporated "all the points you made on the draft I sent yesterday".[265]

527. Sir David Omand responded to Mr Scarlett on 18 September:

> "Coming on well. You will have more than enough comment. Highlighted on the attached copy are a few suggested polishings."[266]

528. The changes proposed by Sir David included amending:

- the text in the first sentence of the first paragraph, to read: "… in large part, on secret intelligence, as assessed by the Joint Intelligence Committee …";
- the third paragraph to read: "In recent months, I have been increasingly alarmed by the evidence from inside Iraq that despite sanctions, despite the damage done to his capability in the past, and despite the UNSCRs expressly outlawing it, and despite his denials, Saddam Hussein is continuing to develop WMD …";
- the fifth paragraph by replacing the words "the JIC reports to me have" in the first sentence with the words "the assessed intelligence has";
- the eighth paragraph by replacing the reference in the second sentence to Saddam Hussein seeing "possession of WMD" as vital to his strategic interests with the phrase "building up of his WMD capability", and adding a reference in the final sentence to hiding weapons as one of the ways to avoid giving them up; and
- the final paragraph by replacing the reference to information given to Mr Blair by the JIC over the last three years with a reference to the information "available" to Mr Blair.

---

263 Note, [18 September 2002], 'Message from John Scarlett'.
264 Email JIC Action Desk to Omand & Miller, 18 September 2002, 'Urgent message to JIC members & enclosure'.
265 Email Hatfield on behalf of Campbell to Scarlett, 18 September 2002, 'Foreword'.
266 Email Omand to JIC Action desk, 18 September 2002, 'Revised Foreword' attaching 'Scarlett amended Draft TB Foreword – dossier.doc'.

529. Sir David Omand told the Inquiry that he did not recall the JIC discussing the text of the Foreword at its meeting on 18 September.[267]

530. Mr Webb recorded that he had asked for the reference to [JIC] "papers" in the draft to be replaced by "work", "to reduce the risk of a FOIA [Freedom of Information Act] action succeeding".[268]

531. The Inquiry has not seen comments from any JIC members other than Sir David Omand and Mr Webb.

532. Sir David told the Inquiry that he had "highlighted bits that needed polishing" and "sent it back" to Mr Scarlett.[269] Some of his comments had been incorporated and some had not.

533. Comparison of the draft texts shows that almost all Sir David Omand's comments were reflected in a further version of the draft Foreword sent by Mr Scarlett to Mr Campbell on 19 September.[270]

534. Mr Campbell replied to Mr Scarlett on 19 September:

> "Re the foreword, I don't like the first sentence which makes him sound a bit James Bond-y. Can we discuss?"[271]

535. In the published version of the Foreword, the first sentence did not include Sir David Omand's proposed amendment.[272]

536. Mr Scarlett sent a "final draft version of the dossier" to Mr Campbell on 20 September.[273] He wrote that the Prime Minister's Foreword was "now incorporated within the overall document".

537. In his letter to Mr Blair of 4 June 2003, Mr Scarlett wrote:

> "The Foreword was drafted by you. I and some JIC members, commented on your draft before it was finalised."[274]

---

[267] Public hearing, 20 January 2010, page 19.
[268] Minute Webb to PS/Secretary of State [MOD], 20 September 2002, 'Iraq Dossier'.
[269] Public hearing, 20 January 2010, page 22.
[270] Email Scarlett to Campbell, 19 September 2002, 'Dossier Foreword by TB'.
[271] Email Blackshaw [on behalf of Campbell] to Scarlett, 19 September 2002, [untitled].
[272] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 3.
[273] Minute Scarlett to Campbell, 20 September 2002, 'Iraqi WMD: Public Presentation of Intelligence Material' attaching draft dossier, 'Iraq's Weapons of Mass Destruction: The Assessment of the British Government'.
[274] Minute Scarlett to Prime Minister, 4 June 2003, 'September 2002 Iraq Dossier'.

538. In a letter to Mr Tam Dalyell on 16 July 2003, Mr Blair wrote:

> "I have always made it clear that the Foreword was signed by me and was separate to the Executive Summary and the body of the text of the … dossier …
>
> …
>
> "The Foreword was put to the Chairman of the JIC who confirmed at the time that there was nothing which conflicted with the contents of the dossier."[275]

539. Asked whether he had drafted the Foreword, Mr Campbell told the ISC that normally he, "Jonathan Powell and others would have ideas and we'd probably have a discussion with the Prime Minister".[276] In relation to the Foreword in the dossier, Mr Blair had been "very 'hands on' in terms of what was produced and what was sent … to John Scarlett".

540. Mr Scarlett told the ISC that he had checked and amended the draft Foreword "for factual accuracy and consistency with the text", but he regarded it "as a policy statement by the Prime Minister".[277]

541. Mr Campbell told the Hutton Inquiry that he had "prepared a draft [of the Foreword] based upon a discussion with the Prime Minister, and with others, about what should go into that draft".[278]

542. Asked about how the Foreword had been produced, Mr Blair told the Hutton Inquiry:

> "… as I say in my statement … I would have told Alastair Campbell what are the items I think that are important, specific points that should be in it, on the basis of the drafts produced … I should say at this point that probably my statement [to Parliament on 24 September] was the thing I was concentrating most upon."[279]

543. In his subsequent evidence to the Hutton Inquiry, Mr Campbell confirmed that the Foreword had been drafted on the basis of a discussion with Mr Blair and Mr Campbell's colleagues.[280]

544. Mr Campbell told the Inquiry that Mr Blair had:

> "… said in terms intelligence can't give you the whole picture, intelligence is not necessarily always going to be right, but the intelligence he saw … and as it was explained to him and as he had repeated discussions and

---

[275] Letter Blair to Dalyell, 16 July 2003, [untitled].
[276] The Hutton Inquiry, 'Extracts of evidence given by Alastair Campbell to ISC 17/07/03', page 11.
[277] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, September 2003, paragraph 76.
[278] The Hutton Inquiry, public hearing, 19 August 2003, page 44.
[279] The Hutton Inquiry, public hearing, 28 August 2003, pages 8-9.
[280] The Hutton Inquiry, public hearing, 22 September 2003, page 173.

> meetings about it, it led him to the conclusion, as he set out in the Foreword, that he did believe it was established beyond doubt that Saddam had continued to produce chemical and biological weapons, that he continued to put his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programme, and he sees WMD as essential to his political survival."[281]

545. Sir Richard Dearlove told the Inquiry that he did not recall seeing the Foreword.[282]

The final version of the dossier

546. Mr Scarlett sent a "final draft version of the dossier" to Mr Campbell on 20 September.[283] He wrote that he had taken account of additional comments received over the last 24 hours, and that he was:

> "… content that the text now reflects as fully and accurately as possible the intelligence picture on Saddam's mass destruction weapons."

547. Copies of the minute and draft dossier were sent to Mr Powell, Sir David Manning, Sir David Omand and "JIC Members".

548. The draft included Mr Blair's Foreword. Other changes from the previous draft included:

- the omission of the Conclusions section;
- amendment of the text on nuclear timelines to clarify that "while sanctions remain effective Iraq would not be able to produce a nuclear weapon. If they were removed or prove ineffective, it would take Iraq at least five years to produce sufficient fissile material for a weapon indigenously";
- removal of the reference to RDDs; and
- omission of the phrase "if he believes his regime is under threat", in relation to the statement that Saddam Hussein would be willing to use chemical and biological weapons.

549. The text in the published version relating to machines which could be used in a gas centrifuge process was not changed.

550. In response to questioning about his decision to omit the qualifying phrase in relation to Saddam Hussein only using chemical and biological weapons if his regime was under attack, and the impact of that omission on the perception of the threat, Mr Scarlett told Lord Hutton that the change "was as a result of the exercise

---

[281] Public hearing, 12 January 2010, page 90.
[282] Private hearing, 16 June 2010, page 57.
[283] Minute Scarlett to Campbell, 20 September 2002, 'Iraqi WMD: Public Presentation of Intelligence Material' attaching Paper, 20 September 2002, 'Iraq's Programme for Weapons of Mass Destruction: The Assessment of the British Government'.

of my professional judgement and that of my colleagues in [the] Assessment Staff".[284] They had been "prompted to look again" at that passage by Mr Powell's email, of 19 September, in the context of the "instructions from the JIC to keep what we were writing in line with standing JIC assessments and also with recent intelligence":

> "When we looked at it again, we realised … that there was no standing JIC assessment which made it clear whether we were defining Saddam's threat … or CW posture … as defensive or offensive. More to the point, there was recent reporting, in addition, which was not reflected here, but which was quite clear reporting, which placed his attachment to CBW and the importance that he placed on it very much in the context of his perception of his regional position, his plan to acquire and maintain regional influence and, as one report, and maybe more, put it: to dominate his neighbours. In other words, the recent intelligence was more complex … Bearing those points in mind, we concluded that this was not right and therefore we took that out."

551. Mr Webb sent Mr Hoon a copy of the draft dossier on 20 September, advising that it had been "given an extremely restricted circulation (essentially JIC members only)" and that he had "no discretion to copy this document further".[285] Arrangements were being made to brief Opposition leaders, Select Committee chairs and junior ministers on 23 September before the debate on 24 September, and key allies.

552. Mr Webb told Mr Hoon that AM French's staff had been "closely associated with the preparation of the detail of the dossier" and he understood they were "content from a professional DIS point of view with the judgements" it contained. The paragraphs on the acquisition of aluminium tubes and nuclear timelines were "more cautious" than US Department of Defence views and no consultation with the US was planned "outside intelligence and White House channels".

553. Mr Webb concluded that he had:

> "… some reservations as a JIC member about citing the Committee's views explicitly (lest we become less usefully direct in our future judgements) but the way this has been achieved has reassured me.
>
> "Overall I am content to recommend the material …"

554. The record of Mr Scarlett's meeting at 1300 on 20 September stated that copies of the dossier would be made available for Cabinet on 23 September.[286]

---

[284] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 215.
[285] Minute Webb to PS/Secretary of State [MOD], 20 September 2002, 'Iraq Dossier'.
[286] Minute [Cabinet Office] to Rycroft and others, 20 September 2002, 'Iraq Dossier: Public Handling and Briefing'.

555. Mr Blair had "committed" Mr Scarlett to provide "an intelligence briefing" for the Chairs of the Foreign Affairs and Defence Select Committees and the Intelligence and Security Committee in the week of 16 September.[287]

556. In a minute to Mr Blair in June 2003, Mr Scarlett wrote:

> "As is natural in the JIC drafting process, there was a debate about a number of issues … but agreement was reached on the final text …"[288]

557. Mr Scarlett also wrote:

> "The JIC agreed that all intelligence-based sections in the document would be submitted to it before they were finalised. The draft assessment was discussed at the JIC on 11 and 18 September. The final draft was circulated to JIC members on 19 September and subsequently agreed by them. It was sent to me by Alastair Campbell on 20 September[289] … I regarded this as the formal moment at which I was taking responsibility for its contents. I noted to Alastair that the draft Conclusion … which had been drafted by me and formed part of earlier versions of the document, had been dropped. I regarded it as superfluous."

558. Mr Scarlett added:

> "At no stage in the drafting process set out above was there an attempt, from No.10 or elsewhere, to overrule the judgements of the JIC or my judgement as the person in charge."[290]

559. Mr Scarlett stated that the minute had been seen by his colleagues on the JIC.

Iraq's denial that it had weapons of mass destruction

Iraq informed Mr Kofi Annan, the UN Secretary-General, on 16 September that it had decided to allow the return of inspectors and that it was ready to discuss the practical arrangements with the UN.[291]

In his speech to the UN General Assembly on 19 September, Dr Naji Sabri, the Iraqi Foreign Minister, offered Iraq's "condolences to the American people, especially the families of the victims" of the 11 September 2001 attacks and told the Security Council that he had been instructed by President Saddam Hussein to convey excerpts from his letter to the General Assembly, which presented "Iraq's position on the latest developments in the relationship between Iraq and the Security Council".[292]

---

[287] Email Powell to Scarlett, 16 September 2002, 'Iraq'.
[288] Minute Scarlett to Prime Minister, 4 June 2003, 'September 2002 Iraq Dossier'.
[289] Mr Scarlett was, in fact, referring to his minute to Mr Campbell of 20 September 2002, not a minute from Mr Campbell to him.
[290] Minute Scarlett to Prime Minister, 4 June 2003, 'September 2002 Iraq Dossier'.
[291] Letter Sabri to Annan, 16 September 2002, [untitled].
[292] UN General Assembly, 'Fifty-seventh session 19 September 2002' (A/57/PV.17).

In the letter, Saddam Hussein declared that Iraq was "totally clear of all nuclear, chemical and biological weapons"; and challenged President Bush's "insinuation" that Iraq was linked to the attacks on 9/11 and international terrorism.

Iraq's position in its letters and statements to the UN, and the UK responses, are addressed in more detail in Section 3.5.

Mr Blair's Foreword

560. In the Foreword to the dossier, Mr Blair emphasised Iraq's WMD capabilities and the potential threat they posed.[293] The full text of the Foreword is set out in the Box below. The Inquiry has highlighted in bold text the points it regards as particularly important in relation to the assessment of Iraq WMD capabilities and intent.

Mr Blair's Foreword to the 24 September dossier

The document published today is based, in large part, on the work of the Joint Intelligence Committee (JIC). The JIC is at the heart of the British intelligence machinery. It is chaired by the Cabinet Office and made up of the heads of the UK's three Intelligence and Security Agencies, the Chief of Defence Intelligence, and senior officials from key government departments. For over 60 years the JIC has provided regular assessments to successive Prime Ministers and senior colleagues on a wide range of foreign policy and international security issues.[294]

Its work, like the material it analyses, is largely secret. It is unprecedented for the Government to publish this kind of document but **in the light of the debate about Iraq and Weapons of Mass Destruction (WMD), I wanted to share with the British public the reasons why I believe this issue to be a current and serious threat to the UK national interest.**

In recent months, I have been increasingly alarmed by the evidence from inside Iraq that despite sanctions, despite the damage done to his capability in the past, despite the UN Security Council resolutions expressly outlawing it, and **despite his denials, Saddam Hussein is continuing to develop WMD, and with them the ability to inflict real damage on the region, and the stability of the world.**

Gathering intelligence from inside Iraq is not easy. Saddam's is one of the most secretive and dictatorial regimes in the world. So **I believe people will understand why the Agencies cannot be specific about the sources, which have formed the judgements in this document, and why we cannot publish everything we know.** We cannot, of course, publish the detailed raw intelligence. **I and other Ministers have been briefed in detail on the intelligence and are satisfied as to its authority.** I also want to pay tribute to our Intelligence and Security Services for the often extraordinary work that they do.

---

[293] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 3.
[294] The role and composition of the JIC is set out in Section 2.

What I believe the assessed intelligence has established beyond doubt is that Saddam has continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programme. I also believe that, as stated in the document, Saddam will now do his utmost to try to conceal his weapons from UN inspectors.

The picture presented to me by the JIC in recent months has become more not less worrying. It is clear that, despite sanctions, the policy of containment has not worked sufficiently well to prevent Saddam from developing these weapons.

I am in no doubt that the threat is serious and current, that he has made progress on WMD, and that he has to be stopped.

Saddam has used chemical weapons, not only against an enemy state, but against his own people. **Intelligence reports make clear that he sees the building up of his WMD capability, and the belief overseas that he would use these weapons, as vital to his strategic interests, and in particular his goal of regional domination. And the document discloses that his military planning allows for some of the WMD to be ready within 45 minutes of an order to use them.**

I am quite clear that Saddam will go to extreme lengths, indeed has already done so, to hide these weapons and avoid giving them up.

In today's interdependent world, a major regional conflict does not stay confined to the region in question. Faced with someone who has shown himself capable of using WMD, I believe the international community has to stand up for itself and ensure its authority is upheld.

The threat posed to international peace and security, when WMD are in the hands of a brutal and aggressive regime like Saddam's, is real. Unless we face up to the threat, not only do we risk undermining the authority of the UN, whose resolutions he defies, but more importantly and in the longer term, we place at risk the lives and prosperity of our own people.

The case I make is that the UN resolutions demanding he stops his WMD programme are being flouted; that **since the inspectors left four years ago, he has continued with this programme;** that the inspectors must be allowed back in to do their job properly; and that if he refuses, or if he makes it impossible for them to do their job, as he has done in the past, the international community will have to act.

I believe that faced with the information available to me, the UK Government has been right to support the demands that this issue be confronted and dealt with. We must ensure that he does not get to use the weapons he has, or get hold of the weapons he wants.

Key points in the dossier

561. As discussed by the JIC on 11 September, the dossier highlighted the contribution which recent intelligence had made to the assessment of Iraq's activity since 1998 and on Saddam Hussein's readiness to deploy and use chemical and biological weapons.

562. The Executive Summary of the Iraq dossier stated that, in addition to the public evidence on Iraq's weapons of mass destruction and ballistic missiles, the Government had "significant additional information … from secret intelligence sources" which, although it could not "tell us about everything", provided "a fuller picture of Iraqi plans and capabilities".[295]

563. In the chapter on the role of intelligence, the dossier stated that intelligence had "provided important insights into Iraqi programmes and Iraqi military thinking", and that:

> "Taken together with what is already known from other sources, this intelligence builds our understanding of Iraq's capabilities and adds significantly to the analysis in the public domain."

564. The dossier stated that the chapter on the current position set out "what we know of Saddam Hussein's chemical, biological, nuclear and ballistic missile programmes, drawing on all the available evidence".[296] It drew "heavily on the latest intelligence about Iraqi efforts to develop their programmes and capabilities since 1998" to support a list of "**main conclusions**", including that Saddam Hussein continued:

> "… to attach great importance to the possession of weapons of mass destruction and ballistic missiles which he regards as being the basis for Iraq's regional power. He is determined to retain these capabilities …"

CHEMICAL AND BIOLOGICAL WEAPONS

565. The dossier stated that, by 1991, Iraq had produced more than 16,000 free-fall bombs and more than 110,000 artillery rockets and shells for the delivery of chemical and biological agents.[297] It had also admitted to having 50 chemical and 25 biological warheads available for ballistic missiles.

566. UNSCOM had destroyed 30 of the warheads filled with chemical agents.[298] It had also destroyed chemical munitions, agent and precursors and biological seed stocks and growth media, and dismantled or destroyed chemical and biological production facilities.

567. The dossier challenged Iraq's claims that chemical agents produced before 1991 would have deteriorated sufficiently to render them harmless and that it had destroyed all its biological weapons and agent.[299]

---

[295] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 5.
[296] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.
[297] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 15.
[298] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 40.
[299] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 19.

568. Addressing the chemical and biological weapons and material Iraq might have produced or obtained, which UNSCOM had been unable to account for when it left, the dossier quoted the figures given to Parliament by Mr Straw on 2 May 2002, including "over 30,000 special munitions for delivery of chemical and biological agents.[300] It added:

> "The departure of UNSCOM meant that the international community was unable to establish the truth behind these large discrepancies and greatly diminished its ability to monitor and assess Iraq's continuing attempts to reconstitute its programmes."

569. In respect of chemical and biological weapons, the Executive Summary stated:

> "As a result of that intelligence, we judge that Iraq has:
>
> - continued to produce chemical and biological agents;
> - military plans for the use of chemical and biological weapons, including against its own Shia population. Some of these weapons are deployable within 45 minutes of an order to use them;
> - command and control arrangements in place to use chemical and biological weapons. Authority ultimately resides with Saddam Hussein. (There is intelligence that he may have delegated this authority to his son Qusay);
> - developed mobile laboratories for military use, corroborating earlier reports about the mobile production of biological warfare agents;
> - pursued illegal programmes to procure controlled material of potential use in the production of chemical and biological weapons programmes …"[301]

570. In its "**main conclusions**", the dossier stated:

- "Iraq has a usable chemical and biological weapons capability … which has included recent production of chemical and biological agents."
- "Iraq can deliver chemical and biological agents using an extensive range of artillery shells, free-fall bombs, sprayers and ballistic missiles."
- "Iraq's military forces are able to use chemical and biological weapons, with command, control and logistical arrangements in place. The Iraqi military are able to deploy these weapons within 45 minutes of a decision to do so."[302]

571. In the main text, the dossier stated that the JIC had, in the last six months, "confirmed its earlier judgements on Iraqi chemical and biological warfare capabilities and assessed that Iraq has the means to deliver chemical and biological weapons".[303]

---

[300] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 16.
[301] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 5-6.
[302] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 18.
[303] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 18.

572. In a section on "**Recent Intelligence**", the dossier stated:

"Subsequently intelligence has become available from reliable sources which complements and adds to previous intelligence and confirms the JIC assessment that Iraq has chemical and biological weapons. The intelligence also shows that the Iraqi leadership has been discussing a number of issues related to these weapons. This intelligence covers:

- **Confirmation that chemical and biological weapons play an important role in Iraqi military thinking:** intelligence shows that Saddam attaches great importance to the possession of chemical and biological weapons which he regards as being the basis for Iraqi regional power. He believes that respect for Iraq rests on its possession of these weapons and the missiles capable of delivering them. Intelligence indicates that Saddam is determined to retain this capability and recognises that Iraqi political weight would be diminished if Iraq's military power rested solely on its conventional military forces.
- **Iraq's attempts to retain its existing banned weapon systems:** Iraq is already taking steps to prevent the UN weapons inspectors finding evidence of its chemical and biological weapons programme. Intelligence indicates that Saddam has learnt lessons from previous weapons inspections, has identified possible weak points in the inspections process and knows how to exploit them. Sensitive equipment and papers can easily be concealed and in some cases this is already happening. The possession of mobile biological agent production facilities will also aid concealment efforts. Saddam is determined not to lose the capabilities that he has been able to develop further in the four years since inspectors left.
- **Saddam's willingness to use chemical and biological weapons:** intelligence indicates that as part of Iraq's military planning Saddam is willing to use chemical and biological weapons, including against his own Shia population. Intelligence indicates that the Iraqi military are able to deploy chemical and biological weapons within 45 minutes of an order to do so."[304]

573. In a section on "**Chemical agent: production facilities**", the dossier stated: "Intelligence shows that Iraq has continued to produce chemical agent."[305]

574. In a similar section on "**Biological agent: production facilities**", the dossier stated: "We know from intelligence that Iraq has continued to produce biological warfare agents."[306]

---

[304] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 18-19.
[305] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 19.
[306] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 21.

575. The dossier also stated:

"UNSCOM established that Iraq considered the use of mobile biological agent production facilities. In the past two years evidence from defectors has indicated the existence of such facilities. Recent intelligence confirms that the Iraqi military have developed mobile facilities."[307]

576. Summarising the section on chemical and biological weapons, the dossier stated:

"Intelligence shows that Iraq has covert chemical and biological weapons programmes … and has continued to produce chemical and biological agents. Iraq has:

- chemical and biological weapons available, both from pre-Gulf War stocks and more recent production;
- the capability to produce the chemical agents …
- a biological agent production capability … Iraq has also developed mobile facilities to produce biological agents;
- …"[308]

NUCLEAR WEAPONS

577. The dossier stated that Iraq's aim pre-1991 "was to produce a missile warhead with a 20-kiloton yield and weapons designs were produced for the simplest implosion weapons".[309] Iraq had pursued a number of programmes to produce highly enriched uranium, for the warhead. The enrichment programmes had made little progress before the Gulf Conflict, but the nuclear programme was supported by a large body of expertise, programme documentation and databases and manufacturing infrastructure.

578. In respect of nuclear weapons, the Executive Summary stated:

"Iraq had:

- tried covertly to acquire technology and materials which could be used in the production of nuclear weapons;
- sought significant quantities of uranium from Africa, despite having no active civil nuclear power programme that could require it;
- recalled specialists to work on its nuclear programme".[310]

---

[307] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 22.
[308] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 23-24.
[309] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 13-14.
[310] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 6.

579. In its "**main conclusions**", the dossier stated:

> "Iraq continues to work on developing nuclear weapons … Uranium has been sought from Africa that has no civil nuclear application …"[311]

580. The dossier stated that the JIC assessed that Iraq had continued its nuclear research after 1998 and "drew attention to intelligence that Iraq had recalled its nuclear scientists to the programme in 1998". "Since 1998 Iraq had been trying to procure items that could be for use in the construction of centrifuges …"[312]

581. In a section on "**Iraq's nuclear weapons expertise**", the dossier stated:

- The IAEA had dismantled the physical infrastructure of Iraq's nuclear weapons and removed the remaining highly enriched uranium, "But Iraq retained, and retains many of its experienced nuclear scientists and technicians who are specialised in the production of fissile material and weapon design. Intelligence indicates that Iraq also retains the accompanying programme documentation and data."
- "Intelligence shows that the present Iraqi programme is almost certainly seeking an indigenous capability to enrich uranium for a nuclear weapon …"
- "Following the departure of the inspectors in 1998 there has been an accumulation of intelligence indicating that Iraq is making concerted covert efforts to acquire dual-use technology and material with nuclear applications."
- "Iraq's known holdings of processed uranium are under IAEA supervision. But there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa. Iraq has no … legitimate reason to acquire uranium."
- Intelligence showed that Iraq had attempted to purchase other items that could be used in a nuclear programme, including "repeated attempts covertly to acquire a very large quantity (60,000 or more) of specialised aluminium tubes" with a "potential application in the construction of gas centrifuges used to enrich uranium, although there is no definitive intelligence that it is destined for a nuclear programme".[313]

582. The judgements in the dossier about the timelines Iraq would need to acquire a nuclear weapon are addressed earlier in this Section.

---

[311] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.
[312] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 24.
[313] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 24-26.

BALLISTIC MISSILES

583. In respect of ballistic missiles, the Executive Summary stated:

"As a result of that intelligence, we judge that Iraq has:

- illegally retained up to 20 Al Hussein missiles, with a range of 650km, capable of carrying chemical or biological warheads;
- started deploying its Al Samoud liquid propellant missile, and has used the absence of weapons inspectors to work on extending its range to at least 200km …
- started producing the … Ababil-100, and is making efforts to extend its range to at least 200km …
- constructed a new engine test stand for the development of missiles capable of reaching the UK Sovereign Base Areas in Cyprus and NATO members (Greece and Turkey), as well as all Iraq's Gulf neighbours and Israel;
- pursued illegal programmes to procure materials for use in its illegal development of long-range missiles …"[314]

584. In its "**main conclusions**", the dossier stated:

"Iraq possesses extended-range versions of the SCUD ballistic missile … which are capable of reaching Cyprus, Eastern Turkey, Tehran and Israel. It is also developing longer-range missiles …"[315]

585. The dossier stated that the JIC:

- drew attention in mid-2001 to a "step change" in progress on Iraq's missile programme over the preceding two years, and that "work was under way on larger engines for longer-range missiles"; and
- concluded in early 2002 that "Iraq had begun to develop missiles with a range of over 1,000kms", but it assessed that "if sanctions remained effective", Iraq "would not be able to produce such a missile before 2007".

586. In a section on Iraq's ballistic missile programme since 1998, the dossier stated:

- Iraq had retained up to 20 Al Hussein missiles that "could be used with conventional, chemical or biological warheads and, with a range of 650km are capable of reaching a number of countries in the region including Cyprus".
- "Intelligence has confirmed that Iraq wants to extend the range of its missiles systems to over 1,000km, enabling it to threaten other regional neighbours."
- "Iraq's missile programmes employ hundreds of people."

---

[314] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 6.
[315] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.

- The engine test facility being constructed at al-Rafah would "be capable of testing engines" with ranges over 1,000km and "would not be needed" for systems within the 150km permitted range.
- Iraq had "managed to rebuild much of the missile production infrastructure" destroyed in 1991 and 1998 and new missile-related infrastructure was "under construction".
- "Despite a UN embargo, Iraq has also made concerted efforts to acquire additional production technology …"[316]

FUNDING FOR THE WMD PROGRAMME

587. The Executive Summary of the dossier stated that Iraq had an illegal income of some US$3bn from "illicit earnings generated outside UN control".[317]

588. The dossier acknowledged that the proportion of those funds that was used to develop or acquire military equipment was unknown, but stated:

> "… we have seen no evidence that Iraqi attempts to develop its weapons of mass destruction and its ballistic missile programme … has been inhibited in any way by lack of funds. The steady increase [in illicit funds] over the last three years in the availability of funds will enable Saddam to progress the programmes faster."

Questions about the judgements in the dossier

589. The judgements expressed in the dossier and how they were reached have already been examined by the Foreign Affairs Committee, the Intelligence and Security Committee (ISC) and Inquiries led by Lord Hutton and Lord Butler.

590. The report of the House of Commons Foreign Affairs Committee (FAC), *The Decision to go to War in Iraq* (HC 813-1), was published on 7 July 2003.[318] It sought to "establish whether the Foreign and Commonwealth Office (FCO), within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in respect of weapons of mass destruction".

591. The report of the Intelligence and Security Committee (ISC), *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* (Cm 5972), was published in

---

[316] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 27-30.
[317] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 7.
[318] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.

September 2003.[319] The ISC stated that it had "looked at the supporting intelligence in critical areas to ensure that the [JIC] Assessments reflected the intelligence correctly".

592. The *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG* by Lord Hutton ("The Hutton Inquiry", HC 247), was published on 28 January 2004.[320]

593. In relation to the question of whether the judgements were improperly influenced by Mr Campbell or No.10, Lord Hutton concluded:

> "Mr Campbell made it clear to Mr Scarlett on behalf of the Prime Minister that 10 Downing Street wanted the dossier to be worded to make as strong a case as possible in relation to the threat posed by Saddam Hussein's WMD, and 10 Downing Street made written suggestions to Mr Scarlett as to changes in the wording of the draft dossier which would strengthen it. But Mr Campbell recognised, and told Mr Scarlett that 10 Downing Street recognised, that nothing should be stated in the dossier with which the intelligence community were not entirely happy.
>
> "Mr Scarlett accepted some of the drafting amendments suggested to him by 10 Downing Street but he only accepted those suggestions which were consistent with the intelligence known to the JIC and he rejected those suggestions which were not consistent with such intelligence and the dossier … was approved by the JIC.
>
> "As the dossier was one to be presented to, and read by, Parliament and the public … I do not consider that it was improper for Mr Scarlett and the JIC to take into account suggestions as to drafting made by 10 Downing Street and to adopt those suggestions if they were consistent with the intelligence available to the JIC. However I consider that the possibility cannot be completely ruled out that the desire of the Prime Minister to have a dossier which, whilst consistent with the available intelligence, was as strong as possible in relation to the threat posed by Saddam Hussein's WMD, may have subconsciously influenced Mr Scarlett and other members of the JIC to make the wording of the dossier somewhat stronger than it would have been if it had been contained in a normal JIC Assessment. Although this possibility cannot be completely ruled out, I am satisfied that Mr Scarlett, the other members of the JIC, and the members of the Assessment Staff engaged in the drafting of the dossier were concerned to ensure that the contents of the dossier were consistent with the intelligence available to the JIC.
>
> "The term 'sexed-up' is a slang expression, the meaning of which lacks clarity in the context of the discussion of the dossier. It is capable of two different meanings.

---

[319] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972.
[320] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David L Kelly CMG by Lord Hutton* ["The Hutton Inquiry"], 28 January 2004, HC 247, pages 2-3.

> It could mean that the dossier was embellished with items of intelligence known or believed to be false or unreliable … or it could mean … that the dossier was drafted in such a way as to make the case against Saddam Hussein as strong as the intelligence contained in it permitted. If the term is used in this latter sense, then because of the drafting suggestions made by 10 Downing Street for the purpose of making a strong case against Saddam Hussein, it could be said that the Government 'sexed up' the dossier. However … I consider that the allegation … that the dossier had been embellished with intelligence known or believed to be false or unreliable, which was not the case."[321]

594. The *Review of Intelligence on Weapons of Mass Destruction* by a Committee of Privy Counsellors chaired by Lord Butler of Brockwell ("The Butler Report", HC 8980), was published on 14 July 2004.[322]

595. Describing the purpose of the dossier, the Butler Report stated:

> "… the dossier was not intended to make the case for a particular course of action in relation to Iraq. It was intended by the Government to promote domestic and international understanding of, and gain support for, the general direction in which Government policy had been moving since the early months of 2002, away from containment to a more proactive approach to enforcing Iraqi disarmament."[323]

596. The Butler Report also stated:

- "The Government wanted a document on which it could draw in its advocacy of its policy. The JIC sought to offer a dispassionate assessment of intelligence and other material on Iraqi nuclear, biological, chemical and ballistic missile programmes."[324]
- "… **the language of the dossier may have left with readers the impression that there was fuller and firmer intelligence behind the judgements than was the case: our view, having reviewed all of the material, is that judgements in the dossier went to (although not beyond) the outer limits of the intelligence available.** The Prime Minister's description in his statement to the House of Commons … [on 24 September] of the picture painted by the intelligence services in the dossier as 'extensive, detailed and authoritative' may have reinforced this impression."[325]

---

[321] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 228.
[322] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.
[323] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 319.
[324] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 327.
[325] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 464.

597. The Iraq Inquiry has drawn on the evidence offered to those Inquiries, and their analysis and conclusions, in reaching a view on the aspects of the dossier addressed in the following paragraphs.

Defence Intelligence Staff concerns

598. During the drafting of the dossier, questions were raised by staff in the DIS about the basis for the judgements on Iraq's chemical and biological weapons capabilities and its intent to use chemical and biological weapons.

599. The DIS comments on the draft dossier on 17 September, expressing concerns that some of the statements on chemical and biological weapons in the draft could not be substantiated by the intelligence seen by the DIS, which were discussed in Mr Miller's meeting that morning, are set out earlier in this Section.

600. Mr Miller confirmed that no minute was taken of the meeting.[326]

601. Mr Scarlett told the Hutton Inquiry that the DIS comments had been discussed by the formal drafting group on 17 September and that:

> "They were dealt with within that process and they were not brought forward by the DIS senior management to the level of the JIC."[327]

602. Mr Cragg told the Hutton Inquiry that, at the meeting on 17 September, "it was agreed that the SIS representative would make further representations" to the DIS about the "very tightly held intelligence [the report of 11 September]" and that the SIS representative had spoken to Dr Paul Roper, DIS Director of Science and Technology, and told him that "SIS believed it was good intelligence".[328]

603. Mr Cragg told Lord Hutton that it was reported to him that the concern about the discontinuity between the main text of the dossier and the Executive Summary had been:

> "… put … down to the fact that the Executive Summary pulled together or reflected not merely recent intelligence which was … contained in the main text, but also the general context of the new intelligence which had been received, such as the knowledge, which we had had for many years, of the capabilities of the Iraqis in their use of chemical weapons and also our knowledge that they had commander control arrangements for the use of these weapons in place."[329]

604. Mr Scarlett subsequently told the Hutton Inquiry that, after the meeting on 17 September, Mr Miller had reported the DIS concerns about the statements on the production of "CW agent", because it related to "the existence of additional

---

[326] The Hutton Inquiry, public hearing, 11 August 2003, page 160.
[327] The Hutton Inquiry, public hearing, 23 August 2003, page 67.
[328] The Hutton Inquiry, public hearing, 15 September 2003, pages 37-38.
[329] The Hutton Inquiry, public hearing, 15 September 2003, page 27.

compartmented intelligence [the SIS report of 11 September]", which had not been seen by the DIS, "which was underpinning the judgement".[330] He had been told that arrangements had been made to brief "DIS management" on the intelligence. Mr Scarlett added that, in the absence of comment on that point in the DIS comments on the draft dossier on 19 September, silence had been taken as assent.

605. Sir John Scarlett told the Iraq Inquiry that he "was aware that there had been questioning from within the DIS about the fact that they hadn't seen the compartmented [11 September] report". He and Mr Miller had "agreed that it would be necessary" for the DIS to be shown the report and, as far as he was concerned, "that happened" and there was "no further awareness" on his part.[331]

606. In a minute on 19 September to Dr Roper, Dr Brian Jones, the branch head of the nuclear, biological and chemical section in the Scientific and Technical Directorate of the Defence Intelligence Staff, wrote:

> "1. … the generation of the Iraqi dossier which, in the last two weeks has involved a number of iterations which have incorporated new intelligence. It is my understanding that some of the intelligence has not been made available to my branch. Because of this they have had to express their reservations on several aspects of the dossier. Most of these have been resolved. However a number remain … and it is important that I note for you at this stage the remaining areas where we are unable to confirm the statements made on the basis of the information available to my branch.
>
> "2. Although we have no problem with a judgement based on intelligence that Saddam attaches great importance to possessing WMD we have not seen the intelligence that 'shows' this to be the case. Nor have we seen intelligence that 'shows' he does not regard them only as a weapon of last resort, although our judgement is that it would be sensible to assume that he might use them in a number of other scenarios. The intelligence we have seen indicates rather than 'shows' that Iraq has been planning to conceal its WMD capabilities, and it would be … reasonable to assume that he would do this.
>
> "3. We have a number of questions in our minds relating to the intelligence on military plans for the use of chemical and biological weapons, particularly about the times mentioned and the failure to differentiate between the two types of weapon.
>
> "4. We have not seen intelligence which we believe 'shows' that Iraq has continued to produce CW agent in 1998-2002, although our judgement is that it has probably done so. Whilst we are even more convinced that Iraq has continued to produce BW agent (on the basis of mobile production intelligence) we would not go so far as to say that we 'know' this to be the case.

---

[330] The Hutton Inquiry, public hearing, 23 September 2003, pages 110-111.
[331] Private hearing, 5 May 2010, page 47.

> "5. Finally … we are pleased that the claim that Iraq used aflatoxin against the Shia uprising has been excluded from the dossier but we are concerned that the claim in relation to mustard remains as we consider the evidence to be weak."[332]

607. Dr Jones sent a copy of his minute to the office of Mr Cragg and others in the Defence Intelligence Staff.

608. The following day, the chemical warfare expert in Dr Jones' team wrote to Dr Roper setting out in detail his concerns about aspects of the dossier.[333]

609. In relation to the statement in the draft Foreword, that Mr Blair believed that the "assessed intelligence has established beyond doubt" that "Saddam has continued to produce chemical and biological weapons", the minute stated:

> "I acknowledge that in this statement the Prime Minister will be expressing his own 'belief' about what the assessed intelligence has established. What I wish to record is that based on the intelligence available to me it has NOT established beyond doubt that Saddam has continued to produce chemical [and biological] weapons."

610. Addressing the statement in the Foreword that "military planning allows for some of the WMD to be ready within 45 minutes of an order to use them", and a "similar statement" in the dossier, the minute stated:

> "This is reported as a fact whereas the intelligence comes from a single source. In my view the intelligence warrants no stronger a statement than '… intelligence suggest that military planning allows …'"

611. Addressing the judgement in paragraph 6 of the Executive Summary, that Iraq had "continued to produce chemical and biological agents", the minute stated:

> "I have seen intelligence that suggests that production of chemical agents has continued but in my judgement this warrants no stronger statement than 'Iraq has … *probably* continued to produce chemical [and biological] agents.'"

612. Addressing the judgement in paragraph 6 of the Executive Summary, that "Some of these weapons are deployable within 45 minutes of an order to use them", the minute stated:

> "It is not clear what is meant … The judgement is too strong considering the intelligence on which it is based."

---

[332] Minute Jones to Roper, 19 September 2002, 'Iraq Dossier'.
[333] Minute [DIS junior official] to DIST, 20 September 2002, 'Iraq Dossier'.

613. In relation to statements in Chapter 3 of the dossier, the minute stated:

- Paragraph 1, first bullet: the "statement about 'recent production of chemical [and biological] agents'" could not "be supported" by the intelligence available to the author.
- Paragraph 5, first bullet: the author believed that the statement that "Intelligence shows that Saddam attaches great importance to the possession of chemical [and biological] weapons" was "far too strong" and "in contrast to other statements in this paragraph which use the term 'intelligence indicates that' which is more balanced".
- Paragraph 8, first bullet: the intelligence available to the author warranted a statement "no stronger" than "Iraq has probably continued to produce chemical agent", not the statement that "Intelligence shows that Iraq has continued to produce chemical agent."

614. The minute was copied to Mr Cragg's office and to Dr Jones.

615. Dr Jones told Lord Hutton that the "problems" with the 45 minutes report of 30 August "fell into three categories". The information was "second-hand"; it "did not differentiate between … chemical … or … biological weapons"; and there was "a lack of collateral intelligence".[334]

616. Dr Jones explained that the circumstances in which it would be important to deliver biological weapons within 45 minutes "would be fairly special circumstances" and that "had pushed us into thinking perhaps we were talking about chemical weapons". It was "easy" to put chemical and biological weapons:

> "… together in a collective term … But there was an element of doubt coming into our analysis … We would have looked, normally, for further definitions to feel really comfortable …"

617. Dr Jones also stated that they had been "worried" by the absence of evidence relating to the production of chemical agents and that:

> "We had not seen the weapons being produced. We had no evidence of any recent testing or field trials … So that all cast some doubts in our mind on that particular piece of intelligence."

618. Dr Jones told Lord Hutton that he thought the intelligence was "important" but the references in the draft dossier were "too strong". It was:

> "… reasonable to say that the intelligence indicated that this was the case … but … we did not think the intelligence showed it absolutely beyond any shadow of doubt."

---

[334] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 190.

619. Dr Jones told Lord Hutton that he had been informed of the concerns of his staff about the statements on the "continued production of chemical and biological agents"; and that there "was said to be additional intelligence that actually had it been available to us would have removed those concerns".[335] He had discussed the issue with his Director, Dr Roper. Dr Roper had not seen the intelligence but "a senior official from one of the … agencies" had "suggested to him that the intelligence judgements that were being made in the dossier were in fact okay because … they were supported by the additional intelligence". Dr Jones added that he had said the DIS should express a reservation about the language.

620. Dr Jones subsequently stated that his staff had "no evidence that significant production had taken place either of chemical warfare agent or chemical weapons".[336]

621. Dr Jones also stated that the DIS had "not seen the weapons being produced. We had no evidence of any recent testing or field trials …"[337]

622. Asked what he had done following receipt of Dr Jones' minute, Mr Cragg told the Hutton Inquiry that he had:

> "… taken the view that on the question of the 45 minutes and of the chemical weapon production, this had already been considered at length with the Cabinet Office in their meeting of 17 September and that I was satisfied with the decisions reached and consequently with the wording of the dossier at that point. On the … importance attached to the possession of chemical weapons, the absence of proof … they are not seen … as weapons of last resort. And the absence of … definitive proof, that efforts are being made to conceal them. I took the view on each of those there had been much intelligence over the years, not merely in the last few weeks … which sustained the view taken in the dossier."[338]

623. Asked whether Dr Jones' minute of 19 September 2002 was "strong language for intelligence personnel", Mr Cragg replied:

> "Yes. I was quite surprised to receive the minute because … we had tried to explain what the situation was, certainly on the production issue and, as far as I can tell also perhaps, although I am not certain, on the 45 minutes."[339]

624. Mr Cragg stated that he had "taken the view that since all the issues had either been discussed with the Cabinet Office or were well within the general thrust of known intelligence that it was not necessary to raise the issue with Mr Scarlett".[340]

---

[335] The Hutton Inquiry, public hearing, 3 September 2003, pages 83-85.
[336] The Hutton Inquiry, public hearing, 3 September 2003, page 86.
[337] The Hutton Inquiry, public hearing, 3 September 2003, page 93.
[338] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 194.
[339] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 194.
[340] The Hutton Inquiry, public hearing, 15 September 2003, page 41.

625. Mr Cragg stated:

> "… the dossier reflected the JIC Assessments on the recent intelligence; and the JIC Assessments were an accurate reflection, put into context, of the intelligence itself. So it was a flow of perfectly reputable intelligence conveyed by the Assessment Staff and ourselves into the JIC Assessment and thence into the dossier.
>
> …
>
> "… I am quite sure … the dossier … does not go beyond … available intelligence."[341]

626. Mr Cragg stated that he had subsequently held a meeting with the Director of Global Issues, the Director of Science and Technology and the DIS staff who had attended the Assessment Staff meeting. He had been told, in relation to the 45 minute intelligence:

> "… firstly, on the actual detailed intelligence, recent intelligence underpinning the main text and partly the Executive Summary, that the Secret Intelligence Service, SIS, were satisfied that the source was established and reliable and … they supported the reporting, which had already been included in a JIC Assessment on 9 September.
>
> …
>
> "… My staff also reported … there had been a discussion … of the general context in which the new intelligence had appeared which convinced them that it was quite reasonable to take the line they did in Executive Summary concerning the likelihood or the capability of the Iraqis to deploy weapons of mass destruction within 45 minutes of a decision to do so.
>
> …
>
> "… I understand from my staff that there was a discussion of the validity of the source, which would almost certainly have included whether it was single source."

627. Mr Cragg added that a:

> "… single source has to be looked at with some care; but this was a known source, established and reliable with a good reporting record. And the statements he was making, the intelligence he was providing was well in context of known Iraqi approaches.
>
> …
>
> "So in that sense – I think Mr Scarlett said it fairly clearly – there were no qualms about including this reporting."

---

[341] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 197.

628. AM French confirmed to the Hutton Inquiry that, having seen Dr Jones' minute of 19 September, he had been content with the dossier.[342]

629. In response to a question about whether Mr Scarlett had "tightened" the language in the dossier in the draft of 18 September, to take account of the points raised by Mr Campbell in his minute of 17 September rather than the points raised by the DIS the same day, Mr Cragg replied: "Yes."[343]

630. Asked about the way in which he had dealt with the comments provided by the DIS and Mr Campbell on 17 September, Mr Scarlett told the Hutton Inquiry that the issues raised by the DIS had been discussed in Mr Miller's meeting before Mr Campbell's minute was received.[344]

631. Mr Scarlett told Lord Hutton that the intelligence on weapons being available for use within 45 minutes "came from an established and reliable source quoting a senior Iraqi military officer in a position to know this information".[345] It had been "judged straight away that the intelligence was consistent with established JIC judgements on the command control and logistical arrangements and capabilities of the Iraqi armed forces … [F]or the first time in our reporting it gave a particular time, gave some precision."

632. Mr Scarlett stated that:

- It had been agreed that the Assessments Staff would look again at the Assessment and the intelligence report to "bring the text … into line with what the Assessment and the intelligence said".
- In relation to the DIS suggestion that the wording in the Executive Summary should be qualified by adding "intelligence suggests that", the Assessments Staff had taken the view that "it was not possible to qualify" its judgement in that way: "It was not a summary of the main points in the text, it was a judgement."

633. Mr Scarlett stated that the main text in the dossier was redrafted to reflect the "original intelligence which contained no caveat of uncertainty" and the JIC Assessment.[346]

---

[342] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 195.
[343] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 192.
[344] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 214.
[345] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 184.
[346] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 214.

634. The JIC Assessment of 9 September stated:

> "Iraq has probably dispersed its special weapons, including its CBW weapons. Intelligence also indicates that chemical and biological munitions could be with military units and ready for firing within 20-45 minutes."[347]

635. In response to a series of questions intended to elicit whether the "assessors" should have had regard to the fact that they did not know to which munitions the report referred, where they were, and that the information was second-hand, albeit relayed through a reliable intermediary, Mr Scarlett replied:

> "You are talking as if the assessors … operate in a vacuum. They do not. They are assessing individual reports against the background of their knowledge. This was a point of precision, to an assessment which already existed about the capability of the Iraqi armed forces in this area."[348]

636. Mr Scarlett subsequently stated: "The sentence in the [JIC] Assessment was referring to the intelligence report … It was not looking at it in the wider context." That was "taken into account in the main body of the text" but the judgement in the Executive Summary "was a different point"; it did "not just confine itself to one intelligence report".

637. The Iraq Inquiry wrote to Air Chief Marshal Sir Joe French, Mr Cragg, and Dr Roper asking a number of specific questions about whether they had seen or been briefed on the report of 11 September, and with whom they had discussed the issues that arose.

638. In his statement, ACM French confirmed that he had seen the 11 September report but he "did not receive any further briefing on it".[349] He had not discussed the distribution of the report with either Mr Cragg or Dr Roper and could not "remember receiving any advice or briefing" on it from them. Nor could he "remember detail of the discussion" at any JIC meeting.

639. Asked whether he had asked for the report to be made available to the relevant experts in the DIS for their assessment, ACM French wrote:

> "Given the way the compilation of the dossier was being handled with the involvement of the specialists/experts from across the intelligence community, including the DIS, I would have expected them to [be] given the background to this intelligence if not access to the report itself. This was a regular occurrence where intelligence initially on limited distribution would be shared at the experts

---

[347] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.
[348] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 214.
[349] Statement, 9 June 2011.

level to allow common understanding of issues for the drafting of cross intelligence community reports and studies commissioned by the JIC."

640. ACM French also wrote that he had not discussed the concerns raised by DIS staff with Mr Scarlett, Mr Miller, or any member of the Assessments Staff. He could not "remember the specific discussion" with Mr Cragg or Dr Roper but added:

"… in the regular staffing of JIC papers, the dossier included, it was not unusual for subject matter experts to have differences of opinion over the emphasis given to specific strands of intelligence and those concerns would be raised with me for consideration before final clearance."

641. Asked on what basis he had given formal DIS endorsement to the judgements in the dossier given the advice of some members of the DIS that the final draft was, in some respects, stronger than the intelligence indicated, ACM French wrote:

"The fact that individuals expressed concern was part of the usual process of debate and assessment which went on regularly within the DIS and within the wider intelligence community as a prelude to a consensus being reached by the JIC. My judgement was that the well tried due process had been followed and I was content with the final draft of the dossier."

642. In his statement to the Iraq Inquiry, Mr Cragg wrote that he had not seen the report and that he had had "no discussions at the time" with "anybody" about its contents and implications because he "had not received it or had any knowledge of its contents or source".[350] He had "asked Dr Roper to inform Dr Jones … of the strict compartmenting of the report at the earliest opportunity".

643. Asked about his response to the concerns raised by DIS staff, Mr Cragg wrote that he had had "a brief discussion with Dr Roper on 17 September about the [DIS] comments on the draft of 16 September". He had "interrupted a meeting" he was holding with Dr Roper and the DIS Director of Global Issues on 17 September to allow them to hear an account of the meeting held by Mr Miller. The DIS officials who had attended the meeting reported that "the SIS participant had informed them that particularly sensitive intelligence on the production of chemical and biological agent had very recently been received which supported the formulation in the draft"; and that Mr Miller "had concurred" with that. The SIS representative had also informed them that the distribution would be extremely limited.

644. Mr Cragg did not attend the JIC meeting on 11 September. He wrote that the 11 September SIS report was not discussed at the JIC meeting on 18 September.

645. Mr Cragg saw a copy of Dr Jones' minute to Dr Roper of 19 September in which he stated that he and his staff "considered that in their judgement Iraq was probably

---

[350] Statement, 15 June 2011.

producing chemical and biological agents but they had not seen the intelligence to 'show' this". Dr Jones also reported that they "were even more convinced that Iraq had continued to produce biological agents but that they would not go so far as to say that they 'know' this".

646. Mr Cragg wrote that he had not discussed the minute with Dr Jones or Dr Roper "because I read it after the working day and saw it as reiterating that neither he [Dr Jones] nor his staff had seen the compartmented intelligence to support the formulation in the draft, while at the same time confirming that the judgement of the dossier on this issue was probably right". He did not raise the matter with Mr Scarlett, Mr Miller or the Assessments Staff, "because it was well known to the drafters of the dossier that the DIS' scientific staff had not seen the recent compartmented intelligence on the current production of chemical and biological agent".

647. Mr Cragg was absent from the office from 20 to 24 September. He wrote that he was:

> "… satisfied with the draft of 19 September, which was substantially the same as that of 20 September. I took the view that the judgement in the dossier on the current production of chemical and biological agent in the Executive Summary and the formulation in the main text was justified by the available intelligence on production, including in the JIC Assessment of 9 September and my awareness that the compartmented intelligence was seen as reliable. It was also consistent with our overall assessment of Iraqi WMD capabilities."

648. In his statement to the Iraq Inquiry, Dr Roper confirmed that he had discussed Dr Jones' minute of 19 September with him on 23 September and that he could not:

> "… recall all that was discussed; I sensed he was annoyed that so much had been happening whilst he had been away. I do remember asking him a specific question along the lines of 'Are you telling me you do not believe there is WMD in Iraq?' His reply was along the line: 'No I am not saying that, on balance I believe there is WMD in Iraq but not with the degree of conviction implied in the draft dossier'."[351]

649. Dr Roper wrote that Mr Cragg had raised Dr Jones' letter with him "possibly later that day [23 September]". Dr Roper described Mr Cragg as "annoyed" that the letter had been sent; and that Mr Cragg "seemed content" when Dr Roper relayed the gist of his conversation with Dr Jones.

---

[351] Statement, 27 May 2011.

650. Dr Roper wrote that he was "more concerned" by a letter sent by the chemical warfare expert in Dr Jones' team on 20 September, which they had discussed with the CW expert the following week. The CW expert had:

> "… explained his understanding of the CW position in Iraq noting that there had been thousands of tonnes of chemical agent, much of it destroyed by UNSCOM, but he noted that he couldn't rule out the existence of a few hundred tonnes of unaccounted stock some of which could retain potency. However his key point was that he had seen no evidence that Iraq had resumed any production of chemical agent since the Gulf War."

651. Dr Roper wrote that he "was alerted to the existence of new sensitive material on CW production" by an SIS officer by telephone. The conversation was short but Dr Roper recalled that he was told "it referred to evidence of resumption in CW production". Dr Roper also wrote that he had been "assured" that Air Marshal French and Mr Cragg had seen the document. Dr Roper could not recall the precise date of that conversation, but he thought it had "probably" taken place before 23 September.

652. Dr Roper wrote that he had not discussed the existence of the new intelligence with either AM French or Mr Cragg, or with anyone else. His conversation with the CW expert on 23 September:

> "… was very late in the dossier production process and only minor editorial comments on the wording were being called for at this stage. I concluded the conversation with [name of expert] suggesting that those responsible for forming the final judgement no doubt had access to this new intelligence and would take it into consideration. I took no further action."

653. The Inquiry shares the view of the Butler Review that the dossier contained a stronger assessment in relation to Iraqi chemical weapons production than was justified by the available intelligence.

654. The SIS report of 11 September was a factor in that.

655. Sir Richard Dearlove's concerns about ensuring the protection of such an important potential source of evidence were, in the circumstances, understandable.

656. But the Inquiry shares the conclusion of the Butler Review that it should have been shown to the experts in the Defence Intelligence Staff who could have commented on the credibility and validity of that report and the subsequent report issued on 23 September and advised their senior managers and the Assessments Staff.

657. Sir Richard Dearlove's personal intervention, and its urgency, gave added weight to a report that had not been properly evaluated and would have coloured

the perception of Ministers and senior officials. The report should have been treated with caution.

658. The withdrawal after the conflict of three streams of reporting underpinning the judgements in the dossier on Iraq's chemical and biological warfare capabilities and intentions, including the reports of 11 and 23 September and the "45 minutes" report, is addressed in Section 4.3.

659. The Inquiry has identified a number of lessons which arise from the way in which the dossier was produced at the end of this Section.

660. The details of the JIC Assessments on Iraq's WMD between December 2000 and September 2002 demonstrate that the JIC consistently stated in those Assessments that the intelligence on most aspects of Iraq's activity in relation to chemical, biological and nuclear weapons programmes was limited, and that many of its judgements were inferential.

661. The intelligence on Iraq's ballistic missile programmes was more extensive, but there were still significant uncertainties about Iraq's capabilities.

662. In relation to the concerns expressed by the DIS, Lord Hutton concluded:

> "… the concerns expressed by Dr Jones were considered by higher echelons in the Intelligence Services and were not acted upon, and the JIC … approved the wording in the dossier. Moreover, the nuclear, chemical and biological weapons section of the Defence Intelligence Staff, headed by Dr Brian Jones, did not argue that the intelligence relating to the 45 minutes claim should not have been included in the dossier but they did suggest that the wording in which the claim was stated was too strong and that instead of the dossier stating 'we judge' that 'Iraq has: – military plans for the use of chemical and biological weapons, including against its own Shia population. Some of those weapons are deployable within 45 minutes of an order to use them', the wording should state 'intelligence suggests'."[352]

663. The Butler Report stated that the 9 September JIC Assessment had been "written to inform military and other contingency planning" but its "precautionary judgements", which were appropriate for that purpose:

> "… were subsequently taken up into the dossier, and were taken up in an abbreviated form in which points were run together and caveats on the intelligence were dropped …
>
> "…The same was true of the 21 August and 15 March Assessments …

---

[352] The National Archives, 28 January 2004, *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* ["The Hutton Report"], paragraph 228.

> "Experienced readers would have seen these warnings in the original JIC Assessments and taken them into account … But the public … would not have known … The dossier did include a first chapter on the role of intelligence, as an introduction for the lay reader. But rather than illuminating the limitations of intelligence … the language of this Chapter may have had the opposite effect … Readers may, for example have read language in the dossier as implying that there was fuller and firmer intelligence behind the judgements than was the case: our view, having reviewed all the material, is that judgements in the dossier went to (although not beyond) the outer limits of the intelligence available."[353]

664. The Butler Report also stated that the dossier:

> "… did not refer explicitly to the JIC's uncertainty about the size of stocks of sarin and VX precursors, and hence Iraq's ability to produce these agents. Nor did it, like the JIC Assessments, refer explicitly to the lack of intelligence on the location of facilities for producing biological and chemical agent, although it did draw attention to the difficulty of assessing the use made of 'dual-use' facilities."[354]

665. The Butler Report concluded that: "**Partly because of inherent difficulties**", including the complications created by dual-use programmes, the JIC assessments of Iraq's chemical and biological programmes were "**less assured**" than the assessments of Iraq's nuclear capabilities, and that they:

> "… tended to be over cautious and in some areas worst case. Where there was a balance of inference to be drawn, it tended to go in the direction of inferring the existence of banned weapons programmes. Assessments were as a consequence less complete, especially in their considerations of alternative hypotheses, and used a different burden of proof."[355]

666. The Butler Report stated:

> "**The intelligence community will have had in mind that Iraq had not only owned but used its chemical weapons in the past. It will inevitably have been influenced by the way in which the Iraqi regime was engaged in a sustained programme to try to deceive United Nations inspectors** and to conceal from them evidence of its prohibited programmes. Furthermore, because SIS did not have agents with first-hand knowledge of Iraq's nuclear, chemical, biological or ballistic missile programmes, **most of the intelligence reports on which assessments were being made were inferential. The Assessments Staff and JIC were**

---

[353] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 330-331.
[354] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 337.
[355] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 454.

not fully aware of the access and background of key informants, and could not therefore read their material against the background of an understanding of their motivations for passing on information."[356]

667. The Butler Report also addressed the fact that the SIS report of 11 September had been given a very restricted circulation and drew attention to the:

"… **evidence of difficulties that arose from the unduly strict 'compartmentalisation' of intelligence** which meant that experts in DIS did not have access to an intelligence report which became available in September 2002 and played a major role for the JIC in confirming previous intelligence reports that Iraq was producing chemical and biological weapons."[357]

668. Sir Richard Dearlove told the Butler Review that:

"… SIS were concerned to minimise knowledge of the existence of the source during what they expected to be an initial, very sensitive, period of development. The source's intelligence about chemical weapons production was therefore distributed to an extremely limited circle of senior readers."[358]

669. The Butler Report stated that:

- It understood "SIS's concern to give maximum protection to their source in those particular, and transitional, circumstances".
- It had been "told that in-house SIS technical experts took a preliminary and provisional view that the report should be issued, as being from '*A new source on trial*'".
- "But the exclusion of Dr Jones and his staff from readership of the original report meant that this intelligence was not seen by the few people in the UK intelligence community able to form all-round, professional technical judgements on its reliability and significance."[359]

670. The Butler Report added:

"
- We recognise that circumstances arise in which it is right for senior officials to take a broad view that differs from the opinions of those with expertise on points of detail.
- We do not, however, consider that the report held back from Dr Jones and his staff (which Dr Jones's superiors regarded as justifying the certainty of

[356] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 456.
[357] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 452.
[358] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 574.
[359] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 575.

the language in the dossier) was one to which such considerations should have applied.

- The judgement reached by the JIC in this case should have been able to depend on detailed, expert analysis of the intelligence.
- In the event, the JIC had no reason to know that that had not happened.
- It was understandable that SIS should have wanted to give greater than normal protection to the human intelligence source on this occasion.
- But a problem arose because it was kept from the relevant DIS analysts who had a wider perspective.[360]
- It would have been more appropriate for senior managers in the DIS and SIS to have made arrangements for the intelligence to be shown to DIS experts rather than their making their own judgements on its significance.
- The fact that it was not shown to them resulted in a stronger assessment in the dossier in relation to Iraqi chemical weapons production than was justified by the available intelligence.
- It also deprived SIS of key expertise that would have helped them to assess the reliability of their new source.
- We have not been presented with any evidence that persuades us that there was an insuperable obstacle to allowing expert-level DIS access to the intelligence."[361]

671. The Butler Report stated:

"**We accept the need for careful handling of human intelligence reports to sustain the security of sources** … We accept that this report was from a new source who was thought to be of great potential value and was therefore of extreme sensitivity. Nevertheless, **it was wrong that a report which was of significance in the drafting of a document of the importance of the dossier was not shown to key experts in the DIS who could have commented on the validity and credibility of the report.**"[362]

672. The Butler Report added:

"… arrangements should always be sought to ensure that the need for protection of sources should not prevent the exposure of reports on technical matters to the most expert available analysis."[363]

---

[360] The Inquiry infers that that is a reference to wider knowledge of chemical and biological weapons programmes.
[361] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 576-577.
[362] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 452.
[363] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 452.

673. Asked by the Iraq Inquiry whether, in the light of the view expressed at the JIC meeting on 4 September that the 9 September Assessment needed to make clearer where there were remaining major gaps in the UK's knowledge and understanding of Iraq's capabilities, he had felt that this should have been an integral part of the dossier, Sir John Scarlett replied:

> "… there was no sort of discussion or conscious decision made to leave out references to limited intelligence. There was no deliberate intention to do that.
>
> "The reason it happened may be because of the way the dossier was structured, and the fact that it began with an Executive Summary, which was explicitly a collection of judgements, as opposed to a sort of listing of intelligence.
>
> "The place where it could have happened would have been in the introduction [Chapter 1: The Role of Intelligence], where we were talking about the nature of intelligence …"[364]

674. Sir John added:

> "But … the judgements and confidence in the judgements [in the 9 September Assessment] was high, in spite of the areas where we didn't have knowledge. So it was the gaps in detailed knowledge, rather than [gaps] in confidence about basic judgements."

675. Mr Miller added:

> "The intelligence was not all encompassing … What we tried to do in the Assessment and in the dossier was to describe the intelligence as directly as we could, and then set out clearly and distinctly the judgements which had been reached.
>
> "… We felt it was right that the firmness of the judgements that had been expressed in the classified Assessment [of 9 September] should be echoed in the published … [dossier]."[365]

676. Subsequently, in response to a question about the absence of caveats in the Key Judgements of Assessments, which were what Ministers were "meant to read", Sir John Scarlett told the Inquiry:

> "… this is… the issue that effectively arose around the drafting of the dossier … it wasn't because they had deliberately been left out. It was because of the use of the Executive Summary as the equivalent of the [JIC's] Key Judgements."[366]

---

[364] Private hearing, 5 May 2010, pages 71-72.
[365] Private hearing, 5 May 2010, pages 72-73.
[366] Private hearing, 5 May 2010, page 86.

677. Sir John added that, after the publication of the Butler Report in July 2004, "all front pages of the Assessments [ie the page with the Key Judgements] have contained a box on the intelligence base" which "spells out the strengths and weaknesses of the intelligence". That allowed the Key Judgements to be made while flagging up the caveats.

678. Asked if he had expressed any concerns during the drafting of the dossier, for instance about caveats being dropped or because the text becoming more definite than a normal JIC report might have been, Sir Richard Dearlove replied:

> "… with the benefit of hindsight, I was happy with what the dossier said in terms of what we believed at the time that it was written."[367]

679. In the context of a reference to comment in the Butler Report that the language of the dossier may have left readers with the impression that there was fuller and firmer intelligence behind the judgements in the dossier than was the case, Sir Richard added:

> "Yes, I know it said that, but I think it is easy to write these things afterwards. I mean, you know, at the time when that dossier was published, it's what we believed on the evidence available, partly historical – significantly historical – partly based on the sources, […]
>
> …
>
> "… I had been worried about the dossier for a very long time because I didn't feel that we had a very substantive picture from intelligence. We had a substantive picture from historical material.
>
> "By the time, you know, the draft was complete, I was, I think, surprised how much material had been assembled. I think you have to recall, when this document was published -- and I would actually refer you also to the Institute of Strategic Studies document. Both were felt to be rather conservative, rather reserved pictures of what Iraq's capability was at that time. You know, it's only now – and I'm also firmly of the view that we still don't have a complete picture of Iraq's WMD …"[368]

680. Sir Richard Dearlove's position on the very restricted circulation of the SIS reports of 11 and 23 September is set out earlier in this Section.

Mr Blair's Foreword

681. In its report, *Iraqi Weapons of Mass Destruction – Intelligence and Assessment*, published in September 2003, the ISC examined "whether the available intelligence,

---

[367] Private hearing, 16 June 2010, page 57.
[368] Private hearing, 16 June 2010, pages 57-58.

which informed the decision to invade Iraq, was adequately and properly assessed and whether it was accurately reflected in Government publications", including three of the statements made in the Foreword.[369]

THREAT TO THE UK NATIONAL INTEREST

682. In relation to the statement in Mr Blair's Foreword that he believed Iraq, and its weapons of mass destruction, was "a current and serious threat to the UK national interest", the ISC stated:

> "On the question of what direct threat Saddam, his regime and his WMD posed to UK interests, the evidence is that UK forces deployed in the region to enforce the … No-Fly Zones were threatened by conventional weapons, and could have been threatened by any biological and chemical weapons that Saddam possessed. Additionally, if Al Hussein missiles had been retained and they were operational with conventional or chemical and biological warheads, they could have attacked UK forces in Cyprus or those conducting operations in the region. Saddam's WMD programmes and his continued support of them increased this threat."[370]

683. The ISC stated that the first draft of Mr Blair's Foreword had made clear that the Government recognised that Saddam Hussein did not pose a direct threat to the UK: "The case I make is not that Saddam could launch a nuclear attack on London or another part of the UK (He could not)."[371]

684. In the ISC's view, it was "**unfortunate**" that the point was removed in the published version, "**and not highlighted elsewhere**".

685. The ISC concluded:

> "Saddam was not considered a current or imminent threat to mainland UK, nor did the dossier say so."[372]

686. In its response to the ISC, the Government welcomed that conclusion, adding:

> "The dossier was not intended to make the case for military action against Iraq; it was intended to share with the public the intelligence being presented to the Government which (along with much open source information) showed that Iraq was in serious breach of several UNSCRs."[373]

---

[369] Letter Taylor to Blair, 9 September 2003, [untitled]. Published in Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972.
[370] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 82.
[371] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 83.
[372] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 111.
[373] *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments, 11 September 2003*, February 2004, Cm6118, paragraph 14.

687. The Government's response to the ISC addressed a different point to the issue of whether Iraq, and its weapons of mass destruction, was a "current and serious threat to the UK national interest" at the time the dossier was issued.

688. The statement that Mr Blair believed Iraq and its weapons of mass destruction was "a current and serious threat to the UK national interest" reflected his view.

689. But it did not reflect the view of the JIC, which had addressed the threat posed by Iraq and assessed that Iraq's capabilities and intentions were limited and related to the balance of power in the region and internal challenges.

690. JIC Assessments between January 2001 and September 2002 did not formally consider the threat posed by Iraq to UK interests.

691. In its Assessment of 1 December 2000, the JIC stated:

- "Although Iraqi forces are still large and well organised by regional standards, a **military offensive outside Iraq's borders would be limited** by shortfalls in equipment and logistics."
- "UN sanctions have successfully prevented the procurement of new weapon systems."
- "While **US/UK forces remain** deployed in the region and prepared to intervene militarily, **an attack on Kuwait is very unlikely**."
- "Iraq has probably [disassembled and] concealed a **handful of 650km range ballistic missiles** that could reach Kuwait, Saudi Arabia and even Israel … But even if Saddam has such weapons he is **unlikely to use them** except in extremis, in order to preserve his regime or as a final gesture of defiance."[374]

692. The JIC Assessment of 28 November 2001 stated:

- "… we judge Iraq had no responsibility for, or foreknowledge of, attacks in the US on 11 September."
- "**Saddam has refused to permit any Al Qaida presence in Iraq**. He is ideologically poles apart from the Sunni extremist networks linked to UBL [Usama Bin Laden] and fears their impact on the population."
- "Iraq has long seen terrorism as a potential weapon in its conflict with the US and regional enemies. […] Since September 11, however, **Saddam is likely to have ruled out such attacks for the time being**, for fear of a heavy US response."
- "But in the medium term the threat against Western interests and regional states remains credible. **Saddam has not given up terrorism as a policy tool.**"[375]

---

[374] JIC Assessment, 1 December 2000, 'Iraq's Military Capabilities'.
[375] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.

693. The JIC Assessment of 19 April 2002 stated:

> "… Iraq is rarely perceived as the greatest security threat within the region. Except for Kuwait, the Gulf States see Iran as the greater long-term security threat and want an Iran-Iraq balance …"[376]

694. The JIC Assessment of 9 September 2002 judged that the use of chemical and biological weapons before a military attack on Iraq was "unlikely".[377]

695. The Executive Summary of the dossier stated that intelligence showed:

> "… Saddam Hussein attaches great importance to possessing weapons of mass destruction which he regards as the basis for Iraq's regional power. It shows that he does not regard them only as weapons of last resort. He is ready to use them, including against his own population, and is determined to retain them …"[378]

696. The Executive Summary also stated:

> "But the threat from Iraq does not depend solely on the capabilities we have described. It arises also because of the violent and aggressive nature of Saddam Hussein's regime. His record of internal repression and external aggression gives rise to unique concerns about the threat he poses. The paper briefly outlines … Saddam's rise to power, the nature of his regime and his history of regional aggression. Saddam's human rights abuses are also catalogued …"[379]

697. Mr Powell explicitly cautioned that, while Iraq had the means, the dossier did not demonstrate that it posed an imminent threat. In his email to Mr Scarlett on 17 September, Mr Powell wrote that the dossier:

> "… does nothing to demonstrate a threat, let alone an imminent threat from Saddam In other words it shows he has the means but it does not demonstrate he has the motive to attack his neighbours let alone the west We will need to make clear in launching the document that we do not claim to have evidence that he is an imminent threat The case we are making is that he has continued to develop WMD since 1998, and is in breach of UN resolutions The international community has to enforce those resolutions if the UN is to be taken seriously".[380]

698. Addressing Mr Powell's comments about the "imminent threat", Mr Campbell replied that was "why TB's Foreword sets out 'the case I am making'".[381]

---

[376] JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.
[377] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.
[378] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 5.
[379] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 7.
[380] Email Powell to Scarlett, 17 September 2002, 'Dossier'.
[381] Email Hatfield [on behalf of Campbell] to Scarlett and Powell, 17 September 2002, 'Dossier'.

699. In a further email on 18 September, Mr Powell concluded:

> "The threat argument will be a major problem in the press/parliamentary assault after the dossier comes out and we need to flag up the point in the preface at publication and during the debate. We need to set the test for ourselves at a level we can meet".[382]

700. There is no indication that Mr Blair saw the emails from Mr Powell.

CONTINUED PRODUCTION OF CHEMICAL AND BIOLOGICAL "WEAPONS"

701. Commenting on the statement that Iraq "continued to produce chemical and biological weapons", the ISC stated:

> **"The use of the phrase … and the absence of detail on amounts of agents produced in the executive summary and main text could give the impression that Saddam was actively producing both chemical and biological weapons and significant amount of agents."**[383]

702. The ISC added:

> **"However the JIC did not know what had been produced and in what quantities – it had assessed, based on intelligence, that production had taken place. We believe this uncertainty should have been highlighted to give a balanced view of Saddam's chemical and biological capacity."**

703. Asked if the information available in early 2002 showed that Saddam Hussein's WMD programmes had changed very little since 1998, and that there were strong caveats about the reliability of the intelligence, Mr Blair told the Inquiry:

> "Yes, the principal intelligence … in March 2002, was that our knowledge was 'sporadic' and 'patchy'…"[384]

704. Mr Blair added that he thought the Assessment went on to say, "but it is clear that Saddam continues his programme".

705. Asked if it was "wise to say that intelligence is ever beyond doubt", and if that was "setting a higher standard of proof than it might be possible to sustain", Mr Blair replied:

> "I think what I said …
>
> 'What I believe the assessed intelligence has established beyond doubt is that Saddam has continued to produce chemical and biological weapons.'
>
> "I did believe it … and I did believe it, frankly, beyond doubt."[385]

---

[382] Email Powell to Campbell and Scarlett, 18 September 2002, 'Re: Dossier'.
[383] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 110.
[384] Public hearing, 2 February 2010, page 64.
[385] Public hearing, 29 January 2010, page 80.

706. Asked whether it was "beyond anybody's doubt", Mr Blair stated that the "March 2002 JIC Assessment", said: "It was clear that …"[386]

707. Mr Blair added:

> "… if I said, 'It was clear that' in the Foreword, rather than 'I believe, beyond doubt', it would have had the same impact."

708. Mr Blair added that, based on the Executive Summary and the information that followed in the Iraq dossier, it was "hard to come to any other conclusion than that this person [Saddam Hussein] has a continuing WMD programme". Mr Blair could not "see how anyone could come to a different conclusion".[387]

709. The JIC Assessment of 9 September stated that intelligence indicated that the production of chemical and biological weapons was taking place and the Executive Summary of the dossier stated that the JIC judged that Iraq had continued to produce chemical and biological agents. Neither supported the statement that the "assessed intelligence has established beyond doubt" that Saddam Hussein had "continued to produce chemical and biological weapons".

710. The questions raised by the DIS about the validity of these judgements by the JIC are addressed earlier in this Section.

711. The JIC Assessment of 1 December 2000 stated:

- Intelligence suggested "some **biological** and **chemical** warfare activity". Iraq was "rebuilding its civil chemical industry, including facilities formerly associated with chemical weapons". The JIC judged that "**Iraq may already be producing biological agent and could produce a small number of chemical weapons within weeks** of a decision to do so".
- Iraq could "build a **large scale production capability within a few years**" "were economic sanction lifted".
- The same was "probably true for **biological weapons**".
- Iraq "could produce small but significant amounts of mustard agent within weeks of a decision to do so. It could produce nerve agent within months … It could also produce small numbers of CW munitions and missile warheads."
- Iraq still had "sufficient expertise and material to produce BW without procurement from abroad. It could use legitimate civil or dedicated BW facilities, including mobile laboratories, for this work."[388]

---

[386] Public hearing, 29 January 2010, pages 80-81.
[387] Public hearing, 29 January 2010, pages 81-82.
[388] JIC Assessment, 1 December 2000, 'Iraq's Military Capabilities'.

712. The JIC Assessment of 10 May 2001 stated:

- Intelligence reports reflected "**a continuing chemical warfare programme**, including research and development, together with the possible production and weaponisation of agent".
- The JIC had "good intelligence of Iraq's former chemical and biological warfare (CBW) facilities, their limited reconstruction and civil production".
- The JIC had "good intelligence of Iraq's former CW associated facilities".
- Intelligence of "other related CW activity, including possible weaponisation" was "less clear".
- "Whilst the picture as regards biological weapons was unclear," there were indications of "continuing biological warfare research and the possible production of agent".[389]

713. The introduction to the CIG Assessment of 15 March 2002 stated:

> "**Intelligence** on Iraq's weapons of mass destruction (WMD) and ballistic missile programmes is **sporadic and patchy**. Iraq is also well practised in the art of concealment and exaggeration. A complete picture of various programmes is therefore difficult. But it is clear that Iraq continues to pursue a policy of acquiring WMD and their delivery means. Intelligence indicates that planning to reconstitute some of its programmes began in 1995. WMD programmes were then given a further boost in 1998 with the withdrawal of UNSCOM inspectors."[390]

714. On detailed points, the Assessment stated:

- "We continue to judge that Iraq has an offensive **chemical warfare (CW) programme**, although there is very little intelligence relating to it."
- "From the evidence available … we believe Iraq retains some production equipment, and some small stocks of CW agent precursors, and may have hidden small quantities of agents and weapons. **Anomalies in Iraqi declarations to UNSCOM** suggest stocks could be much larger."
- Intelligence on production facilities was "scarce" and "the reconstructed former precursor facility near Habbaniyah" was "insufficient to support large-scale CW agent production".
- "Other industrial chemical facilities could be used … but we have no intelligence to suggest they are currently being used in that role."
- "Intelligence has indicated an Iraqi interest in transportable production facilities for chemical weapons, but these could produce only small amounts of agent and we judge it more likely that the mobile units are filling munitions".

---

[389] JIC Assessment, 10 May 2001, 'Iraqi WMD Programmes: Status and Vulnerability'.
[390] CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.

- There had been "one uncorroborated report" that Iraq had "filled some artillery rocket munitions with VX in the period 1996-1998, and another that a team of chemists was formed in 1998 to produce 5 tons of VX. The source was told this had been completed by the end of 1998".
- Work on biological warfare programmes had "continued throughout the period of UNSCOM inspections" and intelligence indicated "that this programme continues. Key figures from the pre-Gulf War programme are reported to be involved."
- Research and development was "assessed to continue under cover of a number of legitimate institutes and possibly in a number of covert facilities".
- There was "no intelligence on any BW agent production facilities, but one source indicates that Iraq may have developed **mobile production facilities**". The Assessment stated: "Though not corroborated, we judge the reporting is technically credible. Imagery has yet to provide firm collateral but has identified a number of sites that could be associated with this programme. The mobile production facilities have yet to be identified."
- The CIG did not know "which types of agent are produced by these facilities".
- "A decision to begin CBW production would probably go undetected."
- Iraq was "judged to be self-sufficient in the production of biological weapons".

715. In the Key Judgements, the CIG stated that, while research and development programmes continued, Iraq's actual capabilities were finite. There was no intelligence on the production of chemical and biological agents or weapons.

716. The JIC Assessment of 9 September 2002 judged that:

- "Iraq has a chemical and biological weapons capability and Saddam is prepared to use it."
- "Iraq currently has available, either from pre Gulf War stocks or more recent production, a number of biological warfare (BW) and chemical warfare (CW) agents and weapons …"[391]

717. The Assessment stated:

> "One intelligence report suggests that Iraq has 'lost' the capability to develop warheads capable of disseminating chemical and biological agent and that it would take six months to overcome the 'technical difficulties'".

[391] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

718. The Assessment also stated:

"Other recent intelligence indicates that:

- production of chemical and biological weapons is taking place;
- …"

719. The Executive Summary of the dossier stated:

"As a result of the intelligence we judge that Iraq has:

- continued to produce chemical and biological weapons;
- military plans for the use of chemical and biological weapons …;
- command and control arrangements in place to use chemical and biological weapons …;
- developed mobile laboratories for military use corroborating earlier reports about the mobile production of biological warfare agents;
- pursued illegal programmes to procure controlled materials of potential use in the production of chemical and biological weapons programmes …"[392]

720. The main text of the dossier stated:

- "Iraq has a usable chemical and biological weapons capability … which has included recent production of chemical and biological agents."[393]
- "Intelligence shows that Iraq has continued to produce chemical agent."[394]
- "We know from intelligence that Iraq has continued to produce biological warfare agents."[395]
- "UNSCOM established that Iraq considered the use of mobile biological agent production facilities. In the past two years evidence from defectors has indicated the existence of such facilities. Recent intelligence confirms that the Iraqi military have developed mobile facilities."[396]
- "Iraq has a variety of delivery means."[397]

---

[392] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 5-6.
[393] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.
[394] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 19.
[395] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 21.
[396] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 22.
[397] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 22.

721. Asked whether Mr Blair's knowledge of the SIS reporting, of 11 September, could have influenced Mr Blair, Sir Richard Dearlove replied:

> "… if you look at what he … actually says 'beyond doubt on the assessed intelligence', this isn't part of the assessed intelligence."[398]

IRAQ'S EFFORTS TO DEVELOP NUCLEAR WEAPONS

722. The ISC also considered the statement that Mr Blair believed "the assessed intelligence has established beyond doubt" that Saddam Hussein "continues in his efforts to develop nuclear weapons".[399]

723. The ISC pointed out that the Executive Summary and main body of the dossier were less certain:

- The Executive Summary stated: "As a result of the intelligence, we judge Iraq has … sought significant quantities of uranium from Africa."
- The dossier itself stated that there was "intelligence that Iraq has sought the supply of significant quantities of uranium from Africa".

724. Although there were some references to Iraq having a "nuclear programme", the JIC Assessments and the dossier made clear that Iraq's efforts to develop a nuclear weapon were effectively constrained by the dismantling of its physical infrastructure by the IAEA and continuing sanctions.

725. There was intelligence which indicated: attempts to procure dual-use equipment which could be used in a nuclear programme; possible attempts to obtain uranium; and that Iraq had retained the knowledge and personnel from its previous programme.

726. But neither the JIC Assessments at the time nor the judgements in the Executive Summary of the dossier supported the statement that the "assessed intelligence has established beyond doubt" that Saddam Hussein "continues in his efforts to develop nuclear weapons".

727. The JIC Assessment of 1 December 2000 stated:

- Iraq had "retained the scientific cadre associated with nuclear weapons work […] Unconfirmed intelligence indicates **Iraqi interest in acquiring uranium and continuing nuclear weapons related research after the Gulf War**. None of the intelligence acquired since the war is 'smoking gun' evidence. But it remains suspicious and seems indicative of attempts to retain a cadre of expertise, which will decline over time without international access."

---

[398] Private hearing, 13 July 2010, page 31.
[399] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 88.

- "Iraq still lacks fissile material and the infrastructure to make it."
- If it were "able to acquire sufficient fissile [material] for a weapon or centrifuges and feed material from outside Iraq", the time periods to manufacture a crude nuclear weapon and a nuclear warhead could, "with foreign assistance", be "significantly shortened".[400]

728. The JIC Assessment of 10 May 2001 stated:

- The JIC had "**no clear intelligence on Iraq's nuclear programme"**. There was "evidence of increased activity at Iraq's only remaining nuclear facility and a growing number of reports on **possible nuclear related procurement"**.
- The JIC judged but could not confirm that Iraq was "conducting **nuclear related research and development** into the **enrichment of uranium** and could have longer term plans to produce enriched uranium for a weapon".
- Iraq had "recalled its nuclear scientists in 1998". It had made "efforts … since 1998 to procure items that could be used in a uranium enrichment programme using centrifuges".
- Those included: "**aluminium** [tubes]" and "**other dual-use items"**.[401]

729. The introductory paragraph in the CIG Assessment of 15 March 2002 stated that sanctions were constraining programmes to develop medium and long-range ballistic missiles and nuclear weapons.[402] The Assessment also stated:

- "Iraq is pursuing a nuclear weapons programme. But it will not be able to indigenously produce a nuclear weapon while sanctions remain in place, unless suitable fissile material is purchased from abroad."
- Iraq does not possess a nuclear weapons capability.
- Its programme was effectively dismantled by the IAEA.
- Although there was "very little intelligence", the CIG continued to judge that Iraq was "pursuing a nuclear weapons programme" which was assessed to be "based on gas centrifuge **uranium enrichment** … the route Iraq was following for producing fissile material prior to the Gulf War".
- "Recent intelligence" indicated that "nuclear scientists were recalled to work on a nuclear programme in the autumn of 1998, but we do not know if large-scale development work has yet recommenced".
- "Procurement of dual-use items over the last few years could be used in a uranium enrichment programme. There have been determined efforts to purchase high strength aluminium alloy …" A shipment stopped in Jordan was

---

400 JIC Assessment, 1 December 2000, 'Iraq's Military Capabilities'.
401 JIC Assessment, 10 May 2001, 'Iraq's WMD Programmes: Status and Vulnerability'.
402 CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.

inspected by the IAEA, "who accepted, that with some modifications … would be suitable for use in centrifuges"; "But there was no definitive intelligence that the aluminium was destined for a nuclear programme."

- The CIG continued to judge that:
  - "[I]f sanctions were removed or became ineffective, it would take at least five years to produce a nuclear weapon. This timescale would shorten if fissile material was acquired from abroad."
  - Iraq "was capable of producing an **improvised nuclear device**, but it lacks suitable fissile material. Iraq has in the past explored the use of **radiological dispersal devices**, but the design we have seen was not a credible weapon. There is no intelligence that Iraq is interested in such devices."

730. The JIC Assessment of 9 September 2002 did not address Iraq's nuclear aspirations, simply stating: "We do not believe Iraq possesses nuclear weapons."[403]

731. The Executive Summary of the dossier stated:

"As a result of the intelligence we judge that Iraq has

- tried covertly to acquire technology and materials which could be used in the production of nuclear weapons;
- sought significant quantities of uranium from Africa …
- recalled specialists to work on its nuclear programme …"

732. The main text of the dossier:

- referred to the JIC Assessment in May 2001 that Iraq had continued its nuclear research and that there was intelligence that nuclear scientists had been recalled; but it did not include the warning in that Assessment about the limitations of the intelligence; and
- stated that the IAEA had "dismantled the physical infrastructure of the Iraqi nuclear weapons programme … But Iraq retained, and retains, many of its experienced nuclear scientists and technicians who are specialised in the production of fissile material and weapons design. Intelligence indicates that Iraq also retains the accompanying programme documentation and data."[404]

---

[403] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.
[404] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, pages 24-25.

733. The dossier made clear that Iraq would not be able to develop a nuclear weapon without procuring key equipment and material, but stated:

- "Iraq continues to work on developing nuclear weapons in breach of its obligations under the Non-Proliferation Treaty and in breach of UNSCR 687. Uranium has been sought from Africa that has no civil nuclear application in Iraq."[405]
- "… [T]here is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa."[406]

734. The FAC stated that the assertion in the September 2002 dossier should have been qualified to "reflect the uncertainty" surrounding the evidence upon which it was based.[407]

735. The ISC took evidence from Sir Richard Dearlove on SIS judgements on the reliability of its "two independent sources" for reporting in June and September 2002.[408] While the IAEA had called into question documentary evidence it had received in February 2003 and SIS was still conducting further investigations, the ISC reported that it had been told that this "did not affect" SIS' judgement of its second source and its belief that Iraq was "attempting to negotiate the purchase of uranium from Niger". The ISC described the SIS judgement as reasonable.

736. In its response to the FAC in November 2003, the FCO stated that: "the claim in the September dossier rested on separate evidence to that judged fraudulent by the IAEA", and that this intelligence was still under review and had not been shared with the CIA.[409]

737. The Butler Review concluded that the "intelligence was credible" that Iraq had sought to purchase uranium ore from Niger in 1999.[410]

738. Iraqi officials had visited Niger in 1999 and further intelligence was received during 2002 which identified that the purpose of the visit had "been to negotiate the purchase of uranium ore, although there was disagreement as to whether a sale had been agreed and the uranium shipped".[411]

---

[405] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 17.
[406] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 25.
[407] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.
[408] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraphs 89-93.
[409] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.
[410] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 503.
[411] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 493 and 495.

739. The Butler Report also stated that there was separate intelligence that the Iraqi regime had made enquiries about the purchase of uranium ore from the Democratic Republic of Congo and that there was some evidence that by 2002 a sale had been agreed.[412]

LONGER-RANGE MISSILE SYSTEMS

740. In the Foreword to the dossier, Mr Blair also stated that he believed the assessed intelligence had "established beyond doubt" that Saddam Hussein had "been able to extend the range of his ballistic missile programme".[413]

741. One of the Key Judgements of the JIC Assessment of 10 May 2001 stated that there had been "**a step change in progress**" in Iraq's ballistic missile programme over the preceding two years.[414]

742. The Assessment itself made clear that the change related to work on development and infrastructure, including work on a "**test stand with the capacity for much larger engines than the Al Samoud**", rather than production of missiles with ranges beyond the 150km permitted by the UN. It also stated that if Iraq developed short range missiles with a range "well beyond" 150km, that would "represent **a step change in Saddam Hussein's military capabilities**".

743. A Key Judgement in the CIG Assessment of 15 March 2002 stated that Iraq had retained "**up to 20 Al Hussein ballistic missiles**" with a range of 650km.[415] The "location and condition" of those missiles was "unknown", although Iraq had "sufficient engineering expertise to make them operational".

744. A further Key Judgement in the 15 March CIG Assessment stated that Iraq had "begun development of **medium range ballistic missiles** [with a range of] **over 1000km** that could target countries throughout the Middle East and Gulf region", but Iraq would "**not be able to produce such a missile before 2007** provided sanctions remain effective". The Assessment itself stated that "**UN sanctions and the work of the inspectors**" had "caused significant problems for Iraq's missile industry".

745. The 15 March CIG Assessment also stated that there were reports that Iraq had "succeeded in developing a number of 200km range variants" of the liquid propelled Al Samoud missile, but it was "unclear" whether those were for operational use or for the research and development of a longer-range missile.

---

[412] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 494.
[413] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 3.
[414] JIC Assessment, 10 May 2001, 'Iraqi WMD Programmes: Status and Vulnerability'.
[415] CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.

746. The CIG judged that the Ababil-100, a 150km range solid propellant missile, was likely to become operational within two years, and intelligence indicated that Iraq had plans to extend its range.

747. The JIC Assessment of 9 September 2002 stated that Iraq was developing Al Samoud and Ababil-100 missiles with a range of "150km plus", which were being deployed to military units and could have "an emergency operational capability with conventional warheads", not a capability to deliver chemical or biological warheads.[416]

748. Mr Blair's statement that he believed that the "assessed intelligence has established beyond doubt" that "Saddam has continued to produce chemical and biological weapons" and that "he continues in his efforts to develop nuclear weapons", went further than the assessments of the JIC.

749. The JIC should have advised Mr Blair that he could not make that statement.

750. Asked about Mr Blair's statement that he believed "the assessed intelligence has established beyond doubt" that Iraq has continued to produce chemical and biological weapons, continues in its efforts to develop nuclear weapons, and had been able to extend the range of its ballistic missile programme, Sir John Scarlett told the Inquiry that he:

> "… saw the … Foreword as something quite separate from the text of the dossier itself. The text of the dossier itself I was clearly responsible for drafting.
>
> "The Foreword was overtly a political statement signed by the Prime Minister. So it was his wording and his comments that were there throughout, although I did make one or two, three maybe, small changes on the text of the Foreword, basically to correct one or two small points, which I thought were – or actually add at one point in particular about who received intelligence assessments in the first paragraph, and also to bring it into line with the text of the dossier itself.
>
> "There was a particular point on concealment. I didn't see it as something that I would change. That's all I can recall now … it is quite difficult now to reconstruct the actual sort of process of how this happened several years later … [B]ut my memory at the time quite clearly was this was something which was the Prime Minister's and it was going out under his signature. So it was different from the attention that I paid to the wording of the dossier."[417]

---

[416] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.
[417] Public hearing, 8 December 2009, pages 62-63.

751. Asked whether, given that Mr Blair's Foreword provided an interpretation of the evidence in the dossier and other interpretations could have been made of the same evidence, the interpretation and assessment should have been issued in separate documents, Sir John Scarlett replied:

> "Maybe, yes. But I can't honestly say that that point was in my mind and I was focused on that issue or that risk at the time. If I had been, then I would have expressed a thought."[418]

752. Sir David Omand, who had taken up his post as the Security and Intelligence Co-ordinator on 3 September 2002, told the Inquiry that his memory was that he "didn't pay that much attention to this [the Foreword] … which was a mistake".[419]

753. Asked whether the phrase "beyond doubt" had rung any "alarm bells", Sir David replied that he had:

> "… totally failed to spot the potential problem that would arise through the disjunction between the statement of case being directly associated with the text of the dossier. We [the JIC] were commenting on this as a document the Prime Minister was going to produce under his own name, and he was convinced. So his saying so was not really very exceptional."

Publication of the dossier, 24 September 2002

Cabinet, 23 September 2002

754. The ISC report in September 2003 stated that Mr Straw, Mr Blunkett, the Home Secretary, and Mr Hoon had had the opportunity to comment on an early draft of the dossier, but only Mr Straw did so.[420] Private Offices decided that the draft "did not require … the personal attention" of Mr Brown or Ms Short. The draft was also sent to Ms Patricia Hewitt, the Trade and Industry Secretary. It was not sent to Mr John Prescott, the Deputy Prime Minister.

755. The briefing for Ministers produced by the Communications and Information Centre (CIC) on 24 September 2002 drew attention to the statements in Mr Blair's Foreword about the threat posed by Saddam Hussein and the belief that the assessed intelligence had "established beyond doubt" that he has "continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he has been able to extend the range of his ballistic missile programmes".[421] It also set out the list of judgements from the Executive Summary of the dossier.

---

[418] Public hearing, 8 December 2009, page 66.
[419] Public hearing, 20 January 2010, page 22.
[420] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 76.
[421] Briefing CIC, 24 September 2002, 'CIC Ministerial Briefing'.

756. Mr Blair told Cabinet on 23 September that the dossier "would show that the policy of containment had worked up to a point" but Saddam Hussein "continued to rebuild" his weapons of mass destruction.

757. Cabinet met at 5pm on 23 September. The discussion is addressed in Section 3.5.

758. Cabinet members were given a copy of the dossier to be published the following day.

759. In relation to the dossier, Mr Blair told his colleagues:

> "… the dossier on Iraq's weapons of mass destruction would show that the policy of containment had worked up to a point, but that Saddam Hussein … continued to rebuild his programme to acquire such weapons. The evidence showed his efforts to procure equipment and materials, and to restore production facilities. This was an issue for the United Nations, with whose Security Council resolutions Iraq had not complied. A new resolution was being negotiated."[422]

760. No specific discussion of the contents of the dossier was recorded although in the discussion the point was made that the "development of weapons of mass destruction by Saddam Hussein presented a quite different order of threat".

761. Summing up the discussion, Mr Blair said that a "crunch point" had been reached:

> "The sanctions regime … was being eroded and Saddam Hussein was on the way to acquiring new capability in weapons of mass destruction. Iraq had to comply with the obligations placed on it by the United Nations …"

762. Mr Campbell wrote that Mr Blair had explained that the dossier "brought together accumulated evidence about Iraq's attempts to build WMD, part historical, part intelligence-based"; "not saying that he [Saddam Hussein] was about to launch an attack on London, but we were saying there was an attempt to build a WMD programme in a significant way".[423]

763. Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, told the Inquiry:

> "I think the dossier was ostensibly an attempt to inform the public. But one of the effects it had was that the Cabinet all read it and basically decided – they absorbed it and accepted it."[424]

---

[422] Cabinet Conclusions, 23 September 2002.
[423] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[424] Public hearing, 13 January 2010, page 61.

764. Asked whether there had been a debate about different scenarios and different possible courses, Lord Boateng, the Chief Secretary to the Treasury from 2002 to 2005, replied:

> "… there was certainly a discussion around different scenarios that came up in the way in which we addressed these issues in Cabinet …
>
> "… in the September meeting, where, as you know, we were about to publish the dossier, there was about to be a report to Parliament and there was a discussion around that and it was a full discussion and, in the course of that, colleagues made various contributions and various scenarios surfaced …
>
> "What we did have was a full discussion around the issues as they were reported to us …"[425]

765. Addressing the September 2002 dossier on Iraq in his memoir, written after his resignation from the Government, Mr Robin Cook, the Leader of the House Commons, wrote:

> "At Cabinet [on 24 September 2002] I described the dossier as 'derivative'. What I was expressing was the extraordinary degree to which the bulk of the document was derived from what we know about Saddam's arsenal … as it had been in 1991 … What was doubtful was whether the arsenal that Saddam possessed in 1991 was any guide whatsoever to the state of his capacity in 2002.
>
> "For a start most chemical and biological agents that Saddam had retained for a decade would long ago have degenerated to the point that they were of no operational use. This is a principle of science well known to those who wrote the dossier … Government Ministers alarmed the public by claims that Saddam had ten thousand litres of anthrax solution unaccounted for since 1991. They never added that the standard life of liquid anthrax is three years …
>
> "… Last year the US Department of Defense … revealed, 'When the Iraqis produced chemical munitions they appeared to adhere to a 'make and use' regimen … Their conclusion was that the shelf life of Iraqi chemical agents was numbered in weeks, not decades.
>
> "Half of the text relating to Iraq's weapons capacity is drawn from the period before 1998. Much of the remainder depends for its claims of present capacity on historic capabilities … Stripped of the historical resume … the dossier is very thin on new evidence on the current position."[426]

---

[425] Public hearing, 14 July 2010, pages 4-5.
[426] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.

766. Mr Cook subsequently wrote:

> "The dossier … painted a one-sided picture … [I]t defiantly proclaimed a certitude for its claims that was at odds with the nuanced tone of every JIC Assessment I read."

767. Mr Cook added:

> "Personally I never doubted that No.10 believed in the threads of intelligence which were woven into the dossier. But that does not alter the awkward fact that the intelligence was wrong and Ministers who had applied a sceptical mind could have seen that it was too thin to be a reliable base for war. No.10 believed in the intelligence because they desperately wanted it to be true. Their sin was not one of bad faith but of evangelical certainty. They selected for inclusion only the scraps of intelligence that fitted the Government's case. And gave them a harder edge than was justifiable. The net result was a gross distortion. Although every individual claim could be sourced … the overall effect was to present a false picture of an Iraq bristling with real weapons of mass destruction that turned out not to exist."

768. In a section reflecting on the issues written after the conflict, Mr Cook wrote:

> "Only in the last five days was the word Programme dropped from the title. The clear implication is that No.10 wanted Parliament and public to believe that Iraq had actual weapons …"

769. In Mr Cook's view:

> "… the most egregious claim of all was that Saddam had attempted to reconstitute his nuclear programme … The conclusion of the section on nuclear weapons is a masterpiece of false suggestion."

770. Mr Cook described the section in the dossier addressing what Iraq might be able to do if it obtained fissile material and other essential components as "a fanciful leap into the realm of fantasy": "This language is frightening. But as evidence that Iraq was a threat it is pathetic and the authors must have known it."

Mr Blair's statement to Parliament, 24 September 2002

771. Mr Blair wrote his statement himself and chose the arguments to make clear his perception of the threat and why he believed that there was an "overwhelming" case for action to disarm Iraq.

772. Mr Straw, Mr Hoon, Mr Scarlett and others were asked to identify "any facts that are false and … any other essential changes that you would like to suggest".

773. Parliament was recalled from recess on 24 September to debate the case for effective action in respect of the threat posed by Iraq.

774. The Government dossier, *Iraq's Weapons of Mass Destruction. The Assessment of the British Government,* was published on 24 September.[427]

775. Mr Blair's statement to the House of Commons, the questions that followed, and the subsequent debates on Iraq in both Houses of Parliament, are addressed in Section 3.5.

776. In relation to Iraq's WMD capabilities and intent, Mr Blair's statement drew on the dossier, including Mr Blair's Foreword, the material sent to No.10 by the FCO on 2 and 4 September, and subsequent briefing material produced for the debate.

777. Mr Rycroft sent a framework for the statement to Mr Blair, together with background material, on 20 September.[428]

778. The framework comprised six sections:

- Introduction
- The threat
- The response
- Tackling head-on some of the difficult questions to pre-empt questions
- Consultation with Parliament; and
- Conclusion.

779. In relation to the threat, Mr Rycroft suggested:

> "Summarise the dossier: main focus WMD, but also material on the nature of Saddam's regime. History of the inspectors and UNSCRs …"

780. In the section on the response to the threat, Mr Rycroft set out the framework of the UN route and that Iraq should comply with all the UN's demands; and that Saddam Hussein had:

> "… a long history of claiming to offer unconditional access, but then attaching conditions …
>
> "For instance, the Iraqi Foreign Minister told the UN last week that Iraq is 'clear of all nuclear, chemical and biological weapons'. That is a lie. The dossier explains why."

781. Addressing the question "Why now?", Mr Rycroft wrote:

> "Dossier sets out the threat. It is increasing every year, especially with Saddam's illicit money. Would be unconscionable to be aware of the threat and do nothing."

---

[427] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.
[428] Minute Rycroft to Prime Minister, 20 September 2002, 'Iraq: Tuesday's debate'.

782. Addressing the question "Why Saddam?", Mr Rycroft wrote:

> "Need to tackle WMD around the world. Have different strategies for N Korea, Libya etc. With these countries there are at least … some ways of dealing diplomatically with them. Not possible with Saddam's Iraq. Only Saddam has (a) record of WMD use, (b) violated so many UN obligations."

783. Mr Rycroft also wrote:

- "The country [Iraq], region and world would be better off without Saddam, but the issue is his WMD. He must disarm …"
- There was: "No known link between Saddam and Al Qaida. Terrorism is not the issue – WMD is."

784. The background documents included a FCO letter providing material to answer points made in the debate.[429] In relation to Iraq's possession of WMD and the risk of proliferation, the brief on military action stated:

- "… as dossier clearly sets out, Iraqi regime has accelerated its weapons programmes since departure of inspectors. Saddam should be in no doubt about our determination to remove the threat of his WMD."
- "What singles out Iraq as a proliferator is Saddam's demonstrated willingness to use WMD and wage war against his neighbours. Naive to suppose that we could persuade Saddam through dialogue to give up his weapons …"
- "In cases of other proliferators [Iran, North Korea and Libya], we have tried to address our concerns through dialogue … even though some people have criticised us for this."

785. The detailed briefing on WMD stated that:

- Iraq possessed weapons of mass destruction and was "still hiding" them "in a range of locations". The regime had admitted "hiding chemical, biological weapons and missile parts".
- The UK believed Iraq had "the capability to deliver these weapons to a range of locations".
- Iraq had "admitted producing large quantities of chemical warfare agents" and "producing biological warfare agents".
- UN weapons inspectors had been "unable to account for thousands of tonnes of so-called precursor chemicals used in the production of weapons; hundreds of tonnes of precursor chemicals used in the production of VX nerve agent; and tens of thousands of special munitions which can be used in chemical and biological weapons".

---

[429] Letter Sedwill to Rycroft, 20 September 2002, 'Iraq: Commons Debate: Supplementaries'.

786. Addressing developments since 1998, the briefing stated that, "Despite tight controls on imports", Iraq continued "to pursue ballistic missile, nuclear, chemical and biological programmes".

787. The detailed text was more nuanced, stating:

- "We believe that Iraq has recently accelerated its weapons programme."
- There had been "continued progress" on the ballistic missile programme, and facilities damaged in December 1998 had been repaired.
- Saddam Hussein was believed to be "planning to extend the range of his current missiles beyond the 150km limit imposed by the UN".
- There was concern about "reports of increased nuclear procurement".
- "We think that R&D on a nuclear weapons programme has restarted."
- "We believe that the Iraqi regime continues its biological and chemical weapons programmes."

788. The briefing acknowledged that UN measures had:

> "… played a vital role in frustrating Saddam's ambitions to develop WMD. UNSCOM and IAEA inspectors … And UN controls on Iraq imports have made it more difficult for Iraq to acquire easily the WMD technology it is seeking."

789. Sanctions had "helped make Iraqi acquisition of WMD and the means to deliver them more difficult" and had "undoubtedly slowed the pace of their reconstitution". But there were "always those who are willing to breach sanctions" and "Some equipment" had "reached Iraq's WMD programmes".

790. Mr Blair was also sent a copy of the Question and Answer briefing to accompany the dossier.[430] Key points of interest included:

- "The dossier shows that Saddam has aggressively pursued his WMD programme. In the four years since the departure of the inspectors things have got worse, not better. It would be irresponsible to ignore those facts."
- Iraq possessed WMD: it was "still hiding weapons of mass destruction in a range of locations" and it had "admitted producing large quantities of chemical warfare agents".
- There was "reliable intelligence" on mobile production facilities for biological warfare agents which supported "older reporting from defectors".
- There was "intelligence relating to continued production" of CBW agents.

---

[430] Minute Rycroft to Prime Minister, 20 September 2002, 'Iraq: Tuesday's Debate' attaching Paper Press Office, 20 September 2002, 'Iraq Weapons of Mass Destruction: The Assessment of the British Government – Q&A'.

- If it could "buy highly enriched uranium and essential components", Iraq might "be able to make a crude nuclear weapon in between one and two years".
- To deliver a nuclear warhead by ballistic missile, "Iraq would need a more sophisticated design for a missile warhead than any it had before 1991. It could well have done significant research on this while the inspectors have been away, and may have even produced some parts in anticipation. With the acquired fissile material and specialised parts, a warhead could be made for a missile in about two years, but may well fail. Further time would allow the weapon to be developed and tested to improve its reliability."
- "Iraq has admitted in the past making chemical and biological warheads for its Al Hussein missiles. We believe they could do so again."
- Iraq had "the capability to have developed" chemical and biological warheads for other types of missiles.
- The dossier focused "on the threat posed by Iraq's WMD programmes".
- There was "no evidence that Iraq has supplied WMD materials or advice to any terrorist organisation".
- Al Qaida was "probably still trying" to develop a WMD capability: "It would benefit greatly from support from a state programme. Allowing WMD to remain in the hands of a regime such as Saddam's must involve the risk that these weapons will find there [sic] way into the hands of terrorists."

791. Addressing whether there were differences between the US and UK assessments, the briefing stated:

> "It is clear that the British and American Governments are in full agreement that Saddam's WMD programmes remains significant and growing. We are also in full agreement that the international community must take action. Should not be surprised if different analysts using information obtained in different ways at different times come to slightly different technical conclusions – but the fundamental judgements are identical."

792. Addressing whether the UK's Iraq policy had created a climate for terrorism, the brief stated:

> "… Our Iraq policy is and will remain based on the imperative of containing the very real threat posed by the Iraqi regime to Iraq's people and its neighbours."

793. A 19-page briefing produced by the CIC on 20 September set out:

- examples of Iraq's past obstruction of inspections and its failure properly to disclose information about its programmes;
- statements made by Mr Scott Ritter during his time as a senior member of UNSCOM;

- examples of Iraq's persecution of its own people and actions against other Muslims in the region, including in Kuwait in 1990-1991; and
- provisions of relevant UN resolutions.[431]

794. In the "Key messages" of a briefing produced for the Labour Party on 20 September, Iraq's statement (in a letter from Saddam Hussein read to the UN General Assembly on 19 September – see Section 3.5) that it "did not have nuclear, chemical or biological weapons"[432] was described as "extraordinary".[433] The briefing also stated:

> "Saddam has accelerated his efforts to develop a biological, chemical and nuclear weapons capability since the expulsion of weapons inspectors in 1998, and the means to deliver them. He is a uniquely dangerous dictator: the only one to have used WMD against his own people and neighbours."

795. Commenting on the preparation of a core script for use when the dossier was published, Mr Tom Kelly wrote that the "weakness, obviously, is our inability to say that he could pull the nuclear trigger anytime soon".[434] He thought the basic message, that "by then it would be too late", dealt with that point.

796. Mr Kelly subsequently wrote:

> "We should use the full authority of the House to underline the basic message this is a risk we cannot take. If we put someone on earlier [to make comments before Mr Blair's statement to the House of Commons] there is a danger that the big picture will get lost in the detail of precisely how long it [would] take for nuclear capacity etc Instead TB can carry the big message this is a man who will do anything he can not just to hang on to power, but to impose his will."[435]

797. On 23 September, a draft of Mr Blair's statement was sent to the Private Offices of Mr Straw, Mr Hoon, Mr Brown, Lord Goldsmith and Sir Andrew Turnbull, and to Mr Scarlett and Mr Bowen.[436] They were asked to identify "any facts that are false and … any other essential changes that you would like to suggest".

798. In his diaries, Mr Campbell wrote that Mr Blair had "done the statement pretty much himself".[437]

---

[431] Briefing CIC, 20 September 2002, 'Facts about Iraq – Saddam's Games with Inspectors', attached to Minute Rycroft to Prime Minister, 'Iraq: Tuesday's Debate'.
[432] UN General Assembly, 'Fifty-seventh session 19 September 2002' (A/57/PV.17).
[433] Briefing Labour Party, 20 September 2002, 'Iraq'.
[434] Email Kelly to Campbell, 19 September 2002, 'Tuesday core script'.
[435] Email Kelly to Campbell, 19 September 2002, 'RE Tuesday core script'.
[436] Letter Rycroft to Sedwill, 23 September 2002, 'Iraq: Prime Minister's Statement, 24 September', attaching draft statement.
[437] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

799. Mr Blair told the Hutton Inquiry:

> "… the most important thing was I was very careful in my statement [to Parliament] to make it clear what we were and were not saying."[438]

800. Asked if there was anything in his statement to Parliament he wanted to emphasise, Mr Blair told the Hutton Inquiry:

> "I think the only thing … is just to emphasise the fact that I make it clear what I perceived the threat to be."[439]

801. Mr Blair also said:

> "… it was essential that anything we said in the course of my statement … we could hand on heart say: this is the assessment of the Joint Intelligence Committee."[440]

802. The Iraq Inquiry asked Mr Blair for a statement on who had been involved in the preparation of his statement, and who had cleared the intelligence it contained.[441]

803. Mr Blair wrote:

> "In respect of my statement of 24 September 2002 to the House of Commons I would have relied principally on the dossier and JIC Assessments and written and oral intelligence briefing, some of which came in just before the statement, in particular the [9] September JIC Assessment which referred to mobile facilities."[442]

804. Mr Blair added:

> "I have gone back, in the course of compiling this statement, to the vast number of different documents that refer to Saddam and WMD. I simply make the point that the assumptions in all of them was that Saddam was committed in both the intent and the action in developing WMD. Of course, the Iraq Survey Group shows that the intent indeed remained and there were multiple breaches of UN resolutions."

805. In his statement to the House of Commons on 24 September, Mr Blair began by thanking the Speaker for recalling Parliament "to debate the best way to deal with the issue of the present leadership of Iraq and weapons of mass destruction" and described the dossier as "detailing the history of Iraq's weapons of mass destruction programme, its breach of United Nations resolutions and its attempts to rebuild that illegal programme".[443]

---

[438] The Hutton Inquiry, public hearing, 28 August 2003, page 10.
[439] The Hutton Inquiry, public hearing, 28 August 2003, page 14.
[440] The Hutton Inquiry, public hearing, 28 August 2003, pages 18-19.
[441] Inquiry request for a witness statement, 13 December 2010, Q3(a) and 3(b) page 2.
[442] Statement, 14 January 2011, page 5.
[443] House of Commons, *Official Report*, 24 September 2002, columns 1-23.

806. Addressing the problems encountered by the inspectors, Mr Blair placed the issues being addressed firmly in the context of:

> "… an 11-year history … of UN will flouted, of lies told by Saddam about the existence of his chemical, biological and nuclear weapons, and of obstruction, defiance and denial.
>
> "There is one common, consistent theme … the total determination of Saddam to maintain that programme; to risk war, international ostracism, sanctions and the isolation of the Iraqi economy …"

807. Addressing the question of why Saddam Hussein had decided in mid-September, but not before, to admit the weapons inspectors, Mr Blair stated the answer was in the dossier, and it was because:

> "… his chemical, biological and nuclear programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now."

808. Mr Blair stated that the dossier disclosing the intelligence assessments provided by the JIC had been produced because it was "important to explain our concerns about Saddam to the British people". He added that people were going to:

> "… have to take elements of this on the good faith of our intelligence services, but this is what they are telling me … and my senior colleagues. The intelligence picture that they paint is one accumulated over the last four years. It is extensive, detailed and authoritative.
>
> "It concludes Iraq has chemical and biological weapons, that Saddam has continued to produce them, that he has existing and active plans for the use of chemical and biological weapons, which could be activated within 45 minutes, including against his own Shia population, and that he is actively trying to acquire nuclear weapons capability."

809. Addressing the content of the dossier, Mr Blair told Parliament that:

- As well as the chemical agents and precursor chemicals, growth media for anthrax and special munitions for the delivery of chemical and biological agents that were "missing and unaccounted for" in 1998, Iraq continued "to produce chemical weapons; has rebuilt previously destroyed production plants across Iraq; has brought dual-use chemical facilities; has retained key personnel … and has a serious ongoing research programme into weapons production, all of it well funded".

- "… production of biological agents has continued; facilities formerly used for biological agents have been rebuilt; equipment has been purchased for such a programme; and again Saddam has retained the personnel who worked on it prior to 1991. In particular, the UN inspection regime discovered that Iraq was trying to acquire mobile biological weapons facilities … Present intelligence confirms that it has now got such facilities." The UK believed Iraq could produce anthrax, botulinum toxin, aflatoxin and ricin, which "all eventually result in excruciatingly painful death".
- Saddam Hussein's previous nuclear programme had been "shut down by the inspectors" and "known remaining stocks of uranium" were "held under supervision" by the IAEA. Key personnel who used to work on the nuclear weapons programme were "back in harness". "But we now know" that Saddam Hussein has also:
  - "bought or attempted to buy" items that could have a use in a nuclear programme; and
  - "been trying to buy significant quantities of uranium from Africa, although we do not know whether he has been successful".
- Iraq's ballistic missile programme was required for the delivery of its chemical, biological and nuclear weapons. It was "clear that a significant number of longer-range missiles were effectively concealed from the previous inspectors and remain, including up to 20 extended-range SCUD missiles … and, by this year, Iraq's development of weapons with a range of more than 1,000km was well under way; and that hundreds of people are employed in that programme, facilities are being built and equipment procured – usually clandestinely. Sanctions and import controls have hindered the programme, but only slowed its progress. The capability being developed, incidentally, is for multi-purpose use, including with WMD warheads."

810. Mr Blair stated:

"That is the assessment, given to me, of the Joint Intelligence Committee. In addition, we have well founded intelligence to tell us that Saddam sees his WMD programme as vital to his survival and as a demonstration of his power and influence in the region."

811. Mr Blair added:

"There will be some who dismiss all this. Intelligence is not always right. For some of the material, there might be innocent explanations. There will be others who say rightly that … it could be several years before Saddam acquires a usable nuclear weapon – though if he were able to purchase fissile material … it would be only a year or two."

812. In the light of the information he had set out, Mr Blair asked whether the world would be wise to trust to the "good faith of the current Iraqi regime". Mr Blair added:

> "Our case is simply this: not that we take military action come what may, but that the case for ensuring Iraqi disarmament, as the UN itself has stipulated, is overwhelming. I defy anyone, on the basis of this evidence, to say that that is an unreasonable demand for the international community to make when, after all, it is only the same demand that we have made for 11 years and that Saddam has rejected."

813. Mr Blair posed, and addressed, three questions: 'Why Saddam?'; 'Why now?'; and 'Why should Britain care?'.

814. On the question 'Why Saddam?', Mr Blair said two things about Saddam stood out: "He had used these weapons in Iraq" and thousands had died, and he had used them during the war with Iran "in which one million people died"; and the regime had "no moderate elements to appeal to".

815. On the question 'Why now?', Mr Blair stated:

> "I agree that I cannot say that this month or next, even this year or next, Saddam will use his weapons. But I can say that if the international community, having made the call for his disarmament, now, at this moment, at the point of decision, shrugs its shoulders and walks away, he will draw the conclusion dictators faced with a weakening will always draw: that the international community will talk but not act, will use diplomacy but not force. We know, again from our history, that diplomacy not backed by the threat of force has never worked with dictators and never will.
>
> "If we take this course and if we refuse to implement the will of the international community, Saddam will carry on, his efforts will intensify, his confidence will grow and, at some point in the future not too distant, the threat will turn into reality. The threat therefore is not imagined. The history of Saddam and weapons of mass destruction is not American or British propaganda. The history and the present threat are real."

816. Mr Blair said that Britain should care:

> "'Because there is no way this man, in this region … could begin a conflict using such weapons and the consequences not engulf the whole world, including this country.' That … is the reason the UN passed its resolutions. That is why it is right that the UN Security Council again makes its will and its unity clear and lays down a strong new UN resolution and mandate. Then Saddam will have the choice: comply willingly or be forced to comply. That is why alongside the diplomacy, there must be genuine preparedness and planning to take action if diplomacy fails.
>
> "Let me be plain about our purpose. Of course there is no doubt that Iraq, the region and the whole world would be better off without Saddam. Iraq deserves to be led by

someone who can abide by international law, not a murderous dictator; by someone who can bring Iraq back into the international community where it belongs, not … languishing as a pariah; by someone who can make the country rich and successful, not impoverished by Saddam's personal greed; and by someone who can lead a government more representative of the country as a whole while maintaining absolutely Iraq's territorial integrity.

"We have no quarrel; with the Iraqi people. Indeed, liberated from Saddam they could make Iraq prosperous and a force for good in the Middle East. So the ending of this regime would be the cause of regret for no one other than Saddam. But our purpose is disarmament. No one wants military conflict. The whole purpose of putting this before the UN is to demonstrate the united determination of the international community to resolve this in the way it should have been resolved years ago: through a proper process of disarmament under the UN. Disarmament of all weapons of mass destruction is the demand. One way or another it must be acceded to."

817. Mr Iain Duncan Smith, Leader of the Opposition, said that the "key question" was whether Saddam Hussein had "the means, the mentality and the motive to pose a threat to pose a threat to Britain's national security and the wider international order". Mr Duncan Smith concluded that Saddam had the means and mentality. He stated:

"The evidence produced in the Government's report shows clearly that Iraq is still pursuing its weapons of mass destruction programme …

"The … dossier confirms that Iraq is self sufficient in biological weapons and that the Iraqi military is ready to deploy those, and chemical weapons, at some 45 minutes' notice."

818. Addressing whether Saddam Hussein had the motive to strike against Britain, Mr Duncan Smith stated:

"… I believe that it is fair to assume that he has …

"The report shows that Saddam has illegally retained up to 20 Al Hussein missiles, with a range of 650km, capable of carrying the various warheads that he needs, and that he is also developing new ones."

819. Mr Charles Kennedy, Leader of the Liberal Democrats, asked:

"Does the Prime Minister truly believe that, on the evidence published today, a sufficient case has now been made that both clarifies Iraq's present capacity, as well as its intent?"

820. Mr Blair responded:

" … yes I do believe the information we published today shows that there is a continuing chemical and biological weapons programme, and an attempt by

Saddam Hussein to acquire a nuclear weapons capability. That is what I believe, and that is the assessment of the Joint Intelligence Committee – and frankly I prefer its assessment to the assessment of the Iraqi regime, which, let us say, on the basis of experience, is not one that should carry a lot of credibility."

821. Mr William Hague (Conservative) asked:

"Does the Prime Minister recollect that, in the half-century history of various states acquiring nuclear capabilities, in almost every case – from the Soviet Union in 1949 to Pakistan in 1998 – their ability to do so had been greatly underestimated and understated by intelligence sources at the time? Estimates today of Iraq taking several years to acquire a nuclear device should be seen in that context … [I]s there not at least a significant risk of the utter catastrophe of Iraq possessing a nuclear device without warning, some time in the next couple of years? In that case, does not the risk of leaving the regime on its course today far outweigh the risk of taking action quite soon?"

822. Mr Blair responded:

"I entirely agree … For the preparation of the dossier we had a real concern not to exaggerate the intelligence that we had received. For obvious reasons, it is difficult to reflect the credibility of the information, and we rate the credibility of what we have very highly. I say no more than that.

…

"… I entirely agree that the danger of inaction … far outweighs the danger of action."

823. Other points made by Mr Blair included:

- "… [I]n my judgement, if we do not deal with the proliferation of weapons of mass destruction and their retention by highly unstable states, often with dictatorial regimes, then perhaps not this year or next, but in the not too distant future, that problem will explode on to the consciousness of the world. I believe that passionately, which is why, whatever the issues in relation to Iraq … it is important to take a stand now and say that, when we have made determinations on behalf of the international community, we will see them through. If we do not, the message to Saddam and anyone else will be that they can develop these weapons with impunity and that the international community lacks the will to deal with them."
- "… [T]he point is that if we know that someone has weapons of mass destruction, if they have used them before and if, as a result, the international community has said they must be disarmed of those weapons, surely the greatest risk is letting them carry on developing those weapons and not doing anything about it."

- "… [I]n the past four or five years the issue of Iraq, weapons inspections and what to do about that regime has come over my desk pretty much week after week … [I]t has been there as an issue the whole time … What we know now from the assessment given by our Joint Intelligence Committee is that the very thing that we feared is the very thing that the Iraqi regime is working on."
- "What has happened … is that, whether we like it our not, now is the point of decision."
- "… We have to be clear that the consequences of saying now to Iraq that we are not going to do anything will be really, really serious."
- "… [W]e have to make the decision, and I do not think we can duck the consequences of that decision."

824. Mr Blair concluded that the threat was not that Saddam Hussein was going to launch an attack on the UK "tomorrow":

> "… the threat is that within his own region, or outside it given the missile capability that he is trying to develop, he launches an attack that threatens the stability of that region and then the wider world. All the evidence that we have is that if there is such a conflict in that region, we will not be able to stand apart from it."

ACCURACY OF THE STATEMENT

825. Mr Blair's statement about Iraq's capabilities and intentions included some judgements that were additional to those in the dossier.

826. Mr Blair's categorical statement that the intelligence picture painted by the JIC over the last four years was "extensive, detailed and authoritative", was not an accurate description of the intelligence underpinning the JIC's assessments.

827. There are a number of differences between the draft speech and Mr Blair's statement to the House of Commons where points of detail were added or changed, but its structure and key arguments remained.

828. In the statement, Mr Blair emphasised that the information in the dossier represented the view of the JIC.

829. During a debate on Iraq on 22 February 2007, Lord Butler said that Mr Blair's statement to Parliament "that the picture painted by our intelligence services was 'extensive, detailed and authoritative' … could simply not have been justified by the material that the intelligence community provided to him."

830. The draft of Mr Blair's statement on 23 September said that the intelligence picture was "extensive and detailed". The words "and authoritative" were added in the final version; it is not clear who made that change or why.

831. The JIC Assessments issued since December 1998 could be described as authoritative. But the gaps and uncertainties in the intelligence which underpinned them were clearly identified.

832. The evidence set out earlier in this Section and in Section 4.1 demonstrates that, since the departure of the weapons inspectors four years earlier, detailed intelligence had been received on many aspects of Iraq's activities, and it was more extensive in some areas than others. The judgement that the intelligence picture was extensive may also have been influenced by the reporting which had been issued since the end of August 2002.

833. Mr Blair characterised Iraq's activities to acquire chemical, biological and nuclear weapons, and a ballistic missile capability to deliver them, as a "programme" which was "active, detailed and growing".

834. That statement was in the draft of 23 September, and there is no evidence that Mr Blair was advised to remove it.

835. The claim that Iraq's WMD programme was "growing" and that it had recently accelerated appeared in the briefing material produced by the FCO and No.10 at that time.

836. Asked whether the JIC Assessments had said that the WMD threat from Iraq was growing, Mr Blair told the Inquiry:

> "Yes, it was telling me that in two respects …
>
> "First … there were the September JIC assessments that talked of continuing production of chemical weapons. In other words, this was a continuing process. But secondly -- and this did have an impact on me at the time, although this particular piece of intelligence turned out later to be wrong, but at the time, obviously, we didn't know that -- on 12 September … I was told and specifically briefed about these mobile production facilities for biological weapons. So this was an additional and new factor and this was very much linked to whether and how Saddam might conceal his activities."[444]

837. In the context of questioning about the intelligence reports received in late August and early September and what might have been in Mr Blair's mind when he said that Iraq's programmes were growing, Sir John Scarlett stated:

> "… I think it is important to state that that was the reporting that he was seeing, and he was receiving a judgement from the JIC which said that production of agent is continuing and it's happening now.

---

[444] Public hearing, 2 February 2010, pages 87-88.

> "So it is possible … to conclude that if you are being told that the production is continuing, it's possible to conclude that therefore the issue is growing …"[445]

838. Sir John confirmed that meant the material was accumulating.

839. Asked about the sourcing for the reports of 11 and 23 September, Sir John replied:

> "… that source was not substantiated and it was the first of the reporting to be withdrawn … in late July 2003."

840. Asked whether the SIS reporting, of 11 and 23 September, might have justified Mr Blair's use of the word "growing", Sir Richard Dearlove replied:

> "… maybe they account for the Prime Minister saying 'growing'. I don't know. I am not sure whether that is true or not."[446]

841. Mr Blair's statements in his Foreword to the dossier about the nature of the threat posed by Iraq to UK interests and that he believed "the assessed intelligence" had "established beyond doubt" that Saddam Hussein had "continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons" are addressed earlier in this Section.

842. The references to Iraq's chemical and biological programmes in the statement reflected the material in the Foreword and the dossier.

843. A reference to material being "missing" as well as "unaccounted for" was new and implied the material had existed. The word was added to the draft version of 23 September.

844. In his statement to Parliament on 24 September, about Iraq's efforts to develop nuclear weapons, Mr Blair said that "we know" Saddam Hussein "has bought or attempted to buy" material which could be used in a nuclear weapons programme.

845. Mr Blair's description in his evidence to the Inquiry, that the information on Iraqi procurement activities in the dossier "could indicate a continuing interest in nuclear weapons" would have been a more accurate description of the position.

846. In listing Iraq's attempts to procure prohibited technology and materials which could be used in a nuclear weapons programme, which had been set out in the dossier (page 26), Mr Blair stated:

> "But we now know the following … Saddam has bought or attempted to buy …"

847. The dossier said only that intelligence showed "attempts to purchase".

---

[445] Private hearing, 5 May 2010, pages 14-15.
[446] Private hearing, 13 July 2002, page 31.

848. Mr Blair stated that it would only take Saddam Hussein "a year or two" to acquire a usable nuclear weapon "if he were able to purchase fissile material illegally", rather than the fuller and more cautious assessment in the dossier (page 27) that Iraq would need "essential components from foreign sources" to produce a warhead as well as fissile material.

849. Neither the dossier nor Mr Blair addressed the likelihood of Iraq being able to procure both fissile material and other essential components.

850. Mr Blair did not refer to the judgement in the dossier, which reflected the JIC Assessments on the issue, that "while sanctions remain effective Iraq would not be able to produce a nuclear weapon".[447] "If", and only if, sanctions were removed or proved ineffective, Iraq would then need "at least five years to produce sufficient fissile material for a weapon".

851. Mr Blair also stated that Iraq's ballistic missile programme was "required for the delivery of chemical, biological and nuclear programmes" and that it was "clear that a significant number of longer-range missiles were effectively concealed from the previous inspectors and remain, including up to 20 extended-range SCUD missiles". Subsequently, he added that the ballistic missile capability was "being developed for multi-purpose use, including with WMD warheads".

852. This material was in the draft of 23 September.

853. The dossier (pages 22-23) stated that Iraq had a "variety of delivery means available for both chemical and biological agents". It made no statement about the delivery of nuclear weapons.

854. The dossier did not include the reference in the JIC Assessment of 9 September 2002 to an intelligence report that:

> "… suggests Iraq has 'lost' the capability to develop warheads capable of effectively disseminating chemical and biological agent and that it would take six months to overcome the 'technical difficulties'."[448]

855. There was no mention in the dossier of concealment of longer-range missiles, other than Iraq's retention of "up to 20 Al Hussein missiles".[449]

---

[447] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 27.
[448] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.
[449] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 28.

856. Asked whether his statement that the WMD programme was growing applied to Iraq's nuclear programme, Mr Blair replied:

> "… what was set out in the dossier, and set out in very detailed form, incidentally, were all the different items that he had been trying to procure, which could indicate a continuing interest in nuclear weapons."[450]

857. Asked whether it would have taken quite a long time to get from that point to having a usable nuclear weapon, Mr Blair told the Inquiry:

> "… if you ask people about the nuclear weapons capability, for example, in respect of Iraq, some people would say, 'Yes, if they are doing it on their own, it is going to take significant amount of time, but you can foreshorten that time if you buy in the material'.
>
> "So one of the reasons – and I emphasise again this whole proliferation issue and AQ Khan in particular – was that it always worried me that any of these countries, if they were so minded, could step up very quickly and get …"[451]

The Butler Review conclusions on the JIC authorship of the dossier

858. In its report, the Butler Review stated:

> **"We conclude that it was a serious weakness that the JIC's warnings on the limitation of the intelligence underlying its judgements were not made sufficiently clear in the dossier.**
>
> **"We understand why the Government felt it had to meet the mounting public and Parliamentary demand for information. We also recognise that there is a real dilemma between giving the public an authoritative account of the intelligence picture and protecting the objectivity of the JIC from the pressures imposed by providing information for public debate. It is difficult to resolve these requirements. We conclude with the benefit of hindsight, that making public that the JIC had authorship of the dossier was a mistaken judgement, though we do not criticise the JIC for taking responsibility for clearance of the intelligence content of the document. However, in the particular circumstances, the publication of such a document in the name and with the authority of the JIC had the result that more weight was placed on the intelligence than it could bear."**[452]

---

[450] Public hearing, 2 February 2010, page 88.
[451] Public hearing, 2 February 2010, pages 88-89.
[452] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 465-466.

859. The Butler Report recommended that governments in the future should make arrangements to avoid putting the JIC and its Chair into an area of public controversy and offered suggestions as to how that might be achieved.[453]

860. The Report stated:

> **"… we conclude that if intelligence is to be used more widely … in public debate in future, those doing so must be careful to avoid its uses and limitations. It will be essential too, that clearer and more effective dividing lines between assessment and advocacy are established when doing so."**[454]

861. The Government accepted the Committee's conclusions on the public use of intelligence in its immediate response to the report and subsequently stated that: "Any future presentation of intelligence will separate the Government case from the JIC Assessment."[455]

Conclusions

862. From late February 2002, the UK Government position was that Iraq was a threat that had to be dealt with; that Iraq needed to disarm in accordance with the obligations imposed by the UN; and that it was important to agree to the return of UN inspectors to Iraq.

863. The urgency and certainty with which the position was stated reflected both the ingrained belief – that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment – and the wider context in which the policy was being discussed with the US.

864. But it also served to fuel the demand that the Government should publish the document it was known to have prepared, setting out the reasons why it was so concerned about Iraq.

865. In the spring and summer of 2002, senior officials and Ministers took the view that the Iraq dossier should not be published until the way ahead on the policy was clearer.

866. By late August 2002, the Government was troubled by intense speculation about whether a decision had already been taken to use military force. In

---

[453] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 467.
[454] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 467.
[455] Cabinet Office, *Review on Intelligence on Weapons of Mass Destruction: Implementation of its Conclusions*, March 2005, Cm6492, paragraph 13.

Mr Blair's words, the US and UK had been "outed" as having taken a decision when no such decision had been taken.

867. **Mr Blair's decision on 3 September to announce that the dossier would be published was a response to that pressure.**

868. **The dossier was designed to "make the case" and secure Parliamentary (and public) support for the Government's position that action was urgently required to secure Iraq's disarmament.**

869. **The UK Government intended the information and judgements in the Iraq dossier to be seen to be the product of the JIC in order to carry authority with Parliament and the public.**

870. **SIS was commissioned by No.10 on 4 September to examine whether it had any additional material which could be included.**

871. **Mr Scarlett, as Chairman of the JIC, was given the responsibility for producing the dossier.**

872. **The dossier drew on the 9 September JIC Assessment, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios', which had been commissioned to address scenarios for Iraq's possible use of chemical and biological weapons in the event of military action, previous JIC Assessments and the report issued by SIS on 11 September.**

873. **The SIS report should have been shown to the relevant experts in the DIS who could have advised their senior managers and the Assessments Staff.**

874. **Expert officials in DIS questioned the certainty with which some of the judgements in the dossier were expressed. Some of their questions were discussed during the preparation of the dossier. The text was agreed by Air Marshal Joe French, Chief of Defence Intelligence, at the JIC meeting on 19 September.**

875. **There is no evidence that other members of the JIC were aware at the time of the reservations recorded in the minute by Dr Jones of 19 September and that written by the chemical weapons expert in his team the following day.**

876. **The JIC accepted ownership of the dossier and agreed its content. There is no evidence that intelligence was improperly included in the dossier or that No.10 improperly influenced the text.**

877. **At issue are the judgements made by the JIC and how they and the intelligence were presented, including in Mr Blair's Foreword and in his statement to Parliament on 24 September 2002.**

878. **It is unlikely that Parliament and the public would have distinguished between the ownership and therefore the authority of the judgements in the Foreword and those in the Executive Summary and the main body of the dossier.**

879. **In the Foreword, Mr Blair stated that he believed the "assessed intelligence" had "established beyond doubt" that Saddam Hussein had "continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he had been able to extend the range of his ballistic missile programme". That raises two key questions.**

- **Did Mr Blair's statements in whole or in part go further than the assessed intelligence?**
- **Did that matter?**

880. **The Inquiry is not questioning Mr Blair's belief, which he consistently reiterated in his evidence to the Inquiry, or his legitimate role in advocating Government policy.**

881. **But the deliberate selection of a formulation which grounded the statement in what Mr Blair believed, rather than in the judgements which the JIC had actually reached in its assessment of the intelligence, indicates a distinction between his beliefs and the JIC's actual judgements.**

882. **That is supported by the position taken by the JIC and No.10 officials at the time, and in the evidence offered to the Inquiry by some of those involved.**

883. **The assessed intelligence had <u>not</u> established beyond doubt that Saddam Hussein had continued to produce chemical and biological weapons. The Executive Summary of the dossier stated that the JIC judged that Iraq had "continued to produce chemical and biological agents". The main text of the dossier said that there had been "recent" production. It also stated that Iraq had the means to deliver chemical and biological weapons. It did not say that Iraq had continued to produce weapons.**

884. **Nor had the assessed intelligence established beyond doubt that efforts to develop nuclear weapons continued. The JIC stated in the Executive Summary of the dossier that Iraq had:**

- **made covert attempts "to acquire technology and materials which could be used in the production of nuclear weapons";**
- **"sought significant quantities of uranium from Africa, despite having no active nuclear programme that would require it"; and**
- **"recalled specialists to work on its nuclear programme".**

885. But the dossier made clear that, as long as sanctions remained effective, Iraq could not produce a nuclear weapon.

886. These conclusions draw on the evidence from the JIC Assessments at the time and the Executive Summary of the dossier, which are set out in this Section. They do not rely on hindsight.

887. The JIC itself should have made that position clear because its ownership of the dossier, which was intended to inform a highly controversial policy debate, carried with it the responsibility to ensure that the JIC's integrity was protected.

888. The process of seeking the JIC's views, through Mr Scarlett, on the text of the Foreword shows that No.10 expected the JIC to raise any concerns it had.

889. The firmness of Mr Blair's beliefs, despite the underlying uncertainties, is important in considering how the judgements in the Foreword would have been interpreted by Cabinet in its discussions on 23 September and by Parliament.

890. In his statement to Parliament on 24 September and in his answers to subsequent questions, Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction; and that, at some point in the future, that threat would become a reality.

891. By the time the dossier was published, President Bush had announced that the US was seeking action on Iraq through the UN, and Iraq had agreed to the return of inspectors.

892. Rather than the debate being framed in terms of the answers needed to the outstanding questions identified by UNSCOM and the IAEA, including the material for which UNSCOM had been unable to account, the dossier's description of Iraq's capabilities and intent became part of the baseline against which the UK Government measured Iraq's future statements and actions and the success of weapons inspections.

893. As the next Section of the Report demonstrates, the judgements remained in place without challenge until the invasion of Iraq in March 2003. Iraq's denials of the capabilities and intent attributed to it were not taken seriously.

894. As the flaws in the construct and the intelligence were exposed after the conflict, the dossier and subsequent statements to Parliament also became the baseline against which the Government's good faith and credibility were judged.

895. There will continue to be demands for factual evidence to explain the background to controversial policy decisions including, where appropriate, the explicit and public use of assessed intelligence.

896. **The Inquiry shares the Butler Review's conclusions that it was a mistake not to see the risk of combining in the September dossier the JIC's assessment of intelligence and other evidence with the interpretation and presentation of the evidence in order to make the case for policy action.**

897. **The nature of the two functions is fundamentally different. As can be seen from the JIC Assessments quoted in, and published with, this report, they contain careful language intended to ensure that no more weight is put on the evidence than it can bear. Organising the evidence in order to present an argument in the language of Ministerial statements produces a quite different type of document.**

898. **The widespread perception that the September 2002 dossier overstated the firmness of the evidence about Iraq's capabilities and intentions in order to influence opinion and "make the case" for action to disarm Iraq has produced a damaging legacy, including undermining trust and confidence in Government statements, particularly those which rely on intelligence which cannot be independently verified.**

899. **As a result, in situations where the policy response may involve military action and the evidence, at least in part, depends on inferential judgements drawn from necessarily incomplete intelligence, it may be more difficult to secure support for the Government's position and agreement to action.**

900. **The explicit and public use of material from JIC Assessments to underpin policy decisions will be infrequent. But, from the evidence on the compilation of the September dossier, the lessons for any similar exercise in future would be:**

- **The need for clear separation of the responsibility for analysis and assessment of intelligence from the responsibility for making the argument for a policy.**
- **The importance of precision in describing the position. In the case of the September dossier, for instance, the term "programme" was used to describe disparate activities at very different stages of maturity. There was a "programme" to extend the range of the Al Samoud missile. There was no "programme" in any meaningful sense to develop and produce nuclear weapons. Use of the shorthand CW or BW in relation to Iraq's capability obscured whether the reference was to weapons or warfare. Constant use of the term "weapons of mass destruction" without further clarification obscured the differences between the potential impact of nuclear, biological and chemical weapons and the ability to deliver them effectively. For example, there would be a considerable difference between the effects of an artillery shell filled with mustard gas, which is a battlefield weapon, and a long-range ballistic missile with a chemical or biological warhead, which is a weapon of terror.**

- **The need to identify and accurately describe the confidence and robustness of the evidence base. There may be evidence which is "authoritative" or which puts an issue "beyond doubt"; but there are unlikely to be many circumstances when those descriptions could properly be applied to inferential judgements relying on intelligence.**
- **The need to be explicit about the likelihood of events. The possibility of Iraq producing and using an improvised nuclear device was, rightly, omitted from the dossier. But the claim that Iraq could build a nuclear weapon within one to two years if it obtained fissile material and other essential components from foreign sources was included without addressing how feasible and likely that would be. In addition, the Executive Summary gave prominence to the IISS suggestion that Iraq would be able to assemble nuclear weapons within months if it could obtain fissile material, without reference to the material in the main text of the dossier which made clear that the UK took a very different view.**
- **The need to be scrupulous in discriminating between facts and knowledge on the one hand and opinion, judgement or belief on the other.**
- **The need for vigilance to avoid unwittingly crossing the line from supposition to certainty, including by constant repetition of received wisdom.**

901. When assessed intelligence is explicitly and publicly used to support a policy decision, there would be benefit in subjecting that assessment and the underpinning intelligence to subsequent scrutiny, by a suitable, independent body, such as the Intelligence and Security Committee, with a view to identifying lessons for the future.

SECTION 4.3

IRAQ WMD ASSESSMENTS, OCTOBER 2002 TO MARCH 2003

Contents

Introduction and key findings 289

The UK assessment of Iraq's position, October to December 2002 290

Iraq's rebuttal of the UK dossier 291

JIC Assessment, 11 October 2002: 'Iraq: The Return of UN Inspectors' 293

The US National Intelligence Estimate 296

President Bush's speech in Cincinnati, 7 October 2002 297

Security Council open debate, 16 and 17 October 2002 298

JIC Current Intelligence Group Assessment, 28 October 2002: 'Global Chemical and Biological Weapons Survey' 299

Iraq's response to resolution 1441 301

JIC Assessment, 14 November 2002: 'Iraq: Regime Cohesion Under Pressure' 303

Intelligence update, 21 November 2002 304

Security Council, 25 November 2002 306

FCO advice, 29 November 2002 307

JIC Assessment, 6 December 2002: 'Iraq: Military Options' 307

Iraq's declaration of 7 December and the UK response 309

Doubts about the sourcing chain for SIS reports issued on 11 and 23 September 2002 312

JIC Assessment, 18 December 2002 314

Security Council, 19 December 2002 318

The absence of a "smoking gun" 320

UNMOVIC's activities 323

Mr Blair's interview on *BBC*'s *Breakfast with Frost*, 26 January 2003 324

Security Council, 27 January 2003 329

JIC Assessment, 29 January 2003 333

Cabinet, 30 January 2003 337

'Iraq – Its Infrastructure of Concealment, Deception and Intimidation' 337

Secretary Powell's presentation to the Security Council, 5 February 2003 342

Meetings with Dr Blix and Dr ElBaradei, 6 February 2003 344

Mr Straw's speech, 11 February 2003 347
The UK contribution to UNMOVIC's investigations 348
The perspective of the inspectors 350
SIS advice of 17 and 20 February 2003 354
Briefings for Cabinet Members and Committee Chairs 355
Would Iraq use chemical and biological weapons? 359
Presentation of the UK position 361

The position in March 363
The IAEA position on Iraq's nuclear programme 363
UK assessments of Iraq's intentions 364
Security Council, 7 March 2003 365
Security Council open debate, 11 and 12 March 2003 369
No.10 advice to Mr Blair 370
Mr Cook's resignation statement, 17 March 2003 371
Mr Scarlett's advice, 17 March 2003 372
JIC Note, 19 March 2003: 'Saddam: The Beginning of the End' 375
Security Council, 19 March 2003 378

Withdrawal of intelligence 379
SIS reporting of 11 and 23 September 2002 379
The Intelligence and Security Committee's view 386
The Butler Review 386
Ministerial awareness that the reporting had been withdrawn 387
Withdrawal of two other streams of SIS reporting 392
JIC Assessment, 23 December 2004: 'Iraqi WMD – A Review of JIC Judgements made in 2002' 401
JIC discussion, 9 February 2006 405
Reliability of intelligence 405
A lesson learned? 409

Conclusions 410

Introduction and key findings

1. This Section addresses the assessments between October 2002 and 19 March 2003 of Iraq's capabilities and intentions to:

- develop, produce and use chemical, biological and nuclear weapons and ballistic missiles; and
- conceal those programmes from the inspectors and obstruct their activities.

2. The Section also addresses the:

- advice based on intelligence provided to Ministers and others; and
- withdrawal of three important streams of SIS reporting in 2003 and 2004.

3. The roles of the Joint Intelligence Committee (JIC) and Secret Intelligence Service (SIS) are addressed in Section 2.

4. The assessment of Iraq's capabilities and intentions to develop, produce and use chemical, biological and nuclear weapons and ballistic missiles between 2000 and July 2002, including the initial preparation of a paper on Iraq for publication, is addressed in Section 4.1.

5. The subsequent JIC Assessments of 21 August and 9 September, the preparation of the dossier published on 24 September and Mr Blair's statement to the House of Commons on the same day, are addressed in Section 4.2.

6. The post-invasion search for evidence of weapons of mass destruction (WMD) in Iraq, the Government's response to the failure to find stockpiles of WMD in Iraq, demands for an independent judge-led inquiry into pre-conflict intelligence on Iraq's WMD and the decision to establish the Butler Review, and the Government's involvement with the preparation and publication of the series of reports produced by the Iraq Survey Group (ISG), are addressed in Section 4.4.

7. The development of UK strategy and options during this period, including Mr Blair's and Mr Straw's statements to Parliament on 18 March 2003, is addressed in Sections 3.5 to 3.8.

8. The military planning for a campaign in which chemical and biological weapons could be used, and the arrangements to provide protection for UK Forces, is addressed in Sections 6.1 to 6.3.

Key findings

- The core construct that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, underpinned the UK

Government's position that Iraq was a threat that had to be dealt with and it needed to disarm or be disarmed.

- That remained the case up to and beyond the decision to invade Iraq in March 2003.
- The judgements about Iraq's capabilities and intentions relied too heavily on Iraq's past behaviour being a reliable indicator of its current and future actions.
- There was no consideration of whether, faced with the prospect of a US-led invasion, Saddam Hussein had taken a different position.
- The Joint Intelligence Committee (JIC) made the judgements in the UK Government September dossier part of the test for Iraq.
- Iraq's statements that it had no weapons or programmes were dismissed as further evidence of a strategy of denial.
- The extent to which the JIC's judgements depended on inference and interpretation of Iraq's previous attitudes and behaviour was not recognised.
- At no stage was the hypothesis that Iraq might no longer have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.
- A formal reassessment of the JIC's judgements should have taken place after the report to the Security Council on 14 February 2003, by Dr Hans Blix, Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), or, at the very latest, after his report of 7 March.
- Intelligence and assessments made by the JIC about Iraq's capabilities and intent continued to be used to prepare briefing material to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.
- The independence and impartiality of the JIC remains of the utmost importance.
- The Secret Intelligence Service (SIS) had a responsibility to ensure that key recipients of its reporting were informed in a timely way when doubts arose about key sources and when, subsequently, intelligence was withdrawn.

The UK assessment of Iraq's position, October to December 2002

9. As the previous Sections of this Report show, there was an ingrained belief within the UK Government that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment.

10. The UK position reflected the widely shared view that when the UN inspectors left Iraq in December 1998, Iraq had not fully accounted for major gaps and inconsistencies in its declarations and had provided no credible proof that Iraq had destroyed its weapons stockpiles and production infrastructure as it claimed.

11. In addition, the description of Iraq's capabilities and intent in the UK Government dossier, *Iraq's Weapons of Mass Destruction. The Assessment of the British*

Government, published on 24 September, became part of the baseline against which the UK Government measured Iraq's statements and future actions and the success of weapons inspections.

Iraq's rebuttal of the UK dossier

12. The Iraqi Ministry of Foreign Affairs published a "detailed rebuttal" on 2 October, which described the UK dossier as "a series of lies and empty propaganda" which was "totally inconsistent" with the facts and reports made by the UN Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA).[1]

13. The rebuttal emphasised Iraq's "intensive efforts" and co-operation between 1991 and 1998 in implementing resolution 687 (1991) and other UN Security Council resolutions. It also stated that Iraq had not imported any prohibited material.

14. Addressing the dossier's "claims about alleged activities after 1998", the Iraqi rebuttal stated:

- The "assumptions" about a nuclear programme were "groundless". Iraq's imports and facilities were subject to strict monitoring, including through the IAEA safeguards regime.
- The allegation that Iraq had tried to acquire uranium "from South Africa" was "a bogus lie".
- There were "no toxic chemical agents, precursors or chemical weapons"; and "no capabilities to produce chemical or biological agents".
- VX agent production required "an advanced technology" which was "not available in Iraq". It had not obtained "any large scale or significant production of VX agent" from equipment destroyed in 1997.
- The al-Muthanna site had been destroyed and was abandoned.
- The chlorine and phenol site at Fallujah 2 had produced chlorine for water purification and chlorine was no longer subject to monitoring.
- The Ibn-Sina site produced material for civil industries and its equipment had been tagged by UNSCOM.
- The al-Qaqa state company had no plant to produce phosgene and its equipment was tagged and monitored.
- Iraq was "completely clear of all biological weapons and agents" and did "not keep any quantity of these agents". The "botulinum protein" and "anthrax slurry" previously produced had a "short shelf life".
- The reaction to the allegation that mobile facilities were producing biological agent was "astonishment".

---

[1] Minute Miller to Manning, 4 October 2002, 'The Dossier: Iraq's Response' attaching Email FCO [junior official] to Hamill, 3 October 2002, 'Iraq's reply on Blair's Report' and Paper [CIC], [undated], 'Iraq – Still Playing Games'.

- Claims that Iraq had "reconstructed and renewed the sites … previously used in producing biological agents" were "groundless and false".
- Iraq did "not possess any missile with a range greater than 150km".
- The new engine test station was for "horizontal testing" of "Al Samoud" engines and "could not be used for larger engines".
- RPVs [remotely piloted vehicles] were for aerial reconnaissance.
- Facilities at the al-Mamoun plant had been destroyed and it could not be used for solid fuel missiles.

15. A review of the rebuttal by the Assessments Staff stated that it did not undermine the UK dossier and in a number of key areas failed to provide a credible response.

16. Mr Julian Miller, Chief of the Assessments Staff, told Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), that a review of the rebuttal conducted by the Assessments Staff, the intelligence agencies and the FCO dismissed the rebuttal as: "In broad terms … very weak; long on rhetoric and short on detail."[2]

17. Mr Miller added that the document presented "a somewhat rosy picture" of Iraq's relationship with UNSCOM. He characterised Iraq's refutation of the UK "claim that its WMD programmes have continued post 1998" as an "attitude of denial".

18. Mr Miller stated that there was "nothing in the detail of the Iraqi reply" that undermined the dossier and that:

> "In a number of key areas they have failed to provide any credible response. For example they:
>
> - claim that accusations that they are seeking uranium from South Africa is a 'bogus lie'. But the dossier did not mention South Africa …
> - claim the al-Rafah [engine] test stand is for horizontal rather than vertical engine testing Al Samoud missile …
> - merely state that accusations of mobile biological agent production facilities are 'astonishing'."

19. Under a heading 'Iraq: Still Playing Games', press lines prepared by the Communications and Information Centre (CIC) focused on:

- Iraq's pre-1998 co-operation with UNSCOM and its failures to:
  - provide full and comprehensive disclosures;

---

[2] Minute Miller to Manning, 4 October 2002, 'The Dossier: Iraq's Response' attaching Email FCO [junior official] to Hamill, 3 October 2002, 'Iraq's reply on Blair's Report' and Paper [CIC], [undated], 'Iraq – Still Playing Games'.

- allow the inspectors immediate, unconditional and unrestricted access to relevant sites, documents and persons; and
- the material for which UNSCOM had been unable to account.

20. The press lines did not acknowledge or address Iraq's explicit denials of possession of prohibited weapons, materials and programmes.

21. Mr Miller concluded: "I do not think we need to offer a fuller reply to any of Iraq's claims."

22. There was no consideration of the risks which Iraq would have faced by issuing a detailed rebuttal which inspections might show to be untrue.

JIC Assessment, 11 October 2002: 'Iraq: The Return of UN Inspectors'

23. The JIC assessed on 11 October that Saddam Hussein was determined to retain Iraq's proscribed weapons programme and that he was confident he could prevent the UN inspectors, operating under existing UN resolutions, from finding any evidence before military options started to close in spring 2003.

24. Without specific intelligence, the inspectors would not know where to look.

25. As military pressure increased, Iraq's concealment policy could be undermined by the requirement to prepare hidden "chemical and biological missile systems for military deployment".

26. At the request of OD Sec, the JIC assessed Iraq's attitude and approach to dealing with the return of UN weapons inspectors.[3] It also assessed Iraq's concealment policy.

27. The minutes of the JIC discussion of the draft Assessment on 9 October recorded that:

- Iraq was "very confident" about its concealment policy and "had put a lot of effort into ensuring that inspectors would not find anything".
- "UNMOVIC [UN Monitoring, Verification and Inspection Commission] still had no information about suspect sites and without specific intelligence, it would be impossible for them to know where to start looking."
- "A tougher, penetrative [inspections] regime backed by a good intelligence flow from inside Iraq, would therefore be absolutely central to success".
- "… [A]s military pressure increased, the point would come when concealment would make it impossible" for Iraq to "prepare for weaponisation".[4]

---

[3] JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.
[4] Minutes, 9 October 2002, JIC meeting.

28. The JIC Assessment, 'Iraq: The Return of UN Inspectors', was issued on 11 October.[5]

29. The JIC's Key Judgements were:

"
- Saddam is determined to retain Iraq's proscribed weapons programmes. He is confident that he can prevent UNMOVIC, operating on the basis of existing UNSCRs [United Nations Security Council resolutions], from finding any evidence before military options start to close off in spring 2003.
- Concealment and dispersal of sensitive items are the main elements of Iraq's strategy for dealing with UNMOVIC. The inspectors are hampered by poor preparedness and a lack of intelligence, so far, to guide them.
- Saddam will probably accept a new UN resolution. If inspections are conducted under a tougher regime, and if specific intelligence on WMD locations is forthcoming in response to clear US determination to topple Saddam, UNMOVIC might find evidence of Iraq's WMD programmes.
- In the short-term, we do not expect a repeat of the blatant Iraqi policy of intimidation and obstruction that UNSCOM encountered. Widespread Iraqi obstruction would be seen as too obvious a challenge to the authority of the UN. But if inspectors come close to uncovering evidence of WMD, Iraq will employ a wide range of tactics to delay their work.
- Iraq will use all diplomatic efforts, backed by its economic leverage on its neighbours, to undermine political support for a continuation of the inspections and sanctions."

30. The Assessment is addressed in detail in Section 3.5. The key points in relation to Iraq's possession of WMD and its intent to conceal its capabilities and deceive the inspectors were:

- Intelligence indicated that Saddam Hussein was "determined to retain Iraq's weapons of mass destruction", which he considered "to be a key part of Iraq's regional political and military power". He was "adamant that UN weapons inspectors should not be allowed to find and destroy the WMD capability that Iraq has been able to develop further in the four years since UNSCOM left in 1998".
- Iraq was "confident" that it could "ensure the inspectors, acting under the terms of existing UNSCRs", would "not be able to find anything when they return and that Iraq will retain its proscribed weapons programmes".
- "A body of intelligence" indicated that "concealment and dispersal of sensitive items" were "the main planks of Iraq's strategy to deal with the return of weapons inspectors". Saddam Hussein had "reportedly taken into account the

[5] JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.

experience gained during the UNSCOM inspections" and believed he could "exploit weaknesses in the inspections regime" in resolution 1284 (1999).

- Qusay Hussein (Saddam Hussein's son) had "instructed that the production of sensitive materials be moved to other secret locations. We have little intelligence on these locations …"
- Iraq's concealment efforts were "widespread". Iraq had "had time to prepare"; and stocks of chemical and biological weapons would be "considerably smaller than after the Gulf War".
- Intelligence showed that "steps were being taken to prevent weapons inspectors from finding any prohibited weapons, sensitive papers and documents, including by hiding them in residential buildings, schools and private homes. Duplicate and non-essential papers had been destroyed and the remaining archives had been split up and hidden in the homes of trusted officials. In the absence of specific intelligence, the prospects of successfully finding illicit material at such sites is very limited …"
- Iraq was "exploiting dual-use sites and mobile production facilities" and reporting indicated that it was "confident that any inspection of dual-use facilities" would be "unsuccessful": the equipment could be used for legitimate purposes "and any incriminating raw material or prohibited product would be removed before any inspection".
- Iraq had "developed transportable biological production facilities with the intention of not only making it harder to target them but also difficult to find them. Iraq may also have dispersed stocks of chemical and biological weapons away from suspect sites to avoid detection. Intelligence indicates that Iraq has explored unorthodox options for delivering chemical and biological weapons which means the weapons inspectors will have difficulty knowing what to look for."
- Iraq was "confident in its concealment plans". "The fact that Saddam is prepared, temporarily, to allow sensitive equipment out of his 'immediate' control, indicates the importance he attaches to retaining chemical and biological weapons and ballistic missiles."

31. Commenting on Iraq's repeated statements that it had "nothing to declare and no documents to reveal", the Assessment stated:

> "… the longer inspectors remain in Iraq the greater the likely impact on Iraq's development programmes. UNMOVIC are more likely to come up with evidence of proscribed activity at Iraq's missile facilities than those associated with the chemical, biological and nuclear programmes. We judge that production could continue at a much reduced level whilst inspectors were in-country. As the military pressure against Iraq increases, its concealment policy could be undermined by the Iraqi requirement to prepare its hidden stocks of chemical and biological missile systems for military deployment."

The US National Intelligence Estimate

32. On 1 October, the Central Intelligence Agency (CIA) produced its National Intelligence Estimate (NIE) on 'Iraq's Continuing Programs for Weapons of Mass Destruction'.[6]

33. An unclassified document based on the NIE, published on 4 October, included the following judgements:

- "Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade."
- "Baghdad hides large portions of Iraq's WMD efforts …"
- "Since inspections ended in 1998, Iraq has maintained its chemical weapons effort, energized its missile program, and invested more heavily in biological weapons; most analysts assess Iraq is reconstituting its nuclear weapons program."
- "How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material."
- "Baghdad has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX." Iraq's capability was "probably more limited now" than it was in 1991, although VX production and agent storage life had probably "been improved". Iraq probably possessed "CW [chemical warfare] bulk fill" for ballistic missile warheads "including for a limited number of covertly stored, extended range Scuds".
- "All key aspects – R&D, production, and weaponization – of Iraq's offensive BW [biological warfare] program are active and most elements are larger and more advanced than they were before the Gulf war."
- "Iraq maintains a small missile force and several development programs, including for a UAV [unmanned aerial vehicle] that most analysts believe probably is intended to deliver biological warfare agents."[7]

34. The discussion of Iraq's biological warfare programme included reference to "a large-scale, redundant, and concealed BW agent production capability, which includes mobile facilities; these facilities can evade detection, are highly survivable, and can exceed the production rates Iraq had prior to the Gulf war".

35. The discussion on the Iraqi nuclear programme referred to "Iraq's aggressive attempts to obtain proscribed high-strength aluminium tubes" and stated that all "intelligence experts agree that Iraq is seeking nuclear weapons and that these tubes

---

[6] CIA, 1 October 2002, 'National Intelligence Estimate, Iraq's Continuing Programs for Weapons of Mass Destruction'.
[7] CIA, 4 October 2002, *Iraq's Weapons of Mass Destruction Programs.*

could be used in a centrifuge enrichment program", although it acknowledged that some did not believe that this was their intended use.

36. In July 2004, the Senate Select Committee on Intelligence produced a *Report … on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*.[8] The conclusions of the Committee drew attention to the uncertainties behind the judgements in the NIE (see Section 4.4).

37. In their letter to President Bush on 31 March 2005, the members of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, established by President Bush on 6 February 2004, drew attention to the failure to make clear just how much of the analysis was based on assumptions, rather than good evidence.[9]

38. Writing in 2012, Mr Colin Powell, US Secretary of State, described the NIE evidence as "mostly circumstantial and inferential", but "persuasive".[10]

PRESIDENT BUSH'S SPEECH IN CINCINNATI, 7 OCTOBER 2002

39. In advance of the votes in Congress to authorise the use of force if it proved necessary to enforce Security Council demands, President Bush used a speech in Cincinnati on 7 October to set out in detail the case for urgent action to disarm Iraq.[11] President Bush stated that Iraq "possesses and produces chemical and biological weapons" and "the evidence indicates that Iraq is reconstituting its nuclear weapons program".

40. Other points made by President Bush included:

- There were concerns that Iraq was "exploring ways of using UAVs for missions targeting the United States".
- Iraq and Al Qaida (AQ) had "high level contacts that go back a decade".
- Some AQ leaders who had fled Afghanistan were in Iraq, including "one very senior … leader" who had "been associated with planning for chemical and biological attacks".
- "[C]onfronting the threat posed by Iraq" was "crucial to winning the war against terror". Saddam Hussein was "harboring terrorists and the instruments of terror, the instruments of mass death and destruction". He could not be trusted and the risk that he would "use them, or provide them to a terror network" was "simply too great".

---

[8] Select Committee on Intelligence, 9 July 2004, *Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*.
[9] The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 31 March 2005, *Report to the President of the United States.*
[10] Powell, C with Koltz T. *It Worked for Me: In Life and Leadership.* Harper Perennial, 2012.
[11] The White House, 7 October 2002, *President Bush Outlines Iraqi Threat.*

- The enemies of the US would be "eager to use biological or chemical, or a nuclear weapon", and it "must not ignore the threat": "Facing clear evidence of peril, we cannot wait for the final proof – the smoking gun – that could come in the form of a mushroom cloud."

Security Council open debate, 16 and 17 October 2002

41. In his statement on 17 October, during an open debate on Iraq, Sir Jeremy Greenstock, UK Permanent Representative to the United Nations in New York, emphasised the reliability of the intelligence on which the UK analysis of Iraq's capabilities was based.

42. The Non-Aligned Movement (NAM) asked on 10 October for an "emergency open debate on the situation in Iraq".[12]

43. An open debate of the Council, attended by more than 50 Member States or Permanent Observers, in addition to the members of the Security Council, took place on 16 and 17 October.[13]

44. In his statement on 17 October, Sir Jeremy Greenstock set out the UK position. In relation to Iraq's weapons of mass destruction he stated:

> "We remain deeply perturbed by evidence that Iraq believes it can hide its weapons of mass destruction rather than declare them, that it can again fool the inspectors and play games with them. The United Kingdom analysis, backed by reliable intelligence, indicates that Iraq still possesses chemical and biological materials, has continued to produce them, has sought to weaponise them, and has active military plans for the deployment of such weapons. The United Kingdom analysis, backed up by reliable intelligence, shows that Iraq has in recent years tried to buy multiple components relevant to the production of a nuclear bomb. The United Kingdom analysis, backed by reliable intelligence, points to the retention of extended-range missiles and to the employment of hundreds of people in projects to develop weapons with a range of over 1,000 kilometres that could carry both weapons of mass destruction and conventional warheads.
>
> "It would be an abdication of responsibility to ignore this challenge to the international community …"

[12] UN Security Council, 'Letter dated 10 October 2002 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council' (S/2002/1132).
[13] UN Security Council, '4625th Meeting Wednesday 16 October 2002' (S/PV.4625, S/PV.4625 Resumption 1); UN Security Council, '4625th Meeting Thursday 17 October 2002' (S/PV.4625, S/PV.4625 Resumption 2, S/PV.4625 Resumption 3).

JIC Current Intelligence Group Assessment, 28 October 2002: 'Global Chemical and Biological Weapons Survey'

45. A global survey of chemical and biological weapons on 28 October addressed the practicalities of producing chemical and biological weapons and how they might be used.

46. It stated that intelligence indicated that Iraq continued to produce chemical agent. It assessed that Iraq was producing chemical and biological agents and that the agents could be weaponised; it did not say that Iraq was doing so.

47. At the request of the MOD, the JIC issued a Current Intelligence Group (CIG) global survey of chemical and biological weapons on 28 October.[14] It provided a general assessment of the practicalities involved in producing and using chemical and biological agents, and an assessment of the capabilities of several countries, including Iraq. It highlighted the relative ease with which many chemical and biological agents could be produced and disseminated, and the impact of their use.

48. The Key Judgements stated:

"
- There are few significant technical problems in the production or dissemination of many chemical warfare (CW) and biological warfare (BW) agents.
- Ballistic missiles and most conventional munitions, such as artillery shells, rockets and aerial bombs can be modified to deliver agent. It can also be sprayed from land or marine platforms and a variety of aerial systems.
- BW agents are less suitable for some battlefield roles than CW because they generally act more slowly. CBW could play an increasing role in military thinking, especially asymmetrically. The use of even small quantities of CW could help redress conventional superiority on the battlefield. BW agents have the potential for covert, deniable delivery which is particularly suited to terrorist-type attacks and asymmetric warfare.
- The potential for the proliferation of CBW is increasing. Arms control treaties and export regimes hinder, but cannot stop the trends.
- There is a growing risk of secondary proliferation [of technical knowledge and experience as well as equipment and hardware] between countries of concern. […]
- States are increasingly using sophisticated denial, deception and concealment methods, including the use of dual-use and/or underground facilities, to hide their activities."

[14] CIG Assessment, 28 October 2002, 'Global Chemical and Biological Weapons Survey'.

49. Other points made in the Assessment included:

- The equipment and materials used in the production of CW and BW agents were "subject to international export controls imposed by some countries but all are dual-use. They can therefore be imported for legitimate purposes."
- "Once in country it is difficult to prevent such equipment and materials being diverted to offensive CBW programmes."
- "The very large quantities of CW agent required for a significant military attack (of the order of one tonne, optimally disseminated, is needed to contaminate 2.5 sq km …) mean that a large-scale delivery capability is needed."
- "The effectiveness of an attack depends on the lethality and persistency of the agent …"
- "BW agents are more potent than CW agents, cheaper, easier to produce and usable against a wide range of targets. A country does not need a sophisticated biotechnology industry to produce BW. Their potency means that the quantities required for an effective large-sale attack are relatively small … and have the potential to cause more casualties. If effectively disseminated in unprotected urban population centres some BW agents could cause casualties on a scale similar to that of a nuclear attack. Of particular concern are agents that are not just virulent, but highly infectious and capable of causing an epidemic … [E]ffective delivery is difficult to guarantee."

50. In relation to Iraq's chemical weapons programme, the Assessment stated:

"We continue to judge … that **Iraq** has an offensive CW programme and intelligence indicates that it has continued to produce chemical agent … Despite UNSCOM's efforts, we believe Iraq retained some production equipment, small stocks of agent precursors, and small quantities of agents and weapons, including warheads for the Al Hussein 650km ballistic missile. Apart from this hidden capability, Iraq has also retained documentation on CW agent production and experienced key personnel. Despite the constraints that have been put in place to restrict Iraq's access to dual-use equipment, the chemical industry has been built up and could be used to support an offensive CW programme."

51. In relation to Iraq's biological weapons programme, the Assessment stated:

"… Iraq has continued with an offensive BW programme. Research, development and production is assessed to continue under cover of a number of outwardly legitimate institutes and covert facilities. Confirmed intelligence reveals that transportable BW production facilities have been constructed. Iraq has possibly already made significant quantities of BW agents and intelligence indicates that it has continued to produce biological agents. We judge that Iraq is self-sufficient in its BW programme and currently has available, either from pre-Gulf War stocks or more recent production, anthrax spores, botulinum toxin, aflatoxin and possibly plague and ricin."

52. The Assessment also stated:

> "Iraq also researched a number of other agents within its offensive programme, some of which may be available for production. "Iraq can weaponise CBW agents into missile warheads, bombs, artillery rockets and shells, and could adapt helicopters, manned and un-manned aircraft … to disseminate agent. CBW plays an important role in Iraqi military thinking. As compensation for its conventional military weakness Iraq is determined to retain CBW in order to dominate its neighbours. Intelligence indicates Iraq is ready to use CBW weapons and that munitions could be with military units and ready for firing within 20-45 minutes."

53. Addressing the judgements in the Assessment, the *Review of Intelligence on Weapons of Mass Destruction*, chaired by Lord Butler of Brockwell, stated:

> "The judgement that Iraq was continuing to produce chemical agent was supported by one new intelligence report received on 30 September."[15]

> "… The most significant change in this assessment was in the JIC's indication … that the intelligence on mobile biological agent production facilities had been 'confirmed' … based on the receipt of one intelligence report, from a reliable and established source quoting a new sub-source. That report reinforced the large volume of reports on those facilities received from a single source through a liaison service since April 2000, although our view is that the new report was complementary to rather than confirming those from the liaison source."[16]

Iraq's response to resolution 1441

54. Resolution 1441 was adopted on 8 November 2002 by a unanimous vote of the members of the Security Council.[17] Referring to his statement on 17 October, during the Security Council's open debate on Iraq, Sir Jeremy Greenstock stated that there was "no shadow of doubt" that Iraq had defied the UN and had sought to hinder and frustrate inspections since 1991.

55. Iraq announced on 13 November that it would comply with resolution 1441.

56. Iraq re-stated its position that it had neither produced nor was in possession of weapons of mass destruction since the inspectors left in December 1998. It explicitly challenged the UK statement on 8 November that Iraq had "decided to keep possession" of its WMD.

---

[15] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 347.
[16] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 349.
[17] UN Security Council, '4644th Meeting Friday 8 November 2002' (S/PV.4644).

57. Iraq informed the Security Council of its decision to comply with the resolution "without conditions" in a letter from Mr Naji Sabri, the Iraqi Foreign Minister, to Mr Kofi Annan, the UN Secretary-General, on 13 November 2002.[18]

58. The key points in the letter in relation to WMD were:

- The claims by President Bush and Mr Blair that "Iraq might have produced, or might have been on the way to producing, nuclear weapons" since 1998 and that "Iraq had indeed produced chemical and biological weapons" was "an utterly unfounded fabrication" and "baseless".
- Iraq had agreed to the return of inspectors, and had "already stated" that it had "neither produced nor possessed any nuclear, chemical or biological weapons of mass destruction during the absence of the inspectors".

59. The letter challenged a statement made by Sir Jeremy Greenstock that Iraq had been provided with the opportunity to dispose of its weapons of mass destruction, but Iraq had ignored that opportunity and decided to keep possession. The letter asked why "none of the representatives" of the members of the Security Council had "asked … when, how or where such an alleged decision had been taken by Iraq to keep weapons of mass destruction".

60. The UK remained sceptical about Iraq's intentions, focusing on its track record of deceit, and repeating the need to maintain the threat of military action to secure compliance.

61. In a lecture that evening, Mr Jack Straw, the Foreign Secretary, welcomed Iraq's response "so far as it goes" but added:

> "… we must remain vigilant for experience with Iraq tells us to temper optimism with scepticism and to read the small print. Iraq's intentions are notoriously changeable. What matters above all is their actions not their words.
>
> "… The history of UN weapons inspections in Iraq is littered with examples of deceit, evasion, intimidation and harassment. I hope even Iraq will recognise the consequences of any repeat. If Saddam fails to co-operate fully, then he faces force."[19]

[18] UN Security Council, 'Letter dated 13 November 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General' (S/2002/1242).
[19] The National Archives, 13 November 2002, *The Future of Foreign Policy.*

JIC ASSESSMENT, 14 NOVEMBER 2002: 'IRAQ: REGIME COHESION UNDER PRESSURE'

62. The JIC judged on 14 November that:

- **Iraq accepted resolution 1441 because Saddam Hussein knew that this was the only way to avert a large-scale US-led ground attack.**
- **Iraq could try to overload UNMOVIC by releasing large volumes of information about legitimate industries. It might admit to some "expendable" parts of its WMD, but it would focus on concealing sensitive items from inspectors.**

63. In parallel with the adoption of resolution 1441, the JIC decided to revisit its July 2002 Assessment of regime cohesion in Iraq to:

> "… examine how the Iraqi regime is responding to mounting international pressure … [and] assess whether there are any signs of strain within the regime and evaluate the speed and effectiveness of Iraqi decision-making."[20]

64. In the JIC discussion of the draft Assessment on 13 November, the point was made that concealment and the retention of a WMD capability "remained a cornerstone of Saddam's policy" and his intention was to allow the inspectors in and manage the inspections indefinitely as a means of avoiding conflict. But the resolution put the onus on Iraq to prove it had no WMD programmes. The inspectors would need to be prepared to deal with diversionary tactics including lengthy inspections of sites not related to WMD.[21]

65. The JIC Assessment, 'Iraq: Regime Cohesion Under Pressure', was issued on 14 November.[22] In its Key Judgements the JIC stated:

- Iraq accepted resolution 1441 "because Saddam knew that this was the only way to avert a large-scale US-led coalition ground attack. The regime probably believes that a coalition attack will not be possible when inspectors are inside Iraq."
- "Iraq could try to overload UNMOVIC by releasing large volumes of information about legitimate industries. Although less likely, Iraq might admit to some 'expendable' parts of its WMD programmes to demonstrate ostensible co-operation and to provoke divisions in the UN. But it will focus on concealing sensitive items from inspectors."

---

[20] JIC Assessment, 14 November 2002, 'Iraq: Regime Cohesion Under Pressure'.
[21] Minutes, 13 November 2002, JIC meeting.
[22] JIC Assessment, 14 November 2002, 'Iraq: Regime Cohesion Under Pressure'.

66. In relation to Iraq's WMD programmes and the return of inspectors, the Assessment stated:

- Saddam Hussein's "overriding priority" was "regime survival" and "he also had a very strong commitment to retaining WMD" which he saw as "key to Iraqi power and influence". Iraq had "no credible alternative to ostensible co-operation with the UN".
- The JIC had "no new intelligence" on whether Iraq would "declare any prohibited materials or activity in response" to resolution 1441. Any disclosures on WMD would "damage the regime's already limited credibility, given its continuing blanket denials of WMD possession". The Iraqi regime would "seek to take advantage of any opportunity to fudge Iraq's obligations or delay the UN process".
- Senior Iraqis agreed "that Iraq should maintain a WMD capability", but if UNMOVIC made "demonstrable progress which threatens to overcome Iraq's policy of deception and concealment, and Saddam refuses to give ground, there could be pressure on key insiders to break with Saddam in order to ensure their own survival".

INTELLIGENCE UPDATE, 21 NOVEMBER 2002

67. Mr John Scarlett, Chairman of the JIC, wrote to No.10 on 21 November to highlight new intelligence on Iraq's thinking on managing UNMOVIC which he considered "confirmed" earlier JIC judgements.

68. Mr Scarlett concluded that the Iraqi regime was confident in its ability to mislead the inspectors.

69. Subsequent intelligence that Saddam Hussein had made clear that UNMOVIC was to be given no grounds for claiming that inspections were being obstructed was interpreted as part of a policy of concealment. The possibility that it might have indicated an intention to co-operate with UNMOVIC appears not to have been considered.

70. Mr Scarlett wrote to Sir David Manning and other senior officials on 21 November drawing their attention to "the first significant […] intelligence we have received on the Iraqi regime's thinking on how to manage UNMOVIC" since the adoption of resolution 1441.[23]

71. Mr Scarlett stated that the key points were:

- Iraq intended to demonstrate its ostensible co-operation with UNMOVIC but would actually resume its game playing.

---

[23] Minute Scarlett to Manning, 21 November 2002, 'Iraqi Strategy for Dealing with UNMOVIC'.

- Iraq intended to declare a small part of its illegal programmes, and overload UNMOVIC with large quantities of information on legitimate activities.
- WMD were seen as vital to the regime's survival, so a core WMD capability and infrastructure must be retained.
- Iraq was concerned about the provisions for conducting interviews of Iraqis outside Iraq, which could expose illicit procurement.
- There was concern about the potential destruction by the inspectors of dual-use facilities.

72. Mr Scarlett commented that the concerns about exposing illicit procurement might be referring to conventional weapons programmes and that the dual-use facilities supported "the WMD programmes".

73. Mr Scarlett wrote that the intelligence confirmed earlier JIC judgements, including the identification of "overload" as a potential strategy. There was no intelligence on which illegal programmes might be declared.

74. Mr Scarlett also drew attention to preparations to intimidate potential Iraqi interviewees.

75. Mr Scarlett's other comments included the observations that there seemed to be:

> "… an inconsistency in Iraq's policy towards inspectors. The [intelligence] indicates the regime plans to let the inspectors into any site. But it also indicates that the regime must rethink a core WMD capability."

76. Mr Scarlett concluded that it was "possible" that Iraq was "so confident of its concealment strategy that it believes inspectors will not discover prohibited activity. Nonetheless, this [intelligence] is important in that it further confirms that ultimately the Iraqi regime does not envisage having to accept genuine and complete disarmament, and is confident in its ability to mislead inspectors."

77. The intelligence described by Mr Scarlett was based on reported comments, including from someone with access to senior members of the Iraqi regime; but it was not quoting Saddam Hussein's views.

78. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote in his diaries:

> "There was some interesting stuff around on deception programmes, for example [Iraqi] officials being forced to put papers and materials in their homes with the warning that they and their families would be harmed if they were lost."[24]

---

[24] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

79. The Assessments Staff Intelligence Update on 26 November stated that intelligence indicated Saddam Hussein was personally handling all dealings with UNMOVIC; and he was confident the inspectors would not find anything, nor find grounds for claiming Iraq had obstructed its work.[25]

80. The Update was summarising intelligence from a reliable source quoting Saddam Hussein's own views second hand. The intelligence reported that Saddam Hussein had made clear UNMOVIC was to be given no grounds for claiming that inspections were being obstructed; not that he was confident that the inspectors would not find grounds for claiming that they were being obstructed.

81. An Assessments Staff Intelligence Update on 3 December summarised recent reporting which suggested that Iraqi personnel were observing the inspectors, that officials had been instructed on how to handle the inspection teams, and that questioning overseas was forbidden.[26]

82. The Update also reported that:

- Iraq was afraid that inspectors would destroy weapons and materials which were not proscribed but had been acquired by procurement activities in contravention of resolution 687 (1991).
- There was reporting indicating that Iraq believed inspectors would not detect modifications to extend missile ranges.

SECURITY COUNCIL, 25 NOVEMBER 2002

83. Dr Hans Blix, the Executive Chairman of UNMOVIC, gave an informal briefing to the Security Council on 25 November, reporting on his visit to Baghdad from 18 to 19 November with Dr Mohamed ElBaradei, the Director General of the IAEA.[27] Dr Blix told the Council that they had been assured Iraq intended to provide full co-operation.

84. Dr Blix reported that he had told Iraq that "many governments believed that WMD programmes remained in Iraq"; and that "The Council had wanted to offer Iraq a last opportunity. If the Iraqi side were to state – as it still did at our meeting – that there were no such programmes, it would need to provide convincing documentary or other evidence." The FFCDs (Full, Final, and Complete Declarations) submitted by Iraq to UNSCOM had, "in many cases left it an open question whether some weapons remained".

---

[25] Minute [Assessments Staff Intelligence Update], 26 November 2002, 'Iraq – 26 November 2002'.
[26] Minute [Assessments Staff Intelligence Update], 3 December 2002, 'Iraq: 3 December 2002'.
[27] UNMOVIC, *Briefing of the Security Council on 25 November 2002, Executive Chairman's visit to Baghdad.*

FCO ADVICE, 29 NOVEMBER 2002

85. On 29 November, in response to a request from Sir David Manning, Mr Straw's Private Office provided advice on handling Iraq's declaration required by resolution 1441.[28]

86. The FCO advised that Iraq could maintain it had "no WMD and defy UNMOVIC/IAEA to prove them wrong, confident that they can conceal the programmes uncovered by UNSCOM in 1998", but the expectation was that it would be "more subtle: declaring very large quantities of dual-use items and programmes and reiterating all … past declarations … In both cases our assumption is that they will continue to hide programmes …"

87. The UK aim should be to get the inspectors to "check (or audit)" the declaration "as soon as possible through intrusive inspections, interviews and access to records" against information from other sources, including:

- The information available to UNSCOM in 1998. If Iraq declared "nothing", it "must demonstrate the destruction of material or the disbandment of possible WMD programmes identified by UNSCOM".
- "Intelligence material provided by the US/UK. We have already pointed UNMOVIC towards key sites and provided a list of 6,500 individuals involved in WMD programmes …"
- Where the declaration was "inconsistent with intelligence", the UK would "want UNMOVIC/IAEA to be able to discover that inconsistency on the ground before notifying the Council". That would avoid giving Iraq the chance to conceal evidence.

JIC Assessment, 6 December 2002: 'Iraq: Military Options'

88. On 6 December 2002, as part of a wider assessment of Iraq's military capabilities and options, the JIC judged that Saddam Hussein would use chemical and biological weapons if he faced defeat, and might use them earlier in a conflict.

89. The Assessment itself identified possible practical and political considerations which might constrain such use.

90. An Assessments Staff Intelligence Update on 27 November 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios',[29] reported that intelligence on Iraq's plans for using chemical and biological weapons remained "limited".[30] It referred to intelligence that, in early September, Saddam Hussein had reiterated his intention to use CBW to defend his regime "if allied forces approached Baghdad, if Basra, Kirkuk or

---

[28] Letter Sinclair to Manning, 29 November 2002, 'Iraq: 8 December Declaration'.
[29] The reporting reflected in this Update was withdrawn on 28 September 2004.
[30] Minute [Assessments Staff Intelligence Update], 27 November 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

Mosul fell to allied control, or if Iraqi military units rebelled". He "would wait and see how neighbouring countries reacted to any Allied attack, and whether they had allowed their territory to be used by Allied forces, before deciding whether to use CBW against them". His initial "targets" would be "Israel, Kuwait and Jordan".

91. In the JIC discussion on 4 December, the draft Assessment was described as "an important paper which highlighted the gaps in our knowledge".[31] The judgements were based "largely on a mixture of observation and past experience", but the Assessment "did not quite do justice to the intelligence"; the judgements "could be made more confidently". The Assessment needed to bring out more clearly the risks of a phased attack and unpack the risks involved in possible scenarios, such as the possible use of CBW before Coalition Forces were properly assembled and urban fighting.

92. The JIC issued an Assessment of Iraq's military capabilities and options, which is considered in more detail in Section 6.1, on 6 December 2002.[32]

93. A Key Judgement stated that:

> "Saddam would use chemical and biological weapons … if he faced defeat. He might also use them earlier in a conflict, including against Coalition Forces, neighbouring states and his own people. Israel could be his first target …"

94. In the main text, the JIC set out its assessment of Iraq's missiles and unguided rockets. The text of the Assessment stated that, given the limited number of Al Hussein missiles, Iraq would use them "principally against Israel". Shorter-range missiles and unguided rockets "might be used against deployed coalition forces or Iraq's neighbours".

95. The Assessment stated:

> "We judge Iraq would be able to arm at least some of the missiles and rockets with chemical and biological (CBW) warheads. Iraqi aircraft or artillery could also deliver CBW. […] in mid-September Saddam re-iterated his willingness to use CBW, […]. Saddam also envisaged using CBW against Israel, Kuwait, and Jordan. This is consistent with earlier intelligence, but we lack definite corroboration. […] Iraqi interest in procuring large quantities of protective equipment and treatments for exposure to nerve agent. […] the regime would consider using CBW against internal uprisings or Shia-populated Iraqi cities, and for propaganda purposes could seek to blame the coalition. CBW use against civilians could cause severe casualties. And even relatively small-scale use could cause widespread panic and a serious humanitarian impact. Iraq's ability to use CBW might be constrained by its available stocks of agent and the difficulty of producing more while inspectors are present. But we do not know the extent of Iraq's current stocks or what it might have at such a stage."

---

[31] Minutes, 4 December 2002, JIC meeting.
[32] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.

96. The JIC also stated:

> "In determining whether to use CBW, Saddam would have to balance the risk of strengthening the Coalition's political case for removing him against the desire to widen the war by involving Israel or inflicting unacceptable casualties upon the coalition. We judge that, faced with the likelihood of military defeat and being removed from power, it is unlikely Saddam could be deterred from ordering the use of CBW."

97. The JIC stated that Iraqi responses to a Coalition attack might include:

- "CBW terrorism: although Iraq probably lacks the capability to deploy a sophisticated device …"
- "using non-lethal BW in a deniable manner to cause sickness amongst Coalition troops as they assembled;"
- "Iraq … might also target the civilian Shia or Kurdish populations, possibly with CBW."

Iraq's declaration of 7 December and the UK response

98. Operative paragraph 3 (OP3) of resolution 1441 required Iraq to provide:

> "… not later than 30 days from the date of this resolution, a currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles and other delivery systems such as unmanned vehicles and dispersal systems designed for use on aircraft, including any holdings and the precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research development and production facilities, as well as all other chemical, biological, and nuclear programmes, including for any which it claims are for purposes not related to weapons production or material."[33]

99. Iraq's declaration was provided on 7 December 2002.[34] The declaration was detailed and technical, written in a combination of English, Russian and Arabic, with approximately 7,000 pages dealing with ballistic missile projects. A backlog of semi-annual declarations of activity, covering the period 1998-2002, which Iraq had already provided to UNMOVIC, was not at that time available to the UK.

100. Mr Blair was advised on 11 December that there was impatience in the US Administration and it was looking at military action as early as mid-February 2003.

101. Sir David Manning and Sir Richard Dearlove, Chief of the Secret Intelligence Service, had a joint meeting with Dr Condoleezza Rice, President Bush's National

---

[33] UN Security Council resolution 1441 (2002).
[34] JIC Assessment, 18 December 2002, 'An Initial Assessment of Iraq's WMD Declaration'.

Security Advisor, and Mr George Tenet, Director of Central Intelligence, in Washington on 9 December.[35]

102. Sir David reported to Mr Blair that there was impatience in the US Administration and pressure for early military action, probably in mid/late February. There were concerns about the risks if the inspections found nothing and the difficulties of persuading the international community to act if there were a series of "low level and less clear-cut acts of obstruction" rather than the discovery of chemical or biological agents or a nuclear programme, or the imprisonment or murder of UNMOVIC inspectors.

103. Sir David had said that Iraq's declaration should be handled in a way "calculated to maintain coalition support and to try to secure a second resolution". He thought that was possible. The UK needed "a convincing case based on evidence. Public defiance by Saddam was not the same as proving non-compliance. We should work hard over the next couple of months to build our case and secure a second resolution."

104. During a meeting with Mr Geoff Hoon, the Defence Secretary, and Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), to discuss military planning on 11 December (see Section 6.1), Sir David Manning and Sir Richard Dearlove also briefed Mr Blair on their recent visits to Washington and "on UK attempts to secure credible evidence that the Iraqi WMD Declaration was false" (see Section 3.6).[36]

105. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, recorded that Mr Blair:

> "… said that we needed to analyse the Iraqi declaration, ask pointed questions about issues which the declaration failed to deal with … encourage Blix to ask these questions of the Iraqis too, and continue to work on securing credible evidence that Saddam was pursuing WMD programmes."

106. Mr Blair would speak to President Bush and possibly Dr Blix in the next few days.

107. Mr Miller advised Sir David Manning on 13 December that the declaration was "largely based on material already presented to the UN", and that:

> "There appears to have been no attempt to answer any of the unresolved questions highlighted by UNSCOM or refute any of the points made in the UK or US dossiers."[37]

108. The absence of new material was described as "striking, particularly in relation to the biological weapons programme, where UNSCOM have described previous Iraqi FFCDs as deficient in all areas". The Defence Intelligence Staff (DIS) had also clarified

---

[35] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.
[36] Letter Rycroft to Watkins, 11 December 2002, 'Iraq: Military Preparations'.
[37] Minute Miller to Manning, 13 December 2002, 'Iraq: WMD Declaration'.

that Iraq had "only previously admitted to testing VX in aerial munitions, not to any other weaponisation".

109. Mr Blair told President Bush on 16 December that the Iraqi declaration was "patently false".

110. Mr Blair was "cautiously optimistic" that the inspectors would find proof. Sir Richard Dearlove was pursuing that.

111. Mr Blair suggested he and President Bush should take stock in January.

112. Mr Blair and President Bush spoke on 16 December.[38]

113. Mr Blair commented that the Iraqi declaration "was patently false. We now needed proof that demonstrated it." He and President Bush discussed the need to put the burden of truth on Saddam Hussein, how much time he should be allowed and the need to avoid a loss of momentum.

114. Mr Blair said that military preparations should continue. He did not think that Saddam Hussein would co-operate. He was "cautiously optimistic that the inspectors might find proof that the declaration was false. We needed something or someone who was in some way involved." Sir Richard Dearlove was pursuing that with Mr Tenet.

115. Mr Blair was "hopeful that this strategy would work; we should take stock in January if it was".

116. During his visit to Washington in mid-December, Sir Richard Dearlove emphasised the need for sufficient evidence to make a convincing case that Iraq had failed to abide by resolution 1441.

117. During a discussion on 15 December, Sir Richard Dearlove told his interlocutor that his impression from his meeting with Mr Blair on 11 December was that "HMG [Her Majesty's Government] would need clear evidence beyond an audit of the Iraqi declaration, to commit to military action".[39]

118. The report sent to Sir David Manning recorded that Sir Richard had discussed the Iraq declaration and the need for a "road map" setting out the next steps with a number of US officials.[40]

---

[38] Letter Rycroft to McDonald, 16 December 2002, 'Prime Minister's Telephone Call with President Bush, 16 December'.
[39] SIS record, 16 December 2002.
[40] Letter PS/C to Sir David Manning, 18 December 2002, 'Iraq: C's Discussions in Washington 16-17 December' attaching Paper, 'Iraq: C's Discussion in Washington 16-17 December'.

119. Sir Richard told one US official that, in addition to setting out clearly and persuasively that Iraq had failed to abide by resolution 1441:

> "… we needed to continue on parallel tracks designed to reinforce the case, and for HMG, to give the PM sufficient evidence of a breach which the declaration by itself did not. We needed:
>
> - a detailed audit of the declaration
> - to press the interview issue or force Saddam's refusal to co-operate
> - to prepare for the release of intelligence to prove deception
> - to press on with a rigorous inspection regime absent a 'silver-bullet'."

120. Sir Richard said that "perhaps by the end of January all those elements would have produced sufficient evidence to make the convincing case we needed". A "convincing defector or a revealing site inspection" would be preferable, "but we could not depend on this". He added later that "success was far from guaranteed".

121. In a separate conversation with another official, Sir Richard Dearlove had said that he "estimated the chance of a successful operation to produce a defector or a smoking gun at about 20 percent".

122. In a manuscript comment to Mr Blair, Sir David wrote that "we should go flat out" to find a defector or evidence in a site inspection.[41]

123. Mr Blair replied: "absolutely".[42]

124. Against Sir Richard's estimate of the chances of success, Mr Jonathan Powell, Mr Blair's Chief of Staff, wrote: "Not good".[43]

125. On the description of a discussion about a possible presentation of intelligence "when conflict was inevitable", including overhead photographs of material being moved and intercepts of conversations about deception operations, Mr Blair wrote "but can't this be used to convince Blix?"[44]

DOUBTS ABOUT THE SOURCING CHAIN FOR SIS REPORTS ISSUED ON 11 AND 23 SEPTEMBER 2002

126. By December 2002, doubts had emerged within SIS about the reliability of the source who had given SIS the reporting issued on 11 and 23 September.

---

[41] Manuscript comment Manning, [undated], on Letter PS/C to Manning, 18 December 2002, 'Iraq: C's discussions in Washington 16-17 December'.
[42] Manuscript comment Blair, [undated], on Letter PS/C to Manning, 18 December 2002, 'Iraq: C's discussions in Washington 16-17 December'.
[43] Manuscript comment Powell, [undated], on Letter PS/C to Manning, 18 December 2002, 'Iraq: C's discussions in Washington 16-17 December'.
[44] Manuscript comment Blair, [undated], on Letter PS/C to Manning, 18 December 2002, 'Iraq: C's discussions in Washington 16-17 December'.

127. Section 4.2 sets out the material from SIS reports described as from "A new source on trial with direct access" and issued to a small number of very senior readers on 11 and 23 September. These stated that Iraq had accelerated the production of chemical and biological agents and that Saddam Hussein was determined to maintain his CBW capability. Mr Blair and others were told that the SIS expected to receive substantial additional material on Iraq's chemical and biological programmes through the same source.

128. Sir Richard Dearlove was reported to have briefed Mr Straw "in general terms only, on the hoped for dump of material from [codename] and the importance it would have" on 27 September.[45] Mr Straw had "asked several questions about [codename's] motivation and whether he was genuine". Sir Richard had told him that the answer to the first was "money and ideology", and that the answer to the second was "yes".

129. When he was asked by the Inquiry about the questions raised by Mr Straw about the sourcing for the report, SIS4 outlined the level of confidence that SIS had had in the source at this point and the reasons for those views and set out the steps which were open to SIS in these circumstances to validate the intelligence.[46] But he explained that he was unsighted on the exact steps taken in this case.

130. In early October, questions were raised with SIS about the mention of glass containers in the 23 September 2002 report.[47] It was pointed out that:

- Glass containers were not typically used in chemical munitions; and that a popular movie (*The Rock*) had inaccurately depicted nerve agents being carried in glass beads or spheres.
- Iraq had had difficulty in the 1980s obtaining a key precursor chemical for soman [a chemical agent].

131. The questions about the use of glass containers for chemical agent and the similarity of the description to those portrayed in *The Rock* had been recognised by SIS.[48] There were some precedents for the use of glass containers but the points would be pursued when further material became available.

132. A document written on 11 November described the issue of acquiring the promised further reporting as "reaching a crucial point" and that it was being afforded "our highest priority".[49] It also said that Sir Richard Dearlove was "following progress of the case".

133. On 13 November, Sir Richard Dearlove "updated" Mr Straw "on our hopes to get further [codename] reporting".[50] Sir Richard described "in outline terms only" the delays in obtaining the expected intelligence and, given its importance, possible steps to retrieve it.

---

[45] Minute PS/C, 27 September 2002, 'SOSFCA – WMD Discussions with C on 27 September'.
[46] Private hearing, Part 1, page 63.
[47] SIS record, 7 October 2002.
[48] SIS record, 8 October 2002.
[49] SIS record, 11 November 2002.
[50] Minute PS/C, 13 November 2002, 'SOSFCA – WMD Discussions with C on 13 November 2002'.

134. By 6 December, questions were being asked within SIS about whether there was any further reporting.[51] It was suggested that that meant "a health warning" on material from SIS's source.

135. Following further contacts, doubts were expressed on 9 December within SIS about the reliability of the source and whether he had "made up all or part of the account of his dealings" with the sub-source.[52]

136. Reporting on 16 December suggested that further material did exist.[53]

137. Sir Richard Dearlove's Private Secretary recorded that Mr Straw asked for an "update on the likelihood" of [codename] "producing silver bullet intelligence to guide the UNMOVIC inspection teams" in his meeting with Sir Richard Dearlove on 19 December.[54]

138. Sir Richard was reported to have stated that "the outcome of [codename] was still in the balance". SIS was talking to his contacts and he [the sub-source] "definitely existed"; but he "may not have written up the intelligence in the manner which was being claimed for him".

139. Sir Richard also told Mr Straw that US policy and planning – the "generation of a road map" – were proceeding "on the assumption that a silver bullet would not be forthcoming".

140. Mr Straw was reported to have been "concerned by the timetabling and what would happen without evidence of a clear material breach"; and that "in a recent meeting the Prime Minister had made the point that unless there was a clear material breach, he would face political difficulties in joining the US in military action". Mr Straw had said it was "important that there was a sufficiently strong case against Saddam to move a resolution at the UNSC". The "objective was to 'scare the pants off the Iraqis'".

141. Following the meeting, a copy of the report of Sir Richard's visit to Washington was sent to Mr Straw's office on 19 December.[55]

142. By 24 December there were still "unresolved questions" about the SIS case.[56]

JIC ASSESSMENT, 18 DECEMBER 2002

143. The JIC's initial Assessment on 18 December 2002 of Iraq's declaration stated:

- **Intelligence from late November indicted that Iraq's aim was to overload UNMOVIC with information.**

---

[51] SIS record, 6 December 2002.
[52] SIS record, 9 December 2002.
[53] SIS record, 16 December 2002.
[54] Minute PS/C, 19 December 2002, 'SOFSFCA – Iraq Discussion with C on 19 December'.
[55] Letter PS/C to McDonald, 19 December 2002, 'Iraq: C's Discussions in Washington 16-17 December'.
[56] SIS record, 24 December 2002.

- **Iraq "continued to claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991".**
- **There had been "No serious attempt" to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier on Iraq's WMD programme.**

144. The JIC Assessment addressed the substance of the issues, but the judgement that Iraq had made no attempt to deal with the points in the dossier made the dossier a test for Iraq.

145. That was not its purpose. It was for the UN not the UK to define the bar for Iraq.

146. An initial DIS Assessment of Iraq's declaration of 7 December, based on an analysis of the text provided in English and an attempt to translate the key sections written in Arabic, was produced on 16 December.[57]

147. On 18 December, the JIC discussed a draft Assessment, supported by the DIS analysis of 16 December.[58]

148. Comments recorded in the minutes of the discussion included:

- There had been "no significant disagreements of perception or judgement between the UK and the US".
- The declaration was "surprisingly bad"; virtually none of the issues arising from the 1999 UNSCOM report had been answered.
- Further analysis of the annexes "would be an enormous job", and the UK "would have to rely upon seeing the UN translation of much of the Arabic material". That text was "unlikely to contain the missing information".
- There would be "a fuller assessment in due course".

149. The JIC Assessment, 'An initial Assessment of Iraq's WMD Declaration', was issued on 18 December, with the DIS Assessment of 16 December as an Annex.[59]

150. The Key Judgements were:

- The declaration failed "to address the issues outstanding from UNSCOM's report to the UN Security Council in 1999".
- Iraq maintained that it currently had "no proscribed WMD programmes".
- "The majority of information in the declaration" had "already been passed to the UN in some form".

---

[57] Paper [DIS], 16 December 2002, 'Iraq: Initial DIS Assessment of the "Currently Accurate, Full and Complete Declaration"'.
[58] Minutes, 18 December 2002, JIC meeting.
[59] JIC Assessment, 18 December 2002, 'An Initial Assessment of Iraq's WMD Declaration'.

- "The new material so far found" did "not alter UK assessments of Iraq's WMD programmes".
- The declaration made "no attempt to deal with the points made in the UK dossier".

151. The key elements of the Assessment are set out in the Box below.

JIC Assessment, 18 December 2002: 'An Initial Assessment of Iraq's WMD Declaration'

The Assessment rehearsed the UK's knowledge of Iraq's production of WMD before 1991 and the material which UNSCOM had been "unable to account for", and the judgements in the September dossier.

Intelligence on the declaration

"Intelligence indicated in early November that Iraq was considering a number of options … including a possible admission of a small proportion of its illegal activity. But by late November intelligence indicated that Iraq's declaration would omit references to its banned weapons and that the aim was to overload UNMOVIC with information." A senior Iraqi official was quoted as saying "the declaration would be general and lacking in detail and had been padded out with various scientific reports and studies".

Overview

The declaration was "largely based on material already presented to the UN in previous FFCDs [Full, Final, and Complete Declarations] and other correspondence". "No serious attempt" had "apparently been made to answer any of the unresolved questions highlighted by UNSCOM or to refute any of the points made in the UK dossier". Iraq continued to "claim that it has not conducted any illicit WMD or ballistic missile programmes since 1991". "Little new material … on the nuclear, chemical or biological weapons" had been found; there was "some new material" on missiles.

Chemical weapons

The declaration was based on a June 1996 FFCD and additional information provided to the UN before 1998. Some of that information had not been seen previously by the UK. As well as the "unaccounted for" quantities of agent, precursors and munitions which UNSCOM had identified, the declaration did not:

- "provide a key document detailing the consumption of special munitions in the 1980s" which had been "removed from UNSCOM by the Iraqis";[60]
- "substantiate Iraq's denials … that attempts were made to manufacture and weaponise VX".

The list of "over 30 sites in which chemical activity" took place was "incomplete".

[60] A document found by an UNSCOM inspector in a safe in Iraqi Air Force headquarters in 1998. It gave an account of the expenditure of bombs, including chemical bombs, by Iraq in the Iraq/Iran war. It indicated that 13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1988. Iraq had claimed that 19,500 bombs were consumed during that period. Iraq had taken the document from the inspector.

Biological weapons

The declaration reiterated information already provided to the UN, which had already been reviewed. It failed to "provide a technically coherent account of Iraq's biological weapons programme". The declaration provided new material relating to 40 sites which Iraq claimed had no connection with proscribed activity but which were judged capable of supporting a BW programme. It did not mention some dual-use sites previously monitored by UNSCOM. Names of individuals included in previous declarations on biological weapons had been "systematically removed", although the declaration stated that they would be "provided to UNMOVIC on request".

It did not:

- "address the issue of unaccounted for growth media";
- "provide fully documented accounts" of the pre-1991 programmes or "recognition of the military application";
- "acknowledge any proscribed biological weapons activity post-1991"; or
- "mention … transportable production facilities".

Nuclear weapons

The declaration was "largely the same as the FFCD" for activity pre-1991 which had been issued in 1998, "with a new extended summary". It was "accurate" but "incomplete". It maintained that no weapons-related work had been undertaken since 1998. It did not address whether Iraq had been seeking uranium in Africa.

Ballistic missiles

Most of the data provided related to pre-1991 programmes. The declaration acknowledged "some facilities established since 1998" and "known from intelligence". It also provided "some limited new evidence of proscribed missile development post-1991". Two designs were judged to have ranges greater than the limit of 150km.

The "major omissions" were:

- "no attempt to resolve outstanding issues" relating to SCUD missiles;
- "no mention of any post-1998 activity at many missile related facilities, including the al-Rafah engine test stand", which was "capable of testing engines for missiles with ranges over 1000km"; and
- "no details of recent procurement activity associated with more advanced missile propellant".

Unmanned Aerial Vehicles (UAVs):

- The declaration referred to "aborted attempts" to convert an anti-ship missile into a land attack weapon with a range of 95km. The JIC judged the "system would be suitable for chemical and biological delivery".
- The declaration claimed that the L-29 aircraft was "a target-drone" and there "was no mention of a chemical or biological agent delivery capability". The JIC judged that Iraq had "more aircraft" and had "conducted more flight tests than stated"; and that its range was "understated".

- The declaration provided "limited, but new information on two UAV programmes", which Iraq claimed had "started after 1998", that had been included in reports recently passed to UNMOVIC. They would be "used as target drones". The JIC judged that the UAVs "would have a significantly better performance" than claimed and could be "adapted to chemical and biological agent delivery".

Conclusion

The JIC concluded that the declaration so far analysed failed to address the outstanding issues from UNSCOM's report to the Security Council in 1999 and "made no attempt to answer any of the points outlined in the UK dossier". Iraq might:

> "… feel they dealt with these points in their previous rebuttal of the dossier. Some of the deficiencies may be addressed in the parts yet to be translated, but this does not look likely."

152. On 20 December, Mr Miller sent Sir David Manning a further DIS overview of Iraq's declaration.[61]

153. Mr Miller re-stated the key findings outlined in the 18 December JIC Assessment and identified the principal areas of apparent omission. The main new points identified were:

- "an admission by the Iraqis that they have delivered 50 Al Samoud missiles to their military. The UK dossier stated that at least 50 of these missiles had been produced and were being deployed to military units;
- details of missile related procurement activities post-1998, which Iraq claims were for permitted programmes. There are no details concerning the origin of the material and equipment procured, some of which we judge were obtained illicitly; and
- the document fails to cover refurbishment at potential BW sites."

154. Mr Miller reported that the DIS would continue to analyse the declaration when a full English text was available from the UN. That was likely to be after Christmas.

SECURITY COUNCIL, 19 DECEMBER 2002

155. Dr Blix told the Security Council on 19 December that, while individual governments had stated they had evidence which contradicted Iraq's denial that it had weapons of mass destruction, UNMOVIC was not yet in a position to give a definitive view.

156. Sir Jeremy Greenstock reported overnight on 17/18 December that Dr Blix would tell the Security Council on 19 December that it could not have confidence that the

[61] Minute Miller to Manning, 20 December 2002, 'Iraq: WMD Declaration'.

declaration "disposed of" the question of Iraq's WMD holdings but that he could not say Iraq definitely had WMD; there was more work to do and the ball was in Iraq's court.[62]

157. Dr Blix and Dr ElBaradei briefed members of the Security Council on 19 December on inspections in Iraq and their preliminary assessment of the Iraqi declaration.[63]

158. Dr Blix told the Security Council on 19 December that, while individual governments had stated they had evidence which contradicted Iraq's denial that it had weapons of mass destruction, UNMOVIC was not yet in a position to give a definitive view.

159. In his "necessarily provisional" comments on the Iraqi declaration, Dr Blix stated that Iraq continued to state that there were no weapons of mass destruction in Iraq when inspectors left in December 1998 and that none had "been designed, procured, produced or stored in the period since then". While individual governments had stated that they had "convincing evidence to the contrary", UNMOVIC was, at that point, "neither in a position to confirm Iraq's statements, nor in possession of evidence to disprove it".

160. Dr Blix added that, during the period between 1991 and 1998, Iraq had submitted many declarations which had "proved inaccurate or incomplete or was unsupported or contradicted by evidence". Dr Blix stated:

> "A declaration cannot, if it stands alone, create confidence. The listing of sites or of persons, the reporting of production, importation, destruction and consumption figures … is not enough to create confidence that no weapons programmes and proscribed items remain. The statements need to be supported by documentation or other evidence. Only so do they become verifiable."

161. The overall impression was that "not much new significant information" had been provided which related to proscribed programmes; nor had "much new supporting documentation or other evidence been submitted". Iraq had provided new information on:

- missile activities, including a series of new projects at various stages of development, which Iraq claimed were permitted;
- a short-range rocket manufactured using 81mm aluminium tubes; and
- the 'Air Force' document relating to the consumption of chemical weapons in the Iraq/Iran war.

---

[62] Telegram 2411 UKMIS New York to FCO London, 18 December 2002, 'Iraq: Handling of WMD Declaration'.
[63] UN Press Release, 19 December 2002, *Statement to press on Iraq inspections by Security Council President* (SC/7614).

162. There were also inconsistencies and areas which needed clarification, including:

- the omission of information on imports of bacterial growth media;
- declaration of the development of a variant of the Al Samoud missile which had exceeded the permitted range in test flights; and
- a lack of supporting evidence to address unresolved issues identified in the 1999 UNSCOM and Amorim reports (see Section 1.1).

163. In conclusion, Dr Blix stated that, if Iraq failed to provide evidence supporting its statements, the inspectors could not guarantee that all possibly concealed items and activities would be found; but they would make attempts at concealment more difficult.

JIC priorities

Mr John Scarlett recorded that he had discussed the JIC's priorities for January 2003 with Sir David Manning on 3 January.[64] They had agreed that there would be:

"… a need to retest our standing judgements on:

- the continuing cohesion or otherwise of Saddam's regime
- the developing attitudes of neighbouring/regional states
- the attitudes of the Kurds and other internal opposition forces".

Mr Scarlett and Sir David had also agreed the JIC should attempt in mid-January to answer the question "what will Saddam do now or next?" which "might allow us to retest the standing judgements".

Mr Scarlett wrote that he and Mr Julian Miller had agreed there would be a wider audience "outside the MOD" for an "assessment of the significance of Iraqi military dispositions" and its future options and strategy.

The absence of a "smoking gun"

164. With indications of concerns in Washington about becoming trapped in the UN, and tensions between the UN timetable and the military build-up, the UK focus on the need to find convincing evidence that Saddam Hussein was not complying with the obligations set out in resolution 1441 and preceding resolutions intensified.

165. Mr William Ehrman, FCO Director General, Defence and Intelligence, advised Mr Straw's Private Secretary on 19 December that the UK was passing intelligence to UNMOVIC but "We had not found a silver bullet yet."[65]

---

[64] Minute Scarlett to Miller, 3 January 2003, 'Iraq: Questions for the JIC'.
[65] Minute Ehrman to PS/[FCO], 19 December 2002, 'Iraq: Passing Intelligence to UNMOVIC'.

166. In his memoir, Mr Blair wrote that, at Chequers over Christmas 2002, he had asked himself:

> "What did I truly believe? That Saddam was about to attack Britain or the US? No. That he was a bigger WMD threat than Iran or North Korea or Libya? Not really, though he was the only leader to have used them. That left alone now, with these inspections ending the same way as the last, he would threaten the stability of the region? Very possibly. That he would leach WMD material or provide help to terrorists? Yes …"[66]

167. In a meeting overseas in early January, SIS1 told Mr Blair that the body of available evidence was "highly damning" but "none of the reports could yet be termed a silver bullet".[67] SIS1 told the Inquiry that Mr Blair had been "surprised and pleased" that so much had been accumulated, but he needed some more evidence that Saddam Hussein was in breach (of resolution 1441), which he (Mr Blair) could use as the basis for personal assurances to Cabinet, the Parliamentary Labour Party (PLP), and to key allies such as Mr Jacques Chirac, the French President, and President Bush and regional leaders. SIS1 recorded that, as a result, Mr Blair had asked for a "stocktake", including an assessment of the likelihood that the UNMOVIC process would produce that kind of evidence.

168. Asked whether that illustrated the pressure on SIS to produce something that Mr Blair could use to justify supporting President Bush without necessarily having a second Security Council resolution, SIS1 told the Inquiry that SIS was not under "unusual pressure".[68] The meeting had taken place before the real diplomatic push to secure a second resolution and the "evidence that would win that second resolution, even over French scepticism and Russian obduracy … was in the balance".

169. Asked whether SIS was being asked to find facts that would fit a policy that had already been determined, SIS1 replied: "No". In early 2003, he was "in no doubt … at all" that the Americans were going to go in. The "dilemma for [the] British Government" was whether to stand with the US and "intelligence could play a very significant part in arriving at those decisions".[69]

170. Asked if Mr Blair would have got something significantly different from the stocktake to what he was getting from the JIC, SIS1 replied: "No."

171. In his minute to Mr Blair on 3 January 2003 about the way ahead (see Section 3.6), Mr Straw wrote:

> "… a lot of effort is being made by the … agencies to provide Blix and ElBaradei [with leads drawing on intelligence reports] … to enable them to upgrade their

---

[66] Blair T. *A Journey*. Hutchinson, 2010.
[67] Private hearing, SIS1, pages 60-61.
[68] Private hearing, SIS1, pages 61-62.
[69] Private hearing, SIS1, page 62.

inspections over the next three weeks. It is possible that this will produce a big smoking gun … But, in my view (shared by [Secretary] Powell) it would be rash to bank on this. So far, reality has not matched the expectation generated by the intelligence …"[70]

172. On 4 January, Mr Blair sent a long note to officials in No.10 (see Section 3.6).[71]

173. On Iraq, Mr Blair stated:

"We start from behind. People suspect US motives; don't accept Saddam is a threat; worry it will make us a target. Yet the truth is removing Saddam is right; he is a threat; and WMD has to be countered. So there is a big job of persuasion."

174. The actions proposed by Mr Blair included:

- "most obviously, the evidence of breach of the UN resolution leading hopefully to a new resolution. Time is short. We need either evidence of actual WMD; or documentation concealed; or an eye witness account of the programme. We are making efforts on all three. But one or more needs to be in place. […] our biggest hindrance, is the intimidation Saddam is exercising. Those who might co-operate are being told very clearly their families will die. So even though we all know the declaration … is a lie, proving the lie will be hard. I need an early meeting on this with C [Sir Richard Dearlove]."
- "We need to set out the WMD case generally; publish evidence of it; and have some high profile interdiction of WMD material. People just totally underestimate the WMD threat."

175. Mr Blair had a meeting with Sir Richard Dearlove on the afternoon of 9 January.[72] There is no No.10 record of the meeting.

176. Sir Richard Dearlove's Private Secretary recorded Sir Richard's view that it had been a good meeting at which Mr Blair had emphasised the importance of being able to demonstrate that the Iraqis were in material breach of resolution 1441.

177. In response to a question from Mr Blair about the likelihood of being able to find a "silver bullet" that would demonstrate a material breach, Sir Richard was reported to have said that "he felt the odds were 50/50". That was "higher than the US estimates but he simply could not guarantee a successful outcome".

178. Sir Richard had also reported that Mr Blair's parting words were: "Richard, my fate is in your hands."

---

[70] Minute Straw to Prime Minister, 3 January 2003, 'Iraq – Plan B'.
[71] Note Blair [to No.10 officials], 4 January 2003, [extract 'Iraq'].
[72] SIS record, 9 January 2003, 'PM Meeting on Iraq'.

179. Mr Campbell wrote in his diaries that:

- Sir Richard told Mr Blair that Dr Blix "knew he was being 'cat and moused' but he was not on a mission. He was sure that Saddam was lying but he had to establish that for himself. C felt that we had a better chance of finding the breaches than the US."
- Mr Blair had said, "half in jest", "My future is in your hands."
- "The nightmare scenario, or one of them, was a discovery that was sufficient for the US but not for us."
- "C said the other risk was that we found the evidence of the breach before the US was ready to go to war … if the inspectors had another month with genuine access, the picture would be pretty clear. We were now pushing the line that they needed time and space to do the job."[73]

180. Asked about Mr Blair's comment that his fate was in Sir Richard Dearlove's hands, Sir Richard told the Inquiry that he thought Mr Blair "was beginning to understand that he was in a tough position vis-a-vis the inspection issue".[74]

The UK's objectives

The UK's objectives were published in a Written Ministerial Statement by Mr Straw on 7 January.[75]

Mr Straw stated that the "prime objective" was:

> "… to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles … as set out in UNSCRs. This would reduce Iraq's ability to threaten its neighbours and the region, and prevent Iraq using WMD against its own people. UNSCRs also require Iraq to renounce terrorism, and return captured Kuwaitis and property taken from Kuwait."

Mr Straw also stated:

> "Success in achieving our prime objective should help deter the proliferation of WMD and BM more generally."

UNMOVIC's activities

181. In his informal briefing for the Security Council on 9 January, Dr Blix made clear that he needed more information from Iraq.

---

[73] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[74] Private hearing, 16 June 2010, pages 76-77.
[75] House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.

182. As agreed on 19 December, Dr Blix and Dr ElBaradei gave an informal update of their assessment of the Iraqi declaration and the progress of inspection activities to the members of the Security Council on 9 January (see Section 3.6).[76] The points made by Dr Blix included:

- His "overall impression" remained that Iraq's declaration was "rich in volume but poor in new information" and "practically devoid of new evidence on such issues".
- "… [T]o create confidence that it has no more weapons of mass destruction or proscribed activities relating to such weapons, Iraq must present credible evidence".
- He had "not asserted … that proscribed items or activities" existed; but if they did "Iraq should present them in our presence". There was "still time" for that. There was "no way the inspectors" could "close a file by simply invoking the precept that Iraq cannot prove the negative".
- There was a series of inconsistencies between the declaration and earlier Iraqi declarations which had been described as full, final and complete, in addition to the issues he had highlighted on 19 December, including in relation to special munitions, imports of missile engines and solid missile fuel and VX.

UNMOVIC finds

- On 30 December, UNMOVIC inspectors found some Volga missile engines.[77]
- On 16 January, UNMOVIC discovered rocket warheads at an ammunition store.[78]
- On the same day UNMOVIC also discovered nuclear-related documents hidden at the home of an Iraqi scientist.

Mr Blair's interview on *BBC*'s *Breakfast with Frost*, 26 January 2003

183. Mr Blair decided to use an interview on *Breakfast with Frost* on 26 January to set out the position that the inspections should be given sufficient time to determine whether or not Saddam Hussein was co-operating fully. If he was not, that would be a sufficient reason for military action. A find of WMD was not required.

184. In a meeting with Sir Jeremy Greenstock and No.10 officials to discuss the handling of Iraq in the UN Security Council in the coming weeks on 23 January, Mr Blair set out an approach which included the need, "if we could possibly get it", for "hard

---

[76] UNMOVIC, *Briefing the Security Council, 9 January 2003: Inspections in Iraq and a further assessment of Iraq's weapons declaration.*
[77] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).
[78] Note DIS Counter Proliferation Support Group, 12 February 2003, 'The Effectiveness of UN Weapons Inspections in Iraq'.

proof" that Saddam Hussein was "lying over his WMD, to bring public opinion to accept the need for military action".[79]

185. On 24 January, Mr Scarlett provided a note with a list of points summarising the assessment of Iraqi WMD holdings and concealment policy which could be "deployed publicly" by Mr Blair.[80]

186. Mr Scarlett wrote:

> "For the most part the note repackages the contents of the September dossier bringing out the key points, including quantities of WMD more clearly. There is some limited updating to cover the work of UNMOVIC and concealment activities."

187. The key points in the note included:

Judgements in the dossier:

- "Iraq has a useable [sic] chemical and biological weapons capability, which includes recent production of chemical and biological agents, and military plans to use them;
- Iraq continues to work on developing nuclear weapons;
- Iraq possesses up to twenty 650km Al Hussein missiles, is developing longer-range ballistic missiles, and is extending its shorter range systems beyond the UN permitted range of 150km."

Iraq's declaration of 7 December 2002:

- Iraq had "not taken the opportunity … to explain the issues outstanding from UNSCOM's report to the UN Security Council in 1999".
- Iraq maintained that it currently had "no proscribed WMD programmes".
- The UN already had the "majority of information" in the declaration.
- The declaration did "not alter UK assessments of Iraq's WMD programmes".

Chemical weapons:

- Iraq could produce mustard gas, tabun, sarin and VX nerve agents.
- Iraq had had "chemical weapons available from both pre-Gulf War stocks and more recent production".
- The UK did "not know exactly how much CW agent" was available. While it believed current holdings were "less than" the 360 tonnes for which UNSCOM had been unable to account, it was "still enough to fill many artillery shells or other weapons".

---

[79] Minute Rycroft to Manning, 23 January 2003, 'Iraq: Prime Minister's Meeting with Jeremy Greenstock'.
[80] Minute Scarlett to Rycroft, 24 January 2003, 'Iraq WMD: Intelligence Points for the Prime Minister' attaching Note, 'Iraq:WMD'.

- Iraq's military had "planned for the use of CW, and … issued atropine injectors … to its troops".

Biological weapons:

- "Iraq has biological weapons available, both from pre-Gulf War stocks and more recent production".
- Iraq could "produce at least" anthrax, botulinum toxin, aflatoxin and ricin.
- the UK did "not know how much agent" Iraq had, but it had "admitted to producing 19,000 litres of botulinum toxin, 8,500 litres of anthrax and 2,200 litres of aflatoxin" before the 1990-1991 Gulf War.
- UNSCOM had been unable to account for the growth media Iraq had procured which was "enough for 25,000 litres of anthrax".
- Iraq had "developed mobile agent production facilities, which makes it extremely difficult for inspectors to find them".

Without distinguishing between chemical and biological capabilities, the minute stated:

- "UNSCOM could not account for over 30,000 CBW munitions, including 550 mustard filled artillery shells."
- Iraq had "admitted to producing CBW warheads for its Al Hussein ballistic missiles".

Ballistic missiles:

- Iraq had "manufactured up to 100 short range ballistic missiles" and was "aiming to build more using illegally purchased engines".
- Iraq had "admitted … repeatedly testing a version of one of those missiles" beyond the permitted range of 150km.
- Intelligence indicated Iraq's aim was "to develop other missiles with ranges over 1000km".
- "Some of the infrastructure built in Iraq since 1998, such as the engine test stand at al-Rafah" was "far in excess" of what was "required for existing permitted programmes".
- Iraq had "procured material suitable only for longer range missiles".

Iraq's "co-ordinated policy of concealment":

"Intelligence continues to show that such measures are being used.

  - Large numbers of documents relating to Iraq's nuclear programme of some years ago were discovered at the home of a nuclear scientist … clearly demonstrating an Iraqi policy of hiding documents and materials, just as we predicted.

- Other key equipment is being buried or kept constantly on the move using trucks.
- Whatever the Iraqi regime says, there is no doubt that scientists and their families are being intimidated from having private interviews even inside Iraq, let alone outside."

188. The note also set out the effects of chemical and biological weapons along the lines of the information provided in the September dossier.

189. Mr Scarlett subsequently sent the note to SIS1 with copies to the MOD Deputy Chief of Defence Intelligence and the Press Offices of the MOD and the FCO.[81]

190. In response to a request for themes which Mr Blair could use with the press, and in particular on *Breakfast with Frost* on 26 January, SIS1 submitted advice to Sir David Manning on 25 January.[82]

191. That set out four "Themes from CX", "for use with the press". The points to make included:

- **Giving the UN the run around:** Saddam Hussein was "determined to keep his weapons" and believed he could "successfully hide them from the UN". There was "reliable intelligence, which we have been sharing with the UN inspectors, that for the last few months the Iraqis have been dispersing and concealing the evidence: hiding munitions for chemical warfare, engines for long-range missiles, top secret documents".
- **Spying on the inspectors:** intelligence had "confirmed" that there was "a huge, well co-ordinated Iraqi operation to spy on the inspectors … there are well rehearsed plans to prevent them from having access to sites where the weapons are concealed. Iraq's security agents have orders even to stage car accidents, if necessary, to prevent at all costs the inspectors from finding anything significant. These agents dare not fail: they know only too well what the consequences for them personally would be."
- **Saddam Hussein rules by fear and repression:** "we have intelligence Saddam has ordered that any scientists who dare to co-operate will be severely punished, even killed, along with their families. They have been forced to hide secret documents at home. Iraq's ruthless security apparatus has placed minders alongside everyone who could give the game away to inspectors to ensure that they don't step out of line and to remind them what will happen to them if they do."
- **But cracks are beginning to show:** "intelligence reveals that … some senior officials – even members of Saddam's family are beginning to realise the game is up …"

---

[81] Minute Scarlett to SIS1, 24 January 2003, [untitled].
[82] Minute [SIS1 to Manning], 25 January 2003, attaching Paper, 'Iraq: Themes from CX'.

192. In his extended interview on the *BBC*'s *Breakfast with Frost* programme on 26 January (see Section 3.6), Mr Blair set out in detail his position on Iraq.[83]

193. Asked whether Dr Blix should be given more time, Mr Blair stated that the inspectors had "to be given the time to do the job", but there was "confusion" about what that job was. The time they needed was to certify whether Saddam Hussein was "fully co-operating or not". Saddam Hussein had to provide information on "exactly what weapons material" he had, "allowing the inspectors to inspect it, monitor it and shut it down". If they were not able to do that job, Saddam Hussein would have to be disarmed by force. That should not take months, but Saddam Hussein was not co-operating.

194. Pressed as to whether non-compliance rather than evidence of weapons of mass destruction justified "a war", Mr Blair replied that he "profoundly" disagreed with the idea that a refusal to co-operate was of a "lesser order". He added:

> "… what we know is that he has this material … we know there is something like 350 tonnes of chemical warfare agent. We know there is something like 30,000 special munitions for the delivery of chemical and biological weapons.
>
> "He hasn't even told us where those old leftovers from 1998 are … we know … that there is an elaborate process … of concealment …
>
> "… [T]he people that the inspectors want to interview … are being told, by the Iraqi authorities, they can only come for interviews with an Iraqi … minder, and only be interviewed in certain places.
>
> "And we know also from intelligence that these people's families are being told that if they co-operate and give any information at all they will be executed.
>
> "… [I]f he fails to co-operate in being honest and he is pursuing a programme of concealment, that is every bit as much a breach as finding, for example, a missile or chemical agent."

195. Asked whether there would be "another dossier" setting out what UK intelligence had discovered, Mr Blair stated:

> "… we have the intelligence that says that Saddam has continued to develop these weapons of mass destruction; that what he's doing is using a whole lot of dual-use facilities in order to manufacture chemical and biological weapons; and … that there is an elaborate programme of concealment … forcing the inspectors to play a game of hide and seek."

196. Asked if he had sufficient evidence to back action, Mr Blair replied:

> "… I've got no doubt at all that he's developing these weapons and that he poses a threat but we made a choice to go down the UN route …

---

[83] *BBC News*, 26 January 2003, *Breakfast with Frost.*

"… our judgement, the American judgement … is that Saddam has these weapons, but the purpose of the inspectors … is … to report back to the UN and say whether he is fully co-operating or he's not."

Security Council, 27 January 2003

197. Dr Blix reported to the Security Council on 27 January that Iraq's declaration of 7 December did not provide new evidence which would eliminate or reduce the unresolved issues identified in 1999.

198. As required in resolution 1441, Dr Blix and Dr ElBaradei made their first reports to the Security Council on 27 January (see Section 3.6).[84]

199. Dr Blix stated:

"One might have expected … that Iraq might have tried to respond to, clarify and submit supporting evidence regarding the many open disarmament issues, which the Iraqi side should be familiar with from the UNSCOM document S/1999/94 of January 1999 and the so-called Amorim Report of March 1999 … These are the questions which UNMOVIC, governments and independent commentators have often cited."

200. UNMOVIC had found "the issues listed in those two documents as unresolved, professionally justified". The reports pointed to:

"… lack of evidence and inconsistencies … which must be straightened out, if weapons dossiers are to be closed … They deserve to be taken seriously by Iraq rather than being brushed aside as evil machinations of UNSCOM. Regrettably, the … declaration, most of which is a reprint of earlier documents, does not seem to contain any new evidence that would eliminate the questions or reduce their number."

201. Dr Blix set out examples of questions and issues that needed to be addressed in some detail, including:

- UNMOVIC had information indicating that Iraq had worked on purifying and stabilising the nerve agent VX, and had achieved more than it had declared. This conflicted with the Iraqi account that the agent had only been produced on a pilot scale, which had been destroyed in 1991, and was never weaponised. There were also questions to be answered about the fate of VX precursor chemicals.
- Iraq had provided a copy of the "Air Force" document it had withheld in 1998. It indicated that 13,000 chemical bombs were dropped by the Iraqi Air Force between 1983 and 1988. Iraq had claimed that 19,500 bombs were consumed

[84] UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).

during that period. In the absence of evidence to the contrary, UNMOVIC "must assume these quantities are now unaccounted for".

- The discovery of "a number of 122mm chemical rocket warheads in a bunker at a storage depot southwest of Baghdad". The bunker was relatively new, which meant "the rockets must have been moved there in the past few years, at a time when Iraq should not have had such munitions". Iraq had stated that they were "overlooked from 1991 from a batch of 2,000 that were stored there during the Gulf War. That could be the case. They could also be the tip of a submerged iceberg. The discovery of a few rockets does not resolve, but rather points to, the issue of several thousands of chemical rockets that are unaccounted for." Iraq had subsequently found four more chemical rockets at a storage depot in al-Taji. The warheads were "empty".
- Inspectors had found "a laboratory quantity of thiodiglycal, a mustard gas precursor".
- There were "strong indications that Iraq produced more anthrax than it declared, and that at least some of this was retained after the declared destruction date. It might still exist."
- Iraq had not declared "a significant quantity of bacterial growth media" which had been included in Iraq's submission to the Amorim panel. This omission appeared "to be deliberate as the pages of the resubmitted document were renumbered". The quantity of growth media involved would "suffice to produce … about 5,000 litres of concentrated anthrax".
- The Al Samoud 2 and Al Fatah missiles "might well represent *prima facie* cases of proscribed systems" but further technical consideration would be necessary before reaching a conclusion on the issue.
- Iraq had refurbished its missile production infrastructure, including a number of casting chambers which were capable of producing motors for missiles with ranges greater than the 150km limit.
- Iraq had illegally imported 300 rocket engines which might be for the Al Samoud 2, chemicals used in propellents and other potentially proscribed items.

202. Dr Blix questioned Iraq's claims that there were no more documents about its activities. After the discovery of documents in the home of a scientist "relating to the laser enrichment of uranium", UNMOVIC could not "help but think that the case might not be isolated and that such placements of documents is deliberate to make discovery difficult". He warned that: "Any further sign of the concealment of documents would be serious."

203. Dr Blix also questioned whether Iraq had provided a complete list of the names of personnel who had worked on proscribed programmes, and pointed out the difficulties of interviewing individuals "in private". He reported that UNMOVIC had asked 11 individuals for interview in Baghdad and that none of them would speak without the presence of an Iraqi official.

204. Commenting on Iraqi demonstrations against the inspectors at a number of sites, Dr Blix told the Security Council:

> "Demonstrations and outbursts of this kind are unlikely to occur in Iraq without initiative or encouragement from the authorities … They do not facilitate an already difficult job … Where our Iraqi counterparts have some complaint they can take it up in a calmer and less unpleasant manner."

205. In his memoir, Dr Blix wrote:

> "There were some cases of demonstrations against the inspectors, though hardly threatening ones. They occurred at our Baghdad office, at a hospital site and during the inspection of the private home that yielded nuclear documents."[85]

206. Dr ElBaradei reported that the IAEA had found no evidence that Iraq had revived its nuclear weapons programme but it was still investigating a number of issues.

207. Dr ElBaradei reported that the IAEA had conducted 139 inspections at some 106 locations, with a "focus on areas of concern identified by other States, facilities identified through satellite imagery as having been modified or constructed since 1998, and other inspection leads identified independently". They had been able to "gain ready access and to clarify the nature of the activities" at those facilities. "No prohibited nuclear activities" had been identified.[86]

208. Iraq's unsuccessful attempts to procure high-strength aluminium tubes which Iraq had indicated were related to a programme to reverse-engineer conventional rockets, had been a particular focus. The IAEA had concluded that the tubes "would be consistent with" use in a conventional rocket programme. They "would not be suitable for manufacturing centrifuges" without modification. The IAEA was "still investigating" the issue, but the attempt to acquire such tubes was "prohibited" by resolution 687 (1991).

209. The IAEA was investigating how "dual-use" material had been relocated or used, including the "HMX"[87] explosive which had been removed from IAEA seals at the end of 1998. Dr ElBaradei stated that it would be difficult to verify how that had been used.

210. The IAEA was investigating reports of Iraqi efforts to import uranium but it did "not have enough information, and … would appreciate more".

211. Iraq had not provided "any new information relevant to … questions which had been outstanding since 1998"; but those questions did "not constitute unresolved disarmament issues".

---

[85] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq*. Bloomsbury Publishing Plc, 2005.
[86] UN Press Release, 27 January 2003, *Security Council briefed by Chief UN Weapons Experts on First 60 days of Inspections in Iraq* (SC/7644).
[87] A high explosive used to help trigger nuclear fission.

212. Dr ElBaradei concluded:

"… we have to date found no evidence that Iraq has revived its nuclear weapons programme since the elimination of the programme in the 1990s … [O]ur work is steadily progressing and should be allowed to run its natural course … [W]e should be able within the next few months to provide credible assurance that Iraq has no nuclear weapons programme. These few months … would be a valuable investment in peace because they could help us avoid a war. We trust that we will continue to have the support of the Council … to verify Iraq's nuclear disarmament through peaceful means and to demonstrate that the inspection process can and does work as a central feature of the international nuclear arms control regime."

Extracts from President Bush's State of the Union address, 28 January 2003

In his State of the Union address on 28 January, President Bush emphasised the threat of terrorism to the US and others, the potential threat from Iraq in that context and the need to disarm Iraq.[88]

President Bush's detailed statements about the threat posed by Iraq included:

> "The United Nations concluded in 1999 that Saddam Hussein had biological weapons sufficient to produce over 25,000 liters of anthrax – enough doses to kill several million people. He hasn't accounted for that material. He has given no evidence that he has destroyed it.
>
> "The United Nations concluded that Saddam Hussein had material sufficient to produce more than 38,000 liters of botulinum toxin …
>
> "Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tonnes of sarin, mustard and VX nerve agent …
>
> "US intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them – despite Iraq's recent declaration denying their existence …
>
> "From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs …

"The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program … The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminium tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide."

[88] The White House Press Release, 28 January 2003, *President Delivers "State of the Union"*.

JIC Assessment, 29 January 2003

213. The JIC assessed on 29 January that retaining WMD was a vital Iraqi interest and that Saddam Hussein was unlikely to agree to relinquish power or go into exile.

214. The JIC sustained its earlier judgements on Iraq's ability and intent to conduct terrorist operations.

215. At the request of the FCO, the JIC reviewed current developments in Iraq from Saddam Hussein's perspective and possible Iraqi moves in the coming weeks.[89]

216. The minutes of the JIC discussion on 29 January record that the draft Assessment had been difficult to write given the fast-moving developments, and it was important to ensure it reflected the latest information, especially the UNMOVIC perspective.[90] The minutes also recorded that:

> "… it was difficult to predict if and when Saddam might launch pre-emptive strikes, but the paper should try and make a judgement on possible timescales. The trigger would probably be set when Saddam concluded that his fate was sealed, rather than any movements by Coalition Forces. Most of the Iraqi military would probably crumble quickly under attack. Saddam would maintain his hold on power until then, and there were no indications of possible coups beforehand. Whilst the Iraqi public might welcome the end of Saddam's regime, they were also concerned about the human costs of fighting."

217. The JIC's Key Judgements about weapons of mass destruction were:

- "Retaining WMD remains a vital Iraqi interest. Saddam might nevertheless consider a last minute tactical declaration of some of his WMD to avert a war, believing that he can rebuild his WMD capability later."
- "Saddam probably believes he has some strong political and military cards to play, even in the face of an inevitable attack. … He may … fire CBW against Coalition Forces …"

218. Other key elements of the Assessment in relation to Iraq's WMD capability and its use are set out in the Box below.

---

[89] JIC Assessment, 29 January 2003, 'Iraq: The Emerging View from Baghdad'.
[90] Minutes, 29 January 2003, JIC meeting.

JIC Assessment, 29 January 2003: 'Iraq: The Emerging View from Baghdad'

Inspections

The JIC had "judged in October" that:

> "Saddam was confident he could prevent UNMOVIC from finding any evidence before military options started to close off … and that concealment and dispersal of sensitive items were the basis of Iraq's strategy. […] But by mid-January there were signs that Iraq was coming under pressure from UNMOVIC finds that were inconsistent with its December 2002 declaration. […]
>
> "[…] Intelligence is unclear, but it is possible the UNMOVIC discoveries have increased Iraqi uncertainty. Blix's tough statement to the Security Council on 27 January surprised Baghdad and may have increased the regime's concerns about UNMOVIC. Saddam Hussein continues to believe that the possession of WMD is a vital Iraqi interest. […] Any WMD admission would therefore be tactical rather than indicative of a genuine change of policy."

Iraqi military preparations

- Saddam Hussein would have "little incentive to launch such a strike while the Iraqi strategy focuses on convincing UNMOVIC that Iraq does not have WMD holdings", but it might "become an attractive option in the face of imminent Coalition military action".
- A "pre-emptive limited artillery strike on Kuwait using CBW could be launched in as little as two hours".

Saddam's mindset

- Saddam Hussein was "under increasing pressure" as the inspections regime intensified, UNMOVIC had made "significant discoveries" and the Coalition military build-up continued.
- The JIC judged that Saddam Hussein had "underestimated UNMOVIC's capability to expose his deception". He had "failed to realise that he was facing a situation different from the days of UNSCOM". UNMOVIC's "limited success" highlighted the "risks Saddam took in providing a weak declaration of Iraq's WMD-holdings".
- "In the face of an attack, or even before hostilities if he judged that an attack was imminent," Saddam Hussein might take a number of actions, including:
  - making a last minute declaration of his WMD;
  - …
  - inflicting "high enough casualties on any Coalition ground forces, perhaps in Kuwait, including through use of CBW, to halt a Coalition attack and to swing public opinion in the West against hostilities".
- "Once hostilities were underway", Saddam Hussein might also:
  - "… seek to cause an international outcry over the level of Iraqi or Coalition casualties"; and
  - "pursue a scorched earth policy, including the destruction of oil wells and poisoning the water supply".

219. Sir David Manning visited Washington on 29 January for talks with Dr Rice (see Section 3.6).[91] He was accompanied by Sir Richard Dearlove. Sir David reported that Sir Richard Dearlove had "briefed in detail on our intelligence" which the US Administration "clearly find very impressive".

220. Mr Scarlett assured Sir David Manning on 30 January that the intelligence reporting was "consistent and convincing", and there was no evidence that Saddam Hussein was considering the renunciation of WMD.

221. Mr Scarlett also highlighted the need for the Government to take seriously Iraq's options for using chemical and biological weapons and missiles.

222. In addition to the JIC Assessment of 29 January, Mr Scarlett sent Sir David Manning his "personal observations on the overall intelligence picture", which addressed Saddam Hussein's mindset and likely actions.[92]

223. Mr Scarlett wrote:

> "Our intelligence reporting has been consistent and convincing. I have not seen a single reference to Saddam even considering the renunciation of WMD to save his regime (and probably his own life)."

224. Addressing WMD and inspections, Mr Scarlett wrote that Saddam Hussein had "followed essentially the same strategy and tactics as during the 1990s". He had "probably … considered making a 'partial' declaration of WMD holdings", but "even that has proved too difficult, at least so far". Mr Scarlett suggested that would be "an obvious tactic to deploy at the very last minute" but, in his view, a "genuinely full and open renunciation" was:

> "… simply too dangerous. It would remove the one weapon of last resort with which Saddam can threaten his population and neighbours and send a signal of weakness to both with possibly unmanageable consequences (for him). Given the decision not to come clean, a 'partial' admission (for example in the 7 December declaration) would have been a big risk. The chance of opening up lines of investigation to what was still being concealed would have been too great. Better to submit a flat denial leaving no loose ends. From Saddam's point of view, that was probably the right decision."

225. Mr Scarlett added that the Iraq position had:

> "… certainly made it more difficult to find concrete proof of his WMD and leaves him the continuing options of concealment and delay.

---

[91] Minute Manning to Prime Minister, 30 January 2003, 'Talks with Condi Rice in Washington on 29 January'.
[92] Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'.

"Until now, Saddam and his closest advisers have seemed confident that concealment would work. Oddly, they have not appeared worried by the obvious risk of leaks from the thousands of people aware of this concealment activity. They have relied on the brutal discipline of the regime and so far it has worked. Even now we cannot be confident of finding really significant evidence of retained WMD."

226. Mr Scarlett suggested Iraq had recognised that:

"The one clear weak point in the policy … has been interviews, especially interviews outside Iraq. The regime has no choice but to continue to resist these. They may be able to give a bit of ground on 'private' interviews inside Iraq although they will hesitate about meetings in UNMOVIC's Baghdad HQ … Everywhere else, and even in the HQ, they can probably feel confident that the overall level of extreme intimidation will deter interviewees. This is the nature of this kind of totalitarian regime … And why put your life and that of your family in the hands of an inspector …?"

227. Mr Scarlett concluded that it was "proving more difficult to deal with the new inspection regime than Saddam and his close advisers probably expected". Events were "moving faster than anticipated" and Dr Blix was "now pursuing the line that 'passive cooperation' is coming close to non-co-operation". For Iraq, that would be "difficult to handle" because Dr Blix was:

"… pushing Saddam close to red lines he cannot afford (outside interviews) or is simply not able (proof of destruction of VX, chemical munitions, etc) to cross. But if you are Saddam you do not give up hope. The key tactic remains delay in the hope or expectation that something will turn up …"

228. Addressing Saddam Hussein's hold on power, Mr Scarlett wrote:

"I continue to be struck by the regime's ability to conduct complex surveillance and deception operations without unforced errors or major slip ups. Co-ordinating the dispersal of materials and associated documentation around the country and fielding surprise UNMOVIC and IAEA visits to hundreds of sites in a few weeks is a complex undertaking and evidence of the regime's continuing grip on the population at least of central Iraq."

229. Addressing Saddam Hussein's options after an invasion, Mr Scarlett wrote that: "Given the perceived inability of his enemies [the Coalition] to take significant casualties or setbacks", the Government should take seriously the options available identified in the JIC Assessment "to give us pause even after a military operation begins". He "picked out":

- "Attempted use of CBW and missiles … immediately before an attack or (in Kuwait and southern Iraq) in the early stages of the attack itself." That would be "Very difficult to pull off", but "even a small number of short range artillery

rockets getting through would have a disproportionate effect" and it was "not unreasonable for Saddam to think it would give us second thoughts".

- "CBW armed Al Hussein attack on Israel. Again very difficult to achieve, but the benefits of success are obvious."
- "A move against the Kurds either immediately before or after a Coalition invasion …"

230. Mr Scarlett's comments on Iraq's response to military action are addressed in Section 6.2.

Cabinet, 30 January 2003

231. Mr Blair told Cabinet on 30 January that he would be discussing the policy on Iraq with President Bush the following day.[93]

232. In the subsequent discussion it was suggested that the onus was on Saddam Hussein to explain the discrepancies between the Iraqi declaration and a series of unanswered questions: "about 223 missile motors imported illegally; the production of VX nerve agent; 6,500 missing chemical bombs; 12 newly stored chemical shells; and the refusal to allow [Iraqi] scientists to be interviewed in private" listed by Dr Blix. Resolution 1441 "demanded Iraqi co-operation: it was not for the inspectors to act like detectives to find evidence of Saddam Hussein's guilt".

Iraq letter, 31 January 2003

In anticipation of Secretary Powell's presentation of 5 February, Mr Sabri wrote to Mr Annan on 31 January requesting the US Government to "submit immediately its alleged evidence" to enable UNMOVIC and the IAEA to begin investigations and report to the Security Council.[94]

Mr Sabri also stated that the 518 inspections since 27 November, which included all the sites identified by the US and UK, had shown that the allegations were "devoid of truth and had been drafted in order to distort the picture of Iraq and create pretexts for aggression against Iraq and against the region as a whole".

'Iraq – Its Infrastructure of Concealment, Deception and Intimidation'

233. Following his meeting with President Bush in Washington on 31 January (see Section 3.6), Mr Blair made a statement to Parliament on 3 February (see Section 3.7).[95]

234. Mr Blair referred to a "report" which had been "published at the weekend" and which he had placed in the Library of the House of Commons, which made clear that

[93] Cabinet Conclusions, 30 January 2003.
[94] UN Security Council, 31 January 2003, 'Letter dated 31 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General' (S/2003/132).
[95] House of Commons, *Official Report*, 3 February 2003, columns 21-22.

Iraq had "a huge infrastructure of deception and concealment designed to prevent the inspectors from doing their job".

235. In response to a request from Mr Iain Duncan Smith, Leader of the Opposition, for the Government to make available any further intelligence relevant to the security of the UK or its citizens, Mr Blair stated:

> "We issued further intelligence over the weekend about the infrastructure of concealment. It is obviously difficult when we publish intelligence reports, but I hope that people have some sense of the integrity of our security services. They are not publishing this, or giving us this information, and making it up. It is the intelligence that they are receiving and we are passing it on to people. In the dossier that we published last year, and again in the material that we put out over the weekend, it is very clear that a vast amount of concealment and deception is going on."[96]

236. The report, 'Iraq – Its Infrastructure of Concealment, Deception and Intimidation', stated that it drew on "a number of sources, including intelligence material" and showed how the Iraqi regime was "constructed to have, and to keep, WMD", and was "now engaged in a campaign of obstruction" of the UN inspectors.[97]

237. The document was in three parts:

- **Part One** focused on how Iraq's security organisations operated "to conceal" weapons of mass destruction;
- **Part Two** provided "up to date details of Iraq's network of intelligence and security organisations whose job it is to keep Saddam and his regime in power, and to prevent the international community from disarming Iraq"; and
- **Part Three** showed "the effects of the security apparatus on the ordinary people of Iraq".

238. In Part One, the document stated that Iraqi security organisations worked "together to conceal documents equipment and materials" and the regime had:

> "… intensified efforts to hide documents in places where they were unlikely to be found, such as private homes of low-level officials and universities. There are prohibited materials and documents being relocated to agricultural areas and private homes or hidden beneath hospitals and even mosques.
>
> "The material is being moved constantly, making it difficult to trace or find without absolutely fresh intelligence.
>
> "And those in whose homes this material is concealed have been warned of serious consequences to them and their families if it is discovered."

---

[96] House of Commons, *Official Report*, 3 February 2003, columns 23-24.
[97] Report [No.10], January 2003, 'Iraq – Its Infrastructure of Concealment, Deception and Intimidation'.

239. The report described Iraqi activities to monitor UNMOVIC's activities, including that all interviews would be monitored and, in relation to any interviews outside Iraq, that:

> "All scientists and key workers have been made to draw up a list of their relatives … The interviewees know only too well what will happen to them, or their relatives still in Iraq, if it is even suspected that they have said too much …"

240. The report stated that Iraq would seek to intimidate and put psychological pressure on individual inspectors.

241. On 6 February, *Channel 4 News* reported accusations that the report contained material drawn from published articles, including one by Dr Ibrahim al-Marashi from September 2002, which had been published in the *Middle East Review of International Affairs*.

242. The FCO informed the Foreign Affairs Committee (FAC) on 16 June 2003 that the report was compiled by the CIC, "a cross-government team" which reported to Mr Campbell but which was based in the FCO.[98]

243. Mr Campbell told the FAC that the document was:

> "… intended as a briefing paper for journalists to inform them of the way in which the Iraqi state was dominated by its security apparatus and therefore well placed to conceal WMD. When new intelligence material came to light, which was authorised for use in the public domain, which revealed the scale of the regime's programme of deception and concealment, it was my idea … to base a briefing paper for the media upon it and this approach was agreed by the Iraq communication group in early January, and the paper worked on during that month."[99]

244. Mr Campbell stated that the CIC was commissioned to produce the paper. He had edited it and changed the title, and informed Mr Blair about the nature of the report and its intended purpose, before it was given it to "six representatives of the UK Sunday newspapers" travelling to Washington with Mr Blair. The document had subsequently been posted on the No.10 website on 3 February and placed in the House of Commons Library the same day.

245. Mr Campbell stated that Dr al-Marashi's article had been submitted to the CIC and had been "absorbed into the briefing paper, without attribution". It "formed the basis" of Part Two of the report and was then assumed by those asked to comment on the report to have come from Government sources.

---

[98] Memorandum FCO to Foreign Affairs Committee, 16 June 2003, 'Memorandum from the Foreign and Commonwealth Office'.
[99] Memorandum Campbell to Foreign Affairs Committee, 24 June 2003, 'Memorandum from Alastair Campbell'.

246. Mr Campbell subsequently informed the FAC that Parts One and Three of the report were "based on information provided by SIS from a range of sources".[100] There was also some intelligence material in Part Two, and Mr Campbell provided some examples.

247. The Intelligence and Security Committee (ISC) was informed that the SIS representative at Mr Campbell's meeting in January had offered to provide a briefing note on the organisation of deception, concealment and intimidation in Iraq as SIS had "acquired a body of information on these matters".[101] The document provided by SIS was published by the ISC in its report.

248. Mr Campbell wrote to the CIC authors on 7 February pointing out the "absolute necessity of quality control".[102] That was "particularly important in any document … that includes intelligence assessment". He took responsibility for the document and he "would defend it on substance", but he had to be "able to make basic assumptions about quality control".

249. Mr Campbell added that:

> "… as the prospect of conflict grows, we have to be extra sensitive to the fact that the media will want to pick apart our communications.
>
> "So lessons must be learnt from this, and greater emphasis placed on quality not quantity, and acute sensitivity to the new political and media realities."

250. On 11 February, Sir David Omand, Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, issued guidance on the use of intelligence in CIC products, including the need for the lead policy department to be "fully consulted".[103] Pointing out that "the reputation of the intelligence community" was "at risk" whenever intelligence material and judgements were "attributed to the Government", Sir David proposed applying the following rules:

> "a. where intelligence is to be used attributably, in whatever form, the precise wording must be cleared with the Agency originating the material and the Assessments Staff;
>
> b. where the attributable product is to be released under the rubric that intelligence material is involved, the document as a whole must be cleared with the Assessments Staff;

---

[100] Memorandum Campbell to Foreign Affairs Committee, 24 June 2003, 'Supplementary memorandum from Alastair Campbell'.
[101] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraphs 129-130.
[102] Minute Campbell to Hamill, 7 February 2003, 'Re: Concealment Document'.
[103] Minute Omand to Campbell, 11 February 2003, 'The Use of Intelligence in CIC Products'.

c. in cases where the content of an attributable product relies largely on intelligence, the Assessments Staff should control and co-ordinate the preparation of the document;

d. finally, the current arrangements for the handling of material from the intelligence Agencies on an unattributable basis should continue as before."

251. Asked about the origins and accuracy of the dossier published by No.10 during Prime Minister's Questions on 13 February, Mr Blair said that the part of the document that dealt with intelligence was from intelligence sources and was accurate, as was the document as a whole.[104]

252. Mr Blair "had said publicly that Dr al-Marashi should have been acknowledged as a source", and that the journal in which his article was published should have been identified.[105]

253. The FCO told the FAC that lessons had been learned from the way the report had been handled and systems had been put in place "to ensure that any intelligence material which is made available publicly will first be authorised by the JIC Chairman".[106]

254. In its report published on 7 July 2003, the FAC concluded:

"… the effect of the February dossier was almost wholly counter-productive. By producing such a document the Government undermined the credibility of their case for war and of the other documents which were part of it.

"… [B]y referring to the document on the floor of the House as 'further intelligence' the Prime Minister – who had not been informed of its provenance … misrepresented its status and thus inadvertently made a bad situation worse.

"… [I]t is wholly unacceptable for the Government to plagiarise work … and to amend it without … highlighting the amendments … [I]t was fundamentally wrong to allow such a document to be presented to Parliament and made widely available without ministerial oversight.

"We recommend that any paper presented to Parliament … for the purpose of explaining the Government's foreign policy be signed off by a FCO Minister. We further recommend that any FCO document presented to Parliament which draws on official sources should include full transparency of sources, and attribution where appropriate."[107]

---

[104] House of Commons, *Official Report*, 12 February 2003, columns 857-860.
[105] Memorandum Campbell to Foreign Affairs Committee, 24 June 2003, 'Memorandum from Alastair Campbell'.
[106] Memorandum FCO to Foreign Affairs Committee, 16 June 2003, 'Memorandum from the Foreign and Commonwealth Office'.
[107] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq*, HC 813-1, paragraphs 136-139.

255. The ISC concluded:

> "The publicity surrounding the document was such that it devalued the input of the Agencies. It was counter-productive in that attention was distracted from the concealment, intimidation and deception of the Iraqi regime."[108]

256. Commenting on the FAC conclusions in its response, the Government stated:

- It disagreed that the February dossier had "undermined the case for war": "As the FAC itself says, the information in the February document was important. The overall accuracy of the document has never been challenged."
- Mr Blair "did not misrepresent the status of the document. It did contain intelligence material … from a range of sources and was regarded by the [intelligence] Services involved as reliable and significant. The introduction … makes clear that the document draws on a number of sources, of which intelligence was one."
- It acknowledged that "mistakes were made and lessons have been learned. Amendments made to the text were in line with information obtained from other sources and did not undermine the accuracy of the document."
- "Ministers take full responsibility for all papers presented to Parliament that explain the Government's foreign policy …"[109]

Secretary Powell's presentation to the Security Council, 5 February 2003

257. Secretary Powell gave a long and detailed presentation to the Security Council on 5 February setting out the US position on the threat posed by Iraq and its failure to comply with resolution 1441.

258. In his presentation to the Security Council on 5 February, Secretary Powell stated that he had asked for the meeting for two purposes:

- The first was to support the "core assessments" made by Dr Blix and Dr ElBaradei.
- The second was to provide "additional information and to share … what the United States knows about Iraq's weapons of mass destruction, as well [as] Iraq's involvement in terrorism".[110]

259. Secretary Powell stated that the information "when combined with what all of us have learned over the years" was "deeply troubling". There was "an accumulation of

---

[108] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 135.
[109] Foreign Secretary, *The Decision to go to War in Iraq. Response of the Secretary of State for Foreign and Commonwealth Affairs,* November 2003, Cm6062, paragraphs 21-24.
[110] UN Security Council, '4701st Meeting Wednesday 5 February 2003' (S/PV.4701).

facts and disturbing patterns of behaviour" that demonstrated that Saddam Hussein and his regime had "made no effort to disarm as required by the international community" and was "concealing their efforts to produce more weapons".

260. Secretary Powell provided tapes of intercepted conversations and satellite imagery which he interpreted as demonstrating Iraq's attempts to conceal activity to "clean up" facilities before visits by the inspectors.

261. Secretary Powell also stated that human sources had told the US that:

- The Iraqis were moving "not just documents and hard drives but also weapons of mass destruction to keep them from being found by inspectors".
- "… [W]e know from sources that [last fall] a missile brigade outside Baghdad was disbursing rocket launchers and warheads containing biological warfare agents to various locations, distributing them to various locations in western Iraq. Most of the launchers … were to be moved every one to four weeks to escape detection."
- "In early December, Saddam Hussein had all Iraqi scientists warned of the serious consequences that they and their families would face if they revealed any sensitive information to the inspectors. They were forced to sign documents acknowledging that divulging information is punishable by death."
- "Saddam Hussein also said that scientists should be told not to agree to leave Iraq. Anyone who agreed to be interviewed outside Iraq would be treated as a spy."
- A "false death certificate" had been issued for one scientist, and he was "sent into hiding" and a "dozen experts have been placed under house arrest … at one of Saddam Hussein's 'guest houses'".

262. Secretary Powell added that the "information and intelligence" pointed to "an active and systematic effort on the part of the Iraqi regime to keep materials and people from the inspectors".

263. Secretary Powell stated that Iraq had failed the test of providing an honest declaration and the conclusion that Iraq was now in further material breach of its obligation was "irrefutable and undeniable". Iraq had "placed itself in danger of the serious consequences called for in resolution 1441". The Council placed itself "in danger of irrelevance" if it allowed Iraq to "continue to defy its will without responding effectively and immediately".

264. Secretary Powell set out the "real and present dangers" posed by Iraq's weapons of mass destruction.

265. In relation to Iraq's biological weapons, Secretary Powell stated that "One of the most worrisome things" was the "existence of mobile production facilities used to make biological agents". Secretary Powell set out the details provided by "an Iraqi chemical

engineer who supervised one of these facilities", who had defected and was hiding in another country. He added:

- The existence of transportable facilities moving on trailers had been "confirmed by a second source, an Iraqi civil engineer in a position to know the details of the program".
- "A third source, also in position to know, reported in summer 2002 that Iraq had manufactured mobile production systems mounted on road trailer units and on rail cars."
- A fourth source, "an Iraqi major, who defected, confirmed that Iraq has mobile biological research laboratories".

266. Secretary Powell provided diagrams of the reported facilities and stated: "We know that Iraq has at least seven of these mobile biological agent factories."

267. During his presentation Secretary Powell also drew attention "to the fine paper that the United Kingdom distributed yesterday which describes in exquisite detail Iraqi deception activities".

268. Secretary Powell was referring to the No.10 document, 'Iraq – Its Infrastructure of Concealment, Deception and Intimidation'.

269. In his statement to the Security Council, Mr Straw described Secretary Powell's presentation as "a most powerful and authoritative case against the Iraqi regime" and thanked him for "laying bare the deceit practised by the regime of Saddam Hussein, and worse, the very great danger which that regime represents".

270. Mr Mohammed Aldouri, Iraqi Permanent Representative to the UN, challenged the "incorrect allegations" in Secretary Powell's statement and reiterated that Iraq had no weapons of mass destruction. He stated that inspectors had visited the sites identified in US and UK reports in September and October and "none of the allegations" was true. He also rebutted statements made by President Bush in his State of the Union address on 28 January.

271. Mr Aldouri reaffirmed Iraq's commitment to pro-active co-operation with the inspectors so that they could verify that Iraq was free of weapons of mass destruction, sanctions could be lifted, and progress could be made on regional security by ridding the whole Middle East of WMD.

Meetings with Dr Blix and Dr ElBaradei, 6 February 2003

272. Dr Blix reminded Mr Blair that the material described as "unaccounted for" in UNSCOM's report of 1999 was not necessarily present in Iraq; and that it would be "paradoxical to go to war for something that might turn out to be very little".

273. Dr Blix told Mr Straw he thought Iraq had prohibited programmes, and it "definitely possessed the ability to jump-start BW programmes".

274. On 6 February, Dr Blix and Dr ElBaradei met Mr Blair and Mr Straw.

275. In the meeting with Mr Blair, Dr Blix registered a number of questions about Secretary Powell's briefing to the Security Council the previous day.[111] He also said that intelligence leads had so far produced only one success.

276. The record of the meeting stated that Dr Blix:

> "… would seek to resolve three relatively minor points related to process: U2 overflights, interviews, and Iraqi domestic legislation. His approach would be that the Iraqis had better come up with co-operation on substance … If Saddam decided to be as helpful on substance as he was on process, fine."

277. Mr Blair doubted that Saddam Hussein would co-operate:

> "He would try some trick to divide the Security Council. Retaining his WMD was essential to his own view of his grip on Iraq."

278. Dr Blix reminded Mr Blair that: "UNSCOM had not reported that the 1999 left-overs were present in Iraq, just that they were unaccounted for." UNMOVIC was more cautious than the UK, but Dr Blix agreed that if Iraq did not have documents it should be more eager to allow interviews to go ahead. There was a stalemate on the issue. The inspectors might have to ask for interviews without minders, but Dr Blix was uneasy about risking people's lives.

279. Dr Blix was reported to have informed Mr Blair that his report to the Security Council on 14 February would probably contain a "balance sheet". His last assessment had been "honest but harsh"; the next might have to say that the inspectors "had not found any WMD".

280. In response to a comment by Mr Blair that containment "was not a long term policy, and sanctions caused misery to the Iraqi people", Dr Blix "commented that it would be paradoxical to go to war for something that might turn out to be very little". Mr Blair replied that "if Saddam had no or little WMD he should prove it".

281. Mr Rycroft reported that Sir David Manning had:

> "… underlined we were confident of our judgements on Iraq's CBW. If the inspectors had difficulty finding it, this was because Saddam was not co-operating."

282. Mr Campbell wrote in his diaries that Dr Blix felt that Secretary Powell had done well but was avoiding comment.[112] Dr Blix was "pretty cagey" and had "made clear his job was to be sceptical". Dr Blix was talking to Iraq about enhanced co-operation and

---

[111] Letter Rycroft to Owen, 6 February 2003, 'Iraq: Prime Minister's Meetings with Blix and ElBaradei, 6 February'.
[112] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

trying to resolve the issues of anthrax and VX: "On the remnants of old programmes they should be able to tell us."

283. In his subsequent meeting with Mr Straw, Dr Blix was reported to have said he had clear indications that anthrax had been weaponised and his personal judgement was that Iraq did have programmes and "definitely possessed the ability to jump-start BW programmes".[113] The trick would be to find evidence.

284. Dr Blix also told Mr Straw that if the Al Samoud missiles were found to be illegal, they would be destroyed. That could force a real confrontation with the Iraqis who were not keen to lose billions of dollars of armaments at a time when they were threatened with military action.

285. Dr ElBaradei was reported to have told Mr Straw that he would press Iraq hard on possible uranium imports and interviews. He did not expect much movement from Iraq and tough messages from the international community could only help the inspectors.

286. Mr Straw encouraged Dr ElBaradei to focus on interviews. Dr ElBaradei reported that the scientists he had interviewed were clearly extremely nervous, but he saw great difficulties with conducting interviews overseas.

287. Dr ElBaradei told Mr Blair that:

> "Not all members agreed with the US timing … Iraq was not co-operating. Unless there were clear signs of an Iraqi change of heart on co-operation, (both process, including interviews, and substance), UNSCR 1441 would have to be implemented. Not allowing interviews was a lack of full co-operation … dribbling out concessions was not full co-operation … His 14 February report would be a clear as possible."[114]

288. In Dr ElBaradei's view, CBW (chemical and biological weapons) was the key.

289. On nuclear issues, the inspectors continued to assess the aluminium tubes. Reports of the possible import of uranium were: "Much more disturbing … There could only be one reason for such an import."

290. Dr ElBaradei told Mr Blair that:

> "If satisfactory co-operation was not forthcoming, the next best outcome would be to force Saddam … out … [He] did not oppose more time for inspections. Any war would risk radicalising the region. It should be UN-controlled. As should the future Iraq …"

---

[113] Telegram 79 FCO London to UKMIS New York, 7 February 2003, 'Iraq: Foreign Secretary's Meetings with Blix and El-Baradei, 6 February'.
[114] Letter Rycroft to Owen, 6 February 2003, 'Iraq: Prime Minister's Meetings with Blix and El-Baradei, 6 February'.

291. The No.10 record stated that Mr Blair had made clear to both Dr Blix and Dr ElBaradei "the importance of putting Iraqis on the spot with some sharp questions, to show whether they were co-operating fully or not". He had "also emphasised the importance of interviews".

292. The wider issues discussed are addressed in Section 3.7.

Mr Straw's speech, 11 February 2003

293. Mr Straw set out a detailed case for confronting the challenge posed by Iraq in a speech to the International Institute for Strategic Studies on 11 February.

294. In a speech made at the International Institute for Strategic Studies on 11 February, Mr Straw set out "the disturbing outcome of a failure to act decisively to secure Iraq's disarmament" and the need, "for the sake of the Iraqi people, long-term stability in the Middle East, the credibility of the UN and the cause of international law and collective security" to confront the challenge posed by Iraq.[115]

295. In relation to Iraq, Mr Straw stated:

> "Weapons of mass destruction have been a central pillar of Saddam's dictatorship since the 1980s. He has amassed poisons and viruses both to suppress his own people, and to threaten his neighbours. He has relentlessly pursued his ultimate ambition, the acquisition of a nuclear weapons capability, in flagrant disregard of SCRs and Iraq's obligations as a non-nuclear weapons state under the Non-Proliferation Treaty. His pursuit of these weapons has lain at the heart of the UN's stand-off with Iraq for the past 12 years."

296. Mr Straw argued that the Iraqi threat to Europe and the US was not "overstated". Resolution 1441 recognised the "singular menace" from Iraq's weapons of mass destruction. UNSCOM had had some successes, including overseeing the destruction of "significant quantities" of weaponry, but when the inspectors left in 1998, it was "clear that the regime continued to hold vast stocks of deadly weaponry". The absence of inspectors since 1998 had "allowed Saddam to accelerate his weapons programmes". The report published in autumn 2002 had "demonstrated determined efforts" to enhance Iraq's nuclear, biological and chemical capabilities. Dr Blix's report to the Security Council in January had "underlined these concerns". Diplomacy, intelligence co-operation, reinforced export controls, and interdiction and disruption of supplies were options being used to "frustrate the ambitions" of other regimes. But "in respect of Iraq", those options had been "exhausted … over 12 long years". It was the "deadly combination of capability and intent" which made Saddam Hussein "uniquely dangerous". Rogue regimes which showed "total disregard for the rule of law, and share the terrorists' hatred of our values" were the "most likely source of materials and know-how". Given Saddam Hussein's "longstanding support for terrorist causes", the

[115] The National Archives, 11 February 2003, *Iraq: A challenge we must confront*.

"terrifying possibility that his poisons and diseases" would "find their way into the hands of Al Qaida and its sympathisers" could not be ruled out.

The UK contribution to UNMOVIC's investigations

297. Sir Richard Dearlove told No.10 that UK intelligence had been responsible for two of UNMOVIC's finds.

298. UNMOVIC and the IAEA's inspections were supported by information provided by both SIS and the DIS.[116]

299. The FCO advised No.10 in mid-January that UK intelligence had helped UNMOVIC to discover illegally imported rocket engines.[117]

300. The UK also had provided intelligence on the home of the Iraqi scientist who had concealed documents relating to Iraq's pre-1991 nuclear programme.[118]

301. At Sir Richard Dearlove's request, his Private Secretary sent an update on the progress of inspections to Sir David Manning on 12 February.[119]

302. Sir David was told that the strike rate in relation to the UK intelligence-led inspections was low, but it had been responsible for two out of three UNMOVIC finds to date, from more than 550 inspections. In addition, "even where there is no WMD, something else has often been concealed […] Our inspections have revealed the Iraqi game."

303. Sir Richard's update also stated that "we needed to keep going in the expectation that an intelligence-led inspection would lead to a find or a solid refusal of entry".

304. Sir David sent the letter to Mr Powell with the comment: "More inspections ahead – but time getting very short."[120]

305. In a note produced on 12 February, the DIS recorded that most of the site visits conducted by UNMOVIC and the IAEA during the first six weeks were "intended [to] familiarise inspectors with the sites, and inspection techniques".[121]

306. From early January, "the inspections had become longer and more intrusive" and, by the beginning of February, UNMOVIC had "visited or inspected all but one of the UK's

---

[116] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 136.
[117] Letter Davies to Rycroft, 15 January 2003, 'Prime Minister's Meeting with Hans Blix, UNMOVIC'.
[118] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 136.
[119] Letter PS/C to Manning, 12 February 2003, 'Update on Intelligence-Led UNMOVIC Inspections'.
[120] Manuscript comment Manning to Powell [undated] on Letter PS/C to Manning, 12 February 2003, 'Update on Intelligence-Led UNMOVIC Inspections'.
[121] Note DIS Counter Proliferation Support Group, 12 February 2003, 'The Effectiveness of UN Weapons Inspections in Iraq'.

recommended sites", and continued to be receptive to UK advice on potential targets. Finds had included:

- "nuclear-related documents hidden at the home of […] an Iraqi scientist" on 16 January, although "the general perception has been that these do not constitute a 'smoking gun'";
- "CW associated rocket warheads at Ukhaider Ammunition depot" the same day. The liquid in one warhead was "awaiting the delivery of chemical sampling equipment". That had arrived but was "not yet operational";
- a "small quantity of … CW precursor chemicals at a Laboratory";
- "aluminium nozzles for 80mm rockets that Iraq had recast, but not declared" were discovered by the IAEA on 31 January; and
- "parts" from a "suspected … biological or chemical sub-munition" were found "at the al-Numan factory" on 2 February.

307. The Iraqis realised that some inspections had "been mounted on the basis of intelligence", and had "increased even further the measures being taken to prevent damaging material being uncovered by either UNMOVIC or IAEA". That included "ensuring that WMD material only remains at a particular location for an absolute maximum of 24 hours, and contingency plans to ensure that 'crowds' will always be available to disrupt an inspection that might prove successful".

308. The DIS report concluded:

> "UNMOVIC and the IAEA are capable of conducting thorough inspections; however, mistakes have resulted in at least two inspections failing to uncover concealed material …
>
> "UNMOVIC and IAEA remain very receptive to UK intelligence. On balance, however, in the absence of Iraqi cooperation, we assess that the discovery of a 'smoking gun' will probably be the result of intelligence information, skill on the part of the inspectors, an Iraqi mistake, and an element of luck."

309. The ISC reported that:

- SIS provided UN inspectors with about 170 intelligence reports between December 2000 and March 2003;
- the DIS also provided regular briefings;
- Mr Blair and Mr Straw confirmed that the UK passed all UK-owned intelligence that was relevant to UN inspections; and
- the UK had provided intelligence packs on 19 sites.[122]

---

[122] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 136.

310. The Butler Review was told that the UK used about 30 separate pieces of intelligence from human sources and satellite imagery covering 19 sites to provide leads for the UN inspectors.[123] UNMOVIC visited seven of those sites, made a partial examination of one more and subjected one further site to an inspection by ground-penetrating radar.

The perspective of the inspectors

311. Dr Blix reported to the Security Council on 14 February that UNMOVIC had not found any weapons of mass destruction and the items that were not accounted for might not exist, but Iraq needed to provide the evidence to answer the questions, not belittle them.

312. The Al Samoud 2 missile programme and engines converted for use on the missile were proscribed.

313. The third Ministerial-level meeting of the Security Council to discuss Iraq took place on 14 February.[124]

314. Dr Blix told the Security Council that:

- UNMOVIC had begun the process of destroying approximately 50 litres of mustard gas declared by Iraq.
- More than 200 chemical and more than 100 biological samples had been collected. Three-quarters of the samples had already been tested and the results were consistent with Iraq's declarations.

315. Addressing how much, "if any", was left of Iraq's weapons of mass destruction, Dr Blix stated that UNMOVIC had not found any so far, "only a small number of empty chemical munitions, which should have been declared and destroyed". UNMOVIC had destroyed the "laboratory quantity" of a "mustard gas precursor" that had been found. Many proscribed weapons and items had not been accounted for, but:

> "One must not jump to the conclusion that they exist. However that possibility is also not excluded. If they exist they must be presented for destruction. If they do not exist, credible evidence to that effect should be presented."

316. Addressing Iraq's ballistic missile programmes, Dr Blix stated:

- Experts had "concluded unanimously" that the two variants of the Al Samoud 2 missile declared by Iraq were capable of exceeding the range of 150km and were therefore proscribed.

---

[123] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 357.
[124] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).

- Any of the 380 SA-2 engines imported in contravention of resolution 687 and converted for use in the Al Samoud missile system were also proscribed.
- The casting chambers for missile motors which had been destroyed by UNSCOM and reconstituted were also proscribed.
- Clarifications were needed before decisions could be made on the capabilities of the Al Fatah missile and the engine test stand at al-Rafah.

317. Addressing the role of intelligence, Dr Blix stated that in the closed society of Iraq, and given the history of inspections, "other sources of information, such as defectors and government intelligence agencies" were "required to aid the inspection process". International organisations then needed to analyse such information critically.

318. Dr Blix added that intelligence had been useful for UNMOVIC, and in one case had led to the discovery of documents relating to laser enrichment of uranium:

> "In other cases, intelligence has led to sites where no proscribed items were found. Even in such cases, however, inspection of these sites were useful in proving the absence of such items and in some cases the presence of other items – conventional munitions. It shows that conventional arms are being moved around the country and their presence is not necessarily related to weapons of mass destruction."

319. Dr Blix also pointed out that the evidence that Iraq had prepared for inspections by cleaning up sites and removing evidence, presented to the Security Council by Secretary Powell on 5 February, could have a different interpretation.

320. Dr ElBaradei reported that the IAEA had found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq, although a number of issues were still under investigation.

321. Dr ElBaradei reported that Iraq had provided documentation relating to the reported attempt to import uranium, the attempted procurement of aluminium tubes, the procurement of magnets and magnet production capability, and the use of HMX. The IAEA:

- was pursuing the acquisition of uranium;
- examining issues in relation to aluminium tubes and magnets; and
- might be unable to reach a final conclusion on HMX: "While we have no indication that this material was used for any application other than declared by Iraq, we have no technical method of verifying … the declared use …"

322. In relation to "documents found on 16 January in the private residence of an Iraqi scientist", the IAEA had "completed a more detailed review". The documents related "predominantly to lasers, including the use of laser technology to enrich uranium". "Nothing" in the documents altered "the conclusions previously drawn by the IAEA" about the extent of Iraq's laser enrichment programme.

323. Iraq had also provided documentation about questions and concerns which had remained since 1998 about weapons and centrifuge design, but the documents contained "no new information". Dr ElBaradei hoped that "the new Iraqi commissions … will be able to discover documents and other evidence that could assist in clarifying remaining questions and concerns".

324. Dr ElBaradei had "reported on numerous occasions" that the IAEA had:

> "… by December 1998 … concluded that it had neutralised Iraq's past nuclear programme and that therefore no unresolved disarmament issues remained … Hence, our focus since the resumption of inspections … has been verifying whether Iraq revived its nuclear programme in the intervening years.
>
> "We have to date found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq. However … a number of issues are still under investigation … we intend to make full use of the authority granted to us … to build as much capacity into the inspection process as necessary.
>
> "In that context, I would underline the importance of information that States may be able to provide to help us in assessing the accuracy and completeness of information provided by Iraq."

325. Mr Straw thanked Dr Blix and Dr ElBaradei for "their great efforts in the face of what I think is still very clear: Iraq's failure, fully and actively to comply with resolution 1441".

326. Mr Straw stated that the issue, which "could not be graver", was "about the authority of the United Nations and about the responsibility of the Security Council for international peace and security". All the members of the Council knew that Iraq had "had these weapons [of mass destruction and long-range missiles]"; Iraq had been "found guilty" in 1991. The issue was whether Iraq was "actively co-operating to get rid of them".

327. Mr Straw stated that Iraq had lied, had concealed weapons and played games. As Dr Blix and Dr ElBaradei had:

> "… spelled out in their report of 27 January, Iraq has failed to account for thousands of tons of chemical weapons and precursor chemicals, of shells and bombs for anthrax, for mustard gas, for VX nerve agent. They have failed to make a full and complete disclosure as required of them … They have failed to co-operate fully and actively on substance, as well as on process with the inspectors, and failed substantively to meet the obligations imposed on them."

328. Iraq continued to state that it did not possess weapons of mass destruction.

329. Mr Aldouri stated that Iraq had agreed to act on resolution 1441 and had "provided everything that might fall within the concept of pro-active Iraqi co-operation". The

documents provided with the Iraqi declaration, of 7 December 2002, required "in-depth study" because they contained "updated relevant information responding to many questions". Iraq had "the right to wonder whether the declaration had been studied with due diligence and thoroughness". Iraq had "begun to co-operate pro-actively", and many speakers had called for that but there was a question about what that would mean.

330. Mr Aldouri pointed out that there was an "Arabic proverb that an empty hand has nothing to give. You cannot give what you do not have. If we do not possess such weapons, how can we disarm ourselves? How can such weapons be dismantled if they do not exist?"

331. Iraq agreed that the "best way to resolve these issues is through continuing pro-active co-operation with the inspectors". Mr Aldouri stressed that Iraq had:

> "… chosen the path of peace. We have opted for solutions that would satisfy the international community. We are prepared to provide all means to assist in making clear the true picture …
>
> "We hope the Security Council will heed the desire of the vast majority of States Members of the United Nations and allow the inspectors to fulfil their role …"

332. In the subsequent private discussion of the Council, Mr Straw stated that there was "overwhelming evidence that Iraq had had WMD"; if there was no evidence it had been destroyed, we had to work on the basis that it existed.

333. Sir Jeremy Greenstock reported that in response to points raised during the private session of the Council, Mr Straw had stated that the reason the Council had said Iraq's WMD posed a threat was because there was "overwhelming evidence that it had had the material. If we had no evidence it had been destroyed, we had to work on the basis that it existed and that there was a danger to the region and to our national security."[125] Oral cross-examination was the best way to get the truth. Interviewees were not saying anything and were insisting on tape recorders because they wanted to stay alive: "Until Iraq allowed interviews outside Iraq and in free conditions, we would be naive to think that they were co-operating."

334. Dr Blix told Mr Blair on 20 February that the intelligence he had received was "not all that compelling"; perhaps there was not much WMD in Iraq.

335. Mr Blair telephoned Dr Blix on 20 February.[126]

336. In the course of a discussion lasting 45 minutes about the possibility of devising an ultimatum for Iraq and tests for compliance (see Section 3.7), Dr Blix told Mr Blair that the intelligence he had received was "not all that compelling". While he still tended

---

[125] Telegram 266 UKMIS New York to FCO London, 15 February 2003, 'Iraq: Blix and ElBaradei Presentations: Private Session'.
[126] Letter Cannon to Owen, 20 February 2003, 'Iraq: Prime Minister's Conversation with Blix'.

to think that Iraq was concealing some WMD, he needed evidence to put to the Security Council. He was receiving "a flow of half promises" on Iraqi co-operation and needed more time.

337. Dr Blix also commented that "perhaps there was not much WMD in Iraq after all"; and that the French and Germans were "unsure" about mobile BW production facilities: "It would be paradoxical and absurd if 250,000 men were to invade Iraq and find very little."

338. Mr Blair responded that "our intelligence was clear that Saddam had reconstituted his WMD programme".

339. The record stated that Dr Blix had "concluded that he accepted the need for time-lines and bench-marks".

340. In his account of the conversation, Dr Blix wrote that he had said:

> "Only at three sites to which we had gone on the basis of intelligence had there been any result at all.
>
> "Personally, I tended to think that Iraq still concealed weapons of mass destruction, but I needed evidence. Perhaps there were not many such weapons in Iraq after all."[127]

SIS advice of 17 and 20 February 2003

341. Sir Richard Dearlove counselled on 17 February that there was no guarantee that inspections would produce conclusive physical evidence of WMD.

342. In a minute to Sir David Manning on 17 February, responding to a request for views on way ahead on Iraq (see Section 3.7), Sir Richard Dearlove stated that there was ample evidence, including from Dr Blix, that Iraq was not, and had no intention of, complying with its obligations.[128] Given the resources Saddam Hussein had available to thwart inspections, and the scale of the task of uncovering something "truly damning", there was no guarantee that the inspections would produce conclusive physical evidence.

343. Sir Richard Dearlove's Private Secretary advised Sir David Manning on 20 February that the "chances of a successful inspection are slim".[129] SIS had sent messages to its best placed sources "emphasising the utmost importance of a major find in the next two weeks, and asking them to do everything possible to try and identify where materials or papers are being hidden". The chances of a potential defector were "not encouraging".

---

[127] Blix H. *The Search for Weapons of Mass Destruction: Disarming Iraq.* Bloomsbury Publishing Plc, 2005.
[128] Letter Dearlove to Manning, 17 February 2003, 'Iraq: The Way Forward'.
[129] Letter PS/C to Manning, 20 February 2003, 'Iraq: UNMOVIC Inspection and Defectors'.

344. SIS did not inform No.10 or others that the source who had provided the reporting issued on 11 and 23 September 2002, about production of chemical and biological agent, had been lying to SIS.

345. On 2 February 2003, there was further reporting that the sub-source had not produced the material.[130]

346. By 18 February, the source was being described as having been revealed to have been lying to SIS over a period of time.[131]

347. By 3 March, SIS had concluded that there was no further material and that SIS would seek to make direct contact with the sub-source.[132]

348. The reissue of the reports in April 2003 and the subsequent withdrawal of this stream of reporting in July 2003 is addressed later in this Section.

Briefings for Cabinet Members and Committee Chairs

349. At Mr Blair's request, members of Cabinet were briefed by Mr Scarlett in February 2003.

350. Mr Scarlett also briefed the Chairmen of the House of Commons Committees on Foreign Affairs and Defence and the Intelligence and Security Committee.

351. Following Cabinet on 6 February, Mr Blair asked Mr Scarlett "to provide a confidential and intelligence based briefing on Iraq for small groups of Ministers attending Cabinet". The briefing would "take as its starting point Part 1 of the Government's dossier published last September" and cover:

- the "latest assessment of Iraq's holding of weapons of mass destruction";
- the Iraqi response to resolution 1441;
- "recent developments in Iraq and our current assessment of the cohesion of the regime"; and
- "Iraq and terrorism".[133]

352. Four "briefing sessions" were offered the following week.

353. Mr Scarlett briefed the ISC on 5 February, following up a previous briefing on 22 January.[134]

---

[130] SIS record, 2 February 2003.
[131] SIS record, 18 February 2003.
[132] SIS record, 3 March 2003.
[133] Minute PS/Chairman JIC to Prout, 7 February 2003, 'Intelligence Briefing on Iraq'.
[134] Minute Scarlett to Heads of Intelligence Agencies, 10 February 2003, 'Intelligence and Security Committee: Iraq Briefing'.

354. Mr Scarlett also provided briefings for Mr Donald Anderson and Mr Bruce George, respectively the Chairmen of the House of Commons Foreign Affairs and Defence Committees.[135] Mr Scarlett reported that Mr Anderson had found the imagery used by Secretary Powell "especially 'compelling'".

355. The report of the briefing on 6 February for Mr George stated that the text had been agreed with the intelligence Agencies.[136] Mr George had shown most interest in Iraq's policy of concealment and had also asked about its links with Al Qaida. Mr Scarlett also reported that Mr George was: "… clear that the evidence on WMD holdings and concealment was 'sufficiently compelling' to justify 'military operations'."

356. The brief prepared for the Cabinet members drew on the document produced for briefing the Chairmen of the Select Committees.[137]

357. The brief for Cabinet members provided substantial additional material on:

- Iraq's programmes before the 1990-1991 Gulf Conflict;
- the current assessment of Iraq's capabilities – including its missile capabilities;
- difficulties with securing interviews;
- scenarios for CBW use;
- the risk of terrorism in the event of military action against Iraq.

358. Drawing on the detailed information published in the 24 September dossier, the brief stated that before the 1990-1991 Gulf Conflict, Iraq:

- had "declared to the UN the production of:
  - 2,850 tonnes of mustard gas, 210 tonnes of tabun, 795 tonnes of sarin and cyclosarin, and 3.9 tonnes of VX
  - 19,000 litres of botulinum toxin, 8,500 litres of anthrax, 2,200 litres of aflatoxin";
- "was aiming to produce a nuclear warhead with a yield of 20 kilotons"; and
- "had a well developed ballistic missile industry, producing missiles with ranges up to 650km".

359. In addition:

- UNSCOM and the IAEA had "destroyed much of the pre-1991 programmes".
- There were intelligence indications that "planning to reconstitute some of its programmes began in 1995".

---

[135] Minute Scarlett to Manning, 7 February 2003, [untitled].
[136] Minute Scarlett to Manning, 6 February 2003, 'Briefing of Bruce George MP, Chairman of the Select Committee on Defence'.
[137] Minute Scarlett to Powell, 18 June 2003, 'Iraq/FAC: Robin Cook' attaching Paper, [undated], 'Iraq – Brief for the Cabinet'.

360. The brief stated that the Government assessment published on 24 September (the dossier), judged that Iraq:

- Had "a usable chemical and biological capability, which included production in 2002 of chemical and biological agents, and military plans to use them".
- Continued "to work on developing nuclear weapons".
- Possessed "up to 20 650km range" Al Hussein missiles", and was "developing longer-range ballistic missiles, and is extending the ranges of Al Samoud and Ababil-100 systems beyond the permitted range of 150km".

361. Addressing the current assessment of Iraq's capabilities, the brief stated:

- There was "Very little significant new intelligence on [Iraq's] WMD capabilities" since September 2002, "although continue to see planning for its use".
- The focus on UN inspections "may have limited activity in some areas such as missile development".
- The "possibility of ongoing production" of CBW agents could not be ruled out because it was "easily concealed especially in the case of BW agents using transportable biological production facilities".
- Intelligence indicated that Iraq had "produced both chemical and biological agents since 1998 to add to stocks since the [1991] Gulf War. As late as September 2002 Iraq was carrying out illegitimate work on anthrax that could be used as part of a weapons programme."

362. The brief recognised that not all the systems which were capable of delivering chemical and biological weapons would have such munitions or a CBW delivery role. Intelligence suggested that Iraq might "not be able to deliver CBW efficiently" using Al Samoud and Ababil-100 missiles.

363. Addressing Iraq's declaration in response to resolution 1441, the brief rehearsed the outstanding issues identified by UNSCOM in 1999 and added references to Iraq's:

- understatement in the declaration of the quantity of Volga engines which had been procured;
- lack of any reference to the engine test stand at al-Rafah; and
- "misrepresentation of the status and performance of the L-29 programme".

364. Addressing Iraq's concealment and deception activities, the briefing for the Cabinet stated that "Iraq was confident in its ability to prevent inspectors finding any 'smoking gun'".

365. The briefing for Mr Anderson and Mr George had stated that "Iraq was confident that inspections would not find" any "smoking gun".

366. The brief did not refer to the fact that although the inspectors had found material that had been procured illicitly, some of it related to permitted programmes including missiles with ranges less than 150km.

367. Mr Robin Cook, the Foreign Secretary from May 1997 to June 2001 and then Leader of the House of Commons, recorded that he had concluded Iraq did not have weapons of mass destruction in the sense of weapons that could be used against large-scale civilian targets.

368. Mr Scarlett reported that Mr Cook had asked a number of questions during his briefing on 20 February, including:

- The "threat posed by battlefield CBW as opposed to missiles capable of hitting civilian targets (e.g. cities) in foreign countries".
- Iraq's "weaponisation capabilities".
- "Had containment worked?"
- "Had Iraq's WMD programmes had developed since 1998?"[138]

369. Mr Scarlett added that he had:

> "… made clear that Iraq had a range of battlefield systems capable of delivering CBW. We assessed that Saddam was ready to use them, including against his civilian population. Iraq might not have succeeded in developing CBW capable warheads for the 150km 'permitted' missiles. We assessed that Iraq could deliver CBW with the 650km missiles it retained; if only one of these hit home in favourable conditions on an Israeli city (I might also have mentioned Kuwait), civilian casualties would be large. I also made clear that Iraq's programmes had not stood still since 1998 and had developed in all areas except perhaps the nuclear, where I reminded him of what was in the public assessment."

370. Mr Cook wrote that the briefing from Mr Scarlett had lasted an hour, and "was impressive in its integrity and shorn of the political slant with which No.10 encumbers any intelligence assessment".[139] Mr Cook had concluded, "Saddam probably does not have weapons of mass destruction in the sense of weapons that could be used against large-scale civilian targets".

371. Asked if Mr Cook had challenged the briefing, Sir John Scarlett told the Inquiry:

> "… he questioned me very closely on the assessment … He asked for more detail than other Ministers did … he was an especially experienced Minister when it came to the use of intelligence. He didn't dispute what I was saying … Where he … took a different view was on how he interpreted it …"[140]

---

[138] Minute Scarlett to Powell, 18 June 2003, 'Iraq/FAC: Robin Cook'.
[139] Cook R. *The Point of Departure*. Simon & Schuster UK Ltd, 2003.
[140] Private hearing, 5 May 2010, pages 83-84.

372. Sir John told the Inquiry that the briefing for Cabinet members was designed to cover:

> "… the current assessment of CBW capabilities and delivery systems; the reaction on the regime's part to the prospect of military action, and their behaviour and reaction to the presence of inspectors; the response to 1441 and the Assessment we made of the declaration in December; the activity on the concealment side; the problem with interviews of scientists and so on; Saddam's military options, including for the use of CBW; the aspects relating to international terrorism; the impact on the terrorist threat internationally, but also there was mention of what the Assessments were saying about the presence of extremists inside Iraq at the time."[141]

373. Asked if any of the briefing included material that was not included in current JIC Assessments, Sir John replied:

> "No, I was sticking to the regular briefing that was being given."

374. Lord Turnbull, Cabinet Secretary from September 2002 to September 2005, told the Inquiry that he thought the briefings for members of Cabinet in February had influenced their perspective.[142] He stated: "they were all very conditioned by the intelligence presentation".

375. A full list of the Iraq briefings provided by Mr Scarlett to Cabinet and senior Parliamentarians was published by the ISC in September 2003.[143]

Would Iraq use chemical and biological weapons?

376. The JIC judged on 19 February that southern Iraq was "the most likely area for the first use of CBW against both Coalition Forces and the local population".

377. In its discussion of the draft JIC Assessment of 19 February 2003, the JIC concluded that Saddam Hussein was "likely to use CBW first in southern Iraq, if anywhere".[144] The implications needed further discussion, in the final Assessment, "to bring out the scale of the potential humanitarian crisis", which would, in the initial period, need to be dealt with by Coalition troops.

378. The relevant Key Judgement stated:

> "Southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population."

---

[141] Private hearing, 5 May 2010, pages 81-82.
[142] Public hearing, 13 January 2010, page 60.
[143] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 143.
[144] Minutes, 19 February 2003, JIC meeting.

379. The JIC Assessment stated:

> "The relative weakness of Iraqi forces in the South and the fact that those forces will face the brunt of a Coalition attack mean **southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population**."[145]

380. The Assessment added that one report from August 2002 had indicated:

> "… Iraqi plans to use CBW in southern Iraq to cause mass casualties among the Shia in the event of a US-led attack. The regime would seek to pin the blame for the resulting high-level of casualties on the Coalition."

381. Responding to a series of questions from Mr Blair (see Section 6.2), the MOD advised on 24 February that Iraq retained "the capability (through a variety of means) pre-emptively to deliver CBW against Coalition Forces in Kuwait. The question is one of intent."[146] There was "no intelligence" to indicate that the regime was "currently planning a pre-emptive strike". In the MOD view that was "highly unlikely whilst Saddam believes war can be averted". If he was convinced that war was "inevitable and imminent" that "might make a pre-emptive move more attractive" but it was "more likely that Saddam would deploy CBW after the onset of the campaign".

382. In its Assessment, 'Iraq: Prospects in the North', of how Iraq would respond in northern Iraq to a coalition attack, issued on 26 February, the JIC judged:

> "The Iraqi regime would be willing to use CBW against the Coalition and the Kurds."[147]

383. The Assessment made clear that that judgement was a continuation from earlier Assessments.

384. In its Note, 'Saddam's Plan for Baghdad' issued on 13 March, the JIC stated that it had "previously judged that Saddam would be willing to use chemical and biological warfare (CBW) against the Coalition and the Iraqi population".[148]

385. The JIC assessed that it was "likely that, even if it had not done so already, the regime would use CBW in the defence of Baghdad if it could". That "would depend on the survival of leadership command and control, and of some delivery means, such as artillery". Intelligence indicated that the Special Republican Guard and Special Security Organisation retained "control over CBW munitions" and that the regime had "been distributing protective CBW clothing and medical supplies for treating exposure to nerve agents to units around Baghdad".

---

[145] JIC Assessment, 19 February 2003, 'Southern Iraq: What's In Store?'
[146] Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'.
[147] JIC Assessment, 26 February 2003, 'Iraq: Prospects in the North'.
[148] Note JIC, 13 March 2003, 'Saddam's Plan for Baghdad'.

Presentation of the UK position

386. The UK's intensive lobbying to secure support in the Security Council for a second resolution on Iraq is described in Sections 3.7 and 3.8. It included a series of visits to the capitals of many members of the Council.

387. Mr Miller informed Sir David Manning that a script was being prepared which would:

> "… briefly summarise evidence and judgements on Saddam's WMD; describe the effect of some of the agents; set out the Iraqi response to UNSCR 1441, including the flaws in the 7 December declaration; and cover what we know of concealment, intimidation of witnesses and other aspects of non-co-operation. It will also provide supporting material on Saddam's regime and – briefly – on links with terrorism. We will update the pack as new material becomes available."[149]

388. On 26 February, Mr Miller provided a brief for Sir Jeremy Greenstock to use in Security Council discussions, setting out the UK assessment of Iraq's WMD and its response to resolution 1441.[150]

389. The brief provided a very short summary of the judgements in the September dossier, including that there had been recent production of chemical and biological agents; that judgements on concealment had been borne out by events; that the dossier had highlighted rocket motor casting chambers which UNMOVIC had now proscribed; and that UNMOVIC had agreed that the al-Rafah engine test stand had "a capability far in excess of what is needed for permitted missile systems". The brief also stated that work on anthrax "carried on late into 2002".

390. In relation to Iraq's response to resolution 1441, the brief stated:

> "Saddam's behaviour since the middle of last year has been very instructive. We have been watching closely as the story unfolds. What follows is not supposition. It is what we know."

391. The points made in the briefing included:

- In April 2002, Qusay Hussein had issued instructions for the concealment of chemical warfare agents.
- In August 2002, "individual scientists and officials were made personally responsible for the items on which they were working, holding them in their homes and the homes of relatives and friends".
- By 20 November, all production work on banned weapons at Military Industrialisation Commission sites had been stopped and evidence of prohibited activity was being cleaned up.

---

[149] Minute Miller to Manning, 21 February 2003, 'Iraq: Briefing Foreign Government'.
[150] Letter Miller to Greenstock, 26 February 2003, 'Iraq: WMD Brief'.

- Proscribed materials were concealed "at innocuous sites such as hospitals".
- "Some materials, such as missiles, have been and remain on trucks that are continually on the move."
- "By the end of December Saddam was confident that this concealment strategy would work at least until the spring when military options might become more difficult – the aim was to buy time."
- Following the discovery of nuclear-related documentation at a scientist's home on 16 January 2003, orders were given to remove hidden items from scientists' homes.
- When inspectors arrived at a hospital at al-Kut in search of hidden weapons in January, they were "confronted by an orchestrated crowd, whose aim was to prevent a full inspection of the area".
- Many proscribed materials were "now being moved daily".
- Iraq continued to ensure, mainly through a policy of intimidation and monitoring, that the inspectors were not able to interview who they wanted.

392. The brief concluded:

> "Iraq will continue ostensible co-operation … and seek support in the UNSC to avert a war while continuing an active policy of concealment …
>
> "And as part of that, and despite current protestations, we know that Saddam is likely to agree to the destruction of all Al Samoud 2 missiles …"

393. Sir Jeremy reported that he had used the points provided by the Assessments Staff during "informal consultations" on 27 February, including Iraq's:

> "… capacity to produce chemical and biological weapons; its delivery mechanisms; the efforts the regime had taken to conceal WMD; the fact that the regime had considered whether to declare some weapons but concluded it was too risky; plans to obstruct … [the inspectors] if they got too close; and the intimidation to prevent private interviews which Iraq saw as the weak link that could expose their WMD."[151]

394. In addition, Sir Jeremy stated that "UNMOVIC had been tagging proscribed equipment that had been repaired by the Iraqis".

395. In meetings with President Vicente Fox, the Mexican President, and President Ricardo Lagos, the Chilean President, Mr Scarlett emphasised his confidence in the strength, consistency and reliability of both the UK's intelligence and the judgements it had reached.

---

[151] Telegram 318 UKMIS New York to FCO London, 28 February 2003, 'Iraq: 27 February Consultations and Missiles'.

396. Sir David Manning and Mr Scarlett went to Mexico and Chile on 1 and 2 March to explain the UK's position to President Fox and President Lagos, and to seek their support for the UK's proposals for the Security Council.[152]

397. Mr Scarlett was reported to have told President Fox that the UK had developed:

> "… a range of sources, some inside Iraq, that had proven reliability. We had built up a consistent picture in which we had confidence. Our allies, including Europeans, had no serious differences of substance with us …
>
> "While we believed that UNSCOM had been able to disarticulate Iraq's nuclear programme it had not been able to account for a wide range of chemical and biological materials – we were particularly worried about VX and anthrax. Even conservative estimates of material Iraq still held indicated the capacity to assemble thousands of WMD artillery shells. Since 1998 Iraq had continued to produce new agents, develop its missile capability and, with less success, reconstitute its nuclear programme.
>
> "In 2002 a conscious decision was taken to deny possession of WMD to frustrate a renewed and strengthened inspection programme. We had watched a policy of concealment and intimidation develop. Evidence had been dispersed, factories cleaned up and scientists cowed.
>
> "… Some UNMOVIC successes in January resulted in further efforts to hide evidence and deceive inspectors. Continued small successes forced Iraq to move to a policy of slow, small concessions to give the impression of movement (eg on missiles). For the UK, the litmus test would be interviews with scientists. Iraq realised their knowledge was their Achilles heel, hence the intimidation."

398. In the subsequent meeting with President Lagos, Mr Scarlett was reported to have described the intelligence assessment and, in response to a specific question, informed President Lagos that "although there were some differences of detail e.g. over the degree to which Saddam could weaponise, the French assessment was similar" to the UK's.[153]

The position in March

The IAEA position on Iraq's nuclear programme

399. The FCO advised No.10 on 4 March that the UK Mission in Vienna had confirmed that the IAEA was on the verge of closing the file on nuclear issues in Iraq, despite

---

[152] Telegram 1 Mexico City to Cabinet Office, 1 March 2003, 'Iraq: Mexico'.
[153] Telegram 34 Santiago to FCO London, 2 March 2003, 'Chile/Iraq: Visit by Manning and Scarlett'.

information from the UK that had "still not been followed up".[154] The IAEA had apparently concluded that:

- There was "no significant evidence that Iraq had attempted to procure uranium from Niger". The documents the IAEA had seen "that formed the basis of such an allegation appeared to be forgeries".
- Aluminium tubes, "although imported illegally", were not connected with a gas centrifuge programme. Iraq had "satisfactorily explained the use of the tubes, and the reasons for their various fine tolerances". The Iraqis "were no longer (if ever) in a position to manufacture a gas centrifuge, especially without foreign assistance".
- There was "no evidence to link the magnets with a covert nuclear programme"; the IAEA had found the part in the guidance system of a missile.
- The IAEA had evidence that a significant amount of the "missing 32 tonnes of HMX (a high explosive used to help trigger nuclear fission)", had been used for commercial purposes, "as the Iraqis had claimed".

UK assessments of Iraq's intentions

400. In evidence to the FAC on 4 March, Mr Straw emphasised Iraq's attempts to conceal its capabilities and deceive the inspectors.

401. Mr Straw gave evidence to the FAC on 4 March (see Section 3.7).[155]

402. In his opening statement, Mr Straw said that it was assessed that Iraq had the capability to produce a range of chemical and biological agents, and:

> "The Iraqi regime has put up an elaborate screen of concealment based on intimidation and deception to cover this capability … [W]e know that sensitive materials and documents have been hidden in the homes of employees and hidden too in hospitals, farms and other sites. Intelligence also suggests that WMD-related items may have been buried and others were being kept on the move every 12 hours using trucks and trains. Throughout the period of inspection Iraq's security and intelligence agencies have been monitoring UNMOVIC and the IAEA and plans are available to obstruct them if they come close to WMD itself … Iraq is particularly concerned about … interviews of scientists and others because if they were carried out as mandated by [resolution] 1441 they would unquestionably expose the regime's deception and its stockpile of weapons … In early December we know that Saddam Hussein issued instructions that scientists were to be threatened with serious consequences for themselves and their families if they revealed any sensitive information to UNMOVIC. They were ordered not to agree to any interviews taking place outside Iraq … The potential witnesses have been

[154] Letter Owen to Rycroft, 4 March 2003, 'Iraq Weapons Inspections: IAEA Line on 7 March'.
[155] Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session].

coached in the answers they have to give. Some of them have been removed from their homes and places of work and detained to prevent them from being interviewed."

403. An assessment of Iraq's intentions on 6 March concluded that the strategy was to play for time, and that Iraq thought the strategy was working.

404. The Assessments Staff was "confident" that Saddam Hussein's aim would be the eventual re-creation of his WMD capability.

405. Mr Miller provided an assessment of "Saddam's possible next moves" for Sir David Manning on 6 March.[156] The document was also sent to officials in the FCO, the MOD and the Cabinet Office.

406. Mr Miller described Saddam Hussein's strategy as "to play for time, gradually releasing limited information on Iraq's terms or when there is no other option". Iraq thought its strategy was working. Mr Miller stated: "Even if he [Saddam Hussein] does opt for a declaration of WMD, we are confident that his aim would be the eventual recreation of his capability."

407. Mr Miller advised that the decision to destroy the Al Samoud 2 missile was "indicative of Saddam's strategy: a drawn out debate with UNMOVIC over legality; an offer to form a 'technical committee' to review the weapon; compliance; and an attempt to portray compliance as a major concession". Mr Miller predicted that Iraq would "draw out the destruction process", which might take "as long as two months to complete".

408. Mr Miller concluded:

> "In short, we have seen no indication that there will be a change in Iraq's strategy … Iraq will continue to put the onus on the inspectors to set out what they want rather than pro-actively provide information … Saddam will be prepared to offer further concessions – or at least to say he is ready to. But based on current behaviour any information will be incomplete, will be difficult to interpret and will not represent a full declaration of Iraq's capability. On overseas interviews and any proposal for a substantial UN military force, agreement is likely only in the face of imminent military action."

Security Council, 7 March 2003

409. In his report to the Security Council on 7 March, Dr Blix stated that there had been an acceleration of initiatives from Iraq since the end of January, but they could not be said to constitute immediate co-operation. Nor did they necessarily cover all areas of relevance; but they were nevertheless welcome.

410. Dr Blix and Dr ElBaradei's presentations to the Security Council on 7 March, and the subsequent discussion, are described in detail in Section 3.7.

---

[156] Minute Miller to Manning, 6 March 2003, 'Iraq: Potential Compliance with UNMOVIC'.

411. Introducing UNMOVIC's 12th quarterly report of activity to 28 February 2003, Dr Blix stated that, when the quarterly report had been finalised, there had still been "relatively little tangible progress to note" and the report had been "cautious".[157] By 7 March, there had been a number of relevant events on which he would bring the Council up to date

412. Dr Blix stated that inspections had begun on 27 November 2002, and "faced relatively few difficulties". While there were "frictions", "at this juncture", UNMOVIC was "able to perform professional no-notice inspections all over Iraq and to increase aerial surveillance" and its capabilities were being increased.

413. Iraq seemed "to have encouraged interviewees not to request the presence of Iraq officials … or the taping of interviews" but "conditions ensuring the absence of undue influence were difficult to attain inside Iraq. Interviews outside Iraq might provide such assurance. It is our intention to request such interviews shortly." Thirty-eight individuals had been asked for interviews and 10 had accepted UNMOVIC's terms, seven during the last week.

414. Iraq had denied the existence of mobile production units for biological weapons and that proscribed activities were being conducted underground. Inspections had taken place at declared and undeclared sites but no evidence of proscribed activities had "so far been found". Iraq was "expected to assist in the development of credible ways to conduct random checks of ground transportation".

415. Inspectors were examining Iraq's programmes for RPVs and data was being collected to assess the range and other capabilities of the models found.

416. In relation to "reports of proscribed activity conducted underground", which Iraq had denied, Dr Blix stated that "no facilities for chemical or biological production or storage have been found so far". Iraq should provide information on any underground facilities that were suitable for the production or storage of weapons of mass destruction.

417. Dr Blix stressed the importance of Iraq's acceptance of the destruction of Al Samoud 2 missiles and associated items, which constituted a "substantial measure of disarmament … the first since the middle 1990s".

418. Other points covered by Dr Blix included:

- UNMOVIC was reviewing the legality of the Al Fatah missile.
- Papers on anthrax, VX and missiles had recently been provided. Many re-stated what Iraq had already declared, but some required further study and discussion.
- There was "a significant Iraqi effort under way to clarify a major source of uncertainty" about the "quantities of biological and chemical weapons" that had been "unilaterally destroyed in 1991", by excavating a site that was formerly

[157] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

"deemed too dangerous". Eight intact bombs had been unearthed, two of which had a "liquid fill". That "should be followed by a serious and credible effort to determine" how many R-400 bombs had been produced.

- Iraq had informed UNMOVIC that there would be further legislation on prohibiting work on weapons of mass destruction.

419. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998 and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq's nuclear capabilities in the near future.

420. Dr ElBaradei reported that the IAEA was focused on the "central question" of "whether Iraq has revived, or attempted to revive, its defunct nuclear weapons programme over the last four years".[158] Dr ElBaradei noted that:

> "… in the past three weeks, possibly as a result of ever-increasing pressure by the international community, Iraq has been forthcoming in its co-operation, particularly with regard to the conduct of private interviews and in making available evidence that could contribute to the resolution of matters of IAEA concern."

421. That "should enable" the IAEA "in the very near future to provide the Security Council with an objective and thorough assessment of Iraq's nuclear-related capabilities".

422. Iraq's industrial capacity had deteriorated sharply, including through the departure of foreign support present in the 1980s and large numbers of skilled Iraqi personnel in the preceding decade.

423. Interviews were continuing, including two "private interviews in the last 10 days". Interviews outside Iraq might be the best way to ensure that interviews were "free", and the IAEA intended to request such interviews "shortly".

424. The primary technical focus of the IAEA in the field had been on the possible resumption of Iraq's efforts to enrich uranium. In relation to the three key issues, the IAEA had:

- Failed to uncover any evidence that Iraq's attempts to purchase high strength aluminium tubes was for "any project other than … rockets". The documents provided and interviews had allowed the IAEA "to develop a coherent picture of attempted purchases and intended usage".
- Verified that none of the magnets Iraq had declared could be used directly for the magnetic bearings in centrifuges. It was likely that Iraq possessed the expertise to manufacture such magnets and the IAEA would continue to monitor and inspect equipment and materials.

---

[158] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

- Stated that documents relating to the reports of possible acquisition of uranium from Niger were not authentic, but the IAEA would continue to follow up any additional evidence.

425. Dr ElBaradei concluded that there was no indication:

- "of resumed nuclear activities" in buildings identified as new or reconstructed since 1998;
- "of nuclear-related prohibited activities at any inspected sites";
- "that Iraq has attempted to import uranium since 1990";
- "that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment"; or
- "to date that Iraq imported magnets to use in a centrifuge enrichment programme".

426. Dr ElBaradei stated that Iraq's procurement efforts, including those in relation to magnets and aluminium tubes, had been conducted "in contravention of the sanctions controls" imposed by the Security Council. The IAEA would continue to scrutinise and investigate those issues and hoped "to continue to receive from States actionable information relevant to our mandate".

427. Mr Aldouri emphasised that Iraq had taken the strategic decision to disarm in 1991.

428. Mr Aldouri underlined Iraq's "pledge to continue pro-active co-operation" with UNMOVIC and the IAEA. He also stated that Iraq had taken "the strategic decision to rid itself of weapons of mass destruction" in 1991. He added:

> "All weapons that have been proscribed fall into one of two categories: they have been either declared or unilaterally destroyed by Iraq. All the declarations that Iraq has been repeatedly asked to present concerned the details and verification of that unilateral destruction and nothing … else. It is for the accusers to prove otherwise, if they possess any evidence."

429. Mr Aldouri stated that Iraq had no VX programme.

430. Mr Aldouri stated that the issues of concern identified by the US and UK were "an attempt to confuse the issue" and mask their real agenda to take over Iraq's oil and the political and economic domination of the region. Iraq continued to hope for justice from the Security Council and called on the Council to thwart aggression and prevent "a crime whose impact would far surpass that of any crime of the past century". He concluded:

> "… war against Iraq will wreak destruction, but it will not unearth any weapons of mass destruction, for one very simple reason: there are no such weapons, except in the imagination of some …"

431. In subsequent informal consultations, Sir Jeremy Greenstock stated that the UK was sure Iraq had WMD, but they could not be located because they had been hidden by Iraq.

432. The Council meeting was followed by "a long session of informal consultations".[159]

433. The points made by Sir Jeremy Greenstock included:

- There was "no real evidence of non-compliance on the nuclear weapons file".
- The "key question" was whether Iraq had WMD: "The UK was sure they did. But the WMD could not be located because Iraq had hidden them, and they would not be found without unconditional and immediate Iraqi co-operation."
- The US and the UK "had invested time and money in finding out the truth. So we knew that WMD were being moved every 12 hours; that mobile weapons facilities existed; and that documents and materials were being moved around."

434. Dr Blix was reported to have stated:

- Iraqi co-operation "sometimes seemed grudging", but "only if UNMOVIC found that Iraq was concealing things could one say that there was a real lack of co-operation".
- With the Al Samoud missiles and UAVs, Iraq was "trying to push to the boundaries of what was permissible". On the former, Iraq had arguably "trespassed over the border"; the resolution did not prohibit UAVs, but they were "on the border of what was allowed". UNMOVIC was "still investigating".
- Iraq "seemed to be trying to find ways of assisting UNMOVIC" on mobile BW facilities.

Security Council open debate, 11 and 12 March 2003

435. Iraq continued to refute US and UK statements about its capabilities and intent.

436. Following a meeting with Dr Blix late on 9 March, Sir Jeremy Greenstock reported that Dr Blix had reminded him "that UNMOVIC still lacked clear evidence that Iraq possessed any WMD at all".[160]

437. At the request of Malaysia representing the NAM, the Security Council held an open debate on the "situation between Iraq and Kuwait" on 11 and 12 March (see Section 3.8).[161]

---

[159] Telegram 388 UKMIS New York to FCO London, 8 March 2003, 'Iraq: 7 March 2003: Informal Consultations'.
[160] Telegram 391 UKMIS New York to FCO London, 10 March 2003, 'Iraq: Second Resolution'.
[161] UN Security Council, '4717th Meeting Tuesday 11 March 2003' (S/PV.4717).

438. The points made by Mr Aldouri, who spoke at the beginning and end of the debate, included:

- The US and the UK had propagated "falsehoods and untrue allegations" about "Iraq's compliance and implementation of the relevant Security Council resolutions".
- Ninety-five percent of the disarmament tasks had been completed between 1991 and 1994.
- Iraq had recently unilaterally declared its missile programme and was destroying the Al Samoud 2 missiles which UNMOVIC had deemed to be proscribed.
- None of the "allegations" presented to the Council by Secretary Powell on 5 February had "proved to be true".
- The most recent "intelligence report produced by the UK [the No.10 dossier]", contained previously published information.
- Recent allegations about RPVs were unfounded. They were small experimental aircraft which had been examined by the inspectors.

439. In both his opening and closing statements, Mr Aldouri repeated that Iraq had "taken the strategic decision" to rid itself of weapons of mass destruction.

No.10 advice to Mr Blair

440. In response to his requests, Mr Blair was given several notes on 15 and 16 March about Iraq's WMD and the activities of the inspectors since 1991.

441. They comprised a series of statements setting out past problems without any caveats about how they should be interpreted in relation to Iraq's current capabilities and intent.

442. A note on the subjects covered by UNMOVIC's "clusters" report listed the unresolved issues, commenting: **"There are therefore questions to which UNMOVIC has been unable to obtain answers in every one of the following 29 areas."**[162]

443. A note on the types of CBW produced by Iraq, drawing on open sources whose accuracy had been endorsed by Porton Down,[163] graphically described the toxicity and effects of various agents, together with a comment on Iraq's capability taken from the UNMOVIC "clusters" report.[164]

444. A note on UNMOVIC activities between 1998 and 2002 advised Mr Blair that Iraq maintained that "no proscribed activities took place in that period" and had made no

---

[162] Minute Cannon to Prime Minister, 15 March 2003, 'Iraq: Blix "Clusters" Report'.
[163] The headquarters for the Defence Science and Technology Laboratory.
[164] Minute Cannon to Prime Minister, 15 March 2003, 'Iraq: Chemical and Biological Weapons'.

declarations. In the absence of site inspections, UNMOVIC had "relied on intelligence material supplied by Member States". Areas of activity reported to UNMOVIC included:

- "mobile BW agent production facilities";
- "underground facilities for research and production of CBW";
- "development of Unmanned Aerial Vehicles (UAVs), including those fitted with sprays for BW agents"; and
- "movements of proscribed materials and documents".

445. UNMOVIC had "reported a 'surge of activity' in the missile technology field over the period".[165]

446. A note setting out Iraqi tactics in dealing with UN weapons inspectors rehearsed problems encountered between 1991 and 1998 and concluded that:

> "Iraq's approach to the UN has therefore consisted of:
>
> – concealment and destruction of evidence
> – commitment to co-operate alternating with harassment of inspectors
> – as new facts become available to UNSCOM, Iraq changes its story to incorporate those facts. There is no genuine effort at openness or honesty.
>
> "The Blix 'clusters' paper underlines the inspectors' very limited information on the details of, for example, Iraq's BW programme. This is after 12 years of operations and five purportedly full, final and complete declarations by the Iraqis."[166]

Mr Cook's resignation statement, 17 March 2003

447. In his resignation statement of 17 March, Mr Cook set out his doubts about the degree to which Saddam Hussein posed a "clear and present danger".

448. In his statement to the House of Commons on the evening of 17 March, Mr Cook set out the reasons why he could not "support a war without international agreement or domestic support" and why, in order to vote against military action in the House of Commons the following day, he had resigned from the Government (see Section 3.8).[167]

449. Mr Cook continued:

> "Nor is it fair to accuse those of us who want longer for inspections of not having an alternative strategy … Over the past decade that strategy [of containment] had destroyed more weapons than in the Gulf War, dismantled Iraq's nuclear weapons programme and halted Saddam's medium and long range missile programmes."

---

[165] Minute Cannon to Prime Minister, 15 March 2003, 'Iraq: UNMOVIC Operations, 1998-2002'.
[166] Minute Cannon to Prime Minister, 16 March 2003, 'Iraq: Iraqi Approach to UNSCOM/UNMOVIC'.
[167] House of Commons, *Official Report*, 17 March 2003, columns 726-728.

450. Mr Cook stated that Iraq's military strength was now less than half its size in 1991; and, "Ironically", it was "only because Iraq's military forces" were "so weak that we can even contemplate its invasion". He questioned the threat posed by Iraq:

> "Iraq probably has no weapons of mass destruction in the commonly understood sense of the term – namely a credible device capable of being delivered against a strategic city target. It probably … has biological toxins and battlefield chemical munitions, but it has had them since the 1980s when US companies sold Saddam anthrax agents and the then British government approved chemical and munitions factories. Why is it now so urgent that we should take military action to disarm a military capacity that has been there for twenty years, and which we helped to create? Why is it necessary to resort to war this week, while Saddam's ambition to complete his weapons programme is blocked by the presence of UN inspectors?"

451. The questions about Iraq's capabilities asked by Mr Cook in response to the briefing he had been given by Mr Scarlett on 20 February are set out earlier in this Section.

Mr Scarlett's advice, 17 March 2003

452. On 17 March, Mr Scarlett addressed the different elements of Iraq's capability, including Iraq's actions since the departure of the inspectors in 1998 to pursue chemical and biological weapons programmes, and Iraq's activities to pursue enhanced ballistic missiles and other means to deliver them.

453. In relation to Iraq's chemical and biological weapons capability, Mr Scarlett concluded that the JIC view was clear: Iraq possessed chemical and biological weapons, the means to deliver them, and the capacity to produce them.

454. Mr Scarlett attributed the failure to find any significant evidence of chemical and biological weapons to Iraq's ability to conceal its activities and deceive the inspectors.

455. On 17 March, in response to a request from Sir David Manning, Mr Scarlett provided advice on "the strength of evidence showing Saddam's possession of WMD".[168]

456. Mr Scarlett wrote:

> "The starting point is our knowledge of Iraq's past WMD programmes. This demonstrates not only large-scale possession of these weapons, and the readiness to use them, but also Saddam's determination to retain WMD in the face of military defeat in 1991 and the subsequent UN inspections. You will recall that much of his BW programme came to light only in 1995, following Kamil's [Saddam Hussein's son-in-law] defection. And as UNSCOM demonstrated in 1999, there has never been a full and convincing account of the destruction of Iraq's capabilities."

---

[168] Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

457. Mr Scarlett pointed out that:

> "Evidence of past possession is not, of course, enough. Indeed it could itself engender rumour and speculation in Iraq that might be fed back to us as fact. (Some opposition and defector material may be suspect on these grounds.)"

458. Referring to the Government's assessment of Iraq's WMD published on 24 September 2002, Mr Scarlett wrote: "our judgement … draws on a range of well-sourced intelligence" falling under three main headings:

"
- **SIGINT** [signals intelligence] has provided extensive material relating to procurement activities particularly in the missile and UAV field. Some of this has led to a number of interdictions of missile material. Procurement of dual-use items that could be related to CBW and nuclear programmes has also been noted.
- **Imagery** has also provided useful material in relation to the extensive reconstruction of the Iraq's [sic] missile infrastructure, such as the identification of the al-Rafah Test Stand and the al-Mamoun solid fuel facility. Because many chemical and biological facilities are dual-use, it is difficult for imagery to provide proof of the existence of a CBW programme. For this reason we have not relied on imagery in supporting our case that Iraq has a CBW programme.
- **HUMINT** [human intelligence] has provided clear and consistent reporting relating to Iraq's continuing WMD programmes …"

459. Mr Scarlett added that HUMINT came "from a variety of sources":

"
- SIS have a number of well placed and reliable sources […] [with high-level access in Iraq] and have been able to report on the regime's WMD policy, its plans for use and its extensive concealment efforts. SIS also have a number of sources who report from closer to the programmes.
- Some of these have provided a consistent picture of Iraq's missile programme (including extension of Al Samoud and the existence of Al Husseins).
- Intelligence on CBW programmes has been less complete but indicates continued production of CBW agents after UNSCOM's departure.
- CIA and other foreign intelligence agencies (the mobile BW production laboratories originated from […]).
- DIS … reporting, relating to Iraq's long range missile programme."

460. Mr Scarlett wrote that Sir David Manning was "familiar with the main conclusions from intelligence".

461. Addressing Saddam Hussein's behaviour, Mr Scarlett wrote:

> "The picture from past possession and from intelligence is further reinforced by Saddam's current behaviour. He has been given clear opportunities to avoid

military action by demonstrating full and active co-operation with UNMOVIC. But he has repeatedly failed to take this route. Leaving aside the intelligence on his concealment tactics, his actions since the adoption of UNSCR 1441 are strongly indicative of deceit. They include:

- failure to volunteer scientists for interview outside Iraq;
- illicit procurement, and subsequent concealment, of Volga engines;
- failure to declare reconstructed facilities (including the rocket motor casting chambers) previously disabled by UNSCOM".

462. In relation to inspections, Mr Scarlett wrote:

"The failure of UNMOVIC to uncover significant chemical or biological weapons has been disappointing. But it is not wholly unexpected. On 16 October last year,[169] the JIC judged that there was a serious risk that Iraq could prevent inspectors from finding conclusive evidence of WMD before the spring, unless there was additional guidance to UNMOVIC. The JIC pointed in particular to the importance of interviews free of Iraqi intimidation: you know the limited progress in this area."

463. Mr Scarlett concluded:

"The JIC view is clear. Iraq possesses chemical and biological weapons, the means to deliver them and the capacity to produce them. The scale of the holdings is hard to quantify: it is undoubtedly much less than in 1991. But the evidence points both to Saddam's view that the capability is already militarily significant, and to his determination – left to his own devices – to build it up further."

464. A reference in paragraph 4 of the minute to the conclusions being "summarised at Annex" was crossed out by Mr Scarlett on the signed version of the minute on the No.10 file.

465. Mr Scarlett sent a copy of the minute to Mr Powell in February 2004 with a manuscript note stating that he had "not yet traced a copy of the Annex".[170]

466. The Government could not find any evidence of an Annex. The Inquiry concludes one was planned but not produced: hence the manuscript amendment removing the reference to the Annex in paragraph 4 of the document.

---

[169] A version of 11 October 2002 JIC Assessment, 'Iraq: The Return of Weapons Inspectors'.
[170] Manuscript comment Scarlett to Powell, 2 February [2004], on Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

467. Sir David Manning advised Mr Blair:

> "I asked that you should have this Summary from the Chairman of JIC before action begins. Worth adding that all political intelligence also points to Saddam and senior officials aware of WMD programmes and determined to retain them."[171]

468. Mr Blair replied: "Good."[172]

469. The advice to No.10 was not formally considered and agreed by the JIC or sent to other Ministers.

470. A draft of the document held by the MOD, also dated 17 March 2003, shows Sir David Omand, Sir Richard Dearlove, Sir Francis Richards (Director, Government Communications Headquarters (GCHQ)) and senior officials in the MOD, the FCO and the Cabinet Office as copy recipients.[173]

471. Mr Hoon quoted from that draft when he told the Inquiry that Mr Scarlett had advised that Iraq had "the capacity to re-establish production" of chemical and biological weapons.[174]

472. A manuscript note written by Mr Scarlett in February 2004 stated that the note "was approved by the Agencies and DIS. It was not formally at JIC."[175]

473. The Government has confirmed that there are no additional words on the copy of the minute on the No.10 file.

474. The Inquiry concludes that the advice was not formally approved by the JIC.

475. The Government was unable to find any evidence that the final version of Mr Scarlett's minute to Sir David Manning was sent to anyone outside No.10.[176]

JIC Note, 19 March 2003: 'Saddam: The Beginning of the End'

476. The JIC continued to assess that Iraq had usable chemical and biological weapons and might use them, although its ability to do so could be limited.

---

[171] Manuscript comment Manning to Prime Minister, 18 March 2003, on Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.
[172] Manuscript comment Blair, [undated], on Manning to Prime Minister, 18 March 2003, on Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.
[173] Minute [unsigned draft] Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession', found on MOD files, with amendments from the Defence Intelligence Staff.
[174] Public hearing, 19 January 2010, page 122.
[175] Manuscript comment Scarlett to Powell, 2 February [2004], on Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.
[176] Letter Cabinet Office to Iraq Inquiry, 19 March 2014, 'Declassification'.

477. A JIC Note, 'Saddam: The Beginning of the End', which revisited previous JIC judgements in the light of recent events and intelligence, was issued by the Assessments Staff on 19 March after discussion by the JIC earlier that day.[177]

478. Addressing the use of chemical and biological weapons, the Note stated that the JIC judged:

- Iraq had "a usable CBW capability, deliverable using artillery, missiles and possibly unmanned aerial vehicles".
- Iraq's Al Hussein and shorter-range missiles, "mostly with a range of 150km or less … may be able to deliver CBW, although intelligence suggests that Iraq might lack warheads capable of the effective dispersal of such agents."

479. In addition, the Note stated:

- "A report […] in mid-March indicated that Iraq's chemical weapons remained disassembled and that Saddam had not yet ordered their assembly."
- The issue of gas masks and injections for CBW antidotes indicated "Iraqi plans to use CBW".
- "Intelligence on the timing of CBW use is inconsistent […]."
- Intelligence on the deployment of CBW was "sparse".
- "Uncorroborated reporting" suggested the "delivery of CW shells to Republican Guard units … south of Baghdad".
- There was "no evidence" that ballistic missiles destroyed by Coalition air action in February "were equipped with CBW warheads", but the JIC could not be sure that it "would receive indications prior to an attack".
- Saddam Hussein retained "ultimate control of CBW use", but there were suggestions that he had "contingency plans to devolve military decision making, including CBW, to regional commands, if communications are cut with Baghdad".
- Saddam Hussein "might take this decision early, once the severity of the initial attack becomes clear or in the face of Kurdish or Shia uprisings", although the possibility of Saddam Hussein offering concessions to remain in power "would argue against pre-emptive attacks and devolving control".
- An "early strategic U-turn, once Saddam realises the intensity of the attack … and the risk of losing control of his CBW capability" could not be ruled out, and he might "then order early CBW attacks".
- The JIC continued to judge that "in the face of death and the destruction of his regime", Saddam Hussein would "try to wreak as much havoc as possible", but his ability to do so could be limited.

---

[177] Note JIC, 19 March 2003, 'Saddam: The Beginning of the End'.

- There was a "further risk … that CBW could become available to extremist groups either as a last vindictive act by Saddam, or through the loss of control in the final days of his regime".
- Two recent reports suggested that "some or all" of Iraq's Al Hussein missiles "were disassembled to hide them from inspectors. It would take Iraq at least several days to reassemble the missiles once they decided to do so."

480. Sir John Scarlett told the Inquiry that an Intelligence Update produced on 10 March had referred to a report issued on 7 March:

> "… essentially saying that Iraq had no missiles which could reach Israel and none which could carry germ or biological weapons.
>
> "The leadership had ordered the dismantlement of the missiles known as Al Hussein … to avoid discovery and they thought they could be quickly re-assembled. The JIC had over many months throughout this period reported the assessed existence of these missiles … But all along, it had been reported that they had been disassembled and concealed.
>
> …
>
> "The Defence Intelligence Staff advised … that … it might be possible to reassemble [the missiles] in one or two days. But if it was very complex disassembly it would be longer.
>
> "SIS advised that the reference to 'germ and biological' might also refer to chemical, just from the context, although that was speculative."[178]

481. Sir John Scarlett also told the Inquiry that, on 17 March:

> "… intelligence was received that chemical weapons had been disassembled and dispersed and would be difficult to reassemble. Saddam had not yet ordered reassembly nor, indeed, asked about chemical weapons."[179]

482. Sir John added that the two reports:

> "… were assessed in the context of the policy of dispersal and concealment. They were not understood to be an indication that chemical and biological weapons did not exist. Indeed they didn't say that but … it was clear … that they might be difficult to find.
>
> "Previous reporting and updates had already reported separately on the difficulty that Iraq was having or was reported to have in developing or redeveloping chemical warheads for ballistic missiles … An update at the end of December had noted …

---

[178] Public hearing, 8 December 2009, pages 44-45.
[179] Public hearing, 8 December 2009, pages 45-46.

that point, but also noted that the intelligence had said that chemical warheads were still available for short-range artillery, rockets and so on."

483. Asked whether the JIC had revised its assessment in the light of the reports, Sir John stated:

"… the JIC looked again at the issue and recorded its view in the minute [JIC Note] of 19 March and judged then that Iraq had a usable chemical and biological warfare capability, deliverable by artillery shells and possibly by aerial vehicles. It also said that missiles might be available to deliver CBW, but Iraq might lack the necessary warheads …"[180]

484. Mr Blair told Cabinet on 20 March that Saddam Hussein would, in extremis, probably use chemical and biological weapons, and that it was believed that some were deployed with Iraqi forces.[181]

485. Mr Scarlett wrote to Mr Powell on 21 March stating that: "in the current crisis, numerous intelligence reports indicate that Saddam Hussein is prepared to use CBW to ensure the survival of the regime, despite the US again having warned of the implications this would have for Iraq."[182]

Security Council, 19 March 2003

486. In the Security Council discussion on 19 March, Iraq reiterated that it no longer possessed weapons of mass destruction.

487. The Security Council held an open debate on Iraq on 19 March (see Section 3.8).[183]

488. In his statement to the Council, Mr Aldouri expressed his "appreciation" for the efforts made by Council members to find a peaceful solution to the "current crisis", which had been "created by the United States, the United Kingdom and Spain, with the intention of launching a hostile war against Iraq and occupying it under the pretext of the presence in Iraq of weapons of mass destruction".

489. Mr Aldouri stated:

"For the record, and for the sake of historical accuracy, as well as to reassure every State that has recently made active efforts to maintain peace and to prevent war, we would like to reiterate that Iraq no longer possesses weapons of mass destruction. The presence of such weapons has been relegated to the past. Iraq decided in 1991 to destroy the weapons it had produced. That action stemmed from the conviction underlying Iraq's policy to rid itself of such weapons. Proof of this fact lies

[180] Public hearing, 8 December 2009, pages 47-48.
[181] Cabinet Conclusions, 20 March 2003.
[182] Minute Scarlett to Powell, 21 March 2003, 'Iraq: Saddam Hussein in 1991'.
[183] UN Security Council, '4721st Meeting Wednesday 19 March 2003' (S/PV.4721).

in the failure by the United States and Britain to prove any allegation that Iraq has possessed such weapons in recent years, and especially during the period following the adoption of resolution 1441 (2002)."

490. Mr Aldouri stated that the inspectors had "refuted all the misleading information that was presented" by the US and the UK; and that the inspectors had "proved that information to be false", including the information that Secretary Powell had "worked so arduously to put before the Council as damning evidence". The US and the UK had failed to "provide even a shred of evidence".

491. Mr Aldouri concluded by reaffirming that Iraq would "continue to work with the Security Council to make the truth known" that Iraq was "free of weapons of mass destruction". Iraq hoped that the Council would "continue to search for a peaceful solution to the crisis, ensure that the work of the inspectors continues and resume the Oil-for-Food programme".

492. Sir Jeremy Greenstock reported:

"Even at the precipice of war, Aldouri maintains Iraq has no WMD."[184]

Withdrawal of intelligence

493. Three streams of pre-invasion intelligence reporting on Iraq were withdrawn by SIS after the invasion:

- **the reports of 11 and 23 September 2002 were withdrawn on 29 July 2003;**
- **all the reporting from the sourcing chain that had produced the "45 minutes report" was withdrawn on 28 September 2004; and**
- **all the reporting from Curve Ball, the source who had provided material on the mobile production facilities for chemical and biological weapons, was withdrawn on 29 September 2004.**

SIS reporting of 11 and 23 September 2002

494. SIS issued two reports on Iraqi CBW, from a new source on trial, about the production of chemical and biological agents in September 2002.

495. The first report on 11 September stated that:

- Iraq had accelerated the production of chemical and biological agents;
- it had built further facilities throughout Iraq; and
- Saddam Hussein was determined to maintain his CBW capability.

496. SIS also stated that it expected to receive substantial additional material on Iraq's biological and chemical programme through the same source.

---

[184] Telegram 492 UKMIS New York to FCO London, 20 March 2003, 'Iraq: 19 March Open Debate'.

497. Reflecting concerns about source protection, the report was given a very limited distribution to named senior officials.

498. The report did not make clear that SIS was not itself in contact with the source whom it considered had direct access to Iraq's programmes.

499. The detail of the reporting and Sir Richard Dearlove's description of it in a telephone call to Mr Scarlett on 11 September are set out in Section 4.2.

500. Sir Richard Dearlove briefed Mr Blair on the reporting on 12 September, when he had:

> "… underlined … the potential importance of the new source and what SIS understood his access to be; but also said that the case was developmental and that the source remained unproven."[185]

501. SIS4 suggested that Mr Blair had already known about the intelligence before the meeting between Mr Blair and Sir Richard Dearlove on 12 September, and that he wanted to see the product.[186]

502. Sir Richard Dearlove told the Inquiry that "it would have been very rare" for him to have talked to Ministers or Mr Blair "about our source base".[187]

503. Asked about Mr Blair's reaction, Sir Richard told the Inquiry that Sir David Manning had asked him to give Mr Blair a briefing "which would give him [Mr Blair] more of a flavour for what was actually going on on the ground".[188] Mr Blair "had an appetite for that sort of briefing which was a pretty rare event", and had had a "fair amount of general discussion" with SIS9 "about the difficulties and problems we were facing".

504. Asked whether he had been precipitate in going to Ministers with the report so quickly, Sir Richard replied:

> "I think in the circumstances, I don't agree … because if you issue a report like that in the middle of a crisis, you're going to get a phone call from a Ministerial office within a short period of time."[189]

505. Sir Richard also stated that in the circumstances it would have been "impossible" not to issue the report; SIS could not "sit on something as potentially important" as that.[190]

---

[185] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 578.
[186] Private hearing, Part 1, page 58.
[187] Private hearing, 16 June 2010, page 53.
[188] Private hearing, 13 July 2010, page 33.
[189] Private hearing, 13 July 2010, pages 34-35.
[190] Private hearing, 13 July 2010, page 35.

506. The report of 11 September was used by Mr Scarlett and Mr Miller in reaching key judgements about Iraq's chemical and biological weapons capabilities in the Government dossier published on 24 September.

507. Specifically it provided the assurance for the judgements that Iraq had:

- "continued to produce chemical and biological agents";
- "military plans for the use of chemical and biological weapons …"

508. The way in which the reporting was used in the preparation of the dossier and the decision not to show it to the experts in the DIS is addressed in Section 4.2.

509. The judgements in the dossier on Iraq's production of chemical and biological weapons and the circumstances in which they could be used became the baseline for subsequent advice to Ministers and public statements on the threat posed by Iraq.

510. SIS issued a second report from the same sourcing chain as the 11 September report on 23 September.[191] That stated VX, sarin and soman had been produced at Al-Yarmuk, and were loaded into a variety of "containers", including "linked hollow glass spheres". The source commented that there had been "accelerated production of CW substances at Al-Yarmuk for several years".

511. SIS described the report as expanding and clarifying the intelligence in the first report, and that it was "valuable intelligence".

512. The report was sent to the same restricted group as the report on 11 September, with the addition of Mr Mark Bowman, Private Secretary to Mr Gordon Brown, the Chancellor of the Exchequer.

513. The Butler Report stated that SIS had hopes that this source would become a major asset.[192] In particular, the source had indicated to SIS that he would be able to provide substantial and critical additional intelligence in the near future.

514. By December 2002, as set out earlier in this Section, doubts had emerged within SIS about the reliability of the sourcing chain.

515. SIS did not inform No.10 or others that in mid-February 2003 the source had been revealed to have been lying to SIS over a period of time and that it had concluded by early March that there was no further material and that SIS would seek to make direct contact with the sub-source.

516. The reports of 11 and 23 September were reissued to a wider readership on 3 April.

---

[191] Report SIS, 23 September 2002, 'Iraq Details of CW Production at Al Yarmuk'.
[192] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 574.

517. A minute of 2 April recorded that a SIS Requirements officer had been telephoned the previous night about the two reports produced in September 2002. Mr Scarlett had asked "about the reliability of the sourcing" and for a copy as he no longer had access to the original copies.[193]

518. The SIS Requirements officer had given "only the briefest details (that we obtained the material via another source, with whom we were no longer in contact, and that we were still trying to contact the original source)".

519. The SIS Requirements officer also wrote:

> "Despite the problems over the … sourcing chain, there could be some merit in at least widening the extremely limited readership of these two reports. We cannot (yet) discount their content and, topically … [the report of 11 September] provides useful support for … [another report]. The case is no longer as sensitive and we could usefully re-circulate the two reports, with some additional commentary."

520. The SIS Requirements officer provided a draft letter for SIS4 to send to Mr Scarlett.

521. Another SIS Requirements officer commented that there had been "no public use of the material; what it was used for was to give assurance to the assessment in the 'dossier' that Iraq continued production of CW after 1998". The DIS would "welcome" the downgrading of the restricted marking on the reports and it would "need to see these reports whenever a review of the Iraq WMD story is commissioned".[194]

522. SIS4 wrote to Mr Scarlett on 3 April 2003 providing copies of the two reports of 11 and 23 September 2002.[195]

523. The letter stated that the reports were "not drawn upon for either the dossier or for the Prime Minister's subsequent statements. And of course it [the material] post-dated … [the JIC Assessment of 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios']." SIS4 also wrote that Sir Richard Dearlove had briefed Mr Blair:

> "… on the background to the case (and on what else we hoped it might deliver) but for speed the reports were issued to other readers without a full briefing. This was to have followed but, as there was no further reporting, we did not bother you with this."

524. SIS4 added:

> "You may therefore wish to know something of the background to the case. The material came from an Iraqi sub-source who was working within the CW programme [via SIS source]. We are still endeavouring to establish direct contact with him [the sub-source]; until we succeed in this we shall not be able to verify fully the details

---

[193] Minute SIS Requirements officer, 2 April 2003, 'JIC Chairman Enquiry: [Codeword] CX'.
[194] SIS record, 2 April 2003.
[195] Letter SIS4 to Scarlett, 3 April 2003, 'Reporting on CW Production in Iraq'.

given in the intelligence. But despite the later behaviour of our source, we have no reason yet to dismiss this material. There has been collateral for some of it [from other reporting issued on 30 March 2003].”

525. Because source protection was no longer as sensitive, the documents would be reissued “with additional comment and to a wider readership”.

526. A report was issued on 3 April 2003 which was described as “a lightly edited composite of two reports” previously issued in September 2002. The source was described as: “A new source (with whom contact has now ceased) quoting the [sub-source].”[196]

527. The 3 April report merged much of the reporting in the reports of 11 and 23 September 2002 and added new comments from SIS. The significant changes were:

- A statement that “capability outstripped personnel able to operate it” was moved to the Summary of the report. That gave it additional prominence in comparison with the original report of 11 September.
- SIS added a comment that this was consistent with a later report from March 2003 about the problems caused by the dispersal of technical experts previously involved in the production of CW.
- Details of spherical glass containers filled with CW agents at the named establishment, which had constituted part of the main body of the second report, were identified as a “source comment” in the 3 April report.
- Additional details were provided substantiating the authenticity of the sub-source’s existence. His previous involvement in CW activities was also emphasised.
- SIS acknowledged that it would not be possible “to verify fully” the details in the report until it had succeeded in gaining direct access to the sub-source, but it had “no reason to dismiss the bulk of this material, for which there has been collateral”.
- However, it drew attention to the fact that the source’s description of the device and its spherical glass contents was “remarkably similar to the fictional chemical weapon portrayed in the film *The Rock*”. It acknowledged that the similarity had been pointed out by one recipient when the report of 23 September was circulated. That significantly changed the context in which the details were subsequently presented in the reissued report.
- There is no evidence that that point was made to the original readers of the reports before they were reissued on 3 April.

[196] Report SIS, 3 April 2003, ‘WMD/Iraq: Production of Chemical and Biological substances in Iraq in 2002’.

- SIS added a comment that the reporting of additional risks being taken to increase production was consistent with UNSCOM's observation on Iraqi working practices and their disregard for safety.
- SIS also added a comment that the reporting of an order to stop production and decontaminate equipment in August 2002 was "unsurprising" as it paralleled the then assumed arrival of UNMOVIC. It added that the current state of the facility "and the material produced prior to August 2002" was "unknown".
- SIS had been unable to identify the "anthrax specialist" mentioned in the original report.

528. The summary of the intelligence produced for dissemination at "Secret" level, including to selected foreign partners, presented the information that the Iraqi regime had "demanded accelerated production of BCW substances" in 2002. In August 2002 an order had been sent to all factories involved in producing BCW instructing them to stop producing prohibited substances.

529. The reissued report was sent to officials in the FCO, the MOD – including the DIS, the Cabinet Office and GCHQ. It was not sent to the original, high-level recipients of the September reports.

530. After the conflict the sub-source told SIS that he had not provided the information in the reports.

531. SIS formally withdrew the reporting on 29 July 2003.

532. SIS finally met the sub-source in June 2003.[197] He had been involved in Iraq's CW programme before 1991 and had also been involved in Iraq's destruction activities. The sub-source denied that he had provided any of the material attributed to him. SIS concluded that its source was a fabricator who had lied from the outset.

533. On 3 July, a SIS Requirements officer wrote that it was "now necessary" to withdraw the reports issued on 11 and 23 September and 3 April.[198]

534. The Requirements officer added:

> "Without denying that these reports are no longer valid, we need to ensure their withdrawal does not provide wide-spread scepticism about our CW reporting, particularly in the absence of a convincing CW find."

535. The relevant SIS team leader had "prepared the ground with Mr Scarlett and others for the likelihood that, now we have the opportunity to validate our CX, some may prove false. They were sanguine about this, at least in the abstract. But DIS in particular remain sceptical of our CW reporting and Assessments Staff continue to claim (wrongly) that they drew on the [11 September report] for the dossier."

---

[197] SIS record, 25 June 2003.
[198] Minute, 3 July 2003, 'Withdrawal of CX'.

536. The Requirements officer concluded that SIS should write to those to whom the reports had been issued and sought SIS3 and SIS4 approval for the text to be used.

537. The Requirements officer also commented:

> "… there are still unanswered questions as to how this story could have been so wrong, but that is not an issue for CX readers."

538. Sir Richard Dearlove informed the ISC in mid-July 2003 that the intelligence had been withdrawn.[199]

539. Internal SIS documents seen by the Inquiry show that the briefing produced for Sir Richard Dearlove's appearance before the ISC stated that: "In the light of the post-war research … [the reporting of 11 and 23 September 2002] has now been withdrawn."[200]

540. A memorandum withdrawing the reports of 3 April 2003 (and 11 and 23 September 2002) was issued on 29 July 2003.[201] It said that SIS had interviewed the individual identified as the sub-source for the intelligence after the conflict, but he had denied being the source of the material passed to SIS. The memorandum stated that the reports were being withdrawn because the sourcing chain was discredited. That did "not necessarily invalidate their contents (some of which chimed with other reporting)".

541. The memorandum was sent to most of the recipients of the original reports, including to the Private Offices of Mr Straw and Mr Hoon and to Mr Bowen in the Cabinet Office. But it was not sent to No.10 or to Mr Brown's Private Office.

542. In the covering letter to SIS's Annual Report for 2002-2003, Sir Richard Dearlove wrote:

> "Iraq of course has been the dominant issue. I am confident that the intelligence picture to which we contributed pre-conflict will be proved correct."[202]

543. Sir Richard added that the search for Saddam Hussein's WMD would continue into 2004, "and possibly beyond". He also wrote:

> "We risk damage to the credibility of the intelligence community if the public perception remains that our intelligence may have been wrong. If we can persuade Iraqi scientists involved in the programme to go public, then we may be able to turn the media debate more in our favour and reduce our dependence on the eventual outcome of the physical search."

544. In the letter and the Annual Report itself, which was sent to Mr Brown, Mr Straw and Mr Hoon, Sir Andrew Turnbull, Sir David Omand, Mr Scarlett, Sir Michael Jay (the

---

[199] Letter PS/C to Adams, 8 September 2003, 'Additional ISC Request for Access to Intelligence'.
[200] SIS record, July 2003, 'Briefing for C appearance at ISC'.
[201] Minute [SIS memorandum], 29 July 2003, [with telegram and memorandum of same date].
[202] Letter Dearlove to Prime Minister, 30 July 2003, 'SIS Annual Report 2002-2003'.

FCO Permanent Under Secretary), Ms Eliza Manningham-Buller (Director General of the Security Service) and Dr David Pepper (Director, GCHQ), as well as to Mr Blair, there was no mention of any doubts about the reliability of any of the intelligence on Iraq's WMD.

545. Following the evidence to the Hutton Inquiry of Dr Brian Jones (the branch head of the nuclear, biological and chemical section in the Scientific and Technical Directorate of the Defence Intelligence Staff, 1987 to January 2003), Sir Richard Dearlove's Private Secretary asked for Mr Straw's permission for Sir Richard to disclose the reports of 11 and 23 September 2002 to the ISC on 8 September 2003.[203]

546. The letter stated that Sir Richard Dearlove had told the Committee, during a hearing on 17 July, that the "reporting came from a new source on trial and was subsequently withdrawn".

547. Mr Straw approved the request the following day.[204]

THE INTELLIGENCE AND SECURITY COMMITTEE'S VIEW

548. In its Report published in September 2003, the ISC stated that it had considered the concerns expressed by two individuals in the DIS about "the language used in the draft dossier, which was not in their view supported by the intelligence available to them on the current production of chemical and biological agents and weapons". The Report stated:

> "We were told that there was further intelligence of a nature so sensitive that it was only released on a very restricted basis. We have seen the intelligence and understand the basis on which the CDI [Chief of Defence Intelligence] and JIC took the view they did."[205]

549. The ISC Report did not state that the intelligence had been withdrawn.

THE BUTLER REVIEW

550. The Butler Report noted that the reporting had been withdrawn in July 2003.

551. The Butler Report, published on 14 July 2004, stated that SIS had withdrawn the two reports (of 11 and 23 September 2002) in July 2003, "because the sourcing chain had by then been discredited".[206] SIS had interviewed the alleged sub-source after the conflict who had "denied ever having produced the information in the reports".

---

[203] Letter PS/C to Adams, 8 September 2003, 'Additional ISC Request for Access to Intelligence'.
[204] Letter Straw to C, 9 September 2003, [untitled].
[205] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 101.
[206] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 405.

552. The Butler Report noted that the two reports, "including one which was important in the closing stages of production of the Government's September dossier, must now be treated as unsafe".

553. The Butler Report's comments on the decision not to show the reporting to DIS experts is addressed in Section 4.2.

MINISTERIAL AWARENESS THAT THE REPORTING HAD BEEN WITHDRAWN

554. Mr Blair and Mr Hoon became aware that the reporting had been withdrawn as a result of the Butler Review.

555. In the No.10 press briefing on 16 July 2004, Mr Blair's Official Spokesman was asked why Lord Hutton had not been informed that the intelligence had been withdrawn a month before Mr Scarlett had given evidence to the Hutton Inquiry.[207] The Spokesman replied that SIS validation of the intelligence was still "ongoing" and that at the time Mr Scarlett gave evidence, "this matter was still being investigated".

556. Asked about Sir Richard Dearlove's evidence to the Hutton Inquiry that the information in the dossier was "sound" and whether the SIS decision not to inform Lord Hutton that the intelligence had been withdrawn meant that Sir Richard's evidence had been "wrong", the Spokesman replied that "Lord Hutton had been investigating the controversy surrounding the 45-minute claim, not the wider intelligence picture".

557. Asked when Mr Blair had "discovered" that the intelligence had been withdrawn, the Spokesman replied that Mr Blair "had not known at the time he had given evidence to Lord Hutton [on 28 August 2003]" that the intelligence had been withdrawn "because the process of validation had been ongoing". Mr Blair had "found out" that the intelligence had been withdrawn "as a result of the Butler Inquiry".

558. In Written Questions to Mr Blair, Mr Straw and Mr Hoon, Mr Adam Price (Plaid Cymru) asked each of them when they were:

> "… informed that SIS had withdrawn reporting from the source who claimed that production of biological and chemical agents had been accelerated by the Iraqi regime, because the source of the reporting had subsequently been deemed unreliable."

559. Mr Straw replied on 20 July:

> "I became aware of the withdrawal of this reporting when I agreed, in response to a request from SIS on 8 September 2003, that the reports in question should be disclosed to the Intelligence and Security Committee."[208]

---

[207] The National Archives, 16 July 2004, *Press Briefing: 11AM Friday 16 July 2004*.
[208] House of Commons, *Official Report*, 20 July 2004, column 176W.

560. Mr Hoon replied on 21 July:

> "I first became aware that SIS had withdrawn the reports as a result of the Butler Review."[209]

561. Mr Blair replied on 21 July:

> "As my Official Spokesman made clear on 16 July, it was as a result of the Butler Review."[210]

562. In response to a further question from Mr Price, asking when he had become aware that "in July 2003" SIS "had withdrawn two reports from a new source on trial because the source had by then been discredited", Mr Blair replied on 16 September:

> "These matters have been examined during the course of the Butler Review and other inquiries, and covered during debates and statements on Iraq and in briefings by my Official Spokesman. All relevant information has been placed in the public domain insofar as that could be done without prejudicing national security."[211]

563. Asked by Mr Bob Marshall-Andrews (Labour), in November 2004, for the precise date on which he was aware of the intelligence services' withdrawal of "wholly discredited" reports, Mr Blair replied that he thought:

> "… the doubts about the information … were drawn to our attention during the Butler Review. I can certainly look into the precise date on which that happened. It has to be said, however, and I hope that he understands this, that the information and intelligence that we received, we received in good faith and acted on in good faith."[212]

564. Although the SIS minute of 29 July 2003 withdrawing the reporting was sent to the Private Offices of Mr Straw and Mr Hoon and to the Cabinet Office, it was not sent to No.10.

565. The withdrawal of the reporting was done in a very low key manner compared with the way in which the original reporting was issued. That and the timing of the minute may explain why it was not drawn to Mr Hoon's attention. It is not clear why SIS did not inform No.10 or ask the Assessments Staff to do so.

566. Senior members of SIS offered the Inquiry differing views about how the reports had been used by SIS.

---

[209] House of Commons, *Official Report*, 21 July 2004, column 267W.
[210] House of Commons, *Official Report*, 21 July 2004, column 285W.
[211] House of Commons, *Official Report*, 16 September 2004, column 1774WS.
[212] House of Commons, *Official Report*, 17 November 2004, column 1344.

567. Asked about the confidence attached to the reports of 11 and 23 September, SIS1 told the Inquiry that he thought "it was based in part on wishful thinking". He added:

> "SIS was under quite extraordinary pressure to try and get a better view of Iraq's WMD programme, and I think we marketed that intelligence – I think this is not [an] original comment – before it was fully validated."[213]

568. Asked whether there were doubts in SIS's collective consciousness even before March 2003, SIS1 replied:

> "Well before that. Even while it was still going on. Here was a chap who promised the crock of gold at the end of the rainbow. Now, you have got to go for those, because sometimes that can be just what you are looking for."[214]

569. Asked about the strain that had put on the validation process and the way in which it is reported, SIS1 replied:

> "Well, there wasn't much to validate. What he was promising had not arrived. That was the point.
>
> …
>
> "… and I think that that created an expectation which could not be fulfilled, not only on the part of those who were briefed on it …"[215]

570. Asked whether the reporting was the reason for the belief that there was a growing threat, SIS1 replied: "No, because, again, there wasn't much to go on."

571. Asked if the reporting had influenced actual assessments, SIS1 replied:

> "No, he didn't influence assessments. He influenced expectation on the part of people who were concerned, are we going in the right direction."[216]

572. Asked about Sir David Omand's comment to the Inquiry that SIS over-promised and under-delivered, SIS1 replied:

> "If he was referring to that [the information promised by the SIS source], I think he's right. I would hate it to be the epitaph of the whole period. If that was the suggestion, that's completely untrue."[217]

573. Asked about the confidence which Sir Richard Dearlove had expressed in the intelligence, SIS4 told the Inquiry that, for SIS, the report had a story behind it. The

---

[213] Private hearing, 2010, page 18.
[214] Private hearing, 2010, page 18.
[215] Private hearing, 2010, pages 18-19.
[216] Private hearing, 2010, page 19.
[217] Private hearing, 2010, pages 19-20.

technical experts in SIS "knew the Iraqi story intimately". If they "said we know about this chap, we know about the account of his past, if he's possibly in touch with us and going to send us stuff, that's a very major development".[218]

574. SIS4 added that it was "potentially a very, very serious breakthrough".[219]

575. SIS4 told the Inquiry that Sir Richard Dearlove had not, in his view, "acted unprofessionally" in briefing Mr Blair about the 11 September report. He had had "to take all these political decisions on his own shoulders" and those were:

> "Heavy responsibilities.
>
> "He judged that Blair needed to know, and he told him. I don't think he did a wrong thing. The style may be questioned, but I don't think he was wrong to do what he did.
>
> ….
>
> "… the analysis and motivation at the time … stands."[220]

576. Asked why Mr Blair was under the impression when he gave evidence to the Hutton Inquiry that the process of validation was still continuing, SIS4 told the Inquiry:

> "I think that was one of life's ghastlinesses. I don't think the withdrawal notice was sent to Number 10 because withdrawal notices are not major new intelligence. They are not the sort of thing ministers get up early to read. What they do affect, importantly, is the integrity of the record.
>
> "I imagine that the requirements officer issuing the withdrawal report … thought, 'They won't be interested in this'. How wrong he was, and what a skid-up within just a few days, when the Prime Minister said at a public inquiry something that was probably not the case.[221] It's very embarrassing."[222]

577. Asked whether that was, "A cock-up rather than a conspiracy", SIS4 replied: "Always."

---

[218] Private hearing, Part 1, pages 56-57.
[219] Private hearing, Part 1, page 60.
[220] Private hearing, Part 1, page 62.
[221] Mr Blair did not make such a statement to the Hutton Inquiry. The statement that he had not known about the withdrawal of the reporting when he had given evidence to the Hutton Inquiry on 28 August 2003 was made by his Spokesman on 16 July 2004. The National Archives, *Press Briefing: 11am Friday 16 July 2004*.
[222] Private hearing, Part 1, pages 67-68.

578. Asked what conclusions he had drawn when reviewing the case in 2004, SIS3 replied:

> "Well, I think it illustrated, first of all, the dangers of a chain of sourcing …
>
> "The second point is that when you have senior people who reach down into the machinery and try moving the cogs, if I may put it like that … you obviously disenfranchise the operational chain of command. You cut out expertise, and perhaps you also disable that element of challenge which is, I think, a very important part of operational life in the Service.
>
> "The third point is there was a judgment … that we had overpromised and underdelivered. I absolutely agreed with that judgment. It's precisely what we did."[223]

579. Pressed to clarify to whom he was referring, SIS3 told the Inquiry he was reporting what people had said about Sir Richard Dearlove, and that it had been controversial at the time at an operational and working level where he thought "people were genuinely annoyed and concerned".[224]

580. Asked whether there were political pressures not to be as careful as SIS should have been over an unvalidated, untested source, SIS3 replied:

> "Well, it was obviously pressure – whether you describe it as political pressure or merely pressure from Assessments Staff – to have more material, in a sense responding to the tasking that we had received. Clearly when you are under a lot of pressure to produce intelligence, there is a risk that you will take short cuts."[225]

581. The information in the report issued on 11 September was very striking and further information confirming the material as the source promised would have been of great importance in providing proof that Iraq had chemical and biological programmes.

582. The way the report of 11 September was used to support critical judgements in the dossier without being subject to evaluation and challenge by the appropriate technical experts or properly assessed by the JIC is addressed in Section 4.2.

583. The judgements were then carried forward into assessments, briefings and public statements without those involved in providing advice to Ministers and senior officials or the recipients of that advice being aware of the doubts which had emerged within SIS about the sourcing chain at any point before the decision to take military action.

---

[223] Private hearing, 2010, page 17.
[224] Private hearing, 2010, page 18.
[225] Private hearing, 2010, page 19.

584. Sir Richard should have alerted the Chairman of the JIC and made sure that Mr Blair and Mr Straw were informed.

585. Given the controversy about the failure to find WMD and questions about whether the intelligence had been presented accurately after the conflict, Sir Richard Dearlove should have ensured that Ministers were aware of the position when he informed the Intelligence and Security Committee that the intelligence had been withdrawn.

Withdrawal of two other streams of SIS reporting

586. By the middle of 2004, serious doubts had emerged about two further streams of reporting which had informed pre-conflict assessments on:

- **the production and possession of stocks of chemical and biological agents;**
- **the weaponisation and deployment of those agents;**
- **Iraq's intentions to use chemical and biological weapons; and**
- **Iraq's strategy of concealment and deception.**

587. On 2 June 2004, SIS alerted the FCO and No.10 to concerns about the reporting from the chain responsible for the "45 minutes" report and a number of other reports including the one which had informed the 27 November 2002 Update.

588. The ISC Report published in September 2003 stated that Sir Richard Dearlove told the Committee that the sourcing for the SIS report of 30 August (the source for the reference in the September dossier to chemical and biological weapons being deployable within 45 minutes of an order to use them), was "reliable":

> "The senior military officer named and quoted in the report was in a position to comment on the deployment of chemical and biological weapons."[226]

589. SIS informed the FCO on 2 June 2004 that it had information casting doubt on the reliability of information from a sourcing chain which had provided intelligence before the conflict on Iraq's intentions and ability to use chemical or biological weapons.[227]

---

[226] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 51.
[227] Minute SIS to Kidd, 2 June 2004, 'Butler Review: Sourcing of 45 Minute Report' attaching SIS Paper, 2 June 2004, 'Speaking Note for C to Lord Butler […]'.

590. The draft speaking note for Sir Richard Dearlove explained that new information, obtained recently when SIS met the sub-source for the first time, cast doubt on the reliability of his intelligence, and that he had provided the report referred to in the 9 September 2002 JIC Assessment, that:

> "Intelligence also indicates that chemical and biological munitions could be with military units and ready for firing within 20-45 minutes."

591. There were also doubts about other reporting from the sub-source. SIS was pursuing its validation of the reports, but intended to inform Lord Butler of the issue before Sir Richard Dearlove gave further evidence to the Butler Review on 10 June.

592. When Mr Straw saw the papers he asked for them to be sent to Mr Blair "without delay", commenting that SIS's description of the new information as a "snag" was "a very major understatement", and that the information seemed "to drive a coach and horses through the veracity of the 45-minute claim".[228]

593. Sir Michael Jay, commented on the papers:

> "I am sure we must be open with Butler about this – and/wd have thought go into more details than proposed in [draft speaking note] …"[229]

594. An SIS internal minute records that Sir Nigel Sheinwald, who succeeded Sir David Manning as Mr Blair's Foreign Policy Adviser and Head of OD Sec in August 2003, discussed developments with Mr Blair on 5 June.[230]

595. On 7 June, Sir Nigel wrote to Mr Straw's Private Office reporting that Mr Blair regarded the information "as a very serious development", and that he had "asked for a clear damage assessment".[231]

596. Mr Blair had also asked:

- how the overall intelligence picture would be affected;
- what was "the position regarding the other main sources on Iraqi WMD"; and
- "where do we stand in our assessment of the veracity of Curve Ball's material [the source for the majority of the reporting on mobile production facilities for biological agents]".

597. Mr Blair agreed that Sir Richard Dearlove should brief Lord Butler, and that that should take place before other witnesses gave evidence to Lord Butler (on 8 June).

---

[228] Minute Adams to Kidd, 4 June 2004, 'Butler Review: Sourcing of 45 Minute Report'.
[229] Manuscript comment Jay on Minute Adams to Kidd, 4 June 2004, 'Butler Review: Sourcing of 45 Minute Report'.
[230] Minute SIS, 7 June 2004, 'Butler Review/SIS: Sourcing of 45 Minute Report'.
[231] Minute Sheinwald to Adams, 7 June 2004, 'Butler Review: Sourcing of 45 Minute Report'.

598. SIS did not gain direct access to Curve Ball until early 2004.[232]

599. The US Commission on WMD reported that the CIA had doubts about Curve Ball from summer 2003:

> "Any remaining doubts, however, were removed when the CIA was finally given access to Curve Ball himself in March 2004. At that time, Curve Ball's inability to explain discrepancies in his reporting, his description of facilities and events, and his general demeanor led to the conclusion that his information was unreliable … Having concluded that Curve Ball had fabricated his reporting, CIA and Defense HUMINT recalled all of it."[233]

600. A senior SIS officer replied to the questions raised by Mr Blair on 10 June.[234] The senior SIS officer stated that, if intelligence from the sub-source were withdrawn, there was:

> "… still a body of intelligence which consistently indicated that Saddam was considering using CBW; that he would be prepared to use it against advancing allied forces; and that he considered possession of CBW vital to the long term survival of his regime."

601. The senior SIS officer also reported that:

- SIS had received a large amount of liaison reporting, "about deception of UNMOVIC and the concealment of CBW; and limited reporting on the military deployment of CBW".
- SIS was validating other sources.
- The CIA had already formally withdrawn some reporting from Curve Ball but SIS continued to judge that it was "premature to conclude … that all intelligence from the source must be discounted".

602. The senior SIS officer added that, as a result of its discussions with Curve Ball earlier in 2004, the "most likely function" of the trailers he had described was "to provide a breakout production capability and not the continual production of material for stockpiling".

603. Separately, Mr Tim Dowse, who succeeded Mr Miller as Chief of the Assessments Staff in November 2003, sent Sir Nigel Sheinwald an assessment of the impact of concerns about the reliability of the sourcing chain for the 45 minute report.[235] Mr Dowse stated that there were doubts about the sourcing chain which SIS was still investigating.

---

[232] Letter [senior SIS officer] to Scarlett, 24 March 2004, 'CIA Position on Iraqi TPS Source'.
[233] The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States*, 31 March 2005, pages 106-108.
[234] Letter [senior SIS officer] to Sheinwald, 10 June 2004, 'Butler Review: Sourcing of 45 Minute Report'.
[235] Minute Dowse to Sheinwald, 18 June 2004, 'Intelligence on Iraqi WMD: […]'.

604. The sub-source for the 45 minute report had provided five reports which were drawn on in the JIC Assessments of 21 August, 9 September, 11 October, 6 December 2002 and 19 February 2003. In addition, he had provided the reporting for the JIC Update of 27 November.

605. Mr Dowse wrote that, while the intelligence was not "crucial to key judgements" in the JIC Assessments, it had:

> "… increased our confidence in judgements that Saddam possessed and was prepared to use chemical and biological weapons – but these also rested on other intelligence."

606. Reporting from the sub-source was crucial on "one detailed point", the statement in the 9 September Assessment that Iraq could deploy chemical and biological weapons within 45 minutes.

607. Mr Dowse added:

> "However, this would not have materially affected the key JIC judgements on Iraqi capabilities: it was seen simply as extra detail supporting the picture of the Iraqi command and control structure that we already had, based on other intelligence. The prominence this point has received in the media since the conflict was not how it was seen by the JIC at the time."

608. An internal SIS minute of 8 June also identified that the sub-source had provided a report in late 2002 that Iraq had an indigenous UAV programme capable of CBW delivery.[236]

609. Mr Dowse wrote to Sir Nigel Sheinwald again on 7 July, reporting that SIS had provided a more detailed summary of its work to validate the pre-conflict sources on Iraqi WMD, which was continuing.[237]

610. Mr Dowse concluded:

> "… we see no reason at present to revise JIC judgements on Iraqi WMD beyond the (objectively minor, but presentationally very awkward) point over the '45 minutes' claim …"

611. The Butler Report published on 14 July stated that serious doubts had emerged about the reliability of intelligence from three sources.

612. The Butler Report recorded that SIS had:

> "… provided a series of commentaries on the results of their post-war validation of the main sources of human intelligence … on Iraqi chemical and biological

---

[236] Minute SIS, 8 June 2004, 'Butler Review/SIS: Sourcing of 45 Minute Report'.
[237] Minute Dowse to Sheinwald, 7 July 2004, 'Validation of Sources on Iraqi WMD'.

> weapons, their use and their concealment … [D]oubts – and in some cases serious doubts – have emerged about the reliability of intelligence from three sources whose intelligence helped to underpin JIC Assessments and the Government's dossier of September 2002."[238]

613. The withdrawal of intelligence in July 2003 from the source of the reports issued on 11 and 23 September 2002 is dealt with earlier in this Section.

614. The Butler Report stated that more than 80 percent of the human intelligence reports "which had had a material influence on JIC Assessments on Iraqi deception and concealment … came from two principal sources"; and that one of those sources produced two-thirds of the reports.[239] Because both sources were "believed at the time to be reporting reliably", there would have been "a tendency for the intelligence community to assume that they were similarly reporting reliably on Iraqi concealment and deception".

615. In a footnote, the Butler Report drew attention to the fact that, during SIS validation of its sources after the conflict, doubts had emerged about the reliability of reporting from the source providing the smaller proportion of the reports.

616. The Butler Report stated that two sources had produced "some two-thirds of all the intelligence reports" circulated in 2002. Those reports had "had a significant influence on intelligence assessments on Iraqi use of chemical and biological weapons":

- One of those sources "reported accurately and authoritatively on some key issues", but on the "production and stocks of chemical and biological weapons and agents, he could only report what he learned from others in his circle of high level contacts in Baghdad".
- In 2002, SIS issued a number of reports from the second source "quoting a new sub-source on Iraqi chemical and biological programmes and intentions". SIS considered the second source "to be an established and reliable source" whose "intelligence on other subjects had previously been corroborated". SIS had also included a caution about the sub-source's links to Iraqi opposition groups.[240]

617. The Butler Report stated that it had:

> "… been informed by SIS that the validity of the intelligence report on which the 45-minute claim was based has come into question. Post-war source validation by

---

[238] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 398.
[239] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 355.
[240] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 401-403.

SIS … has thrown doubt on the reliability of one of the links in the reporting chain affecting this intelligence report."[241]

618. The third source about which doubts had arisen provided "the vast majority of the intelligence suggesting that Iraq had developed mobile facilities for the production of biological agent".[242] Sir Richard Dearlove told the Butler Review in May 2004 that these reports had "been received through a liaison service" and SIS:

"… had been able to verify that he had worked in an area which would have meant that he would have had access to the sort of information he claimed to have. But they had not been able to question him directly until after the war."

619. SIS told the Butler Review that, after their initial debrief of the source (Curve Ball):

- It had "become apparent that significant detail did not appear in the original liaison reports … But based on the information derived from the limited access to date we continue to judge that it is premature to conclude … that all the intelligence from the source must be discounted."
- SIS had concluded that the trailers described by the source as part of the mobile facilities would have produced agent in the form of a slurry, which would have a limited life, and, therefore, that the "most likely function … was to provide a breakout production capability and not the continued production of material for stockpiling".
- SIS was continuing to debrief the source.[243]

620. The Butler Report concluded that the reports received in 2000 from this source, suggesting that Iraq had recently produced biological agent were "seriously flawed"; and that the grounds for the JIC Assessments drawing on these reports (see Section 4.1) "no longer exist".[244]

621. The Butler Report stated that the source (Curve Ball) was "a refugee", and that his reporting had been:

"… treated with some caution by the JIC until it appeared to be confirmed by other human intelligence. The subsequent need to withdraw a key part of the reporting received through the liaison service arose as a result of misunderstandings, not because of the source's status."[245]

---

[241] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 512.
[242] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 406.
[243] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 407-409.
[244] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 409.
[245] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 438.

622. The Butler Report also stated:

- "**We consider that it was reasonable for the JIC to include in its Assessments of March and September 2002 a reference to intelligence reports on Iraq's seeking mobile biological production facilities. But it has emerged that the intelligence from the source, if it had been correctly reported, would not have been consistent with a judgement that Iraq had, on the basis of recent production, stocks of biological agent. If SIS had had direct access to the source from 2000 onwards, and hence correct intelligence reporting, the main evidence for JIC judgements on Iraq's stocks of recently produced biological agent, as opposed to a break out capacity, would not have existed**."[246]
- All JIC Assessments about the production of biological warfare agents were based on intelligence about mobile facilities.[247]

623. The Butler Report stated that reports from two further sources continued to be regarded as reliable, although it was "notable that their reports were less worrying than the rest about Iraqi chemical and biological weapons capability".[248]

624. The Butler Report also stated that it had subsequently emerged that one of the sources on which US assessments of Iraqi ownership of mobile biological agent production facilities, including Secretary Powell's presentation to the Security Council on 5 February 2003, had been based, a defector associated with the Iraqi National Congress, had already been retracted before the US National Intelligence Estimate was issued in October 2002.[249] That report was not relied on by the UK.

625. On 30 January 2004, Mr Scarlett informed Sir Nigel Sheinwald of US concern about a "Notification to Congress that one piece of intelligence underpinning" Secretary Powell's presentation to the UN on 5 February 2003 "came from an unreliable source".[250]

626. Mr Scarlett commented:

> "This discredited report was sent to SIS but not issued by them so it was not reflected in our classified assessments or in the dossier. There is one reference in the dossier (the Executive Summary) to mobile 'laboratories'. This was a general term to cover mobile facilities and was not meant to be distinct from 'production' units. In terms of any press lines it will be sufficient to say that the discredited report was not issued by SIS."

---

[246] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 530.
[247] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 523.
[248] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 410.
[249] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 521.
[250] Minute Scarlett to Sheinwald, 30 January 2004, 'Iraqi WMD: Update from CIA'.

627. Reporting from the sourcing chain which had produced the "45 minutes" report was withdrawn on 28 September.

628. On 28 September, a senior SIS officer wrote to Mr Straw's Private Office formally withdrawing all the reporting from the sourcing chain that had produced the 45 minute report.[251] There were concerns that the source had coached the sub-source; that the sub-source had fabricated reports; and that the source might not have accurately reported the information from the sub-source.

629. The SIS officer stated that the assessment of the impact of withdrawing the reporting provided by Mr Dowse on 18 June still stood.

630. At the JIC meeting on 29 September, Mr Ehrman noted that SIS had circulated a letter withdrawing one of the lines of reporting on Iraq's WMD:

> "It would be drawn to … [Mr Straw's and Mr Blair's] attention. After the work of the ISG was concluded, and SIS had completed validation of the sources, it would be necessary to review the JIC Assessments circulated in the run-up to the Iraq war. The results would be discussed at a future JIC meeting."[252]

631. SIS formally withdrew the reporting from Curve Ball on 29 September 2004.

632. On 29 September, the same senior SIS officer wrote to Mr Straw's Private Office stating that SIS had concluded that all the reporting from Curve Ball should formally be withdrawn.[253] SIS and the DIS had reached a common position on the technical aspects of the reporting in May 2004, which had been submitted to the Butler Review. They continued to assess that the transportable production system described in the reporting was compatible with BW production.

633. The senior SIS officer also stated:

- It was now not clear whether Curve Ball had ever told the liaison service whose control he was under that he believed the system was BW-related.
- Substantial UK and ISG efforts to collect significant collateral to conclude that the system was BW-related had produced little that was concrete.
- There were "irreconcilable inconsistencies" in Curve Ball's claims for the production process which meant that, notwithstanding its scientific coherence, SIS "now have some doubts about the overall veracity" of the story.
- Curve Ball had been a very difficult defector to handle and access to Curve Ball had proved challenging.

---

[251] Minute [senior SIS officer] to [Private Secretary/FCO], 28 September 2004, 'Withdrawal of [name of source] CX'.
[252] Minutes, 29 September 2004, JIC meeting.
[253] Letter SIS to Private Secretary [FCO], 29 September 2004, 'CURVEBALL: Withdrawal of […] reporting'.

634. The senior SIS officer concluded that the reporting was:

> "… issued against a background of possible future military action in Iraq in which British Forces might participate. In these circumstances, and given [a liaison service's] assessment of his reliability, the technical credibility of his story and the previously expressed Iraqi interest in a mobile CW production capability, it would have been difficult not to treat seriously …"

635. Mr Ehrman wrote to the SIS senior officer on 1 October stating that, once the ISG had issued its report, he intended that the JIC "should conduct a comprehensive review of its past judgements".[254] He also asked SIS to confirm that there were no further questions about other sources.

636. Sir Nigel Sheinwald confirmed that Mr Blair had seen the senior SIS officer's "submissions of 28 and 29 September" and was "content with the proposal to withdraw the intelligence concerned".[255]

637. Following a conversation on 4 October, between Mr John Scarlett, who had succeeded Sir Richard Dearlove as Chief of SIS, and Mr Straw, Mr Scarlett's Private Secretary wrote to Mr Straw's Private Office about informing the ISC of the decision.[256] Mr Scarlett intended to write to the Chair of the ISC informing the Committee that the two streams of reporting had been withdrawn. If Mr Straw remained of the view that there was "an imperative to report the fact of the withdrawals now and in public", a Written Ministerial Statement could then, with the ISC Chair's agreement, refer to the SIS correspondence with the Committee in the context of Lord Butler's recommendations and the exceptional Parliamentary and public interest in the "45 minutes intelligence" in particular.

638. A draft Written Ministerial Statement was also provided for Mr Straw's consideration.

639. The withdrawal of intelligence was announced by Mr Straw on 12 October:

> "The House will recall that the Butler committee concluded … that the validity of the line of reporting that included the 45-minute intelligence had come into question. It further concluded that reporting received from a liaison service on Iraqi production of biological agent was 'seriously flawed'. The House will now wish to be aware that the Chief of the Secret Intelligence Service has written to … the Chairman of the Intelligence and Security Committee, formally withdrawing those two lines of reporting.

---

[254] Letter Ehrman to [Senior SIS Officer], 1 October 2004, 'Withdrawal of [source] CX'.
[255] Letter Sheinwald to [Senior SIS Officer], 11 October 2004, 'Withdrawal of [sources] CX'.
[256] Letter PS/C to Adams, 7 October 2004, 'Withdrawal of Iraq WMD Reporting' attaching draft Letter C to Taylor, 'Withdrawal of Iraq WMD Reporting' and draft Ministerial Statement.

"But I do not accept, even with hindsight, that we were wrong to act as we did in the circumstances that we faced at the time. Even after reading all the evidence detailed by the Iraq Survey Group, it is still hard to believe that any regime could behave in so self-destructive a manner as to pretend that it had forbidden weaponry, when in fact it had not."[257]

JIC ASSESSMENT, 23 DECEMBER 2004: 'IRAQI WMD – A REVIEW OF JIC JUDGEMENTS MADE IN 2002'

640. At the request of the JIC, its Assessments of Iraqi WMD programmes in 2002 were reviewed in December 2004.[258]

641. The minutes of the JIC discussion on 22 December of the draft paper on WMD recorded that the points made included:

- The paper had been produced at the JIC's request and "reviewed the 2002 JIC judgements of Iraqi WMD programmes, capabilities and intentions, in the light of subsequent investigations, particularly the findings of the Iraq Survey Group".
- The JIC's 2002 judgements on ballistic missiles had been "partially substantiated". Iraq "had developed missiles that exceeded the legal range of 150km, and had designs for missiles with ranges up to 1000km. The paper should not be so definitive in its conclusions. While our knowledge had been considerably enhanced, the ISG itself acknowledged that more information may yet come to light, and the picture was still incomplete".
- The box on the intelligence base in the Assessment "should highlight the limited, fragmentary nature of the intelligence, and the fact that much of the CBW reporting had been withdrawn. But the paper should also point out that many of the JIC's judgements were informed by UNSCOM reporting, and even without the withdrawn intelligence, would have remained reasonable judgements based on what we knew at the time".
- The JIC "would discuss lessons learned as part of following up the Butler Review recommendations".[259]

642. The Assessment, issued on 23 December, made clear that it was not examining the process through which assessments and judgements were made or attempting to analyse the findings of the ISG in detail.[260] The ISG findings provided "a baseline against which to compare the pre-conflict JIC Assessments". The ISG had "considerably enhanced" the UK's knowledge, but it had "acknowledged" that its findings were "by no means definitive and new information may yet come to light".

---

[257] House of Commons, *Official Report*, 12 October 2004, columns 151-152.
[258] JIC Assessment, 23 December 2004, 'Iraqi WMD: Review of Judgements made in 2002'.
[259] Minutes, 22 December 2004, JIC meeting.
[260] JIC Assessment, 23 December 2004, 'Iraqi WMD: Review of Judgements made in 2002'.

643. The Assessment stated:

"The ISG judged that Saddam wanted to recreate Iraq's WMD capability, but only after sanctions were removed and the economy had stabilised. He aspired to develop a nuclear capability in an incremental fashion, and intended to focus on ballistic missile and tactical warfare capabilities. The ISG found that Iran was the prime motivator for this policy, with a secondary requirement to balance Israel and have influence in the Arab world."

644. Against that background, and validation work on the intelligence on which its judgements had been based, the JIC reviewed its 2002 Assessments of Iraq's activities:

"**Iraq is pursuing a nuclear weapons programme. But it will not be able to indigenously produce a nuclear weapon while sanctions remain in place, unless suitable fissile material is purchased from abroad**" (CIG Assessment, 15 March 2002).

- The judgement "was wrong in that Iraq was not pursuing a nuclear weapons programme, but correct on Iraq's nuclear ambitions and its inability to produce a nuclear weapon under sanctions".
- "The ISG found no indigenous nuclear production capability or a reconstitution of effort to produce nuclear weapons."
- "It did find evidence of efforts to preserve nuclear related intellectual capabilities post 1991, with the probable intention of restarting a nuclear programme once sanctions ended …"
- "Intelligence dated June 2002 identified Iraqi interest in seeking uranium ore from Niger. The ISG has contested this, but it has not been possible for the UK to share the relevant intelligence […] This intelligence stands."

"**Iraq retains up to 20 Al Hussein ballistic missiles**" (CIG Assessment, 15 March 2002).

- The judgement had "not been substantiated".
- "The ISG judges that Iraq probably did not retain any SCUD-variant missiles after 1991 …"

"**Iraq has begun development of medium range ballistic missiles over 1000km**" (CIG Assessment, 15 March 2002).

- The judgement "had been partly substantiated: the ISG found that Iraq had authorised its scientists to develop missiles with ranges in excess of … 150km … and had designs for missiles with ranges up to 1000km".

"**Iraq may retain some stocks of chemical agents … Iraq could produce significant quantities of mustard within weeks, significant quantities of sarin**

and VX within months, and in the case of VX may already have done so" (CIG Assessment, 15 March 2002).

- "Although a capability to produce some agents probably existed, this judgement has not been substantiated."
- "The ISG judged that by 2003 Iraq probably had a capability to produce large quantities of mustard within three to six months. Saddam never abandoned his intention to resume a CW effort."
- "… [T]he Iraqi Intelligence Service (IIS) may have maintained covert laboratories … though this probably reflected requirements for small-scale operations by intelligence services and special forces, particularly for use against internal dissent."
- "The ISG judged that Iraq unilaterally destroyed its undeclared CW stockpile in 1991, although a small number of weapons either escaped destruction or suffered only partial damage."

"Iraq currently has available, either from pre-Gulf war stocks, or more recent production, a number of biological agents … Iraq could produce more of these biological agents within days" (CIG Assessment, 15 March 2002).

- "The ISG found no direct evidence of a BW programme after 1996. It concluded, however, that Saddam probably intended to resume a BW programme if the opportunity arose."
- "The ISG found that Iraq had dual-use facilities which could have allowed BW production to resume, but not within the timeframe judged by the JIC, and found no evidence that production had been activated."
- The "judgements on Iraq's ability to produce biological agent within days were based on reporting of a TPS [transportable production system] which has been subsequently withdrawn, and evidence (largely imagery) of the refurbishment of a facility involved in BW research and production before the first Gulf war. While acknowledging the possibility that a TPS capability did exist, the ISG uncovered no evidence of such systems."
- "… the IIS may have had a series of small laboratories conducting small scale BW work … The ISG was not able to establish the full scope and nature of the laboratory work."

"**Recent intelligence indicates that production of chemical and biological weapons is taking place**" (JIC Assessment, 9 September 2002).

- "The ISG found that, while there were no credible indications that Baghdad resumed production of chemical munitions post-1991, Iraq did conserve intellectual CW capability, and enhanced its chemical infrastructure in the mid-1990s."

- The reporting on which the assessment was based had "not been subsequently substantiated by the ISG".

"**Intelligence [also] indicates that chemical and biological munitions could be with military units and ready for firing within 20-45 minutes**" (JIC Assessment, 9 September 2002).

- The reporting had been withdrawn.

"**Iraq has a chemical and biological weapons capability and Saddam is prepared to use it**" (JIC Assessment, 9 September 2002).

"**Saddam has already taken the decision that all resources, including CBW, be used to defend the regime from attack. One report states that Saddam would not use CBW during the initial phase of any military campaign, but would use CBW once a ground invasion of Iraq has begun**" (paragraph 4, JIC Assessment, 9 September 2002).

"**Intelligence indicates that Saddam has identified Bahrain, Jordan, Qatar, Israel and Kuwait as targets**" (paragraph 6, JIC Assessment, 9 September 2002).

- The reporting specifically referred to in paragraph 4 had been withdrawn; as had the report on which paragraph 6 was based. "However, other intelligence on Iraqi CBW programmes and activities, and on Israel and Kuwait as possible targets, supported the Key Judgement and elements of the detail quoted."
- The ISG findings did "not support the JIC judgement that Saddam would use all resources, including CBW".

"**Saddam … might use CBW … against coalition forces, neighbouring states and his own people. Israel could be his first target**" (JIC Assessment, 6 December 2002).

- Based on Iraq's actions pre-1991 and during the first Gulf Conflict, the judgement would have remained a reasonable one although reporting which had been used in compiling the Assessment had subsequently been withdrawn.
- An Assessments Staff Intelligence Update on 27 November 2002 referred to recent intelligence that Saddam Hussein had reiterated his intention to use CBW to defend his regime "if allied forces approached Baghdad, if Basra, Kirkuk or Mosul fell to Allied control, or if Iraqi units rebelled". He "would wait and see how neighbouring countries reacted to an allied attack, and whether they allowed their territory to be used by Allied forces, before deciding whether to use CBW against them". His initial targets would be "Israel, Kuwait and Jordan". That reporting was withdrawn.

645. The Assessment stated:

> "The JIC's judgements on Iraq's production, retention and the availability of chemical and biological agents in 2002/3 cannot currently be substantiated."

JIC DISCUSSION, 9 FEBRUARY 2006

646. In an "open discussion" of the lessons learned on Iraq in the JIC on 9 February 2006, the minutes record that the following points were made:

> "i. the more important a subject became, the more rigorously checks and balances needed to be applied to JIC product;
>
> ii. peer review of work was vital for some, but not all Assessments. This was particularly so when, in fast changing situations, the JIC was subject to an upward pressure of increased intelligence flow and a downward pressure of demand from senior readers; and
>
> iii. it was vital that the knowledge base within the Assessments Staff was not allowed to atrophy in lower priority subject areas …"[261]

Reliability of intelligence

647. Iraq was undoubtedly a difficult intelligence target and the UK had no sources of human intelligence with reliable first-hand knowledge of Iraq's WMD capabilities or Saddam Hussein's intentions.

648. The ISC stated that Iraq was a hard target but SIS "successfully ran a number of agents against Iraq and Saddam's regime" who "provided intelligence over a wide range of topics, although the SIS acknowledged that coverage on some subjects was stronger than on others".[262]

649. The ISC described the SIS process of issuing intelligence reports in the following terms:

> "The SIS collects human intelligence (HUMINT) when agents, who can also be known as sources, report back to their case officer. Sources either operate on their own or quote a sub-source, who may be quoting another sub-source of their own. After a meeting or communication between agent and [SIS] case officer, the information is checked by the SIS who, after consulting experts as necessary, issue an intelligence report. This report contains the information provided by the agent (who by definition is the single source for the information) and an assessment of the reliability of the agent and any sub-sources, as appropriate, together with SIS comments. The SIS comments will refer the reader of the report to any other

---

[261] Minutes, 9 February 2005, JIC meeting.
[262] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 32.

intelligence that either confirms or conflicts with the information provided by the agent and will put the report in context where required. This is to ensure that the reader is able to make the best judgement on the veracity of the intelligence."[263]

650. Addressing comments "about the unreliability of 'single-source reporting'", the ISC added:

"Some … intelligence that agents produce cannot be verified or corroborated by intelligence from other sources. The professional judgement of the agent's reliability is based on all that is known about the agent and their circumstances, including the reliability of information that can be verified. It is possible to recruit a reliable agent with exceptional access to high-grade intelligence. Examples … are amongst the most valuable agents that the UK has ever had. Each was the origin of 'single-source' reporting from SIS. For much of the reporting there was no collateral from other sources."[264]

651. The Butler Report stated:

"Validation of human intelligence sources after the war has thrown doubt on a high proportion of those sources and of their reports, and hence on the quality of the intelligence assessments received by Ministers and officials in the period from summer 2002 to the outbreak of hostilities. Of the main human intelligence sources described above:

- **One SIS main source reported authoritatively on some issues, but on others was passing on what he had heard within his circle.**
- **Reporting from a sub-source to a second SIS main source that was important to JIC assessments on Iraqi possession of chemical and biological weapons must be open to doubt.**
- **Reports from a third SIS main source have been withdrawn as unreliable.**
- **Reports from two further SIS main sources continue to be regarded as reliable, although it is notable that their reports were less worrying than the rest about Iraqi chemical and biological weapons capabilities.**
- **Reports received from a liaison service on Iraqi production of biological agent were seriously flawed, so that the grounds for JIC assessments drawing on those reports that Iraq had recently-produced stocks of biological agent no longer exist."**[265]

---

[263] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 25.
[264] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 26.
[265] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 436.

652. In its consideration of the reasons why "such a high proportion of the human intelligence reports should have been withdrawn or subsequently be subject to doubt", the Report's conclusions included:

> "… **the length of the reporting chains**. Even when there were sources who were shown to be reliable in some areas of reporting … in other areas … where they did not have direct knowledge [they had] to draw on sub-sources or sub-sub-sources. This was the case with the first of the two dominant sources [in the previous paragraph].
>
> "… **agents who were known to be reliable were asked to report on issues going well beyond their usual territory**, leading to intelligence reports which were more speculative than they would have provided on their own specialisms. We believe this to have been the case with some aspects of the reporting of the second of the two dominant sources.
>
> "… because of the scarcity of sources and the urgent requirement for intelligence, more credence was given to untried agents than would normally be the case. This was the case with the report received between the JIC assessment of 9 September 2002 and the publication of the Government's dossier in September 2002."[266]

653. Asked about the difficulty of obtaining intelligence on Iraq's weapons of mass destruction programmes and capabilities, Sir John Scarlett told the Inquiry:

> "… when we are talking about the nuclear or chemical or biological or missile programmes, we are talking about the most secret parts of what is already a highly secretive state. We are talking about secret parts which are highly compartmented. So you might achieve access to somebody who knows a lot about a particular … programme, but by definition they are not going to have a broader picture.
>
> "So you need a lot of such sources at a ground level to really get detailed information about the programme. And, of course, with WMD you have … dual-use, where it is very difficult to interpret any information or intelligence that you acquire as to whether it is relevant to the programmes …"[267]

654. Asked about intelligence on the thinking of the leadership and military commanders, Sir John stated:

> "They were both very difficult … [W]e did have … some insight, we believed into the thinking of the leadership and the work done subsequently in Iraq after the conflict by the Iraq Survey Group would suggest that some of those insights were not far off reality.

---

[266] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraphs 440-442.
[267] Public hearing, 8 December 2009, page 31.

> "The problem was … that … this was a highly autocratic state, where almost everybody revolved around the person, the thinking the behaviour and whims of the leader. So it was what was going on in his mind which was critical, and that was very difficult to fathom. And by his [Saddam Hussein's] nature such a society generates, deliberately or not, obfuscation and uncertainty. Nobody quite knows what about what. There is a great deal of uncertainty of knowledge.
>
> "So an individual, maybe a very senior military or civilian commander who you would normally expect to have quite a confident view of a particular issue or capability … might not … might say … I don't know about this, but … a friend who does … tells me … and you wouldn't really know whether that was true or not."[268]

655. Sir John subsequently told the Inquiry:

> "… taken overall, I think as of mid-March 2003 … I think we said five lines [of HUMINT] by that stage … [T]hat was a general statement which we were given by the agency [SIS]. It wasn't something that reflected research and real knowledge on our part."[269]

656. SIS1 told the Inquiry:

> "I think there was a sense in Iraq where the leader wished to convey to a fearful regime and the people that he was powerful, that he had things up his sleeve, and that those who were responsible for various programmes wanted to convince the leader that work was continuing and that there were capabilities. It was not a well organised place. It was extremely repressive.
>
> …
>
> "And it was corrupt. So people told people up and down what they wanted to hear, and things which suited their ends."[270]

657. The Inquiry asked SIS1 whether SIS sources and Iraqis in direct contact, for example, with the UN and Sir Jeremy Greenstock, who were saying, "we don't have anything", were telling the truth as they knew it then, or whether he thought some of them did suspect they had something but that was the party line. SIS1 replied:

> **"**Many of them believed they had it, and in a way that was part of the picture that we were getting […].[271]

658. Asked whether he thought there were any lessons, SIS1 observed, "we based a lot on not enough".[272]

---

[268] Public hearing, 8 December 2009, pages 32-33.
[269] Private hearing, 5 June 2010, page 31.
[270] Private hearing, 2010, pages 57-58.
[271] Private hearing, 2010, page 58.
[272] Private hearing, 2010, page 82.

659. In response to a question about the extent to which SIS had been obliged to rely on sources who were not WMD experts and the implications of that position, SIS4 confirmed SIS did not generally have agents with first-hand, inside knowledge of Iraq's nuclear, chemical, biological or ballistic missile programmes.[273]

660. Sir David Omand told the Inquiry:

> "I think there were certainly people in the intelligence community, and there are still some, who believe that something will turn up in Syria, and I am certainly not going to break my own rules and say categorically that won't happen. We could all still be surprised. But there was a sense in which, because of past successes – very, very considerable successes supporting this Government, that SIS overpromised and underdelivered, and when that became clear that the intelligence was very hard to find … they really were having to bust a gut to generate the intelligence.
>
> "I think the Butler Committee really uncovered that the trade craft at that point wasn't as good as it should have been for validation … that's one of the background reasons why people were very unwilling to actually conclude: no … we may have miscalculated, or misassessed this."[274]

A LESSON LEARNED?

661. As the current version of *National Intelligence Machinery* explains, JIC Assessments put intelligence in the context of wider knowledge available and past judgements and historic evidence.[275] They also need to try to understand, drawing on all sources at their disposal, the motivations and thinking of the intelligence targets and sources.

662. Reflecting the findings and recommendations of the Butler Review in relation to the nature of intelligence and the way in which it was used before the conflict in 2003, the document also states:

> "Intelligence … may by its nature be fragmentary or incomplete. It needs to be analysed in order to identify significant facts, and then evaluated in respect of the reliability of the information in order to allow a judgement to be made about the weight to be given to it before circulation either as single source reports or collated and integrated with other material as assessments.
>
> "SIS and GCHQ evaluate and circulate mainly single source intelligence. The Security Service also circulates single source intelligence although its primary product is assessed intelligence. Defence Intelligence produces mainly assessed reports on an all-source basis …

---

[273] Private hearing, Part 1, page 68.
[274] Public hearing, 20 January 2010, pages 63-64.
[275] Cabinet Office, 19 November 2010, *National Intelligence Machinery*, page 24.

> "Assessment should put intelligence into a sensible real-world context and identify elements that can inform policy-making. Evaluation, analysis and assessment thus transform the raw material of intelligence so that it can be assimilated in the same way as other information provided to decision-makers at all levels of Government."[276]

663. The Cabinet Office document also states:

> "Intelligence collected by the three [intelligence] Agencies is passed directly in the form of reports to customer departments in Government, where it informs and assists decision-making. It contributes with other sources of information to threat assessment work and other longer-term analysis and assessment. Intelligence reporting from the Agencies is also used to support field operations by the Armed Forces and the law enforcement agencies."
>
> "You can't take good decisions unless you have good information and can separate facts from opinion and speculation."[277]

Conclusions

664. The core construct that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment, underpinned the UK Government position that Iraq was a threat that had to be dealt with and it needed to disarm or be disarmed.

665. That remained the case up to and beyond the decision to invade Iraq in March 2003.

666. As the Report of the *Review of Intelligence on Weapons of Mass Destruction* (the Butler Report) stated:

> "**Intelligence on Iraqi nuclear, biological, chemical and nuclear programmes was used in support of the execution** of … [Government] policy on Iraq for three main purposes:
>
> - **To inform planning for a military campaign** if that should be necessary, in particular in relation to unconventional weapons, for providing the necessary safeguards for coalition troops, diplomatic personnel and others; and for targeting.
> - To inform domestic and international opinion of the UK's assessment of Iraq's holdings, programmes and intentions, **in support of the Government's advocacy of its changing policy towards Iraq**.

---

[276] Cabinet Office, 19 November 2010, *National Intelligence Machinery*, page 36.
[277] Cabinet Office, 19 November 2010, *National Intelligence Machinery*, page 20.

- **To obtain and provide information to United Nations inspectors** about the likely locations of weapons and programmes which contravened the terms of United Nations Security Council resolutions."[278]

667. From October 2002 onwards, the JIC focused on two main themes:

- **Iraq's attitude to the return of the inspectors and, from 8 November, its compliance with the specific obligations imposed by resolution 1441.**
- **Iraq's options, diplomatic and military, including the possible use of chemical and biological weapons and ballistic missiles against Coalition Forces or countries in the region in either pre-emptive attacks or in response to a military attack.**

668. The way in which the assessments and intelligence on Iraq's WMD were used in pursuit of the UK's strategy towards Iraq is considered in Section 3.

669. In its Assessment of 18 December, the JIC made the judgements in the UK Government September dossier part of the test for Iraq.

670. The judgements about Iraq's capabilities and intentions relied heavily on Iraq's past behaviour being a reliable indicator of its current and future actions.

671. There was no consideration of whether, faced with the prospect of a US-led invasion, Saddam Hussein had taken a different position.

672. Mr Scarlett wrote on 30 January 2003 that Saddam Hussein had "followed essentially the same strategy and tactics as during the 1990s".[279]

673. Mr Scarlett told No.10 on 17 March that the JIC was clear that Iraq possessed chemical and biological weapons, the means to deliver them, and the capacity to produce them.[280] He stated that the starting point for those judgements was the "knowledge of Iraq's past WMD programmes" which demonstrated "not only large-scale possession of these weapons, and the readiness to use them, but also Saddam's determination to retain WMD".

674. The absence of evidence of proscribed programmes and materials relating to the production or delivery of chemical, biological or nuclear weapons was attributed to Iraq's ability to conceal its activities and deceive the inspectors and the difficulties which it had been anticipated the inspectors would encounter.

---

[278] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 431.
[279] Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'.
[280] Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

675. Many of Iraq's perceived capabilities, such as relatively small, transportable or mobile facilities to produce chemical and biological agents or documentation left over from past programmes, were seen as likely to be difficult to find in a country the size of Iraq.

676. The JIC Assessment of 11 October 2002 stated that a good intelligence flow from inside Iraq, supporting tougher inspections, would be "central to success".[281]

677. On 30 January 2003, Mr Scarlett wrote that it was odd that the Iraqi regime did not appear "to be worried about the obvious risk of leaks from the thousands of people aware of this concealment activity".[282] Mr Scarlett attributed that success to the "brutal discipline" of the regime.

678. Mr Scarlett stated that he continued:

> "… to be struck by the regime's ability to conduct complex surveillance and deception operations without unforced errors or major slip ups. Co-ordinating the dispersal of materials and associated documentation around the country and fielding surprise UNMOVIC and IAEA visits to hundreds of sites in a few weeks is a complex undertaking and evidence of the regime's continuing grip on the population at least of central Iraq."

679. A key element of the Assessments was the reporting and intelligence on Iraq's intentions to conceal its activities, deceive the inspectors and obstruct the conduct of inspections, particularly Iraq's attitudes to preventing interviews with officials who were identified as associated with its proscribed programmes or who had been involved in Iraq's unilateral destruction of its weapons and facilities.

680. The large number of intelligence reports about Iraq's activities were interpreted from the perspective that Iraq's objectives were to conceal its programmes.

681. For instance, reporting in late November 2002 that Saddam Hussein was confident that inspectors would not find anything was interpreted as confidence that Iraq's policy of concealment would work, not as an indication that there was nothing to find.

682. In his minute to Sir David Manning of 17 March 2003, Mr Scarlett described UNMOVIC's failure to uncover significant chemical and biological weapons as "disappointing", but "not wholly unexpected".[283]

---

[281] JIC Assessment, 11 October 2002, 'Iraq: The Return of UN Inspectors'.
[282] Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'.
[283] Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.

683. Intelligence of 17 March 2003, that Saddam Hussein had not asked about chemical weapons or ordered their reassembly, was viewed in the context of a policy of concealment and the absence of chemical warheads for missiles rather than as an absence of the capability.

684. Similarly, Iraq's actions were consistently interpreted as indicative of deceit.

685. The ability to interview scientists and engineers involved in past programmes or involved in Iraq's unilateral destruction of weapons and materials was increasingly seen as the key to identifying Iraq's deception and the litmus test for Iraqi co-operation.

686. As Mr Straw told the FAC on 4 March 2003, interviews would "expose the regime's deception and its stockpile of weapons".[284]

687. The Government's focus on this issue intensified in early 2003 with the failure to find evidence of Iraqi chemical, biological and nuclear programmes.

688. The decision to include provision for interviews inside and outside Iraq in resolution 1441 (2002), and the subsequent discussion about the conduct of such interviews, are described in Sections 3.5 to 3.8. These Sections show the UK recognised that a policy of interviews outside Iraq would be difficult to implement.

689. Dr Blix had initially expressed reservations about interviewing Iraqi personnel outside Iraq but on 7 March he told the Security Council that he would be requesting such interviews "shortly".

690. Mr Blair told the Inquiry that Saddam Hussein:

> "… was deliberately concealing documentation, and … he was deliberately not allowing people to be interviewed properly.
>
> "In December 2002 … we received information, and this information remains valid, that Saddam called together his key people and said that anybody who agreed to an interview outside of Iraq was to be treated a spy."[285]

691. Mr Blair added:

> "… the reason for that is very simple, and it emerges from the Iraq Survey Group report. He retained full intent to restart his programme, and, therefore, it was very important for him that interviews did not take place, because the interviews with senior regime members were precisely what would have indicated the concealment and the intent."[286]

---

[284] Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session].
[285] Public hearing, 29 January 2010, page 104.
[286] Public hearing, 29 January 2010, pages 104-105.

692. There were, of course, other reasons why an insecure regime, convinced that past inspections had been used for espionage and facing military attack, would want to limit the conversations key personnel were having with foreigners while military action was threatened.

693. Asked whether the intelligence on Saddam Hussein's strategy for dealing with inspections reinforced the view that there really was something to hide, SIS1 told the Inquiry:

> "I think they looked guilty as hell. In a way it's a sort of spectacular miscalculation, and I think it's partly because of their paranoia about being open to hostile scrutiny, and partly because they had stuff to hide, but not necessarily what the inspectors were looking for. From military secrets to, as I mentioned before, embargo breaking, but on things that would not have been prohibited as part of the programmes.
>
> "So there was quite a lot of evidence of the unco-operative and mule-headed and crude efforts to make the inspectors' life more difficult. Demonstrations, car crash, you know, traffic problems and heavy surveillance.
>
> …
>
> "Yes, and it seemed to form part of a consistent picture, allowing for the fact that there was a certain assumption in the first place about what that picture was."[287]

694. From early 2003, the Government drew heavily on the intelligence reporting of Iraq's activities to deceive and obstruct the inspectors to illustrate its conclusion that Iraq had no intention of complying with the obligations imposed in resolution 1441.

695. The Government also emphasised the reliability of the reporting.

696. The briefing provided by SIS1 for Mr Blair to use in his interview on *BBC*'s *Breakfast with Frost* programme on 26 January was one instance. Much of the same material was used in the No.10 dossier published on 3 February.

697. Mr Straw set out similar arguments in his statement to the FAC on 4 March in which he referred to an "elaborate screen of concealment based on intimidation and deception".

698. In conversations with key allies and public statements by both Ministers and senior officials, including Sir Jeremy Greenstock's presentations to the Security Council in February and March 2003 and the visit by Sir David Manning and Mr Scarlett to Mexico and Chile which are described briefly in this Section, the UK emphasised that its intelligence on Iraq's capabilities and intentions was reliable and well sourced.

---

[287] Private hearing, 2010, page 56.

699. The Butler Report stated:

> "… there was throughout this period a substantial volume of intelligence reports on Iraqi deceptions and concealment activities, coupled with – as UNMOVIC reported – a lack of active co-operation with the inspectors. There were also the UNMOVIC discoveries … Even so, we are surprised that neither policy-makers nor the intelligence community … conducted a formal re-evaluation of the quality of the intelligence and hence of the assessments made on it. We have noted in departmental papers expressions of concern about the impact on public and international opinion of the lack of strong evidence of Iraqi violation of its disarmament obligations. But those involved seem to have operated on the presumption that the intelligence was right, and that it was because of the combination of Iraqi concealment and deception activities and perceived UNMOVIC weaknesses that such evidence was not found."[288]

700. In his minute of 11 February issuing guidance on the use of intelligence in CIC products, Sir David Omand pointed out that "the reputation of the intelligence community" was "at risk" whenever intelligence material and judgements were "attributed to the Government".[289]

701. The reputation of the Government was equally at risk whenever it used material from the intelligence community as evidence in support of its policy.

702. The JIC's judgement from August 2002 until 19 March 2003 remained that Iraq might use chemical and biological weapons in response to a military attack.

703. Despite the lack of firm intelligence about Iraqi plans, the JIC continued to judge that Iraq might use chemical and biological weapons. The JIC did not, however, address the tension between that judgement and its judgement that Saddam Hussein's primary objective was the survival of his regime.

704. In addition, although the quantity of chemical and biological weapons and material which was unaccounted for, or could have been produced, since 1998 was significant, it was much less than Iraq had possessed in 1991 and would have been of limited utility on the battlefield against the Coalition, as the evidence on military planning set out in Sections 6.1 to 6.3 demonstrates.

705. Iraq's ability to use chemical or biological weapons to pose a threat to countries in the region would have depended on having an effective means of delivery, which was questionable.

---

[288] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 362.
[289] Minute Omand to Campbell, 11 February 2003, 'The Use of Intelligence in CIC Products'.

706. The JIC Assessment of 19 March 2003 recognised that Iraq's ability to use chemical or biological weapons was likely to be limited.

707. Iraq's statements that it had no weapons or programmes were dismissed as further evidence of a strategy of denial.

708. In addition, the extent to which the JIC's judgements depended on inference and interpretation of Iraq's previous attitudes and behaviour was not recognised.

709. At no stage was the hypothesis that Iraq might not have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.

710. After its 9 September 2002 Assessment, the JIC was not asked to review its judgements on Iraq's capabilities and programmes which underpinned UK thinking. Nor did the JIC itself suggest such a review.

711. As a result there was no formal reassessment of the JIC judgements, and the 9 September Assessment and the 24 September dossier provided part of the baseline for the UK Government's view of Iraq's capabilities and intentions on its chemical, biological, nuclear and ballistic missile programmes.

712. The inspections revealed in early 2003 that Iraq had undoubtedly been pursuing a range of proscribed activities which it was keen to conceal, including enhancements to its ballistic missile capabilities and procurement or attempted procurement of dual-use items that could have had a use in the production of chemical and biological agents. It also wanted to preserve its conventional capabilities.

713. But the inspectors were also reporting that they had not found any evidence of current chemical, biological or nuclear weapons programmes in Iraq.

714. Dr Blix reminded Mr Blair on 6 February that UNSCOM had said material was unaccounted for, not that it was present in Iraq. He made the same point in his report to the Security Council on 14 February, adding that if the material did not exist, "credible evidence to that effect" was needed.

715. The dismissal of Iraq's persistent denials that it had retained weapons of mass destruction has to be considered in the context that past Iraqi statements had often been shown to be untrue. The evidence of other proscribed activities may have served to reinforce confidence in the intelligence and in UK assessments about Iraq's other activities.

716. Given the weight which rested on the JIC's judgements about Iraq's possession of WMD and its future intent for the decision in March that military action should, if necessary, be taken to disarm Iraq, a formal reassessment of the JIC's judgements should have taken place.

717. This might have been prompted by Dr Blix's report to the Security Council on 14 February 2003, which demonstrated the developing divergence between the assessments presented by the US and the UK. Dr Blix's report of 7 March, which challenged the view that Iraqi behaviour was preventing UNMOVIC from carrying out its tasks, should certainly have prompted a review.

718. Mr Scarlett and Sir David Manning discussed the JIC's priorities and the need to retest the standing judgements on 3 January 2003.[290] They did not include Iraq's WMD programmes and its intentions to use WMD.

719. Sir David Manning rightly sought advice on the strength of the evidence showing Saddam Hussein's possession of WMD, to which Mr Scarlett responded on 17 March.

720. But as the Butler Report stated, after the JIC's initial assessment of Iraq's declaration on 18 December:

> "Thereafter, despite its importance to the determination of whether Iraq was in further material breach of its disarmament obligations … the JIC made no further assessment."[291]

721. The Butler Report added:

> "The JIC's attitude will have been shaped by intelligence received in late-November that Iraq's declaration would omit references to its prohibited programmes and more generally would seek to overload the United Nations with information. Predictions on the extreme length and nature of the declaration were subsequently borne out. Even so, we find it odd that … the JIC produced no further assessment."[292]

722. Mr Tim Dowse, Head of the FCO Non-Proliferation Department, from January 2001 to November 2003, told the Inquiry:

> "… from the end of 2002 … almost up until the invasion, we were getting a fairly steady stream of quite sort of low level intelligence, operational reports, reports coming from military sources … about Iraqi concealment activities … which … had we subjected them to the JIC analytical process might have been regarded as not very strong. Collectively … every few days getting more of this rather confirmed us in our view that, if the inspections could be pursued with a little more vigour, a little more skill, that things were there and could be found."[293]

---

[290] Minute Scarlett to Miller, 3 January 2003, 'Iraq: Questions for the JIC'.
[291] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 363.
[292] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 364.
[293] Public hearing, 25 November 2009, pages 94-95.

723. Asked whether there had been a challenge to the intelligence and if he was absolutely sure that there was not another way of explaining the material, Mr Blair told the Inquiry:

> "When you are Prime Minister and the JIC is giving this information, you have got to rely on the people doing it, with experience and with commitment and integrity, as they do. Of course, now, with the benefit of hindsight, we look back on the situation differently."[294]

724. Responding to a question about why there might have been an unwillingness to conclude the intelligence had been misassessed, Sir John Scarlett told the Inquiry:

> "I think … the situation in January and February 2003, when UNMOVIC were not finding things, and so the reaction might have been: well, why is that? But the reaction was: well it's there. This just goes to show that UNMOVIC aren't much use and we will find it."[295]

725. Mr Miller acknowledged that the 18 December 2002 Assessment of the Iraqi declaration was "rooted in the intelligence view about the extent of his possession and continuing programme".[296] If the Assessments Staff had known then what they knew about the reliability of the intelligence reporting in July 2004, Mr Miller thought "there would still have been some serious reservations … but that they would have been less pronounced than they were at the time."

726. Sir John Scarlett took a more cautious view, pointing out the nature of the requirements on Iraq and its failure to address in the declaration that it had unilaterally destroyed its agent stockpile in 1991 without telling anyone or that it had destroyed the Al Hussein missiles in 1992. They had also said nothing about the work on missiles:

> "So there would have been a whole series of points where the declaration would have been found to be … not conforming with resolution 1441."[297]

727. Sir John told the Inquiry that his:

> "… own mindset … up until early March at least, was that intelligence was being borne out by what was being found by UNMOVIC. My state of mind wasn't: oh gosh, UNMOVIC aren't finding things, therefore there's something big that is wrong.
>
> "Now, if we had continued and had more time, and this hadn't all come to an end in the middle of March, of course that would have changed."[298]

---

[294] Public hearing, 2 February 2010, page 82.
[295] Private hearing, 5 May 2010, page 36.
[296] Private hearing, 5 May 2010, page 37.
[297] Private hearing, 5 May 2010, pages 37-38.
[298] Private hearing, 5 May 2010, page 39.

728. Mr Miller added:

> "… there was a flow of intelligence to the inspectors which in some cases … led to discoveries … and in cases where it didn't, it simply wasn't possible for us to reach a firm view on whether the deficiency was in the intelligence or in the ability to move fast enough in Iraq to have uncovered what was said to have been concealed."[299]

729. The problems were not confined to the UK. The US Senate Select Committee on Intelligence report on the *U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, published on 9 July 2004, concluded:

> "The intelligence community suffered from a collective presumption that Iraq had an active and growing WMD program. This "group think" led intelligence community analysts, collectors and managers to both interpret ambiguous evidence as conclusively indicative of a WMD program and to ignore or minimise evidence that Iraq did not have active and expanding weapons of mass destruction programs. This presumption was so strong that formal mechanisms established to challenge assumptions and group think were not used."[300]

730. In the context of the lessons from the preparation of the September 2002 dossier, the Inquiry identified in Section 4.2 the benefits of separating the responsibility for assessment of intelligence from the responsibility for setting out the arguments in support of a policy.

731. The evidence in this Section reinforces that lesson. It shows that the intelligence and assessments made by the JIC about Iraq's capabilities and intent continued to be used to prepare briefing material to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.

732. In the context of its examination of the role of the JIC in the preparation of the September 2002 dossier, the Butler Review commented:

> "The JIC, with commendable motives, took responsibility for the dossier in order that its content should properly reflect the judgements of the intelligence community. They did their utmost to ensure that this standard was met. But this will have put a strain on them in seeking to maintain their normal standards of neutral and objective assessment. Intelligence assessment is necessarily based heavily on judgement, relying on such material as intelligence has provided. It is not simply a matter of

---

[299] Private hearing, 5 May 2010, page 39.
[300] Select Committee on Intelligence, 9 July 2004, *Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence assessments on Iraq*.

reporting this material but of presenting the judgements which flow from it to an experienced readership. Explaining those judgements to a wider public audience is a very different and difficult presentational task."[301]

733. The Inquiry asked Sir David Omand whether the involvement of Mr Scarlett and Sir Richard Dearlove, as part of Mr Blair's circle of close advisers, had risked breaching the distinction between provision of intelligence and the formulation of policy, and whether they had become too involved in the making and selling of policy.

734. Sir David Omand told the Inquiry that the "golden rule" for the Chairman of the Joint Intelligence Committee should be that: "he would deliver the views of the Joint Intelligence Committee, he would never venture a view on the policy even if asked".[302]

735. Asked if it had been difficult to maintain the separation between intelligence and policy, Sir John Scarlett replied:

"I cannot recall worrying about this at the time in a deep way. Obviously I, we worried about it because we understood that it was necessary to ensure that the public assessment was consistent with what was being said in the classified assessments, and so that discipline was very strong within us, and in ways that have been discussed many times, we sought to protect ourselves against …"[303]

736. Sir John added:

"So I do not recall worrying about it in a deep way or in the sense that it was something which I or we couldn't control. It was something to which we had to pay very close attention, both through the procedures and processes we followed, and by the way we reached our judgments. But I never felt that I was not in control of the process, and I have said that on quite a number of occasions."

737. The independence and impartiality of the JIC remains of the utmost importance.

738. As the FAC report in July 2003 pointed out, the late Sir Percy Cradock, Chairman of the JIC from 1985 to 1992, wrote in his history of the JIC that:

"Ideally, intelligence and policy should be close but distinct. Too distinct and assessments become an in-growing, self-regarding activity, producing little or no work of interest to the decision-makers … Too close a link and policy begins to play back on estimates, producing the answers the policy makers would like … The

---

[301] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 327.
[302] Public hearing, 20 January 2010, pages 61-62.
[303] Private hearing, 5 May 2010, page 44.

analysts become courtiers, whereas their proper function is to report their findings … without fear or favour. The best arrangement is intelligence and policy in separate but adjoining rooms, with communicating doors and thin partition walls …"[304]

739. Mr Straw told the FAC in 2003:

"The reason why we have a Joint Intelligence Committee which is separate from the intelligence agencies is precisely so that those who are obtaining the intelligence are not then directly making the assessment upon it. That is one of the very important strengths of our system compared with most other systems around the world."[305]

740. The FAC endorsed those sentiments.[306] It stated that the JIC has a "vital role in safeguarding the independence and impartiality of intelligence"; and that the "independence and impartiality of its own role" was "of the utmost importance". It recommended that Ministers should "bear in mind at all times the importance of ensuring that the JIC is free of all political pressure".

741. In its response to the FAC, the Government stated:

"We agree. The JIC plays a crucial role in providing the Government with objective Assessments on a range of issues of importance to national interests."[307]

---

[304] Cradock, Sir Percy. *Know your enemy – How the Joint Intelligence Committee saw the World*. John Murray, 2002.
[305] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq*, HC 813-1, paragraph 153.
[306] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, 7 July 2003, *The Decision to go to War in Iraq*, HC 813-1, paragraphs 156-157.
[307] Foreign Secretary, *The Decision to go to War in Iraq. Response of the Secretary of State for Foreign and Commonwealth Affairs,* November 2003, Cm6062, paragraph 27.

SECTION 4.4

THE SEARCH FOR WMD

Contents

Introduction and key findings 425

Planning and preparation for the post-conflict search for WMD 426

Security Council debate on the future role of UNMOVIC 442

Creation of the Iraq Survey Group 443

Managing public expectations 452

Pressure to set up an independent inquiry on pre-conflict intelligence 469

House of Commons debates on Iraq, 4 June 2003 474

Dr Blix's final report to the Security Council 481

The JIC Sub-Committee on Iraq/WMD and the WMD Task Force 483

UK concerns about the ISG's slow start 486

JIC Assessment, 27 June 2003: 'Iraq WMD: The Emerging Picture' 495

FAC Report, 7 July 2003: 'The Decision to go to War in Iraq' 498

Mr Blair's evidence to the Liaison Committee, 8 July 2003 499

House of Commons debate on Iraq, 15 July 2003 500

JIC Current Intelligence Group Assessment, 16 July 2003: 'Iraq: Prohibited Ballistic Missile Designs' 503

The ISG builds momentum 505

Preparation of the ISG Interim Report 511

JIC discussion of the draft ISG Interim Report 515

ISC Report, 11 September 2003: 'Iraqi Weapons of Mass Destruction – Intelligence and Assessments' 518

The ISG Interim Report, 2 October 2003 520

Follow-up to the ISG Interim Report 530

House of Commons debate on Iraq, 22 October 2003 531

Impact of the transfer of ISG resources from WMD to counter-terrorism 531

Government responses to the FAC 534

The transition from Dr Kay to Mr Duelfer 535

Dr Kay's evidence to the Senate Armed Services Committee, 28 January 2004 .. 546

The Hutton Report, 28 January 2004 547

The decision to establish the Butler Review 549

Mr Tenet's speech to Georgetown University, 5 February 2004 556

The search for WMD, January to July 2004 558

Preparation of the ISG Status Report 562

The ISG Status Report, 30 March 2004 573

The transfer of power to the Iraqi Interim Government 575

The Butler and Senate Intelligence Committee Reports, July 2004 581

Mr Blair's evidence to the Liaison Committee, 6 July 2004 583

The Senate Intelligence Committee Report, 9 July 2004 584

The Butler Report, 14 July 2004 586

The ISG Comprehensive Report, 6 October 2004 588

The Government's response to the ISG Comprehensive Report 598

Closure of the ISG and Addendums to the Comprehensive Report 600

Report of the US Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 31 March 2005 603

JIC Assessment, 28 September 2006: 'Iraqi Chemical Weapons: Implications of Recent Finds' 603

Conclusions 604

Introduction and key findings

1. This Section addresses:

- the post-invasion search for evidence of weapons of mass destruction (WMD) in Iraq;
- the Government's response to the failure to find stockpiles of WMD in Iraq;
- demands for an independent judge-led inquiry into pre-conflict intelligence on Iraq's WMD and the decision to establish the Butler Review; and
- the Government's involvement with the preparation and publication of the series of reports produced by the Iraq Survey Group.

2. This Section summarises, but does not include, detailed comment on findings relating to pre-conflict intelligence on Iraqi WMD and the post-conflict search for WMD published between 2003 and 2005 by:

- the House of Commons Foreign Affairs Committee;
- the Intelligence and Security Committee of Parliament;
- the Hutton Inquiry;
- the Butler Review;
- the Iraq Survey Group;
- the US Senate Committee on Intelligence; and
- the US Commission on Intelligence Capabilities.

3. The pre-invasion intelligence on Iraqi WMD and the withdrawal three lines of reporting by the Secret Intelligence Service in 2003 and 2004 are addressed in Sections 4.1, 4.2 and 4.3.

Key findings

- The search for evidence of WMD in Iraq was started during the military campaign by Exploitation Task Force-75 and was carried forward from June 2003 by the Iraq Survey Group (ISG). The UK participated in both. By June 2004, the ISG had a staff of 1,787, of whom 54 came from the UK.
- As the insurgency developed, the ISG's operating conditions became increasingly difficult. There was competition for resources between counter-terrorism operations and the search for WMD evidence, and some ISG staff were diverted to the former.
- Mr Blair took a close interest in the work of the ISG and the presentation of its reports and the wider narrative about WMD. He raised the subject with President Bush.
- The Government was confident that pre-conflict assessments of Iraq's WMD capabilities would be confirmed once Saddam Hussein's regime had been removed.
- It quickly became apparent that it was unlikely that significant stockpiles would be found. This led to challenges to the credibility of both the Government and the intelligence community.

- There were soon demands for an independent judge-led inquiry into the pre-conflict intelligence.
- The Government was quick to acknowledge the need for a review, rejecting an independent inquiry in favour of reviews initiated by the House of Commons Foreign Affairs Committee (FAC) and the Intelligence and Security Committee of Parliament (ISC).
- The Government's reluctance to establish an independent public inquiry became untenable in January 2004 when President Bush announced his own decision to set up an independent inquiry in the US.
- Faced with criticism of the pre-conflict intelligence and the absence of evidence of a current Iraqi WMD capability, Mr Blair sought to defend the decision to take military action by emphasising instead:
  - Saddam Hussein's strategic intent;
  - the regime's breaches of Security Council resolutions; and
  - the positive impact of military action in Iraq on global counter-proliferation efforts.
- The ISG's principal findings – that Iraq's WMD capability had mostly been destroyed in 1991 but that it had been Saddam Hussein's strategic intent to preserve the capability to reconstitute his weapons of mass destruction – were significant, but did not support statements made by the UK and US Governments before the invasion, which had focused on Iraq's current capabilities and an urgent and growing threat.
- The explanation for military action put forward by Mr Blair in October 2004 drew on the ISG's findings, but was not the explanation given before the conflict.

Planning and preparation for the post-conflict search for WMD

4. In February 2003, Mr Geoff Hoon, the Defence Secretary, approved UK participation in a US-led rehearsal for the post-conflict search for evidence of WMD in Iraq.

5. Before approving UK participation in the search itself, Mr Hoon requested advice on how to ensure the impartiality of the exercise, including through the possible early involvement of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA).

6. During and immediately after the invasion of Iraq, the search for WMD was the responsibility of Exploitation Task Force-75 (XTF-75), a US-led military unit, with small UK and Australian contingents.[1]

7. XTF-75 was deployed to carry out Sensitive Site Exploitation (SSE), a military term for the exploitation of "personnel, documents, electronic files, and material captured at the site, while neutralizing the site or any of its contents".

[1] Vandal T et al. *The Strategic Implications of Sensitive Site Exploitation*. National Defense University, National War College, 2003.

8. Officials had begun to consider the UK contribution to SSE in early February 2003.

9. On 4 February, Mr Tim Dowse, Head of FCO Non-Proliferation Department (NPD),[2] chaired a meeting with officials from the Secret Intelligence Service (SIS) and the Ministry of Defence (MOD) to discuss post-conflict WMD issues and the possible role of UNMOVIC.[3]

10. The MOD outlined US plans for intelligence exploitation and clean-up over a period of several years, and explained that the plans envisaged unilateral action by the US with no role for the UN or other UN Member States.

11. Participants at the meeting agreed that it was very unlikely that US views could be shifted significantly, but that the US must be made aware of the potential value of internationalising the clean-up.

12. On 10 February, Mr David Johnson, Head of MOD Iraq Secretariat, sent Mr Hoon briefing for a visit to Washington (see Section 6.2).[4] The briefing included a paper on "dealing with WMD".

13. Mr Johnson stated that there had been a good deal of "military-to-military" planning between the UK and the US on WMD, and that the UK had identified the specialist contributions it could make at various stages during and after the conflict.

14. The attached paper on WMD stated that SSE required specialist expertise that was "in very short supply". To secure maximum value from scarce resources, the US planned to establish a Coalition Intelligence Exploitation Base (IEB) in southern Iraq reporting to Lieutenant General David McKiernan, Commander of the Coalition Forces Land Component Command (CFLCC). IEB capabilities would include:

- Site Survey Teams for initial analysis of sites secured by ground forces;
- Mobile Exploitation Teams to collect evidence;
- Disablement Teams to put facilities out of action;
- laboratories to verify and catalogue evidence; and
- elimination and disposal of WMD.

15. The paper stated that SSE was important to the UK for two reasons:

- achieving the UK's prime objective of eliminating Iraq's WMD; and
- securing the hard evidence needed retrospectively to demonstrate the case for military action, especially if it were to take place without UN authorisation.

---

[2] Non-Proliferation Department (NPD) was renamed Counter-Proliferation Department (CPD) in 2003.
[3] Minute NPD [junior official] to Dowse, 5 February 2003, 'Iraq: Aftermath: WMD Clean-up'.
[4] Minute Johnson to PS/Secretary of State [MOD], 10 February 2003, 'Secretary of State's Visit to Washington: Iraq.'

16. The paper stated that it was in the UK's interest to contribute and that the US was "very keen" for it to do so. But the UK needed to be clear that its willingness to help was conditional on resolving two issues:

"
- 'Impartiality mechanisms' to ensure that Coalition activity has international credibility.
- The involvement of UNMOVIC and the IAEA once the situation is stable; as with the aftermath generally, the Pentagon's hang-ups about the UN are getting in the way of common sense and our long-term interests."

17. The paper stated that, if those conditions were met, during the conflict the UK should contribute:

- liaison officers in the IEB and the CFLCC SSE Fusion Cell;
- a Squadron HQ of the Joint NBC (Nuclear Biological Chemical) Regiment;
- a Battlefield Intelligence Recovery Team of Defence Intelligence Staff (DIS) and Explosive Ordnance Disposal (EOD) personnel;
- a DIS counter-terrorism expert;
- an RAF Provost[5] and Security Services Forensic Science Team to interrogate computer hardware; and
- seven scientists with a mobile laboratory to provide a limited analytical capability.

18. Additional contributions could be made on an on-call basis through Air Marshal Brian Burridge, the UK National Contingent Commander (NCC).

19. In the post-conflict phase, the UK could contribute the Joint NBC Regiment HQ, detection assets and other Specialist Monitoring Teams.

20. Mr Hoon discussed the UK's objectives and its potential contribution to the search for WMD with Mr Donald Rumsfeld, the US Secretary of Defense, and Dr Condoleezza Rice, President Bush's National Security Advisor, in Washington on 12 February (see Section 6.5).[6]

21. The British Embassy Washington reported agreement that "broad UN cover for day after management in Iraq would bring political, financial and legal benefits" and would "facilitate an UNMOVIC and IAEA role in verifying WMD clear-up".

22. During the talks, Mr Jack Dyer Crouch II, Assistant Secretary of Defense (International Security Policy), told Mr Hoon that Iraqi scientists would be key to identifying the whereabouts of Iraq's WMD. Because the public in the US and elsewhere would expect early results, there would be "a heavy forensic input" at the start of the programme.

---

[5] A member of the RAF Police (RAFP).
[6] Telegram 204 Washington to FCO London, 13 February 2003, 'Iraq: Defence Secretary's Visit to Washington: Day After Management'.

23. Mr Crouch also agreed with Mr Hoon that UNMOVIC and the IAEA should help verify WMD discoveries in order to counter speculation that they had been planted.

24. On 17 February, the Permanent Joint Headquarters (PJHQ) informed Mr Hoon of the deployment the next day of 74 personnel to participate in SSE "mission rehearsal training" in Kuwait, and that up to 92 more personnel assigned to military operations in Iraq might be "co-opted" to participate in SSE operations as necessary.[7]

25. PJHQ stated that the priority was to ensure that any UK contribution:

- was coherent with wider policy objectives;
- did not put at risk the response to any chemical, biological, radiological and nuclear (CBRN) incident in the UK;
- was "efficient and effective": no more than needed to achieve the UK's aim and support the US; and
- took account of the significant Home Base and Force Protection demands on the UK's EOD and CBRN resources.

26. Mr Hoon approved the deployment of 74 UK personnel.[8] With planning "still at an early stage", he asked for further advice on SSE operations after the rehearsal, including on:

- operational management of specialists in the SSE teams, including those from other agencies;
- "impartiality mechanisms", including the early involvement of UNMOVIC and the IAEA; and
- evidence handling procedures.

PJHQ was also asked to reiterate to the US the UK's concerns about impartiality.

27. Mr Hoon requested that further Ministerial approval be sought for the participation of additional personnel.

---

[7] Minute Johnson to PS/Secretary of State [MOD], 17 January [sic] 2003, 'Iraq: UK Contribution to Sensitive Site Exploitation'.
[8] Minute Williams to PJHQ-Dep Hd Pol/Ops(ME), 18 February 2003, 'Iraq: UK Contribution to Sensitive Site Exploitation'.

Operation ROCKINGHAM

The MOD Defence Intelligence Staff (DIS) set up Operation ROCKINGHAM to provide the focus for UK intelligence support to UN disarmament activities in Iraq established under resolution 687 (1991).[9]

An Op ROCKINGHAM cell in the DIS continued to exist after UN inspectors withdrew from Iraq in December 1998, but was reduced to a single member of staff who maintained a watching brief on matters related to possible future UN inspections in Iraq.[10]

The cell was subsequently expanded to provide UNMOVIC and the IAEA "with all-source UK intelligence assessments on the extent of Iraq's nuclear, biological, chemical and ballistic missile programmes and information about sites of potential significance".

In mid-March 2003, the Op ROCKINGHAM cell was expanded to encompass the results of SSE and "WMD/delivery-related information from the DIS in-theatre Battlefield Intelligence Recovery Team".[11]

28. On 17 March, after the failure of the Security Council to agree a "second" resolution on Iraq (see Section 3.8), Mr Kofi Annan, the UN Secretary-General, announced the withdrawal of all UN staff from the country.[12]

29. UNMOVIC and the IAEA suspended inspections in Iraq on 18 March.[13]

30. Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), issued the Execute Directive authorising UK military operations in Iraq on 18 March.[14]

31. The Execute Directive included an instruction to Lieutenant General John Reith, Chief of Joint Operations (CJO), to:

- "Support international efforts to find and eliminate Iraqi WMD capacity, its means of delivery and infrastructure"; and
- "… to provide support, as appropriate, to SSE activities during Phase 3 operations, but this must not be detrimental to overall FP [force posture] adopted".

---

[9] Letter Andrews to Cabinet Office [junior official], 18 March 2003, 'Bowen Group: Iraq WMD/Delivery Systems – Expanded Role for ROCKINGHAM'.
[10] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, page 90.
[11] Letter Andrews to Cabinet Office [junior official], 18 March 2003, 'Bowen Group: Iraq WMD/Delivery Systems – Expanded Role for ROCKINGHAM'.
[12] UN News Centre, 17 March 2003, *Annan to withdraw UN staff from Iraq*.
[13] UN Security Council, 30 May 2003, 'Thirteenth quarterly report of the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission' (S/2003/580); IAEA.org, 'INVO and Iraq Chronology'.
[14] Minute CDS to CJO, 18 March 2003, 'Op TELIC: Authorisation for Military Operations in Iraq' attaching paper 'Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)'.

32. The UK Military Campaign Objectives, published on 20 March, stated that the main tasks of the Coalition included:

- denying the Iraqi regime the use of weapons of mass destruction now and in the future;
- removing the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council's demands; and
- identifying and securing the sites where weapons of mass destruction and their means of delivery were located.[15]

33. The list of "immediate military priorities" in the wake of hostilities included "work with UNMOVIC and the IAEA to rid Iraq of its WMD".

34. On 17 March, Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), sent Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), a minute addressing the different elements of Iraq's capability, including Iraq's actions since the departure of the inspectors in 1998 to pursue chemical and biological weapons programmes, and Iraq's activities to pursue enhanced ballistic missile and other means to deliver them.[16]

35. In a Note produced on 19 March, the JIC continued to assess that Iraq had usable chemical and biological weapons and the intent to use them.[17]

36. The UK assessments of Iraq's WMD capabilities and intent and their evolution between 2000 and March 2003 are addressed in detail in Sections 4.1, 4.2 and 4.3.

37. In a discussion with President Bush on 24 March, Mr Blair underlined the importance of Coalition Forces finding Saddam's WMD.[18]

38. At the end of March, Mr Scarlett set out for No.10 the Assessments Staff view of what the Coalition might find in Iraq, including that:

- **the bulk of the sites that might yield results were located in the Baghdad area; and**
- **most had been "cleansed over the preceding six to nine months".**

39. Mr Scarlett set out the views of the Assessments Staff on what "WMD" the Coalition "should expect to discover, when and how", in a minute to Sir David Manning on 31 March.[19]

---

[15] Iraq: Military Campaign Objectives, 18 March 2003.
[16] Minute Scarlett to Manning, 17 March 2003, 'Iraqi WMD: Evidence of Possession'.
[17] Note JIC, 19 March 2003, 'Saddam: The Beginning of the End'.
[18] Letter Rycroft to McDonald, 24 March 2003, 'Iraq: Prime Minister's telephone conversation with President Bush, 24 February [sic]'.
[19] Minute Scarlett to Manning, 31 March 2003, 'Iraq: Update on WMD'.

40. Mr Scarlett wrote:

Chemical Weapons

- "Iraq is capable of producing the chemical agents mustard gas, tabun, sarin, cyclosarin and VX."
- "Exact quantities of agent available are unknown, but we judge it is likely to be between 10 and 100 tonnes (3.5 tonnes of nerve agent would fill 1,000 artillery shells). We continue to judge that Iraq has produced chemical agent since UNSCOM [UN Special Commission] left in 1998, although intelligence suggests that agent production stopped prior to UNMOVIC's deployment last autumn. We do not know where this activity took place, but it is probable that it used dual-use chemical facilities."
- "We know from intelligence that the regime expended a great deal of effort in cleaning up all WMD associated sites, and dispersing equipment and material in advance of UN inspections."
- "Details on chemical munitions are scarce. UNSCOM could not account for over 30,000 special munitions (both chemical and biological) although it is unlikely that all of these remain."
- "We judge the most likely delivery means are artillery and battlefield rockets. [Reference to reporting of retention of shells] mustard filled artillery shells from a batch of 550 supposedly destroyed by Coalition air attack in 1991 …"
- "Other means of delivery include aerial bombs, sprayers and missiles. UNMOVIC could not account for 6,500 aerial bombs (which could easily be hidden in a large hangar)."
- "Despite some reports that such munitions have been deployed to Republican Guard units, we judge that they probably remain under tight control … in the area of Baghdad."
- "Over last few days there have been a number of reports concerning chemical weapons … But the nature of the sources makes the veracity … difficult to judge."
- A "few reports from senior Iraqi security officials" suggested that Iraq could not "prepare or produce chemical weapons", and that its stocks were "dispersed, and that therefore such weapons will not be used".
- "In assessing these statements it is necessary to take into account the limited access these individuals appear to have to military planning, their lack of technical expertise and accompanying comments which are less credible."

Biological Weapons

- Iraq was "capable of producing biological agents, including anthrax, botulinum toxin, aflatoxin and ricin".

- "The exact quantities of agent and munitions available are unknown."
- "We have no intelligence that biological munitions have been deployed."
- The location of mobile production facilities was not known, but they were "likely to be within areas tightly controlled by the regime".

Missiles

- The UK was "still unclear" about the "state of readiness/assembly" of up to 20 Al Hussein missiles "or the numbers of launchers available. Some or all of these missiles could have been dismantled to aid concealment. While we believe Iraq retains the technical expertise to maintain and re-assemble … the speed with which this can be achieved depends on the extent to which they have been disassembled, and the degree to which they might need access to specialised equipment."

Sensitive Site Exploitation

- "The bulk of the sites which might yield results are located in the Baghdad area. But … most sites previously associated with WMD production have been cleansed over the last six to nine months."
- The JIC continued to judge that "key documents on Iraqi WMD programmes" had been "dispersed".
- "Given the recent Iraqi emphasis on clean-up, dispersal and concealment, the best prospect of exposing the full extent of the WMD programmes rests in free contact with scientists, and other individuals, involved in the WMD programmes and the (extensive) concealment activity …"

41. Sir David Manning commented to Mr Blair and Mr Jonathan Powell, Mr Blair's Chief of Staff:

> "Chances of finding WMD evidence slim before Baghdad falls and/or regime collapses."[20]

42. On 3 April, SIS reissued to Mr Scarlett and a wider readership, two reports, from 11 and 23 September 2002, stating that Iraq had continued production of chemical weapons (CW) after 1998.

43. The content and provenance of those reports, and their subsequent withdrawal, is addressed in Section 4.3.

[20] Manuscript comment Manning on Minute Scarlett to Manning, 31 March 2003, 'Iraq: Update on WMD'.

Possible find of CBW agents

On 7 April, *The New York Times* reported that US troops had found several drums near Karbala that might contain nerve agents and mustard gas.[21]

Mr Hoon's Private Office informed No.10 that initial US tests had "indicated the presence of nerve and blister agents, but the chemicals could yet prove innocuous".[22]

Four duplicate sets of samples would be taken from the drums by a specialist US team, one of which would be passed to the UK. Perceptions of the sampling process would be hugely important to the Iraq campaign. Openness and independent verification would be a counter to those ready to believe evidence had been faked. The UK would:

> "… press US colleagues for their sampling process to include additional samples that can be passed to independent laboratories, and for sites to be maintained as 'scenes of crimes' so that third parties can verify there was no undue Coalition interference. Verification by a suitable non-Coalition laboratory will be essential if the results are to be credible in international (and domestic) opinion. There is clearly a role here for UNMOVIC or a successor organisation."

Mr Scarlett informed the Ad Hoc Meeting on Iraq on 8 April that there was no definitive information about the find by Coalition Forces of material which could be chemical and biological warfare agent.[23]

Mr John Prescott, the Deputy Prime Minister, who was chairing the meeting in Mr Blair's absence, concluded that opportunities to conduct interviews with scientists who had been engaged on Iraq's WMD programmes should be "pursued when the fighting stopped".

44. Concluding discussion at the Ad Hoc Meeting on Iraq on 9 April, Mr Blair stated that the proposition that the UN weapons inspectors should return to Iraq could not be decided at present.[24]

45. When Mr Blair spoke to President Bush on 10 April, they discussed the need to warn Syria not to give refuge to regime figures or to scientists who knew about Iraq's WMD.[25]

46. In mid-April, Sir David Manning advised Mr Blair of the need for a coherent plan and greater urgency in the search for WMD.

47. The UK Government sought to reconcile differing UK and US views on the potential roles of UNMOVIC and the IAEA in the verification and monitoring of Iraqi WMD.

48. The US proposed a new organisation, the Iraq Survey Group (ISG), to lead the Coalition search for WMD.

---

[21] *The New York Times*, 7 April 2003, *U.S. Finds Barrels that May Hold Chemical Weapons*.
[22] Letter Bailey to Rycroft, 7 April 2003, 'Iraq – Handling of WMD Evidence'.
[23] Minutes, 8 April 2003, Ad Hoc Meeting on Iraq.
[24] Minutes, 9 April 2003, Ad Hoc Meeting on Iraq.
[25] Letter Rycroft to McDonald, 10 April 2003, 'Prime Minister's Conversation with Bush, 10 April'.

49. On 10 April, Sir David Manning chaired a meeting to discuss the search for WMD.[26] Participants included Sir Richard Dearlove (Chief of the Secret Intelligence Service (SIS)), Mr Scarlett, Mr William Ehrman (FCO Director General Defence and Intelligence), Air Marshal Sir Joe French (Chief of Defence Intelligence (CDI)) and Air Vice Marshal Clive Loader (Assistant Chief of the Defence Staff (Operations)).

50. Sir David identified three areas where co-ordination was necessary:

- the search for material on the ground;
- tracking down and interviewing Iraqi personnel involved in WMD programmes; and
- public presentation of the issue and media handling of finds.

51. Sir David commented that "US handling of those issues did not seem particularly structured. We could no doubt do better than the UNMOVIC inspections."

52. Sir Richard Dearlove underlined that co-ordination with the US, which might want to control the search for WMD, was the key. He reported that SIS experts were already in Iraq. SIS was re-examining old material in the hope that it would generate leads.

53. Mr Scarlett identified four problems:

- the large number of Iraqis involved in WMD programmes and their concealment;
- the volume of documentation, much of which had been dispersed;
- the munitions, which UNMOVIC assessed had been concealed and dispersed in a disorganised manner; and
- co-ordination in the UK and with the US.

54. Sir David commissioned further advice from Mr Martin Howard, Deputy Chief of Defence Intelligence (DCDI), including whether there were any points Mr Blair would need to raise directly with President Bush.

55. Sir David concluded that the group would meet again to discuss the Whitehall machinery that should be established "to track and drive forward work in this area".

56. Mr Howard sent advice on next steps to Mr Hoon the following day.[27] This addressed both the response to Sir David Manning and US proposals for a new organisation, the ISG, to take forward activity in the post-conflict phase.

57. Mr Howard recommended that Mr Hoon:

- approve a letter to Sir David Manning emphasising the need for Coalition commanders to give priority to WMD detection and elimination, and informing No.10 of the MOD's intention to offer elements of the UK WMD expertise already in Iraq to the ISG and to consider what more could made available; and

---

[26] Minute Cannon to PS/C, 11 April 2003, 'Iraq: Searching for Evidence of WMD'.
[27] Minute Howard to PS/Secretary of State [MOD], 11 April 2003, 'Iraq: WMD Detection and Elimination'.

- agree that the MOD should be prepared to approach former UNMOVIC, IAEA and UNSCOM inspectors from the UK to reinforce the UK effort.

58. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, wrote to Sir David Manning on 11 April:

> "As high intensity military action begins to draw to a close … our strategic priority in Iraq should be the detection and elimination of undeclared WMD and delivery systems."[28]

59. Mr Watkins wrote that the evidence on WMD would "come in a number of forms ranging from WMD materials through research facilities to documentation and IT records". Interviews of scientists and other Iraqi staff were "likely to be one of the most fruitful source[s] of evidence". It would also be essential to minimise the risks of proliferation of expertise. US and UK commanders had been given directions to search out and hold "personnel of interest".

60. Mr Watkins reported US proposals to create an organisation called the ISG, under the auspices of the US Defense Intelligence Agency (DIA), and that the US was:

> "… keen to integrate UK and Australian expertise into this organisation. We intend, in the first instance, to offer elements of the UK's WMD expertise already deployed in theatre … The total of our personnel currently deployed … is some 100, increasing to 120 later this month."

61. Mr Watkins added that it was important the UK did not limit its work with the ISG to "the UK Area of Responsibility where sites and personnel of interest are thinner on the ground".

62. A public handling strategy would be needed, including "to moderate expectations of very early progress". Mr Watkins warned that the search for WMD and its eventual destruction was "likely to be a long haul … months if not years".

63. Mr Watkins also reiterated concerns about the credibility of the Coalition's verification process should WMD be found:

> "Given suspicions about Coalition motives, positive results would have considerably more force if they were verified 'separately' by a non-US/UK laboratory. Ultimately, we would like to see UNMOVIC or a successor body back in play. But US aversion to the UN means that this is unlikely to be achievable in the short/medium term."

64. Mr Watkins reported that the FCO was approaching the Netherlands to explore whether an independent laboratory there would be a possible alternative.

---

[28] Letter Watkins to Manning, 11 April 2003, 'Iraq: WMD Detection and Elimination'.

65. The points which the MOD suggested Mr Blair might make to President Bush included:

- "Detection and elimination of WMD … now becoming our top political priority. Need to build on current efforts and demonstrate that our casus belli has substance."
- Coalition commanders "should give high priority to identifying and detaining" Iraqi scientists and other staff with information about Iraq's activities.
- Support for an ISG and the hope that it could deploy "as soon as possible".
- "Independent verification of US/UK WMD finds would be extremely useful politically, although clearly a complicating factor."
- The UK's "ultimate objective" was UN involvement, but it recognised "that [the] US had reservations".

66. Sir David Manning showed Mr Blair the advice from Mr Howard to Mr Hoon, including the draft letter from Mr Hoon to Sir David, which differed little from the version that was sent. Sir David commented:

> "We need a coherent plan for Iraqi WMD. This is work in progress … We need to inject greater urgency; and I am not yet convinced that we need do everything as part of one large US-led organisation. Finding people [involved in Iraq's WMD programmes] is key. That doesn't depend on CENTCOM [Central Command]."[29]

67. In an interview for the Spanish newspaper *El País*, published on 9 April, Dr Hans Blix, the Executive Chairman of UNMOVIC, made a number of points about the role of UNMOVIC and the events preceding military action in Iraq.[30] Those included:

- The US and UK had told UNMOVIC that Iraq possessed weapons of mass destruction. UNMOVIC never accepted that statement as an established fact; its job was to establish the facts.
- UNMOVIC had visited sites identified by the US and UK and found "nothing that had to do with weapons of mass destruction".
- The US intelligence services had provided information to the IAEA about "contracts for a presumed purchase of enriched uranium from Niger" which were a "crude lie" (see Box, 'Uranium and Niger', later in this Section).
- After his report to the Security Council on 27 January criticising Iraq it had begun to co-operate and provide "significant data", including the names of many technicians and scientists who had participated in the development of biological and chemical weapons in 1991. UNMOVIC "needed some months to work on it".
- The US had welcomed his report on 27 January, but the "great paradox" was that from then on Iraq began to co-operate and the US began to criticise him (Dr Blix).

---

[29] Manuscript comment Manning to Prime Minister, 12 April 2003, on Minute Gibbons to Manning, 11 April 2003, 'WMD Detection and Elimination'.

[30] Global Policy Forum, 9 April 2003, *Interview With Hans Blix: By Ernesto Ekaizer, El Pais*.

- The US and UK had become "very impatient in the first days of March", and UNMOVIC had not been left "to finish the task".
- The presumed threat from Iraq could have been controlled through inspections.
- He did not accept the US view that "the war with Iraq was a way of sending a sign to other countries to preclude their acquisition of weapons of mass destruction". If a country felt its security was assured, it would not have the need to think about WMD. That was the first line of defence against the proliferation of WMD. North Korea now wanted nuclear arms to fend off others.

68. At the Ad Hoc Meeting on Iraq on 12 April, Mr Straw stated that the UK Permanent Mission to the UN in New York (UKMIS New York) would be challenging Dr Blix on the media story that the British had fabricated evidence about Iraq's WMD.[31]

69. UKMIS New York reported that, at the meeting of the Security Council on 22 April, Dr Blix had said:

> "… some recent reports of his comments – translated from foreign languages into English – had contained serious errors. It was true that he had pointed to weaknesses in intelligence provided, but he had also always stressed the need for intelligence and the difficulties agencies faced. He had not suggested that any government had fabricated evidence. In addition he had indeed said that US patience seemed to run out at the same time as the Iraqis had become more proactive. But if asked about the causal link, his view would be that the Iraqis had become more active when they had seen that time was running out."[32]

70. In a statement to the House of Commons on 14 April, Mr Blair reported:

> "… of 146 possible sites known to us, investigations have begun in seven but, in any event, we know that for six months before the return of UN inspectors, Saddam put in place a systematic campaign of concealment of weapons of mass destruction. Until we are able to interrogate the scientists and experts who worked on the programmes, and the UN has a list of some 5,000 names, progress is bound to be slow. A specialised team, however, is beginning work and we are in discussion with allies and the UN as to what the future role of the UN in such a process may be."[33]

71. In his conversation with President Bush on 14 April, Mr Blair stated that there was a need to manage media expectations in the search for WMD and suggested there should be no hesitation in offering amnesty in exchange for concrete information on WMD.[34]

---

[31] Minutes, 12 April 2003, Ad Hoc Meeting on Iraq.
[32] Telegram 705 UKMIS New York to FCO London, 23 April 2003, 'Iraq: UNMOVIC: 22 April'.
[33] House of Commons, *Official Report*, 14 April 2003, column 616.
[34] Letter Cannon to McDonald, 'Iraq: Prime Minister's conversation with Bush, 14 April'.

72. On 16 April, Mr Scarlett informed Sir David Manning of the content of his discussions with CIA officials earlier that day, which covered a number of issues, including the use of available intelligence in the exploitation process.[35]

IAEA report, April 2003

The IAEA's 15th report on Iraq, covering the period between 1 October 2002 and 1 April 2003, was submitted to the Security Council on 14 April 2003.[36] The report stated:

- "As of 17 March 2003, the IAEA had found no evidence or plausible indication of the revival of a nuclear weapons programme In Iraq"; but the time available "for the IAEA before inspections were suspended was not sufficient to permit it to complete its overall review and assessment".
- "Provided that Iraq's co-operation had remained active, and barring unforeseen circumstances, the IAEA would have been able to provide the Security Council with credible assurance regarding the absence of such revival within two to three months of continuing verification activities."
- Many areas of Iraqi expertise seemed to have been significantly depleted, and the "core of expertise" on centrifuge enrichment that existed in 1990 appeared to have been "largely disbanded".
- The IAEA, "with the concurrence of outside experts", had concluded that documents provided "by a number of States that pointed to an agreement between Niger and Iraq on the sale of uranium to Iraq between 1999 and 2001… were in fact forged".
- The IAEA had therefore concluded that those specific allegations were "unfounded", but "it could not be automatically extrapolated … that Iraq had never sought to import uranium". The IAEA "would continue to investigate the matter".
- "Extensive field investigation and document analysis had failed to uncover any evidence" that the aluminium tubes sought by Iraq were intended for use in "any project other than the reverse engineering of rockets".
- "IAEA experts familiar with the use of … magnets in centrifuge enrichment have verified that none of the magnets that Iraq has declared could be used directly for a centrifuge magnetic bearing". Investigations with foreign manufacturers contacted by Iraq were "ongoing".

In relation to recent events, the IAEA report stated:

- During the period under review it had conducted 237 inspections at 148 sites. Iraq had provided access to all facilities requested by the IAEA "without conditions or delay".
- The Iraqi authorities had made available "over 7,000 pages of additional … documentation" and "a large number of documents" relating to "Iraq's pre-1991 laser enrichment programme were found in the home of a former Iraqi scientist".

[35] Minute Scarlett to Manning, 16 April 2003, 'Iraq: Discussion with CIA Directorate of Intelligence'.
[36] UN Security Council, 'Letter dated 14 April 2003 from the Secretary-General addressed to the President of the Council' attaching 'Fifteenth consolidated report of the Director General of the International Atomic Energy Agency under paragraph 16 of Security Council resolution 1051 (1996)', S/2003/422.

- Iraq had "provided an updated list of 430 key technical staff involved in the past programme and their current work locations. The list covered the great majority of essential staff." The IAEA was "able to interview 17 individuals selected by the IAEA at locations chosen by the IAEA". Some restrictions were imposed at the beginning, "when interviewees first refused to be seen without the presence of an Iraqi observer. Subsequently interviewees accepted to be seen alone, but requested that their interviews be taped. Ultimately, two individuals accepted to be interviewed in private and without being taped. Most of the interviews proved to be of significant help in improving the IAEA's understanding of the current state of Iraq's nuclear related capabilities."
- Before inspections were suspended, the IAEA was "able to resolve the modalities" for interviews outside Iraq.
- Since the inception of a system to review applications to sell or supply single or dual-use items, in May 2002, the IAEA had examined 9,965 contract communications. Of those, 0.1 percent had contained prohibited items.
- The IAEA had "repeatedly called on States to provide actionable information of direct and current value" relevant to its mandate. "Towards the end of the recent inspections", there had been "an increase in the provision of such information", but the "nature and extent of that information remained limited".
- The Iraqi declaration submitted on 7 December 2002 "did not provide any significant new information" relevant to the issues outstanding since December 1998.

The report concluded that "as the sole legal authority to verify Iraq's nuclear activities", the IAEA remained "ready, subject to Security Council guidance, to resume its verification activities as soon as conditions permit".

73. Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, discussed the role of UNMOVIC with Mr John Bolton, US Under Secretary of State for Arms Control and International Security, on 15 April.[37]

74. Mr Brenton reported that the UK should not expect the US to agree any role for UNMOVIC in the short term. The US had particular concerns about UNMOVIC inspectors handling sensitive intelligence on countries outside Iraq that revealed details about global WMD networks, including procurement and financing. Even in the longer term, UNMOVIC would have to be reformed before the US would consider involving it. The US was willing to work with the UK on other ways to validate WMD finds.

75. Mr Brenton advised that the US argument about intelligence had evident force. The UK would need to have a good answer if it was to maintain its current position on UNMOVIC.

76. The Cabinet Office reported to Sir David Manning that there was a "consensus that UNMOVIC/IAEA should not – and cannot – return to Iraq in the immediate future", but in a meeting on 16 April officials had:

[37] Telegram 507 Washington to FCO London, 15 April 2003, 'US/Iraq: Role of UNMOVIC'.

> "… agreed that a restructured UNMOVIC/IAEA would represent the most credible way of certifying elimination … While US private statements on Blix/Baradei [Dr Mohamed ElBaradei, Director General of the IAEA] have been harsh, we have seen nothing to suggest the Administration would rule out the inspectors returning after a period of time, without Blix, restructured, and in co-operation with the Coalition (though the precise mechanics of the last will no doubt prompt debate). The time to restructure/recruit could cover the period until Blix's retirement in June."[38]

77. Responding to Mr Brenton on 16 April, the FCO stated that the UK agreed with the US on the immediate next steps, and on the need for credible third-party verification.[39] The UK did not want the future role of UNMOVIC to become a UK/US problem. Conditions in Iraq were such that it could be argued the return of inspectors was not an issue. The UK was happy to discuss options for verifying Coalition discoveries, but it was important to keep in mind the need for credibility, and "what the market will bear in New York". UNMOVIC and the IAEA were the bodies likely to carry most weight in verifying and validating Coalition finds. The UK would look at alternatives, but they must be sufficiently credible not to be dismissed as US/UK stooges and there were "no obvious candidates".

78. The FCO stated that US officials had previously indicated that they were "prepared to consider the verification/validation task being performed by a 'restructured' UNMOVIC and INVO [the IAEA's Iraq Nuclear Verification Office]". UNMOVIC's leadership also needed to change. Dr Blix had said he would not extend his contract when it expired in June.

79. The FCO believed that the type of restructuring it had in mind could take place "without adjustment to UNMOVIC/INVO's mandates". It was:

> "… reluctant to offer more scope than absolutely necessary for others to make difficulties for us in the Council. And, presentationally, it strikes us as an own goal for the Coalition to start trying to re-write the very UNSCRs which we took military action to uphold."

80. The FCO saw "substantial practical advantages" in UNMOVIC and the INVO retaining responsibility for the destruction of WMD, which "could be a lengthy, hazardous and very expensive task". There would also be a need to consider whether long-term monitoring arrangements could be required.

81. The FCO concluded that "a successful intrusive inspection regime tailored to the post-war Iraqi circumstances could be a useful precedent for dealing with other proliferators".

---

[38] Minute Cabinet Office [junior official] to Manning, 17 April 2003, 'Iraq: Role of UNMOVIC/IAEA'.
[39] Telegram 168 FCO London to Washington, 16 April 2003, 'US/Iraq: Role of UNMOVIC'.

Security Council debate on the future role of UNMOVIC

82. In a meeting in New York on 22 April, Mr Bolton told Sir Jeremy Greenstock, UK Permanent Representative to the UN, that "the US did not disagree with credible inspections and getting WMD finds into the public domain".[40] But it was:

> "… concerned about involving UNMOVIC too soon or too extensively … The UNMOVIC issue should be left on the backburner – it would become less of a problem as the Coalition made discoveries."

83. Sir Jeremy replied that the UK was "less neuralgic" than the US about involving UNMOVIC, but would "not force the issue". The UK wanted to ensure that there were "credible arrangements that left no doubt over Coalition discoveries". He also said that:

> "US reluctance would be seen as a general reluctance to have the UN involved in post-conflict Iraq (this was manageable). We had not identified any credible alternatives … [I]f international verification emerged strengthened from the Iraq issue it could be used in other cases."

84. The Security Council discussed UNMOVIC on 22 April.[41]

85. Sir Jeremy Greenstock described the discussion as "subdued". He reported that Dr Blix told the Security Council that it was evident that civilian inspections could not operate in Iraq. In addition, some of the assumptions on which the Council had established UNMOVIC had changed, and it was entirely natural that the Coalition should establish units to search for WMD.

86. The draft UNMOVIC work programme could be adapted to assume that UNMOVIC would:

- verify and corroborate Coalition findings;
- continue to supervise destruction of WMD; and
- carry out longer-term monitoring.

87. Sir Jeremy reported that almost all members of the Security Council accepted the need for UNMOVIC to return to Iraq and most highlighted the link with the lifting of sanctions, but none pressed the US hard. The IAEA representative reported that Dr ElBaradei's view was that the IAEA should resume inspections as soon as possible; it was the only body with legal powers to verify nuclear disarmament.

88. Sir Jeremy told the Security Council that the UK saw a role for UNMOVIC and the IAEA in verifying disarmament and long-term monitoring. He added that Coalition Forces were "fully aware of the need to be active, professional, and to treat all relevant

---

[40] Telegram 705 UKMIS New York to FCO London, 23 April 2003, 'Iraq: UNMOVIC: 22 April'.
[41] Telegram 705 UKMIS New York to FCO London, 23 April 2003, 'Iraq: UNMOVIC: 22 April'.

WMD evidence responsibly. We would share with the UN any relevant information we uncovered."

89. Ambassador John Negroponte, the US Permanent Representative to the UN, made no reference to UNMOVIC. He said that the Coalition had been focused on re-establishing security and would now intensify the search for WMD. This was "likely to take time". The US:

> "… recognised the need for transparency … But … the disarmament regime needed to be reassessed given the new facts on the ground … [T]he Coalition was still very much in the stabilisation phase and the principal efforts in the search for WMD remained ahead of us."

90. Responding to comments made during the discussion, Dr Blix made a number of points, including:

- "For independent verification, UNMOVIC would need access to locations and persons."
- "… UNMOVIC was the only international body which had a role and expertise in inspections of biological weapons and missiles. If we were moving to a WMD free zone there was a question of whether we should extend rather than dismantle that capability."

Creation of the Iraq Survey Group

91. In mid-April, the US invited the UK and Australia to participate in the ISG.

92. At the end of April, Mr Hoon approved the deployment of specialist UK units to the ISG.

93. On 16 April, AM Burridge's Private Office informed PJHQ that 119 UK personnel were "dedicated to SSE operations".[42] Most were attached to XTF-75, with 44 "on call" from 1st (UK) Armoured Division. An additional 68 personnel were attached to "Supplementary Assets" assigned to force protection tasks, and could be "co-opted to SSE operations" through a request to AM Burridge.

94. AM Burridge's Private Office proposed a number of additional UK contributions to support the creation of the ISG, including appointment of a UK deputy head of the ISG and additional life support to UK SSE personnel.

95. In its meeting on 16 April, the JIC was informed:

> "The US had invited the UK and Australia to participate in the Iraq Survey Group (ISG), which would be tasked with looking at a range of post-conflict issues,

---

[42] Letter Capewell to PJHQ, 16 April 2003, 'Report from the Iraq Survey Group (ISG) Conference Held at CENTCOM Forward Headquarters (CFH) – Qatar 13/14 April 2003'.

including WMD, War Crimes and Terrorism, and would be fully effective in about four weeks. It was clear that the US placed a different priority on WMD, which was near the very top of the UK political agenda. Mr Howard would lead a UK team to Washington … and would listen to American views, clarify their intentions … and emphasise the importance the UK placed on the WMD issue. He would report back to the Committee at their next meeting, after which the Chairman would brief the PM."[43]

96. Mr Scarlett subsequently asked Mr Howard to report on whether the activities to establish the existence and scope of Iraq's capabilities was being given a sufficiently high priority in all parts of the US Administration. Depending on his report, the JIC might want to recommend the possible appointment of a senior political figure to oversee the Coalition effort on WMD.[44]

97. On 21 and 22 April, Mr Howard led a UK team from the MOD, the FCO and SIS to Washington to discuss the ISG with a US team including Major General Keith Dayton, its future military commander.[45]

98. The British Embassy Washington reported after the talks that the ISG would be "substantial", with up to 2,000 personnel, and its task would be to "piece together the deeds of Saddam's regime, in particular the WMD programmes". The US Department of Defense (DoD) expected to have an initial operating capability in Iraq by the end of May and that its work would take about six months. Maj Gen Dayton would welcome "a substantial UK input", including providing his Chief of Staff.

99. The talks had highlighted several "pressing issues":

- gaining access in the short term to scientists and those involved in concealment;
- improving the flow of information between theatre and capitals;
- managing public expectations about WMD discoveries; and
- third-party validation of those discoveries.

100. US and UK officials agreed that:

"… Coalition forces in theatre needed to start to shift their attention away from the (well-known) sensitive sites and onto finding the right people to interview. High value targets were only part of the picture. Piecing together the puzzle would depend just as much on the co-operation of mid-ranking officials.

"… The immediate priority should be for the commanders in theatre to set up safe zones and reception points for Iraqis who wanted to provide information … Former UNSCOM inspectors could then assist in interviews."

---

[43] Minutes, 16 April 2003, JIC meeting.
[44] Letter Scarlett to Howard, 22 April 2003, 'Iraq: WMD Review: Your Visit to the US'.
[45] Telegram 534 Washington to FCO London, 23 April 2003, 'Iraq: Setting Up the Iraq Survey Group'.

101. The need to manage public expectations was also discussed. The process would be long and technical.

102. Mr Dowse, the FCO member of the UK delegation, highlighted a number of points to Mr Straw, including:

> "The immediate need is to ensure that both US and UK are making best use of the quite substantial specialist military assets we have in theatre now, to pursue the search for evidence of WMD programmes. Our understanding is that the UK assets are not being used at all in their intended roles; the (500-strong) US 75th Exploitation Task Force is searching sites, but largely on an opportunity basis rather than in accordance with a coherent set of priorities. The commanders on the spot have – understandably been focused on … [other issues]. They now need to make a further gear-change, and put WMD at the top of their priorities. DCDI [Mr Howard] will visit theatre early next week to make sure this message gets across to UK commanders. The Americans are taking parallel action with CENTCOM."[46]

103. Mr Dowse reported that, contrary to the reporting telegram from Washington, the ISG was expected "to roll out incrementally from the start of May", and:

> "Subject to Mr Hoon's approval, MOD have agreed in principle to a UK contingent in the ISG of about 100 specialist personnel, including the Chief of Staff."

104. Mr Desmond Bowen, the Deputy Head of OD Sec, held a meeting on 24 April "to focus on the very short term, before the ISG is fully up and running at the end of May".[47] He informed Sir David Manning that three main obstacles to early progress had been identified:

- the search for WMD not being CENTCOM's priority and the military operating "in a piecemeal fashion";
- poor security, especially in Baghdad, making it difficult and dangerous to interview some of those known to be involved; and
- the absence of incentives for scientists and others to come forward.

105. The meeting produced two ideas:

- immediate establishment of a pilot scheme in Basra, using UK resources, to take advantage of the fact that many WMD scientists were "likely to have been Shia and may have gone home to the South"; and
- development of an incentives package.

106. Mr Bowen recommended a "real push" with the Americans and offered Sir David Manning a note to use with Dr Rice.

---

[46] Minute Dowse to Private Secretary [FCO], 23 April 2003, 'Iraq WMD: UK/US Talks, 21-22 April'.
[47] Minute Bowen to Manning, 25 April 2003, 'Iraq Survey Group'.

107. Mr Howard recommended next steps to Mr Hoon on 24 April.[48] He explained that the relevant US agencies:

- agreed that the discovery of WMD was a "high and urgent policy priority";
- recognised the political, presentational and legal pressures for the UK;
- agreed that the ISG would be "the primary executive vehicle" for detection work once it was fully established by the end of May;
- agreed the need to redirect US and UK resources in theatre while the ISG was still building its capacity;
- accepted "the political desirability of third party validation" of finds and did "not appear to rule out the involvement of the UN in this process", although there was "considerable hostility to UNMOVIC in its present form"; and
- agreed the need for co-ordinated public handling and expectation management.

108. In relation to UK support for the ISG, Mr Howard recommended that Mr Hoon:

- accede to the US request to provide a Chief of Staff to Maj Gen Dayton;
- agree, as a first step, to assign certain assets already in Iraq to the ISG for an initial period of six months and for deployment across Iraq:
  - 12 personnel from the DIS Battlefield Intelligence Recovery Team;
  - eight personnel from the Joint Forces Interrogation Team;
  - eight personnel from 7630 (HUMINT) Squadron;
  - four personnel from Document Exploitation teams; and
- agree that officials should pursue additional steps to enhance the UK contribution, including the urgent recruitment and redeployment of WMD experts.

109. Lieutenant General Andrew Ridgway, who had succeeded AM Sir Joe French as CDI, informed Lt Gen Reith that Mr Hoon had approved Mr Howard's recommendations.[49]

110. Lt Gen Ridgway explained that a revised Execute Directive for Op TELIC would reflect the need for activity in theatre to match the very high priority attached to discovery of WMD.[50] In the meantime, he requested Lt Gen Reith's support in ensuring all were aware of the importance attached to the work.

111. On 25 April, Mr Howard informed Vice Admiral Lowell E Jacoby, Director of the DIA, that Mr Hoon had approved the broad outline of the UK contribution to the ISG.[51] It would include a Chief of Staff for Maj Gen Dayton and, as a first step, for an initial period of six months and for theatre-wide deployment, 30-40 personnel comprising:

---

[48] Minute Howard to PS/SofS [MOD], 24 April 2003, 'Iraq: WMD Detection and Elimination'.
[49] Minute CDI to CJO, 25 April 2003, 'Iraq: WMD Detection and Elimination'.
[50] General Sir Michael Walker, Chief of the Defence Staff, issued an addition to the Execute Directive relating to the ISG on 18 June.
[51] Letter Howard to Jacoby, 25 April 2003, 'Iraq Survey Group: UK Contribution'.

- the DIS Battlefield Intelligence Recovery Team;
- the Joint Forces Interrogation Team;
- 7630 (HUMINT) Squadron of the Royal Auxiliary Air Force;
- a Document Exploitation Team.

112. Mr Howard explained that other possible contributions were being investigated "as a matter of urgency".

113. Mr Hoon's Private Office informed Sir David Manning on 28 April that:

> "The Defence Secretary has agreed that we should respond positively to a US request to provide a military … Chief of Staff for the ISG, and that we should assign to the ISG UK specialist WMD related units, amounting initially to some 30-40 personnel, already in theatre or about to arrive. We are also looking at dedicating other analytical expertise (including a Porton Down[52] mobile laboratory and ex-UN inspectors) to the ISG effort. The US Commander of the ISG (Major General Keith Dayton) anticipates taking full command around 30 May, though many US and UK elements of the ISG should be in operation well before then … There are considerable variations of view in the US on timescales. General Dayton is talking in terms of six months. Others see the process taking two years or more."[53]

114. Mr Hoon's Private Office explained that there was "a complex process" to go through to ensure assets already in theatre before the ISG was established were put to best use. Maj Gen Dayton was discussing the issue with CENTCOM. A UK team led by Mr Howard would do the same with AM Burridge the following week.

115. Mr Howard reported the outcome of his visit to the ISG planning team in Kuwait and the site of the future ISG Survey Analysis Centre in Qatar to Mr Bowen on 2 May.[54] Mr Howard identified security and logistic support as the main constraints on increasing the WMD effort in theatre. WMD activity had to compete with other high priorities, including support for the Office of Reconstruction and Humanitarian Assistance (ORHA).

116. Mr Howard stated that he had "found no lack of commitment or urgency in respect of WMD exploitation" and there was "an element of resentment that Washington and London did not recognise the scale of the current effort".

117. Asked by US personnel whether UK political, legal and media opinion would be satisfied if nothing was found and the case for military action rested on the fact that Saddam Hussein retained the expertise and could have built a WMD capability, Mr Howard had responded that he thought not:

---

[52] The UK chemical and biological defence establishment at Porton Down, Wiltshire.
[53] Letter Williams to Manning, 28 April 2003, 'Iraq WMD Detection and Elimination'.
[54] Letter Howard to Bowen, 2 May 2003, 'Iraq: WMD Exploitation: The View From Theatre'.

> "We may not ultimately need to be able to point to vast stockpiles of agent, missiles or warheads. But we would at the least need hard evidence of a programme that could be mobilised at short notice and concealment activity."

118. Mr Howard also reported that there had been strong support for a scheme to incentivise and attract scientists to speak to the Coalition.

119. Separately, Mr Howard advised Mr Scarlett that he saw no need to appoint a senior political figure to oversee the Coalition effort on WMD detection.[55] His impression was that Secretary Rumsfeld and Mr Stephen Cambone, US Under Secretary of Defense for Intelligence, had a firm political grip on policy and execution. The difficulty lay in transmitting the sense of priority and urgency into action on the ground.

120. A paper prepared by the MOD on 3 May for the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 8 May, stated that, by 30 April, investigations had begun at 19 of the 147 highest-priority potential WMD-related sites identified by the US and UK before the invasion, and at a further 42 ad hoc sites.[56] There were 400 lower-priority potential WMD sites remaining to be investigated.

121. The MOD stated that the proposed mission of the ISG was to:

> "Co-ordinate and conduct intelligence exploitation throughout Iraq and locate, disable and eliminate Iraqi CBRN/M [chemical, biological, radiological, nuclear/ missile] production, storage facilities and materials in order to: complete the removal of the Iraqi regime; enable the prosecution of war crimes and crimes against humanity; determine the status of Kuwaiti POWs … remove the threat from Iraqi WMD and assist the Global War on Terrorism."

122. The concept of operations for the ISG was "still fluid" and could pose some difficulties for the UK.

123. The FCO and the MOD were "developing proposals for a reconstitution of UNMOVIC tailored to the new permissive environment in Iraq".

124. The Cabinet Office's Annotated Agenda for the AHMGIR stated that "US investigation efforts are currently ad hoc but will be established on a sounder footing from the end of May". The ISG would have over 1,000 specialist staff. Officials invited Ministers to "note the progress made and the time likely before investigations produce clear results".[57]

---

[55] Letter Howard to Scarlett, 2 May 2003, 'Iraq: Weapons of Mass Destruction: My Visit to Washington'.
[56] Annotated Agenda, 7 May 2003, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting attaching Paper MOD, 3 May 2003, 'Annex E: WMD and the Work of the Iraq Survey Group'.
[57] Annotated Agenda, 7 May 2003, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting.

125. AM Burridge criticised CENTCOM's handling of SSE operations in his 'Hauldown Report' of 8 May.[58] He wrote:

> "The scale and complexity of SSE was underestimated by CENTCOM who primarily focused on sites with WMD connections. They became fixated on the Weapons of Mass Destruction Master Site List (WMSL) and there was unfounded confidence that the 'smoking gun' would be found during the exploitation of early Priority 1 sites. With the rapid collapse of the regime and the failure to find any evidence of WMD, there was a realisation that the number of non-WMD sites was far in excess of capability. These needed rapid exploitation before looting destroyed any potential evidence. The diversity of agencies … and forces … involved resulted in a fragmented approach … In addition, reporting mechanisms were developed well after the start of operations, which resulted in confusion and inability to track progress."

126. AM Burridge also criticised the US decision to embed media in XTF-75. The "delay in establishing the facts associated with many discoveries" had led to friction in the command chain.

127. On 11 May, an article published in *The Washington Post* described the replacement of XTF-75 by the ISG as "a milestone in frustration for a major declared objective of the war", but recognised that:

> "Even the sharpest sceptics do not rule out that the hunt may eventually find evidence of banned weapons. The most significant unknown is what US interrogators are learning from senior Iraqi scientists, military industrial managers and Iraqi government leaders now in custody … Publicly, the Bush Administration has declined to discuss what the captured Iraqis are saying. In private, US officials provide conflicting reports, with some hinting at important disclosures."[59]

128. The article attracted wide coverage and prompted sharply contrasting headlines in the UK:

- in *The Telegraph*: "Americans keep up pressure on banned weapons";[60]
- in *The Guardian*: "Weapons taskforce leaves in failure".[61]

129. The work of XTF-75 was summarised in the introduction to the final report of the ISG, published in September 2004:

> "Many sites were inspected but with an aim of discovering WMD, not inspecting and developing an analytical assessment of the Iraqi programs. Wartime conditions

---

[58] Minute Burridge to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report: 07 Feb 03 – 08 May 03'.
[59] *The Washington Post*, 11 May 2003, *Frustrated, US Arms Team to Leave Iraq*.
[60] *The Telegraph*, 12 May 2003, *Americans keep up pressure on banned weapons*.
[61] *The Guardian*, 12 May 2003, *Weapons taskforce leaves in failure*.

prevailed with concern about force protection primary. The work of XTF-75 was therefore aimed at discovery of possible WMD locations (to eliminate a threat), not the compilation of evidence to build a picture of what happened to the weapons and programs.

"This early approach, perhaps logical if the goal was simply to find hidden weapons, undermined the subsequent approach of piecing together the evidence of the Iraqi WMD programs such as they existed. In fact, combined with the chaos of the war and the widespread looting in the immediate aftermath of the conflict, it resulted in the loss of a great amount of potentially very valuable information and material for constructing a full picture of Iraqi WMD capabilities. Sites were looted. Documents were either ignored or collected haphazardly or burned by either the Regime or Coalition forces."[62]

130. In his memoir, Mr George Tenet, the US Director of Central Intelligence (DCI), wrote that a lot of time had been lost by the time the ISG was established:

"… the Iraqis had been deliberately destroying records … government files were being seized by the truckload by groups such as the Iraqi National Congress … raising questions about the validity of any information that might later be discovered in these documents".[63]

131. Lieutenant General Sir Robert Fry, Deputy Chief of Joint Operations during the invasion, told the Inquiry:

"We certainly had special processes: Sensitive site exploitation … and as the conventional advance went on there were a series of sites that were pre-identified that were then searched for evidence of WMD."[64]

132. Asked what proportion of the military operation was geared to finding WMD, Lt Gen Fry said:

"It was small … subordinate to decisive manoeuvre. Getting to Baghdad, winning the conventional phase was what it was all about and this was very much a subtext, but an important subtext."[65]

133. Sir Richard Dearlove told the Inquiry:

"I think that some of us expected that there would be some finds relatively quickly, you know, whilst the trail was still hot. So it was very frustrating, in the early weeks after the military conflict finished, when there was absolutely no progress made at all.

---

[62] Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*.
[63] Tenet G & Harlow B. *At the Centre of the Storm: My Years at the CIA*. HarperPress, 2007.
[64] Public hearing, 16 December 2009, page 69.
[65] Public hearing, 16 December 2009, page 68.

"What we hoped was that maybe a military unit would run into something. But I also remember the figure for the number of unguarded Iraqi ordnance dumps across Iraq, and strictly speaking, all of those should have been inspected, but it was completely impossible to do so."[66]

134. SIS4 told the Inquiry what he had expected to be found when the search began:

"It seemed to me that we had to get a fire blanket over the proliferation hazards, and very quickly indeed …

"Secondly, while not expecting gleaming arrays of kit to be found, just curiosity meant that we longed to get in there and find out what we had been tinkering with.

"Lastly, the Whitehall political question, 'Well, SIS, you have been party to this high tension pursuit of WMD. Where is it then?'

"So the need to orchestrate immediate follow-up inside Iraq on all that we knew, all the leads, seemed to me to be very, very, very important. I was concerned that the lead on this was going to MOD and in America, and my anxieties were borne out by what happened. There were ammo dumps in Iraq covering square kilometres … It was a huge task, and it needed very, very skilful and dynamic generalship to run the follow-up. I'm afraid that didn't happen."[67]

135. Asked whether SIS had a plan to deal with the situation, SIS4 said that he recognised:

"… it wouldn't be up to us. We didn't have the staff. We didn't have the authority. But I did make the point repeatedly in conversations with people in Whitehall, particularly with the military, that this needed gripping. The plan needed to be written, and command and control put in place to make sure the plan was implemented.

…

"Movement inside Iraq was very tightly controlled by the military. People were being arrested. My memory is that we did try to get access, but it was very muddled … We put people on the ground quite quickly to be there to follow things up, but I don't recall any good coming out of it. At this time, of course, the military were on the ground in Iraq. Force protection and military requirements, operational requirements took priority."[68]

136. SIS4 expressed surprise at the relative lack of concern about WMD after the military operation ended: "deployments remained, things were put in place, but they weren't being driven from the very top".[69]

---

[66] Private hearing, 13 July 2010, page 18.
[67] Private hearing, [undated], Part 2, page 21.
[68] Private hearing, [undated], Part 2, pages 21-22.
[69] Private hearing, [undated], Part 2, page 25.

137. SIS3 told the Inquiry:

> "I assumed, as others did, that there was indeed WMD. I mean, it was very swiftly shown that the nuclear reporting was pretty accurate and the missile reporting was accurate. But the CBW, obviously, that became clear within a few weeks that there was a problem. We had expected to come across facilities or shells and so on, and we didn't. Therefore there was already political clamour, if you like."[70]

Managing public expectations

138. On 21 April, Mr Straw expressed scepticism to Mr Blair about the likelihood that physical evidence of Saddam Hussein's WMD would be found.

139. On 28 April, Mr Blair told the media "we can take our time about this and so we should". He expressed confidence that WMD would be found.

140. On 21 April, Mr Straw told Mr Blair:

> "I am very worried that, inexorably, we are being pushed into a position where we accept that the war will only have been justified if a significant WMD find is made. This is exactly the place where our opponents, at home and abroad, and the media want us. We should not go there.
>
> "The military action was justified the day we took it, on the grounds that:-
>
> - the Saddam regime had had chemical and biological weapons – we know that for sure;
> - it had failed to meet a mountain of UN obligations;
> - a huge number of questions about its WMD position and capabilities remained unanswered (Blix's 173 page report), and Iraq simply refused to co-operate properly, raising entirely legitimate issues in the minds of most members of the Security Council that they had a lot to hide."[71]

141. Mr Straw continued:

> "However, I remain sceptical that physical evidence of WMD will be found:-
>
> - Saddam had every motive, and months of notice before the fall of Baghdad to destroy all WMD evidence; so did his collaborators;
> - remarkably little circumstantial evidence has so far been forthcoming;
> - the expectations from the intelligence have always been greater than the product, so far;

---

[70] Private hearing, 2010, page 4.
[71] Minute Straw to Prime Minister, 21 April 2003, 'Iraq: the Search for WMD and the Case for the War'.

- I was struck by General Franks' caution on this when I saw him ([Mr Colin] Powell [US Secretary of State] has been dubious about finds going back to last summer and I think this reflects a wide view in the US military);
- Your point that our experience in Northern Ireland … shows that large arms caches can be concealed for years …"

142. Mr Straw added:

> "Yes, we did take military action in order to disarm Iraq of its WMD. But if it turns out that under the pressure of the US/UK military build up, he disarmed himself, so be it."

143. Mr Straw wrote that he understood that public appreciation of why military action had been taken would be "enhanced" if there were "good finds":

> "But if we carry on saying confidently that the material is there … and have 1,000 men doing nothing but search for the next six months … and still nothing is found, what then? Knowing it was there is not the same as knowing it is there."

144. Mr Straw concluded that, in the absence of significant finds, it would become "all the more important" to demonstrate that post-Saddam Hussein Iraq was a far better place than before. He was "wondering whether the whole US Administration" really appreciated the imperative of "getting the water and power back on" and the hospitals working fully.

145. Mr Straw said that he would call Mr Blair "to discuss all this".

146. In relation to WMD, Sir David Manning commented to Mr Blair:

> "The key is to find people not materiel – who can talk about Saddam's WMD programmes/aspirations/deceptions."[72]

147. During the visit to London on 23 April by Mr José María Aznar, the Prime Minister of Spain, Mr Aznar and Mr Blair spoke to President Bush about progress in Iraq, including plans to provide incentives for information about WMD locations.[73] In Mr Blair's view, the Coalition should present the search for WMD as its third priority, after winning the conflict and humanitarian assistance:

> "WMD was not just a US/UK issue: the international community had been searching for twelve years. It would take time."

148. In his minute to Mr Straw's Private Office reporting the outcome of the Washington talks on the ISG on 21 and 22 April, Mr Dowse cautioned that a "smoking gun" might not

---

[72] Manuscript comment Manning to Prime Minister on Minute Straw to Prime Minister, 21 April 2003, 'Iraq: the Search for WMD and the Case for the War'.
[73] Letter Cannon to McDonald, 23 April 2003, 'Iraq: Prime Minister's Conversation with Bush and Aznar, 23 April'.

be found: Saddam Hussein had "had twelve years to hide the evidence". Fewer than a dozen of the 146 suspect sites identified as a priority by the Government had been visited.[74]

149. On third-party validation of findings, Mr Dowse reported that the UK delegation to the talks:

> "… made the point that what constituted credibility was inevitably going to be subjective – ie what was sufficient for the UK and US Governments might not be enough for the audiences we really need to convince, including the Security Council (and UK media). Like it or not, it was hard to escape the fact that a UN seal of approval would be the most difficult for the critics to dismiss …
>
> "The Americans did not seriously try to argue the point, but I doubt that we entirely overcame the deep reluctance – particularly in the Pentagon – to contemplate a further role for UNMOVIC."

150. Mr Straw welcomed Mr Dowse's advice, stating that it highlighted some of his own key concerns, on which he had already written to Mr Blair.[75] Mr Straw asked for a copy to be sent to Sir David Manning, and for Mr Dowse to prepare a draft minute to Mr Blair.

151. Mr Straw discussed WMD with Secretary Powell on 24 April.[76] UNMOVIC was rising up the agenda quickly. The US and UK had argued consistently for UNMOVIC, setting it up in resolution 1284 (1999) and enhancing its role in resolution 1441 (2002). Mr Straw did not see how they could now argue for it to be set aside. It was important to keep the moral high ground.

152. Mr Julian Miller, Chief of the Assessments Staff, sent "lines to take" on Iraq's WMD, agreed with NPD, to Mr Simon McDonald, Mr Straw's Principal Private Secretary.[77] On the question: "Iraqi WMD: Where's the evidence?", the points made by Mr Miller included:

- Coalition Forces were actively pursuing the issue but the investigation would not be "a quick process". Saddam Hussein had had "ample time to conceal his WMD programmes".
- The process would be "painstaking and detailed: we want to establish the truth beyond any doubt".
- "Given the emphasis on concealment" it was "hardly surprising that concrete evidence of WMD" had "yet to come to light".

---

[74] Minute Dowse to Private Secretary [FCO], 23 April 2003, 'Iraq WMD: UK/US Talks, 21-22 April'.
[75] Minute Owen to Dowse, 28 April 2003, 'Iraq WMD: UK/US Talks, 21-22 April'.
[76] Letter McDonald to Manning, 24 April 2003, 'Foreign Secretary's Conversation with US Secretary of State, 24 April'.
[77] Letter Miller to McDonald, 24 April 2003, 'Iraq and WMD' attaching Paper Cabinet Office, 'Iraqi WMD: Where's the Evidence?'

- Other judgements had been "borne out, including by UNMOVIC", for instance:
  - the "illegal programme[s]" to "extend the range of the Al Samoud missile" and "produce even longer range missiles";
  - concealment of documents at homes of personnel associated with WMD programmes"; and
  - "suspicious programmes to manufacture long range UAVs [unmanned aerial vehicles]".
- The "testimony of scientists and documentation about WMD development and production programmes" would be "the key". But witnesses could not be expected to come forward until they were confident they could speak safely.

153. On the issue of a role for UN inspectors, Mr Miller wrote:

> "We appreciate the need for credible, independent validation of any discoveries … UNMOVIC and the IAEA would be an option …
>
> "As Dr Blix himself has said, the circumstances are not right for the inspectors to return to Iraq at present. If and when they do, their tasks would have changed: the focus would be on monitoring and verification rather than detection. That would call for different skills – some restructuring of the operation would be needed …"

154. In his monthly press conference on 28 April, Mr Blair stated that "the first priority has got to be to stabilise" Iraq, the second was the humanitarian situation, and:

> "… the third – and we can take our time about this and so we should – is to make sure that we investigate the weapons of mass destruction, and we will do that. And as I say every time I am asked, I remain confident that they will be found."[78]

155. Asked about why Saddam Hussein had not used weapons of mass destruction and whether the UN needed to be involved to verify any finds, Mr Blair made a number of points, including:

- Independent verification needed to be discussed "with the UN and amongst allies", but he had "no doubt at all that … some process of independent verification" was needed.
- There wasn't "any doubt that Iraq has had" WMD.
- Before the return of the inspectors, "there was a six-month campaign of concealment". That was "borne out by sufficient intelligence" that there was "no doubt" in his mind that was what happened.
- That meant it was "going to be far more difficult for them to reconstitute that material to use", and "we were giving very strong warnings to commanders in the fields as to what would happen if they did".

---

[78] 10 Downing Street, 28 April 2003, *PM focuses on Iraq and domestic agenda*.

- The Government was "anxious not to start making the claims until we have absolutely bottomed out anything by way of information that comes to us".

156. In response to a suggestion that WMD had not been as big a threat as he thought, Mr Blair pointed out that Iraq could have reconstituted concealed weapons "had we all left Iraq and the weapons inspectors not being able to carry out their job". He added that he thought there would be "increasing evidence of links between the previous Iraqi regime and terrorist organisations".

157. On 2 May, Mr Straw sent Mr Blair further thoughts on what might be found in Iraq. Evidence might take the form of testimony or documents rather than materiel.

158. On the role of UNMOVIC and the IAEA, Mr Straw advised that it would be "odd" if the Coalition refused to co-operate with the weapons inspectors having made that the centrepiece of the case against Saddam Hussein.

159. Mr Straw wrote again to Mr Blair on 2 May reiterating his concerns that the plans for handling the detection and elimination of Iraqi WMD "should not become the foundation on which critics of our military action in Iraq" could "build a new case to attack us".[79]

160. Mr Straw welcomed the action being taken to impress on commanders in Iraq the importance of the issue and that work was in hand to identify a substantial UK contribution to the ISG. But the timeframe for ISG deployment highlighted the need to manage expectations:

> "This is not a matter of suggesting that we may not, in the event, find any evidence of WMD programmes. On the contrary, as you told the media on 28 April, we are confident that we will. But we must keep drumming home three messages:
>
> – we already have substantial evidence: both from before the fighting and what we have discovered since. There is 173 pages of evidence in Blix's 7 March report. Examples since include the discoveries of large stockpiles of protective suits and atropine: Coalition forces were well known not to possess chemical weapons, so what reason would Iraq have had for such stockpiles other than to protect its forces against its own chemical weapons?
>
> – this will not be a quick process. Saddam has had twelve years to hide the evidence and it is unreasonable to expect us to uncover it in a few weeks. We should be stressing that the process of discovery and validation cannot be rushed: we must be extremely thorough to minimise the risk of false alarms …
>
> – evidence can take many forms. It may well not be in the form of finished materiel (stockpiles of munitions, barrels of nerve agent etc); it is equally if

[79] Minute Straw to Prime Minister, 2 May 2003, 'Iraq: WMD Detection and Elimination'.

not more likely to come in the form of testimony from scientists and other Iraqi personnel, and documentation. That sort of evidence is no less valid."

161. Mr Straw noted MOD concern that the last point "might be interpreted as moving the goalposts". It needed "to be deployed with care", but it was "not new". It was "why we placed such emphasis on the UN inspectors conducting secure interviews". In Mr Straw's view, it carried "more weight than the claim raised in some US newspapers that the Iraqis may have destroyed their WMD in the days immediately prior to the war. For that to carry any credibility at all it would have to be backed with very convincing evidence of such destruction."

162. Mr Straw recommended that the UK should, more realistically for the medium rather than the short term, continue to try "to change US minds" about credible independent validation of WMD discoveries by UNMOVIC or the IAEA. Dr Blix would "retire from the scene in June" and the task had:

"… now changed, to one essentially of observation and reporting. Coalition forces will do the detective work. But the fact is that the inspectors still carry the most weight with the audiences we need to convince, in the Security Council or the media. It would be odd if the Coalition was now to refuse to co-operate with the weapons inspectors after we made this a centrepiece of our case against Saddam."

163. Sir David Manning commented to Mr Blair:

"You should be aware. We are pushing the WMD dossier [issue] hard: but J[ack] S[traw]'s points are well taken."[80]

164. On 1 May, Mr Watkins sent No.10 briefing for Mr Blair's meeting with Secretary Rumsfeld at Chequers the following day.[81] Mr Watkins suggested that Mr Blair remind Secretary Rumsfeld of the stronger political and presentational pressures in the UK to find verifiable evidence of Iraqi WMD programmes. The US saw no short-term role for UNMOVIC and there was little appetite in the longer term. Mr Watkins proposed that Mr Blair say that: "suitably reconstituted – UN inspectors would confer maximum international credibility to WMD finds."

165. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, commented to Mr Blair: "No way that Rumsfeld will agree this."[82]

166. Mr Blair and Mr Hoon met Secretary Rumsfeld at Chequers on 2 May.[83] There is no indication in the record of the meeting that WMD was discussed.

---

[80] Manuscript comment Manning to Prime Minister on Minute Straw to Prime Minister, 2 May 2003, 'Iraq: WMD Detection and Elimination'.
[81] Letter Watkins to Rycroft, 1 May 2003, 'Meeting with the US Defense Secretary – 2 May 2003'.
[82] Manuscript comment Rycroft on Letter Watkins to Rycroft, 1 May 2003, 'Meeting with the US Defense Secretary – 2 May 2003'.
[83] Letter Cannon to Watkins, 2 May 2003, 'Iraq: Prime Minister and Defence Secretary's Meeting with Rumsfeld, 2 May'.

167. Secretary Rumsfeld and Mr Hoon met again at Heathrow Airport before Secretary Rumsfeld returned to the US.[84]

168. Mr Hoon said that the UK had not seen significant output from the debriefing of high-value individuals and scientists. There could be information emerging that was of operational use and should be shared with commanders on the ground. Secretary Rumsfeld agreed that this was an area that could be improved.

169. Mr Straw raised verification with Mr Richard Armitage, US Deputy Secretary of State, on 6 May.[85] The key question was: "did the US want UNMOVIC back in?" The issue could not be sidestepped indefinitely. Mr Armitage said that he was not keen.

170. In discussion at the AHMGIR on 8 May, Mr Hoon stated that, given the role WMD had played in the justification for action against Saddam Hussein, it would be important to link any finds back to the pre-conflict evidence.[86]

171. Other points made were that:

- Military action was justified by the continued failure of the Iraqi Government to meet its obligations set out in UN resolutions.
- If the UK Government faced criticism if further WMD were not found, the response should be that Saddam Hussein could have avoided war by, for example, delivering scientists.
- If the Security Council had held together, there might not have been a need for war.

172. Mr Straw concluded that it would be some time before WMD investigation would produce clear results.

173. Mr Straw told Sir David Manning that the absence of any reference to UNMOVIC inspectors in the text of the draft omnibus resolution being discussed on Iraq (see Section 9.1) meant "we were very exposed on the question of why UNMOVIC was not on the bus".[87]

174. On 8 May 2003, the Intelligence and Security Committee of Parliament (ISC) announced a review into the intelligence and assessments that informed the decision to invade Iraq and whether the intelligence was accurately reflected in Government publications.

175. In its Annual Report for 2002/03, presented to Mr Blair on 8 May 2003, the ISC stated: "It is impossible at the present moment to make any definitive statements about the role of intelligence and the situation in Iraq." The ISC had been briefed on the issue,

---

[84] Minute Williams to Policy Director, [undated], 'Visit of the US Secretary of Defense – 2 May 2003'.
[85] Letter Sinclair to Manning, 7 May 2003, 'Foreign Secretary's Meeting with US Deputy Secretary of State, 6 May'.
[86] Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[87] Letter Straw to Manning, 7 May 2003, 'Iraq: Conversations with Colin Powell, 7 May'.

but intended "to examine in more detail the intelligence and assessments available and their use".[88]

176. Ms Ann Taylor, the Chair of the Committee, wrote to Mr Scarlett on 8 May requesting "JIC Assessments relating to Iraq and its WMD, dating back to August 1990 and supporting intelligence".[89]

177. In its report, published in September 2003 and addressed later in this Section, the Committee stated that it had "examined all the JIC Assessments produced since the Iraqi invasion of Kuwait 1990". The Committee had also "looked at the supporting intelligence in critical areas to ensure that the assessments reflected the intelligence correctly".[90]

178. The discovery on 24 April of a trailer thought to be a possible mobile BW facility attracted considerable media interest in the UK and US.

179. On 9 May, Sir David Manning advised Mr Blair that, despite the obstacles, the initial prospects for finding evidence of Saddam Hussein's WMD programmes were "reasonably promising".

180. The discovery of a suspect trailer on 24 April is addressed in the Box 'The investigation of possible mobile production facilities for biological agent'.

181. At the JIC meeting on 30 April, Sir Richard Dearlove "suggested that there would need to be very careful handling of the emerging information on WMD in Iraq". The JIC "might find it useful to have a special meeting to discuss this in due course".[91]

182. On 9 May, SIS4 sent Sir David Manning a briefing note for Mr Blair on "the current status of efforts in Iraq to produce evidence of Saddam's WMD programmes".[92]

183. The covering letter reiterated the obstacles confronting those efforts, including the poor security situation, the apparent disconnect between US organisations in Iraq, the limited circle of knowledge about WMD locations and deployments, and the sheer volume of potential sensitive sites. It was, however, a critical priority to find convincing evidence of past WMD programmes before the deployment of the ISG.

184. The letter described the suspect BW trailer as "an encouraging find" that would be reinforced through exploitation of other related leads in co-operation with other Coalition officials, but one that did, however, "illustrate the difficulties of co-ordinating press lines

---

[88] Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraph 10.
[89] Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraph 12.
[90] Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraph 16.
[91] Minutes, 30 April 2003, JIC meeting.
[92] Letter SIS4 to Manning, 9 May 2003, 'WMD in Iraq'.

… with the US". The letter recommended that Sir David Manning raise the issue with his US interlocutors during his imminent visit to Washington.

185. The briefing note attached to the letter confirmed that SIS would be sending more staff to Iraq to help the US effort on the ground, including debriefing centres. The likely timescales for successful exploitation of sites was not to be underestimated:

> "UNMOVIC allowed an average of two hours per facility, and found virtually nothing. It had taken over two weeks to exploit and verify a single find, the mobile laboratory. There were hundreds of known sites to exploit …"

186. The note also addressed the suspect trailer and provided an update on investigations into CW munitions and production which had yet to produce concrete evidence.

187. Sir David Manning passed the briefing note to Mr Blair, describing it as "An update on the problems and the (reasonably promising) prospects."[93]

The investigation of possible mobile production facilities for biological agent

On 3 May, Lieutenant General Andrew Ridgway, Chief of Defence Intelligence (CDI) informed Mr Hoon's Private Office that the Defence Intelligence Staff (DIS) assessed that a "trailer recovered north of Mosul on 24 April could be used as a component of a transportable BW facility".[94]

Lt Gen Ridgway wrote that:

- "The trailer has a vessel with a capacity of over 100 litres of agent. It is assessed that […]"
- "The discovery of the trailer is highly significant … It is a gun, but not a smoking gun."
- Some details had already appeared in the US media, but "their full significance has yet to emerge".

Mr Hoon was invited to agree that:

- the exploitation of the trailer was urgent and should be co-ordinated between the US and UK;
- the US should be asked to agree to Dr Blix being briefed and to consider the evidence being examined by an independent third party; and
- the discovery and likely role of the trailer should not be publicised until the US and UK had agreed a common position.

---

[93] Manuscript comment Manning to Prime Minister, 11 May 2003, on Letter SIS4 to Manning, 9 May 2003, 'WMD in Iraq'.
[94] Minute Ridgway to PS/SofS [MOD], 3 May 2003, 'Iraq: Probable Transportable BW Production Trailer'.

A paper prepared by the MOD on 3 May, for the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 8 May, stated that the "most promising find so far is of a HGV [heavy goods vehicle] trailer" near Irbil where an "initial assessment" closely matched "earlier descriptions (from intelligence) of a vehicle that supported mobile BW agent production".[95]

The discovery of a "BW factory" was discussed in Mr Blair's conversation with President Bush on 7 May.[96]

The British Embassy Washington reported overnight on 7/8 May that the US had used a general briefing on Iraqi WMD by Mr Cambone to address growing press speculation about the discovery of the suspected mobile BW laboratory.[97]

Mr Cambone had emphasised the scale and complexity of the task facing the Coalition in uncovering and destroying Iraq's WMD, and explained that the resources deployed would be "substantially enhanced" with the arrival of the ISG.

Mr Cambone said that the mobile laboratory was "very similar" to that which had been described in Secretary Powell's presentation to the Security Council on 5 February 2003, and that, while some of the equipment on the trailer could have been used for purposes other than BW production, "US and UK technical experts have concluded that the unit does not appear to perform any function beyond what the defector said it was for, which was the production of biological agents".

Asked whether the trailer represented the smoking gun, Mr Cambone had stated that he was sure that, as time went by, Iraq's WMD programmes would be found to have been as extensive as described to the Security Council by Secretary Powell in February 2003.

The Embassy added that it had raised the need for independent third-party verification of the find with the National Security Council (NSC) earlier in the day. Although that suggestion had been rejected on the grounds that it was highly unlikely that samples worth verifying would be found in a trailer that had been scrubbed clean, the principle of third-party verification, once samples had been found, was recognised as "a good one".

The SIS letter of 9 May described the suspect BW trailer as "an encouraging find" that would be reinforced through exploitation of other related leads in co-operation with other Coalition officials.[98]

The briefing note attached to the letter stated that the suspect BW trailer "remained the most significant find to date" and had received some media attention. There were differing views on the function of the trailer, however, it was believed to be part of a transportable production system (TPS). SIS would be contributing to the Coalition efforts to investigate the trailer's provenance, with the aim of obtaining "a high-level view of how it related to other parts of the BW programme". There was speculation about whether anthrax was the original intended product. Further debriefing and computer exploitation were ongoing.

---

[95] Annotated Agenda, 7 May 2003, Ad Hoc Ministerial Group on Iraq Rehabilitation meeting attaching Paper MOD, 3 May 2003, 'Annex E; WMD and the Work of the Iraq Survey Group'.
[96] Letter Cannon to McDonald, 7 May 2003, 'US Foreign Policy Issues: Prime Minister's conversation with Bush, 7 May'.
[97] Telegram 615 Washington to FCO London, 8 May 2003, 'Iraq: WMD'.
[98] Letter SIS4 to Manning, 9 May 2003, 'WMD in Iraq'.

On 13 May, Mr Scarlett informed Mr Powell that a "second possible mobile BW trailer" had been found in Northern Iraq on 9 May; and that imagery indicated "a third suspicious trailer in the Mosul area".[99] Mr Scarlett wrote:

> "It is not yet clear whether we will be able to prove that these trailers were used for BW agent production … But our assessment is that the first trailer at least (and probably the second) were capable of producing micro-organisms as part of a biological process … It is not impossible that they are capable of producing a crude (liquid) form of agent …"
>
> "A great deal of thought has been given to other possible applications for these trailers. So far none has been identified …"

Mr Scarlett added that "our experts" had ruled out the possibility that the first trailer might have been part of a mobile pesticide unit.

Mr Scarlett concluded:

> "These are significant finds. There is a serious chance (I should not put it more strongly) that the trailers form part of the covert production facilities for which we have been looking. Whatever their function … [they] should have been declared under … [resolution] 1441. At the right moment, and once we have reached the firmest judgement possible … it will be necessary to explain their significance …"

Mr Blair commented:

> "This is good + we should keep a careful note of all we are finding. How are the interviews going?"[100]

Mr Scarlett also provided a more detailed note produced by the DIS and a minute addressing claims made on *NBC News,* which could not be substantiated and appeared to be based on the views of Dr David Kay. Dr Kay was described as "formerly nuclear Chief Weapons Inspector for IAEA".

On 15 May, an official in the FCO Non-Proliferation Department (NPD) advised Mr Tim Dowse, Head of NPD, that Dr David Kelly, MOD Special Adviser Counter-proliferation and Arms Control, had advised that UNMOVIC experts were leaning towards the view that the mobile laboratory was not a bio-weapons lab.[101] The FCO official was concerned about the implications of Dr Blix casting doubt on the UK's analysis.

SIS stated on 16 May that the most important piece of evidence found so far was "the various BW trailers, which we are now firmly of the view are part of the transportable production system (TPS) for BW agent".[102]

---

[99] Minute Scarlett to Powell, 13 May 2003, 'Iraq: Second Possible Mobile BW Trailer' attaching Note DIS, 12 May 2003, 'Iraq: Second Possible Mobile BW Trailer' and Minute Cabinet Office [junior official] to Scarlett, 12 May 2003, 'Second Mobile Trailer: The NBC News Report'.

[100] Manuscript comment Blair on Minute Scarlett to Powell, 13 May 2003, 'Iraq: Second Possible Mobile BW Trailer'.

[101] Minute NPD [junior official] to Dowse, 15 May 2003, 'Iraq Survey Group: MOD Task Force Meeting, 15 May'.

[102] Letter PS/C to McDonald, 16 May 2003, 'Iraqi WMD'.

On 1 June, Mr Scarlett informed Sir David Manning that a US inter-agency team with one UK representative continued to assess that the BW trailers "almost certainly" formed "part of the mobile BW production facilities identified in [pre-invasion] intelligence".[103] The experts could not think of "any other credible explanation". That was also "the firm view" which had been reported on the US Defense Intelligence Agency website.

Mr Scarlett added that a preliminary draft of the team's report had stated that the trailers, as presently configured, could not be used as a biological production system. That report had been withdrawn. Mr Scarlett commented: "It really does seem that it has no status. Confusing nonetheless."

Mr Scarlett concluded that there would be a further assessment of Iraq's BW capabilities, but a formal assessment could and should be issued only when "we feel confident that we have enough data".

Subsequent assessments of the purpose of the trailers are set out later in this Section.

188. On 15 May, an official in NPD advised Mr Dowse that:

- Iraq's two most senior BW scientists were denying knowledge of recent Iraqi WMD programmes.
- The head of Iraq's National Monitoring Directorate was claiming that all SCUD missiles had been destroyed between 1991 and 1993.
- There was "considerable frustration" about the absence of UK involvement in the US interviews of scientists.[104]

189. On 16 May, SIS informed the FCO that information emerging from interviews with individuals prepared to discuss WMD confirmed some of the original judgements about Iraq's programmes.

190. SIS advised that it was not in the Government's interest to allow media reports that there was no evidence to justify pre-conflict claims to become received wisdom.

191. On 16 May, Sir Richard Dearlove's Private Secretary sent Mr McDonald an update on progress and ideas for changing public perceptions of Iraq's WMD programmes.[105]

192. The letter stated that the "poor security situation, apparent disconnect between parts of the US system (and thus with UK agencies)" and problems flying in and out of Baghdad were slowing down the effort, but SIS officers in Iraq were "fully switched on to the task".

---

[103] Minute Scarlett to Manning, 1 June 2003, 'BW Trailers'.
[104] Minute NPD [junior official] to Dowse, 15 May 2003, 'Iraq Survey Group: MOD Task Force Meeting, 15 May'.
[105] Letter PS/C to McDonald, 16 May 2003, 'Iraqi WMD'.

193. On the search for evidence, the letter stated:

> "People who are prepared to discuss WMD are gradually emerging to provide information. Most have only small pieces of the jigsaw, but these do confirm some of the original judgements: continued CW production until mid-late 2002; replacement of the large, static BW programme with a covert, transportable capacity; a massive effort in the months before the conflict to break up and conceal much of the WMD (which may thus have been inaccessible when the conflict began); the start of work to develop extended range missiles, beyond UN-sanctioned limits; and the highly restricted circle of those really in the know. Further interviewing of senior detainees is likely to deliver more insights …"

194. SIS assessed that the most important piece of evidence found so far was "the various BW trailers, which we are now firmly of the view are part of the transportable production system (TPS) for BW agent". New information was also emerging on Iraq's CW and missile programmes.

195. The letter stated that, despite the emergence of new information, the UK and international media continued to report that there was no evidence to justify the claims made by the UK and the US before the war. It was not in the interests of the Government or SIS to allow that to become received wisdom. SIS was working on a media strategy with the FCO, the MOD and others to address those points.

196. SIS also reported that *BBC Television*'s *Panorama* planned to make a programme on Iraqi WMD for broadcast later that year. SIS suggested that the Government provide assistance to the programme-maker while taking care not to hijack the programme. The onus would still be on the programme-maker to seek independent expert advice. SIS advised that there was a greater risk in the programme being made without the Government's help, and that the programme-maker "might take at face value the denials of senior detainees and be without the technical knowledge and guidance we can offer".

197. A copy of the SIS letter was shown to Mr Blair by Sir David Manning, with the comment: "Evidence beginning to build. Suggestions here too for media – that need to be reviewed with Alastair [Campbell]".[106]

198. Mr Blair replied to Sir David Manning: "A[lastair] C[ampbell] to speak to me about this."[107] Mr Blair described as "vital" the letter's assessment of evidence emerging to support pre-invasion judgements.

199. Sir David Manning sent Mr Blair's comment to Sir Richard Dearlove's Private Office "To note".[108]

---

[106] Manuscript comment Manning on Letter PS/C to McDonald, 16 May 2003, 'Iraqi WMD'.
[107] Manuscript comment Blair on Letter PS/C to McDonald, 16 May 2003, 'Iraqi WMD'.
[108] Manuscript comment Manning on Letter PS/C to McDonald, 16 May 2003, 'Iraqi WMD'.

200. Mr McDonald replied to the letter from Sir Richard Dearlove's Private Office about progress in uncovering hard evidence of prohibited Iraqi weapons programmes on 2 June.[109] He agreed:

> "… that we have pro-actively to confront some of the negative media about the lack of Iraqi WMD, and work to ensure that some of the evidence that is coming to light finds its way into the public domain. Or, as you say, the media will remain camped on the position of No evidence, No justification. In the absence of independent validation of Coalition WMD finds, the media are playing a crucial role in setting public opinion. Having an effective media strategy, agreed interdepartmentally, will help address this …"

201. Mr McDonald added:

> "The idea of working with the *BBC Panorama* programme … seems an excellent way to take the strategy forward in the short term. Providing background briefing and unobtrusively helping point the programme makers in the right direction […] should help to bring to light some of the hard evidence that is being uncovered. It will be important to ensure that *Panorama* maintains its overall independence … However, we should not regard this as an exclusive … [W]e should work with a range of journalists to ensure that the message comes across clearly and coherently."

202. Resolution 1483 was adopted on 22 May 2003.[110] Its provisions relating to Iraq's continued obligation to disarm, the US and UK activities in that regard and the future of UNMOVIC and the IAEA's mandates, are set out in the Box 'Resolution 1483: WMD provisions'. The wider purpose and provisions of the resolution are addressed in Section 9.1.

Resolution 1483: WMD provisions

In resolution 1483, the Security Council:

- reaffirmed "the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq";
- determined that "the situation in Iraq, although improved, continues to constitute a threat to international peace and security".

In operative paragraph 11 of the resolution, the Security Council:

- reaffirmed "that Iraq must meet its disarmament obligations";
- encouraged the UK and US "to keep the Council informed of their activities in this regard"; and
- underlined "the intention of the Council to revisit the mandates" of UNMOVIC and the IAEA "as set forth in resolution 687 (1991) … 1284 (1999) and 1441 (2002)".

---

[109] Letter McDonald to PS/C, 2 June 2003, 'Iraqi WMD'.
[110] UN Security Council Resolution 1483 (2003).

203. Speaking after the adoption of the resolution, Sir Jeremy Greenstock stated that the resolution "did not seek to resolve every issue"; and that the functions of UNMOVIC and the IAEA "as they relate to the complete disarmament of Iraq under previous resolutions" would need to be taken up "in due course".[111]

204. Sir Jeremy added that the UK:

> "… continues to see a role for both bodies in the eventual confirmation of disarmament and perhaps, if the Council agrees, in the longer term monitoring and verification."

205. On 23 May, Mr Howard sent Mr Hoon's Private Office an update on plans for the ISG and a draft letter to No.10.[112]

206. Mr Howard reported that there was "considerable media interest" in the efforts to find WMD and there had been "numerous PQs [Parliamentary Questions] on this and the functioning of the ISG".

207. Mr Howard added that there was:

> "… growing pressure for the Government to provide an assessment of how the WMD findings match the statements made in their September 2002 Dossier and No.10 have made accommodating statements on this: the US are understood to be undertaking their own 'post-mortem' exercise in this area. There have been problems that US briefings … are not properly cleared with us …"

208. Mr Howard stated that there was a need for urgent work to develop a coherent PR strategy for the ISG work and that he would provide further advice.

209. Mr Watkins wrote to Sir David Manning on 27 May reporting that work on SSE continued and would be enhanced by the ISG, but the timelines for establishing the ISG were "still fluid".[113]

210. Mr Watkins explained:

> "At present, Coalition Forces are working from a list of over 500 sites potentially linked to the development, production and storage of WMD, overwhelming[ly] concentrated in the US area of operations. As at 22 May, Coalition forces had initiated investigations into 122 of these sites, plus a further 55 sites identified since the conflict began. The most promising finds so far relate to mobile facilities. The Cabinet Office is receiving daily updates from the DIS ROCKINGHAM cell on all SSE activities."

---

[111] UN Security Council, '4761st Meeting, 22 May 2003', S/PV.4761.
[112] Minute DCDI to PS/Secretary of State [MOD], 23 May 2003, 'Iraq: The Search for WMD'.
[113] Letter Watkins to Manning, 27 May 2003, 'Iraq WMD: Update'.

211. Mr Watkins reported that the US was planning to expand and better co-ordinate the existing Coalition effort by bringing together current WMD and other post-conflict activities under the ISG. The draft mission for the ISG was to:

> "Organise, direct and apply capabilities and expertise in Iraq to discover, take custody of, exploit, disseminate and disable, eliminate information and material on individuals, records, NBC samples, weapons systems, materials, facilities, networks, and operations relative to:
>
> - Terrorism
> - Iraqi intelligence
> - WMD (Main Effort)
> - Individuals associated with the Iraqi regime/leadership with WMD
> - Individuals detained by the Iraqi regime
> - War crimes and crimes against humanity."

212. Mr Watkins reported that the UK would be providing the Deputy Commander, Brigadier John Deverell, who would "be running all ISG operations, with Maj Gen Dayton addressing external and higher level ISG issues". The UK would:

> "… also assign to the ISG the UK WMD related units already in theatre or about to arrive, including:
>
> The DIS Battlefield Intelligence Recovery Team
>
> The Joint Forces Interrogation Team
>
> 7630 (HUMINT) Sqn RauxAF [Royal Auxiliary Air Force]
>
> A Document Exploitation Team.
>
> "We are also investigating the most effective use of the joint NBC Regiment and other assets in theatre … DIS liaison staff in Washington will be reinforced to support ISG work, with a view to providing a UK presence in the ISG Fusion Cell in Washington. The DIS is also providing individual reinforcements to ISG in theatre.
>
> "We are also actively recruiting a cadre of UK ex-UNSCOM and ex-UNMOVIC inspectors, and others …"

213. Mr Watkins wrote that the UK needed to keep up the pressure on the US to ensure WMD detection received the attention it deserved. There also needed to be more work on public handling. There had been problems with US briefings in theatre and in Washington not being properly cleared with the UK. The UK had taken steps to ensure co-ordination was as good as possible. There was also a more general need for Whitehall to develop a "coherent and proactive PR strategy" for the ISG's work.

214. Sir David Manning commented to Mr Blair: "US has been very slow to get the Iraq Survey Group up + running – one reason for the PR difficulties – along with Rumsfeld."[114]

215. The ISG was launched on 30 May.[115]

216. On 4 June, officials advised that the ISG was expected to achieve an initial operating capability about 10 days later.[116]

217. Under an arrangement negotiated between the DoD and the CIA, the ISG was initially placed under US military command.

218. The UK planned to provide 100-120 personnel, including some former UNSCOM inspectors.[117]

219. In a background note for Mr Blair on the difference between the ISG and XTF-75, Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, described XTF-75 as "a slightly mechanical exercise, carried out by the military, and based on a fixed body of information".[118] The ISG was intended to be "a more flexible, intelligence-driven organisation", which would generate its own intelligence, including through interrogations, and have its own analysis capacity. The ISG would include former UNMOVIC inspectors, would target individuals as well as sites, and would have 1,300-1,400 personnel compared with 750-800 in XTF-75.

220. General Sir Michael Walker, Chief of the Defence Staff, issued an addition to the 18 March Execute Directive for Op TELIC on 18 June. The Directive instructed Lt Gen Reith to provide air transport for the movement of small teams of ISG personnel between Iraq and Qatar as "a high priority".[119] The arrangement was to be kept under monthly review.

221. A revised Directive incorporating additional guidance, issued on 30 July, is described in the Box 'Revised Directive on UK military co-operation with the ISG' later in this Section.

222. The ISG became "fully operational" in early August.[120]

---

[114] Manuscript comment Manning to Prime Minister, 29 May 2003, on letter Watkins to Manning, 27 May 2003, 'Iraq WMD: Update'.
[115] Letter McDonald to Rycroft, 2 June 2003, 'Iraqi WMD: Third Party Validation'.
[116] Letter Watkins to Manning, 4 June 2003, 'Iraq: WMD Detection and Elimination: Public Handling'.
[117] Letter McDonald to Rycroft, 2 June 2003, 'Iraqi WMD: Third Party Validation'.
[118] Minute Cannon to Prime Minister, 3 June 2003, 'Iraq: Iraq Survey Group and 75th Exploitation Task Force'.
[119] Paper MOD, 18 June 2003, 'Chief of the Defence Staff Execute Directive to the Joint Commander Operation TELIC Edition 2 Frago 02'.
[120] Minute Scarlett to Cannon, 8 August 2003, 'Iraq WMD'.

Pressure to set up an independent inquiry on pre-conflict intelligence

223. In late May, UK and US media comment on the implications of the failure to find WMD intensified.

224. On 29 May, the *BBC* broadcast allegations by the journalist Mr Andrew Gilligan that the September 2002 intelligence dossier had been "sexed up".

225. On 27 May, after delivering a speech on Iraq to the US Council on Foreign Relations, Secretary Rumsfeld was asked why Iraqi forces had not used chemical weapons during the invasion.[121] He speculated that one reason might have been that it had been decided to destroy the weapons before the conflict. More information would emerge as people were interrogated and there were still hundreds of suspect sites that had not been investigated. Secretary Rumsfeld concluded: "It will take time".

226. An interview with Mr Paul Wolfowitz, US Deputy Secretary of Defense, published in *Vanity Fair* magazine in late May, was widely reported to have suggested that the US had settled on WMD as the justification for the invasion of Iraq for "bureaucratic reasons" and as the only issue that all parts of the Administration could agree on given the disputes over whether there was a link between the Iraq regime and terrorists.[122]

227. On 31 May, the DoD challenged *Vanity Fair*'s account of Mr Wolfowitz's comments.[123] It explained that the full transcript showed that Mr Wolfowitz had gone on to say that WMD had always been one of "three fundamental concerns", including support for terrorism and Saddam Hussein's criminal treatment of the Iraqi people.[124]

228. On 29 May, the *Today* programme on *BBC Radio 4* broadcast allegations by the journalist Mr Andrew Gilligan that No.10 had called for the September 2002 intelligence dossier to be "sexed up".[125]

229. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote in his diaries on 30 May that the "WMD firestorm was getting worse" and that Mr Blair was "a bit jumpy" about the September dossier.[126] Mr Campbell wrote that he had spoken to Mr Miller and Mr Scarlett. Mr Scarlett had said that he was:

---

[121] US Department of Defense, 27 May 2003, *Council on Foreign Relations (Transcript): Remarks as Delivered by Secretary of Defense Donald H Rumsfeld, New York, NY, Tuesday May 27, 2003*.
[122] *BBC News*, 29 May 2003, *WMD emphasis was 'bureaucratic'*.
[123] *CNN International*, 31 May 2003, *Pentagon challenges Vanity Fair Report*.
[124] US Department of Defense, 9 May 2003, *Deputy Secretary Wolfowitz interview with Sam Tannenhaus, Vanity Fair*.
[125] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 32.
[126] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

> "… emphatic in saying to people that it was not true that we pressured them … But he stopped short of agreeing to do a letter about it. He was very much up for helping us but only so far."

230. On 1 June, *The Mail on Sunday* published an article in which Mr Gilligan wrote that his source attributed the "exaggeration" in the September dossier to Mr Campbell.[127]

231. Mr Campbell wrote in his diaries that he had discussed the article with Mr Scarlett on 1 June, who was "minded to set out everything in a note to Ministers which they could draw on".[128]

232. On 2 June, Mr Campbell wrote:

> "… WMD still raging … T[ony] B[lair] was still in 'it's ridiculous' mode … The main problem of course was that there were no WMD discoveries beyond the two [mobile] labs, and no matter how much we said there were other priorities now, the public were being told as a matter of fact we had done wrong."

233. Mr Rycroft sent Mr Blair a series of background papers on 3 June.[129] The papers comprised:

- an FCO note on plans for third-party verification;[130]
- a telegram on US attitudes from the British Embassy Washington;[131]
- a short No.10 note attaching a factual MOD description of the role and composition of the ISG;[132]
- the transcript of a request by the Labour MP Mr Graham Allen for Parliament to set a deadline of 110 days for the Coalition to find WMD in Iraq, matching the 110 days given to Dr Blix before the conflict, and for there to be an independent inquiry if no internationally verified discovery had been made by then;[133] and
- a paper by the FCO on the terms of reference, proceedings and conclusions of the Franks Inquiry after the Falklands War, which published its report in January 1983.[134]

---

[127] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G.* by Lord Hutton, 28 January 2004, HC 247, paragraphs 38-39.
[128] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[129] Minute Rycroft to Prime Minister, 3 June 2003, 'Iraq: WMD'.
[130] Letter McDonald to Rycroft, 2 June 2003, 'Iraq WMD: Third Party Validation' attaching Paper [unattributed], [undated], 'UNMOVIC: Restructuring'.
[131] Telegram 772 Washington to FCO London, 3 June 2003, 'Iraqi WMD: US Views'.
[132] Minute Cannon to Prime Minister, 2 June 2003, 'Iraq: Deployment of Iraq Survey Group'.
[133] Email Sumner to Rycroft, 2 June 2003, 'PA-WMD/Special Advisers'.
[134] Letter Owen to Cannon, 3 June 2003, 'Background on The Franks Report, 1983' attaching Paper [unattributed], 'Falkland Islands Review ("The Franks Report")'.

234. In its advice on UK plans for third-party verification, the FCO stated that the media would "provide some independent witnesses for finds in Iraq" but, "without independent validation", the Coalition might "well be accused of planting evidence".[135] UN validation, ideally by UNMOVIC inspectors, would carry the most weight where it really mattered to the UK, in the Security Council and with UK media. Ideally, the UK would like to give UNMOVIC inspectors access to any relevant finds. At the least, the Coalition should undertake to provide a full report of its investigation to the UN, including any test results.

235. The FCO added that the US remained "neuralgic" on UNMOVIC. Officials were seeking to engage with the US to revitalise and reform UNMOVIC when Dr Blix's contract expired on 25 June. US officials had not yet replied to a UK paper on restructuring UNMOVIC passed to them on 20 May. The US had, however, agreed that IAEA experts could check the security of a store of radioactive material.

236. The FCO was examining other options for independent validation, including using a laboratory in the Netherlands to test CBW samples, but the Dutch wanted UN cover for doing so.

237. Mr Rycroft commented to Mr Blair that UNMOVIC would be the most credible option for verification, but the US would "not permit that, at least not without a new leadership/mandate/organisation".[136]

238. The British Embassy Washington reported that comments from US media and prominent Senators were largely sympathetic to the US Government.[137] Most had argued that it was too early to draw conclusions, but some were calling for an independent inquiry into US intelligence on Iraqi WMD.

239. The Embassy also reported that the Chairmen of the Senate Armed Services and Intelligence Committees had agreed to conduct a joint inquiry into the pre-conflict use of intelligence by the US Administration. In addition, the White House was "crafting a line" on whether there should be an independent inquiry. The Embassy had "strongly encouraged" that it should be discussed in advance with the UK.

240. Mr Rycroft reported to Mr Blair that the two US Committees were "part of the normal Congressional oversight of the Administration".[138] The first hearing would be later in June.

241. Mr Rycroft also told Mr Blair that:

> "… according to the press, the CIA will provide shortly to Congress the 'underlying intelligence which was the basis' for [Secretary] Powell's UN

---

[135] Letter McDonald to Rycroft, 2 June 2003, 'Iraq WMD: Third Party Validation' attaching Paper [unattributed], [undated], 'UNMOVIC: Restructuring'.
[136] Minute Rycroft to Prime Minister, 3 June 2003, 'Iraq: WMD'.
[137] Telegram 772 Washington to FCO London, 3 June 2003, 'Iraqi WMD: US Views'.
[138] Minute Rycroft to Prime Minister, 3 June 2003, 'Iraq: WMD'.

presentation [on 5 February 2003]. This is in response to a request from the House [of Representatives] Intelligence Committee. Congressional Committees do not normally have access to raw intelligence, but they have done occasionally in the past: […]"

242. Mr Campbell recorded in his diaries that he had spoken to Mr Powell on 3 June and:

"… agreed a way forward was for the ISC to trail an inquiry before T[ony] B[lair] formally announced it and John S[carlett] to make clear nothing improper took place."[139]

243. Mr Campbell also sent Mr Blair a note advising that Parliamentary debates on Iraq on 4 June were :

"… about both the substance of the issue and the manner in which you deal with it. The overall aim must be to give explanation and context, calm the frenzy, and regain support for our basic position …"[140]

244. In relation to the substance, Mr Campbell wrote:

"… the current frenzy flows from the fact that apart from the two mobile labs nothing new has been found … so tomorrow is in part about saying as much as you can about the process towards discovery … The fact there are other more pressing issues – security, humanitarian, basic services – is relevant …

"What reasonable MPs will want is a signal that you understand the nature of the concern. We've had a week essentially of saying people are being ridiculous … but it won't go away … [A]s WMD was the stated reason for war, people want to know the full story, and that you set out the process as to how they're going to get it."

245. Mr Campbell added:

"The second issue relates to the intelligence services, and in particular the false charge that we wrongly used intelligence material, or asked the Agencies to do something they should not have, or that they were not happy with … [T]he media, particularly the *BBC*, are trying to create a 'no smoke without fire' atmosphere."

246. Mr Campbell wrote that the views of Mr Scarlett and others "that nothing improper took place – should be made public forcefully". He recommended Mr Blair:

"… say that, in the light of the controversy, you asked the JIC to set out for you a detailed analysis of the dossier from inception to publication, and as result not only you, but more importantly the JIC, are 100 percent clear that nothing wrong took place."

---

[139] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[140] Minute Campbell to Prime Minister, 3 June 2003, 'WMD/Tomorrow'.

247. The dossier had been:

> "… drafted and redrafted by the JIC … in consultation with Allies. It was presented to No.10 as a JIC document and remains so. Obviously there were discussions with No.10, not least because you were writing a foreword and you were going to be presenting it to Parliament. But these discussions related primarily to your frontpiece printing, briefing materials, preparation of Q&A, in other words the normal stuff of presentation."

248. Mr Campbell stated that that part of the response would give Mr Blair:

"– acceptance of genuine concern
– process, with a sense of timescale, months not days
– confidence they'll be found because of historical reality and the labs
– JIC assurance nothing wrong took place
– confirmation of the ISC inquiry
– statement of confidence in Agencies
– reasons for no need for other inquiry."

249. The House of Commons Foreign Affairs Committee (FAC) announced on 3 June that it would hold an inquiry into "The Decision to go to War in Iraq".[141] The FAC stated:

> "The inquiry will consider whether the Foreign and Commonwealth Office, within the Government as a whole, presented accurate and complete information to Parliament in the period leading up to military action in Iraq, particularly in relation to Iraq's weapons of mass destruction. The Committee will hear oral evidence from several witnesses in June and will report to the House in July."

250. On 4 June, Mr Scarlett sent Mr Blair a written explanation of the process behind the compilation of the September dossier.[142] The letter, described in greater detail in Section 4.2, concluded:

> "At no stage in the drafting process … was there an attempt, from No.10 or elsewhere, to overrule the judgements of the JIC or my judgement as the person in charge."

251. Mr Blair discussed the position he would take at Prime Minister's Questions (PMQs) in a meeting on 4 June with Sir David Omand (Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator), Mr Scarlett, Sir Richard Dearlove and No.10 officials.[143]

---

[141] Foreign Affairs Committee Session 2002-2003, 3 June 2003, *Announcement of New Inquiry*.
[142] Minute Scarlett to Prime Minister, 4 June 2003, 'September 2002 Iraq Dossier'.
[143] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

House of Commons debates on Iraq, 4 June 2003

252. The House of Commons held two debates on Iraq on 4 June.

253. During the second debate, the House of Commons rejected an Opposition motion calling for an independent inquiry into the use of intelligence.

254. Iraq was also raised during PMQs and in response to Mr Blair's statement about the G8 summit in Evian, France, from 1 to 3 June.

255. During the exchanges on Iraq on 4 June, MPs raised repeatedly:

- **the failure to find WMD in Iraq;**
- **statements made by the Government before the conflict about the intelligence on Iraq's capabilities and intent; and**
- **the need for an independent, judge-led, inquiry.**

256. Mr Blair told the House of Commons that:

- **It was "accepted" by the international community and the Security Council that Saddam Hussein had possessed WMD and had been "a threat to the world".**
- **He welcomed the ISC inquiry into the role of intelligence in Iraq.**
- **There had been no attempt at any time to override "the intelligence judgements" of the JIC.**
- **The ISG had "just gone into Iraq" and "should be allowed to get on with its job".**
- **He had "no doubt" that the ISG would find "the clearest evidence" of Saddam Hussein's WMD.**
- **The alternative thesis, that Saddam Hussein had decided to get rid of the WMD, was difficult to accept.**

257. In the first House of Commons debate on Iraq on 4 June, Ms Joan Ruddock (Labour) and Dr Jenny Tonge (Liberal Democrat) called for the urgent return of UN inspectors. Dr Tonge expressed concern about the danger of WMD, if it existed, being found and used.[144]

258. During PMQs Mr Blair was asked a series of questions about Iraq.[145]

---

[144] House of Commons, *Official Report*, 4 June 2003, columns 76WH and 84WH.
[145] House of Commons, *Official Report*, 4 June 2003, columns 146-156.

259. In response to a question from Ms Oona King (Labour) about the "strong presumption" of the UN inspectors that Saddam Hussein had not destroyed biological and chemical agents and his view of the allegations that the threat had been exaggerated, Mr Blair replied:

> "… that it was accepted by the entire international community, and not least by the UN Security Council, that Saddam Hussein did indeed have weapons of mass destruction and was a threat to the world … [T]he Iraq Survey Group … is literally now just beginning its work, because the priority after the conflict was to rebuild Iraq and to make sure that the humanitarian concerns of the Iraqi people were achieved."

260. Mr Blair added:

> "Perhaps I can now take this opportunity to inform the House that the Intelligence and Security Committee … contacted the Government in early May to conduct an inquiry into the role of intelligence in Iraq. I welcome this and I can assure the House that the Government will co-operate fully with it."

261. Asked by Mr Iain Duncan Smith, the Leader of the Opposition, about remarks made by Dr John Reid, the Leader of the House, during an interview on the *BBC*'s *Today* programme, that "rogue elements within the intelligence services are undermining the Government and their numbers are growing", Mr Blair replied:

> "It is obvious from what the *Today* programme has said – if that source is to be believed – that of course there was somebody from within the intelligence community who spoke to the media. But I want to say that the security services and intelligence services do a superb job …"

262. Asked how senior he thought the people making the allegations were and how many of them there were, Mr Blair told Mr Duncan Smith that the source was anonymous, but he:

> "… did not believe that the person who is talking is a member of the Joint Intelligence Committee and … I have spoken and conferred with the Chairman of the … Committee – that there was no attempt, at any time, by any official, or Minister, or member of No.10 Downing Street staff, to override the intelligence judgements of the Joint Intelligence Committee. That includes the judgement about the so-called 45 minutes [see Section 4.2]. It was a judgement made by the Joint Intelligence Committee and by that committee alone."

263. Referring again to the allegations made by Dr Reid, and allegations from others that Mr Blair had "misled Parliament and the country", Mr Duncan Smith asked Mr Blair to publish "the dossier given to him by the JIC before the one that he published in September".

264. Mr Blair replied:

> "In relation to all those issues, the Intelligence and Security Committee is at full liberty to go through all the Joint Intelligence Committee assessments and produce a report on them. Because of the importance of the issue, it is only right that a report is published so that people can make a judgement on it. However the claims that have been made are simply false …"

265. Mr Duncan Smith stated that Mr Blair would allow the ISC to see "only the intelligence reports that he wanted it to see" and that, as the Committee was being "asked to investigate the Prime Minister's role and that of his closest advisers … surely the only way to clear up the problem is to have an independent inquiry".

266. Mr Blair replied that Mr Duncan Smith:

> "… was not making an allegation about the intelligence being wrong. On the contrary, he was rebutting the allegation that the intelligence was wrong … it is not true that I will withhold from it [the ISC] the Joint Intelligence Committee assessments. In addition, the Committee can, in accordance with its normal practice, interview those people in the security services who drew up the JIC reports. That is surely a fair way to proceed. I will then publish the report."

267. In response to further questioning from Mr Duncan Smith, Mr Blair stated:

> "I have already said that we will produce all the evidence for the Intelligence and Security Committee. I really think that is the sensible and right way to proceed. It can then come to a considered judgement and I will publish the report."

268. Mr Blair also rebutted the allegation that the source for "the 45 minute claim was an Iraqi defector of dubious reliability", stating that "he was an established and reliable source".

269. Addressing a question from Mr Charles Kennedy, Leader of the Liberal Democrats, about why people should allow more time and show patience in the search for WMD, Mr Blair replied:

> "… The reason I ask people to be patient is that the group has just gone into Iraq: it should be allowed to get on with its job, investigate the sites, interview the witnesses and then report back to us."

270. Mr Kennedy also asked for "a fully independent judicial review of what has just gone on".

271. Mr Elfyn Llwyd (Plaid Cymru) also called for "a full public inquiry".

272. During his subsequent statement about the G8 summit in Evian, France, from 1 to 3 June, Mr Blair was asked repeatedly about the search for WMD and to consider an independent inquiry.[146]

273. In response to Mr Duncan Smith, Mr Blair stated:

> "… the Iraq Survey Group is the body that will be able to … interview the scientists and visit the sites. There are literally thousands of sites … information is coming up the entire time, but it is only now … that a dedicated team of people, which includes former UN inspectors … will be able to go in and do the job properly … I have no doubt that they will find the clearest evidence of Saddam's weapons of mass destruction.
>
> "The alternative thesis is that, having for years obstructed the UN, having had 12 years of sanctions, having kicked out the inspectors in 1998, and having invited an invasion by defying the UN, Saddam decided to get rid of the weapons of mass destruction anyway. That is an odd thesis to accept."

274. Referring to the press reporting of remarks made by Secretary Rumsfeld and Mr Wolfowitz, Mr Blair added that the full transcripts of the interviews showed they were "arguing that it will be difficult to say exactly what has happened to the weapons until we collect the evidence"; and that it had always been the UK Government's case that there had been "a systematic campaign of concealment once Saddam knew the inspectors were going back in".

275. In response to points raised by Mr Ken Clarke (Conservative), including on the wider consequences if it turned out that the Government's assertion that military force was needed to disarm Iraq turned out not to be true, Mr Blair replied:

> "… the basis on which we went to conflict was that in resolution 1441, Iraq was given a final chance to comply … and the conclusion that we drew six months later was that it was not doing so. The problem in the UN Security Council is that we could not get agreement even to the fact that, if it [Iraq] carried on not complying fully and unconditionally … we could take action. That was obviously an unacceptable situation.
>
> "… I stand entirely by the dossier that we issued and the intelligence contained in it … When we get a proper and fully documented account of what it [the ISG] has found, we will present it … [It] would be sensible to suspend our judgement until that time, but I stand fully by what our intelligence agencies put out …"

276. Asked by Ms Barbara Follett (Labour) about the role of the UN, Mr Blair stated that "for obvious reasons there will have to be some independent verification" at the end of the process; and that was being discussed by Mr Straw with his counterparts.

---

[146] House of Commons, *Official Report*, 4 June 2003, columns 157-176.

277. Asked by Mr Brian H Donohoe (Labour) if he would allow the Foreign Affairs Committee to have the same access to the evidence and witnesses as the ISC, Mr Blair stated that "it would not be sensible to have two inquiries competing".

278. Asked by Mr Denzil Davies (Labour) whether the "failure of the Coalition to look for" weapons of mass destruction "as a matter of the highest priority in the immediate aftermath of the war could well have provided the opportunity for many of the weapons – if they are there – to find their way into the hands of the various terrorist groups that are operating in and around the Middle East", Mr Blair replied that that was a crucial issue but he did not think it was wrong:

> "… for the Coalition to have said that our first priority at the end of the conflict … had to be reconstruction and the humanitarian position of the Iraqi people. Indeed we would have been criticised roundly if we had not done so."

279. Mr Blair's statement about the G8 summit was followed by a second debate on Iraq.[147]

280. The Liberal Democrat motion tabled for the debate stated:

> "That this House recalls the Prime Minister's assertion that Iraq possessed weapons of mass destruction capable of being used at 45 minutes' notice; further recalls the Government's contention that these weapons posed an imminent danger to the United Kingdom and its forces; notes that to date no such weapons have been found; and calls for an independent inquiry into the handling of the intelligence received, its assessment and the decisions made by Ministers based upon it."

281. In his speech opening the debate, Mr Menzies Campbell, Liberal Democrat Foreign Affairs Spokesperson, set out in detail his interpretation of the case which had been made by the Government before the conflict; questioned whether military action was "truly a last resort" and if action to bring an end to the regime of Saddam Hussein was proportionate; and set out the rationale for an independent Inquiry which would be answerable to the public, "not just to the Prime Minister or the House".

282. The Government tabled an amendment to the Liberal Democrat motion stating that the ISC was "the appropriate body to carry out any Inquiry into intelligence relating to Iraq" and asking the House to note the terms of resolution 1483 "in relation to Iraq's disarmament obligations", which had been adopted while Parliament was in recess.

283. In his speech in support of the amendment, which addressed a wide range of issues, not just WMD, Mr Straw stated that the Government had not, so far as he was aware, used some of the words in the Liberal Democrat motion. It had not referred to Iraq's weapons posing an "imminent danger"; it had:

> "… talked about a threat to international peace and security, as had the United Nations."

---

[147] House of Commons, *Official Report*, 4 June 2003, columns 180-232.

284. Mr Straw also stated that the September 2002 dossier had said "that Iraq's military planning allowed for some of the weapons of mass destruction to be readied within 45 minutes of an order to use them".

285. Subsequently, Mr Straw said that the Foreword was:

> "… subject to discussion and agreement from the head of the JIC to ensure, plainly that what was in the Foreword was entirely consistent with what was in the body of the document."

286. Asked by Mr Michael Portillo (Conservative) whether "any intelligence officers" had remonstrated with Mr Blair or any other Minister that the 45 minutes point should not have been included in the Foreword to the dossier, because it was based only on a single source, Mr Straw replied "no".

287. Pressed by Mr Robin Cook (Labour) to acknowledge that the policy of containment had been successful and that the statement was wrong because no weapons ready for use within 45 minutes had been found in Iraq, Mr Straw replied:

> "I do not accept that, because we have not yet been able to find physical evidence of the possession of such weapons, these weapons did not therefore exist. That flies in the face of all the other evidence …"

288. Mr Straw stated that the 45 minutes point was not "a key factor in the decision to go to war", and "The basis for action was not an intelligence dossier that had been put before the House six months before".

289. In response to an intervention from Mr Kennedy pointing out what Mr Blair had said in his speech to the House on 24 September about Iraq's WMD programmes, Mr Straw stated that the international community had judged that Iraq posed a threat to international peace and security and it was:

> "… impossible to explain Saddam's behaviour unless he had weapons of mass destruction.
>
> "Dr Blix is just about to publish a further report … The chief weapon inspector said that Baghdad had supplied his team with increasingly detailed information but that: even at the end, Iraq failed to allay suspicions that it had something to hide, and its trend of withholding pertinent information meant that the suspicions mounted and mounted.
>
> "That was true for Dr Blix and it was also true for the Security Council … It is impossible to read those reports [from the inspectors to the Security Council] and to set them against the evidence of Saddam's behaviour without coming to the conclusion that, in Dr Blix's words, there was a strong presumption for the holding of those weapons."

290. In the concluding section of his speech, Mr Straw asked the critics of the Government:

> "… whether they seriously believed that when Saddam Hussein chose confrontation rather than co-operation, he possessed no weapons of mass destruction following our decision on 18 March? Do they seriously argue that Saddam had disposed of all his poisons and toxins and missiles, and then deliberately chosen not to prove their destruction but to go down a path that led to his downfall? …
>
> "Even if we make the most extreme allowances … how can we possibly believe that he cheated and deceived the international community year after year, until we had no option but military action, and yet that he possessed no weapons of mass destruction?
>
> "… Is it not more likely that Saddam, knowing the game was up and realising that we meant what we said, went to extraordinary lengths to dismantle, conceal and disperse the weapons and any evidence of their existence? … Saddam had spent years perfecting the art of concealment and carried that out so completely that it will take some time to search hundreds of sites, interview thousands of scientists and locate and evaluate what remains of the documentary and physical evidence."

291. In his speech, Mr Michael Ancram, the Shadow Foreign Secretary, referred to five questions posed by Mr Duncan Smith in a letter to Mr Blair the previous day.

292. The questions posed by Mr Ancram can be summarised as:

- Whether the dossier's original conclusion had been deleted and a new preamble, reportedly written by the Prime Minister, inserted?
- If the 45 minutes point was not significant, why did the information appear three times in the dossier; why had Mr Blair referred to it in his speech on 24 September 2002; and was it usual to use single-source intelligence?
- A request for a "categorical assurance that there was no disagreement between Downing Street and the intelligence Services on the handling of intelligence information".
- What was the new, but so far unpublished, information referred to by Mr Blair in an interview on 1 June?

293. Mr Ancram stated that the Opposition proposed:

> "… a resolution in both Houses of Parliament under the Tribunals of Inquiry (Evidence) Act 1921. That is the most powerful form of inquiry and is appropriate for an issue of this gravity. The tribunal would be chaired by a senior judge …"

294. Mr Ancram also made clear that such an inquiry was required to address the way intelligence had been used. It was "not about the justification for action in Iraq; nor … about the conduct of that action".

295. The Liberal Democrat motion was defeated by 301 votes to 203 and the Government amendment was agreed without a further vote.

296. Demands for an independent judge-led inquiry persisted through the summer.

297. Responding to a question from Mr Kennedy at PMQs on 18 June about whether the Government had been told by SIS that Iraq did not possess WMD "capable of posing a direct threat to British security", Mr Blair stated:

> "The intelligence that we put out in the dossier last September described absolutely accurately the position of the Government … that Saddam was indeed a threat to his region and the wider world. I always made it clear that the issue was not whether he was about to launch an immediate strike on Britain: the issue was whether he posed a threat to his region and to the wider world."[148]

298. Asked by Mr Kennedy whether he thought the issue could be "adequately investigated by a Foreign Affairs Committee to which he refuses to give evidence and a Joint Intelligence Committee which he controls", and whether there could not be "a proper independent judicial inquiry", Mr Blair stated that the ISC was "entirely capable of investigating all the facts and getting to the truth".

299. The House of Commons' second debate on setting up an independent inquiry took place on 15 July and is described later in this Section.

Dr Blix's final report to the Security Council

300. Dr Blix submitted UNMOVIC's 13th quarterly report to the Security Council on 30 May.[149]

301. In presenting the report to the Council on 5 June, Dr Blix highlighted a number of points, including:

- The Commission had not at any time "found evidence of the continuation or resumption of programmes of weapons of mass destruction or significant quantities of proscribed items", whether from pre-1991 or later.
- That did "not necessarily mean that such items could not exist. They might". Long lists of items remained "unaccounted for", but it was "not justified to jump to the conclusion that something exists just because it is unaccounted for".
- The list of unaccounted for items had "not been shortened by inspections or Iraqi declarations, explanations or documentation"; and it was Iraq's task to convince the inspectors that the items did not exist. Without that, the international

---

[148] House of Commons, *Official Report*, 18 June 2003, columns 349-350.
[149] UN Security Council, 'Note by Secretary-General' attaching 'Thirteenth quarterly report of the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999)' (S/2003/580).

community could not "have confidence that past programmes or any remaining part of them have been terminated". An "effective presence of international inspectors" would, however, "serve as a deterrent against efforts aimed at reactivating or developing new programmes".

- Iraq had "made considerable efforts to provide explanations, to begin inquiries and to undertake exploration and excavations" during the month and a half before UNMOVIC's withdrawal.
- "… [T]hose efforts did not bring the answers needed … We did not have time to interview the large number of persons who were said by Iraq to have participated in the unilateral destruction of biological and chemical weapons in 1991. Such interviews might have helped towards the resolution of some outstanding issues, although one must be aware that the totalitarian regime in Iraq continued to cast a shadow on the credibility of all interviews."
- The programme to destroy the Al Samoud 2 missiles had not been completed, and "there was no time to assess whether the Al Fatah missile stayed within the range allowed".
- The report showed that the weapons destroyed before the inspectors left in 1998 "were, in almost all cases declared by Iraq, and that the destruction occurred before 1993 in the case of missiles, and before 1994 in the case of chemical weapons".
- The existence and scope of the biological weapons programme was uncovered by UNSCOM in 1995, "despite Iraq's denials and concealment efforts"; "only a few remnants" of the programme were subsequently found. "A great deal – Iraq asserts all – was unilaterally destroyed in 1991."
- The lack of significant finds over many years "could be because the items were unilaterally destroyed by the Iraqi authorities or else they were effectively concealed by them". In the "new environment in which there is full access and co-operation, and in which knowledgeable witnesses should no longer be inhibited from revealing what they know, it should be possible to establish the truth".
- The inspectors had looked for sites where mobile facilities could be operated and Iraq had presented some information about the mobile systems they possessed which did not match "the description which has recently been made available to us, as well as the media, by the United States". UNMOVIC could not "make a proper evaluation of the depicted vehicles on the basis of the published material alone".
- UNMOVIC remained "ready to resume work in Iraq as an independent verifier or to conduct long-term monitoring, should the Council so decide".

302. Reporting on the subsequent discussion in informal consultations, Sir Jeremy Greenstock stated that most members of the Council saw a future role for UNMOVIC and asked to be kept updated on Coalition activities.[150]

The JIC Sub-Committee on Iraq/WMD and the WMD Task Force

303. In June, the Government set up two bodies to improve oversight and co-ordination of the UK approach to Iraqi WMD:

- **the JIC Sub-Committee on Iraq/WMD, responsible to the JIC for "strategic co-ordination of all intelligence implications related to Iraq's WMD programmes", including Parliamentary and media issues; and**
- **the WMD Task Force, with a focus on the ISG and information flows between London, Washington and Iraq.**

304. On 3 June, after a discussion with Sir David Manning and Sir David Omand, Mr Scarlett informed Sir David Manning that he proposed to establish a "Working Group" on Iraq/WMD which would act as a sub-committee of the JIC.[151]

305. Mr Scarlett wrote:

> "The current public debate about WMD in Iraq raises a series of basic questions about intelligence, its collection, assessment and role in policy making and public presentation. It therefore touches upon the vital interests of the intelligence community. The management of our community response, indeed the response of the Government, to these questions will be complicated and likely to remain a requirement for some time. We need to consider whether we have the right structures in place to co-ordinate this to the best effect."

306. The Group would need to meet regularly to address:

- "Exploitation in Iraq and elsewhere …";
- "Arrangements for assessing the results …";
- "Public policy issues", including "Parliamentary aspects" and "support for the Government response to the ISC Inquiry";
- "Public presentation", including "proactive and reactive responses to media coverage";
- "Co-ordination with US Agencies and authorities."

307. The Group would not be large, but should include representatives from the FCO, the MOD, DIS, SIS, Government Communications Headquarters (GCHQ) and OD Sec. Membership should be at a senior level.

---

[150] Telegram 942 UKMIS New York to FCO London, 6 June 2003, 'Iraq: Blix Briefing on 13th UNMOVIC Quarterly Report'.
[151] Minute Scarlett to Manning, 3 June 2003, 'Iraq/WMD: JIC Co-ordination'.

308. Mr Scarlett stated that the new Group would operate at the "strategic, co-ordination level". It would need to avoid overlap with other groups, in particular the Executive Group (also known as the Evidence and Elimination Task Force and, later, the Iraq WMD Task Force), led by Mr Howard, which oversaw UK interests in the ISG.

309. The draft Terms of Reference, circulated separately by Mr Scarlett, stated:

> "The Sub-Committee on Iraq/WMD will be responsible to the Joint Intelligence Committee for:
>
> - The strategic co-ordination of all intelligence implications related to Iraq's WMD programmes, including:
> - the [intelligence] community's response to those issues;
> - the [intelligence] community's advice to Government;
> - Parliamentary issues;
> - media issues;
> - relations with other groups and allies."[152]

310. At its first meeting on 5 June, the Sub-Committee agreed the following Terms of Reference:

> "The Sub-Committee on Iraq/WMD will be responsible to the Joint Intelligence Committee for:
>
> - The strategic co-ordination, and where necessary management, of all information and intelligence implications related to Iraq's WMD programmes, including:
> - the [intelligence] community's response to these issues;
> - the [intelligence] community's advice to Government;
> - Parliamentary issues, including the co-ordination of the Government's response to the Intelligence and Security Committee inquiry and the intelligence aspects of the Foreign Affairs Committee inquiry;
> - media issues;
> - relations with other groups and allies.
>
> "The Chairman of the Joint Intelligence Committee will chair the Group …"[153]

311. The meeting agreed that membership of the Committee should be expanded to include the Home Office, but the No.10 Press Office should not have formal representation. It also noted the importance of ensuring consistency of message and

---

[152] Minute Scarlett to Ehrman, 3 June 2003, 'JIC Sub-Committee on Iraq/WMD' attaching Agenda, 5 June 2003, JIC Sub-Committee on Iraq/WMD and Paper [unattributed] 'JIC Sub-Committee on Iraq/WMD Draft Terms of Reference'.
[153] Minutes, 5 June 2003, JIC Sub-Committee on Iraq/WMD meeting.

discussed the arrangements for units in the Cabinet Office and the FCO to co-ordinate the responses to, respectively, the ISC and FAC.

312. On 6 June, Mr Howard informed members of the Evidence and Elimination Task Force that, as a result of the "intense media and parliamentary interest in Iraqi WMD and related UK dossiers", there would be "a shift of gear" in the intensity of Task Force activity and its role.[154]

313. The Task Force "Mark 2" would focus on supporting the ISG's WMD work and continuing to improve information flows between London, Washington and theatre, while the new JIC Group focused on the inquiries to be conducted by the FAC and ISC. Reflecting the establishment of the ISG, the Task Force would become more intelligence-led, providing "guidance, ideas and information to the ISG for exploitation". Task Force membership would need to reflect those changes. The UK would be increasing its capabilities on the ground to feed in to the ISG's work.

314. Mr Howard circulated Terms of Reference for the Task Force on 18 June.[155] Its five functions were:

"
- To contribute to US/UK/AUS strategic guidance on the conduct of the search for Iraqi WMD through the Iraq Survey Group and other agencies.
- To monitor, report and consider public handling of significant WMD related discoveries.
- To co-ordinate the UK contribution to the ISG and other bodies associated with the search for Iraqi WMD.
- To consider longer term issues associated with Iraqi WMD including destruction and counter-proliferation.
- To provide advice and reports as required to Ministers and other senior management in MOD and elsewhere in Whitehall as appropriate."

315. Sir John Scarlett told the Inquiry:

> "The actual day-to-day conduct of business with the ISG was conducted by something called the Executive Group [the WMD Task Force], which was overseen by the Deputy Chief of Defence Intelligence [DCDI, Mr Howard]. So it was … more on the DIS/MOD side, and that was where the direction of the British contribution to the ISG and personnel was directed from.
>
> "But the JIC sort of overall, I as Chairman of the JIC, and I, in particular, as Chairman of the JIC sub-group on Iraq WMD … had that as part of our specific remit, that we needed to oversee the relationship with the ISG. So I was either in direct contact myself with David Kay [the first Head of the ISG], for the rest of 2003, and then

[154] Minutes, 6 June 2003, WMD Evidence and Elimination Task Force meeting.
[155] Minute Howard to DCPAC, 18 June 2003, 'Iraq: WMD Task Force' attaching Paper [unattributed], [undated], 'WMD Task Force ToR'.

Charles Duelfer [Dr Kay's successor] into 2004 … or I was obviously hearing about them because I was receiving reports from DCDI, who either himself went to Baghdad or was conducting the contacts. So there was very regular contact."[156]

UK concerns about the ISG's slow start

316. During June, Ministers and senior officials pressed the US to ensure a rapid start to the ISG's work.

317. Mr Blair raised with President Bush the urgent need to find and promise immunity to personnel who had worked on Iraq's WMD programmes.

318. Shortly afterwards, President Bush transferred responsibility for the ISG from Secretary Rumsfeld to Mr Tenet.

319. Mr Blair met President Bush over breakfast at the G8 Summit in Evian on 2 June.[157] Mr Blair said there was "an urgent problem" over WMD. The scientists and technicians who would tell the truth about the WMD programme needed to be found. That meant being ready to promise immunity, otherwise they would be too frightened to talk. Mr Blair said he would look into whether there was a UK judge or lawyer who might be appointed as Official Prosecutor with authority to agree plea bargains.

320. Following his visit to Iraq, Mr Blair chaired a meeting on 3 June, attended by Mr Hoon, Baroness Amos (the International Development Secretary), Sir Michael Jay (FCO Permanent Under Secretary (PUS), in Mr Straw's absence) and No.10 officials, which discussed a range of issues (see Section 10.1).[158]

321. After the meeting, Mr Cannon commissioned a number of papers to be ready before a further meeting on 6 June, including advice on "a judge/lawyer/interrogator to negotiate incentive/immunity packages for Iraqi WMD scientists and officials".

322. Mr Watkins wrote to Sir David Manning on 4 June about the need, given the continuing media focus on WMD, for short- and medium-term strategies for public handling of the search for WMD.[159]

323. Mr Watkins stated that the "most convincing evidence" of an illicit Iraqi WMD programme remained "the alleged mobile BW trailers currently under investigation" at Baghdad Airport. The draft of "a preliminary inter-agency report" suggested that "one of the trailers was not capable of producing BW agent". That was, however, "likely to be subject to considerable revision", and there was "a strong likelihood that the eventual conclusions will be very close to our own". There was "a lot of work to be done" on the issues, including a further visit by UK experts.

---

[156] Private hearing, 5 May 2010, pages 57-60.
[157] Letter Manning to McDonald, 2 June 2003, 'Breakfast meeting between the Prime Minister and President Bush: 2 June 2003'.
[158] Letter Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's meeting', 3 June'.
[159] Letter Watkins to Manning, 4 June 2003, 'Iraq: WMD Detection and Elimination: Public Handling'.

324. Without a major find of WMD-related material which could "justifiably be described as a smoking gun", the "hunt for evidence" was "likely to take some months". Finding "a body of evidence" that persuaded "everybody that the war was proportionate to the threat" was "unlikely". But it needed "to be enough to convince mainstream public, media and parliamentary opinion that a programme existed and had been concealed".

325. Mr Hoon thought the Government should:

- be prepared to publicise significant discoveries only once they had been fully validated and after careful co-ordination with the US;
- periodically make public a consolidated and validated picture of developments, with the first before the summer break, provided there was "enough material to justify it"; and
- be in a position to respond to emerging stories, with better co-ordination of US and UK public positions.

326. The "public position could be reinforced" if it were possible in due course to "involve the UN [in] the verification process". The ISG would host at least one embedded journalist. Mr Hoon had offered a UK communications adviser in response to a US request for assistance with ISG communications.

327. Mr Watkins wrote that a "more radical approach … could be to play down WMD … and focus on other areas"; but Mr Hoon doubted that would work. In his view, "the WMD issue would not go away, particular[ly] in the UK. Any attempt to brush it aside or downgrade its importance" was "likely to backfire".

328. Asked if he had any comments, Mr Scarlett wrote: "Not really. This is sensible but the pace has hottened up. My JIC sub-committee will watch (and drive) specific issues v. closely."[160]

329. Following a meeting of the AHMGIR on 5 June, which considered the papers commissioned by Mr Cannon on 3 June, Mr Straw provided a paper on possible incentives for Iraqi WMD personnel for Mr Blair to send to President Bush.[161]

330. The paper stated that UNSCOM had produced a list of "around 6,500 Iraqis who had been involved in … prohibited weapons programmes", but "the true figure could be considerably higher". Coalition Forces had captured a few high-ranking individuals, but there had been "no contact with the great mass of personnel", which "should be a high priority" for the ISG.

---

[160] Manuscript comment Scarlett to Manning on Letter Watkins to Manning, 4 June 2003, 'Iraq: WMD Detection and Elimination: Public Handling'.
[161] Letter Straw to Blair, 5 June 2003, 'Iraq: winning the peace' attaching Paper [unattributed], [undated], 'Iraqi WMD Personnel'.

331. The paper recommended a combination of carrots and sticks. Proposed incentives were:

- immunity from prosecution;
- personal security;
- financial security; and
- job security.

332. The Coalition Provisional Authority (CPA) de-Ba'athification programme (see Section 11) and the dissolution of Saddam Hussein's security apparatus was "a strong perverse incentive for anyone affected … not to co-operate with the Coalition".

333. The paper stated that the threat of prosecution in the Iraqi courts for concealing evidence might be sufficient to encourage personnel to come forward.

334. The paper highlighted the need for:

- a public information campaign explaining how people should get in touch;
- facilities in Iraq to receive, filter and interview personnel; and
- an ISG ability to respond quickly to credible information. Looting and arson could already have destroyed valuable evidence.

335. On 5 June, at Sir David Manning's request, Sir Richard Dearlove sent No.10 an outline for Mr Blair on "what SIS will do additionally over the next six to eight weeks to uncover evidence of Iraqi WMD".[162]

336. Sir Richard hoped that, by the end of July, the ISG would be fully functional and able to take activity forward with intelligence support from SIS. If necessary, SIS should be able to sustain its own effort once the ISG was operational. In the meantime, Sir Richard intended:

> "… to put more SIS staff (or staff borrowed from other Agencies) on the ground and to boost the WMD-related effort in concert with the MOD. Our aim is primarily to identify Iraqi scientists who will attest in public to what is in the intelligence record. As regard logistics (ground penetrating radar, transport etc) I believe MOD can offer us all we need."

337. Sir Richard explained that, over the next six to eight weeks, SIS aimed to pursue to a conclusion all CBW and missile leads involving more junior scientists and officers. In pursuing those individuals, it would be important to agree a common position on adequate incentive and immunities with the US. Mr Bowen was pursuing the issue, but it would probably be necessary "to cut through the US bureaucracy to achieve a rapid satisfactory outcome".

---

[162] Letter C to Manning, 5 June 2003, 'WMD in Iraq'.

338. Sir Richard added that SIS had been "closely involved in the protracted saga of the [BW] trailers". The extended debate over the trailers' function "served to underline the importance of controlling publicity and of co-ordination both with the US and within the US system". He hoped that would become easier to manage once the ISG was up and running.

339. In conclusion, Sir Richard said that, over the next week, SIS would be refining requirements for the "surge effort" described in his letter.

340. During his conversation with President Bush on 6 June, Mr Blair stressed the importance of offering inducements to Iraqis involved in WMD programmes.[163] He said that he was relaxed about the ISG and confident it would get results.

341. At its meeting on 6 June, the Evidence and Elimination Task Force was informed that, in relation to the recruitment of inspectors, Dr David Kelly, MOD Special Adviser Counter-proliferation and Arms Control, was conducting "a recce to theatre", which would "inform a further briefing of prospective UK ISG inspectors on 13 June".[164]

342. The Task Force was also informed:

- "All BW samples" had, "so far, been negative or inconclusive". The official report on samples from the bio-trailer was "inconclusive".
- The Vice Chief of the Defence Staff had "formed a 'Tiger Team' to look into WMD lessons learned".

343. Reporting the main points to have emerged from the meeting, Mr Dowse wrote:

- "… [d]espite all previous assurances, the US have done no further investigation of the first two bio-lab trailers and – incredibly – have lost the third … it was left unguarded and disappeared".
- The DoD was suggesting "adopting as 'hypotheses' that Iraq either destroyed all its WMD before the war, or hid it in Syria (and Sudan) – and then focusing intelligence collection efforts on finding evidence to prove this. This looked dangerous …"
- The ISG had "no clear lines of command … or of reporting back to Washington".
- There was "clear competition between US agencies".[165]

344. Mr Blair discussed the ISG with Mr Straw and Mr Hoon on 9 June.[166] They agreed that it needed to become operational as quickly as possible with clear command and control arrangements.

---

[163] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Conversation with Bush, 6 June'.
[164] Minutes, 6 June 2003, Iraq WMD Evidence and Elimination Task Force meeting.
[165] Minute Dowse to Oakden, 6 June 2003, 'DCDI Iraqi WMD Co-ordination Meeting, 6 June'.
[166] Letter Manning to McDonald, 9 June 2003, 'Iraq: Conversation with Condi Rice'.

345. In his conversation with Dr Rice on 9 June, Sir David Manning reported Mr Blair's view.[167] He assured Dr Rice that the UK would give its best resources to the intelligence component of the ISG, but the UK needed access to all the relevant information.

346. Sir David reported that Dr Rice had assured him that she had been asked to take action after Mr Blair's conversation with President Bush on 2 June, and that responsibility for WMD had been transferred from Secretary Rumsfeld to Mr Tenet, who was to ensure that the ISG concentrated on two priorities: the search for WMD and the search for Saddam Hussein and his sons. Mr Tenet intended to recruit Dr David Kay, a former inspector, to help shape the WMD effort.

347. Sir David also reported that he had told Dr Rice that action on incentives and immunities was "extremely urgent". The absence of interviews had been a "major weakness" in UNMOVIC's approach.

348. Sir David commented that Mr Blair's concerns had clearly registered with President Bush and that Sir Richard Dearlove would be in touch with Mr Tenet "shortly".

349. Mr Cannon informed Sir Richard Dearlove's Private Office that, in response to the US "shake-up" of oversight of the ISG, Sir David Manning thought that the "most appropriate channel" to follow up Mr Blair's conversation with President Bush would be for Sir Richard to write to Mr Tenet setting out the UK's views.[168] Mr Scarlett agreed.

350. As the basis for a letter, Mr Cannon provided a draft, which had been cleared with Mr Scarlett, together with a copy of the FCO paper on incentives to encourage Iraqi WMD personnel to come forward.

351. The draft identified six "key priority areas" for the success of the ISG:

- a clear command structure, with clear priorities and an effective flow of information;
- an intelligence-led campaign with resources put to best use; the UK had "some skills in this area" and was "keen to contribute";
- complete sharing of intelligence generated by the ISG "without restrictions of access at any level"; the UK was "keen to play its full part";
- inducements and immunity; there was "some experience in this area which … could be helpful";
- "a sense of drive and urgency"; and
- logistic support.

---

[167] Letter Manning to McDonald, 9 June 2003, 'Iraq: Conversation with Condi Rice'.
[168] Letter Cannon to PS/C, 10 June 2003, 'Iraq Survey Group' attaching Paper [unattributed], [undated], 'Iraq Survey Group'.

352. The draft concluded:

> "We agree that we need to take this investigation forward patiently and prudently, without letting the media and the anti-intervention lobby rattle us. But we have to move fast to secure the physical evidence of WMD and more importantly the people, the scientists and administrators with the knowledge of the programmes, before they have time to get together and work out a co-ordinated strategy for dealing with us … [and] before they start taking their proliferation skills somewhere else."

353. Following a discussion with Mr Tenet on 11 June, Sir Richard Dearlove sent him the two papers provided by Mr Cannon.[169] Sir Richard explained that SIS had made arrangements to reinforce and reorganise in Iraq to bridge the gap until the ISG was fully operational. He also asked Mr Tenet for details of the new command and control arrangements for the ISG so that decisions could be made on adjustments needed in the UK.

354. Mr Tenet announced Dr Kay's appointment as "Special Advisor for Strategy regarding Iraqi Weapons of Mass Destruction Programs" (commonly known as the Head of the ISG) on 11 June 2003.[170]

355. In his memoir, Mr Tenet wrote:

> "Military personnel would have to do the lion's share of the actual searching and provide almost all of the physical security for those engaging in the mission. To get around that hurdle, we carefully negotiated a memorandum of understanding with DOD, spelling out how a senior advisor appointed by me would work with, but not command, what was called the Iraq Survey Group (ISG), which would stay technically under the command of a two-star general reporting to the Secretary of Defense."[171]

356. Mr Tenet also wrote:

> "Our instructions to Kay were simple. Find the truth. We promised him the resources he needed and an absence of interference from the home front. I am confident that we delivered both."

357. Mr Tenet added, "We protected Kay's independence fiercely."

358. Senior US, UK and Australian military officers and civilians involved with the ISG took part in weekly video conferences linking Baghdad with capital cities.[172] Participants included Secretary Rumsfeld's Office, CENTCOM, the Joint Chiefs of Staff, the DIA, the US intelligence office in Baghdad, and UK and Australian intelligence.

---

[169] Letter Dearlove to Tenet, 12 June 2003, [untitled].
[170] CIA News & Information, 11 June 2003, *DCI Tenet Announces Appointment of David Kay as Special Advisor*.
[171] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.
[172] Duelfer C. *Hide and Seek: The Search for Truth in Iraq.* Public Affairs, 2009.

359. On 12 June, Mr Straw told Cabinet that the ISG was starting work. Incentives and immunities to encourage Iraqi co-operation were being sorted out.[173]

360. There is no record in the minutes that Mr Straw explained the UK's role or responsibilities to Cabinet.[174]

361. Sir Richard Dearlove sent Sir David Manning a copy of the letter to Mr Tenet on 16 June.[175]

362. In a covering letter to Sir David Manning, Sir Richard suggested:

> "With CIA in the ISG driving seat on WMD, SIS will need to take a more prominent role in the co-ordination of the UK effort, as we are best placed to liaise with CIA here, in Washington and on the ground in Iraq."

363. Depending on what Mr Tenet told Sir Richard about command, control and communications arrangements for the ISG, it might be necessary to "re-jig" the Whitehall arrangements on WMD to reflect a more prominent SIS role. Any changes would need to avoid detracting from the "key contribution of DIS/MOD, who are providing the major UK input of resources and expertise, here and in the field".

364. Sir Richard suggested setting "some review deadlines", with a first review at the end of July to assess the impact of the joint SIS/DIS "surge effort" and the interface between that effort and the start of the ISG. He suggested a date around the end of September for a first formal review of the ISG.

365. Sir Richard commented:

> "Although the UK will be the junior partner in the ISG, and we may need to manage expectations on both sides of the Atlantic about what it can achieve, I hope that we will be able to influence its focus and pace of activity."

366. Sir David Manning endorsed Sir Richard Dearlove's proposals and asked Sir Richard to discuss the streamlining of Whitehall machinery with Mr Scarlett.[176] Sir David envisaged the JIC Sub-Committee on Iraq/WMD remaining the focal point for the overall Whitehall effort, "but it will clearly need to work very closely with the SIS/CIA liaison machinery".

367. SIS3 reported, after visiting Iraq in June, that logistical obstacles were likely to delay ISG operation until mid-July.[177] He had observed some confusion on the ground as a consequence of recent leadership changes and some "institutional rivalries and disconnects", confirming SIS3 in the view that the UK should reinforce its independent

---

[173] Cabinet Conclusions, 12 June 2003.
[174] Cabinet Conclusions, 12 June 2003.
[175] Letter C to Manning, 16 June 2003, [untitled].
[176] Letter Manning to C, 17 June 2003, 'Iraq: ISG'.
[177] Letter SIS3 to Manning, 19 June 2003, 'Iraq: WMD'.

SIS/DIS effort and "seek to harness ISG capabilities to joint operational objectives once the ISG was up and running". The "surge effort" should last until the end of July, when SIS would take stock.

368. SIS3 reported that co-ordination between UK agencies and units and between UK bodies and their US counterparts was impressive. The task now was to develop a coherent and comprehensive strategy and methodology that also encompassed CENTCOM and the ISG.

369. Mr Blair informed Cabinet on 19 June that the ISG had started systematic work on uncovering Iraqi programmes for WMD.[178] No further discussion of the issue was recorded.

370. Mr Howard sent Mr Bowen a progress report on 20 June.[179] It was now clear that Mr Tenet would exercise strategic oversight of the ISG's work on WMD and would be represented in Iraq by Dr Kay. Maj Gen Dayton had been tasked to support Dr Kay. The ISG would continue to work within the military chain of command to ensure it received the necessary security, logistics and life support. There was evidence that CENTCOM was now giving the ISG the support it needed.

371. Mr Howard reported that, during calls on SIS and the DIS on 19 June, Dr Kay had stressed the importance he attached to the ISG being an intelligence-led operation and the need for an accelerated timetable.

372. Mr Howard also enclosed the first ISG situation report from Brig Deverell, Maj Gen Dayton's Deputy, who reported that the main components of the ISG were now functional and that the first operations would take place later in the week.[180]

373. Baroness Symons, Minister of State for the Middle East, explained the ISG's lines of accountability to London and Washington in the House of Lords on 16 October:

> "… the Iraq Survey Group (ISG) is not part of the Coalition Provisional Authority. It is part of the United States-led military forces in Iraq and is therefore accountable to the United States Administration. British personnel seconded to the Survey Group are under the tactical control of the United States' commander. They are under the operational command of and accountable to the United Kingdom Chief of Joint Operations and thus to Her Majesty's Government. On reporting, the findings of the Group are available to the Coalition partners, including our own Intelligence and Security Committee, which will have access to the full text of the ISG interim report."[181]

---

[178] Cabinet Conclusions, 19 June 2003.
[179] Letter Howard to Bowen, 20 June 2003, 'Iraq: Weapons of Mass Destruction: Iraq Survey Group and Related Issues: Progress Report'.
[180] Report Deverell to CDI, 18 June 2003, 'Iraq Survey Group Sitrep No.1 18 Jun 03'.
[181] House of Lords, *Official Report*, 16 October 2003, column 1095.

374. Major General Tim Tyler, British Deputy Commander of the ISG from early January to late March 2004, told the Inquiry that Maj Gen Dayton explained this arrangement by describing himself as the "taxi driver" for Special Advisors Dr Kay and Mr Duelfer, who "paid the fare".[182]

375. Maj Gen Tyler described how the separate chains of military and intelligence oversight worked from a British perspective:

> "As senior UK rep, I had two lines of reporting, formal ones … I reported directly back to the ROCKINGHAM cell for the intelligence aspects … and then to PJHQ on all military aspects."

376. Maj Gen Tyler added: "From my point of view it was straightforward and therefore did work."

377. Mr Howard told the Inquiry that, although he had been concerned that the ISG would end up with a split command, the arrangement had worked quite well:

> "Keith Dayton got on, ran the ISG, did the tasking, sent people out, made sure they were properly protected and, as it were, managed the administration, and David really concentrated on the analytical effort and targeting the analysis, saying this is where we need to concentrate our efforts, and I think that actually worked reasonably well.
>
> "I thought that the industrial handling of documents and other sources by the ISG was very good. I think there were problems, nevertheless, of record-keeping, and problems of actually really bringing a vast amount of material into a single cohesive report.
>
> "So it was a mixed picture, but the general approach, I think, was right."[183]

378. Mr Blair discussed WMD with President Bush on 26 June.[184] He informed President Bush that he hoped to set out publicly what the UK knew about WMD and the Iraqi regime's human rights abuses in the next few weeks. The UK would co-ordinate with the US in doing so.

379. In a video conference with President Bush and others on 3 July, Mr Blair stated that there was a need to redouble the search for WMD.[185] Ambassador L Paul Bremer, CPA Administrator, reported that the work of the ISG had improved over the last week; and that the ISG had shifted from examination of declared sites and the interrogation of uncommunicative top regime figures to targeting lower level scientists and officials.

---

[182] Private hearing, 3 June 2010, pages 2-4.
[183] Private hearing, 18 June 2010, pages 12-13.
[184] Letter Rycroft to McDonald, 26 June 2003, 'Prime Minister's Conversation with President Bush, 26 June'.
[185] Letter Cannon to McDonald, 3 July 2003, 'Iraq: Prime Minister's Video-conference with President Bush, 3 July'.

JIC Assessment, 27 June 2003: 'Iraq WMD: The Emerging Picture'

380. On 27 June, the JIC assessed that:

- **it was "too early in the investigative process to make any firm judgements" about Iraq's WMD; and**
- **so far, it had seen nothing to cause it to change either its "pre-conflict judgements on Iraq's WMD programmes and capabilities, or the intelligence on which these judgements were based".**

381. At the request of the JIC Sub-Committee on Iraq/WMD, on 27 June the JIC produced 'Iraqi WMD: The Emerging Picture', a summary of its current understanding of the situation, based on the limited intelligence available since the start of hostilities.[186]

382. During the JIC discussion of the draft on 25 June, the main points made were:

- There was "a great deal of interest in this paper and it would be important to get the language right". The ISG's work on the ground had only just begun and the situation was still developing. It was "too early to make firm judgements about Iraq's WMD. Nothing had so far been found to disprove earlier JIC judgements."
- The draft "should be structured to refer to previous JIC judgements and describe new evidence, but it should state that it could only provide a snapshot of work in progress". The inclusion of Key Judgements was "not warranted".[187]

383. In the Assessment's summary, the JIC stated:

> "It is too early in the investigative process to make any firm judgements about the location, status and extent of Iraq's weapons of mass destruction (WMD). A more focused approach to conducting the search process is only now being put into place. Implementation will have to allow for the difficulties of operating in post-conflict Iraq.
>
> "A number of lines of investigation … continue to be pursued. Limited new information has emerged since the conflict on Iraq's chemical and biological capabilities. […] So far we have seen nothing which would cause us to change either our pre-conflict judgements on Iraq's WMD programmes and capabilities, or the intelligence on which these judgements were based."[188]

384. Points made in the Assessment included:

Chemical weapons

- Since the last JIC Assessment of 9 September 2002, "intelligence from a number of sources has continued to indicate that Iraq possessed chemical

---

[186] JIC Assessment, 27 June 2003, 'Iraqi WMD: The Emerging Picture'.
[187] Minutes, 25 June 2003, JIC meeting.
[188] JIC Assessment, 27 June 2003, 'Iraqi WMD: The Emerging Picture'.

munitions (particularly artillery and battlefield rockets) and was prepared to use them".

- "Since the conflict began, intelligence has provided further indications that agent production was continuing in 2002 …"
- "In initial interviews senior detainees are maintaining that Iraq's chemical weapons programme ended in 1991 and that no weapons were retained."

Biological weapons

- "Very little new intelligence relating to biological weapons alone has been received … Detainees assessed to be involved continue so far to insist that the programme stopped in 1991."
- "Confirmation of the exact purpose" of the suspect trailers would require further work. The trailers were "consistent with, although not optimally designed for, hydrogen production". Analytical results had "revealed organic chemicals … inconsistent with the hydrogen process alone. Even if hydrogen production is confirmed, technical analysis of the trailers has not undermined the assessment that they are capable of being used, with only minor modifications, for the production of micro-organisms."

Nuclear weapons

- "Since the start of the conflict limited information relating to a nuclear weapons programme has been uncovered in Iraq. One recent report implies that some activity which could be associated with a centrifuge programme was undertaken between 1999-2002 …"
- Mr Mahdi al-Ubaidi, the former head of the gas centrifuge programme, had "stated that documentation was concealed from the IAEA" and centrifuge components had been found buried at his residence. He "claimed that the nuclear weapons programme was not reconstituted after 1991" but "there was an intention to do so once UN sanctions were lifted".

Ballistic missiles

- There had been "no new information" about Al Hussein missiles.
- Mr al-Huwaish, former head of the Military Industrial Commission (MIC) and a senior member of the National Monitoring Directorate, had claimed the Al Husseins were "unilaterally destroyed in 1992".
- Post-conflict interviews and some supporting documentation confirmed previous judgements that Saddam Hussein "had ordered the development of missiles with ranges far in excess of the permitted 150km range". There were "discrepancies" about when the programme had started and the planned range, but all the interviewees appeared "to agree that the programme was still at the design stage".

- The missile designs described were "different to some of those previously highlighted in intelligence, because they are claimed to be based on Volga engine technology rather than SCUD".

Unmanned Aerial Vehicles (UAV)

- The former Director of the Centre responsible for the UAV programme had confirmed that an Iraqi UAV flew 500km in June 2002. He continued to state that they were not designed for the delivery of chemical or biological agent.

Proliferation

- "We remain concerned about the proliferation of material, equipment and technical knowledge from Iraq to third parties … We have not been able to substantiate intelligence and media reporting of missiles and other related material being sent to Syria or other countries."

385. Addressing why there had been no finds of chemical and biological munitions or stocks of agent, or Al Hussein missiles or parts, the Assessment stated:

"A number of high value detainees claim that these munitions and systems do not exist. However, there are serious doubts are [sic] their openness and co-operation. The weight of intelligence prior to the conflict, and the fact that the investigative process is at a very early stage, lead us to maintain our previous judgements.

"A number of other explanations have been proposed about the fate of Iraq's WMD munitions and systems, some of which are supported by intelligence:

- munitions were deployed but have not yet been found, because they were either destroyed or hidden on the battlefield;
- they were destroyed to ensure they were not discovered by UNMOVIC inspections – […] This would be more extreme than the concealment measures considered by the JIC in its paper of 11 October 2002 on inspections. There has also been a suggestion that some munitions were destroyed just prior to the conflict but intelligence on this has yet to be verified;
- Iraq's concealment operation was so comprehensive that it did not allow for rapid reconstitution of an effective CBW or Al Hussein missile capability – […] The gap between UN weapons inspectors leaving and the start of the conflict was only three days.
- the political decision-making process in Iraq was paralysed by the Coalition attack …"

386. Sir John Scarlett told the Inquiry that the Assessment "sort of logged the picture at that moment, which was more or less when the ISG was seriously getting going".[189] He added:

> "So in the end of June Assessment it was just stated that no munitions of stocks or agent had been found for CW … That was set against the fact that even during the conflict there had been continuing intelligence about tactical deployment of CW. This was early on, after the end of the conflict, and it was still seen as very early days.
>
> "For BW it was slightly different at that point because it's important to say that in late April, early May, trailers were found in Iraq …
>
> "So in the BW context, it wasn't a case that nothing had been found, because it was thought that possibly something pretty serious had been found, and of course it played into a major line of reporting which was still being taken seriously at that time …
>
> "So initially … it was said in bold terms, straight away, up front to customers what was not being found and what might be being found, and at that stage, emphasis was placed on it was too early to review judgments or change judgments because it was very early days in the search.
>
> …
>
> "It's quite difficult to tell from the reporting notes going backwards and forwards at what point, if you like, the psychological mood changed, because clearly almost from the beginning when nothing was found, the possibility that nothing would be found was there …"

FAC Report, 7 July 2003: 'The Decision to go to War in Iraq'

387. On 7 July, the House of Commons Foreign Affairs Committee (FAC) published its report into the decision to go to war in Iraq.[190]

388. Among its conclusions, the FAC stated that:

- It was "too soon to tell whether the Government's assertions on Iraq's chemical and biological weapons will be borne out".
- The accuracy of most of the Government's claims about Iraq's nuclear weapons programme could only be assessed once the ISG had access to the relevant scientists and documentation.
- The 45 minutes claim "did not warrant the prominence given to it in the [September 2002] dossier because it was based on evidence from a single, uncorroborated source".

---

[189] Private hearing, 5 May 2010, pages 58-60.
[190] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.

- The effect of the February 2003 dossier had been "almost wholly counter-productive", undermining the credibility of the Government's case for war and the documents that were part of it.
- Ministers had not misled Parliament.

389. The postscript to the FAC report recorded the continuing absence of conclusive evidence that Iraq possessed WMD:

> "Months after the cessation of the military phase of operations in Iraq, no conclusive evidence has come to light that the regime did indeed possess weapons of mass destruction. The question arises, why were these weapons not used, assuming they existed at all? This is at once one of the most difficult and one of the most important questions the Government has to answer."

390. The FCO sent its initial response to the FAC report in November.[191] It deferred its response to the FAC's conclusions on the 45 minutes claim and the September dossier until after the conclusion of the Hutton Inquiry.[192] Both responses are addressed later in this Section.

Mr Blair's evidence to the Liaison Committee, 8 July 2003

391. During his evidence on Iraq to the Liaison Committee of the House of Commons on 8 July, Mr Blair was repeatedly asked about the Government's position on Iraq's WMD.[193]

392. In his responses, Mr Blair made a number of points, including:

- The House of Commons had not been misled and he stood by the case which had been made for military action "totally".
- There was "no doubt whatever that Saddam Hussein was developing weapons of mass destruction", and that, when the UN inspectors "finally had to leave" in December 1998, "they made it quite clear that in their view 'unaccounted for' meant that he had not revealed them".
- He had "no doubt at all" that the ISG would find "evidence of weapons of mass destruction programmes".
- The policy of containment "was not working". Saddam Hussein's strategy "was to conceal the programmes, to keep the basic expertise in place and then, the moment the threat was lifted to go back to reinvigorating the programmes again".

---

[191] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.
[192] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Further Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6123.
[193] Liaison Committee of the House of Commons, Session 2002-2003, *Oral evidence taken before the Liaison Committee on Tuesday 8 July 2003*, Qs 146-209.

- The September dossier had stated that Saddam Hussein would engage in a programme of concealment and he (Mr Blair) believed, from the information now available, that was "precisely what he did".
- He reiterated the validity of the intelligence in relation to the statement that Iraq had chemical and biological weapons that could be activated within 45 minutes.
- He suggested that the alternative hypothesis to the one he had set out was that Saddam Hussein had decided to get rid of the weapons but had not told anyone; he did not think that was "a very serious hypothesis".
- He regretted that the dossier that had been produced in February had not correctly attributed the information which had been drawn from published sources; but that information was correct. The first and third parts of the dossier were based on intelligence information.
- The information in the September dossier on Iraqi attempts to procure uranium from Niger was not based on the "so-called 'forged' documents" seen by the IAEA, but on separate intelligence.
- The ISG should be allowed time to do its work. It would be addressing the issues "in a systematic way", which Dr Blix "was unable to do". "[C]hasing round trying to find the stuff" was "always going to be incredibly difficult". The only way to "get to the truth" was "by interviewing the people involved".

House of Commons debate on Iraq, 15 July 2003

393. On 15 July, the House of Commons rejected a second Opposition motion calling for an independent judge-led inquiry into pre-conflict intelligence.

394. In the House of Commons on 15 July, Mr Menzies Campbell asked Mr Straw:

> "… does not the absence of chemical and biological weapons, the embarrassing and apparently escalating dispute between Washington and London over Niger, the failure to find SCUD missiles and the controversy over the February dossier make an irresistible case for an inquiry independent of Parliament and led by a senior judge?"[194]

395. Mr Straw replied that "the combination of the Foreign Affairs Committee and the Intelligence and Security Committee is appropriate".[195]

396. An Opposition motion tabled in the House of Commons on 16 July by Mr Ancram stated:

> "That this House welcomes the Ninth Report from the Foreign Affairs Committee … but notes some reservations by Committee members that it not only had insufficient time but insufficient access to crucial documents to come to comprehensive and

---

[194] House of Commons, *Official Report*, 15 July 2003, column 158.
[195] House of Commons, *Official Report*, 15 July 2003, column 159.

definitive conclusions on some of the issues; further notes the recent concerns raised over intelligence material; and calls on the Government to set up a judicial inquiry finally to establish the facts of the matter."[196]

397. In the debate that followed, Mr Ancram stated:

"The Prime Minister and the Government have an overriding duty to be scrupulous and consistent in the way that they provide intelligence material to Parliament. Over these last months that has clearly not been the case. Two key areas exist … the status of the evidence on weapons of mass destruction, and … the way in which the Government have handled and made public the material.

…

"For example, there was a claim about uranium from Niger going to Iraq. The claim was stated as a fact in the September dossier but was subsequently shown to have been partially based on forged documents. There was no explanation of who forged them and why. There is no mention of CIA concerns in the Government's response. We now have a belated explanation that there were other sources of intelligence that apparently cannot be disclosed. Even more unusually we are told such sources cannot be shared with the United States.

…

"Some will ask whether the dodgy dossier really matters. The fact that the Prime Minister misrepresented its provenance goes to the heart of the trust that Parliament can put in what he tells it is, or is not, intelligence …

"The erosion of public confidence is gathering pace and beginning to damage the national interest …

"There is an urgent unanswerable case for the Government to set up an independent judicial inquiry …"[197]

398. Mr Straw tabled the Government's amendment.[198] He stated that an independent judicial inquiry, whether set up under the Tribunals of Inquiry (Evidence) Act 1921 or not, "can be frustrating for the public because of the duration and the costs involved". It was also quite wrong to assume that such inquiries "automatically bring such issues to a close".

399. Mr Straw concluded:

"A vote for the Opposition's motion would be a vote of no confidence in the Intelligence and Security Committee … It would also be a vote of no confidence in

---

[196] House of Commons, *Official Report*, 16 July 2003, column 287.
[197] House of Commons, *Official Report*, 16 July 2003, columns 288-293.
[198] House of Commons, *Official Report*, 16 July 2003, column 296.

the ability of this Parliament to have effective oversight of agencies and Ministers on intelligence matters."[199]

400. The Opposition motion was defeated by 299 votes to 200. The Government amendment, agreed without a further vote, stated:

"That this House … believes that the Intelligence and Security Committee … is the appropriate body to consider the intelligence relating to Iraq; and notes that this Committee has already begun its inquiry."[200]

401. In response to a written question from Ms Lynne Jones (Labour) on 18 July, Mr Bill Rammell, FCO Parliamentary Under-Secretary of State, stated that the assessment that Iraq had attempted to procure uranium from Africa was based on information from the intelligence service of another Government. The UK Government could not pass it to anyone else without the express consent of the originator.[201]

Uranium and Niger

In the September 2002 dossier on WMD (*Iraq's Weapons of Mass Destruction. The Assessment of the British Government*), the Government stated that "there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa".[202]

In his January 2003 State of the Union address, President Bush stated: "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."[203]

On 7 March 2003, Dr Mohamed ElBaradei, Director General of the IAEA, informed the UN Security Council that the documents pointing to an agreement between Niger and Iraq for the sale of uranium between 1999 and 2001 were "not authentic" and that those specific allegations were "unfounded".[204]

In its report *The Decision to go to War in Iraq*, published in July 2003, the House of Commons Foreign Affairs Committee (FAC) stated that the assertion in the September 2002 dossier should have been qualified to "reflect the uncertainty" surrounding the evidence upon which it was based.[205]

In its response to the FAC in November 2003, the FCO stated that: "the claim in the September dossier rested on separate evidence to that judged fraudulent by the IAEA", and that this intelligence was still under review and had not been shared with the CIA.[206]

---

[199] House of Commons, *Official Report*, 16 July 2003, column 305.
[200] House of Commons, *Official Report*, 16 July 2003, column 346.
[201] House of Commons, *Official Report*, 18 July 2003, column 810W.
[202] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002, page 25.
[203] The White House, 28 January 2003, *President Delivers "State of the Union"*.
[204] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).
[205] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq*, HC 813-1.
[206] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.

In July 2004, the Butler Report supported the FCO's claim, concluding that the report appeared "well-founded": the "intelligence was credible" that Iraq had sought to purchase uranium ore from Niger in 1999.[207]

The Iraq Survey Group found no evidence that Iraq sought uranium from abroad after 1991. It found only one offer of uranium to Baghdad after 1991, and that had been turned down because of sanctions.[208]

JIC Current Intelligence Group Assessment, 16 July 2003: 'Iraq: Prohibited Ballistic Missile Designs'

402. At the request of the JIC Sub-Committee on Iraq/WMD, a Current Intelligence Group (CIG) assessed the information on prohibited missile designs provided by senior figures in the missile programme.[209]

403. The Key Judgements were:

"I. Information that Iraq was pursuing a number of designs for prohibited ballistic missiles between 2000 and 2002 is, despite some discrepancies, credible.

"II. The missiles were designed to reach ranges between 500-600km and 900-1,000km. Initial examination indicates that the designs produced and the four to five year timeframe envisaged to reach full production appear technically credible.

"III. Senior figures in the ballistic missile programme were actively engaged in concealing this design work from UNMOVIC, both physically and in interviews with inspectors. The aim was to preserve the designs for future use.

"IV. Some of the individuals are not being entirely forthcoming on sensitive issues, such as chemical and biological warhead designs, possibl[y] out of fear of the consequences for them."

404. The Assessment stated that two consistent themes had emerged from the interviews that had been conducted so far:

"
- Iraq worked on a number of missile designs between late 2000 and early 2002 … but no missile hardware was produced;
- Orders were received in mid 2002 to conceal all signs of such design work from UN weapons inspectors and these orders were carried out."

[207] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.
[208] Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*, Volume II, 'Nuclear', pages 7-8.
[209] CIG Assessment, 16 July 2003, 'Iraq: Prohibited Ballistic Missile Designs'.

405. The Assessment contained statements relating to the development of missile systems including:

- Iraq was using multiple Volga engines (the Al Samoud missile had only one engine). The missile designs were judged to be "credible"; Iraq had "previous experience with multiple engine systems". The twin engine missile "would have had a range approaching that of the Al Hussein (650km)", but "a much smaller payload".
- Work had not been undertaken after early 2002.
- There was "currently no evidence to link the 380 illicitly procured Volga engines to these designs, although the number purchased was probably in excess of that required for the Al Samoud programmes".
- Intelligence pre-conflict had indicated possible work on a long-range derivative of the SCUD missile, with a range of around 1,200km, but all those interviewed had stated that they were unaware of any continuing work on a SCUD-based system.
- There had been design work on developing the short-range Al Fatah (Ababil 100) missile.

406. The Assessment concluded that it was not clear why development of the designs for prohibited missile systems had been halted. There was a clear intent to preserve the designs for future use and UNMOVIC inspectors had been deceived during interviews. Areas for further investigation included:

- "the issue of chemical and biological warheads";
- "the purpose of missile infrastructure such as the Al Rafah test stand"; and
- "the extent of foreign technical and material assistance".

407. Sir John Scarlett told the Inquiry that after this Assessment:

> "… there wasn't a further formal JIC Assessment until the end of the following year, 23 December 2004, when there was a formal review of JIC judgements in 2002, which took account of the ISG final report which had been issued in October 2004.
>
> "But in case anybody thinks that therefore the JIC wasn't looking at it at that time, it certainly was, but it was doing it through the process of reporting from, contact with, monitoring of, participation in, through British representatives, the work of the ISG on the ground. There were regular reports coming in and then being disseminated to No.10 and to JIC members, and that is how the work of the ISG was tracked."[210]

[210] Private hearing, 5 May 2010, page 59.

The ISG builds momentum

408. On 16 July, Mr Howard reported that the ISG was now focusing its effort on debriefings and document exploitation, but that it was still "very much at the beginning" of its task.

409. Mr Howard visited the ISG in Baghdad and Qatar in the second week of July.[211] He reported to Mr Scarlett that:

> "A lot of emphasis is being placed on human intelligence and interviews and debriefings both of high value detainees and low ranking individuals. Another main area of effort, which is beginning to produce some results, is document and other media exploitation. Major centres for this have been set up both in Baghdad and in Qatar which bring together subject matter experts, linguists and, in the case of Baghdad, some powerful IT tools to sift what is a vast quantity of material for interesting information and leads.
>
> "… But, it is still true to say that we are very much at the beginning of the task and the ISG has only really reached its current state of effectiveness in the last fortnight."

410. Mr Howard provided a copy of the ISG's four "Operating Hypotheses":

"
- Iraq had an active WMD development program separate and apart from WMD production
- Iraq hid CW/BW weapons and agents, delivery systems, and WMD program information within Iraq away from sites known to the Coalition, or outside Iraq
- Iraq destroyed existing stockpiles (but likely retained a mobilization or production capability that could produce CW/BW agents and delivery systems)
- If Iraq destroyed its stockpile (or most of it), it would have taken place at remote locations or areas with no previous link to the WMD program."

411. Mr Howard advised that, with the exception of evidence of Iraqi attempts to extend the range of anti-ship cruise missiles to 180km, there needed to be "a good deal more exploitation and investigation before a rounded picture in any of the key areas can be pulled together".

412. Mr Howard reported that Dr Kay wanted to avoid "drip-feeding" material to London or Washington for fear of leaks and of raising expectations unjustifiably. Dr Kay was also very wary of making anything public in the near future, but was "pretty bullish" that he would have "a reasonably convincing BW package for use in public by early to mid September". He would understand if the UK wanted to publicise the missile programme before then, but believed it would have more impact combined with something on BW or CW in September. Mr Howard agreed.

---

[211] Minute Howard to Scarlett, 16 July 2003, 'Iraq WMD' attaching Paper [unattributed], [undated], 'ISG Operating Hypotheses'.

413. Mr Howard described the main risks and obstacles facing the ISG:

- the security situation (addressed in more detail in the Box, 'Deteriorating Security and the ISG', later in this Section);
- an "insufficiently flexible detention policy", which was being exploited by former regime figures to discourage people from co-operating; and
- the "lack of an immunity component to the incentives package".

414. Mr Scarlett reported Mr Howard's conclusions to Sir David Manning together with an outline of the draft JIC Assessment of Iraq's prohibited missile systems.[212]

415. Mr Scarlett advised Sir David that evidence on Iraq's missile, nuclear and BW programmes gathered so far demonstrated "a clear policy of concealment", including "physical and oral deception".

416. Mr Scarlett's minute was seen by Mr Blair.[213]

417. Asked how the absence of evidence of WMD in Iraq was presented to Mr Blair, Sir John Scarlett told the Inquiry:

> "The advice from the Cabinet Office and from the Assessments Staff and the JIC was straight down the middle. He [Mr Blair] was told what was being found and what was not being found, and he was given the best advice about the significance of what was being found and not being found … [T]here was nothing in the advice that went from me or from the JIC … [to indicate] that anyone was raising expectations that weren't justified."[214]

418. In Washington on 17 July, Mr Blair told the media that he believed "with every fibre of instinct and conviction" that he was right about the threat from Iraqi WMD, but that it was important to wait for the ISG to complete its work.

419. On 17 July, Mr Blair visited Washington to deliver a speech to a joint meeting of Congress, which had awarded him the Congressional Gold Medal. He also met the Congressional leadership and, separately, President Bush (see Section 9.2).[215]

420. Before the visit, the British Embassy Washington reported that the debate on Iraqi WMD in the US remained "febrile".[216] In the face of an offensive on the issue by the Democratic Party and in the media, mutual distrust between the White House and the CIA was palpable. All the Democrat presidential candidates were raising questions about US intelligence, while other leading Democrats stepped up calls for a full Congressional investigation or an independent inquiry. Congressional Republicans were holding the line

---

[212] Minute Scarlett to Manning, 16 July 2003, 'Iraq WMD: Update from the ISG'.
[213] Manuscript comment Manning, 17 July 2003, on Minute Scarlett to Manning, 16 July 2003, 'Iraq WMD: Update from the ISG'.
[214] Private hearing, 5 May 2010, page 62.
[215] Letter [Private Secretary] to Adams, 18 July 2003, 'Prime Minister's Visit to Washington, 17 July'.
[216] Telegram 957 Washington to FCO London, 17 July 2003, 'Iraq WMD: Update, 16 July'.

that the search for WMD should be given time and the House and Senate Intelligence Committees allowed to work through huge quantities of intelligence provided by Mr Tenet before any decision was taken.

421. In his speech to Congress on 17 July, Mr Blair warned of the risk that "terrorism and states developing weapons of mass destruction come together".[217] He stated:

> "If we are wrong, we will have destroyed a threat that at its least is responsible for inhuman carnage and suffering.
>
> "That is something I am confident history will forgive.
>
> "But if our critics are wrong, if we are right, as I believe with every fibre of instinct and conviction I have that we are, and we do not act, then we will have hesitated in the face of this menace when we should have given leadership.
>
> "That is something history will not forgive."

422. At a joint press conference with Mr Blair, President Bush was asked whether he agreed with the suggestion in Mr Blair's speech that he might be proved wrong about the threat from Iraqi WMD. President Bush offered three explanations for the absence of a breakthrough in the search for WMD: the "chaos" in Iraq; the effort Saddam Hussein had put into concealment; and the fact that high-level officials were only just starting to co-operate.[218]

423. President Bush predicted that:

> "… we will bring the weapons, and, of course, we will bring the information forward on the weapons when we find them.
>
> "And that'll … end all this speculation.
>
> …
>
> "And we based our decisions on good, sound intelligence, and … our people are going to find out the truth. And the truth will say that this intelligence was good intelligence; there's no doubt in my mind."

424. Mr Blair added:

> "… if I could just correct you on one thing, I certainly did not say that I would be proved wrong. On the contrary, I said with every fibre of instinct and conviction I believe that we are right.
>
> …

---

[217] *BBC News*, 17 July 2003, *Text of Blair's speech*.
[218] *CNN.com*, [undated], *Transcript: Bush-Blair news conference*.

"The history of Saddam Hussein and weapons of mass destruction is a 12 year history, and is a history of him using the weapons and developing the weapons and concealing the weapons and not complying with the United Nations inspectors who were trying to shut down his programmes.

"And I simply say – which is why I totally agree with the President – it's important we wait for the Iraq Survey Group to complete their work. Because the proposition that actually he was not developing such weapons and such programmes, having finally effectively got rid of them in December '98, he then took all the problems and sanctions and action upon himself, voluntarily destroyed them but just didn't tell anyone.

"I don't think that's very likely as a proposition. I really don't."

425. On 18 July, the body of Dr Kelly was discovered near his Oxfordshire home.[219]

426. The decision to set up an investigation into Dr Kelly's death headed by Lord Hutton is summarised in the Box below.

The death of Dr David Kelly and the Hutton Inquiry

Following the controversy surrounding the allegations by the *BBC* journalist Mr Andrew Gilligan that the September 2002 intelligence dossier had been "sexed up", Dr David Kelly, MOD Special Adviser Counter-proliferation and Arms Control, was invited to give evidence to the House of Commons Foreign Affairs Committee on 15 July 2003 and the Intelligence and Security Committee of Parliament on 16 July.

On 18 July 2003, Dr Kelly's body was found near his Oxfordshire home.[220]

Later on 18 July, Lord Hutton was asked by Lord Falconer, the Secretary of State for Constitutional Affairs, "urgently to conduct an investigation into the circumstances surrounding the death of Dr Kelly".[221]

Lord Hutton concluded that his Terms of Reference should include investigation of the two allegations that had drawn Dr Kelly into the controversy surrounding Mr Gilligan's broadcasts on the *Today* programme:

> "… (1) that the Government probably knew, before it decided to put it in the dossier of 24 September 2002, that the statement was wrong that the Iraqi military were able to deploy weapons of mass destruction within 45 minutes of a decision to do so and (2) that 10 Downing Street ordered the dossier to be sexed up".[222]

---

[219] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 130.
[220] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 130.
[221] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 1.
[222] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 9.

Lord Hutton concluded that the wider issue of the reliability of the intelligence contained in the dossier did not fall within his Terms of Reference.

The Hutton Inquiry began its hearings on 11 August.[223]

The *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G.* was published on 28 January 2004. The Report's findings are addressed later in this Section.

427. On 24 July, officials advised Ministers that Dr Kay had brought new impetus to the ISG, which was now operating in a "systematic fashion".

428. At the meeting of the AHMGIR on 24 July, the MOD reported that the ISG was now operating in a "systematic fashion" and that Dr Kay had given new impetus to its work.[224] The approach was to "understand WMD programmes as whole, with particular focus on BW and the special Security Organisation". Ministers agreed that the UK should continue to engage closely with the ISG and that the UK should be "fully consulted before any major conclusions were presented publicly".

Revised Directive on UK military co-operation with the ISG

On 30 July, General Sir Michael Walker, Chief of the Defence Staff, issued a revised Directive for Op TELIC, superseding the version issued on 18 March and the supplementary material on the ISG issued on 18 June.[225]

The revised Directive included a revised strategic military objective that, for the first time, incorporated the search for WMD:

> "To support the Coalition effort, within allocated resources, to stabilise Iraq, find/secure WMD, alleviate humanitarian needs, and help create the conditions for the achievement of the strategic end state."

The Directive included instructions on co-operation with the ISG:

> "The shift towards a pro-active WMD finding, evidence handling and elimination (of soft and hard components) continues and will be led by the ISG. WMD will not be located only at SSEs [locations of Sensitive Site Exploitation], we will encounter it *ad hoc*, and we will have to extend search activities beyond SSEs. WMD 'soft' components and particularly scientists and military experts are very important to the evidence and elimination programme and HUMINT [human intelligence] is an area where the UK contribution is highly valued … You should note that ISG incorporates many other strands in its mission than just WMD. Your mainstream CBRN [chemical, biological, radiological and nuclear] recce assets, principally from the J[oin]t NBC Reg[imen]t will be supplemented then replaced by specialist search teams. You are

[223] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247, paragraph 6.
[224] Minutes, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[225] 'Chief of the Defence Staff Directive to the Joint Commander for Operation TELIC (Edition 3)', 30 July 2003.

> to provide support, as appropriate, to the ISG as it develops, but this must not be detrimental to the overall FP [force protection] posture adopted."
>
> Those instructions remained largely unchanged when the Directive was revised in December 2003.[226]

429. Mr Scarlett told Mr Straw's Private Office on 24 July about a US request for the current UK assessment of the possible BW trailers to be provided to the Senate Intelligence Committee.[227] The assessment would not be made public.

430. Mr Scarlett attached a one-page draft assessment for Mr Straw's approval, cleared with DIS and SIS, which stated:

> "With the information currently available we are not able to judge that these trailers are the transportable BW production system (TPS) described in intelligence.
>
> …
>
> "The assessment of an independent UK analyst is that these trailers have the potential, with a minor modification (addition of flexible tube), to carry out biological production …
>
> …
>
> "Confirmation of the exact purpose of the trailers will require further documentary exploitation, chemical/biological analysis and reporting from personalities associated with the mobile programmes in Iraq …
>
> "Any final decision on the purpose of the trailers would currently be premature."

431. On 29 July, Mr Scarlett informed Mr Straw's Private Office that a difference of analysis about the trailers had arisen within the US intelligence community.[228] Mr Scarlett reported that he had told the CIA the UK would not submit its own assessment for presentation to the Senate, pending a review of the revised position taken by another part of the US intelligence community.

432. During their conversation on Iraq on 31July, Mr Blair and President Bush discussed Dr Kay's progress.[229] Most resources were allocated to Iraq's BW programme. They

---

[226] 'Chief of the Defence Staff Directive to the Joint Commander for Operation TELIC (Edition 3)', 19 December 2003.
[227] Minute Scarlett to PS/Foreign Secretary, 24 July 2003, 'Iraq – Submission to Senate Intelligence Committee Enquiry' attaching Paper [unattributed], 24 July 2003, 'UK Assessment of Possible Transportable Biological Agent Production System'.
[228] Minute Scarlett to APS/Foreign Secretary, 29 July 2003, 'Iraq: Submission to Senate Intelligence Committee Inquiry'.
[229] Letter Rycroft to Adams, 31 July 2003, 'Iraq: Prime Minister's Conversation with Bush, 31 July'.

discussed the need for more individuals working on nuclear matters. Addressing the very large quantity of documents held was being given a lower priority.

Preparation of the ISG Interim Report

433. During August, UK and US officials began to discuss the content of Dr Kay's ISG Interim Report, scheduled for the second half of September.

434. UK officials assessed that the report "certainly would not" persuade sceptics, but might be enough to persuade others that progress was being made.

435. At the end of August, the British Embassy Washington reported that the US Government was bracing itself for a disappointing report.

436. Mr Scarlett succeeded Sir Richard Dearlove as Chief of SIS on 1 August.

437. Dr Kay and Maj Gen Dayton visited London on 5 August.[230]

438. On 6 August, Mr Howard sent Mr Scarlett thoughts on handling Dr Kay's first progress report, scheduled for mid to late September. It was essential that any public report was "firmly based on an honest and thorough assessment of the intelligence picture so far" and that the UK's classified assessment "matches that of the Americans exactly". Mr Howard suggested that public perceptions were "heavily skewed" by media interest in Dr Kelly and the Hutton Inquiry, and that there was likely to remain "a deep vein of scepticism" about what might be found.

439. Mr Howard added:

> "… a progress report which focuses mainly on evidence of programmes and intent and is short on actual hardware is likely to provoke a mixed reaction. It certainly will not persuade the sceptics. But it may be enough to persuade the mainstream that progress is being made."

440. Mr Scarlett updated No.10 on 8 August.[231] He reported that Dr Kay was convinced that the ISG was making progress, but cautioned that Dr Kay had a "tendency to overstate potential leads". ISG efforts were focused on BW, but there was also progress in other areas. Developments included:

- BW: the ISG was developing a clearer picture of the role of the Iraqi Intelligence Service (IIS). It had concluded that the UN would not have been able to discover the full extent of Iraq's BW programme because of "the comprehensive nature of Iraq's concealment and deception policy". The 97 vials recovered from the home of a BW scientist had tested positive for traces of live type B clostridium botulinum, the cause of botulism in humans. Iraq had never declared possession of the type B strain.

---

[230] Letter Howard to Scarlett, 6 August 2003, 'Iraqi WMD: Next Steps'.
[231] Minute Scarlett to Cannon, 8 August 2003, 'Iraq WMD'.

- Missile programme: evidence of proscribed liquid and solid propellant development projects that had not progressed beyond the design phase, with no evidence of production.
- CW: "some encouraging leads particularly on VX".
- Nuclear: the ISG had discovered that in 2002 the Iraqi Atomic Energy Commission had obtained a balancing machine identified as the most important item for a centrifuge programme. This indicated that Iraq's nuclear programme might have taken "a small but significant step forward" while sanctions were in place.

441. Mr Scarlett explained that the ISG expected to issue a classified progress report to the UK, US and Australian Governments in mid-September. It was "unlikely" the report would:

> "… present conclusive proof of Iraqi possession of WMD, although General Dayton said it should provide ample evidence that Iraq was in material breach of UNSCR 1441 because of the level of deception and concealment of Iraqi WMD (eg the missile plans and the BW vials)".

442. In a Note to No.10 officials on 16 August, Mr Blair listed three foreign policy priorities, including "Iraq/Afghanistan".[232] On Iraq and WMD he wrote:

> "As a discrete part of our strategy, the issue of WMD and Iraq as a threat must be dealt with. But this can be done. We have Hutton; we have an ISG report in September; we will be, hopefully, in a better position inside Iraq. But NS [Sir Nigel Sheinwald, successor to Sir David Manning as Mr Blair's Foreign Policy Adviser] and team should draw up a strategy on this."

443. On 19 August, Mr Sérgio Vieira de Mello, the UN Secretary-General's Special Representative for Iraq, was killed in an attack on the UN headquarters in Baghdad (see Box below).[233]

Deteriorating security and the ISG

Deteriorating security in Iraq had an increasing impact on ISG operations from summer 2003.

On 13 August, the DIS reported the possibility of an emerging pattern of shootings at scientists who co-operated with the ISG.[234]

On 19 August, a bomb exploded outside the UN headquarters at the Canal Hotel in Baghdad, killing 22 UN staff and visitors, including Mr Sérgio Vieira de Mello, the UN Secretary-General's Special Representative for Iraq (see Section 9.2).[235]

---

[232] Note [Blair to No.10 officials], 16 August 2003, [untitled].
[233] Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.
[234] Op ROCKINGHAM Daily, 13 August 2003.
[235] Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.

Lieutenant General Andrew Ridgway, Chief of Defence Intelligence, told the Chiefs of Staff on 20 August:

> "Further attacks were expected. The bombing would affect coalition building, NGO confidence, and the reconstruction of utilities, which if not expedited could lead to a significant loss of consent."[236]

On 26 August, the DIS reported the disruption of an ISG deployment following an attack on a nearby US military convoy.[237]

As security deteriorated, the US sought to transfer some of the ISG's analysis capabilities to counter-terrorism activities.

The Op ROCKINGHAM weekly update for 21-28 August reported that Secretary Rumsfeld and US General John Abizaid, Commander CENTCOM, had indicated that they wanted some of the ISG's HUMINT and analysis capability dedicated to counter-terrorism tasks.[238]

In early September, the JIC judged that:

> "The security environment will remain poor, and will probably worsen over the next year, unless the Coalition, in conjunction with Iraqis, can reverse current trends. There are likely to be more spectacular attacks."[239]

In October, the DIS reported two direct attacks on ISG convoys.[240]

In his memoir, Mr George Tenet, the US Director of Central Intelligence (DCI), wrote:

> "A senior military officer later told me he … was 'flabbergasted' … when [in November 2003] Kay refused to lend some of the ISG's experienced intelligence analysts to help him find insurgents *'that are killing us'*… Had he been a regular CIA officer, I would have relieved Kay of his command and ordered him home."[241]

Major General Tim Tyler, British Deputy Commander of the ISG from early January to late March 2004, told the Inquiry "there were lots of … constraints on the operations and the most predominant one was the security situation".[242]

444. On 21 August, the ISG was reported to be "firmly established" in Baghdad.[243] The Survey Operations Centre (SOC) and Survey Analysis Centre (SAC) had completed moves to their permanent location in Baghdad. Locations of the various operational elements of the ISG included:

- Combined Media Processing Centre (CMPC): headquarters in Qatar with satellite operations conducted out of Baghdad and Erbil;
- Joint Interrogation and Debriefing Centre (JIDC): Baghdad;

---

[236] Minutes, 20 August 2003, Chiefs of Staff meeting.
[237] Op ROCKINGHAM Daily, 26 August 2003.
[238] Op ROCKINGHAM Weekly No.11, 21-28 August 2003.
[239] JIC Assessment, 3 September 2003, 'Iraq: Threats to Security'.
[240] Op ROCKINGHAM Daily, 21 October 2003. Op ROCKINGHAM Daily, 30 October 2003.
[241] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.
[242] Private hearing, 3 June 2010, page 12.
[243] Op ROCKINGHAM Weekly No.10, 14-21 August 2003.

- Sector Control Point (SCP): Baghdad;
- Joint Captured Materiel Exploitation Centre (JCMEC): Baghdad;
- Task Force Disablement and Elimination (TF D/E): Baghdad;
- Coalition Operating Base – Irbil (COB-I); and
- Coalition Operating Base – Basra (COB-B).

445. In a note on 30 August, Mr Blair requested an immediate and longer-term Iraq strategy dealing with the situation on the ground in Iraq, how we improve it, how we improve the system for dealing with it; and WMD.[244]

446. Mr Blair added:

> "… this must tie in with the way we deal with Hutton. I assume that though the judge may be critical of certain aspects of our handling, he will basically find for us. That may be optimistic. But if right, Hutton must be the chance to get our integrity back on Iraq. So whatever NS [Sir Nigel Sheinwald] does must include a timetable that incorporates: Hutton, Interim Report on WMD, improvement in Iraq, and other WMD issues (eg Iran, NK [North Korea] and Libya)."

447. Mr Straw informed Parliament on 1 September that:

> "Coalition forces and specialist personnel of the Iraq Survey Group are actively pursuing sites, documentation and individuals connected with Iraq's weapons of mass destruction programmes. We are investing significant effort in the search. The process will be painstaking.
>
> "There have been some successes: the discovery of mobile laboratories which bear a striking resemblance to those described in US Secretary of State Colin Powell's presentation to the UN Security Council in March 2003; and the recent recovery of a large quantity of documents relating to Iraq's nuclear programme together with parts of a gas centrifuge which had been hidden since 1991 by an Iraqi scientist formerly engaged on Iraq's nuclear programme. We anticipate that more scientists previously employed on Iraq's WMD programmes will start to come forward with evidence and equipment.
>
> "Any finds clearly must be very carefully analysed and assessed. This process is continuing. When we have collated the evidence, it will be presented appropriately and properly."[245]

448. On 3 September, Mr Sebastian Wood, Counsellor for External Affairs at the British Embassy Washington, informed Mr Scarlett that the US Government was bracing itself for a disappointing report from Dr Kay.[246] The Embassy was stressing to the US the

---

[244] Note [Blair], 30 August 2003, [untitled].
[245] House of Commons, *Official Report*, 1 September 2003, column 809W.
[246] Letter Wood to Scarlett, 3 September 2003, 'Pre-Conflict Intelligence on Iraq'.

need for careful co-ordination of public lines with the UK, but tensions between different interests in Washington meant that would be difficult. Close personal contact with Dr Rice and Mr Tenet would be important.

449. US General John Abizaid, Commander CENTCOM, called on Mr Blair on 5 September.[247] Mr Blair commented that he had "more than a passing interest in what turned up on WMD". Gen Abizaid reported that the ISG's HUMINT effort was starting to tell and that there was "stuff buried all over the country".

450. At Mr Powell's request, Mr Scarlett updated No.10 on the search for WMD possibly concealed in Lake Qadisiyah, behind the Haditha Dam on the Euphrates.[248] A Royal Navy team was due to arrive there on 5 September to assess the situation.

451. Mr Scarlett wrote:

> "There have been a number of reports, of varying degrees of reliability, that WMD may have been concealed in lakes, reservoirs, canals and rivers by Iraqi military or security organisations. Several reports record local gossip. Certain locations feature in reports from a number of sources, some with apparently good access or with an established record of reliable reporting."

452. The ISG completed the search of Lake Qadisiyah on 14 September.[249] No WMD-related material was found.

JIC discussion of the draft ISG Interim Report

453. The JIC discussed the draft ISG Interim Report on 10 September. It concluded that the draft contained little that was new and that handling of the report would be vital.

454. The JIC considered a Discussion Note, 'Iraqi WMD: The Emerging Picture', on 10 September.[250] The minutes recorded that the main points made were:

> "a) the first progress report from the ISG contained little new. Whilst there had been some progress on missiles and a coherent story on nuclear weapons, there was still a serious lack of hard evidence on CB. There had been a lot of collusion between Iraqi former officials under questioning and clear attempts to identify the limits of our knowledge in order to calibrate the information they gave … sources were being intimidated and fear was a big factor with those working in the CB area; and
>
> "b) the handling of the report would be vital. It was highly desirable to avoid publishing an unclassified version, which would not only display the limits of

[247] Letter Cannon to Adams, 5 September 2003, 'Iraq: Prime Minister's Conversation with General Abizaid'.
[248] Minute Scarlett to Cannon, 5 September 2003, 'Iraq: Underwater Concealment of WMD'.
[249] Op ROCKINGHAM Daily, 15 September 2003.
[250] Minutes, 10 September 2003, JIC meeting.

> our current knowledge but act as a disincentive to potential sources. We should therefore ensure an authoritative discussion … with the Allies at an early stage."

455. Following the discussion, a small number of amendments were made to the Note, including the addition of the judgement that it was "too early to conclude that there were no [chemical and biological] programmes".[251] An Annex to the paper stated:

> "So far no chemical or biological munitions or stocks of agent have been found, nor have any Al Hussein missiles or parts. A number of high level detainees claim that these munitions and systems do not exist. However, there are serious doubts over their openness and co-operation".

456. A number of other possible explanations as to why no munitions or systems had been found were identified, some supported by intelligence, including:

- destruction or concealment on the battlefield;
- destruction to ensure they were not discovered by UNMOVIC inspections;
- a concealment operation "so comprehensive that it did not allow for the rapid reconstitution of an effective CBW or Al Hussein missile capability";
- a political decision-making process paralysed by the Coalition attack;
- exaggeration of Iraq's capabilities by Iraqi opposition groups, "possibly through deliberate manipulation by the Iraqi intelligence services. UK intelligence assessments did not rely heavily on reporting from Iraqi opposition groups, but it cannot be ruled out that UK sources indirectly picked up some disinformation."

457. The revised Note was sent to Sir Nigel Sheinwald, Sir David Manning (British Ambassador to the US) and JIC Members, by Mr Scarlett on 12 September.[252]

458. The JIC Sub-Committee on Iraq/WMD discussed the ISG Interim Report on 12 September. It agreed advice for Mr Straw, Mr Hoon, Sir Nigel Sheinwald and Sir Richard Dearlove to use in contacts with their US counterparts.[253]

459. Mr Edward Oakden, FCO Director International Security, wrote:

> "The objective, self-evidently – which I underlined repeatedly at the JIC Sub-Group – is to play down Kay's Report, making clear its interim nature: very far from the ISG's considered assessment."

---

[251] Note [JIC], [undated], 'Iraqi WMD: The Emerging Picture – Discussion Note for the JIC Meeting 10 September 2003'.
[252] Minute Scarlett to Sheinwald, 12 September 2003, 'Iraqi Survey group: interim report' attaching Paper [unattributed], [undated], 'Kay Report: Points to Make with US Interlocutors' and Note [JIC], [undated], 'Iraqi WMD: The Emerging Picture - Discussion Note for the JIC Meeting 10 September 2003'.
[253] Minute Oakden to Private Secretary [FCO], 12 September 2003, 'Iraq WMD: Handling the Interim ISG Report'.

460. After the meeting, Mr Scarlett wrote to Sir Nigel Sheinwald about the need urgently to address the handling of the ISG Interim Report once it reached Washington.[254]

461. Mr Scarlett told Sir Nigel that the ISG Interim Report was not expected to differ significantly from the UK assessment, set out in a revised Discussion Note following the JIC meeting on 10 September. Mr Scarlett identified the main points as:

"
- the working environment in Iraq has proved much more difficult than expected (poor security situation, more denial, deception and intimidation);
- the evidence so far has not shown that WMD programmes were active pre-conflict. Nor has any firm evidence emerged of Iraq possessing WMD;
- Iraq maintained an intention to restart its nuclear weapons programme when UN sanctions were lifted, and concealed equipment and documentation in support of this (much of this is already in the public domain);
- there is credible evidence confirming Iraq's pursuit of ballistic and cruise missile programmes with ranges well in excess of the UN's permitted limit (this will receive some publicity through *Panorama* in late September/early October);
- it is not yet possible to establish any firm picture of Iraq's chemical and biological weapons capability. The compartmented, highly concealable, and dual-use nature of such programmes means that there are fewer firm leads to follow … It is too early to conclude that there were no programmes, and we expect more information to become available. But this will be a long and difficult process;
- there is clear evidence that Iraq was in breach of UN Security Council Resolutions."

462. Mr Scarlett advised that an ISG report along those lines, however interim, would raise difficult questions. That underlined the need to ensure it was handled correctly, with US and Australian agreement in advance. Mr Scarlett recommended publication of a short executive summary, with the full Interim Report being treated as a "classified stocktake for intelligence experts". The summary should get across three "fundamental messages":

- the Interim Report was "far from a considered final assessment";
- the ISG was operating in a difficult security environment and after years of deception and denial by Iraq; and
- there was a good deal more work to do.

---

[254] Minute Scarlett to Sheinwald, 12 September 2003, 'Iraqi Survey group: interim report' attaching Paper [unattributed], [undated], 'Kay Report: Points to Make with US Interlocutors' and Note [JIC], [undated], 'Iraqi WMD: The Emerging Picture - Discussion Note for the JIC Meeting 10 September 2003'.

463. Mr Scarlett recommended urgent representations by Ministers and senior officials in Washington, and on diplomatic and intelligence channels in Canberra. He provided seven points to be made with US interlocutors:

"
- Essential to have handling strategy agreed in Washington, London and Canberra.
- Potentially high-profile political issue in London.
- Expect that Report will feed scepticism about Iraq's possession of WMD.
- Main aim, therefore, to keep Report profile low and emphasise interim expert nature.
- Do not favour publishing full Report even in redacted form. It will show the limits of our knowledge and deter other[s] from coming forward. Better to offer short Executive Summary.
- Need to be ready to say this is our approach if press are alerted to arrival of draft in Washington.
- Like to send team to Washington to concert detailed handling once draft Report received."

464. Mr Ehrman discussed the ISG with the Office of the Secretary of Defense (OSD), the State Department, the National Security Council (NSC) and the CIA in Washington on 12 September.[255] He asked whether the Interim Report needed to be published at all and raised the difficulties UK members of the ISG were having in accessing sensitive US information. US views on publication were mixed, but Dr Kay would almost certainly have to brief Congress. The NSC thought it inevitable that parts of the Report would leak and suggested that it would be better to publish the whole document to keep leaks in context.

465. The British Embassy reported that all Mr Ehrman's interlocutors agreed to look into the "ridiculous situation" of UK access to sensitive US information.

ISC Report, 11 September 2003: 'Iraqi Weapons of Mass Destruction – Intelligence and Assessments'

466. The ISC report *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* was published on 11 September 2003.

467. The ISC sent its report *Iraqi Weapons of Mass Destruction – Intelligence and Assessments* to Mr Blair on 9 September.[256]

---

[255] Telegram 1191 Washington to FCO London, 14 September 2003, 'Iraq: WMD: Ehrman (DG Def/Int)'s Visit to Washington, 12 September'.
[256] Letter Taylor to Blair, 9 September 2003, [untitled].

468. The ISC called on Mr Blair in Downing Street on 11 September, before the Report was laid before Parliament.[257] Mr John Prescott (Deputy Prime Minister), Mr Straw, Sir David Omand, Mr Scarlett and Mr Powell were also present.

469. Mr Blair told the ISC that the ISG faced serious security constraints in Iraq, but its disclosures could change the context of discussion of Iraqi WMD in the UK.

470. In the conclusions to its report, the ISC stated that:

- The September 2002 dossier had been "founded on the assessments then available".
- It was content that the JIC had "not been subjected to political pressures". The JIC's independence and impartiality had "not been compromised in any way". The dossier had not been "sexed up".
- Use of the phrase "continued to produce chemical and biological weapons" in the foreword could have given the impression that Saddam Hussein had been actively producing chemical and biological weapons and significant amounts of agents. The dossier should have highlighted uncertainty about what had been produced and in what quantities to give a balanced view of Saddam Hussein's chemical and biological capacity.
- The dossier should have highlighted that battlefield rather than strategic weapons were the most likely chemical and biological munitions to be used against Western forces.
- The dossier had been for public consumption, not experienced readers of intelligence. It should have highlighted that the 45 minutes claim referred to battlefield chemical and biological munitions, not to any other form of attack. That omission had allowed speculation as to the exact meaning of the claim and had been unhelpful to an understanding of the issue.
- The initial failure by the MOD to disclose that some staff had put their concerns about the dossier in writing to their line managers was "unhelpful and potentially misleading".
- If individuals in the intelligence community wrote formally to their line managers with concerns about JIC Assessments, those concerns should be brought to the attention of the JIC Chairman.[258]

471. Sir David Omand recommended that the Government delay its formal response to the ISC report until after the conclusion of the Hutton Inquiry, in line with the approach taken with the FAC.[259]

---

[257] Minute, Cannon to Prout, 11 September 2003, 'Intelligence and Security Committee'.
[258] Intelligence and Security Committee, September 2003, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, Cm5972, paragraphs 106-116.
[259] Letter Omand to Rycroft, 9 September 2003, 'The Intelligence and Security Committee Report on Iraq'.

472. The Government response, sent in February 2004, is described later in this Section.

The ISG Interim Report, 2 October 2003

473. Sir Nigel Sheinwald discussed the ISG with Dr Rice in Washington on 14 September.[260] After the meeting, he informed Mr Blair that the timing of the ISG Interim Report was unclear, but it was said to be detailed and long. There would be a short pause for analysis; Dr Kay would be obliged to brief Congressional Committees in private; and there would be leaks. The Report was likely to:

- confirm Iraqi deception and Iraqi intention to restart a nuclear weapons programme once sanctions were lifted;
- confirm Iraqi pursuit of ballistic and cruise missile programmes with ranges well beyond UN limits;
- provide little new information on BW or CW, "though there are some leads".

474. Sir Nigel advised that there was a risk an Interim Report of that kind would be used to show there had been no immediate threat from Iraqi WMD. He and Dr Rice had agreed that handling should be low-key, stress the Interim Report's preliminary nature, point out the difficulty of amassing evidence, and note that the Report showed Iraq had been in breach of UN resolutions.

475. Sir Nigel concluded:

> "The idea of an Interim Report was conceived when we thought there would be more to say in the autumn. We are now stuck with it, and are not in control of its use. We can't suppress it – its existence is too widely known. Nor did I seek to delay Kay's Congressional meetings, or any public statement about the Report – this too would be likely to leak. But it is possible that there will be a delay anyway – to the week of 22 September, or later. And we should avoid publication of a redacted version and go, if possible, for something shorter. **Do you agree this approach?**"

476. Mr Hoon discussed the ISG with Secretary Rumsfeld on 15 September.[261] He observed that the forthcoming Interim Report "looked as though it was not going to be particularly exciting". Mr Rumsfeld said that the process was "chugging along", but the real issue was whether the ISG had enough people. Mr Hoon offered any further support that was needed.

477. Mr Scarlett discussed the ISG Interim Report and the UK proposals for handling it with a senior US official on 15 September.[262]

---

[260] Minute Sheinwald to Prime Minister, 14 September 2003, 'Visit to Washington'.
[261] Letter Williams to Rycroft, 16 September 2003, 'The Defence Secretary's Telephone Call with Donald Rumsfeld 15 September 2003 – Iraq'.
[262] Minute Scarlett to Sheinwald, 15 September 2003, 'Iraq Survey Group: Interim Report: Update'.

478. Mr Scarlett reported to Sir Nigel Sheinwald that the US official had strongly agreed with the UK's preferred approach, but had made the point that the US and UK "could not just draft an Executive Summary as if we owned the Report". Mr Scarlett had acknowledged the point, "but repeated that the exceptional sensitivity of public presentation on this issue meant that we had to be involved".

479. Mr Blair and President Bush discussed the importance of the ISG's forthcoming Report in their video conference on 16 September.[263] Mr Blair stated that Dr Kay should be able to refer to:

- the extent of Saddam's concealment operations;
- a ballistic missile programme on a far greater scale than intelligence had indicated;
- that Saddam had intended and prepared to reconstitute a nuclear programme after sanctions were lifted; and
- CW and BW programmes had been in existence as recently as the previous year.

480. On 18 September, Mr Wood reported from Washington that Mr Howard had been invited to discuss the draft ISG Interim Report at CIA Headquarters on 22 and 23 September.[264]

481. Initially, Mr Wood suggested that Mr Howard take the opportunity to call on Mr Dan Bartlett, White House Communications Director. He subsequently commented to Mr Miller that a call on Mr Bartlett:

> "… needs to be weighed against the risk of Howard's visit leaking & being portrayed as a 'sexing up' exercise. May be better for us [the British Embassy] to follow up separately with Bartlett/White House."[265]

482. Mr Miller informed Mr Howard that, after consulting Sir David Manning, Mr Wood had decided it might be better if the visit did not involve meetings with the press and was kept to the intelligence community.[266]

483. On 19 September, Mr Rycroft chaired a meeting at No.10 to discuss how to handle the Interim Report.[267] The Cabinet Office, the MOD, the FCO and SIS were represented.

---

[263] Letter Cannon to Adams, 16 September 2003, 'Iraq: Prime Minister's video-conference with Bush, 16 September'.
[264] Telegram JICTEL 95 Washington to JIC London, 18 September 2003, 'Iraq WMD: Kay Report'.
[265] Manuscript comment Wood to Miller on Telegram JICTEL 95 Washington to JIC London, 18 September 2003, 'Iraq WMD: Kay Report'.
[266] Manuscript comment Miller to Howard on Telegram JICTEL 95 Washington to JIC London, 18 September 2003, 'Iraq WMD: Kay Report'.
[267] Minute Cannon to Watkins, 19 September 2003, 'Iraq Survey Group'.

484. Access to Dr Kay's text before its release remained a concern. The Interim Report was likely to be presented to Mr Tenet that day and Mr Howard was:

> "… expected to have access to (but not copies of) the Report on Monday [22 September] in Washington, and possibly a chance on Tuesday to help draft a summary to be made public …"

485. In the meantime, No.10 would continue to ask the White House for a copy of the Interim Report.

486. The meeting concluded that the Government's position with the media should be neither to heighten expectations nor to take a negative line in advance: "**The key question was whether the Report disclosed additional evidence that the Saddam regime had breached UNSCRs.**" Additional material would be needed on areas expected to feature in the Interim Report as breaches of UNSCRs: "ballistic missiles, nuclear programme, UAVs, botulism". That material should be presented in a "facts-based, forensic manner".

487. Mr Howard read the Interim Report in Washington on 22 September.[268]

488. On 24 September, Mr Howard reported to a meeting of officials in London, chaired by Mr Miller, that the aim was "to complete the drafting process by the end of the week. A copy of the full Report would be sent electronically to C." It was likely that Dr Kay would brief the US oversight Committees the following week in private session, following which a very short public statement would be made, probably by Dr Kay and the Committee Chairs.

489. Mr Howard understood that:

> "The US were keen that the approach in the three countries [UK, US and Australia] was broadly in line; there was currently no intention in the US for the Administration to lead on presenting it … The UK and Australian preference was for a fuller executive summary to be produced which could be put in the public domain. One possibility was to make public the summary section of Kay's Report perhaps accompanied by a note of Iraqi breaches of UN resolutions (being prepared by the ISG) and evidence such as photographs of targeted locations and destruction. This approach would need to be agreed by Tenet and the White House."[269]

490. Mr Rycroft told Mr Blair:

- The draft ISG Interim Report was "a good, thorough, professional piece of work", which, helpfully, included a table setting out all the breaches of UN resolutions.
- The section on BW included information on the "vials etc".

---

[268] Email Howard to Miller, 23 September 2003, 'ISG: interim report: discussions with CIA'.
[269] Minute Church to Miller, 24 September 2003, 'Note of a Meeting to Discuss ISG Report – 24 September 2003'.

- CW was the "thinnest area", with a "preliminary conclusion" that there were "no current programmes of production and no ability to fill munitions at the time of military action", but there was "more work to be done".
- "As expected", the nuclear section included "evidence of plans to reconstitute the programme, including research into isotope separation".
- The section on delivery systems included "lots on missile programmes, intentions, deception etc".
- The section on destruction and sanitation was a "new element" with "evidence of targeted looting since the end of military action".[270]

491. On the process of publication, Mr Rycroft explained:

- The UK was "pushing" the US to see whether Dr Kay's Congressional and public appearances could be brought forward from 9 to 8 October, to expand Dr Kay's public remarks, and to get him to publish at least his summary.
- Australia was "helpfully, pushing for a big public presentation".
- Efforts to press the US on those and other points were "hampered by the arms length approach the Administration are taking".

492. Mr Rycroft added that some aspects of handling the Interim Report had been overtaken by the "Andrew Neil leak", which Mr Blair had already discussed with Mr David Hill, Mr Campbell's successor as Mr Blair's Director of Communications and Strategy. The Government was saying that it was Dr Kay's Report, the Government did not have it, and any comment was speculation on "an incomplete Interim Report".

493. On 24 September, the *BBC* reported that a Bush Administration source had told Mr Andrew Neil, presenter of *BBC Television*'s *Daily Politics*, that the ISG had found no WMD in Iraq.[271]

494. In a letter to Sir Nigel Sheinwald on 24 September, Sir David Manning said that he had repeated to Mr Armitage how important it was to the UK that Dr Kay stress the provisional nature of his first report.[272] Sir David had also explained that there was "an immediate timing issue", with "a difficult Labour Party conference lying in wait".

495. Sir Nigel Sheinwald spoke to Dr Rice on 25 September.[273] He explained the damaging impact of the recent leak and the extent of the Prime Minister's concern. The leak had changed the situation and the UK hoped it would be possible to bring forward Dr Kay's testimony in order to reduce the period of uncertainty.

---

[270] Minute Rycroft to Prime Minister, 24 September 2003, 'ISG Report'.
[271] *BBC News*, 24 September 2003, '*No WMD in Iraq', source claims*.
[272] Letter Manning to Sheinwald, 24 September 2003, 'Conversation with Rich Armitage'.
[273] Letter Sheinwald to Adams, 25 September 2003, 'Iraq: Conversation with US National Security Adviser'.

496. Mr Wood told Mr Scarlett on 25 September that President Bush's critics were:

> "… primed to portray the Kay Report as more bad news from Iraq for the Administration. Leaks will get worse next week when the Report is circulated … The media focus will inevitably be on the failure to find weapons. The more of Kay's Report is in the public domain, the less freedom critics will have to engage in inaccurate speculation.
>
> "There may be more bad news round the corner in Congress, where … the Senate Intelligence Committee may be coming to the conclusion that the judgements on Iraq WMD in the US National Intelligence Estimate of October 2002 were not justified by the raw intelligence."[274]

497. SIS3 responded to No.10's request [for additional material needed before the publication of the ISG Interim Report] on 26 September. SIS recognised:

> "… the need to bolster Kay's Interim Report on publication but … the release of any of our material on the Iraqi ballistic missile programme into the public domain would give us severe difficulty. This is a matter not just of source protection in relation to individual items, but of SIS being perceived by Iraqis and others to have received material in confidence and then been involved in releasing it in raw form to the press. This could damage SIS's reputation and make it even harder, in already adverse circumstances, to induce Iraqis to reveal the hard core secrets of the former regime's WMD programmes."[275]

498. On 29 September, Mr Wood reported that:

> "… despite pressing hard … we have not been able to get any further clarity from the NSC or CIA on what the Administration plan to make publicly available of David Kay's Report or of his testimony to Congress".[276]

499. Mr Wood explained that the Iraq WMD story was "now running full-bore in the US media". Democratic sources in Congress had leaked a letter from the House Intelligence Committee to Mr Tenet arguing that the judgements on Iraqi WMD in the US National Intelligence Estimate (NIE) of October 2002 were based on outdated, fragmentary and circumstantial evidence. Mr Wood added that "the media … understand that this is something of a bombshell, and will not let this one drop."

500. On 30 September, Mr Miller reported that the classified Interim Report would be handed to the UK later that day. US intentions on handling the unclassified text remained uncertain.[277]

---

[274] Letter Wood to Scarlett, 25 September 2003, 'Iraq WMD: the Mood in Washington'.
[275] Letter SIS3 to Cannon, 26 September 2003, 'ISG: Material Need [sic] Ahead of Publication'.
[276] Letter Wood to Scarlett, 29 September 2003, 'Iraq WMD: Latest Developments, 29 September'.
[277] Minute Miller to Scarlett, 30 September 2003, 'ISG interim report'.

501. The classified version of the ISG Interim Report was received in London on 30 September.

502. Before Dr Kay delivered his unclassified testimony to Congress on 2 October, Mr Rycroft sent an advance copy of the text to Mr Blair at the Labour Party Conference in Bournemouth. Mr Rycroft commented:

> "There is better than expected detail in this, particularly on missiles, nuclear + BW. Even the CW section is not bad. And the Report makes clear the interim nature, + the difficulties of the WMD search".[278]

503. Mr Rycroft asked for urgent comments from the FCO, the MOD and the Cabinet Office on a draft core script for use by the Government in response to Dr Kay's testimony.[279] The draft stated:

> "The ISG have discovered dozens of WMD-related programme activities in breach of UNSCRs and significant amounts of equipment in Iraq concealed from the UN.
>
> "Six things in the ISG Report:
>
> - There was a clandestine network of laboratories and safe houses within the Iraqi Intelligence Service that contained equipment subject to UN monitoring and suitable for continuing CBW research. None of these were declared.
> - They have found a prison laboratory complex, possibly used in human testing of BW agents, which Iraqi officials were explicitly told not to declare to UN inspectors.
> - A vial of a strain from which botulinum can be produced was hidden in the home of an Iraqi scientist, along with … other vials. The same scientist says he was asked to hide a further large cache of agents and refused. That cache is still missing. NB it takes just 1-10 nanograms of botulinum to kill an adult.
> - … [T]here was R and D work that paired overt work with surrogates for prohibited agents, such as anthrax and ricin. NB it takes just 1-7 micrograms of ricin to kill an adult. These are consistent with a BW programme ready for surge production.
> - Iraqi scientists and senior government officials have told the ISG that Saddam remained firmly committed to acquiring nuclear weapons, and that he would have resumed nuclear weapons development as soon as the West relaxed … Nuclear work had restarted under Dr Said.
> - It is clear that Saddam ordered the development of ballistic missiles with a range up to 1,000km … SCUD fuel production continued until at least 2001.

---

[278] Manuscript comment Rycroft to Prime Minister, 2 October 2003 on Minute [unattributed], [undated], 'To all recipients of the unclassified version of David Kay's testimony'.
[279] Manuscript comment Rycroft, 2 October 2003 on Paper [unattributed], [undated], 'ISG Report'.

Iraq tried to procure missiles from North Korea with a range of 1,300km. And Iraq was continuing to develop Unmanned Aerial Vehicles with ranges over 500km.

"Even in the area of CW, where the ISG have not yet found the unaccounted for … and other material, there is emerging evidence of Iraqi attempts to restart production, and many leads for the ISG to follow up.

"All of these are breaches of UNSCRs. Any one of them, had it been known at the time, would surely have triggered a report back to the UN Security Council and an explicit authorisation from the UNSC for the use of military force following UNSCR 1441.

"Yet this is just the tip of the iceberg:

- This is just an interim report …
- The ISG's working environment has been very difficult … Some WMD personnel left Iraq during the conflict.
- Above all, there is now clear evidence of a pattern of deliberate deception and concealment, probably centrally organised … Scientists were threatened with death to stop them talking to UN inspectors. Some are still under threat now.

"So the Kay Report is not a final reckoning of Iraq's WMD. He concludes that we cannot say definitively either that weapon stocks do not exist or that they did exist before the war. We are not at the point where we can close the file on any of these programmes, he says. But what is clear already, after only three months, is that – at the very least – Saddam kept in place the programmes and the deception/concealment techniques so that he could revive his chemical, biological and nuclear weapons capability when the coast was clear. The ISG's work must go on before we can have definite answers."

504. The Inquiry has not seen any comments from other departments.

505. Dr Kay delivered his testimony to Congress on 2 October. He described the Interim Report as a "snapshot" of the ISG's first three months' work.

506. Dr Kay stated that the ISG had discovered "dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspection that began in late 2002".

507. Dr Kay avoided drawing conclusions, but stated that Saddam Hussein "had not given up his aspirations and intentions to continue to acquire weapons of mass destruction".

508. In his unclassified testimony to Congress on 2 October, Dr Kay emphasised that the Interim Report was a "snapshot" after the ISG's first three months' work.[280] It was "far too early" to reach definitive conclusions and in some areas that goal might never be reached.

509. Dr Kay stated that the ISG had "not yet found stocks of weapons", but nor was it "yet at the point where we can say definitively either that such weapon stocks do not exist or that they existed before the war". Search efforts were being hindered by six main factors:

- deception and denial were built into each Iraqi WMD programme;
- there had been deliberate dispersal and destruction of material and documentation;
- looting, some of it systematic and deliberate;
- some WMD personnel had left Iraq immediately before and during the conflict;
- any weapons or material were likely to be small and difficult to find; and
- the environment in Iraq was "far from permissive".

510. Dr Kay stated that the ISG had discovered "dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspection that began in late 2002", and listed examples.

511. Dr Kay explained that, although he had resisted drawing conclusions in the Interim Report, a number of things had become clearer as a result of the ISG's work:

- Saddam Hussein "had not given up his aspirations and intentions to continue to acquire weapons of mass destruction".
- There were "well advanced, but undeclared, ongoing activities" in the area of delivery systems that "would have resulted in the production of missiles with ranges up to 1,000km" if Operation Iraqi Freedom had not intervened.
- The ISG was confident that there had been ongoing clandestine CBW research and development activities embedded in the Iraqi Intelligence Service.

512. Discussion of the Interim Report at the JIC Sub-Committee on Iraq/WMD on 3 October focused on media coverage.[281] The response from UK defence correspondents had been encouraging and there were no plans for Mr Blair to comment publicly. The meeting judged that press interest in the UK was likely to die down.

513. The meeting concluded that there was "no benefit in producing a JIC Assessment" of the Interim Report, but a "community wide analysis" should be made through a CIG meeting.

---

[280] Central Intelligence Agency, 2 October 2003, *Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group (ISG)*.
[281] Minutes, 3 October 2003, JIC Sub-Committee on IRAQ/WMD meeting.

514. Mr Scarlett discussed handling of the ISG Interim Report with Mr Tenet, Mr Stephen Hadley (Deputy National Security Advisor) and others in Washington on 2 and 3 October.[282]

515. Mr Scarlett reiterated to all those he met:

> "… the extreme political sensitivity of the issues in London and the need to bear UK political interests in mind, even when partisan and interagency tensions in Washington were high."

516. Mr Wood reported that Dr Kay had stated publicly that he would need six to nine months' work before he could begin to draw firm conclusions.

517. Mr Wood also commented on the tensions between senior members of the US Administration about the responsibility for inserting a reference to yellowcake into President Bush's 2003 State of the Union speech, which provoked "public warfare" and:

> "… looming over the horizon, the potentially much more serious matter of the Congressional Oversight Committees concluding after detailed review that the entire October 2002 NIE was flawed. The potential for renewed, and more serious, internecine warfare is very clear."

518. In his memoir, Mr Tenet wrote:

> "Collectively, Kay's interim testimony was a damning portrait of deception and dissembling … Yet in the resulting headlines, the press stressed only what Kay had *not* found. None of it, however was the 'smoking gun' that would justify our NIE estimates …"[283]

519. On 5 October, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush about their common political interest in addressing the problems related to Iraq.[284] The Note and the wider background of the deteriorating position in Iraq are addressed in Section 9.2.

520. In relation to WMD, Mr Blair wrote that the failure to find "enough on WMD" and the losses to terrorist attacks meant the public was led to doubt whether the invasion had been:

> "… worth it, or even worse is persuaded we misled them. And in the international community there is a sense of Schadenfreude …
>
> "We need a coherent strategy to get us back on the high ground and get the public, at home and abroad, to focus on the big picture."

---

[282] Letter Wood to Scarlett, 3 October 2003, 'Iraq WMD: Public handling in the months ahead'.
[283] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.
[284] Letter Sheinwald to Rice, 5 October 2003, [untitled], attaching Note [Blair to Bush].

521. Mr Blair characterised the position as "a battle for legitimacy" which had to be won. The issue of WMD was about more than Iraq, it was a global threat. Iraq had been the "starting place":

> "… because of the history. But the reason for action was never Iraq in isolation. It was Iraq as a test case of how determined we were to confront the threat.
>
> "My worry now is that the world thinks: well, Iraq was a tough deal, so they won't try that again.
>
> "I think we must be absolutely unapologetic. This is the security threat. We must deal with it. This means:
>
> (a) The Libya deal is really important …
>
> (b) Iran and North Korea should not be put on the back burner … We need to be, if anything, stronger on this. Not that we're about to go to war. But that it's only as a result of Iraq that these nations know we're serious and we can resolve it peacefully.
>
> (c) A public disruption of the trade in WMD …"

522. Mr Blair suggested that the UK and US needed a "strategic plan to re-highlight the terrorism/WMD issue", and to:

> "Get our confidence in our story back. Iraq is better without Saddam. WMD/terror remains the 21st century threat. Our global agenda is the only way to a better future not just for us but for the world. We're not going soft on it. We're going to be utterly determined on it, because it's right.
>
> "… [M]y political position is very clear. I won't win re-election on Iraq alone. But if Iraq is wrong or people don't get the security threat, it will be a major problem. On the other hand, if Iraq comes right and people do get the threat, my opponents will have a lot of explaining to do."

523. In a letter on 6 October, Mr Blair wrote that he was:

> "… very grateful for SIS's remarkable contribution both to the Iraq campaign and on the complex political and diplomatic manoeuvrings which preceded it".[285]

524. In his video conference with President Bush on 7 October, Mr Blair commented that Dr Kay's Interim Report had been better than the UK media had anticipated.[286]

---

[285] Letter Prime Minister to C, 6 October 2003, [untitled].
[286] Letter Cannon to Adams, 7 October 2003, 'Iraq: Prime Minister's video-conference with President Bush, 7 October'.

Follow-up to the ISG Interim Report

525. In October, UK officials identified Iraq's CW and BW programmes as the issues needing most work. The ISG had opened up several lines of investigation on BW. There had been little progress on CW.

526. On 9 October, Mr Howard sent Mr Scarlett a paper on the future direction of the ISG, agreed with members of his WMD Task Force, suggesting that the ISG focus its effort on areas where knowledge was "most incomplete".[287]

527. Although work remained to be done on every subject, BW and CW were the most challenging. The most comprehensive areas of the Interim Report were: nuclear and long-range missile programmes; denial, deception and destruction; and procurement networks.

528. The ISG's findings on BW had opened up several lines of investigation which "should continue to be pursued with vigour". Efforts to find evidence of CW research and production had yielded little. Mr Howard suggested that it might be better "to focus on the other end of the food chain and concentrate on amassing evidence of possible deployment, or plans for deployment of CW".

529. Further work would be needed in two important supporting areas:

- encouraging sources to come forward; and
- ensuring that relevant information on Iraqi WMD generated outside Iraq was fed into the ISG.

530. Mr Howard reported that Dr Kay was hinting that "the final reckoning may not happen for another six to nine months", which was "probably realistic". He recommended striking a balance between producing further interim reports with something substantive to say and allowing the ISG to continue its work out of the public gaze. A number of "external drivers", including the *Panorama* programme on WMD, the outcome of the Hutton Inquiry and the need to make the case to Congress for additional funding for the ISG could have an impact.

531. Mr Howard also wrote that the probability that force protection and counter-terrorism would soon be given equal status with the search for WMD in the ISG's work was a "potential complicating factor". His major concern was that the ISG should be given sufficient security and logistical support to carry out the investigative work needed.

532. The JIC Sub-Committee on Iraq/WMD discussed Mr Howard's paper on 10 October.[288] It was agreed that he should produce a version for the US and that the importance of offering immunity or amnesty to witnesses should be emphasised at the

---

[287] Letter Howard to Scarlett, 9 October 2003, 'Iraq Survey Group: The Way Forward' attaching Paper DCDI, [undated], 'Iraq Survey Group: Next Steps: A note by DCDI'.
[288] Minutes, 10 October 2003, JIC Sub-Committee on Iraq/WMD meeting.

highest level. Advice on specific examples should be sought from the ISG before the issue was put on the agenda for discussion between Mr Blair and President Bush.

House of Commons debate on Iraq, 22 October 2003

533. On 22 October, the House of Commons rejected a third Opposition motion calling for an independent judge-led inquiry into pre-conflict intelligence.

534. On 22 October, the House of Commons debated an Opposition motion to set up "a comprehensive independent judicial inquiry into the Government's handling of the run-up to the war, of the war itself, and of its aftermath, and into the legal advice which it received".[289]

535. The Opposition motion was defeated by 303 votes to 190.[290] The Government amendment, adopted by 293 votes to 141, stated:

> "That this house notes that the Intelligence and Security Committee … the appropriate body to consider the intelligence relating to Iraq, and the Foreign Affairs Committee have both carried out inquiries into matters relating to the decision to go to war in Iraq; further notes that substantial oral and written evidence, by and on behalf of the Government, was provided to both inquiries; believes that there is no case for a further inquiry, including a judicial inquiry …"[291]

536. During the debate Mr Straw was asked by Mr Tony Wright (Labour) whether he still believed that the Iraqi regime had represented "a clear and present danger" to the UK. Mr Straw replied:

> "Yes, I do … It [the ISG] has done a great deal of work and found a good deal of evidence. I regret that, because of the environment in which it has been working, it has not so far been able to find more. However, nothing that it has found so far has diminished my view of the threat."[292]

Impact of the transfer of ISG resources from WMD to counter-terrorism

537. The Op ROCKINGHAM daily report on 21 October stated that the ISG had aborted an exploitation mission after a convoy had been attacked twice with Improvised Explosive Devices (IEDs).[293] There had been one very minor injury and three vehicles had been damaged.

---

[289] House of Commons, *Official Report*, 22 October 2003, column 663.
[290] House of Commons, *Official Report*, 22 October 2003, column 747.
[291] House of Commons, *Official Report*, 22 October 2003, columns 750-754.
[292] House of Commons, *Official Report*, 22 October 2003, columns 663 and 677.
[293] Op ROCKINGHAM Daily, 21 October 2003.

538. Maj Gen Dayton announced during an ISG video conference on 21 October that counter-terrorism had been given equal status with WMD in the ISG's work, but that no extra US resources were being made available.[294]

539. On 22 October, Mr Howard informed the Chiefs of Staff of the ISG's decision.[295]

540. Mr Oakden reported that the UK contribution to the ISG would gradually change to include a counter-terrorism element.[296]

541. On 30 October, Op ROCKINGHAM reported another IED attack on an ISG convoy:

> "Although the number of ISG missions attacked is still small, and no serious injuries have yet been sustained, the incidents do appear to be occurring more frequently."[297]

542. Mr Howard told the JIC Sub-Committee on Iraq/WMD on 4 November that a number of US document exploitation experts, case officers and analysts were being diverted to counter-terrorism work.[298] Maj Gen Dayton was reported to be satisfied that this could happen without damaging the WMD effort; Dr Kay was less sure. DIS would be deploying some analysts shortly "who could be applied to either target".

543. Mr Scarlett and Mr Dowse expressed concern about an apparent loss of ISG momentum since the Interim Report. Op ROCKINGHAM reports were "very thin these days".

544. Members of the Sub-Committee agreed that media interest had moved on from WMD, pending publication of the Hutton Report. The *BBC Panorama* report on the ISG would air on 29 November. SIS reported that the programme would focus heavily on missiles, but also show the difficult conditions under which the ISG was working.

545. On 11 November, Mr Howard reported to Mr Scarlett that the ISG's "operational tempo remains at a very high level, though some site missions have been postponed due to the increased security threat. The ISG functional teams are all continuing to conduct debriefing and site exploitation operation."[299] There had also been a considerable increase in the ability to exploit documents and different media formats.

546. Mr Howard added that the apparent reduction in reporting was the result of the move away from large-scale acquisition of data characteristic of the initial months of operation. Staff turnover and fatigue had also contributed. Measures were in hand to address that. The DIS had now "lowered reporting thresholds" for Op ROCKINGHAM daily and weekly reports so that they reflected better the tempo of activity.

---

[294] Op ROCKINGHAM Weekly No.19, 17-23 October 2003.
[295] Minutes, 22 October 2003, Chiefs of Staff meeting.
[296] Minute Oakden to Chatterton Dickson, 22 October 2003, 'Chiefs of Staff: 22 October: Iraq'.
[297] Op ROCKINGHAM Daily, 30 October 2003.
[298] Minute Dowse to Ehrman, 4 November 2003, 'Iraqi WMD: JIC Sub-Group, 4 November'.
[299] Letter Howard to Scarlett, 11 November 2003, 'Iraq: WMD: ISG Progress'.

547. On 10 November, Sir Nigel Sheinwald informed Mr Blair that Dr Kay expected to report to Congress again in February or March 2004. Dr Kay hoped to have more evidence of WMD programmes, but expected the basic story to be unchanged.

548. During a meeting with Sir Nigel Sheinwald in Baghdad on 8 November, Dr Kay said that the ISG had uncovered more material since the Interim Report:

- evidence of development of a ceramic warhead for CW use in 2001:
- details of the movement of suspect items to Syria immediately before the war;
- work on the stability of CW precursor agents between July 2002 and January 2003;
- laboratory testing of advanced chemical agents; and
- an anthrax stimulant production line "up to the outbreak of war".[300]

549. Dr Kay was reported to have criticised Coalition handling of detainees. Many had been debriefed for tactical information only and there was a severe shortage of trained interrogators.

550. Dr Kay envisaged that, by June 2004, the ISG would have about 80 percent of the picture on Iraqi WMD. At that point, it might be appropriate to reconsider its role. He did not want it to have an open-ended, diminishing role, or to see it refocused on other tasks. By June 2004, he would also expect Iraq to perceive the ISG as very intrusive.

551. As part of his wider report on his visit to Iraq (see Section 9.2), Sir Nigel Sheinwald told Mr Blair that Dr Kay expected to report to Congress again in February or March 2004.[301] Dr Kay hoped to have further specific evidence of WMD programmes, but the basic story would be unchanged. Sir Nigel had told Dr Kay that, if there was a further interim report, better handling would be needed: "a proper strategy with the key points identified in advance so that we were not put on the back foot by leaks".

552. Sir Nigel asked Mr Blair whether there was anything else he wanted said to Dr Kay or the CIA. Mr Blair replied:

> "Just keep me informed as to what he's finding; & surely we must now know what happened to WMD. What do our pre-war contacts say?"[302]

553. Mr Scarlett informed Sir Nigel on 17 November that he had asked the DIS to review the new material described by Dr Kay in his meeting with Sir Nigel Sheinwald.[303] The DIS had concluded, "not for the first time, Kay may have talked up some of the

---

[300] Letter Cannon to Scarlett, 10 November 2003, 'Iraq: Iraq Survey Group: Sir Nigel Sheinwald's Meeting with David Kay'.
[301] Minute Sheinwald to Prime Minister, 10 November 2003, 'Visit to Iraq'.
[302] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 10 November 2003, 'Visit to Iraq'.
[303] Minute Scarlett to Sheinwald, 17 November 2003, 'Lunch with David Kay'.

current ISG lines of enquiry". The DIS had not been able immediately to substantiate the areas highlighted by Dr Kay. They should be treated with caution.

554. At its meeting on 28 November, the JIC Sub-Committee on Iraq/WMD concluded that the *BBC Panorama* programme, broadcast on 23 November, "had presented a fairly balanced view of the current state of ISG investigations. It suggested that some progress had been made, but concluded that the jury was still out on the question of Iraqi WMD."[304]

Government responses to the FAC

555. In November 2003, the FCO sent its initial response to the FAC report *The Decision to go to War in Iraq*, which had been published on 7 July and is described earlier in this Section.[305]

556. The FCO stated that several judgements in the September 2002 dossier had been borne out by subsequent UNMOVIC inspections and the work of the ISG. They included:

- Iraq's programme to extend the range of the Al Samoud missile;
- Iraq's programme to produce even longer-range missiles;
- concealment of documents at the homes of personnel associated with WMD programmes;
- undeclared UAV capabilities;
- a dual-use capability, "to a greater or lesser extent", at most of the sites listed in the dossier and visited by UNMOVIC;
- evidence presented in the ISG Interim Report of viable seed stocks of clostridium botulinum organisms and covert laboratories working on assassination techniques using WMD-related materials; and
- ISG reporting of systematic Iraqi concealment of nuclear weapons-related materials, personnel and capabilities.

557. Separately, in September 2003, the FCO had sent an initial response to the FAC's 15 July 2003 report *Foreign Policy Aspects of the War Against Terrorism*, in which it listed key lessons from weapons inspections in Iraq and the UK's own BW practice challenge inspection programme.[306] Those included "the critical importance of interviews for effective inspections" and "the need to keep in mind … sites that could be misused to produce, modify, test and store BW delivery systems".

---

[304] Minutes, 28 November 2003, JIC Sub-Committee on Iraq/WMD meeting.
[305] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6062.
[306] Tenth Report from the Foreign Affairs Committee, Session 2002-2003, *Foreign Policy Aspects of the War Against Terrorism, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm5968.

558. On 19 November, Mr Donald Anderson, Chairman of the FAC, asked Mr Straw for answers to a number of questions arising from the Government's response to the 15 July report, including on lessons learned from the ISG.[307]

559. On WMD, Mr Anderson wrote:

> "… the Committee asked that the Government set out in detail the lessons that can be learnt from the experience of UN weapons inspections in Iraq for the future monitoring of BW programmes. The Committee now requests a memorandum setting out the lessons learnt from the Iraq Survey Group. It also wishes to learn how the past year's weapons inspections process will contribute to developing policy towards monitoring and addressing the threat of WMD from Iran, Syria and other states of concern."

560. FCO officials recommended that Mr Straw inform Mr Anderson that, in relation to the ISG, it would not be appropriate to divert resources from an ongoing operation or to try to present lessons learned from an incomplete process.[308]

561. In his response to Mr Anderson on 2 December, Mr Straw stated:

> "The Iraq Survey Group is part of an ongoing operation. I do not believe it would be appropriate at this stage to divert resources away from the ISG's operational role or to attempt to present lessons learned from an incomplete process.
>
> "Her Majesty's Government … has not been given access to UNMOVIC's records … It is not, therefore, possible to carry out any full analysis of what lessons have been learned. The UK has … encouraged UNMOVIC to carry out such an exercise. If UNMOVIC does conduct an analysis, it is by no means certain that we would have access to the results.
>
> "What has become clear from the experience of weapons inspections in Iraq since 1991 is the need for intrusive inspection regimes to generate confidence that no illegal activities are taking place."[309]

The transition from Dr Kay to Mr Duelfer

562. In December 2003, Dr Kay was reported to be considering leaving the ISG. His departure was confirmed in January 2004.

---

[307] Letter Anderson to Straw, 19 November 2003, 'Foreign Policy Aspects of the War Against Terrorism'.
[308] Minute Peters to PS [FCO], 27 November 2003, 'Further letter from the FAC: lessons learned from WMD inspections' attaching Letter [draft], [untitled].
[309] Second Report from the Foreign Affairs Committee, Session 2003-2004, *Foreign Policy Aspects of the War Against Terrorism*, HC 81, Ev 23.

563. At the beginning of December, UK officials learned from their US counterparts that Dr Kay was considering not returning to Iraq after his visit to the US in the second week of December.[310]

564. Mr Scarlett told Sir Nigel Sheinwald that the reasons were not clear, but Dr Kay was reported to have objected strongly to the transfer of some of the ISG's resources from WMD to work on the security situation and to be concerned about the difficulty and danger of ISG activity in Iraq.

565. On 5 December, Mr Scarlett reported that Sir Richard Dearlove had been told that Dr Kay's departure was not certain and that, if he did go, there would be "a heavyweight replacement".[311] Sir Richard had also received confirmation that there would be no reduction in resources devoted to the ISG's WMD work and the job would be done thoroughly.

566. Sir Nigel Sheinwald commented to Mr Blair on 8 December:

> "… it now seems that Kay has to be persuaded to stay on. It seems unlikely that he'll stay, as planned, until next summer."[312]

567. Mr Howard discussed the ISG with Mr John McLaughlin, Deputy Director for Central Intelligence, in Washington on 11 December.[313] Mr Howard said that he was "scouring the barrel" to meet a request from Mr McLaughlin to find more people for the ISG. The UK would be able to supply an additional four former UN inspectors with BW expertise and was looking to see if it could provide more good analysts. The principal UK BW experts could not be spared full-time, but could continue to deploy to the ISG in short bursts. Mr Howard suggested that better use could be made of the UK mobile laboratory.

568. Mr Howard also reiterated that the UK would need "full consultation on timing, content and presentation of any interim report".

569. On 15 December, Mr Cannon sent Mr Blair a list of "key points" from the ISG Interim Report for use at PMQs.[314] It largely repeated the draft core script sent out by Mr Rycroft on 2 October. The key additions, taken from the Interim Report, were:

- "*Two key former BW scientists confirmed that Iraq under the guise of legitimate activity developed refinements of processes and products relevant to BW agents. The scientists discussed the development of improved, simplified fermentation and spray drying capabilities for the stimulant Bt* [Bacillus

---

[310] Minute Scarlett to Sheinwald, 3 December 2003, 'David Kay'.
[311] Minute Scarlett to Sheinwald, 5 December 2003, 'David Kay'.
[312] Manuscript comment Sheinwald to Prime Minister, 8 December 2003 on Minute Scarlett to Sheinwald, 5 December 2003, 'David Kay'.
[313] Telegram JICTEL 122 Washington to JIC London, 12 December 2003, 'ISG and UK/US intelligence co-operation in Iraq'.
[314] Minute Cannon to Prime Minister, 15 December 2003, 'Iraq: Key Points from the ISG Report'.

Thurengiensis] *that would have been directly applicable to anthrax, and one scientist confirmed that the production line for Bt could be switched to produce anthrax in one week if the seed stock were available*."

- Sufficient evidence had been discovered "*to conclude that the **Iraqi regime was committed to delivery system improvements that would have, if Operation Iraqi Freedom had not occurred, dramatically breached UN restrictions** … in 2000 Saddam ordered the development of ballistic missiles with ranges of at least 400km and up to 1,000km and that measures to conceal these projects from UNMOVIC were initiated in late 2002 … several sources contend that Saddam's range requirements for the missiles grew from 400-500km in 2000 to 600-1,000km in 2002*."
- The ISG had found documents describing "*a **high level dialogue between Iraq and North Korea** that began in December 1999 and included an October 2000 meeting in Baghdad. These documents indicate Iraqi interest in the transfer of technology for surface-to-surface missiles with a range of 1,300km … and land-to-sea missiles with a range of 300km. The documents quote the North Koreans as understanding the limitations imposed by the UN, but being prepared 'to co-operate with Iraq on the items it specified'*."
- "Even in the area of **CW** … there is evidence of Iraqi interest in restarting production."
- "Dr Kay told the press that **one scientist was '*assassinated literally hours after meeting*'** an ISG member, killed by a single shot to the back of his head outside his apartment."

570. The paper appears not to have been shown to Mr Blair.[315]

571. In an interview with the *British Forces Broadcasting Service (BFBS),* reported in the media on 16 December, Mr Blair stated:

> "… the Iraq Survey Group has already found massive evidence of a huge system of clandestine laboratories, workings by scientists, plans to develop long range ballistic missiles. Now frankly, these things weren't being developed unless they were developed for a purpose …"[316]

572. On 18 December, *The Washington Post* reported that US Government officials had confirmed that Dr Kay intended to leave the ISG before it completed its work.[317] The newspaper also reported: "The insurgency has forced the Pentagon to divert personnel from Kay's team to help commanders identify and question insurgents."

---

[315] Manuscript comment Rycroft on Minute Cannon to Prime Minister, 15 December 2003, 'Iraq: Key Points from the ISG Report'.
[316] *BBC News*, 16 December 2003, *Blair's appeal to Saddam's men*.
[317] *The Washington Post*, 18 December 2003, *Kay Plans To Leave Search for Iraqi Arms*.

573. Brigadier Garry Robison, Brig Deverell's successor as ISG Deputy Commander, reported on 7 January 2004 that the preparation of cases against High Value Detainees (HVDs) for the forthcoming human rights tribunal had not yet had a direct impact on the ISG, but had the potential to do so.[318] Rules preventing UK ISG personnel from direct involvement in the preparation of evidence and testimony for the tribunal were well understood.

574. Mr Scarlett informed No.10 on 7 January that the US had confirmed that Dr Kay would be leaving the ISG "probably by the end of next week".[319]

575. In January 2004, in the absence of compelling finds in Iraq, the Government sought to emphasise the impact of military action in Iraq on wider counter-proliferation efforts.

576. On 11 January, Mr Blair was asked by Sir David Frost on *BBC Television*'s *Breakfast with Frost* whether he should apologise for apparently being wrong about WMD in Iraq. Mr Blair replied: "What they've [the ISG] found already is a whole raft of evidence about clandestine operations that should have been disclosed to the United Nations."[320]

577. Pressed by Sir David Frost on the absence of weapons, Mr Blair said: "there is … something bizarre about the idea that Saddam had these weapons, got rid of them and then never disclosed the fact that he got rid of them."

578. Asked if he thought there was still a chance that WMD would be found, Mr Blair replied:

> "I believe that we will but I agree … there were many people who thought we were going to find this during the course of the actual operation … In a land mass twice the size of the UK it may well not be surprising that you don't find where this stuff is hidden because part of the intelligence was that it was hidden and concealed. But you know we just have to wait and see."

579. On 13 January, Mr Scarlett told No.10 that Dr Kay's departure had been delayed "to distance it from a spate of critical WMD articles in last week's US media".[321]
Mr Scarlett reported that draft US press lines focused on three points:

"
- The departure does not mean Kay has concluded that no weapons will be found.
- The ISG has more work to do on WMD.
- Ideally, Kay would have preferred ISG resources not to be diverted (as to some extent they have been) to counter terrorism …"

---

[318] Minute Robison to PS/CDI, 7 January 2004, 'Iraq Survey Group Sitrep Number 12'.
[319] Minute Scarlett to Rycroft, 7 January 2004, 'Departure of David Kay'.
[320] *BBC TV*, 11 January 2004, *Breakfast with Frost*.
[321] Minute Scarlett to Cannon, 13 January 2004, 'Departure of David Kay'.

580. Mr Blair and President Bush discussed Dr Kay's departure in their video conference on 14 January.[322] Mr Blair said that Dr Kay's departure would have an impact in the UK media. He hoped the CIA would work with the UK on handling.

581. In a Cabinet discussion of the situation in Iraq on 15 January, a number of points were made on WMD, including that:

- Public opinion continued to focus on the absence of WMD discovered in Iraq, while the broader counter-proliferation story was inadequately covered.
- The report by Dr Blix in early 2003 (the "clusters" document of 6 March, see Section 3.7) had provided 173 pages of material about Iraq's WMD programme, including 10,000 litres of anthrax unaccounted for. There was a "strong presumption of its continued existence".
- The counter-proliferation progress in other countries, and "Libya in particular" was "dramatic". The military action in Iraq had had a "hugely beneficial effect on the international climate, but this was insufficiently recognised at home".[323]

582. Mr Blair concluded that the counter-proliferation successes which had been registered since the invasion of Iraq were "considerable and he hoped that there would be further developments in the next few weeks. The Government's supporters need to be briefed accordingly."

583. On 16 January, Mr Scarlett informed No.10 of the dates of a series of US Congressional hearings in February and March relevant to Iraqi WMD.[324] Potentially the most controversial was Mr Tenet's appearance on 4 March at a closed session of the Senate Intelligence Committee on pre-conflict Iraq-related intelligence, and there would almost certainly be an open session. It would be important to stay in contact with US briefing plans.

584. In his State of the Union address on 20 January, President Bush reported that:

> "We're seeking all the facts. Already the Kay report [the ISG Interim Report] identified dozens of weapons of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations. Had we failed to act, the dictator's weapons of mass destruction programs would continue to this day. Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations and encouraging defiance by dictators around the world."[325]

---

[322] Letter Cannon to Adams, 14 January 2004, 'Iraq: Prime Minister's Video-conference with President Bush, 14 January 2004'.
[323] Cabinet Conclusions, 15 January 2004.
[324] Minute Scarlett to Rycroft, 16 January 2004, 'Iraq WMD: US Congressional Hearings'.
[325] The White House, 20 January 2004, *State of the Union Address*.

585. In January, with no timetable for the publication of the next ISG report, Mr Howard proposed a number of options. He recommended that the best approach might be to draw a line under the issue of WMD by summer 2004.

586. On 21 January, after visiting the ISG in Qatar, Baghdad and Basra, Mr Howard reported "a sense of uncertainty and lack of strategic direction" at the ISG headquarters in Baghdad: Dr Kay's successor had not been identified; the timing of future ISG reports was not known; and there was continuing debate about the extent of the ISG contribution on counter-terrorism.[326] Security remained an issue, but ISG staff morale seemed high and people were working "incredibly hard".

587. Mr Howard assessed that, despite the good work being done, the overall picture was not fundamentally different to that described in the Interim Report.

588. On the future of the ISG, Mr Howard suggested that the right option might be to draw a line under the issue of Iraqi WMD by summer 2004. There was no guarantee that the new Iraqi Government would be prepared to allow the ISG to continue after it took office and there was a possibility that the ISG's final analysis would look like the Interim Report: clear Iraqi intent to preserve and conceal an ability to reconstitute programmes, but no operational or current production capability.

589. Mr Howard identified three options for the next ISG report:

- a single, final report around June;
- the major substantive report in March or April, with loose ends tied up in June or July; or
- a low-key report focused on context and operating environment in March, with a substantive report in June.

590. On 22 January, Mr Scarlett produced a summary of the ISG's findings and possible points for Mr Blair to make in public.

591. Mr Scarlett sent No.10 a paper summarising the "current understanding" of the ISG's findings on 22 January.[327] The paper had been prepared within the Assessments Staff, in consultation with Mr Howard, but it had been given a limited distribution. It was not the result of a full JIC Assessment and had not been considered by a CIG.

592. The paper summarised what had been found, what remained to be done and questions raised by the ISG's work:

---

[326] Letter Howard to Scarlett, 21 January 2004, 'Iraq WMD: Visit to Iraq Survey Group: 16-19 January'.
[327] Minute Scarlett to Rycroft, 22 January 2004, 'Iraq: WMD' attaching Paper [unattributed], 22 January 2004, 'Iraq: WMD'.

"**What has been established?**

"**Nuclear Programmes**

"The ISG have found documents and equipment, related to Iraq's pre-1991 nuclear programme … not declared to the UN/IAEA … Iraqi scientists and senior officials have stated that Saddam intended to reconstitute such a programme once sanctions were lifted. There is no evidence however, that Saddam explicitly ordered that research activity should continue for this specific purpose.

"**Chemical and biological weapons**

"The ISG have found documents and equipment at 13 undeclared laboratories and facilities … There is no clear evidence of a link to a military programme.

"… Legitimate work on biopesticides and other BW stimulants meant that expertise and production techniques … were maintained …

"The exact purpose of the two trailers discovered by the ISG in May 2003 has yet to be determined …

"**Delivery systems**

"… ISG have found substantial evidence of research and design work on longer range delivery systems (up to 1,000km range), and of substantial illegal procurement for all aspects of Iraq's missile programme …

"**Concealment and destruction**

"Iraq had failed to declare its programmes and equipment to the UN, and to comply with its obligations under successive UNSCRs …

"In addition … the ISG have found substantial evidence of the targeted destruction of documents, equipment and computer files …

"**What is still to be done?**

"… We do not have a complete picture; the ISG continues with its work despite the difficult operational environment …

"**What has not been established?**

"The ISG have not found chemical or biological weapons, agents or precursors in militarily significant quantities, nor any long range missiles. They cannot confirm the existence of active programmes for the development or production of chemical or biological weapons, or of steps to reconstitute the nuclear programme, after 1998. They have found nothing to substantiate the repeated reports that WMD was moved from Iraq into Syria, either before UNMOVIC arrived or immediately before, during and after the conflict.

What major questions does this raise?

- Why is the account … different from the intelligence picture before the conflict, which was broadly agreed by virtually all Western Governments …?
- Why did the Iraqi regime undertake such an extensive programme of concealment and deception at the UN? What were they trying to conceal and what did they destroy?
- Why, when UNMOVIC returned to Iraq in 2002, were so many obstacles placed in its way …?
- Was Saddam's key aim … to preserve the capability to reconstitute his programmes rapidly once UN sanctions were lifted …?
- … Did the fear of appearing weak drive Saddam's continuing denial and deception of the international community?
- Did Saddam, his colleagues and senior officials believe their own disinformation?"

593. Mr Scarlett suggested a list of points Mr Blair could make in public:

- The ISG had not so far found chemical or biological weapons or "evidence of the continued production of such weapons, or that the nuclear weapons programme was being reconstituted".
- It had found "evidence of efforts to maintain BW and nuclear capabilities".
- There was a "lot of evidence of planning and design work for missiles well beyond the permitted range".
- The ISG had "also found evidence that equipment and documentation were destroyed – including to deceive the UN inspectors in the final period before the conflict – and that Iraq failed to declare activities or otherwise comply with Security Council resolutions".
- The ISG had a lot of work still to do.

594. Those points raised "some big questions including":

"
- What was Saddam trying to conceal and why did he take such risks to do it? … Why did the regime continue to obstruct and defy the inspectors right up to the last minute?
- Was Saddam Hussein trying to preserve his capabilities and programmes while trying to get sanctions lifted as quickly as possible?
- Were Saddam Hussein and the Iraqi leadership properly informed about the state of their WMD facilities? Were they being told the truth by their subordinates?
- Why does what we have found (or not found) differ from the assessments of Iraq's WMD capabilities accepted by most major Governments and many reputable institutes pre-conflict?"

595. Mr Scarlett wrote that, if asked whether the UK was still confident that weapons would be found, the answer could be: "a lot of work has been going on, there is a lot of work still to do, and a lot of questions still to answer. We do not know how it will turn out in the end."

596. If asked whether the Government stood by the intelligence assessment in the September 2002 dossier, the answer could be: "we stand by the dossier as our best assessment on the information available at the time. Since September 2002 a great deal has happened. Again, we do not know what the ISG's eventual assessment will be."

597. Mr Scarlett described the purpose of the points offered as "a way of looking ahead to the future", building on Mr Blair's comments in his interview with Sir David Frost on 11 January. If they were to be used, the UK "must warn the Americans first".

598. Mr Rycroft described Mr Scarlett's note to Mr Blair as:

> "The first draft of a narrative on WMD to move our position on slightly, by floating possible explanations for the lack of WMD found so far, through questions rather than assertions."[328]

599. In relation to Mr Scarlett's point that the assessments pre-conflict had been accepted by most major governments, Mr Rycroft drew Mr Blair's attention to the provisions of resolution 1441 (2002), which had included:

> "Recognising the threat Iraq's non-compliance with Council resolutions and proliferation of WMD + long range missiles poses to international peace + security".

600. On 23 January, Mr Tenet announced Dr Kay's resignation and the appointment of Mr Charles Duelfer, who had been Deputy Executive Chairman of UNSCOM from 1993 to 2000, as the new Head of the ISG.[329]

601. Mr Tenet wrote in his memoir that he continued to defend the independence of the ISG under Mr Duelfer: "My guidance to Duelfer – just like my guidance to Kay – and to everyone in the ISG was simply to go out and find the truth."[330]

602. Mr Duelfer wrote that Mr Tenet "made good on his commitment" and instructed that the ISG should not be seeking to justify the NIE.[331]

603. In late January, the Government highlighted to the US the sensitivity in the UK of public comments in the US about the apparent absence of WMD in Iraq.

604. UK officials suggested that the two countries should keep in close step over their responses to calls for public inquiries into pre-conflict intelligence.

---

[328] Manuscript comment Rycroft to Prime Minister on Minute Scarlett to Rycroft, 22 January 2004, 'Iraq: WMD'.
[329] CIA News & Information, 23 January 2004, *DCI Announces Duelfer to Succeed Kay as Special Advisor*.
[330] Tenet G & Harlow B. *At the Center of the Storm: My Years at the CIA*. HarperPress, 2007.
[331] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

605. Dr Kay gave a number of briefings to US media before his testimony to the Senate Armed Services Committee on 28 January.

606. In an interview for *Reuters* shortly after his resignation, widely reported in the UK media, Dr Kay stated:

> "I don't think they [WMD] existed. What everyone was talking about is stockpiles produced after the end of the last Gulf War and I don't think there was a large-scale production program in the nineties."[332]

607. The UK media also gave extensive coverage to comments by Secretary Powell on 24 January, including that it was an "open question" whether Iraq held any stocks of WMD.[333]

608. Speaking on *BBC Television*'s *Breakfast with Frost,* Mr Kennedy said:

> "The more that we see the absence of weapons of mass destruction, the more we see both the Prime Minister and the President of the United States qualify what it is that the Iraq Survey Group may or may not uncover."[334]

609. Mr Rycroft spoke to the White House to underline the difficulties Secretary Powell's comments were causing in the UK.[335] Dr Rice urged that, as soon as possible, all public comments should refer back to resolution 1441: Saddam Hussein had WMD, had used them in the past and had obligations to destroy them. Resolution 1441 had given him a final opportunity to comply with his international obligations, which he had failed to take.

610. In an interview for *The New York Times* published on 25 January, Dr Kay said that Iraq had been "a dangerous place" with the ability to produce WMD, terrorist groups "passing through" and no central control.[336] But the CIA had missed signs of the "chaos" in the Iraqi regime that had corrupted Iraq's weapons capabilities. Iraqi scientists and documents had revealed that Iraq had also been far more concerned about UN inspections than Washington had ever realised.

611. Mr Rycroft discussed Iraqi WMD with Mr Hadley on 26 January.[337] Mr Rycroft set out the timetable for the Hutton Inquiry and "underlined the sensitivities of any US public comments particularly during this period". The US and UK should keep in "very close step" over their responses to growing calls in both countries for full public inquiries into

---

[332] *BBC News*, 24 January 2004, *US chief Iraq arms expert quit*; *The Guardian*, 24 January 2004, *New WMD blow for Blair*.
[333] *BBC News*, 25 January 2004, *Powell casts doubt on Iraq WMDs*.
[334] *BBC News*, 25 January 2004, *Blair stands firm over WMD*.
[335] Letter Rycroft to Adams, 25 January 2004, 'Iraq: WMD: Conversation with Rice, Hadley, Bartlett, Fried, 24 January'.
[336] *The New York Times*, 25 January 2004, *The Struggle for Iraq: Intelligence; Ex-Inspector Says CIA Missed Disarray in Iraqi Arms Program*.
[337] Letter Rycroft to Adams, 26 January 2004, 'Iraqi WMD: Conversation with Hadley'.

the intelligence leading up to the war. The UK would continue to argue that, after the FAC, ISC and Hutton inquiries, another was unnecessary.

612. Mr Scarlett discussed Dr Kay's statements with a senior US official later on 26 January.[338] He reported to No.10 that Dr Kay's comments might make Mr Tenet's appearance before the Senate Intelligence Committee in early March more difficult. Mr Tenet was therefore considering a statement of his own on the intelligence underlying the NIE.

613. Mr Scarlett also reported that he had been told Mr Duelfer might pass through London on his way to Baghdad in about a week, and that it looked likely that there would be an interim ISG report in late March or early April.

614. Under the headline "Bush Backs Away From His Claims About Iraq Arms", *The New York Times* reported on 27 January that, now Dr Kay was suggesting Iraq's WMD had been disposed of before the invasion, President Bush had declined to repeat his earlier claims that WMD would be found.[339]

615. Reporting on the public debate in the US on 27 January, Sir David Manning wrote:

> "Kay is briefing the media extensively. His main theme is that, although the Administration have acted with integrity and were correct to invade Iraq, there has been a major intelligence failure on Iraq WMD."[340]

616. Sir David observed that President Bush's public line had become "a little more nuanced", leading the press to claim the White House was "in retreat". Sir David reported that on 27 January:

> "Bush was sounding a bit less bullish and a bit more nuanced ('I think it's very important for us [the US Administration] to let the Iraq Survey Group do its work so we can find out the facts and compare the facts to what was thought … [T]here is no doubt in my mind that Saddam Hussein was a grave and gathering threat to America and the world')."

617. Sir David concluded:

> "From the point of view of a White House political strategist, Kay's line looks probably not too unhelpful: it is lowering public expectations of future WMD finds, increasing the pressure for this issue to be brought to closure before the election season gets going in earnest after Easter, and placing the blame for any false prospectus for war firmly with the intelligence agencies rather than with the Administration."

---

[338] Letter Scarlett to Rycroft, 26 January 2004, 'Iraqi WMD: Conversation with [CIA]'.
[339] *The New York Times*, 28 January 2004, *Bush Backs Away From His Claims About Iraq Arms*.
[340] Telegram 125 Washington to FCO London, 27 January 2004, 'Iraq WMD: US Public Debate, 27 January'.

Dr Kay's evidence to the Senate Armed Services Committee, 28 January 2004

618. On 28 January, Dr Kay gave evidence to the Senate Armed Services Committee.[341] In his opening remarks, he stated:

> "A great deal has been accomplished by the [ISG] team … I think it important that it goes on and it is allowed to reach its full conclusion. In fact, I really believe it ought to be better resourced and totally focused on WMD …
>
> "But I also believe that it is time to begin the fundamental analysis of how we got here …
>
> "It turns out that we were all wrong, probably in my judgement, and that is most disturbing …
>
> "In my judgement … Iraq was in clear violation of the terms of resolution 1441…
>
> "We have discovered hundreds of cases, based on both documents, physical evidence and the testimony of Iraqis, of activities that were prohibited under the initial UN resolution 687 [1991] and that should have been reported under 1441, with Iraqi testimony that not only did they not tell the UN about this, they were instructed not to do it and they hid material.
>
> "I had innumerable analysts who came to me in apology that the world we were finding was not the world they had thought existed …
>
> "I wish it had been undue influence, because we know how to correct that … The fact that it wasn't tells me we've got a much more fundamental problem of understanding what went wrong …
>
> "I regret to say that I think at the end of the work of the ISG there's still going to be an unresolvable ambiguity about what happened.
>
> "A lot of that traces to the failure on April 9 [2003] to establish immediately physical security in Iraq – the unparalleled looting and destruction, a lot of which was directly intentional, designed by the [Iraqi] security services to cover the tracks of the Iraq WMD program and their other programs as well …"

619. Asked whether it was too early to pronounce that everyone had been wrong, that weapons might still be hidden, Dr Kay replied:

> "It's theoretically possible … When the ISG wraps up its work … there are still going to be people to say, 'You didn't look everywhere. Isn't it possible it was hidden someplace?" and the answer has got to be honestly, 'Yes, it's possible' …

---

[341] Centre for Research on Globalisation, 28 January 2004, *Dr David Kay's Testimony to the Senate Armed Services Committee*.

"But I agree, we're not in disagreement at all. The search must continue."

620. Mr Blair discussed the ISG with President Bush on 28 January.[342] Mr Blair said that the first ISG Report showed that Saddam Hussein had been in breach of multiple Security Council resolutions. When the next report came it would be necessary to ensure that it was properly presented.

621. Mr Duelfer wrote in his memoir that Dr Kay's testimony, "We were all wrong", had sounded conclusive even though Dr Kay had been declaring that Iraq was violating UN resolutions throughout the 1990s and in the lead-up to the war:

> "Aside from angering the staff he left in Iraq, Kay's declarations made it much more difficult to collect information from Iraqi sources. Once the world had heard the decrees of the former ISG leader, why should any of the Iraqis provide further information?"[343]

The Hutton Report, 28 January 2004

622. On 28 January, Lord Hutton published his report into the circumstances surrounding the death of Dr Kelly.[344] The principal conclusions of the Hutton Report relating to the September 2002 intelligence dossier and the 45 minutes claim are addressed in Section 4.2.

623. Commenting on the Hutton Report at the meeting of the JIC on 28 January, Mr Scarlett said:

> "The JIC's reputation had taken a knock in the short term but it was important to keep things in proportion. There continued to be great respect for the JIC and what it represented. The JIC's higher profile as a result of the Hutton Inquiry carried implications however that would need careful managing."[345]

624. Mr Scarlett also thanked the Committee members and the Assessments Staff for their support.

625. After the publication of the Hutton Report, the Government sent its deferred response to the 11 September 2003 ISC report *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*.[346]

626. In response to the ISC's criticism that the 9 September 2002 JIC Assessment, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios' (see Section 4.2), did not highlight in the Key Judgements the uncertainties and gaps in UK knowledge

---

[342] Letter Rycroft to Adams, 28 January 2004, 'Prime Minister's Conversation with Bush, 28 January'.
[343] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.
[344] *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G. by Lord Hutton*, 28 January 2004, HC 247.
[345] Minutes, 28 January 2004, JIC meeting.
[346] *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments, 11 September 2003*, February 2004, Cm6118.

about Iraq's biological and chemical weapons, the Government stated that the JIC had followed convention: "The Key Judgements section is not intended to be a summary of the main facts in the paper."

627. The Government stated that the September 2002 dossier did present "a balanced view of the Iraq's CBW capability based on the intelligence available", but acknowledged that presentation of the 45 minutes issue "allowed speculation as to its exact meaning".

628. The Government took "careful note" of the ISC conclusion that the inhibiting effect of UN inspections was not fully reflected in JIC Assessments, but observed that JIC Assessments produced in October and December 2002 and in March 2003 did reflect the point.

629. In response to the ISC recommendation that, if individuals in the intelligence community formally wrote to their line managers with concerns about JIC Assessments those concerns should be brought to the attention of the JIC Chairman, the Government stated that it was "important to preserve the line management authority of JIC members in judging what should be brought to the attention of the JIC Chairman".

630. After the publication of the Hutton Report, the FCO also sent its deferred response to the conclusions about the 45 minutes claim and the September dossier in the 7 July 2003 FAC report on the decision to go to war in Iraq.[347] The FCO stated:

> "We disagree that the 45 minute claim was given undue prominence. The 45 minutes claim came from an established, reliable and long-standing line of reporting. It was included in an early September Joint Intelligence Committee (JIC) Assessment as soon as the underlying intelligence had become available. It was consistent with previous JIC judgements on Iraq's command and control arrangements. Other issues were given a similar level of prominence in the dossier: for example the judgement that Iraq was building up its weapons of mass destruction (WMD) capability and that it was concealing its programmes.
>
> …
>
> "Had Saddam used chemical and biological weapons (CBW) munitions during the conflict we have no reason to doubt he could have deployed them in this timeframe.
>
> …
>
> "We welcome the Committee's conclusion that the claims in the September dossier were well founded … We also welcome the conclusion that allegations of politically inspired meddling cannot credibly be established."

---

[347] Ninth Report from the Foreign Affairs Committee, Session 2002-2003, *The Decision to go to War in Iraq, Further Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm6123.

The decision to establish the Butler Review

631. In late January, officials advised Mr Blair that there was "a clear risk" that President Bush would set up an inquiry into Iraq intelligence before he was forced to do so by Congress.

632. Sir Nigel Sheinwald discussed the mounting pressure for inquiries in the UK and the US with Dr Rice on 29 January.[348] He recommended that No.10 and the White House stay "in the closest touch" to ensure public lines were co-ordinated.

633. Sir Nigel told Mr Straw's office that the US Administration would prefer to make an announcement itself rather than be pushed into one by Congress or the media. It was clear that something was "stirring" in Washington. The announcement of an inquiry there would make it very difficult to hold the line in the UK.

634. Mr Powell sent a copy of Sir Nigel's letter to Mr Blair with the advice:

> "You must decide on this with Bush on Tuesday [3 February] before the [Parliamentary] debate on Wednesday."[349]

635. In a minute to Sir Nigel Sheinwald on 30 January, Mr Scarlett set out his understanding of developments in the US, including concern about a "Notification to Congress that one piece of intelligence underpinning" Secretary Powell's presentation to the UN on 5 February 2003 "came from an unreliable source", and that CIA analysts had missed a "fabrication warning".[350]

636. Mr Scarlett commented:

> "This discredited report was sent to SIS but not issued by them so it was not reflected in our classified assessments or in the dossier. There is one reference in the dossier (the Executive Summary) to mobile 'laboratories'. This was a general term to cover mobile facilities and was not meant to be distinct from 'production' units. In terms of any press lines it will be sufficient to say that the discredited report was not issued by SIS."

637. Mr Scarlett added:

> "The ground is audibly shifting in Washington. There is a clear risk that the Administration will set up an Inquiry into the Iraq intelligence. This will take many months to report and push the whole issue beyond November. It might have the side effect of prompting an early winding up of the ISG."

---

[348] Letter Sheinwald to Adams, 30 January 2004, 'Conversation with US National Security Adviser'.
[349] Manuscript comment Powell to PM on Letter Sheinwald to Adams, 30 January 2004, 'Conversation with US National Security Adviser'.
[350] Minute Scarlett to Sheinwald, 30 January 2004, 'Iraq WMD: Update from CIA'.

638. On 31 January, Mr Rycroft informed Mr Blair that, during a visit to Washington from 30 to 31 January, he had explained that recent comments from Mr Kay, Dr Rice and Secretary Powell had been damaging in the UK.[351] He had also argued against an intelligence inquiry, and for maximum transparency and co-ordination if the US decided to go down that route. There was a strong chance that the US would do so, possibly very fast.

639. Mr Rycroft advised Mr Blair: "You need to raise with Bush at Monday's [2 February] video conference."

640. On 31 January, Sir David Manning reported growing political pressure on President Bush to admit intelligence failure and announce an inquiry.[352] Asked for his views on whether there should be an inquiry, President Bush had told the press:

> "… I too, want to know the facts. I want to be able to compare what the Iraq Survey Group has found with what we thought prior to going into Iraq. One thing is for certain – one thing we do know from Mr Kay's testimony, as well as from the years of intelligence that we had gathered, is that Saddam Hussein was a … growing danger."

641. Sir David Manning advised that President Bush's remarks suggested he was leaving himself room to set up an inquiry.

642. Mr Blair set out his position on Iraq and WMD in a Note sent to President Bush on 1 February.

643. Mr Blair recognised the need to learn lessons about the difficulties of gathering intelligence and that there was a legitimate issue about its accuracy, but at that stage envisaged asking the ISC to address the issue.

644. On 1 February, Sir Nigel Sheinwald sent Dr Rice a Note "by the Prime Minister" on Iraq and WMD, to be shown to President Bush before the video conference with Mr Blair on 2 February.[353]

645. The Note addressed two issues:

- "Iraq and WMD"; and
- "WMD as a threat more generally".

---

[351] Minute Rycroft to Prime Minister, 31 January 2004, 'Visit to Washington'.
[352] Telegram 1 Washington to Cabinet Office, 31 January 2004, 'Intelligence on Iraq WMD: US views, 30 January'.
[353] Letter Sheinwald to Rice, 1 February 2004, 'Iraq and WMD' attaching Note [Blair to Bush], 'Note on WMD'.

646. On the former, Mr Blair wrote:

"We know Saddam had WMD. We know the ISG has not yet found weapons, though it has found evidence of programmes. The truth is that we anticipated finding the weapons during or shortly after the conflict. So to say we are surprised at the ISG's findings is no less than the truth.

"The issue of US/UK good faith can be laid to rest. We received the intelligence. We honestly believed it.

"The issue now is: was it right; and if it wasn't, what can we learn about the difficulties of gathering intelligence in these situations?

"What we can say is this:

"(a) there is no doubt that Saddam had WMD. It was not just US/UK intelligence agencies that said so, it was many others around the world. In any event, Saddam used them. The UN when it left in 1998 found stockpiles unaccounted for. That is why UN resolution 1441 unanimously described his weapons as a threat to world peace.

"(b) we should exercise some caution in saying definitely no stockpiles now exist. In the 1990s despite intensive investigation, the full extent of his programmes remained concealed for years. We know from intelligence pre-war that he intended to conceal them. The ISG has found ample evidence of an intention to conceal. Look at what we know now Libya is co-operating, compared with what we could speculate on, on the basis of intelligence.

"I don't concede there are no weapons. But I do concede we expected to find them sooner and there is plainly a legitimate issue about the accuracy of the intelligence.

"(c) let us get it clear what the ISG has said so far and what Dr Kay has said.

"The ISG has found:

- Evidence of efforts to maintain BW and nuclear capabilities including equipment, documents and organisms. Teams of scientists were retained to work on them.
- Planning and design work for missiles of up to 1,000km in range.
- Equipment and documentation being systematically destroyed …
- Undeclared laboratories and facilities that have a potential for BW and CW production, that should have been declared to the UN.
- In 2002, Iraq successfully tested an UAV with a range of 500km.

"All of these things are a breach of the UN resolutions.

"Therefore, though the ISG have not found evidence of actual weapons, they have found evidence of programmes. Any of this would have triggered a justification for conflict.

"Dr Kay has said:

- He believes no major new production of weapons occurred post-1991.
- He speculates that Saddam may have been told tales about the programmes or that some stuff moved to Syria.
- But some old stockpiles may well exist and the capabilities and determination remained intact.
- That Iraq was 'a very dangerous place'.
- That the conflict was justified, and
- That the US/UK did not interfere with the intelligence.

"He makes a claim also that Saddam was trying to manufacture ricin up to the last minute … but UK services at least don't seem to know the provenance of this.

"(d) however, in view of the fact that we certainly thought production of new weapons was continuing and it may be that it wasn't, it is sensible to learn the intelligence lessons.

"Therefore, the US is going to have a Commission of Experts look into it.

"The UK will refer the issue back to the Intelligence and Security Committee …

"Meanwhile the ISG will continue its work on the ground since there are at least 26 million pages of documents and many unvisited sites still to follow up."

647. On the wider threat from WMD, Mr Blair wrote:

"Whatever the intelligence from Iraq, let us be in no doubt about the threat.

"The threat of terrorism and proliferation of WMD continues. It would be disastrous if doubts about the strength of intelligence in Iraq blinded us to the danger. We know that Iran and North Korea are trying to develop nuclear weapons and it is only since Iraq that real pressure on them has started to pay off.

"We now know that Libya was far closer then we thought to nuclear capability and on CW than we thought; and, since Iraq they are working with us to eliminate it …"

648. Mr Blair concluded:

"If we have to accept that some of the Iraq intelligence was wrong, we will do so. But let us not either (a) lurch to the opposite extreme and start pretending Iraq had nothing; or (b) let any intelligence inaccuracy move us off confronting the WMD issue.

"So we need:

To put ourselves in the right place on accepting some intelligence may have been wrong and letting that be looked into.

To get across what Kay and the ISG are actually saying.

To reassert the importance of the WMD question."

649. On 1 February, US media reported that President Bush would shortly be announcing "a bipartisan, independent commission to investigate apparent flaws in intelligence used to justify the Iraq war".[354]

650. Mr Straw spoke to Secretary Powell on 1 February.[355] Secretary Powell explained that the US planned to make an announcement about the independent commission, probably on 2 February. Mr Straw briefed Secretary Powell on the discussion in the UK. It would be important, if possible, to make announcements at the same time.

651. Following a discussion with Dr Rice that evening, Sir Nigel Sheinwald wrote to Mr Geoffrey Adams, Mr Straw's Principal Private Secretary, reporting that Mr Blair, Mr Straw and others had been "reflecting on how to handle the issue of intelligence on Iraqi and other WMD in the light of developing US plans".[356] Mr Blair would be chairing a meeting the next morning to discuss the way forward.

652. The following day, President Bush confirmed that he would make an announcement once the details had been agreed.[357]

653. The Executive Order establishing a "Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction" was published on 6 February.[358] It stated that the Commission should:

"… assess whether the Intelligence Community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and support United States Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st century and their employment by foreign powers …"

---

[354] *The Washington Post*, 1 February 2004, *Bush to Announce Iraq Intelligence Probe This Week*.
[355] Letter Straw to Sheinwald, 2 February 2004, 'Conversations with US Secretary of State, 30 January and 1 February'.
[356] Letter Sheinwald to Adams, 1 February 2004, 'Iraq and WMD: Conversation with US National Security Adviser'.
[357] The White House, 2 February 2004, *Press Briefing by Scott McLellan*.
[358] The White House, 6 February 2004, *Executive Order: Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction*.

654. Mr Blair and Mr Straw met early on 2 February.[359] Sir Andrew Turnbull (Cabinet Secretary), Sir David Omand, Mr Scarlett, Sir Richard Dearlove, Dr David Pepper (Director, GCHQ), Mr Ehrman, Mr Powell, Sir Nigel Sheinwald, Baroness Morgan (No.10 Director of Political and Government Relations), and other officials from No.10 were present.

655. The meeting concluded that the Government would set up a committee to review the intelligence on WMD, and agreed its Terms of Reference and membership. It "should be wider than the ISC"; and it "should look at intelligence on WMD in general, not just Iraq".

656. In their video conference on 2 February, Mr Blair and President Bush discussed their intentions to establish commissions to examine aspects of the pre-conflict intelligence on Iraq and WMD.[360] They also discussed the timescale for the ISG to produce its final report and whether, in the meantime, further material from the ISG's Interim Report could be used in public.

657. In Mr Blair's view, the ISG had already found weapons programmes, plans to restart programmes after the UNMOVIC inspectors left and hitherto undiscovered breaches of UN resolutions. The public and media had not digested the implications of the reports and Dr Kay's remarks. There was enough in the ISG's findings to justify US/UK military action. When the findings were linked to the wider picture, it would have been irresponsible not to take action on Iraq.

658. Following the discussion, Sir Nigel Sheinwald sent draft Terms of Reference for the UK committee to Dr Rice, stating that they had been revised in the light of the video conference, but were "very much a working draft".[361]

659. In a subsequent letter, Sir Nigel wrote that he had made clear that the UK Terms of Reference, which Dr Rice had not yet seen, were narrower that those under consideration in the White House, and the aim was to complete the review "as soon as possible".[362]

660. On 2 February, Mr Scarlett sent Mr Powell suggested amendments to Mr Blair's Note to President Bush on WMD.[363] They were "Points of detail but some are important to get right".

---

[359] Letter Rycroft to Adams, 2 February 2004, 'Prime Minister's Meeting on Review of Intelligence on WMD'.
[360] Letter Cannon to Adams, 2 February 2004, 'Iraq WMD: Prime Minister's Video-conference with President Bush, 2 February'.
[361] Letter Sheinwald to Rice, 2 February 2004, 'WMD: UK Committee'.
[362] Letter Sheinwald to Rice, 2 February 2004, 'Iraq and WMD: Conversation with US National Security Adviser'.
[363] Manuscript comment Scarlett, 2 February 2004 on Paper [unattributed], [undated], 'Note on WMD'.

661. A revised version of the Note Mr Blair had sent to President Bush, with Mr Scarlett's amendments underlined, was passed to Mr Blair as part of the brief for his appearance before the House of Commons Liaison Committee.[364] The amendments included:

- "… The UN when it left in 1998 noted that large stockpiles of weapons and agents were unaccounted for. They are still unaccounted for. That is why UN resolution 1441 unanimously recognised the threat posed to international peace and security by Iraq's proliferation of WMD and long range missiles."
- "… Look at what we know about Libya's CW weapons, now that they are co-operating compared with what we could obtain through intelligence."
- "… [T]hough the ISG has not found evidence of actual weapons, they have found substantial evidence of prohibited activities".
- Three additions to the list of points made by Dr Kay:
  - "Iraq was in clear violation of the terms of UNSCR 1441".
  - "Iraq deliberately waged a policy of destruction and looting".
  - "[T]he ISG has learned things about Iraq's WMD programmes that no UN inspector could have learned".

662. On 2 February, UK news media reported the imminent announcement of a decision to set up a UK inquiry into intelligence on WMD.[365]

663. *The Guardian* described the forthcoming announcement as "a major u-turn" which had been "forced upon" Mr Blair by President Bush's decision to hold an inquiry in the US.[366]

664. In his evidence to the Liaison Committee on 3 February, Mr Blair stated:

> "The whole reason why we took this action in Iraq was because of the risk posed by an unstable state with weapons of mass destruction capability and the risk that at some point, not necessarily immediately, but at some point in the future, that then gets into the hands of those who are terrorists with terrorist intent."[367]

665. Mr Straw announced Mr Blair's decision to establish a committee to review intelligence on WMD in the House of Commons on 3 February.[368] The Terms of Reference of the committee, to be chaired by Lord Butler, would be:

> "… to investigate the intelligence coverage available in respect of WMD programmes in countries of concern and on the global trade in WMD, taking into account what

---

[364] Manuscript comment Powell, 2 February 2004 on Paper [unattributed], [undated], 'Note on WMD'.
[365] *BBC News*, 2 February 2004, *Iraq inquiry set to be launched*.
[366] *The Guardian*, 3 February 2004, *Iraq's missing weapons: an inquiry is forced upon Blair*.
[367] Liaison Committee of the House of Commons, Session 2003-2004, *Oral evidence taken before the Liaison Committee on Tuesday 3 February 2004*, Q 16.
[368] House of Commons, *Official Report*, 3 February 2004, column 625.

is now known about these programmes; as part of this work, to investigate the accuracy of intelligence on Iraqi WMD up to March 2003, and to examine any discrepancies between the intelligence gathered, evaluated and used by the Government before the conflict, and between that intelligence and what has been discovered by the Iraq Survey Group since the end of the conflict; and to make recommendations to the Prime Minister for the future on the gathering, evaluation and use of intelligence on WMD, in the light of the difficulties of operating in countries of concern."

666. Mr Straw explained that, while the ISC, FAC and Hutton inquiries had been under way:

"… three proposals were put before the House in June, July and late October on Opposition motions calling for wider inquiries into aspects of the Government's handling of events in the run-up to the Iraq war. At the time, the Government resisted those calls, including on the ground that the inquiries already under way should be allowed to complete their work. Later, both the Prime Minister and I also referred to the continuing activities of the Iraq Survey Group.

"Over the past week, we have seen the publication of the Hutton Report and the evidence of Dr David Kay, former head of the Iraq Survey Group, to a US Congressional Committee. It has also emerged that the Iraq Survey Group may take longer to produce a final report than we had all originally envisaged. All that has led the Government now to judge that it is appropriate to establish this new inquiry of Privy Councillors."

667. Mr Blair and President Bush discussed WMD on 4 February.[369] Mr Blair said he thought the public needed to be educated on the nature of intelligence: "not clear facts, but patterns of information on which leaders had to make a judgement".

Mr Tenet's speech to Georgetown University, 5 February 2004

668. Mr Tenet used a speech at Georgetown University on 5 February to set out his position on Iraqi WMD and the October 2002 NIE.[370]

669. The UK was invited to comment on a draft copy on 4 February.[371]

---

[369] Letter Cannon to Adams, 4 February 2004, 'Prime Minister's Video-Conference with President Bush, 4 February'.
[370] Central Intelligence Agency, 5 February 2004, *Remarks as prepared for delivery by Director of Central Intelligence George J. Tenet at Georgetown University, 5 February 2004: Iraq and Weapons of Mass Destruction*.
[371] Manuscript comment Scarlett to Rycroft, 4 February 2004, on Speech (draft), Tenet, 3 February 2004, 'Remarks for the Director of Central Intelligence George J Tenet at Georgetown University, February 5, 2004'.

670. Mr Powell informed Mr Blair that the draft included "Good defence for Iraq".[372]

671. Mr Blair asked for the speech to be circulated to MPs.[373]

672. Mr Dowse, who had succeeded Mr Miller as Chief of the Assessments Staff in November 2003, passed "two major comments" to the US Embassy in London:

- The section of the draft speech on good news stories of intelligence work against Libya and AQ Khan[374] appeared to pre-empt plans for co-ordinated speeches by President Bush and Mr Blair which had been under discussion for some time.
- The UK was uncomfortable with the draft's presentation of the role played by intelligence from allies in the US assessment. The implication was that it had been the crucial factor: "Examples: 'Now, did this information make a difference in my thinking? You bet it did …'"[375]

673. In his speech, Mr Tenet explained that intelligence analysts' differences on several important aspects of Iraq's WMD programmes were spelt out in the NIE:

> "They never said there was an 'imminent' threat. Rather, they painted an objective assessment for our policy-makers of a brutal dictator who was continuing his efforts to deceive and build programs that might constantly surprise us and threaten our interests."

674. Mr Tenet compared the ISG's interim findings with the October 2002 NIE, emphasising that any comparison was provisional: the ISG's work was "nowhere near 85 percent finished". The ISG needed more time and more data.

675. The references to the impact of intelligence received from foreign partners, on which Mr Dowse had commented, remained unchanged. Mr Tenet stated:

> "Several sensitive reports crossed my desk from two sources characterized by our foreign partners as 'established and reliable'.
>
> …
>
> "Now, did this information make a difference in my thinking? You bet it did. As this and other information came across my desk, it solidified and reinforced the judgements we had reached and my own view of the danger posed by Saddam Hussein and I conveyed this view to our nation's leaders.

---

[372] Manuscript comment Powell to PM, 4 February 2004, on Speech (draft), Tenet, 3 February 2004, 'Remarks for the Director of Central Intelligence George J Tenet at Georgetown University, February 5, 2004'.
[373] Manuscript comment Blair on Speech (draft), Tenet, 3 February 2004, 'Remarks for the Director of Central Intelligence George J Tenet at Georgetown University, February 5, 2004'.
[374] Abdul Qadeer Khan, known as AQ Khan, the Pakistani nuclear proliferator. On 2 February 2004, AQ Khan admitted on Pakistani television that he had sold nuclear secrets to other countries.
[375] Minute Dowse to Scarlett, 5 February 2004, 'Iraqi WMD: Tenet Speech'.

"Could I have ignored or dismissed such reports at the time? Absolutely not."

676. Mr Tenet concluded that, based on the data collected over the previous 10 years, it would have been difficult for analysts to reach conclusions other than those in the NIE. But the intelligence community needed to reflect on a number of questions, including:

- Did the history of Saddam Hussein's behaviour cause the intelligence community to overlook alternative scenarios?
- Did the failure to spot how close Saddam Hussein came to acquiring a nuclear weapon in the early 1990s lead to over-estimation of his programmes in 2002?
- Was the absence of information flowing from a repressive regime considered carefully?
- Were policy-makers told clearly what was and was not known?

The search for WMD, January to July 2004

677. On 9 February, Mr Duelfer informed Mr Blair that:

- **the ISG would now focus its effort on people rather than sites;**
- **he was not yet prepared to conclude that there were no WMD in Iraq; and**
- **he envisaged an interim report in March.**

678. Mr Blair remained concerned about the nature of the public debate on WMD.

679. Mr Duelfer called on Mr Blair in London on 9 February.[376] In answer to questions from Mr Blair, he said that:

- The ISG had much work to do and had the resources it needed to get to the bottom of the issue.
- The ISG would now focus on people rather than sites. There were also "vast mounds" of documents to examine.
- The ISG "must examine the strategic intentions of Saddam's regime. His [Mr Duelfer's] hypothesis was that the regime's strategy was to outlast the UN and sanctions. We could not make judgements until this was proven."
- He was not yet prepared to conclude that the weapons were not there.
- He envisaged an interim report in March, but the final report was "some time away".

680. Mr Rycroft's record of the meeting stated that Mr Blair was:

"… content with the timing of late March for the next ISG interim report … provided that it does not slip. Its handling will require military precision, since its content will fix the debate on WMD for the months ahead."

---

[376] Letter Rycroft to Baker, 9 February 2004, 'Iraq Survey Group: Meeting with Duelfer'.

681. Mr Duelfer described the meeting in his memoir:

> "Blair was very well informed on the WMD issue, and I had the opportunity to go into greater depth about my plans and tactics than I had with President Bush or Condoleezza Rice … I highlighted that I felt it was important to take this historic opportunity to record the *reasons* for Saddam's decisions on WMD and to understand where the regime was headed …
>
> "Prime Minister Blair asked questions about the sources of information and how I would arbitrate between the views of differing experts. He did not make strong suggestions, but carefully inquired where I was headed and asked about rough estimates on timing. I said I felt … that when sovereignty was returned to Iraq on 30 June, this would greatly affect ISG operations. I promised to keep the UK Government fully informed."[377]

682. During a wider discussion on Iraq on 9 February, Sir Nigel Sheinwald told Dr Rice about Mr Blair's meeting with Mr Duelfer.[378] Mr Blair remained concerned about the nature of the public debate, which Sir Nigel stated was "either there were stockpiles of WMD, or nothing at all. We needed to publicise the reality of the position. The next interim ISG report … would be very important." Dr Rice agreed the need to "keep repeating our position", and to work together on the next report.

683. Mr Dowse updated Sir Nigel Sheinwald on the survey of five sites where intelligence suggested WMD-related items had been hidden underwater.[379] It had been suggested during Mr Blair's video conference with President Bush on 2 February that the ISG was hopeful of finding objects hidden in the Tigris River. Mr Dowse reported that specialist divers had failed to find six rectangular metal objects located by sonar on 21 and 22 January and that the survey of a second site had not located anything suspicious.

684. Mr Scarlett discussed co-ordination between the UK and US with Mr McLaughlin and Mr Hadley in Washington on 9 February.[380] Mr Scarlett said that, from a London perspective, there was an urgent need to get more detailed factual information about the work of the ISG into the public domain. The next ISG report would need to be better presented and less indigestible than the last.

685. In a meeting the following day with Ms Jami Miscik, CIA Deputy Director of Intelligence, Mr Scarlett set out "the broad gameplan for getting some balance back into the public debate on WMD".[381] "The key was to get more facts into the public domain."

---

[377] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.
[378] Letter Sheinwald to Adams, 9 February 2004, 'Iraq'.
[379] Minute Dowse to Sheinwald, 9 February 2004, 'Iraq WMD: Search for Items in the Tigris' attaching Paper [unattributed], [undated], 'Retrieval from the Tigris'.
[380] Telegram 2 Washington to Cabinet Office London, 10 February 2004, 'Iraq WMD: JIC Chairman's visit to Washington, 9/10 February'.
[381] Letter Wood to Scarlett, 10 February 2004, 'Your Meeting with Jami Miscik, 10 February'.

He stated that "[m]ore widely", a "succession of speeches, articles and media events" were needed "to highlight the wider proliferation problem".

686. Mr Scarlett commented on Mr Tenet's "spotlighting" in his speech:

> "… particular intelligence from a trusted intelligence partner (ie the UK). The media of course were watching like hawks for any signs of UK/US splits. Some had interpreted Tenet's comments as laying the ground to shift the blame for faulty intelligence to SIS."

687. Mr Scarlett also discussed the debate in Washington and its focus on whether intelligence had been politicised, and whether the assessments had been wrong. On the former, there were comments about the highly politicised environment and the extent to which "very persistent lines of questioning" from politicians might have led analysts "further towards particular judgements than they would have moved of their own accord".

688. Mr Wood, who accompanied Mr Scarlett to the meeting, commented afterwards that, in the wake of Mr Tenet's speech, there remained "ample potential for a serious public CIA/White House blame game between now and the [US presidential] election".

689. Mr Blair described his meeting with Mr Duelfer to President Bush during their video conference on 10 February.[382] Mr Blair said that, if there were an ISG interim report by the end of March, it would define the issue for some time. It therefore needed to be detailed, with factual backing, and carefully handled. Mr Duelfer had a clear idea of what was needed, including background on the Iraqi concealment effort, destruction of documentation, and the compartmentalisation of the WMD programmes.

690. SIS sent No.10 a copy of a senior officer's speaking note dated 10 February for an address to staff on the issue of why no WMD had been found in Iraq.[383]

691. Sir Nigel Sheinwald drew Mr Blair's attention to the note's conclusion that critics were unlikely to be proved wrong in the short term, but that the story of Iraq's WMD would come out in the end.[384]

692. Mr Blair commented on the paper:

> "But is Duelfer + ISG now working? That's what we must press. But this is a good paper."[385]

---

[382] Letter Cannon to Adams, 10 February 2004, 'Prime Minister's Video-Conference with President Bush, 10 February'.
[383] Paper [senior SIS officer's speaking note for an address to staff], 10 February 2004, 'Why have we found no WMD in Iraq?'
[384] Manuscript comment Sheinwald on Paper [senior SIS officer's speaking note for an address to staff], 10 February 2004, 'Why have we found no WMD in Iraq?'
[385] Manuscript comment Blair on Paper [senior SIS officer's speaking note for an address to staff], 10 February 2004, 'Why have we found no WMD in Iraq?'

693. In a speech in Washington on 11 February, President Bush highlighted recent counter-proliferation successes, including the breaking of the AQ Khan nuclear proliferation network and Libya's agreement to end its nuclear and chemical weapons programmes, and announced a package of proposals to strengthen international counter-proliferation efforts.[386]

694. On 13 February, the British Embassy Washington reported that, although President Bush's "big pitch on proliferation" had had some success in broadening the political debate about WMD, a poll in *The Washington Post* suggested that a majority of Americans believed the President had intentionally exaggerated evidence that Iraq had WMD.[387]

695. The Embassy also reported that the Senate Intelligence Committee had decided to broaden its investigation, previously restricted to the performance of the intelligence community, to include whether policy-makers' statements were substantiated by intelligence.[388] The Embassy concluded that the way was probably now clear for the Committee to release a report at the end of March which criticised the intelligence community.

696. The Embassy also reported that:

- The CIA had released an internal speech by Ms Miscik to *The Washington Post,* which had reported on 12 February that "an internal review revealed several occasions when analysts mistakenly believed that Iraq weapons data had been confirmed by multiple sources when in fact it had come from a single source" and that Mr Tenet had "ordered an end to the long-standing practice of withholding from analysts details about the clandestine agents who provide the information".
- *The New York Times* on 13 February had quoted "senior intelligence officials" as saying that analysts had not been told that much of the information came from defectors linked to exile organisations that were promoting an American invasion.
- *Newsweek* had reported on 12 February that the CIA was "re-examining the credibility of four Iraq defectors" and had already "acknowledged that one of the defectors had been previously branded a fabricator by another US intelligence agency".

---

[386] The White House, 11 February 2004, *President Announces New Measure to Counter the Threat of WMD*.
[387] Telegram 220 Washington to FCO London, 13 February 2004, 'Iraq WMD: US Debate, 13 February'.
[388] The Intelligence Committee's first report was published on 9 July 2004. The "Phase II" report on the broader investigation announced in February 2004 was published in five parts between September 2006 and May 2008. Both are addressed later in this Section.

697. *The Washington Post* article was also reported by the UK media on 12 February, including by the *BBC* under the headline "Iraq 'prompts CIA method change'".[389]

698. Ms Miscik's speech was released publicly by the CIA in March 2004.[390]

699. On 17 February Mr Dowse sent SIS3 the draft of a speech on WMD to be made by Mr Blair at some time in the next six to eight weeks.[391] It was "very different from the version" they had been discussing. Mr Blair had reworked the text himself over the weekend and it focused "much more [on] the justification for the war in Iraq".

700. The No.10 briefing for Mr Blair's video conference with President Bush on 17 February stated that the President's speech on proliferation had not had the impact he seemed to have expected.[392] Mr Blair should inform President Bush that he was working on his own speech "to produce a philosophical rationale for our action on WMD (and terrorism)".

701. Mr Blair told President Bush on 17 February that he wanted his own speech to get across the linkages between WMD, rogue states and terrorism.[393] Recent investigations were uncovering further details of the AQ networks in the UK.[394] Mr Blair added that, in dealing with WMD, it was impossible for the political leadership to err on the side of caution.

Preparation of the ISG Status Report

702. Preparations for the ISG Status Report began in late February.

703. Mr Duelfer made it clear to the UK that he would not accept "joint drafting".

704. Mr Scarlett sent to Mr Duelfer "nuggets" from the September 2003 ISG Interim Report that he considered might be relevant to the next ISG report. He assured Mr Duelfer that these were not drafting proposals.

705. Mr Blair stated that Mr Duelfer must be in charge of production of the report, but that it must be handled better than the last.

706. Mr Duelfer set out his plans for the next ISG report during a video conference on 24 February.[395] The report, later known as the ISG Status Report, would be no more than 25-30 pages, avoid conclusions or assessments, identify the issues remaining to

---

[389] *BBC News*, 12 February 2004, *Iraq prompts CIA method change*.
[390] Speech DDI, 11 February 2004, *DDI's State of Analysis Speech*.
[391] Letter Dowse to SIS3, 17 February 2004, 'Prime Minister's Speech on WMD'.
[392] Minute Cannon to Prime Minister, 16 February 2004, 'Video-Conference with Bush, 17 February'.
[393] Letter Cannon to Adams, 17 February 2004, 'Prime Minister's Video-Conference with President Bush, 17 February'.
[394] The Government has provided evidence indicating that the reference in the record to "AQ networks in the UK" was an error. The record should have referred to the networks of the Pakistani nuclear proliferator AQ Khan.
[395] Minute [DIS] to DCDI, 24 February 2004, 'Iraq/ISG: Senior Level UK/US VTC 24 February 2004'.

be addressed and highlight the intentions of the regime. There would be no detailed annexes. Any annexes that had been prepared in his absence would be included in the final report.

707. Mr Howard explained the wish at the highest political level in the UK for the report to include as much detail as possible. He offered to host a seminar in London bringing together experts from the ISG, London and Washington. Mr Duelfer was not averse to including detail as long as there were no piecemeal conclusions, and was fully committed to consulting capitals on the interim and final reports. He was not attracted to the idea of a seminar.

708. Mr Scarlett advised Sir Nigel Sheinwald that getting "the right balance of detail" into the next ISG report might not be as simple as the record of the video conference suggested. He was pressing for immediate sight of the latest draft.[396]

709. Mr Scarlett reported separately that, during a video conference on 2 March, Mr Duelfer had explained that he did not intend to share the draft of the next interim report with capitals in advance, but was willing to discuss detail.[397] He had emphasised the importance of the report being seen to be the independent work of the ISG. Mr Scarlett and Mr Howard had stressed the importance of capturing some of the detail from the September 2003 Interim Report, which underpinned public statements. They had been invited to submit areas of the 2003 Interim Report they would like to see reflected.

710. The Op ROCKINGHAM weekly update for 27 February to 4 March reported that the ISG's pace of operations could not be sustained in March.[398] Limiting factors included a reduction in the number of already scarce interpreters and a requirement to train US units arriving on troop rotation.

711. In early March, Mr Blair requested weekly updates on the ISG.[399]

712. During a video conference on 2 March, Mr Scarlett stressed to Mr Duelfer the need for his forthcoming report to capture some of the detail from the September 2003 ISG Interim Report.[400] Mr Duelfer invited Mr Scarlett to submit "nuggets" which the UK believed were "relevant" to the forthcoming report.

713. On 4 March, Mr Scarlett told Sir Nigel Sheinwald that discussions with Mr Duelfer would need careful handling. Mr Duelfer had made it clear that he owned the report and would not accept "joint drafting". Mr Scarlett advised that, whatever assurances were received from the US, the UK would have to work hard to avoid "surprises".

---

[396] Manuscript comment Scarlett to Sheinwald, 26 February 2004, on Minute [DIS] to DCDI, 24 February 2004, 'Iraq/ISG: Senior Level UK/US VTC 24 February 2004'.
[397] Minute Scarlett to Sheinwald, 4 March 2004, 'Iraq: The ISG' attaching Paper [unattributed], [undated], 'Iraq ISG Issues'.
[398] Op ROCKINGHAM Weekly No.36, 27 February – 4 March 2004.
[399] Minute Scarlett to Sheinwald, 4 March 2004, 'Iraq: The ISG'.
[400] Minute Scarlett to Duelfer, 8 March 2004, 'ISG Report'.

714. Sir Nigel Sheinwald commented to Mr Blair:

> "It is going to be difficult to get the sort of interim ISG report we want … I've asked the FCO + SIS to press on their channels. I'll talk to Condi [Rice], and you should raise again with the President next week."[401]

715. On 8 March, Mr Scarlett sent Mr Duelfer "nuggets" from the September ISG Interim Report for inclusion in the forthcoming report.[402] Mr Scarlett explained:

> "Without knowing the details of your current draft it is difficult to judge where these 'nuggets' would fit in. But I am confident their inclusion will:
>
> - establish the context for the latest developments which your functional teams are preparing for inclusion in your new report;
> - help to set out clearly where the ISG have established Iraqi breaches of UNSCRs;
> - explain the current state of the ISG's key, most important lines of enquiry.
>
> "They do not require you or your report to come to conclusions about these lines of enquiry. You explained your approach on this point when you were in London last month and, as you know, it is one with which we agree."

716. The material proposed for inclusion by Mr Scarlett included:

- BW. Quotes from Iraqi scientists to the effect that Iraq was still actively pursuing ricin for weaponisation and that as of March 2003 it was being developed into stable liquid to deliver as aerosol in small rockets, cluster bombs and smoke generators.
- CW. The Iraqi declaration in December 2002 that it had imported 11,500 tonnes of white phosphorous, a potential precursor for nerve and blister agents.
- Nuclear. Remarks attributed to Mr Tariq Aziz (Iraqi Deputy Prime Minister from 1979 to 2003) and Mr al-Huwaish on the strategic intentions of the Iraqi regime.
- Missile. Material that had already been used by the *BBC* on the designs for long-range missiles using SA-2/Volga engines.
- Sanitisation and destruction. Further material on the deliberate sanitisation and destruction witnessed by the ISG to help reinforce the message on the difficult operational environment.

717. Mr Scarlett concluded:

> "The above is designed to point you to particular areas in the classified September [Interim] Report which appear to be of relevance to your work now. They are

---

[401] Manuscript comment Sheinwald to Prime Minister on Minute Scarlett to Sheinwald, 4 March 2004, 'Iraq: The ISG'.
[402] Minute Scarlett to Duelfer, 8 March 2004, 'ISG Report'.

not intended as drafting proposals. I am also aware that the precise drafting of items which comprise potential intelligence must take account of the need not to undermine lines of continuing operational investigation."

718. Mr Scarlett sent a copy to Mr Rycroft, explaining that it:

"… does no more than draw his [Mr Duelfer's] attention to items already written up by Kay in classified form, in September. But I have made it clear I was not trying to do his drafting for him."[403]

719. In his memoir, Mr Duelfer described the relationship with Mr Scarlett:

"I met … John Scarlett … and stayed in touch with him and his office throughout the process … He wanted to be certain that the ISG had access to the same data that the United Kingdom had …

"I valued the direct involvement of Scarlett. Some questioned his suggestions for ISG. I found it helpful to hear and evaluate his ideas."[404]

720. Mr Duelfer also wrote:

"Scarlett and I had spoken in person in London and I had requested that he bring to my attention any aspects that I might have overlooked. The particular points he recalled from the earlier Kay Report had been further investigated since their publication and found to be without consequence. The nuggets were fool's gold, but I was reassured to have examined them."

721. Mr Blair raised the ISG during a video conference with President Bush on 9 March.[405]

722. Mr Blair said that Mr Duelfer must remain in charge of production of the next report, but it was vital that it was handled better than the last. There was a better story to be told. Much material in October's secret Interim Report could be drawn on publicly next time, such as transcripts of interviews with scientists. By including detailed material, the next report should lead people to the conclusion that "*something*" was going on in Iraq in breach of UN resolutions, even if the material did not lead to concrete evidence of actual weapons. The next step, probably in a further report, would be to set out exactly what had been happening.

723. Mr Rycroft described the conversation as "A good exchange."

724. On 11 March, Sir Nigel Sheinwald sent Mr Blair a note from Mr Scarlett on the progress of his discussions with Mr Duelfer.[406] Sir Nigel informed Mr Blair that

---

[403] Minute (handwritten) Scarlett to Rycroft, 8 March 2004, 'ISG'.
[404] Duelfer C. *Hide & Seek: The Search for Truth in Iraq*. Public Affairs, 2009.
[405] Letter Rycroft to Adams, 9 March 2004, 'Iraq Survey Group: Prime Minister's Conversation with President Bush, 9 March'.
[406] Manuscript comment Sheinwald to Prime Minister on Minute Scarlett to Sheinwald, 11 March 2004, 'ISG'.

Mr Scarlett's "nuggets" would be included in Mr Duelfer's report, although the timing would be "tight, + difficult".

725. Mr Blair asked: "But can they also include the transcripts of interviews which I found v[ery] persuasive in the Oct 2003 background draft?"[407]

726. In a note to No.10 officials on 15 March, Mr Blair wrote:

> "As for the ISG, the problem is that they don't seem to understand that, at present, opinion thinks there is either a WMD finding or nothing. Actually there is a mystery as to what happened to the physical evidence but it was plain much was going on in breach of UN resolutions. It is the latter point that the further interim report could deal with, eg by disclosing transcripts of interviews with Iraqi scientists and officials as per the background paper in October. We need to work intensively on this with the US this week."[408]

727. Mr Blair's initial view of the draft ISG Status Report was that it was better than expected.

728. Mr Blair was clear that the principal messages – that Saddam Hussein had been in breach of Security Council resolutions and that his behaviour had raised "immense suspicions" – must stand out.

729. The first copy of the draft ISG Status Report was received in London on 15 March.[409] Mr Scarlett described it as:

"
- short
- a summary of developments since the September [Interim] Report
- focused on strategic intentions of the regime
- careful to avoid conclusions".

730. Mr Scarlett drew attention to material in the section on new developments:

- Nuclear – "Some useful new detail here which strengthens the previous comment."
- BW – "This is weaker and lacking detail. Almost all the points from Kay's report, which we proposed for inclusion are not here. Although the draft avoids 'conclusions', some negative assessment points in that direction, especially on the mobile labs."
- CW – "Again, this lacks detail including the 'nuggets' proposed by us …"
- Missiles – "As before, some useful detail but there could be significantly more, again including our proposals from the previous report."

---

[407] Manuscript comment Blair on Minute Scarlett to Sheinwald, 11 March 2004, 'ISG'.
[408] Note [Blair], 15 March 2004, [untitled].
[409] Minute Scarlett to Cannon, 16 March 2004, 'ISG Draft Report'.

731. Mr Scarlett wrote that Mr Duelfer had included only a few of the UK's suggestions and seemed to be trying to avoid going into detail, especially if it came from Dr Kay's Interim Report. There were "numerous instances" where Mr Duelfer could have brought out breaches of resolutions, but did not.

732. Mr Scarlett concluded:

> "Overall, this is a carefully written, 'strategic' document designed to restore or to reinforce the credibility of the ISG and to lay the groundwork for future conclusions in a final report …"

733. Addressing tactics, Mr Scarlett added:

> "We will concentrate on repeating our previous proposals for inclusion of further detail … We will also point up the many opportunities for emphasising breaches of UNSCRs …"

734. Mr Scarlett reported that his US interlocutors were:

> "… very clear that 'comments' must come from the intelligence community and not the policy makers … Duelfer is already feeling sensitive to 'pressure' from London …"

735. Mr Blair and President Bush discussed the impact of the next ISG interim report on 16 March.[410] Mr Blair said that the first draft was better than expected. Although it contained nothing completely new, it showed that Iraq had been in clear breach of UN resolutions. It was important to keep some of the "colour" in the report, but even as it stood it was quite powerful: "it helped attack the argument that the Coalition should find physical evidence or the war was unjustified".

736. Mr Blair chaired a meeting to discuss the ISG on 17 March, attended by Mr Scarlett, Mr Howard, Mr Dowse, a senior SIS official and officials from No.10.[411]

737. In response to Mr Scarlett's advice on the timetable for the next interim report, Mr Blair commented:

> "There could be no question of our seeking to influence the material in the report. Mr Duelfer must set out the facts as he saw them.
>
> "But (a) an interim report was necessary (b) the material should be set out clearly (c) presentation of the report was important."

---

[410] Letter Cannon to Adams, 16 March 2004, 'Iraq WMD: Prime Minister's Video-conference with President Bush, 16 March'.
[411] Minute Cannon to Scarlett, 18 March 2004, 'Iraq Survey Group'.

738. Mr Blair's initial view of the draft was that it was:

> "… better than expected. The whereabouts of the physical evidence remained unresolved. But an unbiased reader could only conclude that Saddam had been in breach of SCRs and that he was involved in highly suspicious activities."

739. In discussion of the detailed text, the following points were identified:

- Mr Blair thought the section on procurement needed more detail and clarity.
- Mr Scarlett thought the points on Iraq's nuclear activities were "too firm". The report "needed to point out the possible non-nuclear dual use potential for some of this equipment".
- Mr Blair "wanted background explanations on 'dual use goods': the regime had gone to elaborate lengths to obtain material allegedly for fertiliser or insecticide production and the suspicious nature of this should be picked up".
- The report should make clear that "deception and concealment operations continued right up to the outbreak of the conflict" and ask "why such elaborate deception was needed if there was nothing to hide".
- The need to "underline that Blix had been systematically hindered", including over interviews with scientists.
- "Quotations from interviewees would add verisimilitude to the report."
- "We should underline the deliberate destruction of evidence and sanitisation of sites eg repairing of buildings during the conflict."
- There should be more material on Korean missile technology.

740. Mr Scarlett said that the interim report would "flag up problems over eg the alleged BW mobile laboratories and the unexpected absence of battlefield CW".

741. Mr Blair concluded that Mr Duelfer "needed to be clear about the 'top line' of his report". Based on the draft, that was that Saddam Hussein:

> "(a) had been in clear breach of SCRs and (b) his behaviour raised immense suspicions, even if we had yet to pin down the exact nature of his machinations … [T]here could be no question of influencing the material that appeared in the report. But it was important that, as a document, it held together as a logical, coherent and well-documented whole."

742. Mr Scarlett discussed the ISG report in a video conference with Mr Duelfer, Maj Gen Dayton and the CIA on 18 March.[412]

743. Mr Scarlett told Sir Nigel Sheinwald that Mr Duelfer felt the report would need to be "heavily sanitised" to avoid public exposure of operational details of lines of enquiry

---

[412] Minute Scarlett to Sheinwald, 18 March 2004, 'ISG'.

being pursued by the ISG. Two options were under consideration: sanitising the draft for public release, or producing a three- to five-page executive summary.

744. Mr Rycroft commented to Mr Blair that Mr Duelfer's suggested approach was "worrying", and that Mr Scarlett and Sir Nigel Sheinwald would be pursuing the issue with the US.[413]

745. On 22 March, Mr Scarlett told Sir Nigel Sheinwald that the ISG had reported the previous day that Mr Duelfer had decided that the sanitised version of the full report would need to remove all the paragraphs on the direction of future investigation, as well as the items that were policy and source sensitive.[414] As a result, he had directed that work should focus on a short summary, which was "broadbrush" and gave "little supporting detail".

746. Mr Scarlett added that the points which stood out were:

- "a focus on the use of illicit funds for procurement" although there was "a big gap between the funds raised (several billion dollars) and those allocated to the Military and Intelligence Commission ($500m)";
- "no CBW weapons found nor any agent production facilities";
- "unresolved questions over research into CBW agents and planned chemical agent production, but little detail given";
- "items on the high speed rail gun and explosive test facilities which have possible nuclear weapons implications";
- "little new information in the section on delivery systems".

747. Mr Scarlett "wondered" whether the change in Mr Duelfer's position reflected "advice from Washington", but he had "no evidence", and it might well have been "generated within the ISG on operational grounds".

748. Mr Scarlett wrote that he had "made it clear" to Mr Duelfer and to the CIA in Washington "that the clear preference for policy makers in London is for publication of a sanitised version of the full report".

749. On instruction from Mr Blair, Sir Nigel Sheinwald raised UK concerns about the drafting of the report with Dr Rice on 22 March.[415] Sir Nigel told Dr Rice that:

> "Duelfer now seemed to have decided against publishing any of the report itself, and had circulated a five page summary in the form of his intended Congressional testimony. This was in fact similar to the technique used last October by David Kay, which had not worked at the time. But Kay's unclassified summary was a good deal more detailed than Duelfer's draft. We seemed to be going backwards."

---

[413] Manuscript comment Rycroft on Minute Scarlett to Sheinwald, 18 March 2004, 'ISG'.
[414] Minute Scarlett to Sheinwald, 22 March 2004, 'ISG Interim Report'.
[415] Letter Sheinwald to Adams, 22 March 2004, 'Conversation with US National Security Adviser'.

750. Sir Nigel explained that the UK was "not asking for the report to be over-egged. We should be honest and say that there were no clear answers on what had happened." But it was important that Mr Duelfer should be able to conclude that, at the very least, Iraq was in breach of UN resolutions.

751. Sir Nigel commented:

> "The problem is that the draft is getting worse, not better from our point of view; and it will be difficult to secure a substantial change of direction at this stage. But we will try. John Scarlett is in touch separately with the CIA."

752. Mr Scarlett discussed the ISG draft report at a video conference on 23 March with Mr McLaughlin, Ms Miscik, Mr Duelfer, Maj Gen Dayton, Mr Howard and an Australian representative.[416] Mr Duelfer was working on three documents: the classified report; an unclassified summary; and his personal statement to the Congressional Committees. The UK had seen the first two and was expecting the third shortly. Mr Duelfer emphasised that his personal statement would make clear that Iraq had been in breach of UN resolutions.

753. Mr Duelfer also reported that three senior analysts had left the ISG, unhappy with what they expected the report to cover. They had felt that Mr Duelfer's reluctance to draw conclusions reflected political interference rather than his stated position that he needed to familiarise himself with his new responsibilities first. There were concerns that the three might make their views public.

754. Sir Nigel Sheinwald discussed the draft report with Dr Rice later on 23 March.[417] He said that the "key" was "a clear message that, whatever construction was to be placed on what the ISG had found or not found, UNSCRs had been breached and suspicious activity was continuing under Saddam".

755. Sir Nigel commented that the discussion had been more encouraging than might have been expected. It could still prove difficult to persuade Mr Duelfer "to change tack completely", but Sir Nigel's contacts with Dr Rice and Mr Scarlett's with the CIA seemed to have "shaken up" the CIA to some extent. There should now be an opportunity to strengthen the text to some degree.

756. Mr Duelfer visited London on 26 March to discuss the ISG Status Report.[418] He met Mr Howard's WMD Task Force and Mr Scarlett and Sir Nigel Sheinwald.

---

[416] Minute Scarlett to Sheinwald, 23 March 2003, 'ISG'.
[417] Letter Sheinwald to Adams, 23 March 2004, 'Iraq: ISG'.
[418] Minute Scarlett to Sheinwald, 26 March 2004, 'ISG'.

757. Mr Scarlett reported that the position had moved on significantly. Two documents had been prepared:

- the full, classified Status Report, addressed to Mr Tenet and to be copied to Congress; and
- Mr Duelfer's testimony to the Congressional Committee hearings on 30 and 31 March.

758. Mr Scarlett wrote that the testimony replaced an earlier unclassified summary of the Status Report. It was a "more forceful" document and would need only light adjustment for public release.

759. Mr Scarlett also reported that Mr Duelfer intended to draft a final report over the summer and was looking to "surge" additional staff. Mr Howard was considering how the UK might help.

760. Mr Blair, who was shown Mr Scarlett's report by Sir Nigel Sheinwald, commented in the margin that the additional staff were "obviously vital".[419]

761. Sir Nigel Sheinwald advised Mr Blair that the text of Mr Duelfer's testimony was an improvement on earlier texts, but the media was "still likely to judge it thin" and the points Mr Duelfer intended to emphasise were "very process-oriented".[420]

762. Sir Nigel wrote:

> "… our pressure should now shift from the substance of the report (where we have made little headway) to the handling. If you agree I suggest the following steps on Monday [29 March]:
>
> - We need to ensure that the CIA take as little as possible out for the sanitised version. We need all the detail we can secure.
> - Duelfer should prepare a short summary … This must include a clear statement of breach of SCRs … The summary needs to bring out new and suspicious evidence.The Assessments Staff should pass a draft to the Americans.
> - … [H]e needs to prepare a clear brief statement for the broadcast media …
> - We need supporting media appearances in both the US and UK, in parallel. The Foreign Secretary is being lined up here. We need to ensure that the Americans have made a similar plan – last time it was all last minute.
> - This will require action on several fronts: Hill/Bartlett, Scarlett/CIA, me/Condi, possibly Jack [Straw]/Powell. It will be too late by the time you speak to the President on Tuesday [30 March].
> - …

[419] Manuscript comment Blair on Minute Scarlett to Sheinwald, 26 March 2004, 'ISG'.
[420] Minute Sheinwald to Prime Minister, 26 March 2004, 'Iraq: ISG'.

"**Do you agree that these are the main things we should be focusing on?**"

763. Mr Blair replied: "Yes but if the report is weak it will be v[ery] hard to succeed."[421]

764. No.10 sent a separate record of the meeting between Mr Duelfer and Sir Nigel Sheinwald and Mr Scarlett to Mr Straw's Private Office.[422] The record stated:

"
- Duelfer said that he hoped to put together a 'compelling case' that the Saddam regime had put in place a system to 'sustain the intellectual capital' for a WMD programme, with a 'break-out capacity' once a decision to reinstate the programme was taken.
- Duelfer said that, while he was slightly more optimistic than when he took up the job that actual WMD might be found, the odds were still that they would not be located. He was looking into the possibility that some had been smuggled into Syria.
- He had not realised the extent of the fears of potential interviewees, either of prosecution by the Americans or of assassination by former colleagues.
- If stocks of WMD did not exist, then they would have been destroyed long before the Iraq campaign.
- The core group around Saddam had been remarkably successful in eroding sanctions up to 9/11, including by manipulating some members of the Security Council. He believed that the ISG would be able to demonstrate that the regime had been thwarting UN sanctions and making plans to resuscitate its WMD programmes … It was clear that the regime's ultimate goal had been to obtain nuclear weapons. There had been a policy of continuing WMD development under the cover of 'dual use' programmes.
- …
- Duelfer said that Washington might have misled us about his touchiness about UK advice: in fact he welcomed advice although he could not guarantee he would take it. He would take into account advice on public perceptions in the UK.
- The interim report would be a status report, with no new revelations, and a forward look … Duelfer would certainly not be pulling back on Kay's fundamental contention that Saddam had been in clear breach of resolution 1441."

765. Mr Blair commented that Mr Duelfer "still needs to list any UN breaches with supporting evidence".[423]

---

[421] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 26 March 2004, 'Iraq: ISG'.
[422] Letter Cannon to Adams, 26 March 2004, 'Iraq Survey Group'.
[423] Manuscript comment Blair on Letter Cannon to Adams, 26 March 2004, 'Iraq Survey Group'.

766. The meeting of the JIC Sub-Committee on Iraq/WMD on 29 March, chaired by Mr Scarlett, discussed plans for responding to Mr Duelfer's testimony, including a draft summary of key points which had been sent to Mr Duelfer.[424]

767. The key points included:

- "Iraq was remarkably successful in eroding UN sanctions. Containment strategy was being systematically undermined by several countries including key members of the UNSC."
- "Iraq derived billions of dollars between 1999 and 2003 from oil smuggling, kickbacks and abuse of the Oil-for-Food [OFF] programme. This was outside the control of the UN and free for the regime to spend without restriction."
- "ISG has information regarding dual-use facilities and ongoing research suitable for a capability to produce CBW at short notice."
- "ISG has also found evidence to indicate Iraqi interest in preserving and expanding the knowledge needed to design and develop nuclear weapons."
- "In addition … the ISG has continued to uncover very robust programmes for delivery systems."
- "The ISG is focusing on the broader picture of regime intent and how the technical developments fit into this picture in an integrated manner."

The ISG Status Report, 30 March 2004

768. Mr Blair and President Bush discussed the impact of the ISG Status Report on 30 March.[425] Mr Blair said that the draft he had seen was quite good and certainly better than it might have been. Expectations in the UK were low. The more detail that could be declassified and put into the text the better. Mr Duelfer's methodology was better than Dr Kay's, which had not been rigorous.

769. Mr Duelfer delivered his testimony to Congress later on 30 March, explaining:

> "This Report is very limited in scope. It is intended to provide a status report of my efforts at steering the ISG. It is not a preliminary assessment of findings."[426]

770. The Status Report incorporated many of the key points sent to Mr Duelfer by the UK:

- Challenges. Iraqi managers, scientists and engineers were extremely reluctant to speak freely and documents were not easy to interpret. The ISG still did not fully understand regime intentions.

---

[424] Minute Scarlett to Howard, 29 March 2004, 'JIC Sub-Group Meeting on Iraq WMD' attaching Paper [unattributed], [undated], 'ISG Report – Summary of Key Points'.
[425] Letter Quarrey to Owen, 30 March 2004, 'Prime Minister's VTC with Bush, 30 March: Iraq'.
[426] Central Intelligence Agency, 30 March 2004, *Testimony by Charles Duelfer on Iraqi WMD Programs*.

- Procurement. Iraq derived billions of dollars between 1999 and 2003 from oil smuggling, kickbacks and abuse of OFF, money which was outside the control of the UN. Iraq imported banned military weapons and technology and dual-use goods through OFF contracts.
- Denial and deception. The ISG had uncovered more details about Iraq's efforts to deceive UNSCOM and then UNMOVIC right up to the invasion in March 2003.
- Biological and chemical weapons. The ISG had new information on Iraq's dual-use facilities and research into short-notice production of CBW. "Iraq did have facilities suitable for the production of biological and chemical agents needed for weapons. It had plans to improve and extend and even build new facilities."
- Nuclear weapons. ISG analysis suggested "Iraqi interest in preserving and expanding the knowledge needed to design and develop nuclear weapons".
- Delivery systems. The ISG had continued to uncover "a very robust program for delivery systems that were not reported to the UN. New information has been discovered relating to long range ballistic missile development and Unmanned Aerial Vehicles (UAVs)."
- Regime intent. Mr Duelfer had instilled a new focus on the question of regime intent. It was "critically important to understand the intentions of the regime" when putting other activities into context.

771. Mr Blair commented on the absence of media coverage of Mr Duelfer's testimony:

> "Amazing it got no publicity. Sh[oul]dn't we now publicise it? What is our Iraq SCU [Strategic Communications Unit] doing?"[427]

772. Sir Nigel Sheinwald advised that the Government "sh[oul]d not try to publicise this Report now". He asked Mr David Quarrey, a Private Secretary in No.10, to discuss the issue with Mr Scarlett, the MOD and the FCO before putting advice to Mr Blair.[428]

773. On 8 April, Mr Quarrey advised Mr Blair:

> "The Report received little coverage, although it did usefully get some information into the public domain. But things have moved on now. In current circumstances (ie the security situation) it would be extremely difficult to get further coverage in anything other than negative terms."[429]

---

[427] Manuscript comment Blair on Minute Scarlett to Sheinwald, 30 March 2004, 'ISG'.
[428] Manuscript comment Sheinwald on Minute Scarlett to Sheinwald, 30 March 2004, 'ISG'.
[429] Minute Quarrey to Prime Minister, 8 April 2004, 'ISG'.

774. Also on 8 April, Mr Wood reported from Washington that there were likely to be three UK angles to the Report of the Senate Intelligence Committee into pre-conflict intelligence on Iraq:

- the reference to yellowcake in President Bush's State of the Union speech in 2003, on which the Committee was likely to be more critical of the US than the UK;
- the "45 minute claim" on which the Report would conclude that there was a basis in intelligence for the public claim; and
- […].[430]

The transfer of power to the Iraqi Interim Government

775. On 29 March, a senior SIS officer sought guidance from Mr Ehrman on the responsibilities of the future Government of Iraq for counter-proliferation and "the legacy of CBRN related capabilities".[431] The Coalition had had a difficult year. Questions to consider included:

- where responsibility for those issues would lie in the CPA and its successors;
- how policy-makers saw the UK helping Iraq solve the "CBRN riddles remaining from the past"; and
- the point at which international organisations would be brought in to help Iraq and the amount of preparatory work that would be necessary with the US.

776. Mr David Landsman, Mr Dowse's successor as the Head of FCO Counter-Proliferation Department, co-ordinated Whitehall discussion.[432] On 31 March, he sought views on:

- how long the ISG would be needed;
- the legal basis for ISG operations after the transfer of sovereignty;
- how the UK would engage with Iraq on other counter-proliferation activities;
- what sort of co-operation programmes and assistance should be established; and
- when to bring in international agencies.

777. A DIS official replied on 3 April.[433] He reported that US thinking on the future of the ISG was fluid. The ISG's work had not been included in Iraq's Transitional Administrative Law (TAL) (see Section 9.2) and it was not yet possible to advise on the legal basis for the ISG's work in Iraq after the transfer of sovereignty. The WMD Task Force had told Mr Duelfer that it hoped it would be possible to produce a final report within the next

---

[430] Letter Wood to Scarlett, 8 April 2004, 'Iraq WMD: Activity in the Senate Intelligence Committee'.
[431] Letter SIS [senior officer] to Ehrman, 29 March 2004, [untitled].
[432] Letter Landsman to Howard, 31 March 2004, 'Iraq: Implementing Counter-Proliferation Policy After June'.
[433] Letter [DIS] to Peters, 3 April 2004, 'Iraq: Implementing Counter-Proliferation Policy After June'.

few months but, in practice, the UK would have to continue to support the ISG until Mr Duelfer was ready to produce his report.

778. The Op ROCKINGHAM weekly update for 2 to 7 April stated that deteriorating security in Baghdad and Basra was affecting ISG operational planning.[434] A shortage of vehicles with armoured protection was complicating efforts to complete outstanding collection activities before the end of June.

779. On 13 May, Mr Howard wrote to Mr Scarlett about the future of the ISG.[435] He advised that the ISG still had much work to complete, including collection activities at suspect sites, interviews of HVDs, and analysis of millions of documents. Its ability to continue those tasks after 30 June was uncertain and future command and control arrangements were in a state of "flux".

780. Mr Howard reported that Mr Duelfer expected to "produce a detailed report" in the late summer/early autumn. While that would "not necessarily draw the line underneath the question of WMD in Iraq" it was "likely to make provisional conclusions". That would "almost certainly signify in the public mind the 'final word' from the ISG on Iraq WMD".

781. After the transfer of sovereignty on 30 June, the ISG would focus increasingly on analysis of Iraq's intentions and future WMD programmes, and decision-making in Saddam Hussein's regime. The report was "unlikely to focus on whether Iraq has disarmed, which was of course UNMOVIC's focus".

782. Mr Howard also wrote that:

- The ISG was "likely to survive" to deal with other tasks after the release of its "final report" on WMD.
- The UK had "benefited considerably" from having the ISG Deputy Commander post.
- Deteriorating security in Iraq had impeded the ISG's effectiveness. The UK continued to fulfil its duty of care to staff and would monitor closely the post-transfer of sovereignty security situation.

783. At No.10's request, Mr Dowse prepared an update on the ISG on 21 May.[436]

784. Mr Dowse covered much the same ground as Mr Howard. He wrote:

- ISG planning since March had been hampered significantly by poor security throughout Iraq, high staff turnover, difficulty in filling posts and some equipment shortages.
- A major part of current ISG activity was "combating the efforts of insurgent networks to develop and use chemical weapons against Coalition forces".

---

[434] Op ROCKINGHAM Weekly No.41, 2-7 April 2004.
[435] Letter Howard to Scarlett, 13 May 2004, 'Iraq: Future of the Iraq Survey Group (ISG)'.
[436] Minute Dowse to Quarrey, 21 May 2004, 'Iraq Survey Group'.

The ISG believed insurgent groups were "looking to draw on the knowledge and experience of people previously engaged with Iraq's CW programme", although the scale of that effort was "unclear". The use of mustard and sarin artillery shells in two recent improvised explosive devices was "not a reliable indicator". Those using the weapons were "probably unaware of their nature". The rounds were in "a very poor condition and almost certainly part of Iraq's pre-1991 stockpile".

- Two consistent themes were emerging from the debriefing of HVDs:
  - "CW was used in the Iran-Iraq war, but remaining stocks had been destroyed in 1991, without records"; and
  - after 1991 Saddam Hussein was "determined to maintain scientific expertise for post-sanctions reconstruction of WMD programmes".
- The US had stated that the ISG mission would not change after 30 June, the end of the CPA, but Maj Gen Dayton would be replaced by a one-star US Marine Corps officer.
- The next report would be the ISG's last. Mr Duelfer's aim was to have a draft ready by the end of June, to be worked on during July and released in August. It was likely to focus on:
  - "Iraqi contravention of sanctions in the procurement of goods that could be used to support WMD programmes";
  - diversion of OFF funds; and
  - a broader picture of the regime's "strategic intent" towards WMD.

785. In his note to No.10 officials on 23 May, Mr Blair wrote in relation to the ISG that it:

> "… seems to be doing nothing. Surely it is absurd that they will say nothing is found, though there was strategic intent; when, in reality, they have been unable to look. They need to leave actual WMD an open issue. Also can I have an assessment of the conventional stockpiles in Iraq at the end of the war."[437]

786. In response to the update from Mr Dowse, Mr Blair commented:

> "… the ISG should not just conclude that there was strategic intent but no WMD were found, when it is clear that they have been unable to look. They need to leave WMD as an open issue."[438]

787. No.10 asked the "JIC/MOD" for advice on how to get the result Mr Blair wanted.

788. In his discussion with President Bush on 26 May (see Section 9.2), Mr Blair stated that the ISG should not be forgotten and that proper reporting on what it was up to was needed.[439]

---

[437] Note Blair to Powell, 23 May 2004, 'Iraq Note'.
[438] Letter Quarrey to Owen, 24 May 2004, 'Iraq'.
[439] Letter Quarrey to Owen, 26 May 2004, 'Iraq: Prime Minister's VTC with Bush, 26 May'.

789. Mr Duelfer called on Mr Scarlett and Mr Tony Pawson, Mr Howard's successor as DCDI, on 28 May.[440] Mr Scarlett reported the main points from both discussions to Sir Nigel Sheinwald:

- ISG work. Interviews with HVDs, including Saddam Hussein, remained a priority but were yielding little specific information. The ISG was still trying to establish whether there were specific Iraqi policies to maintain or develop industrial capacity with an embedded or inherent WMD production capability. High priority was being given to work on terrorists' and insurgents' capacity to obtain or produce WMD for immediate use.
- ISG status. Mr Tenet had assured Mr Duelfer that the ISG's status would not change while Mr Duelfer remained in charge. For legal purposes, after 30 June the ISG would have to fall under the remit of the Multi-National Force – Iraq (MNF-I). Day-to-day operational command should remain with CENTCOM.
- ISG report. Mr Duelfer envisaged that a first draft would be ready by June but a final text would "not be ready until August". This would be a "comprehensive" report, but not a "final" one. It would have much to say on regime intent and would make clear many questions remained open. Mr Duelfer would not commit to specific dates for publication or his departure from the ISG.
- Management. Mr Duelfer was anxious to work with the UK. He was open to comments and views on content and presentation, but was clear that the report would be his own. Mr Pawson and Mr Dowse would stay in close touch with Mr Duelfer and Washington.
- Release of HVDs. There was concern that, with the release of most HVDs before 30 June, some might go to the press to allege mistreatment and press the case that WMD had never existed. There was a danger that could undermine the authority of the ISG report.

790. In his memoir, Mr Duelfer explained that support for the ISG was at its highest during June 2004, in the weeks leading up to the transfer of sovereignty:

> "ISG analysts developed new targeting packages … Planning for a final pulse of raids was accelerated … All the agencies in Washington and the military in the field understood the importance of getting to the bottom of the WMD question."[441]

791. Maj Gen Dayton handed over command of the ISG to Brigadier General Joseph McMenamin on 12 June.[442]

792. Before his departure, Maj Gen Dayton discussed the future of the ISG with Mr Pawson. Mr Pawson reported to Mr Scarlett that, while some reconfiguring of the ISG

---

[440] Minute Scarlett to Sheinwald, 3 June 2004, 'Iraq Survey Group: Update'.
[441] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.
[442] Letter Pawson to Scarlett, 9 June 2004, 'Iraq: WMD: Future of the Iraq Survey Group'.

was inevitable with the release of HVDs, there was no reason to think that a separation of its component parts was imminent.

Mr Tenet's resignation

Mr Tenet announced his resignation as Director of Central Intelligence (DCI) on 3 June.[443] Mr McLaughlin was appointed Acting Director.

Mr Tenet stepped down formally on 11 July.[444]

In his memoir, Mr Duelfer wrote:

> "McLaughlin recognized my position and stepped in to make sure I was not left dangling. He would provide, as he had been all along, direct personal attention to the ISG on an almost daily basis".[445]

793. On 6 June, the Security Council adopted resolution 1546 (2004) (see Section 9.2). The resolution welcomed the beginning of a new phase in Iraq's transition to a democratically elected government, and looked forward to the end of the Occupation by 30 June 2004.[446]

794. In operative paragraph (OP) 21, the Security Council decided that the prohibition on the sale and supply of arms to Iraq would "not apply to arms or related material required by the Government of Iraq or the multinational force to serve the purposes of this resolution".

795. In OP22, the Council noted that OP21 did not affect material prohibited by or the obligations in paragraphs 8 and 12 of resolution 687 (1991) and paragraph 3(f) of resolution 707 (1991). It also reaffirmed "its intention to revisit the mandates" of UNMOVIC and the IAEA.

796. A letter from Secretary Powell to the President of the Security Council was annexed to the resolution. Secretary Powell confirmed that:

> "… the MNF stands ready to continue to undertake a broad range of tasks to contribute to the maintenance of security and to ensure force protection. These include … the continued search for and securing of weapons that threaten Iraq's security."

797. On 24 June, Mr Douglas Feith, US Under Secretary of Defense for Policy, informed Mr Simon Webb, MOD Policy Director, of the post-30 June arrangements for the ISG.[447] Resolution 1546 envisaged that the MNF-I would have the task of searching for and

---

[443] *The New York Times*, 3 June 2004, *'Time is Right to Move On', CIA Director Tells Employees*.
[444] CIA News & Information, 8 July 2004, *CIA Director Honored at Farewell Ceremony*.
[445] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.
[446] UN Security Council resolution 1546 (2004).
[447] Minute Thornton to Policy Director, 24 June 2004, 'Conversation with Doug Feith about the future of the ISG'.

securing weapons that threatened Iraq's security. The ISG would therefore move from CENTCOM to MNF-I command.

798. Mr Webb said that the UK would continue to support the ISG, though resources were strained. The problem would get worse in the autumn, when reductions of scale might be desirable.

799. Mr Webb also told Mr Feith that Mr Duelfer's report would be "a significant political event in the UK", in which Mr Blair took a personal interest. The UK looked forward to seeing a draft in advance.

800. Control of the ISG transferred from CENTCOM to the MNF-I after the transfer of sovereignty on 28 June.[448]

801. At the end of June, the ISG comprised 1,787 personnel: 1,722 from the US, 54 from the UK and 11 from Australia.[449]

802. On 1 July, Mr Straw was advised that the only grounds for internment after 30 June should be "imperative reasons of security or criminal activity".[450] FCO legal advice made clear that internment for intelligence exploitation alone was not sufficient. The British Embassy Washington had already been instructed to raise with the US UK concerns about the basis for continued US internments that did not fall into the two categories recognised by the UK.

803. The FCO stated that restrictions on the activities of UK personnel in the ISG were unlikely to affect its overall operational capability, but were likely to be unwelcome to the US military at a time when US and UK resources were under considerable pressure. There was a risk that, during a critical time for the preparation of the next ISG report, the UK might be fully involved only in the ISG's assessment work and missions compatible with UK policy.

804. The FCO also reported that Dr Ayad Allawi, the Iraqi Prime Minister, had expressed strong support for the ISG which he hoped would remain active for the next six months or so. There had not, however, been detailed discussions between the ISG and the Iraqi Interim Government (IIG) about how the ISG would operate. Prime Minister Allawi was reported to be "convinced that WMD will be found".

805. Mr Ehrman advised Mr Straw's Private Office:

> "We pressed the US to address the future of ISG operations when SCR 1546 was being negotiated. They did not want to do so. Eventually they agreed to the phrase in [Secretary] Powell's letter ['the continued search for and securing of weapons that threaten Iraq's security'] … The UK contingent makes up only 3% of the ISG's

---

[448] Op ROCKINGHAM Daily, 29 June 2004.
[449] Minute Smith to PS [FCO], 1 July 2004, 'Iraq – Detention Issues and the ISG'.
[450] Minute Smith to PS [FCO], 1 July 2004, 'Iraq – Detention Issues and the ISG'.

strength. Its activities will now need to be circumscribed … This will be unwelcome to the US but that is the consequence of the arrangements put in place by 1546."[451]

806. The Op ROCKINGHAM weekly update of 1 July reported that:

- The UK element of the ISG had withdrawn from all debriefing activity while discussions continued on the legal basis for future ISG operations.
- Prime Minister Allawi had nominated Dr Mowaffak al-Rubaie, his National Security Adviser, as the IIG point of contact for the ISG.[452]

The Butler and Senate Intelligence Committee Reports, July 2004

807. In a Note for President Bush on 16 June, Mr Blair stated that the truth on Iraq's WMD was probably that Saddam Hussein:

> **" … was developing long range ballistic missile capability in breach of UN resolutions; he probably had no or no large stockpiles of tactical CW or BW weapons; but he retained the capability and expertise to recommence production as soon as he could, again in breach of UN resolutions."**

808. Mr Blair's "hunch" was that the Butler Review would reach similar conclusions. Both Lord Butler and the Senate Intelligence Committee were "bound to be critical … in certain respects".

809. On 16 June, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush about the need for a strategic plan for Iraq (see Section 9.2).[453]

810. In relation to the need "to deal with any WMD/intelligence issues", Mr Blair wrote that he remained "deeply concerned" about WMD:

> "The public need an explanation and there will linger a real trust/truth issue …
>
> "At present the public debate lurches between the two extremes: pro-war people insist the intelligence was right, but the plain fact is no WMD has been found; anti-war people claim it was all a fraud, as if Saddam never really had any WMD, which is plainly fatuous … [T]he ISG thinking, and probably the truth, is somewhere in between. He was developing long range ballistic missile capability in breach of UN resolutions; he probably had no or no large stockpiles of tactical CW or BW weapons; but he retained the capability and expertise to recommence production as soon as he could, again in breach of UN resolutions. And, of course, with the missile capability, he could fit any warhead he wanted at the appropriate time.

---

[451] Manuscript comment Ehrman, 2 July 2004, on Minute Smith to PS [FCO], 1 July 2004, 'Iraq – Detention Issues and the ISG'.
[452] Op ROCKINGHAM Weekly No.53, 25 June – 1 July 2004.
[453] Letter Sheinwald to Rice, 16 June 2004, [untitled], attaching [Blair to Bush] Note.

So he had strategic intent and capability on WMD; and an active programme on ballistic missiles.

"Such an explanation would mean that some of the intelligence upon which we acted was wrong; but that nonetheless the threat was there, as was the breach of UN resolutions. It would also explain why the picture was so confused and why, whilst the exact basis of action was not as we thought, the action was still justified."

811. Mr Blair's "hunch" was that the Butler Review would reach similar conclusions. Both Lord Butler and the Senate Intelligence Committee were "bound to be critical … in certain respects". But the US and UK had "to avoid the absurd notion that therefore there was no threat at all, as if 12 years of history and UN resolutions never existed".

812. Mr Blair suggested that, if Mr Duelfer were thinking along those lines, it made sense urgently to investigate the possibility of publishing the ISG report at the same time as the Senate and Butler Reports. That would "provide the clear evidential basis for saying there was indeed a threat, even if it was not the threat that had been anticipated".

813. Mr Blair added:

"It may be impossible but if at all possible we should have this issue dealt with and lanced all at the same time."

814. During a video conference with President Bush on 22 June, Mr Blair said that Mr Duelfer seemed to be planning to publish in August. That was up to him, but with other WMD reports due to be published earlier, it might make sense to bring the date forward.[454]

815. Reporting on a meeting in London on 2 July, Mr Landsman wrote that Mr Duelfer had been insistent that there was still plenty for ISG to do and that he had "repeatedly mentioned CW/terrorism".[455]

816. Mr Duelfer was reported to have said:

- The timing for his next report "could slip a little".
- There was "potentially a good story to tell on the Saddam regime strategic intent", but he was "unhappy about the quality of the drafting produced in the ISG".
- He "wanted to use his report to challenge assumptions".
- Saddam Hussein's regime was "highly arbitrary and personalised: we should not expect to find carefully set out plans and consultation exercises".
- He "hoped to be able to point to a 'sharp breakout capability'".

---

[454] Letter Quarrey to Owen, 22 June 2004, 'Prime Minister's VTC with Bush, 22 June: Iraq'.
[455] Minute Landsman to FCO [junior official], 5 July 2004, 'Iraq WMD: Meeting with Duelfer, 2 Jul'.

- He was "surprised" by Prime Minister Allawi's optimism that "WMD were there to be found".
- UNMOVIC's "excellent information base was 'about an Iraq which no longer existed'".
- "[W]e should begin to consider to what extent responsibility could eventually go to the Iraqis themselves".
- A possible cache in Syria was "not out of the question", but "Syria was 'well covered' and something should have come to light by now".

817. Mr Blair discussed Iraq with President Bush again during a video conference on 6 July.

818. The briefing for Mr Blair advised that President Bush might raise the Butler and Senate Intelligence Committee Reports, but that there was "no point in pushing again on the ISG – Duelfer will not report before August and further pressure will not change this".[456]

819. The record of the video conference between Mr Blair and President Bush on 6 July did not include any reference to discussion of the ISG or to the Butler and Senate Intelligence Committee Reports.[457]

Mr Blair's evidence to the Liaison Committee, 6 July 2004

820. During his appearance before the Liaison Committee on 6 July, Mr Blair was asked about the implications of the failure to find WMD.[458]

821. In his responses, Mr Blair made a number of points, including:

- He had "to accept that we have not found them [stockpiles of WMD] and that we may not find them. What I would say very strongly, however, is that to go to the opposite extreme and say, therefore, that no threat existed from Saddam Hussein would be a mistake. We do not know what has happened to them; they could have been removed, they could have been hidden, they could have been destroyed."
- The ISG had already indicated "quite clearly that there have been breaches" of UN resolutions.
- The purpose of military action "was in order to enforce" the UN resolutions.
- It was "absolutely clear from the evidence that has already been found … that he [Saddam] had the strategic capability, the intent and that he was in multiple breaches".

---

[456] Minute Quarrey to Prime Minister, 6 July 2004, 'VTC with President Bush, 6 July'.
[457] Letter Quarrey to Owen, 6 July 2004, 'Prime Minister's VTC with Bush, 6 July: Iraq'.
[458] Liaison Committee of the House of Commons, Session 2003-2004, *Oral evidence taken before the Liaison Committee on Tuesday 6 July 2004*, Qs 236-271.

- He genuinely believed "that those stockpiles of weapons were there; I think that most people did, and that is why the whole of the international community came together and passed the United Nations resolution it did [1441 adopted in November 2002], but that is a very different thing from saying that Saddam was not a threat; the truth is he was a threat, to the region and to the wider world, and the world is a safer place without him."
- He "would not accept" that Saddam Hussein "was not a threat and a threat in WMD terms".
- He did "not believe we would have got the progress on Libya, on AQ Khan, on Iran and on North Korea" without Iraq.
- In his view, "the reason … it was important that we took a stand on the WMD issue, and the place … to take that stand was Iraq because of the history of breaches of UN resolutions and the fact that they used WMD … is that if you carry on with this proliferation of WMD with these highly repressive states developing it … at some point you would have this new form of global terrorism and those states with WMD coming together."

The Senate Intelligence Committee Report, 9 July 2004

822. On 9 July, the Senate Committee on Intelligence published its report on the *U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*.[459] The main conclusions included:

- Most of the key judgements in the October 2002 US National Intelligence Estimate (NIE), 'Iraq's Continuing Programs for Weapons of Mass Destruction', either overstated, or were not supported by, the underlying intelligence reporting. A series of failures, particularly in analytic tradecraft, led to the mischaracterisation of the intelligence.
- The intelligence community did not accurately or adequately explain to policy-makers the uncertainties behind the judgements in the October 2002 NIE.
- The intelligence community suffered from a collective presumption that Iraq had an active and growing WMD programme. This "group think" led intelligence community analysts, collectors and managers both to interpret ambiguous evidence as conclusively indicative of a WMD programme and to ignore or minimise evidence that Iraq did not have active and expanding weapons of mass destruction programmes. This presumption was so strong that formal mechanisms established to challenge assumptions and group think were not used.

[459] Select Committee on Intelligence, 9 July 2004, *Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*.

- In a few significant instances, the analysis in the NIE suffered from a "layering" effect, with assessments built on previous judgements without carrying forward the uncertainties of the underlying judgements.

823. Between September 2006 and June 2008, the Senate Intelligence Committee published additional detail on many of the issues addressed in the July 2004 Report.[460] The five parts of its "Phase II" Report covered the expanded investigation into pre-conflict intelligence announced by the Committee in February 2004:

- 'The Use by the Intelligence Community of Information Provided by the Iraqi National Congress' (September 2006);
- 'Postwar Findings About Iraq's WMD Programs and Links to Terrorism and How They Compare With Prewar Assessments' (September 2006);
- 'Prewar Intelligence Assessments about Postwar Iraq' (May 2007);
- 'Report on Whether Public Statements Regarding Iraq by US Government Officials Were Substantiated by Intelligence Information' (June 2008);
- 'Report on Intelligence Activities Relating to Iraq Conducted by the Policy Counterterrorism Evaluation Group and the Office of Special Plans Within the Office of the Under Secretary of Defense for Policy' (June 2008).

CIG Assessment, 13 July 2004: 'A Review of Intelligence on Possible Links Between Al Qaida and Saddam's Regime'

On 13 July, at the request of the Cabinet Office, the CIG produced an Assessment reviewing the links between Al Qaida and Saddam Hussein's regime.[461]

The Key Judgements were:

"
- Nothing we have learnt since the fall of Saddam Hussein's regime has invalidated previous JIC judgements on the possible links between the regime and Al Qaida.
- There were some contacts between the regime and Al Qaida during the 1990s, but they did not progress beyond the exploratory stage and the degree of practical co-operation, if any, was limited.
- Some sources … asserted that Al Qaida was seeking chemical and biological (CB) expertise. But the intelligence is not strong. Al Qaida did not receive CB material from Iraq.
- Saddam Hussein's regime was not involved with the 9/11 attacks.
- Al Qaida associates such as [Abu Musab] al-Zarqawi and members of Ansar al-Islam were known by the regime to be operating in Iraq and the Kurdish Autonomous Zone (KAZ) before Coalition action in 2003, but the exact relationship between the regime and Al Qaida-linked terrorists remains unclear.

---

[460] US Senate Select Committee on Intelligence, 5 June 2008, *Senate Intelligence Committee Unveils Final Phase II Reports on Prewar Iraq Intelligence*.
[461] CIG Assessment, 13 July 2004, 'A Review of Intelligence on Possible Links Between Al Qaida and Saddam's Regime'.

- Al-Zarqawi made Iraq his base for jihad on his own initiative, but with plans in line with the Al Qaida global jihadist agenda."

The additional points in the Assessment included:

Pre 9/11

- After its defeat in 1991, the Iraqi regime "sought to make contact with a number of Islamist groups".
- "Senior Al Qaida detainees have revealed that Bin Laden was personally against any formal alliance with the Iraqi regime, but that others … believed some contact would be useful."
- The exact nature of early contacts remained "unclear".
- Intelligence indicated that "further contacts took place in the late 1990s".
- There was doubt about the reliability of some of the reporting, but "sufficient intelligence to assess there was some contact throughout the 1990s".

Post 9/11

- After the fall of the Taliban in Afghanistan, "reports suggested that Iraq was being used as a transit route for Islamist terrorists", and: "By 2002 Al Qaida-linked terrorists had established a presence … some involved in the development of CB substances at a facility near Halabjah, run by Ansar al-Islam."
- It was "likely that the regime knew these Islamist terrorists were operating in Iraq, though it would not have been able to act against them in the KAZ".
- "Post war intelligence" suggested that "in Baghdad and elsewhere some effort … was made to arrest Al Qaida-linked terrorists".

The Butler Report, 14 July 2004

824. In its meeting on 7 July, the JIC discussed the forthcoming publication of the Butler Report.[462] Sir David Omand stated that it "would be the first time that such an extensive list of JIC reports had been made public". It was "in the JIC's interests that the Report showed that the right kind of warnings" had been given, and that "there was a depth to the intelligence and assessment on Iraq". There were, however, "serious security implications" and the danger of setting precedents. Redactions to the extracts from JIC Assessments would need to be agreed before publication.

825. The Butler Report was published on 14 July.[463]

826. In the House of Commons, Mr Blair assessed the Report's implications for two questions that had persisted throughout the debate on Iraq:

> "One is an issue of good faith – of integrity. This is now the fourth exhaustive inquiry that has dealt with the issue. This Report, the Hutton Inquiry, the Report of

[462] Minutes, 7 July 2004, JIC meeting.
[463] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.

the Intelligence and Security Committee before it, and that of the Foreign Affairs Committee before that, found the same thing. No one lied. No one made up the intelligence. No one inserted things into the dossier against the advice of the intelligence services. Everyone genuinely tried to do their best in good faith for the country in circumstances of acute difficulty. That issue of good faith should now be at an end.

"But there is another issue. We expected – I expected – to find actual usable chemical or biological weapons shortly after we entered Iraq … Lord Butler, in his Report, says: 'We believe that it would be a rash person who asserted at this stage that evidence of Iraqi possession of stocks of biological or chemical agents, or even of banned missiles, does not exist or will never be found.' However, I have to accept that, as the months have passed, it has seemed increasingly clear that, at the time of invasion, Saddam did not have stockpiles of chemical or biological weapons ready to deploy. The second issue is therefore this: even if we acted in perfectly good faith, is it now the case that in the absence of stockpiles of weapons ready to deploy, the threat was misconceived and therefore the war was unjustified?

"I have searched my conscience … to answer that question. My answer would be this: the evidence of Saddam's weapons of mass destruction was indeed less certain and less well founded than was stated at the time … However … he retained complete strategic intent on WMD and significant capability … He had no intention of ever co-operating fully with the inspectors, and he was going to start up again the moment the troops and the inspectors departed, or the sanctions eroded. I say further that if we had backed down in respect of Saddam, we would never have taken the stand that we needed to take on weapons of mass destruction, we would never have got the progress on Libya, for example, that we achieved, and we would have left Saddam in charge of Iraq, with every malign intent and capability still in place, and with every dictator with the same intent everywhere immeasurably emboldened."[464]

827. Mr Blair commented on the Butler Report's statement that:

"… with hindsight making public that the authorship of the dossier was by the JIC was a mistake. It meant that more weight was put on the intelligence than it could bear, and put the JIC and its chairman in a difficult position. It recommends in future a clear delimitation between Government and the JIC, perhaps by issuing two documents. I think this is wise, although I doubt that it would have made much difference to the reception of the intelligence at the time. The Report also enlarges on the criticisms of the ISC in respect of the greater use of caveats about intelligence both in the dossier and in my foreword, and we accept that entirely.

---

[464] House of Commons, *Official Report*, 14 July 2004, column 1431.

> "The Report also states that significant parts of the intelligence have now been found by the Secret Intelligence Service to be in doubt. The Chief of the SIS, Sir Richard Dearlove, has told me that it accepts all the conclusions and recommendations of Lord Butler's Report that concern the Service. The SIS will fully address the recommendations that Lord Butler has made about its procedures and about the need for the Service properly to resource them. The Service has played and continues to play, a vital role in countering worldwide the tide of proliferation of weapons of mass destruction. Indeed, its successes are evident in Lord Butler's Report.
>
> "I accept the Report's conclusions in full. Any mistakes should not be laid at the door of our intelligence and security community. They do a tremendous job for our country. I accept full personal responsibility for the way in which the issue was presented and therefore for any errors that were made."[465]

828. The Inquiry cites the findings of the Butler Review at a number of points in Sections 4.1, 4.2 and 4.3 where they best illuminate the issues under discussion, rather than attempting to summarise them in one place. Those include:

- Findings relating to the intelligence underpinning individual JIC Assessments and the quality of those Assessments;
- Findings on the way in which intelligence and JIC Assessments were used to underpin public statements by the Government, and in particular the September 2002 dossier and statements to Parliament;
- Findings on the reporting issued in September 2002 about the production of chemical agent; and
- Findings on the serious doubts about other lines of reporting and the eventual withdrawal of that reporting, including reports about mobile facilities for the production of biological agent and the claim that chemical and biological munitions could be moved into place for an attack within 45 minutes.

The ISG Comprehensive Report, 6 October 2004

829. Mr Blair discussed the ISG Comprehensive Report with President Bush in late July.

830. Mr Blair stated to officials that the Comprehensive Report needed to indicate the degree of certainty that Iraq had not possessed WMD and how far the security situation in Iraq had affected the search.

831. Officials warned of the need to avoid any repeat of allegations that the UK had exerted improper pressure on the preparation of the previous ISG report.

---

[465] House of Commons, *Official Report*, 14 July 2004, column 1435.

832. Mr Blair raised the ISG report during a video conference with President Bush on 22 July.[466] He said that Mr Duelfer needed to prove that Saddam Hussein had been "procuring the means to develop WMD, had missiles to deliver it, and the intent to use it". The ISG report could prove to be a powerful argument in support of the war.

833. Mr Blair suggested that, with the ISG report and the Butler Review, which had made clear that Al Qaida had been present in Iraq, "we could clearly argue that it would have been wrong to let Saddam go unchecked". The timing of the ISG report had to be right. Sir Nigel Sheinwald noted that early September looked realistic.

834. Mr Dowse discussed the ISG report with Mr Duelfer at a meeting hosted by the US Embassy in London on 31 August.[467] Mr Duelfer stated that he did not expect the report to satisfy those wanting evidence of WMD, but thought it would disappoint those who said that sanctions and containment had been working. There would be plenty of very clear evidence that Iraqi abuse of OFF had allowed the regime to siphon off "huge amounts" of money.

835. Mr Dowse reported that it was Mr Duelfer's "firm intention" to deliver the report to Mr McLaughlin by the end of September in a form suitable for immediate publication. A draft should be ready for review by governments in Washington, London and Canberra in about two weeks.

836. Mr Blair commented that Mr Duelfer needed:

> "… a conclusion on WMD weapons themselves. How clear is it that they didn't exist; is it an open question; how has the security situation post May 03 & now affected the search? He will need answers to this."[468]

837. Mr Dowse responded on 10 September. The UK had not seen the latest text, but Mr Duelfer was expected to say that:

- the ISG had "not been able to determine conclusively whether Saddam possessed WMD in 2003"; and
- the likelihood was that "even if some did exist, they were not of military significance".[469]

838. Mr Dowse reported that Mr Duelfer remained "extremely (and rightly) sensitive" to leaks of the report before publication, and particularly to any suggestion that he may be influenced by Washington or London. Mr Dowse advised: "we must avoid a repeat of the allegations that HMG exerted improper pressure on the last report".

---

[466] Letter Phillipson to Adams, 22 July 2004, 'Prime Minister's VTC with President Bush, 22 July: Iraq and MEPP'.
[467] Minute Dowse to Ehrman, 31 August 2004, 'Next Iraq Survey Report'.
[468] Manuscript comment Blair on Minute Dowse to Ehrman, 31 August 2004, 'Next Iraq Survey Report'.
[469] Minute Dowse to Phillipson, 10 September 2004, 'Next Iraq Survey Group Report'.

839. The JIC Sub-Committee on Iraq/WMD, chaired by Mr Ehrman, who took up his appointment as Chairman of the JIC at the end of August, discussed Mr Duelfer's draft Comprehensive Report on 17 September.[470]

840. The meeting was also informed that Washington planned to reduce the size of the ISG in Baghdad, culminating in its merger with MNF-I. During the drawdown period it could follow up a number of lines "including reporting on the chemical laboratory network and links with Syria".

841. Mr Ehrman reported to Sir Nigel Sheinwald that the DIS had received five of the six chapters of the draft Comprehensive Report, which would be considered for factual accuracy and intelligence source protection.[471] Mr Duelfer had made it clear he would not accept any attempt to alter the judgements in the Report. Mr Ehrman stated that no such attempts were being made.

842. Mr Ehrman explained that the JIC was:

> "… preparing a table showing key conclusions set against what the dossier and JIC assessments said before the war … [T]he headline points can be summarised as follows:
>
> a) Strategic intent
>
> Duelfer concludes that Saddam wanted to recreate Iraq's WMD capability after sanctions were removed. Though there was no formal written strategy or plan for this, the ISG say they have clear evidence of his intent to do it. Saddam aspired to develop a nuclear capability but intended to focus on ballistic missile and tactical CW capabilities.
>
> Iraq never intended to meet the spirit of the UNSC's resolutions … By mid-2000 elements within Saddam's regime boasted that the UN sanctions regime was slowly eroding.
>
> b) WMD capabilities
>
> Duelfer judges that Iraq's WMD capability was mostly destroyed in 1991 …
>
> Saddam's perceived requirement to bluff about WMD … made it too dangerous to reveal this to the international community …
>
> Duelfer says that the ISG has not judged conclusively whether or not Saddam possessed WMD in 2003 …

---

[470] Minutes, 17 September 2004, JIC Sub-Committee on Iraq/WMD meeting.
[471] Minute Ehrman to Sheinwald, 17 September 2004, 'Iraq Survey Group (ISG) Report'.

c) CW

… There are no indications that Baghdad resumed production of chemical munitions [after 1991] …

… the Iraqi Intelligence Service maintained from 1991 to 2003 a set of undeclared covert laboratories to research and test various chemicals and poisons, primarily for intelligence operations …

The ISG judges that Iraq had a capability to produce large quantities of sulphur mustard agent within three to six months.

d) Nuclear

Saddam ended the nuclear programme in 1991. The ISG found no evidence to suggest concerted efforts to restart the programme …

The ISG has uncovered no information to support allegations of Iraqi pursuit of uranium from abroad in the post-Operation Desert Storm era …

e) Delivery systems

The ISG has uncovered no evidence that Iraq retained SCUD-variant missiles (ie Al Husseins) …

… The ISG assesses that Saddam clearly intended to reconstitute long range delivery systems and that the systems were potentially for WMD.

The ISG has substantial documentary evidence and source reporting indicating that the regime intentionally violated various international resolutions and agreements in order to pursue its delivery systems programmes."

843. Mr Ehrman recommended that the Government's public lines on the Comprehensive Report should focus on:

- the Report's confirmation of Saddam Hussein's breaches of resolution 1441;
- Saddam Hussein's strategic intent to reconstitute his WMD when sanctions were lifted; and
- the conclusion that sanctions and therefore containment were becoming progressively less effective.

844. Mr Ehrman advised that many of the ISG's points had already been covered in the Butler Report, but the ISG's "central judgement, that Iraq's WMD capability was essentially destroyed in 1991 and not reconstituted by March 2003", was "firmer than the judgement Lord Butler had reached".

845. On 21 September, Mr Ehrman informed Sir Nigel Sheinwald that the UK had received the final, BW, chapter of the draft Comprehensive Report.[472] He explained that the JIC had also been able to look at the detail of the section on illicit finance and procurement.

846. Mr Ehrman wrote that, on BW:

- The ISG judged that Iraq appeared "to have destroyed its undeclared stocks of BW agent", but it lacked "evidence to document complete destruction".
- "Iraq retained some BW-related seedstocks until their discovery after Operation Iraqi Freedom."
- After Operation Desert Storm, in 1991, Iraq "sought to save what it could of its BW infrastructure and covertly to continue BW research, as well as to hide evidence of that and earlier efforts".
- The ISG judged that Iraq "abandoned its existing BW programme, destroying the facility at al Hakam" when the Iraq economy was "at rock bottom in 1995".
- The ISG had "found no direct evidence that Iraq, after 1996, had plans for a new BW programme or was conducting BW-specific work for military purposes".
- The ISG judged that BW applicable research since 1996 "was not conducted in connection with the development of a BW programme".
- "The Iraqi intelligence service had a series of laboratories that conducted biological work including research into BW agents for assassination purposes until the mid-1990s." Experiments had been conducted on human beings, who died, but there was "no evidence to link these tests with the development of BW".
- "In spite of exhaustive investigation", the ISG had "found no evidence that Iraq possessed or was developing, BW agent production systems mounted on road vehicles or railway wagons".
- The ISG judged that "the two trailers captured in 2003" were "almost certainly designed and built exclusively for the generation of hydrogen".
- The ISG judged that "Iraq could have re-established an elementary BW programme within a few weeks to a few months of a decision to do so, but it has discovered no indications that the regime was pursuing such a course".

847. On illicit finance and procurement, Mr Ehrman reported that the findings included:

- Private companies from Jordan, India, France, Italy, Romania and Turkey appeared to have engaged in possible WMD-related trade with Iraq.
- The Governments of Russia, Syria, Belarus, North Korea, the Federal Republic of Yugoslavia and Yemen directly supported or endorsed private companies'

[472] Minute Ehrman to Sheinwald, 21 September 2004, 'Iraq Survey Group (ISG) Report'.

efforts to assist Iraq with conventional arms procurement, in breach of UN sanctions.

- The Governments of Jordan, China, India, South Korea, Bulgaria, Ukraine, Cyprus, Egypt, Lebanon, Georgia, France, Poland, Romania and Taiwan allowed private and/or state-owned companies to support Iraq's conventional arms procurement programmes.
- The number of countries supporting Iraq's schemes to undermine sanctions increased dramatically between 1995 and 2003.
- A number of bilateral trade agreements with "neighbouring" countries, including Jordan, Syria, Turkey, Egypt and Yemen, eventually led to sanctions violations.
- France was one of the top three countries with companies or individuals receiving secret oil vouchers.
- There was a significant amount of captured documentation showing contracts between Iraq and Russian companies "close to government".

Mr Blair's speech to the Labour Party conference, 28 September 2004

In his speech to the Labour Party conference on 28 September, Mr Blair raised the issue of trust and the decisions he had made on future security in the preceding three years.[473] Mr Blair said that he wanted to deal with the issue of Iraq "head on". He stated:

> "The evidence about Saddam having actual biological and chemical weapons, as opposed to the capability to develop them, has turned out to be wrong.
>
> "I acknowledge that and accept it.
>
> "I simply point out, such evidence was agreed by the whole international community, not least because Saddam had used such weapons against his own people and neighbouring countries.
>
> "And the problem is, I can apologise for the information that turned out to be wrong, but I can't, sincerely at least, apologise for removing Saddam.
>
> "The world is a better place with Saddam in prison not in power."

Mr Blair challenged the "belief that the basic judgement I have made since September 11th [2001], including on Iraq, is wrong, that by our actions we have made matters worse not better". He acknowledged that the issue had "divided the country", but set out his view of the need to deal with the threat from the "wholly new phenomenon of worldwide global terrorism", including in Iraq, and the importance of the alliance with the US.

[473] *BBC News*, 28 September 2004, *Full text of Blair's Speech*.

848. On 28 September, Mr Ehrman sent Sir Nigel Sheinwald draft "lines to take" on the ISG Comprehensive Report, excluding the section on illicit finance and procurement, which Mr Duelfer was reported to be rewriting.[474]

849. Mr Ehrman proposed that the focus should be on the three themes he had identified in earlier minutes:

"
- Saddam's strategic intent to reconstitute his WMD when sanctions were lifted;
- his repeated breaches of Security Council resolutions, including 1441;
- the ISG conclusions on the progressive erosion of sanctions."

850. Mr Ehrman added:

> "The lines to take also seek to deal with the main point which many will make (put crudely 'no WMD') – mainly by reference to Lord Butler's conclusions. We will be asked: 'Do you endorse/accept the ISG Report?' I recommend that we stick to the reference back to Butler, whose conclusions were very close to the ISG's, and to the fact that the Government accepted these. We cannot go further because we do not accept Duelfer's conclusion on uranium and Niger, which is the opposite of Butler's. Nor has Duelfer in most cases made clear the full reasoning behind his conclusions."

851. Mr Ehrman sent a further update on 1 October, explaining that the chapter on procurement was still being worked on.[475]

852. Mr Anthony Phillipson, Mr Blair's Private Secretary for Foreign Affairs, sent Mr Blair a minute on developments later the same day.[476] Formal publication of the ISG Comprehensive Report would be at 1500 UK time on 6 October. The US Government would brief the US press at 1900 UK time on 5 October. The FCO was leading on UK press handling and intended to take "a low-key, defensive, approach". It was not a UK report and there would be no UK pre-briefing. Mr Straw would issue a Written Statement.

853. Mr Phillipson wrote that Mr Blair would:

> "… want to discuss this on Monday [4 October], particularly if you want to take a more proactive approach to get across the positive aspects of the Report regarding Saddam's strategic intent to develop WMD."

854. Mr Phillipson added that the US had decided that there would be two printed versions of the Comprehensive Report, not one:

- a "not for publication" version for Congress and the US Government; and
- an online version with references to US companies and individuals excised for legal reasons.

---

[474] Minute Ehrman to Sheinwald, 28 September 2004, 'Iraq Survey Group (ISG) Report' attaching Paper [unattributed], [undated], 'Duelfer's Comprehensive Report: Lines to Take'.
[475] Minute Ehrman to Sheinwald, 1 October 2004, 'Iraq Survey Group (ISG) Report'.
[476] Minute Phillipson to Prime Minister, 1 October 2004, 'ISG Report: Publication'.

855. Mr Phillipson wrote that the US Government had rejected Mr Duelfer's argument that it should be sufficient to issue a disclaimer stating that naming companies in the Report was not an indication of guilt or complicity; a published official CIA report could not mention named US individuals or entities. The UK had pressed for the exclusion of all such references, but the US position was that the legal restriction did not apply to non-US entities. Presentationally, that approach was better than removing only US and UK names; it emphasised that it was not the UK's report.

856. The other issue still to be addressed was the withdrawal of intelligence used before the invasion to support assessments about Iraqi WMD programmes. No.10 was discussing handling, including informing the ISC, with SIS.

857. Sir Nigel Sheinwald and Dr Rice discussed the ISG Comprehensive Report on 4 October.[477] Sir Nigel said that there had been good co-ordination between the US and UK. He set out Mr Blair's view on handling: the failure to find WMD stockpiles it should be presented as "yesterday's story" and the media should be encouraged to focus on the new material about strategic intent, concealment and sanctions busting.

858. Mr Blair raised the ISG Comprehensive Report with President Bush during a video conference on 5 October.[478]

859. Mr Blair's brief for the conversation suggested that he tell President Bush that the UK was focusing on the positive aspects of the ISG Report rather than the lack of WMD.[479]

860. During his wider discussion with President Bush on Iraq on 5 October (see Section 9.3), Mr Blair stated that the ISG Report "showed that Saddam had a clear strategic intent to develop WMD" and that "terrorists had now chosen to make Iraq the battleground".[480] It would be naive to say that Iraq had been stable and non-threatening before March 2003 and would still be so if no action had been taken. Mr Blair concluded that:

> "We needed to focus on the fact that sanctions had not been working, Saddam had strategic intent to rebuild his capability, and even if he had no deployable weapons, the enforcement regime wasn't working and Saddam was gearing up for when it was removed. We had to focus on the whole story."

861. The ISG Comprehensive Report was published on 6 October 2004.

---

[477] Letter Sheinwald to Adams, 4 October 2004, 'Conversation with US National Security Adviser, 4 October'.
[478] Letter Phillipson to Adams, 5 October 2004, 'Prime Minister's VTC with President Bush, 5 October: US Elections, Iraq, Iran, MEPP'.
[479] Minute Phillipson to Prime Minister, 4 October 2004, 'VTC with President Bush, 5 October'.
[480] Letter Phillipson to Adams, 5 October 2004, 'Prime Minister's VTC with President Bush, 5 October: US Elections, Iraq, Iran, MEPP'.

862. In the 'Scope Note' introducing *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD* (the ISG Comprehensive Report), Mr Duelfer stated that the Report covered the ISG's findings between June 2003 and September 2004.[481] Since there remained "the possibility (though small) of remaining WMD", reports of WMD-related material in the future would continue to be investigated.

863. The Comprehensive Report was divided into six sections, each opening with a summary of key findings.[482] Those included:

Regime Strategic Intent:

- ***"Saddam Hussein so dominated the Iraqi regime that its strategic intent was his alone. He wanted to end sanctions while preserving the capability to reconstitute his weapons of mass destruction (WMD) when sanctions were lifted."***
- ***"Saddam wanted to recreate Iraq's WMD capability – which was essentially destroyed in 1991 – after sanctions were removed and Iraq's economy stabilized, but probably with a different mix of capabilities to that which previously existed. Saddam aspired to develop a nuclear capability – in an incremental fashion, irrespective of international pressure and the resulting economic risks – but he intended to focus on ballistic missile and tactical chemical warfare (CW) capabilities."***

Regime Finance and Procurement:

- "Saddam directed the regime's key ministries and governmental agencies to devise and implement strategies, policies and techniques to discredit the UN sanctions, harass UN personnel in Iraq, and discredit the US. At the same time, according to reporting, he also wanted to obfuscate Iraq's refusal to reveal the nature of its WMD and WMD-related programs, their capabilities, and his intentions."
- "Iraq under Saddam successfully devised various methods to acquire and import items prohibited under UN sanctions …"

Delivery Systems:

- **"Desert Storm and subsequent UN resolutions and inspections brought many of Iraq's delivery programs to a halt."**
- "While other WMD programs were strictly prohibited, the UN permitted Iraq to develop and possess delivery systems provided their range did not exceed 150km. This freedom allowed Iraq to keep its scientists and technicians

[481] Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*, Volume I, 'Scope Note'.
[482] Central Intelligence Agency, 30 September 2004, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*.

employed and to keep its infrastructure and manufacturing base largely intact … ***This positioned Iraq for a potential breakout capability***."

- **"*ISG uncovered Iraqi plans or designs for three long range ballistic missiles with ranges from 400 to 1,000km and for a 1,000km-range cruise missile, although none of these systems progressed to production and only one purportedly passed the design stage. ISG assesses that these plans demonstrate Saddam's continuing desire – up to the beginning of Operation Iraqi Freedom (OIF) – for a long range delivery capability*."**
- **"*Procurements supporting delivery system programs expanded after the 1998 departure of the UN inspectors. Iraq also hired outside expertise to assist development programs*."**
- **"**… ***ISG assesses that Saddam clearly intended to reconstitute long range delivery systems and the systems potentially were for WMD*."**

Nuclear:

- **"Iraq Survey Group (ISG) discovered further evidence of the maturity and significance of the pre-1991 Iraqi Nuclear program but found that Iraq's ability to reconstitute a nuclear weapons program progressively decayed after that date."**
- **"In the wake of Desert Storm, Iraq took steps to conceal key elements of its program and to preserve what it could of the professional capabilities of its nuclear scientific community."**
- **"As with other WMD areas, Saddam's ambitions in the nuclear area were secondary to his prime objective of ending UN sanctions."**

Chemical:

- **"*Saddam never abandoned his intentions to resume a CW effort when sanctions were lifted and conditions were judged favourable …*"**
- **"*While a small number of old, abandoned chemical munitions have been discovered, ISG judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991.*** There are no credible indications that Baghdad resumed production of chemical munitions thereafter …"
- **"*The way Iraq organized its chemical industry after the mid-1990s allowed it to conserve the knowledge-base needed to restart a CW program …*"**
- **"*Iraq's historical ability to implement simple solutions to weaponization challenges allowed Iraq to retain the capability to weaponize CW agent when the need arose …*"**

Biological:

- **"*ISG judges that Iraq's actions between 1991 and 1996 demonstrate that the state intended to preserve its BW capability and return to a steady, methodical progress toward a mature BW program when and if the opportunity arose.*"**

- **"*ISG found no direct evidence that Iraq, after 1996, had plans for a new BW program or was conducting BW-specific work for military purposes.*"**
- **"*Nevertheless, after 1996 Iraq still had a significant dual-use capability – some declared – readily useful for BW if the regime chose to use it to pursue a BW program. Moreover, Iraq still possessed its most important BW asset, the scientific know-how of its BW cadre.*"**
- **"*Depending on its scale, Iraq could have re-established an elementary BW program within a few weeks to a few months of a decision to do so, but ISG discovered no indications that the regime was pursuing such a course.*"**
- **"*The IIS*** [Iraqi Intelligence Service] ***had a series of laboratories that conducted biological work including research into BW agents for assassination purposes until the mid-1990s. ISG has not been able … to determine whether any of the work was related to military development of BW agent*."**

864. In his memoir, Mr Duelfer wrote:

> "I [did not] want the Report to tell people what to think up front: There was no executive summary with a predetermined conclusion. The story of Iraq, sanctions, and WMD was too intricate for that: It deserved to be seen in its entirety, without single aspects being taken out of context."[483]

The Government's response to the ISG Comprehensive Report

865. In the House of Commons on 12 October, Mr Straw described the ISG Comprehensive Report as providing "chapter and verse as to why the policy of containment was not working".

866. The following day, Mr Blair told the Commons:

> **"Those people who want to pray in aid the Iraq Survey Group in respect of stockpiles of weapons must also accept the other part of what the Iraq Survey Group said, which is that Saddam retained the intent and the capability … and was in breach of United Nations resolutions. That is what Mr Duelfer expressly said."**

867. In the House of Commons on 12 October, Mr Straw stated:

> "The [ISG] Report concludes that by the mid-1990s, Iraq was essentially free of weapons of mass destruction, but it goes on to describe a sophisticated and systematic campaign by Saddam Hussein to bring down the United Nations sanctions regime and to reconstitute his weapons programme.
>
> …

[483] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.

"The Report provides chapter and verse as to why the policy of containment was not working."[484]

868. At PMQs on 13 October, Mr Blair stated:

"We know from the Iraq Survey Group that he [Saddam Hussein] indeed had the intent and capability and retained the scientists and desire, but that he might not have had stockpiles of actually deployable weapons. We have accepted that and I have already apologised for any information that subsequently turned out to be wrong.

…

"Those people who want to pray in aid the Iraq Survey Group in respect of stockpiles of weapons must also accept the other part of what the Iraq Survey Group said, which is that Saddam retained the intent and the capability – the teams of scientists and so on – and was in breach of United Nations resolutions. That is what Mr Duelfer expressly said. It was the breach of UN resolutions and their enforcement that was and is the reason for going to war."[485]

869. On 28 October, in response to a Written Parliamentary Question from Mr Llew Smith (Labour) asking for a list of the conclusions of the ISG Comprehensive Report with which the Foreign Secretary did not agree, Mr Denis MacShane, Foreign Office Minister, set out three principal areas of disagreement:

"The Iraq Survey Group (ISG) Report concludes that there is no evidence to suggest that Iraq sought to procure uranium from Africa in the 1990s. The Government continues to believe that credible evidence exists to support the assertion made in the September 2002 dossier. Lord Butler of Brockwell's Review upheld that belief. The UK was not in a position to share all the intelligence on this issue with the ISG.

"The ISG also expressed doubt that the aluminium tubes referred to in the September dossier were evidence of a resumption of Iraq's nuclear programmes. Again, Lord Butler's Review assessed this, and concluded that the Joint Intelligence Committee were right to include reference to the tubes in the dossier and that it properly reflected doubts about the use of the tubes in the caution of its assessments. The Government fully accepts the findings of Lord Butler's Review.

"The ISG also report that they found no evidence to support the claim in the dossier that Iraq 'is almost certainly seeking an indigenous ability to enrich uranium' based on gas centrifuge technology. They do, however, admit that elements of useful and relevant technologies were being developed."[486]

---

[484] House of Commons, *Official Report*, 12 October 2004, columns 151-152.
[485] House of Commons, *Official Report*, 13 October 2004, column 278.
[486] House of Commons, *Official Report*, 28 October 2004, column 1386W.

Closure of the ISG and Addendums to the Comprehensive Report

870. Mr Duelfer visited London on 15 October on his way back to Iraq.[487] He told a DIS official that he expected to remain in Baghdad until about Christmas to work on the remaining unresolved issues, including cross-border movement into Syria.

871. In his memoir, Mr Duelfer described the energy for ISG activities as "almost completely extinguished".[488] Mr McLaughlin and the White House supported the idea of the ISG collecting more information to "close out the remaining uncertain issues", including the reported movement of WMD to Syria before the invasion, but most ISG staff were now focused on the insurgency.

872. On 28 October, Op ROCKINGHAM reported that the ISG continued to investigate:

- remaining stocks of CBW agents;
- WMD infrastructure and associated individuals of concern; and
- the Syrian connection.[489]

873. The ISG was also revisiting priority WMD-related sites to document and secure equipment of proliferation concern.

874. On 8 November, two US military protection officers were killed in a convoy taking Mr Duelfer and his deputy to a meeting in Baghdad to discuss the Syrian connection.[490] After the incident, the US instructed that all ISG data-gathering missions should stop.

875. Mr Duelfer left Baghdad on 16 December.[491]

876. In April 2005, the ISG published additional material as Addendums to the Comprehensive Report.

877. On 23 December 2004, Mr Ehrman informed Sir Nigel Sheinwald that Mr Duelfer planned to publish a version of the Comprehensive Report with a number of new annexes, in the second half of January.[492] The UK had received four annexes for factual checking. The key points in the annexes included:

- Residual proliferation risks from people and equipment/materials. Mr Duelfer had concluded that the threat of proliferation of WMD skills beyond Iraq was "small".
- The value of Iraqi detainees to the ISG investigation. If the US agreed to publication, this could cause the most interest. The draft annex stated that pre-conflict intelligence on people in the WMD programme was as inaccurate

[487] Minute [DIS] to DCDI, 15 October 2004, 'Iraq/ISG: Lunch with Charles Duelfer'.
[488] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.
[489] Op ROCKINGHAM Weekly, No.70, 21-28 October 2004.
[490] Op ROCKINGHAM Weekly No.74, 18-24 November 2004'.
[491] Duelfer C. *Hide and Seek: The Search for Truth in Iraq*. Public Affairs, 2009.
[492] Minute Ehrman to Sheinwald, 23 December 2004, 'ISG Report on Iraq WMD'.

as intelligence on WMD infrastructure and was very critical of the US debriefing process.

- Residual pre-1991 stocks in Iraq. The ISG believed that any remaining chemical munitions did not pose a militarily significant threat to Coalition Forces. Iraq had "never successfully formulated" BW agents "for long term storage". Any remaining BW agents thus posed little or no risk to Coalition Forces or civilians.
- Iraq's Military Industrial Commission. Reports that Qusay Hussein had asked for a list of Iraqi BW experts to be compiled for him to pass to Syria and that an Iraqi computer hacker claimed to be able to hack into US military satellites might arouse some interest.

878. A fifth annex containing an outline plan for future investigation of possible WMD links with Syria was under consideration.

879. Mr Ehrman did not expect publication of the annexes to attract major media interest. He advised that the ISG would "effectively wind up" in January 2005, with responsibility for WMD issues passing to the MNF in Baghdad.

880. The ISG continued into 2005 as Mr Duelfer completed work, in Washington, on the Addendums to the September 2004 Comprehensive Report.[493]

881. On 25 February 2005, Mr Ehrman reported to Sir Nigel Sheinwald that the text had been sent to the printers and was expected to be published in early to mid-March.[494] He explained that the final version included an additional one-page annex on possible pre-conflict movement of WMD out of Iraq. The ISG had been unable to rule out unofficial movement of limited WMD materials, but judged it unlikely that an official transfer had taken place.

882. Mr Ehrman attached draft press lines prepared by the FCO and the MOD. He advised that the main points remained unchanged:

- "Saddam had strategic intent to reconstitute Iraq's WMD programmes when sanctions were lifted".
- "Iraq repeatedly breached Security Council Resolutions, including 1441".
- "[S]anctions were progressively eroding before the conflict".

883. Mr Ehrman advised:

> "If asked about the Report's conclusion that, by the mid-1990s Iraq was essentially free of WMD, we will refer to the Prime Minister's statement of 28 September 2004 in Brighton that 'evidence about Saddam having actual BW and CW weapons, as opposed to the capability to develop them, has turned out to be wrong'."

---

[493] Op ROCKINGHAM Weekly No.94, 20-27 April 2005.
[494] Minute Ehrman to Sheinwald, 25 February 2005, 'ISG Report on Iraq WMD' attaching Paper [MOD and FCO], [undated], 'The Publication of the Iraq Survey Group Final Report'.

884. The DIS reported on 2 March that the ISG was to be deactivated by 18 April.[495] It would be absorbed into the Combined Intelligence and Operations Centre (CIOC), which would retain WMD as a secondary role, after counter-insurgency and counter-terrorism.

885. Shortly before the eventual publication of the final edition of the Comprehensive Report on 25 April, Mr Ehrman sent Mr Sheinwald draft press lines, which had been sent to the US for "one last check" that they did not conflict with US lines.[496]

886. The main points included:

- "… [S]ix new addenda … do not fundamentally alter the findings of the earlier Report".
- "Government has already accepted the ISG conclusion that by the mid-1990s, Iraq was effectively free from WMD."
- "But have set out repeatedly why existence or otherwise of WMD does not affect the legal basis for going to war."

887. Mr Duelfer ceased to be Special Advisor to the DCI on 21 April.[497]

888. On 25 April, the final edition of the ISG Comprehensive Report, including six Addendums, was published by the US Government.[498]

889. The Addendums covered:

- 'Prewar Movement of WMD Material Out of Iraq'. The ISG reported that declining security had halted the investigation and the results remained "inconclusive". The ISG judged it "unlikely" that there had been an official transfer of WMD material from Iraq to Syria.
- 'Iraqi Detainees: Value to Investigation of Iraq WMD and Current Status'. Detainees had provided "a vital primary source of information" on Iraq's WMD programmes and the regime's strategic intent.
- 'Residual Proliferation Risks: People'. There remained a danger that hostile governments, terrorists or insurgents might seek Iraqi expertise. The number of individuals was small, but they remained "an important concern".
- 'Residual Pre-1991 CBW Stocks in Iraq'. The ISG assessed that small numbers of degraded pre-1991 chemical weapons would continue to be found, but did not pose "a militarily significant threat to Coalition forces". Any biological agents that had survived would "probably have significantly decreased pathogenicity

---

[495] Op ROCKINGHAM Weekly No.87, 23 February – 2 March 2005.
[496] Minute Ehrman to Sheinwald, 21 April 2005, 'ISG Report on Iraq WMD' attaching Paper [unattributed], 21 April 2005, 'The Publication of the Iraq Survey Group Final Report'.
[497] Op ROCKINGHAM Weekly No.93, 13-20 April 2005.
[498] US Government Publishing Office, 25 April 2005, *The Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD with Addendums.*

because Iraq never successfully formulated its biological agents for long-term storage."

- 'Residual Proliferation Risk: Equipment and Materials'. The ISG judged that Iraq's remaining chemical and biological infrastructure did not pose a proliferation concern. Some potential nuclear-related dual-use equipment was missing, but the ISG had not established its "ultimate disposition".
- 'Iraq's Military Industrial Capability – Evolution of the Military Industrialization Commission'. Additional information on the MIC based principally on custodial interviews with former senior members.

Report of the US Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 31 March 2005

890. The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, established by President Bush on 6 February 2004, published its Report on 31 March 2005.[499]

891. In their covering letter to President Bush, the members of the Commission wrote:

> "We conclude that the Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. This was a major intelligence failure. Its principal causes were the Intelligence Community's inability to collect good information about Iraq's WMD programs, serious errors in analyzing what information it could gather, and a failure to make clear just how much of its analysis was based on assumptions, rather than good evidence …
>
> "After a thorough review, the Commission found no indication that the Intelligence Community distorted the evidence regarding Iraq's weapons of mass destruction. What the intelligence professionals told you about Saddam Hussein's programs was what they believed. They were simply wrong."

JIC Assessment, 28 September 2006: 'Iraqi Chemical Weapons: Implications of Recent Finds'

892. In September 2006, the JIC issued an Assessment considering recent US recovery of chemical munitions, 'Iraqi Chemical Weapons: Implications of Recent Finds'.[500] It addressed:

- a series of US-led operations to purchase chemical weapons in MND(SE);
- recent US discoveries of canisters from a previously unidentified site at Taji, a large military complex north of Baghdad; and
- occasional individual finds.

---

[499] The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, 31 March 2005, *Report to the President of the United States*.
[500] JIC Assessment, 28 September 2006, 'Iraqi Chemical Weapons: Implications of Recent Finds'.

893. The Assessment stated that, in southern Iraq, "Some 545 sarin nerve agent warheads for 122mm rockets had been recovered." The UK did not know the original sources or the sites from which the weapons had been recovered. The Assessment judged that they had been produced before 1991 and were probably from forward ammunition supply points, not the principal CW storage depot at Al Muthanna or any other large depot. The warheads did "**not constitute evidence of a concerted Iraqi plan to retain chemical weapons covertly post-1991 in a viable state for future use**". Their existence could be explained by a number of reasons, including careless disposal, poor accounting or simple loss or abandonment. The Assessment also stated that Iraqi sarin "had a relatively short shelf life".

894. The munitions recovered at Taji were "CW-capable" but no CW agents had been identified.

895. The Assessment stated that small numbers of munitions designed to carry agents other than sarin had been recovered, "including 11 or 12 155mm mustard-based artillery rounds". None contained "more than residual traces of mustard".

896. The Assessment also stated:

> "It is unlikely ever to be possible to reconcile the tens of thousands of 122mm chemical weapons that the former regime declared it had manufactured, used and destroyed with figures from UNSCOM or the findings of the Iraq Survey Group. **We judge that further recoveries of sarin-based chemical weapons are highly likely, but we cannot estimate how many will be found in total**."

Conclusions

897. This Section has considered the impact of the failure to find stockpiles of WMD in Iraq in the months immediately after the invasion, and of the ISG's emerging conclusions, on:

- **the Government's response to demands for an independent judge-led inquiry into pre-conflict intelligence on Iraq; and**
- **the Government's public presentation of the nature of the threat from Saddam Hussein's regime and the decision to go to war.**

898. The Inquiry has not sought to comment in detail on the specific conclusions of the ISC, FAC, Hutton and Butler Reports, all of which were published before the withdrawal by SIS in September 2004 of a significant proportion of the intelligence underpinning the JIC Assessments and September 2002 dossier on which UK policy had rested.

899. In addition to the conclusions of those reports, the Inquiry notes the forthright statement in March 2005 of the US Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.

Reporting to President Bush, the Commission stated that "the [US] Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. This was a major intelligence failure."

900. The evidence in this Section shows that, after the invasion, the UK Government, including the intelligence community, was reluctant to admit, and to recognise publicly, the mounting evidence that there had been failings in the UK's pre-conflict collection, validation, analysis and presentation of intelligence on Iraq's WMD.

901. Despite the failure to identify any evidence of WMD programmes during pre-conflict inspections, the UK Government remained confident that evidence would be found after the Iraqi regime had been removed.

902. Almost immediately after the start of the invasion, UK Ministers and officials sought to lower public expectations of immediate or significant finds of WMD in Iraq.

903. At the end of March 2003, Mr Scarlett informed No.10 that the Assessments Staff considered that:

- most sites associated with WMD production had been "cleansed over the last six to nine months"; and
- "the best prospect of exposing the full extent of the WMD programmes rests in free contact with scientists, and other individuals, involved in the WMD programmes and the (extensive) concealment activity".

904. On 21 April, Mr Straw expressed concern to Mr Blair that the Government was being pushed into a position where it accepted that war would only have been justified if there was a significant find of WMD.

905. The post-invasion search for WMD did not start well. XTF-75, the US-led military unit responsible for locating and securing personnel, documents, electronic files, and material, achieved little on WMD. It failed to make significant finds or to prevent the loss of potentially valuable information.

906. By May, when the US announced the creation of the ISG to take over the search for WMD, the absence of significant finds in Iraq was already generating critical media comment on the nature of the pre-invasion intelligence.

907. The UK Government employed the same arguments used to explain the inspectors' lack of finds – the regime's skill at cheating and concealment and the need to conduct interviews with key personnel – to explain the lack of any significant finds from the early post-invasion searches.

908. The Government sought to emphasise the complexity of the exercise and the time needed for work to be completed.

909. The early discovery of two mobile trailers was the most significant find, but the trailers' use for BW production remained unproven.

910. The lack of evidence to support pre-conflict claims about Iraq's WMD challenged the credibility of the Government and the intelligence community, and the legitimacy of the war.

911. The Government and the intelligence community were both concerned about the consequences of the presentational aspects of their pre-war assessments being discredited.

912. Although the US proposed the creation of the ISG in April, it was not launched until 30 May. Mr Tenet appointed Dr Kay as the ISG's first Head on 11 June and it was another two months before Mr Scarlett was able to inform No.10 on 10 August that the ISG was "fully operational".

913. By June, the Government had acknowledged the need for a review of the UK's pre-conflict intelligence on Iraq. It responded to demands for an independent, judge-led inquiry by expressing support for the reviews initiated by the ISC and the FAC.

914. The announcement of the Hutton Inquiry into the circumstances surrounding the death of Dr David Kelly on 18 July reinforced the Government's position that additional reviews were not needed.

915. The Government maintained that position until January 2004, backed by three votes in the House of Commons (on 4 June, 15 July and 22 October) rejecting a succession of Opposition motions calling for an independent inquiry into the use of pre-war intelligence.

916. Mr Blair's initial response to growing criticism of the failure to find WMD was to counsel patience.

917. In Washington on 17 July, Mr Blair told the media that he believed "with every fibre of instinct and conviction" that he would be proved right about the threat from Iraqi WMD, but that it was important to wait for the ISG to complete its work.

918. In his Interim Report to Congress on 2 October, Dr Kay stated that the ISG had not found stocks of weapons. He judged that, although it was "far too early" to reach definitive conclusions, Saddam Hussein "had not given up his aspirations and intentions to continue to acquire weapons of mass destruction".

919. Despite finding that Saddam Hussein had breached Security Council resolutions and that he had intended to restart his WMD programmes as soon as he was able, the ISG Interim Report did not change the tone of the public debate.

920. After the publication of the ISG Interim Report, the Government's focus shifted from finding stockpiles of weapons to emphasising evidence of the Iraqi regime's strategic intent.

921. Mr Blair sought to redefine the public debate, shifting focus away from the failure to find WMD and concerns about the reliability of intelligence towards efforts to counter global proliferation and what he assessed to be the positive impact of military action in Iraq on those efforts.

922. On 5 October, in response to the failure to find "enough on WMD" and the deteriorating security situation in Iraq, Mr Blair outlined to President Bush a new strategy "to get us back on the high ground and get the public … to focus on the big picture". He concluded:

> "WMD/terror remains the 21st century threat. Our global agenda is the only way to a better future not just for us but for the world. We're not going soft on it. We're going to be utterly determined on it, because it's right."

923. In autumn 2003, the ISG faced increasing obstacles to its WMD investigations, caused mostly by the deteriorating security situation, including:

- constraints on ISG staff mobility;
- a reluctance among Iraqi experts to talk openly about Saddam Hussein's WMD programmes; and
- growing pressure from Washington to transfer resources from the search for WMD to counter-insurgency.

924. The diversion of resources from WMD to counter-insurgency was reported to have contributed to Dr Kay's decision in December to resign as Head of the ISG.

925. On 11 January 2004, in an interview with Sir David Frost, Mr Blair drew attention to emerging evidence from the ISG of "clandestine operations that should have been disclosed to the United Nations". Mr Blair still believed weapons would be found, but commented that "we just have to wait and see".

926. Points made in a Cabinet discussion on Iraq on 15 January included the observation that public opinion continued to focus on the absence of WMD, while the broader counter-proliferation story was inadequately covered.

927. Pressure for an independent inquiry in the UK continued to grow.

928. Secretary Powell's comment on 24 January that it was an "open question" whether Iraq held any stocks of WMD, widely reported in the UK media, caused the UK Government considerable difficulty.

929. The Government's response was to try to keep "in very close step" with the US. As late as 26 January, UK officials informed their US counterparts that the Government would continue to argue that, after the ISC, FAC and Hutton, there was no need for a further inquiry on intelligence.

930. Once President Bush made clear his decision to set up an independent inquiry, Mr Blair's resistance to a public inquiry became untenable.

931. By 29 January, the day after the publication of the Hutton Report, it was clear to Mr Blair that President Bush intended to set up an independent US inquiry into pre-conflict intelligence before he was forced to do so by Congress.

932. In his 'Note on WMD', sent to President Bush on 31 January, Mr Blair concluded that, if it proved necessary to accept that some of the intelligence on Iraqi WMD was wrong, it would be important not to "start pretending" that Iraq had nothing, or to allow inaccuracies in the intelligence to distract the UK and US from "confronting the WMD issue".

933. On 2 February, the same day as President Bush confirmed the imminent announcement of a "bipartisan independent commission", Mr Blair agreed to set up a committee of Privy Councillors with wider Terms of Reference than the ISC inquiry, looking at "intelligence on WMD in general, not just Iraq".

934. Mr Straw announced the creation of the Butler Review to Parliament on 3 February, three days before President Bush signed the Executive Order establishing the US Commission.

935. After the announcement of the Butler Review, the UK Government's focus shifted to the content of the next ISG report, the Status Report.

936. The Government, still concerned about the nature of the public debate on WMD in the UK, sought to ensure that the Status Report included existing ISG material highlighting the strategic intentions of Saddam Hussein's regime and breaches of Security Council resolutions.

937. Mr Duelfer began work on the ISG Status Report shortly after replacing Dr Kay as Head of the ISG on 23 January.

938. During his call on Mr Blair in London on 9 February, Mr Duelfer stated that it was his hypothesis that the regime's strategy had been to outlast UN sanctions. He did not believe that any judgements could be made until that was proven.

939. In his memoir, Mr Duelfer recorded that, at that meeting, Mr Blair had been "very well informed on the issue of WMD" and had given him the opportunity to go into the issue in more depth than had been possible with President Bush or Dr Rice. Mr Duelfer stated that Mr Blair had not made strong suggestions.

940. Sir Nigel Sheinwald reported to Mr Blair on 4 March that Mr Duelfer had made it clear that he would not accept "joint drafting" of his report. Sir Nigel had asked the FCO and SIS to press their US counterparts and said that he and Mr Blair and he should raise the issue with President Bush and Dr Rice.

941. Mr Scarlett sent Mr Duelfer "nuggets" from the September 2003 ISG Interim Report, including on strategic intent, explaining that they were not intended as drafting suggestions, but to identify existing ISG material worth highlighting. Many of Mr Scarlett's suggestions were incorporated into Mr Duelfer's testimony to Congress on 30 March.

942. Mr Duelfer's testimony received little publicity. Mr Blair was advised that, given the security situation in Iraq, it would be extremely difficult to get further coverage in anything other than negative terms.

943. Mr Blair remained concerned about continuing public and Parliamentary criticism of the pre-conflict intelligence, the failure to find WMD and the decision to invade Iraq. After the reports from the Hutton Inquiry, the ISG and the US Commission, he sought to demonstrate that, although "the exact basis for action was not as we thought", the invasion had still been justified.

944. Mr Blair told President Bush on 16 June that he remained "deeply concerned" about WMD. He expressed the wish that "if at all possible", the reports of the Senate Intelligence Committee, the Butler Review and the ISG "should have this issue dealt with and lanced all at the same time".

945. Mr Blair suggested to President Bush that the truth on Iraq's WMD was probably that Saddam Hussein:

> "… was developing long range ballistic missile capability in breach of UN resolutions; he probably had no or no large stockpiles of tactical CW or BW weapons; but he retained the capability and expertise to recommence production as soon as he could, again in breach of UN resolutions …
>
> "Such an explanation would mean that some of the intelligence upon which we acted was wrong; but that nonetheless the threat was there, as was the breach of UN resolutions. It would also explain why the picture was so confused and why, whilst the exact basis of action was not as we thought, the action was still justified."

946. Mr Blair suggested that it might make sense to publish the ISG Comprehensive Report at the same time as the Senate Intelligence Committee and Butler Reports to "provide the clear evidential basis for saying there was indeed a threat, even if it was not the threat that had been anticipated".

947. Immediately before and after the publication of the Senate Intelligence Committee and Butler Reports on 7 and 14 July respectively, Mr Blair restated his conviction that Iraq had posed a threat and that military action had been necessary to make progress in Libya and elsewhere.

948. On 6 July, Mr Blair told the Liaison Committee of the House of Commons that he had to accept that stockpiles of WMD "might not be found", but it was "absolutely clear" that Saddam Hussein had the "strategic capability, the intent" and that he had committed multiple breaches of UN sanctions.

949. Mr Blair said that he still believed that Saddam Hussein had posed a threat. Without military action against Iraq, there would not have been the progress there had been on Libya, AQ Khan, Iran and North Korea.

950. In his statement to the House of Commons after the publication of the Butler Report, Mr Blair said that Saddam Hussein "retained complete strategic intent on WMD and significant capability".

951. In July, Mr Blair told President Bush that the forthcoming ISG Comprehensive Report could be a powerful argument in support of the war.

952. Sir Nigel Sheinwald set out Mr Blair's views on handling to Dr Rice on 4 October: that the failure to find stockpiles of WMD should be presented as "yesterday's story" and the media encouraged to focus on new material about strategic intent, concealment and sanctions busting.

953. Mr Blair told President Bush on 5 October that the ISG Comprehensive Report "showed that Saddam Hussein had a clear strategic intent to develop WMD" and that "terrorists had chosen to make Iraq the battleground".

954. The ISG Comprehensive Report was published on 6 October. It stated that it had been Saddam Hussein's strategic intent to "end sanctions while preserving the capability to reconstitute his weapons of mass destruction (WMD) when sanctions were lifted", and that in seeking to preserve that capability his regime had breached UN sanctions.

955. Addressing the state of Iraq's WMD programmes in the years between the 1991 Gulf Conflict and the 2003 invasion of Iraq, the Report concluded that:

- Iraq's WMD capability had mostly been destroyed in 1991.
- There were "no credible indications" that Iraq had resumed production of chemical munitions after 1991.
- There was "no direct evidence" that, after 1996, Saddam Hussein had plans for a new BW programme or was conducting BW-specific work for military purposes.
- Iraq's ability to reconstitute a nuclear weapons programme had "progressively decayed" after 1991.
- The 1991 Gulf War and subsequent UN resolutions and inspections had brought many of Iraq's delivery programmes to a halt, but because the UN had permitted development and possession of delivery systems with a range of up to 150km, Iraq was "positioned … for a potential breakout capability".

956. Mr Blair told the House of Commons on 13 October that:

> "Those people who want to pray in aid the Iraq Survey Group in respect of stockpiles of weapons must also accept the other part of what the Iraq Survey Group said, which is that Saddam retained the intent and the capability – the teams of

scientists and so on – and was in breach of United Nations resolutions. That is what Mr Duelfer expressly said. It was the breach of UN resolutions and their enforcement that was and is the reason for going to war."

957. The ISG's findings were significant, but did not support past statements by the UK and US Governments, which had focused on Iraq's current capabilities and an urgent and growing threat.

958. The explanation for military action put forward by Mr Blair in October 2004 was not the one given before the conflict.

SECTION 5

ADVICE ON THE LEGAL BASIS FOR MILITARY ACTION, NOVEMBER 2002 TO MARCH 2003

Contents

Introduction and key findings 4

UNSCR 1441 5

Discussion, debate and advice, November to December 2002 6

- Lord Goldsmith's conversations with Mr Powell and Mr Straw, November 2002 6
- Cabinet, 14 November 2002 11
- "Material breach" and the need for advice 11
- House of Commons debate on Iraq, 25 November 2002 17
- FCO advice, 6 December 2002 19

Obtaining Lord Goldsmith's opinion 21

- Instructions for Lord Goldsmith to advise 21
- Lord Goldsmith's meeting with No.10 officials, 19 December 2002 33

Lord Goldsmith's provisional view 36

- Lord Goldsmith's draft advice of 14 January 2003 36
- No.10's reaction to Lord Goldsmith's advice 42
- Cabinet, 16 January 2003 47
- Lord Goldsmith's meeting with Sir Jeremy Greenstock, 23 January 2003 50
- Mr Blair's interview on *BBC Breakfast with Frost*, 26 January 2003 53
- Options for a second resolution 53

Lord Goldsmith's advice, 30 January 2003 55

- US agreement to pursue a second resolution 58
- Public statements by Mr Blair, February 2003 60

A disagreement between Mr Straw and Mr Wood 64

- Mr Straw's letter to Lord Goldsmith, 6 February 2003 72
- Further advice on a second resolution 75

Lord Goldsmith's visit to Washington, 10 February 2003 76

Agreement on a second resolution 78

- A second resolution is tabled 80

A “reasonable case” 81
Lord Goldsmith’s meeting with No.10 officials, 27 February 2003 81
Mr Straw’s evidence to the Foreign Affairs Committee, 4 March 2003 87
Sir Jeremy Greenstock’s advice on “end game options”, 4 March 2003 89
Mr Blair’s conversation with President Bush, 5 March 2003 90
Advice on the effect of a “veto” 90
Cabinet, 6 March 2003 92

Lord Goldsmith’s advice, 7 March 2003 93
The revival argument – a sound basis “in principle” 94
The revival argument – the effect of resolution 1441 (2002) 95
The first line of argument 96
The second line of argument 97
The significance of OP12 98
Other arguments rejected 99
Lord Goldsmith’s conclusions 100
Other matters dealt with in Lord Goldsmith’s 7 March advice 105

Media coverage during the weekend of 8 and 9 March 107

Government reaction to Lord Goldsmith’s advice of 7 March 107
Mr Straw’s statement, 10 March 2003 107
Mr Blair’s meeting with Lord Goldsmith, 11 March 2003 108
Mr Blair’s meeting, 11 March 2003 109
Mr Straw’s minute to Mr Blair, 11 March 2003 112
Prime Minister’s Questions, 12 March 2003 115
Sir Jeremy Greenstock’s discussions in New York, 12 March 2003 116
Mr Blair’s conversation with President Bush, 12 March 2003 118
Cabinet, 13 March 2003 119

The continuing public debate 121
Media reports, 13 March 2003 121
Parliamentary calls for a statement 121

The legal basis for military action 123
Lord Goldsmith’s change of view, 13 March 2003 123
Preparing the legal case 129
Lord Goldsmith’s meeting with Lord Falconer and Baroness Morgan, 13 March 2003 131
Mr Blair’s conversation with President Bush, 13 March 2003 132

Confirmation of Mr Blair's view 133
The exchange of letters on 14 and 15 March 2003 133
Mr Blair's view 136
Mr Blair's conversation with President Bush, 15 March 2003 139
The presentation of the Government's position 140
FCO paper, 'Iraqi Non-Compliance with UNSCR 1441', 15 March 2003 140
Sir Jeremy Greenstock's discussions in New York, 16 March 2003 141
Preparing the legal argument 142
Lord Goldsmith's Written Answer, 17 March 2003 143
Cabinet, 17 March 2003 148
Mr Straw's statement to the House of Commons, 17 March 2003 160
Conclusions 163
The timing of Lord Goldsmith's advice on the interpretation of resolution 1441 163
Lord Goldsmith's advice of 7 March 2003 164
Lord Goldsmith's arrival at a "better view" 166
The exchange of letters on 14 and 15 March 2003 166
Lord Goldsmith's Written Answer of 17 March 2003 167
Cabinet, 17 March 2003 168

Introduction and key findings

1. This section describes:

- how advice was sought from Lord Goldsmith, the Attorney General, regarding the interpretation of UN Security Council resolution 1441 (2002) and the manner in which that advice was provided;
- the events and other influences that affected the timing of the advice;
- the written advice provided by Lord Goldsmith in January 2003;
- Lord Goldsmith's discussions with Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, in January 2003, his exchanges with Mr Jack Straw, the Foreign Secretary, in early February, and his meeting with US lawyers in February 2003;
- Lord Goldsmith's written advice of 7 March 2003;
- the legal basis on which the UK ultimately decided to participate in military action against Iraq; and
- the presentation of the Government's legal position to Cabinet and to Parliament on 17 March 2003.

2. Finally, this section sets out the Inquiry's conclusions regarding these events and the legal basis on which the UK decided to participate in military action against Iraq.

Key findings

- On 9 December, formal "instructions" to provide advice were sent to Lord Goldsmith. They were sent by the FCO on behalf of the FCO and the MOD as well as No.10. The instructions made clear that Lord Goldsmith should not provide an immediate response.
- Until 27 February, No.10 could not have been sure that Lord Goldsmith would advise that there was a basis on which military action against Iraq could be taken in the absence of a further decision of the Security Council.
- Lord Goldsmith's formal advice of 7 March set out alternative interpretations of the legal effect of resolution 1441. While Lord Goldsmith remained "of the opinion that the safest legal course would be to secure a second resolution", he concluded (paragraph 28) that "a reasonable case can be made that resolution 1441 was capable of reviving the authorisation in resolution 678 without a further resolution".
- Lord Goldsmith wrote that a reasonable case did not mean that if the matter ever came to court, he would be confident that the court would agree with this view. He judged a court might well conclude that OPs 4 and 12 required a further Security Council decision in order to revive the authorisation in resolution 678.
- At a meeting on 11 March, there was concern that the advice did not offer a clear indication that military action would be lawful. Lord Goldsmith was asked, after the meeting, by Admiral Boyce on behalf of the Armed Forces, and by the Treasury Solicitor, Ms Juliet Wheldon, in respect of the Civil Service, to give a clear-cut answer on whether military action would be lawful rather than unlawful.

- Lord Goldsmith concluded on 13 March that, on balance, the "better view" was that the conditions for the operation of the revival argument were met in this case, meaning that there was a lawful basis for the use of force without a further resolution beyond resolution 1441.
- Mr Brummell wrote to Mr Rycroft on 14 March:

  "It is an essential part of the legal basis for military action without a further resolution of the Security Council that there is strong evidence that Iraq has failed to comply with and co-operate fully in the implementation of resolution 1441 and has thus failed to take the final opportunity offered by the Security Council in that resolution. The Attorney General understands that it is unequivocally the Prime Minister's view that Iraq has committed further material breaches as specified in [operative] paragraph 4 of resolution 1441, but as this is a judgment for the Prime Minister, the Attorney would be grateful for confirmation that this is the case."

- Mr Rycroft replied to Mr Brummell on 15 March:

  "This is to confirm that it is indeed the Prime Minister's unequivocal view that Iraq is in further material breach of its obligations, as in OP4 [operative paragraph 4] of UNSCR 1441, because of 'false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure to comply with, and co-operate fully in the interpretation of, this resolution'."

- Senior Ministers should have considered the question posed in Mr Brummell's letter of 14 March, either in the Defence and Overseas Policy Committee or a "War Cabinet", on the basis of formal advice. Such a Committee should then have reported its conclusions to Cabinet before its Members were asked to endorse the Government's policy.
- Cabinet was provided with the text of Lord Goldsmith's Written Answer to Baroness Ramsey setting out the legal basis for military action.
- That document represented a statement of the Government's legal position – it did not explain the legal basis of the conclusion that Iraq had failed to take "the final opportunity" to comply with its disarmament obligations offered by resolution 1441.
- Cabinet was not provided with written advice which set out, as the advice of 7 March had done, the conflicting arguments regarding the legal effect of resolution 1441 and whether, in particular, it authorised military action without a further resolution of the Security Council.
- The advice should have been provided to Ministers and senior officials whose responsibilities were directly engaged and should have been made available to Cabinet.

UNSCR 1441

3. On 8 November the United Nations Security Council unanimously adopted resolution 1441 (2002).

4. Section 3.5 includes:

- a description of the negotiation of the resolution;

- details of the legal advice offered by FCO Legal Advisers and by Lord Goldsmith during the course of those negotiations; and
- the provisions of the resolution and the statements made by Members of the Security Council on adoption.

Discussion, debate and advice, November to December 2002

Lord Goldsmith's conversations with Mr Powell and Mr Straw, November 2002

5. After resolution 1441 was adopted, Lord Goldsmith warned both No.10 and Mr Straw that he was "not optimistic" about the legal position for military action in response to an Iraqi breach without a second Security Council resolution. He offered to provide immediate advice.

6. Mr Jonathan Powell, Mr Blair's Chief of Staff, assured Lord Goldsmith that his views were known in No.10. The issue would be for consideration in the longer term in the event of a report to the Security Council of a serious breach. He suggested a meeting "some time before Christmas".

7. Lord Goldsmith telephoned Mr Powell on Monday, 11 November and conveyed his congratulations to No.10 for having secured such a tough resolution.[1] Lord Goldsmith "mentioned the possibility of Iraq finding itself in breach of resolution 1441 at some future stage but with no second Security Council resolution"; a "matter to which he had said he would give further consideration" following his meeting with Mr Blair on 22 October.

8. Lord Goldsmith also mentioned the "Chinese whispers" that had "come to his attention … which suggested that he took an optimistic view of the legal position that would obtain if such a situation arose". The "true position was that he was not at all optimistic".

9. Lord Goldsmith suggested that "against this background, it was desirable for him to provide advice on this issue now".

10. Mr Powell noted what Lord Goldsmith said, "but was at pains" to assure him that "No.10 were under no illusion as to the Attorney's views" on that point. Mr Powell thought that as "it was most unlikely that Iraq would not in the first instance accept resolution 1441, this was an issue for consideration in the longer term, in the event that at some stage in the future we are faced with a breach by Iraq of resolution 1441 and the matter is referred to the Security Council at that time".

11. Mr Powell proposed a meeting some time before Christmas to discuss the issue.

---

[1] Minute Brummell, 11 November 2002, 'Iraq: Note of telephone conversation between the Attorney General and Jonathan Powell – Monday, 11 November 2002'.

12. Lord Goldsmith told Mr Powell that, in the meantime, he would obtain and consider the statements made by members of the Security Council when resolution 1441 was adopted.

13. Asked whether he recollected Lord Goldsmith wishing to provide written advice and being discouraged from doing so, Mr Powell told the Inquiry:

> "No, he gave written advice – I don't know if you would call it written advice, he expressed his opinions …"
>
> …
>
> "On a number of occasions before 1441 and after 1441, he set out his views in writing on it, yes."[2]

14. Lord Goldsmith told Mr Straw that the key question would be whether Iraq's non-compliance amounted to a material breach and who was to make that determination.

15. Lord Goldsmith's initial view was that, notwithstanding the deliberate ambiguity in the language of resolution 1441, the question of whether or not there was a serious breach was for the Security Council alone to answer.

16. Lord Goldsmith suggested that it would be desirable for him to provide advice on the position if, at some point in the future, Iraq "found itself" in material breach of resolution 1441 but the Security Council had not adopted a further resolution.

17. Mr Straw agreed that formal "instructions" should be prepared asking for Lord Goldsmith's advice.

18. Mr Straw telephoned Lord Goldsmith on 12 November, suggesting that resolution 1441 "made life easier" for the Government.[3]

19. Lord Goldsmith agreed that it was an excellent achievement but added that he would "need to study the resolution, together with the report of the debate and the statements made".

20. In relation to "the possibility of Iraq finding itself in breach of resolution 1441 at some future stage" but without a second resolution, Lord Goldsmith reported that he had told Mr Powell that he was "pessimistic as to whether there would be a sound legal basis … for the use of force". Mr Powell had suggested a meeting before Christmas to discuss the issues. Lord Goldsmith "indicated" to Mr Straw that "he would propose to give a more definitive view … at that stage".

---

[2] Public hearing, 18 January 2010, pages 103-104.
[3] Minute Brummell, 12 November 2002, 'Iraq: Note of telephone conversation between the Foreign Secretary and the Attorney General'.

21. Mr Straw shared Mr Powell's view that it was unlikely that Iraq would refuse to accept resolution 1441. He suggested two particular issues warranted further consideration:

- First, both France and Russia had insisted that, in the event of an Iraqi breach, the matter should be referred back to the Security Council for further consideration before a decision on military action. The "UK's current understanding was that it was unlikely that, if it came to a vote, there would be any veto by France … If there were to be any veto … this was likely to be only by Russia."
- Secondly, Mr Straw would be "interested" in Lord Goldsmith's views on "the effect of a resolution being adopted by the House of Commons … following the contemplated debate on Iraq". Mr Straw identified two options: a resolution endorsing 1441 and one including "an acknowledgement that there would inevitably be military action if peaceful resolution of the issue were not possible". His preference was for the former.

22. Lord Goldsmith's initial view was that, leaving aside the political advantages, a resolution of the House of Commons:

> "… would not have any bearing on the position in international law as regards the lawfulness of using force against Iraq. It might be that a case could be constructed seeking to justify such action, if a number of other Parliaments in … countries who are members of the Security Council were also to adopt such a resolution. But he thought that … would be a rather subtle and speculative argument."

23. Mr Straw thought that military action was some way further down the track but, "if Iraq were to be found in breach" of resolution 1441, it would be "essential … we act pretty swiftly to take military action". One of the reasons "was that there might well be a need for less military force if action was swift".

24. Lord Goldsmith "commented that, from the point of view of legality, the key question would be whether Iraq's non-compliance with resolution 1441 amounted to a material breach and who was to make this determination".

25. Mr Straw "pointed out that it was clear to him that the US – despite its bellicose rhetoric – would not wish to go to war for nothing".

26. Mr Straw "mentioned that, reading resolution 1441 again as a layman, it was pretty clear that the Security Council were basically telling Iraq – *'Comply or else'*." In response to Lord Goldsmith's observation that "the question was who was to decide the 'or else'", Mr Straw pointed out that resolution 1441 could have:

> "… said in terms that it was for the Security Council to decide whether there was a material breach and what action would then ensue. However … [it] did not … France and Russia had accepted the US/UK argument that this should be left open and

that, while it was preferable, it was not essential for the Security Council to adopt a second resolution."

27. Lord Goldsmith told Mr Straw it "seemed implicit" in resolution 1441 that, in the event of non-compliance, "it would be for the Security Council to decide whether Iraq" was in "material breach".

28. Mr Straw suggested that "the reality was that members of the Security Council had had to agree and 'coalesce' around a particular form of words … to the effect that, if there were to be a breach, it would be for the Security Council to meet to discuss and consider what should be done". That "allowed for 'a range of possibilities', including:

- "the possibility that there would have to be a second resolution; and
- "the possibility that there might be a general consensus or desire [amongst the five Permanent Members of the Security Council] for military action, but a preference (in particular by Russia) that there should be no second resolution …"

29. Mr Straw again suggested that:

"… it was necessary to look at the negotiating background. For example … [President] Jaques Chirac had originally insisted on there being a 'lock' against the use of force unless this had been authorised by the Security Council by a second resolution. But this … did not appear in the resolution … [W]hat France and Russia were virtually saying was that they understood that there might well be a breach, but while they would in fact support the need for military action, they would not be able to support a resolution in terms authorising the use of force."

30. Lord Goldsmith responded that:

"… the position remained that only the Security Council could decide on whether there had been a material breach (and whether the breach was such as to undermine the conditions underpinning the cease-fire) and/or whether all necessary means were authorised. The question of whether there was a serious breach or not was for the Security Council alone. It was not possible to say that the unreasonable exercise of the veto by a particular member of the Security Council would be ineffectual …"

31. Mr Straw "said that there would be a danger in going for a second resolution" because, "if it were not obtained, then we would be in a worse position". He "wondered if there was any alternative option" between a general discussion in the Security Council and the adoption of a resolution determining a material breach.

32. Lord Goldsmith said that it "could be possible for a valid determination to be made by means of a Presidential Statement".

33. Mr Straw and Lord Goldsmith agreed that the "different options should be explored":

> "Mr Straw … would arrange for all the details of the negotiating history … to be sent to the Attorney General, so that the Attorney could consider further the legal position in the event that Iraq were (as expected) sooner or later to fail to comply with resolution 1441 and there were to be no second resolution."

34. On timing, Mr Straw "thought the crunch point" would come soon after 8 December, the deadline for Iraq to make its declaration on its weapons of mass destruction (WMD) programmes. There was a "high likelihood/probability that Iraq would produce only a 'partial declaration', with the likelihood that soon after … a report of Iraq's inadequate/incomplete/inaccurate declaration would be made to the Security Council (pursuant to OP [operative paragraph] 4)".

35. Asked about the conversations with Mr Powell and Mr Straw on 11 and 12 November 2002, Lord Goldsmith told the Inquiry:

> "There is … I see this quite a lot in government … also the problem that sometimes the qualifications to what you have said don't seem to be heard as clearly as you intended them to be. I have heard the expression about the 'yes, but' and the 'but' is forgotten, in another context … [S]ometimes, therefore, you have to shout the 'but' rather harder than you would normally, to make sure it is not forgotten."[4]

36. Asked whether the Chinese whispers came from No.10, Lord Goldsmith replied:

> "Wherever the 'Chinese whispers' had been coming from, what mattered was their view, and each time I did say, 'I want this to be understood', the response I always got was, 'Yes, that is understood', and sometimes afterwards you wondered if that's the way everyone was acting."[5]

37. Lord Goldsmith told the Inquiry that the conversation with Mr Straw on 12 November was the point when it was agreed that he would receive a formal request for advice:

> "I think there was an important moment after [resolution] 1441 when I had a conversation with Mr Straw and I hadn't at that stage received what I would call instructions."[6]

38. Lord Goldsmith told the Inquiry that barristers work by receiving "instructions"; that is, a request to advise, including the detail of the question and the supporting materials, often with the instructing solicitor's views expressed. He said:

> "… until I had had that, particularly the Foreign Office Legal Adviser's point of view, and been able to analyse that, I wasn't really in a position to give a definitive point of view … So I think there then came this moment when it was agreed that I would

[4] Public hearing, 27 January 2010, pages 54-55.
[5] Public hearing, 27 January 2010, page 55.
[6] Public hearing, 27 January 2010, page 56.

receive this request for advice and that finally came at some stage in December. Until that had arrived, I couldn't actually start to form a definitive view anyway."[7]

39. The letter of instructions for Lord Goldsmith was not sent until 9 December and did not include the point of view of Mr Michael Wood, the Foreign and Commonwealth Office (FCO) Legal Adviser.

Cabinet, 14 November 2002

40. Mr Straw told Cabinet on 14 November that, while the Security Council would need to be reconvened to discuss any breach in the event of Iraqi non-compliance, the key aspect of resolution 1441 was that military action could be taken without a further resolution.

41. That statement reflected the position Mr Straw had taken in his discussion with Lord Goldsmith on 12 November, but it did not fully reflect the advice Mr Straw had been given by the Mr Wood on 6 November or the concerns Lord Goldsmith had expressed on 12 November.

42. The advice given by Mr Wood is described in Section 3.5.

43. In the discussion of Iraq and the adoption of resolution 1441 in Cabinet on 14 November, Mr Straw stated that a "key aspect of the resolution was that there was no requirement for a second resolution before action was taken against Iraq in the event of its non-compliance, although reconvening the Security Council to discuss any breach was clearly stated".[8]

44. Lord Goldsmith was not present at that Cabinet meeting.

"Material breach" and the need for advice

45. Concerns about the differences between the UK and the US on what would constitute a material breach, the US stance of "zero tolerance" and the debate in the US on "triggers" for military action were already emerging.

46. Mr Blair and Mr Straw, and their most senior officials, were clearly aware that difficult and controversial questions had yet to be resolved in relation to:

- **what would constitute a further material breach and how and by whom that would be determined;**
- **the issue of whether a further resolution would be needed to authorise force; and**
- **the implications of a veto.**

---

[7] Public hearing, 27 January 2010, pages 55-56.
[8] Cabinet Conclusions, 14 November 2002.

47. Mr Geoff Hoon, the Defence Secretary, did not regard the position that "we would know a material breach when we see it" as a suitable basis for planning. Mr Hoon's view was that agreement with the US on what constituted a trigger for military action was needed quickly.

48. The papers produced before Mr Straw's meeting held in his Private Office on 20 November recognised that Lord Goldsmith's advice would be needed to clarify those issues; and that it would be useful to seek Lord Goldsmith's advice sooner rather than later.

49. There is, however, no evidence of a discussion about the right timing for seeking Lord Goldsmith's views.

50. A debate on what might constitute a material breach and what actions by Iraq might trigger a military response had begun in the US before the adoption of resolution 1441.

The concept of "material breach"

The concept of "material breach" is central to the revival argument.

Material breach is a term derived from Article 60 of the Vienna Convention on the Law of Treaties, 1969. In that context a material breach is said to consist in a repudiation of the treaty or a violation of a provision essential to the accomplishment of the object or purpose of the treaty.

A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.

A material breach of a multilateral treaty by one of the parties entitles the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part, or to terminate it either in relations between themselves and the defaulting State or entirely.

Resolution 707 (1991) was the first resolution in relation to Iraq to use the formulation, condemning:

> "Iraq's serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the International Atomic Energy Agency, which constitutes a material breach of the relevant provisions of that resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region."

51. On 7 November, reporting conversations with senior officials in the US Administration, Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, said that the hawks in Washington saw the resolution as a defeat and warned that they would be "looking for the least breach of its terms as a justification for resuming the countdown to war".[9]

[9] Minute Brenton to Gooderham, 7 November 2002, 'Iraq'.

52. Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), subsequently spoke to Dr Condoleezza Rice, President Bush's National Security Advisor, on 15 November.[10] Sir David stated that the UK and the US should not be drawn on "hypothetical scenarios" about what would constitute a material breach. Reflecting Mr Blair's words to President Bush at Camp David on 7 September that, "If Saddam Hussein was obviously in breach we would know", Sir David added that "the Security Council would know a material breach when it saw it". He reported that the US Administration would continue to insist on "zero tolerance" to keep up the pressure on Saddam Hussein.

53. A paper on what might constitute a material breach, which highlighted "a number of difficult questions … on which we will need to consult the Attorney General", was prepared by the FCO and sent to Sir David Manning (and to Sir Jeremy Greenstock on 15 November.[11]

54. The paper stated that "Most, if not all members of the Council will be inclined" to take the view that a "material breach" should be interpreted in the light of the Vienna Convention. Dr Hans Blix, the Executive Chairman of the UN Monitoring, Verification and Inspection Commission (UNMOVIC), had "made it clear" that he would "be using a similar definition for the purposes of reporting under OP11". The paper stated that it was not for Dr Blix to determine what constituted a material breach, "but his decision (or not) to report to the Council and the terms in which he reports" would "be influential".

55. The FCO paper stated that the US was "becoming more and more inclined to interpret the 1441 definition downwards" and that: "Although, some weeks ago, NSC [National Security Council] indicated that they would not regard trivial omissions in Iraq's declaration (or minor problems encountered by the UNMOVIC) as triggers for the use of force, more recently DoD [Department of Defense] have indicated that they want to test Saddam early." It also drew attention to President Bush's remarks on 8 November, which it described as "zero tolerance" and his warning against "unproductive debates" about what would constitute an Iraqi violation.

56. An examination of past practice on seven separate occasions since 1991 showed that the Council had determined Iraq to be in material breach of its obligations where there seemed "to have been a conviction that an Iraqi act would seriously impede inspectors in the fulfilment of their mandate and therefore undermine an essential condition of the cease-fire".

---

[10] Letter Manning to McDonald, 15 November 2002, 'Iraq: Conversation with Condi Rice'.
[11] Letter Sinclair to Manning, 15 November 2002, 'Iraq: Material Breach' attaching Paper, 'Iraq: A Material Breach'.

57. Against that background, the FCO listed the following incidents as ones which the UK would consider to be material breaches:

- "Any incident sufficiently serious to demonstrate that Iraq had no real intention of complying", such as "an Iraqi decision to expel UNMOVIC, or to refuse access to a particular site, parts of a site or important information", "discovery by UNMOVIC/IAEA [International Atomic Energy Agency] of a concealed weapons programme, or of a cache of WMD material not declared …"
- "Efforts to constrain UNMOVIC/IAEA's operations in significant ways contrary to the provisions of SCR 1441 (2002) … and other relevant resolutions. Systematic efforts to deter, obstruct or intimidate the interview process would need to be particularly carefully watched."
- "Systematic Iraqi harassment of inspectors … which jeopardised their ability to fulfil their duties …"
- Failure to accept resolution 1441.
- "A pattern of relatively minor Iraqi obstructions of UNMOVIC/IAEA."

58. On the last point, the FCO paper added:

> "We would not take the view that a short (hours) delay in giving UNMOVIC access to a site would constitute a material breach unless there was clear evidence that the Iraqis used such a delay to smuggle information out of a site or to coach potential witnesses. But repeated incidents of such obstruction, even without evidence of accompanying Iraqi deception, would cumulatively indicate that the Iraqis were not fully co-operating, and thus cast doubt upon whether UNMOVIC would ever be able to implement its mandate properly."

59. The FCO stated that a similar US list would "probably … be even tougher". "Given the opportunity" in the resolution for the US to make its own report to the Council, the UK needed "to be clear in our own minds where the dividing lines" were. The paper recommended that the UK would need to work out "where to draw our red lines" with the US; and that "in the interests of maintaining maximum Council support for use of force, we should try to persuade the Americans to focus on the more serious possible violations, or to establish a pattern of minor obstruction".

60. The FCO did not address the issue of whether a Council decision would be needed "to determine that Iraq's actions justify the serious consequences referred to in OP13 of 1441". That would be "a matter on which we will need the Attorney's views".

61. An undated, unsigned document, headed 'Background on material breach' and received in No.10 around 20 November 2002, raised the need to address three, primarily legal, issues:

- the need to clarify whether OP4 "must be construed" in the light of the Vienna Convention and past practice as that suggested "a much higher bar than the US";
- the need to seek Lord Goldsmith's advice "on how OPs 1 and 2 (and 13) and the declaration of material breach they contain – affect the legal situation of Iraq and our authority to use force"; and specifically whether it could be argued that "1441 itself (especially OPs 1, 2 and 13 taken together) contains a conditional authority to use force … which will be fully uncovered once that Council discussion has taken place"; and
- "What happens if a second resolution is vetoed?"[12]

62. The document appears to have drawn on the analysis in the FCO paper of 15 November.

63. On the second issue, the author wrote:

> "If this [the argument that 1441 contains a conditional authority to use force] has merit (and the most we can hope for in the absence of an express Chapter VII authorisation is a reasonable argument) it would be helpful to know that now. We would not have to impale ourselves and Ministers on the difficult point of what happens if the US/UK try and fail to get an express authorisation.
>
> "… we think London seriously needs to consider revising its thinking on 1441.
>
> "… from the point of view of OP4 the question is 'What does Iraq have to do to put itself beyond the protection of the law? At what point does its conduct amount to material breach?' Innocent until proved guilty.
>
> "But if you come at it through OPs 1 and 2 the question is 'When has Iraq blown its last chance? (regardless of whether OP4 is ever breached)'. Compliance with OP4 is strictly irrelevant: Iraq is guilty but released on a suspended sentence/parole. This seems to us to have huge presentational angles – as well as whatever legal deductions can be made. **If we are not careful, we are in danger of losing the key advantage of the resolution and turning a provision which we thought of deleting as unnecessary into the main operational paragraph of the text …**"

64. Someone in No.10 wrote: "Is this, tho' a hidden trigger? (We and the US denied that there was one in 1441.)"[13]

---

[12] Paper [unattributed and undated], 'Background on material breach'.
[13] Manuscript comment on Paper [unattributed and undated], 'Background on material breach'.

65. On what would happen in the event of a veto, the author of the document wrote that it was:

> "… probably too difficult [to say] at this stage – everything depends on the circs … But knowing the answer to the legal implications of 1441 … would either (i) leave us no worse off than we are – if the AG [Attorney General] thinks the argument doesn't run or (ii) radically improve the situation if the AG thinks we have a case."

66. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, commented to Sir David Manning that the document was:

> "… helpful. Of course a S[ecurity] C[ouncil] discussion is needed if there is a material breach. But as the PM has said all along that discussion must be in the context of an understanding that action must follow."[14]

67. On 15 November, Mr Peter Watkins, Mr Hoon's Principal Private Secretary, sent Sir David Manning an update on military discussions with the US setting out the themes which had emerged.[15] Mr Watkins registered a number of concerns including:

> "Lack of clarity in US thinking about possible triggers for military action needs to be resolved quickly …"

68. Mr Watkins added:

> "To some extent, triggers are now under Saddam's control and so cannot be slotted into any firm timetable. Moreover, what constitutes a 'violation' and/or 'material breach' remains undefined: many in the US are reduced to saying 'we'll know when we see it', which is not a suitable base for planning."

69. Mr Hoon believed that the UK response should include working "quickly to reach an agreed US/UK view on triggers … well before we are confronted with it in practice".

70. A copy of the letter was sent to Mr Straw's Private Office.

71. Mr Straw held a Private Office meeting on 20 November to discuss Iraq policy with Sir Michael Jay, the FCO Permanent Under Secretary (PUS), Sir Jeremy Greenstock, Sir David Manning and Mr Peter Ricketts, FCO Political Director.[16]

72. Sir Jeremy told Mr Straw that he "believed we could get a second resolution provided the Americans did not go for material breach too early". The "facts to convince nine members of the Security Council" would be needed. He thought that the Council "would not … need much persuading".

---

[14] Manuscript comment Rycroft to Manning, 20 November 2002, on Paper [unattributed and undated], 'Background on Material Breach'.
[15] Letter Watkins to Manning, 19 November 2002, 'Iraq: Military Planning after UNSCR 1441'.
[16] Minute McDonald to Gray, 20 November 2002, 'Iraq: Follow-up to SCR 1441'.

73. Sir Jeremy proposed that "When the time came", the UK should put down a draft resolution and, "if we could show that we had done everything possible, then we would be in the best possible position if – in the end – there were no resolution".

74. Sir David suggested that France should be invited to co-sponsor the resolution. Mr Straw agreed.

75. Sir Jeremy advised that "the real strength" of resolution 1441 lay in its first two operative paragraphs: OP1 reaffirming Iraq's material breach up to the adoption of 1441, and OP2 suspending that material breach to give Iraq a final opportunity. Sir Jeremy stated that OP4 (and 11 and 12) were, therefore, not needed to reach the "serious consequences" in OP13. He was already using that argument in the Security Council and cautioned Mr Straw that focusing too much on OP4 brought a danger of weakening OPs 1 and 2.

76. Sir Michael Jay took a different view, advising that the UK could use all the OPs in resolution 1441. Mr Straw agreed that it would be a mistake to focus exclusively on OPs 1 and 2.

77. Given the reference to "London" and the content of Sir Jeremy's advice to Mr Straw in the Private office meeting on 20 November, the unsigned and undated document 'Background on material breach' was most probably produced in the UK Mission in New York.

House of Commons debate on Iraq, 25 November 2002

78. When the House of Commons debated Iraq on 25 November, it voted to "support" resolution 1441 and agreed that if the Government of Iraq failed "to comply fully" with its provisions, "the Security Council should meet in order to consider the situation and the need for full compliance".

79. Mr Straw assured Parliament that a material breach would need to be serious.

80. Mr Straw's interpretation was consistent with the advice given to him by FCO Legal Advisers, and properly recognised the need for a material breach to be sufficiently serious to undermine the basis for the cease-fire in resolution 687 (1991).

81. But Mr Straw explicitly did not address the role of the Security Council in assessing whether any report of non-compliance or obstruction would amount to a material breach.

82. Mr Straw's reference to a judgement having "to be made against the real circumstances that arise" highlighted the problem created by the drafting of that clause in OP4 of resolution 1441.

83. As Lord Goldsmith's subsequent advice confirmed, whether a specific failure to comply with the requirements placed upon Iraq by the resolution would amount to a material breach would have to be judged in the particular circumstances of Iraq's response.

84. On 25 November, the House of Commons debated resolution 1441 (2002) and the Government motion:

> "That this House supports UNSCR 1441 as unanimously adopted by the UN Security Council; agrees that the Government of Iraq must comply fully with all provisions of the resolution; and agrees that, if it fails to do so, the Security Council should meet in order to consider the situation and the need for full compliance."[17]

85. Mr Straw's draft opening statement was sent to No.10 for comment. Mr Powell questioned two points in the text:

- a statement that the UK would prefer a second resolution, which Mr Powell described as "not our position up to now"; and
- that we didn't "absolutely need one [a second resolution]", which Mr Powell commented would "force the Attorney General to break cover".[18]

86. Mr Blair commented that he did not "see this as such a problem".[19]

87. In his opening speech, Mr Straw set out the inspection process and the answers to four "key questions" which arose from the resolution:

- What constituted a material breach? Mr Straw referred to operative paragraph 4 of the resolution, but went on to say: "As with any definition of that type, it is never possible to give an exhaustive list of all the conceivable behaviours that it covers. That judgement has to be made against the real circumstances that arise, but I reassure the House that material breach means something significant: some behaviour or pattern of behaviour that is serious. Among such breaches could be action by the Government of Iraq seriously to obstruct or impede the inspectors, to intimidate witnesses, or a pattern of behaviour where any single action appears relatively minor but the actions as a whole add up to something deliberate and more significant: something that shows Iraq's intention not to comply."[20]
- Who would decide what happened if there was a material breach? Mr Straw argued that if a "material breach" was reported to the Security Council, "the decision on whether there had been a material breach will effectively have been

---

[17] House of Commons, *Official Report*, 25 November 2002, column 47.
[18] Email Powell to Manning, 23 November 2002, 'Jack's Iraq Statement'.
[19] Manuscript comment Blair on Email Powell to Manning, 23 November 2002, 'Jack's Iraq Statement'.
[20] House of Commons, *Official Report*, 25 November 2002, column 51.

made by the Iraqis … there will be no decision to be made. The Security Council will undoubtedly then act."

- Would there be a second Security Council resolution if military action proved necessary? Mr Straw stated: "the moment there is any evidence of a material breach … there will be a meeting of the Security Council at which it is … open for any member to move any resolution … Our preference is for a Security Council resolution, and I hope we would move it."
- If military action was necessary, would the House of Commons be able to vote on it and, if so, when? Mr Straw stated: "No decision on military action has yet been taken … and I fervently hope that none will be necessary … Any decision … to take military action will be put to the House as soon as possible after it has been taken … the Government have no difficulty about the idea of a substantive motion on military action … at the appropriate time … [I]f we can and if it is safe to do so, we will propose a resolution seeking the House's approval of decisions … before military action takes place."[21]

FCO advice, 6 December 2002

88. The FCO advised on 6 December that there was no agreement in the Security Council on precise criteria for what would constitute a material breach. Each case would need to be considered in the light of the circumstances.

89. The UK position remained that deficiencies in Iraq's declaration on its WMD programmes could not constitute a casus belli but if an "audit" by the inspectors subsequently discovered significant discrepancies in the declaration, that could constitute a material breach.

90. The FCO position was, increasingly, shifting from a single specific incident demonstrating a material breach, to the need to establish a pattern of non-co-operation over time demonstrating that Iraq had no intention of complying with its obligations.

91. In response to a request from Sir David Manning on 29 November, Mr Straw's office provided advice on handling the Iraqi declaration.[22] The FCO also provided a refined version of the advice in its letter to Sir David of 15 November about what might comprise a material breach.

92. That was further refined in a letter from Mr Straw's office on 6 December responding to Sir David's request for further advice on what would constitute a "trigger" for action.[23]

93. The FCO stated that a material breach could not "be a minor violation but must be a violation of a provision essential to achieving the object or purpose of the original

---

[21] House of Commons, *Official Report*, 25 November 2002, column 49.
[22] Letter Sinclair to Manning, 29 November 2002, 'Iraq: 8 December Declaration'.
[23] Letter McDonald to Manning, 6 December 2002, 'Iraq: Material Breach'.

Gulf War [1991] cease-fire". That position had been reflected in Mr Straw's remarks in the House of Commons on 25 November. The FCO expected most members of the Security Council to take a similar view.

94. Consistent with the advice sent to Sir David on 15 and 29 November, the FCO wrote that there were two broad areas where Iraqi behaviour could amount to a material breach:

- **Non-compliance with its disarmament obligations** – if Iraq concealed WMD. Evidence might take the form of discovery of WMD material not included in the declaration or evidence which Iraq could not satisfactorily explain which clearly pointed to a concealed WMD programme (e.g. a yellowcake receipt).
- **Non-co-operation with UNMOVIC/IAEA** – if Iraq's behaviour demonstrated that it had no intention of co-operating fully with UNMOVIC in fulfilling its mandate under resolution 1441 (2002) or other relevant resolutions. Evidence might comprise a single incident such as denying access to a particular site, information or personnel. Evidence of coaching witnesses or smuggling information out of potential sites would be "pretty damming". Attempts to impede the removal and destruction of WMD or related material would potentially be a material breach.

95. The FCO view was that there would be no need for "a single specific instance". A "pattern of lower level incidents" could amount to a demonstration of non-co-operation sufficiently serious to constitute a material breach. Indications of concealment could include "a series of unanswered questions identified by UNMOVIC/IAEA which suggested a concealed WMD programme" or "failure … to demonstrate convincingly that the WMD material identified by UNSCOM [United Nations Special Commission] in 1998 had been destroyed and properly accounted for"; "Much would depend on the circumstances and whether the incidents demonstrated deliberate non-co-operation rather than inefficiency or confusion."

96. The FCO concluded that there were:

> "… bound to be grey areas over whether Iraqi failures are sufficiently serious to constitute a material breach. There is no agreement in the Council on the precise criteria. We would need in each case to look at the particular circumstances. Moreover, some incidents of non-compliance may be susceptible to remedial action by UNMOVIC/IAEA (e.g. by destroying weapons etc). In such cases, those seeking to trigger enforcement action would need to explain how such action would be necessary to enforce Iraqi compliance."

Obtaining Lord Goldsmith's opinion

Instructions for Lord Goldsmith to advise

97. On 9 December, after receipt of the Iraqi declaration, the FCO issued a formal request seeking Lord Goldsmith's advice on whether a further decision by the Security Council would be required before force could be used to secure Iraq's compliance with its disarmament obligations.

98. Mr Wood set out the "two broad views" on the interpretation of resolution 1441 and whether a further decision was required by the Security Council to authorise the use of force.

99. Mr Straw asked Mr Wood to make clear to Lord Goldsmith that his advice was not needed "now".

100. Several drafts of the instructions for Lord Goldsmith were prepared and circulated within the FCO.

101. Mr Wood sought the views of senior FCO officials on 21 November, including Sir Michael Jay and Mr Iain Macleod, the Legal Counsellor in the UK Permanent Mission to the UN in New York (UKMIS New York). He also wrote that he planned to give Mr Straw the opportunity to comment on the draft the following week.[24]

102. Ms Cathy Adams, Legal Counsellor to Lord Goldsmith between 2002 and 2005, informed Lord Goldsmith on 29 November that the letter from Mr Wood had "been in gestation for a couple of weeks now and I understand the original draft has been subject to extensive comments from UKMIS New York".[25]

103. Mr Stephen Pattison, Head of FCO UN Department, told the Inquiry that all those people involved in Mr Ricketts' core group saw the draft instructions, but very few officials commented from a sense that it was for the lawyers to sort out, and that officials should not give the impression of interfering.[26]

104. Sir Michael Wood told the Inquiry:

> "… I received extensive comments from UKMIS New York, conveyed to me by Iain Macleod and as I understood it, reflecting Sir Jeremy Greenstock's views. These essentially concerned the alternative arguments to which they attached importance, based in part on the negotiating history of the resolution. As I recall, I incorporated all or virtually all of UKMIS's suggestions into my letter …
>
> "I do not recall receiving comments on the draft from other quarters."[27]

---

[24] Minute Wood to Ricketts, 21 November 2002, 'Iraq: SCR 1441: Letter to LSLO'.
[25] Minute Adams to Attorney General, 29 November 2002, 'Iraq'.
[26] Public hearing, 31 January 2011, pages 48-49.
[27] Statement, 15 March 2011, page 19.

105. Mr Wood's letter incorporating instructions for Lord Goldsmith was sent to Ms Adams on 9 December 2002, with a copy to Mr Martin Hemming, the MOD Legal Adviser.[28] It briefly described the provisions of resolution 1441, the history of the negotiation and adoption of resolution 1441 and subsequent developments, and the legal background.

106. Mr Wood wrote:

> "The main legal issue raised by the resolution … is whether a further decision by the Security Council would be required before force could lawfully be used to ensure Iraqi compliance with its disarmament obligations. (This question is often put in the form 'Is a second resolution required?', but a further decision by the Council could take other forms, in particular it could be a statement made on behalf of the Council or its members.)"

107. Describing resolution 1441 as a "consensus text" and stating that, "as is often the case, the drafting leaves something to be desired", Mr Wood wrote (paragraph 5 of his letter) that there were two broad views of the interpretation of resolution 1441:

- the first was that resolution 1441 "does not authorise the use of force or revive the Council's earlier authorisation; a further Council decision is needed for that"; and
- the second was that "taking account of previous Council practice, the negotiating history and the statements made on adoption", resolution 1441 "can be read as meaning that the Council has already conditionally authorised the use of force against Iraq; the conditions being (a) that Iraq fails to take the final opportunity if it has been offered and (b) that there is Council discussion (not necessarily a decision) under paragraph 12 of the resolution. If these conditions are met, the material breach is uncovered and (on the 'revival of authorisation' argument based on Security Council resolutions 678 (1990) and 687 (1991)) force can be taken to be authorised under SCR 1441."

The revival argument

The UK justification for the use of military force against Iraq in 1993 and in December 1998 (Operation Desert Fox) relied on the concept that the use of force authorised in resolution 678 (1990) could be "revived" by a Security Council determination that Iraq was in "material breach" of the cease-fire provisions in resolution 687 (1991).

Resolution 678, adopted on 29 November 1990, demanded:

> "… that Iraq comply fully with resolution 660 (1990) [which required its immediate withdrawal from Kuwait] and all subsequent resolutions"; and
>
> "unless Iraq on or before 15 January 1991 fully" implemented those resolutions, authorised:

[28] Letter Wood to Adams, 9 December 2002, 'Iraq: Security Council Resolution 1441 (2002)'.

> "… Member States co-operating with the Government of Kuwait … to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area."

The resolution stated that the Security Council was "acting under Chapter VII of the Charter". Chapter VII is the only part of the United Nations Charter governing the use of force, and it does so in the context of: "Action with respect to threats to the peace, breaches of the peace, and acts of aggression."

After the suspension of hostilities at the end of February 1991, resolutions 686 and 687 of 1991 contained a number of demands which Iraq had to fulfil in relation to the cessation of hostilities and the commencement of reparations.

The obligations included provisions in relation to:

- the Iraq/Kuwait border;
- repatriation of Kuwaiti nationals and property, and the payment of compensation by Iraq;
- sanctions; and
- disarmament of WMD, and inspections.

It was expressly stated that the authority to use force in resolution 678 (1990) remained valid during the period required for Iraq to comply with those demands.

In resolution 707 of August 1991 the Security Council condemned Iraq's serious violations of its disarmament obligations as a "material breach" of the relevant provisions of resolution 687 (1991), "which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region".

In January 1993, two further serious incidents arose in relation to Iraq's implementation of resolution 687 (1991). This led to the adoption of two further Presidential Statements, on 8 and 11 January, which contained a direct warning of serious consequences.[29] Within days the US, UK and France carried out air and missile strikes on Iraq.

In August 1992, Dr Carl-August Fleischhauer, then the UN Legal Counsel, provided advice to the UN Secretary-General on the legal and procedural basis for the use of force against Iraq.[30]

The key elements of Dr. Fleischhauer's advice included:

- The authorisation to use all necessary means in resolution 678 (1990) was limited to the achievement of the objectives in that resolution - "to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area" - but was not limited in time; it was not addressed to a defined group of states except for "the vague notion of 'states cooperating with Kuwait'", and it was clear by the words "all necessary means" that it was understood to include the use of armed force.

[29] Presidential Statement, S/25081, 8 January 1993; Presidential Statement, S/25091, 11 January 1993.
[30] Zacklin R, The United Nations Secretariat And The Use of Force In A Unipolar World, Hersch Lauterpacht Memorial Lectures, University of Cambridge, 22 January 2008. The advice of the UN Legal Counsel can be sought by the Secretary-General, and by the organs of the UN, but not by the Member States, who rely on their own legal advisers. It is not determinative and does not bind Member States.

- Resolution 687 (1991) permitted the conclusion that once the Security Council was satisfied that Iraq had complied with all its obligations under the resolution, the authorisation to use force would lapse. But resolution 687 (1991) did not itself terminate that authorisation, expressly or by inference. That followed from the fact that the preambular paragraphs (PPs) of resolution 687 (1991) affirmed all the Security Council's previous resolutions on Iraq, including resolution 678 (1990).
- A cease-fire is by its nature a transitory measure but, during its duration, the cease-fire superseded the ability to implement the authorisation to use force. The promise contained in the cease-fire to cease hostilities under certain conditions created an international obligation, which, as long as those conditions pertained, excluded the recourse to armed force. Under general international law the obligation created could be terminated only if the conditions on which it had been established were violated. In other words, the authority to use force had been suspended, but not terminated. A sufficiently serious violation of Iraq's obligations under resolution 687 (1991) could withdraw the basis for the cease-fire and re-open the way to a renewed use of force. That possibility was not limited by the passage of time that had then elapsed.
- Authority to use force could be revived in circumstances where a two-part pre-condition was met: the Security Council should be in agreement that there was a violation of the obligations undertaken by Iraq; and the Security Council considered the violation sufficiently serious to destroy the basis of the cease-fire.
- Those findings need not be in the form of a resolution, but could be recorded in the form of a Presidential Statement. But the content must make clear that the Council considered that the violation of resolution 687 (1991) was such that all means deemed appropriate by Member States were justified in order to bring Iraq back into compliance with resolution 687 (1991). Under no circumstances should the assessment of that condition be left to individual Member States; since the original authorisation came from the Council, the return to it should also come from that source and not be left to the subjective evaluation made by individual Member States and their Governments.

In January 1993, two further serious incidents arose in relation to Iraq's implementation of resolution 687 (1991), which led to the adoption of two further Presidential Statements on 8 and 11 January.[31]

Unlike resolution 707 (1991) and the Presidential Statements in 1992, in which the warning of serious consequences had been conveyed in indirect language, the statements in 1993 contained a direct warning of serious consequences. Within days the US, UK and France carried out air and missile strikes on Iraq.

On 14 January 1993, in relation to military action on the previous day, the UN Secretary-General was reported as having said:

> "The raid yesterday, and the forces which carried out the raid, have received a mandate from the Security Council, according to resolution 678 and the cause of the raid was the violation by Iraq of resolution 687 concerning the cease-fire. So, as Secretary-General of the United Nations, I can say that this action was taken and conforms to the resolutions of the Security Council and conforms to the Charter of the United Nations."[32]

[31] Presidential Statement, S/25081, 8 January 1993; Presidential Statement, S/25091, 11 January 1993.
[32] Paper FCO, 17 March 2003, 'Iraq: Legal Basis for the Use of Force'.

In essence, the statement was an explicit acknowledgement that the authority to use force in resolution 678 (1990) had been "revived".

From June 1997, Iraq had begun to interfere with the activities of the UN Special Commission (UNSCOM), which had been established to monitor Iraq's WMD. Reports of Iraqi failures to comply with the obligations in resolution 687 (1991) were made by UNSCOM to the UN Security Council (see Section 2.2). Several resolutions were adopted and Presidential Statements were issued condemning Iraqi actions.

In March 1998, the Security Council adopted resolution 1154, stating that the Council was acting under Chapter VII of the Charter, and stressing the need for Iraq to comply with its obligations to provide access to UNSCOM in order to implement resolution 687 (1991). It stated that "any violation would have severest consequences for Iraq". That resolution did not, however, make a finding that Iraq was in breach of its obligations.

In October 1998, Dr Richard Butler, UNSCOM's Executive Chairman, reported to the Security Council that Iraq had suspended its co-operation; Iraq's decision to suspend co-operation made it "impossible for the Commission to implement its disarmament and monitoring rights and responsibilities".[33]

On 5 November, the Security Council adopted resolution 1205, condemning Iraq's decision to cease co-operation with UNSCOM as a "flagrant violation" of resolution 687 (1991) and other relevant resolutions. In the final paragraph of the resolution the Security Council decided "in accordance with its primary responsibility under the Charter for the maintenance of international peace and security, to remain actively seized of the matter".

Diplomatic contact between the UN and Iraq continued, as did discussions within the Security Council, but on 16 December 1998, the US and UK launched air attacks against Iraq, Operation Desert Fox.

Mr John Morris (Attorney General from 1997 to 1999), supported by Lord Falconer (as Solicitor General), advised Mr Blair in November 1997:

> "Charles [Lord Falconer] and I remain of the view that, in the circumstances presently prevailing, an essential precondition of the renewed use of force to compel compliance with the cease-fire conditions is that the Security Council has, in whatever language – whether expressly or impliedly – stated that there has been a breach of the cease-fire conditions and that the Council considers the breach sufficiently grave to undermine the basis or effective operation of the cease-fire."[34]

108. Recognising that "final decisions" could "only be made in the light of circumstances at the time (including what transpires in the Council)", Mr Wood addressed the provisions of the resolution and the rules for their interpretation. As regards the latter, he wrote:

> "The rules for treaty interpretation set out in Articles 31 to 33 of the Vienna Convention on the Law of Treaties are a useful starting point, but these have to be applied in a way that takes into account the different nature of resolutions of the

[33] Letter Executive Chairman of UNSCOM to President of the Security Council, 2 November 1998, 'S/1998/1032'.
[34] Minute Goldsmith to Prime Minister, 30 July 2002, 'Iraq'.

Security Council. The basic principle to be derived from the Vienna Convention is that a Security Council resolution is to be interpreted in good faith in accordance with the ordinary meaning given to its terms in their context and in the light of its object and purpose."

The Vienna Convention on the Law of Treaties Articles 31-33

"ARTICLE 31: GENERAL RULE OF INTERPRETATION

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.
2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:
   (a) any agreement relating to the treaty which was made between all the parties in connexion with the conclusion of the treaty;
   (b) any instrument which was made by one or more parties in connexion with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.
3. There shall be taken into account, together with the context:
   (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;
   (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;
   (c) any relevant rules of international law applicable in the relations between the parties.
4. A special meaning shall be given to a term if it is established that the parties so intended.

"ARTICLE 32: SUPPLEMENTARY MEANS OF INTERPRETATION

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:

(a) leaves the meaning ambiguous or obscure; or
(b) leads to a result which is manifestly absurd.

> "ARTICLE 33: INTERPRETATION OF TREATIES AUTHENTICATED IN TWO OR MORE LANGUAGES
>
> When a treaty has been authenticated in two or more languages the text of each version is equally authoritative unless the parties to the treaty have agreed otherwise.
>
> The terms of each version are presumed to have the same meaning.
>
> If a difference in meaning should emerge, the meaning which best reconciles the texts, having regard to the objects of the treaty, shall be the meaning adopted."

109. Referring to a number of telegrams describing the formal and informal negotiation of the resolution, Mr Wood cautioned:

> "If the matter were ever brought to court, none of these records would be likely to be acceptable as travaux preparatoires[35] of the resolution, since they are not independent or agreed records, and the meetings themselves were behind closed doors."

110. Mr Wood set out the arguments relevant to the two broad views of the interpretation of resolution 1441. For the first, Mr Wood identified the considerations which suggested that, taken as a whole, the resolution meant that, in the event of non-compliance, the Council itself would decide what action was needed.

111. In relation to the second, Mr Wood wrote: "UKMIS New York are of the view that this argument is consistent with the negotiating history, and requires serious consideration". He set out four supporting points for the second view before identifying a number of "possible difficulties".

112. Mr Wood concluded: "Whichever line of argument is adopted" it would "still be necessary" to address what "type of Iraqi non-compliance" would be "of a magnitude which would undermine the cease-fire". He also re-stated the governing principles of necessity and proportionality for the use of force.

113. On receipt of Mr Wood's letter of 9 December, Ms Adams prepared advice for Lord Goldsmith, including a full set of background papers.[36]

114. Addressing the "two alternative views" on the legal effect of resolution 1441, Ms Adams wrote that, while Mr Wood did not "say so expressly", she understood Mr Wood believed the first view, that resolution 1441 "does not authorise the use of force

---

[35] The expression used in the French version of the Vienna Convention in place of "preparatory work". *Travaux préparatoires* are regarded as useful for the interpretation of treaties when the evidence as regards particular words or phrases reveals a common understanding: *Kasikili/Sedudu Island (Botswana/ Namibia)* ICJ Reports 1999 at pp. 1074-1075, 1101; *Avena and Other Mexican Nationals (Mexico v. United States of America)* ICJ Reports 2004 at p. 49; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* ICJ Reports 2007 at para. 194.

[36] Minute Adams to Attorney General, 11 December 2002, 'Iraq: Interpretation of Resolution 1441'.

expressly or revive the authorisation in resolution 678 (1990)", to be "the better analysis of the resolution".

115. Commenting on the way in which Mr Wood had addressed the "second view", that resolution 1441 had conditionally authorised the use of force, Ms Adams wrote: "I am not convinced that he puts the arguments in support of this view at their strongest."

116. Setting out an alternative analysis, Ms Adams wrote that "one thing is clearer following adoption" of resolution 1441:

> "… the existence of the 'revival argument' did not seem to be doubted within the Security Council. The whole basis of the negotiation … was that the words 'material breach' and 'serious consequences' were code for authorising the use of force. There is now therefore a much sounder basis for relying on the revival argument than previously.
>
> "… [T]he question of whether resolution 1441 alone satisfies the conditions for reviving the authorisation in resolution 678 without a further decision of the Council is far from clear from the text … It is therefore not easy to ascertain the intention of the Security Council."

117. Ms Adams continued:

> "What advice you give … may therefore depend on the view you take as to your role in advising on use of force issues. For example, you might give a different answer to the question: what is the better interpretation of resolution 1441? than to the question: can it reasonably be argued that resolution 1441 is capable of authorising the use of force without a further Council decision?
>
> "You have previously indicated that you are not entirely comfortable with advising that 'there is a respectable argument' that the use of force is lawful, given your quasi-judicial role in this area. Previous Law Officers have of course advised in these terms …"

118. Ms Adams concluded:

> "For my own part, I think that the first view is the better interpretation, but that the arguments in favour of the second view are probably as strong as the legal case for relying on the revival argument in December 1998 when the UK participated in Operation Desert Fox."

119. Ms Adams wrote that she understood the statement that Lord Goldsmith's advice was not "required now" reflected Mr Straw's views, and:

> "While it is certainly true that definitive advice could not be given at this stage on whether a further Council decision is required (because such advice would need to take account of all the circumstances at the time, including further discussions in the Council), there is no reason why advice could not be given now on whether

resolution 1441 is capable in any circumstances of being interpreted as authorising the use of force without a further Security Council decision."

120. Ms Adams added:

"… I think a serious issue for consideration is whether, if you were to reach the view that resolution 1441 was under no circumstances capable of being interpreted as authorising force without a further Council decision … this should be relayed to the Foreign Office and No.10."

121. Observing that "the Foreign Secretary (and other Ministers) have gone beyond the neutral line suggested … stating that resolution 1441 does not 'necessarily' require a further Council decision", Ms Adams suggested that if Lord Goldsmith was "not minded" to give advice: "An alternative option … might be for me to reply to Michael [Wood]'s letter confirming that you do not propose to advise at this stage, but stressing the need for neutrality in HMG's public line for so long as you have not advised on the interpretation of the resolution."

122. Lord Goldsmith told the Inquiry that the instructions set out both arguments "without expressing a view between them, although I think I knew what view Sir Michael took about it".[37]

123. Mr Straw told the Inquiry that he had asked Mr Wood to ensure Lord Goldsmith was given a balanced view.[38]

124. Mr Straw added that, if Sir Michael had thought there was only one view, that was "what he would have written" to Lord Goldsmith. Mr Straw stated that he:

"… had no input, as far as I recall – and we have been through the records – whatsoever in what he [Sir Michael] wrote to the Attorney General. Quite properly. I don't think I, so far as I recall, ever saw the letter until after it had been written, and that's entirely proper.

"If his view had been, 'There is no doubt we require a second resolution' … then that's what he should have written, but he didn't."[39]

125. In his statement for the Inquiry, Mr Pattison wrote:

"With hindsight, the letter … probably steered [Lord Goldsmith] in a particular direction: although it set out competing interpretations of SCR 1441, it was loaded in favour of one."[40]

---

[37] Public hearing, 27 January 2010, page 62.
[38] Public hearing, 8 February 2010, page 13.
[39] Public hearing, 8 February 2010, page 15.
[40] Statement, January 2011, paragraph 35.

126. Sir Michael Wood disagreed with Mr Pattison's conclusion:

> "This is not so. I set out the arguments as fairly as I could, taking full account of extensive comments from UKMIS New York."[41]

127. Sir Michael wrote in his statement:

> "I was instructed … that the Foreign Secretary was content for me to send the letter provided I did not include in the letter a statement of my own view of the law; and provided that I made it clear in the letter that no advice was needed at present. I was not happy with these instructions …
>
> "There are broadly two ways for a departmental lawyer to consult the Attorney: by setting out the different possibilities, without expressing a view; or, and this is much more common and usually more helpful, by setting out the differing possibilities and giving a view. In the present case, I was instructed to do the former, though the Attorney was anyway well aware of my views."

128. In the final version of the "instructions" for Lord Goldsmith, Mr Wood wrote:

> "No advice is required now. Any decisions in the future would clearly need to take account of all the circumstances, including any further deliberation in the Security Council."[42]

129. In his statement for the Inquiry, Lord Goldsmith wrote that he had been told that it was the view of Mr Straw that the instructions of 9 December should make clear that no advice was needed at that time.[43]

130. The Inquiry sought the views of a number of witnesses about whether Lord Goldsmith's advice should have been available at an earlier stage.

131. In his statement to the Inquiry, Sir Michael Wood wrote that he did not agree with Mr Straw's view that advice was not needed until later:

> "While it may not have been essential to have advice at that time, it was in my view highly desirable … FCO Legal Advisers were in a very uncomfortable position … We were having to advise on whether SCR 1441 authorised the use of force without a further decision of the Security Council without the benefit of the Attorney's advice. It would have been possible for the Attorney to have given advice on the meaning of SCR 1441 soon after its adoption, since all the relevant considerations were then known, though that advice would no doubt have had to be kept under review in the light of developments."[44]

---

[41] Statement, 15 March 2011, page 19.
[42] Letter Wood to Adams, 9 December 2002, 'Iraq: Security Council Resolution 1441 (2002)'.
[43] Statement, 17 January 2011, paragraph 1.12.
[44] Statement, 15 March 2011, page 20.

132. Sir Michael added that he had explained in a meeting with Lord Goldsmith "as late as January 2003" that his "position within the FCO was becoming very difficult" since he was still having to advise Mr Straw and others "without being able to refer to" Lord Goldsmith's advice, even though he was "aware of his [Lord Goldsmith's] thinking at that time".

133. Sir Michael told the Inquiry:

> "… it was certainly a problem for me within the Foreign Office, because I was having to react to public statements by Ministers, to prepare briefings for people, on the basis of my views, without having a definitive view from the Attorney, although I think I know what his thinking was at that time.
>
> "So I think it was a problem in terms of giving legal advice within the Foreign Office … in the broader sense … it was a problem for government as a whole, because they really needed advice, even if they didn't want it at that stage, in order to develop their policy in the weeks leading up to the failure to get the second resolution."[45]

134. Asked what he meant, Sir Michael added:

> "I think it was clear to me that the Attorney would give advice when he was asked for it, and there were various stages when he was not asked for it … [M]y impression was that there was a reluctance in some quarters to seek the Attorney's advice too early."[46]

135. Asked whether it would have helped if his advice had been provided earlier, Lord Goldsmith told the Inquiry that he did not think so. He said he had:

> "… been at pains, as you have seen, to try to make sure that those who were moulding the policy didn't have a misunderstanding about, at least, what my view might be and I had been involved …"[47]

136. Lord Goldsmith added:

> "My view was, if I thought it was necessary for a Minister to know, I would tell them, whether they wanted to hear it or not."

137. Asked if he had been involved at the right time in terms of policy development, Lord Goldsmith stated:

> "I don't know. I don't know what difference, if any, it would have made. My own view is that it is right that the Senior Legal Adviser, and all Legal Advisers, should be involved in the policy development, because that helps Ministers, once you

[45] Public hearing, 26 January 2010, page 39.
[46] Public hearing, 26 January 2010, page 40.
[47] Public hearing, 27 January 2010, page 101.

understand what their objectives are, to reach a way of achieving those which is lawful …"[48]

138. Asked about whether the legal issues were folded into the developing policy questions, Lord Goldsmith replied:

"I think in the event that did happen. As you have heard, on two occasions I insisted on offering a view, even though it wasn't being asked for, to make sure the policy, as it were, took account of that."[49]

139. Ms Elizabeth Wilmshurst, a Deputy FCO Legal Adviser, identified a particular risk that arose from the lateness of the definitive advice:

"… on the process of obtaining the Law Officers' advice, it was clearly far from satisfactory, and it seemed to have been left right until the end, the request to him for his formal opinion, as if it was simply an impediment that had to be got over before the policy could be implemented, and perhaps a lesson to be learned is that, if the Law Officers' advice needs to be obtained, as it always does for the use of force issues, then it should be obtained before the deployment of substantial forces. For the Attorney to have advised that the conflict would have been unlawful without a second resolution would have been very difficult at that stage without handing Saddam Hussein a massive public relations advantage. It was extraordinary, frankly, to leave the request to him so late in the day."[50]

140. Asked if it would have been useful to have had the formal advice of the Attorney General during the period after resolution 1441 when the Armed Forces were preparing for military action, Mr Blair replied:

"No. I think what was important for him to do was to explain to us what his concerns were … Peter was quite rightly saying to us, 'These are my concerns. This is why I don't think 1441 in itself is enough'.

"… [W]e had begun military preparations even before we got the … 1441 resolution. We had to do that otherwise we would never have been in a position to take military action. But let me make it absolutely clear, if Peter in the end had said, 'This cannot be justified lawfully', we would have been unable to take action."[51]

141. Asked if he had any observations on the process by which Lord Goldsmith's advice had been obtained, Lord Turnbull, Cabinet Secretary between September 2002 and September 2005, said: "I can see that it would have been better if this had been done earlier, but the list of things for which that is true runs to many pages."[52]

---

[48] Public hearing, 27 January 2010, page 102.
[49] Public hearing, 27 January 2010, page 232.
[50] Public hearing, 26 January 2010, pages 24-25.
[51] Public hearing, 29 January 2010, page 150.
[52] Public hearing, 25 January 2011, page 25.

Lord Goldsmith's meeting with No.10 officials, 19 December 2002

142. In a meeting held at his request with No.10 officials on 19 December, Lord Goldsmith was again told that he was not at that stage being asked for advice; and that the UK was pushing for a second resolution.

143. Lord Goldsmith was also told that, when he was asked for advice, it would be helpful if he were to discuss a draft with Mr Blair.

144. As requested by Lord Goldsmith, Ms Adams set up a meeting with Mr Powell.[53]

145. The meeting took place on 19 December.

146. A minute produced by Mr David Brummell, the Legal Secretary to the Law Officers from August 2000 to November 2004, stated that Sir David Manning and Baroness Sally Morgan, the No.10 Director of Political and Government Relations, were also present, as well as Mr Powell, and that the meeting's purpose was to provide Lord Goldsmith "with an update on developments and likely timings for any future action, rather than for the AG to provide specific legal advice".[54]

147. Mr Brummell recorded that Mr Powell had sketched out three "possible scenarios":

- "Saddam Hussein does something very stupid and the weapons inspectors find some WMD, which leads to a UN … resolution finding material breach and authorising the use of force."
- "The inspectors catch out Saddam Hussein in some way but the response of members of the Security Council is such that there is no second resolution."
- "… [T]he US become frustrated with the UN process and decide to take military action regardless, i.e. without UN support."

148. Mr Brummell wrote that Mr Powell had commented:

- "if the US and UK were to decide that military action was justified, the British Cabinet would be unanimous in their support";
- "There would be no question of the UK supporting military action" in the third scenario; and "it was unlikely that the US would proceed" in the "absence of UK support"; and
- military action could start as early as mid-February.

149. Mr Brummell reported that Sir David Manning had confirmed that the UK was pushing for a second resolution and he thought there was a "reasonably good prospect (i.e. a 50:50 or so chance)" of success. Iraq had also made the "mistake of alienating Russia" by cancelling an oil contract which "would change the political weather".

---

[53] Minute Adams to Attorney General, 11 December 2002, 'Iraq: Interpretation of Resolution 1441'.
[54] Minute Brummell, 19 December 2002, 'Iraq: Note of Meeting at No. 10 Downing Street – 4.00 pm, 19 December 2002'.

150. Sir David had also confirmed that the "basic assumption" was that Dr Blix would report any evidence of breaches to the Security Council and:

> "The SC would then debate whether the reported breaches were serious or trivial. It would then be for the Security Council, in the light of that debate, to decide what action should be taken. It was noted that this would suggest that it was expected that the SC would have to express its view."

151. Mr Brummell recorded that Lord Goldsmith had agreed that the adoption of resolution 1441:

> "… which represented a 'complex compromise' had been a considerable achievement. He thought that a key question arose in relation to the interpretation of OP4 … What could the phrase 'for assessment' mean if it did not mean an assessment as to whether the breach was sufficiently material to justify resort to use of force?"

152. Mr Brummell also recorded that there would be "a full Cabinet discussion on Iraq some time in the middle of January, i.e. before the Security Council met at the end of January". It had been agreed that:

- Lord Goldsmith would be invited to attend Cabinet "for this purpose";
- it would be useful for him to speak to Sir Jeremy Greenstock "to get a fuller picture of the history of the negotiation of resolution 1441";
- Lord Goldsmith "was not being called on to give advice at this stage. But he would be giving further consideration to all these issues"; and
- it "might be helpful" if Lord Goldsmith "were to discuss a legal advice paper in draft with the Prime Minister".

153. There is no No.10 record of the meeting.

154. Lord Goldsmith told the Inquiry that he was concerned about what was meant by the expression "for assessment" in OP 4, which seemed "to be an essential issue".[55]

155. Lord Goldsmith said:

> "I wanted to understand principally what was meant by 'for assessment', and I also wanted to know what were the – what the answers to a number of other textual points that I raised as giving rise to questions about what was meant by 1441."[56]

---

[55] Public hearing, 27 January 2010, page 65.
[56] Public hearing, 27 January 2010, pages 65-66.

156. Asked if this request could have been channelled through Ms Adams to the Foreign Office Legal Advisers, Lord Goldsmith explained:

> "There are a number of ways it could have been done, and I'm not sure that the Foreign Office would have been able to deal ultimately with the US side, but it could have been."[57]

157. Lord Goldsmith said:

> "I wasn't expecting to discuss it with Jonathan Powell. That wasn't the point. I did want to discuss that with the Prime Minister, with the Foreign Secretary, who had been very closely involved in the negotiations, and this was a channel."[58]

158. Lord Goldsmith told the Inquiry that he wanted to have "from the client, you know, 'What do you say in relation to certain of these arguments?'"[59]

159. Lord Goldsmith told the Inquiry that he viewed Mr Blair as "ultimately" the client for his advice.[60]

160. Asked whether the client was, at that stage, "expressing a view on how soon" the advice would be required, Lord Goldsmith told the Inquiry:

> "I don't recall. Certainly there wasn't … any request at that stage for final advice, but given what I said about needing to understand certain further matters … it obviously wasn't going to be then and there."[61]

161. Asked whether the client was concerned that he should not "come in too soon" with his advice, Lord Goldsmith told the Inquiry that that question would need to be put to Mr Blair; and that Mr Powell and his very close advisers knew what Mr Blair's mind was.[62]

162. Asked what indications he had been given about the timing of his replies, Lord Goldsmith stated:

> "I don't recall …
>
> "All I was saying was I wasn't actually in a position to provide my advice at that stage – because I hadn't completed my researches and my enquiries – and it was agreed that I would provide a draft advice which would be something that would then enable me to raise questions which were causing me concern, so I could understand what the response to them was."[63]

---

[57] Public hearing, 27 January 2010, page 65.
[58] Public hearing, 27 January 2010, page 66.
[59] Public hearing, 27 January 2010, page 67.
[60] Public hearing, 27 January 2010, page 68.
[61] Public hearing, 27 January 2010, page 68.
[62] Public hearing, 27 January 2010, page 68.
[63] Public hearing, 27 January 2010, page 69.

163. Lord Turnbull told the Inquiry that he, Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), the diplomatic service and others were all clients for Lord Goldsmith's advice.[64] The characterisation of Mr Blair as the client was not "a very good description of the importance of this advice".

164. In his written statement, Lord Goldsmith cited his telephone call with Mr Powell on 11 November and the meeting on 19 December as occasions when he had been "discouraged from providing" his advice.[65]

165. Asked if he was aware that Lord Goldsmith felt he was being discouraged, Mr Blair told the Inquiry:

> "I think it was more that we knew obviously when we came to the point of decision we were going to need formal advice. We knew also this was a very tricky and difficult question. It was important actually that he gave this advice. I think the only concern, and I am speaking from memory here; generating bits of paper the entire time on it, but, I mean, it was obviously important that he was involved."[66]

Lord Goldsmith's provisional view

Lord Goldsmith's draft advice of 14 January 2003

166. As agreed with Mr Powell on 19 December 2002, Lord Goldsmith handed his draft advice to Mr Blair on 14 January 2003.

167. The draft advice stated that a further decision by the Security Council would be required to revive the authorisation to use force contained in resolution 678 (1990) although that decision did not need to be in the form of a further resolution.

168. Lord Goldsmith saw no grounds for self-defence or humanitarian intervention providing the legal basis for military action in Iraq.

169. Lord Goldsmith's draft advice did not explicitly address the possibility, identified by the Law Officers in 1997, of other "exceptional circumstances" arising if the international community "as a whole" had accepted that Iraq had repudiated the cease-fire, but the Security Council was "unable to act".

170. The advice did, however, address both the precedent of Kosovo and the question of whether a veto exercised by a Permanent Member of the Security Council might be deemed to be unreasonable, stating that the Kosovo precedent did not apply in the prevailing circumstances of Iraq; and that there was no "room for arguing that a condition of reasonableness [could] be implied as a precondition for the exercise of a veto".

---

[64] Public hearing, 25 January 2011, page 28.
[65] Statement, 4 January 2011, paragraph 4.2.
[66] Public hearing, 21 January 2011, page 59.

171. Ms Adams informed Lord Goldsmith on 10 January that a meeting with Mr Blair had been arranged, at No.10's request, for noon on 14 January. There would be a full Cabinet discussion on 16 January and arrangements were being made for Lord Goldsmith to attend.

172. Ms Adams told the Inquiry she had prepared a submission analysing the arguments as she saw them and including her own view, which was essentially the same as that of Mr Wood. Lord Goldsmith then made comments on it which she adopted to produce a draft advice.[67]

173. Lord Goldsmith's draft advice stated that it was "clear that resolution 1441" contained "no express authorisation by the Security Council for the use of force".[68]

174. The revival argument had been relied on by the UK in the past but it would:

> "… not be defensible if the Council has made it clear either that action short of the use of force should be taken to ensure compliance with the cease-fire or that it intends to decide subsequently what action is required …"[69]

175. Lord Goldsmith wrote that OP1 contained a finding that Iraq was in material breach of its obligations, but it was accepted that the effect of the "firebreak" in OP 2 was that resolution 1441 did not immediately revive the authorisation to use force in resolution 678. In his view:

> "The key question in relation to the interpretation of resolution 1441 is whether the terms of [operative] paragraph 12 … indicate that the Council has reserved to itself the power to decide on what further action is required to enforce the cease-fire in the event of a further material breach by Iraq.
>
> "… to answer this question, it is necessary to analyse the terms of resolution 1441 as a whole …"

176. In his analysis, Lord Goldsmith made the following observations:

- The references to resolution 678 (1990) and resolution 687 (1991) in preambular paragraphs 4, 5 and 10 of the resolution suggested "that the Council had the revival argument in mind" when it adopted the resolution.
- The reference to "material breach" in OP1 signified "a finding by the Council of a sufficiently serious breach of the cease-fire conditions to revive the authorisation in resolution 678".
- The "final opportunity" in OP2 implied that the Council had "determined that compliance with resolution 1441" was Iraq's "last chance before the cease-fire resolution will be enforced".

---

[67] Public hearing, 30 June 2010, pages 20-22.
[68] Minute Adams to Attorney General, 10 January 2003, 'Iraq: Resolution 1441'.
[69] Minute [Draft] [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.

- The first part of OP4, that false statements or omissions in the Iraqi declaration and failure to comply with and co-operate fully in the implementation of resolution 1441 would "constitute a further material breach", suggested that the Council had "determined that any failure by Iraq to comply with or co-operate in the implementation of the resolution will be a material breach".
- The later reference in OP4 to a requirement to report that breach "to the Council for assessment under paragraphs 11 and 12" raised the "key question" as to whether that was "merely a procedural requirement for a Council discussion (the stated US/UK position)" or whether it indicated "the need for a determination of some sort … that force was now justified".
- It appeared "to be accepted that only serious cases of non-compliance would constitute a material breach, on the basis that it would be difficult to justify the use of force in relation to a very minor infringement of the terms of the resolution".
- Mr Straw had told Parliament on 25 November that a material breach would need "as a whole to add up to something deliberate and more significant: something that shows Iraq's intention not to comply".
- If that was the case, "then any Iraqi misconduct must be assessed to determine whether it is sufficiently serious as to constitute a material breach".
- The question then was "who is to make that assessment".
- In the event of a reported breach, OP12 stated that the Council would "consider the situation and the need for compliance with all relevant resolutions in order to secure international peace and security".
- Proposals to amend OP12 "which would have made clear that a further decision was required were rejected".
- "The previous practice of the Council and statements made during the negotiation" of resolution 1441 demonstrated that the phrase "serious consequences" in OP13 was "accepted as indicating the use of force".

177. In the light of that examination, Lord Goldsmith identified two critical questions:

"(a) whether it would be legitimate to rely on the revival argument; and

(b) what are the conditions for revival."

178. Lord Goldsmith wrote:

- He considered "in relation to OP1" that "a finding of 'material breach'" constituted a "determination of a sufficiently serious breach of the terms of the cease-fire resolution [resolution 687] to revive the authorisation to use for[ce] in resolution 678".
- If OP4 had stopped after the words "breach of Iraq's obligations", there "would have been a good argument that the Security Council was authorising the use

of force in advance if there was a failure by Iraq to comply and co-operate fully with the implementation of the resolution".

179. Considering the words "for assessment under paragraphs 11 and 12", which had been added at the end of OP4, Lord Goldsmith observed that they "must mean something". He wrote that it was "hard not to read these words as indicating that it is for the Council [to] assess if an Iraqi breach is sufficiently significant in light of all the circumstances".

180. Lord Goldsmith explained that "three principal factors" had led him to that conclusion:

- The words "for assessment" implied the "need for a substantive assessment". The view that OP12 required "merely a Council discussion … would reduce the Council's role to a procedural formality, so that even if the majority of the Council's members expressed themselves opposed to the use of force this would have no effect".
- It was "accepted that" OP4 did "not mean that every Iraqi breach would trigger the use of force, so someone must assess whether or not the breach is 'material'". It was "more consistent with the underlying basis of the revival argument" to interpret OP4 as meaning that it was "for the Council to carry out that assessment".
- He did not find the "contrary arguments concerning the meaning of 'for assessment' sufficiently convincing".

181. While Lord Goldsmith described the fact that French and Russian attempts to "make it plain" that a further breach would "only be 'material' when assessed as such by the Council" had not been accepted as the "strongest" point in favour of the view that a determination by the Council was not required, he cautioned:

> "But what matters principally in interpreting a resolution is what the text actually says, not the negotiation which preceded its adoption."

182. Lord Goldsmith added that he did "not find much difference" between the French proposals and the final text of the resolution.

183. Addressing the Explanations of Vote (EOVs) provided when resolution 1441 was adopted on 8 November 2002, Lord Goldsmith wrote that they "did not assist greatly in determining the correct interpretation of the text of OPs 4 and 12".

184. Lord Goldsmith concluded:

> "… my opinion is that resolution 1441 does not revive the authorisation to use of [sic] force contained in resolution 678 in the absence of a further decision of the Security Council. The difference between this view of the resolution and the approach which argues that no further decision is required is narrow, but key.

"The further decision need not be in the form of a further resolution. It is possible that following a discussion under OP12 of the resolution, the Council could make clear by other means, e.g. a Presidential statement, that it believes force is now justified to enforce the cease-fire."

185. Addressing the principle of proportionality, Lord Goldsmith emphasised that:

"Any force used pursuant to the authorisation in resolution 678:

- must have as its objective the enforcement of the terms of the cease-fire contained in resolution 687 (1990) [sic] and subsequent relevant resolutions;
- be limited to what is necessary to achieve that objective; and
- must be proportionate to that objective, i.e. securing compliance with Iraq's disarmament objectives.

"That is not to say that action may not be taken to remove Saddam Hussein from power if it can be shown that such action is necessary to secure the disarmament of Iraq and that it is a proportionate response to that objective. But regime change cannot be the objective of military action. This should be borne in mind in making public statements about any campaign."

186. As he had promised following the meeting on 22 October, when Mr Blair had asked about the consequences of a perverse or unreasonable veto "of a second resolution intended to authorise the use of force", Lord Goldsmith also addressed other legal bases for military action.

187. In her minute of 14 October 2002, Ms Adams had drawn Lord Goldsmith's attention to the Law Officers' advice to Mr Blair in 1997 which identified the possibility that there could be:

"… exceptional circumstances in which although the Council had not made a determination of material breach it was evident to and generally accepted by the international community as a whole that Iraq had in effect repudiated the cease-fire and that a resort to military force to deal with the consequences of Iraq's conduct was the only way to ensure compliance with the cease-fire conditions."[70]

188. Ms Adams added:

"I understand this passage was included in the advice to cover the sort of situation where the Council was unable to act. But of course the counter view would be that if the Council has rejected a resolution authorising the use of force, then under the scheme of the Charter, it cannot be said that force is legally justified."

---

[70] Minute Adams to Attorney General, 14 October 2002, 'Iraq: Meeting with David Manning, 14 October'.

189. In the "lines to take" provided for Lord Goldsmith's meeting with Mr Blair, Ms Adams wrote:

> "It is impossible to give a firm view on this now. We should certainly not plan on being able to rely on such a justification. There does not seem to [be] wide support for military action among the wider international community at present."[71]

190. In his draft advice of 14 January 2003, Lord Goldsmith wrote that:

> "In ruling out the use of force without a further decision of the Council, I am not saying that other circumstances may not arise in which the use of force may be justified on other legal grounds, eg if the conditions for self-defence or humanitarian intervention were met. However, at present, I have seen nothing to suggest there would be a legal justification on either of these bases."[72]

191. In relation to the "Kosovo Option", Lord Goldsmith wrote that the UK had been "able to take action … because there was an alternative legal base which could be relied on which did not depend on Council authorisation, namely intervention to avert an overwhelming humanitarian catastrophe".

192. Lord Goldsmith did not, however, address whether any other "exceptional circumstances" could arise which might provide the basis for action against Iraq.

193. Lord Goldsmith also addressed the question of whether, in the event that, "following a flagrant violation by Iraq", one of the five Permanent Members (P5) of the Council "perversely or unreasonably vetoed [a] further Council decision intended to authorise the use of force", the Coalition would be justified in acting without Security Council authorisation.

194. Lord Goldsmith wrote that the scheme of the UN Charter clearly envisaged "the possibility of a P5 veto" and did "not provide that such vetoes may only be exercised on 'reasonable grounds'". In those circumstances, he did not believe that there was:

> "… room for arguing that a condition of reasonableness can be implied as a precondition for the lawful exercise of a veto. Thus, if one of the P5 were to veto a further Council decision pursuant to OPs 4 and 12 of resolution 1441, there would be no Council authorisation for military action."

---

[71] Minute Adams to Attorney General, 22 October 2002, 'Iraq: Meeting with the Prime Minister, 22 October' attaching 'Lines to Take'.
[72] Minute [Draft] [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.

195. Lord Goldsmith told the Inquiry that he had handed the draft paper to Mr Blair and there was some discussion, but he did not think there had been a long discussion:

> "The one thing I do recall was that he [Mr Blair] said … 'I do understand that your advice is your advice'. In other words, the Prime Minister made it clear he accepted that it was for me to reach a judgement and that he had to accept that."[73]

196. No.10 did not seek Lord Goldsmith's further views about the legal basis for the use of force until the end of February, and he did not discuss the issues again with Mr Blair until 11 March.

No.10's reaction to Lord Goldsmith's advice

197. Mr Powell proposed that Sir Jeremy Greenstock should be asked to suggest alternatives to Lord Goldsmith.

198. Mr Blair's response to Mr Powell indicated that he himself was not confident that resolution 1441, of itself, provided a legal basis for the use of force. Mr Blair's response suggested a readiness to seek any ground on which Lord Goldsmith would be able to conclude that there was a legal basis for military action.

199. Given the consistent and unambiguous advice of the FCO Legal Advisers from March 2002 onwards and Lord Goldsmith's advice from 30 July 2002, that self-defence could not provide a basis for military action in Iraq, the Inquiry has seen nothing to support Mr Blair's idea that a self-defence argument might be "revived".

200. Lord Goldsmith's draft advice stated that:

> "It was proposed before Christmas that it would be worthwhile to discuss the negotiation of the resolution and particularly the genesis of the words 'for assessment' with Sir Jeremy Greenstock. It is not clear if and when he will be able to come to London for such a meeting."[74]

201. Mr Powell sent an undated note to Mr Blair advising: "We should get Jeremy Greenstock over to suggest alternatives to him."[75]

202. Mr Blair replied to Mr Powell:

> "We need to explore, especially (a) whether we c[oul]d revive the self-defence etc arguments or (b) whether the UNSCR [sic] c[oul]d have a discussion, no resolution authorising force but nonetheless the terms of the discussion and/or decision, make it plain there is a breach."[76]

---

[73] Public hearing, 27 January 2010, page 72.
[74] Minute [Draft] [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.
[75] Note [handwritten] Powell to PM, [undated and untitled].
[76] Note [handwritten] [Blair to Powell], [undated and untitled].

203. Asked whether his response to Mr Powell's manuscript note on Lord Goldsmith's draft advice of 14 January was mostly about Lord Goldsmith understanding the negotiating history, or whether he was keen to find an alternative that might persuade Lord Goldsmith that there was a basis for military action, Mr Blair told the Inquiry that he thought it was "both".[77]

204. Mr Blair added that he thought Lord Goldsmith himself had suggested meeting Sir Jeremy:

> "So in a sense he had already raised that issue … I think I was simply casting about … I was saying 'Have a look at this point. Have a look at that', but the key thing was indeed that he was to speak to Jeremy."

205. Mr Brummell's record of Lord Goldsmith's meeting with No.10 officials on 19 December records only that it would be "useful" for Lord Goldsmith to "speak to Sir Jeremy Greenstock, to get a fuller picture of the history of the negotiation of resolution 1441".[78]

206. Despite Lord Goldsmith's draft advice, Mr Blair continued to say in public that he would not rule out military action if a further resolution in response to an Iraqi breach was vetoed.

207. He did so in his statement to Parliament on 15 January and when he gave evidence to the Liaison Committee on 21 January about taking action in the event of an "unreasonable veto".

208. These statements were at odds with the draft advice he had received and discussed with Lord Goldsmith.

209. During Prime Minister's Questions on 15 January, Mr Blair was asked a series of questions by the Leader of the Opposition, Mr Iain Duncan Smith.[79]

210. Asked whether the Government's position was that a second resolution was preferable or, as Ms Clare Short, the Development Secretary, had said, essential. Mr Blair replied:

> "… we want a UN resolution. I have set out continually, not least in the House on 18 December [2002], that in circumstances where there was a breach we went back to the UN and the spirit of the UN resolution was broken because an unreasonable veto was put down, we would not rule out action. That is the same position that everybody has expressed, and I think it is the right position. However … it is not merely preferable to have a second resolution. I believe that we will get one."

---

[77] Public hearing, 21 January 2011, page 63.
[78] Minute Brummell, 19 December 2002, 'Iraq – Note of meeting at No.10 Downing Street, 19 December 2002'.
[79] House of Commons, *Official Report*, 15 January 2003, columns 677-678.

211. Mr Blair emphasised that the UN route had been chosen "very deliberately" because it was "important" that Saddam Hussein was "disarmed with the support of the international community". He hoped that the House would unite around the position that if the UN resolution was breached, "action must follow, because the UN mandate has to be upheld". The Government's position was that a "second UN resolution" was "preferable", but it had:

> "… also said that there are circumstances in which a UN resolution is not necessary, because it is necessary to be able to say in circumstances where an unreasonable veto is put down that we would still act."[80]

212. In his evidence to the Liaison Committee on 21 January, Mr Blair was asked about the impact of taking action without a second resolution.[81]

213. In his responses, Mr Blair emphasised a second resolution would be highly desirable, but argued that action should not be "unreasonably blocked".

- It would be "easier in every respect" if there was a second resolution, but there could not be "a situation where there is a material breach recognised by everybody and yet action is unreasonably blocked". Without that "qualification", the discussion in the Security Council was "not likely to be as productive as it should be".
- It would be "highly desirable" to have a second resolution.
- It would be "more difficult" to act without one, but if the inspectors said that they could not do their job properly or they made a finding that there were weapons of mass destruction, it would "be wrong" in the face of a veto "if we said 'Right, well there is nothing we can do, he can carry on and develop these weapons.' … We must not give a signal to Saddam that there is a way out of this … [It] is best done with the maximum international support but it will not be done at all if Saddam thinks there is any weakness …" That "would be disastrous".

214. Lord Goldsmith was asked by the Inquiry about the timing and substance of his advice to Mr Blair on the impact of a veto.[82]

215. Lord Goldsmith wrote:

> "… I do not think that there was any doubt about my view. I had been clear at the meeting with the Prime Minister on 22 October 2002, and I provided a written record of my view in David Brummell's letter of 23 October 2002. Although I said I would consider the issue further, the sense that I conveyed was that I would look at the issue again to see if anything changed my mind. To that end, I did have a discussion

---

[80] House of Commons, *Official Report*, 15 January 2003, column 678.
[81] Minutes 21 January 2003, Liaison Committee (House of Commons), [Minutes of Evidence], Q&A 25, 27-28, 52, 54.
[82] Statement, 17 January 2011, paragraphs 4.1-4.7.

> with John Grainger [FCO Legal Counsellor] and Michael Wood on 5 November 2002 and asked for further information … but after this further consideration my view remained the same. If I had reached a different view, I am sure that I would have made this known, but I didn't. I decided therefore to wrap the issue up … in my draft advice of 14 January 2003."

216. Lord Goldsmith's meeting with Mr Blair on 22 October 2002 is described in Section 3.5.

217. Asked whether that advice was draft or definitive, Lord Goldsmith wrote: "In one sense the whole of the advice of 14 January 2003 was draft", but he "was clear" that, in relation to the exercise of a veto, "that must have been understood by the Prime Minister".

218. Asked whether that was clear to Mr Blair, Lord Goldsmith wrote:

> "I believe so."

219. Asked whether Mr Blair's words that it was "necessary to be able to say in circumstances where an unreasonable veto is put down that we would still act", and Mr Blair's later comments[83] during a *BBC Newsnight* interview on 6 February, were compatible with his advice, Lord Goldsmith replied: "No."

220. Asked if he was aware of Mr Blair's statements at the time, and, if so, what he thought of them, and what action he had taken, Lord Goldsmith replied:

> "I became aware at some stage of the statements the Prime Minister made, though I cannot recall precisely when. I was uncomfortable about them, and I believe that I discussed my concerns with Jack Straw and my own staff, though I can find no record of a formal note of any such conversations. I understood entirely the need to make public statements which left Saddam Hussein in no doubt about our firmness of purpose. It was more likely that he would co-operate if he thought that there was a real likelihood of conflict. My concern was that we should not box ourselves in by the public statements that were made, and create a situation which might then have to be unravelled."[84]

221. The Inquiry asked Mr Blair:

- whether he considered that what he said on 15 January and 6 February was compatible with Lord Goldsmith's advice;
- whether he had received any other legal advice on the issue;
- whether his view that action could be taken was derived from the use of force without a UNSCR in relation to Kosovo; and

---

[83] "If the inspectors do report that they can't do their work properly because Iraq is not co-operating there's no doubt … that is a breach of the resolution. In those circumstances there should be a further resolution. If, however … a country unreasonably in those circumstances put down a veto then I would consider action outside of that."; Statement, 17 January 2011, paragraphs 4.5-4.6.
[84] Statement, 17 January 2011, paragraph 4.7.

- given that the need to prevent an overwhelming humanitarian catastrophe would not provide the basis for action in Iraq, the legal basis on which he thought the UK would act.[85]

222. In his statement for the Inquiry, Mr Blair did not address the substance of Lord Goldsmith's advice that, in the event of a veto, there would be no Security Council authorisation for the use of force.[86] He wrote:

> "I never believed that action in Iraq could be on the same legal basis as Kosovo … So I never raised Kosovo as a direct precedent. However in Kosovo, we had had to accept we could not get a UN resolution even though we wanted one because Russia had made it clear it would wield a political veto. So we, not the UNSC, made the judgement that the humanitarian catastrophe was overwhelming.
>
> "… [I]f it were clear and accepted by a UNSC member that there was a breach of [resolution] 1441, but nonetheless they still vetoed, surely that must have some relevance as to whether a breach had occurred, and thus to revival of resolution 678 authorising force … I was not suggesting that we, subjectively and without more, could say: this is unreasonable, but that a veto in circumstances where [a] breach was accepted, surely could not override the consequences of such a breach set out in 1441 ie they could not make a bad faith assessment."

223. Mr Blair added:

> "I was aware … of Peter Goldsmith's advice on 14 January … but … I was also aware that he had not yet had the opportunity to speak to Sir Jeremy Greenstock or to the US counterparty.
>
> "I had not yet got to the stage of a formal request for advice and neither had he got to the point of formally giving it. So I was continuing to hold to the position that another resolution was not necessary. I knew that the language of 1441 had represented a political compromise. But I also knew it had to have a meaning and that meaning, in circumstances where lack of clarity was the outcome of a political negotiation, must depend on what was understood by the parties to the negotiation.
>
> "I knew that the US had been crystal clear and explicit throughout. This was the cardinal importance of not just including the phrase 'final opportunity' which to me meant 'last chance'; but also the designation in advance of a failure to comply fully and unconditionally, as a 'material breach' – words with a plain and legally defined meaning.
>
> "Peter's view at that time was, because of the word 'assessment' in OP4 of 1441, there should be a further decision. But I was aware that … had been precisely and openly rejected by the US and UK when negotiating the text. That is why

[85] Inquiry request for a witness statement, 13 December 2010, Q7, page 4.
[86] Statement, 14 January 2011, pages 9-10.

his provisional advice was always going to be influenced by what was said and meant during the course of the negotiation of 1441. So I asked that he speak to Sir Jeremy Greenstock and later to the US."

224. Asked if he had understood that his answer in Parliament was inconsistent with the legal advice he had been given, Mr Blair told the Inquiry:

"I was making basically a political point. However I accept entirely that there was an inconsistency between what he was saying and what I was saying … but I was saying it not … as a lawyer, but politically."[87]

225. Asked if he could really distinguish between making a political point and a legal point when presenting a legal interpretation to the House of Commons, Mr Blair told the Inquiry:

"I understand that … I was trying to hold that line … I was less making a legal declaration … because I could not do that, but a political point, if there was a breach we had to be able to act … throughout this period of time … we were going for this second resolution. It was always going to be difficult to get it, but we thought we might …"[88]

226. Mr Blair added:

"I tried to choose my words carefully all the way through. In the two quotes you have, I chose them less carefully …"[89]

227. Mr Blair made similar points justifying the position he had taken in his discussion with President Bush on 31 January and his interview on the *BBC Newsnight* programme on 6 February.

Cabinet, 16 January 2003

228. As promised by Mr Blair on 19 December, Cabinet discussed Iraq on 16 January 2003.

229. Mr Blair told Cabinet that the strategy remained to pursue the UN course. The inspectors needed time to achieve results. If Iraq was not complying with the demands of the Security Council, a second resolution would be agreed.

230. Mr Straw stated that the UK should not rule out the possibility of military action without a second resolution. Mr Blair repeated that statement in his concluding remarks.

---

[87] Public hearing, 21 January 2011, page 71.
[88] Public hearing, 21 January 2011, page 74.
[89] Public hearing, 21 January 2011, page 75.

231. Mr Blair's decision to ask for Lord Goldsmith's draft advice and his invitation to Lord Goldsmith to attend Cabinet suggest that he intended the advice to inform discussion in Cabinet on 16 January.

232. But Mr Blair did not reveal that he had received Lord Goldsmith's draft advice which indicated that a further determination by the Security Council that Iraq was in material breach of its obligations would be required to authorise the revival of the authority to take military action in resolution 678.

233. As the Attorney General, Lord Goldsmith was the Government's Legal Adviser not just the Legal Adviser to Mr Blair.

234. There is no evidence that Mr Straw was aware of Lord Goldsmith's draft advice before Cabinet on 16 January, although he was aware of Lord Goldsmith's position.

235. There is no evidence that Lord Goldsmith had communicated his concerns to Mr Hoon or to any other member of Cabinet.

236. Mr Blair's decision not to invite Lord Goldsmith to speak meant that Cabinet Ministers, including those whose responsibilities were directly engaged, were not informed of the doubts expressed in Lord Goldsmith's draft advice about the legal basis of the UK's policy.

237. It may not have been appropriate for Lord Goldsmith to challenge the assertions made by Mr Blair and Mr Straw, which repeated their previous public statements, during Cabinet.

238. Notwithstanding the draft nature of his advice, it would have been advisable for Lord Goldsmith to have told Mr Straw and Mr Hoon of his concerns.

239. Lord Goldsmith could also have expressed his concerns subsequently in private. Other than his conversations with Mr Straw in early February, there is no evidence that he did so.

240. Ms Adams' brief for Lord Goldsmith for Cabinet on 16 January stated:

> "In the light of our discussion yesterday, if asked for your views on the interpretation of resolution 1441, you might say that:
>
> - "you have not given advice";
> - "you are waiting for further briefing from the FCO before finalising your views (alluding to the proposed Greenstock discussion)";
> - "it is therefore premature to express a view"; and

- "in any event, interpretation of resolution [1441] may be influenced by subsequent Council discussion following further Iraqi non-compliance".[90]

241. Lord Goldsmith's manuscript comments indicated that he had reservations about the first bullet point in Ms Adams' proposed "lines to take".[91]

242. At Cabinet on 16 January, Mr Blair said that:

> "… he wanted to make the United Nations route work. The inspectors were doing their job inside Iraq and he was optimistic that they would discover weapons of mass destruction and their associated programmes which had been concealed. They needed time to achieve results, including from better co-ordinated intelligence. If Iraq was not complying with the demands of the United Nations, he believed the … Security Council would pass a second resolution."[92]

243. Mr Blair told his colleagues that evidence from the inspectors would make a veto of a second resolution by other Permanent Members of the Security Council "less likely":

> "Meanwhile, British and American forces were being built up in the Gulf. If it came to conflict, it would be important for success to be achieved quickly. The [military] build up was having an effect on the Iraqi regime, with internal support dwindling for President Saddam Hussein … The strategy remained to pursue the United Nations course."

244. Mr Blair concluded by telling Cabinet that he would be meeting President Bush at the end of the month to discuss Iraq, after Dr Blix's report to the Security Council on 27 January.

245. Mr Straw said:

> "… he was aware of anxieties about the possibility of having to diverge from the United Nations path. There was a good prospect of achieving a second resolution. Many had been doubtful about achieving the first resolution; in the event, the … Security Council vote had been unanimous. While sticking with the United Nations route we should not rule out the possibility of military action without a second resolution. Voting decisions in the Security Council could be driven by domestic politics, not the demands of the international situation."

246. Mr Straw added that:

> "In his recent contacts with the Muslim and Arab world, all could see the benefit of Saddam Hussein's demise. He had utterly rejected the notion that we were hostile

---

[90] Minute Adams to Attorney General, 15 January 2003, 'Cabinet Meeting, Thursday 16 January: Iraq'.
[91] Manuscript comment Goldsmith on Minute Adams to Attorney General, 15 January 2003, 'Cabinet Meeting, Thursday 16 January: Iraq'.
[92] Cabinet Conclusions, 16 January 2003.

to Islam … Saddam Hussein had attacked his own people and his neighbours – all of whom were Muslims."

247. Summing up the discussion, Mr Blair said:

"… the strategy based on the United Nations route was clear, although the uncertainties loomed large and there was a natural reluctance to go to war. It was to be expected that the public would want the inspectors to find the evidence before military action was taken. Pursuing the United Nations route was the right policy, but we should not rule out the possibility of military action without a second resolution. The priorities for the immediate future were:

- improved communications, which would set out the Government's strategy and be promoted by the whole Cabinet;
- preparatory work on planning the aftermath of any military action and the role of the United Nations in that, which should in turn be conveyed to the Iraqi people so that they had a vision of a better life in prospect; and
- contingency work on the unintended consequences which could arise from the Iraqi use of weapons of mass destruction, environmental catastrophe or internecine strife within Iraq."

Lord Goldsmith's meeting with Sir Jeremy Greenstock, 23 January 2003

248. Ms Adams sent Sir Jeremy Greenstock a copy of Lord Goldsmith's draft advice, stating that it indicated the view he had "provisionally formed regarding the interpretation of the resolution"; and that:

"The Attorney would welcome your comments on the view he has reached. In particular, he would be interested to know if you feel that there are any significant arguments which he has overlooked which would point to a different conclusion. The note has been passed by the Attorney to No.10, but has not been circulated more widely. I have been asked to stress that the note should not be copied further."[93]

249. In preparation for a meeting between Sir Jeremy and Mr Blair on 23 January to discuss negotiation of a second resolution and related issues, Mr Rycroft told Mr Blair that Sir Jeremy would explore Mr Blair's "ideas" with Lord Goldsmith later that day.[94]

250. There is no mention of the issues to be discussed with Lord Goldsmith in the No.10 record of the meeting with Sir Jeremy.[95]

---

[93] Letter Adams to Greenstock, 21 January 2003, 'Meeting with the Attorney General, 23 January'.
[94] Minute Rycroft to Prime Minister, 22 January 2003, 'Iraq: Meeting with Jeremy Greenstock'.
[95] Minute Rycroft to Manning, 23 January 2003, 'Iraq: Prime Minister's Meeting with Jeremy Greenstock'.

251. Sir Jeremy Greenstock wrote to Sir David Manning on 24 January with his perspective on the discussion with Lord Goldsmith.[96]

252. Sir Jeremy recorded that the "central issue" debated was whether the wording of OP4 "meant that the Council had something substantive to do in the second stage (viz determining that a breach was material and deciding on consequent action) before action could be taken on the further material breach; or whether further discussion/ consideration in the Council … sufficed".

253. Sir Jeremy said he had told Lord Goldsmith that:

- the negotiations had "settled the wording of OPs 11-13 before a draft OP4 was ever proposed";
- in that "tussle", the "French/Russians/ Chinese lost (their … EOVs were indicative in this respect) an explicit requirement for a new decision by the Council";
- France "wanted 'further material breach, when assessed', and accepted with difficulty the final wording. This suggested they saw the difference between the two";
- the US had come to the UN "to give the Security Council a further opportunity to be the channel for action"; and
- the "intention of the sponsors was that the fact of a further material breach would be established in a report from the inspectors".

254. Sir Jeremy had argued that Lord Goldsmith's draft advice "took insufficient account of the alternative routes to OP12 … The fact that OP4 was a late addition was an indication that the route through OPs 1, 2, 11, 12 and 13 had separate validity." There was "no question in the co-sponsors' minds of … conceding that the Council had to assess what was a breach".

255. Sir Jeremy's view was that "the natural interpretation of 'assessment' … was that the Council would assess the options for the next steps … after a material breach had occurred".

256. Lord Goldsmith's position had been to argue "the opposite case, that the late addition of 'assessment' … must add something significant".

257. Sir Jeremy identified "an intermediate interpretation, whereby the fact of the material breach particularly if reported by the inspectors as directed in OP11, automatically brought the final opportunity to an end". Sir Jeremy suggested that "interpretation was … given weight by the absence of clear wording in OP12 on the need for a further decision. And it had a close precedent in the US/UK action on 16 December 1998 …"

---

[96] Letter Greenstock to Manning, 24 January 2003, [untitled].

258. Sir David Manning submitted the letter to Mr Blair, commenting: "To be aware that Jeremy G[reenstock] is in debate with the AG."[97]

259. A copy of Sir Jeremy's letter was sent only to Lord Goldsmith's office.

260. In a minute to Lord Goldsmith on 24 January, Ms Adams addressed the points made by Sir Jeremy on the textual arguments; the history of the negotiations; the precedent provided by resolution 1205 (1998); and references that had been made by Sir Jeremy to a paper submitted by Professor Christopher Greenwood Q.C., Professor of International Law, LSE, to the Foreign Affairs Committee (FAC) in October 2002.[98]

261. Ms Adams concluded:

> "Overall, although I don't believe that the arguments can all be taken without challenge, I certainly think they strengthen the case for the second view and make the balance of view as to which is the better of the two alternative interpretations rather closer."

262. Ms Adams suggested that Lord Goldsmith "might want to consider" whether he "would like to put these arguments to Michael Wood". Although that would "probably mean disclosing to him your provisional view of the resolution and perhaps even the draft advice".

263. Ms Adams commented to Lord Goldsmith that Sir Jeremy's letter to Sir David Manning "helpfully sets out his view of the arguments, although I don't think there are any points which are not covered in my minute of 24 January".[99]

264. Lord Goldsmith's undated minute to Ms Adams, inviting her to draft a note setting out his views, suggested that he did not share Sir Jeremy's view that the wording of OP4 was the "central issue".[100]

265. Lord Goldsmith wrote that Sir Jeremy's main argument had been that there was "no need to focus on the words 'for assessment' in OP4 because there is a trigger in OP1 suspended by OP2 but which suspension will be lifted if Iraq 'fails to take the final opportunity'".

266. Lord Goldsmith wrote that he did "not consider that this argument can in fact work to create a form of automaticity if the final opportunity is not taken". He focused on the fact that OPs 4 and 11 both led to OP12 and the need for the Security Council to meet "to consider the situation … and the need for full compliance with all the relevant

---

[97] Manuscript comment Manning to PM, 25 January 2003, on Letter Greenstock to Manning, 24 January 2003, [untitled].
[98] Minute Adams to Attorney General, 24 January 2003, 'Iraq: Resolution 1441: Sir Jeremy Greenstock's points'.
[99] Manuscript comment Adams to AG, 27 January 2003, on Letter Greenstock to Manning, 24 January 2003, [untitled].
[100] Minute Attorney General to Adams, [24 January 2003], [untitled].

Security Council resolutions in order to secure international peace and security"; and that the resolution had to be read as a whole. In his view, that meant the Council had to "consider what is needed in order to secure international peace and security and, in particular, whether full compliance is necessary". OP12 required "a determination by the Security Council of what is now required".

267. Lord Goldsmith also addressed Sir Jeremy's argument that resolution 1205 (1998) provided a precedent. Lord Goldsmith wrote that the point was not that the resolution validated the revival argument; he did not regard the fact that there was "strong evidence of disagreement of other States with the proposition" as "a matter of concern". The question was "not whether such an argument exists but what are the conditions which attach to its existence".

Mr Blair's interview on *BBC Breakfast with Frost*, 26 January 2003

268. In an interview on 26 January, Mr Blair stated explicitly that failure to co-operate with the inspectors would be a material breach of resolution 1441.

269. In an extended interview on *BBC TV*'s *Breakfast with Frost* on 26 January, Mr Blair set out in detail his position on Iraq.[101]

270. Pressed as to whether non-compliance rather than evidence of weapons of mass destruction justified "a war", Mr Blair replied that he "profoundly" disagreed with the idea that a refusal to co-operate was of a "lesser order":

> "… if he fails to co-operate in being honest and he is pursuing a programme of concealment, that is every bit as much a breach as finding, for example, a missile or chemical agent."

271. Asked whether a second resolution was needed, required or preferred, Mr Blair replied:

> "Of course we want a second resolution and there is only one set of circumstances in which I've said that we would move without one … all this stuff that … we're indifferent … is nonsense. We're very focused on getting a UN resolution.
>
> "… [Y]ou damage the UN if the UN inspectors say he's not co-operating, he's in breach, and the world does nothing about it. But I don't believe that will happen …"

Options for a second resolution

272. Intensive discussions on a second resolution took place at the end of January.

273. Ms Wilmshurst wrote to Ms Adams on 27 January with draft texts for two options for a second resolution, one expressly authorising the use of force, the other containing

[101] *BBC News*, 26 January 2003, *Prime Minister prepares for war.*

implicit authority.[102] Ms Wilmshurst wrote that no decisions had been taken on the drafts and no discussions had begun with the US, but the FCO would welcome any comments Lord Goldsmith might wish to make on the options.

274. Ms Adams replied that, having regard to the terms of resolution 1441 and the previous practice of the Council, Lord Goldsmith considered that "where the Security Council determines that Iraq had committed a sufficiently serious breach of the conditions of the cease-fire imposed by resolution 687 (1991)" to revive the authorisation in resolution 678(1990), an implicit resolution would be sufficient to revive the authorisation to use force in resolution 678.[103]

275. The "critical element" was that "there has been a finding, in whatever form, by the Security Council itself", and that "A Presidential Statement would also be sufficient".

276. Ms Adams wrote that Lord Goldsmith did not at that stage intend to offer any detailed drafting comments on the proposed text, "given that it is likely that they will change in discussions with the US".

277. In relation to the possibility of issuing an "ultimatum", Lord Goldsmith's view was that "would need to be expressed in very clear terms so there is no room for doubt whether or not Iraq had met the Council's demands. Otherwise there is a risk of opening up a debate about whether there is a need for a further determination by the Council that Iraq had failed to comply with the new ultimatum."

278. Ms Adams recorded that Lord Goldsmith wished to make clear that a second resolution authorising the use of force "would not give an unlimited right to use force against Iraq". Lord Goldsmith considered that any use of force would have to be directed towards the objective of securing compliance with the disarmament obligations, which the Security Council had already determined in resolution 687(1991) and subsequent relevant resolutions were "necessary requirements for restoring international peace and security in the area". The use of force would, moreover, have to be limited to what was "necessary to enforce those obligations, and be a proportionate response to Iraq's breach".

279. Ms Adams explicitly stated that Lord Goldsmith's comments were "made without prejudice to the separate question … of whether a second resolution is legally required". He had also asked to be "kept closely informed of developments" and wished "to have the opportunity to comment on any draft which is to be tabled for discussion with other members of the Council".

280. Mr Grainger wrote to Mr Macleod, to convey the substance of the advice in Ms Adams' letter.[104]

---

[102] Letter Wilmshurst to Adams, 27 January 2003, 'Iraq: Second Resolution'.
[103] Letter Adams to Wilmshurst, 30 January 2003, 'Iraq: Second Resolution'.
[104] Letter Grainger to Macleod, 31 January 2003, 'Iraq: Second Resolution'.

Lord Goldsmith's advice, 30 January 2003

281. Ms Adams had written to Sir David Manning on 28 January, recording that Lord Goldsmith had found Sir Jeremy Greenstock's letter of 24 January "a useful record of Sir Jeremy's arguments on which the Attorney is reflecting"; but that Lord Goldsmith:

> "… would like to make clear, in order to avoid any doubt about his position, that the purpose of the meeting was to allow the Attorney to hear the best arguments which could be made in support of the view that resolution 1441 can be interpreted as authorising the use of force, under certain conditions, without a further Council decision. The Attorney was therefore principally in listening mode …"[105]

282. Ms Adams wrote that there was "one point on which Lord Goldsmith would find it helpful to have further information". Sir Jeremy's arguments had relied "heavily on the negotiating history … and the fact that other delegations sought, but failed to obtain, certain language in OPs 4 and 12". Lord Goldsmith wanted to know "if possible, to what extent other members of the Council were aware of these bilateral discussions and therefore the significance of the language". Lord Goldsmith also wished to take up Sir Jeremy's suggestion to meet US counterparts, including to "hear their views on what is necessary in practice to trigger the authorisation to use force".

283. Ms Adams concluded that Lord Goldsmith was conscious that Mr Blair was due to meet President Bush later that week. The letter stated:

> "The Prime Minister is aware of the Attorney's provisional view of the interpretation of the resolution. However, if the Attorney is to consider the arguments of his US counterparts before reaching a definitive view, he will not be in a position to finalise his advice this week. The Attorney would therefore like to know whether you see any difficulty with this and whether the Prime Minister would wish to have the Attorney's considered advice before he departs for the US."

284. Sir David Manning wrote on Ms Adams' letter that someone should respond to Lord Goldsmith's question about advice for Mr Blair in his absence.[106]

285. Baroness Morgan commented: "not necessary before w/end".[107]

286. Mr Rycroft recorded: "I replied by phone as Sally said."[108]

287. A copy of Ms Adams' letter was sent to Sir Jeremy Greenstock, who responded to Lord Goldsmith's question on 29 January.[109]

---

[105] Letter Adams to Manning, 28 January 2003, 'Iraq'.
[106] Manuscript comment Manning on Letter Adams to Manning, 28 January 2003, 'Iraq'.
[107] Manuscript comment Morgan on Letter Adams to Manning, 28 January 2003, 'Iraq'.
[108] Manuscript comment Rycroft on Letter Adams to Manning, 28 January 2003, 'Iraq'.
[109] Letter Greenstock to Manning, 29 January 2003, [untitled].

288. The points made by Sir Jeremy included:

- the early drafts of what became resolution 1441 "were discussed among members of the P5, bilaterally, and in extensive and frequent conversations at Ministerial level";
- a text was not finally "agreed by" all members of the P5 until 7 November; and
- he had "convened meetings with the non-Permanent Members during the drafting process to make sure they were aware of developments. The significance of the proposals for what became OP 4, 11 and 12 were fully discussed on these occasions."

289. Despite being told that advice was not needed for Mr Blair's meeting with President Bush on 31 January, Lord Goldsmith wrote on 30 January to emphasise that his view remained that resolution 1441 did not authorise the use of military force without a further determination by the Security Council.

290. That was the third time Lord Goldsmith had felt it necessary to put his advice to Mr Blair in writing without having been asked to do so; and on this occasion he had been explicitly informed that it was not needed.

291. Lord Goldsmith had made only a "provisional" interpretation of resolution 1441, but his position was firmly and clearly expressed.

292. It was also consistent with the advice given by Mr Wood to Mr Straw.

293. Despite the message that his advice was not needed before the meeting with President Bush, Lord Goldsmith decided to write to Mr Blair on 30 January, stating:

> "I thought you might wish to know where I stand on the question of whether a further decision of the Security Council is legally required in order to authorise the use of force against Iraq."[110]

294. Lord Goldsmith informed Mr Blair that the meeting with Sir Jeremy Greenstock had been "extremely useful", and that "it was in fact the first time that the arguments in support of the case that there is no need for a further Council decision had been put to me in detail". He had "considered carefully" the "important points" Sir Jeremy had made. Lord Goldsmith wrote that he was "preparing a more detailed note of advice" which would set out his "conclusions in relation to those arguments".

295. Lord Goldsmith added that he had "indicated to Sir David Manning" that he "would welcome the opportunity, if arrangements can be made in time, to hear the views of my US counterparts on the interpretation of resolution 1441". He was "not convinced" that it would "make any difference to my view", but he remained "ready to hear any arguments".

---

[110] Minute Goldsmith to Prime Minister, 30 January 2003, 'Iraq'.

296. Lord Goldsmith concluded:

> "… notwithstanding the additional arguments put to me since our last discussion, I remain of the view that the correct legal interpretation of resolution 1441 is that it does not authorise the use of military force without a further determination by the Security Council, pursuant to paragraph 12 of the resolution, that Iraq has failed to take the final opportunity granted by the Council. I recognise that arguments can be made to support the view that paragraph 12 of the resolution merely requires a Council discussion rather than a further decision. But having considered the arguments on both sides, my view remains that a further decision is required."

297. Sir David Manning commented: "Clear advice from Attorney on need for further resolution."[111]

298. Mr Rycroft wrote: "I specifically said that we did not need further advice this week."[112]

299. The underlining of Lord Goldsmith's concluding paragraph quoted above is Mr Blair's and he wrote alongside the paragraph: "I just don't understand this."[113]

300. Asked by the Inquiry why he had written to Mr Blair at that point, Lord Goldsmith told the Inquiry:

> "I discovered that Mr Blair was going to see President Bush again at the end of January and there was concern again about views being expressed that I had now been persuaded by Sir Jeremy, so I did send a short minute to the Prime Minister to make sure that he didn't think that was the case. I hadn't been asked for it, but I sent it."[114]

301. Asked to explain what it was he did not understand about Lord Goldsmith's advice, Mr Blair wrote:

> "When I received the advice on 30 January – which again was provisional – I did not understand how he could reach the conclusion that a further decision was required, when expressly we had refused such language in 1441."[115]

302. Although Mr Blair commented that he did not understand Lord Goldsmith's conclusion, it was consistent with the views Lord Goldsmith had set out in his meeting with Mr Blair on 22 October 2002, and subsequently in his conversations with Mr Powell on 11 November and 19 December and in his draft advice given to Mr Blair and discussed with him on 14 January 2003.

---

[111] Manuscript comment Manning on Minute Goldsmith to Prime Minister, 30 January 2003, 'Iraq'.
[112] Manuscript comment Rycroft on Minute Goldsmith to Prime Minister, 30 January 2003, 'Iraq'.
[113] Manuscript comment Blair on Minute Goldsmith to Prime Minister, 30 January 2003, 'Iraq'.
[114] Public hearing, 27 January 2010, page 90.
[115] Statement, 14 January 2011, page 10.

303. The issue that Lord Goldsmith was addressing in his advice to Mr Blair was not what the UK's objective had been in negotiating resolution 1441 but its legal effect in the circumstances of early 2003.

304. Mr Blair referred again to this manuscript comment in his oral evidence when recalling the No.10 meeting which had taken place on 17 October 2002, "which we then minuted out, including to Peter"; and his meeting with Lord Goldsmith on 22 October 2002.

305. Mr Blair said:

> "… we had agreed on 17 October that there were clear objectives for the resolution and those objectives were, I think we actually say this very plainly, the ultimatum goes into 1441. If he breaches the ultimatum action follows. So this was the instruction given. I mean, I can't remember exactly what I said after the 22 October, but I should imagine I said "Well, you had better make sure it does meet our objectives …"[116]

306. Mr Blair added:

> "… the thing that was problematic for me throughout, and it is why I wrote … 'I just don't understand this' is that the whole point about our instructions to our negotiators was, 'Make sure that this resolution is sufficient because we can't guarantee we are going to go back into a further iteration of this or a second resolution'."

307. Mr Blair's meeting on 17 October and the meeting between Lord Goldsmith and Mr Blair on 22 October are described in Section 3.5.

US agreement to pursue a second resolution

308. In the meeting on 31 January, President Bush agreed to support a second resolution to help Mr Blair.

309. A briefing paper prepared by the FCO Middle East Department on 30 January described the objectives for Mr Blair's meeting with President Bush as:

> "to convince President Bush that:
>
> - our strategy, though working, needs more time;
> - the military campaign will be very shocking in many parts of the world, especially in its opening phase (five times the bombing of the Gulf war);
> - a second UN Security Council resolution (i) would greatly strengthen the US's position, (ii) is politically essential for the UK, and almost certainly legally essential as well;

[116] Public hearing, 21 January 2011, pages 55-56.

- we should support Saudi ideas for disarmament and regime change with UN blessing; and
- the US needs to pay much more attention, quickly, to planning on 'day after' issues; and that the UN needs to be central to it."[117]

310. On the legal position, a background note stated:

> "There are concerns that a second resolution authorising the use of force is needed before force may lawfully be employed against Iraq to enforce the WMD obligations in the UNSCRs. If a draft resolution fails because of a veto (or indeed because it does not receive nine positive votes), the fact that the veto is judged 'unreasonable' is immaterial from a legal point of view."

311. In the meeting on 31 January, Mr Blair confirmed that he was:

> "… solidly with the President and ready do whatever it took to disarm Saddam."[118]

312. Mr Blair said he firmly believed that it was essential that we tackle the threats posed by WMD and terrorism. He wanted a second resolution if we could possibly get one because it would make it much easier politically to deal with Saddam Hussein. He believed that a second resolution was in reach. A second resolution was an insurance policy against the unexpected.

313. Mr Blair set out his position that the key argument in support of a second resolution must rest on the requirement in 1441 that Saddam Hussein must co-operate with the inspectors. Dr Blix had already said on 27 January that this was not happening; he needed to repeat that message when he reported to the Security Council in mid-February and at the end of February/early March. That would help to build the case for a second resolution.

314. Mr Blair added that there were various uncertainties:

- Saddam Hussein might claim at the eleventh hour to have had a change of heart; and
- we could not be sure that Dr Blix's second and third reports would be as helpful as his first.

315. Mr Blair was, therefore, flexible about the timing of the second resolution. The key was to ensure that we secured it. We had taken the UN route in the expectation that the UN would deal with the Iraq problem, not provide an alibi for avoiding the tough decisions. The resolution was clear that this was Saddam Hussein's final opportunity. We had been very patient. Now we should be saying that the crisis must be resolved in weeks, not months. The international community had to confront the challenges of WMD and terrorism now.

---

[117] Paper FCO [MED], 30 January 2003, 'Prime Minister's visit to Camp David, 31 January: Iraq'.
[118] Letter Manning to McDonald, 31 January 2003, 'Prime Minister's Conversation with President Bush on 31 January'.

316. Mr Blair argued that the second resolution:

> "… was not code for delay or hesitation. It was a clear statement that Saddam was not co-operating and that the international community was determined to do whatever it took to disarm him. We needed to put the debate in a wider context. The international community had to confront the challenges of WMD and terrorism now, whether in Iraq or North Korea, otherwise the risks would only increase."

Public statements by Mr Blair, February 2003

317. In early February, Mr Blair made public statements implying that the UK could take part in military action if a second resolution was vetoed.

318. In the House of Commons on 5 February, Mr Chris Mullin (Labour) told Mr Blair that he:

> "… could not support an attack on Iraq unless it was specifically endorsed by a second resolution of the United Nations Security Council."[119]

319. Mr Blair responded:

> "I have set out my position … on many occasions. Surely, the position has to be this: if there is a breach of the original United Nations resolution 1441, a second resolution should issue.
>
> "That was the anticipated outcome. What resolution 1441 says is that the inspectors go into Iraq, and if they notify the facts that amount to a material breach, a second resolution should issue. That is why I believe that if the inspectors continue to say, as they are now, that Iraq is not co-operating, there will be a second resolution. The only circumstances in which I have left room for us to manoeuvre are those in which it is clear that the inspectors are finding that Iraq is not co-operating, so it is clear that Iraq is in material breach, but for some reason someone puts down what I would describe as an unreasonable and capricious use of the veto.
>
> "I do not believe that that will happen and I hope that it will not, but I do not think that it is right to restrict our freedom of manoeuvre in those circumstances because otherwise, the original spirit and letter of resolution 1441 would itself be breached. I believe and hope that we will resolve this issue through the United Nations."[120]

320. Mr Blair gave an extended interview about Iraq and public services on *BBC TV's Newsnight* on 6 February.[121]

---

[119] House of Commons, *Official Report*, 5 February 2003, column 270.
[120] House of Commons, *Official Report*, 5 February 2003, column 270.
[121] *BBC News*, 6 February 2003, *Transcript of Blair's Iraq Interview.*

321. During the interview Mr Jeremy Paxman challenged Mr Blair on a number of issues, including whether Mr Blair would "give an undertaking" that he would "seek another UN resolution specifically authorising the use of force".

322. Explaining his position on a second resolution, Mr Blair stated that "the only circumstances in which we would agree to use force" would be with a further resolution, "except for one caveat". That was:

> "If the inspectors do report that they can't do their work properly because Iraq is not co-operating, there's no doubt that under the terms of the existing United Nations resolution that that's a breach of the resolution. In those circumstances there should be a further resolution.
>
> "… If a country unreasonably in those circumstances put down a veto then I would consider action outside of that."

323. Pressed whether he considered he was "absolutely free to defy the express will of the Security Council", Mr Blair responded that he could not "just do it with America", there would have to be "a majority in the Security Council", and:

> "… the issue of a veto doesn't even arise unless you get a majority in the Security Council. Secondly, the choice … is … If the will of the UN is the thing that is most important and I agree that it is, if there is a breach of resolution 1441 … and we do nothing then we have flouted the will of the UN."

324. Asked if he was saying that there was already an authorisation for war, Mr Blair responded:

> "No, what I am saying is … In the resolution [1441] … we said that Iraq … had … a final opportunity to comply.
>
> "The duty of compliance was defined as full co-operation with the UN inspectors. The resolution … say[s] 'any failure to co-operate fully is a breach of this resolution and serious consequences i.e. action, would follow' … [W]e then also put in that resolution that there will be a further discussion in the Security Council. But the clear understanding was that if the inspectors say that Iraq is not complying and there is a breach … then we have to act.
>
> "… [I]f someone … says … I accept there's a breach … but I'm issuing a veto, I think that would be unreasonable … I don't think that's what will happen. I think that … if the inspectors do end up in a situation where they're saying there is not compliance by Iraq, then I think a second resolution will issue."

325. Asked whether he agreed it was "important to get France, Russia and Germany on board", Mr Blair replied, "Yes … That's what I am trying to get."

326. Asked if he would "give an undertaking that he wouldn't go to war without their agreement", Mr Blair replied:

> "… supposing in circumstances where there plainly was [a] breach … and everyone else wished to take action, one of them put down a veto. In those circumstances it would be unreasonable.
>
> "Then I think it [not to act] would be wrong because otherwise you couldn't uphold the UN. Because you would have passed your resolution and then you'd have failed to act on it."

327. Asked whether it was for the UK to judge what was "unreasonable", Mr Blair envisaged that would be in circumstances where the inspectors, not the UK, had reported to the Council that they could not do their job.

328. Asked if the US and UK went ahead without a UN resolution would any other country listen to the UN in the future, Mr Blair replied that there was "only one set of circumstances" in which that would happen. Resolution 1441 "effectively" said that if the inspectors said they could not do their job, a second resolution would issue: "If someone then … vetoes wrongly, what do we do?"

329. In his evidence to the Inquiry Mr Blair explained the position he had adopted in his meeting with President Bush and subsequent public statements. He drew the Inquiry's attention to the political implications of acknowledging publicly the legal advice he had been given while there was still an unresolved debate within the UK Government.

330. Mr Blair also emphasised that he had specifically said that action would be taken only in circumstances where the inspectors had reported that they could no longer do their job.

331. Mr Blair told the Inquiry that the main objective of the meeting on 31 January was to convince President Bush that it was necessary to get a second resolution.[122] That "was obviously going to make life a lot easier politically in every respect". Mr Blair added: "we took the view that that was not necessary, but, obviously, politically, it would have been far easier".

332. Asked why he had not told President Bush that he had been advised that a further determination of the Security Council would be necessary to authorise the use of force, Mr Blair wrote in his witness statement:

> "In speaking to President Bush on 31 January 2003 I was not going to go into this continuing legal debate, internal to the UK Government. I repeated my strong commitment, given publicly and privately to do what it took to disarm Saddam."[123]

---

[122] Public hearing, 29 January 2010, pages 95-96.
[123] Statement, 14 January 2011, page 10.

333. Mr Blair subsequently told the Inquiry that, in the context of trying to sustain an international coalition:

> "My desire was to keep the maximum pressure on Saddam because I hoped we could get a second resolution with an ultimatum because that meant we could avoid the conflict altogether, or then have a clear consensus for removing Saddam. So I was having to carry on whilst this internal legal debate was continuing and try to hope we could overcome it."[124]

334. Asked if he had felt constrained in making a commitment to President Bush by the advice Lord Goldsmith was continuing to give him, Mr Blair told the Inquiry:

> "No. I was going to take the view, and I did right throughout that period, there might come a point at which I had to say to the President of the United States, to all the other allies, 'I can't be with you.' I might have said that on legal grounds if Peter's advice had not, having seen what the Americans told him about the negotiating process, come down on the other side. I might have had to do that politically. I was in a very, very difficult situation politically. It was by no means certain that we would get this thing through the House of Commons.
>
> "… I was going to continue giving absolute and firm commitment until the point at which definitively I couldn't …"[125]

335. Mr Blair added he had taken that position:

> "… because had I raised any doubt at that time, if I had suddenly said 'Well, I can't be sure we have got the right legal basis'. If I started to say that to President Bush, if I had said that publicly, when I was being pressed the whole time 'Do you need a second resolution, is it essential …?' … but I wasn't going to be in a position where I stepped back until I knew I had to, because I believed that if I started to articulate this, in a sense saying 'Look, I can't be sure', the effect of that both on the Americans, on the coalition and most importantly on Saddam, would have been dramatic."

336. Mr Blair acknowledged that holding that line was uncomfortable, "especially in the light of what Peter [Goldsmith] had said".

337. Mr Blair told the Inquiry that President Bush:

> "… knew perfectly well that we needed a second resolution. We had been saying that to him throughout … [W]e had not had the final advice yet …
>
> "… I was not going to … start putting the problem before the President … until I was in a position where I knew definitely that I had to."[126]

---

[124] Public hearing, 21 January 2011, page 65.
[125] Public hearing, 21 January 2011, pages 67-68.
[126] Public hearing, 21 January 2011, pages 68-69.

338. Mr Blair added:

> "If I had started raising legal issues at that point with the President, I think it would have started to make him concerned as to whether we were really going to be there or not and what was really going to happen.
>
> "Now I would have had to have done that because in the end whatever I thought about the legal position, the person whose thoughts mattered most and definitively were Peter's, but I wasn't going to do that until I was sure about it."[127]

339. Subsequently, Mr Blair added that it had been "very, very difficult". He was answering questions in the House of Commons and giving interviews and:

> "… having to hold the political line in circumstances where there was this unresolved … debate within the UK Government …
>
> "If I had … in January and February said anything that indicated there was a breach in the British position … it would have been a political catastrophe for us."[128]

340. Mr Blair told the Inquiry that these difficulties explained why he had wanted to get Lord Goldsmith "together with the Americans and resolve this once and for all".[129]

A disagreement between Mr Straw and Mr Wood

341. Mr Straw had visited Washington on 23 January and had repeated the political arguments for trying to get a second resolution.

342. In a meeting on 23 January, Mr Straw and Mr Colin Powell, US Secretary of State, discussed the inspectors' reports due to be presented to the Security Council on 27 January, the need to "shift the burden of proof to Iraq", and the need to ensure that there were no differences between the US and UK.[130]

343. In his subsequent meeting with Vice President Dick Cheney, Mr Straw said that "the key question was how to navigate the shoals between where we were today and a possible decision to take military action".[131] The UK would be "fine" if there was a second resolution; and that it would be "ok if we tried and failed (a la Kosovo). But we would need bullet-proof jackets if we did not even try". In response to Vice President Cheney's question whether it would be better to try and fail than not to try at all, Mr Straw said the former.

---

[127] Public hearing, 21 January 2011, pages 69-70.
[128] Public hearing, 21 January 2011, pages 70-71.
[129] Public hearing, 21 January 2011, page 73.
[130] Telegram 91 Washington to FCO London, 23 January 2003, 'Iraq: Foreign Secretary's Lunch with US Secretary of State'.
[131] Telegram 93 Washington to FCO London, 23 January 2003, 'Foreign Secretary's Meeting with Vice President of the United States, 23 January'.

344. Mr Wood had warned Mr Straw on 24 January that "without a further decision by the Council, and absent extraordinary circumstances", the UK would not be able lawfully to use force against Iraq.

345. Mr Wood wrote to Mr Straw on 22 and 24 January about the terms of the discussions on a second resolution.

346. Commenting on advice to Mr Straw for his visit to Washington, Mr Wood wrote:

> "The Foreign Secretary will know that the legal advice is that a second resolution authorising the use of force is needed before any force may lawfully be employed against Iraq to enforce the WMD obligations in the SCRs. If a draft resolution fails because of a veto (or indeed because it does not receive nine positive votes), the fact that the veto (or failure to vote in favour) is 'unreasonable' is neither here nor there from a legal point of view. Further, who is to judge what is 'unreasonable'?"[132]

347. In his second minute, Mr Wood expressed concern about Mr Straw's reported remarks to Vice President Cheney.[133]

348. Mr Wood wrote that Kosovo was "no precedent": the legal basis was the need to avert an overwhelming humanitarian catastrophe; no draft resolution had been put to the Security Council; and no draft had been vetoed. He hoped there was:

> "… no doubt in anyone's mind that without a further decision of the Council, and absent extraordinary circumstances (of which at present there is no sign), the United Kingdom cannot lawfully use force against Iraq to ensure compliance with its SCR WMD obligations. To use force without Security Council authority would amount to the crime of aggression."

349. Mr Straw told Mr Wood he did not accept that view and that there was a strong case for a different view.

350. Mr Straw discussed the advice with Mr Wood on 28 January.[134]

351. Mr Straw wrote to Mr Wood the following day: "I note your advice, but I do not accept it."[135]

352. Quoting his experiences as Home Secretary, Mr Straw stated that, "even on apparently open and shut issues", he had been advised: "there could be a different view, honestly and reasonably held. And so it turned out to be time and again."

---

[132] Minute Wood to PS [FCO], 22 January 2003, 'Iraq: Legal Position'.
[133] Minute Wood to PS [FCO], 24 January 2003, 'Iraq: Legal Basis for Use of Force'.
[134] Manuscript comment McDonald to Wood, 28 January 2003, on Minute Wood to PS [FCO], 24 January 2002, 'Iraq: Legal Basis for Use of Force'.
[135] Minute Straw to Wood, 29 January 2003, 'Iraq: Legal Basis for Use of Force'.

353. Mr Straw concluded:

> "I am as committed as anyone to international law and its obligations, but it is an uncertain field. There is no international court for resolving such questions in the manner of a domestic court. Moreover, in this case, the issue is an arguable one … I hope (for political reasons) we can get a second resolution. But there is a strong case to be made that UNSCR 678, and everything which has happened since (assuming Iraq continues not to comply), provides a sufficient basis in international law to justify military action."

354. Mr Straw sent copies of his letter to Lord Goldsmith and to Sir David Manning as well as to senior officials in the FCO.

355. Lord Goldsmith reminded Mr Straw of the duties of Legal Advisers and that the principal mechanism for resolving an issue when a Minister challenged the legal advice he or she had received was to seek an opinion from the Law Officers.

356. Lord Goldsmith wrote to Mr Straw on 3 February stating that he was not commenting "on the substance of the legal advice in relation to Iraq", which he would "deal with separately", but on the points Mr Straw had made in his letter to Mr Wood of 29 January about the role of Government Legal Advisers. They had already discussed that issue, but Lord Goldsmith thought it right to record his views.

357. Lord Goldsmith wrote:

> "It is important for the Government that its lawyers give advice which they honestly consider to be correct … they should give the advice they believe in, not the advice which they think others want to hear. To do otherwise would undermine their function … in giving independent objective and impartial advice. This is not to say … that lawyers should not be positive and constructive in helping the Government achieve its policy objectives through lawful means and be open-minded in considering other points of view.
>
> "But if a Government legal adviser genuinely believes that a course of action would be unlawful, then it is his or her right and duty to say so. I support this right regardless of whether I agree with the substance of the advice which has been given. Where a Minister challenges the legal advice he or she has received, there are established mechanisms to deal with this. The principal such mechanism is to seek an opinion from the Law Officers."[136]

[136] Minute Goldsmith to Foreign Secretary, 3 February 2003, [untitled].

358. Mr Straw responded on 20 February to Lord Goldsmith's letter of 3 February, acknowledging that the substantive issue – Iraq – was being dealt with separately, and stating:

> "For the record, I want to make it completely clear that I fully respect the integrity of Michael Wood and his colleague legal advisers. I believe that officials always offer their best advice. At the same time Ministers must be able to raise legitimate questions about the advice they receive. As far as the implementation of Iraq UNSCRs is concerned, this is an uncertain area of law. The US, Netherlands and Australian Government legal advisers all, I understand, take the view that SCR 1441 provides legal sanction for military operations. The full range of views ought to be reflected in the advice offered by our Legal Advisers."[137]

359. Mr Straw, Lord Goldsmith and Sir Michael Wood all conceded that this correspondence was unusual.

360. Sir Michael Wood told the Inquiry why he had felt it necessary to send his note of 24 January:

> "It is something I didn't normally have to do, but I did it quite frequently during this period. It was because of the statement that he was recorded as saying to the [US] Vice President [about Kosovo]. That was so completely wrong, from a legal point of view, that I felt it was important to draw that to his attention … [W]e had a bilateral meeting at which he took the view that I was being very dogmatic and that international law was pretty vague and that he wasn't used to people taking such a firm position."[138]

361. Sir Michael emphasised that the meeting had been very amicable and that although it was quite unusual to receive a minute like the one from Mr Straw, he had not taken it amiss.

362. Ms Wilmshurst told the Inquiry that Sir Michael's view that 1441 did not authorise the use of force and that a second resolution was required was shared by all the FCO Legal Advisers dealing with the matter.[139]

363. Lord Goldsmith told the Inquiry:

> "I was unhappy when I saw that [Mr Straw's minute of 29 January], not because I thought it followed that Sir Michael was right and Mr Straw was wrong about the legal issue … but I didn't like, to be honest, the sort of tone of what appeared to be a rebuke to a senior legal adviser for expressing his or her view. I have always

---

[137] Minute Straw to Attorney General, 20 February 2003, [untitled].
[138] Public hearing, 26 January 2010, pages 30-32.
[139] Public hearing, 26 January 2010, pages 5-6.

taken the view in Government – indeed I told Government lawyers – that they should express their views, however unwelcome they might be."[140]

364. Mr Straw submitted a 'Supplementary Memorandum' addressing this exchange before his hearing on 8 February 2010.[141]

365. Mr Straw wrote that following a "private meeting in mid-January" with Vice President Cheney:

> "… the usual rather cryptic summary of my conversation was issued in a confidential FCO telegram … Reading this Sir Michael sent me his minute of 24 January which, with my response, has been the subject of considerable interest by the Inquiry, and publicly.
>
> "Far from ignoring this advice, as has been suggested publicly, I read Sir Michael's minute with great care, and gave it the serious attention it deserved. So much so that I thought I owed him a formal and personal written response, rather than simply having a conversation with him."

366. Mr Straw told the Inquiry that he had "never sent a minute like that before or since".[142]

367. Mr Straw also acknowledged that Lord Goldsmith's letter of 3 February was "very unusual".[143] In his view, it had been sent because Lord Goldsmith thought Mr Straw was "questioning the right of legal advisers to offer me advice". Mr Straw had told Lord Goldsmith that he was not, and had subsequently put that in writing.

368. Mr Straw explained that his comment to Vice President Cheney about Kosovo was about military action in the absence of a Security Council resolution.

369. Mr Straw's minute did not address the substance of Mr Wood's advice on the Kosovo issue.

370. Mr Straw told the Inquiry that Kosovo itself was not a precedent and he fully accepted the legal basis was different.[144] It was relevant "only to this extent, that … there was an effort made to gain Security Council agreement and that failed, but the military action went ahead".

371. In his 'Supplementary Memorandum', Mr Straw wrote that he had reached the view that he needed to respond to Mr Wood in writing because he had been "struck by the categorical nature of the advice … and its contrast with the very balanced and

---

[140] Public hearing, 27 January 2010, page 94.
[141] Statement, February 2010, 'Supplementary Memorandum by the Rt Hon Jack Straw MP'.
[142] Public hearing, 8 February 2010, page 19.
[143] Public hearing, 8 February 2010, page 24.
[144] Public hearing, 8 February 2010, pages 21-22.

detailed advice the same Legal Adviser had proffered to the Attorney General".[145] It was "incorrect to claim that there was 'no doubt' about the position" because two views had been set out in Mr Wood's letter of instructions to Lord Goldsmith on 9 December 2002 and the issue "was at the heart of the debate on lawfulness". That, "In turn and in part … depended on the 'negotiating history'", of the resolution.

372. Mr Straw subsequently told the Inquiry that, if Mr Wood had thought there was "no doubt", that was what he should have written in the instructions to Lord Goldsmith of 9 December.[146] The purposes of that document and Mr Wood's minute of 24 January "were the same, to offer legal advice and … the legal advice he had offered … was contradictory". In Mr Straw's view he was "entitled to raise that".

373. The evidence set out in this Report demonstrates that Mr Wood fully understood that Lord Goldsmith's response to the letter of instruction of 9 December 2002 would provide the determinative view on the points at issue and he was not seeking to usurp that position.

374. Mr Wood had referred to the need to seek Lord Goldsmith's advice on several previous occasions and it should not have been necessary to reiterate the point in every minute to Mr Straw.

375. Until Lord Goldsmith had reached his definitive view, FCO Legal Advisers had a duty to draw the attention of Ministers to potential legal risks; and Lord Goldsmith's minute of 3 February confirmed that duty.

376. Mr Wood's advice to Mr Straw was fully consistent with views previously expressed by Lord Goldsmith.

377. Lord Goldsmith's response, insisting on the duty of Government lawyers to provide frank, honest and, if necessary, unwelcome legal advice without fear of rebuke from Ministers, was timely and justified.

378. In his 'Supplementary Memorandum', Mr Straw wrote that the:

> "… decision was one for the Attorney General alone – a fact to which no reference was made nor qualification offered in the Legal Adviser's minute to me …"[147]

379. Mr Straw added:

> "It would surely be a novel, and fundamentally flawed, constitutional doctrine that a Minister was bound to accept any advice offered … by a Departmental Legal Adviser as determinative of an issue, if there were reasonable grounds for taking a contrary view. Such a doctrine would wholly undermine the principles of personal Ministerial responsibility and give inappropriate power to a Department's Legal Advisers."

---

[145] Statement, February 2010, 'Supplementary Memorandum by the Rt Hon Jack Straw MP'.
[146] Public hearing, 8 February 2010, page 16.
[147] Statement, February 2010, 'Supplementary Memorandum by the Rt Hon Jack Straw MP'.

380. In the subsequent hearing, Mr Straw told the Inquiry he had responded to Mr Wood because:

> "… where I disagreed with him was that he had the right over and above the Attorney General to say what was or was not unlawful … it is a most extraordinary constitutional doctrine that, in the absence of a decision by the Attorney General about what was or was not lawful, that a Departmental Legal Adviser is able to say what is or is not unlawful."[148]

381. Mr Straw added:

> "But in the absence of a decision by the Attorney General … there has to be doubt. That was what I thought was strange, and, as I say, he is fully entitled to send me the note. I never challenged his right to do that, and if I may say so, there is some suggestion in the notes that I ignored the advice. I never ignore advice. I gave it the most careful attention."[149]

382. Sir Franklin Berman, Sir Michael Wood's predecessor as the FCO Legal Adviser, wrote:

> "I have to confess (once again) to some astonishment at seeing a former Foreign Secretary implying in recent evidence to the Inquiry that he was not bound by legal advice given to him at the highest level, but was entitled to weigh it off against other legal views as the basis for policy formulation. If Ministers begin to think that they can shop around until they discover the most convenient legal view, without regard to its authority, that is a recipe for chaos."[150]

383. As Lord Goldsmith remarked in his letter of 3 February, the remedy in case of dispute was to ask for his opinion, but he did not at that stage have Mr Blair's agreement to share his draft views.

384. Mr Straw's evidence makes clear his concern that Lord Goldsmith should not at that stage take a definitive view without fully considering the alternative interpretation advocated by Mr Straw and set out in his letter of 6 February 2003.

385. The balance of the evidence set out later in this Section suggests that neither Mr Straw nor Mr Wood had, by 29 January, seen Lord Goldsmith's draft advice of 14 January.

386. In his 'Supplementary Memorandum' Mr Straw pointed out "the huge difference between the normal run of the mill legal advice on usual issues and legal advice on whether it was legal for the United Kingdom to take military action".[151] That was "why, on all sides, this issue was so sensitive".

---

[148] Public hearing, 8 February 2010, page 11.
[149] Public hearing, 8 February 2010, page 14.
[150] Statement, 7 March 2011, paragraph 8.
[151] Statement, February 2010, 'Supplementary Memorandum by the Rt Hon Jack Straw MP'.

387. Mr Straw added that he "had an intense appreciation" of the negotiating history of resolution 1441 and "an acute understanding" of what France, Russia and China had said in their EOVs and the subsequent Ministerial meetings of the Security Council and "crucially – what they had not said". That needed to be "weighed in the balance before a decision".

388. Mr Straw wrote:

> "Once the Attorney General had uttered on this question, that would have been the end of the matter; as on any other similar legal question. It would be wholly improper of any Minister to challenge, or not accept, such an Attorney General decision, whatever it was. But we were not at that stage."

389. The Inquiry asked a number of witnesses to comment on Mr Straw's assertion that international law was an uncertain field and there was no international court to decide matters.

390. Mr Straw emphasised that it meant the responsibility rested on Lord Goldsmith's shoulders.

391. Addressing that point, Sir Michael Wood told the Inquiry:

> "… he is somehow implying that one can therefore be more flexible, and that I think is probably the opposite of the case … because there is no court, the Legal Adviser and those taking decisions based on legal advice have to be all the more scrupulous in adhering to the law … It is one thing for a lawyer to say, 'Well, there is an argument here. Have a go. A court, a judge, will decide in the end'. It is quite different in the international system where that's usually not the case. You have a duty to the law, a duty to the system. You are setting precedents by the very fact of saying and doing things."[152]

392. Ms Wilmshurst took a similar view: "I think that, simply because there are no courts, it ought to make one more cautious about trying to keep within the law, not less."[153]

393. On the question of whether international law was an uncertain field, Lord Goldsmith stated:

> "I didn't really agree with what he was saying about that. There obviously are areas of international law which are uncertain, but this particular issue, at the end of the day, was: what does this resolution mean?"[154]

---

[152] Public hearing, 26 January 2010, pages 33-34.
[153] Public hearing, 26 January 2010, page 9.
[154] Public hearing, 27 January 2010, page 94.

394. In his 'Supplementary Memorandum', Mr Straw wrote:

> "In this area of international law, recourse to the courts is not available. This means that international law must be inherently less certain, and that, given the seriousness of the issues, great care has to be taken in coming to a view. But the absence of an external tribunal means that a view has in the end to be taken by the Attorney General, on whose shoulders rests a great weight of responsibility."[155]

395. Asked whether there was a responsibility to be "all the more scrupulous in adhering to the law" in circumstances where there was no court with jurisdiction to rule on the use of force in Iraq, Mr Straw replied:

> "Yes, of course. You have to be extremely scrupulous because it is a decision which is made internally without external determination … but that's a very separate point from saying that … the correct view is on one side rather than the other. The correct view was the correct view."[156]

Mr Straw's letter to Lord Goldsmith, 6 February 2003

396. In a letter of 6 February, Mr Straw took issue with a number of the provisional conclusions in Lord Goldsmith's draft advice of 14 January.

397. Mr Straw attached great importance to concessions made by France, Russia and China (which he described as a defeat for them).

398. But Mr Straw dismissed concessions made by the UK and the US as a trade-off which merely offered other members of the Security Council "some procedural comfort".

399. That considerably understated the importance of the concessions by all members of the P5 to create sufficient ambiguity about the meaning of the resolution to command consensus in the Security Council.

400. The UK had explicitly recognised during the negotiation of resolution 1441 that the inclusion of a provision for the Security Council to "consider" a report would create the opportunity for France and others to argue that a further decision would be required to determine whether Iraq was in material breach of resolution 1441.

401. In his letter Mr Straw did not refer to Lord Goldsmith's minute to Mr Blair of 30 January.

---

[155] Statement, February 2010, 'Supplementary Memorandum by the Rt Hon Jack Straw MP'.
[156] Public hearing, 8 February 2010, pages 26-27.

402. A minute from Ms Adams to Lord Goldsmith, in preparation for a meeting with Mr Straw on 3 February, makes clear that Lord Goldsmith planned to give Mr Straw a copy of his draft advice of 14 January and his minute to Mr Blair of 30 January.[157]

403. Ms Adams also wrote:

> "David [Brummell] has not yet been able to get hold of Jonathan Powell, despite several attempts. We do not therefore know whether No.10 is content for you to pass your draft advice to the Foreign Secretary."

404. There is no record of the meeting on 3 February. There was no copy of Lord Goldsmith's minute to Mr Blair of 30 January in the papers provided by the FCO to the Inquiry or anything to indicate that Mr Straw received a copy.

405. Mr Straw's Private Office sent Mr Brummell, "as promised", the draft of a letter from Mr Straw to Lord Goldsmith on 4 February.[158] The letter was also sent to Sir Christopher Meyer, British Ambassador to the US, Sir David Manning and Mr Powell.

406. In his letter of 6 February, which was unchanged from the draft, Mr Straw wrote that he had been asked by Lord Goldsmith in the last week of January if he had seen Lord Goldsmith's draft "opinion" on Iraq.[159]

407. Mr Straw had seen Lord Goldsmith's draft advice, but he:

> "… had not had a chance to study it in detail. This I have now done. I would be very grateful if you would carefully consider my comments below before coming to a final conclusion and I would appreciate a conversation with you as well. As you will be aware I was immersed in the line-by-line negotiations of the resolution, much of which was conducted capital to capital with P5 Foreign Ministers."

408. Mr Straw continued:

> "It goes without saying that a unanimous and express Security Council authorisation would be the safest basis for the use of force against Iraq. But I have doubts about the negotiability of this in current circumstances. We are likely to have to go for something less. You will know the UK attaches high priority to achieving a second resolution for domestic policy reasons and to ensure wide international support for any military action. This was the case the Prime Minister was making in Washington [on 31 January]. We are working hard to achieve it."

409. Referring to his minute to Mr Wood of 29 January, Mr Straw stated that he "had been very forcefully struck by a paradox in the culture of Government lawyers, which is that the less certain the law is, the more certain in their views they become".

---

[157] Minute Adams to Attorney General, 3 February 2003, 'Iraq: Key Papers'.
[158] Letter Sinclair to Brummell, 4 February 2003, 'Iraq: Second Resolution'.
[159] Letter Straw to Goldsmith, 6 February 2003, 'Iraq: Second Resolution'.

410. Mr Straw wrote:

> "Jeremy Greenstock has given you the negotiating history of OP4 and of how the words 'for assessment' were included. It is crucial to emphasise, as Jeremy spelt out, that the overwhelming issue between US/UK and the French/Russians/Chinese (F/R/C) was whether a second resolution was required to authorise any use of force or not. As Jeremy told you the F/R/C lost on this, and they knew they had lost. To achieve this, however, we had to show that the discussions on the first resolution would not be the end of the matter. So the trade-off … for the F/R/C defeat on the substantive issue of a second resolution was some procedural comfort – provided in OPs 4, 11 and 12. If there were a further material breach this would be "reported to the Council for assessment in accordance with paragraphs 11 and 12 below …"

411. Addressing Lord Goldsmith's view that he did not "find much difference" between the French text and the final wording of OP4, Mr Straw stated that there was "all the difference in the world". The French text[160] "would have given the Security Council … the exclusive right to determine whether there had been an OP4 further material breach". The US and UK had resisted that.

412. Mr Straw also challenged Lord Goldsmith's view that the Council "must" assess whether a breach was material. That was "to ignore both the negotiating history and the wording. We were deliberate in not specifying who would determine that there had been a material breach."

413. Addressing the meaning of the term "for assessment", Mr Straw wrote that OP4 itself offered "meaning by the following words 'in accordance with paragraphs 11 and 12 below'." OP12 provided that the Council would "consider the situation", which Mr Straw argued stopped short of "decide". Assessment was not, as Lord Goldsmith had characterised it, "a procedural 'formality'". That would be "to parody what we had in mind; but certainly a process in which the outcome was quite deliberately at large". The resolution had given the F/R/C:

> "… further discussions and time, further reports – and an ability to influence events, in return for no automatic second resolution being necessary. And in return – a major US concession – the US/UK agreed not to rely on 1441 as an authorisation for the use of force immediately after its adoption (so called automaticity)."

414. Mr Straw concluded:

> "Putting all this together, I think the better interpretation of the scheme laid out in 1441 is that (i) the fact of the material breach, (ii) (possibly) a further UNMOVIC report and (iii) 'consideration' in the Council together revive 678. At the very least, this interpretation, which coincides with our firm policy intention and that of our

---

[160] On 2 November, France proposed the words "shall constitute a further material breach of Iraq's obligations when assessed by the Security Council". See Section 3.5.

co-sponsors, deserves to be given the same weight as a view which in effect hands the F/R/C the very legal prize they failed to achieve in the negotiation of 1441."

415. Mr Straw told the Inquiry that he had "spent some time drafting" his letter to Lord Goldsmith, and that:

> "Obviously I'm pretty certain that Sir Jeremy Greenstock would have seen the draft and his legal adviser Iain Macleod, certainly Peter Ricketts … But … I then put it together from the negotiating history …"[161]

Further advice on a second resolution

416. Lord Goldsmith was asked on 4 February for urgent advice on a second resolution determining that Iraq had failed to take the final opportunity offered in resolution 1441.

417. Following a number of bilateral contacts about the nature of the second resolution, Mr Grainger wrote to Ms Adams on 4 February warning that the indications were that some key Security Council members, "such as France", might not be persuaded that the Council should adopt even an "implicit" resolution that mentioned material breach. Mr Grainger sought Lord Goldsmith's views "as soon as possible" on the elements of a second resolution necessary to make clear that Iraq had failed to take the final opportunity provided in resolution 1441 and that serious consequences would follow.[162]

418. After rehearsing the key provisions of OPs 1, 2, 4, 11, 12 and 13, Mr Grainger wrote:

> "… the relationship between these various paragraphs is a matter of some complexity. It is however clear that the serious consequences which the Council has repeatedly warned Iraq it will face as a result of its continued violations of its obligations … are to occur in the context of paragraph 12 – that is following consideration of the situation by the Council in accordance with that paragraph. The consideration … can take place only when a report – either of a material breach under paragraph 4, or of the interference or failure to comply mentioned in paragraph 11 – has been made.
>
> "In our view once Council consideration has taken place, a specific reference to material breach is not required in any decision by the Council: what is necessary is that the Council should conclude that the serious consequences for Iraq referred to in paragraph 13 are triggered. If the Council has considered a report under paragraph 4, the finding of material breach will be implicit. If … the Council has considered a report under paragraph 11, it will be clear that the new enhanced inspections regime has not worked and therefore the material breach finding in paragraph 1 is still operative."

---

[161] Public hearing, 8 February 2010, page 30.
[162] Letter Grainger to Adams, 4 February 2003, 'Iraq: Second Resolution'.

419. Ms Adams responded on 6 February that Lord Goldsmith had agreed that:

> "Provided the new resolution is linked back sufficiently to resolution 1441 so that it is clear that the Council has concluded that Iraq has failed to take the final opportunity granted by resolution 1441, it should be possible to rely on the finding of material breach in that resolution in order to revive the use of force in resolution 678."[163]

420. Addressing draft text suggested by Mr Grainger, Ms Adams also recorded that Lord Goldsmith:

> "… has some doubts about the generality of the wording 'Iraq has still not complied' because not every incident of non-compliance will constitute a further material breach under OP4 of resolution 1441 (see for example statements by the Foreign Secretary to Parliament[164]). Moreover, the Attorney recalls that Blix has indicated that only serious cases of non-compliance would be reported to the Council under OP11."

421. Ms Adams suggested that a better minimalist version for a resolution would be one which:

> "… stated simply that the Council has concluded that Iraq has failed to take the final opportunity offered by resolution 1441. This would indicate that the finding of material breach in OP1 of resolution 1441 is no longer suspended, thus reviving the authorisation to use force in resolution 678. In this case there would be no need for an operative paragraph on 'serious consequences' because this would follow from the terms of resolution 1441."[165]

Lord Goldsmith's visit to Washington, 10 February 2003

422. Lord Goldsmith's discussions in Washington on 10 February confirmed that the US position was that Iraq was in material breach of resolution 1441 and the conditions for the cease-fire were, therefore, no longer in place.

423. The US maintained that the Security Council had already considered that fact as required by OP12.

424. The US Administration attached importance to helping the UK find a way to join them in action against Iraq.

425. As discussed with No.10, Lord Goldsmith travelled to Washington, accompanied by Ms Adams, to meet leading US lawyers involved in the negotiation of resolution 1441 on 10 February 2003.

---

[163] Letter Adams to Grainger, 6 February 2003, 'Iraq: Second Resolution'.
[164] House of Commons, *Official Report*, 25 November 2002, column 51.
[165] Letter Adams to Grainger, 6 February 2003, 'Iraq: Second Resolution'.

426. Lord Goldsmith met Mr John Bellinger III (the NSC Legal Adviser), Judge Alberto Gonzales (Counsel to the President), Dr Rice, Mr William Taft IV (Legal Adviser at the State Department), Mr Marc Grossman (Under Secretary of State for Political Affairs) and Mr William Haynes II (General Counsel at the DoD).[166]

427. Ms Adams' record of the discussions set out the questions which had been addressed and the US responses, including:

- Resolution 1441 contained two determinations of material breach (in OPs 1 and 4) and the US view was that the conditions of OP4 had already been met. There was, therefore, a Security Council determination of material breach by Iraq, meaning that the conditions for the cease-fire were no longer in place.
- The use of the term "material breach" had been avoided in 1998. Its use in resolution 1441 strengthened the argument that the Council intended to revive resolution 678.
- The use of the term "co-operate fully" had been retained in the resolution in order to ensure that any instances of non-co-operation would be material. In the US view, "any" Iraqi non-compliance was sufficient to constitute a material breach.
- The US recognised the UK's concerns about de minimis breaches (eg an hour's delay in getting access to a site), but considered that the situation was "well past" that point.
- The inspectors were "reporters not assessors".
- The US would not have accepted a resolution implying that a further decision was required.
- OP12 was not a "purely procedural requirement". The members of the Council were "under a good faith obligation to participate in the further consideration of the matter within the meaning of OP12".
- The US had satisfied that requirement by the actions they had already taken, for example Secretary Powell's report to the Council on 5 February.[167]

428. Mr Brenton commented that there had been "no problem lining up a good range of senior interlocutors" for Lord Goldsmith to meet, "underlining how important the Administration consider it to help the UK to be in a position to join them in action against Iraq".[168]

---

[166] Letter Brenton to Goldsmith, 11 February 2003, 'Visit to Washington, January [sic] 10; Iraq'.
[167] Letter Adams to McDonald, 14 February 2003, 'Attorney General's Visit to Washington, 10 January [sic]: Iraq' attaching Minute Adams to Attorney General, 14 February 2003, 'US Responses to Questions on Resolution 1441'.
[168] Letter Brenton to Goldsmith, 11 February 2003, 'Visit to Washington, January [sic] 10; Iraq'.

429. Mr Brenton subsequently reported on 6 March that the US "had also gained the impression that we need the resolution for legal reasons: I explained the real situation".[169]

430. Asked by the Inquiry what he had understood "the real situation" to be, Mr Brenton said that Lord Goldsmith had not told him anything, but he had sat in on Lord Goldsmith's conversations with the US Attorney General and "got the impression from him [Lord Goldsmith] that there was a legal case for our involvement, even if we didn't get the second resolution".[170]

431. Ms Adams produced a revised draft for Lord Goldsmith on 12 February, which for the first time concluded:

> "… having regard to the arguments of our co-sponsors which I heard in Washington, I am prepared to accept that a reasonable case can be made that resolution 1441 revives the authorisation to use force in resolution 678."[171]

Agreement on a second resolution

432. Following discussion between Mr Blair and President Bush on 19 February, the UK agreed a "light draft resolution" with the US.

433. Lord Goldsmith subsequently advised that draft would be "sufficient" to authorise the use of force if it was all that would be negotiable.

434. Lord Goldsmith did not, however, accept the underpinning legal analysis offered by Sir Jeremy Greenstock.

435. Reflecting the seriousness of his concerns about the implications of recent developments, Mr Blair sent President Bush a Note on 19 February about the need for a second resolution (see Section 3.7).

436. Mr Blair proposed focusing on the absence of full co-operation and a "simple" resolution stating that Iraq had failed to take the final opportunity, with a side statement defining tough tests of co-operation and a vote on 14 March to provide a deadline for action.

437. Sir Jeremy gave Ambassador John Negroponte, US Permanent Representative to the UN, a revised "light draft resolution" on 19 February which:

- noted [draft preambular paragraph (PP) 5] that Iraq had "submitted a declaration … containing false statements and omissions and has failed to comply with and co-operate fully in the implementation of that resolution [1441]"; and

---

[169] Telegram 294 Washington to FCO London, 6 March 2003, 'Iraq: UN Endgame'.
[170] Private hearing, 17 January 2011, pages 25-26.
[171] Note [draft] Adams, 12 February 2003, 'Iraq: Interpretation of 1441'.

- decided [draft OP1] that Iraq had "failed to take the final opportunity afforded to it in resolution 1441 (2002)".[172]

438. Sir Jeremy reported that he had told Ambassador Negroponte that the draft "was thin on anything with which Council members could argue and would be less frightening to the middle ground". It did not refer to "serious consequences" and that "instead of relying on OP4 of 1441", the draft resolution "relied on OP1 of 1441, re-establishing the material breach suspended in OP2".[173]

439. Sir Jeremy added that issuing the draft would signal the intent to move to a final debate, which they should seek to focus "not on individual elements of co-operation but on the failure by Iraq to voluntarily disarm" and avoid being "thrown off course by individual benchmarks or judgement by Blix". It should be accompanied by a "powerful statement about what 1441 had asked for" which had "been twisted into partial, procedural, and grudging co-operation from Iraq"; and that "substantive, active and voluntary co-operation was not happening".

440. In response to a question from the US about whether the "central premise", that the final opportunity was "now over", would be disputed, Sir Jeremy said that:

> "… was where we would have to define our terms carefully: voluntary disarmament was not happening."

441. Ms Adams wrote to Mr Grainger on 20 February. She thanked him for drawing her attention to the telegrams from Sir Jeremy Greenstock.[174] She pointed out that Lord Goldsmith did "not agree with the legal analysis" in Sir Jeremy Greenstock's first telegram. Lord Goldsmith considered:

> "… that OP4 of resolution 1441 is highly relevant to determining whether or not Iraq has taken the final opportunity granted by OP2 … Moreover, PP5 of the draft text uses language drawn from OP4 to establish the fact that Iraq has failed to comply … the Attorney does not consider that it is accurate to say that the draft text relies on OP1 … rather than OP4."

442. On the draft text, Ms Adams wrote that Lord Goldsmith considered:

> "… it would be preferable for any resolution to indicate as clearly as possible that the resolution is intended to authorise the use of force. The clearer the resolution, the easier it will be to defend legally the reliance on the 'revival argument', which … is … controversial. A resolution which included the terms 'material breach' and 'serious consequences' … would therefore be desirable … However, the Attorney has previously advised that it is not essential in legal terms for a second resolution

---

[172] Telegram 288 UKMIS New York to FCO London, 20 February 2003, 'Iraq: 19 February: Draft Resolution'.
[173] Telegram 287 UKMIS New York to FCO London, 20 February 2003, 'Iraq: 19 February'.
[174] Letter Adams to Grainger, 20 February 2003, 'Iraq: Second resolution'.

to include this language. Therefore, if a resolution in the form contained … [in the advice from UKMIS New York] is all that is likely to be negotiable, he considers it would be sufficient …"

A second resolution is tabled

443. Sir Jeremy Greenstock remained concerned about the lack of support in the Security Council and the implications, including the legal implications, of putting the resolution to a vote and failing to get it adopted.

444. A draft of a second resolution was tabled by the UK, US and Spain on 24 February. The draft operative paragraphs stated simply that the Security Council:

- "Decides that Iraq has failed to take the final opportunity afforded to it by resolution 1441."
- "Decides to remain seized of the matter."[175]

445. France, Russia and Germany responded by tabling a memorandum which proposed strengthening inspections and bringing forward the work programme specified in resolution 1284 (1999) and accelerating its timetable.[176]

446. Canada also circulated ideas for a process based on key tasks identified by UNMOVIC.[177]

447. Sir Jeremy Greenstock advised that in circumstances where there were fewer than nine positive votes but everyone else abstained, the resolution would not be adopted and it would have no legal effect.[178] He found it:

> "… hard to see how we could draw much legal comfort from such an outcome; but an authoritative determination would be a matter for the Law Officers. (Kosovo was different: in that case a Russian draft condemning the NATO action as illegal was heavily defeated, leaving open the claim that the action was lawful … (or at least was so regarded by the majority of the Council).
>
> "Furthermore, in the current climate … the political mandate to be drawn from a draft which failed to achieve nine positive votes seems to me likely to be (at best) weak … The stark reality would remain that the US and UK had tried and failed to persuade the Council to endorse the use of force against Iraq. And the French

---

[175] Telegram 302 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution'.
[176] UN Security Council, 23 February 2003, 'Letter dated 24 February 2003 from the Permanent Representatives of France, Germany and the Russian Federation to the United Nations addressed to the President of the Security Council' (S/2003/214).
[177] Letter Wright to Colleagues, 24 February 2003, [untitled] attaching 'Non-paper: Ideas on Bridging the Divide'.
[178] Letter Greenstock to Manning, 25 February 2003, [untitled].

(and the Russians and Chinese) would no doubt be sitting comfortably among the abstainers …

"My feeling … is that our interests are better served by not putting a draft to a vote unless we were sure that it had sufficient votes to be adopted … But we should revisit this issue later – a lot still had to be played out in the Council."

448. Mr Blair told Cabinet on 27 February that he would continue to push for a further Security Council resolution.

449. Mr Alastair Campbell, Mr Blair's Director of Communications between May 1997 and August 2003, wrote in his diaries that Mr Blair had had a meeting with Mr Prescott, the Deputy Prime Minister, and Mr Straw, "at which we went over the distinct possibility of no second resolution because the majority was not there for it". Mr Blair "knew that meant real problems, but he remained determined on this, and convinced it was the right course".[179]

450. Mr Blair told Cabinet that he would continue to push for a further Security Council resolution.[180] He described the debate in the UK and Parliament as "open":

"Feelings were running high and the concerns expressed were genuine. But decisions had to be made. The central arguments remained the threat posed by weapons of mass destruction in the hands of Iraq; the brutal nature of the Iraqi regime; and the importance of maintaining the authority of the UN in the international order. Failure to achieve a further Security Council resolution would reinforce the hand of the unilateralists in the American Administration."

A "reasonable case"

Lord Goldsmith's meeting with No.10 officials, 27 February 2003

451. When Lord Goldsmith met No.10 officials on 27 February he advised that the safest legal course would be to secure a further Security Council resolution.

452. Lord Goldsmith told them, however, that he had reached the view that a "reasonable case" could be made that resolution 1441 was capable of reviving the authorisation to use force in resolution 678 (1990) without a further resolution, if there were strong factual grounds for concluding that Iraq had failed to take the final opportunity offered by resolution 1441.

453. Lord Goldsmith advised that, to avoid undermining the case for reliance on resolution 1441, it would be important to avoid giving any impression that the UK believed a second resolution was legally required.

---

[179] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[180] Cabinet Conclusions, 27 February 2003.

454. Mr Powell confirmed that No.10 did not wish the Attorney General's advice to "become public".

455. Lord Goldsmith did not inform Mr Straw or Mr Hoon of his change of view.

456. As their responsibilities were directly engaged, they should have been told of Lord Goldsmith's change of position.

457. At the request of No.10, Lord Goldsmith met Mr Powell, Baroness Morgan and Sir David Manning on 27 February.[181]

458. Ms Adams advised Lord Goldsmith that the purpose of the meeting was to "discuss the French veto", which she interpreted as meaning "the scope for action in the absence of a second resolution".

459. Ms Adams provided a speaking note for Lord Goldsmith, setting out the legal arguments in detail, including:

- the discussions with Mr Straw, Sir Jeremy Greenstock and the US Administration "were valuable" and had given Lord Goldsmith "background information on the negotiating history" which he had "not previously had";
- the US discussions were "particularly useful" as they gave "a clearer insight into the important US/French bilateral discussions over the terms of OP12 of resolution 1441";
- that was "relevant to the interpretation of the resolution";
- while the revival argument was "controversial", Lord Goldsmith had "already made clear" that he agreed with the advice of his predecessors that it provided "a valid legal basis for the use of force provided that the conditions for revival" were "satisfied";
- the "arguments in support of the revival argument" were "stronger following adoption of resolution 1441";
- "elements" of resolution 1441 indicated that the Security Council "intended to revive the authorisation in [resolution] 678";
- but the Council "clearly … did not intend 678 to revive immediately";
- the procedure set out in OPs 4,11 and 12 "for determining whether or not Iraq has taken the final opportunity" were "somewhat ambiguous";
- it was "clear" that if Iraq did not comply there would be "a further Council discussion" but it was "not clear what happens next";
- it was "arguable" that OPs 4 and 12 indicated that "a further Council decision" was "required";
- Lord Goldsmith had been "impressed" by the "strength and sincerity" of the US view that they had "conceded a Council discussion and no more";

[181] Minute Adams to Attorney General, 26 February 2003, 'Iraq: Meeting at No.10, 27 February'.

- the difficulty of relying on the assertions of US officials that the French knew and accepted what they were voting for when there was little "hard evidence beyond a couple of telegrams recording admissions by French negotiators that they knew the US would not accept a resolution which required a further Council decision";
- "the possibility remains that the French and others accepted OP12 because in their view it gave them a sufficient basis on which to argue that a second resolution was required (even if that was not made expressly clear)"; and
- the statements made on adoption of the resolution indicated that "there were differing views within the Council as to the legal effect of the resolution".[182]

460. Lord Goldsmith was advised to state that he remained "of the view that the safest legal course would be to secure a further Security Council resolution" which, as he had advised the FCO, need not explicitly authorise the use of force as long as it made clear that the Council had "concluded that Iraq has not taken its final opportunity".

461. Ms Adams advised that he should further state:

> "Nevertheless, having regard to the further information on the negotiating history which I have been given and to the arguments of the US administration which I heard in Washington, I am prepared to accept – and I am choosing my words carefully here – that a reasonable case can be made that resolution 1441 is capable of reviving the authorisation in 678 without a further resolution if there are strong factual grounds for concluding that Iraq has failed to take the final opportunity. In other words we would need to demonstrate hard evidence of non-compliance and non-co-operation."

462. Lord Goldsmith was also advised:

- that a court "might well conclude" that OPs 4 and 12 did "require a further Council decision", but that "the counter view can reasonably be maintained";
- that the analysis applied "whether a second resolution fails to be adopted because of a lack of votes or because it is vetoed. I do not see any difference between the two cases"; and
- it was "important that in the course of negotiations on the second resolution we do not give the impression that we believe it is legally required. That would undermine our case for reliance on resolution 1441".

463. There is no No.10 record of the 27 February meeting.

464. In his record of a telephone call from Lord Goldsmith reporting the meeting, Mr Brummell wrote that Lord Goldsmith "confirmed that he had deployed in full" the lines prepared by Ms Adams, with the exception of the reference to the fact that "on a number

---

[182] Minute Adams to Attorney General, 27 February 2003, 'Iraq: Lines to Take for No 10 Meeting'.

of previous occasions" the Government had engaged in military action on a legal basis that was no more than "reasonably arguable".[183]

465. Mr Brummell also wrote:

> "Jonathan Powell said that he understood the Attorney's advice in summary to mean that by far the safest way forward is to obtain a second resolution, but that, if we are unable to obtain one, it might be arguable that we do not need one, although we could not be confident that a court would agree with this.
>
> "The No.10 representatives confirmed that the US and UK Governments were continuing with their intensive efforts to secure the passage of a second resolution, if at all possible.
>
> "Jonathan Powell confirmed that No.10 did not wish the Attorney's advice to become public."

466. Mr Powell told the Inquiry that he did not really remember the meeting.[184]

467. Lord Goldsmith told the Inquiry that he did not know why he had not informed No.10 that there was a reasonable case before 27 February. He said:

> "After I came back from the United States … I had taken the view there was a reasonable case. A draft was produced which reflected that. I don't know why it took me until 27 February, but that may have been the first time there was a meeting. I met with Jonathan Powell, Sir David Manning and Baroness Morgan and told them that I had been very much assisted in my considerations by Jeremy Greenstock, the Americans – I may have mentioned Jack Straw as well, and I was able to tell them that it was my view that there was a reasonable case."[185]

468. Lord Goldsmith added:

> "Obviously, I had prepared what I was going to say. Then – so I told them – and I had given them, therefore, as I saw it, and as I believe they saw it … the green light, if you will, that it was lawful to take military action, should there not be a second resolution and should it be politically decided that that was the right course to take."

469. Lord Goldsmith identified three main influences on his thinking which contributed to the change in his position by the end of February that a reasonable case could be made that resolution 1441 authorised the use of force without the requirement for a further resolution:

- the meeting with Sir Jeremy Greenstock on 23 January;

---

[183] Minute Brummell, 27 February 2003, 'Iraq: Attorney General's Meeting at No. 10 on 27th February 2003'.
[184] Public hearing, 18 January 2010, page 104.
[185] Public hearing, 27 January 2010, pages 130-131.

- the views of Mr Straw as expressed in his letter of 6 February 2003; and
- meetings in the US on 10 February.

470. Lord Goldsmith described the purpose of his meeting with Sir Jeremy as:

> "… to get first-hand from our principal negotiator at the United Nations his observations on the negotiating history and on the text which had been agreed and his understanding of what it meant, particularly to get his comments on the textual arguments we had raised.
>
> " … It doesn't mean I follow it, but it is helpful to me … because if you understand what somebody is trying to achieve, you can then often look at the document with that in mind, and then the words which are used become clearer to you."[186]

471. Lord Goldsmith also told the Inquiry that Sir Jeremy:

> "… was very clear in saying the French, Russians lost and they knew they had lost … and his argument was – that's why the resolution is worded the way that it is.
>
> …
>
> "… It was a compromise, but compromise in this sense: that the United States had conceded a Council discussion but no more."[187]

472. Lord Goldsmith told the Inquiry:

> "Sir Jeremy had made some good points and he had made some headway with me, but, frankly there was still work for me to do and he hadn't got me there, if you like, yet."[188]

473. Mr Straw told the Inquiry that his letter of 6 February to Lord Goldsmith, was "really the sum" of what he had said.[189]

474. Following his meetings in the US on 10 February, Lord Goldsmith was impressed by the fact that, in negotiating 1441, the US had a single red line which was not to lose the freedom of action to use force that they believed they had before 1441, and their certainty that they had not done so.

475. Asked to explain how the US belief that it had preserved its "red line" had influenced his considerations, Lord Goldsmith told the Inquiry that all his US interlocutors had spoken with one voice on the issue of the interpretation of 1441:

> "The discussion involved some detailed textual questions … On one point they were absolutely speaking with one voice, which is they were very clear that what mattered

---

[186] Public hearing, 27 January 2010, pages 75-76.
[187] Public hearing, 27 January 2010, page 77.
[188] Public hearing, 27 January 2010, page 89.
[189] Public hearing, 8 February 2010, page 30.

to them, what mattered to President Bush, is whether they would … concede a veto … that the red line was that they shouldn't do that, and they were confident that they had not …

"… [T]he red line was 'We believe' they were saying 'that we have a right to go without this resolution. We have been persuaded to come to the United Nations' … 'but the one thing that mustn't happen is that by going down this route, we then find we lose the freedom of action we think we now have' and if the resolution had said there must be a further decision by the Security Council, that's what it would have done, and the United States would have been tied into that.

"They were all very, very clear that was the most important point to them and that they hadn't conceded that, and they were very clear that the French understood that, that they said that they had discussed this with other members of the Security Council as well and they all understood that was the position."[190]

476. Lord Goldsmith stated:

"It was frankly, quite hard to believe, given what I had been told about the one red line that President Bush had, that all these experienced lawyers and negotiators in the United States could actually have stumbled into doing the one thing that they had been told mustn't happen … a red line means a red line. It was the only one, I was told, that mattered. They didn't mind what else went into the resolution, so long as it did not provide a veto, and if it required a decision then one of the Security Council members, perhaps the French, could then have vetoed action by the United States, which, up to that point, they believed they could take in any event."[191]

477. Asked whether his US interlocutors had been able to provide him with any evidence that France had acknowledged the US position, Lord Goldsmith replied:

"I wish they had presented me with more. That was one of the difficulties, and I make reference to this, that, at the end of the day we were sort of dependent upon their view in relation to that … I looked very carefully at all the negotiating telegrams and I had seen that there were some acknowledgements of that, acknowledgements that the French understood the United States' position, at least, in telegrams that I had seen, and I was told of occasions when this had been clearly stated to the French."[192]

478. Correspondence between Ms Adams and the British Embassy Washington recorded that Lord Goldsmith had asked the US lawyers if they had any evidence that the French had acknowledged that no second resolution was needed, and the US lawyers had offered to check. The subsequent reply was that, although they had

---

[190] Public hearing, 27 January 2010, pages 110-111.
[191] Public hearing, 27 January 2010, pages 127-128.
[192] Public hearing, 27 January 2010, page 112.

made their position abundantly clear to the French, the US lawyers had been unable to find a statement from the French acknowledging that a second resolution would not be needed.[193]

479. Asked if he should also have sought the views of the French, Lord Goldsmith replied:

> "No I couldn't do that. I plainly could not have done that … because, there we were, plainly by this stage, in a major diplomatic stand-off between the United States and France … you couldn't have had the British Attorney General being seen to go to the French to ask them 'What do you think?' The message that that would have given Saddam Hussein about the degree of our commitment would have been huge."[194]

480. Others had a different view.

481. Mr Straw told the Inquiry that if Lord Goldsmith "had asked to talk to the French, of course, we would have facilitated that … I have no recollection of that ever being raised with me at all".[195]

482. Asked about Lord Goldsmith's evidence that he could not speak to French officials about the interpretation of resolution 1441, Sir John Holmes, British Ambassador to France from 2002 to 2007, replied:

> "I don't see why he couldn't have done, or at least somebody else ask the question on his behalf. But I think what is true is that the French were, again, very wary about ever saying what their own legal position was. They took a very strong political position about no automaticity … but they were very careful, I don't remember them ever actually saying what their own legal position was."[196]

483. Asked whether the legal position would have mattered as much to the French as it did to us, Sir John responded: "No because the automatic assumption increasingly was that they weren't going to be part of it."[197]

Mr Straw's evidence to the Foreign Affairs Committee, 4 March 2003

484. Mr Straw told the Foreign Affairs Committee on 4 March that it was "a matter of fact" that Iraq had been in material breach "for some weeks" and resolution 1441 provided sufficient legal authority to justify military action against Iraq if it was "in further material breach".

---

[193] Letter Brenton to Adams, 13 February 2003, 'Attorney General's Visit to Washington'.
[194] Public hearing, 27 January 2010, page 115.
[195] Public hearing, 8 February 2010, page 31.
[196] Public hearing, 29 June 2010, page 32.
[197] Public hearing, 29 June 2010, page 32.

485. Mr Straw also stated that a majority of members of the Security Council had been opposed to the suggestion that resolution 1441 should state explicitly that military action could be taken only if there were a second resolution.

486. In his evidence to the FAC on 4 March, Mr Straw was asked a series of questions by Mr Donald Anderson, the Chairman of the Committee, about the legality of military action without a second resolution.[198]

487. Asked about Mr Blair's "escape clause" and that the Government "would not feel bound to await" a second resolution "or to abide by it if it were to be vetoed unreasonably", Mr Straw replied:

> "The reason why we have drawn a parallel with Kosovo is … it was not possible to get a direct Security Council resolution and instead the Government and those that participated in the action had to fall back on previous … resolutions and general international law … to justify the action that was taken … We are satisfied that we have sufficient legal authority in 1441 back to the originating resolution 660 [1990] … to justify military action against Iraq if they are in further material breach."

488. Mr Straw added that that was "clearly laid down and it was anticipated when we put 1441 together". The Government would "much prefer" military action, if that proved necessary, "to be backed by a second resolution", but it had had to reserve its options if such a second resolution did not prove possible. That was what Mr Blair had "spelt out".

489. Asked if the Government should proceed without the express authority of the UN, Mr Straw replied:

> "We believe there is express authority … There was a … a very intensive debate – about whether … 1441 should say explicitly … that military action to enforce this resolution could only be taken if there were a second resolution. That … was not acceptable to a majority of members of the Security Council, it was never put before the … Council. Instead … what the Council has to do … is to consider the situation …"

490. Mr Straw told Sir Patrick Cormack (Conservative) that Iraq had "been in material breach as a matter of fact for some weeks now because they were told they had to co-operate immediately, unconditionally and actively". He added:

> "… we are anxious to gain a political consensus, if that can be achieved … which recognises the state of Iraq's flagrant violation of its obligations. As far as … the British Government is concerned, that is a matter of fact; the facts speak for themselves."[199]

---

[198] Minutes, 4 March 2003, Foreign Affairs Committee (House of Commons), [Evidence Session], Q 147-151.
[199] Minutes, 4 March 2003, Foreign Affairs Committee (House of Commons), [Evidence Session], Q 154.

491. Asked by Mr Andrew Mackinley (Labour) how there was going to be "proper conscious decision-making" about whether Iraq was complying, Mr Straw replied:

> "… we make our judgement on the basis of the best evidence. I have to say it was on the basis of the best evidence that the international community made its judgement on 8 November. They had hundreds of pages of reports …"[200]

Sir Jeremy Greenstock's advice on "end game options", 4 March 2003

492. In his advice "on the end game options", Sir Jeremy Greenstock stated that there was little chance of bridging the gap with the French – "senior politicians were dug in too deep"; and that a French veto appeared "more of a danger than failure to get nine votes".[201]

493. Sir Jeremy identified the options as:

- "stay firm … and go with the US military campaign in the second half of March with the best arguments we can muster if a second resolution … is unobtainable, we fall back on 1441 and regret that the UN was not up to it …";
- "make some small concessions that might just be enough to get, e.g. Chile and Mexico on board". The "most obvious step" might be "ultimatum language" making military action the default if the Council did not agree that Iraq had come into compliance with resolution 1441;
- "try something on benchmarks, probably building on Blix's cluster document". That "would be better done outside the draft resolution" to "avoid diluting 1441 (and avoid placing too much weight on Blix's shoulders)"; and
- "putting forward a second resolution not authorising force", although it was clear that Sir Jeremy envisaged there would be an "eventual use of force".

494. Sir Jeremy commented: "In the end, it may be best just to forge ahead on present lines."

495. Mr Ricketts told Mr Straw that he and Sir David Manning had discussed Sir Jeremy's advice and believed that the "best package" might comprise:

- adding a deadline to the draft resolution requiring "a bit more time". A US suggestion "that Iraq should have 'unconditionally disarmed' in ten days" would be "seen as unreasonable";
- a small number of carefully chosen benchmarks "set out separately from the resolution, ideally by the Chileans and Mexicans … We could then use the clusters document to illustrate how little compliance there had been across the board"; and

---

[200] Minutes, 4 March 2003, Foreign Affairs Committee (House of Commons), [Evidence Session], Q 166.
[201] Telegram 339 UKMIS New York to FCO London, 4 March 2003, 'Personal Iraq: End Game Options'.

- the US to make clear that it "accepted a significant UN role in post-conflict Iraq".[202]

496. Mr Grainger sent a copy of Mr Ricketts' advice to Mr Straw to Ms Adams, setting out the ultimatum language under consideration which he thought "would be entirely consistent with the advice previously given by the Attorney", including the need for any ultimatum to be expressed in very clear terms so that there was no room for doubt about whether Iraq had met the Council's demands.[203]

Mr Blair's conversation with President Bush, 5 March 2003

497. In the light of the failure to secure support for the draft resolution of 24 February , Mr Blair proposed a revised strategy to President Bush on 5 March.

498. Despite Lord Goldsmith's previous advice that, if a further resolution was vetoed, there would be no Council authorisation for military action, Mr Blair told President Bush that, if nine votes could be secured, military action in the face of a veto would be "politically and legally … acceptable".

499. Mr Blair spoke to President Bush on 5 March proposing further amendment to the draft resolution to give members of the Security Council a reason to support the US/UK approaches.[204]

500. Mr Blair said that an ultimatum should include a deadline of 10 days from the date of the resolution for the Security Council to decide that: "Unless … Iraq is complying by [no date specified], then Iraq is in material breach."

501. Mr Blair stated that if there were nine votes but a French veto, he thought that "politically and legally" UK participation in military action would be acceptable. "But if we did not get nine votes, such participation might be legal", but he would face major obstacles. It would be "touch and go".

Advice on the effect of a "veto"

502. In response to a request from Mr Straw about "whether it was possible for a Permanent Member of the Security Council to vote against a resolution while making it clear that this negative vote shall not be regarded as a 'veto'", Mr Wood advised that the "short answer is 'no'".[205]

503. Lord Goldsmith's draft advice of 14 January stated explicitly that the exercise of a veto in relation to a further Security Council decision would mean "no Council authorisation for military action".[206]

---

[202] Minute Ricketts to PS [FCO], 4 March 2003, 'Iraq: UN Tactics'.
[203] Letter Grainger to Adams, 4 March 2003, 'Iraq: Second Resolution'.
[204] Letter Rycroft to McDonald, 'Iraq: Prime Minister's Conversation with Bush, 5 March'.
[205] Minute Wood to Private Secretary [FCO], 7 March 2003, 'Iraq: Security Council Voting'.
[206] Minute [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.

504. Ms Adams described the purpose of the meeting between Lord Goldsmith and No.10 officials on 27 February as to "discuss the French veto", and her advice dismissed the concept of an "unreasonable" veto. The advice and Lord Goldsmith's subsequent account to Mr Brummell of the discussion did not address the question of the legality of action in the face of a veto.

505. Sir Kevin Tebbit, MOD Permanent Under Secretary, raised the absence of an agreed legal basis for military action with Sir Andrew Turnbull on 5 March.

506. Sir Kevin Tebbit wrote to Sir Andrew Turnbull on 5 March stating:

> "I am sure you have this in hand already, but in case it might help, I should like to offer you my thoughts on the procedure for handling the legal basis for any offensive operations … in Iraq – a subject touching on my responsibilities since it is the CDS [Chief of the Defence Staff] who will need to be assured that he will be acting on the basis of a lawful instruction from the Prime Minister and the Defence Secretary.
>
> "It is not possible to be certain about the precise circumstances in which this would arise because we cannot be sure about the UN scenario involved … Clearly full UN cover is devoutly to be desired – and not just for the military operation itself …
>
> "My purpose in writing, however, is not to argue the legal merits of the case … but to flag up … that the call to action from President Bush could come at quite short notice and that we need to be prepared to handle the legalities so we can deliver …
>
> "In these circumstances, I suggest that the Prime Minister should be prepared to convene a special meeting of the inner 'war' Cabinet (Defence and Foreign Secretaries certainly, Chancellor, DPM [Deputy Prime Minister], Home Secretary possibly, Attorney General, crucially) at which CDS effectively receives his legal and constitutional authorisation. We have already given the Attorney General information and MOD briefings on objectives and rationale, and I understand that John Scarlett [Chairman of the Joint Intelligence Committee (JIC)] is conducting further briefing on the basis of the intelligence material.
>
> "While it is not possible to predict the timing of the event precisely … [it] could conceivably be as early as 10 March … in the event, albeit unlikely, that the Americans lost hope in the UN and move fast. Michael Jay may have a better fix on this, but I guess the more likely timing would be for Security Council action around the weekend of 15/16 March, and therefore for a meeting after that."[207]

507. Copies of the letter were sent to Sir Michael Jay and Sir David Manning.

508. Sir Michael commented that both Adml Boyce and General Sir Mike Jackson, Chief of the General Staff, had told him that they would need "explicit legal

---

[207] Letter Tebbit to Turnbull, 5 March 2003, [untitled].

authorisation". Sir Kevin's proposal "would be one way of achieving this: though the timetable looks a bit leisurely".[208]

509. Sir David Manning advised Mr Blair, through Mr Powell, that he should have an early meeting to discuss the issues.[209]

510. Mr Blair agreed.[210]

Cabinet, 6 March 2003

511. At Cabinet on 6 March, Mr Blair concluded that it was for the Security Council to determine whether Iraq was co-operating fully.

512. Summing up the discussion at Cabinet on 6 March, Mr Blair said it was "the responsibility of the Chief Inspectors to present the truth about Saddam Hussein's co-operation with the United Nations, so that the Security Council could discharge its responsibilities in making the necessary political decisions". The UK was "lobbying hard in favour of the draft Security Council resolution". It was the duty of Saddam Hussein to co-operate fully, "and it was for the Security Council to determine whether that had been the case".[211]

513. A revised resolution was tabled in the Security Council on 7 March (See the Box below).

514. Mr Straw asked, on behalf of the UK, US and Spain as co-sponsors, for a revised draft of the second resolution to be circulated.[212]

UK/US/Spanish draft resolution, 7 March 2003

The draft resolution recalled the provisions of previous Security Council resolutions on Iraq and noted that:

- The Council had "repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations"; and
- Iraq had "submitted a declaration … containing false statements and omissions and has failed to comply with, and co-operate fully in the implementation of, that resolution".

The draft stated that the Council:

- "Mindful of its primary responsibility under the Charter … for the maintenance of international peace and stability;

---

[208] Manuscript comment Jay to Ricketts, 5 March 2003, on Letter Tebbit to Turnbull, 5 March 2003, [untitled].
[209] Manuscript comment Manning to Powell and Prime Minister, 6 March 2003, on Letter Tebbit to Turnbull, 5 March 2003, [untitled].
[210] Manuscript comment Prime Minister to Manning, on Letter Tebbit to Turnbull, 5 March 2003, [untitled].
[211] Cabinet Conclusions, 6 March 2003.
[212] Telegram 378 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Draft Resolution'.

- Recognising the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security;
- Determined to secure full compliance with its decisions and to restore international peace and security in the area;
- Acting under Chapter VII …;
- Reaffirms the need for full implementation of resolution 1441 (2002);
- Calls on Iraq immediately to take the decisions necessary in the interests of its people and the region;
- "Decides that Iraq will have failed to take the final opportunity afforded by resolution 1441 (2002) unless, on or before 17 March 2003, the Council concludes that Iraq has demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament obligations under resolution 1441 (2002) and previous relevant resolutions, and is yielding possession to UNMOVIC and the IAEA of all weapons, weapon delivery and support systems and structures, prohibited by resolution 687 (1991) and all subsequent resolutions, and all information regarding prior destruction of such items; and
- "Decides to remain seized of the matter."

Lord Goldsmith's advice, 7 March 2003

515. Lord Goldsmith submitted formal advice to Mr Blair on 7 March, in which he noted that he had been asked for advice on the legality of military action against Iraq without another resolution of the Security Council, further to resolution 1441.[213]

516. Lord Goldsmith identified three possible bases for the use of military force. He explained that neither self-defence nor the use of force to avert overwhelming humanitarian catastrophe applied in this case.

517. As regards the third basis, he wrote that force may be used:

> "… where this is authorised by the UN Security Council acting under Chapter VII of the UN Charter. The key question is whether resolution 1441 has the effect of providing such authorisation …"

518. He wrote:

> "As you are aware, the argument that resolution 1441 itself provides the authorisation to use force depends on the revival of the express authorisation to use force given in 1990 by Security Council Resolution 678."

[213] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.

519. Lord Goldsmith posed and answered two questions. First, he considered whether the revival argument was a sound legal basis in principle. Second, he considered the question of whether resolution 1441 had the effect of reviving the authority to use military force in resolution 678 (1990).

The revival argument – a sound basis "in principle"

520. Lord Goldsmith set out the basic principles of the revival argument and described how, in January 1993 (following UN Presidential Statements condemning particular failures by Iraq to observe the terms of the cease-fire resolution) and again in December 1998 (for Operation Desert Fox), following a series of Security Council resolutions, notably 1205 (1998), the use of force had relied on the revival argument.

521. He wrote:

> "Law Officers have advised in the past that, provided the conditions are made out, the revival argument does provide a sufficient justification in international law for the use of force against Iraq."

522. Having referred to the opinion, expressed in August 1992, by then UN Legal Counsel, Carl-August Fleischauer, as supportive of the UK view, Lord Goldsmith continued:

> "However, the UK has consistently taken the view (as did the Fleischauer opinion) that as the cease-fire conditions were set by the Security Council in resolution 687, it is for the Council to assess whether any such breach of those obligations has occurred.
>
> "The US have a rather different view: they maintain that the fact of whether Iraq is in breach is a matter of objective fact which may therefore be assessed by individual Member States. I am not aware of any other state which supports this view. This is an issue of critical importance when considering the effect of resolution 1441."

523. Lord Goldsmith concluded:

> "The revival argument is controversial. It is not widely accepted among academic commentators. However, I agree with my predecessors' advice on this issue. Further, I believe that the arguments in support of the revival argument are stronger following adoption of resolution 1441."

524. Lord Goldsmith explained that this was because of the terms of the resolution and the negotiations which led to its adoption. He noted that PPs 4, 5 and 10 of the resolution recalled "the authorisation to use force in resolution 678 and that resolution 687 imposed obligations on Iraq as a necessary condition of the cease-fire"; that OP 1 provided that Iraq had been and remained in material breach of relevant resolutions including resolution 687; and that OP13 recalled that Iraq had been "warned repeatedly" that "serious consequences" would "result from continued violations of its obligations".

525. Lord Goldsmith noted:

> "… Previous practice of the Council and statements made by Council members during the negotiation of resolution 1441 demonstrate that the phrase 'material breach' signifies a finding by the Council of a sufficiently serious breach of the cease-fire conditions to revive the authorisation in resolution 678 and that 'serious consequences' is accepted as indicating the use of force."

526. Lord Goldsmith wrote:

> " … I disagree, therefore, with those commentators and lawyers who assert that nothing less than an explicit authorisation to use force in a Security Council resolution will be sufficient."

The revival argument – the effect of resolution 1441 (2002)

527. Having accepted the validity of the revival argument Lord Goldsmith addressed the question of whether resolution 1441 was sufficient to revive the authorisation in resolution 678 without an assessment by the Security Council that the basis of the cease-fire established in resolution 687 had been destroyed.

528. Lord Goldsmith wrote:

> "In order for the authorisation to use force in resolution 678 to be revived, there needs to be a determination by the Security Council that there is a violation of the conditions of the cease-fire and that the Security Council considers it sufficiently serious to destroy the basis of the cease-fire. Revival will not, however, take place, notwithstanding a finding of violation, if the Security Council has made clear either that action short of the use of force should be taken to ensure compliance with the terms of the cease-fire, or that it intends to decide subsequently what action is required to ensure compliance."

529. He continued:

> "Notwithstanding the determination of material breach in OP1 of resolution 1441, it is clear that the Council did not intend that the authorisation in resolution 678 should revive immediately following the adoption of resolution 1441, since OP2 of the resolution affords Iraq a 'final opportunity' to comply with its disarmament obligations under previous resolutions by co-operating with the enhanced inspection regime described in OPs 3 and 5-9. But OP2 also states that the Council has determined that compliance with resolution 1441 is Iraq's last chance before the cease-fire resolution will be enforced."

530. On that basis, Lord Goldsmith expressed the view that:

> "OP2 has the effect therefore of suspending the legal consequences of the OP1 determination of material breach which would otherwise have triggered the revival

of the authorisation in resolution 678. The narrow but key question is: on the true interpretation of resolution 1441, what has the Security Council decided will be the consequences of Iraq's failure to comply with the enhanced regime."

531. Lord Goldsmith told the Inquiry:

"… without a firebreak, they [members of the Security Council] understood from past practice, from what happened in 1998 after resolution 1205, that the United States and the United Kingdom, and perhaps other states, would have then taken that as saying 'We now have the authority of the United Nations to move today'."[214]

532. Lord Goldsmith identified OPs 4, 11 and 12 as the provisions relevant to the question of whether or not Iraq had taken the final opportunity:

"It is clear from the text of the resolution, and is apparent from the negotiating history, that if Iraq fails to comply, there will be a further Security Council discussion. The text is, however, ambiguous and unclear on what happens next."

533. On that question, Lord Goldsmith identified and summarised the "two competing arguments":

- "that provided there is a Council discussion, if it does not reach a conclusion, there remains an authorisation to use force"; or
- "that nothing short of a further Council decision will be a legitimate basis for the use of force".

The first line of argument

534. The first line of argument maintained that, provided there was a Council discussion, whether conclusive or not, there remained an authorisation to use force.

535. It relied on the following steps:

- Iraq had been found to be in material breach of relevant resolutions including resolutions 678 and 687. Its violations were therefore, in principle, sufficient to revive the authorisation to use force in resolution 678.
- Iraq had been given a final opportunity to comply and had been warned that it would face serious consequences if it did not do so.
- OP4 of resolution 1441 had the effect of determining in advance that any false statements by Iraq in its declaration and failure by Iraq at any time to comply with and co-operate fully in the implementation of the resolution would constitute a further material breach and would thus revive the authority which had been suspended without any further determination by the Security Council.

[214] Public hearing, 27 January 2010, page 84.

- It was necessary, however, for the Security Council to meet "to consider the situation.
- As the resolution had not specified that the Security Council should "decide" what action should be taken, such a meeting would provide an opportunity for further action by the Security Council, but it was not essential that it reach a decision. Once the procedural requirement was satisfied, the authority to take military action in resolution 678 was, once again, fully revived.

The second line of argument

536. The second line of argument focused, by contrast, on the words in OP4 ("and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below") and on the requirement in OP12 for the Security Council to "consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security". According to the second line of argument, these provisions implied a return to the Security Council for a decision.

537. Lord Goldsmith wrote that one view in support of the second line of argument was that the wording of OP4 "indicated the need for an assessment by the Security Council of how serious any Iraqi breaches [were] and whether any Iraqi breaches [were] sufficiently serious to destroy the basis of the cease-fire". He pointed out that this had been the position taken by Mr Straw when he told Parliament on 25 November that "material breach means something significant; some behaviour or pattern of behaviour where any single action appears relatively minor but the action as a whole adds up to something more deliberate and significant: something that shows Iraq's intention not to comply". If that was so, the question was by whom such an assessment was to be carried out. Lord Goldsmith noted that, according to the UK view of the revival argument, it could only be the Security Council.

538. Lord Goldsmith set out the counter position as:

> "If OP4 means what it says: the words 'co-operate fully' were included specifically to ensure that any instances of non-co-operation would amount to material breach. This is the US analysis of OP4 and is undoubtedly more consistent with the view that no further decision of the Council is necessary to authorise force, because it can be argued that the Council has determined in advance that any failure will be a material breach."

539. Lord Goldsmith advised that the critical issue was, nonetheless, what was to happen when a report came to the Security Council under OP4 or OP11. "In other words", he wrote, "what does OP12 require".

The significance of OP12

540. Lord Goldsmith noted that the language of OP12 was a compromise and was unclear. But it did provide that there should be a meeting of the Council "to consider the situation and the need for compliance in order to secure international peace and security".

541. Thus, Lord Goldsmith observed, the Security Council was provided with an opportunity to take a further decision expressly authorising the use of force or, "conceivably, to decide that other enforcement measures should be used". If it did not do so, however, he stated that the "clear US view" was that "the determination" of material breach in OPs 1 and 4 would remain valid, thus authorising the use of force without a further decision.

542. Lord Goldsmith wrote that his view was:

> "… that different considerations apply in different circumstances. The OP12 discussion might make clear that the Council view is that military action is appropriate but that no further decision is required because of the terms of resolution 1441. In such a case, there would be good grounds for relying on the existing resolution as the legal basis for any subsequent military action. The more difficult scenario is if the views of Council members are divided and a further resolution is not adopted either because it fails to attract 9 votes or because it is vetoed."

543. Lord Goldsmith rehearsed the arguments for and against the view that, in those circumstances, no further decision of the Security Council was needed to authorise the use of force.

544. He identified the principal argument in favour of this interpretation to be that the word "consider" had been chosen deliberately and that French and Russian proposals to amend this provision so that the Security Council should be required to "decide" what was to happen had not been accepted.

545. Lord Goldsmith wrote that he had been impressed by the strength and sincerity of the views of the US Administration on this point. At the same time, "the difficulty" was that the UK was "reliant" on US "assertions" that France and others:

> "… knew and accepted that they were voting for a further discussion and no more. We have very little evidence of this beyond a couple of telegrams recording admissions by French negotiators that they knew the US would not accept a resolution which required a Council decision. The possibility remains that the French and others accepted OP12 because in their view it gave them a sufficient basis on which to argue that a second resolution was required (even if that was not made expressly clear)."

546. Lord Goldsmith added:

> "A further difficulty is that, if the matter ever came before a court, it is very uncertain to what extent the court would accept evidence of the negotiating history to support a particular interpretation of the resolution, given that most of the negotiations were conducted in private and there are no agreed or official records."

547. Lord Goldsmith identified three arguments in support of the view that a further decision was needed:

- The word "assessment" in OP4 and the language of OP12 indicated that the Council would be assessing the seriousness of any Iraqi breach.
- There was special significance in the words "in order to secure international peace and security" reflecting the responsibility of the Security Council under Article 39 of the UN Charter and it could be argued that the Council was to exercise a determinative role on the issue.
- Any other construction reduced the role of the Security Council to a formality.

548. Lord Goldsmith wrote:

> "Others have jibbed at this categorisation, but I remain of the opinion that this would be the effect in legal terms of the view that no further resolution is required. The Council would be required to meet, and all members of the Council would be under an obligation to participate in the discussion in good faith, but even if an overwhelming majority of the Council were opposed to the use of force, military action could proceed regardless."

549. Lord Goldsmith pointed out that the statements made by Security Council members on the adoption of resolution 1441, which might be referred to in circumstances when the wording of the resolution was not clear, were not conclusive. He wrote:

> "Only the US explicitly stated that it believed that the resolution did not constrain the use of force by States 'to enforce relevant United Nations resolutions and protect world peace and security' regardless of whether there was a further Security Council decision. Conversely, two other Council members, Mexico and Ireland, made clear that in their view a further decision of the Council was required before the use of force would be authorised. Syria also stated that the resolution should not be interpreted, through certain paragraphs, as authorising any State to use force."

Other arguments rejected

550. Lord Goldsmith rejected the argument that it was possible to establish that Iraq had failed to take its final opportunity through the procedures in OPs 11 and 12 without regard to the words "for assessment" in OP4. He accepted that the words "and shall be reported to the Council for assessment in accordance with paragraphs 11 and 12" were

added at a late stage, but noted that it was substituted for other language "which would clearly have had the effect of making any finding of material breach subject to a further Council decision". He wrote:

> "It is clear … that any Iraqi conduct which would be sufficient to trigger a report from the inspectors under OP11 would also amount to a failure to comply with and co-operate fully in the implementation of the resolution and would thus be covered by OP4. In addition, the reference to paragraph 11 in OP4 cannot be ignored. It is not entirely clear what this means, but the most convincing explanation seems to be that it is a recognition that an OP11 inspectors' report would also constitute a report of a further material breach within the meaning of OP4 and would thus be assessed by the Council under OP12."

551. Addressing whether the differences between the US and UK objectives had any impact on the interpretation of resolution 1441, Lord Goldsmith wrote:

> "I have considered whether this difference in the underlying legal view means that the effect of the resolution might be different for the US than for the UK, but I have concluded that it does not affect the position. If OP12 of the resolution, properly interpreted, were to mean that a further Council decision was required before force was authorised, this would constrain the US just as much as the UK. It was therefore an essential negotiating point for the US that the resolution should not concede the need for a second resolution. They are convinced that they succeeded."

Lord Goldsmith's conclusions

552. In paragraphs headed "Summary", Lord Goldsmith set out his conclusions.

553. He wrote that the language of resolution 1441:

> "… leaves the position unclear and the statements made on adoption of the resolution suggest that there were differences of view within the Council as to the legal effect of the resolution. Arguments can be made on both sides.
>
> "A key question is whether there is … a need for an assessment of whether Iraq's conduct constitutes a failure to take the final opportunity or has constituted a failure fully to co-operate within the meaning of OP4 such that the basis of the cease-fire is destroyed. If an assessment is needed of that sort, it would be for the Council to make it.
>
> "A narrow textual reading of the resolution suggests that sort of assessment is not needed, because the Council has pre-determined the issue. Public statements, on the other hand, say otherwise."

554. Lord Goldsmith wrote that he remained "of the opinion that the safest legal course would be to secure the adoption of a further resolution to authorise the use of force", and that he had "already advised" that he did "not believe that such a resolution need be

explicit in its terms" if it established that the Council had "concluded" that Iraq had "failed to take the final opportunity offered by resolution 1441".

555. Lord Goldsmith added:

> "Nevertheless, having regard to the information on the negotiating history which I have been given and to the arguments of the US Administration which I heard in Washington, I accept that a reasonable case can be made that resolution 1441 is capable in principle of reviving the authorisation in 678 without a further resolution."

556. Lord Goldsmith added that that would:

> "… only be sustainable if there are strong factual grounds for concluding that Iraq has failed to take the final opportunity. In other words, we would need to be able to demonstrate hard evidence of non-compliance and non-co-operation. Given the structure of the resolution as a whole, the views of UNMOVIC and the IAEA will be highly significant in this respect. In the light of the latest reporting by UNMOVIC, you will need to consider extremely carefully whether the evidence … is sufficiently compelling to justify the conclusion that Iraq has failed to take the final opportunity."

557. Lord Goldsmith wrote:

> "In reaching my conclusions, I have taken account of the fact that on a number of previous occasions, including in relation to Operation Desert Fox in December 1998 and Kosovo in 1999, UK forces have participated in military action on the basis of advice from my predecessors that the legality of the action under international law was no more than reasonably arguable.
>
> "But a 'reasonable case' does not mean that if the matter ever came before a court I would be confident that the court would agree with this view. I judge that, having regard to the arguments on both sides, and considering the resolution as a whole in the light of the statements made on adoption and subsequently, a court might well conclude that OPs 4 and 12 do require a further Council decision in order to revive the authorisation in resolution 678. But equally I consider that the counter view can reasonably be maintained.
>
> "However, it must be recognised that on previous occasions when military action was taken on the basis of a reasonably arguable case, the degree of public and Parliamentary scrutiny of the legal issue was nothing like as great as it is today."

558. Lord Goldsmith's advice of 7 March did not present the "reasonable case" as stronger or "better" than the opposing case.

559. Nevertheless, in making that judgement, Lord Goldsmith took responsibility for a decision that a reasonable case was sufficient to provide the legal basis for the UK Government to take military action in Iraq.

560. Lord Goldsmith told the Inquiry that it was:

> "… very clear that the precedent in the United Kingdom was that a reasonable case was a sufficient lawful basis for taking military action … I checked this at the time, because this is what I had been told by my officials – it was the basis for the action in Kosovo, it was also the basis for the action in 1998 … as a matter of precedent it was standard practice to use the reasonable case basis for deciding on the lawfulness of military action."[215]

561. Lord Goldsmith added that he was saying that it was "the right test to use", and that:

> "… as a matter of precedent it was standard practice to use the reasonable case basis for deciding on the lawfulness of military action."

562. Asked to explain the meaning of the word "reasonable", Lord Goldsmith told the Inquiry:

> "It means a case which not just has some reasoning behind it, put in practical terms, it is a case that you would be content to argue in court, if it came to it, with a reasonable prospect of success. It is not making the judgment whether it is right or wrong …"[216]

563. Asked whether the reference in his 7 March advice to action being taken in Iraq in Operation Desert Fox in 1998 and in Kosovo in 1999 on the basis that the legality of the action was "reasonably arguable" was a "somewhat lesser standard" than others that he might have liked to present, Lord Goldsmith replied that the distinction he was making:

> "… was between the authority based on the assessment that there was a reasonable case that it was lawful, to authority which is based upon having balanced all the arguments and come down on one side or the other, is it, in fact, lawful?"[217]

564. Lord Goldsmith added:

> "I had originally been not that instinctively in favour of this 'reasonable case' approach, but these precedents were helpful, because, although Kosovo was a different legal basis, the point was that the British Government had committed itself to military action on the basis of legal advice that there was a reasonable case. That was the precedent. It had been pressed upon me that that was the precedent in the past.

---

[215] Public hearing, 27 January 2010, page 97.
[216] Public hearing, 27 January 2010, pages 97-98.
[217] Public hearing, 27 January 2010, pages 169-170.

> "I can see … that, with hindsight, I was being overly cautious in expressing it in this way, but that was the precedent that had been used and I went along with it. Not 'I went along with it', I followed the same practice."[218]

565. Asked about his advice to Mr Blair that he could not be confident that a court would agree with the view that there was a "reasonable case", Lord Goldsmith replied:

> "I think … I'm explaining what I mean by 'reasonable case', and this is – if you like – the 'yes, but' point. I wanted to … underline to the Prime Minister that I was saying that reasonable case is enough. I'm saying it is a reasonable case. So that is the green light … but I want to underline, 'Please don't misunderstand, a reasonable case doesn't mean of itself that, if this matter were to go to court, you would necessarily win'. 'On the other hand, the counter view can reasonably be maintained'."[219]

566. Ms Adams told the Inquiry that, when she arrived in Lord Goldsmith's office, one of her predecessors had already put together a file of previous Law Officers' advice on the use of force over the last "ten years or so" which "contained all the key advice on the revival argument".[220] In her view, "it was self-evident from this file, that there had been a number of occasions when the Law Officers had … endorsed … military action on the basis of a reasonable case".

567. Addressing Lord Goldsmith's reference to precedent, Ms Adams stated:

> "It wasn't a precedent in the sense of something that had to be followed; it was a precedent in the sense of something which had, as a matter of fact, taken place."[221]

568. Asked if the term "reasonable case" had a meaning in international law, Ms Adams told the Inquiry that it did not, it was:

> "… one which can be reasonably argued. Obviously, it has to have a reasoned basis to it because otherwise it is not going to be reasonable to a court. There has to be a reasonable prospect … of success for this argument, but it doesn't mean to say it is the better legal opinion. That would be my interpretation."[222]

569. The Inquiry has seen the advice from the Law Officers on the use of force described by Ms Adams, in which the formulation "respectable legal argument" is used.

570. Asked whether there was any significant difference between a "reasonable case" and a "respectable legal argument", Lord Goldsmith wrote that he preferred the former, though he treated "respectable case" as amounting to the same test in practice, and "certainly not a higher test".[223]

---

[218] Public hearing, 27 January 2010, pages 170-171.
[219] Public hearing, 27 January 2010, pages 173-174.
[220] Public hearing, 30 June 2010, page 43.
[221] Public hearing, 30 June 2010, page 45.
[222] Public hearing, 30 June 2010, page 45.
[223] Statement, 4 January 2011, paragraph 6.1.

571. Asked how his "characterisation of his 7 March advice as a 'green light'" sat with his explanation that a "reasonable case does not mean that if the matter came before a court" he "would be confident that the court would agree", Lord Goldsmith wrote:

> "I was relying on the precedent established in previous cases that a reasonable or respectable case was sufficient. Precedent in the Law Officers' department is commonly followed. However I was careful to explain what I meant by the phrase 'reasonable case' and to highlight in my advice all the difficulties in interpreting the effect of the resolution."[224]

572. Lord Goldsmith added that, after delivering his advice of 7 March, he had:

> "… continued to reflect on the position and on 13 March 2003 concluded that the better view was there was a lawful basis for the use of force without a further resolution."

573. Asked how his "characterisation of his 7 March advice as a 'green light'" sat "with the number of difficulties with the argument that no further Security Council determination" was needed which he had identified but not resolved in that advice, Lord Goldsmith wrote:

> "I was well aware of the contrary arguments and had set them out in detail in my advice. They could not be resolved because the language of the resolution lacked clarity and the statements made on adoption revealed differences of view within the Council on the legal effect of the resolution. The issue for me therefore was to consider whether the argument that the resolution authorised the use of force was of sufficient weight to reach the threshold of certainty that my predecessors had concluded was necessary. I concluded that it was and I knew that therefore I was giving a 'green light'."[225]

574. Asked how his view – that a "reasonable case" was sufficient to decide on the lawfulness of military action – reflected the framework of the UN Charter and the prohibition on the use of force except in self-defence or where clearly authorised by the Security Council in the circumstances set out in Chapter VII of the Charter, Lord Goldsmith wrote:

> "A 'clear' or 'certain' basis for the use of force will always be preferable to a 'reasonable' or 'respectable' one. That is why I argued in my advice of 7 March 2003 that the safest legal course would be to secure the adoption of a further resolution to authorise the use of force … If we had achieved the second resolution that would have provided more certainty – although even then it is still likely to have been in terms relying on the revival of the original 1990/91 authorisation which would not have satisfied all international lawyers. We had however previously engaged

---

[224] Statement, 4 January 2011, paragraph 6.3.
[225] Statement, 4 January 2011, paragraph 6.4.

in the use of force on the basis of a reasonable or respectable case that action is authorised by a UNSCR or self defence or humanitarian intervention and my understanding was and is that this is a sufficient basis."[226]

Other matters dealt with in Lord Goldsmith's 7 March advice

575. Lord Goldsmith reiterated the categorical advice, previously expressed in his 14 January draft, that there were no grounds for arguing that "an unreasonable veto" would permit the US and UK to ignore such a veto.

576. Addressing the effect of an "unreasonable" veto, Lord Goldsmith stressed:

"The analysis set out above applies whether a second resolution fails to be adopted because of a lack of votes or because it is vetoed. As I have said before … there are no grounds for arguing that an 'unreasonable veto' would entitle us to proceed on the basis of a presumed Security Council authorisation. In any event, if the majority of world opinion remains opposed to military action, it is likely to be difficult on the facts to categorise a French veto as 'unreasonable'."

577. Lord Goldsmith stressed the importance of the circumstances at the time a decision was taken.

578. Addressing the importance of circumstances, Lord Goldsmith concluded:

"The legal analysis may, however, be affected by the course of events over the next week or so, e.g. the discussions on the draft second resolution. If we fail to achieve the adoption of a second resolution, we would need to consider urgently at that stage the strength of our legal case in the light of the circumstances at that time."

579. Lord Goldsmith recognised that there was a possibility of a legal challenge.

580. Lord Goldsmith set out the possible consequences of acting without a further resolution, in particular the ways in which the matter might be brought before a court, some of which he described as "fairly remote possibilities".

581. Lord Goldsmith outlined the potential risks of action before both International and UK Courts, concluding:

"… it would not be surprising if some attempts were made to get a case of some sort off the ground. We cannot be certain that they would not succeed. The GA route [the General Assembly of the United Nations requesting an advisory opinion on the legality of the military action from the International Court of Justice] may be the most likely …"

---

[226] Statement, 4 January 2011, paragraph 6.5.

582. Sir Michael Wood had provided advice on the possibility of legal challenge in October 2002.[227]

583. Lord Goldsmith stressed the importance of the principle of proportionality in the use of force during the campaign.

584. Addressing the principle of proportionality, Lord Goldsmith stressed that the lawfulness of military action depended not only on the existence of a legal basis, but also on the exercise of force during the campaign being proportionate.[228]

585. Lord Goldsmith wrote that any force used pursuant to the authorisation in resolution 678 must have as its objective the enforcement of the terms of the cease-fire contained in resolution 687 and subsequent relevant resolutions; be limited to what is necessary to achieve that objective; and must be a proportionate response to that objective. That was "not to say that action may not be taken to remove Saddam Hussein from power if it can be demonstrated that such action is a necessary and proportionate measure to secure the disarmament of Iraq. But regime change cannot be the objective of military action."

586. Asked if he thought that the matter would be closed by his 7 March advice, Lord Goldsmith told the Inquiry:

> "… at the time, I thought it was, because I thought I had given the green light in February, I was following precedent in giving the green light again, and I thought, therefore, the issue was closed, and therefore, if, politically, the decision was taken wherever it needed to be taken in the United Kingdom, and no doubt the United States, about military action, then that would be it.
>
> "… [R]ecognising that things could change, I said … we would need to … assess the strength of the legal case in the light of circumstances at the time if there were a failure to obtain the second resolution …"[229]

587. Mr Straw, Mr Hoon, Dr John Reid, Minister without Portfolio, and the Chiefs of Staff had all seen Lord Goldsmith's advice of 7 March before the No.10 meeting on 11 March, but it is not clear how and when it reached them.

588. Other Ministers whose responsibilities were directly engaged, including Mr Gordon Brown, the Chancellor of the Exchequer, and Ms Short, the International Development Secretary, and their senior officials, did not see the advice.

---

[227] Minute Wood to PS [FCO], 15 October 2002, 'Iraq'.
[228] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.
[229] Public hearing, 27 January 2010, pages 175-176.

Media coverage during the weekend of 8 and 9 March

589. An article in the *Financial Times* on Saturday 8 March referred to an interview with Lord Archer, Solicitor General from 1974 to 1979, that was to be broadcast the following day on *GMTV's Sunday* programme.[230] The article stated that Lord Archer would reject the position "that resolution 1441 provided sufficient legal authority" for military action. It also stated that civil servants were understood to be putting pressure on Sir Andrew Turnbull to show them the Attorney General's advice.

590. On 9 March, an article in the *Sunday Times* warned that there would be "a rebellion" of up to 200 Labour MPs if Mr Blair proceeded to military action without a second UN resolution authorising military action.[231]

591. The article stated:

> "Conservatives urged the Government to say whether Lord Goldsmith, the Attorney General, had given legal approval for military action to be taken under any circumstances."

592. In an interview broadcast in the late evening of 9 March as part of the *BBC Radio 4 Westminster Hour* programme, Ms Short was asked if she would resign if there was no mandate from the UN for war.[232] She said:

> "Absolutely. There's no question about that.
>
> "If there is not UN authority for military action or if there is not UN authority for the reconstruction of the country, I will not uphold a breach of international law or this undermining of the UN and I will resign from the Government."

593. Ms Short's comments were widely reported in the media on 10 March.

Government reaction to Lord Goldsmith's advice of 7 March

Mr Straw's statement, 10 March 2003

594. Mr Straw made a statement to the House of Commons on 10 March 2003.

595. On 10 March, in an oral statement to the House of Commons, Mr Straw reported on his attendance at the ministerial meeting in the Security Council on 7 March (see Sections 3.7 and 3.8).[233]

596. In response to a question from Mr Michael Ancram, Deputy Leader of the Opposition and Shadow Secretary of State for Foreign and Commonwealth Affairs, as

---

[230] *Financial Times*, 8 March 2003, *Warning over 'unlawful' war.*
[231] *Sunday Times*, 9 March 2003, *200 Labour MPs revolt over war.*
[232] *The Independent*, 10 March 2003, *Short will quit if Britain goes to war without UN resolution.*
[233] House of Commons, *Official Report*, 10 March 2003, columns 22-24.

to what the Government's position would be in the event that three Permanent Members of the Security Council vetoed a second resolution, Mr Straw replied:

> "We have made it clear throughout that we want a second resolution for political reasons, because a consensus is required, if we can achieve it, for any military action. On the legal basis for that, it should be pointed out that resolution 1441 does not require a second resolution."[234]

597. Asked by Mr Simon Thomas (Plaid Cymru) to remind the House "exactly of which part of resolution 1441 authorises war", Mr Straw said:

> "I am delighted to do so. We start with paragraph 1, which says that the Security Council 'Decides that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 … in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraph 8 to 13 of resolution 687'.
>
> "We then go to paragraph 4, in which the Security Council 'Decides that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and co-operate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations" – Obligations of which it is now in breach. We turn to operative paragraph 13, in which the Security Council 'Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations'."[235]

Mr Blair's meeting with Lord Goldsmith, 11 March 2003

598. Mr Blair discussed the legal basis for the use of military force, and the need to avoid a detailed discussion in Cabinet, in a bilateral meeting with Lord Goldsmith on 11 March.[236]

599. There is no record of that discussion in either the No.10 or Attorney General's papers sent to the Inquiry.

600. In his statement for the Inquiry, Lord Goldsmith confirmed that the meeting had taken place at 0930 but he could not recall the detail of the discussion. He added that it "would have been my first meeting" with Mr Blair since he had submitted his advice of 7 March: "I expect that I would have gone over the main points of my advice with him."[237]

---

[234] House of Commons, *Official Report*, 10 March 2003, column 24.
[235] House of Commons, *Official Report*, 10 March 2003, column 34.
[236] Minute Rycroft to Prime Minister, 11 March 2003, 'Iraq Military: 1300 Meeting'.
[237] Statement, 4 January 2011, pages 13-14.

601. Asked about the conclusions of the meeting with Lord Goldsmith, Mr Blair wrote:

> "I did see him briefly, I think, on 11 March 2003 before the meeting with the other Cabinet members. I cannot recall the specific content of the discussion but most likely it would have been about his coming to Cabinet to explain his decision."[238]

602. In the edition of his diaries published in 2012, Mr Campbell wrote that Lord Goldsmith:

> "… had done a long legal opinion and said he did not want TB to present it too positively. He wanted to make it clear he felt there was a reasonable case for war under 1441. There was also a case to be made the other way and a lot would depend on what actually happened. TB also made clear that he did not particularly want Goldsmith to launch a detailed discussion at Cabinet, though it would have to happen at some time, and Ministers would want to cross-examine. With the mood as it was, and with Robin [Cook] and Clare [Short] operating as they were, he knew that if there was any nuance at all, they would be straight out saying the advice was that it was not legal, that the AG was casting doubt on the legal basis for war. Peter Goldsmith was clear that though a lot depended on what happened, he was casting doubt in some circumstances and if Cabinet had to approve the policy of going to war, he had to be able to put the reality to them. Sally [Morgan] said it was for TB to speak to Cabinet, and act on the AG's advice. He would simply say the advice said there was a reasonable case. The detailed discussion would follow.
>
> "… Peter G[oldsmith] told TB he had been thinking of nothing else for three weeks, that he wished he could be clearer in his advice, but in reality it was nuanced."[239]

Mr Blair's meeting, 11 March 2003

603. On 11 March, Ministers discussed legal issues, including holding back for a few days the response to a US request for the use of UK bases.

604. They also discussed the viability of the military plan.

605. Mr Blair held a meeting on 11 March with Mr Prescott, Mr Hoon, Lord Goldsmith and Admiral Boyce. Mr Straw attended part of the meeting.[240] Sir Andrew Turnbull, Mr Powell, Mr Campbell, Baroness Morgan, Sir David Manning and Mr Rycroft were also present.

606. Prior to the meeting, Mr Straw's Private Office wrote to No.10 on 11 March reporting that the US was pressing for a response "as soon as possible" to a letter to Mr Straw delivered by the US Ambassador on 5 March. It had formally requested the UK

---

[238] Statement, 14 January 2011, page 11.
[239] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[240] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.

Government's agreement to the use of RAF Fairford, Diego Garcia and, possibly, other UK bases for military operations against Iraq.[241]

607. In the letter the FCO advised that "under international law, the UK would be responsible for any US action in breach of international law in which the UK knowingly assisted". The draft response was "premised on a decision that UNSCR 1441 and other relevant resolutions" provided "the authority for action".

608. Mr Desmond Bowen, Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office, advised Sir David Manning in a minute that the request was to be discussed at Mr Blair's meeting with Lord Goldsmith, Mr Straw and Mr Hoon on 11 March. He understood that Mr Straw and Mr Hoon had copies of Lord Goldsmith's advice of 7 March.[242]

609. Ms Adams advised Lord Goldsmith that she understood "the principal purpose of the meeting to be to discuss the ad bellum issue".[243]

610. An hour before the meeting took place, MOD Legal Advisers provided questions for Mr Hoon to raise at the meeting, explaining:

> "… some in the FCO – whether having read the AG's letter or not, I don't know – are beginning to believe that the legal base is already OK. It seems to us – and I have discussed this with Martin Hemming – that the position is not yet so clear."[244]

611. The document provided for Mr Hoon stated:

> "Questions for the Attorney General
>
> "If no 2nd resolution is adopted (for whatever reason), and the PM decides that sufficient evidence exists that Iraq has failed to take the final opportunity to comply offered by 1441, is he satisfied that the currently proposed use of force would be lawful under international law?
>
> "Comment: The AG's minute to the PM is equivocal: he says 'a reasonable case can be made' [for the revival argument] but also says that his view is that 'different considerations apply in different circumstances' [meaning the nature of the Security Council discussions under OP12]. He ends his summary thus: 'If we fail to achieve the adoption of a second resolution we would need to consider urgently at that stage the strength of our legal case in the light of circumstances at the time'.

---

[241] Letter Sinclair to Rycroft, 11 March 2003, 'US Request to use Diego Garcia and RAF Fairford for Possible Operations Against Iraq'.
[242] Minute Bowen to Manning, 11 March 2003, 'US Use of British Bases'.
[243] Minute Adams to Attorney General, 11 March 2003, 'Iraq: Meeting at No.10, 1PM'.
[244] Email DG OpPol-S to SofS-Private Office-S[MOD], 11 March 2003, 'Urgent for Peter Watkins' attaching Paper 'Questions for the Attorney General'.

"If the answer is yes to the above, can it be assumed that the Attorney will be able to confirm formally at the time that CDS's order to implement the planned operation would be a lawful order (anybody subject to military law commits an offence if he disobeys any lawful command).

"Comment: Notwithstanding the current uncertainties, when it comes to the crunch, CDS will need to be assured that his orders are lawful. As the Attorney points out in his letter, 'on previous occasions when military action was taken on the basis of a reasonably arguable case, the degree of public and Parliamentary scrutiny of the legal issue was nothing like as great as it is today'."

612. A minute from Mr Rycroft to Mr Blair described confirmation of the viability of the overall military plan as the "main purpose of the meeting".[245]

613. The record of the meeting on 11 March stated that Mr Blair had started by addressing the legal basis for military action. He stated that Lord Goldsmith's "advice made it clear that a reasonable case could be made" that resolution 1441 was "capable of reviving" the authorisation of resolution 678 (1990), "although of course a second resolution would be preferable".[246]

614. Other points recorded by Mr Rycroft included:

- Admiral Boyce said he "would need to put a short paragraph in his directive to members of the Armed Forces".
- The paragraph "should be cleared with the Attorney General".
- The UK would send the US a positive reply on its request to use Diego Garcia and RAF Fairford "in a day or two, with the usual conditions attached".
- Mr Hoon and Adm Boyce advised that "once we had given our approval, the US might give very little notice before the start of the campaign".
- Sir Andrew Turnbull asked whether a legal basis for military action was required for civil servants, as well as for members of the Armed Forces.
- Mr Hoon asked whether the Attorney General's legal advice was ever disclosed.
- Mr Blair asked for a quick study into the precedents for that.
- Adm Boyce told the meeting that he was "confident that the battle plan would work".
- Mr Blair stated that "we must concentrate on averting unintended consequences of military action. On targeting, we must minimise the risks to civilians."

615. A letter, formally confirming the UK's agreement to US use of Diego Garcia and RAF Fairford for operations to enforce Iraqi compliance with the obligations on WMD

---

[245] Minute Rycroft to Prime Minister, 11 March 2003, 'Iraq Military: 1300 Meeting'.
[246] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.

laid down in resolution 1441 and previous relevant resolutions, was sent to Dr Rice on 18 March.[247]

616. Mr Campbell wrote in his diaries that:

- Mr Hoon had "said he would be happier with a clearer green light from the AG".
- Mr Blair had been "really irritated" when Sir Andrew Turnbull had "said he would need something to put round the Civil Service that what they were engaged in was legal". Mr Blair was "clear we would do nothing that wasn't legal".
- Lord Goldsmith had provided "a version of the arguments he had put to TB, on the one hand, on the other, reasonable case".
- Mr Hoon had advised that the response to the "US request for the use of Diego Garcia and [RAF] Fairford" should be that it was "not … automatic but had to go round the system". Mr Blair had said he "did not want to send a signal that we would not do it".
- Mr Hoon and Mr Straw were telling Mr Blair that the US could act as early as that weekend, and "some of our forces would have to be in before".[248]

Mr Straw's minute to Mr Blair, 11 March 2003

617. Mr Straw advised Mr Blair that the UK and US should not push the second resolution to a vote if it could not secure nine votes and be certain of avoiding any vetoes.

618. Mr Straw suggested the UK should adopt a "strategy" based on the argument that Iraq had failed to take the final opportunity offered by resolution 1441, and that the last three meetings of the Security Council met the requirement for Security Council consideration of reports of non-compliance.

619. Mr Straw wrote to Mr Blair on 11 March setting out his firm conclusion that:

> "If we cannot gain nine votes and be sure of no veto, we should not push our second resolution to a vote. The political and diplomatic consequences for the UK would be significantly worse to have our … resolution defeated (even by just a French veto alone) than if we camp on 1441. [UN Secretary-General] Kofi Annan's comments last evening have strengthened my already strong view on this. Getting Parliamentary approval for UK military action will be difficult if there is no second resolution: but in my view marginally easier by the strategy I propose."[249]

---

[247] Letter Manning to Rice, 18 March 2003, [untitled].
[248] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[249] Minute Straw to Prime Minister, 11 March 2003, 'Iraq: What if We Cannot Win the Second Resolution?'.

620. Mr Straw set out his reasoning in some detail, making clear that it was predicated on a veto only by France. That was "in practice less likely than two or even three vetoes. The points made included:

- The upsides of defying "the" veto had been "well aired". It would "show at least we had a 'moral majority' with us".
- In public comments he and Mr Blair had kept their "options open on what we should do in the event that the resolution does not carry within the terms of the [UN] Charter". That had "been the correct thing to do". "In private we have speculated on what to do if we are likely to get nine votes, but be vetoed" by one or more of the P5.
- Although in earlier discussion he had "warmed to the idea" that it was worth pushing the issue to a vote "if we had nine votes and faced only a French veto", the more he "thought about this, the worse an idea it becomes".
- The intensive debate over Iraq in the last five months had shown how much faith people had in the UN as an institution; and that "far from having the 'moral majority' with us … we will lose the moral high ground if we are seen to defy the very rules and Charter of the UN on which we have lectured others and from which the UK has disproportionately benefitted".
- The "best, least risky way to gain a moral majority" was "by the 'Kosovo route' – essentially what I am recommending. The key to our moral legitimacy then was the matter never went to a vote – but everyone knew the reason for this was that Russia would have vetoed. (Then, we had no resolution to fall back on, just customary international law on humanitarianism; here we can fall back on 1441.)"
- The veto had been included in the UN Charter "for a purpose – to achieve a consensus". The UK could not "sustain an argument (politically, leave aside legally) that a distinction can be made between a 'reasonable' and an 'unreasonable' veto". That was a completely subjective matter.
- The "three recent meetings of the Council more than fulfil the requirement for immediate consideration of reports of non-compliance. So we can say convincingly that the process set out in 1441 is complete. If we push a second resolution to a veto, then the last word on the Security Council record is a formal rejection of a proposal that Iraq has failed to take its final opportunity."

621. Mr Straw advised that it would be "more compelling in Parliament and with public opinion to take our stand on the basis of 1441, and the overwhelming evidence that Iraq has not used the four months since then to co-operate 'immediately, unconditionally and actively'"; and that the UNMOVIC [clusters] document would be "a material help in making that case".

622. Mr Straw advised Mr Blair that he interpreted Mr Annan's "important" statement on 10 March:

> "… essentially as a gypsies' warning not to try and then fail with a second resolution. If the last current act of the Security Council on Iraq is 1441, we can genuinely claim that we have met Kofi's call for unity and for acting within (our interpretation of) the authority of the Security Council."

623. There was no reference in the minute to President Chirac's remarks the previous evening.

624. Mr Straw advised Mr Blair that it would not be possible to decide what the Parliamentary Labour Party (PLP) and the House of Commons would agree until deliberations in the Security Council had concluded. If a second resolution was agreed it would be "fine", but that was "unlikely". He added:

> "I sensed yesterday that sentiment might be shifting our way; but we would need to be very clear of the result before putting down a resolution approving military action. We could not possibly countenance the risk of a defeat …
>
> "But it need not be a disaster for you, the Government, and even more important for our troops, if we cannot take an active part in the initial invasion, provided we get on the front foot with our strategy.
>
> "I am aware of all the difficulties of the UK standing aside from invasion operations, not least given the level of integration of our forces with those of the US. But I understand that the US could if necessary adjust their plan rapidly to cope without us … [W]e could nevertheless offer them a major UK contribution to the overall campaign. In addition to staunch political support, this would include:
>
> - intelligence co-operation;
> - use of Diego Garcia, Fairford and Cyprus, subject to the usual consultation on targeting;
> - as soon as combat operations are over, full UK participation in the military and civilian tasks, including taking responsibility for a sector and for humanitarian and reconstruction work. We could also take the lead in the UN on securing the … resolution to authorise the reconstruction effort and the UN role in it which the US now agree is necessary."

625. Mr Straw concluded:

> "We will obviously need to discuss all this, but I thought it best to put it in your mind as event[s] could move fast. And what I propose is a great deal better than the alternatives. When Bush graciously accepted your offer to be with him all the way, he wanted you alive not dead!"

626. Mr Straw's minute was not sent to Lord Goldsmith or Mr Hoon.

627. Mr Straw's Private Office had separately replied on 11 March to a request from Sir David Manning for advice on the implications of the argument that a French veto would be unreasonable.[250]

628. In the reply, the FCO advised that there was "no recognised concept of an 'unreasonable veto'"; and warned that: "In describing a French veto as 'unreasonable' we would therefore be inviting others to describe any future vetoes as 'unreasonable' too." That could have implications in other areas "such as the Middle East". In addition, "describing the veto as unreasonable would make no difference to the legal position". There was "no implied condition" in the UN Charter that a veto was valid "only" if it was reasonable. There was "already pressure at the UN to abolish veto rights". And pressure could be expected to increase "if the argument that certain vetoes were 'unreasonable' – and could therefore be ignored – gained ground".

629. The UK was "on record as saying that the veto should only be used with restraint and in a manner consistent with the principles of the Charter".

Prime Minister's Questions, 12 March 2003

630. During Prime Minister's Questions on 12 March, Mr Blair stated that the UK would not do anything which did not have a proper legal basis.

631. In PMQs on 12 March Mr Blair focused on efforts to secure a second resolution and the importance for the UN of being seen to act in response to Saddam Hussein's failure to co-operate as required by resolution 1441 and of achieving unity in the international community.[251]

632. Mr Charles Kennedy, Leader of the Liberal Democrats, asked if the Attorney General had advised that a war in Iraq would be legal in the absence of a second resolution authorising force; Mr Richard Shepherd (Conservative) asked why a UN resolution was required; and Mr John Randall (Conservative) asked if Mr Blair would publish the legal advice.

633. In response, the points made by Mr Blair included:

- As he had "said on many occasions … we … would not do anything that did not have a proper legal basis".
- Resolution 1441 provided the legal basis and the second resolution was "highly desirable to demonstrate the will of the international community".
- It was not the convention to publish legal advice but it was "the convention to state clearly that we have a legal base for whatever action we take, and … we must have such a base".

---

[250] Letter Owen to Manning, 11 March 2003, 'Iraq: Security Council: Use of vetoes'.
[251] House of Commons, *Official Report*, 12 March 2003, columns 280-290.

634. In response to a question from Mr Kennedy about whether Mr Annan had said that action without a second resolution would breach the UN Charter, Mr Blair stated that Mr Annan had said that it was "important that the UN comes together". Mr Blair added that it was:

> "… complicated to get that agreement … when one nation is saying that whatever the circumstances it will veto a resolution."

635. Mr Kennedy wrote to Mr Blair later that day repeating his request that Mr Blair should publish Lord Goldsmith's advice.[252] A copy of the letter was sent to Lord Goldsmith.

Sir Jeremy Greenstock's discussions in New York, 12 March 2003

636. A UK proposal for a side statement setting out possible tests for Iraq attracted little support amongst Security Council members.

637. Sir Jeremy Greenstock suggested early on the afternoon of 12 March that in the Security Council that day the UK should:

- table a revised draft resolution explaining that the UK was "setting aside the ultimatum concept" in operative paragraph 3 of the draft of 7 March "because it had not attracted Council support";
- distribute a side statement with tests for Saddam Hussein, "explaining that the text was a national position to which the UK wanted as many Council Members as possible to adhere to maintain the pressure on Saddam"; and
- state that the deadline of the 17 March by which it had been proposed that Iraq should demonstrate full, immediate and active co-operation in accordance with resolution 1441 was "being reviewed".[253]

638. Sir Jeremy favoured using the open debate in the Security Council later that day to explain the UK move, adding: "At no point will I signal, in public or in private, that there is any UK fallback from putting this new text to a vote within 24-36 hours."

639. Sir Jeremy reported that he had explained the gist of the plan to Ambassador Negroponte who was briefing Secretary Powell for a conversation with President Bush.

640. Sir Jeremy had spoken to Mr Annan and had explained the UK concept of a side statement and tests which Saddam Hussein could meet "within the tight deadline we would offer (ideally 10 days)" if he "was serious about disarming". Council members "should be able to agree the concept we were offering as a way out of the current impasse".[254]

---

[252] Letter Kennedy to Prime Minister, 12 July 2003, [untitled].
[253] Telegram 419 UKMIS New York to FCO London, 12 March 2003, 'Iraq: Second Resolution'.
[254] Telegram 427 UKMIS New York to FCO London, 13 March 2003, 'Iraq: Call on the Secretary-General, 12 March'.

641. Sir Jeremy reported that he had stressed that the UK's objective "was the disarmament of Iraq by peaceful means if possible". The "aim was to keep a united Security Council at the centre of attempts to disarm Iraq", but calls for a "grace period for Iraq" of 45 days or longer were "out of the question". The UK would not amend the draft resolution tabled on 7 March:

> "… until it was clear that the new concept had a chance of succeeding. If the Council was interested, we might be able to move forward in the next day or so; if not, we would be back on the 7 March text and my instructions were to take a vote soon."

642. Sir Jeremy and Mr Annan had also discussed press reporting of Mr Annan's comments (on 10 March), "to the effect that military action without a Council authorisation would violate the UN Charter". Mr Annan said that he had been:

> "… misquoted: he had not been attempting an interpretation of 1441 but merely offering, in answer to a specific question, obvious thoughts about the basic structure of the Charter. Nevertheless the Council was seized of the Iraq problem and working actively on it. It had not yet reached a decision to authorise force; how … could it be right for some Member States to take the right to use force into their own hands?"

643. Sir Jeremy reported that he had "remonstrated that the Council was in paralysis: at least one Permanent Member had threatened to veto 'in any circumstances'. The Council was not shouldering its responsibilities."

644. Asked what the UK would do if it failed to get even nine votes, Sir Jeremy said:

> "… we would have to consider the next steps; but we believed we had a basis for the use of force in existing resolutions (based on the revival of the 678 authorisation by the material breach finding in OP1 of 1441, coupled with Iraq's manifest failure to take the final opportunity offered to it in that resolution) … OP12 … did not in terms require another decision. This was not an accidental oversight: it had been the basis of the compromise that led to the adoption of the resolution."

645. Sir Jeremy reported that he had "urged" Mr Annan "to be cautious about allowing his name to be associated too closely with one legal view of a complicated and difficult issue".

646. At Mr Annan's suggestion, Sir Jeremy subsequently gave the UN Office of Legal Affairs a copy of Professor Greenwood's memorandum to the FAC of October 2002 and Mr Straw's evidence to the FAC on 4 March 2003.

647. Mr Straw's evidence to the FAC is referred to in more detail in Section 3.7.

648. Sir Jeremy reported that Mr Annan had said "several times" that he "understood" what Mr Straw and Mr Blair "were trying to do, and expressed sympathy for the tough situation you found yourselves in". Sir Jeremy reported that Mr José Maria Aznar, the Spanish Prime Minister, was "in a similar predicament". The "US did not

always realise how comments intended by US politicians for US domestic audiences seriously damaged the position of their friends in other countries". In a conversation with President Chirac on 12 March, Mr Annan had "found him 'tough but not closed' to possible compromises".

649. On the same day Mr Straw informed Mr Igor Ivanov, the Russian Foreign Minister, that the UK was about to table a revised resolution, omitting the paragraph from the 7 March draft which contained the deadline of 17 March for Iraq to demonstrate that it had taken the final opportunity offered in resolution 1441 to comply with its obligations.[255]

Mr Blair's conversation with President Bush, 12 March 2003

650. In a telephone call with President Bush on 12 March Mr Blair proposed only that the US and UK should continue to seek a compromise in the UN, while confirming that he knew it would not happen. He would say publicly that France had prevented a resolution.

651. Much of the discussion focused on managing UK politics.

652. Mr Blair recognised that it would not be possible to agree a compromise in the Security Council before 17 March and that the US would not extend the deadline.

653. Mr Blair sought President Bush's help in handling the debate in the House of Commons planned for Tuesday 18 March, where he would face a major challenge to win a vote supporting military action.

654. Mr Blair wanted:

- **to avoid a gap between the end of the negotiating process and the Parliamentary vote in which France or another member of the Security Council might table a resolution that attracted a Council majority; and**
- **US statements on the publication of a Road Map on the Middle East Peace Process and the need for a further resolution on a post-conflict Iraq.**

655. On the afternoon of 12 March Mr Blair and President Bush discussed the latest position and discussions with Chile and Mexico.[256]

656. The conversation and discussions between Mr Straw and Secretary Powell about US concerns about UK diplomatic activity are addressed in more detail in Section 3.8.

---

[255] Telegram 46 FCO London to Moscow, 12 March 2003, 'Iraq: Foreign Secretary's Conversation with Russian Foreign Minister, 12 March'.
[256] Letter Rycroft to McDonald, 12 March 2003, 'Iraq: Prime Minister's Telephone Conversation with President Bush, 12 March'.

657. The UK subsequently circulated a draft side statement setting out the six tests to a meeting of Security Council members in New York on the evening of 12 March.[257] The draft omitted an identified date for a deadline and included the addition of a final clause stating:

> "The United Kingdom reserves its position if Iraq fails to take the steps required of it."

658. Sir Jeremy Greenstock commented that the initiative had resulted in:

"
- genuine expressions of warmth from the [undecided 6] for taking them seriously;
- recognition that the UK had made a real effort to find a way through for the Council;
- discomfiture of the negative forces, who sounded plaintive and inflexible in their questioning;
- finally, a bit of time. I can keep this going at least until the weekend."[258]

659. But:

- The UK had not achieved "any kind of breakthrough. The French, Germans and Russians will undoubtedly home in on the preambular section of the draft resolution and on the whiff of ultimatum in the side statement".
- There were "serious questions about the available time", which the US would "not help us to satisfy".

Cabinet, 13 March 2003

660. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution and, following the French decision to veto, the outcome remained open.

661. Mr Blair indicated that difficult decisions might be required and promised a further meeting at which Lord Goldsmith would be present.

662. Mr Straw told Cabinet that Iraq continued to be in material breach of resolution 1441 and set out his view of the legal position.

663. Mr Straw told Cabinet that there was "good progress" in gaining support in the Security Council.

664. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution. The UK had presented proposals for six "tests", "endorsed by Dr Blix", to judge whether Saddam Hussein had decided to commit himself to disarmament. Satisfying those tests would not mean that disarmament was complete, but that the

---

[257] Telegram 429 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Side-Statement'.
[258] Telegram 428 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Circulates Side-Statement: Part 2'.

first steps had been taken. The non-permanent members of the Security Council were uncomfortable with a situation where, "following the French decision to veto", the Permanent Members were "not shouldering their responsibilities properly". The "outcome in the Security Council remained open". If the United Nations process broke down, difficult decisions would be required and there would be another Cabinet meeting at which the Attorney General would be present.[259]

665. Mr Straw said that, although there were differences between members of the Security Council, "none was saying that Iraq was complying with its international obligations"; and that it "followed that Iraq continued to be in material breach" of those obligations.

666. On the legal basis for military action, Mr Straw said that he "was already on record setting out the position to the Foreign Affairs Committee". Mr Straw rehearsed the negotiating history of the resolution 1441, stating that:

- "the French and Russians had wanted a definition of what would constitute a material breach, but had settled for the facts being presented to the Security Council";
- "they had also wanted a statement that explicit authorisation was required for military action and instead had settled for further consideration by the Security Council …"; and
- failure by Iraq to comply with resolution 1441 "revived the authorisations existing" in resolutions 678 (1990) and 687 (1991).

667. Mr Straw noted that the Government's supporters had "a clear preference" for a second resolution but it "had not been seen as an absolute necessity". There had been "good progress" in New York in "gaining the support of uncertain non-permanent members of the Security Council, including Mexico and Chile".

668. Quoting from her diary, Ms Short wrote that she had asked for "a special Cabinet with the Attorney General present" and this had been agreed. She also reported saying, "if we have UN mandate, possible progress on Palestine/Israel and try with the second resolution process, it would make a big difference". She was "hopeful of progress".[260]

669. Ms Short had been advised by Mr Suma Chakrabarti, the DFID Permanent Secretary, that she should focus her intervention in Cabinet on the need for "a proper decision-making process", which would be "important both in substance and … for the politics". In his view, there were two key points to make:

> "Cabinet needs to discuss now the legal opinion of the Attorney General and how to make it public. This is vital for Ministers, our Armed Services and the Civil Service.

---

[259] Cabinet Conclusions, 13 March 2003.
[260] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

> "As soon as we are clear on the second resolution (whether it fails to get the necessary votes or is not put to a vote), Cabinet should meet again for a discussion on the politics and to put a proposition to Parliament for immediate debate."[261]

670. Mr Campbell wrote in his diaries that Lord Williams of Mostyn, the Leader of the House of Lords, had "said there would be a debate [in Cabinet] on the legality" and Ms Short had said Lord Goldsmith should be present. Mr Blair had "said of course he would".[262]

The continuing public debate

Media reports, 13 March 2003

671. On 13 March, several newspapers commented on the exchanges which had taken place in the House of Commons the previous day.

672. A leading article in *The Guardian* exhorted Mr Blair to "re-engage with Mr Chirac" and stated that he should:

> "… come clean about the legal advice that has been given to the Government by the Attorney General. Either the Attorney has advised that to wage war in defiance of a vetoed UN resolution is acceptable under international law, or he has advised that it is not. The difference is very important and the public has a right to know what has been advised. To say nothing is merely to sow suspicion. In the Commons yesterday, Mr Blair said that Britain was determined to act 'on a proper legal basis'. That has all the sound of a weasel formulation".[263]

673. In the same edition, the political editor referred to the exchanges in Parliament and to a radio interview in which Mr Kenneth Clarke (Conservative) had stated that the advice of the Law Officers had been made available on previous occasions.[264]

674. Articles in the *Financial Times* and *The Times* referred to the questions asked by Mr Kennedy and to the request that Lord Goldsmith's advice should be published.[265]

Parliamentary calls for a statement

675. In Parliament on 13 March, several MPs called for a statement on the Attorney General's advice regarding the legal basis for military action.

---

[261] Minute Chakrabarti to Secretary of State [DFID], 12 March 2003, 'Cabinet' 13 March 2003: Iraq'.
[262] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[263] *The Guardian*, 13 March 2003, *The need to get real: Blair is in denial about Iraq options.*
[264] *The Guardian*, 13 March 2003, *Threat of war: Publish advice on legality of war, opponents urge No.10.*
[265] *Financial Times*, 13 March 2003, *Iraq Crisis Blair Under Pressure; The Times,* 13 March 2003, *Resolute Blair insists that he will stay the course*.

676. MPs raised the issue of the Attorney General's advice later that day when Mr Robin Cook, Leader of the House of Commons, described the business of the House in the week to follow.

677. Mr Eric Forth (Conservative) asked:

> "Given that there is an increasing belief that the Attorney General's advice may well be against military action by this country, certainly if that takes place without United Nations cover, may we please have a statement in the House by the Solicitor General … as to the position with regard to the advice being given to the Prime Minister and the Government by the Attorney General on the legality of military action in Iraq?"[266]

678. Welcoming Conservative support for Mr Kennedy's request for access to the Attorney General's advice, Mr Paul Tyler (Liberal Democrat) stated:

> "… is it not right that the Law Officers are answerable to Parliament, not to the Government of the day. Surely it must be an exceptional circumstance when very important issues of international law are being challenged in the way implied by the Secretary-General of the United Nations? Should there not be a second Security Council resolution, is it not absolutely essential that the Law Officers make a statement prior to any debate in this House?"[267]

679. Several MPs made reference to the authoritative work *Parliamentary Practice* by Erskine May (see Box below).

Erskine May

Thomas Erskine May's *Parliamentary Practice* is an authoritative source of information and guidance on Parliamentary practice and procedure and British constitutional law.

The 22nd edition, current in 2001, contained the following paragraph entitled "Law officer's opinions":

> "The opinions of the law officers of the Crown, being confidential, are not usually laid before Parliament, cited in debate or provided in evidence before a select committee, and their production has frequently been refused; but if a Minister deems it expedient that such opinions should be made known for the information of the House, he is entitled to cite them in the debate."[268]

680. Mr Andrew Mackay (Conservative) asked:

> "… is it not very important indeed that the Prime Minister should let us see this legal advice, ahead of the debate next week?"[269]

---

[266] House of Commons, *Official Report*, 13 March 2003, column 430.
[267] House of Commons, *Official Report*, 13 March 2003, column 430.
[268] Erskine May T. *Parliamentary Practice, 22nd Edition*. Butterworths, 1977.
[269] House of Commons, *Official Report*, 13 March 2003, column 437.

681. Referring to the fact there were precedents for the disclosure of the Law Officers' advice, Mrs Alice Mahon (Labour) said: "In these circumstances – these exceptional circumstances – it is absolutely vital that we get that advice."

682. Mr Andrew Mitchell (Conservative) said that the Prime Minister "should bring into the public domain the advice that has been given by the Attorney General".[270]

683. Mr Robert Wareing (Labour) asked:

> "Is it not imperative that we have a statement about the advice given by the Attorney General? Members of Parliament who vote for an aggressive war launched by America and its collaborators and may be culpable and may be committing an offence if the Attorney General's advice were that Britain was going against international law."[271]

684. Further calls for a statement were made during points of order by Mr William Cash, the Shadow Attorney General, Mr John Burnett (Liberal Democrat), Mr Mark Francois (Conservative) and Ms Lynne Jones (Labour).[272]

The legal basis for military action

Lord Goldsmith's change of view, 13 March 2003

685. Lord Goldsmith informed his officials on 13 March that, after further reflection, he had concluded earlier that week that on balance the "better view" was that there was a legal basis for the use of force without a further resolution.

686. Lord Goldsmith reached this view after he had been asked by both Admiral Boyce and Ms Juliet Wheldon, the Treasury Solicitor, to give a clear-cut answer on whether the "reasonable case" was lawful rather than unlawful.

687. This view was the basis on which military action was taken.

688. Mr Martin Hemming had written to Mr Brummell on 12 March stating:

> "It is clear that legal controversy will undoubtedly surround the announcement of any decision by the Government to proceed to military action in the absence of the adoption of a further resolution by the UN Security Council. The CDS is naturally concerned to be assured that his order to commit UK Armed Forces to the conflict in such circumstances would be a lawful order by him. I have informed the CDS that if the Attorney General has advised that he is satisfied that the proposed military action by the UK would be in accordance with national and international law, he [CDS] can properly give his order committing UK forces.

---

[270] House of Commons, *Official Report*, 13 March 2003, column 438.
[271] House of Commons, *Official Report*, 13 March 2003, column 440.
[272] House of Commons, *Official Report*, 13 March 2003, columns 444 and 446.

> "In view of the rapidly developing situation, I thought that the Attorney would wish to know what I have said on this question."[273]

689. Lord Goldsmith met Mr Brummell and Ms Adams at 1300 on 13 March.[274]

690. In a minute approved by Lord Goldsmith, Mr Brummell wrote that Lord Goldsmith had told him that:

> "… he had been giving further careful consideration to his view of the legal basis for the use of force against Iraq … It was clear … that there was a sound basis for the revival argument in principle …
>
> "The question was whether the conditions for the operation of the revival doctrine applied in this case. The Attorney confirmed that, after further reflection, he had come to the clear view that on balance the better view was that the conditions for the operation of the revival argument were met in this case, i.e. there was a lawful basis for the use of force without a further resolution beyond resolution 1441."[275]

691. Addressing the key provisions of resolution 1441, Mr Brummell reported that Lord Goldsmith had stated:

> "… the crucial point … was that OP12 did not stipulate that there should be a further decision of the SC before military action was taken, but simply provided for reports of any further breaches by Iraq to be considered by the SC. In the absence of a further decision by the SC, the Attorney General thought that the better view was that resolution 1441 itself revived resolution 678 and provided the legal basis for use of force. (It was, moreover plain that Iraq had failed to take the final opportunity afforded to it and continued to be in material breach: not a single member of the SC considered that Iraq had complied.)"

692. Lord Goldsmith had:

> "… fully taken into account the contrary arguments. In coming to his concluded view … he had been greatly assisted by the background material he had seen on the history of the negotiation of resolution 1441 and his discussions with both Sir Jeremy Greenstock and the US lawyers …"

693. Lord Goldsmith's view was:

> "It was apparent from this background material that members of the Council were well aware that a finding of material breach by the SC was tantamount to authorising the use of force (through the operation of the revival doctrine). It was for this very reason that the French had been keen to avoid the finding of a material breach

---

[273] Letter Hemming to Brummell, 12 March 2003, 'Iraq – Position of the CDS'.
[274] Diary extract Attorney General, 13 March 2003.
[275] Minute Brummell, 13 March 2003, 'Iraq: Legal Basis for Use of Force – Note of Discussion with Attorney General Thursday, 13 March 2003'.

and had argued for the fire-break provision in OP2, so as to prevent automaticité. And in relation to OP12 it was evident that the French, who had pressed hard for a reference to a 'decision' (as a pre-condition to use of force), appreciated that, as the final text provided only for the SC to 'consider' Iraq's further breaches, the way was left open for the operation of the revival argument in the event that the SC did not come to any decision."

694. Lord Goldsmith had:

"… explained that in his minute of 7 March he had wanted to make sure that the Prime Minister was fully aware of the competing arguments. He was clear in his own mind, however, that the better view was that there was a legal basis without a second resolution. He had come to this concluded view earlier in the week."

695. Lord Goldsmith and Mr Brummell agreed that:

- It would be proper for Mr Brummell to confirm to Mr Hemming that the proposed military action would be in accordance with national and international law.
- It would be necessary to prepare a statement setting out the Attorney's view of the legal position which could be deployed at Cabinet and in Parliament the following week.

696. Mr Brummell wrote to Mr Hemming on 14 March to "confirm" that Lord Goldsmith was "satisfied that the proposed military action by the UK would be in accordance with national and international law".[276]

697. Copies of the letter were sent to the Private Offices of Mr Hoon, Admiral Boyce and Sir Kevin Tebbit, as well as to Mr Desmond Bowen (Cabinet Office) and Ms Wheldon.

698. Gen Jackson told the Inquiry that the Chiefs of Staff had seen Lord Goldsmith's advice of 7 March.[277]

699. In his memoir, Gen Jackson wrote that the Chiefs of Staff had discussed the issue of the legal basis for military action and "collectively agreed that we needed to be sure of the ground".[278] Adm Boyce had "on behalf of us all, sought the Attorney General's assurances on the legality of the planned action" and the Chiefs had accepted his advice.

700. Gen Jackson told the Inquiry that a similar assurance had been sought and received in relation to military action in Kosovo in 1999.[279]

---

[276] Letter Brummell to Hemming, 14 March 2003, 'Iraq – Position of the CDS'.
[277] Public hearing, 28 July 2010, page 36.
[278] Jackson M. *Soldier: The autobiography of General Sir Mike Jackson,* Bantam Press, 2007.
[279] Public hearing, 28 July 2010, page 38.

701. Lord Goldsmith told the Inquiry that he had reached his "better view" after he had received a letter from the Ministry of Defence stating that Adm Boyce needed "a yes or no answer" on whether military action would be lawful and, as requested by Sir Andrew Turnbull, a visit from Ms Wheldon asking the same question on behalf of the Civil Service.[280]

702. Lord Boyce told the Inquiry:

> "… the propriety and/or the legality of what we were about to do was obviously a concern of mine, not least of it, since, somewhat against my better instincts, we had signed up to the ICC [International Criminal Court]. I always made it perfectly clear to the Prime Minister face-to-face, and, indeed, to the Cabinet, that if we were invited to go into Iraq, we had to have a good legal basis for doing so, which obviously a second resolution would have completely nailed."[281]

703. Lord Boyce added:

> "… that wasn't new, it was something which I had told the Prime Minister that I would need at the end of the day, long before March. This is back in January when we started to commit our forces out there, and, as you say, I received that assurance. This was an important issue, particularly because of the speculation in the press about the legality or otherwise and, as far as I was concerned particularly for my constituency, in other words, soldiers, sailors and airmen and their families had to be told that what they were doing was legal. So it formed the first line of my Operational Directive which I signed on 20 March, and it was important for me just to have a one-liner, because that was what was required, as far as I was concerned, from the Government Law Officer, which, as you say, I received."[282]

704. Lord Goldsmith told the Inquiry:

> "… there were a number of things which happened after 7 March. It was becoming clear, though it hadn't yet become definitive, that the second resolution was going to be very difficult to obtain.
>
> "… But most importantly … I had been presented with a letter which had come from the Ministry of Defence, which reflected the view of CDS, and which was … calling for this clear view, a yes or no answer, as I think he has put it.
>
> "At about the same time, I also received a visit from Juliet Wheldon … the Treasury Solicitor. I understood her to be speaking on behalf of the Civil Service, and, indeed, from what I now know, I suspect, believe, she would at least have been encouraged to do that by the Cabinet Secretary on behalf of the Civil Service.

---

[280] Public hearing, 27 January 2010, pages 184-5.
[281] Public hearing, 3 December 2009, page 82.
[282] Public hearing, 3 December 2009, pages 88-89.

"Both of them in a sense were saying the same thing. They were saying, 'We are potentially at risk personally if we participate', or, in the case of the Civil Service, 'assist in war, if it turns out to be unlawful, and therefore, we want to know whether the Attorney's view is yes or no, lawful'.

"That seemed to me to be actually a very reasonable approach for them to take …"[283]

705. Lord Goldsmith told the Inquiry that he:

"… very quickly saw that actually this wasn't satisfactory from their point of view. They deserved more … than my saying there was a reasonable case.

"So, therefore it was important for me to come down clearly on one side of the argument or the other, which is what I proceeded to do."[284]

706. Lord Goldsmith added:

"… until the Civil Service and the … Services said they wanted this clear view, I was working … I take full responsibility for this, but it was with the approval of my office on the basis that saying there was a reasonable case was a green light. It was sufficient for the Government, and if the Cabinet and, as it turns out, the House of Commons, took the view that it was the right thing to do, then we had done enough to explain what the legal basis was and to justify it.

"But when they came with their request, I then saw that actually that wasn't fair on them."

707. Asked how the case had suddenly become stronger, Lord Goldsmith replied:

"It is the decision you make about it. You make a judgment. You say 'I'm asked to advise whether there is a reasonable case', and you examine all the evidence and you say, 'Yes there is a reasonable case'. You don't need to go any further, and in that respect, I can see with hindsight, that I was being overly cautious.

"Then somebody says to you, 'Actually, I don't want to know whether you say there is a reasonable case, I want to know whether or not you consider that it will be lawful.'

"Well, I regard that as a different question and you then have to answer it."[285]

708. Asked why he was able to give the Armed Forces a more certain answer without providing more legal arguments, Lord Goldsmith replied:

"Well, not on the basis of more legal argument, but on the basis of asking a different question. This is, in a sense, why I'm saying 'with hindsight'. I would have liked to

[283] Public hearing, 27 January 2010, pages 183-184.
[284] Public hearing, 27 January 2010, page 171.
[285] Public hearing, 27 January 2010, page 172.

have known before the following week that what the Armed Services and the Civil Service expect was not what had been the precedent given in the past that they wanted more, they wanted an unequivocal answer. Had I known that, then I would have approached the question differently, and I'm simply saying that I was cautious in not going further than I needed to do on 7 March."[286]

709. Asked whether the difficulties in the Security Council had made it more important to know if there was a sufficient legal basis for military action, Lord Goldsmith replied: "Yes."[287]

710. Asked whether Mr Blair had asked him to come up with a definitive position, Lord Goldsmith told the Inquiry:

"I don't recall it that way. The way it may have been seen by others or interpreted by others or recollected by others, I don't know, but I don't recall the Prime Minister asking for that, no, definitely not."[288]

711. Asked whether the huge pressure on the Government, including Mr Blair's personal future, had weighed on him, Lord Goldsmith said:

"The consequences for the Government did not … What did matter to me, of course, was the United Kingdom as a country and the people that we would have been asking to take part in this with a potential personal responsibility, and I did believe it was right to respond to the request from the head of the Armed Services … That weighed with me."[289]

712. Asked whether the possibility of troops who had been deployed to the area being withdrawn as a consequence of his advice weighed upon him Lord Goldsmith said:

"No. Those sorts of consequences are not what the lawyer has to take into account. What the lawyer has to do is to weigh up the arguments and evidence carefully and reach what he believes is the correct legal view, whatever the consequences may be."[290]

713. The Inquiry asked Mr Blair what discussions he or others under his instruction had with Lord Goldsmith between 7 March, when he had received Lord Goldsmith's formal advice, and 13 March. Mr Blair said:

"I can't recall any specific discussions that I had. I don't know whether others would have had with him before 13 March, but essentially what happened was this: he gave legal advice, he gave an opinion saying, 'Look, there is this argument against it, there is this argument for it. I think a reasonable case can be made' and obviously

---

[286] Public hearing, 27 January 2010, page 173.
[287] Public hearing, 27 January 2010, page 187.
[288] Public hearing, 27 January 2010, page 189.
[289] Public hearing, 27 January 2010, pages 190-191.
[290] Public hearing, 27 January 2010, page 191.

> we then had to have a definitive decision, and that decision is: yes, it is lawful to do this or not."[291]

714. Asked if it had been of considerable relief to him when Lord Goldsmith came to the better view that resolution 1441 authorised the use of force without a further resolution, Mr Blair replied:

> "Yes, and the reason why he had done that was really very obvious, which was that the Blix reports indicated quite clearly that Saddam had not taken the final opportunity."[292]

Preparing the legal case

715. Lord Goldsmith had several meetings on the afternoon of 13 March.

716. The primary purpose of the meetings appears to have been discussion of the arrangements for preparing statements on the legal basis for action for Cabinet and Parliament.

717. A team was established to help Lord Goldsmith to explain in public the legal basis "as strongly and unambiguously as possible".

718. By the afternoon of 13 March, the UK and the US were discussing announcing the withdrawal of the draft resolution in the Security Council on 17 March and a planned debate in the House of Commons on 18 March.

719. Mr Brummell recorded that Lord Goldsmith had agreed on 13 March to explore whether Professor Greenwood:

> "… could be instructed now, for the purpose of assisting in the development of the legal arguments in support of the view that there was a sound legal basis for the use of force without a second resolution. This would be useful both in terms of preparing the public statement of the legal position and in terms of being ready to meet any legal challenge at short notice."[293]

720. A postscript to Mr Brummell's note indicated that Lord Goldsmith had spoken to Professor Greenwood "later that morning", who confirmed that he shared Lord Goldsmith's analysis of the legal position and that "he also considered that the better view was that a second resolution was not legally necessary".

721. Ms Adams wrote to Professor Greenwood "following" his "conversation with the Attorney General this morning", requesting his "assistance in drawing up a paper setting out the legal arguments which may be made in support of the view that military action

---

[291] Public hearing, 29 January 2010, page 156.
[292] Public hearing, 29 January 2010, page 158.
[293] Minute Brummell, 13 March 2003, 'Iraq: Legal Basis for Use of Force – Note of Discussion with Attorney General Thursday, 13 March 2003'.

may be taken against Iraq to enforce the terms of the UNSCR in the absence of a further resolution of the Security Council".[294]

722. Ms Adams stated that there were two issues to consider:

- "Is the revival argument valid?"; and
- "Is resolution 1441 sufficient?"

A "conference" with Lord Goldsmith had been arranged for 1630 that afternoon.

723. Lord Goldsmith met Lord Mayhew, the Conservative Attorney General from 1987 to 1992, late on the afternoon of 13 March.[295]

724. Lord Goldsmith told the Inquiry that Lord Mayhew had asked for the meeting because he had wanted, and been given, Lord Goldsmith's view; and that in the debate on the legality of the use of force in Iraq in the House of Lords on 17 March, Lord Mayhew had professed himself in agreement with Lord Goldsmith's view.[296]

725. Lord Goldsmith's meeting with Lord Mayhew was followed by one with Mr Straw, which Mr Brummell also attended.[297]

726. In what was described as a "lengthy meeting", Lord Goldsmith was reported to have said that "having decided to come down on one side (1441 is sufficient), he had also decided that in public he needed to explain his case as strongly and unambiguously as possible".[298] A legal team under Professor Greenwood was "now working" on that. Mr Straw arranged for Mr Macleod and Mr Patrick Davies, one of his former Private Secretaries, to join the team.

727. Mr Straw's request that the team should produce a draft letter explaining the legal position for him to send to the Chairman of the Foreign Affairs Committee (FAC) had been agreed. Mr Straw's Private Office also recorded that Lord Goldsmith had said "he thought he might need to tell Cabinet when it met on 17 March that the legal issues were finely balanced".

728. The record stated that Mr Straw had responded by saying that Lord Goldsmith:

> "… needed to be aware of the problem of leaks from … Cabinet. It would be better, surely, if the Attorney General distributed the draft letter from the Foreign Secretary to the FAC as the basic standard text of his position and then made a few comments. The Attorney General agreed."

---

[294] Letter Adams to Greenwood, 13 March 2003, 'Iraq: Resolution 1441'.
[295] Diary extract Attorney General, 13 March 2003.
[296] Public hearing, 27 January 2011, page 197.
[297] Diary extract Attorney General, 13 March 2003.
[298] Minute McDonald, 17 March 2003, 'Iraq: Meeting with the Attorney General'.

729. Lord Goldsmith told the Inquiry that the main thrust of the meeting with Mr Straw on 13 March was planning for what was going to happen.[299]

730. Asked if the record of the meeting on 13 March made by Mr Straw's Private Office reflected his recollection of the decision on how to present his legal advice to Cabinet, Lord Goldsmith replied:

> "It isn't actually. There wasn't any question of distributing the longer FAC document as my opinion. That wasn't at all what I was going to do."[300]

731. A note on the Attorney General's file listed the "further material to be assembled", as discussed by Lord Goldsmith and Mr Straw, as "evidence showing" that Iraq was "in further material breach", as:

"
- Any examples of false statements/omissions and (significant) non-co-operation reported to Security Council pursuant to OP4 of SCR 1441.
- Any examples of Iraqi interference reported by Blix or ElBaradei [Dr Mohamed ElBaradei, the Director General of the IAEA] to the Council pursuant to OP11.
- For these purposes, we need to trawl through statements from the draft Command Paper on Iraqi non-compliance which is to be published.
- See attached FCO paper Iraqi non-compliance with UNSCR 1441 of 13 March 2003."[301]

Lord Goldsmith's meeting with Lord Falconer and Baroness Morgan, 13 March 2003

732. The last meeting in Lord Goldsmith's diary on 13 March was with Lord Falconer, who in March 2003 was the Minister of State in the Home Office responsible for Criminal Justice, and Baroness Morgan.

733. Lord Goldsmith informed Lord Falconer and Baroness Morgan of his clear view that it was lawful under resolution 1441 to use force without a further UN resolution.[302]

734. Asked to comment on press allegations to the effect that he had been "more or less pinned to the wall at a Downing Street showdown with Lord Falconer and Baroness Morgan who allegedly had performed a pincer movement" on him, Lord Goldsmith told the Inquiry that that was:

> "… absolute complete and utter nonsense. I had not spoken to Lord Falconer about this issue before. When I saw them [on 13 March] I, of course, had reached my

---

[299] Public hearing, 27 January 2010, page 198.
[300] Public hearing, 27 January 2010, page 213.
[301] File note [on Attorney General's files], [undated], 'Iraq Further Material to be Assembled (as discussed by the Attorney General and Foreign Secretary on 13 March 2003)'.
[302] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 381.

opinion, I communicated it to my officials, to the Foreign Secretary and as it happens to Lord Mayhew as well. There was no question of them performing a pincer movement."[303]

735. Lord Goldsmith told the Inquiry:

"I told them the conclusion that I had reached, and I think briefly why, and I think we then went on to discuss – I think by that stage it was known that there was going to be a debate the following Monday in the House of Lords, and I think we discussed something about how that debate would be dealt with, the debate on the legality issue, I think a Liberal Democrat Peer put down a motion."[304]

736. Asked for a statement about the purpose of her involvement in a number of meetings with Lord Goldsmith throughout the period before 18 March 2003, Baroness Morgan wrote that the purpose of the meetings was to share information.[305] Her role was to explain her perception of the Parliamentary and political mood. She was aware of claims that she had somehow exerted pressure on the Attorney General to alter his advice to provide a legal justification for military action, but wished to state without equivocation that such allegations were untrue:

"… at no point during any discussion at which I was present did I witness any effort to engage with Lord Goldsmith as to the correctness of his legal analysis. I am certain there was never any attempt by me, or by anyone else present, at any of the four meetings to challenge the Attorney's legal analysis **or otherwise to influence the Attorney's legal opinion."**

737. On 15 March, Baroness Morgan informed Mr Campbell by email that the Attorney General would "make clear during the course of the week that there [was] a sound legal basis for action should that prove necessary".[306]

Mr Blair's conversation with President Bush, 13 March 2003

738. On 13 March, Mr Blair and President Bush discussed withdrawing the draft resolution on 17 March followed by a US ultimatum to Saddam Hussein to leave within 48 hours. There would be no US military action until after the vote in the House of Commons on 18 March.

739. Mr Blair and President Bush discussed the prospects for a vote in the House of Commons and a 'Road Map' for the Middle East on 13 March.[307]

---

[303] Public hearing, 27 January 2010, page 201.
[304] Public hearing, 27 January 2010, page 202.
[305] Statement, 5 August 2011, pages 2-4.
[306] Email Morgan to Campbell, 15 March 2003, 'AG'.
[307] Letter Cannon to McDonald, 13 March 2003, 'Iraq and MEPP: Prime Minister's Conversation with Bush, 13 March'.

740. On the UN draft resolution, Mr Blair commented that the "haggling over texts in New York was frustrating and muddied the waters. But it was buying the vital time we needed this weekend."

741. A discussion on the military timetable was reported separately.[308] It was envisaged that the withdrawal of the resolution on 17 March would be followed by a speech from President Bush which would give Saddam Hussein an ultimatum to leave within 48 hours. President Bush would call for freedom for the Iraqi people and outline the legal basis for military action.

742. There would be no military action before a vote in the UK Parliament on 18 March. President Bush would announce the following day that military action had begun. The plan was for the main air campaign to begin on 22 March.

Confirmation of Mr Blair's view

The exchange of letters on 14 and 15 March 2003

743. On 14 March, Lord Goldsmith asked for confirmation of Mr Blair's view that Iraq had "committed further material breaches as specified in [operative] paragraph 4 of resolution 1441".

744. Mr Brummell wrote to Mr Rycroft on 14 March:

> "It is an essential part of the legal basis for military action without a further resolution of the Security Council that there is strong evidence that Iraq has failed to comply with and co-operate fully in the implementation of resolution 1441 and has thus failed to take the final opportunity offered by the Security Council in that resolution. The Attorney General understands that it is unequivocally the Prime Minister's view that Iraq has committed further material breaches as specified in [operative] paragraph 4 of resolution 1441, but as this is a judgement for the Prime Minister, the Attorney would be grateful for confirmation that this is the case."[309]

745. In his response on 15 March, Mr Rycroft recorded that it was Mr Blair's "unequivocal view that Iraq is in further material breach of its obligations, as in OP4 of UNSCR 1441".

746. Mr Rycroft replied to Mr Brummell on 15 March:

> "This is to confirm that it is indeed the Prime Minister's unequivocal view that Iraq is in further material breach of its obligations, as in OP4 of UNSCR 1441, because of 'false statements or omissions in the declarations submitted by Iraq pursuant

---

[308] Letter Cannon to McDonald, 13 March 2003, 'Iraq: Military Timetable'.
[309] Letter Brummell to Rycroft, 14 March 2003, 'Iraq'.

to this resolution and failure to comply with, and co-operate fully in the implementation of, this resolution'."[310]

747. Lord Goldsmith gave evidence to the Inquiry about the purpose of this exchange of letters.

748. Lord Goldsmith told the Inquiry:

"… if this ever came to court … we would have to persuade a court of our interpretation of 1441, but they would also say, 'What's the evidence that they [Iraq] did actually fail?', and I was saying, at that stage, there needs to be strong factual evidence of failure."[311]

749. Lord Goldsmith described a briefing from Mr John Scarlett focused on the question of Iraqi compliance:

"… the clear intelligence, the clear advice I was being given by him was that Saddam Hussein in Iraq had not complied with the resolution, not just that there were specific elements of … serious non-co-operation, including, for example, intimidation of potential interviewees …"[312]

750. Asked what his opinion was on the weight of the intelligence, Lord Goldsmith replied:

"At the end of the day … like any lawyer who is dependent upon the facts from his client - I was dependent upon the assessment by the Government which had all the resources it had … and that was why I particularly wanted to be sure … the week before the events, that the Prime Minister, who did have access to all that information, was of the view that there had been a failure."[313]

751. Lord Goldsmith stated that the UK Government did not have to decide whether there had been a material breach, because:

"… the pre-determination had been made [by the Security Council in resolution 1441] that if there was a failure, it would be a material breach … we had to decide whether there was a failure but, if there was a failure, then the Security Council's pre-determination would come in and clothe that with the character of material breach."[314]

752. Addressing the purpose of seeking Mr Blair's views, Lord Goldsmith stated:

"First of all, because it did depend upon the failure, it was important to point out you need to be satisfied about that and secondly, I wanted the Prime Minister,

---

[310] Letter Rycroft to Brummell, 15 March 2003, 'Iraq'.
[311] Public hearing, 27 January 2010, pages 162-163.
[312] Public hearing, 27 January 2010, page 163.
[313] Public hearing, 27 January 2010, page 164.
[314] Public hearing, 27 January 2010, page 167.

consciously and deliberately to focus on that question. I wanted it to be a question that he would really apply his mind to. Forgive me for even suggesting that he wouldn't have done. That wasn't the point. That he should have focused his mind on whether there was, in fact, a failure, and that was the purpose of saying, 'I want this in writing', it was so there was a really conscious consideration of that."[315]

753. Lord Goldsmith later stated:

"I think I'm saying two things. First of all, I wasn't actually saying there needed to be a declaration by him [Mr Blair]. I was saying 'You need to be satisfied. You need to judge that there really is a failure to take the final opportunity. You need to judge that on the basis of the resources, the intelligence and the information that you have got' … This was going to be a very controversial decision, whichever way it went. There would be a lot of scrutiny. We had had sort of legal actions bubbling up already. So, 'whereas in the past a reasonable case was sufficient, you can expect a degree of scrutiny on this occasion'."[316]

754. Lord Goldsmith told the Inquiry that he had received Mr Blair's view orally, but thought it was important to have it in writing.[317]

755. In his statement, Lord Goldsmith wrote:

"I was asking the Prime Minister to confirm that Iraq had submitted false statements or omissions in its declarations submitted pursuant to the resolution and had failed to comply with and co-operate fully in the implementation of resolution [1441] so that the authority to use force under resolution 687 revived."[318]

756. In response to the question whether Mr Blair could decide if Iraq was in further material breach of resolution 1441, Lord Goldsmith wrote: "No."[319]

757. Lord Goldsmith added:

"Only the Security Council could decide whether or not a particular failure or set of failures by Iraq to meet an obligation imposed by the Security Council resolution had the quality of being a 'material breach' of resolution 687."[320]

---

[315] Public hearing, 27 January 2010, page 168.
[316] Public hearing, 27 January 2010, page 175.
[317] Public hearing, 27 January 2010, pages 210-211.
[318] Statement, 4 January 2011, paragraph 5.1.
[319] Statement, 4 January 2011, paragraph 5.2.
[320] Statement, 4 January 2011, paragraph 5.3.

758. Lord Goldsmith's view that resolution 1441 authorised the use of force relied on the conclusion that OP4:

> "… constituted a determination in advance that if the particular set of circumstances specified in it arose, so that Iraq failed to take the final opportunity it had been given, that would constitute a further material breach.
>
> "The resolution therefore constituted authority for the use of force provided that such a factual situation had occurred, namely that Iraq had failed to comply with and co-operate fully in the implementation of the resolution. In that event a Council discussion would need to take place.
>
> "I had concluded that in any such Council discussion the assessment contemplated by OP4 was not an assessment of the quality of the breaches, since the Council had already resolved that any failure on Iraq's part would constitute a material breach, but rather an assessment of the situation as a result of those breaches having occurred … Accordingly, the Council did not need to conclude that breaches had taken place (though I believe that at the discussion no member of the Security Council took the view that they had not occurred).
>
> "Nonetheless the authorisation in resolution 678 could not revive unless in fact breaches had occurred. We needed therefore to be satisfied that this factual situation existed, and to be in a position if necessary to justify that to a court. That was why I said … that there would have to be strong factual grounds for concluding that Iraq had failed to take the final opportunity."[321]

759. Lord Goldsmith wrote:

> "As I explained giving my oral evidence, this was an issue on which I wanted the Prime Minister consciously and deliberately to focus, hence my request for written confirmation that he had reached this view."[322]

Mr Blair's view

760. *The Review of Intelligence on Weapons of Mass Destruction* ('The Butler Report') records it was:

> "… told that, in coming to his view that Iraq was in further material breach, the Prime Minister took account both of the overall intelligence picture and of information from a wide range of other sources, including especially UNMOVIC information."[323]

---

[321] Statement, 4 January 2011, paragraphs 5.6-5.7.
[322] Statement, 4 January 2011, paragraph 5.7.
[323] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898, paragraph 385.

761. Mr Blair told the Liaison Committee on 21 January 2003 that, if the reported breach was a pattern of behaviour rather than conclusive proof would require "more considered judgement".[324]

762. As the Inquiry indicates in Sections 3.7 and 3.8, Mr Blair and his advisers in No.10 had been very closely involved, particularly since the beginning of March, in examining the reports of the UN weapons inspectors and had access to advice from the JIC on the activities of the Iraqi regime.

763. In his 7 March advice Lord Goldsmith had advised that Mr Blair "would have to consider extremely carefully whether the evidence of non-co-operation and non-compliance by Iraq [was] sufficiently compelling to justify the conclusion that Iraq had failed to take its final opportunity".

764. But Mr Blair did not seek and did not receive considered advice from across government specifically examining whether the evidence was "sufficiently compelling" to provide the basis for a judgement of this magnitude and seriousness.

765. In mid-March, UNMOVIC was reporting increased co-operation, and the IAEA had confirmed that Iraq had no nuclear weapons or nuclear weapons programmes.

766. The Inquiry has not seen any evidence of consideration of whether the reports by UNMOVIC and the IAEA to the Security Council during January to March 2003 constituted reports to the Council under OP11 of resolution 1441; or whether the subsequent Security Council discussions constituted "consideration" as required by OP12.

767. There was clearly no majority support in the Security Council for a conclusion that the process set in hand by resolution 1441 had reached the end of the road.

768. Asked if he had been working from the definition of material breach set out by Mr Straw in November 2002, Mr Blair told the Inquiry:

> "Yes, absolutely."[325]

769. Asked about the process that he had followed before giving the determination requested by Lord Goldsmith, Mr Blair told the Inquiry:

> "We went back over the Blix reports and it was very obvious to me, particularly on the subject of interviews, that they weren't co-operating. They were co-operating more, as you rightly say. They started to give out a little bit more, but there was

---

[324] Minutes, Liaison Committee (House of Commons), 21 January 2003 [Minutes of Evidence], Q&A 24.
[325] Public hearing, 21 January 2011, page 111.

absolutely nothing to suggest that this co-operation was full, immediate and unconditional. It was actually not full, not immediate. In fact, even Blix himself said it wasn't immediate even on 7 March and was not unconditional.

"In addition to that I had I think JIC Assessments as well … where it was clear that Saddam was putting heavy pressure internally on people not to co-operate …"[326]

770. The Inquiry asked Mr Blair whether the process had involved only No.10 or if he had consulted more widely, Mr Blair stated:

"I am sure I would have spoken to Jack [Straw] particularly at the time … I don't recollect … This literally was the whole time a conversation … [O]ur view was that he [Saddam Hussein] was not co-operating in the terms of 1441, and that … remains my view today that he wasn't, and that he … never had any intention of doing that.

"Now it is correct … that he was offering up more, but … even in February he wasn't offering up what they were asking him."[327]

771. Asked whether he was comfortable with the situation whereby the Prime Minister confirmed the existence of a further material breach at a time when the head of the IAEA had reported there was no nuclear programme and the head of UNMOVIC was reporting improved co-operation. Mr Straw replied:

"Yes … and if I had not been I wouldn't have stayed in the Cabinet …"[328]

772. Mr Straw added that the two tests in OP4 were "conjunctive" not "disjunctive", and that:

"What OP4 talks about is false statements or omissions in the declarations. Well, the declaration was incomplete. There was no question about that. And …

"… They did fail to comply fully. The obligation on them was not to comply a bit … The obligation on Iraq was to comply fully. It is a positive obligation on them, not a negative one, not to disregard the whole of the resolution, and they had failed to do that."[329]

773. The Government motion tabled for the debate on 18 March included provisions asking the House of Commons to:

- note that in the 130 days since resolution 1441 was adopted Iraq had not co-operated actively, unconditionally and immediately with the weapons inspectors, and had rejected the final opportunity to comply and is in further

[326] Public hearing, 21 January 2011, pages 111-112.
[327] Public hearing, 21 January 2011, pages 112-113.
[328] Public hearing, 2 February 2011, page 86.
[329] Public hearing, 2 February 2011, page 87.

material breach of its obligations under successive mandatory UN Security Council resolutions; and

- note the opinion of the Attorney General that, Iraq having failed to comply and Iraq being at the time of resolution 1441 and continuing to be in material breach, the authority to use force under resolution 678 has revived and so continued that day.[330]

774. In his speech Mr Blair did not address the events that had taken place since the declaration "as the House is familiar with them". He stated that "all members" of the Security Council "accepted" the Iraq declaration was false. He added:

> "That in itself, incidentally, is a material breach. Iraq has taken some steps in co-operation but, no one disputes that it is not fully co-operating."[331]

775. Mr Blair did not address how, in the absence of a consideration in the Security Council, the UK Government had reached the judgement that Iraq had failed to take its final opportunity.

776. The debate in the House of Commons and the details of Mr Blair's speech are described in Section 3.8.

Mr Blair's conversation with President Bush, 15 March 2003

777. In his discussion with President Bush on 15 March, Mr Blair proposed that the main message from the Azores Summit should be that this was the final chance for Saddam Hussein to demonstrate that he had taken the strategic decision to avert war; and that members of the Security Council should be able to sanction the use of force as Iraq was in material breach of its obligations.

778. When Mr Blair spoke to President Bush on 15 March, he said that the "main message" for the Azores Summit "should be that this was a final chance for the UN to deliver, and that countries should be able to sanction the use of force as Iraq was in material breach".[332]

779. Mr Blair spoke to Mrs Margaret Beckett, Secretary of State for the Environment, Food and Rural Affairs, before her appearance on the *BBC*'s *The World at One* on 16 March.[333]

780. Asked why he was not putting the second resolution to the vote, Mr Blair explained that losing a vote "… might cause legal difficulties". Mr Annan was "very keen to avoid

---

[330] House of Commons, *Official Report*, 18 March 2003, column 760.
[331] House of Commons, *Official Report*, 18 March 2003, column 762.
[332] Letter Rycroft to McDonald, 15 March 2003, 'Iraq and Middle East: Prime Minister's Telephone Conversation with President Bush, 15 March'.
[333] Minute No.10 [junior official] to Matthews, 17 March 2003, 'Note for File'.

that outcome since he believed it would make it harder for the UN to move forward after the conflict".

781. Mr Blair told Mrs Beckett that Lord Goldsmith would make it clear that "existing UN resolutions provided a legal base for military action", in Cabinet, "which would probably be on Monday afternoon".

The presentation of the Government's position

FCO paper, 'Iraqi Non-Compliance with UNSCR 1441', 15 March 2003

782. The FCO finalised a paper providing examples of Iraq's failure to comply with the obligations in resolution 1441 on 15 March.

783. The FCO paper, produced by officials in the FCO but drawn largely from official reports and statements by UN inspectors, examined the extent of Iraq's non-compliance with the obligations placed upon it by the United Nations Security Council in resolution 1441.[334]

784. In a note of a conversation on 14 March with Ms Kara Owen, an official in Mr Straw's Private Office, Mr Brummell recorded that he had made the following points on Lord Goldsmith's behalf regarding the FCO paper being prepared:

- "Demonstration of breaches of UNSCR 1441 are critical to our legal case. Therefore we must be scrupulously careful to ensure that the best examples of non-compliance are referred to."
- "It would be distinctly unhelpful to our legal case if the examples of non-compliance … were weak or inadequate; and it would be difficult – indeed it would be too late – to seek to add further (better) examples 'after the event'."
- The FCO needed to check the document they were preparing "very carefully" and subject it to "the tightest scrutiny".
- The document should include "a caveat … acknowledging that the examples of non-compliance … were not exhaustive but illustrative".
- The submission to Mr Straw should reflect those points.[335]

785. Mr Brummell's record of his conversation with Ms Owen on 14 March also stated that he had been informed that the FCO paper would be sent out with a letter from Mr Blair to Ministerial colleagues on 17 March, "after Cabinet". Mr Blair's letter would also contain a "one page" summary of the legal position, which was "news" to Mr Brummell. A subsequent conversation with Mr Rycroft had "confirmed that it would be helpful if" Lord Goldsmith's staff would draft that summary.

---

[334] Paper FCO, 15 March 2003, 'Iraqi Non-Compliance with UNSCR 1441'.
[335] Minute Brummell, 14 March 2003, 'Iraqi Non-Compliance with UNSCR 1441: Note of Telephone Conversation with Kara Owen'.

786. The FCO paper, 'Iraqi Non-Compliance with UNSCR 1441', was finalised on 15 March and published on 17 March (see Section 3.8).[336]

Sir Jeremy Greenstock's discussions in New York, 16 March 2003

787. Sir Jeremy Greenstock consulted colleagues in New York on 16 March to consider whether the Security Council could agree an ultimatum to Saddam Hussein.

788. Sir Jeremy reported that he had agreed with his US and Spanish colleagues to tell the press during the following "late morning" that there was no prospect of putting the resolution to a vote, and blaming France.

789. After the Azores Summit on 16 March, Sir David Manning spoke to Sir Jeremy Greenstock to ask him to phone his Security Council colleagues that evening to establish whether there had been any change in their positions on the draft resolution.[337]

790. Reporting developments in New York on 16 March, Sir Jeremy Greenstock wrote that, following the conclusion of the Azores Summit, the UK Mission in New York had spoken to all Security Council colleagues with the message that:

> "… there was now a short time left to consider whether the Council could agree at last on an ultimatum to Saddam which, if he did not fulfil it, would result in serious consequences. If their respective governments were in a position to engage in such a discussion, I would need to hear it as early as possible on 17 March. When asked (as the majority did), I said that I had no (no) instructions as to whether to put the text … to a vote …"[338]

791. Sir Jeremy commented that the French and Russians did not like the message. Mr Jean-Marc de La Sablière, French Permanent Representative to the UN, had claimed that the French had moved significantly over the last two days as President Chirac's interview would show. The "undecided 6" were "only slightly more positive".

792. Sir Jeremy also reported that he had agreed with his US and Spanish counterparts to tell the press during the "late morning" of 17 March that there was "no prospect of putting our resolution to the vote, casting heavy blame on the French". The key elements of the statement should be:

> "(a) the Azores summit had called for a last effort to see if the Council could unite around an ultimatum;

---

[336] Paper FCO, 15 March 2003, 'Iraqi Non-Compliance with UNSCR 1141'.
[337] Letter Manning to McDonald, 16 March 2003, 'Iraq: Summit Meeting in the Azores: 16 March'.
[338] Telegram 452 UKMIS New York to FCO London, 17 March 2003, 'Iraq: Developments on 16 March'.

(b) having contacted every member it was clear that Council consensus was not possible within the terms of 1441, given the determination of one country in particular to block any ultimatum;

(c) we would therefore not be pursuing a vote;

(d) the Azores communiqué had made clear the positions of our governments on the way forward."

793. Sir Jeremy had informed Mr Annan and Dr Blix that he would be receiving final instructions "eg on whether to stop pursuing the resolution on the morning [Eastern Standard Time] of 17 March".

794. Sir Jeremy asked for instructions and comments on a draft statement, writing: "I have assumed you will want to be fairly strong on the French."

Preparing the legal argument

795. A team of lawyers assembled in Lord Goldsmith's chambers over the weekend of 15/16 March to prepare arguments and documents to deploy in support of the Government's position.

796. Mr Macleod told the Inquiry that Lord Goldsmith and Ms Harriet Harman (the Solicitor General), Professor Greenwood, Mr Brummell, Ms Adams, Mr Wood, Mr Grainger, Mr Davies and himself were present.[339]

797. Sir Michael Wood explained the team's role to the Inquiry:

> "Firstly there was the drafting of the Parliamentary answer. Secondly there was the drafting of the longer note that the Foreign Secretary sent to members of Parliament, the so-called Foreign Office note, but it was drafted at the Attorney's …
>
> "I think I was more or less on the sidelines, because my views were known, but I probably did read through the drafts and no doubt in my usual way made editorial suggestions and the like, but I don't think I had a major part in the preparation of those questions of … the Parliamentary Question and the longer FCO note … I should stress that by that stage, as I saw it, we were in the advocacy mode as opposed to the advisory decision-making mode. This was a matter of presentation: how is this to be presented in public?"[340]

798. Mr Macleod told the Inquiry that the team had produced:

> "… essentially a collection of documents to help the Attorney and the Ministers with a difficult explanation in Parliament. Technically difficult rather than politically difficult."[341]

---

[339] Public hearing, 30 June 2010, page 63.
[340] Public hearing, 26 January 2010, pages 59-60.
[341] Public hearing, 30 June 2010, page 64.

799. Asked if he agreed with Sir Michael's description that the team was in an advocacy mode, Mr Macleod replied:

> "Yes … The decision had already been made in the sense that we knew what the Attorney's view was. The question was how to help present it in a way that would be easy to present, easy to understand, because … the full advice of 7 March is a fairly complex, dense legal document and you needed something else which brought out the key points which could be used in Parliament and in other places."[342]

800. Ms Adams told the Inquiry:

> "I think the understanding of everybody sitting round the table on 16 March was not that the Attorney General was giving legal advice to Parliament through that statement but he was setting out a view of the legal position …. coming back to the difference between the earlier cases, where there had been legal advice from Law Officers saying there is a reasonable case, what had happened on those occasions was not that the Attorney General had gone to Parliament and said 'This is lawful because there is an overwhelming humanitarian catastrophe', or 'Because there is a revival', it had been the Government Minister in the Foreign Office or the Ministry of Defence."[343]

801. On the morning of Monday 17 March, preparations for Cabinet later that day and Parliamentary debates the following day were put in place.

802. Lord Goldsmith set out his view of the legal basis for military action in a Written Answer on 17 March 2003.

803. In parallel, Mr Straw wrote to the Chairman of the Foreign Affairs Committee with a copy of Lord Goldsmith's Answer and an FCO paper which addressed the legal background.

804. Mr Straw also wrote to Parliamentary colleagues drawing their attention to the documents being published and the statements issued at the Azores Summit the previous day.

Lord Goldsmith's Written Answer, 17 March 2003

805. Lord Goldsmith replied on the morning of Monday 17 March to a Written Question tabled by Baroness Ramsey of Cartvale (Labour):

> "To ask Her Majesty's Government what is the Attorney General's view of the legal basis for the use of force against Iraq."[344]

---

[342] Public hearing, 30 June 2010, page 65.
[343] Public hearing, 30 June 2010, pages 51-52.
[344] House of Lords, *Official Report*, 17 March 2003, column 2WA.

806. The text of Lord Goldsmith's response is set out in the Box below.

Text of Lord Goldsmith's Written Answer of 17 March 2003

"Authority to use force against Iraq exists from the combined effect of resolutions 678, 687 and 1441. All of these resolutions were adopted under Chapter VII of the UN Charter which allows the use of force for the express purpose of restoring international peace and security:

1. In resolution 678 the Security Council authorised force against Iraq, to eject it [Iraq] from Kuwait and to restore peace and security in the area.
2. In resolution 687, which set out the cease-fire conditions … the Security Council imposed continuing obligations on Iraq to eliminate its weapons of mass destruction in order to restore international peace and security in the area. Resolution 687 suspended but did not terminate the authority to use force under resolution 678.
3. A material breach of resolution 687 revives the authority to use force under resolution 678.
4. In resolution 1441 the Security Council determined that Iraq has been and remains in material breach of resolution 687, because it has not fully complied with its obligations to disarm under that resolution.
5. The Security Council in resolution 1441 gave Iraq 'a final opportunity to comply with its disarmament obligations' and warned Iraq of the 'serious consequences' if it did not.
6. The Security Council also decided in resolution 1441 that, if Iraq failed at any time to comply with and co-operate fully in the implementation of resolution 1441, that would constitute a further material breach.
7. It is plain that Iraq has failed so to comply and therefore Iraq was at the time of resolution 1441 and continues to be in material breach.
8. Thus the authority to use force under resolution 678 has revived and so continues today.

Resolution 1441 would in terms have provided that a further decision of the Security Council to sanction force was required if that had been intended. Thus, all that resolution 1441 requires is reporting to and discussion by the Security Council of Iraq's failures, but not an express further decision to use force."[345]

807. Ms Harman repeated Lord Goldsmith's Written Answer in the House of Commons as a pursuant answer to Mr Blair's response on 14 March to a Question from Mr Cash, asking Mr Blair if he would "make a statement on the legal basis for military intervention against Iraq".[346]

---

[345] House of Commons, *Official Report*, 17 March 2002, column WA2.
[346] House of Commons, *Official Report*, 17 March 2002, columns 515-516W.

808. Mr Blair had replied on 14 March:

> "There is a longstanding convention, followed by successive Governments and reflected in the Ministerial Code, that legal advice to the Government remains confidential. This enables the Government to obtain frank and full legal advice in confidence, as everyone else can.
>
> "We always act in accordance with international law. At the appropriate time the Government would of course explain the legal basis for any military action that may be necessary."[347]

809. Mr Straw sent a copy of Lord Goldsmith's Written Answer to Mr Anderson, the Chairman of the Foreign Affairs Committee, on the morning of 17 March, together with an FCO paper giving "the legal background in more detail".[348]

810. The Inquiry asked Ms Adams whether she agreed that the Attorney General was not giving a Law Officer's advice on 17 March. Ms Adams replied:

> "He was essentially asserting the Government's view of the legal position, which was based on his advice … I think that [using the Attorney General to make the public statement on the legal position] may have been a mistake."[349]

811. Mr Macleod had expressed a similar view:

> "There is a question whether it was right to place on the Attorney General the onus of explaining the legal position publicly, so that he became perceived as the arbiter of whether the war should take place or not. The general practice on other legal issues is that the Attorney does not present the Government's legal position: that is left to the Minister with policy responsibility for the issue under discussion. That is what was done in relation to Kosovo or Iraq in 1998."[350]

812. Sir Michael Wood explicitly endorsed Mr Macleod's view.[351]

813. Lord Goldsmith told the Inquiry:

> "… there was a huge interest in what my view was in relation to the legality of war, and I had had, for example, almost weekly calls from the Shadow Attorney General [Mr Cash], who had both been telling me what his view was, which was that it was lawful, and saying 'You will have to tell Parliament what your view is in relation to this'.

---

[347] House of Commons, *Official Report*, 14 March 2002, column 482W.
[348] Letter Straw to Anderson, 17 March 2003, 'Iraq: Legal Position Concerning the Use of Force' attaching PQ and Paper FCO, 17 March 2003, 'Iraq: Legal Basis for the Use of Force'.
[349] Public hearing, 30 June 2010, page 52.
[350] Statement, 24 June 2010, paragraph 33.
[351] Statement, 15 March 2011, page 25.

> "Normally, a Law Officer's opinion is not disclosed. It was in fact, impossible in these circumstances not to disclose what my conclusion was, because the clamour to know … would have been frankly impossible to avoid. So I knew that I would have to make some sort of statement as to what my position was. So that is the point about the Parliamentary answer."[352]

814. Parliamentary Questions and Parliamentary Committees after 2003 sought to probe whether Lord Goldsmith's Written Answer to Baroness Ramsey on 17 March constituted the Attorney General's advice, and by implication, whether the Government had waived, in the case of the legal advice on the basis of military action in Iraq, the convention that neither the fact that the Attorney General had advised nor the content of that advice were disclosed.[353]

815. In his responses, Lord Goldsmith was always very careful to point out that Baroness Ramsey had asked for, and he had provided, his view of the legal basis for the use of force, not his advice.[354]

816. The FCO paper, 'Iraq: Legal Basis for the Use of Force', stated that the legal basis for the use of force in Iraq was the revival of the authorisation in resolution 678.[355]

817. Specifically, the paper stated that in resolution 1441:

> "… the Security Council has determined –
>
> (1) that Iraq's possession of weapons of mass destruction (WMD) constitutes a threat to international peace and security;
>
> (2) that Iraq has failed – in clear violation of its legal obligations – to disarm; and
>
> (3) that, in consequence, Iraq is in material breach of the conditions for the ceasefire laid down by the Council in SCR 687 at the end of hostilities in 1991, thus reviving the authorisation in SCR 678."

818. Referring to the Security Council's power under Chapter VII of the Charter to authorise States to take military action, the paper set out the occasions during the 1990s when action had been taken on the basis that Iraq's non-compliance had broken the conditions of the cease-fire in resolution 687 and the authority to use force in resolution 678 had been "revived", as the "legal background" to resolution 1441.

---

[352] Public hearing, 27 January 2010, pages 198-199.
[353] House of Lords, *Official Report*, 6 November 2003, column 129WA; House of Lords, *Official Report*, 28 February 2005, column 1WA; House of Lords, Constitution Committee, *Minutes of Evidence,* 22 March 2006, Q41; House of Lords, Constitution Committee, *Minutes of Evidence,* 22 March 2006, Q41, Q241.
[354] House of Lords, *Official Report*, 6 November 2003, column 129WA; House of Lords, *Official Report*, 28 February 2005, column 1WA; House of Lords, Constitution Committee, *Minutes of Evidence,* 22 March 2006, Q41; House of Lords, Constitution Committee, *Minutes of Evidence,* 22 March 2006, Q41, Q241.
[355] Paper FCO, 17 March 2003, 'Iraq: Legal Basis for the Use of Force'.

819. The FCO paper stated that the preambular paragraphs of resolution 1441:

- confirmed "once more" by the reference to resolution 678 "that that resolution was still in force";
- "recognised the threat which Iraq's non-compliance … posed to international peace and security"; and
- "recalled" that resolution 687 "imposed obligations on Iraq as a necessary step for the achievement of its objective of restoring international peace and security".[356]

820. The paper stated that operative paragraph one (OP1) of resolution 1441 decided that "Iraq 'has been and remains in material breach' of its obligations" and, paraphrasing the resolution, added:

> "The use of the term 'material breach' is of the utmost importance because the practice of the Security Council during the 1990s shows that it was just such a finding of material breach by Iraq which served to revive the authorisation of force …
>
> "On this occasion, however, the Council decided (paragraph two) to offer Iraq a 'final opportunity to comply with its disarmament obligations'. Iraq was required to produce an accurate, full and complete declaration of all aspects of its prohibited programmes (paragraph three), and to provide immediate and unrestricted access to UNMOVIC and IAEA (paragraph five). Failure by Iraq to comply with the requirements of SCR 1441 was declared to be a further material breach of Iraq's obligations (paragraph four), in addition to the continuing breach identified in paragraph one. In the event of a further breach (paragraph four), or interference by Iraq with the inspectors or failure to comply with any of the disarmament obligations under any of the relevant resolutions (paragraph 11), the matter was to be reported to the Security Council. The Council was then to convene 'to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security' (paragraph 12). The Council warned Iraq (paragraph 13) that 'it will face serious consequences as a result of its continued violations of its obligations'."

821. The paper stressed that the authority to use force did not revive immediately and there had been "no 'automaticity'". The provision "for any failure by Iraq to be 'considered' by the Security Council" did not:

> "… mean that no further action can be taken without a new resolution. Had that been the intention, it would have provided that the Council would decide what needed to be done … not that it would consider the matter. The choice of words was deliberate; a proposal that there should be a requirement for a decision by the Council … was

[356] Paper FCO, 17 March 2003, 'Iraq: Legal Basis for the Use of Force'.

not adopted. Instead the members of the Council opted for the formula that the Council must consider the matter before action is taken.

"That consideration has taken place regularly since the adoption of resolution 1441. It is plain, including from UNMOVIC's statement to the Security Council, its Twelfth Quarterly Report and the so-called 'Clusters Document', that Iraq has not complied as required … Whatever other differences there may have been in the Security Council, no member of the Council questioned this conclusion. It therefore follows that Iraq has not taken the final opportunity offered to it and remains in material breach of the disarmament obligations which, for twelve years, the Council has insisted are essential for the restoration of peace and security. In these circumstances, the authorisation to use force contained in resolution 678 revives."

822. On 17 March, Mr Straw wrote to all Parliamentary colleagues with a copy of the FCO paper on Iraq's non-compliance, a copy of his letter to the Chairman of the Foreign Affairs Committee, and copies of the statements made at the Azores Summit the previous day.[357]

823. Mr Straw wrote that the FCO paper on non-compliance stated that Iraq had "failed to comply fully with 14 previous UN resolutions related to WMD" and assessed Iraq's "progress in complying with relevant provisions of UNSCR 1441 with illustrative examples".

824. To supplement the Command Paper of UN documents published in February (CM 5769) Mr Straw also published a further Command Paper (CM 5785) with UN documents from early March.[358]

Cabinet, 17 March 2003

825. A specially convened Cabinet at 1600 on 17 March 2003 endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action against Iraq to enforce compliance, if necessary.

826. Mr Blair told his colleagues that he had called a meeting of Cabinet because "an impasse" had been reached at the United Nations.[359]

827. The Government had tried its "utmost", and had "tabled a draft … resolution, amended it, and then been prepared to apply tests against which Iraq's co-operation … could be judged". Although the UK had been "gathering increasing support from members of the Security Council", the French statement "that they would veto a

---

[357] Letter Straw to Parliamentary Colleagues, 17 March 2003, [untitled] attaching Statement, 16 March 2003, 'A Vision for Iraq and the Iraqi People'; Statement, 16 March 2003, 'Commitment to Transatlantic Solidarity'; Paper FCO, 15 March 2003, 'Iraqi-Non Compliance with UNSCR 1441'.
[358] Command Paper (CM 5785), 17 March 2003, 'Iraq – UN Documents of early March 2003'.
[359] Cabinet Conclusions, 17 March 2003.

resolution in all circumstances had made it impossible to achieve a new … resolution". France, with Russia in support, "were not prepared to accept" that if Saddam Hussein "did not comply with the United Nations obligations, military action should follow". The UK was in a situation it had "striven to avoid": "There would be no second resolution and military action was likely to be necessary … to enforce compliance by Saddam Hussein with Iraq's obligations."

828. Mr Blair stated that the US "had now undertaken to produce a 'Road Map' for the Middle East Peace Process, once the new Palestinian Prime Minister's appointment had been confirmed". That would "open the way to a full and final settlement within three years". The US "had also confirmed" that it "would seek a UN mandate for the post-conflict reconstruction of Iraq", and that: "Oil revenues would be administered under the UN's authority."

829. Mr Blair stated:

> "A lot of work was needed to repair the strains which had arisen internationally over the past few weeks. He regretted that the international community had sent mixed messages to Saddam Hussein, whose regime could have been disarmed peacefully if confronted by international solidarity. The blockage we had encountered in the United Nations impeded any progress."

830. Mr Straw said that Mr Blair:

> "… had persuaded President Bush … to go down the United Nations route in order to achieve the maximum authority for the disarmament of Iraq, but the diplomatic process was now at an end."

831. Mr Straw added:

> "Progress had been made towards forging a consensus before the French and Russians had indicated their intention to veto any Security Council resolution proposed which indicated that military action would follow Saddam Hussein's failure to comply. His assessment was that President Chirac of France had decided to open up a strategic divide between France and the United Kingdom; the row in Brussels in late 2002 had been manufactured. Effectively, one member of the Security Council had torpedoed the whole process."

832. Mr Straw concluded:

> "… the one chance now remaining to Saddam Hussein was to seek exile. If that course failed, the Government would seek the support of the House of Commons for military action against Iraq. There would be a substantive motion in a debate now scheduled for Tuesday [18 March]."

833. Lord Goldsmith told Cabinet that he had answered a Parliamentary Question in the House of Lords that day "on the authority for the use of force against Iraq"; and

that Mr Straw had also sent a document "on the legal basis" to the Foreign Affairs Committee.

834. The minutes record that Lord Goldsmith informed Cabinet that:

> "Authority existed from the combined effect of United Nations Security Council resolutions 678, 687 and 1441, all of which were adopted under Chapter VII of the United Nations Charter. The latter allowed the use of force for the express purpose of restoring international peace and security … resolution 1441 determined that Iraq had been and remained in material breach of … resolution 687 and gave Iraq a final opportunity to comply with its disarmament obligations, warning of serious consequences if it did not do so. It was plain that Iraq had failed so to comply and therefore continued to be in material breach. The authority to use force under … resolution 678 was revived as a result … [R]esolution 1441 did not contain a requirement for a further … resolution to authorise the use of force."

835. The points made during discussion included:

- The attitude of France "had undermined the mechanism of the United Nations to enforce the will of the international community".
- The Government's supporters "needed a comprehensive statement to explain the position": a second resolution "had been politically desirable but not legally essential".
- "It was important to focus on Saddam's failure to comply, and to avoid the impression that the failure to gain a further … resolution was the issue".

836. Mr Prescott stated that Mr Blair:

> "… had played a major role in upholding the credibility of the United Nations. French intransigence had thwarted success in taking the United Nations process to its logical conclusion. Nevertheless, the use of force against Iraq was authorised by existing … resolutions."

837. Mr Blair concluded:

> "… the diplomatic process was now at an end. Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary."

838. Cabinet "Took note."

839. Mr Cook's decision to resign from the Government was announced during Cabinet, which he did not attend.[360]

---

[360] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

840. Lord Goldsmith told the Inquiry that he had attended Cabinet:

> "… ready to answer any questions which were put to me and to explain my advice. Certainly the view I took was that producing my answer to Parliament would be a good framework for explaining to them what the legal advice was, and I would have been happy to answer the questions which were put to me. I was ready, fully briefed, ready to debate all these issues.
>
> "What actually happened was that I started to go through the PQ [Parliamentary Question], which had been handed out as this framework. Somebody, I can't remember who it was, said 'You don't need to do that. We can read it.' I was actually trying to use it as a sort of framework for explaining the position, and there was a question that was then put. I do recall telling Cabinet, 'Well there is another point of view, but this is the conclusion that I have reached', and then the discussion on the legality simply stopped, and Cabinet then went on to discuss all the other issues, the effect on international relations, domestic policy, and all the rest of it.
>
> "So the way it took place was that I was ready to answer questions and to deal with them and in the event that debate did not take place."[361]

841. Lord Turnbull told the Inquiry that there was:

> "… a kind of tradition which says you rely on the Attorney General to produce definitive advice. Once he has done it, you don't say, 'I don't think much of that'. His job is to produce the version we can all work on."[362]

842. Mr Blair told the Inquiry:

> "The whole purpose of having the Attorney there … was so that he could answer anybody's questions …"[363]

843. Ms Short told the Inquiry that she thought that Lord Goldsmith had:

> "… misled the Cabinet. He certainly misled me, but people let it through … I think now we know everything we know about his doubts and his changes of opinion and what the Foreign Office Legal Advisers were saying and that he had got this private side deal that Tony Blair said there was a material breach when Blix was saying he needed more time. I think for the Attorney General to come and say there is an unequivocal legal authority to go to war was misleading."[364]

---

[361] Public hearing, 27 January 2010, pages 214-215.
[362] Public hearing, 13 January 2010, page 69.
[363] Public hearing, 29 January 2010, page 233.
[364] Public hearing, 2 February 2010, page 24.

844. Addressing the evidence given to the Inquiry by Lord Goldsmith and Mr Blair, Ms Short stated:

> "I see that both Tony Blair and he [Lord Goldsmith] said the Cabinet were given the chance to ask questions. That is untrue."[365]

845. Asked what she was trying to discuss and why she was not able to do so, Ms Short told the Inquiry that she had asked for a meeting with Lord Goldsmith but:

> "There was a piece of paper round the table. We normally didn't have any papers, apart from the agenda. It was the PQ answer, which we didn't know was a PQ answer then, and he started reading it out, so everyone said 'We can read' … and then … everyone said, 'That's it'. I said, 'That's extraordinary. Why is it so late? Did you change your mind?' And they all said 'Clare!'
>
> "Everything was very fraught by then and they didn't want me arguing, and I was kind of jeered at to be quiet. That's what happened."[366]

846. Asked if she then went quiet, Ms Short replied:

> "If he won't answer and the Prime Minister is saying, that's it, no discussion, there is only so much you can do … the Attorney, to be fair to him, says he was ready to answer questions, but none was allowed."[367]

847. Ms Short added that she had later asked Lord Goldsmith, "How come it was so late?", and that he had replied, "Oh, it takes me a long time to make my mind up."[368]

848. Mr Campbell wrote that Ms Short had asked Lord Goldsmith "if he had any doubts". Lord Goldsmith had replied that "lawyers all over the world have doubts but he was confident in the position".[369]

849. Dr Reid told the Inquiry: "everyone was allowed to speak at these [Cabinet] meetings. I don't recognise some descriptions of some of the least quiescent of my colleagues claiming to have been rendered quiescent …"[370]

---

[365] Public hearing, 2 February 2010, page 28.
[366] Public hearing, 2 February 2010, pages 28-29.
[367] Public hearing, 2 February 2010, page 29.
[368] Public hearing, 2 February 2010, pages 29-30.
[369] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[370] Public hearing, 3 February 2010, page 75.

850. Addressing Ms Short's evidence that she had been "kind of jeered at", Mr Straw told the Inquiry:

> "… that's not my recollection. Obviously if that's what she felt … but this was a very serious Cabinet meeting. People weren't, as I recall … going off with that kind of behaviour. We all understood the gravity of the situation."[371]

851. Asked if he recognised Ms Short's description of events, Lord Boateng, who was Chief Secretary to the Treasury from 2002 to 2005, told the Inquiry that he did not.[372]

852. Ms Short sent a letter to colleagues in the Parliamentary Labour Party the following morning, explaining her reasons for deciding to support the Government.[373] She wrote that there had been "a number of important developments over the last week", including:

> "Firstly, the Attorney General has made clear that military action would be legal under international law. Other lawyers have expressed contrary opinions. But for the UK Government, the Civil Service and the military, it is the view of the Attorney General that matters and this is unequivocal."

853. Asked at what point he had initiated the process of working out what he was going to tell the Cabinet, and how much, Lord Goldsmith told the Inquiry:

> "So far as Cabinet is concerned, I can't remember at what stage I was told the Cabinet was going to meet and I was going to be asked to come to Cabinet on that occasion. I think it would have been the second occasion ever that I had attended Cabinet."[374]

854. Asked how it was decided that he would present the advice to Cabinet in the way he did, and whether that decision was taken in discussion with Mr Blair or with Mr Straw, Lord Goldsmith told the Inquiry that it was his decision:

> "… the point for me was to determine how to express my view to Parliament, and the Parliamentary answer then seemed to be a convenient way, as a framework really, for what I would then say to Cabinet about my view on legality."[375]

855. Asked if anyone asked him to restrict what he said to Cabinet, Lord Goldsmith replied: "No."[376]

856. Asked why, given the concerns of the Armed Forces and the Civil Service, Cabinet had not taken the opportunity to discuss the finely balanced legal arguments,

---

[371] Public hearing, 8 February 2010, page 61.
[372] Public hearing, 14 July 2010, page 7.
[373] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.
[374] Public hearing, 27 January 2010, page 199.
[375] Public hearing, 27 January 2010, page 200.
[376] Public hearing, 27 January 2010, page 200.

Lord Goldsmith stated that a number of the Cabinet Ministers present had seen his 7 March advice, although things had moved on since then.

857. Lord Goldsmith added that the issues were well known in Parliament, but Cabinet did not want to debate them:

> "… thinking about it afterwards, I could sort of understand that … for this reason: that actually debating the legal question with the Attorney General was a slightly sterile exercise … because they could have put to me, 'What about this and what about that?' and I would have answered them, but what mattered, I thought, was that they needed to know whether or not this had the certificate, if you like, of the Attorney General. Was it lawful? That was a necessary condition. Then they would need to consider whether it was the right thing to do … So they were looking at the much bigger question of 'Is it right?' not just 'Is it lawful?'."[377]

858. Asked for his view on the proposition that there was never a full discussion in Cabinet about his opinion which was "caveated and was finely balanced", Lord Goldsmith replied that his advice was:

> "… caveated in one respect … It takes the central issue of the interpretation of 1441 and identifies that there are two points of view, and then I have come down in favour of one of them.
>
> "The Cabinet, I'm sure knew that there were two points of view because that had been well-travelled in the press. The caveat was you need to be satisfied that there really has been a failure to take the final opportunity. That, of course, was something which was right in the forefront of Cabinet's mind, I have no doubt, and I'm sure was mentioned by the Prime Minister and the Foreign Secretary and others in the course of the debate. I would expect so."[378]

859. Asked whether Cabinet should have had a discussion of Lord Goldsmith's fuller opinion before they came to a decision Lord Turnbull stated: "I think what they needed was "yes" or "no", and that's what they got."[379]

860. Asked if he thought that his Cabinet colleagues would have wished to have a discussion of the considerations in Lord Goldsmith's full advice, Mr Hoon replied:

> "I'm not sure that it would be appropriate for Cabinet to have that kind of discussion, because, in the end, what you would be inviting people to do was to speculate on the legal judgment that the Attorney General had reached, and it is not the same as having a political discussion about options or policies.

---

[377] Public hearing, 27 January 2010, pages 216-217.
[378] Public hearing, 27 January 2010, pages 218-219.
[379] Public hearing, 13 January 2010, page 69.

> "This is someone whose decision is that this was lawful, and I can't see how Cabinet could look behind that and have the kind of discussion that you are suggesting. This was not policy advice. This was not, 'On the one hand … and on the other hand, we might take this course of action'. What he was saying is that this was lawful in his judgment, and I can't see how we could have had a sensible discussion going beyond that."[380]

861. Mrs Beckett told the Inquiry:

> "Peter Goldsmith came to Cabinet. He made it clear what was his view. It was open to people to ask questions … I was never the slightest bit surprised to learn that in earlier iterations he had drawn attention to, 'On the one hand … on the other hand' … that's what lawyers do."[381]

862. Mr Straw was asked whether it would have been better if Cabinet had had Lord Goldsmith's full opinion, whether he had persuaded Lord Goldsmith to present only the (PQ) answer, whether it was incumbent on Cabinet to satisfy itself that it was be aware of the arguments, and why Lord Goldsmith had reached his conclusion. He told the Inquiry:

> "I did that, partly for the reasons I have explained … but also, because we were concerned about leaks, and … what the military wanted to know wasn't the process by which a decision had been arrived at."[382]

863. Asked whether he had been given the opportunity to look at the full legal opinion of 7 March, Dr Reid told the Inquiry:

> "I was given the opportunity, but I didn't particularly want to look at some long 'balancing' legal opinion, I wanted to know 'is what we are about to do lawful, or is it illegal?' … [A]s far as I was aware, the constitutional convention and legality in Great Britain for the Cabinet is dependent on the judgment of the Attorney General."[383]

864. In a statement he sent the Inquiry before his second hearing on 8 February 2010, Mr Straw wrote that, in the absence of the ability to secure an authoritative determination of the law from the courts, "a great weight of responsibility" rested on the shoulders of the Attorney General, and that his role was to determine whether the UK Government could consider the merits of taking military action.[384]

865. Mr Straw was asked whether Cabinet could meet its responsibilities to address the key moral as well as political issues, as stated by Mr Straw in his 'Supplementary

---

[380] Public hearing, 19 January 2010, page 70.
[381] Public hearing, 26 January 2010, pages 53-55.
[382] Public hearing, 8 February 2010, pages 62-63.
[383] Public hearing, 3 February 2010, page 76.
[384] Statement, February 2010, 'Supplementary Memorandum by the Rt Hon Jack Straw MP', page 5.

Memorandum' for the Inquiry, without being fully alive to the fact that the legal issues were finely balanced. Mr Straw replied:

> "The Cabinet were fully aware that the arguments were finely balanced. It was impossible to open a newspaper without being fully aware of the arguments."[385]

866. In response to the point that newspaper articles were not legal advice, Mr Straw added:

> "With great respect, we had lawyers from both sides arguing the case in the public print. So it was very clear … that there were two arguments going on. One was about the … moral and political justification, and that, in many ways, in the public print, elided with arguments about whether it was lawful … no one in the Cabinet was unaware of the fact that there had been and was a continuing and intense legal debate about the interpretation of 1441 … But the issue for the Cabinet was: was it lawful or otherwise?
>
> "… [W]hat was required … at that stage was essentially a yes/no decision from the Attorney General, yes/no for the Cabinet, yes/no for the military forces. It was open to members of the Cabinet to question the Attorney General … it wasn't necessary to go into the process by which Peter Goldsmith had come to his view. What they wanted to know was what the answer was."[386]

867. Mr Straw told the Inquiry:

> "… any member of the Cabinet could easily have asked about the finely balanced nature [of the legal arguments] … [T]he finely balanced arguments are part of the process by which he came to that decision.
>
> "… He was going through all the arguments …
>
> "But there is nothing unusual about legal decisions being finely balanced … [W]hat Cabinet wanted … and needed to know … was what was the decision.
>
> "Nobody was preventing anybody from asking the Attorney … what the position was. In the event they chose not to. A number of lawyers were around the table. The legal issues had been extremely well aired in public, the press, and people were briefed anyway."[387]

868. Asked for an assurance that Cabinet was sufficiently informed, separately and collectively, to share responsibility for the risks a decision to invade Iraq entailed, "including risks, individual and collective, to Crown Servants, and … themselves", Mr Straw replied: "yes".[388]

---

[385] Public hearing, 8 February 2010, page 59.
[386] Public hearing, 8 February 2010, pages 59-60.
[387] Public hearing, 8 February 2010, pages 62-63.
[388] Public hearing, 8 February 2010, page 64.

869. Mr Straw added:

> "… we were being publicly bombarded with the arguments, and arguments about the consequences. We received detailed legal advice, for example, from CND saying why it was unlawful and what the personal consequences would be.
>
> "So everybody understood what the issues were and the level of responsibility, personal and individual …"[389]

870. Mr Straw also stated that Cabinet "was more involved in this decision" because members of Cabinet had to "explain themselves in the House of Commons as well as publicly and to their constituency parties".

871. Asked if he was fully satisfied with the advice that was given to Cabinet about the legality of the conflict, Mr Brown told the Inquiry that Lord Goldsmith's role was to give Cabinet advice, and that "he was certain about the advice he gave" but it was Cabinet's job to "make our decisions on the basis, not simply of the legal advice, but the moral, political and other case for taking action".[390]

872. Asked if he had been aware that Lord Goldsmith had earlier taken a different view, Mr Brown replied that he was not aware of the details and that he had not been involved in previous discussions with Lord Goldsmith. Mr Brown added:

> "We had this straightforward issue. We were sitting down as a Cabinet, to discuss the merits of taking action once the diplomatic avenues had been exhausted, unfortunately, and we had to have straightforward advice from the Attorney General: was it lawful or was it not? His advice in the Cabinet meeting was unequivocal."[391]

873. Asked if he had seen Lord Goldsmith's advice of 7 March, Mr Brown replied:

> "As I understand it, the constitutional position is very clear, that before a decision of such magnitude is made, the Attorney General has to say whether he thinks it is lawful or not. That was the straightforward question that we had to answer. If he had answered equivocally … then of course there would have been questions, but he was very straightforward in his recommendation.
>
> "To me, that was a necessary part of the discussion about the decision of war, but it wasn't sufficient, because we had to look at the political and other case that had to be examined in the light of the period of diplomacy at the United Nations."[392]

---

[389] Public hearing, 8 February 2010, page 66.
[390] Public hearing, 5 March 2010, page 50.
[391] Public hearing, 5 March 2010, page 51.
[392] Public hearing, 5 March 2010, pages 51-52.

874. After further questioning, Mr Brown told the Inquiry:

> "I think in retrospect, people, as historians … will look at it very carefully … and what was said between different people at different times and what were the first … second … and the third drafts. But the issue for us was very clear … Did the Attorney General, who is our legal officer who is responsible for giving us legal advice … have a position … that was unequivocal? And his position on this was unequivocal.
>
> "… [I]t laid the basis on which we could take a decision, but it wasn't the reason that we made the decisions. He gave us the necessary means … but it wasn't sufficient in itself."[393]

875. Asked if his view would have changed if he had known that 10 days before the Cabinet discussion Lord Goldsmith's position had been equivocal, Mr Brown stated:

> "I don't think it would have changed my view, because unless he was prepared to say that his unequivocal advice was that this was not lawful, then the other arguments that I thought were important … the obligations to the international community, the failure to honour them, the failure to disclose, the failure to discharge the spirit and letter of the resolutions, particularly 1441 … But it seemed to me the Attorney General's advice was quite unequivocal."[394]

876. Asked whether Cabinet was able to take a genuinely collective decision or if it was being asked to endorse an approach at a time when the die had effectively been cast, Mr Brown replied:

> "I have got to be very clear. I believed we were making the right decisions for the right cause. I believed I had sufficient information before me to make a judgement … I wasn't trying to do the job of the Foreign Secretary or trying to second guess something that had happened at other meetings. I was looking at the issue on its merits and … I was convinced of the merits of our case."[395]

877. Asked if he thought he should have seen the full legal advice, Lord Boateng said:

> "On reflection, I think it would have been helpful if we had seen it. I think we would have had a fuller debate and discussion and I think that we ought to have been trusted with it, frankly. But be that as it may, we weren't, and we therefore acted upon the best legal advice we had. I don't think, if we had seen the full opinion, we would necessarily have come to a different conclusion. I think it would have been helpful if we had seen it. We didn't."[396]

---

[393] Public hearing, 5 March 2010, pages 53-54.
[394] Public hearing, 5 March 2010, page 54.
[395] Public hearing, 5 March 2010, pages 55-56.
[396] Public hearing, 14 July 2010, page 11.

878. Mr Blair told the Inquiry that, in respect of Lord Goldsmith's legal opinion:

> "… the key thing really was … Cabinet weren't interested in becoming part of the legal debate, they just wanted to know, 'Is the Attorney General saying it is lawful or not?'"[397]

879. Mr Blair stated that the legal issues were "one aspect" of the Cabinet discussion, but Cabinet was "really focused on the politics".[398]

880. Asked whether Cabinet should have weighed up the legal risk, Mr Blair replied:

> "I think they were weighing the risks up for the country, but … in respect of the law … I don't think members of the Cabinet wanted to have a debate … Peter was there and could have answered any questions they had, but their basic question to him was: is there a proper legal basis for this or not and his answer was, 'Yes.'
>
> "… the reason why we had Peter there … he was the lawyer there to talk about it."[399]

881. In a letter written to Lord Goldsmith in March 2005, Ms Short stated that the way the legal advice had been presented to Cabinet was a breach of the Ministerial Code.[400]

882. In 2003, the relevant provision of the Ministerial Code stated:

> "When advice from the Law Officers is included in correspondence between Ministers, or in papers for the Cabinet or Ministerial Committees, the conclusions may if necessary be summarised but, if this is done, the complete text of the advice should be attached."[401]

883. Lord Goldsmith told the Inquiry:

> "… the Ministerial Code, which talks about providing the full text of the Attorney General's opinion, is actually dealing with a quite different circumstance. That's dealing with the circumstance where a Minister comes to Cabinet and says 'I have got clearance from the Attorney General. He says this is all right, or she says this is all right'. In those circumstances, the Ministerial Code requires that the full text should be there rather than just the summary. You can summarise it but you need to produce the full text as well.

---

[397] Public hearing 21, January 2011, page 232.
[398] Public hearing 21, January 2011, page 233.
[399] Public hearing 21, January 2011, page 234.
[400] Letter Short to Goldsmith, March 2005. Previously available on the website of Clare Short MP and referred to the public hearing of Clare Short, 2 February 2010, at page 41, and discussed during the Select Committee on Public Administration, 10 March 2005, Q240 *et sequitur.*
[401] Cabinet Office. *Ministerial Code: A code of conduct and guidance on procedures for Ministers,* 2001.

> "I was there. I was therefore in a position to answer all questions. I was in a position to say that my opinion was that this was lawful. I did manage to say – I did say that there was another point of view, but they knew that very well in any event."[402]

884. Lord Turnbull confirmed that in his view the requirements of the Ministerial Code had not been breached because Lord Goldsmith was present in person, rather than another Minister reporting his advice.[403]

885. Asked about the fact that Lord Goldsmith's advice of 7 March had raised the issue of the exposure of Ministers and Crown servants, both military and civil, to risk, Mr Brown told the Inquiry:

> "I knew … that the Permanent Secretary to the Civil Service [sic] and the military Chiefs [of Staff] had required, as they should, clear guidance … So I knew that they were satisfied that they had got the legal assurances that were necessary."[404]

Mr Straw's statement to the House of Commons, 17 March 2003

886. In his Statement to the House of Commons on the evening of 17 March, Mr Straw stated that the Government had reluctantly concluded that France's actions had put a consensus in the Security Council on a further resolution "beyond reach".

887. As a result of Saddam Hussein's persistent refusal to meet the UN's demands, Cabinet had decided to ask the House of Commons to support the UK's participation in military operations should they be necessary to achieve the disarmament of Iraq "and thereby the maintenance of the authority of the United Nations".

888. Mr Straw stated that Lord Goldsmith's Written Answer "set out the legal basis for the use of force".

889. Mr Straw drew attention to the significance of the fact that no-one "in all the discussions in the Security Council and outside" had claimed that Iraq was in full compliance with its obligations.

890. Mr Straw made a statement to the House of Commons at 8.24pm.[405]

---

[402] Public hearing 21 January 2011, pages 217-218.
[403] Public hearing, 13 January 2010, page 68.
[404] Public hearing, 5 March 2010, pages 65-66.
[405] House of Commons, *Official Report*, 17 March 2003, columns 703-705.

891. Referring to the statement issued at the Azores Summit calling on all members of the Security Council to adopt a resolution challenging Saddam Hussein to take a strategic decision to disarm, Mr Straw told the House of Commons:

> "Such a resolution has never been needed legally, but we have long had a preference for it politically."

892. Mr Straw stated that there had been "intense diplomatic activity to secure that end over many months, culminating in the last 24 hours". Despite "final efforts" by Sir Jeremy Greenstock the previous evening and his own conversations with his "Spanish, American, Russian and Chinese counterparts that morning", the Government had:

> "… reluctantly concluded that a Security Council consensus on a new resolution would not be possible. On my instructions, Sir Jeremy Greenstock made a public announcement to that effect at the United Nations at about 3.15 pm UK time today."

893. Mr Straw continued that, since the adoption of resolution 1441 in November 2002, he, Mr Blair and Sir Jeremy Greenstock had "strained every nerve" in search of a consensus "which could finally persuade Iraq by peaceful means, to provide the full and immediate co-operation demanded by the Security Council".

894. Mr Straw stated that it was significant that "in all the discussions in the Security Council and outside" no-one had claimed that Iraq was "in full compliance with the obligations placed on it" and:

> "Given that, it was my belief, up to about a week ago, that we were close to achieving a consensus that we sought on the further resolution. Sadly, one country then ensured that the Security Council could not act. President Chirac's unequivocal announcement last Monday that France would veto a second resolution containing that or any ultimatum 'whatever the circumstances' inevitably created a sense of paralysis in our negotiations. I deeply regret that France has thereby put a Security Council consensus beyond reach."[406]

895. Mr Straw told the House of Commons that the proposals submitted by France, Germany and Russia for "more time and more inspections" sought to "rewrite" resolution 1441. They "would have allowed Saddam to continue stringing out inspections indefinitely, and he would rightly have drawn the lesson that the Security Council was simply not prepared to enforce the ultimatum … at the heart of resolution 1441".

896. Mr Straw pointed out that "in the event of non-compliance" Iraq should, as OP13 spelt out, expect "serious consequences". Mr Straw stated:

> "As a result of Saddam Hussein's persistent refusal to meet the UN's demands, and the inability of the Security Council to adopt a further resolution, the Cabinet has decided to ask the House to support the United Kingdom's participation in

---

[406] House of Commons, *Official Report*, 17 March 2003, columns 703-705.

military operations, should they be necessary, with the objective of ensuring the disarmament of Iraq's weapons of mass destruction, and thereby the maintenance of the authority of the United Nations."

897. Mr Straw confirmed that Parliament "would have an opportunity to debate our involvement in military action prior to hostilities" the following day; and that the debate would be on a substantive motion "proposed by the Prime Minister and Cabinet colleagues". He also drew the attention of the House to Lord Goldsmith's Written Answer, which "set out the legal basis for the use of force against Iraq", and the documents provided earlier that day.

898. Mr Straw concluded:

"Some say that Iraq can be disarmed without an ultimatum, without the threat or the use of force, but simply by more time and more inspections. That approach is defied by all our experience over 12 weary years. It cannot produce the disarmament of Iraq; it cannot rid the world of the danger of the Iraq regime. It can only bring comfort to tyrants and emasculate the authority of the United Nations …"

899. Mr Straw's statement was repeated in the House of Lords that day by Baroness Symons during a debate on the legality of the use of armed force in Iraq initiated by Lord Goodhart (see Section 3.8).[407]

900. In answer to the responses from Lord Howell of Guildford and Lord Wallace of Saltaire, Baroness Symons stated that she believed:

"… the legality of the position is indeed settled. I do not think we have ever had such a clear statement from the Attorney General at a juncture like this … I believe that this Government have gone further than any other Government to put that advice into the public arena, and the Law Officer with his principal responsibility has given a clear statement of his opinion …

"… [W]e have already put into the public arena a full history of the United Nations Security Council resolutions … That is in Command Paper 5769. We have also published a full statement on the legal basis – a fuller statement than that which my noble and learned friend gave in answer to … Baroness … Ramsey …"[408]

[407] House of Lords, *Official Report*, 17 March 2003, columns 97-103.
[408] House of Lords, *Official Report*, 17 March 2003, columns 101-102.

901. Responding to points made in the debate by Lord Goodhart and Lord Howell about the absence of Lord Goldsmith, Baroness Symons stated in her speech closing the debate:

> "The Attorney General has been more open-handed than any of his predecessors in publishing his advice in the way that he has. Furthermore … the Foreign Secretary has also tried to help … by circulating a further paper."[409]

902. Baroness Symons added that, "In recognition of the enormous importance of this issue", Lord Goldsmith had "decided to disclose his view of the legal basis for the use of force". That was:

> "… almost unprecedented. The last time a Law Officer's views were disclosed concerned the Maastricht Treaty in 1992. It is right that what has happened today remains the exception rather than the rule."

Conclusions

The timing of Lord Goldsmith's advice on the interpretation of resolution 1441

903. Following the adoption of resolution 1441, a decision was taken to delay the receipt of formal advice from Lord Goldsmith.

904. On 11 November Mr Powell told Lord Goldsmith that there should be a meeting some time before Christmas to discuss the legal position.

905. On 9 December, formal "instructions" to provide advice were sent to Lord Goldsmith. They were sent by the FCO on behalf of the FCO and the MOD as well as No.10.

906. The instructions made it clear that Lord Goldsmith should not provide an immediate response.

907. When Lord Goldsmith met Mr Powell, Sir David Manning and Baroness Morgan on 19 December, he was told that he was not, at that stage, being asked for his advice; and that, when he was, it would be helpful for him to discuss a draft with Mr Blair in the first instance.

908. Until 7 March 2003, Mr Blair and Mr Powell asked that Lord Goldsmith's views on the legal effect of resolution 1441 should be tightly held and not shared with Ministerial colleagues without No.10's permission.

909. Lord Goldsmith agreed that approach.

---

[409] House of Lords, *Official Report*, 17 March 2003, columns 117-118.

910. Lord Goldsmith provided draft advice to Mr Blair on 14 January 2003. As instructed he did not, at that time, provide a copy of his advice to Mr Straw or to Mr Hoon.

911. Although Lord Goldsmith was invited to attend Cabinet on 16 January, there was no discussion of Lord Goldsmith's views.

912. Mr Straw was aware, in general terms, of Lord Goldsmith's position but he was not provided with a copy of Lord Goldsmith's draft advice before Cabinet on 16 January. He did not read it until at least two weeks later.

913. The draft advice of 14 January should have been provided to Mr Straw, Mr Hoon and the Cabinet Secretary, all of whose responsibilities were directly engaged.

914. Lord Goldsmith provided Mr Blair with further advice on 30 January. It was not seen by anyone outside No.10.

915. Lord Goldsmith discussed the negotiating history of resolution 1441 with Mr Straw, Sir Jeremy Greenstock, with White House officials and the State Department's Legal Advisers. They argued that resolution 1441 could be interpreted as not requiring a second resolution. The US Government's position was that it would not have agreed to resolution 1441 had its terms required one.

916. When Lord Goldsmith met No.10 officials on 27 February, he told them that he had reached the view that a "reasonable case" could be made that resolution 1441 was capable of reviving the authorisation to use force in resolution 678 (1990) without a further resolution, if there were strong factual grounds for concluding that Iraq had failed to take the final opportunity offered by resolution 1441.

917. Until that time, No.10 could not have been sure that Lord Goldsmith would advise that there was a basis on which military action against Iraq could be taken in the absence of a further decision of the Security Council.

918. In the absence of Lord Goldsmith's formal advice, uncertainties about the circumstances in which the UK would be able to participate in military action continued, although the possibility of a second resolution remained.

919. Lord Goldsmith provided formal written advice on 7 March.

Lord Goldsmith's advice of 7 March 2003

920. Lord Goldsmith's formal advice of 7 March set out alternative interpretations of the legal effect of resolution 1441. He concluded that the safer route would be to seek a second resolution, and he set out the ways in which, in the absence of a second resolution, the matter might be brought before a court. Lord Goldsmith

identified a key question to be whether or not there was a need for an assessment of whether Iraq's conduct constituted a failure to take the final opportunity or a failure fully to co-operate within the meaning of OP4, such that the basis of the cease-fire was destroyed.

921. **Lord Goldsmith wrote (paragraph 26): "A narrow textual reading of the resolution suggested no such assessment was needed because the Security Council had pre-determined the issue. Public statements, on the other hand, say otherwise."**

922. **While Lord Goldsmith remained "of the opinion that the safest legal course would be to secure a second resolution", he concluded (paragraph 28) that "a reasonable case can be made that resolution 1441 was capable of reviving the authorisation in resolution 678 without a further resolution".**

923. **Lord Goldsmith wrote that a reasonable case did not mean that if the matter ever came to court, he would be confident that the court would agree with this view. He judged a court might well conclude that OPs 4 and 12 required a further Security Council decision in order to revive the authorisation in resolution 678.**

924. **Lord Goldsmith noted that on a number of previous occasions, including in relation to Operation Desert Fox in Iraq in 1998 and Kosovo in 1999, UK forces had participated in military action on the basis of advice from previous Attorneys General that (paragraph 30) "the legality of the action under international law was no more than reasonably arguable".**

925. **Lord Goldsmith warned Mr Blair (paragraph 29):**

> **"… the argument that resolution 1441 alone has revived the authorisation to use force in resolution 678 will only be sustainable if there are strong factual grounds for concluding that Iraq failed to take the final opportunity. In other words, we would need to be able to demonstrate hard evidence of non-compliance and non-cooperation … the views of UNMOVIC and the IAEA will be highly significant in this respect."**

926. **Lord Goldsmith added:**

> **"In the light of the latest reporting by UNMOVIC, you will need to consider extremely carefully whether the evidence of non-cooperation and non-compliance by Iraq is sufficiently compelling to justify the conclusion that Iraq has failed to take its final opportunity."**

927. **Mr Straw, Mr Hoon, Dr Reid and the Chiefs of Staff had all seen Lord Goldsmith's advice of 7 March before the No.10 meeting on 11 March, but it is not clear how and when it reached them.**

928. **Other Ministers whose responsibilities were directly engaged, including Mr Brown and Ms Short, and their senior officials, did not see the advice.**

Lord Goldsmith's arrival at a "better view"

929. **At the meeting on 11 March, Mr Blair stated that Lord Goldsmith's "advice made it clear that a reasonable case could be made" that resolution 1441 was "capable of reviving" the authorisation of resolution 678, "although of course a second resolution would be preferable". There was concern, however, that the advice did not offer a clear indication that military action would be lawful.**

930. **Lord Goldsmith was asked, after the meeting, by Adm Boyce on behalf of the Armed Forces, and by the Treasury Solicitor, Ms Juliet Wheldon, in respect of the Civil Service, to give a clear-cut answer on whether military action would be lawful rather than unlawful.**

931. **On 12 March, Mr Blair and Mr Straw reached the view that there was no chance of securing a majority in the Security Council in support of the draft resolution of 7 March and there was a risk of one or more vetoes if the resolution was put to a vote.**

932. **There is no evidence to indicate that Lord Goldsmith was informed of their conclusion.**

933. **Lord Goldsmith concluded on 13 March that, on balance, the "better view" was that the conditions for the operation of the revival argument were met in this case, meaning that there was a lawful basis for the use of force without a further resolution beyond resolution 1441.**

The exchange of letters on 14 and 15 March 2003

934. **Mr Brummell wrote to Mr Rycroft on 14 March:**

> **"It is an essential part of the legal basis for military action without a further resolution of the Security Council that there is strong evidence that Iraq has failed to comply with and co-operate fully in the implementation of resolution 1441 and has thus failed to take the final opportunity offered by the Security Council in that resolution. The Attorney General understands that it is unequivocally the Prime Minister's view that Iraq has committed further material breaches as specified in [operative] paragraph 4 of resolution 1441, but as this is a judgment for the Prime Minister, the Attorney would be grateful for confirmation that this is the case."**

935. **Mr Rycroft replied to Mr Brummell on 15 March:**

> **"This is to confirm that it is indeed the Prime Minister's unequivocal view that Iraq is in further material breach of its obligations, as in OP4 of UNSCR 1441,**

because of 'false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure to comply with, and co-operate fully in the interpretation of, this resolution'."

936. **It is unclear what specific grounds Mr Blair relied upon in reaching his view.**

937. **In his advice of 7 March, Lord Goldsmith had said that the views of UNMOVIC and the IAEA would be highly significant in demonstrating hard evidence of non-compliance and non-co-operation. In the exchange of letters on 14 and 15 March between Mr Brummell and No.10, there is no reference to their views; the only view referred to was that of Mr Blair.**

938. **Following receipt of Mr Brummell's letter of 14 March, Mr Blair neither requested nor received considered advice addressing the evidence on which he expressed his "unequivocal view" that Iraq was "in further material breach of its obligations".**

939. **Senior Ministers should have considered the question posed in Mr Brummell's letter of 14 March, either in the Defence and Overseas Policy Committee or a "War Cabinet", on the basis of formal advice. Such a Committee should then have reported its conclusions to Cabinet before its members were asked to endorse the Government's policy.**

Lord Goldsmith's Written Answer of 17 March 2003

940. **In Parliament during the second week of March, and in the media, there were calls on the Government to make a statement about its legal position.**

941. **When Lord Goldsmith spoke to Mr Brummell on 13 March, they agreed that a statement should be prepared "setting out the Attorney's view of the legal position which could be deployed at Cabinet and in Parliament the following week".**

942. **The message was conveyed to No.10 during the morning of 15 March that Lord Goldsmith "would make clear during the course of the week that there is a sound legal basis for action should that prove necessary".**

943. **The decision that Lord Goldsmith would take the lead in explaining the Government's legal position to Parliament, rather than the Prime Minister or responsible Secretary of State providing that explanation, was unusual.**

944. **The normal practice was, and is, that the Minister responsible for the policy, in this case Mr Blair or Mr Straw, would have made such a statement.**

Cabinet, 17 March 2003

945. Cabinet was provided with the text of Lord Goldsmith's Written Answer to Baroness Ramsey setting out the legal basis for military action.

946. That document represented a statement of the Government's legal position – it did not explain the legal basis of the conclusion that Iraq had failed to take "the final opportunity" to comply with its disarmament obligations offered by resolution 1441.

947. Lord Goldsmith told Cabinet that it was "plain" that Iraq had failed to comply with its obligations and continued to be in "material breach" of the relevant Security Council resolutions. The authority to use force under resolution 678 was, "as a result", revived. Lord Goldsmith said that there was no need for a further resolution.

948. Cabinet was not provided with written advice which set out, as the advice of 7 March had done, the conflicting arguments regarding the legal effect of resolution 1441 and whether, in particular, it authorised military action without a further resolution of the Security Council.

949. Cabinet was not provided with, or informed of, Mr Brummell's letter to Mr Rycroft of 14 March; or Mr Rycroft's response of 15 March. Cabinet was not told how Mr Blair had reached the view recorded in Mr Rycroft's letter.

950. The majority of Cabinet members who gave evidence to the Inquiry took the position that the role of the Attorney General on 17 March was, simply, to tell Cabinet whether or not there was a legal basis for military action.

951. None of those Ministers who had read Lord Goldsmith's 7 March advice asked for an explanation as to why his legal view of resolution 1441 had changed.

952. There was little appetite to question Lord Goldsmith about his advice, and no substantive discussion of the legal issues was recorded.

953. Cabinet was not misled on 17 March and the exchange of letters between the Attorney General's office and No.10 on 14 and 15 March did not constitute, as suggested to the Inquiry by Ms Short, a "side deal".

954. Cabinet was, however, being asked to confirm the decision that the diplomatic process was at an end and that the House of Commons should be asked to endorse the use of military action to enforce Iraq's compliance. Given the gravity of this decision, Cabinet should have been made aware of the legal uncertainties.

955. Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March, explained the legal basis on which the UK could take military action and set out the risks of legal challenge.

956. The advice should have addressed the significance of the exchange of letters of 14 and 15 March and how, in the absence of agreement from the majority of members of the Security Council, the point had been reached that Iraq had failed to take the final opportunity offered by resolution 1441.

957. The advice should have been provided to Ministers and senior officials whose responsibilities were directly engaged and should have been made available to Cabinet.

SECTION 6.1

DEVELOPMENT OF THE MILITARY OPTIONS FOR AN INVASION OF IRAQ

Contents

Introduction and key findings 174
MOD Defence Planning Assumptions 176

The possibility of military invasion emerges 178
The impact of 9/11 178
President Bush's "axis of evil" speech and the UK response 182
JIC Assessment, 27 February 2002: 'Iraq: Saddam under the Spotlight' 183
The MOD perspective 184
Cabinet, 7 March 2002 187
The Cabinet Office 'Iraq: Options Paper' 188
Mr Hoon's advice, 22 March 2002 191
Mr Blair's meeting at Chequers, 2 April 2002 195
Mr Blair's meeting with President Bush at Crawford, April 2002 198

Initial consideration of UK military options 201
MOD contingency planning in April and May 2002 201
Mr Webb's advice, 12 April 2002 202
Establishment of the "Pigott Group" 205
MOD advice to Mr Hoon, May 2002 207
Meeting with Secretary Rumsfeld, 5 June 2002 215
SPG paper, 13 June 2002 217

Ministerial consideration of UK policy – July 2002 221
Formal military planning begins 221
JIC Assessment, 4 July 2002: 'Iraq: Regime Cohesion' 225
Mr Hoon's proposal for a collective Ministerial discussion 226
The MOD's assessment of US military plans 229
Mr Blair's meeting, 23 July 2002 234
Cabinet Office paper, 'Iraq: Conditions for Military Action' 234
MOD advice for Mr Hoon 237

Definition of UK force "Packages" 244
MOD advice, 26 July 2002 244

Developments during August 2002 249
JIC Assessment, 21 August 2002: 'Saddam's Diplomatic and Military Options' 255
The impact of Operation FRESCO 257
PJHQ advice, 30 August 2002 259
Preparations for Mr Blair's meeting with President Bush, Camp David 261
SPG paper, 4 September 2002 262
MOD advice, 6 September 2002 264
The outcome of the meeting at Camp David 268
JIC Assessment, 9 September 2002 270

Decisions to offer ground forces to the US for planning purposes 271
MOD planning for a UK land contribution, September 2002 271
Cabinet, 23 September 2002 280
Chiefs of Staff meeting, 25 September 2002 281
SPG paper, 30 September 2002 283
The MOD request to offer ground forces 286
Mr Hoon's minute, 15 October 2002 294
No.10's questions 297
The FCO perspective 299
Mr Blair's meeting, 17 October 2002 300
Mr Blair's decision to offer Package 3 to the US, 31 October 2003 302
Cabinet, 24 October 2002 303
MOD concerns about the US perspective 304
JIC Assessment, 30 October 2002: 'Turkey: Attitude to an Iraq Campaign' 309
Mr Blair's meeting, 31 October 2002 310

Why did the UK Government decide to offer ground forces? 311
Why did the UK offer a divisional headquarters and an armoured brigade? 312
What was the UK's desire to influence the US seeking to achieve, and was it a determining factor in the decision? 314
What factors influenced the timing of the decision? 318
Were the post-conflict implications for the UK, of a significant role on the ground in an invasion of Iraq, properly addressed? 319
Did the need to maintain the Army's morale influence the decision? 320
Were the other risks of offering ground forces fully identified and considered? 323

UK pursuit of the northern option 324
Discussions with the US about Turkey's position 324

Military planning for the northern option 327
SPG paper, 6 November 2002 327
US request for support from allies 330
PJHQ's proposal to explore options in the South 331
MOD advice for No.10, 19 November 2002 334
Uncertainties about the northern option 336
JIC Assessment, 6 December 2002: 'Iraq: Military Options' 343
Agreement to visible preparations for military action starting in January 346
Agreement to a role for the Royal Marines in the initial stages of an invasion 352
Mr Hoon's statement, 18 December 2002 356
Continued pursuit of the northern option 357
SPG paper, 13 December 2002 358
Proposals to increase ground combat forces and options for the South 359
MOD advice to No.10, 19 and 20 December 2002 362
MOD advice to Mr Hoon, 20 December 2002 365
Mr Hoon's statement, 7 January 2003 369
The end of the northern option 370
Mr Hoon's visit to Turkey, January 2003 372

Should the UK have addressed an alternative to the northern option earlier and more seriously? 376

Introduction and key findings

1. This Section addresses the UK planning for a military invasion of Iraq and the decisions:

- on 31 October 2002 to offer ground forces to the US for planning purposes for operations in northern Iraq; and
- in December to deploy an amphibious force, including 3 Commando Brigade.

2. This Section does not address:

- The decision in mid-January 2003 to deploy a divisional headquarters and three combat brigades for potential operations in southern Iraq and the commitment of those forces to a combat role in the initial stages of the invasion of Iraq. That is addressed in Section 6.2. That Section also sets out the principles of international humanitarian law (IHL) governing the conduct of military operations, including control of targeting decisions.
- The campaign plan for the invasion which is addressed in Section 8.
- The roles and responsibilities of the Defence Secretary, the Chief of the Defence Staff (CDS), the Permanent Under Secretary (PUS), and other key military officers and civilians, and the way in which advice was prepared for Ministers and decisions taken in the MOD in 2002 and 2003. They are set out in Section 2.
- The decisions on the wider UK strategy and options in relation to Iraq which are necessary to understand the wider context surrounding military deployments. Those are addressed in Section 3.
- The UK's assessments of Iraq's chemical, biological, nuclear and ballistic missile programmes and its intentions to retain and conceal its weapons of mass destruction (WMD) capabilities. They are addressed in Section 4.
- The consideration of the legal basis for military action, which is addressed in Section 5.
- The preparations to equip the force for operations in Iraq, and the implications of the decisions between mid-December 2002 and mid-January 2003 to increase the size of UK combat forces and be ready to take an earlier role in the invasion in support of US forces. They are addressed in Section 6.3.
- The funding for the operation, which is addressed in Section 13.
- The planning and preparations for the UK military contribution post-conflict, including decisions on the UK's Area of Responsibility (AOR) for UK military forces. They are addressed in Sections 6.4 and 6.5.

Key findings

- The size and composition of a UK military contribution to the US-led invasion of Iraq was largely discretionary. The US wanted some UK capabilities (including Special Forces) to use UK bases, and the involvement of the UK military to avoid the perception of unilateral US military action. The primary impetus to maximise the size of the UK contribution and the recommendations on its composition came from the Armed Forces, with the agreement of Mr Hoon.
- From late February 2002, the UK judged that Saddam Hussein's regime could only be removed by a US-led invasion.
- In April 2002, the MOD advised that, if the US mounted a major military operation, the UK should contribute a division comprising three brigades. That was perceived to be commensurate with the UK's capabilities and the demands of the campaign. Anything smaller risked being compared adversely to the UK's contribution to the liberation of Kuwait in 1991.
- The MOD saw a significant military contribution as a means of influencing US decisions.
- Mr Blair and Mr Hoon wanted to keep open the option of contributing significant forces for ground operations as long as possible, but between May and mid-October consistently pushed back against US assumptions that the UK would provide a division.
- Air and maritime forces were offered to the US for planning purposes in September.
- The MOD advised in October that the UK was at risk of being excluded from US plans unless it offered ground forces, "Package 3", on the same basis as air and maritime forces. That could also significantly reduce the UK's vulnerability to US requests to provide a substantial and costly contribution to post-conflict operations.
- From August until December 2002, other commitments meant that UK planning for Package 3 was based on providing a divisional headquarters and an armoured brigade for operations in northern Iraq. That was seen as the maximum practicable contribution the UK could generate within the predicted timescales for US action.
- The deployment was dependent on Turkey's agreement to the transit of UK forces.
- Mr Blair agreed to offer Package 3 on 31 October 2002.
- That decision and its potential consequences were not formally considered by a Cabinet Committee or reported to Cabinet.
- In December 2002, the deployment of 3 Commando Brigade was identified as a way for the UK to make a valuable contribution in the initial stages of a land campaign if transit through Turkey was refused. The operational risks were not explicitly addressed.
- Following a visit to Turkey on 7 to 8 January 2003, Mr Hoon concluded that there would be no agreement to the deployment of UK ground forces through Turkey.
- By that time, in any case, the US had asked the UK to deploy for operations in southern Iraq.

MOD Defence Planning Assumptions

3. The Armed Forces' capacity to deploy and sustain expeditionary operations was determined by decisions in the 1998 *Strategic Defence Review.*

4. Defence Planning Assumptions (DPAs) were developed by the MOD to convert policy into detailed guidance that could be used by military planners.[1] They outline the levels of activity the Armed Forces plan to be able to undertake, and the contexts in which they are expected to operate. They are used to identify and resource the planned force structure, capabilities and equipment of the Armed Forces.

5. The DPAs extant in 2002-2003 were those defined in the 1998 *Strategic Defence Review* (SDR 98). It identified eight **Missions** which the Armed Forces could be expected to undertake, which were further divided into 28 **Military Tasks**. The Planning Assumptions defined the required level of forces, or **scale of effort**, allocated to each Military Task.

6. In relation to the ability to deploy forces to deal with overseas crises, SDR 98 stated that the objective was to "be able to make a reasonable contribution to multi-national operations" in support of the UK's "foreign and security policy objectives". On that basis "broad benchmarks" had been set for planning that the UK should be able to:

> "– respond to a major international crisis which might require a military effort and combat operations of a similar scale and duration to the Gulf War when we deployed an armoured division, 26 major warships and over 80 combat aircraft.
>
> "or
>
> "– undertake a more extended overseas deployment on a lesser scale (as over the last few years in Bosnia) while retaining the ability to mount a second substantial deployment – which might involve a combat brigade and appropriate naval and air forces – if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war fighting or to maintain them simultaneously for longer than six months."[2]

7. SDR 98 determined that the UK's land forces should include two "deployable divisions" and six deployable brigades, three "armoured" and three "mechanised", together with two "lighter and more specialised deployable brigades, an airmobile brigade and the Royal Marine Commando Brigade".[3]

---

[1] Ministry of Defence, *Strategic Defence Review*, July 1998.
[2] Ministry of Defence, *Strategic Defence Review,* July 1998, page 23.
[3] Ministry of Defence, *Strategic Defence Review: Supporting Essays,* July 1998. Supporting Essay 6, Future Military Capabilities.

8. The principal scales of effort defined in SDR 98 were:

- **small scale**: "a deployment of battalion size or equivalent" such as the Royal Navy ARMILLA patrol in the Gulf, the British contribution to United Nations Forces in Cyprus (UNFICYP), and the Royal Air Force operations enforcing the No-Fly Zones (NFZs) over northern and southern Iraq;
- **medium scale**: "deployments of brigade size or equivalent" for warfighting or other operations, such as the UK contribution in the mid-1990s to the NATO-led Implementation Force (IFOR) in Bosnia;
- **large scale**: deployments of division size or equivalent, the "nearest recent example" being the UK contribution to the 1991 Gulf Conflict, "although on that occasion the British division deployed with only two of its three brigades". That was "the maximum size of force we would plan to be able to contribute to peace enforcement operations, or to regional conflicts outside the NATO area"; and
- **very large scale and full scale**: all the forces that would be made available to NATO to meet a major threat such as significant aggression against an ally. The difference between the two reflected the time available for preparation – "warning time", and the size of the threat.

9. The Planning Assumptions also defined:

- **endurance**: the likely duration of individual Military Tasks. The force structure for each Service needed to be able to sustain tasks for the required period, including where necessary by rotating individual units deployed and, where units were deployed on operations, allowing units a period of respite between each deployment as set out in the "Harmony Guidelines"[4] of each Service.
- **concurrency**: the number of operations of a given scale of effort and duration that could be sustained by the force structure. SDR 98 concluded that "not to be able to conduct two medium scale operations at the same time would be an unacceptable constraint on our ability to discharge Britain's commitments and responsibilities. It would, for example, oblige us to withdraw from an enduring commitment such as Bosnia in order to respond to a second crisis."[5]

10. The Defence Strategic Plan (DSP), a confidential MOD document, included greater detail than was published in the SDR report.[6] It identified specific readiness criteria in relation to operations against Iraq, stating:

> "… we need to maintain the ability to respond within short warning times to an Iraqi threat, and to build up forces thereafter. This again requires us to hold capabilities needed to mount a medium scale deployment at high readiness (30 days). For a

[4] Harmony guidelines are explained in Section 16.1.
[5] Ministry of Defence, *Strategic Defence Review: Supporting Essays*, July 1998. Supporting Essay 6, Future Military Capabilities.
[6] Ministry of Defence 1998, 'Defence Strategic Plan 1998'.

large scale deployment we need to plan on a framework division being ready within 90 days."

11. The Defence White Paper 1999 stated:

"The assumptions made in the SDR were not intended to be an exact template for everything we have been called on to do. They were intended rather as a guide to the long term development of our forces without prejudicing the size of an actual commitment in particular contingencies … But the SDR provided us with a demonstrably sound and robust basis for planning and operations of all kinds."[7]

12. General Sir Mike Jackson, Chief of the General Staff from February 2003 to August 2006, told the Inquiry that the Planning Assumptions were:

"… not just a bit of [an] intellectual experiment … they drive force structures, they drive stocks, they drive equipment."[8]

The possibility of military invasion emerges

The impact of 9/11

13. After the attacks on the US on 9/11, the UK was concerned that the US might take immediate military action against Iraq.

14. The discussion in the UK about what to do about Iraq in the wake of the attack on the US on 9/11 and the "war against terrorism", and the limitations on what the UK knew about US thinking and military operations, is addressed in Section 3.1.

15. The UK took the view that the status quo on Iraq was no longer acceptable and that Iraq's defiance of the international community would need to be addressed. But the UK sought to steer the US away from unilateral military action.

16. Mr Blair spoke to President Bush by telephone on 3 December 2001.[9] The conversation was primarily about the position in Afghanistan.

17. In a discussion on future options in relation to Iraq, Mr Blair told President Bush that Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Overseas and Defence Secretariat (OD Sec), and Sir Richard Dearlove, Chief of the Secret Intelligence Service (SIS), would be in Washington later that week. That would be an opportunity to share thinking on "how the next phase might proceed".

18. The record of the conversation was sent to Mr Hoon's Private Secretary and Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), amongst others.

---

[7] Ministry of Defence, *Defence White Paper*, 20 December 1999.
[8] Public hearing, 28 July 2010, page 7.
[9] Letter Tatham to McDonald, 3 December 2001, 'Telephone Conversation with President Bush'.

19. Mr Blair sent President Bush a paper, 'The War Against Terrorism: The Second Phase', on 4 December.[10]

20. The paper comprised an overview of the possible approaches to potential terrorist threats in seven countries[11] and a 'Strategy for Confronting Islamic Extremism' in moderate Muslim states.

21. In relation to Iraq, the key points were:

- Iraq was a threat because: "it has WMD capability; is acquiring more; has shown its willingness to use it; and can export that capability". Iraq was in breach of UN Security Council resolutions 687 (1991), 715 (1991) and 1284 (1999) and Saddam Hussein supported certain Palestinian terrorist groups and used terror tactics against Iraqi dissidents.
- Any link to 11 September and Al Qaida (AQ) was "at best very tenuous".
- Although "people want to be rid of Saddam", international opinion outside the US and the UK would "at present" be "reluctant" to support immediate military action.

22. Mr Blair suggested that a "strategy for regime change that builds over time" was needed "until we get to the point where military action could be taken if necessary" without losing international support and "facing a choice between massive intervention and nothing".

23. Although the UK was aware in December 2001 that the US was conducting a full review of all its options, there are no indications in the papers seen by the Inquiry that the UK was aware that President Bush had commissioned General Tommy Franks, Commander in Chief US Central Command (CENTCOM), to look at military options for removing Saddam Hussein; and that that would include options for a conventional land invasion.

24. Mr Kevin Tebbit, the MOD Permanent Under Secretary (PUS), visited Washington from 6 to 7 December where his meetings with a range of contacts included discussions on Afghanistan and the next stage of the "war against terrorism".[12]

25. While he was in Washington, an attempt was made by a senior Republican close to the Pentagon to persuade Mr Tebbit that the Iraqi National Congress (INC) could be a force to be reckoned with which would be sufficient to cause an Iraqi response and enable the US to take supportive military action.[13]

---

[10] Paper Blair [to President Bush], 4 December 2001, 'The War Against Terrorism: The Second Phase'.
[11] Indonesia, Iran, Iraq, Philippines, Somalia, Syria and Yemen.
[12] Telegram 1684 Washington to FCO London, 8 December 2001, 'Tebbit's Visit to Washington: Wider War Against Terrorism'.
[13] Minute Wilson to PS/CDI, 13 December 2001, 'Iraq: Is there a "Northern Alliance"?'.

26. Mr Tebbit commissioned an analysis of that thesis, which he expected would "show it to be flawed".

27. On 19 December, Mr Geoff Hoon, the Defence Secretary, held a meeting with Adm Boyce, Mr Tebbit and others, to discuss the sustainability of operations in the No-Fly Zones and implications for plans for the defence of Kuwait, in the light of reduced patrolling following the invasion of Afghanistan.[14]

28. Mr Hoon asked, in the context of the changed political environment since 9/11, for further advice "detailing the current state of operations over Iraq and the political and military implications of continuing with the current patrolling patterns" and "options for future action together with their political, legal and military implications". The options could be part of "a discrete operation" or "a wider campaign", and could range from fewer patrols, maintaining current operations, to an incremental increase and "a significant large scale operation".

29. It is now public knowledge that President Bush had asked for military options for action in Iraq to be reviewed in autumn 2001; and that he had been briefed by Gen Franks on 28 December 2001 and 7 February 2002.

30. The MOD had some knowledge of that debate, but it was not fully aware of all aspects of the discussions.

31. Admiral the Lord Boyce told the Inquiry that "there was no contingency planning or thinking about Iraq, so far as the Ministry of Defence was concerned, in 2001".[15]

32. Lord Boyce subsequently told the Inquiry that discussions between the UK and US about the conduct of joint operations to enforce the No-Fly Zones had continued.[16]

33. Lord Boyce stated:

> "We were flatly saying we are not considering or contemplating military action in Iraq. We were really quite strongly against that. We were certainly not doing any thinking about … military adventures into Iraq in the early part of 2002, other than maintaining our No-Fly Zone capabilities and so forth."[17]

34. General Sir John Reith, Chief of Joint Operations (CJO) from August 2001 to May 2004, told the Inquiry that CENTCOM had had plans in place for the invasion of Iraq after 1991.[18]

---

[14] Minute Williams to Cholerton, 21 December 2001, 'Iraq'.
[15] Public hearing, 3 December 2009, page 5.
[16] Public hearing, 27 January 2011, page 2.
[17] Public hearing, 27 January 2011, page 6.
[18] Private hearing, 15 January 2010, page 4.

35. Sir Kevin Tebbit told the Inquiry that he had been "quite surprised" when later on the US "started planning as quickly as they did in Iraq, that they were doing so before they sorted out Afghanistan".[19]

36. The MOD view in late January 2002 about the wisdom of taking any military action was cautious. It identified an opportunity to influence US thinking, which was far from settled.

37. On 24 January 2002, Dr Simon Cholerton, Assistant Director in Secretariat (Overseas) (Sec(O)), wrote to Mr Hoon, setting out the risks of taking action against Iraqi air defences in response to Iraqi violations in the No-Fly Zones.[20] That would require careful handling to avoid being seen as the next phase of "the war on international terrorism".

38. Dr Cholerton discussed the possibility of wider action against Iraq. He emphasised that neither the MOD nor the FCO had seen any "detailed US planning". Work on policy options, at both military and political levels, was continuing in the US but "little, if anything has been shared with the UK".

39. The case against Iraq, as "a candidate for 'Phase 2' in the GWOT [Global War on Terrorism]", would be based on the threat to US national security posed by Iraq's weapons of mass destruction programme in the absence of any evidence of Iraqi involvement in the 9/11 attacks. US thinking was far from settled and there "should be a window of opportunity to influence the US position".

40. Dr Cholerton also advised that the "initial assessment of the efficacy (never mind the legality) of military action to effect regime change is that it is poor". He drew attention to the work commissioned by Mr Tebbit in December 2001, which had addressed the strengths and weaknesses of the INC. That had concluded that there was "no Northern Alliance equivalent … who could take advantage of precision bombing" in Iraq.

41. Mr Hoon told the Inquiry that the "long experience of patrolling the No-Fly Zones" was "a significant factor" in subsequent discussions about military intervention in Iraq:

> "There was increasing concern about the risks involved in these operations and the consequences for example if a British or American aircraft was shot down. It was certainly speculated at the time that this could lead to military intervention to rescue downed personnel; and that such operations could lead to a wider engagement."[21]

---

[19] Private hearing, 6 May 2010, page 4.
[20] Minute Cholerton to APS/Secretary of State [MOD], 24 January 2002, 'Iraq: No Fly Zones'.
[21] Statement, 2 April 2015, paragraph 11.

President Bush's "axis of evil" speech and the UK response

42. President Bush's State of the Union speech on 29 January 2002 referred to Iraq, Iran and North Korea as "an axis of evil, arming to threaten the peace of the world".[22]

43. The speech prompted a major public debate on both sides of the Atlantic about policy towards Iraq.

44. The UK's response, discussions between No.10 and the White House, and the advice commissioned by No.10, including a paper analysing the options on Iraq and a paper for public consumption setting out the facts on WMD, are addressed in Section 3.2.

45. Sir David Manning was assured by Dr Condoleezza Rice, President Bush's National Security Advisor, that no decisions would be taken before the planned meeting between Mr Blair and President Bush at Crawford in early April.[23]

46. No.10 commissioned a number of papers to inform preparations for Mr Blair's meeting with President Bush.[24]

47. By late February, US military action to achieve regime change in Iraq later that year was seen as a serious possibility.

48. The Chiefs of Staff were informed on 19 February that:

> "A sustained bombing campaign combined with internal opposition forces plus US covert action would not be sufficient to effect a regime change. Any ground invasion if it was perceived to be against the Sunni hegemony rather than that of Saddam himself, would incur greater resistance … [T]he US would not be in a position to project such a force until autumn 02. Basing in the region would be problematic …
>
> "US intent appeared to be to stem the creeping tide of WMD. Given that neither arms control or leverage were working, a line had to be drawn on the issues and in the case of Iraq, the line had been reached … The US also had to consider the possibility of Saddam retreating to the North of Iraq and the consequences that this could have to maintaining another leader in Baghdad … COS [Chiefs of Staff] needed to be more in tune with US planning and on message when speaking to their colleagues abroad. COS therefore requested regular updates as the FCO/MOD/US dialogue unfolded."[25]

49. The thinking in the MOD at the time, about the position in Iraq and the US military options, is set out in more detail in the Defence Intelligence Staff (DIS) paper issued on 5 March, which is addressed later in this Section.

---

[22] The White House, 29 January 2002, *The President's State of the Union Address.*
[23] Letter Manning to McDonald, 14 February 2002, 'Conversation with Condi Rice: Iraq'.
[24] Public hearing, 19 January 2011, page 34.
[25] Minutes, 19 February 2002, Chiefs of Staff meeting.

JIC ASSESSMENT, 27 FEBRUARY 2002: 'IRAQ: SADDAM UNDER THE SPOTLIGHT'

50. The Joint Intelligence Committee (JIC) Assessment of 27 February reached the view that, without direct intervention on the ground, the opposition would be unable to overthrow Saddam Hussein's regime.

51. If he was unable to deter a US attack, Saddam Hussein would "go down fighting and could adopt high risk options".

52. At the request of the JIC, an Assessment, 'Iraq: Saddam Under the Spotlight', was produced on 27 February.[26] It addressed "Saddam's threat perceptions and internal position: whether he is secure, what opposition he faces, and what he is doing to try and avoid the internal and international threats he faces".

53. The Key Judgements included:

- "Saddam fears a US military attack which would threaten his regime by bringing about the disintegration of his military and security apparatus. A force on the scale of Desert Storm (1991) would constitute such a threat."
- Saddam Hussein would permit the return of weapons inspectors if large-scale military action was believed to be imminent, but he would seek to frustrate their efforts.
- "The Special Republican Guard (SRG) remains closely tied to Saddam's regime and is likely to resist any attempt to overthrow him. The Republican Guard … would be relatively resilient under attack but its loyalty in dire straits is more open to question than the SRG. Other elements of the Iraq military are more liable to crack if subjected to a strong attack."
- The "opposition" was "militarily weak and riven by factional differences. They will not act without visible and sustained US military support on the ground. A coup or military revolt is only a remote possibility."

54. The JIC also judged that Saddam Hussein did not believe such an attack was inevitable.

55. Elaborating the final Key Judgement, the Assessment stated:

> "Overall we judge that, **unaided, the Iraqi opposition is incapable of overthrowing the Iraqi regime; in the present circumstances a coup or military revolt remains only a remote possibility**. With outside help short of direct intervention on the ground, the opposition would still be unable to succeed. Spontaneous mass uprisings might be more important if the regime's control wavered, but this is not in prospect; however, it might hasten the regime's downfall in conjunction with a massive US attack."

---

[26] JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.

56. The JIC considered that the Kurds and Shia "would not show their hand until US resolve to overthrow Saddam" was "absolutely clear". There was "no obvious leader" among those groups who was "capable of unifying the opposition" and had "credibility and popular appeal inside Iraq". No likely replacement for Saddam Hussein from within the regime had been identified, but the JIC stated that, in the event of internal change, it was "likely that any successor would be autocratic and drawn from the Sunni military elite".

THE MOD PERSPECTIVE

57. The MOD advised Mr Hoon that the UK should not rule out military action against Iraq; and that it should think through the options in more depth to improve the "prospects for influencing the US towards a successful outcome".

58. Mr Simon Webb, MOD Policy Director, sent Mr Hoon advice on 27 February on how the UK might approach the three countries referred to by President Bush as an "axis of evil".[27]

59. Mr Webb recommended that the UK should acknowledge that the countries posed "increasing" risks to international stability; and that the US should be persuaded to explain why. The UK should:

> "Encourage a broad-based approach ranging from diplomacy to challenge inspections and levers on suppliers.
>
> "Not rule out UK participation in military action against Iraq […] if that is the only way to stem the tide of WMD proliferation and a worthwhile and legal option exists at the time."

60. Mr Webb also stated that it was important to distinguish between two strands: the "direct risks from proliferation" and the "potential association with international terrorism".

61. In the context of the response from European partners, Mr Webb advised:

> "… it would be wiser for the UK to take a more complex position supporting the underlying concerns but advocating a greater mix of possible approaches. No.10 have started to take this line over the last week but we need to think through the options in more depth. In this way we have better prospects of influencing the US towards a successful outcome. Above all we should encourage the US to explain the issues more effectively …"

62. Mr Webb's detailed advice on the risks from Iraq's WMD is addressed in Section 4.1.

---

[27] Minute Webb to PS/Secretary of State [MOD], 27 February 2002, 'Axis of Evil'.

63. Mr Webb asked Mr Hoon for approval for the overall approach he had set out, on which he would "be working with the Cabinet Office" before Mr Blair's meeting with President Bush in early April.

64. Mr Webb stated:

> "If specific military options start to be considered in the US, we would of course seek his [Mr Hoon's] guidance on whether the UK should participate in planning."

65. Mr William Ehrman, FCO Director International Security, who had been shown a draft of Mr Webb's advice, raised a number of questions, and asked for a briefing for himself and Mr William Patey, FCO, Head, Middle East Department (MED), on what the MOD considered to be the "valid options for military operations in some specific scenarios against Iraq".[28] Mr Ehrman underlined the potential legal difficulties, including differences between the UK and the US on the question of whether a determination that Iraq was flouting UNSCRs could be made without collective Security Council authorisation.

66. A DIS paper on the possible US military options for removing Saddam Hussein was issued on 5 March.

67. The paper provides insights into some of the judgements in the JIC Assessment of 27 February, the Cabinet Office Options Paper of 8 March, and the thinking within the MOD which informed subsequent analysis and military planning, including uncertainty about what regime might replace Saddam Hussein.

68. At the request of Air Marshal Joe French, Chief of Defence Intelligence (CDI), the DIS produced a paper examining "US military" options for removing Saddam Hussein over the next 12 months on 5 March.[29] That did not "look at longer-term options, such as a covert action programme designed to achieve regime overthrow". The paper did, however, consider Saddam Hussein's options and likely intentions as he was "well aware of the possibility of action against him".

69. Addressing the feasibility of action to topple Saddam Hussein, the paper stated that:

- Perception of US intent was critical to all three broad options for regime change.
- Assassination or direct targeting of Saddam Hussein and the senior regime leadership was "unfeasible".
- Sustained airstrikes alone would not convince the Iraqi populace of US determination to overthrow the regime. Airstrikes and a widespread insurgency with US covert action on the ground was a "feasible option", but it would not "guarantee success".

---

[28] Letter Ehrman to Webb, 27 February 2002, 'Axis of Evil'.
[29] Paper DIS, 5 March 2002, 'Politico Military Memorandum, Removing Saddam'.

- Internal forces could only remove Saddam Hussein with the involvement of a Sunni strongman; but such an individual would be acting to preserve Sunni hegemony. That was "unlikely to be acceptable to Kurdish and in particular, Shia insurgents".
- The UK intelligence community had consistently assessed that "the only viable, long term successor to Saddam will come from within the Sunni security/military structure". He would be "unlikely to command popular support" and would be "forced (and probably inclined) to run Iraq along autocratic lines". Iraq would "remain a unitary state", but its long-term problems "would not disappear with Saddam".
- A "sustained air campaign combined with a ground invasion" would topple the regime.

70. Addressing Iraq's defences, the DIS wrote:

- The disposition of Iraqi forces was "defensive".
- Saddam Hussein would not take offensive action against the Kurds – he knew that would "definitely provoke US action".
- Equipment was "increasingly obsolescent" and US air supremacy was "certain". Key units might fight, "but the regime could fall quickly".
- "If softened by an air campaign, and facing US ground forces", the collapse of Iraqi Regular Army (RA) units "could be as swift as it was in 1991, particularly given the lack of a viable air force. The regime would quickly lose control of the South …"
- If the RA and the Republican Guard Forces Command (RGFC) "decided that they [were] defending the Iraqi homeland and Sunni dominance rather than just Saddam Hussein" they were "more likely to offer a tenacious and protracted resistance".

71. Addressing the possibility of Iraq using WMD, the DIS wrote that it had "no definitive intelligence" on Iraq's concepts for the use of WMD:

> "Iraq did not employ WMD against coalition forces … [in 1991], nor against the subsequent internal uprisings. We judge that Saddam wished to avoid regime-threatening retaliation from the coalition. Hence the use of WMD will be linked to perception of regime survivability. Were the regime in danger of imminent collapse, Saddam might consider use of WMD against internal opposition, US forces or Israel."

72. Other points made by the DIS included:

- The US would need three to four months to assemble a force capable of taking military action. It was "conceivable" that it could be ready to begin the first phase of an air campaign in May (when the UN was next due to review Iraq) "but late summer would be better, not least to avoid ground operations in the summer heat".

- Turkey would be wary of any regime change plan that encouraged or created the conditions in which Kurdish separatism may grow in strength. It wanted a stable, unitary and secular Iraq.
- Iraq would remain a unitary state but many of the structural problems would remain and: "We should also expect considerable anti-Western sentiment among a populace that has experienced ten years of sanctions."
- "A US attempt to create a more equitable long-term distribution of power in Iraq would require massive and lengthy commitment. Modern Iraq has been dominated politically, militarily and socially by the Sunni. To alter that would entail re-creation of Iraq's civil, political and military structures. That would require a US-directed transition of power (ie US troops occupying Baghdad) and support thereafter. Ten years seems a not unrealistic time span for such a project."

73. The paper was sent to Mr Hoon, the Chiefs of Staff, Sir Kevin Tebbit,[30] Mr Webb, Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), and a small number of other individuals. It was also sent to Mr John Scarlett, the Chairman of the JIC, the Assessments Staff, Mr Tom Dodd, OD Sec, Dr Amanda Tanfield, FCO Head of Iraq Section, Middle East Department, and SIS.

74. The paper was subsequently included in the pack of reading material on Iraq for Mr Blair, sent to No.10 by Mr Scarlett on 1 August (see Section 3.4).

75. On 6 March, the Chiefs of Staff were informed that Iraq was "sliding rapidly up the scale of interest and a degree of strategic planning was essential at some point in the near future, given the lead times necessary to shape pol/mil thinking effectively".[31]

76. The Chiefs of Staff agreed that Air Chief Marshal Sir Anthony Bagnall, Vice Chief of the Defence Staff (VCDS), who was chairing the meeting in CDS's absence, should "refresh" work on Urgent Operational Requirements (UORs) to ensure that it was not left "too late".

77. The process of identifying and agreeing UORs to equip UK forces deployed to Iraq later in 2002 is addressed in Section 6.3.

78. Discussions with the Treasury on funding for operations in Iraq are addressed in Section 13.

CABINET, 7 MARCH 2002

79. Cabinet on 7 March was assured that no decision to launch military action had been taken and "any action would be in accordance with international law".

---

[30] Sir Kevin Tebbit was appointed KCB in the 2002 New Year Honours List.
[31] Minutes, 6 March 2002, Chiefs of Staff meeting.

80. Mr Blair and other Ministers had not received any considered, cross-government advice on the policy issues or options before the Cabinet discussion.

81. The Cabinet Office 'Iraq: Options Paper' of 8 March was prepared as a background paper by relatively junior officials. It contained no recommendation and was not intended to provide the basis for decisions. It was not formally considered and approved by senior officials.

82. From late February 2002, Mr Blair and Mr Jack Straw, the Foreign Secretary, began to set out the argument that Iraq was a threat which had to be dealt with in articles in the press and public statements which are described in Section 3.2.

83. In addition, a briefing paper on Iraq for the Parliamentary Labour Party (PLP) was prepared, at Mr Straw's request, by his Special Adviser, Dr Michael Williams.[32]

84. Mr Straw's Private Office signed a letter to members of Cabinet on 6 March suggesting that they might find the paper on Iraq "useful background".[33]

85. In Cabinet on 7 March (see Section 3.2), several Ministers expressed concern about the possibility of US military action against Iraq and its implications.

86. Cabinet was assured that no decision to launch military action had been taken and "any action would be in accordance with international law".

87. Mr Blair concluded that the right strategy was to engage the US Government closely to shape policy and its presentation.

THE CABINET OFFICE 'IRAQ: OPTIONS PAPER'

88. A collection of "background briefs" in preparation for his meeting with President Bush in early April was sent to Mr Blair on 8 March.[34]

89. The papers included a Cabinet Office 'Iraq: Options Paper',[35] together with two FCO papers, 'Iraq: Legal Background'[36] and the 'Military Action against Iraq: Attitudes of Selected Third Countries'.[37] The Cabinet Office paper and its origins are addressed in detail in Section 3.2.

---

[32] Statement, Lord Williams of Baglan, 9 January 2011, page 5.
[33] Letter Sedwill to Rycroft, 6 March 2002, 'Iraq: Cabinet Discussion'.
[34] Minute Manning to Prime Minister, 8 March 2002, 'Briefing for the US'.
[35] Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.
[36] Paper FCO, [undated], 'Iraq: Legal Background'.
[37] Paper Foreign and Commonwealth Office, March 2002, 'Military Action against Iraq: Attitudes of Selected Third Countries'.

90. The Cabinet Office paper did not make any recommendations but analysed two broad options: toughening the existing containment policy, and regime change by military means. The points made in the paper included:

- An improved containment policy would make a sanctions regime more attractive and reduce Iraq's illicit revenues. The return of the inspectors would also allow greater scrutiny of Iraq's WMD programme and security forces.
- Some of the difficulties with the existing policy would, however, still apply and the US had lost confidence in containment.
- The only certain means to remove Saddam Hussein and his elite was to invade and impose a new government. That would be a new departure which would require the construction of a coalition and a legal justification.
- Internal regime change in Iraq was likely to result in government by another Sunni military strongman.
- If the US and others committed to nation-building for many years, "a representative broadly democratic government" was possible but the paper concluded it would be Sunni-led.
- The use of overriding force in a ground campaign was the only option to offer confidence that Saddam Hussein would be removed and bring Iraq back into the international community.
- No legal justification for an invasion currently existed.
- A staged approach, establishing international support, should be considered.

91. Dr Cholerton sent a copy of the Cabinet Office and FCO papers to Mr Hoon on 8 March.[38]

92. Dr Cholerton advised that the text had not been agreed by the MOD and that, at the request of the Cabinet Office, the paper had not been circulated within the MOD. Copies of the minute and papers were sent only to Adm Boyce, Sir Kevin Tebbit, Mr Webb and Mr Desmond Bowen, MOD Director General Operational Policy.

93. Mr Hoon asked for further advice on the US legal justification for both a military attack on Iraq and regime change in Iraq, and how practicable action was against states breaking sanctions.[39]

94. Dr Cholerton's response of 26 March:

- set out the MOD's understanding of the UK and US legal position; and
- the difficulties of controlling trade between Iraq and its neighbours and other countries in the region.[40]

---

[38] Minute Cholerton to APS/SofS [MOD], 8 March 2002, 'Iraq: OD Secretariat Options Paper'.
[39] Minute Williams to Cholerton, 12 March 2002, 'Iraq: OD Secretariat Options Paper'.
[40] Minute Cholerton to APS/SofS [MOD], 26 March 2002, 'Iraq: OD Secretariat Options Paper'.

95. Military liaison officers with CENTCOM in Tampa, Florida, focused on operations in Afghanistan and the No-Fly Zones over Iraq, were aware that a policy of 'NOFORN' (no disclosure of information to anyone who was not a US citizen; a foreigner) planning on Iraq was under way. Rumours about CENTCOM planning on Iraq had been reported to Lt Gen Pigott on 8 March:

> "It is clear that planning is being conducted, and enablers are being put in place for a major air and land campaign in Iraq. It is clear that no political decisions have yet been made. Furthermore, temperatures over the summer and an apparent 6 month+ timescale for reconstitution of … stocks suggest a start date not before Oct[ober] 02."[41]

96. General Reith told the Inquiry that he had "about 40 people … working with CENTCOM, about 20 as embedded staff and 20 with my liaison team."[42]

97. The UK's deployments to Afghanistan in early 2002 are addressed in the Box below.

Deployments to Afghanistan in early 2002

The United Nations Security Council adopted resolution 1386 on 20 December 2001.[43] That recognised that the responsibility for providing security and law and order throughout Afghanistan resided with the Afghans themselves. The resolution noted the reported request from the Afghan authorities for a United Nations authorised international security force, and authorised the establishment of an International Security Assistance Force (ISAF) in Afghanistan for six months. It also welcomed the UK offer to lead in organising and commanding the Force.

ISAF's role was to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas.[44] The British contribution was known as Operation VERITAS.[45]

The Force was initially commanded by Major General John McColl and became fully operational from 18 February 2002.[46] The UK provided an infantry battlegroup based in Kabul and, until March 2002, a subordinate headquarters provided by 16 Air Assault Brigade.

On 18 March, the Force comprised more than 4,600 personnel from 18 nations, including some 1,600 UK troops deployed on Operation VERITAS.

In addition, and in response to a formal US request for forces to join military operations against Al Qaida and the Taliban, Mr Hoon announced the separate deployment of a further battlegroup, built around 45 Commando Royal Marines, of up to 1,700 personnel

[41] Minute Reith to DCDS(C), 8 March 2002, 'CENTCOM Planning on Iraq'.
[42] Private hearing, 15 January 2010, page 2.
[43] UN Security Council resolution 1386 (2001).
[44] UN Security Council Press Release, 20 December 2001, *Security Council Authorises International Security Force for Afghanistan; Welcomes United Kingdom's Offer to be Initial Lead Nation.*
[45] The National Archives, [undated], *Operation Veritas – British Forces.*
[46] House of Commons, *Official Report*, 18 March 2002, columns 38-39.

which would be ready to commence offensive operations by mid-April. The battle group would join a US-led brigade for military operations. The Brigadier commanding 3 Commando Brigade and his headquarters would also deploy to join the headquarters of CENTCOM at Bagram airbase.

Mr Hoon stated that the operation was being conducted in self-defence in accordance with the UN Charter, "against those elements of Al Qaida and the Taliban that continue to threaten the United Kingdom and other countries".[47] It was the "largest military deployment for combat operations since the Gulf Conflict" in 1991.[48]

The deployment was discussed in Cabinet on 21 March.[49]

Mr Blair concluded that:

> "… the troops were supported by the majority of the people in Afghanistan and would not be seeking to occupy territory, there was substantial United States air cover and there were troops from several Coalition partners involved. There was no parallel with the occupation of Afghanistan by the Soviet Union. The total number of British forces engaged in operations related to Afghanistan was substantial, but still only one-tenth of the number deployed during the 1991 Gulf War."

Turkey took over lead responsibility for ISAF on 20 June 2002.[50]

The same day, Mr Hoon confirmed that the Task Force based on the 45 Commando battlegroup would return to the UK on successful completion of Operation JACANA.[51]

Drawdown was completed on 31 July 2002.[52]

MR HOON'S ADVICE, 22 MARCH 2002

98. Mr Hoon wrote to Mr Blair on 22 March emphasising the importance of a counter-proliferation strategy in the Middle East.

99. On Iraq, Mr Hoon advised that the UK should support President Bush and be ready to make a military contribution; and that UK involvement in planning would improve the US process. One of Mr Blair's objectives at Crawford should, therefore, be to secure agreement to the UK's participation in military planning.

100. Mr Hoon also stated that a number of issues would need to be addressed before forces were committed, including the need for a comprehensive public handling strategy to explain convincingly why such drastic action against Iraq's WMD was needed now.

---

[47] House of Commons, *Official Report*, 18 March 2002, column 43.
[48] House of Commons, *Official Report*, 18 March 2002, column 40.
[49] Cabinet Conclusions, 21 March 2002.
[50] UN Security Council resolution 1444 (2002).
[51] House of Commons, *Official Report*, 20 June 2002, column 407.
[52] The National Archives, [undated], *Operation Veritas.*

101. As the detailed analysis in Section 4.1 shows, the assumption that Saddam Hussein had retained some WMD and the ability to use it and that he was now actively seeking to enhance those capabilities, despite the disarmament obligations imposed by the UN Security Council after the Gulf Conflict in 1991, was deeply embedded in UK thinking by March 2002.

102. That was reinforced by the JIC Current Intelligence Group (CIG) Assessment of the status of Iraq's WMD programmes issued on 15 March to aid policy discussions on Iraq.[53]

103. In the context of a discussion about US concerns, relating to Al Qaida's pursuit of WMD, the need for action to deal with the threat posed by Iraq and the potential link between terrorism and WMD, Mr Blair told Vice President Dick Cheney on 11 March that it was "highly desirable to get rid of Saddam" and that the "UK would help" the US "as long as there was a clever strategy".[54]

104. Policy discussions with the US during March, including Mr Blair's discussion with Vice President Cheney and Sir David Manning's visit to Washington, are addressed in Section 3.2.

105. Mr Hoon discussed Mr Webb's advice of 27 February at a meeting on 19 March, at which AM French "and others" were present.[55]

106. In relation to the options for military action, Mr Hoon was advised that, if a UK contribution to US military action against Iraq were to be sought, it:

> "… might be a 'division minus', ie the largest of the options [for the deployment of UK ground forces] foreseen in the SDR [1998 Strategic Defence Review]."[56]

107. Mr Hoon was also told that a "key issue would be the size of any continuing military presence required to sustain a post-Saddam regime".

108. Mr Hoon requested advice on the "likely resilience of Iraq's resistance to a ground operation".

109. Mr Hoon concluded that, if the US were to pursue a military option and seek UK involvement, "it would clearly be undesirable" for the UK to find itself "facing a plan about which we had reservations". It would, therefore, be "advantageous to seek representation in the UN planning process". He would write to Mr Blair suggesting he should raise that possibility in his discussions with President Bush.

---

[53] CIG Assessment, 15 March 2002, 'The Status of Iraqi WMD Programmes'.
[54] Letter Manning to McDonald, 11 March 2002, 'Conversation between the Prime Minister and Vice President Cheney, 11 March 2002'.
[55] Minute Watkins to Policy Director, 20 March 2002, 'Axis of Evil'.
[56] The Planning Assumptions, agreed in SDR 1998 and described earlier in this Section, stated that the UK should be able to deploy a division of up to three brigades in response to crises outside the NATO area. During the Gulf Conflict in 1991, the UK deployed an armoured division comprising two combat brigades; 4 Brigade and 7 Armoured Brigade (Ministry of Defence, *Statement on the Defence Estimates – Britain's Defence for the 90s*, July 1991, Cm 1559).

110. In the context of advice about Iraq's ability to develop a nuclear weapon (see Section 4.1), AM French commented in a minute to Mr Webb that, "Despite the work going on in the Pentagon", he could "not see a significant possibility of a large-scale military attack on Iraq taking place this year".[57]

111. In AM French's view, the US would be "taking a calibrated approach":

- "The 'axis of evil' could be considered as the start of an IO [information operations] campaign."
- "The US would respond to international opinion by giving UNMOVIC [UN Monitoring, Verification and Inspection Commission] another chance, but with a much more intrusive regime."
- The IO campaign was "part of a move to foment opposition to Saddam Hussein inside Iraq".
- "The US would consider the selective use of military force, air strikes, to aid a coup, which must come from inside the country."
- "If all the above fail then consideration would have to be given to large-scale military action."
- Large-scale military action would come "into play quickly should Iraq be shown to be complicit in terrorist attacks using WMD".

112. The minute was also sent to Adm Boyce.

113. In response to Mr Hoon's request at his meeting on 19 March, the DIS advised that a ground offensive from Kuwait through Basra and coalition destruction of regime security organs in southern Iraq, calls for a democratic Iraq, or the attempted imposition of a government in exile, were all likely to increase resistance to a coalition attack.[58] As long as he was seen as defending Sunni hegemony in Iraq, that was Saddam Hussein's greatest strength.

114. Mr Hoon sent a minute to Mr Blair on 22 March, which included Mr Hoon's assessment that Saddam Hussein was "only one unpleasant dimension" of the "key strategic problem" of the spread of WMD, and that a more active counter-proliferation strategy was needed for the region as a whole. That is addressed in Sections 3.2 and 4.1.[59]

115. In relation to possible military action, Mr Hoon identified three factors that the UK should keep in mind in considering how to support President Bush:

- "The US already has heavy land forces in the region … [and] is planning on the basis that it would take 90 days to deploy all necessary forces to the region; it would take us longer.

---

[57] Minute CDI to Policy Director, 21 March 2002, 'Iraq – Nuclear Weapons'.
[58] Minute PS/CDI to PS/SofS [MOD], 26 March 2002, 'Axis of Evil: Iraq'.
[59] Minute Hoon to Prime Minister, 22 March 2002, 'Iraq'.

- Despite 10 years of searching, no one has found a credible successor to Saddam.
- If a coalition takes control of Baghdad (especially without catching Saddam), it will probably have to stay there for many years."

116. Mr Hoon wrote that the UK "should support President Bush and be ready for a military contribution" in Iraq. The UK had "made some progress at getting inside the Pentagon loop", but he cautioned that the UK was:

> "… not privy to detailed US planning, either strategically across the region or on Iraq. Before any decision to commit British forces, we ought to know that the US has a militarily plausible plan with a reasonable prospect of success compared to the risks and within the framework of international law. Our involvement in planning would improve their process – and help address our lead time problem. It would enable either CDS to reassure you that there is a sound military plan or give you a basis to hold back if the US cannot find a sensible scheme … I suggest one of your objectives at Crawford should be to secure agreement to the UK's participation in US military planning …"

117. Finally, Mr Hoon proposed that Mr Blair might raise with President Bush "the need for a comprehensive public handling strategy, so that we can explain convincingly why we need to take such drastic action against Iraq's WMD now".

118. Mr Hoon's letter was copied to Mr Straw and to Sir Richard Wilson, the Cabinet Secretary.

119. Lord Boyce told the Inquiry:

> "The point of asking for access … was if the Americans were going to start … down a route of planning for military operations in Iraq, and if the Prime Minister was going to indicate … that might be something … we would be involved in, then the earlier we got involved … the earlier we would get an understanding of what might be required of us."[60]

120. Sir Kevin Tebbit told the Inquiry that "there was no such thing at that stage as military planning". It was "quite clear" that some in the US were pushing for military action to deal with WMD proliferation, "not just against Iraq, but against other countries too". The "background papers" produced for Mr Blair's visit to Crawford were "policy papers rather than military planning documents". Those papers helped to inform Mr Blair's thinking but there were "no recommendations".[61]

121. Mr Hoon told the Inquiry that, if there was a possibility of the US taking military action to which the UK might make a military contribution, the MOD:

---

[60] Public hearing, 27 January 2011, page 4.
[61] Public hearing, 3 December 2009, pages 7-9.

> "… needed to be inside the process, both to influence it, but equally to understand what was happening, so that if, later on, there was such a request, we knew the nature of that request and why it had been made."[62]

122. On 25 March, Mr Straw wrote to Mr Blair setting out the risks which could arise from discussions with President Bush, but suggesting the "case against Iraq and in favour (if necessary) of military action" might be made in the context of seeking regime change as an essential part of a strategy of eliminating Iraq's WMD, rather than an objective in its own right.[63]

123. Mr Straw's minute, which is addressed in Section 3.2, does not appear to have been sent to anyone outside No.10.

Mr Blair's meeting at Chequers, 2 April 2002

124. Mr Blair discussed the need for a strategy to remove Saddam Hussein and possible US military action in a meeting at Chequers on 2 April.

125. The meeting was clearly intended to inform Mr Blair's approach in his discussion with President Bush.

126. Mr Blair's meeting at Chequers on 2 April is addressed in Section 3.2. No formal record was made of the discussion, or who was present.

127. Accounts given by participants suggest that Adm Boyce, Sir Kevin Tebbit (representing Mr Hoon who was unable to attend), Lt Gen Pigott, Lieutenant General Cedric Delves (senior UK liaison officer at CENTCOM), Sir Richard Dearlove, Mr Jonathan Powell (Mr Blair's Chief of Staff), Sir David Manning and Mr Scarlett were present.

128. In relation to the military advice provided at the meeting, Lt Gen Pigott produced a set of briefing slides at the meeting.[64] They identified a provisional end state for military action against Iraq which was defined as:

> "A law-abiding Iraq which is reintegrated in the international community, that does not threaten its neighbours, or global security."

129. The slides prepared for Lt Gen Pigott also contained elements related to Afghanistan, the need to eliminate international terrorism as a force in international affairs and a series of questions in relation to the goals and approach of any military action in Iraq, including that, if the US wanted the UK to be involved in any military action, the UK would need to be involved in the planning.

---

[62] Public hearing, 19 January 2010, page 16.
[63] Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.
[64] Email DCDS(C)/MA2 to CDS REGISTRY-5 and PS/PUS [MOD], 28 March 2002, 'Iraq Briefing Slides'.

130. Dr Cholerton provided Sir Kevin Tebbit with advice including a copy of the Cabinet Office 'Iraq: Options Paper' and Mr Webb's minute of 27 February.[65] Dr Cholerton wrote:

> "… we believe that the key issue for the PM to raise with President Bush is the outcome the US would seek from any military action: would it simply be [to] control Iraq's WMD, remove Saddam from office (in the knowledge that a successor regime may well continue with Iraq's WMD programmes) or is it necessary to install a replacement regime? The answer to this question will be key to military planning; how action would fit into the framework of international law and help hugely in subsequent work to influence US policy."

131. Lord Boyce initially told the Inquiry:

> "We had started thinking of what our capability would be. I was not involved in the briefing of the Prime Minister just before going to Crawford."[66]

132. In his later statement, Lord Boyce said:

> "There was a meeting with the Prime Minister on 2 April just prior to his visit to Crawford to discuss, amongst other things such as Afghanistan, a wide range of options about how to deal with Iraq, from containment and sanctions to conceptual military action. There was no discussion on the detail of military action or military options."[67]

133. Adm Boyce told the Inquiry that his "presence at Chequers on that particular occasion was simply if there were questions coming up about what could be done militarily, what was our capability should we be asked to do something"; and that "no particular preparations were made for that" meeting.[68]

134. Mr Hoon told the Inquiry that Sir Kevin Tebbit had attended the meeting on his behalf, and that he "knew that there were quite detailed discussions about what was going to happen at Crawford".[69]

135. The MOD has been unable to locate any record of Sir Kevin's report to, or discussion with, Mr Hoon.[70]

136. Mr Blair wrote in his memoir that Admiral Boyce and:

> "… [Lt Gen] Pigott who had studied the military options, gave a presentation. They warned it could be a bloody fight and take a long time to remove Saddam. The US

---

[65] Minute Cholerton to PS/PUS [MOD], 8 April 2002 [sic], 'Iraq: Meeting with Prime Minister at Chequers'.
[66] Public hearing, 3 December 2009, pages 10-11.
[67] Statement Boyce, 27 January 2011.
[68] Public hearing, 27 January 2011, page 3.
[69] Public hearing, 19 January 2010, page 18.
[70] Letter MOD Iraq Inquiry Unit to Iraq Inquiry Secretariat, 23 May 2012, [untitled].

were engaged in preliminary planning, but it was hard to read where they were going with it. We needed to get alongside that planning and be part of it …"[71]

137. The most detailed account of the meeting is in the diaries of Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy. He described the meeting as:

"… a repeat of the smaller meeting we'd had on Afghanistan. Boyce … mainly set out why it was hard to do anything …

"TB [Tony Blair] wanted to be in a position to give GWB [President Bush] a strategy and influence it. He believed Bush was in the same position as him, that it would be great to get rid of Saddam and could it be done without terrible unforeseen circumstances? …

"We were given an account of the state of Iraqi forces, OK if not brilliant, the opposition – hopeless – and Saddam's ways – truly dreadful. CDS appeared to be trying to shape the meeting towards inaction, constantly pointing out the problems, the nature of the [US] Administration, only Rumsfeld and a few others knew what was being planned, TB may speak to Bush or Condi [Rice] but did they really know what was going on? … He said apart from Rumsfeld, there were only four or five people who were really on the inside track.

"… but CDS would keep coming back to the problems … General Tony Pigott did an OK presentation which went through the problems realistically but concluded that a full-scale invasion would be possible, ending up with fighting in Baghdad. But it would be bloody, could take a long time. Also, it was not impossible that Saddam would keep all his forces back. He said post-conflict had to be part of conflict preparation. The Americans believed we could replicate Afghanistan but it was very, very different … Cedric [Delves] … said Tommy Franks was difficult to read because he believed they were planning something for later in the year, maybe New Year. He basically believed in air power plus Special Forces. CDS said if they want us to be involved in providing force, we have to be involved in all the planning, which seemed fair enough.

"TB said it was the usual conundrum – do I support totally in public and help deliver our strategy, or do I put distance between us and lose influence?

"We discussed whether the central aim was WMD or regime change. Pigott's view was that it was WMD. TB felt it was regime change in part because of WMD but more broadly because of the threat to the region and the world … [P]eople will say that we have known about WMD for a long time … [T]his would not be a popular war, and in the States fighting an unpopular war and losing is not an option.

---

[71] Blair T. *A Journey*. Hutchinson, 2010.

> "C [Dearlove] said that the Presidential Finding, based on an NSC [National Security Council] paper, made clear it was regime change that they wanted … There was a discussion about who would replace Saddam and how could we guarantee it would be better. Scarlett said it couldn't be worse …"[72]

138. Sir Richard Dearlove's evidence on the meeting and a press report about the Presidential Finding are described in Section 3.2.

Mr Blair's meeting with President Bush at Crawford, April 2002

139. When Mr Blair met President Bush in early April, the US was not ready to agree UK access to US military planning.

140. Lt Gen Pigott and Mr Bowen travelled to Washington on 2 April primarily to discuss Afghanistan-related matters.[73]

141. Lt Gen Pigott also took the opportunity to ask what the US aims were for Iraq, and whether they were centred on regime change, WMD or both. He was reported as indicating some:

> "… close-hold interagency thinking was beginning in London … We [the UK] would welcome some engagement with the US on these broad questions. Discussion of military plans was for later."[74]

142. US officials were reported to have given a mixed response to his approach.

143. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, sent a report of the visit to Sir David Manning, on 4 April.[75]

144. Mr Watkins wrote:

> "The impression they formed was that serious debate of the issues, let alone options, had not got off the ground … (The Chairman [of the US Joint Chiefs of Staff, General Richard Myers] would presumably have to persuade Donald Rumsfeld [US Secretary of Defense] of the desirability of this joint activity.) Mr Hoon strongly endorses the need to get close to Pentagon thinking on the possible approaches in order to get the framework right before any military planning starts. He hopes that the President and Prime Minister can agree to set this Pentagon/MOD work in hand."

---

[72] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[73] Public hearing, 7 December 2009, page 5.
[74] Telegram 461 Washington to FCO London, 4 April 2002, 'US Policy on Iraq: Visit of Lt Gen Pigott'.
[75] Letter Watkins to Manning, 4 April 2002, 'Iraq'.

145. Sir David Manning added in a manuscript comment: "… further request from Geoff Hoon that you should persuade Bush to include us in the US military planning process."[76]

146. In a separate minute to Mr Blair, Sir David wrote:

> "We need to start US/UK military planning (ie access for UK military planners in Washington and CENTCOM – the point CDS [Adm Boyce] made at Chequers)."[77]

147. Mr Blair met President Bush at Crawford, Texas, on 5 and 6 April. The discussion and Mr Blair's subsequent statements – in a press conference with President Bush, the speech at College Station on 7 April, in Parliament on 10 April, and to Cabinet on 11 April – are addressed in Section 3.2.

148. A three-page record of the discussions on Iraq was circulated on a secret and strictly personal basis by Sir David Manning in a letter to Mr Simon McDonald, Mr Straw's Principal Private Secretary, which was sent only to Mr Watkins (for Mr Hoon), Admiral Boyce, Sir Michael Jay (FCO Permanent Under Secretary), Sir Richard Dearlove, Sir Christopher Meyer (British Ambassador to the US) and Mr Powell.[78]

149. In relation to military action, Sir David Manning recorded that the meeting on Saturday morning was informed that:

- There was no war plan for Iraq.
- Thinking so far had been on a broad, conceptual level.
- A very small cell in Central Command in Florida had recently been set up to do some planning and to think through the various options.
- When the US had done that, US and UK planners would be able to sit down together to examine the options.
- The US and UK would work through the issues together.

150. Sir David recorded that Mr Blair and President Bush had discussed:

- the need to enhance not diminish regional stability;
- who might replace Saddam Hussein if action was taken to topple him;
- the impact of a moderate, secular regime in Iraq on other countries in the region;
- the need to manage public relations with great care;
- putting Saddam Hussein on the spot over UN inspections and seeking proof of the claim that he was not developing WMD; and

---

[76] Manuscript comment Manning on Letter Watkins to Manning, 4 April 2002, 'Iraq'.
[77] Minute Manning to Prime Minister, 4 April 2002, 'Crawford Checklist'.
[78] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.

- the timing of possible military action. If a decision was taken to use military action, that would not take place before late 2002/early 2003.

151. Mr Blair said that it was important to go back to the United Nations and to present that as an opportunity for Saddam Hussein to co-operate.

152. Sir David Manning also recorded that, following a further conversation with President Bush, Mr Blair had concluded that President Bush wanted to build a coalition, and that had led him to dismiss pressure from some on the American right.

153. The record contained no reference to any discussion of the conditions which would be necessary for military action.

154. Mr Blair told Cabinet on 11 April that regime change in Iraq was greatly to be desired but no "plans" for achieving that had been tabled during his discussions with President Bush at Crawford.[79]

155. A minute from Mr Powell on 11 April suggested to Mr Blair:

> "… in particular we need to bank his agreement that our military can be involved in joint planning once they have got pa[s]t the conceptual stage."[80]

156. A letter from Sir Christopher Meyer to Sir David Mannning on 15 May indicated that Mr Blair and President Bush had also discussed the first quarter of 2003 as a timeframe for action against Saddam Hussein.[81]

157. Mr Powell told the Inquiry that he did not "recall … any sort of discussion of military options" at Crawford.[82]

158. Asked what Mr Blair had told him about his discussions with President Bush at Crawford, Mr Hoon replied:

> "I don't think he told me anything directly. I saw a record of the meeting …"[83]

159. Subsequently Mr Hoon stated:

> "My recollection of those events is that … we were a little disappointed after Crawford that we hadn't immediately received a request from the United States to send someone to Tampa."[84]

160. Mr Blair told the Inquiry that he had told President Bush the UK would be with him "in confronting and dealing with this threat".[85]

---

[79] Cabinet Conclusions, 11 April 2002.
[80] Minute Powell to Prime Minister, 11 April 2002, 'Follow up to Bush'.
[81] Letter Meyer to Manning, 15 May 2002, 'Your visit to Washington'.
[82] Public hearing, 18 January 2010, page 24.
[83] Public hearing, 19 January 2010, pages 29-30.
[84] Public hearing, 19 January 2010, page 35.
[85] Public hearing, 29 January 2010, page 43.

161. Mr Blair subsequently confirmed that included if it came to military action.[86]

162. Mr Blair also said that there had been "a general discussion of the possibility of going down the military route".[87]

163. Asked whether the UK would have made the request to be involved in US planning if military action had not been regarded as a serious possibility, Lord Boyce told the Inquiry:

> "… it behoves any responsible military planner to make sure he is considering all the options that might come in the future. If the Americans were going to go down the route of taking military action in Iraq … it was very important for us to understand what was going on at the earliest possible stage rather than being brought in at a late stage where we wouldn't have had any opportunity to say what our capabilities are or how we would shape our capabilities … to fit in with whatever plan was being produced."[88]

Initial consideration of UK military options

MOD contingency planning in April and May 2002

164. After Crawford, the MOD began seriously to consider what UK military contribution might be made to any US-led military action and the need for a plausible military plan for the overthrow of Saddam Hussein's regime.

165. The MOD's initial thinking focused on the deployment of an Army division.

166. Mr Hoon was advised that Cabinet-level agreement to decisions to deploy UK Armed Forces to Iraq would be required.

167. In early April, thinking in the MOD on possible options for a UK contribution to military operations in Iraq moved into a higher gear.

168. Following the meeting at Chequers on 2 April, Sir Kevin Tebbit asked Mr Trevor Woolley, MOD Director General Resources and Plans, on 3 April 2002 for advice on the implications of deploying a "Division minus (25-30,000 with enablers)" to Iraq.[89]

169. Sir Kevin's request, the advice he received, the fact that a division would require a minimum of six months lead time and ideally longer, and arrangements for Urgent Operational Requirements (UORs), are addressed in Section 6.3.

---

[86] Public hearing, 29 January 2010, page 48.
[87] Public hearing, 29 January 2010, page 59.
[88] Public hearing, 27 January 2011, page 7.
[89] Minute Tebbit to DG RP, 3 April 2002, 'Iraq Pre-contingency Mind Clearing'.

MR WEBB'S ADVICE, 12 APRIL 2002

170. Following Mr Blair's visit to Crawford, Mr Hoon discussed Iraq with Adm Boyce and Sir Kevin Tebbit on 8 April.[90]

171. Mr Hoon "emphasised that no decisions had been taken on military action" but it was "important that No.10 and others understood the practical steps and (additional) costs which would be involved". Therefore as a "precaution against the possibility that military action might have to be taken at some point in the future", exploratory work should be put in hand, conducted "on a very close hold", to provide:

- "… a clearer picture of the potential specific military options – including the possible UK involvement"; this should indicate the "likely scales of effort and force generation/deployment timelines".
- "Clarification of what military capability we could deliver on the basis of the … budgets for 2002/03 and what more might be required to deliver the options" identified.
- "Identification of the additional specific equipment requirements (UORs) necessary to deliver these options … Equipment – rather than personnel – was likely to be on the critical path in terms of deployment timelines."

172. Mr Hoon asked to discuss the emerging findings and "the 'think piece'" the following week.

173. On 12 April, following consultation with Sir Kevin Tebbit and Adm Boyce, Mr Webb sent Mr Hoon a think piece entitled "Bush and the War on Terrorism".[91] Mr Webb's minute provided formal advice on the possible scale of any UK military contribution and a draft letter to Mr Blair.

174. Mr Webb's paper explored potential end states for military action in Iraq in the context of Mr Blair's "commitment to regime change ('if necessary and justified')" in his speech at College Station on 7 April.

175. Mr Webb added:

- "Commitment on timing has been avoided and an expectation has developed that no significant operation will be mounted while major violence continues in Israel/Palestine".
- "Both Crawford and contacts with the Pentagon confirm that US thinking has not identified either a successor or a constitutional restructuring to provide a more representational regime:
    - "Various ideas for replacements have been aired over the years and none so far look convincing …"

---

[90] Minute Watkins to PSO/CDS & PS/PUS [MOD], 8 April 2002, 'Iraq'.
[91] Minute Webb to PS/Secretary of State [MOD], 12 April 2002, 'Bush and the War on Terrorism'.

176. Mr Webb's view was that "the prospects for finding a stable political solution" were "poor in the short term"; and that a coalition might be left "holding the ring for a significant period". Securing a mandate for a UN interim administration "could be tricky" so there would be a "need to cater for some kind of sponsored interim administration".

177. Mr Webb added that "without proper access to US planning", the options were "speculative" but:

> "Potential US scenarios could embrace:
>
> A. A clandestine/Special Forces operation on a limited scale …
> B. A local revolution, possibly supported by SF and a major air campaign (on a Northern Alliance analogy, though the circumstances are very different).
> C. A major military operation to secure centres of power such as Baghdad …"

178. Mr Webb advised that the US had "sufficient forces to undertake a military operation … without anyone else's help"; but:

> "To achieve a successful regime change, the UK would need to be actively involved (one might also argue that the Prime Minister has effectively committed us)."

179. If the US mounted a major military operation, a UK contribution of only Special Forces, cruise missiles and/or air support "would be seen as only token … confer no significant influence on US planning (and would be adversely contrasted with Britain's contribution during the [1990/91] Gulf War)."

180. Setting out the MOD's thinking on military issues, Mr Webb wrote:

- "The fundamental building block for [a UK contribution to] a major US ground force operation is a division. Only on that scale (requiring 3 brigades as our planning base) would UK have significant influence over how the operation was developed and conducted: an independent brigade does not fit into the US structure and would in any case need substantial divisional scale enablers in order to be safe for high intensity operations … Such a deployment would be at the extreme end of the UK's capacity after the SDR: it was the scenario against which the 'large' option was scaled."
- The UK "should seek only to make a respectable large contribution that we can sustain properly".[92]

[92] In a handwritten amendment to the draft letter Lt Gen Pigott suggested amending the sentence "Without access to US planning, which is only now beginning …" to "Without formal access to US planning …" He also recommended inserting "a 3 brigade division" in the description of the potential UK force contribution of a division.

181. Mr Webb added:

> "… there could be advantage in the MOD doing some discreet internal strategic estimating. This should help us think through what would be the key strategic objectives and the end states and the 'centre of gravity' of the situation we need to tackle … When the time came for discussion with the US, our pre-thinking and ability to offer a well thought-through force contribution (up to a division, though obviously less if possible) would give us clout: and also a respectable position from which to judge whether their proposals offer adequate return for risk."

182. On the way forward, Mr Webb wrote:

> "Despite the massive scale of commitment, there are arguments that preventing the spread of WMD should be given the highest priority in coming years … [I]t remains the greatest risk to Middle East and international stability in the medium-term; and in the long-term countries like Iraq and Iran are on course to threaten Europe and UK direct. It is arguable that preventing this spread by making an example of Saddam Hussein would do more for long-term stability than all the displaced [military] activities combined …
>
> "By demonstrating our capacity for high intensity warfare at large scale the UK would also send a powerful deterrence message to other potential WMD proliferators and adversaries.
>
> "… There would come a point at which preparations could apply some valuable pressure on Saddam; or be seen as a natural reaction to prevarication over inspections. In general … until that point … we should keep a low profile …"

183. Mr Webb concluded:

> "Even these preparatory steps would properly need a Cabinet Committee decision, based on a minute from the Defence Secretary. The FCO are content for activity to be centred on MOD, to preserve the best prospect for dialogue with US DOD [Department of Defense] …"

184. At a meeting on 18 April to discuss Mr Webb's minute, Mr Hoon found the analysis "generally persuasive"; but asked for further work to examine the feasibility of making a smaller contribution.[93] He sought options "short of participation in a full ground offensive".

185. Mr Hoon said that more thought needed to be given to the legal aspects as:

> "Prima facie, the best legal foundation for any operation to displace Saddam's regime was that it would remove the threat posed by his WMD. However it was

---

[93] Minute Watkins to Policy Director, 18 April 2002, 'Iraq'.

> conceivable that any new Iraqi regime – and, in particular, one led by another 'strong man' – would wish to have WMD to meet the perceived regional threat from Iran …"

186. Mr Hoon stated that he was content for thinking to continue, but decided it should be kept on "a very close hold until Ministers agreed otherwise". For him, "the key question was: how far ahead of a decision to deploy would we have to start any necessary preparatory action".

187. Mr Webb explained to the Inquiry that the way he had posed the issues in his minute was a means of finding out from Mr Hoon if he knew or could find out what the position was:

> "This was commissioned as a think piece. But … my duty is to say to my Secretary of State, you need, we need to have a feel for whether the Prime Minister has committed us here, because it affects what we do next."[94]

188. Mr Webb added that he had not got an explicit response on that point.

189. Mr Hoon did not formally write to Mr Blair setting out possible options for a UK contribution to military operations until 31 May.

190. Lord Boyce told the Inquiry that after Crawford the MOD "started ramping up our … thinking on … what we could provide".[95]

191. Sir Kevin Tebbit told the Inquiry that it should not assume that the MOD was looking for the military option at that point. Rather, if the military was to be in a position to produce a military option "at a much later date", a "very long planning process [was] required" and it had to start thinking about the issues "as early as possible". The work was "very, very preliminary ground clearing".[96]

192. Sir Kevin subsequently told the Inquiry that, to produce a large scale option on the ground, serious planning had to start six months earlier.[97] The military papers and records would "indicate clarity of intent, when in fact what there was, was a determination to provide the politicians with the option".

ESTABLISHMENT OF THE "PIGOTT GROUP"

193. The MOD established an informal inter-departmental group of senior officials, the "Pigott Group", to identify the issues which might need to be addressed if military action was taken in Iraq.

194. The discussions of the Group were not recorded.

---

[94] Private hearing, 23 June 2010, page 11.
[95] Public hearing, 3 December 2009, page 11.
[96] Public hearing, 3 December 2009, pages 14-16.
[97] Private hearing, 6 May 2010, pages 10-11.

195. Lt Gen Pigott told Mr Hoon on 18 April that a small, senior group had been put together "including … representatives from other interested Departments" to "brainstorm the options".[98]

196. Mr Peter Ricketts, FCO Political Director, described the role of the group, which became known as the "Pigott Group", to Mr Straw on 25 April as to think about the issues that would be involved in any military operation in Iraq.[99] Its establishment was:

> "… a sensitive exercise. Participation is being tightly restricted and paperwork will be kept to the minimum."

197. Mr Ricketts advised Mr Straw that the first meeting of the Group had discussed how the objective or "end state" of a military operation should be defined. That is addressed in Section 3.3.

198. The minute stated that senior officials from the Cabinet Office and the Agencies, as well as the FCO, would be involved.

199. Sir Peter Ricketts told the Inquiry that the role of the Pigott Group was to discuss "the implications of military planning for other departments' activities" rather than to "discuss military planning as such".[100]

200. Lord Boyce told the Inquiry that the Group "was constrained, to a very small group of people … in London in the MOD, it didn't actually go outside into any of the outposts … in the MOD".[101]

201. Lt Gen Pigott told the Inquiry that the role of the Group was:

> "… to do some scoping work … Not to do … planning … What could we be dealing with here? What might be the big issues? … the what, when, where. What were they beginning to look like …"[102]

202. Mr Tom McKane, Deputy Head of OD Sec from September 1999 until early September 2002, told the Inquiry that the Group "met a number of times in the early summer" of 2002.[103] The meetings were "not minuted" and were "very informal … the focus was on precisely what was the US emerging plan". At that stage there was "great uncertainty about that", and British access to American thinking had been "pretty limited".

203. Mr Webb told the Inquiry that the Group had worked out the shape of the options which he had then discussed with Mr Douglas Feith, US Under Secretary of Defense for Policy.[104]

---

[98] Minute Watkins to Policy Director, 18 April 2002, 'Iraq'.
[99] Minute Ricketts to Private Secretary [FCO], 25 April 2002, 'Iraq Contingency Planning'.
[100] Public hearing, 1 December 2009, pages 20-21.
[101] Public hearing, 3 December 2009, page 11.
[102] Public hearing, 4 December 2009, pages 17-18.
[103] Public hearing, 19 January 2011, page 60.
[104] Private hearing, 23 June 2010, page 15.

204. The Strategic Planning Group (SPG), a planning team working for Lt Gen Pigott, supported the Pigott Group.

205. Lieutenant General Sir James Dutton, Adm Boyce's liaison officer to the Chairman of the US Joint Chiefs of Staff until the middle of March 2002 and subsequently head of the SPG until taking up his appointment as Commander, 3 Commando Brigade in July 2002, told the Inquiry that, in view of his recent experience in Washington as CDS's liaison officer, he had been asked to lead the team, reporting weekly to Lt Gen Pigott.[105]

206. Lt Gen Dutton said that the work was best described as "prudent military contingency planning on what we might be able to do if there were a political directive to do so". Force packages were not yet being discussed:

> "If there were to be a political decision made to do something in Iraq, what might the Americans do, what might we be able to do … if that decision were made and … how would the various bits of Whitehall contribute to that and what might be the longer-term aim. So it was very much conceptual thinking …"

MOD ADVICE TO MR HOON, MAY 2002

207. The MOD advised Mr Hoon in early May that the US had decided to pursue regime change. The question was when. The MOD thought it could be at "the turn of the year".

208. The US was likely to continue to hold the UK military at arm's length until options had been considered by President Bush.

209. Lt Gen Pigott identified two key issues which would need to be addressed: the impact of the potential courses of action and the contribution the UK might make.

210. Gen Franks visited the UK as part of a wider overseas visit in late April 2002.

211. Mr Hoon's diary indicates that he met Gen Franks at RAF Brize Norton on 25 April.[106]

212. The MOD has not been able to locate any record of the discussion.[107]

213. The discussion on Iraq at the Chiefs of Staff meeting attended by Gen Franks and Air Marshal Brian Burridge, Deputy Commander in Chief Strike Command, on 26 April was recorded separately and circulated on very limited distribution.[108]

---

[105] Public hearing, 12 July 2010, pages 4-5.
[106] Diary, SofS [MOD], 25 April 2002.
[107] Letter MOD Iraq Inquiry Unit to Iraq Inquiry Secretariat, 23 May 2012, [untitled].
[108] Minute SECCOS to PS/SofS [MOD] and others, 30 April 2002, 'Record of CINCCENTCOM meeting with COS – 26 April 2002'.

214. The minute of the discussion records that the Chiefs of Staff were told that the US was thinking deeply about Iraq and possible contingencies; but was not currently planning a military operation to overthrow the Iraqi regime. There were a significant number of questions about the use of force including timing and the need for proof of WMD and a legal underpinning.

215. Recent difficulties with the No-Fly Zones were also discussed.

216. Mr Jim Drummond, Assistant Head of OD Sec (Foreign Policy), who attended the Chiefs of Staff meeting, advised Sir David Manning that:

> "… the mood [in the US government] was 'when not if', but the list of unintended consequences was long and policy makers were still grappling with them … Activity in Washington mirrored that in London. Small groups of senior staff thinking through strategy options."[109]

217. Air Chief Marshal Sir Brian Burridge told the Inquiry that Gen Franks had visited London in "mid-May"; and that he had said something about Iraq along the lines of "it is not if but when, and that was really the first time I had heard him say anything with that degree of certainty".[110]

218. From the records of the 26 April Chiefs of Staff meeting, the Inquiry concludes ACM Burridge was recalling that discussion. There is no evidence that Gen Franks was in London in mid-May.

219. Lt Gen Pigott told the Inquiry: "I had an extremely close relationship with the key players in the joint staff. It was very much professional friends over the years". If approached, they would say: "Yes … we are doing a bit more on this", but that was "not the American Government", it was "an individual senior officer in the American Government".[111]

220. Major General David Wilson, who replaced Lt Gen Delves as Senior British Military Adviser (SBMA) at CENTCOM in April 2002, told the Inquiry that he received no information about Iraq planning when he arrived:

> "Nothing. I didn't find anything, because the shutters were firmly down. I and my people were in the foreign exclusion category … there was no sort of nodding and winking, that's the way it was."[112]

---

[109] Minute Drummond to Manning, 26 April 2002, 'Meeting with General Franks'.
[110] Public hearing, 8 December 2009, page 6.
[111] Public hearing, 4 December 2009, page 11.
[112] Public hearing, 4 December 2009, pages 8-9.

221. Lt Gen Dutton told the Inquiry:

> "… we were all interested to know whether there was any planning going on for other potential operations. I used to ask that question of the J-3, General Newbold … and he would be quite honest in saying that they were doing staff checks for any number of contingencies and, if asked specifically about Iraq, he would not deny that they were looking at what they could do, if asked …"[113]

222. Lt Gen Pigott sent Mr Hoon an update on the work of the SPG on 10 May.[114]

223. Lt Gen Pigott stated:

> "Any thinking we do about joining the US in military operations against the Iraqi regime needs to be informed by our thinking in two key areas: the impact of potential courses of action open to a coalition and the capability the UK might contribute to such a coalition."

224. The SPG had concluded that the US had decided to pursue regime change; the question was when, including whether to pursue weapons inspections before a military build-up. The MOD's "best guess" was that the recommendation would be for action at "the turn of the year" but it did not expect to be "exposed" to US planning until advice had been put to President Bush, probably in late May. The UK would "need to be ready to discuss Iraq with the Americans as soon as they share planning with us".

225. Work had been commissioned on the capabilities the UK might aim to provide within periods of three to four and six to eight months; setting out the key decision and deployment points.

226. Lt Gen Pigott suggested that this could lead to "a note to the Prime Minister setting out these and the financial implications of taking contingency action now". The advantage of characterising this work as "contingency planning and considering generic force packages" was that it offered "the possibility of wider debate and scrutiny in the department than would be available if we were to consider specific courses of action, for operational security reasons". The work needed to be supported by "thinking on what 'end state' HMG is seeking to achieve and about the legal basis on which action would be taken forward".

227. Mr Hoon noted Lt Gen Pigott's advice and asked for a meeting to discuss the work and when it would be appropriate to convene a meeting with Mr Blair and Mr Straw.[115]

228. In a letter the same day as Lt Gen Pigott's update on wider issues, which is addressed in Section 3.3, Mr Webb told Mr Ricketts:

---

[113] Public hearing, 12 July 2010, pages 2-3.
[114] Minute DCDS(C) to APS/Secretary of State [MOD], 10 May 2002, 'Iraq'.
[115] Minute Williams to DCDS(C), 13 May 2002, 'Iraq'.

> "… we have proposed to the Defence Secretary we take forward rapidly two distinct pieces of work, one on military *contingency planning* … and the other on *coalition options* which will need to factor in legal considerations. Rather than submitting our Ministers' conclusions to the Attorney General for his approval, we should prefer the usual approach of his putting advice to colleagues as part of a collective decision."[116]

229. The letter was sent to Lt Gen Pigott, Sir David Manning and SIS.

230. By mid-May, the perception that the UK might provide an armoured division for military operations had already gained currency in the US.

231. There is no evidence that such a suggestion had been authorised.

232. In the absence of an agreed avenue for dialogue between the US and UK and the sensitivities about the issue on both sides of the Atlantic in the spring of 2002, informal conversations between the US and UK military and between civilian officials to explore each other's positions to inform thinking and the development of advice to Ministers were unavoidable.

233. Mr Webb visited Washington in mid-May and discussed draft objectives for a military operation with US officials (see Section 3.3).[117]

234. Mr Webb explained the UK military timelines as:

> "… 7 to 9 months for a major contribution of division minus plus air wing etc, shorter for a smaller package. If they [the US] wanted UK participation this would have to be factored in."

235. Mr Webb also reported his impression that momentum in Washington "had flagged" since his last substantive discussions in February.

236. In the context of those discussions, Mr Webb told the Inquiry:

> "… once you get into the level of military planning, it doesn't make a big difference whether your policy is to remove WMD, and that means Saddam has to go, or whether you are going to change the regime and take the opportunity to remove WMD … [I]t's very important in legal and policy terms …"[118]

237. In preparation for Sir David Manning's visit to Washington, Sir Christopher Meyer sent a personal letter to Sir David on 15 May.[119]

---

[116] Letter Webb to Ricketts, 10 May 2002, [untitled].
[117] Letter Webb to Ricketts, 16 May 2002, 'Iraq: Objectives'.
[118] Private hearing, 23 June 2010, page 16.
[119] Letter Meyer to Manning, 15 May 2002, 'Your Visit to Washington'.

238. In relation to military planning, Sir Christopher reported that he had been told by a senior official in the State Department that:

- The timeframe discussed between Mr Blair and President Bush was still valid: the first quarter of next year was "realistic" for action against Saddam Hussein.
- CENTCOM was hearing from British military sources that we were contemplating contributing an armoured division.

239. In discussions with Dr Rice on Iraq, Sir David Manning was assured that the UK would be brought into the planning process at a very early stage, once such planning got under way.[120]

240. One significant and potentially awkward fact emerged from a meeting with Mr Richard Armitage, US Deputy Secretary of State, when Sir David Manning was told that a report that "a UK officer at Tampa had said that the UK would provide an armoured division" was "dropped into the conversation" of the most senior US policy-makers.[121]

241. On the record of the meeting in the Chief of the Defence Staff files, a handwritten comment to Adm Boyce said: "This could unstitch your line with the PM tomorrow."[122]

242. Mr Hoon's Private Office sent a note to Adm Boyce's office on 21 May, recording that the Defence Secretary was "surprised and concerned" by this report:

> "Given the very close hold under which contingency planning for Iraq has been conducted and the fact that no options have yet been presented to Ministers, the Secretary of State would be grateful for any light which can be thrown upon this story. Is the UK team in Tampa party to the current work on Iraq?"[123]

243. Adm Boyce's office replied that "the UK team in Tampa is not party to current MOD work on Iraq" and:

> "… our investigations indicate that there has been no authenticated or officially recorded message passed to General Franks, or anyone else at Tampa, that the UK 'would' provide a division. We can only assume that this is speculation based on UK's contribution to the Gulf War 1991 which has been misinterpreted."[124]

244. A manuscript note to Mr Hoon on the document states "we can assume the point has been made".

---

[120] Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May; Iraq'.
[121] Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May Iraq'.
[122] Manuscript comment [unattributed] on Letter Rycroft to McDonald, 18 May 2002, 'David Manning's Visit to Washington, 17 May Iraq'.
[123] Minute Williams to PSO/CDS, 21 May 2002, 'David Manning's Visit to Washington 17 May – Iraq'.
[124] Minute Shirreff to APS/Secretary of State, 31 May 2002, 'David Manning's Visit to Washington 17 May – Iraq'.

245. Sir Kevin Tebbit wrote on his own copy of the document "Rubbish!"[125]

246. Asked about his meeting with Mr Armitage and the fact that Mr Armitage had been told that Mr Blair had discussed with President Bush at Crawford the question of a British armoured division taking part in the invasion, Sir David Manning told the Inquiry: "Yes I didn't know that."[126]

247. Asked, in the context of an offer of a division, whether the military planners were getting ahead of the policy, Sir David Manning told the Inquiry that he was "surprised they had said that". It "didn't seem logical"; Mr Blair had refused in July to indicate what the military contribution might be.[127]

248. Lord Boyce told the Inquiry: "Let me absolutely assure you that no-one was authorised to make such an offer. In fact, quite the contrary."[128] He added: "we were unable to find out who this person was. So I don't believe there was such a person."

249. Two key strands of MOD thinking had clearly emerged by the end of May 2002.

250. First, work on options in the MOD focused on identifying the maximum contribution the UK could make to any US-led operation in Iraq, even though the UK was still unsure about the objectives and validity of the plan, the legal basis for action or the precise role the UK would play.

251. Second, the desire to secure "strategic influence" across all environments of a military campaign.

252. The record of Mr Blair's meeting with the Chiefs of Staff on 21 May, when a range of wider defence issues was discussed, noted on Iraq: "The two main questions were: Do the US have a sensible concept? If so how could the UK contribute?"[129]

253. A paper produced by the SPG on 24 May, 'Contingency Thinking: Force Generation and Deployment for the Gulf', was sent to the Chiefs of Staff and a limited number of named MOD addressees.[130]

254. The aim of the paper was to provide sufficient information:

> "… to judge what the UK's maximum level of commitment could be in the event of a contingent operation against Iraq, together with appropriate costs and timings, and to provide data on other smaller coherent force packages as a comparator."

---

[125] Manuscript comment Tebbit and Hoon on Minute Shirreff to APS/Secretary of State [MOD], 31 May 2002, 'David Manning's visit to Washington 17 May – Iraq'.
[126] Private hearing, 24 June 2010, page 38.
[127] Private hearing, 24 June 2010, page 40.
[128] Public hearing, 27 January 2011, pages 19-20.
[129] Note Rycroft, 21 May 2002, 'Prime Minister's Meeting with Chiefs of Staff'.
[130] Paper [SPG], 24 May 2002, 'Contingency Thinking: Force Generation and Deployment for the Gulf'.

255. The paper identified a number of key assumptions:

- Any operation would be US led and might involve other active coalition partners, but would be "predominantly enabled by US/UK forces".
- The UK would provide only coherent, self-supporting force packages … and would operate within the framework of a coalition concept of operations.
- The UK would scale its contribution so that the force would "make a meaningful difference to a coalition effort" and would not be a "token contribution that attracts no influence or provides insignificant combat power. A small scale of effort would therefore only be appropriate if the coalition concept of operations demanded small scale contributions."
- Operations would not commence before autumn 2002.
- Decisions would not be taken incrementally because that would "add to timelines by making force generation increasingly complex and costly".
- Enhancements would be needed to enable units to operate in the Gulf. That would expose preparations from an early stage given the significant number of contracts that would be required with industry.
- It might be necessary to maintain force elements in theatre for policing, stabilisation or humanitarian operations. That had the potential to add considerably to the costs and commitments burden, depending on the end state of the campaign.

256. Three broad levels of effort in line with the MOD's DPAs were examined:

- the maximum the UK could provide (a large scale contribution);
- a "credible" medium scale package; and
- a small scale package.

257. Reflecting the UK's existing military commitments and the most recent MOD budgetary planning round, the SPG advised that the UK could realistically produce a "maximum contribution … at the lower end of large scale … medium scale (minus) for maritime (about 10 major warships), and medium scale for air (about 60 fast jets)".

258. The force mix might not be evenly balanced (in terms of scale of effort) across the sea, land and air environments; but the UK would "always seek to achieve strategic influence across the three environments such that UK influence is in place throughout the joint environment".

259. Also on 24 May, the emerging findings from the SPG analysis were presented to Mr Hoon to report to Mr Blair before a planned meeting with Secretary Rumsfeld in early June.[131]

---

[131] Minute DCDS(C) to PS/Secretary of State [MOD], 24 May 2002, 'Iraq'.

260. Lt Gen Pigott advised that, "until there is greater visibility and clarity of US intent our work on potential approaches to an Iraq campaign remains speculative; this work is advancing but will lack definition until we engage with the US". There were "potential differences in US and UK views on the outcomes" being sought "in terms of governance and WMD".

261. In relation to "military contingency planning", the "key assumption" was that the largest US-led coalition would be "along the lines of Desert Storm and that the UK would want to contribute".

262. Three broad options ("force packages") had been identified, which were "illustrative of the maximum potential … contribution" that the UK might be able to make available for any offensive operations within given time periods:

a. **Three months' warning**: Deployment of a medium scale joint force – 10 warships including a carrier, an armoured brigade, about 60 fast jets and associated support. That was described as at risk of being a "token contribution". The cost, including "essential" UORs for equipping the force, was estimated at £500m-£800m. A brigade, rather than a division, would require integration into an allied formation, which would "substantially" reduce the UK's influence on control of the campaign. That would be "less than our Gulf War contribution" and "would be dwarfed by the likely scale of the overall effort".

b. **Six months' warning**: Deployment of a large scale, war-fighting force in addition to the medium scale maritime and air components, which would be "comparable to the 1990/1991 conflict", and "confer significant influence on the control of the campaign". Though the land element would be "capable of limited independent war-fighting" there would be sustainability issues. Large numbers of vehicles could become "unserviceable" and there would be reliance on others to supply ammunition and other stock. There would not be enough time for "the procurement and fitting of *all* UOR equipment considered to be essential for operations in the Gulf (such as the desertisation of all armoured vehicles)", which would generate further operational risks and result in the degradation of the "credibility of the UK's contribution as [the] campaign unfolded". That option would require the call-out of 5,000-10,000 reservists and cost £800m-£1.1bn. A decision would need to be taken immediately for operations to begin in December 2002.

c. **Nine months' warning**: The force package would be the same as (b) but would be better prepared and carry fewer risks, as a result of additional training and equipment. The package would have "enough capability and sustainability to be a credible contribution to any coalition". The cost would be £100m higher because of a greater volume of UORs.

263. Deployment and campaign costs would be additional to the costs identified for each option.

264. Lt Gen Pigott explained that current commitments in Afghanistan and subsequent recovery and deployment times would "limit the UK's ability to contribute significantly to any offensive operations in the region until November at the earliest".

265. If it was "likely that the UK would wish to contribute" to US action "when the call came", there was a "need to consider what action" was needed "now to reduce risks and as far as possible readiness times".

266. Mr Hoon was asked to agree further work to refine contingency planning, to be submitted in mid-June; and was informed that "proper preparations" would require wider involvement in the MOD and discreet approaches to industry.

267. In a meeting with Sir Kevin Tebbit, ACM Bagnall, Mr Webb, Mr Bowen, and others, on 27 May, Mr Hoon agreed that the best approach would be to explain the practical constraints the UK faced in assembling a useful force package to Secretary Rumsfeld.[132]

268. Mr Hoon told the Inquiry that he had thought the land option "quite a big ask, given our extensive involvement in Afghanistan at the time"; "it was undoubtedly the case" that the UK would be "taken more seriously if we were making a substantial contribution", and that that influence would extend to shaping the policy.[133]

Meeting with Secretary Rumsfeld, 5 June 2002

269. In preparation for a visit to the UK by Secretary Rumsfeld on 5 June, Mr Hoon wrote to Mr Blair on 31 May.

270. Mr Hoon advised that he and Mr Straw had agreed a preliminary objective to guide planning. Instead of calling directly for the elimination of Iraq's WMD capability, it called on Iraq to abide by its international obligations on WMD. The objective did not explicitly mention regime change.

271. UK contingency planning had concluded that, for the UK to have influence on US planning, a significant military contribution would be needed. That was defined as at "division level" for land forces.

272. To take planning further, greater clarity on US thinking was needed.

273. Mr Hoon also identified that exposing the constraints on the UK's ability to contribute forces before the end of 2002 could reduce its influence.

274. On 31 May, in advance of a visit by Secretary Rumsfeld, Mr Hoon wrote to Mr Blair, stating that there had been "no take up" of the offer "to help the US in its planning", and setting out the "preliminary conclusions" from the MOD's contingency planning.[134]

---

[132] Minute Watkins to MA/DCDS(C), 28 May 2002, 'Iraq'.
[133] Public hearing, 19 January 2010, pages 19-20.
[134] Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.

275. The minute was also sent to Mr Gordon Brown, the Chancellor of the Exchequer, Mr Straw and Sir Richard Wilson.

276. Mr Hoon wrote that he and Mr Straw had agreed a "preliminary objective" to "guide the work":

> "A stable and law-abiding Iraq within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or international security, abiding by its international obligations on WMD."

277. The MOD had looked at what it might be able to contribute "were the US to assemble a coalition along the lines of that assembled for Operation Desert Storm", the US-led operation (to liberate Kuwait) in 1990-1991. The "key message" from that work was:

> "… if we wish to be able to contribute meaningfully to any operation our Armed Forces would need plenty of warning time, much more than we think the US would need themselves. We are clear that, for the UK to have influence on detailed planning, the US would require a significant contribution to any large-scale operation. Our own analysis indicates that this would have to be at division level for land forces. (It is possible that the objective could be achieved by a more rapid blow, but we cannot count on that.)"

278. Mr Hoon also stated that "to plan properly" the UK needed to know:

- "what outcome" the US was seeking;
- "when the US might wish to take action"; and
- how long the US saw itself remaining in Iraq.

279. Mr Hoon added that the UK needed "to clarify the policy basis and legal justification for any action".

280. Mr Hoon identified that the visit by Secretary Rumsfeld would provide the opportunity to clarify US thinking but the UK faced a dilemma:

> "On the one hand, if we discuss the detail and timescales of a potential UK military contribution to a US-led coalition, it could send a misleading signal that we have decided to support a specific line of military action. (Such a signal could be used in Washington by the supporters of military action to promote their cause.) Equally if we are not clear with the US at this stage about our military constraints, we face the danger of our not being able to bring anything meaningful to the table at the right time and the consequent loss of influence that would bring. Finally, it could be precisely our readiness to participate that would allow you to counsel the President against proceeding if no convincing plan were to emerge."

281. Mr Hoon recommended that rather than "simply" generally probing Secretary Rumsfeld on Washington thinking:

> "… there would be more mileage in raising practicalities. I would make clear that our conditions for involvement in military action remain as you have set them out …"

282. Mr Hoon added:

> "Further, by raising in general terms, that our contingency planning has shown we need plenty of warning in order to be able to contribute to military action I would reinforce the need for the UK to be exposed fully to US thinking as soon as possible."

283. Mr Blair wrote alongside the last point: "No, that will send a wobbly message."[135]

284. Mr Blair and Mr Hoon met Secretary Rumsfeld on 5 June.[136]

285. Mr Blair's statement that the UK would be with the US in any military action, and that would best be done by ensuring a broad coalition and avoiding unintended consequences, and wider issues of the policy towards Iraq, are addressed in Section 3.3.

286. Secretary Rumsfeld indicated that the US would begin discussions with the UK "at the military level" so that the UK was "informed of – and 'to the extent appropriate' involved in – US military planning".

287. Mr Hoon spoke to Secretary Rumsfeld again on 17 June and asked him if he was in a position to authorise contact between General Myers and Adm Boyce on Iraq planning.[137]

SPG paper, 13 June 2002

288. A paper identifying a concept for a campaign plan, with three illustrative military options, was prepared for a Chiefs of Staff discussion on 18 June.

289. The paper demonstrates that thinking was still at a very early stage, but it provides a useful insight into the assumptions being made at that time by the most senior official and military personnel who had access to the Pigott Group thinking.

290. As this Report shows, many of those assumptions underpinned subsequent policy advice.

---

[135] Manuscript comment Blair on Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[136] Letter Rycroft to Watkins, 5 June 2002, 'Prime Minister's Meeting with Rumsfeld, 5 June: Iraq'.
[137] Minute Watkins to DG Op Pol, 17 June 2002, 'Iraq: Telephone Call with Rumsfeld'.

291. One key assumption was that, although the objective for Iraq agreed by Mr Straw and Mr Hoon did not mention regime change, that would be necessary to secure the objective.

292. Other key elements of the thinking included the need to build international support for the UK effort, and judgements about Saddam Hussein's likely actions which were reflected in later JIC Assessments.

293. In preparation for a "Strategic Think Tank on Iraq", to be held by the Chiefs of Staff on 18 June, the SPG produced a paper on 13 June which, in the absence of access to US planning, identified key judgements encapsulating the thinking at the time in relation to components of a possible concept for military operations.[138]

294. The "**Military/Strategic Implications**" and "**Key Judgements**" identified by the SPG included:

- Regime change was "a necessary step" to achieving the end state identified by the UK, and there was "no point in pursuing any strategy which does not achieve this".
- "Once it is obvious that the US is committed to regime change, she will have to prevail", so the UK needed to "plan for the worst case" and "be prepared to execute [that plan] if required".
- There was a "need to acknowledge" that there would be a post-conflict phase "with an associated commitment, manpower and finance bill", with "a spectrum of commitment where the worst case is a long period with a large bill".
- A "much more detailed level of intelligence" was required.
- "Although Iraq's nuclear capability (essentially a 'dirty' bomb)" could not be "dismissed", the "main threat" was from chemical and biological weapons.
- If regime survival was at stake, Saddam Hussein would "almost certainly use WMD, so there would be no deterrent equation as in 1991".
- "Establishing and maintaining support", from the international community and Iraq's neighbours, would be "the Coalition CoG [Centre of Gravity]".

295. The paper examined each of the components of the concept, including:

- Reviewing the internal politics in Iraq and the options for regime change. Iraq was "potentially fundamentally unstable", and "currently held together by the strong security apparatus", which would require "considerable force to break". Once it was broken, the regime would "shatter" because of its minority appeal.

---

[138] Minute MA1/DCDS(C) to PSO/CDS, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 Jun' attaching Paper. The paper was circulated to the Offices of the Chiefs of Staff, Sir Kevin Tebbit, Air Marshal French, Mr Webb and Mr Bowen.

- A judgement that:
  - The possibilities for a replacement regime were “very difficult to assess” and the UK “must be clear on what we do not want”.
  - It would be “difficult to apply force with sufficient precision to ensure a pre-determined outcome”.
- Removing the threat posed by Iraq’s WMD was “essential”. That would mean changing the “regime to one that renounces WMD”, or completely destroying Iraq’s capability and “remove [the] will to regenerate the capability, which implies regime change”. That would need “much better granularity of intelligence”.
- Managing the regional dimension would require the “footprint and duration” of the military operation to be minimised, “commensurate with assets to manage unintended consequences”.
- Identifying three phases leading to regime change:
  - **Phase 1**: While Saddam Hussein was unsure of the Coalition’s intentions, he would avoid providing a “casus belli”. He was “unlikely to take any significant military action” but it was “possible” that he would take other actions, including accelerating WMD development and weaponisation and admitting inspectors then obstructing or expelling them.
  - **Phase 2**: If Saddam Hussein was convinced the Coalition was determined to overthrow his regime, his response would be “unpredictable, ranging from benign/conciliatory … to military aggression”, including pre-emptive attacks and the possible use of WMD, and mining “SPODs [Sea Points of Disembarkation] or approaches”. That phase would provide Saddam Hussein’s “best chance … to fracture the will of the Coalition” and “speed and agility” would be “needed once the decision to act has been taken”.
  - **Phase 3**: In a conflict phase, Saddam Hussein would go “into full regime (and personal) survival mode, with no holds barred”. The most difficult action for the Coalition to deal with would be if Saddam withdrew to and defended urban areas. The Coalition plan would need to minimise that possibility which supported the idea of a “surprise attack”. The most dangerous response for the Coalition would be a WMD attack on Israel.
- Identifying the key “strategic and military principles” which would affect the design of the campaign:
  - an aim that was “clear and both publicly explainable and defensible”;
  - a choice of options given Saddam’s unpredictability; and
  - surprise and an aim to “**maximise strategic uncertainty** in Saddam’s mind”.
- Creating political, military and regional conditions which would “keep Saddam off balance” whilst preparatory activities were under way.
- The need to identify and prepare possible force packages.

296. The paper also set out three illustrative options for a military campaign, with a very high-level assessment of their advantages and disadvantages:

- **"Air and SF [Special Forces] Precision Strike"**: with the aim of generating "a 'knock out' blow of key installations and facilities" that would "shatter the regime and cause its downfall". The option had "gained high level enthusiastic backing in Washington" although that might "now be waning". It was "unlikely to be chosen as a discrete option" but elements would form parts of the other two options.
- **"Strategic 'Coup de Main'"**: once "Saddam's regime had been 'squeezed' by all the means at the Coalition's disposal" – political, diplomatic, legal and economic – air assault forces would be used to seize "key regime power centres (mainly in Baghdad)" and "NBC weapons, sites and command and control nodes". The option was "Politically attractive" but militarily "high risk" and would need strategic surprise.
- **"Conventional 'Heavy Punch'"**: "essentially the re-run" of the 1991 Gulf Conflict, which provided the "safer military option".

297. The MOD has been unable to locate any record of the "Think Tank" discussion.[139]

298. Subsequent revisions of the paper before the end of 2002 are addressed later in this Section.

299. The development of SPG thinking on post-conflict issues is addressed in Section 6.4.

300. Mr McKane wrote to Sir David Manning describing the discussion at the "Think Tank" as "preparatory to military talks with the US … at which Tony Pigott and Desmond Bowen would represent the UK".[140]

301. Mr McKane stated that he had been struck by two points:

> "There is a huge amount of work to be done if the UK is to be in a position to participate in any operation against Iraq …"
>
> "We may need to confront the legal base for military action sooner rather than later. The MOD say that the US will not admit the UK to detailed joint planning unless we are able to agree that regime change is a legitimate and legal objective."

302. Mr McKane recommended that Sir David should reply to Mr Hoon's letter of 31 May seeking "further and better particulars on the time-lines and precisely what decisions incurring significant expenditure would be required now in order to keep open the possibility of a large scale deployment in six months time".

---

[139] Letter MOD Iraq Inquiry Unit to Iraq Inquiry Secretariat, 23 May 2012, [untitled].
[140] Minute McKane to Manning, 18 June 2002, 'Iraq'.

303. Sir David Manning commented to Mr Powell: "We certainly need much greater precision from MOD."[141]

304. Mr Powell replied that he believed there was "a danger of getting ahead of ourselves here unless this is absolutely necessary to get us into detailed military planning with the US". He recommended discussing the issue with Mr Blair.[142]

305. Sir David Manning asked Mr McKane to "confirm that it is now absolutely necessary to get into the detailed planning with the US". He added: "I suspect it is if we are to have a voice."[143]

306. Mr McKane's advice on the legal issue and the UK position on the objective of regime change are addressed in Section 3.3.

Ministerial consideration of UK policy – July 2002

Formal military planning begins

307. The US agreed to discussions on military planning in late June.

308. Mr Blair asked for advice on the steps that would be needed to keep open the option of a making a large scale military contribution by the end of the year.

309. Gen Myers confirmed that he had received a "green light to set up the necessary mechanism for a UK input into Iraq planning" on 19 June.[144]

310. Sir David Manning responded to Mr Hoon's letter of 31 May on 25 June, recording that Mr Blair had:

> "… asked for further advice on precisely what steps would have to be taken now, including financial commitments … to keep open the possibility of deploying a large scale force by the end of the year – bearing in mind that we may not get six months' warning".[145]

311. Sir David wrote that it was "encouraging that following the Rumsfeld visit, our military planners have now been invited to discussions with the US". He added:

> "It will be important, as the Defence Secretary acknowledged in his minute, to make clear the conditions for UK involvement in military action set out by the Prime Minister …"

---

[141] Manuscript comment Manning on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[142] Manuscript comment Powell on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[143] Manuscript comment Manning on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[144] Minute Shirreff to PS/SofS [MOD], 27 June 2002, 'Iraq Planning'.
[145] Letter Manning to Watkins, 25 June 2002, 'Iraq'.

312. Mr Watkins wrote to Sir David Manning on 26 June reporting that the US was understood to be seeking:

"
- the removal of the Hussein regime;
- the neutralisation of WMD within Iraq;
- the elimination of a safe haven for terrorists;
- an acceptable new government."[146]

313. Mr Watkins stated that the US goals:

> "… broadly align with the objective previously agreed by the Foreign and Defence Secretaries … although Mr Hoon understands that Mr Straw, rightly, sees removal of Saddam as a way point – if necessary and justified – to the final outcome rather than an objective in its own right."

314. Mr Watkins indicated that a small MOD team would be going to Washington and CENTCOM HQ in Tampa, Florida "immediately".

315. The letter concluded that Mr Hoon believed Ministers would need clarity on:

"
- whether the Prime Minister's conditions are likely to be met;
- the viability of the proposed military action;
- the policy and legal framework in which military action is justified;
- overall, whether the prospective outcome looked worth the risks, costs and losses."

316. The draft planning order from CENTCOM was released to the Permanent Joint Headquarters (PJHQ) on 25 June.[147] Lt Gen Reith was briefed by a US officer from CENTCOM on the state of US planning on 26 June.

317. Gen Reith told the Inquiry that he had been phoned by Maj Gen Wilson "on 4 or 5 June to say that we had been offered the opportunity to participate in the American planning for a potential invasion of Iraq".[148] He had informed Lt Gen Pigott the following day. It was not until 25 June that he "got authority [through MOD] for planning with CENTCOM, but without commitment" and he "didn't start any formal planning until 25 June".

318. Lt Gen Pigott, AM French and Mr Bowen visited Washington and CENTCOM from 27 to 29 June 2002.[149]

---

[146] Letter Watkins to Manning, 26 June 2002, 'Iraq'.
[147] Minute Fry to MA/DCDS(C), 26 June 2002, 'Comments on US Planning for Possible Military Action Against Iraq'.
[148] Private hearing, 15 January 2010, pages 7-8.
[149] Minute Fry to MA/DCDS(C), 26 June 2002, 'Comments on US Planning for Possible Military Action Against Iraq'.

319. Before they left, Major General Robert Fry, Deputy Chief of Joint Operations (Operations) (DCJO(Ops)), provided a paper commenting on US planning, which at that stage offered two basic approaches:

- a "running start", with extra forces being deployed as the initial attacks were under way, which would have the advantage of surprise and allow for operations as early as October 2002; and
- a "generated start" allowing full deployment before the beginning of operations, which was expected to require three months longer.

320. Maj Gen Fry wrote that the "running start" option carried considerably more risk and would be "much more manoeuvrist" than the type of operations which had been conducted in 1991. A number of issues for the UK were identified, including: the role and timing for a UK contribution; the need for very early decision-making; how to integrate into a complex US plan; levels of risk; UK participation in US exercises; and the likely US expectations that would result from UK involvement in the planning process.

321. On 1 July, Mr Watkins advised Mr Hoon on Mr Bowen's visit to Washington.[150] Mr Bowen had reported that the Americans had a plan, including taking Baghdad, which they were confident would deliver regime change, but there was no clear direction on timing. That would be affected by the decision on whether to choose a "running start". The plan would be heavily dependent on basing and overflight rights in the region and beyond. The view in Tampa was that it was very early in the planning process and too soon to talk about the UK's contribution.

322. Mr Bowen's view was that the US military were looking to the UK for a second opinion on their military planning, contributions in kind and influence with Washington on the overall campaign plan. The US military would want "the usual niche capabilities (Nimrod, etc). Whether we provide any more is up to you [Mr Hoon]."

323. Similar conclusions were reported by Maj Gen Wilson to Lt Gen Reith on 30 June.[151] He wrote that UK influence and counsel was "almost as important, if not more so than what we would actually bring to the campaign militarily"; although he also cautioned that "UK ability to significantly influence operational design, if so minded, is limited".

324. Maj Gen Wilson told the Inquiry: "… what I remember was said … I think by General Abizaid, who was then the Director of Joint Staff in the Pentagon … 'We need your advice. We need your counsel …'"[152]

---

[150] Minute Watkins to Secretary of State [MOD], 1 July 2002, 'Iraq'.
[151] Minute Wilson to Reith, 30 June 2002, 'Contingency Planning for Iraq – Report on DCDS(C) Visit to US 27-29 Jun 02'.
[152] Public hearing, 4 December 2009, page 15.

325. Mr Bowen sought agreement for PJHQ to send a six-man team to Tampa to join US planning on 2 July.[153]

326. Mr Hoon agreed the deployment, but asked Adm Boyce to ensure, before the team's departure, that Gen Myers:

> "… understands when they meet tomorrow in Brussels that this is on the basis that no political decisions have been taken in the UK on our participation in an operation; and then follow up in writing."[154]

327. On 3 July, Adm Boyce met Gen Myers.[155] Gen Myers was reported to have "sympathised" with the UK government's condition, and agreed that Adm Boyce would write formally to him to reiterate the point.

328. Adm Boyce and Gen Myers discussed a northern option. There were differences of view within the US military about a possible attack from the North although the importance of control of the northern oilfields was recognised. Adm Boyce took the view that Gen Myers "showed his petticoat" in so far as he indicated that that was where the UK might be involved.

329. Adm Boyce also reported that "it appeared that military planning was taking place in a political void".

330. On 4 July, Adm Boyce wrote to Gen Franks, stating:

> "My Defence Secretary wishes me to record that our involvement in planning is on the basis that no political decisions have been taken in the UK on our participation in an operation against Iraq."[156]

331. Maj Gen Wilson informed the Inquiry that action through Turkey would have required the participation of the US European Command (EUCOM) in addition to CENTCOM.[157]

332. Lord Boyce told the Inquiry: "It was made absolutely clear that every time we spoke to the Americans that no commitment was guaranteed until a political tick had been received."[158]

333. Lord Boyce added that:

> "The reaction of the Americans was always 'Yes, I hear what you say but come the day, we know you will be there', until right towards the end."

---

[153] Minute Bowen to PS/SofS [MOD], 2 July 2002, 'Iraq'.
[154] Minute Watkins to DG Op Pol, 2 July 2002, 'Iraq'.
[155] Minute MA/CDS to PS/SofS [MOD], 3 July 2002, 'CDS Discussion with CJCS, General Myers – 3 Jul 02'.
[156] Letter CDS to CJCS, 4 July 2002, [untitled].
[157] Public hearing, 4 December 2009, page 6.
[158] Public hearing, 27 January 2011, page 21.

JIC ASSESSMENT, 4 JULY 2002: 'IRAQ: REGIME COHESION'

334. A JIC Assessment on 4 July addressed regime cohesion in Iraq and how it would respond under pressure or attack.

335. Although it had only fragmentary intelligence about how the regime would deal with an attack including ground forces, the JIC assessed on 4 July that only massive military force would be guaranteed to topple Saddam Hussein

336. The JIC judged that disintegration of the regime would be most likely if Iraqi ground forces were being comprehensively defeated; if top military officers could be persuaded that their fate was not irrevocably tied to that of Saddam Hussein; or if Saddam were to be killed.

337. At the request of the MOD, the JIC issued an Assessment of "how cohesion of the Iraqi regime is maintained and how the regime would fare under pressure or attack" on 4 July.[159]

338. The minutes of the JIC discussion of the draft paper described it as:

> "… an important paper with a specific focus. It would be of interest to Ministers more because of its context, with decisions yet to be taken about what to do with Iraq, than because of its analysis, which was familiar rather than novel.
>
> "Its key message was that although Saddam Hussein's regime was remarkably resilient to pressure … the demonstration of a real and overwhelming international determination and ability to remove the regime through military force was the likeliest way to bring it down …
>
> "Experience in Afghanistan had shown that generating expectations and influencing people's perceptions of what might happen had considerable capacity to effect real and rapid change …
>
> "The paper needed to analyse and describe in more detail the nature of Saddam's support … The motives for each set of supporters were different … These mattered because under pressure the different groups would behave differently.
>
> "UK policy makers, and military planners, would be keen before too long to identify the point at which self-interested loyalty for Saddam might turn into disillusionment, fragility and fragmentation."[160]

---

[159] JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.
[160] Minutes, 3 July 2002, JIC meeting.

339. The JIC's Key Judgements were:

"
- Only massive military force would be guaranteed to topple Saddam. The regime expects a US attack […].
- The clear prospect of a major attack would put the regime under unprecedented pressure. But regime cohesion is unlikely to collapse in the absence of a large scale invasion.
- Saddam relies on a mixture of patronage and extreme fear to retain power and contain opposition. Real loyalty and support for his regime is confined to the top of the hierarchy.
- The Special Republican Guard (SRG) and the Republican Guard Forces Command (RGFC) are more reliable than the Regular Army (RA). All would initially fight a US-led attack. Once the regime was perceived as doomed the military's will to fight on would be sorely tested.
- Regime disintegration would be most likely if Iraqi ground forces were being comprehensively defeated; if top military officers could be persuaded that their fate was not irrevocably tied to that of Saddam; or if Saddam himself were to be killed. Military units are more likely to suffer mass desertions than revolt as coherent units."[161]

340. The Assessment also stated:

> "Saddam and his regime have proved durable …
>
> "The Iraqi military are aware of their vulnerability to air power, probably their greatest weakness; their main way of mitigating this is through dispersal, including into urban areas […] We have only fragmentary intelligence indicating how the regime might deal with an all-out attack including ground forces. **But we assess that only massive military force could be guaranteed to topple Saddam."**

341. Addressing the policy implications of the Assessment, the JIC stated: "Saddam and his regime must be convinced that any move to topple him is serious and likely to succeed before they begin to feel the pressure."

Mr Hoon's proposal for a collective Ministerial discussion

342. In early July, Mr Hoon proposed a collective Ministerial discussion, which Mr Straw supported.

343. On 2 July, Mr Watkins reported to Sir David Manning that "US military thinking is quite well advanced", but US planners were assuming offensive operations to overthrow Saddam Hussein "in a policy void".[162] The US "end-state to be achieved after conflict"

---

[161] JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.
[162] Letter Watkins to Manning, 2 July 2002, 'Iraq'.

had not been identified, and there seemed to be no "overarching campaign strategy for dealing with Iraq".

344. An updated plan would be briefed to President Bush in August, and the US planning was designed "to put CENTCOM in a position to be able to activate their plan from August 2002 onwards". A "de facto invitation to the UK and Australia to participate" was "now on the table". The plan would require availability of bases and support from Kuwait, Jordan and Turkey.

345. Mr Watkins reported that Mr Hoon intended to respond positively to the invitation for a small number of British planners to join US planning teams; that was "essential in helping to inform the MOD's own thinking" so that Mr Hoon could make recommendations. But Mr Hoon was:

> "… very conscious that decisions about a military contribution cannot be made in the absence of a coherent and integrated strategic framework. An agreed strategy will be key to taking matters forward, not simply to provide justification for military action, but to clarify timelines; to incorporate the Prime Minister's conditions for UK participation; and to establish the framework for an information campaign. The draft public document, which you are currently considering, would ultimately form an important part of that campaign. He suggests that the Prime Minister may like to call an early meeting of a small group of colleagues to consider how best to get the US to address the strategic, as opposed to the narrowly military, dimension. The freestanding military option is not a viable political proposition.
>
> "Meanwhile, officials from the MOD, FCO and Cabinet Office should do some more homework urgently to put the Prime Minister and you in a better position to influence the President's and Condi Rice's thinking … before the updated CENTCOM plan is briefed to the President in the course of August. Mr Hoon will also review the possibilities for contact with the US Defense Secretary."

346. The preparation and content of the draft public document on Iraq referred to by Mr Watkins, the "dossier", is addressed in Sections 4.1 and 4.2.

347. The Treasury's reaction to Mr Hoon's minute is addressed in Section 13.

348. Mr Straw wrote to Mr Blair on 8 July supporting Mr Hoon's suggestion for an early Ministerial meeting.[163]

349. Mr Straw stated that the report of US planning had raised several points which concerned him, including:

- There was "no strategic concept for the military plan". US military planning had "so far taken place in a vacuum".

---

[163] Minute Straw to Prime Minister, 8 July 2002, 'Iraq: Contingency Planning'.

- "The support of key allies such as Kuwait cannot be counted on in the absence of some serious ground-work by the US."
- "The key point is how to get through to the Americans that the success of any military operation against Iraq – and protection of our fundamental interests in the region – depends on devising in advance a coherent strategy which assesses the political and economic as well as the military implications."

350. The advice from Mr Hoon and Mr Straw, and No.10's reaction to the proposal for a Ministerial meeting, are addressed in Section 3.3.

351. Sir Kevin Tebbit wrote to Mr Hoon on 3 July setting out his concerns about the absence of a political context for the military plan and the dilemma for the UK that being drawn into US planning potentially posed.[164]

352. Sir Kevin concluded that the UK could not count on a military campaign being unlikely or, if the US went ahead, that the UK could avoid being linked to the campaign.

353. Sir Kevin advised that a "credible political plan", which addressed the conditions for UK participation and moved American planning into acceptable channels and slowed it down, was needed. That is set out in more detail in Section 3.3.

354. Sir Kevin Tebbit's minute was sent after Mr Watkins' letter to Sir David Manning had been sent. Mr Watkins marked the letter to Mr Hoon observing that the MOD did not know the views of Secretary Powell or Dr Rice; and there was a risk "that the PM's conditions will be simply sidelined".[165]

355. Sir Kevin Tebbit told the Inquiry that getting involved in US planning in late June and early July had posed a dilemma because:

> "… it was clear … even at that stage, if one begins discussions with the United States on the military track, albeit without commitment, it becomes increasingly difficult to keep options open absolutely completely … [W]e made it clear to them that our participation … was purely to inform British Government thinking …
>
> "On the one hand, if one is drawn into discussion of timescales and details, we might give misleading signals of support for military action that was not present at that stage.
>
> "On the other hand, if we continued to stand aside, it might be too late for us to influence events or meet the political requirement which might be placed on us."[166]

356. On 9 July, Sir Christopher Meyer advised that President Bush would have a military plan on his desk before he went on holiday in August.

---

[164] Minute Tebbit to Secretary of State [MOD], 3 July 2002, 'Iraq'.
[165] Manuscript comment Watkins on Minute Tebbit to Secretary of State [MOD], 3 July 2002, 'Iraq'.
[166] Public hearing, 3 December 2009, pages 20-21.

357. On 9 July, Sir Christopher Meyer reported speculation in the US media and a number of recent discussions in Washington.[167]

358. In a press conference on 8 July, President Bush had not attempted to challenge the veracity of a story about leaked military plans. Sir Christopher's contacts suggested that the aim was to have a reworked military plan on President Bush's desk before he went on holiday in August.

The MOD's assessment of US military plans

359. In mid-July, the MOD still had only scant information about US military plans and the Chiefs of Staff identified a number of areas of concern which needed to be addressed.

360. Political guidance was needed on how to implement the UK's intent and convey that intent to the US.

361. The SPG had pointed out that, once military forces were deployed, the US would have to see its policy through to a successful conclusion.

362. But that point does not seem to have been pursued in relation to what that might mean for UK policy.

363. Lt Gen Pigott issued 'Initial Planning Guidance for Possible Military Operations in Iraq' to Lt Gen Reith, AM French, the Director Special Forces, Air Commodore Mike Heath (Director Targeting and Information Operations), and Brigadier Andrew Stewart, the Army's Director of Overseas Military Activity, on 8 July.[168] The guidance considered the preparation of military strategic options ranging from regional influence to large scale war-fighting and assessed the CENTCOM plan.

364. Lt Gen Pigott made clear that the planning and contingency work conducted so far had not been subject to legal scrutiny. He also asked for "actionable intelligence" on WMD and an understanding of Saddam Hussein's options and the regime's fault lines and fragility.

365. A revised version of the SPG paper, 'UK Military Strategic Thinking on Iraq', was produced on 11 July for a "Strategic Think Tank" on Iraq the following week.[169]

366. Much of the thinking underpinning the paper was unchanged but there were some significant additions, including:

- The US was aware of the dangers of failure and was planning for the "worst case".

---

[167] Telegram 926 Washington to FCO London, 9 July 2002, 'Iraq: US views'.
[168] Minute DCDS(C) to Various, 8 July 2002, 'Initial Planning Guidance for Possible Military Operations in Iraq'.
[169] Paper [SPG], 11 July 2002, 'UK Military Strategic Thinking on Iraq'.

- The UK was not "well-balanced" to match US ability to escalate action rapidly and, if UK forces were to be deployed alongside the US, there was a "need to match US planning aspirations".
- WMD, the composition and methods of the current Iraqi regime, and where the fracture lines existed in the current regime, were identified as the areas where a "much more detailed level of intelligence" was required.
- The UK "must accept" that it was "likely that our visibility of WMD may even deteriorate as Saddam prepares for conflict".
- Any replacement regime would need to renounce WMD.
- A much more detailed analysis of the need for international support and the risks associated with the position of individual countries was required. Turkey would be a "critical" ally and would "call for a delicate political balance" which would "require … military support". Ensuring Turkey's support would require identification of "credible political carrots", enhanced military aid and "effective military links to Kurdish guerrilla groups".
- Iraq provided a "balance" to Iran and needed "either … to retain significant military capability or international guarantees". The paper also asked whether Iran would be the "next candidate of axis of evil?"
- Saddam Hussein's "best chance" would be "to prevent the deployment of coalition forces as once committed by presence, the US can only see the operation through to success …"
- Information operations would play a key part in Phases 2 and 3 of the campaign.
- Taking military action during "Window 1" would require management of consequences after military action, "**Strike then Shape**". "Window 2" would be "more deliberate", and was characterised as "**Shape then Strike**".
- There was a definition of possible UK contributions as Packages 1, 2 and 3 and the initial, high-level identification of key shortfalls in readiness.
- There was the identification of a fourth, "**Siege**" option for a military campaign, which would entail "seizing one or more pieces of territory (probably in the North and South) and, in effect, laying siege to the regime". That had "received some support in the Press and from academics". It could achieve the end state "with little fighting, but the political risks" were "high".

367. PJHQ submitted an assessment of the CENTCOM plan on 12 July, which identified the possible scope and scale of a UK contribution as:

- enablers, including Special Forces;
- support of the US "Main Effort" through Kuwait with armoured forces up to a division (minus) and/or light forces at brigade strength; and

- a discrete contribution in geographical or functional terms – a second axis in the north, which needed more work to establish if it was feasible.[170]

368. The paper outlined the two possible windows for military action:

- Window One between October 2002 and March 2003; and
- Window Two between October 2003 and March 2004.

369. The second was the preferred UK option, but PJHQ acknowledged that it was "undoubtedly less attractive to the US".

370. The Chiefs of Staff were asked for guidance on the direction and nature of future planning.

371. Maj Gen Wilson advised Lt Gen Reith on 16 July that the UK was expected to present a statement of intent at a US CENTCOM planning conference in Tampa, Florida on 1 to 2 August.[171]

372. Maj Gen Wilson reported that it was expected that the UK capability "offered" would "deliver the northern option", together with Special Forces, air (especially tankers), ships, command and control architecture and enablers. He concluded that there were "more questions than answers, with too many issues of substance either not yet addressed or 'assumed away'":

- On WMD use, the view remained that Saddam Hussein's "ability to deliver 'capability' is unproven and widespread use thought unlikely".
- Although there was "reasonable information upon which to target", it remained "a critical information shortcoming".
- It was not clear whether detailed work had been done to assess Iraqi "red lines". There was uncertainty over what Israel would do by way of retaliation if attacked.
- The "Baghdad Stronghold" scenario was acknowledged but considered a "possibility rather than an eventuality".

373. In relation to the recent announcement of a Turkish election on 3 November, Maj Gen Wilson reported that had "unsettled" the US, and US military planners had been asked to "assess the feasibility of plans in a 'no Turkey scenario'". He added:

> "Whether it [the 'no Turkey scenario'] becomes a show-stopper remains to be seen."

374. Maj Gen Wilson's advice was seen by Adm Boyce.[172]

---

[170] Paper PJHQ, 12 July 2002, 'An Analysis of the CENTCOM Plan for Military Action Against Iraq'.
[171] Minute Wilson to CJO, 16 Jul 2002, 'Planning for Iraq – Record of Conversation with CENTCOM J3'.
[172] Manuscript comment [unattributed] on Minute Wilson to CJO, 16 July 2002, 'Planning for Iraq – Record of Conversation with CENTCOM J3'.

375. A briefing note prepared by Lt Gen Pigott for Adm Boyce focused on:

- the question of whether there was a winning concept;
- the comparative advantages and disadvantages of operations between October 2002 and March 2003 or one year later;
- the possible UK contribution; and
- the way ahead.[173]

376. Lt Gen Pigott advised that the UK assessments of the plan were based on "scant information", and that the key areas of concerns on the US plan included:

- a mismatch in the end states of the US and UK;
- the lack of a strategic framework;
- potentially optimistic assumptions about assessments of Iraqi weaknesses;
- insufficient knowledge of the WMD threat in many important respects; and
- a question about "to what extent" kinetic means could deliver strategic ends.

377. Lt Gen Pigott's view was that the UK should encourage thinking to move towards action in 2003-2004 rather than in 2002-2003, which "had a better chance of success" given the challenges "including political red cards". That was: "Not a recipe for delay, indeed quite the reverse." It would be difficult for the UK to send land forces to participate in a "running start" but the UK thinking was "taking us towards a 'distinctive' (Package 3) role". For any significant contribution, force preparation would need to start "now".

378. The advice from Lt Gen Pigott and the SPG was discussed in a restricted Chiefs of Staff meeting on 17 July.[174]

379. At the meeting, Adm Boyce emphasised the privileged nature of the UK access to US planning and the need for operational security. The points made in the discussion included:

- One key judgement which would affect planning would be whether an initial push would trigger regime collapse.
- Although the use of UK bases was critical to the US plan there was, from the UK viewpoint, no viable context within which it could participate in military action: "The legal basis was particularly fraught with difficulty."
- A running start "was not currently viable for the UK without significant risk".
- A UK contribution in the North that did not require integration into US land forces would "fix" Iraqi divisions in northern Iraq, "open up a second front, and safeguard the critical northern oilfields".

---

[173] Minute DCDS(C) to DPSO/CDS, 17 July 2002, 'Iraq: Summary of Key Issues'.
[174] Minutes, 17 July 2002, Chiefs of Staff (Restricted) meeting.

- It might take “up to nine months” to produce a division (minus), “although this was understood to be the ‘sensible worst case’”.
- Timings were critical and the UK could not wait to see if Window 2 was the preferred US option.
- There was a key judgement to be made about whether the UK should wait for an approach from the US, “or be more forward leaning and factor a UK ‘offer in principle’ into US planning at an early stage”.
- Iraq’s chemical and biological (CB) warfare capability and intent was a significant issue, “even a limited CB employment could cripple the battle plan”.

380. Adm Boyce concluded that “the UK needed greater visibility of US intent in a number of areas”. For the immediate future, “political guidance on how best to start implementing UK intent and to convey that intent to the US” was needed.

381. In preparation for a meeting to be held on 18 July, Mr Bowen outlined the MOD thinking in a minute to Mr Hoon on 17 July.[175]

382. Mr Bowen drew attention to the US concepts of “running” and “generated” starts. He advised that the indications were that the US favoured the “running start” option (which could see US operations beginning during the course of 2002). That would achieve “strategic surprise”, but it went against “our expectation of [a] Desert Storm-style build up over months”.

383. Mr Bowen suggested:

> “In the meantime, as we begin to explore possible UK contributions we need to identify what preparation – such as procurement for **urgent operational requirements** – could usefully begin now …”

384. A minute from Mr Hoon’s Private Office to Mr Hoon stated that the Chiefs of Staff, notably General Sir Mike Walker, Chief of the General Staff, had been very sceptical about the US plan, which was seen as “optimistic in a number of areas”, including:

- the speed of advance over large distances;
- confidence that the regime would implode without direct action against the seat of power or Iraqi leaders;
- reliance on the isolation rather than the capture of Baghdad;
- little consideration of the practicality of the plan in a chemical/biological environment; and
- the lack of focus on the northern areas.[176]

---

[175] Minute DG Op Pol to PS/Secretary of State [MOD], 17 July 2002, ‘Iraq’.
[176] Minute [Williams] and [Watkins] to SofS [MOD], 17 July 2002, ‘Meeting on Iraq 18 Jul 02 1145’.

385. The Chiefs of Staff had concerns about the difficulties for any land operations posed by the timescales and logistics. That would need to be "set against the Prime Minister's desire to be supportive".

386. Mr Hoon's Private Office was concerned about the weakness of the coalition elements and post-conflict plans, and advised Mr Hoon that his meeting should focus on what would "allow participation in planning to continue".

387. The MOD has been unable to locate any record of Mr Hoon's meeting on 18 July.[177]

388. The DIS reported on 22 July that the US was "no better off than we are about actionable intelligence on WMD.[178] Sites formerly used for the production of WMD were known, but there was "little intelligence on whether they are currently in use or on possible new locations". The whereabouts of potential storage sites was "a top priority but no significant success was reported".

Mr Blair's meeting, 23 July 2002

CABINET OFFICE PAPER, 'IRAQ: CONDITIONS FOR MILITARY ACTION'

389. The Cabinet Office paper 'Iraq: Conditions for Military Action' was issued on 19 July, to inform Mr Blair's 23 July meeting with Mr Straw, Mr Hoon, Lord Goldsmith (the Attorney General) and key officials to discuss Iraq.

390. The purpose of the Cabinet Office paper was to identify the conditions which would be necessary before military action would be justified and the UK could participate in such action; and to provide the basis for a discussion with the US about creating those conditions.

391. The Cabinet Office paper stated that Mr Blair had said at Crawford that the UK would support military action to bring about regime change, provided certain conditions were met.

392. The Cabinet Office paper, 'Iraq: Conditions for Military Action', was issued on 19 July to those who would be attending a meeting to be chaired by Mr Blair on 23 July.[179]

393. Ministers were invited to note the latest position on US military planning, the timescales for possible action, and to agree:

- The objective for military action, as set out in Mr Hoon's minute to Mr Blair of 31 May, of "a stable and law-abiding Iraq within the present borders, co-operating with the international community, no longer posing a threat to

[177] Letter MOD Iraq Inquiry Unit to Iraq Inquiry Secretariat, 23 May 2012, [untitled].
[178] Minute DCDI to PSO/CDS, 22 July 2002, 'Iraqi Capabilities'.
[179] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

its neighbours or to international security, and abiding by its international obligations on WMD".

- To "engage the US on the need to set military plans within a realistic political strategy", which included "identifying the succession to Saddam Hussein and creating the conditions necessary to justify government military action, which might include an ultimatum for the return of UN weapons inspectors to Iraq. This should include a call from the Prime Minister to President Bush ahead of the briefing of US military plans to the President on 4 August.
- The establishment of a Cabinet Office-led ad hoc group of officials to consider the development of an information campaign to be agreed with the US.

394. The paper stated that US military planning for action against Iraq was "proceeding apace" but it lacked a political framework: "In particular, little thought has been given to creating the political conditions for military action, or the aftermath and how to shape it."

395. It seemed "unlikely" that the UK's objective could be achieved while Saddam Hussein's regime remained in power. The US objective was "unambiguously" the "removal of Saddam Hussein's regime, followed by elimination of Iraqi WMD". The view of UK officials was that it was by "no means certain" that one would follow from the other: even if regime change was "a necessary condition for controlling Iraq's WMD", it was "certainly not a sufficient one".

396. The paper stated that "certain preparations would need to be made and other considerations taken into account". It contained a series of sections addressing the conditions which would be "necessary for military action and UK participation, including:

- "a viable military plan"; and
- "a positive risk/benefit assessment".

397. In relation to military planning, the paper stated:

- **The Chiefs of Staff were not yet able to assess whether the military plans were "sound"; although a "decision in principle" might be needed "soon".**
- **Ministers were invited to "note" the potentially long lead times for equipping UK forces to undertake operations in Iraq, and asked to agree that the MOD could bring forward proposals for procurement of equipment.**

398. The Chiefs of Staff had advised that there were a number of questions which would need to be answered before US military plans could be assessed as "sound". Those included:

- the realism of a "Running Start";
- the willingness of Iraqi forces to fight; and

- the potential impact of Iraqi attacks using chemical or biological weapons.[180]

399. Without an overt military build-up, a "Running Start" military action could begin as early as November, with air strikes and support for opposition groups and small-scale land operations, while further ground forces built up to overwhelm Iraqi forces "leading to the collapse of the Iraqi regime". A "Generated Start" following a military build-up could begin as early as January 2003. That was also judged to be the latest date for the start of military operations unless action was "deferred until the following autumn".

400. The "UK's ability to contribute forces depended on the details of US military planning and the time available to prepare and deploy them". The MOD was "examining how the UK might contribute to US-led action". Options ranging from deployment of a division to making bases available had been identified. US plans assumed the use of British bases in Cyprus and Diego Garcia. Unless "publicly visible" decisions were taken "very soon", the UK would not be able to send a division in time for an operation in Iraq in January 2003.

401. A "decision in principle" might be "needed soon on whether and in what form the UK takes part in military action".

402. Ministers were invited to "note the potentially long lead times involved in equipping UK Armed Forces to undertake operations in the Iraqi theatre"; and to "agree that MOD should bring forward proposals for the procurement of Urgent Operational Requirements under cover of the lessons learned from Afghanistan" and the "outcome" of the 2002 Spending Review.

403. Mr McKane advised Sir David Manning separately that the paper covered US military plans "only in headline form" on the grounds that Mr Blair would "wish to receive a short oral brief from CDS".[181]

404. The planning and preparations for equipping UK forces are addressed in Section 6.3.

405. The Cabinet Office paper was written in order to support a Ministerial discussion about the approach the UK should take to the US on Iraq. It identified the issues the UK should be trying to get the US to address before it embarked on military action to secure regime change in Iraq in a way the UK would find difficult to support.

---

[180] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[181] Minute McKane to Manning, 19 July 2002, 'Iraq'.

406. It was not written to provide a broader and more fundamental analysis of the policy choices which the UK Government might at that time have considered, and their consequences, including:

- **whether military action would be the best way to secure the UK's objective;**
- **the longer-term consequences and obligations which were likely to arise from military action.**

407. The wider issues addressed by the paper are set out in Section 3.3.

MOD ADVICE FOR MR HOON

408. Following his minute of 3 July and a visit to Washington on 18 to 19 July, Sir Kevin Tebbit advised that the US Administration as a whole was increasingly united in the view that military action would be taken against Iraq to bring about regime change and remove WMD risks.

409. Sir Kevin Tebbit visited Washington from 18 to 19 July.[182]

410. Sir Kevin advised Mr Hoon that the US Administration as a whole was increasingly united in the view that military action would be taken against Iraq to bring about regime change and remove WMD risks. He reported an "air of unreality" given the enormity of what was envisaged and the absence of a policy framework and detailed planning.

411. Sir Kevin Tebbit also wrote to Sir David Manning before the Ministerial discussion on 23 July.[183]

412. The advice for both Mr Hoon and Sir David is addressed in Section 3.3.

413. In the light of uncertainty about the timing of possible military operations, Adm Boyce had directed that planning for deployment of land forces should concentrate on two packages: a "supporting/enabling package" and a northern option, comprising a division with two combat brigades (a division-minus).

414. MOD officials privately expressed strong reservations about military action to Mr Hoon stating that there was no objective justification for a pre-emptive attack either now or in the immediate future.

415. Mr Hoon was advised that the legal framework could constrain the UK's ability to support US action.

---

[182] Telegram 970 Washington to FCO London, 20 July 2002, 'Iraq: Sir K Tebbit's Visit to Washington, 18-19 July'.
[183] Letter Tebbit to Manning, 22 July 2002, 'Iraq'.

416. In preparation for the meeting on 23 July, Mr Bowen advised Mr Hoon that the meeting would discuss the Cabinet Office paper of 19 July, and the agenda was expected to cover:

- US planning and timescales;
- objectives of any military action;
- the strategic policy framework;
- the potential UK contribution; and
- an information campaign.[184]

417. Mr Bowen advised that it was "still too early to be definitive" about whether the US had a winning military concept; but that it was "likely" that the answer to that question would be "'yes' with certain conditions". The key point for Mr Blair to note was that US action could take place "very quickly, as early as November".

418. Agreeing the objective for military action would be "useful", but it begged the question of the "*strategic policy framework* in which to take military action in pursuit of that objective". "In particular a framework" was "required to set the conditions for military action including the necessary justification in international law". That was "important because it may well constrain our ability to support US action".

419. Adm Boyce had directed that UK planning should concentrate on two "packages":

- a supporting/enabling package, including basing, maritime and air assets, in which the "the only land contribution would be Special Forces"; and
- a discrete land contribution of a "division (minus)" for operations in northern Iraq.

420. Those two packages had been chosen "because they effectively represent maximum practical UK contributions to US-led operations for either early or later action". Schematic timelines showing decision dates and readiness which could be achieved were provided.

421. Mr Bowen advised that the "indications from the US" were that it did "not expect a ground force contribution from the UK for operations out of Kuwait"; and that "providing land forces to integrate with the US main effort in the South" had "been discounted because of the severe difficulties we would face due to interoperability; deployment time and geographic constraints affecting logistics in particular".

422. Work was "now being tailored" to a UK contribution from the north, although it was "difficult to see how meaningful operations could be achieved outside the framework of a multi-national force such as the ARRC [Allied Rapid Reaction Corps] with the support of other allies".

---

[184] Minute Bowen to PS/Secretary of State [MOD], 22 July 2002, 'Iraq: Meeting with the Prime Minister'.

423. A speaking note stated that the key points for the meeting with Mr Blair were:

- US military planning was "gathering pace".
- The "mood and timetable" pointed to "this winter for action, although an alternative would be in 2003/4".
- There was a "need for early guidance on UK military involvement and preparatory work".
- Engagement between Mr Blair and President Bush was "needed now to assess US willingness to establish [a] strategic framework, followed by UK decision-making before summer break".

424. The "Line to Take" offered to Mr Hoon included:

- It was "too early to judge" if the US military plan was a winning concept and the Chiefs of Staff were "not yet convinced". The question of whether the US had a winning concept could be answered as planning developed. The UK view was that pressure should be "applied from South, West and North".
- The US would like to establish the scale of UK involvement. Subject to the legal framework, the US expected Diego Garcia, Cyprus, air enablers, maritime force and Special Forces as a minimum. There was a "Developing expectation" of a division size force in the North with Turkey and other allies.
- Decisions were "needed urgently" if UK forces were to be involved "this winter". A large land force contribution needed "preparatory action immediately" and would not be complete until "March/April".

425. Commenting on Mr Bowen's advice, Mr Watkins wrote that: "Large scale involvement in a US thrust from Kuwait would be impracticable"; and that a division (minus) option "would require immediate action on UORs etc and early decisions (October) on reserves". The latter would "definitely be visible".[185]

426. In relation to a discrete "Land Contribution", Mr Watkins wrote:

> "Apart from being 'involved', the military utility (and risks) of this option are not clear."

427. Mr Watkins added to the speaking note a suggestion that Mr Hoon should seek an understanding that the costs of UORs would be met from the Reserve.

428. Mr Watkins also offered Mr Hoon a "Private Office distillation of where we think most of your key advisers – Chiefs, PUS etc (with possible exception of Simon Webb) – are coming from". That set out strong reservations about military action, including that there was no objective justification for a pre-emptive attack either now or in the immediate future.[186]

---

[185] Manuscript comment Watkins on Minute Bowen to PS/Secretary of State [MOD], 22 July 2002, 'Iraq: Meeting with the Prime Minister'.
[186] Note (handwritten) Watkins to SofS [MOD], 22 July 2002 attaching 'Iraq: Summary'.

429. Mr Watkins' note is described in more detail in Section 3.3.

430. Adm Boyce was advised that the UK should agree to explore the northern option with the US, including being prepared to consider offering to lead land forces.

431. Separate advice from Lt Gen Pigott for Adm Boyce stated that the choice was "between 'Embedded' and 'Distinctive'" options.[187] The former were "fine" for maritime and air components, but the latter were "better" for land and Special Forces, "largely for logs [logistic]/deconfliction reasons".

432. Lt Gen Pigott also wrote that strategic thinking on a "Northern Axis" was "still immature" in relation to "Timelines/Practicality?".

433. On the "Way Forward", the UK should:

- "Agree [the] Intent" to offer enablers, maritime and air forces at medium scale, and "up to" a division (minus) to US planners, "with provisos on deployment/employment clearly spelt out".
- "Agree to explore" the "Northern Option" with the US "as a matter of urgency". The UK should also:
  - "Be prepared to consider Framework Nation lead of a Land Component within this option."
  - "Be prepared … to scope possible role for HQ ARRC."
- "Agree to scope" Special Forces involvement.
- "Agree to Implement" invisible UORs now, and be prepared to advise Ministers later on visible UORs.
- "Agree to identify" other essential preparations for submission to Ministers "against "Window 1 timelines".

434. Mr Blair's meeting on 23 July did not take firm decisions.

435. The record of the meeting stated that the UK should work on the assumption that it would take part in any military action and Admiral Boyce could tell the US that the UK was considering a range of options.

436. Mr Blair commissioned further advice and background material on all the issues.

437. Mr Blair discussed Iraq with Mr Straw and Mr Hoon, Lord Goldsmith, Sir Richard Wilson, Adm Boyce, Sir Richard Dearlove, Sir Francis Richards (Director of the Government Communications Headquarters (GCHQ)), Mr Scarlett, Mr Powell,

---

[187] Minute DCDS(C) to DPSO/CDS, 22 July 2002, 'Iraq: Update on Key Issues'.

Baroness Morgan (Director of Political and Government Relations), Mr Campbell and Sir David Manning, on 23 July.[188]

438. The discussion in the meeting and the actions that followed are addressed in Section 3.3.

439. In relation to military planning, the record of the meeting produced by Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, stated:

- Mr Scarlett summarised the intelligence and latest (4 July) JIC Assessment: "Saddam's regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action." Saddam was "worried and expected an attack", but he was "not convinced" that an attack would be "immediate or overwhelming".
- Sir Richard Dearlove reported that there was "a perceptible shift in attitude" in Washington: "Military action was now seen as inevitable." President Bush "wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD".
- Adm Boyce reported that Secretary Rumsfeld and President Bush would be briefed by CENTCOM planners in early August. The US was examining two military options, and saw the "UK (and Kuwait) as essential". The three main options for UK involvement were:
  - "(i) Basing in Diego Garcia and Cyprus plus […] SF [Special Forces] squadrons.
  - (ii) As above, with maritime and air assets in addition.
  - (iii) As above, plus a land contribution of up to 40,000 perhaps with a discrete role in northern Iraq entering from Turkey, tying down two Iraqi divisions."
- Mr Hoon said that the US had already begun "spikes of activity" to put pressure on the regime. In his view, January was the most likely timing for military action.
- Mr Straw stated that it "seemed clear" that President Bush had "made up his mind to take military action, even if the timing was not yet decided".
- Lord Goldsmith warned that the desire for regime change was not a legal basis for military action. Self-defence and humanitarian intervention could not be the basis for military action in this case.
- Mr Blair had stated: "The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work."
- Adm Boyce did not yet know if the US battleplan was "workable". There were "lots of questions", for example "the consequences if Saddam Hussein used WMD on day one, or if Baghdad did not collapse and urban warfighting began".

[188] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

- Mr Straw "thought the US would not go ahead with a military plan unless convinced it was the winning strategy", but there "could be US/UK differences" on the political strategy.
- Mr Scarlett assessed that "Saddam would allow the inspectors back in only when he thought the threat of military action was real".
- Mr Hoon stated that if Mr Blair wanted UK military involvement, an early decision would be required. Mr Hoon cautioned that "many in the US did not think it was worth going down the ultimatum route". It would be important for Mr Blair "to set out the political context" to President Bush.

440. In relation to the military option, Mr Rycroft recorded that the meeting concluded:

"
- We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions. CDS should tell the US military that we were considering a range of options.
- The Prime Minister would revert on the question of whether funds could be spent in preparation for this operation.
- CDS would send the Prime Minister full details of the proposed military campaign and possible UK contributions by the end of the week."

441. Mr Rycroft sent a separate letter to Mr Straw's Private Secretary on 23 July, which very briefly summarised the action points for the FCO, the MOD and the Cabinet Office.[189]

442. In his memoir, Mr Blair recorded that Adm Boyce had made it pretty clear at the meeting that "he thought the US had decided on it [military action], bar a real change of heart by Saddam".[190]

443. In his account of the meeting, Mr Campbell wrote that Mr Blair had "said he needed to be convinced … of the workability of the military plan."[191]

444. Mr Hoon told the Inquiry that he did not have a specific recollection of the meeting but he did not recall it as a key meeting, rather it was part of an "iterative process".[192]

445. Mr Hoon subsequently wrote that there was "a very full discussion of the relevant issues" at the meeting, and that:

> "Arguments both for and against UK involvement as well as relevant legal opinions were set out and recorded in the minutes of the meeting. All of the reservations set out in the summary prepared by my Private Office were fully debated in the meeting.

---

[189] Letter Rycroft to McDonald, 23 July 2002, 'Iraq Prime Minister's Meeting, 23 July: Follow Up'.
[190] Blair T. *A Journey*. Hutchinson, 2010.
[191] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[192] Public hearing, 19 January 2010, pages 20-21.

At such a meeting I would not have thought it necessary to repeat arguments already made by others … unless there was some specific benefit in doing so."[193]

446. In his Note to President Bush of 28 July on the strategy on Iraq, Mr Blair suggested a build-up of military forces in the Gulf in the autumn as a signal of intent to encourage international support and demoralise Iraq.

447. Mr Blair's Note to President Bush on 28 July and his and Sir David Manning's subsequent discussions with President Bush are addressed in Section 3.3.

448. Mr Blair's Note of 28 July began:

"I will be with you, whatever. But this is the moment to assess bluntly the difficulties. The planning on this and the strategy are the toughest yet. This is not Kosovo. This is not Afghanistan. It is not even the Gulf War.

"The military part of this is hazardous but I will concentrate mainly on the political context for success."[194]

449. In a section setting out the elements of a strategy to secure a political coalition, if not necessarily a military one, Mr Blair wrote:

"It goes without saying that the Turks and Kurds need to be OK. Strangely I think they are going to be the easiest, despite the Turkish elections. They both want our help badly and will play ball if offered enough."

450. In a section headed "**The Military Plan**", Mr Blair wrote:

"Finally, obviously, we must have a workable military plan. I don't know the details yet, so this is first blush.

"The two options are running start and generated start.

"The first has the advantage of surprise; the second of overwhelming force. My military tell me the risks of heavy losses on the running start make it very risky. Apparently it involves around 15-20,000 troops striking inside Iraq, with heavy air support. The idea would be to catch the regime off balance, strike hard and quickly and get it to collapse. The obvious danger is [that] it doesn't collapse. And there is the risk of CW being used.

"For that reason, a generated start seems better. It could always be translated into a more immediate option, should Saddam do something stupid. Also, the build-up of forces in such numbers will be a big signal of serious intent to the region and help to pull people towards us and demoralise the Iraqis. This option allows us to hammer his air defences and infrastructure; to invade from the South and take the oilfields; to

---

[193] Statement Hoon, 2 April 2015, paragraph 13.
[194] Note Blair [to Bush], 28 July 2002, 'Note on Iraq'.

secure the North and protect/stabilise the Kurds. Then effectively with huge force we go on to Baghdad."

451. Mr Blair concluded:

"We would support in any way we can.

"On timing, we could start building up after the break. A strike date could be Jan/Feb next year. But the crucial issue is not when, but how."

Definition of UK force "Packages"

MOD advice, 26 July 2002

452. In response to Mr Blair's request for full details of the proposed military campaign and possible UK contributions, the MOD advised No.10 on 26 July:

- **US military planning was still evolving and the Chiefs of Staff were not yet able to judge whether the US had a winning concept.**
- **Three possible options were identified but no recommendation was made about which option should be selected.**
- **The largest option comprised the deployment of a division, but the MOD was also examining the possibility of deploying an additional light brigade and providing the framework for a UK-led Corps headquarters.**

453. Mr Hoon expressed caution about both the robustness of the estimates of the timescales for a UK deployment and the impact of Operation FRESCO – potential industrial action by the Fire Brigades Union in the autumn.

454. Mr Hoon's view was that the UK should present its options to the US positively, but without commitment at that stage.

455. Mr Blair was advised that no decision was needed at that stage.

456. The three options identified by the MOD, which made no explicit reference to possible post-conflict commitments, provided the broad framework for discussions until the end of 2002.

457. Following Mr Blair's meeting on 23 July, Mr Watkins commissioned further work, including a paper on all aspects of the military options for Mr Hoon to send to Mr Blair in time for his weekend box: a paper on military preparations, including the impact of the firefighters' strike; and a draft script for Maj Gen Wilson to use at the CENTCOM meeting on 1 to 2 August.[195]

---

[195] Minute Watkins to PSO/CDS, 23 July 2002, 'Iraq'.

458. Maj Gen Fry provided PJHQ advice on 25 July, including a paper entitled 'Discrete UK northern options through Turkey'.[196] That stated that the US would not be able logistically to sustain simultaneous assaults from the north and south, and that the "northern approach therefore remains a possibility for a self-sustaining UK force package as part of the overarching US campaign plan".

459. The paper identified that the objective could be to either "defeat" or to "fix" Iraqi forces. The basic UK package would be an armoured division with two "square" brigades.

460. Maj Gen Fry advised:

> "… what is beginning to emerge in the development of our work is the need for a possible post-conflict stabilisation force in order to meet the grand strategic end state of a new acceptable government."

461. Maj Gen Fry suggested that there would be a need for a three-star headquarters, including to co-ordinate air assets.

462. The development of thinking on force levels in a post-Saddam Hussein Iraq is addressed in Sections 6.4 and 6.5.

463. Mr Bowen sent Mr Hoon's Private Office a fuller analysis of the options for a UK contribution on 25 July.[197] He advised that:

- Some British contributions, such as making available Diego Garcia and the Cyprus bases or employing air and maritime forces already engaged in operations against Iraq, could be achieved quickly.
- It would take another couple of months to increase forces to medium scale.
- "To meet probable US time-scales" it would "not be possible to deploy a fully prepared, fully sustainable armoured division for war-fighting." A fully prepared and sustained armoured division (one which could fight a significant Iraqi force) would take 10 months.
- Deployment of an armoured division (minus) would only be possible "within six months of a decision to deploy", and would have "limited sustainment and reach".

464. The limited UK capability available after six months, with no more than 10 days ammunition and limited reach, could not mount a deliberate attack on large-scale Iraqi forces. The potential strategic advantage would be that the "actual deployment, even the preparation, should have an impact on the Iraqi regime and prevent single focus attention on the US forces in the South". So long as it did not have to engage in all-out

---

[196] Minute Fry to MA/DCDS(C), 25 July 2002, 'Developing Work on UK Options for Operations Against Iraq'.
[197] Minute Bowen to PS/Secretary of State [MOD], 25 July 2002, 'Iraq – Potential UK Contribution'.

"war-fighting", it could be enough to "sow the seeds of uncertainty in the minds of the decision-makers in Baghdad".

465. "In several significant ways," the northern option was "very attractive". It offered the UK the "opportunity to make a discrete contribution to the operation, but it also offers an opportunity to integrate other allies into the operation". It would, however, be "highly challenging" and would require "not only Turkish acquiescence, but also full Turkish support along the line of communication". That would require US involvement.

466. Because "a good proportion of UK maritime and air assets" would be integrated into the wider US effort, the force in the North would need to be confident that support from the US would be available "as and when required". That was an issue that remained to be explored.

467. Mr Bowen also reported that CENTCOM understood the strategic benefit of a UK-led "northern effort", but it was "not yet clear how important it is to their overall plan".

468. Mr Bowen advised Mr Hoon that it was "also assessed as militarily unwise to integrate anything less than a division into the US land component", and that "it would be militarily unattractive to commit UK land forces to US operations from Kuwait."

469. On 26 July, the MOD provided advice on options for a UK contribution to US-led military operations in Iraq in a letter to Mr Rycroft.[198]

470. The MOD advised that US military planning was "in full swing but it was still evolving". The concept was for an attack launched by forces deployed in Kuwait and from other Gulf States and from ships in the Gulf and elsewhere. The plan was "neither fully developed nor finalised". The Chiefs of Staff were "not yet able to judge whether this is a winning concept". Greater clarity would be needed "before any UK option could be recommended".

471. The MOD stated that it was "clear that the US plan of attack from the South" did not "need British land forces":

> "… in the time available there is very little scope for the preparation and integration of British land forces into the US order of battle; moreover the logistic space available in Kuwait, with five divisions worth of equipment and logistics support entering through only one airhead and a single port would already be confined …"

472. Adm Boyce had recommended three options:

- **Package 1**: an "in-place support package" using forces already in the region.
- **Package 2**: an "enhanced support package" comprising Package 1 with additional air and maritime forces. This package could include forces that would be "of particular interest to the US because of their own deficiencies, e.g. mine

[198] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

clearance vessels and air-to-air refuellers for their carrier-based aircraft". While no conventional land forces could meet the timescales for the deployment of maritime and air forces "Special Forces could be deployed very rapidly to match US timescales and priorities. This is likely to be very attractive to US planners, and their contribution to success would be significant."

- **Package 3**: a "discrete UK package" based on deployment of an armoured division which the MOD envisaged would be used in northern Iraq, in addition to the forces in Package 2. The MOD stated that a force that was "credible" would be required: "Even to create uncertainty in the mind of Saddam", and the contribution of a division "would probably require command and control at Corps level. The UK might consider providing an armoured division either as part of a US-led Corps or as part of a larger coalition force possibly led by the UK using the framework of the NATO Allied Rapid Reaction Corps [ARRC]."[199]

473. The MOD advised:

> "… it would take **six months** for the whole division to be in place and then with such limited sustainment and reach that it would be unsuitable for a deliberate attack on large-scale Iraqi forces. An optimum capability for a sustained campaign inside Iraq could take about […] to achieve".

474. The MOD also stated that the "deployment of a light brigade with an air mobile capability" was "an additional possibility". That:

> "… would have the task of securing the deployment area in Turkey ahead of the arrival of the full division and preparing for operations short of armoured war fighting. These could involve a role in the Kurdish Autonomous Zone if it were subject to the threat of an Iraqi attack and/or post-conflict operations following the defeat of Iraqi forces. The actual deployment of forces, even their preparation, should have an impact on the Iraqi regime and prevent its single-focus attention on the US forces in the South."

475. The MOD highlighted problems with:

- the concept of a "Running Start";
- the fragility of the logistic chains; and
- vulnerability to chemical or biological weapons.

476. The MOD stated that "thinking about dealing with the aftermath of a successful attack remains sketchy".

477. Finally, the MOD drew attention to the funding which would be required once a decision in principle was made to participate in military activity.

---

[199] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

478. Mr Hoon attached "two large caveats" to all three options:

- First, the timescales were "best planning estimates" and made "sweeping assumptions" about basing, transit routes and overflights. They also assumed that funding would be available to improve sustainability and implement UORs.
- Secondly, if the armed forces were required to provide 18,000-20,000 people for an emergency fire service in the event of a nationwide firefighters' strike (Op FRESCO) and the US started military action in winter 2002/3, only the in-place support package and Special Forces would be available.

479. Mr Hoon had commissioned further work with a view to expediting what would need to be done once a decision in principle had been taken. UK representatives at a CENTCOM planning meeting the following week would be instructed "to set our options positively but without committing us to any specific ones". The MOD would write again as soon as there was "greater clarity about the US plan, such that the Chiefs can update their assessment of it (and the risks involved) and the Defence Secretary can make recommendations about the best option to pursue".

480. Copies of the letter were sent to Mr Straw's and the Cabinet Secretary's Private Offices, and to Mr Scarlett.

481. The advice was sent to Mr Blair on 31 July, as one of several "background papers" he had commissioned at his meeting on 23 July "for summer reading".[200]

482. Mr Rycroft commented to Mr Blair:

> "The military are not yet ready to make a recommendation on which if any of the three options to go for. Nor can they yet judge whether the US have a winning concept. They are continuing to work with the US military. You do not need to take decisions yet."

483. Sir David Manning told the Inquiry that Mr Blair had said that:

> "… he didn't want to take any decision or accept any of these options. I think in retrospect … this was because … this was the time … when we were pressing for the Americans to consider the UN route. I think he didn't want to give any signal that he was keen to think about a military alternative …"[201]

484. A minute from Mr Hoon's Private Office on 31 July stated:

> "The question of whether funds could be expended in preparation for an operation in Iraq is being considered separately elsewhere."[202]

---

[200] Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.
[201] Public hearing, 30 November 2009, page 36.
[202] Minute Watkins to Sec(O)1a, 31 July 2002, 'Iraq – Enhancements Required for Possible UK Contribution'.

485. Discussions about expenditure, on UORs and other preparations for military action are addressed in Sections 6.3 and 13.1.

Developments during August 2002

486. A minute to Sir David Manning on 1 August advised that, with US assets returning from Afghanistan, the coalition was "reasserting control over all the southern No-Fly Zone".[203]

487. At a meeting on 2 August, the UK informed CENTCOM that, while no decision had been taken for action in Iraq, the most obvious option for a UK land contribution was through Turkey. The UK needed more information on what effect was desired and further guidance on the political context.

488. Mr Hoon received a submission from PJHQ on 26 July outlining themes Maj Gen Wilson might use at the CENTCOM meeting on 2 August.[204]

489. When Adm Boyce spoke to both Gen Franks and Gen Myers on 29 July, about Afghanistan and Iraq, he stressed that the UK's input to planning on Iraq was heavily bound with caveats.[205]

490. The record of the discussions reported US interest in both UK participation in the North and the potential contribution from HQ ARRC.

491. On 30 July, an MOD official provided Mr Hoon with a "best estimate" of the equipment enhancements that might be necessary in order to deliver the potential UK force packages.[206]

492. The official reported that there was a shortfall of essential NBC equipment for Packages 1 and 2 that would be required to treat casualties in the event of an Iraqi biological attack. The MOD had "low confidence" that it could be obtained within six months. It could take "up to nine months" to procure certain stocks from industry but further work was needed to identify other possible sources.

493. For Package 3, the MOD had "lower confidence" in the ability to deliver measures for tanks "for the fully sustained war-fighting role", which it judged "would take around ten months". There would also be a shortfall in NBC protection and biological detectors if Package 3 were to be adopted. Further work was being done to see how quickly this could be acquired.

---

[203] Minute Dodd to Manning, 1 August 2002, 'Iraq'.
[204] Minute PJHQ Hd of J9 Pol/Ops to PS/Secretary of State [MOD], 26 July 2002, 'Iraq: Themes for Maj Gen Wilson's talk to the CENTCOM Component Commander's Conference'.
[205] Minute DPSO/CDS to PS/Secretary of State [MOD], 29 July 2002, 'Telecons CDS/Gen Franks (CINCCENTCOM)/Gen Myers (CJCS) – 29 Jul 02'.
[206] Minute Sec(O)1a to PS/SofS [MOD], 30 July 2002, 'Iraq – Enhancements Required for Potential UK Contribution'.

494. The 30 July advice and the response are addressed in Section 6.3.

495. Responding to a request from MOD officials for urgent approval to widen the group involved in contingency planning to improve the estimates of the time and costs of enhancements likely to be needed to support military operations, Mr Hoon concluded that that would be premature.[207]

496. On 30 July, in a meeting with Adm Boyce, Sir Kevin Tebbit, Lt Gen Pigott and Mr Bowen, Mr Hoon discussed the line that Maj Gen Wilson should take in the CENTCOM meeting the following day.[208]

497. Mr Hoon acknowledged that "striking the right tone and balance … was difficult. Ministers would wish the SBMA [Maj Gen Wilson] to be positive without, at this stage, committing the UK to any specific contribution". The draft provided by PJHQ on the northern option "risked over committing us".

498. Mr Hoon concluded that Maj Gen Wilson should warn the US of the political difficulty created by the need, in "the absence of pre-positioned assets", for a move of UK armour to Turkey, which "would have to take place early and be very visible".

499. After considerable debate, an agreed text was sent to Maj Gen Wilson on 1 August, and forwarded to Mr Hoon's Office for information.[209]

500. Maj Gen Wilson's address emphasised that the UK fully understood and sympathised "with the US position on Iraq, and Saddam Hussein", and shared US "concerns about leaving him to develop his WMD aspirations" and the potential threat he posed.[210] The UK was "deeply appreciative of the opportunity to … contribute towards the US … planning process" and had been "working hard to identify forces" that could "in principle" be made available to support the US plan. But he was "bound to reiterate" that the UK had "made no decision in favour of action in Iraq" beyond its involvement in enforcing the No-Fly Zones.

501. Maj Gen Wilson offered "observations" on the US plan, including:

- The UK would be able to build on existing activity and be in support of the US "from Day One". The "fullest possible deployment of maritime, air and SF" could be operational "relatively quickly".
- In relation to land options in the South, "once the logistic in-load has begun" it was "going to be very busy in the South". While it would be "wrong" to make "any definitive judgements" until planning was complete, it was difficult to see how the

---

[207] Minute Watkins to Sec(O)1a, 31 July 2002, 'Iraq – Enhancements Required for Possible UK Contribution'.
[208] Minute Watkins to DG Op Pol, 30 July 2002, 'Iraq'.
[209] Email PJHQ-J9-Hd(Pol/Ops)(s) to SOFS-Private Office, 01 Aug 2002, 'CENTCOM Iraq Planning – A UK Perspective'.
[210] Paper Wilson, [1 August 2002], 'CENTCOM Iraq Planning – A UK Perspective'.

"UK could contribute". In the time available under "current planning", "integration would also be difficult".

- The UK knew that the US had "been looking at how else land forces might be used", which raised the issue of "Turkey and the … 'northern option'". "To maximise the military prospects of success" that "must be an essential part of your [the US] plan … Indications are that Saddam is expecting something to happen in the North. Why disappoint him and make his decision process easier?"

502. Maj Gen Wilson added that there would be difficulties "particularly for the UK".

- First, it would need "active Turkish support and engagement, not just acquiescence", and there "may be scepticism in UK about whether active Turkish engagement could be delivered".
- Second, the UK "could probably not get there as quickly … as you might want us".

503. Before the UK Government could agree to exploring a military contribution seriously, it was likely to need:

"
- a much more refined mission, with a better understanding of the effects required; and
- a better understanding of the level of US support that will be available."

504. It could be possible to achieve "certain military effects in the North … without pitched battles with the Iraqis", but defeating Iraqi forces on the way to securing the northern oilfields would "probably" require a "heavy Division", and it was "doubtful that that would be possible" within US timescales. The UK had:

"… thought about North, but we have now taken our thinking about as far as it can go without more detail from you. What we now need from you is to know what you really want; and most importantly more on what effect you would want us to achieve."

505. Maj Gen Wilson offered "three other observations":

- Unless political and legal issues were resolved, it would be "difficult to even deliver basic support".
- The UK Government would "find it easier to engage politically" if the campaign was multi-national and, if a multi-national force was considered for the northern option, "that might be a role for the UK-led Allied Rapid Reaction Corps". Multi-nationality brought "complications", but the use of the ARRC HQ would bring advantages, including that it had "already been focused on the region for years" which could "help save deployment time" and could "achieve the combat power for certain tasks more quickly than a purely UK force".

- It would be "helpful … to have a better feel for the 'post-conflict' thinking and aftermath management". The experience of Afghanistan had shown it was "as important to win the peace" as it was to win the war. That was "fresh" in the UK's mind, and it was "undoubtedly true that both UK politicians and … military colleagues would like to know what we are getting ourselves into in the longer term".
- Maj Gen Wilson concluded that the "involvement of significant UK land forces" would be a "challenge". The UK agreed "that the most obvious option" was "through Turkey"; but more information was needed on what effect was desired and "further guidance" was needed "on the political context".

506. Maj General Wilson stated that he could not stress too much that he "would have been shot" if he had extended his brief. There had been "no questions" and he had been "the last to speak".[211] Asked about the reaction to his talk, Maj Gen Wilson told the Inquiry: "Probably 'yoo-hahs' and a few of those delightfully American idiosyncrasies."

507. Lt Gen Reith reported that Gen Franks saw great value in a northern axis led by the UK, but UK preparations needed to begin.

508. Between 5 and 7 August, Lt Gen Reith visited the US Army Central Command (ARCENT) HQ and CENTCOM.[212]

509. Lt Gen Reith reported to ACM Bagnall:

> "The indicators point to CENTCOM being ready to commence operations from about mid-Nov 02, with the main attack to launch from early Jan 03. Gen Franks is keen for strong UK participation. He sees great value in an axis from TU [Turkey] led by UK."

510. There was, however, concern about Turkey's position. If an attack was not possible from the north then the Kurdish oilfields would still need to be secured from the south. Lt Gen Reith reported that Gen Franks had suggested that could also be a "worthwhile discrete task for the UK". There was a general readiness to provide US support if that would make it possible for UK forces to arrive earlier.

511. Lt Gen Reith concluded:

> "With the US clock ticking, from an operational perspective, we ought to start our own. We need political and financial approval as soon as is feasible to prepare, but without committal to deploy. Without this the PM's choices will be limited and he may not be able to fulfil what are clearly high US expectations."

512. Lt Gen Pigott issued military planning guidance on 8 August.

---

[211] Public hearing, 4 December 2009, pages 13-14.
[212] Minute Reith to MA/VCDS, 8 August 2002, 'Visit to ARCENT/CENTCOM 5-7 Aug 02'.

513. Reporting on a meeting held by Lt Gen Pigott on 8 August, Mr Drummond informed Mr McKane that the US seemed:

> "… undecided on the importance of a front in the North … He [Gen Franks] seems to think that a campaign mounted from the South could be sufficient but it would require more resources … MOD will continue with their planning during August using small teams."[213]

514. Lt Gen Pigott issued updated planning guidance for possible military operations in Iraq to Lt Gen Reith and MOD staff on 8 August.[214]

515. Significant points in the guidance included:

- MOD's "planning posture" was "on the basis of being 'as positive as possible' but without implying premature political commitment". Ministers had "not yet authorised any expenditure" on force preparation.
- The impact of Op FRESCO needed to be factored into planning.
- Maintenance of operational security was "**critically important**". Mr Hoon's "Intent and Direction" [that only named individuals could be involved] was "very clear" and the implications were "understood and accepted".
- PJHQ should focus its effort on the issues which would inform judgements on whether there was a "Winning Mil Strategic Concept/Plan", including:
  - a military plan within an integrated political strategy;
  - intelligence that was "good enough to give high confidence" that the elimination of WMD, the replacement of the regime, post conflict operations and minimising unintended consequences, could be achieved;
  - the strategy for the North was "joined up";
  - an information campaign was "in place and effective";
  - the "Coalition dimension" being "adequately covered";
  - CBRN judgements affecting combat operations were "sound"; and
  - arrangements for logistics, "correlation of forces" and "rear" operations were "sound".
- PJHQ should "Continue to scope" Package 3 scenarios with the US whilst making it clear that was "currently without firm commitment".

516. Updates were to be provided for the Chiefs of Staff "Think Tank" on 6 September.

517. The decision to confine planning to a named list of individuals in the MOD and PJHQ respectively (the "Centurion" and "Warrior" groups), and the detailed planning for UORs which began on 22 August, is addressed in Section 6.3.

---

[213] Minute Drummond to McKane, 8 August 2002, 'Iraq'.
[214] Minute Pigott to Reith and others, 8 August 2002, 'Updated Guidance for Possible Military Operations (Iraq)'.

518. The MOD reported on 12 August that President Bush had authorised preparatory military activities.

519. The MOD continued to warn No.10 against any assumption that the UK could take the lead in the North within the timelines being considered by the US.

520. A meeting of the US National Security Council was held on 5 August to review what Vice President Cheney described as "the latest iteration of the war plan".[215]

521. Gen Franks described his strategic objective as regime change and his operational objectives as securing the oilfields and water infrastructure, while preventing Iraq's use of long-range missiles and WMD.[216]

522. A letter from Mr Hoon's Private Office to No.10 on 12 August reported that President Bush had authorised preparatory military activities costing US$1bn and that an inter-agency process in Washington had been launched.[217]

523. The MOD reported the emergence of a "hybrid option", combining elements of both the generated and running start plan. The US could be in a position to take action in November and there was:

> "… growing enthusiasm in the US for action in northern Iraq led by the UK … we will need to guard against US assumptions of UK leading ground operations in northern Iraq … General Franks has indicated his interest in seeing the UK lead such forces."

524. Sir David Manning wrote alongside the point above: "An idea our own MOD are v. keen on; may be some ventriloquism here".[218]

525. The MOD advised that the projected timelines for the deployment of a UK division, "albeit with limited sustainment and reach", bore "no relation to the timescale of US plans". It might be possible to reduce deployment times if the US provided support, but the UK would need time for preparation.

526. The MOD concluded:

> "It will be important, therefore, in the coming weeks, to guard against any assumption that the UK will take the lead from the north or could do so on the basis of current US timelines. Apart from the impossibility of making military commitments in advance of political decisions, there are practical constraints, one of which is the potential requirement to provide emergency cover during any fire strike in the autumn – not so far revealed to the US."

---

[215] Cheney D & Cheney L. *In My Time: A Personal and Political Memoir.* Simon & Schuster, 2011.
[216] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[217] Letter Davies to Wechsberg, 12 August 2002, 'Iraq: US Contingency Planning'.
[218] Manuscript comment Manning on Letter Davies to Wechsberg, 12 August 2002, 'Iraq: US Contingency Planning'.

JIC ASSESSMENT, 21 AUGUST 2002: 'SADDAM'S DIPLOMATIC AND MILITARY OPTIONS'

527. A JIC Assessment of 21 August concluded that in a conflict Saddam Hussein would order missile strikes and the use of CBW against coalition Forces, supporting regional states and Israel.

528. The JIC had little intelligence on Iraq's CBW and little insight into how it would fight. Its conclusions reflected the Committee's own judgements.

529. At the request of the MOD, the JIC issued an Assessment on 21 August considering "what diplomatic options Saddam has to deter, avert or limit the scope of a US-led attack".[219] It also considered his "military options for facing a US-led attack" and how his analysis about each course of action might "change as an attack becomes increasingly imminent".

530. The JIC examined Iraq's options for the short term, whether Saddam Hussein might seize the initiative, how Iraq might respond to a US military build-up, Saddam's options in "war" – including the use of missiles and WMD and "alternative scenarios and at the death".

531. The JIC's Key Judgements on the military options were:

- Much as Saddam Hussein would like to seize the initiative before a US attack, his options remained limited. He was "likely to be cautious about using force early. But the closer and more credible an attack seemed, the more risks he will be willing to take, perhaps including deniable terrorist attacks, most likely in the Gulf region – though we cannot exclude a threat to the UK."
- "Early on in any conflict, Saddam would order missile attacks on Israel, coalition forces and regional states providing the US with bases."
- "Saddam would order the use of CBW against coalition forces at some point, probably after a coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against coalition forces, supporting regional states and Israel."
- "Iraq would probably try to ride out air strikes while conserving its ground forces. Iraq's likely strategy for a ground war would be to make any coalition advance as slow and costly as possible, trying to force the coalition to fight in urban areas."
- "There is a significant potential for Saddam to miscalculate, either by escalating a crisis at an early stage, or by making concessions too late in the day to avert an attack."

[219] JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.

532. In relation to Saddam Hussein's options for seizing the initiative, the Assessment stated:

- A "concerted attempt" to bring down an aircraft in one of the No-Fly Zones was "a possibility".
- A pre-emptive attack on the Kurds or Kuwait was judged "unlikely".
- Saddam Hussein "would probably … order preparations for a campaign of **terrorism and sabotage** in the region".
- "… we know that Iraqi Special Forces and other organisations, such as the 'Saddam Fedayeen', also possess the capability to conduct sabotage or terrorist attacks."
- It was "possible that Iraqi terrorist attacks could be conducted against other [non-military] interests or the leadership and economic (e.g. oil industry) targets of regional States".
- The JIC did not "know enough about Iraqi capabilities to discount the threat outside the region, including within the UK, though previously Iraqi attempts to mount terrorist attacks, or engage proxies to do so on their behalf, have been largely ineffective".

533. In relation to missile attacks, the Assessment stated:

- "Saddam would probably order missile attacks …"
- Attacks on Israel would be an attempt to attract Israeli retaliation and thus widen the war, split the Coalition and arouse popular opinion in the Arab States.
- Missiles "could be armed with chemical or biological warfare (CBW) agents".
- "Saddam might be deterred at least initially by the threat of Israeli nuclear retaliation."
- Attacks on coalition forces in Kuwait would require Iraq to deploy short-range missiles into the "No Drive Zone".[220]
- A pre-emptive missile attack on Israel was "less likely because it would show Iraq had been lying about its retention of long range missiles".

534. The Assessment stated that the JIC had:

> "… little insight into how the Iraqi military might plan to fight any ground war … At present we have little evidence to judge whether Iraq sees urban or guerrilla warfare as feasible options. Iraqi effectiveness would be mitigated by problems of command and control, inadequate training and poor morale. We doubt that guerrilla activity would be very effective; urban warfare is more plausible …"

535. The judgements about Saddam Hussein's potential use of chemical and biological weapons are addressed in Section 4.2. The firmness of those judgements, which bear

[220] Resolution 949 (1994) imposed a "No Drive Zone" in Iraq south of the 32nd parallel.

similarities to the assumptions in the 13 June SPG paper, reflected the views of the members of the Committee.

536. The judgements were incorporated in a revised SPG paper produced on 4 September.

537. The assessment of Saddam Hussein's diplomatic options is addressed in Section 3.4.

THE IMPACT OF OPERATION FRESCO

538. From late July it was clear that the possible requirement to provide cover in the event of a nationwide firefighters' strike (Op FRESCO) would limit the UK's ability to deploy ground forces.

539. The MOD continued, however, to promote the advantages of the northern option to both UK Ministers and US military planners.

540. In August UK military planning actively focused on identifying the maximum contribution which the UK might be able to offer to the US.

541. The MOD advised No.10 on 28 August that if Op FRESCO was implemented in full, the UK would be able to provide only a brigade for land operations; and that the US should be informed.

542. During the period leading up to the invasion of Iraq a dispute over pay and conditions with the Fire Brigades Union led to a requirement for an MOD contingency plan, Op FRESCO, to provide a replacement fire-fighting capability to which some 19,000 Service Personnel were assigned.[221]

543. Military advice about the UK's ability to generate ground forces changed radically between the end of July and the end of August. The evidence clearly demonstrates the focus on identifying the "maximum effort" and giving the UK a combat role in ground operations.

544. Mr Hoon was sceptical about the wisdom of that approach and sought to ensure that No.10 was given a more balanced perspective.

545. No.10 was warned on 26 July about the potential impact of a firefighters' strike on the UK's ability to deploy land forces for operations in Iraq.[222]

546. On 22 August, in the context of a predicted discussion between the US and Turkey on a possible northern option, ACM Bagnall commented to Air Vice Marshal Clive Loader, Assistant Chief of the Defence Staff (Operations) (ACDS(Ops)), that a MOD meeting held on 21 August had concluded:

---

[221] Report MOD, *Operations in Iraq: First Reflections*, July 2003.
[222] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

> "… we will need to decide whether we wish to influence US planning in developing any northern option. This may well be necessary sooner rather than later."[223]

547. The MOD has been unable to provide any record of the meeting on 21 August.[224]

548. On 27 August, Dr Cholerton sent Mr Hoon an update on Iraq-related developments, including the potential impact of Op FRESCO.[225]

549. Dr Cholerton reviewed recent political and diplomatic developments and its understanding of US planning, including that:

> "Operations in Northern Iraq are increasingly seen by the US planners as highly desirable and an important addition to the campaign plan. The overwhelming effect of simultaneous action against Saddam is one of the principal features of the campaign design. It is increasingly accepted that action in the North would play an important part in that; adding a significant additional complication he will have to overcome."

550. In relation to the UK's ability to deploy forces while supporting Op FRESCO, Dr Cholerton advised that "a more refined set of force packages", which would be "more flexible in composition" was being developed; and that the position was "significantly better" than the MOD had reported to No.10 on 26 July. Further work had shown it would be possible to produce Package 2 if a firefighters' strike lasted no longer than three months. That package could include substantial maritime and air capabilities and Special Forces. The ability to deploy a Royal Marine Commando Group after October 2002 was included in an Annex showing an "illustrative" Package 3.

551. If negotiations with the Fire Brigades Union broke down and a decision was taken to begin full-scale training for Op FRESCO, it would not be possible to deploy a division, but it would be possible to release forces for a single brigade tailored to operational needs. That would fall well short of the contribution required to enable the UK to carry out a "discrete" role in the North.

552. A smaller contribution could raise "some of the integration issues which led the Chiefs of Staff to view our offering conventional land forces for operations in southern Iraq as impractical". The UK would, however, continue to "explore ideas of how such a contribution could be made to work alongside other potential partners and drawing heavily on US goodwill and resources".

553. There were suspicions that US planners continued to believe that the UK could deliver a division if it were supported by the US, although there were "signs" that it was "looking at the provision of US forces" if the UK could not provide a division. A draft

---

[223] Minute VCDS to ACDS(Ops), 22 August 2002, 'Iraq Planning – US Briefing to Turks'.
[224] Letter MOD Iraq Inquiry Unit to Iraq Inquiry Secretariat, 1 November 2012, [untitled].
[225] Minute Cholerton to PS/Secretary of State [MOD], 27 August 2002, 'Iraq'.

planning directive to EUCOM, who would be responsible for the northern option, tasked it to provide logistic support for a division-sized force, either coalition or US only.

554. Dr Cholerton advised Mr Hoon that it would be "important to guard against any false assumptions the US might make about the UK's potential contribution to any military action". The UK should explain the consequences of Op FRESCO to the US once a decision had been taken to commence training.

555. In relation to forthcoming US/Turkish discussions in Washington, the UK had made it clear to the US that:

> "… in advance of UK political decisions, it would be wrong to discuss potential UK participation in ground operations from Turkey with the Turkish General Staff."

556. Commenting on a draft of the advice to Mr Hoon, a civilian in PJHQ had pointed out that "a discrete UK option need not necessarily mean a northern attack through Turkey".[226]

557. On 28 August, the MOD's revised assessment of the implications of Op FRESCO was set out in a letter to Sir David Manning.[227]

558. The MOD also stated that Mr Hoon:

> "… considers it particularly important that we guard against any false assumptions that the US might make about the UK's potential contribution to any military action … Explaining the impact … to the US would … serve to focus US planners on the real practical limitations we would face, were political decisions taken to join the US in military action."

559. Sir David Manning commented to Mr Powell that he was not clear where the Fire Brigades issue stood; and that he would be "grateful for a word ab[ou]t what to say to Washington and when".[228]

PJHQ ADVICE, 30 AUGUST 2002

560. PJHQ reported on 30 August that Land Command believed it would be able to deploy a division.

561. PJHQ also identified the risks associated with the northern option.

562. On 30 August, Lt Gen Reith submitted an update on the timelines for deploying a division (minus) to Lt Gen Pigott.[229]

---

[226] Email PJHQ–J9-HD(Pol/Ops) to VCDS/PS, 23 August 2002, 'PJHQ Comment on Iraq Submission'.
[227] Letter Williams to Manning, 28 August 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.
[228] Manuscript comment Manning to Powell, 30 August 2002, on Letter Williams to Manning, 28 August 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.
[229] Minute Reith to DCDS(C), 30 August 2002, 'Operations Against Iraq Deployment Timeline of a UK Division (-) through Turkey'.

563. On the same day, Maj Gen Fry provided advice for the Chiefs of Staff, reviewing planning for operations in Iraq as requested by Lt Gen Pigott on 8 August.[230]

564. Maj Gen Fry reported that the US was now working on a "hybrid option", which contained elements of both the running and generated start. The "importance of the development of an axis in the North is now fully recognised", and a contingency plan was being developed to commit significant US forces, possibly in addition to any coalition contributions.

565. The most significant development was that Land Command now believed it could deploy HQ ARRC, HQ 1st (UK) Armoured Division, one triangular brigade, 16 Air Assault Brigade and a logistic brigade some 124 days after a political decision to allow overt preparations for deployment. There would be some risk to the UK's ability to deploy forces in 2004:

> "… the overall penalties … would be severe, some roulement tour lengths would be extended to 12 months and the generation of armoured and mechanised HR [High Readiness] forces in [20]04 would be put at risk."

566. Maj Gen Fry advised that:

- "The northern approach offers the opportunity for greatest effect but probably carries the highest risk."
- If a northern option for a land package was not viable, a western approach through Jordan could offer "very similar effects at less risk".
- "A timely effect in the South could probably only be achieved by the ARG [Amphibious Ready Group] in support of the US MEF [Marine Expeditionary Force]."

567. The risks of the northern approach were listed in an Annex as:

- The need to be deployed in time to secure parts of the oilfields around Kirkuk from Iraqi destruction.
- The weather from January to March could severely restrict air operations.
- The distance to be travelled overland would be more than 1,000km.
- The terrain would constrain manoeuvre and considerable US engineer support would be needed to cross the river Tigris.
- Long lines of communication and challenges to sustainability.

568. The paper invited the Chiefs of Staff to agree that potential UK force contributions could be exposed to US planners to inform the CENTCOM planning conference scheduled for 23 September; and that, if the UK was "to retain a claim to leadership

---

[230] Minute Fry to DCDS(C), 30 August 2002, 'PJHQ Update on Planning for Operations Against Iraq'.

in the North then we must participate in the forthcoming CENTCOM/EUCOM recces in Turkey".

569. On 31 August, Maj Gen Wilson reported to Adm Boyce that "CENTCOM clearly hope the UK will run with" the northern option.[231] He advised:

> "Whilst I am continually reinforcing the UK policy line to US colleagues in CENTCOM (discreet planning and scoping, but without political endorsement or commitment), the demands of US operational planning necessitate input on UK planning data and separately, our intent for key evolutions [activities] such as ground recces to Turkey and [Exercise] Internal Look. In terms of expectation management, and without over stating it as seen from here, the time for putting more UK military cards on the CENTCOM/EUCOM tables (caveated as necessary) is fast approaching."

570. Maj Gen Wilson also reported that he had been asked about Op FRESCO, and its potential impact on the UK's ability to contribute to Iraq, which he had "played long".

Preparations for Mr Blair's meeting with President Bush, Camp David

571. Despite military advice that the UK might be able to deploy HQ ARRC and "division-scale forces", Mr Hoon advised continued caution about the UK's ability to deploy land forces.

572. No decision on a possible UK military contribution to US operations was taken before the meeting with President Bush, but the MOD advised that there could be a need for tough decisions within two weeks.

573. Mr Blair decided that the UK should not inform the US about the potential impact of Op FRESCO at that stage.

574. The discussions between the UK and US on the policy on Iraq, Mr Blair's press conference in Sedgefield on 3 September, and the decision that he and President Bush would meet at Camp David on 7 September following a meeting of the National Security Council which would have been briefed by Gen Franks, are addressed in Section 3.4.

575. In response to the MOD advice of 28 August, Mr Blair's view, as reported on 3 September by Sir David Manning, was for "nothing to be said to the US about Op FRESCO for the moment".[232] Mr Blair hoped it would be possible to discuss the issues with Mr Hoon the following week before he flew to Washington.

576. Reporting an MOD meeting on 3 September to Mr Straw, Mr Stephen Wright, FCO Deputy Under Secretary Defence and Intelligence, stated that, in the MOD's view, the Pentagon's plans had not firmed up significantly during August.[233] It was still working on

---

[231] Minute Wilson to PSO/CDS, 31 August 2002, 'SBMA SITREP 29'.
[232] Letter Manning to Williams, 3 September 2002, 'Iraq – Potential UK Contribution and a Fire Strike'.
[233] Minute Wright to Private Secretary [FCO], 4 September 2002, 'Iraq: Military Planning'.

the basis of a December to February window for military action. Because of continuing uncertainties, including over Turkey, the MOD did not feel able to advise Ministers whether the US had a "winning concept".

577. Mr Wright also wrote that the MOD "sense a mounting desire on the part of US military planners to learn more about the possible levels of UK force commitments".

SPG PAPER, 4 SEPTEMBER 2002

578. A revised version of the SPG paper 'UK Military Strategic Thinking on Iraq' was produced on 4 September.[234] The paper contained significant new analysis about the US intentions and their implications for UK planning.

579. The SPG assessed that the US had "sufficient combat power to destabilise, and overthrow the current Iraqi regime" by itself, but it required a "minimum coalition" to provide basing and transit, including use of UK bases in Cyprus and Diego Garcia. The paper also set out the current CENTCOM concept and plan, including an assessment that "shaping operations" (described as including a "series of activities designated as spikes by the US", which were "intended to progressively increase the level and tempo of military activity") had "already begun" and the UK was "implicated in their conduct".

580. A number of key issues would "need to be resolved" to evaluate the design of the campaign. Those included:

- avoiding a tactical victory at the cost of strategic failure;
- determining the "strategic effect" the UK was seeking from participation in the campaign;
- demonstrating "US/UK solidarity (delivering the Special Relationship)";
- adding "value through sharing the planning burden, and acting as a moderating influence" on the US; and
- demonstrating that the UK was "an active, determined and capable nation by making an operationally significant contribution, in a discrete role that satisfies a clear military objective".

581. The potential UK strategic objectives identified by the SPG were to:

- Stand alongside the US as a junior partner, sharing both the strategic and operational risks and burdens, to:
  - preserve the Atlantic Alliance; and
  - encourage the US to continue to exercise its power via established international bodies and norms.

---

[234] Paper [SPG], 4 September 2002, 'UK Military Strategic Thinking on Iraq'.

- Remove the threat that any Iraqi regime may pose to the UK, UK interests and regional stability through its failure to comply with international law and agreements. That implied:
  - verifiable destruction of Iraq's WMD capability; and
  - establishing a regime that had the trust of the international community.
- Reintegrate Iraq into the international community.
- Support and where possible enhance regional stability. That implied:
  - preventing the establishment of a Shia dominated Islamic fundamentalist state; and
  - ensuring the impact of military operations was "at the very minimum … neutral in terms of regional stability".
- Prevent the Iraqi regime from perpetrating further humanitarian disasters.
- Enhance the security of the UK's long-term economic interests, including oil supplies.

582. The SPG defined the UK's "Military Strategic Objectives" as:

- provide US Commanders "with support necessary for the execution of [the] approved campaign plan, focusing first on delivery of critical capabilities";
- assist the US to create conditions to deny Iraq's ability to use its WMD;
- create conditions for a changed Iraqi regime;
- create conditions to strengthen regional security and stability; and
- assist US forces in securing Iraq's oil infrastructure and production facilities.

583. Other key points in the paper included:

- No clear picture had "yet emerged" on how the US planned to "effect … regime change (other than … military defeat and subsequent elimination of Saddam Hussein".
- Iraq was experienced with chemical weapons and had experimented with biological weapons. There was "every reason" to believe they would be used if regime survival was threatened.
- US and UK policies on a "deterrent response to Iraqi first use of WMD" needed to be reviewed.
- There was a need to determine what would constitute "success for an inspection regime".
- Package 3 was defined as including "UK Force Elements with a discrete role in the North, within an integrated US-led campaign".
- The risk analysis was based on the provision of a division (minus).
- An illustrative force package included a Royal Marine Commando Group which would be available after October as part of the maritime element, an armoured

division including two square armoured brigades, and a light "Air Assault capable" brigade.

584. The SPG advised that, in the absence of clear post-conflict plans, the potential scale of the UK military engagement remained unknown. In the worst case, the UK needed to be prepared for "a substantial long-term commitment".

585. The SPG's conclusions on post-conflict issues are addressed in Section 6.4.

586. The SPG concluded that the "key **military** question" which had to be addressed was: "Is there a winning military concept and plan?"

587. The paper set out lists of the conditions that would need to be met for the UK to answer yes, and the reasons why the UK should not offer to participate in the CENTCOM plan.

588. The Chiefs of Staff met on 4 and 6 September, but no discussion of the military options for Iraq is recorded in the minutes.[235]

MOD ADVICE, 6 SEPTEMBER 2002

589. Sir David Manning asked the MOD for advice in preparation for Mr Blair's meeting with President Bush at Camp David on 7 to 8 September.[236]

590. An initial draft of the advice, submitted by Dr Cholerton, described the meeting at Camp David as "to discuss Iraq", the possibility of an ultimatum to Iraq on the return of weapons inspectors, and Mr Blair's candid reference the previous day to regime change and the planned publication of a dossier (see Section 3.4).[237]

591. Dr Cholerton advised that further work in PJHQ and Land Command suggested it might be possible to generate "up to 'division scale' forces … 4 months after an overt political decision" as well as HQ ARRC; and that the Chiefs of Staff would look at whether the US military plan would deliver the UK's desired end state.

592. Dr Cholerton advised that Mr Blair "should be cautious in discussing UK's ability to contribute to military capability" with President Bush.

593. Mr Hoon requested further advice on the costs of the packages and the number of personnel involved.[238]

---

[235] Minutes, 4 September 2002, Chiefs of Staff meeting; Minutes, 6 September 2002, Chiefs of Staff meeting.
[236] Minute Williams to DG Op Pol, 4 September 2002, 'Iraq – Update for the Prime Minister'.
[237] Minute Cholerton to PS/Secretary of State [MOD], 4 September 2002, 'Iraq'.
[238] Minute Cholerton to PS/Secretary of State [MOD], 5 September 2002, 'Iraq'.

594. On 5 September, Mr Hoon discussed the draft letter to No.10 with Adm Boyce, Sir Kevin Tebbit, Lt Gen Pigott, Maj Gen Fry and Mr Ian Lee, who had replaced Mr Bowen as MOD Director General Operational Policy.[239]

595. The note of the meeting recorded that they concluded there was now slightly more clarity on the window for military action (then considered to be between December 2002 and May 2003), and the possibility of a simultaneous entry into Iraq from the north and south. The Chiefs of Staff were not yet in a position to determine if the US had a winning concept, and were focused on the ability to mount an operation from the north.

596. Mr Hoon pointed to the complication resulting from the shift in the diplomatic context, which raised the question of the "necessity or otherwise to move assets" while the UN process was under way "and before Parliament returned in mid-October". That "was especially acute for Package 3". A requirement to support Op FRESCO "effectively precluded our offering a fully capable fighting division". That meant that the UK should assume that the US would deploy its 4th Infantry Division to the North. It would be difficult to integrate UK forces with that Division; the Chiefs of Staff would "consider whether we could offer some land force components of a larger coalition" force in the North. Even Package 2 would require early decisions on UORs, including desertisation of equipment.

597. In Mr Hoon's view, the draft advice for No.10 underplayed "the scale of the contribution provided by Package 2 and the degree of influence which it would give us on US military planning".

598. Mr Blair discussed the UK's military contribution with Mr Hoon on 5 September.[240] Mr Straw was also present.

599. Mr Watkins recorded that Mr Blair, Mr Hoon and Mr Straw had discussed the packages, and that Mr Hoon had highlighted the benefits of Package 2. "No decisions were taken" and Mr Blair "did not expect President Bush to commit himself imminently to a military campaign".

600. Mr Watkins also recorded that Mr Hoon had met Mr Brown to discuss the options and alert him to the likely costs of Package 2.

601. There was no No.10 record of the meeting.

602. Mr Lee provided a revised letter to No.10, advising caution because the advice had been "assembled in a short space of time from a necessarily limited group".[241]

603. Mr Watkins responded that Mr Hoon had asked for the letter to be recast to explain more fully why the UK was not able to offer a fully capable division; and that the

---

[239] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.
[240] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.
[241] Minute Lee to APS/Secretary of State [MOD], 5 September 2002, 'Iraq: Update for the Prime Minister'.

possibility of a land "Task Force" should be more heavily caveated as Mr Hoon remained "of the view that we should not offer now more than we are certain we can deliver".[242] Mr Hoon also asked for a reference to be included to the fact that a land task force would "lend itself to involving other countries should they so wish". He would consider the text again the following day.

604. On 6 September, Mr Watkins wrote to Sir David Manning, providing an update on US military planning and "the factors informing decisions on any UK military contribution".[243] He cautioned that the MOD's assessment was "necessarily provisional", partly because the US plan was still evolving, and partly because there had not yet been "detailed joint planning with the US".

605. The MOD had identified three options ranging from minimum to maximum effort. That included a further revision of the impact of Op FRESCO, which meant that:

> "Were we to throw in everything we are likely to have, the UK could potentially generate up to a divisional headquarters, an armoured brigade, 16 Air Assault Brigade and a logistic brigade".

606. The MOD was also "examining whether a Royal Marine Commando Group could form part of Package 2 [the air and maritime forces packages]".

607. A land task force would "offer significant capability to a US-led northern force, although it would not be fully suitable for involvement in decisive war-fighting operations". It would also require switching units assigned to Op FRESCO training, and visible activity such as the call-out of "hundreds of key Reservist personnel". A decision to commit all those elements (some 40,000 personnel, of whom 10,000 could be Reservists) would have "wide-ranging downstream consequences".

608. The MOD cautioned "against betting the whole store in this way on one operation", and urged continued caution in discussing "the scale of UK's ability to contribute military capability".

609. Mr Watkins stated that, "even were [Op] FRESCO to end soon, we could not provide a self-standing division within US timescales" of having an offensive capability in place in the Gulf by December/January. He continued:

> "There would simply not be enough time to carry out the preparations we would need to make. We would not have enough time to engage industry in order to improve sustainability (ammunition, etc) and implement UORs to optimise forces for the theatre and interoperability with the US."

---

[242] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq – Update for the Prime Minister'.
[243] Letter Watkins to Manning, 6 September 2002, 'Iraq: Military Planning'.

610. The MOD reported that US planners increasingly considered operations from Turkey were "integral to the success of the campaign plan" (earlier drafts said "key"), although the US Joint Chiefs of Staff had yet to be briefed on this plan.

611. The MOD also drew attention to the "sketchy" post-conflict plans and the importance of keeping in mind the US timetable when identifying the potential contribution the UK might offer and the influence it was hoped to bring.

612. The MOD advice concluded that, should "US military preparations continue at their current pace, we will face some early tough decisions within two weeks of your return from Camp David".

613. Copies of the letter were sent to the Private Offices of Mr Straw and Sir Andrew Turnbull, who became Cabinet Secretary in September 2002, and to Mr Desmond Bowen, who succeeded Mr McKane as Deputy Head of OD Sec.

614. On 5 September, Lt Gen Pigott's staff also provided Adm Boyce with a list of key questions he might pose to Gen Myers and the Supreme Allied Commander Europe (SACEUR, a NATO post held by a US commander, who also commands EUCOM), to inform the UK's thinking and assess the merits of US plans.[244]

615. The questions included:

- the robustness of the plan to withstand a CBRN attack and the lines of communications to withstand asymmetric attack;
- whether the northern axis was fundamental to the US plan;
- if the US required a UK ground forces presence, would it be prepared to wait;
- US views on the length of post-conflict engagement;
- regional reactions; and
- the best and worst post-conflict outcome they envisaged.

616. The MOD has been unable to find a record of Adm Boyce's discussions.[245]

617. On 5 September, Maj Gen Wilson told Maj Gen Fry that Gen Franks was "comfortable" with having US troops under UK command; and that he saw "more political attraction in UK, rather than the US leading 'in the North'".[246]

618. Lt Gen Pigott accompanied Mr Blair on his visit to Camp David.[247]

---

[244] Email DOMA AD(ME) to CDS/PSO, 5 September 2002, 'CDS Questions on Iraq for SACEUR/CJCS'.
[245] Letter MOD Iraq Inquiry Unit to Iraq Inquiry Secretariat, 23 May 2012.
[246] Minute Wilson to DCJO (Ops), 5 September 2002, 'Iraq Contingency Planning'.
[247] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

Attack in Iraq, 5 September 2002

In response to hostile acts against Coalition aircraft monitoring the southern No-Fly Zone, US aircraft, with UK aircraft in support, attacked an Iraqi air defence facility in western Iraq on 5 September, prompting press speculation that it was a prelude to Special Forces attacks and more general military action.[248]

The outcome of the meeting at Camp David

619. Mr Blair cautioned President Bush about his assumption that the UK would be ready to lead a strike into northern Iraq. But he told President Bush that the UK would take a significant military role if it came to war with Iraq.

620. Mr Blair told Mr Hoon that he had been alarmed by the US expectations that the UK would lead the northern axis and there should be no visible preparations for a month or so. But Mr Hoon was not sent a copy of Sir David Manning's record of the discussions at Camp David.

621. Mr Blair met President Bush and Vice President Cheney at Camp David on 7 September.[249]

622. Before his meeting with Mr Blair, President Bush held a meeting of his National Security Council at Camp David which was given a briefing by Gen Franks, who introduced his concept of a campaign comprising five simultaneous "operational fronts" in Iraq.[250]

623. The meeting between Mr Blair and President Bush, the press conference which preceded it, and President Bush's decision to take the issue of Iraq to the UN, are addressed in Section 3.4.

624. In relation to the discussion at Camp David on military action, Mr Blair said that he was in no doubt about the need to deal with Saddam Hussein; and that the likelihood was that this would mean military action at some point:

> "If it came to force, we could hope that we would secure the relatively quick overthrow of Saddam. But even if we did, we would, still be faced with the big issue of what followed his departure."[251]

---

[248] *Daily Telegraph*, 6 September 2002, *100 jets join attack on Iraq.*
[249] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.
[250] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[251] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.

625. President Bush and Mr Blair discussed the prospects for a military campaign, including the possibility of leaving Saddam Hussein "bottled up" in Baghdad.

626. Sir David Manning recorded that Mr Blair expressed caution about the US assumption that the UK would be ready to lead a strike from Turkey into northern Iraq and provide two thirds of the force. But Mr Blair had emphasised that the UK would indeed take "a significant military role" if it came to war with Iraq.

627. Mr Hoon was not sent Sir David Manning's record of Mr Blair's discussion with President Bush.[252]

628. Mr Blair telephoned Mr Hoon on the evening of 8 September, to give him a read-out of his discussions with President Bush and Vice President Cheney, and the US position on the UN route, in advance of Mr Hoon's visit to the US.[253]

629. Mr Rycroft recorded that Mr Blair said:

> "… he had been alarmed that [President] Bush had understood that the UK would be 'leading the invasion' from the North of Iraq. This required very careful handling. Having received the military advice, the Prime Minister's view was that we could not offer Package 3 in the timescale required and given the constraints of Operation Fresco. But we might be able to offer Package 2, plus some further elements. There should be no visible preparations for a month or so."

630. A minute from Mr Hoon's office to Sir David Manning on 12 September reported that, following the discussion, Mr Hoon had taken "a small number of decisions", related to participation in US planning and exercises "necessary to keep these options open".[254] They included:

- a reconnaissance visit to Turkey;
- preparations for participation in Exercise Internal Look, a US exercise to develop command arrangements for any future military operation against Iraq, including a visit to Qatar, pending a final decision on participation; and
- participation in a CENTCOM planning conference starting on 23 September, at which it would be necessary to define, without commitment, the detail of any military involvement.

631. Sir David Manning commented to Mr Powell and Mr Rycroft: "Looks OK".[255]

---

[252] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.
[253] Minute Rycroft to Manning, 9 September 2002, 'Iraq: Military Contribution'.
[254] Letter Williams to Manning, 12 September 2002, 'Iraq: Contingency Actions'.
[255] Manuscript comment Manning on Letter Williams to Manning, 12 September 2002, 'Iraq: Contingency Actions'.

632. There is no evidence which explains how President Bush was advised that the UK would play a leading role in the North in the event of an invasion. The most likely routes would have been the briefings from Gen Franks on 5 August or the briefing of the National Security Council before Mr Blair's arrival at Camp David on 7 September.

633. The Inquiry can only conclude that the US understanding was based on military discussions over the summer; and that it would have reinforced the messages that had been reported in the late spring of 2002.

JIC Assessment, 9 September 2002

634. The JIC issued an Assessment of Iraq's possession of chemical and biological weapons and possible scenarios for their use on 9 September.

635. Following Mr Blair's meeting on 23 July, Sir David Manning asked Mr Scarlett for further advice on Saddam Hussein's military capabilities and intentions, in particular in relation to the possible use of chemical and biological agents.[256]

636. The JIC Assessment was issued on 9 September.[257] The Key Judgements stated:

"
- Iraq has a chemical and biological weapons capability and Saddam is prepared to use it.
- Faced with the likelihood of military defeat and being removed from power, Saddam is unlikely to be deterred from using chemical and biological weapons by any diplomatic or military means.
- The use of chemical and biological weapons prior to any military attack would boost support for US-led action and is unlikely.
- Saddam is prepared to order missile strikes against Israel, with chemical or biological warheads, in order to widen the war once hostilities begin.
- Saddam could order the use of CBW weapons in order to deny space and territory to Coalition forces, or to cause casualties, slow any advance, and sap US morale.
- If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance. But such an order would depend on the availability of delivery means and the willingness of commanders to obey."

637. The Assessment and the basis for its judgements are addressed in Section 4.2.

---

[256] Minute Manning to Blair, 24 July 2002, 'Iraq'.
[257] JIC Assessment, 9 September 2002, 'Iraqi Use of Chemical and Biological Weapons – Possible Scenarios'.

Decisions to offer ground forces to the US for planning purposes

MOD planning for a UK land contribution, September 2002

638. Reflecting the discussion with Mr Blair on 8 September, Mr Hoon told Secretary Rumsfeld on 11 September that the UK would not want to offer more than it could deliver and was therefore expecting to offer maritime and air assets for any military campaign.

639. MOD planning for a land contribution and discussions with the US continued.

640. Lt Gen Reith continued to report a military perception that the US wanted a UK-led force in the North.

641. In preparation for Mr Hoon's meeting with Secretary Rumsfeld on 11 September, Dr Cholerton provided a list of questions seeking clarification on a number of issues.[258] He identified Turkey's attitude and the US perspective on the northern option as "the key points" on which "more clarity" was needed from the US.

642. In a meeting with Mr Hoon on 11 September, Secretary Rumsfeld raised the firefighters' strike.[259] Mr Hoon explained that, partly for this reason but also because "movement of UK ground force assets could become visible prematurely in relation to the diplomatic/UN process", the UK would not want to offer more than it could deliver and was therefore expecting to offer maritime and air assets for any military campaign.

643. On 12 September, Lt Gen Reith submitted further advice to Lt Gen Pigott on "the UK component options available to contribute to US action in decisive operations against Iraq".[260]

644. Lt Gen Reith provided a detailed analysis of the individual components which could contribute to the operation and the assumptions surrounding them. He understood that the Chiefs of Staff were now content with the UK Special Forces, air and maritime contributions. He focused on the land component, where a decision was "now required". A number of factors were considered, of which "US requirements" were judged to be the "most important".

645. Lt Gen Reith identified a spectrum of options from the deployment of a Royal Marine Commando Group with the Amphibious Response Group for operations in the

---

[258] Minute Cholerton to APS/SofS [MOD], 9 September 2002, 'Iraq – Defence Secretary's Meeting with Rumsfeld'.
[259] Letter Williams to Manning, 13 September 2002, 'Iraq: Meeting with Donald Rumsfeld: 11 September 2002'.
[260] Minute Reith to DCDS(C), 12 September 2002, 'Potential UK Contribution to US Operations Against Iraq'.

Gulf to a divisional headquarters with a square armoured brigade and 16 Air Assault Brigade for operations in northern Iraq. The emphasis was on options to be used in the North, although Lt Gen Reith stated:

> "… a contribution could still be offered (albeit under significant constraints) for use … in the South, if movement through Tu[rkey] became politically unacceptable."

646. Lt Gen Reith recommended an option to deploy a UK divisional HQ and an armoured brigade comprising three battalions or regiments (a "triangular" brigade) alongside a US brigade:

> "This option best balances the key requirements of providing a worthwhile military contribution, with appropriate political profile, although above the target figure of 20,000."

647. Adm Boyce asked in a manuscript comment:

> "How is this conclusion reached? There is no analysis of the pluses and minuses of the options and the extent to which they meet essential criteria."[261]

648. Lt Gen Reith also wrote: "It is perceived that CENTCOM would prefer the land operation in the North to be commanded at the tactical level by the UK."[262]

649. Adm Boyce questioned in a manuscript comment: "Has he asked for this or is it an assumption?"[263]

650. Lt Gen Reith submitted revised advice on 13 September, which recommended the deployment of a square brigade comprising two armoured regiments and two armoured infantry battalions.[264] He also stated that Gen Frank's "strong preference" was for the UK "to provide the tactical lead for the North".

651. There was no explanation in the paper for the revised recommendation.

652. Knowledge of the consideration of military options continued to be kept to a very tight group of people and the sensitivities about potential leaks remained.

653. Mr Drummond alerted Sir David Manning on 16 September to a prospective request from the MOD on military options. He had advised that the "PM would want first sight"; and that No.10 would advise on circulation.[265]

---

[261] Manuscript comment Boyce on Minute Reith to DCDS(C), 12 September 2002, 'Potential UK Contribution to US Operations Against Iraq'.
[262] Minute Reith to DCDS(C), 12 September 2002, 'Potential UK Contribution to US Operations Against Iraq'.
[263] Manuscript comment Boyce on Minute Reith to DCDS(C), 12 September 2002, 'Potential UK Contribution to US Operations Against Iraq'.
[264] Minute Reith to DCDS(C), 13 September 2002, 'Potential UK Contribution to US Operations Against Iraq'.
[265] Minute Drummond to Manning, 16 September 2002, 'Iraq: Pigott Meeting'.

654. In response to the minute which Mr Drummond had classified "Confidential", Sir David Manning commented: "Please ensure all minuting is Secret and Personal – and keep circulation to [the] barest minimum."[266]

655. Although significant concerns were identified about the viability of an operation through Turkey, the northern option remained the preference of the Chiefs of Staff.

656. Military planners also advised that deployment of anything above a small scale land force would commit the UK to three medium scale operations.

657. In the event of the deployment of UK land forces, there was a judgement to be made on whether the UK military should be engaged in the conflict or post-conflict phase. Both would be difficult to sustain.

658. Adm Boyce noted that it was "inconceivable" that the UK military would not contribute "in some manner" to post-conflict tasks.

659. A commentary on the military options, seeking judgements and decisions from the Chiefs of Staff to inform Ministerial decisions, was prepared by the SPG on 19 September.[267]

660. The SPG reported that US military planners and the Joint Staff in Washington had made it clear that the UN process would "not derail their current planning timelines" although it was clear that "political developments may yet overtake the military's contingency work".

661. The SPG identified continuing uncertainties in the potential shape and timing of a campaign and the Chiefs of Staff view was that it was not "yet" a winning concept:

- The northern option was not yet "firmly established as a viable axis" because of uncertainties about Turkey and the logistic feasibility of the operation. The Chiefs of Staff would "wish to assess whether there is yet sufficient operational emphasis being place upon it for the UK to commit forces".
- The [US] timelines determining UK "deadlines" were based on offering President Bush "the earliest opportunity for action, as opposed to 'the last safe moment' for a decision".
- There was no clear articulation of post-conflict scenarios and their demands.
- The UN track might "delay rather than advance decisions on the legality of any potential action".

---

[266] Manuscript comment Manning on Minute Drummond to Manning, 16 September 2002, 'Iraq: Pigott Meeting'.
[267] Paper SPG, 19 September 2002, 'Iraq Package Options – Military Strategy Commentary'.

662. A Royal Marine Commando Group deployed with the Amphibious Response Group offered "a high readiness, flexible **small scale land contribution**" which presented "an opportunity for 'boots on the ground' if the UK decision [was] not to commit beyond Package 2".

663. The SPG identified the land element of Package 3 as on "the critical path for both UK and US planning". It was clear from contacts with the US that there was:

> "… an expectation of UK ground force commitment, and although there is a genuine willingness to facilitate our being there, this is not without limit."

664. The section headed "Conflict vs Post-conflict" asked whether, if UK forces were to participate in the military campaign, "our effort should be against the need to meet US short-term planning for combat, or the equally demanding and pressing need for preparations for the post-conflict phase". It continued:

> "Conflict phase. Commitment to this phase may carry with it inherent risks with regard to post-conflict engagement with little choice on role, timing, location, or future extraction. An alternative approach that offers a UK lead, or UK participation in the post-conflict phase may be equally attractive to the US as our commitment to a land role in the conflict phase.
>
> "Post-Conflict. Given the wide range of possible post-conflict scenarios these forces would have to be combat capable forces at high readiness, and in all probability with key elements forward deployed during the conflict phase. The length and scale of our post-conflict commitment will determine our ability to fulfil a range of other operations, and most notable our Balkan commitment. An enduring medium scale commitment in Iraq would preclude continued medium scale engagement in the Balkans.
>
> "Strategic Balance. We are currently committed to two medium scale land operations (FRESCO and the Balkans), and a land commitment to Iraq at anything above small scale will commit us to **three medium scale** land operations. Although with a full Package 3 commitment to the conflict phase we retain the SLE [Spearhead Land Element], our ability to deploy and sustain even a small scale force package has yet to be determined, and anything above this Scale of Effort will be impossible … Recovery and recuperation will also be key to our judgements as to which phase to commit to. Hard and fast judgements are not possible, however, commitment of Package 3 will have an effect for at least two years."

665. The SPG concluded:

> "**Assuming that UK land participation is a requirement, there is a judgement to be made on whether we should be engaged in the conflict or post-conflict phases. Both would be difficult to sustain**."

666. The SPG recorded that the Chiefs of Staff had:

> "… already voiced clear reservations over the integration of substantial UK land forces in the southern theatre. Therefore, if we are to be engaged in combat operations the US and UK military preference is that we should be in northern Iraq."

667. The SPG identified a number of concerns, including:

- The "evident" complexities of the command relationship between CENTCOM and EUCOM, "against the need to deliver a compliant Turkey".
- The inability to conduct a detailed reconnaissance created a "significant risk".
- Northern Iraq was "a difficult area politically". Turkey still remembered the UK's role in creating an Iraq which included Mosul "and its associated oilfields". The Kurds remembered the UK's assistance in Op HAVEN [in 1991], but were "equally quick to remember that it was the RAF that effectively suppressed a number of Kurdish revolts". There was a "real danger that post conflict the UK, simply through our force location, would retain the 'lead' in the North, thereby splitting our lines of communication [with other forces in the Gulf] … and placing us in an intractable position for some time".

668. The SPG confirmed that there was "broad agreement between MOD and PJHQ staffs" on the option recommended by PJHQ.

669. Also on 19 September, the Chiefs of Staff discussed a draft submission to Mr Hoon circulated by Lt Gen Pigott.[268]

670. The minutes of the COS discussion recorded that "a simultaneous advance of forces in the southern and northern axes [would be] key to overwhelming the Iraqi decision making process"; and that Gen Franks "strongly favoured a UK-led force in the North" as an alternative to deploying a US infantry division.

671. A "Package 4" was being developed "to address the inevitable post-conflict tasks". Adm Boyce commented that it was "inconceivable that the UK would not contribute in some manner, to those tasks".

672. Lt Gen Reith strongly recommended offering a limited version of Option 3: a land option of a divisional headquarters and a square armoured brigade (with four battalions or regiments) operating alongside a US formation.

673. Gen Walker expressed some misgivings. Although the force package was about right, he "did not believe the plan as currently envisaged, to be a viable concept". He was concerned about the semi-autonomous nature of the UK forces and integration with the US as envisaged, the lack of an operational reserve, assumptions on Iraq combat capability, and the reliance on air power.

---

[268] Minutes, 19 September 2002, Chiefs of Staff meeting.

674. Lt Gen Reith stated that it would be "easier, militarily, to ratchet down than ratchet up any forces offered", but the "COS acknowledged that it might be unattractive politically,[269] to deliver less than that which had initially been offered".

675. The Chiefs of Staff agreed that the package recommended by Lt Gen Reith was a viable option, subject to resolving the constraints which had been identified; and that an armoured brigade represented the smallest force that could act autonomously.

676. Lt Gen Reith told the Inquiry:

> "I got a briefing on the northern option from my own staff on the 18 September, having done operational analysis on it, and it was clear that we couldn't do it on our own, even with a full division."[270]

677. When Mr Hoon discussed the options with his most senior advisers later that day, Adm Boyce told him that there was "clearer [US] understanding of the importance of operations in northern Iraq to 'fix' Iraqi forces".[271] Gen Franks had indicated that it would be "helpful if the UK could provide in the North an armoured brigade and a 2-star tactical lead" which would command US forces.

678. Adm Boyce added that the Chiefs of Staff had continuing doubts about whether the US had a winning concept.

679. When Package 3 was discussed, Mr Hoon requested clarification of the length of time necessary to deploy a land contribution.

680. Adm Boyce said that early decisions would be needed on UORs, reserves and units which were allocated to Op FRESCO. Package 3 would also require a "£1bn premium", which "could exhaust the Reserve".

681. Mr Hoon agreed that, subject to No.10's agreement, Lt Gen Reith would be able to indicate to CENTCOM, for planning purposes and with the caveat that no final political decision had been taken, that two separate UK contributions could potentially be available:

- Package 2, which offered a "significant and useful contribution to any US led action"; and
- Package 3 as a possible add-on, with guidance that the US should also plan without it.

682. Mr Hoon also asked for a detailed breakdown of the estimated costs of UORs for a meeting with Mr Brown on 23 September.

---

[269] The Inquiry considers this to be a reference to the potential impact on US/UK relations, not a comment on the views of politicians.
[270] Private hearing, 15 January 2010, page 23
[271] Minute Watkins to PSO/CDS, 19 September 2002, 'Iraq: Potential UK Contribution to any US-led Action'.

683. On 20 September, the MOD sought Mr Blair's agreement to offer Package 3 as a "possible add-on" to CENTCOM "for planning purposes".

684. On 20 September, Mr Watkins wrote to Sir David Manning, advising that two issues needed quickly to be addressed:

- what potential UK force contribution should be presented to a US planning conference the following week; and
- whether to replace army units already allocated to Op FRESCO so that they would be available if a land force contribution was approved.[272]

685. The MOD proposed that the air and maritime package with Special Forces (Package 2), should be presented as a potential UK contribution at the CENTCOM planning conference; and that further work was under way on whether the UK might also offer a Commando Group of around 1,700 Royal Marines for early operations in southern Iraq. It would need to be established whether that could be sustained in parallel with ground operations in the North.

686. The MOD had also considered the provision of a divisional headquarters together with an armoured brigade to operate with the US (Package 3). That would be "more complicated", but the Chiefs of Staff regarded that as the "minimum sensible" ground contribution to operations in the North. It would entail a commitment of around 28,000 service personnel in addition to the 13,000 in Package 2, and the call-out of around 6,000 Reservists – a decision that would need to be taken and announced in mid-October.

687. Mr Watkins told Sir David that Mr Hoon felt it would be "premature" to offer a ground contribution on the same basis as Package 2:

> "… we should indicate to CENTCOM that we are still considering this option and that they should model two plans in parallel, one including the UK land force contribution and one without it."

688. Mr Watkins also wrote that a "publicly visible measure" to remove units from Op FRESCO would be needed to keep the option of a ground force open. Mr Hoon recommended that Mr Blair's statement to the House of Commons, which had been recalled to debate Iraq on 24 September (see Section 3.5), would provide the opportunity to make clear "as part of the Government's policy that the will of [the] United Nations must ultimately be backed up by the threat of force", and that the Ministry of Defence would be taking some prudent contingency measures to avoid foreclosing military options.

689. Some public acknowledgement that MOD was involved in contingency work would also allow "discreet discussions" to begin with industry. That was "increasingly

---

[272] Letter Watkins to Manning, 20 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.

urgent" and if it was not acknowledged publicly, there was "a clear risk of the information leaking, leading to accusations that we have been less than open with Parliament".

690. The letter made no reference to a possible UK contribution to post-conflict military operations.

691. Copies of Mr Watkins' letter were sent to the Private Offices of Mr Straw, Mr Brown and Sir Andrew Turnbull, and to Mr Bowen.

692. Mr Blair and Sir David Manning had reservations about the viability and costs of the MOD proposal.

693. Sir David Manning advised Mr Blair:

> "The possibility that the military could make a land contribution in the North is a surprise. Until recently we were being told that covering the firemen's strike (Operation FRESCO) would make this impossible. Now, suddenly it isn't. The (militarily mouth-watering) prospect of being given tactical leadership of the campaign in the North … may have something to do with this volte face."[273]

694. Sir David advised Mr Blair to "register extreme caution" and to address a number of questions; in particular:

- How this was suddenly possible?
- What confidence there was that the Turkish angle would be sorted out?
- Whether the UK could sustain the numbers and, if so, for how long?

695. Sir David advised that Mr Blair should:

- give the MOD the "go ahead" provided the conditions they had identified were met, including that CENTCOM should "produce a parallel plan without a UK contribution" which "may well not be forthcoming"; and
- agree to the replacement of key units allocated to OP FRESCO.

696. Mr Blair wrote:

> "As discussed. Be careful of this Land idea …"[274]

697. In a meeting with Mr Hoon on 23 September, Mr Blair agreed limited contingency preparations for a land option, but asked for publicity to be minimised.

698. Following the discussion, the MOD informed the US that the UK was still considering a land option.

---

[273] Minute Manning to Prime Minister, 22 September 2002, 'Iraq: Possible UK Military Contribution'.
[274] Manuscript comment Blair on Minute Manning to Prime Minister, 22 September 2002, 'Iraq: Possible UK Military Contribution'.

699. That was not the No.10 understanding of what had been agreed.

700. In the context of the many issues which were being addressed on 23 September 2002,[275] the Inquiry has seen no evidence to indicate that the difference of view about what Mr Blair and Mr Hoon had agreed was anything other than a genuine misunderstanding.

701. Mr Blair discussed the issues with Mr Hoon on 23 September.[276]

702. Following that meeting, Mr Watkins informed officials in the MOD that:

> "The Prime Minister is content for us to proceed broadly as set out in my letter of 20 September. The Prime Minister remains very cautious about the viability of Package 3, not least because of its implications for our ability to meet other contingencies and the significant cost premium entailed. In the light of this, Mr Hoon believes that it is all the more necessary heavily to caveat this possibility in contacts with the US. We should emphasise that it is at the limits of what we could offer and that – because of other potential demands on our Armed Forces including FRESCO – we cannot be sure that we could deliver it. The US must therefore examine carefully how they would plan the campaign in the absence of such a contribution."

703. The packages that might be offered to the US were to be conveyed in terms cleared with Mr Hoon's Private Office.

704. Mr Blair had also confirmed that he was content to reallocate units from Op FRESCO and agreed that his statement on 24 September would contain a reference to the need for preparedness.

705. Mr Watkins made no reference to any discussion of post-conflict issues.

706. Sir David Manning's record of the meeting on 23 September, issued on 25 September, stated that Mr Blair had agreed that "we should present Package 2 as a potential contribution at the CENTCOM Planning Conference" and: "We should not be shy about presenting this as a significant and valuable offer."[277]

707. Sir David also recorded that Mr Blair had agreed that units for Op FRESCO should be replaced to maintain the possibility of a land force contribution, with minimum publicity. Mr Blair did not, however, want "any suggestion" that the UK might offer "a major land contribution to a Force in northern Iraq. We should not surface this possibility at the [US] Planning conference."

---

[275] Preparations for publication of the WMD dossier and Statement/debates in Parliament on 24 September 2002.
[276] Minute Watkins to DG Op Pol, 23 September 2002, 'Iraq: Meeting with the Prime Minister: 23 September'.
[277] Letter Manning to Watkins, 25 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.

708. By the time Sir David Manning had produced his record of the discussion between Mr Blair and Mr Hoon, the MOD had already acted.

709. Mr Hoon's Office replied to No.10 immediately stating:

> "Separately and heavily caveated, we have indicated to CENTCOM that we are still considering a Land option … we agreed that the UK involvement … should continue on this basis. Defence staffs will continue actively to ensure that US expectations remain realistic."[278]

710. Sir David Manning commented to Mr Powell: "Just about OK" and referred to being "bounced" by the MOD.[279]

CABINET, 23 SEPTEMBER 2002

711. Neither the content nor the terms of the UK's offer to the US were considered by Ministers collectively.

712. On 23 September, Cabinet was told that there would be a future discussion of military options.

713. On 23 September, Cabinet was informed that the question of military action would arise "only if inspections were thwarted again".[280]

714. Cabinet was not given any information about the options under consideration. Mr Blair concluded: "If military action was required, the job could be done. There would be a discussion about the military options."

715. Ms Clare Short, the International Development Secretary from 1997 to 2003, told the Inquiry that Mr Blair had told her in September 2002 that he hadn't had a presentation on the military options; in her view that was "one of the many misleading things he said".[281]

716. As the evidence in this Section shows, Mr Blair had been offered advice on the nature of the options for a UK contribution to US-led military action from April onwards, but in September the MOD's thinking on the role it might be able to play was still evolving. The debate at that stage was about the assumptions the US should make in its planning.

---

[278] Letter Williams to Manning, 25 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.
[279] Manuscript comment Manning to Powell on Letter Williams to Manning, 25 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.
[280] Cabinet Conclusions, 23 September 2002.
[281] Public hearing, 2 February 2010, page 15.

Parliamentary debates, 24 September 2002

The dossier, *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, was published on 24 September 2002.[282]

Both Houses of Parliament were recalled from recess on 24 September 2002 to debate the case for effective action in respect of the threat posed by Iraq.

Mr Blair's statement to Parliament on the publication of the dossier on 24 September and the subsequent questions and answers lasted for 90 minutes.[283]

During his statement, which focused on the history of Iraq's weapons of mass destruction programme, its breach of United Nations resolutions and its attempts to rebuild that illegal programme, Mr Blair stated that "there must be genuine preparedness and planning to take [military] action" if diplomacy failed.[284]

Mr Blair's statement was followed in the House of Commons by a nine-hour debate.

There was also a debate in the House of Lords.

Mr Blair's statement and the debates in both Houses of Parliament are described in Section 3.5.

The content of the dossier and Mr Blair's statement are addressed in Section 4.2.

CHIEFS OF STAFF MEETING, 25 SEPTEMBER 2002

717. When the Chiefs of Staff discussed Iraq planning on 25 September, Adm Boyce emphasised that:

> "… expectation management with respect to UK caveats had to be taut. Package 2 … was a formidable contribution in its own right and Package 3, given its importance to the US, was not just a 'nice to have'."[285]

718. The Chiefs of Staff also discussed the post-conflict phase, "Phase IV". It was recognised that this Phase "would not have a clear-cut start" and that we should "guard against any accusation that the "US does the war-fighting while the UK does the peacekeeping". Not being involved in Package 3 at all "would be difficult to manage". The Chiefs commissioned the SPG to "scope the issues within Phase 4" (see Section 6.4).

719. Mr Ehrman reported that Adm Boyce had:

- directed that the Chiefs of Staff should meet every Wednesday to discuss Iraq; and
- said that it should be made clear to the US that they must deliver Turkey.[286]

---

[282] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government,* 24 September 2002.
[283] House of Commons, *Official Report*, 24 September 2002, columns 1-23.
[284] House of Commons, *Official Report*, 24 September 2002, column 6.
[285] Minutes, 25 September 2002, Chiefs of Staff meeting.
[286] Minute Ehrman to Chaplin, 26 September 2002, 'Iraq: Military Planning'.

720. On 26 September, Lt Gen Pigott wrote to Lt Gen Reith with guidance to "summarise the current baseline on … options and to flag up the key issues", on which addressees and their staff could draw on in discussion with US contacts.[287]

721. Lt Gen Pigott cautioned that aftermath and "Home Base" requirements were still to be addressed and "could impact on the final shape" of the force packages he was describing.

722. Lt Gen Pigott identified that there was:

> "… much work to be done if there is to be any prospect of a significant UK Land option from the North within current time windows … Until we have a much better feel for all the factors … we should be very cautious of giving US Commanders the impression that we can deliver something which events, most of them outside our control, simply preclude."

723. Lt Gen Pigott concluded:

> "Package 3 must at the moment have considerable caveats, and every effort must be made to dampen expectations that it can be delivered."

724. Sir Kevin Tebbit told the Inquiry:

> "It was indeed decided that we would not expose the full large-scale option to the US at that point because of concerns about the UN process, because … lack of clarity … persisted, as to whether the Turks would actually provide the necessary facilities for the northern option which was the one mainly under consideration."[288]

725. Lord Boyce initially told the Inquiry:

> "I think that Package 2 would have disappeared as being a favoured option in about September, because the large-scale option was obviously more difficult to prepare, so our focus was on that."[289]

726. Asked whether he was aware of the size of the UK contribution that was on the table in September 2002, Lord Boyce subsequently told the Inquiry:

> "Package 2 was on the table then. No authorisation had been given by the Prime Minister or Defence Secretary to say that we could offer anything more than that. In fact, we were explicitly not saying that we were prepared to make available any land commitment, let alone a division commitment."[290]

---

[287] Minute DCDS(C) to CJO, 26 September 2002, 'Iraq – Potential Scale of UK Force Contribution for Use in UK/US Contingency Planning'.
[288] Public hearing, 3 December 2009, page 36.
[289] Public hearing, 3 December 2009, page 35.
[290] Public hearing, 27 January 2011, pages 22-23.

SPG PAPER, 30 SEPTEMBER 2002

727. The SPG advised on 30 September that:

- **A coercive strategy, "Force on Mind", was "the key instrument of military power" during a conflict prevention phase.**
- **Overt preparations for the use of military force were strategic elements of that strategy.**
- **The northern option was seen as strategically fundamental by the UK but was not seen as operationally fundamental by CENTCOM.**
- **More clarification was needed of the likely tasks for UK land forces and planning was still constrained by uncertainties about Turkey.**
- **The UN route and the timetable for inspections might not be compatible with the US timetable for the pursuit of regime change, which might pose a potential fault line between the US and UK.**

728. A further version of the SPG paper 'UK Military Strategic Thinking on Iraq' was produced on 30 September.[291]

729. The paper stated that Ministerial statements highlighted a twin track approach to achieving the UK's "End State" for Iraq:

- Achieving a "significant change" in the "behaviour and posture" of the current regime, "with respect to WMD, and other UNSCRs, **to prevent conflict**".
- If the regime failed "to change its behaviour voluntarily", then it would "be **compelled to change its posture** through the application of force". If that resulted in regime change it would be "an unsought, but added benefit".

730. That was underpinned by a revised section on the principles for the campaign, which stated that the UK was "executing a strategic **Force on Mind** campaign" in which influence was "targeted against decision makers and their will to fight". During a conflict prevention phase, that was "the key instrument of military power":

- The crisis had reached the point where "constant coercive pressure" was "needed to keep up forward momentum".
- "Overt Force Generation and Force Preparation activities" were "strategic elements" in applying pressure.
- A "clear and unified declaration of intent" from "a wide and solid coalition" would deliver the most powerful message to Saddam Hussein.

---

[291] Paper [SPG], 30 September 2002, 'UK Military Strategic Thinking on Iraq'.

731. Other additions to the previous draft included:

- The section on potential UK strategic objectives in the 4 September draft was replaced by draft campaign objectives produced by the Cabinet Office, which are addressed in Section 6.4.
- As well as assisting the US to secure Iraq's oil infrastructure and production facilities, the section on "Potential UK Military Strategic Objectives" identified three additional tasks in the event of conflict:
  - ensuring that Israel's security was not threatened by Iraqi action;
  - ensuring Iraqi sovereignty post-conflict; and
  - minimising damage to Iraqi infrastructure.
- Draft objectives for a northern option, which were being considered by the Pentagon, were set out for the first time.
- The elements of an information campaign.
- A statement that the northern option was "only viable if Turkey can be delivered". There was "a lack of clarity in the US" about whether that was "achievable within current planning timelines". The need for "accurate assessments of likely success in delivering key states for the coalition (especially Turkey)" was one of the "conditions" for a "winning concept". A northern option was seen by the UK as strategically "fundamental" but was not seen as "operationally" fundamental by CENTCOM.
- A much expanded section on post-conflict planning.
- The identification of a possible scenario in which Saddam attempted "to distract coalition forces by a deliberate and sustained attack in the North, using all methods available to him (including CBW)".
- An updated analysis of the US plan and whether it constituted a winning concept, including that a division-size force would be needed for the North; but the tasks still required "**more clarification**". EUCOM planning was "**much further behind**" than CENTCOM planning for the South and was "**still constrained**" by the "**inability to properly engage with Turkey**".
- The UN route and the timetable for UN inspections might "**not be compatible**" with the US end state, which was focused primarily on regime change. That was "**a potential fault line in the UK/US relationship"**. The UK might face a "**choice of following the US or the UN route**".

Concerns about Turkey

The JIC Assessment, 'Iraq: Regional Attitudes', issued on 19 April 2002, addressed regional attitudes to military action and how much support or opposition they might offer (see Section 3.3).[292] It stated that "**Turkey**, as a NATO ally, would probably provide basing if asked, despite its reservations, […]."

The FCO recognised that there could be difficulties with Turkey. In an internal minute of 30 July 2002, Mr Ricketts wrote:

> "Turkey is a special case. Would have to give active support for military operation, even if only the use of the airfields. Quite possibly a much more direct role. But the timing is exceptionally difficult: no Government until after 3 November. The Cyprus talks quite likely to fail, leading to a major train wreck with the EU at Copenhagen [EU Summit in December 2002]. The Turks are bound to use their strategic importance on Iraq as leverage. The UK cannot deliver what the Turks will want from the EU … The US … will have to work the Turkey case hard: it cannot be left to the Brits."[293]

At the request of the MOD, the JIC reconsidered the judgements in its 19 April Assessment on 5 August 2002.[294] That is addressed in Section 3.4.

In relation to Turkey, the JIC judged:

> "Turkey would be willing to provide basing for a US-led attack on Iraq."

The Assessment stated:

> "The Turkish Government has been reluctant to see an attack on Iraq. […] The exact extent of this Turkish help would have to be negotiated. Turkey would demand to be kept fully informed of US planning […]"

The FCO and Mr Peter Westmacott, British Ambassador to Turkey, exchanged views on whether or not the UK should engage in direct talks with Turkey.[295]

Mr Bowen wrote to Sir David Manning:

> "We are not committed to the northern option and our early participation in talks with the Turks may give the wrong impression."[296]

Sir David replied that he strongly agreed.[297]

A separate manuscript comment recorded that Sir David had asked the MOD to consult him about plans for consulting Turkey.[298]

---

[292] JIC Assessment, 19 April 2002, 'Iraq: Regional Attitudes'.
[293] Minute Ricketts to Chaplin, 30 July 2002, 'Iraq'.
[294] JIC Assessment, 5 August 2002, 'Iraq: Regional Attitudes and Impact of Military Action'.
[295] Letter Oakden to Westmacott, 30 September 2002, 'Iraq/Turkey'; Letter Westmacott to Oakden, 1 October 2002, 'Iraq/Turkey'.
[296] Manuscript comment Bowen to Manning, 1 October 2002, on Letter Westmacott to Oakden, 1 October 2002, 'Iraq/Turkey'.
[297] Manuscript comment Manning to Bowen, 1 October 2002, on Letter Westmacott to Oakden, 1 October 2002, 'Iraq/Turkey'.
[298] Manuscript comment Bowen on Letter Oakden to Westmacott , 30 September 2002, 'Iraq/Turkey'.

The MOD request to offer ground forces

732. The offer of Package 2 was not enough to address growing MOD concerns that the caveats on Package 3 were leading the US to discount the contribution in its planning, closing off the option for UK ground forces to participate in the combat phase.

733. Concerns were expressed at the Chiefs of Staff meeting on 2 October about the risk of irreparable damage to US/UK relations as a result of continuing uncertainty about a UK land contribution.

734. Adm Boyce was clear that should not be allowed to happen.

735. The UK's involvement post-conflict might be more onerous than war-fighting.

736. Elements of the "Force on Mind" strategy were still being discussed.

737. On 30 September, Lt Gen Reith provided an "illustrative critical decision and event matrix on timings", to provide a critical path for deploying Packages 2 and 3.[299] Timings within the matrix were "illustrative only". That included:

- decisions in the week beginning 7 October to begin the UOR process for priority equipments, nomination of a National Contingent Commander (NCC), and a decision on UK participation in Exercise Internal Look;[300]
- beginning overt preparations, including call-up of Reserves, by the end of October; and
- deploying the Amphibious Ready Group (ARG) and beginning pre-deployment training for the land component by the end of November.

738. Lt Gen Reith advised that the timelines assumed a US Presidential decision, on whether to take military action, on 6 January 2003. He also stated that it was anticipated that UN inspectors would begin work in mid-December, and were required to submit an initial report two months later. That "could offer the US a trigger to begin operations" which "could come forward" if a "strongly worded" resolution was adopted.

739. Lt Gen Reith separately sought endorsement of the command and control (C2) arrangements for potential operations in Iraq and the nomination of the individuals who would potentially fill key posts in time for them to participate in Exercise Internal Look.[301] That included the identification of the UK NCC, who would be collocated with CENTCOM's Forward HQ in Qatar.

---

[299] Minute Reith to MA/DCDS(C), 30 September 2002, 'Planning for Iraq – Critical Decision and Event Matrix'.
[300] Internal Look was a CENTCOM exercise planned for December 2002 which would be a mission rehearsal for possible future military operations against Iraq.
[301] Minute Reith to DCDS(C), 30 September 2002, 'Warrior Command and Control Architecture and Preparations for Exercise Internal Look'.

740. Lt Gen Reith also advised that, while it was "too early to judge" how Phase IV operations would be structured, it was "likely" that it would be "conducted under US leadership, with territorial sectors allocated to national or multi-national formations, perhaps akin to the Balkans model". The UK could be asked "to provide formation[s] such as HQ ARRC, a UK Div HQ, or UKAMPHIBFOR [UK Amphibious Force] to oversee national or multi-national 1* formations".

741. The Chiefs of Staff met on 2 October to discuss Iraq planning.[302]

742. Adm Boyce identified 15 October as a critical date for decisions, linked to whether or not to participate in Exercise Internal Look, when the "fudge option" would no longer be available. Some decisions might be delayed until the end of October, but that was an "absolute end stop".

743. The Chiefs of Staff "required a sitrep" which set out the key issues:

- Turkey's position and its implications;
- an appraisal of whether the northern option was essential and the UK's participation;
- an explanation of the UK's "coercive strategy and the Force on Mind gambit";
- the "need to maintain the impetus on UNSCRs [UN Security Council resolutions] using optimal, visible measures balanced against the resulting adverse PR";
- the "unpredictable consequences" that might arise from the "Saddam factor", including his reaction to the spikes in US military activity and response options;
- Special Forces options; and
- the linkage between CENTCOM's Exercise Internal Look and UK force planning.

744. The minutes recorded:

> "Keeping options open would be difficult if relations with the US, including those outside military circles, were not to suffer irreparably as a consequence and CDS was adamant that this should be avoided if at all possible. There were also implications for Force on Mind if the UK was perceived to be weakening its stance. Phase IV considerations needed to be clearly understood, given that the inevitable UK involvement might result in an even greater burden than war-fighting per se."

745. The Chiefs of Staff agreed that:

- Advice should be sent to Mr Hoon by 11 October.
- Lt Gen Reith should provide a paper "on land component options other than the northern option".

---

[302] Minutes, 2 October 2002, Chiefs of Staff meeting.

- Lt Gen Reith's recommendations on the command and control structures for potential operations in Iraq and preparations for Exercise Internal Look.
- There was a requirement to identify UK headquarters that might be required to contribute to "follow on" operations.

746. The first paper that the MOD had been able to find on land options other than the northern option was produced by Lt Gen Reith on 18 November. That is addressed later in this Section.

747. Mr Drummond reported to Sir David Manning that the discussion at the Chiefs of Staff meeting had addressed the:

> "… importance of 'force on mind' as part of the campaign. The US was already using this tactic to good effect. We were not yet, because no decisions have been taken about the extent of our engagement in a possible military campaign. I said that the attention was focused on getting the right UNSCR, which would be the priority for the next few days."[303]

748. Mr Drummond also reported that there was:

> "A strong wish to do the northern Option 3. The military judgement was that this should be tactically possible. Not to do it would damage our relations with the US and might leave us with the even more onerous task of peacekeeping (Option 4). I rehearsed the Prime Minister's view that Option 2 would be a very substantial contribution."

749. There was "acceptance" that the US should lead on "persuading" Turkey, but a wish that the UK would be able "to engage early" if the northern option was pursued. There had been a "suggestion" that the US might be planning a northern option without the UK; and that Turkey might find the presence of British troops "difficult to contemplate".

750. On the basis of their perception of the US timetable, the Chiefs of Staff agreed on 9 October to seek a non-public Ministerial decision in principle to offer Package 3 to the US, ideally by 21 October.

751. The Chiefs of Staff recognised that UK withdrawal after Exercise Internal Look would have unpalatable diplomatic consequences.

752. On 8 October, Brigadier William Rollo, a member of Maj Gen Fry's staff, reported to Adm Boyce's Private Office that the US was likely to deploy its 4th Infantry Division in the North, "irrespective of subsequent UK decisions".[304] He also reported signs of Turkish nervousness.

---

[303] Minute Drummond to Manning, 2 October 2002, 'Chiefs Meeting'.
[304] Minute Rollo to PSO/CDS, 8 October 2002, 'Iraq Update on Warrior Planning'.

753. Draft advice to Mr Hoon was discussed at the Chiefs of Staff meeting on 9 October.[305]

754. The Chiefs of Staff were informed that there seemed to be "increasing flexibility" in Washington over the timing of military activity and that "the weather would not be a limiting factor". That might affect UK decision-making.

755. Ministers "should be left in no doubt" that the northern option was a "fundamental part of US planning". From the Army's "perspective, Package 3 would guarantee long-term strategic influence with the US".

756. Air Chief Marshal Sir Peter Squire, Chief of the Air Staff, commented that Package 2 "did not entail a loss of influence", and sought "visibility of fallback options in the South".

757. In the context of predicted US discussions with Turkey on 21 October and reported indications from US military contacts that planning for one scenario whereby the US acted with the UK and another where it acted alone was "rapidly becoming untenable", the Chiefs of Staff considered that:

> "Ministers needed to be advised that a non-public 'decision in principle' to contribute was required, ideally by 21 October. In practice, because of the unpalatable diplomatic consequences of the UK's withdrawal after the completion of Ex[ercise] Internal Look … 15 Oct[ober] was also a key date."

758. Lt Gen Reith "observed that a meaningful discussion about, or leverage on, US planning with Gen Franks would not be possible until a decision (in principle) regarding the UK contribution had been made."

759. In addition, to maintain the UK's options, a call-out of some Reserves by the end of October might be required. That and visible action on UORs "would contribute to the 'force on mind' campaign". A successful coercion strategy was "key to the process".

760. The minutes also record the view that "it would be important to guard against the perception in the US that the UK's decision was a matter of legitimacy as opposed to a problem with mobilisation and public perception".

761. The Chiefs of Staff directed that the advice to Mr Hoon should be amended to reflect the discussion, including:

- the timing of US discussions with Turkey;
- a "decision in principle" on Package 3; and
- more explanation of the timelines for decision taking.

---

[305] Minutes, 9 October 2002, Chiefs of Staff meeting.

762. Lt Gen Reith was also asked to provide a paper considering southern options for UK involvement if Turkey denied the northern option.

763. Reporting on the meeting to Sir David Manning, Mr Bowen wrote:

> "The military are pressing for a decision on whether the UK should be offering, with caveats, Package 3 … The argument for doing so is that the Americans now need to know in principle whether they should plan on our participation and that … our acceptability as a major player in the North needs to be broached early with the Turks.
>
> "The conclusion … was that the MOD should seek a positive decision in principle … [that] would expose to the US … the time lag … between a decision to deploy and deployment on the ground. The key decision to proceed in practice would be taken later …"[306]

764. Mr Bowen added that the MOD had underlined:

> "… that diplomacy ought to be backed by the threat of the use of force. In the game of coercion, military planning and preparation can have a beneficial effect in achieving a peaceful outcome. Moreover, in case the diplomatic track is brought to a halt, we should endeavour to reduce the gap between that point and the enforcement action we threaten. This would involve us being more up-beat about our contingency planning, without moving into war-mongering mode."

765. Mr Bowen also wrote that:

- A decision in principle in favour of Package 3 would help the UK to influence US thinking to a greater extent than had been possible up to that point, "especially in relation to the aftermath of any military action".
- In "making a decision in principle, without final commitment, we would stress that this reflected the UK political situation and was not specifically linked to authorisation through the UN".
- While it could be argued that agreeing in principle to provide Package 3 was "no different" from the position on Packages 1 and 2, there was "no doubt" that a commitment to deploy land forces was "a different matter from deployments in the air or at sea".

766. The MOD would be writing to No.10, and Mr Hoon was seeking a meeting with Mr Blair on 17 October to discuss the issue.

767. Sir David Manning commented to Mr Powell: "A foretaste of the line MOD will argue next week".[307]

---

[306] Minute Bowen to Manning, 9 October 2002, 'Iraq: Chiefs of Staff Meeting'.
[307] Manuscript comment Manning to Powell, 10 October 2002, on Minute Bowen to Manning, 9 October 2002, 'Iraq: Chiefs of Staff Meeting'.

768. Adm Boyce agreed with Gen Franks on 10 October that planning should proceed on the assumption that Package 3 would be available.

769. Adm Boyce spoke to Gen Franks on 10 October, stressing that Package 2 was "not an insignificant contribution".[308] The option of a UK operation in the South was being looked at if the northern option "fell away".

770. Gen Franks observed that a deployment in the South would be "very sequential because of the narrow entry front".

771. Adm Boyce told Gen Franks that the way ahead on Package 3 was "too close to call". In relation to the difficulties that posed for US planning, Adm Boyce was told that it was easier for the US to plan on having Package 3 rather than not having it. They agreed that "interests would be best served" by planning on the assumption that Package 3 would be available.

772. The arguments in favour of offering Package 3 to the US and for immediate clarification of the UK's position were set out in advice for Mr Hoon, agreed by Adm Boyce, on 11 October.

773. The need for a decision on the potential UK contribution to any US-led action against Iraq was set out in an urgent minute to Mr Hoon, from Mr David Johnson, Head of a newly created Iraq Secretariat in the MOD,[309] on 11 October.[310]

774. Mr Hoon was invited to note the increasing difficulty of maintaining the feasibility of Package 3 as long as its status was "unconfirmed". He was asked to either rule it out or move it to the same status as Package 2.

775. Mr Johnson told Mr Hoon that the US needed to know where the UK stood very soon:

> "In addition to pressure from US planners, it is in our interests to be clearer about our level of engagement, against the background of a series of key planning events from mid-October onwards."

776. Mr Johnson advised that the UN position was "a key element of the continuing strategic uncertainty". The UN inspections team was not expected to be fully operational before mid-February, but Iraqi non-co-operation "could occur at any point", including a refusal to accept the UN resolution. The "most likely scenario" was that "potential triggers for military action" were "moving to the right" but, "both the need to be ready for the worst case and the strategy of conflict prevention" pointed in the same direction: "continuing and visible military preparations". The main focus of US planning

---

[308] Minute PSO/CDS to PS/SofS [MOD], 11 October 2002, 'Record of a Discussion Between CDS and CINCCENT: 10 Oct 02'
[309] Created on 30 September 2002.
[310] Minute Johnson to PS/Secretary of State [MOD], 11 October 2002, 'Iraq: UK Contingency Planning'.

was "preparation to allow the commencement of offensive action in January (with contingency planning for an earlier start should that prove necessary)".

777. Mr Johnson stated that the northern option was:

> "… now seen as fundamental by US military planners, both in the Pentagon and in CENTCOM. There is an important role for the UK to play if we so wish. But if we decide not to play this role, the US will have to mobilise other US forces … The caveats we have so far attached to Package 3 have thus resulted in the US having to work on two separate plans, compounding what is already a complex process … CENTCOM … need a clear statement of the UK commitment, within the overall understanding that all the packages are subject to a general political caveat."

778. Mr Johnson advised that the need for the UK to clarify its position "will become increasingly acute"; and that:

> "From a purely national perspective, the lead-times for putting Package 2 and Package 3 in place mean that some publicly visible decisions … need to be taken well in advance of any deployment … But we do need to be prepared to take these decisions."

779. Gen Franks had told the UK that he would continue to run two plans "to preserve the possibility of incorporating Package 3". But the longer the US worked on that basis "the more disgruntled they will be if we subsequently rule Package 3 out".

780. Mr Hoon was given details of the decisions needed on both Packages 2 and 3 and their costs. Package 2, which included a Commando Group based in HMS Ocean, would cost some £464m-500m, excluding movement costs, ammunition and other consumables, and post-operational recuperation. On the same basis, Package 3 was estimated to cost an additional £508m.

781. Mr Johnson advised Mr Hoon that, in coming to a decision, Ministers would "need to take into account":

- The impact of visible decisions. In addition to their role in ensuring the viability of a UK contribution: "Overt preparations on the scale of Package 3 may make an impact on Saddam's perception of the seriousness of Coalition intent … They might also encourage key figures in the Iraqi regime to reflect further on whether their best interests continue to be served by Saddam's leadership … these measures would reinforce the coercive 'force on mind' approach that has already borne fruit".
- Cost. The costs of either package would be significant – Package 2 "could be not far short of £1bn"; Packages 2 and 3 together "could be between £1.5bn and £2bn".
- US expectations. The MOD had been "careful to manage" US expectations but a decision to rule out Package 3 would "inevitably disappoint" the US,

with “knock-on effects”, which the UK would need to work hard to minimise. A decision to rule out Package 3 would need to be taken “very soon”. Adm Boyce recommended that, “unless a definite decision is taken to say ‘no’ now to Package 3, we must commit appropriate effort to [Exercise] Internal Look”.

- Burden-sharing. Package 2 could “justifiably” be presented as a “substantial contribution” but Package 3 would be “significantly more substantial” and “a vivid sign of a willingness to share the risks”. The shortcomings in the US tactical plan for the northern option “could be resolved if we were fully able to engage in planning and to flex resources to make it work”.
- Impact on readiness and capability for other tasks. Either package would impinge on the UK’s ability to respond to contingency operations, but Iraq was “the central issue” and there might be “a trade-off between committing to a military campaign and committing to an enduring follow-up operation”. A six-month war-fighting operation was “consistent with the Defence Planning Assumptions”.
- Aftermath management and the long term. US thinking on the “Day After” was “under-developed at present”, but there was “likely to be a need for a substantial, potentially long-enduring commitment of forces. Assuming that military action had taken place under a UN umbrella, it is likely that the US would look to Allies and the UK to play a major role in this, perhaps including providing a framework capability through the ARRC. We clearly have an interest in minimising the risk of a long lasting commitment … in a part of the world that will not be retention-positive for our personnel: in terms of Defence Planning Assumptions, a … medium scale PSO [peace support operation] in Iraq would only be manageable if our commitments elsewhere … were capped at small scale. The more substantial our contribution to military action in the first place, the more plausibly we will be able to argue that we have done our bit.”
- Turkey. Turkey’s attitude to UK forces might “remain uncertain for some time”. It was “possible that some or all of Package 3 might be able to play a role in the South (although space constraints might [have an] impact on timing)”.
- Wider context. In the context of securing influence, the MOD had “been taking soundings over what gives us influence over US campaign planning”. It was “clear that sharing risk – political and military” was “crucial to having a voice in how a military operation” was planned, and it also provided “a locus to influence the wider overall campaign”. There was “thus a longer-term and strategic dimension to the issue of Package 3: not joining will reduce the influence we have over planning”, including a change in the US “perceptions of the UK as a partner longer-term fostering a tendency to see us as a specialist in Peace Support Operations rather than a war-fighting ally, with potential knock-on effects on other areas of close bilateral cooperation (intelligence, nuclear, missile defence, equipment and network-centric capability, etc)”. Contributing

Package 3 would mean that the UK Government would "be well placed to be more vigorous in pressing its views especially on better regional handling and 'day after' planning". If those components were not properly planned, a military operation might "not offer a worthwhile return". The UK "could and should offer a contribution on the understanding that these dimensions must be better addressed".

- Army morale. "If the Army does not participate in the biggest combat operation for over a decade, and particularly if it is subsequently committed to a potentially enduring aftermath task, this may foster a perception that the Army is no longer regarded as a war-fighting force (particularly if they are deployed on Op FRESCO duties) and may have knock-on effects on recruitment and retention. It will clearly present a leadership challenge. This should not be a critical factor in reaching decisions … but it is an issue which the Secretary of State will wish to have in mind."

782. Mr Johnson advised Mr Hoon that:

"A firm commitment in principle to Package 3 should give us better involvement in US thinking, especially in Washington, about the most realistic timings for military action. We may find that we have more time … but this is only likely to emerge progressively if at all. So if Ministers wished to place any caveats on the timescales or circumstances in which they are prepared to take the subsidiary decisions, we would have to make these clear to the US at the outset."

783. There would be:

"… a case for presenting visible deployment decisions more assertively, arguing that they are an essential ingredient of a successful coercive strategy. This might not persuade journalists to present them as anything other than a 'countdown to war'. But we would be less vulnerable to accusations of proceeding to war by stealth …"

784. Mr Johnson stated that Adm Boyce had seen and approved the minute.

MR HOON'S MINUTE, 15 OCTOBER 2002

785. Mr Hoon wrote to Mr Blair on 15 October setting out the arguments for telling the US that it could plan on the assumption that the UK would make a land contribution.

786. At a meeting on 14 October, Mr Hoon asked for more work, in preparation for a meeting with Mr Blair on 17 October, on:

- a clear presentation of the key dates for visible activities, including the call-out of Reserves;
- the relationship between this activity and the likely diplomatic process;

- the impact of UK decisions on the Coalition; and
- a draft letter to Mr Alan Milburn, the Health Secretary, on the impact on the National Health Service.[311]

787. Mr Hoon wrote to Mr Blair on 15 October, seeking a decision that week on whether to tell the US they could assume a UK land contribution in addition to the air, maritime and Special Forces package already offered for planning purposes.[312] In any event, there would be a need to be more robust in public about the need for essential military preparation.

788. In the context of the potential US timetable, and the need to maintain pressure on Saddam Hussein, Mr Hoon added:

> "Indeed, Saddam has conceded ground so far only because diplomacy has been backed by the credible threat of force. We must maintain and reinforce this effect."

789. The reasons for urgency included:

- a week-long CENTCOM conference, which started that day, during which the US military wanted to finalise their plans;
- discussions with Turkey; and
- the need to start visible preparations, including the call-up of Reserves.

790. Mr Hoon told Mr Blair that either Package 2 or Package 3 "would be a viable military contribution", but in describing the Packages, Mr Hoon added:

- The number of visible "boots on the ground" in Package 2 would be "small", which "could lead to some criticism here and elsewhere that UK support for the operation was half-hearted. The US may be disappointed that we are not offering more; the likely political reaction is more difficult to judge …"
- Package 3 would provide a "major element of the northern line of attack", which was judged "essential". Without UK land forces, the US would have to redeploy its forces from the South. UK forces "could therefore help both to shorten the campaign and secure a more decisive outcome".
- Package 3 "would have more impact" and "might provide a framework for integrating elements from other countries into a land force".
- "There was "likely to be a substantial and continuing post-conflict stabilisation task in Iraq". If the UK did not contribute Package 3, it might be "more vulnerable to a US request to provide a substantial force for this potentially open-ended task".

---

[311] Minute Williams to Head of Sec(Iraq), 14 October 2002, 'Iraq: UK Contingency Planning'.
[312] Minute Hoon to Prime Minister, 15 October 2002, 'Iraq: UK Military Options' attaching Paper Ministry of Defence, 14 October 2002, 'Iraq: UK Contingency Planning'.

791. Mr Hoon wrote:

> "A critical – and the least quantifiable – factor in weighing the two packages must be the impact on our strategic relationship with the US. In principle, both packages could strengthen that relationship: Package 2 alone should easily surpass any other conceivable non-US contribution, except perhaps that of Turkey."

792. Mr Hoon stated that, while he had "sought to dampen" Secretary Rumsfeld's expectations of any sizeable land contribution, there might be disappointment that the UK was "not prepared to put significant numbers of ground troops in harm's way". That might translate into a cooler view towards our privileged links.

793. Mr Hoon added:

> "A further factor which cannot be entirely discounted is the negative reaction of many of our own military personnel – particularly in the Army – if we do not provide a land contribution. This could find its way into the media which would be quick to draw unfavourable comparisons between our contribution to this campaign and the Gulf Conflict in 1990/91."

794. Mr Hoon stated that an offer of Package 3 "must be subject to conditions":

- The UK would be dependent on US help to secure Turkey's agreement to the UK deployment.
- The UK "must be fully involved in developing the final plan on which a final decision to deploy would be based".
- The UK would want US help to reconstitute stocks, particularly of smart weapons.

795. A detailed MOD paper attached to Mr Hoon's minute set out the factors Ministers would "need to take into account" in coming to a decision and the detailed composition of the force packages, which was largely based on Mr Johnson's minute to Mr Hoon of 11 October.

796. Mr Hoon also sent his minute to Mr Brown, Mr Straw and Sir Andrew Turnbull.

797. The Chiefs of Staff meeting on 16 October was informed that a Ministerial decision on the likely UK contribution was expected the following day.[313]

798. Lt Gen Pigott provided updates on US planning and UK strategy.

799. Adm Boyce commented that the UK position on support for US action "had to be clear", and that a "distinction between supporting the US with basing in Diego Garcia and the deployment of personnel into any battlespace was academic".

---

[313] Minutes, 16 October 2002, Chiefs of Staff meeting.

NO.10'S QUESTIONS

800. Sir David Manning's private advice to Mr Blair expressed scepticism about a number of the arguments in Mr Hoon's minute.

801. Sir David Manning made a number of comments expressing scepticism about some of the arguments employed:

- In response to the argument that overt preparations would reinforce a strategy of coercion, Sir David wrote: "The opposite is also possible i.e. Saddam will conclude that we are interested only in [war]; he will therefore not co-operate."
- US expectations of UK ground troops had been "fuelled because MOD almost certainly aroused great expectations early on – without political authority".
- Sir David questioned whether the MOD had carefully managed US expectations, writing: "Have we? US only know about Package 3 because we talked it up."
- The UK would be "vulnerable" to a request for substantial forces post-conflict whether it provided Package 3 or not.
- Sir David did not "buy" the MOD argument that failure to offer Package 3 would change the US perception of the UK as a long-term partner.
- Adm Boyce was "worried" about managing the impact on army morale if it did not participate in combat operations.[314]

802. In addition, Sir David provided detailed advice for the Prime Minister on 16 October, flagging concerns about whether the assumptions underpinning the package were robust, and about domestic handling issues.[315]

803. Sir David summarised the key arguments in favour of Package 3 as:

"
- It would be a strong signal of our intent and would increase the pressure on Saddam;
- It is what the US is hoping for;
- It would buy us influence in the conduct of the military campaign against Iraq;
- US gratitude would make Washington correspondingly more inclined to be generous to us in other areas …
- It would reduce the risk that we would be expected to contribute large numbers of troops to help administer Iraq after hostilities;
- The British Army would like it; and would be correspondingly demoralised if no use were made of their war-fighting capability."

---

[314] Manuscript comment Manning to Powell on Minute Hoon to Prime Minister, 15 October 2002, 'Iraq: UK Military Options' attaching Paper Ministry of Defence, 14 October 2002, 'Iraq: UK Contingency Planning'.
[315] Minute Manning to Blair, 16 October 2002, 'Iraq: UK Military Options'.

804. Sir David commented that he thought some of those arguments were "pretty dubious":

- It was "not clear" whether Saddam Hussein would be much affected by signals of British military intent; "it was US intent that bothered him".
- The problem of US expectations on Package 3 might have been "self-generated". His "guess" was that the UK military had "been pretty forward leaning in their contacts with their US opposite numbers".
- He doubted that the UK "would have much say in the management of the military campaign".
- He was "not much persuaded by the argument about US gratitude: it should not be a key factor in our decision".
- He was "not much persuaded either, that if we help with the war-fighting, we shall be spared the post-conflict washing up. It didn't work like that in Afghanistan. Experience shows that once you are in, you're in deep, without queues of grateful countries waiting to take over when the shooting stops."
- "Army morale would have to be managed: we needn't fight every war."

805. Sir David suggested that Mr Blair should explore with Mr Hoon:

- What had changed since the summer when Mr Blair had been advised that the UK could not deploy Package 3, and whether the new assumptions were "really safe and robust"?
- Whether the UK could "bank on Turkish assurances given to the US about access, bases and supply"?
- Whether the UK would be able to fight in a "CBW environment", and "in summer temperatures if necessary"?
- Whether it made sense to commit the UK so heavily to Iraq and how the UK would respond to a sudden crisis elsewhere?
- Whether Package 3 was affordable?

806. Sir David concluded:

> "In sum, the MOD paper is special pleading for Package 3. You [Mr Blair] may want to go this route to signal your determination; and for US solidarity reasons. But there are risks and difficulties that need to be thoroughly explored; and there will be costs which are only sketchily dealt with here – and which might balloon.
>
> "Personally, I doubt whether there is a strong military case for Package 3. The US would like us along, but could certainly do the job without UK land forces. This is a political call."

807. Mr Blair responded: "This is a v. tough call"; and that he would "need to speak to the senior military in detail" before he committed to Package 3.[316]

808. Asked about his comments on army morale, Sir David Manning explained, to the Inquiry that he thought morale should not be a reason for participating in a land invasion.[317]

THE FCO PERSPECTIVE

809. The FCO advised Mr Straw to question some of Mr Hoon's arguments.

810. Mr Edward Oakden, Head of FCO Security Policy Department, advised Mr Straw to question whether the decision really had to be made that week.[318]

811. Mr Oakden wrote:

- Without a UN resolution preparations would look like UK determination to pursue the military option, "instead of backing the diplomatic route with a credible threat of force" and that it would be worth drawing out the MOD's thinking.
- Postponing the decision until a UN Security Council resolution had been agreed seemed "likely to make a real difference to how a move to military preparations would be viewed, both domestically and internationally".
- Third countries, including Turkey, would be unwilling to support preparation or participation until a legal basis was found.
- Once the forces were deployed, there would be no going back until Saddam Hussein was disarmed: "Pulling out without achieving this would cause severe strains with the US and serious harm to UK credibility. So the prospect is for a longish haul, with the UN inspectors likely to take some time to find what will be well-concealed WMD. We should look very hard before our first public leap."
- "Many senior Turks still [believed that] the UK" had "a secret agenda to create a Kurdish homeland in Northern Iraq"; and memories of the UK's efforts to dismember Turkey in the 1920s remained "surprisingly vivid". The UK should let the US conduct negotiations with Turkey.
- The MOD's suggestion that the UK could trade a more active role in fighting for "a smaller military role during reconstruction" seemed "optimistic": "On the contrary, if we have fought without international legal sanction, we could be left on our own with the US."

812. Mr Oakden concluded that the MOD had rightly highlighted real concern about longer-term damage to the US/UK relationship "if for the first time in recent memory the UK decides not to join the US on the ground", or if it complicated US military planning and put US timelines at risk. But he questioned whether that concern was at the military,

---

[316] Manuscript comment Blair on Minute Manning to Blair, 16 October 2002, 'Iraq: UK Military Options'.
[317] Private hearing, 24 June 2010, page 99.
[318] Minute Oakden to Private Secretary [FCO], 16 October 2002, 'Iraq'.

"rather than the political level". He suggested further talks with the US at a senior political level "if the Chiefs judge there is a real danger of US disaffection".

813. Mr Westmacott reported on 16 October that he had been told by a senior Turkish official that Turkey assumed that, if the UK decided it wanted to join the US in making military deployments in or through Turkey in support of a UN resolution, it would let Turkey know in good time.[319] Without Security Council authorisation, it was "quite possible" that Turkey would refuse to co-operate. Constitutionally the Turkish Parliament had to give its consent, and the constitution stated that it could only do so in the context of international legitimacy.

US Congressional authorisation for the use of force

On 10 and 11 October, the House of Representatives and the Senate passed a joint resolution authorising the use of military force against Iraq.[320]

Signing the joint resolution on 16 October, President Bush stated that it symbolised the united purpose of the nation and expressed the considered judgement of Congress.[321] Congress had authorised the use of force but he had not ordered that use, and he hoped that would not become necessary.

More detail is provided in Section 3.5.

Mr Blair's meeting, 17 October 2002

814. Mr Blair concluded that, while he wanted to keep the option of Package 3 open, the UK must not commit itself at that stage.

815. Mr Blair, Mr Straw and Mr Hoon met on 17 October to discuss the latest developments on the UN negotiations and the military options.[322] Adm Boyce, Mr Powell, Mr Campbell, Baroness Morgan, Sir David Manning and Mr Rycroft were also present.

816. Mr Rycroft recorded that Mr Hoon and Adm Boyce had "set out the options, as in the Defence Secretary's minute" of 15 October. Adm Boyce had "put the military arguments for agreeing to Package 3. But if we were to end up agreeing on Package 2, it would be better to tell the US now". Mr Straw had said "that the international case for Package 3 was strong".

817. Mr Blair "took these points" but:

> "… remained concerned about the costs. He concluded that he wanted to keep open the option of Package 3. But we must not commit to it at this stage."

---

[319] Teleletter Westmacott to Oakden, 16 October 2002, 'Possible Military Action Against Iraq: Turkish Policy'.
[320] Almanac of Policy Issues, 15 October 2002, *Congressional Resolution Authorizing Force Against Iraq.*
[321] The White House, 16 October 2002, *President Signs Iraq Resolution.*
[322] Letter Rycroft to Watkins, 17 October 2002, 'Iraq: UK Military Options'.

818. The meeting also "agreed that there must be no leaks and no public announcements (for instance any notices to Reserves) until after the first UN resolution had passed and after a further discussion" with Mr Blair.

819. Copies of Mr Rycroft's record of the discussion on military options were sent to the Private Offices of Mr Hoon, Mr Straw, Mr Brown and Sir Andrew Turnbull, and to Mr Bowen.

820. The discussion on the progress and direction of negotiations on a draft UN resolution, which had reached a critical stage, was recorded separately and is addressed in Section 3.5.

821. In his diaries, Mr Campbell wrote that Adm Boyce had said that he would have a real problem with the Army if they were not properly involved and that Mr Blair would have far greater influence with the US if the UK was there on the ground.[323] Gen Franks really needed to know what our answers may be. Mr Blair had said it was not no, but it was not yet yes. He wanted more work done analysing the cost.

822. Mr Watkins told officials in the MOD that Mr Blair "did not wish to rule out Package 3 at this stage but wished to give the matter further consideration": "In terms of our internal MOD planning, the position therefore remains essentially unchanged."[324]

The UK's draft strategic objectives

The preliminary objective for UK policy in Iraq agreed by Mr Straw and Mr Hoon in May, and recorded in Mr Hoon's minute to Mr Blair of 31 May 2002 (see Section 3.3), was revised in October.

Mr Bowen sent Sir David Manning draft strategic policy objectives for Iraq on 4 October, explaining that "Whitehall would find it helpful" to agree objectives "for the present phase of activity" and, "in particular, it would help us in formulating an information strategy".[325]

The Cabinet Office draft stated that the UK's prime objective was:

> "… to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles (BM) … in accordance with United Nations Security Council resolutions … an expression of the will of the international community, with which Iraq has persistently failed to comply, thereby perpetuating the threat to international peace and security."[326]

Other objectives included the desired end-state for Iraq, to which the words "and providing effective and representative government for its own people" had been added to the text agreed by Mr Straw and Mr Hoon earlier in the year.

---

[323] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[324] Minute Watkins to DG Op Pol, 17 October 2002, 'Iraq: UK Military Options'.
[325] Minute Bowen to Manning, 4 October 2002, 'Iraq: Strategic Policy Objectives'.
[326] Minute Bowen to Manning, 4 October 2002, 'Iraq: Strategic Policy Objectives'.

The draft also identified the immediate priorities for the UK, including that continuing to "make military plans and preparations in case military action" was required to "force compliance with UNSCRs".

Mr Lee sent a copy of the draft to Mr Hoon's Private Office, commenting that, while the text was "helpful", it did not "go far enough in providing direction for current military activity and an information strategy".[327] Mr Lee did not expect the draft to move forward until there was a clear UN position.

Sir David Manning informed members of the Ministerial Committee on Defence and Overseas Policy on 22 October that Mr Blair had agreed draft UK strategic objectives for Iraq.

The draft objectives agreed by Mr Blair were unchanged from those proposed by Mr Bowen on 4 October.[328]

The draft objectives underpinned subsequent policy statements both to explain the UK's position and to maintain the pressure on Saddam Hussein to comply with the demands of the international community.

The UK's objectives were formally announced by Mr Straw on 7 January 2003.[329]

Mr Blair's decision to offer Package 3 to the US, 31 October 2003

823. The Chiefs of Staff meeting on 23 October was informed that time was running out if the UK wanted to keep open the option of deploying ground forces in the combat phase of any military operations.

824. Adm Boyce directed that a further submission should be made to Mr Hoon.

825. An update from Lt Gen Reith to Lt Gen Pigott on 21 October, entitled 'The Northern Axis – Current Thinking', advised that, while the UK's "preferred option remain[ed] leadership of the Northern Axis", an independent British command was now unlikely.[330] He also advised that the package would need to be reinforced with a second formation to establish a "genuine manoeuvre capability"; and that analysis had indicated that "additional forces would be required for such tasks as protection of LOCs [Lines of Communication] and handling of EPW [Enemy Prisoners of War]".

826. The timelines for action were discussed at the Chiefs of Staff meeting on 23 October.[331]

827. The Chiefs of Staff were informed that there was "no discernible position on UK forces" in Turkey. Lt Gen Reith suggested that a UK tactical lead on the northern option

---

[327] Minute Lee to PS/Secretary of State [MOD], 7 October 2002, 'Iraq: Strategic Policy Objectives'.
[328] Letter Manning to McDonald, 22 October 2002, 'Iraq' attaching Cabinet Office Paper 'Iraq: Strategic Policy Objectives'.
[329] House of Commons, *Official Report*, 7 January 2003, column 4-6WS.
[330] Paper CJO to MA/DCDS(C), 21 October 2002, 'The Northern Axis – Current Thinking'.
[331] Minutes, 23 October 2002, Chiefs of Staff meeting.

was possible and desirable but now "in the balance and time was running out". The end of October deadline for UK decisions was "inextricably" tied to military action from the first week of January. If the US start date was later, then the timetable for UK decisions could be later.

828. Adm Boyce was "not prepared at this juncture, to recommend that the UK offer a Package 3 type contribution that would arrive some time after the US [Main Effort] of end-Feb". He directed that further advice should be provided to Mr Hoon on the options for UK participation.

829. A report of the meeting from Mr Oakden observed that Adm Boyce understood the interaction between the United Nations Security Council resolution and a decision on Package 3, but "was emphatic that the UK forces had to be there for the start, or not at all".[332]

830. Mr Bowen reported the discussion to Sir David Manning, pointing out that the "the US did not think that land forces in Turkey were ruled out, but they certainly had not been ruled in either".[333] Following the Turkish elections in early November, it could be 45 days before a new government was formed. Mr Bowen concluded by stating that "the key question about Turkish attitudes is far from resolved".

831. Mr Bowen also reported that the MOD wanted a structure that would allow them to "integrate offers of coalition participation" and was concerned about the risk that someone else might take on that role.

CABINET, 24 OCTOBER 2002

832. Cabinet was informed on 24 October that negotiations on the UN resolution continued and progress was "slow".

833. Mr Blair said that Iraq would continue to be discussed at Cabinet, "including in due time the military options".

834. A draft resolution agreed by the US and UK was tabled in the Security Council on 23 October 2002.[334]

835. Mr Straw told Cabinet on 24 October that discussions with the Permanent Members of the Security Council and with others continued on a resolution on Iraq. It was a long drawn-out process and progress was slow.[335]

---

[332] Minute Oakden to Ehrman and Private Secretary [FCO], 23 October 2002, 'Iraq Military Planning'.
[333] Minute Bowen to Manning, 24 October 2002, 'Chief of Staff Meeting on 23 October'.
[334] Telegram 2031 from UKMIS New York to FCO London, 23 October 2002, 'Iraq: Draft Resolution of 23 October' .
[335] Cabinet Conclusions, 24 October 2002.

836. Mr Blair stated that Iraq would continue to be discussed in Cabinet, "including in due time the military options". The Government must "keep its options open in responding to future developments" after a resolution was achieved.

837. The negotiations on the draft resolution are addressed in Section 3.5.

MOD CONCERNS ABOUT THE US PERSPECTIVE

838. The MOD continued to argue that keeping open the option of a land contribution and being able to influence the US planning process required a clearer statement of the UK position.

839. Mr Johnson asked Mr Hoon on 25 October to note the "increasing difficulty of keeping options open" because:

- The US could not "continue much longer with the uncertainty" over the UK contribution.
- A UK contribution on the scale of Package 3 would "cease to be viable within the current US timetable on or around 31 October if no public acknowledgement is made" of the need for preparatory work on the availability of Reserves.[336]

840. Mr Johnson also asked Mr Hoon to consider the "need to re-establish with the US at the highest level whether their planning timetable [was] likely to change".

841. Mr Johnson advised that there might be constitutional difficulties in Turkey over hosting foreign forces in the absence of a UN resolution. It seemed "increasingly likely" that the "substantial" US forces would be committed to the North, and that they might "wish to exercise overall leadership there". Uncertainty about the UK contribution complicated the issues for the US and limited the UK's ability to influence the developing plan. Gen Franks remained "wedded to a UK role, not least as a possible framework for integrating contributions from other potential coalition members".

842. Adm Boyce would raise questions about the US timetable with Gen Myers and there might be "a case for following up at a political level". But, unless the US accepted later dates, a decision to permit preparatory action on Reserves would be needed if UK options were not to be closed off.

843. A meeting for Mr Hoon to discuss the issues with Adm Boyce had been arranged for 28 October.

844. Mr Watkins commented to Mr Hoon that there were potential tensions between the military and inspection timetables; and that there was "as yet … little irritation with our fence sitting at senior military level in the US".[337]

---

[336] Minute Johnson to PS/Secretary of State [MOD], 25 October 2002, 'Iraq: Sitrep'.
[337] Manuscript comment Watkins on Minute Johnson to PS/Secretary of State [MOD], 25 October 2002, 'Iraq: Sitrep'.

845. The meeting between Adm Boyce and Gen Myers added weight to the view that US timelines were slipping, in part because of the UN process. There was "some sympathy with the UK position".[338]

846. CENTCOM was described as "coming round" to the northern option. That would depend on Turkey's co-operation. Gen Myers was reported to have:

- accepted Adm Boyce's "point that some overt preparations would send an entirely appropriate signal to Saddam immediately after" adoption of the UN resolution, "rather than doing nothing until actual signs of resolution-bending";
- recognised the value a UK divisional HQ "might bring in providing a 'home' for any coalition contributions"; and
- stated that "Much planning" was taking place in the US on post-conflict considerations.

847. The record of the meeting was sent to Sir David Manning, who commented to Mr Powell that it was "Evidence" that US plans were "now slipping" and that it put the UK decision "in context".[339]

848. The minutes of the Chiefs of Staff meeting on 28 October recorded that:

> "The US understood the reasons why the UK could not commit while the UNSCR was under discussion."

849. While US military staff "continued to work to planning timelines prescribed" by President Bush in August 2002:

> "Senior US officials had begun to acknowledge that there could be a requirement for these timelines to be altered. It would be important for the UK to try to influence a shift of several weeks rather than incremental shifts that mirrored the delay in the signing of the UNSCR."[340]

850. The minutes stated that the UK's ability to influence the US was diminishing as time advanced, "particularly as the US had now decided to commit" the 4th Infantry Division to the northern axis. Adm Boyce directed that "UK planning for either a western or southern axis was not to commence ahead of a political decision on UK commitment".

851. The minutes also stated that "it would be important to emphasise within forthcoming submissions that, although Package 3 might be considered expensive, the alternative of committing to op[eration]s during the aftermath would also require considerable resources".

---

[338] Minute MA/CDS to PS/Secretary of State [MOD], 29 October 2002, 'CDS Bilateral Meeting with Gen Myers – US CJCS – 26 Oct 02'.
[339] Manuscript comment Manning on Minute MA/CDS to PS/Secretary of State [MOD], 29 October 2002, 'CDS Bilateral meeting with Gen Myers – US CJCS – 26 Oct 02'.
[340] Minutes, 28 October 2002, Chiefs of Staff meeting.

852. On 29 October, Mr Bowen reported to Sir David Manning that the Chiefs of Staff were pressing for a decision in principle on Package 3.[341]

853. Mr Bowen stated that Gen Franks understood the UK position, "including the political dimension" and had "directed that planning should proceed on the basis of US forces only operating out of Turkey" and that the 4th Infantry Division would be "the main combat formation". Package 3 "would still be welcome as an addition and could have the particular task of integrating other coalition members' contributions".

854. Mr Bowen added:

> "The MOD argue that they are being excluded from detailed planning and their influence in discussing issues like the aftermath is diminishing."

855. Mr Bowen commented that some of the assumptions behind the MOD case were "fragile". The planning date of early January was "no more than a military [planning] assumption", and the willingness of Turkey to accept any ground forces was "still in doubt". But the military needed to make such assumptions if they were to "get on with the job of planning complex operations for extremely uncertain scenarios".

856. Mr Bowen wrote that the MOD would be arguing that:

- It was to the UK's disadvantage to be excluded from planning for the northern option.
- The "Turkish dimension" needed to be fully explored if the UK was to be involved.
- A commitment in principle did not lock the UK into a commitment in practice.
- The UK leadership of other coalition members' involvement could be prejudiced.

857. The MOD would concede that notification of the Reserves "could be postponed, on the basis that a commitment in principle would enable them to cause the US military to re-examine the assumptions with a view to negotiating a more realistic date".

858. In addition to Sir David Manning's questions about the implications of offering Package 3, whether it would be "realistic to think we could backtrack from a decision in principle" and whether the UK understood what it would be getting into, Mr Bowen identified the need to consider costs, "the overall profile" the UK wished to adopt, and the need to factor in slippage in the timetable at the UN and Turkish decisions.

859. Mr Bowen viewed the US decision to earmark the 4th Infantry Division as "helpful" because it showed it was "committed strategically" and would "take the lead", but he added that Turkey's position might mean that nothing would come of the northern axis.

---

[341] Minute Bowen to Manning, 29 October 2002, 'Iraq: Whether to Offer Package 3 to the US?'

860. Mr Bowen wondered whether:

> "A way through this … would be to make a commitment in principle to Package 3, but on the basis that we cannot accept the current planning assumption date for a Presidential decision. That would force the US military to exclude us or have a serious discussion about the realism of their timetable …"

861. Mr Bowen also suggested that the offer of Package 3 might be made "dependent on US leadership in the North and willing co-operation by the Turks".

862. Mr Bowen wrote that pressure on Saddam Hussein needed to be maintained. "Continued planning" together with activities that were "necessary to prepare for action" would "all play their part" in that. The UK should be "persuading the international community and our domestic audience that proper preparation for war" was "the best way to avoid it".

863. Mr Bowen concluded:

> "Overall, I fear we are enmeshed in a military planning cycle which operates out of synch with the political track. But it is only planning. Provided we enter the right caveats and get a realistic re-think about the timelines … I think there is advantage in our being involved in planning for the North (unless the political view is definitely that we should confine ourselves to the sea and air packages)."

864. The MOD advised Mr Blair on 29 October that its influence on US planning was reducing and the option to deploy UK ground forces was at risk of being excluded by default. The only way to avoid that was to offer Package 3 to the US for planning on the same basis as Package 2.

865. Package 3 could also significantly reduce the UK's vulnerability to US requests to provide a substantial and costly contribution to post-conflict operations.

866. Mr Watkins wrote to Sir David Manning on 29 October, to report that "US military planning [was] continuing, but increasingly assuming no UK Land contribution"; and that an option for a "significant UK land contribution" could be "sensibly kept open only by placing it on a similar basis" to Package 2.[342]

867. The MOD advised that it had "become clear over the past few days" that the US military had begun planning on the assumption that the UK would "not contribute ground forces and consequently, will not pursue the question of UK involvement with Turkey". The US had also decided to commit the 4th US Infantry Division:

> "… which would mean that the option of the UK commanding the operation from the North at divisional level has gone. This does not necessarily mean that we could not

[342] Letter Watkins to Manning, 29 October 2002, 'Iraq: UK Military Options'.

resurrect the option of a land contribution especially should timescales change. But it does mean that the prospect of a significant UK ground role in the North and our ability to influence that part of the US plan is reducing daily …"

868. The MOD advised that preparatory work on Reserves would need to go forward soon unless the US timetable changed. The UK had taken "discreet soundings" on whether the US timetable was realistic:

"The sense amongst US military planners is that the realistic starting date for the current plan is now slipping. But this does not have political endorsement, and we do not know when or if President Bush will be prepared to signal a later timetable, given the importance of sustaining pressure on Saddam and US domestic political considerations."

869. The uncertainty about whether the slippage would be "a matter of days or something more substantial" left two questions to be addressed.

870. First, in relation to a land contribution, the MOD stated that Package 3 was:

"… for practical purposes being excluded by default. If we are to keep the option open, and continue to have the strongest military cards to underpin our political influence, the Defence Secretary believes that we should indicate to the US that they should plan on the assumption that the land contribution would be available, subject to final political approval … This can be done without publicity. It is also worth noting that, while Package 3 is significantly more expensive in itself than Package 2, making it available could significantly reduce our vulnerability to US requests to provide a substantial (and costly) contribution to post-conflict stabilisation operations."

871. Second, Mr Hoon was concerned that he would appear disingenuous if he failed on 4 November to answer oral questions about the Reserves, were an announcement then to be made shortly thereafter.

872. Mr Watkins concluded that Mr Hoon recognised:

"… that these issues … cannot be disentangled easily from the political climate and the fate of the UNSCR negotiations which are currently in the balance. But, equally, he is concerned that we should continue to contribute to maintaining the pressure on the Iraqis which has so far shown some level of success."

873. Copies of the letter were sent to the Private Offices of Mr Straw and Mr Brown, and to Mr Bowen.

874. On 30 October, Mr Watkins advised Mr Hoon to press for a decision to offer Package 3, on the same basis as Package 2, but on the understanding that the offer was subject to clarification of the Turkish position.[343]

875. Mr Watkins added:

> "Paradoxically, clarifying the status of Package 3 puts us in a stronger position to persuade the US that this timetable is no longer realistic …"

876. Mr Watkins wrote that Mr Hoon might want "to counsel against any simplistic suggestions" that Turkey, and the Turkish General Staff, could be persuaded to co-operate.

JIC ASSESSMENT, 30 OCTOBER 2002: 'TURKEY: ATTITUDE TO AN IRAQ CAMPAIGN'

877. The JIC assessed on 30 October that Turkey would support a US-led military campaign and that its opposition to UK forces could be overcome with US pressure.

878. At the request of the MOD, the JIC issued an Assessment of Turkey's attitude to any international campaign against Iraq, including Turkey's interests in Iraq, on 30 October.[344]

879. The JIC judged that Turkey did not want a war against Iraq, but it would support a US-led military campaign. Turkey appeared:

> "… opposed to UK troops. Such resistance is probably surmountable, but only by US pressure. Turkey will prefer international legitimacy for the campaign and require guarantees on the territorial integrity of Iraq."

880. The Assessment recounted Turkish concerns about the impact of war, including:

- regional instability, including if Israel was drawn in;
- the domestic impact of a possible outflow of Kurdish refugees; and
- the economic impact of war.

881. The JIC attributed Turkish sensitivity to UK military involvement in the region to its role in the creation of Iraq in the 1920s and stated that: "The involvement of UK troops in aiding Kurds after the 1991 Gulf War aroused suspicion of UK partiality towards the Kurds."

---

[343] Minute Watkins to Secretary of State [MOD], 30 October 2002, 'Iraq: Meeting with Prime Minister: 31 October'.
[344] JIC Assessment, 30 October 2002, 'Turkey: Attitude to an Iraq Campaign'.

MR BLAIR'S MEETING, 31 OCTOBER 2002

882. On 31 October Mr Blair agreed that the MOD could offer Package 3 to the US on the same basis as Package 2.

883. Sir David Manning commented to Mr Blair that Mr Watkins' letter of 29 October was: "Further pressure from MOD on Package 3. This is based on military planning cycle … not the UN/Political realties."[345]

884. Sir David asked:

- Is the timing realistic any more?
- Would the Turks have us?
- Could we backtrack if we gave a firmer commitment?
- Can we afford Package 3?

885. Sir David also wrote alongside the MOD argument that Package 3 would reduce the UK's vulnerability to a US request for a substantial post-conflict contribution: "This supposes we w[ou]ld agree to such costly requests."

886. Mr Powell wrote a manuscript note to Mr Blair stating:

> "The military are making another effort to bounce you into a decision on option 3 … US timelines are slipping and we do not have to decide yet."[346]

887. On 31 October, Mr Blair, Mr Straw, Mr Hoon and Adm Boyce discussed the MOD wish to offer Package 3 to the US for planning purposes.[347]

888. Adm Boyce stated that US planning was proceeding on the assumption that there would not be a UK land contribution. The US was "unwilling to approach the Turks about a possible UK contribution until they had a firmer indication" of likely UK commitment. If the "UK wanted to keep open the option of a land contribution and be able to influence the planning process", the US needed to be told that the land package could be assumed on the same basis as the other two packages. That "would not be a final commitment to a UK land contribution".

889. Adm Boyce and Mr Hoon added that the US timetable was slipping beyond the possible early January start date:

> "As a result the earlier tight timelines on warning UK Reservists no longer applied … a warning notice would not be required until the middle of November."

---

[345] Manuscript comment Manning on Letter Watkins to Manning, 29 October 2002, 'Iraq: UK Military Options'.
[346] Note (handwritten) Powell to Prime Minister, [undated], 'Iraq: Troops'.
[347] Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.

890. Mr Blair asked about the additional costs of Package 3 and whether they had been discussed with the Treasury.

891. The record of the meeting does not indicate whether Mr Blair's question about the cost of Package 3, and whether that had been discussed with the Treasury was answered.

892. Adm Boyce was reported to have said that "he believed that if we made a major financial contribution through Package 3, we would be under less pressure to finance a big share of the post-conflict reconstruction effort".

893. Mr Rycroft recorded that Mr Blair concluded that the MOD should tell the US that the UK was "prepared to put Package 3 on the same basis as Package 2 for planning purposes, in order to keep the option open; but that no warning should be issued to the Reservists at this stage". Mr Blair "should be consulted again before any such warning was issued".

894. Copies of the record of the meeting were sent to the Private Offices of Mr Hoon, Mr Straw and Mr Brown, to Adm Boyce, and to Mr Bowen.

895. The MOD discussions with the Treasury on the costs of the military options and Mr Brown's involvement are addressed in Section 13.

Why did the UK Government decide to offer ground forces?

896. The decision to offer Package 3 was, as Sir David Manning advised Mr Blair, a "political call".

897. In military terms, the US did not need UK ground forces to launch an invasion of Iraq.

898. Lord Boyce told the Inquiry that the US did not need a ground force contribution from the UK:

> "… if they had chosen to go on their own, they could have done so. They had the capability and the numbers to do so."[348]

899. According to Sir David Manning, the military importance of the UK contribution was:

> "… quite an important contribution, but not decisive.
>
> "The Americans could have done this operation without us. We always knew that … But nevertheless, I'm sure they were grateful to have a sizeable British contribution when, in the end, it came to military action."[349]

---

[348] Public hearing, 3 December 2009, page 37.
[349] Public hearing, 30 November 2009, pages 38-39.

Why did the UK offer a divisional headquarters and an armoured brigade?

900. The MOD started in spring 2002 from the assumption that if military action was required, the UK should participate; and that its contribution would be on a similar scale to the UK contribution to the US-led operation Desert Storm, the liberation of Kuwait in 1991. It stressed the importance of making a contribution which would be seen by the US as commensurate with the UK's capabilities and the demands of the campaign.

901. In addition, from the outset of the planning process, the military leadership was looking for a discrete UK role in ground operations. This reflected their concerns about the difficulty of integrating forces from different nations for ground operations.

902. That led to the identification of Package 3, which was described as a UK division, although its size, shape and component parts changed significantly over time.

903. From late July onwards, the need to provide cover for a potential strike by the Fire Brigades Union, which was equivalent to a medium scale operation, meant that the UK would have been unable to deploy a division of either two or three brigades within the timescales envisaged by US military planning.

904. Military planners concentrated on identifying the maximum practicable contribution the UK would be able to generate within the potential timescales for US action.

905. From August until December 2002, UK planning was based on providing a divisional headquarters and one armoured brigade for operations in northern Iraq.

906. Asked how the UK's options had been evaluated, Mr Hoon told the Inquiry that the assessment of the UK's contribution had been approached "in terms of what actually was achievable"; it had been "assumed that we would want to be helpful to the United States … and, therefore, how would we go about offering as much as was consistent with all the other pressures that we faced".[350]

907. Mr Hoon added:

> "My sense was that, generally speaking, the Prime Minister wanted us to be involved to the maximum extent that was possible … The Prime Minister was, generally speaking, anxious to do what the United Kingdom could to help."[351]

---

[350] Public hearing, 19 January 2010, page 53.
[351] Public hearing, 19 January 2010, page 56.

908. Mr Hoon stated that Mr Blair "would have accepted" if there were practical reasons why the UK could not offer Package 3, but his "assumption" was that "Downing Street" wanted to offer a land contribution "if it could be done".[352]

909. Sir Kevin Tebbit told the Inquiry that the Chiefs of Staff's view was that the UK contribution had to be "large enough to be able to integrate ourselves properly with the Americans"; and the UK "shouldn't be put in the position of expecting somebody else to defend us or sustain us".[353]

910. Asked by the Inquiry if he had a sense that the military were agitating to make sure that they had a role, Sir David Manning replied that he needed to be "very careful" about that. He had not seen any papers suggesting that and it seemed to him that the military adopted different positions at different times.[354] In the "spring/summer of 2002", the military wanted Mr Blair to understand the limits on what they could deliver. But, by autumn 2002, he sensed that "reluctance" had "shifted to an enthusiasm for taking part", and the "pressure" was to offer Package 3.

911. Asked by the Inquiry whether the US had requested a particular military scale of contribution from the UK, Mr Blair said:

> "No. He [President Bush] very much left this to us, to decide what we wanted to do, but I had taken a view that this was something that, if it was right to do, actually it mattered to have Britain there …"[355]

912. The military arguments for the UK offering to lead a division in the North reflected discussions with the US and the UK military assessment of the requirements of the operation.

913. Lt Gen Fry told the Inquiry there had been a view that converging axes from north and south, and avoiding logistic congestion in Kuwait and the risks associated with transit through the Gulf, made "eminent military sense". The northern option offered tactical advantages. He had been "slightly more sanguine" about the length of the lines of communication through Turkey than some of his colleagues. There would also have been more freedom of manoeuvre and fewer bridging operations in the North.[356]

914. Lt Gen Fry told the Inquiry that the co-ordination of ground manoeuvre operations was difficult and dangerous, and it was best to separate land forces from different states so far as that was possible.[357]

---

[352] Public hearing, 19 January 2010, page 57.
[353] Private hearing, 6 May 2010, page 70.
[354] Private hearing, 24 June 2010, page 100.
[355] Public hearing, 29 January 2010, page 61.
[356] Public hearing, 16 December 2009, pages 14-15.
[357] Public hearing, 16 December 2009, page 14.

915. Lt Gen Fry emphasised that thinking had been driven by the tactical advantages of "a certain degree of national independence" and the avoidance of the need to co-ordinate ground operations, not national ambition.[358]

What was the UK's desire to influence the US seeking to achieve, and was it a determining factor in the decision?

916. The importance of influencing the US was stated repeatedly in the papers produced by the MOD between the spring and autumn of 2002.

917. Most MOD witnesses suggested that the scale of the UK contribution would have an impact on the degree of influence it would be possible to exert on the US, and in particular on military planning.

918. General Sir Mike Jackson, Commander in Chief Land Command in 2002, told the Inquiry that it was important to have a substantial land component to influence US planning and its execution.[359]

919. Asked by the Inquiry if there was a direct relationship between the size of the contribution and the degree of influence the UK would have, Gen Jackson replied that it was not "a linear relationship", but there was firm connection.[360]

920. Asked by the Inquiry why the UK was "so keen to send a division", Lord Boyce replied:

> "I think it was only by having something of that particular size that we thought we would have a reasonable influence on how the Americans were going to conduct the campaign."[361]

921. Sir Kevin Tebbit told the Inquiry:

> "… unless and until we had ground force commitments, we did not have the inside track on planning or influence on the day after or the general conduct of affairs, including … holding the Americans to a multi-lateral track and … exhausting the arms control route and trying to deal with this through disarmament."[362]

---

[358] Public hearing, 16 December 2009, page 21.
[359] Public hearing, 28 July 2010, page 9.
[360] Public hearing, 28 July 2010, page 10.
[361] Public hearing, 3 December 2009, page 38.
[362] Public hearing, 3 December 2009, page 46.

922. Sir Kevin added that one of the lessons of the UK experience in the 1990-1991 Gulf Conflict was that:

> "In 1990, we learned that, once we committed ourselves to a ground force contribution, the planning process opened completely … and we were able to influence it, and that experience … still influenced the way we thought …"[363]

923. Sir Kevin subsequently stated that the lesson the UK had drawn from the 1991 Gulf Conflict was that only "ground forces in significant numbers" really secured influence; and that demonstrating commitment would put the UK in a better position to influence US behaviour "and the way in which Saddam and his regime perceived the seriousness of our position".[364]

924. Lt Gen Fry told the Inquiry that "the larger the contribution we made, the more influence we felt we would have over American planning and the ability to shape things in the future".[365]

925. Asked in what specific areas it was thought, in the second half of 2002, British influence could apply, Lt Gen Fry replied:

> "… we felt at a tactical level we might be able to influence the Americans in certain ways … about the conduct of operations, and to a certain extent that was true. I don't think we ever fundamentally influenced their level of military ambition or necessarily even their scheme of manoeuvre, but I think we did assist and shape their views in some ways.
>
> "But I think … the full benefit that this should have given the UK was never going to be visible to me, because it seems to me that it was the military contribution … which brought the influence which should then have been deployed at governmental and diplomatic levels."[366]

926. The debate in the MOD suggests that there was no unanimity about whether significant ground forces were required to influence the US or that could be achieved by the forces within Package 2.

927. On 9 October, ACM Squire stated that Package 2 would "not entail a loss of influence".

928. On 15 October Mr Hoon wrote: "In principle, both packages could strengthen that relationship: Package 2 alone should easily surpass any other conceivable non-US contribution, except perhaps that of Turkey."

---

[363] Public hearing, 3 December 2009, page 46.
[364] Private hearing, 6 May 2010, pages 69-70.
[365] Public hearing, 16 December 2009, page 6.
[366] Public hearing, 16 December 2009, pages 57-58.

929. Gen Reith told the Inquiry that he was not sure that it had been necessary to provide significant numbers to secure influence. It was the UK's "niche capabilities" and the quality of the advice it provided to US commanders that gave the UK influence.[367]

930. The advice to Mr Hoon and Mr Blair did not distinguish clearly between a desire and ability to influence US military planning on the one hand and wider and more strategic objectives on the other.

931. There was a perception that the UK would be able to influence, and if necessary delay, the timing of the military campaign. That was initially seen as desirable to give more time for inspections and the strategy of coercion to work and to build domestic and international support for action.

932. A later timescale was also desirable if UK ground forces were to be ready to participate in combat operations.

933. The argument that the UK would be unable to influence the conduct of the US military campaign without a significant and active role in combat operations is self-evidently true. The key question is, however, whether the influence achieved was commensurate with the scale of the UK contribution.

934. The degree to which the UK was able to influence the planning and conduct of the military campaign is difficult to determine, as Section 8 states.

935. The extent to which the offer of Package 3 rather than Package 2 was driven by the view that it would materially affect the UK's ability to influence the US at the political level, or that it would have a lasting impact on the strategic relationship between the US and UK is debatable.

936. Mr Blair regarded the decision as a strategic choice for the UK. He told the Inquiry: "If you are there with a bigger force alongside the Americans than otherwise, then, of course, you will be more intimately involved, but that's not really the reason."[368]

937. Asked whether he saw a correlation between the size of the UK contribution and its influence with the US, Mr Jonathan Powell told the Inquiry that he did not think that was true.[369]

938. Asked by the Inquiry whether he thought offering Package 3 had been essential, Mr Powell replied: "No"; the two reasons which had "militated in favour" of that decision were:

---

[367] Private hearing, 15 January 2010, page 57.
[368] Public hearing, 29 January 2010, page 62.
[369] Public hearing, 18 January 2010, page 91.

- First, the military wanted to participate at a command level and thought that standing by the US was important to the relationship with the US military "on which they crucially depended".
- Second, Mr Blair "felt that, if we were going to do it, we should be with the Americans properly".[370]

939. Sir David Manning told the Inquiry that the reasons for participating in a land invasion "should be for state reasons, for political reasons".[371] In his view, what the US particularly wanted was use of bases, "Cyprus and Diego Garcia", Special Forces and aircraft.

940. Sir David Manning acknowledged that the relationship between the size of the UK contribution and the degree of influence it bought was "not a wholly spurious argument".[372] There had been Defence Reviews which:

> "… argued that we must be capable of fighting with the Americans in hot wars, and if we suddenly show we can't do that, we are not willing to do that, that changes the perspective."

941. But Sir David added that was, in his view, not a "clinching argument" in relation to Iraq. The UK's "willingness to take our fair share had been very clear in Afghanistan". He did not feel that the UK's "influence was likely to suffer particularly if we said there's a limit to what we can do".

942. Sir Kevin Tebbit told the Inquiry that the decision "was not a narrow military issue"; it should be considered in the context of Mr Blair's policy that the disarmament of Saddam Hussein was the most important single thing to do at that stage. In that broader context, it was, therefore:

> "… very valid for us to seek to make a significant contribution … to international stability."[373]

943. Mr Hoon told the Inquiry that in his view it had been "recognised ultimately" that the decision on Package 3 "was a political judgement for the Prime Minister, in terms of the wider picture of the kind of things we had been discussing in terms of influence and coherence".[374]

944. Mr Hoon's minute of 15 October suggested that Mr Blair should attach conditions to the offer of Package 3. There is no indication that the UK did so.

---

[370] Public hearing, 18 January 2010, pages 90-91.
[371] Private hearing, 24 June 2010, page 99.
[372] Private hearing, 24 June 2010, pages 101-102.
[373] Public hearing, 3 December 2009, pages 39-40.
[374] Public hearing, 19 January 2010, pages 50.

What factors influenced the timing of the decision?

945. The uncertainties about the US timetable for military action, including the impact of the timetable for inspections following adoption of a UN resolution, made it hard to identify a precise date by when decisions on preparations would have had to have been taken.

946. The MOD was, however, anxious about the need to make timely preparations to equip, train and deploy the agreed force package if it was to keep the option of a land contribution on the table.

947. Package 3 in October 2002 was based on a square armoured brigade, which constituted only a medium scale capability, but the deployment of a divisional headquarters and the demands of the northern option for logistic support increased the number of personnel it was estimated would be required to a total of 28,000, including 7,700 Reserves.

948. Lt Gen Pigott had advised Mr Hoon on 24 May that three months' warning would be needed to deploy a medium scale joint force, and six months' warning would be needed to deploy a large scale war-fighting land force. The latter would be better prepared and carry fewer risks if nine months warning was available.

949. Sir Kevin Tebbit told the Inquiry:

> "… if politicians wanted certain options, you had to have enough time to prepare …"[375]

950. In the event, as Section 6.2 shows, the size and shape of the UK contribution changed very significantly in January when the decision was made to deploy for operations in southern Iraq. The roles for two of the three UK brigades were not decided until March 2003.

951. The Government's stated objective was to keep the option of a significant UK land contribution open.

952. In the MOD's advice to Mr Hoon, and in his advice to Mr Blair, a range of arguments were set out of differing weight and significance in support of the MOD position that a decision was needed in October 2002 to offer significant ground forces to the US for planning purposes on the same basis as the forces in Package 2 if the UK was to have a significant role in ground combat operations.

953. The timing of the decision on 31 October to offer ground forces to the US on the same basis as Package 2 appears to have been driven primarily by the MOD advice of 29 October that the option of UK participation in ground operations through Turkey was at risk of being excluded from CENTCOM's

---

[375] Public hearing, 3 December 2009, page 49.

planning by default, and Adm Boyce's advice in Mr Blair's meeting on 31 October that US planning was proceeding on the basis that there would not be a UK land contribution.

954. Mr Hoon's oral evidence to the Inquiry suggested that the US had given the impression that, in the absence of a firm decision, it was discounting a UK contribution.

955. Mr Hoon told the Inquiry that, in October, the UK had:

> "… pretty much assumed that the Americans had discounted the prospect of … [Package 3] and were planning without our involvement, simply because we had not taken the decisions that were required in the timescale that was at that stage required."[376]

956. Mr Hoon stated:

> "… by October … we had had this discussion on several occasions … my understanding, by the middle of October, was that the Americans were assuming we wouldn't be there … on the land [option] … So essentially … what I was really saying to the Prime Minister was, 'You have got to decide. You have got to decide whether we are going to offer this third option and this package of an armoured division on the land' … eventually … probably as late as the very end of October, that decision was then taken."[377]

957. Evidence about CENTCOM's position in documents at the time, including Adm Boyce's discussion with Gen Franks on 10 October, Mr Johnson's advice to Mr Hoon of 25 October, and Mr Bowen's report of the Chiefs of Staff discussion on 26 October, indicated that CENTCOM continued to plan on the basis that the UK might offer a land contribution.

958. The US Administration wanted UK support and bases for political as well as military reasons.

959. It is not clear what specific information caused Adm Boyce and Mr Hoon to advise in late October 2002 that the US was planning on the basis there would be no UK land contribution.

Were the post-conflict implications for the UK, of a significant role on the ground in an invasion of Iraq, properly addressed?

960. The MOD advice and Mr Hoon's minute of 15 October argued that a combat role would be time limited, and that it would help the UK avoid a significant and protracted military involvement in Iraq post-conflict.

---

[376] Public hearing, 19 January 2010, page 36.
[377] Public hearing, 19 January 2010, pages 45-46.

961. As Sir David Manning foresaw in his advice of 16 October, however, far from reducing the risk of significant commitments post-conflict, contributing ground forces created significant obligations and responsibilities for the UK post-conflict.

962. Mr Hoon told the Inquiry that there was a sense that it was better to be in Iraq at the beginning of any operation, rather than go in later for a peacekeeping operation without having prior experience and information.[378] There were also concerns that would require more troops for longer.

963. Sir Kevin Tebbit confirmed that one of the arguments for offering land forces for combat operations was that the MOD had not wanted "to get caught in the role of follow-on forces because then we could find ourselves even more bogged down and under even greater pressure to stay for longer than we felt … sensible".[379] The UK had been caught anyway, although Sir Kevin suggested that taking part in the invasion had made it easier to reduce UK force levels after the conflict than it would have been if the force had deployed only for post-conflict tasks.

964. The recognition of that responsibility in the planning for post-conflict operations is addressed in Sections 6.4 and 6.5.

Did the need to maintain the Army's morale influence the decision?

965. The MOD and No.10 both raised the question of whether there could be an issue of managing morale if the Army was not involved in combat operations.

966. The balance of the evidence suggests that none of the key decision-takers regarded that as a decisive factor in the decision, which would clearly have been inappropriate.

967. Mr Campbell wrote in his diaries that, at the meeting on 31 October, Adm Boyce had said that some inside the Army were irritated not to be more involved.[380] Mr Campbell commented that Adm Boyce was "hard to read, sometimes giving the impression none of them wanted anything to do with this, then at others giving the impression they all wanted to be off to the front line".

968. In his book, *The New Machiavelli*, Mr Powell wrote that Adm Boyce had told No.10 that the Armed Forces wanted to participate on the ground at "division strength with their own command"; and that it would damage morale if they were restricted to a mere supporting role from sea and air while the Americans and others carried out the ground campaign.[381]

---

[378] Public hearing, 19 January 2010, page 47.
[379] Private hearing, 6 May 2010, page 56.
[380] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[381] Powell J. *The New Machiavelli: How to wield power in the modern world*. The Bodley Head, 2010.

969. Asked if the argument was that it would sustain morale in the Army had been a factor in the decision, Mr Powell told the Inquiry:

> "The military indicated to us that it would be important for morale that we were involved properly, yes."[382]

970. Asked about Mr Powell's evidence to the Inquiry on morale, General the Lord Walker, Chief of the General Staff from April 2000 to February 2003, told the Inquiry that that was "not something" he had had "any anxiety about". There might have been "expressions of exasperation" at the "lower levels" in the Army if it was not involved, but it was not an issue as far as he was concerned.[383]

971. Asked how important the issues of morale and the standing of the British Army had been in terms of not wanting to be left out of a major campaign, Gen Jackson told the Inquiry that, if it had gone ahead without a land component, he thought "the army would have been, to put it mildly, rather disappointed".[384]

972. Asked if the issue had been discussed by the Army Board, Gen Jackson stated that he could not remember precisely, but he had "very little doubt that the Army Board's view would have been as I have just outlined". He had been "mystified" in relation to the thinking behind the "opening offer", but over the autumn [of 2002] a "more balanced contribution came into being".

973. Asked whether the impact of Army morale had been a factor which had been put to him, and through him to Mr Blair, Mr Hoon replied:

> "I don't recall the argument being put to me in quite those terms. I … was well aware of the tremendous qualities of our Armed Forces and their desire to be used and … participate.
>
> "So there was a sense, particularly amongst the Army, that they didn't want to be left out. But … I wouldn't have regarded that … as something that you put on the table and say it was a major factor in the decision-making."[385]

974. Mr Hoon added that there was a sense that the Army "wanted to play their part", and that made the decision easier because they were saying "if necessary we can play our part".

975. Mr Hoon's own comments on that point in the minute he sent to Mr Blair, which differed from the MOD position, approved by Adm Boyce, set out in Mr Johnson's advice of 11 October, supports that position.

---

[382] Public hearing, 18 January 2010, page 91.
[383] Public hearing, 1 February 2010, page 7.
[384] Public hearing, 28 July 2010, pages 10-12.
[385] Public hearing, 19 January 2010, pages 48-49.

976. Mr Straw told the Inquiry:

> "The interesting thing … was that from an early stage it was the Chief of the Defence Staff who had argued very strongly that if we were going to get involved in the military action, the Army had to be there, because they would be unhappy and cross if they weren't. I don't trivialise the way it was put across … So we could have provided facilitation and then go[ne] in afterwards, which would not have meant standing down the troops we had in theatre and it was essentially what the Spanish and the Italians did."[386]

977. Asked about the weight he had attached to Adm Boyce's advice on morale, Mr Blair told the Inquiry that he had asked:

> "… the military for their view, and their view in this instance was that they were up for doing it and that they preferred to be right at the centre of things … that was my view too. I thought, if it was right for us to be in it, we should be in it there alongside our principal ally, the United States."[387]

978. Mr Blair wrote in his memoir that in late 2002, Adm Boyce had "said he would have a real problem with the Army if they were not fully involved".[388]

979. Asked about Mr Blair and Mr Powell's comments, Lord Boyce told the Inquiry that, "of course the Army would want to be engaged in a war".[389] If they had been unable to deploy because of the firefighters' strike and:

> "… everybody else went to war you can imagine how they would have felt. They are trained to fight. They are the most professional army in the world. They would be sitting around and hosing down houses while the Marines, the Navy and Air Force would be busy. What do you think they would think? They would be disappointed they weren't involved. So yes. It would have been untruthful of me not to represent that to the Prime Minister which I did.
>
> "It was not a factor of saying if you don't do this the Army are going to mutiny or to want to go home or whatever. Of course not. It would be wrong not to have apprised him of the fact that the Army would be dismayed if they weren't engaged … particularly having been as successful as they had been during Desert Storm in 1991."

980. Asked whether, in relation to Package 3, the Chief of the General Staff had been reluctant to take on "yet another commitment" or was "nervous about being left

---

[386] Public hearing, 2 February 2011, pages 105-106.
[387] Public hearing, 29 January 2010, pages 60-61.
[388] Blair T. *A Journey*. Hutchinson, 2010.
[389] Public hearing, 27 January 2011, pages 31-32.

out", Lord Boyce told the Inquiry he did not "recall … any reluctance"; "it was just a professional judgement … an option which he could deliver".[390]

Were the other risks of offering ground forces fully identified and considered?

981. The decision to offer ground forces (Package 3) to the US for planning purposes was a significant step. Once the offer was made, it would have been difficult to withdraw. This constrained the UK's subsequent policy choices.

982. There is no evidence that the extent to which the offer of Package 3 might constrain the UK's future choices was a factor in Mr Blair's decision.

983. The risks associated with the decision, and with other options, were not examined by senior Ministers in a collective discussion on the basis of coherent inter-departmental analysis and advice.

984. The decision to offer Package 2 – UK maritime and air forces, Special Forces and niche capabilities – to the US for planning purposes in September 2002 was relatively uncontroversial and was not seen as exposing the UK to significant risk.

985. The offer of significant forces for ground operations for planning purposes was not the same as a decision to commit the forces to military operations, but it did raise more difficult issues of both a practical and political nature.

986. The advice for Mr Hoon and Mr Blair in October 2002, however, did not explicitly address a number of crucial strategic issues which had previously been identified, including:

- the implications of the mismatch between US and UK strategic objectives;
- the risk of having to make a choice between the US and the UN route because of tension between the US military timetable and that for UN inspections;
- the degree to which offering Package 3 and deeper engagement in US planning might constrain future choices more than the offer of Packages 1 and 2; and
- the potential damage to the UK/US relationship if the UK subsequently decided it would not participate in military action.

987. Sir Kevin Tebbit had set out his concerns in his minute to Mr Hoon of 3 July and his letter to Sir David Manning of 19 July.

988. The issues had also been identified in the papers prepared for the Chiefs of Staff.

989. While it would theoretically have been open to the UK to withdraw the offer at any time, the Chiefs of Staff themselves considered, on 9 October, that a UK withdrawal

---

[390] Public hearing, 3 December 2009, pages 48-49.

after Exercise Internal Look, in December 2002, would have unpalatable diplomatic consequences.

990. Mr Hoon's minute of 15 October was sent to Mr Straw, Mr Brown and Sir Andrew Turnbull, and Mr Watkins' advice of 29 October was sent to the Private Offices of Mr Straw and Mr Brown and to Mr Bowen. The issues were discussed in two meetings chaired by Mr Blair, on 17 October and 31 October, at which Mr Straw was present as well as Mr Hoon and Adm Boyce.

991. In the context of questioning about the Government's decision-making machinery and whether Mr Blair was being given military advice which addressed the implications and challenges, Sir David Manning stated that he was sure that the MOD was "intent on giving him the best advice they possibly could about the military commitment".[391]

992. Mr Blair had expressed his concerns about cost and Treasury officials had raised the issues with Mr Brown, but Mr Brown was not at the meetings on 17 and 31 October.

993. As Section 7 sets out, decisions of this importance, which raise a number of challenging questions, are best addressed by a Cabinet Committee. Collective and regular consideration by a small group of senior Ministers, whether or not formally designated as a Cabinet Committee, would have been able to explore more thoroughly:

- what the UK was seeking to achieve;
- how its national interests might best be served;
- the options available and their advantages, disadvantages and risks; and
- whether offering Package 3 to the US at that time was the best option in the circumstances.

994. There would also have been advantages in ensuring the MOD analysis was examined by a small group of senior officials before advice for Ministers was finalised.

995. Mr Blair had told Cabinet on 24 October that "military options" would be discussed in due time. Cabinet did not discuss military action until 17 March 2003.

UK pursuit of the northern option

Discussions with the US about Turkey's position

996. Following the agreement to offer Package 3 to the US, the UK military preference for land operations remained in the North although, by early November, the US was suggesting that the UK should look at other options.

997. On 31 October, Mr Hoon telephoned Secretary Rumsfeld to inform him of the decision to offer Package 3 and that a UK contribution might comprise a divisional HQ,

---

[391] Public hearing, 30 November 2009, page 52.

an armoured brigade, artillery and logistic support for an operation in the North.[392] That was, "of course, all subject to final political decisions here on recourse to military action". Mr Hoon asked to be alerted to any slippage in US military planning timetables.

998. Referring to the potential difficulties with Turkey, Secretary Rumsfeld asked if UK forces would be available for operations in the South. Mr Hoon replied that the UK was open to ideas but had so far focused on the North because the US would have plenty of their own forces in the South and space would be limited.

999. Sir David Manning flew to Washington on 31 October for talks with Dr Rice, Mr Colin Powell, US Secretary of State, and Mr Armitage.

1000. Sir David advised Mr Blair that he had told Dr Rice that the UK "continued to plan for a possible UK military role in northern Iraq, if the shooting started".[393]

1001. Sir David wrote that they had discussed:

- Whether a UK military force would be permitted to transit through Turkey.
- The fact that "the UN inspection timetable was now out of sync with the timetable for possible military action beginning in early January". He had asked "whether we might now be looking at the second of the original 'windows' ie a campaign next winter rather than this". That had not been ruled out but the conversation had shifted to the prospects for internal regime change sparing the need for military action. The best chance of securing that was "a very tough UN resolution accompanied by threatening military preparations, in the hope that Saddam's system would implode under the strain".

1002. Other issues discussed, including Sir David's suggestion of "a new wariness at the heart of the [US] Administration", are addressed in Section 3.5.

1003. Mr Rycroft reported a "strong impression" that the US expected "Turkish objections to a UK military presence to be insistent and difficult to overcome". There had been a mixed response to the question of whether the US would be prepared to expend political capital helping the UK.[394] Mr Rycroft added:

- Mr Armitage had told Sir David that the US would do "whatever is necessary" to get the UK into Turkey.
- Secretary Powell had told Sir David Manning on 1 November that he was unsure about Turkey's real position and had "lots of military questions" about the northern route.

---

[392] Minute Watkins to DG Op Pol, 31 October 2002, 'Iraq: UK Military Options'.
[393] Minute Manning to Prime Minister, 3 November 2002, 'Visit to Washington: Talks with Condi Rice'.
[394] Letter Rycroft to McDonald, 1 November 2002, 'Iraq: US views, 1 November'.

- "Less encouragingly", Dr Rice had implied that the US would not be prepared to expend much political capital in securing Turkey's agreement to a UK deployment through Turkey.

1004. The British Embassy in Washington reported on 1 November that it has been made abundantly clear to the US Administration that there were likely to be difficulties in mounting UK operations through Turkey, and the NSC and Secretary Rumsfeld had accepted this. Some senior voices in the US Administration were strongly advising the UK to consider other options.[395]

1005. In Washington on 5 November, Sir Kevin Tebbit pressed senior officials in the State Department, Pentagon and NSC to press the Turkish Government on UK military deployments in Turkey.[396]

1006. Sir Kevin argued that a UK contribution in the North "made the greatest political and military sense", and that Turkish misgivings about a Kurdish state and lack of support for Turkey's EU candidacy were "misplaced". He had explained that all the UK's planning had "thus far been predicated on the northern route" and the UK "had not considered alternatives". He believed other options "would present both political and military problems". The military package the UK was considering had been "tailored" to that role and "was not something that could be fitted in anywhere".

1007. Senior members of the US Administration offered differing views on the strength of Turkey's concern. Those in the Pentagon and NSC suggested that the UK should look at other options. One official in the NSC suggested that, if it was not feasible for the UK to operate from the South or West, it was "imperative" that the UK should tell the US "as clearly as possible".

1008. Sir David Manning and Mr Powell were concerned by the position Sir Kevin had taken.

1009. Mr Powell asked: "Why on earth has he gone down this track?"[397]

1010. Sir David replied: "I wish I knew. The MOD seem to have their own agenda. I can only assume they are mad keen still on their northern option (Package 3)."[398]

1011. Mr Powell wrote that he would talk to Mr Hoon.[399]

---

[395] Telegram 1429 Washington to FCO London, 1 November 2002, 'Iraq: Military Planning'.
[396] Telegram 1446 Washington to FCO London, 6 November 2002, 'Iraq: Military Planning'.
[397] Manuscript comment Powell on Telegram 1446 Washington to FCO London, 6 November 2002, 'Iraq: Military Planning'.
[398] Manuscript comment Manning on Telegram 1446 Washington to FCO London, 6 November 2002, 'Iraq: Military Planning'.
[399] Manuscript comment Powell on Telegram 1446 Washington to FCO London, 6 November 2002, 'Iraq: Military Planning'.

Military planning for the northern option

1012. When the Chiefs of Staff met on 6 November they noted that there were two options for the employment of a UK land force in the North: either integration in a division under US command or the formation of a separate division, for which the UK would provide the HQ and a square brigade, possibly sweeping up Coalition partners.[400]

1013. The meeting was also informed that:

- The total UK contribution "currently remained Medium Scale" and it did not follow that the UK contribution would increase in the event that Op FRESCO was no longer required.
- Ministers had "yet to be exposed" to work on a "Force-on-Mind and media strategy" to cover the period immediately after the UN resolution was adopted.
- Package 3 had been "well received by the US".
- Until further notice, discussions on UK deployment through Turkey would be "taken forward through the US".

1014. The Chiefs of Staff also considered a short paper produced by PJHQ on the practicalities of conducting military operations during an Iraqi summer.[401] The paper concluded that military operations would be possible but at reduced tempo and with increased risk.

1015. The Chiefs of Staff noted the advice and asked for a revised paper within a month.[402]

1016. Sir David Manning sent Mr Blair the MOD paper and Mr Bowen's minute summarising its contents.[403] Sir David also wrote that he had sought Secretary Powell's views when he had been in Washington the previous week.

SPG PAPER, 6 NOVEMBER 2002

1017. A fifth version of the SPG paper 'UK Military Strategic Thinking on Iraq' was produced on 6 November.[404] This set out three "broad Courses of Action (COA) to deliver the end state":

- **Diplomatic & Coercion**: a UN resolution and inspections. The UK Government's main effort ("ME") was creating and sustaining the resolution of the international community. Saddam Hussein would need to be convinced that the international community was "serious, but equally that compliance" would "reap its rewards" and he was "not in a zero sum game". The SPG judged

[400] Minutes, 6 November 2002, Chiefs of Staff meeting.
[401] Minute Reith to PSO/CDS and SECCOS, 5 November 2002, 'Warfighting in Iraq in the Summer'.
[402] Minutes, 6 November 2002, Chiefs of Staff meeting.
[403] Manuscript comment Manning to Prime Minister, 8 November 2002, on Minute Bowen to Manning, 8 November 2002, 'Iraq: Fighting in the Summer'.
[404] Paper [SPG], 6 November 2002, 'UK Military Strategic Thinking on Iraq'.

that a coercive strategy "**must offer carrots as well as sticks**" to "**achieve a change**" in the behaviour of the Iraqi regime "**without conflict**". It also required a "**continued credible threat of force**".

- **Diplomatic/Force**: UN inspections failed "at some point" and the international community resorted to the use of force "with UN authorisation".
- **Force**: Early failure of the UN route and either no UN resolution or an inadequate one and a US-led Coalition resorting to the use of force without a UN mandate.

1018. The section on post-conflict issues had been substantially revised. It stated that the "lasting impression of Coalition legitimacy and success" would be "determined by the nature of the Iraqi nation" that emerged after the conflict. That had the potential to "prove the most protracted and costly" phase of the campaign.

1019. In its summary of the implications of the post-conflict phase for military planning, the paper stated:

"
- The impact of any enduring commitment on other operations would be significant. A recommendation on the size of force the UK is prepared to commit must be prepared, at least for the key six months following any operation …
- Planning for Resolution Phase operations must be complete before the start of offensive operations. Any UK land force HQ must have the capacity to conduct offensive and Resolution Phase operations concurrently.
- … clarity on post-Resolution Phase and likely UK contribution will be needed before operations commence."

1020. The post-conflict issues raised by the SPG are addressed in Section 6.4.

1021. A new section addressed the problems the Coalition would face if Saddam Hussein adopted a "Fortress Baghdad" strategy. The SPG stated that the Coalition could not "engage in drawn out urban conflict":

> "Loss of tempo, rising casualties and humanitarian efforts would undermine Coalition will to continue and rapidly alienate regional supporters."

1022. The SPG proposed:

- maintaining the moral and legal high ground by minimising civilian casualties, collateral damage and own casualties;
- trying to avoid fighting in built up areas and to "guard and bypass" towns and cities, including denying access to Baghdad, during offensive operations;
- attempting decapitation of the regime;
- isolation of security forces still loyal to the regime and subversion through "aggressive" information and psychological operations;
- dominating the rest of the country and implementing the "resolution phase";

- "when ready", conducting "operations to complete the defeat of the surviving loyal elements"; and
- ensuring that a "massive humanitarian aid effort" was available "to provide life support to non-combatants".

1023. Other new points identified in the paper included:

- Draft objectives for a northern option remained under consideration by the Pentagon.
- The UK was "seeking to place" force generation and preparation efforts "in an appropriate framework to determine their effect and timing" in the "Force on Mind campaign".
- The adoption of the UN track meant that the timing of a military operation might "shift to the point of failure of UN processes" and might be required in "hot months". The SPG's initial assessment was that the UK would "**be able to continue operations**" but it was "feasible that, at some point", the risk might "**become unacceptable**".
- Mitigation measures were being identified to address the risk of attacks using chemical and biological weapons and residual hazards after the military campaign.
- The CENTCOM plan included "sequential ground attack into Iraq from SE Turkey to coincide with the main effort attack of V Corps forces in the South … the northern option … built upon the 4th Infantry Division of the US Army". That might "include UK Package 3 forces pending political decision". Command and control procedures and the likelihood of delivering a Corps Headquarters for the force had "yet to be determined".

1024. The preference for the northern option was stressed by Major General Robin Brims, the General Officer Commanding (GOC) 1st (UK) Armoured Division, when he met Lieutenant General David McKiernan, Commander, Coalition Forces Land Component Command, on 10 November.[405] Although possible operations in the South were discussed, Maj Gen Brims reported that Lt Gen McKiernan and his superiors wanted UK forces to be used in the North.

1025. Brigadier Albert Whitley was deployed to Lt Gen McKiernan's HQ in Kuwait in early November as Senior British Land Advisor (SBLA).[406] He was "involved in planning for UK military action and participation" and asked by Lt Gen McKiernan, in the absence of a dedicated Corps headquarters, to lead a joint UK/US team to plan an attack from Turkey.

1026. On 11 November, Maj Gen Fry asked for more guidance on the likely Phase IV tasks for the UK; and whether he should assume that a general role in Phase III

---

[405] Minute GOC 1(UK) Armd Div to CJO, 10 November 2002, 'Meeting with Lt Gen McKiernan (CFLCC)'.
[406] Statement Whitley, 25 January 2011, page 3.

implied involvement in Phase IV.[407] If so, he asked where the UK would want to be. After highlighting some of the advantages and disadvantages of the North and South, he asked whether the UK would be prepared to be involved in operations against Baghdad.

1027. The MOD has been unable to locate any response to this request.[408]

Adoption of resolution 1441

Resolution 1441 was adopted on 8 November 2002.[409]

The content of the resolution and the Explanations of Vote provided by the members of the Security Council are addressed in Section 3.5.

US REQUEST FOR SUPPORT FROM ALLIES

1028. The US asked the UK and other allies for military support on 15 November.

1029. The US formally requested UK and other allies' support on 15 November on the grounds that "planning for potential military action is both necessary to increase the pressure on Iraq to comply with the will of the international community and prudent in the event it again refuses to do".[410]

1030. The US request, which was handed to Mr Hoon on 18 November, included:

- "full access, basing and overflight at bases in Britain, Diego Garcia and Cyprus";
- an armoured division (minus);
- special operations forces;
- "Royal Navy and Air Force units, including maritime patrols and aircraft";
- explosive ordnance disposal;
- "Financial/material resources for a military campaign and for post-conflict efforts";
- "constabulary forces and humanitarian assistance as part of post-conflict stability efforts"; and
- "nuclear/biological/chemical defense assets".

1031. Mr Hoon replied to the US request on 26 November.[411]

---

[407] Minute DCJO(Ops) to ACDS(Ops), 11 November 2002, 'COS COA Paper: Military Strategic Guidance'.
[408] Letter MOD to Iraq Inquiry, 1 November 2012, [untitled].
[409] UN Security Council resolution 1441 (2002).
[410] Letter Williams to McDonald, 18 November 2002, 'Iraq – US Request for UK Support' attaching Paper, 15 November 2002, 'Request for UK Support'.
[411] Letter Hoon to Farish, 26 November 2002, [untitled] attaching Paper [undated], 'United Kingdom Response to United States Government Talking Points delivered on 18 November 2002'.

1032. The key points were that the UK:

- Assured the US "of its continued determination to see the disarmament of Iraq, by peaceful means if at all possible, but by force if necessary".
- Applauded "the leadership shown by the US Administration" and congratulated it on the "successful negotiation … of resolution 1441". The unanimity of the Security Council had sent "a powerful message from the international community to Iraq" which would be "strongly reinforced by the US Administration's initiative to build and sustain the widest possible support for any further action that may prove necessary".
- Confirmed that the "forces and facilities listed in the US request" were "available as a basis for planning" and were those that the UK "would expect to make available". Military staff and officials would "remain ready to … engage fully in further detailed planning and development of military options, including refinement of the potential UK contribution within the broad scale of effort … indicated".

1033. Mr Hoon commented that the issue of UK support to military action had "been the subject of bilateral work for some time" and he had, therefore, not repeated the detail. He was "very grateful for the excellent access" given to the UK and was "keen to maintain the close co-operation" that had "already been established".

PJHQ'S PROPOSAL TO EXPLORE OPTIONS IN THE SOUTH

1034. After the adoption of resolution 1441, significant questions about Turkey's position remained.

1035. Mr Westmacott reported that a Turkish statement on 8 November had welcomed the adoption of resolution 1441 and that it hoped Iraq would comply quickly; and that there was relief that the resolution made "war a little less likely".[412]

1036. PJHQ reported on 11 November that Maj Gen Fry was concerned that the difficulties with Turkey had not been fully acknowledged.[413] The paper being developed for the Chiefs of Staff should, therefore, examine both northern and southern options.

1037. No discussion of Iraq is recorded in the minutes of the Chiefs of Staff Committee on 13 November.[414]

---

[412] Telegram 416 Ankara to FCO London, 12 November 2002, 'Iraq: UNSCR 1441: Turkish Reactions'.
[413] Email MA/DCJO to MA1/DCDS(C), 11 November 2002, 'Meeting with Lt Gen McKiernan'.
[414] Minutes, 13 November 2002, Chiefs of Staff meeting.

1038. Mr Hoon was advised on 14 November that:

> "While it seemed likely that Turkey would accept US forces, negotiations would be protracted. The extent to which the US would press the Turks on our behalf was not clear."[415]

1039. The "public posture on specific military preparations" should remain "low key".

1040. Lt Gen Reith proposed that options in the South should also be explored.

1041. The paper considering options for a UK land contribution, submitted by Lt Gen Reith to the Chiefs of Staff on 18 November, advised that many of the assumptions behind the force levels in Package 3 offered to the Americans for planning purposes were no longer valid.[416] The US had "embraced the wider significance of the North" and allocated a US division to that axis, but it had withdrawn the offer of a US armoured brigade operating under UK command. The northern option would require a Corps level (three-star) HQ, which had "yet to be found"; and there was a US aspiration that the UK would contribute to and lead any "three-star" HQ in the North. The uncertainties about Turkish co-operation were also "a concern, preventing reconnaissance and creating logistic uncertainty".

1042. PJHQ had, therefore, "developed" four potential courses of action "in line with current US thinking: one in the North and three in the South, which were "feasible, although they [would] all require provision of an additional manoeuvre brigade".

1043. In the South, the UK would operate under US command. The paper expanded on the advantages and disadvantages of each course of action, including whether they offered a "high profile and worthwhile role" for the UK.

1044. Lt Gen Reith wrote:

> "Without Turkish co-operation, UK forces may be either excluded from participation or, if agreement is reached late, have their ability to participate in the early stages of the campaign in the North compromised. This would impact on the strategic simultaneity the plan is designed to achieve. To date, UK policy has been to allow the US to act as the principal interlocutors … The results … have left our position uncertain.
>
> "… If a decision is not made soon, the UK may need to engage directly with Tu[rkey] to achieve resolution."

1045. Lt Gen Reith recommended discounting options of integrating a UK brigade within a US division in the North and a UK division operating independently of the US. He suggested that it would be "feasible" for the UK and US to construct a Corps

---

[415] Minute Watkins to DG Op Pol, 14 November 2002, 'Iraq: Ministerial Briefing'.
[416] Minute CJO to DCDS(C), 18 November 2002, 'Options for the UK Land Contribution'.

headquarters and that: "Command at 3-star level would restore the UK lead in the North, and also indicate tacit agreement for ownership of the northern Area of Operations (AO) in Phase IV."

1046. Lt Gen Reith advised that the northern option:

> "… could result in UK long-term leadership of the region during post-conflict operations: a position which the US would appear to favour. It would be a challenging area to control and develop, particularly in preserving regional stability between the Turks, Kurds and Sunnis. Whilst the UK has the necessary experience and capability, the challenges do need to be assessed in line with UK strategic guidance."

1047. In relation to operations in the South, the paper identified three options for a UK division:

- Operating as a "manoeuvre formation" within US V Corps.
- Operating as a "manoeuvre formation" within US I Marine Expeditionary Force (MEF).
- Operating as a "second echelon force" within US V US Corps.

1048. The paper considered that:

- Command and Control arrangements would be "less complex than in the North".
- The "shortened and simplified LOC [lines of communication] make all southern COA attractive … However, it should be recognised that US plans are well advanced in the South, there is very limited logistic space available … deployment would require considerable synchronisation with the US."
- "A post-conflict positioning of the UK division in the South could be attractive. The range of problems appears less-complex and diverse, the long-term force structure requirements could be reduced and local conditions are likely to be more conducive to development and influence. The northern … Gulf … is also a traditional area of UK influence."

1049. Lt Gen Reith concluded:

- Four options were "achievable" and offered "worthwhile tasks", but the UK needed to "reduce risk in its timetable for deployment and RSOI [Reception, Staging, Onward Movement and Integration]".
- All four feasible options would require "a UK division with integral capability for manoeuvre".
- The northern option offered "a high profile and worthwhile role for the UK".

- Without confirmation of Turkey's support, the UK would "need to continue planning for a southern option as well". The roles envisaged in the South were "worthwhile but less high profile" and there was an "implicit … risk of the UK engagement in operations in Baghdad" in two of the three options.

1050. The Chiefs of Staff were asked to indicate which course of action in the South they would prefer, and were reminded to consider "where we wish to be at the end of Phase III, as this could impact directly on any UK involvement in Phase IV".

1051. The Inquiry has not seen any detailed analysis underpinning Lt Gen Reith's conclusion that southern Iraq would be more manageable in the post-conflict period than the North.

MOD ADVICE FOR NO.10, 19 NOVEMBER 2002

1052. The MOD told No.10 on 19 November that the option of a military campaign launched on 6 January 2003 appeared to have lapsed, and the timelines were "uncertain".

1053. Mr Hoon recommended that the UK should press the US for clarity on the Turkish position.

1054. If the UK had to "fall back" on a role in the South, it would be looking for a role in the invasion rather than providing follow-on forces.

1055. MOD concerns about the importance of post-conflict operations and the need for work on the implications for the UK approach to the campaign are addressed in Section 6.4.

1056. Following the visits to the US by Sir Kevin Tebbit and Adm Boyce and in advance of the NATO Summit in Prague on 21 November and the planned debate on Iraq in the House of Commons on 25 November, Mr Watkins sent Sir David Manning an update on military discussions with the US.[417] He set out the themes which had emerged and registered a number of concerns, including the need to press the US to clarify Turkey's position.

1057. Mr Watkins wrote that there was a need to "continue military preparations to underpin the diplomacy/inspection track, without bringing forces to an unsustainable level of readiness". There was "a sense … that the realistic timetable for action was slipping" but there had been "no US political endorsement of any later date for planning purposes".

1058. Mr Watkins advised that the US continued to describe the northern front "as an essential part of the plan", but there was no clear agreement with Turkey "who had declined to be definitive pending the appointment of a new Government". The US might

---

[417] Letter Watkins to Manning, 19 November 2002, 'Iraq: Military Planning after UNSCR 1441'.

be “in for a long and expensive negotiation” and it was clear that the US priority would be “to secure basing” for its “own ground forces”.

1059. Mr Hoon believed that the UK should “up the ante” with the US, and: “Press for clarity on the Turkish position, one way or the other …”

1060. Mr Hoon wanted Sir David Manning to:

> “… reinforce with Condi Rice the need for the President to try to unblock this. If we do have to fall back on a southern role we should try to ensure that it is as part of the main effort rather than as follow-on forces.”

1061. Addressing UK military preparations, Mr Watkins wrote that the option of a military campaign launched on 6 January 2003 seemed to have “effectively lapsed” and the timelines were “uncertain”. The US military position was described as “get ready, but not too ready”, because they did “not want to bring too large a force to too high a pitch of readiness”.

1062. Mr Hoon recommended continuing with military preparations to keep options open, and suggested that the debate in the House of Commons on 25 November provided an opportunity to make some public reference to them.

1063. There was “a sense in the US” of “two broad timelines in play, implying two different plans”. The first was a “high-impact event to which the US might feel the need to respond quickly at short notice”. The second was a decision that a material breach had occurred which would be followed by a “more deliberative build-up to military action”.

1064. Each scenario was “problematic”:

- The first would effectively hand the initiative to Saddam Hussein; it might provoke a rapid response, but that could not be decisive because it could not involve sufficient land forces to take control of Iraq, “unless … it leads … to regime collapse, a scenario in which the US seem to invest quite a lot of hope”.
- The second would give Saddam Hussein time which he “might be able to exploit diplomatically and militarily”. A deliberate campaign “would require some 60-90 days’ build-up, and the time will soon come when the question has to be confronted of whether it is sensible to contemplate fighting in the summer”. A “common understanding” needed to be reached with the US and plans “shaped accordingly”.

1065. Addressing the issue of “Timetable and Triggers”, Mr Watkins wrote:

> “To some extent, triggers are now under Saddam’s control and so cannot be slotted into any firm timetable. Moreover, what constitutes a ‘violation’ and/or ‘material breach’ remains undefined: many in the US are reduced to saying ‘we’ll know when we see it’, which is not a suitable base for planning.”

1066. The MOD was also concerned that:

> "Lack of clarity in US thinking about possible triggers for military action needs to be resolved quickly, particularly in relation to the No-Fly Zones."

1067. If a Coalition aircraft was shot down, it would, "under long-standing plans, trigger a massive US response", which the US might use to trigger a wider campaign.

1068. Mr Hoon recommended working "quickly to reach an agreed US/UK view on triggers … well before we are confronted with it in practice", and explaining to the US that hostility in the No-Fly Zones should be met only by "self-defence responses".

1069. Mr Watkins also drew attention to the importance of planning for the "aftermath" of military action: "This needs to guide thinking on the conflict phase, for all sorts of reasons". Mr Hoon believed that the UK should: "Continue trying to influence US thinking on the aftermath, recognising that this is not something which can be neatly separated from any conflict phase".

1070. Copies of Mr Watkins' letter were sent to the Private Offices of Mr Straw and Mr Brown, and to Mr Bowen.

1071. The discussion within the UK Government on the timetable and triggers for military action following the adoption of resolution 1441 is addressed in Sections 3.6 and 5.

UNCERTAINTIES ABOUT THE NORTHERN OPTION

1072. Adm Boyce decided on 20 November that it would be premature to discuss alternative options with the US while the UK was still trying to force a decision from Turkey. The northern option remained the firm preference of the Chiefs of Staff.

1073. The Chiefs of Staff also asked Lt Gen Reith to look at the option of providing two UK brigades.

1074. On 20 November, the Chiefs of Staff considered the options identified by Lt Gen Reith on 18 November.[418]

1075. The Chiefs of Staff were informed that the US had offered the UK a light brigade, but that was not suitable for the operation in the North. Lt Gen Reith would examine other options including the provision of two UK triangular brigades.

1076. Adm Boyce asked for:

- further advice on the northern force structure, including the employment of the ARRC; and
- "… further clarification on timelines before considering the Southern COAs."

---

[418] Minutes, 20 November 2002, Chiefs of Staff meeting.

1077. Adm Boyce "was also clear that while the main effort was to force a decision from Tu[rkey] … the time was not right to open up alternative planning options with the US".

1078. The Chiefs of Staff also discussed:

- the debate on potential triggers for military action;
- the possibility of the rapid collapse of the Iraqi regime without military action; and
- the need to respond quickly to the formal US request for UK forces. That would be "unspecific" and would refer to further discussions in December.

1079. In CENTCOM, Maj Gen Wilson continued to tell his colleagues that the UK was "North, North and North", "but that it would be imprudent to dismiss other options if the Turkish door were to remain closed indefinitely".[419]

1080. On 21 November, Mr Blair confirmed that the UK would provide military support to the US if that was necessary.

1081. Mr Blair met Mr Recep Tayyip Erdoğan, Leader of the Adalet ve Kalkınma Partisi Justice and Development Party (AKP), in London on 20 November.[420] Mr Blair congratulated Mr Erdoğan on his election victory, and in the context of discussions on a range of issues, including UK support for EU membership for Turkey, the record of the meeting states they agreed the UK and Turkey "should keep in close contact over Iraq".

1082. In his bilateral discussion with President Bush at the NATO Summit in Prague on 21 November, Mr Blair confirmed that the UK would support the US militarily if necessary.[421]

1083. In response to a request for his views on military planning, Mr Blair said there was a need to be ready for military action early in the New Year and as soon as possible after it became clear that there was a material breach.

1084. In a meeting with Mr Hoon, Secretary Rumsfeld suggested that the UK should look at using its forces elsewhere than the North.[422]

1085. Mr Hoon replied that "deploying our forces to, say, Kuwait would affect our timelines".

1086. The meeting agreed Adm Boyce's suggestion that the UK "should keep planning with CENTCOM for a northern operation, while looking at possible fallbacks".

---

[419] Minute Wilson to CJO, 20 November 2002, 'Iraq Contingency Planning and Related Issues'.
[420] Letter Rycroft to Sinclair, 20 November 2002, 'Turkey: Prime Minister's Meeting with Erdoğan, 20 November'.
[421] Letter Rycroft to McDonald, 21 November 2002, 'Prime Minister's Meeting with President Bush, 21 November'.
[422] Minute Watkins to DG Op Pol, 22 November 2002, 'Bilateral with Donald Rumsfeld: 21 November 2002'.

1087. Mr Hoon also sought clarification of the potential US response if Iraq shot down an aircraft, reminding Secretary Rumsfeld of the UK interpretation of the legal constraints on any response.

House of Commons debate, 25 November 2002

The House of Commons voted on 25 November to "support" resolution 1441 and agreed that, if the Government of Iraq failed "to comply fully" with its provisions, "the Security Council should meet in order to consider the situation and the need for full compliance".[423]

Mr Blair's statement to the House of Commons on 25 November and the subsequent debate on Iraq, which was opened by Mr Straw, are addressed in Section 3.6.

Before the debate, Mr Hoon agreed with Mr Blair and Mr Straw that, when he closed the debate, he should address the state of contingency planning, including the potential requirement for the call-up of military reserves. That would:

> "… be done in a low-key way, making clear that this was precautionary planning and that the context was our continued hope that Iraq would disarm peacefully in co-operation with the inspectors."[424]

In his speech closing the debate, Mr Hoon stated:

> "Neither Britain nor the United States is looking for a pretext for military action, which is always a grave step, and which will certainly be a last resort. No member of the Government will risk British lives unnecessarily."[425]

Mr Hoon stated that continuing with "the prudent preparations and planning necessary for military action" was the "only responsible course". But that did "not mean a commitment to take such action in any circumstances". It did mean that appropriate steps were being taken "to ensure that British forces" were "ready", and that they had "the training, equipment and support" that they would need "to undertake military action, should it prove necessary".[426]

Addressing the US request to "a number of countries" for "support in the event that military action proves necessary", Mr Hoon stated:

> "Although no decision has been made to commit UK forces to military action, discussions with the US will continue so that an appropriate British contribution can be identified should it prove necessary.
>
> "… There is no inevitability about military action. The US is clear about the fact that the issue is Iraqi disarmament …
>
> "Those who have accused the US of unilateralism should consider carefully. The US Government have followed an impeccably multilateral approach, first in building unanimous Security Council support for resolution 1441 and now in seeking to build broad-based support for military action should it be required … within the limits

[423] House of Commons, *Official Report*, 25 November 2002, column 132.
[424] Letter Rycroft to Watkins, 22 November 2002, 'Iraq, Military Planning After UNSCR 1441'.
[425] House of Commons, *Official Report*, 25 November 2002, column 123.
[426] House of Commons, *Official Report*, 25 November 2002, column 124.

imposed by these uncertainties, we have been considering the contribution we might be able to make if military action ultimately becomes necessary.

"At this stage it would be inappropriate to go into details of the size and shape of forces that might be involved, for two specific reasons. First, as events unfold and time passes, plans will inevitably evolve. It would be misleading to describe specific force packages today as if they had some permanent and definitive status … Secondly, as I am sure the House appreciates, I have no intention of assisting Saddam Hussein's contingency planning."[427]

1088. By late November, there was growing recognition that the delay was likely to affect the UK's readiness to deploy ground forces in time to participate in the initial stage of the US plan; and that Turkey's agreement might not be forthcoming.

1089. Maj Gen Fry's advice, submitted to Adm Boyce on 22 November, suggested that it would take some four months from the order to deploy for the northern option (whether Package 2 or 3), and more than five months for the southern option.[428]

1090. Maj Gen Fry provided a discussion paper on the potential UK response to a Running Start to military operations on 25 November.[429] He asked the Chiefs of Staff to confirm if it wished the UK to be involved in early action against Iraq and the extent to which the UK should seek to match US timelines for the northern axis.

1091. The paper stated that the UK's ability to match US timelines for Package 3 and the Amphibious Ready Group was "in doubt", but the UK position was "recoverable" if a range of measures were "taken in the near future to reduce the overall risk and time". Early notification of the forces involved and availability of civilian shipping were identified as the most critical measures.

1092. Maj Gen Fry wrote that much of the information had been provided orally and the paper lacked some of the detail which would normally be required by the Chiefs of Staff.

1093. In a manuscript comment to Adm Boyce, one of his staff wrote that:

- The UK "could look v. silly if we could not take part in a running start".
- There was: "No argument for not starting" preparations for the call-out of Reserves.

---

[427] House of Commons, *Official Report*, 25 November 2002, columns 126-127.
[428] Minute DCJO(Ops) to PSO/CDS, 22 November 2002, 'Potential Operations in Iraq – Northern and Southern Timelines'.
[429] Paper DCJO(Ops) [to COSSEC], 25 November 2002, 'The UK Response to a Running Start for Combat Operations – COA2'.

- The deployment of the Amphibious Ready Group was “still to be decided”. Demand for logistics and support helicopters “concurrent with Package 3” would “detract from main effort for dubious military effect”.[430]

1094. In his manuscript comments Adm Boyce indicated his agreement with the first two comments above, and wrote “Yes” alongside the request for confirmation that the UK should be involved in early action.[431]

1095. The Chiefs of Staff meeting on 27 November was informed that:

> “If the UK wished to match US timelines and UK political expectations, Ministerial approval for a more forward leaning military posture was required.”[432]

1096. Maj Gen Fry stated that neither the ARG, which was “an integral part” of the US plan, nor Package 3 could meet US aspirations for a Running Start. PJHQ had identified a series of measures which would allow them to “close towards or match US timelines”.

1097. The Chiefs of Staff invited PJHQ to refine its advice with a view to seeking convergence with US timelines.

1098. A “Post Meeting Direction” instructed PJHQ to provide advice “on the advantages and disadvantages of deploying the ARG”, including deploying “manoeuvre elements” [Royal Marines] and the implications for chartered shipping.

1099. In Adm Boyce’s absence, the meeting was chaired by ACM Bagnall.

1100. The MOD informed No.10 on 29 November that the US political strategy remained unclear but CENTCOM was seeking to reduce the lead time between a political decision and military action.

1101. A gap was developing between the readiness of US and UK forces, which would need visible action to address.

1102. If Turkey did not agree to UK forces, more political guidance would be needed before the MOD could go far in developing other options.

1103. Sir David Manning wrote to Mr Watkins on 27 November, requesting a note for Mr Blair on the progress of US planning.[433] He asked: “Are our Chiefs of Staff content with the US plans and ready to support them?” He also asked how the UK would participate if the northern option was not available.

---

[430] Manuscript comment [unattributed] to CDS on Minute DCJO(Ops) to COSSEC, 25 November 2002, ‘The UK Response to a Running Start for Combat Operations – COA2’.
[431] Manuscript comment CDS on Minute DCJO(Ops) to COSSEC, 25 November 2002, ‘The UK Response to a Running Start for Combat Operations – COA2’.
[432] Minutes, 27 November 2002, Chiefs of Staff meeting.
[433] Letter Manning to Watkins, 27 November 2002, ‘Iraq: Military Planning’.

1104. Advice to Mr Hoon on a draft response noted that it:

> "… deliberately does not answer directly the question, (which looks like a hospital pass), whether the COS [Chiefs of Staff] are content with the US plans and ready to support them … CENTCOM … is keeping options open. It is probably misleading to think of the US as having firm plans … We also need to beware of allowing the tail to wag the dog. What we need to know first is whether the US government has a political plan and strategy with which HMG is content."[434]

1105. The MOD advised Sir David Manning on 29 November that it was "misleading to talk of firm 'plans'", not just because of unresolved practical issues such as Turkish co-operation, but also because the US political strategy remained "unclear".[435]

1106. There had been "a significant shift in US military planning" as CENTCOM sought to "reduce the lead times between a political decision and military action". Secretary Rumsfeld had signed a number of deployment orders to take effect in early January, and the US was "increasingly moving beyond pure planning into at least some actual forward deployments". That would have the advantages of improving the prospects of any "running start" operation, and provide better options for a rapid stabilisation mission in the event that the Iraqi regime suddenly collapsed, while keeping open the possibility of more deliberate build-up before the summer of 2003.

1107. A "gap" between the UK's readiness and that of the US was:

> "… now beginning to develop …
>
> "… the employment of the amphibious element (yet to be endorsed by the Chiefs of Staff) of Package 2 and the additional land contribution in Package 3 are falling increasingly behind their US counterparts in terms of readiness."

1108. As any steps to close that gap would require "further visible activity", Ministers would "need to consider how far they are prepared to go and how they would present such steps publicly, against a background of continuing uncertainty, including on Turkey".

1109. The MOD stated that US planning on the North remained "very much work in progress", but it was "clear that a UK-led division could play a significant role, both during and immediately after conflict": "But the foundation for this – Turkish acceptance of a UK force – is not in place."

1110. If Turkey was ruled out:

> "… we would need to discuss here and with the US what other role we could play; in particular, whether … they would be prepared to adjust their timings and sequencing

---

[434] Minute Johnson to PS/Secretary of State, 29 November 2002, 'Iraq: Military Planning – Interim Response to Sir David Manning'.
[435] Letter Watkins to Manning, 29 November 2002, 'Iraq: Military Planning'.

in such a way as to allow a UK force to play a role in the main effort. But we are conscious that the current Package 3 was constructed and agreed on the premise of playing a role in the North, and more political guidance would be needed before we could go far in developing other options."

1111. On 3 December, Mr Straw was warned that Turkey might not be able to meet all requests for support.

1112. Mr Paul Wolfowitz, the US Deputy Secretary of Defense, met Mr Hoon on 2 December in London.[436]

1113. The record of the meeting noted that it would be difficult to secure the UK's passage through Turkey, although there were some indications that might be possible as long as UK forces did not linger long in northern Iraq. Mr Hoon was reported to have said that would suit the UK as they wished to get forces in and out quickly.

1114. At a separate meeting with Sir Kevin Tebbit and Adm Boyce the same day, Mr Wolfowitz asked if there would be a delay if UK forces were switched to the South.[437] Adm Boyce:

"… responded that there was no plan for the South, and that if [Gen] Franks wanted [the] UK in [the] South, he would have to articulate what the scope and task would be. All that could be said with any confidence was that a time premium would have to be paid."

1115. In a meeting in Ankara on 3 December, Mr Straw told Mr Abdullah Gül, the Turkish Prime Minister, that the UK would probably make similar requests to the US for Turkish support.[438] Mr Straw was warned that the Turkish Government would need the permission of Parliament to allow foreign troops on Turkish soil and that Turkey might not be able to meet all requests; if the UK were planning to send forces it must talk to Turkey.

1116. Mr Westmacott observed that there was "no doubt that Turkish co-operation would be hard to obtain in the absence of a new SCR [Security Council Resolution] specifically authorising military action".[439]

---

[436] Letter Watkins to McDonald, 2 December 2002, 'Meeting with Wolfowitz – 2 December 2002'.
[437] Minute SECCOS to PSO/CDS and PS/PUS, 2 December 2002, 'Visit to UK of US Deputy Secretary of Defense – Record of MOD/FCO/Cabinet Office Roundtable Meeting – 2 Dec 02'.
[438] Telegram 457 Ankara to FCO London, 3 December 2002, 'Iraq: Foreign Secretary's Meeting with Turkish Prime Minister, Ankara, 3 December'.
[439] Telegram 462 Ankara to FCO London, 4 December 2002, 'Iraq: Foreign Secretary's Visit to Ankara: Overview'.

JIC Assessment, 6 December 2002: 'Iraq: Military Options'

1117. A JIC Assessment of Iraq's military options on 6 December confirmed that a massive coalition ground force would be required to be certain of toppling Saddam Hussein and highlighted the possibility of Iraqi attacks on Coalition Forces in the event of a phased start to a military campaign.

1118. At the request of the MOD, the JIC evaluated Iraq's military capabilities and "what military options Iraq has, and which it is likely to pursue a) during Coalition air strikes and b) during a Coalition ground attack".[440]

1119. In the JIC discussion on 4 December, the draft was described as "an important paper which highlighted the gaps in our knowledge". The judgements were based "largely on a mixture of observation and past experience", but the Assessment "did not quite do justice to the intelligence"; the judgements "could be made more confidently". The Assessment needed to bring out more clearly the risks of a phased attack and unpack the risks involved in possible scenarios, such as the possible use of CBW before Coalition Forces were properly assembled and urban fighting: "Nothing short of a massive deployment would guarantee overthrowing the regime."[441]

1120. In the Assessment issued on 6 December, the JIC's Key Judgements were:

- Saddam Hussein would "initially seek international pressure to halt Coalition [military] action". If that failed, he would "seek to inflict serious casualties on Iraq's neighbours and on coalition forces in order to undermine the Coalition's will to fight on".
- Saddam Hussein "would use chemical and biological weapons (CBW) if he faced defeat. He might also use them earlier in a conflict, including against coalition forces, neighbouring states and his own people. Israel could be his first target."
- Iraq had "contingency plans to weather coalition air strikes while maintaining government control over the country. Iraq's integrated air defence system would be overloaded by an all-out Coalition attack and would quickly become far less effective …"
- "A ground attack might fracture Saddam's regime, but only a massive Coalition force is guaranteed to topple him. The smaller the initial Coalition force, the more likely Iraqi forces are to resist. A phased Coalition attack could allow Iraq to claim military successes."
- "If the Special Republican Guard and Republican Guard [RG] remained loyal and effective they could inflict serious casualties on Coalition Forces in urban warfare."

---

[440] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.
[441] Minutes, 4 December 2002, JIC meeting.

- "Other Iraqi responses might include seizing hostages as 'human shields'; using non-lethal BW in a deniable manner; suicide attacks; or a 'scorched earth' policy with the aim of creating a humanitarian or environmental catastrophe. At some point, motivated by revenge, Saddam would seek to inflict the maximum damage on his enemies, whether Iraqi or outsiders."[442]

1121. The JIC stated that the paper was "not intended to be a comprehensive review of all Iraq's options".

1122. The JIC assessed that Saddam Hussein knew that "an Iraqi military victory over a US-led Coalition was implausible". If attacked, he would "initially seek international pressure to halt Coalition action". If this failed, he would seek to "drag out the fighting" and "would be increasingly likely to use chemical or biological weapons … to undermine the Coalition's will".

1123. The assessment of Iraq's ballistic missiles and chemical and biological weapons is addressed in Section 4.3.

1124. The JIC assessed Iraq's options during Coalition air strikes and during a ground campaign.

1125. On the former, the Assessment stated that:

- Iraq had "contingency plans to weather Coalition air strikes while maintaining government control", but its air defence system would be overloaded by a Coalition attack.
- Iraqi airforce and naval capabilities were "very limited".
- Iraq might attack Kurdish areas before a ground attack started for a number of reasons, including to "divert Coalition air effort" and to "engage in ground fighting earlier than it had planned". Iraq's ground options "would be severely limited" once the Coalition had established control of the air.

1126. A ground attack might fracture Saddam Hussein's regime, but the JIC continued to judge that "only massive military force would be guaranteed to topple Saddam". If the Coalition pursued a phased campaign (the "rolling attack"), the JIC stated that Saddam Hussein would have a number of options. He would "probably seek an opportunity to inflict casualties" including on internal "enemies" and he would "take advantage of every opportunity to cause the Coalition political problems". The JIC judged that the smaller the initial Coalition force, the more likely Iraqi forces were to resist.

1127. The JIC anticipated that the Iraqi army could establish positions within urban areas, but "most R[egular] A[rmy] defences are likely to be constructed further forward, nearer Iraq's borders, or along key roads and at junctions". Physical barriers, "water barriers (created by flooding or by the destruction of bridges), minefields, or possibly

---

[442] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.

even CBW-contaminated areas", could be created "to channel Coalition Forces into urban areas or 'kill zones where artillery, or CBW, would be used".

1128. Iraq's "strategy would rely heavily on a static defence, largely because the Iraqi military's ability to conduct manoeuvre warfare is very limited, even in the R[epublican G[uard]". If Iraqi defensive positions were:

> "… left behind the front lines by a rapid coalition advance, many RA units would probably surrender rather than fight … [P]rovided that the security and military organisations central to the regime's survival … remained effective, Saddam would accept the sacrifice of virtually any forces or territory … Provincial cities would be defended, but ultimately … only Baghdad would be politically vital, as its capture would be a final symbol of defeat of the regime. Although Iraqi forces would look for the opportunity to counter-attack, only a few RA units and the RG would be capable of doing so … And we judge that Saddam would not be willing to risk the RG units held around Baghdad except in a final defence …"

1129. The JIC identified that other Iraqi responses might include:

- seizing foreign hostages as "human shields";
- CBW terrorism;
- using non-lethal BW agents in a deniable manner;
- suicide attacks; and
- a "scorched earth" policy with the aim of creating a humanitarian or environmental catastrophe.

1130. The JIC identified the policy implications as:

- "If an attack does not precipitate regime collapse and if Saddam's key forces remain loyal, they could inflict damage and casualties on coalition forces, the Iraqi people or Iraq's neighbours."
- "A slow-start Coalition would increase these risks."
- "Clear messages to the Iraqi military might reduce their willingness to obey orders to use CBW, but we cannot rely on this being the case."

1131. A handwritten note from Sir David Manning to Mr Blair drew the Prime Minister's attention to the risks of a phased attack – the "ugly start".[443]

[443] Note (handwritten) Manning to Prime Minister, 7 December 2002, 'Iraq: Military Options'.

Agreement to visible preparations for military action starting in January

1132. On 5 December, the MOD sought Mr Blair's agreement for further and visible preparations to preserve its ability to be ready for an air campaign and amphibious operations by early March.

1133. In response to the instructions issued during and after the Chiefs of Staff meeting on 27 November, Lt Gen Reith submitted a paper outlining steps for aligning the UK's Force Packages with US timelines, for consideration by the Chiefs of Staff on 4 December.[444] He warned that action was required or the UK might only be able to offer Package 2, without the Amphibious Task Group; and that Package 3 might have to be reconfigured. Other preparatory action would be needed "if we do not wish to miss the boat".

1134. The Chiefs of Staff noted on 4 December that decisions on visible preparations would be required by 7 December to meet a mid-February timetable for a political decision in the US.[445]

1135. A member of OD Sec reported to Sir David Manning that "it was clear from the discussion" that the US was planning for "a hybrid (or 'ugly') start to any military campaign".[446] Gen Franks was "moving as many assets into theatre as quickly as is logistically possible, with a view to being in a position to launch military action from the middle of February".

1136. Mr Watkins wrote again to Sir David Manning on 5 December, setting out what the UK would need to do to be able to react in the timescales implied by its assessment of the US plans.[447]

1137. Summarising the letter, Mr Watkins wrote:

> **"… to keep options open for significant UK military participation … we need to press ahead with further preparations. None of these would constitute a final commitment to military action and the initial ones can be done without further parliamentary announcement. But many of them would be visible, and our presentational posture will need to become more forward leaning."**

1138. The US had "no formal position on the date by which they must be ready to act". It had a wide range of options, but assuming that a political decision to take military action on 15 February (known as "P Day"), the MOD expected the air campaign and amphibious operations to start in early March. The main ground effort would commence about 60 days after the decision, ie mid-April. The US military intention was to minimise

---

[444] Minute CJO to COSSEC, December 2002, 'Operations in Iraq – Alignment with US Timelines'.
[445] Minutes, 4 December 2002, Chiefs of Staff meeting.
[446] Minute OD Sec [junior official] to David Manning, 4 December 2002, 'Iraq: Military Planning'.
[447] Letter Watkins to Manning, 5 December 2002, 'Iraq: Military Planning'.

the lead times for operations to allow the maximum time for the "UN/diplomatic process to unfold". The MOD warned that US forces would reach a peak of readiness in February and that a "use it or lose it" argument might come into play in Washington.

1139. Turkey remained "a key uncertainty". The MOD understood that basing for US land forces had not yet been agreed, but "preparatory activity (reconnaissance visits, etc)", looked "like at least an amber light". The Pentagon had told the MOD that Turkey had given "neither a definite Yes nor a definite No" to UK forces. Mr Straw had received a "similar response … with some suggestion that their position might depend on the details of any UK request" (in his discussions on 3 December). Turkey and the UK "ought to" have bilateral discussions.

1140. The MOD was considering with the FCO the "best approach to securing Turkish agreement, taking into account our wider interests". The MOD judged that there was unlikely to be any progress until after the meeting of the European Council in Copenhagen (12 to 13 December). Action could include a visit by Mr Hoon accompanied by Adm Boyce, who had "developed a good rapport with his opposite number", and Sir Kevin Tebbit who would draw on "his extensive experience of Turkey".

1141. It was "increasingly difficult, for both US and UK staffs, to plan and prepare in the abstract without knowing where the UK land package will be based". While there were risks that Turkey could "interpret … UK preparations as taking their acquiescence for granted", the UK could not wait for an answer from Turkey if it wished "to remain aligned with US planning". Although those preparations were "not particularly tied" to a northern option, there were presentational risks such as the media concluding that the UK was "all dressed up with no place to go".

1142. The MOD stated that the steps required to bring the additional air and naval forces in Package 2 into line with US timescales were "relatively limited", but a "significant readiness gap" was developing between US and UK "amphibious and land forces".

1143. The actions proposed by the MOD included:

- Deploying additional naval forces for "maritime interdiction operations, force protection, defensive mine warfare and logistics support" around 22 January 2003.
- Nominating and informing units in the ATG and bringing their readiness to five days' Notice to Move from the beginning of January and chartering four ships to support the ATG by 19 December, with the intention that it would deploy around 16 January.
- Bringing the RAF elements of Package 2 to 10 days' Notice to Move or less on 27 December, and pre-positioning weapons and equipment in Turkey on 30 December.

- Commencing initial preparations, procurement and training for "earmarked elements" of the "land package" the following week and placing holding contracts on commercial shipping by 17 December.
- Planning for the mobilisation of Reserves "without actually proceeding to call-out".

1144. At that stage:

- CENTCOM's plans for the North required "the lead Division, currently 1 (UK) Armoured Division" to cross into Turkey in mid-April, "followed by the US 4th Infantry Division". The option needed more work, including the possibility of a US brigade being seconded to the UK, "so the precise composition of the UK land package will have to be kept under review". But as it had "the longest lead-time of all", action to improve its readiness could not be delayed if the UK was "to have any chance of being ready from mid-February onwards".
- The ATG comprised a Royal Marine Commando Group and HM Ships Ocean and Ark Royal, two destroyers or frigates, three Landing Ships Logistic (LSL) and support ships, which would operate (with the US) to conduct operations in the Northern Gulf and ashore from the beginning of the air campaign.

1145. The MOD warned that the steps would become visible and that the "current low-key" media handling which was "operating at the limits of credibility, would need to be replaced with a rather more pro-active approach". The preparations would also need to be "viewed in the wider political context … not least the progress of inspections and their reports to the UNSC, and the continuous assessment of Iraqi compliance".

1146. The letter concluded that, unless the UK was "prepared now to foreclose military options", Mr Hoon believed "that we need to proceed with the further preparatory steps" identified. That was "a question of cocking the pistol, not firing it" and the timelines would be adjusted if the US "were to shift its focus to later in 2003". But the UK could not "afford to lose any more time if we are to have a chance of re-aligning our readiness with that of US forces".

1147. Copies of the letter were sent to the Private Offices of Mr Straw and Mr Brown, and to Mr Bowen.

1148. In relation to Turkey, Sir David Manning commented:

> "Recent indications on other channels are that Turks are very reluctant to budge on UK forces."[448]

1149. During Oral Questions in the House of Commons on 9 December, Mr Hoon confirmed that the UK had responded to the US approach seeking support; and that

---

[448] Manuscript comment Manning on Letter Watkins to Manning, 5 December 2002, 'Iraq: Military Planning'.

preparations were continuing to enable UK forces "to participate in military action should that be required".[449]

1150. Mr Hoon also assured the House that:

> "… no military decisions whatsoever have been taken on military action against Iraq. That situation will be reported to the House should it change."

1151. Gen Reith told the Inquiry:

> "I … briefed Geoff Hoon … early in the week that we had until Friday to go to trade for ships; otherwise, we wouldn't meet the window that the Americans were potentially looking at before the real heat of the summer came in, in 2003. He said to me 'You have been telling me … week by week that we have to do this, and now you are telling me you are giving me another deadline.' I said, 'this is the deadline'. He said 'You know, we need to keep our options open' … I said 'Well, actually if we don't go to trade by the end of this week, then we don't have any options, we are not going'. He then went to the Prime Minister and we were then authorised to go to trade."[450]

1152. On 10 December, Mr Johnson advised Mr Hoon on the options in the event of an "ugly start" and land force options if Turkey did not agree to transit.[451]

1153. The land force options were:

- UK forces with the US main effort in the South;
- a follow-on force after the US main effort in the South;
- ground forces only for the aftermath; and
- not providing ground forces at all.

1154. Mr Johnson advised that only the first option would provide "the sort of high profile role in war-fighting on the ground which we have previously judged important".

1155. Mr Johnson also wrote that there were limits to what could be done to improve readiness before a clear political decision. Calling out Reservists and deploying some force elements and equipment as soon as they were available would start "to use up some of our one-shot capabilities". That:

> "… would cause us problems if it turned out that the campaign was not going to start until later in the year. Deploying early also runs the risk of finding later that we are in the wrong locations."

---

[449] House of Commons, *Official Report*, 9 December 2002, columns 13-14.
[450] Private hearing, 15 January 2010, pages 35-36.
[451] Minute Johnson to PS/Secretary of State [MOD], 10 December 2002, 'Iraq: Military Planning – Briefing for Meeting with Prime Minister on 11 December'.

1156. Sir Kevin Tebbit commented that advice to Mr Hoon rather underplayed "the issues surrounding the Amphibious Force and the point that they will probably be there earlier for an 'ugly' [start] than ground forces".[452]

1157. Sir David Manning drew Mr Blair's attention to the uncertainties if operations started before mid-February or Turkey refused to agree to the transit of UK troops.

1158. Sir David Manning advised Mr Blair that the "two key working assumptions" were that "US forces must be ready to move by 15 February", and that they would be "able to transit Turkey".[453] The February date was "a guess", but it fitted with what he had been told by Dr Rice "about putting pressure on Saddam and resolving the Iraqi issue sooner rather than later". Sir David's view was that Turkey would probably agree to the transit of US forces "in the end" but it was "not at all certain that agreement to US transit will extend to [the] UK".

1159. Sir David recommended that Mr Blair authorise the MOD to proceed, although he commented that the letter was "silent on two major uncertainties":

- what would happen if Saddam provoked a start earlier than 15 February; and
- whether there was a Plan B for UK forces in the event that Turkey refused transit.

1160. Sir David also raised concerns about the MOD's media handling strategy which he thought they should discuss with Mr Campbell.

1161. Sir David proposed that Mr Blair should discuss the issues with Mr Hoon and possibly Adm Boyce after his (Sir David's) return from Washington:

> "In particular, they [the MOD] need to explain how we handle 'ugly' start; and what we do if the Turks won't let us deploy for the northern option."

1162. Mr Blair authorised the preparatory steps requested, including those relating to land forces, but asked that there should be "no change in media handling until a media strategy has been drawn up and agreed with No.10".[454]

1163. Mr Blair also asked for a meeting with Mr Hoon explicitly to discuss how the UK "would handle a possible 'ugly start', and what our options would be for UK land forces if Turkey refused transit".

1164. Mr Campbell's advice on a media strategy is addressed in Section 3.6.

---

[452] Manuscript comment Tebbit on Minute Johnson to PS/Secretary of State [MOD], 10 December 2002, 'Iraq: Military Planning – Briefing for Meeting with Prime Minister on 11 December'.
[453] Minute Manning to Prime Minister, 6 December 2002, 'Iraq: Military Planning'.
[454] Letter Rycroft to Watkins, 9 December 2002, 'Iraq: Military Planning'.

Iraqi declaration, 7 December 2002

In response to resolution 1441, Iraq submitted a declaration of its WMD and missile programmes on 7 December.

The evaluation of the declaration is addressed in Sections 3.6 and 4.3.

1165. Mr Blair was advised on 11 December that there was impatience in the US Administration and it "looked intent on military action in February/March".

1166. Sir David Manning and Sir Richard Dearlove had a joint meeting with Dr Rice and Mr George Tenet, the Director of Central Intelligence, in Washington on 9 December.[455]

1167. Sir David reported to Mr Blair that Dr Rice had "made no effort to hide the fact that the Administration would now be looking to build the case for early military action … probably mid/late February as we suspected". But she had "denied that military planning was dictating the timetable".

1168. Mr Blair agreed that visible preparations for military action could begin in January 2003.

1169. Mr Blair, Mr Hoon, Adm Boyce, Sir David Manning and Sir Richard Dearlove met on 11 December.[456]

1170. In relation to military planning and the issues raised in Mr Watkins' letter of 5 December, Mr Rycroft recorded that:

- Mr Hoon and Adm Boyce had "updated" Mr Blair "on US and UK military planning, including on the need to align the readiness of US and UK forces".
- Mr Blair "was content that military preparations from January would become increasingly visible. These should be presented as sensible contingency preparations against the possibility that Iraq would not comply with UNSCR 1441."

1171. The record of the meeting does not refer to any discussion of the options if Turkey refused transit for UK land forces.

1172. In his diaries, Mr Campbell wrote:

> "We went over the various military options. It would be possible to do something fairly quickly but TB didn't believe GWB wanted 'an ugly start' … Geoff was very

[455] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.
[456] Letter Rycroft to Watkins, 11 December 2002, 'Iraq: Military Preparations'.

> much on the Rumsfeld end of the market at the moment. CDS was a bit more engaged. David felt that the US were in a very different position."[457]

1173. Mr Hoon's Private Office wrote to Mr Rycroft on 12 December, recommending a more pro-active media strategy to explain the military preparations.[458] That included a proposal for a background briefing for defence correspondents and a briefing for "talking heads" on 17 December.

Agreement to a role for the Royal Marines in the initial stages of an invasion

1174. Notwithstanding continuing uncertainties over Turkey's position, PJHQ advised on 9 December that ground operations might begin sooner than had previously been anticipated and sought endorsement for a role for the Amphibious Task Group early in the campaign.

1175. The possibility of deploying a Royal Marine Commando Group was first identified by Maj Gen Fry on 30 August 2002 when he advised that "a timely effect in the South could probably only be achieved by the ARG in support of the US MEF [Marine Expeditionary Force]".[459]

1176. Advice submitted to the Chiefs of Staff on 19 September stated:

> "Within the maritime element of Package 2 the Amphibious Ready Group with an embarked Commando offers a high readiness, flexible small scale land contribution … [T]his force package can be sustained throughout, provided it is integrated with USMC [US Marine Corps] forces, and does not proceed beyond a point from which it can be sustained from … afloat resources. This clearly restricts its operational utility, but does present an opportunity for 'boots on the ground', if the UK decision is not to commit beyond Package 2."[460]

1177. Mr Watkins informed No.10 on 20 September that further work, on whether it would be possible to include a Commando Group in Package 2, was under way.[461]

1178. By the middle of October, the Commando Group had been incorporated into Package 2.[462]

1179. On 9 December, Lt Gen Reith put forward a proposal seeking COS "endorsement for" an early role for the Amphibious Task Group in operations against Iraq.[463]

---

[457] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[458] Letter Williams to Rycroft, 12 December 2002, 'Iraq: Military Planning – Presentational Strategy'.
[459] Minute Fry to DCDS(C), 30 August 2002, 'PJHQ Update on Planning for Operations Against Iraq'.
[460] Paper SPG, 19 September 2002, 'Iraq Package Options – Military Strategy Commentary'.
[461] Letter Watkins to Manning, 20 September 2002, 'Iraq: Potential UK Contribution to Any Military Action'.
[462] Minute Johnson to PS/Secretary of State [MOD], 11 October 2002, 'Iraq: UK Contingency Planning'.
[463] Minute CJO to COSSEC, 9 December 2002, 'Contingent Operations by the UK Amphibious Task Group'.

1180. Lt Gen Reith stated that it "would bring considerable strategic exposure for the UK at the earliest stage of the campaign". It "was consistent with UK objectives" and provided "valuable strategic, operational and presentational effect".

1181. Lt Gen Reith advised that US ground operations against Iraq in the South were "now planned to commence simultaneously with the air campaign" and the US intention was to establish a second Sea Point of Disembarkation at Umm Qasr. This was "essential" to allow the rapid build-up of forces. The US plan entailed securing the "oil nodes", the capture of Umm Qasr and the al-Faw peninsula, and clearance of mines in the Khawr Abd Allah (KAA) waterway.

1182. The plan had been developed with UK input, was "well advanced", and was "heavily reliant" on the UK to achieve its aims. The ATG "would be based around" 40 Commando Group and the plan envisaged a two company helicopter-borne amphibious assault capability. The ATG's landing craft would "provide flexibility" a "simultaneous … surface assault", but it was "more likely to be used for logistic support".

1183. On 11 December, Maj Gen Fry advised the Chiefs of Staff that:

> "The operation had important economic and environmental strands as well as being militarily essential. UK participation would enable the operation to complete 10 days sooner than if the US went alone and would ensure UK participation in land operations at P+ a few days, well ahead of the Main Effort in the North at P+60 … For the operation to go forward, the areas of risk that needed to be managed were SH [support helicopters] and Medical … The SH risk was not to be underestimated, but should be managed by sequencing … Until the TU [Turkey] question was resolved, an operation in the North was a complete uncertainty and, by accepting risk on SH, the ATG task would ensure UK land participation."[464]

1184. The Chiefs of Staff agreed that committing the ATG would ensure the UK's participation in operations, although there would be risks if support helicopters were needed for operations in both the North and South.

1185. Adm Boyce directed that a submission to Mr Hoon should be prepared "summarising CJO's paper in accordance with his instructions".

1186. Mr Hoon's agreement to planning for a discrete British role in securing a bridgehead in the initial stages of a military campaign was sought on 11 December.

1187. Adm Boyce briefed Mr Hoon on the planning for deployment of the ATG and development of a discrete British role in seizing a bridgehead.[465]

---

[464] Minutes, 11 December 2002, Chiefs of Staff meeting.
[465] Minute Bowen to Manning, 11 December 2002, 'Iraq: CDS Briefing of Mr Hoon'.

1188. The details of the proposal were set out in a minute to Mr Hoon's Private Office on 11 December.[466]

1189. Mr Hoon was advised that the ATG would "make a significant difference to the viability of the US plan". US ground operations were "now planned" to begin simultaneously with the air campaign, and that a second point of disembarkation was required "to enhance logistic flow and to prevent Iraqi destruction of key oil production and distribution nodes". That required the capture of Umm Qasr and the al-Faw Peninsula and the clearance of mines from the Khawr Abd Allah waterway. US planning for the operation had "developed with UK input", and was "well advanced". Unless the role was undertaken by the ATG, the US would have to "divert other forces, at a cost of several days' delay and increased risk", including a "strategic delay" to US follow-on operations in Basra and crossing the Euphrates, and an increased risk of the destruction of oil supplies.

1190. Iraqi options for defending the peninsula and hampering Coalition maritime forces included land-based anti-ship missiles, some artillery and mortar capability. An Iraqi troop presence of some 2,000-3,000 could "in theory be reinforced by the Iraqi 51st Mechanised Division based at az-Zubayr and al-Basra" but the US plan was "designed to prevent such reinforcement being attempted". If it were attempted, "coalition forces should be able to defeat it with ease".

1191. Mr Hoon was advised that the ATG would be "based around 40 Commando Group embarked in HMS Ocean, supported by HMS Ark Royal" and other ships. The force would be commanded by a Royal Navy officer, "who would command both the amphibious and MCM elements of the ATG". It "was possible, subject to further work" that US forces "could be placed under UK command".

1192. Mr Hoon was also advised that:

- "Previous concerns that it might not be possible to support the ATG concurrently with other elements of the UK force packages … have been assuaged. Although supporting resources will be stretched, the stretch is judged to be manageable."
- Further work was "looking at the possibility of making a second RM Commando available for follow-on or aftermath operations".

1193. Mr Hoon was asked to:

- note that the Chiefs of Staff had endorsed securing the al-Faw Peninsula and mine clearance operations as "a role for the ATG, judging that it would be consistent with UK objectives and provide valuable strategic, operational and presentational effect"; and

---

[466] Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, 'Iraq Military Planning: Amphibious Task Group'.

- agree that "subject to the usual caveat that no political decision has been taken to commit UK forces, US/UK planning should proceed on the assumption that the ATG would undertake this role".

1194. Sir Kevin Tebbit pointed out the need to identify the operational risks.

1195. When he saw the advice, Sir Kevin Tebbit, who had not been present at the Chiefs of Staff discussion on 11 December, wrote:

> "What sort of risk assessment is being prepared? I assume the S of S [Mr Hoon] is aware that these would be lead elements in an operation where we are unlikely to have the benefit of surprise or of choice of territory (I assume the Iraqis will be aware that this is where we would have to go, more or less?) We need to make sure that the operational risks are stated in a clear and balanced way."[467]

1196. Details of the proposal were sent to Mr Blair on 12 December. The operational risks were not explicitly addressed.

1197. Mr Hoon's Private Office wrote to No.10 on 12 December stating that the maritime contribution set out in Mr Hoon's letter of 15 October included an ATG; and that "as the US military plan has developed, it is clear that there is an important role for this Group".[468] Mr Hoon had "mentioned this" to Mr Blair on 11 December.

1198. The MOD stated that the ATG, and 40 Commando Group Royal Marines, would play a key role "on Day 1 of offensive operations", for operations:

> "… possibly of high intensity and could bring forward the decisive employment of armoured forces by up to 10 days. It also reduces the risk of destruction of oil infrastructure and the associated environmental damage. It has strategic and operational effect, and provides an opportunity for UK land involvement even if agreement cannot be obtained from Turkey for the northern option."

1199. Details of the proposal, set out in an Annex to the letter, largely reflected the MOD's advice to Mr Hoon, but it did not address the likely Iraqi defences.

1200. Copies of the letter were sent to the Private Office of Mr Straw and to Mr Bowen in the Cabinet Office.

1201. After the Chiefs of Staff discussion on 18 December, Lt Gen Reith was directed to add HQ 3 Commando Brigade and a second Royal Marine Commando to the Amphibious Task Group.[469]

---

[467] Manuscript comment Tebbit on Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, 'Iraq Military Planning: Amphibious Task Group'.
[468] Letter Williams to Manning, 12 December 2002, 'Iraq: Military Planning – Amphibious Task Group (ATG)'.
[469] Minute Reith to CDS, 19 December 2002, 'Land Options Paper – Revised' attaching CJO Paper 'Land Options – Revised'.

1202. Mr Hoon announced contingency preparations and the planned deployment of a naval task group on 18 December.[470]

1203. At Cabinet on 19 December, Mr Hoon informed his colleagues that it was "increasingly necessary to make visible preparations" and that "a naval task group led by HMS Ark Royal would depart for exercises". The US had not yet finalised its military planning but it was "already building up a formidable force and would be ready to use it".[471]

1204. The Cabinet Conclusions contain no reference to the deployment of the ATG, the deployment of a Royal Marine Commando Group, or the role they might play.

1205. Mr Blair said that "there would be an opportunity to discuss Iraq in the New Year".

1206. Mr Straw's report to Cabinet on 19 December, on Iraq's declaration in response to resolution 1441 and the next steps for the weapons inspectors, are addressed in Section 3.6.

1207. In a minute on 30 December, primarily dealing with land options, Mr Hoon was informed that: "Unless otherwise instructed, the Amphibious Task Group (ATG) will begin to deploy from 16 January …"[472]

1208. The deployment of the ATG was announced on 7 January 2003.[473]

1209. The deployment of 3 Commando Brigade was seen as a way for the UK to make a valuable contribution to the land campaign if transit through Turkey was refused.

1210. When 3 Commando Brigade deployed into action, however, the landings did not go entirely as planned. That is addressed in Section 8.

Mr Hoon's statement, 18 December 2002

1211. Mr Hoon made a further statement on contingency preparations for military operations against Iraq to Parliament on 18 December.[474]

1212. Mr Hoon reported that he had "authorised a range of steps to improve readiness". He also referred to the planned deployment of a naval task group in early 2003 to the Gulf and Asia-Pacific region for visits and exercises. That was "a routine deployment" that happened about every three years, but it remained "available for a range of potential operations if required". The task group would be led by HMS Ark Royal and a nuclear-powered submarine would be "assigned to the group for part of its deployment".

---

[470] House of Commons, *Official Report*, 18 December 2002, columns 845-6.
[471] Cabinet Conclusions, 19 December 2002.
[472] Minute Johnson to PS/Secretary of State [MOD], 30 December 2002, 'Iraq: Update'.
[473] House of Commons, *Official Report*, 7 January 2003, columns 23-25.
[474] House of Commons, *Official Report*, 18 December 2002, columns 845-6.

"In addition, a mine countermeasures group" would deploy ahead of the group "to undertake a series of exercises and port visits in the Gulf region".

1213. Mr Hoon added that the UK was also considering the deployment of "additional maritime forces early in the new year to ensure the readiness of a broad range of maritime capabilities, should they be required".

Continued pursuit of the northern option

1214. Mr Hoon was advised on 11 December not to push the issue with Turkey until early January, and that the UK was likely to face increasing US pressure to look at other options.

1215. Mr Bowen, who had attended the briefing for Mr Hoon on 11 December, reported to Sir David Manning that Adm Boyce had informed Mr Hoon that the absence of a northern front was not now regarded as a showstopper.[475] He added that "the one certainty appears to be that an extra 45 days must be allowed for deployment if planning were to switch from the North to the South".

1216. Further advice on Turkey, including options for high level UK visits and actions after the Copenhagen Summit was provided for Mr Hoon on 11 December.[476]

1217. Mr Johnson wrote that: "We need clarity as soon as possible" because if the response was positive it would take some time to "thrash out all the practical details" and, if the response was negative, alternatives needed to be considered.

1218. Mr Johnson advised that: "We should not push the issue hard until the Turks have said Yes to the US request". Mr Hoon's visit scheduled for 6 to 8 January looked like the right opportunity. If Mr Hoon did decide to "push the issue hard" then "experience (eg over ISAF) suggests that only high-level engagement is likely to make a difference".

1219. On "handling" Turkey, Mr Johnson stated that the northern option "came from our strategic analysis in the first place" and that deployment timelines were: "45 days' [sic] shorter than to the South (though we could in theory solve this problem by buying up more sealift)". Assuming a political decision was made on 15 February, "air elements" would be in action from early March and the main ground effort from mid-April. Although the UK would want to pre-position air weapons at the end of the year, it "would not need to deploy additional air and ground forces until 15 February". Turkey was less likely to help the UK than the US.

---

[475] Minute Bowen to Manning, 11 December 2002, 'Iraq: CDS Briefing of Mr Hoon'.
[476] Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, 'Iraq: Military Planning – Turkey Handling'.

1220. Addressing the option of dropping the northern option and telling the US that the UK wanted to switch to the South, Mr Johnson's minute stated:

"
- Advantages: Reduces risk of wasting our time and getting bogged down in negotiation. Improves chances of getting into the South in time for February/March.
- Disadvantages: Although General Franks has said that he will fit us into the South if required, we have no US political guarantee that they will fix it, or that they will give us a role in the main effort. And it would perhaps be odd to rule Turkey out when we have not asked them the question ourselves."

1221. The minute advised that the US priority would be getting its own forces into Turkey. The UK was "likely to come under increasing US pressure to look at going elsewhere". As time passed, the US might "feel less bound to try and meet our preferences for a substantial role in the South".

1222. Sir Kevin Tebbit commented on a draft of the note that "depending on how Copenhagen goes, plus CDS soundings of [General Hilmi] Özkök [Chief of the General Staff of the Turkish Armed Forces]", Mr Hoon would need to visit and that he would probably accompany him.[477]

1223. Sir Kevin wrote that European forces on Turkish soil would be "harder" for them than US forces, although Turkey was "better disposed" towards the UK. Other issues included the impact on Turkey's relations with the Kurds and the UK's attitude to the Kurds in 1920-32.

SPG PAPER, 13 DECEMBER 2002

1224. The SPG paper of 13 December concluded that a medium scale land contribution would be the maximum the UK could provide concurrently with Op FRESCO and provided a new analysis on urban operations.

1225. On 13 December, the SPG produced a sixth version of the 'UK Military Strategic Thinking on Iraq' paper.[478]

1226. The paper stated that a contribution at medium scale "in each environment (Package 3)" would be "the maximum achievable concurrently with Op FRESCO". It would take 129 days for deployment to Turkey to be completed. The UK was "likely to be two months late for 1st echelon operations unless resources [were] committed now".

1227. The need for a "coercive" information operations campaign to "help create the conditions for Iraqi regime collapse" had been added to the list of UK Military Strategic

---

[477] Manuscript comment Tebbit on Email Sec(O)-Iraq-S to DG OpPol-S, 10 December 2002, 'Draft note on Turkey Strategy for SofS'.
[478] Paper [SPG], 13 December 2002, 'UK Military Strategic Thinking on Iraq'.

Objectives, underpinned by a section identifying the objectives and themes of such a campaign.

1228. The paper included a new analysis on urban operations in Iraq, which were described as "the 'vital ground' of any campaign against Iraq". In contrast with the analysis in the previous version of the paper, the SPG stated that it would "not be possible, or desirable" for land operations "to avoid towns and cities", where: "Any factional conflict following regime collapse or during the aftermath" was likely to take place. Baghdad would be "a special case".

1229. Addressing the Coalition response, the paper stated that it could not:

> "… engage in drawn out urban conflict since it lacks the experience training and specialist equipment to do so without heavy casualties. Such casualties, combined with loss of tempo and humanitarian effects may undermine coalition will to continue by alienating home, international and regional supporters."

1230. The paper identified the need to understand the "infrastructure, culture, population, terrain, threats" in cities and commented that the US had invested thousands of man hours in analysing Baghdad, "but that relatively little work has been done on Tikrit, a city more likely to be the responsibility of those on the northern axis".

1231. The SPG identified information operations and physical separation and the control of movement into and out of cities as "key conditions" for engagement.

1232. The paper also added an objective to develop a "broad military alliance against Iraq".

1233. The SPG identified the post-conflict phase as "strategically decisive" and called for it to be "adequately addressed" in any winning concept. That is addressed in Section 6.4.

Proposals to increase ground combat forces and options for the South

1234. Adm Boyce decided on 18 December that the option of a division with two brigades should be developed for deployment in the North.

1235. Options for enhancing the Amphibious Task Group and deploying a second light brigade and follow-on forces should also be developed for the South.

1236. Submitting a paper on "Land Options" on 16 December, Lt Gen Reith stated: "The UK must now confirm its land contribution in order that final and detailed planning can take place."[479]

---

[479] Minute Reith to COSSEC, 16 December 2002, 'Land Options for the UK' attaching Paper CJO, 'Land Options for the UK'.

1237. The Chiefs of Staff were invited to agree that participation in the land campaign was "consistent with UK objectives" and to endorse the "approach to the delivery of a heavy or light land package".

1238. Lt Gen Reith advised that a UK contribution from the North remained the preferred course of action; but the "constraints of Op FRESCO dictate that the best force package available is based on a divisional headquarters and a single high readiness UK brigade", with a second brigade provided by the US. The disadvantage would be that it would lack manoeuvre capability.

1239. The UK could not deploy a heavy force to the South quickly enough to meet the expected US timeline for the start of offensive operations, and "a UK contribution for Phase 3 combat operations could only be achieved by light forces".

1240. Lt Gen Reith added:

> "The UK could mount two light brigades, potentially commanded at divisional level, although the US would prefer to deploy them separately under US control."

1241. Lt Gen Reith advised the Chiefs of Staff that the heavy and light force options were "mutually exclusive"; and that a decision on which to deploy was "wholly dependent on confirmation of the Turkish position and must be made no later than 15 Jan[uary] … to allow the light force to be generated in time".

1242. In the detailed paper, Lt Gen Reith stated that the US plan for the northern axis had "enhanced the role of the UK division" and the UK's tactical analysis confirmed that a minimum of two brigades would be required for the northern option.

1243. The constraints of Op FRESCO and the likely US timetable meant that the best option the UK could provide comprised a divisional headquarters, an armoured brigade of four battlegroups, a manoeuvre support task force (MSTF) built around a second brigade headquarters with combat support elements, and the 2nd Light Cavalry Regiment offered by the US. That would require the deployment of "circa 30,000" UK personnel.

1244. If Turkey did not co-operate and the UK still wished "to make a significant and early contribution to operations against Iraq", the UK could deploy two light brigades and possibly a divisional headquarters for the southern axis.

1245. One light brigade would be based on an expanded ATG, comprising the Headquarters of 3 Commando Brigade and "up to three battalions". The headquarters and one commando group (based on 40 Commando Group) could be in place by the end of February. The remaining units would be deployed by air.

1246. A second brigade would be based on 16 Air Assault Brigade, with up to three battalions.

1247. There was also a possibility of deploying additional high readiness forces and the US had asked for additional logistics support.

1248. If a decision was taken by 15 January, UK combat forces could be in the theatre by late March.

1249. The disadvantages of that option would be that the UK would "potentially, not hold its own area of responsibility or operate at the divisional level of command", and 16 Air Assault Brigade would need to be extracted from Op FRESCO duties.

1250. On 18 December, Lt Gen Reith informed the Chiefs of Staff that:

- The US had identified 15 February as the optimum date for combat operations and was seeking to bring together the start of the air and ground campaigns.
- The US campaign plan had: "changed to an information operation supported by manoeuvre rather than vice versa. The centre of gravity was now the oilfields rather than Baghdad. Securing the oilfields would provide a means of funding Phase IV operations and the rebuilding of the infrastructure. It would also help avert an environmental disaster …"[480]

1251. In discussion of the "Land Options" paper, Gen Walker took the view that a UK division operating alone in the North "represented the most sensible military solution, but accepted that Op FRESCO commitments precluded it from being taken in its present form"; it was likely to be available only for Phase IV operations.

1252. The Chiefs of Staff endorsed Lt Gen Reith's request to take forward exploratory work on options for the South.

1253. The Chiefs of Staff also discussed a paper by Maj Gen Fry on the provision of a UK stabilisation force in the event of early military or regime collapse leading to a "loss of control".[481]

1254. Maj Gen Fry defined "early collapse" as the collapse of the Iraqi regime less than 60 days after the political decision to take military action ("P Day"), and "loss of control" as "the period between the collapse of the Iraqi regime and the establishment of an effective alternative providing law and order and security".

1255. The paper stated:

> "Rapid intervention by the Coalition may be required to stabilise the situation, including support to an interim government. Current Package 3 deployment timelines would limit the arrival of sufficient and appropriate UK military capability in time. Consequently there is a need to develop a contingency plan that would enable

---

[480] Minutes, 18 December 2002, Chiefs of Staff meeting.
[481] Paper DCJO(Ops) [MOD], 16 December 2002, 'Provision of a UK Stabilisation Force'.

the UK to gain an early footprint on the ground, providing influence in theatre and achieving strategic impact."

If the collapse happened after more than 60 days, the UK land component would have reached full operating capability and would deal with the situation.

1256. Maj Gen Fry advised that, in order to provide a quick response, the stabilisation force was "likely to be light" and its role limited to "wider peacekeeping and 'stabilisation' tasks". Those included controlling and denying access to WMD, security at key locations, disarmament and demobilisation. The paper set out a number of options for different scenarios.

1257. At the Chiefs of Staff meeting, Lt Gen Reith commented that any stabilisation force would depend on timing and availability of resources, and that there was a synergy between the southern option and a stabilisation force.

1258. The minutes of the Chiefs of Staff meeting included a "Post Meeting Note" stating that the commitment to Operation FRESCO might be reduced by "some 2,000 personnel", and:

- The option recommended by Lt Gen Reith was not the preferred northern option, and a force package based on two UK high readiness brigades, each with three battlegroups, should be developed further, with the aim of providing a second manoeuvre "element", within a manpower ceiling of about 33,000.
- Options for enhancing the Amphibious Task Group, and additional options for the South which would consider the utility of a second light brigade and the deployment of follow-on forces, should also be developed.[482]

MOD ADVICE TO NO.10, 19 AND 20 DECEMBER 2002

1259. The MOD provided an update on the military thinking for No.10 on 19 December and further background material the following day.

1260. No.10 was informed that:

- **Control of Iraq's oilfields rather than control of Baghdad was seen as the strategic key to the control of Iraq.**
- **Keeping options open was likely to require visible steps early in the New Year, including call-out of Reserves and high profile maritime deployments.**
- **An early conclusion on whether the UK could deploy through Turkey was needed to define the land option.**

1261. In response to a request for an update on US military thinking, Mr Hoon's Private Office wrote to Sir David Manning on 19 December to inform him that the beginning of

[482] Minutes, 18 December 2002, Chiefs of Staff meeting.

US ground operations would be synchronised as closely as possible with the beginning of air operations, which it was judged would lead to the rapid collapse of much potential opposition.[483]

1262. In addition, the US was now thinking of "an information operation supported by manoeuvre, rather than a manoeuvre operation supported by information operation". Control of Iraq's oilfields (North and South), rather than control of Baghdad, was seen as the strategic key to control of Iraq. It would prevent the Iraqi regime from using oil as a weapon to cause a humanitarian and environmental catastrophe.

1263. It would also be essential to fund reconstruction. The US now recognised that stabilisation and reconstruction of up to two thirds of Iraq would need to begin before the military campaign had concluded. This was "bringing home to the US military the need for more planning effort to be devoted to 'aftermath' issues now".

1264. Copies of the letter were sent to the Private Offices of Mr Straw and Mr Brown, and to Mr Bowen.

1265. The US plan for a military campaign, including that the Coalition would not fight for Baghdad in the initial phase of combat operations, is addressed in Section 8.

1266. The MOD had not yet reached a conclusion on the alternative options if Turkey refused transit.

1267. Mr Straw told Secretary Powell that, in the light of reports about the latest US military planning, the UK was "anxious about whether this was the right approach".[484]

1268. In response to a request for background material on US and UK military thinking and preparations, Mr Watkins wrote to Sir David Manning on 20 December.[485]

1269. Mr Watkins highlighted "the continuing emphasis in US military planning on squeezing every possible day out of their timelines, both in preparation for and in the prosecution of any campaign". As a result, the UK assumptions about detailed timings were "potentially subject to acceleration at short notice". Keeping options open was:

> "… likely to require visible steps early in the New Year … including a first call-out of reserves in the first half of January and high profile maritime deployments around the middle of the month."

1270. An early conclusion on whether the UK could deploy through Turkey "and thus on the shape of the UK land contribution" was also needed.

1271. Mr Watkins concluded that there would be "an increasingly pressing need to satisfy ourselves that the US has an overarching political strategy with which the

---

[483] Letter Williams to Manning, 19 December 2002, 'Iraq: Evolving US Military Thinking'.
[484] Letter McDonald to Manning, 19 December 2002, 'Iraq: Conversation with Colin Powell, 19 December'.
[485] Letter Watkins to Manning, 20 December 2002, 'Iraq: Christmas Reading'.

Government is content". If that envisaged military action in the timescales to which US military planners were working, there would be a need to address campaign objectives. That would be "necessary to fill the current gap between" the UK's "existing policy objectives and the likely nature of any US-led military operations, the scale and intensity of which should not be underestimated".

1272. The MOD provided seven annexes with more detailed information.

1273. Annex A addressed "Evolving US military thinking".

1274. Annex B, addressing UK military preparations, stated that there was a need to identify and address shortfalls in manpower and equipment in units nominated for operations, and that they would require significant training.

1275. In addition, the MOD:

- had approached the market to charter shipping; and
- was making preparations for call-out of Reserves.

1276. Annex C provided a snapshot of current UK and US force levels in the region and a projection of the probable build-up of forces based on Package 3 as currently endorsed and the ATG with 3 Commando Brigade. The ATG was now planned to be in theatre by mid-February and would transit the Suez canal 15 days earlier than previously planned; 7 Armoured Brigade could be in theatre by mid-March, but deployment of the full Package 3 would take a further 30 days.

1277. Annexes D and E, setting out the UK force packages originally approved by Ministers and an update on the ATG, stated that the MOD had strengthened the amphibious element of the force to include the Headquarters of 3 Commando Brigade, which would command both UK and US forces, and earmarked 42 Commando Group, to deploy by air after the ATG if required. The ATG was due to depart from the UK from 16 January. HMS Ark Royal would deploy as a second helicopter landing platform without its fast jets.

1278. Sir David was told the options for the land contribution were "under review"; and that: "There are some large and difficult issues here."

1279. Annex F was a "short note" on the options. It described Package 3, "previously endorsed by Ministers for planning purposes" as "a divisional HQ commanding a single square armoured brigade with appropriate divisional and logistic support", and that the MOD had assumed "for some time" the US would provide a similar brigade. The US had "now decided" to offer a lighter regiment, but that would mean the UK-led division would be "unbalanced, and its mission … more risky".

1280. The MOD was "therefore" looking at alternatives, which would take account of:

- The scope for releasing sufficient units from Op FRESCO to allow "Package 3 to be reconfigured for operations in the North as a division of two brigades".
- "Options for embedding a single … brigade in a US division (North or South)".
- Options for the South where further work was needed to assess whether an armoured formation could be delivered "within US timelines, and to consider alternatives involving lighter forces".

1281. The MOD could not be "fully confident" that it had "a conclusion on these choices".

1282. Annex G was a copy of the 13 December SPG paper, 'UK Military Strategic Thinking on Iraq', which identified the post-conflict phase as strategically decisive.

1283. Sir David commented to Mr Blair that not all of the information in Mr Watkins' letter of 20 December had "yet appeared in the *Sunday Telegraph*", which carried a story on 22 December that the Royal Marines would lead a sea-borne invasion of southern Iraq.[486]

1284. Mr Hoon had raised concerns about the leak with Sir Kevin Tebbit; and Mr Watkins had asked the MOD to review – and prune back – its distribution lists.[487]

MOD ADVICE TO MR HOON, 20 DECEMBER 2002

1285. Mr Hoon was informed on 20 December that UK plans were being reviewed in the light of changes in US plans and there might be a need for early decisions.

1286. The military's preferred option would be to deploy two UK brigades for the northern option although that would require 4,000-5,000 more personnel and changes to Op FRESCO.

1287. A "heavy" brigade would not be able to arrive in the South until mid-April, but would have "particular utility for post-conflict operations".

1288. Mr Hoon was reported to be reluctant to take any risks with Op FRESCO.

1289. Adm Boyce discussed Iraq with General Joseph W Ralston, Commander EUCOM, on 19 December.[488]

1290. Gen Ralston indicated that planning activity in Turkey was being delayed pending receipt of political clearance to proceed by the Turkish military. Gen Ralston expected

---

[486] Manuscript comment Manning on Letter Watkins to Manning, 20 December 2002, 'Iraq: Christmas Reading'.
[487] Minute Watkins to PS/PUS [MOD], 23 December 2002, 'Sunday Telegraph Article: 22 December 2002'.
[488] Minute MA/CDS to PS/SofS [MOD], 20 December 2002, 'CDS visit to SHAPE – EUCOM Issues'.

that it would be more difficult to get clearance for a UK deployment through Turkey than for a US one.

1291. In response to a question from Gen Ralston about whether the UK would contribute forces for deployment through Turkey, Adm Boyce said that "the critical path was for the US to negotiate access with Turkey first".

1292. On 19 December, Lt Gen Reith submitted a revised paper on the land options, to the Chiefs of Staff for discussion in a meeting chaired by Adm Boyce the following afternoon.[489]

1293. Lt Gen Reith reported increased US optimism that the Iraqi regime would collapse "early" and a desire to achieve the "closest possible coincidence" between the start of the air and ground campaigns. That would require earlier readiness for ground forces. There was some scepticism about the practicality of achieving a target date of mid-February in the North, but an attack in the North might begin "much earlier than has previously been expected", which Lt Gen Reith recommended the UK should aim to meet.

1294. The North remained the favoured option for UK land operations. Package 3 had been expanded to comprise a divisional HQ, two brigades, each with three battlegroups, and a total force level of 32,000. That would mean penalties for Op FRESCO.

1295. The paper also identified an option of contributing a single brigade, of four battlegroups, to a US formation before deployment of the full division. That would need about 25,000 personnel.

1296. In the South, 16 Air Assault Brigade and 3 Commando Brigade could initially operate under the command of a US division. For the former, units would need to be withdrawn from Op FRESCO. Both brigades were seen as having options for war-fighting and stabilisation roles. Preparations for the deployment of 16 Air Assault Brigade would depend on a decision not to deploy a division in the North no later than 15 January, "the last safe moment for a decision to switch the main effort from a northern axis".

1297. Lt Gen Reith advised that a "heavy" brigade could not arrive in the South before the middle of April and further time would be needed for readiness and integration. It would have "particular utility for post-conflict operations".

1298. If a UK division was deployed to the North, 1 (UK) Div HQ would take command; for other options, 3rd (UK) Mechanised Division would take the lead.

1299. Lt Gen Reith also recorded that he had been directed to add 42 Commando and HQ 3 Commando Brigade to the Amphibious Task Group.

---

[489] Minute Reith to CDS & various, 19 December 2002, 'Land Options Paper – Revised' attaching Paper CJO, 'Land Options – Revised'.

1300. Mr Johnson alerted Mr Hoon to the potential need for early decisions on 20 December.[490]

1301. Mr Johnson wrote that Package 3 was being reviewed in the light of changes in US force plans. Adm Boyce, Gen Walker and Lt Gen Reith recommended that an option with two UK brigades each with three battlegroups should be the preferred option; although it would require 4,000-5,000 more personnel than the "currently endorsed package of 28,000", and a change to Op FRESCO plans.

1302. Mr Hoon was advised "we should have reached a conclusion on Turkey by the middle of January". An alternative option of deploying one brigade of four battlegroups to be integrated within the US 4th Infantry Division had also been identified. Planning could be calibrated to allow a switch to that option if the deployment of a division was ruled out.

1303. The work on possible options in the South was not addressed in the minute.

1304. In preparation for a telephone conversation with Adm Boyce on 22 December, Mr Watkins sent Mr Hoon a handwritten minute setting out the background to Mr Johnson's minute, which had been received late on 20 December following a meeting between Adm Boyce and Lt Gen Reith.[491]

1305. Mr Watkins advised that:

- Mr Johnson's minute did not seek any decisions, but Adm Boyce was "looking for a steer" on whether to call in staff over Christmas to prepare for deployments in the first few days of January, "rather than mid-January as currently assumed".
- There was "some suspicion about the provenance of the information about US intentions", which had come from CENTCOM. Mr Watkins' own contacts with Secretary Rumsfeld's office suggested that political decisions about visible US actions had not yet been taken. There was a risk, not for the first time, of the UK getting ahead of the US Government's position.
- Deploying equipment before the planned visit to Ankara risked "a diplomatic own goal".
- The UK Government's communications plan assumed a start date of 7 January.
- Mr Blair would be on holiday abroad until 5 January.

1306. In a separate minute produced by one of his Private Secretaries the previous evening, Mr Hoon was advised that military "plans seem to be changing very rapidly and

---

[490] Minute Johnson to PS/Sof S [MOD], 20 December 2002, 'Iraq: Early Decisions'.
[491] Minute (handwritten) Watkins to SofS [MOD], 21 December 2002, 'Iraq: CDS Phone Call: 22 December'.

incoherently without any real reference to the UN or political timetable".[492] Mr Hoon might ask Adm Boyce a number of questions, including:

- When a decision on Turkey was needed?
- Whether it was "still worth pursuing Turkey given the difficulty the US" was having?
- Whether there was "a worthwhile role for any heavy forces" if Turkey was not available.
- "When do we bite the bullet and rule out the heavy land option? Or are we content to march them up to the top of the hill just for force on mind? How would we cope with the morale implications?"

1307. Mr Hoon would "need to see properly considered and realistically argued submissions" if early decisions were needed.

1308. The record of the conversation with Adm Boyce stated that, in relation to the work on land options, Mr Hoon was reluctant to take any risks with Op FRESCO's capability.[493]

1309. Mr Hoon was content, for planning purposes, with the assumption that an initial tranche of Reservists would be called out on or about 9 January. That would "be subject to clearance from No.10 in due course". He also wanted to avoid any clearly visible increase in activity "over and above what he [had] foreshadowed in his Statement in the House [of Commons] on 18 December before 6 January", because of the "need to balance the diplomatic and military tracks".

1310. Mr Hoon noted that further advice on preparations would be provided and that it would be helpful to have a clearer sense of the US planning timetable.

Planning Directive for Lt Gen Reith, 30 December 2002

Adm Boyce issued a Planning and Preparation Directive on 30 December.[494] That gave Lt Gen Reith: "authority to undertake the necessary preparations, including reductions in Notice to Move and overt training, in order that UK forces identified for potential operations in Iraq are in all aspects ready for Coalition military operations", including ensuring 16 Air Assault Brigade was ready for operations.

The Directive stated: "The codeword for the preparatory phase of this operation, and if UK forces are subsequently required to commit to action in the execution phase, is TELIC."

On Phase IV, it stated:

> "Delivering HMG's [Her Majesty's Government's] declared end state is likely to require UK engagement in follow-on operations but the possible scale and duration

[492] Minute Williams to SofS [MOD], 20 December 2002, 'Military Planning for Iraq'.
[493] Minute Watkins to Hd Sec (Iraq), 23 December 2002, 'Iraq: Early Decisions'.
[494] Paper CDS, 30 December 2002, 'CDS Planning and Preparation Directive for Operation TELIC'.

of 'aftermath operations' are uncertain and are in urgent need of clarification from US planners at all levels."

Formal planning for the southern option began on 3 January when Maj Gen Brims, was briefed on the concept by PJHQ.[495] Major General Wall, Chief of Staff to the UK National Contingent Commander and, subsequently, GOC 1 (UK) Div, wrote that initial planning with the US 1st Marine Expeditionary Force (1 MEF) was conducted in Atlanta in early January, which enabled Maj Gen Brims to start to shape the order of battle and build the division as a formation.

The Planning and Preparation Directive was superseded by a first version of the Execute Directive on 4 March 2003.

Mr Hoon's statement, 7 January 2003

1311. On 7 January, Mr Hoon announced the decision to deploy additional maritime forces, including an amphibious capability and an order to enable the call-out of Reservists.

1312. That was presented as a necessary part of a policy of maintaining the pressure on Saddam Hussein to persuade him to disarm. Mr Hoon stated that no decision had been taken to commit UK forces to military action.

1313. The Government's policy objectives for Iraq were also published on 7 January.

1314. Mr Hoon wrote to Mr Blair on 3 January alerting him and other colleagues to the need to take and make public decisions on the call-out of Reservists.[496] He planned an announcement to the House of Commons on 7 January as part of a broader statement on Iraq strategy.

1315. Mr Watkins wrote to Sir David Manning later that day to inform him that Mr Hoon would also want to announce the need for significant force movements, including the deployment of the Amphibious Task Group.[497] Mr Watkins recorded that the MOD had "confirmed to the US that the Group now includes HQ 3 Commando Brigade and 42 Commando, together with 40 Commando as originally planned".

1316. Mr Straw made a Written Ministerial Statement on the Government's policy objectives for Iraq to the House of Commons on 7 January 2003. In his later oral statement, Mr Hoon commended the objectives to the House of Commons.[498]

---

[495] Report Wall, 6 October 2003, 'Post Operation Report – Version 2 Operation TELIC'.
[496] Letter Hoon to Prime Minister, 3 January 2003, 'Iraq: Call-out of Reserves'.
[497] Letter Watkins to Manning, 3 January 2003, 'Iraq: Update on Military Planning and Draft Statement'.
[498] House of Commons, *Official Report*, 7 January 2003, columns 23-25.

1317. Mr Hoon also announced arrangements for the first call-out of Reservists in support of possible operations against Iraq and the deployment of "a number of additional vessels and units later this month, which will represent a significant amphibious capability", including the headquarters 3 Commando Brigade, and 40 and 42 Commandos "with all supporting elements".

1318. Mr Hoon concluded:

> "None of that means that the use of force is inevitable … no decision has been taken to commit those forces to action … But … as long as Saddam's compliance with … resolution 1441 is in doubt … the threat of force must remain and it must be a real one."

1319. Mr Straw's and Mr Hoon's statements are addressed in more detail in Section 3.6.

The end of the northern option

1320. By the beginning of January 2003, uncertainty about Turkey's agreement to the deployment of ground forces had reached a critical point.

1321. Mr Hoon and Mr Blair were advised that there were considerable uncertainties about the UK role in US plans if Turkey refused transit for ground forces.

1322. Mr Westmacott reported on 23 December 2002 that the Turkish media was reporting US requests for a full Turkish commitment to preparations for military action; and that no decisions appeared to have been taken. There was little public support in Turkey for a war with Iraq.[499]

1323. On 24 December, Mr Straw and Secretary Powell discussed the fact that 80 percent of the Turkish public were against any co-operation with the US/UK on ground troops.[500]

1324. Mr Straw and Secretary Powell spoke twice on 30 December.

1325. In their first conversation, Secretary Powell asked where a Turkish refusal to the deployment of UK forces would leave the UK.[501] Mr Straw replied: "in some difficulty" but he knew there were contingency plans. He would "get back" to Secretary Powell.

1326. Mr Straw and Secretary Powell also discussed the possibility that the military would be ready to take action but there would be no casus belli.

---

[499] Telegram 481, Ankara to FCO London, 23 December 2002, 'Turkey/Iraq: More US Pressure'.
[500] Letter Straw to Manning, 24 December 2002, 'Conversation with Powell: Iraq'.
[501] Telegram 671 FCO London to Washington, 30 December 2002, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 30 December'.

1327. In their second conversation Mr Straw told Secretary Powell that:

> "Following the latest news from Turkey, we could provide an amphibious task force in the South. We might also put in an armoured brigade in the South."[502]

1328. Mr Straw also cautioned that the armoured brigade would take an extra 45 days to arrive.

1329. Mr Hoon was advised on 30 December that it seemed increasingly unlikely ground forces would be allowed to operate from Turkey and that the ground forces options were under review.[503]

1330. The US was reviewing the military plan "and considering what role a UK ground force could play in the South". Mr Johnson stated:

> "We had of course offered the existing land package on the assumption that it would operate in the North. Ministers have not endorsed any assumptions about a possible role in the South, which is more likely to be for follow-on, or aftermath, tasks."

1331. Mr Hoon was advised that, at present, there was "no clear role for any [of the options being examined] in the South"; the UK needed "first to hear from the US … what possible roles they may now envisage for UK land forces.

1332. Mr Westmacott advised on 31 December that despite a series of meetings in Christmas week, there were still no decisions although the Turkish Parliament had approved the renewal of the authority for US and UK aircraft to continue to operate from Incirlik over the northern No-Fly Zone.[504] In his view it was unlikely that Turkey would be forthcoming on Iraq during Mr Hoon's planned meeting the following week. Turkey was likely to wait until after Dr Blix's report to the UN Security Council on 27 January before consulting Parliament.

1333. On 2 January 2003, Mr Westmacott advised that he had not detected any particular hostility to a UK military presence: "The key point was that Turkey would rather not have any of us." Mr Hoon's visit should help to clarify the picture.[505]

---

[502] Letter Straw to Manning, 30 December 2002, 'Iraq: Conversation with Colin Powell, 30 December'.
[503] Minute Johnson to PS/Secretary of State [MOD], 30 December 2002, 'Iraq: Update'.
[504] Telegram 483 Ankara to FCO London, 31 December 2002, 'Iraq: More Turkish Prevarication Despite US pressure'.
[505] Telegram 1 Ankara to FCO London, 2 January 2003, 'Iraq: Turkish Options'.

1334. In his letter of 3 January about the announcement of the ATG deployment on 7 January, Mr Watkins alerted Sir David Manning to the need to reconsider options for the UK's ground contribution because of doubts about transit through Turkey.[506] He advised:

> "It may … be necessary to take decisions next week to give us time to train additional units for Operation FRESCO … freeing up units that, under new plans, might deploy to the South.
>
> "In the meantime, we are continuing with preparations to enable a ground force contribution of at least an armoured brigade (and its Divisional HQ) to deploy as soon as possible."

1335. In his minute of 3 January on the way ahead on Iraq over the next few weeks, which is addressed in Section 3.6, Mr Straw informed Mr Blair that Turkey would not allow US or UK troops through on the ground and that was "leading CENTCOM to re-think"; and that "must have an impact on the robustness of the overall plan, and the timelines".[507]

1336. Mr Straw's minute was not sent to Mr Hoon.

1337. On 3 January, Sir David Manning and Dr Rice discussed the possibility of a military attack without the northern option.[508] In the light of the previous advice about its importance, Sir David said that he was "uneasy".

1338. In an update on Iraq for Mr Blair on 3 January, which is also addressed in Section 3.6, Sir David Manning wrote that he was worried that US strategy was in danger of being driven by the tempo of military planning which assumed decisions in mid-February.[509] A "long hard look at the current state of the military planning" was needed: "Too much looks like hurried improvisation, half thought out strategy", which assumed that Saddam Hussein would collapse "in short order".

Mr Hoon's visit to Turkey, January 2003

1339. After Mr Hoon's visit to Ankara on 7 and 8 January 2003, the UK formally ruled out the northern option.

1340. Mr Hoon, Sir Kevin Tebbit, Lt Gen Pigott and Mr Lee visited Turkey on 7 to 8 January to "discuss a range of topics, including Iraq".[510]

1341. Mr Hoon told Secretary Rumsfeld on 7 January that he would emphasise the importance of the northern approach for a successful military campaign during his visit

---

[506] Letter Watkins to Manning, 3 January 2003, 'Iraq: Update on Military Planning and Draft Statement'.
[507] Minute Straw to Prime Minister, 3 January 2003, 'Iraq – Plan B'.
[508] Letter Manning to McDonald, 3 January 2003, 'Iraq: Conversation with Condi Rice'.
[509] Minute Manning to Prime Minister, 3 January 2003, 'Iraq'.
[510] Letter Watkins to Manning, 7 January 2003, 'Iraq: Conversation with Rumsfeld'.

to Ankara.[511] The US and UK were discussing possible roles for UK forces in the South. The UK was "ready to play a significant role there, provided it made sense in terms of the overall plan".

1342. Mr Westmacott's overview of the visit reported that although Turkish interlocutors had spelled out their concerns, they had given "tentative agreement to the start of military planning talks".[512]

1343. The British Embassy Ankara reported that Mr Hoon had told all his interlocutors that "the UK, like Turkey, wanted a peaceful outcome to the crisis if possible; but our best chance of achieving it lay in making a credible show of coalition readiness to use force if necessary".

1344. The UK "understood" Turkish concerns:

> "… about legitimacy (which we shared), domestic and regional politics. But we needed to start high level military planning talks now if Saddam Hussein was to get the message. We and the United States were also convinced that, if military action proved necessary, it would be quicker, cleaner, and more effective if it was done with the support and facilitation of Turkey. A northern route land forces option … with a thrust from the South, made the most sense … UK military involvement was under consideration."

1345. Mr Hoon was advised to lodge a formal request.

1346. Records of the meetings in Ankara on 8 January circulated by Mr Watkins demonstrated that Mr Hoon had argued that the UK objectives published on 7 January were similar to Turkey's objectives:

> "… we too wished to avoid war. But we had to demonstrate the seriousness of our intent … Visible military preparations might make war less likely."[513]

1347. The UK was in close touch with CENTCOM on a possible land package and Adm Boyce was "ready to come out to discuss the details".

1348. The Turkish response was guarded. It had a number of concerns about the political, economic and humanitarian consequences of military action. All chances for a peaceful resolution had to be exhausted. There was no public support for a war and, therefore, no guarantee of Parliamentary support.

1349. Mr Hoon wrote to the Turkish Defence Minister on 9 January seeking confirmation of approval for early military planning talks.[514]

---

[511] Letter Watkins to Manning, 7 January 2003, 'Iraq: Conversation with Rumsfeld'.
[512] Telegram 8 Ankara to FCO London, 8 January 2003, 'Defence Secretary's Visit to Ankara: Overview'.
[513] Letters Watkins to Manning, 9 and 10 January 2003, 'Defence Secretary's Visit to Ankara: 8 January 2003'.
[514] Telegram 19 Ankara to FCO London, 15 January 2003, 'Follow-up to Defence Secretary's Visit'.

1350. When Adm Boyce visited Turkey in late January, Mr Westmacott reported that there were no instructions to reply to Mr Hoon's letter.[515]

1351. At Cabinet on 9 January Mr Hoon reported his visit to Turkey and the sensitivities about actions involving Iraq.[516]

1352. Other issues discussed are addressed in Section 3.6.

1353. Mr Blair told Cabinet that there would be an "in-depth" discussion on Iraq the following week.

1354. Adm Boyce updated Gen Myers on the outcome of the visit on 9 January and outlined the UK's "commitment to operations in southern Iraq."[517]

1355. The report of the discussion also stated that the US could stay poised for military operations for 3-4 months.

1356. On 11 January, Mr Straw discussed the Turkish position with Secretary Powell, including the need to avoid Turkey being drawn into any conflict in Iraq and the practicalities of the northern option.[518]

1357. Reporting from the British Embassy Washington showed that similar concerns about permission had been discussed during Mr Ricketts' visit.[519]

1358. Sir Kevin Tebbit told the Inquiry that it was not until early January that the northern option was "absolutely blocked off" after he and Mr Hoon went to Ankara "to make one final effort to clarify what was going on", including to secure "overflight rights for aircraft and supplies".[520] But it had become "increasingly difficult to rely on the northern option" from late November into December.

1359. Mr Hoon told the Inquiry that his awareness of the difficulties with Turkey grew "towards the end" of 2002.[521] The UK had been alerted to the likely attitude of Turkey by Secretary Powell. When Mr Hoon had visited in early January 2003 he had had "a very rapid history lesson"; "all they were talking about was what had happened in the 1920s and Britain could not entirely be trusted".

1360. Mr Hoon stated that he did not think the decision to abandon the northern option was taken until after his visit to Ankara, when he formed the view that "we would never

---

[515] Telegram 33 Ankara to FCO London, 24 January 2003, 'CDS's Call on Turkish CHOD: Iraq'.
[516] Cabinet Conclusions, 9 January 2003.
[517] Minute Zambellas to PS/Secretary of State [MOD], 10 January 2003, 'CDS Telephone call to CJCS: 9 Jan 03'.
[518] Letter Straw to Manning, 13 January 2003, 'Iraq: Conversation with Colin Powell, 11 January'.
[519] Telegram 46 Washington to FCO London, 14 January 2003, 'Iraq: US Military Planning'.
[520] Public hearing, 3 December 2009, pages 55-56.
[521] Public hearing, 19 January 2010, pages 58-60.

get an agreement from Turkey. That was the point at which we took the decision … the actual decision didn't come until I came back from Turkey."[522]

1361. Mr Hoon added that the US did not abandon hope of securing Turkey's agreement to the deployment of 4th Infantry Division until much later, and that it had stayed in the eastern Mediterranean until after the start of the invasion.[523]

1362. Sir Kevin Tebbit told the Inquiry: "I went with Geoff Hoon to Ankara … to … finally see whether we could achieve agreement with the Turks."[524]

1363. Sir Kevin Tebbit told the Inquiry:

> "I felt slightly embarrassed, to be absolutely honest, because having been head of chancery in the Embassy in Ankara for three and a half years, I thought I knew my Turks. I thought they were going to be supportive, and I of all people should have realised that the idea of the Brits going into Kurdistan … re-awoke some very sensitive Turkish nationalist memories of how we behaved in the 1920s when they felt we were flirting with the idea of a Kurdistan as part of a way of dismantling the Ottoman empire."
>
> …
>
> "So we miscalculated there, and I have to say, I should have known better myself."[525]

1364. Sir Kevin added:

> "I think we thought we could provide reassurances that would overcome the Turkish objections, and unfortunately the Turks were reasonably polite and accommodating to let us feel that might actually be the case."[526]

1365. Sir Kevin confirmed that he was referring to both military and civilian views:

> "The problem was also they had an election, and there was a certain amount of chaos in Turkey about the stability of their arrangements, and I – we were encouraged to think that even at the last moment there might be a vote which would enable us to go there."

1366. In response to a question about whether he recalled that the views of the FCO and the Embassy in Ankara were not dissimilar from his own, Sir Kevin told the Inquiry that he did not:

> "… recall being out on a personal limb … [M]y sense was that we were getting mixed messages, and that we need to clarify the situation, not that we were being

---

[522] Public hearing, 19 January 2010, page 60.
[523] Public hearing, 19 January 2010, pages 60-61.
[524] Private hearing, 6 May 2010, page 15.
[525] Private hearing, 6 May 2010, pages 15-16.
[526] Private hearing, 6 May 2010, page 16.

told by everyone that it was not on. Had that been the case, we would have stopped much earlier."[527]

1367. At the time he gave evidence, Sir Kevin had not had the telegrams from Ankara drawn to his attention.[528]

1368. Sir Kevin confirmed that there had been a majority vote in the Turkish Parliament but that it was not sufficiently large to approve the deployment.[529]

1369. In relation to Mr Hoon's visit in January 2003, Mr Lee told the Inquiry:

"As I recall … that was a sort of last throw of the dice really, that everyone else had tried, hadn't had an outright 'no', but hadn't had any sort of encouragement either. So we should try this. He [Hoon] should go, speak to his opposite numbers, as many people as possible in the Turkish hierarchy, and see what the result would be. The outcome of that visit was, I think, the realisation dawned that Turkey was not going to agree. So things moved on, away from the northern option."[530]

Should the UK have addressed an alternative to the northern option earlier and more seriously?

1370. The need for a northern axis for any invasion of Iraq was suggested to the US by the UK military in July 2002.

1371. The MOD's preference for a discrete role in northern Iraq was identified in July 2002 and it remained the preferred option until the end of the year.

1372. The evidence set out in this Section catalogues the advice, offered by PJHQ to the MOD and the MOD advice to Mr Hoon and Mr Blair between July and December 2002, on the strategic rationale for both northern and southern axes of attack in an invasion of Iraq, and the advantages of the northern option from the UK's perspective.

1373. The proposal reflected long-held and legitimate judgements about the difficulties which could arise during operations if ground forces at a brigade level or below were embedded within US structures.

1374. A briefing note for Mr Hoon on 11 December 2002 explicitly confirmed that the northern option "came from our strategic analysis in the first place".[531]

---

[527] Private hearing, 6 May 2010, pages 17-18.
[528] Private hearing, 6 May 2010, page 17.
[529] Private hearing, 6 May 2010, page 18.
[530] Private hearing, 22 June 2010, pages 29-30.
[531] Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, 'Iraq: Military Planning – Turkey Handling'.

1375. Asked when during the summer of 2002 the idea that the UK would lead on the northern option had arisen, Lord Boyce told the Inquiry that it:

> "… was a fairly early part of the planning process, that we'd come from Turkey. We weren't going to lead it … we'd have been part of the American force …"[532]

1376. Asked where the idea had originated, Lord Boyce told the Inquiry that it was "to a certain extent American-driven" but there was a dormant "NATO plan to go through Turkey" that could have been "dusted off and re-shaped to deal with this particular operation".[533]

1377. Lt Gen Fry told the Inquiry that he had "previous [experience] … in … Kurdistan" where he had been deployed in 1991.[534] He had taken the view, at the time "and … still", that the northern option offered "demonstrable military advantage". That included less significant geographical challenges and more freedom of manoeuvre.

1378. Gen Reith recalled that the UK had suggested a second axis from the north to fix the six to eight Iraqi divisions lined up along the edge of the Kurdish zone and prevent them moving south, although he could not recall the exact timing.[535]

1379. Gen Reith told the Inquiry:

> "What happened with the northern option was that, when we had suggested it to them [the US], they then came back and said to us, 'Well, perhaps the UK could do the northern option as a discrete entity.'"[536]

1380. Mr Hoon told the Inquiry that his recollection was that the possibility of an attack on two axes to divide the Republican Guard had been identified and discussed before Lt Gen Pigott's visit to CENTCOM at the end of June; and that Lt Gen Pigott had persuaded the US military to consider a northern option.[537]

1381. Mr Hoon told the Inquiry that he was "pretty confident" that the UK had "persuaded" the US "about the northern option".[538]

1382. By late October 2002, the US had adopted a northern axis as an essential element of its campaign plan and decided to allocate its 4th Infantry Division to that task.

1383. The MOD's initial aspiration was to lead the operation from the North. But, by late October 2002, the US had adopted a northern axis as an essential element

---

[532] Public hearing, 3 December 2009, page 22.
[533] Public hearing, 3 December 2009, page 50.
[534] Public hearing, 16 December 2009, pages 14 and 17.
[535] Private hearing, 15 January 2010, page 14.
[536] Private hearing, 15 January 2010, page 23.
[537] Public hearing, 19 January 2010, pages 22-23.
[538] Public hearing, 19 January 2010, page 43.

of the campaign plan and decided to allocate its 4th Infantry Division to that task. That precluded a UK lead.

1384. Asked if the UK never talked about leading it, Lord Boyce replied: "No, and it would remain on the table right until January 2003."[539]

1385. Asked whether the northern option was the UK's preference or something the US "very much wanted" the UK to do, Lord Boyce told the Inquiry that it was "probably a bit of both". If Turkey had agreed, it would have been a "sensible way" of deploying a UK division alongside the US 4th Division.[540]

1386. Asked whether given the southern No-Fly Zone had been more difficult than the northern one, the UK had been more comfortable operating in the North, Lord Boyce replied that was:

> "… correct and it's also true that we felt we would be more compatible with the [US] 4th Infantry Division than with other American divisions …"[541]

1387. Lord Boyce added that they were also concerned about the relatively small area of Kuwait for the entry of forces, and that it depended "hugely on the host nation support", although he acknowledged that the latter was also true for Turkey.[542]

1388. Lord Boyce subsequently told the Inquiry:

> "… we thought that the North made sense to fix the Iraqi forces in that part of the country, to do what we could to secure the oilfields before they got trashed by Saddam Hussein and also to do what we could to preserve the Kurdish state up there and make sure there was not an assault on the Kurds from either the Turks or the Iraqis.
>
> "So it appeared to be a neat option …"[543]

1389. Asked for the reasons why the military advice appeared to stress the North rather than the South, Sir Kevin Tebbit told the Inquiry that he did not think there had been a "particular UK dimension":

- The UK had "particular concerns" about the consequences if Saddam Hussein moved his troops into the Kurdish area. He did not recall that directly influencing military planning, but it was "recognised very actively" at the political level.
- The UK had a military interest in the operation of the northern No-Fly Zone.

---

[539] Public hearing, 3 December 2009, page 22.
[540] Public hearing, 3 December 2009, pages 23-24.
[541] Public hearing, 3 December 2009, page 53.
[542] Public hearing, 3 December 2009, page 54.
[543] Public hearing, 27 January 2011, page 13.

- It was "clear in [the] planning" that it was very important to secure the northern oilfields to prevent Saddam causing a humanitarian and environmental disaster and to preserve the resources for rebuilding Iraq.[544]

1390. Sir Kevin added:

> "So there were very strong reasons for a force to … fix the North, and strong reasons therefore, for the UK to regard that as an appropriate role for us to help with."

1391. Mr Hoon told the Inquiry that part of the practical problem was that the Kuwaiti border with Iraq was "relatively short" and, unlike the conflict in 1991, Coalition Forces could not cross the Saudi border. That meant "a lot of soldiers were being funnelled through a relatively narrow area". He had been concerned that those forces would be "highly vulnerable" to chemical and biological weapons.[545]

1392. The judgement that southern Iraq was the most likely area for the first use of chemical or biological weapons against Coalition Force, and against the local population, was contained in the JIC Assessment of 19 February 2003, 'Southern Iraq: 'What's In Store?'.[546]

1393. Asked by the Inquiry in May 2010 about the benefits of the northern option as he had understood them, Sir Kevin replied they were:

- the need to "shut the door" to prevent Saddam Hussein retreating north;
- to "avoid what would otherwise be a very politically difficult situation with the Kurds and the Turks";
- squeezing from both directions provided "a much better way of outmanoeuvring your opponent";
- concerns about "a real bottleneck through Kuwait"; and
- the Kurdish Autonomous Zone was a "fairly stable area", which "looked rather easier than fighting one's way or helping to fight one's way up Iraq".[547]

1394. Sir Kevin recognised that the mountainous terrain in south-eastern Turkey and the length of the logistics supply lines would have posed challenges, but he thought Adm Boyce and "a lot of military men would have liked" to have had the northern option.[548]

1395. Lt Gen Reith expressed reservations about the relative advantages and disadvantages of the northern option in November.

---

[544] Public hearing, 3 December 2009, pages 51-53.
[545] Public hearing, 19 January 2010, page 62.
[546] JIC Assessment, 19 February 2003, 'Southern Iraq: What's In Store?'.
[547] Private hearing, 6 May 2010, pages 13-14.
[548] Private hearing, 6 May 2010, page 14.

1396. Gen Reith told the Inquiry that the North was "quite a difficult area" and "over time, and particularly with the Turkish elections, and … my sense of a lack of enthusiasm by the Turks … for me, as the planner, it became less and less attractive as an option".[549]

1397. Gen Reith added:

> "… I was unhappy with the logistic support required and the tenuous lines of communication to actually get our logistic support to our forces.
>
> "It was very, very tight … it was very mountainous … we were going to have to use the river Tigris as our protection on our left flank … it wasn't an attractive military option for what would have been, at best, a division plus."[550]

1398. Gen Reith told the Inquiry that discussions started with the US about where in the South a land package might best be employed after his paper of 18 November. He added that the Americans moved from thinking that the UK would definitely be going to the North to "maybe we [the UK] should be doing the South".[551]

1399. Other evidence given to the Inquiry suggested that the relative advantages and disadvantages of the northern and southern options might have been more balanced than some of the briefing offered to Mr Hoon and Mr Blair suggested.

1400. Gen Jackson told the Inquiry that the "relative logistic challenge" of the southern option was "probably logistically simpler" than the northern option.[552]

1401. Asked about his assessment of the risks and liabilities for the UK when he saw that the position was shifting from the North to the South, Lord Boyce told the Inquiry:

> "Timing would have been one … our transit … was going to take slightly longer. There was … a risk of the actual logistic effort but that was mitigated by the fact the Americans were going to help us … desertification of some of the kit … required some effort … But the Americans … were particularly helpful in making room for us in Kuwait …"[553]

1402. Lord Boyce added that "substantial effort" had already been made on the southern option and that working alongside the Amphibious Task Group helped the logistics support, and:

> "… whatever risks there were in switching to the South, in many senses were outweighed by some of the benefits …"[554]

---

[549] Private hearing, 15 January 2010, page 25.
[550] Private hearing, 15 January 2010, page 27.
[551] Private hearing 15 January 2010, pages 34-35.
[552] Public hearing, 28 July 2010, page 18.
[553] Public hearing, 27 January 2011, pages 23-24.
[554] Public hearing, 27 January 2011, pages 24-25.

1403. Asked about the assessment of the Iraqi opposition, Lord Boyce told the Inquiry that he had not thought that Iraq's fighting capability was going to be "any more challenging than … in the North".[555]

1404. Lord Boyce added that "one of the advantages" of the South which emerged "as the battle plans started to develop" was that "we were to be given an area of operations … which would … make it a cleaner operation" for the UK than working alongside the US 4th Infantry Division:

> "Our job … as we saw it, was going to be to fix the Iraqi or defeat the Iraqi divisions in the South to make sure the Americans had untrammelled progress towards the North without having to worry about their rear or their flank … That gave us a very clear mission …"

1405. Lord Boyce told the Inquiry:

> "Our feeling was that actually it [the South] might be … an easier place to deal with than the North, or further north I mean, because … the vast majority of the people in the South were Shia as opposed to the more heavy or original mix of Sunnis further north where we thought there would be problems between the Sunnis and Shia once the country – once we got past war end. Therefore, we were dealing with one sector which hopefully would be working together … and would be cooperative … as we tried to … regenerate the country after the fighting was over."[556]

1406. In oral evidence, witnesses offered different views about their perception of Turkey's position in late 2002 and early January 2003.

1407. Maj Gen Wilson had reported on 17 July 2002 that US planners had been asked to look at plans for a scenario without Turkey.

1408. DSF 1 told the Inquiry that he had informed Lt Gen Pigott "in about November" that UK ground forces were "not going through Turkey".[557]

1409. The Inquiry asked Sir Richard Dearlove at what stage he judged that the Turkish route would not be possible.[558] He told the Inquiry that "in the summer some time" it was "clear that the Turkish General Staff … were not going to agree to a British military deployment through Turkey".

1410. Sir Richard added:

> "… in the autumn, it became clear that there was going to be no British military deployment through Turkey. The Turkish generals … were not going to change their minds."

---

[555] Public hearing, 27 January 2011, pages 25-26.
[556] Public hearing, 27 January 2011, pages 26-27.
[557] Private hearing, 2010, page 19.
[558] Private hearing, 16 June 2010, pages 44-45.

1411. Asked if he had offered any advice to the military, Sir Richard replied:

> "… I would have reported that instantly … I was in touch frequently. Mike Boyce and I were regularly talking to each other. But … it was evident. It would have been evident on the attaché military channels at about the same time."

1412. Asked why, when he had taken the view in October 2002 that Turkey was not likely to agree to the deployment of UK forces, the MOD had persisted, Sir David Manning replied:

> "Yes, but … I was wrong about a lot of military things. So there's no reason why I should have been right about this one. I think probably … because the Americans were telling our military, don't worry, we will fix it, and … certainly the Americans themselves were surprised at how difficult the Turks proved to be …"[559]

1413. Lord Boyce told the Inquiry that the decision on 8 January 2003, to switch to the South:

> "…wasn't a sort of cold shock for everybody … The Prime Minister, the Cabinet and clearly the Secretary of State for Defence had … been exposed to the … contingency planning we were doing, should we have to go South."[560]

1414. Subsequently Lord Boyce told the Inquiry:

> "We imagined in the very early stages that because there was a NATO plan giving access to come through Turkey to go towards Iraq, but that was something which should not present a great difficulty. Certainly when I spoke to the Chief of the Turkish General Staff, General Özkök, in the very early days, September/October or so, there didn't appear – well, he didn't seem to think it would be a particular problem."[561]

1415. Lord Boyce added that "we rather thought" Gen Özkök "had more power than he probably did", or was prepared to exercise after the Turkish election of a new Government. The MOD "persevered for probably longer than we should have done in trying to get a route through Turkey".[562]

1416. Asked whether there had been cautionary advice from the FCO about Turkey's position, Lord Boyce told the Inquiry:

> "I can't recall at any time being told to back off. As you said, we pressed on and we pressed on until the bitter end when we had to make a final decision."[563]

---

[559] Private hearing, 24 June 2010, page 103.
[560] Public hearing, 3 December 2009, page 92.
[561] Public hearing, 27 January 2011, page 13.
[562] Public hearing, 27 January 2011, pages 14-15.
[563] Public hearing, 27 January 2011, page 15.

1417. Lord Boyce stated that the US:

> "… started giving us warnings … around late October/November … that we were probably pushing against a closed door, but we still even then carried on believing we might do it, because … that particular option seemed to be the more sensible one … if we were going to commit a large-sized landforce, because … Kuwait is a small country."[564]

1418. Asked about Sir Richard Dearlove's evidence, Lord Boyce told the Inquiry that he could not recall talking to him about the issue but Gen Özkök was "certainly not saying 'Don't bother to darken my door again'".[565]

1419. The northern option remained the primary focus for UK planning until early January.

1420. The Inquiry accepts the strategic rationale for a northern axis, including the aspiration to provide a framework which would allow other nations to make a military contribution.

1421. There are questions, however, about whether the UK should have given serious consideration to the alternatives for the UK, and discussed them with the US, at an earlier stage.

1422. The UK recognised, from July 2002 onwards, that the proposed northern option for UK land forces depended on Turkey's agreement to the transit of foreign forces; and that might be difficult to obtain. There were serious doubts about whether the Turkish Government would permit the transit of UK (or US) troops.

1423. Before the election of a new Government in Turkey, the JIC assessed on 30 October 2002 that Turkey's opposition could be overcome with US pressure.

1424. The UK received mixed messages from Washington and Ankara during the autumn of 2002.

1425. The warning signs that Turkey might well refuse to permit the deployment of UK forces led both Lt Gen Reith and the US Administration to suggest that the UK should develop alternatives to the northern option.

1426. The UK decided US assistance would be essential for securing Turkey's agreement and that the US should take the lead in talks with the Turkish Government elected in November 2002.

1427. The position taken by Mr Hoon, Sir Kevin Tebbit and Adm Boyce in discussions with the US Administration about the UK commitment to the northern

---

[564] Public hearing, 27 January 2011, pages 15-16.
[565] Public hearing, 27 January 2011, page 16.

option may in part have been driven by tactical considerations, and the need to maintain the maximum pressure on the US to pursue agreement for the deployment of UK ground forces with Turkey.

1428. **Mr Blair had asked on 6 December 2002 for advice on the options for UK land forces if Turkey refused transit.**

1429. **Adm Boyce did not instruct Lt Gen Reith to develop options for the South until 18 December 2002.**

1430. **Mr Hoon was advised that the decision on a switch to the South could be taken after his visit to Ankara in January 2003.**

1431. **From late July until late December 2002, Adm Boyce advised Ministers that the UK was not in a position to generate the forces necessary to conduct combat operations at divisional level without US support.**

1432. **Until the middle of December 2002, Ministerial decisions and military planning and preparations were based on advice that the deployment of a single combat brigade, with four battalions, in a northern option and the possible deployment of a Royal Marine Commando Group to southern Iraq, were the maximum which could be deployed given the requirements of Op FRESCO and the timescale for military operations envisaged by the US.**

1433. **When the US asked the UK to deploy to the South, there was little time to:**

- **prepare and consider a detailed analysis of the options before decisions were taken; and**
- **plan for and implement the deployment for operations which at that stage it was anticipated might start by early March.**

1434. **The implications of the switch to the South in mid-January and the increase of the combat force to three brigades for equipping the forces deployed are addressed in Sections 6.2 and 6.3.**

SECTION 6.2

MILITARY PLANNING FOR THE INVASION, JANUARY TO MARCH 2003

Contents

Introduction and key findings 387

The switch to the South 388

CENTCOM's proposal for a UK Division in the South 389

MOD advice to No.10 on deployment to the South 399

Cabinet, 16 January 2003 412

The decision to deploy ground forces, 17 January 2003 413

The absence of collective Ministerial consideration of the decision to deploy UK forces 419

Planning military operations 427

Military discussions with the US 427

JIC Assessment, 29 January 2003: 'The Emerging View from Baghdad' 430

Mr Blair's meeting with President Bush, 31 January 2003 434

Planning for an air campaign 436

The UK contribution to an air campaign 436

The principles of international humanitarian law 437

Preliminary discussions on targeting 438

Objectives for the military campaign 441

The Phase IV plan 444

Iraq's response to an invasion 449

Debate on the UK role in combat operations 457

Development of Phase IV planning 467

Commitment to military action 471

Mr Blair's meeting, 11 March 2003: agreement to the military plan 473

DIS Memorandum, 11 March 2003: 'Basra: Post-Saddam Governance' 483

JIC Note, 13 March 2003: 'Saddam's Plan for Baghdad' 486

Cabinet, 17 March 2003 489

The ultimatum to Saddam Hussein 490

Debates in Parliament, 18 March 2003 491

The final preparations for conflict 492

JIC Note, 19 March 2003: ‘Saddam: The Beginning of the End’ 493
Joint minute on the UK military contribution to post-conflict Iraq 495

Guidance to the Armed Forces on the application of international humanitarian law .. 500
Guidance on targeting 502
Sites of religious and cultural significance 515

Introduction and key findings

1. This Section addresses:

- the decision in mid-January 2003 to deploy a divisional headquarters and three combat brigades for potential operations in southern Iraq;
- the commitment of those forces to a combat role in the initial stages of the invasion of Iraq; and
- the principles of international humanitarian law (IHL) governing the conduct of military operations, including discussions on delegation of authority for targeting decisions during the air campaign.

2. This Section does not address:

- the campaign plan for the invasion, which is addressed in Section 8;
- the roles and responsibilities of the Secretary of State for Defence, the Chief of the Defence Staff (CDS), the Permanent Under Secretary (PUS) in the Ministry of Defence (MOD), and other key military officers and civilians, and the way in which advice was prepared for Ministers and decisions taken in the MOD in 2002 and 2003, which are set out in Section 2;
- the decisions on the wider UK strategy towards Iraq which are necessary to understand the wider context surrounding military deployments. Those are addressed in Section 3;
- the UK's assessment of Iraq's weapons of mass destruction (WMD) in late 2002 and early 2003, which is addressed in Section 4.3;
- the consideration of the legal basis for military action, which is set out in Section 5;
- the preparations to equip the force for operations in Iraq, and the implications of the decisions between mid-December 2002 and mid-January 2003 to increase the size of UK combat forces and be ready to take an earlier role in the invasion in support of US forces, which are addressed in Section 6.3;
- the funding for the operation, which is addressed in Section 13; and
- the planning and preparations for the UK military contribution post-conflict, including decisions on the UK's Area of Responsibility (AOR) for UK military forces, which are addressed in Sections 6.4 and 6.5.

Key findings

- The size and composition of a UK military contribution to the US-led invasion of Iraq was largely discretionary. The US wanted some UK capabilities (including Special Forces), to use UK bases, and the involvement of the UK military to avoid the perception of unilateral US military action. The primary impetus to maximise the size of the UK contribution and the recommendations on its composition came from the Armed Forces, with the agreement of Mr Hoon.
- The decisions taken between mid-December 2002 and mid-January 2003 to increase the combat force deployed to three brigades and bring forward the date on which UK forces might participate in combat operations compressed the timescales available for preparation.
- The decision to deploy a large scale force for potential combat operations was taken without collective Ministerial consideration of the decision and its implications.
- The large scale force deployed was a one-shot capability. It would have been difficult to sustain the force if combat operations had been delayed until autumn 2003 or longer, and it constrained the capabilities which were available for a UK military contribution to post-conflict operations.

The switch to the South

3. The initial planning for a military invasion of Iraq and the decision on 31 October 2002 to offer ground forces to the US for planning purposes are addressed in Section 6.1.

4. The main planning assumption throughout 2002 was that the UK would provide air and maritime forces in support of US operations in southern Iraq, but that UK ground forces would be deployed through Turkey for operations in northern Iraq.

5. As Section 6.1 sets out, there was no certainty that Turkey would agree to the UK deployment.

6. Mr Blair had also been considering a number of issues over the Christmas holiday in 2002. On 4 January 2003 he produced a long note to officials in No.10 on a range of issues.[1]

7. On military preparations, Mr Blair wrote that there was a need to make sure that the military plan was “viable”; and that he needed a meeting and the “military’s assurance that the plan can work. This is no small undertaking.”

8. Other points in the note are addressed in Section 3.6.

[1] Note Blair [to No.10 officials], 4 January 2003, [extract ‘Iraq’].

CENTCOM's proposal for a UK Division in the South

9. At the beginning of 2003, the US asked the UK to provide ground forces in the South.

10. Major General Albert Whitley, Senior British Land Adviser and Deputy Commanding General (Post Hostilities), told the Inquiry that, after General Tommy Franks, Commander in Chief US Central Command (CENTCOM), had decided not to move the US 4th Infantry Division south, he had discussed with Lieutenant General David McKiernan, Commander, Coalition Forces Land Component Command (CFLCC), on 28 December 2002 whether it would be possible to use UK forces in the South to augment US forces.[2]

11. On 5 January, Brigadier Whitley prepared a paper for the Permanent Joint Headquarters (PJHQ) on "the imperatives for timely decision making for the commitment of UK Land Forces" to the US Operational Plan.[3]

12. Brigadier Whitley explained that uncertainties about whether Turkey would allow transit of ground forces had led US and UK planners, on 28 December, urgently to concentrate on developing robust operations from the south. He recorded that "even if the UK were … granted transit through Turkey … the complexity and scope of the problem … from a purely operational view point, would not be welcomed".

13. Instead, Lt Gen McKiernan "would welcome the commitment of a UK division in the South from the start of the operation". That would allow him to merge Phases II and III of the campaign and both of the major subordinate US commands, V Corps and 1 Marine Expeditionary Force (1 MEF), to strike north fast. The UK mission would be to "seize, secure and control" the rear area and right flank of the operation and provide a coherent transition to Phase IV (post-conflict) operations in captured territory without loss of US combat forces. That would include securing infrastructure such as Umm Qasr and the Rumaylah oilfields, and fixing Iraqi forces in the Basra area. The UK Area of Operations (AO)[4] was likely to be bounded by the Iraq/Kuwait border, the US V Corps/1 MEF boundary, Jalibah air field and the Euphrates, an area about the same size as Kuwait (approximately 17,800 sq km).

14. Brigadier Whitley reported that the US saw the involvement of a UK division in this role as "so important … they will do anything to assist within their power providing there is time to do so". In his view, that would allow the UK force to be "less balanced in its capability than our doctrine and philosophy demand because the US will provide key support particularly in fires and air defence".

---

[2] Statement, 25 January 2011, pages 6-7.
[3] Paper Comd SBLA, 5 January 2003, 'Decision Imperatives'.
[4] Definitions and usage of the terms Area of Operations (AO) and Area of Responsibility (AOR) are given in Section 6.4.

15. The plan would require the UK to:

> "… weave together three disparate levels of formation (1 MEF, 1(UK) Armd Div [1st (UK) Armoured Division], a Cdo Bde [Commando Brigade], an AA [Air Assault] Bde and an armd bde [armoured brigade]) neither of which … have trained nor operated together in recent history. Their mission rehearsal starts 8 Feb[ruary] 03 … under the full gaze of the rest of the Coalition, and they had better be ready for it."

16. Brigadier Whitley observed that time was "running out". The US was "desperate to see a UK inflow and logistics plan" and there was:

> "… no time left to probe UK/US capabilities in the formal and, perhaps methodical manner that has been done to date. Now is the time for ruthless, hard-hitting planning … The UK is an issue they [the US] are eager to address – as each day passes now this issue is snowballing and soon (probably by 12 Jan 03) it will be difficult to control inside the planning timelines."

17. Brigadier Whitley recommended "most strongly":

- "that any opportunity for worthwhile UK involvement of land forces in the North has come and gone";
- that "UK tailored forces of a divisional headquarters, 3 Cdo Bde RM [3 Commando Brigade Royal Marines], 16 AA Bde [16 Air Assault Brigade] and the necessary logistic C2 [Command and Control] and CSS [Combat Service Support] is committed to the South"; and
- "Acceptance, in principle, of a UK Area of Operations and mission in an area of southern Iraq bounded in the north by the Euphrates."

18. Brigadier Whitley concluded:

> "The effect of timely decisions on the above on our own ability to successfully conduct operations and on our US allies cannot be underestimated."

19. The MOD has been unable to locate any later version of Brigadier Whitley's advice.[5]

20. The US request was based on a number of key assumptions, including that the UK wanted a significant role in combat operations and that it wanted to operate at divisional level with a divisional Area of Responsibility (AOR).

21. The military response was immediate and positive and led to a recommendation to deploy large scale ground forces to the South.

22. Deploying UK ground forces to southern Iraq constituted a step change for the UK, providing it with a far more prominent role in the operational plan.

---

[5] Letter MOD to Iraq Inquiry, 1 November 2012, [untitled].

23. By the time decisions on the UK role were taken in March 2003, the UK contribution had become central to the military campaign.

24. The Chiefs of Staff had an initial discussion of the proposal that the UK should provide a division for military operations in southern Iraq on 6 January 2003.[6]

25. Lieutenant General John Reith, Chief of Joint Operations (CJO), reported a US view that there was a "90 percent probability of no access" for UK ground forces through Turkey. The delay had led Lt Gen McKiernan to conclude that he could place only one division through a northern route into Iraq, and his preference was for that to be the US 4th Infantry Division. Gen Franks had directed Lt Gen McKiernan to plan on UK ground forces being integrated in the South.

26. Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), reported that he had been given a different steer by the Pentagon as recently as one hour before the meeting. Lieutenant General George Casey, Director of the Joint Staff, had "indicated that the UK's military position had not at all been a hindrance and had revealed that the northern axis remained of fundamental strategic significance to the Campaign. It was possible that although the US military might have been content to disengage the UK from the North, the political machine might not be so inclined."

27. Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), directed that the ambiguity should be resolved but it was "essential" to maintain "constructive ambiguity" in Iraq over the potential for a northern threat".

28. It was also "agreed that the time was now right" for a direct approach to Turkey at the political level; and that it would be important to make separate requests for the forces in Packages 2 and 3.

29. Lt Gen Reith described his latest paper on the land options, which was "based on a US offer for the UK to operate at division strength (HQ 1(UK) Armd Div; ATG [Amphibious Task Group]; 7 Bde [7 Armoured Brigade]; and 16 Air Asslt Bde) in a discrete AOR in the South". That plan "appeared to offer strategic influence to the UK, especially in the move to Phase IV …"

30. The US offer of significant logistic support would "allow the UK to commit fewer personnel but with an increased combat capability necessary because of the nature of the task".

31. Lt Gen Reith requested decisions by 8 January, including approval to cease planning for the northern option and to reallocate Operation FRESCO[7] training.

---

[6] Minutes, 6 January 2003, Chiefs of Staff meeting.
[7] The use of military forces to provide cover in the event of a strike by the Fire Brigades' Union.

32. General Sir Michael Walker, Chief of the General Staff, noted that the new plan still had to constitute "a winning concept".

33. Mr Paul Johnston, Head of FCO Security Policy Department, reported the developments to the Private Office of Mr Jack Straw, the Foreign Secretary.[8]

34. Mr Johnston recorded that there was still some possibility that Turkey might say yes to land forces at the "last moment". In response to concern from Gen Walker that, if Saddam Hussein thought there would be no attack from the North he might move his more effective troops to the South, Mr Johnston had suggested it would be helpful for Turkey to retain "constructive ambiguity" to keep the pressure on Saddam Hussein "and thus make a military option in practice less likely". Adm Boyce had "strongly agreed" and stated that the point should be included in the briefing for Mr Geoff Hoon, the Defence Secretary.

35. Mr Johnston wrote that the three brigades "would be ready for action by 10 March". That reflected US planning assumptions of an "air campaign beginning on 3 March and the land campaign on 19 March". The MOD's initial assessment was that the southern option offered "significant strategic exposure with minimum military risk. The Iraqi forces likely to be confronted were 'incapable of manoeuvre' and morale was assessed to be low."

36. Mr Johnston commented that Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS), and Gen Walker:

> "… both noted that the southern option for the UK was part of an overall concept significantly different to that on which Ministers had so far been consulted."

37. Mr Johnston added that the MOD would "make a strategic assessment of the pros and cons before the next Chiefs' meeting, to inform the consequent advice to Ministers".

38. Mr Jim Drummond, Assistant Head (Foreign Affairs) of the Cabinet Office Overseas and Defence Secretariat (OD Sec), reported to Sir David Manning, Head of OD Sec and Mr Blair's Foreign Policy Adviser:

> "All of this was new to the Chiefs but greeted with some enthusiasm. They saw advantages in a relatively discrete UK operation with fewer risks than the northern route. The UK would be well placed for the transition to Phase IV (peacekeeping) and in control of Iraq's access to the sea and 75 percent of its oil. The disadvantages were also that the UK could be left in an area with lots of media attention and sitting on the oil fields so vulnerable to the charge that we were only in it for the oil."[9]

39. A paper from Lt Gen Reith submitted after the discussion reported that Lt Gen McKiernan lacked combat power in the South during the early stages of the campaign

---

[8] Minute Johnston to Private Secretary [FCO], 6 January 2003, 'Iraq: Chiefs of Staff Meeting, 6 January'.
[9] Minute Drummond to Manning, 7 January 2003, 'Chiefs of Staff Meeting'.

and the US had "stated a requirement for a divisional HQ, two light brigades, and a single armoured brigade".[10]

40. Lt Gen Reith advised that the risks to a UK division were "minimal" and that the "geographical area proposed would allow the UK to set the standard in the aftermath". It would be "strategically placed to exert maximum influence during Phase IV".

41. Lt Gen Reith described the US plan as based on four assumptions:

- "The UK desires a significant role in land combat operations, now in the South as the only viable alternative to the North."
- "The UK wishes to operate at divisional level, with a divisional area of responsibility (AO)."
- "Recognition that the UK logistic liability should be minimised."
- "The UK experience in wider peacekeeping, and subsequent ability to conduct early Phase IV – post conflict – operations."

42. Lt Gen Reith advised that the UK had yet to "conduct a formal tactical estimate on the proposed mission"; but a "formation capable of armoured manoeuvre" was required potentially to protect the right flank of 1 MEF during its advance north and to secure Basra International Airport and fix Iraqi forces in Basra City.

43. Lt Gen Reith added that the UK "may be asked to take control of key points in the City during Phase IV, having isolated it during Phase III. Should troops to task not allow this operation to take place, CFLCC [Coalition Forces Land Component Commander, Lt Gen McKiernan] accepts that the final securing of Basra would be a corps task."

44. Lt Gen Reith recommended the deployment of a divisional headquarters and three brigades to the South; and that the armoured brigade should comprise four battlegroups.

45. PJHQ also identified the need to begin thinking about the practical consequences of the proposal for the UK's post-conflict role, including the need for more support from other government departments.

46. On 7 January, Mr Paul Flaherty, MOD Civil Secretary in PJHQ, set out PJHQ's thoughts on preparations for Phase IV in a minute to Mr Ian Lee, MOD Director General Operational Policy.[11] In the absence of an agreed US inter-agency position on Phase IV planning, the CENTCOM commanders' conference in Tampa, Florida on 15 and 16 January was likely to have a significant impact on US policy-making.

---

[10] Minute Reith to COSSEC, 6 January 2003, 'Op TELIC – Southern Option' attaching Paper 'Op TELIC Southern Option – Revised'.
[11] Minute Flaherty to DG Op Pol, 7 January 2003, 'Op TELIC: Preparing for Phase IV'.

47. Phase IV planning was likely to be particularly important:

> "… if, as now appears likely, the UK were to take on the first Phase IV AOR in southern Iraq. We would, in effect be setting the standard for the rest of Phase IV work. (And, of course, CJO [Lt Gen Reith] is, in any case charged in CDS' Directive[12] with planning humanitarian assistance in theatre should it become necessary.)
>
> "From our point of view … we have to begin thinking very soon about the practical consequences on the ground of taking on the AOR. These include issues such as: food, water, displaced persons, oil (including accounting for its use), potential Iranian incursions, pollution as well as, in the slightly longer term, security sector reform and reconstruction. Some, if not all of this will of course either determine, or more properly ought to be determined by, strategic considerations of post-conflict Iraqi structures."

48. Mr Flaherty explained that PJHQ intended to establish a team charged with "developing planning for Phase IV implementation" as soon as possible, which would aim to take into account the lessons of the Balkans and Afghanistan. PJHQ was "in a reasonably good position to link up with US military thinking", but would need more support from other government departments to help produce "a fully joined up approach".

49. The MOD Strategic Planning Group (SPG) advised that forces committed to a southern option in addition to the Amphibious Group would demonstrate a UK commitment to all phases of an operation and, crucially, the aftermath, and provide additional leverage in the planning phases.

50. The UK would gain a potential veto, but exercising it would strain UK/US relations.

51. The role envisaged, of stabilising the South as US forces moved north, had the advantage of a reduction in the probable need for high intensity war-fighting.

52. The analysis underpinning the SPG's conclusions did not appear to include any assessment of the conditions likely to be encountered or the tasks to be performed in either northern or southern Iraq during Phase IV.

53. On 7 January, the SPG produced a paper analysing the advantages and disadvantages of changing to a southern option and the risks of a campaign without a northern axis.[13]

---

[12] An explanation of the Chief of Defence Staff's Directive is provided in Section 8.
[13] Paper [SPG], 7 January 2003, 'Operation TELIC – Military Strategic Analysis of Pros/Cons of Adopting a Southern Land Force Option'.

54. The SPG stated that the UK was "highly unlikely to be able to deploy a conventional land force through Turkey". If the UK wanted to contribute land forces which would meet the US planning timetable, a reassessment of the force packages was necessary.

55. The paper recorded that early work on a "Winning Concept" had "illustrated" that a military campaign to achieve the UK's strategic goals would need to be "quick and successful". The uncertainty over Turkey raised questions about whether the military plan would be able to achieve the effects in the North which the SPG considered remained central to delivering a winning concept. If they were not achieved, forces operating in the South were "likely to be at greater risk" of:

- chemical warfare (CW)/biological warfare (BW) attack;
- stiffer conventional resistance; and
- potential unconventional operations/civilian resistance.

56. The preferred role for the UK in the South would be to provide a "relief in place for US forces in the early phases of a campaign" to release US combat forces to fulfil other tasks.

57. In the time available, the UK could generate four possible force packages:

- the Amphibious Task Group (ATG);
- the ATG and an armoured brigade;
- the ATG and a light brigade; and
- the ATG and both an armoured and a light brigade.

58. The SPG advised that, if the UK committed to a southern option over and above the ATG, it would "demonstrate UK commitment to all phases" of an operation and "crucially in the aftermath". That would provide Ministers with "additional leverage" in the planning phases. Further commitment to US planning and operational effort would make UK forces "integral to success in current US concept". The UK would, therefore, "gain a potential veto, but exercising it would strain UK/US relations for some time to come".

59. The SPG also stated that US combat power would deliver military success, but strategic victory would be "successful delivery of aftermath and limiting unintended consequences".

60. Adopting a southern option had the potential to:

> "Provide UK with leading role in key areas of Iraq (free of Kurdish political risks) in aftermath, and thus provide leverage in aftermath planning efforts, especially related to:
>
> – Humanitarian effort
> – Reconstruction of key infrastructure
> – Future control and distribution of Iraqi oil."

61. The advantages of three brigades operating in the South included:

- A "more balanced and robust formation, able to respond independently to changes in the tactical situation".
- "Increased military influence".
- "Reduction in probable need for high intensity warfighting".
- Shorter and less complex lines of communication (LoC) than concurrent UK operations in the North and South.
- A reduced requirement for Combat Support (CS)/Combat Service Support (CSS).
- Early establishment of a discrete AOR and less demanding command and control.
- The "opportunity to exercise command" in a discrete southern AOR.
- UK forces would no longer be "required to manoeuvre alongside digitised US formations".
- It would allow a "balanced transition to Phase IV".
- Less demanding command and control and the UK would be unlikely to need to call on UK resources from the Allied Rapid Reaction Corps (ARRC) Headquarters.

62. The disadvantages identified included:

- There was no detailed UK operational planning and more information was required on threat and scale of tasks "eg Basra".
- The timeline would be "very demanding" with "no margin for error".
- 16 Air Assault Brigade was not yet included in the UOR requests.
- There would be no time for many elements of the land force to complete in-theatre training or integration prior to commitment to action. That was described as challenging and carrying considerable risk, but it was deemed to be "acceptable".

63. Adoption of the southern option would mean:

> "UK will have made an early commitment to aftermath that will probably demand a commitment for a number of years. This would be hard to avoid in any event, and engagement in South offers significant advantages over possibly being fixed in North with Kurds."

64. The paper did not explicitly identify the risk of Shia unrest or Iran's attitude to Coalition Forces in southern Iraq.

65. The SPG concluded:

> "UK is at a strategic decision point … given the convergence of US military preparation and timelines, continued Turkish prevarication, and the need to maintain pressure on the Iraqi regime to deliver …
>
> "From a review of all the factors the downside military risk of UK disengaging from the Northern Land Option is outweighed by the upside benefits of the proposed engagement in the South."

66. The SPG recommended that the Chiefs of Staff should agree Lt Gen Reith's recommendation for a force package to be deployed to the South.

67. Adm Boyce directed that Ministerial approval should be sought for Lt Gen Reith's recommended option while noting that a formal request from the US would be needed.

68. At their meeting on 8 January, the Chiefs of Staff noted that there was still a need for the US formally to request that any UK ground forces be switched to the South.[14]

69. Adm Boyce also observed that it was "inconceivable that the UK would not play a part in Phase IV operations, which could be enduring". He added:

> "There remained a need to test the plan as a winning concept, but against that caveat … the plan recommended in the paper represented a sensible military option with a valuable task, and that the option should be taken forward."

70. Other points made in the discussion included:

- "The shift in focus from North to South argued for the provision of a comprehensive force package able to react to a wide range of tasks …"
- "The plan was operationally sound but there were strategic implications that would have to be considered. It was possible that UK forces would become a lynchpin for the US campaign. This could place the UK in a difficult position … conversely, the strategic influence it would offer the UK would be significant."

71. The Chiefs of Staff agreed Lt Gen Reith's recommendations and selected the option of deploying the Divisional HQ and three brigades. Ministerial approval would be sought in two stages:

- a submission seeking approval to make the necessary forces available and to deploy certain enabling elements; and
- a further approval to deploy the main force and to release 16 Air Assault Brigade from Op FRESCO.

---

[14] Minutes, 8 January 2003, Chiefs of Staff meeting.

72. Lt Gen Reith advised:

> "Phase IV would need to begin at the same time as any offensive operations. There was a need for PJHQ to take ownership of Phase IV planning, which should include OGD [other government department] input. The US were standing up JTF-4 [Joint Task Force 4, the post-conflict planning unit in CENTCOM], which would be responsible for US Phase IV planning; UK staff were to be embedded."

73. Co-ordination of Phase IV planning from mid-January is addressed in Section 6.5.

74. Reporting on the meeting to Mr Straw's Private Office, Mr William Ehrman, FCO Director General Defence and Intelligence,[15] recorded that he had stressed:

> "… there should be no assumption of a political decision to authorise force in the near future … If Ministers agreed the deployment proposed, it needed to be clear that it was part of force on mind, and it should not set sail with a use it or lose it presumption. Sustainability needed to be in any plan … Chiefs accepted these points."[16]

75. Mr Desmond Bowen, Deputy Head of OD Sec, reported the discussion to Sir David Manning.[17]

76. The military planning assumed a "decision date of 15 February and the start of hostilities in very early March". The UK was being offered an amphibious role at the start of hostilities. Thereafter, US forces would move north while the UK "took on stabilisation of a southern sector which would eventually include Basra".

77. Mr Bowen concluded:

> "While we are now getting more clarity about the shape of US military intentions in an attack on Iraq, and the potential UK role, precious little thought has gone into aftermath planning … if the UK is to take on an area of responsibility for stabilisation operations, a lot of preparatory work is needed urgently. MOD have in mind to engage … FCO, DFID & DTI [Foreign and Commonwealth Office, Department for International Development and the Department for Trade and Industry] on this."

78. Sir David Manning sent Mr Bowen's report to Mr Jonathan Powell, Mr Blair's Chief of Staff. Sir David wrote that he had asked Adm Boyce to cover the issues when he briefed Mr Blair – with the Chiefs of Staff – the following week. Mr John Scarlett, the Chairman of the Joint Intelligence Committee (JIC), should also be asked to attend.[18]

---

[15] The post was previously titled Deputy Under Secretary Defence and Intelligence.
[16] Letter Ehrman to Private Secretary [FCO], 8 January 2003, 'Iraq: Military Aspects'.
[17] Minute Bowen to Manning, 8 January 2003, 'Iraq: Chiefs of Staff Meeting on 9 [sic] January'.
[18] Manuscript comment Manning to Powell, 10 January 2003, on Minute Bowen to Manning, 8 January 2003, 'Iraq: Chiefs of Staff meeting on 9 [sic] January'.

79. Mr Powell replied: "I assume you are drawing up a lot of difficult questions to put to the Chiefs."[19]

MOD advice to No.10 on deployment to the South

80. The MOD alerted No.10 on 8 January to the proposed deployments to the South, which would be crucial to the US plan.

81. Addressing the perceived advantages and disadvantages, the MOD stated that the South offered a high profile role which was achievable within US timelines and offered the UK a significant voice in US decisions.

82. The disadvantages included the impact on the US if the UK subsequently decided not to participate in military operations.

83. A letter from Mr Hoon's Private Office to Sir David Manning on 8 January reported the US proposal and the potential roles in the South for UK forces.[20]

84. The MOD advised that the US judged time was too short to deploy both a US and UK division through Turkey and that: "Inevitably the US priority" was to "keep alive the possibility of deploying their own division … to maintain the strategic benefit of a northern axis".

85. After describing the proposed roles for three brigades, the MOD stated:

> "On a first reading, there are a number of attractions. This would be a high-profile role for UK ground forces at the beginning of any campaign, in an area in which the threat (barring WMD use) is likely to be limited. When combined with the offer of US logistic support … this has the potential to allow a significant reduction in the overall number of Reservists we might require. Our initial assessment suggests that we could achieve deployment within current US timelines, and sustain such a force in theatre potentially for some time, allowing political flexibility over timing. The proposed UK role in the South should enable US forces to reach further, faster, whilst providing a coherent transition to aftermath operations – an area of acknowledged UK expertise – in territory captured early in the campaign. It would demonstrate at the very beginning of ground operations that this is a Coalition, rather than a US-only, campaign …
>
> "On the other hand, there may be some disadvantages. The proposed UK role would be crucial to the US plan in the South. Whilst this would give us a significant voice in decision-making, it would also increase the military impact on the US on any eventual UK decision not to participate in an operation: clearly, this would place us in a very awkward position if the US seemed likely to want to proceed in

---

[19] Manuscript comment Powell on Minute Bowen to Manning, 8 January 2003, 'Iraq: Chiefs of Staff Meeting on 9 [sic] January'.
[20] Letter Williams to Manning, 8 January 2003, 'Iraq: UK Land Contribution'.

> circumstances with which we were not content … Wider questions about the overall US plan still need to be answered, particularly as long as their ability to achieve the necessary strategic effect in the North remains uncertain. And we need to look further at the detail of what is proposed, before reaching a firm view on its military and political merits."

86. The plan assumed a "final UK Divisional Area of Responsibility, including for aftermath operations would be an area bounded by the Iraq/Kuwait border in the south, Jalibah airfield in the west, the Euphrates in the north, and the Shatt al-Arab waterway in the east – a largely Shia area of some 1,600 sq km."[21]

87. The MOD said further advice would follow "next week". In the meantime, Mr Hoon had authorised the release from Op FRESCO of some units from 16 Air Assault Brigade, and other measures, "to keep military options open".

88. At Cabinet on 9 January, Mr Hoon told his colleagues that no decisions had been taken to launch military action.[22] Nor had the US finalised its military planning. Some changes to forces assigned to Op FRESCO, to provide an emergency fire-fighting capability during the firefighters' strike, would be necessary to keep options open.

89. Mr Blair concluded that the future behaviour of Saddam Hussein in responding to UN pressure was "unpredictable". The UK was "right to continue with its military preparations". It should also maintain the focus on the fight with international terrorism and preventive measures at home. Media reports of a rift within the Cabinet were "nonsense". Cabinet the following week would "provide the opportunity for an in-depth discussion of Iraq".

90. Lord Turnbull, Cabinet Secretary from 2002 to 2005, told the Inquiry that "the presentation to … Cabinet was still – nothing was inevitable. We are pressing the UN option. No decisions on military action, whereas you can see that, at another level, the decisions on military action were hardening up quite considerably."[23]

91. Sir Kevin Tebbit advised Mr Hoon on 14 January about the potential damage to key aspects of the wider US/UK relationship in the foreign and security field if the UK failed to participate in a US-led military operation.

92. Sir Kevin Tebbit wrote to Mr Hoon on 14 January drawing out how the US "would react if HMG failed to go along with the United States in the event that they decided to use military force against Iraq without a further enabling UNSCR [United Nations Security Council resolution]".[24] While it was "unwise to attempt to calibrate precisely"

---

[21] The figure of 1,600 sq km was used repeatedly in policy and briefing papers during January and February 2003. This was mistaken. It should have been approximately 16,000 sq km.
[22] Cabinet Conclusions, 9 January 2003.
[23] Public hearing, 25 January 2011, page 15.
[24] Minute Tebbit to Secretary of State [MOD], 14 January 2003, 'Iraq: What If?'.

it was "reasonable to expect that there would be significant damage". This would be greater than if the UK had behaved like some other countries.

93. Sir Kevin feared:

> "… that having valued profoundly the way we have stood shoulder-to-shoulder with them so far, the US will feel betrayed by their partner of choice …
>
> "… the damage to our interests and influence would be felt most immediately and strongly in the foreign policy and security field, although other areas of the relationship could not be immune."

94. The minute set out the risks to the UK's interests and influence, which have not been declassified.

95. Sir Kevin concluded that:

- military intervention could have a "benign outcome";
- there would be advantages from "being there at the outset"; and
- being a "key part" of the US-led Coalition would "enable us [the UK] to continue to act as a force for good …"

96. The minute was sent only to Mr Hoon.

97. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, suggested to Mr Hoon that the minute provided thoughts "if required" for Cabinet on 16 January. He believed that the key point was that a UK "betrayal" could result in "damage to our interests globally".[25]

98. The evidence given to the Inquiry about the context for that minute, and the question of whether an earlier document from Sir Kevin Tebbit – identifying concerns about both a number of aspects of the policy on Iraq and the implications of the proposed change to the UK's military contribution, and suggesting the need for discussion in Cabinet – was given to Mr Hoon is addressed later in this Section.

99. By mid-January, the military plan had still not been finalised.

100. Adm Boyce warned of the potential dangers associated with "catastrophic success" and the need to plan for Phase IV.

101. The Chiefs of Staff were informed that the UK might be asked to take on additional tasks if they had the capacity to accept them.

102. At the meeting of the Chiefs of Staff on 15 January, Adm Boyce:

> "… underscored the potential dangers associated with 'catastrophic success' and the implicit need to develop thinking for aftermath management. In planning for

[25] Manuscript comment Watkins on Minute Tebbit to Secretary of State [MOD], 14 January 2003, 'Iraq: What If?'.

> Phase IV, the UK was adopting a twin track approach: the FCO and Cabinet Office were leading the top-down strand, and PJHQ was leading the bottom up effort. The challenge which lay ahead was matching the two pieces of work … The UK concept at the strategic level was to develop a model that could be offered to the US. It was assessed that the US was still working to an unrealistic assumption that their forces would be 'welcomed with open arms' by the Iraqi people during Phase IV operations, and there was an opportunity for the UK to lead the aftermath debate."

103. Major General Robert Fry, Deputy Chief of Joint Operations (Operations) (DCJO(O)), gave the Chiefs of Staff an oral update on the land package and plan, air basing options and targeting issues.[26]

104. The Chiefs of Staff were told that the plan would not be finalised until after Major General Robin Brims, General Officer Commanding (GOC) 1 (UK) Div, had met US commanders, which was likely to be at the end of January. They agreed that the "specified" tasks would be "uncontentious and achievable".

105. The Chiefs of Staff also noted that the UK AO "was a disproportionately important piece of real estate".

106. In his report to Sir David Manning, Mr Bowen stated that the meeting had discussed the current state of planning "at length".[27] He wrote that the tasks for the UK forces were:

- The initial "clearance" of the al-Faw Peninsula and the "opening" of Umm Qasr port.
- 16 Air Assault Brigade and 7 Armoured Brigade would then secure the allocated area of responsibility.
- The "capture" of Basra "was not part of the Division's task".
- The "weight of the initial air attack would be designed to shock the Iraqi leadership and military into submission" and the campaign was "meant to achieve quick results".
- The UK was expected to be responsible for its area within five days from the start of ground operations.

107. Mr Johnston reported to Mr Straw that the MOD would seek approval from Ministers and Mr Blair later that week.[28] He wrote:

> "… there would be heavy impact bombing from day one … regime targets … would, feature early in the campaign. This was designed to achieve regime collapse as quickly and painlessly as possible … the Chiefs recognised that there would be presentational and legal issues. Further work is being urgently done on this …"

---

[26] Minutes, 15 January 2003, Chiefs of Staff meeting.
[27] Minute Bowen to Manning, 15 January 2003, 'Iraq: Chiefs of Staff Meeting on 15 January'.
[28] Minute Johnston to Private Secretary [FCO], 15 January 2003, 'Iraq: Chiefs of Staff: 15 January'.

108. Mr Johnston also reported that PJHQ had:

> "… noted that US planning, which continued to develop, implied that there might be additional tasks for the UK … This might involve the UK being invited … to do early seizure operations. The UK force package would not be configured to conduct such tasks. Chiefs accepted this, but noted that, politically, it would not be easy to refuse the US when the time came if UK forces had broadly the right capacity."

109. Mr Blair and Mr Hoon, No.10 officials and Mr Scarlett were briefed on the proposals to deploy a UK division to the South on 15 January.

110. Mr Blair was informed that the MOD would be seeking an urgent decision on the way ahead by the end of that week.

111. Most of the questions identified by No.10 for discussion, particularly those on post-conflict issues and costs, required cross-departmental advice and collective consideration.

112. There is no indication that other departments were consulted formally by the Chiefs of Staff, the MOD or No.10 before the meeting on 15 January.

113. Nor were they consulted before Mr Blair's decision on 17 March to deploy troops.

114. Advice and a draft letter to No.10 were forwarded to Mr Hoon's Private Office on 15 January informing him that the Chiefs of Staff endorsed the proposed role in southern Iraq and the deployment of HQ 1 (UK) Div, 7 Armoured Brigade and 16 Air Assault Brigade in addition to the Amphibious Task Group (ATG).[29]

115. Mr Hoon was advised that a number of wider issues remained to be resolved before it could be concluded that the US plan represented a winning concept. Those included:

- the legal basis for operations against Iraq;
- the "ability of the US to develop an overall winning concept which delivers the strategic effects required in the North"; and
- "a credible plan for the aftermath".

116. Mr Blair met Mr Hoon, the Chiefs of Staff and others[30] to discuss planning for Iraq on the evening of 15 January.[31]

---

[29] Minute Johnson to PS/Secretary of State [MOD], 15 January 2003, 'Iraq: UK Land Contribution'.
[30] Baroness Morgan, Sir David Manning, Mr Scarlett, Mr Jonathan Powell, Mr Campbell and Mr Rycroft attended from No.10/Cabinet Office. Mr Adam Ingram, the Minister of State for the Armed Forces, Sir Kevin Tebbit, Lt Gen Pigott, Air Marshal French, Maj Gen Fry and Mr Lee also attended.
[31] Minute MA/DCJO(Ops) to MA/CJO, 'Briefing to Prime Minister' attaching Briefing [unattributed and undated], 'Brief to PM – 1715 Wed 15 Jan' and slide presentation.

117. No other Cabinet Ministers were present, and the FCO was not represented.

118. The meeting was scheduled to last for one hour: a 15 minute presentation from Adm Boyce setting out the state of contingent military planning, the proposed UK contribution and the timescales for decision, in the context of current armed forces activity and deployment in the UK and elsewhere in the world, followed by a 45 minute discussion.

119. The presentation to Mr Blair included a briefing on the operational plan from Maj Gen Fry.

120. The briefing for Mr Blair from Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, informed him that the Chiefs of Staff were likely to say that they were "giving up" on getting Turkey's approval for a northern option.[32] The MOD wanted a decision by the weekend as preparations would become visible by the following Tuesday.

121. As suggested by Mr Powell, Mr Rycroft provided a list of "some difficult questions" for Mr Blair to put to the Chiefs, including:

- "Do the US have a winning military concept?"
- "Are we confident we can do our part?"
- "Are we sure we have properly thought through the changes forced on us by Turkey's no?"
- "Will he [Saddam Hussein] use WMD?"
- "What military involvement do you foresee in the aftermath?"
- "Will we be running Basra?"
- "Will the targeting in the campaign take account of the need to run (parts of) Iraq …?"
- "Is it fully costed?"
- "Where will the money come from?"

122. As well as the No.10 record of the discussion, several accounts of the meeting were produced by MOD participants.

123. Mr Rycroft produced a minute noting that Mr Blair would receive formal advice on the land package the following day, and stating that Mr Blair wanted further advice on a number of issues.[33]

---

[32] Minute Rycroft to Prime Minister, 14 January 2003, 'Iraq: Military Planning: Meeting with Chiefs of Staff'.
[33] Letter Rycroft to Watkins, 15 January 2003, 'Iraq: Military Planning'.

124. Mr Watkins summarised the content of Mr Rycroft's letter and Mr Hoon's views in a minute to Mr Lee commissioning further work on the issues so that the MOD would be able to respond to No.10 "by the end of the month".[34]

125. The Secretary to the Chiefs of Staff Committee (SECCOS) produced a record of the discussion, circulated within the MOD on 22 January, which was described as complementing the record of the discussion produced by No.10.[35]

126. An "unofficial" PJHQ account, with the scripts and presentation slides used, was prepared and sent to Lt Gen Reith, who was in the Middle East at a CENTCOM Commanders' Conference.[36]

127. Adm Boyce advised Mr Blair that the military plan would work.

128. There was no recorded discussion of either the risks of the amphibious operation in the initial phase of an attack or the readiness of UK forces.

129. Adm Boyce's briefing notes identified that the US had seen "UK participation as essential from the outset".[37] The US had "accommodated our constraints at every turn to ensure we are part of their coalition and to guarantee a serious military task for our forces. In fact, the current plan … makes them a **lynchpin crucial to success of the overall plan**." The UK would, however, rely heavily on US enabling assets.

130. A "convincing, coherent military build-up" leaving Saddam Hussein in no doubt about the consequences of non-compliance with UNSCR 1441 ("**force on mind**") was the best way of applying pressure.

131. Gen Franks was working to produce a "loaded and cocked" winning capability from 15 February with the US able to commence an air campaign and some ground offensive operations (possibly including the UK) from 3 March and the main effort starting within two weeks on 19 March, although the US was looking to bring that forward.

132. The UK's interest was to be "ready to engage from the outset", and the briefing stated that US "timelines" had driven the UK's. If the UK was to match the US timetable, the MOD would need permission by 17 January to be ready to start deploying land force equipment from 24 January. The deployment to the Gulf would add 3,000 miles to their journey and port access in Kuwait would be limited.

133. Mr Blair was advised that the UK could maintain its ability to use the forces deployed for six months, but if they were not used it could then take up to a year before they would be in a position to take action.

---

[34] Minute Watkins to DG Op Pol, 16 January 2003, 'Iraq: Military Planning'.
[35] Minute SECCOS to PS/Secretary of State [MOD], 22 January 2003, 'Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03'.
[36] Minute MA/DCJO(Ops) to MA/CJO, 15 January 2003, 'Briefing to the Prime Minister'.
[37] Minute MA/DCJO(Ops) to MA/CJO, 15 January 2003, 'Briefing to the Prime Minister' attaching Briefing [unattributed and undated], 'Brief to PM – 1715 Wed 15 Jan 03'.

134. Mr Blair was reported to have said that he hoped that it "won't come to this" and that this "will happen mid-February to early March". Mr Blair's final comment was that this was the "best chance we have got"; it was his "strong view that we wouldn't be looking much past the end of February before seeing this take place".

135. Adm Boyce's briefing notes identified "two essential points" in relation to whether or not the US had a winning concept:

- The need for Saddam Hussein to believe that force would be overwhelming and that he could not survive in power, while, in parallel, giving genuine hope to Iraqis who opposed his regime that an end was possible.
- Coalition military action would need to be "swift" to avoid a "drawn out campaign … becoming **a battle of attrition conducted against backdrop of dwindling public support**"; to prevent Saddam using "**spoiling tactics** such as use of WMD, or causing an ecological disaster by torching the oil fields"; and "**to minimise the risk of unintended consequences**".

136. Adm Boyce's briefing notes offered no indication of the MOD's view on whether the objectives could be met.

137. The PJHQ record of the meeting reported that Mr Blair had asked "will it [the military plan] work?"[38]

138. Adm Boyce "stated that it would"; he had increasing confidence in the plan "since TU [Turkey] had become more engaged in discussions" about allowing US forces to attack from the north.

139. Asked whether success would be the collapse of the Iraqi regime or the fall of Baghdad:

- Adm Boyce was reported to have explained to Mr Blair "the problem of 'catastrophic success' whereby the regime collapsed at the very outset" before the Coalition was ready.
- Mr Hoon's view was reported to have been that the media would view the fall of Baghdad as the culmination of military operations.

140. PJHQ also reported that Mr Blair had:

- focused on the importance of a simultaneous air and ground campaign; and
- asked about the cohesion of the regime and its chances of maintaining control.

141. Mr Blair was concerned about the implications if Saddam Hussein sought to put in place a "Fortress Baghdad" strategy and possible pre-emptive use of WMD.

---

[38] Minute MA/DCJO(Ops) to MA/CJO, 15 Jan 2003, 'Briefing to the Prime Minister'.

142. Mr Blair was concerned about the plans in place if Saddam Hussein retreated to Baghdad.[39]

143. Mr Blair asked for further advice on:

- which Coalition Forces were expected to reach Baghdad, and how quickly;
- a full analysis of the risk that Saddam Hussein would concentrate on "Fortress Baghdad";
- an account of how the US planned to deal with that if it arose; and
- what they would do if there was inter-communal fighting in the city.[40]

144. In addition to the defence of Baghdad, Iraqi use of WMD and burning the oilfields were discussed as some of the worst outcomes of military action, and that "planning was well advanced to counter" both those contingencies.[41]

145. In response to his question about the chances of Saddam Hussein using WMD, Mr Blair was told that "intelligence left no ambiguity over Saddam's willingness to use WMD if he judged the time was right, but that as his WMD were currently concealed from the UNMOVIC [United Nations Monitoring, Verification and Inspection Commission] it would take some time for it to be constituted ready for action."

146. Air Marshal Sir Joe French, Chief of Defence Intelligence (CDI), stated that the Coalition's ability to detect Iraqi preparations in relation to theatre ballistic missiles was "good, and such detections would likely trigger operations".

147. Mr Blair asked:

> "… military planners to test further their predictions of Saddam's likely responses to attack, and how we would counter them. In particular, this should cover Saddam's possible pre-emptive use of WMD …"

148. Mr Blair was reported to have asked for: "Contingency plans to be developed to counter potential 'unexpected consequences'."

149. Mr Hoon subsequently asked that the work on predicting Saddam Hussein's possible responses to military action should be taken forward in the context of a comprehensive "red teaming" of the military plan to identify all conceivable risks to its success.[42]

150. The first report of the "Red Team" set up by the Defence Intelligence Staff (DIS) was not produced until mid-February. That is addressed later in this Section.

---

[39] Minute SECCOS to PS/Secretary of State [MOD], 22 January 2003, 'Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03'.
[40] Letter Rycroft to Watkins, 15 January 2003, 'Iraq: Military Planning'.
[41] Minute SECCOS to PS/Secretary of State [MOD], 22 January 2003, 'Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03'.
[42] Minute Watkins to DG Op Pol, 16 January 2003, 'Iraq: Military Planning'.

151. Mr Blair and Mr Hoon were concerned about the impact of the air campaign and the need to minimise casualties.

152. Mr Blair and Mr Hoon were told that the campaign would depend on "immediate effect" rather than "weight of effort".[43]

153. Mr Blair was concerned about the scale of the bombing campaign on Baghdad and the risk of collateral damage and civilian casualties.[44] The briefing acknowledged that the intensity of the campaign "raised difficult issues over political control of the targeting process".

154. The PJHQ record noted that, "interestingly", it was Mr Hoon who had urged Mr Blair "to exercise a degree of restraint" on President Bush, whom Mr Hoon had "described as 'going for it'".[45] Mr Hoon was concerned to ensure that there was no "irreversible damage" to Iraq.

155. Mr Blair and Mr Hoon were also concerned that "destruction of Iraq's communications infrastructure could reduce the speed at which the population assimilated the hopelessness of resistance, and that hard-core elements could fight on autonomously".[46] The Coalition would "need to consider how news of the regime's collapse would flow quickly through the country".

156. Mr Blair was concerned to ensure that bombing targets were proportionate and chosen to minimise civilian casualties, and asked to see a list of targets which UK air forces might be asked to attack, with a commentary on their military importance and risk of casualties.[47]

157. Forwarding that request to Mr Lee, Mr Watkins added a requirement to provide a list of targets "which would be attacked by [US] aircraft operating from Diego Garcia (or other UK airfields) or with other UK support".[48]

158. The guidance on targeting subsequently agreed by the Government after discussions with Lord Goldsmith is addressed later in this Section.

159. Mr Blair asked for further work on post-conflict issues.

---

[43] Minute MA/DCJO(Ops) to MA/CJO, 'Briefing to Prime Minister' attaching Briefing [unattributed and undated], 'Brief to PM – 1715 Wed 15 Jan 03'.
[44] Minute SECCOS to PS/Secretary of State [MOD], 22 January 2003, 'Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03'.
[45] Minute MA/DCJO(Ops) to MA/CJO, 15 Jan 2003, 'Briefing to the Prime Minister'.
[46] Minute SECCOS to PS/Secretary of State [MOD], 22 January 2003, 'Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03'.
[47] Letter Rycroft to Watkins, 15 January 2003, 'Iraq: Military Planning'.
[48] Minute Watkins to DG Op Pol, 16 January 2003, 'Iraq: Military Planning'.

160. The PJHQ record provided the fullest account of the discussion of post-conflict issues. Issues raised by Mr Blair included:

> "Worst Case. The PM wanted to know what CDS thought was the worst case scenario. After much discussion about destroying the oil infrastructure, use of WMD and hunkering down in Baghdad and fighting it out, it was felt that the worst case was internecine fighting between Sunni and Shia, as well as the Kurds/Turks/Iraqis.
>
> "Aftermath. This led on to a general discussion on aftermath, with the PM asking what the Iraqi view on it was. CDS stated that the thinking on this issue was 'woolly' at this stage, with work only just beginning. The PM stated that the 'Issue' was aftermath – the Coalition must prevent anarchy and internecine fighting breaking out."[49]

161. Mr Blair asked the MOD to look at three things:

> "
> - We need to be clear on what we are offering the Iraqi people and senior members of the regime (those below the top 100 on the list[50]) – removal of the senior hierarchy or minimising resistance or what?
> - Aftermath. We have to develop a feasible plan.
> - Look at the unexpected – think through the big 'what ifs'; oil, WMD, internecine fighting – and develop a strategy."

162. The author of the PJHQ record added some "personal observations", including:

> "The PM came across as someone with strong convictions that this should, and will, go ahead. He accepted the military advice being given to him, although he still sought reassurance that all aspects had been looked into and that plans are drawn up to deal with the unexpected or perceived worse cases. It is clear from the three areas that he asked further work to be done on that the Phase IV part of the plan is critical."

163. Mr Blair also asked for further advice on the outcome of the post-conflict talks scheduled for Washington the following week, given the need for "much greater clarity about US intentions" for the aftermath of a military operation.[51]

164. Mr Watkins told Mr Lee:

> "… we will clearly need to use all our regular contacts with the US, in both CENTCOM and the Pentagon. If appropriate, this is an issue that Mr Hoon could

---

[49] Minute MA/DCJO to MA/CJO, 15 January 2003, 'Briefing to Prime Minister'.
[50] The Inquiry has not seen any indication of what was meant by "the top 100 on the list". It is likely that it was a precursor to the list of 55 Iraqis featured on the "deck of cards" issued by the US military in April 2003.
[51] Letter Rycroft to Watkins, 15 January 2003, 'Iraq: Military Planning'.

himself raise with Rumsfeld [Mr Donald Rumsfeld, US Secretary of Defense] in their next regular phone call next week."[52]

165. The subsequent advice and discussions on post-conflict issues are addressed in Section 6.5.

166. Asked whether Ministers were given a paper or briefing on the operational risks and what might go wrong, Lord Boyce told the Inquiry:

"Certainly as far as the defence Ministers were concerned, they were aware of what our plans were and what the pluses and where might be the pinch points on any plan and what we were doing to ensure those were mitigated as far as possible."[53]

167. Asked how the risks had been described to Ministers, Lord Boyce replied:

"… it would have been done in the normal sort of way. You would have done threat assessments, worked out what the potential opposition forces might be, their dispositions, what our capability was matched against that. Some of the risk … was mitigated by the fact that we were going to be operating in our own area … while the American forces drove for Baghdad …

"There were additional problems … for example, the importance of making a very fast entry to secure the oilfields … which were different than we had in the North."[54]

168. Sir Kevin Tebbit told the Inquiry that a "full briefing" had been provided to Ministers "as to whether there was indeed a winning concept now"; subject to the resolution of questions on the legal base and post-conflict issues.[55]

169. Sir Kevin added that issues such as managing targeting to minimise the risks to civilians and intensive fighting within Baghdad, "were considered very carefully".[56]

170. Asked how the various risks had been highlighted to Ministers, Gen Reith told the Inquiry that PJHQ had "produced various papers, looking at each aspect in terms of risk", including casualty predictions.[57]

171. Lt Gen Fry told the Inquiry that there had been "a growing and … demonstrable requirement for something that could act as a flank guard to American … manoeuvre", and the "lack of … combat power" resulting from the decision to hold the US 4th Infantry Division in the Mediterranean had "created an opportunity into which British forces subsequently fitted".[58]

---

[52] Minute Watkins to DG Op Pol, 16 January 2003, 'Iraq: Military Planning'.
[53] Public hearing, 3 December 2009, page 92.
[54] Public hearing, 3 December 2009, pages 93-94.
[55] Public hearing, 3 December 2009, page 96.
[56] Public hearing, 3 December 2009, page 97.
[57] Private hearing, 15 January 2010, pages 55-56.
[58] Public hearing, 16 December 2009, page 26.

172. Asked to explain why the force levels had grown and were larger than had been deployed in 1991, Lord Boyce replied that he could not answer that question: "The package was being shaped to deal with the task that we thought we might encounter."[59]

173. Lord Boyce told the Inquiry that he had expressed concern to Mr Blair at the briefing on 15 January, which "was more about the immediate aftermath, immediately after the fighting phase, what would we need to do to provide security in the first instance, but also to provide what we saw as being the most immediate problem would be a humanitarian problem".[60]

174. Sir Kevin thought that "the large-scale option was a natural consequence of what we could do or what we would plan to do". There was "also a military view about the sense of critical mass under national command that works well, which would have been a feature of the Chiefs' of Staff considerations". He did "not at all" sense "the military machine was forcing the political hand".[61]

175. In his subsequent hearing, Sir Kevin Tebbit agreed that, when the decision was taken, Ministers did not have "a full appreciation of the implications, politically, militarily and security-wise".[62]

176. Mr Scarlett subsequently reported additional aspects of PJHQ's thinking to Sir David Manning.

177. Mr Scarlett followed up some of the points raised at Mr Blair's briefing from the MOD in a separate briefing from Maj Gen Fry and reported his discussions to No.10.[63]

178. The points Mr Scarlett recorded included:

- The fact that "it will not be possible to disaggregate UK targeting from overall US effort" was made "forcefully" to him.
- The "difficulty for Saddam of matching up his CB [chemical biological] warheads to missiles after previous efforts to conceal them" was "stressed".
- It was "certainly not clear … how Baghdad will be brought under control and Saddam finished off".
- Maj Gen Fry "thought it very possible" that the US would "eventually" ask the UK "to lead the assault to capture the bridgehead before moving aside to let the Americans through for a clean start".

---

[59] Public hearing, 27 January 2011, page 35.
[60] Public hearing, 27 January 2011, page 83.
[61] Public hearing, 3 February 2010, pages 39-40.
[62] Private hearing, 6 May 2010, page 29.
[63] Minute Scarlett to Rycroft, 16 January 2003, 'Iraq: Military Planning'.

Cabinet, 16 January 2003

179. As promised by Mr Blair on 19 December 2002 and 9 January 2003, Cabinet discussed Iraq on 16 January 2003.

180. Despite Mr Blair's promise that military options would be discussed and the imminence of the formal decision to offer a significant land contribution, Cabinet was not briefed on the substance of the military options or the circumstances in which force would be used.

181. Cabinet did not discuss the strategic implications of making a military contribution.

182. Mr Blair said that:

> "… he wanted to make the United Nations route work. The inspectors … needed time to achieve results … If Iraq was not complying with the demands of the United Nations, he believed the … Security Council would pass a second resolution."[64]

183. Mr Blair subsequently stated:

> "Meanwhile, British and American forces were being built up in the Gulf. If it came to conflict, it would be important for success to be achieved quickly. The build up was having an effect on the Iraqi regime, with internal support dwindling for President Saddam Hussein … The strategy remained to pursue the United Nations course."

184. Mr Blair concluded by telling Cabinet that he would be meeting President Bush to discuss Iraq at the end of the month, after Dr Blix's report to the Security Council on 27 January.

185. The discussion in Cabinet on 16 January of the wider policy is addressed in Section 3.6.

186. Lord Turnbull told the Inquiry that he:

> "… wouldn't have expected Cabinet to get into the business of land forces through the north or the south … I think they would probably have recognised that that was quintessentially the business of a smaller group. So none of them suggested a serious change of direction."[65]

187. In a statement for the Inquiry, Mr Hoon wrote that, to the best of his recollection, Cabinet on 16 January:

> "… was devoted entirely to the efforts to secure a second resolution, and was the subject of an unusually wide-ranging discussion."[66]

---

[64] Cabinet Conclusions, 16 January 2003.
[65] Public hearing, 13 January 2010, page 60.
[66] Statement, 2 April 2015, page 5.

188. Mr Blair had:

> "… made it very clear that he wanted to focus all of his Government's efforts on securing that second resolution."

189. Mr Hoon was:

> "… quite confident at that stage that he [Mr Blair] would not have welcomed any efforts to discuss the military options in relation to Iraq. In the absence of Prime Ministerial agreement to such a discussion, it would not have taken place."

190. Mr Hoon wrote:

> "Nevertheless because I thought colleagues should be aware at this juncture about the military preparations under way, and because this had not been discussed at the Cabinet meeting on 16 January on the second resolution, I arranged for a paper on this subject to be circulated."

191. The absence of any collective discussion of the military options, despite Mr Blair's promises, is addressed later in this Section.

192. Mr Blair's decision not to reveal that he had been advised that a further determination by the Security Council that Iraq was in material breach of its obligations would be required to authorise the revival of the authority to take military action, or to invite Lord Goldsmith, the Attorney General, to speak at Cabinet on 16 March, is addressed in Section 5.

The decision to deploy ground forces, 17 January 2003

193. Mr Hoon wrote to Mr Blair on 16 January seeking agreement to the "key role in southern Iraq" proposed by the US for the UK:

> "Important questions remain to be resolved … But the role proposed for the UK is a sensible and significant one, and I recommend that with certain qualifications, we accept it. We need to decide quickly."[67]

194. Mr Hoon added that equipment and personnel would need to be moved early the following week and that, if Mr Blair agreed, he proposed:

> "… to announce the composition and deployment of the force in an oral statement on Monday 20 January."

195. Mr Hoon set out the proposed UK contribution as discussed in the briefing the previous day, including that the provision of US logistic support would enable the UK to "make compensating reductions in our force, which would number around 26,000 rather than the 28,000 originally envisaged" for the deployment of a single armoured brigade

---

[67] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

through Turkey. He estimated that the requirement for Reservists was "unlikely to be much above 3,000, compared to the 7-8,000 we originally expected".

196. Mr Hoon wrote that the proposed role for the UK was "essentially as described in my Office's letter of 8 January":

- "During initial US ground operations the ATG … would "conduct the Umm Qasr/ al-Faw operation as already planned."
- "Approximately ten days later HQ 1 [(UK)] Armoured Division with 16 Air Assault Brigade would relieve US forces in an area south of Basra and the Euphrates, including the Rumaylah oilfields, enabling the US to press on further north."
- "Whilst US forces conduct decisive ground operations to isolate Baghdad, HQ 1 [(UK)] Armoured Division with 7 Armoured Brigade could protect the right flank of the US 1st Marine Expeditionary Force as it advances north. This would include securing Basra International Airport and isolating (but not entering) Basra itself."

197. Mr Hoon added that the US was looking at possible additional tasks, but the UK would take a cautious approach: "We do not intend that our force should bite off more than it can chew, given its reliance on US logistic support."

198. Mr Hoon stated that, as he and Mr Blair had discussed, a number of issues still needed "finally to be resolved" before the UK could "conclude that the overall US plan represent[ed] a winning concept". Those included the "legal basis for any operation" and the "credibility of plans for the aftermath". The US was addressing the "strategic importance of fixing Iraqi forces" in the North.

199. The concept for the campaign was "radically different from that employed in the 1990-1991 Gulf Conflict". It depended on "the achievement of overwhelming effect" to attack the cohesion of the Iraqi regime and deterring opposition rather than the "application of overwhelming force". Much depended on achieving "shock and awe" at the outset through the "application of largely US air power to targets throughout Iraq".

200. Mr Hoon stated that the plan would need further development to address a number of "specific challenges (oilfields, displaced persons, handling Iran etc.), but no insurmountable problems have been identified". The threat from conventional Iraqi forces was assessed as "limited, in part because of the expected effects of US air power".

201. The timescales for possible action would mean that some risk would have to be taken on the fitting of Urgent Operational Requirements (UOR) equipment, but that risk was "considered acceptable".

202. Mr Hoon wrote that:

> "The proposed final [UK] Area of Responsibility is a coherent one with largely natural geographical boundaries … and includes economic infrastructure critical to Iraq's future, including much of its oil reserves, critical communications nodes, a city (Basra) of 1.3 million people and a port (Umm Qasr) the size of Southampton. Although the establishment of UK control over this area will require careful presentation to rebut any allegations of selfish motives, we will be playing a vital role in shaping a better future for Iraq and its people."

203. Map 3 in Annex 4 of the Report shows the proposed AOR and the effect of subsequent decisions to expand.

204. Commenting on the point, originally made in the letter from his Private Office to Sir David Manning on 8 January, that the UK's proposed role would "make us even more important to the US plan than we were before", Mr Hoon wrote that was:

> "… to some extent a double-edged sword. By making us more integral to the US plan, it would add to the difficulties if US and UK intentions should diverge. But this is a sharpening of an existing risk – bearing in mind US reliance on Diego Garcia, for instance – rather than the creation of a new one."

205. Mr Hoon wrote that Mr Blair had identified three big issues in the discussion the previous day:

- the "nature of the proposition" that was being put "to the Iraqi people including those in the governing apparatus who are not considered beyond the pale, and the way in which that would be conveyed to them without damaging operational security and losing the element of surprise";
- the need "now that we have a proposed Area of Responsibility" to work on that "with greater clarity". The forthcoming visit of a Whitehall team to Washington (see Section 6.5) was identified as "an opportunity to mould US thinking"; and
- making sure the UK had the "best possible contingency plans for worst-case scenarios".

206. Mr Hoon said he had put work in hand to address those issues.

207. Mr Hoon set out the latest estimates for the costs of military operations and the actions and timetable for implementation:

> "CENTCOM assume that, unless Saddam changes his behaviour, a political decision to take military action may be made in mid-February. Air and ground operations could begin in early March, with the main effort by ground forces beginning in mid-March (although they still aspire to bring the main effort forward)."

208. The UK headquarters would need to be "deployed and readied in Kuwait … by the end of January, 16 Air Assault Brigade by the beginning of March, and 7 Armoured

Brigade by mid-March". That would be followed by a period of Force Integration Training – preparation and rehearsal alongside US forces – before they would be properly prepared to conduct operations.

209. Mr Hoon stated that the force package was "broadly what the media already expect", but the "high visibility of the measures involved" would "require a reasonably candid explanation". He set out the advantages of the "earliest possible announcement".

210. Mr Hoon recommended that the UK should "inform the US that we agree that planning should assume the contribution of the proposed UK land force package to carry out the role the US has requested, subject to:

(i) the overall caveat that a further political decision would be required to commit UK forces to any specific operation

(ii) US assistance in facilitating the bed-down of UK forces, and provision of logistic support

(iii) further work to develop a satisfactory plan for the aftermath."

211. Copies of the letter were sent to Mr Brown, Mr Straw and Sir Andrew Turnbull.

212. The UK's assessment of Iraq's conventional military capability and decisions on targeting are addressed later in this Section.

213. The risks taken on procurement of equipment and its deployment to the front line are addressed in Section 6.3.

214. The absence of advice on what might constitute a satisfactory plan for the aftermath or on the risks associated with deploying UK forces before decisions had been made on the scope or duration of their post-conflict role is addressed in Section 6.5.

215. On 17 January, Mr Blair agreed the deployment of large scale UK ground forces, comprising the HQ 1 (UK) Div and three combat brigades.

216. Commenting on Mr Hoon's letter to Mr Blair, Sir David Manning wrote:

"As briefed to you yesterday …

"Are you content with the recommendations …?

"These seem right, subject to your views on an announcement on Monday 20 January. This is bound to have significant impact. In any event, I assume you will want to see a draft."[68]

217. On 16 January, Mr Straw raised his concerns that the momentum in Washington was to do something soon after the report from Dr Hans Blix, Executive Chairman of

---

[68] Manuscript comment Manning, 16 January 2003, on Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

UNMOVIC, to the UN on 27 January, and it was being assumed that Mr Blair would be with President Bush.[69]

218. Mr Straw recommended that Mr Blair should speak to President Bush.

219. Mr Straw's advice and the subsequent discussions with the US are addressed in Section 3.6.

220. Mr Straw wrote to Mr Blair on 17 January, flagging up three major issues: targeting; the response to any Iraqi use of WMD; and the need for greater clarity on thinking and plans for the aftermath.[70]

221. Mr Straw advised that:

> "… much greater clarity is required about US thinking and plans for the aftermath. How long would UK forces be expected to stay in the area of responsibility proposed for them? What would be their role in what form of administration, not least in Basra …? We need in particular far greater clarity on US thinking on management of the oilfields. As you know, we have sizeable differences of view from many in the US Administration who envisage Iraq being a US military governorate for an extended period of time. A UK team will be discussing this issue with the US next week. It will be putting hard questions, and highlighting our own view that there needs to be a move to UN administration, with Coalition Forces remaining responsible for security, as soon as possible."

222. Sir David Manning commented to Mr Blair:

> "Good questions. But I don't think they affect your decision in principle."[71]

223. Mr Blair replied, "agreed".[72]

224. Following a telephone conversation, Sir David replied to Mr Watkins late on 17 January that Mr Blair was "content to proceed on the basis of the Defence Secretary's recommendations", and that he would be grateful "if you and the FCO would now take things forward as proposed".[73]

225. Mr Hoon's Private Office informed key officials of Mr Blair's decision, and that Mr Hoon had approved:

- That the US be informed that its planning should assume the contribution of the proposed UK land force package to carry out the role requested, subject to:

---

[69] Letter Straw to Manning, 16 January 2003, 'Iraq: Conversation with Colin Powell, 16 January'.
[70] Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[71] Manuscript comment Manning, 17 January 2003, on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[72] Manuscript comment Blair on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[73] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.

- the overall caveat that a further political decision would be required to commit UK forces to any specific operation;
- US assistance would be provided in certain specified areas; and
- further work was needed on the plan for the aftermath.

- Approaches should be made to appropriate countries for basing and assistance.
- The deployment of the land package could begin from early the following week.
- Further advice should be provided before the end of January on additional Reservists required.[74]

226. On 17 January, when Adm Boyce met General Richard Myers, Chairman of the US Joint Chiefs of Staff, he reported the position on UK planning, including that, with Op FRESCO, more than 50 percent of the UK Armed Forces were committed to operations and "the issue of UK conventional ground forces via Turkey was 'parked' for now".[75]

227. Mr Blair had focused on four issues:

- targeting legality and proportionality;
- "what-ifs" against Saddam Hussein's reactions;
- dealing with Baghdad; and
- "above all, aftermath – especially in the context of catastrophic success".

228. Adm Boyce was told that a task force for the aftermath, with a one-star commander, was being trained by Joint Forces Command (JFCOM) but that should change to a three-star multi-national command.

229. Sir David Manning commented to Mr Jonathan Powell:

> "Whatever political pressure for early action, US military clearly can wait a few more weeks. I think they should. We need more time to try to get the hard evidence."[76]

230. The decision to deploy ground forces was announced on 20 January.

231. Mr Hoon announced the deployment of UK ground forces, which would "include the headquarters of 1 (UK) Armoured Division with support from 7 Armoured Brigade, 16 Air Assault Brigade and 102 Logistics Brigade", in an oral statement in Parliament on 20 January.[77] The package comprised "approximately 26,000 personnel", in addition to 3 Commando Brigade "with around 4,000" personnel including its support elements which he had announced on 7 January.

---

[74] Minute Williams to Head of Sec (Iraq), 17 January 2003, 'Iraq: UK Land Contribution'.
[75] Minute Parker to PS/Secretary of State [MOD], 17 January 2003, 'CDS Meeting with General Myers, US CJCS, 17 Jan 2003'.
[76] Manuscript comment Manning to Powell on Minute Parker to PS/Secretary of State [MOD], 17 January 2003, 'CDS Meeting with General Myers, US CJCS, 17 Jan 2003'.
[77] House of Commons, *Official Report*, 20 January 2003, columns 34-46.

232. Mr Hoon stated that it was "a high readiness, balanced and flexible force package, bringing together a wide range of capabilities"; and that he and the Chiefs of Staff were "confident" that it was "the right group of forces for the tasks that may be necessary".

233. Mr Hoon concluded that none of the steps being taken represented "a commitment of British forces to specific military action", and that:

> "A decision to employ force has not been taken, nor is such a decision imminent or inevitable. I must also emphasise … that the deployment of forces on this scale is no ordinary measure.
>
> "While we want Saddam Hussein to disarm voluntarily, it is evident that we will not achieve that unless we continue to present him with a clear and credible threat of force. That is why I have announced these deployments, in support of the diplomatic process to which we remain fully committed. It is not too late for Saddam Hussein to recognise the will of the international community and respect United Nations resolutions. Let us hope that he does so."

234. Mr Hoon declined to provide any further details of the planning for military action.

235. In response to a question about post-conflict planning, Mr Hoon stated: "Certainly consideration is being given to aftermath issues and the question of humanitarian relief. Obviously, we will design force packages to ensure that we have soldiers in place who can deal with those issues as and when they arise."[78]

The absence of collective Ministerial consideration of the decision to deploy UK forces

236. The proposal to deploy UK ground forces to southern Iraq constituted a step change in the UK contribution to the US plan and made it critical to the success of the military campaign.

237. Mr Hoon's letter of 16 January seeking agreement to the deployment was sent to Mr Brown, Mr Straw and Sir Andrew Turnbull.

238. It did not, however, address the wider implications of the decision for Cabinet colleagues.

239. It was clear, from the discussions on 15 January and Mr Hoon's advice to Mr Blair of 16 January, that committing UK forces was likely to mean that the UK would become responsible, as the Occupying Power in the immediate aftermath of military operations, for a significant area of southern Iraq.

240. That would have implications for the responsibilities of the FCO and DFID.

241. It also had major financial implications.

---

[78] House of Commons, *Official Report*, 20 January 2003, column 37.

242. Ministers did not seek, and were not given, considered inter-departmental advice on the implications of the decision.

243. Nor, despite it being a decision which was likely to have major implications for the UK lasting many years, was there a collective Ministerial discussion before the decision was taken.

244. Nor was Cabinet informed of the proposals and given an opportunity to discuss them before the decision was announced.

245. Sir Kevin Tebbit told the Inquiry that he had advised Mr Hoon, in either late December 2002 or early January 2003, that it would be timely to take stock of UK policy in the light of concerns, including:

- **uncertainties about whether it would be possible to agree a second resolution;**
- **the need to push the UK conditions;**
- **the impact on the US/UK strategic relationship if the UK did not act with the US;**
- **the implications of a bigger military role in the South; and**
- **planning for post-conflict Iraq was not robust.**

246. Sir Kevin also stated that he had advised Mr Hoon that he should seek a full Ministerial discussion of the issues.

247. Sir Kevin Tebbit's private minute to Mr Hoon on 14 January, drawing out how the US "would react if HMG failed to go along with the United States in the event that they decided to use military force against Iraq without a further enabling UNSCR", is addressed earlier in this Section.[79]

248. Sir Kevin told the Inquiry in December 2009 that:

> "… by … the end of 2002 – when it is becoming clear that the northern option wasn't going to work and we might take a bigger role in the South, and, therefore, the stakes for the UK would be greater, at that stage it wasn't entirely clear whether we were going to achieve all of our conditions …
>
> "I certainly discussed these issues very fully with … [Mr Hoon] as to whether this was indeed the right point to take broader stock of where we were going and make absolutely certain that the Government was satisfied with the course. Not to say that I wasn't, it is just [to say] that I felt it was quite important for Ministers to be absolutely clear … what the prospects might be."[80]

---

[79] Minute Tebbit to Secretary of State [MOD], 14 January 2003, 'Iraq: What If?'.
[80] Public hearing, 3 December 2009, pages 80-81.

249. In subsequent evidence to the Inquiry in February 2010, Sir Kevin added that the shift to the South, which "took place progressively" from mid-December to mid-January 2003, "was a very significant shift" and he had "felt that it was important to reappraise, to pause, to take stock as to what was going on".[81]

250. Sir Kevin told the Inquiry that he had "certainly" written to Mr Hoon; and that he thought he had written "a personal note" which he had been unable to find before the hearing. That had expressed his:

> "… concerns that we were … being led into a possible military action, where we might not actually have secured our objectives; in other words, we wouldn't have disarmed Saddam by the diplomatic route. We might not get a second resolution. We hadn't got post-conflict planning as well pinned down with the United States as any of us wanted at that stage."[82]

251. Asked if he had had a response, Sir Kevin stated that he had "discussed this" with Mr Hoon and he thought they "were very much of one mind that this did need to be thought through very carefully".[83]

252. Sir Kevin told the Inquiry that Mr Hoon had asked him to produce a "note on the transatlantic relationship":

> "One of the issues at that stage was that we had gone so far, by the end of December, with the United States in planning – not just because we wanted to be with the United States, but because I knew the Government believed in what it was doing – that to have gone back at that point and decided not to proceed in circumstances where we hadn't disarmed Saddam … would have been particularly difficult for our relationship with the United States."[84]

253. Asked whether at that stage there was no going back and no room for reassessment, Sir Kevin replied:

> "There was never an unconditional commitment at all. I think that when one begins to engage in military planning, one takes a risk that, if one doesn't see it through in a way that was designed to achieve the effect of disarming Saddam Hussein diplomatically, or the use of force …"[85]

254. Sir Kevin added that, if the UK had backed down "without any of those conditions being met", that would have carried "its own damage".

---

[81] Public hearing, 3 February 2010, page 24.
[82] Public hearing, 3 February 2010, pages 24-25.
[83] Public hearing, 3 February 2010, page 25.
[84] Public hearing, 3 February 2010, pages 25-26.
[85] Public hearing, 3 February 2010, page 26.

255. In the context of securing the UK's strategic objectives, Sir Kevin told the Inquiry that his concern in his advice to Mr Hoon in December:

> "… was the risk, as one feels in one's dark moments, that maybe we are not going to get any of these criteria achieved. It wasn't looking as if Saddam was going to back down and really comply. It wasn't looking as if the Americans were not going to pursue the military course if compliance failed. There was a clear sense of impatience, I think in Washington.
>
> "The planning for post-conflict didn't seem to me to be very robust …
>
> "So those concerns were ones which led me to say to … [Mr Hoon] at the point when we were also not going to get our northern option and were moving to a southern one, which seemed to me to be very significant, that this is the time to reappraise and to think hard before going forward. It wasn't that I was against going forward."[86]

256. Asked whether, by January 2003, it was too late to reappraise the position because the UK was committed politically to the US and military preparations were going into high gear, Sir Kevin replied that he did not "think it was too late".[87]

257. Sir Kevin added:

> "… by the end of 2002, not to have proceeded … without … very strong reasons, such as Saddam … actually meeting the conditions, would have given us a real problem …
>
> "… [H]aving indicated an intention, with conditions, to work with the United States on the military track, to have gone back on that point would have carried risks and doubts."

258. In May 2010, Sir Kevin Tebbit told the Inquiry:

> "… by Christmas 2002/3, I was very concerned that the penalties of breaking with the Americans, even if our conditions were not fully met, were going to be very severe."[88]

259. Asked about the penalties, Sir Kevin replied:

> "I think the penalties of having gone so far by that stage on a joint venture … were very awkward … I felt it would be helpful for Ministers to pause around January in 2002/3, when we were being presented with a completely different plan, and when it wasn't clear necessarily that our conditions were going to be met, that there was a risk that the Americans might proceed without a second resolution, which we

---

[86] Public hearing, 3 February 2010, pages 35-36.
[87] Public hearing, 3 February 2010, pages 36-37.
[88] Private hearing, 6 May 2010, page 11.

regarded as absolutely essential. There was a risk that Saddam wasn't going to disarm. There was a risk that we were not going to get the broad Coalition that we wanted, and I … felt at that stage it was quite important to consider all the issues, including the cost of not proceeding with the Americans."[89]

260. Sir Kevin stated that he was "reconstructing events on the basis of personal recollection".[90] He had:

"… recorded my concerns and the message was very clear: we need to work harder at making sure our conditions are fully understood and taken up by the US Administration."

261. Sir Kevin Tebbit told the Inquiry in February 2010 that he thought Ministers had had a discussion about the issues, but he was "not sure about the detail".[91]

262. Asked whether he had seen a point at which the Government at the most senior decision-making levels had fully reviewed and thrashed out the whole range of its options, Sir Kevin Tebbit replied that he "never saw that process taking place" and that he was not "party to those discussions in No.10".[92]

263. Sir Kevin added that, in the second half of January, he had sensed "that was the point when Ministers were coming to major decision point", and "it was also the point where Hoon was recommending the southern option to Government". His "understanding was that there was a pretty full discussion".[93]

264. In May 2010, Sir Kevin Tebbit told the Inquiry:

"Over Christmas I recall being concerned that … suddenly we were looking at a different option, the South, which we hadn't been planning for.

"… I was very concerned before things went further it would be very good for Ministers to sit down and really discuss this fully … I wrote my concerns to Geoff Hoon in a private note, manuscript … advising him that I really thought he ought to talk to his colleagues … and look at it in the round again and pause. I was very concerned that the machine seemed to be moving, and I don't just mean the military machine. I just mean the process seemed to be going on without a full Ministerial discussion.

"Geoff Hoon said to me … I understand, I think that's very important. He said, I just want a note from you on one aspect, and that is the US/UK relationship and the implications of not proceeding, how important is this to us in bilateral terms. So I wrote him a note purely on that issue, as a sort of aide memoire, for one part

---

[89] Private hearing, 6 May 2010, pages 11-12.
[90] Private hearing, 6 May 2010, page 12.
[91] Public hearing, 3 February 2010, page 25.
[92] Public hearing, 3 February 2010, page 37.
[93] Public hearing, 3 February 2010, pages 38-39.

of the discussion he was going to have with his colleagues. Looking at the record, it looks as if that's the only thing I was bothered about, and that gives a slightly misleading impression.

"I think he did have those discussions with colleagues. The record is not entirely clear, but Ministers clearly had a very serious discussion in the period 16-18 January, but it doesn't seem to have been a formal meeting."[94]

265. Sir Kevin added:

"In my own calculations, I didn't feel particularly comfortable about it. I mean, we are talking about this purely from the point of view of how important we were to the Americans.

"… [M]y own evidence may seem certainly slanted because of the way in which the documents were around and have fallen, and I can't find the note that I wrote to Geoff Hoon over Christmas.

"I think we need to remember … The main purpose of our military build-up was to help convince them [Saddam Hussein and the Iraqis] that we were in deadly earnest … and that they would do much better to pursue the UN route and disarm and allow the inspectors back, and then none of this military action would be necessary.

"So the most important objective … was … to have a real impact on Iraqi perceptions … It was not the most important thing to actually have impact on American perceptions. That was obviously a vital thing, but … a secondary issue. It wasn't the first thing I thought about.

"… [I]n that sense it didn't make much difference whether we were going to the North or the South, but frankly I thought the North would have more effect on Iraqi perceptions if we could have achieved it …"[95]

266. Asked whether there was any high level discussion across Whitehall of the issues he had raised in his minute of 14 January, Sir Kevin replied:

"No, I don't think so … the context is important here. My discussion with Geoff Hoon before that was much wider, and it covered the whole range of issues in terms of what were our basic interests and what were we trying to achieve, and the risks of carrying on without a full Ministerial discussion.

"He [Mr Hoon] simply asked me personally to give him my fullest view about the nature of the US/UK relationship in all its aspects, not to consult anyone, entirely privately, because he wanted to have all the information that might be necessary at his fingertips, should he get into the type of discussion with his colleagues.

---

[94] Private hearing, 6 May 2010, pages 19-20.
[95] Private hearing, 6 May 2010, pages 21-22.

I provided him with that. Frankly I was quite embarrassed to see the thing on file because it was intended purely as an aide memoire for him personally."[96]

267. Asked if he could provide a short note of his recollection of the contents of his manuscript note, Sir Kevin told the Inquiry:

"… I think it is very difficult, because I couldn't do it honestly, I don't think."

"… I did worry we were walking into something without thinking carefully about it …

"… [M]y advice was saying … in the circumstances, we have got to a stage where it is better all round for us to continue, but continue to push hard for our conditions, rather than to pull out, because I couldn't think of a good reason for pulling out in the circumstances we were in, because we hadn't exhausted the track, we hadn't … given up trying to bring allies with us, trying to build coalitions, trying to achieve success through the diplomatic route, and therefore there was no grounds, in my view, for pulling out. Were we to think of doing so, there could be lots of damage … to our bilateral relationship with the Americans.

"That doesn't mean to say that if we decided in March 2002 we weren't going to have anything to do with this at all, there would be damage to our relationship. It would have been much smaller, I think, at that stage. It was being at the point that we were by late December, we would have needed very good reasons for not continuing, and it didn't seem to me at that stage that those reasons existed.

"Nevertheless, my main concern at that point was to provoke the Ministers to have a full discussion, rather than simply to say the American relationship is so important, you should just carry on regardless."[97]

268. Mr Hoon told the Inquiry that he did not receive advice from Sir Kevin Tebbit about the need for a Cabinet discussion.

269. In a statement for the Inquiry, Mr Hoon wrote that he:

"… was never advised either formally or informally by … Sir Kevin Tebbit, to the effect that there should be a discussion among Cabinet colleagues about the proposed UK deployment to the South of Iraq."[98]

270. Referring to Sir Kevin's oral evidence in February and May 2010 about a private handwritten note suggesting a Cabinet discussion, Mr Hoon stated:

"If he did send such a note, I did not receive it. There is no record of it anywhere. Had I received such a note … I would have marked it to say that it had been read, together with any further comment or question I might have had … [I]t would have

---

[96] Private hearing, 6 May 2010, pages 24-25.
[97] Private hearing, 6 May 2010, pages 25-26.
[98] Statement, 2 April 2015, pages 4-5.

been recorded and filed by my Private Office. That is precisely what happened in respect of a private note I did ask Sir Kevin for in respect of the risks to our wider relationship with the US of not being involved on the ground in Iraq [Sir Kevin's minute of 14 January 2003] … If it was important to have such a discussion amongst Cabinet colleagues, I would have expected to receive formal advice to that effect."

271. There is no dispute about the fact that Mr Hoon and Sir Kevin Tebbit discussed the potential impact on US/UK relations if the UK were to be unable to act alongside the US if military action was taken; and that Sir Kevin was asked to produce private advice for Mr Hoon.

272. Sir Kevin Tebbit's advice of 14 January covered only potential damage to the US/UK strategic relationship because that was what Mr Hoon had asked him to do.

273. The evidence from Mr Hoon and Sir Kevin is clear on that point.

274. The Inquiry cannot, however, resolve the differing accounts provided by Sir Kevin Tebbit and Mr Hoon about the circumstances of that request; and whether Sir Kevin had advised Mr Hoon that Ministers should pause and take the opportunity for a full discussion of the UK's options.

275. The Inquiry accepts the evidence that Sir Kevin prepared a note over Christmas 2002 as he told the Inquiry; and that Mr Hoon did not receive it.

276. Given the nature of the advice, and the importance of the issues it addressed, the Inquiry would have expected a document of the nature described by Sir Kevin Tebbit to have been preserved in both his Private Office and Mr Hoon's, notwithstanding the fact that it was handwritten.

277. No handwritten note from Sir Kevin Tebbit to Mr Hoon was included amongst the papers first disclosed to the Inquiry by the MOD.

278. Although the Inquiry specifically asked the MOD to search for such a document, including contacting Mr Hoon's and Sir Kevin's Private Secretaries at the time, it has not been found.

279. Sir Kevin Tebbit clearly had concerns in early 2003 about the implications of a switch in the UK military focus from the North to the South of Iraq.

280. At the Chiefs of Staff meeting on 6 January 2003 he had noted that the option being discussed was significantly different from that on which Ministers had been consulted.[99]

281. Sir Kevin's recollection of the document he had written is detailed. The Inquiry has no reason to question his evidence.

---

[99] Minute Johnston to Private Secretary [FCO], 6 January 2003, 'Iraq: Chiefs of Staff Meeting, 6 January'.

282. Similarly, if Mr Hoon had received a handwritten document of the nature described by Sir Kevin, the Inquiry considers it is more likely than not that he would have remembered it, even after a number of years. The Inquiry therefore accepts that Mr Hoon did not receive it.

283. There is no evidence that Sir Kevin spoke about the need for a collective discussion with Sir Andrew Turnbull or with other Permanent Secretary colleagues.

284. Regardless of whether or not Mr Hoon was provided with specific advice about the need for a collective discussion, it should have been clear to him from the advice he did receive, which is set out in this Section and Section 6.1, that a significant change of direction was proposed and that there were major issues to be addressed.

285. Sir Kevin Tebbit would have been right to advise in January that Ministers should have paused for a full discussion of the policy on Iraq, the risks of success and failure, the advantages and disadvantages of different options, and the implications of the decisions taken.

286. As Section 7 sets out, decisions of this importance, which raise a number of challenging questions, are best addressed by a Cabinet Committee on the basis of considered inter-departmental advice.

287. Such a collective discussion should then have been reported to Cabinet before the deployment was announced.

288. As Section 9.4 shows, Cabinet did discuss the decision to deploy to Helmand in May 2006, in January of that year.

289. The absence of planning and preparations for the UK role after the conflict is addressed in Section 6.5.

Planning military operations

Military discussions with the US

290. In mid-January, Lt Gen Reith and Gen Franks discussed the role UK forces might play in combat operations.

291. Gen Franks wrote in his memoir that in January, only a small group of senior CENTCOM officers knew "significant aspects of the evolving concept" and only four people had the "full picture".[100]

292. On 17 January, Major General David Wilson, Senior British Military Adviser at CENTCOM, reported to Lt Gen Reith on a conference chaired by Gen Franks for

[100] Franks T. & McConnell M. *American Soldier.* HarperCollins, 2004.

CENTCOM commanders, key staff and Coalition partners from 15 to 16 January in Tampa, Florida.[101] Gen Franks had described the event as "likely to be the last chance for such a gathering to take place. It therefore had to be conclusive".

293. Lt Gen Reith told the Inquiry that he had had a conversation with Gen Franks on 16 January:

> "… I told him that we still obviously weren't committed necessarily to execution, but that the Prime Minister had approved a composite, one-division package. So that was the mix, that we eventually ended up with."[102]

294. At that meeting, Lt Gen Reith and Gen Franks had discussed Phases II and III and Gen Franks had "agreed that 3 Commando Brigade would be the best capability to attack into the al-Faw Peninsula".

295. Lt Gen Reith told the Inquiry that Gen Franks' feeling was that 7 Armoured Brigade 16 Air Assault Brigade could "probably secure the oilfields", releasing the US 3rd Infantry Division and I Marines Division for "the main effort. So we would then have a discrete box in southern Iraq".

296. Asked whether the UK was still suggesting that the US should have two sets of plans in case the UK could not contribute, Lt Gen Reith told the Inquiry:

> "I told him that the Prime Minister had agreed to the package, and so therefore … I'm making an assumption that he now expected us to participate."[103]

297. Maj Gen Wilson reported that "Phase IV responsibilities became a little clearer" at the Commanders' Conference. Gen Franks had demanded that JTF-4 deploy as soon as possible to Kuwait and had welcomed Lt Gen Reith's offer to embed four UK personnel in it. Gen Franks had also directed that "key Phase IV players should visit the Pentagon to ensure that planning was joined up".[104]

298. In his record of the meeting with Gen Franks, Lt Gen Reith explained that UK staff embedded in JTF-4 would have "reach-back" to the Phase IV planning team in PJHQ, giving the UK "considerable influence over US planning".[105] He reported that Gen Franks had "agreed that we could plan on [the] UK having responsibility for the Basra region in Phase IV and would welcome our setting the standard for other nations. Clearly this will need Ministerial approval in due course."

---

[101] Minute Wilson to MA/CJO, 17 January 2003, 'CENTCOM Component Commanders' Conference: 15-16 Jan 03'.
[102] Private hearing, 15 January 2010, pages 40-41.
[103] Private hearing, 15 January 2010, page 42.
[104] Minute Wilson to MA/CJO, 17 January 2003, 'CENTCOM Component Commanders' Conference: 15-16 Jan 03'.
[105] Minute Reith to PSO/CDS, 17 January 2003, 'Discussion with General Franks – 16 Jan 03'.

299. Gen Reith told the Inquiry he had also told Gen Franks that he was "unhappy with the way the planning was going" because the US was "going into shock and awe" and the UK "had been very much the custodians of 'Let's worry about Phase IV'".[106]

300. Gen Reith said he had made that point to Gen Franks because the US were going to have a fairly extended air campaign followed by land entry as they had done in the 1991 Gulf Conflict. Gen Reith told the Inquiry he had said that "the oilfields were absolutely essential" for Phase IV:

> "… to provide revenue for Iraq for its reconstruction, and therefore, we needed to secure the oilfields rather than have them destroyed. I also made the point to him that the more china that we broke, the more we would have to replace afterwards. So I left him with those thoughts, and … between that meeting and obviously when we went in, they changed the phasing of the plan so that there was an early land entry."

301. Major General Peter Wall, Chief of Staff to Air Marshal Brian Burridge and later GOC 1 (UK) Div from May 2003 to January 2005, wrote in his post-operation report that the HQ 1 (UK) Div plans team deployed to Kuwait on 19 January and "became embedded" in the 1 MEF Operational Planning Team.[107] The remainder of the Command Group, including Maj Gen Brims, arrived a week later to review 1 MEF options and start developing the Divisional plan.

302. Maj Gen Brims issued an initial Operational Order on 31 January, which described the Division's mission as "to defeat enemy forces, secure key oil infrastructure and seize Umm Qasr port to prevent or mitigate environmental disaster and enable humanitarian operations. Subsequently the Div is to relieve 1st [US] MarDiv … to support its rapid movement N[orth]".[108]

303. The UK and Australia participated in talks on post-conflict issues in Washington on 22 January. The briefing prepared for Mr Lee, the senior MOD member of the UK delegation, included outline assumptions for UK force contributions under four post-conflict phases. It cautioned that, in the absence of a US decision on timelines, these were only illustrative.[109] The suggested UK land force contribution under each phase was:

- US military administration (0-6 months): war-fighting forces (large scale);
- Coalition administration (6-12 months): large scale reducing to medium;
- civil administration (12-24 months): medium scale reducing to small; and
- full Iraqi governance (24 months plus): small scale reducing to advisory teams.

---

[106] Private hearing, 15 January 2010, pages 42-43.
[107] Report Wall to HQ 3 Cdo Bde, 6 October 2003, 'Post Operation Report – Version 2 Operation Telic'.
[108] Operational Order 001/03, 31 January 2003, 'Base OpO 001/03 for Op TELIC'.
[109] Minute Sec(O)4 to DG Op Pol, 21 January 2003, 'Visit to Washington – Iraq Aftermath'.

304. The briefing included questions to which "we must first have answers" if the UK was to contribute along those lines, including whether the US envisaged "sectorisation" as in Bosnia or "central locations and force projection" as in Afghanistan as the model for Phase IV Coalition force structure. If sectorisation, would the US provide additional forces in the UK sector to perform humanitarian tasks for which UK capacity was limited?

305. After the talks, Mr Lee reported to Mr Hoon that, on the plus side, the US was beginning to take the post-conflict planning seriously and was willing to work with the UK and Australia in the various working groups, but there was little time left.[110]

306. Mr Lee recommended that Mr Hoon raise post-conflict planning in his next phone conversation with Secretary Rumsfeld, in terms that it was a vital issue that needed "to be sorted now because it affects both the UK decision to commit to hostilities … and also international support", and that there was a need for clarity on "who is responsible to whom for what on day after planning and then execution".

307. Those talks and their outcome are addressed in more detail in Section 6.5.

JIC Assessment, 29 January 2003: 'The Emerging View from Baghdad'

308. The JIC assessed on 29 January that retaining WMD was a vital Iraqi interest and that Saddam Hussein was unlikely to agree to relinquish power or go into exile.

309. The JIC predicted that once military action began, widespread lack of loyalty to the regime would become clear and a hard-fought professional defence of Baghdad was "unlikely".

310. The JIC Assessment of 29 January 2003 sustained its earlier judgements on Iraq's ability and intent to conduct terrorist operations.

311. At the request of the FCO, the JIC produced an Assessment on 29 January reviewing developments in Iraq from the viewpoint of the Iraqi regime, particularly Saddam Hussein, and possible Iraqi moves in the coming weeks.[111] The Assessment addressed both the possible response to the obligations set out in resolution 1441 (see Section 3.6) and Iraq's potential responses to the military build-up and military action.

312. The Key Judgements included:

- "Saddam does not appear to realise the severity of the military attack he faces. Senior Iraqi officials, although increasingly convinced of the inevitability of a US-led attack, are unlikely to be telling Saddam about their concerns."

---

[110] Minute Lee to PS/Secretary of State [MOD], 23 January 2003, 'Aftermath: Visit to Washington'.
[111] JIC Assessment, 29 January 2003, 'Iraq: The Emerging View from Baghdad'.

- "Saddam has not lost control or the capacity for rational tactical decisions. He continues to maintain regime cohesion, primarily through intimidation. He is unlikely to agree to relinquish power or to go into exile. He still believes he has a chance of averting military action or, once military action begins, forcing the Coalition to cease hostilities before his regime collapses."
- "Once military action has begun, widespread lack of loyalty to the regime will become clear. Iraqis may not welcome Coalition Forces, but most will at least acquiesce in Coalition military activity to topple the regime, as long as civilian casualties are limited. A hard fought professional defence of Baghdad is unlikely, although elite military and security elements closely identified with the regime may fight until their positions become untenable."
- "Saddam probably believes he has some strong political and military cards to play, even in the face of an inevitable attack … He may use human shields, fire CBW against Coalition Forces, launch a pre-emptive attack on the Kurds, Coalition Forces building up in Kuwait or Israel, or sabotage Iraqi oil wells and water supply."

313. The Assessment stated that: "Given the high level of uncertainty over Saddam's response once he recognises his survival is at stake, we will need to plan for a wide range of humanitarian crises, including a possible humanitarian role for Coalition Forces."

314. The Assessment also stated:

- Iraqis believed that the West was "squeamish about casualties". The JIC continued to judge that Iraq's capability to conduct terrorist attacks was "limited, especially outside the Gulf region".
- The JIC had "previously judged that terrorism could be attempted against Coalition Forces during a military build-up if Saddam believed that an attack was inevitable". There had been "no indication that Iraq was behind the recent attack on US contractors working for the US military in Kuwait". That had, however, highlighted "the vulnerability of the large numbers of Coalition Forces concentrated in an area as small as Kuwait".
- Iraq might well "seek to use its influence over some smaller militant Palestinian groups to encourage them to strike at US and Coalition interests in the Middle East in the event of a Coalition attack". There were "also uncorroborated reports of Iraq assembling teams in various countries to attack UK and US interests in the event of war against Iraq".
- "Despite the presence of terrorists in Iraq with links to Al Qaida", there was "no intelligence of current co-operation between Iraq and Al Qaida".
- There had been "no clear indication of any plan for a pre-emptive military strike against the Kurds, neighbouring countries or Israel". Saddam would have "little incentive to launch such a strike while the Iraqi strategy focuses on convincing UNMOVIC that Iraq does not have WMD holdings", but it might "become

an attractive option in the face of imminent Coalition military action". There was "unlikely" to be any advance warning of an attack on the Kurds. The JIC judged that "a pre-emptive limited artillery strike on Kuwait using CBW could be launched in as little as two hours". Preparations for an attack on Israel were "likely to be, more extensive and to stretch Iraqi capabilities to the limit".

- There were indications of "plans to sabotage oil fields to prevent them falling into Coalition hands".
- There were "continuing Iraqi military defensive preparations, including deployments and reinforcements of military units in the South, West and along the border of the Kurdish autonomous zone" which appeared to be "directed against the threat of both an internal uprising and external attack". That included "possibly 1,000 troops on the al-Faw peninsula, apparently in response to the Coalition build-up in Kuwait".
- Iraq's options for redeployment in the South were "limited": "Any significant redeployment in the South would risk triggering a Coalition attack by breaching the Southern No-Drive Zone." The regime did not "trust the Republican Guard enough to deploy them in Baghdad, except possibly as a last resort, leaving them exposed beyond the capital's boundaries".
- The regime was "maintaining 'business as usual': anybody thinking of deserting will face serious consequences […] we may not see clear signs of dissent or defection until the regime is about to fall".
- The JIC judged that "most Iraqis will welcome the departure of Saddam. A few reports suggest that some Iraqis may fight to defend their homeland from what they see as external aggression […] Overall we judge that while Iraqis may not welcome military forces, they will at least acquiesce in Coalition military action to topple the regime, as long as civilian casualties are limited … [M]orale in much of regular army is low and … many soldiers are reluctant to fight. But as long as Iraqi security officers remain with military units and able to enforce discipline, fear of execution is likely to keep regular units at their posts."
- Saddam Hussein was "already placing military targets in residential areas to score a propaganda victory in the event of a Coalition air campaign".
- "In the face of an attack, or even before hostilities if he judged that an attack was imminent" Saddam Hussein might take a number of actions, including seeking to "inflict high enough casualties on any Coalition ground forces, perhaps in Kuwait, including through use of CBW, to halt a Coalition attack and to swing public opinion in the West against hostilities".
- "Once hostilities were under way", Saddam might also "seek to cause an international outcry over the level of Iraqi or Coalition casualties"; and "pursue a scorched earth policy, including the destruction of oil wells and poisoning the water supply".

315. The JIC Assessment ended by stating that Saddam Hussein still believed he had "a chance of averting military action" or "forcing the Coalition to cease hostilities" before his regime collapsed.

316. The minutes of the JIC discussion of the draft Assessment recorded that:

> "… it was difficult to predict if and when Saddam might launch pre-emptive strikes, but the paper should try and make a judgement on possible timescales. The trigger would probably be set when Saddam concluded that his fate was sealed, rather than any movements by Coalition Forces. Most of the Iraqi military would probably crumble quickly under attack. Saddam would maintain his hold of power until then, and there were no indications of possible coups beforehand. Whilst the Iraqi public might welcome the end of Saddam's regime, they were also concerned about the human costs of fighting."[112]

317. On 30 January, Mr Scarlett wrote to Sir David Manning with some "personal observations on the overall intelligence picture".[113]

318. Mr Scarlett wrote:

> "… as we get closer to the deadline, it is increasingly likely that the regime will hold until the invasion actually occurs. I am very comfortable with this assessment. A pre-invasion implosion (eg assassination or successful coup) cannot be excluded."

319. Mr Scarlett suggested that, once an invasion was under way, Saddam Hussein:

> "… knows the weaknesses of the Regular Army and does not expect them to resist effectively. He may genuinely have better hopes for the Republican Guard and place some reliance on their ability to delay the occupation of Baghdad and other cities. In his mind, he may not need such delay to last for long."

320. Mr Scarlett wrote that, "given the perceived inability of his enemies to take significant casualties or setbacks", some of the potential moves that Saddam Hussein could make, as highlighted in the JIC Assessment, "might make to give us pause even after a military operation begins". Mr Scarlett wrote that those moves must be taken seriously. He noted in particular:

- "Attempted use of CBW and missiles … immediately before an attack or (in Kuwait and southern Iraq) in the early stages of the attack itself." That would be "very difficult to pull off", but "even a small number of short range artillery rockets getting through would have a disproportionate effect" and it was "not unreasonable for Saddam to think it would give us second thoughts".
- "CBW armed Al Hussein [ballistic missile] attack on Israel. Again very difficult to achieve, but the benefits of success are obvious."

---

[112] Minutes, 29 January 2003, JIC meeting.
[113] Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'.

- "A move against the Kurds either immediately before or after a Coalition invasion …"

321. Mr Scarlett reminded Sir David that the JIC had judged, "over many months", that "once the invasion starts Saddam's regime is likely to prove brittle and fold quickly". It was therefore correct to prepare a military strategy to "make this 'quickly' very quick indeed".

322. Mr Scarlett wrote that circumstances required the UK to look carefully for areas in which things might go wrong. The remaining questions in his mind, other than the potential use of CBW and revenge tactics, were:

"
- Tough resistance from individual military units capable at least in the available time of inflicting significant casualties on the attacking force.
- Uprisings against regime forces or general blood letting especially in southern cities such as Basra. This is our proposed Area of Operations (AOR). If you have an AOR, you cannot disclaim responsibility for what happens within it.
- The end game in Baghdad especially the fate of Saddam himself … how do we ensure that Saddam's power in his own capital is truly broken …?"

Mr Blair's meeting with President Bush, 31 January 2003

323. In preparation for Mr Blair's meeting with President Bush on 31 January, the MOD drew attention to the implications which any delay in military action beyond the spring would have for its ability to provide a major contribution to military action, and the need for the US and UK to have agreed military objectives.

324. The MOD briefing of 29 January comprised a general update and sections on targeting, "aftermath", and Saddam Hussein's options, including "Fortress Baghdad".[114]

325. The MOD "line to take" suggested for Mr Blair was that, if military operations were to be delayed beyond April/May, the UK would "struggle to put together this scale of force again for the autumn, especially if the fire strike continues. So militarily we could bear some delay but not too much."

326. The background briefing for Mr Blair advised that, if operations were not initiated in the spring, the UK would "face some awkward choices". Some "key elements of the UK contribution were unique" – including the Commando Brigade, the Assault Brigade and a specialist helicopter carrier ship. The MOD suggested:

> "If operations were not going to start until the autumn, we would need to consider bringing some forces back to the UK in the meantime. Our ability to provide a major contribution later in the year will also be severely constrained if the fire strike continues beyond the spring."

---

[114] Letter Williams to Rycroft, 29 January 2003, 'Prime Minister's Briefing – Iraq'.

327. The MOD also advised Mr Blair that agreement on the objectives for a military campaign would be needed.

328. In relation to targeting, the "line to take" offered to Mr Blair was that the UK was "working up our strategic objectives for a military campaign. We need to relate this to the legal base we establish." It was: "Very important that UK and US objectives are aligned soon and in advance of commitment to action so that we can come to a clear and common understanding on **targeting issues** and the **information campaign**." That would need "careful handling domestically".

329. The detailed advice from the MOD on targeting is set out later in this Section as part of the consideration of planning for the air campaign.

330. The background briefing for Mr Blair explained that the current thinking was that the objectives would be published "close to, or at the start of hostilities". The MOD explained that the military objectives would enable it to "satisfy" itself "that they represent[ed] minimum use of force as required by international law", and to use the CDS Directive to indicate "what military missions are legitimate, including … what targets we can legitimately attack from the air; and plan Information Operations".

331. A "publicly agreed set of aligned military objectives", being prepared by the Cabinet Office, would enable the UK to participate in a "joined up **information operations campaign**".

332. Mr Drummond sent Mr Rycroft a minute setting out a "few OD Sec points, just in case they slip through the briefing" provided by the FCO and MOD.[115] Those included the need to agree joint military campaign objectives for publication "shortly before any conflict starts" and that the UK should offer a draft.

333. The development of objectives for the military campaign is addressed later in this Section.

334. A document entitled 'Countdown' set out a checklist of issues for Mr Blair's discussion with President Bush.

335. A document entitled 'Countdown' appears in the No.10 files for 30 January 2003.[116] The document comprised six sections, including:

- "Military Questions." Whether there were sound plans – in the event that Saddam Hussein used WMD, attacked Israel, or destroyed oil wells – to keep rival groups and tribes apart; and to avoid civilian casualties.

---

[115] Minute Drummond to Rycroft, 28 January 2003, 'Iraq: US Visit'.
[116] Note [Blair to Bush], [30 January 2003], 'Countdown'.

336. When Mr Blair met President Bush on 31 January, it was clear that the window for peaceful disarmament would only be a few weeks. The military campaign could begin around 10 March.

337. Mr Blair and President Bush had a two hour meeting in Washington on 31 January followed by a press conference and an informal dinner.[117] The discussions are addressed in Section 3.6.

338. On military planning, Mr Blair and President Bush discussed the possibility that Iraqi forces would fold quickly. Mr Blair asked about planning for the post-conflict period. In his view a UN badge would be needed. That would help with the humanitarian problems. Mr Blair and President Bush discussed an initial military occupation, how to handle the dilemma of managing the transition to civil administration and the nature of an Iraqi government.

339. Mr Blair concluded that the US and UK needed to prepare to organise on a "war footing", working very closely together "particularly on our public communications".

340. Sir David Manning recorded that it was clear that the window of opportunity would be only a few weeks. Otherwise the US would take military action. The military campaign could begin "around 10 March", and earlier if Dr Blix's report on 14 February was tough. The timing was "very tight".

341. The Inquiry asked Mr Blair at what point he had concluded that the US "had definitely decided on military action in March 2003".[118]

342. In his statement for the Inquiry, Mr Blair wrote:

> "It was clear from continuing discussion with the US in late 2002/early 2003 that March was the likely date for military action. That firmed up as it became plain that there was no significant shift in the attitude of Saddam. The December Declaration … was incomplete, as Blix noted … His first report was to the effect that there was not full compliance, essentially around interviews. There were various possible alternatives to military action surfacing, including proposals for Saddam peacefully to give up power."[119]

Planning for an air campaign

THE UK CONTRIBUTION TO AN AIR CAMPAIGN

343. On 31 January, Mr Hoon wrote to Mr Blair, advising him that he intended to announce the agreed air package on 6 February.[120]

---

[117] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.
[118] Statement Request for Rt Hon Tony Blair, 13 December 2010, page 6.
[119] Statement, 14 January 2011, page 11.
[120] Letter Hoon to Prime Minister, 31 January 2003, 'Iraq: Announcement of Air Package'.

344. Mr Hoon wrote:

> "You will recall that we agreed the air package for planning purposes in September. With some small adjustments at the margins, the planned package now comprises 118 fixed-wing aircraft, including those routinely based in theatre in support of the No-Fly Zones."

345. Mr Hoon told Mr Blair that, because there remained "some uncertainty" over basing arrangements for some elements of the package, he would speak of "up to" 118 aircraft rather than providing a firm number. He added that the US was also "wrestling with some of the same uncertainties".

346. On 6 February, Mr Hoon told Parliament that the UK already maintained a "significant presence" in the Middle East of "around 25 aircraft and 1000 personnel".[121] He announced that, in the event of operations against Iraq, it was envisaged that the UK would increase its presence to "around 100 fixed-wing aircraft supported by around 7,000 personnel" in the "days and weeks ahead".

347. In addition, the Joint Helicopter Command would "deploy a very substantial proportion of its equipment and personnel". Its contribution would consist of 27 Puma and Chinook support helicopters and "about 1,100 people".

348. In response to a question from Mr Bernard Jenkin (Conservative), Mr Hoon said that UK forces would be "in the Gulf for as long as it takes to disarm Iraq and the regime of Saddam Hussein".[122]

THE PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

349. The principles of international humanitarian law (IHL) governing military operations are set out in the Box below.

350. The guidance issued to the Armed Forces on the application of IHL during military operations is addressed in more detail later in this Section.

Overview of international humanitarian law

International humanitarian law (IHL) is also known as the Law of Armed Conflict (LOAC) or the Law of War. IHL is part of international law and governs the conduct of armed conflict, sometimes referred to as *jus in bello.* It is distinct from the law governing the resort to armed conflict, *jus ad bellum*, which derives from the United Nations Charter (see Section 1.1).

IHL aims to limit the effects of armed conflicts for humanitarian reasons. It aims to protect persons who are not or are no longer taking part in the hostilities, the sick and wounded, prisoners and civilians, and to define the rights and obligations of the parties to a conflict

[121] House of Commons, *Official Report,* 6 February 2003, columns 455-456.
[122] House of Commons, *Official Report,* 6 February 2003, column 457.

in the conduct of hostilities.[123] It derives mainly from the four 1949 Geneva Conventions and their Additional Protocols, and from the 1907 Hague Regulations, but also from other international conventions and protocols covering specific areas, as well as from customary law; that is, those rules derived from the established practice of states.

The cardinal principles of humanitarian law are authoritatively set out in an advisory opinion of the International Court of Justice:

> "The first is aimed at the protection of the civilian population and civilian objects and establishes the distinction between combatants and non-combatants; States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian and military targets. According to the second principle, it is prohibited to cause unnecessary suffering to combatants: it is accordingly prohibited to use weapons causing them such harm or uselessly aggravating their suffering. In application of that second principle, States do not have unlimited freedom of choice of means in the weapons they use."[124]

The key elements of LOAC which apply to targeting of military objectives during a conflict are set out in the 1977 Protocol Additional to the Geneva Conventions of 1949 (Protocol I). The main principles can be summarised as:

- **Distinction.** The parties to the conflict must at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives, and shall direct their operations only against military objectives (Article 48).
- **Proportionality.** Military objectives must not be attacked if the attack is likely to cause civilian casualties or damage which would be excessive in relation to the concrete and direct military advantage anticipated (Article 57:2:b).
- **Military Necessity.** Offensive operations must be limited to those which are necessary i.e. only those which are required to secure a definite military advantage. If there is a choice between targets for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and civilian objects (Article 57:3).
- **Feasible Precautions.** In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects. Those who plan or decide upon an attack must take a number of specified precautions, focusing on the principles outlined above (Article 57).

PRELIMINARY DISCUSSIONS ON TARGETING

351. To allow planning to proceed, the MOD sought Lord Goldsmith's views in early February on the considerations that should apply to the selection of targets during an air campaign.

---

[123] International Committee of the Red Cross, 29 October 2010, *The ICRC's mandate and mission*; International Committee of the Red Cross, 29 October 2010, *War and international humanitarian law*.
[124] Report ICJ, 1996, *Legality of the Threat or Use of Nuclear Weapons*, pages 226 and 257.

352. The MOD set out its position on targeting in advice prepared for Mr Blair's meeting with President Bush on 31 January.[125]

353. The MOD advised that, although detailed assessments of civilian casualties resulting from the air campaign could be produced on a "target-by-target" basis, the target set was not yet sufficiently well defined to allow an estimate to be produced for the air campaign as a whole. Analysis based on estimated civilian casualties during operations over Iraq between 1998 and 1999 suggested that the civilian casualties for an air campaign would be around 150 killed and 500 injured.

354. No assessment had been produced of civilian casualties arising from "urban operations in Basra". Experience from World War II suggested that between 200 and 2,000 civilians could be killed in urban operations in Basra, depending on "circumstances, duration and the degree to which civilian casualties are minimised".

355. On 3 February, Mr Hoon's Private Office wrote to Lord Goldsmith's Office with a paper on the UK's military campaign objectives. It was intended to form a basis for discussion of possible targets during an air campaign at a meeting with Lord Goldsmith and Mr Straw the following day.[126]

356. The paper set out three potential options for disarming Iraq:

- Enforced inspections – military force being used to support UNMOVIC inspectors on the ground.
- Enforced destruction (air) – a sustained campaign of selective targeting using precision guided weapons and other aerial bombing techniques against known weapons sites.
- Enforced dismantling/destruction (land) – ground operations enabling the international community to take control of WMD sites.

357. Each option provided a rationale within which specific targeting or other legal issues could be considered.

358. The paper concluded by stating that the first two options would not deliver the UK's objectives. The third option would require an integrated air and ground campaign to meet any military resistance from the Iraqi Armed Forces and to minimise risk to Coalition Service Personnel. The paper stated:

> "But the key driver of resistance to Coalition operations is the Iraqi regime itself. Not only would removal of the regime potentially bring the need for military action to an early conclusion, the prospect of a new and representative administration in Iraq

---

[125] Letter Williams to Rycroft, 29 January 2003, 'Prime Minister's Briefing – Iraq' attaching Briefing MOD, [undated], 'Targeting and Military Objectives'.
[126] Letter Williams to Brummell, 3 February 2003, 'Potential Operations in Iraq: Military Objectives and Campaign' attaching Paper 'The Disarmament of Iraq'.

would minimise the potential for Iraqi reversion to a WMD programme once military action was complete."

359. The paper also set out the elements of the US plan and addressed whether they were necessary and proportionate. It concluded that the current US Concept of Operations could "achieve a conventional military defeat, but that the use of force in achieving this aim is potentially proportionate and necessary".

360. At that stage, Mr Hoon and MOD officials did not know Lord Goldsmith's views on whether resolution 1441 provided a legal basis for military action without a further authorisation by the Security Council (see Section 5).

361. The record of the meeting between Lord Goldsmith, Mr Hoon and Mr Straw stated that Mr Hoon had said a way of approving individual and generic targets should be found "beforehand", along with a method of handling emergent targeting needs during the course of the campaign.[127]

362. Lord Goldsmith was clear that, in such an integrated campaign, it was "practically impossible to make a distinction" between UK and US operations. That significantly increased the legal task and reinforced the necessity for a robust audit trail. Scrutiny was to be expected.

363. Lord Goldsmith said it would be important to tackle difficult targets early but he was "open to an approach where straightforward targets could be packaged".

364. Mr Hoon asked whether it was "possible to clear easy packages early in order to make a start on the large numbers of targets" which had to be addressed. Air Commodore Mike Heath, Head of the Directorate of Targeting and Information Operations (DTIO), outlined how full collateral considerations could not be taken into account "until very shortly before the operation".

365. Lord Goldsmith welcomed the broad approach outlined in the paper:

"It correctly identified the regime as a target, but was currently too tentative in identifying it as a necessary target … The conclusion at the end of the paper that this campaign was "potentially proportionate" was insufficiently robust and a more explicit conclusion was required."

366. Mr Straw asked that more work be done to clearly identify the controlling elements of the regime.

367. Mr Blair agreed that the overall strategy of the air campaign was to contribute to the collapse of the Iraqi regime or at least prevent it from using WMD.

---

[127] Letter Williams to McDonald, 5 February 2003, 'Potential Operations in Iraq: Military Objectives and Campaign'.

368. Mr Blair also underlined the importance of minimising civilian casualties.

369. The assessments made by the Government before, and during, initial combat operations of the number of Iraqi civilian casualties are addressed in Section 17.

370. Mr Blair was briefed on the targeting aspects of an air campaign by Mr Hoon, Adm Boyce and Air Cdre Heath on 6 February.[128]

371. Mr Blair agreed "the overall strategy of the air campaign, creating an overwhelming effect so that the regime collapsed or at least was disabled from using WMD in a conflict, leading to the overall objective of Iraqi disarmament". He underlined the importance of "minimising the number of civilian casualties and ensuring that all targets were appropriate and proportionate" and that consideration should be given to "how best to explain publicly the scale and nature of the campaign".

372. Mr Blair asked for a note explaining the rationale behind the targets chosen for the proposed air campaign, and an assessment of the likely accuracy of the campaign.

373. Mr Watkins provided that advice on 10 February.[129] He wrote that the plan was to mount near simultaneous attacks of air, ground and information operations:

> "The air campaign has been crafted to ensure success … without going beyond what is necessary to achieve specific military campaign objectives. It will appear to involve overwhelming force – but it is not intended to turn Iraq into a wasteland. The targets have been selected for the effect that their disabling or destruction would have on the regime rather than to inflict physical damage. The target sets therefore mostly represent only a fraction of those that could be attacked in each category … This approach should minimise the number of civilian and potentially military casualties; ease the issues of reconstitution in the aftermath of conflict; and facilitate the earliest possible military withdrawal."

374. Target sets for the air campaign included "all those facilities which would enable the regime to activate and deploy WMD".

375. The land campaign would begin in the first few days but precise timings were not known. Mr Watkins wrote that "whether the UK brigades will become heavily engaged in fighting will very much depend on the effectiveness of the air campaign and initial US land operations".

Objectives for the military campaign

376. The UK shared its draft military campaign objectives with the US in mid-February.

---

[128] Letter Rycroft to Watkins, 6 February 2003, 'Iraq: Prime Minister's Meeting, 6 February'.
[129] Letter Watkins to Rycroft, 10 February 2003, 'Iraq: The Military Campaign'.

377. Sir David Manning described the objectives to Dr Rice as compatible with but not identical to US objectives.

378. It was recorded at the Chiefs of Staff meeting on 29 January that political and military synchronisation and timing "remained fluid".[130] The Cabinet Office was preparing a revised paper on the UK's objectives that "sought to align the UK and US positions that currently differed".

379. The minutes recorded that Adm Boyce noted that the issues of timing and objectives were urgent and that the US might "leave the UK with little warning of military action".

380. The current timelines indicated that US ground forces would not be available in the North before the third week in March, "although there was still a coercive effect to be achieved by continuing to pursue the option".

381. CENTCOM continued planning to mitigate against a decision by President Bush to act earlier than the planning assumptions: "However, the preparedness of US ground forces was behind schedule; as a result A day [Assault Day] was moving towards G day [the day that the ground campaign would begin] rather than G to A."

382. Mr Bowen sent Sir David Manning a copy of the latest draft of the objectives on 29 January.[131] He wrote:

> "It will be important before the Coalition embarks on military action to ensure that we share the same military objectives with the US, otherwise the strategic direction of the campaign risks falling apart. After your return from the US I suggest we discuss how best to do this."[132]

383. Mr Bowen explained to Sir David Manning that the objectives "flow from our policy objectives published on 7 January". They had not been agreed by departments, although Ministers had seen them and were "generally content".

384. The main tasks of the Coalition were listed as:

"
- remove the current Iraqi regime;
- overcome the resistance of the Iraqi security forces;
- deny the Iraqi regime the use of weapons of mass destruction;
- identify and secure the sites where weapons of mass destruction and their means of delivery are located; and
- secure essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraqis."

---

[130] Minutes, 29 January 2003, Chiefs of Staff meeting.
[131] Letter Bowen to Manning, 29 January 2003, 'Iraq: Military Campaign Objectives' attaching Paper [unattributed and undated], 'Iraq: Military Campaign Objectives'.
[132] Letter Bowen to Manning, 29 January 2003, 'Iraq: Military Campaign Objectives'.

385. On 11 February, Mr Bowen sent Sir David Manning a revised draft of the UK's military campaign objectives, incorporating comments from Mr Straw and Whitehall departments.[133] The draft stated:

> "**The UK's overall objective for the military campaign is to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs and remains so disarmed in the long term.**"

386. The Coalition's main tasks in support of that objective were to:

"a. overcome the resistance of the Iraqi security forces;

b. deny the Iraqi regime the use of weapons of mass destruction now and in the future;

c. remove the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council's demands;

d. identify and secure the sites where weapons of mass destruction and their means of delivery are located;

e. secure essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraqis; and

f. deter wider conflict both inside Iraq and the region."

387. The UK's wider political objectives in support of the military campaign and the immediate military priorities in the aftermath of hostilities are addressed in Section 6.5.

388. The MOD comments on the draft objectives focused on whether they provided "enough top cover to derive appropriate CDS and targeting directives to enable us to work in coalition with the US".[134]

389. On 12 February, the Chiefs of Staff noted that work on the UK objectives paper had been concluded, but not finally endorsed. The paper would be "ready for release at the start of any offensive campaign".[135]

390. Mr Hoon discussed the objectives with Secretary Rumsfeld in Washington on 12 February.[136]

391. Sir David Manning sent a copy to Dr Condoleezza Rice, President Bush's National Security Advisor, on 14 February.[137] He explained that the UK military campaign objectives were "compatible but not identical" to 'Iraq: Goals, Objectives, Strategy' (a US document handed to Sir David by Dr Rice on 31 January – see Section 6.5).

---

[133] Minute Bowen to Manning, 11 February 2003, 'Iraq: Military Campaign Objectives' attaching Paper Cabinet Office, February 2003, 'Iraq: Military Campaign Objectives'.
[134] Letter Lee to Bowen, 4 February 2003, 'Iraq: Military Campaign Objectives'.
[135] Minutes, 12 February 2003, Chiefs of Staff meeting.
[136] Letter Manning to Rice, 14 February 2003, 'Iraq: Military Campaign Objectives'.
[137] Letter Manning to Rice, 14 February 2003, 'Iraq: Military Campaign Objectives'.

392. Sir David explained that the UK and US were committed to ridding Iraq of WMD and recognised the need to remove the current Iraqi regime if military action proved necessary, but the UK document avoided references to "liberation". No firm decision had been taken, but the likelihood was that the UK would publish its objectives if and when military action was decided.

393. After discussion with Lord Goldsmith, a final version of the military campaign objectives was placed in the House of Commons Library by Mr Hoon on 20 March.

The Phase IV plan

394. During February, UK officials became increasingly concerned about the risk that the UK might agree to take responsibility for a geographical sector of Iraq before the implications had been examined.

395. The UK would not make a commitment to administer a division-sized area in the medium to long term.

396. The first detailed estimate of the type (but not the size) of force required to deliver different tasks was in Lt Gen Reith's draft Concept of Operations for Phase IV of 25 March. That is addressed in Section 8.

397. On 14 February, Mr Ehrman reported to Mr Peter Ricketts, FCO Political Director, that at a "[Sir David] Manning meeting" on post-conflict issues, Sir David had "expressed strong concern that junior CENTCOM planners seemed to be dreaming up an ever larger area of Iraq for the UK to administer".[138] The Chiefs of Staff had advised Mr Blair that it would be easier for the UK to play a smaller post-conflict role if it was part of a Coalition fighting force; the opposite now seemed to be the case.

398. Sir David had said that:

> "[Mr Richard] Armitage [US Deputy Secretary of State] was talking of military administration for two years. The Pentagon seemed to be more sensible, talking of six months. Did we [the UK] not need to reduce our 40,000 troops to around 5,000 by the end of six months? And who would pay for all this? Some on the US side seemed to be saying: you pay for what you administer."

399. Mr Ehrman informed Mr Ricketts that Sir David Manning had asked the MOD:

> "… to get the best information they could, at a senior level, on what size of sector was really being proposed for the UK; and FCO, with MOD, then to let No.10 have views on the issues which would be involved in its administration, and how we would seek to deal with these."

---

[138] Minute Ehrman to Ricketts, 14 February 2003, 'Iraq: Day After'.

400. On 17 February, the inter-departmental Iraq Planning Unit (IPU), based in the FCO, sent Mr Ehrman a paper on sectorisation as part of his briefing for a meeting on post-conflict issues, including sectorisation, chaired by Lt Gen Pigott.[139] The paper, not yet agreed with the MOD, recommended that the UK should make clear to the US that it was unwilling to take responsibility for a sector for more than 60 days unless its presence was authorised by the UN and there was to be an early move to a UN transitional administration. The paper is described in Section 6.5.

401. The IPU paper's broad assumption in favour of administration of a small sector for a short period was reflected in the guidance for UK officials attending the US inter-agency Rock Drill on post-conflict issues on 21-22 February.[140]

402. On 19 February, the Chiefs of Staff discussed post-conflict planning in the context of the forthcoming Rock Drill.[141]

403. Before the meeting, MOD officials recommended that the Chiefs of Staff agree a set of assumptions about "the scale, posture and duration" of post-conflict UK military operations in order to inform IPU preparations for the Rock Drill.[142]

404. Officials recommended that the Chiefs of Staff:

"a. **Agree** the assumption that our aim should be to reduce to a medium scale post-conflict TELIC[143] commitment as soon as possible and pursue discussions with the US and potential Coalition allies (to determine our AOR and burden sharing) that will facilitate this.

b. **Note** that without a UN mandate for occupation (not necessarily the same thing as a second UNSCR) finding Coalition partners will be more difficult and that the UK may face an enduring commitment that will be difficult to sustain and damaging to the long-term health of the Armed Forces.

c. **Agree** that in discussions with the US, the scale and nature of UK involvement is made conditional on satisfactory UN involvement.

d. **Agree** the assumption that the UK will administer a sector of Iraq; within the constraint imposed by the maximum level of commitment being medium scale; this would correspond to the UK's *initial* AO, *not* one of the somewhat larger sectors currently being considered in US planning.

---

[139] Minute Iraq Planning Unit [junior official] to Ehrman, 17 February 2003, 'Iraq: General Pigott's Meeting: Sectorisation and UN Involvement' attaching Paper [unattributed and undated], 'A UK Geographical Sector of Iraq?'.

[140] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)' attaching Paper [unattributed and undated], 'Iraq Day After: Guidance for Officials at US ROCK Drill'.

[141] Minutes, 19 February 2003, Chiefs of Staff meeting.

[142] Minute Chorley to COSSEC, February 2003, 'Iraq Aftermath – Medium to Long Term UK Military Commitment'.

[143] Operation TELIC was the name given to the UK's military operation in Iraq.

e. **Note** that some US thinking now sees a role for HQ ARRC as a follow-on HQ for post-conflict Iraq …

f. **Agree** that if the political gains are sufficient, we should entertain a role in Iraq for HQ ARRC – **but note** that a countrywide military remit for HQ ARRC (ie as HQ CJTF-I) risks the UK assuming too great a proportion of the responsibility for the stability and security of Iraq from the US …"

405. The MOD warned that:

"Once fully deployed the level of our commitment to Op TELIC will be large scale across all three services. Unless very significant risk is to be placed on the deployed force, and UK forces more widely, the force must be reduced to medium scale by October/November this year; this implies that the reduction must begin by July/August. Factors that drive this conclusion are:

a. A large scale commitment can only be sustained with the callout of certain trade groups of reserves, who have already been mobilised in toto.

b. There will be severe disruption of the Formation Readiness Cycle and Operational Commitments Plot that will have deleterious effects on training and wider capability in the medium to long term.

c. A longer deployment at large scale would imply a breach of Harmony Guidelines[144] for a very significant number of Service Personnel which may lead to a marked reduction in morale, retention and, eventually recruitment …

"Once reduced to medium scale – all other things being equal – it would be possible to maintain a medium scale commitment to Iraq indefinitely … though this would, of course, constrain our ability to take on other new tasks. Such a commitment would, however, be extremely expensive …"

406. In "pure military terms", assuming that there was a "rapid and successful conclusion to the conflict *and a permissive environment*", the UK would only be able to "support" the proposed AOR in southern Iraq until August. Beyond that there would need to be "substantial Coalition support". Without it, the UK could be left with "an unsustainable commitment". The area currently proposed included "a very substantial proportion of the Iraqi population, a substantial oilfield content and responsibility for key religious sites".

407. At the Chiefs of Staff meeting on 19 February, Lt Gen Reith reported that Mr Blair wanted:

"… an exemplary aftermath but [was] not committed to any particular size of UK AOR pending further advice on objectives, capability and capacity to sustain. It was … unclear who the US anticipated placing as sector leaders given that few other

[144] Harmony Guidelines are explained in Section 16.1.

nations would be able to support the task within three months. Therefore, there may be an unsupportable expectation that the UK would control a relatively large area. Pragmatically, however, aftermath operations would commence locally whenever and wherever hostilities ceased, not necessarily coincident with any plan.

"The FCO view was that other nations should be involved as soon as possible and that early commitment to any nascent US sector plan should be avoided …

"The UK line to take at the Rock Drill would be the commitment in principle to the immediate involvement in aftermath ops but not yet to any long-term plan, noting the PM's wish to exert maximum influence in aftermath planning. Clarity was needed on the proposed command chain in Phase IV and whose political and legal authority would prevail."[145]

408. The Chiefs of Staff agreed that humanitarian operations formed an essential part of the overall campaign, not least as a force protection measure, and should therefore attract Treasury contingency funding. Adm Boyce directed that humanitarian assistance be covered in the joint FCO/MOD position paper on post-conflict issues for the Rock Drill, which should make clear the potential for conflict and post-conflict phases to run in parallel from an early stage.

409. Adm Boyce summarised the key points of the discussion on post-conflict preparations, including:

- The Rock Drill should be used "to secure maximum [UK] influence without early commitment to detail".
- A "UN-approved international civilian administrator" would be required.
- UK Phase IV activity should centre on the region around Basra.
- The UK military commitment should be "scaled down from large to medium in the autumn".[146]

410. Lord Boyce told the Inquiry:

"… the initial expectation was that we would be there for a while, without defining exactly what it was. But we certainly weren't expecting, the day after achieving success, to start drawing down our numbers; we were expecting to be there for a considerable period of time."[147]

---

[145] Minutes, 19 February 2003, Chiefs of Staff meeting.
[146] This is the only reference to reducing troop numbers "in the autumn" seen by the Inquiry. All subsequent references are to a reduction "by the autumn".
[147] Public hearing, 3 December 2009, page 101.

411. Lord Boyce explained: "I thought we would be there for three or four years at least, and said so at the time." He added:

> "The theoretical planning against the Defence Planning Assumptions is you don't do this sort of operation for an extended period longer than about six months. But it never seemed to me very likely that we would be out [of] there in six months."

412. Asked about the assumption that the UK contingent would reduce to "Brigade level" or "medium scale", Lord Boyce replied:

> "For the job that we would have to do in the Basra area, it might have been that a Brigade size might have been sufficient, as conditions pertained in the middle of 2003."[148]

413. On 20 February, Mr Dominick Chilcott, Head of the IPU, sent Mr Straw an IPU guidance note for officials taking part in the Rock Drill.[149]

414. Mr Chilcott's covering minute to Mr Straw stated:

> "There is barely any mention of the UN in the CENTCOM plans we have seen for Phase IV (post-conflict) to date. But there are gaps in the plan, which is still fluid and which we have the opportunity to influence. We shall encourage the US players at the Rock Drill to draw the conclusion that the job of administering Iraq is too large even for the US to undertake, that putting together a large Coalition – drawing on Arab countries – is the key to success, and that this can only be achieved by getting UN authorisation for Phase IV."

415. The attached guidance note stated that the UK and US agreed that "there must be a phased approach to the 'day after'". For the UK, that meant "(a) military administration, (b) a UN transitional administration and (c) handover of power to a new Iraqi government". The US referred to "stabilisation", "recovery" and "transition to security".

416. On sectorisation, the guidance stated:

> "
> - UK will have, in the very short term, to administer the area where its forces are at the end of hostilities. No commitment to administer divisional size area in the medium to longer term. More likely a small area around Basra.
> - No commitment to administering any part of Baghdad.
> - Where we are involved in administration, will want to be so in an exemplary fashion."

417. The guidance stated that the UK force would reduce from large scale (three brigades plus) to medium scale (one brigade plus), "if possible by the autumn".

---

[148] Public hearing, 3 December 2009, page 102.
[149] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)' attaching Paper [unattributed and undated], 'Iraq Day After: Guidance for Officials at US ROCK Drill'.

418. Mr Stephen Pollard, Head of MOD Overseas Secretariat (Sec(O)), showed the IPU paper to Mr Hoon the same day.[150] He explained that a more detailed cross-government paper, setting out potential UK involvement in Iraq in the short, medium and long term, would be prepared after the Rock Drill.

419. The first paper matching that description was the 'UK Vision for Phase IV' sent to No.10 on 26 February, described in Section 6.5. Section 6.5 also describes how sectorisation remained unresolved after the Rock Drill and how the UK was unclear about how large its AOR was likely to be during the stabilisation phase.

Iraq's response to an invasion

420. A JIC Assessment on 10 February warned of the possibility of terrorist attacks against Coalition Forces in Iraq, during and after conflict.

421. On 10 February, at the request of the MOD and the FCO, the JIC produced its second Assessment on the potential terrorist threat in the event of conflict in Iraq.[151]

422. The earlier Assessment, produced on 10 October 2002, is described in Section 3.5.

423. The Assessment's Key Judgements included:

- "Al Qaida associated terrorists in Iraq and in the Kurdish Autonomous Zone in Northern Iraq could conduct attacks against Coalition Forces and interests during, or in the aftermath of, war with Iraq."
- "In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists including Al Qaida …"

424. The Assessment is considered in more detail in Section 3.7.

425. The JIC judged on 19 February that Iraqi conventional forces in southern Iraq could rapidly be defeated and that southern Iraq was "the most likely area for the first use of CBW against both Coalition Forces and the local population".

426. On 19 February, at the request of OD Sec, the JIC issued an Assessment, 'Southern Iraq: What is in Store?', of the situation in southern Iraq and what might happen before, during and after any Coalition military action.[152]

427. In the discussion of the draft Assessment, the points made by the members of the JIC included:

- It was an "important paper for informing planning following a Coalition attack".
- Saddam Hussein "might target oilfields but whether he would try fundamentally to destroy the wells was not known". It would be "useful to have more

---

[150] Minute Pollard to PS/Secretary of State [MOD], 20 February 2003, 'Iraq: Day After'.
[151] JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'.
[152] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'.

information on Saddam's options given the efforts which would be needed for reconstruction of the oilfields".[153]

- Saddam was "likely to use CBW first in southern Iraq, if anywhere". The implications needed further discussion in the final Assessment "to bring out the scale of the potential humanitarian crisis", which would, in the initial period, need to be dealt with by Coalition troops.

428. The JIC's Key Judgements were:

"
- The Iraqi forces currently guarding southern Iraq are a relatively weak first line of conventional defence. They face rapid defeat. There is little evidence so far that the Iraqis are preparing for a hard-fought defence of Basra and other urban centres.
- Southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population.
- Coalition Forces will face large refugee flows, possibly compounded by contamination and panic caused by CBW use. They may also face millions of Iraqis needing food and clean water without an effective UN presence and environmental disaster from burning oil wells.
- Iran does not have an agreed policy on Iraq beyond active neutrality. Nevertheless Iran may support small-scale cross-border interventions by armed groups to attack the Mujahideen e-Khalq (MEK). The Islamic Revolutionary Guards Corps (IRGC) will continue to meddle in southern Iraq. Iranian reactions to a Coalition presence in Southern Iraq remain unclear but are unlikely to be aggressive.
- Post-Saddam the security situation in the south will be unpredictable. There is a high risk of revenge killings of former regime officials. Law and order may be further undermined by settling of scores between armed tribal groups.
- Popular support for any post-Saddam administration in the South will depend on adequately involving the Shia in the government of Iraq as a whole as well as engaging the remains of the state bureaucracy in the South, local tribal leaders and Shia clerics in local government."

429. The Assessment stated that there was "limited intelligence on the particular conditions of southern Iraq". It had, therefore, "Where possible tried to show how southern Iraq may differ from other parts of the country" and "to give as full a picture as possible of the conditions there". It had also "referred to intelligence describing conditions prevailing throughout the country".

[153] Minutes, 19 February 2003, JIC meeting.

430. The JIC stated that:

> "Unlike central and northern Iraq the regular army is not reinforced in the South by divisions of the elite Republican Guard, which are forbidden by UNSCR 949 [1994] from moving into the No-Drive Zone south of the 32nd parallel."

431. The JIC stated that the regime was "particularly concerned about the lack of loyalty of the Shia" who constituted the "majority of conscripts in the regular army". The absence of the Republican Guard coupled with low morale, poor equipment and limited training of the Regular Army led the JIC to conclude that the forces guarding southern Iraq were "**a relatively weak first line of conventional defence. They face rapid defeat in the face of a massive military onslaught.**"

432. There were indications that a division of the Regular Army had redeployed "southwards" to al-Qurnah, "a key town located at a strategic road junction", and that elements of another had deployed to the al-Faw Peninsula "in mid-January, apparently to counter a possible amphibious landing there". The JIC knew "little about Iraqi plans for the defence of Basra, but there is as yet no sign of preparations for a hard-fought defence of this or other urban centres in southern Iraq". There was no mention in the Key Judgements that the al-Faw Peninsula had been reinforced.

433. The Assessment stated that reporting indicated that Saddam Hussein's regime had "contingency plans for a regional military command structure", and that he had:

> "… appointed his cousin Ali Hassan al-Majid [Chemical Ali] as regional commander of the southern sector … (covering the provinces of Basra, Dhi Qar, Maysan and Muthanna) with authority over all forces in the area. Iraq practice in the Iran/Iraq war suggests this would include tactical control over CBW. Ali is a loyal member of Saddam's inner circle. He was a brutal Governor of occupied Kuwait in 1990-91. He also played a leading role in suppressing the Shia uprising in 1991 and Kurdish rebels in the late 1980s (using chemical weapons against the Kurds). His appointment may reflect an Iraqi leadership view that a particularly loyal and ruthless figure is needed to take command in the South in a crisis, both to suppress the Shia and to maintain discipline among the Iraqi forces."

434. The JIC Assessment stated:

> "The relative weakness of Iraqi forces in the South and the fact that those forces will face the brunt of a Coalition attack mean **southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population**."

435. The Assessment added that one report from August 2002 had indicated that there were:

> "… Iraqi plans to use CBW in southern Iraq to cause mass casualties among the Shia in the event of a US-led attack. The regime would seek to pin the blame for the resulting high-level of casualties on the Coalition."

436. In its Assessment of 19 February 2003, the JIC stated that: "Reporting has previously indicated that the regime is concerned about a Shia uprising in the South after the outbreak of hostilities." Recent reporting had confirmed its judgements that the Shia would be:

> "… cautious in opposing Saddam until they see the regime is finished and its capability to retaliate is substantially weakened. The experience of 1991 will be a major influence … Even if the initial severity of any Coalition attack makes clear that the regime is finished, the Shia may still fear what the regime could do to them in its dying days … Overall we judge **there will be no immediate, unified Shia response to a Coalition attack**."

437. The Assessment stated that:

> "Given the Shia in southern Iraq have borne the brunt of regime oppression since 1991, there is a high probability of revenge killing of Ba'ath officials, both Sunni and Shia. This could be particularly widespread and bloody, if the regime collapses quickly and few Ba'ath officials have the chance to escape … the extent of any further breakdown of law and order is difficult to predict. But there will be large numbers of armed groups and some potential for tribal score settling … Overall there is a risk of a wider breakdown as the regime's authority crumbles. There are no indications … of Shia preparations for an all-out civil war against Sunni Iraqis."

438. The JIC also assessed:

> "We know very little about the Iraqi Shia. […] they are not politically organised above the local, tribal level and there are no clear candidates for overall Shia leadership. They are very diverse, straddling the urban/rural and secular/Islamist divides. They have had little opportunity to discuss their preferred political arrangements. Shia politics post-Saddam therefore look highly unpredictable."

439. In relation to Iraq's response, the Assessment stated that there was:

> "… no conclusive intelligence on Iraqi plans but they could:
>
> - defend oil wells against attack;
> - set fire to them to stop production, cause pollution and disrupt Coalition Forces; and
> - cause long-term, possibly irreparable, damage to prevent others from benefitting from future production.
>
> "The potential environmental disaster, coupled with the possible use of CBW … could cause widespread panic and contamination. This could result in hundreds of thousands of displaced persons and refugees, many needing immediate help.
>
> "… [I]nterruption of food supplies … could boost the number of refugees and displaced persons throughout Iraq … Tackling such problems in southern Iraq will

> be complicated by possible CBW contamination … The UN will be particularly badly placed if a humanitarian disaster occurs in the South while fighting continues in close proximity."

440. The points in the Assessment on the post-Saddam Hussein political and security landscape are set out in Section 6.5.

441. The Assessment also warned that: "The establishment of popular support for any post-Saddam administration cannot be taken for granted." The factors that could undermine it included:

- "damage to holy sites";
- "major civilian casualties";
- "heavy-handed peace enforcement"; and
- "failure to rapidly restore law and order".

442. In an Assessment issued on 26 February of how Iraq would respond in northern Iraq to a Coalition attack, the JIC judged:

> "The Iraqi regime would be willing to use CBW against the Coalition and the Kurds."[154]

443. The Assessment made clear that that judgement was a continuation from earlier Assessments.

444. The International Institute for Strategic Studies (IISS) published an Adelphi Paper,[155] *Iraq at the Crossroads: State and Society in the Shadow of Regime Change,* in January 2003.[156] It included a number of contributions addressing what might happen in the event of a military invasion of Iraq which had originally been prepared for a one-day workshop, 'Iraqi Futures', held in October 2002.

445. Key points which were raised in relation to a military invasion of Iraq are set out in the Box below.

---

[154] JIC Assessment, 26 February 2003, 'Iraq: Prospects in the North'.
[155] The IISS website describes the Adelphi series as "the principal contribution of the IISS to policy-relevant original research on strategic studies and international political concerns".
[156] Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change.* IISS Adelphi Paper 354. Oxford University Press, January 2003.

Iraq at the Crossroads: State and Society in the Shadow of Regime Change

Mr David Ochmanek, a senior analyst at RAND and a former member of the US Air Force and a Deputy Assistant Secretary of Defense for Strategy in the Pentagon from 1993 to 1995, concluded that a robust invasion force would be needed because Saddam Hussein's troops were "unlikely to crack unless faced with an overwhelming adversary".[157]

Dr Toby Dodge, a Research Fellow at the ESRC Centre for the Study of Globalisation and Regionalisation, University of Warwick, wrote that the Iraqi regime had sacrificed the military efficiency of the Iraqi armed forces to ensure they did not pose a threat to Saddam Hussein's continued rule. That meant that although conventional military opposition to an invasion might be short lived, a coup launched against the regime from within the security services would happen, if at all, in the final moments of any war. The military campaign would be fought in the cities of Iraq, primarily Baghdad, against a background of intense media coverage.

Dr Faleh A. Jaber, an Iraqi sociologist based in London, argued that the Iraqi Army might react in ways comparable to 1991 with sections opting for mutiny, some surrendering and others fighting to defend the Government. A coup was unlikely unless the US succeeded in attracting a considerable segment of the "ruling tribal alliance" to its side.

In a separate essay, Dr Jaber concluded that, in the light of the inherent weakness of organised political parties in the South, the response to an invasion could range from sustained, organised or disorganised rebellions to mob-like violence or gangster-like retribution. That would help bring Ba'athist rule to an end, but could also bring forward unfettered chaos.

Several contributors to the Adelphi Paper warned of the potential for violent disorder in post-conflict Iraq (see Section 6.5).

446. Mr Blair read the Adelphi Paper in mid-February and asked a number of questions, including:

"
- What is our military's assessment of the likely consequences of an attack on Iraq; ie how many casualties; how quickly the collapse?
- Why do we not think the SRG [Special Republican Guard] will dig in, inside Baghdad and fight a guerrilla campaign?
- What is the prospect of a pre-emptive BW or CW attack on our troops in Kuwait, and are we certain we are adequately prepared and our troops protected?
- Why will the 2,000 key individuals and the 26,000 SRG personnel … not fight to the death, given the hatred of them by ordinary Iraqis?"[158]

---

[157] Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change.* IISS Adelphi Paper 354. Oxford University Press, January 2003.
[158] Letter Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'.

447. Mr Blair's questions about post-conflict issues, including how to prevent the Shia "rising up to take over from the Sunnis", are addressed in Section 6.5.

448. In its response on 24 February, the MOD advised that the US plan was to achieve "overwhelming effect very early in the campaign" and to dislocate the regime (by decapitating command and control and disrupting communications), supported by the deployment of ground forces into Iraq and their move "towards Baghdad".[159] The MOD stated that, apart from the practical consequences of those elements of the plan, they should "remove any doubt in Iraqi minds about the Coalition's determination to remove the regime". It was "therefore possible that the regime will collapse … in the first few days. Nonetheless it is impossible to predict … and US planning assumes up to 125 days of decisive ground operations".

449. The SRG would be "the final line of defence in inner Baghdad … [and] may have tactical control of CBW within the city". Security elements close to the regime might "fight until their position becomes untenable". Lack of training and the attitude of the population might "mitigate the SRG's ability to mount a protracted guerrilla campaign". There were fewer SRG personnel in Baghdad than the Adelphi Paper estimated; and "their capability to mount any form of organised resistance … is minimal".

450. Iraq retained "the capability (through a variety of means) pre-emptively to deliver CBW against Coalition Forces in Kuwait. The question is one of intent." There was "no intelligence" to indicate that the regime was "currently planning a pre-emptive strike". In the MOD view, that was "highly unlikely whilst Saddam believes war can be averted". If he was convinced that war was "inevitable and imminent", that "might make a pre-emptive move more attractive" but it was "more likely that Saddam would deploy CBW after the onset of the campaign". The planned levels of Nuclear Biological Chemical (NBC) defence equipment "should enable all troops to withstand initial BW or CW attack" (see Section 6.3).

451. On the potential number of casualties, the MOD stated:

> "This question is easier to ask than to answer. Casualty estimation is an imprecise and contextual process, requiring a significant number of assumptions to be made for it to take place at all. Whilst the range of outcomes of a specific engagement in which both sides choose to fight may be predicted with reasonable confidence, forecasting which engagements will take place, in what sequence and under what conditions is much less certain."

452. The MOD explained that it was harder still to take account of low-probability, high-impact events, such as a successful chemical or biological attack. In the worst foreseeable case, a surprise chemical attack could result in up to 100 individuals being killed and over 200 needing medical treatment.

---

[159] Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'.

453. Estimates of potential UK casualties from a ground campaign, excluding Special Forces casualties and casualties incurred through fighting in urban areas, were between 30 and 60 individuals killed and between 120 and 200 individuals wounded.

454. The total Iraqi land battle casualties were assessed as "in the order of 500-1,200 killed and 2,000-4,800 wounded". Detailed assessments of likely casualties from the air campaign, including civilian casualties, could only be made on a "target-by-target" basis and this work was "in hand". The MOD stated:

> "Iraqi civilian casualties from anything other than the air campaign are likely to be relatively few, unless Coalition Forces become engaged in fighting in urban areas."

455. The MOD estimates were based on assumptions that:

- Iraqi forces would not suffer a rapid, total collapse at the start of the campaign;
- the campaign would last 30 days; and
- the US and UK operational plans did not change in any significant way.

The Red Team

On 15 January, Mr Hoon had asked for work on predicting Saddam Hussein's possible responses to military action to be taken forward in the context of a comprehensive "red teaming" of the military plan to identify all conceivable risks to its success.

The "Red Team" was established within the Defence Intelligence Staff (DIS) and was led by Major General Andrew Ridgway, the Chief of Defence Intelligence (designate).[160] Its purpose was:

> "… to provide COS [Chiefs of Staff] and key planners within the MOD and Whitehall with an independent view of current intelligence assumptions and key judgements, to challenge if appropriate and to identify areas where more work may be required."

Papers were copied to the Chiefs of Staff, PJHQ, the MOD, the FCO, the IPU and the JIC. There is no evidence that they were seen in No.10.

The first Red Team report was issued on 28 February.[161] Its key judgements drew heavily on earlier JIC Assessments and included:

- the need for Coalition Forces to assume immediate responsibility for law and order to avoid other forces stepping into an internal security vacuum;
- that most Iraqis would initially view the Coalition as a liberating force, but support was likely to erode rapidly if the interim administration was not acceptable to the population and it could not see a road map towards a pluralist, representative Iraqi-led administration; and

[160] Minute MOD [junior official] to APS2/SofS [MOD], 25 February 2003, 'Iraq: Red Teaming in the DIS'.
[161] Minute PS/CDI to APS2/SofS [MOD], 28 February 2003, 'Iraq Red Team – Regional Responses to Conflict in Iraq and the Aftermath' attaching Paper, DIS Red Team, 'Regional Responses to Conflict in Iraq and the Aftermath'.

- the risk of creating fertile ground for Al Qaida, which could deliberately cause civilian casualties to undermine the establishment of a representative Iraqi-led administration.

The report stated that Al Qaida:

> "… seeks removal of Western presence/influence from the Gulf and wants to see the US/UK operation go badly. AQ are currently in some disarray but will wish to take the opportunity presented by the US/UK operation to re-establish credibility and encourage widespread anti-Western activity in the region. However:
>
> - Initially AQ shared a common goal with the Coalition: regime change. Once completed, goals will diverge rapidly and UK/US forces will present a rich target for terrorist attack.
> - AQ feared the establishment of a pluralist, representative Iraqi government as it undermines their argument that Muslims can only achieve self-determination in a unitary Islamic theocracy. They could deliberately cause civilian casualties to undermine the Coalition's position."

Debate on the UK role in combat operations

456. By 21 February, HQ 1 (UK) Div and 3 Commando Brigade were fully deployed and at full operating capability and 16 Air Assault Brigade was expected to be deployed within days.

457. Discussions had begun with the US about a more substantial role for 7th Armoured Brigade, which was expected to be fully deployed in Kuwait by 10 March.

458. The MOD provided No.10 with an update on military preparations on 21 February.[162] It stated:

- The National Contingent HQ was fully deployed in Qatar and at full operating capability.
- The Maritime Contingent Commander and his staff were deployed in Bahrain. All ships were at sea, mostly in the Gulf.
- HQ 1 (UK) Div was fully deployed in Kuwait and was at full operating capability. Its support elements would not reach full operating capability until ships transporting elements of equipment arrived in theatre in early March.
- The deployment of 3 Commando Brigade was complete, with all units at full operating capability.
- The deployment of 16 Air Assault Brigade to Kuwait was due to be completed "within the next couple of days".

[162] Minute Williams to Manning, 21 February 2003, 'Iraq: Update' attaching Paper [undated], 'Iraq: Defence Update 21 Feb 03'.

- The “main body” of 7 Armoured Brigade personnel was expected to arrive in Kuwait between 25 February and 10 March. An initial capability of two armoured battlegroups would be complete in theatre by 3 March, with the “vast majority” of their equipment in place by 9 March. They would have full operating capability by 20 March.
- Deployment of aircraft had “only just begun”.

459. The MOD wrote that “the precise timing of the commencement of the land campaign” had not been finalised. Land operations were expected to begin in “the first few days” of the campaign.

460. While the overall US plan remained as briefed to Mr Blair, its details might “yet develop in important ways”. Much of that revolved around timings; if the current uncertainty over the deployment of US land forces through Turkey was not resolved, it could “require changes to the plan in the South to compensate for lack of ‘Northern effects’”.

461. The latest “in a succession of US deadlines for Turkish agreement” on land forces was 22 February, “after which (they say) they would send their 4th Infantry Division south”.

462. The US was “looking at a number of variations on the current plan”. If implemented, those might give UK forces “(particularly 7 Armoured Brigade) a more substantial role than under the current plan”. The MOD stated:

> “No commitment to any changed plan will be given to the US, even in principle, without Ministerial approval.”

463. The MOD wrote that Saddam Hussein remained focused on averting a US attack and it was only once he had determined that was “unavoidable and imminent” that he would consider pre-emptive options. Saddam Hussein currently had the capability to pre-emptively:

“
- Militarily re-occupy the Kurdish Autonomous Zone within 72 hours. A humanitarian crisis would result.
- Mount a limited CBW strike on Coalition Forces/civil populace of Kuwait. In the very worst case this could be effected within hours of a decision to do so.
- Mount a limited CBW strike on regional neighbours (most likely Israel). Again in the very worst case this could happen within hours of a decision.”

464. The MOD’s ability to provide “unambiguous intelligence” warning of those events would be minimal.

465. The MOD was content that the current draft of campaign objectives offered “a coherent basis for UK participation” but recognised that a legal basis for the use of force was needed before the objectives could come into effect. It also required

Lord Goldsmith's endorsement of the MOD's assessment that the US military plan represented minimum use of force, and a handling plan for announcing the objectives.

466. Gen Franks told Mr Blair that he expected the conflict to be over in weeks rather than months.

467. Mr Blair stated that there was a need for a strategy that destroyed the regime but minimised civilian casualties.

468. Mr Blair met Gen Franks on 25 February.[163] Mr William Farish, US Ambassador to the UK, Mr Powell, Sir David Manning and Adm Boyce were also present.

469. Gen Franks told Mr Blair that threats came, in ascending order, from:

> "… the Iraqi Army, which would offer little resistance; the Republican Guard, located between 25 and 100 km from Baghdad; and the Special Republican Guard (SRG) stationed in downtown Baghdad to defend the regime itself. In Baghdad, there were the highest risks of collateral damage and civilian casualties, including those caused by the use of human shields."

470. Gen Franks told Mr Blair that any campaign against Iraq would be "over in weeks rather than months" and that "the force available was equal to the task". Resources were "robust and capable in the west and south, and in the air, and information management was getting better". The northern front was problematic "because of the Turks".

471. Mr Blair asked if Gen Franks had "any idea" of the scale of likely civilian casualties and "underlined our preference for a short conflict".

472. Gen Franks replied that:

> "… during the 43 days of the Gulf War, 3,300 targets had been attacked. Plans for this campaign envisaged attacking 1,500 targets in the first 96 hours. Some 11 percent of weapons did not hit their precise target. So we must expect some civilian casualties. But the intensity of the initial attack was key to reducing the duration of the conflict."

473. Gen Franks said that dual-use facilities, where civilians worked alongside military personnel, "were a real problem"; they raised the risk of civilian casualties and the destruction of infrastructure that could delay reconstruction.

474. Adm Boyce stated that civilian casualties were likely to be in the "low hundreds". Gen Franks stated that ways to minimise civilian casualties were being explored.

475. Mr Blair concluded that "we must set out our strategy: to destroy the regime but minimise civilian casualties".

---

[163] Letter Cannon to Owen, 25 February 2003, 'Iraq: Prime Minister's Meeting with General Franks'.

476. There was also a discussion about the role of the UN in a post-Saddam Hussein administration (see Section 6.5.)

477. When Mr Hoon met Gen Franks, he stated that the UK was keen for a serious and substantial role for UK forces.

478. Gen Franks told Mr Hoon that it was "not yet necessary to clarify the final plan". He "understood the strategic requirement for a UK profile".

479. The same day, Gen Franks had attended a working breakfast hosted by Adm Boyce and briefed the Chiefs of Staff.[164] Sir David Manning, Sir Richard Dearlove and Mr Watkins were also present.

480. Mr Watkins sent a record of the meeting to Mr Hoon (who was due to meet Gen Franks in Qatar on 26 February), stating that Gen Franks had said the US would "make the call on Turkey tomorrow" and that while the ability to deploy "heavy armour" from the North would have been helpful, it was not critical.

481. Mr Watkins advised Mr Hoon to press Gen Franks on the precise utilisation of UK forces in Phase III (the conflict phase of operations): "Politically and constitutionally, Ministers need to know this and in good time."

482. Mr Hoon and Air Marshal Brian Burridge, UK National Contingent Commander (NCC), met Gen Franks in Qatar on 26 February.[165]

483. The record of the meeting reported that there was a chance to get a northern option in place through the Parliamentary process in Turkey, but sadly the Parliamentary debate had been suspended.

484. Gen Franks had said there were now 195,000 US troops in the region and, when that figure rose to 250,000 in mid-March, he would be ready to support any "policy decision".

485. Gen Franks believed that it would "be possible to reach an agreement" on targeting. He recognised the difficulties associated with dual-use targets but there could be "serious military consequences" if they shied away from some of the communication facilities. Mr Hoon explained he would have "no problem clearing the targets where there was a definite military advantage".

486. Mr Hoon had noted the "proportionally very significant investment which the UK had made to the force build up" and "was keen for a serious and substantial role for British forces".

---

[164] Minute Watkins to Secretary of State [MOD], 25 February 2003, 'Meeting with General Franks: 26 February'.
[165] Minute Williams to DG Op Pol, 27 February 2003, 'Secretary of State's Call on General Franks (CENTCOM) – 26 February 2003'.

487. Gen Franks had said that "the British forces with whom he had talked had made this clear to him". There were a variety of roles which could be assigned to units under his command and "it was not yet necessary to clarify the final plan". He would be in a better position to do so in seven to 10 days (5 to 8 March).

488. Mr Hoon asked whether the UK role would only be determined after offensive action had started. Gen Franks said that was not the case but he had to have early flexible options in case there was a requirement to move before the armour was ready. He "understood the strategic requirement for a UK profile in any operation".

489. On 28 February, Mr Hoon's Private Office sent Sir David Manning an update on military planning.[166] With respect to post-conflict operations, it warned that the UK was "currently at risk of taking on a very substantial commitment" that it would have "great difficulty in sustaining beyond the immediate conclusion of conflict". That is addressed in detail in Section 6.5.

490. On 4 March, Lt Gen Reith advocated an expanded combat role for UK forces to the Chiefs of Staff.

491. On 4 March, Lt Gen Reith sent the Chiefs of Staff two papers setting out proposals for employing UK land forces on combat missions with or without "a dedicated 'UK box'" based on "the agreed 1(UK) Div AO".[167]

492. Lt Gen Reith explained that a "UK box" would "allow UK forces to move first in a ground offensive and thereby set the conditions for the 'exemplary performance' in Phase IV", but US resistance to the creation of a UK box would "probably only be overcome by high level intervention".

493. Lt Gen Reith asked the Chiefs of Staff whether, in those circumstances, he should "explore integration of UK niche elements into US planning on a task, time and space limited basis", or whether "the 'exemplary performance' for Phase IV should override opportunities to make a significant contribution to Coalition Phase III operations".

494. In the first of the two papers, Lt Gen Reith set out:

- 1 (UK) Div's mission was likely to be "to attack to defeat enemy forces within boundaries, secure key oil infrastructure and seize Umm Qasr port to prevent or mitigate environmental disaster and enable humanitarian operations". Subsequently the UK division would relieve US forces to support their rapid movement north.

---

[166] Letter Williams to Manning, 28 February 2003, 'Iraq: Military Planning and Preparation' attaching Paper [unattributed], 28 February 2003, 'Iraq: Military Planning Update – 28 February 2003'.
[167] Minute Reith to COSSEC, 4 March 2003, 'Op Telic Employment of UK forces' attaching Paper CJO, 3 March 2003, 'Op TELIC Land Options for 1(UK) Armoured Division – Update' and Paper CJO, 4 March 2003, 'Op TELIC Land Options for 1(UK) Armoured Division – Alternative Options'.

- 3 Commando Brigade would seize the oil infrastructure on the al-Faw Peninsula, Umm Qasr port, and set the conditions for Coalition mine countermeasures operations and the clearance of the Khawr Abd Allah waterway.
- 16 Air Assault Brigade and 7 Armoured Brigade would relieve US forces: 16 Air Assault Brigade would assume responsibility for the security of the Rumaylah oilfields and 7 Armoured Brigade would be responsible for the isolation of Basra, securing az-Zubayr, and the protection of oil infrastructure within its boundaries.
- Security of Basra International Airport and Basra itself were described as "be prepared to" tasks.

495. Lt Gen Reith commented:

> "Critically, this plan only really sees 3 Cdo Bde being committed to combat operations with the net effect … that the balance of the UK land element may be largely involved in Phase IV operations unless there is some form of egress from Basra or movement to the south or west by 6 Armd Div [Iraqi forces]."

496. Lt Gen Reith summarised that the plan:

> "… probably doesn't appropriately reflect the level of our commitment of ground forces. Moreover, the whole issue of teeing soldiers up for combat operations must, potentially, be difficult on the basis of the tasks currently on offer for 7 and 16 Bdes. In other words, whilst the task is eminently manageable, it probably represents, for the Army, a poor return, militarily, on the forces committed."

497. Lt Gen Reith addressed the advantages and disadvantages of "UK ownership of its full AO from the start". Under the existing Base Plan, the UK AO would expand into space vacated by US forces as they moved north and UK forces would not be able to shape their own Phase IV AOR. Lt Gen Reith explained that one of the contingency plans already worked up by the Land Component Command (LCC) assumed full UK ownership of its AO from the start. It would see all three UK brigades "potentially being committed to combat operations and being responsible for defeating all enemy forces … This plan also allows UK forces to shape the AO in Phase III for Phase IV by employing an appropriate balance of kinetic and non-kinetic effect."

498. Lt Gen Reith concluded: "There can be no doubt at all that this represents a far better option for UK forces than the Base Plan".

499. In the second paper, Lt Gen Reith explained that his forthcoming meetings with Lt Gen McKiernan and others would "almost certainly be the last chance that the operational commanders will have to discuss the plan face to face before ground operations commence". US commanders were likely to press him on UK land contributions beyond the provisions in the Base Plan.

500. Lt Gen Reith put forward two options:

- "National focus with limited operational exposure." The Base Plan, involving "operations within the AO as presently defined, concentrating on making the early transition from Phase III to Phase IV, with an end state defined as 'exemplary performance' in Phase IV within Basra region". One advantage of the Base Plan was that it preserved UK combat power "for the major Phase IV task in the AO (Basra, for example is a city of 1.5m people and may not be a benign environment)".
- "Coalition focus with unconstrained operational exposure." This approach reflected a number of contingency plans (CONPLANS) in different stages of development and involved "selective deployment of UK formations where their capabilities are most efficiently used, consistent with the requirement to service the Basra AO". Among the disadvantages of this approach was a reduction in the number of troops available for Phase IV operations in the UK AO, which "may impact on our ability to produce exemplary early effect during Phase IV".

501. Lt Gen Reith concluded:

> "US commanders are likely to press on branch planning and UK land contributions beyond the provisions of the Base Plan.
>
> "The situation is changing: the potential for a UK Box remains my aspiration but is in practical terms receding …
>
> "In discussing the campaign, and subject to their [the Chiefs of Staff] agreement, CJO [Chief of Joint Operations, Lt Gen Reith] will balance the desire to husband our land forces for Phase IV in our own AO, against the possible Coalition requirement to take a greater part of the Phase III effort, with the risks this implies in terms of the ease with which we transition to Phase IV."

502. The Chiefs of Staff discussed the papers on 5 March.[168] They rejected the proposal for a UK box.

503. In Lt Gen Reith's absence, Maj Gen Fry sought guidance from the Chiefs of Staff on offering "UK 'niche' contributions beyond the provisions of the Base Plan" in the context of the requirement to deliver an exemplary Phase IV.

504. The Chiefs of Staff noted that until the arrival of US 4th Infantry Division, the UK would be providing "a disproportionately high percentage of the combat power in the South and that it would disadvantage the Coalition campaign to ring-fence UK land forces in a national boundary". A more flexible approach would be needed and a "balance had to be struck between achieving closure to Phase III and the delivery of an 'exemplar' Phase IV".

---

[168] Minutes, 5 March 2003, Chiefs of Staff meeting.

505. Adm Boyce directed Lt Gen Reith to "push for a 'niche' role for the UK … and make it clear that the UK was ready to be asked to contribute further in order to exploit any operational opportunities that arose during the campaign", subject to US logistics support and assurances that UK forces would be "relieved-in-place" as soon as possible for Phase IV activities in the South.

506. Discussing a draft of a Ministerial note on Phase IV operations, the Chiefs of Staff noted that delivering an exemplary Phase IV required "the concomitant resources and OGD [Other Government Departments] commitment". Adm Boyce stressed that Phase IV could not be delivered by military activity alone.

507. Adm Boyce directed that the Ministerial note should include indicative numbers to give a better understanding of what was being provided in terms of medium scale and large scale commitment. The minutes recorded:

> "It was also important to emphasise that MOD commitments should be guided by DPAs [Defence Planning Assumptions], which provided for large scale up to 6 months. Medium scale was to be considered a divisional HQ plus a bde [brigade] of troops. Undertaking such an operation for longer would break harmony guidelines and was likely to lead to the Department's failure to meet its PSA [Public Service Agreement] targets."

508. The MOD advised Mr Blair on 6 March that the UK might play additional "cutting edge" roles in combat operations.

509. On 6 March, Mr Watkins informed Sir David Manning that the MOD's assumption that UK land forces would "hold ground behind the advancing US formations" had been "overtaken by events".[169] The "continuing impasse over Turkey" could result in the UK playing "additional 'cutting edge' roles".

510. Both 3 Commando Brigade and 16 Air Assault Brigade had achieved their full operating capability and 7 Armoured Brigade was expected to do so "by about 18 March". Although the timing of the start of military action remained uncertain, "a sizeable proportion of the UK land package" was now likely to be in a position to participate in combat operations from the start of the ground campaign.

511. Mr Watkins wrote:

> "As a result, 1(UK) Div is now likely to represent a higher and more significant proportion of the overall combat power available in the early stages of the ground campaign."

512. Mr Hoon and the Chiefs of Staff judged that "it would not be wise at this late stage to seek a major revision to the US plan", but that it could make better use of some of the

---

[169] Letter Watkins to Manning, 6 March 2003, 'Iraq: Options for Employment of UK Land Forces'.

niche capabilities in 1 (UK) Div. Mr Hoon had agreed that the UK should encourage US commanders to identify a niche role.

513. The US was looking at a number of variations to its plan, including involving 7 Armoured Brigade in "decisive manoeuvre operations beyond south-eastern Iraq" and "possibly in a decisive phase around Baghdad". That would raise a number of issues, including for post-conflict operations:

> "At the beginning of Phase IV … operations, 1(UK) Division would initially find itself spread across two different areas at once. While 7 Armoured Brigade was engaged in combat operations around Baghdad, 1(UK) Division would have only its two light brigades available to deal with any immediate problems in south-eastern Iraq. At the very least we would need US assurances that they would facilitate rapid re-adjustment at the earliest opportunity, to allow 7 Armoured Brigade to rejoin the rest of 1(UK) Division."

514. Mr Watkins explained that Mr Hoon and the Chiefs of Staff had therefore agreed that the UK "should not actively seek this sort of wider role, but that we should be prepared to consider any unsolicited US requests on their merits". The MOD would produce further advice on the outcome of discussions with the US, but warned it was likely that "decisions may need to be made very rapidly".

515. In early March, Lt Gen Reith discussed the expansion of the UK combat role with US commanders. He continued to advise the Chiefs of Staff to extend the UK AO.

516. Lt Gen Reith visited the Middle East from 5 to 7 March where he discussed optimising the use of 1 (UK) Div combat power "in some detail" with General John Abizaid, Gen Franks' Deputy Commander (Forward), and then with Lt Gen McKiernan.[170]

517. The record of the visit stated that Lt Gen Reith "offered" two options for UK forces to play a role in later operations:

- using 7 Armoured Brigade to provide additional combat power to either 1 MEF or 5 Corps in their advance on Baghdad; or
- 16 Air Assault Brigade to be deployed forward by air to the Baghdad area to "assist in developing stability in case of sudden regime collapse".

518. A manuscript note on Maj Gen Fry's copy of the record stated:

> "CDS was most unhappy … COS [Chiefs of Staff] & SofS [Secretary of State] riding instructions were to not offer anything outside the UK AO but be receptive to requests ('request mode rather than push mode'). CDS wanted to talk to CJO

[170] Minute Dutton to PSO/CDS, 7 March 2003, 'CJO Visit to Middle East 5-7 Mar 03'.

[Lt Gen Reith] immediately – but will close the loop on Saturday [8 March]. In the meantime this note is being kept away from Ministers' offices."[171]

519. General Sir Mike Jackson, Chief of the General Staff, visited UK forces in Kuwait between 6 and 8 March and was involved in Lt Gen Reith's discussion with Lt Gen McKiernan.[172]

520. In his report to Adm Boyce, Gen Jackson offered two observations on the Phase III plan:

- that the UK's "limited role" was "by no means ideal given the considerable capabilities" inherent within 1 (UK) Div; and
- "just how little combat power the US have on the ground" now that 4th Infantry Division could not deploy in time to influence the outcome. "Holding a little under one third of the available coalition armour, 1 (UK) Armoured Division has combat power that may prove decisive for operations around Baghdad."

521. Gen Jackson added that it was for that reason that US forces had "made very clear their wish" to use 7 Armoured Brigade for subsequent tasks. That would be discussed at the Chiefs of Staff meeting that week.

522. On what might happen after combat operations, Gen Jackson wrote:

"… I judge that, realistically, it will be some time before Coalition partners join US and British forces in any real strength, if at all. I draw two conclusions from this: first, that as much as possible of Iraq's administrative and military structure should be preserved; and second, that we should beware rapid US drawdown on the American assumption that UK (perhaps through the ARRC) will form the focus for an international force that in the event fails to materialise.

"… GOC 1 Div [Maj Gen Brims] made it clear to me that in clarifying his role in Phase IV, he needed simply to know what his title was, to whom he would be responsible, and how quickly a civil administrator would be appointed. While he judges that Basra has adequate short-term food stocks, it will urgently need water, electricity and medical supplies … Only the ICRC has humanitarian stocks in position … there was little confidence within 1 Div that DFID has a coherent plan in place. I support GOC 1 Div's intent to manage Phase IV with as light a touch as possible, but it will be important to establish the rule of law quickly – the question, as in Kosovo, will be whose law?"

523. Gen Jackson concluded:

"We are ready not just to demonstrate solidarity with our Coalition partner, but to contribute considerable and potentially decisive combat power to achieve rapid

---

[171] Minute MA/CJO to PSO/CDS, 7 March 2003, 'CJO Visit to Middle East 5-7 Mar 03'.
[172] Minute CGS to CDS, 10 March 2003, 'CGS Visit to Op TELIC'.

success in Phase III. Rapid success will set the conditions for Phase IV, which in turn will determine the overall success of the enterprise."

DEVELOPMENT OF PHASE IV PLANNING

524. On 6 March, Mr Blair chaired the first Ministerial meeting convened solely to address humanitarian and other post-conflict issues.

525. Officials recommended that the UK should not seek responsibility for general administration of a geographical area of Iraq in the medium term and pressed Ministers to take an urgent decision on the issue.

526. No decision was taken.

527. After Cabinet on 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Clare Short (International Development Secretary), Baroness Symons (joint FCO/DTI Minister of State for International Trade and Investment), Sir Michael Jay (FCO Permanent Under Secretary) and "other officials".[173]

528. The annotated agenda and the meeting are described in more detail in Section 6.5.

529. With the invasion possibly only weeks away, the IPU explained that US and UK planning assumed that, in the "medium term after the conflict", Coalition Forces would be "re-deployed into six or seven geographical sectors in order to provide a secure environment for the civil transitional administration to conduct humanitarian assistance and reconstruction work". The US expected the UK Division in Iraq to be responsible for a geographical sector, which would be very expensive and carry wider resource implications. The UK Division would probably be based in or near Basra, with the size of its AOR depending on a number of factors, including the permissiveness of the environment and the size of the Division in relation to the rest of the Coalition.

530. The annotated agenda stated:

"Ministers need urgently to take a view on this before the military planning assumptions become a fait accompli."

531. The questions Ministers were asked included:

- To choose between options for a medium-term post-conflict military presence. The Chiefs of Staff believed it would be necessary to reduce the UK's military contribution from about 45,000 to 15,000 in the "medium term (by the autumn)" to "avoid long term damage to the Armed Forces". At the same time, the US expected the UK to contribute forces "for the security of a geographic area … over the medium term". The IPU considered it "reasonable to assume that a

[173] Letter Cannon to Owen, 7 March 2003. 'Iraq: Post-Conflict Issues'.

brigade should be able to manage a single, well-populated province" the size of Basra, but there were four options available:

- a brigade responsible for security in a single province;
- a UK divisional headquarters could take responsibility for security, under Coalition command, in a wider area of Iraq (US planners envisaged Basra, Maysan, Dhi Qar and Wasit being a single sector), supported by Coalition partners, which, the paper recognised, could be difficult to find;
- deployment of the ARRC in addition or as an alternative to a brigade; or
- withdrawal of all forces in the medium term, although it was warned that would be politically difficult.

- Whether to follow the US plan, which had to be right, to administer Iraq as a whole and not seek general UK responsibility for the administration of any geographic area in the medium term. In any area where the UK took responsibility for security, it could, with a UN mandate, also take on wider responsibility for reconstruction (including humanitarian assistance and aspects of civil administration), but that would "very likely be beyond the resources of the UK alone and have implications for domestic Departments".

532. MOD advice to Mr Hoon was explicit about the inadequacy of those preparations.

533. The MOD briefing for Mr Hoon stated:

"… any UK involvement in the administration of post-conflict Iraq will necessarily require a significant civilian administrative and specialist component; this component has not yet been identified or resourced by OGDs. **This is the key issue. The success of civil administration will be essential to Iraq's long term future. The UK military cannot do this on their own.**

"… [T]he current Defence Planning Assumption is that UK forces can only sustain large scale operations for a period of six months without doing long term damage to capability. This implies that UK forces reduce to a medium scale (i.e. roughly one brigade) post-conflict TELIC commitment.

"… US planning is currently tending to assume UK involvement in Phase IV at a level that is the maximum, if not higher than, that we can sustain. **If Ministers wish to set limits on the UK's Phase IV contribution they should be set <u>now</u> so that US planning can be adjusted** …

"… [A]s US planning stands, the UK will need substantial support from other nations. There are no arrangements yet in place formally to gather such support. Such support will be largely contingent on a *suitable* second/third UNSCR and a UN mandate for the occupation of Iraq. The FCO need to build on their recent 'market

survey' to identify candidates and persuade them to shorten the time it will take them to deploy."[174]

534. Possible levels of UK commitment to Phase IV were set out in an annex:

"i. **Maximum payoff (and maximum cost)**: Tackle a problem area (eg Basra) with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector. HQ ARRC taking on the CJTF(I) role early for six months. UK involvement (but not military) in a reconstruction pillar. This would be contingent on US burden sharing …

ii. **Regional (+)**: The SE Sector with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector. No HQ ARRC but UK involvement (including military) in a reconstruction pillar and a significant staff contribution to CJTF-I.

iii. **Regional**: The SE Sector with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector.

iv. **Regional (-)**: A UK Brigade in the SE sector – not UK led. UK involvement (including military) in a reconstruction pillar.

v. **Regional (- -)**: A UK Brigade in the SE sector – not UK led."

535. Mirroring the urgency expressed in the IPU Annotated Agenda, the MOD warned that, in the absence of settled UK policy on the scale or duration of the UK contribution to post-conflict Iraq, that contribution risked being determined "by decisions being taken by CENTCOM now".

536. The MOD identified a number of specific concerns, including:

- US plans envisaged the UK having responsibility for security in one of seven sectors. The UK had neither agreed formally nor challenged the US assumption. Nor had other departments scoped what non-military UK contributions could be sustained. The UK was "currently at risk of taking on an unsustainable task if there is no further Coalition contribution to the occupation of Iraq".
- If the UK did lead a military sector, there was a risk of the UK military being "intimately involved" in the civil administration, "not a role they would seek". There was "a pressing need to identify civil capacity across the international civil admin effort, including to support civil administration in a UK military sector".
- The UK was "carrying some risk of early humanitarian assistance failures in the UK AO".

[174] Minute Sec(O)4 to PS/Secretary of State [MOD], 6 March 2003, 'Iraq: Aftermath – Medium to Long Term UK Military Commitment'.

537. The policy considerations included:

- the degree to which the UK wanted to stand "shoulder to shoulder" with the US – "a fundamental political judgement … where are the UK's red lines?"; and
- the UK's attitude to the future of Iraq. "Does the UK wish to become intimately involved in reconstruction and civil administration? This is not a military task … but it will both affect and be affected by the level of military engagement. It will also have significant resource implications, across government."

538. The briefing concluded with a section on the worst case scenario:

> "Much of the above is predicated on best-case assumptions for the progress of a conflict (swift, short and successful), the condition of Iraq post-conflict (infrastructure not greatly damaged by fighting, limited internecine conflict) and the degree of international buy-in with civil and military resources, including cash (considerable and UN endorsed). The Secretary of State may wish to take the opportunity of this meeting to remind his colleagues that there is at least a credible possibility that none of these conditions will obtain.
>
> "Even if there is a second (and possibly third) UNSCR this is no guarantee of broad-based international buy-in into Phase IV … [T]here is a real possibility of the UK (along with the US and a few forward leaning smaller military nations) being committed to Phase IV engagement without international burden sharing and without an immediate exit strategy. At its worst this could expose the UK to an enduring large scale military commitment (20-30,000 in theatre) – *and* the commensurate civil support required to contribute to the rebuilding of Iraq … The potential consequences are severe … This is not the most likely risk, but it is one that increases the further the outcome post-conflict is from a UN-mandated solution."

539. In the speaking note for Mr Hoon attached to the brief, officials highlighted concerns about the tendency of discussion of the post-conflict phase, and the IPU annotated agenda, to focus on the military contribution:

> "A military presence will be a necessary but not a sufficient condition for success in Iraq. **A large, organised and properly funded humanitarian assistance plan (supported by DFID) is needed from the outset.**"

540. Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, briefed Mr Blair that Ministers needed to make progress on three interlinked issues: the humanitarian response; the UN mandate; and whether the UK should take on a geographical sector in Iraq.[175] Basra was "the obvious choice" if the UK decided to take on one of seven geographical sectors in Iraq.

---

[175] Minute Cannon to Prime Minister, 5 March 2002, 'Iraq: Post-Conflict Issues'.

541. The conclusions of the meeting on 6 March included:

- DFID and the MOD should draw up a plan for immediate humanitarian action in the UK AO.
- Planning for a medium-term post-conflict action should continue on the assumption that a UN mandate would be forthcoming.
- The FCO should prepare a Phase IV plan with other departments, including the key decisions for Ministers to take.
- The Phase IV plan should cover sectorisation.

542. The "UK overall plan for Phase IV" was shown to Mr Blair on 7 March.[176] Much of the plan, prepared by the IPU, was drawn from the Annotated Agenda prepared for the meeting on 6 March.[177] That is addressed in Section 6.5.

Commitment to military action

543. On 7 March, Mr Lee sent Mr Hoon's Private Office a "critical decision checklist", setting out the issues which needed to be resolved before forces could be committed to action.[178] Those included:

- legal authority for use of military force;
- Parliamentary approval;
- confirmation that the military plan was viable and the risks acceptable;
- agreement of host nations to conduct offensive operations from their territory;
- provision of resources for immediate humanitarian assistance;
- targeting policy and delegation;
- agreement with the US on Phase IV assumptions; and
- finalisation of military campaign objectives.

544. Mr Lee asked No.10 to be notified using the checklist.

545. Adm Boyce decided on 10 March that UK forces should focus on achieving the UK objectives in its planned AO.

546. The Chiefs of Staff were concerned that Lt Gen Reith's recommendation to allow operations further north would overstretch UK resources in both the combat and post-combat phases.

547. Lt Gen Reith sent the Chiefs of Staff an update on military planning options on 10 March.[179] It reflected the undertaking (in Mr Watkins' letter to Sir David Manning of

---

[176] Minute Rycroft to Prime Minister, 7 March 2003, 'Iraq: Weekend Papers'.
[177] Minute Rycroft to Prime Minister, 7 March 2003, 'Iraq: Weekend Papers'.
[178] Minute Lee to PS/Secretary of State [MOD], 7 March 2003, 'Critical Decision Checklist'.
[179] Minute Reith to COSSEC, 10 March 2003, 'Iraq – Military Planning Options Update' attaching Paper CJO, 10 March 2003, 'Iraq Military Planning Options – An Update'.

6 March) that the MOD would provide further advice on the outcome of discussions with the US.

548. Lt Gen Reith wrote that the update also followed discussion among the Chiefs of Staff about "a less constrained approach to operations such that [the] UK can make a decisive contribution to Phase III operations, without impacting on the strategic goal of an exemplary Phase IV plan".

549. Lt Gen Reith recommended that the Chiefs of Staff agree that:

- with UK forces likely to be at Full Operating Capability (FOC) before any committal to combat, UK combat elements could enhance the US plan;
- NBC (nuclear, biological and chemical) and specialist engineer elements be released to US forces for use during the seizure of the Rumaylah oilfields;
- the Joint Commander be authorised to allow 1 (UK) Div to operate north of the current planned UK AO, no further than Al Amara, "if this enhances 1 MEF's ability to achieve its mission, on the understanding that the Division will only exploit forward as far as security and transition to Phase IV within the current AO allows"; and
- plans should be developed with the US for subsequent use of UK forces in the event of sudden regime collapse or if decisive additional combat power were required.

550. In the attached paper, Lt Gen Reith advised:

> "Further opportunities to support a Coalition main effort also exist and will be event driven … Whilst each scenario will differ, there will be occasions where an imperative for Phase III success could drive us to balance risk between supporting the main effort and our Phase IV exemplary action. Further work is needed in this area."

551. Lt Gen Reith outlined the plan to extend the UK AO to the north at the Chiefs of Staff meeting on 10 March.[180] He explained that the "current UK AO could potentially result in enemy forces around Basra interfering with Phase IV operations". There was "a clear military task to ensure that enemy forces in the areas outside the current UK AO were unable to interfere with the UK Main Effort".

552. On 10 March, the Chiefs of Staff discussed Lt Gen Reith's paper. It endorsed the NBC and specialist roles as time limited tasks within the UK's AO.

553. Lt Gen Reith highlighted potential roles for UK forces in the event of sudden regime collapse. Adm Boyce directed Lt Gen Reith to develop options and brief the Chiefs of Staff accordingly.

---

[180] Minutes, 10 March 2003, Chiefs of Staff meeting.

554. The Chiefs of Staff were "concerned that extending the AO would overstretch Phase III and Phase IV resources and potentially detract from the Main Effort in the UK AO".

555. Adm Boyce directed Lt Gen Reith "to proceed with the main effort, of an exemplary Phase IV, in the original AO (Southern AO) with operations in the Northern AO as required to achieve a speedy and successful Phase III and to shape Phase IV".

556. AM Burridge wrote in his Hauldown Report on 8 May:

> "Our overriding consideration was for the GOC [Maj Gen Brims] to condition his own AO, in preparation for stability operations (Phase IV), rather than inherit circumstances [created by others] …"[181]

557. Lt Gen Reith's advice of 11 March for the Chiefs of Staff on the gaps in UK and US planning for post-conflict operations, including the absence of a detailed UK/US policy on the role of the military in maintaining law and order and detaining civilians, is addressed in Section 6.5.

Mr Blair's meeting, 11 March 2003: agreement to the military plan

558. Sir Kevin Tebbit raised the absence of an agreed legal basis for military action with Sir Andrew Turnbull on 5 March.

559. Sir Kevin Tebbit wrote to Sir Andrew Turnbull on 5 March, stating:

> "I am sure you have this in hand already, but in case it might help, I should like to offer you my thoughts on the procedure for handling the legal basis for any offensive operations … in Iraq – a subject touching on my responsibilities since it is the CDS [Chief of the Defence Staff] who will need to be assured that he will be acting on the basis of a lawful instruction from the Prime Minister and the Defence Secretary.
>
> "It is not possible to be certain about the precise circumstances in which this would arise because we cannot be sure about the UN scenario involved … Clearly full UN cover is devoutly to be desired – and not just for the military operation itself …
>
> "My purpose in writing, however, is not to argue the legal merits of the case … but to flag up … that the call to action from President Bush could come at quite short notice and that we need to be prepared to handle the legalities so we can deliver …
>
> "In these circumstances, I suggest that the Prime Minister should be prepared to convene a special meeting of the inner 'war' Cabinet (Defence and Foreign Secretaries certainly, Chancellor, DPM [Deputy Prime Minister], Home Secretary possibly, Attorney General, crucially) at which CDS effectively receives his legal and constitutional authorisation. We have already given the Attorney General information

[181] Report Burridge to CJO, 8 May 2003, 'NCC Operation Telic Hauldown Report: 07 Feb 03 – 08 May 03'.

and MOD briefings on objectives and rationale, and I understand that John Scarlett is conducting further briefing on the basis of the intelligence material.

"While it is not possible to predict the timing of the event precisely … [it] could conceivably be as early as 10 March … in the event, albeit unlikely, that the Americans lost hope in the UN and move fast. Michael Jay may have a better fix on this, but I guess the more likely timing would be for Security Council action around the weekend of 15/16 March, and therefore for a meeting after that."[182]

560. Copies of the letter were sent to Sir Michael Jay and Sir David Manning.

561. Sir Michael commented that both Adm Boyce and Gen Jackson had told him that they would need "explicit legal authorisation".[183] Sir Kevin's proposal "would be one way of achieving this: though the timetable looks a bit leisurely".

562. On 5 March, the US requested the UK Government's agreement to the use of British bases in the UK and overseas.

563. On 5 March, the US requested the UK's permission to use Diego Garcia and RAF Fairford for operations against Iraq.[184]

564. Mr Straw's Private Office wrote to No.10 on 11 March reporting that the request followed "a series of informal requests and notifications" over the past few weeks to FCO and MOD officials.[185] Both departments had taken the view that a more formal request should be made "to remind the US that any use by the US forces of British bases or Diego Garcia must be on the basis of joint decision, as laid down under existing agreements".

565. The US had formally requested the UK Government's agreement to the use of RAF Fairford, Diego Garcia and, possibly, other British bases for military operations against Iraq. It was now pressing for a response "as soon as possible".

566. The FCO advised that "under international law, the UK would be responsible for any US action in breach of international law in which the UK knowingly assisted". The draft response was "premised on a decision that UNSCR 1441 and other relevant resolutions" provided "the authority for action".

567. On 7 March, Lord Goldsmith sent Mr Blair formal advice on the legality of military action against Iraq without another resolution of the Security Council, further to resolution 1441.

---

[182] Letter Tebbit to Turnbull, 5 March 2003, [untitled].
[183] Manuscript comment Jay to Ricketts, 5 March 2003, on Letter Tebbit to Turnbull, 5 March 2003, [untitled].
[184] Letter Sinclair to Rycroft, 11 March 2003, 'US request to use Diego Garcia and RAF Fairford for possible operations against Iraq'.
[185] Letter Sinclair to Rycroft, 11 March 2003, 'US request to use Diego Garcia and RAF Fairford for possible operations against Iraq'.

568. Lord Goldsmith's advice of 7 March, which set out his reasoning in considerable depth, is addressed in detail in Section 5.[186]

569. Lord Goldsmith's conclusions are summarised in the Box below.

Lord Goldsmith's advice, 7 March 2003

Lord Goldsmith identified three possible bases for the use of military force. He explained that neither self-defence nor the use of force to avert overwhelming humanitarian catastrophe applied in this case.

Lord Goldsmith concluded that he remained "of the opinion that the safest legal course would be to secure the adoption of a further resolution to authorise the use of force", and that he had "already advised" that he did "not believe that such a resolution need be explicit in its terms" if it established that the Security Council had "concluded" that Iraq had "failed to take the final opportunity offered by resolution 1441".

Lord Goldsmith added:

> "Nevertheless, having regard to the information on the negotiating history which I have been given and to the arguments of the US Administration which I heard in Washington, I accept that a reasonable case can be made that resolution 1441 is capable in principle of reviving the authorisation in 678 without a further resolution."

Lord Goldsmith added that that would:

> "… only be sustainable if there are strong factual grounds for concluding that Iraq has failed to take the final opportunity. In other words, we would need to be able to demonstrate hard evidence of non-compliance and non-co-operation. Given the structure of the resolution as a whole, the views of UNMOVIC and the IAEA [International Atomic Energy Agency] will be highly significant in this respect. In the light of the latest reporting by UNMOVIC, you will need to consider extremely carefully whether the evidence … is sufficiently compelling to justify the conclusion that Iraq has failed to take the final opportunity."

570. Lord Goldsmith stressed, in paragraph 36 of his advice, that the lawfulness of military action depended on the question of proportionality as well as the existence of a legal basis:

> "Any force used pursuant to the authorisation in resolution 678:
>
> - must have as its objective the enforcement [of] the terms of the cease-fire contained in resolution 687 [1991] and subsequent relevant resolutions;
> - be limited to what is necessary to achieve that objective; and
> - must be a proportionate response to that objective, ie securing compliance with Iraq's disarmament obligations."

[186] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.

571. Lord Goldsmith continued:

> "That is not to say that action may not be taken to remove Saddam Hussein from power if it can be demonstrated that such action is a necessary and proportionate measure to secure the disarmament of Iraq. But regime change cannot be the objective of military action. This should be borne in mind in considering the list of military targets and in making public statements about any campaign."

572. Mr Hoon wrote to Lord Goldsmith on 10 March forwarding two papers:

- one on targeting considerations (addressed later in this Section); and
- a second, 'Disarming Iraq', written to underpin "the choice of military tasks in the Government's draft campaign objectives".[187]

573. On 11 March, Ministers discussed legal issues, including holding back for a few days the response to a US request for the use of UK bases, and the viability of the military plan.

574. Mr Blair held a meeting on 11 March with Mr Prescott, Mr Hoon, Lord Goldsmith and Adm Boyce.[188] Mr Straw attended part of the meeting. Sir Andrew Turnbull, Mr Powell, Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy), Baroness Morgan (Mr Blair's Director of Political and Government Relations), Sir David Manning and Mr Rycroft were also present.

575. Mr Blair was advised beforehand that the main purpose of the meeting was to confirm viability of the overall military plan.[189] Suggested questions for Mr Blair to raise included:

- Did the US have a winning concept?
- Did he agree with Mr Hoon that: specialist roles should be secured for the UK; the UK area should be extended northwards; and options should be explored for reinforcing US forces?
- What conditions should UK forces expect in Basra?
- How would the US "reorganise" if UK forces were not involved?

576. Mr Bowen advised Sir David Manning that the US request for the use of UK bases was to be discussed at Mr Blair's meeting with Lord Goldsmith, Mr Straw and Mr Hoon on 11 March.[190] He understood that Mr Straw and Mr Hoon had copies of Lord Goldsmith's advice.

577. As Section 5 makes clear, Mr Straw, Mr Hoon, Dr John Reid, Minister without Portfolio and Labour Party Chair, and the Chiefs of Staff had all seen Lord Goldsmith's

---

[187] Letter Hoon to Goldsmith, 10 March 2003, 'Iraq: Targeting Policy' attaching Paper 'Disarming Iraq'.
[188] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.
[189] Minute Rycroft to Prime Minister, 11 March 2003, 'Iraq Military: 1300 Meeting'.
[190] Minute Bowen to Manning, 11 March 2003, 'US Use of British Bases'.

advice of 7 March before Mr Blair's meeting on 11 March, but it is not clear how and when it reached them.

578. Ms Cathy Adams, Legal Counsellor in the Legal Secretariat to the Law Officers, advised Lord Goldsmith that she understood "the principal purpose of the meeting to be to discuss the ad bellum issue".[191]

579. An hour before the meeting took place, MOD Legal Advisers provided questions for Mr Hoon to raise at the meeting, explaining:

> "… some in the FCO – whether having read the AG [Attorney General]'s letter or not, I don't know – are beginning to believe that the legal base is already OK. It seems to us – and I have discussed this with Martin Hemming [the MOD Legal Adviser] – that the position is not yet so clear."[192]

580. The document provided for Mr Hoon stated:

> "Questions for the Attorney General
>
> "If no 2nd resolution is adopted (for whatever reason), and the PM decides that sufficient evidence exists that Iraq has failed to take the final opportunity to comply offered by 1441, is he satisfied that the currently proposed use of force would be lawful under international law?
>
> "Comment: The AG's minute to the PM is equivocal: he says 'a reasonable case can be made' [for the revival argument] but also says that his view is that 'different considerations apply in different circumstances' [meaning the nature of the Security Council discussions under OP12]. He ends his summary thus: 'If we fail to achieve the adoption of a second resolution we would need to consider urgently at that stage the strength of our legal case in the light of circumstances at the time'.
>
> "If the answer is yes to the above, can it be assumed that the Attorney will be able to confirm formally at the time that CDS's order to implement the planned operation would be a lawful order (anybody subject to military law commits an offence if he disobeys any lawful command).
>
> "Comment: Notwithstanding the current uncertainties, when it comes to the crunch, CDS will need to be assured that his orders are lawful. As the Attorney points out in his letter, 'on previous occasions when military action was taken on the basis of a reasonably arguable case, the degree of public and Parliamentary scrutiny of the legal issue was nothing like as great as it is today'."

---

[191] Minute Adams to Attorney General, 11 March 2003, 'Iraq: Meeting at No.10, 1PM'.
[192] Email DG OpPol-S to SofS-Private Office-S [MOD], 11 March 2003, 'Urgent for Peter Watkins' attaching Paper 'Questions for the Attorney General'.

581. The record of the meeting on 11 March reported that Mr Blair had started by addressing the legal basis for military action.[193] He stated that Lord Goldsmith's "advice made it clear that a reasonable case could be made" that resolution 1441 was "capable of reviving" the authorisation of resolution 678 (1990), "although of course a second resolution would be preferable".

582. Adm Boyce and Mr Hoon described the military plan, the proposed UK involvement, possible Iraqi tactics, and responses to them. Adm Boyce was "confident that the battle plan would work". The record stated that Mr Blair asked a number of questions and confirmed he was "in general content with it".

583. Mr Blair stated that "we must concentrate on averting unintended consequences of military action. On targeting, we must minimise the risks to civilians."

584. Other points recorded by Mr Rycroft included:

- Adm Boyce said he "would need to put a short paragraph in his directive to members of the Armed Forces".
- The paragraph "should be cleared with the Attorney General".
- The UK would send the US a positive reply to its request to use Diego Garcia and RAF Fairford "in a day or two, with the usual conditions attached".
- Mr Hoon and Adm Boyce advised that "once we had given our approval, the US might give very little notice before the start of the campaign".
- Sir Andrew Turnbull asked whether a legal basis for military action was required for civil servants, as well as for members of the Armed Forces.
- Mr Hoon asked whether the Attorney General's legal advice was ever disclosed.
- Mr Blair asked for a quick study into the precedents for that.

585. Mr Campbell wrote in his diaries that:

- Mr Hoon had "said he would be happier with a clearer green light from the AG".
- Mr Blair had been "really irritated" when Sir Andrew Turnbull had "said he would need something to put round the Civil Service that what they were engaged in was legal". Mr Blair was "clear we would do nothing that wasn't legal".
- Lord Goldsmith had provided "a version of the arguments he had put to TB, on the one hand, on the other, reasonable case".
- Mr Hoon had advised that the response to the "US request for the use of Diego Garcia and [RAF] Fairford" should be that it was "not … automatic but had to go round the system". Mr Blair had said he "did not want to send a signal that we would not do it".

---

[193] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.

- Mr Hoon and Mr Straw were telling Mr Blair that the US could act as early as that weekend, and "some of our forces would have to be in before".[194]

586. Mr Hemming wrote to Mr David Brummell, the Legal Secretary to the Law Officers, on 12 March stating:

> "It is clear that legal controversy will undoubtedly surround the announcement of any decision by the Government to proceed to military action in the absence of the adoption of a further resolution by the UN Security Council. The CDS is naturally concerned to be assured that his order to commit UK Armed Forces to the conflict in such circumstances would be a lawful order by him. I have informed the CDS that if the Attorney General has advised that he is satisfied that the proposed military action by the UK would be in accordance with national and international law, he [CDS] can properly give his order committing UK forces.
>
> "In view of the rapidly developing situation, I thought that the Attorney would wish to know what I have said on this question."[195]

587. Lord Goldsmith and Mr Brummell agreed that:

- It would be proper for Mr Brummell to confirm to Mr Hemming that the proposed military action would be in accordance with national and international law.
- "[It] would be necessary to prepare a statement setting out the Attorney's view of the legal position which could be deployed at Cabinet and in Parliament the following week."[196]

588. Mr Brummell wrote to Mr Hemming on 14 March to "confirm" that Lord Goldsmith was "satisfied that the proposed military action by the UK would be in accordance with national and international law".[197]

589. Copies of the letter were sent to the Private Offices of Mr Hoon, Adm Boyce and Sir Kevin Tebbit, as well as to Mr Bowen and Ms Juliet Wheldon, the Treasury Solicitor.

590. Lord Boyce told the Inquiry:

> "… the propriety and/or the legality of what we were about to do was obviously a concern of mine, not least of it, since, somewhat against my better instincts, we had signed up to the ICC [International Criminal Court]. I always made it perfectly clear to the Prime Minister face-to-face, and, indeed, to the Cabinet, that if we were invited

---

[194] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[195] Letter Hemming to Brummell, 12 March 2003, 'Iraq – Position of the CDS'.
[196] Minute Brummell, 13 March 2003, 'Iraq: Legal Basis for Use of Force – Note of discussion with Attorney General Thursday, 13 March 2003'.
[197] Letter Brummell to Hemming, 14 March 2003, 'Iraq – Position of the CDS'.

to go into Iraq, we had to have a good legal basis for doing so, which obviously a second resolution would have completely nailed."[198]

591. Lord Boyce added:

"… that wasn't new, it was something which I had told the Prime Minister that I would need at the end of the day, long before March. This is back in January when we started to commit our forces out there, and, as you say, I received that assurance. This was an important issue, particularly because of the speculation in the press about the legality or otherwise and, as far as I was concerned particularly for my constituency, in other words, soldiers, sailors and airmen and their families had to be told that what they were doing was legal. So it formed the first line of my Operational Directive which I signed on 20 March, and it was important for me just to have a one-liner, because that was what was required, as far as I was concerned, from the Government Law Officer, which, as you say, I received."[199]

592. The background to Lord Goldsmith's response and the subsequent discussions on the legal basis for military action are addressed in Section 5.

593. Following Mr Blair's meeting, the MOD provided details of the military plan and proposed that commanders should be given discretion to make further contributions outside the agreed UK AO.

594. Mr Watkins sent Sir David Manning an outline of the military plan for Iraq and advice on the decisions needed on the development of the UK's role.[200]

595. Mr Watkins wrote:

"The US Concept of Operations can achieve a conventional military defeat, and the use of force to secure regime change offers the best route to achieve Iraq's disarmament consistent with the principle of the minimum use of force … Overall, the plan represents a robust basis for the committal of UK forces.

"We should confirm to the US our willingness – subject to decisions by UK commanders at the time – to contribute specialist capabilities (NBC, engineering and bridging) to facilitate their advance from the South, and to a limited expansion northwards of our Area of Operations during the conflict phase: we need to confirm this by mid-week. We should continue to explore other options for contributing to the US decisive main effort, but without commitment at this stage.

---

[198] Public hearing, 3 December 2009, page 82.
[199] Public hearing, 3 December 2009, pages 88-89.
[200] Letter Watkins to Manning, 11 March 2003, 'Iraq: the Military Plan'.

> "Following further military-to-military discussions in theatre, the Defence Secretary [Mr Hoon] believes that it is timely to take stock of the US plan and take decisions on the further development of the UK role within it."

596. Mr Watkins wrote that the original US plan envisaged the US 4th Infantry Division seizing the Kirkuk oilfields, but that plan had been "compromised by Turkish delays". The US plan in the North therefore remained "fragile".

597. Mr Watkins advised that the commitment of specialist NBC, engineering and bridging capabilities "would reinforce key gaps in US capability and facilitate a rapid US advance, without detriment to the tasks required of UK forces in our Area of Operations".

598. On the expansion of the UK AO northwards, Mr Watkins explained:

> "The US Land Component Commander has … developed a plan that would expand the UK Area of Operations by up to 150km up to and beyond al-Amara [in Maysan province] (but short of al-Kut [in Wasit province]) …
>
> "The case for pushing a UK formation northwards will ultimately have to be judged at the time. Clearly it will depend to some extent on what is happening in the Basra area. It is also the case that an exemplary Phase IV operation depends on a satisfactory conclusion to the conflict phase. The Defence Secretary therefore judges that the senior UK operational commander (the Chief of Joint Operations [Lt Gen Reith]) should be authorised to expand the Phase III Area of Operations northwards if that is required to achieve a satisfactory outcome to Phase III. The focus for the UK in Phase IV should, however, remain the South-Eastern Area of Operations as currently understood."

599. Mr Watkins explained that, given delays in the deployment of some US forces, there were certain scenarios in which the US might need the additional combat power that the UK land component could provide:

> "In circumstances where the situation in the UK's existing Area of Operations was benign, and where Iraqi forces had generally collapsed, it might be possible for 1 (UK) Division to provide forces to contribute to decisive US action in addition to the specialist contributions and the northward expansion described above. The Defence Secretary believes that the Chief of Joint Operations should be authorised to participate in planning discussions with the US without commitment, and on the understanding that any decision to commit UK forces to reinforce the US in decisive action would be a matter for Ministers."

600. Mr Watkins explained that, on that basis, Mr Hoon judged:

- The "first priority" should be for the UK to confirm its willingness to contribute specialist capabilities to facilitate the US advance from the South.
- Second, "provided that UK commanders judge[d] this sensible in the circumstances at the time", the UK should be "forward-leaning" on the

idea of extending the UK Area of Operations north during the conflict phase. If that was required to achieve a satisfactory conclusion to Phase III, on which "an exemplary Phase IV depends".

- Third, the UK "should be prepared to continue exploring options for reinforcing US forces at decisive points … but without commitment at this stage".

601. Mr Hoon spoke to Secretary Rumsfeld that evening, setting out the risks to starting operations at the time of a full moon and the political implications of not giving the second resolution sufficient time to secure votes (see Section 3.8).[201]

602. The MOD reported that Secretary Rumsfeld had said Gen Franks was looking at how to "work around" a position in which the UK could not participate in military action but which assumed that the UK would be available for post-conflict activities. Mr Hoon had responded that the UK would not want to be in that position and restated the case for waiting a few more days.

603. In a subsequent press briefing, Secretary Rumsfeld said that it was unclear what the UK role would be in the event that a decision was made to use force: "until we know what the resolution is, we won't know the answer to what their role will be".[202]

604. Secretary Rumsfeld subsequently clarified his comments, saying that he had "no doubt of the full support of the United Kingdom for the international community's efforts to disarm Iraq".[203] Obtaining a second resolution was important to the UK and the US was "working to achieve that". He added:

> "In the event that a decision to use force is made, we have every reason to believe that there will be a significant military contribution from the United Kingdom."

605. In his memoir, Mr Blair wrote that Secretary Rumsfeld had been "trying to be helpful", but it had not helped and "by then the military were absolutely determined, rightly, that they would be part of the action from the outset, and took amiss any sense that we might be in the second rank".[204]

606. In the entry for 11 March in the edition of his diaries published in 2012, Mr Campbell wrote that the incident was "indicative of the difficulties" of working with the US.[205] Secretary Rumsfeld's clarification was the result of a further telephone call from Mr Hoon "making it clear that we were with them".

---

[201] Letter Watkins to Manning, 11 March 2003, 'Iraq: Call to Donald Rumsfeld'.
[202] US Department of Defense, 11 March 2003, 'DoD New Briefing – Secretary Rumsfeld and Gen. Myers'.
[203] *BBC News*, 12 March 2003, *Text of Donald Rumsfeld remarks*.
[204] Blair T. *A Journey*. Hutchinson, 2010.
[205] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

607. Adm Boyce also spoke to Gen Myers on 11 March.[206] He reported that, following his visits to Op TELIC theatre, and discussions with commanders, units were ready and people would be deployed by 19 March.

608. Gen Myers indicated that he had told Gen Franks to work the "no UK option".

609. The minutes from the Chiefs of Staff meeting on 12 March stated that Secretary Rumsfeld had spoken publicly about the possibility of the US commencing action "without the UK at her side".[207] The political decision to commit UK forces to Phases III and IV had "not yet been made, though planning continued as directed by HMG".

610. In response to the request for a statement on the basis for his assurance to Mr Blair that the US plan for the invasion represented a "winning concept", Lord Boyce wrote:

> "The threat was carefully assessed, including taking into account the possible deployment of CW/BW weapons by Saddam, and measured against the capability of the Coalition Forces. There was complete confidence from CENTCOM and ourselves that Iraqi forces could be defeated."[208]

611. Lord Boyce's statement in respect of Phase IV is addressed in Section 6.5.

612. Asked whether Ministers had a clear sense of how important the UK contribution had become to the campaign plan, Lord Boyce told the Inquiry: "I think so …"[209]

613. Lord Boyce added that his personal view was that the US could not have begun the military campaign without the UK contribution: Secretary Rumsfeld's comments that the US could manage on its own were right, but the US would not have managed on its own on 19 March.[210]

614. Lord Boyce told the Inquiry:

> "… as far as the fighting phase is concerned we were satisfied we were there. As far as the aftermath planning was concerned, we thought we had something which was going to cope with, as far as our imagination allowed us to look; our imaginations didn't basically go wide enough … to what actually transpired when the time came."[211]

DIS Memorandum, 11 March 2003: 'Basra: Post-Saddam Governance'

615. The DIS produced a Memorandum on the "post-Saddam" political and security environment Coalition Forces were likely to encounter in Basra City on 11 March.[212]

---

[206] Minute Zambellas to CDS, 12 March 2003, 'Record of CDS/CJCS Telephone Call: 11 Mar 2003'.
[207] Minutes, 12 March 2003, Chiefs of Staff meeting.
[208] Statement, 7 January 2011.
[209] Public hearing, 27 January 2011, page 62.
[210] Public hearing, 27 January 2011, page 63.
[211] Public hearing, 27 January 2011, page 99.
[212] Paper DIS, 11 March 2003, 'Basra: Post Saddam Governance'.

616. The Memorandum included an assessment of the likely reaction in the first 72 hours after a Coalition attack. The DIS stated that, while judging the overall attitudes of the populace to the regime was "fraught with difficulty", "there seems little doubt that the vast majority of Basra's inhabitants are opposed to the regime and would welcome its removal".

617. Reflecting on the lessons of the 1991 uprising and that, in 2003, the "circumstances might be very different", the DIS identified "several noteworthy characteristics":

- "**Total collapse of the Security forces and civil administration**: Though there was some fierce fighting … security forces within the city … quickly collapsed … Within days (even hours) Basra became an administrative and governmental vacuum."
- "**Lack of political or popular leadership**: … With no real religious leadership within Basra City and with the majority of rural tribal leaders unwilling to lend support to the urban uprising there was … no one to curb the worst excesses of the populace."
- "**Popular targeting of regime installations**: … typically ransacked and burnt to the ground."
- "**Reprisals against regime associated personnel**: … Much anecdotal reporting and academic accounts identify Basra (along with Karbala) as the site of the worst excesses of the uprising, with summary executions and indiscriminate massacres of security personnel."
- "**General collapse of law and order**: … the insurrection in Basra soon descended into general anarchy, with looting a major feature … [W]anton destruction of public buildings and even the pillaging of museums occurred in Basra."
- "**Entry of Iranian backed Iraqi groups**: It seems apparent that Iranian backed Shia groups (including forces linked to the Supreme Council for the Islamic Revolution in Iraq, SCIRI) entered the environs of Basra on the second or third day of the uprising … they also pursued an Islamic revolutionary agenda – destroying examples of 'unislamic' practice …"

618. Addressing the likely reaction of the civil populace in 2003, the DIS stated that it had "no definitive intelligence" but there were "a number of scenarios that might occur", possibly simultaneously in the city. Those included:

- "**Spontaneous civil uprising**: … either before or during Coalition engagement with Iraqi forces in Basra governorate is unlikely … [R]ecollections of 1991 … are likely to lead to an extremely cautious reaction …"
- "**Reprisals**: … only high ranking regime personnel and those associated with particularly repressive behaviour would be targeted …"

- "**Resistance activity**: … Both SCIRI … and the Dawa Party would appear to have well-established urban support networks … and have over the years committed numerous acts of sabotage and assassination … Equally we assume that urban support structures for the rural based Shia opposition … may well exist. The Iraqi Communist Party might also retain an underground presence. We have little idea of the size or capability of such groups but many resistance networks might try to seize controls of local neighbourhoods within the southern cities … once the regime has collapsed … Many of these groups have access to considerable weaponry including small arms and RPGs [Rocket Propelled Grenades]."

619. The DIS stated that some of the groups "may pursue an agenda inimical to Coalition interests … and might resent Coalition presence"; and that criminals and opportunists "looking to exploit the situation would supplement resistance groups pursuing an 'anti-Saddam' agenda".

620. The DIS also warned that:

> "The continued activity of armed groups will set a dangerous precedent for Basra's future political landscape. We must expect political groupings with a religious (Shia) agenda and Iranian backing to emerge very quickly within Basra (and across southern Iraq) … [I]t would be highly destabilising for such groups to base their political influence on their control of armed elements. The armed wings of such groups will need to be disarmed or disbanded."

621. The DIS also warned that it expected the civil police "at least initially" to "disappear from view", and that many of the population were "fearful of a generalised breakdown in law and order". Disarming the populace "might be interpreted as running contrary to cultural norms and could be resisted".

622. The DIS had "no intelligence on regime planning to mount an urban defence of Basra City" but stated that "individual or localised resistance could occur". It also identified the forces which were likely to be at the disposal of the regime. Those are set out in Section 8.

623. The DIS advice on reactions to subsequent Coalition control of Basra, including the assessment that UK forces would be "required in the city to provide security", is addressed in Section 6.5.

624. General Franks wrote in his memoir that:

> "Intel[ligence] estimated that the vast majority of Basra's population of almost one million Shiites would remain neutral, neither helping nor hindering, while the British dealt with the Ba'athist leadership of the garrison."[213]

---

[213] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.

JIC Note, 13 March 2003: 'Saddam's Plan for Baghdad'

625. In its meeting on 12 March, the JIC discussed a letter on the defence of Baghdad circulated to members by Mr Julian Miller, Chief of the Assessments Staff, on 6 March.[214]

626. In addition to the points already covered, the JIC concluded that the paper "should also say something about the possibility of CB use".

627. A JIC Note issued on 13 March set out the JIC's understanding of Iraqi military preparations in Baghdad, and an initial view of their potential effectiveness.[215]
It judged that:

- The Iraqi regime expected the Regular Army only to delay any Coalition attack en-route to Baghdad. It wanted to "drag out fighting and play for time, hoping that international pressure will force the Coalition to halt its attack and come to a negotiated settlement, leaving Saddam in power".
- Much of the Republican Guard (RG), including Iraq's best-equipped military units, was based around Baghdad. That was roughly 35,000 of the RG's 75,000 troops, with 600 of Iraq's best tanks and 900 other armoured vehicles. Defensive positions had been prepared 15-25 km to the west and south of the city. "Less significant preparations" had been made to the north and the east. Those defences had "clear vulnerabilities" and were "not sufficient to stop a Coalition assault".
- Iraqi security and militia organisations, backed by RG special forces brigades, were responsible for the inner city. Together they "could muster at least 10,000 men in Baghdad, possibly many more". There was "no evidence of a systematic fortification of the city for use by large-scale conventional ground forces" but surviving RG forces could retreat into Baghdad and "quickly prepare ad-hoc fall-back positions. Even a few thousand lightly armed troops could require disproportionate time and resources to overcome, with significant risk of Coalition and civilian casualties."
- Iraq's plans for Baghdad depended on the "morale and cohesion of its forces, including the ability of the authorities to continue exercising effective command and control". Intelligence "strongly" suggested that morale was already low.

628. The JIC did not know whether Saddam Hussein would remain in Baghdad. Baghdad was the best defended area and the best place for him to influence events. Saddam Hussein was "very security-conscious". Until there was "intense fighting" in Baghdad, the JIC assessed that Saddam Hussein would be able to move around Baghdad without detection.

---

[214] Minutes, 12 March 2003, JIC meeting.
[215] Note JIC, 13 March 2003, 'Saddam's Plan for Baghdad'.

629. The JIC stated that it had "previously judged that Saddam would be willing to use chemical and biological warfare (CBW) against the Coalition and the Iraqi population".[216]

630. The JIC assessed that it was "likely that, even if it had not done so already, the regime would use CBW in the defence of Baghdad if it could". That "would depend on the survival of leadership command and control, and of some delivery means, such as artillery". Intelligence indicated that the Special Republican Guard and Special Security Organisation retained "control over CBW munitions" and that the regime had "been distributing protective CBW clothing and medical supplies for treating exposure to nerve agents to units around Baghdad".

Two additional UK units deployed

On 10 March, Mr Hoon was asked to agree two additional UK deployments:

- 1st Battalion The Duke of Wellington's Regiment, to guard Prisoners of War as a consequence of the plan for UK units to provide "reliefs-in-place of US ground forces";[217] and
- 202 Field Hospital (Volunteer), to increase the number of field hospitals from two to three in response to concerns that the medical capability could be "overwhelmed early in the course of operations".[218]

Mr Hoon announced both deployments on 13 March, stating that they would provide 1 (UK) Div with "further flexibility to respond to a range of possible tasks and circumstances".[219]

631. Mr Blair agreed the military plan on 13 March.

632. Mr Blair held a further meeting to discuss the military plan and timetable with Mr Prescott, Mr Straw, Mr Hoon and Adm Boyce on 13 March.[220] That discussed the timing of the start of the military campaign and formal approval of the military plan set out in Mr Watkins' letter of 11 March.

633. There was "a discussion about the timing of the end of the UN process … and the start of military action". It was agreed that Mr Blair would pursue the timing issues with President Bush.

---

[216] Note JIC, 13 March 2003, 'Saddam's Plan for Baghdad'.
[217] Minute Johnson to APS/SofS [MOD], 10 March 2003, 'Iraq: Reinforcement of 1 (UK) Division for Handling Prisoners of War'.
[218] Minute Johnson to APS/SofS [MOD], 10 March 2003, 'Iraq: Retention of a Third Field Hospital'.
[219] House of Commons, *Official Report*, 13 March 2003, columns 19-20WS.
[220] Letter Manning to Watkins, 14 March 2003, 'Iraq: The Military Plan'.

634. Adm Boyce advised that:

> "… the full moon meant that a later start date […] would certainly be preferable, but that the projected date was not a show stopper. The US military shared the preference for a later date, but had been told to accept the earlier date."

635. Sir David Manning confirmed Mr Blair's approval for the plan in a letter to Mr Watkins the following day.[221]

636. On 17 March, Mr Watkins replied to a separate letter from Sir David Manning of 14 March, asking whether the MOD was confident that the military planning took full account of the risks and problems identified in the JIC Assessment of Saddam Hussein's plans to defend Baghdad.[222]

637. Mr Watkins wrote that it "largely confirms the analysis" in the MOD advice of 28 February. In particular, it underlined the Iraqi regime's "dilemma" about whether to withdraw the RG's heavy armour into Baghdad. The US intention was to make it difficult for heavy units to reinforce the light forces providing the inner-city defence. The Special Republican Guard was not trained to mount a guerrilla campaign.

638. Mr Watkins also wrote that:

> "The setting alight of oil-filled trenches has the potential to cause some delay. As with Iraqi use of CBW, there is not much – apart from information operations – we can do to stop the Iraqis doing it. But their effect on Coalition Forces is likely to be limited … As the JIC paper notes, this tactic may be a two-edged sword … because it is unlikely to encourage loyalty amongst the local population … But we must be willing to recognise that the regime is likely to be willing to inflict extreme suffering on its own population and seek to blame the Coalition.
>
> "A key variable is the extent to which the regime's orders will be obeyed and the impact of the early campaign on Iraqi forces' will to fight. If necessary, General Franks is prepared to mount an air assault to create an enclave within the city from which operations could be mounted to combat resisting forces. As we noted on 28 February, in the worst case this could be a messy and protracted process."

639. Sir David Manning commented: "I take it that this amounts to a statement that MOD have taken account of the factors/risks identified in the JIC paper."[223]

---

[221] Letter Manning to Watkins, 14 March 2003, 'Iraq: The Military Plan'.
[222] Letter Watkins to Manning, 17 March 2003, 'JIC Paper: Saddam's Plan for Baghdad'.
[223] Manuscript comment Manning on Letter Watkins to Manning, 17 March 2003, 'JIC Paper: Saddam's Plan for Baghdad'.

640. ACM Burridge told the Inquiry that the "Republican Guard had been planned to form a ring around Baghdad". Saddam Hussein could also use weapons of mass destruction and:

> "… irregular warfare … to try and draw us into urban warfare.
>
> "He had developed the view … that western militaries don't do urban warfare. He had also developed the view that large numbers of civilian casualties – he had a Grozny [Chechnya] vision in mind [unfinished sentence]
>
> "The idea that the world's media would show this terrible destruction which, in his rather warped perception, would put him on the moral high ground …
>
> "What we didn't know was to what extent he would front load those southern cities, Basra in particular, and we subsequently recognised he put small elements of the Republican Guard in amongst the Ba'ath militia the Al Quds and people such as that, to … make them militarily more effective and … to put the frighteners on the 51 Division people who had effectively melted away, and they were coerced into getting back into their equipment."[224]

641. ACM Burridge also told the Inquiry:

> "Be under no illusion we believed that he did have tactical battlefield weapons with chemical or biological tips. He had used them previously …
>
> "So – but what we did know was that this wasn't the same as fighting through the central front in Warsaw Pact days when the entire battle space would be drenched in chemical agents. This was relatively limited. This was the sort of capability that normally you would choose to manoeuvre around, rather than have to consider a complete change of tactic …
>
> "So – and we were happy with the level of individual protection, and I take from that not only suits, and it is well recorded that had some of the suits were out of their perceived shelf life. They had to be tested and extended, and the same with canisters, inoculation programmes and the taking of NAPS [nerve agent pre-treatment] tablets. So we were clear what we were up against, and we were contented that we could deal with that element of risk."[225]

Cabinet, 17 March 2003

642. A specially convened Cabinet at 1600 on 17 March 2003 endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action against Iraq to enforce compliance, if necessary.

---

[224] Public hearing, 8 December 2010, pages 38-39.
[225] Public hearing, 9 December 2009, pages 44-45.

643. Mr Blair told his colleagues that he had called the Cabinet because "an impasse" had been reached at the United Nations.[226]

644. The Government had tried its "utmost", and had "tabled a draft … resolution, amended it, and then been prepared to apply tests against which Iraq's co-operation … could be judged". Although the UK had been "gathering increasing support from members of the Security Council", the French statement "that they would veto a resolution in all circumstances had made it impossible to achieve a new … resolution". France, with Russia in support, "were not prepared to accept" that if Saddam Hussein "did not comply with the United Nations obligations, military action should follow". The UK was in a situation it had "striven to avoid": "There would be no second resolution and military action was likely to be necessary … to enforce compliance by Saddam Hussein with Iraq's obligations."

645. The points made during discussion included that, in conducting military operations, it would be important to show "we wished to protect civilians, seek the surrender of Iraqi conscripts, and protect religious and cultural sites".

646. Mr Blair concluded that:

> "… the diplomatic process was now at an end. Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary."

647. The Cabinet: "Took note."

648. The discussion in Cabinet is addressed in Section 3.8.

The ultimatum to Saddam Hussein

649. In an "Address to the Nation" at 8pm Eastern Standard Time on 17 March, President Bush stated that "the final days of decision" had been reached and issued an ultimatum giving Saddam Hussein and his sons 48 hours to leave Iraq.[227]

650. In a message to Iraqis, President Bush stated:

> "If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you … The day of your liberation is near.
>
> "… It is not too late for the Iraqi military to act with honor and protect your country by permitting the peaceful entry of Coalition Forces to eliminate weapons of mass destruction …"

---

[226] Cabinet Conclusions, 17 March 2003.
[227] The White House, 17 March 2003, *President says Saddam Hussein must leave within 48 hours.*

651. President Bush explicitly warned all Iraqis against destroying oil wells or using weapons of mass destruction: "War crimes will be prosecuted. War criminals will be punished."

652. The British Embassy Washington reported that a White House spokesman had "amplified" the President's statement and said that, if Saddam were to comply with the deadline and go into exile, US troops would still enter Iraq in order to pursue and disarm WMD; and that he hoped the international community would consider prosecuting Saddam Hussein for war crimes even in the case of exile.[228]

653. Separately, the Embassy reported that President Bush had decided to publish the names of nine Iraqis who were regarded as either war criminals or having decisive command and control responsibilities.[229]

Debates in Parliament, 18 March 2003

654. Debates on Iraq took place in both the House of Commons and the House of Lords on 18 March 2003 (see Section 3.8).

655. The Government motion for the debate included an invitation to the House of Commons to:

- note the opinion of the Attorney General that, Iraq having failed to comply and Iraq being at the time of resolution 1441 and continuing to be in material breach, the authority to use force under resolution 1441 had revived and so continued that day;
- believe that the United Kingdom must uphold the authority of the United Nations as set out in resolution 1441 and many resolutions preceding it, and therefore support the decision of Her Majesty's Government that the United Kingdom should use all means necessary to ensure the disarmament of Iraq's weapon's of mass destruction;
- offer wholehearted support to the men and women of Her Majesty's Armed Forces on duty in the Middle East; and
- in the event of military action require that, on an urgent basis, the United Kingdom should seek a new Security Council resolution that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, allow for the earliest possible lifting of UN sanctions, an international reconstruction programme, and the use of all oil revenues for the benefit of the Iraqi people and endorse an appropriate post-conflict administration for Iraq, leading to a representative government which upholds human rights and the rule of law for all Iraqis.[230]

---

[228] Telegram 359 Washington to FCO London, 19 March 2003, 'US/Iraq: Update, 18 March'.
[229] Telegram 353 Washington to FCO London, 18 March 2003, 'Iraq: Top Crooks'.
[230] House of Commons, *Official Report*, 18 March 2003, column 7604.

The final preparations for conflict

656. On 18 March, Sir David Manning wrote to Dr Rice, formally confirming the UK's agreement to US use of Diego Garcia and RAF Fairford for "operations to enforce compliance by Iraq with the obligations on weapons of mass destruction laid down in UNSCR 1441 and previous relevant resolutions".[231]

657. The CDS Directive to Lt Gen Reith, the UK Commander Joint Operations for Operation TELIC, was issued at 2300 on 18 March. Operations would not begin before 1800 the following day.[232]

658. At the first Ad Hoc Meeting on Iraq on 19 March, Mr Scarlett provided an update on the intelligence picture "highlighting Iraqi military deployments and the poor morale of Iraqi forces".[233]

659. Adm Boyce stated that the "British forces were balanced and ready for action"; and that the "US military were well advanced in their preparations for immediate humanitarian relief".

660. The minutes of the Chiefs of Staff meeting on 19 March reported that military planners were looking at accelerating the plan "in anticipation of an early collapse of the Iraqi 51st Division in the South".[234]

661. Adm Boyce also informed the Chiefs of Staff that he had signed and issued the Execute Directive for Op TELIC, the military operation against Iraq, to Lt Gen Reith earlier that day.[235]

662. The Directive set out: the situation and legal basis for operations; the UK Government's political, strategic and military objectives; the concept of operations and detailed instructions for the mission.[236]

663. The details in respect of combat operations are set out in Section 8.

664. The provisions on IHL and on targeting and Rules of Engagement are addressed later in this Section.

665. The instructions for the post-conflict phase are described in Section 6.5.

---

[231] Letter Manning to Rice, 18 March 2003, [untitled].
[232] Letter Watkins to Manning, 18 March 2003, 'Iraq: Military Operations'.
[233] Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.
[234] Minutes, 19 March 2003, Chiefs of Staff meeting.
[235] Minutes, 19 March 2003, Chiefs of Staff meeting.
[236] Directive CDS to CJO, 18 March 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander Operation TELIC, Edition 2'.

666. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US air strikes would be launched at 0300 GMT on 20 March.[237]

667. Early on the morning of 20 March, US forces crossed into Iraq and seized the port area of Umm Qasr.[238]

668. The invasion of Iraq is addressed in Section 8. The continuing discussions about the planning and preparations for a post-conflict Iraq and the UK's role in that are addressed in Section 6.5.

669. The Military Campaign Objectives were published on 20 March.[239] They are addressed in Section 8.

670. Lord Goldsmith's approval had been sought for the document.[240]

671. The final version reflected Lord Goldsmith's request for a number of amendments.[241]

JIC Note, 19 March 2003: 'Saddam: The Beginning of the End'

672. The record of the JIC discussion on 19 March stated that the draft Note, 'Saddam: The Beginning of the End', "tried to answer some difficult questions about Saddam's likely actions as the endgame approached, but the picture was moving fast and predictions remained difficult". Saddam was "likely to go out fighting". The JIC also asked that the Note be reordered "to include judgements on Iraq's CBW intentions, possibly against a Shia uprising; Saddam's intentions in each of the three main geographical areas of Iraq; threats to the oilfields; regime and military cohesion in the light of army desertions; Saddam's ability to maintain control … and the defence of Baghdad. The Daily Updates needed to record developments in these areas."[242]

673. The JIC Note produced on the same day stated that the Iraqi regime was making its final preparations for war.[243] Saddam Hussein had publicly activated his regional command structure on 15 March and Iraq's military and security services were "on the highest state of alert". The JIC stated that "Saddam's scope for extreme and unpredictable action" was increasing as the prospect of an attack increased. The timing and sequence of his next moves were "already highly uncertain".

---

[237] Letter Manning to McDonald, 20 March 2003, 'Iraq'.
[238] Ministry of Defence, *Operations in Iraq: Lessons for Future,* December 2003.
[239] House of Commons, *Official Report*, 20 March 2003, column 1087.
[240] Letter Bowen to Brummell, 14 March 2003, 'Iraq: Military Campaign Objectives' attaching Paper, March 2003, 'Iraq: Military Campaign Objectives'.
[241] Letter Brummell to Bowen, 16 March 2003, 'Iraq – Military Campaign Objectives'.
[242] Minutes, 19 March 2003, JIC meeting.
[243] Note JIC, 19 March 2003, 'Saddam: The Beginning of the End'.

674. The JIC judged:

> "There are indications that regime cohesion is under increasing pressure, but no sign that it will collapse before military action begins. Reporting suggests desertion rates are rising in the Republican Guard (RG), up to some 20 percent. One report also indicates that members of the RG are waiting for an attack to begin before escaping. Media reporting shows small numbers of Iraqi soldiers already offering to surrender. The regime proved able, however, to restore stability rapidly after limited anti-regime protests in mid-March."

675. The JIC assessed that Saddam Hussein was focusing on the defence of Baghdad:

> "Imagery indicates elements of the Special Republican Guard (SRG) have been deployed near to Saddam International airport and SRG security units have been dispersed in central Baghdad. One report indicated SRG had also been deployed in the northern outskirts of Baghdad in the direction of Tikrit. Imagery indicates Republican Guard units deploying to the South, West and East 30km outside the capital, apparently to concealment sites for protection against air strikes."

676. The JIC judged that Iraq had "a useable CBW capability, deliverable using artillery, missiles and possibly unmanned aerial vehicles". While a report in mid-March had indicated that Iraq's chemical weapons had not been assembled, there was intelligence to suggest that Iraq planned to use them. Reporting also suggested that Iraq could try to blame civilian deaths resulting from CBW use on the Coalition.

677. The JIC added that:

- "Intelligence on the timing of CBW use is inconsistent […]."
- Intelligence on the deployment of CBW was "sparse".
- "Uncorroborated reporting" suggested the "delivery of CW shells to Republican Guard units … south of Baghdad".
- There was "no evidence" that ballistic missiles destroyed by Coalition air action in February "were equipped with CBW warheads", but the JIC could not be sure that it "would receive indications prior to an attack".
- Saddam Hussein retained "ultimate control of CBW use", but there were suggestions that he had "contingency plans to devolve military decision making, including CBW, to regional commands, if communications are cut with Baghdad".
- Saddam Hussein "might take this decision early, once the severity of the initial attack becomes clear or in the face of Kurdish or Shia uprisings", although the possibility of Saddam offering concessions to remain in power "would argue against pre-emptive attacks and devolving control".
- An "early strategic U-turn, once Saddam realises the intensity of the attack … and the risk of losing control of his CBW capability" could not be ruled out, and he might "then order early CBW attacks".

- The JIC continued to judge that "in the face of death and the destruction of his regime", Saddam would "try to wreak as much havoc as possible", but his ability to do so could be limited.
- There was a "further risk … that CBW could become available to extremist groups either as a last vindictive act by Saddam, or through the loss of control in the final days of his regime".

678. In his account of the campaign, Gen Franks wrote on 20 March:

> "For the past two days we had been receiving increasingly urgent Intelligence reporting that Republican Guard units in Baghdad had moved south to the city of al-Kut – and that they had been issued mustard gas and an unknown nerve agent."[244]

Joint minute on the UK military contribution to post-conflict Iraq

679. Most of the issues raised at Mr Blair's meeting on 6 March, including sectorisation, remained unresolved as the invasion began.

680. On 19 March, Mr Straw and Mr Hoon informed Mr Blair that:

- **the UK would not be expected to contribute resources to anything other than security during the first phase of the US post-conflict plan;**
- **it would be premature to take a view on the merits of sectors for the following phase; but**
- **it would help the US and military planners to agree on the UK's medium-term contribution.**

681. The minute concluded with a warning that Coalition partners were thin on the ground. If the campaign did not go well, there would not be many who were prepared or able to take part.

682. Mr Straw and Mr Hoon considered only the UK's military presence in Iraq. They made no reference to the civilian contribution.

683. Sir Kevin Tebbit expressed concern about the transition from a primarily military effort to longer-term civilian-led reconstruction. It would be necessary to work hard to avoid dependence on the Armed Forces to carry out civilian tasks.

684. Mr Straw and Mr Hoon sent Mr Blair a joint minute on the UK military contribution to post-conflict Iraq on 19 March.[245]

---

[244] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[245] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

685. The draft was subject to "intensive consultations at official level in the MOD and FCO".[246]

686. In the FCO, Mr Ricketts sent the draft to Mr Straw's Private Office with the comment:

> "This is a clear note on a crucial issue. If the Secretary of State [Mr Straw] could OK it (I showed him a slightly earlier draft this morning) it can go to No.10 tonight, for discussion at the PM's meeting at 0830 on 20 March."[247]

687. In the MOD, the draft was cleared by Adm Boyce and Sir Kevin Tebbit.

688. Sir Kevin commented:

> "In terms of our military capacity, with an eye to the aftermath, it would clearly be preferable to confine ourselves to SE Iraq and not bite off more than we can chew. I accept, however, that we should be prepared, initially, for our forces to be fairly widely dispersed across Iraq, depending on how Phase III goes, because without successful Phase III, Phase IV becomes harder, if not academic. The trick will be to be able to regroup in a smaller area of SE Iraq once hostilities are ended.
>
> "I also agree that we should be clear about our medium/long term scale of military commitment. While we are putting all we can into the war effort, we should plan ahead to stay broadly within … [Strategic Defence Review guidelines].[248]
>
> "What concerns me most is the process of transiting from a primarily military effort to the civil-led longer term humanitarian and reconstruction phase. Recent history does not offer too much encouragement and we shall have to work hard to avoid 'dependence culture' on the Armed Forces to do things which should be for civil departments – initially through aid, subsequently through Iraqi own efforts. The politics of the issue do, I believe, point in the same direction. To meet the PM's wish for us to play an exemplary role, we shall need to remember that memories of the UK in the region from the 1920s are not all positive, and we should make clear our desire to hand over and withdraw on the right basis as early as we can."[249]

---

[246] Minute Chilcott to Private Secretary [FCO], [undated], 'Iraq: The UK's Military Contribution to Post-Conflict Iraq'.
[247] Manuscript comment Ricketts to Private Secretary [FCO], [undated], on Minute Chilcott to Private Secretary [FCO], [undated], 'Iraq: The UK's Military Contribution to Post-Conflict Iraq'.
[248] It is not clear whether Sir Kevin Tebbit referred to the SDR or the Defence Planning Assumptions. The MOD has been unable to provide a version of Sir Kevin Tebbit's manuscript note including the missing words.
[249] Manuscript comment Tebbit on Email DCMC CRISIS 04-S to CDS/PSO-S, 19 March 2003, 'Joint Defence and Foreign Secretaries Minute to PM on "Sectors"'.

689. In their joint minute, Mr Straw and Mr Hoon warned that some issues "could confront us as early as next week" and invited agreement to five propositions:

"(a) The maximum size of task that UK forces would contribute to in the early days should not exceed our overall military capability. A focus in the South-East of Iraq would be reasonable.

(b) The UK contribution to such a task in advance of a Security Council resolution would be limited to the facilitation of humanitarian assistance and a secure environment and the elimination of WMD.

(c) We therefore need to agree urgently with the US a realistic authorising Security Council resolution for post-conflict Iraq.

(d) We should agree urgently a plan with the US to help us find military partners to enable us to draw down and, in due course, design an exit strategy.

(e) In broad terms the MOD will need to draw down its scale of effort to nearer a third of its commitment by the autumn."[250]

690. Mr Straw and Mr Hoon gave little detail of what UK forces would be required to do immediately after the invasion:

"Much will depend on how the campaign develops, but in the first few weeks we should expect Coalition Forces to be spread across Iraq. The expectation is that UK forces will end up in southern Iraq, loosely centred on Basra. However, we should be prepared for elements of our forces to be dispersed fairly widely across Iraq …

"US military planning continues to be fluid. But it envisages Coalition Forces re-deploying into a more tailored security framework as soon as the situation permits. The military task will be to facilitate a secure environment (including law and order, deterring adventurism and a variety of military-technical tasks) to enable immediate humanitarian relief to be conducted …

"The expectation is that UK forces would be responsible for a task focused on Basra and other key military objectives in the South-East of Iraq, which could include 20 percent of the Iraqi population. This task is broadly proportionate to the size of the UK's contribution to overall Coalition land forces …

"In parallel, and under the overall military command, the US plan to bring in a transitional administration[251] to co-ordinate immediate civil relief and humanitarian assistance. The transitional administration is making plans for allocating its limited resources, including provision of public sector salaries, on a nation wide, Coalition basis. There is no expectation that the UK would be asked to contribute any

---

[250] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

[251] A footnote explained: "The Office of Reconstruction and Humanitarian Assistance (ORHA) becomes the transitional administration once it is established inside Iraq." ORHA's role is described in more detail in Section 6.5.

resources to anything other than security. So there is no suggestion that the UK would be left to foot the bill for the civil administration or the costs of humanitarian relief and reconstruction in any area."

691. Mr Straw and Mr Hoon reported that US planning remained "sensibly flexible" once the initial phase was over and "a major part of Iraq has been stabilised". They advised that US planning:

"… recognises that parts of Iraq will be more permissive than others and that security could well be provided through something other than sectors. It would be premature now to take a view on the merits of sectors for this stage. We are well placed to influence US thinking with a number of military officers and officials embedded within their military headquarters and in ITCA [International Transitional Civil Authority]. **It would be helpful for them, and for military planners generally, to agree what our scale of effort should be in our medium-term contribution to Iraq."**

692. Mr Straw and Mr Hoon advised that it would be necessary to reduce the UK military contribution "to nearer a third by no later than the autumn in order to avoid long-term damage to the Armed Forces" and to remain within current Defence Planning Assumptions: "If Ministers wanted us to, we would need decisions now so that we would be able to recommend what would have to give elsewhere." Scaling down to nearer a third would limit the UK contribution thereafter to "a maximum of around one brigade, a two-star headquarters and possibly a contribution to higher level command and control". They recommended telling the US now, for planning purposes, that this was the upper limit of the UK contribution.

693. Mr Straw and Mr Hoon also recorded that the ARRC [Allied Rapid Reaction Corps] featured in current CENTCOM planning as a multi-national headquarters that could play a role in post-conflict Iraq, but would be the subject of a separate paper (see Section 9.1).

694. Mr Straw and Mr Hoon ended with a section on "**Setting the conditions for success**". The conditions in which UK forces operated needed to be conducive to success. There needed to be a resolution authorising international activity in the post-conflict period; and:

"We should also let the US know the key importance of internationalising the security arrangements now so that we can reduce our commitment as set out above. And we would expect US support in building a wider Coalition to operate alongside our forces, allow us to draw down and eventually to provide us with an exit strategy."

695. Mr Straw and Mr Hoon concluded:

"We should be realistic about the limited prospects of our finding any genuine military capability to help us take this task on. New … Coalition partners are thin

on the ground and, if the post-conflict phase does not go well, there will not be many nations who will be prepared or able to take part.

"And finally, we shall need to return to this issue once we are clear how the campaign is developing and look at our wider contribution in the round."

696. The Cabinet Office took a different position on whether it would be "premature" to take a view on the merits of sectors.

697. Before the joint minute from Mr Straw and Mr Hoon reached No.10, Mr Drummond advised Mr Rycroft that "we need Ministers to decide on sectors". The joint minute and sectors should be on the agenda for the Ad Hoc Meeting on Iraq (the "War Cabinet") on 20 March.[252]

698. Mr Drummond suggested that Ministers would want to agree the proposals in the joint minute:

"… provided they are satisfied that:

- UK Forces will be capable of providing security for an area around Basra including about 20 percent of Iraq's population.
- How long will we have this responsibility, and what is the exit strategy (benign security environment created, UK forces replaced by others). Will we be able to limit 'our area' to say Basra by the autumn, when we want to withdraw two-thirds of our troops?
- That the assertion that the transitional administration will handle civil administration including humanitarian reconstruction issues is correct: This is clearly the plan, but it must be doubtful that ORHA [the Office of Reconstruction and Humanitarian Assistance] will have the capacity, and therefore the troops on the ground may be called on to help. The UK certainly doesn't have civilian capacity to help govern 20 percent of Iraq."

699. The invasion of Iraq began overnight on 19/20 March 2003. Military operations during the invasion are described in Section 8.

700. Discussion of the issues raised in the joint minute from Mr Straw and Mr Hoon continued after the start of the invasion and is addressed in Sections 6.5 and 8.

701. The transition from conflict (Phase III) to post-conflict (Phase IV) military operations began immediately Coalition troops started to occupy Iraqi territory.

702. When that transition began, the Government had not taken firm decisions on the nature or duration of the UK's military commitment in post-conflict Iraq or on the extent of the UK's AOR. There had been no systematic analysis of the UK's

---

[252] Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.

military or civilian capacity to fulfil its likely obligations in the South in a range of circumstances, including:

- **in the prolonged absence of an authorising resolution;**
- **in the absence of additional Coalition partners;**
- **in a hostile security environment with low levels of Iraqi consent; and**
- **over different timescales, in particular the medium and long term.**

703. Each of those issues had been identified as a potential risk to UK strategic objectives in Iraq, but no detailed contingency plans or preparations were in place to mitigate those risks.

Guidance to the Armed Forces on the application of international humanitarian law

704. Guidance on the principles and application of international humanitarian law (IHL) was disseminated to those engaged at all levels in military action through a number of different mechanisms.

705. The CDS Directive to CJO on 18 March 2003, the 'Execute Directive to the Joint Commander for Operation TELIC', set out: the situation and legal basis for operations; the UK Government's political, strategic and military objectives; the concept of operations and detailed instructions for the mission.[253] It included a paragraph to the effect that all military operations, by UK forces and from UK territory, were to be conducted in accordance with the UK's Obligations under the Law of Armed Conflict (otherwise known as IHL) and UK national law.

706. The principles of IHL are set out in the Box earlier in this Section, 'Overview of international humanitarian law'.

707. The CDS Directive also contained a number of annexes, including a Targeting Directive and a draft Rules of Engagement (ROE) profile, although at the time of issue that had not yet been authorised by Ministers.

708. ROE are explained in the Box below.

[253] Directive CDS to CJO, 18 March 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander Operation TELIC, Edition 2'.

Rules of Engagement

Rules of Engagement (ROE) are defined by the MOD as "directions for operational commands that set out the circumstances and limitations under which armed force may be applied by UK forces to achieve military objectives for the furtherance of UK government policy".[254] They are the means by which Ministers provide political direction and guidance to commanders on the application of force, within identified legal constraints, and they have specific Ministerial authority.

The ROE Compendium, Joint Service Publication 398, is divided into 21 "Rules", each of which addresses a different type of action (and each has a number of options ranging from prohibition, through qualified permissions, to unrestricted use of the capability).[255] The Compendium thus offers a menu of options from which a "ROE profile" can be selected (and, if necessary, amended) and authorised by Ministers for each operation.

An ROE profile is issued "as a set of parameters to inform commanders of the limits of constraint imposed or of freedom permitted when carrying out their assigned tasks … In passing orders, subordinate commanders at any level must always act within the ROE received but they are not bound to use the full extent of the permissions granted." The profile is also disseminated as appropriate to subordinate commanders.

The ROE profile for Operation TELIC, issued to the Joint Commander on 18 March 2003, rehearsed the legal basis relied upon by the UK in taking military action against Iraq and approved by the Attorney General.[256] It stated that Iraq "has failed to comply with the terms of Resolution 1441" and was "in further material breach of its obligations". The UK Government had concluded that military action was necessary to enforce Iraqi compliance with UNSCRs 678, 687 and 1441, and it was "therefore necessary" to remove the current regime from power "in order to create the conditions in which Iraq could be disarmed in accordance with its obligations".

All military operations were "to be limited to what is necessary to create those conditions"; and all military action was to be carried out in accordance with the Law of Armed Conflict, "which requires that at all stages the principles of distinction, proportionality, and military necessity are to be applied to the use of minimum force".

709. ROE for sites of religious or cultural significance are addressed later in this Section.

710. The content of the CDS Directive was further disseminated through Directives from the CJO to the National Contingent Commander (NCC) and to the three UK Contingent Commanders for Maritime, Land and Air.[257] The CJO Directive included copies of the ROE and Targeting Directives. Each Commander was reminded that he was to ensure that UK personnel complied with IHL and with national ROE.

---

[254] JSP 398, 2000, 'United Kingdom Compendium of National Rules of Engagement'.
[255] JSP 398, 2000, 'United Kingdom Compendium of National Rules of Engagement'.
[256] Directive CDS to CJO, 18 March 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander Operation Telic, Edition 2'.
[257] Directive Reith to Burridge, 19 March 2003, 'Joint Commander's Directive to the UK National Contingent Commander Operation TELIC'.

711. Each of the Directives contained a paragraph on Prisoners of War and detainees, reminding the recipient that they had a legal liability to acquaint themselves with the Geneva Conventions and Protocols, and that they were responsible for ensuring that all members of UK contingents and components complied with them. The Directive also referred to the requirement that any handling of Prisoners of War and detainees must be conducted strictly in accordance with the provisions of JWP-1-10, the Joint Warfare Publication on the handling of Prisoners of War.

712. In addition to the Directives issued to senior commanders, all personnel deployed were issued with an aide memoire on the Law of Armed Conflict, setting out the basic rules of the Law of Armed Conflict in simple language and in a portable form so all service personnel could carry them on their person.[258]

Guidance on targeting

713. On 13 March, the MOD Legal Adviser sought Lord Goldsmith's views on a draft Targeting Directive.

714. On 10 March, Mr Hoon wrote to Lord Goldsmith with a draft of the 'Disarming Iraq' paper which underpinned the choice of military tasks in the Government's draft campaign objectives.[259]

715. Mr Hoon also provided a second paper on targeting considerations. Potential targets were examined by category with a description of the intelligence surrounding it, its military necessity, targeting considerations and a suggested level to which authority would be delegated for decisions on attacks.

716. Delegation was based on an assessment of the likely civilian casualties, categorised as:

"
- … no civilian structures within […] metres of aim point; casualty estimate: LOW […].
- … assessment of whether any civilian objects in weapon effect radius; casualty estimate: LOW or MEDIUM […].
- … assessment using attack specific data; civilian casualty estimate: LOW; MEDIUM or HIGH […]."

717. One category was "Regime Leadership Targets", including Presidential Palaces, and comprised "secure facilities" from where regime leaders could exercise command and control. The targets were designed to prevent Saddam Hussein from governing Iraq and deny him command and control of the Iraqi Armed Forces, including use of WMD.

---

[258] Aide Memoire on the Law of Armed Conflict JSP381, version extant in September 2004 published by the Baha Mousa Inquiry.
[259] Letter Hoon to Goldsmith, 10 March 2003, 'Iraq: Targeting Policy' attaching Paper 'Disarming Iraq' and Paper 'Operation TELIC: Targeting Consideration'.

718. The paper stated that, to be effective, all targets identified as being active, or historically used as regime command centres, must be disabled. Issues of proportionality were to be "judged against the proportionality of the entire set […] against the military necessity of achieving denial of WMD use".

719. Mr Hoon wrote that the targeting paper would "form part of the guidance to senior military commanders" to whom authority was delegated and that they would "take decisions based on the same target clearance process" that was used for Ministerial decisions on targeting and "on the basis of the legal advice available directly to them".

720. The paper informed, but was "not a substitute" for, the Targeting Directive, which formed part of the CDS Directive to the CJO for Op TELIC.

721. The paper stated that any delegation would be exercised in accordance with international law and with the benefit of legal advice. Mr Hoon wrote that agreement of the paper was "independent of any overall decision to authorise the use of force" and would have no impact on the UK's operational policy until such a decision was taken.

722. On 13 March 2003, an official sent AM Burridge a 2001 policy paper entitled 'Joint Targeting and Battle Damage Assessment for UK Forces', which was described as the "benchmark" for the process by which target authorisation and delegation should be conducted.[260]

723. The paper provided comprehensive guidance on definitions and principles of targeting, and contained detailed annexes on:

- legal considerations for "targeteers";
- guidance on calculation of collateral damage predictions and casualty estimates;
- process maps for decision-making;
- a pro forma targeting checklist; and
- guidance on Battle Damage Assessment.

724. The paper stated that IHL principles were:

- the need to be satisfied that the target was required to fulfil a military objective;
- that all reasonable steps had been taken to avoid and in all cases minimise collateral damage to civilians and civilian objects; and
- that the anticipated military advantage outweighed the expected collateral damage.

[260] Minute Harris to UK NCC, 13 March 2003, 'Targeting Lexicon' attaching Paper, 23 January 2001, 'Joint Targeting and Battle Damage Assessment for UK Forces'.

725. On 13 March, Mr Hemming wrote to Ms Adams with a draft of the Targeting Directive and the CDS Directive.[261] He wrote that some assumptions "may need adjustment" in the light of Lord Goldsmith's advice, and of Ministers' and Adm Boyce's views.

726. Mr Hemming wrote that, in particular, Mr Hoon had "not yet formed a view about the nature and extent of any delegation in relation to the targeting of key regime individuals". He added: "We expect to know his views shortly."

727. The Targeting Directive attached to Mr Hemming's letter set out a number of designated target sets that would not require the application of the UK's collateral damage estimation methodology, including a category of "Regime Leadership Personnel". That category included Saddam Hussein, Uday Hussein and Qusay Hussein.

728. Mr Hemming explained the process through which the Targeting Directive would work:

- Mr Hoon would approve the authorisation proposal.
- Adm Boyce would issue the Directive to Lt Gen Reith.
- Lt Gen Reith would pass authority to AM Burridge and sub-delegate authority to Air Vice Marshal Glenn Torpy, Air Contingent Commander, for particular categories of targets.

729. There were nine legal advisers integrated into the clearance process: three at each level for the relevant commander. Each lawyer had the ability to seek advice from further up the command chain and each legal office was overseen by the next legal office in the chain of command.

730. Mr Hemming wrote that the Targeting Directive was kept "under constant review" and targets authorised by AM Burridge or AVM Torpy would be reported to, and monitored by the DTIO on a daily basis. The DTIO would report to Adm Boyce and Ministers.

731. Lord Goldsmith emphasised that Mr Hoon would need to satisfy himself that adequate arrangements were in place to ensure that targets fully complied with the UK's obligations under IHL.

732. Lord Goldsmith also asked to receive daily reports on the targets attacked.

733. Ms Adams replied to Mr Hemming on 19 March with Lord Goldsmith's views in the light of a further briefing he had received on 17 March.[262]

---

[261] Letter Hemming to Adams, 13 March 2003, 'Iraq Targeting' attaching Paper 'Op TELIC – Targeting Directive'.
[262] Letter Adams to Hemming, 19 March 2003, 'Iraq: Targeting Directive'.

734. Lord Goldsmith said it was for Mr Hoon "to decide, on the basis of military and political advice, the extent to which he should delegate his authority to approve targets". However, "given the heightened scrutiny of the proposed campaign", Lord Goldsmith emphasised that Mr Hoon needed to satisfy himself that adequate arrangements were in place to ensure that targets approved under the delegated authority would fully comply with the UK's obligations under IHL.

735. Lord Goldsmith saw no legal objection in principle to delegation "provided that":

- the scope of the delegation was clearly defined (to protect the position of the relevant commander);
- clear instructions were given that the commander to whom authority was delegated was required to comply with IHL;
- Mr Hoon was satisfied that arrangements had been made to ensure that the commander to whom authority had been delegated had access both to adequate legal advice on IHL and technical advice from UK targeteers trained in the requirements of IHL; and
- the public record, "especially in Parliament", reflected the reality of the target clearance process and the fact of delegation.

736. Lord Goldsmith considered it "unwise" to delegate authority to attack targets that would raise "significant legal issues" or which were "politically sensitive". Those targets should remain subject to "appropriate political control".

737. Mr Hoon needed to be satisfied that arrangements were in place "to do everything feasible to avoid accidental harm to refuges, humanitarian convoys and other civilians". Lord Goldsmith stressed the need to ensure that attacks on airports or air fields did not impede the delivery of humanitarian assistance.

738. Ms Adams wrote that Lord Goldsmith had considered the process of approving targets under delegated authority, including the arrangements for the provision of legal advice, as explained in Mr Hemming's letter.

739. Lord Goldsmith believed that the proposed delegation in the Targeting Directive was "acceptable" subject to seven points where he suggested amendments or clarification.

740. One of those points was Lord Goldsmith's understanding that the Targeting Directive would be issued "for the time being without delegated authority to attack individual members of the Iraqi regime".

741. Such targets were likely to be "highly politically sensitive" and Mr Hoon should consider very carefully whether to delegate authority for those targets. If Mr Hoon were minded to do so, Lord Goldsmith requested further briefing on the considerations Mr Hoon believed would justify the targeting of specific individuals and recommended that Mr Straw was involved in any consideration of the issue.

742. Lord Goldsmith also asked to receive copies of the daily reports on targets attacked under delegated authority.

743. On 20 March, Lord Goldsmith advised Mr Hoon that he would need to consider whether an individual was a legitimate military target and proportionality in considering delegation of authority to attack Iraqi leadership targets.

744. On 20 March, Lord Goldsmith wrote to Mr Hoon with advice about the points he should address in considering whether to delegate authority to target particular individuals in the Iraqi regime.[263] The letter followed a meeting the previous evening between Mr Hoon, Lord Goldsmith and Mr Straw.

745. Lord Goldsmith referred to his previous advice that Mr Hoon must be satisfied that adequate arrangements were in place to ensure that targets approved under the delegated authority complied with the UK's obligations under IHL. The delegation granted for the campaign was "extremely wide" and AM Burridge had "been granted authority to authorise attacks which, collectively, could cause significant civilian casualties".

746. Lord Goldsmith wrote:

> "While I recognise the need for some delegation, given the likely speed and extent of the campaign, I think it right to note that when we met in Jack [Straw]'s office in the House on 4 February I proposed a system under which we could have personally approved more targets identified for the first stage of the campaign. Given the degree of public interest in the IHL aspects of the campaign, you will of course have to be prepared to justify publicly and in Parliament the decision to delegate authority to approve targets in the event of any controversial incidents."

747. Lord Goldsmith set out two issues that Mr Hoon should consider in deciding whether to delegate authority for "individual leadership targets".

748. First, Mr Hoon must be satisfied that targeting a particular individual was a legitimate military objective under IHL. There were two circumstances in which individuals might be a legitimate target:

- if they were a member of the armed forces of Iraq within the meaning of Article 43 of the 1st Additional Protocol to the Geneva Conventions (AP1); or
- civilians "for such time as they take a direct part in the hostilities" under Article 5(13) of AP1.

749. The assessment of whether an individual fell under either category of being a legitimate target was "a question of fact to be made on the basis of the actual status, functions and activities of the person concerned". An individual's constitutional position could not by itself justify the conclusion that he was a member of the Armed Forces.

---

[263] Letter Goldsmith to Hoon, 20 March 2003, [untitled].

750. Lord Goldsmith said that in relation to the "three 'dramatic' targets", Mr Hoon would need to be satisfied that there was "sufficient evidence to justify the conclusion that they actively participate in military command and control". It was not enough "to assess that a person is likely, if certain circumstances occur, to take over military command and control". Article 51(3) AP1 did not allow for the pre-emptive targeting of civilians.

751. Second, having established that an individual was a legitimate target, Mr Hoon should consider "the question of proportionality".

752. The proportionality assessment would need to be considered at the time an attack was authorised, based on the place where the person was suspected to be and having regard to IHL.

753. Lord Goldsmith had "no doubt" that AM Burridge would consider carefully whether any proposed attack was proportionate:

> "But given the sensitivity of targeting individuals and the distinct possibility that an attack may not succeed (either because the intelligence was wrong or because the individual moved on before the strike took place), my advice is that you should consider carefully the possibility of giving guidance to the commander on how he is to assess proportionality in relation to these targets. You should bear in mind in this context the delegation proposed in your letter would give Air Marshal Burridge authority to authorise an attack on any of the three key individuals which would cause unlimited civilian casualties, no matter where the individual was located. So, for example, an attack on such an individual could be authorised without reference to Ministers if intelligence suggested he were in a school, hospital, mosque or densely populated residential area of Baghdad."

754. Lord Goldsmith advised that there were a number of points to consider in deciding what guidance Mr Hoon might give, including:

- What was "the concrete military advantage of killing each particular individual?"
- If Mr Hoon was prepared to contemplate the delegation of authority with a high estimate of casualties, was it feasible to place an upper limit on the casualties which might be caused by an attack?
- Since the extent of the military advantage was likely to change as the campaign progressed, it would be important to keep the delegation under constant and careful review.

755. Following further exchanges with Lord Goldsmith, Mr Hoon replied on 7 April confirming the delegations to AM Burridge and that they would be kept under constant review.

756. On 28 March, Dr Simon Cholerton, MOD Assistant Director Iraq (Secretariat), advised Mr Hoon on the considerations raised by Lord Goldsmith.[264] Dr Cholerton was to meet Mr Hoon later that day.

757. Dr Cholerton wrote that the MOD had previously thought it unlikely that time-sensitive intelligence on the whereabouts of key individuals would be available to enable a Coalition attack specifically directed at an individual. That position had changed since the campaign "began in earnest" and significant resources were being devoted to obtaining further intelligence. AM Burridge was "now very keen" to establish the UK position "as soon as possible".

758. Dr Cholerton advised that the MOD was satisfied that all named individuals were legitimate objectives under IHL; they were either members of the Iraqi Armed Forces or assessed to be taking a direct part in hostilities.

759. In providing guidance for assessing the proportionality of an attack, Dr Cholerton wrote that the MOD could place strict limits upon AM Burridge, such as an upper limit on the number of civilian casualties as suggested by Lord Goldsmith. He added:

> "Alternatively, we could remind the NCC [AM Burridge] in guidance that these factors should be taken into account in coming to any decision, and suggest an overall limit on civilian casualties of no more than […]."

760. Dr Cholerton assured Mr Hoon that the military justification for the targets would be reviewed on "a day by day basis" and he would be advised "as soon as there was any significant change with the position".

761. Later that day, Dr Cholerton sent a second piece of advice to Mr Hoon following their meeting with Air Cdre Heath and Mr Hemming.[265] Mr Hoon had asked how delegation could be varied according to the location of the individual.

762. Dr Cholerton set out an approach which discriminated between the categories of site where the target was believed to be located:

- "military location";
- "special location" – such as medical facilities, places of religious worship, historic and cultural sites, places of mass recreation and educational establishments "and other child centred facilities"; and
- "non-military location" – described as "any place or premises that are neither a military location or a special location".

---

[264] Minute Cholerton to PS/Secretary of State [MOD], 28 March 2003, 'Op TELIC: Targeting Individuals'.
[265] Minute Cholerton to APS/Secretary of State [MOD], 28 March 2003, 'Op TELIC: Targeting Individuals'.

763. Dr Cholerton recommended that Mr Hoon should delegate target clearance authority to AM Burridge:

- For Category A individuals in a military location with potentially HIGH numbers of civilian casualties […] or in a non-military location with potentially MEDIUM numbers of civilian casualties […].
- For Category B individuals in a military location with potentially MEDIUM numbers of civilian casualties or in a non-military location with potentially LOW numbers of civilian casualties […].

764. That delegation was on condition that Mr Hoon was "informed as soon as possible of the planned attack" and, if at all possible, before it took place.

765. The names of the individuals listed under either category would be provided separately.

766. Dr Cholerton recommended, where targets were "outside the above casualty ceilings" or were located at a "special location", that Mr Hoon delegated unlimited authority to AM Burridge. That was subject to the condition that Mr Hoon "*must* be informed" of his decision to attack in advance, and that the attack could only take place after AM Burridge had received confirmation that Mr Hoon had not overruled his decision.

767. In deciding whether or not to overrule AM Burridge's decision, Mr Hoon would be provided with details about the target's identity, location and an estimate on the number of civilian casualties.

768. If Mr Hoon was content, that approach would be set out in an annex to the CDS Directive and AM Burridge would not be able to delegate those responsibilities further.

769. Mr Hoon wrote to Lord Goldsmith on 29 March, setting out the approach recommended by Dr Cholerton.[266] On whether the named individuals were legitimate targets, Mr Hoon wrote:

> "I have satisfied myself that the individuals we were considering who are not formally members of the Iraqi Armed Forces are taking a direct part in hostilities by their senior functions in the Iraqi military command structure. Each of them is therefore in principle a legitimate target who may, subject to the proportionality test, be lawfully attacked."

770. An Annex was attached to the letter setting out the two categories of individuals. Category A was entitled "dramatic" and comprised Saddam, Qusay and Uday Hussain. Category B was entitled "significant" and listed four senior members of the Iraqi Armed Forces.

---

[266] Letter Hoon to Goldsmith, 29 March 2003, 'Iraq: Targeting Individuals' attaching Paper 'Iraq: Personalities'.

771. Lord Goldsmith responded on 30 March, highlighting areas where Mr Hoon's approach might require clarification.[267]

772. Lord Goldsmith noted that "military location" had been defined using the language of Article 52(2) AP1, which defined a "military objective", but without the second limb of that definition.[268] It was not therefore the case that all military locations would necessarily be military objectives. Lord Goldsmith added:

> "In any event, the location is not the objective; the objective is the individual. It is not obvious why as a matter of law there should be a higher (civilian) casualty limit for your category of "military location" as defined."

773. Lord Goldsmith asked if it had been intended that military locations could include dual-use facilities, which could fall under the current definition. If that was not the case, Lord Goldsmith recommended revising the definition to refer to locations which were considered part of the military infrastructure.

774. In relation to attacks on individuals believed to be in a location which was not itself a military objective, Lord Goldsmith wrote that Mr Hoon would need to be able to demonstrate that he was not making a civilian object, such as a school, the object of the attack: "Attacks must be limited to strictly military objectives (in this case the individual): see Additional Protocol 1, Article 52."

775. Lord Goldsmith noted paragraph 1979 of the International Committee of the Red Cross (ICRC) Commentary to Article 51(3), which suggested that the attacks must be carried out "with means which are not disproportionate in relation to the objective, but are suited to destroying only that objective". While it was "not entirely clear" what the commentary meant, it was indicative that "any decision to attack one of the individual leaders", if it caused substantial loss of civilian life, would be "legally and politically controversial", especially if the attack failed to take out the individual leader targeted.

776. Those points also had to be considered in addition to the requirement that "incidental civilian loss/damage should not be excessive in relation to the military advantage". Lord Goldsmith wrote that there could otherwise be a "strong risk" of the UK being accused of directing attacks at the civilian population and objects in breach of IHL. He advised that consideration applied "even more strongly in relation to any attacks which you might be asked to approve on individuals believed to be in 'special locations', since many of these locations are entitled to special protection under IHL and it may be prohibited to commit acts of hostility directed against them".

---

[267] Letter Goldsmith to Hoon, 30 March 2003, 'Iraq: Targeting Individuals'.
[268] Article 52(2) AP1 provides that: "In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."

777. On AM Burridge's authority outside the delegated limits, Lord Goldsmith wrote that Mr Hoon had "not delegated authority" because effectively AM Burridge could not proceed without Mr Hoon's approval. He added:

> "It does not seem entirely clear why you have not said this in terms, particularly given the need for clarity in the scope of any delegation in order to protect the position of the commander (which I emphasised in my earlier advice)."

778. Lord Goldsmith wrote that his understanding was that Mr Hoon would not seek his advice on the lawfulness of the attack, given the time-sensitive nature of such targets:

> "This is a matter for you. However, the judgement as to whether such attacks are lawful is likely to be a very difficult one to make. You will therefore wish to satisfy yourself that the legal position has been fully considered, bearing in mind that you could ultimately be held legally responsible for any such decision."

779. Mr Hoon replied on 7 April, confirming that he had decided to continue with the delegations as he had set out in his letter of 29 March but that he would keep them under constant review.[269]

780. Mr Hoon confirmed that he appreciated the distinction between military location and military objective, acknowledging that it could include dual-use facilities. He added that, in deciding on the delegation for Category A targets, he had considered that any high number of casualties at a military location "would be somewhat less controversial than at any other sort of location". He had hoped that this was in keeping with Lord Goldsmith's suggestion that he should consider placing limitations on the circumstances in which attacks might be authorised by considering their locations.

781. Mr Hoon wrote that the process whereby he could overrule AM Burridge's decisions was created because Mr Hoon could not take advice "in the normal way in the time available". He explained:

> "… I can overrule the National Contingent Commander's decision, but I cannot take it for him. Air Marshal Burridge only refers to me when he has already decided that he believes an attack should go ahead, and that it would be lawful based upon the legal advice available to him. As you are aware, we have already tested this mechanism and Brian Burridge is in no doubt about the position: the decision to attack remains his."

782. Mr Hoon concluded that the position remained different for matters outside AM Burridge's other delegations. Those would continue to be referred to Mr Hoon and he would take Lord Goldsmith's advice in the normal way.

---

[269] Letter Hoon to Goldsmith, 7 April 2003, 'Iraq: Targeting Individuals'.

783. In his post-operation report, AM Burrridge drew attention to the risks which might have arisen because directives on targeting and ROE were only issued shortly before operations began.

784. AM Burridge produced his post-operation report on 8 May 2003.[270] On lessons identified, he wrote that the MOD was "understandably reluctant to press for legal advice at the highest level on issues relating to the *jus in bello* before the Attorney General had advised on the *jus ad bellum".* The impact was "that a significant number of assumptions had to be made in the planning process which, had they been wrong, might have had a serious impact upon the conduct of the operation".

785. AM Burridge continued:

> "Several key directives (ROE and Targeting in particular) were issued only shortly before operations began, and certainly too late for safe implementation had they contained significant changes. While the traditional Law of Armed Conflict provided at least the hymn sheet, many questions remained outstanding, and some of the staffing issues (such as targeting delegations) betrayed a corporate difficulty in coming to terms with the prospect of war-fighting operations of this scale and character. Of particular importance was the juxtaposing of the ROE and Targeting Directives, which has probably never been more significant. The final ROE profile was received in my Headquarters two hours before operations commenced."

786. AM Burridge wrote that the UK's history over the last 12 years of "peacekeeping in relatively benign environments" had reduced its ability to "exercise military judgment guided only by the principles of LOAC". That had "manifested itself at every level, not only during the lengthy consideration of where targeting delegations should lie, but also at the tactical level where complaints of over-regulation were followed by complaints of insufficient guidance".

787. In the period leading up to operations, and even in the early stages of combat, AM Burridge stated that the questions asked across all three environments revealed that "the lack of further guidance was at first disconcerting". That lesson was "quickly and successfully learned, that responsibility should rest at the lowest level and that military commanders respond well to the freedoms given to them despite the attendant responsibilities".

788. Witnesses to the Inquiry emphasised the care which had been exercised in establishing the legal framework for military operations and the authority delegated to UK commanders.

---

[270] Report Burridge to CJO, 8 May 2003, 'NCC Operation Telic Hauldown Report: 07 Feb 03 – 08 May 03'.

789. Mr Bowen told the Inquiry that the MOD had "very clear rules" about undertaking operations and tasks within a legal framework.[271] He stated:

> "On every occasion there will be a legal opinion. On many occasions when we are operating in coalition with others, we find ourselves having to say to coalition partners, because we are closely engaged with them, that is not an acceptable target or this has to be done in a different way. That is a dialogue that goes on absolutely constantly and nobody in the Ministry of Defence has any difficulty about conveying that view, that legal view. And if it means that an operation or an undertaking has to be aborted, then that's what happens. There is no question of … saying 'Oh well, there is a greater good to be served by working with a coalition'. The answer is you don't do it because it is illegal, and that's not something that there is any chance taken on."

790. Speaking about its distinction to the US system, ACM Sir Brian Burridge set out the UK approach to targeting to the Inquiry:

> "We are absolutely doctrinally rigid. We use a template called strategy to task to target. So that we can show an audit trail, and are required to show an audit trail, from any target back to the strategy, thereby passing through all the aspects of the law of armed conflict such as discrimination, military necessity, et cetera. We are required to do that for our Law Officers in this country and we go through that process with every target."[272]

791. ACM Burridge said that US colleagues were "new to that as a discipline" but recognised its value because "it made the dialogue with the international community a little easier".

792. ACM Burridge added:

> " … in being the conscience, as it were, quite often there will be nuances even amongst the same operational team on the front bench at CENTCOM. So someone who is able to say actually, to me, it looks a bit like this – and I do remember on a couple of occasions saying 'General, that may look okay in Washington, but let me just tell you how it might look in London, or more so, Berlin or Paris or wherever.' It is not to say they needed reining in, it is just to get these nuances right they needed the input from someone perhaps whose perspective was a little different."

793. Lt Gen Sir Robert Fry told the Inquiry that Sir Brian Burridge had been able to influence the US "in terms of tactical engagement, targeting, the nitty gritty of operational combat on a regular basis".[273]

---

[271] Public hearing, 7 December 2009, pages 56-57.
[272] Public hearing, 8 December 2009, pages 13-14.
[273] Public hearing, 16 December 2009, page 33.

794. Mr Hoon told the Inquiry that the campaign was "very much about creating an effect on the ground and making clear to the Iraqi people that our target was Saddam Hussein and his regime, rather than … a more conventional military attack on the country as a whole".[274]

795. Mr Hoon said that "in the early phase" he saw "pretty much every target that was going to be attacked" but did not know whether the attack would actually take place.[275]

796. Asked about lessons learned in relation to targeting, Mr Hoon told the Inquiry that he learned how accurate modern weapons were because he had initially been "fairly cautious" in his approach to targeting:

> "If I was told that there was a civilian facility alongside a military one, we had quite a debate. Saddam Hussein had some – at least 50 palaces located around the country that he would move from one to the other, and we had quite a debate about, if we hit one of these targets, what about the people who worked there? Were they necessarily part of the regime?"[276]

797. Lord Goldsmith told the Inquiry that he was satisfied with the assurances he received about targeting issues.[277] He described how he approached it with care, asked questions, and was satisfied about the basis of the decisions which had been made.

798. DSF1 told the Inquiry that AM Burridge had the same delegated authority for collateral damage as the US Secretary of Defense, and that the UK system had delegated "a lot more authority" to the NCC than the US had.[278]

799. Air Chief Marshal Sir Glenn Torpy, UK Air Contingent Commander in 2003, was asked if he had been satisfied with the delegations afforded to commanders for targeting. He told the Inquiry:

> "I think we made very significant progress in the run-up to the second Gulf War building on the experience we had had during the No-Fly Zones, the first Gulf War, and the Secretary of State … realised that the only way to maintain the tempo of the campaign was to delegate responsibility down to the lowest possible level. So I had a delegation. Brian Burridge had a delegation, and I thought it worked very effectively, and we cleared a lot of targets before the campaign even started."[279]

800. Lord Boyce told the Inquiry:

> "We had a differing view from the Americans and the Americans came more to our way in terms of the proportionality, legality, collateral damage and all those sorts of

---

[274] Public hearing, 19 January 2010, page 76.
[275] Public hearing, 19 January 2010, pages 77-78.
[276] Public hearing, 19 January 2010, page 79.
[277] Public hearing, 27 January 2010, pages 222-223.
[278] Private hearing DSF1, page 21.
[279] Public hearing, 18 January 2011, page 12.

things. We shaped quite a lot of the American thinking in terms of how one should actually not trash the joint and try to leave something at the end for us to regenerate from; which was very much the view – the view of some Americans was you reduce it [sic] rubble and sort it out afterwards. That was not our view."[280]

Sites of religious and cultural significance

801. UK forces deployed in Iraq were given clear guidance about the need to preserve sites of religious or cultural significance.

802. The ROE profile for Op TELIC included clear guidance on the approach to sites of religious or cultural significance:

> "Offensive action must be directed only against military objectives … All feasible precautions are to be taken to avoid, and in any event to minimise, loss of civilian life and damage to civilian objects, particularly sites of religious or cultural significance and specially protected objects."[281]

803. The UK's legal obligations are set out in the Box below.

Legal obligations for the preservation of religious, historic and cultural property

Whilst the Law of Armed Conflict Provision (LOAC) has sought, generally, to mitigate the impact of armed conflict, specific rules have been agreed in international treaties with the object of protecting civilian property and objects with religious, historic or cultural significance in particular.

Both the 1907 Hague and the 1949 Geneva Conventions include such provision.

Article 27 of the 1907 Hague Convention IV (Respecting the Laws and Customs of War on Land), provides:

> "In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes".[282]

---

[280] Public hearing, 27 January 2011, page 33.
[281] Directive CDS to CJO, 18 March 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander Operation Telic, Edition 2'.
[282] The Hague, 18 October 1907, 'Convention respecting the Laws and Custom of War on Land' and Annex 'Regulations concerning the Laws and Customs of War on Land'.

Article 5 of The 1907 Hague Convention IX (Concerning Bombardment by Naval Forces in Time of War) provides:

> "In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic purposes, historic monuments, hospitals and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes."

Further protection for historic monuments and places of worship is provided by Article 53 of First Protocol to the Geneva Conventions of 1949, which states that, without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other international instruments, it is prohibited:

"(a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(b) to use such objects in support of the military effort;

(c) to make such objects the object of reprisals."[283]

The First Protocol to the Geneva Conventions, according to its terms, entered into force on 7 December 1978. It was ratified by the UK on 28 January 1998.

In 1954 the terms of the Convention for the Protection of Cultural Property in the Event of Armed Conflict were agreed at an Intergovernmental Conference at the Hague ("the 1954 Hague Convention").

Under the terms of the Convention "Cultural property" was defined in Article 1 as comprising:

"(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books, and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of [such] property…";

"(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b) …"

[283] Protocol Additional (1) to the Geneva Conventions, Article 53, 12 August 1949.

Parties to the 1954 Hague Convention agree:

- to make provision in times of peace for the protection of cultural property from the foreseeable effects of armed conflict;
- "to respect cultural property situated within their own territory as well as within the territory of other [parties to the Convention] by refraining from any use of the property and its immediate surroundings for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property.

The 1954 Hague Convention imposes explicit obligations on Occupying Powers to support "competent national authorities" of an occupied country to safeguard and preserve its cultural property and where those competent national authorities are unable to do so, to take "as far as possible, and in close cooperation with those authorities, the most necessary measures of preservation".

The First Protocol to the 1954 Hague Convention, also agreed in 1954, contains provisions banning the export of cultural property from occupied territory and requiring the restitution of such property removed in contravention of the terms of the Convention.

The Second Protocol to the Convention contains further reinforcing provisions:

- Article 9 imposes, without prejudice to the provisions of the Convention, an express obligation to prohibit and prevent any illicit export or other removal or transfer of cultural property or unauthorised excavation of it;
- Article 15, includes provisions requiring parties to the Convention to impose criminal sanctions on persons who, in violation of the Convention and the Protocol, make cultural property the object of attack, use cultural property in support of military action, or cause extensive damage to, vandalise, or steal such property.

The 1954 Hague Convention and the First Protocol, according to their terms, entered into force on 7 August 1956. The Second Protocol entered into force in on 9 March 2004.

The UK, US and Iraq signed the Convention in 1954. Iraq ratified the treaty in 1967: the US in 2009. The UK has not, to date, ratified the Convention or the First Protocol and it has not signed the Second Protocol.

In 1998 the UK signed, and in 2002, ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Parties to the 1970 UNESCO Convention agree to outlaw and take measures to prevent the unlawful import, export or transfer of ownership of cultural property.

On 30 December 2003, the UK enacted the Dealing in Cultural Objects (Offences) Act 2003, which made it an offence for any person to dishonestly deal in a cultural object 'tainted' as defined in the Act.

Under the terms of the Act, a cultural object is "tainted" if its removal or excavation from a building, structure or monument of historical, architectural or archaeological interest, (including any site comprising the remains of a building, structure or of any work, cave or excavation) constituted an offence under the law of the UK or any other country or territory.

804. On 18 February 2003, Mr George Lambrick, Director of the British Council for Archaeology, wrote to Dr Lewis Moonie, MOD Parliamentary Under Secretary of State and Minister for Veterans.[284] The letter was primarily about an ongoing maritime heritage issue but Mr Lambrick also raised concerns about the steps being taken to minimise potential damage to cultural sites in Iraq.

805. Mr Lambrick asked that the Government take steps to ratify the 1954 Hague Convention "as soon as possible and – at the very least – that Government should declare its commitment to abide by the provisions of the Convention in any forthcoming conflict".

806. Dr Moonie replied on 20 March, acknowledging that Mr Lambrick had also written to Mr Hoon along similar lines.[285]

807. Dr Moonie stated that the UK had signed but not yet ratified the 1954 Hague Convention or its protocols but hoped "to be in a position to do so soon". He added that although the Convention was yet to be ratified, the UK remained "fully committed to the protection of cultural property in time of armed conflict in accordance with international law".

808. Dr Moonie wrote:

> "In all our military planning, no matter the campaign, very careful attention is applied to ensure that we do all we can to minimise the risk of damage to all civilian sites and infrastructure. Of course damage to infrastructure inflicted by Iraqi forces cannot be ruled out, and it remains a priority concern for the Coalition to address this threat."

809. The Inquiry received a joint written submission from 13 heritage and cultural organisations on 17 February 2010 which addressed the problems faced by UK forces with respect to safeguarding the cultural heritage in Iraq.[286]

810. The submission stated that archaeological and cultural heritage experts had made numerous attempts to alert political and military personnel engaged in the anticipated invasion of Iraq "on both sides of the Atlantic" about the importance of cultural sites. It stated that "because no UK government department had taken responsibility for cultural heritage matters, most such letters were met with little or no response".

811. The submission stated that, on 2 February 2003, Dr Peter Stone, an archaeological and cultural heritage expert from the University of Newcastle, was approached informally by a serving officer in the Royal Navy seeking help to identify archaeological sites in Iraq that might require protection in the event of a conflict.

---

[284] Letter Lambrick to Moonie, 18 February 2003, 'The Sussex'.
[285] Letter Moonie to Lambrick, 20 March 2003, [untitled].
[286] Paper UNESCO and 12 others, 17 February 2010, 'The Problems Faced by British Forces with Respect to Safeguarding the Cultural Heritage in Iraq'.

812. The MOD told the Inquiry that the Royal Navy officer was part of the Defence Intelligence Human Factors (DI-HF branch), which was part of DTIO.[287]

813. Professor Stone wrote later in his book, *The Destruction of Cultural Heritage in Iraq,* that he worked with Professor Roger Matthews, Director of the British School of Archaeology in Iraq, and Dr Neil Brodie, a specialist in the illicit trade of antiquities, to provide the MOD with an itemisation of the locations and details of the most important historic sites in Iraq.[288]

814. Professor Stone wrote that those sites were added to the British military maps for the conflict and British Military Field Orders identified them as places to be avoided. Professor Stone reported that the list was also drawn to the attention of Lord Goldsmith, who provided advice on the legality of potential targets, and was also shared with Coalition partners.

815. Mr Hoon told the House of Commons on 3 April 2003 that:

> "The Coalition is taking every precaution to avoid damage to the holy sites in Najaf and Karbala. By contrast, we know that Saddam Hussein has plans to damage these sites and blame the Coalition. Indeed his forces have used the site at Najaf as a defensive position, firing on United States forces, who commendably did not return the fire."[289]

816. On 12 April, Mr Jacques Chirac, the French President, and Mr Bashar al-Assad, the Syrian President, raised the looting of culturally significant sites, including museums and archaeological remains, in conversations with Mr Blair.[290] That is addressed in Section 9.1.

817. Mr Hoon's Private Office sent a paper to No.10 on 14 April in response to the concerns raised on 12 April about culturally significant sites.[291] It stated that both the US and the UK had stressed their commitment to protecting sites such as mosques, medical facilities, heritage sites and schools:

> "The Coalition consulted widely before the commencement of the military campaign, including with the archaeological community. A comprehensive list was established that included such Iraqi sites, and was designed to ensure that these were avoided as far as possible during the bombing campaign. We are confident that minimal damage has been done to Iraqi religious, cultural and archaeological sites a result of Coalition activity."

---

[287] Minute DI-HF to DJEP Public Inquiries Head, 17 September 2010, 'Iraq Inquiry: Protection of Cultural Artefacts'.
[288] Stone PG & Farchakh Bajjaly J. *The Destruction of Cultural Heritage in Iraq.* The Boydell Press, 2008.
[289] House of Commons, *Official Report*, 3 April 2003, column 1069.
[290] Letter Lloyd to Owen, 12 April 2003, 'Iraq: Prime Minister's Conversation with President Chirac'; Letter Lloyd to Owen, 12 April 2003, 'Iraq: Prime Minister's Conversation with President Bashar'.
[291] Letter Williams to No.10, 14 April 2003, 'Protection of Significant Sites in Iraq' attaching Paper 'Protection of Significant Sites in Iraq'.

818. In September 2003, the Department for Culture, Media and Sport (DCMS) produced a review of its involvement in the preparations for the Iraq conflict.[292]

819. Referring to Dr Stone's involvement in identifying sites of cultural heritage significance, the review stated that DCMS had only become aware of Dr Stone's work "after the event". DCMS recommended that:

> "In any future such cases DCMS should be consulted and kept in the loop since inevitably DCMS Ministers will be questioned subsequently about any damage which occurs to cultural heritage sites."

820. The review stated that "by and large" it seemed that instructions to avoid targeting historic sites and buildings were heeded by the Coalition Forces. The most important heritage sites were undamaged in the fighting and their special status appeared to have been respected.

821. The Inquiry has not addressed individual targeting decisions.

822. Robust systems and processes were put in place for taking targeting decisions, and targeting decisions were properly supported by legal advice.

823. Ministers were concerned about the consequences of the air campaign and the selection of targets and were proactive in their review of the guidance.

824. The final versions of Directives and ROE were sent at a very late stage in the preparations for military operations, but the Inquiry is satisfied that comprehensive guidance was available to those taking decisions.

825. International humanitarian law principles and considerations were properly emphasised, and explained in easily comprehensible terms.

826. There was consultation with archaeological experts (in particular Professor Stone), but the Inquiry questions whether the approach taken by the MOD to secure expert advice in advance of the conflict could be said to constitute "wide consultation". It considers that DCMS should have been asked for advice.

---

[292] Report DCMS, [undated but approved on 9 September 2003], 'Iraq: A Review of DCMS Involvement: April-July 2003'.

SECTION 6.3

MILITARY EQUIPMENT (PRE-CONFLICT)

Contents

Introduction and key findings 2

Planning and readiness for expeditionary operations 2

- Testing the UK's expeditionary capability: lessons learned? 6
- The UK's expeditionary capability by 2002 11

Equipment preparations for the invasion (2002 to 2003) 12

- Planning begins 12
  - Detailed planning for UORs begins 25
- The decision to deploy ground forces to the South and its implications 43
  - Concerns about Combat ID 53
  - Progress on UORs 56
- The situation in the week before the invasion 66

Issues that emerged post-invasion 69

- Desert uniforms 77
- Enhanced Combat Body Armour 80
- Biological and chemical warfare protection 84
- Ammunition 90
- Combat ID 92
- Asset tracking 93
- MOD reflections on equipping the forces deployed for the conflict 99

Conclusions 106

Introduction and key findings

1. This Section addresses:

- the arrangements made to provide equipment to forces deploying for operations in Iraq;
- difficulties in the provision of Combat Identification (Combat ID), ammunition, Enhanced Combat Body Armour (ECBA), desert clothing, and equipment to protect against a chemical or biological attack; and
- asset tracking.

2. This Section does not address:

- the UK's military planning for the invasion of Iraq, which is addressed in Sections 6.1 and 6.2;
- the background to decisions made by the Treasury on equipment and Urgent Operational Requirement (UOR) funding, which is described in Section 13.1; and
- assessments of Iraq's capabilities and intent. Intelligence assessments relevant to military planning are addressed in Section 6.2 and the UK's assessment of Iraq's WMD programmes in Sections 4.1 to 4.4.

Key findings

- The decisions taken between mid-December 2002 and mid-January 2003 to increase combat forces and bring forward the date on which UK forces might participate in combat operations compressed the timescales available for preparation.
- The achievements made in preparing the forces in the time available were very considerable, but the deployment of forces more quickly than anticipated in the Defence Planning Assumptions meant that there were some serious equipment shortfalls when conflict began.
- Those shortfalls were exacerbated by the lack of an effective asset tracking system, a lesson from previous operations and exercises that the Ministry of Defence (MOD) had identified but not adequately addressed.
- Ministers were not fully aware of the risks inherent in the decisions and the MOD and Permanent Joint Headquarters (PJHQ) were not fully aware of the situation on the ground during the conflict.

Planning and readiness for expeditionary operations

3. The Armed Forces' capacity to deploy and sustain expeditionary operations was determined by decisions in the 1998 *Strategic Defence Review* (SDR).

4. The SDR identified a major regional crisis, including in the Gulf, as the most demanding scenario against which the UK should plan for military operations.

5. The SDR set out the UK's "defence requirements in the period to 2015".[1] That included the UK's defence priorities, the scenarios in which the Government envisaged deploying military forces, and what this meant for the UK's military force structure.

6. The SDR explained that, "in the post Cold War world", there was a greater need for the Armed Forces to build an expeditionary capability because "we must be prepared to go to the crisis, rather than have the crisis come to us".

7. A supporting essay to the SDR about future military capabilities listed those it considered "increasingly important", including:

- command, control, communications and computers and Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR);
- transport or lift capabilities because of "the trend towards force projections operations, for which we may need to deploy very rapidly in order to be successful";
- combat service support (logistics, equipment and medical support), which was "key to sustaining deployed operations, particularly those of significant duration"; and
- "protection against chemical and biological weapons" which was described as critically important in some of the regions in which we are likely to have to operate, such as the Gulf".[2]

8. The SDR was explicit in envisaging the UK operating in a number of areas, including the Gulf region. It stated:

> "We have particularly important national interests and close friendships in the Gulf … There are already significant sources of instability in these regions – including the continuing threat represented by Saddam Hussein's Iraq … These dangers seem unlikely to diminish and may grow. Many of our Allies and Partners have similar important interests and friendships in these areas. We would therefore expect to work with them in responding to any future crises."[3]

9. The SDR continued:

> "Outside Europe, the greatest risks to our national economic and political interest – and probably to international stability – will remain in the Gulf … this Mission may involve major combat operations … Such operations also impose demanding requirements, for example, in relation to strategic transport for deployment and supply, and to command and control … In operational terms, the most demanding individual scenario against which we must now plan is no longer all-out war in

---

[1] Ministry of Defence, *Strategic Defence Review*, July 1998.
[2] Ministry of Defence, *Strategic Defence Review: Supporting Essays*, July 1998.
[3] Ministry of Defence, *Strategic Defence Review*, July 1998.

Europe but a major regional crisis involving our national interest, perhaps on NATO's periphery or in the Gulf."

10. The SDR acknowledged that "major equipments take years to develop".

11. While the SDR identified no definitive timescales for its proposed changes, the MOD did publish a series of targets in December 1998 as part of its Public Service Agreement for 1999 to 2002.[4] Targets included achieving a "Full Joint Rapid Reaction Forces Capability by October 2001" and to "achieve reductions in book value of stocks of non-munitions of £2.2bn by April 2001".

12. The Public Service Agreement recognised that the plans set out in the SDR would "require substantial investment to improve inherited areas of weakness measured against future operational needs and to fund a continuing major equipment modernisation programme". The resources necessary to achieve this would be found "from making savings from rationalisation in other areas, a continuing programme of efficiency improvements and smarter procurement".

13. Decisions on the allocation of resources to the MOD, and within the MOD, were underpinned by a set of Defence Planning Assumptions (DPAs) about the totality of the commitments that the MOD would expect to meet and sustain at any one time and the time needed to prepare for operations.

14. The ability of the UK to deploy and sustain forces on operations was determined by the size of the Armed Forces and the readiness of units within the force structure. That is still the case today.

15. Decisions on those issues and the allocation of resources to and within the MOD were based on the DPAs. DPAs were developed by the MOD to convert policy into detailed guidance that could be used by military planners.[5] The DPAs outlined the levels of activity the Armed Forces were expected to be able to undertake, and the contexts in which they were expected to operate. They were (and are) used to identify and resource the planned force structure, capabilities and equipment of the Armed Forces.

16. The SDR "set some broad benchmarks for the scale of our planning" and said that the UK should be able to:

" – respond to a major international crisis which might require a military effort and combat operations of a similar scale and duration to the Gulf War when we deployed an armoured division, 26 major warships and over 80 combat aircraft.

"or

[4] *Public Services for the Future: Modernisation, Reform, Accountability*, December 1998, Cm 4181.
[5] Ministry of Defence, *Strategic Defence Review*, July 1998.

" – undertake a more extended deployment on a lesser scale (as over the last few years in Bosnia) while retaining the ability to mount a second substantial deployment – which might involve a combat brigade and appropriate naval and air forces – if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war-fighting or to maintain them simultaneously for longer than six months."

17. The DPAs are addressed in more detail in Section 6.1.

18. The 'Defence Strategic Plan' was a confidential MOD document which included greater detail than was published in the SDR report.[6] The Plan identified some specific readiness criteria in relation to regional conflict outside NATO:

"… we need to maintain the ability to respond within short warning times to an Iraqi threat, and to build up forces thereafter. This again requires us to hold capabilities needed to mount a medium scale deployment at high readiness (30 days) … For a large scale deployment we need to plan on a framework division being ready within 90 days."

Scales of military operation

To inform the DPAs, the scales of military effort, over and above those required for day-to-day commitments, were defined in the SDR as:

- **small scale**: "a deployment of battalion size or equivalent";
- **medium scale**: "deployments of brigade size or equivalent", such as the UK's contribution to Bosnia in the mid-1990s;
- **large scale**: "deployments of division size or equivalent", such as the UK's contribution to the 1991 Gulf Conflict; and
- **very large scale and full scale**: forces needed "to meet significant aggression against an Ally", the difference between the two reflected the time available for preparation – "warning time" – and the size of the threat.[7]

Other factors to be considered included:

- **endurance** – the likely duration of any operation and the potential need to sustain a deployment for an indefinite period; and
- **concurrency** – the number of operations of a given scale of effort and duration that could be sustained by the force structure.

More detail on the planning assumptions for the scales of military operation is provided in Section 6.1.

[6] Ministry of Defence, 1998, 'Defence Strategic Plan 1998'.
[7] Ministry of Defence, *Strategic Defence Review: Supporting Essays,* July 1998.

Testing the UK's expeditionary capability: lessons learned?

19. The first Gulf Conflict had highlighted inadequacies in the UK's asset tracking and Combat ID equipment.

20. The UK deployed an armoured division during the Gulf Conflict in 1991, Operation GRANBY, comprising two combat brigades: 4 Brigade and 7 Armoured Brigade.[8]

21. The MOD identified a number of lessons relating to equipment following the 1991 Gulf Conflict in its *Statement on the Defence Estimates* in 1992.[9] It found that deficiencies in the reliability of older equipment had "considerable implications" for the UK's operational capability, and were "only overcome by a disproportionate application of maintenance effort and deployment of spares".

22. The MOD also found that the volume of stores and equipment that had to be moved to theatre, and the compressed timescales involved, led to problems with the visibility of stockholdings and items in transit.[10] A temporary system was devised for tracking operationally vital items but the MOD was examining "improved arrangements for the future". The system for allocating priorities in the movement of freight was "overloaded by the volume of high priority items" and a review had been commissioned to learn the lessons from the operation.

23. A secure and effective battlefield electronic identification system, which later became known as Combat ID,[11] "did not exist" during Op GRANBY. While practical steps were taken to avoid engagements between Coalition Forces, a number of incidents occurred.

24. The MOD stated that the UK was working with the US "to identify technical and operational options" to minimise the risk of further incidents. The Defence Research Agency was "also undertaking a research programme aimed at assessing both short term solutions and options for the longer term".

25. Concerns about progress on asset tracking systems were raised in Public Accounts Committee reports in 1993, 1997 and 2000.

26. A Public Accounts Committee report in 1993 on the first Gulf Conflict stated that it was "concerned the Department did not have a sound system for tracking freight".[12]

---

[8] Ministry of Defence, *Statement on the Defence Estimates – Britain's Defence for the 90s*, July 1991, Cm 1559.
[9] Ministry of Defence, *Statement on the Defence Estimates,* July 1992, Cm 1981.
[10] Ministry of Defence, *Statement on the Defence Estimates,* July 1992, Cm 1981.
[11] Combat ID enables military forces to distinguish friend from foe during operations, minimising the risk of accidental destruction of friendly or allied forces, otherwise known as fratricide or Blue-on-Blue incidents. The systems and procedures in place must be interoperable with those used by allied forces.
[12] Twenty-sixth Report from the Committee of Public Accounts, Session 1993-94, *Ministry of Defence: Movements of Personnel, Equipment and Stores to and from the Gulf*, HC 393, paras 18-19.

27. The Public Accounts Committee stated:

> "We consider it unacceptable that the lack of elementary tracking led to some operationally critical items being 'lost to view', and note that 228 aircraft pallets worth £680,000 went missing completely during GRANBY. The failure to be able to locate some equipment also led to some duplicate requisitioning.
>
> "We stress the importance of the Department taking urgent action to improve their management information systems relating to movements … we recommend that the Department have regard to the best systems in operation in the commercial sector, in particular those used for keeping track of assets."

28. In 1997, the Public Accounts Committee report on the UK's operations in the former Yugoslavia found that it was "unsatisfactory" that asset tracking had "again proved to be a problem", despite assurances given by the MOD following the first Gulf Conflict.[13]

29. The Committee added:

> "We suggest that some of the problems with the Department's asset tracking systems, particularly the strain on communications systems and the large volumes of data, could be regarded as foreseeable consequences of an operational environment. We note that the Department are considering what systems might be appropriate for the future. We recommend that, in doing this, they give particular attention to ensuring that they have systems robust enough to deal with operational conditions; it is at such times that large quantities of equipment and stores tend to be moving around, and it becomes easy to lose sight of them."

30. The Public Accounts Committee reported on operations in the former Yugoslavia again in 2000 and found that:

> "The Department has little capacity to monitor the supply chain's performance in theatre, nor the condition and reliability of equipments in theatre. The Department do not expect to have IT systems fully operating to provide such information until 2003 …"[14]

31. A military exercise in 2001 found that British equipment did not work well in hot and dusty conditions and needed to be improved, given the UK's focus on expeditionary operations.

32. The exercise also identified difficulties with clothing, boots and asset tracking.

---

[13] Twenty-third Report from the Committee of Public Accounts, Session 1996-97, *Ministry of Defence: Management of the Military Operations in the Former Yugoslavia*, HC 242, paras 45-46.
[14] Forty-sixth Report from the Committee of Public Accounts 1999-2000 – *Ministry of Defence: Kosovo – The Financial Management of Military Operations.*

33. In October 2001, the MOD conducted Exercise Saif Sareea II in Oman.[15] The exercise, which involved around 22,500 British Armed Forces personnel from all three services, aimed to test the Armed Forces' ability to conduct a medium scale operation over long distances, in the post-SDR expeditionary force structure. It tested the principle that the Joint Rapid Reaction Forces should be ready to conduct expeditionary operations in any area of the world at short notice.

34. In August 2002, the National Audit Office (NAO) published a report into the exercise, which included a number of recommendations and identified a number of problems to be addressed.[16]

35. Much equipment performed well, including Warrior Armoured Fighting Vehicles (AFVs) and the C17 strategic lift aircraft.

36. As a result of pre-exercise reconnaissance, 4 Armoured Brigade had made a number of recommendations for the modification of equipment, including 'desertisation'[17] of Challenger 2 tanks. Despite the recommendation, the Permanent Joint Headquarters (PJHQ) directed that the modifications would not be required given the predicted climatic conditions in Oman.

37. During the exercise, a number of Challenger 2 tanks experienced difficulties relating to the hot and dusty conditions. As a result, a much larger quantity of spare parts was required and equipment availability was lower than expected.

38. Sand filters were fitted to the engines of Lynx and Chinook helicopters, as a result of lessons learned from the 1991 Gulf Conflict. Overall helicopter availability, however, was 55 percent.

39. The MOD had insufficient desert combat suits and desert boots for all personnel. As a result, desert-specific clothing was issued only to personnel who would be in theatre for an extended period. Standard issue boots were unsuitable for the task; 4 Armoured Brigade's post-exercise report cited melting boots and foot rot as "a major issue".

40. The NAO reported that asset tracking systems remained weak. The Visibility In Transit Asset Logging (VITAL) system, introduced as a result of NAO recommendations following the first Gulf Conflict, had been operating "at 500 percent of its originally planned capacity" by 2001. It was slow during the exercise, taking 15 minutes to find the contents of a single ISO container. As VITAL was not available at the point of exiting the UK, there was no visibility of an item until it arrived in theatre.

---

[15] National Audit Office, *Exercise Saif Sareea II,* 1 August 2002, HC 1097.
[16] National Audit Office, *Exercise Saif Sareea II*, 1 August 2002, HC 1097.
[17] Modifications to equipment that enable it to operate in desert conditions.

41. On learning lessons, the NAO report stated:

> "Some lessons identified during previous operations were re-learned, which illustrated the tendency that skills learned on medium size operations such as the Gulf War dissipate over time as people move on. There is a strong argument that exercises of the size of Saif Sareea need to be conducted regularly in order to keep skills and experience up to date and to check that lessons previously identified have been implemented."

42. In March 2002, the NAO considered the MOD's progress in implementing a Combat ID strategy following the 1998 SDR.

43. A report by the NAO on 7 March 2002 acknowledged the complexities surrounding Combat ID and recognised that the MOD had developed a clear strategy for finding a solution.[18]

44. The NAO did find, however, that there was more that could be done to move the issue forward. Amongst the projects it identified as a way of enhancing Combat ID work was Battlefield Target Identification (BTID). The NAO wrote that the MOD had spent £7m over the last 10 years on researching land solutions to Combat ID and there had been a successful trial of a BTID prototype in September 2001. Despite that, a proposal to fit an armoured brigade with BTID had not passed an Initial Gate Business Case.[19]

45. The MOD was confident that it would have integrated BTID equipment ready to participate in a US-led NATO demonstration in September 2005. That would provide an opportunity to show if its solution was compliant with the relevant NATO Standardisation Agreement. The MOD was confident that its solution was "already compliant".

46. A meeting in May 2002 highlighted concerns about whether the readiness levels specified in the SDR could be met.

47. On 21 May, Mr Blair attended a meeting with the Chiefs of Staff, Mr Geoff Hoon, Defence Secretary, and Sir Kevin Tebbit, MOD Permanent Secretary, to discuss current operations and resources.[20]

48. The note of the meeting recorded that Admiral Sir Michael Boyce, the Chief of the Defence Staff (CDS), said that the Armed Forces had "been under-resourced since the SDR" and they "could not continue to make do". From "each operation there was a lengthening list of inadequacies". In August the MOD "would reach a cliff edge, having to collapse operational capability to stay in budget".

---

[18] National Audit Office, *Ministry of Defence: Combat Identification*, 7 March 2002, HC 661.
[19] The procurement process, including the phases for business cases, is explained in Section 14.1.
[20] Note Rycroft, 21 May 2002, 'Prime Minister's Meeting with Chiefs of Staff'.

49. Adm Boyce also said that SDR readiness levels were not being met:

> "For instance, a division should be capable of being produced in 90 days[21] but it would now be difficult to produce two thirds of a division in 6 months, with consequences on Iraq (US lead time by contrast would be 3 months)."

50. In addition, "resources were needed for new investment to secure information-dominance for the war on terrorism/asymmetric threats".

51. Mr Hoon described the three levels of funding that were required:

> "(1) to deliver the SDR assumptions;
>
> (2) to modernise equipment/training to deliver a modern Armed Forces; and
>
> (3) to get the capabilities right post-11 September."

52. Sir Kevin "said the priority was filling gaps in capabilities".

53. In July 2002, the MOD published a follow-up to the 1998 SDR which confirmed that the shift towards expeditionary operations was likely to become more pronounced.

54. In July 2002, the MOD published *The Strategic Defence Review: A New Chapter*; an update on the SDR's progress and a consideration of the "UK's defence posture and plans" in light of the 9/11 attacks.[22]

55. The MOD stated it was likely that the trend towards expeditionary operations would "become even more pronounced". While the core regions identified in the SDR – Europe, the Gulf and the Mediterranean – were likely to remain "the primary focus" of UK interests, it was "increasingly clear that a coherent and effective campaign against international terrorism – and indeed other contingencies – may require engagement further afield more often than perhaps we had previously assumed".

56. On the Armed Forces' ability to conduct multiple, simultaneous operations, the MOD wrote:

> "The capability of our forces is strained not just by the scale of operations, but by the number of simultaneous or near-simultaneous operations. Since the SDR we have assumed that we should plan to be able to undertake either a single major operation (of a similar scale and duration to our contribution to the Gulf War in 1990-91), or undertake a more extended overseas deployment on a lesser scale (as in the mid-1990s in Bosnia), while retaining the ability to mount a second substantial deployment – which might involve a combat brigade and appropriate naval and air

---

[21] This text reflects what is recorded in the note but is not what the SDR stated; it specified that a framework division should be ready within 90 days.
[22] Ministry of Defence, *Strategic Defence Review: A New Chapter*, July 2002.

forces – if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war-fighting or to maintain them simultaneously for longer than 6 months."

57. The MOD had "analysed a set of plausible and realistic scenarios" to assess the demands potentially faced by the UK overseas. That work had taken account of lessons learned from operations, including in Afghanistan. The MOD recognised that the particular scenarios it had envisaged might not be "replicated precisely in real life", but they did allow the MOD to "draw general conclusions about the capabilities that may be particularly important".

The UK's expeditionary capability by 2002

58. By 2002, UK forces had not yet acquired the equipment envisaged by the SDR.

59. Mr Hoon's evidence to the Inquiry suggested that the time needed to deliver the changes envisaged by the SDR and the *New Chapter* was appreciated:

> "[We] were moving the emphasis of the Ministry of Defence away from the kind of static territorial defence of the Cold War period to a much more flexible … expeditionary capability. But that sounds quite straightforward to describe. It actually … requires massive adjustments in capabilities."[23]

60. Asked if the SDR had "worked itself through satisfactorily" by the time of the invasion, Lord Walker, Chief of the Defence Staff from May 2003 to April 2006 said "No."[24] Asked to expand on that, Lord Walker stated that continuously operating outside the DPAs, and a shortfall in funding, were key reasons.

61. Air Chief Marshal Sir Jock Stirrup, Deputy Chief of the Defence Staff (Equipment Capability) (DCDS(EC)) from April 2002 to May 2003, told the Inquiry that some progress towards delivering the capabilities to support this expeditionary capability had been made by 2002 but the process was not complete: "We had moved some way, but we still had a fair distance to go."[25]

62. Sir Kevin Tebbit told the Inquiry that the SDR contained "big challenges for the Armed Forces and there were such a large number of actions for implementation for the SDR that it was inevitably going to take time to work through".[26]

---

[23] Public hearing, 19 January 2010, pages 124-125.
[24] Public hearing, 1 February 2010, page 40.
[25] Public hearing, 1 February 2010, page 3.
[26] Private hearing, 6 May 2010, page 44.

63. Lieutenant General Sir Robert Fulton, who succeeded ACM Stirrup as DCDS(EC), told the Inquiry:

> "My take on it would be that we went to Iraq with our Cold War capability, that there simply was not time between 1998 and 2002 to re-orientate a Capital Equipment Programme that stretched for 20 years."[27]

64. Lt Gen Fulton added:

> "… it was not possible in the time that I saw it from the time I was first engaged in the equipment area to be able to turn a Cold War-equipped military into a flexible, deployable, sustainable military within the life of the equipment plan."[28]

Equipment preparations for the invasion (2002 to 2003)

Planning begins

65. The MOD's initial thinking on options for military operations in Iraq focused on the deployment of an Army division. That would require a minimum of six months' lead time and ideally longer.

66. Consideration of the UK's options in the event of a US-led military invasion of Iraq began at the end of February 2002. That is addressed in detail in Section 6.1.

67. This Section considers the arrangements made for providing equipment to forces as part of the planning process for potential operations in Iraq.

68. On 6 March 2002, the Chiefs of Staff were informed that Iraq was "sliding rapidly up the scale of interest and a degree of strategic planning was essential at some point in the near future, given the lead times necessary to shape pol/mil thinking effectively".[29]

69. The Chiefs of Staff agreed that Air Chief Marshal Sir Anthony Bagnall, Vice Chief of the Defence Staff, who was chairing the meeting in CDS' absence, should "refresh" work on Urgent Operational Requirements (UORs)[30] to ensure that it was not left "too late".

70. On 3 April, Sir Kevin Tebbit asked Mr Trevor Woolley, MOD Director General Resources and Plans (DGRP), "just by way of prudent contingency planning you understand … what a deployment to Iraq of a Division minus (25-30,000 with enablers) would do to our SDR force structure and concurrency assumptions, assuming all other operations remained more or less as they are".[31] Sir Kevin asked Mr Woolley not to share the work with the Commitments area of the MOD.

---

[27] Public hearing, 27 July 2010, pages 8-9.
[28] Public hearing, 27 July 2010, page 19.
[29] Minutes, 6 March 2002, Chiefs of Staff meeting.
[30] An Urgent Operational Requirement (UOR) seeks to address a capability gap by rapidly procuring new or additional equipment or the enhancement of, or essential modification of, existing equipment. The procurement process is described in Section 14.1.
[31] Minute Tebbit to DG RP, 3 April 2002, 'Iraq Pre-Contingency Mind Clearing'.

71. On 8 April, following Mr Blair's talks with President Bush at Crawford, Texas (see Section 3.2), Mr Hoon instructed the MOD to undertake work on "the specific equipment requirements (UORs)" necessary to deliver the military options being considered as part of the initial discussions about possible UK participation in military action against Iraq.[32] This was because "equipment – rather than personnel – was likely to be on the critical path in terms of deployment timelines".

72. Following consultation with Sir Kevin Tebbit and Adm Boyce, Mr Simon Webb, MOD Policy Director, sent Mr Hoon a think piece entitled 'Bush and the War on Terrorism' on 12 April.[33] Mr Webb's minute provided formal advice on the possible scale of any UK military contribution and included a draft letter to Mr Blair.

73. Setting out the MOD's thinking on military issues, Mr Webb wrote:

- "The fundamental building block for a major US ground force operation is a division. Only on that scale (requiring 3 brigades as our planning base) would UK have significant influence over how the operation was developed and conducted: an independent brigade does not fit into the US structure and would in any case need substantial divisional scale enablers in order to be safe for high intensity operations …
- "Such a deployment would be at the extreme end of the UK's capacity after the SDR: it was the scenario against which the 'large' option was scaled."
- The UK "should seek only to make a respectable large contribution that we can sustain properly …"

74. On 9 May, Sir Kevin Tebbit was sent the first assessment of equipment lead times for potential operations in Iraq in response to his 3 April request.[34] The assessment noted that a minimum of six months lead time was "necessary to fill essential capability gaps before we could launch a Gulf War scale operation against Iraq". It also noted that the six months lead time was measured from "the point at which an unambiguous authorisation to spend the necessary money is given".

75. The MOD's assessment identified several "showstopping" equipment capability deficiencies with "the timelines for rectifying them", including:

- The desert environment modifications to the Challenger 2 tank would take six months, with a further three if air filtration was added.
- Chemical protection measures would require six months and biological protection measures would require between nine and 12 months.
- Aircraft secure communications.

---

[32] Minute Watkins to PSO/CDS, 8 April 2002, 'Iraq'.
[33] Minute Webb to PS/Secretary of State [MOD], 12 April 2002, 'Bush and the War on Terrorism'.
[34] Minute Witney to PS/PUS [MOD], 9 May 2002, 'Iraq – Equipment Lead Times'.

- Support helicopters were identified as “a clear pinch point”. The eight Chinook Mk3 ordered in 1995 but not available for use would not be ready for another two years (see Box, ‘The eight modified Chinooks’, in Section 14.1).
- The UK had only enough tented accommodation for “some 2,500 personnel”. The remainder of the stock was in use on other operations in Afghanistan, the Balkans and Oman. Acquiring more was identified as a high priority.

76. The assessment was sent to Adm Boyce and a limited number of senior MOD officials and military officers.

77. Adm Boyce instructed that the advice should be circulated to the Single Service Chiefs, who were not on the original distribution.[35]

78. In response to a suggestion from his Private Office that the work be shared with the Chief of Defence Logistics, Adm Boyce wrote: “No, not yet.”[36]

79. Shortly afterwards, Sir Kevin Tebbit’s Private Secretary sent a minute to Mr Webb and Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments) (DCDS(C)), proposing a limited core distribution list for Iraq contingency planning.[37] He wrote: “There may be occasions when you (or indeed the Spending Review team) feel that an even more limited distribution should apply but I would hope this would not be frequent.”

80. The list did not include the Defence Logistics Organisation (DLO) or the Defence Procurement Agency (DPA). Neither organisation had been consulted on the 9 May advice.

81. The MOD established an informal inter-departmental group of senior officials for planning purposes, which became known as the “Pigott Group”. The Pigott Group was supported by a Strategic Planning Group (SPG) and both are described in Section 6.1.

82. Lt Gen Pigott sent Mr Hoon an update on the SPG’s work on 10 May.[38] Lt Gen Pigott stated:

> “Any thinking we do about joining the US in military operations against the Iraqi regime needs to be informed by our thinking in two key areas: the impact of potential courses of action open to a coalition and the capability the UK might contribute to such a coalition.”

83. Work had been commissioned on the capabilities the UK might aim to provide within periods of three to four and six to eight months, setting out the key decision

---

[35] Manuscript comment Adm Boyce on Minute Witney to PS/PUS [MOD], 9 May 2002, ‘Iraq – Equipment Lead Times’.
[36] Manuscript comment Adm Boyce on Minute Witney to PS/PUS [MOD], 9 May 2002, ‘Iraq – Equipment Lead Times’.
[37] Minute PS/PUS [MOD] to Policy Director and DCDS(C), May 2002, ‘Iraq’.
[38] Minute DCDS(C) to APS/Secretary of State [MOD], 10 May 2002, ‘Iraq’.

and deployment points. Lt Gen Pigott suggested that this could lead to "a note to the Prime Minister setting out these and the financial implications of taking contingency action now".

84. General Sir Michael Walker was Chief of the General Staff (CGS) from 2000 to February 2003. His Private Office wrote to the Chiefs of Staff Secretariat on 13 June, referring to the 9 May advice on equipment lead times.[39] He stated that the advice highlighted "just a few of several areas where key deficiencies exist" if a medium or large scale operation were to be undertaken. Other areas included battlefield helicopters, the issue of stocks and the supply of items such as ammunition. Gen Walker would elaborate on these other areas at the Chiefs of Staff meeting on 18 June.[40]

85. The minutes from the weekly Chiefs of Staff meeting do not record any reference to a discussion on equipment planning for Iraq.[41]

86. As work on military options in the MOD progressed, it was recognised that, if a large scale option was pursued, not all of the essential UOR equipment required for operations in the Gulf could be procured and fitted within six months.

87. A paper produced by the SPG on 24 May, 'Contingency Thinking: Force Generation and Deployment for the Gulf', was sent to the Chiefs of Staff and a limited number of named MOD addressees.[42]

88. The SPG identified a number of key assumptions that included:

- Operations would not commence before autumn 2002.
- Decisions would not be taken incrementally because that would "add to timelines by making force generation increasingly complex and costly".
- Enhancements would be needed to enable units to operate in the Gulf. That would expose preparations from an early stage given the significant number of contracts that would be required with industry.

89. Three broad levels of effort in line with the MOD's planning assumptions were examined:

- the maximum the UK could provide (a large scale contribution);
- a "credible" medium scale package; and
- a small scale package.

90. Reflecting the UK's existing military commitments and the most recent MOD budgetary planning round, the SPG advised that the UK could realistically produce a

---

[39] Note MA1/CGS to COSSEC, 13 June 2002, 'Iraq – Equipment Lead Times'.
[40] It is believed that Gen Walker's Office was referring to the Think Tank discussion on 18 June referred to later in this Section, for which there was no record.
[41] Minutes, 18 June 2002, Chiefs of Staff meeting.
[42] Paper SPG, 24 May 2002, 'Contingency Thinking: Force Generation and Deployment for the Gulf'.

"maximum contribution … at the lower end of large scale … medium scale (minus) for maritime (about 10 major warships), and medium scale for air (about 60 fast jets)".

91. The force mix might not be evenly balanced (in terms of scale of effort) across the sea, land and air environments; but the UK would "always seek to achieve strategic influence across the three environments such that UK influence is in place throughout the joint environment".

92. Lt Gen Pigott presented the findings from the SPG analysis to Mr Hoon on 24 May.[43] He advised that "until there is greater visibility and clarity of US intent our work on potential approaches to an Iraq campaign remains speculative; this work is advancing but will lack definition until we engage with the US".

93. Three broad options ("force packages") had been identified, which were "illustrative of the maximum potential … contribution" that the UK might be able to make available for any offensive operations within given time periods:

a. **Three months' warning:** Deployment of medium scale joint force – 10 warships including a carrier, an armoured brigade, about 60 fast jets and associated support. That was described as at risk of being a "token contribution". The cost, including "essential" UORs for equipping the force was estimated at £500m to £800m.
b. **Six months' warning:** Deployment of a large scale, war-fighting force in addition to the medium scale maritime and air components, which would be "comparable to the 1990/1991 conflict" and "confer significant influence on the control of the campaign". Though the land element would be "capable of limited independent war-fighting", there would be sustainability issues. Large numbers of vehicles could become "unserviceable" and there would be reliance on others to supply ammunition and other stock. There would not be enough time for "the procurement and fitting of *all* UOR equipment considered to be essential for operations in the Gulf (such as the desertisation of all armoured vehicles)", which would generate further operational risks and result in the degradation of the "credibility of the UK's contribution as [the] campaign unfolded". That option would require the call out of 5,000-10,000 Reservists and cost £800m to £1.1bn. A decision would need to be taken immediately for operations to begin in December 2002.
c. **Nine months' warning:** The force package would be the same as (b) but would be better prepared and carry fewer risks, as a result of additional training and equipment. The package would have "enough capability and sustainability to be a credible contribution to any coalition". The cost would be £100m higher because of a greater volume of UORs.

94. The deployment and campaign costs would be additional to the costs identified for each option.

---

[43] Minute DCDS(C) to PS/Secretary of State [MOD], 24 May 2002, 'Iraq'.

95. Lt Gen Pigott explained that current commitments in Afghanistan[44] and subsequent recovery and deployment times would "limit the UK's ability to contribute significantly to any offensive operations in the region until November at the earliest".

96. If it was "likely that the UK would wish to contribute" to US action "when the call came", there was a "need to consider what action" was needed "now to reduce risks and as far as possible readiness times".

97. Mr Hoon was asked to agree further work to refine contingency planning, to be submitted in mid-June; and informed that "proper preparations" would require wider involvement in the MOD and discreet approaches to industry.

98. Mr Hoon wrote to Mr Blair on 31 May, explaining that UK contingency planning had concluded that, for the UK to have influence on US planning, a significant military contribution would be needed. That was defined as at "division level" for land forces.[45]

99. Mr Hoon suggested raising "in general terms, that our contingency planning has shown we need plenty of warning in order to be able to contribute to military action".

100. The SPG produced a paper in preparation for a "Strategic Think Tank on Iraq", to be held by the Chiefs of Staff on 18 June.[46]

101. While the paper was not designed to consider equipment in detail, a section on "UK enablers" briefly considered force capability requirements. It reiterated the analysis of 24 May about what would be possible with either three, six or nine months warning. The paper also identified additional requirements for force protection, including "NBC" [Nuclear, Biological and Chemical] protection.

102. The MOD has been unable to locate any record of the think tank discussion.

103. Subsequent revisions of the paper before the end of 2002 are addressed later in this Section and in Section 6.1.

104. Mr Tom McKane, Deputy Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), wrote to Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of OD Sec, about the think tank discussion the same day.[47] He recognised that there was "a huge amount of work to be done if the UK is to be in a position to participate in any operation against Iraq".

---

[44] The UK had deployed 45 Commando Royal Marines from May to July 2002 as part of Operation JACANA that targeted Taliban and Al-Qaida fugitives in Afghanistan. *GOV.UK,* 14 January 2014, *The UK's work in Afghanistan: timeline.*

[45] Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.

[46] Minute Driver to PSO/CDS, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 Jun' attaching Paper [SPG], 12 June 2002, [untitled].

[47] Minute McKane to Manning, 18 June 2002, 'Iraq'.

105. Mr McKane recommended that Sir David should reply to Mr Hoon's letter of 31 May seeking "further and better particulars on the timelines and precisely what decisions incurring significant expenditure would be required now in order to keep open the possibility of a large scale deployment in six months time".

106. Sir David commented to Mr Jonathan Powell, Mr Blair's Chief of Staff: "We certainly need much greater precision from MOD."[48]

107. Mr Powell replied that he believed there was "a danger of getting ahead of ourselves here unless this is absolutely necessary to get us into detailed military planning with the US".[49] He recommended discussing the issue with Mr Blair.

108. Sir David Manning asked Mr McKane to "confirm that it is now absolutely necessary to get into the detailed planning with the US".[50] He added: "I suspect it is if we are to have a voice."

109. On 25 June, Sir David wrote to Mr Peter Watkins, Mr Hoon's Principal Private Secretary, referring to Mr Hoon's letter of 31 May.[51] He stated:

> "… the Prime Minister has asked for further advice on precisely what steps would have to be taken now, including financial commitments, in order to keep open the possibility of deploying a large scale force by the end of this year – bearing in mind we may not get six months warning …"

110. Mr Watkins replied on 26 June with an update on the MOD's understanding of US plans.[52] He wrote that a small MOD team would be going to Washington and Tampa "immediately" and that would inform whether the UK could "secure adequate influence for a large scale contribution". That would determine the need to commit resources, on which Mr Hoon would provide "specific advice" shortly.

111. Lt Gen Pigott, Air Marshal Joe French, Chief of Defence Intelligence, and Mr Desmond Bowen, MOD Director General Operational Policy, visited Washington and CENTCOM from 27 to 29 June 2002.[53]

112. Before they left, Major General Robert Fry, Deputy Chief of Joint Operations (Operations) (DCJO(Ops)) from May 2002 to July 2003, provided a paper commenting on US planning, which at that stage offered two basic approaches:

---

[48] Manuscript comment Manning on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[49] Manuscript comment Powell on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[50] Manuscript comment Manning on Minute McKane to Manning, 18 June 2002, 'Iraq'.
[51] Letter Manning to Watkins, 25 June 2002, 'Iraq'.
[52] Letter Watkins to Manning, 26 June 2002, 'Iraq'.
[53] Minute Fry to MA/DCDS(C), 26 June 2002, 'Comments on US Planning for Possible Military Action Against Iraq'.

- A “running start”, with extra forces being deployed as the initial attacks were under way, which would have the advantage of surprise and allow for operations as early as October 2002.
- A “generated start”, allowing full deployment before the beginning of operations, which was expected to require three months longer.[54]

113. Maj Gen Fry wrote that the “running start” option carried considerably more risk and would be “much more manoeuvrist” than the type of operations which had been conducted in 1991. A number of issues for the UK were identified including: the role and timing for a UK contribution; the need for very early decision making; how to integrate into a complex US plan; levels of risk; UK participation in US exercises; and the likely US expectations that would result from UK involvement in the planning process.

114. On 2 July, Mr Watkins wrote to Sir David Manning with the outcome of the US visit.[55] While a “de facto invitation to the UK and Australia to participate” was “now on the table”, the extent of the desired UK contribution was “unclear”.

115. In July, the Chiefs of Staff were informed that some stocks were sufficient to protect only a medium scale UK deployment from biological attack.

116. A revised version of the SPG paper ‘UK Military Strategic Thinking on Iraq’ was produced on 11 July for a “Strategic Think Tank” on Iraq the following week.[56]

117. The section on NBC force protection had been expanded to explain that the UK possessed “sufficient stocks” of Individual Protective Equipment for a large scale deployment. Taking UOR action (“in 3 months or less”) could address “a number of shortfalls” but the “main shortfall” was in protection against a Biological Warfare (BW) attack, for which manufacturing time was needed for additional equipment. There were limited medical countermeasures to respond to a BW attack and the UK had “adequate stocks” only to support medium scale UK deployments.

118. The sustainment of operations beyond the level set out in the DPAs had “not been factored into calculations to date”.

119. The key risks for UK capabilities included:

- preparation times for the desertisation of vehicles;
- not knowing whether there was sufficient industrial capacity available to satisfy the “likely UOR/preparation requirements” (and this could not be resolved until clearance had been given to engage industry); and
- BW medical countermeasures being restricted to a medium scale force package.

---

[54] Minute Fry to MA/DCDS(C), 26 June 2002, ‘Comments on US Planning for Possible Military Action Against Iraq’.
[55] Letter Watkins to Manning, 2 July 2002, ‘Iraq’.
[56] Paper [SPG], 11 July 2002, ‘UK Military Strategic Thinking on Iraq’.

120. Lt Gen Pigott briefed Adm Boyce on 17 July that his view was that the UK should encourage thinking to move towards action in 2003 to 2004 rather than in 2002 to 2003, which "had a better chance of success" given the challenges "including political red cards".[57] That was: "Not a recipe for delay, indeed quite the reverse." It would be difficult for the UK to send land forces to participate in a "running start" but the UK thinking was "taking us towards a 'distinctive' (Package 3) role". For any significant contribution, force preparation would need to start "now".

121. The advice from Lt Gen Pigott and the SPG was discussed in a restricted Chiefs of Staff meeting on 17 July.[58]

122. In preparation for a meeting to be held on 18 July, Mr Bowen outlined the MOD's thinking in a minute to Mr Hoon on 17 July.[59] He drew attention to the US concepts of "running" and "generated" starts. He advised that the indications were that the US favoured the "running start" option (which could see US operations beginning during 2002).

123. Mr Bowen suggested that:

> "In the meantime, as we begin to explore possible UK contributions we need to identify what preparation – such as procurement for **urgent operational requirements** – could usefully begin now … "

124. In mid-July, a Cabinet Office paper invited Ministers to "note" the potentially long lead times for equipping UK forces to undertake operations in Iraq and sought agreement that the MOD could bring forward proposals for procurement of equipment.

125. Although it was agreed that the UK should proceed on the assumption that the UK would participate in any military action, there was no decision on whether funds could be spent on preparations.

126. The Cabinet Office paper 'Iraq: Conditions for Military Action' was issued on 19 July to those attending a meeting to be chaired by Mr Blair on 23 July.[60] That meeting is addressed in Section 3.3.

127. Ministers were invited to "note the potentially long lead times involved in equipping UK Armed Forces to undertake operations in the Iraqi theatre"; and to "agree that MOD should bring forward proposals for the procurement of Urgent Operational Requirements under cover of the lessons learned from Afghanistan" and the "outcome" of the 2002 Spending Review.

---

[57] Minute DCDS(C) to DPSO/CDS, 17 July 2002, 'Iraq: Summary of Key Issues'.
[58] Minutes, 17 July 2002, Chiefs of Staff (Restricted) meeting.
[59] Minute DG Op Pol to PS/Secretary of State [MOD], 17 July 2002, 'Iraq'.
[60] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

128. In preparation for Mr Blair's meeting, Mr Bowen advised Mr Hoon that Adm Boyce had directed that UK planning should concentrate on two packages:

- a supporting/enabling package, including basing, maritime and air assets, in which the "the only land contribution would be Special Forces"; and
- a discrete land contribution of a division (minus) for operations in northern Iraq.[61]

129. Mr Bowen wrote that:

> "Other options, such as providing land forces to integrate with the US main effort in the south have been discounted because [sic] the severe difficulties we would face due to interoperability, deployment time and geographic constraints affecting logistics in particular."

130. Mr Bowen provided "schematic timelines" showing decision dates and readiness which could be achieved.

131. Commenting on Mr Bowen's advice, Mr Watkins wrote that a division (minus) option "would require immediate action on UORs etc and early decisions (October) on reserves".[62] The latter would "definitely be visible".

132. Separate advice from Lt Gen Pigott to Adm Boyce stated that one of the issues to be covered in the "way forward" was that it should be agreed to implement "invisible" UORs now, and to be prepared to advise Ministers later on visible UORs.[63]

133. A record of the meeting on 23 July stated that Mr Hoon advised Mr Blair that, if he wanted UK military involvement, Mr Blair "would need to decide this early".[64]

134. The meeting concluded that work should proceed on the assumption that the UK would participate in any military action. Adm Boyce was to tell the US military that "we were considering a range of options".

135. Mr Blair stated that he would "revert on the question of whether funds could be spent on preparation for this operation".

136. The MOD identified three possible options for a UK contribution on 26 July but no recommendation was made about which option should be selected. The largest option comprised the deployment of a division but the MOD was also examining the possibility of deploying an additional light brigade and providing the framework for a UK-led Corps headquarters.

---

[61] Minute Bowen to PS/Secretary of State [MOD], 22 July 2002, 'Iraq: Meeting with the Prime Minister'.
[62] Manuscript comment Watkins on Minute Bowen to PS/Secretary of State [MOD], 22 July 2002, 'Iraq: Meeting with the Prime Minister'.
[63] Minute DCDS(C) to DPSO/CDS, 22 July 2002, 'Iraq: Update on Key Issues'.
[64] Letter Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.

137. Mr Hoon expressed caution about both the timescales required for a UK deployment and the impact of potential industrial action by the Fire Brigades Union in the autumn.

138. Mr Blair was advised that no decision was needed at that stage.

139. Following the 23 July meeting, No.10 asked the MOD to provide details of the proposed military campaign, and options for a UK contribution.[65]

140. Mr Bowen sent Mr Hoon a fuller analysis of the options for a UK contribution on 25 July.[66] He advised:

- It would take another couple of months to increase forces to medium scale.
- "To meet probable US timescales" it would "not be possible to deploy a fully prepared, fully sustainable armoured division for war-fighting". A fully prepared and sustained armoured division (one which could fight a significant Iraqi force) would take 10 months.
- Deployment of an armoured division (minus) would only be possible "within six months of a decision to deploy", and would have "limited sustainment and reach".

141. On 26 July, further MOD advice on options for a UK contribution to US-led military operations in Iraq was provided in a letter from Mr Watkins to Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs.[67]

142. Adm Boyce had recommended three options:

- **Package 1** – an "in-place support package" using forces already in the region.
- **Package 2** – an "enhanced support package" comprising Package 1 with additional air and maritime forces. While no conventional land forces could meet the timescales for the deployment of maritime and air forces: "Special Forces could be deployed very rapidly to match US timescales and priorities. This is likely to be very attractive to US planners, and their contribution to success would be significant …"
- **Package 3** – a "discrete UK package" based on deployment of an armoured division which the MOD envisaged would be used in northern Iraq, in addition to the forces in Package 2. The UK might consider providing an armoured division either as part of a US-led Corps or as part of a larger coalition force possibly led by the UK using the framework of the NATO Allied Rapid Reaction Corps [ARRC]."

---

[65] Minute Rycroft to McDonald, 23 July 2002 'Iraq: Prime Minister's meeting, 23 July: Follow Up'.
[66] Minute Bowen to PS/Secretary of State [MOD], 25 July 2002, 'Iraq – Potential UK Contribution'.
[67] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.

143. Mr Watkins stated "it would take **six months** for the whole division to be in place and then with limited sustainment and reach".

144. Mr Watkins cautioned that:

> "… the timescales indicated are the best planning estimates we can make at this stage … they assume that, as soon as a decision in principle is reached to participate, funding will be available to improve sustainability … and implement urgent operational requirements … The ability of industry to respond to our demands can only be estimated at this stage."

145. Mr Hoon had:

> "… commissioned more work in respect of sustainability and UORs with a view to expediting what would need to be done once a decision in principle was taken, with what visibility to the public eye and with what cost … It will involve widening the net of knowledge about this contingency planning within the MOD, although we will not yet contact industry who will have to be involved at some stage to determine actual lead times for procurement of UORs."

146. The advice was sent to Mr Blair on 31 July, as one of several "background papers" he had commissioned at his meeting on 23 July "for summer reading".[68]

147. Mr Rycroft commented to Mr Blair:

> "The military are not yet ready to make a recommendation on which if any of the three options to go for. Nor can they yet judge whether the US have a winning concept. They are continuing to work with the US military. You do not need to take decisions yet."

148. The MOD advised Mr Hoon on 30 July that there was a shortfall in "essential" equipment enhancements for all three packages in respect of protection against an Iraqi biological attack. It had "low confidence" that those shortfalls could be addressed within six months.

149. The MOD sought approval to engage more widely to refine its work on lead times but Mr Hoon decided that would be premature.

150. On 30 July, an MOD official provided Mr Hoon with a "best estimate" of the equipment enhancements that might be necessary in order to deliver the potential UK force packages.[69]

151. In an attached annex, the enhancements had been categorised as either "essential now", "full operational capability enhancers", or "follow-on enhancements".

---

[68] Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.
[69] Minute Sec(O)1a to PS/SofS [MOD], 30 July 2002, 'Iraq – Enhancements Required For Potential UK Contribution'.

152. The shortfall of essential items for Packages 1 and 2 was for NBC equipment that would be required to treat casualties in the event of an Iraqi biological attack. The MOD had "low confidence" that it could be obtained within six months. It could take "up to nine months" to procure certain stocks from industry but further work was needed to identify other possible sources.

153. For enhancements required to achieve full operational capability, the MOD had "a high degree of confidence" that work could be completed "within six months" for Packages 1 and 2. For those packages, "none of the enhancement items appear to be a showstopper".

154. For Package 3, the MOD had "lower confidence" in the ability to deliver desertisation for tanks "for the fully sustained war-fighting role", which it judged "would take around ten months". There would also be a shortfall in NBC protection and biological detectors if Package 3 were to be adopted. Further work was being done to see how quickly this could be acquired.

155. The purchase of ammunition and spares for land forces and support helicopters was listed in the annex of equipment which was "essential now" to sustain operations if Package 3 were to be adopted.

156. The official wrote that "the earlier decisions are taken to start Urgent Operational Requirements (UOR) and sustainability acquisition, the greater the UK's preparedness and choice".

157. The MOD official requested approval to engage the Front Line Commands, the DPA and the DLO to "refine" the MOD's work on lead times. This was "most pressing" where the MOD had "low confidence that activity or procurement deemed essential to the UK force packages" could be achieved within six months.

158. The official would seek further approval before the MOD made "any contact with industry to determine the actual lead-times" for procuring equipment.

159. On funding, Mr Hoon was advised that, as any UORs for a campaign in Iraq would fall outside the MOD's budget, it would need agreement from the Treasury to call on the Reserve and to secure funding for the UOR equipment and enhancement measures.

160. The Reserve is a fund held by the Treasury intended for genuinely unforeseen contingencies which departments cannot manage from their own resources and was used to pay for the net additional costs of military operations (NACMO). The NACMO included both UOR and non-UOR expenditure associated with operations in Iraq. The process behind this is explained in Section 13.1, where MOD's negotiations with the Treasury are also examined.

161. Mr Watkins replied on 31 July, explaining that Mr Hoon had decided "it would be premature to widen the net of knowledge"; and that:

> "… no costs should be incurred on UORs and sustainability enhancements for the purposes of a campaign in Iraq … No estimates should be submitted to Treasury Officials."[70]

162. Mr Bowen wrote to Mr Watkins on 1 August, acknowledging Mr Hoon's clear directions but pressing "urgently" to take forward work on antitoxin[71] by widening the MOD planning circle.[72] Antitoxin was identified as an "essential" element in all three packages under consideration, "about whose potential availability we do not know nearly enough at present". Mr Bowen wrote:

> "In the event of any deployment, the proper preparations to enable British Forces to deal with the possible biological and chemical release would be essential … It seems likely that decisions on the acquisition of antitoxin, when they come to be made, will be on the critical path for the deployment of a war fighting capability."

163. Mr Bowen recommended "strongly" that Mr Hoon should agree that "on a very limited, need-to-know basis further staffing should be conducted with the inclusion of nominated NBC and Porton Down[73] staff".

164. Mr Adam Ingram, Minister for the Armed Forces, responded on 7 August that, "exceptionally", staffing could be widened "on a strict need to know basis", including NBC and Porton Down staff as requested.[74]

DETAILED PLANNING FOR UORS BEGINS

165. The MOD had defined essential equipment needed "now" for potential operations in Iraq as "showstoppers". That became the benchmark for determining whether the unavailability of an item should halt the deployment of UK forces.

166. On 9 August, Lt Gen Pigott published lists of individuals within the MOD (the "Centurion" group) and PJHQ (the "Warrior" group) who were authorised to receive "the most sensitive material relating to US planning and UK scoping on Iraq" during the summer.[75] That is described in Section 6.1.

---

[70] Minute PS/SofS [MOD] to Sec(O)1a, 31 July 2002, 'Iraq – Enhancements Required For Potential UK Contribution'.
[71] An antibody with the ability to neutralise a particular toxin; used as a countermeasure in the event of chemical or biological attack.
[72] Minute DG Op Pol to PS/SofS [MOD], 1 August 2002, 'Iraq – Enhancements Required For Possible UK Contribution'.
[73] The headquarters for the Defence Science and Technology Laboratory (DSTL).
[74] Minute PS/Min(AF) to DG Op Pol, 7 August 2002, 'Iraq – Enhancements For Possible UK Contribution – Antitoxin'.
[75] Minute MA2/DCDS(C), 9 August 2002, 'Centurion Group'.

167. Air Vice Marshal Clive Loader, Assistant Chief of the Defence Staff (Operations), told Mr Bowen on 16 August that he had been directed to "drill down" on equipment issues in the planning phase and was setting up an Equipment and Sustainability Working Group.[76] Draft Terms of Reference for the Group were attached.

168. AVM Loader wrote that, in accordance with directions from Mr Hoon's Private Office, consultation would "be strictly limited to those on the Centurion and Warrior lists".

169. The Terms of Reference described the Working Group's purpose as "taking forward the analysis of equipment and sustainability issues" with a "particular emphasis" on equipment availability and support. Work would be based on all three possible packages. The Working Group would gather "all internal data" to place itself "in the best position to take these issues forward" when clearance was granted.

170. The Working Group's scope would be "medical equipment and sustainability issues", including the issue of antitoxins. Consultation would be limited to the Centurion Group, "though outsiders may be approached for specific detail in response to specific questions where no connection to specific planning for operations against Iraq within a defined timescale is inferred".

171. The Working Group would consider which force elements could be delivered in either two or four months, aligning to "potential key dates on the US timescale", from September 2002. Where it was not possible to deliver the force element, the Working Group would consider the implications upon force packages. That would "allow those firming up the package" to identify what the UK could provide and where any shortfalls lay.

172. "Single Service sustainability work" would be checked by the DLO to ensure that centrally provided commodities, such as fuel and rations, were included for the entire force package.

173. The Terms of Reference categorised equipment under the same headings provided in the MOD advice to Mr Hoon on 30 July. Those were defined as:

- "Essential now": items "without which the force cannot deploy – they are showstoppers".
- "Full operational capability enhancers": required to give the force "a fully generated operational capability for up to 30 days of combat".
- "Follow-on enhancements": items beyond the minimum required for up to 30 days of combat and those that would "achieve a substantial measure of risk reduction".

[76] Minute ACDS (Ops) to DG Op Pol, 16 August 2002, 'Equipment and Sustainability Working Group' attaching Paper, 16 August 2002, 'Equipment and Sustainability Working Group Terms of Reference'.

174. The questions for the Group to consider included:

- the equipment requirement – such as the effects required from each package, quantities, enhancements for particular geographical locations and an understanding of priorities;
- the justification for it – such as what would "the operational penalties" be for not providing the item and were there any "operational lessons" that reinforced the case, for example from the 1990/91 Gulf Conflict;
- alternative solutions;
- the management and timing of the requirement;
- potential risks and wider implications; and
- visibility and presentation – how to "cover" preparing or acquiring the requirement.

175. Detailed planning for UORs for potential operations against Iraq began on 22 August with the first weekly Equipment and Sustainability Working Group meeting.[77]

176. On 5 September, Mr Hoon requested detailed advice from Mr Ian Lee, who had replaced Mr Bowen as MOD Director General Operational Policy, on the UORs assumed within the "preparation cost figures" for the three packages, "covering the 'what', 'why' and 'when' for each UOR".[78]

177. Mr Blair and Mr Hoon agreed on 8 September that the UK should plan on the basis of a medium scale land contribution but there should be no visible preparations.

178. Mr Blair met President Bush at Camp David on 7 September. That meeting is described in Section 3.4. Before the meeting, Mr Watkins wrote to Sir David Manning on 6 September with an update on US military planning and "the factors informing decisions on any UK military contribution".[79] For Package 2, he wrote that "some" UORs would need to be raised at additional cost to the Reserve.

179. For Package 3, Mr Watkins stated that "even were [Operation] FRESCO[80] to end soon, we could not provide a self-standing division within US timescales". He continued:

> "There would simply not be enough time to carry out the preparations we would need to make. We would not have enough time to engage industry in order to improve sustainability (ammunition, etc) and implement UORs to optimise forces for the theatre and interoperability with the US."

---

[77] Minute DCDS(EC) to PS/Minister(DP), 24 January 2003, 'Iraq: OP TELIC UORs'.
[78] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.
[79] Letter Watkins to Manning, 6 September 2002, 'Iraq: Military Planning'.
[80] The operation to address the fire fighters' strike.

180. The Chiefs of Staff were considering what the "maximum effort" UK contribution could be for a UK ground force operating as part of a larger US force in northern Iraq. The "illustrative" force package consisted of a divisional HQ, an armoured brigade, an air assault brigade and a logistics brigade. A decision to commit all those elements would comprise some 40,000 personnel (including up to 10,000 Reservists).[81]

181. Mr Hoon's Private Office wrote to Mr Lee on 9 September, reporting that Mr Hoon had spoken to Mr Blair on the evening of 8 September following Mr Blair's return from Camp David:

> "It was agreed that a full UK Divisional contribution was impracticable and the UK should play down our ability to take on an overall leadership role in the North. The UK should, however, remain involved, developing the enhanced support package with the addition of a land medium scale contribution."[82]

182. Mr Hoon requested that planning should continue. His Private Office added: "For now actions must remain invisible … and this situation is likely to last for about a month."

183. MOD officials continued to push for agreement to discuss UORs with a wider set of colleagues and the Treasury.

184. The MOD sought approval from Mr Hoon to progress 16 "showstoppers" but highlighted that there was also a number of urgent UORs that were necessary to bring a UK force up to full operational capacity.

185. On 4 September, in advance of a planned meeting with Mr Hoon, Mr William Nye, Head of the Treasury Defence, Diplomacy and Intelligence Team, briefed Mr Gordon Brown, Chancellor of the Exchequer, that MOD officials had done little work to refine the cost estimates for preparing a medium and large scale force, as they were under no pressure from Ministers to do so.[83] Neither had the MOD done any work to assess the cost of the campaign itself. Mr Nye said that it would be useful for Mr Brown to emphasise that the Treasury needed to be involved in some of the discussions on military planning, to enable it "to be kept informed of the context of financial and strategic decisions".

186. The Treasury informed the Inquiry that the meeting between Mr Brown and Mr Hoon was one-to-one and no record was taken.[84]

187. A minute from Mr Watkins to Mr Lee on 5 September summarised a series of discussions that Mr Hoon had had earlier that day.[85] In a meeting with Mr Brown,

---

[81] Letter Watkins to Manning, 6 September 2002, 'Iraq: Military Planning'.
[82] Minute APS/SofS [MOD] to DG Op Pol, 9 September 2002, 'Iraq – Defence Secretary's Conversation with the Prime Minister'.
[83] Minute Nye to Bowman, 4 September 2002, 'Meeting with Geoff Hoon: Iraq'.
[84] Email Treasury to Iraq Inquiry Secretariat, 26 February 2010, [untitled].
[85] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.

Mr Hoon had "again" run through the three options and "alerted Mr Brown to the likely broad order costs of Package 2".

188. Mr Hoon and Mr Brown had also agreed to "meet periodically thereafter so that Mr Hoon could keep Mr Brown in touch with our emerging thinking on the options for UK involvement in any military action and the implications for UORs".[86]

189. On 13 September, Dr Simon Cholerton, a junior official in Secretariat (Overseas) (Sec(O)), advised Mr Hoon on "the need to take forward essential UOR work" for potential operations in Iraq.[87] Mr Hoon was asked to:

- Note "that we have got as far as we can in defining urgent equipment and sustainability measures without consulting more widely" and the "very limited nature of our consultation and the broad scope of the packages on the table" meant that "we cannot have high confidence in the judgements we have made".
- Agree that the MOD should take forward "a limited package of 'ambiguous' tasks on 16 essential UORs" aimed at remaining "invisible" but with enough information to approach the Treasury.
- Note that "these tasks do not cover the full range of capability shortfalls which have been identified" and work was needed on a wider set of UORs "as soon as the 'invisibility' constraint was lifted" to inform the Treasury. It would require "a limited expansion" of the Centurion Group.

190. The 16 essential UOR "showstoppers" covered all three packages. That included NBC protection where there was a requirement to "improve" Individual Protective Equipment, Collective Protection (COLPRO) and NBC detection. Dr Cholerton explained that, for all three Services, the issue was "not so much that we do not hold equipment (capability exists), but whether we hold sufficient in the face of the risk".

191. Dr Cholerton wrote that six measures were essential for the land component, notwithstanding the uncertainty over which package would be adopted. That included desertisation of armoured vehicles and the procurement of additional Enhanced Combat Body Armour (ECBA), of which only 13,345 sets were available against a potential deployment of 47,000 personnel. Existing ECBA stocks would be sufficient to equip only the front line fighting troops. That would "leave support staff – who will nevertheless potentially face a high risk environment – less well protected".

192. On 16 September, Mr Hoon received advice on preparatory work to take forward "a small number of time-critical" UORs for Special Forces.[88]

---

[86] Minute Watkins to DG RP, 18 September 2002, 'Iraq: Meeting with the Chancellor: 23 September'.
[87] Minute Cholerton to PS/SofS [MOD], 13 September 2002, 'Iraq – Urgent Operational Requirements (UORs)'.
[88] Minute Sec(HSF)2 to PS/SofS [MOD], 16 September 2002, ' OP ROW: SF Urgent Operational Requirements'.

193. The MOD suggested it could use the cover of operations in Afghanistan "to handle these UORs in a discreet fashion", with costs being attributed to the same "ticket". Alternatively, there could be "some reprioritisation" of in-year resources: "Costs would then be claimed back retrospectively once a more general agreement has been reached with the Treasury on how to deal with the additional costs of any Iraq operations."

194. On 18 September, Mr McKane, now MOD DGRP, wrote he was "distinctly uneasy" about both options.[89] He proposed to either:

- urgently press for agreement to open up a dialogue with Treasury officials so that the funding of Iraq-related UORs was put "on to a sound footing"; or
- if AM Stirrup deemed the Special Forces' UORs "to be of such a high priority that he can re-prioritise the Equipment Plan, then he should do so". The Defence budget would have to absorb the costs.

195. On 19 September, Sir Kevin Tebbit's Private Office replied, agreeing with Mr McKane's advice that it would be "improper" to use the Afghanistan budget for Iraq and that it would, "in any case, be evident to Treasury in view of the 'item by item' requirement for scrutiny".[90]

196. Sir Kevin did not, however, agree Mr McKane's suggestion that the UORs could be met from the equipment budget through re-prioritisation "in view of the precedent this could set". Sir Kevin advised Mr Hoon to discuss the issue with Mr Brown "as soon as possible", which would be at their meeting scheduled for 23 September. Once that agreement was in place, the MOD could proceed, "either invisibly or otherwise".

197. Mr Hoon's Private Office decided not to show him the note from 16 September as a result of the comments from Mr McKane and Sir Kevin.[91] It requested further advice, "when appropriate".

198. Having seen Dr Cholerton's minute of 13 September, Air Chief Marshal Sir Peter Squire, Chief of the Air Staff, wrote to Adm Boyce on 16 September.[92] He believed that the situation had changed "considerably" since the Chiefs of Staff last discussed UORs. He wrote:

> "Political statements from both London and Washington have confirmed that a UN resolution will, in the first instance be pursued but that, if this fails military action will follow. Under these circumstances, contingency action to prepare for the eventuality that the UN resolution is not effective would seem entirely appropriate."

---

[89] Minute McKane to Sec(HSF)2, 18 September 2002, 'Op ROW: SF Urgent Operational Requirements (UORs)'.
[90] Minute APS/PUS [MOD] to Sec(HSF)2, 18 September 2002, 'Op ROW: SF Urgent Operational Requirements (UORs)'. The MOD has confirmed that the date provided on the paper, 18 September, is incorrect and is content for the Inquiry to use 19 September.
[91] Minute APS/Secretary of State [MOD] to Sec(HSF)2, 18 September, 'Op ROW: SF Urgent Operational Requirements (UORs)'.
[92] Minute CAS to CDS, 16 September 2002, 'Iraq – Urgent Operational Requirements'.

199. ACM Squire wished to proceed with "not only those UORs classified as 'showstoppers' but also those that will secure within an appropriate timescale a significant enhancement to operational capability".

200. In response to ACM Squire's minute, Sir Kevin Tebbit wrote to Adm Boyce that he fully understood "the difficulty of possible timelines for military action, as long as the ban on overt preparations, including for UORs, has to remain in place".[93]

201. Sir Kevin added:

> "I do not think the political situation has yet evolved sufficiently to be able to recommend to the Secretary of State that visible steps for contingency work or procurement action can go forward."

202. Sir Kevin concluded:

> "I fear for the time being that we are still in a position of preparing and developing our UOR cases in readiness for detailed engagement with the Treasury, but stopping short of visible measures, or indeed, implementation, pending the political decision from the Secretary of State."

203. Mr Hoon's Private Office wrote to Dr Cholerton on 17 September.[94] Mr Hoon was content for work to "proceed on some of the UORs" identified in Dr Cholerton's minute, but "the potential profile of the remainder would be problematic at the present time". Mr Hoon would, "however, be willing to accept further advice in due course". In the meantime, "no funds should be committed to Iraq-related UORs" until the Treasury's agreement was secured.

204. An annex stated that Mr Hoon was content for MOD officials to proceed with 12 of Dr Cholerton's UORs, but the remaining four required further advice, including the desertisation of armoured vehicles and ECBA.

205. Mr Hoon was content for the Centurion Group to be expanded as requested, which he understood would be "an approximately 10 percent increase in the community aware of contingency planning work".

206. On 18 September, Lt Gen Pigott circulated draft advice for Mr Hoon on the UK's potential contribution for discussion at an operational Chiefs of Staff meeting the following day.[95] He stated:

> "As Secretary of State is aware six essential equipment measures (Challenger II desertisation, fuel and water bowsers, enhanced combat body armour, SA80 and

---

[93] Minute PUS [MOD] to CDS, 17 September 2002, 'Iraq – UORs'.
[94] Minute APS/SofS [MOD] to Sec(O)1, 17 September 2002, 'Iraq – Urgent Operational Requirements'.
[95] Minute Warrior CPT Leader [junior officer] to MA/CJO, 19 September 2002, 'Warrior CPT – Update on planning' attaching Minute DCDS(C) to PS/Secretary of State [MOD], September 2002, 'Iraq: Potential UK contribution to US-led action'.

logistic vehicles) need to be taken forward. If we are to keep open our options on engaging, at or about the same time as the earliest potential US deployment in the North, work on *all* of these UORs plus others would need to be taken forward with the commitment of additional resources, and publicly visible placing of orders in early October."

207. The record of the Chiefs of Staff discussion on 19 September shows that Adm Boyce stated "there was still an embargo on discussing UORs with industry, and the issues could still not be discussed with a wider audience".[96]

208. The minutes from the meeting also recorded that Lt Gen Pigott's draft advice to Ministers was to be rewritten to include an explanation of the impact on future operations.

209. A note from Mr Watkins on 19 September stated that the draft advice was shown to Mr Hoon and Lord Bach, Parliamentary Under Secretary and Minister of State for Defence Procurement, that day.[97]

210. Lt Gen Pigott produced further advice on 26 September that did not contain the same level of detail on UORs.[98] The only reference to them stated:

"In MOD and PJHQ there is detailed work in hand on a range of force preparation issues. Those relating to the call-out of Reservists, training and Urgent Operational Requirements are the most pressing. The implications of this work will bear on our force options so we need to retain the necessary flexibility, until all this is clearer."

211. On 20 September, No.10 was informed that Package 2 comprised 13,000 personnel (Special Forces, Air and Maritime).[99] Consideration was also being given to including a Commando group of 1,700 Royal Marines personnel. Package 3 (comprising a Divisional HQ and an armoured brigade plus supporting elements), would comprise a further 28,000 personnel.

212. Mr Brown agreed proposals, in principle, for funding UORs on 23 September. The arrangements were confirmed on 4 October.

213. On 23 September, Mr Blair agreed with Mr Hoon that Package 2 could be offered as a potential UK contribution but there was a misunderstanding over whether the US should be informed that the UK was still considering a land option (Package 3). That issue is detailed in Section 6.1.

---

[96] Minutes, 19 September 2002, Chiefs of Staff (Operations) meeting.
[97] Minute Watkins to PSO/CDS, 19 September 2002, 'Iraq: Potential UK Contribution to Any US-led Action'.
[98] Minute DCDS(C) to CJO, 26 September 2002, 'Iraq – Potential Scale of UK Force Contribution For Use in UK/US Contingency Planning'.
[99] Minute Watkins to Manning, 20 September 2002, 'Iraq: Potential UK Contribution to any Military Action'.

214. Mr Brown and Mr Hoon met separately on 23 September to agree the process for funding UORs.[100] Mr Brown agreed the MOD's proposal to adopt a similar approach for managing Iraq UORs to that already in place for Afghanistan UORs, with an initial ceiling of £150m.

215. Mr Hoon undertook to provide "a broad breakdown of this sum", which he set out in a letter to Mr Brown on 25 September.[101] While he highlighted that "requirements and priorities may of course change" as US planning developed, Mr Hoon wrote that the first tranche of measures might include:

- strategic and theatre communications (approximately £25m to £35m);
- Special Forces, including communications and air support (approximately £40m to £60m);
- force protection measures, including items such as defensive aids for aircraft and NBC equipment (approximately £20m to £40m); and
- initial logistic support, campaign infrastructure and spares (£50m to £100m).

216. MOD and Treasury officials were tasked to work out the detailed arrangements. Mr Brown would write to Mr Hoon with proposals for handling UORs above the £150m ceiling.

217. On 26 September, Mr McKane met Mr Jonathan Stephens, Treasury Director Public Services, "to follow up" the meeting between Mr Hoon and Mr Brown.[102]

218. Mr McKane explained that the total volume of UORs was likely to cost more than £150m but the MOD was not yet in a position to say by how much.

219. Mr McKane also explained that the MOD might wish to use the £150m for "items that were not strictly speaking UORs" such as force generation costs.

220. The Treasury "did not demur" on either point.

221. Mr McKane reported that the Treasury asked when Mr Hoon:

> " … was likely to come forward with a firm recommendation on the overall scale of the British contribution. I said that this was likely to be within the next few weeks and that obviously the financial cost of the options would be one of the factors to be weighed in the balance."

222. Mr David Williams, MOD Director, Directorate Capabilities, Resources and Scrutiny (DCRS), wrote to the Treasury on 2 October, proposing a set of criteria for agreeing UORs against the Reserve.[103]

---

[100] Letter Hoon to Brown, 25 September 2002, 'Iraq: Urgent Operational Requirements'.
[101] Letter Hoon to Brown, 25 September 2002, 'Iraq: Urgent Operational Requirements'.
[102] Minute DG RP to Finance Director, 26 September 2002, 'Iraq: Urgent Operational Requirements'.
[103] Letter Williams to Treasury [junior official], 2 October 2002, 'UOR Criteria'.

223. On 4 October, Mr Williams advised Mr Hoon that the MOD had reached agreement with the Treasury on the UOR arrangements.[104] Work was "in hand" to prioritise the list of UORs, and to produce business cases for a range of "showstopper" UORs. He sought Mr Hoon's agreement for work to "now begin" on a wider range of UORs, "including discreet consultation with industry", and for resources to be committed as business cases were approved.

224. Mr Williams explained that Ministers were "not normally invited to approve individual UORs" unless project costs exceeded £400m; all UORs in this instance would cost less than £100m and fall "well within" the approval authority delegated to one-star officials.[105] Officials would, however, consult Mr Hoon separately where UORs could not be covered by the ambiguity of operations in Afghanistan, and on the four items where Mr Hoon had requested further advice in his 17 September note.

225. Mr Hoon's Assistant Private Secretary wrote a summary of the points on the minute, stating: "I believe this is now practical and appropriate. OK?"[106]

226. Mr Hoon replied: "I would like to see all of them first."[107]

227. Mr Hoon's Private Office replied to Mr Williams on 7 October:

> "Before agreeing to the implementation process described in your minute … Mr Hoon wishes to see the UOR priority lists following consideration by the Chiefs of Staff."[108]

228. As work on UORs progressed, the capability shortfalls identified by Dr Cholerton on 13 September proved problematic.

229. On 8 October, Lt Gen Pigott prepared an update on the progress of UORs for the Chiefs of Staff to consider the following day.[109] It separated UORs into two tranches:

- Tranche 1 to "be implemented forthwith", funded from the first £150m agreed by the Treasury; and
- Tranche 2, which would "continue to be updated".

230. Lt Gen Pigott explained that the prioritisation had been governed by:

- "the need to provide individual and force protection";

---

[104] Minute DCRS to APS/SofS [MOD], 4 October 2002, 'Iraq: UORs – Update'.
[105] Brigadier or equivalent in the Armed Forces and Senior Civil Servant Level 1 for civilians.
[106] Manuscript comment MOD [junior official] on Minute DCRS to APS/SofS [MOD], 4 October 2002, 'Iraq: UORs – Update'.
[107] Manuscript comment Hoon on Minute DCRS to APS/SofS [MOD], 4 October 2002, 'Iraq: UORs – Update'.
[108] Minute APS/Secretary of State [MOD] to DCRS, 7 October 2002, 'Iraq: UORs – Update'.
[109] Minute DCDS(C) to PSO/CDS, 8 October 2002, 'Iraq Contingency Planning – Urgent Operational Requirements'.

- "the requirement to achieve maximum military effect at the strategic, operational and tactical levels";
- costs – including a consideration of whether the relative capability of a small number of more expensive enhancements was more valuable than a larger number of cheaper ones; and
- equipment lead times – those with long lead times had been given priority.

231. The difficulties of planning covertly and without wider consultation were reiterated. Lt Gen Pigott said that meant that there were "a number of particularly problematic capabilities" which were being addressed urgently by the MOD but "need to be drawn to the attention of COS and in some cases would benefit from higher level direction". Those included:

- NBC COLPRO – the majority of in-service equipment had been purchased for the 1991 Gulf Conflict but had not been fully taken into service, nor had its support been fully funded "so its effectiveness for future operations" was still to be determined.
- Antitoxin – work to address the current shortfall was "unlikely to meet the requirement in less than 6 to 8 months".
- ECBA – there were "about 20,000 complete sets of ECBA in-service which would be "sufficient to equip the Fighting Echelon of the Land Component, but not the whole Joint Force". The time taken to produce the shortfall could not be determined until industry was consulted but their current judgement was that "it may be very difficult to manufacture the amount of Kevlar armour plates in the amount required in time".

232. On visibility, Lt Gen Pigott wrote:

> "… there will come a point where the presentational challenge will be not so much to ensure that UOR work remains veiled, but rather to demonstrate that we are taking action to address perceived capability shortfalls."

233. Lt Gen Pigott wrote that would include issues highlighted in recent NAO reports[110] on desertisation of armoured vehicles, Combat ID and Saif Sareea II.

234. When the Chiefs of Staff discussed the list of UORs on 9 October, it was advised that the Directorates of Equipment Capability (DECs) and Front Line Commands "were now engaged in the staffing of UORs".[111]

235. The minutes do not record any reference to specific UORs or equipment capabilities raised by Lt Gen Pigott.

---

[110] Looking at the NAO publications around this period, it appears that Lt Gen Pigott was referring to one report: the Saif Sareea report published on 1 August 2002 that dealt with all of the points to which he refers and that is detailed earlier in this Section.
[111] Minutes, 9 October 2002, Chiefs of Staff meeting.

236. Mr Williams wrote to Mr Hoon on the same day, informing him that the Chiefs of Staff had now endorsed the prioritised list of UORs for Iraq as requested.[112] He attached the list and asked Mr Hoon to agree that work should now be taken forward as recommended in his minute of 4 October.

237. Mr Williams added that Treasury officials had confirmed that the MOD's interpretation of access to the Reserve was shared by Mr Brown and they were ready to agree the commitment of resources.

238. The list of UORs covered all three Packages and included:

- communications equipment;
- force protection measures, including NBC equipment and defensive aid suites; and
- desertisation measures including clothing, hydration systems and sand filters.

239. Mr Hoon's Private Office commented:

> "I suggest we have a system whereby we see the papers in parallel and draw any dodgy looking ones to your attention."[113]

240. Before agreeing Mr Williams' advice, Mr Hoon's Private Office wrote to Sir David Manning on 11 October with an update on the UOR process, explaining the approvals process and that wider consultation was necessary to ensure that cost information was "soundly based":

> "This consultation will be carefully controlled but will inevitably increase the risk of wider disclosure. In the majority of cases, this is unlikely to excite public interest. But the nature of the work involved with some of the essential requirements … will inevitably lead to comment and speculation that they are linked to preparation for Iraq. The Defence Secretary judges nevertheless that it is necessary to initiate this work now to meet likely timescales and has therefore authorised it to proceed".[114]

241. On 15 October, Mr Hoon's Private Office wrote to Mr Williams, agreeing that the necessary work should now be undertaken to progress the full range of the prioritised (Tranche 1) UORs.[115] Mr Hoon had asked for a copy of all approvals paperwork so that he could "maintain an awareness of progress, and be forewarned of any particularly contentious items". It would also be useful for Mr Williams to provide "the weekly summary of progress" he was understood to be producing.

---

[112] Minute DCRS to APS2/Secretary of State [MOD], 9 October 2002, 'Iraq: UORs'.
[113] Manuscript comment MOD [junior official] on Minute DCRS to APS2/Secretary of State [MOD], 9 October 2002, 'Iraq: UORs'.
[114] Letter Williams to Manning, 11 October 2002, 'Iraq: Potential UK Contributions – Urgent Operational Requirements'.
[115] Minute APS/SofS [MOD] to DCRS, 15 October 2002, 'Iraq: UORs'.

242. Lt Gen Pigott produced an update on UORs for the Chiefs of Staff on 21 October.[116] Tranche 1 UORs were being implemented: two UORs had been approved so far and a further 64 USURs[117] had been formally endorsed by PJHQ and the Director of Special Forces (DSF).

243. Lt Gen Pigott wrote that a working group had been established to inform the Chiefs on the risks associated of operating in a CBRN environment. The provision of COLPRO was being reviewed but detailed checks on armoured vehicle NBC filter packs was not possible under the current visibility guidelines. Routine appraisals were being carried out and checks were being incorporated into those.

244. Where there was no ambiguity about the purpose of the requirement, Mr Hoon was to be consulted before industry was approached. The measures that fell into this category included:

- weapons stocks;
- satellite communications technology;
- fuel distribution and water carriage systems;
- ECBA;
- COLPRO for NBC attacks, including antibiotics for all personnel which was considered essential; and
- desert clothing.

245. The Chiefs of Staff approved Lt Gen Pigott's paper at their meeting on 28 October and ACM Bagnall was directed to "take the work forward".[118]

246. The minutes do not record any reference to specific UORs or equipment capabilities raised in Lt Gen Pigott's minute.

247. On 29 October, Major General David Richards, Assistant Chief of the General Staff (ACGS), wrote to Lt Gen Pigott about his paper of 21 October, stating that he was:

> "… content to endorse the recommendations within the paper subject to the requirement to increase the pace at which we address the UORs concerning NBC COLPRO and decontamination. There is a significant delta between current UORs and our anticipated requirement which needs urgent work."[119]

248. Between 31 October and the middle of December 2002, Ministerial decisions and military planning and preparations were based on advice that the deployment

---

[116] Minute DCDS(C) to COS, 21 October 2002, 'Iraq Contingency Planning – Urgent Operational Requirements and Related Funding Issues'.
[117] Urgent Statement of User Requests (USURs) are raised when there is a capability gap that needs addressing by the procurement of new equipment. That process is explained in detail in Section 14.1.
[118] Minutes, 28 October 2002, Chiefs of Staff meeting.
[119] Minute ACGS to MA1/DCDS(C), 29 October 2002, 'Iraq Contingency Planning – Urgent Operational Requirements and Related Funding Issues'.

of a divisional headquarters and a single combat brigade, with four battalions, in a northern option, and the possible deployment of a Royal Marines Commando Group to southern Iraq, were the maximum which could be deployed given the requirements of Op FRESCO and the timescale for military operations envisaged by the US.

249. The process for approving UORs continued against a deadline of the end of February for Packages 1 and 2, and the end of March for Package 3.

250. The difficulties surrounding desertisation measures, clothing, ECBA and NBC protection continued.

251. On 30 October, Mr Hoon's Private Office wrote to a DCRS official with a query raised by Mr Hoon while reading the UOR for Challenger 2 modifications:

> "He noted that the business case used a latest acceptable in-service date of April 2003. He wonders what in-service dates are currently being considered appropriate, given what we know of US planning."[120]

252. The DCRS official replied on 12 November.[121] He stated that the Challenger 2 In Service Date (ISD) was "used with 90% confidence" and would "almost certainly be brought forward". His understanding was that modifications would "be complete by early March" and did not require the vehicles to be returned to the factory; the modifications could be carried out in theatre "if necessary".

253. The official added that it was "not easy to align equipment ISDs with an operation, when the timing of the latter is moving constantly" but "rough timeframes" were necessary to negotiate delivery times and costs with industry, with the caveat that they were liable to change.

254. Adm Boyce's office added:

> "While this could add further flexibility to the time required for modifications, we should not lose sight of the implications for tank crewmen … Our experience in 1991 was that such modifications … were time-consuming and manpower-intensive. Planning should take account of this."[122]

255. Section 6.1 addresses Mr Blair's decision on 31 October that the MOD could offer Package 3 to the US for planning purposes.

256. Mr Hoon was advised on 1 November by a DCRS official that 88 USURs had been sent to DCRS, having been endorsed by PJHQ and DSF.[123] He wrote that 10 UOR

---

[120] Minute APS/SofS [MOD] to DCRS 1, 30 October 2002, 'Iraq: UORs'.
[121] Minute DCRS1 to APS/SofS [MOD], 12 November 2002, 'Iraq: UORs'.
[122] Minute PSO/CDS to DCRS 1, 19 November 2002, 'Iraq: UORs Challenger 2'.
[123] Minute DCRS 1 to APS/SofS [MOD], 1 November 2002, 'Possible Operations against Iraq UOR List, 1 November 2002'.

business cases had been approved internally and that Treasury officials were "actively considering" the AS90[124] and Challenger 2 desertisation cases. The approved business cases amounted to £20m, £800,000 of which was in the form of running costs that would be claimed against the Reserve.

257. The official added:

> "Most addressees will have seen the article that appeared in the Telegraph earlier this week alleging that contingency planning was being held up by HM Treasury. This assertion is entirely without foundation and serves only to complicate unnecessarily our excellent relationship with them."

258. On 6 November, the Chiefs of Staff considered a paper from Lieutenant General John Reith, Chief of Joint Operations (CJO), about the impact of "very hot weather" on the UK's war-fighting ability.[125] The points raised included:

- It was "well recognised" that weapon systems could be "degraded in hot weather".
- Ammunition storage was difficult and high risk.
- "Most" land vehicles required UOR action "to enable them to operate effectively in hot weather", some of which were "in hand". The lead time for modifications varied from one to 12 months.

259. The Chiefs of Staff noted the paper, which was to be revised and re-submitted "within one month".

260. On 12 November, a DCRS official sought Mr Hoon's approval to initiate discussions with industry for five equipment measures that would raise the visibility of planning for an invasion of Iraq:

- desert combat boots – an estimated 20,000 were required in particular sizes with a critical lead time of three to six months;
- ECBA – there was currently only sufficient stock for 15,000 personnel;
- water and fuel distribution; and
- medical equipment, including battlefield ambulance upgrades, COLPRO and field hospital infrastructure.[126]

261. Mr Hoon approved the request on the following day.[127]

---

[124] The AS90 is a self-propelled gun.
[125] Minute Reith to PSO/CDS and SECCOS, 5 November 2002, 'Warfighting in Iraq in the Summer'; Minutes, 6 November 2002, Chiefs of Staff meeting.
[126] Minute DCRS 1 to APS/SofS [MOD], 12 November 2002, 'Potential Operations in Iraq: Requirement to discuss Equipment Procurement with Industry'.
[127] Minute PS/SofS [MOD] to DCRS 1, 13 November 02, 'Potential Operations in Iraq: Discussions with Industry'.

262. The Chiefs of Staff had also considered a "CBRN Risk Paper" on 6 November and the key equipment issues arising were covered in Lt Gen Pigott's UOR update on 18 November.[128] The time needed to procure additional COLPRO under UOR action was "directly related to the amount of equipment required" and it was possible that the quantity which could be procured and fielded against "the most demanding timeframe may be insufficient to meet the full requirement". That could have an impact upon the UK's concept of operations (CONOPS). Options would be presented to the Chiefs of Staff "once the extent of the likely shortfall" was confirmed.

263. Lt Gen Pigott reported that 20 UORs had been approved to date, and a further 137 USURs endorsed. The latest ISD being used to gauge the delivery of UORs was the end of February for Packages 1 and 2 and the end of March for Package 3.

264. There were some key equipment gaps "that may not be fully addressed by the UOR process and for which Chiefs of Staff's direction on prioritisation and risk may be required", including:

- ECBA – " … it is possible we may not be able to procure sufficient numbers within the timeframe; this may necessitate differential levels of force protection".
- Desert clothing and boots – "It is likely that the numbers required will exceed the UK's manufacturing capability. There are operational, force health and presentational implications in not providing troops with appropriate clothing."

265. Options would be presented to the Chiefs of Staff once procurement timelines had been confirmed with industry.

266. Maj Gen Fry advised Adm Boyce on 22 November that it would take some four months from the order to deploy for the northern option (whether Package 2 or 3), and more than five months for the southern option.[129]

267. A DCRS official informed Mr Hoon on 22 November that contracts were shortly to be let for clothing, combat boots and body armour, and the procurement of these items would be highly visible.[130] The official wrote that the "continuing uncertainty over the size of the operation" meant that, initially, the procurement figures would be:

- clothing for 15,000 personnel;
- 20,000 pairs of desert boots; and
- 50,000 body armour plates.

---

[128] Minute DCDS(C) to COS, 18 November 2002, 'Iraq Contingency Planning – Urgent Operational Requirements and Related Issues'.
[129] Minute DCJO(Ops) to PSO/CDS, 22 November 2002, 'Potential Operations in Iraq – Northern and Southern Timelines'.
[130] Report DCRS 1 to APS/SofS [MOD], 22 November 2002, 'Potential Operations in Iraq: Letting of Contracts for Combat Clothing/Body Armour'.

268. On 29 November, a DCRS official provided a UOR update for Ministers, the Chiefs of Staff and various other senior personnel, recording that 35 UORs and 162 USURs had been approved.[131] Those included desert clothing, AS90 environmental enhancements, Challenger 2 dust mitigation and enhanced armour protection, battlefield ambulance upgrades and field hospital upgrades.

269. The combined cost of the 35 UORs was £115m, against the initial £150m allocated by the Treasury.

270. The same day, the DCRS official sought permission from Mr Hoon for the MOD to commence discussions with industry on the procurement of desert clothing, ECBA, water and fuel distribution and medical equipment.[132] The official explained that, although Mr Hoon had already given that permission on 13 November:

> "… there is a perception in other areas (including the DLO) that restrictions on consulting industry remain in place and the uncertainty needs to be removed."

271. The areas where "some concern had been expressed" included the build-up of sustainability commodities related to land forces and COLPRO.

272. Mr Hoon's Private Office replied on 2 December, agreeing that the MOD could discuss "any items of equipment relating to operations in Iraq" with industry "at the appropriate stage in the UOR process".[133] That was "on the understanding that appropriate confidentiality will be observed".

273. In December 2002, the MOD and the Treasury agreed how the MOD would claim the cost of military operations against Iraq from the Reserve.

274. On 28 November, Mr Hoon wrote to Mr Brown to request an increase in the UOR ceiling from £150m to £300m and to secure agreement that the MOD should begin to capture all non-UOR additional costs, with a view to repayment from the Reserve in due course.[134] He stated that the current UOR process was "working well".

275. Mr Blair agreed on 9 December that the MOD should plan on the basis that a political decision to commit land forces could be taken as early as 15 February 2003 (see Section 6.1).

276. A copy of the letter recording Mr Blair's decision was sent to Mr Mark Bowman, Mr Brown's Private Secretary.

---

[131] Minute DCRS 1 to APS/SofS [MOD], 29 November 2002, 'Possible Operations Against Iraq UOR List, 29 November 2002'.
[132] Minute DCRS 1 to APS/SofS [MOD], 29 November 2002, 'Potential Operations in Iraq: Requirement to Discuss Equipment Procurement with Industry'.
[133] Minute APS/SofS [MOD] to DCRS 1, 2 December 2002, 'Potential Operations in Iraq: Requirement to Discuss Equipment Procurement with Industry'.
[134] Letter Hoon to Brown, 28 November 2002, 'Iraq: Urgent Operational Requirements'.

277. Mr Brown agreed on the same day to increase the ceiling for UORs and that the MOD should begin to capture NACMO, but said that all such costs should be contained within the UOR ceiling "until any operation is initiated".[135]

278. On 11 December, Mr Rycroft confirmed that Mr Blair was "content that military preparations from January would become increasingly visible".[136]

279. Mr Hoon wrote to Mr Brown on 13 December, warning him that Mr Blair's decision on 9 December would increase the rate at which the MOD incurred additional costs.[137]

280. The recently agreed £150m tranche was "likely to be exhausted by 20 December". Mr Hoon requested an additional £200m for UORs, bringing the UOR total to £500m.

281. Mr Paul Boateng, Chief Secretary to the Treasury, agreed the request on 23 December.[138]

282. The discussions leading up to that decision are set out in greater detail in Section 13.1 which shows that the arrangement for reclaiming the NACMO worked as intended and did not constrain the military's ability to conduct operations against Iraq.

283. There was no delay or obstruction on the part of the Treasury that stifled the progress of UORs.

284. Mr McKane told the Inquiry that there had been no major obstacles to the preparations with the Treasury, although the need to return to the Treasury to increase the tranches of money available had been frustrating to some:

> "Inevitably in these kind of circumstances there is an anxiety and a concern on the part of the Ministry of Defence to get on with things and the – and it did take a month or so after my first engagement in this for the agreements to be reached to start to commit money to these Urgent Operational Requirements. But thereafter, the process operated smoothly. There were some, I think, who were probably frustrated at the fact that … we were given tranches of money … and I can remember that we would get quite quickly to the point where we had exhausted the first tranche and were then involved in the preparation of ministerial correspondence to secure the release of the next tranche, but I think … that was understandable in the circumstances."[139]

285. Lt Gen Pigott's UOR update for the Chiefs of Staff on 20 December stated that 79 UORs had been approved at a cost of £283m, 48 from Tranche 1 and 31 from

---

[135] Letter Brown to Hoon, 9 December 2002, 'Iraq: Urgent Operational Requirements'.
[136] Letter Rycroft to Watkins, 11 December 2002, 'Iraq: Military Preparations'.
[137] Letter Hoon to Brown, 13 December 2002, 'Iraq: Costs'.
[138] Letter Boateng to Hoon, 23 December 2002, 'Iraq: Costs'.
[139] Public hearing, 2 July 2010, pages 35-36.

Tranche 2.[140] There were nine Tranche 1 UORs outstanding. Additional sustainability measures of £44.75m had been approved.

286. The key issues included:

- Fuel and water distribution.
- COLPRO – the DLO was finalising its assessment of the consolidated requirement against serviceable holdings and was initiating UOR action for the balance. Early indications suggested "an initial delivery date of late Feb/Mar 03" although there may be a longer lead time for some components. As its delivery could affect the UK's ability to "field the required capability in the anticipated timescale", options for the prioritisation of the available equipment would continue to be refined.
- ECBA – contracts for an additional 37,400 ECBA plates were to be let the following week, to augment the 30,000 in stock. It was expected that the requirement would be "met in full by the end of March".
- Desert clothing – 10,000 sets of desert clothing were in stock and contracts had been placed for an additional 15,000 sets and 20,000 pairs of boots. Those would be available by the end of March. The MOD intended to procure a further 15,000 sets of clothing and 10,000 sets of boots but it would not be possible to confirm whether those would be available by the end of March until the contracts had been placed.

287. The difficulties in providing Combat ID were also highlighted. That is addressed later in this Section.

288. By 3 January 2003, a total of 242 USURs had been endorsed and 118 UOR business cases approved, totalling £340m.[141]

The decision to deploy ground forces to the South and its implications

289. Between mid-December 2002 and mid-January 2003, the force to be deployed recommended by the MOD increased from an armoured brigade and a Commando Group to an armoured brigade and two light brigades.

290. The military recommendation to offer ground forces at large scale and to deploy for potential operations in southern Iraq was formally endorsed on 17 January, only two months before the possible start of military operations.

291. The only reference in the papers put to Mr Hoon and Mr Blair of the risks associated with deploying three combat brigades and committing them to earlier

---

[140] Minute DCDS(C) to COS, 20 December 2002, 'Iraq Contingency Planning – Urgent Operational Requirements and Related Issues'.
[141] Minute from DCRS1d to APS/SofS [MOD], 3 January 2003, 'Possible Operations Against Iraq UOR List, 3 January 2003'.

operations was that some risk would have to be taken on fitting UOR equipment, but that risk was "considered acceptable".

292. The risk that some equipment might not be delivered in time for the start of operations does not appear to have been drawn to Ministers' attention or discussed.

293. The development of the military options between mid-December 2002 and mid-January 2003, the decision to offer 3 Commando Brigade for the amphibious assault, and the decision on 17 January to deploy two brigades for operations in southern Iraq rather than one brigade for the northern option, are addressed in detail in Sections 6.1 and 6.2.

294. Mr Hoon wrote to Mr Blair on 16 January seeking agreement to the "key role in southern Iraq" proposed by the US for the UK.[142]

295. Mr Hoon stated that the timescales for possible action would mean that some risk would have to be taken on the fitting of UOR equipment, but that risk was "considered acceptable".

296. Following a telephone conversation, Sir David Manning replied to Mr Watkins on 17 January that Mr Blair was "content to proceed on the basis of the Defence Secretary's recommendations".[143] The UK would proceed with Package 3.

297. Mr Hoon made a statement in Parliament on 20 January announcing that the Government had "reached a view" of the composition and deployment of a land force package for potential military action in Iraq.[144] That would include the Headquarters of 1st (UK) Armoured Division, comprising 7 Armoured Brigade, 16 Air Assault Brigade and 102 Logistics Brigade.

298. The total number of personnel would be "approximately 26,000 personnel" which was in addition to the "around 4,000 personnel" already being deployed with 3 Commando Brigade Royal Marines.

299. As Section 6.2 shows, it was envisaged that 3 Commando Brigade Royal Marines would have a combat role at the start of the land campaign in mid-March. The roles to be played by 16 Air Assault Brigade and 7 Armoured Brigade were less defined. It was envisaged that 16 Air Assault Brigade would relieve US forces in an area south of Basra approximately 10 days after the start of operations. 7 Armoured Brigade would protect the US flank.

---

[142] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.
[143] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.
[144] House of Commons, *Official Report*, 20 January 2003, columns 34-46.

300. To conduct those operations, 16 Air Assault Brigade would need to be deployed and ready in Kuwait by the beginning of March and 7 Armoured Brigade by mid-March. For the northern option, the UK had been planning for ground combat operations beginning in mid-April.

301. The implications for equipping three combat brigades and the plans for earlier operations were not explicitly acknowledged until late January.

302. Ministers were advised that there were "no showstoppers", but there is no record of formal advice on how the military had defined that term or the level of risk it entailed.

303. Following his statement on 20 January, Mr Hoon was asked by Mr Bernard Jenkin for an assurance that troops were "fully trained and fully equipped for whatever they may be asked to do".

304. Mr Hoon replied:

> "As for preparations, I do not doubt that our forces are fully and thoroughly prepared to face this kind of operation. Indeed, the training exercise conducted in similar conditions in Oman just over a year ago was obvious preparation for this kind of deployment."

305. Lord Bach announced the composition and deployment of the UK's land force package in the House of Lords on 20 January.[145]

306. Asked whether the Challenger 2 tanks had now been desertised, if the lessons from Saif Sareea had been rectified, and if there was sufficient desert clothing for troops to be deployed, Lord Bach replied:

> "As regards Challenger 2 and AS90 … work is being carried out now to ensure that they are desertised sufficiently. That work is ongoing and will continue when forces are in transit and in theatre as required. I give the noble Lord the assurance he seeks as regards clothing … We continue to work to ensure that our personnel are properly equipped to cope with the environmental conditions in which they may operate."

307. Pressed by Lord Elton for reassurance that "the work now being done will be completed before there is any question of any armoured vehicle moving in the desert – that they will be desertised before they are deployed", Lord Bach replied: "Of course the vehicles will be desertised by the time they are deployed."[146]

---

[145] House of Lords, *Official Report*, 20 January 2003, columns 492-497.
[146] House of Lords, *Official Report*, 20 January 2003, columns 499-500.

308. On 21 January, Gen Walker was advised that the delivery times for UORs had been refined to reflect the compressed timeframes and there were risks associated with the inability to deliver some key UORs within those.[147] Allowance had now been made to integrate UORs but no allowance had been made for any additional training required, or any delays in loading or transit to theatre. The tactical implications of the delivery shortfalls were "not yet well understood".

309. Gen Walker was advised that:

- The US commitment to loan Combat ID capability had so far proved inconclusive and there would be "**no guarantee of US support**".
- The DEC was "increasingly optimistic" they would have "full Target ID capability", but the necessary measures would have to be fitted in theatre.
- Confidence in the delivery of NBC protection was decreasing.
- The full capability of the Challenger 2 tank's dust mitigation and AS90's environmental enhancement were unlikely to be available until after 31 March and would have to be fitted in theatre.
- The fitting of ballistic protection enhancements for Combat Vehicle Reconnaissance (Tracked) vehicles[148] "may have to take place in theatre".
- There was "little visibility" of the amount of desert clothing "in the hands of soldiers" and the allocation of clothing had already been reduced from three sets per man to two sets per man to "try and prevent a shortfall at the start of operations". It was necessary to airlift clothing into theatre to meet operational timelines and "to have a favourable delivery of sizes". If both of these were achieved, it was "possible that all troops will have desert clothing and boots in time for the start of operations".
- 75 percent of the required unhardened COLPRO would be ready by the start of March, with the full requirement being met in theatre by 31 March.
- There was "insufficient stock" of COLPRO seals for Armoured Fighting Vehicles (AFVs) and more could not be procured in time. The lead time to procure seals was 12 to 36 months.
- The situation had improved "markedly" on ECBA, and Gen Walker could "be confident" that it would be delivered "to all troops in time for the committal of any ground troops".
- The full requirement for battlefield ambulances, however, would not be upgraded in time for the anticipated start of operations.
- The availability of sand filters for Lynx helicopters was driving the number of helicopters to be deployed.

---

[147] Minute DMO MO3 to MA1/CGS, 21 January 2003, 'Op TELIC UOR Delivery and Risks – Information Brief'.
[148] A type of Armoured Fighting Vehicle (AFV).

310. On 21 January, Lord Bach's Private Office wrote to AM Stirrup's Private Office, explaining that Lord Bach would be reviewing the progress of UORs, "with a view to highlighting potential risks and focusing on means of addressing them".[149] That was because, while Ministers were aware which UORs had been approved, they had less visibility of:

- how confident officials remained that equipment could be procured in the required timeframe; and
- the extent to which outstanding areas of concern about equipment capabilities were assessed as being "incapable of resolution" in the required timeframe.

311. Lord Bach agreed that the first step was to hold a meeting with key stakeholders to take stock of the position across all packages but he listed areas that were likely to be of particular concern, including desertisation of armoured vehicles, Combat ID, NBC capabilities and clothing and personal equipment. A short paper setting out the "key areas of shortfall or predicted risk" to assist discussions was requested.

312. The minutes from the Chiefs of Staff meeting on 22 January recorded that "unhelpful media coverage had exposed a UOR problem and it was clear that shortfalls would mean that FOC [Full Operating Capability] by some UK troops might not be achieved until 31 March".[150]

313. Adm Boyce directed that "immediate action" should be taken and for commands to be informed that "urgent action was underway". That included addressing "bad press" equipment stories and that UORs were to become a standing item on the agenda for operational Chiefs of Staff meetings.

314. On the same day, and in light of the brief provided to Gen Walker about equipment shortfalls, ACM Bagnall wrote to Lt Gen Pigott and AM Stirrup about Lord Bach's request.[151] He wrote:

> "I have confirmed that DCDS(EC) [AM Stirrup] already has work in hand to respond. Clearly, this needs to include an operational assessment of the likely impact of any delays to particular UORs. It may be helpful to categorise UORs as low, medium, high and 'show stopper' under this heading, and I have asked DCDS(C) [Lt Gen Pigott] to provide the advice. There will also be a need to highlight any measures (for example a lack of camouflage paint) which may have a low operational impact but which would carry a very significant presentational and morale cost.
>
> "As you are aware, CDS has asked me to retain oversight of the UOR process, and I would be grateful if your combined response to Min(DP) [Lord Bach] could be

[149] Minute PS/Min(DP) to MA/DCDS(EC), 21 January 2003, 'Iraq: Op TELIC – UORs'.
[150] Minutes, 22 January 2003, Chiefs of Staff meeting.
[151] Minute VCDS to DCDS(C) and DCDS(EC), 22 January 2003, ' Iraq: Op TELIC – UORs'.

copied to me. I would also intend, diaries permitting, to join any meeting which Min(DP) intends to hold on this topic."

315. In his witness statement ACM Bagnall told the Inquiry that Mr Hoon had asked Lord Bach:

" … to be his lead Minister for UORs and for DCDS(EC) to act as Senior Responsible Owner (SRO) for UORs. This led to regular and increasingly frequent meetings between the then Minister and his staffs and the then DCDS(EC) and his experts. For my part I monitored the UOR process on CDS' behalf and intervened if and when required."[152]

316. Lord Bach told the Inquiry:

"I was asked by the Secretary of State, in the second half of January 2003, to take temporary responsibility for UORs. This involved being briefed by DCDS(EC) [AM Stirrup] in writing, before chairing (for the most part) weekly meetings with senior officials in order to look at progress of UORs that had already been agreed between MOD and HMT. I played no part in determining what UORs should or should not be proceeded with. Those decisions were taken at a stage well before their progress was looked at by the Committee I chaired. I had played no role before the request in Jan 2003, nor should I have. UORs were not the responsibility of Min DP: they and the Defence Logistics Organisation were in the portfolio of Min AF [Mr Ingram]."[153]

317. Following his statement to the House of Lords on 20 January, Lord Bach was advised on 22 January by Mr Williams that there was "not only no need for him to clarify the statement made earlier this week about 'desertisation' but actual disadvantage in seeking to do so".[154]

318. Mr Williams confirmed that only one, "relatively minor", modification would be completed before the vehicles deployed. He stated:

"On that basis, if by 'deployed' the Minister meant the formal point at which units begin to leave their main bases and embark for the Gulf, then his statement on Monday would be misleading. I suspect, however, that Lord Bach meant the point at which UK forces were likely to become engaged on offensive operations. Given the context of the question and the fact that many Lords/MPs would not pick up on the formal military interpretation of the term 'deployed', that is probably a reasonable position to take. If that is the case, I do not judge that a public clarification of the use of the word 'deployed' is either necessary or would add much value."

---

[152] Statement, 6 January 2011, page 3.
[153] Statement, 22 December 2010, page 1.
[154] Minute Williams to PS/Minister(DP), 22 January 2003, 'Op TELIC – Challenge 2 'Desertisation' UOR Activity'.

319. In describing the modifications that the Challenger 2 was undergoing for Iraq, Mr Williams wrote that Lord Bach's comments were "reasonable: although the full planned upgrade may not be completed in time, Challenger 2s' desert performance should have been enhanced to a useful degree in the right timeframe".

320. Mr Williams added that, more generally, it was also "important to try and dampen down speculation" on when equipment modifications were likely to be completed because:

- the MOD's "general line" was that decisions about military action had "not yet been taken", and providing indications that it was "working to a hard and fast deadline" would "undermine that overall public position on the timing of possible action";
- the timeframes for delivery from industry were subject to change; and
- the MOD's own assumptions about the timeframe "may again change".

321. Mr Williams suggested that should be considered in light of the broader advice Lord Bach was expecting later that week.

322. Lord Bach received the advice, submitted on behalf of AM Stirrup, on 24 January.[155] He was invited to note that:

- 137 equipment UORs and 108 sustainability UORs had been approved, the "vast majority" of which remained "on track to deliver to the Front Line Commands in accordance with planned ISDs".
- "The compression of timescales for the Land Component, coupled with the late addition of 16 AA Bde [16 Air Assault Brigade] and the increase in the Amphibious Task Group to a Brigade(-) has meant that a number of UORs will not be delivered in full prior to the potential start date of operations."
- "None of the shortfalls is deemed to be a 'showstopper' and solutions for mitigating the potential operational risks involved are being developed by PJHQ and Front Line Commands."
- "Heavy pressure" would be placed on the supply and equipment support chains and advanced deployment dates had "added to the weight of UOR items which were always intended to be fitted in theatre".

323. The advice explained that the majority of UOR shortfalls affected ground forces. The key areas of concerns were the Challenger 2 desertisation, Combat ID and in-service stock items that could not be procured through UOR action, such as COLPRO filters for AFVs.

---

[155] Minute DCDS(EC) to PS/Minister(DP), 24 January 2003, 'Iraq: Op TELIC UORs'.

324. Lord Bach was advised:

> "Whilst there are no showstoppers it should be understood that lack of some UOR capabilities … could require Commanders to make choices they might not otherwise have to make and could reduce operational effectiveness. Equally, delivery of the UOR capability cannot remove risks completely. The overall operational impact may be to constrain commanders' options, reduce the tempo of operations and risk the ability to operate in close conjunction with US forces."

325. In response to the high level of media and Parliamentary interest in the availability of equipment, as a general guideline, one of the points to emphasise was that:

> "Our forces will have the equipment they need to undertake any tasks assigned to them as part of possible operations. The safety and well-being of our Service personnel are of paramount importance. Where appropriate, we should look to compare capabilities to those available in the 1991 Gulf War."

326. Details of the key shortfalls were provided in an annex, which largely reflected the advice to Gen Walker of 21 January. Additional information included:

- As 3 Commando Brigade and deploying RAF personnel had been fully equipped with desert clothing, there were "no remaining stocks". An additional 32,500 sets would be delivered on 7 March and the full requirement would be available on 28 March. It would need to be airlifted into theatre.
- Sufficient ECBA plates would be available "to equip the entire force" by 7 March and there was confidence that "the full ECBA capability" could be delivered "before the committal of any ground troops".
- The unavailability of COLPRO for AFVs remained the same, although the Defence Science and Technology Laboratory (DSTL) had provided advice that reduced the number of filter changes required "while maintaining sufficient protection for the crew". Even the reduced number could not be resourced and "the limited in-service stocks" would "therefore require prioritisation".

327. On the same day, as instructed at the Chiefs of Staff meeting on 22 January, Air Chief Marshal Sir Malcolm Pledger, Chief of Defence Logistics (CDL), wrote to Adm Boyce about which capability and sustainability UORs were unavailable within current timelines.[156] Those were listed in an annex which was consistent with other briefings on the shortfalls.

328. Referring to the inability to approach industry earlier and the constraint placed upon funds while arrangements were agreed with the Treasury, ACM Pledger stated that Adm Boyce should be aware of "the relative success" that had been achieved by the DLO.

---

[156] Minute CDL to PSO/CDS, 24 January 2003, 'UOR/Operational Sustainability Issues'.

329. ACM Pledger wrote:

> "No strategic issues, that would deny UK the option to conduct a military campaign, arose within the UOR/Operational Sustainability staffing, hence it has not been raised at COS(O) by CDL or DCDS(EC). However, regular briefing has occurred through the established DCMO [Defence Crisis Management Organisation] process (Iraq Stocktakes and through SPG); PJHQ briefings (both at CJO's Jt Comd's Seminars and through the range of staff level planning meetings, which includes FLC representation). These briefings repeatedly flagged the consequences of defining force packages without the full knowledge of the impact of the associated logistic and capability enhancements on the basic plan."

330. ACM Pledger added that Adm Boyce "should feel assured" that the DLO was "wholly focused" on its delivery of UORs and would "continue to make every effort to synchronise the delivery of these equipments to theatre in a timely manner".

331. Lord Bach chaired his first meeting about UORs on 27 January.[157] The points recorded from the introductory discussion included:

- Given that "authority fully to engage industry had only been received on 2nd December, the time scales were challenging."
- The high priority requirements for Packages 0-2 were "capable of being met by 28th February". The "key risks" were now the UK's ability to "deliver, fit and train on UOR equipment whilst the force was deploying to or in theatre". In respect to Packages 0-2, these risks were considered "manageable".
- The compression of timescales and expansion of Package 3 meant an "increased risk that package 3 UORs would not be delivered before operations commenced". None of the resultant shortfalls were assessed as being a "showstopper" but "we would only be clear of the operational implications once detailed plans had been worked up".
- "[W]hatever the operational significance of delays in delivering UORs", it was expected that media would focus on "equipment shortcomings"; being well prepared to win the "presentational argument was vital". That was not just to preserve the MOD's reputation, but was "a key aspect of securing and preserving public support for the whole enterprise".
- A "key question for the future" was why the forces "were not better prepared for the kind of operations now in prospect", given the conclusions of the SDR about the likelihood of operations in the Middle East. The UK "needed to be more intelligent" about its holdings of certain long-term lead items such as desert clothing, NBC filters and COLPRO, and about "the extent to which equipment was capable of operating at a range of environmental conditions".

---

[157] Minute PS/Minister(DP) to MA/DCDS(EC), 27 January 2003, 'Iraq: Op TELIC UORs'.

332. The meeting discussed particular shortfalls, including:

- There was a need to "find a better way of explaining the improvements" being made to Challenger 2 tanks.
- There was still no assurance that the US would loan Combat ID assets – Lt Gen Reith was being briefed "to raise this personally" with General Tommy Franks, Commander US Central Command (CENTCOM).
- " …[I]nnovative measures were in place to acquire sufficient stocks of desert clothing and boots for at least two sets to be provided to all personnel in theatre by mid-March" and Lord Bach asked officials to review with industry the practicality of extending the number of personnel issued with three sets to cover all those deploying.
- There remained concerns about NBC capabilities – Lord Bach requested further advice on the operational risk within three days.

333. On 28 January, Mr Hoon asked Adm Boyce for "a clear recommendation from the Chiefs of Staff" as to whether UK forces could "participate in the operational plan as currently understood, particularly the potential start of major ground operations on 3 March".[158]

334. If this was not possible, Adm Boyce was asked on what date land forces could participate and what date would be the "implied start of initial combat operations". The advice was requested by 3pm the following day.

335. ACM Bagnall's Private Office replied on 29 January, stating:

> "There are, in absolute terms, no showstoppers. In the case of maritime forces, all UORs should be in place by 28 February. Some contractual risk remains, but the systems involved carry a low operational risk. In the air environment, the force will be ready for operation by 28 February …
>
> "The land environment carries the greatest risk in two areas: Challenger 2 and Combat Identification."[159]

336. The work in hand for Challenger 2 vehicles suggested that their availability and serviceability would "improve significantly" by 18 March when certain modifications were due to be completed. The situation would improve again after 7 April when new filters were fitted.

337. For Combat ID, systems to improve situational awareness within the UK and US forces were currently being evaluated in Germany. It was "not yet clear" whether they could "be integrated into a UK vehicle in the time available" but early indications were that the work was "proceeding well".

---

[158] Minute APS/SofS [MOD] to PSO/CDS, 28 January 2003, 'Iraq: UORs'.
[159] Minute MA/VCDS to PS/SofS [MOD], 29 January 2003, 'Iraq – UORs'.

338. ACM Bagnall's Private Office concluded:

> "In sum, if the start date for land operations is delayed, there will be greater time to embody the required land UORs. However, as I have noted earlier, there are no showstoppers."

339. The minutes of the Chiefs of Staff meeting on 29 January recorded that the "focus had shifted to what equipment was being delivered rather than what was being procured".[160] It was important that "all measures were taken" to ensure that equipment was fitted and not just made available. A "coherent plan was required with clear guidance on the division of responsibilities for ensuring equipment was available to units in theatre".

340. There was "a concern over the availability of desertised Challenger 2s" and, although the Land Component Commander was content with the current position, Adm Boyce "noted that it would clearly be better if availability was improved as a result of any slip in campaign timelines that allowed extra UOR work to be completed".

CONCERNS ABOUT COMBAT ID

341. Concerns about the provision of Combat ID and whether previous lessons had been learned were raised in both Houses of Parliament.

342. On 18 December 2002, Mr Hoon made a statement in the House of Commons on contingency preparations for possible military action in Iraq.[161]

343. Mr Hoon was asked by Mr Mark Prisk for an assurance that, "given the recent tragic incidents of friendly fire in different theatres of war", all deployed UK service personnel would have the equipment "they need to communicate speedily and effectively with friendly units".[162]

344. Mr Hoon replied:

> "I thank the hon. Gentleman for raising a serious and important point. I assure him that efforts are being made to ensure that that is the case."

345. Combat ID was raised as an issue on 20 December in Lt Gen Pigott's UOR update.[163] He stated that it was:

> " … a vulnerable issue in presentational terms, particularly following the NAO report, but it is an issue that has not moved forward recently. Resolution has been thwarted while the UK awaits the formulation of US policy by CENTCOM."

---

[160] Minutes, 29 January 2003, Chiefs of Staff meeting.
[161] House of Commons, *Official Report,* 18 December 2002, columns 845-846.
[162] House of Commons, *Official Report,* 18 December 2002, column 854.
[163] Minute DCDS(C) to PSO/CDS, 20 December 2002, 'Iraq Contingency Planning – Urgent Operational Requirements and Related Issues'.

346. Gen Walker responded to Lt Gen Pigott the same day, stating that he remained "uneasy over Combat ID".[164] He continued:

> "I understand that we are currently awaiting the formulation of coherent US policy … I am conscious that significant effort has been made at various levels to press this issue with CENTCOM but that, in the main, the bottom up approach has been adopted. Given the operational implication of not developing a coherent coalition policy and the presentational aspects of Combat ID, I believe that we can no longer afford to prevaricate. The issue now needs to be aired at the highest levels within CENTCOM."

347. Mr Watkins wrote on Mr Hoon's copy of the note: "He is right to focus on the presentational risks: this issue was raised in the House on Wednesday."[165]

348. On 7 January 2003, Mr Hoon was asked in the House of Commons what lessons had been learned from the past to ensure that British forces were equipped against the risk of friendly fire.[166] He replied:

> "… we are engaged in a process of ensuring that combat identification is dealt with satisfactorily. There is no single technical solution to that difficult problem, but we will acquire new equipment that will be available in time for any potential conflict in the Gulf … I can assure the House that British troops will be able to work alongside American forces entirely safely and satisfactorily."

349. A junior MOD officer provided a DCRS official with a Combat ID update on the same day.[167] He first gave an overview of the work being done in NATO's development of a BTID which set "a basic technical requirement to be able to identify 'friend' or 'unknown' on the battlefield" and which had been endorsed by eight countries.

350. On Iraq, the officer stated that the Combat ID UOR was "still being scoped" and summarised what the requirement was likely to encompass.

351. A UOR was being developed to mirror "ad-hoc" US measures being considered for forthcoming operations:

> "The UK has been anything but dilatory in developing a technological Combat ID capability. We have actually been a leading light in this area. That no solution is yet available anywhere in the world reflects merely the complexity of achieving a satisfactory technical solution to an extremely challenging requirement. The complexity is exacerbated by the need for international consensus on any solution.

---

[164] Minute CGS to DCDS(C), 20 December 2002, 'Combat ID'.
[165] Manuscript comment Watkins on Minute CGS to DCDS(C), 20 December 2002, 'Combat ID'.
[166] House of Commons, *Official Report*, 7 January 2003, columns 23-25.
[167] Minute MOD [junior officer] to DCRS 1, 7 January 2003, 'Combat Identification (CID)'.

> "To meet the requirement in the short term, current UOR action will give the UK an identical Combat ID solution to that deployed by the US. In the circumstances, this is as close to the ideal as we could have hoped to achieve."

352. AVM Loader provided a summary note of work in progress on Combat ID for ACM Bagnall, recording that, "contrary to press speculation, progress continues to be made since the conflict in the Gulf", but that "notwithstanding any measures taken or currently under consideration, fratricide will always remain a real risk in the heat of conflict".[168]

353. AVM Loader explained that work continued but progress had been slow because measures could not be developed in isolation. The alignment of UK measures with those in the US had "been hampered by the lack of a coherent policy" but, to ensure that some capability could be delivered in time, UORs had been based upon assumptions agreed with key stakeholders and US Department of Defense and Army staff.

354. At the request of ACM Bagnall, the update was circulated to MOD Ministers and the Chiefs of Staff.

355. In the House of Lords on 9 January, Lord Bach was asked about the availability of satisfactory Combat ID equipment for British troops in any potential Gulf conflict.[169] He replied:

> "… we take combat identification and the risk of friendly fire extremely seriously … Lives depend on it. We believe that our combat identification procedures are effective. We have deployed successfully as a country on many operations since the tragedies in this field during the Gulf conflict. There have been no reported incidents of fratricide, or blue on blue, involving UK forces. I say that with caution because whatever technology one puts in, and however sophisticated it may be, these things sometimes happen.
>
> "In the event of military action, British troops will be fully interoperable with United States troops for combat identification. That capability, including new equipment options, are [sic] currently being procured."

356. One of the questions put to Mr Hoon by Mr Jenkin in the House of Commons on 20 January (referred to earlier in this Section) was whether British troops would have access to electronic identification equipment, already fitted to US tanks and armour, to prevent the risk of fratricide.[170] Mr Hoon replied:

> " … a question I dealt with when I made my last statement, action is in hand to procure the necessary equipment to ensure that the equipment used by our forces is in every way compatible with the equipment that the United States is using."

---

[168] Minute MA/VCDS to PS/SofS [MOD], 9 January 2003, 'Combat Identification' attaching Minute ACDS(Ops) to MA/VCDS, 8 January, 'Combat Identification'.
[169] House of Lords, *Official Report,* 9 January 2003, columns 1144-1145.
[170] House of Commons, *Official Report,* 20 January 2003, columns 35-37.

357. Combat ID was raised at the House of Commons Liaison Committee by Mr Michael Mates on 21 January.[171] When asked by Mr Mates whether he was "happy" that British soldiers were most likely to be killed by "our own people rather than the enemy", Mr Blair answered:

> "We are looking at everything we can do for combat identification. I think the procedures are far better now than those that were in place at the time of the Gulf War. I have asked for discussions on this very issue so we can make sure we are doing everything we possibly and conceivably can. From previous conflicts we know it is a risk and we have got to do everything we can to provide against it. I know there has been a lot of work done on this and there have been joint operations carried out in order to test the effectiveness of it. Obviously it is something we have to carry on looking at carefully."

358. When pushed for further details by Mr Mates, Mr Blair added that the capability was:

> "… in a significantly better shape than it was back at the Gulf War ten years ago. The very reason I have asked to be kept closely informed as to what is happening on it is because this is one of the things we need to make sure of."

359. PJHQ confirmed on 29 January that the US had agreed to the loan of 43 Combat ID systems for use by British forces.[172]

PROGRESS ON UORS

360. As concerns over equipment shortfalls persisted, Ministers asked for industry "to be pressed again" on whether they could work faster to meet requirements.

361. They were told that industry was working to capacity and "any significant improvement" in delivery profiles should not be anticipated.

362. The risk of CW attacks was assessed as low, but the UK's NBC protective capability would be "initially fragile".

363. The update on UORs on 31 January informed Lord Bach that:

- 143 equipment UORs, at a value of £437m, and 108 sustainability UORs had been approved. A further 18 USURs had been endorsed by PJHQ and business cases were being developed.
- All personnel would be issued with three sets of desert clothing by the end of March and follow-on orders were being investigated to procure sustainment

---

[171] Select Committee on Liaison, *Official Report,* 21 January 2003, questions 82-83.
[172] Minute PJHQ to PS/Minister(DP), 29 January 2003, 'Iraq: Op TELIC – Combat Identification UOR'.

stocks for the summer. It was forecast that desert boots would be available for the whole force by "mid-March".

- The risks associated with a 30 percent shortfall in COLPRO filters for AFVs were being assessed.[173]

364. Lord Bach chaired a second UOR meeting on 3 February.[174] In addition to the points in the 31 January update, the record of the meeting stated:

- Lord Bach asked for the pressure on industry "to be kept up" on the delivery of desert clothing and had "stressed the need to work hard to rebut the idea" that troops were "ill-equipped" for the environmental conditions.
- The risk assessment for the shortfall of COLPRO filters "against the worst case requirement" was ongoing and expected by the end of the week; Lord Bach "**would be grateful for urgent sight of the headlines from this work, together with advice on the operational penalties"**.
- Based upon the current shipping plan of filters, a "two fold increase in the capability" of all deployed Challenger 2 tanks was expected by 18 March and a "four fold increase" by 7 April. Lord Bach sought confirmation that that remained the case.
- Concerns remained about "the ability of AS90 to operate in hot and dusty conditions". The necessary modifications were not expected to be delivered into theatre until the end of March and "would each take 63 man-hours to fit". Lord Bach asked for industry "to be pressed again on whether they cannot work faster to meet the requirement" and welcomed advice on the operational implications.
- The US was "being helpful" and the loan of Combat ID systems had been agreed with "the issue now being how they will be deployed".
- Aside from the timing of completing outstanding UORs ("which was tight"), the "key residual concerns related to Combat ID and NBC protection".

365. On 7 February, AM Stirrup advised Lord Bach that 156 business cases for equipment UORs and 108 sustainability UORs had been approved.[175]

366. AM Stirrup wrote that the operational risk associated with the lack of NBC filters for AFVs had been assessed as "minimal". The Directorate of Joint Warfare (DJW) had assessed the probability of a CW attack on all deployed AFVs as "low" and that filters could therefore "be managed on a theatre-wide basis". The UK's NBC capability would be "initially fragile" but would become "more robust by mid-March" as UORs were delivered, in-service equipment was refurbished and surge training completed.

367. There were "no major concerns" regarding the availability of desertisation filters for the Challenger 2 tanks but it was unlikely that industry would be able to advance the

---

[173] Minute DCDS(EC) to PS/Minister(DP), 31 January 2003, 'Iraq: Op TELIC UORs'.
[174] Minute PS/Min(DP) to MA/DCDS(EC), 3 February 2003, 'Iraq – Op TELIC – UORs'.
[175] Minute DCDS(EC) to PS/Minister(DP), 7 February 2003, 'Iraq: Op TELIC UORs'.

delivery of measures for the AS90. The level of operational risk would be determined by weather conditions but was "not deemed to be significant".

368. The Senior British Liaison Officer in theatre was examining when Combat ID systems would become available and was in discussions with the US. An initial operating capability for light forces was expected by late February, with a full operating capability "available not later than 18 March".

369. On the same day, Lt Gen Reith received a letter from Sir Robert Walmsley, the Chief of Defence Procurement, about the challenges created by an increase in the quantities of equipment to be delivered by air and sea as a result of the compressed timescales before military action.[176] He believed the DPA could deliver what was required and that those capabilities would reach the front line. He added:

> "We continue to press Industry whom I am confident are doing all that they can to achieve early delivery. Industry is, however, now working to capacity and I would not anticipate any significant improvement in the currently projected delivery profiles."

370. In discussing AM Stirrup's update, Lord Bach's meeting on 10 February noted that while the UK's NBC capability was judged to be fragile:

> " … all that could be done to improve NBC protection capabilities was being done … The bottom line was if the Iraqis launched repeated mass attacks, operational effectiveness would be impaired; but we did not believe that they could do so."[177]

371. The record of the meeting also stated:

> "… it was noteworthy that a number of deficiencies with which we were currently grappling (Combat ID, DAS [Defensive Aid Suites] for transport aircraft, equipment readiness, desertisation) had been identified in post-GRANBY lessons learned reports …"

Reporting equipment issues from theatre

On 11 February 2003, Lord Bach requested advice by the end of that week on whether a direct link from theatre for reporting equipment issues should be established, and how the reporting might work.[178]

The advice had not been received by 17 February.[179] The record of the meeting stated:

> "The Minister attached real importance to this and would like advice on what mechanism might be devised – presumably through the ECC [Equipment Capability Customer] organisation – for making it happen."

---

[176] Letter CDP to CJO, 7 February 2003, 'Op TELIC UOR Progress'.
[177] Minute PS/Min(DP) to MA/DCDS(EC), 11 February 2003, 'Iraq: Op TELIC – UORs'.
[178] Minute PS/Min(DP) to MA/DCDS(EC), 11 February 2003, 'Iraq: Op TELIC – UORs'.
[179] Minute PS/Min (DP) to MA/DCDS(EC), 17 February 2003, 'Iraq: Op TELIC UORs'.

ACM Bagnall replied on 21 February:

> "… there is a need to avoid cutting across established and well understood command chains from theatre, through CJO, to CDS. Beyond that, given the large number of people who are at geographically remote locations in theatre – some of whom are still en route and many are in the process of acclimatisation and preparation for possible operations – it would be very difficult for an agent outside the command chain to keep an eye on the many equipment issues which may arise."[180]

ACM Bagnall acknowledged "fully" the need for "a rapid and timely information flow" that could quickly alert Ministers to potential equipment issues and facilitate a swift response. He wrote that Lt Gen Reith had "taken steps to alert DCDS(EC) as a matter of urgency to any matters which require his attention" and similar arrangements were in place in terms of the interface with the DLO.

A handwritten note on ACM Bagnall's minute from Lord Bach's Private Office stated:

> "Minister the predictable answer: VCDS agreed with Jock [Stirrup] but the COS wouldn't wear it. So I think we'll have to live with this."[181]

372. On 14 February, AM Stirrup reported that 161 equipment UORs, at a value of "some £472m", and 110 sustainability UORs at a value of £310m had been approved.[182] He stated:

- Combat ID equipment trials had been successful.
- There were "currently no major concerns regarding the availability of desert clothing".

373. At the meeting on 17 February, Lord Bach was advised that "the suite of Combat ID equipment had been delivered to contract" and would be fitted in theatre.[183]

374. It was also reported that there was "increased confidence in the DLO in the robustness of the timetable for the delivery of desert clothing to those that need it".

375. On NBC capabilities, the record stated:

> "… concerns remain about the availability of various NBC consumables, on which advice will be submitted next week. Aside from operational implications, the Minister believes that we need very carefully to handle presentational aspects of this. He was particularly concerned to hear that stocks of time expired ComboPens[184] have recently re-lifed (following testing at Porton Down) and are being issued with revised

---

[180] Minute VCDS to MA/Min(DP), 21 February 2003, 'Operation TELIC – UORs'.
[181] Manuscript comment PS/Min(DP) on Minute VCDS to MA/Min(DP), 21 February 2003, 'Operation TELIC – UORs'.
[182] Minute DCDS(EC) to PS/Minister(DP), 14 February 2003, 'Iraq: Op TELIC UORs'.
[183] Minute PS/Min (DP) to MA/DCDS(EC), 17 February 2003, 'Iraq: Op TELIC UORs'.
[184] ComboPens are syringes containing an antidote to improve the chances of surviving a chemical attack.

documentation making clear that they are now assessed as being useable up until 2004."

376. The Chiefs of Staff meeting on 19 February was advised that:

"… the US definition of FOC [Full Operating Capability] was when a unit achieved 80% readiness. 7 Armd Bde would therefore be declared at FOC without its full suite of UORs. CDS directed that Ministers be informed of this interpretation of FOC so that they were not caught out on UOR issues."[185]

377. In mid-February, the MOD told Mr Blair that British troops would be adequately protected in the event of a BW or CW attack.

378. A Joint Intelligence Committee (JIC) Assessment on 19 February judged that southern Iraq was "the most likely area for the first use of CBW against both Coalition Forces and the local population" in the event of coalition military action.[186] It did not address the likelihood of a CBW attack.

379. On 20 February, Mr Blair asked the MOD for advice on a number of detailed questions following the publication of a report on Iraq by the International Institute of Strategic Studies.[187] That paper is addressed in detail in Section 6.5.

380. One question asked by Mr Blair was: "What is the prospect of a pre-emptive BW or CW attack on our troops in Kuwait, and are we certain we are adequately prepared and our troops protected?"

381. The MOD replied that Iraq retained the capability "(through a variety of means) to pre-emptively deliver CBW against Coalition Forces in Kuwait".[188] The question was "one of intent". In the MOD's view it remained "highly unlikely whilst Saddam believes war can be averted". If he was convinced that war was "inevitable and imminent" that "might make a pre-emptive move more attractive" but it was "more likely that Saddam would deploy CBW after the onset of the campaign".

382. The planned levels of NBC defence equipment "should enable all troops to withstand initial BW or CW attack".

383. The UOR update on 21 February informed Lord Bach that 167 business cases had been approved, accounting for "some £478m" of the £500m allocated by the Treasury.[189] Sustainability UORs, at a total cost of £318m, had also been approved.

---

[185] Minutes, 19 February 2003, Chiefs of Staff meeting.
[186] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'.
[187] Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change.* Adelphi Paper 354 IIIS Oxford University Press January, 2003; Minute Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'.
[188] Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'.
[189] Minute CM(SD) to PS/Minister(DP), 21 February 2003, 'Iraq: Op TELIC UORs'.

384. The update also stated:

- Further to ACM Bagnall's note earlier that day, PJHQ had set up a "comprehensive system to review, prioritise and then move UOR equipment into theatre" once delivery dates were known by industry.
- New respirator testing procedures had been introduced to ensure that deployed personnel would "be adequately protected" after trials found that a proportion of respirators did not fit properly.
- There was a shortfall of 15,000 ComboPens out of a total requirement for 135,000, but "every effort" was being made to procure more and "re-life existing stock".
- 1,000 additional Challenger 2 filters were being procured to support predicted operation activity.
- A plan had been produced for the installation of Combat ID equipment into selected vehicles.
- The 96 fully modified battlefield ambulances were expected to be available for shipping by "13/14 March". There were currently only 24 air conditioned ambulances in theatre.
- The delivery of desert clothing, including ECBA covers, was progressing well.

385. By the end of February, there were "significant" and "severe" shortfalls in parts of the UK's NBC protective capability.

386. The Chiefs of Staff were told that that reflected the compressed timescales for planning.

387. The Chiefs of Staff received an update on access to CBRN equipment and NBC protection on 28 February.[190] The paper reported "significant" and "severe" shortfalls in a number of NBC areas including the availability of Nerve Agent Immobilised Enzyme Alarm Detectors (NAIAD), Residual Vapour Detectors (RVD) and NBC water bottle tops. There was, however, a "marked improvement" in ComboPen availability.

388. The paper stated:

> "The compressed timescales available to procure UORs necessarily introduced risk in achieving earliest possible delivery of all equipments … some shortfalls are now being exposed."

389. Lord Bach received the latest equipment update on the same day, reporting that 173 equipment UORs (totalling "some £487m") and £320m of operational sustainability requirements had been approved.[191]

---

[190] Minute DJW/NBC1 to COSSEC, 28 February 2003, 'Iraq Contingency Planning – Equipment Issues'.
[191] Minute DCDS(EC) to PS/Minister(DP), 28 February 2003, 'Iraq: Op TELIC UORs'.

390. On "CBRN Risks":

- The "most significant issue" was that the majority of RVDs had been found to be unserviceable, but that a "workaround" solution had been found. It had been agreed with DJW and PJHQ that this was "not a showstopper" although it would "impose a degree of operational degradation" which would increase as temperatures in theatre rose.
- New respirators were being procured and it was expected that this delivery would "enable 99.5% of personnel" to have a respirator that would fit them.
- Further investigation had revealed there were sufficient stocks of ComboPens.
- Further briefing would be provided to the Chiefs of Staff the following week.

391. An attached annex on the overall sustainability assessment of equipment stated that helicopter support remained fragile, despite a reduction in flying hours. That was attributed to long lead times for spare parts, and "historic levels of STP [Short Term Plan] funding".

392. On 3 March, Adm Boyce was advised by Lt Gen Reith that equipment procured through UORs was being prioritised for fitting and being carefully monitored, but it was "probable" that some equipment would not be in service as the UK crossed "the line of departure".[192] The "some" was referenced with a footnote stating: "The original RDD [Required Delivery Date] for the UORs was 31 March 03."

393. Priorities had been set by PJHQ based on four categories:

- Priority 1: "UORs with the potential to delay the start of operations", including Combat ID, Challenger 2 desertisation measures, NBC equipment and battlefield ambulances.
- Priority 2: UORs that enhance combat operations.
- Priority 3: "enablers" for aftermath operations.
- Priority 4: "Others".

394. Lt Gen Reith wrote that the late delivery of some UORs meant that deployment and prioritisation issues would become "more acute" as the date for operations approached. He added: "Any decision not to fit a UOR will be based on operational advice by theatre and recorded."

395. The record of Lord Bach's meeting on 3 March stated:

> "… the major remaining area of concern was in NBC. Although things were not as bad as had been feared, with the respirator and ComboPen issues – for the time being – resolved, there were still outstanding concerns about some aspects of our CBRN 'layered defence.'"[193]

---

[192] Minute CJO to CDS, 3 March 2003, 'Fitting of Op TELIC Urgent Operational Requirements (UORs)'.
[193] Minute APS/Minister(DP) to MA/DCDS(EC), 3 March 2003, 'Iraq – Op TELIC – UORs'.

396. Those included NAIADS, RVDs and NBC water bottle tops. The replacement to NAIADs would not be available before April, RVDs should be delivered into theatre by 14 March and "industry was working flat out" to try and overcome the problem of water bottle tops. The Chiefs of Staff would discuss NBC at their next meeting.

397. The meeting also noted that the sustainability of helicopters was "a concern, including sand filters for Lynx" aircraft.

398. A 'CBRN Risk Overview' was circulated to the Chiefs of Staff on 3 March.[194] It stated:

> "For operations launched at 15th March 03 we believe that our overall CBRN defence remains fragile against a sustained CBRN attack … Against the more likely scenario of occasional limited short range attacks our defences are less fragile. The fragile assessment is based on a combination of the quality and quantity of some key equipment, the lack of priority to deploy equipment via AT [Air Transport] (PJHQ assessment is that these items are low priority assets) to front line personnel and on the estimated CBRN training state. Further equipment improvements will be limited even as at 15th April."

399. On 4 March, Lord Bach and Dr Lewis Moonie, Parliamentary Under Secretary of State for Defence and Minister for Veterans' Affairs, received a briefing about "a number of CBRN issues currently running" in the media.[195] It stated that, "given the WMD context of our case for confronting Saddam Hussein", it was important to "first emphasise our overall confidence in our NBC defence against any perceived threat".

400. If the UK's assessment that CBRN defences were fragile became more widely known, Ministers should adopt the line that they were not prepared to comment and that "the protection of our people is our top priority".

401. Internally, it was "imperative" that personnel had confidence in the CBRN protective measures in place and an "open and honest dialogue" about any shortfalls should be adopted, reassuring them about "the robustness of the overall system". The areas where progress had been made should be stressed.

402. A separate annex provided lines to take against each of the NBC equipment items that could raise concerns.

403. At the Chiefs of Staff meeting on 5 March, Rear Admiral Charles Style, Capability Manager (Strategic Development), said that CBRN risks were "attracting Ministerial attention".[196] Lord Bach had asked that "CBRN issues" be given priority for air transport, which was being done in conjunction with the Operational Command's priorities.

---

[194] Minute DJW and D CBW Pol to COSSEC, 3 March 2003, 'Iraq Contingency Planning – 4th CBRN Risk Overview'.
[195] Minute Howard to PS/Min(DP), 4 March 2003, 'Presentation Aspects of CBRN'.
[196] Minutes, Chiefs of Staff meeting, 5 March 2003.

404. Adm Boyce stated that "the provision of correctly fitted respirators continued to cause him considerable concern".

405. Maj Gen Fry reported that "there would be as few as 200 personnel who could not satisfactorily be protected through existing arrangements". Relocating those individuals "could ameliorate the problem, but there was a presentational issue".

406. ACM Bagnall was directed to lead on the issues and to ensure that Mr Tony Pawson, MOD Director General Corporate Communications, was engaged.

407. RAdm Style wrote to ACM Bagnall later that day reporting:

> "Sufficient equipment (the Respirator Test System and additional Respirators) and necessary support are available … DCJO(Ops) has reported that he anticipates the majority of testing to be complete by about 10 March. I shall seek confirmation of their arrival and the expected testing timetable in time for Friday's Ministerial brief."[197]

408. ACM Bagnall wrote to the Directorate of Operational Capability (DOC), explaining that he was progressing the respirator issues as "a matter of urgency" but there was also a need to note the CBRN shortfalls in the wider Operation TELIC lesson process to "be clear about why we have got into this situation".[198] He raised several questions to illustrate his point including:

- "who is responsible for what aspects of the CBRN defence spectrum"; and
- "who is responsible for ensuring that individual units, ships etc are in date and properly equipped to operate in an NBC environment?"

409. A paper was circulated to the Chiefs of Staff on 7 March about respirator fit testing by the DJW, highlighting that it had raised issues "both in policy terms and dealing with the impact on the individual as the results are exposed".[199]

410. The DJW recommended the Chiefs of Staff agree that:

- Individuals who did not attain an optimum fit after testing were provided with the respirator that afforded "the best attainable level of protection, i.e. *'best fit'*".
- Solutions for the residual 0.5 percent of individuals were being pursued: "At this stage it is impossible to predict whether a solution will be found in the time available."
- Advice to the Combined Joint Task Force should be "that individuals who cannot achieve an optimum fit should, where possible, only be deployed in areas where the NBC risk is assessed as lower".

---

[197] Minute Style to MA/VCDS, 5 March 2003, 'NBC Respirators'.
[198] Minute VCDS to DOC, 5 March 2003, 'Operation TELIC – CBRN Lessons Learned' attaching Minute Howard to PS/Min(DP), 'Presentation Aspects of CBRN'.
[199] Minute DJW and D CBW POL to COSSEC, 7 March 2003, 'Op TELIC – NBC Respirator Best Fit Policy'.

411. The UOR update for Lord Bach on 7 March highlighted:

- 176 business cases for equipment capability UORs had been approved at a cost of "some £488m".
- The list of UORs for the post-conflict phase, Phase IV, continued to be "urgently developed in parallel with the ongoing work" to develop more detailed planning guidance and CONOPS. It was likely to focus on potential shortfalls relating to force protection, infrastructure requirements and Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR).
- Agreement was being sought from the Treasury to increase the total UOR funding for Phase III by a further £60m. The funding for Phase IV had been discussed at official level.[200]

412. The update stated that the Integrated Project Team (IPT)[201] was "actively assessing" another source to assist in the production of desert pattern NBC suits. There was a requirement for 94,000 suits, but the contracted supplier could only produce 1,000 a week from the beginning of April (when the cloth to make the suits became available), and 4,000 plus a week by mid-June.

413. The DLO had issued sufficient ComboPens for the number of personnel deployed but "the precise location in theatre of approximately 4,000 [wa]s unconfirmed". Stocks had been withdrawn from UK-based warships to mitigate the risk. There would be sufficient water bottle tops to satisfy all demands by 10 March "and leave a reserve".

414. Two UOR sets of sand filters for Lynx helicopters would be delivered by 21 March with a further three refurbished sets. Further spares would be available from 31 March and the supplier was producing an additional four sets "at risk" which would be available from mid-April at a rate of one every two weeks. The MOD was not yet committed to a contract for these sets but the requirement was likely to be a "high priority" for Phase IV.

415. At a Chiefs of Staff meeting on 10 March, Lt Gen Reith reported that:

> "A full check of in-theatre NBC equipment and redistribution had been completed, but respirator fitting had been slower than anticipated and was now expected to complete on 18 Mar."[202]

416. The record of Lord Bach's meeting on 10 March stated:

> "CBRN was in a better position than thought last week … by 17 March all personnel would have their optimum fit of respirator. The testing was the most advanced in the world – *all* personnel had successfully been through the CS gas chamber in their respirator – we were now providing better still protection. The Commander in theatre

---

[200] Minute CM(SD) to PS/Minister(DP), 7 March 2003, 'Iraq: Op TELIC UORs'.
[201] Teams focused on delivering individual equipment programmes and projects. Their role is explained further in Section 14.1.
[202] Minutes, 10 March 2003, Chiefs of Staff meeting.

> would have to decide how best to employ the 0.5% who did not have a perfect fit … NBC clothing and canisters were also no longer problem areas, although desert camouflage NBC suits were not yet available (but this was only a matter of their colour, not the materials). COLPRO was not being raised in theatre as a significant problem. The only outstanding issue on ComboPens was providing 600 to the BBC …"[203]

417. An updated paper on NBC respirator policy was sent to the Chiefs of Staff on 11 March.[204] It stated that alternative solutions to the fitting problem and the expected 0.5 percent of individuals who failed to achieve an optimum fit had been, and continued to be, "vigorously pursued" with DSTL and industry. Three possible solutions had emerged but it was impossible to predict whether or when these could be fielded, "but certainly not before 17th March".

418. The DJW intended to provide "a field commander's risk guide" to Lt Gen Reith by 13 March on deploying individuals who could not achieve an optimum fit.

419. The guide was circulated on 12 March.[205]

420. In his report following a visit to see the forces preparing for operations in Kuwait, General Sir Mike Jackson, Chief of the General Staff from February 2003 to August 2006, wrote on 10 March:

> "The one area of the media feeding frenzy that has some justification lies in the readiness of stocks for expeditionary operations. The introduction of resource accounting has created an imperative to drive down stockholdings. As a result, in the name of accounting orthodoxy we lack basic items such as desert clothing. I am unsure whether the cost of storing such items would really have been more than the inflated price we have no doubt paid by procurement under UOR action, but I am certain of the negative impact on the moral component that failure to provide these items has had."[206]

421. Gen Jackson wrote that the root of the problem was "partly financial, but also systemic" and there was no mechanism "within the Central Staff to safeguard the operational logistic interest". This had led to "a consistent lack of visibility" of the state of UK holdings.

The situation in the week before the invasion

422. Adm Boyce assured Mr Blair that there were "no serious equipment problems" on 13 March.

---

[203] Minute APS/Minister(DP) to CM(SD), 10 March 2003, 'Iraq: Op TELIC – UORs'.
[204] Minute DJW to COSSEC, 11 March 2003, 'OP TELIC – NBC Respirator Policy'.
[205] Minute DJW, 12 March 2003, 'Commanders' Guide to Respirator Best Fit Risk Assessment'.
[206] Minute CGS to CDS, 10 March 2003, 'CGS Visit to Op TELIC'.

423. Mr Blair held a meeting to discuss the military plan and timetable with Mr John Prescott, the Deputy Prime Minister, Mr Jack Straw, the Foreign Secretary, Mr Hoon and Adm Boyce on 13 March.[207] At the meeting, Adm Boyce "assured the Prime Minister that the Armed Forces faced no serious equipment problems".[208]

424. On 14 March, RAdm Style reported to Lord Bach that:

- 178 equipment UOR business cases had now been approved at a cost of "some £494m";
- 9 UORs had been accepted into service over the previous week;
- the manufacturer of desert NBC suits had revealed that production for the suits could not start "as early as we had hoped and will not deliver the first items until mid-April, a delay of 2 weeks";
- the delivery of RVD tickets to theatre had been delayed, and was expected to be complete by 19 March; and
- while the DLO was confident that sufficient ComboPens had been delivered to theatre, this could not be confirmed until the re-allocation exercise currently under way had been completed.[209]

425. On desert clothing, RAdm Style wrote:

> "Sufficient desert clothing for the entire force was ordered in Dec 02 with an ISD of 31 March 03, with a small in-service reserve being available as a result of 3 Cdo Bde and 16 Air Asslt Bde personnel retaining their clothing from Op JACANA. Although pressed to advance their production and delivery schedules, few contractors have been successful … Across the desert clothing range, at least 70% of all deliveries are complete and in theatre, broadly equivalent to 2 sets per man, not counting those personnel already equipped before deployment. Providing contractor delivery profiles are met, we expect all outstanding demands to reach depots by 19 March and to be with personnel by the end of the month. There are some exceptions; desert helmet covers … and floppy hats … will not be delivered to depots until nearer the end of the month."

426. Lt Gen Reith provided Adm Boyce with an update on the redistribution of NBC equipment in theatre on the same day.[210] He wrote that "sufficient" NBC Individual Protective Equipment had been deployed, but "some stocks required redistribution to ensure that all personnel had their initial allocation of 3 suits". The redistribution of the maritime component was 100 percent complete, the land contingent 97 percent, and the air contingent 70 percent complete.

---

[207] Letter Manning to Watkins, 14 March 2003, 'Iraq: The Military Plan'.
[208] Minute Rycroft to Watkins, 13 March 2003, 'Iraq: Military Planning'.
[209] Minute CM(SD) to PS/Minister(DP), 14 March 2003, 'Iraq: Op TELIC UORs'.
[210] Minute Reith to PSO/CDS, 14 March 2003, 'Redistribution of NBC IPE and Respirator Testing'.

427. As part of the final battle preparations, the contingent was completing NBC respirator testing but, because 1 (UK) Div needed to move forward to assembly areas, its General Officer Commanding (GOC), Major General Robin Brims, had decided to suspend that process. Lt Gen Reith "strongly" supported this decision from an operational perspective and said he could restart the process of testing "if time allows". He added:

> "In terms of risk, his manoeuvre units would prove difficult targets, once battle begins. However the more static units in the Divisional Support Group and Joint Force Logistic Component would be at greater risk and thus I have directed that testing should continue for them. The Maritime and Air contingents will also complete the process."

428. Lt Gen Reith added: "Clearly Ministers will need to be informed."

429. In the record of Lord Bach's meeting on 17 March, the key points included:

- other than "the ongoing work on Phase IV", there were "no major outstanding UOR issues";
- a flexible approach was needed on whether to continue with undelivered UORs "as circumstances develop";
- there was "a 100 tonne backlog of equipment" waiting to be delivered to theatre;
- there were now "no significant outstanding NBC issues except on delivery of RVD tickets into theatre"; and
- "notwithstanding helmet covers and floppy hats, which were taking slightly longer than hoped for, 80% of clothing and boots ordered had been delivered and prioritised in theatre. The overall figure of 'desertised personnel' was higher, as it included those who had already been issued with desert kit for Op JACANA."[211]

430. At the Chiefs of Staff meeting on 19 March, it was reported that only 3 percent of the land component's respirators had been checked, "the work having been overtaken by other events in-theatre".[212]

431. On 21 March, AM Stirrup reported to Lord Bach that 183 business cases for UORs had been approved at a cost of £497m.[213]

432. Desertisation measures for the Challenger 2 vehicles had been delivered to theatre in the past week (the fitting process of which was ongoing), along with Combat ID equipment for all vehicles and ECBA, meaning that all unit demands for the latter had been met.

---

[211] Minute APS/Minister(DP) to MA/DCDS(EC), 17 March 2003, 'Iraq: Op TELIC – UORs'.
[212] Minutes, 19 March 2003, Chiefs of Staff meeting.
[213] Minute DCDS(EC) to PS/Minister(DP), 21 March 2003, 'Iraq: Op TELIC UORs'.

433. AM Stirrup also reported that "a problem with packaging" had led to a "small delay" in the provision of new books of RVD tickets. The last 450 were received on 20 March and should arrive in theatre that day.

Issues that emerged post-invasion

434. After the invasion began, it became clear that some personnel had not been equipped with desert clothing and body armour, there were difficulties with NBC equipment, and there were shortages of ammunition.

435. Lord Bach complained that he did not have visibility of equipment issues at the front line.

436. The reasons for the problems were not identified until 9 May.

437. On 4 April, Lt Gen Reith wrote to ACM Bagnall:

> "I can assure DCDS(EC) that the chain of command is working well and that an embedded DPA LO [Liaison Officer] in theatre would have made no difference to the current situation. My staff monitor equipment availability on a daily basis and the DLO LO embedded in my Headquarters liaises regularly with relevant IPTs and other agencies concerning the flow of UORs from industry into theatre."[214]

438. On 8 April, Lord Bach's Private Office wrote to Brigadier Derek Jeffrey, MOD Director of Logistics Operations,[215] seeking clarity on the reliability of AFVs following a negative press article.[216]

439. The article had also suggested that there was a shortage of desert clothing and boots which sat "a little oddly with the assurances that the Minister has repeatedly been given about the availability of clothing and the arrangements for distributing it in theatre".

440. Lord Bach's Private Office wrote:

> "The fact that there are continued rumblings about such basic requirements as this begs a wider question: are there other items that have been delivered by industry to the department but have yet to be distributed to all those that need them in theatre? Lord Bach has been briefed over recent weeks on the acceptance into service of a range of UORs. But he has very little visibility of the extent to which such items have actually reached the front line."

441. Brig Jeffrey replied on 10 April.[217]

---

[214] Minute CJO to MA/VCDS, 4 April 2003, 'Combat ID and ECBA'.
[215] Brigadier Jeffrey's name does not appear in the document but MOD has confirmed to the Inquiry that he was the post holder at that time.
[216] Minute PS/Minister(DP) to D Log Ops, 8 April 2003, 'Iraq: Op TELIC UORs – Delivery'.
[217] Minute D Logs Ops to PS/Minister(DP), 10 April 2003 'IRAQ: Op TELIC UORs – Delivery'.

442. Lord Bach was informed that there were "some unsatisfied demands due to sizing issues but new stock from contractors should clear these in the very near future". The full requirement for boots was "the greatest concern and may not be fully met until the end of April".

443. Brig Jeffrey added:

> "Notwithstanding that sufficient clothing is now in theatre to meet demands … some individuals have not received any clothing. There are a number of reasons for this ranging from unit ordering errors to consignments being mis-located or being pushed down the priority list in theatre. The DLO in the UK and the JFLogC [Joint Force Logistic Component] in theatre are urgently carrying out an audit and progressively the problem is being ameliorated."

444. Brig Jeffrey wrote that the DLO, DPA, PJHQ, and National Contingent Headquarters (NCHQ) did "not have good visibility of the fast moving situation in the Division with regards to UOR fitting". That had meant "information on exactly what UORs had been fully fitted was not always available, nor was it prudent to press the Divisional staffs for this information at the height of battle".

445. Lord Bach's Private Office replied on 11 April, acknowledging the points raised and adding:

> "But I think he [Lord Bach] will be interested to understand exactly which of the UORs on which he has been briefed over recent months were not in the event fitted despite having been available in theatre."[218]

446. The record of Lord Bach's meeting on 14 April highlighted his concern that he did not have "the visibility of equipment issues at the front line that he expected (and which he was reassured would be provided through the chain of command)".[219] His Private Office wrote:

> "An example of the ad hoc nature of this reporting is on Combat ID: the first time Minister(DP) was made aware that CR2s [Challenger 2s] without it were being used operationally was following the blue on blue incident on 25 March. The presentational and moral repercussions had the CR2s in question not been fitted with Combat ID cannot be overstated."

447. Lord Bach sought advice on:

> **"(i) the extent to which shortfalls of key items (such as desert clothing) remain in theatre and what action is planned to ameliorate them; (ii) which UORs have been delivered to theatre but not – for whatever reason – passed on to the**

---

[218] Minute PS/Minister(DP) to D Log Ops, 11 April 2003 'Iraq: Op TELIC UORs – Delivery'.
[219] Minute APS/Min(DP) to MA/DCDS(EC), 14 April 2003, 'Iraq: Op TELIC – UORs'.

front line – either in part or in total; and (iii) how the flow of information can be improved so that in future Ministers receive timely and accurate advice on these issues."

448. On 17 April, Maj Gen Fry replied to Lord Bach's request, on behalf of Lt Gen Reith, reporting that "other than the continuing saga of desert combat clothing, there [we]re no other key equipment shortfalls" in theatre.[220] As of 13 April, the "shortfall amounted to 18,300 suits and 12,500 boots". Additional clothing would arrive in theatre by 18 April, meeting the requirement for boots, and reducing the shortfall of suits to 3,275.

449. Maj Gen Fry confirmed that all UORs delivered to theatre were "forwarded to the front line". On Combat ID, he wrote that whilst its delivery into theatre was aligned with Challenger 2, "not all of it could be fitted within the compressed timeline before D-Day" because eight Challenger sets in a container "were temporarily misplaced within Kuwait". Maj Gen Fry stated that the decision to proceed without the full range of Combat ID fitted in some Challengers was the GOC's and implied that was necessary because of US timings.

450. Addressing the issues raised about the flow of information, Maj Gen Fry wrote that the weekly updates on UORs were "a significant staff burden" and that producing them "at any greater frequency would prove counter productive".

451. Commenting on the note to Lord Bach, his Private Office wrote:

> "This is, frankly, pretty dismissive of your concerns … [It] offers no explanation of why the 'desert clothing saga' arose and no guidance on how and when the shortfalls will be addressed … [It] contradicts the earlier advice from the DLO that some UORs had been delivered to theatre but not on to the front line."[221]

452. At his meeting on 28 April, Lord Bach noted that no more UORs for the invasion phase had been raised in the last fortnight, no more were expected, and all were expected to be delivered by 1 May.[222] He therefore agreed that the monitoring of Phase III UOR implementation should cease but perceived a continuing requirement, "for the time being at least", to keep track of the Phase IV UORs.

453. The "bulk of the discussion" focused on "the continuing difficulty experienced by the DLO, DPA and ECC in securing reliable information from theatre about equipment matters" and how best to present publicly what was understood to be "the generally positive news on this front". Lord Bach remained concerned about the flow of information on equipment matters.

---

[220] Minute Fry to PS/Min(DP), 17 April 2003, 'Iraq: Op TELIC: UORs'.
[221] Manuscript comment MOD [junior official] on Minute Fry to PS/Min(DP), 17 April 2003, 'Iraq: Op TELIC: UORs'.
[222] Minute PS/Minister(DP) to MA/DVCDS(EC), 28 April 2003, 'Iraq: Op TELIC UORs'.

454. The record of the meeting stated that Lord Bach believed work should be set in hand urgently "to develop a better handle on the facts of equipment performance (including the extent to which UORs reached users). Identifying and being able to account for potential vulnerabilities would be "vital" to address Parliamentary Questions (PQs) and reports of shortages in desert clothing, boots, ECBA and Combat ID equipment:

> "Ministers will need chapter and verse on these issues, and on any others yet to come to their attention; and they will need it whatever the conclusions of the lessons learned process."

455. Specific questions on desert clothing, boots and UOR delivery were set out in an Annex, including why the desert clothing "saga" came to light "so late in the day", given the attention it received in the run up to operations, and asking for clarification on whether all UORs delivered to theatre were fitted. Lord Bach also sought confirmation that all UORs had been received by the end user for whom they were intended. If not, he requested a list of those that had not been received, with an explanation in each case.

456. The record stated:

> "As I have tried to articulate previously, Minister(DP) is not seeking here to second guess decisions made by commanders in theatre, which he accepts will have been made for very good operational reasons. He simply wants to understand, and be able to defend as required, the facts and the arguments pertaining to these judgements."

457. Lord Bach also wanted to proactively "get the message across" publicly that, in general, equipment performance had "been impressive". He accepted that the MOD should be prepared to acknowledge that "not everything went exactly according to plan and that lessons are, of course, being learnt" but that this should not deter the MOD from highlighting positive news.

458. Mr Paul Flaherty, Head of Civilian Secretariat, PJHQ, replied on 9 May that Op TELIC had been "a great success both in terms of performance of equipment and the successful delivery of an enormous amount of equipment in a very short space of time".[223] He added:

> "… it is also becoming clear that there were problems in theatre, of which we were not aware, in relation to the fitting of UORs and the delivery of kit. At this stage contributory factors appear to include the sheer speed and scale of the deployment, the large number of UOR equipment, the significant advance of G day,[224] and the absence of an in theatre asset-tracking system with the consequent mismatch of people and equipment."

---

[223] Minute PJHQ Civ Sec to PS/Minister(DP), 9 May 2003, 'Iraq: Op TELIC UORs'.
[224] The date on which the ground operation commenced.

459. On the delivery of UORs to theatre Mr Flaherty wrote:

> "The processes currently in place for tracking UORs only tracks them until they arrive to the original consignee in Theatre. There is therefore no means of tracking whether UORs reached the end user for whom they were intended. Work has been set in train to establish this and separate advice is being submitted by CJO to VCDS."

460. Mr Flaherty also covered the issues of desert clothing and Combat ID in separate annexes which are detailed later in this Section.

461. On Lord Bach's copy of the minute, his Private Secretary wrote:

> "This is – at last – a serious attempt to respond to your concerns about equipment delivery/supply … and acknowledges the importance of providing Ministers with proper advice. The story it tells … about the flow of information from theatre which has obviously been lamentable – is pretty depressing."[225]

462. Mr Flaherty's note was discussed at Lord Bach's meeting on 12 May.[226] Lord Bach believed the note went "a long way to addressing some of the issues he raised about the availability of equipment at the front line". He accepted "the proffered explanation for this" but was "disappointed that a variety of factors" appeared to have undermined the efforts to equip troops as well as possible.

463. The note of the meeting recorded that Lord Bach:

> "… regrets that – aside from the very practical consequence for our people, a number of whom might be expected to complain about having been sent into battle without relatively basic articles of key equipment – an unfortunate side effect has been that the advice provided to Ministers, albeit on the basis of advice from theatre, has turned out in retrospect to be less than wholly accurate. He agrees that these issues, particularly the lack of an effective asset tracking system, will need carefully to be examined during the lessons learned process."

464. In addition to ECBA, desert clothing and Combat ID kit, Lord Bach had heard at a meeting that morning that concerns had been expressed by commanders in theatre about shortages of morphine and NBC equipment. He sought advice on those points by the end of the week.

465. Lt Gen Reith provided a spreadsheet detailing when UORs had been delivered to theatre and an assessment on their effectiveness for ACM Bagnall on 15 May.[227] He explained that there had been "some inaccuracies in earlier reporting from theatre" but those had now been corrected.

---

[225] Manuscript comment PS/Min(DP) on Minute PJHQ Civ Sec to PS/Minister(DP), 9 May 2003, 'Iraq: Op TELIC UORs'.
[226] Minute APS/Minister(DP) to CM(M) and PJHQ-Civ Sec, 12 May 2003, 'Iraq: Op TELIC – UORs'.
[227] Minute CJO to PS/VCDS, 15 May 2003 'Operation TELIC – Equipment Performance'.

466. Lt Gen Reith provided specific briefing that:

- Combat availability of both Challenger 2 and AS90 tanks was "very high" and the desertisation and protection measures for Challenger 2 were fitted before war-fighting. The AS90 desertisation measure was not completed until 4 May "but was not required for war-fighting, although it would have been if hostilities had continued as had been expected".
- The supply of Combat ID was "over-taut" but 1 (UK) Div reported that "there was just enough for equipment in the direct fire zone". The late arrival was due to distribution problems but, where it was supplied, it had been effective.
- There had been a shortfall of ComboPens that was addressed by the issue of "out-of-date pens" as a "last resort". The shortfall was "traceable to enduring manufacturing difficulties, acknowledged in early 02". Alternative provision was being considered but was proving problematic.
- The respirator testing kits had arrived in theatre between 24 February and 7 March "but were subject to a delay in distribution because of the large amounts of higher priority stores, such as CR2 [Challenger 2] and Combat ID UOR equipment".

467. Lt Gen Reith wrote:

> "I draw two valuable lessons from this work:
>
> "(a) In future, we should try to be less reliant on UORs for operations; fitting these in the time available and in austere conditions further stretches an already over-loaded logistic organisation. Thus, there is a strong case for better resourcing and I hope this point now will be accepted where it perhaps has not been in the past.
>
> "(b) 'Just enough just in time' is probably a flawed policy for military operations. SDR directed that the DLO should only hold that which could not be procured within readiness and preparation time. However, the stock levels held speak for themselves."

468. Lt Gen Reith added that both points had been "exacerbated by the understandable reluctance of Ministers to go early to industry … before formal committal to the operation". He also wrote that the military's commitment was, "as often happens, at a scale beyond that envisaged in the DPAs and thus not fully resourced".

469. Lt Gen Reith reiterated those points on 16 May when he produced a "Top 10 Lessons Identified" document for the DOC.[228]

---

[228] Minute CJO to DOC, 16 May 03, 'Operation TELIC –"Top 10" Lessons Identified – Pre-Deployment and Deployment Phases'.

470. On deployment processes, Lt Gen Reith wrote that it "went well" but "we should caution against too much reliance on chartered air and shipping assets". He stated:

> "There were considerable challenges in tracking equipment, UORs, and stores particularly in theatre, because of inadequacies in the management of the deployed inventory systems, especially an 'end to end' tracking capability. This is an old chestnut which requires addressing urgently."

471. Lt Gen Reith continued:

> "Stockholdings were inadequate for this scale of operation. Understandably Ministers will be reluctant to commit to operations until very late in the day, which means we cannot approach industry early and we will also often be required to do more than envisaged in defence planning assumptions. Thus, the policy of 'just enough just in time' needs urgent review."

472. Brigadier Shaun Cowlam, Commander of 102 Logistics Brigade, wrote in his post operational report in May 2003 that:

> "Despite the success in getting the force into theatre in half the time taken for Op GRANBY, it was clear that poor personnel and equipment readiness across the force added significantly to both logistic and, subsequently, operational risk. Many personnel (particularly augmentees and Reservists) were poorly equipped and briefed for deployment, some arriving in theatre with no combat clothing, respirators, weapons or sleeping systems, and others not knowing which unit or location they were destined for … The lesson is that units should be equipped on deployment to the necessary scales. The argument that in many cases, broken readiness and preparation times explain the shortcomings, ignores the reality that readiness is simply an assumption. Op TELIC has shown that our current assumptions do not reflect operational reality and we are taking unseen risks that we are not managing."[229]

473. On 27 May, ACM Bagnall advised Lord Bach that he was "keen to establish the facts (rather than early anecdotal views) relating to UORs and equipment issues".[230] He wrote:

> "Work on the lessons is well underway and I have taken steps to ensure that specific issues relating to UORs and equipment matters are properly captured. For now it is clear that the tight timeline from the decision to activate the UOR process; the need to properly balance the logistic push from the UK versus the Commander's pull requirement in theatre; asset tracking … will all feature prominently …"

---

[229] Report Cowlam, 12 May 2003, 'Operation TELIC – Joint Force Logistic Component (JFLOGC) Jan – May 2003 Post Operation Report'.
[230] Minute VCDS to PS/Minister(DP), 27 May 2003 'Iraq – Operation TELIC Equipment Performance/UORs'.

474. On 30 May, a list of all the equipment capability UORs approved for the pre-deployment and invasion phases was produced with an analysis of how they did or did not address equipment capability gaps.[231] It sought to determine where UOR activity was focused, "both in terms of the capability delivered and also in terms of the relationship between UORs and the Equipment Programme".

475. The capability shortfalls addressed by UORs were:

- network-enabled capability 31%;
- force protection 19%;
- force projection 12%;
- counter-terrorism/Special Forces 7%;
- precision strike 3%; and
- other 27%.

476. A breakdown of the UORs in terms of the relationship with capabilities being delivered in the Equipment Programme (EP) showed:

Table 1: The relationship between UORs for the start of Op TELIC and the Equipment Programme

Category of UOR	Number	UOR cost	% by number	% by cost
UORs to meet TELIC-specific requirements	21	£28.6m	11.5%	6%
UORs to fill a gap not previously identified	22	£28.8m	12%	6%
UORs to bring forward capability already in the EP	22	£138.5m	12%	27%
UORs providing a "patch" solution to bridge a gap until the introduction of an EP-funded solution	55	£154.9m	30%	31%
UORs to fill a previously identified capability gap not funded in the EP	63	£149.3m	34.5%	30%

477. A footnote set out that not all UORs "fell neatly into one of the categories and a degree of judgement was therefore required". The example provided was of desertisation measures for the Challenger 2 vehicles: "it was categorised as an EP bring-forward but could equally have been classed as a TELIC-specific requirement".

[231] Minute DEP and DCRS to DNO, 30 May 2003, 'Op TELIC UORs from DEP and DCRS'.

478. A report by the House of Commons Defence Committee produced a different categorisation of UORs:

Table 2: Categories of UORs for the start of Op TELIC

Category of UOR	% by value[232]
UORs that hastened existing programme	33
UORs that introduced new capabilities not previously programmed	20
UORs that topped up holdings of items already on MOD's inventory	30
UORs modifying existing equipment/infrastructure	17

479. The MOD's assessment of UOR availability for the start of operations was:

Table 3: Availability of UORs before the invasion[233]

Environment	% of UORs delivered on time[234]	% of UORs requested by this component fitted in time[235]	% of UORs considered effective/highly effective
Maritime	80%	70%	100%
Land	84%	79%	85%
Air	74%	57%	95%
Joint	45%	45%	76%
Joint Communications Infrastructure (J6)	75%	75%	86%
Overall	71%	65%	88%

Desert uniforms

480. Stocks for desert clothing were insufficient to support a large scale deployment in the time available.

481. In response to concerns raised with Adm Boyce during his visit to theatre, the DLO provided advice on desert combat clothing on 14 April.[236] It stated there was "an acknowledged maximum shortfall in theatre of 18,300 suits and 12,500 boots amongst the Land component, as of 13 Apr 03".

482. The DLO advised that the shortfall would reduce to 3,275 suits for 1 (UK) Div units within the next 72 hours as clothing and boots were pushed forward within theatre and further deliveries were received. The remaining items for the Division would be delivered by 22 April, and the Joint Force Logistic Component units by 28 April.

---

[232] Third Report of the House of Commons Defence Committee, Session 2003-04, *Lessons of Iraq*, HC 57-1, para 170.
[233] Minute VCDS to PS/Minister(DP), 27 May 2003, 'Iraq – Operation TELIC Equipment Performance/UORs'.
[234] Delivered into theatre by 15 March.
[235] On time is defined as the dates units crossed the start line for operations (19/20 March).
[236] Minute D Ops DLO to PSO/CDS, 14 April 2003, 'Op TELIC – Desert Combat Clothing'.

483. Clothing issued to 3 Commando and 16 Air Assault Brigades was deteriorating, so they would require an additional 10,000 replacement suits. Those would be dispatched to theatre at the beginning of May. Other formations would also require maintenance stocks.

484. Adm Boyce was advised that 12 months was "a realistic minimum lead time to allow for normal contracting processes" for desert clothing. Advice had been provided in September 2002 that the decision point for ordering clothing was 1 October with the "risk of shortages increasing thereafter". That risk had been "deemed to be acceptable" and permission was not given to approach industry until 4 December.

485. In Mr Flaherty's note to Lord Bach on 9 May addressing equipment performance, he summarised the position on desert clothing and boots as:

> "The shortage of desert clothing was caused primarily by the fact that the stocks held were insufficient for the speed and size of this deployment. The inability to equip even all fighting formations prior to the start of combat operations was caused by in theatre supply priorities. The weakness of the asset tracking system meant there was limited visibility outside theatre of these problems. During decisive combat operation the shortage of desert combats was not flagged up since it was not seen to have a serious operational impact. Sufficient desert combats have now been dispatched to theatre to meet previously declared shortfalls."[237]

486. Mr Flaherty added that after combat operations ended, the shortage of clothing was having "a negative impact on morale" and had therefore been flagged as a concern. He wrote that "excess stocks" were "now held centrally in theatre" and units could call on these stocks "as required to top up holdings".

487. Following the invasion, Brig Cowlam wrote:

> "… the saga of desert combat clothing where the UOR failed to meet the requirement indicates that risks that had been taken could not be recovered."[238]

488. On 31 August 2010, an analysis of the land operation in Iraq was published on behalf of the Chief of the General Staff by Brigadier Ben Barry. It was known as "the Barry Report".[239]

489. The report stated: "Desert boots, desert uniforms and body armour were all in short supply."

490. The NAO's report on 11 December 2003 stated that the procurement of desert clothing and boots was regarded as "of limited effectiveness because few troops

---

[237] Minute PJHQ Civ Sec to PS/Minister(DP), 9 May 2003, 'Iraq: Op TELIC UORs'.
[238] Report Cowlam, 12 May 2003, 'Operation TELIC – Joint Force Logistic Component (JFLOGC) Jan – May 2003 Post Operation Report'.
[239] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.

received their full complement, and mismatches in sizing remained into the post-conflict phase of the Operation".[240]

491. The House of Commons Defence Committee report on Op TELIC found that:

> "The issue of the availability of desert clothing and boots during Operation TELIC has been both a confusing and worrying story … MOD clearly underestimated the impact on morale of failing to provide service personnel with the clothing and boots which they required and expected. We find it unacceptable that some two weeks after the start of the combat phase 60 percent of the additional clothing requirement that had been ordered was not available in theatre."[241]

492. In July 2003, the MOD published a *First Reflections* report on operations in Iraq.[242] It stated that the quantities of boots, clothing "and other personal equipment" routinely held was an area that it needed "to look at". While there was, "under SDR planning assumptions … sufficient personal equipment" to equip a total of 9,000 personnel for desert operations, the MOD wrote:

> "In the case of this operation, the numbers deployed were significantly higher, and whilst most materials were sent out in time, difficulties with in-theatre tracking meant that there were some problems with distribution."

493. The Inquiry asked the MOD for a statement on planned stockholdings of desert clothing and the actual stockholdings between July and September 2002. The MOD confirmed the planned stockholdings of desert clothing was 9,000 sets.[243] "Some stock" was being consumed by operations in Afghanistan over that period "but levels were being maintained by resupply from industry".

494. The MOD stated that between this period it was asked to examine the possibility of equipping a force of 30,000 personnel at three sets of clothing per person:

> "Identification of lead times showed that contracts would need to be placed in November-December 2002 in order to receive delivery in time. Authority was given … and agreement was reached with suppliers to provide 96,000 sets of clothing (3 sets per person) and 40,000 pairs of desert boots. This was to be delivered in tranches between January and April 2003. Deliveries started in January 2003 and were complete by the end of February 2003 (earlier than planned), with all deliveries to units designated to receive Desert Clothing complete by March 2003."

---

[240] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq,* 11 December 2003, HC 60.
[241] Third Report from the Defence Committee, Session 2003-04, *Lessons of Iraq*, HC57-I, para 257.
[242] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.
[243] Paper [MOD], 21 December 2010, 'Equipment and Capability Issues (pre-invasion)'.

495. In his evidence to the Inquiry Mr Hoon stated:

> "Desert combats were part of the UORs and I know some of the soldiers resented having to wear their green combats rather than their desert combats."[244]

496. Mr Hoon later added: "Some soldiers, I'm sure, did not have the right boots."[245]

497. ACM Stirrup told the Inquiry that extra time "would certainly have made a difference" to the provision of desert clothing and boots.[246] Although pressure on the manufacturers had delivered "just about sufficient sets", that was not enough in an operational environment where "a critical issue" was to get it to the right place on time.

498. Major General Graham Binns, Commander of 7 Armoured Brigade during the invasion, told the Inquiry:

> "There were soldiers who didn't have desert combats, you know, we were asking them to go to war incorrectly dressed."[247]

499. Mr Ingram told the Inquiry that part of the reason behind Ministerial visits to Iraq during the operations was to investigate what he called the "urban myths" that were being reported in the media about equipment shortages.[248] He gave an example:

> " … I had one of my own constituents, a mother, on behalf of her son, complaining about the fact that her boy didn't have size 11 boots, and this went on for weeks and weeks, until the point I said, 'Well, is he running around barefoot?' to her. Of course he wasn't. He had bought his own boots, but she was annoyed that he – she was saying that he had not been issued with the size 11, and he had been."

Enhanced Combat Body Armour

500. Enough body armour was procured to equip only British fighting formations; that was insufficient to equip all British troops deployed.

501. Poor asset tracking meant that even fighting formations were not fully equipped, resulting in an urgent redistribution programme to the front line.

502. On 24 March 2003, Sergeant Steven Roberts was killed in Iraq as a result of a gunshot wound.[249] Sgt Roberts had been asked to relinquish his armour because of the shortfall in theatre.

---

[244] Public hearing, 19 January 2010, page 129.
[245] Public hearing, 19 January 2010, page 149.
[246] Public hearing, 1 February 2010, page 13.
[247] Private hearing, 2 June 2010, page 4.
[248] Public hearing, 16 July 2010, pages 26-27.
[249] *GOV.UK,* 24 March 2003, *Sergeant Steven Roberts*.

503. On 2 April, Lt Gen Fry advised Adm Boyce on the availability of ECBA:

> "Despite the allocation of an increased baggage allowance, some units that had already been issued ECBA in the UK decided to load the plates in unit freight for surface shipping. Due to poor marking some of these containers were slow in being delivered to units, resulting [in] personnel crossing the LD [line of departure] without plates."[250]

504. Lt Gen Fry wrote that that was "mitigated by an urgent redistribution programme that ensured that forward troops were equipped at the expense of those in the rear". Following that programme, and subsequent deliveries, the NCHQ estimated that 60 percent of 1(UK) Div had been fitted with ECBA.

505. Following his requests, Mr Flaherty provided Lord Bach with further advice on the supply and distribution of ECBA on 16 May.[251] He wrote that "the majority of troops in the fighting formations had full combat body armour at the start of combat operations" but there were "some shortages of ceramic plates which meant that some elements of 7 Armoured Brigade and up to 50% of the Joint Force Logistics did not have ceramic plates at the outset of hostilities".

506. Mr Flaherty wrote that shortages were "exacerbated" by the fact that only ECBA sufficient to "equip the wartime establishment of units" had been procured. He estimated that "approximately 3,500 personnel, the majority of which were not in fighting formations, were affected by the shortage. About 500 sets of ECBA were withdrawn from rear units and redistributed to the front line".

507. The DOC's 17 October 2003 report stated that, before the invasion, the DLO "were not mandated to hold stocks of ECBA sufficient to meet the requirements of this operation".[252] It stated that 36,000 sets of ECBA were deployed to theatre which were "sufficient" to meet the total requirement but "late delivery, coupled with difficulties in consignment tracking and poor unit level control, led to localised shortfalls".

508. The Inquiry asked the MOD for a statement on planned stockholdings for ECBA and the actual levels of stockholdings between July and September 2002. The MOD advised that, on 1 July 2002, it had 25,754 plates in stock and by 30 September this figure was 30,482.[253]

509. The MOD's *Lessons for the Future* report in December 2003 stated:

> "The decision (a change in policy) to equip all Service personnel whose role it required with Enhanced Combat Body Armour … posed a challenge because there were insufficient stocks to meet the needs of a large scale force. Through additional

---

[250] Minute DCJO(Ops) to PSO/CDS, 2 April 2003, 'Combat ID and ECBA'.
[251] Minute PJHQ Civ Sec to PS/Minister(DP), 16 May 2003, 'Iraq: Op TELIC UORs'.
[252] Report DOC, 17 October 2003, 'Operation TELIC Lessons Study'.
[253] Paper [MOD], 21 December 2010, 'Equipment and Capability Issues (pre-invasion)'.

purchases, over 38,000 complete sets of body armour were deployed to theatre. This should have met the total requirement, but late delivery against an advancing timescale, coupled with difficulties in equipment tracking and control of issue, led to localised shortfalls."[254]

510. The NAO's December 2003 report on Op TELIC stated:

" … 21,759 [desert pattern] covers and 32,581 pairs of plates were issued into the supply chain by 24 March 2003. However, the Department's Defence Clothing Integrated Project Team estimated that approximately 200,000 sets had been issued since the Kosovo campaign in 1999, greatly exceeding the theoretical requirement, but these seem to have disappeared. The Team questioned whether items should, therefore, be issued as part of an individual's personal entitlement for which they would be held accountable."[255]

511. The NAO also reported that "insufficient numbers [of body armour] were distributed in theatre, largely as a result of difficulties with asset tracking and distribution."

512. The House of Commons Defence Committee concluded that:

"Body armour is another example of where MOD's in-theatre distribution and tracking led to shortages in critical equipment … MOD should identify and implement solutions to address these shortcomings and ensure that service personnel receive the equipment they are entitled to."[256]

513. On 7 September, Mr Martin Howard, MOD Director General Operational Policy, wrote to Mr Ingram, asking him to note that, following scrutiny in recent House of Commons Defence Committee, Public Accounts Committee and NAO reports, a new policy had been endorsed by the Chiefs of Staff in June whereby "all entitled personnel" would deploy on operations with a full set of ECBA.[257] This policy had already been implemented and was being monitored.

514. The Board of Inquiry into Sgt Roberts' death concluded that he would not have been fatally injured if he had been wearing ECBA at the time.[258]

---

[254] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[255] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq,* 11 December 2003, HC 60.
[256] Third Report from the Defence Committee, Session 2003-04, *Lessons of Iraq*, HC 57-I, para 262.
[257] Minute DG Op Pol to PS/Minister(AF), 7 September 2004, 'Enhanced Combat Body Armour (ECBA) – An Update'.
[258] *BBC News,* 31 July 2006, *Iraq death due to kit shortage* attaching link to Report, [undated], 'Board of Inquiry into death of Sgt Steven Roberts'.

515. On 18 December 2006, Mr Andrew Walker, Oxfordshire Assistant Deputy Coroner, delivered a narrative verdict:

> "Sgt Roberts' death was as a result of delay and serious failures in the acquisition and support chain that resulted in a significant shortage within his fighting unit of enhanced combat body armour, none being available for him to wear."[259]

516. Lieutenant General Robin Brims told the Inquiry:

> "I was fully aware that there was a problem with the body armour and I ordered a redistribution of body armour to those people most in need, and similarly some other forms of equipment."[260]

517. ACM Stirrup told the Inquiry:

> "… just before the start of operation, the clear message that we were receiving in the Ministry of Defence was that all unit demands for enhanced combat body armour had been met, but quite clearly not everybody who needed it in theatre got it when they needed it, and had it been – had that been two months earlier, then those sorts of issues I think could have been untangled."[261]

518. ACM Stirrup added:

> "I think the area where we could have done better is in terms of enhanced combat body armour. We didn't have enough of that in theatre at the time, and I think, in part … the issue was it was all being done so rapidly at the last minute no one was quite sure who had what."

519. The process behind the prioritisation of the redistribution of body armour was described by Maj Gen Binns:

> "We had insufficient body armour to equip all those who were likely to be coming into immediate contact with the fighting companies and squadrons and I took a decision to reallocate based on mitigating the risks to those who were most vulnerable to the dismounted troops and those who sat behind 70 tonnes of armour I was prepared to take a risk with …"[262]

520. ACM Bagnall told the Inquiry:

> "I was not aware that, in some cases, all personnel did not have access to Enhanced Body Armour at the start of operations. That said, I heard anecdotal evidence of personnel being deployed on one ship whilst their body armour plates were on another vessel which went to a different port of disembarkation. Any shortfalls

---

[259] *BBC News,* 18 December 2006, *Kit delays led to soldier's death.*
[260] Public hearing, 15 January 2010, page 21.
[261] Public hearing, 1 February 2010, pages 12-13.
[262] Private hearing, 2 June 2010, page 7.

identified would have gone from theatre to CJO and, if required, onwards to DCDS(C) or DCDS(EC) and their staffs. I do not recall any shortfalls being identified to me at the start of the campaign although issues emerged later as the operation progressed."[263]

521. Lord Boyce told the Inquiry that he had not been told about the commanders' decisions to redistribute body armour:

"My understanding was everybody had body armour. Whether there was a sufficient number of enhanced body armour kits was something which didn't percolate out – and the need to redistribute such that appeared in theatre wasn't something which percolated up to the Chiefs of Staff."[264]

Biological and chemical warfare protection

522. Risks were taken with the levels of protection against the use of chemical or biological weapons.

523. In its *Lessons for the Future* report in December 2003, the MOD stated there had been "localised shortages" of NBC equipment, such as suits, "again caused by sizing difficulties or equipment distribution and tracking problems".[265] The MOD added:

"Other shortfalls were due to poor stock maintenance – for example the inspection regime for Residual Vapour Detectors had not been followed, leading to uncertainty over serviceability. Nevertheless, through a combination of purchasing spare parts and rigorous re-testing of the equipment, the operational requirement was met."

524. Rear Admiral Michael Wood, MOD DLO Director General Operations, visited Iraq between 10 and16 May to ascertain the logistic support issues that had emerged in theatre.[266] In his report to ACM Pledger on 20 May, he highlighted the shortage of NBC equipment:

"The one significant area of weakness and concern emphasised by all the senior Land Component commanders I met was NBC equipment and preparedness. Whilst … the threat did not manifest itself, the lack of crucial items of detection and protection equipment and consumables undermined the confidence of those preparing to go to war."

---

[263] Statement, 6 January 2011, page 5.
[264] Public hearing, 27 January 2011, page 44.
[265] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[266] Minute CDL to VCDS, 27 May 2003, 'Visit by DG Ops (DLO) to Op TELIC: 10-16 May 2003' attaching Minute Wood to Pledger, 20 May 2003, 'Op TELIC Trip Report – 10-16 May 2003'.

525. On 6 June, Mr Flaherty provided advice on the supply and delivery of NBC equipment to Lord Bach.[267] He stated:

> "Although the UOR system did produce some NBC equipment, the issues in this case relate more to the proper maintenance of existing stocks and the ability of our systems to cope with the delivery of very large surge requirements to personnel who are unfamiliar with the equipment in question, and may not easily be able to track its onward movement.
>
> "Although commanders will – rightly – place their priority on the out-load and delivery of battle-winning capability, and although the perceived NBC threat diminished with the collapse of the regime, there were occasions when our personnel perceived they were at high risk, due to the lack of NBC equipment."

526. On NBC suits, Mr Flaherty wrote that:

> "There were initially insufficient NBC suits in theatre to supply all personnel with three each at the outset of hostilities. In order to ensure all personnel had two suits each … suits were re-distributed … An additional 96,000 suits arrived from the UK on 19 March meaning there were sufficient suits in theatre to supply all personnel with four each. However due to a mismatch between the sizes of the suits and individuals a small number of troops crossed the Line of Departure with only one properly fitting suit …
>
> "Commanders assessed that the risk posed to the Force by these shortages was low … The effect on morale was judged to be more serious than the practical impact."

527. Mr Flaherty wrote that in order to alleviate shortages in NBC detectors, equipment held by 3 Commando Brigade and 16 Air Assault Brigade was redistributed, leaving them with "less than 50% of the required capability". All available NBC detection equipment, ancillaries and consumables were then flown out, "giving theatre a 50% capability by 13 March".

528. Mr Flaherty stated: "The shortage of NBC detection was assessed to pose a high risk to UK troops." This was "not fundamentally a 'UOR' issue but one of maintenance and supply of in-service equipment" exacerbated by the delayed in-service introduction of a new form of equipment.

529. There had also been a shortage of batteries for the NBC detection sets and for their remote alarms, "aggravated by the fact that some NAIAD arrived from stores without batteries or batteries for the remote". Commanders had assessed that this shortage "posed a high risk to UK Forces"; 1 (UK) Div had been ordered to turn off NBC detectors while in dispersal areas to preserve the batteries and to "only turn them back on if there were signs of an attack".

---

[267] Minute PJHQ J9 to PS/Minister(DP), 6 June 2003, 'Iraq: Op TELIC UORs'.

530. Lord Bach's Private Office wrote alongside this point: "This is very serious. It will be impossible to defend this adequately."[268]

531. On the front page of Mr Flaherty's advice, Lord Bach's Private Office wrote:

> "This was not flagged up through the chain of command, despite (numerous) assurances that it would be, and it runs counter to the public lines Ministers were given. These were effectively – although there are some shortfalls (because NAIAD is no longer manufactured) – we have confidence in our NBC defence against any threat posed by Saddam. In fact, the point contradicts this and has, rather fittingly in my view, been described as 'playing Russian roulette with people's lives.'"

532. On 3 July, Lord Bach's Private Office replied to Mr Flaherty expressing alarm that there were occasions when personnel were assessed to be at high risk due to a lack of NBC equipment:

> "[Lord Bach] recalls the assessments provided before the campaign that our NBC defence was 'fragile' but that nevertheless there was complete confidence in the NBC posture of UK forces – as reflected in Lord Bach's weekly UOR meetings and the Department's public line. In particular, whilst Lord Bach fully appreciates the right of Commanders to make decisions on the ground, he is concerned that Ministers were not made aware of this fact until it came to light through media questions."[269]

533. On 3 October, an MOD report to ACM Bagnall explained that, while the 'Defence Strategic Audit and Guidance for the 2004 Equipment Programme' had suggested that NBC capabilities constituted "vital ground" to be protected in the programme, its "high impact/low probability nature" had remained "an inhibiting factor regarding resource allocation".[270] However, a "quick estimate on what might have happened", on operations such as in Iraq, had been carried out and the issues raised had been addressed in its report.

534. The report stated:

> "A recurrent theme emerging from our work is the need for culture change and an improved understanding of CBRN defence from Front Line to grand strategic; attitudes remain that CBRN is unlikely, too difficult, a Cold War issue, or only a problem for specialists."

535. The team recommended a number of "quick wins", including policy updates, more training, and preserving CBRN capabilities and research. In the longer term, the report advocated ensuring that CBRN stock holdings met Defence Planning Assumptions,

---

[268] Manuscript comment MOD [junior official] on Minute PJHQ J9 to PS/Minister(DP), 6 June 2003, 'Iraq: Op TELIC UORs'.
[269] Minute APS/Minister(DP) to PJHQ J9, 3 July 2003, 'Op TELIC UORs: NBC Equipment'.
[270] Minute ACNS to MA/VCDS, 3 October 2003, 'CBRN – Tiger Team Final Report'.

addressing CBRN defence capabilities for large scale deployments and ensuring wider force structure work took account of CBRN issues.

536. General Sir Michael Walker became Chief of the Defence Staff in May 2003. On 22 March 2004, his Private Office replied to questions from Mr Ingram about the availability of NBC filters for armoured vehicles prior to the invasion.[271] The advice confirmed that the distribution of NBC filter stocks was authorised on 27 January 2003, but that the filters were not dispatched until 13 March and arrived in theatre on 17 March. The operation commenced two days later and, as 1 (UK) Div was conducting its final battle preparation, the plans to move the stocks forward to units were not feasible: "NBC filters were a casualty of compressed planning and deployment timelines."

537. Mr Ingram's Private Office replied on 26 March that Mr Ingram's view was:

> "… given the prominence of the NBC threat in the run up to Op TELIC and the understandable public attention and criticism [sic] the shortage of AFV NBC filters subsequently, his view is that a worrying picture is beginning to emerge. His perception that the shortages cannot be attributed solely to poor asset tracking appears to be well founded."[272]

538. A number of post-operation tour reports and lessons learned exercises found fault with the provision of NBC equipment.

539. The DOC Operation TELIC report on 17 October 2003 stated:

> "Despite the lessons from Op GRANBY (the first Gulf War), much last minute work was required to achieve acceptable levels of preparedness for operations in a possible CBRN environment."[273]

540. In the 7 Armoured Brigade post-operation tour report, Brig Binns highlighted that NBC filters for the Challenger 2 tanks "simply never arrived".[274]

541. In an Army interview about lessons learned in Iraq on 8 January 2004, Maj Gen Brims said:

> "…having to redistribute body armour and NBC kit amongst the troops… left a pretty sour taste."[275]

---

[271] Minute MA/CDS to MA/Min(AF), 22 March 2004, 'NBC Filters for Armoured Fighting Vehicles (AFVs) on Operation TELIC'.
[272] Minute MA/Min(AF) to MA/CDS, 26 March 2004, 'NBC filters for Armoured Fighting Vehicle (AFVs) on Operation TELIC'.
[273] Report DOC, 17 October 2003, 'Operation TELIC: Lessons Study'.
[274] Report, 6 June 2003, '7th Armoured Brigade Post Operation Report & Lessons Report Operation TELIC'.
[275] Report [unattributed], 8 January 2004, 'Interview Profoma'.

542. The Barry Report concluded that:

> "No NBC filters for Challenger MBTs were received, leaving tanks with only six hours of NBC protection … Insufficient NBC warning and monitoring equipment was available."[276]

543. In his post-operation tour report, Brigadier James Dutton, Commander 3 Commando Brigade, wrote:

> "If the brigade had been subjected to a CBW attack we would at best have been 'fighting to survive' rather than 'surviving to fight' … Inadequate stocks of the NBC consumables caused concern and uncertainty."[277]

544. In his post-operation tour report, Brig Cowlam wrote that the lack of NBC kit was "a major concern" and "unacceptable".[278]

545. The NAO's December 2003 Op TELIC report stated:

> "Although overall protection against chemical agents was good, there was a 'significant shortfall' (some 40 percent) of Nerve Agent Immobilised Alarm and Detector units … and a severe shortfall in Residual Vapour Detector kit availability … While these shortfalls could be partially mitigated … it made detection and therefore response to an attack inefficient.
>
> "There were difficulties in providing Nuclear, Biological and Chemical protective suits for certain sizes in sufficient numbers. In addition … some respirators did not fit as well as had been presumed …
>
> "A number of units reported shortages of necessary consumable items required for the effective operation of chemical agent detector systems … The lack of these items prevented units from turning on these systems in order to preserve some reserve capability, amounting in some cases to between six and 24 hours worth of operation.
>
> " … On Operation TELIC, the war reserve of filters was issued from central holdings and dispatched to theatre. However, we found that these vehicle filters (for both Challenger 2 and other armoured vehicles) had not been delivered to the frontline units by the time of our field visit in late June 2003 … "[279]

---

[276] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.
[277] Report, 8 May 2003, 'Operation TELIC – 3 CDO Bde RM Post Operation Report'.
[278] Report Cowlam, 12 May 2003, 'Operation TELIC – Joint Force Logistic Component (JFLOGC) Jan – May 2003 Post Operation Report'.
[279] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq*, 11 December 2003, HC 60.

546. The House of Commons Defence Committee concluded:

> "Given the potential threat posed by Iraqi armed forces, sufficient chemical warfare detection and protection were particularly important for this operation. However, there were serious shortcomings in the supply and distribution system and the required levels of detection and protection were not always available to everyone. Indeed, while MOD ideally would have liked each serviceman and woman to have had four suits available, only one suit per person was available, which MOD judged to be sufficient for this operation. Furthermore it is essential that personnel have confidence in the effectiveness of the equipment with which they are provided. It was fortuitous that service personnel did not suffer as a consequence, but had the Iraqis used chemical weapons systematically, as employed in the Iran-Iraq war, the operational consequences would have been severe. The lack of armoured vehicle filters seems to us to be a matter of the utmost seriousness. The lessons identified need to be implemented as a matter of urgency to ensure that servicemen and women serving on operations have complete and justified confidence that chemical warfare attacks will be detected in time, that their individual protection equipment will save their lives and that operational success will not be imperilled. This is particularly important given that UK service personnel are more likely to be operating in such environments in the future."[280]

547. Mr Hoon told the Inquiry: "I have to say I have not come across anything specific to suggest that NBC protection was not available to every soldier who needed it."[281]

548. When questioned about concerns that out-of-date kit had been issued, Mr Hoon replied:

> "… I don't recall any suggestion that any of this kit was ineffective … I don't know whether there was a sell-by date on the kit. There may well have been but as far as I am aware, whenever this was tested, this equipment was fit for its purpose."

549. Lord Bach told the Inquiry in his witness statement that he was not aware of the level of respirator testing that was reported to the Chiefs of Staff on 19 March 2003:

> "… we did not receive information that the Chiefs of Staff Committee apparently received on the eve of the invasion."[282]

550. When asked about the report provided to the Chiefs of Staff on 19 March 2003, which said that only 3 percent of the land component's respirators had been checked, ACM Bagnall told the Inquiry:

> "I do not recognise the figure of 3 percent in relation to respirator fitting. I understood that all ground force personnel had been tested through what was described as the

---

[280] Third Report from the Defence Committee, Session 2003-04, *Lessons of Iraq*, HC 57-I, para 281.
[281] Public hearing, 19 January 2010, page 157.
[282] Statement, 22 December 2010, page 3.

most advanced testing facility in the world. Only 0.5 percent of all the personnel tested did not have a perfect fit …"[283]

551. Asked about respirator testing, Lord Boyce told the Inquiry that he believed only 0.5 percent of personnel had not been tested.[284]

552. Lord Boyce told the Inquiry:

"The one area of equipment which did give me concern was our ability to cope with any biological or chemical threat and therefore the right kit for that, which is basically the suit you wear, the protection equipment you wear, and also a gas mask. That's something which did trouble me. That was our sort of worst case scenario – once we went over the line, of having chemical or biological weapons thrown at us; and a lot of effort was put into making sure those who would be going in the leading echelons did have the right IPE [Individual Protective Equipment], the right sort of protective equipment, and everybody had their gas mask checked which at the time I went out was a shortfall."

553. Lord Boyce added that, by 19-20 March, he thought "we had a satisfactory level of kitting out of gas masks and IPE".[285]

554. The Inquiry asked the MOD for further information regarding the level of stock holdings and provision of NBC clothing and equipment before the invasion and the lead times for providing additional provisions. The MOD responded:

"Sufficient stock of NBC suits and respirators were sent to theatre before the start of combat operations to provide two per person. Further deliveries to theatre increased this to four per person from 19 March 2003."[286]

Ammunition

555. Supplies of ammunition were insufficient for the size and speed of the British deployment.

556. The problem was exacerbated by poor asset tracking.

557. In analysing the options for a possible UK contribution, Mr Hoon had been advised on 25 July 2002 that an armoured division could be deployed within six months "but only with limited sustainment (eg 10 days ammunition)".[287]

---

[283] Statement, 6 January 2011, page 5.
[284] Public hearing, 27 January 2011, pages 42-43.
[285] Public hearing, 27 January 2011, page 46.
[286] Paper [MOD], 21 December 2010, 'Equipment and Capability Issues (pre-invasion)'.
[287] Minute Bowen to PS/SofS [MOD], 25 July 2002, 'Iraq – Potential UK Contribution'.

558. The Barry Report stated:

> "Small arms ammunition was in such short supply that 1 DWR [Duke of Wellington's Regiment] had only 10% of its requirement until after G-day, and some Royal Engineers started the operation with only 10 rounds per man."[288]

559. In his post-operation report Brig Binns wrote: "Ammunition was a constant cause of concern throughout the deployment."[289]

560. The NAO's December 2003 Op TELIC report stated:

> "Lack of consignment tracking led to inefficiencies … There were difficulties in scheduling the delivery of some supplies due to mis-prioritisation of loading of stocks for transport. For example, the majority of the force's flat racks (required for the movement of ammunition by specialist vehicles) were on the penultimate deployment ship, arriving in Kuwait in 17 March. This significantly limited the ability of logistic units to move ammunition to the frontline and exacerbated a perception among troops that there were ammunition shortages."[290]

561. Brig Cowlam told the House of Commons Defence Select Committee that all units had been issued ammunition during the initial deployment to Iraq when stocks were very limited.[291]

562. The House of Commons Defence Committee concluded:

> "Our examination suggests that there were problems with the supply of ammunition when the fighting echelon began operations. MOD accepts that in the very early stages there were some problems and not all service personnel had the right amount. We expect MOD to establish the scale of the problem, to investigate any specific cases identified, in particular the tragic incident involving the six Royal Military Policemen [See Section 9.2], and to implement the necessary action to avoid any re-occurrence in the future."[292]

563. Gen Reith told the Inquiry there was "a scrabble at the end to find certain items, particularly the ceramic plates for the flak jackets, and some natures of ammunition."[293]

---

[288] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.
[289] Report, 6 June 2003, '7th Armoured Brigade Post Operation Report & Lessons Report Operation TELIC'.
[290] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq,* 11 December 2003, HC 60.
[291] Third Report from the Defence Committee, Session 2003-04, *Lessons of Iraq*, HC57-I, para 268.
[292] Third Report from the Defence Committee, Session 2003-04, *Lessons of Iraq*, HC 57-I, para 270.
[293] Private hearing, 15 January 2010, page 52.

564. Maj Gen Binns told the Inquiry that "there were some serious shortfalls" which were eventually "helped by a redistribution of ammunition across the division".[294] He described a particular problem with ammunition for Warrior vehicles:

> "We couldn't find the operational ammunition for the Warrior. We knew that it had left Bicester and there was evidence that it had arrived in Kuwait, and there was a risk, a real risk, that ammunition was in such short supply that we may have fired it in training. And because the ammunition had just been taken to the range, they naturally assumed that that was the ammunition, and I thought we had fired it. So there was a risk over ammunition."

565. With only four months' preparation, equipment had, in a number of cases, arrived a month or two after the operation started.

Combat ID

566. Despite the public assurances given prior to the invasion that previously identified problems had been resolved, Combat ID equipment was not fitted to all vehicles before the start of operations.

567. Nine blue-on-blue incidents, four of which resulted in the death[295] or injury of UK personnel, were reported during the combat phase of Op TELIC.[296]

568. At Lord Bach's UOR meeting on 1 April 2003, it was reported that "the story overall on equipment was positive" but despite having the same equipment as the US, "we were going to 'come in for a schlocking' on Combat ID".[297] The record of the meeting did not explain why.

569. A note from Maj Gen Fry to Adm Boyce on 2 April stated that only 1,861 sets of Combat ID had been provided for 1 (UK) Div vehicles, 30 percent of the total required.[298] By the date of the invasion, all vehicles had been fitted for the equipment, but "due to the mal-location of two containers two Squadrons were not fitted with the equipment". The containers "were subsequently found and sent forward so that units could be fitted with Combat ID when an appropriate moment occurred".

570. The minute from Mr Flaherty on 9 May detailed the extent of the problem:

> "Three ISO containers of Combat ID were temporarily misplaced in theatre meaning 32 Challenger 2s were not fitted with combat identification prior to the start of combat operations. All tanks in the two lead battle groups, were, however, fitted with Combat ID. GOC 1 Division assessed that proceeding with the advance without

---

[294] Private hearing, 2 June 2010, pages 4-5.
[295] Flight Lieutenant Kevin Barry Main, Flight Lieutenant David Rhys Williams, Corporal Stephen Allbutt, Trooper David Clarke and Lance Corporal of Horse Matty Hull were killed in these incidents.
[296] Report DOC, 17 October 2003, 'Operation TELIC Lessons Study'.
[297] Minute APS/Minister(DP) to MA/DCDS(EC), 1 April 2003, 'Iraq: Op TELIC – UORs'.
[298] Minute DCJO(Ops) to PSO/CDS, 2 April 2003, 'Combat ID and ECBA'.

> Combat ID was preferable to delaying the advance. In both the UK blue-on-blue CR2 [Challenger 2] incident and the incident involving a US A-10 firing on 2 CVR(T)s, all UK vehicles were fitted with the appropriate Combat ID."[299]

571. The MOD's *First Reflections* report in July 2003 stated:

> "By the start of operations, MOD had deployed 1,861 vehicle-mounted and 5,000 dismounted Combat ID sets. This was sufficient to meet the full requirement, although the scale of equipment modifications required in theatre meant that some formations were still being fitted as the first units crossed the line of departure."[300]

572. The 17 October 2003 DOC report stated that training packages, which were created to aid recognition of Coalition vehicles, arrived "too late and in too small a quantity to be made widely available" and that the packages were "inadequate for aircrew training".[301]

573. The DOC found that there were not enough Thermal ID and Combat ID panels, which formed part of the UK's Combat ID capability for all vehicles, and that they were not robust and proved to be inadequate aids for Coalition aircrew.

574. The House of Commons Defence Committee concluded that:

> "We expect MOD to implement the lessons from Operation TELIC on Combat ID. MOD should push forward with the work with its allies to agree on a single system … We note MOD's view that the opportunities for fratricide in an increasingly complex battle space are likely to increase, but look to MOD to identify the required action and make the necessary investment to ensure that such incidents are reduced to a minimum."[302]

Asset tracking

575. The failures in asset tracking identified in the 1991 Gulf Conflict had not been rectified in 2003.

576. Until January 2003, the UK military plan was to enter Iraq through Turkey. The US, which was to manage the entry route, stipulated that UK forces should have an asset tracking system that was compatible with that in use by US forces.[303] As a result, the MOD approved a UOR for the purchase of a US asset tracking system, known as Total Asset Visibility (TAV). The new system was not in place until the end of February 2003; too late to be used in the early stages of the deployment.

---

[299] Minute PJHQ Civ Sec to PS/Minister(DP), 9 May 2003, 'Iraq: Op TELIC UORs'.
[300] Report Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.
[301] Report DOC, 17 October 2003, 'Operation TELIC Lessons Study'.
[302] Third Report from the Defence Committee, Session 2003-04, *Lessons of Iraq*, HC 57-I, para 233.
[303] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq,* 11 December 2003, HC 60.

577. On 31 January, Lt Gen Reith wrote to Adm Boyce that one of the areas that "may cause difficulty" as Op TELIC developed was asset tracking.[304] He wrote:

> "All that can be achieved in the time available is being progressed. The integration of the current system (VITAL …) and UOR provision of TAV (Total Asset Visibility, a US System) offers considerable improvement, but is nonetheless a 'quick fix' which does not fully address the capability gap. Medium term work by DLO is in hand."

578. In his post-operation report, Brig Binns stated:

> "An inability to track items … all contributed to a serious impact upon the morale of soldiers about to conduct operations."[305]

579. When Maj Gen Fry was interviewed by the NAO on 7 August, the report of the interview sent to Mr Lee stated he had cited poor asset tracking as a "negative aspect" of Op TELIC.[306] It "compounded the lack of availability of certain scarce resources" and was quoted as saying "we had it but couldn't find it!"

580. The MOD DOC report on 17 October 2003 stated:

> "During Operation TELIC, the flow of logistic information up and down the supply chain and between all stakeholders was poor. For example it was difficult to track UORs through to the end user in order to match the equipment with relevant training packages …"[307]

581. On asset tracking it stated:

> "Large amounts of equipment, stores and supplies were reportedly 'lost' in theatre, including ammunition, ECBA & NBC Defence equipment … It was not possible to track down high priority equipment that was arriving simultaneously with the sustainment flow. As a result UORs and other priority equipment could not be targeted for rapid processing. This inability to identify the exact location of equipment resulted in the degradation of operational capability."

582. In its *Lessons for the Future* report in December 2003, the MOD stated:

> "… the flow of logistics information between theatre and the UK was poor, particularly affecting the tracking of UORs into theatre. It was difficult to monitor the rates at which supplies were consumed, making it hard to determine when re-supply would be required. The lack of available information also reduced commanders' confidence in the logistics system, causing units to over-prioritise their requests

---

[304] Minute CJO to PSO/CDS, 31 January 2003 'OP JACANA Lessons for Op TELIC'.
[305] Report, 6 June 2003, '7th Armoured Brigade Post Operation Report & Lessons Report – Operation TELIC'.
[306] Minute DCJO to DG Op Pol, 7 August 2003, 'Readout of NAO Interview with DCJO(Ops) – 7 Aug 03'.
[307] Report DOC, 17 October 2003, 'Operation TELIC Lessons Study'.

and re-order equipment already en route. This added to the burden on the already over-stretched system."[308]

583. The MOD stated that "these problems were caused by the continuing lack of a robust tri-Service inventory system, the ability to track equipment into and through theatre, and an information system capable of supporting this technology."

584. The NAO recommended in December 2003 that:

"The Department should, as a matter of urgency, continue to work to develop appropriate logistics systems to track materiel to theatre and ensure its timely delivery to frontline units."[309]

585. On 30 January 2004, Mr Hoon's Private Secretary wrote to No.10 with a summary of lessons learned from Op TELIC, drawing "heavily" on the lines Mr Hoon intended to use before the House of Commons Defence Committee the following week.[310] He wrote:

"We have consistently acknowledged that some things did not go as well as we would have wished. In evidence to HCDC last May Mr Hoon acknowledged that there were bound to be some problems in a logistics operation of this size, and that some of our personnel may have experienced shortages of equipment. Our subsequent work and that of the NAO has shown that these shortages were more widespread and in some respects more serious than we believed to be the case at that time.

"In general this was not the result of a failure to obtain and deploy the equipment required. There is room for debate about the balance between routinely holding items in our inventory and relying on our ability to generate operation-specific equipment in short timescales. But a major problem, in our analysis, was that there were serious shortcomings in our ability to track consignments and assets through theatre, and to distribute them in a timely fashion to the front line."

586. Mr Hoon's Private Secretary wrote that the MOD had "identified numerous other areas for further work" and had, for example, increased its stockholdings of desert clothing and boots and NBC Individual Protective Equipment sets by an additional 32,000.

587. The House of Commons Defence Committee concluded that:

"We are in no doubt that one of the key lessons to emerge from Operation TELIC concerns operational logistic support and specifically, the requirement for a robust

---

[308] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[309] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq,* 11 December 2003, HC 60.
[310] Minute PS/SofS [MOD] to No.10, 30 January 2004, 'Op TELIC – Readiness, Equipment, Logistics & Lessons Learned'.

system to track stock and equipment both into and within theatre – a requirement which was identified in the 1991 Gulf War."[311]

588. In May 2009, the NAO recognised that the MOD had "made a number of important changes" to its logistic support process since the end of combat operations in Iraq.[312]

589. The MOD's existing systems only provided "a limited tracking capability: a consignment is only visible once it passes through a specific point in the logistics chain, but cannot be tracked at all points along the course of its journey". The NAO stated that was "nonetheless" an improvement compared to the systems in place in 2003.

590. The NAO recommended that the MOD should:

" … further improve and integrate its logistics information systems, including consignment and asset tracking, so users on operations have visibility over the stock already available at different locations in theatre, can track the progress of deliveries throughout the supply pipeline and see stock availability back in the United Kingdom."

591. Sir Kevin Tebbit told the Inquiry:

"… I think the biggest problem we had was with the tracking systems to actually ensure we knew exactly what was where, when; and that consignments that were sent actually arrived in time to be fielded properly. That system was not fully effective."[313]

592. Gen Reith told the Inquiry:

"There wasn't a shortage of equipment in the end. What there was, was an inability to track it. We knew it was in theatre, but some of it we couldn't find."[314]

593. ACM Stirrup told the Inquiry:

" … I think it was clear that lack of visibility on what was actually happening in theatre was hampering us, but, of course, even if you have that visibility, you have got to identify what are the real substantive problems, and the real substantive problems were very much to do with asset tracking with knowing where things were, so you could get them to the right place at the right time. In a number of instances, the necessary equipment was in theatre, it just wasn't in the right place, and in some instances, people didn't know where it was in theatre."[315]

---

[311] Third Report from the Defence Committee, Session 2003-04, *Lessons of Iraq*, HC57-I, para 291.
[312] National Audit Office, *Support to High Intensity Operations*, 14 May 2009, HC 508.
[313] Public hearing, 3 December 2009, page 73.
[314] Private hearing, 15 January 2010, page 52.
[315] Public hearing, 1 February 2010, page 14.

594. ACM Stirrup also described the impact of the difficulties with asset tracking on the delivery of UORs:

> "I was clear in my own mind that the Urgent Operational Requirement process was only complete when the particular item of equipment was in the hands of those in theatre who needed it and they were satisfied with it. I actually tried to get some of my senior staff deployed into theatre to check those specific issues, but it was decided that we shouldn't do that and that we should rely on the chain of command. That, I think, turned out to be the wrong decision and now we routinely have people deployed for those purposes."

595. Maj Gen Binns told the Inquiry that, in 2003, he had "one of those moments with my commanding officers in early March when they were saying, 'I don't think we can be ready'".[316] One of the examples he gave as to why they were saying that alluded to asset tracking:

> "We lost a company of Warriors at one stage. We knew that it had been offloaded from the boats, but I didn't know where it was. There were a quarter of a million men in the desert and we couldn't find this company of Warriors – empty vehicles that had been taken off lowloaders."

596. In his statement, ACM Bagnall told the Inquiry that:

> "The information which I saw indicated that equipments had arrived in theatre. I did not see (or at least I do not recall seeing) what became known as 'the final mile' once a particular bit of kit had been unloaded in theatre and moved to where it was needed. Indeed, this is arguably not information which is required in MOD unless problems were identified which could not be resolved in theatre by CJO and his staffs or by the staffs in MOD."[317]

597. When asked what steps he had taken to assure himself that the forces deployed had access to sufficient kit and equipment including whether he ever discussed the matter with Lt Gen Reith or Air Chief Marshal Sir Brian Burridge, Deputy Commander in Chief Strike Command and UK National Contingent Commander during the invasion of Iraq, or any other commander in the field, ACM Bagnall told the Inquiry:

> "… it was CDS who would routinely contact CJO, the national component commanders, Tampa and others, and I was aware that he was doing so. I did not have any discussions with them other than on the occasions when I filled the role of Acting CDS."

---

[316] Private hearing, 2 June 2010, page 5.
[317] Statement, 6 January 2011, pages 4-5.

598. ACM Bagnall told the Inquiry:

> "I was not aware of any concerns which were raised before the invasion about the quality and the accuracy of information available in MOD about equipment delivery to Iraq. I was subsequently told (I think by DCDS(EC)) about concerns relating to the availability of equipment delivered under the UOR process, and I recall that he asked for agreement to send some of his people into theatre to monitor progress. I also recall that I supported this request, but for reasons I cannot remember, the request was denied. What I was aware of were concerns relating to asset tracking. This was not a new issue, and it was a topic which we had been working on for some time."[318]

599. In his evidence to the Inquiry, Lord Boyce stated that he could not recall whether Ministers had ever been advised of the known weaknesses in asset tracking or the risks this entailed.[319]

600. Lord Boyce stated:

> "It was absolutely correct that a lot of our stores problems in theatre come 2003 were as a result of poor asset tracking – and I wonder what the situation is today if we were to go and ask."

601. Problems with logistic support were identified soon after the campaign.

602. RAdm Wood's findings in his report to ACM Pledger on 20 May included:

> "A combination of OP SEC and late definition of force elements and operational plans all exposed Defence's growing dependence on industry as a materiel provider as well as the fragility of some key planning assumptions. This was exacerbated by some less than adequate personnel and equipment readiness. In the event, this inevitably manifested itself as significant logistic risk which imposed operational risk."[320]

603. RAdm Wood also specified that he considered:

- "Inadequate asset tracking and visibility hindered material preparation for war."
- An "urgent review" of the provisioning policy, processes and requirements for land units was required because the supply chain was "under extreme strain and, at times, unable to cope" trying to meet equipment requirements.

604. In his post-operation report on 6 October 2003, Major General Peter Wall, GOC 1 (UK) Div May 2003 to January 2005, wrote that one of the "key areas" to note

---

[318] Statement, 6 January 2011, page 4.
[319] Public hearing, 27 January 2011, pages 40-41.
[320] Minute CDL to VCDS, 27 May 2003, 'Visit by DG Ops (DLO) to Op TELIC: 10-16 May 2003' attaching Minute Wood to Pledger, 20 May 2003, 'Op TELIC Trip Report – 10-16 May 2003'.

was "the breaking of LAND mandated and resourced readiness states and training in readiness assumptions".[321] He added:

> "OP TELIC demonstrated clearly that current readiness states are not in line with strategic reality … The time given for deployment was significantly shorter than that defined in the Defence Planning Assumptions. This had many impacts in the manning, equipping and building the … sustainability of the force."

MOD reflections on equipping the forces deployed for the conflict

605. Reports published in 2003 after the conflict suggested that land equipment performed well during the combat phase of operations.

606. In the MOD's *First Reflections* report on operations in Iraq in July 2003, it stated that the "success of operations in Iraq demonstrated the effectiveness and extensive capability of the modern equipment and logistics support available to our Armed Forces".[322]

607. The MOD's second report, *Lessons for the Future*, assessed that:

> "Overall, land equipment performed well and reliability levels were often exceptionally high despite the challenges of a very demanding environment."[323]

608. The DOC stated that during the deployment and invasion phases of Op TELIC, "UK equipment and maintenance regimes coped well with the environment and manoeuvre demands placed upon them".[324]

609. The NAO concluded in its report on 11 December 2003 that:

> "Throughout the war-fighting phase of Operation TELIC a number of both new and in service equipments operated effectively in the austere environment of Iraq."[325]

610. The late delivery of some UORs, however, meant that soldiers were not always able to be trained on equipment before its use.

611. The DOC report on 17 October 2003 stated:

> "A consequence of the compressed timescales for UOR delivery was that personnel did not always have time to train or become properly familiar with equipment, either before deployment or in theatre … This undermined the rationale for delivering UOR equipment to improve operational effectiveness. Users did not have complete confidence in their ability to use equipment, and commanders were not always able

---

[321] Report Wall to HQ 3 Cdo Bde, 6 October 2003, 'Post Operation Report – Version 2 Operation TELIC'.
[322] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.
[323] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[324] Report DOC, 17 October 2003, 'Operation TELIC Lessons Study'.
[325] National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq,* 11 December 2003, HC 60.

to gain full appreciation of the additional capabilities available and how they might be used in combination to deliver an effect."[326]

612. The Barry Report published in August 2010 stated:

"The UOR process did not produce enough equipment to meet the training requirements. So some troops first encountered new equipments in theatre and commanders assessed that casualties resulted, particularly in the period immediately after a brigade relief in place."[327]

613. Lord Boyce told the Inquiry:

"There is no point being told 'Here is a UOR for a nice gizmo, a nice new piece of kit which you can only have, by the way, in theatre', if the person operating that kit doesn't see it for the first time until he actually gets to theatre, because he will die trying to learn how to use it."[328]

Training on equipment post-conflict

Before 2006, it was not possible to purchase equipment with a training margin with a UOR. One of the results of this was consistent reports from the field about the difficulties presented by the lack of training on equipment that personnel would use once deployed.

A DOC report in September 2007 stated:

> "Combat Body Armour (CBA), protected vehicles, comms and ECM(FP) (Electronic Counter Measure Force Protection) equipment, particularly UOR procured equipment, were regularly unavailable for training/familiarisation at PDT [Pre-Deployment Training]."[329]

Major General William Rollo, GOC MND(SE) from July 2004 to December 2004, wrote in his post-operation tour report:

> "More training on Snatch and other UOR equipments … must be factored into pre-deployment preparation."[330]

That point was reiterated in post-operation tour reports from the following two successors to his role, Major General Jonathon Riley and Major General James Dutton.[331]

---

[326] Report DOC, 17 October 2003, 'Operation TELIC Lessons Study'.
[327] Report Land Command, 31 August 2010, 'Operations in Iraq: An Analysis From a Land Perspective'.
[328] Public hearing, 27 January 2011, page 102.
[329] Report DOC, September 2007, 'Protection of the Deployed Force Operational Audit Report 1/07'.
[330] Report HQ MND(SE), 4 December 2004, 'Post Operation Report Operation TELIC 4/5 – 14 July – 1 December 2004'.
[331] Report HQ MND(SE), 10 June 2005, 'Progress Report – Operation TELIC'; Report HQ MND(SE), 18 January 2006, 'Progress Report – Operation TELIC'.

The UOR rules were changed to include a training margin in 2006.[332] The September 2007 DOC report stated:

> "The recent Treasury decision to permit UOR procured equipment to include an allocation for training is already having an effect…"

Lieutenant General Andrew Figgures, Deputy Chief of Defence Staff (Equipment Capability) from June 2006, told the Inquiry that decision was "an important step forward".[333]

614. The restrictions until 15 October 2002 on discussions with industry about potential operations in Iraq did prevent early conversations with industry about the provision of equipment.

615. But it is clear that the most senior military officers and officials understood the reasons for that decision.

616. Sir Kevin Tebbit told the Inquiry:

> "… some very contingent UOR work was authorised by Mr Hoon at the time under CDS' pressure … but those were very much ones which could be done invisibly."[334]

617. Asked if he had sensed some reluctance in the Government to agree preparatory steps, Maj Gen Fry replied that he thought there was, but that had to be qualified to reflect the fact that what he saw was determined by his role in the PJHQ. In his view it was understandable if Ministers had been "trying to reserve their positions for as long as they could".[335]

618. Mr Hoon told the Inquiry:

> "All I know is that Mike [Boyce] and I went to meetings in September, where we argued the case and that we were both made very well aware of the attitude in Downing Street towards the requirement for minimising publicity and for avoiding the visibility of preparations. We were both there at these meetings. So there was no doubt of the fact that we could not go out, either of us, and overtly prepare, which is why we had to approach some of the UORs in a particular way …
>
> "I think the judgement that I had to make and he had to make was the extent to which we could go on with preparations without affecting that diplomatic process in the United Nations."[336]

---

[332] Report DOC, September 2007, 'Protection of the Deployed Force Operational Audit Report 1/07'.
[333] Public hearing, 27 July 2010, page 43.
[334] Public hearing, 3 December 2009, page 36.
[335] Public hearing, 16 December 2009, pages 11-13.
[336] Public hearing, 19 January 2010, page 136.

619. The evidence given to the Inquiry demonstrates that senior military officers and officials in the MOD fully understood the limitations on the size and readiness of the forces available for deployment on expeditionary operations agreed in the 1998 Strategic Defence Review and set out in the Defence Planning Assumptions (DPAs).

620. Sir Kevin Tebbit stated that the scale of the deployment was consistent with the DPAs, and that: "It was the type of operation that we expected from time to time to be able to mount."[337]

621. Sir Kevin Tebbit was later asked what lessons had been learned from the earlier experience in Iraq.[338] One lesson he cited was:

> "… we assumed that we would have stocks for six months, and that when we came to a major operation we would have preparation time to conduct a large scale operation by building up stocks in that period.
>
> "… if we wanted to go for a large scale, we would need six months in order to acquire the necessary extra equipment, stores, personnel, clothing, ammunition, things like that."

622. On the SDR, Sir Kevin Tebbit told the Inquiry:

> "… when we said that the SDR did involve the ability to move up to large scale from time to time, we hadn't got a precise view, but we were looking at once every 10 years we could gravitate up to large scale.[339]

623. Gen Jackson told the Inquiry that:

> "… the Defence Planning Assumptions which had emerged from the Strategic Defence Review of 1997/98 allowed for, from time to time, a large commitment, which in land force terms was at the divisional level, this was not regarded as anything we could contemplate on an enduring basis, a one-off from time to time …
>
> "More germanely we would be able to maintain a medium-sized commitment, i.e. brigade level, indefinitely and we could on a one-off basis add a second medium scale commitment.
>
> "There was some small print about a small scale … but I think it is within the ability to produce a second brigade on a short-term basis."[340]

624. The MOD also understood that the deployment could not be sustained for more than six months.

---

[337] Public hearing, 3 February 2010, page 24.
[338] Private hearing, 6 May 2010, pages 48-49.
[339] Private hearing, 6 May 2010, page 51.
[340] Public hearing, 28 July 2010, page 7.

625. The impact on the UK's ability to continue to conduct military operations after the conflict phase of operations was never fully considered.

626. Lord Boyce told the Inquiry:

> "The theoretical planning against the Defence Planning Assumptions is you don't do this sort of operation for an extended period longer than about six months. But it never seemed to me very likely that we would be out [of] there [Iraq] in six months."[341]

627. Sir Kevin later said: "Our assumptions never involve more than six months at that level."[342]

628. With regard to large scale deployments, Gen Jackson stated:

> "… the large scale concept, in land component terms we are talking around 30,000 or 25,000 certainly, the concept is you put in that large commitment on a one-off basis and then you must downsize, because the Army cannot sustain a deployment of 25,000 to 30,000 indefinitely."[343]

629. The Inquiry was offered different perspectives on the degree to which exceeding the Planning Assumptions had put a strain on the system that it was not able to meet.

630. Lt Gen Fry told the Inquiry that:

> "Over time the scale of ambition got larger and larger, so at the end of it we were looking at something which involved a full deployed joint force with … land, air and maritime forces, and in addition to that, special forces and logistic forces as well."[344]

631. Asked if he had thought there was sufficient time to prepare the force for battle, Lt Gen Fry stated that it was "a bit of a rush and there were inherent risks involved".[345]

632. Gen Reith told the Inquiry that he was "quite happy" in terms of readiness and training.[346] He said that 7 Armoured Brigade had been selected because it was "the most highly trained of all the armoured brigades". In addition, 3 Commando Brigade and 16 Air Assault Brigade were both part of the Joint Rapid Reaction Force and, therefore, "maintained a high standard of training and readiness on a permanent basis".

---

[341] Public hearing, 3 December 2009, page 101.
[342] Private hearing, 6 May 2010, page 53.
[343] Public hearing, 28 July 2010, page 42.
[344] Public hearing, 16 December 2009, page 5.
[345] Public hearing, 16 December 2009, page 40.
[346] Private hearing, 15 January 2010, page 50.

633. ACM Stirrup told the Inquiry:

> "… we simply did not have enough time … to do everything that we needed to before the operation started."[347]

634. Sir Kevin Tebbit stated that:

> "The timescale was slightly compressed, more than we would have wished, which we made very clear, so that we didn't have everything that we would have wanted at the right moment, but the shortfall was not operationally significant …"[348]

635. Sir Kevin Tebbit subsequently told the Inquiry that the switch to the South:

> " … was not as difficult as I thought it was going to be … I think it was a great achievement … which surprised me … [T]he quality of the military effort was tremendous … because it wasn't just a question of moving to a different host nation support arrangements, it's a question of a differently configured force …
>
> "I think the military had been running a slightly parallel option for a bit of time during December, actually."[349]

636. Sir Kevin Tebbit added:

> "I think that to the extent that there were pressures and problems with the operation itself … those were more about the amount of time available to do the planning of the actual build-up itself, warning time, the switch from one area to another, the difficulty of doing overt military preparations as early as they needed to be done because of the desire not to disrupt the UN track.
>
> "Those were the bigger problems in ensuring that we got the force structure ready when eventually the time came, and the fact that we would have preferred another month, in ideal circumstances, to do that build-up."[350]

637. Gen Jackson told the Inquiry that the "whole order of battle" had been "in a state of flux" until early 2003.[351] But he confirmed that he had been confident the UK could put a division into the field.

638. Gen Jackson subsequently described the forces deployed as "a very interesting divisional construct" which he did not think had been done before: "but it was the right construct for the task which confronted 1 (UK) Armoured Division."[352]

---

[347] Public hearing, 1 February 2010, page 11.
[348] Public hearing, 3 February 2010, page 28.
[349] Private hearing, 6 May 2010, page 19.
[350] Private hearing, 6 May 2010, pages 38-39.
[351] Public hearing, 28 July 2010, page 9.
[352] Public hearing, 28 July 2010, page 13.

639. Asked when the UK started looking at the South as an alternative, Lord Boyce told the Inquiry that the process had started "at least in December 2002".[353] He acknowledged that December was "quite late in the day" to start looking at options in the South.

640. The Inquiry asked Lord Boyce whether, as a result of the late changes to the military package, British troops had the necessary equipment.[354] Lord Boyce replied that while it "left us with some very short timelines", he was "confident" that the "front of the front line" were properly equipped on 20 March.

641. When asked whether he would have ideally deployed the land force sooner to allow for more training and time to acclimatise, or to ensure it had the right equipment, Lord Boyce replied:

> "My advice was that they had had sufficient time to make themselves ready."[355]

642. In his later statement to the Inquiry, Lord Boyce wrote that the land forces for the South:

> "… were largely based on what were already being prepared for the northern option. However, because of the change in plan, the US agreed to assist with some enabling and logistics assets in the south. Maritime (including amphibious) and air force levels were much the same. The thinking about a possible southern option had started in late autumn 2002 and so the concept was already well developed by the time the northern option was abandoned."[356]

643. Lord Boyce added:

> "…the equipment being procured for the land forces previously designated for the northern option largely serviced them when they were re-roled south, although there was a need to recognise the more extensive desert environment."

644. Lord Boyce subsequently told the Inquiry:

> "Although the final switch did happen around mid-January, really our minds in terms of planning and thinking about it and looking at all the potential pitfalls or difficulties or whatever had started, as you say, probably as far back as October; but during the course of December we really thought that was possibly where we were going to finish up …

---

[353] Public hearing, 3 December 2009, page 55.
[354] Public hearing, 3 December 2009, pages 64-68.
[355] Public hearing, 3 December 2009, page 69.
[356] Statement, 7 January 2011, page 1.

> "… we could afford to take the decision quite late. It wasn't starting with a fresh plan in the middle of January. The southern plan was pretty well developed, in fact almost entirely developed, by then."[357]

645. Asked about the impact of the reduction in preparation time, Lord Boyce stated:

> "… it meant everything was being done at a rush … some aspects of the full operational capability weren't achieved until literally the nth hour … I don't believe … that our capability at the end of the day was in any sense seriously degraded … but nonetheless it did make it a tight run thing."[358]

646. Describing the thinking which had led to the UK's original offer in Package 3 in October of a brigade and divisional headquarters, Lord Boyce stated that it was "not a huge move then … into a division minus, which is what we actually finished up with".[359]

647. Asked whether, when he had visited UK forces just before the start of operations, he had been given any indications that they were lacking equipment such as body armour and ammunition, Lord Boyce replied: "No". But he added that he had been concerned about the "ability to cope with any biological or chemical threat", and at the time of his visit, a "very small percentage" of the force had not had their gas masks checked.

Conclusions

648. The achievements of the MOD and the Armed Forces in preparing the forces deployed for combat operations in Iraq against tight deadlines were very considerable.

649. But the evidence set out in this Section of the Report demonstrates that significant risks were taken as a result of decisions made in mid-January to deploy a larger combat force in a very compressed timescale. The difficulties were exacerbated by the absence of systems which could accurately track and report the situation on the ground.

650. The provision of additional funding from the Reserve for UORs worked well and there is no evidence of any delay or obstruction on the part of the Treasury.

651. A number of witnesses to the Inquiry stated, or implied, that the serious shortfalls of some equipment could have been mitigated if permission to discuss procurement with industry had been given earlier.

652. That claim is impossible to determine. It is clear that the restrictions on discussions with industry before 15 October did hinder planning and preparations and cause anxiety.

---

[357] Public hearing, 27 January 2011, pages 17-18.
[358] Public hearing, 27 January 2011, page 28.
[359] Public hearing, 27 January 2011, page 30.

653. However, the most senior military officers and officials understood the political and diplomatic reasons for that decision and Ministers were not advised that the restrictions would have a direct adverse impact on capabilities.

654. The problems encountered by the forces deployed to Iraq in early 2003 do not appear to have been directly attributable to the absence of discussions with industry before 15 October.

655. The evidence suggests that most of the difficulties arose from the decisions to deploy a force more quickly than the Defence Planning Assumptions (DPAs) envisaged.

656. The 1998 Strategic Defence Review (SDR) and Defence Strategic Plan had set clear guidelines about the military resources required for potential operations of different scale and duration. The DPAs also set out the time likely to be necessary to adequately prepare UK forces for operations, including the time needed to procure and deploy equipment and train personnel on its use.

657. The DPAs determined the equipment procured for the Armed Forces and that the stocks held should be sufficient only to meet the readiness requirements specified in the DPAs.

658. The 1998 SDR had also concluded that the UK needed a better expeditionary capability to reflect the nature of future threats and the environments, such as the Gulf, in which the UK should plan to operate.

659. By 2002, when military planning for potential operations in Iraq commenced, that capability had not been fully achieved.

660. The policy underpinning the DPAs of relying on sufficient preparation time to procure UORs and additional stocks to meet identified shortfalls before a large scale deployment was explicitly acknowledged by the MOD in spring 2002.

661. In the second half of 2002, however, the MOD was already supporting two simultaneous medium scale operations, in the Balkans and Operation FRESCO, and a number of small scale operations, including in Afghanistan. The Armed Forces were thus already stretched to the maximum level envisaged under the DPAs, beyond which time would be needed to acquire additional stocks and equipment.

662. The decisions between mid-December 2002 and mid-January 2003, to increase the force deployed for ground operations to three combat brigades and the decisions to commit 16 Air Assault Brigade and 7 Armoured Brigade to military operations in southern Iraq in late March, had a significant impact on the scale of some UORs and compressed the time available for the provision and delivery of equipment to front line units.

663. **The force deployed in 2003 was larger than the UK contribution in the Gulf Conflict in 1991 and the time to prepare was significantly shorter than the six to nine months assumed in the DPAs.**

664. **Lt Gen Reith acknowledged in May 2003 that the military commitment was, "as often happens, at a scale beyond that envisaged in the DPAs and thus not fully resourced".**

665. **When decisions were made in mid-January, the inherent risks for equipping the force to be deployed and its readiness were neither properly identified nor considered.**

666. **The military advice in late January 2003 that there were "no showstoppers" disguised the fact that risks had been accepted which had not been fully exposed to Ministers.**

667. **Adm Boyce had assured Mr Blair on 13 March 2003 that the Armed Forces faced "no serious equipment problems".**

668. **The context suggests he was referring to the invasion phase. As Section 8 shows, the US and UK did not expect Iraqi forces to be able effectively to resist Coalition Forces.**

669. **There may be circumstances in the future when a Government will feel it necessary to take decisions to commit the Armed Forces to military operations which exceed the planning assumptions on which they have been equipped and prepared. But they should not do so without an explicit acceptance of the risks being taken.**

670. **In addition, a number of lessons from previous conflicts and exercises had not been addressed before the deployment to Iraq.**

671. **In particular, poor asset tracking systems meant that an already over-burdened system was put under even greater pressure, and equipment that had been deployed to the forces in Kuwait did not reach the front line before military operations began.**

672. **ACM Stirrup accurately summarised the position when he told the Inquiry that "the issue was it was all being done so rapidly at the last minute no one was quite sure who had what".**

673. **The MOD's asset tracking system was still in need of improvement when the UK left Iraq in 2009.**

674. **The MOD had given assurances before the 2003 invasion that the necessary lessons had been learned since 1991. This proved not to be the case. In any future eventuality, the MOD has a responsibility to ensure that past mistakes are not repeated, and that its systems for asset tracking are robust.**

675. **The emergence after the conflict of the scale and nature of the problems encountered illuminated the extent to which Ministers had been unaware of risks being taken for which they would have been accountable. The shortfalls in individual equipment, protection against chemical and biological attack, and ammunition did not have an impact on the overall success of the invasion.**

676. **But they did have an impact on individuals.**

677. **In the case of Sgt Steven Roberts, it was judged that his death could have been prevented if he had still had his body armour.**

678. **As the evidence in this Section shows, reports about equipment shortfalls from the media and from members of the Armed Forces also had a negative impact on the perceptions of the morale of troops on the ground and on how the campaign was seen by the public and Parliament.**

679. **In addition, analysis of the events in 2003 shows that, until May, neither PJHQ nor MOD had a proper understanding of the problems with equipment that units were experiencing on the ground.**

680. **Lord Bach was right to have suggested on 11 February 2003 that a direct and robust system accurately to report on readiness and equipment issues from theatre to Ministers was needed.**

681. **During military operations, reporting to the MOD will always be constrained by the limitations of military operations and the pressures on those involved, and military commanders need the freedom to take operational decisions.**

682. **In any future operations, however, the MOD should ensure that it has robust systems in place to accurately report the situation on the ground without usurping the responsibilities of the chain of command.**

SECTION 6.4

PLANNING AND PREPARATION FOR A POST-SADDAM HUSSEIN IRAQ, MID-2001 TO JANUARY 2003

Contents

Introduction and key findings 114

Pre-conflict management of information on Iraq 115

- The Foreign and Commonwealth Office 116
- The Iraq Planning Unit 120
- The Joint Intelligence Committee 120
- The Defence Intelligence Staff 122
- The Cabinet Office Overseas and Defence Secretariat 123
- The Ad Hoc Group on Iraq 124
- The Department for International Development 124

US and UK planning machinery 126

The US approach to nation-building 126

Initial UK consideration of post-Saddam Hussein Iraq 128

Preparations for Mr Blair's meeting with President Bush at Crawford, 6 April 2002 135

Post-conflict issues after Crawford 144

The DFID Iraq programme 168

UK and US organisational changes 172

The potential scale of the post-conflict task 181

- FCO paper: 'Regional economic consequences of military action against Iraq' 181
- Treasury paper: 'What would be the economic impact of war in Iraq?' 182
- SPG paper, 4 September 2002: 'UK Military Strategic Thinking on Iraq' 183

Mr Blair's commitment to post-conflict reconstruction 185

Initial analysis of the issues and the Ad Hoc Group on Iraq 195

- FCO paper: 'Iraq – Consequences of Conflict for the Region and Beyond' 197
- FCO paper: 'Scenarios for the future of Iraq after Saddam' 199
- State Department paper on lessons of the past 207
- SPG paper, 30 September 2002: 'UK Military Strategic Thinking on Iraq' 208

JIC Assessment, 10 October 2002: 'International Terrorism: The Threat from Iraq' 211
Possible models for administering a post-Saddam Hussein Iraq 212
FCO paper: 'Vision for Iraq and the Iraqi People' 218
DFID paper: 'Iraq: Potential Humanitarian Implications' 219
DFID paper: 'Central/southern Iraq humanitarian situation analysis' 220
UK strategic policy objectives for Iraq 222
AHGI stocktake of contingency planning 223
FCO paper: 'International Administration for Iraq: what, who and how?' 225
War crimes and the creation of an international criminal tribunal for Iraq 227

UK military options: war-fighting and reconstruction 230

Growing concern about post-conflict planning 232
DFID contact with the US and UN 232
JIC Assessment, 23 October 2002: 'Iraq: The Kurds and Shia' 237
Cabinet Office paper: 'Iraq: Models and some questions for post-Saddam government' 237
FCO paper: 'Economic issues in Iraq after post-Saddam regime change' 242
Treasury paper: 'Economic Impact of a War in Iraq' 243
Government contact with UK academics 244
SPG paper, 6 November 2002: 'UK Military Strategic Thinking on Iraq' 247
First round of inter-agency talks, Washington, 6 November 2002 251
Post-Saddam Hussein oil contracts 256
UK military options 258
Parliamentary debates on resolution 1441, 25 November 2002 260
Domestic contingency planning 262
DFID engagement with Whitehall 263
FCO preparation for handling an "all-out crisis" 267
FCO report on Saddam Hussein's crimes and human rights abuses 269
FCO paper: 'Interim Administrations in Iraq' 272
FCO paper: 'Iraq: Security Sector Reform' 274
FCO paper: 'Islamism in Iraq' 275
Iraqi opposition conference, London 277
Military preparations gather pace 280
SPG paper, 13 December 2002: 'UK Military Strategic Thinking on Iraq' 281

Invasion plans take shape 286
UK objectives for post-conflict Iraq 286
UK military focus shifts to southern Iraq 289
Cabinet, 9 January 2003 295
DFID involvement in UK military planning 296
The decision to deploy UK forces 297

Introduction and key findings

1. Sections 6.4 and 6.5 consider the UK's planning and preparation for a post-Saddam Hussein Iraq between late 2001 and March 2003.

2. Section 6.4 covers the period up to Mr Blair's decision on 17 January 2003 to deploy UK forces to support US military preparations.

3. Section 6.5 covers the 10 weeks between the decision to deploy UK forces and the first post-invasion meeting between Mr Blair and President Bush at Camp David on 26 and 27 March 2003.

4. The two parts address:

- the development of UK post-conflict strategy and objectives;
- planning and preparation to implement those objectives;
- UK civilian and military planning machinery;
- UK influence on US planning and preparation and the impact of US planning on the UK; and
- Parliamentary interest in post-conflict planning and preparation.

5. The two parts do not consider:

- military plans for the invasion, which are addressed in Sections 6.1 and 6.2;
- intelligence on weapons of mass destruction (WMD) or preparations for the post-invasion search for WMD, addressed in Section 4;
- the financial and human resources available for post-conflict administration and reconstruction, addressed in Sections 13 and 15; and
- the outcome in post-conflict Iraq, which is addressed in Sections 9 and 10.

6. Descriptions of US preparations for post-conflict Iraq in Sections 6.4 and 6.5 are mostly taken from *Hard Lessons*, Mr Stuart Bowen's account, as US Inspector General for Iraq Reconstruction, of the US experience of reconstruction between 2002 and 2008.

7. Key findings for Sections 6.4 and 6.5 are listed below.

8. The Inquiry's conclusions relating to Sections 6.4 and 6.5 are at the end of Section 6.5.

Key findings

- Before the invasion of Iraq, Ministers, senior officials and the UK military recognised that post-conflict civilian and military operations were likely to be the strategically decisive phase of the Coalition's engagement in Iraq.
- UK planning and preparation for the post-conflict phase of operations, which rested on the assumption that the UK would be able quickly to reduce its military presence in Iraq and deploy only a minimal number of civilians, were wholly inadequate.
- The information available to the Government before the invasion provided a clear indication of the potential scale of the post-conflict task and the significant risks associated with the UK's proposed approach.
- Foreseeable risks included post-conflict political disintegration and extremist violence in Iraq, the inadequacy of US plans, the UK's inability to exert significant influence on US planning and, in the absence of UN authorisation for the administration and reconstruction of post-conflict Iraq, the reluctance of potential international partners to contribute to the post-conflict effort.
- The Government, which lacked both clear Ministerial oversight of post-conflict strategy, planning and preparation, and effective co-ordination between government departments, failed to analyse or manage those risks adequately.
- Mr Blair, who recognised the significance of the post-conflict phase, did not press President Bush for definite assurances about US plans, did not consider or seek advice on whether the absence of a satisfactory plan called for reassessment of the terms of the UK's engagement and did not make agreement on such a plan a condition of UK participation in military action.

Pre-conflict management of information on Iraq

9. During 2002 and early 2003, a growing body of evidence on the state of Iraq under Saddam Hussein and on the potential impact of conflict was available to UK planners.

10. The evidence was fragmented and incomplete. Many of the sources were not reliable.

11. A number of departments shared responsibility for the gathering, analysis and dissemination of that information.

12. The principal sources of information potentially available to UK planners before March 2003 on social, political and economic conditions in Iraq included:

- the UN, including the UN-managed Oil-for-Food (OFF) programme;
- reports on visits to Iraq by diplomats at the British Embassy in Amman, Jordan;[1]

[1] Paper FCO, 17 November 2010, 'Note for the Iraq Inquiry on the FCO's diplomatic contacts in Baghdad, 1990-2003'.

- a humanitarian programme funded by the Department for International Development (DFID) focused on northern Iraq;[2]
- Assessments produced by the UK's Joint Intelligence Committee (JIC);
- the US State Department's Future of Iraq Project;[3] and
- other sources, including non-governmental organisations (NGOs), academics, journalists, Arabic media, Iraqi émigrés and allied countries with Embassies in Baghdad.[4]

13. The information available to the Government before the invasion on Iraq's weapons of mass destruction (WMD) is addressed in Section 4. Information on Iraq's other military capabilities is in Sections 6.1 to 6.3.

The Foreign and Commonwealth Office

14. In December 2003, the Foreign and Commonwealth Office (FCO) presented a *Strategy for the FCO* to Parliament, in which it listed the department's "key contributions" to government.[5] They included:

- "co-ordination and leadership of the UK's international policies";
- "expert foreign policy advice for Ministers and the Prime Minister, feeding into the wider policy process"; and
- "rapid gathering, analysis and targeting of information for the Government and others".

15. Within the FCO between 2001and 2003, prime responsibility for information on other countries fell to the relevant regional department. For Iraq, that was the Middle East Department (MED), under the supervision of the Director Middle East and North Africa.

16. The FCO Directorate of Strategy and Innovation (DSI) reported to the Permanent Under Secretary (PUS)[6] and the FCO Board. Its role was to review policy in areas of high priority and to supplement or challenge advice from the relevant department within the FCO. DSI was a significant contributor of strategy papers on Iraq in the second half of 2002.

---

[2] Minute Western Asia Department [junior official] to Private Secretary [DFID], 10 May 2002, 'Iraq: Proposed humanitarian activities 2002/03'.
[3] The National Security Archive, Electronic Briefing Book No. 198, 1 September 2006, *New State Department Releases on the "Future of Iraq" Project*.
[4] Public hearing Ricketts, Chaplin, 1 December 2009, pages 66-67; Statement Foreign and Commonwealth Office Research Analysts, 23 November 2009, page 1.
[5] Foreign and Commonwealth Office, *UK International Priorities: A Strategy for the FCO*, December 2003, Cm 6052.
[6] In keeping with variations in use within departments, the Inquiry refers to the most senior civil servant in the FCO and the MOD as the Permanent Under Secretary (PUS), but in all other departments as the Permanent Secretary. The Permanent Under Secretaries and Permanent Secretaries are referred to collectively as Permanent Secretaries.

17. The FCO Research Analysts (RA) provided expert support and background for the policy recommendations made by MED and the Iraq Planning Unit (IPU), which was established in February 2003.[7] The FCO told the Inquiry that one analyst worked full-time on Iraq during 2001, increasing to two from mid-2002.[8] RA also acted as the contact point within government for the US State Department's Future of Iraq Project.[9]

18. After the closure of the British Embassy Baghdad on 12 January 1992, the UK had no diplomatic relations with Iraq.

19. In other cases where diplomatic relations have been interrupted, the UK has often maintained a British Interests Section within a friendly Embassy. The FCO told the Inquiry it did not consider opening an Interests Section in Iraq staffed with permanent UK diplomatic staff.[10] Instead, Russia acted as the UK's Protecting Power in Baghdad from November 1992 until the invasion, but did not provide the UK with political reporting from Iraq.

20. The FCO told the Inquiry that, from the late 1990s, junior UK diplomats based in Amman visited Baghdad about every six months to check on UK property, in particular the Embassy building, deal with locally-employed staff, call on resident diplomats from other countries and glean what information they could on the situation in Iraq.[11] On return to Amman, the UK diplomats produced reports containing political and economic information, some of which are described later in this Section.

21. Initially, the reports from Amman had an administrative focus. The FCO explicitly advised visiting diplomats from Amman not to travel to Basra, as such visits would not be consistent with that purpose and might suggest the UK was increasing contact with Iraq.[12] Visiting diplomats were instructed to "avoid all political contacts".

22. In July 1998, FCO Economic Advisers asked the British Embassy Amman for help in monitoring Iraq's economy, explaining that basic economic indicators were unavailable and that those with an interest in the issue had to rely on "snippets of information, on anecdote, and on speculation".[13] The Embassy was asked to make a "modest effort" to gather economic information during routine administrative visits to Iraq, focusing on:

- living standards;
- employment/unemployment and the structure of economic activity;

---

[7] Briefing Wilson, November 2009.
[8] Email FCO to Iraq Inquiry, 3 June 2013, 'FCO Research Analysts'.
[9] Briefing Wilson, November 2009.
[10] Paper FCO, 17 November 2010, 'Note for the Iraq Inquiry on the FCO's diplomatic contacts in Baghdad, 1990-2003'.
[11] Paper FCO, 17 November 2010, 'Note for the Iraq Inquiry on the FCO's diplomatic contacts in Baghdad, 1990-2003'.
[12] Telegram 366 Amman to FCO London, 16 July 1997, 'Proposed visit to Iraq'; Telegram 390 FCO London to Amman, 18 July 1997, 'Iraq: proposed visit'.
[13] Letter Economic Advisers [junior official] to Amman [junior official], 15 July 1998, 'Reporting Economic Developments in Iraq'.

- inflation;
- trade and capital flows;
- public finances and monetary policy;
- structural policies and economic philosophy;
- northern Iraq; and
- long-term planning.

23. From early 2002, UK diplomats based in Amman began to visit Iraq more often. They produced reports on political and social developments, drawing on information gleaned from business and other travellers and monthly UN briefings in Baghdad.[14]

24. The FCO has not been able to provide the Inquiry with the complete series of reports between July 1998 and March 2003.

25. Dr Robert Wilson and Mr Mark Hetherington, the two research analysts working on Iraq before the invasion, explained to the Inquiry that the FCO drew on a range of sources for information about the social, economic and political situation in Iraq:

> "These included Iraqi politicians and exiles from both Iraqi Kurdistan and the rest of the country, contact with whom was one of the core tasks of Research Analysts during this period. Amongst those were individuals who visited either Saddam-controlled Iraq or Northern Iraq (where Saddam had withdrawn his administration and which was under de facto control of the two main Kurdish parties) and those who had links to family or contacts within the country. Though the majority of those with whom we were in contact were opposed to Saddam Hussein's regime, their analysis was far from homogenous – religious organisations and NGOs in particular offering more nuanced analysis. Of course we were aware that many of these individuals had their own particular agenda – especially when it came to the question of what level of political support their parties or ideologies had within Iraq, and this was hard to assess independently. In addition there were many Iraqis who shied away from contact with the British Government …"[15]

26. Dr Wilson told the Inquiry that RA had "no shortage of information on Iraq of varying degrees of reliability".[16] In addition to Iraqi exiles, the FCO's network of Embassies in the region (particularly in Jordan and Turkey) kept in touch with local Iraqi officials and opinion formers. Though most contacts were opposed to Saddam Hussein's regime, their analysis was far from homogeneous.[17] Researchers were aware their contacts had their own agendas and it was hard to assess independently what support specific parties or ideologies had in Iraq.

---

[14] Teleletter Amman [junior official] to MED [junior official] 24 January 2002, 'Iraq: our interests'.
[15] Statement Foreign and Commonwealth Office Research Analysts, 23 November 2009.
[16] Briefing Wilson, November 2009.
[17] Statement Foreign and Commonwealth Office Research Analysts, 23 November 2009.

27. Dr Wilson told the Inquiry that academics, the UN and its agencies, NGOs and the Arabic media were also sources of information.

28. Lord Jay, the FCO PUS from 2002 to 2006, told the Inquiry that the FCO had only a "partial" picture of what was going on in Iraq.[18] He highlighted the critical role of an Embassy in understanding a country:

> "… we did not have first-hand knowledge of what was going on inside Iraq, of how Saddam Hussein and his government operated.
>
> "We had it second- or third-hand from other powers to whom we spoke … [W]hat we did not have was the … constant day-to-day contact between well-qualified, Arabic-speaking diplomats in Baghdad able to report back constantly on the ebb and flow of power and influence and what that meant for us.
>
> "… [Y]ou really do need people on the ground feeding stuff back. If you don't have that, you are going to make mistakes."

29. Lord Jay agreed that, in the absence of first-hand information, No.10 looked to the UK's intelligence services to provide advice on a broader range of issues than normal.[19]

30. Lord Jay added:

> "I don't think we had thought through as much as we should have done what the implications were going to be of an invasion of a country such as Iraq … I wished we had had a better understanding of what Iraq was like in the 1990s, early 2000s before a decision was taken to invade."[20]

31. Mr Edward Chaplin, FCO Director Middle East and North Africa from 2002 to 2004, characterised UK knowledge of what happened inside Iraq as "patchy".[21] He told the Inquiry he could, nevertheless, draw on a number of useful sources of information: the British Embassy Amman, which held a "watching brief"; contacts with exiled Iraqi groups in London and Washington; contacts with close allies, like the French, who had long experience of, and still had representation in, Iraq; contacts in a number of academic institutions; and contacts with journalists.

32. Mr Chaplin commented:

> "... I don't think we lacked for sources of information, but I think one of the problems is that actually nobody outside Iraq, including Iraqi exiles, quite realised how broken Iraqi society had become … nobody really had that information."[22]

---

[18] Public hearing, 30 June 2010, pages 8-10.
[19] Public hearing, 30 June 2010, pages 12-13.
[20] Public hearing, 30 June 2010, page 67.
[21] Public hearing, 1 December 2009, page 39.
[22] Public hearing, 1 December 2009, page 67.

33. Mr Chaplin rejected the suggestion that he had made no attempt to fill gaps in the UK's knowledge base on Iraq, highlighting the multiple sources of information that were available.

34. Mr Simon Webb, Ministry of Defence (MOD) Policy Director from 2001 to 2004, told the Inquiry he felt he had a very good feel for Iraq's military capability, but not for what was happening within Saddam Hussein's administration, the state of Iraq's infrastructure, or the mood of the population in the South:

> "If we had thought that we were going to play a big role in reconstruction, and we'd been asked to gather that information, I suspect we could have had a better picture."[23]

35. Mr Webb agreed that the Government could have made more use of "open source" reporting and analysis, including from academia, think-tanks and NGOs.

The Iraq Planning Unit

36. In early February 2003, the Government established the Iraq Planning Unit (IPU) to focus on post-conflict Iraq. The IPU was an inter-departmental (FCO/MOD/DFID) unit, based in the FCO and headed by a former member of MED. In the FCO, the IPU reported to the Director Middle East and North Africa.

37. The origin and purpose of the IPU are addressed in more detail in Section 6.5.

38. Mr Dominick Chilcott, Head of the IPU from February to June 2003, told the Inquiry there was "a lot of expertise" he could draw on, in particular from FCO RA, Iraqi exiles and FCO posts in the region.[24]

The Joint Intelligence Committee

39. The JIC was (and continues to be) responsible for:

> "... providing Ministers and senior officials with co-ordinated intelligence assessments on a range of issues of immediate and long-range importance to national interests, primarily in the fields of security, defence and foreign affairs."[25]

40. The JIC is supported by Assessments Staff analysts seconded to the Cabinet Office from other departments. The Assessments Staff's draft assessments were (and still are) subject to formal inter-departmental scrutiny and challenge in Current Intelligence Groups (CIGs), which bring together working-level experts from a range of government departments and the intelligence agencies. In the case of Iraq between 2001and 2003, the CIG brought together the desk-level experts from the FCO (including MED and RA),

---

[23] Private hearing, 23 June 2010, pages 79-81.
[24] Public hearing, 8 December 2009, page 50.
[25] Cabinet Office, *National Intelligence Machinery*, November 2010, pages 23-24.

MOD (including the Defence Intelligence Staff (DIS)), Cabinet Office and the intelligence agencies, and any other department with an interest in the issue being considered.

41. The JIC agrees most assessments before they are sent to Ministers and senior officials, although some papers, including urgent updates on developing issues, are issued under the authority of the Chief of the Assessments Staff.

42. The current JIC Terms of Reference make clear that it is expected to draw on "secret intelligence, diplomatic reporting and open source material".[26]

43. Iraq was regularly considered by the JIC in 2000 and 2001, with the focus on weapons of mass destruction (WMD), sanctions and the implications of the No-Fly Zones (NFZs).[27]

44. Sir John Scarlett, JIC Chairman from 2001 to 2004, considered that Iraq had been one of the top priorities for the JIC for most of his time as Chairman.[28]

45. Sir John told the Inquiry that, with the limited resources available to the Assessments Staff, the breakdown, decay and decrepitude of Iraq's civilian infrastructure was "not a natural intelligence target".[29] He added:

> "That kind of information and that kind of understanding of the fragility of the structures of the State … could have been … presented or understood from a whole range of sources, not necessarily from intelligence."

46. Sir John later told the Inquiry that the JIC had not been asked to look at Iraqi civilian infrastructure and institutions, other than Saddam Hussein's power structures:

> "If we had been, I think almost certainly my response would be: that's not for us. Why should that be an intelligence issue? I wouldn't quite be able to understand how intelligence would help. I would see it as fundamentally something which in the first instance advice would need to come from the Foreign Office … Of course, if we had been asked, we would have said can you identify or can we between us work out what would be particularly susceptible to an intelligence view or consideration? And I think it would have been quite narrow. I don't quite see how secret intelligence would have particularly helped."[30]

47. Mr Julian Miller, Chief of the Assessments Staff from 2001 to 2003, told the Inquiry that intelligence available to the JIC gave some peripheral indications on issues such as Iraq's civilian infrastructure and the state of its institutions, but was not focused on those areas.[31] In retrospect, he believed that if the UK had wanted to find out more, it might

---

[26] Cabinet Office, *National Intelligence Machinery*, November 2010, page 26.
[27] Public hearing Webb, Ricketts, Patey, 24 November 2009, pages 51-54.
[28] Public hearing, 8 December 2009, page 10.
[29] Public hearing, 8 December 2009, page 51.
[30] Private hearing, 5 May 2010, pages 65-66.
[31] Private hearing, 5 May 2010, pages 63-64.

have been possible for the JIC to ask the agencies to make an effort in that direction. He had no recollection of any such request.

48. Mr Miller added that departments had shown interest in the internal politics of Iraq and the relationship between the Shia and the Kurds, but only very limited intelligence had been available on those subjects.

49. The majority of JIC assessments relevant to Iraq between 2002 and the start of the invasion on 19 March 2003 dealt with Saddam Hussein's military and diplomatic options, WMD, or regional attitudes to Iraq.[32]

50. The weekly Intelligence Updates issued by the Assessments Staff from November 2002 and more frequently from February 2003, concentrated on the same three themes.

The Defence Intelligence Staff

51. The principal task of the Defence Intelligence Staff (DIS)[33] was the provision of intelligence to inform MOD policy formulation and procurement decisions, and to support military operations.[34]

52. The DIS worked closely with other UK intelligence organisations and with overseas allies.[35] Its sources included human, signals and imagery intelligence, as well as open sources. The DIS produced a number of reports on the state of Iraq.

53. In late February 2003, the DIS established a Red Team to give key planners in Whitehall an independent view of intelligence assumptions and key judgements, to challenge those assumptions and judgements if appropriate and to identify areas where more work was needed (see Section 6.5).[36] Papers were copied to the Chiefs of Staff, the Permanent Joint Headquarters (PJHQ), the MOD, FCO, IPU and the JIC.

54. Mr Martin Howard, Deputy Chief of Defence Intelligence from February 2003 to May 2004, the senior civilian in the DIS, told the Inquiry:

> "… at the strategic level the lead agency was the JIC. They are the ones who produced, as it were, the capstone intelligence assessments.
>
> "What the DIS tried to do was do things at a level a little below that, to produce products which would be of interest to high level policy makers, but also extremely useful to planners, to commanders and so on and so forth. So I'm not sure we were necessarily the lead, but we probably did the bulk of the analytical work."[37]

---

[32] JIC Assessments on Iraq, 1 January 2002 to 18 March 2003.
[33] Now known as Defence Intelligence (DI).
[34] Letter Ministry of Defence to Iraq Inquiry, 29 April 2010, 'MOD Evidence – Submission on Defence Intelligence Staff (DIS)'.
[35] Ministry of Defence Website, 'Defence Intelligence'.
[36] Minute PS/CDI to APS2/SofS [MOD], 25 February 2003, 'Iraq: Red Teaming in the DIS'.
[37] Private hearing, 18 June 2010, page 20.

55. Mr Howard stated that the DIS produced "a mass of material, even in the short time we had available, and I'm not sure that there would have been a fundamental improvement in what we could have provided if we had had another few months".[38]

56. Mr Howard did not recall the Red Team having a huge impact on work done by DIS. It raised "some interesting points", but "in the end, although it had a senior level distribution list … the practical impact would have been at the analytical level, rather than necessarily the policy making level".[39]

57. Mr Ian Lee, MOD Director General Operational Policy (DG OpPol) from September 2002 to May 2004, told the Inquiry that the MOD looked to the DIS for information about what the UK should expect to encounter in Iraq after a military campaign, including the state of the country, its sectarian, ethnic, political, and economic makeup.[40] There was not much detail available. Mr Lee described the written briefing as "a bit generalised".

58. Major General Michael Laurie, MOD Director General Intelligence Collection from 2000 to 2003, told the Inquiry he did not recall the DIS being tasked to look at the situation after the campaign, but did recall "a general feeling that we weren't paying as much attention to follow-on operations and what would happen as we should have done".[41] He agreed that it would have been within the DIS remit to consider the state of Iraq's infrastructure: the DIS had a number of teams working on infrastructure issues and had an established capability to collect open source information, including from the academic and scientific communities.

The Cabinet Office Overseas and Defence Secretariat

59. The Cabinet Office contains the Cabinet Secretariats, which support the Cabinet and Cabinet committees, and draw staff from across government.[42] Between 2001 and 2003 the Overseas and Defence Secretariat (OD Sec)[43] was responsible for foreign and defence policy issues, of which Iraq was one.[44]

60. The Head of OD Sec (Sir David Manning from September 2001) was also Mr Blair's Foreign Policy Adviser.[45] In 2001 and 2002, of about a dozen staff in OD Sec, just two had any responsibility for Iraq.[46] In both cases, Iraq was only part of their job.

---

[38] Private hearing, 18 June 2010, page 23.
[39] Private hearing, 18 June 2010, page 27.
[40] Private hearing, 22 June 2010, pages 42-52.
[41] Private hearing, 3 June 2010, pages 21-27.
[42] Statement McKane, 8 December 2010, page 1.
[43] Later renamed the Foreign and Defence Policy Secretariat (F&DP Sec) and now part of the National Security Secretariat).
[44] Public hearing Manning, 30 November 2009, pages 44-45.
[45] Public hearing Sheinwald, Sawers, Bowen, 16 December 2009, page 15.
[46] Public hearing McKane, 19 January 2011, pages 2-3.

The Ad Hoc Group on Iraq

61. OD Sec chaired the cross-Whitehall Ad Hoc Group on Iraq (AHGI), which met for the first time on 20 September 2002.[47] The AHGI was the principal Whitehall co-ordination mechanism for non-military Iraq planning until the creation of the inter-departmental IPU in February 2003.

62. The origin and purpose of the AHGI are addressed in greater detail later in this Section.

63. The MOD participated in the AHGI but its own post-conflict military planning was not part of the AHGI process.

The Department for International Development

64. Within DFID the Iraq Team in Middle East and North Africa Department included advisers with expertise on conflict, humanitarian assistance, governance, infrastructure, economics and social development who provided analysis to inform decisions.[48] The DFID Iraq Team worked closely with the FCO and drew on the FCO's Iraq-related research and analysis.

65. Advisers were drawn from the relevant DFID professional cadres with consultants brought in to provide advice on specific issues and projects where required.

66. In addition, DFID's Conflict and Humanitarian Affairs Department (CHAD) provided specific policy and operational advice on Iraq.

67. DFID's August 2002 review of northern Iraq drew on a combination of DFID papers and consultations with UN agencies, non-governmental organisations (NGOs) and western European donor countries.[49]

68. The DFID desktop analysis of central and southern Iraq, completed in October 2002, was produced without consulting the UN, NGOs or bilateral partners because of restrictions on external contacts by DFID officials, but did draw widely on external (including UN) publications.[50]

---

[47] Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.
[48] Email DFID to Iraq Inquiry Secretariat, 19 June 2013, 'Iraq Inquiry new queries'.
[49] Minute CHAD Operations Team [junior official] to [DFID junior official], 8 August 2002, 'Northern Iraq Desktop Review and Background Briefing Document' attaching Paper Conflict and Humanitarian Affairs Department, July 2002, 'Northern Iraq Desktop Review and Background Briefing Document'.
[50] Email DFID [junior official] to Fernie, 17 October 2002, 'CSI analysis' attaching Paper Conflict and Humanitarian Affairs Department, October 2002, 'Central/southern Iraq humanitarian situation analysis'.

69. Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2008, told the Inquiry that DFID's knowledge of Iraq in 2002 was "pretty scanty". It had not itself implemented humanitarian programmes in Iraq in the period leading up to the invasion, working instead through the UN agencies, NGOs and the International Committee of the Red Cross (ICRC).[51]

UK international development policy and the Department for International Development

Between 1979 and 1997, the UK's international development programme was managed by the Overseas Development Administration (ODA), a "wing" of the FCO. The Overseas Development and Cooperation Act 1980 allowed aid funds to be used for a wide variety of purposes, including supporting political, industrial and commercial objectives.[52]

A separate Department for International Development (DFID), headed by a Cabinet Minister, replaced the ODA in 1997.[53] Its mission was to "refocus [UK] international development efforts on the elimination of poverty and encouragement of economic growth which benefits the poor". That was to be achieved by focusing on the eight Millennium Development Goals:

- eradicate extreme poverty and hunger;
- achieve universal primary education;
- promote gender equality and empower women;
- reduce child mortality;
- improve maternal health;
- combat HIV and AIDS, malaria and other diseases;
- ensure environmental sustainability;
- develop a global partnership for development.[54]

DFID's mission was enshrined in law through the International Development Act (IDA), which came into force in July 2002.[55] The IDA required that all programmes and projects must either further sustainable development or promote the welfare of people and be likely to contribute to the reduction of poverty.

In 2002, DFID adopted a target to increase the proportion of its bilateral aid going to low income countries from 78 percent to 90 percent (the so-called "90:10" target).[56]

In 2002/03 nearly half DFID's resources were spent through multilateral agencies. The largest parts were the UK's share of European Community development assistance and contributions to the World Bank, regional development banks and the UN agencies.[57]

---

[51] Public hearing, 8 December 2009, Page 9.
[52] Barder, Owen, *Reforming Development Assistance: Learning from the UK experience*. CGD Working Paper No.50, October 2005.
[53] UK Government, *White Paper on International Development*, 1997.
[54] DFID, *Departmental Report 2003*, page 141.
[55] DFID, *Departmental Report 2003*, page 9.
[56] DFID, *Departmental Report 2003*, page 105.
[57] DFID, *Departmental Report 2003*, page 106.

US and UK planning machinery

70. US planning machinery was reorganised a number of times during 2002 and 2003:

- Before August 2002, two separate planning processes operated in parallel in the State Department and the Department of Defense (DoD).
- Between August 2002 and January 2003, greater inter-agency co-ordination was loosely overseen by an Executive Steering Group of the National Security Council (NSC). The US Agency for International Development (USAID) was brought into the planning process for the first time.
- From January 2003, all post-conflict planning was consolidated under Mr Donald Rumsfeld, US Secretary of Defense.[58]

71. The UK introduced significant changes to its planning machinery in September 2002 and February 2003, in part to reflect US reorganisation:

- Until September 2002, a tightly held process was largely confined to No.10 and the MOD, with some work in the FCO and limited Whitehall co-ordination through the MOD-based Pigott Group (described later in this Section) and the Cabinet Office OD Sec.
- Between September 2002 and February 2003, the AHGI co-ordinated Whitehall planning at official level. DFID, the Treasury and other departments were brought into the planning process for the first time. The MOD attended the AHGI, but planning for military operations continued on a separate track.
- From February 2003, the inter-departmental Iraq Planning Unit (IPU), located in the FCO, but including staff from the MOD and DFID, was responsible for Whitehall planning for civilian aspects of post-conflict Iraq, with the MOD continuing to lead on military planning.

72. Those changes are described in more detail later in this Section and in Section 6.5.

The US approach to nation-building

73. The future President Bush expressed his opposition to US military involvement in post-conflict nation-building during the 2000 US presidential election.

74. In October 2000, Governor George W Bush cited the US military intervention in Somalia in 1992 and 1993 as an example of why the US military should not be involved in nation-building.[59] He said that what had started as a humanitarian mission:

> "… changed into a nation-building mission, and that's where the mission went wrong. The mission was changed. And as a result, our nation paid a price. And so

---

[58] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[59] Commission on Presidential Debates, 11 October 2000, *October 11, 2000 Debate Transcript: The Second Gore-Bush Presidential Debate.*

> I don't think our troops ought to be used for what's called nation-building. I think our troops ought to be used to fight and win a war. I think our troops ought to be used to help overthrow the dictator when it's in our best interests. But in this case it was a nation-building exercise, and same with Haiti. I wouldn't have supported either."

75. Dr Condoleezza Rice, who was Governor Bush's adviser on national security before becoming President Bush's National Security Advisor, explained that Governor Bush was proposing a new division of labour in NATO:

> "The United States is the only power that can handle a showdown in the Gulf, mount the kind of force that is needed to protect Saudi Arabia and deter a crisis in the Taiwan Straits. And extended peacekeeping detracts from our readiness for these kinds of missions."[60]

76. Dr Rice stated:

> "Carrying out civil administration and police functions is simply going to degrade the American capability to do the things America has to do. We don't need to have the 82nd Airborne escorting kids to kindergarten."

77. Similar views were held by Mr Rumsfeld, US Secretary of Defense from 2001 to 2006.

78. In his memoir, Mr Rumsfeld described his views before the invasion of Iraq as "straightforward".[61] The US goal was:

> "… to help the Iraqis put in place a government that did not threaten Iraq's neighbours, did not support terrorism, was respectful to the diverse elements of Iraqi society, and did not proliferate weapons of mass destruction. Period …
>
> "As soon as we had set in motion a process, I thought it important that we reduce the American military role in reconstruction and increase assistance from the United Nations and other willing coalition countries."

79. Mr Rumsfeld added:

> "I recognized the Yankee can-do attitude by which American forces took on tasks that locals would be better off doing themselves. I did not think resolving other countries' internal political disputes, paving roads, erecting power lines, policing streets, building stock markets, and organizing democratic governmental bodies were missions for our men and women in uniform."

80. The US adopted the minimalist approach in Afghanistan, where military action began on 7 October 2001.

---

[60] *The New York Times*, 21 October 2000, *The 2000 Campaign: The Military; Bush Would Stop US Peacekeeping in Balkan Fights*.
[61] Rumsfeld D. *Known and Unknown: A Memoir.* Sentinel, 2011.

81. In April 2002, Sir Christopher Meyer, British Ambassador to the US, warned of the need to learn the lessons from Afghanistan, where "US fear of getting sucked into nation-building" and Secretary Rumsfeld's insistence on a "minimalist approach" threatened failure.[62]

82. In a speech in New York on 14 February 2003, described in more detail in Section 6.5, Secretary Rumsfeld drew lessons for Iraq from the US experience of nation-building in Afghanistan:

> "Afghanistan belongs to the Afghans. The objective is not to engage in what some call nation-building. Rather it is to help the Afghans so they can build their own nation. This is an important distinction. In some nation-building exercises well-intentioned foreigners … can create a dependency."[63]

83. Sir David Manning told the Inquiry:

> "… it's quite clear throughout 2002, and indeed throughout 2003, that it is the Pentagon, it's the military, who are running this thing …
>
> "… Bush had this vision of a new Middle East. You know, we are going to change Iraq, we are going to change Palestine, and it's all going to be a new Middle East.
>
> "But there were … big flaws in this argument. One is they won't do nation-building. They think this is a principle. So if you go into Iraq, how are you going to achieve this new Iraq? And the military certainly don't think it's their job."[64]

84. *Hard Lessons* characterised US planning for post-conflict Iraq between autumn 2001 and early 2003 as a "tense interplay" between the DoD and the State Department.[65] Many in the DoD anticipated US forces being greeted as liberators who would be able leave Iraq within months, with no need for the US to administer the functions of Iraq's government after major combat operations. The State Department judged that rebuilding Iraq would require "a US commitment of enormous scope" over several years.

Initial UK consideration of post-Saddam Hussein Iraq

85. In his Chicago speech of 22 April 1999, Mr Blair listed five considerations to guide decisions on military intervention in another country. Those included being prepared for the long term: "we cannot simply walk away once the fight is over".

---

[62] Telegram 451 Washington to FCO London, 1 April 2002, 'PM's Visit to Texas: Bush and the War on Terrorism'.
[63] US Department of Defense, 14 February 2003, *Speech: Beyond Nation Building.*
[64] Private hearing, 24 June 2010, pages 42-43.
[65] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

86. During 2001, UK officials began to consider the possible shape of Iraq after the departure of Saddam Hussein.

87. At that stage, the UK assumption was that the most likely successor to Saddam Hussein was another Sunni strongman.

88. A number of concerns emerged during initial exchanges:

- **the long-term implications of military action;**
- **US support for the Iraqi opposition;**
- **the dilapidated state of Iraq's infrastructure;**
- **the risks of de-Ba'athification; and**
- **the absence of obvious successors to Saddam Hussein.**

89. In his memoir, Mr Blair stated that the final part of his speech to the House of Commons on 18 March 2003, in which he set out the moral case for action against Saddam Hussein, echoed his Chicago speech of 22 April 1999.[66]

90. In the Chicago speech, described in more detail in Section 1.1, Mr Blair had raised the importance of being prepared for the long term after military intervention.[67]

91. In a reference to international security, Mr Blair identified "two dangerous and ruthless men" as the cause of "many of our problems": Saddam Hussein and Slobodan Milošević (President of the Federal Republic of Yugoslavia), both of whom had waged "vicious campaigns against sections of their own community". Instead of enjoying its oil wealth, Iraq had been "reduced to poverty, with political life stultified through fear".

92. Mr Blair set out "five major considerations" to guide a decision on when and whether the international community should intervene militarily in other countries, including:

> "… are we prepared for the long term? In the past, we talked too much of exit strategies. But having made a commitment we cannot simply walk away once the fight is over; better to stay with moderate numbers of troops than return for repeat performances with large numbers."

93. Mr Blair sent a draft 'Contract with the Iraqi People' to President Bush in December 2001.

94. In autumn 2000, the Government began a review of the UK's Iraq policy. That process, which continued into 2001, is addressed in detail in Section 3.1.

---

[66] Blair T. *A Journey*. Hutchinson, 2010.
[67] Speech, 23 April 1999, Tony Blair, *Doctrine of the International Community*.

95. During 2001, on the initiative of Mr Robin Cook, the Foreign Secretary, the UK Government worked on a draft 'Contract with the Iraqi People' intended to deliver a clear statement on the steps the international community would take to restore and rehabilitate Iraq in the event of Saddam Hussein's departure (see Box below).[68]

The 'Contract with the Iraqi People'

The 'Contract with the Iraqi People' made clear that Iraq could not be re-integrated into the international community without fundamental change in the behaviour of Saddam Hussein's regime, but stopped short of calling directly for the regime's overthrow.[69] It was designed "to appeal to regional states and to signal to any successor regime the sort of relationship with the international community that would be in prospect".

The last (December 2001) version of the text seen by the Inquiry stated:

> "We want to work with the International Community to enhance stability and security in the Gulf region. We are committed to maintenance of Iraq's sovereignty and territorial integrity within its current borders.
>
> "We want to work with an Iraq which respects the rights of its people, lives at peace with its neighbours and which observes international law. We want to see Iraq's full integration into the International Community.
>
> "The Iraqi people have a right to live in a society based on the rule of law, free from repression, murder, torture and arbitrary arrest; to enjoy respect for human rights, economic freedom and prosperity.
>
> "For all this to happen the Iraqi regime must abide by its obligations under international law …
>
> "The record of the current regime … suggests that its priorities remain elsewhere. The regime must end its mistreatment of the Iraqi people and be held to account for its war crimes. We must ensure that the Iraqi people have access to information not controlled by the regime. Those who wish to promote change in Iraq deserve our support.
>
> "Until such time as Iraq is able to rejoin the international community we will continue to ensure that it is not in a position to threaten its neighbours and that there are tight controls on its ability to build up its military and WMD capability. We will also endeavour to minimise the impact of these controls on the Iraqi people."

The 'Contract' set out objectives to be pursued once Iraq rejoined the international community:

- support for an international reconstruction programme for Iraq;
- rebuilding political relations with the rest of the world;

---

[68] Minute MED [junior official] to Goulty, 7 June 2001, 'Iraq Basket III: The Opposition And Regime Change' attaching Paper Middle East Department, 7 June 2001, 'Iraq: Policy Towards The Opposition' and Annex, 'Contract with the Iraqi People'.
[69] Letter McDonald to Tatham, 3 December 2001, 'Iraq: Options' attaching Paper [unattributed and undated], 'Contract with the Iraqi People'.

- pursuit of growth-orientated economic policies with International Monetary Fund (IMF) and World Bank support;
- integration into the region and an application to join the World Trade Organization (WTO);
- promotion of investment in Iraq's oil industry;
- establishment of a comprehensive retraining programme for Iraqi professionals, academic exchanges and scholarships;
- promotion of an EU aid/trade package.

Many elements of the 'Contract' were incorporated into the first draft of the FCO's 'Vision for Iraq and the Iraqi People', produced in October 2002 and addressed later in this Section.

96. On 3 December 2001, in response to a request from Mr Blair for "a note on the options for dealing with Iraq", Mr Simon McDonald, Principal Private Secretary to Mr Jack Straw, the Foreign Secretary, advised No.10 that:

> "A strategy to deal with a WMD threat will require ratcheting up our present policy of containment … We should encourage and support the Iraqi opposition. We could mount a higher profile campaign on the issue of war crimes and consider the options for an international tribunal to try Saddam and his principal lieutenants. We could set out a vision of post-Saddam Iraq by deploying a 'Contract with the Iraqi People'."[70]

97. The other issues addressed in Mr McDonald's letter are considered in Section 3.1.

98. On 4 December, Mr Blair sent President Bush a paper, 'The War against Terrorism: The Second Phase', which was delivered by Sir David Manning (see Section 3.1).[71]

99. The key points relating to Iraq included the need for "a strategy for regime change which builds over time" and might include supporting opposition groups, and setting out an agenda for a post-Saddam Hussein Iraq (the FCO's 'Contract with the Iraqi People').

100. In December 2001, an attempt was made by a senior Republican close to the Pentagon to persuade Mr Kevin Tebbit, MOD PUS, that the opposition Iraqi National Congress (INC) could be a force to be reckoned with, "sufficient to cause an Iraqi response and enable the US to take supportive military action" (see Section 3.1).[72]

101. On 13 December, Mr Tebbit commissioned an analysis of that thesis, which he expected would "show it to be flawed".[73]

---

[70] Letter McDonald to Tatham, 3 December 2001, 'Iraq: Options' attaching Paper, 'Contract with the Iraqi People'.
[71] Note [Blair to Bush], 4 December 2001, 'The War against Terrorism: The Second Phase'.
[72] Minute PS/PUS [MOD] to PS/CDI, 13 December 2001, 'Iraq: is there a 'Northern Alliance'?'
[73] Minute PS/PUS [MOD] to PS/CDI, 13 December 2001, 'Iraq: is there a 'Northern Alliance'?'

102. In its response on 14 January 2002, the DIS concluded that the INC's weaknesses far outweighed its strengths and that it would have no chance of overthrowing the regime.[74]

103. On 21 December 2001, in the context of discussions on the sustainability of US/UK joint patrols to enforce the NFZs in Iraq, Mr Geoff Hoon, the Defence Secretary, asked MOD officials for advice on options for future military action against Iraq and their "political, legal and military implications" (see Section 6.1).[75]

104. Dr Simon Cholerton, a junior official in Overseas Secretariat (Sec(O)), replied on 24 January 2002.[76] He focused on options for patrolling the NFZs, but also addressed the issue of wider action against Iraq. Dr Cholerton emphasised that neither the MOD nor the FCO had seen any "detailed US planning". Work on policy options, at both military and political levels, was continuing in the US but "little, if anything has been shared with the UK". He advised that the "initial assessment of the efficacy (never mind the legality) of military action to effect regime change is that it is poor".

105. Dr Cholerton explained that work commissioned by Mr Tebbit in December 2001 had addressed the strengths and weaknesses of the INC. In the MOD's view:

> "There is no [Afghan] Northern Alliance equivalent in Iraq who could take advantage of precision bombing – nor is it obvious that a successor regime would be an improvement on the existing one. In the absence of any detailed US planning … it is very difficult to comment further."

106. In January and February 2002, the DIS in London and junior officials based at the British Embassy Amman produced a number of reports on the state of Iraq's politics, economy and society.

107. The DIS reports painted a bleak picture of the state of Iraq's infrastructure and highlighted the degree of inter-connectedness between the Ba'ath Party and Iraq's armed forces and civil bureaucracy.

108. The British Embassy Amman reported that foreign diplomats based in Baghdad were agreed that, without massive external commitment on the ground or the continuation of "the current system of order", there was a risk that regime change would destabilise Iraq.

109. In mid-January 2002, the DIS reported on Iraq's infrastructure.[77] With the exception of road and rail transport, the picture was comprehensively bleak. Services had been degraded substantially in the Iran-Iraq war and the 1991 Gulf Conflict. Repairs

---

[74] Minute PS/CDI to PS/PUS [MOD], 14 January 2002, 'Iraq: Regime Change and the Iraqi National Congress'.
[75] Minute Williams to Sec(O)1, 21 December 2001, 'Iraq'.
[76] Minute Cholerton to APS/Secretary of State [MOD], 24 January 2002, 'Iraq: No Fly Zones'.
[77] Paper DIS, 18 January 2002, 'Infrastructure Briefing Memorandum: Iraq'.

since then had been minimal. The DIS assessed that theoretical power generation capacity was about 10,000 megawatts (MW), but that the "practical limit" was about 5,000 MW, well below "even the most basic demand". Power cuts were widespread and prolonged. The report stated that the UN had begun extensive works to rehabilitate the transmission network.

110. The DIS cited "a recent UN report" which suggested the Iraqi oil industry had declined seriously over the previous 18 months and that "urgent measures" needed to be taken to avoid yet more deterioration of oil wells and petroleum infrastructure. Of 12 oil refineries in Iraq, only three were operating, inefficiently and unreliably. Pipelines in Iraq had not been repaired since 1991 and oil distribution was by road.

111. On Iraq's water and sewerage systems, the DIS assessed that:

> "... despite recent heavy investment into modernisation and extension of municipal water systems, the water supply and sanitation sectors in Iraq are in a state of continuous deterioration."

112. The DIS reported that, across Iraq, power outages and damage to water pipes meant a substantial proportion of piped water was routinely lost and that the water supply was known to be affected by sewage leaks. There were marked differences between urban areas, where 96 percent of the population had access to safe, potable water, and rural areas, where the figure was 48 percent. In particular, Basra province was "chronically short" of drinkable water, with treatment plants working at less than 60 percent of capacity.

113. The sewerage system was in very poor condition. Sewage treatment, even in Baghdad, was "virtually non-existent", with the few treatment plants that were functioning operating at less than a third of capacity. Sanitary conditions were deteriorating because of indiscriminate dumping of sewage and industrial and medical waste.

114. The DIS warned that, throughout Iraq, water supplies were:

> "... contaminated by pathogenic bacteria, parasites and viruses. Given the shortages of essential treatment chemicals, deployed forces could not rely on local water supplies as a source of safe, potable water."

115. A second DIS report, in late January, stated that the Ba'ath Party, the Iraqi civil bureaucracy and the armed forces were intertwined: "every government ministry (as well as state labour organisations, youth and student organisations and media organisations) has within it, at each level, a parallel Ba'ath Party structure".[78]

---

[78] Paper DIS, 1 February 2002, 'The Iraqi Ba'ath Party – its history, ideology and role in regime security'.

116. The second report concluded:

> "… any 'regime insider' succeeding Saddam would find the functional roles of the Party indispensable in administering the state and controlling the populace. One can therefore assume that, unless a fundamental political change accompanies the succession to Saddam, the Ba'ath Party will continue in its present role. Were a figure outside the inner circle of the regime to take power (such as a senior military officer), the future of the party would be open to question."

117. The paper provided details of eight ranks in the Ba'ath Party. The three most senior, in ascending order, were: *Udw Firqa* (Division Leader); *Udw Shu'ba* (Section Leader); and *Udw Fara'* (Branch Leader). Party membership was estimated at between 600,000 and 700,000, four percent of the Iraqi population.

118. The earliest UK consideration of options for dealing with the Ba'ath Party in a post-Saddam Hussein Iraq seen by the Inquiry appeared in an MOD paper on UK military strategic thinking in mid-June 2002, described later in this Section.

119. The DIS papers on infrastructure and the Ba'ath Party were included in Mr Blair's summer reading pack at the end of July.

120. Much of the material in the infrastructure paper was incorporated into a DIS report on Basra in March 2003 (see Section 6.5).

121. In January 2002, the British Embassy Amman reported on the economic situation in Iraq, drawing on a seven-day visit to Iraq by an Embassy junior official.[79] Changes to the Oil-for-Food (OFF) programme had led to improvements to Baghdad's infrastructure and the provision of some essential services, although "underlying poverty" remained and power cuts continued. There were signs that the private sector was picking up. A "free market" was well established in the public sector: a nurse receiving only US$3 a month from the Iraqi government might expect to earn US$250 a month by charging patients. The situation was very different outside Baghdad, where the standard of living in the countryside did not seem to be improving: "Many people, particularly in the south, are dependent on the monthly ration."

122. In separate reports on Iraqi politics, religion and society, the official reported that:

- Unemployment in Iraq was believed to be more than 25 percent and underemployment affected almost half the population.[80]
- The Iraqi Christian community was concerned that it risked marginalisation, with some senior figures worrying about what would happen to their community if the current Iraqi regime fell or changed.

---

[79] Telegram 21 Amman to FCO London, 24 January 2002, 'Iraq: Economic'.
[80] Teleletter Amman [junior official] to MED [junior official], 24 January 2002, 'Iraq: Religion/Society'.

- There was “a large thriving diplomatic, UN and NGO community established in Baghdad”. If the UK hoped to tap into that it would be necessary for officials to visit more frequently.[81]

123. A fourth report, on regime change, stated:

- Regime change was being discussed “frequently and openly by many diplomats, and by some Iraqis too”.
- The assumption in the diplomatic community in Baghdad was that there would be military action and that, as a result, the regime would be toppled.
- It was agreed by “all” that there was a risk of destabilisation of the country if there were not either a “massive external commitment on the ground” or a continuation of the “current system of order” following regime change.
- “Concerns about an Arab or Islamic backlash against a large Western presence seem unfounded. The Iraqi society is already lapping up whatever American culture it can get – Coca Cola, Western clothes, Western music, Western films and British football …”[82]

124. The February round-up from Amman stated that there had recently been a significant turnover of senior staff within the Iraqi Ministry of Foreign Affairs, with all under secretaries removed in the name of combating corruption.[83] It also reported:

> “... continued apathy on the streets. Despite the feeling that something is really going to happen this time, those who can run have already done so. There is little to do except watch the space over Baghdad.”

Preparations for Mr Blair’s meeting with President Bush at Crawford, 6 April 2002

125. After President Bush’s State of the Union address on 29 January 2002 (the “axis of evil” speech), UK policy makers began to consider more closely the objectives and possible consequences of military action in Iraq.

126. Mr Blair sought further advice on what might follow Saddam Hussein before meeting President Bush at Crawford on 6 April 2002.

127. On 19 February, the Cabinet Office commissioned papers for Mr Blair’s planned meeting with President Bush after Easter (see Section 3.2).[84]

128. On 20 February, Mr Alan Goulty, FCO Director Middle East and North Africa, produced a paper on contingency planning in the event of military action against

---

[81] Teleletter Amman [junior official] to MED [junior official], 24 January 2002, ‘Iraq: Political’.
[82] Teleletter Amman [junior official] to MED [junior official], 24 January 2002, ‘Iraq: Regime Change’.
[83] Teleletter Amman [junior official] to MED [junior official], 5 March 2002, ‘Iraq: Feb sitrep’.
[84] Minute McKane to Manning, 19 February 2002, ‘Papers for the Prime Minister’.

Iraq.[85] He warned of the need for "a plan to address the humanitarian consequences" if military action were to force the withdrawal of UN and NGO staff and suggested that the information campaign to make the case for war should "highlight our commitment to helping the Iraqi people before, during and after any action".

129. Mr John Sawers, British Ambassador to Egypt, who had been closely associated with the development of the UK's policy on Iraq as Mr Blair's Private Secretary for Foreign Affairs, responded to Mr Goulty's minute with a teleletter to Sir Michael Jay and senior colleagues offering his views on the direction of policy.[86]

130. In Mr Sawers' view, the UK needed to say "clearly and consistently that our goal is Regime Change – for the sake of stability in the Middle East, for the Iraqi people, and for the goal of controlling the spread of WMD".

131. Mr Sawers argued that:

> "… by associating ourselves with Bush's heartfelt objective of seeing Saddam removed, we will be given more houseroom in Washington to ask the awkward questions about how.
>
> "And there are many such questions. What is the plan? How long would it take for a direct confrontation to succeed? How do we retain the support of our regional friends meanwhile? … If we were to build up the Kurds and Shia as proxies, what assurances would we have to give them that we would not let them down yet again? How would we keep the Iranians from meddling? How do we preserve Iraq's territorial integrity …? How would we provide for stability after Saddam and his cronies were killed?"

132. On 27 February, Mr Webb warned Mr Hoon of the importance of establishing clear strategic objectives before taking a decision on military action against Iraq.[87] In advice on possible responses to President Bush's State of the Union address, he cautioned against ruling out UK participation in military action against Iraq, "if that is the only way to stem the tide of WMD proliferation and a worthwhile and legal option exists at the time". Mr Webb added:

> "Before assessing military options we should need to be clear about the strategic objectives …
>
> "It is not easy to see the satisfactory end states which should be the objective of military operations."

133. A JIC Assessment of 27 February reached the view that, without direct intervention on the ground, the Iraqi opposition would be unable to overthrow Saddam Hussein's regime (see Section 6.1).

---

[85] Minute Goulty to Fry, 20 February 2002, 'Military Action Against Iraq: Issues'.
[86] Teleletter Sawers to Jay, 21 February 2002, 'Iraq: Policy'.
[87] Minute Webb to PS/Secretary of State [MOD], 27 February 2002, 'Axis of Evil'.

134. The JIC produced its Assessment, 'Iraq: Saddam under the Spotlight', addressing "Saddam's threat perceptions and internal position: whether he is secure, what opposition he faces, and what he is doing to try and avoid the internal and international threats he faces", on 27 February.[88]

135. The JIC considered that it was "absolutely clear" that the Kurds and Shia "would not show their hand until US resolve to overthrow Saddam". There was "no obvious leader" among those groups who was "capable of unifying the opposition" and had "credibility and popular appeal inside Iraq". No likely replacement for Saddam Hussein from within the regime had been identified, but the JIC stated that, in the event of internal change, it was "likely that any successor would be autocratic and drawn from the Sunni military elite".

136. The DIS issued a paper on possible US military options for removing Saddam Hussein on 5 March.

137. The paper reiterated that the only viable, long-term successor to Saddam Hussein would come from within the Sunni security/military structure. A US attempt to create a more equitable long-term distribution of power in Iraq would require massive and lengthy commitment.

138. At the request of Air Marshal Joe French, Chief of Defence Intelligence (CDI), the DIS produced a paper on 5 March examining US military options for removing Saddam Hussein over the next 12 months.[89] The paper is described in more detail in Section 6.1.

139. In the list of key judgements, the paper stated:

> "The UK intelligence community has consistently assessed that the only viable, long-term successor to Saddam will come from within the Sunni security/military structure. Such a figure is unlikely to command popular support among the Shia or Kurdish populations and would be forced (and probably inclined) to run Iraq along autocratic lines. Iraq will remain a unitary state, but many of the long-term problems of Iraq will not disappear with Saddam."

140. The paper described the Iraqi opposition in exile:

> **"The Iraqi National Congress (INC), based in London, remains the main umbrella opposition grouping.** Both Kurdish factions (KDP [Kurdistan Democratic Party] and PUK [Patriotic Union of Kurdistan]) are represented along with various monarchist and independent Shia factions. SCIRI [Supreme Council for Islamic Revolution in Iraq] is not a member … Current INC 'leader' Ahmad Chalabi is a London-based Iraqi Shia who is mistrusted by regional powers and many within his own movement – he has little credibility in Iraq. Chalabi's prominence owes much to his success in handling the US media. Republican politicians … see him as a

---

[88] JIC Assessment, 27 February 2002, 'Iraq: Saddam under the Spotlight'.
[89] Paper DIS, 5 March 2002, 'Politico Military Memorandum, Removing Saddam'.

credible opposition figure and CIA have not been engaged with the INC since 1996. Indeed as it is currently organised the INC is less than the sum of its parts. **We assess that it would have a nugatory role in any regime change scenario** – US are well aware that the INC (and other exile groups) are completely penetrated by Iraqi intelligence."

141. The concluding section addressed Iraq after Saddam Hussein:

"We assess that despite potential instability Iraq will remain a unitary state. But many of Iraq's structural problems will remain. Sunni hegemony, the position of the Kurds and Shia, enmity with Kuwait, infighting among the elite, autocratic rule and anti-Israeli sentiment will not disappear with Saddam. We should also expect considerable anti-Western sentiment among a populace that has experienced ten years of sanctions.

"A US attempt to create a more equitable long-term distribution of power in Iraq would require massive and lengthy commitment. Modern Iraq has been dominated politically, militarily and socially by the Sunni. To alter that would entail re-creation of Iraq's civil, political and military structures. That would require a US-directed transition of power (ie US troops occupying Baghdad) and support thereafter. Ten years seems a not unrealistic time span for such a project."

142. The paper was sent to Mr Hoon, the Chiefs of Staff, Sir Kevin Tebbit, Mr Webb, Lieutenant General Sir Anthony Pigott (Deputy Chief of the Defence Staff (Commitments)) and a small number of other individuals. It was also sent to Mr Scarlett and the Assessments Staff, Mr Tom Dodd (OD Sec), Dr Amanda Tanfield (Head of Iraq Section in MED) and the Secret Intelligence Service (SIS).

143. The paper was later included in the pack of reading material on Iraq for Mr Blair sent to No.10 by Mr Scarlett on 1 August.

144. On 8 March, the Cabinet Office raised the potential long-term consequences of a full-scale military campaign in Iraq in a paper preparing the ground for the meeting between Mr Blair and President Bush in Crawford, Texas, on 6 April.

145. The 'Iraq: Options Paper', addressed in more detail in Section 3.2, was commissioned by Sir David Manning and co-ordinated by OD Sec.[90] It was sent to Mr Blair by Sir David Manning on 8 March, as part of the collection of "background briefs that you asked for" for the meeting with President Bush.

146. The paper was prepared as background. It did not represent agreed interdepartmental advice for Ministers.

---

[90] Minute Manning to Prime Minister, 8 March 2002, 'Briefing for the US'.

147. The 'Iraq: Options Paper' set out three options for bringing about regime change, including a full-scale ground campaign.[91] It identified two options for a successor regime: a Sunni military strongman or "a representative, broadly democratic government". The paper stated: "we need to wait and see which options or combination of options may be favoured by the US government". It warned that achieving a representative, broadly democratic successor government would require "the US and others to commit to nation-building for many years. This would entail a substantial international security force and help with reconstruction."

148. Throughout 2002 and early 2003, the UK remained sceptical about the capacity and credibility of the Iraqi opposition in exile and in Iraq, both as a force for change and as the potential core of a credible post-Saddam Hussein administration.

149. The 'Iraq: Options Paper' stated that:

> "Unaided, the Iraqi opposition is incapable of overthrowing the regime. The **external opposition** is weak, divided and lacks domestic credibility. The predominant group is the Iraqi National Congress …
>
> "The **internal opposition** is small and fractured on ethnic and sectarian grounds."

150. On 5 March 2002, Mr Ben Bradshaw, FCO Parliamentary Under Secretary of State, held a meeting with the "Group of Four" (G4) Iraqi opposition parties: the Iraqi National Accord (INA), represented by future Iraqi Prime Minister Dr Ayad Allawi, the KDP, the PUK and SCIRI.[92] The delegation told Mr Bradshaw that "things were moving in Iraq", the people supported regime change and the UK could play a role. Mr Bradshaw stated that the UK wanted to pursue the UN route first.

151. On 12 March, Mr Bradshaw met a delegation from the INC headed by Dr Ahmed Chalabi, at which Dr Chalabi suggested that the INC would like to hold a conference in London to garner international support for planning for a post-Saddam Hussein Iraq.[93]

152. The Inquiry has seen no evidence of any response from Mr Bradshaw.

---

[91] Paper Cabinet Office, 8 March 2002, 'Iraq: Options Paper'.
[92] Minute MED to APS/Mr Bradshaw, 5 March 2002, 'Iraq: Mr Bradshaw's meeting with Iraqi Opposition'.
[93] Minute MED to APS/Mr Bradshaw, 25 March 2002, 'Iraq: Mr Bradshaw's Meeting with Iraqi National Congress, 12 March'.

Government contact with the Iraqi opposition

The Inquiry has seen evidence of four meetings between UK Ministers and the Iraqi opposition in the year before the invasion of Iraq:

- separate meetings with the "Group of Four" (G4) Iraqi opposition parties and the Iraqi National Conference (INC) in March 2002, hosted by Mr Ben Bradshaw, FCO Parliamentary Under Secretary of State;
- a visit to No.10 by the two leaders of the Iraqi Kurds in December 2002, part of which was attended by Mr Blair;[94] and
- a meeting between Mr Straw and "Iraqi exiles" in London on 21 February 2003.[95]

At official level, by late 2002, it was UK policy "to stay in touch with the thinking of opposition groups who may have a role to play in shaping a post-Saddam Iraq".[96] "Regular, routine meetings" took place between opposition representatives and junior FCO officials. There were occasional meetings at senior official level.

153. On 15 March, Mr William Patey, Head of MED, sent Mr Straw a paper by Research Analysts on the "nature and role of the opposition to Saddam" commissioned by Sir David Manning.[97]

154. The paper cautioned that the UK's ability to influence or direct the Iraqi opposition was constrained by dependence on contacts with Iraqi exiles. Ten years without diplomatic representation in Iraq meant that the UK knew little about the internal opposition to Saddam Hussein.

155. The paper listed three main problems dealing with the external opposition:

- the absence of a coherent structure, with Western offers of financial support or political backing exacerbating rivalries between groups;
- the absence of Sunni representation in the INC, which was dominated by Kurds and Shia Arabs;
- lack of credibility. Regional governments had no faith in the INC's ability to achieve its goals and high-profile Western support left it open to charges of being a Western stooge.

156. Research Analysts reported few signs of co-ordinated opposition in Iraq, where most organisations were believed to be penetrated by agents of the regime. It concluded that Saddam Hussein's immediate successor was most likely to be a senior Sunni member or ex-member of the Iraqi military.

---

[94] Letter Rycroft to Sinclair, 19 December 2002, 'Iraqi Kurds: Meeting with Prime Minister, 19 December'.
[95] Minute Tanfield to PS/PUS [FCO], 21 February 2003, 'Iraq Morning Meeting: Key Points'.
[96] Telegram 104 FCO London to Amman, 20 November 2002, 'Iraqi Opposition Sitrep'.
[97] Minute Patey to PS [FCO], 15 March 2002, 'Iraq' attaching Paper Research Analysts, 14 March 2002, 'Iraq: the nature and role of the opposition to Saddam Hussein'.

157. US post-conflict planning began to take shape in spring 2002 at meetings of the NSC Deputies Committee[98] involving DoD, the State Department, the CIA and the Pentagon Joint Staff:

> "The Deputies Committee focused on three concepts: a liberation model in which Iraqis would quickly take charge through a provisional government; a military administration led by CENTCOM [the US Central Command]; or a civilian transitional authority, perhaps run under UN auspices."[99]

158. What might replace Saddam Hussein's regime was one of the themes of talks between Mr Blair and Vice President Dick Cheney in London on 11 March.

159. The FCO briefing for Mr Blair's meeting with Vice President Cheney on 11 March covered a range of issues.[100] Iraq was highlighted as:

> "… the main issue, including for the media given speculation that the US are moving towards early decisions on military action … This will … be an important opportunity … to get a feel for where the debate in Washington stands and what options are emerging."

160. The FCO suggested that the key messages for Mr Cheney on Iraq included:

> "Issues arising from regime change on which I [Mr Blair] would welcome your thoughts:
>
> - Assessment of Iraqi Opposition …;
> - Require serious movement on MEPP to give us space in which to act;
> - Day after issues loom large. Territorial integrity of Iraq important. Likely replacement for Saddam – another Sunni strongman. Establishing representative government would require long term commitment;
> - Genuine consultation and construction of convincing legal basis will be important …"[101]

161. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, advised Mr Blair that he needed Vice President Cheney to give him Washington's latest views on a number of issues, including "what to do on the day after regime change".[102]

---

[98] A committee of the National Security Council (NSC), chaired by the Deputy National Security Advisor (Mr Stephen Hadley from 2001 to 2005) and including the deputies to the members of the NSC. The Deputies Committee is the senior sub-Cabinet inter-agency forum for consideration of policy issues relating to US national security.
[99] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[100] Letter McDonald to Rycroft, 8 March 2002, 'US Vice President's call on the Prime Minister, 11 March'.
[101] Paper [unattributed and undated], 'Visit of US Vice President Dick Cheney 11 March: Iraq'.
[102] Minute Rycroft to Prime Minister, 8 March 2002, 'Lunch with Dick Cheney'.

162. The record of the meeting, described in more detail in Section 3.2, shows that Mr Blair raised several post-conflict issues:

- the need for "a proper strategy for dealing with the Iraqi opposition", one that was better than anything Mr Blair had seen so far;
- the need "to guard against the law of unintended consequences" by building support in the region;
- the need for "an acceptable successor government"; regime change was not enough.[103]

163. After the meeting, Mr Blair commented that he thought the US was still vague about the nature and role of the opposition inside and outside Iraq, and unclear about what would follow Saddam Hussein. He asked for further advice.

164. Sir David Manning raised the issue at a meeting with Dr Rice in Washington on 14 March (see Section 3.2).[104]

165. Sir David recorded that he had "made it clear that we would continue to give strong support to the idea of regime change, but were looking to the US to devise a convincing plan of action. This would also need to answer the question of who would follow Saddam."

166. Sir David Manning told Dr Rice that a series of issues would need to be addressed if the US decided on military action against Iraq. One was whether the US "wanted company". If it wanted the support of a coalition, it would have to address a number of concerns that would be critical in determining the attitude of potential partners:

> "… the US would need to:
>
> - mount a public information campaign explaining the nature of Saddam's regime and the threat he posed;
> - describe the role that the US envisaged for the UN, and particularly for the weapons inspectors;
> - provide a convincing plan setting out how a combination of outside military pressure, and external and internal opposition could topple Saddam; and
> - provide an equally convincing blueprint for a post Saddam Iraq … acceptable to its neighbours as well as to its own population.
>
> "… Preparing public opinion and deciding who and what might replace Saddam were tough propositions."

---

[103] Letter Manning to McDonald, 11 March 2002, 'Conversation between the Prime Minister and Vice President Cheney: 11 March 2002'.
[104] Letter Manning to McDonald, 14 March 2002, 'Discussions with Condi Rice on 12-13 March'.

167. Before Mr Blair's meeting with President Bush at Crawford, Mr Hoon, Mr Straw and Sir Christopher Meyer expressed concern about the potential longer-term implications of military action in Iraq.

168. On 22 March, Mr Hoon advised Mr Blair: "If a coalition takes control of Baghdad … it will probably have to stay there for many years."[105]

169. In evidence to the Inquiry, Mr Hoon recalled that he had pointed out that:

> "… we had never successfully identified at that stage someone who might replace Saddam Hussein. There was real concern about what Iraq might look like in the aftermath of his regime being removed, and … that debate was a very live debate …"[106]

170. Mr Straw wrote to Mr Blair on 25 March, advising that the Government was a long way from convincing the Parliamentary Labour Party that "the consequence of military action really would be a compliant, law abiding replacement government".[107] On the "big question" of what military action would achieve, there was "a larger hole … than on anything". Mr Straw added: "Iraq has had no history of democracy so no-one has this habit or experience."

171. Sir Christopher Meyer advised on 1 April that President Bush had raised expectations that the US would take military action against Iraq in autumn 2002, but questions were beginning to be asked about the risks.[108]

172. Sir Christopher Meyer reported:

> "There is no shortage of Bush insiders who tell us that the die is cast for a regime-change operation of some sort this autumn. But there is now a sense that the Administration are for the first time really staring the hard questions in the face: how much international support is needed: what smart options are available to topple Saddam: above all what happens afterwards. There is a doubt among some – no bigger than a fist sized cloud on the horizon – that Iraq might be too risky politically."

173. Sir Christopher also offered advice on the US approach in Afghanistan, where decisions had been taken:

> "... in a very small circle of key officials around the President. Where Rumsfeld (and General [Tommy] Franks [Commander in Chief CENTCOM]) have not been fully engaged, little action has resulted. Many in the Administration recognise that, on the ground, there is a real danger of losing Afghanistan because of a US fear of getting sucked into nation-building. But Rumsfeld has, in effect, blocked all but a minimalist approach."

---

[105] Minute Hoon to Prime Minister, 22 March 2002, 'Iraq'.
[106] Public hearing 19 January 2010, pages 108-109.
[107] Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.
[108] Telegram 451 Washington to FCO London, 1 April 2002, 'PM's Visit to Texas: Bush and the War on Terrorism'.

174. Sir Christopher Meyer told the Inquiry that he had advised Mr Blair:

> "'There are three things you really need to focus on when you get to Crawford. One is how to garner international support for a policy of regime change, if that is what it turns out to be. If it involves removing Saddam Hussein, how do you do it and when do you do it?' And the last thing I said, which became a kind of theme of virtually all the reporting I sent back to London in that year was, 'Above all … get them to focus on the aftermath, because, if it comes to war and Saddam Hussein is removed, and then …?'"[109]

175. On 2 April, Mr Blair held a meeting at Chequers to prepare for his meeting with President Bush at Crawford (see Section 3.2).

176. No formal record was made of the discussion or who was present.

177. Accounts given by participants suggest that Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)), Sir Kevin Tebbit (representing Mr Hoon, who was unable to attend), Lt Gen Pigott, Lieutenant General Cedric Delves (senior UK liaison officer at CENTCOM in Tampa, Florida), Sir Richard Dearlove (Chief of SIS), Mr Jonathan Powell (Mr Blair's Chief of Staff), Sir David Manning, Mr Alastair Campbell (Mr Blair's Director of Communications and Strategy) and Mr Scarlett were present.

178. The FCO was not represented.

179. In his diaries, Mr Campbell recorded that Lt Gen Pigott said at the meeting: "post-conflict had to be part of conflict preparation".[110] Mr Campbell added: "There was a discussion about who would replace Saddam and how could we guarantee it would be better. Scarlett said it couldn't be worse."

180. Mr Rycroft told the Inquiry that, around this time: "Undoubtedly the thought was in the Prime Minister's mind that if at the end of this we were going to go down the military intervention route … the aftermath would be many years."[111]

Post-conflict issues after Crawford

181. At Crawford, Texas, on 6 April 2002, Mr Blair and President Bush discussed who might replace Saddam Hussein.

182. There is no evidence that Mr Blair commissioned further work on post-conflict issues after Crawford, or that Mr Straw requested further work from FCO officials.

---

[109] Public hearing, 26 November 2009, pages 27-28.
[110] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[111] Private hearing, 10 September 2010, page 12.

183. Mr Hoon commissioned work from MOD officials on military options, to be conducted "on very close hold".

184. Limited Whitehall co-ordination took place in the MOD-based Pigott Group.

185. In the absence of direction from No.10 after Crawford:

- **the FCO was effectively sidelined from planning and preparation for possible military action in Iraq at a stage when policy remained fluid and FCO views on strategic direction might have been expected to have most influence;**
- **UK military planning dominated Whitehall consideration of Iraq, with the consequence that any potential UK involvement was considered principally in terms of the military role;**
- **DFID expertise on post-conflict issues was excluded from discussion as strategy took shape;**
- **the systematic research and analysis of post-conflict issues that was needed to underpin UK policy was not commissioned; and**
- **Mr Blair sought to influence US thinking on post-conflict issues with only a broad concept of the post-conflict task and no clearly defined UK negotiating position.**

186. Many of the failings in UK planning and preparation over the coming year stemmed from those developments.

187. Mr Blair discussed Iraq with President Bush at Crawford, Texas, on 6 April. The discussions are addressed in more detail in Section 3.2.

188. A three-page record of the discussions on Iraq was circulated on a secret and strictly personal basis by Sir David Manning.[112] Sir David recorded that, among other issues, Mr Blair and President Bush had discussed who might replace Saddam Hussein if action were taken to topple him.

189. Mr Powell told the Inquiry:

> "… one of the things that is so interesting is that the Prime Minister was talking at that stage about the things that you would need to do to make this successful … He talked about what would happen on the day after. If you go into Iraq, are you going to be prepared for what happens thereafter? So I think he in many ways listed all the right questions at that stage when he was talking to Bush at Crawford."[113]

---

[112] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.
[113] Public hearing, 18 January 2010, page 26.

190. In his speech at College Station on 7 April, Mr Blair argued:

> "Prevention is better than cure. The reason it would be crazy for us to clear out of Afghanistan once we had finished militarily, is that if it drifts back into instability, the same old problems will re-emerge. Stick at it and we can show, eventually, as in the Balkans, the unstable starts to become stable."[114]

191. Immediately after Crawford, UK officials and the UK military began to define the possible end state after a military operation against Iraq.

192. Section 6.1 describes how consideration of UK military options intensified after Crawford.

193. On 8 April, Mr Hoon discussed Iraq with Adm Boyce and Sir Kevin Tebbit.[115] Afterwards he commissioned further work on potential military options, to be conducted "on very close hold".

194. On 12 April, Mr Webb sent Mr Hoon a "think piece", listing three possible US options for invasion and touching briefly on post-invasion commitments:

> "To secure the country subsequently would depend critically on the extent of popular support: but without it how could we justify staying? It is possible that forces would be needed only sufficient to secure a new popular figure from being dislodged by dissident remnants. But we have to be ready for a longer job against an uncertain background of host nation support and regional instability."[116]

195. Mr Webb suggested that:

> "… there could be advantage in the MOD doing some discreet internal strategic estimating. This should help us think through what would be the key strategic objectives and end states and the 'centre of gravity' of the situation we need to tackle; and give better shape to redefining potential force packages (within the large region).
>
> …
>
> "Actively to prepare for operations on Iraq would obviously attract interest and possibly reactions … There would come a point at which preparations could apply some valuable pressure on Saddam; or be seen as a natural reaction to prevarication over inspections. In general, however, until that point – say in the summer – we should keep a low profile, confining ourselves to the items that timeline analysis shows need to be got underway to preserve the ability to contribute on time later.

---

[114] The National Archives, 7 April 2002, *Prime Minister's speech at the George Bush Senior Presidential Library*.
[115] Minute Watkins to PSO/CDS & PS/PUS [MOD], 8 April 2002, 'Iraq'.
[116] Minute Webb to PS/Secretary of State [MOD], 12 April 2002, 'Bush and the War on Terrorism'.

> "… The FCO are content for activity to be centred on MOD to preserve the best prospect for dialogue with US DoD. All scoping activity would be confined to the minimum number of named individuals."

196. Sir Kevin Tebbit explained to the Inquiry that: "At this early stage … April 2002, we did not know whether the Americans were going to go for a military option and, if so, which one. So this was very, very preliminary ground clearing."[117]

197. An MOD-led, inter-departmental group of senior officials, headed by Lt Gen Pigott, was established in April 2002. That body, which came to be known as the Pigott Group, considered issues related to UK participation in a US-led ground offensive in Iraq.

198. In spring 2002 the Pigott Group was the FCO's principal forum for contributions to cross-government consideration of post-conflict Iraq.

199. Mr Peter Ricketts, the FCO Political Director and FCO member of the Pigott Group, took responsibility for Whitehall consideration of the UK's desired "end state" for a post-Saddam Hussein Iraq.

200. On 25 April, Mr Peter Ricketts, the FCO Political Director, informed Mr Straw's Private Office, Sir Michael Jay and a small number of other senior FCO officials, that the MOD had established "a small group of senior officials and military planners [the Pigott Group] to think about the issues that would be involved in any military operation in Iraq, as the basis for initial contingency planning in the MOD".[118] Participants included the FCO, Cabinet Office, JIC and Intelligence Agencies.

201. Mr Ricketts described the Group's work as "a sensitive exercise". Participation was being tightly restricted and paperwork would be kept to a minimum, but it was "important that the FCO was involved from the ground floor with MOD thinking".

202. The first meeting of the Pigott Group took place in late April. Mr Ricketts reported that it had covered "mainly the political context, including the implications of the Arab/Israel crisis, attitudes in the Arab states, the risks of Iraq disintegrating and the consequences of that".

203. The meeting also considered how to define the objective, or "end state" of a military operation:

> "As we found in the run-up to the Afghanistan operation, defining the objective of an operation is crucial since this defines the scope of the operations and hence the scale of military effort required. The MOD had tried their hand at a definition of the 'end state' which was discussed at length, and I undertook to produce a further version.

---

[117] Public hearing, 3 December 2009, page 15.
[118] Minute Ricketts to Private Secretary [FCO], 25 April 2002, 'Iraq: Contingency Planning'.

"I have now done so. Before feeding it in to the Whitehall [Pigott] group, it would be helpful to know whether the Foreign Secretary thinks we are on the right lines. At this stage, it is only to inform MOD contingency planning: at the right point, these issues would have to be negotiated carefully and at a high level with the Americans, who will have their own priorities. My proposal is as follows:

- 'A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to global security or to its neighbours, and abiding by its international obligations on control of its WMD.'"

204. Mr Ricketts reported that the Pigott Group had debated a number of issues related to the end state, including:

"... should there be anything more explicit about a future regime abiding by international norms on the treatment of its own population? I have got 'law-abiding' which is designed to capture that. There is a risk in overloading a definition of the 'end state' with desirable outcomes which cannot be achieved by military means."

205. Mr Ricketts explained that the meeting had commissioned further work on a range of intelligence issues, which would be addressed by the JIC. The military would work on "the likely scale of effort required". He proposed that he or Mr Stephen Wright, Director General Defence and Intelligence, should represent the FCO at future meetings, accompanied by Mr Edward Chaplin (Mr Goulty's successor as Director Middle East and North Africa), who should remain the FCO "point man on Iraq issues".

206. Mr Ricketts made no reference to further contingency planning in the FCO.

207. On 3 May, Mr Ricketts sent a very slightly amended definition of the end state, agreed by Mr Straw, to Mr Webb:

"A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, and abiding by its international obligations on control of its WMD."[119]

208. On 10 May, Lt Gen Pigott advised Mr Hoon that, although his Group was focused on military options, it needed to be supported by thinking on the end state.[120] He explained that the FCO was already engaged on the issue.

209. A revised version of the end state, agreed by Mr Straw and Mr Hoon, was sent to Mr Blair on 31 May and is described later in this Section.

---

[119] Letter Ricketts to Webb, 3 May 2002, 'Iraq: Contingency planning'.
[120] Minute DCDS(C) to APS/Secretary of State [MOD], 10 May 2002, 'Iraq'.

210. Sir Peter Ricketts told the Inquiry:

> "We [the Pigott Group] didn't discuss military planning as such. We discussed the implications of military planning for other departments' activities … We worked up in that group an end state which was one of the political implications of any military plan."[121]

211. In early May 2002, the international effort to resolve the India/Pakistan crisis was the FCO's principal foreign policy concern and the major preoccupation for Mr Straw, Sir Michael Jay and Mr Ricketts.

212. Iraq policy was a lower priority and restricted to a small number of officials.

213. Despite those constraints, it fell to the FCO to ensure that the military contingency planning already under way in the MOD was placed in a wider strategic context, and that it took place alongside analysis of non-military options for achieving the desired end state in Iraq.

214. There is no indication that senior FCO officials commissioned such work during spring and early summer 2002.

215. Mr Tom McKane, Deputy Head of OD Sec, was asked by the Inquiry whether the Pigott Group had considered aftermath planning. He explained:

> "There wasn't from my recollection much, if any, discussion about the aftermath in terms of infrastructure of the country, the security of the country, or humanitarian or development assistance. That wasn't the focus of these meetings, and I think that it's not really surprising, given that they were meetings being convened in the Ministry of Defence and had quite a defence focus.
>
> "… [T]he focus of everybody at that point was … what is the military plan going to be? What is the form of the UK contribution likely to be? … [U]ntil one had … some resolution on those points the question of precisely what the aftermath was going to be was not something that could be settled."[122]

216. Mr McKane added:

> "We had not got to the point at that stage of planning for an aftermath, because there wasn't yet an aftermath to be planned for."

217. In late May, the MOD Strategic Planning Group (SPG) advised that the post-conflict phase of operations had the potential to add significantly to the costs and scale of a UK military commitment in Iraq.

---

[121] Public hearing, 1 December 2009, page 20.
[122] Public hearing, 19 January 2011, pages 61 and 65.

218. On 24 May, the MOD Strategic Planning Group (SPG), headed by Brigadier James Dutton and reporting to Lt Gen Pigott, produced a paper for the Chiefs of Staff on potential UK military commitments.[123] 'Contingency Thinking: Force Generation and Deployment for the Gulf' (see Section 6.1) was circulated to a limited number of named MOD addressees. It aimed to provide sufficient information "to judge what the UK's maximum level of commitment could be in the event of a contingent operation against Iraq, together with appropriate costs and timings".

219. On the post-conflict phase, the paper stated that it might be necessary to maintain force elements in theatre for policing, stabilisation or humanitarian operations, which had the potential to add considerably to the cost and commitments, depending on the end state of the campaign.

220. The emerging findings from the SPG analysis were presented to Mr Hoon on 24 May to report to Mr Blair in advance of a planned meeting with Secretary Rumsfeld in early June.[124]

221. Mr Hoon sent Mr Blair an update on military contingency planning for Iraq on 31 May (see Section 6.1).[125]

222. Mr Hoon's minute was copied to Mr Gordon Brown (Chancellor of the Exchequer), Mr Straw and Sir Richard Wilson (Cabinet Secretary). The minute included a definition of the end state, which it described as "tentative objectives to guide" contingency planning. The definition, agreed with Mr Straw, envisaged:

> "A stable and law-abiding Iraq, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or international security, abiding by its international obligations on WMD."

223. Mr Hoon advised:

> "In order for us to plan properly we need to know what outcome in Iraq the US would wish to achieve … and when the US might wish to take action. It would also be useful to know how long the US see themselves as remaining engaged in Iraq. Further, we need to clarify the policy basis and legal justification for any action."

224. Mr William Nye, Head of the Treasury Defence, Diplomacy and Intelligence Team, provided a commentary for Mr Brown on 7 June.[126] He pointed out that the MOD had only provided costings for preparing for an operation, not for deploying a force, for a campaign, or for any "follow-up operation". He commented:

> "MOD have understandably given no thought to costs 'after the war' … But there must at least be the possibility of some medium-term deployment for peacekeeping or occupation. If on the scale of the Balkans, it would cost several £100m a year."

---

[123] Paper SPG, 24 May 2002, 'Contingency Thinking: Force Generation and deployment for the Gulf'.
[124] Minute DCDS(C) to PS/Secretary of State [MOD], 24 May 2002, 'Iraq'.
[125] Minute Hoon to Prime Minister, 31 May 2002, 'Iraq'.
[126] Minute Nye to Chancellor, 7 June 2002, 'Iraq: potential costs'.

225. On 5 June, Mr Blair and Secretary Rumsfeld agreed that the future of Iraq would be an important issue for the international coalition.

226. Secretary Rumsfeld visited London for talks with Mr Blair and Mr Hoon on 5 June. Mr Blair expressed concern about the possible unintended consequences of any military action. He and Secretary Rumsfeld agreed that the future of Iraq would be an important issue for the international coalition.[127]

227. On 14 June, Mr Chaplin visited Washington with Mr Charles Gray, the Head of MED.[128] The British Embassy reported that US interlocutors from the NSC and State Department had confirmed that the US was "pressing ahead with trying to prepare the Iraqi opposition for regime change" and that Congressional funding had been agreed for the State Department's Future of Iraq Project (see Box below), a series of working groups under Iraqi opposition ownership to look into issues of governance after Saddam Hussein's departure.

228. In response to a US suggestion that successful regime change depended on a clear strategy for the day after, Mr Chaplin proposed that the UK and US should "exchange views on scenarios".

229. That exchange took place in Washington on 6 November and is described later in this section.

The Future of Iraq Project

In October 2001, the US State Department began work on what became known as the Future of Iraq Project.[129] The project was launched publicly in early 2002. It involved a series of working groups of Iraqi exiles and officials from the State Department, each looking at an area of importance to Iraq's future, including justice, education, the economy, infrastructure, the environment and reform of government institutions.[130] The objective was to expand the scope of US post-war planning and provide a common focus for competing exile groups.

The Future of Iraq Project worked independently of the US inter-agency planning process. It developed parallel proposals for post-invasion Iraq that did not contribute to the official US planning effort. According to *Hard Lessons*:

> "The richly developed reports constitute the single most rigorous assessment conducted by the US Government before the war. Although the findings … did not amount to an operational plan … [they] contained facts and analysis that could – and in some cases did – inform operational planning."[131]

---

[127] Letter Rycroft to Watkins, 5 June 2002, 'Prime Minister's Meeting with Rumsfeld, 5 June: Iraq'.
[128] Telegram 802 Washington to FCO London, 14 June 2002, 'Iraq: UK/US Talks, 13 June'.
[129] The National Security Archive, Electronic Briefing Book No. 198, 1 September 2006, *New State Department Releases on the "Future of Iraq" Project*.
[130] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[131] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

As a whole, the project failed to make a significant impact on US planning:

> "… the project's reports did not capture the attention of the State Department's senior decision-makers … Without a high-level patron, the … reports lacked the visibility and clout to reach key decision-makers in time."

UK officials were aware of the project, but the Inquiry has seen very little evidence of UK engagement with the working groups or analysis of the final report.

The 1,500 page, 13 volume final report is publicly available in the US National Security Archives.[132] It is a compendium of papers prepared by the different working groups, some agreed by consensus, others not.

The US National Security Archive summary of the project highlights some prescient observations in the final report, including warnings that:

- the period after regime change might provide an opportunity for criminals "to engage in acts of killing, plunder looting, etc.";
- former Ba'athists not re-integrated into society "may present a destabilizing element", especially if unable to find employment;
- a decade of sanctions had resulted in the spread of "endemic corruption and black market activities into every sector of … economic life" that would be difficult to reverse;
- the relationship between the new Iraqi state and religion was an intractable issue "which ultimately only the people of Iraq can decide on";
- repair of Iraq's electricity grid would be a key determinant of Iraqis' reaction to the presence of foreign forces.

<u>The Economy and Infrastructure Working Group</u>

The final report of the Economy and Infrastructure Working Group provides one example of the range of material generated by the Future of Iraq Project.[133]

Quoting data from the US Department of Energy, the Working Group reported that 85-90 percent of Iraq's national power grid and 20 power stations had been damaged or destroyed in 1991. The UN programme to restore electricity generation in central and southern Iraq to pre-1991 levels required US$10bn, of which $US4.7bn had been allocated from Oil-for-Food (OFF) funds since 1996. US$1.67bn of material had reached Iraq, but only 60 percent had been put to use. In northern Iraq, problems included:

- damage to transmission lines and substations in 1991;
- the need to replace major circuits constructed out of salvaged material after the region's disconnection from the Iraqi national grid in 1991;

[132] The National Security Archive, Electronic Briefing Book No. 198, 1 September 2006, *New State Department Releases on the "Future of Iraq" Project*.
[133] US State Department, The Future of Iraq Project, [undated], *Economy and Infrastructure (Public Finance) Working Group.*

- the poor state of repair of the two hydroelectric power stations supplying all the power to two northern governorates;
- lack of investment and maintenance since 1991.

Other issues of concern included:

- an "extremely poor" telecommunications infrastructure that had hindered humanitarian programmes under OFF;
- a water treatment system operating at 50 percent efficiency, resulting in an increase in water-borne disease;
- three years' drought between 1999 and 2001;
- 50 percent unemployment.

The report stated that "every Iraqi seeks new job opportunities that will enable them to provide their households with incomes and provide more food, better clothing, and improved healthcare for their families". It warned:

> "Any new war or military confrontation in Iraq could cause further damage to the Iraqi infrastructure and existing weak economy. Furthermore, this would exasperate the high unemployment rates already existing in Iraq. The post-Saddam government has to immediately consider economic initiatives to create new jobs through labor intensive projects."

230. Between June and December 2002, the SPG produced six editions of a paper on UK military strategic thinking.

231. The first, issued on 13 June, identified a "spectrum" of possible post-conflict commitments, where the worst case was "a long period with a large bill" that would represent "a significant burden on defence resources".

232. The paper stated that the post-conflict commitment needed to be "planned and agreed before we embark on military action".

233. On 13 June, the SPG issued a paper on UK military strategic thinking on Iraq to a limited number of senior MOD addressees.[134] The paper was "part of ongoing work developed by a cross-Whitehall Group [the Pigott Group] that has met on a regular basis to exchange ideas and information, and undertake UK contingency thinking … in advance of any detailed consultations with the US."

234. The SPG paper was intended for discussion at a Strategic Think Tank on Iraq held by the Chiefs of Staff on 18 June, for which the MOD has been unable to find a record.[135]

---

[134] Minute Driver to PSO/CDS, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 June' attaching Paper [SPG], 12 June 2002, [untitled].
[135] Letter MOD to Iraq Inquiry Secretariat, 23 May 2012, [untitled].

235. Mr McKane described the 18 June discussion to Sir David Manning as "preparatory to military talks with the US … at which Tony Pigott and Desmond Bowen [MOD Director General Operational Policy (DG Op Pol)] would represent the UK" (see Section 6.1).[136]

236. The SPG paper set out the desired end state for Iraq in two forms:

- A UK text, substantively unchanged from the version agreed by Mr Straw and Mr Hoon: "A stable and law-abiding Iraq, within present borders, co-operating with the IC [international community], no longer posing a threat to its neighbours or to international security, and abiding by its international obligations on WMD."
- A US version derived from the CENTCOM Iraq plan: "maintenance of Iraq as a viable nation state, disavowing the use of WMD but capable of defending its borders and contributing to the counter balance of Iran". The SPG paper added that US was "determined to achieve a more representative, non-tyrannical government".[137]

237. The SPG stated that the end state "cannot be achieved while the current Iraqi regime remains in power. Consequently, regime change is a necessary step and there is no point in pursuing any strategy that does not achieve this."

238. The paper listed a number of "military/strategic implications" of this approach, including:

> "Post-conflict. Need to acknowledge that there will be a post-conflict phase with an associated commitment, manpower and finance bill. Depending on how the regime change is achieved, and the form of the replacement, there is a spectrum of commitment where the worst case is a long period with a large bill."

239. The SPG judged that domination of Iraq's state institutions, security organisations and the officer corps by Sunni Arabs, who constituted just 15 percent of the population, made the country "potentially fundamentally unstable". Iraq was held together by the strong security apparatus. It would require considerable force to break the security structure, but when that happened the regime would "shatter".

240. Three possibilities for regime change were presented:

- removal of Saddam Hussein and key advisers, including his sons, to be replaced by a Sunni strongman;
- removal of Saddam Hussein and "his wider security and governing regime" to be replaced by an "International Presence coupled with a bridging process leading eventually to a broad based coalition"; and
- removal of the entire Ba'athist regime to be replaced by a federated state.

---

[136] Minute McKane to Manning, 18 June 2002, 'Iraq'.
[137] Minute Driver to PSO/CDS, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 June' attaching Paper [SPG], 12 June 2002, [untitled].

241. The section of the paper on post-conflict tasks stated:

"This will depend on how regime change occurs, and what shape the campaign takes to bring about the change. However, key differences between Iraq and recent experience in Afghanistan and Balkans are:

- Iraq is naturally wealthy with significant oil reserves and potential revenue, therefore reconstruction should be self-sufficient, with cash from OFF escrow account providing significant pump priming as compared to Afghanistan or Balkans.
- Iraq has a sound agricultural base ('fertile crescent').
- Educated and able technical, industrial, and managerial population exists.
- Although ethnic suppression has occurred there is limited regional inter-ethnic mixing as compared to Afghanistan and Balkans.
- International intervention is not in tandem with ongoing, and in the case of Afghanistan, prolonged civil war."

242. The paper listed likely short-, medium- and long-term post-conflict military tasks:

"Immediate (0 – 6 months):

- Provide external and internal security, law and order to prevent any potential for inter-ethnic violence, or opportunity for organised crime
- Detention and processing of key regime figures …
- Confine and monitor remaining elements of Iraqi Armed Forces likely to rebel …
- Secure and account for WMD capability (materiel and intellectual)
- Enable humanitarian relief
- Assist in restoration of key infrastructure elements
- Secure oilfields and oil distribution/refining infrastructure
- Negotiate and secure alternative lines of communication (LoC) through Syria/Turkey/Jordan
- Scope of tasks likely to demand large numbers of ground troops, comprehensive C2 [command and control] and air mobility (circa 200,000 plus)

"Medium Term (6 months – 2 plus years)

- Continue to provide both external and internal security, law and order to prevent any potential for inter-ethnic violence, or opportunity for organised crime, but commence transfer of requirement to new Iraqi security structures
- Detention and processing of key regime figures

- Develop SSR [Security Sector Reform] model, with DDR [disarmament, demobilisation and reintegration] aimed at reducing size and scope of internal security forces
- Support SSR with training and equipment
- Begin transfer [of] security of oilfields and production facilities to Iraqi forces
- Provide international security guarantees
- Scope of tasks is likely to continue to demand large scale[138] forces.

"Long Term (2 – 10 years)

- Support SSR through training and presence on ground to effect gradual resumption of full responsibility for internal and external security by new regime
- Detention of key regime figures
- Exercises to underpin international security organisations."

243. There was no estimate of the scale of forces required for the long term, but the paper included the "key judgement" that: "In the worst case, we need to be prepared for a substantial long-term commitment."

244. The paper listed "sustainability" as one of a number of principles affecting campaign design. The post-conflict commitment needed to be "planned and agreed before we embark on military action". The paper advised that "sustainment beyond initial SDR [Strategic Defence Review] assumptions" had not yet been factored into calculations, and that prolonged post-conflict deployment would be a "significant burden on defence resources".

245. The paper also set out a list of actions required as "precursors" to shape the necessary conditions for whichever military option was selected. They included preparations "to support [a] new (post-conflict) regime, politically, militarily and economically".

246. The SPG paper was revised five times between June and December. The second edition was issued on 11 July.

247. Between March and June 2002, the British Embassy Amman and the DIS in London continued to report on aspects of the political, social and economic situation in Iraq.

[138] Defined in the 1998 Strategic Defence Review as deployments of division size or equivalent.

248. The March update from the British Embassy Amman, issued at the beginning of April, reported a number of demonstrations in Baghdad against recent Israeli incursions into Palestinian territory.[139] The Embassy commented that:

> "Iraqis no doubt are willing to demonstrate on this issue to vent anti-Western feeling and disgust at Israeli action against an Arab state. But they are unlikely to put their necks on the line by demonstrating out of turn. Support is also tempered by anger that so much Iraqi money is being given to the Palestinians instead of being used to address the problems at home …"

249. The Embassy reported that there had been rumours Saddam Hussein was "threatening to use chemical weapons in Baghdad itself if necessary to quell any uprising. Stockpiling of food and enough fuel to get to the border is now standard amongst families in Baghdad."

250. In the April update, the Embassy reported "mixed stories" of the mood on the street in Baghdad: "Some say that Iraqis are used to American threats and simply do not believe that the regime will ever fall. Others report a freer atmosphere in Baghdad, encouraged by the possibility of change at the end of the year."[140]

251. The May update contained some insights into both social and infrastructure issues.[141] It highlighted Saddam Hussein's "scare tactics" over what would happen in the event of a coalition invasion of Iraq and the possibility of Iraqi and regional instability thereafter: "This line plays on real fears of the unknown and of religious instability. For all his faults, Saddam does, for now, mean stability and peace."

252. The May report also included a snapshot of communications infrastructure in Baghdad: a medical student had reported significant difficulty accessing the internet, both because of state controls on what could be viewed but also because of limited server access. Illegal access via satellite to both the internet and international news (copied onto CD and then sold) was becoming popular but was both expensive and risky.

253. On 6 June, the DIS assessed that, while there were undoubtedly divisions between Shia and Sunni groups in Iraq, these were not straightforward. The interaction between tribal allegiance, Arab identity, religious affiliation and political persuasion was highly complex.[142] The relationship between some tribes was characterised by "general lawlessness and brigandry … and occasional incidents of inter-tribal conflict", leading the DIS to question whether the activities of southern tribal insurgents really represented a political challenge to Saddam Hussein's regime rather than simply traditional tribal activity that had always resented central government rule.

---

[139] Teleletter Amman [junior official] to MED [junior official], 4 April 2002, 'Iraq: March sitrep'.
[140] Teleletter Amman [junior official] to MED [junior official], 6 May 2002, 'Iraq: April sitrep'.
[141] Teleletter Amman [junior official] to MED [junior official], 9 June 2002, 'Iraq: May sitrep'.
[142] Paper DIS, 6 June 2002, 'The Iraqi tribes: their identity and role in internal security'.

254. On 19 June, Adm Boyce was informed that the US was ready for a UK input into US military planning.

255. Lt Gen Pigott warned that US military planning was taking place "in a policy void".

256. General Richard Myers, Chairman of the US Joint Chiefs of Staff, confirmed to Adm Boyce on 19 June, that he had a "green light to set up the necessary mechanism for a UK input into Iraq [military] planning" (see Section 6.1).[143]

257. On 26 June, in a paper summarising the state of US military planning, Major General Robert Fry, Deputy Chief of Joint Operations (Operations) (DCJO(O)), commented that, although US plans contained an implicit assumption that post-conflict nation-building was achievable, "this has not been addressed by US planning thus far".[144]

258. *Hard Lessons* stated that, by mid-2002:

> "... differences [in Washington] among the three underlying policies for a post-war framework – rapid transfer to Iraqi control, military administration, or civilian transitional authority – had yet to be seriously addressed, much less resolved. Nor had officials reached consensus on the public order and reconstruction requirements for each scenario."[145]

259. A team from the MOD headed by Lt Gen Pigott visited the US to discuss military planning from 27 to 29 June.[146]

260. Mr Peter Watkins, Mr Hoon's Principal Private Secretary, reported the outcome to No.10 on 2 July: US planners' assumed mission was "to conduct offensive operations in Iraq to overthrow the regime, destroy the WMD capability, and reduce the threat to the Iraqi people, the region and the US". That was being discussed "in a policy void": "the end state to be achieved after conflict has not been defined and the identified military task currently runs out after the overthrow of the regime".

261. In early July, Mr Hoon and Mr Straw encouraged Mr Blair to try to influence US thinking on post-conflict objectives and the strategic framework for Iraq before President Bush was briefed on US military plans in August.

262. On 2 July, Mr Hoon proposed that Mr Blair convene a "small group of colleagues" specifically to consider "how best to get the US to address the strategic, as opposed to the narrowly military, dimension".[147]

---

[143] Minute Shireff to PS/SofS [MOD], 27 June 2002, 'Iraq Planning'.
[144] Minute Fry to MA/DCDS(C), 26 June 2002, 'US Planning for possible military action against Iraq'.
[145] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[146] Minute Watkins to Manning, 2 July 2002, 'Iraq'.
[147] Minute Watkins to Manning, 2 July 2002, 'Iraq'.

263. Mr Hoon also recommended that officials from the MOD, FCO and Cabinet Office "do some more homework urgently" to put Mr Blair in a better position to influence President Bush and Dr Rice before they were briefed on an updated CENTCOM plan during August.

264. Sir Kevin Tebbit advised Mr Hoon on 3 July that Ministers who had not been exposed to the issues over the previous three months might "run a mile" from the picture of "a military plan being worked up in a policy vacuum, with no strategic framework" and "no clearly defined end state".[148] It might be that an Iraq campaign was unlikely to happen, but that was not certain. If it did happen, the UK might not be able to avoid being linked to a US military campaign. In those circumstances, it was not responsible for the UK "to let matters run without greater active engagement designed seriously to influence US conceptual as well as operational thinking". The UK needed "some early careful engagement with the US policy machine, rather than just with the Pentagon".

265. Mr Straw endorsed Mr Hoon's proposals on 8 July.[149] He advised Mr Blair:

> "We are all agreed that we must act to remove the threat posed by Iraqi WMD. If the US decide that to do so requires military action then the UK will want to support them. But this will be harder for us to do without serious US action to address some of the lacunae in their plan, notably:
>
> - no strategic concept for the military plan and, in particular, no thought apparently given to 'day after' scenarios. Although other parts of the US Administration have done some work on such aspects, US military planning so far has taken place in a vacuum."

266. Mr Straw added: "Regional states in particular will want assurance that the US has thought through the 'day after' questions before giving even tacit support."

267. Mr Straw concluded:

> "The key point is how to get through to the Americans that the success of any military operation against Iraq – and protection of our fundamental interests in the region – depends on devising in advance a coherent strategy which assesses the political and economic as well as military implications. They must also understand that we are serious about our conditions for UK involvement."

268. The question of whether a satisfactory plan for post-conflict Iraq should have been a condition for UK involvement in military action is addressed later in this Section and in Section 6.5.

269. Mr Hoon's proposal prompted Mr Nye to advise Mr Brown to write to the MOD to propose that all options for UK participation in military operations (including smaller and

---

[148] Minute Tebbit to Secretary of State [MOD], 3 July 2002, 'Iraq'.
[149] Letter Straw to Prime Minister, 8 July 2002, 'Iraq: Contingency Planning'.

more specialised options) should be costed.[150] That would enable the Government to assess how much it wished to devote to securing a degree of influence over US policy and operations, in terms of risk to UK troops, the opportunity cost of withdrawing from other operations, and the financial cost.

270. The Treasury told the Inquiry that Mr Brown decided not to write to the MOD.[151]

271. On 4 July, the JIC assessed the cohesion of the Iraqi regime.[152] It acknowledged an absence of "detailed knowledge about the significance of particular motivators and alternative loyalties (eg to tribe versus State) for regime insiders", but judged that "real loyalty and support for Saddam Hussein's regime is confined to the top of the hierarchy".

272. The JIC reported, as had earlier DIS papers, that Ba'ath Party membership was compulsory for anyone holding an official position and that the "extensive party network provides all-pervasive oversight of Iraqi society, with representatives in most Iraqi social, government and military organisations". While the Sunni officer corps of the Iraqi military was likely to remain loyal, the Shia rank-and-file was less likely to, and mass desertions seemed likely.

273. On 11 July, Lt Gen Pigott sent a revised version of the SPG paper on UK military strategic thinking to a limited number of senior MOD addressees.[153]

274. The only change to the material on post-conflict planning in the June edition of the paper was the addition of references to the "weakness" of US planning, which needed "much greater definition".[154]

275. The advice from the SPG was discussed in a restricted Chiefs of Staff meeting on 17 July, described in more detail in Section 6.1.[155] At the meeting, Adm Boyce concluded that "the UK needed greater visibility of US intent in a number of areas".

276. In his discussions with President Bush at Crawford in April, Mr Blair set out a number of considerations that were subsequently described by others as "conditions".

277. The Cabinet Office paper, 'Iraq: Conditions for Military Action', was issued on 19 July to inform Mr Blair's meeting with Mr Straw, Mr Hoon, Lord Goldsmith (the Attorney General) and key officials on 23 July.

278. The paper advised that an analysis of the post-conflict phase was among the preparations needed to fulfil Mr Blair's "conditions".

---

[150] Minute Nye to Bowman, 5 July 2002, 'Iraq'.
[151] Email Treasury to Iraq Inquiry, 26 February 2010, [untitled].
[152] JIC Assessment, 4 July 2002, 'Iraq: regime cohesion'.
[153] Minute DCDS(C) to MA/CDS, 11 July 2002, 'UK Military Thinking on Iraq' attaching Paper [SPG], 11 July 2002, 'UK Military Strategic Thinking on Iraq'.
[154] Paper [SPG], 11 July 2002, 'UK Military Strategic Thinking on Iraq'.
[155] Minutes, 17 July 2002, Chiefs of Staff (Restricted) meeting.

279. Mr Jonathan Powell advised Mr Blair to avoid a repeat of the Afghanistan experience, where there had been a "scramble" to get post-conflict arrangements ready. He advised that post-conflict planning for Iraq needed to start immediately.

280. In his diaries, Mr Chris Mullin, Chairman of the Home Affairs Select Committee from 2001to 2003, recorded that he raised post-conflict issues with Mr Blair at a meeting of the Parliamentary Labour Party (PLP) on 17 July.[156] Mr Mullin stated that the UK needed to be thinking about a number of issues, including what Saddam Hussein would do if cornered, the extent of the collateral damage and "how much help would we get from the Americans when it came to clearing up afterwards?"

281. Mr Mullin recorded that Mr Blair had replied that those questions needed to be answered:

> "'… if we can't answer them we won't do it.' He [Mr Blair] added that, contrary to what most people seemed to believe, the Americans had stayed engaged both in Kosovo and in Afghanistan."

282. On 19 July, OD Sec issued 'Iraq: Conditions for Military Action'.[157] The paper, described in more detail in Section 3.3, reminded Ministers that Mr Blair had discussed Iraq with President Bush at Crawford in April, where he had said the UK would support military action to bring about regime change, provided certain conditions were met.

283. The paper stated that the considerations and preparations that needed to be addressed to "fulfil the conditions" set out by Mr Blair included an analysis of whether the benefits of military action outweighed the risks, including whether a "post-war occupation of Iraq could lead to a protracted and costly nation-building exercise". US military plans were "virtually silent" on that point and Washington could look to the UK to "share a disproportionate share of the burden". Further work was needed on what form of government might replace Saddam Hussein's regime and the timescale for identifying a successor.

284. Mr Powell made a similar point in a note for Mr Blair on 19 July, in which he suggested points to put in writing to President Bush. Those included:

> "… we need a plan for the day after. Loya Jirga[158] and peacekeeping in Afghanistan have worked well but we had to scramble to get them ready in time. We need to be working on this now for Iraq …"[159]

285. Sir Kevin Tebbit visited Washington from 17 to 20 July for talks with senior US officials, including Mr Paul Wolfowitz (Deputy Secretary of Defense), Mr Stephen Hadley

---

[156] Mullin C. *A View from the Foothills: The Diaries of Chris Mullin*. Profile Books, 2009.
[157] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[158] A grand assembly of elders in Afghanistan or Pashtun areas of Pakistan.
[159] Minute Powell to Prime Minister, 19 July 2002, 'Iraq'.

(Deputy National Security Advisor), Mr Richard Armitage (Deputy Secretary of State) and Mr Frank Miller (NSC Senior Director for Defense Policy and Arms Control).[160]

286. The British Embassy reported that Sir Kevin emphasised the need for clarity on aftermath management and that Mr Wolfowitz, although he endorsed Sir Kevin's view, suggested that aftermath management was in many ways an easier issue than military planning.

287. Mr Wolfowitz restated that position in public later in the year.[161]

288. On his return, Sir Kevin Tebbit informed No.10 of growing US resolve on aftermath management and widespread recognition in Washington that the US would remain in Iraq for several years after military intervention. At the same time, he reported "an air of unreality, given the enormity of what is envisaged and the absence of planning detail or policy framework to credibly make it happen".[162]

289. On 23 July, Mr Blair discussed Iraq with Mr Straw, Mr Hoon, Lord Goldsmith, Sir Richard Wilson, Adm Boyce, Sir Richard Dearlove, Sir Francis Richards (Head of the Government Communications Headquarters (GCHQ)), Mr Scarlett, Mr Powell, Baroness Morgan (No.10 Director of Political and Government Relations), Mr Campbell and Sir David Manning (see Section 3.3).[163]

290. Sir David Manning's annotated agenda for Mr Blair indicated that there would be a lot of ground to cover in a short time. It made no reference to post-conflict issues.[164]

291. Mr Rycroft's record of the meeting said that there had been "little discussion in Washington of the aftermath" and that Mr Blair's meeting had concluded that the UK needed a fuller picture of US planning before taking any firm decisions on its own commitment.[165]

292. In a note commissioning further work from the FCO, MOD and Cabinet Office, Mr Rycroft recorded that Adm Boyce would send Mr Blair "full details of the proposed military campaign and options for a UK contribution".[166] No work was commissioned on post-conflict issues.

293. Maj Gen Fry raised post-conflict issues in a minute to Lt Gen Pigott on 25 July.[167] Maj Gen Fry commented that work on "post-operational" effects had focused so far

---

[160] Telegram 970 Washington to FCO London, 20 July 2002, 'Iraq: Sir K Tebbit's Visit to Washington, 18-19 July'.
[161] US Department of Defense News Transcript, 18 December 2002, *Deputy Secretary Wolfowitz Interview with Tom Ricks, Washington Post*.
[162] Letter Tebbit to Manning, 22 July 2002, 'Iraq'.
[163] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[164] Minute Manning to Prime Minister, 22 July 2002, 'Iraq Meeting: 23 July: Annotated Agenda'.
[165] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[166] Letter Rycroft to McDonald, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July: follow up'.
[167] Minute Fry to MA/DCDS(C), 25 July 2002, 'Developing Work on UK Options for Operations Against Iraq.'

on the consequences for UK force-regeneration: "what is beginning to emerge in the development of our work is the need for a possible post-conflict stabilisation force in order to meet the grand strategic end state of a new acceptable government".

294. The concept of a stabilisation force does not re-emerge in the papers seen by the Inquiry until the second half of December.

295. Mr Watkins sent Mr Rycroft MOD advice on three options for a UK contribution to US-led military operations in Iraq on 26 July.[168] Mr Watkins reported that US "thinking about dealing with the aftermath of a successful attack remains sketchy".

296. The three options identified by the MOD, known as Packages 1, 2 and 3, made no explicit reference to possible post-conflict commitments. They remained the broad framework for discussions until the end of 2002.

297. Mr Rycroft commented to Mr Blair:

> "The military are not yet ready to make a recommendation on which if any of the three options to go for. Nor can they yet judge whether the US have a winning concept. They are continuing to work with the US military. You do not need to take decisions yet."[169]

298. Mr Straw spoke to Mr Colin Powell, US Secretary of State, on 26 July. Reporting the outcome to Mr Blair, he explained that the "day after" was a shared anxiety: military action would work, but the US and UK would need "an army of occupation for many years afterwards. That was the only way. The dissidents would not run a government."[170]

299. As a contingency for a possible follow-up visit to the US by Mr Straw, Mr Ricketts commissioned briefing from Mr Chaplin on a number of issues, including "Prospects for post-war stability" on 30 July.[171] Questions for Mr Chaplin to consider included:

- was the US doing "serious work on how to hold Iraq together"?
- was the US military prepared to stay on in the numbers needed?
- where would an Iraqi Karzai[172] emerge from?
- would the UN lead reconstruction and nation-building?

300. Mr Chaplin provided answers to some of those questions in early September.

301. In his address to a CENTCOM conference on 2 August, described in more detail in Section 6.1, Major General David Wilson, Senior British Military Adviser (SBMA) at CENTCOM, made a number of observations about the US military plan, including that:

---

[168] Letter Watkins to Rycroft, 26 July 2002, 'Iraq'.
[169] Minute Rycroft to Prime Minister, 31 July 2002, 'Iraq: Background Papers'.
[170] Letter Straw to Blair, 26 July 2002, 'Iraq'.
[171] Minute Ricketts to Chaplin, 30 July 2002, 'Iraq'.
[172] Mr Hamid Karzai, Chairman of the Afghan Interim Administration, 2001-2002.

"it would be helpful for my colleagues in London to have a better feel for the 'post-conflict' thinking and aftermath management".[173] The experience of Afghanistan had shown:

> "… that it is every bit as important to win the peace as it is to win the war. That will be even truer in Iraq. I would not wish to over state the case, but it is undoubtedly true that both UK politicians and my military colleagues would like to know what we are getting ourselves into in the longer term."

302. Mr Blair raised post-conflict issues with President Bush at the end of July.

303. Mr Blair made clear that his own thinking on what might follow Saddam Hussein was still fluid.

304. Mr Blair sent a personal Note to President Bush on 28 July.[174] The 'Note on Iraq', which is addressed in detail in Section 3.3, stated that removing Saddam Hussein was the right thing to do, but that establishing a new regime would take time. The US and UK would need to commit to Iraq for the long term and, without coalition partners, there was a possibility the unintended consequences of removing Saddam Hussein would persist beyond the military phase. Part of the message to win round potential partners might be that regime change must protect Iraq's territorial integrity and provide security. That might involve another key military figure, but should lead in time to a democratic Iraq, governed by the people. Mr Blair would need advice on whether that approach was feasible, but just swapping one dictator for another seemed inconsistent with US and UK values.

305. Sir David Manning delivered the 'Note on Iraq' to Dr Rice on 29 July.[175]

306. Sir David told the Inquiry that he had a "pre-meeting" with Mr Armitage.[176] During that meeting, Mr Armitage said that the US was thinking through "day after" scenarios and that "it was better to be right than to hurry".[177]

307. The record of Mr Blair's conversation with President Bush on 31 July included a brief reference to post-conflict Iraq: that focusing on the end state of a democratic Iraq would give the US and UK the moral high ground.[178]

308. In his statement to the Inquiry, Mr Blair explained:

> "I did ask … President Bush in July 2002 whether it might be feasible to install a military leader then move to democracy in Iraq. I cannot recall specifically calling for formal advice, but the subject of what sort of Iraq we wanted to create was part

---

[173] Paper Wilson, [undated], 'CENTCOM Iraq Planning – A UK Perspective'.
[174] Note Blair [to Bush], 28 July 2002, 'Note on Iraq'.
[175] Minute Manning to Prime Minister, 31 July 2002, 'Iraq: Conversation with Condi Rice'.
[176] Public hearing, 30 November 2009, page 17.
[177] Minute Rycroft to Manning, 31 July 2002, 'Iraq: Armitage'.
[178] Minute Rycroft to Manning, 31 July 2002, 'Iraq: Prime Minister's Conversation with Bush, 31 July'.

of a perpetual discussion, interaction with various Iraqi opposition groups and the analysis of the country set out in the various FCO papers."[179]

309. On 12 September, Sir David Manning commissioned advice from the FCO on what a post-Saddam Hussein government might look like.[180]

310. At his request, Mr Blair received a pack of reading material on Iraq at the beginning of August 2002, including on the extent of economic degradation in Iraq since 1991 and the complex interaction between tribal allegiance, ethnic identity, religious affiliation and political persuasion.

311. In late July, Mr Blair asked his staff to assemble a pack of "summer reading material" on Iraq.[181]

312. The material supplied by the FCO, DIS and Mr Scarlett included the DIS papers on removing Saddam Hussein, Iraq's infrastructure, the role of the Ba'ath Party and the role of Iraq's tribes in internal security produced earlier in the year.

313. Mr Scarlett sent Mr Blair an assessment of the cohesiveness of the Iraqi regime, in which he stated:

> "Conditions inside Iraq are better now than they were immediately before the start of the Oil-for-Food (OFF) programme in late 1996. OFF rations guarantee that at least basic needs are met … The 'winners' under sanctions are those with a hand in sanctions-busting trade … The greatest losers under sanctions have been the middle classes … The poorer, rural communities in the south may have suffered less. The agricultural economy may actually have benefited from the rise in prices …"[182]

314. Mr Scarlett advised that the Kurds "would probably demand a reversal of the 'Arabisation' of the north" after Saddam Hussein's departure, leading to "a risk of inter-ethnic fighting and the expulsion of the Arab community from areas of the north".

315. A JIC Assessment of 5 August on the attitudes of regional states to military action against Iraq stated that the US needed to convince them of its "determination and ability to remove Saddam Hussein quickly", and to offer "credible plans for the aftermath".

316. The Assessment also stated that, after a US attack began, "Iran would probably boost its support for Shia groups working against Saddam".

---

[179] Statement, 14 January 2011, pages 15-16.
[180] Letter Manning to McDonald, 12 September 2002, 'Iraq'.
[181] Minute Rycroft to Blair, 31 July 2002, 'Iraq: background papers'; Minute Scarlett to Powell, 1 August 2002, 'Iraq: classified reading material'.
[182] Minute Scarlett to Manning, 31 July 2002, 'The Iraqi regime: risks and threats'.

317. On 5 August, at the request of the MOD, the JIC reviewed the likely attitude of regional states to military action against Iraq.[183] The JIC assessed that:

> "Most regional governments would be happy to see Saddam's demise. But they would be likely to have profound misgivings about a campaign without a well-constructed plan for a new Iraq. All agree that Iraq's territorial integrity must be maintained. But there are differing regional concerns about the place of the Kurds and Shia in any new regime, the type of government and its relationship with the West."

318. After a US attack began, "Iran would probably boost its support for Shia groups working against Saddam". The Islamic Revolutionary Guard Corps (IRGC) "would be likely to work directly to undermine US influence, eg by manipulating Iraqi groups through propaganda and the selective provision of money and arms, although it would not provoke anything that would provoke US military retaliation".

319. The JIC concluded that: "The US must continue to convince regional governments of its determination and ability to remove Saddam quickly and offer credible plans for the aftermath."

320. The Pigott Group discussed US and UK military planning on 8 August.[184] Although the MOD judged that progress had been made towards "a winning military concept", the Group expressed concern at the "absence of a clear strategy for the morning after".

321. The MOD reported on 12 August that President Bush had authorised preparatory military activities.

322. The British Embassy Washington described the "day after" as the "most vexed" issue.

323. Mr Straw warned Secretary Powell of the dangers of introducing democracy to a country with no democratic tradition.

324. A letter from Mr Hoon's Private Office to No.10 on 12 August reported that President Bush had authorised preparatory military activities costing $1bn and that an inter-agency process in Washington had been launched.[185]

325. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, advised Mr Straw's Private Office on 15 August that:

> "Despite repeated affirmations that no decisions have yet been taken, there is a general assumption that the [US] Administration is moving towards military action to

---

[183] JIC Assessment, 5 August 2002, 'Iraq: Regional Attitudes and Impact of Military Action'.
[184] Minute Drummond to McKane, 8 August 2002, 'Iraq'.
[185] Letter Davies to Wechsberg, 12 August 2002, 'Iraq: US contingency planning'.

remove Saddam … The private language of the vast majority of those to whom we speak is 'when rather than if'.

…

"But the most vexed issue is probably the 'day after' question – what does the US do with a conquered Iraq. [Mr William] Burns [State Department Assistant Secretary Near East] has told me that they are increasingly thinking in terms of some form of democracy, but recognised that this would need to be propped up by a long term international (i.e. almost certainly US) security presence. They have of course been working hard on their contacts with the Iraqi opposition … to prepare for this eventuality. However the opposition have made clear they want to be in charge – this should not be a 'foreign invasion'. And some Administration contacts are realistic about the democracy objective – the nature of the opposition groups and the political culture of Iraq; and the difficulty of justifying pursuing the conflict if a benign dictator overthrew Saddam."[186]

326. Mr Brenton's letter was seen by Mr Blair before a telephone call between Mr Blair and Mr Straw on 19 August in preparation for Mr Straw's meeting with Secretary Powell.[187]

327. On 19 August, Dr Michael Williams, Mr Straw's Special Adviser, sent Mr Straw a paper on the lessons for Iraq of other US military interventions since 1945.[188] Dr Williams advised that:

"… a UN mandate will be essential for post-war Iraq. It will simply not be possible for the US to do this alone as it found out after UK intervention in Afghanistan. Experience elsewhere – in Cambodia, Bosnia, Kosovo, East Timor – has underlined the necessity of the UN as the mechanism indispensable for the marshalling of global, political and economic support in the context of post-war construction."

328. At Mr Straw's request, Dr Williams' paper was copied to Sir Michael Jay and Sir David Manning.[189]

329. On 20 August, Mr Straw visited the US for talks on Iraq with Secretary Powell (see Section 3.4).[190]

---

[186] Letter Brenton to Private Secretary [FCO], 15 August 2002, 'Iraq'.
[187] Manuscript comment Wechsberg, 19 August 2002, on Letter Brenton to Private Secretary [FCO], 15 August 2002, 'Iraq'.
[188] Minute Williams to Secretary of State [FCO], 19 August 2002, 'The United States and Iraq: Historical Parallels'.
[189] Manuscript comment McDonald on Minute Williams to Secretary of State [FCO], 19 August 2002, 'The United States and Iraq: Historical Parallels'.
[190] Letter McDonald to Manning, 21 August 2002, 'Foreign Secretary's Visit to the US, 20 August 2002'.

330. Mr Straw told Secretary Powell that he had discussed the position with Mr Blair the previous day. Mr Straw explained that:

> "The key issue for the Prime Minister was whether the US wanted an international coalition or not. The US could go it alone if they wanted that, they only had to tell us."

331. Mr Straw's view was:

> "… that the case for an international coalition was overwhelming: first for basing and access, and then for what happened after getting rid of Saddam. But also, especially, if things went wrong. In such circumstances the US would need the international community at the scene of the crime …"

332. Commenting on the "day after", Mr Straw pointed out that Iraq had been an artificial creation of the UK in 1921. Iraq had "no experience of democracy and democracy could pull it apart".

333. Secretary Powell commented that: "Some of his colleagues did not want UN involvement in any shape: it might frustrate their purpose."

334. The record of the discussion was not to be seen by anyone other than Sir David Manning and Mr Blair.

335. On 30 August, Mr Blair set out his position on Iraq in a note to No.10 officials.[191] He stated that the basic strategy to deal with those arguing against any action should be to answer their questions and, in doing so, to set Iraq in a bigger context. That included working on a post-Saddam Hussein Iraqi regime:

> "The conundrum is: if it is merely changing Saddam for another military dictator, that hardly elicits support from the rest of Iraq, especially the Shia majority, and is in any event, not in line with our principles; on the other hand, if the whole nature of the regime changes, the Sunni minority in power may be less tempted to fold and acquiesce in Saddam's removal. But there are ways through this."

336. Mr Blair's note is addressed in more detail in Section 3.4.

The DFID Iraq programme

337. In August 2002, DFID completed a review of its programme in northern Iraq.

338. The review, which was not sent outside DFID, drew on a range of sources to present as clear a picture as possible of the humanitarian situation in northern Iraq.

---

[191] Note Blair [to No.10 officials], 30 August 2002, [extract 'Iraq'].

339. The authors stated that they were aware of MOD contingency planning for military action against Iraq, but not of its extent.

340. DFID was not involved in cross-Whitehall planning on Iraq until September 2002.

341. During the first half of 2002, DFID involvement in Whitehall discussion of Iraq was limited to the humanitarian impact of the proposed Goods Review List (GRL), addressed in more detail in Section 3.2. The GRL was adopted in May 2002 and introduced fast track procedures for the export to Iraq of all goods other than WMD- and military-related items of concern.[192] DFID did not participate in discussion of post-conflict issues or wider Iraq strategy.

342. On 10 May, DFID officials recommended to Ms Clare Short, International Development Secretary, that the department review its existing humanitarian programme for Iraq to inform its strategy for the next three years.[193]

343. In their advice of 10 May, officials described the purpose of DFID's existing (2002/03) programme for Iraq, as being: "to improve the provision of effective humanitarian support by UN agencies and NGOs for the poor affected by internal and regional conflict in Iraq".

344. Officials explained that there were problems assessing the humanitarian situation in Iraq: "The GoI's [Government of Iraq's] strict censorship policy of key data has inhibited comprehensive analyses from other [non-UN] sources … UN reports offer the most reliable means of reaching whatever information is available." Although DFID had conducted "informal consultations" with UN agencies, those agencies respected Iraqi Government conditions on sharing information.

345. The paper stated that, despite the shortage of reliable survey evidence assessing human development in Iraq, there was a consensus in the international development community that the situation had "deteriorated severely" since 1990. UN/Government of Iraq joint sectoral surveys showed a "general deterioration" in areas such as health, nutrition, and child and maternal mortality. UNICEF assessed that, while the food ration provided under OFF had arrested the rate of decline in the humanitarian situation, it had not reversed it, and interference by the Iraqi Government meant that the benefits had not been evenly distributed across Iraq. UNICEF was also concerned that there was a high level of dependency on the food ration.

---

[192] Minute DFID [junior official] to Private Secretary [DFID], 10 May 2002, 'Proposed humanitarian activities 2002/03'.

[193] Minute Western Asia Department [junior official] to Private Secretary [DFID], 10 May 2002, 'Proposed humanitarian activities 2002/03' attaching Paper Western Asia Department, May 2002, 'Iraq – Humanitarian Assistance Programme for 2002/03'.

The UN Oil-for-Food programme

The UN Oil-for-Food (OFF) programme was established by resolution 986 in April 1995. Implementation began in May 1996 after the signing of a Memorandum of Understanding between the UN and the Iraqi Government.[194]

The programme allowed Iraq to export its oil and use a portion of the proceeds to buy humanitarian supplies.[195] Revenue from the oil sales was allocated to different tasks:

- 72 percent for humanitarian supplies;
- 25 percent for the UN compensation fund for Kuwait;
- 2.2 percent for the UN's OFF administration costs;
- 0.8 percent for the UN's Monitoring, Verification and Inspection Commission (UNMOVIC).

Funds allocated for humanitarian supplies were used in accordance with a distribution plan approved by the UN.

The Iraqi Government implemented OFF in central and southern Iraq, with the UN in an observer role. UN agencies implemented OFF in northern Iraq, either directly or through contractors and local non-governmental organisations (NGOs).

Nine UN agencies operated in Iraq under the OFF: the Food and Agriculture Organization (FAO); the UN Settlements Programme (HABITAT); the International Telecommunications Union (ITU); the UN Development Programme (UNDP); the UN Educational, Scientific and Cultural Organization (UNESCO); the UN Children's Fund (UNICEF); the UN Office for Project Services (UNOPS); the World Food Programme (WFP); and the World Health Organization (WHO).

By 2002, OFF had been expanded to include infrastructure rehabilitation and 24 "sectors", including health, electricity, education, water and sanitation, and oil industry parts and spares.[196]

The UN published reports on its activities under OFF, both on the UN Office of the Iraq Programme (UNOIP) website[197] and on individual agency websites.[198]

The UN Secretary-General provided regular reports on the performance of the programme to the Security Council.[199]

346. According to the DFID report, the UN Children's Fund (UNICEF) assessed that about half of Iraq's schools were physically unsafe and unfit for teaching, and the UN Development Programme (UNDP) estimated that around a third of six-year-olds had no access to basic education. Adult literacy levels were estimated to have fallen from 89 percent in 1985 to 57 percent in 1997, and to have continued to decline thereafter. UNICEF also reported that infant and child mortality levels in central and southern Iraq

[194] UN Office of the Iraq Programme, *About the Programme: Oil-for-Food*.
[195] Paper DFID, 11 October 2002, 'Iraq: Potential Humanitarian Implications'.
[196] UN Office of the Iraq Programme, *About the Programme: Oil-for-Food*.
[197] UN Office of the Iraq Programme, *Oil-for-Food*.
[198] UNICEF.org.
[199] Report of the Secretary-General pursuant to paragraphs 7 and 8 of Security Council resolution 1409 (2002).

had increased by up to 160 percent since 1990, placing Iraq bottom of 188 countries assessed. Malnutrition problems were also on the increase. Problems were less acute in northern Iraq.

347. On 1 August, the Cabinet Office reported to Sir David Manning that Ms Short had agreed proposals to make the DFID bilateral programme in Iraq "more structured".[200] It also reported that a review of DFID activity in Iraq was under way, but that the focus of officials' concern was the need to improve the UK's understanding of the existing humanitarian situation in Iraq.

348. The first product of DFID's review of its Iraq programme, the 'Northern Iraq Desktop Review', was circulated within DFID on 8 August.[201] The Inquiry has seen no evidence that it was copied outside the department.

349. The 'Desktop Review' drew on a combination of DFID papers and consultations with UN agencies, NGOs and western European donor countries. It did not take account of UK military planning. The reviewers commented: "Although we are aware that the … MOD … is carrying out contingency planning for military action against Iraq, the extent of this planning is not known."

350. Among their conclusions, the DFID reviewers stated that:

- OFF had significantly improved the humanitarian situation in northern Iraq, but it could be argued that it "had served to undermine the viability of local economic initiatives and has been detrimental to coping mechanisms, contributing to a high degree of vulnerability now and for the foreseeable future".
- 60 percent of the population was dependent on the OFF food basket and "highly vulnerable to external shocks".
- Many civil servants had resorted to alternative sources of income or left the country in order to secure a stable income.
- Development projects aimed at building livelihoods were "significantly hampered" by the scale of OFF and its destructive effect on local markets, particularly in the agricultural sector.

351. In her memoir, Ms Short explained that:

> "DFID had been involved over many years in supporting efforts to ease Iraqi suffering. It was easier to work in the north but we had some projects in central Iraq and were well aware of how bad things were."[202]

352. The Inquiry asked Sir William Patey what assessments the UK Government had made of the humanitarian situation in Iraq before 2003 and in particular the effect of sanctions. Sir William explained that the UK had great difficulty in establishing whether

---

[200] Minute Dodd to Manning, 1 August 2002, 'Iraq'.
[201] Minute CHAD Operations Team [junior official] to [DFID junior official], 8 August 2002, 'Northern Iraq Desktop Review and Background Briefing Document' attaching Paper, Conflict and Humanitarian Affairs Department, July 2002, 'Northern Iraq Desktop Review and Background Briefing Document'.
[202] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

allegations made by Saddam Hussein's regime that sanctions were damaging the people of Iraq were true.[203] The UK had tried to get the World Health Organization (WHO) into Iraq to assess the situation, but Saddam Hussein had refused permission. Sir William judged that:

> "... it was in Iraq's interest not to have a reasonable assessment because, obviously, if the picture was left to them to tell, they would exploit that picture. So there wasn't a good assessment, mainly because UN agencies couldn't get in to do it, and the claims that were coming out of Iraq were pretty spurious at best."

353. Military and humanitarian planning began to converge in September, with DFID's partial integration into Whitehall's reorganised Iraq planning machinery. That change was reflected in a second DFID review, described later in this Section, which was produced in October and included material on the possible impact of military action on central and southern Iraq.[204]

UK and US organisational changes

354. President Bush signed the US national security document setting out US goals, objectives and strategy for Iraq on 29 August 2002.

355. The document stated that the US was prepared to play a sustained role in the reconstruction of post-Saddam Hussein Iraq with contributions from and the participation of the international community.

356. On 29 August 2002, President Bush signed the national security document 'Iraq: Goals, Objectives, Strategy'.[205] The stated goal of the US was to free Iraq in order to:

- eliminate WMD;
- end Iraqi threats to its neighbours;
- stop the Iraqi government tyrannising its own people;
- cut Iraqi links to terrorism; and
- "[l]iberate the Iraqi people from tyranny and assist them in creating a society based on moderation, pluralism and democracy."[206]

357. The document stated that the US was "prepared to play a sustained role in the reconstruction of post-Saddam Iraq with contribution from and participation of the international community", and that it would work closely with the Iraqi opposition to liberate and build a new Iraq.[207]

---

[203] Public hearing, 24 November 2009, pages 164-165.
[204] Paper Conflict & Humanitarian Affairs Department, October 2002, 'Central/southern Iraq humanitarian situation analysis'.
[205] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[206] Feith DJ. *War and Decision.* Harper, 2008.
[207] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

358. A revised version, modified to reflect developments in US thinking on post-Saddam Hussein Iraq, was sent to Principals by Dr Rice on 29 October. The document, published in *War and Decision,* the memoir of Mr Douglas Feith, US Under Secretary of Defense for Policy 2001-2005, stated the need to:

> "Demonstrate that the US and Coalition partners are prepared to play a sustained role in providing security, humanitarian assistance, and reconstruction aid in support of this vision …"[208]

359. The document was not shown to the UK until 31 January 2003 (see Section 6.5).

360. The US made a number of organisational changes to implement the goals approved by President Bush on 29 August.

361. *Hard Lessons* records that the US took a number of steps to help implement the goals approved by President Bush on 29 August:

- The Joint Staff in the Pentagon instructed CENTCOM to start planning to administer Iraq for an interim period after an invasion.
- Mr Feith enlarged the office in the Pentagon responsible for policy planning in Iraq in a new Office of Special Plans.
- Dr Rice established an NSC Executive Steering Group on Iraq, chaired by Mr Miller, to "jump-start" post-conflict planning across the US government.
- Inter-agency working groups responsible for energy, diplomacy, global communications and humanitarian issues were established under the umbrella of the Executive Steering Group.[209]

362. The inter-agency Humanitarian Working Group was set up in September.[210] It was headed by Mr Elliot Abrams, NSC Senior Director for Democracy, Human Rights and International Organizations, and Mr Robin Cleveland, Associate Director of the White House Office of Management and Budget. Membership included representatives of the Joint Staff and the Departments of Defense, State, Treasury, Justice and Commerce, and the US Agency for International Development (USAID). It was USAID's first formal involvement in the Iraq planning process.

363. The Humanitarian Working Group focused on the response to large-scale humanitarian contingencies, including the possible use of WMD by Saddam Hussein. It also considered the administration of revenue generated under OFF, liaised with the international aid community to identify critical civilian infrastructure for a military "no-strike" list and began to assess the demands of post-war reconstruction.

---

[208] Feith DJ. *War and Decision.* Harper, 2008.
[209] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[210] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

364. *Hard Lessons* explained that the Working Group's task was hampered by the absence of detailed assessments of the state of Iraq's economy and infrastructure, and poor integration with other planning:

> "The few detailed reports reviewed by the Working Group suggested that sanctions had significantly limited Iraq's recovery from the first Gulf War … In light of Iraq's substantial oil wealth, however, the scope of expected infrastructure repairs seemed manageable. The Group assumed that long-term repairs could be undertaken and funded by the Iraqis.
>
> "With military, political and democratization plans developed out of sight of the Humanitarian Working Group, its members could consider only in general terms how reconstruction might help legitimize a new Iraqi state. The Group asked for but never received a briefing on how public-order requirements would be met … The Defense Department asserted that it had plans for post-war security well in hand …"

365. The UK Government also made organisational changes.

366. Officials began to discuss changes to the Government's machinery for Iraq policy and planning in June 2002.

367. Recommendations to improve Whitehall co-ordination at official and Ministerial level were put to Mr Blair in mid-September.

368. At official level, the cross-Whitehall Ad Hoc Group on Iraq (AHGI) met for the first time on 20 September. It became the principal forum for co-ordination of planning and preparation for a post-Saddam Hussein or post-conflict Iraq.

369. Mr Blair put on hold proposals for the creation of a separate Ministerial Group.

370. On 26 June, Mr Webb informed Mr Hoon's office that MOD officials were encouraging the Cabinet Office to supplement the Pigott Group with a broader body involving a wider range of departments with a policy interest in Iraq and the region.[211]

371. Those ideas began to take shape on 8 August, when Mr Jim Drummond, Assistant Head (Foreign Affairs) OD Sec, informed Mr McKane that he had spoken to Sir David Manning about possible changes to Whitehall structures.[212] Mr Drummond explained that one consequence of existing Whitehall mechanisms for discussing Iraq, including in particular the Pigott Group's focus on military matters, was that "we are focusing a lot on military aspects and less on the alliance building, morning after, unintended consequences etc. Come September there may be a case for a tighter grip from the Centre."

---

[211] Minute Webb to PS/Secretary of State [MOD], 26 June 2002, 'Iraq'.
[212] Minute Drummond to McKane, 8 August 2002, 'Iraq'.

372. Mr Drummond raised the issue with Sir David Manning again on 30 August.[213] He recalled that Sir David had commented earlier in the summer that it was too soon to think about management of the unintended consequences of conflict, but that the issue would probably need to be discussed in the autumn.

373. Mr Drummond enclosed a "skeleton" paper on the subject prepared by a Cabinet Office junior official and suggested meeting to discuss the paper and Whitehall machinery for Iraq at the same time.

374. The Cabinet Office paper on unintended consequences focused on the possible impact of war on UK interests and on countries in the region, rather than on post-conflict Iraq.

375. The FCO produced a more substantial paper on the unintended consequences of conflict for the region and beyond on 20 September.[214] The paper is described later in this Section.

376. Also attached to Mr Drummond's minute was a "list of headings for future work" on unintended consequences, which included: "avoiding fragmentation of a failed state in Iraq".

377. Sir David Manning replied to Mr Drummond: "Let us discuss p[lea]se with Tom McKane before he goes. We need to do this work: there is a question about timing."[215]

378. Mr McKane sent Sir David Manning a note on possible machinery "for managing Iraq" on 2 September.[216] He recalled that he and Sir David had already agreed that, "following the pattern of Afghanistan", there should be two groups of officials; an "inner group" chaired by Sir David (or Mr Desmond Bowen who would shortly be taking over from Mr McKane as Sir David's Deputy in OD Sec) and a more junior "wider group", chaired by Mr Bowen or Mr Drummond.

379. Mr McKane proposed that the inner group "should begin work once you [Sir David Manning] decide that the time is right". It would comprise the Chair of the JIC or Chief of the Assessments Staff, the FCO Middle East Director, the Deputy Chief of the Defence Staff (Commitments) (DCDS(C)) and/or Mr Ian Lee (MOD Director General Operational Policy (DG OpPol)), and representatives of all three Intelligence Agencies and the Home Office. Mr McKane asked whether it should also include the DIS and a No.10 information specialist. He proposed that the wider group "should meet periodically from now on and, inter alia, address the issues set out in Jim Drummond's minute of 30 August".

---

[213] Minute Drummond to Manning, 30 August 2002, 'Iraq: Unintended Consequences' attaching Note Cabinet Office, 30 August 2002, 'Outline of a Paper: Iraq: Managing the Unintended Consequences' and Paper Cabinet Office, 28 August 2002, 'Unintended Consequences of War on Iraq: Skeleton of Paper'.
[214] Paper Directorate for Strategy and Innovation, [undated], 'Iraq – Consequences of Conflict for the Region and Beyond'.
[215] Manuscript comment Manning on Minute Drummond to Manning, 30 August 2002, 'Iraq: Unintended Consequences'.
[216] Minute McKane to Manning, 2 September 2002, 'Iraq'.

380. Mr McKane wrote that "we also need to consider the composition of a Ministerial Group". He recommended the creation of a separate Ad Hoc Sub-Committee of the Defence and Overseas Policy Committee (DOP), chaired by the Prime Minister, with the participation of the Foreign and Defence Secretaries and the Intelligence Chiefs. DOP "could meet less frequently and be the means of formalising decisions". Mr McKane also suggested that Lord Goldsmith, the Attorney General, be invited "to be in attendance at both these groups, as required" and Mr Robin Cook, the Leader of the House, "be invited to attend DOP".

381. Sir David Manning put the proposals to Mr Blair on 12 September.[217] At official level, Sir David recommended that he or Mr Bowen would chair an inner group, to include the JIC, FCO, MOD, SIS, Security Service, GCHQ, Home Office and Sir David Omand, the Cabinet Office Permanent Secretary.

382. A wider group, chaired by OD Sec, would be "tasked as necessary by the inner group".[218] The additional members would include DFID, the Metropolitan Police, the Treasury, the Department of Trade and Industry (DTI) and media specialists from No.10 and the FCO.

383. In his advice to Mr Blair, Sir David Manning adjusted Mr McKane's proposal for a Ministerial Group. He suggested:

> "If we follow the Afghan precedent, we would set up an Ad Hoc Group (perhaps technically a Sub-Committee of DOP under your chairmanship) to include Jack [Straw], Geoff [Hoon], CDS [Adm Boyce], C [Sir Richard Dearlove] and No.10. The idea would be to keep it tight with meetings in the Den. If we move to military action, we would, of course, need to widen this to include John Prescott [the Deputy Prime Minister], David Blunkett [the Home Secretary] and perhaps others.
>
> "This leaves the question of what to do about the Attorney. I assume that you would not want him to attend your Ad Hoc Group except by invitation on specific occasions."

384. Ms Clare Short, the International Development Secretary, was not on Sir David's list of recommended participants.

385. Mr Blair wrote on Sir David Manning's advice: "Yes but we can wait before setting up a key Cabinet Group."[219]

386. Mr Jonathan Powell, Mr Blair's Chief of Staff, instructed Sir David Manning: "to progress official groups and leave Minist[eria]l groups for now".[220]

387. Mr Blair's decision not to establish a Ministerial Group in September 2002, in the face of advice to the contrary from officials, limited the opportunities for

---

[217] Minute Manning to PM, 12 September 2002, 'Iraq'.
[218] Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[219] Manuscript comment [unattributed] on Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.
[220] Manuscript comment Powell on Minute Manning to Prime Minister, 12 September 2002, 'Iraq'.

Ministerial consideration, challenge and direction of post-conflict planning and preparation.

388. Asked by the Inquiry whether having more stress testing by very senior Ministers not directly involved with Iraq issues might have helped to highlight some of the weaknesses in areas such as post-conflict planning, Mr Blair replied:

> "… in one sense I would like to say 'yes', because it would be in a way an easy enough concession to make. My frank belief is it would not have made a great deal of difference, no. The committee meetings that we had, small 'a', small 'h', ad hoc meetings, I think there were 28 of them, 14 of which were minuted. I had the right people there … no-one was saying to me 'Do it a different way'. I mean, if someone had I would have listened to it, but I have to say to you in addition when I looked, for example, at Mrs Thatcher's War Cabinet, it didn't have the Chancellor of the Exchequer on it … you have there the people that you need there."[221]

389. No Ministerial Group along the lines recommended by Sir David Manning was convened until the "War Cabinet" met on 19 March 2003, the day the invasion began (see Section 2).[222]

390. The inner group of officials, which discussed a range of issues including counter-terrorism and Afghanistan, was known as the Restricted COBR or COBR(R). Records of the meetings were not produced, although actions were recorded in some instances.

391. The Wider Group, known as the Ad Hoc Group on Iraq (AHGI), met for the first time on 20 September.

392. Sir Kevin Tebbit expressed concern to Mr Hoon about the new Whitehall arrangements.

393. Sir Kevin Tebbit set out his views to Mr Hoon on 17 September:

> "Mindful of the difficulties (and frustrations) we have experienced in the past in establishing the right machinery and processes to run crucial politico/military campaigns, I saw David Manning yesterday to discuss the arrangements which might be presented to the Prime Minister, designed to help successful delivery of an Iraq campaign.
>
> "I reminded David of the importance of a small 'core' Ministerial team, meeting very regularly to execute daily business (as distinct from less frequent policy meetings and Cabinet itself). I outlined the linkage needed with the wider COBR and DOP machinery that would pull in government departments and agencies as a whole …
>
> "David said that he had little influence over such matters as distinct from Jonathan [Powell]. However, he took the point, especially about the importance of acting

---

[221] Public hearing, 21 January 2011, pages 26-27.
[222] Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.

through key Ministers in small groups. The position at present was that the Prime Minister had decided over the weekend on the following:

"a. no Ministerial meetings at this stage;

b. a preference, when they became necessary, for the 'late Afghan' model to apply - ie PM; Defence Secretary; Foreign Secretary; CDS; C; Scarlett; Attorney General and Alastair Campbell as appropriate;

c. meanwhile for Restricted COBR meetings to begin on a twice weekly basis under Manning's chairmanship;

d. for a wider DOP Committee of officials to begin work, under Bowen's chairmanship, which would be the vehicle for bringing in OGDs [other government departments] – DFID, Customs etc."[223]

394. Sir Kevin commented:

"This seems satisfactory for the time being, although we shall need to watch to ensure that (b) does not begin without you being present and that (c) provides the framework we need to link effectively with the contingency planning in the MOD (and perhaps to begin to consider tricky issues of wider relevance, eg the effect on energy prices and oil aftermath management). I should have preferred Bowen to run a restricted officials forum, given the other pressures on Manning's time, the need to begin setting a regular rhythm, and some of the wider issues to be confronted. But I do not think we can do better for the present."

395. The clearest statement of the composition and remit of the AHGI seen by the Inquiry is in a letter from Mr Drummond to government departments on 18 September, in which he stated:

"Desmond Bowen here will be chairing a new committee, known as the Ad Hoc Group on Iraq (AHGI), which will pull together wider issues (both overseas and domestic), and some elements of contingency planning. The Group will have to consider both the inspection route, and the implications if that route failed and military action follows. I will be Desmond's alternate with Tom Dodd as secretary. The Group will comprise representatives of the FCO, MOD, Treasury, Home Office, DfT [Department for Transport], Intelligence Agencies, Cabinet Office, DTI, DFID and ACPO [Association of Chief Police Officers]. Other departments will be invited as and when they have an interest in the agenda. We will be looking to have a fairly settled membership at Head of Department level or above as much of the work will need to be conducted in a discreet manner. At this stage we envisage AHGI meeting on a weekly basis, with the first meeting later this week. Detailed pol/mil [politico-military] co-ordination will be handled separately.

---

[223] Minute Tebbit to Secretary of State [MOD], 17 September 2002, 'Iraq: Machinery of Government'.

> "In parallel, the (Cabinet Office) Information Strategy Group (ISG) will be considering the information aspects. This will focus very much on the co-ordination of cross-government strategic messages relating to Iraq, rather than day-to-day media handling. It will meet on an ad hoc basis, and will be chaired by Alastair Campbell or, in his absence, Desmond Bowen."[224]

396. At the first meeting of the AHGI, departments agreed the proposed composition and remit, adding the Department for Environment, Food and Rural Affairs (DEFRA) to the list of participants "to cover environmental aspects".[225]

397. Asked by the Inquiry to explain the Whitehall arrangements, Sir David Manning said that the restricted group chaired by him or his deputy included "all those who had access to the most sensitive intelligence".[226] It was not focused solely on Iraq, and often had other pressing issues to deal with but:

> "... it was an opportunity … to report on the progress that different departments had made, on the latest assessment that may have come out of the agencies, the political issues that were being confronted by the Foreign Office, the difficulties that the Ministry of Defence might be encountering and so on and so forth."

398. Sir David explained that the AHGI drew in those with less or very little access to sensitive intelligence.

399. Mr Bowen told the Inquiry that, when the AHGI started its work in September 2002, the context was "a serious policy commitment to deal with weapons of mass destruction in Iraq". Conflict was just one of "any number of outcomes".[227]

400. At the end of August 2002, Sir Michael Jay identified the need to put the FCO's Iraq work on a new footing.

401. Mr Ricketts was put in charge of ensuring the FCO's approach was "suitably dynamic and coherent".

402. Between September and mid-November 2002, the FCO's principal preoccupation on Iraq was the negotiation of UN Security Council resolution (UNSCR) 1441.

403. Mr Straw and Mr Ricketts were heavily engaged in those negotiations.

404. On 30 August, Mr Gray sent Sir Michael Jay a draft minute from Sir Michael to Mr Straw, setting out the steps Sir Michael was taking to "draw together threads of activity on Iraq" in the FCO.[228] The draft explained that, in addition to intensifying work

---

[224] Letter Drummond to Wright, 18 September 2002, 'Iraq Co-ordination'.
[225] Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.
[226] Public hearing, 30 November 2009, page 45.
[227] Public hearing, 7 December 2009, page 10.
[228] Minute Gray to PS/PUS [FCO], 30 August 2002, 'Iraq' attaching Minute [draft] PUS [FCO] to Secretary of State [FCO], 30 August 2002, 'Iraq'.

on a UN Security Council resolution (see Section 3.5), Sir Michael was setting up a "strategy group" reporting to Mr Ricketts to ensure FCO work on Iraq was "suitably dynamic and coherent". The group would meet weekly; more often if necessary.

405. The Inquiry has not seen a final version of that minute and it is not clear whether it was seen by Mr Straw, but Mr Gray's draft was seen by officials in No.10.

406. The Inquiry has seen no further reference to an FCO "strategy group", but Mr Ricketts did chair the first "FCO Iraq Co-ordination Meeting" on 6 September.[229] Among the issues discussed was a paper on the consequences of military action in the region and beyond being prepared by the Directorate of Strategy and Innovation (DSI).

407. It is not clear whether officials from outside the FCO attended the meeting, but the record was copied to the Cabinet Office Assessments Staff and to the MOD. It was not copied to OD Sec.

408. A second meeting was scheduled for 18 September, but the Inquiry has seen no record of it taking place.

409. From mid-September, Mr Ricketts was increasingly focused on the negotiations for what was to become resolution 1441.

410. In his witness statement, Mr Stephen Pattison, Head of FCO United Nations Department (UND), who was responsible for the formulation of policy on Security Council resolutions and provided instructions to the UK Permanent Mission to the UN in New York (UKMIS New York), explained that the key tactical decisions on how to handle negotiations on the text were taken at twice daily meetings chaired by Mr Ricketts.[230] The instructions were complemented by daily telephone conversations between Mr Ricketts and Sir Jeremy Greenstock, UK Permanent Representative to the UN, and by correspondence with other members of UKMIS New York.[231]

411. The first reference to Iraq in the minutes of the FCO Board during the period covered by the Inquiry was on 20 September 2002, when members observed that Iraq had risen up the agenda since August and asked whether the FCO was "prepared for a crisis".[232] The Board was informed by officials that work was in hand on how the FCO should handle concurrent crises and on the possible need to commit resources "in preparation for any need to move quickly into Baghdad".

412. Preparations for the reopening of an Embassy in Baghdad are described in Section 15.1.

---

[229] Minute [FCO junior official] to Gray, 6 September 2002, 'Iraq Coordination Meeting'.
[230] Statement, 6 January 2011.
[231] Public hearing, 31 January 2011, pages 22-23.
[232] Minutes, 20 September 2002, FCO Board.

The potential scale of the post-conflict task

413. During late August and early September, UK analysts advised on:

- **the likely need for sustained international commitment to Iraq's reconstruction;**
- **the importance of starting preparations early; and**
- **the need for greater clarity on US thinking.**

414. An FCO paper on the economic consequences of military action assessed that "an enormous task of reconstruction and economic and financial normalisation" lay ahead. If serious preparatory work did not begin many months before regime change, there was likely to be a "serious and politically embarrassing hiatus".

415. A paper by Treasury officials compared the reconstruction of Iraq with Yugoslavia, Afghanistan and East Timor. It concluded that reconstruction in Iraq could prove more expensive, but might also be less challenging.

FCO PAPER: 'REGIONAL ECONOMIC CONSEQUENCES OF MILITARY ACTION AGAINST IRAQ'

416. On 29 August, the FCO Economic Adviser for the Middle East and North Africa produced an assessment of short- and long-term economic consequences of military action for the region and for Iraq.[233] The paper identified a number of priorities for the UK, including mobilising the International Monetary Fund (IMF) and the World Bank as soon as possible to begin building up a picture of Iraq's economy:

> "An enormous task of reconstruction and economic and financial normalisation lies ahead. For all Iraq's oil wealth it will take many years before the country can get back to levels of prosperity seen in the 1990s.
>
> "... [T]here will be a huge job of reforming Iraqi economic policies and institutions: dismantling Ba'ath Party economic control and corruption and replacing it with competent, transparent market-orientated management will probably be akin to dismantling Communist Party control in Central and Eastern Europe. A strategy for reconstruction and long-term development will have to be worked out.
>
> "... [T]here is a desperate shortage of available information on Iraq's economy which will delay assessment of both the financial position and the requirement for institutional change/technical assistance. Unless serious preparatory work is put in hand many months before regime change there is likely to be a serious and politically embarrassing hiatus."

---

[233] Minute Economic Policy Department [junior official] to Gray, 29 August 2002, 'Iraq: economic issues raised by military action and regime change' attaching paper, undated, 'Regional economic consequences of military action against Iraq'.

417. The assessment was copied widely within the FCO, including to Mr Chaplin, and to Trade Partners UK (TPUK). The Inquiry has seen no evidence that it was copied to other departments.

418. Mr Creon Butler, the FCO Chief Economist, endorsed the economic adviser's analysis and the importance of thinking about economic issues "at the same time" as military options.[234] He advised that:

> "… a few $bn spent on a Jordan safety net [to cushion the economic shock of conflict] and more rapid intervention in Iraq post-conflict is likely to be small beer vis-a-vis the total costs of military intervention and could do a great deal to ensure the ultimate success of the exercise."

419. Mr Butler added that:

- The Government would need to make special provision for the costs.
- It was important to learn the lessons of post-Milošević Yugoslavia, where a "first rate" economic team, largely from the Yugoslav diaspora, had made "a tremendously positive impact" on economic management. Did such people exist in Iraq's case?
- International financial institutions (IFIs) were unlikely to sanction any significant work on Iraq until there was a clear international mandate. If they did not, it could still make sense for the UK to do work in-house and start a dialogue with the US.

420. Mr Butler did not copy his email to Mr Chaplin, Mr Ricketts, or outside the FCO.

TREASURY PAPER: 'WHAT WOULD BE THE ECONOMIC IMPACT OF WAR IN IRAQ?'

421. On 6 September, Treasury officials sent Mr Brown a paper on the economic impact of military action on the global, regional and Iraqi economies.[235] The paper addressed three scenarios: a large-scale invasion leading to relatively quick regime change (identified as the most likely scenario); regime change through an internal uprising; and regime change after a prolonged campaign during which WMD had been used.

422. The paper assessed that oil prices could rise by $US10 per barrel. Over a year, that could reduce global growth by 0.5 percent and raise inflation by 0.4-0.8 percent. Investor and consumer confidence could fall and there was limited room for easing monetary and fiscal policy across the G7.[236]

423. In the region, "a small group of countries could lose out quite heavily" as a result of a range of factors from reduced tourism to disruption of trade with Iraq.

---

[234] Email Butler to Gray, 30 August 2002, 'Iraq: Economic Issues Raised by Military Action and Regime Change'.
[235] Email Crook to Bowman, 6 September 2002, 'What would be the economic impact of a war in Iraq?' attaching Paper, September 2002, 'What would be the economic impact of war in Iraq?'.
[236] The G7 group of industrialised countries: Canada, France, Germany, Italy, Japan, United Kingdom, United States.

424. The paper's analysis of the impact on Iraq drew on three recent precedents: the Federal Republic of Yugoslavia (FRY), Afghanistan and East Timor. The paper concluded that there were four reasons why reconstruction in Iraq might be "even more expensive" than in the FRY, which had already cost nearly US$10 billion:

- Iraq's infrastructure might be in a worse condition.
- Iraq's economy would need stabilising after years of sanctions, reckless spending and high inflation, and there was a huge external debt burden.
- A large peacekeeping force would be needed to "keep a lid on" ethnic and religious tensions.
- The UK should expect "heavy moral pressure" to make a generous contribution to the reconstruction effort.

425. The paper added that, although reconstruction in Iraq might be more expensive than in the FRY, it might be less challenging: Iraq already had "institutions of government", the private sector had not been completely destroyed, and Iraq was much richer.

426. That analysis informed a paper on Treasury policy towards post-conflict Iraq produced in February 2003 (see Section 6.5).

SPG PAPER, 4 SEPTEMBER 2002: 'UK MILITARY STRATEGIC THINKING ON IRAQ'

427. In the 4 September edition of its paper on UK military strategic thinking, the SPG stated:

> **"Given fractious nature of Iraqi politics, broad regional concern on nature of new Iraqi government, and poor state of Iraqi infrastructure, delivery of stated post-conflict objectives will require lengthy engagement."**

428. The SPG also stated that:

- **"lack of clarity in US on post-conflict Iraq means we do not yet have a winning concept";**
- **the "key military question" to be addressed was whether there was a winning military concept; and**
- **the absence of a clear post-conflict strategy would be a reason for not participating in the US plan.**

429. It is not clear who outside the MOD saw the SPG paper.

430. On 4 September, the SPG issued the third edition of its paper on military strategic thinking, previously updated on 11 July.[237]

---

[237] Paper [SPG], 4 September 2002, 'UK Military Strategic Thinking on Iraq'.

431. In a new list of "key deductions", the SPG advised:

> "Given fractious nature of Iraqi politics, broad regional concern on nature of new Iraqi government, and poor state of Iraqi infrastructure, delivery of stated post-conflict objectives will require lengthy engagement.
>
> "Successful post-conflict delivery of US support to a new, broad-based government will require co-operation and agreement of regional states on acceptability of the outcome, if its efforts are not to be undermined."

432. The SPG also listed strategic issues needing resolution before there could be a "winning concept". They included:

- the "likely model for Iraqi governance, security structures, and economy, to inform estimates of post-conflict engagement"; and
- the likely post-conflict role of the UN.

433. In the section on post-conflict tasks, the list of likely short-, medium- and long-term post-conflict military tasks from earlier versions was replaced with a briefer description of planning priorities. The SPG stated that US military planners were working on detailed post-conflict plans, but drawing on very broad assumptions about the nature of the new regime. The SPG recommended that:

> "… clarity and broad agreement on [the] following is needed before coherent plans can be effectively delivered:
>
> - **Political.** Nature of regime, extent of franchise, land tenure, and relations with other states.
> - **Economic.** Ownership and redevelopment of oil resources and development of other economic activity.
> - **Security.** Security structures and security sector reform (SSR). Purpose, size and nature of Iraqi Armed Forces and internal security forces."

434. The SPG continued:

> "Planning will need to be undertaken with DFID in order to effectively manage [the] NGO response to humanitarian consequences. Saddam may well use mass movement of refugees as an operational tool to slow Coalition advance and as part of a strategic attack on Coalition … domestic public support …
>
> "Without clear post-conflict plans potential scale … of UK military commitment remains an unknown."

435. The SPG stated that "lack of clarity in US on post-conflict Iraq means we do not yet have a winning concept", but:

> "US military planners are fully aware of the need to establish a strategic context and for an inter-agency approach, and considerable work has been done to address these concerns. Our analysis and judgements are now based on a sound knowledge of the CENTCOM plan and recent military developments to which we are privy, and our assessment of whether to engage or not is (now based on a much surer footing) predicated on this imperfect basis.
>
> "… The key **military** question to be addressed is:
>
> 'Is there a winning military concept and plan?'"

436. The SPG set out two responses: a list of conditions to be met before the answer could be "yes" and a list of reasons why the answer should be "no":

- The list of conditions for participation included:
  - preparation of an acceptable post-conflict administration (US military planners were reported to have identified the military tasks to be addressed, but how those would be co-ordinated with other aspects of nation-building was not yet clear); and
  - UK post-conflict tasks to be "limited in scope and time".
- Reasons for not participating in the US plan included the absence of a clear post-conflict strategy, which would make it likely that the UK military commitment would become open-ended.

Mr Blair's commitment to post-conflict reconstruction

437. Before Mr Blair's meeting with President Bush at Camp David on 7 September, Sir Christopher Meyer advised that pacifying Iraq would make Afghanistan look like "child's play". Afghanistan had shown that the US was not good at consolidating politically what it had achieved militarily.

438. On 2 September, a few days before Mr Blair's visit to Camp David, Mr Rycroft showed Mr Blair, Mr Powell and Sir David Manning an article by *New York Times* columnist Mr Thomas L Friedman about the scale of the post-conflict task.[238] In the article, Mr Friedman commented:

> "… we are talking about nation-building from scratch. Iraq has … none of the civil society or rule of law roots that enabled the United States to quickly build democracies out of the ruins of Germany and Japan …
>
> …

[238] Manuscript comment Rycroft to Prime Minister on *International Herald Tribune*, 2 September 2002, *Remaking Iraq looks like a tall order.*

> "This is not a reason for not taking Saddam out. It is a reason to prepare for a potentially long, costly nation-building operation and to enlist as many allies as possible to share the burden.
>
> …
>
> "My most knowledgeable Iraqi friend tells me he is confident that the morning after any US invasion, US troops would be welcomed by Iraqis and the regime would fold quickly. It is the morning after the morning after that we have to be prepared for.
>
> "In the best case, a 'nice' strongman will emerge from the Iraq army to preside over a gradual transition to democracy, with America receding into a supporting role. In the worst case, Iraq falls apart, with all its historical internal tensions – particularly between its long-ruling Sunni minority and its long-frustrated Shia majority. In that case, George W Bush will have to become Iraq's strongman – the iron fist that holds the country together, gradually re-distributes the oil wealth and supervises a much longer transition to democracy.
>
> "My Iraqi friend tells me that anyone who tells you he knows which scenario will unfold doesn't know Iraq."

439. Sir Christopher Meyer reported on 5 September that the US Government was considering starting to make the case against Saddam Hussein, including by using President Bush's speech at the UN General Assembly to indict him and circulating a draft resolution the following week.[239] Congressional resolutions authorising military action would be sought in early October.

440. On 6 September, Sir Christopher Meyer advised that, while President Bush's decision to take the UN route and to consult widely at home and abroad was welcome, it left "a raft of questions unanswered".[240]

441. Sir Christopher judged that a military invasion and its aftermath would be "less perilous [for the US] in company". On post-conflict issues, he wrote:

> "The preconditions for military action are a focal point for Camp David. So are post-war Iraq and the MEPP [Middle East Peace Process] … The President seems to have bought the neo-con notion that with the overthrow of Saddam all will be sweetness and light in Iraq, with automatic benefits in the rest of the Middle East (which partly explains his inactivity on the latter). In reality, it will probably make pacifying Afghanistan look like child's play. The US is probably in greater need of coalition and UN support for what is likely to be a very protracted post-war phase, than for the attack itself. Afghanistan has shown that the US is not good at consolidating politically what it has achieved militarily."

---

[239] Telegram 1130 Washington to FCO London, 5 September 2002, 'Iraq: The US Diplomatic Game Plan'.
[240] Telegram 1140 Washington to FCO London, 6 September 2002, 'PM's visit to Camp David: Iraq'.

442. Mr Blair discussed options for a UK military contribution in Iraq with Mr Hoon on 5 September.[241] Mr Straw was also present.

443. There was no No.10 record of the discussion, but Mr Watkins recorded that no decisions were taken and Mr Blair "did not expect President Bush to commit himself imminently to a military campaign".

444. On 6 September, Mr Watkins sent No.10 an assessment of US military plans and factors informing a UK military contribution in Iraq. He cautioned that the assessment was "necessarily provisional", partly because the US plan was still evolving, and partly because there had not yet been "detailed joint planning with the US".[242]

445. Mr Watkins described three UK military options (Packages 1 to 3) ranging from minimum to maximum effort. He also drew attention to the "sketchy" post-conflict plans and the importance of keeping in mind the US timetable when identifying the contribution the UK might offer and the influence it was hoped to bring.

446. Copies of the letter were sent to Mr Straw's and Sir Andrew Turnbull's Private Secretaries, and to Mr Bowen in the Cabinet Office.

447. The letter is addressed in more detail in Section 6.1.

448. On 6 September, Mr Webb told Mr Lee that Mr Feith had asked for UK advice on post-Saddam Hussein regimes.[243] Mr Webb suggested that officials work on an FCO-led piece "to contribute to a key gap in US thinking".

449. The FCO produced papers on post-Saddam Hussein regimes during September and October and the subject was discussed at the first round of US/UK/Australia talks on post-conflict issues in Washington on 6 November. The papers and the Washington talks are described later in this Section.

450. Although it is likely that UK papers were shared with the US in the context of those talks, the Inquiry has seen no documentary evidence of a UK paper on post-Saddam Hussein administrations being shared with the US until 12 December.

451. At Camp David, Mr Blair told President Bush that an enormous amount of work would be needed to get post-Saddam Hussein Iraq right.

452. The meeting between President Bush and Mr Blair at Camp David on 7 September was in two parts, addressed in more detail in Section 3.4.

453. Mr Blair, supported only by Sir David Manning, discussed Iraq with President Bush, Vice President Cheney and Dr Rice from 1600 to 1745.[244] Sir David recorded that, during

---

[241] Minute Watkins to DG Op Pol, 5 September 2002, 'Iraq'.
[242] Letter Watkins to Manning, 6 September 2002, 'Iraq: Military Planning'.
[243] Minute Webb to DG Op Pol, 6 September 2002, 'Close Allies: Berlin 4 September: Iraq Margins'.
[244] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.

the meeting, Mr Blair warned that, even if Saddam Hussein were overthrown relatively quickly, the big issue would remain of what followed his departure in a country that had never known democracy. There would be an enormous amount of work needed to get post-Saddam Hussein Iraq right, even if US troops were to remain in Iraq for up to 18 months after any conflict.

454. A plenary meeting between President Bush and Mr Blair and their teams followed the restricted discussion.[245] During the plenary meeting, Mr Hadley put forward three principles for post-Saddam Hussein Iraq: territorial integrity, democracy and a role for the UN.

455. Detailed consideration of the options for UK force contributions in Iraq began in September 2002.

456. Military planners advised that, in the event of the deployment of UK land forces, there was a judgement to be made on whether the UK military should be engaged in the conflict or post-conflict phase. Both would be difficult to sustain.

457. Adm Boyce described it as "inconceivable" that the UK military would not contribute "in some manner" to post-conflict tasks.

458. On 9 September, the MOD prepared advice for the meeting between Mr Hoon and Secretary Rumsfeld on 11 September, including some high level questions on post-conflict planning:

- "How does the military plan work" after regime change?
- What role would the US and others have in reconstruction?
- How long would military engagement last?[246]

459. There is no indication that those issues were raised during Mr Hoon's visit to Washington.[247]

460. On 19 September, the Chiefs of Staff discussed a commentary on options for UK force contributions in Iraq prepared by the SPG.[248]

461. The SPG paper presented four options for a UK military contribution and highlighted a number of continuing strategic uncertainties: the shape of the campaign, its timing, post-conflict commitments and the legal basis for military action.[249]

---

[245] Letter Rycroft to Sedwill, 8 September 2002, 'Prime Minister's Meeting with Bush, Camp David, 7 September: Public Presentation of Iraq Policy'.
[246] Minute Cholerton to APS/Secretary of State [MOD], 9 September 2002, 'Iraq – Defence Secretary's Meeting with Rumsfeld'.
[247] Telegram 1159 Washington to FCO London, 11 September 2002, 'Iraq: Mr Hoon's Visit to Washington, 11 September'.
[248] Minutes, 19 September 2002, Chiefs of Staff meeting.
[249] Paper SPG, 19 September 2002, 'Iraq Package Options – Military Strategic Commentary at 19 September 2002'.

462. On post-conflict commitments the paper stated:

> "The likely post-conflict scenarios and demands have yet to be clearly articulated. Scenarios include immediate and catastrophic regime collapse, the mounting of an internal coup as the campaign commences, or at the opposite end of the spectrum an exhausted Iraq suing for peace. Each of these will require a different response. The infant US inter-agency process has just started to identify the means by which transition to a post-Saddam regime might take place. This commences with a CENTCOM-led military government."

463. In the section headed "Conflict vs Post-conflict", the SPG asked whether, if UK forces were to participate in the military campaign, "our effort should be against the need to meet US short-term planning for combat, or the equally demanding and pressing need for preparations for the post-conflict phase". It continued:

> "Conflict phase. Commitment to this phase may carry with it inherent risks with regard to post-conflict engagement with little choice on role, timing, location, or future extraction. An alternative approach that offers a UK lead, or UK participation in the post-conflict phase may be equally attractive to the US as our commitment to a land role in the conflict phase.
>
> "Post-Conflict. Given the wide range of possible post-conflict scenarios these forces would have to be combat capable forces at high readiness, and in all probability with key elements forward deployed during the conflict phase. The length and scale of our post-conflict commitment will determine our ability to fulfil a range of other operations, and most notably our Balkan commitment. An enduring medium scale[250] commitment in Iraq would preclude continued medium scale engagement in the Balkans.
>
> "Strategic Balance. We are currently committed to two medium scale land operations (FRESCO[251] and the Balkans), and a land commitment to Iraq at anything above small scale[252] will commit us to **three medium scale** land operations. Although with a full Package 3[253] commitment to the conflict phase we retain the SLE [Spearhead Land Element], our ability to deploy and sustain even a small scale force package has yet to be determined, and anything above this Scale of Effort will be impossible … Recovery and recuperation will also be key to our judgements as to which phase to commit to. Hard and fast judgements are not possible, however, commitment of Package 3 will have an effect for at least two years."

---

[250] Defined in the 1998 Strategic Defence Review as "deployments of brigade size or equivalent" for war-fighting or other operations, such as the UK contribution in the mid-1990s to the NATO-led Implementation Force (IFOR) in Bosnia.
[251] The use of military forces to provide cover in the event of a strike by the Fire Brigades' Union.
[252] Defined in the 1998 Strategic Defence Review as "a deployment of battalion size or equivalent".
[253] The most ambitious of the four options and the only one involving the deployment of UK land forces (to northern Iraq).

464. The SPG concluded:

> "**Assuming that UK land participation is a requirement, there is a judgement to be made on whether we should be engaged in the conflict or post-conflict phases. Both would be difficult to sustain**."

465. Lt Gen Pigott and Lieutenant General John Reith, Chief of Joint Operations (CJO), briefed the Chiefs of Staff Committee on the options available, explaining that "Package 4 was being developed to address the inevitable post-conflict tasks".[254] Adm Boyce commented that it was "inconceivable that the UK would not contribute in some manner, to those tasks".

466. The Chiefs of Staff Committee on 19 September and subsequent correspondence and discussions involving No.10 and Mr Blair are covered in more detail in Section 6.1.

467. Post-conflict military operations were not addressed in Mr Watkins' letter of 20 September to Sir David Manning on the potential UK contribution to military action.[255]

468. Nor do they appear in the record of the discussion between Mr Blair and Mr Hoon on 23 September, at which it was decided that land forces, while not being ruled out altogether, should not be put forward as part of the potential UK contribution at the CENTCOM planning conference later that week (see Section 6.1).[256]

469. The Chiefs of Staff discussed Iraq planning on 25 September.[257] They recognised that the post-conflict phase of military operations (Phase IV) "would not have a clear-cut start" and that the UK should "guard against any accusation that the 'US does the war-fighting while the UK does the peacekeeping'". Not being involved in Package 3 at all "would be difficult to manage".

470. The Chiefs of Staff commissioned Lt Gen Pigott to: "Explore options for potential UK involvement in Phase IV", with a deadline of 2 October.

471. Lt Gen Pigott summarised the potential scale of the UK military contribution in Iraq in a minute to Lt Gen Reith on 26 September.[258] He explained that aftermath requirements were still to be addressed and "could impact on the final shape" of the force packages he was describing.

472. The 30 September edition of the SPG paper on UK military strategic thinking included more detail on post-conflict issues and is described later in this Section.

---

[254] Minutes, 19 September 2002, Chiefs of Staff meeting.
[255] Letter Watkins to Manning, 20 September 2002, 'Iraq: Potential UK Contribution To Any Military Action'.
[256] Minute Watkins to DG Op Pol, 23 September 2002, 'Iraq: Meeting with the Prime Minister: 23 September'.
[257] Minutes, 25 September 2002, Chiefs of Staff meeting.
[258] Minute DCDS(C) to CJO, 26 September 2002, 'Iraq – Potential Scale of UK Force Contribution for use in UK/US Contingency Planning'.

473. Mr Blair told Cabinet on 23 September that the international community had to be committed to Iraq's reconstruction.

474. Cabinet met on 23 September (see Section 3.5). Points made in discussion included:

> "… in the event of military action, a clear vision was required of the outcome we wanted in reconstructing Iraq: this would be a major task".[259]

475. Summing up the discussion, Mr Blair said that a "crunch point" had been reached:

> "The sanctions regime … was being eroded and Saddam Hussein was on the way to acquiring new capability in weapons of mass destruction. Iraq had to comply with the obligations placed on it by the United Nations. A tough line was required. If military action was required, the job could be done. There would be a discussion about the military options … civilian casualties should be kept to a minimum, but there could be no doubt that the main beneficiaries of the removal of Saddam Hussein would be the Iraqi people. Iraq was basically a wealthy country. The international community had to be committed to Iraq's reconstruction."

476. Mr Cook wrote in his memoir that he closed his contribution:

> "... by stressing the vital importance of getting approval for anything we do through the UN. 'What follows after Saddam will be the mother of all nation-building projects. We shouldn't attempt it on our own – if we want the rest of the international community with us at the end, we need them in at the start.'"[260]

477. Mr Campbell wrote in his diaries that Mr Brown had made "a few long-term points for the US, the need to think through post-Saddam, the importance of the MEPP".[261]

478. Late on 23 September, Mr Brenton reported that the US Administration was "starting to get to grips with 'Day After' questions – in [the] State [Department]'s case, with considerable trepidation".[262] A senior State Department official had suggested that anything other than an Iraqi General succeeding Saddam Hussein would be extremely challenging and involve the US in a massive presence for an indefinite period.

479. Parliament was recalled to discuss Iraq on 24 September. There was considerable concern in both Houses about arrangements to support Iraq after an invasion.

480. Mr Blair drew attention, in the context of Afghanistan, to the UK's commitment to "stick with" the Afghan people "until the job of reconstruction is

---

[259] Cabinet Conclusions, 23 September 2002.
[260] Cook R. *The Point of Departure*. Simon & Schuster UK, 2003.
[261] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[262] Telegram 1221 Washington to FCO London, 23 September 2002, 'US/Iraq'.

done". He maintained that the question of who might replace Saddam Hussein did not yet require a decision.

481. Parliament was recalled to discuss Iraq on 24 September (see Section 3.5).

482. In his statement to the House of Commons, Mr Blair drew attention to the UK's continuing commitment to Afghanistan:

> "Afghanistan is a country now freed from the Taliban but still suffering. This is a regime we changed, rightly. I want to make it clear, once again, that we are entirely committed to its reconstruction. We will not desert the Afghan people. We will stick with them until the job of reconstruction is done."[263]

483. During the adjournment debate that followed, Mr Charles Kennedy, Leader of the Liberal Democrats, observed that:

> "In his statement, the Prime Minister spoke about the need for Iraq to be led by someone who variously can abide by international law, bring Iraq back into the international community, make the country rich and successful, and make its government more representative of the country. However, he was silent on the question of who or where that person or set of people is. The Prime Minister, quite rightly, with our support and that of others, was able to point to the mobilisation of forces in Afghanistan, which could lead to an alternative, more acceptable government there. Is there capacity or potential for a similar mobilisation to take place within Iraq?
>
> "In the context of Afghanistan, the Prime Minister made it clear that, if such a course of action proved successful – which it did – the country and the international community would not walk away. Is a similar approach being identified for Iraq? Does such an approach encompass the mindset of the present American Administration? If we were not to walk away following the toppling of Saddam, who would provide the necessary presence to police and create the ongoing stability in Iraq that would be essential because of the shell-shocked nature of that country?
>
> "When the American Defense Secretary speaks of a 'decapitation strategy' with a view to Iraq does he reflect the mind processes of the British Government? Should we not instead be talking about the longer-term need for a rehabilitation strategy for Iraq, not least for its innocent, oppressed people with whom none of us has any argument whatever?"[264]

484. Mr Blair responded:

> "As for not walking away, we should not walk away from the situation in Afghanistan, and the US Administration themselves have made clear that should it come to

---

[263] House of Commons, *Official Report*, 24 September 2002, column 6.
[264] House of Commons, *Official Report*, 24 September 2002, column 10.

> regime change in Iraq they will not walk away from that either. I simply emphasise this point. Of course all sorts of issues will have to be resolved, but the fact is, as I said a few weeks ago, that the first decision we must make is this: do we allow the situation to continue, with this weapons of mass destruction programme?"[265]

485. In response to a question from Mr Jon Owen Jones (Labour) about what threats would ensue if the Iraqi regime were replaced by force of arms, Mr Blair stated:

> "Although some of these questions – if we get to the stage of regime change, what replaces Saddam – do not arise for decision now, as I have said throughout I of course agree that they are very serious questions, which we need to look at. The only thing that I would say to my honourable Friend about regime change is that it is hard to think of an Iraqi regime that would be worse than Saddam, but that said, it is obviously important that we deal with all these issues, including making it quite clear to the people of Iraq that should it come to the point of regime change, that has to be done while protecting the territorial integrity of Iraq. That is an important point."[266]

486. Mr Bruce George (Labour) proposed a number of criteria to be satisfied before any decision was taken on whether to go to war, including: "a credible military strategy with considerable thought given to what the consequences would be if war were undertaken and strong consideration given to post-operation peace support".[267]

487. Ms Glenda Jackson (Labour) and Mr Doug Henderson (Labour) both warned that, although the US and UK were certain to win a war in Iraq, there was no such certainty about who would win the peace.

488. Ms Jackson asked whether the UK was ready to commit itself to "a massive commitment of money, materials and personnel to bring about change".[268]

489. Mr Henderson warned: "If we do not start with a coalition of public support, it will be impossible to build any stable society in Iraq and neighbouring countries afterwards."[269]

490. Several speakers raised post-conflict issues in the House of Lords.

491. Lord Strathclyde (Conservative), in expressing support for the Government's position on Iraq, asked, among other questions:

> "What vision do the Government have of a post-Saddam Iraq, which is surely in itself the most important question for those who want regime change?"[270]

---

[265] House of Commons, *Official Report*, 24 September 2002, column 12.
[266] House of Commons, *Official Report*, 24 September 2002, column 20.
[267] House of Commons, *Official Report*, 24 September 2002, columns 47-48.
[268] House of Commons, *Official Report*, 24 September 2002, column 96.
[269] House of Commons, *Official Report*, 24 September 2002, column 112.
[270] House of Lords, *Official Report*, 24 September 2002, column 865.

492. Baroness Williams (Liberal Democrat), spoke of "facing up to the necessity of force should that prove inevitable", but expressed:

> "… grave concerns about the exit strategy that was followed in Afghanistan, a country that appears to be sliding back to anarchy rather rapidly … In some ways Afghanistan represents a failure of the international community to build upon the military victory that it claimed would open the door to a democratic and just Afghanistan".[271]

What assurance could be given that the UK and US would "turn their minds more seriously to the matter of the exit strategy and what follows victory"? Without that, it remained unclear what the strategy was or how to ensure it "will not enrage and unite the Muslim world against us".

493. Baroness Symons, joint FCO/DTI Minister of State for International Trade and Investment, set out the Government's position:

> "Many will ask what will happen next if there is armed intervention. How will it be done? When and how would those undertaking such action withdraw from Iraq? What is the exit strategy? The truth is that discussion of those questions in detail is not for today."[272]

494. Lord Howell (Conservative), expressing full support for Mr Blair's approach on Iraq, asked:

> "What will happen later? Do we have a vision – I do – of a federal, democratic Iraq … Is there a possibility of a benign Iraq; a force for stability in the Middle East, instead of a force for evil and the culture of death? Is that wider vision in the Government's mind? We have not heard much about that, but it is important we should have such a wider vision. If we do, how is it to be secured? Should US troops, thousands of whom are already in the region, stay there for a long time and occupy the whole area? Are they ready to go into other areas that might be at risk?
>
> "Those questions hang in the air. We must have from the Government some indication of where we are going. As Clausewitz said, you should not take the first step … towards war unless you have thought about the last step as well."[273]

495. Lord Hurd (Conservative), warned of the scale of the reconstruction task:

> "We must not delude ourselves. The process of nation rebuilding in Iraq will be a slow and strenuous one. We have to consider – it will be difficult; it will be the problems of Afghanistan on a much bigger scale – whether we and the Americans are prepared to keep troops after an immediate military victory to support and prop

---

[271] House of Lords, *Official Report*, 24 September 2002, column 868.
[272] House of Lords, *Official Report*, 24 September 2002, column 875.
[273] House of Lords, *Official Report*, 24 September 2002, column 879.

> up whatever government emerges until it establishes its own authority against a background where such occupation would inevitably soon become unpopular."[274]

496. The Earl of Onslow (Conservative) called on the Government to plan for the worst. If force were used and the Iraqi Government collapsed, "what is the worst-case scenario, are we thinking about it and do we know what to do?"[275]

Initial analysis of the issues and the Ad Hoc Group on Iraq

497. From 20 September 2002, the Cabinet Office-chaired Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues.

498. The AHGI was not tasked to consider in detail the operational requirements for humanitarian relief or wider reconstruction.

499. Nor was it required to examine systematically the different policy options for post-conflict Iraq, the UK's potential involvement in different scenarios or the associated risks.

500. The focus of the AHGI's work during autumn 2002 was a series of analytical papers by the FCO and other departments on the post-conflict administration and reconstruction of Iraq, and the possible consequences of conflict for the UK.

501. There was some visibility between military and civilian post-conflict analysis, but the two strands of work remained largely separate until the creation of the IPU in February 2003 (see Section 6.5). None of the analytical material produced by the AHGI in 2002 was put to Ministers for decision.

502. The AHGI was chaired by Mr Bowen and overseen by Sir David Manning. Its work was not shown routinely to Mr Blair.

503. The AHGI held its first meeting on 20 September.[276]

504. Mr Drummond wrote to Mr Bowen beforehand, suggesting topics for discussion and proposing departmental responsibilities for different subjects:

> "In the absence of initiatives from the centre, a few departments have done their own work on the consequences of action in Iraq. We need to find out what has already been done and encourage departments to share it. So far I have only seen an FCO note on unintended consequences … This identifies them but stops short

---

[274] House of Lords, *Official Report*, 24 September 2002, column 916.
[275] House of Lords, *Official Report*, 24 September 2002, column 1002.
[276] Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.

of suggesting ways of mitigating and managing them. I suggest we focus on the following:

- The morning after in Iraq. What is the political process that secures a compliant, representative successor regime while Iraq retains its existing borders (FCO)? Reforming the security sector, civil service (MOD and DFID).
- Tactics for securing international support before and after the action. FCO need to write a paper …
- Impact on world growth and trade, and on the UK economy (HMT [the Treasury] to write a note if they haven't already).
- Securing oil supplies and effect of regime change on world oil markets (DTI).
- Consequences for air travel including viability of airlines (DfT).
- Environment. The after effects of CBW [chemical and biological weapons], oil fires, pollution in the Gulf etc … (DEFRA).
- Impact on the UK … (Home Office and Security Service should lead)."[277]

505. Mr Drummond suggested focusing on the main points needing discussion with the US, "probably the morning after and handling the region". He recommended that work on campaign objectives be kept in OD Sec and the Restricted COBR.

506. The AHGI remained the principal Whitehall co-ordination mechanism for non-military Iraq planning until the creation of the inter-departmental Iraq Planning Unit (IPU) in February 2003. Military planning continued to be restricted to a very narrow circle.

507. The record of the first meeting confirmed that:

"Most [departments] have begun considering implications of military action. These include Treasury on the macro economic impact, DTI on oil markets, DFID on humanitarian aspects, CCS [Cabinet Office Civil Contingencies Secretariat] on UK contingency planning, DfT on aviation security and the police and agencies on their range of issues …

"We should give priority to thinking through the morning after questions. The FCO have work in hand on this [in] preparation for talks with the US. They will share a draft with interested departments … They are already deeply engaged in discussions with the US about handling the regional players."[278]

[277] Minute Drummond to Bowen, 19 September 2002, 'Ad Hoc Group on Iraq (AHGI)'.
[278] Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.

508. Mr Gray, the FCO attendee at the first meeting, commented to FCO colleagues:

> "In practice this first meeting was largely an exercise in telling the FCO how to suck eggs. I'm sure future meetings will improve."[279]

FCO PAPER: 'IRAQ – CONSEQUENCES OF CONFLICT FOR THE REGION AND BEYOND'

509. The first FCO paper for the AHGI identified possible consequences of conflict for the Middle East and beyond. They included:

- **a refugee crisis;**
- **heightened anti-Western feeling;**
- **an easier environment for terrorists to operate in; and**
- **higher oil prices.**

510. The paper stated: "By preparing for the worst, we should be better placed to avoid it."

511. In Washington on 17 September, Mr Miller told Mr Ricketts that he had started a lot of work on post-conflict issues and expected to have the basics in place in two or three weeks.[280] Mr Ricketts suggested that UK and US experts should get together at that point and "stressed the importance of this work. We had to think through the unintended consequences of any action we might launch."

512. On 20 September, the FCO sent Sir David Manning a DSI paper on the regional and international impact of conflict in Iraq.[281] 'Iraq – Consequences of Conflict for the Region and Beyond' was the first of five FCO papers on post-conflict issues prepared over the following weeks and tabled at the AHGI on 11 October. The four others were:

- 'Scenarios for the Future of Iraq after Saddam';[282]
- 'Models for Administering a Post-Saddam Iraq';
- 'Vision for Iraq and the Iraqi People';
- 'What sort of relationship could the EU have with a rehabilitated Iraq?', shown to the AHGI in final form on 4 November.[283]

---

[279] Manuscript comment Gray on Minute Drummond to Manning, 23 September 2002, 'Ad Hoc Group on Iraq'.
[280] Telegram 1192 Washington to FCO London, 17 September 2002, 'Iraq: Ricketts' Visit to Washington, 17 September.
[281] Letter Sedwill to Manning, 20 September 2002, 'Iraq – Consequences of Conflict for the Region and Beyond' attaching Paper Directorate for Strategy and Innovation, undated, 'Iraq – Consequences of Conflict for the Region and Beyond'.
[282] A first version of this paper was also sent to Sir David Manning on 20 September. The Inquiry has seen no response. A revised version was sent on 26 September.
[283] Paper Middle East Department, 4 November 2002, 'What sort of relationship could the EU have with a rehabilitated Iraq?'

513. The introduction to the paper on international consequences stated:

> "This paper identifies some of the possible impacts of war with Iraq on the immediate region and beyond over the short term. One of the aims is to identify the unintended consequences which could easily produce problems (cf the displacement of the Kurds in 1991). **The intention is not to predict catastrophe. But by preparing for the worst, we should be better placed to avoid it.**"

514. The FCO suggested that much would depend on the nature of the military campaign, but that it was possible to identify certain risks:

- "Humanitarian emergency in Iraq". This was possible unless the war ended quickly. The UK would be expected to play a major role in any international response. That response would need military support and to be co-ordinated with the military campaign. That would be difficult, with the US military unlikely to want humanitarian agencies on the ground complicating things.
- "Refugee Crisis". This might result from a prolonged or inconclusive conflict during which the Iraqi regime targeted parts of the population. Meeting refugees' needs would be a significant challenge and potentially destabilising for some of Iraq's neighbours. Senior Ba'athists would probably try to blend in with other refugees. There might need to be "some sort of screening process to identify those we would wish to interrogate and possibly bring criminal charges against".
- "Demonstrations, riots and political stability". Military action would heighten anti-Western feeling in the region. That could pose a threat to British nationals or interests and destabilise governments in the region. Much would depend on whether there was UN support and which countries joined the Coalition.
- "Terrorist attacks". With the US and others distracted, war in Iraq might create an easier environment for terrorists to operate in and would create a new incentive for them to act. UK Embassies and other interests might be attractive targets.
- "Environmental". Depending on Saddam Hussein's actions, a major environmental clean-up might be needed.
- "Non-related but potentially linked crises". With attention focused on Iraq, other crises "could easily flare up". Afghanistan and India/Pakistan were the main concerns. Russia might "increase suppression of the Chechens" or "turn the heat up on Georgia".
- "Economic". Oil prices would rise; stock markets would fall. Both should be short-term, but could be longer lasting. War would also be expensive. Germany, Saudi Arabia and Japan had been major players in 1991.[284] Would they be again? There were also potentially significant costs linked to reconstruction and Iraqi debt.

---

[284] Germany, Saudi Arabia, Japan and other countries made significant financial contributions to military operations in the 1991 Gulf Conflict.

- Two “problem multipliers” could make the situation worse: use of WMD by Iraq and an attack on Israel.

515. A month later, on 24 October, Sir David Manning asked Ms Anna Wechsberg, No.10 Private Secretary: “I have failed to do anything with this. Should I?”[285]

516. On 1 November, she replied that there was probably nothing in the paper that would be new to him and that the AHGI had taken it into account in their work.[286]

517. By then, a revised version, including comments from other departments, had been circulated to the AHGI. It is not clear whether it was seen by Sir David.

FCO PAPER: ‘SCENARIOS FOR THE FUTURE OF IRAQ AFTER SADDAM’

518. ‘Scenarios for the future of Iraq after Saddam’, the second FCO paper for the AHGI, listed scenarios under which Saddam Hussein might lose power, the UK’s four “overarching priorities” for Iraq, and how those priorities might be achieved.

519. The FCO recognised that the US would have the decisive voice in any externally-driven regime change, but concluded that the UK should be able to exert influence through its close relationship with the US, activity in the UN and its likely role in any military campaign.

520. The FCO concluded that the UK should:

- **argue strongly for Iraq to remain a unitary state;**
- **avoid the root and branch dismantling of Iraq’s governmental and security structures;**
- **argue for political reform, but not necessarily full democracy in the short term;**
- **aim for a political outcome to emerge from within Iraq;**
- **recognise the likely need for an interim administration and an international security force.**

521. On 12 September, Sir David Manning had commissioned a paper from the FCO on what a post-Saddam Hussein government might look like:

> “If … there is military action … what sort of government structures should we try to construct? What should the relationship be between Baghdad and the regions …? Who might make up this government?”[287]

---

[285] Manuscript comment Manning to Wechsberg, 24 October 2002, on Letter Sedwill to Manning, 20 September 2002, ‘Iraq – Consequences of Conflict for the Region and Beyond’.
[286] Manuscript comment Wechsberg to Manning, 1 November 2002, on Letter Sedwill to Manning, 20 September 2002, ‘Iraq – Consequences of Conflict for the Region and Beyond’.
[287] Letter Manning to McDonald, 12 September 2002, ‘Iraq’.

522. The following day Mr Chaplin set out his views in a note to Mr Gray:

> "In the aftermath of military action … we would have a particular responsibility to help hold the ring while a new government emerged … eg facilitating humanitarian relief, assuring minimum functioning of utilities and so on. But … unless the military campaign has been extremely destructive, civilian ministries should be able to resume work fairly quickly.
>
> "… The job of the Coalition will then be to ensure stability, to allow a nation-building process of eg: a representative assembly; appointment of a provisional government; drawing up a new constitution; elections; formation of a new government.
>
> "This process could take 6 to 9 months. Apart from providing security and humanitarian assistance, we may be in the business of providing technical help (eg reconstruction planning; constitution drafting). We will also have a role in preventing interference from neighbours, especially Iran."[288]

523. Mr Richard Stagg, FCO Director Public Diplomacy, raised with Mr Chaplin his "concern about the need to have greater clarity about our long-term vision for the Middle East post-Saddam, if we are to convince people that military conflict is the best available approach".[289]

524. Mr Stagg advised:

> "We will make little or no headway with Arab opinion if our apparent goal is to install a pro-US puppet regime in Baghdad. We need an outcome which is not a victory for the US … but a victory for the region – by delivering benefits across the board in terms of stability and prosperity.
>
> …
>
> "I am not suggesting that we should be in a position now to say which individuals or parties will rule Iraq after Saddam, nor on what basis. But I think it would be helpful to have considerably greater clarity about:
>
> (a) how we will go about establishing a future government in Iraq;
>
> (b) how we will manage problems flowing from a more democratic system …;
>
> (c) what sort of international presence we expect to remain in Iraq after a conflict (is there any chance of giving a major role to the UN?);
>
> (d) what does this all mean for neighbouring countries …;
>
> (e) who will control, and benefit from, Iraq's oil wealth;

---

[288] Minute Chaplin to Gray, 13 September 2002, 'Iraq: Post-Saddam Issues'.
[289] Minute Stagg to Chaplin, 13 September 2002, 'Iraq: Winning the War of Words'.

(f) what economic assistance will be available …;

(g) read-across to the MEPP."

525. The FCO paper 'Scenarios for the future of Iraq after Saddam' was sent to No.10 on 26 September.[290] It was circulated separately to the AHGI.

526. The covering letter explained that FCO officials had discussed some of the issues covered in the paper briefly with US officials earlier that day.

527. The paper, written by DSI and Research Analysts, addressed three themes:

- scenarios under which Saddam Hussein might lose power;
- the UK's four "overarching priorities" for Iraq; and
- how those priorities might be achieved.

528. The potential scenarios listed for Saddam Hussein's departure were: assassination by a member of his inner circle; resignation; military coup; popular insurgency; and externally-driven regime change.

529. The paper stated that popular uprisings were most likely "during or in the aftermath of any military campaign", when the situation would be most fluid and "after regular army units had been fragmented". Uprisings were unlikely to be successful "unless Saddam's military structures had collapsed and/or they received significant external assistance". If they did succeed, "the outcome would probably be chaos".

530. The FCO judged that Iraq's neighbours might find it difficult not to get sucked in and included an explicit reference to Iran as the neighbour most likely to become involved.

531. In the section on externally-driven regime change, the FCO reiterated that popular uprisings were one of the possible consequences of Coalition forces entering Baghdad and ejecting Saddam Hussein. If that happened and external rather than internal factors were the trigger, "the Coalition should have far more influence in shaping events. It would have large numbers of forces in many sensitive areas" and the local population would "probably be relatively passive".

532. The FCO stated that in each scenario, much would lie outside the UK's control:

> "In most circumstances, the decisive voice would be that of the US. But we should be able to influence developments, through our close relationship with the US, our diplomatic activity in the UN and elsewhere and our likely role in any military campaign."

---

[290] Letter McDonald to Manning, 26 September 2002, 'Scenarios for the future of Iraq after Saddam' attaching Paper FCO, 'Scenarios for the future of Iraq after Saddam'.

533. The UK would need "the clearest possible sense of our objectives for Iraq". The UK's "fundamental interest in a stable region providing secure supplies of oil to world markets" suggested four overarching priorities:

- termination of Iraq's WMD programme and permanent removal of the threat it posed;
- more inclusive and effective Iraqi government;
- a viable Iraq which was not a threat to its neighbours; and
- an end to Iraqi support for international terrorism.

534. The FCO advised:

> "We have stated that regime change is not one of our objectives. But once ground-war started it would rapidly become an almost inevitable outcome. The US would not settle again for a 1991-style solution. The question then arises of what constitutes the regime. It would certainly mean the removal of the whole of Saddam's family and inner circle.
>
> "It is less clear how much of any remaining military and governmental structures we would want to see dismantled. This apparatus has facilitated much of what Saddam has done. His influence permeates the system. But removing it entirely would mean the removal of most of the structures of authority in Iraq. This could inhibit political and economic reconstruction."

535. The FCO stated that it was difficult to judge the extent to which government structures would survive Saddam Hussein's departure, but concluded:

- "The national Ba'ath superstructure would almost certainly collapse if Saddam fell as a result of military action, with the leadership seeking refuge. At lower levels, Ba'ath structures might continue …"
- Local power lay with the Ba'ath Party leadership. The limited supporting bureaucracy was unlikely to be able to take on a more extensive role "without a radical overhaul".
- If Saddam Hussein fell, particularly after US-led military action, "tribal, regional and religious differences would probably come to the fore" in the army, causing splits within and between units. It was more likely that tribal leaders would seek to establish their own power bases than that the armed forces and security services would transfer their allegiance en masse to any new government.
- It was not clear whether there would be any enthusiasm for clerical rule or whether religion would be an effective rallying point for any post-Saddam Hussein administration.

536. On the scope of representative government, the paper stated:

> "Some Americans have openly stated they want to see the establishment of democracy. We have avoided this position, because it is an unrealistic ambition in the short term."

537. Even if democracy were not a short-term option, presentationally it would be important for the international community to show that intervention was leading to better government. Difficult issues included:

- Iraq had no successful experience of representative or democratic government.
- A democratic Iraq would not necessarily be pro-Western.
- The Sunni minority would probably feel threatened by a more representative system.
- External opposition was weak and probably lacked sufficient legitimacy in Iraq to be credible.
- None of Iraq's neighbours would be keen to see a democratic Iraq.

538. The paper stated:

> "To the extent possible, the Iraqis themselves should have the primary role in determining their future government and external intervention should appear to come from within the Arab world or the UN – perhaps through an international conference (but the Afghanistan model is not necessarily relevant)."

539. Because of the likely delay in putting in place longer term arrangements, the international community was likely to need to establish and provide staff for an interim administration:

> "This would need to be set up quickly and on a large scale. It would maintain stability and provide basic services such as food rationing. It should probably have a UN mandate and would need strong support and participation from Arab countries. There are various models which could be adopted or drawn on, including the transitional administrations in Afghanistan, Cambodia, East Timor and Kosovo. We should start exploring what would be appropriate in the Iraqi context."

540. The FCO concluded that, in order to achieve its overarching priorities, the UK should:

- argue strongly for Iraq to remain a unitary state;
- "if possible avoid the root and branch dismantling of Iraq's governmental and security structures";
- accept that the political situation after Saddam Hussein's departure would "almost certainly be messy and unstable", that a new government "will possibly be military" and that "we should argue for political reform, but not necessarily full democracy in the short term";

- aim for a political outcome to emerge from within Iraq, but with the international community perhaps needing to host a conference to help reach a decision on Iraq's future government; and
- recognise the likely need for a plan for an interim administration and an international security force.

541. The AHGI concluded that the FCO paper on scenarios for Iraq after Saddam Hussein needed to be more ambitious.

542. Mr Jonathan Powell described it as "fairly useless". He advocated a UN administration in waiting followed by "some sort of democratic choice" and highlighted the importance of finding a way to stop the "terrible bloodletting of revenge".

543. Early indications from Washington suggested that the US favoured a post-conflict military governorate followed by a civilian administration before the transfer of authority to an Iraqi government.

544. There was no apparent role for the UN in the US approach.

545. Sir David Manning commissioned further advice from the FCO on possible models for a post-Saddam Hussein administration, including on where the UN would fit in.

546. When the AHGI discussed the FCO paper on scenarios for a post-Saddam Hussein Iraq on 27 September, it concluded that something more ambitious was required.[291] Six areas needed expanding:

- the duration of any international involvement in Iraq;
- the sustainability of UK forces there;
- the shape of Iraqi governance;
- SSR;
- economic recovery; and
- the humanitarian response.

547. The AHGI observed that US officials would not be available to discuss the paper until late October, but should be sent a copy well in advance.

548. Mr Powell commented to Sir David Manning:

> "I think this is fairly useless. We need a UN Administration in waiting with some exiled Iraqi technocrats supported by an international military force. Then we need to come to some sort of democratic choice for the Iraqi people – a convention (or Loya Jirga!). The key things are to start identifying an Iraqi Karzai and to come up with a

[291] Minute Dodd to Manning, 30 September 2002, 'Ad Hoc Group on Iraq'.

way of stopping a terrible bloodletting of revenge after Saddam goes. Traditional in Iraq after conflict."[292]

549. On 28 September, the British Embassy Washington updated London on initial US thinking on the post-conflict administration of Iraq.[293] The latest NSC view was that an initial military governorate should be succeeded by a civilian administration, with the gradual draw down of the military presence ahead of the transfer of authority to an Iraqi government. The size of the military footprint, economic governance, oil and humanitarian and reconstruction needs were among issues yet to be properly addressed.

550. Sir David Manning drew on the comments from Mr Powell and the Washington Embassy in his response to the FCO paper on scenarios for the future of Iraq on 29 September.[294] He asked for more detailed advice on which were the most plausible of the possible models for a post-Saddam Hussein administration. With the US reported to be proposing a military governorate, the most immediate question was where the UN would fit in. In particular, what scope was there for preparing the blueprint for a UN administration-in-waiting drawing on currently exiled technocrats. Being very careful not to draw false analogies with Afghanistan, should a UN administration set out an early timetable promising democratic consultation on the Loya Jirga model, or would this risk chaos?

551. The MOD raised with the FCO the need to consider how assumptions about the UK's post-conflict role might inform decisions on the UK's military contribution to conflict.

552. Sir Christopher Meyer highlighted the need to keep sight of the UK's post-conflict commercial interests.

553. DFID commented on the importance of learning from DFID and inter-departmental experience elsewhere.

554. On 30 September, Mr Lee instructed Mr David Johnson, Head of the MOD Iraq Secretariat, to send the MOD's views to the FCO. He suggested that the FCO paper should include more detail on de-Ba'athification, how an international security force might be put together and how large it would need to be. Mr Lee also requested the inclusion of questions and assumptions that would make clear "the speculative nature of the current state of thinking". Those might include: whether the UN Security Council would supervise reconstruction if the US acted unilaterally; the role of neighbours, Russia, France and international bodies other than the UN; and whether it was possible to "determine criteria for UK military involvement".[295]

---

[292] Manuscript comment Powell to Manning on Letter McDonald to Manning, 26 September 2002, 'Scenarios for the future of Iraq after Saddam'.
[293] Telegram 1251 Washington to FCO London, 28 September 2002, 'US/Iraq'.
[294] Letter Manning to McDonald, 29 September 2002, 'Scenarios for the future of Iraq after Saddam'.
[295] Minute Lee to Head of Sec(Iraq), 30 September 2002, 'Scenarios for the Future of Iraq after Saddam'.

555. Mr Johnson set out the MOD's views in a letter to Mr Gray on 2 October.[296] He recommended that the FCO paper be clear about:

- The circumstances in which the UK might seek to establish democracy or set up "some kind of authoritarian regime" in Iraq. The UK's public position should "not raise expectations that we may subsequently disappoint".
- How much of Iraq's bureaucracy was "either redeemable or necessary". In the paper the FCO argued against root-and-branch dismantling of a system permeated by the Ba'ath Party, but also suggested that much of the Party would collapse anyway. "The key issue is surely the extent to which the existing bureaucratic structure will need to be retained (and no doubt re-educated) in order for the country to be governable in practice."
- The different options for an interim government. The paper needed to distinguish between the situation following military action explicitly authorised by the UN and that following what might be called "US unilateral action". In the latter case, was it still safe to assume the UN would take on the role of supervising reconstruction?
- The locus and role of other Permanent Members of the UN Security Council and neighbouring states.
- The potential role of multilateral institutions and states in reconstruction and security provision. For the UK, "a long-term commitment significantly over and above the forces currently in theatre, particularly following on from a war-fighting campaign, would have serious consequences for our ability to respond to other contingencies, or even perhaps our ability to sustain current tasks".

556. Mr Johnson commented that, although many of those questions might not be easy to answer at that stage, they needed to be raised, as did the issue of "whether and how an assumption about UK post-conflict involvement might feed back into our decision-making about our contribution to conflict (if it comes to that)".

557. Mr Johnson added that the DoD had expressed an interest in the subject. Mr Webb was planning to send a copy of the next version of the paper to Mr Feith.

558. Some of the MOD's suggestions were picked up in the next FCO paper, on models for administering Iraq, described later in this Section.[297]

559. Sir Christopher Meyer questioned whether the paper was right to classify the securing of UK reconstruction contracts as a second order objective.[298] Russia and France were, by all accounts, anxious about their economic interests in Iraq after Saddam Hussein's demise. UK interests were not something to press immediately, but

---

[296] Letter Johnson to Gray, 2 October 2002, 'Scenarios for the future of Iraq after Saddam'.
[297] Paper FCO, [undated, version received at AHGI, 11 October 2002], 'Models for Administering a Post-Saddam Iraq'.
[298] Telegram 1256 Washington to FCO London, 1 October 2002, 'Iraq: Dividing the Spoils'.

should be a "top priority" in post-Saddam Hussein contingency planning. Mr Blair would have to pursue the issue with President Bush if the UK was to have any impact.

560. Sir Christopher returned to the same theme during November, in the context of Iraqi oil contracts. The issue of oil contracts is addressed later in this Section.

561. DFID commented on the importance of learning from DFID and inter-departmental experience elsewhere.[299] Areas to consider included: SSR; civil-military co-ordination (CIMIC); DDR; economic recovery; UN co-ordination structures; donor financing; and the role of IFIs.

562. Some minor changes were made to the version of the FCO paper submitted to the AHGI on 11 October, including the addition of a reference to the need to plan on the basis that there would have to be "a major international effort, possibly for an extended period".[300]

STATE DEPARTMENT PAPER ON LESSONS OF THE PAST

563. On 26 September, Mr Richard Haass, State Department Director of Policy Planning, produced a 15-page policy paper on Iraq reconstruction for Secretary Powell.[301] Mr Haass described the paper, reproduced in full in *War of Necessity, War of Choice,* as "the largest single project we undertook during my tenure at Policy Planning". The paper was built on "an in-depth examination of the lessons of US experiences with nation building throughout the twentieth century" and concluded with:

> "**Seven Lessons for Iraq**
>
> - We must decide on the scale of our ambitions in Iraq, recognizing that goals that go beyond disarmament and regional stability and seek to build democracy, prosperity, and good governance will require a heavy commitment in resources, military involvement and diplomatic engagement. The strategic importance of Iraq points toward ambitious long-term goals …
> - We must prevent a security vacuum from emerging in Iraq that could be exploited by internal spoilers, encourage external meddlers, and preclude reconstruction and humanitarian efforts …
> - We should help formulate specific plans to transform the UN Oil-for-Food program into a mechanism that will simultaneously support the humanitarian needs of the Iraqi people, fund the broader reconstruction effort, and address outside claimants' justified interests … At the same time, the United States should avoid taking 'ownership' of the Iraqi oil industry.

---

[299] Letter Conflict & Humanitarian Affairs Dept [junior official] to Gray, 4 October 2002, 'After Saddam'.
[300] Paper FCO, [undated, version received at AHGI, 11 October 2002], 'Scenarios for the future of Iraq after Saddam'.
[301] Haass RN. *War of Necessity, War of Choice: A Memoir of two Iraqi Wars*. Simon & Schuster, 2009.

- We should preclude only a small number of members of the old regime … from participating in the post-Saddam political order. We will most likely need the assistance of many associated in some way with the old regime to maintain order and establish a new viable state …
- We should avoid imposing a particular ruler or party on Iraq, but cannot allow Iraq to degenerate into chaos … We should work with our partners to launch a political process that will allow the Iraqi people to move toward self-government …
- We need to contain potential meddling by Iraq's neighbours, as well as by other international actors … We need to maintain broad and effective bilateral dialogue with these countries, forge a six plus two-like forum[302] for co-ordination among Iraq's neighbours and most interested outside powers, and … strive to develop new mechanisms to manage security concerns in the region as well as promote economic linkages …
- … We should assert forceful, public [US] leadership of the security operations, and then guide the other components of the reconstruction effort from behind the scenes as we are now doing in Afghanistan."

564. The Haass memorandum did not have an impact in Washington. Mr Haass recorded that Secretary Powell agreed most of it and sent copies to Secretary Rumsfeld, Dr Rice and Vice President Cheney:

> "No one could argue that these perspectives had not been raised, although it was true that the lack of any meaningful inter-agency process or oversight of the aftermath made it too easy for the Defense Department (which was essentially left by the NSC to oversee itself) to ignore advice from the outside."

565. A copy of the memorandum was handed to UK officials by the State Department in late 2002.[303]

SPG PAPER, 30 SEPTEMBER 2002: 'UK MILITARY STRATEGIC THINKING ON IRAQ'

566. The "aftermath" section of the fourth edition of the SPG paper on UK strategic military thinking:

- **raised concerns about US post-conflict policy, including the US approach to de-Ba'athification, which could run counter to the need for basic governance and increase post-conflict reliance on the external authority;**
- **listed the principal post-conflict challenges in Iraq, including law and order and effective administration;**

---

[302] Afghanistan's six neighbours (Iran, Turkmenistan, Uzbekistan, Tajikistan, China and Pakistan), the US and Russia.
[303] Manuscript comment [unattributed] on Paper [unattributed and undated], 'Reconstruction in Iraq – Lessons of the Past'.

- **identified "key drivers" that would determine the extent and nature of post-conflict engagement, including levels of consent and damage to Iraq's infrastructure; and**
- **listed pre-invasion planning tasks, including establishing an FCO/DFID/MOD "framework plan".**

567. The 30 September edition of the SPG paper on UK strategic military thinking included an expanded section on what it called the "aftermath – resolution phase", the word "resolution" added in recognition of the possibility of a non-military, diplomatic resolution to the Iraq crisis.[304]

568. The paper summarised what was known about current conditions in Iraq:

"
- Iraq though suffering from economic sanctions has great natural wealth, adequate water resources (with an antiquated urban distribution network) and an agricultural sector that is capable of producing food though in need of reform.
- Security structures are bound to the current leadership through ties of kinship and patronage at senior levels, and economic advantage and fear at the bottom.
- Iraq has a sophisticated though choking bureaucracy.
- Iraqi infrastructure is poorly maintained by the current regime with damage from the war of 1991 still not repaired, and water supplies becoming contaminated in major urban centres.
- Population has been ethnically mixed by current regime by internal displacement to weaken opposition; however though mixed ethnic, cultural, and religious divides persist with old scores remaining unsettled.
- Indebtedness to Russia. Other regional debts may also exist."

569. On US policy the paper stated:

"
- US plans envisage a period of military authority exercised through a military governor. This would be followed by a gradual transition to civil authority and finally Iraqi self-rule.
- Allied to this is an extensive programme to dismantle and remove elements of the Iraqi regime closely related to Ba'athist rule.
- The UK will need to assess whether it can comfortably support the US intent to provide military stewardship rather than rapidly establishing an Iraqi transitional authority at the earliest opportunity.
- The US desire to remove the influence of the previous regime may also run counter to the need for basic administration and governance, further increasing the reliance on external authority. This may prove counter-productive."

[304] Paper [SPG], 30 September 2002, 'UK Military Strategic Thinking on Iraq'.

570. The principal challenges would be:

"
- Law and order and effective administration.
- Ethnic/factional conflict.
- Humanitarian welfare.
- Regional agendas and interference.
- Remnant forces.
- Infrastructure shortfalls."

571. The paper also listed "key drivers" that would determine the extent and nature of post-conflict engagement:

"
- Relationship with new leadership.
- Level of consent.
- Level of international support/perceived legitimacy.
- Speed of collapse/defeat.
- Extent of damage to infrastructure.
- Compliance/extent of defeat of Iraqi security forces.
- Requirement to remove elements of security apparatus to allow good governance."

572. Lists of post-conflict military tasks, dropped from the 4 September version of the paper, were reinstated with small amendments. Pre-invasion planning tasks were included for the first time:

"Pre-conflict:

- Establish FCO/DFID/MOD framework plan. Confirm in-country liaison arrangements.
- Explore US intent and acceptable scale of consequence management commitment.
- Develop agreed responsibilities for elements of consequence management.
- Account for post-conflict needs in targeting process.
- Identify Coalition sp [support] to Phase IV and any potential burden sharing.
- Identify regional attitudes to conflict and any possible reactions to outcomes."

573. The Chiefs of Staff agreed on 2 October that: "Phase IV considerations needed to be clearly understood, given that the inevitable UK involvement might result in an

even greater burden than war-fighting per se."[305] The 25 September instruction to Lt Gen Pigott to "Explore options for potential UK involvement in Phase IV", remained on the list of "actions arising" attached to the minutes of the 2 October meeting, with an extended deadline of 16 October.

574. Lord Boyce told the Inquiry he doubted there had been very many Chiefs of Staff meetings where Phase IV had not been discussed:

> "… half of most meetings was on Phase IV or half of the meetings about Iraq would be spent talking about Phase IV."[306]

575. More material on Phase IV was added to the 6 November edition of the SPG paper, described later in this Section.

576. The proposal for an FCO/DFID/MOD framework plan was not acted upon until late January 2003 (see Section 6.5).

JIC ASSESSMENT, 10 OCTOBER 2002: 'INTERNATIONAL TERRORISM: THE THREAT FROM IRAQ'

577. A JIC Assessment on 10 October judged that US-led military action against Iraq would motivate extremist groups and individuals to carry out terrorist attacks against Coalition targets.

578. On 10 October, at the FCO's request, the JIC assessed the terrorist threat from Iraq in the event of US-led military action or imminent military action.[307] The Assessment made no explicit reference to terrorist attacks against Coalition targets in Iraq, other than by Saddam Hussein during conflict, but stated:

> "US-led military action against Iraq will motivate other [non-Iraqi] Islamic extremist groups and individuals to carry out terrorist attacks against Coalition targets. Al Qaida will use a Coalition attack on Iraq as further 'justification' for terrorist attacks against Western or Israeli interests …
>
> "A number of anti-West terrorist groups exploited the situation during the 1991 Gulf War … Such attacks could be conducted again, by individuals and groups unconnected with Iraq. This may be exacerbated by weaker international support for Coalition action compared to 1991.
>
> "**We judge that the greatest terrorist threat in the event of military action against Iraq will come from Al Qaida and other Islamic extremists**, but they will be pursuing their own agendas, not responding to direction from Iraq. In the longer term, a Coalition attack may radicalise increasing numbers of Muslims, especially Arabs, and boost support and recruitment for extremist groups."

---

[305] Minutes, 2 October 2002, Chiefs of Staff meeting.
[306] Public hearing, 27 January 2011, page 81.
[307] JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq'.

579. The JIC addressed the wider terrorist threat in the event of military conflict on 10 February 2003 (see Section 6.5).

POSSIBLE MODELS FOR ADMINISTERING A POST-SADDAM HUSSEIN IRAQ

580. The FCO paper 'Models for Administering a Post-Saddam Iraq' identified a number of arguments against establishing a US military governorate, concluding that:

- **A UN mandate would be critical in any post-conflict scenario.**
- **The Coalition would need to retain responsibility for security for some time.**
- **The Coalition would also need to control and administer Iraq for an unknown period before the creation of an interim administration.**
- **A UN-led Transitional Authority would be most appropriate model for the interim administration.**

581. The FCO recommended that work should begin on examining a possible UN role in more detail.

582. It did not address the implications of the different models for the UK.

583. On 4 October, the FCO sent Sir David Manning a draft of the third paper in its series on post-conflict issues: 'Models for Administering a Post-Saddam Iraq'.[308]

584. A second version with a small number of revisions was handed to the AHGI on 11 October.[309]

585. The analysis in the paper rested on three assumptions:

"a. the US-led Coalition takes control of Iraq following a short campaign which does not cause a humanitarian crisis or extensive damage to infrastructure;

b. there has been no significant WMD usage; and

c. Saddam's regime has been removed almost entirely, no alternative regime had replaced him (eg a military junta) and there have been no uprisings by the Kurds or Shia."

586. The authors warned: "These assumptions are optimistic. The reality is likely to be more complicated, making the transition to a civilian administration harder." They also emphasised that much would depend on the legal basis of the campaign: in the absence

---

[308] Letter McDonald to Manning, 4 October 2002, 'Models for Administering a Post-Saddam Iraq' attaching Paper [draft] FCO, [undated], 'Models for Administering a Post-Saddam Iraq'.
[309] Paper FCO, [undated, version received at AHGI, 11 October 2002], 'Models for Administering a Post-Saddam Iraq'.

of a UN mandate it would be harder for the US-led Coalition to draw on the support of others in the "aftermath".

587. The body of the paper set out the immediate challenges and responsibilities the Coalition would face on arrival, and suggested models for managing the transfer of power to an Iraqi government. Immediate challenges included administering Iraq, providing security and preparing to hand over power:

- Administering Iraq would involve: "Provision of basic necessities … Restoration of critical infrastructure … Managing the economy … Medical treatment … Resettlement of refugees … [and] Public information".
- A "strong security presence" would be needed to "Ensure the effective destruction of Iraq's WMD programme … Provide internal and external security … Protect any transitional administration … Manage Prisoners of War … [and] Initiate a disarmament, demobilisation and reintegration (DDR) programme."
- Preparing for the successful handover of power meant going into Iraq "with a clear idea of how [to] get out again". Iraqis should determine their own government, but it should be "representative of Iraq's diversity and … deliver effective government". Three options were identified:
  - democracy (a government elected by a free vote and universal suffrage);
  - representative government (reflecting ethnic and regional interests); or
  - a unifying leader (although none was immediately identifiable).

588. The paper stated that, although it would be:

> "... possible to explore ideas with Iraq exiles … they have little credibility within Iraq. Any solution would almost certainly have to be sorted out once Saddam had gone … We should avoid making promises (eg on the timing of any consultation process and possible government structures) which may later prove unworkable."

589. The section describing possible models for the transfer of power focused on the nature of the transitional authority to be established after the immediate post-conflict period:

> "**The US-led Coalition would almost certainly have to retain responsibility for the security function for some time after any conflict …**
>
> "In the immediate aftermath of any war, the Coalition military forces would need to take control and administer Iraq at a basic level, including eg ensuring food and medical supplies. It is not clear how long this would last. Ideally, it would be a matter of weeks. But much would depend on the security situation. It is quite possible that it could become an extended period."

590. Once security had stabilised, "the Coalition would look to establish a clearer structure to carry out the full range of administrative functions … the ideal would be to make as much use as possible of the existing Iraqi administrative apparatus".

591. One of the most difficult questions was the form that administration should take. Two options had been suggested: a US military governorate (with or without a UN mandate); and a UN or UN-supported transitional authority. The US preference was for a military governorate.

592. The authors cast doubt on any analogy with the rebuilding of Germany and Japan after the Second World War, but suggested that a military governorate could have advantages for the UK:

> "It could guarantee US political and financial commitment to the reconstruction process. It would help ensure the civil administration and security elements of post-war government remained interconnected.
>
> "But there are major disadvantages. It is questionable whether a military governorate would be able to carry out all the tasks outlined above effectively. Much would depend on who the US brought in to take on the key roles, including civilian personnel. It would be essential that full attention was paid to civilian reconstruction tasks …
>
> "It is not clear what the legal basis for a governorate would be …
>
> "Presentationally a US-led military governorate would be unattractive. Even with a UN mandate it would not be seen as impartial in the same way as a UN operation."

593. There were two possible models for a UN administration: a UN transitional authority as in Cambodia and East Timor, or a UN-supported transitional administration on the Afghanistan model. Ideally they would be endorsed by some sort of Iraqi political process. The paper explained:

> "Under the Cambodia model, international personnel would take over the main governmental and military/security structures, replacing the senior officials and running the organisations themselves. More junior staff would remain in place …
>
> "We consider the Cambodia model likely to be most appropriate for post-Saddam Iraq. Many senior figures in Iraq's bureaucracy and military are compromised by their connections with Saddam's regime, and also lower down. Rather than deciding immediately after any conflict who to retain and who to push out, it would be neater for the UN Transitional Authority to replace the top tier of leadership with international personnel immediately.
>
> "Once this system was in place, the UN could then move towards the Afghanistan model, by gradually re-installing senior Iraqi officials as appropriate …"

594. The UN approach raised two further questions:

> "a) Who would be the domestic figurehead? … There is no obvious candidate amongst the Iraqi exile/diaspora communities. It is doubtful whether they

would have the credibility. But we should be open to suggestions. It is possible someone would emerge in the aftermath of conflict – Karzai did.

b) Who would head the Transitional Authority? It would be critical to identify a heavyweight figure to head the Transitional Authority. He or she would need to be acceptable to the Iraqis, within the region and wider Muslim world and to the US-led Coalition members …"

595. The authors concluded:

"– **Whatever we do, a UN mandate would be critical in any 'Day After' situation …**

– **The US and coalition partners would need to retain responsibility for Iraq's security for some time after any conflict, irrespective of the administrative arrangements** [removed from the 11 October version] …

– **The US-led military coalition would need to control and administer Iraq at a basic level for a period after the end of the conflict and before the creation of an interim administration. It is not clear how long this period would last** [replaced in the 11 October version with: "**The US-led military coalition would need to secure Iraq for a period after the conflict, including during the creation of an interim administration. It is not clear how long this period would last. We would want it to be as short as possible**"].

– **Our initial assessment is that a UN-led Transitional Authority would be most appropriate for the interim administration of Iraq …**

– **There are strong arguments against a US military governorate – practical, presentational and legal. We should not rule it out entirely, but need to understand better why the Americans favour this option and how it would work.**"

596. The paper stated that work should begin on examining a possible UN role in more detail, in particular:

- mapping key tasks and posts to be filled;
- identifying someone who could head a transitional authority;
- identifying Iraqis who could work in an international administration; and
- identifying "appropriate British personnel to take over key roles" [amended to "appropriate personnel (particularly Iraqis)" in the 11 October version].

597. The 11 October version of the paper contained an additional recommendation that:

"Irrespective of the administrative arrangements, the US and Coalition partners would need to retain overall responsibility for Iraq's security for some time after the conflict. How the different security-related tasks (including security sector reform) should be carried out and by whom needs further consideration."

598. The FCO circulated follow-up papers on the possible shape of an international administration for Iraq and on SSR to the AHGI on 18 October. Both are described later in this Section.

599. Sir Peter Ricketts told the Inquiry:

> "We started planning in the autumn of 2002, and at that point, of course, it wasn't clear exactly what scenario there would be in terms of a new regime in Iraq, but we assumed, I think, from that point onwards, that we would be dealing with an Iraq without Saddam Hussein and in the aftermath of a military intervention.
>
> "Therefore, we based our planning on the assumption that the right vehicle for that would be the UN, which had had extensive experience of post-conflict stabilisation work in a number of different countries. But we looked at a range of scenarios and a range of possible outcomes from ones where it might be possible to work with large parts of the previous Iraqi administration to scenarios where it would not, and we had to look at a fairly wide range of scenarios."[310]

600. Iraq was discussed at a meeting Mr Ricketts attended with his US, French and German counterparts in Berlin on 14 October.[311] The record stated that there was an emerging consensus from the US Future of Iraq Project that "the Republican Guard and Ba'ath Party would have to go; but some feeling that medium and lower levels of government might remain, as might non-senior members of the military". Mr Ricketts indicated he thought it "likely the Ba'ath Party would implode post-Saddam".

601. In the US, the CIA considered the Ba'ath Party in two reports in October 2002.[312]

602. The first, 'Iraq: the Day After', dated 18 October, assessed that the Ba'ath Party would collapse along with Saddam Hussein's regime, but added:

> "Despite the improbability that Ba'ath ideology will persist after Saddam, much of the infrastructure of the Party within civilian sectors, such as professional and civil associations, may sustain to facilitate a restoration of government services."

603. On the role of Iraqi military and security services, the paper stated that "many troops must be quickly disarmed and demobilized to remove a potential focal point for Sunni coup plotting", and that "certain units are so dominated by … pro-Saddam tribesmen or otherwise so intimately linked to the regime that their continued existence will be incompatible with democracy". The paper judged that officers who favoured a professional military ethos or saw themselves as guardians of Iraqi national values "may play a role in the post-Saddam military".

---

[310] Public hearing 9 December 2003, pages 62-63.
[311] Telegram 390 Berlin to FCO London, 14 October 2002, 'Iraq Restricted: Close Allies: 14 October: Iraq Post-Saddam'.
[312] US Senate Select Committee on Intelligence, *Report on Prewar Intelligence Assessments about Post-war Iraq*, 25 May 2007.

604. The second CIA report, 'The Iraqi Ba'ath Party: Inexorably Tied to Saddam', dated 31 October, assessed that many bureaucrats had joined the Ba'ath Party to attain their positions, were not "ardent supporters of Saddam" and "could probably remain … [after having been] investigated and vetted". The report stated, however, that the CIA did not know much about the loyalties, party affiliations, or potential criminal activities of most Iraqi military officers and government bureaucrats.

605. It is not clear whether either report was seen by officials in the UK.

606. FCO briefing on post-conflict issues for Mr Straw's visit to Washington on 14 and 15 October, prepared on 10 October, reflected the conclusions of the FCO papers for the AHGI.[313]

607. Suggested points for Mr Straw to raise included a list of reasons why it would not be easy to decide what new governmental structures should look like:

"– ethnic/religious/tribal mix;
– residual Ba'ath influence;
– uneven distribution of resources;
– lack of political infrastructure or unifying figure;
– scope for neighbours to meddle."

608. Officials suggested that Mr Straw seek agreement to "a few underlying principles:

– Iraq to remain a unitary state;
– no need for root and branch dismantling of government;
– Iraqis should determine their own government; and
– need for more representative government, but not necessarily full democracy in short term."

609. Other points covered in the briefing included the need for:

- "a credible legal base and UN framework";
- a clear exit strategy built on an understanding of what Iraq could look like and a process for getting there;
- a commitment to stay "as long as necessary"; and
- recognition that although it would be difficult to minimise the risk of Iraq's disintegration, it was important not to fall into the "opposite trap of exaggerating Iraq's fragility."

[313] Paper Middle East Department, 10 October 2002, 'Foreign Secretary's visit to Washington, 14-15 October, Iraq: forward thinking'.

610. On oil and gas, the briefing stated:

"• … current speculation on post-Saddam arrangements in Iraqi oil sector are damaging public perceptions of our motives. See some risk of creating misimpression we are in this for the sake of spoils;

• any new regime in Baghdad will need to be seen to honour legitimate existing commitments, and to maintain open bidding procedure for oil and gas investment (unlike Kuwait after 1991)."

611. Mr Straw and Secretary Powell discussed post-conflict issues on 14 and 15 October.[314]

FCO PAPER: 'VISION FOR IRAQ AND THE IRAQI PEOPLE'

612. The FCO's 'Vision for Iraq and the Iraqi People' was a statement of the UK's aspirations for Iraq.

613. It was intended to have a positive impact on UK and Iraqi Public opinion, but did not appear to reflect any assessment of the degree to which Iraqi citizens might share the UK's aspirations.

614. The 'Vision' was never used in its original form, but did inform the Government's statements on the future of Iraq in the run up to the invasion (see Section 6.5).

615. The fourth FCO paper on post-conflict Iraq, the 'Vision for Iraq and the Iraqi People', was put to the AHGI on 11 October. The record of the meeting stated that the paper was to "remain in reserve".[315]

616. The 'Vision for Iraq and the Iraqi People' was a one-page document by DSI containing echoes of the 2001 'Contract with the Iraqi People', described earlier in this Section.[316] It set out the UK's aspirations for the Iraqi people and how it would help achieve them. It stated that the UK had "no quarrel" with Iraqis and wanted to help them "restore Iraq to its proper dignity and place in the community of nations".

617. The UK's five aspirations were:

"• Freedom: an Iraq which respects fundamental human rights, including freedom of thought, conscience and religion and the dignity of family life, and whose people live free from repression and the fear of torture or arbitrary arrest.

• Good Government: an independent Iraq respecting the rule of law and ruled in accordance with democratic principles, whose government reflects the diversity of its population.

---

[314] Minute Straw to Prime Minister, 16 October 2002, 'Iraq: Conversation with Powell: No US Interlocutors'.
[315] Minute Dodd to Manning, 14 October 2002, 'Ad Hoc Group on Iraq'.
[316] Paper [draft] FCO, [undated], 'Vision for Iraq and the Iraqi People'.

- International Respect: an Iraq respected by its neighbours and the wider international community.
- Peace: a unified Iraq within its current borders living at peace with itself and with its neighbours.
- Prosperity: an Iraq sharing the wealth created by its economy with all Iraqis."

618. The UK would help by:

- working to bring an early end to sanctions;
- supporting Iraq's reintegration into the region;
- encouraging generous debt rescheduling;
- promoting increased aid from the international community;
- supporting an international reconstruction programme, "if one is needed";
- promoting investment in Iraq's oil industry;
- encouraging renewal of international education and cultural links;
- promoting institutional and administrative reform.

619. A revised 'Vision' was prepared in late February 2003 and is described in Section 6.5.

DFID PAPER: 'IRAQ: POTENTIAL HUMANITARIAN IMPLICATIONS'

620. During October, DFID produced two papers on Iraq: a paper on humanitarian contingency planning for the AHGI and a desktop analysis of central and southern Iraq for internal use in DFID.

621. The paper on humanitarian planning outlined possible humanitarian consequences of military action and the likely emergency requirements. It warned that DFID funds were likely to prove insufficient and that the international humanitarian system was becoming overstretched.

622. Before the 11 October meeting of the AHGI, Mr Alistair Fernie, Head of DFID Middle East and North Africa Department, circulated a draft paper on humanitarian planning not yet seen by Ms Short or other departments.[317] The paper outlined the provisions of OFF, considered the potential humanitarian consequences of military action and possible responses, and summarised NGO and multilateral agency contingency planning.[318]

623. The draft paper made two assumptions:

"a. That the UN is able to mount a coherent response to the developing situation in Iraq – before, during and after any conflict.

---

[317] Letter Fernie to Dodd, 11 October 2002, 'Iraq: Humanitarian Contingency Planning'.
[318] Paper DFID, 11 October 2002, 'Iraq: Potential Humanitarian Implications'.

b. That the UK role should be to develop and sustain a broad international coalition to deal with the humanitarian crisis in co-operation with the UN and other key international players."

It added:

"Assumption a) is credible if the UN has a mandate and active support from its members to do so. The situation might be different in the event of military action not backed by the UN. Assumption b) is in line with current UK humanitarian policy."

624. The draft listed possible humanitarian consequences of military action, including:

- large-scale civilian loss of life;
- internal and international population displacement;
- significant infrastructure and environmental damage;
- inter-factional clashes within Iraq; and
- use of chemical and biological weapons.

Likely emergency requirements included provision of basic needs and: "Early focus on recovery initiatives, particularly linking into infrastructure and environmental damage, and the impact on livelihoods."

625. The draft explained that DFID's Conflict and Humanitarian Affairs Department (CHAD) was undertaking a "short-term desktop study of the humanitarian situation" in central and southern Iraq. If restrictions on external contacts with humanitarian agencies were lifted, CHAD would obtain a fuller picture of contingency planning and agency capacities. The CHAD Operations Team (OT) was accelerating its post-Afghanistan refit and being brought up to its full authorised strength of 30.

626. The draft also stated that:

"Any large-scale UK humanitarian response would require additional funding from the Central Reserve. DFID's existing small (£6m) humanitarian programme in Iraq is fully committed; available humanitarian funds within CHAD are likely to be grossly insufficient and most of DFID's contingency reserve has already been allocated."

627. The draft paper did not consider whether there was a need for contingency plans should either of the underlying assumptions prove wrong.

628. The Inquiry has seen no indication that DFID addressed that possibility in any detail until February 2003.

DFID PAPER: 'CENTRAL/SOUTHERN IRAQ HUMANITARIAN SITUATION ANALYSIS'

629. The DFID desktop analysis of central and southern Iraq highlighted the extent of economic decline, the deterioration in public services and the vulnerability of the population.

630. The problems with Iraq's infrastructure and public services highlighted by the review were not addressed by DFID's planning for post-conflict Iraq over the coming months, which focused almost exclusively on the provision of humanitarian relief.

631. The DFID desktop analysis of central and southern Iraq, the second half of the Iraq review programme initiated in May, was completed on 17 October.[319]

632. Like the northern Iraq review in August, the 'Central/southern Iraq humanitarian situation analysis' was marked for DFID internal circulation only. The Inquiry has seen no evidence that it was distributed more widely.

633. Unlike the northern Iraq review, because of restrictions on external contacts by DFID officials, the analysis of central and southern Iraq was produced without consulting the UN, NGOs or bilateral partners, but did draw widely on external (including UN) publications.

634. Observations, some of which were repeated from DFID's report to Ms Short in May, included:

- "serial decline" or "collapse" in non-oil sectors of the economy;
- the negative impact on public services of the large number of public employees leaving their jobs;
- 50 percent of schools physically unsafe, unfit for teaching or learning and considered a public health hazard for children;
- 80 percent of primary schools in a "deteriorated" state;
- Umm Qasr port in a "dilapidated" state;
- only 50 percent of electricity demand being met;
- rising levels of waterborne diseases and salt intrusion in water systems in southern Iraq;
- transport infrastructure improving slowly "from a highly degraded base";
- the vulnerability of the population could be expected to increase as international pressure on the government grew; and
- in the event of military action, the scale and duration of a humanitarian crisis would be "dependent on efforts to stabilise the situation and address political, security, humanitarian and economic considerations coherently and rapidly".

635. Officials recommended that better data be sought as soon as contact with international agencies was authorised.

636. The two DFID reviews of northern and southern Iraq constituted a significant body of information on the scale of Iraq's social and economic decline.

---

[319] Email DFID [junior official] to Fernie, 17 October 2002, 'CSI analysis' attaching Paper Conflict & Humanitarian Affairs Department, October 2002, 'Central/southern Iraq humanitarian situation analysis'.

637. DFID should have shared that material with other participants in the AHGI to inform cross-government analysis of the state of Iraq and preparations for post-conflict reconstruction.

638. Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2008, told the Inquiry that DFID's knowledge of Iraq when it began contingency planning in 2002 was "pretty scanty" as DFID had not itself implemented humanitarian programmes in Iraq in the period leading up to the invasion, working instead through the UN agencies, NGOs and the International Committee of the Red Cross (ICRC).[320]

639. Sir Suma also stated that DFID focused on humanitarian issues "because we assumed that the UN would come in and show leadership on the post-conflict reconstruction and recovery phase" and there was "optimism about the UN being able to play that role".[321]

640. Mr Webb told the Inquiry that DFID was helpful on humanitarian issues and was ready "to bring in some of their expertise to help with some of the reconstruction".[322] He stated that: "the concentration on the humanitarian side, which we had expected might go on for a few months, had probably taken people's eye a bit off the reconstruction side …"

UK STRATEGIC POLICY OBJECTIVES FOR IRAQ

641. Mr Blair agreed draft UK strategic policy objectives for Iraq in early October.

642. Those objectives were published in January 2003.

643. There is no indication that Mr Blair sought Ministers' collective view on the strategic policy objectives between October 2002 and January 2003.

644. Nor did Mr Blair seek advice on whether the strategic policy objectives were achievable, and, if so, in what timeframe and at what cost.

645. The preparation of the objectives is described in detail in Section 3.5.

646. On 4 October, Mr Bowen submitted draft strategic policy objectives for Iraq, on which the Cabinet Office had been working with other departments, to Sir David Manning.[323] The "prime objective" was removal of the threat from Iraqi WMD. Other draft objectives included the end state approved by Mr Straw and Mr Hoon in May, to which a reference to "effective and representative government" had been added:

> "As rapidly as possible, we would like Iraq to become a stable, united and law-abiding state, within its present borders, co-operating with the international

---

[320] Public hearing, 8 December 2009, page 9.
[321] Public hearing, 8 December 2009, pages 61-62.
[322] Private hearing, 23 June 2010, page 59.
[323] Minute Bowen to Manning, 4 October 2002, 'Iraq: Strategic Policy Objectives'.

community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective and representative government to its own people."

647. Mr Bowen commented that some had argued that the aspirations for the future of Iraq should be translated into the main objective. He had resisted "on the grounds that our purpose has been plainly stated by the Prime Minister as disarmament and because the effective implementation of that policy does not necessarily deliver our wider aspirations". The objectives would also need to "evolve with changing circumstances". If military action were authorised, the paper would need to be revised.

648. Mr Lee sent a copy of the draft to Mr Hoon's office, commenting that, while the text was "helpful in acknowledging the need to make military plans and preparations in case military action is required it does not, from our point of view, go far enough in providing direction for current military activity and an information strategy".[324] Mr Lee did not expect the draft to move forward until there was a clear UN position. He added that the Cabinet Office and No.10 accepted that the objectives would need to evolve. They were not for publication at that stage.

649. Draft military campaign objectives, building on the policy objectives, were prepared in late January 2003 and are addressed in Section 6.5.

650. On 22 October, Sir David Manning informed members of the Defence and Overseas Policy Committee (DOP) and the Home, Environment and Transport Secretaries that Mr Blair had approved the strategic policy objectives, which "should help guide work in departments for the current phase of activity".[325]

651. A version of the objectives was published as a Written Ministerial Statement by Mr Straw on 7 January 2003.

AHGI STOCKTAKE OF CONTINGENCY PLANNING

652. On 10 and 11 October, the House of Representatives and the Senate authorised US use of force in Iraq.[326]

653. Sir Christopher Meyer reported on 11 October that President Bush was "intensely suspicious of the UN", but had "bought the argument that it is worth trying to maximise international support by giving the Security Council one last chance".[327] That argument had "got stronger as the administration started to focus … on 'day after' issues: it is one thing to go to war without … UN cover, quite another to rule Iraq indefinitely without UN backing".

---

[324] Minute Lee to PS/Secretary of State [MOD], 7 October 2002, 'Iraq: Strategic Policy Objectives'.
[325] Letter Manning to McDonald, 22 October 2002, 'Iraq'.
[326] Almanac of Policy Issues, 15 October 2002, *Congressional Resolution Authorizing Force Against Iraq*.
[327] Telegram 1326 Washington to FCO London, 11 October 2002, 'US/Iraq: Will the President go to war'.

654. In a separate telegram on post-conflict issues sent the same day, Sir Christopher Meyer reported that the US media, briefed by an unnamed senior official, was saying that US views were coalescing around the idea of Iraq being governed by a US military commander in the initial period after Saddam Hussein's removal.[328] Sir Christopher explained that US Government views were yet to crystallise, but there was a strong inclination towards that approach, which was at odds with the UN-led solution in the recent FCO paper.

655. Sir Christopher concluded:

> "The bottom line is that the US will be firmly in the driving seat in organising any post-Saddam administration. We need to wake up to this reality and consider how best we can align ourselves to ensure not only a stable Iraq but also the maximum benefit for UK plc."

656. On 14 October, the Cabinet Office produced a grid of military and non-military contingency planning under way in Whitehall. Organised into "external" and "domestic" issues, work ranged from the FCO paper on administering post-Saddam Hussein Iraq to an ACPO review of counter-terrorism and counter-extremism policing.[329]

657. The grid listed 11 papers attributed to the FCO, including the five already circulated to the AHGI, and six others, "not yet ready for circulation", covering:

- consular contingencies in the region;
- reopening an Embassy in Baghdad (see Section 15.1);
- economic issues in Iraq and the region;
- SSR in Iraq;
- the vulnerabilities of UK diplomatic missions in the region; and
- contingency planning for a CBW attack on UK diplomatic missions.

658. The record of the meeting of the AHGI on 11 October stated that "sanitised" versions of the FCO paper on consequences of conflict had been shared with the US, and the scenarios for post-conflict Iraq with the US, France and Germany.[330]

659. The Cabinet Office grid listed three "external" MOD contingency planning activities:

- UK/US military liaison;
- discussion of Urgent Operational Requirements (UORs) with the Treasury and industry; and
- reorganisation of Operation FRESCO, the contingency plans to manage a prospective firefighters' strike (see Section 6.1).

---

[328] Telegram 1327 Washington to FCO London, 11 October 2002, 'Iraq: The Day After: US Views'.
[329] Minute Dodd to Manning, 14 October 2002, 'Ad Hoc Group on Iraq' attaching Paper Cabinet Office, 14 October 2002, 'Whitehall Iraq Contingency Planning'.
[330] Minute Dodd to Manning, 14 October 2002, 'Ad Hoc Group on Iraq'.

660. In addition, DFID was working on the paper on potential humanitarian implications of conflict in Iraq, and British Trade International (BTI) was identifying priority sectors in Iraq for British companies.

661. The grid also listed departments responsible for different aspects of domestic contingency planning, including community relations, refugee and asylum issues, the terrorist threat, and the economic consequences of conflict.

662. That work was later consolidated in a single paper produced by the CCS on 27 November, described later in this Section.

FCO PAPER: 'INTERNATIONAL ADMINISTRATION FOR IRAQ: WHAT, WHO AND HOW?'

663. The FCO paper 'International Administration for Iraq: what, who and how?' examined possible models for a UN role in the administration of Iraq.

664. The FCO concluded that a UN transitional administration working alongside an international security force would work, but planning needed to start as soon as possible.

665. Mr Gray sent the draft of a 12th FCO paper to the AHGI on 18 October.[331] 'International Administration for Iraq: what, who and how?' appears to have been produced in response to the recommendation in the FCO paper on models for administering a post-Saddam Hussein Iraq that work begin on examining a possible UN role in more detail. It drew on recent UN experience in Afghanistan, Cambodia, East Timor and Kosovo to distinguish between two approaches to international administration:

- a "light" approach, monitoring a local administration's decisions against principles set out in a mandate provided by the Security Council; and
- a more intrusive international administration implementing the mandate directly.

If the Iraqi regime fought to the end or the damage to Iraq was extensive, the international administration would need to assume control of key areas. If Saddam Hussein were overthrown quickly or "the bulk of Ba'ath apparatchiks switched sides", the lighter approach might be manageable.

666. In both cases, key elements of the Security Council mandate would include:

- reconstruction of war damage and delivery of humanitarian assistance;
- internal and external security;
- stopping Iraq's WMD programmes;
- ensuring respect for Iraq's territorial integrity;

---

[331] Letter Gray to Drummond, 18 October 2002, 'Papers for the AHGI' attaching Paper [unattributed], 17 October 2002, 'International Administration for Iraq: what, who and how?'

- a plan for a political process, which might emerge from the Iraqi opposition or within the country;
- ensuring full respect for human rights;
- administering OFF;
- reintegration of Iraq into the world economy; and
- a realistic exit strategy.

667. Security would remain the responsibility of the Coalition:

- internal security ("pacification of unrest"), which would fall to the military and be provided initially by the Coalition;
- external security, where Iraqi forces "would probably have to be replaced"; and
- "law and order issues", which "might be handled by local police forces but with strong international monitoring".

668. The FCO advised that tackling Iraq's administration and reconstruction called for a focus on key ministries, including defence, interior, justice, finance and oil, and the regional administration (18 governorates and Baghdad).

669. Some institutions (election machinery, parliament, a regional affairs ministry and Human Rights Commission) would need complete replacement or setting up from scratch. Some (the Revolutionary Command Council, intelligence and internal security services, the Ba'ath Party and the presidential apparatus) would need to be dismantled. Institutions in other areas (labour, planning, education, health and agriculture) could be left largely in Iraqi hands. That analysis applied whether the administration was headed by the US military or the UN.

670. The FCO suggested that the civilian administration be divided into "pillars" on the Kosovo model, with the Coalition taking on, as a minimum, defence and interior. Other pillars might include civil administration, reconstruction, economic reintegration, institution-building and justice and home affairs.

671. On the appointment of a UN "figurehead", the draft stated: "We would need a heavyweight Special Representative, ideally a Muslim, who would be prepared to spend time in Iraq leading the IA [interim administration], backed up by high-calibre senior staff."

672. There was no reference to any UK contribution.

673. The FCO advised that the number of Iraqis and non-Iraqis needed for civil administration would be large, but that the UN system was "unlikely to be able to produce all the people needed on time". The UK "should look at a range of other sources:

- Other international institutions, e.g. IMF and World Bank
- Coalition players

- Regional players and structures such as the EU and OIC [Organization of the Islamic Conference].[332] NATO?"

674. Previous interim administrations had cost up to US$500 million per year, with civil components of between 200 and 5,000 personnel, and military components between 40 and 15,000. Civilian police, where necessary, had numbered from 1,000 to 4,000. Iraq was comparable in size and population to Afghanistan, but much more developed:

> "… the scale of intervention in its affairs will be much greater and more intrusive. Costs and numbers of personnel are likely therefore to be much greater than previous missions. Who paid would be a key question."

675. The FCO concluded:

> "Administering Iraq and guiding it back to a sustainable place in the world community will be a major task. A UN transitional administration could do it, in parallel with an International Force to provide security and cover for the eradication of WMD. A model that could work would [be] an extensive Interim Authority, divided into pillars under the control of a variety of international players. The pace of eventual handover to Iraqi control could be different for each pillar … But to be successful, planning needs to start as soon as possible."

676. The Inquiry has not seen a final version of the FCO paper, but material from the 17 October draft was used in the 1 November Cabinet Office paper on models for Iraq after Saddam Hussein.

WAR CRIMES AND THE CREATION OF AN INTERNATIONAL CRIMINAL TRIBUNAL FOR IRAQ

677. In October, No.10 instructed the Attorney General's Office and the Cabinet Office to take account of the potential need to bring Saddam Hussein and his inner circle to justice as part of Whitehall work on the future of Iraq.

678. The creation of an international body to try senior members of Saddam Hussein's regime for war crimes was the founding purpose of INDICT, an NGO chaired by Ms Ann Clwyd, Vice-Chair of the Parliamentary Labour Party (PLP).

679. Ms Clwyd raised the possibility of using INDICT "as an alternative to war" at a meeting of the Parliamentary Committee (the executive body of the PLP) in July 2002.[333] Mr Blair is reported to have replied: "Why don't we do it?"

680. In his diaries, Mr Mullin recorded that Ms Clwyd told Mr Blair at the meeting of the PLP on 17 July: "We can indict the Iraqis now."[334] That had "seemed to come as news"

---

[332] Known since 2011 as the Organisation of Islamic Cooperation.
[333] Statement Clwyd, January 2010, 'The Work of INDICT', page 24.
[334] Mullin C. *A View from the Foothills: The Diaries of Chris Mullin*. Profile Books, 2009.

to Mr Blair even though Ms Clwyd "had been pressing the point for ages". Ms Clwyd offered to look into the issue for Mr Blair and get back to him.

681. At No.10's request, during September and October 2002, FCO officials started to consider the possibility of an international criminal tribunal for Iraq (ICTI).

682. In late September, the FCO advised Mr Blair that the UK would support international moves to prosecute leading members of Saddam Hussein's regime, but that there were a number of obstacles.[335] Those included the lack of International Criminal Court (ICC) jurisdiction over crimes committed before the ICC Statute entered into force on 1 July 2002 and limited support for the idea of establishing a UN tribunal for Iraq among members of the Security Council.

683. On 27 September, material was submitted to Lord Goldsmith, the Attorney General, on behalf of INDICT, arguing that the UK should assert jurisdiction over crimes committed against UK nationals by Saddam Hussein and Tariq Aziz (Iraqi Foreign Minister and Deputy Prime Minister) in 1990 and promote the formation of an ad hoc tribunal to deal with Saddam Hussein after he left office.[336]

684. Ms Clwyd sent the material to Mr Blair, who asked officials: "Can I have some proper work done on why this isn't a good idea, or could it have PR [public relations] value?"[337]

685. In their response on 15 October, FCO officials pointed out that, although President Bush had warned Saddam Hussein's generals in a speech on 7 October "that all war criminals will be pursued and punished", he had not identified the mechanism to be used.[338] They cautioned that "to pursue efforts to set up an ICTI now, when we are seeking to engage the UNSC on a range of substantive Iraq-related issues, would be a serious own goal".

686. Officials put forward four alternatives in the event of a change in the Iraqi administration:

- a special hybrid domestic tribunal, in connection with the UN and including international judges and prosecutors, similar to the tribunal established in Sierra Leone;
- special hybrid panels within the Iraqi criminal justice system along the lines of the panels established in East Timor and Kosovo;

---

[335] Letter Sedwill to Rycroft, 23 September 2002, 'Iraq: INDICT'.
[336] Note Montgomery, 27 September 2002, 'In the Matter of Iraqi Crimes Against Humanity'.
[337] Manuscript comment Blair on Note Montgomery, 27 September 2002, 'In the Matter of Iraqi Crimes Against Humanity'.
[338] Letter Sedwill to Rycroft, 15 October 2002, 'ICTY-Type Tribunal for Iraq'; Speech Bush, 7 October 2002, Cincinnati Museum Center.

- truth and reconciliation commissions for lower-level accused or where there was insufficient evidence for prosecution; and
- use of the existing criminal justice system in Iraq.

687. Mr Rycroft explained to Mr Blair that he expected Lord Goldsmith to reject the arguments put forward on behalf of INDICT relating to the 1990 hostage-taking cases on the grounds that there was almost no prospect of a successful prosecution. He also commented that the FCO advice on a tribunal "will … not enhance your view of government lawyers".[339]

688. Mr Rycroft advised Mr Blair that No.10 officials were "pushing back" on both issues. Mr Blair should tell Ms Clwyd he was interested in both proposals and that he had asked for "proper legal advice". On the tribunal, Mr Blair's line should be:

> "… it is essential that we take a strong line on human rights in Iraq (as we did in the dossier). We are considering whether we should propose the establishment of an International Criminal Tribunal for Iraq, or some other mechanism, to ensure that Saddam and others guilty of the most horrendous crimes can be brought to justice."

689. Mr Rycroft instructed the FCO, the Attorney General's Office and the Cabinet Office to take account of the potential need to bring Saddam Hussein and his inner circle to justice as part of Whitehall work on the future of Iraq.[340] He asked the FCO to do more work on options, including how best to let Saddam Hussein's inner circle know that their interests would be best served by breaking with him, and the Attorney General's Office to look again at the prosecution of the 1990 crimes: "On the face of it, there is much advantage in letting it be known that we are starting investigations against Saddam for these crimes."

690. The Attorney General's Office sent a holding reply on 17 October, explaining that Lord Goldsmith was still considering the material submitted on behalf of INDICT and had not yet responded to Ms Clwyd or INDICT.[341]

691. Lord Goldsmith sent a substantive reply to Ms Clwyd on 24 January 2003, which is addressed in the Box on INDICT in Section 3.6.[342]

692. Prosecution for war crimes was discussed at the first round of US/UK inter-agency talks on post-conflict Iraq in Washington on 6 November.

693. Updated FCO advice to No.10 followed in early December.

694. Both are addressed later in this Section.

---

339 Minute Rycroft to Prime Minister, 16 October 2002, 'Iraq: Indicting Saddam'.
340 Letter Rycroft to Sedwill, 23 October 2002, 'ICTY-type tribunal for Iraq'.
341 Letter Adams to Rycroft, 17 October 2002, 'INDICT – Correspondence with Ann Clwyd MP'.
342 Letter Goldsmith to Clwyd, 24 January 2003, 'Saddam Hussein, Tariq Aziz, Ali Hassan Al-Majid and Taha Ramadan'.

UK military options: war-fighting and reconstruction

695. Military planning for the deployment of UK land forces in northern Iraq as part of a US-led force gathered pace during October 2002.

696. On 31 October, Adm Boyce advised Mr Blair that a major contribution to the military campaign would reduce pressure on the UK to finance a share of the post-conflict reconstruction effort.

697. Mr Bowen informed Sir David Manning on 9 October that the Chiefs of Staff had concluded that a decision in principle in favour of Package 3 in the next few weeks would help the UK to influence US thinking to a greater extent than had been possible up to that point, "especially in relation to the aftermath of any military action".[343]

698. Section 6.1 sets out the detail of the discussion and the pressures driving the debate.

699. The need for a decision on the potential UK contribution to any US-led action against Iraq was set out in an urgent minute to Mr Hoon from Mr Johnson on 11 October.[344] Mr Johnson advised that US thinking on the "Day After" was "under-developed at present" and warned:

> "... there is likely to be a need for a substantial, potentially long-enduring commitment of forces. Assuming that military action had taken place under a UN umbrella, it is likely that the US would look to allies and the UK to play a major role in this, perhaps including providing a framework capability through the ARRC [Allied Rapid Reaction Corps]. We clearly have an interest in minimising the risk of a longstanding commitment … in a part of the world that will not be retention-positive for our personnel: in terms of Defence Planning Assumptions, a rouled [rotating] medium scale PSO [peace support operation] in Iraq would only be manageable if our commitments elsewhere … were capped at small scale. The more substantial our contribution to military action in the first place, the more plausibly we will be able to argue that we have done our bit."

700. After a meeting with senior advisers on 14 October, Mr Hoon wrote to Mr Blair on 15 October, seeking a decision that week on whether to tell the US they could assume a UK Land contribution in addition to the air, maritime and Special Forces package already offered for planning purposes.[345] Mr Hoon wrote:

> "There is likely to be a substantial and continuing post-conflict stabilisation task in Iraq. If we do not contribute Package 3, we may be more vulnerable to a US request to provide a substantial force for this potentially open-ended task."

---

[343] Minute Bowen to Manning, 9 October 2002, 'Iraq: Chiefs of Staff Meeting on 9 October'.
[344] Minute Johnson to PS/Secretary of State [MOD], 11 October 2002, 'Iraq: UK Contingency Planning'.
[345] Minute Hoon to Prime Minister, 15 October 2002, 'Iraq: UK Military Options'.

701. Sir David Manning advised Mr Blair:

> "I am not much persuaded … that if we help with the war fighting, we shall be spared the post-conflict washing up. It didn't work like that in Afghanistan. Experience shows that once you are in, you're in deep, without queues of grateful countries waiting to take over when the shooting stops."[346]

702. Sir David suggested that Mr Blair explore a number of questions with Mr Hoon, including: "Can we afford Package 3?"

703. Mr Edward Oakden, Head of FCO Security Policy Department, advised Mr Straw to question whether the decision really had to be made that week.[347] Mr Oakden wrote that the MOD's suggestion that the UK could trade a more active role in fighting for "a smaller military role during reconstruction" seemed "optimistic": "On the contrary, if we have fought without international legal sanction, we could be left on our own with the US."

704. On 16 October, Mr Straw updated Mr Blair on his discussions with Secretary Powell on 14 and 15 October.[348] He and Secretary Powell had discussed the risks of acting without international backing and the problems of the "day after" which would be the "largest and most hazardous exercise in nation-building"; it would not be as straightforward as some thought.

705. Mr Blair, Mr Straw, Mr Hoon and Adm Boyce met on 17 October to discuss military options.[349] Mr Blair acknowledged the arguments in favour of Package 3, but:

> "… remained concerned about costs. He concluded that he wanted to keep open the option of Package 3. But we must not commit to it at this stage."

706. Mr Campbell wrote in his diaries that at the meeting, Mr Blair said "it was not no, but it was not yet yes, and he wanted more work done analysing the cost".[350]

707. The minutes of the meeting of the Chiefs of Staff on 28 October stated that "it would be important to emphasise within forthcoming submissions that, although Package 3 might be considered expensive, the alternative of committing to ops [operations] during the aftermath would also require considerable resources".[351]

708. Mr Blair, Mr Straw, Mr Hoon and Adm Boyce discussed the MOD's wish to offer Package 3 to the US for planning purposes on 31 October.[352] Mr Blair asked about the additional costs of Package 3 and whether they had been discussed with the Treasury. Adm Boyce said that "he believed that if we made a major financial contribution to the

---

[346] Minute Manning to Blair, 16 October 2002, 'Iraq: UK Military Options'.
[347] Minute Oakden to Private Secretary [FCO], 16 October 2002, 'Iraq'.
[348] Minute Straw to Prime Minister, 16 October 2002, 'Iraq: Conversation with Powell: No US Interlocutors'.
[349] Letter Rycroft to Watkins, 17 October 2002, 'Iraq: UK Military Options'.
[350] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[351] Minutes, 28 October 2002, Chiefs of Staff meeting.
[352] Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.

campaign through Package 3, we would be under less pressure to finance a share of the post-conflict reconstruction effort".

709. Mr Blair decided that the MOD should tell the US that the UK was prepared to "put Package 3 on the same basis as Package 2 for planning purposes, in order to keep the option open".

710. Asked why there might have been a reluctance in government during September and October to go beyond Package 2, Sir Kevin Tebbit told the Inquiry that one reason was:

> "… the lack of clarity of the overall plans still at that point. I think the Chiefs of Staff were very assiduous throughout this period of always asking whether, in the discussions with the United States … the US had 'a winning concept'.
>
> "… [U]nless and until the Chiefs of Staff were satisfied there was a winning concept – and remember, we were talking about aftermath or the day after as well as the actual operation itself - then obviously there was a reservation."[353]

711. The shift in UK military focus from northern to southern Iraq, and changes in the attitude of the Chiefs of Staff to the desirability of a significant UK military contribution to Phase IV early in 2003 are addressed in Section 6.2.

Growing concern about post-conflict planning

712. Between October and December 2002, UK officials expressed growing concern about the slow progress of post-conflict planning.

DFID CONTACT WITH THE US AND UN

713. By early October, restrictions on contacts with the US and UN were constraining DFID's ability to plan effectively.

714. After a visit to the US by Mr Chakrabarti in late September to discuss humanitarian planning, Ms Short stopped further contact between DFID and US officials, concerned about the potential political implications of DFID being seen to prepare for war.

715. DFID was also under instruction from the Cabinet Office not to discuss humanitarian issues with the UN system.

716. Those restrictions had been lifted by the beginning of November.

717. The DFID draft paper on humanitarian consequences of military action discussed by the AHGI on 11 October explained that planning was constrained by the shortage of

---

[353] Public hearing, 3 December 2009, pages 42-43.

information on Iraq's capacity to respond to the disruption of basic services.[354] Removal of "restrictions on initiating contact with relevant stakeholders" would allow DFID to fill the gap and develop a fuller picture of humanitarian agencies' contingency planning and regional capacity.

718. The Cabinet Office record of the meeting of the AHGI on 11 October observed that the DFID paper assumed there would be substantial UN involvement in post-conflict Iraq and added:

> "We have asked DFID not to discuss post-conflict Iraq humanitarian issues with [the] UN system yet, but they will need to do so to develop planning further."[355]

719. On 18 October, Mr Drummond informed Sir David Manning that departments' contingency planning was mostly confined to Whitehall.[356] Although there was no immediate pressure to extend existing external contacts, which included DTI contacts with the oil industry, the police with community leaders, and the FCO with the US, France and Germany, "some Departments such as DFID, who would like to link up with UN contingency planning, would find it helpful to be authorised to make contact soon, perhaps after the UNSCR is agreed".

720. On 30 September, Mr Chakrabarti had called on Mr Elliot Abrams, Head of the US inter-agency Humanitarian Working Group.[357] Mr Abrams outlined US thinking and suggested the UK and US keep in touch.

721. On 9 October, Mr Chakrabarti asked Mr Fernie to visit Washington in early November "for discussions with all the parts of the US Admin[istration] and with the World Bank".[358] He added that DFID needed to "thicken up our humanitarian/development approach to Iraq".

722. On 15 October, Ms Anna Bewes, Ms Short's Principal Private Secretary, informed Ms Carolyn Miller, DFID Director Middle East and North Africa, that Ms Short had seen the record of Mr Chakrabarti's visit and agreed DFID should be planning for all humanitarian contingencies, including those not involving military action, but was "very wary" of attracting any publicity:

> "It could cause huge political difficulties if it emerged that … DFID is planning for war. For this reason the Secretary of State has asked me to make it clear that she does not authorise any discussion or document sharing with the US on our preparations for humanitarian crises in Iraq."[359]

---

[354] Paper DFID, 11 October 2002, 'Iraq: Potential Humanitarian Implications'.
[355] Minute Dodd to Manning, 14 October 2002, 'Ad Hoc Group on Iraq'.
[356] Minute Drummond to Manning, 18 October 2002, 'Iraq: Contingency Plans'.
[357] Minute [DFID junior official] to Chakrabarti, 9 October 2002, 'Call on Elliot Abrams, Special Assistant to the President & Senior Director for Democracy, Human Rights & International Operations, 30 September: Iraq'.
[358] Email Chakrabarti to Brewer/Fernie/Miller, 9 October 2002, 'Note on Call on Elliot Abrams'.
[359] Email Bewes to Miller, 15 October 2002, 'Iraq'.

723. Ms Short held a meeting on 21 October, attended by Mr Chakrabarti, to discuss contingency planning. At the meeting Ms Short agreed that DFID officials should "indicate an intention" to join the FCO-led delegation attending inter-agency talks in Washington on 6 November, with a final decision to follow later.[360]

724. Sir Suma Chakrabarti told the Inquiry that DFID received an email from the Cabinet Office on 23 October saying No.10 was happy for the department to talk discreetly to some NGOs if it was clear the aim was disarmament not war.[361]

725. Sir Suma stated that, although the email made no reference to contacting the UN, he and Ms Short had decided in early November that "we just had to do so".[362]

726. The Inquiry has not seen a copy of the Cabinet Office email.

727. Sir Suma Chakrabarti was asked by the Inquiry whether he had been instructed by his Secretary of State not to share information (with US officials).[363] He replied: "At no stage", and that he was "Absolutely sure" of that.

728. Sir Suma's evidence does not match the instruction sent out by Ms Short's office on 15 October.

729. Sir Jeremy Greenstock told the Inquiry that the first contact between UKMIS New York and the UN Secretariat to discuss post-conflict planning was in October 2002, "probably at their request".[364]

730. Sir Jeremy reported from New York on 30 October that UN post-conflict planning was "embryonic". There were indications of support for a "pillared" model for post-conflict administration somewhere between the approaches adopted for Kosovo and Afghanistan, but planning for a possible UN administration was happening at a very low level. That reflected an instruction from the Secretary-General that work on what was effectively planning for the UN to take over from the sovereign government of a member state should be very low key.[365]

731. On 31 October, the Cabinet Office reported to Sir David Manning that the wider instruction to departments not to engage external actors was, in practice, being overtaken.[366] There was particular pressure for consultation from the UK oil industry: a delegation from BP would be visiting the FCO on 6 November.

732. On 4 November, Ms Short agreed that a revised version of the DFID paper on the potential humanitarian implications of conflict in Iraq should be shared with the US

---

[360] Minute Bewes to Fernie, 22 October 2002, 'Iraq'.
[361] Public hearing, 8 December 2009, page 12.
[362] Public hearing, 8 December 2009, page 14.
[363] Public hearing, 8 December 2009, page 17.
[364] Public hearing, 15 December 2009, pages 4-5.
[365] Telegram 2073 UKMIS New York to FCO London, 30 October 2002, 'Iraq: Day After Planning: Possible UN Administration'.
[366] Minute Dodd to Manning, 31 October 2002, 'Iraq: After the UNSCR'.

as a work in progress, subject to the inclusion of an explicit reference to DFID's lack of financial resources to cover the humanitarian contingencies considered in the paper.[367]

733. The substance of the paper was little changed from October, but a new introduction made explicit reference to the need to consider the humanitarian consequences not just of military action, but also of regime change without major military action and of Iraqi compliance with UN resolutions.[368] The paper stated:

> "Most humanitarian planning is currently focused on the after-effects of conflict … But UK ministers are clear that humanitarian planning should also consider other contingencies and not assume conflict is the most likely, in line with current UK policy objectives for Iraq which focus on disarmament rather than conflict or regime change."

734. The paper also stated that DFID had begun informal contacts with UN agencies and that wider contacts might follow the passage of a resolution, a UN decision to start more active planning, or further UK Ministerial guidance.

735. Ms Short told the Inquiry that she had spoken to Mr Kofi Annan, the UN Secretary-General, and Ms Louise Fréchette, UN Deputy Secretary-General, a number of times, "sort of slightly breaching the No.10 ruling".[369] She believed that Mr Chakrabarti had also done so. It was "very fraught" for the UN because of divisions within the Security Council: "The UN prepared, but kept it quiet."

736. There is no indication that temporary restrictions on DFID's contacts with the UN and the US had a lasting impact on UK planning for post-conflict Iraq. The Inquiry does not accept, however, that the political sensitivity of the UK being seen to prepare for conflict while pursuing a negotiated solution to the Iraq crisis should have interfered with discreet contingency planning for the possible consequences of military action. It was necessary at all stages to consider and prepare for the worst.

737. At Ms Short's meeting with officials on 21 October, Mr Fernie reported that the FCO was not considering the possible humanitarian consequences of the use of WMD. Ms Short identified that as an area of legitimate focus for DFID and commissioned a paper for Mr Blair, to be produced, if possible, before 30 October.[370]

738. On 29 October, OD Sec wrote to Mr Robert Lowson, DEFRA Director for Environmental Protection Strategy, about oil-related environmental contingency planning. The letter also asked whether there was "any official UK capacity, beyond that of the MOD, to assist with CBW clear-up or in providing clean water in these

---

[367] Manuscript comment Short, 4 November 2002, on Minute Fernie to Private Secretary/Secretary of State [DFID], 4 November 2002, 'Iraq: Contingency Planning: Humanitarian Paper'.
[368] Paper UK Department for International Development, 5 November 2002, 'Iraq: Potential Humanitarian Implications'.
[369] Public hearing, 2 February 2010, page 52.
[370] Minute Bewes to Fernie, 22 October 2002, 'Iraq'.

circumstances".[371] The letter was copied to No.10, the FCO and the Cabinet Office, but not to DFID or the MOD.

739. Ms Short wrote to Mr Blair on 30 October, warning that the international community was not adequately prepared to cope with the potentially enormous human and financial costs if Iraq used chemical and biological weapons during any military conflict.[372] She concluded:

> "I accept of course that preparing for military options, among others, is necessary, but I am very concerned that in our work across Whitehall and with the USA, the examination of the humanitarian and possible political consequences of military action have not been properly explored. We should think through what it would mean to take responsibility for Iraq after a conflict involving WMD and also make contingency plans for other possible outcomes such as a fall of the regime without a war. I am concerned that Whitehall appears to be focusing on military action, not considering other scenarios, and not thinking through the consequences of the likely use of chemical weapons."

740. Mr Drummond informed Sir David Manning on 8 November that work so far on the effects of CBW had focused on military and consular dimensions.[373] Mr Drummond said that Ms Short was right that it should be extended to address wider humanitarian consequences. The DIS had been asked to follow this up, in consultation with DFID. Once the assessments were in, officials would need to consider how DFID would pursue them with humanitarian agencies. There were risks that information would be mishandled, but "there does need to be contingency planning".

741. Mr Watkins set out Mr Hoon's views to No.10 on 11 November.[374] Mr Hoon shared Ms Short's concerns about the potential use of WMD. The MOD was making sure UK military personnel were properly protected against the WMD threat, but it was:

> "… simply not possible (nor is it the MOD's role) to extend this protection to the civilian population of any country with whom we may be engaged in conflict. We can, however, offer the reassurance that we are working closely, through the Cabinet Office, with Departments across Whitehall, including DFID, on post-conflict strategy and are offering as much information as we can make available to assist planning."

742. There is no indication of any response from Mr Blair.

---

[371] Letter Dodd to Lowson, 29 October 2002, 'Iraq: Environmental Contingency Planning'.
[372] Letter Short to Blair, 30 October 2002, [untitled].
[373] Minute Drummond to Manning, 8 November 2002, 'Iraq: CBW'.
[374] Letter Watkins to Rycroft, 11 November 2002, 'Possible Iraqi Use of WMD'.

JIC ASSESSMENT, 23 OCTOBER 2002: 'IRAQ: THE KURDS AND SHIA'

743. On 23 October, at the FCO's request, the JIC assessed the likely reaction of the Kurdish and Shia population of Iraq to any US-led attack.[375] It evaluated how significant and unified the two groups were, their links to Iraq's neighbours and the external Iraqi opposition, and their aspirations and fears for a post-Saddam Hussein Iraq. The JIC assessed that "each population is a complex web of different groups and interests". UK knowledge of the Shia inside Iraq was "very limited". Senior religious leaders had "some influence over the Shia population", but the JIC could not gauge its extent.

744. The JIC assessed that Iraqi Shia contact with the outside world was "limited and ad hoc", and judged that:

> "... **currently neither Iran nor the external opposition has a significant influence over the Shia population as a whole**. On the contrary, we believe many Iraqi Shia fear Iran winning influence over the future of Iraq because of Tehran's supposed insistence on the centrality of Sharia in political life."

745. The JIC's conclusions included the assessment that:

> "… **spontaneous uprisings,** without any clear central leadership, are likely in both southern and northern Iraq … should the regime's control collapse quickly. Army deserters (the Shia form the bulk of the Iraqi military's conscript force) could join these in large numbers. The pace of events in such a scenario **could overtake any planning by the KDP and PUK in the north, and in the south control could devolve by default to a patchwork collection of tribal leaders and religious figures** about whom we know little. In both areas there could be violent score settling …"

746. The JIC assessment was not reflected in the Cabinet Office paper of 1 November on models for Iraq after Saddam Hussein.[376]

CABINET OFFICE PAPER: 'IRAQ: MODELS AND SOME QUESTIONS FOR POST-SADDAM GOVERNMENT'

747. At the beginning of November, the Cabinet Office sent No.10 a paper on models for Iraq after Saddam Hussein. It is not clear whether it was seen by Mr Blair.

748. The paper was to be the steering brief for the UK delegation to the first round of UK/US/Australia talks on post-conflict issues in Washington on 6 November.

---

[375] JIC Assessment, 23 October 2002, 'Iraq: The Kurds and Shia'.
[376] Minute Drummond to Manning, 1 November 2002, 'Iraq: Post-Saddam' attaching Paper 'Iraq: Models and some questions for post-Saddam government'.

749. It proposed that achieving the UK's preferred outcome of "a more representative and democratic Iraq" might involve three phases:

- **a transitional Coalition military government lasting up to six months;**
- **a UN administration lasting about three years; and**
- **a sovereign Iraqi government.**

750. The Cabinet Office sent a paper on models for Iraq after Saddam Hussein to Sir David Manning on 1 November.[377]

751. The Cabinet Office paper was the first attempted synthesis of some of the work undertaken by departments under the auspices of the AHGI. It was conceived as the steering brief for the FCO/MOD/DFID/Cabinet Office delegation to the forthcoming talks on post-conflict issues with the US in Washington and did not propose or allocate responsibility for next steps. Mr Drummond described it to Sir David Manning as a summary of latest thinking. The ideas in it would not be presented as UK policy.

752. The paper stated that there were many possible permutations of the "stable united and law abiding state … providing effective and representative government" sought by the UK, but focused on just two:

"a. an Iraq under a new, more amenable strongman;
b. a more representative and democratic Iraq."

753. In the event of Saddam Hussein being toppled by a new strongman from his inner circle before or during the early stages of a military campaign, the new regime could be recognised in return for agreement to certain conditions. But:

> "Our leverage over the new regime would quickly dissipate as Coalition forces could not remain at invasion strength in the region for long. Any sanctions, once lifted, would be difficult to re-impose. This scenario for achieving our goal of Iraqi disarmament would be relatively simple and cheap, but there would be a high risk of the new strongman reverting to Saddam's policies …"

754. Assuming that Saddam Hussein's regime fell and Coalition forces reached Baghdad, the UK's preferred model for the future government of Iraq might fall into three phases:

- transitional Coalition military government;
- UN administration; and
- a "sovereign, representative and democratic government of Iraq".

755. Scenario 'b' assumed UN authorisation for military action and that the international community and UN system would be willing to assist with reconstruction.

---

[377] Minute Drummond to Manning, 1 November 2002, 'Iraq: Post-Saddam' attaching Paper 'Iraq: Models and some questions for post-Saddam government'.

756. The Coalition would make clear that it would transfer authority from a transitional military government to UN administration as soon as possible, but in practice that could take up to six months. The UN would then "rule" Iraq for about three years, during which time a new Iraqi constitution would be agreed, paving the way for the formation of a sovereign Iraqi government. The US would continue to have "overall responsibility" for security.

757. The Cabinet Office did not define "representative and democratic". The phrase contrasted with the more equivocal language in the FCO paper on scenarios for the future of Iraq, which proposed that the UK "should argue for political reform, but not necessarily full democracy in the short term", and with the reference to "effective and representative government" in the agreed definition of the desired end state, which was quoted elsewhere in the Cabinet Office paper.

758. The paper listed five priorities facing the transitional military government to be established by the Coalition after the collapse of the Iraqi regime.

759. The first, "establishing security", was to be achieved by disbanding the "inner rings" of Saddam Hussein's security apparatus. There would need to be screening of officers in the security forces. Some would be demobilised, some imprisoned and some tried.

760. The four other priorities were:

- Dismantling WMD.
- Addressing humanitarian needs. A UN presence would need to be established as soon as possible, accompanied by "a version of OFF". There would be a separate need for emergency work on infrastructure involving close co-ordination with civilian development agencies.
- Planning for a revival of the economy, which would require close co-operation with international financial institutions.
- Preparing for a UN administration. "A major task would be to decide as early as possible on the shape of a UN administration, and begin setting up as soon as the conflict ends. The Secretary-General, under guidance from the Security Council, would instruct the UN system to produce the necessary plan. Planning for SSR, economic recovery, and long-term reconstruction would also take place."

761. The paper's description of a possible UN administration drew heavily on the FCO paper on an international administration for Iraq described earlier in this Section. It went further than the FCO paper in proposing that a "UN Mission to Iraq (UNMI)" might be modelled on UNMIK, the UN Mission in Kosovo, where different roles had been sub-contracted by the UN to other multilateral bodies (the FCO paper listed the Kosovo model as one of a number of UN operations that could offer useful lessons). Organisations like the World Bank, OIC, UN and possibly the EU might lead on different strands. The paper proposed a parallel security structure under direct US military

command, replicating NATO's parallel role in relation to UNMIK, "with as wide an inclusion of effective Coalition military partners as possible".

762. The level of intervention in individual ministries "would vary from total in the security field to … superficial in areas such as agriculture. The new senior cadres could be composed of UN staff, as far as possible from Muslim countries, émigré technocrats and non-tainted technocrats from within Iraq."

763. There would also need to be a political process managed by UNMI to prepare for a democratic government. The UN would:

> "… engage in a process of political consultation which would lead to a convention of all Iraqi factions, both internal; and external … Under the UN administration, work could take place on reconstructing government, encouraging new political parties, facilitating free media and an active civil society. A new/revised/and possibly federal constitution will be drafted by Iraqi experts with international guidance. Municipal elections will take place."

764. The paper stated that UNMI would require:

> "… at least in excess of one thousand international staff and several thousand foreign police. The security force would require tens of thousands of soldiers, although this figure would reduce over time. There are question[s] of how much this international effort would cost and how it would be funded. This could be done by national contributions or through the UN assessment system. An alternative would be to use oil revenue to pay administrative and military costs. This would require UN authorisation, and UNMI and security expenses would need to take account of debt repayment …"

765. There would also need to be a financial plan, involving detailed work by the IFIs, to reconcile payment of Iraq's "huge external debts" with reconstruction and development needs.

766. The SSR section of the Cabinet Office paper drew on an early draft of a longer FCO paper on the subject, the final version of which is described later in this Section. The Cabinet Office paper stated:

> "Having dismantled Saddam's security apparatus, there will need to be a new one. This will need a comprehensive security sector plan agreed with and led by the US. The judiciary will need a total rebuild as well as the police. Decisions will need to be taken about the size and scope of the army and intelligence services."

767. The Cabinet Office paper concluded with a short section on establishing a "Sovereign Democratic Iraqi Government":

> "To mark the end of UNMI there will be a progressive return of bureaucratic and political power to Iraqis. A new constitution will be promulgated. National elections will be held. International military forces will withdraw … The new Iraq would be welcomed back to the international community. Under international guidance, the new government could be encouraged to sign a collective non-aggression pact with all states bordering the Gulf."

768. The paper did not address the UK's responsibilities and obligations during military occupation or the UK's wider post-conflict contribution.

769. Sir Peter Ricketts told the Inquiry:

> "At the period we were developing our thinking about [the] UN lead in the summer of 2002, autumn of 2002, winter of 2002, it was not clear at all the timing on which military action might happen, indeed whether it would happen at all, and whether there would have been full UN authorisation in the second resolution for it.
>
> "So at that period, we were talking in more general terms with the UN. By the time [in early 2003] it became clear, the timescale for military action, I think it was then also clear that the US would not be prepared to have UN administration. Therefore, by then we were on the track of working with ORHA [the DoD-led Office of Reconstruction and Humanitarian Assistance, see Section 6.5]. But I think it was a reasonable planning assumption in the autumn of 2002 that we could work for a UN transitional authority, and at that time the UN still had time to prepare for it."[378]

770. On 4 November, the AHGI took stock of all contingency planning papers nearing completion. The record of the meeting stated: "With the new UNSCR nearing adoption, it is time for those departments, which have not already done so, to conclude their initial contingency planning."[379] It listed papers close to completion on a range of subjects:

- the impact of conflict on the international and UK economies (Treasury);
- community relations in the UK (Home Office);
- humanitarian implications, including extra material on CBW use (DFID);
- Iraqi human rights abuses (FCO);
- environmental impact (DEFRA);
- impact on UK airlines and shipping (DfT);[380]
- consular planning (FCO);
- CBW dimensions of consular planning (FCO);

---

[378] Public hearing, 1 December 2009, page 81.
[379] Minute Dodd to Manning, 4 November 2002, 'Ad Hoc Group on Iraq'.
[380] Paper, Department for Transport, 12 November 2002, 'Possible Economic Impact on UK International Transport Operations of Action Against Iraq'.

- the Iraqi economy after Saddam Hussein (FCO);
- overview of post-Saddam Hussein scenarios (Cabinet Office, in preparation for inter-agency talks in Washington).

FCO PAPER: 'ECONOMIC ISSUES IN IRAQ AFTER POST-SADDAM REGIME CHANGE'

771. The FCO's second paper on rebuilding Iraq's economy identified the immediate tasks facing any new administration. Those included investing in infrastructure to build public support and taking control of public finances.

772. The paper stated that detailed analysis and planning needed to begin immediately.

773. A draft of the FCO paper on economic issues in Iraq, written at some point before 19 October,[381] was circulated to AHGI members on 4 November.[382] The paper described Iraq's economy as "distorted and very badly damaged", and consisting of a number of largely separate elements: the oil sector, which was efficiently run; the formal economy; the food distribution system; the informal economy ("an unrecorded, unregulated sprawl of trading and services"); the economy of northern Iraq; and the "partly secret regime/elite economy". The challenge would be to strip out the undesirable elements, retain the desirable and essential elements (the central bank and economic ministries "probably" still had competent staff below political appointees) and bring those together as a single economy.

774. Ensuring that there was "a smooth economic transition in the early months after regime change" would be the immediate task. Particularly high priority would have to be given to preserving food supplies and effective control of public finances, both of which were tied to the future of OFF.

775. The FCO paper stated that, in order to help build popular and regional support for the new administration, it might well be necessary to be able to show early gains:

> "... the most obvious quick way of doing this would be to provide … a significantly improved food ration, no doubt bolstered with a message about diverting resources from Saddam's extravagances … Beyond the first 6-12 months the focus should turn more to targeting of reconstruction expenditure to achieve political quick wins.
>
> "... Even if a new conflict produces little additional damage, the combination of neglect and war damage means that large investments in many areas and spread over many years, are needed if infrastructure and services are to recover even to their pre-1990 condition. Getting this process under way will be essential to economic revival, to the alleviation of humanitarian problems and to popular support for a new administration.

---

[381] Paper FCO, [undated], 'Economic issues in Iraq after post-Saddam regime change: internal policy and external engagement'.
[382] Minute Dodd to Manning, 4 November 2002, 'Ad Hoc Group on Iraq'.

> "The two big constraints will be finance and implementation capacity. On the former the key will be a workable agreement between external stakeholders which guarantees a reasonable flow of resources to Iraq … On the latter there will be a need for detailed analysis and planning of the substance, some of which should be set in hand now … and also for the establishment of a competent central body within Iraq able to act as the focal point for reconstruction."

776. The FCO warned that Iraq's actual or potential financial obligations, including debt servicing and compensation payments, threatened to "swamp" the income available from oil. There would need to be co-ordination between external players on a package including new bilateral grants or loans and multilateral assistance.

777. The FCO advised that advance planning for the period immediately after regime change "falls to the US", but there was also a need for "good information and sound policy analysis" from the World Bank and IMF:

> "... neither institution has done any substantive work for many years; if we leave it until regime change has happened to ask them to address the issues there is likely to be a considerable delay before they can produce anything useful. On economic grounds there is a good case for asking senior management in both institutions to put work in hand well in advance of military action … [S]ome useful preparatory assessments … would at least mean that an incoming regime, and its friends abroad, would not be flying completely blind on economic matters …"

778. The only comments on the draft seen by the Inquiry were from a junior official in DFID, who observed a need "to dovetail humanitarian relief efforts with a transition phase, reconstruction and longer-term reform".[383] The official recommended that "a revised version of OFF should incorporate **development planning** (sector development, economic planning and strategy), provide a clear structure of roles and responsibilities … and provide channels for supporting [Iraqi] government administrative and planning structures …"

TREASURY PAPER: 'ECONOMIC IMPACT OF A WAR IN IRAQ'

779. A Treasury paper on the impact of conflict on the global economy and the UK was circulated to the AHGI on 7 November.[384] The Treasury's assessment of the impact on the global economy remained unchanged from 6 September. The Treasury assessed that, in the UK, the conflict might lead to lower growth, higher unemployment and higher inflation, especially if it was protracted.

---

[383] Minute DFID [junior official] to Dodd, 31 October 2002, 'Economic issues in Iraq after post-Saddam regime change: internal policy and external engagement'.
[384] Letter Dodd to Ad Hoc Group on Iraq, 7 November 2002, 'Ad Hoc Group on Iraq' attaching Paper HMT, October 2002, 'Economic Impact of a War in Iraq'.

GOVERNMENT CONTACT WITH UK ACADEMICS

780. There is no indication that the Cabinet Office paper of 1 November or the individual papers on post-conflict Iraq prepared for the AHGI by other departments were shown to Mr Blair in the weeks before Christmas 2002, or that Mr Blair asked to see advice from officials on post-conflict issues.

781. Mr Blair did invite the views of academics working outside government.

782. In November, he and Mr Straw discussed Iraq with a number of academics.

783. During November a number of academics contributed to government discussion of post-conflict Iraq.

784. On 5 November, Mr Simon Fraser, FCO Director for Strategy and Innovation, reported to No.10 and a large number of FCO officials, including Sir Michael Jay, Mr Ricketts and Mr McDonald, a discussion on Iraq with Dr Charles Tripp of the School of Oriental and African Studies (SOAS).[385]

785. Mr Fraser highlighted a number of points raised by Dr Tripp, including his view that:

> "Ordinary Iraqis were fairly passive towards the regime … Some among the Shia still considered Saddam to be the creature of America – 'without the Americans he would not be there now'. They would be cautious in welcoming any incoming army until they were convinced that Saddam really was on the way out …
>
> "Analysts who tried to divide Iraq into three distinct ethnic/religious groups were being over simplistic …
>
> "Federalism was not an option for Iraq … and could lead to polarisation between the north and south with a weak middle between …
>
> "Establishing a representative government based on democratic principles would be costly both in political investment, money and military effort. There was no evidence that the US had either the stamina or the knowledge to carry this through. Many of those … who were talking about democracy in Iraq knew nothing about the country. A long-term international presence – whether US or UN-led – would be extremely vulnerable to Iraqi opposition movements, as well as to other elements such as Al Qaida who would want to see it fail … If this scenario were too daunting, then the best thing might [be] to go for a short-term fix involving one or more military strong men …
>
> "Islamism was an underlying force in Iraq … If it came to a post-Saddam Iraq we would need to have thought through in advance how to respond …"

---

[385] Minute Fraser to Reynolds, 5 November 2002, 'Iraq Futures'.

786. Mr Fraser's note was included in No.10's briefing pack for Mr Blair before the No.10 seminar with six academics on 19 November.[386]

787. Mr Blair and Mr Straw held an off-the-record seminar on Iraq with six academics on 19 November. The participants were:

- Professor Lawrence Freedman, King's College London;
- Professor Michael Clarke, King's College London;
- Dr Toby Dodge, Chatham House;
- Professor George Joffe, Cambridge University;
- Mr Steven Simon (a former US diplomat), International Institute for Strategic Studies;
- Dr Tripp;
- Mr Jonathan Powell;
- Sir David Manning;
- Baroness Morgan;
- Mr Bowen;
- Mr Chaplin;
- Mr Rycroft.[387]

788. The seminar was proposed by Professor Freedman as a means to "raise some of the less obvious issues and perspectives that need to be discussed".[388]

789. Mr Rycroft advised Mr Blair to issue a disclaimer at the start of the seminar, which explained that:

> "… this session is not about Iraq policy directly, the fact that we are having it does not mean anything about our policy, and any discussion of post-Saddam Iraq does not mean that our policy is regime change".[389]

790. No.10 issued a list of questions as an agenda for the seminar. Mr Rycroft explained to Mr Blair that the agenda was not designed to be adhered to religiously, but "to spark off an informal, free-flowing discussion":

"1. Can Iraq only be ruled by a strong authoritarian regime? Are other models possible? Why have they not worked in the past? Is regional devolution a starter?

2. Can the different communities work together? What are the aspirations of the Shia and the Kurds? What relations do the Iraqi Shia have with Iran?

---

[386] Manuscript comments Manning and Rycroft on Minute Fraser to Reynolds, 5 November 2002, 'Iraq Futures'.
[387] Letter Rycroft to Sinclair, 20 November 2002, 'Iraq: Prime Minister's seminar with academics, 19 November'.
[388] Email Freedman to Powell, 23 September 2002, 'Expert group'.
[389] Minute Rycroft to Prime Minister, 18 November 2002, 'Iraq: Seminar with Academics, Tuesday'.

3. What role does Islam play in Iraqi political life? How strong is Iraqi secularism? Would it survive the fall of the Ba'ath?
4. What links does Iraq have to terrorism these days?
5. Post-Saddam, how quickly would the Iraqi economy revive? Who would control the oil etc?
6. What is the future of Iraqi relations with Iran? Can they co-operate or are they condemned to remain rivals for power at the north of the Gulf?
7. Is there a prospect that Iraq can co-operate with the other Gulf Arab states, or will Baghdad, as the historical centre of power and the most populous Arab state in the region, always try to dominate? What are the possible models for security and stability in the Gulf region in the future? Can Iraq ever work with the GCC [Gulf Co-operation Council]?
8. Would change in Iraq destabilise other states like Syria (further undermining the credibility of the Ba'ath there) or Jordan? Is there really a prospect that change in Iraq could unlock movement on the MEPP?"

791. At the seminar, Mr Blair made clear that the discussion was off the record and "any discussion of post-Saddam Iraq did not imply that regime change was our policy or was inevitable".[390]

792. Not all the questions on the agenda were addressed at the seminar. The No.10 record stated that there were "no blinding insights". Points put forward by the academics included:

- Some members of the Iraqi regime were arguing that any change of regime would be worse for the Iraqi people: "Iraqis feared disorder; Saddam guaranteed stability".
- The most likely successor to Saddam Hussein was another General.
- Changing Iraq substantively would mean tackling:
  - the shadow state behind the publicly visible state;
  - the role of the armed forces; and
  - the political economy of oil, which led to a highly centralised bureaucracy and the power of patronage.
- There would be tricky decisions on the extent of co-operation with existing structures, including the Ba'ath Party, with differing views on whether it would survive Saddam Hussein's downfall.
- There was no existing process like the Afghan Loya Jirga that could be used to build future governance structures.

---

[390] Letter Rycroft to Sinclair, 20 November 2002, 'Iraq: Prime Minister's seminar with academics, 19 November'.

- Opposition groups outside Iraq had "zero credibility" in Iraq.
- The focus should be on building local councils (many Iraqis were localists at heart).
- A strong sense of Iraqi nationalism would hold the country together.
- There had been a shift of wealth from urban to rural and a rebirth of Iraqi agriculture.
- Reintegration into the global economy would throw up serious problems, including claims and debt.
- The Sunni majority [sic] would continue to dominate Iraq's government. There was scope for greater co-operation between Sunni, Shia and Kurds. An Iraqi Islamist movement could emerge and should perhaps be encouraged.
- Many Iraqis were relatively well disposed to the UK.

793. Dr Dodge told *The Independent on Sunday* in 2015: "We were heavily briefed … They said, 'Don't tell him [Mr Blair] not to do it. He has already made up his mind'."[391]

794. Professor Clarke, also speaking in 2015, explained that he was "agnostic" that day about what might happen after an invasion. He added: "Blair knew this was going to be serious … He was not blasé about it at all."

SPG PAPER, 6 NOVEMBER 2002: 'UK MILITARY STRATEGIC THINKING ON IRAQ'

795. The last two editions of the SPG paper on UK military strategic thinking were emphatic about the strategic importance of the post-conflict phase of operations and the need for better co-ordination of planning and preparation across government.

796. On 6 November, the SPG advised:

- **The post-conflict phase of operations had "the potential to prove the most protracted and costly phase of all".**
- **Planning needed to be flexible enough to accommodate a wide range of possible outcomes.**
- **Poor handling of post-conflict Iraq had the potential to fuel international tension and arm the forces of extremism.**
- **Planning for the post-conflict phase "must be complete before the start of offensive operations".**

797. The paper highlighted the need for greater cross-Whitehall co-operation and deeper analysis of the nature of the Iraqi administration.

798. There is no indication of any response to the paper.

---

[391] *The Independent on Sunday*, 25 January 2015, *What the six wise men told Tony Blair*.

799. The 6 November edition of the SPG paper on UK military strategic thinking included a rewritten section on the "Aftermath-Resolution Phase" that highlighted the strategic significance of the post-conflict phase of operations:

> "The lasting impression of Coalition legitimacy and success will not be set by military success in conflict – it will be determined by the nature of the Iraqi nation that emerges afterwards.
>
> "This phase has the potential to prove the most protracted and costly phase of all.
>
> "Planning must be flexible to accommodate a wide range of start states and possible outcomes ranging from fast and bloodless coup, a rapid and anarchic collapse, or a damaged and ungoverned state on the verge of disintegration.
>
> "Operations in Iraq may have a negative impact on the UK's policy objectives for international terrorism, as poor handling of a post-conflict Iraq has the potential to increase greatly anti-Western feeling in the region; fuelling the very international tensions we have sought to diffuse and arming the forces of extremism."[392]

800. The SPG paper listed four policy "pillars" needed to bring about the desired end state, "each composed of a range of lines of operation for different ministries, agencies and NGOs": judiciary and law; society and economy; governance; and security.

801. The SPG advised:

> "The Pillars only serve a purpose if they form the basis for interaction and co-operation between OGDs. The MOD can define some lines of operation in isolation, but early consultation is necessary for coherence.
>
> "Action is in hand by Cabinet Office to develop UK thinking.
>
> "From an MOD perspective, ideally OGDs should be invited to agree the policy pillars and outline their lines of operation within them, noting where they may seek assistance from, or interaction with, the military."

802. The SPG advised that, because of the US lead on military operations, much of the policy on post-conflict issues was likely to reflect US aims and principles. Early assessment of areas of potential difference was the key to avoiding UK principles being compromised. Governance and reform might be critical areas.

803. In the absence of an agreed US position on the post-conflict role of the UN, the SPG judged it "probable" the UK would accept: "an initial brief period of Coalition-run, largely military government; followed by an interim government run by either a UN international appointee or a UN approved Iraqi; leading to self-government".

---

[392] Paper [SPG], 6 November 2002, 'UK Military Strategic Thinking on Iraq'.

804. The SPG advised:

> "A balance must be struck between the competing demands for reform and removal of Ba'athist influence and the need for effective administration. This dilemma shapes some clear information requirements …
>
> - A detailed structural analysis of the current regime, its instruments of state power and its administration.
> - An informed UK-US judgement on the degree to which reform will be required immediately, for effective operation, and eventually, to secure the end state.
> - A rolling assessment of the effectiveness of state institutions as a result of Coalition action, linked to a mechanism for moderating or accelerating operations to set conditions for successful post-conflict efforts. **Throughout, military offensive action must be balanced against the longer-term objectives – the opportunity for counter-productive destruction is high."**

805. The paper included a diagram showing the military activities ("lines of operation") supporting the four policy pillars and the expected duration of each activity across four phases:

- pre-conflict;
- immediate (six months);
- medium term (six months to two years);
- long term (2-10 years).

806. The military activities were focused on provision of security and SSR. Potential "supporting roles" included "administration, planning and co-ordination", emergency reconstruction, urgent humanitarian assistance, support to international courts and "info ops".

807. The SPG proposed a possible definition of the military end state:

> "An accountable Iraqi security structure capable of assuming self-defence and internal security responsibilities in accordance with international law."

808. No firm date was given for achieving the military end state. The paper indicated that the UK might choose to set its own end state at as little as two years "to meet [the] aspiration for shorter engagement".

809. The diagram identified short-term military activities likely to last up to six months (emergency reconstruction; urgent humanitarian assistance; transitional law and order), medium-term activities of up to two years ("administration, planning and co-ordination"; WMD removal), and long-term activities lasting up to 10 years (force protection; control and reform of Iraqi armed forces and handover to those forces; maintenance of internal security and territorial integrity; infrastructure security).

810. In its summary of the implications of the post-conflict phase for military planning, the paper stated:

"• The impact of any enduring commitment on other operations would be significant. A recommendation on the size of force the UK is prepared to commit must be prepared, at least for the key six months following any operation. In parallel diplomatic efforts must seek partners to share, and eventually take, the burden.

…

- Planning for Resolution Phase operations must be complete before the start of offensive operations. Any UK land force HQ must have the capacity to conduct offensive and Resolution Phase operations concurrently.
- War-fighting forces must be able to contribute to Resolution Phase objectives until formal transition to resolution phase can be declared. Therefore clarity on post-Resolution Phase and likely UK contribution will be needed before operations commence."

811. The aftermath section of the SPG paper concluded with seven key judgements:

"• **Views on policy pillars and extent of support expected of military forces will be sought from OGD using current Cabinet Office machinery.**
- **The development of a jointly acceptable approach to Iraqi governance and reform in the Resolution Phase should be pursued with the US. Agreement on the role of the UN is essential.**
- **A structural analysis of the Iraqi system and the need for reform is required. Current FCO and DFID papers reveal key gaps in our knowledge (eg structure and efficiency of Iraqi police).**
- **A detailed analysis of the CoA [courses of action] of key actors is required. Military and non-military pre-emption capabilities and contingency plans must be prepared.**
- **The UK's intent to commit forces beyond offensive operations needs to be clarified to allow operational planning for the Resolution Phase, and to allow balancing of the wider commitments picture.**
- **Once principal Coalition partners have agreed on key issues, this will need to include agreement on Coalition management processes, early diplomatic activity to seek burden-sharing partners should be undertaken.**
- **Work to define force structure options must run concurrently with ongoing operational planning in order to ensure the UK is adequately prepared to conduct Resolution Phase operations."**

812. The SPG explained that a "full and detailed strategic estimate" for the post-conflict phase of operations was being prepared and would be presented in the next draft of the paper, which issued on 13 December and is described later in this Section.

First round of inter-agency talks, Washington, 6 November 2002

813. US/UK differences on the potential role of the UN in post-conflict Iraq became increasingly apparent from November 2002.

814. In early November, the UK envisaged a six-month transitional Coalition military administration handing over to a UN administration for about three years. US planners foresaw a role for UN agencies (but not overall UN leadership) during a US-led transitional administration, with a gradual transfer of power to a representative Iraqi government.

815. During talks in London on 13 September with Sir David Manning, Mr Haass proposed UK/US work on the political, economic, humanitarian and refugee issues that would result from Saddam Hussein's departure.[393] Sir David welcomed the proposal.

816. Before the talks took place, a "vigorous debate" about changes to US planning machinery led to a hiatus in US post-conflict planning lasting several weeks.[394]

817. In *War and Decision*, Mr Feith explained that, during October 2002, Secretary Rumsfeld reached the conclusion that one US official should be responsible for the political, economic and security aspects of reconstruction.[395]

818. Mr Feith explained the idea to the NSC on 15 October. He proposed that CENTCOM's post-invasion structure should consist of a military headquarters (the Combined Joint Task Force–Iraq (CJTF-I)) and a civil administration headed by a civilian "Iraq co-ordinator". Both would be under CENTCOM command. He also proposed that Secretary Rumsfeld should have overall responsibility for the post-war effort.

819. On 18 October, Secretary Rumsfeld told Mr Feith to set up a post-war planning office, only to reverse the decision soon afterwards. Mr Feith wrote that he only learned much later that this had been because President Bush was concerned that setting up such a unit would undercut his international diplomacy. As a result, each of the existing working groups for post-conflict issues carried on working independently. Planning for Phase IV of the military campaign, taking place at CENTCOM headquarters in Tampa, Florida, fell behind the other phases.

820. Mr Feith explained that the situation changed after Iraq's weapons declaration on 7 December. On 18 December President Bush had told the NSC that war was "inevitable". Mr Feith, who had never heard the President say that before, considered it a "momentous" comment. He also observed that the President's view was not shared by Secretary Powell.

---

[393] Letter Rycroft to Sedwill, 13 September 2002, 'Meetings with Richard Haass, 13 September'.
[394] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[395] Feith DJ. *War and Decision.* Harper, 2008.

821. Mr Feith wrote that it now became possible to create a central post-war planning office:

> "The President knew that creating a new office … would be seen around the world as … a sign that war was likely and imminent. Now, however, the President was beyond that worry."

822. In late December, Secretary Rumsfeld asked Mr Feith to start drafting the charter for the new "central post-war planning office".[396]

823. Secretary Powell, quoted in *Hard Lessons*, explained:

> "[The] State [Department] does not have the personnel, the capacity, or the size to deal with an immediate post-war situation in a foreign country that's eight thousand miles away from here, so there was never a disagreement about this. It made sense."[397]

824. President Bush formalised the creation of the new office in January 2003 (see Section 6.5).

825. On 6 November, Mr Chaplin led an FCO/MOD/DFID/Cabinet Office delegation equipped with the Cabinet Office steering brief of 1 November to the first round of talks with a US inter-agency team and an Australian delegation in Washington.[398]

826. US participants included the NSC, the Office of the Vice President, the State Department, DoD and the military Joint Staff. USAID was not present at the inter-agency meeting, but did have separate discussions with DFID during the visit.

827. The British Embassy reported the outcome the following day:

> "Administration planning envisages a US-led international Coalition governing Iraq in the medium term, with a gradual transfer of power to a representative Iraqi government. Coalition control of WMD, and the preservation of internal and external security, are paramount objectives.
>
> "The US favour a role for UN agencies in the transitional phase, but not overall UN civil administration … We agree on the need to co-ordinate on humanitarian issues."

828. Mr Drummond, a member of the UK delegation, reported to Sir David Manning on 8 November that there were significant differences between the US and UK positions on some issues.[399] Where the UK assumed the Iraqi Government would need "radical

---

[396] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[397] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[398] Telegram 1456 Washington to FCO London, 7 November 2002, 'Iraq: UK/US Consultations on Day After Issues: 6 November 2002'.
[399] Minute Drummond to Manning, 8 November 2002, 'Iraq: Day After'.

reform", including removal of "the pervasive influence of the Ba'ath Party", the US believed "reasonably competent ministries" remained beneath permanent secretary level and that, because the Ba'ath Party operated as a parallel structure to government below that level, "less radical change is needed". Mr Drummond suggested that both the UK and US governments would need to develop and test their thinking more thoroughly.

829. On SSR, Mr Drummond reported agreement on the need for rapid and comprehensive reform of Iraqi security structures. He expected the US to "maintain a tight grip on this", but the UK had "urged them to think about the wider security sector including police and the need to arrive with a plan (ie not as in Afghanistan)".

830. The US seemed to be "well ahead with thinking about the humanitarian consequences of military action", though less so the impact of CBW use; was "focused on the need for urgent rehabilitation of infrastructure"; wanted to establish a trust fund for transparent administration of oil revenues; and agreed Iraqi debts would require rescheduling.

831. On war crimes, Mr Drummond said that the US was working to identify "the top 30 bad guys" with no future in a successor regime, but had not focused on how to deal with any who might survive the conflict: "Given the time and cost of international tribunals we offered to consider whether any Iraqi legal processes might be usable." Mr Drummond reported an absence of "serious thinking about Truth and Reconciliation", but suggested "that can be pursued later".

832. Mr Drummond concluded:

> "We expect a further meeting in London or Washington, before the end of the year. There is likely to be a separate session in December between DFID and NSC and USAID. But this was a useful start and revealed that the US had done some detailed work and inter-agency coordination is working."

833. Some of the differences between the UK and US positions described by Mr Drummond were addressed in a paper on possible interim administrations in Iraq produced by the FCO and shared with the US in mid-December. The FCO paper is described later in this Section.

834. Ms Miller, the DFID member of the UK delegation, provided her own assessment for Ms Short, reporting that the US was "reluctant to concede a meaningful role to the UN at any stage of the process", but that USAID took a slightly different position.[400] At her meeting with officials from USAID's Office for Foreign Disaster Assistance (OFDA), she had been told "we should assume a UN lead for planning purposes". Nevertheless, she was concerned that "USAID still see themselves and DFID as the two main Coalition leads".

---

[400] Minute Miller to P/S Secretary of State [DFID], 7 November 2002, 'Main Issues from Whitehall Visit to Washington: Iraq'.

835. Ms Miller added that, in the absence of USAID from the main inter-agency talks, Mr Abrams had led on humanitarian issues. He had said that the inter-agency Humanitarian Working Group was working closely with the US military, which he anticipated would take on most of the immediate post-conflict restoration of utilities.

836. At USAID, Ms Miller was told that OFDA was "preparing to take a major role in food delivery, health and water and sanitation". She reported that USAID was "extremely keen to hold more detailed conversations in a few weeks, possibly at an overly detailed level".

837. Mr Fernie visited Geneva on 7 November to discuss UN humanitarian contingency planning with UN agencies based there.[401] He reported that planning was being done discreetly and without political cover. He added that, although he had stressed throughout that the UK was thinking about a range of scenarios, including a deterioration of the humanitarian situation during further weapons inspections, no-one engaged on other options: "they are all planning for conflict".

838. Mr Fernie listed a number of next steps:

> "We need to decide if/when we could support agency preparedness (we gave no commitment on this, citing policy and financial constraints) …
>
> "… [W]e could consider promoting military-humanitarian co-operation on the implications of CBW use for civilian populations.
>
> "We should consider with Whitehall colleagues how to co-ordinate our approaches with other donors – particularly the USA, in the light of what was learnt in Washington this week on US views of the UN's potential role."

839. UK officials drew encouragement from the adoption of resolution 1441 on 8 November.

840. At its meeting on 8 November, the AHGI was given an update on the imminent adoption of resolution 1441and the outcome of the Washington and Geneva visits.[402] Sir David Manning was informed that, at the AHGI, departments had been:

> "… encouraged, where necessary, to engage those outside government in prudent contingency planning as long as such contact is discreet. This extends to DTI planning on the UK role in a post-Saddam economy, particularly in the oil sector."

841. The adoption of resolution 1441 on 8 November and Saddam Hussein's decision to re-admit UN weapons inspectors are addressed in detail in Section 3.5.

842. Mr Chaplin told the Inquiry there was "a surge of hope".[403] It seemed "there might, after all be a route to resolving this problem through the inspection route and without military action". He added:

---

[401] Minute Fernie to Miller, 8 November 2002, 'UN Humanitarian Contingency Planning'.
[402] Minute Dodd to Manning, 11 November 2002, 'Ad Hoc Group on Iraq'.
[403] Public hearing, 1 December 2009, page 26.

> "... there was also a surge of hope, certainly on my part, that this would give us more time.
>
> "Indeed, some exchanges I had with my opposite number in Washington suggested that, despite all the difficulties … it was not impossible to think that one could delay things until the autumn of 2003, and that would have been a very good thing, not least because we would then have extra time for the planning that was necessary."[404]

843. Mr Lee told the Inquiry that, by mid-November, there had been a lot of conceptual thinking and analytical work on day after planning in Whitehall and there was "a fairly clear idea of the sort of things that needed to be pursued".[405] His sense throughout the autumn was that, although the US "would agree with the propositions that we put to them", it had not made much progress "translating that into some sort of plan". During a visit to Washington on 11 and 12 November, he and Lt Gen Pigott had suggested post-conflict planning should be given the same level of attention and resource as conflict planning: "they recognised the point, and I think they had some sort of staff effort mobilised … towards post-conflict planning, but … nothing on the scale of the conflict planning".

844. The record of the 15 November meeting of the AHGI stated that UN planning for conflict and post-Saddam Hussein Iraq was deepening.[406] The UN was now in contact with the US. The US and UK agreed that the IMF and World Bank would have a leading role in helping economic recovery in Iraq. The AHGI agreed that the Treasury and DFID should instruct the UK Delegation to the IMF and the International Bank for Reconstruction and Development (IBRD) in Washington to find out what planning was in hand and encourage further work.

845. The record also stated that the Cabinet Office would consult departments on the best way to influence US thinking on whether the US or UN should lead an interim administration before the second round of US/UK discussions later in the year.

846. Two weeks later, at the 29 November meeting of the AHGI, it was reported that the FCO would start work on a further paper on the UN role in post-Saddam Hussein Iraq "to help bridge the gap with US thinking".[407] That paper and the FCO paper on SSR would need to be shared with the US before the next bilateral discussions.

847. Mr Fernie produced a separate summary of the main points discussed at the AHGI on 29 November, which recorded a difference of opinion between the Cabinet Office and the FCO on the timing of the next round of talks with the US, with the Cabinet Office preferring mid-December and the FCO early January.[408]

---

[404] Public hearing, 1 December 2009, page 40.
[405] Private hearing, 22 June 2010, pages 40-41.
[406] Minute Dodd to Manning, 18 November 2002, 'Ad Hoc Group on Iraq'.
[407] Minute Dodd to Manning, 3 December 2002, 'Ad Hoc Group on Iraq'.
[408] Minute Fernie to Brewer, 3 December 2002, 'Iraq: Contingency planning'.

848. Mr Chaplin discussed post-conflict issues with Mr William Burns, State Department Assistant Secretary Near East, on 22 November.[409] Mr Burns suggested that the US would want to follow the 6 November Washington talks with a visit to London in December or, if necessary, January. Mr Chaplin said the UK was working on a paper on the shape of a post-conflict administration of Iraq, the issue on which "the US and UK still seemed furthest apart".

849. The FCO paper on post-conflict administration was shared with the US on 12 December.[410]

Post-Saddam Hussein oil contracts

850. During October and November 2002, UK oil companies expressed concern to the Government about securing future oil contracts in Iraq.

851. Sir David Manning raised the issue with Dr Rice in early December.

852. An oil industry representative called on Mr Chaplin on 2 October, warning that "by sticking to the rules over Iraq and not going for post-sanctions contracts", major UK oil companies would lose out.[411] He was concerned that some other countries would sell their support for US policy for a guarantee that existing deals with the Iraqi regime would be honoured. Mr Chaplin explained that the FCO was "seized of the issue" and "determined to get a fair slice of the action for UK companies".

853. On 25 October, Mr Brenton reported a conversation with Vice President Cheney's office, in which he had been told that Mr Cheney was about to discuss Iraqi oil contracts with Mr Yevgeny Primakov, the former Russian Prime Minister. Mr Brenton was advised that Mr Primakov would be told the "bids of those countries which co-operated with the US over Iraq would be looked at more sympathetically than those which did not".[412]

854. UK companies' concerns persisted. Representatives of BP, Shell and British Gas discussed the issue with Baroness Symons on 31 October.[413] Baroness Symons reported to Mr Straw that she had said:

> "… we could not make any definitive undertakings, given our determination that any action in relation to Iraq is prompted by our concerns over WMD, and not a desire for commercial gains.
>
> "However, I undertook to draw this issue to your attention as a matter of urgency. They were genuinely convinced that deals were being struck and that British interests are being left to one side."[414]

---

[409] Telegram 622 FCO London to Washington, 25 November 2002, 'Iraq: US Views, 22 November 2002'.
[410] Minute Dodd to Manning, 19 December 2002, 'Ad Hoc Group on Iraq'.
[411] Email Chaplin to Gray, 2 October 2002, 'Iraq – Views of UK Business'.
[412] Letter Brenton to Chaplin, 25 October 2002, 'Iraq: Oil'.
[413] Minute Segar to PS/Baroness Symons, 31 October 2002, 'Iraq Oil'.
[414] Minute Symons to Straw, 1 November 2002, 'Iraqi Oil and Gas'.

855. BP raised its concerns with Mr Brenton in Washington the same day.[415]

856. On 6 November, the FCO hosted a presentation on Iraqi energy given by a team from BP.[416] The presentation spelt out Iraq's importance to oil companies: it had the second largest proven oil reserves in the world and "unique 'yet to find' potential", but the oil industry was "a mess" and had to run fast to stand still.

857. The record of the seminar was sent to Mr Powell and Sir David Manning as evidence of why Iraq was so important to BP.[417]

858. Mr Powell sent it to Mr Blair, who asked: "but what do we do about it?"[418]

859. BP called on Mr Brenton in Washington again on 11 November.[419] Sir Christopher Meyer told Sir David Manning that UK oil companies had been told by the Embassy that "US motivation as regards Iraq parallels our own: this is a matter of national security, not oil … Nevertheless, the rumours persist."

860. Sir Christopher continued:

> "We have seen a report from our team at CENTCOM which suggests that the Pentagon has already awarded a contract to Kellogg, Brown and Root, a subsidiary of Haliburton, to restore the Iraqi oil industry to production levels of 3m bpd [barrels per day]. (Haliburton is of course, the company of which Cheney was previously chairman). We have so far been unable to obtain collateral for this from the Administration, and it might well in any case amount to no more than prudent contingency planning to stabilise Iraqi oil facilities if Saddam attempts to damage them in a conflict.
>
> "Either way, there is clearly an issue here which we need to tackle. Raising it in an effective way with the Administration is a delicate matter. My view remains that the only realistic way in to this is via a PM intervention with Bush … The points to make would be:
>
> - Once Saddam has been disarmed … Iraq's oil industry will be central to … economic recovery.
> - We, as you, have energy majors who have skills and resources to help …
> - To give the lie to suggestions that this campaign is all about oil, it is vitally important that, once sanctions are lifted, there is seen to be a level playing field for all companies to work in Iraq."

---

[415] Telegram 1418 Washington to FCO London, 31 October 2002, 'BP & Iraqi Oil'.
[416] Minute Economic Policy Department [junior official] to Arthur, 13 November 2002, 'BP/Iraqi Energy'.
[417] Manuscript comment Rycroft, 18 November 2002, on Minute Economic Policy Department [junior official] to Arthur, 13 November 2002, 'BP/Iraqi Energy'.
[418] Manuscript comment Blair on Minute Economic Policy Department [junior official] to Arthur, 13 November 2002, 'BP/Iraqi Energy'.
[419] Letter Meyer to Manning, 15 November 2002, 'Iraqi Oil'.

861. Sir Christopher advised that this was the least the UK should do. He had been advised by Mr James A Baker III, the former US Secretary of State, to put down a marker with the Administration fast.

862. Sir David Manning raised oil and gas contracts with Dr Rice in Washington on 9 December.[420] He hoped UK energy companies "would be treated fairly and not overlooked if Saddam left the scene". Dr Rice commented that it would be particularly unjust if companies that had observed sanctions since 1991, a category which included UK companies, were not among the beneficiaries of post-Saddam Hussein Iraq.

863. UK and US policies on Iraqi oil and efforts to secure contracts for UK companies hoping to do business in Iraq are described in Section 6.5.

UK military options

864. In November, the UK received a formal US request for UK military support in Iraq, including for post-conflict operations.

865. Lt Gen Reith submitted four proposals for the deployment of UK forces to the Chiefs of Staff, one for the North and three for the South.

866. The Inquiry has not seen any detailed analysis underpinning Lt Gen Reith's conclusion that the South of Iraq would be more manageable in the post-conflict period than the North.

867. Adm Boyce directed that the North should remain the focus of UK planners at that time.

868. On 18 November, Mr Hoon's office informed No.10, the Cabinet Office, the FCO and Sir Christopher Meyer that Mr Hoon had received a formal US request for UK assistance with a military campaign in Iraq (see Section 6.1), including provision of "financial/material resources for a military campaign and for post-conflict efforts" and "constabulary forces and humanitarian assistance as part of post-conflict stability efforts".[421]

869. Lt Gen Reith submitted a paper to the Chiefs of Staff on 18 November setting out northern and southern options for a UK land contribution in Iraq (see Section 6.1).[422] He advised the Chiefs to think about "where we wish to be at the end of Phase III [combat operations], as this could impact directly on any UK involvement in Phase IV".

---

[420] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.
[421] Letter Williams to McDonald, 18 November 2002, 'Iraq – US request for UK support' attaching Paper [unattributed], 15 November 2002, 'Request for UK Support'.
[422] Minute Reith to DCDS(C), 18 November 2002, 'Options for the UK Land Contribution' attaching Paper CJO, 18 November 2002, 'Options for the UK Land Contribution'.

870. On the northern option, Lt Gen Reith advised:

> "This could result in UK long-term leadership of the region during post-conflict operations: a position which the US would appear to favour. It would be a challenging area to control and develop, particularly in preserving regional stability between the Turks, Kurds and Sunnis. Whilst the UK has the necessary experience and capability, the challenges do need to be assessed in line with UK strategic guidance …"

871. The post-conflict responsibilities in the South were presented as being more manageable:

> "A post-conflict positioning of the UK division in the South could be attractive. The range of problems appears less complex and diverse, the long-term force structure requirements could be reduced and local conditions are likely to be more conducive to development and influence. The Northern Arabian Gulf (NAG) is also a traditional area of UK influence."

872. The MOD advised No.10 that post-conflict considerations needed to "guide thinking" on the conflict phase of operations and that the post-conflict phase would be "a challenge in its own right".

873. The MOD warned: "However successful the conflict phase, a badly-handled aftermath would make our intervention a net failure."

874. Mr Watkins wrote to Sir David Manning on 19 November, reporting the formal US request for UK support.[423] The letter was copied to Mr Straw's Private Office, Mr Brown's Private Office and Mr Bowen.

875. Mr Watkins highlighted the importance of the "aftermath":

> "Our own work has increasingly convinced us that the aftermath of any military action will be a challenge in its own right. This needs to guide thinking on the conflict phase for all sorts of reasons:
>
> - However successful the conflict phase, a badly-handled aftermath would make our intervention a net failure.
> - Day 1 of conflict will also be Day 1 of the aftermath for some parts of Iraq.
> - The nature of the conflict will influence the type of aftermath we find ourselves managing: in particular, Iraqi behaviour will have a big impact on the scale of the humanitarian and reconstruction tasks that might emerge.
> - The forces we commit to conflict will also have to deal with the initial phase of the aftermath, simply by virtue of being there. And of course their location in the conflict phase will largely determine their post-conflict role …

[423] Letter Watkins to Manning, 19 November 2002, 'Iraq: Military Planning after UNSCR 1441'.

- We also need to bear in mind that the aftermath could arise with little or no prior conflict, in the event that the regime collapses under pressure. Although the US tend to believe that the regime would indeed collapse very quickly, their thinking on the aftermath is, paradoxically, focused almost entirely on managing a post-conflict scenario."

876. Mr Watkins added that the US recognised the importance of aftermath planning, but their thinking remained:

> "… somewhat immature, fitting the problem to their pre-conceived solution. In particular … they continue to have difficulty understanding why anybody might think that some kind of UN umbrella will be important in the aftermath stage. We need to keep trying to inject realism into their thinking."

877. Mr Watkins reported that Mr Hoon believed the UK should:

> "Continue trying to influence US thinking on the aftermath, recognising that this is not something which can be neatly separated from any conflict phase (and indeed, might arise without conflict at all)."

878. Sir David Manning sent the letter to Mr Blair. He drew attention to separate advice on sensitivities associated with the call-out of UK military Reservists.[424]

879. The MOD was right to advise that a badly-handled aftermath would make intervention in Iraq "a net failure" and to conclude that thinking on the post-conflict phase should guide the UK's approach to the conflict.

880. The evidence seen by the Inquiry indicates that the MOD did start to consider post-conflict operations as an integral part of the overall military campaign, but against an assumption that the UK should seek to minimise the size and duration of its post-conflict deployment.

Parliamentary debates on resolution 1441, 25 November 2002

881. Post-conflict issues were raised by a small number of participants in the Parliamentary debates on resolution 1441.

882. The concerns raised included:

- **the need to start planning now;**
- **the importance of planning for the worst when preparing for the humanitarian consequences of conflict; and**
- **the need to consider unfinished business elsewhere in the world.**

---

[424] Minute Manning to Prime Minister, [undated and untitled], attaching Letter Watkins to Manning, 19 November 2002, 'Iraq: Military Planning after UNSCR 1441'.

883. Concerns about post-conflict preparations were raised during the House of Commons debate on resolution 1441 on 25 November, described in more detail in Section 3.6.

884. Mr Donald Anderson (Labour), Chair of the Foreign Affairs Committee, noted "that we need to plan for the post-conflict position now, rather than imagining that it will solve itself".[425]

885. Others focused on the importance of humanitarian contingency planning. The point was put most forcefully by Mr Peter Luff (Conservative):

> "There is a strong view held with great sincerity by many UN Member States that to prepare for a humanitarian crisis is to acknowledge the inevitability of war. I do not accept that argument. To prepare for the worst is not to wish for the worst, and we should prepare for the worst. Indeed, that may have the incidental advantage of reinforcing in Saddam Hussein's mind the seriousness of the international community's purpose. Please let us do more to prepare for the humanitarian consequences of a war that none of us want."[426]

886. Dr Jenny Tonge (Liberal Democrat) asked Mr Straw to consider "unfinished business" elsewhere in the world:

> "Do we have the capacity to cope? In Afghanistan, only $1bn has so far been committed out of the billions that were promised, and 70 percent of that has been spent on humanitarian aid. There is no security in Afghanistan outside Kabul, Afghanistan has asked for an extension of the international security assistance force, but where will the extra help come from? Will it come from the United States or from Britain? Where will it come from if we are facing war in Iraq and the Middle East? Very little progress has been made in Afghanistan despite the promises of the Prime Minister. It is unfinished business.
>
> "Many members have rightly referred to the difficult situation in the Middle East … more unfinished business.
>
> "For many people, the Balkans are a distant memory, but it is still a very unstable region … This year, only six percent of the aid promised in the famous Marshall Plan for the Balkans has been delivered. That is yet more unfinished business. We are very good at destroying, but not so good at rebuilding. I have not even mentioned Africa …"[427]

887. Neither Mr Hoon nor Mr Straw addressed post-conflict issues during the debate.

---

[425] House of Commons, *Official Report,* 25 November 2002, column 89.
[426] House of Commons, *Official Report,* 25 November 2002, column 91.
[427] House of Commons, *Official Report,* 25 November 2002, column 115.

888. Mr Tony Colman (Labour), Chair of the All-Party Parliamentary Group on the UN, informed the House of Commons that he had been reassured by what he had been told about UN humanitarian planning during a recent visit to New York.[428]

889. In the House of Lords, Lord Moynihan (Conservative) warned that "the use of force against Iraq opens up the possibility of an on-going military and political entanglement" and asked for assurances that the UK would not enter into a conflict without a "clear, effective and well-planned exit strategy".[429]

890. Baroness Symons replied:

> "The government of Iraq is a matter for the Iraqi people. We believe that the people of Iraq deserve a better government, one based on the rule of law, respect for human rights, economic freedom and prosperity. We welcome the external opposition's role in discussing the future of Iraq and in debating issues such as democracy, that cannot be discussed in Iraq … As at the end of the Gulf War, Britain would remain at the forefront of efforts to help the Iraqi people into the future."[430]

Domestic contingency planning

891. The first edition of a paper by the Civil Contingencies Secretariat (CCS) on the potential impact on the UK of operations against Iraq assessed that, the longer any dislocation lasted, the more likely it was that disruptive challenges would emerge. Those might include:

- **oil price rises;**
- **general uncertainty affecting the stock market;**
- **protests and counter-demonstrations;**
- **exploitation of the situation by Al Qaida and other Islamic extremist groups;**
- **military resources unavailable to cover industrial action other than the firefighters' dispute.**

892. On 27 November, Mr Drummond sent No.10 and the Private Offices of departments represented in the AHGI a CCS assessment of the potential impact on the UK of operations against Iraq.[431] The CCS assessed that:

> "The most important factor within the UK will be public confidence and its extension, market and commercial confidence. The extent to which there is a public perception that everyday life and services have been altered and the terrorist threat increased will be a major factor. A short, successful campaign would have the minimum impact.

---

[428] House of Commons, *Official Report*, 25 November 2002, column 116.
[429] House of Lords, *Official Report*, 25 November 2002, columns 557-558.
[430] House of Lords, *Official Report*, 25 November 2002, column 558.
[431] Minute Drummond to Manning, 27 November 2002, 'Potential Impact on the UK of Operations Against Iraq' attaching Paper Civil Contingencies Secretariat, 21 November 2002, 'Potential Impact on UK of Operations Against Iraq'.

The longer dislocation lasts, particularly if there are major terrorist incidents, the greater the likelihood of real disruptive challenges emerging. The extent to which military operations have public support is also important. A strong patriotic factor will restrain disruption and increase tolerance of minor inconveniences."

893. The CCS formed a number of other "key judgements":

- Oil price rises would be the main economic factor. "General uncertainty" would affect the stock market and, possibly, domestic consumer spending. Tourism and air travel would be affected by dislocation of routes.
- The potential for further protests by anti-war groups and ethnic groups and counter-demonstrations would increase. There was "opportunity for violent confrontations between protest groups, ethnic groups, or targeted against ethnic groups, particularly in the aftermath of a major terrorist incident".
- The firefighters' dispute would probably go ahead.
- Heightened anxiety about terrorist attacks was likely to cause increased disruption from hoaxes and false alarms. The JIC assessed that the threat from Al Qaida and Islamic extremist groups remained "high". "Al Qaida and other Islamic extremists will seek to exploit the circumstances of a war situation".
- Military resources would be unavailable to cover industrial action contingencies other than the firefighters' dispute. A call up of medical Reservists would probably affect NHS provision.

894. The CCS stated that contingency planning by departments was in hand. In many cases, existing contingency plans were "adaptable to the circumstances arising from operations against Iraq".

895. The CCS paper continued to be updated until January 2003, when the AHGI established a Domestic Impact Sub-Group overseen by Mr Jonathan Stephens, Treasury Director Public Services, supported by the CCS (see Section 6.5).[432]

DFID engagement with Whitehall

896. In late November and early December 2002, DFID officials lobbied for a cross-government exercise to cost each of the military options being considered by the UK, and to include humanitarian costs.

897. During December, DFID officials also sought, with some success, to improve official-level co-ordination with the MOD and the rest of Whitehall on humanitarian issues.

898. In a meeting with DFID officials on 18 November, Ms Short expressed concern that not only was no money set aside for humanitarian actions, but that the issue was not

[432] Letter Stephens to Phillips, 20 January 2003, 'Iraq: Domestic Implications of Military Action' attaching Paper [draft] Civil Contingencies Secretariat, 17 January 2003, 'Potential Impact on UK of Operations Against Iraq'.

even being considered.[433] The meeting agreed that it would be important to cost each military option, including both military and "realistic humanitarian" costs.

899. Mr Fernie set out his understanding of Ms Short's position in an internal email the following week:

> "... HMT have been talking to MOD only about the military costs without taking into account the costs to the international community of any humanitarian response, post-Saddam transitional administration and/or reconstruction …"[434]

900. Ms Short was reported to be "particularly keen" to make clear that DFID could not find substantial funds for such work from its existing budgets. Mr Fernie explained that DFID was trying to "cobble together some figures of possible costs – all a bit speculative … but the point at this stage is to get others in Whitehall thinking about it."

901. On 3 December, Mr Fernie reported to Dr Nicola Brewer, DFID Director General Regional Programmes, that there had been no progress in interesting the Cabinet Office or the Treasury in costing "various scenarios".[435] Mr Drummond and the AHGI had both given a "clear negative response". The Cabinet Office position was that if DFID thought it would incur unaffordable extra costs, it should bid to the Treasury. DFID's Conflict and Humanitarian Affairs Department (CHAD) was working up preliminary costings, "but we currently have no consumer for the product". Mr Fernie asked how and when to report back to Ms Short.

902. Dr Brewer replied that she had spoken to Mr Ricketts who had been:

> "… slightly more willing to acknowledge that the likely costs … should be factored into the decision-making process. But I got no sense at all that the FCO would either push for this or support us in doing so. Their sense is that the Prime Minister's mind will be made up by other factors."[436]

903. Dr Brewer suggested that the issue be raised with Sir David Manning or other Permanent Secretaries by Mr Chakrabarti, or at Cabinet by Ms Short.

904. DFID officials reported the lack of progress to Ms Short on 10 December.[437] Ms Short agreed that officials should raise US and DFID cost estimates at the next Cabinet Office meeting, and directed that DFID officials should increase discussions with the Treasury. It was also important to ensure that all costings included military and humanitarian factors.

905. At the same meeting, officials raised the need to consider training for DFID-funded personnel who might be deployed alongside the UK military. Ms Short pointed out that

---

[433] Minute Bewes to Miller, 19 November 2002, 'Iraq'.
[434] Email Fernie to Sparkhall, 26 November 2002, 'Iraq – expenditure implications across Whitehall'.
[435] Minute Fernie to Brewer, 3 December 2002, 'Iraq: Contingency planning'.
[436] Minute Brewer to Fernie, 5 December 2002, 'Iraq: contingency planning'.
[437] Minute Bewes to Fernie, 13 December 2002, 'Iraq'.

DFID would not usually deploy its own people, but would work through the UN or NGOs. She asked officials to revert to her before putting anyone through training.

906. On 3 December, Dr Brewer met Major General Tim Cross, Logistic Component Commander of the Joint Force being prepared for possible operations against Iraq, to discuss the potential for better MOD/DFID engagement in Iraq and elsewhere with.[438] Dr Brewer and Maj Gen Cross were joined later in the meeting by Mr Chakrabarti.

907. The record stated that Maj Gen Cross emphasised the non-official nature of his visit and requested that the meeting be conducted under Chatham House rules.[439] He was concerned that "the MOD was failing to engage at an early stage with other government departments particularly DFID and hence not paying sufficient heed in its planning to wider security and humanitarian issues". A number of action points were agreed to promote "immediate and sustainable" links between DFID and MOD, none specifically linked to Iraq.

908. Dr Brewer wrote to Mr Fernie on 5 December to express her concern about DFID's engagement with the rest of Whitehall:

> "I'm surprised that all of the Cabinet Office meetings so far seem to be at [relatively junior] Head of Department level: Peter Ricketts tells me that he is spending 50 percent of his time on Iraq … are there Whitehall senior officials' meetings to which we are not being invited? We should be proactive about this …"[440]

909. Sir Suma Chakrabarti explained to the Inquiry that Maj Gen Cross left the meeting on 3 December:

> "… agreeing a number of ways to try and resolve this. In fact, he even asked for Clare Short to write to the Defence Secretary, which I thought was interesting, to try and open up the military planning side.
>
> "On 12 December, Clare [Short] decided … in the margins of Cabinet, to talk to the Prime Minister about this [military planning] and the Prime Minister suggested that she have a direct conversation with the Chief of Defence Staff, Lord Boyce, as he now is. And she did so, and Lord Boyce suggested that she or DFID officials talked to some other people in his office about this. She didn't seem to be making much progress. I took it up with the Cabinet Secretary. David Manning very kindly also rang the Chief of Defence Staff about it, and on 18 December MOD officials came across and we agreed a way forward whereby we could link up better the humanitarian assistance and the operational planning on the military side."[441]

---

[438] Minute DFID [junior official] to Brewer, 3 December 2002, 'Meeting with Major General Tim Cross – 3 December 2002'.
[439] The Chatham House Rule states that participants at a meeting in which it is invoked are "free to use the information received, but neither the identity nor the affiliation of the speaker(s) nor that of any other participant, may be revealed".
[440] Minute Brewer to Fernie, 5 December 2002, 'Iraq: Contingency Planning'.
[441] Public hearing, 8 December 2009, page 19.

910. Lord Turnbull told the Inquiry:

> "There was one point in which – this is a sort of classic way in which the Cabinet Secretary intervenes, we get to December, I think, and the DFID come to me for – I think invoking my help, saying 'We are not satisfied that we are learning enough on what is going on in the military planning', and at the same time Clare Short raised it with Lord Boyce and the Prime Minister and it was very quickly sorted out."[442]

911. Although co-operation between DFID and the MOD improved, No.10 continued to block DFID participation in detailed discussions of military planning.

912. Ms Short was not briefed on UK military planning until 12 February.

913. At her request, Dr Brewer met Mr Stephen Pollard, Head of MOD Overseas Secretariat (Sec(O)), on 18 December, and Mr Lee and Mr Webb on 20 December.[443]

914. The DFID record of the meetings stated that the MOD appreciated the importance of DFID-MOD dialogue, especially on humanitarian issues, but that "the issue of Operational Security (Op Sec) is a hurdle to early and more consistent consultation". The issue was less the level of security clearance required than the "need to know", which was much more difficult to define.

915. Mr Webb was reported to be "clearly focused on aftermath planning". Dr Brewer set out Ms Short's interest in "post-conflict stabilisation strategies" and agreed that she (Dr Brewer) and he should discuss the issue on 10 January.

916. The record also stated that the meetings had confirmed that little thought was being given to humanitarian operations. Dr Brewer raised the issue of a stabilisation force and stated that: "Making a demonstrable (and rapid) difference to the civil population's lives was vital to the success of any political-military plan and to wider regional stability." Mr Lee "saw the advantage of HMG [Her Majesty's Government]-wide discussion".

917. Mr Lee commented afterwards to Lt Gen Pigott: "From a machinery of government and successful Iraq policy perspective all the arguments are surely in favour of including … DFID individuals in our discussions."[444] He explained that No.10 would not, however, accept this:

> "At David Manning's meeting today … when asked by Peter Ricketts whether DFID could attend the COBR(R), David had immediately said 'no'. This was on the grounds that DFID officials would feel bound to report what they had heard to Clare Short … it was not acceptable to incorporate Ms Short herself into this level of debate."

---

[442] Public hearing, 13 January 2010, page 8.
[443] Minute [DFID junior official] to Brewer, 20 December 2002, 'Meetings with MOD officials'.
[444] Minute Lee to Policy Director, 20 December 2002, 'DFID Involvement in Iraq Planning and Preparations'.

918. Mr Lee also recorded that he had agreed with Dr Brewer that development of military campaign objectives needed to take account of humanitarian concerns.

919. The Inquiry considers that Ms Short's exclusion reflected No.10's position on her participation in the making of policy on Iraq. Ministerial decision-making is addressed in more detail in Section 2.

920. The discussion of DFID (and DTI) involvement in military planning by the Chiefs of Staff on 8 January 2003 is described later in this Section.

921. Dr Brewer told the Inquiry that the proportion of her time spent on Iraq changed significantly over that period:

> "By about mid-December 2002 and then until early April 2003 it was taking up most of my time, displacing most of my other responsibilities as DG Regional Programmes. I handed over direct supervision of DFID's Iraq operations to Suma Chakrabarti a few weeks before Clare Short resigned in May 2003."[445]

922. Dr Brewer explained:

> "From autumn 2002, Suma Chakrabarti and I kept under constant review staffing levels and responsibilities on Iraq, how work on Iraq was going, and the impact that our workload on Iraq was having on other DFID work in my areas of responsibility. In early April 2003, he and I agreed that he should take over from me direct supervision of DFID work on Iraq for the following reasons:
>
> – co-ordination between DFID and OGDs, in particular MOD but also No.10, FCO and Cabinet Office, had significantly improved (which had been one of my key immediate tasks);
>
> – the issue was reputationally critical for DFID, and therefore one on which the Permanent Secretary naturally needed to be engaged; and
>
> – for me, as the relevant DG, as well as the Permanent Secretary also to continue to spend a considerable proportion of time on Iraq, risked both duplication of senior level supervision and significant neglect of the rest of my responsibilities."[446]

FCO preparation for handling an "all-out crisis"

923. In December 2002, the FCO introduced new machinery to manage its work on Iraq.

---

[445] Statement, 12 September 2010, page 1.
[446] Statement, 12 September 2010, page 14.

924. On 29 November, the FCO Board discussed priorities for the coming months, including reviewing Iraq policy and planning:

> "The Board agreed that the possibility of war in Iraq would remain the prime focus of attention over the next months. It discussed contingency plans being put in place. Work was in hand on staffing and establishing emergency units. Procedures were due to be tested in January … Board members stressed the need to keep the level of threat under review; and to keep examining and testing out the contingency plans."[447]

925. The Board also discussed whether further costs were likely to arise in the context of Iraq contingency planning. The MOD had already placed a claim on the Reserve and there was a strong case for an FCO claim "which would be strengthened if we could point to clear decisions being taken now to prioritise our spending".

926. FCO claims on the Reserve are addressed in Section 13.1.

927. A paper on FCO prioritisation was prepared for the Board in March 2003 and is described in Section 6.5.

928. On 2 December, Mr Ricketts sent Sir Michael Jay advice on "preparations for handling an all-out Iraq crisis".[448] In a brief description of how the FCO was "already geared up to deal with the increased intensity of work on Iraq", he included references to the procurement of items for the future Baghdad Embassy, contingency planning for CBW protection in the region, and consular contingency planning. Most of the advice addressed the role of the FCO Emergency Unit and choreography of departmental meetings.

929. Mr Ricketts explained that he held daily meetings at 9.00am to co-ordinate FCO activity, chaired in his absence by another FCO Board member or Mr Chaplin. He also described the Iraq-related responsibilities of FCO senior officials:

> "William Ehrman [Director General Defence and Intelligence] deals with JIC and MOD, Graham Fry [Director General Wider World] supervises work on consular planning …; Edward Chaplin and Charles Gray take the lead on policy advice, working with DSI for longer range thinking, with the UN and CFSP [Common Foreign and Security Policy] teams, with the Legal Advisers and others. I have deliberately involved a wide spread of senior managers, because we may well have to sustain an intense crisis for a significant period …
>
> "You will of course want to be closely involved in all the policy-making. One of the key tasks of the Emergency Unit is to prepare the Foreign Secretary and you for the [anticipated] No.10 meetings, to ensure the FCO is pro-active and thinking ahead. I propose to take responsibility under you as overall co-ordinator …

---

[447] Minutes, 29 November 2002, FCO Board.
[448] Minute Ricketts to PUS [FCO], 2 December 2002, 'Iraq: Handling the Crisis'.

> "MED and Personnel Command discussed again this week the staff numbers required to produce this structure, and other essential augmentation (for example, for the Press Office and Consular Division) … But it will be vital that the Board meets early and decides which tasks can fall away …
>
> "This all looks unwieldy, but I am confident that it will work … In managing this, the trick will be to have a clear co-ordinating and tasking arrangement, without vast meetings … We will need to keep [overseas] posts well briefed and targeted, while encouraging them to exercise maximum restraint in reporting …"

930. The Inquiry has seen no response to Mr Ricketts from Sir Michael Jay.

931. The first Iraq morning meeting for which the Inquiry has seen a record was on 24 December.[449] From 11 February 2003, Mr Ricketts chaired a second policy meeting most evenings.[450] The records of each morning and evening meeting were sent to Sir Michael Jay's office and copied widely in the FCO, to Dr Brewer in DFID, and, from 3 February 2003, to Dr Simon Cholerton, an official in Sec(O) in the MOD.

932. The records show that most meetings focused on negotiations at the UN. Post-conflict issues, including the preparation of briefing for No.10, key meetings with the US, and DFID's humanitarian preparations, were also discussed, but were often reported in less detail.

933. Mr Ricketts was right in December 2002 to try to ensure that the FCO was "thinking ahead" and to involve a wide range of senior managers responsible for areas of business affected by Iraq in the department's preparations for an "all-out Iraq crisis". But the new arrangements represented a missed opportunity to give greater prominence and coherence to the FCO's work on post-conflict issues.

FCO REPORT ON SADDAM HUSSEIN'S CRIMES AND HUMAN RIGHTS ABUSES

934. The FCO published a report on Saddam Hussein's crimes and human rights abuses in early December.

935. FCO officials advised Mr Straw that there continued to be differences between UK and US views on how to approach the prosecution of Saddam Hussein and his inner circle.

936. On 2 December the FCO published a report on Saddam Hussein's crimes and human rights abuses.[451]

---

[449] Minute Middle East Department [junior official] to PS/PUS, 24 December 2002, 'Iraq Morning Meeting: Key Points'.
[450] Minute Middle East Department [junior official] to PS/PUS, 11 February 2003, 'Iraq Evening Meeting: Key Points'.
[451] Foreign and Commonwealth Office London, *Saddam Hussein: crimes and human rights abuses*, November 2002.

937. The first draft of the FCO report had been produced in March 2002, in response to a request from Mr Blair for information on Saddam Hussein's record of human rights abuses, for publication alongside a paper on WMD.[452]

938. The development of a communications strategy on Iraq and the preparation of the Iraq dossier, which incorporated some material on human rights abuses, are addressed in Section 4.2.

939. The FCO report published on 2 December was "based on the testimony of Iraqi exiles, evidence gathered by UN rapporteurs and human rights organisations, and intelligence material".[453] It examined "Iraq's record on torture, the treatment of women, prison conditions, arbitrary and summary killings, the persecution of the Kurds and the Shia, the harassment of opposition figures outside Iraq and the occupation of Kuwait".

940. Mr Straw explained to the *BBC* that the report was being published "because it is important that people understand the comprehensive evil that is Saddam Hussein".[454]

941. The report was criticised by some as an attempt to influence public opinion in favour of war.[455]

942. On 11 December, in response to a request in October for more work on the criminal prosecution of Saddam Hussein and his inner circle, the FCO sent No.10 a paper on a possible international criminal tribunal for Iraq.[456]

943. The covering letter explained that, as requested, the question of a tribunal was being factored into Whitehall work on the future of Iraq. Officials had discussed the issue at the Washington talks on 6 November and consulted the State Department's War Crimes Office. The US did not appear to favour an international tribunal for Iraq along the lines of the International Criminal Tribunal for the former Yugoslavia (ICTY) and was giving close consideration to the Sierra Leone Special Court model.[457]

944. On the question of whether to circulate information about potential indictees in order to encourage them to break with Saddam Hussein, the FCO advised that there were various lists of possible targets in existence, including a list of 27 published by the Iraqi National Congress and a secret list produced by the US containing about 40 names, but that it would be inappropriate for a government to issue a list as it would pre-empt the role of the eventual prosecutor. It might also encourage those on the list to

---

[452] Minute McKane to Rycroft, 27 March 2002, 'Saddam's record of human rights abuses' attaching Paper, 'Iraqi Human Rights Abuses'.
[453] Foreign and Commonwealth Office London, *Saddam Hussein: crimes and human rights abuses*, November 2002.
[454] *BBC News*, 2 December 2002, *UK unveils 'torture' dossier*.
[455] *The Guardian*, 3 December 2002, *Anger over Straw's dossier on Iraqi human rights*.
[456] Letter McDonald to Rycroft, 11 December 2002, 'ICTY-Type Tribunal for Iraq' attaching Paper [unattributed and undated], 'Tribunal for Iraq'.
[457] The Sierra Leone Special Court (SLSC) is a special tribunal of domestic and international judges which exists outside the Sierra Leone criminal justice system. The SLSC prosecutes only those responsible for the most serious crimes.

resist to the end or to abscond. For those reasons, the US was cautious about the idea. The FCO intended to stay in touch with the State Department as thinking on transitional justice developed.

945. The FCO advised that prosecution of the range of allegations against Saddam Hussein's regime might require a combination of different judicial institutions. Issues to consider included:

- the capacity of the domestic criminal justice system, which was likely to need "substantial re-building and re-training to restore it as an independent and effective body";
- the difficulty of finding a legal basis for a number of the options if the UN was not involved in the administration of Iraq;
- the UK's wish not to be associated with the death penalty, which remained extant in Iraqi law; and
- categorisation of offenders, which might include:
  - political and military leaders;
  - others contributing to the commission of international crimes;
  - perpetrators of serious domestic crimes such as murder; and
  - those responsible for lesser offences.

946. Those issues were considered further by officials after the second round of inter-agency talks in Washington on 22 January 2003 (see Section 6.5).

947. In a series of papers on post-conflict Iraq prepared in mid-December and shared with the US, the FCO identified:

- **possible middle ground between UK and US positions on the post-conflict role of the UN;**
- **the need for more information on the capabilities of Iraq's civil service;**
- **the need to put SSR at the centre of post-conflict work;**
- **the risk of underplaying the importance of "Islamic forces in Iraq";**
- **the need to improve economic conditions as quickly as possible; and**
- **the importance of maintaining firm control of the internal security situation.**

948. The British Embassy Amman also highlighted the tainted image of the UN in Iraq. It stated that a UN-led interim administration would be preferable to a US-led one, but would come in for much the same criticism from Iraqis.

949. On 12 December, the FCO handed four papers to Ambassador Zalmay Khalilzad, US Ambassador at large for Free Iraqis, who was visiting London for the conference of the Iraqi Opposition from 14 to 17 December:

- 'Interim Administrations in Iraq: Why a UN-led Interim Administration would be in the US interest';
- 'Iraq: Security Sector Reform';
- 'Islamism in Iraq'; and
- a paper on war crimes.[458]

950. It is not clear from the documents seen by the Inquiry which paper on war crimes was handed to Ambassador Khalilzad. It seems most likely to have been the FCO paper published on 2 December, but could have been the paper on a tribunal for Iraq, which had been sent to No.10 on 11 December after a series of discussions on the subject between the FCO and the US Government.

951. The first three papers were tabled at the AHGI on 13 December.

952. The Cabinet Office undertook to circulate the paper on war crimes later.

FCO PAPER: 'INTERIM ADMINISTRATIONS IN IRAQ'

953. The FCO paper on interim administrations shared with US on 12 December was a response to the differences between the US and UK positions at the Washington talks on 6 November and was described as "work in progress".[459] The paper was tabled at the AHGI on 13 December. It is not clear who contributed to the draft.

954. The FCO paper set out the likely short- and medium-term functions of an interim administration, ranging from destruction of WMD stockpiles to reintegration of refugees. It cautioned:

> "We cannot be sure of the scale of the problem before we encounter it (although we believe the US has done a lot of work in this area, particularly with the Iraqi exile community). Iraq has a reputation for being one of the better-run Arab countries with a well-educated civil service. But we have little first hand evidence of how things work nowadays. We need more information, and we are working with academics, the Iraqi exile community and our posts on this in order to tackle the following questions:
>
> - To what extent are ministries infiltrated by Ba'athist elements? How central are the Ba'athists to the functioning of the ministries? Can the ministries work without them?
> - How far do the Ba'athists have to be removed to ensure loyalty to an interim administration?

---

[458] Minute Dodd to Manning, 19 December 2002, 'Ad Hoc Group on Iraq'.
[459] Paper Middle East Department, 12 December 2002, 'Interim Administrations in Iraq: Why a UN-led Interim Administration would be in the US interest'.

- What has been the effect on good government of coping with sanctions? How much activity has moved to the 'black market'? How do we move black market activity back into the legitimate sector?
- To what extent have government practices become corrupted by non-transparent control over oil revenues?"

955. The FCO recognised that there were benefits and drawbacks with the US and UN models, and suggested a "third way":

> "… a potential middle ground in which security requirements could be provided by Coalition Forces, answerable only to US leadership, and all other functions of administration provided through the UN. Or the tasks of an IA could be divided up so that US-led Coalition Forces retained the lead on some – eg defence, WMD, security sector reform – working alongside a UN-led civil interim administration.
>
> "To achieve this sort of structure would require some innovative work in the UN Security Council …"

956. The FCO concluded that international legitimacy was crucial to many aspects of the interim administration's mission and would be very difficult to achieve under US leadership. In the short term, the US-led model looked more likely to succeed, especially in the areas of SSR and WMD. Wider political and economic reforms were more likely to endure in the long term if the interim authority worked under UN auspices and maximised the contribution of Iraqis.

957. Comments on the paper from the British Embassy Amman were included in an annex:

> "The crucial issue here is timing. If the US or UN were to control the initial period of post-conflict transition, their presence is likely to be accepted (if it brings peace and not a worse situation). This stage should not be long enough for the US or the UN to start expanding their duties beyond simply keeping the peace and avoiding major humanitarian problems."

958. The Embassy warned that the "fervour that could be whipped up" by any US attempt to run major Iraqi government departments "could be enough to endanger the international community's ability to affect the process of change at all". Equally:

> "Whilst a UN-led authority would be undoubtedly better than a US-led one, the UN now has such a tainted image in Iraq that a UN-led IA would come in for much the same criticism. (The UN is felt to be under the control of the US anyway.)"

959. The Embassy concluded:

> "There is a small group of Iraqis inside Iraq who could be trusted/used to bring about change in a transitional phase. They would need to be bolstered by Iraqi professionals willing to return from abroad.

> "An interim authority would be best run by the Iraqis themselves with long-term technical and financial support from the international community. (The UK is in a particularly strong position to do this – we still maintain the image of being professional and knowledgeable!)"

FCO PAPER: 'IRAQ: SECURITY SECTOR REFORM'

960. During October and November, the FCO produced a number of drafts of a paper on SSR, one of which informed the 1 November Cabinet Office paper on models for post-Saddam Hussein Iraq.[460]

961. The last version seen by the Inquiry, dated 10 December, described SSR as a key task which, if carried out successfully, "should lead to Iraq giving up its attachment to WMD, dismantling its oppressive network of spies, informers and secret police, scaling down its huge armed forces and reforming its criminal justice system".[461] If SSR went well, Iraq would be "much less likely to pose the same threat to the region and its own people". The process would be shaped to a degree by post-conflict stabilisation and should be seen within the overall policy framework of promoting good government. There was a particularly clear overlap between SSR and those wider issues in areas of police and judicial reform, about which the UK knew little.

962. The paper listed the questions that any SSR plan for Iraq must answer:

- What security structures would be appropriate? That required an assessment of the internal and external threats to Iraq and knowledge of its future constitutional shape.
- Who should be in charge? SSR in Afghanistan had been hampered by the lack of international institutional architecture: "In Iraq's case, we should give a higher priority to organising SSR much earlier, ie ideally before military action … Good articulation between the body charged with overseeing SSR and the post S[addam] H[ussein] interim administration will be critical."
- Methodology. How far should the exclusion of members of the Tikriti clan be taken? The inner circle of security agencies around Saddam Hussein were ripe for abolition, but what about the civilian police and the judiciary?
- DDR. What mechanisms were need to bring perpetrators of crimes against humanity to justice?
- Qualitative and quantitative change. How to reform the security sector to operate on the basis of humanitarian values in support of a legitimate government?
- Accountability. How to establish the principle of civilian oversight?

---

[460] Letter Gray to Drummond, 18 October 2002, 'Papers for the AHGI' attaching Paper [unattributed], 17 October 2002, 'Iraq: Security Sector Reform'.
[461] Paper Middle East Department, 10 December 2002, 'Iraq: Security Sector Reform'.

963. The FCO described the paper as a "living document" and highlighted some emerging themes, including the need:

- to put SSR at the centre of post-conflict work, unlike in Afghanistan;
- to establish a UK working group to start the detailed assessment of "a number of complicated issues" that would allow the UK to engage with the US and UK academics on the issue;
- to involve the new Iraqi administration in the process as early as possible;
- to find out more about the judiciary and the civilian police; and
- for Ministers to decide the level of engagement "given our limited and stretched resources".

964. The record of the AHGI on 13 December stated that a Whitehall working group on SSR had been established and could undertake further work.[462]

965. The Government has been unable to supply evidence of activity by the SSR working group.

FCO PAPER: 'ISLAMISM IN IRAQ'

966. The FCO paper on Islamism in Iraq, written by DSI, described Iraq as "a relatively secular state", but warned:

> "Many of the models for possible future governments, whether representative or even democratic, proposed by commentators, are broadly secular too. This may be the preferred outcome, but there is a risk we underplay the importance of Islamic forces in Iraq.
>
> "In any period of post-Saddam political instability, it is likely groups will be looking for identities and ideologies on which to base movements. Ba'athism will have been largely discredited. Communism is no longer the force it once was in Iraq. Islamism, ethnicity and nationalism are obvious alternatives. This paper considers the possibility that Islamism emerges as one of the main organising principles for Iraqis."[463]

967. The paper stated that it was "almost certain that political Islam would become more prominent in post-Saddam Iraq" and drew four "tentative conclusions":

- Many popular groupings emerging after Saddam Hussein were likely to have religious agendas, some overtly anti-Western.
- The emergence of such groups was not inconsistent with moves towards more representative or democratic government.

---

[462] Minute Dodd to Manning, 19 December 2002, 'Ad Hoc Group on Iraq'.
[463] Paper DSI, [undated], 'Islamism in Iraq'.

- "We do not expect a massive surge in extremist sentiment". The Shia were unlikely to repeat the 1991 mistake of calling for a Khomeinist regime, a move which had alienated many Iraqis who might have joined them.
- A number of extremist groups were likely to use violence to pursue their political ends.

968. The FCO proposed a number of "practical steps" to provide stability.

969. In the short term, support for more extreme groups could be limited by:

- avoiding Shia shrines and important religious buildings during military action;
- improving economic conditions as quickly as possible;
- winning hearts and minds through public information and media campaigns;
- discouraging meddling by Iran and other regional players;
- maintaining Israel's neutrality during military action and making progress on Israel/Palestine; and
- "Maintaining firm control on the internal security situation and moving quickly to suppress any international terrorist groups in the country."

970. The FCO suggested that, in order to ensure longer-term stability and development, there would be an overriding interest in the rapid emergence of "a political class with whom we can do business". Focusing on pro-Western groups would be short-sighted. It could create:

> "… a further breeding ground for resentment, extremism and ultimately terrorism directed both against any new regime and Western targets. It would be seen as another example of Western hostility to Islam and double standards. It would be a recipe for longer-term instability."

Instead, Islamist groups and religious leaders should be involved in the creation of the new Iraqi political system.

971. The FCO concluded:

"
- We should plan on the basis that political Islam will be a significant force in many of the post-Saddam scenarios …
- We should work to limit the support the extremist elements receive …
- We should look to engage those moderate groups which are willing to work with us, even if they disagree strongly with some of our values. This means being prepared to accept the emergence of a religiously conservative and anti-Western regime if that is what Iraqis want.
- The approach the Americans adopt will be crucial. We should engage them on this issue."

972. On 30 December, Sir Michael Jay asked Mr Gray a number of questions about post-conflict issues, including how far FCO papers on post-conflict issues had been shared with the US and major EU partners.[464]

973. Dr Amanda Tanfield, Head of Iraq Section in MED, reported:

> "Almost all the UK papers have been shared with the US. We have only withheld from them papers which have been overtaken by others that we have passed to them.
>
> "We have been more selective with EU partners. Foreign ministry officials in France and Germany received the early planners [DSI] papers on 'Scenarios for the Future of Iraq after Saddam' and 'Consequences of Conflict for the Region'. We have given the French planners … the paper on 'Islamism in Iraq'.
>
> "The difficulty with sharing a lot of thinking on day after with EU partners is that day after assumes regime change, which is difficult territory for many of them, particularly Germany. And some of the more recent papers have been drafted in the context of the ongoing UK-US official level day after talks, with the US readership very much in mind."[465]

974. In January 2003, Mr Chilcott commented that the UK had received little in return from the US (see Section 6.5).

975. Other issues raised by Sir Michael Jay on 30 December included:

- whether DFID's concerns about involvement in Iraq policy had been resolved; and
- whether the FCO had financial and other contingency plans if more close protection teams were needed for Embassy staff.[466]

976. Dr Tanfield confirmed that DFID was now "fully in the loop" and was represented at Mr Ricketts' daily Iraq meeting; and that contingency plans were in place for deploying close protection teams to Baghdad and five other Embassies in the region.[467]

Iraqi opposition conference, London

977. No senior UK official attended the conference of Iraqi opposition groups held in London from 14 to 17 December.

978. The conference cast further doubt on the credibility of many of those groups.

---

[464] Minute Jay to Gray, 30 December 2002, 'Iraq: The Day After Issues'.
[465] Minute Tanfield to PUS [FCO], 9 January 2003, 'Iraq: The Day After Issues'.
[466] Minute Jay to Gray, 30 December 2002, 'Iraq: The Day After Issues'.
[467] Minute Tanfield to PUS [FCO], 9 January 2003, 'Iraq: The Day After Issues'.

979. In late November, representatives of six Iraqi exile groups called on Mr Gray to seek "permission" to hold a conference of opposition groups in London after plans to hold it in Brussels had fallen through.[468]

980. Mr Gray informed Mr Straw's Private Office that he had made it clear to the group that he had no authority to authorise or prevent such a meeting and that they must make their own arrangements and abide by the law. He had also made it clear that attendance by Mr Blair or Mr Straw was "out of the question". Mr Gray recommended against attendance by a Minister or senior official, but advised that "it would be right to send a relatively junior observer perhaps from Research Analysts".

981. Mr Gray held to that view after the US informed the FCO that it would send "a large and senior delegation, probably led by Zalmay Khalilzad, Senior Director … at the National Security Council and Ambassador at large to the Iraqi Opposition".[469] Mr Gray advised Mr Straw's Private Office that the US had not urged the UK to raise the level of its attendance and there was no reason to do so. The event was "unlikely to be an edifying one, and I think we should be wary of association with it, even to please the Americans".

Iraqi opposition meetings in the UK

During 2002, representatives of the Iraqi opposition met in the UK a number of times, including under the auspices of the State Department's Future of Iraq Project. In each case, UK engagement was at junior official level, led by FCO Research Analysts. Significant events attended by FCO officials included:

- the US-hosted Democratic Principles Working Group of the Future of Iraq Project at Cobham, Surrey, on 4 and 5 September;[470]
- a follow-up meeting at Wilton Park on 10 and 11 October;[471]
- the first conference of the Iraqi National Movement at Kensington and Chelsea Town Hall on 28 and 29 September;[472] and
- the Iraqi opposition conference in London from 14 to 17 December.[473]

---

[468] Minute Gray to Private Secretary [FCO], 22 November 2002, 'Proposed Meeting of Iraqi Oppositionists, London, 10-15 December'.
[469] Minute Gray to Private Secretary [FCO], 5 December 2002, 'Iraq: Proposed Oppositionists' Conference. London, 13-15 December'.
[470] Teleletter Hetherington to Washington [junior official], 6 September 2002, 'Iraq: US-hosted 'Democratic Principles Working Group'.
[471] Telegram 104 FCO London to Amman, 20 November 2002, 'Iraqi Opposition Sitrep'; Report Democratic Principles Working Group, November 2002, 'Final Report on the Transition to Democracy in Iraq'.
[472] Teleletter Wilson to Amman [junior official], 30 September 2002, 'Iraq: Iraqi National Movement, First Conference, 28-29 Sept 2002'.
[473] Telegram 111 FCO London to Amman, 17 December 2002, 'Iraq: Opposition Conference 14-17 December'.

982. Early in December, the British Embassy Amman issued its November update on Iraq.[474] Unlike previous updates, which had only been sent to FCO addressees, the November report was copied to DFID and DIS.

983. The Embassy reported the recent release of all prisoners from Iraqi jails, noting that the policy had been criticised within and outside Iraq for causing a rise in crime. It also provided a general assessment of Iraqi public opinion:

> "Iraqis do not want a war because they do not know what is next. (But they fully expect that a war will come) …
>
> "Iraqis do not want a 'US occupation' …
>
> "The biggest common denominator to emerge is that the Iraqi people do not know who to trust. They do not trust the US because they 'abandoned' them in 1991. They do not trust the regime or its religious men. They do not trust the opposition (who are corrupt or in the pockets of foreign governments). And they do not trust each other … Any serious discussions tend to take place only within the very inner core of a family. All this makes an organised revolt seem improbable."

984. Over 300 representatives of a wide range of Iraqi opposition groups attended the conference in London from 14 to 17 December, which agreed a "Policy Statement of the Iraqi Opposition", a paper on the post-Saddam Hussein transition to democracy and appointed a 65 member co-ordinating committee.[475]

985. The FCO Research Analyst who attended the event reported "a palpable sense of relief" at those achievements, but predicted that:

> "… given the intense differences displayed over the weekend and the chequered history of opposition conferences any show of unity is unlikely to last and there are enough people excluded who will already be briefing the press … [T]he US will be unhappy at having such an unwieldy 65 to deal with."[476]

986. Those conclusions were echoed in the FCO Annual Review for Iraq, written in January 2003 by Research Analysts in the absence of an embassy in Baghdad.[477] The Review commented extensively on US involvement with Iraqi exiles. The US had encouraged the Iraqi opposition to convene and fund a conference to overcome emerging rivalries. After several postponements and changes of venue, the conference had been held in London and funded by the US. Competition between groups "cast doubt on whether a credible new front can emerge" and press reports suggested those groups had been "written out of the US's Iraq script". The Review also suggested that

---

[474] Teleletter Amman [junior official] to MED [junior official], 4 December 2002, 'Iraq: November sitrep'.
[475] *BBC News*, 16 December 2002, *Disputes mar Iraqi opposition talks*; Telegram 111 FCO London to Amman, 17 December 2002, 'Iraq: Opposition Conference 14-17 December'.
[476] Telegram 111 FCO London to Amman, 17 December 2002, 'Iraq: Opposition Conference 14-17 December'.
[477] Teleletter Wilson to Abu Dhabi, 16 January 2003, 'Iraq: Annual Review, 2002'.

the Future of Iraq Working Groups, originally to have been composed of technocrats, appeared to have been "hijacked" by opposition politicians.

987. On 19 December, Mr Masoud Barzani, leader of the Kurdistan Democratic Party (KDP), and Mr Jalal Talabani, leader of the Patriotic Union of Kurdistan (PUK), called on Mr Powell and Sir David Manning at No.10.[478] Mr Blair joined the meeting unannounced.

988. The briefing prepared for Mr Blair explained that the two party leaders did not know that he might drop in and that it was not essential that he did so.[479] If he did, he could ask about the opposition conference and the situation in "Kurdistan", and should state that the UK was committed to Iraq's territorial integrity.

989. The record of the meeting stated that Mr Blair agreed with the two leaders that all groups in Iraq should be involved in helping to reunite post-Saddam Hussein Iraq.[480]

990. Mr Blair wrote to Mr Barzani and Mr Talabani twice during March 2003 (see Section 6.5).

Military preparations gather pace

991. By December 2002, US military preparations were gathering pace.

992. The MOD informed No.10, the Cabinet Office, the FCO and the Treasury, but not DFID, that the US military was "gearing up" to be as ready as possible by 15 February.

993. Sir David Manning wrote to Mr Watkins on 27 November, requesting a note for Mr Blair on the progress of US planning (see Section 6.1).[481]

994. Mr Watkins advised Sir David Manning that it was "misleading to talk of firm plans", not just because of unresolved practical issues such as Turkish co-operation, but also because the US political strategy remained "unclear".[482] There had been "a significant shift in US military planning" as CENTCOM sought to "reduce the lead times between a political decision and military action". Secretary Rumsfeld had signed a number of deployment orders to take effect in early January, and the US was "increasingly moving beyond pure planning into at least some actual forward deployments".

995. Mr Webb visited Washington from 2 to 4 December for a US/European conference on post-conflict Iraq and two days of bilateral talks with US officials at the NSC, State Department and DoD.[483] In his report, copied to Mr Ehrman and Mr Chaplin in the FCO, Mr Webb observed that there was a good deal of activity on civil reconstruction under

---

[478] Letter Rycroft to Sinclair, 19 December 2002, 'Iraqi Kurds: Meeting with Prime Minister, 19 December'.
[479] Minute Rycroft to Prime Minister, 19 December 2002, 'Iraqi Opposition Leaders'.
[480] Letter Rycroft to Sinclair, 19 December 2002, 'Iraqi Kurds: Meeting with Prime Minister, 19 December'.
[481] Letter Manning to Watkins, 27 November 2002, 'Iraq: Military Planning'.
[482] Letter Watkins to Manning, 29 November 2002, 'Iraq: Military Planning'.
[483] Minute Webb to ACDS(Ops), 9 December 2002, 'Iraq Aftermath'.

way in the State Department involving expatriate Iraqis, but "no real connection to the military planning". He had explained to US officials, "somewhat repetitively", the need for an early start to post-conflict planning. Kosovo had shown that civil planning took longer and was more difficult than military planning. He reported that references to the UN's role had caused "an adverse reaction in many circles", and he had found it more productive to make the case for the UN as a source of legitimisation and co-ordination rather than as an executive instrument.

996. Mr Webb also reported a "big pitch by the Republican right for making democracy an objective" on the grounds that blood should not be spilt to replace Saddam Hussein with another strongman. "Weary Europeans said this was hopelessly unrealistic: modest ambitions for greater representation were more sensible."

997. In his next update on US military planning for No.10 on 5 December, Mr Watkins warned that it was increasingly difficult for the UK to plan without knowing where the UK land package would be based. In order to keep options open for significant UK military participation from mid-February onwards, the Armed Forces needed to "press ahead with further preparations".[484]

998. The US had "no formal position on the date by which they must be ready to act". It had a wide range of options, but assuming a political decision to take military action on 15 February (known as "P Day"), the MOD expected the air campaign and amphibious operations to start in early March.

999. Mr Watkins made no reference to post-conflict implications.

1000. In the US, CENTCOM's Phase IV planners held a post-conflict planning session with a 40-person inter-agency team on 11 December.[485] The event anticipated "rough going ahead". On the assumption that, initially, there would be no government in place, participants were "anticipating chaos".

1001. After a post-event briefing, Lieutenant General George Casey, Director of the Joint Staff, recognised the need to augment the Phase IV effort. A new Joint Task Force (JTF-4) was created in CENTCOM with an extra 58 staff.

SPG PAPER, 13 DECEMBER 2002: 'UK MILITARY STRATEGIC THINKING ON IRAQ'

1002. On 13 December, the SPG described the post-conflict phase of operations as "strategically decisive" and called for it to be "adequately addressed" in any winning concept.

1003. If the UK was not prepared to make a meaningful contribution to Iraq's physical and political rehabilitation, it should not be drawn into war-fighting.

---

[484] Letter Watkins to Manning, 5 December 2002, 'Iraq: Military Planning'.
[485] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

1004. The UK's strategy had to be flexible enough to respond to the situation on the ground, but there was a need for an urgent cross-government view on the area of Iraq for which the UK might want to accept responsibility "in order to make the task of scoping different scenarios possible".

1005. The Inquiry has seen no indication that the urgent, cross-government work recommended by the SPG took place.

1006. Development of the Government's thinking on the location and extent of the UK military Area of Responsibility (AOR) in Iraq is addressed in Sections 6.1 and 6.2.

1007. The introduction to the "aftermath" section of the final, 13 December, edition of the SPG paper on UK military strategic thinking pulled no punches:

> "The aftermath (AM) phase of operations is likely to be the strategically decisive phase of our engagement in Iraq. Only in this phase can our strategic objectives be met. It will also form the lasting impression of Coalition legitimacy and success.
>
> "The obvious deduction from this is that if we are not prepared to make a meaningful contribution to the physical and political rehabilitation of Iraq in the AM phase we should not be drawn into war-fighting. There is currently a risk that we view our engagement in reverse, considering post-conflict activity as a necessary but inconvenient adjunct to our war-fighting plans. The Winning Concept must address AM."[486]

1008. The material in the aftermath section was described as "key deductions distilled from a strategic estimate of the AM phase". The stated aim was to:

"a. Set out a framework for the co-ordination of strategic planning between the MOD, OGDs, other nations and, where feasible, NGOs.

b. Provide guidance for PJHQ on the development of operational plans."

1009. The paper listed nine "key judgements":

> "The AM phase will be the strategically decisive phase. We must be sure it is adequately addressed in our consideration of the Winning Concept.
>
> **"No overarching concept for the future of Iraq currently seems to exist. A framework for the development of a new Iraqi state must be agreed by any Coalition seeking to conduct military action that would result in the removal of the current regime.**

[486] Paper [SPG], 13 December 2002, 'UK Military Strategic Thinking on Iraq'.

"The development of a jointly acceptable approach to Iraqi governance and reform in the Resolution Phase should be pursued with the US. Agreement on the role of the UN is essential.

"A cross-government view on the area in Iraq for which the UK might want to accept responsibility is required urgently in order to shape or validate operational planning.

"Failure to ensure political agreement on the territorial integrity of Iraq could presage a break-up that would fix Coalition Forces in long-term stabilisation operations.

"We should encourage the US to begin work now on the future shape of the Iraqi armed forces in order to develop a sound SSR plan in advance of the start of operations. We should also undertake a review of the options for rapidly generating an Iraqi policing capability.

"Early engagement with OGDs and NGOs is required to scope the AM humanitarian situation and the degree to which it may fall to the military to ameliorate it. We should be prepared in advance for the real possibility thatwe may initially face a task beyond our means to rectify with little external support.

"An assessment of the options for rapidly meeting a surge requirement for additional forces at the start of the AM phase should be undertaken by PJHQ.

"The UK should be prepared to commit forces to Iraq at 'medium scale' for at least six months following the commencement of the AM phase, and possibly out to two years."

1010. The paper stated that a relatively small number of factors drove UK engagement. They were:

"a. Governance and reform – What is the UK vision for the future of Iraq? How realistic is the aim of retaining Iraqi territorial integrity? What replaces the Iraqi regime and what role will the UN play? How do we resolve UK/US differences on UN involvement?

b. Situation – Where will the UK operate and what situation will we face in that region? What is the intent of the various population groups and how badly damaged will the infrastructure be?

c. Iraqi armed forces – How do we manage the Iraqi armed forces in the short term and reform them in the long term?

d. Humanitarian situation – What humanitarian situation will be faced?

e. UK commitment – For how long, and to what extent, will the UK be a significant contributor to AM operations?"

1011. On governance and reform, the paper stated:

- Detailed military planning was proceeding with no clear view on the future of the Iraqi state. The UK had a valuable contribution to make to development of an overarching concept, "but the lead must rest firmly with the US as the only nation with sufficient resources to underwrite the task".
- There was considerable temptation for regional powers to develop bilateral relations with different ethnic groups, potentially leading to the "Balkanisation" of Iraq and a protracted role for Coalition forces.
- UK and US positions on the role of the UN were getting closer, but remained divided. For political and military reasons the UK must continue to stress the need to maximise UN and international involvement.

1012. The most significant factor in determining the scale and complexity of the post-conflict task, the situation in Iraq, was also the least predictable. It was not possible "to truly assess the state of Iraq and the intent of its principal actors in the AM phase until we are presented with them". The UK's strategy therefore needed to be flexible enough to respond to the situation on the ground. In order to make the task of scoping different scenarios possible, the UK needed to form an early view on where it wished to operate. The initial location might be driven by the UK's role in Phase III, "but we can shape this". To do that, three factors needed to be considered:

"a. Political – FCO:

What areas offer the UK an advantageous or influential role in the AM phase? Are oil fields a factor? Are there groups … whom we would rather not assume responsibility for? A reasoned policy view is required.

b. Military – MOD:

Where will our Phase III role place us and do we wish to shape it according to AM factors in any way? Are there areas where we judge there is a high risk of failure? Are there areas where UK strengths will be most effective, such as population centres? What size and nature of area can the UK force deployed realistically assume responsibility for?

c. Humanitarian – DFID:

What are the most significant areas of humanitarian risk? How will DFID engage and how can we effectively co-ordinate our efforts? How can we apply our limited military capacity to respond to best effect?

"This thought process must be undertaken urgently if we are to shape our Phase III role accordingly. Currently our involvement in the North or South is being driven

by purely operational concerns. At the very least we must validate the current operational considerations strategically."

1013. The paper also set out the factors likely to determine the size of the UK military's post-conflict commitment:

"The scale of the UK commitment to AM will be determined by the size of force deployed for war-fighting in the first instance. Very rapidly, however, the demands of the AM phase are likely to drive the requirement for a different force structure. While the desire will evidently be to effect as rapid a drawdown as feasible, an initial increase in deployed strength may be required in order to stabilise the situation. A mass PW [prisoner of war] problem and/or a humanitarian crisis could both prompt this, requiring an increase in light forces and logistic effort. The options for meeting such a surge demand must be considered in advance in order to ensure a quick response.

"A final view on the extent of any long-term (post-12 months) UK commitment may not be required at this stage. It is necessary, however, to provide a baseline assumption for the level of commitment for the crucial 'first roulement' post-conflict in order to allow commitments to be balanced. It is suggested the assumption should be up to a medium-scale (Air and Land) commitment for up to six months of the AM phase. A requirement to commit at or around this level for up to two years might well be necessary to ensure any lasting progress towards the UK end state."

1014. The SPG paper was included in the Christmas reading pack prepared for Mr Blair by the MOD.[487]

1015. On 16 December Maj Gen Fry produced a paper on deployment of a UK stabilisation force in the event of the early collapse of the Iraqi regime or military leading to a "loss of control".[488]

1016. "Early collapse" was defined as the collapse of the Iraqi regime less than 60 days after "P Day"; "loss of control" as "the period between the collapse of the Iraqi regime and the establishment of an effective alternative providing law and order and security".

1017. Maj Gen Fry explained that:

"Rapid intervention by the Coalition may be required to stabilise the situation, including support to an interim government. Current Package 3 deployment timelines would limit the arrival of sufficient and appropriate UK military capability in time. Consequently there is a need to develop a contingency plan that would enable the UK to gain an early footprint on the ground, providing influence in theatre and achieving strategic impact."

---

[487] Letter Watkins to Manning, 20 December 2002, 'Iraq: Christmas Reading'.
[488] Paper DCJO(Ops), 16 December 2002, 'Provision of a UK Stabilisation Force'.

1018. Should the collapse occur after 60 days, the UK land component would be at full operating capability and would deal with the situation.

1019. In order to provide a quick response, the stabilisation force was "likely to be light" and its role limited to "wider peacekeeping and 'stabilisation' tasks", including controlling and denying access to WMD, security at key locations, disarmament and demobilisation. The proposal set out a number of options for different scenarios.

1020. The Chiefs of Staff discussed the paper on 18 December.[489] At the meeting, Lt Gen Reith commented that any stabilisation force would depend on timing and availability of resources, and that there was a synergy between the southern option and a stabilisation force.

1021. On 19 December, Mr Hoon's Private Office informed Sir David Manning and the FCO, Treasury and Cabinet Office that the US military was "gearing up" to be as ready as possible by 15 February, and advised: "we may well have to advance aspects of our own preparations if we are to remain in step".[490] The US now recognised that stabilisation and reconstruction of up to two thirds of Iraq would need to begin before the military campaign had concluded. This was "bringing home to the US military the need for more planning effort to be devoted to 'aftermath' issues now".

1022. The letter was not sent to DFID.

1023. The information on US planning in the letter from Mr Hoon's Private Office was repeated in a paper on US military thinking included in the Christmas reading pack sent to Mr Blair on 20 December.[491]

1024. Mr Watkins' covering letter to Sir David Manning highlighted "an increasingly pressing need to satisfy ourselves that the US has an overarching political strategy with which the Government is content" and "to address soon our campaign objectives", but made no reference to post-conflict planning.

Invasion plans take shape

UK objectives for post-conflict Iraq

1025. In January 2003, Mr Blair decided to publish the UK's strategic policy objectives for Iraq. They were closely based on those he had agreed in October 2002.

1026. Mr Straw issued a Written Ministerial Statement setting out the UK's objectives in Parliament on 7 January.

1027. Publication of the objectives is addressed in more detail in Section 3.6.

---

[489] Minutes, 18 December 2002, Chiefs of Staff meeting.
[490] Letter Williams to Manning, 19 December 2002, 'Iraq: Evolving US Military Thinking'.
[491] Letter Watkins to Manning, 20 December 2002, 'Iraq: Christmas Reading'.

1028. Mr Blair had been given clear warnings about the strategic significance of the post-conflict phase and the need to address inadequacies in US planning throughout the second half of 2002, including by:

- **Mr Hoon on 2 July;**
- **Mr Straw on 8 July;**
- **Mr Powell on 19 July;**
- **participants in Mr Blair's meeting of 23 July;**
- **Sir Christopher Meyer on 6 September;**
- **parliamentarians on 24 September and 25 November; and**
- **the MOD in Mr Watkins' letter of 19 November and in the SPG paper of 13 December.**

1029. Despite those warnings, there is no evidence that officials or Ministers addressed whether it was realistic to expect that the objectives could be achieved.

1030. Mr Campbell wrote to Mr Blair on 19 December, setting out the need to explain the UK's strategy.[492] He observed that: "Iraq is moving up a gear as an issue and as we enter the New Year we need to step up our communications efforts."

1031. Mr Campbell recommended that the objectives approved by Mr Blair in October should be published as soon as Parliament returned on 7 January, with a statement in the House of Commons from Mr Blair alongside publicity generated by the FCO Heads of Mission Conference. The statement would set out the strategic framework for the Government's overall approach and draw together the diplomatic, political and humanitarian strands of the strategy on Iraq as well as addressing issues of proliferation and terrorism.

1032. Mr Campbell argued that the communications strategy "should be rooted in where we think we will end up which currently looks like a military conflict that ends in Saddam falling". The major steps and key messages envisaged by Mr Campbell included: "Post-conflict: We're there to help for the long term."

1033. On 4 January, Mr Blair sent a long note to officials in No.10 (see Section 3.6).[493] On Iraq, he stated that there was "a big job of persuasion" to be done. That included showing "sensitivity to any humanitarian fall-out from war. Britain should take the lead on this, working with the UN."

1034. On 6 January, the Cabinet Office informed the FCO that Mr Blair had decided the policy objectives for Iraq should be placed in the public domain.[494]

---

[492] Minute Campbell to Prime Minister, 19 December 2002, 'Re: Iraq Communications'.
[493] Note Blair [to No.10 officials], 4 January 2003, [extract 'Iraq'].
[494] Letter Bowen to McDonald, 6 January 2003, 'Iraq' attaching Paper [unattributed], January 2003, 'Iraq: Policy Objectives'.

1035. In his diaries, Mr Campbell recorded the importance of publishing the objectives and his view that: "These strategy papers were as much about internal understanding as publicity."[495]

1036. Mr Straw issued a Written Ministerial Statement setting out the UK's objectives for post-conflict Iraq on 7 January.[496] The objectives were closely based on those approved by Mr Blair in October 2002.

1037. The UK's "prime objective" was "to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery".

1038. Six "immediate priorities" were to:

- support the UN Monitoring, Verification and Inspection Commission (UNMOVIC) and International Atomic Energy Agency (IAEA) inspectors in Iraq;
- enable UNMOVIC and the IAEA to ensure long-term Iraqi compliance;
- maintain international solidarity behind the UN Security Council;
- preserve regional stability;
- continue to make military plans and preparations in case military action was needed; and
- continue to support humanitarian efforts to relieve suffering in Iraq.

1039. The undertaking to continue to support humanitarian efforts had been added since the first draft in October. Other changes included the addition of:

- a statement that the objectives were consistent with wider UK policy on the Middle East, WMD and terrorism; and
- an undertaking to act in conformity with international law to achieve the objectives.

1040. The definition of the post-conflict end state was unchanged, but with the aspiration to achieve it "as rapidly as possible" removed:

> "We would like Iraq to become a stable, united and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective and representative government to its own people."

1041. Questions about post-conflict planning continued to be raised in Parliament during January.

---

[495] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[496] House of Commons, *Official Report*, 7 January 2003, column 4WS.

1042. In the House of Commons on 7 January, Mr Hoon announced the first call out of Reservists for possible operations in Iraq and the deployment of the UK's Amphibious Task Group (ATG) to the Mediterranean.[497]

1043. In the debate that followed, Mr Tam Dalyell (Labour) asked what would happen when Coalition forces reached Baghdad.[498] Mr Hoon explained that Afghanistan provided "very recent experience on which to draw". He invited Mr Dalyell to "look carefully at the efforts that have been made by the United Kingdom, as part of the international community, to stabilise Afghanistan and provide it with very significant support as it grapples with the difficulties of rebuilding itself, its economy and ultimately, we hope, a democracy".

1044. During January, Written Parliamentary Questions on different aspects of post-conflict planning were addressed to Mr Straw, Ms Short and Mr Hoon:

- Dr Jenny Tonge (Liberal Democrat) asked Mr Straw what representations the UK had made to the US on post-war food, sanitation and water supplies. Mr Mike O'Brien, FCO Parliamentary Under Secretary of State, replied that no decision had been taken on military action and that the UK regularly discussed all aspects of Iraq policy with US colleagues.[499]
- Mr Hugo Swire (Conservative) asked Ms Short what assessment had been made of the potential humanitarian consequences of war. Ms Short replied that DFID was considering a wide range of contingencies which took into account the current humanitarian situation in Iraq.[500]
- Mr John Lyons (Labour) asked Mr Hoon what role British troops would play in post-war Iraq. Mr Adam Ingram, Minister of State for the Armed Forces, replied:

  > "There is no inevitability about military action against Iraq; this question is therefore hypothetical at this stage. What I can say is that we take very seriously our current and potential responsibilities towards the Iraqi people. In the aftermath of any conflict, Britain would remain at the forefront of efforts to help the Iraqi people."[501]

UK military focus shifts to southern Iraq

1045. At the end of December 2002, the focus of the Chiefs of Staff and military planners switched from northern to southern Iraq, creating a contingent liability that the UK would be responsible for the post-conflict occupation and administration of a UK AOR in the region around Basra.

---

[497] House of Commons, *Official Report*, 7 January 2003, column 24.
[498] House of Commons, *Official Report*, 7 January 2003, column 30.
[499] House of Commons, *Official Report*, 20 January 2003, column 80W.
[500] House of Commons, *Official Report*, 22 January 2003, column 307W.
[501] House of Commons, *Official Report*, 27 January 2003, column 630W.

1046. PJHQ was given responsibility for Phase IV planning. PJHQ officials advised that:

- **If the UK were to take on the first Phase IV AOR in southern Iraq, it would effectively be "setting the standard" for the rest of Phase IV.**
- **PJHQ would need more support from other government departments if there was to be a joined-up approach to UK post-conflict planning.**

1047. Section 6.2 describes how, from the end of December 2002, the focus of UK military planning shifted from northern to southern Iraq.

1048. On 30 December 2002, Adm Boyce issued the 'CDS Planning and Preparation Directive for Operation TELIC',[502] authorising the military preparations needed for Coalition operations in Iraq.[503]

1049. The Directive, which included little material linked explicitly to the post-conflict phase of operations (Phase IV), stated:

> "Delivering HMG's declared end state is likely to require UK engagement in follow-on operations but the possible scale and duration of 'aftermath operations' are uncertain and are in urgent need of clarification from US planners at all levels."

1050. Instructions to Lt Gen Reith included:

- to seek to influence US planning, as directed by MOD; and
- to prepare plans for humanitarian assistance in theatre, should it become necessary.

1051. Air Chief Marshal Sir Malcolm Pledger, Chief of Defence Logistics, was instructed to: "Be prepared to sustain follow-on forces at up to the medium scale of effort on land and air, and at small scale in the maritime environment for, initially, up to six months."

1052. The Planning and Preparation Directive was superseded by a first version of the Execute Directive on 4 March 2003 (see Section 6.5).

1053. On 5 January, Brigadier Albert Whitley, who had been deployed as Senior British Land Adviser (SBLA) to US Lieutenant General David McKiernan's Coalition Forces Land Component Command (CFLCC) HQ in Kuwait in early November 2002,[504] prepared a paper for PJHQ on "the imperatives for timely decision making for the commitment of UK Land Forces" to the US Operational Plan.[505] The paper is described in more detail in Section 6.2.

---

[502] Operation TELIC was the codename for the involvement of UK Armed Forces in the military campaign to remove the threat from Iraq's weapons of mass destruction.
[503] Paper CDS, 30 December 2002, 'CDS Planning and Preparation Directive for Operation TELIC'.
[504] Statement Whitley, 25 January 2011, page 3.
[505] Paper SBLA, 5 January 2003, 'Decision Imperatives'.

1054. Brigadier Whitley explained that, on 28 December, uncertainties about whether Turkey would allow transit of ground forces had led US and UK planners urgently to concentrate on developing robust operations from the south. Lt Gen McKiernan "would welcome the commitment of a UK division in the South from the start of the operation". The UK mission would be to "seize, secure and control" the rear area and right flank of the operation and provide a coherent transition to Phase IV operations in captured territory without loss of US combat forces. That would include securing infrastructure such as Umm Qasr and the Rumaylah oilfields, and fixing Iraqi forces in the Basra area. The Area of Operations (AO) was likely to be bounded by the Iraq/Kuwait border, the US V Corps/1 MEF (Marine Expeditionary Force) boundary, Jalibah airfield and the Euphrates, a similar land area to Kuwait.

1055. Brigadier Whitley strongly recommended acceptance, in principle, of "a UK Area of Operations and mission in an area of southern Iraq bounded in the north by the Euphrates".

1056. The Chiefs of Staff discussed the southern option on 6 January.[506] Lt Gen Reith described his latest paper on the land options, which was "based on a US offer for the UK to operate at division strength … in a discrete AOR in the South". That plan "appeared to offer strategic influence to the UK, especially in the move to Phase IV".

1057. Mr Paul Johnston, Head of FCO Security Policy Department, reported to Mr Straw's Private Office that, at the Chiefs of Staff Committee, Sir Kevin Tebbit and General Sir Michael Walker, Chief of the General Staff (CGS), both noted that the southern option for the UK was "part of an overall concept significantly different to that on which Ministers had so far been consulted".[507]

1058. In a paper on the southern option, dated 6 January and submitted after the discussion, Lt Gen Reith advised that the risks to a UK division were "minimal".[508] The "geographical area proposed would allow the UK to set the standard in the aftermath" and meant that it would be "strategically placed to exert maximum influence during Phase IV". Lt Gen Reith described the US plan as based on four assumptions, including: "The UK experience in wider peacekeeping, and subsequent ability to conduct early Phase IV – post conflict – operations."

1059. Lt Gen Reith recommended the deployment of a divisional headquarters and three brigades to the South; and that the armoured brigade should comprise four battlegroups.

---

[506] Minutes, 6 January 2003, Chiefs of Staff meeting.
[507] Minute Johnston to Private Secretary [FCO], 6 January 2003, 'Iraq: Chiefs of Staff Meeting, 6 January'.
[508] Minute Reith to COSSEC, 6 January 2003, 'Op TELIC – Southern Option' attaching Paper 'Op TELIC Southern Option – Revised'.

Definition and use of "Area of Operations (AO)" and "Area of Responsibility (AOR)"

"**Area of Operations (AO)**" refers to the UK military's area of combat operations during the invasion of Iraq (Phase III of operations). It is the term applied during conflict and is the area in which lethal force can be applied for a designated period of time.

"**Area of Responsibility (AOR)**" is a term usually applied during peace support operations. In Iraq, it refers to the area of southern Iraq for which the UK military was responsible during the post-conflict Occupation (Phase IV of operations).

The two terms were not used consistently and were sometimes applied interchangeably in the same document.

1060. On 7 January, Mr Paul Flaherty, MOD Civil Secretary at PJHQ, set out PJHQ's thoughts on preparations for Phase IV in a minute to Mr Lee.[509] In the absence of an agreed US inter-agency position on Phase IV planning, the CENTCOM commanders' conference in Tampa, Florida on 15 and 16 January was likely to have a significant impact on US policy-making. Phase IV planning was likely to be particularly important:

> "… if, as now appears likely, the UK were to take on the first Phase IV AOR in southern Iraq. We would, in effect be setting the standard for the rest of Phase IV work. (And, of course, CJO [Lt Gen Reith] is, in any case charged in CDS' Directive with planning humanitarian assistance in theatre should it become necessary.)
>
> "From our point of view … we have to begin thinking very soon about the practical consequences on the ground of taking on the AOR. These include issues such as: food, water, displaced persons, oil (including accounting for its use), potential Iranian incursions, pollution as well as, in the slightly longer term, Security Sector Reform and reconstruction. Some, if not all of this will of course either determine, or more properly ought to be determined by, strategic considerations of post-conflict Iraqi structures."

1061. Mr Flaherty explained that PJHQ intended to establish a team charged with "developing planning for Phase IV implementation" as soon as possible, which would aim to take into account the lessons of the Balkans and Afghanistan. PJHQ was "in a reasonably good position to link up with US military thinking", but would need more support from other government departments to help produce "a fully joined up approach".

---

[509] Minute Flaherty to DG Op Pol, 7 January 2003, 'Op TELIC: Preparing for Phase IV'.

1062. Sir Kevin Tebbit told the Inquiry that during the shift from a northern to a southern option, he "felt that it was important to reappraise, to pause, to take stock as to what was going on".[510] He added:

> "The planning for post-conflict didn't seem to me to be very robust. As we could read it in the United States, a lot had been done, but it didn't seem to have bite and direction."[511]

1063. On 7 January, the SPG produced a paper analysing the advantages and disadvantages of a southern option.[512]

1064. The SPG advised the Chiefs of Staff that US combat power would deliver military success, but strategic victory would be "successful delivery of aftermath and limiting unintended consequences". The paper stated that adopting a southern option had the potential to:

> "Provide UK with leading role in key areas of Iraq (free of Kurdish political risks) in aftermath, and thus provide leverage in aftermath planning efforts, especially related to:
>
> – Humanitarian effort.
> – Reconstruction of key infrastructure.
> – Future control and distribution of Iraqi oil."

1065. The SPG concluded that adoption of the southern option would mean that the UK was likely to have a discrete AOR established early, with less demanding command and control than in the North. In addition:

> "UK will have made an early commitment to aftermath that will probably demand a commitment for a number of years. This would be hard to avoid in any event, and engagement in South offers significant advantages over possibly being fixed in North with Kurds."

1066. The SPG recommended that the Chiefs of Staff should agree Lt Gen Reith's recommendation for a force package to be deployed to the South.

1067. The analysis underpinning the SPG's conclusions did not appear to include any assessment of the conditions likely to be encountered or the tasks to be performed in either northern or southern Iraq during Phase IV.

1068. Lt Gen Reith introduced his 6 January paper on the southern option at the Chiefs of Staff meeting on 8 January.[513] He explained that:

---

[510] Public hearing, 3 February 2010, pages 24-25.
[511] Public hearing, 3 February 2010, pages 35-36.
[512] Paper SPG, 7 January 2003, 'Operation TELIC – Military Strategic Analysis of Pros/Cons of adopting a Southern Land Force Option'.
[513] Minutes, 8 January 2003, Chiefs of Staff meeting.

> "Phase IV would need to begin at the same time as any offensive operations. There was a need for PJHQ to take ownership of Phase IV planning, which should include OGD input. The US were standing up JTF-4, which would be responsible for US Phase IV planning; UK staff were to be embedded."

1069. The Chiefs of Staff noted that there was still a need for the US formally to request any UK ground forces be switched to the South.

1070. Adm Boyce commented that:

> "… it was inconceivable that the UK would not play a part in Phase IV operations, which could be enduring … There remained a need to test the plan as a winning concept, but against that caveat … the plan recommended in the paper represented a sensible military option with a valuable task, and … the option should be taken forward."

1071. Mr Bowen reported the discussion to Sir David Manning, emphasising the need for urgent preparatory work if the UK was to take on an AOR.[514]

1072. The military planning assumed a "decision date of 15 February and the start of hostilities in very early March". The UK was being offered an amphibious role at the start of hostilities. Thereafter, US forces would move north while the UK "took on stabilisation of a southern sector which would eventually include Basra".

1073. Mr Bowen concluded:

> "While we are now getting more clarity about the shape of US military intentions in an attack on Iraq, and the potential UK role, precious little thought has gone into aftermath planning … [I]f the UK is to take on an Area of Responsibility for stabilisation operations, a lot of preparatory work is needed urgently. MOD have in mind to engage with FCO, DFID & DTI on this."

1074. By 14 January, PJHQ had established a team to examine post-conflict issues.[515]

1075. The PJHQ proposals for improved inter-departmental co-ordination began to take shape later in the month.[516]

1076. A letter from Mr Hoon's Private Office to Sir David Manning on 8 January reported the US offer of "an alternative role for a UK ground force in the South" and described potential roles for UK forces (see Section 6.2).[517]

---

[514] Minute Bowen to Manning, 8 January 2003, 'Iraq: Chiefs of Staff meeting on [8] January'.
[515] Minute Dodd to Manning, 15 January 2003, 'Iraq'.
[516] Minute PJHQ/Hd of J9 Pol/Ops to MA/DCJO(Ops), 20 January 2003, 'Op TELIC: Taking Forward Aftermath Planning'.
[517] Letter Williams to Manning, 8 January 2003, 'Iraq: UK land Contribution'.

1077. The letter proposed that the "final UK Divisional Area of Responsibility, including for aftermath operations, would be an area bounded by the Iraq/Kuwait border in the south, Jalibah airfield in the west, the Euphrates in the north, and the Shatt al Arab waterway in the east – a largely Shia area of some 1,600 sq km[518] [see Map 5 in Annex 4]".

1078. The letter suggested that the proposed UK role in the South "should enable US forces to reach further, faster, whilst providing a coherent transition to aftermath operations – an area of acknowledged UK expertise – in territory captured early in the campaign". Because the proposed UK role would be "crucial to the US plan in the South", it "would place us in a very awkward position if the US seemed likely to want to proceed in circumstances with which we were not content". Further MOD advice would follow "next week".

Cabinet, 9 January 2003

1079. Mr Blair told the Cabinet on 9 January that "the build up of military forces was necessary to sustain the pressure on Iraq".[519]

1080. Commenting on the preparations for the deployment of military forces to the Gulf, Mr Hoon told his colleagues that no decisions had been taken to launch military action. Nor had the US finalised its military planning.

1081. Mr Blair said that Cabinet the following week would "provide the opportunity for an in-depth discussion of Iraq".

1082. Discussion in Cabinet on 9 January is addressed in more detail in Section 3.6.

1083. Lord Turnbull, Cabinet Secretary from 2002 to 2005, told the Inquiry that, when Cabinet met on 9 January, Ministers were told:

> "... nothing was inevitable. We are pressing the UN option. No decisions on military action, whereas you can see that, at another level, the decisions on military action were hardening up quite substantially."[520]

1084. Lord Turnbull added:

> "I could see he [Mr Blair] did not want key discussions of … who was going to bring what forces to bear where, and there is some sense in that. But the strategic choices that they implied … didn't get discussed either. For example, the fact that if you have ground forces you become an occupying power."

---

[518] The figure of 1,600 sq km was used repeatedly in policy and briefing papers during January and February 2003. This was mistaken. It should have been approximately 16,000 sq km.
[519] Cabinet Conclusions, 9 January 2003.
[520] Public hearing, 25 January 2011, pages 15-16.

1085. The record of the AHGI on 10 January stated:

> "MOD is to begin work on the practicalities of a possible UK military role in administering immediate post-Saddam Iraq. It was agreed that this work needed to take place in the context of existing contingency planning and with the involvement of other interested departments. As a first step, the CO [Cabinet Office] would copy a complete set of post-Saddam Iraq papers to the MOD."[521]

DFID involvement in UK military planning

1086. One item not recorded in the minutes of the 8 January Chiefs of Staff meeting, but reported separately by Mr Ehrman, was a decision that DFID and DTI would be brought into MOD humanitarian and reconstruction planning, but "without being told US timelines".[522]

1087. Exactly how to engage DFID in military planning remained unresolved. On 8 January, Mr Webb wrote to Mr Lee:

> "The question is now before us of exactly who is going to organise CIMIC and the Civil Transition in any areas occupied by UK forces (let alone the wider problem with the US). It was agreed … today that we need to get DFID in on humanitarian and, with DTI, aftermath aspects of Iraq planning."[523]

Mr Webb added:

> "… I wonder whether we could use a 'wider group' approach in Whitehall that avoids military detail and dates (and I heard an interesting SPG idea for a proper planning conference to kick it off thoroughly) …
>
> "We might be able to go further subsequently with staff properly posted to PJHQ and the JFHQ [Joint Force Headquarters]. Experience has been generally good of DFID people deploying with JFHQs (especially to 'herd' NGOs) …"

1088. On 13 January Dr Brewer reported to Ms Short "some limited progress with MOD and FCO but not with No.10" in pursuing Ms Short's request "to persuade others in Whitehall that any UK military role in Iraq should focus on providing security for the Iraqi people (a 'stabilisation force')".[524]

1089. Dr Brewer asked Ms Short:

> "Are you content for us to work with MOD on a strategy for a later phase of stabilisation? I know your conception is of a UK military role limited to stabilisation.

---

[521] Minute Dodd to Manning, 13 January 2003, 'Ad Hoc Group on Iraq'.
[522] Minute Ehrman to Private Secretary [FCO], 8 January 2003, 'Iraq: military aspects'.
[523] Minute Webb to DG Op Pol, 8 January 2003, 'DFID Involvement in Iraq Planning and Preparations'.
[524] Minute Brewer to Secretary of State [DFID], 13 January 2003, 'Iraq: A Stabilisation Force'.

We can try to persuade David Manning … that this should be our exclusive military focus. But it is the Prime Minister himself whose mind needs to be changed.

"You have talked to Suma [Chakrabarti] about the fact that we are still not getting access to all the military planning or intelligence on Iraq. We need to be in on David Manning's regular COBR meetings; I tried before Christmas and failed."

The decision to deploy UK forces

1090. The Chiefs of Staff discussed Phase IV on 15 January. Adm Boyce stated that the challenge would be to match the "top-down" work led by the FCO and the Cabinet Office with the "bottom-up" work in PJHQ.

1091. In view of the need for an urgent decision on military deployment, the Chiefs of Staff updated Mr Blair on the military plan on 15 January (see Section 6.2).[525] Mr Hoon, Mr Powell, Sir David Manning, Sir Kevin Tebbit and others were present. The FCO and DFID were not represented.

1092. The Chiefs of Staff discussed Iraq before meeting Mr Blair. The record of the discussion stated:

"CDS [Adm Boyce] underscored the potential dangers associated with 'catastrophic success' and the implicit need to develop thinking for aftermath management. In planning for Phase IV, the UK was adopting a twin track approach: the FCO and Cabinet Office were leading the top-down strand, and PJHQ was leading the bottom-up effort. The challenge which lay ahead was matching the two pieces of work … The UK concept at the strategic level was to develop a model that could be offered to the US. It was assessed that the US was still working to an unrealistic assumption that their forces would be 'welcomed with open arms' by the Iraqi people during Phase IV operations, and there was an opportunity for the UK to lead the aftermath debate."[526]

1093. Lord Boyce told the Inquiry that:

"… in talking to senior people within the Pentagon … there was this expectation that … the Coalition would be seen as liberating the country and that they would be hugely welcomed … It was impossible to persuade the people I spoke to, and this was so further down, to some of my subordinates as well, impossible to dissuade the Americans that this would not be the case."[527]

1094. Mr Johnson sent advice and a draft letter for No.10 to Mr Hoon's Private Office on 15 January.[528] He informed Mr Hoon that the Chiefs of Staff endorsed the proposed UK role in southern Iraq. Mr Hoon was advised that a number of issues needed to be resolved before it could be concluded that the US plan represented a winning concept,

---

[525] Minute MA/DCJO to MA/CJO, 15 January 2003, 'Briefing to Prime Minister'.
[526] Minutes, 15 January 2003, Chiefs of Staff meeting.
[527] Public hearing 27 January 2011, pages 76-77.
[528] Minute Johnson to PS/Secretary of State [MOD], 15 January 2003, 'Iraq: UK land contribution'.

including credibility of plans for the aftermath. Mr Johnson described the proposed UK AOR in the South as "a coherent one".

1095. Mr Hoon's letter to No.10 was sent on 16 January.

1096. The Inquiry has not seen any indication of the detailed analysis supporting the conclusion that the proposed AOR in the South was "a coherent one".

1097. Before the meeting with the Chiefs of Staff, Mr Rycroft provided Mr Blair with "some difficult questions" to raise, as suggested by Mr Powell, including on post-conflict issues:

"– What military involvement do you foresee in the aftermath?

– Will we be running Basra?

– Will the targeting in the campaign take account of the need to run (parts of) Iraq in the aftermath?"[529]

1098. Definitive answers to those questions required cross-departmental advice and collective consideration. There is no indication that other departments were consulted formally before or immediately after the meeting on 15 January.

1099. On 15 January, Mr Blair told the Chiefs of Staff "the 'Issue' was aftermath – the Coalition must prevent anarchy and internecine fighting breaking out".

1100. Mr Blair agreed that much greater clarity was needed on US intentions and asked the MOD to think through the unexpected, including on oil, use of WMD and internecine fighting.

1101. Several accounts of the 15 January meeting were produced by MOD participants, in addition to a No.10 record of the discussion (see Section 6.2).

1102. The "unofficial" PJHQ account of Mr Blair's meeting produced for Lt Gen Reith, who was in the Middle East at the CENTCOM Commanders' Conference, provided the fullest account of the discussion of post-conflict issues. Issues raised by Mr Blair included:

> "Worst Case. The PM wanted to know what CDS [Adm Boyce] thought was the worst case scenario. After much discussion about destroying the oil infrastructure, use of WMD and hunkering down in Baghdad and fighting it out, it was felt that the worst case was internecine fighting between Sunni and Shia, as well as the Kurds/Turks/Iraqis.
>
> "Aftermath. This led on to a general discussion on aftermath, with the PM asking what the Iraqi view on it was. CDS stated that the thinking on this issue was 'woolly' at this stage, with work only just beginning. The PM stated that the 'Issue' was

[529] Minute Rycroft to Prime Minister, 14 January 2003, Iraq: Military Planning: Meeting with Chiefs of Staff'.

aftermath - the Coalition must prevent anarchy and internecine fighting breaking out."[530]

1103. Mr Blair asked the MOD to look at three issues:

"
- We need to be clear on what we are offering the Iraqi people and senior members of the regime (those below the top 100 on the list[531]) – removal of the senior hierarchy or minimising resistance or what?
- Aftermath. We have to develop a feasible plan.
- Look at the unexpected – think through the big 'what ifs'; oil, WMD, internecine fighting – and develop a strategy."

1104. The author of the record added some "personal observations", including:

"The PM came across as someone with strong convictions that this should, and will, go ahead. He accepted the military advice being given to him, although he still sought reassurance that all aspects had been looked into and that plans are drawn up to deal with the unexpected or perceived worse cases. It is clear from the three areas that he asked further work to be done on that the Phase IV part of the plan is critical.

…

"Interestingly it was SofS [Secretary of State, Mr Hoon] who urged the PM to exercise a degree of restraint on POTUS [the President of the United States], whom he described as 'going for it'. SofS expressed concern about some of the US ideas and wanted to ensure that no irreversible damage was done to Iraq."

1105. After the briefing by the Chiefs of Staff, Mr Rycroft informed Mr Watkins that Mr Blair agreed that "much greater clarity about US intentions" on post-conflict issues was needed.[532] Mr Blair "would be keen to see the outcome of the Whitehall visit to Washington next week".[533]

1106. Mr Watkins instructed Mr Lee:

"… we will clearly need to use all our regular contacts with the US, in both CENTCOM and the Pentagon. If appropriate, this [aftermath] is an issue that Mr Hoon could himself raise with Rumsfeld in their next regular phone call next week."[534]

---

[530] Minute MA/DCJO to MA/CJO, 15 January 2003, 'Briefing to Prime Minister'.
[531] The Inquiry has not seen any indication of what was meant by "the top 100 on the list". It is likely that it was a precursor to the list of 55 Iraqis featured on the "deck of cards" issued by the US military in April 2003.
[532] Letter Rycroft to Watkins, 15 January 2003, 'Iraq: Military Planning'.
[533] A reference to the second round of US/UK/Australia talks on post-conflict issues in Washington on 22 January.
[534] Minute Watkins to DG Op Pol, 16 January 2003, 'Iraq: Military Planning'.

1107. The first record seen by the Inquiry of a discussion of post-conflict issues between Mr Hoon and Secretary Rumsfeld was in Washington on 12 February (see Section 6.5).

1108. Lord Boyce told the Inquiry that his expression of concern to the Prime Minister at the briefing "was more about the immediate aftermath, immediately after the fighting phase, what would we need to do to provide security in the first instance, but also to provide what we saw as being the most immediate problem would be a humanitarian problem".[535]

1109. Lt Gen Reith attended the CENTCOM commanders' conference in Tampa, Florida on 15 and 16 January. The conference was described by Gen Franks as "likely to be the last chance for such a gathering to take place. It therefore had to be conclusive."[536]

1110. Maj Gen Wilson reported that "Phase IV responsibilities became a little clearer" at the commanders' conference: Gen Franks had demanded that JTF-4 deploy as soon as possible to Kuwait and had welcomed Lt Gen Reith's offer to embed four UK personnel in it. Gen Franks had also directed that "key Phase IV players should visit the Pentagon to ensure that planning was joined up".[537]

1111. In his record of the meeting with Gen Franks, Lt Gen Reith explained that UK staff embedded in JTF-4 would have "reach-back" to the Phase IV planning team in PJHQ, giving the UK "considerable influence over US planning".[538] He reported that Gen Franks had "agreed that we could plan on [the] UK having responsibility for the Basra region in Phase IV and would welcome our setting the standard for other nations. Clearly this will need Ministerial approval in due course." Lt Gen Reith also reported that the US had "a zillion dollar project to modernise and properly exploit the southern oilfields".

1112. Gen Reith told the Inquiry that, on 16 January, he told Gen Franks he was unhappy with the way planning was going:

> "… they were going into shock and awe, and we … the British … had been very much the custodians of 'Let's worry about Phase IV'. So we got on to Phase IV in our discussion and I made the point … that the oilfields were absolutely essential for Phase IV, to provide revenue for Iraq for its reconstruction and therefore, we needed to secure the oilfields rather than have them destroyed. I also made the point to him that the more china that we broke, the more we would have to replace afterwards."[539]

---

[535] Public hearing, 27 January 2011, page 83.
[536] Minute Wilson to MA/CJO, 17 January 2003, 'CENTCOM Component Commanders' Conference: 15-16 Jan 03'.
[537] Minute Wilson to MA/CJO, 17 January 2003, 'CENTCOM Component Commanders' Conference: 15-16 Jan 03'.
[538] Minute Reith to PSO/CDS, 17 January 2003, 'Discussion with General Franks – 16 Jan 03'.
[539] Private hearing, 15 January 2010, pages 42-43.

1113. Maj Gen Wilson told the Inquiry:

> "General Franks was very clear about the criticality of … Phase IV [and] understood the need to have the resources available and the need for security and the relationship between reconstruction, humanitarian assistance, disposable funds and … civil action."[540]

1114. In Cabinet on 16 January, Mr Blair listed priorities for the immediate future:

- **"preparatory work" on post-conflict planning and the role of the UN;**
- **the need to communicate to the Iraqi people a vision of a better life; and**
- **contingency work on the unexpected consequences of conflict.**

1115. The Cabinet discussed Iraq on 16 January. The discussion is also addressed in Sections 3.6 and 6.2.[541]

1116. Ms Short said that work on post-conflict issues needed to be taken forward urgently. She emphasised the need for extra resources, the potential effect of CBW on civilians and the importance of involving the UN.

1117. Summarising the discussion, Mr Blair said that the "priorities for the immediate future were:

- improved communications, which would set out the Government's strategy and be promoted by the whole Cabinet;
- preparatory work on planning the aftermath of any military action and the role of the United Nations in that, which should in turn be conveyed to the Iraqi people so that they had a vision of a better life in prospect; and
- contingency work on the unintended consequences which could arise from the Iraqi use of weapons of mass destruction, environmental catastrophe or internecine strife within Iraq."

1118. Despite Mr Blair's promise that military options would be discussed and the imminence of the formal decision to offer a significant land contribution, Cabinet was not briefed on the substance of the military options or the circumstances in which force would be used. It did not discuss the strategic implications of making a military contribution.

1119. On 17 January, Mr Blair approved the deployment of UK forces to support US military preparation in the region.

1120. He did so without clear advice on the wider strategic implications and contingent liabilities, including the potential UK responsibility for post-conflict administration and reconstruction in the event of military action.

---

[540] Public hearing, 4 December 2009, pages 39-40.
[541] Cabinet Conclusions, 16 January 2003.

1121. Mr Straw advised Mr Blair that much greater clarity was needed on US thinking on post-conflict issues.

1122. Mr Blair concluded that Mr Straw's concerns should not affect his decision to deploy forces.

1123. Mr Hoon wrote to Mr Blair on 16 January seeking agreement to the "key role in southern Iraq" proposed by the US for the UK.[542] The letter, described in more detail in Section 6.2, was copied to Mr Straw, Mr Brown and Sir Andrew Turnbull.

1124. Mr Hoon advised:

> "Important questions remain to be resolved … But the role proposed for the UK is a sensible and significant one, and I recommend that with certain qualifications, we accept it. We need to decide quickly."

1125. Mr Hoon added that equipment and personnel would need to be moved early the following week and that, if Mr Blair agreed, he proposed:

> "… to announce the composition and deployment of the force in an oral statement on Monday 20 January."

1126. Mr Hoon wrote that the proposed role for the UK was "essentially as described in my Office's letter of 8 January":

> "The final UK Divisional Area of Responsibility, including for aftermath operations, would be an area bounded by the Iraq/Kuwait border in the south, Jalibah airfield in the west, the Euphrates in the north, and the Shatt al Arab waterway in the east – a largely Shia area of some 1,600 sq km [see Map 5 in Annex 4]."

1127. Mr Hoon advised that:

> "… a number of issues still need finally to be resolved, before we can conclude that the overall US plan represents a winning concept. These include the legal basis for any operation as well as the credibility of plans for the aftermath, which the US accept will begin concurrently with combat operations.
>
> …
>
> "Assuming that outstanding issues can be resolved, I and the Chiefs of Staff are content that the role proposed for a UK ground force is both sensible and attractive. The plan will need further development to address a number of specific challenges (oilfields, displaced persons, handling Iran, etc) …
>
> "The proposed final [UK] Area of Responsibility is a coherent one with largely natural geographical boundaries … and includes economic infrastructure critical to

---

[542] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

Iraq's future, including much of its oil reserves, critical communications nodes, a city (Basra) of 1.3m people and a port (Umm Qasr) about the size of Southampton. Although the establishment of UK control over this area will require careful presentation to rebut any allegations of selfish motives, we will be playing a vital role in shaping a better future for Iraq and its people."

1128. Mr Hoon stated that he had put work in hand to address the "three big issues" identified by Mr Blair at the meeting with the Chiefs of Staff:

- The "nature of the proposition" that was being put "to the Iraqi people including those in the governing apparatus who are not considered beyond the pale, and the way in which that would be conveyed to them without damaging operational security and losing the element of surprise".
- The need "Now that we have a proposed Area of Responsibility" to work on that "with greater clarity". The forthcoming visit of a Whitehall team to Washington was identified as "an opportunity to mould US thinking".
- Making sure the UK had the "best possible contingency plans for worst-case scenarios".

1129. On timing, Mr Hoon stated:

"CENTCOM assume that, unless Saddam changes his behaviour, a political decision to take military action may be made in mid-February. Air and ground operations could begin in early March, with the main effort by ground forces beginning in mid-March (although they still aspire to bring the main effort forward)."

1130. Mr Hoon recommended that the UK:

"… should inform the US that we agree that planning should assume the contribution of the proposed UK land force package to carry out the role the US has requested, subject to:

i the overall caveat that a further political decision would be required to commit UK forces to any specific operation;

ii US assistance in facilitating the bed-down of UK forces, and provision of logistic support;

iii further work to develop a satisfactory plan for the aftermath."

1131. Mr Hoon highlighted the significance of the post-conflict phase of operations in his advice to Mr Blair, but he did not:

- **identify the risks associated with deploying UK forces before decisions had been made on the scope or duration of their post-conflict role, or on the UK's wider post-conflict responsibilities;**

- **offer advice on what might constitute "a satisfactory plan for the aftermath" or the consequences of failure to reach agreement with the US on such a plan; or**
- **adequately consult the FCO or DFID before submitting his recommendation.**

1132. Mr Hoon should have questioned those omissions before advising Mr Blair on an issue of such significance.

1133. Sir Kevin Tebbit, as PUS, should have ensured that those issues were covered in more detail in the advice put to Mr Hoon.

1134. On Mr Ehrman's recommendation, Mr Straw sent a letter to Mr Blair on 17 January flagging up "three major issues" in Mr Hoon's proposal: targeting, Iraqi use of WMD and the "aftermath".[543] Mr Straw advised that:

> "… much greater clarity is required about US thinking and plans for the aftermath. How long would UK forces be expected to stay in the area of responsibility proposed for them? What would be their role in what form of administration, not least in Basra …? We need in particular far greater clarity on US thinking on management of the oilfields. As you know, we have sizeable differences of view from many in the US Administration who envisage Iraq being a US military governorate for an extended period of time. A UK team will be discussing this issue with the US next week. It will be putting hard questions, and highlighting our own view that there needs to be a move to UN administration, with Coalition forces remaining responsible for security, as soon as possible."

1135. Mr Straw's minute was not sent to Ms Short.

1136. Like Mr Hoon, Mr Straw did not give due consideration to what might constitute a satisfactory plan for the UK and whether UK participation in military action should be conditional on such a plan.

1137. Sir David Manning commented to Mr Blair: "Good questions. But I don't think they affect your decision in principle [to deploy forces]."[544]

1138. Mr Blair replied: "agreed".[545]

1139. Mr Hoon's recommendations were endorsed by Mr Blair on 17 January.[546]

---

[543] Minute Ehrman to Private Secretary [FCO], 16 January 2003, 'Iraq: UK Land Contribution'; Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[544] Manuscript comment Manning on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[545] Manuscript comment Blair on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'.
[546] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.

1140. The deployment of a UK land package was announced to Parliament on 20 January.[547]

1141. During the Parliamentary debate that followed, Mr Hoon responded to a question about post-conflict planning from Mr Bernard Jenkin (Conservative), by stating:

> "Certainly consideration is being given to aftermath issues and the question of humanitarian relief. Obviously, we will design force packages to ensure that we have soldiers in place who can deal with those issues as and when they arise."[548]

[547] House of Commons, *Official Report*, 20 January 2003, column 34.
[548] House of Commons, *Official Report*, 20 January 2003, column 37.

SECTION 6.5

PLANNING AND PREPARATION FOR A POST-SADDAM HUSSEIN IRAQ, JANUARY TO MARCH 2003

Contents

Introduction 309

Second round of inter-agency talks, Washington, 22 January 2003 309

Follow-up to the inter-agency talks 326

- The UK Common Document 327
- Post-conflict discussions with the French 330
- UK military campaign objectives 331
- Mr Blair's talks with President Bush, 31 January 2003 333
- Official-level discussions with the US 340
- DFID humanitarian contingency planning 343
- Parliamentary discussion of post-conflict issues, 3 February 2003 348

Creation of the Iraq Planning Unit 350

- Domestic contingency planning: the Stephens Group 355
- PJHQ planning seminar 357

Preparing for the UK's "exemplary" role in the South 360

- Maintaining pressure on the US 366
- Revised UK military campaign objectives 372
- Mr Blair's meeting on humanitarian issues, 13 February 2003 376
- UN preparations 381
- The absence of a "winning concept" 382
- DFID contingency planning 389
- "Sectorisation" 394
- The post-conflict Rock Drill 401

Seeking US agreement on the post-conflict role of the UN 408

- The potential for violence in the South 410
- A UN "badge" for post-conflict Iraq 418
- The DIS Red Team 420
- Obstacles to an "exemplary" UK effort 422
- The 'UK Vision for Phase IV' 434

UK commercial interests 439
The UK 'Vision for Iraq and the Iraqi People' 440

Growing pressure for Ministerial decisions 444
Mr Blair's meeting on post-conflict issues, 6 March 2003 448
The UK plan for Phase IV 458
Treasury discussions with the IMF 463
DFID update on humanitarian assistance 464
DIS Red Team report on retaining the support of the Iraqi people 465
UK military and humanitarian co-ordination in the South 468
Mr Straw's statement to the House of Commons, 10 March 2003 471
DIS report: 'Basra: Post Saddam Governance' 472
DFID's Humanitarian Strategy and Immediate Assistance Plan 473
Extending the Oil-for-Food programme 478

Plans and preparations on the eve of the invasion 478
The UK military plan 486
UK objectives for post-conflict Iraq 491
The Azores Summit, 16 March 2003 493
Post-Azores concerns 497
Parliamentary debate on Iraq, 18 March 2003 507
Revised arrangements for Ministerial discussion of Iraq 512
Mr Blair's conversation with President Bush, 19 March 2003 513
Prime Minister's Questions, 19 March 2003 513
Security Council debate on Iraq, 19 March 2003 514
Straw/Hoon joint minute to Mr Blair 515

The invasion 521
The role of the UN 524
MOD update on Phase IV planning 527
Draft UK post-conflict objectives 530
Mr Blair's meeting with President Bush, Camp David, 26 and 27 March 2003 534

Witness comments 540

Conclusions 551
What was known on the eve of the invasion 551
The failure to plan or prepare for known risks 561
The planning process and decision-making 563

Introduction

1. Sections 6.4 and 6.5 consider the UK's planning and preparation for a post-Saddam Hussein Iraq between late 2001 and March 2003.

2. The two parts address:

- the development of UK post-conflict strategy and objectives;
- planning and preparation to implement those objectives;
- UK civilian and military planning machinery;
- UK influence on US planning and preparation and the impact of US planning on the UK; and
- Parliamentary interest in post-conflict planning and preparation.

3. The two parts do not consider:

- military plans for the invasion, which are addressed in Sections 6.1 and 6.2;
- intelligence on weapons of mass destruction (WMD) or preparations for the post-invasion search for WMD, addressed in Section 4;
- the financial and human resources available for post-conflict administration and reconstruction, addressed in Sections 13 and 15; and
- the outcome in post-conflict Iraq, which is addressed in Sections 9 and 10.

4. This Section covers the 10 weeks between the decision to deploy UK forces and the first post-invasion meeting between Mr Blair and President Bush at Camp David on 26 and 27 March 2003.

5. The preceding period, from mid-2001 to Mr Blair's decision on 17 January 2003 to deploy UK forces to support US military preparations, is addressed in Section 6.4.

6. Key findings for Sections 6.4 and 6.5 are listed at the start of Section 6.4.

7. The Inquiry's conclusions relating to both parts are at the end of this Section.

Second round of inter-agency talks, Washington, 22 January 2003

8. In the run-up to the second round of trilateral inter-agency talks on post-conflict issues in Washington on 22 January 2003, UK officials focused on how to influence US thinking on the post-conflict role of the UN.

9. Mr Peter Ricketts, FCO Political Director, predicted that discussion on the role of the UN would be "hard going". The US was wedded to a prolonged US occupation and opposed to any substantial role for the UN.

10. The first round of US/UK/Australia inter-agency talks on post-conflict issues took place in Washington on 6 November 2002 and is described in Section 6.4.

11. By the first week of January 2003, no date had been set for the second round.[1]

12. The FCO Iraq Morning Meeting on 7 January concluded that Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec), should ask Dr Condoleezza Rice, President Bush's National Security Advisor, to "unblock" the talks if US officials were unable to clear the way for a second round to take place in the week of 20 January.

13. Three days later, the FCO had arranged for the talks to take place on 22 January.[2]

14. Mr Ricketts visited Washington on 13 January. He reported to Mr Jack Straw, the Foreign Secretary, that the US had done good work on humanitarian issues, but was distrustful of the UN and "still clinging to … a wholly unrealistic expectation that they [the US] will be welcomed in as liberators".[3] Mr Ricketts suggested that the forthcoming UK/US/Australia post-conflict talks in Washington and visits by Mr Straw and Mr Blair later in the month were opportunities to influence official and Presidential thinking.

15. Mr Ricketts' report was copied to Sir David Manning.

16. Mr Ricketts' visit also exposed continuing differences between the UK and US on the post-conflict role of Iraqi exiles. During talks with National Security Council (NSC) officials about where to find suitable administrators for post-conflict Iraq, Mr Ricketts advised: "Iraqi exiles were unlikely to come into this category or carry much credibility in Iraq."[4]

17. At the first FCO Iraq Morning Meeting after his return from Washington, Mr Ricketts reported that:

> "… the US show no sign of accepting our arguments on transitional administrations. They are wedded to the idea of a prolonged US occupation, and opposed to any substantial role for the UN. We are likely to find the 22 January day after talks hard going in this respect."[5]

18. On 13 January, US officials briefed the British and Australian Embassies in Washington on US humanitarian planning. The British Embassy reported that the US had "what appeared to be a well researched and internally co-ordinated planning document", focused on the provision of emergency relief by the US military until the UN and non-governmental organisations (NGOs) could resume their activities. The US military would set up a Civil-Military Operations Centre (CMOC) HQ and regional branches. Each branch would incorporate a Disaster Assistance Response Team (DART) and a US Agency for International Development (USAID) presence to facilitate

---

[1] Minute Chilcott to PS/PUS [FCO], 7 January 2003, 'Iraq Morning Meeting: Key Points'.
[2] Minute Dodd to Manning, 13 January 2003, 'Ad Hoc Group on Iraq'.
[3] Minute Ricketts to Private Secretary [FCO], 14 January 2003, 'Iraq: The Mood in Washington'.
[4] Telegram 47 Washington to FCO London, 14 January 2003, 'Iraq: Day After Issues: Ricketts Visit to Washington. 13 January'.
[5] Minute Tanfield to PS/PUS, 15 January 2003, 'Iraq Morning Meeting: Key Points'.

co-operation with the military. CMOC and DART recruitment was under way. The US was co-ordinating closely with the UN and NGOs, had funded the UN High Commission for Refugees (UNHCR) to pre-position emergency assistance and expected the World Food Programme (WFP) to be a significant partner in the delivery of food.

19. The Embassy also reported that US officials had envisaged that the post-conflict talks in Washington on 22 January would focus on emergency relief and reconstruction, before accepting a UK and Australian suggestion that they also address future political structures for Iraq.[6]

20. The record of a restricted meeting of the cross-Whitehall Ad Hoc Group on Iraq (AHGI) on 14 January stated that the UK and Australia were being given full access to US aftermath planning.[7] The MOD had established a team at the Permanent Joint Headquarters (PJHQ) to examine aftermath issues. Relevant departments would be involved in the team's planning and the MOD would pass papers to the Cabinet Office for wider distribution. The record stated, however, that "without a higher level political and legal framework, MOD planning cannot advance very far".

21. On 14 January Mr Kofi Annan, the UN Secretary-General, announced publicly that the UN had begun humanitarian contingency planning for Iraq.

22. In response to a question at a press conference on 14 January about the humanitarian consequences of war, Mr Annan stated:

> "We have been doing some contingency planning on that and we are extremely worried about the fallout and consequences of any such military action. Obviously we do not want to be caught unprepared. So we have gone ahead and made contingency plans, and we are in touch with governments that can provide some financial assistance for us to move our preparations to the next level. But we are worried."[8]

23. On 22 January, Mr Straw approved the briefing prepared for the UK delegation to the US/UK/Australia inter-agency talks in Washington.

24. The briefing material focused on unresolved differences between the UK and US on the wider post-conflict role of the UN.

25. It envisaged the Coalition military handing over to an interim, civilian administration operating under UN auspices, "as soon as practically possible".

---

[6] Telegram 44 Washington to FCO London, 13 January 2003, 'US/IRAQ: Day After Humanitarian Planning'.
[7] Minute Dodd to Manning, 15 January 2003, 'Iraq'.
[8] UN News Centre, 14 January 2003, *Secretary-General's press conference*.

26. The briefing listed strategic decisions needed "very soon so that planning can proceed":

- **how to establish a secure environment;**
- **how to meet the basic needs of the Iraqi people;**
- **the level of ambition for political reform;**
- **the extent to which economic reform should be left to the International Monetary Fund (IMF) and the World Bank; and**
- **the environmental clean-up plan.**

27. The follow-up to the 6 November US/UK/Australia post-conflict talks in Washington took place on 22 January.

28. In his record of the 17 January meeting of the AHGI, Mr Jim Drummond, Assistant Head (Foreign Affairs) OD Sec, stated that preparations for the talks were on track and that the UK had supplied a number of papers on the main issues.[9] The US had not, so far, shared any papers with the UK.

29. Mr Drummond also stated that the MOD had started its own detailed aftermath planning, "just in case UK forces ended up controlling a part of Iraq". The questions raised would be used "to give a practical edge to the Washington discussions".

30. On 17 January, Mr Dominick Chilcott, FCO Middle East Department (MED), submitted an "Annotated agenda/overarching paper" to Mr Straw.[10]

31. In the covering minute, Mr Chilcott sought Mr Straw's agreement that UK officials should "argue for following a UN, rather than a unilateral, American-led, route on day-after issues" and "make clear that we need broad agreement soon on these issues, so that we can clarify the role which UK forces will play". Mr Chilcott reported that MOD officials were content with that approach.

32. Mr Chilcott explained that the UK had shared a number of papers on post-conflict issues with the US, but had received very little in return:

> "We had hoped that by now US thinking would be beginning to converge. But differences between departments remain as stark as before. At one end of the spectrum, the Pentagon, who regard the UN as irredeemably incompetent, advocate the US leading a day-after operation, co-opting willing allies for an extended period, until a new Iraqi government is ready to take over. At the other end sit the State Department who favour an internationalist approach with UN blessing. The NSC are somewhere in the middle. CENTCOM [Central Command] have set up a large military team to work up plans for taking over the government of Iraq. The risk is

---

[9] Minute Drummond to Manning, 21 January 2003, 'Ad Hoc Group on Iraq'.
[10] Minute Chilcott to Private Secretary [FCO], 17 January 2003, 'Iraq: Day-After Issues'.

that, in the absence of a consensus position on day-after, the CENTCOM plan will be followed *faute de mieux*.

"We believe any unilateral US day-after plan would be seriously flawed. It would lack international legitimacy, as the UN is unlikely to support it. We expect the Iraqis' euphoria at being liberated from Saddam to turn quickly into resentment and anger at being subject to a foreign army of occupation, a sentiment which is likely to be reflected more widely in the Arab world. In a hostile domestic and international environment, it will be more difficult to embed lasting political and economic reforms … All in all, a recipe for a mess, with Coalition forces obliged to stay on in Iraq for years.

"The arguments for following the UN route look compelling and … would be very much in US interests …

"As soon as practically possible, we envisage the Coalition military handing over to an interim, civilian administration operating under UN auspices. With international legitimacy, such an interim administration would be supported in the region and probably tolerated in Iraq. Reforms conducted under its supervision would be more likely to stick. And it would aim to oversee a sort of 'Bonn process'[11] for Iraq, under which the Iraqis themselves would create new political structures … Lasting reform in Iraq will take a long time and the UN is more likely than Washington to have the patience for the long haul.

"The Americans, not unreasonably, refuse to put their forces under UN control … The answer may be a Kosovo model, where parallel security and civilian presences co-exist, both blessed by the UN, with the security forces responsible for supporting and co-ordinating closely with the civil presence but not under UN control.

"We are unlikely to persuade all the agencies in Washington to see it our way on day-after in one session of talks on 22 January. But our aim remains to get an agreed Coalition approach. Without it the legal basis on which our own forces would act will be, at best, unclear and possibly unsafe. We also need broad agreement so that we can plan in detail how UK forces should conduct themselves in the aftermath of military action. The Secretary of State [Mr Straw] will arrive in Washington shortly after our talks conclude. We will … recommend how he might follow up in his talks with Colin Powell [US Secretary of State]. Day after issues should probably be on the agenda for the Prime Minister's meeting with President Bush on 31 January.

[11] A reference to the process initiated at the international conference on the future of Afghanistan convened by the UN in Bonn, Germany, in December 2001. At the Conference, Afghan leaders reached agreement on the creation of an Afghan Interim Authority.

"The Australians, as the other troop contributing nation, have been invited to join the day-after talks in Washington. We have spoken to their representatives here in London and understand that they share our strong views on the desirability of action through the UN."

33. Mr Chilcott concluded:

"We have no intention of surfacing this work. But if it leaks, we shall emphasise that it does not imply any change of the policy objectives and that it is simply prudent contingency planning."

34. The 'Annotated agenda/overarching paper' attached to Mr Chilcott's minute stated that "strategic decisions on the issues in this paper are needed very soon so that planning can proceed and a follow-up mechanism [be] agreed".[12] Issues were organised under five headings:

- Security

"An urgent task will be to **establish a secure environment** to facilitate humanitarian operations and to provide the foundation for normal society to flourish and self-sufficient development to begin … We shall need quickly to provide legitimate and transparent law and order and the necessary civil structures, backed by the Coalition military, to deliver it. Ideally, the ordinary Iraqi police should co-operate. But will they? And what is the basis of the law to be enforced – is it Iraqi law or something else?

"We shall also want to prevent internecine violence. Our handling of the defeated Iraqi forces will be critical. We shall need a DDR [demobilisation, demilitarisation and re-integration] plan for them, consistent with our vision for the future of Iraq's armed forces …"

- Relief and reconstruction

"The scale of the challenge will depend on the extent of damage and displacement following conflict and the extent of disruption to oil production … The main humanitarian issues are:

(a) How will the basic needs of the Iraqi people – food, medicine, shelter, power, emergency reconstruction and protection/personal security – be met? … Military action will disrupt the involvement of expats and NGOs in the distributions systems … We assume other UN agencies … and the ICRC [International Committee of the Red Cross] would be best placed to cope with refugees, although there may be a period when they cannot get access to them. How advanced is US thinking on civil/military co-operation?

[12] Paper Middle East Department, 15 January 2003, 'Second Round of US-UK talks, Washington: 22 January 2003'.

(b) **Who will pay for humanitarian operations? What is the future of OFF** [the UN-administered Oil-for-Food programme]? … Do the US think there is much potential for Iraq to borrow against future oil revenues to fund reconstruction?

(c) … What plans exist for dealing with zones contaminated by the use of CBW [chemical and biological weapons]?

(d) There will be a need to move quickly from **relief towards reconstruction** and generating local Iraqi economic activity … It will be particularly important to promote security and the rule of law at the local level to allow this to happen."

- Political

"We want S[addam] H[ussein]'s regime replaced with something much better. **How high should our level of ambition be in promoting political reform?** … Is a western-style democracy possible?

…

"We have no prescription for the **shape of a civilian administration (whether or not UN-led)**. But we shall want an arrangement that gives the Coalition military the freedom to operate alongside the UN interim administration, without putting their forces under UN command and control … What sort of courts should we have for bringing individuals in SH's regime to justice?

"A linked question is the extent to which we **replace Iraqis with international civilian** staff in the interim administration. We should probably dismantle the security agencies completely. But many ministries may be turned around with just a few changes at the top … To what extent shall we need to root out Ba'ath Party elements?

"The interim administration will need to set in hand **a process to allow new political structures to emerge**. We shall need visible Iraqi participation in such a process at an early stage. It should be for the Iraqi people themselves to produce the ideas … although the status within Iraq of many individuals in the exile community is low."

- Economic

"The interim administration will also have an important economic reconstruction and reform task. One of the keys to this will be ensuring that **Iraq's oil** revenues are maximised, consistent with the effect on the global oil market. We shall need to consider whether this is best achieved by returning control of Iraqi oil exports from an international civilian administration to Iraq rapidly or in slower time …

"To what extent do we leave the task of **promoting economic** reform … to the IMF/World Bank? What is US thinking on rescheduling Iraq's US$100bn plus debt?"

- Environmental

"Do we have an **environmental clean-up plan**?"

35. The annotated agenda referred to a number of background papers[13] prepared over the preceding months:

- 'Scenarios for the future of Iraq post-Saddam' (FCO, 11 October 2002);
- 'Security Sector Reform' (FCO, 10 December 2002);
- 'International Administrations for Iraq, what, who and how?' (FCO, 17 October 2002);
- 'Interim Administrations in Iraq' (FCO, 12 December 2002);
- 'Bonn process' (FCO, January 2003);[14] and
- 'Economic issues in Iraq after post-Saddam regime change' (FCO, October 2002).

36. The annotated agenda made no reference to the UK's specific responsibilities in southern Iraq. Nor did it consider the possible contribution of different UK government departments to the UK post-conflict effort.

37. Mr Edward Chaplin, FCO Director Middle East and North Africa, commented to Mr Straw: "After 22 January we will need to raise the level of exchanges with the US, in order to reach agreement on these key issues."[15]

38. Mr Straw approved Mr Chilcott's recommendations and reported that Secretary Powell had told him the US working assumption was that the US and UK would be in Iraq for a long time after military action.[16]

39. The annotated agenda was shown in parallel to Mr Geoff Hoon, the Defence Secretary, and Ms Clare Short, the International Development Secretary.

40. Mr Stephen Pollard, Head of MOD Overseas Secretariat (Sec(O)), invited Mr Hoon to note the intended scope of the meeting.[17] Mr Pollard explained that, in the US:

> "… much of the running is being made by CENTCOM, which has set up a large military team to work up plans for Phase IV[18] of the campaign. The MOD are well plugged in to this through our PJHQ representatives at Tampa. But other issues will need resolution at higher level, not least the legal authority for what will amount to an army of occupation following any hostilities, and the extent to which the UN will

---

[13] All but the paper on the Bonn process are described in Section 6.4.
[14] Paper Hetherington, January 2003, 'What would an Iraqi Bonn process look like?'.
[15] Manuscript comment Chaplin, 17 January 2003, on Minute Chilcott to Private Secretary [FCO], 17 January 2003, 'Iraq: Day-After Issues'.
[16] Minute Sinclair to Chilcott, 20 January 2003, 'Iraq: Day-After Issues'.
[17] Minute Pollard to APS/Secretary of State [MOD], 17 January 2003, 'Iraq: Phase 4'.
[18] The military term for the post-conflict phase of military operations in Iraq.

be involved, both in mandating any stabilisation and reconstruction activities and in overseeing them.

"… Unexpectedly, the FCO have just decided that they wish to seek the Foreign Secretary's approval for the general line they wish to take in discussion … that we should be pressing the US to follow a UN rather than a unilateral US-led route, in dealing with day-after issues. The FCO take the line that any unilateral US plan would lack international legitimacy, and that without an agreed Coalition approach the legal basis on which our own forces might operate would be at best unclear and possibly unsafe."

41. Mr Pollard stated that there was "some force" in the FCO argument and that Mr Ian Lee, MOD Director General Operational Policy (DG OpPol), was content to take part in the Washington talks on that basis.

42. Mr Pollard advised that the FCO was likely to brief Mr Straw to follow up the talks with Secretary Powell and was also expected to put post-conflict issues on the agenda for Mr Blair's meeting with President Bush on 31 January. The MOD would be closely associated with the drafting of that advice. Mr Lee would advise on his return from Washington whether Mr Hoon should raise the issue in his weekly telephone call to Mr Donald Rumsfeld, US Secretary of Defense.

43. Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS),[19] commented separately to Mr Hoon:

"My main observation on what is a good paper is that this rather underplays the fissiparous tendencies within Iraq and the risk that groups are as likely to fight each other as Coalition forces. More detailed work is needed in my view on how to keep Kurds, Turkomans, Shia, Sunni and, perhaps Southern Marsh Shia together in one national entity – and indeed to handle those other three groups – people bent on revenge against S[addam] H[ussein]'s regime relics, and the outsiders/exiles who may find themselves less welcome than they expect. All points to the need for a very strong initial security presence, with a clear link to the political reform process. A still stronger case in my view for the US to want a wider Coalition, made possible under UN auspices."[20]

---

[19] In keeping with variations in use within departments, the Inquiry refers to the most senior civil servant in the FCO and the MOD as the Permanent Under Secretary (PUS), but in all other departments as the Permanent Secretary. The Permanent Under Secretaries and Permanent Secretaries are referred to collectively as Permanent Secretaries.

[20] Manuscript comment Tebbit on Minute Chilcott to Private Secretary [FCO], 17 January 2003, 'Iraq: Day-After Issues'.

44. Ms Carolyn Miller, DFID Director Middle East and North Africa and the DFID member of the UK delegation, informed Ms Short that the annotated agenda had been "put together rapidly", but DFID had been able to feed in a number of points, including:

> "… the importance of establishing a secure environment for humanitarian aid; the need to factor in the risks of operating if CBW are used; the requirement for affordable financing arrangements for relief and reconstruction especially if OFF collapses; and the importance of moving from dependence on handouts to an Iraq-led economic recovery".[21]

45. Separate MOD briefing for the Washington talks listed questions to which "we must first have answers" before the UK assumed post-conflict responsibilities:

- **the future of the Iraq military, police and local and regional government;**
- **the legal basis for Coalition involvement in civil security;**
- **military sectors;**
- **the military's role in managing oil production; and**
- **when humanitarian agencies would take the lead in providing assistance.**

46. The briefing prepared for Mr Lee, the senior MOD member of the UK delegation for Washington, included "baseline assumptions" for UK force contributions in four post-conflict phases. The briefing stated that, in the absence of a US decision on timelines, the assumptions were only illustrative.[22]

47. The suggested UK land force contribution under each phase was:

- US military administration (0-6 months): war-fighting forces (large scale);[23]
- Coalition administration (6-12 months): large scale reducing to medium scale;[24]
- civil administration (12-24 months): medium scale reducing to small scale;[25] and
- full Iraqi governance (24 months plus): small scale reducing to advisory teams.

48. The briefing stated that the UK military would: "Take regional responsibility for AM [aftermath] operations in our current War-fighting JOA [Joint Operational Area], at least for the first six months." Military tasks would include setting the conditions for successful DDR/SSR (Security Sector Reform) programmes. The military would also support a civil/NGO lead in:

- humanitarian operations, including distribution of food and water, provision of shelter and control of internally displaced persons;

---

[21] Minute Miller to PS/Secretary of State [DFID], 18 January 2003, 'UK/US/Australia talks in Washington: 22 January'.
[22] Minute Sec(O)4 to DG Op Pol, 21 January 2003, 'Visit to Washington – Iraq Aftermath'.
[23] Defined in the 1998 *Strategic Defence Review* (SDR) as deployments of division size or equivalent.
[24] Defined in the 1998 SDR as "deployments of brigade size or equivalent" for war-fighting or other operations.
[25] Defined in the 1998 SDR as "a deployment of battalion size or equivalent".

- support to local government and administration; and
- emergency reconstruction.

49. The briefing included questions to which "we must first have answers" if the UK was to contribute along those lines:

- What should be the future of the Iraqi military, police and local and regional government, and at what level should the Coalition do business with them, "as we will have to do"?
- What would be the legal basis for Coalition forces' involvement in civil security?
- Did the US envisage "sectorisation" as in Bosnia or "central locations and force projection" as in Afghanistan as the model for Phase IV Coalition Force structure? If sectorisation, would the US provide additional forces in the UK sector to perform humanitarian tasks for which UK capacity was limited?
- What role would the military have in managing oil production?
- When did the US assume humanitarian agencies would take the lead in providing humanitarian assistance?

50. On 20 January, Mr William Ehrman, FCO Director General Defence and Intelligence, advised Mr Straw that clarity on US thinking would follow the talks in Washington on 22 January.[26] In the meantime, on a personal basis, he suggested: "we should start to think internally about elements relating to aftermath that might need to go into a future Security Council resolution … Such elements include: aftermath UN administration; oil management; and the future of IAEA [International Atomic Energy Agency]/UNMOVIC [UN Monitoring, Verification and Inspection Commission]."

51. On 20 January, two days before the second round of post-conflict talks in Washington, President Bush confirmed publicly his decision that all US post-conflict activity was to be placed under the leadership of Secretary Rumsfeld.

52. On 18 December 2002, President Bush decided in principle to place the Department of Defense (DoD) in charge of all post-conflict activity (see Section 6.4).

53. That decision was confirmed publicly on 20 January, when President Bush issued National Security Presidential Directive 24 (NSPD 24), consolidating all post-conflict activity in the new DoD-owned Office of Reconstruction and Humanitarian Assistance (ORHA).[27]

---

[26] Minute Ehrman to Private Secretary [FCO], 20 January 2003, 'Iraq: military aspects and aftermath'.
[27] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

54. The consolidation of post-conflict planning in ORHA led to a "turbulent" period of adjustment.[28]

55. Mr Frank Miller, NSC Senior Director for Defense Policy and Arms Control, who in summer 2002 had been appointed to head the NSC Executive Steering Group on Iraq in order to "jump-start" US post-war planning (see Section 6.4), recalled DoD officials saying "you guys stay out, we don't need your help".[29]

56. Mr James Kunder, acting Deputy Administrator of USAID, described USAID as "stunned" by the sudden disappearance of the NSC Humanitarian Working Group led by Mr Elliot Abrams, NSC Senior Director for Democracy, Human Rights and International Organizations.

57. *Hard Lessons*, Mr Stuart Bowen's account, as US Inspector General for Iraq Reconstruction, of the US experience of reconstruction between 2002 and 2008, explained that Lieutenant General (retired) Jay Garner, Head of ORHA, faced a range of challenges.[30] They included:

- the practical tasks of staffing, housing and equipping the new organisation;
- lack of access to material produced by the earlier inter-agency planning process;
- ambiguity in the division of responsibilities between ORHA and Joint TaskForce 4 (JTF-4), the separate post-conflict planning unit embedded in CENTCOM; and
- disagreement with General Tommy Franks, Commander-in-Chief CENTCOM, over ORHA's operational independence from CENTCOM.

58. Against that difficult background, Lt Gen Garner succeeded in organising ORHA into three "pillars": humanitarian assistance, civil administration and reconstruction. The humanitarian pillar took on the food programme and disaster relief from the NSC Humanitarian Working Group. The reconstruction pillar started using contracts negotiated by USAID to engage technical experts. The civil administration pillar faced the difficulty of finding credible information about public services and ministry functions in Iraq and was the least well developed of the three.

59. Ms Short described the decision to make the Pentagon responsible for all post-conflict planning as "stunning".[31] She told the Inquiry:

> "… if you then wanted the world to come together and support the reconstruction of Iraq, you needed … the military to do their bit, and then you needed to bring

---

[28] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[29] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[30] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[31] Public hearing, 2 February 2010, page 58.

everybody in, and that's what we were trying to achieve. So to hand it all over to the military is a bit foolish, because your chances then of getting co-operation from the rest of the international system may be diminished."[32]

60. Ms Short also said that:

"… all this enormous State Department planning, which included the danger of chaos and sectarian fighting and so on, was thrown away. ORHA and the Pentagon took over. They believed there wasn't going to be any trouble and people would be waving flowers at them, and off they went. They believed their own propaganda, and the British Government's capacity to think better … was just subverted and thrown away, to our deep, eternal shame."[33]

61. Sir Kevin Tebbit described some of the consequences of the changes:

"I had numerous … meetings with very senior people in the Pentagon … where we were trying to stress the importance of actually getting the right sort of planning in to Phase IV for the aftermath … where … they had discarded the State Department's advice, and indeed people … and I could not get across to them the fact that … the Coalition would not be seen as a liberation force where flowers would be stuck at the end of rifles … [T]his was absolutely not accepted, and I think, as far as the Pentagon was concerned … they just thought that Iraq would be fine on the day … and everybody would be happy."[34]

62. Sir Peter Ricketts told the Inquiry:

"I think the crucial problems [with post-conflict planning] arose from the late decisions in the US to put a department and an organisation in charge which had not been prepared for this role. I do think, if the careful State Department work had been allowed to feed through into operational planning for the post-conflict phase, that would have been more successful. I think it would have been easier for us to dock with it, and the overall effect on the ground would … have been a stronger operation from earlier on."[35]

63. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy from 2000 to 2003, told the Inquiry: "Assumptions were made about the State Department planning." He asserted that: "once we had realised … that the Pentagon appeared to be taking the lead on almost every level … the Prime Minister was … rattling a lot of cages within the British system and asking for an awful lot of things to be done".[36]

---

[32] Public hearing, 2 February 2010, page 61.
[33] Public hearing, 2 February 2010, page 85.
[34] Public hearing, 3 December 2009, page 62.
[35] Public hearing, 1 December 2009, page 92.
[36] Public hearing, 12 January 2010 (afternoon session), pages 69-70.

64. In his evidence to the House of Commons Liaison Committee on 21 January, Mr Blair emphasised the importance of the post-conflict phase:

> **"You do not engage in military conflict that may produce regime change unless you are prepared to follow through and work in the aftermath of that regime change to ensure the country is stable and the people are properly looked after."**

65. In his evidence to the House of Commons Liaison Committee on 21 January, Mr Blair stated:

> "It is a terrible responsibility ever to commit troops to action, but I believe we were right to do it in both Kosovo and Afghanistan. When I say is it right and is it do-able, is it do-able militarily but also is the aftermath something that you can handle as well, because I think that is important too."[37]

66. Asked about the risks of military action for stability in Iraq and the region, Mr Blair stated:

> "That is precisely why part of any preparations is to make clear, firstly that the territorial integrity of Iraq is sacrosanct … and … why we must make sure that we try and do everything we can to follow through. That is why I say military conflict, if it comes to that, is not the end of the issue; there are humanitarian questions, there are questions of what type of government, and all these things have got to be looked at very carefully. We are obviously in detailed discussion with people about them."[38]

67. Asked about the role of opposition groups in a reconstructed Iraq, Mr Blair said:

> "I think it is important that we try to make sure that any potential successor government has the requisite stability but, also, has as broad a representation as possible … One of the things I am wary about at this point in time is saying 'Look, this is exactly what we believe should happen' in circumstances where we have not actually got to the point of saying we should have a conflict."[39]

68. Sir George Young (Conservative) asked Mr Blair:

> "Is it not the case that actually the more difficult stage is stage two [nation-building], and that is the stage at which we might get more involved. To what extent are you confident that the whole strategy will not be undermined because stage two does not follow through the success of stage one [military action]?"[40]

---

[37] Liaison Committee, Session 2002-2003, *Minutes of Evidence Taken Before the Liaison Committee Tuesday 21 January 2003*, Q 67.
[38] Liaison Committee, Session 2002-2003, *Minutes of Evidence Taken Before the Liaison Committee Tuesday 21 January 2003*, Q 110.
[39] Liaison Committee, Session 2002-2003, *Minutes of Evidence Taken Before the Liaison Committee Tuesday 21 January 2003*, Q 112.
[40] Liaison Committee, Session 2002-2003, *Minutes of Evidence Taken Before the Liaison Committee Tuesday 21 January 2003*, Q 117.

69. Mr Blair replied:

> "You do not engage in military conflict that may produce regime change unless you are prepared to follow through and work in the aftermath of that regime change to ensure the country is stable and the people are properly looked after.
>
> …
>
> "I think that if stage one is successful, then you will find that the international community wants to come behind that and make sure the Iraqi people are given the chance to develop free from the repression of Saddam. I expect that there will be considerable international support for that, and it is important that we do it … I think it is extremely important that we do not take our eye off Afghanistan … Getting rid of the Taliban was not the end, for me. The end is Afghanistan reconstituted as a country that has got its own internal system working properly and does not threaten the outside world. In exactly the same way in Iraq, if we come to changing the regime … then I think it is extremely important that we make the most detailed preparations and work within the international community as to what happens afterwards."

70. In his memoir, Lord Mandelson, who had resigned from the Government in January 2001, recalled that, in January 2003, he asked Mr Blair:

> "'What happens after you've won? … You can go in there, you can take out Saddam but what do you do with Iraq? You're going to have a country on your hands. I don't know what your plan is. I don't know how you are going to do it. Who is going to run the place?' Tony replied: 'That's the Americans' responsibility. It's down to the Americans.'"[41]

71. Asked by the Inquiry whether the assumption had been that the US would do most of the post-conflict planning, Mr Blair stated that:

> "… the Americans, of course, would have the primary responsibility, but let me be absolutely clear I was most certainly not thinking it was to be left to the Americans. The reason why we had done a lot of planning ourselves was precisely because we knew we were going to be part of the aftermath …"[42]

72. The second round of official-level talks between the US, the UK and Australia took place in Washington on 22 January.

73. The talks made little progress.

74. US officials advised that US/UK differences on the role of the UN would need to be resolved between Mr Blair and President Bush.

---

[41] Mandelson P. *The Third Man: Life at the Heart of New Labour*. Harper Press, 2010.
[42] Public hearing, 21 January 2011, page 124.

75. UK participants commented on the small amount of time left to prepare post-conflict plans.

76. On 22 January, Mr Chaplin led an FCO/MOD/DFID delegation to Washington for talks on post-conflict planning with the NSC, State Department, DoD, USAID and an Australian delegation.

77. The British Embassy summarised the outcome:

> "Some progress in persuading the Administration of the merits of a UN role – but NSC advise that this will need Prime Minister/Bush discussions to resolve.
>
> "Overall, US Day After planning is still lagging far behind military planning. But they have agreed to two working groups: on the UN dimension; and on economic reconstruction issues. Experts will stay in touch on humanitarian co-ordination, bringing war criminals to justice, and the legality of any international presence in Iraq."[43]

78. The Embassy also reported "confusion" over how the decision to establish ORHA, operating out of DoD alongside JTF-4, would work in practice.

79. On de-Ba'athification, the Embassy reported that Ambassador Zalmay Khalilzad, NSC Senior Director and Ambassador at large to the Iraqi Opposition, had stated that, after Saddam Hussein's departure, top officials in Iraqi ministries should be replaced by "internationals", who would rely as much as possible on remaining Iraqi personnel not tainted by the former regime.

80. Sir Christopher Meyer, British Ambassador to the US from 1997 to 2003, told the Inquiry that, in January 2003, a contact in the NSC informed him:

> "… we are going to have to get rid of the top people, Saddam's henchmen, but we can't de-Ba'athify completely, otherwise there will be no administration in Iraq and no school teachers and no nothing and we are going to need some of these people".[44]

81. Mr Chaplin, Mr Lee and Ms Miller produced supplementary reports for their respective Secretaries of State.

82. Mr Chaplin informed Mr Straw that the talks had gone "better than expected", but had revealed that, "as we expected, apart from on humanitarian relief and immediate post-conflict reconstruction, the US have not yet made much progress on a lot of the day-after agenda. Most of the issues have not yet gone to principals."[45] The US "seemed very confident that Coalition forces would have the right in international law to occupy and administer Iraq after a conflict", which was not the view of FCO lawyers.

---

[43] Telegram 89 Washington to FCO London, 23 January 2003, 'Iraq: US/UK/Australia Consultations on Day After Issues: 22 January 2003'.
[44] Public hearing, 26 November 2009, page 98.
[45] Minute Chaplin to Secretary of State [FCO], 22 January 2003, 'Iraq: "day-after" issues'.

83. Mr Chaplin reported that since "military action could start within a few weeks", it had been agreed to have the first meetings of the new working groups the following week, if possible.

84. Mr Lee reported to Mr Hoon that the US was beginning to take the aftermath seriously and was willing to work with the UK and Australia in the various working groups, but there was little time left.[46] During his visit Mr Lee had arranged a call on Lt Gen Garner at which he had said the UK was "keen to be involved" as ORHA took shape. Lt Gen Garner had been grateful and suggested that the UK feed in ideas rather than wait for him to make requests.

85. Mr Lee recommended that Mr Hoon raise post-conflict planning in his next phone conversation with Secretary Rumsfeld in terms that it was a vital issue that needed "to be sorted now because it affects both the UK decision to commit to hostilities … and also international support", and that there was a need for clarity on "who is responsible to whom for what on day after planning and then execution".

86. Ms Miller informed Ms Short that the talks had provided a useful opportunity to deepen understanding between DFID and the MOD. Unlike the US participants, members of the UK delegation had been in agreement on the main lines of policy.[47] She added that support from Australia on the role of the UN and humanitarian concerns had been particularly helpful.

87. Mr Chaplin told the Inquiry:

> "By January 2003, though, as it turned out, that was rather late in the day, though we hoped we would have more time, the Americans were at least listening … So we bombarded the Americans with lots of good advice, we hoped, on the handling of the aftermath and said it needed to be considered, which actually matched pretty well with what the State Department had done."[48]

88. Mr Straw told Secretary Powell on 23 January that the UK expected its troops to be in Iraq for "quite a long time".

89. Mr Straw saw Secretary Powell in Washington the day after the inter-agency talks.[49] The Embassy reported that, in addition to emphasising the need to involve the UN in

---

[46] Minute Lee to PS/Secretary of State [MOD], 23 January 2003, 'Aftermath: Visit to Washington'.
[47] Minute Miller to PS/Secretary of State [DFID], 23 January 2003, 'UK/US/Australia talks, Washington: 22 January 2003'.
[48] Public hearing, 1 December 2009, page 37.
[49] Telegram 91 Washington to FCO London, 23 January 2003, 'Iraq: Foreign Secretary's Lunch With US Secretary of State, 23 January'.

post-conflict administration, Mr Straw responded to a question about how long UK troops would stay, saying:

> "… our assumption was that they would be around for quite a long time. We had gone for the biggest of the three options we had considered … partly in order to help with the occupation."

90. Before he had seen the record of the Washington talks, Mr Mike O'Brien, FCO Parliamentary Under Secretary of State, set out his views on the creation of a democratic federal Iraq in a note to Mr Straw.[50] Mr O'Brien argued that US plans for a post-conflict "military regime" would "go down badly in the Muslim world". Instead, the period between a second resolution and the start of military action should be used to set out a programme for bringing about a democratic federal Iraq run by Iraqis. He recommended "a major exercise" to bring together opposition groups to negotiate a constitution, with Western assistance, as soon as possible. Mr O'Brien added that a transitional authority "would need to rely on the recruitment of Iraqis from within the Saddam Hussein administration as well as some of the diaspora opposition".

91. Mr Chaplin commented:

> "I have no problem in setting democracy as a goal for Iraq … But we have to be careful how we present this. To most Arabs 'democracy' means imposing Western style institutions on the Arab world, for our own benefit. It is wiser … to talk about the application of universal principles such as democratic values, good governance, the rule of law and so on …
>
> "My only point of disagreement in Mike O'Brien's analysis is that 'we' ie the Coalition should negotiate a new constitution for Iraq with Iraqi opposition groups. Firstly … a new constitution must be seen to be developed by the Iraqis themselves. What we will be doing is holding the ring to allow that process to take place. Secondly Iraqi opposition groups are a very disparate bunch. A few of them … represent a constituency on the ground in Iraq. Most of them represent only themselves."[51]

Follow-up to the inter-agency talks

92. Immediately after the 22 January Washington talks, the Cabinet Office told departments that follow-up work was urgent. Officials were instructed to take the initiative with the US.

93. The AHGI co-ordinated follow-up to the Washington talks.[52]

---

[50] Minute O'Brien to Straw, 22 January 2003, 'Post Saddam Iraq'.
[51] Minute Chaplin to PS/Mr O'Brien, 28 January 2003, 'Iraq: Day After'.
[52] Letter Drummond to Chaplin, 23 January 2003, 'Iraq: Working Groups'.

94. On 23 January, Mr Drummond allocated responsibility for following up the five issues on which the participants in the Washington talks had agreed the need for further co-ordination:

- The role of the UN. The NSC would lead for the US; Mr Stephen Pattison, Head of FCO United Nations Department (UND), for the UK.
- Economic issues. State Department to lead for the US; FCO Economic Advisers for the UK.
- Humanitarian issues. DFID was already working with the NSC and USAID and would continue to co-ordinate with the FCO, MOD and others.
- War crimes. The US appeared to favour a two-tier approach, with the Iraqi legal system trying those suspected of war crimes against the Iraqi people and a different system for war crimes against Coalition Forces, though this was not agreed policy. US and UK lawyers and policy-makers on both sides would discuss, with the FCO in the lead for the UK.
- Rights of the Occupying Power. FCO and MOD legal advisers would pursue with US legal advisers.

95. Mr Drummond added that Brigadier William Rollo, MOD Director of Military Operations, would take forward post-conflict military planning through the British Embassy Washington and links into CENTCOM.

96. Mr Drummond emphasised that the work was urgent. The UK "should take the initiative in arranging the work of the groups" and individual leads should report progress to the Cabinet Office by 7 February.

97. The first meeting of UK members of the UN group was held on 31 January and the first meeting of the economic group on 3 February.[53]

98. UK members of both groups travelled to Washington in the week of 3 to 7 February for inter-agency discussions.

The UK Common Document

99. UK military planners were encouraged by the level of detail in US Phase IV plans presented at the CENTCOM planning conference on 23 and 24 January, but expressed concern about:

- **whether the level of ambition in US planning would be matched by political will and resources;**
- **the underlying assumption that the plan could be implemented without international support or interference;**

[53] Minute Dodd to Manning, 3 February 2003, 'Ad Hoc Group on Iraq'.

- **the assumption that the UK military would remain welcome in Iraq; and**
- **lack of clarity on medium- and long-term objectives.**

100. PJHQ proposed a "Common Document" that would be endorsed by the FCO and DFID, to ensure the UK delivered the consistent message needed to influence US post-conflict planning.

101. On 20 January, a PJHQ official provided Major General Rob Fry, Deputy Chief of Joint Operations (Operations), with "a proposed way forward on Phase IV work".[54] The official advised:

> "The first issue that we have faced in doing this work is that many (senior) people have been generating ideas to contribute to the Phase IV planning, but to date without a conceptual framework … The result has been a sense of increasing concern that the issue is not being adequately gripped (which in turn has prompted further high level input). To address this and using a slightly modified version of CENTCOM's framework, we have formulated just such a framework and called it 'the Common Document' … The aspiration is that … we will be able to produce a cross-Government agreed UK 'manifesto', from which we would be able to guide subsequent engagement with the US. It also provides a mechanism for systematically identifying issues that need to be resolved.
>
> "… We also need to integrate any SPG [Strategic Planning Group] work that has been done on this subject and cross-check it against UK peacekeeping doctrine … [I]t is in the first instance intended as a planning tool, a mechanism for pooling UK thinking on aftermath. We should not be in the business of doing the thinking, just collecting it and making it coherent.
>
> "… The Common Document has yet to be briefed outside the department, but will need FCO and DFID input to be any use …
>
> …
>
> "Unfortunately time is not on our side, however, and we have an increasing concern about our ability to populate the framework in the time available … We recommend, therefore, that we should hold a week long cross-government planning seminar to help complete the document. Effectively this would be a single 'big-push' to pull together all government thinking on aftermath …
>
> "Overcoming the institutional resistance to such a proposal would also be a challenge … To make it work, we would need active support (not just acquiescence) from the top of MOD, the FCO and DFID (and probably the Cabinet Office). This might take some effort …

---

[54] Minute PJHQ/Hd of J9 Pol/Ops to MA/DCJO(Ops), 20 January 2003, 'Op TELIC: Taking Forward Aftermath Planning'.

> "Nevertheless, I think the arguments for pursuing the idea are persuasive. First and foremost is the fact that Iraq seems to be the Prime Minister's Main Effort, and aftermath his chief concern. So far we seem to have little to reassure him. Second, time is not on our side … Third, because of the way this war is being planned in the US, we risk missing a major trick if we do not give the UK components the policy guidance they need to inform the US planning."

102. A joint MOD/PJHQ delegation attended a Phase IV planning conference convened by the US Joint Staff at CENTCOM in Tampa on 23 and 24 January.[55] Participants addressed Phase IV planning in more detail than at the Washington talks on 22 January.

103. The PJHQ record stated that the conference "substantially enhances confidence in US planning", but that:

> "Significant strategic issues [are] not yet resolved, including whether the level of ambition evident in US planning will be matched by US political will, and therefore by resources.
>
> "… The strength of the US approach to Phase IV … is that their plan has been prepared in isolation, on the basis that the US needed to be ready to go it 'alone, unafraid and unilateral'. As a result it is clear that they have a detailed operational model that broadly covers all the bases and makes sense. Conversely, the weakness of the US approach is that the plan has been developed on the assumption that it can be implemented without the acceptance of, or interference from, the international community."[56]

104. The MOD participants endorsed the PJHQ assessment.[57] They stated that, although the UK delegation had left Tampa "enormously heartened" by the level of detail in US planning:

> "… US military (and other) planners have made a number of very big assumptions (eg that they will remain welcome) in developing plans for delivering success in the aftermath. The lack of clarity on how the medium- to long-term objectives will be delivered, and how these will be conditioned by the short term, was our greatest area of concern."

105. The Chiefs of Staff approved the creation of the Common Document as a means to establish a framework for UK policy that would guide those trying to influence US thinking.

---

[55] Minute DOMA AD(ME) and Sec(0)4 to MA/DCDS(C), 27 January 2003, 'US Iraq Reconstruction Conference – Tampa 23-24 Jan 03'.
[56] Minute Op TELIC CPT Ldr to MA/DCJO(Ops), 24 January 2003, 'Reconstruction Planning Integration Conference held at US Central Command: 23/24 Jan 03'.
[57] Minute DOMA AD(ME) and Sec(0)4 to MA/DCDS(C), 27 January 2003, 'US Iraq Reconstruction Conference – Tampa 23-24 Jan 03'.

106. Lieutenant General John Reith, Chief of Joint Operations (CJO), proposed the creation of a Common Document to "capture the UK's position across the range of Phase IV issues" in a paper for the Chiefs of Staff on 27 January.[58]

107. Lt Gen Reith stated that US planning had developed rapidly. It was based on a single unified plan for Iraq with which Coalition partners would be expected to comply. The US distinction between humanitarian assistance and post-conflict reconstruction remained. USAID/CENTCOM plans for the former were "relatively well advanced", with the "Humanitarian Assistance Plan" already endorsed by President Bush. Reconstruction options were "well-formed on paper", but waiting on key strategic decisions.

108. Lt Gen Reith argued that the UK needed immediate engagement, at the right levels, with a consistent message, if it was to influence US plans. He proposed a document, with DFID and FCO buy-in, that would mirror the terminology used in US planning and set out UK aspirations and potential involvement against each of the current US planning objectives. Without it, it would be "difficult to deliver to our embedded liaison staffs the necessary guidance that they require to shape early US thinking, or to ensure that UK policy guidance is met". That was needed as soon as possible.

109. Lt Gen Reith proposed a two day planning seminar the following week. It would need to be more than a "talking shop". Its aim should be to deliver "an authoritative account of 'UK policy'", to be validated by senior staff from across government before being put to Ministers.

110. The Chiefs of Staff discussed the proposal at their meeting on 29 January. They concluded that "the Phase IV Common Document … would establish a framework UK policy, which would … provide guidance to the embedded UK staffs charged with influencing US thinking".[59]

111. The PJHQ Phase IV planning seminar took place on 5 February and is described later in this Section.

Post-conflict discussions with the French

112. Meetings in late 2002 and early 2003 revealed a strong convergence between senior UK and French officials' views on post-conflict issues.

113. French officials warned that the UK should not let optimistic scenarios blind it to potential problems, including political disintegration.

114. France would want to play a role in post-conflict Iraq, but would not want to "dive into a quagmire".

---

[58] Minute Reith to COSSEC, 27 January 2003, 'Op Telic: UK Approach to Phase IV Planning'.
[59] Minutes, 29 January 2003, Chiefs of Staff meeting.

115. Mr Chilcott visited Paris on 29 January to update the French Government on UK thinking on post-conflict issues. His visit was the latest in a series of contacts between FCO officials and their French counterparts at which post-conflict issues had been discussed.

116. Mr Giles Paxman, Deputy Head of Mission at the British Embassy Paris, had discussed UK thinking on post-Saddam Hussein Iraq with two senior French officials on 16 October 2002.[60] One official was reported to have commented that he:

> "… feared that the removal of Saddam would lead to general anarchy in Iraq with attacks on Ba'ath Party symbols, settling of accounts and widespread violence as in Albania. It might need a relatively authoritarian regime to re-establish order. We should not rule out the possibility that this might be done by the Ba'ath Party organisation."

117. In December, Mr Simon Fraser, FCO Director for Strategy and Innovation, reported that a French interlocutor had:

> "… argued that we needed to think carefully about the potential for political disintegration in Iraq after a war. There could be many unforeseen consequences including political instability motivated by revenge. We should not let the optimistic scenarios blind us to the potential problems. The same went for the wider regional implications."[61]

118. The purpose of Mr Chilcott's visit on 29 January was to be "as transparent as possible" to "prepare the ground in case we had to move quickly on the day after, not least so that the EU should be engaged at that point".[62] Mr Chilcott reported that he was struck by how far UK and French views converged. The officials he had seen were confident France would want to play "a proactive role" in any aftermath, even if they did not participate in the military operation, but they would not want to "dive into a quagmire".

UK military campaign objectives

119. Draft UK military campaign objectives were circulated to the FCO, MOD and DFID in late January.

120. Mr Desmond Bowen, Deputy Head of OD Sec, reported to Sir David Manning that Ministers were "generally content" with the draft, but that there needed to be a lot of work on the objectives covering the period between the end of hostilities and the establishment of a new Iraqi government.

---

[60] Letter Paxman to Fraser, 18 October 2002, 'Scenarios for the future of Iraq after Saddam'.
[61] Minute Fraser to Ricketts, 23 December 2002, 'Planning talks: Paris: 20 December'.
[62] Minute Chilcott to Chaplin, 30 January 2003, 'Day After Talks with the French'.

121. On 22 January, Mr Bowen consulted Mr Lee, Mr Chaplin and Dr Nicola Brewer, DFID Director General Regional Programmes, on draft military campaign objectives.[63]

122. Dr Brewer copied the draft objectives to Ms Short, explaining that the MOD had consulted DFID on three other papers that day: two on the impact of CBW on civilians and a more general paper by the MOD Defence Intelligence Staff (DIS).[64] Dr Brewer observed "signs … that MOD and the military are beginning to take more seriously the humanitarian implications for military planning and of any conflict".

123. Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2008, told the Inquiry that, from January 2002, there were much better links between military and DFID planners: "until that point we didn't have much of an idea of what military planning consisted of and how humanitarian assistance should link into that".[65]

124. Mr Bowen requested written comments on a revised draft of the military campaign objectives on 28 January.[66]

125. Dr Brewer informed DFID colleagues that the revised objectives incorporated the main points she had made at a meeting chaired by Mr Bowen to discuss the draft. Those were:

- the need to highlight humanitarian consequences of military action earlier in the draft;
- the need to factor in "stabilisation" objectives from the start, not just during the "aftermath"; and
- the need for references to essential infrastructure to cover utilities, "especially electricity", transport and key buildings, as well as oil.[67]

126. Mr Bowen sent a revised draft to Sir David Manning on 29 January.[68]

127. The draft incorporated a number of additional written comments proposed by DFID and agreed by Ms Short.[69]

128. Mr Bowen explained to Sir David Manning that the objectives "flow from our policy objectives published on 7 January". They had not been agreed by departments, although Ministers had seen them and were "generally content".

---

[63] Letter Bowen to Lee, 22 January 2003, 'Iraq: Military Campaign Objectives'.
[64] Manuscript comment Nicola [Brewer] to PS/SOS [DFID] on Fax Bowen to Lee, 23 January 2003, 'Iraq: Military Objectives'.
[65] Public hearing, 8 December 2009, page 19.
[66] Letter Bowen to Lee, 28 January 2003, 'Iraq: Military Campaign Objectives'.
[67] Manuscript comment Brewer to Fernie on Fax Bowen to Lee, 28 January 2003, 'Iraq: Military Campaign Objectives'.
[68] Minute Bowen to Manning, 29 January 2003, 'Iraq: Military Campaign Objectives' attaching Paper [unattributed and undated], 'Iraq: Military Campaign Objectives'.
[69] Manuscript comment Short on Minute Bolton to PS/Secretary of State [DFID], 28 January 2003, 'Iraq: Military Campaign Objectives'.

129. Mr Bowen emphasised that those objectives covering the period between the end of hostilities and the establishment of a new Iraqi government needed a lot of work:

> "… these would need to go a lot wider in terms of civil administration (involving the UN) and a process for arriving at representative government. Much of this latter area is nowhere near agreed between the US and the UK …
>
> "It will be important before the Coalition embarks on military action to ensure that we share the same military objectives with the US, otherwise the strategic direction of the campaign risks falling apart …"[70]

130. Mr Bowen sent a further revision of the military campaign objectives, incorporating comments from Mr Straw and Whitehall departments, to Sir David Manning on 11 February.

Mr Blair's talks with President Bush, 31 January 2003

131. In late January, Mr Blair suggested to President Bush that delaying military action by one month would provide additional time to work up more coherent post-conflict plans.

132. Mr Blair sent President Bush a Note on 24 January, in which he wrote that the biggest risk they faced was internecine fighting in Iraq when a military strike destabilised the regime.[71]

133. Mr Blair also listed a number of potential advantages in delaying military action by one month to late March/early April, including the additional time that would allow for working up more coherent post-conflict plans.

134. Sir David Manning told the Inquiry that delay would have opened "all sorts of possibilities", including an awareness of the risks being run by setting up ORHA very late.[72]

135. Ms Short commented that, given the lack of preparedness, she expected the date to be put back: "I wouldn't have believed we would go that quickly, given how unready everything was."[73]

136. FCO briefing for Mr Blair's meeting with President Bush on 31 January advised Mr Blair to make two points: that "the US needs to pay much more attention, quickly, to planning on 'day after' issues; and that the UN needs to be central to it".

---

[70] Minute Bowen to Manning, 29 January 2003, 'Iraq: Military Campaign Objectives' attaching Paper [unattributed and undated], 'Iraq: Military Campaign Objectives'.
[71] Letter Manning to Rice, 24 January 2003, [untitled] attaching Note Blair.
[72] Public hearing, 30 November 2009, page 85.
[73] Public hearing, 2 February 2010, page 64.

137. Officials explained that operational planning was constrained by the continuing absence of an overall framework for post-conflict Iraq.

138. Section 3.6 describes the range of advice prepared for Mr Blair's meeting with President Bush on 31 January.

139. Advice on post-conflict issues was included in a number of documents prepared separately by the FCO, the MOD, the Cabinet Office and DFID.

140. Briefing prepared by the FCO included in its list of objectives: "To convince President Bush … the US needs to pay much more attention, quickly, to planning on 'day after' issues; and that the UN needs to be central to it."[74] Key messages included:

"– Our officials … need agreement from us [Mr Blair and President Bush] on overall framework to carry out operational planning.

– Coalition needs an overall 'winning concept'. Should embrace both military action and 'day-after' administration in Iraq. Would be pointless and damaging to win war and lose peace.

– Would be irresponsible to abandon Iraq quickly after toppling Saddam. Risk of civil war would be real. And Iraq's neighbours would get dragged in, creating instability in the whole region.

– We must leave Iraq and region better off after our intervention. As well as disposing of Iraq's WMD and its oppressive security forces that means presiding over wide political and economic reforms. Will take time to introduce and take root, and will go beyond a military occupation. So international community is in for long haul.

– All the evidence from the region suggests that Coalition forces will not be seen as liberators for long, if at all. Our motives are regarded with huge suspicion. The Iraqis, including those in exile, (and the Arabs more generally) want us gone quickly. Our occupation and administration of Iraq will become more unpopular and its lawfulness more debatable, the longer it continues.

– Blunt fact is that in those circumstances any reforms are unlikely to stick. Iraqis will need legitimate international presence holding the ring while they themselves set up new, Iraqi, structures. Can't foist these on them. Iraqi opposition groups can be involved but should not be parachuted into power.

– So we should plan to keep period of government by military Coalition as short as possible, and introduce quickly an international administration with UN blessing.

---

[74] Paper Middle East Department, 30 January 2003, 'Prime Minister's visit to Camp David, 31 January: Iraq'.

- Our joint irritation at some aspects of the UN should not blind us to the significant advantages it can bring in Iraq after the conflict.
  - Iraqis more likely to accept a UN-mandated transitional administration than a Coalition or US one. Same goes for Arab world …
  - By reducing hostility to the Coalition UN route reduces risk that our actions serve as a recruiting sergeant for Islamist terrorist organisations.
  - Makes sense for UN to be in charge of oil revenues to avoid accusations that aim of military action was to get control of oil.
  - UN provides best forum for managing humanitarian agencies …
  - UN will make it easier for other countries to support practically and politically, reforms we want.
  - By making burden sharing easier, UN provides the best prospect of a clean exit strategy.
  - UN has the stamina to stay in Iraq for a long time, which will be needed for our ambitious reforms to stick.
- UN's record on transitional administrations is not perfect. But getting better with experience …
- Understand US concern to keep control of military and security issues. Agree UN should not take this on – at least, not at first …
- … Can get best of both worlds: UN legitimisation and freedom of action with a UNSC [UN Security Council] mandate …
- UNSG [UN Secretary-General] must appoint right Special Representative …
- Restoring oil production will be an immediate challenge. Oil sector will need some technology and a lot of capital. We must encourage an open investment regime and a level playing field for foreign companies.
- Our media and Parliament have not yet focused on day-after questions. But it would be very difficult to sustain a UK contribution to day-after if our occupation of Iraq were opposed, in Iraq and in region. Don't want a repeat of the 1920s."

141. The background note stated that US hostility to the UN:

"… should not be allowed to prejudice the Coalition against the crucial advantages it brings. Putting the UN in the centre of reforming Iraq, after the Coalition topples Saddam is as important as following the UN route to disarm Iraq.

> "The way to present the case is to focus on the practical advantages of involving the UN. But there is also the question of international legitimacy. We shall need UNSC authorisation for practical purposes eg any change to the sanctions regime and to the Oil-for-Food arrangements, as well as for the far-reaching reforms we plan to introduce to Iraq. The lawfulness of an occupation, post-conflict, will also be related to the lawfulness of the military action itself."

142. The note stated that the US was "putting a huge effort into humanitarian relief and immediate post-conflict reconstruction, which the military expect to control", but US thinking on the transition between Coalition military administration and the transfer of power to a new Iraqi government was "bogged down in inter-agency disputes".

143. On Iraqi exiles, the background note stated that they "can join the debate on Iraq's future but will have to test their credibility with the Iraqi people, not be parachuted in by the US/UK".

144. The background note concluded that Mr Blair's visit was well timed to influence US planning:

> "Without agreement, which can only come from President Bush and the Prime Minister, on the overall framework for day-after, operational planning will continue to be handicapped."

145. The briefing provided by the MOD included a section on "aftermath".[75] Suggested lines for Mr Blair to use with President Bush included:

- There was no doubt the Coalition could win the war, but it was "equally certain that we face a risk of 'losing the peace'".
- Any post-conflict honeymoon would be brief, if it occurred at all.
- Strategic questions about future governance were not academic and needed answering quickly.
- Choices made early in the campaign "can shape – often irrevocably – our options months, even years later".

146. The short Cabinet Office paper from Mr Drummond offered a "few OD Sec points, just in case they slip through the briefing".[76] Those included:

- the importance of offering a clear public vision for the future of Iraq;
- the need to press for agreement on the post-conflict role of the UN;
- the importance of integrated Coalition planning on post-conflict issues;
- the need for "top political impetus" on post-conflict issues;

---

[75] Letter Williams to Rycroft, 29 January 2003, 'Prime Minister's briefing – Iraq' attaching Paper [unattributed and undated], 'Iraq – Aftermath'.
[76] Minute Drummond to Rycroft, 28 January 2003, 'Iraq: US Visit'.

- the importance of transparent use of oil revenues; and
- the need to argue for a level playing field for UK companies on new oil exploration contracts.

147. In response to a request from Mr Blair, Mr Chaplin provided additional briefing on:

- The humanitarian situation – described as "the one area where US Day After planning is reasonably advanced". Mr Chaplin attached a short note from DFID listing three key issues from a humanitarian and developmental perspective:
  - refining the military options to minimise civilian suffering, damage to essential services and disruption to existing humanitarian systems;
  - a leading UN role in relief and reconstruction as soon as possible;
  - agreement on affordable financing mechanisms for relief and reconstruction.[77]
- Options for a second resolution (see Section 3.6). Mr Chaplin attached a note from UND suggesting additional material for a second resolution, which would affirm the Security Council's willingness to take on the post-conflict administration of Iraq.[78] The proposed material was close to that in resolution 1244 (1999) establishing a UN administration in Kosovo.
- UN involvement in the aftermath, where the UK delegation had made "some impact" in the talks on 22 January, but which was "only likely to make progress if the US side gets a signal from the President to take it seriously".[79]

148. Mr Chaplin advised that, even if the US remained unwilling to endorse a UN administration specifically in a second resolution, it might be possible to agree compromise language, "including reaffirmation of commitment to Iraq's sovereignty and territorial integrity, the UN's readiness to help facilitate a political process to encourage the development of new institutions, readiness to mobilise resources for the reconstruction of key infrastructure, protection of human rights, the safe return of refugees and so on".

149. In his diaries, Mr Campbell described preparations for the meeting between Mr Blair and President Bush, including the preparation of a further Note on the strategy (see Section 3.6).[80]

150. A four-page document entitled 'Countdown' appears in the No.10 files for 30 January 2003.[81]

---

[77] Paper DFID, 30 January 2003, 'Briefing for Prime Minister's Meeting with President Bush'.
[78] Paper UND, 30 January 2003, 'Iraq: Second Resolution – Additional Elements'.
[79] Letter Sinclair to Rycroft, 30 January 2003, 'Iraq: Prime Minister's visit to Camp David, 31 January: Additional Briefing' attaching Paper Chaplin, 30 January 2003, 'Prime Minister's visit to Camp David, 31 January: Iraq'.
[80] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[81] Note [Blair to Bush], [undated], 'Countdown'.

151. The Cabinet Office could not confirm the origin of the document but it appears to be the Note referred to by Mr Campbell and has manuscript additions in Mr Blair's hand.

152. The document comprised a series of headings with very short bullet points, including "Aftermath Questions":

- What would happen immediately, "a new Iraqi government or US run?"
- What type of Iraqi government would be the aim in the medium term?

153. Mr Blair raised aftermath planning issues with President Bush and Dr Rice in Washington on 31 January.[82]

154. Mr Blair was told that detailed planning on humanitarian issues was progressing well, but a dilemma remained over how to handle the transition to civil administration and what sort of Iraqi government should emerge. Mr Blair suggested that a UN badge was needed for what the US and UK wanted to do, and would help with the humanitarian problems.

155. The minutes of the 3 February FCO Iraq Morning Meeting stated that the talks between Mr Blair and President Bush had not focused on day after issues and that the MOD had "flagged up the urgent need for progress on the key questions".[83]

156. Mr Blair's comments to President Bush did not convey the full extent of UK concerns about the state of post-conflict planning.

157. Section 6.4 explains that Mr Hoon had advised Mr Blair on 16 January that:

- **"a satisfactory plan for the aftermath" was needed before any decision to use UK forces deployed to the region; and**
- **a US political decision on military action could be taken in mid-February, with operations beginning in mid-March.**[84]

158. By 31 January, time was running out to ensure that, before the conflict began, there was an agreed US/UK plan for the post-conflict administration and reconstruction of Iraq.

159. Mr Blair's conversation with President Bush represented a missed opportunity to exert pressure on the US to add necessary impetus to that task.

---

[82] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.
[83] Minute Tanfield to PS/PUS [FCO], 3 February 2003, 'Iraq Morning Meeting: Key Points'.
[84] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

160. Nor did Mr Blair take prompt action after his conversation with President Bush. His next interventions on post-conflict planning were:

- **to tell Cabinet on 6 February that post-conflict planning "needed greater emphasis"; and**
- **to convene a first Ministerial meeting on humanitarian issues on 13 February, a meeting that did not address wider post-conflict concerns.**

161. Mr Blair did not raise post-conflict issues again with President Bush until his Note of 19 February and did not discuss the subject with him until 5 March.

162. During the talks in Washington Dr Rice handed Sir David Manning two documents:

- 'Iraq Relief and Reconstruction Planning', a document dated 7 January prepared by Mr Abrams' inter-agency Humanitarian Working Group; and
- 'Immediate Post-War Concerns', a document dated 31 January incorporating an updated version of the US strategy document 'Iraq: Goals, Objectives, Strategy' (see Section 6.4).[85]

163. Sir David Manning asked the FCO, the MOD, the Joint Intelligence Committee (JIC) and the Cabinet Office for comments on the two documents. DFID was not consulted.

164. Mr Drummond proposed using a special meeting on "aftermath" scheduled to replace the AHGI on 7 February to co-ordinate a response.[86] He suggested that the agenda also cover:

- "State of preparedness" on a range of issues including the political process, oil, humanitarian issues and SSR;
- "Timetable for completion of work"; and
- "Gaps".

165. The meeting on 7 February appears to have focused on preparing key messages on post-conflict issues for Mr Hoon and Sir David Manning to put to Secretary Rumsfeld and Dr Rice in Washington on 12 February.[87] The Inquiry has seen no evidence that it addressed the other agenda items.

---

[85] Letter Manning to McDonald, 2 February 2003, 'Iraq: Post-War Reconstruction Planning' attaching Paper [unattributed], 7 January 2002 [sic], 'Iraq Relief and Reconstruction Planning' and Paper [unattributed], 31 January 2003, 'Immediate Post-War Concerns'.
[86] Letter Drummond to Chaplin, 4 February 2003, 'Iraq: Aftermath'.
[87] Letter Drummond to Chilcott, 10 February 2003, 'Iraq: Key Messages'.

Official-level discussions with the US

166. On 29 January the US asked whether the UK would be prepared to take the lead on restoring Iraq's judicial system and police force in the two months after regime change.

167. The US also requested that the UK help it "get to grips" with war crimes.

168. Mr Straw instructed officials to help on judicial and police issues "as much as possible", but "on the basis of what is practical".

169. On 29 January, Mr Peter Gooderham, Political Counsellor at the British Embassy Washington, reported that the NSC had asked whether the UK, as one of the Occupying Powers, would be willing to take lead responsibility for getting the Iraqi judicial system and police "up and running within 60 days" of regime change, and whether someone from the UK could spend a week in Washington to help "get to grips" with war crimes.[88] The US would want the Coalition to deal with war crimes committed by Iraqis during hostilities, but questions remained about prosecution of crimes from previous conflicts. The NSC had been given two weeks to come up with answers.

170. FCO officials advised Mr Straw that two junior officials planned to visit Washington the following week to develop a joint policy on war crimes with the US, but that taking lead responsibility for the judicial system and the police would be:

> "… a massive undertaking, with implications for the UK's role as an 'Occupying Power', that should more properly be an international effort, mandated by the UN. So we shall avoid getting drawn on this request."[89]

171. The FCO advice was copied to the Cabinet Office, but not to any other department.

172. On 3 February, Mr Straw instructed that the UK "should help the US on police and judicial matters as much as possible", but accepted that "this help has to be on the basis of what is practical".[90] He requested further advice after the next round of US/UK talks on post-conflict issues.

173. UK support for SSR and judicial issues is addressed in Section 12.

174. At the trilateral UK/US/Australia UN working group on 5 February, the US rejected UK compromise proposals for a hybrid governance structure in Iraq that might satisfy US and UK views on the role of the UN.

---

[88] Letter Gooderham to Chaplin, 29 January 2003, 'Iraq: Day After: US Requests for Assistance on Judicial Issues'.
[89] Minute UND [junior official] to Private Secretary [FCO], 31 January 2003, 'Iraq the Day after – US Requests for Assistance on Judicial Issues'.
[90] Minute [FCO junior official] to UND [junior official], 3 February 2003, 'Iraq the Day after – US Request for Assistance on Judicial Issues'.

175. Dr Rice was firm: there could be no high-level UN administrator or UN involvement in running even technical Iraqi ministries.

176. At the meeting of the trilateral UN working group in Washington on 5 February, the UK delegation, headed by Mr Pattison, shared preliminary UK thinking on the potential scope and structure of UN involvement in a transitional civil administration with a US inter-agency team led by Mr Abrams.[91]

177. Mr Pattison reiterated that the UK believed that UN involvement in post-conflict administration would produce political and practical benefits including:

- local support for an international reforming presence;
- the potential for burden sharing and "capturing expertise"; and
- better prospects for an exit strategy.

178. The UK understood that the US would seek to maintain freedom of operations on security, SSR and the pursuit of WMD and war criminals, but the UK believed that it was possible to devise a "hybrid" structure that would meet UK and US concerns and achieve a prosperous, stable and representative Iraq. Mr Pattison added that "UN involvement in an international presence was a top priority for the UK as the Prime Minister had told Bush".

179. The UK presented elements of a draft Security Council resolution, emphasising that these did not represent an agreed UK position. Key elements included:

- a Coalition security presence with a broad security mandate, headed by a US general;
- a civilian transitional administration with a defined reformist mandate and monitoring function, headed by a UN executive administrator;
- a separate political process involving a Special Representative of the Secretary-General along the lines of the Bonn (Afghanistan) or Dayton (Bosnia Herzegovina) models;
- a consultative mechanism to involve the Iraqi people; and
- a Joint Implementation Board (JIB) consisting of representatives of the international security presence and international civilian presence.

180. Mr Abrams commented that the UK seemed to envisage a much larger role for the UN than the US had been considering. The US continued to be cautious about embracing a more extensive role for the UN and was sceptical about the UN's ability to deliver.

---

[91] Telegram 167 Washington to FCO London, 5 February 2003, 'Iraq: US/UK/Australia talks on "Day After" Issues'.

181. After the talks, Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, explained to Mr Abrams that the UK "very much hoped" to be consulted before the US took decisions on areas in which the UK had "a crucial interest", including the post-conflict role of the UN and governance of the Iraqi oil sector. Mr Abrams suggested that Sir David Manning should ask Dr Rice to share emerging US thinking.

182. The British Embassy reported the next day that Mr Abrams had discussed the UN role with Dr Rice.[92] Her view was firm: the US agreed that some kind of UN mandate should be sought as the basis for post-conflict Coalition activity, but there was no question of any high-profile UN role in administering the country. UN agencies' contribution to humanitarian relief and reconstruction would be crucial, but there could be no high-level UN administrator or UN involvement in running even technical Iraqi ministries.

183. After the first meeting of the trilateral economic working group, UK officials reported that DoD had prepared detailed contingency plans for Iraq's oil industry, but that there was "a conspicuous disconnect" between those plans and civilian planning for economic development and management.

184. The UK delegation to the meeting of the trilateral economic working group in Washington on 5 February included representatives of the FCO, DFID, the Treasury, the British Embassy and the UK Delegation to the IMF/IBRD (International Bank of Reconstruction and Development).[93] The US delegation included a team from the State Department and representatives of DoD, USAID, the NSC and the US Treasury.

185. The British Embassy reported that the working group had agreed to co-operate on defining practical economic steps to be taken in the first three to six months of military occupation. The UK would contribute its ideas by 14 February.

186. US thinking on short-term reconstruction was reported to be at an early stage. Little thought had been given to the financing gap that might arise if Iraqi oil output were severely constrained.

187. The Embassy reported that DoD had detailed contingency plans to protect and restore the oil sector and was well aware of the importance of that sector for reconstruction. In the best case (minimal damage, current levels of output restored after two to three months) it estimated that the sector could make a net contribution of US$12bn in the first year after any conflict; in the worst case it could be a net cost of US$8bn.

---

[92] Telegram 172 Washington to FCO London, 6 February 2003, 'Iraq: Day After'.
[93] Telegram 169 Washington to FCO London, 6 February 2003, 'Iraq: Meeting of Trilateral Working Group on "Day After" Economic Issues: Short Term Reconstruction'.

188. The Embassy also reported that US planning on longer-term external financing had made little progress.[94] The US recognised the difficult external financial challenges that were facing Iraq in the longer term and agreed to the early informal involvement of international financial institutions (IFIs). It favoured rescheduling rather than forgiveness of Iraq's Paris Club debt and inclined towards extending rather than cancelling compensation payments for damage caused by the 1991 invasion of Kuwait.

189. The UK delegation stressed that early progress was important. Donors needed some certainty about Iraqi liabilities before they would be prepared to commit substantial new resources.

190. The FCO member of the UK delegation, the Economic Adviser for the Middle East and North Africa, reported separately to Mr Drummond that the UK participants had stressed that a substantial UN role in the transitional post-conflict administration was "not only politically important but crucial to hopes of effective financial burden-sharing and key to the early attraction of investment in the oil sector".[95] He added:

> "DoD are ploughing ahead with detailed contingency planning for the oil sector in the initial military administration phase. But – apart from USAID preparations on the humanitarian side – there was a conspicuous disconnect between this and civilian planning for economic management and policy development within Iraq …"

191. The FCO delegate reported that it had also been agreed that the UK and US would approach the IMF and IBRD separately to make clear there was a major role for both organisations and to encourage them to step up their analysis and contingency planning.

DFID humanitarian contingency planning

192. The House of Commons debated humanitarian contingency planning on 30 January.

193. Ms Short explained that:

- **The international community needed to agree that the UN should lead on post-conflict reconstruction.**
- **Preparations by UN humanitarian agencies were as good as could be expected, but the international humanitarian system was "under considerable strain".**
- **DFID would play its part in the humanitarian system, but its own resources were limited.**

---

[94] Telegram 170 Washington to FCO London, 6 February 2003, 'Iraq: Meeting of Trilateral Working Group on "Day After" Economic Issues: External Finance Issues'.
[95] Teleletter FCO [junior official] to Drummond, 6 February 2003, 'Iraq: Meeting of US/UK/Australian Working Group on "Day After" Economic Issues: Assessment and Follow Up'.

194. On 30 January, Mrs Caroline Spelman, Opposition spokesperson for International Development, introduced an Opposition Day debate in the House of Commons on humanitarian contingency planning. She contrasted the Government's "worrying silence" on humanitarian aspects of war in Iraq with the numerous statements from Mr Hoon and Mr Straw on the military build-up and diplomatic activity, and sought reassurances from Ms Short that there were "comprehensive humanitarian contingency plans" in place.[96]

195. In response, Ms Short stated:

> "It is necessary to prepare to minimise harm if military action is taken and to make arrangements for the reconstruction of the country as rapidly as possible. To achieve that, we need to ensure that the UN takes the lead in the reconstruction, as it did in Kosovo, East Timor and Afghanistan. That needs to be agreed across the international community."

196. Ms Short explained that:

> "All parties have recently been more willing to prepare for all contingencies, including the military in the United States of America, but it has not been easy to get discussions and analysis going across the international system to prepare for all those. Anyone who pauses to reflect intelligently on the strains and tensions across the international system because of the crisis would realise why that has been difficult … but my department has been working for a considerable time on all contingencies. That work is developing and we are getting more co-operation from some of our international partners which was difficult to get before."

197. Ms Short reported that Iraq's infrastructure was:

> "… in chronic disrepair. Hospitals, clinics, sanitation facilities and water treatment plants suffer from a terrible lack of maintenance. The result is that the Iraqi people's lives are perilously fragile. Their coping strategies have been worn away by years of misrule. The public facilities to help them cope are run down, often to the point of uselessness."[97]

198. Preparations by UN humanitarian organisations and the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) were "as good as they can be", but given the number of risks and uncertainties, it was very difficult to prepare.

199. Ms Short set out five humanitarian risks of military action:

- the "very serious risk" of "large-scale ethnic fighting";
- damage to water and sanitation facilities as a result of attacks on electricity supplies to Iraqi anti-aircraft facilities;

---

[96] House of Commons, *Official Report*, 30 January 2003, columns 1042-1043.
[97] House of Commons, *Official Report*, 30 January 2003, columns 1053-1054.

- environmental damage and delays to reconstruction because of booby-trapped oil installations;
- disruption to OFF; and
- use of CBW.

200. Ms Short added that collaboration between military and humanitarian planners needed to keep improving.[98] She warned that the international humanitarian system was "under considerable strain" with:

> "… enormously complicated problems with drought and food shortages in southern Africa, the horn of Africa and Angola. Every day five million people in Afghanistan need food aid, and the humanitarian situation on the west bank and Gaza is very serious and getting worse. My department's resources and those of the international humanitarian system are therefore strained."

201. In response to a question from Mr Crispin Blunt (Conservative) about the resources available to DFID, Ms Short explained that the UK contribution to any international humanitarian crisis, as determined by the Organisation for Economic Co-operation and Development (OECD), was just over 5 percent of the total. She cautioned that, faced with demands elsewhere, the international humanitarian system and DFID's own budget were strained: "We will play our part in the international system, but the Department is not flush with resources – I must frankly warn the House that they are short."[99]

202. At the end of January, officials advised Ms Short that the UK might be expected to make a contribution to humanitarian relief and reconstruction in Iraq that was much larger than DFID's contingency reserve.

203. On 21 January, at Ms Short's request, Mr Alistair Fernie, Head of DFID Middle East and North Africa Department, advised "how to maximise the chances of securing additional funding from the Treasury to cover the costs of [a] DFID humanitarian response".[100]

204. Mr Fernie recommended that Ms Short should speak, rather than write, to Mr Gordon Brown, the Chancellor of the Exchequer. A letter would invite a formal response, and Treasury officials were likely to caution Mr Brown against providing any broad assurance on funding and might recommend that DFID "unpick" its 2003/04 spending plan, to be agreed shortly, in order to provide more funding for Iraq.

---

[98] House of Commons, *Official Report*, 30 January 2003, columns 1055-1056.
[99] House of Commons, *Official Report*, 30 January 2003, columns 1057-1058.
[100] Minute Fernie to PS/Secretary of State [DFID], 21 January 2003, 'Iraq contingency planning: financial provision'.

205. Mr Fernie continued:

> "Mr [Mark] Lowcock's [DFID Director Finance and Corporate Performance] advice is that the best time to extract maximum funds from the central Reserve is when the political pressure is at its height. We might guess that such a time will come in a month or so – by which time budgets for our existing programmes would be more secure, with our 2003/04 framework finalised and on its way to publication."

206. Ms Short commented: "No – I don't want to ring Ch X [the Chancellor of the Exchequer] … I wanted to put humanitarian considerations into Gov[ernment] mind not just to squeeze some money."[101] Rather than write or speak to Mr Brown, she would write to Mr Blair. That letter was sent on 5 February.[102]

207. On 31 January, in response to a further request from Ms Short, a DFID official provided advice on how much the UK might be expected to contribute to "humanitarian relief/reconstruction" in Iraq.[103] Assuming the UK provided 5.6 percent of the total humanitarian/reconstruction costs (in line with the UK's share of OECD Gross National Income), the UK's contribution could reach US$640m (£400m) a year for the next three years.

208. The official added:

> "It is important to consider that DFID 'traditionally' (Balkans/Afghanistan) contributes between 8-10 percent for total relief/reconstruction costs … This would mean that under a high case military scenario, with low oil revenues and where reparation/debt claims are not reduced, **annual costs to HMG** [Her Majesty's Government] **could be in excess of US$1bn**."

209. The minutes of the 3 February FCO Iraq Morning Meeting recorded that DFID was coming under pressure to step up its humanitarian planning after the House of Commons debate on 30 January.[104] Dr Brewer had explained to the meeting that there were serious domestic and international financial constraints.

210. DFID's financial resources are addressed in more detail in Section 13.1.

211. FCO lawyers advised UK participants in the post-Washington talks on the rights of the Occupying Power that, under international law, aspects of the post-conflict reconstruction of institutions and infrastructure could fall outside the competencies of an Occupying Power.

---

[101] Manuscript comment Short, 22 January 2003, on Minute Fernie to PS/Secretary of State [DFID], 21 January 2003, 'Iraq contingency planning: financial provision'.
[102] Email DFID [junior official] to Fernie, 22 January 2003, 'Iraq: submission of 21 January'.
[103] Minute DFID [junior official] to PS/Secretary of State [DFID], 31 January 2003, 'Iraq: cost of humanitarian relief/reconstruction and potential UK contribution' attaching Paper [draft], 'Iraq: Relief and reconstruction: implications for UK Government'.
[104] Minute Tanfield to PS/PUS [FCO], 3 February 2003, 'Iraq Morning Meeting: Key Points'.

212. On 31 January Mr John Grainger, a Legal Counsellor in the FCO, sent Mr Pattison a "basic principles" paper on rights under international law to occupy and administer post-conflict Iraq. The paper was for use by Mr Pattison during talks in Washington the following week and was copied to Mr Ricketts, Mr Ehrman and other FCO officials.[105] The paper was also copied to Mr Martin Hemming, the MOD Legal Adviser, but it is not clear whether it had been discussed with the MOD in draft.

213. Mr Grainger explained that he had discussed occupation rights with the State Department Legal Advisors, who acknowledged they had not done any systematic thinking on the issue, but that he had not yet discussed the issue with DoD.

214. Mr Grainger's paper stated:

> "The rights of Coalition forces to occupy Iraq following a conflict would be closely related to their rights under international law to use force. It is likely that those rights will be based on the express or implicit authorisation of the United Nations Security Council … to be interpreted within the overall objective of Iraqi compliance with disarmament obligations imposed by the Security Council and the requirement for restoring international peace and security in any area … As regards Occupation post-conflict, the authorisation will again only justify such steps as are necessary to achieve the above objectives.
>
> "To the extent that Iraq came under Coalition control during the course of any conflict the rights and obligations of the Coalition would be those of an Occupying Power, as set out in detail in Articles 42 to 56 of the Regulations annexed to Hague Convention IV of 1907, and in Geneva Convention IV … of 1949 … In general, the Occupying Power must take all measures in its power to restore and ensure public safety by respecting, unless absolutely prevented, the law in the occupied State … Detailed provisions include limited rights to take possession of and use state property …; to remove officials and judges …; and to amend the penal laws of the occupying territory … The Geneva Convention also provides a comprehensive code on the protection of the civilian population and internees.
>
> "In these and other areas it is likely that aspects of reconstruction of institutions and infrastructure post-conflict could fall outside the competencies of an Occupying Power under international law. For these reasons it is important that a further Security Council resolution be adopted under Chapter VII as soon as possible to confer upon the Coalition and/or other States and international organisations as appropriate the necessary powers … A United Nations administration would not be an occupying power and would not be constrained by the provisions of international humanitarian law though it should apply general international law … Equally a

[105] Minute Grainger to Pattison, 31 January 2003, 'Rights Under International Law to Occupy and Administer Iraq after a Conflict' attaching Paper [unattributed and undated], 'Rights Under International Law to Occupy and Administer Iraq after a Conflict'.

military presence in Iraq post-conflict mandated by the UN would no longer be an occupying power regulated by the Hague and Geneva Conventions."

215. Mr Michael Wood, the FCO Legal Adviser, sent a copy of Mr Grainger's paper to Mr Straw on 28 February.

Parliamentary discussion of post-conflict issues, 3 February 2003

216. In Parliament on 3 February, Mr Blair offered "absolute assurances" that the UK would deal with any humanitarian consequences of conflict and undertook to "try to ensure that we move in to help get Iraq back on its feet".

217. Mr Mandelson asked Mr Blair about preparations for recovery and reconstruction in the House of Commons on 3 February:

> "In addition to the need for political transition, the humanitarian and refugee demands could be immense. Will he outline to the House what preparation is being made for that at the United Nations and by key members of the international community? What structure for reconstruction is being put in place? In terms of donor funding, will Britain join America – and, I think Switzerland and Canada – in making an early offer of resources for those purposes?"[106]

218. Mr Blair replied:

> "… we must deal with those vital points. We are in discussion with allies and the United Nations about reconstruction. The Foreign Secretary and I have spoken to the Secretary-General of the United Nations about that. If there is a conflict and Saddam's regime is removed, it is important to give absolute assurances and undertakings to the people of Iraq that we shall deal with any humanitarian consequences. In such circumstances, we must also try to ensure that we move in to help get Iraq back on its feet as quickly as possible. This country is willing to play its part in that with others."

219. In answer to a question from Mr Tony Baldry (Conservative) about the extent of discussions taking place with UN agencies, Mr Blair replied that detailed discussions were under way and that: "We are well aware that we must have a humanitarian plan that is every bit as viable and well worked out as a military plan."[107]

220. Sir Christopher Meyer told the Inquiry:

> "… the worry at the time, was that there would be some kind of humanitarian disaster … What just disappeared from the calculations was the understanding that, after Saddam was toppled, you were going to have to maintain law and order and

---

[106] House of Commons, *Official Report*, 3 February 2003, column 28.
[107] House of Commons, *Official Report*, 3 February 2003, column 36.

guarantee the continuity of the central services; otherwise you would lose the Iraqi population very rapidly, and that was discussed."[108]

221. In early February, Mr Ricketts advised Mr Straw that the 22 January Washington talks had made little progress on the principle of UN involvement in post-conflict administration, and that the US envisaged the UK being responsible for administering one-fifth of Iraq. The UK risked being drawn into a "huge" and "complex" commitment in Iraq for an uncertain period.

222. Mr Ricketts recommended using a series of forthcoming Ministerial contacts at Cabinet level, which he described as a moment of "maximum leverage" on the US, to press the case for UN involvement.

223. In his minute to Mr Straw on 7 February, copied to Mr O'Brien, Sir Michael Jay (FCO PUS), and other FCO senior officials, Mr Ricketts stated:

> "As we approach the critical phase on Iraq, I thought it would be useful to look ahead to the decisions that will be needed on issues where the FCO is leading and set out the work coming forward to the Foreign Secretary."[109]

224. Mr Ricketts reported on the follow-up to the 22 January post-conflict talks in Washington. He stated that Mr Pattison had led a team "to have another go at getting into the US bloodstream the advantages of UN authorisation and involvement of the UN and its agencies in the civil administration of Iraq. He made a bit of headway. But this is water on a stone." Meanwhile, the Pentagon was accelerating planning for a Pentagon-run "aftermath organisation" under a US civil administrator alongside the continuing US military presence. With the US envisaging the UK being responsible for administering one-fifth of Iraq, "we risk being drawn into a huge commitment of UK resources for a highly complex task of administration and law and order for an uncertain period".

225. Mr Ricketts continued:

> "So we have a pressing interest in convincing the Americans to accept the benefits of a model giving the UN the lead on civil administration. Coalition military forces would then be responsible for carrying out security tasks, including dealing with WMD, while a civilian transitional administration would be set up headed by a UN executive administrator and drawing on the resources of the UN, IFIs and a broad range of countries, as well as involving Iraqis themselves in the administration as quickly as possible. This would not only be more realistic and sustainable, but also be much more acceptable to Arab opinion than US/UK military-led occupation. (It is also a further argument for getting a second resolution in advance of conflict, which may be one reason for the allergic reaction in parts of the US system to a UN-led administration.)

---

[108] Public hearing, 26 November 2009, page 93.
[109] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.

> "Since most of the US work is going on in the Pentagon, a key opportunity to influence the Americans will be the Defence Secretary's talks with Rumsfeld in Washington on 12 February. A brief setting out the best points in favour of the UK's model is being co-ordinated in the Cabinet Office, and will be served up to Mr Hoon, and also to the Foreign Secretary and David Manning, for use later in the week with Powell and Rice.
>
> "This is a key issue with huge resource implications. Now is our moment of maximum leverage on the Americans, and I think it should be a high priority for discussions with them over the next fortnight. It may be an issue to be taken up by the PM with Bush before US thinking sets in concrete."

226. Mr Ricketts also informed Mr Straw that there was inter-departmental agreement that "the FCO should lead policy work on planning for post-conflict Iraq". The first task of the new Iraq Planning Unit (IPU) would be "to start assembling answers to the many questions thrown up by PJHQ as they begin to plan for coping with the situation military forces will find in Iraq as soon as conflict finishes".[110]

227. Mr Straw commented: "Good note … I need to talk to [Secretary] Powell re this."[111]

Creation of the Iraq Planning Unit

228. The inter-departmental (FCO/MOD/DFID) Iraq Planning Unit (IPU), based in the FCO, was established on 10 February to improve Whitehall co-ordination on post-conflict issues.

229. Although the IPU was an inter-departmental unit, its head was a senior member of the Diplomatic Service and it was integrated into the FCO management structure.

230. The draft Terms of Reference for the IPU stated that:

- **The IPU would report to Mr Chaplin in the FCO. The Terms of Reference did not define the relationship between the IPU and senior officials in DFID and the MOD.**
- **The IPU would work "within broad policy guidelines set by the Cabinet Office".**
- **The main purpose of the IPU would be to provide "policy guidance on the practical questions" that UK civilian officials and military commanders would face in Iraq.**
- **The IPU was intended "to bring influence to bear on US plans".**

---

[110] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.
[111] Manuscript comment Straw on Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.

231. Tasks assigned to the IPU by the AHGI included consideration of:

- **the shape of the Iraqi political process needed to underpin the transition to Iraqi rule;**
- **management of Iraq's oil; and**
- **whether and where the UK should run its own sector before the restoration of Iraqi sovereignty.**

232. After the creation of the IPU, the AHGI remained responsible for co-ordination of all post-conflict planning and preparation across government, including consular planning and civil contingencies.

233. At the FCO Iraq Morning Meeting on 3 February, Mr Alan Charlton, FCO Personnel Director, asked about military timing.[112] Mr Ricketts advised that "the newspapers weren't a bad guide: 'we need to have our preparations in place by end Feb[ruary]'".

234. The same day, Mr Ehrman reported to Mr Ricketts that the Pigott Group, an MOD-led, inter-departmental group of senior officials (see Section 6.4), had decided that there was a need for a senior FCO official to co-ordinate full-time with the MOD, DFID and others the rapidly increasing volume of work on aftermath planning.[113]

235. Mr Ehrman suggested that "in addition to work on overall legality … we will need sub-groups on WMD, OFF, SSR, humanitarian, reconstruction, judicial, possibly terrorism. All this to feed into and influence the various aftermath groups in Washington."

236. Mr Ricketts informed Mr Chaplin on 4 February that he had agreed with Sir Michael Jay and Mr Ehrman that:

> "… the FCO should consolidate the lead we have already taken in this area [post-conflict issues] with the work that Dominick Chilcott has been doing under your supervision.
>
> "I am sure that this work will now grow fast, particularly with the prospect of the UK inheriting responsibility for a good slice of southern Iraq following a military conflict."[114]

237. Mr Bowen chaired a meeting in the Cabinet Office on 4 February, attended by officials from the FCO, the MOD and DFID, at which it was decided to set up an inter-departmental (FCO, MOD and DFID) unit.[115] The unit would be headed by an FCO official, Mr Chilcott, to "prepare for the aftermath in practical operational terms". Wider strategy would continue to be co-ordinated through the AHGI.

---

[112] Manuscript comment Brewer, 3 February 2003, on Minute Tanfield to PS/PUS, 31 January 2003, 'Iraq Morning Meeting: Key Points'.
[113] Minute Ehrman to Ricketts, 3 February 2003, 'Pigott Group, 3 February'.
[114] Minute Ricketts to Chaplin, 4 February 2003, 'Iraq: Day After Planning'.
[115] Letter Bowen to Ehrman, 5 February 2003, 'Iraq: Operational Policy Unit'.

238. Mr Bowen explained to participants at the meeting that there was "a good deal of uncertainty about American intentions in administering Iraq in the event of (and after) hostilities to remove Saddam Hussein's regime". Meetings in Washington that week should bring greater clarity but were unlikely to produce decisions.

239. Mr Bowen reported that participants at the meeting had recognised that:

> "… even if some of the big strategic issues remained unresolved, a lot of detailed management issues were likely to arise. Much was likely to emanate from CENTCOM, which had the prospectively imminent task of administering a country whose leadership had been removed. With this in mind we agreed that we should set up an Iraq Operational Policy Unit with contributions from the FCO, DFID and MOD … My view was that we needed an integrated unit with high calibre representation to work through the sort of issues that would confront the Coalition on the 'day after'. **Their initial remit would be to develop policy guidance to enable the administration of Iraq pending the appointment of a transitional civil administration, consistent as far as possible with the longer term vision for the future of Iraq.** They would need to work their way, with the US, through issues as diverse as humanitarian relief, policing, administration of justice, local government and provision of utilities, environmental recovery and priorities for the return to normality. The view we all reached was that this unit ought to be up and running from Monday 10 February … It will need staff who think strategically and operationally and have some background in state reconstruction from other cases (in order to feed in the lessons of eg Kosovo and Afghanistan)."

240. Mr Bowen explained that the new unit would work alongside the FCO consular and emergency units (described in more detail in the Box 'The FCO Emergency Unit' later in this Section), and with the Defence Crisis Management Centre (DCMC) in MOD and the Conflict and Humanitarian Affairs Department (CHAD) in DFID.

241. The UK's expectation was that:

> "… General Franks of CENTCOM will be in overall charge of Iraq, with the military chain of command operating, which would involve [Major] General [Robin] Brims [General Officer Commanding 1st (UK) Armoured Division (GOC 1 (UK) Div)], being in charge of a sector of Iraq. Brims would need civilian support in theatre (beyond an MOD Polad [policy adviser]), but it was too early to judge at what level; it was clear that there would need to be FCO and DFID input. The extent to which the US were planning on providing civil support to a British sector was as yet unclear."

242. Mr Bowen reported that participants at the meeting had identified other possible requirements, including "a British office in the UK sector, a special envoy and an Ambassador". The new unit was only the first step.

243. Mr Bowen suggested "Iraq Operational Policy Unit" as a name for the new body. He asked Mr Ehrman, Ms Miller, Mr Pollard and Brig Rollo to take action to set up the unit and reported that Sir David Manning supported the thrust of the proposed approach.

244. The Chiefs of Staff meeting on 5 February was informed that: "Output from the FCO unit would feed US planning through the newly appointed Major General Tim Cross, the senior UK secondee to ORHA, working for Lt Gen Garner."[116] The unit would be informed by the PJHQ seminar on post-conflict issues.

245. Mr Ricketts explained to Mr Straw that the new unit would be headed by Mr Chilcott, located in the FCO's Middle East and North Africa (MENA) Directorate and include participants from the MOD and DFID. It would be closely linked to the Cabinet Office co-ordinating machinery.[117]

246. The IPU, headed by Mr Chilcott, was established on 10 February.[118]

247. On 11 February, Mr O'Brien chaired an internal FCO briefing on post-conflict issues, at which he commissioned work from the IPU and "stressed the need to consider how our work fitted into a managed exit strategy".[119] Mr O'Brien suggested that other Arab states' contribution to the modernisation of Iraq "would assist in [the] process of exiting and handover".

248. The record of the FCO Iraq Evening Meeting on 27 February stated that Mr Straw had asked Mr O'Brien to focus on post-conflict issues.[120]

249. The Inquiry has seen no other evidence of that decision or explanation of the role Mr O'Brien was expected to play.

250. Mr O'Brien was actively engaged on post-conflict issues after the creation of the IPU, including a visit to New York and Washington to discuss Phase IV with the US and UN in March.[121]

251. On 17 February, Sir Michael Jay sent draft terms of reference for the IPU to Sir Andrew Turnbull, the Cabinet Secretary, copied to Whitehall Permanent Secretaries. The draft, which had already been discussed with DFID, the MOD and the Cabinet Office, stated:

> "The unit will operate within broad policy guidelines set by the Cabinet Office. In the FCO, it will report to the Director Middle East and North Africa Command [Mr Chaplin]. Its main customers will be British military planners in PJHQ, MOD and,

---

[116] Minutes, 5 February 2003, Chiefs of Staff meeting.
[117] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.
[118] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)'.
[119] Minute APS/Mr O'Brien to Chilcott, 11 February 2003, 'Iraq: Day After Issues'.
[120] Minute Tanfield to PS/PUS [FCO], 27 February 2003, 'Iraq Evening Meeting: Key Points'.
[121] Minute Chilcott to Private Secretary [FCO], 3 March 2003, 'Iraq: Phase IV (Day After)'.

mainly through them, British officers and officials seconded to the Pentagon and CENTCOM.

"The main purpose of the unit will be to provide policy guidance on the practical questions that British civilian officials and military commanders will face, in the event of a conflict in Iraq. The advice will be designed to help them to minimise the suffering of the Iraqi people and to deal with the civil administration of any sector of Iraq under the control of British forces, particularly during the period before a transitional civilian administration is established. It will aim to ensure that British operational military planning for the post-conflict phase in Iraq is consistent with and promotes the UK's policy objectives on the future of Iraq. In doing so it will take particular account of the key role of the UN.

"The unit will aim to bring influence to bear on US plans by providing similar guidance, through PJHQ and MOD, to seconded British personnel working within the US military planning machinery and through the Embassy to the NSC and other parts of the US Administration.

"The unit will also provide a focus in Whitehall for developing policy advice and recommendations, as required, on strategic questions concerning a post Saddam Iraq.

"The role of the unit will be reviewed in three months."[122]

252. The record of the 17 February meeting of the AHGI stated that the US and UK military build-up continued and the US "impetus to war" had not slowed.[123] The IPU had been formed initially "to meet a UK military planning need for detailed policy guidance on occupation issues". In the event of UK participation in the occupation of Iraq it was likely to expand considerably.

253. The record continued:

"We need to agree with the US on the role of the UN in any civilian transitional administration. We see advantage in a major UN role for reasons of legitimacy, expertise in certain areas and burden-sharing. However, in exchange for sanctioning a transitional administration, the UN Security Council may require a larger UN role than the US currently envisage.

"Our original planning envisaged a period of up to three months of military rule. Latest reports from CENTCOM suggest the US envisage moving to civilian rule more quickly …

---

[122] Letter Jay to Turnbull, 17 February 2003, 'Iraq Planning Unit' attaching Paper [unattributed and undated], 'Proposed Terms of Reference for the tract [sic] Planning Unit'.
[123] Minute Dodd to Manning, 17 February 2003, 'Ad Hoc Group on Iraq'.

"The Planning Unit [IPU] will also focus on the shape of the Iraqi political process needed to underpin a handover to Iraqi rule, which the US see as occurring 18 months to two years after invasion. Other issues include the management of Iraq's oil and whether and where the UK should run its own sector until Iraqi sovereignty is restored."

254. The record of the next meeting, on 21 February, described the co-ordinating role of the AHGI:

"… the Ad Hoc Group draws together work related to Iraq as follows:

- Work on post-Saddam issues led by the Iraq Planning Unit. This includes the HMT [HM Treasury]-led sub-group on economic and financial issues;
- Consular planning; and
- HMT/CCS [Civil Contingencies Secretariat]-led domestic contingency planning (the Stephens Group).

"AHGI receives updates on military and intelligence issues, but these issues are handled elsewhere. AHGI provides a forum for deciding how to cover any new Iraq-related issues. There is some read across from pre-existing DTI [Department of Trade and Industry] and HMT Whitehall groups looking at oil."[124]

255. The evidence in this Section indicates that, after the creation of the IPU, neither Sir Michael Jay, nor Mr Ricketts as the senior FCO official tasked by Sir Michael to direct all aspects of FCO Iraq work, instructed the IPU or other parts of the FCO contributing to the IPU to:

- **provide thorough analysis of a range of possible post-conflict scenarios, not just the best case;**
- **identify the need for contingency plans and preparations to address each of those scenarios; or**
- **provide a realistic assessment of the UK's civilian capabilities and resources in the light of its likely obligations in Iraq.**

Domestic contingency planning: the Stephens Group

256. After expressions of concern by Permanent Secretaries about the possible impact on the UK of war in Iraq, Sir Andrew Turnbull had agreed in January 2003 that the AHGI should conduct further work on domestic contingencies.[125]

---

[124] Minute Dodd to Manning, 25 February 2003, 'Ad Hoc Group on Iraq'.
[125] Minute Dodd to Manning, 13 January 2003, 'Ad Hoc Group on Iraq'.

257. On 10 January, the AHGI had agreed that:

- The Treasury should review its November 2002 paper on the impact of conflict on the UK economy (see Section 6.4).
- The DTI would revisit its October 2002 paper on the oil market (see Section 10.3) and look at the potential impact of conflict on UK industry.
- The Department for Transport (DfT) would review its November 2002 transport paper (see Section 6.4).
- The Cabinet Office would circulate the latest version of the CCS paper on the potential impact on the UK of operations against Iraq (see Section 6.4) for comments from departments.
- The CCS would draft an Action Plan to be circulated to the AHGI for comment, setting out actions the Government would need to take should conflict be imminent.

258. Mr Jonathan Stephens, Treasury Director Public Services, circulated a revised draft of the CCS paper to Permanent Secretaries on 20 January.[126] He invited each department to identify key actions that needed to be taken to manage and mitigate risks.

259. Mr Stephens also announced the creation of a Domestic Implications Sub-Group of the AHGI (subsequently known as the Stephens Group), which would meet for the first time on 24 January.

260. The Stephens Group continued to work on the domestic implications of military action during February and March.[127]

261. On 19 March, the Private Office of Mr Gus O'Donnell, Treasury Permanent Secretary, sent a paper by Mr Stephens on the domestic implications of military action to Permanent Secretaries.[128] The paper stated that initial work on the issue had identified priority risks requiring further work. Those had been grouped into three cross-cutting areas:

- public behaviour and community cohesion;
- health and public service implications of military requirements; and
- fuel disruption, tourism and unemployment.

---

[126] Letter Stephens to Phillips, 20 January 2003, 'Iraq: Domestic Implications of Military Action' attaching Paper [unattributed and undated], 'Domestic Impact of an Iraq Operation – Risk to PSA Targets', and Paper Civil Contingencies Secretariat Assessments Team, 17 January 2003, 'Potential Impact on UK of Operations Against Iraq'.
[127] Minute Dodd to Manning, 17 March 2003, 'Ad Hoc Group on Iraq'.
[128] Email Martin to Permsecs, 19 March 2003, 'Domestic Implications of Military Action' attaching Paper Stephens, 'Domestic Implications of Military Action with Iraq – Next Steps'.

262. Mr Stephens summarised the key issues:

- Demands on police resources arising from the possibility of simultaneous challenges, including "heightened security environment, support to military preparations, public order and the possible renewal of the firefighters' dispute". Mr Stephens stated that the Cabinet Office and Home Office had work in hand on the issue, in conjunction with the police and the MOD.
- Policy on bringing Iraqi prisoners of war or civilian casualties to the UK for treatment. The IPU and CCS were co-ordinating work on the issue.
- Fuel disruption. DTI and CCS had identified short-term mitigation measures and longer-term resilience options.
- Military Aid to the Civil Authorities (MACA). Departments had confirmed that there were no major concerns. The Cabinet Office was working separately on provision of military resources for civil contingencies.
- Impact on departments of fuel price rises. Departments had confirmed they did not expect major problems.

263. Mr Stephens listed additional action points for departments on specific issues related to public order, community cohesion, asylum and the NHS.

PJHQ planning seminar

264. The PJHQ planning seminar to discuss the UK Common Document took place on 5 February.

265. Participants were told by PJHQ that US planning was moving fast and that within a week or so it would be very difficult to reverse what the US had decided.

266. The PJHQ Phase IV planning seminar on 5 February was attended by junior officials from the Cabinet Office (Mr Tom Dodd, OD Sec), DFID (Mr Fernie) and the FCO.[129] Discussion centred on the PJHQ Common Document (given the title 'Iraq – Phase IV Subjects'), which set out UK and US positions on post-conflict security, reconstruction, civil administration and humanitarian assistance, and issues needing resolution.

267. The FCO record of the seminar was addressed to Mr Chilcott and summarised the key messages from PJHQ planners:

- US planning was "going ahead fast, whether we like it or not". Once Secretary Rumsfeld had signed it off "in about a week's time" it would be "very difficult to reverse what has been decided".

[129] Minute MED [junior official] to Chilcott, 6 February 2003, 'Iraq: PJHQ Meeting on "Aftermath"' attaching Paper [unattributed], 5 February 2003, 'Iraq – Phase IV Subjects'.

- Steers were needed for Maj Gen Brims and two UK officers in "key planning positions": Brigadier Albert Whitley (Senior British Land Adviser (SBLA) at the Coalition Forces Land Component Command (CFLCC) in Kuwait) and Maj Gen Cross,[130] working to Lt Gen Garner in ORHA.

268. The record of the FCO Iraq Morning Meeting on 6 February stated that: "PJHQ have a large number of practical questions, on which they need urgent policy guidance."[131]

269. Maj Gen Whitley told the Inquiry that US Lieutenant General David McKiernan, Coalition Forces Land Component Commander, had initially asked him to lead on planning for "post hostilities" and to be his "eyes and ears" on the subject with other headquarters.[132] With the creation of ORHA and the augmentation of CFLCC by Combined Joint Task Force 7 (CJTF-7, the post-invasion military command), Lt Gen McKiernan, who already had deputies for Operations and Support, had felt it essential that the then Brigadier Whitley be given more authority. In mid-February 2003, with the agreement of Lt Gen Reith, Lt Gen McKiernan appointed Brigadier Whitley Deputy Commanding General (Post Hostilities), with the rank of (acting) Major General.

270. Maj Gen Whitley told the Inquiry he was instructed to: "Do what you can, with what we have and when we can. Produce a plan for CFLCC for Phase IV." That plan came to be known as Eclipse II and is described in the Box 'Eclipse II – the CFLCC plan for Phase IV' later in this Section.

271. MOD officials briefed Mr Hoon on the IPU and the Common Document on 12 February:

> "In the UK officials have set about establishing a bespoke structure that will provide policy guidance on aftermath issues – initially, principally to the UK military, but also more widely …
>
> "Central to this effort is the Iraq Policy Unit [sic] … Advising this in an expert capacity is the Iraq Aftermath Strategic Planning Group in the MOD. The main effort of the IPU is to populate a document ('The Iraq Stage IV Subjects Document') that is essentially a structured list of questions with answers that will allow departments to give policy guidance, and will form a 'core script' that will permit our various personnel embedded in US structures to give a unified message on the UK vision for post-conflict Iraq. Many of these are issues of detail, but they have real practical import (for example – whether the US plans to dollarize the Iraqi economy will affect the currency that is issued to 1 Div, who will need to pay contractors in their AO [Area of Operations])."[133]

---

[130] The author of the record was unsure of the name of the individual working to Lt Gen Garner, but must have meant Maj Gen Cross.
[131] Minute Tanfield to PS/PUS [FCO], 6 February 2003, 'Iraq Morning Meeting: Key Points'.
[132] Statement, 25 January 2011, page 3.
[133] Minute Sec(O) [junior official] to PS/Secretary of State [MOD], 12 February 2003, 'Iraq: Aftermath – Briefing for Meeting with OGD Ministers'.

272. A briefing note prepared for staff in the UK National Contingent Headquarters (NCHQ) in Qatar referred to a revised version of the Common Document dated 11 February that has not been seen by the Inquiry.[134]

273. The Inquiry has seen no evidence that the IPU updated the Common Document during preparations for the US inter-agency Rock Drill on post-conflict issues on 21 and 22 February.

274. The Rock Drill is addressed in detail later in this Section.

275. On 20 February, Mr Chilcott updated Mr Straw on the first nine days of the IPU. It had "a core staff (from FCO, MOD and DFID), a large room, and IT". The Unit was working well with other departments and UK military planners and had "successfully contracted out a lot of work".[135]

276. Mr Chilcott told Mr Straw that ORHA was emerging as the IPU's key counterpart in the US and that Maj Gen Cross and the IPU were "two sides of the same coin and [would] work increasingly hand in glove".

277. Mr Chilcott told the Inquiry that, although numbers were small ("maybe only six, eight, ten, for the first couple of weeks"), the IPU drew on expertise elsewhere in Whitehall that allowed it to pull together a strategic view.[136] While military planners and PJHQ were planning what would be needed as troops occupied territory and became "responsible … for the administration of where they were", the IPU was "thinking about the political process and the big issues about the development fund for Iraq or oil policy or what to do about war criminals or the importance of legitimacy and legal questions".

278. Asked how influential the IPU had been, Mr Chilcott stated:

> "… I don't think our main issue was having to convince other parts of the government machinery that they should be doing things that they didn't want to do.
>
> "I think we were really synthesising the views and expertise across government.
>
> "Where we needed to have clout … was in influencing the United States, and I think, there, we … had no more clout than a sort of body of middle to senior ranking British officials would have had with their American counterparts."[137]

279. On the relationship with ORHA, Mr Chilcott said that: "ORHA in some ways weren't really our counterparts because they were the sort of operational implementers … as well as the drawers up of the plan, whereas we … were writing policy papers and briefing and lines to take."[138]

---

[134] Paper SO2 [NCHQ], 13 February 2003, 'Introductory Note to Folder on Phase IV Planning'.
[135] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)'.
[136] Public hearing, 8 December 2009, pages 7-8.
[137] Public hearing, 8 December 2009, pages 8-9.
[138] Public hearing, 8 December 2009, page 20.

280. Mr Bowen told the Inquiry that one reason for establishing the IPU was to set up a counterpart to ORHA: "as soon as we … understood where the centre of gravity was in America … we set up … a centre of gravity that could interact with it". At this early stage in the relationship, before misgivings about ORHA had begun to emerge in Whitehall, that seemed still to be the intention.

Preparing for the UK's "exemplary" role in the South

281. On 3 February, Maj Gen Brims told UK military commanders that, in the event of an invasion, UK forces could "set the pace" for Phase IV operations.

282. Maj Gen Brims issued the first GOC Directive for UK military commanders involved in Operation (Op) TELIC[139] on 3 February.[140] It stated: "We only win on successful implementation of Phase IV", and continued:

> "The Phase IV requirements have yet to emerge. I am confident that our people have the physical and mental agility to attend to it quickly, thoughtfully and effectively … But two important points:
>
> a. There must be no triumphalism … we must restore, foster, Iraqi dignity in our AO and work together as far as possible to achieve Phase IV for their benefit.
>
> b. We shall probably be the first Coalition forces to implement Phase IV. We can set the pace. The world media will be reporting our activities."

283. Also on 3 February, DFID officials recommended to Ms Short that DFID second six Civil/Military Humanitarian Advisers to the UK military and ORHA, in order "to take further forward our objective of refining the military planning options to ensure the humanitarian consequences of any conflict in Iraq are fully addressed".[141]

284. The Inquiry has not seen Ms Short's response, but DFID did second a number of staff over the following weeks.[142]

285. Later in February, DFID officials sought policy guidance from Ms Short on the scope of DFID co-operation with military forces in "complex emergencies".

---

[139] Operation TELIC was the codename for the involvement of UK Armed Forces in the military campaign to remove the threat from Iraq's weapons of mass destruction.
[140] Minute Brims to various, 3 February 2003, 'Op Telic – GOC's Directive One'.
[141] Minute Conflict & Humanitarian Affairs Department [junior official] to PS/Secretary of State [DFID], 3 February 2003, 'Iraq: Refining the Military Options'.
[142] Letter Warren to Rycroft, 7 March 2003, [untitled] attaching Paper DFID, [undated], 'DFID Planning on Iraq'.

286. Ms Short informed Mr Blair on 5 February that, "after a slow start", DFID was "getting real co-operation" from the MOD, FCO and Cabinet Office.[143] It was involved in drafting military campaign objectives and was experiencing more co-operation from UN agencies and the US. Ms Short reported that she had approved a limited number of DFID secondments to UK and US military planning units.

287. Ms Short stated that the main outstanding issue was the scale of the UK contribution to the humanitarian and reconstruction effort in Iraq. A "fair share" would be about 5.6 percent of the total, equivalent to the UK share of OECD gross national income, and would amount to approximately £440m a year for three years. It was for Mr Blair to decide whether he thought the UK should make a "modest" contribution along those lines, or "aim higher". If so, it would need to be an effort on behalf of the whole government, not just DFID.

288. Ms Short concluded:

> "I think the way in which you could best help is to make clear across the system that you want humanitarian considerations to be given more weight. In addition it would help if we could settle the financial questions."

289. The same day, Mr Lee sent Mr Hoon a request from Ms Short to be briefed by MOD officials on the planned military campaign. The request was for Ms Short to be briefed "on similar lines" to Mr Straw and Lord Goldsmith, the Attorney General.[144] Mr Lee debated whether the briefing should focus on post-conflict issues, but concluded: "As full and frank a briefing within the constraints of operational security will be a key element in achieving a joined up approach and help build on the good relationships we have set up over the last few weeks." He also advised that No.10 had asked to be consulted on the terms of any briefing for Ms Short.

290. Mr Martyn Williams, Mr Hoon's Private Secretary, asked: "Doctrinally pure advice on involving DFID SofS [Secretary of State]. Are you happy for me to consult No.10?"[145]

291. Mr Hoon agreed to the proposal.[146]

292. The Inquiry has seen no record of No.10 approving the briefing for Ms Short, which took place on 12 February.

293. Mr Annan told the press on 5 February that there was no agreement on the post-conflict role of the UN.

---

[143] Letter Short to Blair, 5 February 2003, 'Iraq: Humanitarian Planning'.
[144] Minute Lee to PS/Secretary of State [MOD], 5 February 2003, 'Iraq: Briefing the international development secretary'.
[145] Manuscript comment to SofS [MOD] on Minute Lee to PS/Secretary of State [MOD], 5 February 2003, 'Iraq: Briefing the international development secretary'.
[146] Manuscript comment Hoon, 6 February 2003, on Minute Lee to PS/Secretary of State [MOD], 5 February 2003, 'Iraq: Briefing the international development secretary'.

294. At a press conference after the meeting of the Security Council on 5 February (addressed in Section 3.7), Mr Annan stated that, after any conflict, "the UN always had a role to play".[147] He added that the post-conflict role of the UN in Iraq:

> "… has not been discussed. As you know, we are doing some contingency planning on the humanitarian side. This is also something that we have given some preliminary thought to, but we are not there at all."

295. Mr Blair told Cabinet on 6 February that planning for the aftermath and humanitarian relief needed "greater emphasis".

296. The same day, he commissioned a paper on "aftermath and humanitarian issues", to be co-ordinated by the FCO.

297. Mr Blair told Cabinet on 6 February that "planning for the aftermath of military action and humanitarian relief needed greater emphasis".[148]

298. Mr Straw said that the aftermath was "being discussed intensively" with Ms Short and Mr Hoon.

299. Points made in discussion included:

- The word "aftermath" was "ill-chosen: it incorrectly implied that Iraq would be utterly destroyed by military conflict whereas we should gear our thinking around the future of the people of Iraq and their interests".
- The reconstruction and development of Iraq would "provide opportunities for British companies to be involved".
- The focus after hostilities "had to be on civil society which had suffered 35 years of tyranny that had reduced the country to the point where 60 percent of the population relied on United Nations food programmes".
- It was "essential" that the UN should be involved in Iraq's redevelopment after any military action "to avoid the military occupation being viewed as an army of occupation".

300. On 6 February, Mr Blair held a meeting with Mr Straw, Mr Hoon and senior officials from the MOD, the Secret Intelligence Service (SIS), No.10 and the Cabinet Office to discuss how to minimise civilian casualties during an air campaign. The meeting is described in more detail in Section 6.2.

301. At the meeting, Mr Blair commissioned a paper on "aftermath and humanitarian issues" for 14 February.[149] No.10 instructed the FCO to co-ordinate with the MOD, DFID and the Cabinet Office.

---

[147] UN News Centre, 5 February 2003, *Secretary-General's press encounter following Security Council meeting and Luncheon on Iraq (unofficial transcript).*
[148] Cabinet Conclusions, 6 February 2003.
[149] Letter Rycroft to Watkins, 6 February 2003, 'Iraq: Prime Minister's Meeting, 6 February'.

302. The request appears to have been overtaken by a further Ministerial meeting on humanitarian issues on 13 February at which DFID, the FCO and the MOD were asked by Mr Blair to co-ordinate advice for him to use with President Bush.[150]

303. In separate letters to Mr Blair on 10 February, Mr Straw and Mr Hoon endorsed Ms Short's views on improved co-operation between departments.

304. Mr Straw told Mr Blair that DFID, the MOD and the Cabinet Office had been co-operating closely on humanitarian issues.[151] Work on humanitarian and other long-term planning issues would be strengthened by the creation of the IPU.

305. Mr Straw commented that humanitarian planning was the area of "long-term work" where the UK probably had fewest differences with the US. It was an area, unlike some others, where the US seemed to agree on the need for close UN involvement. The US and UK Missions in New York were working on the fine-tuning of OFF arrangements to make them better suited to the circumstances of post-conflict Iraq. In addition, the US military was:

> "… developing detailed plans for relief and reconstruction teams to follow in the wake of advancing military forces in Iraq to begin immediately the urgent tasks of restoring water and electricity supplies and repairing public buildings. The US are clearly aware of the importance of delivering quick wins to show the Iraqi people and the world the benefits of Coalition action."

306. Mr Straw explained that much work remained to be done on economic reconstruction. An inter-departmental visit to Washington that week had revealed that, although there were, "as always", clear differences between US government agencies, there did still seem to be an opportunity to influence their thinking.

307. Mr Hoon responded to Ms Short's question about the scale of the UK humanitarian contribution.[152] He accepted that, in the "very short term", the UK military would play "a very significant role", but early thought would also need to be given to the timing of transition to purely civil structures. The key issue was to resolve differences with the US over the role of the UN.

308. A JIC Assessment on 10 February warned of the possibility of terrorist attacks against Coalition Forces in Iraq, during and after conflict.

309. On 10 February, at the request of the MOD and the FCO, the JIC produced its second Assessment on the potential terrorist threat in the event of conflict in Iraq.[153]

310. The earlier Assessment, produced on 10 October 2002, is described in Section 6.4.

---

[150] Letter Cannon to Bewes, 13 February 2003, 'Iraq: Humanitarian Issues'.
[151] Minute Straw to Prime Minister, 10 February 2003, 'Iraq: Humanitarian Planning'.
[152] Letter Hoon to Blair, 10 February 2003, 'Iraq: Humanitarian Planning'.
[153] JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'.

311. The "Key Judgements" in the February Assessment included:

"I. The threat from Al Qaida will increase at the onset of any military action against Iraq. They will target Coalition forces and other Western interests in the Middle East. Attacks against Western interests elsewhere are also likely, especially in the US and UK for maximum impact. The worldwide threat from other Islamist terrorist groups and individuals will increase significantly.

…

III. Al Qaida associated terrorists in Iraq and in the Kurdish Autonomous Zone in Northern Iraq could conduct attacks against Coalition forces and interests during, or in the aftermath of, war with Iraq."

312. An updated Assessment, produced on 12 March, judged that: "Senior Al Qaida associated terrorists may have established sleeper cells in Iraq, to be activated during a Coalition occupation."[154]

313. Treasury briefing for Mr Brown on 11 February warned of the possibility of substantial pressure on the UK to make a disproportionate contribution to post-conflict Iraq.

314. On 11 February, Treasury officials invited Mr Brown's views on their "preliminary thinking" on the Treasury's interests in a post-Saddam Hussein Iraq.[155] The paper drew on earlier Treasury work in September 2002 on the implications of war in Iraq for the global, regional and Iraqi economies.[156] Officials advised that the Treasury's main interest was to ensure Iraq's prosperity and stability while sharing fairly the cost of achieving that outcome. The cost was difficult to predict but "potentially massive". It comprised:

- peacekeeping costs; the peacekeeping force in Yugoslavia had numbered 40,000 at its peak, with the cost to the UK of the Kosovo Force (KFOR) reaching £325m in 1999/2000. Iraq would probably need more troops, given its ethnic and religious tensions, the likelihood of score-settling and its sheer size;
- humanitarian expenditure;
- environmental costs arising, for example, from the use of WMD or oil fires;
- "general reconstruction", which could cost between US$1.5bn and US$8bn a year (including humanitarian costs); and
- economic stabilisation, through an IMF programme.

---

[154] JIC Assessment, 12 March 2003, 'International Terrorism: War with Iraq: Update'.
[155] Minute Treasury [junior official] to Chancellor, 11 February 2003, 'HMT policy on post-Saddam Iraq' attaching Paper CEP/HMT, [undated], 'What should HMT policy be on post-war Iraq?'
[156] Email [Treasury junior official] to Bowman, 6 September 2002, 'What would be the economic impact of a war in Iraq?' attaching Paper HMT, September 2002, 'What would be the economic impact of war in Iraq?'

315. The paper warned that there could be substantial pressure on the UK to make a "disproportionate" contribution, and suggested that an "emerging policy position" would be to:

- maximise Iraqi contributions;
- push for debt rescheduling;
- maximise contributions from the multilateral development banks, and secure IMF and World Bank engagement;
- push for bilateral contributions to the reconstruction effort to take into account military contributions (with countries that would make no military contribution paying a higher share of reconstruction costs); and
- ensure a finance ministry/IFI lead on financing issues, with no money committed until a proper needs assessment had been done.

316. The Treasury informed the Inquiry that Mr Brown did not comment on the paper.[157]

317. Treasury officials sent Mr Brown further updates on the likely total cost of war, including humanitarian and reconstruction costs, later in February.

318. The Treasury's response to departments' requests for additional funding to cover the anticipated costs of post-conflict Iraq is covered in detail in Section 13.1.

319. The FCO sent guidance on post-conflict issues to overseas posts on 7 February. The guidance stated that:

- **The UK was planning on a contingency basis for what the international community should do if Saddam Hussein were removed.**
- **The UK wanted to hand back power to the Iraqi people as quickly as possible, but with Iraq "radically reformed for the better".**
- **Timing of the three stage transition was uncertain.**
- **Iraq's public administration could be expected to work "adequately" once senior regime officials had been removed.**
- **The role of the UN was still a matter of active debate.**

320. On 7 February, the FCO sent guidance on "day after" issues to all overseas posts.[158] The guidance stated that the UK's goal was disarmament of Iraq's WMD, not regime change, but that, since military action could not be ruled out, it was "sensible to plan on a contingency basis, for what the international community should do in Iraq" if Saddam Hussein's regime were removed from power.

---

[157] Email Treasury to Iraq Inquiry, 26 February 2010, [untitled].
[158] Telegram 67 FCO to Abidjan, 7 February 2003, 'Iraq: "Day After" Questions'.

321. In the background material for posts, not to be used with external contacts, the FCO explained that Coalition Forces would become the de facto government of Iraq as soon as Saddam Hussein fell. The UK would aim to hand back power to the Iraqi people as quickly as possible, but would want to see Iraq "radically reformed for the better" before doing so.

322. The FCO explained that the timing of the three stage transition was uncertain. Coalition military rule was likely to last as long as it took to establish a civilian transitional administration, "perhaps weeks, rather than many months". The transitional administration would last "rather longer", as it would take time to agree political structures to introduce reforms.

323. The FCO stated that Iraq had "a relatively sophisticated public administration" and expected that:

> "… it will work adequately once the most senior old regime officials have been removed. Iraq should not be like Kosovo, where ministries and public services had to be created from scratch."

324. The FCO explained that the role of the UN was "still a matter of active debate" in the US and between the US and UK. It concluded:

> "We are in contact with a number of international players, including in particular the US, about these sensitive matters. We are not making the content of these contingency talks public. Nor should you."

Maintaining pressure on the US

325. The Chiefs of Staff were briefed on the three-phase US Phase IV Plan on 10 February. They were told:

- **US planning was evolving slowly because of disputes in Washington about the primacy of the different bodies involved.**
- **Without a common approach to the underlying issues in the UK, it would not be possible to exert influence on the US process.**

326. The Chiefs of Staff commented that there would be a significant requirement for other countries to share the post-conflict burden. The FCO undertook to explore the issue.

327. Maj Gen Fry updated the Chiefs of Staff on US Phase IV planning on 10 February.[159] The US had divided Phase IV into three stages: IVa – Stabilisation; IVb – Recovery; and IVc – Transition to Security.

---

[159] Minute Fry to COSSEC, 10 February 2003, 'Aftermath Planning' attaching Paper DCJO(Ops), 10 February 2003, 'Aftermath Planning'.

328. Maj Gen Fry invited the Chiefs to note that:

- The US intended the immediate post-conflict stabilisation period to last between three and six months: "By necessity and tactical imperative there is implicit UK acceptance of this direction."
- US thinking on the recovery phase, expected to last up to two years, was evolving and could be shaped by the UK: "The UK has a comprehensive network of embedded staff who need clear direction if they are to meet UK intent."
- It was not clear where the Combined Joint Task Force (CJTF) responsible for security sector issues from the start of the recovery period would be found: "A UK view on the potential role of HQ ARRC [Allied Rapid Reaction Corps] is required."
- Boundaries within Iraq would change with the transition from stabilisation to recovery: "If the UK wish to retain Sector South East a clear message needs to be sent to CFC [Coalition Forces Commander, Gen Franks]."
- The US assumed continued UK two-star leadership and "prolonged commitment" of a brigade. The duration of the UK's commitment needed clarification.
- The US needed to take critical decisions about UN involvement soon.

329. Maj Gen Fry explained that US planning was evolving slowly because of disagreement between DoD and the State Department over governance and the primacy of CFLCC, JTF-4 and the "Iraq Office of Post-war Planning [ORHA]". The UK had a colonel and small team in CFLCC "with the lead on the stabilisation stage" and a colonel with a small team in JTF-4 "with a focus on the recovery stage". Maj Gen Cross would deploy to ORHA with a small team shortly. To exert influence, there needed to be a common UK approach to the issues, which was "currently lacking". The IPU had been tasked to take that work forward.

330. Under existing US plans, once "post-hostility conditions" were achieved, CJTF would take over from CFLCC as the military headquarters responsible for Phase IV, but a decision was still needed on CJTF's "parentage". One option was to deploy the ARRC to take over as CJTF Iraq, incorporating JTF-4.

331. The paper described key tasks for the stabilisation phase, but offered no assessment of troop numbers needed to perform them.

332. The first detailed estimate of the type (but not the size) of force required to deliver different tasks was in Lt Gen Reith's draft Concept of Operations for Phase IV on 25 March.

333. The Chiefs of Staff discussed Maj Gen Fry's paper on 12 February.[160] They observed that there would be a substantial requirement for other countries to share the burden. The FCO undertook to explore the issue.

334. General Sir Mike Jackson, Chief of the General Staff, questioned whether the potential role for the ARRC was for the UK AO or all of Iraq, and whether it was to be used in its NATO or national role.

335. The potential deployment of the ARRC is addressed in Section 6.2.

336. MOD officials briefed Ms Short on the military campaign on 12 February.

337. On 12 February, MOD officials explained to Ms Short the general shape of the campaign, the policy on targeting and the approach to post-conflict operations.[161] The record stated she was: "reassured that MOD was 'catching up with the reality' … that humanitarian operations need to be an integral part of … campaign planning", but "reiterated in the strongest possible terms" her belief that the practical benefits of a second resolution were worth a delay until the autumn. Ms Short's main interest was mitigation of the impact of conflict on the Iraqi people, including in the event of CBW use. Working with the military in any UK Area of Responsibility (AOR), she wanted the UK to set "a benchmark standard for recovery and reconstruction".

338. Briefing for Mr Hoon's discussion of post-conflict issues with Dr Rice on 12 February listed eight "Key Gaps/US-UK policy differences", including the role of the UN, de-Ba'athification, SSR and economic policy.

339. Mr Hoon discussed post-conflict issues with Dr Rice and Secretary Rumsfeld in Washington on 12 February.

340. Briefing prepared by the MOD Iraq Secretariat stated that US aftermath planning was "impressive on details", but "riddled with holes at the political and strategic levels".[162] With the US divided on the merits of involving the UN, the key issue was the legal basis for any continuing occupation of Iraq. The UK assessment was that a specific mandate was needed. Without that the Coalition would "face both obligations and constraints which will face us with a choice between illegality and ineffectiveness".

341. The briefing listed eight "Key Gaps/US-UK policy differences" on post-conflict planning:

- UN mandate.
- Transitional administration. The UK wanted to see transition to a UN-led civilian administration as soon as possible.

---

[160] Minutes, 12 February 2003, Chiefs of Staff meeting.
[161] Minute Lee to PS/Secretary of State [MOD], 13 February 2003, 'Briefing for International Development Secretary'.
[162] Minute Johnson to PS/Secretary of State [MOD], 10 February 2003, 'Secretary of State's Visit to Washington: Iraq'.

- Vetting policy. "Is it the US aim to de-Saddam, or de-Ba'ath Iraq? If the latter, how much of the party structure do we wish to remove? In the short term, and in the long term? What level of compromise/co-operation with Iraqi officialdom will be necessary and/or acceptable in the early stages of Phase IV? Depending on the US intention, can they provide UK forces with means of identifying particular officials for removal from office or detention? How will the Coalition process those removed from office? … How will government functions be maintained if key officials are removed?"
- Oil. The UK would press for transparency of oil management, greater UN involvement than was envisaged and early setting of the date for handing control of oilfields back to Iraq.
- National governance. A decision on the final shape of an Iraq administration (the end state) was of "critical importance" to the earliest phases of the military effort.
- Economic policy. What were the plans for preventing macroeconomic collapse?
- SSR. What would the new security apparatus look like? At a tactical level, UK forces needed guidance on how to treat different parts of the Iraqi security infrastructure as they encountered them.
- Humanitarian. The source of the extra resources needed by the UK military to deliver humanitarian assistance in the absence of a significant NGO or UN presence was not known and there was no plan for the worst case scenario.

342. It is not clear whether the FCO or Cabinet Office saw the MOD briefing.

343. Separately, Mr Drummond sent Mr Lee "key messages" on post-conflict Iraq for Mr Hoon to use with Secretary Rumsfeld and for Sir David Manning to use with Dr Rice later in the week.[163] The messages, agreed by officials in other departments and No.10, included material on the importance of securing a UN mandate to legitimise international rule, establishing a substantial UN role in post-Saddam Hussein Iraq, engaging IFIs to plan economic reconstruction, avoiding the perception of a UK/US "oil grab" and securing "a level-playing field for UK business in oil and other areas".

344. The proposed message on dismantling the Iraqi regime was:

> "Must detain senior leadership and leading members of Saddam's security forces and put them through proper legal process. But we will need Iraqi technocrats, who may have gone along with Saddam's regime, to run the country. Our officials are talking about handling war criminals etc. Must have an agreed policy this month."

345. It is unclear whether the reference to "an agreed policy" referred to war criminals, technocrats, or both.

---

[163] Letter Drummond to Lee, 11 February 2003, 'Iraq Post Conflict: Key Messages' attaching Paper Cabinet Office, 11 February 2003, 'Iraq Post Conflict: Key Messages'.

346. The British Embassy Washington reported that on 12 February Mr Hoon raised the issue of financing reconstruction from oil sales with Secretary Rumsfeld, who agreed that oil proceeds were key and should not be misinterpreted as a reason for the conflict.[164] DoD would make it clear that oil proceeds should go to Iraq's people. OFF was a good basis on which to work.

347. The Embassy also reported agreement during Mr Hoon's talks with Secretary Rumsfeld and Dr Rice that "broad UN cover for day after management in Iraq would bring political, financial and legal benefits. But this cover should not come with inefficient micro-management by UN agencies."[165] The Embassy commented that, although ORHA remained "disputed turf" and Mr Hoon had heard conflicting accounts of its role while in Washington, it would be the "key body in ruling and reconstructing a defeated Iraq". The UK was "slightly ahead of the game" in already having Maj Gen Cross there, but the US would welcome more UK secondees.

348. Neither the Embassy's report of Mr Hoon's meeting with Secretary Rumsfeld nor the record written by Mr Peter Watkins, Mr Hoon's Principal Private Secretary, referred to any discussion of de-Ba'athification.[166]

349. Mr Hoon told the Inquiry that, at the meeting, he handed Secretary Rumsfeld a paper which, while not using the word "de-Ba'athification", had:

> "… emphasised … that there would be people who had joined the Ba'ath Party … not because they necessarily were enthusiastic supporters of Saddam Hussein, and we felt that there ought to be a distinction between those who were enthusiastic supporters and those who simply joined the party in order to gain position … and I think a similar argument arises in relation to the army".[167]

350. The Inquiry has been unable to identify the paper handed over by Mr Hoon.

351. During Mr Hoon's meeting with Dr Rice she expressed concern that the existing military campaign plan for the South of Iraq assumed local administrators would remain in place. Her assessment was that those individuals, who were mainly Sunni in an otherwise Shia area, would flee after the collapse of Saddam Hussein's regime.[168] Mr Hoon's response was to point to the value of achieving UN cover for Coalition operations in Iraq.

---

[164] Telegram 203 Washington to FCO London, 13 February 2003, 'Iraq: Defence Secretary's Visit to Washington'.
[165] Telegram 204 Washington to FCO London, 13 February 2003, 'Iraq: Defence Secretary's Visit to Washington: Day After Management'.
[166] Minute Watkins to Policy Director, 13 February 2003, 'Meeting with Donald Rumsfeld: 12 February 2003'.
[167] Public hearing, 19 January 2010, page 160.
[168] Letter Watkins to Manning, 13 February 2003, 'Defence Secretary's call on Condi Rice: 12 February 2003'.

352. Mr Hoon told the Inquiry:

> "… we were concerned that the planning for the aftermath was not as detailed and as comprehensive as we would have liked. Indeed, in a visit to the Pentagon in … February, I took with me a list of the things that we hoped that the United States would take account of."[169]

353. Mr Hoon added:

> "… they welcomed the suggestions that we were making, but … I accept that not all of those items on my list were followed up and followed up in the timescale that we expected".

354. Sir Kevin Tebbit discussed post-conflict planning with Mr Frank Miller, NSC Senior Director for Defense Policy and Arms Control, on 12 February. Sir Kevin was told that ORHA was responsible for implementation only; policy remained with the NSC-led inter-agency group. Sir Kevin stressed the importance of UK involvement in both strands but was informed that the UK knew all there was to know: US planning was thin, but was all the system could cope with at that point.[170]

355. US officials' evidence to the Senate Foreign Relations Committee on 11 February revealed "enormous uncertainties" around US post-conflict plans.

356. The Committee's response was one of "incredulity".

357. Sir David Manning emphasised to officials in No.10 and the Cabinet Office the need to keep pressing the US for the work to be done.

358. On 11 February, Mr Marc Grossman, US Under Secretary of State for Political Affairs, and Mr Douglas Feith, US Under Secretary of Defense for Policy, gave evidence on US post-conflict plans to the Senate Foreign Relations Committee.[171]

359. The British Embassy Washington reported that the message to the Foreign Relations Committee was "liberation not occupation", with an assurance that the US did not want to control Iraq's economic resources.

360. The Embassy highlighted the degree of uncertainty surrounding US plans:

> "In the ensuing discussion, Feith said that military occupation could last two years. Both admitted to 'enormous uncertainties'. They said that they did not know how the Iraqi oil industry would be managed, who would cover the costs of oil installation reconstruction, or how the detailed transition to a democratic Iraq would operate.

---

[169] Public hearing, 19 January 2010, pages 82-83.
[170] Minute Tebbit, 13 February 2003, 'Note for File: Phone Call with Frank Miller – 12 February'.
[171] Telegram 196 Washington to FCO London, 12 February 2003, 'Iraq "Day After": US Makes Initial Planning Public'.

> The Committee's response was one of incredulity, with encouragement to plan for the worst, as well as the best, case."

361. Sir David Manning commented to Mr Bowen, Mr Matthew Rycroft (Mr Blair's Private Secretary for Foreign Affairs) and Mr Nicholas Cannon (Mr Blair's Assistant Private Secretary for Foreign Affairs):

> "Last para[graph] shows scale of problem post-Saddam. We must keep pushing for this work to be done."[172]

Revised UK military campaign objectives

362. The UK shared its draft military campaign objectives with the US in mid-February.

363. Those objectives relating to the post-conflict phase of operations emphasised the role of the UN and the international community, and the UK's wish to withdraw from Iraq as soon as possible.

364. The objectives made no reference to the UK's obligations and responsibilities as an Occupying Power.

365. There is no indication that the objectives were linked to any assessment of feasibility or the resources needed for implementation.

366. Ministers had expressed themselves "generally content" with the draft objectives in January, but did not have an opportunity collectively to discuss the issues raised until Mr Blair's meeting on post-conflict issues on 6 March.

367. Sir David Manning described the objectives to Dr Rice as compatible with but not identical to US objectives.

368. Lord Goldsmith's approval of the objectives before publication is addressed in Section 6.2.

369. On 11 February, Mr Bowen sent Sir David Manning a revised draft of the UK's military campaign objectives, incorporating comments from Mr Straw and Whitehall departments.[173] Only DFID offered comments on post-conflict issues.

370. FCO concerns centred on how to present any reference to regime change.

---

[172] Manuscript comment Manning on Telegram 196 Washington to FCO London, 12 February 2003, 'Iraq "Day After": US Makes Initial Planning Public'.
[173] Minute Bowen to Manning, 11 February 2003, 'Iraq: Military Campaign Objectives' attaching Paper Cabinet Office, February 2003, 'Iraq: Military Campaign Objectives'.

371. In his advice to Mr Straw, Mr Chaplin had argued against avoiding all mention of regime change:

> "It seems to me unrealistic to expect that the Americans will sign up to a common set of campaign objectives which does not include explicit mention of regime change (put in the context of disarmament), especially once military action has begun. At that point it would be very difficult to claim publicly that, although we were taking part in military action, we did not intend or expect the regime to fall."[174]

372. Mr O'Brien had proposed specific wording to Mr Straw that "should satisfy the Americans but stop short of making regime change an explicit element of UK objectives" by establishing more clearly that regime change was needed to secure long-term disarmament:

> "The UK's overall objective for the military campaign is to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs [UN Security Council resolutions] and creates the circumstances in which Iraq remains disarmed in the long-term."[175]

373. Mr Straw included that proposal in a letter to Mr Blair on 11 February, in which he expressed "serious concerns" about the presentation of military campaign objectives:

> "It is particularly important to explain carefully any reference to regime change. We must underline that this is only necessary because Iraq has consistently refused to comply with UN Security Council resolutions. Otherwise people here and in the region will assume that we had been intent on regime change all along."[176]

374. The MOD comments on the draft objectives had focused on whether they provided "enough top cover to derive appropriate CDS and targeting directives to enable us to work in coalition with the US".[177]

375. DFID had proposed the addition of references to:

- addressing, rather than minimising, any adverse humanitarian consequences of the military campaign;
- demonstrating to the Iraqi people, rather than reassuring them, that their security and well-being was the UK's concern; and
- ensuring that sanctions were lifted and that the OFF programme and resources were available to meet the needs of the Iraqi people.[178]

---

[174] Minute Chaplin to PS [FCO], 4 February 2003, 'Iraq: Military Campaign Objectives'.
[175] Minute [FCO junior official] to Private Secretary [FCO], 7 February 2003, 'Iraq: Military Campaign Objectives'.
[176] Letter Straw to Prime Minister, 10 February 2003, 'Iraq: Military Campaign Objectives' attaching Paper [unattributed], 'Iraq: Military Campaign Objectives'.
[177] Letter Lee to Bowen, 4 February 2003, 'Iraq: Military Campaign Objectives'.
[178] Letter Brewer to Bowen, 4 February 2003, 'Iraq: Military Campaign Objectives'.

376. The draft circulated by Mr Bowen on 11 February stated:

> **"The UK's overall objective for the military campaign is to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs and remains so disarmed in the long term."**[179]

377. The Coalition's main tasks in support of that objective were to:

"a. overcome the resistance of the Iraqi security forces;

b. deny the Iraqi regime the use of weapons of mass destruction now and in the future;

c. remove the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council's demands;

d. identify and secure the sites where weapons of mass destruction and their means of delivery are located;

e. secure essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraqis; and

f. deter wider conflict both inside Iraq and the region."

378. The UK's wider political objectives in support of the military campaign were to:

"a. demonstrate to the Iraqi people that our quarrel is not with them and that their security and well-being is our concern;

b. work with the United Nations to lift sanctions affecting the supply of humanitarian and reconstruction goods, and to enable Iraq's own resources, including oil, to be available to meet the needs of the Iraqi people;

c. sustain the widest possible international and regional coalition in support of military action;

d. preserve wider regional security, including by maintaining the territorial integrity of Iraq and mitigating the humanitarian and other consequences of conflict for Iraq's neighbours;

e. help create conditions for a future, stable and law-abiding government of Iraqis;

f. further our policy of eliminating terrorism as a force in international affairs."

---

[179] Minute Bowen to Manning, 11 February 2003, 'Iraq: Military Campaign Objectives' attaching Paper Cabinet Office, February 2003, 'Iraq: Military Campaign Objectives'.

379. The paper listed seven immediate military priorities in the aftermath of hostilities:

"a. provide for the security of friendly forces;

b. contribute to the creation of a secure environment so that normal life can be restored;

c. work in support of humanitarian organisations to mitigate the consequences of hostilities and, in the absence of such civilian humanitarian capacity, provide relief where it is needed;

d. work with UNMOVIC/IAEA to rid Iraq of its weapons of mass destruction and their means of delivery;

e. facilitate remedial action where environmental damage has occurred;

f. enable the reconstruction and recommissioning of essential infrastructure for the political and economic development of Iraq, and the immediate benefit of the Iraqi people; and

g. lay plans for the reform of Iraq's security forces."

380. The paper stated that:

- Those tasks would, "wherever possible", be carried out in co-operation with the UN.
- UK military forces would withdraw as soon as possible.
- The UK hoped to see early establishment of a transitional civilian administration.
- The UK would work with the international community to build the widest possible international and regional support for reconstruction and the move to representative government.

381. The paper concluded with the 7 January description of the desired end state for a post-Saddam Hussein Iraq (see Section 6.4).

382. On 12 February, the Chiefs of Staff noted that work on the UK objectives paper had been concluded, but not finally endorsed. The paper would be "ready for release at the start of any offensive campaign".[180]

383. Mr Hoon discussed the objectives with Secretary Rumsfeld in Washington on 12 February.[181]

---

[180] Minutes, 12 February 2003, Chiefs of Staff meeting.
[181] Letter Manning to Rice, 14 February 2003, 'Iraq: Military Campaign Objectives'.

384. Sir David Manning sent a copy to Dr Rice on 14 February.[182] He explained that the UK military campaign objectives were "compatible but not identical" to 'Iraq: Goals, Objectives, Strategy' (the US document handed to Sir David by Dr Rice on 31 January).

385. Sir David explained that the UK and US were committed to ridding Iraq of WMD and recognised the need to remove the current Iraqi regime if military action proved necessary, but the UK document avoided references to "liberation". No firm decision had been taken, but the likelihood was that the UK would publish its objectives if and when military action was decided.

386. A final version of the military campaign objectives, with changes to the introductory paragraphs (reflecting the outcome of negotiations in the UN Security Council) but not to the objectives themselves, was placed in the Library of the House of Commons by Mr Hoon on 20 March.

387. In a speech on 11 February, Mr Straw explained that the UK's first objective in Iraq was disarmament. The next priority was to work with the UN to help the Iraqi people recover.

388. In a speech at the International Institute for Strategic Studies on 11 February, Mr Straw stated that if military action did prove necessary, "huge efforts" would be made "to ensure that the suffering of the Iraqi people" was "as limited as is possible".[183] They deserved "the chance to live fulfilling lives free from the oppression and terror of Saddam"; and to "choose their own destiny and government, and to pursue a prosperous life within a safe environment". The UK's first objective was disarmament, but the "next priority would be to work with the United Nations to help the Iraqi people recover … and allow their country to move towards one that is ruled by law, respects international obligations and provides effective and representative government".

Mr Blair's meeting on humanitarian issues, 13 February 2003

389. Mr Blair convened two Ministerial meetings on post-conflict issues in February and March 2003. The first, on 13 February, covered the specific question of humanitarian assistance. The second, on 6 March, addressed wider post-conflict issues and is addressed later in this Section.

390. At the meeting on 13 February, Mr Blair listed three UK post-conflict priorities:

- **that the UN "must play a key role", which he did not define;**
- **a UK lead on humanitarian issues in southern Iraq; and**
- **mobilisation of other contributors.**

---

[182] Letter Manning to Rice, 14 February 2003, 'Iraq: Military Campaign Objectives'.
[183] *The Guardian*, 11 February 2003, *The Foreign Secretary's address to the International Institute for Strategic Studies*.

391. The lack of precision in the instructions to departments from No.10 after the meeting was indicative of the Government's persistent failure to define the component parts of the post-conflict task and how different departments would be responsible for addressing them.

392. In particular, the relationship between humanitarian relief and wider reconstruction, and between short-, medium- and long-term post-conflict tasks, tended to be overlooked or left unclear.

393. Throughout the planning process Mr Blair continued to request, and receive, separate advice on post-conflict issues from Mr Straw, Mr Hoon and Ms Short.

394. Mr Blair convened a meeting on humanitarian issues with Mr Straw, Mr Hoon, Ms Short, Admiral Sir Michael Boyce (CDS) and No.10 officials in the margins of Cabinet on 13 February.[184] Sir Michael Jay, Sir Kevin Tebbit and Mr Chakrabarti were not present.

395. The IPU briefing for Mr Straw set out three objectives for the meeting, including:

"
- encourage Ms Short to engage fully in planning;
- persuade Ms Short that she should allow DFID money to finance small scale [reconstruction] projects in the area administered by a UK commander."

396. On the assumption that discussion might stray beyond humanitarian issues, the briefing included "a background note on other key 'Day After' issues", including:

> "**For how long do we want to run a geographical sector of Iraq?**
>
> "… it seems very likely that UK forces (under US command) will find themselves occupying an area of south-east Iraq …
>
> …
>
> "In practical terms, administration of a geographical sector will be very labour intensive. It will be dangerous and difficult …
>
> "There is likely to be a hybrid model of both geographical sectors under different interim administrations, and lead countries responsible for some issue nation-wide. So, for example, the US want to lead on military issues throughout Iraq. But the detail of a hybrid model remains unclear."[185]

---

[184] Letter Cannon to Bewes, 13 February 2003, 'Iraq: Humanitarian Issues'.
[185] Minute Iraq Planning Unit [junior official] to Private Secretary [FCO], 12 February 2003, 'Meeting on Iraq Day After Issues Before Cabinet 13 February'.

397. The other issues listed were:

- whether the UK wanted to lead on justice;
- the role of the UN; and
- UK commercial involvement.

398. Before the meeting, Mr Bowen advised Sir David Manning that:

> "The Prime Minister will … want to seek Clare [Short]'s engagement in the potential humanitarian relief operation and reconstruction – which will need funding and the commitment of human resources as a priority."[186]

399. The No.10 briefing note for Mr Blair stated that the purpose of the meeting was to discuss "humanitarian aspects of developments in Iraq", but that there also needed to be "quick agreement on a US/UK policy for a post-conflict Iraq, so that plans can be made".[187]

400. Those wider issues were not addressed.

401. At the meeting, Mr Hoon reported on his Washington visit.[188]

402. Ms Short commented on the scale of the potential humanitarian crisis, stressed that military assets should not be used for humanitarian operations and suggested that NGOs would want to see a UN role.

403. In response to a question from Mr Blair about whether the UK should "take the lead on humanitarian action in the southern zone", Ms Short said that she was in favour. The UK could do an "exemplary job" in the zone on both military and humanitarian fronts.

404. The No.10 record of the meeting stated that Mr Blair concluded:

"
- The UN must play a key role, both to reassure the NGOs and also for political reasons, to avoid the impression of a US takeover of Iraq. He asked DFID, FCO and MOD to co-ordinate advice so that he could discuss with President Bush.
- We should seek to take the lead on humanitarian issues in the southern zone of Iraq.
- We must work up a strategy for mobilising other contributors on the humanitarian side: France and Germany could play a role, as could Japan."

405. No further instructions were sent to departments by No.10.

---

[186] Minute Bowen to Manning, 13 February 2003, 'Meeting on Iraq: Humanitarian Follow-up'.
[187] Minute Cannon to Prime Minister, 13 February 2003, 'Iraq: Humanitarian Planning'.
[188] Letter Cannon to Bewes, 13 February 2003, 'Iraq: Humanitarian Issues'.

406. Mr Hoon instructed MOD officials to take forward work with the FCO and DFID.[189] Mr Watkins explained to Mr Simon Webb, MOD Policy Director:

> "As he has discussed with CDS, PUS and you, the Secretary of State is clear that the MOD should act as the conduit for UK views to the US Post War Planning Office [ORHA] which has been established in the Pentagon. If the UK is to influence the Office's approach, it must present it with a consistent joined-up line: we cannot allow individual Whitehall departments to transmit possibly disparate messages to their secondees in the Office.
>
> "The underlying theme of yesterday's meeting was that all relevant government departments need to contribute to what will be a major undertaking. The role of pulling together the Whitehall line on this side of the Atlantic belongs naturally to the FCO. Mr Hoon presumes that the FCO will now move quickly to pull together the views of the relevant departments … Mr Hoon's clear recollection is that all three Secretaries of State concerned were asked to provide the Prime Minister with co-ordinated advice on how the UK should structure its approach to post-conflict planning and what level of contribution it should be prepared to make (not just the narrow UN point …). I have spoken to No.10 and the Foreign Secretary's Office accordingly.
>
> "Mr Hoon would be grateful if you would speak to your counterparts in the FCO and DFID to ensure this work is being taken forward in the right lines."

407. In his statement of 14 January 2011, Mr Blair explained to the Inquiry that:

> "… we broke down planning into three parts: humanitarian – the priority for DFID; Military – with the MOD; and political with the FCO …
>
> "Though the Iraq Planning Unit was formally established in February 2003, some planning was already under way and co-ordinated by the ad hoc officials group [AHGI] from October 2002 … but above all planning was under way within departments …
>
> "… [I]ndividual Secretaries of State were responsible for each separate stream. The Cabinet was debating the issue and there was a constant process of exchange at official level passed up to me and the Ministers. As we came to recognise … it would have been better to have had more integrated planning at an earlier time; and certainly there is a lesson there."[190]

---

[189] Minute Watkins to Policy Director, 14 February 2003, 'Iraq: Humanitarian Issues'.
[190] Statement, 14 January 2011, pages 13-14.

408. On 14 February, Ms Short advised Mr Blair of constraints on the UK's ability to perform an "exemplary" humanitarian role in Iraq.

409. In response, Mr Blair restated the need to "get the US to accept the UN role".

410. Ms Short sent Mr Blair a letter on 14 February setting out "key humanitarian issues and some thoughts on the UN's role which we need to pursue with the US".[191] Ms Short advised:

> "The vulnerability of the Iraqi people to humanitarian catastrophe should not be underestimated … Iraq should be an upper middle or high income country. Instead its average earnings have plummeted in the last two decades, its population is largely dependent on food handouts, its agricultural sector operating well below capacity. Iraqi people's lives are perilously fragile – their private coping strategies worn away by years of misrule … The situation in the centre and south of Iraq is much worse than in the north …"

411. Ms Short also expanded on her comments on the UK's ability to do an "exemplary" job, made at Mr Blair's meeting on 13 February. She told Mr Blair there was a "great opportunity" for the UK to play "an exemplary humanitarian role" in a sector under UK control, within an agreed international framework set out in a second resolution. Such a resolution "should address the UN's lead role after conflict and underline the prioritisation of humanitarian considerations".

412. Ms Short also highlighted budgetary constraints. She could not:

> "… take resources from other poor and needy people to assist post-conflict Iraq. Without some understanding on finance, I cannot responsibly commit DFID to the exemplary partnership with MOD which we discussed."

413. In her evidence to the Inquiry, Ms Short focused on the resolution's importance to reconstruction, rather than humanitarian efforts:

> "… we knew that if we didn't get another UN resolution, we were in big trouble. We could do humanitarian, but you can't reconstruct the country, and that became an absolute obsession of Whitehall."[192]

414. Mr Blair wrote on his copy of the letter: "We must get the US to accept the UN role."[193]

---

[191] Letter Short to Blair, 14 February 2003, 'Iraq: Humanitarian Planning and the Role of the UN'.
[192] Public hearing, 2 February 2010, page 68.
[193] Manuscript comment Blair on Letter_Short to Blair, 14 February 2003, 'Iraq: Humanitarian Planning and the Role of the UN'.

UN preparations

415. Mr Annan briefed members of the UN Security Council on humanitarian contingency planning on 13 February.

416. Mr Annan and Ms Louise Fréchette, UN Deputy Secretary-General, briefed members of the Security Council on the UN Secretariat's humanitarian contingency planning and financial requirements on 13 February.[194]

417. Mr Annan reported that Ms Fréchette had led a steering group of the relevant UN departments, funds and programmes since November 2002 to prepare contingency plans in case of conflict. The task would be complex because of the large number of Iraqis already dependent on international aid through OFF.

418. Ms Fréchette explained that the UN agencies had developed an integrated humanitarian plan for Iraq, working with the six neighbouring countries, the ICRC and NGOs. US$30.6m had already been pledged and the UN was preparing a request for a further US$88.8m. Much more would be needed in the event of a "medium-case scenario" of two to three months' acute conflict, which would trigger a "flash appeal".

419. The US$2.22bn UN Flash Appeal for Iraq was launched on 28 March (see Section 10.1).

420. Mr Straw raised the Security Council briefing with Mr Annan on 14 February.[195] Mr Annan's concerns were understandable, but "the US was doing a huge amount on this, and the UK was contributing and planning also. DFID were active, and keen on UN cover for an operation." Mr Annan stated that all the humanitarian agencies also wanted UN cover, including for the reconstruction effort.

421. Mr Straw "pointed out that there was in this area an inverse relationship between loudness of rhetoric and willingness to contribute hard cash".

422. Sir Jeremy Greenstock, UK Permanent Representative to the UN from 1998 to 2003, told the Inquiry that the UK Permanent Mission to the UN in New York (UKMIS New York) discussed post-conflict Iraq with the UN Secretariat in February 2003.[196] There were very clear indications the UN did not want the administration of Iraq to become its responsibility. It was more focused on the things it was very good at:

> "… food supply, some policing perhaps, help for the political process and other aspects of services to a population or territory in trouble but not to take full responsibility."

---

[194] Telegram 257 UKMIS New York to FCO London, 14 February 2003, 'Iraq: UN Humanitarian Contingency Planning'.
[195] Telegram 268 UKMIS New York to FCO London, 15 February 2003, 'Iraq: Foreign Secretary's Meeting with the UN Secretary-General: 14 February'.
[196] Public hearing, 15 December 2009, page 5.

The absence of a "winning concept"

423. In mid-February, officials expressed concern about two significant risks:

- **the potential "nightmare scenario" of no second resolution and, at best, only a weak legal basis for military action; and**
- **the continuing absence of a coherent plan for the administration of Iraq.**

424. Over the previous year, Ministers, the military and officials had identified effective preparation for the post-conflict phase as a requirement for strategic success.

425. Mr Hoon had reminded Mr Blair as recently as 16 January that a satisfactory post-conflict plan was needed before a decision was taken to deploy UK forces (see Section 6.4).

426. As the extent of US opposition to a UN lead on civil administration became clearer and the likely start date for military action approached, the Government needed to reassess policy and prepare for the possibility that the US could not be persuaded of the UK view.

427. No reassessment of UK policy took place.

428. Section 3.7 describes Mr Chaplin's analysis of the prospects for a Ministerial-level meeting of the Security Council on 14 February. On 13 February, he advised Mr Ricketts that it was:

> "… probably the last opportunity to reflect on whether we can extract … a better outcome … than at present looks likely.
>
> "… No SCR and a feeble, at best, legal basis for military action is a nightmare scenario … A quick collapse of the Iraqi regime (quite likely); subsequent clear proof, because we find the stuff, that we were right all along about the Iraqi WMD threat (*questionable – what convinces the experts may not convince public opinion unless it is pretty spectacular); and a smooth transfer to a democratic and stable government (improbable, especially without UN cover) would reduce the damage. But this is a high risk route."[197]

429. On 14 February, officials advised No.10 of the critical importance of a satisfactory post-conflict plan as part of an overall "winning concept" for Iraq.

430. A Cabinet Office paper on "winning the peace" gave a clear description of the potential scale of the post-conflict task and the long list of issues still to be resolved with the US.

---

[197] Minute Chaplin to Ricketts, 13 February 2003, 'Iraq: The Endgame'.

431. The paper warned that there was "no coherent plan of how Iraq will be governed beyond the first 3 to 6 months".

432. On 14 February, in response to a request for a note on key messages for use with the US, Mr Drummond sent Sir David Manning a paper on "winning the peace", cleared with the IPU.[198]

433. Mr Drummond stated: "A satisfactory plan for post-conflict is critical to whether we have a 'winning concept'."

434. "Victorious Coalition forces" could expect to find an Iraq with certain "broad characteristics":

- the remains of a command state with "some sound technical institutions, which should recover with Saddam's influence removed";
- a "brutal security apparatus with the layers closest to Saddam requiring disbandment and the rest substantial reform";
- a "dysfunctional judicial system";
- large numbers of displaced people;
- the majority of the population hungry should the OFF programme collapse;
- health, education and other public services that had declined rapidly over the last 20 years;
- damage to key infrastructure, "perhaps less than other conflicts if the campaign is quick";
- an oil-dependent country with potential and the skills available to recover quickly if well managed;
- a secular Islamic state "with potential for much greater fundamentalism";
- tribal, sectarian and, especially, ethnic divisions;
- neighbouring states "keen to press their interests" and a region "deeply nervous, if not hostile, to a continuing US military presence in Iraq".

435. It was expected that any Iraqi welcome for the removal of Saddam Hussein would be short lived:

> "… liberation will quickly become occupation … So the Coalition must have a clear public plan for restoring Iraqi representative government, for the use of oil revenues for the benefit of all Iraqis, and the means to bring early benefits of change to the Iraqi people. This will also help with the region and those members of the international community who did not support military action.
>
> "We must not underestimate the task. In recent years, we have had to remove governments in Kosovo and East Timor and replace them with international

[198] Minute Drummond to Manning, 14 February 2003, 'Iraq: Winning the Peace' attaching Paper OD Secretariat, 11 February 2003, 'Iraq: Post Conflict: Key Messages'.

administrations, but they are much smaller both in size (Wales not France) and population (2.5m in Kosovo, 25m in Iraq). In Afghanistan we have worked with a local political process and administration. In Iraq we face having to replace a government and remove a political party which has dominated Iraqi politics and institutions for over 40 years. So some similarities to post-war Germany."

436. On post-conflict planning, the paper stated:

"The US has assumed for planning purposes that it will lead the government of Iraq following military victory. It has consulted extensively with the Iraqi exile population, many of whom are well informed about the situation in Iraq, but have their own agenda. There has been extensive CENTCOM and DoD planning for the military campaign and the first 60 to 90 days. PJHQ are plugged into this well, and have helped to shape some aspects of it. There is also good progress in planning to follow up the military advance with immediate humanitarian support for the Iraqi population. But there is no serious US assessment of the consequence of CBW use on the civilian population.

"PJHQ started their own detailed planning exercise as soon as it became clear that UK forces might have control over the Basra area of southern Iraq (city population 1.5m alone) from the very early stages of the campaign … Whitehall inter-departmental teams have visited [the US] several times since last autumn to discuss the issues. Some decisions cannot of course be made until the Coalition can assess the situation post-conflict. But there is no coherent plan of how Iraq will be governed beyond the first 3 to 6 months. This risks the continuation of a military government becoming increasingly unpopular. This would be even more likely if the US proceeded with a plan of dividing Iraq into three sectors for military government.

"The US envisages that there will be three phases post-conflict:

- A military government led by a US general for the first 3 to 6 months to re-establish security and deal with the humanitarian crisis.
- Then a civilian-led international government charged with rebuilding democracy from the bottom up, restoring key services and increasing oil production. The US hope this would last 12 to 18 months but accept it might take longer.
- Handover to an Iraqi representative government at which point Coalition forces would withdraw.

"Our key concerns are to manage the task, by ensuring that we have legal cover, as much support as possible within Iraq and internationally, and as much help in both money and skills from the international community."

437. The paper stated that decisions needed to be reached with the US on:

- Legitimacy. The US had been told that the UK required the UN to legitimise the post-conflict government of Iraq and to resolve legal problems around sanctions

and OFF. "This would require a further resolution. It should be achievable if the Security Council is satisfied with the extent of UN involvement in the transition … Even Rumsfeld is beginning to accept the need for it. On current plans it would not be presented until the end of the conflict."

- UN administration. This would make sense for "international acceptability and for the skills, which the UN could bring … But the US is set against, because they believe the UN has performed poorly elsewhere. We are therefore proposing that the UN's expertise should be used in technical areas such as education and health. A UN Special Representative … will be required to pull the UN machinery together locally … We have given the US proposals for UN involvement. Mr Hoon pursued with Rumsfeld, and you will want to follow up with Condi Rice."
- The political process. "We need urgently to pin down a process so that it can be announced as soon as a decision is taken to remove Saddam by force … Again we have given the US outline proposals, but should firm them up."
- Humanitarian issues. "Although the US has good plans to bring in humanitarian relief behind the military it has not thought through how to encourage NGOs and UN specialised agencies to engage. The international community also needs a contingency financing plan …"
- The economy. A joint working group with the US was working on a plan for transparent management of Iraq's oil revenues, which needed "a political push in the US".
- Reconstruction contracts. The US needed to be encouraged to create "a level playing field".
- Security. The Pentagon wanted to withdraw units from Iraq as quickly as possible. "We must prevent the UK bearing a disproportionate share of the security burden at a time when military overstretch is causing problems with meeting our other priorities. If we are not to replicate the problems seen in Afghanistan, we will also need the US to agree early on to [a] single holistic plan for Security Sector Reform. We have offered outline proposals for the security sector. We should offer a plan."
- Justice. The US had asked the UK to lead on the revival of the Iraqi justice system.
- Sectorisation. The UK needed "urgently to understand the recent US suggestion that Iraq be divided into three geographical sectors and that we should run one of them (a much bigger area than the Basra Area of Operations) with enormous personnel and financial implications".
- The timeframe. "US plans are very ambitious. The reforms planned are unlikely to be achieved within a two year period. We are likely to need longer engagement in Iraq if we are to leave a durable legacy, but we should deliver the latter stages under an Iraqi administration. The US will need to be persuaded of this fact."

438. The paper did not address the scale of the potential UK contribution.

439. Mr Drummond explained that the IPU would take forward detailed planning, aiming for a paper that Sir David Manning could send to Dr Rice for Mr Blair to discuss with President Bush the following week.

440. It is not clear whether Mr Blair saw the paper.

441. Sir David Manning instructed Mr Cannon to "have [a] first look + mark up", but there is no evidence of further action.[199]

442. The Inquiry has seen no comment on the paper from No.10.

443. There is no indication that Mr Drummond's paper was discussed further or that the IPU prepared a second paper before Mr Blair's conversation with President Bush on 19 February.

444. On 14 February, Secretary Rumsfeld identified lessons for Iraq from the experience of nation-building in Afghanistan. The goal in Iraq was not to impose a US template, but to create conditions for Iraqis to form their own government.

445. Secretary Rumsfeld stated that a US-led Coalition in Iraq would stay as long as necessary and leave as soon as possible.

446. In a speech in New York on 14 February, Secretary Rumsfeld drew lessons for Iraq from the US experience of nation-building in Afghanistan:

> "Afghanistan belongs to the Afghans. The objective is not to engage in what some call nation-building. Rather it is to help the Afghans so they can build their own nation. This is an important distinction. In some nation-building exercises well-intentioned foreigners … can create a dependency."[200]

447. Secretary Rumsfeld stated that a US-led Coalition in Iraq would be guided by two commitments, to "[s]tay as long as necessary and to leave as soon as possible":

> "We would work with our partners as we are doing in Afghanistan to help the Iraqi people establish a new government …
>
> "The goal would not be to impose an American-style template on Iraq, but rather to create conditions where Iraqis can form a government in their own unique way, just as the Afghans did with the Loya Jirga which produced a representative government that is uniquely Afghan.

---

[199] Manuscript comment Manning to Cannon, 18 February 2003, on Minute Drummond to Manning, 14 February 2003, 'Iraq: Winning the Peace' attaching Paper OD Secretariat, 11 February 2003, 'Iraq: Post Conflict: Key Messages'.
[200] US Department of Defense, 14 February 2003, *Speech: Beyond Nation Building*.

"This is not to underestimate the challenge that the Coalition would face. Iraq has several advantages over Afghanistan. One is time. The effort in Afghanistan had to be planned and executed in a matter of weeks after September 11th. With Iraq, by contrast, there has been time to prepare. We have set up a Post War Planning Office to think through problems and co-ordinate the efforts of Coalition countries and US Government agencies. General Franks in an inter-agency process has been working on this for many months.

"A second advantage is resources. Afghanistan is a poor country that has been brutalized by continuous war – civil war and occupation. Iraq has a solid infrastructure with working networks of roads and [resources] and it has oil to help give free Iraq the means to get on its feet."

448. In his speech to the Labour Party Spring Conference, Mr Blair stated that the UK should be as committed to rebuilding Iraq as to removing Saddam Hussein.

449. He offered no detail on what form that assistance might take.

450. Before his speech to the Labour Party Spring Conference in Glasgow on 15 February, Mr Blair asked officials for information on a number of issues, including some raised by Ms Short in her letter of 14 February:

"(a) How many Iraqi children under the age of five die each month? (We have seen the figure of 150 deaths per 1000. Is this accurate, and what does it mean in actual numbers?)

(b) How many political prisoners are there in prison in Iraq at any time?

(c) Is Northern Iraq better administered than the rest of Iraq? If so, what concrete examples can we give?

…

(f) How were the Shia and Kurd uprisings after the Gulf War put down?

(g) What was Iraq's standard of living in the 1960s compared with eg Portugal, Taiwan, and others? And today?"[201]

451. The FCO response emphasised the unreliability of the available data, in particular for infant mortality and the number of political prisoners.[202] The FCO also advised that the comparative figures on GDP per capita came from different sources and should only be used as indicators, although the comparison between Iraq and Portugal was "particularly illuminating".

---

[201] Minute Rycroft to Owen, 14 February 2003, 'Iraq: Prime Minister's Speech'.
[202] Letter Owen to Rycroft, 14 February 2003, 'Iraq: Prime Minister's Speech'.

452. At Mr Rycroft's request, the FCO later provided additional comparators for GDP growth and new figures on infant mortality agreed with DFID.[203]

453. Mr Rycroft drew on the FCO response to recommend text for inclusion in Mr Blair's speech.[204] Mr Rycroft made no reference to the reliability of the data.

454. Some of the material provided by the FCO and Mr Rycroft was incorporated into the speech, in which Mr Blair described Iraq as:

> "A country that in 1978, the year before he [Saddam Hussein] seized power, was richer than Malaysia or Portugal. A country where today, 135 out of every 1,000 Iraqi children die before the age of five[205] – 70 percent of these deaths are from diarrhoea and respiratory infections that are easily preventable. Where almost a third of children born in the centre and south of Iraq have chronic malnutrition.
>
> "Where 60 percent of the people depend on food aid.
>
> "Where half the population of rural areas have no safe water.
>
> "Where every year and now, as we speak, tens of thousands of political prisoners languish in appalling conditions in Saddam's jails and are routinely executed.
>
> "Where in the past 15 years over 150,000 Shia Muslims in southern Iraq and Muslim Kurds in northern Iraq have been butchered, with up to four million Iraqis in exile round the world, including 350,000 now in Britain."[206]

455. Mr Blair concluded:

> "If the international community does not take note of the Iraqi people's plight but continues to address it casually this will breed terrorism and extremism within the Iraqi people. This cannot be allowed to happen.
>
> "Remember Kosovo where we were told war would destabilise the whole of the Balkans and that region now has the best chance of peace in over 100 years.
>
> "Remember Afghanistan, where now, despite all the huge problems, there are three million children in school, including for the first time in over two decades one and a half million girls, and where two million Afghan exiles from the Taliban have now returned …

---

[203] Fax Owen to Rycroft, 14 February 2003, 'PM's Speech Question'; Fax Owen to Rycroft, [undated], 'Iraq: Prime Minister's Speech'.
[204] Minute Rycroft to Prime Minister, 14 February 2003, 'Iraq: Scotland Speech'; Minute Rycroft to Prime Minister, 14 February 2003, 'Iraq: Scotland Speech – additional points'.
[205] The figure of 135 per 1,000 appears to have been taken from Ms Short's letter of 14 February to Mr Blair and not the material supplied by the FCO. Ms Short's letter made clear that the figure referred only to central and southern Iraq and quoted a figure of 72 per 1,000 for the north.
[206] *Scoop Independent News*, 17 February 2003, *Prime Minister Tony Blair's Glasgow Party Speech*.

"Ridding the world of Saddam would be an act of humanity. It is leaving him there that is in truth inhumane.

"And if it does come to this, let us be clear: we should be as committed to the humanitarian task of rebuilding Iraq for the Iraqi people as we have been to removing Saddam."

DFID contingency planning

456. In mid-February, DFID officials sought Ms Short's views on how DFID should deploy its limited resources and what balance to strike between planning for an "exemplary role" in southern Iraq and supporting the UN and the wider international effort throughout the country.

457. Officials recommended certain actions to ensure that DFID was adequately prepared for a range of roles.

458. Ms Short rejected a number of her officials' recommendations on the grounds that they might imply that military action was a certainty or presupposed a significant role for DFID to which it could not yet commit.

459. Ms Short did so despite accepting that, as a consequence, DFID would not be prepared for an immediate response in the event of military action or a humanitarian crisis on the ground.

460. Ms Short withdrew her objections by early March.

461. On 17 February, DFID officials advised Ms Short on the implications of the decisions taken at Mr Blair's meeting on 13 February.[207] DFID needed to balance the decision that the UK should take the lead on humanitarian issues in southern Iraq with its commitment to support the international system, in particular the UN, in humanitarian work across Iraq and the region. DFID needed to prioritise its "scarce human and financial resources" between those activities.

462. DFID officials had discussed the idea of an "exemplary role" briefly with senior UK military officers and the MOD, who were ready to contribute "in circumstances where the military may be the only people able to deliver humanitarian assistance, or they are needed to facilitate access by others". The Chiefs of Staff would discuss the humanitarian role of the UK military on 19 February. Officials recommended to Ms Short that, at that meeting, DFID would need to give a clearer steer on the role it expected to play and what it thought the military should do.

---

[207] Minute Conflict & Humanitarian Affairs Department to PS/Secretary of State [DFID], 17 February 2003, 'Iraq – Contingency Planning: Deployment Plan'.

463. Officials recommended that:

> "… we plan at this stage to do all four of these activities:
>
> a) Support humanitarian needs nationally and in the region, primarily through the UN and Red Cross/Red Crescent movement
>
> b) Work alongside and influence humanitarian action by US DART teams
>
> c) Work alongside the UK military
>
> d) Undertake DFID bilateral humanitarian action.
>
> "These activities are complementary and doing them all could maximise our impact – working in an exemplary way in a part of the country under UK military control (though activities b), c) and d) will have greater influence if we are co-operating closely with the UN and US delivery of assistance elsewhere in the country (through activities a) and b))."

464. Officials also recommended a number of "pre-deployment steps which we need to initiate now to be adequately prepared to play these roles effectively":

- establishing a forward base in Kuwait to allow DFID to build its capacity for deployment into Iraq, potentially including a field presence in a UK military AOR and/or Baghdad;
- deployment of a Humanitarian Adviser to Amman to liaise and work with humanitarian partners;
- regional assessment missions, including to Cyprus, Egypt, Turkey and Iran;
- deployment of a Civil-Military Humanitarian Adviser to 1 (UK) Div in Kuwait and regular visits to CENTCOM in Qatar; and
- secondments to support humanitarian co-ordination, initially to the UN Humanitarian Information Centre (HIC) in Cyprus.

465. Officials warned Ms Short:

> "If we do not have people and assets in place and ready in time, we will not be able to respond quickly and as may be needed. Once conflict has begun logistical constraints will make it extremely difficult to respond unless we have put the preparations in place."

466. Officials advised that the US was planning to carry out humanitarian work across Iraq, including in the South. If the UK did not agree with that approach, it would need to convince the US at "very senior level" that it should change its plans and that the UK was adequately resourced to play an exemplary role, which was not currently the case. It might be more realistic to supplement and influence US efforts in a UK sector. Officials recommended working alongside the US DART field office in Kuwait, "to protect and supplement the proposed exemplary role for UK humanitarian action".

467. On working alongside the UK military, the advice stated that:

- The military was considering how to revise plans to allocate resources to a potentially significant humanitarian role, but that, given the military's resource constraints, it could be "highly advantageous" if Coalition military units could supplement the UK effort with medical teams and NBC units, where it was weakest.
- DFID needed to retain flexibility to deal with the possibility that, initially, the UN and other humanitarian organisations might not be able to operate in Iraq. In those circumstances, "we would need to rely on military forces supported by embedded DFID civil/military humanitarian advisers and/or a DFID operational team".
- Significant planning and preparation had been carried out, but some sectors were poorly covered, including "fuel supply (supporting electricity generation and distribution systems), water and sanitation and the power sectors". The security environment and the ability of humanitarian agencies to engage was a "principal concern". Past experience showed that "direct DFID/UK military humanitarian action can save lives [and] alleviate suffering, and assists the process towards recovery and stabilisation".

468. On DFID-led interventions, officials advised that the military might provide security and logistics to support DFID "assessments" and:

> "… depending on priority needs potentially including the maintenance and management of key infrastructure including water and sanitation, transport infrastructure and electricity generation and transmission infrastructure in an AOR. Under these circumstances DFID would assist with technical programme support directly or via specialist contractors retained internationally. However, it has to be noted that our human resource capacity is limited (CHAD-OT [Operations Team] can provide around 25 specialists, including recruiting additional experts) and the scale of need could be immense and we may face … the threat of CBW. Therefore we should concentrate on those tasks where our experience and expertise would add most value. Working alongside Coalition military where necessary and with US DART capacity where it would enhance humanitarian response."

469. The advice concluded with a section on resource constraints. Until DFID received an indication from the Treasury or No.10 that further funds would be forthcoming, it was planning on the basis that "a substantial share of DFID's Contingency Reserve" would supplement CHAD's emergency funds and MENAD's Iraq programme budget. If a total of £60m were available from those sources in 2003/04, DFID would plan initially to commit £35m for immediate relief. Exactly how to allocate that amount would depend on the nature of the conflict and other factors, but an indicative allocation might be:

- £20m to support the work of UN agencies, the Red Cross and NGOs across Iraq;

- £5m to fund UK military Quick Impact Projects (QIPs) to help generate stability within communities; and
- £10m for DFID's own rapid response capacity.

470. The advice stated:

> "Under many scenarios, £35m is unlikely to be perceived as an adequate UK contribution to any immediate relief effort, particularly if OFF collapses. Leaving £25m for further humanitarian need, medium-term rehabilitation and reconstruction could also look very sparse. Action in response to the Secretary of State's previous two letters [Ms Short's letters of 5 and 14 February] to the Prime Minister on this rests with No.10.
>
> "If the military is involved in the direct delivery of humanitarian assistance, there will be an issue about who pays. MOD claim to be financially stretched and are keen for DFID to pay …"

471. Ms Short held a meeting to discuss those recommendations on 18 February, attended by Dr Brewer, Ms Miller, Mr Fernie and other DFID officials.[208] Mr Chakrabarti was not present, but was sent a copy of the record.

472. Ms Short stated that she was unwilling, without a clear financial package, to plan to do more than "support the UN, key international agencies, and perhaps provide some financial assistance to the UK military for Quick Impact Projects". She had repeatedly made it clear in various forums (to Mr Blair in person and in writing, and in the House of Commons) that DFID did not have the financial resources to play a major role.

473. Within those constraints, Ms Short was content for officials:

- to start discussions about possible support to NGOs not yet involved in Iraq that had specific technical expertise in areas such as water and sanitation;
- to work closely with the US on a humanitarian response, but only if there was an overarching UN mandate and financial cover; and
- "in principle", to make money available to the UK military for QIPs, to be re-examined if there was no UN mandate and the UK military was "working under a US lead".

474. Ms Short did not agree to a forward base in Kuwait on the grounds that it would imply that military action was a certainty. DFID could make scoping visits to the region and arrange for vehicles to be ready for transportation, but the equipment should not be pre-positioned in the region. Ms Short "accepted that this would mean that DFID would not be prepared for an immediate response in the event of military action or a humanitarian crisis on the ground". She suggested that DFID consider providing more

---

[208] Minute Bewes to Conflict and Humanitarian Affairs Department, 19 February 2003, 'Iraq Contingency Planning: Update'.

funds to the ICRC, which was undertaking similar preparations to those recommended by DFID officials.

475. Ms Short also rejected the proposed deployments to Amman and the HIC in Cyprus, on the grounds that it pre-supposed a significant role for DFID, which it was as yet unable to promise.

476. The meeting considered DFID's response to three possible scenarios:

"a. US/UK bilateral action; no second Security Council resolution (SCR); US military governor without UN mandate:

- DFID would work through whichever international agencies were willing to engage: the UN, Red Cross, and others.

b. Second SCR but overall US lead:

- DFID would provide funding to UK military for QIPs; and work through the UN, Red Cross and others.

c. Second SCR with UN mandate:

- DFID would wish to be positively engaged – exactly how would depend on financial package available."

DFID would need to consider each scenario, and variations on them, in the light of the amount of finance made available.

477. Ms Short also asked officials to reconsider wording used in draft replies to Parliamentary Questions that suggested DFID had "well-established systems for responding to humanitarian crises". Iraq was a very different case.

478. Dr Brewer briefed the Chiefs of Staff on DFID's approach to humanitarian planning on 19 February.

479. Ms Short's meeting was a key exchange that defined DFID's approach to the immediate pre-conflict period:

- **DFID would prioritise "humanitarian considerations" over wider reconstruction.**
- **In the absence of further resources for humanitarian assistance and to avoid suggesting that military action was a certainty, DFID:**
  - **would prioritise support for the UN and the wider international effort throughout Iraq and the region;**
  - **would not prepare for contingencies that exceeded its current resources; and**
  - **would not deploy its full humanitarian response capability to support the immediate humanitarian effort in Iraq.**

480. Although Mr Chakrabarti did not attend the meeting on 18 February, by then he should have been aware:

- **of the possibility that the UN would not lead the post-invasion reconstruction effort;**
- **that the US might fail to produce a satisfactory post-conflict plan; and**
- **that the UK military required effective DFID support if the UK was to meet its likely obligations in Iraq.**

481. In those circumstances, as Permanent Secretary, Mr Chakrabarti should have:

- **ensured that DFID officials had:**
  - **analysed the risks associated with DFID's plans for a limited contribution to the UK's humanitarian and reconstruction effort in post-conflict Iraq;**
  - **assessed the need for contingency preparations for a much broader role in humanitarian relief and reconstruction; and**
- **shared the findings with Ms Short.**

482. There is no indication that Mr Chakrabarti engaged on the issue with Ms Short, DFID officials or the military, either before the meeting on 18 February or in the weeks remaining before the invasion.

"Sectorisation"

483. During February, UK officials became increasingly concerned about the risk that the UK might agree to take responsibility for a geographical sector of Iraq before the implications of doing so had been examined.

484. A draft IPU paper on "sectorisation", not yet agreed with the MOD, recommended that the UK should make clear to the US that it was unwilling to take responsibility for a sector for more than 60 days unless its presence was authorised by the UN and there was to be an early move to a UN transitional administration.

485. IPU guidance for UK officials attending the US inter-agency Rock Drill on post-conflict issues on 21and 22 February stated that, in the very short term, the UK would have to administer a small area, most likely around Basra, where its troops were present at the end of hostilities.

486. The UK would not make a commitment to administer a division-sized area in the medium to long term.

487. On 14 February, Mr Ehrman reported to Mr Ricketts that at a "[Sir David] Manning meeting" on post-conflict issues, Sir David had "expressed strong concern that junior

CENTCOM planners seemed to be dreaming up an ever larger area of Iraq for the UK to administer".[209] The Chiefs of Staff had advised Mr Blair that it would be easier for the UK to play a smaller post-conflict role if it was part of a Coalition fighting force; the opposite now seemed to be the case. Sir David had said that:

> "[Mr Richard] Armitage [US Deputy Secretary of State] was talking of military administration for two years. The Pentagon seemed to be more sensible, talking of six months. Did we [the UK] not need to reduce our 40,000 troops to around 5,000 by the end of six months? And who would pay for all this? Some on the US side seemed to be saying: you pay for what you administer."

488. Mr Ehrman had suggested to Sir David that if the UK were to take on a sector it should be getting as many like-minded allies as possible to join it:

> "We should use the Anglo-Italian and Anglo-Spanish summits for this. Simon Webb wondered whether Spain and Italy would be able to contribute. They were almost fully committed in Kosovo, and we were trying to line up Spain as the next ISAF [International Security Assistance Force in Afghanistan] lead. David Manning however favoured using the summits for the purpose I suggested. He also said we should look to involve Arab countries: Egypt, Jordan, UAE, and maybe also Malaysia and Pakistan."

489. Mr Ehrman informed Mr Ricketts that Sir David Manning had asked the MOD:

> "… to get the best information they could, at a senior level, on what size of sector was really being proposed for the UK; and FCO, with MOD, then to let No.10 have views on the issues which would be involved in its administration, and how we would seek to deal with these".

490. Mr Ehrman said that the FCO would be setting up a meeting with the MOD at official level the following week.

491. On 17 February, the IPU sent Mr Ehrman a paper on sectorisation as part of his briefing for a meeting on post-conflict issues chaired by Lieutenant General Anthony Pigott, Deputy Chief of the Defence Staff (Commitments) (DCDS(C)).[210]

492. In the covering minute, the IPU proposed objectives for the meeting, including agreement on the need for "express international authorisation of any Coalition occupation of Iraq (ie a 'third' Security Council resolution)", and for:

> "… an early move from a Coalition military occupation to a UN interim administration: we need to make clear to the US that we shall not be prepared to stay at all long (60 days?) under a US/Coalition administration. If there is an early move to a

---

[209] Minute Ehrman to Ricketts, 14 February 2003, 'Iraq: Day After'.
[210] Minute Iraq Planning Unit [junior official] to Ehrman, 17 February 2003, 'Iraq: General Pigott's Meeting: Sectorisation and UN Involvement' attaching Paper [undated and unattributed], 'A UK Geographical Sector of Iraq?'.

UN interim administration, we should be prepared to be 'lead nation' for a sector. It would be useful to discuss what this might mean in practice. A lead on security and willingness to take a lead role in UN discussions?"

493. The IPU explained that there was "a slight difference" between MOD and FCO advice being prepared for No.10. The FCO proposed that the UK should take the lead on security in a sector "only if there is a UN interim administration". The MOD "appear willing to contemplate taking on a rather greater burden in a sector so long as there is a UN-authorised Coalition/US administration".

494. The two positions were reconciled in the joint briefing on post-conflict UN involvement prepared by the IPU for Mr Blair's conversation with President Bush on 19 February.

495. In the paper on sectorisation, prepared with input from UND and FCO Legal Advisers, the IPU assumed that under any military plan UK forces would secure a "UK sector" in southern Iraq. Four questions then arose:

"
- how long should UK forces remain?
- should other UK civilians/administrators be in Iraq?
- what should be their task?
- which area should they be in?"

496. Options ranged:

"
- from occupying as small an area as possible (initial plans were for around 1,600 sq km[211] around Basra and Umm Qasr) for as short a time as possible (until we can hand over to someone else, or simply withdraw without leaving a bloodbath)
- to occupying a large area of south-eastern Iraq and administering it as an occupying power for perhaps 2-3 years, until an Iraqi administration takes over."

497. The paper listed four constraints on the UK approach to sectorisation:

- growing debate about the legality of occupation the longer Coalition Forces remained in Iraq without a UN mandate;
- UK and US interpretations of their responsibilities under international law might differ;
- reduction in UK force numbers "must begin by July/August, to achieve reduction to medium scale by October/November";
- financing: military costs alone would be £2.5bn. The paper asked: "MOD: is this known to Treasury?"

---

[211] The figure of 1,600 sq km was used repeatedly in policy and briefing papers during January and February 2003. This was mistaken. It should have been approximately 16,000 sq km.

498. The IPU listed pros and cons of sectorisation:

> "Pros
>
> International Profile (though this could be negative).
>
> Ability to make a real difference: exemplary administration of a sector, setting the standard for others operating elsewhere.
>
> Control: less dependent on others (US in particular).
>
> Cons
>
> Exposure: the former colonial power again administering Iraq. Possible resentment, even resistance. Much would depend on the international environment.
>
> Expense. Long-term commitment / military overstretch / drain on other human resources (NHS staff, armed policemen).
>
> We want a united (albeit federal) Iraq. Lengthy occupation of sectors by [a] different power would mean different systems of administration, and make a united Iraq more difficult to achieve. (? Bosnia)"

499. The IPU offered a tentative conclusion, in which it square bracketed all references to the possible duration of the UK's responsibility for a sector. The IPU stated that "in any foreseeable circumstances, the UK has the capacity to secure and occupy for [six] months" the 1,600 sq km initially envisaged, "though we think it is in fact rather larger than that", and to "take on a wide range of tasks". The larger the sector, the shorter the time the UK could administer it for. On that basis, the IPU recommended:

> "We need to make clear to the US that **we are unwilling to take responsibility for a sector for more than [60 days] unless our presence is clearly and expressly authorised by the UN, and there is to be an early move to a UN transitional administration**. So we can operate as 'lead nation' (ensuring security) within a UN transitional administration, but are not willing to take on a medium-term (two year) administration on our own, under a US occupation of Iraq which lacks UN authorisation. We should tell the US that, were we to find ourselves in that position, we would want to hand over to them [at the end of 60 days]. And they would find it extremely difficult to find anyone to share the burden."

500. The record of Mr Ricketts' Iraq Evening Meeting on 18 February stated that "a possible UK sector" had been one of the subjects discussed at post-conflict talks with the MOD attended by Mr Ehrman and Mr Chilcott.[212]

---

[212] Minute Tanfield to PS/PUS [FCO], 18 February 2003, 'Iraq Evening Meeting: Key Points'.

501. The IPU paper's broad assumption in favour of administration of a small sector for a short period was reflected in the guidance for UK officials attending the US inter-agency Rock Drill on post-conflict issues on 21 and 22 February.[213]

502. The guidance, agreed by Mr Ehrman and Lt Gen Pigott, was submitted to Ministers on 20 February.[214]

503. In the second half of February, Treasury officials expressed concern about the resource implications of the UK taking on responsibility for a geographical sector of Iraq.

504. They advised that the "emerging politics" of post-conflict Iraq pointed to a much longer and larger commitment than initial MOD estimates suggested.

505. Papers by No.10 and the Treasury on the financing of post-conflict reconstruction also emphasised the risk of a significantly higher cost to the UK in the absence of a UN mandate.

506. On 19 February, Treasury officials updated Mr Brown on post-conflict issues for meetings with Mr John Snow, the US Secretary of the Treasury, and other G7 Finance Ministers:

> "Iraqi reconstruction may come up at this meeting. Even if Mr Snow does not raise it, you may wish to. Our sense is that momentum on the issue is developing very fast, and there is a risk that the financing agenda could be set by policy decisions taken in Foreign and Defence Ministries. Sharing ideas with Mr Snow may be a useful way to begin to redress this balance. An additional approach would be to write round Whitehall colleagues sharing your concerns (for instance, about the economic and financing implications of foreign and defence policy decisions)."[215]

507. Officials attached a paper identifying three "pitfalls" on the path to achieving Treasury objectives in Iraq (establishing prosperity and stability while sharing the cost fairly):

- UN cover. Without this, the UK would have to contribute more to the reconstruction effort, IFIs would find it hard to engage, and the international community would be unable to resolve crucial financing issues such as debt rescheduling.
- Being realistic about the decisions a transitional Iraqi government could take. It could be illegitimate and destabilising for the transitional government to take decisions on Iraqi economic policy.

---

[213] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)' attaching Paper [unattributed], 'Iraq Day After: Guidance for Officials at US ROCK Drill'.
[214] Minute Pollard to PS/Secretary of State [MOD], 20 February 2003, 'Iraq: Day After'.
[215] Minute [Treasury junior official] to Chancellor, 19 February 2003, 'Update on Iraq' attaching Paper Country Economics and Policy Team, 19 February 2003, 'Iraqi reconstruction: pitfalls and process'.

- The implications of establishing administrative sectors in Iraq: "If the UK takes on one, the cost – in terms of money and administrative burden – could rocket, and our stay lengthen."

508. The paper stated:

> "… we should learn and apply some generic post-conflict lessons including: ensuring UN involvement does not stretch to running economic policy or co-ordinating reconstruction; not committing resources until a needs assessment has been done; and trying to prevent foreign ministries taking financing decisions (even by default).
>
> "The momentum of this issue makes it difficult for us to influence decisions, as does the concentration of decision-making in the US White House/NSC and Department of Defense. But the UK is feeding into this at official level via a new Iraq Planning Unit – we are leading an economic sub-group within this."

509. Mr John Dodds, Head of the Treasury Defence, Diplomacy and Intelligence Team, sent comments to Mr Brown the same day, focusing on sectorisation:

> "… a key decision that will need to be taken very soon is whether … the country should be split into sectors for administrative and peacekeeping purposes and whether the UK should take responsibility for one of the sectors.
>
> "This is a decision that will have substantial public expenditure implications. If there were a UK sector we would find ourselves locked into the management of the aftermath for a substantial period (perhaps as long as five years) rather than allowing other countries – who will not have borne any costs of the conflict itself – to make their contribution."[216]

510. Mr Dodds added that the net additional cost to the UK "would certainly be hundreds of millions of pounds a year", more if there were no UN authorisation. The US appeared to favour a sectoral approach, but the need to bring in expertise from the widest possible range of sources and to avoid the perception that the UK was occupying "part of the Arab world" argued for a more internationalist approach. Mr Dodds explained that Treasury officials were taking every opportunity to stress to FCO and MOD colleagues that Mr Brown would want to have an input to any decision on sectorisation, but recommended that he underline the point himself with Mr Blair, Mr Straw and Mr Hoon.

511. The following day, a Treasury official provided further advice to Mr Brown and Mr Paul Boateng, Chief Secretary to the Treasury.[217] He reported that the Treasury now had the MOD's first estimates of the likely total cost of conflict in Iraq "if a decision is

---

[216] Minute Dodds to Chancellor, 19 February 2003, 'Iraq – "Aftermath" – UK Role' attaching Paper Dodds/[Treasury junior official], 19 February 2003, 'Iraq conflict – public expenditure impact'.
[217] Minute [Treasury junior official] to Chancellor, 20 February 2002, 'Iraq: update on potential cost and how should we present them?'

made to stay … and provide a medium-term stabilisation/peace keeping force". The upper limit, based on what was feasible in military terms, was a two-year commitment at a total cost of £1.6bn. The advice continued:

> "The extent to which any of this is optional is unclear. We think that, because of our Geneva convention obligations, it will be impossible to resist keeping a substantial force in theatre for at least six months post the end of fighting … In practice the emerging politics of a post-conflict Iraq point to a much more substantial commitment both in terms of size and length of stay."

512. The official raised the need to take into account the cost of humanitarian and reconstruction assistance. He did not expect that the Treasury's insistence that departments (mainly DFID) should meet those costs through budget reprioritisation would hold. As a "worst case", he anticipated £250m for humanitarian costs and £250m for reconstruction costs in the UK financial year 2003/04 (with figures for future years to be determined later).

513. On 24 February, Mr Jeremy Heywood, Principal Private Secretary to Mr Blair, sent Mr Mark Bowman, Mr Brown's Principal Private Secretary, a paper on financing Iraqi reconstruction prepared by the No.10 Policy Directorate. Mr Blair wanted to share the paper with the US as soon as possible.[218] The paper was also sent to the FCO, DFID, DTI and the Cabinet Office.

514. The No.10 paper stated that the cost of "reconstruction and nation-building" in Iraq would be between US$30bn and US$105bn, excluding the direct cost of conflict and post-conflict peacekeeping. Only an administration enjoying the legitimacy provided by the UN would be free to engage with the financial markets to secure funding for Iraq's long-term future.

515. Mr Bowman replied on 25 February, explaining that the Treasury "fully supports the main message of the paper, that, in the absence of a UN mandate, the financing costs of reconstructing Iraq will be significantly higher".[219] Mr Bowman offered detailed comments on the text and pointed out that the Treasury was already involved in complementary work alongside the IPU and in liaison with the US and Australia.

516. Mr Straw's Private Office reinforced the message that work was already under way elsewhere, adding that "interdepartmental discussion is needed to get the complex issues touched on right".[220] It added that, while it was welcome that No.10 wanted to share UK concerns and explore options with the US at a high level, the paper needed improvement. If shared with the US in its current form it would undermine efforts to build up a constructive bilateral dialogue on post-conflict economic issues.

---

[218] Letter Heywood to Bowman, 24 February 2003, 'Iraq: Reconstruction' attaching Paper [unattributed and undated], 'Financing the Reconstruction of Iraq'.
[219] Letter Bowman to Heywood, 25 February 2003, [untitled].
[220] Letter Owen to Heywood, 25 February 2003, 'Iraq: Reconstruction'.

517. A revised draft was prepared, but not shared with the US.[221]

518. UK/US discussion of the post-conflict financing of Iraqi reconstruction is described in Sections 10.1 and 10.2.

The post-conflict Rock Drill

519. The stated aim of the UK delegation to the US inter-agency Rock Drill on 21 and 22 February was to encourage the US to draw the conclusion that the job of administering Iraq was too large for the US, that a large Coalition was the key to success, and that this could only be achieved by securing UN authorisation for Phase IV.

520. Instead, the Rock Drill only confirmed the scale of the shortcomings in US post-conflict planning, including the deficiencies of ORHA, and the continuing gap between UK and US positions on the role of the UN.

521. Sectorisation remained unresolved after the Rock Drill.

522. On 19 February, the Chiefs of Staff discussed post-conflict planning in the context of the forthcoming US Rock Drill, an inter-agency rehearsal for post-conflict administration convened by Lt Gen Garner and scheduled for 21 and 22 February.[222] The FCO (Mr Ehrman), the Cabinet Office (Mr Bowen), SIS, Maj Gen Cross and, for the first time, DFID (Dr Brewer) and the IPU (Mr Chilcott) were present.

523. Lt Gen Reith reported that Mr Blair wanted:

> "… an exemplary aftermath but [was] not committed to any particular size of UK AOR pending further advice on objectives, capability and capacity to sustain. It was … unclear who the US anticipated placing as sector leaders given that few other nations would be able to support the task within three months. Therefore, there may be an unsupportable expectation that the UK would control a relatively large area. Pragmatically, however, aftermath operations would commence locally whenever and wherever hostilities ceased, not necessarily coincident with any plan.
>
> "The FCO view was that other nations should be involved as soon as possible and that early commitment to any nascent US sector plan should be avoided …
>
> "The UK line to take at the Rock Drill would be the commitment in principle to the immediate involvement in aftermath ops but not yet to any long-term plan, noting the PM's wish to exert maximum influence in aftermath planning. Clarity was needed on the proposed command chain in Phase IV and whose political and legal authority would prevail."

---

[221] Manuscript comments Manning and Drummond on Email Heywood to Banerji, Manning, Powell and Adonis, 3 March 2003, 'Financing the Reconstruction of Iraq' attaching Paper [unattributed], 'Financing the Reconstruction of Iraq'.
[222] Minutes, 19 February 2003, Chiefs of Staff meeting.

524. Dr Brewer set out DFID's approach to humanitarian planning. The UK was "well placed to play an exemplary role in humanitarian support in the UK AOR but saw UN authorisation as essential to effective involvement". DFID had identified four potentially complementary routes for delivering support (through UN agencies, the US military, UK military and DFID bilaterally), subject to five possible scenarios ranging from no UNSCR to an "all embracing UN mandate". At the two extremes, it would only be "politically possible" to provide a small amount of assistance without a second resolution, while a "full UN mandate" would require funding of £300m-£400m per year. Training for a small number of DFID staff had begun, but their deployment would depend on progress at the UN. Ms Short, while working for full commitment through the UN, would not be seeking additional resources beyond DFID's £100m contingency reserve.

525. Dr Brewer restated DFID's position in a letter to Mr Bowen on 24 February, which was copied to the MOD, FCO and Treasury.

526. The Chiefs of Staff agreed that humanitarian operations formed an essential part of the overall campaign, not least as a force protection measure, and should therefore attract Treasury contingency funding. Adm Boyce directed that humanitarian assistance be covered in the joint FCO/MOD position paper on post-conflict issues for the Rock Drill, which should make clear the potential for conflict and post-conflict phases to run in parallel from an early stage.

527. Adm Boyce summarised the key points of the discussion on post-conflict preparations, including that:

- the Rock Drill should be used "to secure maximum [UK] influence without early commitment to detail";
- a "UN-approved international civilian administrator" would be required;
- UK Phase IV activity should centre on the region around Basra; and
- the UK military commitment should be "scaled down from large to medium in the autumn".[223]

528. On 20 February, Mr Chilcott sent Mr Straw an IPU guidance note for officials taking part in the Rock Drill.[224] It had been agreed with Mr Ehrman, the MOD and the Cabinet Office, but not DFID.

529. Mr Chilcott's covering minute to Mr Straw stated:

> "There is barely any mention of the UN in the CENTCOM plans we have seen for Phase IV (post-conflict) to date. But there are gaps in the plan, which is still fluid and which we have the opportunity to influence. We shall encourage the US players at

---

[223] The only reference to reducing troop numbers "in the autumn" seen by the Inquiry. All subsequent references are to a reduction "by the autumn".
[224] Minute Chilcott to Private Secretary [FCO], 20 February 2003, 'Iraq: Day-After (Phase IV)' attaching Paper [unattributed], 'Iraq Day After: Guidance for Officials at US ROCK Drill'.

the Rock Drill to draw the conclusion that the job of administering Iraq is too large even for the US to undertake, that putting together a large Coalition – drawing on Arab countries – is the key to success, and that this can only be achieved by getting UN authorisation for Phase IV."

530. The attached guidance note focused on the arguments participants should deploy in support of "at least UN authorisation of the transitional administration, and ideally … a UN transitional administration" and offered them "strategic" guidance on the UK contribution.

531. The guidance note stated that the UK and US agreed that "there must be a phased approach to the 'day after'". For the UK, that meant "(a) military administration, (b) a UN transitional administration and (c) handover of power to a new Iraqi government". The US referred to "stabilisation", "recovery" and "transition to security".

532. On sectorisation, the guidance stated:

"
- UK will have, in the very short term, to administer the area where its forces are at the end of hostilities. No commitment to administer divisional size area in the medium to longer term. More likely a small area around Basra.
- No commitment to administering any part of Baghdad.
- Where we are involved in administration, will want to be so in an exemplary fashion."

533. On the UN, it stated:

"We need at least UN authorisation of the transitional administration, and ideally want a UN transitional administration. UN authorisation means a non-US figurehead. We need to explore further the right mix of US, UN and other elements to achieve a transitional administration which:

– is acceptable to the Iraqis;

– gains UN Security Council support;

– looks competent enough for the US.

"We should argue for:

- A UN executive administrator overseeing the international civilian transitional administration. Possibly a central European, with a high preponderance of Americans beneath him.
- The UN supervising/mentoring the majority of Iraq's technical ministries, eg health, agriculture, finance, energy.
- A separate UN figure, supported by the international community and acting in close liaison with the US, overseeing the political process leading to a new constitution, a referendum and elections.

- The US-led Coalition providing security, mandated by the UNSC but not answerable to the UN.
- The World Bank and IMF overseeing economic reconstruction, both the policy framework and the award of contracts above a certain threshold, under UN authority."

534. The guidance stated that the UK force would reduce from large scale (three brigades plus) to medium scale (one brigade plus) "if possible by the autumn".

535. The UK would make no commitment on any "vertical" (functional) sector, but, in keeping with Mr Straw's instruction of 3 February, the paper stated that the UK would consider, but not commit to, providing support for UN-led justice sector reform "provided we had the right cover".

536. Mr Straw commented that he was "very glad" to see how much the paper highlighted the UN's role and that he was "ready to weigh in at any time with [Secretary] Powell".[225]

537. Mr Pollard showed the IPU paper to Mr Hoon the same day.[226] He explained that a more detailed cross-government paper, setting out potential UK involvement in Iraq in the short, medium and long term, would be prepared after the Rock Drill.

538. The first paper matching that description was the 'UK Vision for Phase IV', sent to No.10 on 26 February and described later in this Section.

539. The Rock Drill on 21 and 22 February was the first time representatives of all US military and civilian agencies involved in post-conflict administration had met in one place.[227]

540. The UK team was led by Mr Chilcott, accompanied by a military secondee to the IPU, a DFID representative, Maj Gen Cross and (acting) Maj Gen Whitley.[228]

541. The British Embassy Washington reported that:

> "The inter-agency rehearsal for Phase IV … exposes the enormous scale of the task … Acknowledgment that this is beyond US capabilities. Private realisation by some that it will require a UN umbrella, but planning does not take account of this …
>
> "Overall, planning is at a very rudimentary stage, with the humanitarian sector more advanced than reconstruction and civil administration."[229]

---

[225] Minute Owen to Chilcott, 21 February 2003, 'Iraq: Day-After (Phase IV)'.
[226] Minute Pollard to PS/Secretary of State [MOD], 20 February 2003, 'Iraq: Day After'.
[227] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[228] Telegram 235 Washington to FCO London, 24 February 2003, 'Iraq: Day After: Rehearsal of Office of Reconstruction and Humanitarian Assistance'.
[229] Telegram 235 Washington to FCO London, 24 February 2003, 'Iraq: Day After: Rehearsal of Office of Reconstruction and Humanitarian Assistance'.

542. The record of the FCO Iraq Morning Meeting on 24 February stated that the Rock Drill:

> "… revealed a large gap between the US's ambitious plans and their ability to deliver. Our message, that they need the Coalition and, therefore, UN authorisation, appeared to hit home."[230]

543. On 25 February, Lt Gen Garner discussed the Rock Drill with Maj Gen Cross. According to Maj Gen Cross, Lt Gen Garner was irritated at US colleagues' lack of understanding of the scale of the task ahead, but did not seem to have tackled the issue with Secretary Rumsfeld. Maj Gen Cross added that Lt Gen Garner was being "run pretty ragged briefing people" and had little time to lead ORHA.[231]

544. Maj Gen Cross told the Inquiry that:

> "… [the IPU] was very small and at that stage I sensed that we had no thoughts of our own post-war.
>
> "So when Dominick [Chilcott] and the team came out to the Rock Drill … all that happened was that people listened to this debate rather than saying, 'This is what we think we should be doing.'"[232]

545. Mr Chilcott told the Inquiry:

> "We saw ORHA for the first time in action at a Rock Drill in the United States on 21 and 22 February, and there, I think, we realised quite how undercooked ORHA was as an operation …
>
> "… [T]hey hadn't been in place very long, and although Jay Garner … was a thoughtful, reasonable man who had experience of Iraq … most of the people who he had asked to join him were at that stage, you know, like him, former retired military officers and one didn't get a sense that this was drawing on the best information and best knowledge that was available to the US administration …
>
> "… And I remember at the Rock Drill thinking that the scale of the challenge that they are taking on is absolutely enormous, and the time they have got to do it is very short and the number of people they have got to do it who really know about how to run these things is actually very small.
>
> "… [I]t wasn't an organisation or an event, the Rock Drill, that inspired, I think, any of us with a great deal of confidence that this was going to go smoothly.
>
> …

---

[230] Minute Tanfield to PS/PUS [FCO], 24 February 2003, 'Iraq Morning Meeting: Key Points'.
[231] Minute Cross to DCDS(C), 25 February 2003, 'Bullet Points from Cross Since VTC with DCDS(C)'.
[232] Public hearing, 7 December 2009, page 20.

"So we had misgivings about whether we should be too closely associated with what ORHA was doing. We also had other reasons to hesitate about the day after, which was to do with the legality of ORHA's ambition. ORHA had quite a high degree of ambition in the amount of reform and reconstruction it was proposing, and we felt without specific Security Council authorisation this would go beyond what we were allowed to do as Occupying Powers on the basis of the Geneva Convention and the Hague Regulations. So we had a legal issue and we had a kind of policy issue about whether this should be a DoD beast, that made us hesitant. We certainly reported our views on the shortcomings of ORHA when we went back."[233]

546. Asked what the reaction had been in London, Mr Chilcott explained:

"We doubled our efforts in our bilaterals with the Americans to try and swing them back into a sort of concept of operations that we felt was more likely to bring success.

"So the ORHA Rock Drill was on 21 and 22 February, the Prime Minister chaired a Ministerial meeting on day after issues on 6 March, which … raised the high level of Ministerial engagement on these issues, and Mike O'Brien … led discussions on day after issues on 13 March, which I attended as well, and then there was the 16 March Azores Summit.

"So there were a series of high level events where we were making our points to the Americans."

547. Mr Chilcott added:

"I can't remember the lack of sense of preparation on the American side for a clear post-war plan ever being brought up as a reason for the UK not to be involved in whatever operation might be coming, because at the same time we had much bigger things to worry about.

…

"And this may seem difficult to believe, but even until quite late in the day, we were not sure ourselves in the Foreign Office … whether the UK would be involved … we were only absolutely sure a relatively few number of days before things kicked off that we were going to be involved.

"And there was even that wobble … when Rumsfeld said on television that if the UK wants to come with us that's fine, but if they don't, we understand and we will go it alone [see Section 3.8]. And that, I think, reflected at the time genuine doubt, certainly within the IPU and, I think, more widely in Whitehall, as to whether we were really going to be engaged or not."[234]

---

[233] Public hearing, 8 December 2009, pages 21-23.
[234] Public hearing, 8 December 2009, pages 25-26.

548. In his written evidence to the Inquiry, Maj Gen Whitley explained:

> "A 'Rock Drill' is US parlance for a complete mission rehearsal which assumes there is a plan – there was not. Instead this conference ranged across US departments describing how they were going to rewrite children's history books, form an Iraqi Fanny Mae,[235] what training for personnel was needed for ORHA, what weapons they would have and so on …
>
> "I have no idea if there were any UK objectives for the aftermath at all. The only US articulation of an end state was 'A country within current borders with a democratically elected government'. The only direction I am aware of from the Prime Minister was that 'the behaviour of British Forces is to be exemplary'. Both inadequate …
>
> "The appointment of Garner and the creation of ORHA provided very clear indications that DoD would take control of the aftermath. This became very clear during the Rock Drill during which the State Department was publicly sidelined … I … repeated my misgivings but without any great belief there was anything [the] UK could do even if it was prepared to get engaged …"[236]

549. After the Rock Drill, Mr Chilcott reported that the US military envisaged seven sectors in post-conflict Iraq, while ORHA would organise into three.

550. Mr Chilcott advised against accepting a likely US offer for the UK to head an ORHA sector.

551. Sectorisation remained unresolved after the Rock Drill. Mr Chilcott set out his understanding of the latest position on 24 February:

> "Sectors mean different things at different times in Phase IV. And the military and ORHA have different sized sectors in mind …"[237]

552. Mr Chilcott explained that it was not yet possible to know how large the UK Division's AOR would be in Phase IVa, the stabilisation phase. In Phase IVb, the recovery phase, CENTCOM planners envisaged Iraq being divided into seven sectors, each headed by a two-star general. Whether a two-star general would have a division under his command would depend on the availability of forces and the degree of difficulty in maintaining stability:

> "If there is organised resistance to the Coalition's presence, the number of boots needed on the ground could considerably outstrip the Coalition's ability to provide them. In Belfast, a city of 750,000, during the troubles, some 250 terrorists kept

---

[235] The US Federal National Mortgage Association.
[236] Statement, 25 January 2011, page 9.
[237] Paper Iraq Planning Unit, 24 February 2003, 'Iraq: Phase IV: Sectorisation'.

16 battalions busy. Basra province (the most likely UK AOR) has a population of about two million."

553. Mr Chilcott reported that (acting) Maj Gen Whitley needed guidance from London on the size of the UK commitment to Phase IV. He added that, at the Chiefs of Staff Committee on 19 February, Adm Boyce:

> "… thought we should aim to reduce to a medium size (ie one brigade) within six months and then stay at that level for as long as necessary.[238] Provided we can attract suitable partners to join us (and that would almost certainly depend on having UNSCR authorisation for Phase IV), having a UK two-star in charge of one of the sectors would be a reasonable outcome."

554. Mr Chilcott explained that ORHA would organise into three sectors – north, central and south, aligned with military sectors containing "very large numbers of people". For as long as ORHA had no UN mandate, its work would be politically controversial and was "likely to be very messy". Mr Chilcott advised against accepting an expected offer from Lt Gen Garner for Maj Gen Cross to lead one of the three sectors.

555. It is not clear who saw Mr Chilcott's paper, but some of the issues raised were discussed at a meeting chaired by Mr Blair on 6 March.

556. Lord Boyce told the Inquiry:

> "… the initial expectation was that we would be there for a while, without defining exactly what it was. But we certainly weren't expecting, the day after achieving success, to start drawing down our numbers; we were expecting to be there for a considerable period of time."[239]

557. Lord Boyce explained: "I thought we would be there for three or four years at least, and said so at the time." He added:

> "The theoretical planning against the defence planning assumptions is you don't do this sort of operation for an extended period longer than about six months. But it never seemed to me very likely that we would be out [of] there in six months."

Seeking US agreement on the post-conflict role of the UN

558. Mr Blair's Note to President Bush on the second resolution, sent on 19 February, said little about post-conflict issues.

559. There is no indication that, when Mr Blair discussed Iraq with President Bush on 19 February, he raised either post-conflict planning or the post-conflict role of the UN.

---

[238] The minutes of the Chiefs of Staff meeting, quoted earlier in this Section, recorded Adm Boyce as saying only that the UK military commitment should be "scaled down from large to medium in the autumn".
[239] Public hearing, 3 December 2009, page 101.

560. On 18 February, in response to a request for advice for Mr Blair's discussion with President Bush the next day (see Section 3.7), Sir David Manning wrote that there would be a much better chance of gaining support for the second resolution:

- if it was clear that the UN would have a "key role" after any military action and that a "massive humanitarian aid programme" would be instituted; and
- by publishing and implementing the Road Map on Israel/Palestine before any military action.

Sir David advised Mr Blair that both points would be a "tough sell" with President Bush, but "both are very important in helping us to win the argument".[240]

561. Mr Blair sent President Bush a six page Note on 19 February, reflecting the seriousness of the UK's concerns about the second resolution.[241] The Note is addressed in detail in Section 3.7.

562. At the end of the Note, Mr Blair offered "two further thoughts":

- Publishing the Middle East Peace Process (MEPP) Road Map would have "a massive impact".
- There was a "need to start firming up the humanitarian work for the aftermath of the conflict … and show how we will protect and improve the lives of Iraqi people".

563. Mr Blair and President Bush spoke by telephone on 19 February.[242]

564. Before the call, the FCO submitted the advice on key messages for use with President Bush commissioned at Mr Blair's meeting on 13 February.[243] The briefing paper was prepared by the IPU in collaboration with the MOD, the Treasury, DFID and the Cabinet Office, and listed reasons for moving quickly to a UN interim administration operating alongside a "robust Coalition military presence to ensure security".

565. The FCO concluded:

> "The greater the degree of UN involvement, the greater our ability to take part in aftermath. Without UN involvement, ongoing UK participation will be very difficult – real legal and legitimacy problems."

566. The conversation between Mr Blair and President Bush is described in Section 3.7.

---

[240] Minute Manning to Prime Minister, 18 February 2003, 'Iraq: Points for Bush'.
[241] Note [Blair to Bush], [undated], 'Note'.
[242] Letter Rycroft to McDonald, 19 February 2003, 'Iraq and MEPP: Prime Minister's Telephone Conversation with Bush, 19 February'.
[243] Letter Owen to Rycroft, 19 February 2003, 'Iraq Day after: UN involvement' attaching Paper FCO, [undated], 'Iraq Day After: UN Involvement'.

567. There is no indication in the record that Mr Blair raised either post-conflict planning or the post-conflict role of the UN during his conversation with President Bush.[244]

568. Mr Mandelson raised UK military concerns about post-conflict planning with Mr Blair on 23 February.

569. On 23 February, after visits to Japan, Korea, Bahrain and Qatar, Mr Mandelson emailed Mr Blair and Mr Jonathan Powell, Mr Blair's Chief of Staff, about Iraq, commenting that "people are more worried about what follows a war than winning it".[245] Mr Mandelson stated that:

> "American occupation and rule will be highly de-stabilising and will, in my view, radicalise opinion far more than the military action itself … At the moment, the Arab League is well balanced … If post-Saddam Iraq goes wrong we can expect mounting trouble. I should add here that Air Marshal Brian Burridge [UK National Contingent Commander (NCC)] and [Major] General Peter Wall [Deputy Chief of Operations] whom I saw at the US/British HQ outside Doha are also worried about post-Saddam planning. I am not sure exactly what is worrying them so much but they fear an FCO reluctance to 'post plan' too much, that we are not developing our own independent views but following in the American train and that we will not have sufficient strength on the ground to enforce our own judgements and will over the best arrangements for Iraqi governance after the hostilities.
>
> …
>
> "They wonder whether the perceived lack of British pre-planning over the humanitarian follow up is because Clare [Short] won't accept the likelihood of war. They emphasise the clear up – in different scenarios – will be huge. Are we all really ready for it, they wonder."

The potential for violence in the South

570. The potential scale and complexity of the post-conflict task facing the UK in southern Iraq was made clear in a February JIC Assessment.

571. The JIC warned that failure to meet popular expectations over humanitarian aid and reconstruction and rapidly to restore law and order could undermine support for any post-Saddam Hussein administration.

---

[244] Letter Rycroft to McDonald, 19 February 2003, 'Iraq and MEPP: Prime Minister's Telephone Conversation with Bush, 19 February'.
[245] Email Mandelson to Powell, 23 February 2003, 'Back from travels'.

572. On 19 February, at the request of the Cabinet Office, the JIC produced the Assessment 'Southern Iraq: What's in Store?'.[246] Key Judgements included:

- "Coalition forces will face large refugee flows, possibly compounded by contamination and panic caused by CBW use. They may also face millions of Iraqis needing food and clean water without an effective UN presence and environmental disaster from burning oil wells."
- "Iran does not have an agreed policy on Iraq beyond active neutrality. Nevertheless Iran may support small-scale cross-border interventions by armed groups to attack the Mujahideen e Khalq (MEK). The Islamic Revolutionary Guards Corps (IRGC) will continue to meddle in southern Iraq. Iranian reactions to a Coalition presence in southern Iraq remain unclear but are unlikely to be aggressive."
- "Post-Saddam the security situation in the South will be unpredictable. There is a high risk of revenge killings of former regime officials. Law and order may be further undermined by settling of scores between armed tribal groups."
- "Popular support for any post-Saddam administration in the South will depend on adequately involving the Shia in the government of Iraq as a whole as well as engaging the remains of the state bureaucracy in the South, local tribal leaders and Shia clerics in local government."

573. The JIC emphasised that intelligence on southern Iraq was limited.

574. In addition to assessments of Iraqi military dispositions and the immediate Iraqi and Shia responses to an attack, the JIC looked at Iranian policy and the post-Saddam Hussein political and security landscape.

575. The Assessment stated that Iran's aims in response to a Coalition presence in Iraq included:

- preventing refugee flows into Iran;
- ensuring a leading role for its allies among the Iraqi Shia (the Supreme Council for an Islamic Revolution in Iraq (SCIRI) and its armed wing the Badr Corps);
- minimising the size and duration of a US presence; and
- destroying the MEK.

576. Iran had interests throughout Iraq, but might consider that it had the greatest influence to pursue them in the South, through armed Shia groups such as the Badr Corps. The Badr Corps was estimated to be 3,000 to 5,000 strong, but "with the addition of reservists this may increase up to 20,000".

---

[246] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'

577. The JIC assessed that:

> "If the Coalition does not deal with the MEK, Iran may make limited cross-border rocket attacks on them … [T]he Iranian Revolutionary Guard Corps (IRGC) might act to undermine any post-Saddam peace that did not take Iran's concerns into account … We judge that both Iranian conservatives and reformers are anxious to avoid provoking a US-led attack on Iran. We therefore assess that **Iranian-inspired terrorist attacks on Coalition forces are unlikely, unless the Iranians thought the US had decided to attack them after an Iraq campaign**."

578. The JIC assessed that the Iranian regime was preoccupied with domestic concerns and was not in a strong position to project its power into Iraq.

579. Shia politics in post-Saddam Hussein Iraq were described as "highly unpredictable":

> "Saddam's regime has centralised power and stifled opposition. The only networks of influence in the South that exist outside of the Ba'ath Party are the tribes and the followers of some of the senior Shia clerics. Once the regime has collapsed, Coalition forces will find the remains of the state's bureaucratic structures, local tribal sheiks and religious leaders. There will also be a number of fractious armed groups, some strengthened by arms seized during the collapse of the regime. The external opposition will attempt to assert authority, but only those with armed forces on the ground or support from senior Shia clerics, such as SCIRI or Da'wa, another Shia Islamist group, are likely to succeed to any extent …
>
> "Given that the Shia in southern Iraq have borne the brunt of regime oppression since 1991, there is a high probability of revenge killing of Ba'ath officials, both Sunni and Shia. This could be particularly widespread and bloody … Beyond that the extent of any further breakdown of law and order is difficult to predict. But there will be large numbers of armed groups and some potential for tribal score-settling … Overall there is a risk of a wider breakdown as the regime's authority crumbles. There are no indications, however, of Shia preparations for an all-out civil war against Sunni Iraqis … Iraqis may not welcome Coalition military forces, despite welcoming the overthrow of Saddam. **The establishment of popular support for any post-Saddam administration cannot be taken for granted.** It could be undermined by:
>
> - damage to holy sites;
> - major civilian casualties;
> - lack of a UNSCR authorising a new administration;
> - heavy-handed peace enforcement;
> - failure to meet popular expectations over humanitarian aid and reconstruction;
> - failure rapidly to restore law and order;

- failure to involve the Shia adequately in a post-Saddam administration; and
- failure to be seen to run the oil industry in the interests of the Iraqi people."

Two factors might work in the UK's favour:

"
- surviving networks of influence with whom we could work, including remains of state bureaucracy and food-distribution networks, tribal leaders and religious figures; and
- receptivity of the population to information from external media and leaflet drops."

580. Mr Blair asked officials for advice on the implications of the JIC Assessment.[247]

581. Mr Cannon explained that the Cabinet Office and the IPU were "co-ordinating policy work in Whitehall on a range of issues likely to face our forces in southern Iraq regardless of whether there is a formal UK zone of control".[248] The Rock Drill had provided an opportunity to put across the UK's views on UN involvement and showed "the extent of US determination, at the highest level, to go it alone with minimal UN cover".

582. Mr Cannon's advice did not refer to the comment on the "rudimentary" state of US planning included in the report on the Rock Drill from the British Embassy Washington, which was not received in Whitehall until late on 24 February.

583. Mr Cannon provided Mr Blair with a list of IPU activities, drawn from Mr Chilcott's note of 20 February, as an indication of the extent of the work in hand. Mr Cannon drew particular attention to a paper in preparation "outlining our principles and 'red lines' for a post-Saddam Iraq … for use initially by David Manning with Condi Rice and … possibly by you with President Bush".

584. A set of IPU papers addressing those issues was sent to No.10 on 26 February.

585. In his statement to the Inquiry, Mr Blair wrote:

> "… what we anticipated, was not what we found … for example, the JIC report of 19 February 2003, specifically on the South of Iraq, says the risks were refugees, environmental damage and the impact of CBW strikes."[249]

586. Mr Blair subsequently told the Inquiry:

> "The benefit of the South was that it was Shia absolutely predominantly. So I felt we were going to be in an Area of Operation where it was frankly going to be easier for us …

---

[247] Minute Cannon to Prime Minister, 24 February 2003, 'Southern Iraq: Aftermath Issues'.
[248] Minute Cannon to Prime Minister, 24 February 2003, 'Southern Iraq: Aftermath Issues'.
[249] Statement, 14 January 2011, page 14.

> "… [W]hat they [the JIC] were warning of was obviously right and important, but we felt that we had a better chance of managing this.
>
> "I would just draw attention also to what they say about Iran too, because … their basic view is that it is unlikely that Iran would be aggressive."[250]

587. Mr Blair's views on pre-invasion analysis of post-conflict Iraq are addressed later in this Section.

588. Several contributions to a paper published by the International Institute for Strategic Studies (IISS) in January 2003, read by Mr Blair in February, described the potential for violence in a post-Saddam Hussein Iraq.

589. The paper prompted Mr Blair to ask a number of questions about plans for post-conflict.

590. In mid-February Mr Blair read the Adelphi[251] Paper *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*, published by the IISS.[252]

591. Several contributors to the Adelphi Paper warned of the potential for violent disorder in post-conflict Iraq.[253]

592. Dr Isam al Khafaji (International School of Humanities and Social Sciences, University of Amsterdam) cautioned that "the horrendous task of overthrowing Saddam's regime may prove to be less painful than that of dealing with the interest groups that have taken firm root in Iraqi society and owe varying forms and degrees of allegiance to the power structure that has been in place since 1968".[254] He considered that violence was likely in the immediate aftermath of US military action but did not anticipate a civil war along sectarian (Sunni versus Shia) lines. He also considered that a period of foreign occupation was likely to be resented by the Iraqi population and become a cause for violence.

593. Looking at southern Iraq, Dr Faleh Jabar (Birkbeck College, London) cautioned against assumptions that the Shia community was homogenous and likely to be quiescent in the transition to a post-Saddam Hussein Iraq.[255] He warned that, while the Shia south might welcome an end to Ba'athist rule, the internal dynamics of the

---

[250] Public hearing, 21 January 2011, pages 120-121.
[251] The IISS website describes the Adelphi series as "the principal contribution of the IISS to policy-relevant original research on strategic studies and international political concerns".
[252] Letter Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'.
[253] Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change.* IISS Adelphi Paper 354. Oxford University Press, January 2003.
[254] Al Khafaji I. *A Few Days After: State and Society in a Post-Saddam Iraq*. In: Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press, January 2003.
[255] Jabar FA. *Clerics, Tribes, Idealogues and Urban Dwellers in the South of Iraq: the Potential for Rebellion*. In: Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press, January 2003.

community (tribal loyalties and divisions, and increased Islamic fundamentalism) "could also bring forth unfettered chaos".

594. Mr David Ochmanek (RAND Institute) concluded that, even if any invasion were successful in defeating the Iraqi military and deposing Saddam Hussein's regime:

> "Success in the endgame – providing a secure environment for the remaking of the political system and culture of Iraq – cannot simply be assumed. The emergence of tribally-based or ethnically-based insurgent or terrorist groups unreconciled to the post-Saddam order cannot be ruled out, particularly if the regime in Iran chose to sponsor and harbour such groups …"[256]

595. The Adelphi Paper prompted Mr Blair to ask the FCO, the MOD and DFID a number of questions about the military campaign (addressed in Section 6.2) and post-conflict issues on 20 February.[257] The three departments were asked to provide answers by 24 February.

596. On post-conflict issues, Mr Blair asked:

> "How do we prevent the Shias rising up to take over from the Sunnis?
>
> "What is our plan for the successor Government in Iraq? Is it a military ruler? Or a military ruler first then a path to more democratic rule mapped out?
>
> "What is the UN role in the new Government?
>
> "What are the precise humanitarian issues we need to address and what are our plans for them?"

597. The FCO and DFID answered Mr Blair's questions on post-conflict issues.

598. FCO officials advised that:

- **The Shia response to the removal of Saddam Hussein would depend to a great extent on the length of the Coalition occupation.**
- **The US plan to put a US general in charge of the transitional civilian administration was flawed.**
- **The duration of the transitional administration was "anyone's guess".**
- **The very high level of US ambition was not matched by resources.**
- **There was no reason the Iraqi civil service should not continue to function.**
- **UN involvement was needed to provide the legal mandate to reform and restructure Iraq.**

---

[256] Ochmanek D. *A Possible US-led Campaign Against Iraq: Key Factors and an Assessment*. In: Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press, January 2003.
[257] Minute Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'.

599. DFID explained that its humanitarian plan involved working primarily through the UN. If additional resources were made available, it would consider a more active bilateral role in any UK-controlled zone. The department also expressed severe doubts about the adequacy of US humanitarian preparations.

600. The FCO answered three of Mr Blair's questions of 20 February about post-conflict issues.[258] On preventing a Shia uprising, it advised the key would be:

> "… to assure the varied Shia communities that they will be fairly represented in future Iraq … A majority would probably hope to see a secular government … Much will also depend on the length of a Coalition 'occupation'. If they see Western control becoming quasi-permanent, this too may arouse opposition, probably encouraged by neighbours like Iran."

601. Mr Blair told the Inquiry that, from autumn 2002:

> "… we focused very much on what we would find and how we would deal with it. Also … I raised this issue myself several times, you know, how would the Sunni/Shia relationship work out?
>
> …
>
> "There was very much discussion of the Sunni/Shia issue, and we were well aware of that … people did not believe that you would have Al Qaida coming in from outside and … that you would end up in a situation where Iran … would then try deliberately to destabilise the country."[259]

602. On plans for a successor government, the FCO stated:

> "We and the US envisage a three-stage process following the conflict.
>
> "Immediately after military action, the effective ruler of Iraq will be General McKiernan, the Coalition Land Forces Commander, reporting to General Franks in the US.
>
> "Once the country has been stabilised, the US intend to establish a civilian administration in Iraq. To do this they have created … ORHA … We think this part of the US plan is flawed. We have argued for a UN-led or UN-authorised civil administration, and we do not think having a US General in charge is sensible.
>
> "How long the [civilian] Transitional Administration would operate is anyone's guess. The US argue it will be 18 months – 2 years … Their level of ambition is very high and not matched by their resources … They aim to help the Iraqis rewrite their constitution and establish pluralist politics, to hold elections and to create a free market economy.

---

[258] Letter Sinclair to Rycroft, 25 February 2003, 'Iraq: Political and Military Questions'.
[259] Public hearing, 29 January 2010, pages 192-194.

> "The first elections would be local. The goal of the Transitional Administration will be to create an environment in which national elections are possible. After elections, the Transitional Administration will be able to hand over to an elected national government.
>
> "We believe that, contrary to the assumptions sometimes made, the Transitional Administration will be able to draw on a relatively competent Iraqi civil service. The Iraqi civil service has continued to function through several regime changes,[260] and we see no reason why it should not do so again, with changes at the highest level only."

603. Mr Blair told the Inquiry that, if there had been "even more focus" on planning, the UK "would still have been focusing essentially on the humanitarian side, with an assumption that we would inherit a functioning civil service infrastructure, and it was that assumption that proved to be wrong".[261] The UK "didn't plan for … the absence of this properly functioning civil service infrastructure".

604. In response to Mr Blair's question about the role of the UN in the new government, the FCO stated that any Transitional Administration would require UN Security Council authorisation.

605. The FCO advised that UN involvement would also be needed to:

- provide the legal mandate to reform and restructure Iraq;
- secure international and regional support;
- bring in the IMF and World Bank;
- adapt the OFF and sanctions regimes; and
- verify WMD finds and destruction.

606. The FCO added that the Coalition would still need to lead on security, and that Security Council authorisation would be required for both civilian and security functions.

607. DFID answered the fourth of Mr Blair's questions, on humanitarian issues and the UK plan to address them.[262] The department advised that the scale of the humanitarian crisis would depend on the nature of the conflict. A key priority was therefore to minimise risks to civilians, infrastructure and, in order to protect Iraqi revenues, oil production. DFID emphasised that:

> "There is more scope to **refine the Coalition military options and minimise these risks**. If this is not done, the consequences … are potentially too great for the international humanitarian system to plan on current resources."

---

[260] It is not clear what this referred to. The Ba'athist regime had been in place since 1968.
[261] Private hearing, 29 January 2010, pages 180-181.
[262] Minute Rycroft to Prime Minister, 26 February 2003, 'Political and Military Questions on Iraq' attaching Paper DFID, 24 February 2003, 'DFID Input to Prime Minister's questions of 20 February'.

608. DFID also stated that the military would need adequate plans to deal with the civilian impact of CBW use before the UN and NGOs arrived. More generally, the role of UN agencies and NGOs would be determined by the extent of UN cover. There were also "severe doubts about the adequacy of US humanitarian preparations".

609. Mr Blair's question about the plan for addressing humanitarian issues was answered in one sentence:

> "DFID is planning to work primarily through UN agencies, unless extra financial resources are available, in which case a more active bilateral role in any UK-controlled zone could be considered."

A UN "badge" for post-conflict Iraq

610. Mr Blair raised the importance of a UN "badge" with Gen Franks on 25 February.

611. He told Parliament later the same day that the UN must have a "key role" in post-conflict Iraq and that discussions were under way on exactly what that role would be.

612. Sir David Manning explained to Dr Rice that Mr Blair attached importance to the UN's role, but was clear that UN involvement must not be at the expense of efficient administration and effective reconstruction.

613. On 25 February, Mr Blair told Gen Franks that he "still hoped that the UN could be brought on board" and that: "In any post-Saddam administration, the UN 'badge' would help pull the international community, including the Arabs and European public opinion back on board."[263]

614. Mr Blair and Gen Franks also discussed the possibility that "an occupation could work in several ways on a continuum from a US occupation of Japan model downwards" and that "it was important to work on the details, to avoid any perception of a US occupation".

615. Mr Watkins informed Mr Hoon (who was due to meet Gen Franks in Qatar on 26 February) that, during a meeting earlier in the day, Gen Franks had told Adm Boyce that Iraq would need to be under Coalition control for some time, during which there would need to be discussion with the UN on establishing a UN mandate.[264] Gen Franks had added that, contrary to press speculation, the US was not seriously considering anything along the lines of post-Second World War Germany or Japan. He had also agreed with a comment from Mr Webb that, in order to convince regional opinion of its intent, the US needed to start talking to the UN, but the US did not want to do anything

---

[263] Letter Cannon to Owen, 25 February 2003, 'Iraq: Prime Minister's meeting with General Franks'.
[264] Minute Watkins to Secretary of State [MOD], 25 February 2003, 'Meeting with General Franks: 26 February'.

that looked like pre-emption while the second resolution was still under discussion. Mr Watkins recommended that Mr Hoon use that opening to pursue with Gen Franks the UK's preference for "a 'transitional civilian administration' under UN auspices".

616. Mr Hoon and AM Burridge met Gen Franks in Qatar on 26 February. The MOD record makes no reference to discussion of the duration of a transitional administration or a UN mandate.[265] During an exchange on the build-up of Coalition Forces in the region, Mr Hoon told Gen Franks that "politicians had a natural tendency to put off decisions. It was important that the military robustly told the politicians when they had to go."

617. Mr Blair made no reference to post-conflict planning in his statement on Iraq to the House of Commons on 25 February.[266]

618. In response to questions from Mr Iain Duncan Smith, Leader of the Opposition, about UN humanitarian contingency planning and "what contingencies the Government have planned for a representative government in Iraq", Mr Blair stated:

> "In relation to humanitarian considerations and what type of government might succeed the government of Saddam … that is something we are discussing closely with allies and the UN. I should like to emphasise that in my view if it comes to conflict the UN's role in the resulting humanitarian situation and in finding the right way through for Iraq will be immensely important …"[267]

619. Mr Charles Kennedy, Leader of the Liberal Democrats, asked Mr Blair:

> "… what post-war scenario do the Government envisage? Would they prefer a United States-administered post-conflict Iraq or some form of UN protectorate? What will our contribution be in such circumstances?"[268]

620. Mr Blair stated that, if it came to conflict, he had:

> "… made it clear that the UN must have a key role; exactly what that role will be is another thing that we are discussing with the UN and with allies now."[269]

He did not answer Mr Kennedy's question about the UK contribution.

---

[265] Minute Williams to DG Op Pol, 27 February 2003, 'Secretary of State's call on General Franks (CENTCOM) – 26 February 2003'.
[266] House of Commons, *Official Report*, 25 February 2003, column 126.
[267] House of Commons, *Official Report*, 25 February 2003, column 128.
[268] House of Commons, *Official Report*, 25 February 2003, column 129.
[269] House of Commons, *Official Report*, 25 February 2003, column 129.

621. In response to a question from Mr Tony Worthington (Labour) about whether he had been party to plans, reported in the US press, for a US general to administer Iraq, Mr Blair replied:

> "… no decisions have yet been taken on the nature of how Iraq should be administered in the event of Saddam's regime being displaced by force. I said earlier that I thought that the role of the UN had to be well protected in such a situation. The discussions that we are having on that matter are proceeding well. When we have reached conclusions and decisions, we can announce them so that people can discuss them."[270]

622. Parliamentary debate on Iraq on 25 and 26 February is addressed in more detail in Section 3.7.[271]

623. Sir David Manning and Dr Rice discussed post-conflict issues on 25 February.[272] Both agreed the need to think soon about the "aftermath" and to keep discussing the role of the UN.

624. Sir David told Dr Rice that it would be important to show that the UN was fully involved in running post-Saddam Hussein Iraq:

> "If we had gone the UN route to disarm him, it would be entirely consistent to maintain the UN route to rebuild the country once his regime had gone. There were also important questions of expertise and financing to consider. The UN was a critical source of both. This was an important issue for the Prime Minister, although he was clear that UN involvement must not be at the expense of efficient administration and effective reconstruction."

625. Sir David offered to send Dr Rice a paper setting out the UK's ideas.

The DIS Red Team

626. In late February, the MOD established a small "Red Team" within the Defence Intelligence Staff (DIS) to give key planners in Whitehall an independent view of intelligence assumptions and key judgements.

627. Key judgements in the first report produced by the DIS Red Team included:

- **the need for Coalition Forces to prevent the emergence of a security vacuum;**

---

[270] House of Commons, *Official Report*, 25 February 2003, column 137.
[271] House of Commons, *Official Report*, 25 February 2003, column 123.
[272] Letter Manning to McDonald, 25 February 2003, 'Iraq: Conversation with Condi Rice'.

- **the danger that Iraqi support would erode rapidly in the absence of an acceptable interim administration and a clear road map to an Iraqi-led administration; and**
- **the risk of creating fertile ground for Al Qaida.**

628. In late February, the MOD established a small "Red Team" within the DIS to give key planners in Whitehall an independent view of intelligence assumptions and key judgements, to challenge if appropriate and to identify areas where more work was needed.[273]

629. Papers were copied to the Chiefs of Staff, PJHQ, the MOD, the FCO, the IPU and the JIC. There is no evidence that they were seen in No.10.

The DIS Red Team

Between February and April 2003 the DIS Red Team produced five reports on post-conflict issues:

- 'Regional Responses to Conflict in Iraq and the Aftermath';
- 'Obtaining and Retaining the Support of the Iraqi People in the Aftermath of Conflict';
- 'What Will Happen in Baghdad?';
- 'The Future Governance of Iraq';
- 'The Strands of the Rope' (an assessment of the steps needed to achieve an effective Iraqi Interim Administration and hand over to a representative government of Iraq).

The first two reports are addressed in this Section. The other three were issued in April, after the start of the invasion, and are described in Section 10.1.

Four of the five reports were described as drawing on "a variety of sources inside the Allied intelligence community and … a panel of regional experts assembled … by Kings College, London".[274] Professor Sir Lawrence Freedman was listed as one of the contributors to the first paper.

The fifth report, on Baghdad, "sought the perspectives of academic sources and members of the Iraqi exile community in UK (military and civilian) to gain fresh insights, and to a certain extent reflects their views".[275]

All five reports were copied widely within the MOD, to PJHQ (Lt Gen Reith), the JIC (Mr Scarlett) and to the FCO/IPU (Mr Ehrman and Mr Chilcott). The last three were also addressed to the MOD/DIS US Liaison Officer. It is not clear how they were used.

---

[273] Minute PS/CDI to APS2/SofS [MOD], 25 February 2003, 'Iraq: Red Teaming in the DIS'.
[274] Minute PS/CDI to APS2/SofS [MOD], 28 February 2003, 'Iraq Red Team – Regional responses to conflict in Iraq and the Aftermath' attaching Paper, DIS Red Team, 'Regional Responses to Conflict in Iraq and the Aftermath'.
[275] Minute PS/CDI to various, 7 April 2003, 'Iraq Red Team – What Will Happen in Baghdad?'

630. The first Red Team report ('Regional Responses to Conflict in Iraq and the Aftermath') was issued on 28 February.[276] It described Iraq as "a very complex society" and cautioned that "any attempt to analyse it in neat categories based on religion, ethnicity or tribe will almost certainly be over simplistic". The report advised that, by comparison with the previous British mandate in Iraq, which had relied on advisers like Gertrude Bell with an intimate knowledge of the country and its people, "our understanding of Iraqi society today can be shallow".

631. The Red Team's key judgements drew heavily on earlier JIC Assessments and included:

- the need for Coalition Forces to assume immediate responsibility for law and order to avoid other forces stepping into an internal security vacuum;
- that most Iraqis would initially view the Coalition as a liberating force, but support was likely to erode rapidly if the interim administration was not acceptable to the population and it could not see a road map towards a pluralist, representative Iraqi-led administration;
- the risk of creating fertile ground for Al Qaida, which could deliberately cause civilian casualties to undermine the establishment of a representative Iraqi-led administration.

632. The report stated that Al Qaida:

> "… seeks removal of Western presence/influence from the Gulf and wants to see the US/UK operation go badly. AQ [Al Qaida] are currently in some disarray but will wish to take the opportunity presented by the US/UK operation to re-establish credibility and encourage widespread anti-Western activity in the region. However:
>
> - Initially AQ shares a common goal with the Coalition: regime change. Once completed, goals will diverge rapidly and UK/US forces will present a rich target for terrorist attack.
> - AQ fears the establishment of a pluralist, representative Iraqi government as it undermines their argument that Muslims can only achieve self-determination in a unitary Islamic theocracy. They could deliberately cause civilian casualties to undermine the Coalition's position."

Obstacles to an "exemplary" UK effort

633. Dr Brewer set out Ms Short's views on the scale of DFID's post-conflict contribution in a letter to departments on 24 February.

---

[276] Minute PS/CDI to APS2/SofS [MOD], 28 February 2003, 'Iraq Red Team – Regional responses to conflict in Iraq and the Aftermath' attaching Paper, DIS Red Team, 'Regional Responses to Conflict in Iraq and the Aftermath'.

634. Ms Short was keen for DFID to support an exemplary humanitarian effort in any UK-controlled sector, but DFID's role would be constrained by:

- **the extent of the UN mandate; and**
- **the financial resources available (under most scenarios DFID would want to allocate significant funding to UN agencies working throughout Iraq).**

635. DFID was doing scoping work on the role it might play if there were a UN mandate, but the department did not have Ms Short's authority to deploy operationally or to make substantive plans to deploy "in an exemplary role".

636. Ms Short stated her position in Cabinet on 27 February.

637. Ms Short held a meeting on Iraq with DFID officials, including Dr Brewer and Mr Fernie, on 24 February.[277] The record was copied to Mr Chakrabarti's Private Office.

638. The record stated that there was "increased recognition across Whitehall of the likely scale of post-conflict activity, and the essential nature of UN involvement and authority if this was to be effectively addressed". Ms Short emphasised the importance of a "substantive" second resolution that clearly justified any action taken under it. She asked officials "to keep closely abreast of the debate on the legality of occupation of Iraq without any UN mandate".

639. Officials reported that ORHA's state of preparedness was "extremely worrying":

- Humanitarian plans were the most advanced, but ORHA did not yet have sufficient funds, staff or capacity to deliver them.
- Reconstruction plans were "not nearly as well advanced as they should have been at this point".
- Civil administration plans were the least advanced, and ORHA "would not be ready by the six week deadline they had been set".
- Logistical support planning had only just begun. ORHA had "not even started on such vital areas as telecommunications".

640. The record of the meeting stated that Ms Short would write to Mr Blair after Dr Brewer's forthcoming visit to New York, setting out the dangers this situation would pose in the event of early military action that was not authorised by the UN and did not enjoy wide international support.

641. The meeting also considered financial issues. Although the MOD and FCO "appeared to be more aware of the financial constraints, and the need for the widest possible burden sharing within the international community, we [DFID] had as yet no clear response to the issue of the limitation of DFID's engagement imposed on it by our

---

[277] Minute Bewes to Miller, 25 February 2003, 'Iraq contingency planning: update'.

financial situation". Ms Short reported that Mr Brown "had indicated to her, in a private conversation, that he 'would do what he could to help'".

642. The same day, Dr Brewer sent Mr Bowen and senior officials in the MOD, FCO and Treasury a letter setting out Ms Short's position on what DFID could do following any conflict.[278] The letter reflected the conclusions of Ms Short's meeting with DFID officials on 18 February and Dr Brewer's presentation to the Chiefs of Staff on 19 February.[279]

643. Dr Brewer stated:

> "Although she [Ms Short] would be keen for DFID to support an exemplary humanitarian effort in any UK-controlled sector, our [DFID's] role will be constrained by the extent of the UN mandate and the financial resources available to us. We have a strong commitment to the UN agencies, and would want to allocate significant funding to them under most scenarios. Drawing heavily on our contingency reserve and existing humanitarian aid and Iraq budget lines is unlikely to release more than £60-70m for humanitarian assistance to Iraq in 2003/04. Given our predictions of the humanitarian needs, with this level of funding we would not be able to play the exemplary role [in the South] the Prime Minister has asked for, and it would be irresponsible of us to plan to do so."

644. On the UN mandate, Dr Brewer stated:

> "The role which DFID can play in funding our usual humanitarian partners may be further constrained by perceptions of the legality of any conflict and what happens afterwards, and also by humanitarian principles of impartiality and independence. UN mandates justifying not only military force but also a continuing international presence afterwards are critical to ensuring the international community can engage fully with the predicted enormous needs."

645. Dr Brewer described DFID's potential role under four scenarios closely based on those discussed at the DFID meeting on 18 February:

- "No second UNSCR, no mandated UN humanitarian role." DFID would fund those international agencies willing to accept UK money and best placed to respond.
- "Second UNSCR but no mandated UN humanitarian role (overall US lead)." DFID would additionally fund UK military QIPs, although without additional resources, the total was unlikely to exceed £5m. "We have doubts about how much the UN would be able to do beyond immediate relief with only a thin second SCR if a US-led Coalition assumed medium-term control of the country."

---

[278] Letter Brewer to Bowen, 24 February 2003, [untitled].
[279] Minute Fernie to Private Secretary/Secretary of State [DFID], 21 February 2003, 'Iraq: Deployment Options'.

- "Second UNSCR and clear humanitarian mandate." DFID would want to be "positively engaged" with the UK military, US humanitarian effort and the UN. It would also "consider bilateral operations in any UK sector", but commitments to UN agencies across Iraq and the region would "severely financially constrain what we could do in a UK-controlled sector with the UK military and other partners".
- "Second UNSCR, clear humanitarian mandate and additional resources." With adequate finances, DFID "would be able to play the exemplary role suggested by the Prime Minister". Without, DFID could discuss with the MOD what the exemplary role might entail, but could not plan for it "without more comfort on resources".

646. Dr Brewer stated that DFID staff were committed to advising the MOD and Armed Forces in all circumstances and that MOD-DFID links were now strong. DFID was also doing "scoping work" on the role it might play if there were a UN mandate:

> "But we do not currently have political authority to deploy operationally, or to make substantive plans to deploy in an exemplary role (eg commissioning or pre-positioning material). Our Secretary of State has made our financial position clear in two letters to the Prime Minister."

647. Dr Brewer's letter illustrated the absence of an agreed UK approach to the provision of humanitarian relief, highlighting the gap between DFID's focus on supporting the UN, Red Cross and NGOs across Iraq and the UK military's focus on the humanitarian situation in its Area of Operations (AO) in the South.

648. MOD officials expressed growing concern about UK preparations for the delivery of humanitarian assistance and longer-term reconstruction in the South.

649. On 26 February, Mr David Johnson, Head of the MOD Iraq Secretariat, expressed concern to Mr Hoon's Private Office about humanitarian assistance during the early stages of military conflict.[280] The MOD and DFID believed US plans for humanitarian assistance were inadequate, in particular because they relied on delivery by NGOs, which would not be there in numbers early on. The UK military would therefore need:

> "… immediate access to sufficient expertise and resources to … make good the deficiencies in the US plans. In particular … DFID experts deployed in theatre, who can advise what is actually required … (as opposed to soldiers making it up as they go along) … There are lead-times associated with this … Waiting till after a second SCR is leaving it too late. We know DFID haven't got any money. That is why they need to ask for some, now."

[280] Email sec(O)-Iraq to sofs-ps [MOD], 26 February 2003, 'Humanitarian Assistance'.

650. Mr Webb commented on Dr Brewer's letter on 27 February.[281] He suggested to Mr Lee that there were "wider consequences for the overall success of the campaign from the effectiveness of the CIMIC [civil-military] component, to which we should draw Ministers' attention collectively".

651. Sir Kevin Tebbit, who saw Dr Brewer's letter a few days later, commented on 7 March:

> "The problem here is that DFID have a wrong view of what the Armed Forces can or should do to administer humanitarian relief, as distinct from civil, UN and NGO agencies – including DFID themselves."[282]

652. Mr Blair told Cabinet on 27 February that humanitarian and reconstruction planning needed to take "centre stage" and that he would raise the issue with President Bush.

653. In Cabinet on 27 February, Mr Hoon reported on his meeting with General Franks in Qatar the previous day (see Section 3.7).[283] Mr Hoon had discussed concerns with General Franks that:

> "Not enough planning had been done on the post-conflict phase of operations, including humanitarian relief. British forces could find themselves in charge of a portion of Iraq quite quickly if resistance to Coalition military action collapsed. It would be helpful if experts from the Department for International Development could work with military planners in the region and consider pre-positioning humanitarian supplies so that there was no hiatus in the event that military action took place."

654. Ms Short told Cabinet that experts had been involved in talks in the Pentagon. Preparations were "just beginning and needed to be expedited". A UN legal mandate was "essential" for the humanitarian and reconstruction tasks that lay ahead. Without that, "proper preparation was impossible". That matter "needed to become a priority for the Coalition". It would be "difficult" to accommodate action in Iraq within her department's contingency reserve: "Greater resources were likely to be needed."

655. The Inquiry considers that Ms Short's reluctance to prepare for a wider UK post-conflict role, though not critical to the outcome, and consistent with DFID's statutory role, contributed to the Government's failure to ensure that the UK was adequately prepared and resourced to carry out its likely obligations in Iraq.

656. Mr Blair said that he would continue to push for a further Security Council resolution.[284] President Bush's commitments the previous day on the MEPP

---

[281] Manuscript comment Webb to DG Op Pol, 27 February 2003, on Letter Brewer to Bowen, 24 February 2003, [untitled].
[282] Manuscript comment Tebbit, 7 March 2003, on Letter Brewer to Bowen, 24 February 2003, [untitled].
[283] Cabinet Conclusions, 27 February 2003.
[284] Cabinet Conclusions, 27 February 2003.

(see Section 3.7) were "helpful". Looking beyond the current divisions in the international community, it would be "important to seek unity of purpose through the humanitarian and reconstruction work which would follow any military action". Planning in this field "needed to take centre stage". He would pursue that with President Bush "in the coming days". The "transitional civil administration in Iraq should have a United Nations mandate, although the scale of United Nations involvement should balance the administrative effectiveness with the necessity for proper authority".

657. In his diaries, Mr Campbell wrote:

> "At Cabinet, things were pretty much rock solid … I could sense a few of them only fully realising … the enormity of the decisions, the enormity of the responsibility involved … Clare [Short] was doing her usual … and for her was relatively onside. She wanted to do a big number on aftermath preparations but TB was there ahead of her. He was very calm, matter of fact, just went through where we were on all the main aspects of this."[285]

658. Mr Straw sought advice from Mr Wood on the legal authority for post-conflict reconstruction.

659. Mr Wood set out the legal constraints on an Occupying Power. He stated that the longer an occupation lasted and the further the tasks undertaken departed from the objective of the military intervention, the more difficult it would become to justify an occupation in legal terms.

660. On 10 March, Mr Wood told the Attorney General's Office that the UK view of the legal framework for occupation appeared to be getting through to the US.

661. Mr Straw's Private Office requested advice from Mr Wood on Ms Short's observation in Cabinet that there appeared to be no legal authority for post-conflict reconstruction:

> "Is this true? The Foreign Secretary thinks that it is. If so, it underlines the importance of having effective UN authority in place very quickly (the so-called third resolution). The Foreign Secretary knows that officials are already in touch with DFID about this but would like this work to be given even higher priority."[286]

---

[285] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[286] Minute McDonald to Wood, 27 February 2003, 'Iraq Post-Conflict'.

662. On 28 February, Mr Wood advised:

> "The legal basis for the occupation of Iraq by Coalition forces in a post-conflict phase would depend initially on the legal basis for the use of force. That legal basis is likely to be Security Council authorisation for military action to enforce Iraq's WMD obligations under SCRs. But the longer an occupation went on, and the further the tasks undertaken departed from this objective, the more difficult it would become to justify an occupation in legal terms.
>
> "Without a Security Council mandate for the post-conflict phase, the status of the occupying forces would be that of belligerent occupants, who would have the rights and responsibilities laid down by international humanitarian law as set out in particular in the Hague Regulations of 1907 and the Geneva Conventions of 1949. The rights of belligerent occupants are quite limited …
>
> "FCO Legal Advisers are closely involved in the establishment of our policy on the post-conflict phase. This stresses the need for rapid UN involvement, and in particular for UN authorisation of, if possible, the presence of and the activities to be undertaken by the Coalition. The Foreign Secretary will know of the efforts we are making to persuade the US of the merits of our position. We understand that they are almost ready to share with us a draft of the so-called third resolution."[287]

663. Mr Wood attached copies of:

- Mr Grainger's advice of 31 January on the general position in international law;
- FCO legal advice to the IPU on occupation rights relating to oil; and
- FCO legal advice to the IPU on occupation rights and the administration of justice.

664. Mr Grainger had sent advice on occupation rights relating to oil to the IPU on 14 February.[288] In it, he advised that, under the 1907 Hague Convention:

> "… the Occupying Power acquires a temporary right of administration, but not sovereignty. He does not acquire the right to dispose of property in that territory except according to the strict rules laid down in those regulations. So occupation is by no means a licence for unregulated economic exploitation."

665. Mr Grainger also advised that, in the event of there being no government in active control of Iraq, there would need to be changes to existing arrangements for OFF, which assumed a degree of Iraqi Government involvement in the programme's operation.

---

[287] Minute Wood to McDonald, 28 February 2003, 'Iraq Post-Conflict'.
[288] Minute Grainger to Iraq Planning Unit [junior official], 14 February 2003, 'Occupation Rights: Iraqi Oil'.

666. FCO Legal Advisers had sent the IPU an overview of the legal framework for the post-conflict administration of justice on 16 February.[289] The paper, which was copied to the MOD, explained that:

- With certain exceptions, the penal laws of the occupied territory would remain in force (Geneva Convention IV, Article 64).
- Again with certain exceptions, the administration of justice should remain in the hands of the incumbent administration and courts (Geneva Convention IV, article 64; Hague Regulations, Article 43).
- Where possible, existing personnel involved in the administration of justice should remain in their positions (Geneva Convention IV, Article 54).

667. The paper also listed some of the issues "it may be useful to consider … in advance of a conflict":

- identification of laws to be applied, amended, repealed or enacted by an occupying force;
- a scoping study of the current state of the criminal justice system;
- identification of systems for seizure and preservation of evidence and maintenance of known crime sites; and
- development of a public information and awareness campaign.

The legal framework for Occupation

As Occupying Powers, the UK and US were bound by international law on belligerent occupation. Its rules are set out in the 1907 Hague Regulations (Articles 42 to 56), the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War of 1949 (Articles 27 to 34 and 47 to 78) and the 1977 First Protocol to the Geneva Conventions of 1949 Relating to the Protection of Victims of International Armed Conflicts.[290]

Article 42 of the Hague Regulations defines an Occupation as follows:

> "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised."

Article 43 of the Hague Regulations provides that the Occupying Power "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety while respecting, unless absolutely prevented, the laws in force in the country".

---

[289] Minute Hood to UND [junior official], 16 February 2003, 'Occupation Rights: the Administration of Justice'.

[290] International Committee of the Red Cross, 29 October 2010, *The ICRC's mandate and mission*; International Committee of the Red Cross, 29 October 2010, *War and international humanitarian law.*

Sir Michael Wood, the FCO Legal Adviser from 1999 to 2006, explained in his second witness statement:

> "While some changes to the legislative and administrative structure may be permissible if they are necessary for public order and safety, more wide-reaching reforms of governmental and administrative structures are not lawful. That includes the imposition of major economic reforms."[291]

668. Mr Straw commented on Mr Wood's advice on 1 March:

> "This is good advice: having UN authority for post-conflict Occupation makes sense politically as well as legally. I'd be happy to receive further advice from Michael Wood, or talk to him, about whether I should lobby C Powell on progress."[292]

669. Mr Simon McDonald, Mr Straw's Principal Private Secretary, sent those comments to Mr Wood on 4 March, after Mr Straw had spoken to Secretary Powell.[293]

670. Mr Straw told the Inquiry:

> "I was clear that under international law … we would be bound by the 1907 Hague Regulations as well as the Fourth Geneva Convention of 1949. We would therefore be considered an Occupying Power with responsibility for providing 'public order and safety, while respecting, unless absolutely prevented, the laws in force in the country'. We would need specific UNSCR authorisation for powers and duties beyond these instruments."[294]

671. Ms Cathy Adams, Legal Counsellor in the Legal Secretariat to the Law Officers, told Mr Wood on 28 February that the Attorney General had received a letter from Mr William Haynes, General Counsel at DoD, which, among other issues, dealt with post-conflict questions.[295] Ms Adams advised:

> "We have not seen here any papers relating to post-conflict planning. I expect the Attorney [General] would be interested to know how matters are progressing on this issue particularly as regards outstanding legal concerns."

672. Mr Wood replied on 10 March, the same day as Sir David Manning sent Dr Rice a UK draft of a possible third resolution. Sir Michael explained that a good deal of thought had been given to the issue in the FCO and MOD.[296] The UK view had been urged on

---

[291] Statement, 15 January 2010, pages 2 and 3.
[292] Manuscript comment Straw, 1 March 2003, on Minute Wood to McDonald, 28 February 2003, 'Iraq Post-Conflict'.
[293] Minute McDonald to Wood, 4 March 2003, 'Iraq Post-Conflict'.
[294] Statement, 19 January 2011, page 18.
[295] Letter Adams to Wood, 28 February 2003, 'Letter from General Counsel of the US Department of Defence [sic]'.
[296] Letter Wood to Adams, 10 March 2003, 'Letter from General Counsel of the US Department of Defence [sic]'.

the US "and appears gradually to be getting through". He suggested that in any reply to Mr Haynes's letter, the Attorney General "might refer briefly to this matter, and to our wish to remain in close contact on legal issues".

673. On 27 February, DFID officials had sought Ms Short's guidance on "the scope of DFID co-operation with UK (and potentially other) military forces in support of UK government objectives in a complex humanitarian emergency".[297] Officials explained that the approach adopted in Kosovo and developed in Afghanistan, but not universally accepted as good practice in DFID, provided for:

- UK and/or allied military forces to assist vulnerable populations directly when there was insufficient humanitarian capacity to meet their needs;
- funding of military QIPs "which contribute to the security and stability of the environment thus facilitating humanitarian, recovery and development programmes and enabling legitimate political developments to take root";
- secondment of humanitarian specialists to UK military forces; and
- "the flexibility to decide … the degree of co-operation with combatant military forces whose operation may, or may not, be endorsed by the UN".

674. Ms Short replied: "Thanks – I am minded to maintain our position. We must check if [there are] any legal implications."[298]

675. On 28 February, a junior DFID official advised:

> "I cannot see any International Development Act problems here. Section 3 of the Act … says: 'The SofS [Secretary of State] may provide any person or body with assistance for the purpose of alleviating the effects of a natural or man-made disaster or other emergency on the population of one or more countries outside the UK'.
>
> "… [W]hich pretty much allows you to do what you like, so long as it is for the purpose of alleviating the effects of a disaster or emergency on the population of a country outside the UK.
>
> "This is understood as applying pretty much to the immediate effects of an emergency, and not to long term rehabilitation or development … Once you move into development assistance you must be motivated by poverty reduction. But you can still use soldiers to provide assistance if that is the best way of reducing poverty."[299]

---

[297] Minute DFID [junior official] to PS/Secretary of State [DFID], 27 February 2003, 'Civil Military Relations in Complex Emergencies – DFID Position'.
[298] Manuscript comment Short, 27 February 2003, on Minute DFID [junior official] to PS/Secretary of State [DFID], 27 February 2003, 'Civil Military Relations in Complex Emergencies – DFID Position'.
[299] Email [DFID junior official] to Mosselmans, 28 February 2003, 'Civil Military Relations in Complex Emergencies – DFID Position'.

676. It is not clear whether that advice was seen by Ms Short.

677. On 28 February, the MOD warned No.10 that the UK was "currently at risk of taking on a very substantial commitment that we will have great difficulty in sustaining beyond the immediate conclusion of conflict". Specific concerns included:

- **the extent of practical US support for UK humanitarian assistance;**
- **the absence of an ORHA plan for administering Iraq;**
- **the US expectation that the UK would take on an unsustainable commitment in the South-East;**
- **US decision-making moving so fast that, even though the UK was trying to influence US thinking, "UK policy will have largely to be about managing the consequences of US decisions that are taken for us";**
- **the risk that the UK, as an Occupying Power, might be expected to make up a significant part of any funding shortfall for reconstruction.**

678. Lt Gen Garner was reported to be attracted to the idea of abandoning the plan to have three ORHA sectors in Iraq in favour of mirroring the seven proposed military sectors.

679. On 28 February, Mr Hoon's Private Office sent Sir David Manning an update on military planning.[300] The paper was also sent to the Private Offices of Mr Straw and Mr Brown, and to Mr Bowen, but not to DFID.

680. Much of the section on post-conflict planning was devoted to US preparations. The paper stated:

> "For the immediate aftermath, most of the planning is now considered to be complete, but there remains significant effort required to agree how those plans should be implemented. There are significant outstanding policy issues which require resolution before the beginning of operations. For the later stages of the aftermath, planning is also gathering speed (meaning that important policy decisions are being made now by the US that will dictate the course of the aftermath)."

681. The paper stated that CFLCC and ORHA were taking forward planning, but that there were "important issues of dispute between them". The UK was "very heavily engaged in military (CFLCC) planning at a senior level", with (acting) Maj Gen Whitley as Deputy Commanding General (Post Hostilities), and had "good visibility" of ORHA thinking thanks to the embedded UK staff.

682. The paper stated that orders for the initial aftermath would issue shortly, setting out the responsibilities of an Occupying Power. There was also a "superficially impressive"

---

[300] Letter Williams to Manning, 28 February 2003, 'Iraq: Military Planning and Preparation' attaching Paper [unattributed], 28 February 2003, 'Iraq: Military Planning Update – 28 February 2003'.

plan to manage early provision of humanitarian assistance, but "a distinct lack of planning by the US" on local and national civil administration:

> "An initial plan to divide the country in two (largely arbitrary) parts, with Baghdad as a third entity, may not last the test of time … Garner has now seen the CFLCC '7 sectors' map and appears attracted to mirroring those for civil administration – but there is still no concept of how to interact with either current Iraqi civil governance structures … or the military divisions. This might be an area where [the] UK can provide some useful guidance."

683. The paper listed several UK concerns:

- "Humanitarian Assistance/Stability Provision." The UK plan was "to make most use of the US humanitarian provision", but DFID and the UK military had concerns about the level of practical US support that would be available and the likely initial absence of NGOs and international organisations. Because of the block on the deployment of DFID advisers to Kuwait, UK military planning to cover the gap was going ahead without guidance. The absence of funding was even more pressing.
- "Roll-out of regional administration." ORHA had still not thought through the detail of how it would administer Iraq. There was a risk of giving the impression of a military occupation.
- "Military lay-down." It was "absolutely clear" that, of the seven military sectors, the US expected the UK to take leadership of the South-East. Without Coalition partners that would be beyond UK capabilities in the "medium term". The UK was "**currently at risk of taking on a very substantial commitment that we will have great difficulty in sustaining beyond the immediate conclusion of conflict**".
- "Policy lacunae." There were still many unresolved details in US planning. The UK was seeking to influence US thinking, but US decision-making was moving so fast that "UK policy will have largely to be about managing the consequences of US decisions that are taken for us".
- "Funding." This remained "a great unknown". US planning assumed the rest of the world would pick up 75 percent of the bill for reconstruction. That was "possibly hopelessly optimistic". As an Occupying Power, the UK would be at the front of the queue of countries the US would approach to make up any deficit.

684. Mr Cannon commented: "Prime Minister and Jonathan Powell should see."[301]

685. Some of the issues raised in Mr Hoon's letter were discussed at Mr Blair's meeting on post-conflict issues on 6 March.

---

[301] Manuscript comment Cannon, 28 February 2003, on Letter Williams to Manning, 28 February 2003, 'Iraq: Military Planning and Preparation' attaching Paper [unattributed], 28 February 2003, 'Iraq: Military Planning Update – 28 February 2003'.

686. In a Written Parliamentary Question on 28 February, Dr Tonge asked what financial provision had been made to fund the reconstruction of Iraq in the aftermath of war.[302] Mr Boateng replied: "The Government believe that the role of the United Nations and other multilateral institutions will be vital in addressing the reconstruction of Iraq in the aftermath of any war and are liaising closely with allies on this issue."

The 'UK Vision for Phase IV'

687. The 'UK Vision for Phase IV' equated the scale of change envisaged for Iraq to post-Communist reforms in central Europe. Success would require "huge efforts", "a large coalition" and "a lot of time".

688. On 26 February, the FCO sent No.10 a set of papers commissioned by Sir David Manning:

- key talking points for Mr Blair to draw on with President Bush;
- a 'UK Vision for Phase IV';
- an outline structure for the interim civil administration, already sent to Lt Gen Garner;
- a draft letter from Sir David Manning to Dr Rice setting out arguments for a UN-authorised transitional administration; and
- a list of "11 good reasons" for a third resolution.[303]

689. The papers were copied to the Private Offices of Mr Brown, Mr Hoon and Ms Short, but it is not clear from the correspondence how extensively they had been discussed with Treasury, MOD and DFID officials beforehand.

690. It is not clear whether any of the papers were seen by Mr Blair.

691. The covering letter from Mr Straw's Private Office to Mr Rycroft explained:

> "You will see that the key point to make to the Americans remains the need to have UN Security Council authorisation for the civil transitional administration. There are signs that General Franks and Jay Garner … understand this. But convincing Mr Rumsfeld will be much more difficult."

692. The proposed messages for Mr Blair to deliver to President Bush were:

"– Winning the peace is important, but more difficult, than winning the war. We need to leave Iraq radically changed for the better.

– We are committing just under a third of our Armed Forces to the fighting. We shall also be staying on for the 'aftermath' – Phase IV. But we shall have to

---

[302] House of Commons, *Official Report*, 28 February 2003, column 760W.
[303] Letter Owen to Rycroft, 26 February 2002, 'Iraq: Phase IV'.

reduce by a third within six months. You can continue to count on us to do our bit.

– The Phase IV task is huge, comparable to the transformation of central European countries after the fall of the Berlin Wall – beyond what even the US can manage by itself. We shall need to build a broad coalition. We shall need more countries to provide peacekeeping forces. We must involve the UN agencies, other countries and international organisations in reconstructing the country. We need their expertise and finance.

– … I would like to begin lobbying potential contributors now. Can we agree to this?

– … [I]n order to ease the passage of the second UN Security Council resolution … there could be advantage in explaining our intention to go for a third resolution for Phase IV.

– It will take some weeks and months, after securing UN authorisation, to get a provisional civil administration ready to move to Iraq. So for the initial post-conflict period, our Coalition forces, supported by Jay Garner's Office of Reconstruction and Humanitarian Assistance, will be in charge of Iraq. The choices we make in those first weeks and months will significantly shape the future development of Iraq. Then we can hand over the task to the wider international effort, mandated by the UN.

– We should be absolutely clear that Coalition military forces will remain under General Frank's command.

– I am not starry-eyed about the UN's management record. I do not propose that the UN should take over the running of Iraq. But the Security Council's authorisation is crucial to building support internationally for our efforts.

– We need to identify a senior international figure (but not a Brit, American or Australian) who could serve as the Head of Civil Administration.

– Our officials have excellent links on the detailed planning for Phase IV. They should continue to work closely together on the key issues. These include … how to deal with those closest to Saddam's regime … and rebutting the accusation that this is a war about oil …

– One last important thing – it will be very helpful to get the weapons inspectors back into Iraq quickly to verify findings of Iraqi WMD."

693. The 'UK Vision for Phase IV', written by the IPU, opened with the statement:

"A successful mission means winning the peace as well as the war. We should aim to leave Iraq radically changed for the better. That means an Iraq which:

- Has given up its attachment to WMD
- No longer supports terrorism
- Has appropriately sized, reformed armed forces and intelligence/security agencies
- Does not threaten its neighbours
- Complies with its international obligations
- Enjoys a broad-based, representative government, which respects human rights
- Has a fair justice sector
- Has been weaned off its dependency on the Oil-for-Food programme and is determinedly travelling along the path towards becoming a free market economy
- Trades normally and is set to normalise its relations with international financial and trading organisations.[304]

"That is a lot to achieve – similar in scale to the post-communist reforms of central European countries. Success will require huge efforts from the Iraqis themselves and from the wider international community. The support of countries in the region will also be critical. We shall need to pull together a large coalition to provide the resources for the task. And it will take a lot of time – perhaps many years – to achieve success."

694. The paper set out the UK's expectations for the three stages of Phase IV:

- Phase IV Alpha. Military administration by CFLCC, then, when conditions permit, ORHA, under CENTCOM command. Key issues would be:
  - constraints placed on the military's powers to administer Iraq by international humanitarian law;
  - the urgent need to provide clean water, sanitation, food, shelter and medicines; most of that task would fall to UN agencies and NGOs, with the Coalition providing the secure environment in which assistance could be delivered;
  - early resurrection of OFF;
  - maximising Iraqi involvement from the outset through a consultative council to advise the military and ORHA; and

[304] Paper Iraq Planning Unit, 25 February 2003, 'UK Vision for Phase IV'.

  - working with existing Iraqi structures as far as was consistent with the security of Coalition Forces and the objectives of military action.
- Phase IV Bravo. In the UK's view, this would begin as soon as there was a UN mandated international civil transitional administration (CTA) in place, supported by UN-mandated Coalition military:
  - With a UN mandate it would be possible to increase the number of countries contributing forces in what could still be an uncertain environment.
  - The aim of Phase IV Bravo would be to transform Iraq "along the lines of the vision".
  - The UK was still working with the US on possible elements for the CTA's composition: "The trick will be to make it sufficiently international and UN friendly to win the support of the UNSC but not to put the UN in charge of areas where it has a poor management track record".
  - The duration of Phase IV Bravo would be determined by the time taken to draw up a new constitution and to elect a new government.
- Phase IV Charlie. Coalition Forces and the CTA would withdraw, but Iraq would continue to need help restructuring its economy and possibly with public administration more generally.

695. The FCO letter to No.10 also enclosed an outline structure for the interim civil administration during Phase IV Bravo, which had already been sent to Lt Gen Garner.[305] The outline stated:

> "Once Iraq is stabilised and it becomes possible to move to Phase IVb (recovery), it would be desirable to transition the Interim Civil Administrative structure to a more broadly-based structure, authorised by a UN Security Council resolution. That would enable wide international support, and could make the most of international experience without hindering effective leadership.
>
> "The structure would be headed by a 'High Representative' … ideally a Muslim figure … Beneath him would be several co-ordinators heading up vertical pillars covering humanitarian assistance, reconstruction, civil administration and 'democratisation'. To assist him in his task, and until such time as the 'democratisation' pillar delivered appropriate constitutional reform and a broadly based, representative system, there would be an Iraqi Consultative Council. Working alongside him would be a security co-ordinator who would be responsible for security sector reform and liaison with the Coalition military commander."

[305] Paper [unattributed and undated], 'Phase 4b Organization'.

696. The thinking behind the vision was expressed most clearly in the draft letter from Sir David Manning to Dr Rice, which stated that it would be helpful to be able to say soon how the US and UK saw the government of Iraq after Saddam Hussein:

> "Our starting point is that the humanitarian, reconstruction and civil administration tasks are too complex and too resource intensive for the US and UK to undertake alone … Most potential contributors … will only feel comfortable participating … if there is a UN authorising mandate. They will not arrogate to themselves the right to redesign Iraq, however desirable the end state. And nor would we. We shall need Security Council authorisation for legal reasons too."[306]

697. The draft letter concluded:

> "Handing Iraq's reconstruction over to a UN-authorised CTA will allow us to reduce our presence in Iraq and leave the country with honour. Indeed, unless we do so, I am far from convinced that we can succeed in Phase IV."

698. The FCO explained that the draft letter did not refer to the outline for Phase IVb that had been shared with Lt Gen Garner, "in case David Manning thought it was a bridge too far, at this stage, to put to Condi Rice".[307]

699. The letter appears never to have been sent. When Sir David next wrote to Dr Rice, on 10 March, it was in the context of work on a draft Security Council resolution.

700. The FCO sent a separate draft 'Vision for Iraq and the Iraqi People' to No.10 on 28 February.

701. President Bush described the US post-conflict commitment to Iraq in a speech on 26 February. He stated that rebuilding Iraq would take "a sustained commitment from many nations, including our own: we will remain in Iraq as long as necessary, and not a day more".

702. In a speech at the American Enterprise Institute on 26 February, described in more detail in Section 3.7, President Bush stated:

> "If we must use force, the United States and our Coalition stand ready to help the citizens of a liberated Iraq …
>
> "We will provide security against those who try to spread chaos … We will seek to protect Iraq's natural resources from sabotage by a dying regime, and ensure those resources are used for the benefit of the owners – the Iraqi people.
>
> "The United States has no intention of determining the precise form of Iraq's new government … All Iraqis must have a voice in the new government, and all citizens must have their rights protected.

---

[306] Letter [draft] Manning to Rice, 24 February 2003, 'Iraq: Phase IV'.
[307] Letter Owen to Rycroft, 26 February 2002, 'Iraq: Phase IV'.

"Rebuilding Iraq will require a sustained commitment from many nations, including our own: we will remain in Iraq as long as necessary, and not a day more. America has made and kept this kind of commitment before – in the peace that followed a world war …

"There was a time when many said that the cultures of Japan and Germany were incapable of sustaining democratic values … Some say the same of Iraq today. They are mistaken. The nation of Iraq – with its proud heritage, abundant resources and skilled and educated people – is fully capable of moving toward democracy and living in freedom."[308]

UK commercial interests

703. UK oil firms had begun to express concern about access to post-Saddam Hussein oil contracts in the second half of 2002 (see Section 6.4).

704. By 27 February, officials were concerned that UK reticence in contacts with the US was disadvantaging UK firms across a range of business sectors.

705. In early 2003, UK companies in other sectors approached Trade Partners UK (TPUK), the division of British Trade International (BTI) responsible for promoting UK exports, for advice on business opportunities in post-conflict Iraq.[309] A number of companies expressed concern about a repeat of the situation in 1991, when UK firms lost out heavily to US companies on reconstruction contracts in Kuwait.

706. On 12 February Mr Bill Henderson, TPUK Director International Group 1, explained to Baroness Symons, joint FCO/DTI Minister of State for International Trade and Investment, that, until early February 2003, UK Government discussion of commercial opportunities in Iraq had largely been restricted to officials in order "to avoid giving undue prominence to the commercial aspects of HMG's handling of the crisis".[310]

707. Mr Henderson reported that, on 12 February, he had chaired a meeting with the FCO, the Export Credit Guarantee Department (ECGD) and, for the first time, a representative of the British Consultants and Contractors Bureau (BCCB) to discuss how best to provide assistance to UK companies outside the oil and gas sector. Mr Henderson expressed concern that "the overall Whitehall agenda appears to attach little importance to the commercial aspects and the interest of UK companies".

708. The need to secure "a level-playing field for UK business in oil and other areas" was one of the key messages for the US on post-conflict Iraq, agreed on 11 February.

709. On 27 February, Mr Henderson remained concerned that UK reticence was disadvantaging UK companies: "the US (and probably France who have a Trade Office

---

[308] *The Guardian*, 27 February, *Full text: George Bush's speech to the American Enterprise Institute.*
[309] Minute Henderson to Symons, 12 February 2003, 'Iraq: post-conflict commercial issues'.
[310] Minute Henderson to Symons, 12 February 2003, 'Iraq: post-conflict commercial issues'.

in Baghdad) are ahead of us on this, and are taking a much more open stance".[311] He recommended to Baroness Symons that she agree a "more open, pro-active approach" to dealing with UK companies.

710. Baroness Symons sent that advice to Mr Straw and Ms Patricia Hewitt, Secretary of State for Trade and Industry, stating that:

> "… the pressure from businesses is building and I fear that some of our business community fear we are not engaged. Some think that the US and France are ahead of the game already …"[312]

711. Government lobbying on behalf of UK firms is addressed in more detail in Section 10.3.

The UK 'Vision for Iraq and the Iraqi People'

712. The UK 'Vision for Iraq and the Iraqi People', written by the FCO in October 2002, was revised at the end of February 2003.

713. Mr Straw saw its principal value as a means to reassure domestic and Iraqi public opinion of the UK's intentions in Iraq.

714. The 'Vision' was a statement of aspirations that assumed a level of agreement with the US that did not yet exist on plans for post-conflict Iraq.

715. The 'Vision for Iraq and the Iraqi People' was a separate document to the 'UK Vision for Phase IV', which is addressed earlier in this Section.

716. On 27 February, Mr Straw discussed the draft 'Vision for Iraq and the Iraqi People', originally prepared by FCO officials in October 2002 (see Section 6.4), with Mr Campbell.[313] The draft had been shown to the AHGI on 11 October 2002, when it had been decided that the paper should "remain in reserve".[314]

717. Mr Straw believed that "public commitment on the lines of the draft could have a powerful impact in Iraq and the region as well as on the British domestic debate". The 'Vision' should not be launched or trailed until the UN had voted on the second resolution because of the risk that it would be presented as "discounting" the role of the Security Council. Care would also be needed to avoid confusing the message that the justification for military action rested firmly on disarmament of WMD.

718. Mr Straw thought it essential that the UK, US and "other Coalition members" spoke to a common script. That underlined the importance of making progress with the US on

---

[311] Minute Henderson to Symons, 27 February 2003, 'Iraq contingency planning: commercial aspects'.
[312] Minute Symons to Straw and Hewitt, undated, 'Iraq: Commercial Aspects'.
[313] Letter Owen to Rycroft, 28 February 2003, 'A Vision for Iraq and the Iraqi People' attaching Paper [unattributed and undated], 'A Vision for Iraq and the Iraqi People'.
[314] Minute Dodd to Manning, 14 October 2002, 'Ad Hoc Group on Iraq'; Paper [draft] FCO, [undated], 'Vision for Iraq and the Iraqi People'.

day after planning. Although there was nothing in the UK draft that "could not be squared with US policy" as set out in President Bush's speech, "elements … go further than the US has so far done in public or, on some issues including UN involvement, in private".

719. The FCO sent No.10 the latest draft of the 'Vision', which had been seen by officials in the MOD, Cabinet Office, Treasury and DFID, explaining that work was in hand to ensure coherence with military campaign objectives already agreed by Ministers.[315]

720. The new version expanded the criticism of Saddam Hussein, added a reference to the military consequences should he refuse to co-operate with the UN and inserted two references to "democratic government" in place of the previous version's single reference to "democratic principles".

721. The new description of overall aims explained that:

> "Our aim is to disarm Saddam of his weapons of mass destruction, which threaten his neighbours and his people. Our presence in Iraq if military action is required to secure compliance with UN resolutions will be temporary. But our commitment to support the people of Iraq will be for the long term. The Iraqi people deserve to be lifted from tyranny and allowed to determine the future of their country for themselves. We pledge to work with the international community to help the Iraqi people restore their country to its proper dignity and place in the community of nations, abiding by its international obligations and free from UN sanctions."

722. The five principal aims remained unchanged from the October paper:

- "Freedom";
- "Good Government";
- "International Respect";
- "Peace";
- "Prosperity".

723. The list of ways in which the UK/Coalition would help was also largely unchanged, offering support with:

- an early end to sanctions;
- Iraq's reintegration into the region;
- generous debt rescheduling;
- increased aid from the international community;
- an international reconstruction programme;
- investment in Iraq's oil industry;

---

[315] Letter Owen to Rycroft, 28 February 2003, 'A Vision for Iraq and the Iraqi People' attaching Paper [unattributed and undated], 'A Vision for Iraq and the Iraqi People'.

- renewal of international education and cultural links; and
- institutional and administrative reform.

There were three additions to the October 2002 list:

- ensuring the military campaign was as swift and carefully targeted as possible;
- working with the UN and the international community to meet emergency humanitarian needs; and
- enabling Iraqis "to establish their own democratic government as quickly as possible" and encouraging UN involvement in the process.

724. Mr Bowen commented on the draft on 4 March.[316] He suggested that, in addition to drawing on wording in the military campaign objectives, the draft could:

> "… reflect more closely how we would wish post-Saddam Iraq to be governed … We are also concerned about the extent to which the document implies responsibility for Iraq's future being largely the UK's rather than that of the international community."

725. Specific recommendations included:

- replacing the reference to an "independent and democratic Iraq" with "an Iraq with effective and representative government"; and
- extensive redrafting of the section on UK/Coalition support in order to distinguish between the Coalition contribution "in the immediate wake of conflict" and what "we" and the international community, working with the Iraqi people, would do within months of the conflict.

726. Mr Hoon endorsed Mr Bowen's proposed redraft, commenting that "it would be useful in terms of credibility to be able to set out our vision in the more specific text … recognising that this may add to the challenge of reaching agreement with the US".[317]

727. Both sets of comments were copied to No.10.

728. A revised version of the 'Vision for Iraq and the Iraqi People' was sent to No.10 on 15 March, the day before the Azores Summit. It incorporated Mr Bowen's proposal to replace "democratic" with "effective and representative government", but did not reflect his broader recommendation for extensive redrafting.

729. On 27 February, the British Embassy Washington reported that the US was showing "growing acceptance" of the idea of a civilian administrator backed by a UN mandate.

---

[316] Letter Bowen to Owen, 4 March 2003, 'Vision for Iraq and the Iraqi People'.
[317] Letter Williams to Owen, 5 March 2003, 'A Vision for Iraq and the Iraqi People'.

730. The British Embassy Washington reported the outcome of a call on ORHA and the NSC by Dr Brewer on 27 February. Thinking on the UN was evolving. The US accepted it would need technical help with humanitarian and reconstruction work and was showing growing acceptance of an international civilian administrator backed by a UN mandate, but remained opposed to a direct reporting line to the UN.[318]

731. Separately, the Embassy suggested giving more support to ORHA. It would be vital to the long-term success of UK action in Iraq and any assistance would be "gratefully received and effectively used". So far three staff had been provided, including Maj Gen Cross. That was "a drop in the bucket". The Embassy suggested staff already earmarked for posting to Baghdad might be one source.[319]

732. The secondment of UK officials to ORHA is addressed in Section 15.

733. Mr Straw spoke to Secretary Powell on 3 March (see Section 3.7). He reported to No.10 that, in the context of a discussion about the lack of serious planning for post-conflict, he had told Secretary Powell that, "whilst the US Administration had to be the best judge of its long term interests", he "thought it would reap a whirlwind if it failed to secure legitimacy for what it was doing in respect of Iraq. We were not there yet."[320]

734. By 4 March, senior members of the US Administration were said to have accepted the need for a Security Council mandate, a role for the UN after the initial military occupation and the need for a UN Special Co-ordinator.

735. Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, reported overnight on 3/4 March that senior members of the US Administration had accepted the need for a Security Council mandate, a role for the UN after the initial military occupation and the need for a UN Special Co-ordinator, although there were differing views over how the UN figure would relate to an Iraqi Interim Council.[321] The US hoped to organise a "Bonn Conference" on the Afghan model, four to six weeks after the invasion, involving external opposition figures and tribal leaders from inside Iraq. The conference would produce an administrative council, which would gradually take on authority over a period of months as it moved Iraq towards elections or a constituent assembly. Mr Brenton reported that he had underlined to the US the UK's wish to see a structure which brought international legitimacy and buy-in, and had expressed "polite scepticism" about the qualities of those members of the external opposition best known to the UK.

---

[318] Telegram 256 Washington to FCO London, 27 February 2003, 'Iraq Day After: US Views on UN Role'.
[319] Telegram 257 Washington to FCO London, 27 February 2003, 'Iraq Day After: UK Role in Post-Conflict Iraq'.
[320] Letter Straw to Manning, 4 March 2003, 'Iraq: Conversation with Colin Powell, 3 March'.
[321] Telegram 284 Washington to FCO London, 4 March 2003, 'Iraq: Day After'.

736. At the FCO Iraq Morning Meeting on 4 March, Mr Chilcott described Mr Brenton's report on the evolving views of US Principals as:

> "… a further good example of even the most senior levels of the US Administration showing themselves open to good arguments firmly put at the right time. We needed to go on making these arguments."[322]

Growing pressure for Ministerial decisions

737. Mr Blair produced a manuscript Note on 3 March setting out a list of potential actions to help secure Security Council support for the second resolution. Potential actions included agreeing:

- a UN role in post-conflict Iraq;
- a broad-based government;
- the humanitarian effort.[323]

738. Mr Blair's Note is addressed in more detail in Section 3.7.

739. On 4 March, Mr Ricketts told Mr Straw that he and Sir David Manning had discussed advice from Sir Jeremy Greenstock on the second resolution and believed that the "best package" might include for the US to make clear that it "accepted a significant UN role in post-conflict Iraq".[324]

740. On 3 March, the AHGI advised Sir David Manning that Ministers needed to give their urgent attention to the possibility that the UK could be running an area of Iraq within weeks.

741. The record of the 28 February meeting of the AHGI was sent to Sir David Manning on 3 March.[325] On the question of the UK assuming responsibility for a sector of Iraq it stated:

> "Although military action is not certain, we may be confronted with the realities of running a part of Iraq within weeks.
>
> "The question of geographical sectors, whether for security or to provide civilian government as well, whether we should offer to lead one and how much it would cost, is of increasing concern. The US military plan, which has been adopted, has the UK running a sector covering a significant part of Iraq. In the event of war, UK forces will end in occupying part of Iraq, but a sector covering four provinces, as the US propose, is probably beyond our national capacity. There are concerns in home departments about implications for their resources of any commitment to provide

---

[322] Minute Tanfield to PS/PUS [FCO], 4 March 2003, 'Iraq Morning Meeting: Key Points'.
[323] Note [Blair], 3 March 2003, [untitled].
[324] Minute Ricketts to PS/Straw, 4 March 2003, 'Iraq: UN Tactics'.
[325] Minute Dodd to Manning, 3 March 2003, 'Ad Hoc Group on Iraq'.

civil government in a UK sector. We [the AHGI] agreed that Ministers needed to give this question their urgent attention."

742. On 4 March, Adm Boyce issued the first draft of the Execute Directive for Op TELIC, for planning and guidance purposes only.

743. He instructed Lt Gen Reith to work closely with US commanders on preparations of Phase IV.

744. Adm Boyce issued the first version of the Execute Directive for Op TELIC on 4 March.[326] In his covering minute to Lt Gen Reith, he explained that the Directive was being issued in draft form for planning and guidance purposes only. It was to be read on the clear understanding that no political decision had yet been taken on combat operations, but "events could move very fast". Lt Gen Reith's focus would be to work closely with US commanders "on all aspects of potential operations in support of Phases III and IV".

745. The Directive itself was addressed to the Commander Joint Operations (Lt Gen Reith) and listed three objectives "in Support of the UK's Higher Political Intent:

(1) Support efforts of humanitarian organisations to mitigate the consequences of hostilities.

(2) Facilitate international efforts for the rehabilitation and reconstruction of Iraq.

(3) Contribute to the preservation of the territorial integrity of Iraq and the wider regional security …"[327]

746. A number of specific tasks were linked to those objectives, including:

- "Protect, and be prepared to secure, essential Iraqi political, administrative and economic infrastructure from unnecessary destruction in order to reassure the Iraqi people and facilitate rapid regeneration."
- "Deter opportunistic inter-ethnic and inter-communal conflict."
- "Within available resources, be prepared to support humanitarian efforts to mitigate the consequences of conflict."
- "As quickly as possible, establish a safe and secure environment within which humanitarian aid agencies are able to operate."
- "If directed, be prepared to contribute to the reform of Iraq's security forces."

747. A final version of the Directive, authorising military action in Iraq and with the points listed above unchanged, was issued on 18 March.

---

[326] Minute CDS to CJO, 4 March 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander Operation TELIC'.
[327] Paper MOD, 28 February 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander Operation TELIC'.

748. Lt Gen Reith presented two papers to the Chiefs of Staff on 4 March advocating an expanded combat role for UK forces. He advised that the implications for Phase IV should be a consideration.

749. Mr Hoon and the Chiefs of Staff agreed that the UK should not actively seek a wider role, but should be ready to consider any unsolicited US requests on their merits. Implications for Phase IV operations would be one of a number of considerations.

750. On 4 March, Lt Gen Reith sent the Chiefs of Staff two papers setting out proposals for employing UK land forces on combat missions with or without "a dedicated 'UK box'" based on "the agreed 1 (UK) Div AO". The papers are described in more detail in Section 6.2.[328]

751. Lt Gen Reith explained that a UK box would "allow UK forces to move first in a ground offensive and thereby set the conditions for the 'exemplary performance' in Phase IV", but US resistance to the creation of a UK box would "probably only be overcome by high level intervention".

752. In the first of the two papers, Lt Gen Reith addressed the advantages and disadvantages of "UK ownership of its full AO from the start". Under the existing Base Plan, the UK AO would expand into space vacated by US forces as they moved north and UK forces would not be able to shape their own Phase IV AOR. Lt Gen Reith explained that one of the contingency plans already worked up by the Land Component Command (LCC) assumed full UK ownership of its AO from the start. There could be "no doubt at all that this represents a far better option for UK forces than the Base Plan".

753. In the second paper, Lt Gen Reith explained that his forthcoming meetings with Lt Gen McKiernan and others would "almost certainly be the last chance that the operational commanders will have to discuss the plan face to face before ground operations commence". US commanders were likely to press him on UK land contributions beyond the provisions in the Base Plan.

754. Lt Gen Reith put forward two options:

- "National focus with limited operational exposure." The Base Plan, involving "operations within the AO as presently defined, concentrating on making the early transition from Phase III to Phase IV, with an end state defined as 'exemplary performance' in Phase IV within Basra region".
- "Coalition focus with unconstrained operational exposure." Among the disadvantages of this approach was a reduction in the number of troops

[328] Minute Reith to COSSEC, 4 March 2003, 'Op Telic employment of UK forces' attaching Paper CJO, 3 March 2003, 'Op TELIC Land Options for 1(UK) Armoured Division – update' and Paper CJO, 4 March 2003, 'Op TELIC Land Options for 1(UK) Armoured Divisions – Alternative Options'.

available for Phase IV operations in the UK AO, which "may impact on our ability to produce exemplary early effect during Phase IV".

755. Lt Gen Reith concluded:

> "US commanders are likely to press on branch planning and UK land contributions beyond the provisions of the Base Plan.
>
> "The situation is changing: the potential for a UK box remains my aspiration but is in practical terms receding …
>
> "In discussing the campaign, and subject to their [the Chiefs of Staff] agreement, CJO will balance the desire to husband our land forces for Phase IV in our own AO, against the possible Coalition requirement to take a greater part of the Phase III effort, with the risks this implies in terms of the ease with which we transition to Phase IV."

756. The Chiefs of Staff discussed the papers on 5 March.[329] They rejected the proposal for a UK box.

757. In Lt Gen Reith's absence, Maj Gen Fry sought guidance from the Chiefs of Staff on offering "UK 'niche' contributions beyond the provisions of the Base Plan" in the context of the requirement to deliver an exemplary Phase IV.

758. The Chiefs of Staff noted that delivering an exemplary Phase IV required "the concomitant resources and OGD [other government department] commitment". Adm Boyce stressed that Phase IV could not be delivered by military activity alone.

759. Adm Boyce directed Lt Gen Reith to "push for a 'niche' role for the UK … and make it clear that the UK was ready to be asked to contribute further in order to exploit any operational opportunities that arose during the campaign", subject to US logistics support and assurances that UK forces would be "relieved-in-place" as soon as possible for Phase IV activities in the South.

760. Mr Watkins informed Sir David Manning on 6 March that Mr Hoon and the Chiefs of Staff judged that "it would not be wise at this late stage to seek a major revision to the US plan", but that the plan could make better use of some of the niche capabilities in 1 (UK) Division.[330] Mr Hoon had agreed that the UK should encourage US commanders to identify a niche role. The US was looking at a number of variations to its plan, including involving 7 Armoured Brigade in "decisive manoeuvre operations beyond south-eastern Iraq" and "possibly in a decisive phase around Baghdad". That would raise a number of issues, including for post-conflict operations.

---

[329] Minutes, 5 March 2003, Chiefs of Staff meeting.
[330] Letter Watkins to Manning, 6 March 2003, 'Iraq: Options for Employment of UK Land Forces'.

761. Mr Watkins explained that Mr Hoon and the Chiefs of Staff had therefore agreed that the UK "should not actively seek this sort of wider role, but that we should be prepared to consider any unsolicited US requests on their merits".

762. President Bush and Mr Blair discussed Iraq on 5 March.

763. Mr Blair told Cabinet the following day that President Bush had agreed that the UN should be "heavily involved" in post-conflict Iraq.

764. There was no clarification of what was meant by "heavily involved".

765. Mr Blair and President Bush discussed Iraq on 5 March.

766. Mr Rycroft advised Mr Blair that the key points he should make to President Bush included that it was: "Crucial to have [a] UN role post-conflict."[331]

767. Mr Blair spoke to President Bush proposing further amendments to the draft resolution. Mr Blair and President Bush also briefly discussed the military plan.[332] Mr Rycroft informed the FCO that Mr Blair considered it important that there was a "UN badge" for post-conflict work.

768. Mr Blair told Cabinet on 6 March that he had agreed with President Bush on the need for the UN to be "heavily involved" in "the post-conflict situation, in the event that military action was necessary".[333]

769. Points made in discussion included that the reconstruction of Iraq would require a UN mandate, not just UN involvement; otherwise the right of Coalition Forces to engage in reconstruction work would be limited by their status as an occupation force.

Mr Blair's meeting on post-conflict issues, 6 March 2003

770. Before Mr Blair's meeting on humanitarian and other post-conflict issues on 6 March, the UK remained without an agreed approach to humanitarian relief.

771. On 5 March, PJHQ warned the MOD that DFID had indicated that it would focus its humanitarian effort on areas of Iraq with the greatest need and not necessarily the UK's AO.

772. On 5 March, PJHQ alerted the MOD to its concerns about provision of humanitarian assistance in a UK AO in the immediate aftermath of conflict.[334] PJHQ advised that it had planned to "piggy-back" on US arrangements, but it was now apparent that the US plan depended heavily on the provision of funding to international organisations (IOs) and NGOs. Those organisations were unlikely to be present in the

---

[331] Minute Rycroft to Prime Minister, 5 March 2003, 'Bush Call'.
[332] Letter Rycroft to McDonald, 5 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 5 March'.
[333] Cabinet Conclusions, 6 March 2003.
[334] Minute PJHQ [junior official] to MOD Sec(O) 4, 5 March 2003, 'Op TELIC: resourcing of humanitarian assistance'.

first weeks after any conflict. PJHQ had also assumed that DFID would be responsible for providing humanitarian assistance. Dr Brewer's letter of 24 February to Mr Bowen suggested that DFID believed that the most effective way to distribute humanitarian assistance was through IOs and NGOs, and that they would focus their resources on areas of greatest need (rather than necessarily on the UK's AO). PJHQ estimated that between £30m and £50m a month for two months would be required to cover the provision of humanitarian assistance in the UK AO in the immediate aftermath of any conflict.

773. Ms Short informed Mr Blair that, without resources greater than her department's entire contingency reserve, "it would be impossible for DFID to take a leading role in humanitarian delivery in the South-East" of Iraq.

774. Ms Short held a meeting with DFID officials to discuss Iraq, and in particular the legality of "reconstruction work" without a covering UN mandate, on 5 March.[335] Ms Short concluded that without a clear mandate for reconstruction, DFID could only legally fund or undertake humanitarian work. The meeting agreed that:

> "… under circumstances where DFID would be involved in humanitarian work only, DFID's contingency reserve could be drawn upon. This might provide around £60-65m. In the event that a wider DFID role was possible, should we be asked by No.10 or others how much funding DFID would need, we should mention an initial sum of £100m."

775. Ms Short also agreed the need to:

> "… move away from any expectation that DFID would undertake an 'exemplary' role, or … focus exclusively on any one area. This decision was taken on the basis that there would be substantial need elsewhere in Iraq other than simply in the South East; that the extent of our involvement would not be clear for some time, as the different variables affecting it fell into place; and that we needed to avoid being so closely associated with one area that we were seen as the 'donor of last resort', for all unfunded needs. However, we should make clear that, given the right UN mandate and authority, we would aim to work alongside the UK military, as well as elsewhere, with others, as appropriate."

776. Ms Short said that she would use Mr Blair's meeting on 6 March to press him to:

- examine carefully the legality of different post-conflict options for the UK;
- press the US on the need for "sufficient preparation" before any conflict began; and
- consider options for extending the deadline before the vote on a Security Council resolution or putting forward a revised text.

---

[335] Minute Bewes to Fernie, 6 March 2003, 'Iraq update: 5 March'.

777. Ms Short set out her views in a letter to Mr Blair before the meeting:

> "… the reconstruction of Iraq without an explicit UN mandate would breach international law. Without the UN mandate the Coalition would be an occupying army with humanitarian duties under the Geneva Convention, but – like the Israelis in the Occupied Territories – without any rights to change institutional arrangements. The UN is clear that without the right mandate they could only respond to immediate humanitarian needs. My understanding is that the US has not yet accepted all our arguments on the UN role. Unless they do, DFID could do no more than support UN humanitarian efforts, and few others would be willing to engage.
>
> …
>
> "You should be aware that the US and the international humanitarian community are not properly prepared to deal with the immediate humanitarian issues. Visits to Washington suggest that the newly created US Office for Reconstruction and Humanitarian Assistance is well led but under-staffed, under-resourced and under-prepared for the scale of the challenge …
>
> "But the US is improving its humanitarian preparedness daily. A little more time would make the US much better able to deal with some of the humanitarian consequences of conflict. My department is doing what we can to advise the UK military on preparations for delivering humanitarian assistance including in the initial absence of the UN and most international NGOs. We too could also be better prepared given more time.
>
> "You must also be aware that without resources larger than my whole contingency reserve – just under £100m – it would be impossible for DFID to take a leading role in humanitarian delivery in the South-East …"[336]

778. Ms Short's letter was also sent to Mr Brown, Mr Straw and Mr Hoon.

779. On 6 March, Mr Blair chaired the first Ministerial meeting convened solely to address humanitarian and other post-conflict issues.

780. Officials recommended that the UK should not seek responsibility for general administration of a geographical area of Iraq in the medium term and pressed Ministers to take an urgent decision on the issue.

781. No decision was taken.

782. Officials asked Ministers to agree a new set of objectives and guiding principles for the post-conflict occupation of Iraq.

783. The objectives and guiding principles were not discussed at the meeting.

---

[336] Letter Short to Blair, 5 March 2003, 'Post Conflict Iraq: UN and US Roles'.

784. Although there was no guarantee at that stage that a UN mandate along the lines sought by the UK would be forthcoming, Mr Blair stated that planning for "medium-term post-conflict action" should continue on the assumption that there would be a UN mandate.

785. For the first time, Mr Blair requested a consolidated UK plan for post-conflict Iraq, including the key decisions for Ministers to take.

786. DFID and the MOD remained unable to agree a joint approach to UK humanitarian operations in the area likely to be occupied by UK forces.

787. After Cabinet on 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Short, Baroness Symons, Sir Michael Jay and "other officials".[337]

788. The IPU prepared an annotated agenda in consultation with other departments.[338]

789. With the invasion possibly only weeks away, the IPU explained that US and UK planning assumed that, in the "medium term after the conflict", Coalition Forces would be "re-deployed into six or seven geographical sectors in order to provide a secure environment for the civil transitional administration to conduct humanitarian assistance and reconstruction work". The US expected the UK Division in Iraq to be responsible for a geographical sector (see Section 6.2), which would be very expensive and carry wider resource implications. The UK Division would probably be based in or near Basra, with the size of its AOR depending on a number of factors, including the permissiveness of the environment and the size of the Division in relation to the rest of the Coalition.

790. The annotated agenda stated: "Ministers need urgently to take a view on this before the military planning assumptions become a fait accompli." Ministers were asked:

- Whether they agreed that the UK did not have the resources to make an "exemplary" effort in providing for basic humanitarian needs in the area controlled by a UK Division. The potential cost of making a "significant difference" in a UK AO likely to contain 20 percent of Iraq's population was estimated at between US$400m and US$2.4bn for the first year, depending on disruption to OFF and the extent of the damage caused by conflict. That was "well beyond" the financial and implementing capacity of DFID and the MOD, and could become a significant medium-term commitment if the local population became dependent on UK assistance. The alternative to an "exemplary effort" was to "give our assistance to UN agencies and NGOs", supplemented by support for QIPs in the UK's area.
- To choose between options for a medium-term post-conflict military presence. The Chiefs of Staff believed it would be necessary to reduce the UK's military

[337] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.
[338] Paper IPU, 5 March 2003, 'Planning for the UK's role in Iraq after Saddam'.

contribution from about 45,000 to 15,000 in the "medium term (by the autumn)" to "avoid long term damage to the Armed Forces". At the same time, the US expected the UK to contribute forces "for the security of a geographic area … over the medium term". The IPU considered it "reasonable to assume that a brigade should be able to manage a single, well-populated province" the size of Basra, but there were four options available:

- a brigade responsible for security in a single province;
- a UK divisional headquarters could take responsibility for security, under Coalition command, in a wider area of Iraq (US planners envisaged Basra, Maysan, Dhi Qar and Wasit being a single sector), supported by Coalition partners, which, the paper recognised, could be difficult to find;
- deployment of the ARRC in addition or as an alternative to a brigade;
- withdrawal of all forces in the medium term, though the paper warned that would be politically difficult.

- Whether to follow the US plan to administer Iraq as a whole and not seek general UK responsibility for the administration of any geographic area in the medium term. The US plan was to administer Iraq as a whole from Baghdad, "which must be right". In any area where the UK took responsibility for security, it could, with a UN mandate, also take on wider responsibility for reconstruction (including humanitarian assistance and aspects of civil administration), but that would "very likely be beyond the resources of the UK alone and have implications for domestic departments".
- Whether any UK involvement in the medium term should be conditional on a UN mandate.
- To agree a set of objectives for post-conflict occupation of Iraq. The UK's objectives would be achieved when Iraq had been "radically changed for the better". The US ambition was reform leading to "a liberal market economy and multi-party democracy", and was consistent with UK objectives as set out by Mr Straw in Parliament on 7 January. From a UK perspective, the IPU envisaged an Iraq that:
  - had "a broad-based, effective and representative government";
  - had "given up its attachment to WMD";
  - had armed forces and intelligence services of "an appropriate size … well on the way to being reformed";
  - complied with its international obligations;
  - respected human rights and made "significant progress towards a fair and effective justice sector";
  - was not dependent on OFF and was "well on the way to becoming a free market economy";

- was not subject to sanctions and had "begun to regularise its relations with international financial and trading organisations, with a view to it not being economically hamstrung by debt and reparations".

- To agree a set of principles that would be useful from a planning perspective and guide UK involvement in the short term. Those principles were that the UK would:
  - meet its international legal obligations;
  - minimise the suffering of the Iraqi people;
  - be limited in what it could do to change Iraq until there was a new UN Security Council mandate;
  - help Iraqis to help themselves by using their own institutions to run the country;
  - stress that its presence in Iraq was temporary, but the commitment to support the people of Iraq was for the long term;
  - stress that Iraq's natural resources were for the people of Iraq;
  - as far as possible, ensure that short-term involvement did not exceed resources currently committed and "keep options open for the medium term";
  - expect evidence of WMD to be verified by UN inspectors;
  - seek to internationalise its presence in Iraq "as soon as possible". Ministers were asked whether they were content for officials to approach potential contributors.

791. The IPU checklists of objectives and guiding principles made no reference to operational preparations for the UK's post-conflict role in Iraq.

792. MOD advice to Mr Hoon was explicit about the inadequacy of those preparations:

- **UK involvement in post-conflict administration would require a significant civilian component: none had been identified.**
- **Under existing US plans, the UK would need substantial military support from other nations: there were no formal arrangements to gather such support.**
- **US planners assumed a UK contribution to Phase IV that was potentially greater than could be sustained: if Ministers wanted to set limits, they should do so now.**
- **There was a need to consider the worst case: an enduring large scale military commitment with commensurate civilian support.**

793. The MOD advice to Mr Hoon stated:

"… any UK involvement in the administration of post-conflict Iraq will necessarily require a significant civilian administrative and specialist component; this component has not yet been identified or resourced by OGDs. **This is the key issue. The success of civil administration will be essential to Iraq's long term future. The UK military cannot do this on their own.**

"… [T]he current defence planning assumption is that UK forces can only sustain large scale operations for a period of six months without doing long term damage to capability. This implies that UK forces reduce to a Medium Scale (i.e. roughly one brigade) post-conflict TELIC commitment.

"… US planning is currently tending to assume UK involvement in Phase IV at a level that is the maximum, if not higher than, that we can sustain. **If Ministers wish to set limits on the UK's Phase IV contribution they should be set <u>now</u> so that US planning can be adjusted** …

"… [A]s US planning stands, the UK will need substantial support from other nations. There are no arrangements yet in place formally to gather such support. Such support will be largely contingent on a suitable second/third UNSCR and a UN mandate for the occupation of Iraq. The FCO need to build on their recent 'market survey' to identify candidates and persuade them to shorten the time it will take them to deploy."[339]

794. Possible levels of UK commitment to Phase IV were set out in an annex:

"i. **Maximum payoff (and maximum cost):** Tackle a problem area (eg Basra) with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector. HQ ARRC taking on the CJTF(I) role early for six months. UK involvement (but <u>not military</u>) in a reconstruction pillar. <u>This would be contingent on US burden sharing on HQ ARRC CIS</u> [communications and information systems].

ii. **Regional (+):** The SE Sector with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector. No HQ ARRC but UK involvement (including military) in a reconstruction pillar and a significant staff contribution to CJTF-I.

iii. **Regional:** The SE Sector with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector.

---

[339] Minute Sec(O)4 to PS/Secretary of State [MOD], 6 March 2003, 'Iraq: Aftermath – Medium to Long Term UK Military Commitment'.

iv. **Regional (-):** A UK Brigade in the SE sector – not UK led. UK involvement (including military) in a reconstruction pillar.

v. **Regional (- -):** A UK Brigade in the SE sector – not UK led."

795. Mirroring the urgency expressed in the IPU annotated agenda, the MOD warned that, in the absence of settled UK policy on the scale or duration of the UK contribution to post-conflict Iraq, that contribution risked being determined "by decisions being taken by CENTCOM now".

796. The MOD identified a number of specific concerns, including:

- US plans envisaged the UK having responsibility for security in one of seven sectors. The UK had neither agreed formally nor challenged the US assumption. Nor had other departments scoped what non-military UK contributions could be sustained. The UK was "**currently at risk of taking on an unsustainable task if there is no further Coalition contribution to the occupation of Iraq**".
- If the UK did lead a military sector, there was a risk of the UK military being "intimately involved" in the civil administration, "not a role they would seek". There was "**a pressing need to identify civil capacity across the international civil admin effort, including to support civil administration in a UK military sector**".
- The UK was "**carrying some risk of early humanitarian assistance failures in the UK AO**".

797. The policy considerations included:

- the degree to which the UK wanted to stand "shoulder to shoulder" with the US, "a fundamental political judgement … where are the UK's red lines?"; and
- the UK's attitude to the future of Iraq. "Does the UK wish to become intimately involved in reconstruction and civil administration? This is not a military task … but it will both affect and be affected by the level of military engagement. It will also have significant resource implications, across government."

798. The briefing concluded with a section on the worst case:

"Much of the above is predicated on best-case assumptions for the progress of a conflict (swift, short and successful), the condition of Iraq post-conflict (infrastructure not greatly damaged by fighting, limited internecine conflict) and the degree of international buy-in with civil and military resources, including cash (considerable and UN endorsed). The Secretary of State may wish to take the opportunity of this meeting to remind his colleagues that there is at least a credible possibility that none of these conditions will obtain.

> "Even if there is a second (and possibly third) UNSCR this is no guarantee of broad-based international buy-in into Phase IV … [T]here is a real possibility of the UK (along with the US and a few forward leaning smaller military nations) being committed to Phase IV engagement without international burden sharing and without an immediate exit strategy. At its worst this could expose the UK to an enduring Large Scale military commitment (20-30,000 in theatre) – *and* the commensurate civil support required to contribute to the rebuilding of Iraq … The potential consequences are severe … This is not the most likely risk, but it is one that increases the further the outcome post-conflict is from a UN-mandated solution."

799. In a speaking note for Mr Hoon, officials highlighted concerns about the tendency of discussion of the post-conflict phase, and the IPU annotated agenda, to focus on the military contribution:

> "A military presence will be a necessary but not a sufficient condition for success in Iraq. **A large, organised and properly funded humanitarian assistance plan (supported by DFID) is needed from the outset.**
>
> "… The UK should identify now what civil contribution it will make to rebuilding in Iraq and consider the cross-Government resource consequences.
>
> "We must not shy away from the fact that there remains a very credible worst case scenario that we shall want to proceed without either a second UNSCR or wider international practical support. The possible implications of this for the UK, across the board, are severe …
>
> "We should put in hand detailed work to consider these implications and ways of mitigating possible effects."

800. The record of the meeting on 6 March shows that Mr Hoon raised the question of DFID/MOD co-ordination. There is no indication that Ministers discussed the wider issues raised by MOD officials.

801. Mr Cannon told Mr Blair that Ministers needed to make progress on three interlinked issues: the humanitarian response; the UN mandate; and whether the UK should "take over control of" a geographical sector in Iraq.[340] Mr Cannon explained:

- Ms Short's demands for additional UN cover and funding had left the military concerned that the job of securing Basra might be compromised by lack of DFID advance planning.
- Reports from Washington indicated the US had "moved a long way" on the UN mandate.
- Basra was "the obvious choice" if the UK decided to take on one of seven geographical sectors in Iraq.

---

[340] Minute Cannon to Prime Minister, 5 March 2002, 'Iraq: Post-Conflict Issues'.

802. At the meeting on 6 March, Ms Short repeated her concerns about the need for a UN mandate.[341] She also stated that DFID humanitarian advisers had been deployed in support of UK forces and that the DFID contingency fund would prioritise Iraq. The funding available to DFID would not, however, provide for an exercise on the scale of Kosovo.

803. Mr Brown commented that the military operation would be very costly. Estimates for a major humanitarian operation were running at US$1.9bn to US$4bn. The burden of reconstructing Iraq should not be borne by just the US and the UK; other countries and the EU should contribute. In the long term, Iraq's oil should fund the country's reconstruction. Mr Brown was particularly concerned that UK funds should not be used to repay Iraq's debts to Germany, France and Russia.

804. Mr Hoon warned that a humanitarian crisis "could cause operational problems for the military and expose us to public criticism", underlining the need for joint DFID/MOD planning.

805. The record stated:

> "The Prime Minister concluded that:
>
> (a) DFID and MOD should draw up a plan for immediate humanitarian action in the Area of Operations of British forces.
>
> (b) Planning for medium-term post-conflict action should continue on the assumption that a UN mandate (the 'third/fourth resolutions') would be forthcoming. The FCO should draft the necessary resolutions, which we should share with the US. The FCO should prepare a Phase IV plan with other departments, including the key decisions for Ministers to take.
>
> (c) The Chancellor should draw up a funding plan, including securing funding from wider international sources …
>
> (d) The Prime Minister was prepared to pursue with President Bush our need for a UN mandate for a post-conflict administration."

806. Mr Blair also stated that sectorisation would need to be addressed and should be covered in the Phase IV plan.

807. Ministers "did not have time to address" the IPU's draft objectives for post-conflict Iraq or the principles to guide UK involvement in the short term.[342] Both were re-submitted to Mr Blair on 12 March.

---

[341] Letter Cannon to Owen, 7 March 2003, 'Iraq: Post-Conflict Issues'.
[342] Minute Cannon to Prime Minister, 12 March 2003, 'Iraq: post-conflict planning: objectives and principles'.

The UK plan for Phase IV

808. The FCO described the 'UK overall plan for Phase IV', prepared by the IPU and shown to Mr Blair on 7 March, as "work in progress".

809. The plan stated that the US was leading on Phase IV planning and that UK personnel were well placed to influence that work.

810. It listed three sets of decisions that Ministers needed to take either immediately, before the conflict began or very soon after the start of hostilities.

811. The plan contained little detail on post-conflict tasks and no new material on sectorisation, but warned:

> **"… we need to be clear that if we take on leadership of a military sector, previous deployments of this type suggest that we are likely to inherit wider responsibilities than purely security."**

812. Officials recommended postponing decisions on the extent of the UK's post-conflict commitment until after the start of hostilities.

813. The 'UK overall plan for Phase IV' was shown to Mr Blair on 7 March.[343] Much of the plan, prepared by the IPU, was drawn from the annotated agenda prepared for the meeting on 6 March.

814. A letter from Mr Straw's Private Office stated that the plan was:

> "… work in progress. A full plan could say quite a lot more about the shape of civilian government, the treatment of war criminals and other matters, most of which we are working on."[344]

815. The IPU described Phase IV as "the military term for the part of the plan that takes place after the fighting has finished" and stated: "In practice Phase IV starts the moment Coalition forces enter Iraq."[345]

816. The plan stated:

> "The US is leading on post-conflict or Phase IV planning. The military part in this is being led by CENTCOM's Land Component Headquarters, and the civil piece by its Office of Reconstruction and Humanitarian Assistance (ORHA). We have military officers and officials seconded to both. They are well placed to influence planning. The UN is also carrying out contingency planning. We are tracking that as well. There are decisions for Ministers to take about the level of UK engagement in Phase IV and key points on which to influence US planning."

---

[343] Minute Rycroft to Prime Minister, 7 March 2003, 'Iraq: Weekend Papers'.
[344] Letter Owen to Rycroft, 7 March 2003, 'Iraq: Phase IV'.
[345] Paper Iraq Planning Unit, 7 March 2003, 'The UK overall plan for Phase IV'.

817. The IPU listed actions needed that week:

- "UK forces will be ready to fight soon. By then **we need to have promulgated some principles**[346] **to guide the campaign** for the first few days of Phase IV. And UK forces are likely to be the first to confront this."
- "Of equal urgency is the need **to ensure our humanitarian relief effort is in place**. The scale of the UK effort for humanitarian operations depends on assessed need and the expected contributions of others. **Ministers will need to agree this**." Issues of concern included:
  - the absence of detailed US plans for humanitarian operations;
  - the impact on UK planning of uncertainty about the legitimacy of military conflict and the status of the Occupation;
  - the dependence of some DFID plans on further financing decisions; and
  - UK forces' lack of funding and capacity to fulfil their humanitarian obligations in the absence of other providers.

The UK military needed resources for humanitarian assistance to reduce the risk of humanitarian disaster. Ms Short and Mr Hoon needed "**to agree on the modalities**".

818. Before the conflict began, there needed to be agreement with the US on:

- A Security Council resolution allowing OFF to continue.
- An "**authorising UNSCR for Phase IV**". The agreement should be announced "to encourage/galvanise the international community to advance their own preparations". US policy was "moving in our direction but still has some way to go". The UK needed to:
  - work with the US to identify and define the role of the head of the interim civilian administration; and
  - "push US thinking" on an Iraqi consultative council towards arrangements visibly inclusive of all segments of the population. Getting the right political framework was "crucial" given that the initial period of Phase IV would be perceived as a military occupation and that "the work done during the first weeks and months will shape the mould for what follows".
- Objectives for the day power was handed back to Iraq (as set out in the annotated agenda of 5 March).

819. Very soon after the start of hostilities the UK needed "**to agree what our medium-term contribution to Iraq should be (say from the autumn onwards). For this will shape our conduct in the short term.**" Sectorisation would be a key determinant of UK policy.

---

[346] The principles were broadly as set out in the annotated agenda of 5 March.

820. The IPU repeated the advice in the annotated agenda of 5 March that the UK should follow the US plan to administer Iraq as a whole and not seek "general UK responsibility for the administration of any geographic area of Iraq in the medium term". The IPU added:

> **"However, we need to be clear that if we take on leadership of a military sector, previous deployments of this type suggest that we are likely to inherit wider responsibilities than purely security."**

821. The Inquiry has seen no response to the Phase IV plan.

822. Mr Rycroft put five other FCO papers to Mr Blair, most of which had been prepared before Mr Blair's request of 6 March:

- elements of a resolution "authorising our post-conflict requirements";
- issues UK forces might confront in the first 48 hours of hostilities;
- the role of UN weapons inspectors (see Section 4.4);
- 'Iraq Day After – Oil'; and
- 'Preliminary UK Views on Economic Actions in First 30/60 Days'.[347]

823. The IPU prepared the paper on oil. It is not clear which, if any, of the others was written by the IPU.

824. The FCO advised No.10 that the paper setting out elements for a possible resolution was "broadly in line with emerging US thinking". The suggested elements included the proposal that a UN Special Co-ordinator (UNSC) would be appointed, and would in turn appoint or supervise the creation of an Iraqi Interim Council.[348]

825. Other core elements of the draft resolution were:

- authorisation for Member States acting under unified command to provide an international security presence in Iraq;
- continuation of OFF, overseen by the Security Council, to ensure the transparent and fair use of Iraqi oil revenues;
- creation of a UN Assistance Mission for Iraq (UNAMI) to co-ordinate the work of NGOs and UN agencies.

826. UK efforts to secure a UN mandate for a post-conflict administration, culminating in the adoption of resolution 1483 on 22 May, are described in detail in Section 9.1.

---

[347] Minute Rycroft to Prime Minister, 7 March 2003, 'Iraq: Weekend papers'.
[348] Paper [unattributed and undated], 'Iraq: Phase IV Elements for a possible resolution'.

827. The paper on issues for the first 48 hours listed 16 questions that would need answering, but offered no answers.[349] It is not clear whether the MOD or DFID had been consulted before the document was sent to No.10.

828. The list of questions included:

- Which economic assets would need securing?
- What message should be delivered to the Iraqi people?
- What would be the most effective UK contribution to humanitarian relief?
- "With Whom Should UK Forces Work?
  - Who should be indicted ('black list'), or detained until the situation is secure ('grey list')?
  - Who can we identify in advance as Iraqis we might work with? ('White list')?
  - How are these people to be identified on the ground?
  - What should be the immediate handling of members of Iraqi security organisations? Presumably key players on the National Security Council, the leadership of the Special Security Organisation and the Special Republican Guard would be on a black list?
  - What about the police and regular Army?"
- How far should UK forces respond to civil unrest in urban areas?
- What assurances could be given to Russia or France about the security of their assets?

829. The IPU paper on oil policy had been shown to Mr Straw on 28 February.[350] Mr Chilcott described it as "preliminary, official-level thinking", incorporating comments from a range of departments. He explained to Mr Straw that the IPU intended to share the paper with the US "in due course".

830. In the paper, the IPU judged that it would take "enormous investment over a number of years" to overcome decades of underinvestment in Iraq's oil infrastructure. That work should be a major focus for the international administration, but much of the initial work would fall to the interim administration. It would be important to ensure any such moves by the interim administration were "clearly in the interests of the Iraqi economy and people" and carried out transparently, and that production was "not pushed beyond OPEC-type depletion rates, even though this could be in the interests of the Iraqi people".

---

[349] Paper [unattributed and undated], 'The first 48 hours'.
[350] Minute Chilcott to Private Secretary [FCO], 28 February 2003, 'Iraq Day After – Oil Policy' attaching Paper IPU, 27 February 2003, 'Iraq Day After – Oil'.

831. The IPU saw no reason for a radical overhaul of an industry which was "relatively well run given the circumstances". The US had identified individuals in Iraq and the diaspora who could take on key roles. The UK should do the same. "Winning hearts and minds" among oil workers and making sure they were paid would be vital. The UK would want to be seen to help get oil pumping while putting out "robust messages" that it had no selfish interest in doing so.

832. Four types of oil contract needed to be considered: OFF oil purchase contracts, which should continue with minimal disruption; and new contracts for tackling fires, investment in new fields and rehabilitation of infrastructure, all of which would need to be transparent and open to UK firms. It was important to make sure the US kept the UK Government in the picture.

833. As next steps, the IPU recommended the UK should:

- convene a meeting with UK oil companies to make use of their expertise;
- obtain the US data on the Iraqi oil sector, including personnel;
- carry out detailed research on key oil infrastructure in the UK sector;
- hold preliminary discussions with UK firms to ensure they were well placed to pick up contracts;
- develop an oil sector information campaign;
- calculate the cost of paying Iraqi oil workers;
- factor rapid assistance for oil field installations into UK military planning;
- start work on appropriate UN resolutions, including for the continuation of the OFF programme; and
- research existing oil investment agreements with Iraq.

834. On 2 March, Mr Straw had commented: "V[ery] good paper."[351]

835. UK policy on the management of Iraq's oil reserves is addressed in Section 10.3.

836. The last paper in the set shown to Mr Blair, on economic actions in the first 30 to 60 days, had been written in mid-February as the UK contribution to the trilateral working group on economic issues.[352]

837. The paper did not allocate responsibility for individual post-conflict tasks or identify the likely resources needed, but is the most detailed piece of non-military planning for post-conflict Iraq seen by the Inquiry.[353]

---

[351] Manuscript comment Straw, 2 March 2003, on Minute Chilcott to Private Secretary [FCO], 28 February 2003, 'Iraq Day After – Oil Policy'.
[352] Minute Dodd to Manning, 3 March 2003, 'Ad Hoc Group on Iraq'.
[353] Paper [unattributed], 14 February 2003, 'Iraq Day After: Preliminary UK Views on Economic Actions in First 30/60 Days'.

838. The paper set out strategic and operational objectives against six different issues: humanitarian relief; public finances; oil; Ba'ath Party and former elite economic issues; reconstruction and economic strategy; and effective economic administration. The operational objectives were divided into action needed before the fall of the existing Iraqi regime, "immediate" actions for the first 30 days afterwards and "pressing" actions for between 30 and 60 days.

839. The section on public finances included as one of its key strategic objectives: "Avoiding disintegration of civil service and public services." The "specific operational objective" before regime change was to reassure employees that salaries would be paid. Objectives for the 30 days after regime change included ensuring salaries continued to be paid and "decisions about pay policy towards security services and military".

840. The paper was unchanged from a version shared with the US State Department on 14 February, when it had been described to US officials as "very much work in progress, not completely co-ordinated here [in London]".[354]

841. The Inquiry has seen no evidence of further work on the document.

TREASURY DISCUSSIONS WITH THE IMF

842. Mr Jon Cunliffe, Treasury Managing Director for Macroeconomic Policy and International Finance, called on the IMF internal task force on Iraq in Washington on 6 March.[355]

843. The UK Delegation to the IMF reported that the task force had made "some significant progress", but that staff emphasised the sheer scale of the debt problem facing Iraq, well in excess of the capacity to pay. Without taking account of the need to front-load reconstruction costs, IMF staff estimated it could take 20 years to pay off less than a third of Iraq's potential debt burden of US$300bn (incorporating external debt of US$90bn and compensation payments to Iran and Kuwait). IMF staff were pulling together background information on the economy, the state of institutions and priorities in case the IMF became involved in either policy advice or technical assistance. Potential areas of involvement included currency reform, fiscal policy, the oil sector and external debt. Planning was "highly tentative". Experience of other post-conflict situations had taught the IMF that "the situation on the ground can turn out to be extremely different from prior expectations and that this then impacts on the policy advice".

---

[354] Letter Economic Policy Department [junior official] to US State Department official, 14 February 2003, 'Iraq Day After: Trilateral Economic Discussions – Follow-up'.
[355] Telegram 21 UKDel IBRD Washington to FCO London, 7 March 2003, 'Iraq and IMF'.

DFID update on humanitarian assistance

844. A DFID update on humanitarian planning for No.10 on 7 March stated that:

- **In the event of conflict, DFID would assess the scale of the humanitarian need, identify the UN agency best placed to respond and provide immediate funding.**
- **DFID would also be advising the military, to whom immediate responsibility for assistance would fall.**
- **Reconstruction plans were less well advanced. DFID's focus had been on ensuring the international community and the US recognised the scale of the task and the need for a UN mandate.**

845. DFID urged Mr Blair to press the case with the US immediately for a resolution authorising reconstruction. UK participation in military action should be made conditional on such a resolution.

846. Sir David Manning advised Mr Blair to engage President Bush on the issue the following week, but to focus first on the second resolution.

847. Mr Blair received a DFID update on humanitarian assistance and reconstruction planning on 7 March.[356] The paper stated that the principle underlying DFID's humanitarian assistance was "to provide rapid support to whoever is best placed to meet the immediate needs of the people". There was now a DFID staff presence in ORHA and 1 (UK) Div in Kuwait, with further deployments to the region and UN agencies imminent. £10m had been earmarked for UN and NGO contingency planning and supplies were in place to provide shelter for up to 25,000 people. DFID would:

> "… respond to the humanitarian needs of the Iraqi people through supporting the international humanitarian system, principally the UN, Red Cross/Crescent and key NGOs to save lives and alleviate suffering. We would be able to allocate up to £65m from our contingency reserve."

848. In the event of conflict, DFID would assess the scale of the humanitarian need, identify the UN agency best placed to respond and provide immediate funding for it to do so, although immediate responsibility for assistance would fall to the military, to whom DFID would be giving advice.

849. The paper stated that reconstruction plans were less well advanced. The focus of DFID's work, in collaboration with other government departments, had been "to ensure the international community, especially the US, realises the enormous scale of the task and the necessity of a UN mandate". Uncertainty over that issue was holding up planning, but DFID had held discussions with the World Bank and other partners. One of

---

[356] Letter Warren to Rycroft, 7 March 2003 attaching Paper DFID, [undated], 'DFID Planning on Iraq'.

the first tasks would be to put Iraq's debt on an agreed international footing. DFID would aim, with the Treasury, "to play a lead role in the IFIs in gaining such an agreement".

850. Dr Brewer sent Sir David Manning supplementary material for Mr Blair to use with President Bush, which explained the need for a resolution to authorise reconstruction activity and the financial advantage of having one.[357] Dr Brewer explained that the draft speaking note had been seen by Ms Short, Mr Chakrabarti, Mr Chilcott (in Mr Ricketts' absence) and Mr Bowen. She concluded:

> "We judge that the time to press our case with the Americans is now: they need to know how much this matters for us and for the prospects of others engaging in the reconstruction effort."

851. The suggested points for Mr Blair to put to President Bush included:

- the constraints on occupying forces in the absence of a resolution expressly authorising a continued international presence in Iraq; and
- the negative impact the absence of a resolution was having on planning by large parts of the international system.

852. The DFID draft included the suggestion that Mr Blair conclude with the statement: "That apart, I need this UN mandate before I can give the go-ahead."

853. Sir David Manning forwarded Dr Brewer's letter to Mr Blair on 8 March, with the comment:

> "You will need to engage Bush on this soon – but my view is that we should concentrate on 2nd Resolution this w/e [the weekend of 8 and 9 March] and start on the UN heavy lifting on Monday/Tuesday [10 and 11 March]."[358]

854. Mr Blair discussed the need for a further resolution on post-conflict Iraq with President Bush on 12 March.

DIS Red Team report on retaining the support of the Iraqi people

855. The second report by the DIS Red Team stated that internal Iraqi support was likely to be the single most important factor in achieving success in Iraq.

856. The Red Team recommended that, if there was any doubt about the Coalition's ability to meet Iraqi expectations in an exemplary fashion, steps should be taken as soon as possible to lower those expectations.

---

[357] Letter Brewer to Manning, 7 March 2003, 'Iraq/Post Conflict: Legal and Financial Imperatives' attaching Paper [unattributed], 7 March 2003, 'Iraq/Post Conflict: Legal and Financial Imperatives: Points for the Prime Minister to use with President Bush'.
[358] Manuscript comment Manning to Prime Minister, 8 March 2003, on Letter Brewer to Manning, 7 March 2003, 'Iraq/Post Conflict: Legal and Financial Imperatives'.

857. The aim of the second report from the DIS Red Team ('Obtaining and Retaining the Support of the Iraqi People in the Aftermath of Conflict'), issued on 7 March, was: "To identify the optimum structure of the Immediate and Interim Administrations in Iraq and other measures most likely to obtain and retain the support of the Iraqi people."[359]

858. The Red Team listed six key judgements and three key considerations:

"Key judgements:

- Internal Iraqi support is likely to be the single most important factor to the success of the whole operation. After a 'honeymoon period', Iraqi support is likely to become fragile and will depend on the way the early phases of the military campaign were conducted and the effectiveness of the immediate post-conflict administration.
- The Immediate Administration will be established as a 'belligerent occupation', which will require Coalition forces to provide a wide range of administrative support, as well as maintaining law and order.
- The form of the Interim Administration is not yet clear, but in descending order of acceptability is likely to be:
  - UN Assistance Mission with strong US/UK civilian and military contributions.
  - US-led civilian administration.
  - 'Full blown' UN administration – on the lines of UNMIK [UN Mission in Kosovo] or UNTAET [UN Transitional Administration in East Timor].
- The critical success factor from the outset will be the engagement of local representatives in advisory bodies at national, regional and local level. Iraqi representation must not be restricted to Iraqi exile bodies.
- Opportunities must be taken to hand over administrative responsibility to local authorities as they become competent and are approved by advisory bodies.
- Law and order, including the judicial process, will require special handling and the retention of executive authority by the Interim Administration.

…

"Key Considerations.

- **Fragility of Popular Support** … There is likely to be widespread support for Coalition forces in the immediate aftermath, but it will be extremely fragile. Retaining support will depend on:
  - The conduct of the early phases of the campaign …
  - Providing food, water, medical assistance and shelter …
  - Prompt action to mark and clear unexploded ordnance …

[359] Minute PS/CDI to APS2 SofS [MOD], 7 March 2003, 'Iraq Red Team – Obtaining and Retaining the Support of the Iraqi People in the Aftermath of Conflict' attaching Paper DIS Red Team, 7 March 2003, 'Obtaining and retaining the support of the Iraqi people in the aftermath of conflict'.

- Preventing interference in internal Iraqi affairs by outside states (principally Turkey and Iran).
- Providing a credible promise of increasing Iraqi involvement in administration with a road-map to Iraqi-led government, whilst ensuring no particular group feels unduly disadvantaged.

"If any of these conditions are not met, we must expect support rapidly to evaporate in all or part of the country.

- **Clarity of the Information Campaign message …**
- **Legal Position:** in the post-war period, irrespective of the status of UNSCRs, the US/UK forces in Iraq will be in 'belligerent occupation'. This obliges them to:
  - Restore and maintain public order and safety by '*respecting the laws in force … in the occupied state*'.
  - Assume responsibility for administering the occupied area.
  - Take responsibility for the medical care of inhabitants.
  - Supply the civil population with food, medical supplies, clothing, bedding and shelter.
  - Facilitate relief schemes, if required.
  - Facilitate the operation of postal facilities, religious observance and schools.
  - Issue a proclamation making the existence, extent and special regulations of the occupied territory clear to the inhabitants.
- UK forces are also obliged to apply the standards of the European Convention on Human Rights, whereas US forces are not. This could present complications with respect to the removal of detainees from Iraq, for example.
- These responsibilities remain in force until the Occupation ceases.
- Expectations that the Coalition forces will be able to deliver these responsibilities are high; so if there is doubt over our ability to meet them in an 'exemplary' fashion we should take steps to lower expectations as early as possible."

859. The section of the report on "Post-War Structures" stated that Iraq was "not a 'failed state'", nor was it recovering from a bloody civil war. The people were "proud" and would "respond badly to condescension or perceived insults".

860. On law and order and the judicial system, the Red Team judged that:

"- [O]nce an assessment has been made of the effectiveness of local police forces it should be increasingly possible to include them in military-led law and order operations".
- The Iraqi judicial system was "largely dysfunctional" and an "interim judicial system may be necessary".
- The prison system was likely to need "a complete overhaul and supervisory regime", although the infrastructure might be "useable".

861. The Red Team concluded that:

"
- Iraqis look forward to improved circumstances post-conflict and their expectations that they will be engaged by the Coalition in achieving this need to be accommodated.
- The way the military campaign is run, and the early stages of post-war operations, will determine the degree of support the Coalition receives from the Iraqi people; if it is not well handled, we risk compromising overall success."

862. There is no indication of any response to either of the Red Team's pre-conflict reports, including the warning of the terrorist threat from Al Qaida against civilians and Coalition Forces in Iraq.

UK military and humanitarian co-ordination in the South

863. In early March, Lt Gen Reith discussed the expansion of the UK combat role with US commanders. He continued to advise the Chiefs of Staff to extend the UK AO.

864. Lt Gen Reith visited the Middle East from 5 to 7 March, where he discussed optimising the use of 1 (UK) Div combat power "in some detail" with General John Abizaid, Gen Franks' Deputy Commander (Forward), and then with Lt Gen McKiernan.[360] The record of the visit stated that Lt Gen Reith "offered" two options for UK forces to play a role in later operations: providing additional combat power to the US advance on Baghdad, or deploying forward by air to the Baghdad area to "assist in developing stability in case of sudden regime collapse".

865. A manuscript note on Maj Gen Fry's copy of the record stated:

> "CDS was most unhappy … COS [Chiefs of Staff] & SofS [Secretary of State] riding instructions were to not offer anything outside the UK AO but be receptive to requests ('request mode rather than push mode'). CDS wanted to talk to CJO [Lt Gen Reith] immediately – but will close the loop on Saturday [8 March]. In the meantime this note is being kept away from Ministers' offices."[361]

866. Gen Jackson visited UK forces in Kuwait between 6 and 8 March and was involved in Lt Gen Reith's discussion with Lt Gen McKiernan (see Section 6.2).[362] He reported to Adm Boyce that:

> "Hampered by lack of domestic and international consensus on Phase III, planning for Phase IV remains the most immature aspect of the operation. The key to success in Phase IV will be legitimisation through multi-nationality, if possible underpinned by a further UNSCR … Early multi-nationalisation of the occupying force should provide

---

[360] Minute Dutton to PSO/CDS, 7 March 2003, 'CJO visit to Middle East 5-7 Mar 03'.
[361] Minute MA/CJO to PSO/CDS, 7 March 2003, 'CJO visit to Middle East 5-7 Mar 03'.
[362] Minute CGS to CDS, 10 March 2003, 'CGS Visit to Op TELIC'.

the perception of legitimacy that the current narrow Coalition lacks. But realistically, current ill-feeling may run deep enough to prevent a thaw …

"… Lt Gen Abizaid would like to avoid an occupation model based on sectors as used in the Balkans … I observed that a territorial solution may be difficult to avoid as nations would wish to influence a given sector and military commanders would want clear boundaries for operations and interaction with civil authorities …

"… I judge that, realistically, it will be some time before Coalition partners join US and British forces in any real strength, if at all. I draw two conclusions from this: first, that as much as possible of Iraq's administrative and military structure should be preserved; and second, that we should beware rapid US drawdown on the American assumption that UK (perhaps through the ARRC) will form the focus for an international force that in the event fails to materialise.

"… GOC 1 Div [Maj Gen Brims] made it clear to me that in clarifying his role in Phase IV, he needed simply to know what his title was, to whom he would be responsible, and how quickly a civil administrator would be appointed. While he judges that Basra has adequate short-term food stocks, it will urgently need water, electricity and medical supplies … Only the ICRC has humanitarian stocks in position … there was little confidence within 1 Div that DFID has a coherent plan in place. I support GOC 1 Div's intent to manage Phase IV with as light a touch as possible, but it will be important to establish the rule of law quickly – the question, as in Kosovo, will be whose law? …"

867. Gen Jackson concluded:

"We are ready not just to demonstrate solidarity with our Coalition partner, but to contribute considerable and potentially decisive combat power to achieve rapid success in Phase III. Rapid success will set the conditions for Phase IV, which in turn will determine the overall success of the enterprise."

868. A "Critical Decision Checklist" prepared for Mr Hoon on 7 March listed actions that had to be taken before UK forces were committed to action, including provision of resources for immediate humanitarian assistance.

869. DFID and the MOD remained unable to agree a joint approach to UK humanitarian operations in the area occupied by UK forces.

870. On 7 March, Mr Lee prepared a "Critical Decision Checklist" for Mr Hoon, listing actions that "have to be taken before forces could be committed to action".[363] Three were linked to post-conflict planning:

- "Provision of resources for immediate humanitarian assistance (in hand)";

[363] Minute Lee to PS/Secretary of State [MOD], 7 March 2003, 'Critical Decision Checklist'.

- "Agreement with US on Phase IV assumptions (IPU in hand)"; and
- "Finalisation of military campaign objectives (Cabinet Office, in hand)".

871. Separate MOD advice to Mr Hoon stated that DFID expected to distribute humanitarian relief through IOs and NGOs that would not be present until the environment was benign.[364] UK forces could find themselves in control of part of Iraq, including Basra, before IOs and NGOs were willing to enter the country. Ms Short's agreement that DFID should take part in planning to manage the consequences of war was welcome, but DFID's likely plan was to distribute relief wherever there was a need, not just in the UK AO. There was a danger that, even with DFID engagement, UK troops would lack the resources to deal with the humanitarian difficulties they faced. Officials recommended that the only way to be sure UK forces had access to the humanitarian supplies they might need was for DFID to channel its funding directly through the military.

872. Section 13.1 describes the subsequent exchange between the MOD, DFID and the Treasury on how to fund delivery of humanitarian assistance in the UK's AO.

873. On 9 March, Ms Short threatened to resign from the Government if the UK took military action against Iraq without UN authorisation.

874. In an interview for *BBC Radio 4* on 9 March, Ms Short said she would resign from the Government if the UK took military action against Iraq without UN authority.[365] Asked whether she thought Mr Blair had acted "recklessly", Ms Short described the situation as "extraordinarily reckless". She continued:

> "… what worries me is that we've got the old spin back and we have detailed discussions either personally or in the Cabinet and then the spin the next day is: 'we're ready for war' …
>
> "If it takes another month or so, that is fine … And I think you could get a world where we see the UN in authority … proper care for the people of Iraq, because at the moment the preparations to care for the humanitarian aftermath of any military conflict are not properly in place.
>
> "And there's another major legal point – if there isn't a UN mandate for the reconstruction of Iraq … [i]t will in international law be an occupying army and won't have the authority to make changes in the administrative arrangements in Iraq."

875. In her memoir, Ms Short wrote that when she arrived in DFID on 11 March, Mr Chakrabarti and senior officials had obviously been asked by No.10 to find out what

---

[364] Minute MOD D/Sec to PS/Secretary of State [MOD], 7 March 2003, 'OP Telic: DFID involvement and the funding of immediate humanitarian assistance'.
[365] *BBC News*, 10 March 2003, *Clare Short Interview*.

it would take to make her stay on as International Development Secretary.[366] After discussion, they agreed that the conditions were:

"1. Publish Road Map [for the Middle East]

2. Absolute requirement UN mandate for reconstruction

3. UN mandate for military action."

876. Mr Chakrabarti wrote to Sir Andrew Turnbull later on 11 March to explain Ms Short's position and to recommend "more frequent and systematic discussion of these issues between senior Ministers" and between Mr Blair and Ms Short, who needed reassurance that her concerns would be taken fully into account. Mr Chakrabarti understood that Mr Blair might ask senior Ministers to meet more regularly if conflict started, but advised starting these meetings sooner, "given the scale and significance of the decisions being taken".[367]

877. Sir Andrew Turnbull informed officials in No.10 and the Cabinet Office of revised arrangements for Ministerial meetings on 18 March.

878. On 10 March, the House of Commons International Development Committee published its Report *Preparing for the Humanitarian Consequences of Possible Military Action Against Iraq*. The Committee stated: "We are not yet convinced that there is, to use the Prime Minister's words, 'a humanitarian plan that is every bit as viable and well worked out as a military plan'."[368] The Committee advised: "it is essential that in planning for the possible humanitarian consequences of military action the worst case scenario, involving ethnic conflict, is considered".[369] The Committee recommended that DFID issue a statement immediately outlining its humanitarian contingency plans.

879. Ms Short's statement on 13 March is described later in this Section.

MR STRAW'S STATEMENT TO THE HOUSE OF COMMONS, 10 MARCH 2003

880. Mr Straw made a statement on Iraq to the House of Commons on 10 March, described in more detail in Section 3.8, in which he addressed the potential consequences of military action. Mr Straw stated that the international community would have "a duty to build a secure, prosperous future for the Iraqi people". In his meeting with Mr Annan on 6 March, he had proposed "that the UN should take the lead role in co-ordinating international efforts to rebuild Iraq, and that they should be underpinned by a clear UN mandate".[370]

---

[366] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.
[367] Letter Chakrabarti to Turnbull, 11 March 2003, 'Iraq'.
[368] Fourth Report from the International Development Committee, Session 2002-2003, *Preparing for the Humanitarian Consequences of Possible Military Action Against Iraq*, HC 444-I, page 5.
[369] Fourth Report from the International Development Committee, Session 2002-2003, *Preparing for the Humanitarian Consequences of Possible Military Action Against Iraq*, HC 444-I, page 17.
[370] House of Commons, *Official Report*, 10 March 2003, column 23.

DIS REPORT: 'BASRA: POST SADDAM GOVERNANCE'

881. On 11 March, the DIS reported anecdotal evidence that Iraqi citizens were arming themselves as protection against an anticipated breakdown in law and order after the removal of Saddam Hussein.

882. The same report identified the Ba'ath Party as Basra's most important administrative institution.

883. On 11 March, the DIS produced the paper 'Basra: Post Saddam Governance'.[371] It was the first of a series of DIS reports on southern Iraq and came with the caveat that much of the content was "necessarily speculative".

884. It is not clear who saw the DIS report, but it seems likely that it would have been sent to all those, including senior officials in the MOD and the FCO, but not DFID, who received copies of the Red Team reports.

885. The report listed a range of possible local responses to military action, ranging from reprisals against Ba'ath Party and Security Force personnel to the collapse of law and order.

886. The DIS described the Ba'ath Party as "Basra's most important administrative institution". The local organisation mirrored that of the rest of the country:

> "Most party members will have joined for reasons of professional and social advancement. It can be assumed most prominent members of Basra's professional classes (eg senior port officials, heads of local government departments, University Heads etc.) will be party members. They may however have little role in directing the party or ensuring regime control."

887. The DIS stated that the "upper echelons … (Director level)" of most Basra governorate departments, which covered the full range of local administrative functions, would be members of the Ba'ath Party.

888. The DIS advised that there was "very limited reporting on the organisation of Iraq's Civil Police. And we have no information specific to Basra." It added that there was anecdotal evidence from elsewhere in Iraq suggesting civilians were fearful of a general breakdown in law and order and were arming themselves. Disarming them "might be interpreted as running contrary to cultural norms and could be resisted by the civil populace".

889. Those conclusions were broadly consistent with views expressed in US intelligence briefings produced in January and March.

---

[371] Report DIS, 11 March 2003, 'Basra: Post Saddam Governance'.

890. In January 2003, a US National Intelligence Community Assessment had judged that a post-Saddam Hussein authority in Iraq would face "a deeply divided society with a significant chance that domestic groups would engage in violent conflict with each other unless an occupying force prevented them from doing so".[372] The Assessment identified three divisions:

- The "principal division" between Sunni Arabs, the Shia and the Kurds. Based on ethnicity and religion, it also had a geographical aspect, with the groups concentrated in the central, southern and northern regions of Iraq respectively.
- Divisions between "tribal identities". Although 75 per cent of Iraqis identified with a tribe, many of those would be urban residents who probably felt little allegiance to their tribal leaders. Many Iraqi tribes were associated with Saddam Hussein, although for most this was based on self-interest and they could be expected to seek accommodation with any successor regime.
- Divisions between those associated with Saddam Hussein's regime and its victims.

891. A March 2003 CIA report on the Iraqi police and judiciary provided a general description of both, but highlighted the lack of information held by the US on local level officials, including their identities, loyalties and involvement in human rights abuses under Saddam Hussein's regime.[373] The issue had been a lower intelligence collection priority than Iraqi WMD, conventional military capabilities and leadership dynamics.

DFID'S HUMANITARIAN STRATEGY AND IMMEDIATE ASSISTANCE PLAN

892. DFID produced an outline 'Humanitarian Strategy and Immediate Assistance Plan' for Iraq on 12 March.

893. The paper, prepared for Ms Short, was a statement of DFID's, rather than the UK's, priorities. It sought to retain "maximum operational flexibility" for DFID in the face of continuing uncertainty and limited resources.

894. On 12 March, DFID officials sent Ms Short DFID's outline 'Humanitarian Strategy and Immediate Assistance Plan' for Iraq.[374] The covering minute explained that the strategy aimed to address DFID's key objectives of "saving lives and relieving the suffering of the Iraqi people whilst adhering to our principles of impartial humanitarian response. In view of the uncertainties and our limited resources, we are planning to retain the maximum operational flexibility."

---

[372] US Senate Select Committee on Intelligence, *Report on prewar intelligence assessments about post-war Iraq*, 25 May 2007.
[373] US Senate Select Committee on Intelligence, *Report on prewar intelligence assessments about post-war Iraq*, 25 May 2007.
[374] Minute Conflict and Humanitarian Affairs Department [junior official], 12 March 2003, 'Iraq: Humanitarian Strategy and Immediate Assistance Plan: Information Note'.

895. Officials highlighted three issues:

- The UK military had an obligation under international law to provide humanitarian assistance. DFID was helping the MOD to plan and prepare for those responsibilities in the UK AOR, "making it clear that DFID and international agencies will be focused on the Iraq-wide humanitarian needs".
- Until there was a permissive security environment, CHAD-OT remained ready to deploy, but not immediately to establish a forward base, which might affect DFID's ability to respond on the ground in Iraq.
- Planning was based on the assumption that £65m was available for "immediate response needs". Given the scale of potential need in Iraq, those funds would be committed quickly and certainly within the first three months.

896. The attached paper stated that the humanitarian strategy was "based on DFID's humanitarian principles, which includes seeking the best possible assessment of needs and giving priority to the most urgent cases of distress". It listed four aims:

- to save lives and relieve suffering;
- to respond to immediate humanitarian needs in Iraq and neighbouring countries;
- to protect and restore livelihoods; and
- to support rapid transition from relief to recovery.[375]

897. The paper explained that policy development and operational planning were constrained by six factors:

- the uncertain military outcome;
- the wide range of humanitarian scenarios;
- limited DFID human resources;
- uncertainty over financial resources;
- the need to differentiate between support to Coalition Forces and support to "traditional humanitarian partners"; and
- the need for a clear DFID security policy in response to the NBC threat.

898. The humanitarian strategy would focus on:

- ensuring co-ordination of the international effort;
- working with the UN to maintain OFF;
- providing assistance through the UN, Red Cross and NGOs;
- supporting the UK military's stabilisation and relief effort; and
- designing humanitarian interventions that take account of longer-term recovery and reconstruction issues.

---

[375] Paper Conflict and Humanitarian Affairs Department, 12 March 2003, 'Iraq Humanitarian Strategy and Immediate Assistance Plan'.

899. On the single page describing the "Operational Plan", officials explained that: "In view of DFID's limited resources, we will retain **maximum flexibility to respond to changing scenarios and needs**." It listed seven actions that were planned or under way:

- "Information Management": CHAD-OT staff in Kuwait and Jordan were to collate, analyse and disseminate field information. DFID was evaluating the need to send staff to Turkey, Iran and Cyprus, and would retain a limited capacity to deploy assessment teams to localised crisis points.
- "Humanitarian Advice/Funding": CHAD advice in the field and in London to inform policy and funding decisions.
- "Direct Support to the UN": secondment of specialists to support the co-ordination and information activities of the UN's Humanitarian Assistance Centre (HIC) and Joint Logistic Centre (UNJLC).
- "Advice to the Military/Coalition": two secondees advising 1 (UK) Div and one official in ORHA, all contributing to DFID's "information gathering system", and a further secondment to the National Component HQ in Qatar under consideration.
- "Material Support": DFID's stockpile of non-food items, vehicles and equipment brought to immediate readiness, with some elements positioned in Kuwait and elsewhere in the region.
- "Direct Implementation": officials ready to assess and undertake limited relief and immediate rehabilitation operations through supervised QIPs "implemented by our traditional partners and possibly the UK military. This could include building or repairing critical infrastructure required for the humanitarian effort."
- "Oil-for-Food Programme": maintaining and protecting OFF or a variant mandated by the UN.

900. Ms Short responded: "Thanks."[376]

901. On 12 March, Mr Hoon's Private Office informed No.10 that MOD and DFID advisers had been working together for some time, but that it was only "very recently", with the decision to deploy a DFID adviser to HQ 1 (UK) Div, that it had been possible to engage in detailed planning for humanitarian operations within the UK AO.[377] "As a consequence our planning is far less mature than we would ideally like." The absence of funding for 1 (UK) Div to undertake humanitarian assistance was of "crucial concern".

902. In a letter to Mr Blair on 12 March, Ms Short appeared to distance herself and her department from collective responsibility for the UK's humanitarian and reconstruction effort in Iraq.

---

[376] Manuscript comment Short on Minute Conflict and Humanitarian Affairs Department [junior official], 12 March 2003, 'Iraq: Humanitarian Strategy and Immediate Assistance Plan: Information Note'.
[377] Letter Williams to Cannon, 12 March 2003, 'Iraq Post-Conflict Issues'.

903. The letter stated that DFID humanitarian preparations were well in hand; those of the UN humanitarian agencies and the US and UK military were not.

904. On 12 March, Ms Short set out her misgivings about the state of humanitarian planning in a letter to Mr Blair.[378] DFID preparations were well in hand; those of the UN humanitarian agencies and the US and UK military were not. Ms Short argued that "UK Armed Forces are not configured or supplied to provide substantial humanitarian relief" and that the US military were even less prepared:

> "Their focus is on recovery and reconstruction, whereas the most critical period for their involvement will be during the immediate relief phase, during which the implementing partners on whom their plans rely will almost certainly be unable to deliver."

905. Ms Short listed three critical steps, in addition to a UN mandate, needed to improve the situation:

- giving the lead co-ordinating role to the UN;
- clarity over the resources available to DFID to support the provision of humanitarian and reconstruction assistance; and
- more time.

906. Ms Short also confirmed that DFID had "earmarked £65m for Iraq … the majority of my entire contingency reserve for next year [2003/04]".

907. The letter was also sent to Mr Hoon, Mr Straw, Mr Brown and Sir Andrew Turnbull.

908. Mr Hoon responded on 14 March.[379] He endorsed Ms Short's conclusion that international preparedness was insufficient, but insisted the UK and US military were doing all they could with available resources, and argued that she understated the priority the US attached to humanitarian issues.

909. Ms Short outlined DFID's humanitarian preparations to Parliament on 13 March.

910. In her statement, Ms Short announced that DFID was also considering longer-term reconstruction and reform issues.

911. In response to the request from the International Development Committee on 10 March for DFID to issue a statement outlining its humanitarian contingency plans, Ms Short issued a Written Ministerial Statement to Parliament on 13 March.[380] She described how planning had progressed over the previous month: "My assessment of the overall level of preparedness of the international community to cope with the

---

[378] Letter Short to Blair, 12 March 2003, [untitled].
[379] Letter Hoon to Blair, 14 March 2003, 'Iraq: post conflict issues'.
[380] House of Commons, *Official Report*, 13 March 2003, column 21WS.

humanitarian challenges which may lie ahead in Iraq is that it is limited, and this involves serious risk."

912. Ms Short stated that DFID would have two roles in the event of conflict:

- to help advise UK Armed Forces on their obligations under the Hague and Geneva Conventions; and
- to use the funds, expertise and influence available to it to support delivery of humanitarian assistance by the international community.

913. She added that DFID was deploying staff to key locations in the region, had brought DFID's stockpile of non-food items, vehicles and equipment "to immediate readiness", was procuring additional supplies and was positioning some of those stocks in Kuwait and elsewhere in the region.

914. Ms Short explained that she had decided to supplement the extra £3.5m announced on 10 February[381] to support UN humanitarian contingency planning with a further £6.5m, part of which would support a small number of NGOs in their contingency preparations. That was in addition to DFID's ongoing humanitarian programme for Iraq, expected to amount to £8m in 2002/03, and its regular funding to the UN and other humanitarian agencies, which included provision for emergency preparedness worldwide.

915. Ms Short announced:

> "My Department is also considering the longer term reconstruction and reform issues. It is clear that a UN mandate will be required to provide legal authority for the reconstruction effort, and to make possible the engagement of the international financial institutions and the wider international community."

916. DFID provided further information in its detailed response to the Committee's report on 21 March.[382]

917. The Inquiry has seen no evidence that a cross-government humanitarian plan for Iraq was ever produced.

918. One week before the invasion, with no reference to potential timescales, costs or measurable outcomes, the DFID paper did no more than restate DFID's position on an issue where there was no cross-government consensus.

919. The 'Humanitarian Strategy and Immediate Assistance Plan' was the last DFID plan prepared before the invasion of Iraq.

---

[381] House of Commons, *Official Report*, 10 February 2003, column 526W.
[382] House of Commons International Development Committee Second Special Report of Session 2002-03, *Preparing for the Humanitarian Consequences of Possible Military Action Against Iraq: Government Response to the Committee's Fourth Report of Session 2002-03*, HC 561.

920. DFID did not produce any proposals for longer-term reconstruction until 27 March.

Extending the Oil-for-Food programme

921. Dr Rice gave Sir David Manning an account of White House thinking on the handling of Iraqi oil on 13 March. The OFF programme should be left in place, but sanctions lifted to allow Iraq to use the proceeds as it chose. OFF should be phased out when there was an Iraqi entity ready to take over revenues. The US also wanted to make clear that military operations would not be paid for out of Iraqi oil money. In response, No.10 asked the FCO to prepare a note on UK plans for Iraqi oil revenues for Mr Blair to use in public.[383]

922. On 14 March, the FCO instructed the UK Mission to the UN in New York to start discussions with the US delegation on a possible resolution to modify the OFF programme and sanctions regime should military action lead to the absence of an effective Iraqi government.[384]

923. The UK position was summarised in the FCO background papers for the Azores Summit, sent to No.10 on 15 March:

> "If the Iraqi regime falls, new arrangements will need to be put in place to enable the OFF to keep functioning. Our current plan is to table a resolution soon after conflict starts … We are seeking to amend some of the procedures to speed up the process for humanitarian goods …
>
> "We would hope that the Secretary-General would be able to transfer full control over oil revenues to a properly representative Iraqi Government as soon as possible (not as the US have suggested, an Iraqi 'entity', which could, particularly if US appointed, fuel suggestions that the Coalition was seeking to control Iraqi oil)."[385]

924. Resolution 1472, adopted unanimously on 28 March, transferred authority for administering the OFF programme to the UN Secretary-General for a period of 45 days, with the possibility of further renewal by the Security Council.

Plans and preparations on the eve of the invasion

925. In early March, the structure of ORHA and of the post-conflict Iraqi Interim Authority (IIA) remained uncertain.

926. On 6 March, a UK official working for ORHA in Washington reported to Mr Chilcott that ORHA would welcome "UK ideas on how to handle [the] Iraqi Foreign Ministry" and

---

[383] Minute Cannon to Owen, 14 March 2003, 'Iraq: Iraqi Oil Post-Conflict'.
[384] Telegram 149 FCO London to UKMIS New York, 14 March 2003, 'Iraq – Military Action – Sanctions and Oil for Food – Strategy Paper'.
[385] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit' attaching Paper FCO, 'Iraq – Oil for Food Programme (OFF) and Sanctions'.

"UK information on Iraqi ministries – structure, numbers, who are good Iraqis to work with".[386] The official stated that Principals had still not agreed ORHA's structure in Iraq, ORHA's relationship to the UN or to the IIA, or the role of different Iraqi groups in the IIA. The official also commented that: "ORHA has an overwhelmingly military feel, despite Gen Garner's best efforts to be called 'Mr'."

927. An IPU official sent Mr Chaplin and Mr Chilcott a set of possible principles to guide the composition of the IIA on 10 March.[387] Those included:

- sensitivity to ethnic and sectarian balance, the secular/religious mix and the role of tribes, without reinforcing or reinventing divisions in Iraqi society;
- ensuring that diaspora returnees included technocrats and "religious charitable organisations";
- remembering that many of the diaspora were in Arab countries; and
- that members of the external opposition "must have hands-on skills and/or real support within Iraq".

928. Mr Chaplin agreed with all but the last. He argued that:

> "… external oppositionists of any stripe should be free to try their luck back in Iraq. The Coalition can perhaps judge their skills, but not their political credibility. Only Iraqis can do that."[388]

929. On 10 March, Mr Fraser sent Sir Michael Jay and Mr Ricketts advice on the implications of military action for the international system.[389] Mr Fraser attached a paper prepared by the Directorate of Strategy and Innovation (DSI) listing "the risks and opportunities of quick, successful, UN-sanctioned military action leading to the installation in Iraq of an international administration (ie a best case scenario)", to "help us to focus on some of the issues we may confront quite early on the morning after".[390]

930. The risks covered Iraq, the region and more general issues. Under "Iraq internal", the paper listed:

"– Internal rebellion; major unrest

– External military intervention (eg by Turkey; Iran)

– Power vacuum (providing ideal conditions for criminal elements; drugs; people-trafficking)

– Iraqi oil fields rendered unusable."

---

[386] Email [British Embassy Washington junior official] to Chilcott, 6 March 2003, 'ORHA: reporting'.
[387] Email [IPU junior official] to Chilcott, 10 March 2003, 'ORHA: reporting'.
[388] Email Chaplin to Chilcott, 10 March 2003, 'ORHA: reporting'.
[389] Minute Fraser to Jay, 10 March 2003, 'Iraq: Implications for the International System'.
[390] Paper DSI, [undated], 'Iraq – Risks and Opportunities'.

931. The paper warned that seeking but failing to secure a second resolution would increase many of the risks listed, including by "reducing the effectiveness of any Day After work (so eg increased chance of a power vacuum forming in parts of Iraq or external intervention)".

932. On 10 March, the British Embassy Washington reported that the US had agreed a broad outline for the transitional administration of Iraq:

- **a Civilian Administrator responsible for key ministries and reporting to Coalition Forces;**
- **a UN Special Co-ordinator responsible for UN agencies and reporting to the Security Council; and**
- **an IIA under Coalition oversight, administering the less sensitive ministries.**

933. UK officials commented that the US seemed to be "moving in the right direction". No.10 would be asked to inject the UK's advice on Phase IV.

934. Mr Brenton reported on 10 March that the US had agreed the "broad outlines of the structure of transitional arrangements" in Iraq in the period between military rule and Iraqi government.[391] The three components of the transitional arrangements were:

- a Civilian Administrator reporting to Coalition Forces and responsible for key ministries;
- a UN Special Co-ordinator responsible for UN agencies and reporting to the Security Council; and
- an IIA to administer the less sensitive ministries and agencies, under Coalition oversight.

935. There was agreement in Washington that those arrangements "would need to be blessed via a UNSCR". The State Department had been commissioned to start work on a draft. But the Coalition would remain in overall control until it felt comfortable enough to hand authority to the Iraqis: the US would "not allow sovereignty to be passed to the UN".

936. On 10 March, Sir David Manning wrote to Dr Rice, enclosing a draft resolution on post-conflict Iraq.[392] He described the purpose of the resolution as:

- to provide legal and political "cover" for the UK and other nations to contribute to reconstruction;
- to build support in Iraq and the Arab world for reform;

---

[391] Telegram 321 Washington to London, 10 March 2003, 'Iraq: Day After Planning'.
[392] Letter Manning to Rice, 10 March 2003, 'Iraq: Post-conflict administration'.

- to "provide an exit strategy"; and
- to re-unite the international community.

937. The record of the 11 March FCO Iraq Morning Meeting stated that: "US Principals still seem to be moving in the right direction on 'Day After' thinking. No.10 will be asked to hurry along the injection of our Phase IV advice."[393]

938. On 12 March, Mr Chaplin updated heads of key FCO posts abroad on progress "as we enter the endgame".[394] He reported that the post-conflict phase "should offer opportunities to rebuild a degree of international consensus after the blood spilled over the second SCR". Guidance would issue separately (the Phase IV Core Script), but heads of post could already stress to interlocutors the principles guiding the UK approach, including a major role for the UN and giving clear responsibility to the Iraqi people (not just exiles) to decide the constitution and institutions they wanted.

939. On 13 March, Sir Michael Jay informed FCO staff in London and at posts abroad that the FCO Emergency Unit would be open from 0900 on 14 March and the Consular Crisis Centre from 17 March.[395]

The FCO Emergency Unit

The FCO Emergency Unit, responsible for co-ordination of all aspects of FCO Iraq policy during the military campaign, opened on 14 March.

The FCO Consular Crisis Centre opened on 17 March.

Both operated 24 hours a day throughout the military campaign.

Sir Michael Jay informed FCO staff on 13 March that the FCO Emergency Unit would be open from 0900 on 14 March and the Consular Crisis Centre from 17 March.[396] Sir Michael explained:

> "This does not imply that military action is inevitable, or that a date has already been set for its start should it become unavoidable. We continue to work flat out to secure a further UN resolution that will lead to Iraq's disarmament. But we must be prepared for all contingencies, and events are moving fast.
>
> "Peter Ricketts … together with William Ehrman … is co-ordinating the FCO's overall response to the crisis. Edward Chaplin … is Deputy Crisis Co-ordinator. They will continue to work from their current offices. Charles Gray … has been appointed Crisis Manager.
>
> "As well as political and briefing sections … the EU [Emergency Unit] will also include a Pol Mil [politico-military] Section … which will be responsible for liaison with the MOD. There will also be a member of Consular Division embedded in the Unit, who will liaise with the Consular Crisis Centre. The Emergency Unit will work in close

[393] Minute Tanfield to PS/PUS [FCO], 11 March 2003, 'Iraq Morning Meeting: Key Points'.
[394] Telegram 33 FCO London to Riyadh, 12 March 2003, 'Iraq: The Endgame'.
[395] Telegram 130 FCO London to Abidjan, 13 March 2003, 'Opening of FCO Emergency Unit'.
[396] Telegram 130 FCO London to Abidjan, 13 March 2003, 'Opening of FCO Emergency Unit'.

> co-operation with the various other [FCO] geographical and functional departments engaged in crisis related work … and Press Office. It will also work closely with the Iraq Planning Unit which, for the moment, continues to lead on the less immediate, longer-term, post-conflict planning issues."
>
> Mr Ricketts had been chairing regular FCO morning and evening meetings on Iraq since late 2002 (see Section 6.4). The last of those meetings took place on the morning of 14 March.[397]
>
> After the closure of the Emergency Unit on 2 May, Mr Ricketts resumed daily Iraq policy meetings in his office from 6 May.[398]
>
> On 20 March, Sir Michael Jay informed Mr Straw that almost 5 percent of FCO staff in London had been redeployed to work on Iraq, including 170 volunteers to temporary positions in the two emergency units.[399]
>
> That number far exceeded the combined total of appointments to the IPU, to the new Embassy in Baghdad and to ORHA (see Section 15.1).

940. On 13 March, Mr Blair told Cabinet that President Bush had promised a UN mandate for reconstruction.

941. Mr Blair spoke to President Bush on the afternoon of 12 March (see Section 3.8).[400] Among the issues discussed was a US statement on the need for a further UN resolution on post-conflict Iraq.

942. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution (see Section 3.8).[401] He also stated that "the reconstruction of Iraq after a conflict would need a United Nations Security Council resolution". The US had "now agreed" to that.

943. In the discussion, points made included that UN authority for the reconstruction of Iraq was "essential so that all countries and international institutions could contribute".

944. In her memoir, Ms Short wrote that, after Cabinet on 13 March, Mr Blair told her that President Bush had "promised [a] UN mandate for reconstruction".[402]

---

[397] Minute Kernahan to PS/PUS, 14 March 2003, 'Iraq Morning Meeting'.
[398] Minutes, 1 May 2003, FCO Emergency Unit Iraq Meeting.
[399] Minute Jay to Secretary of State [FCO], 20 March 2003, 'Iraq Contingency Planning and Prioritisation'.
[400] Letter Rycroft to McDonald, 12 March 2003, 'Iraq: Prime Minister's Telephone Conversation with President Bush, 12 March'.
[401] Cabinet Conclusions, 13 March 2003.
[402] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

Presidential approval of US post-conflict plans

Between 10 and 12 March, President Bush approved important elements of the US post-conflict plan:

- a policy of "light" de-Ba'athification that would preserve Iraq's administrative capacity;
- use of the Iraqi Army as a labour force for reconstruction, but not its demobilisation;
- the transfer of governance authority to an Iraq Interim Authority (IIA) with Iraqi exiles and Kurdish groups at its core, and the Coalition determining the pace at which power was transferred.

On 10 March, Lieutenant General (retired) Jay Garner, Head of the Office of Reconstruction and Humanitarian Assistance (ORHA), briefed President Bush on ORHA's post-conflict plan, warning that: "a tremendous amount of work was still necessary to make the inter-agency post-war plans operational".[403] He identified three priorities: funding for Iraq's public service, police and army; the rapid deployment of "international stability forces" after the fall of Saddam Hussein; and the need to use the Iraqi Army for reconstruction. The President authorised Lt Gen Garner's proposal to use the Iraqi Army "to populate a large labor force for reconstruction efforts".

The same day, Mr Frank Miller, NSC Senior Director for Defense Policy and Arms Control, secured President Bush's agreement to a policy of "light" de-Ba'athification in order to preserve Iraq's administrative capacity.

Two days later, on 12 March, Mr Douglas Feith, US Under Secretary of Defense for Policy, briefed President Bush that the Iraqi Army would not be demobilised. He also proposed the transfer of power "shortly after Saddam's fall" to an IIA. Iraqi exiles and Kurdish groups would become the core of the IIA, working in partnership with the Coalition's transitional authority so that Iraqi citizens would have some political control from the outset, with the Coalition determining the pace at which power was transferred.

President Bush endorsed the plan. *Hard Lessons* observed that the plan assumed Iraqi governmental institutions would emerge from the war reasonably intact and that the plan's implementation was therefore dependent on the course of the war.

The post-conflict demobilisation of the Iraqi Army is addressed in Section 12.1.

945. After talks in Washington on 13 and 14 March, UK officials suggested that UK/US thinking on the role of the UN was "80 percent congruent".

946. Sir David Manning was informed that the principal point of difference was US resistance to a UN representative exercising control over the transitional administration.

---

[403] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.

947. Mr O'Brien and Mr Chilcott discussed post-conflict issues in Washington on 13 March.[404] The British Embassy reported that US interlocutors accepted the need for a "UN badge" for Phase IV and that there was "general agreement that the [UK] draft [resolution] was 80 percent congruent with the [US] Administration's position", but the US wanted to retain as light a UN touch as possible, with Coalition control over a Transitional Civilian Administration (TCA) and the IIA. Finding the right UN Special Co-ordinator would be key.

948. The Embassy reported that Mr O'Brien's US interlocutors had confirmed that the administration of Iraq would be "uniform". ORHA would not treat areas controlled by UK forces differently and there was "no question of food distribution or public sector salaries stopping at the borders of any British sector". Although the Ba'ath Party would be disestablished, "the vast majority of members would need to be left in place".

949. Mr Chilcott stayed in Washington for a second day of talks on 14 March.[405] The Embassy reported that US participants had stated that control over the TCA, and in particular the IIA, could not be given to a UN Special Co-ordinator and that most of the tasks the UK assigned to a UN Assistance Mission for Iraq (UNAMI) would be carried out by the Coalition-led TCA.

950. The AHGI discussed the UK/US consultations on the role of the UN on 14 March, before officials in London had seen the report of Mr Chilcott's second day of talks in Washington.[406]

951. On 17 March, Mr Dodd reported the AHGI discussion to Sir David Manning:

> "There is '80 percent agreement' with the US on the role of the UN. For example, the US agrees that food distribution and civil service salaries should be organised nationally. The remaining significant point of difference is whether the transitional administration should be subordinate to a UN representative. The FCO believe it unlikely that the UN Security Council will mandate the administration unless it is."

952. Mr Dodd also reported that the IPU was considering how best to approach other donors for support on Phase IV.

953. Concerns remained about UK companies' access to reconstruction contracts in Iraq.

954. Mr O'Brien used his visit to Washington on 13 March to lobby on behalf of UK firms.

---

[404] Telegram 341 Washington to FCO London, 13 March 2003, 'Iraq day after: Mr O'Brien's visit'.
[405] Telegram 346 Washington to FCO London, 14 March 2003, 'Iraq day after: US proposals for post-conflict administration'.
[406] Minute Dodd to Manning, 17 March 2013, 'Ad Hoc Group on Iraq'.

955. On 10 March, Mr Brenton had reported that "a commercial contact" had passed the British Embassy Washington a version of a USAID invitation to select US companies to bid for a US$600m contract for infrastructure reconstruction.[407] USAID had confirmed that the invitation had been issued on 12 February with a closing date of 27 February. Mr Brenton had pressed for more transparency.

956. Mr Brenton also reported that it was not clear how that USAID contract related to a separate contract "allegedly being let by the US Army Corps of Engineers" and reported in the UK press on 9 March.

957. That contract, the US$7bn contract for "repair work on Iraq's oil sector" awarded to US engineering firm KBR, a subsidiary of Halliburton, by the US Army Corps of Engineers on 8 March, later emerged as the single largest reconstruction contract in Iraq.[408]

958. On 13 March, during his visit to Washington, Mr O'Brien lobbied Mr Andrew Natsios, USAID Administrator, for UK companies to be awarded reconstruction contracts.[409] Mr Natsios advised that, for security reasons, USAID had invited only a few US companies with the necessary clearances to bid for the 17 primary reconstruction contracts. There were no such constraints on subcontracts, and he hoped that UK companies and NGOs with the right expertise would be successful in securing those contracts. In response to a question from Mr O'Brien, Mr Natsios said that it would be possible for UK companies to acquire the necessary security clearances to bid for primary contracts.

959. Mr O'Brien also lobbied the European Directorate of the NSC on oil contracts.[410] He accepted that it was reasonable for US companies to be the recipients of DoD money for emergency contracts to repair damage to oil infrastructure, but the field should be opened up "once Iraqi money came on stream". The NSC official agreed.

960. On 14 March, Mr Straw commented on Baroness Symons's minute, described earlier in this Section, in which she drew attention to concerns in the UK business community about the level of the Government's engagement with the US on commercial issues. Mr Straw stated: "This is really important."[411] His office instructed Mr Chilcott to factor Baroness Symons's concerns into the IPU's follow-up to Mr O'Brien's discussions in Washington.[412]

---

[407] Telegram 320 Washington to FCO London, 10 March 2003, 'Iraq Day After: Infrastructure Reconstruction Contracts'.
[408] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[409] Telegram 341 Washington to FCO London, 13 March 2003, 'Iraq Day After: Mr O'Brien's Visit'.
[410] Letter Gooderham to Chilcott, 13 March 2003, Iraq: Day After: The Oil Sector'.
[411] Manuscript comment Straw, 14 March 2003, on Minute Symons to Straw and Hewitt, [undated], 'Iraq: Commercial Aspects'.
[412] Minute McDonald to Chilcott, 14 March 2003, 'Iraq: Commercial Aspects'.

961. No.10 officials updated Mr Blair at his request on 15 March, following press and Parliamentary interest in UK access to reconstruction contracts and the involvement of Halliburton.[413] Mr Blair was informed that UK companies would be eligible for subcontracted work under the US$600m USAID contract and that Mr O'Brien had agreed to send USAID a list of "trustworthy UK companies", including those with experience of contracting for the MOD, which might acquire security clearance to bid for primary contracts. The briefing note made no mention of the US$7bn oil repair contract.

962. Government lobbying on behalf of UK companies and the involvement of UK firms in post-conflict reconstruction is addressed in Section 10.3.

The UK military plan

963. On 14 March, Mr Blair approved a proposal to extend the UK's AO northwards during Phase III if commanders on the ground judged it sensible.

964. Lt Gen Reith sent the Chiefs of Staff an update on military planning options on 10 March (see Section 6.2).[414] The update reflected the Chiefs' comments on Lt Gen Reith's two papers of 4 March and his discussions with senior US commanders between 5 and 7 March.

965. Lt Gen Reith recommended that the Joint Command be authorised to operate north of the current planned UK AO, no further than al-Amara, "on the understanding that the Division will only exploit forward as far as security and transition to Phase IV within the current AO allows".

966. Lt Gen Reith outlined the plan to extend the UK AO to the north at the Chiefs of Staff meeting on 10 March.[415] He stated that the "current UK AO could potentially result in enemy forces around Basra interfering with Phase IV operations". There was "a clear military task to ensure that enemy forces in the areas outside the current UK AO were unable to interfere with the UK Main Effort".

967. The Chiefs of Staff were "concerned that extending the AO would overstretch Phase III and Phase IV resources and potentially detract from the Main Effort in the UK AO".

968. Adm Boyce directed Lt Gen Reith "to proceed with the main effort, of an exemplary Phase IV, in the original AO (Southern AO) with operations in the Northern AO as required to achieve a speedy and successful Phase III and to shape Phase IV".

---

[413] Minute Cannon to Prime Minister, 15 March 2003, 'Iraq: Reconstruction Contracts'.
[414] Minute Reith to COSSEC, 10 March 2003, 'Iraq – Military Planning Options Update' attaching Paper CJO, 10 March 2003, 'Iraq military planning options – an update'.
[415] Minutes, 10 March 2003, Chiefs of Staff meeting.

969. AM Burridge wrote in his Hauldown Report in early May:

> "Our overriding consideration was for the GOC [Maj Gen Brims] to condition his own AO, in preparation for stability operations (Phase IV), rather than inherit circumstances [created by others] …"[416]

970. Mr Blair held a meeting with Mr John Prescott (the Deputy Prime Minister), Mr Hoon, Lord Goldsmith, Adm Boyce, Sir Andrew Turnbull and No.10 staff on 11 March to discuss legal and military issues.[417] Mr Straw attended part of the meeting.

971. The meeting is addressed in more detail in Sections 3.8 and 6.2.

972. The briefing note for Mr Blair stated that the "main purpose of the meeting" was confirmation of the viability of the overall military plan.[418] Questions for Mr Blair to raise included whether the US had a "winning concept" and what conditions UK forces should expect in Basra.

973. Adm Boyce told the meeting he was "confident that the battle plan would work".[419]

974. Asked about that statement and whether it included the aftermath, Lord Boyce told the Inquiry: "No, not in that statement."[420]

975. After the meeting, Mr Watkins sent Sir David Manning an outline of the military plan for Iraq and advice on decisions needed on the development of the UK's role (see Section 6.2).[421]

976. On the question of the expansion of the UK AO northwards, Mr Watkins explained:

> "The US Land Component Commander has … developed a plan that would expand the UK Area of Operations by up to 150km up to and beyond al-Amara [in Maysan province] (but short of al-Kut [in Wasit province]) …
>
> "The case for pushing a UK formation northwards will ultimately have to be judged at the time. Clearly it will depend to some extent on what is happening in the Basra area. It is also the case that an exemplary Phase IV operation depends on a satisfactory conclusion to the conflict phase. The Defence Secretary therefore judges that the senior UK operational commander (the Chief of Joint Operations) should be authorised to expand the Phase III Area of Operations northwards if that is required to achieve a satisfactory outcome to Phase III. The focus for the UK in Phase IV should, however, remain the South-Eastern Area of Operations as currently understood."

---

[416] Report Burridge to CJO, 8 May 2003, 'NCC Operation Telic Hauldown Report: 07 Feb 03 – 08 May 03'.
[417] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.
[418] Minute Rycroft to Prime Minister, 11 March 2003, 'Iraq Military: 1300 Meeting'.
[419] Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'.
[420] Public hearing, 27 January 2011, page 85.
[421] Letter Watkins to Manning, 11 March 2003, 'Iraq: the Military Plan'.

977. Mr Watkins reported that Mr Hoon judged that the UK should be "forward-leaning" on the idea of extending the UK AO north during the conflict phase, "provided that UK commanders judge this sensible in the circumstances at the time".

978. Mr Watkins sent the letter to the Private Offices of Mr Straw and Mr Brown, and to Mr Bowen, but not to DFID.

979. Mr Blair approved the plan on 14 March.[422]

980. The advice on which Mr Blair based his decision was incomplete.

981. Mr Hoon stated in January 2003 that credible plans for the aftermath were needed before it could be concluded that the overall US plan represented a "winning concept", and that further work was needed on a satisfactory plan for the aftermath before the UK committed forces to military action, but he failed to press the point further with Mr Blair.

982. Mr Hoon's advice to Mr Blair on military options in October 2002, on the shift to the South and the deployment of UK forces in January 2003, and on the expansion of the UK's AO and AOR in March 2003, while recognising the significance of the post-conflict phase, offered little analysis of wider, non-military implications.

983. It was Sir Kevin Tebbit's responsibility, as PUS, to ensure that military advice from Adm Boyce to Mr Hoon was placed firmly in that wider context and reflected broader analysis of the UK's overall obligations, capabilities and strategic objectives.

984. Lt Gen Reith was emphatic about the strategic significance of Phase IV in a paper on the UK response to the "legal, security and humanitarian assistance demands of Phase IVa" sent to the Chiefs of Staff on 11 March.[423]

985. In his covering minute, Lt Gen Reith informed the Chiefs of Staff that "legal obligations placed on the UK as an Occupying Power will be extensive". He advised:

> "Phase IVa is likely to be the decisive phase of this campaign. This is recognised by the US and considerable inter-agency planning effort has gone into creating structures and providing resources to deal with anticipated security and H[umanitarian] A[ssistance] issues; we can have confidence in these plans. However, Phase IVa will not be the initial main effort; some political expectation management may be required."

---

[422] Letter Manning to Watkins, 14 March 2003, 'Iraq: The Military Plan'.
[423] Minute Reith to COSSEC, 11 March 2003, 'Phase IVa – A UK Response' attaching Paper Reith, 11 March 2003, 'Phase IVa – A UK Response'.

986. The paper on the UK response to Phase IVa described Phase IV as "strategically decisive" and highlighted a number of significant gaps in post-conflict planning:

- the absence of a detailed UK/US policy on the role of the military in maintaining law and order and detaining civilians;
- a risk that UK forces would face a humanitarian situation for which they were not resourced unless there was early agreement that DFID would fund humanitarian assistance through military channels;
- the military was still waiting for the Treasury's agreement to an initiative for £10m to be made available to UK forces for QIPs; and
- the absence of a decision on how or whether the UK would pay Iraqi public sector salaries.

987. The paper included, in full, US definitions of the end state for Phases IVa, b and c:

- Phase IVa: "a stable environment in which the territorial integrity of Iraq is intact; civil order is maintained; repairs to damaged civil infrastructure are under way; humanitarian assistance is provided by the civilian sector; and an interim administration is in place".
- Phase IVb: "responsibility for stability and security passing from Coalition military to responsible Iraqi institutions; rule of law is fully established; necessary civil infrastructure is functioning and economic development is under way; lessening dependence on humanitarian assistance; and a transitional civil administration is in place with increasing Iraqi participation".
- Phase IVc: "a durable, secure and stable Iraq sustained by Iraqis, in which the rule of law is well established and civil order is maintained by Iraqi authorities; civil infrastructure is functioning and economic development continuing; lessened dependence on humanitarian assistance; authority had been transferred to an Iraqi national government".

988. In the paper, Lt Gen Reith explained that CFLCC had instructed all commanders to:

> "… liaise with and monitor local administrations within their area of responsibility … but … only to directly intervene in the administrative process when necessary to maintain public order and safety, or to prevent human suffering. Existing Iraqi government organisations should be allowed and encouraged to function as normal and no attempt should be made to reorganise or replace existing structures."

Eclipse II – the CFLCC plan for Phase IV

The CFLCC plan for Phase IV, known as Eclipse II, was the product of the post-conflict planning effort led by (acting) Major General Albert Whitley, CFLCC Deputy Commanding General (Post Hostilities). Eclipse II had close links to CFLCC's combat operations planning, but not to broader Washington policy debates.[424]

After Saddam, the 2008 RAND report for the US Army on US post-conflict planning, stated that Eclipse II had been through 15 revisions by the middle of March 2003, with the final draft released on 12 April.[425]

The RAND report concluded that CFLCC "was gaining a realistic appraisal of the potential security challenges that would confront Coalition forces", but failed to challenge military planning assumptions, including the degree to which the remnants of the Iraqi Government would provide essential services and security.

In his written statement to the Inquiry, Maj Gen Whitley explained that Eclipse II was named after the 1945 US plan for post-war Germany.[426] It was "an attempt to produce some coherence for the military aspects of Post Hostilities and give subordinate commands, responsibilities, direction and tasks". The "tiny" planning team in ORHA produced the civil mirror image.

Maj Gen Whitley judged that the plan had "some local practical effect", but was "inadequate".

989. On 11 March, at the height of the UK's effort to secure Security Council backing for a second resolution (see Section 3.8), Mr Straw advised Mr Blair of the need for a "Plan B" for the military in the event that the Government failed to secure a majority in the Parliamentary Labour Party for military action.

990. Mr Straw's Plan B envisaged the UK "taking responsibility for a sector and for humanitarian and reconstruction work" in order to make "a major UK contribution to the overall campaign" without being directly involved in the invasion.

991. At that stage, officials were still pressing, without success, for Ministers to agree draft objectives for post-conflict Iraq and principles to guide short-term UK involvement that could be shared with the US.

992. It is not clear whether Mr Straw had discussed the feasibility of his idea with others.

993. On 11 March, Mr Straw advised Mr Blair that he should not go to Parliament seeking approval for military action unless he could be sure of a majority in the

---

[424] Dale C. *Operation Iraqi Freedom: Strategies, Approaches, Results and Issues for Congress.* Congressional Research Service, 15 December 2008.
[425] Bensahel N, Oliker O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq.* RAND Corporation, 2008.
[426] Statement, 25 January 2011, page 12.

Parliamentary Labour Party and the House of Commons. He advised of the need to "start working up a Plan B for our Armed Forces if we cannot be sure of the [House of] Commons' approval for their inclusion in the initial invasion of Iraq".[427]

994. Mr Straw advised:

> "… it need not be a disaster for you, the Government, and even more important for our troops, if we cannot take an active part in the initial invasion, provided we get on the front foot with our strategy.
>
> "I am aware of all the difficulties … But I understand that the US could if necessary adjust their plan rapidly to cope without us. In these circumstances we could nevertheless offer them a major UK contribution to the overall campaign. In addition to staunch political support, this would include … as soon as combat operations are over, full UK participation in the military and civilian tasks, including taking responsibility for a sector and for humanitarian and reconstruction work. We could also take the lead in the UN on securing the … resolution to authorise the reconstruction effort and the UN role in it which the US now agree is necessary."

995. Efforts to secure Parliamentary approval for military action in Iraq are addressed in Section 3.8.

UK objectives for post-conflict Iraq

996. The draft objectives and guiding principles for post-conflict Iraq were resubmitted to Mr Blair for approval on 12 March.

997. No decision was taken and there is no indication that Mr Blair discussed the objectives and principles with Ministers.

998. In the absence of a decision from Mr Blair, post-conflict planners remained without clear Ministerial guidance on the nature and extent of the UK's post-conflict commitment.

999. On 12 March, one week before the start of the invasion, Mr Cannon re-submitted to Mr Blair the IPU's draft objectives for post-conflict Iraq and principles to guide short-term UK involvement.[428]

1000. One item had been added to the objectives prepared for Mr Blair's meeting on 6 March: that the new Iraqi government should maintain Iraq's territorial integrity.

1001. Mr Cannon stated that the IPU proposals were "not contentious in UK terms", but "clear policy approval now would assist our planning for post-conflict operations". He explained that the objectives had not been drafted for publication: the UK's aims would

---

[427] Minute Straw to Prime Minister, 11 March 2003, 'Iraq: What if We Cannot Win the Second Resolution?'
[428] Minute Cannon to Prime Minister, 12 March 2003, 'Iraq: post-conflict planning: objectives and principles'.

be set out in the "vision for Iraq and other public messages (likely to be held back until we are … actually at war: until then we would not wish to be seen to be actively pursuing regime change …)".

1002. On the principles, Mr Cannon stated:

> "The **principles** are those which should guide our occupation, if only short-term, of Iraqi territory. They are pretty uncontroversial. But our military commanders would find this sort of guidance, endorsed by Ministers, very useful."

1003. Mr Cannon concluded:

> "If you approve these objectives and principles, the next step would be for Iraq Planning Unit to share them with the Americans. There is no reason to think that they cut across American views in any way."

1004. The evidence seen by the Inquiry indicates that Mr Blair saw Mr Cannon's minute, but not whether he approved the draft objectives and principles.[429]

1005. There is no indication that Mr Blair discussed the objectives and principles with Ministers.

1006. Mr Bowen sent a revised draft set of 'British Post-Conflict Objectives' to senior officials in the FCO, the MOD and DFID on 25 March, six days after the start of the invasion.

1007. The first Treasury paper on financing post-conflict reconstruction to be shared with No.10 recommended spreading the burden as widely as possible.

1008. If the UN was not involved, the resources available would be substantially smaller and the IMF and World Bank would be unlikely to engage.

1009. On 14 March, Mr Bowman sent No.10 the paper on financing Iraqi reconstruction requested by Mr Blair on 6 March.[430]

1010. The paper was the first Treasury paper on post-conflict financing to be shared with No.10.

1011. The Treasury estimated the total cost at up to US$45bn for the first three years, in addition to military costs, and warned that, without UN authorisation of arrangements for a transitional administration, Iraqi oil might only pay for a fraction of the total.

1012. The best way to pay for reconstruction would be to spread the burden as widely as possible, drawing in contributions from non-combatants, IFIs and Iraq itself, and

---

[429] Manuscript note [tick] on Minute Cannon to Prime Minister, 12 March 2003, 'Iraq: post-conflict planning: objectives and principles'.
[430] Letter Bowman to Cannon, 14 March 2003, [untitled] attaching Paper HM Treasury, March 2003, 'Financing Iraqi Reconstruction'.

ensuring Iraqi revenues were not diverted into debt or compensation payments. By far the most significant factor in making that happen would be political legitimacy conferred by the UN.

1013. The Treasury stated that OFF provided "an obvious way to pay for immediate humanitarian needs", by using the approximately US$4bn unspent in the UN OFF account and restarting oil exports. That depended on oil production facilities surviving the conflict relatively intact. In the most benign circumstances, with rapidly increasing production and high oil prices, oil revenues "could make a very significant contribution" to ongoing relief and reconstruction. Future oil revenues were another possible source of funds, but, officials warned, Iraq had already accumulated "massive and probably unsustainable debts" that way.

1014. The Treasury concluded that, given fiscal constraints in the UK and US, total resources for reconstruction would be "substantially smaller if the UN were not involved". That, combined with the likelihood that the IMF and World Bank would be unable to engage in such circumstances, "could make it harder to put Iraq on a path to peace, stability and democracy".

The Azores Summit, 16 March 2003

1015. Mr Blair discussed preparations for the Azores Summit with President Bush on 14 March.[431] Mr Blair said that "at some point we needed to set out our views on post-conflict, including humanitarian issues".

1016. The UK's revised 'Vision for Iraq and the Iraqi People', sent to No.10 before the Azores Summit, was intended to reassure the Iraqi people and wider audiences of the Coalition's intentions for Iraq after Saddam Hussein's departure.

1017. The wording of the UK draft and the later text agreed with the US and Spain at the Summit made no specific or measurable commitments for which the Coalition could be held directly to account.

1018. The FCO background papers sent to No.10 before the Azores Summit included a revised version of the UK's 'Vision for Iraq and the Iraqi People'.

1019. The IPU explained to Mr Straw's Private Office that the intention was for the Vision to be:

> "… launched in a manner that provides maximum impact, both with the Iraqi people and with wider public opinion. The Vision and the messages accompanying its launch will be critical to reassuring Iraqis and the Arab world about our post-conflict objectives …

[431] Letter Rycroft to McDonald, 14 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 14 March'.

"The text is now being shared with US contacts. The purpose of this is to ensure that there are no surprises and that our Vision is consistent with any similar exercise that the US plans to conduct. We do not though plan to produce a joint document or simply to reflect US views in our own."[432]

1020. Changes to the earlier text circulated on 28 February included:

- removal of the reference to freedom from the fear of torture;
- under the heading "Good Government", removal of the words "and democratic" from the phrase "an independent and democratic Iraq";
- removal of the commitment to work "to ensure a military campaign is as swift and carefully targeted as possible";
- the addition of a commitment to "prioritise resources to feed and care for the people of Iraq";
- a reference to enabling the Iraqi people to establish their own "effective representative government" to replace the earlier reference to establishing "democratic government";
- "Seeking a fair and sustainable solution to Iraq's debt problems" in place of "Negotiating generous debt rescheduling";
- the addition of a commitment to help "the transition to a more prosperous and dynamic economy"; and
- the addition of a reference to Iraq's oil industry being managed "fairly and transparently".[433]

1021. Mr Straw's Private Office explained to No.10 that "Washington is negotiating with the NSC on the Vision for Iraq. We hope to ensure that the final version has the presentational impact of the UK's … draft."[434]

1022. The FCO also suggested that Mr Blair talk to Mr Annan from the Azores. Key messages might include: "look forward to the United Nations having a significant role after any conflict in helping Iraq move quickly towards new prosperity and stability".

---

[432] Minute Bristow to Private Secretary [FCO], 14 March 2003, 'A Vision for Iraq and the Iraqi People'.
[433] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit' attaching Paper FCO, 'A Vision for Iraq and the Iraqi people'.
[434] Letter Owen to Rycroft, 15 March 2003, 'Azores Summit'.

1023. Sir David Manning had already consulted Sir Jeremy Greenstock on whether Mr Blair should speak to Mr Annan.[435] Sir David informed Mr Blair that Sir Jeremy felt that "on balance" Mr Blair should speak to Mr Annan "to keep him in play". Sir Jeremy suggested explaining that, if the second resolution failed and conflict occurred:

> "… we shall want to involve the UN as rapidly, and fully, as possible, once military action is over. We are pressing for a real role for a UN Special Co-ordinator. One of our principal concerns has been, and will remain, to try to safeguard the UN system."

1024. Sir David commented to Mr Blair:

> "Incidentally, this would play well with Clare [Short] who has sent me a message saying how important she thinks it is that you are in close consultation with Kofi [Annan] over Iraq."

1025. Mr Blair spoke to Mr Annan on 16 March, before the start of the Azores Summit (see Section 3.8).[436] They discussed the importance of a strong UN role in post-conflict Iraq, the need for a relationship between the UN and "whoever was occupying Iraq", and a resolution establishing the relationship between the occupying force and occupied Iraq.

1026. At the Azores Summit, Mr Blair emphasised the presentational benefits of UN involvement in post-conflict Iraq. He told President Bush and Mr José María Aznar, the Prime Minister of Spain:

- **it was necessary to give the impression that the administration of Iraq was under UN authority, and the clearer the UN role the better; and**
- **the UN should be seen to give overall authorisation, but could certainly not run everything.**

1027. At the Azores Summit, Mr Blair, President Bush and Prime Minister Aznar discussed the likelihood that the invasion would be welcomed, but the risk that there would be communal violence. They also discussed the role the UN should play, including that it would not be able to deal with communal violence.[437] That would need to be "handled rapidly by the military".

1028. Mr Blair stated that the role of the UN in post-conflict Iraq must be defined very carefully:

> "We must give the impression that the administration was under UN authority. The clearer the UN role, the better. It was vital that UK public opinion understood that we were not taking possession of Iraq's oil."

---

[435] Minute Manning to Prime Minister, 14 March 2003', 'Iraq: Contact with Kofi Annan'.
[436] Letter Campbell to Owen, 16 March 2003, 'Iraq: Kofi Annan, 16 March'.
[437] Letter Manning to McDonald, 16 March 2003, 'Iraq: Summit Meeting in the Azores: 16 March'.

1029. Mr Blair also stated that the UN should be seen to give overall authorisation, but it could certainly not run everything. He wanted the UN Security Council to remain seized of the Iraqi issue.

1030. The record of the discussion was to be shown only to Mr Straw and Mr Hoon and their Principal Private Secretaries.

1031. The Azores 'Vision for Iraq and the Iraqi People' incorporated many elements of earlier UK drafts, but the wording on democracy, terrorism and the nature of the Iraqi threat to the world reflected US priorities.

1032. The 'Vision for Iraq and the Iraqi People' issued by Mr Blair, President Bush and Prime Minister Aznar at the Summit on 16 March is described in more detail in Section 3.8. It adopted a more oratorical tone than the UK text, but shared much of the substance.[438] Key differences included:

- the omission of any explicit reference to oil;
- insertion of a reference to terrorism ("We will fight terrorism in all its forms. Iraq must never again be a haven for terrorists of any kind");
- insertion of a reference to democracy ("We will support the Iraqi people's aspirations for representative government that upholds human rights and the rule of law as cornerstones of democracy"); and
- insertion of named references to Iraq's constituent peoples (Iraq's "rich mix of Sunni and Shiite Arabs, Kurds, Turkomen, Assyrians, Chaldeans, and all others").

1033. On post-conflict reconstruction, the three leaders declared:

> "We will work to prevent and repair damage by Saddam Hussein's regime to the natural resources of Iraq and pledge to protect them as a national asset of and for the Iraqi people. All Iraqis should share the wealth generated by their national economy …
>
> "In achieving this vision, we plan to work in close partnership with international institutions, including the United Nations … If conflict occurs, we plan to seek the adoption, on an urgent basis, of new United Nations Security Council resolutions that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, and endorse an appropriate post-conflict administration for Iraq. We will also propose that the Secretary-General be given authority, on an interim basis, to ensure that the humanitarian needs of the Iraqi people continue to be met through the Oil-for-Food program.

[438] Statement of the Atlantic Summit, 16 March 2003, 'A Vision for Iraq and the Iraqi People'.

> "Any military presence, should it be necessary, will be temporary and intended to promote security and elimination of weapons of mass destruction; the delivery of humanitarian aid; and the conditions for the reconstruction of Iraq. Our commitment to support the people of Iraq will be for the long term."

1034. Mr Blair commented further at the concluding press conference:

> "… should it come to conflict, we make a pledge to the people of Iraq … who are the primary victims of Saddam …
>
> "… [W]e will help Iraq rebuild – and not rebuild because of the problems of conflict, where if it comes to that we will do everything we can to minimise the suffering of the Iraqi people, but rebuild Iraq because of the appalling legacy that the rule of Saddam has left …"[439]

1035. On 16 March, in a television interview with Sir David Frost, Mr Brown said the UK "would be committed, if there were to be military action, to the reconstruction of Iraq".[440] He explained that reconstruction "should take place under the auspices of the United Nations".

1036. Mr Straw set out the UK's approach to reconstruction in more detail in a speech to the Newspaper Society Annual Conference on 1 April (see Section 13.1).

Post-Azores concerns

1037. UK concerns about shortcomings in post-conflict planning and preparation, and uncertainty about the nature and scope of the UK's role in post-conflict Iraq, persisted after the Azores Summit.

1038. FCO legal advice on 17 March about the compatibility of post-conflict tasks with the rules and obligations of military occupation stated that Security Council authorisation:

- **was not needed for humanitarian assistance or "rehabilitation" in the sense of essential repair work closely connected with humanitarian assistance; but**
- **would be required for any reconstruction or institutional reform beyond what was necessary for the relief effort.**

---

[439] *The Guardian*, 17 March 2003, *Full text: Azores press conference.*
[440] *BBC News*, 16 March 2003, *BBC Breakfast with Frost Interview: Gordon Brown, MP, Chancellor of the Exchequer March 16th 2003.*

1039. Mr Huw Llewellyn, an FCO Legal Counsellor, wrote to the IPU on 13 March to emphasise the need for concrete information about ORHA's plans now that there were UK secondees in the organisation. He stated:

> "This is important because if UK forces are in control of the Basra area, the UK will be the Occupying Power in that area and it will be the UK's international obligations which are engaged."[441]

1040. Mr Llewellyn wrote to the IPU again on 17 March to explain that he had intended to comment in detail on an ORHA plan for "post-liberation" Iraq but that, after meeting Maj Gen Cross, it had become clear that "ORHA plans in reality are much more limited".[442] ORHA now appeared to intend to "do the minimum necessary to allow Iraqi ministries to function" before handing over to a "UN Security Council authorised administration after about ninety days". Given Maj Gen Cross's planned role, Mr Llewellyn suggested that developments should be monitored and views fed in as necessary through him.

1041. The same day, Mr Llewellyn also advised the IPU on the compatibility of various post-conflict activities with the rules of military occupation.[443]

1042. Mr Llewellyn explained that Security Council authorisation was not required for humanitarian assistance. The position was more complicated for "rehabilitation" and "reconstruction":

> "Rehabilitation
>
> "As I understand it, this means essential repair work, (for example to schools, hospitals, government buildings, roads). It is closely connected with basic humanitarian assistance.
>
> "… Article 55 of the Hague Regulations requires the Occupying Power to 'safeguard' the capital of public buildings etc. Repair work would be consistent with that obligation …
>
> "Reconstruction
>
> "You list under this heading matters such as reform of the judiciary, security sector and police reform, demobilisation, reform of government and its institutions, the education system, and the banking system … it might also include the building of new roads and other structures to assist the regeneration of Iraq.

---

[441] Minute Llewellyn to Bristow, 13 March 2003, 'ORHA Plans'.
[442] Minute Llewellyn to Bristow, 17 March 2003, 'ORHA Plans for the Administration of Iraq: Military Occupation'.
[443] Minute Llewellyn to IPU [junior official], 17 March 2003, 'Potential Humanitarian and Reconstruction Activities in Iraq'.

> "Construction of entirely new roads and buildings may in some circumstances be permissible – where this is necessary for the relief effort or, for example for maintaining security or public order. As you know, the scope for action on the other issues … is limited. Any action going beyond these limits would require Security Council authorisation."

1043. Mr Llewellyn offered further observations on 18 March, in which he emphasised that "sweeping" institutional and personnel changes would not be permitted.[444]

1044. The FCO informed No.10 that the UK continued to make progress reconciling UK and US positions on the post-conflict role of the UN, but significant differences remained.

1045. The US accepted the need to internationalise Phase IV activity but wanted to keep the "whip hand", an approach that was "almost certainly not negotiable in the UN Security Council".

1046. The FCO advised that the US must be held to the commitments made at the Azores Summit. No Security Council authorisation would mean no wide international effort and the likelihood of a much less consensual environment in which to operate.

1047. As "best friends" of the US, the UK should continue to offer advice on what would and would not work.

1048. On 17 March, the FCO informed Sir David Manning that the UK continued "to make some good progress" in bringing together UK and US positions on the UN.[445] The US now accepted that:

- "The Phase IV reform and reconstruction task is much too big for the US/UK to go it alone. All the traditional nation-builders will be required – the IFIs, the UN, NGOs, and the big bilateral donors (eg the EU and Japan). We need wide international support to allow us an exit strategy."
- Security Council authorisation would make it easier to secure international support.
- The international community would need a new Security Council mandate to have a legal basis for a reform programme which would go beyond what was allowed by the laws of armed conflict.

---

[444] Minute Llewellyn to IPU [junior official], 18 March 2003, 'Potential Humanitarian and Reconstruction Activities in Iraq'.
[445] Letter Owen to Manning, 17 March 2003, 'Iraq: Phase IV (Day-After): US/UK Discussions on an Authorising UNSCR'.

1049. At the same time, some important differences remained. In particular, the US wanted:

- the resolution authorising Phase IV to identify the US-led civil transitional authority as the main body leading reform and reconstruction;
- the UN Special Co-ordinator to be subordinate to the Coalition military commander;
- the US to oversee the process leading to the creation of the IIA;
- the IIA to be managed closely by the Coalition rather than lightly supervised by the UN Special Co-ordinator; and
- the Coalition to continue to exercise control over IIA decisions in areas for which the IIA had been given responsibility.

1050. The FCO concluded:

> "… the US want the UN Security Council to authorise them to take charge of the reform and reconstruction of Iraq. Although they accept the need to internationalise activity in Phase IV, they want to keep the whip hand.
>
> "The US approach is almost certainly not negotiable in the UN Security Council. And the last thing we need is another prolonged and acrimonious wrangle in the Council over the details of the day after arrangements …
>
> "We made clear to the US last week, (and many times before that) our view on the shortcomings of their Phase IV concept. President Bush's public statement at the Azores Summit and the US/UK/Spanish vision for Iraq provide good foundations on which to build. We must keep the US to these commitments. The alternative would be grim – no Security Council authorisation would mean no wide international effort, and the likelihood of a much less consensual environment in which to operate: in short, far from a recipe for mission success.
>
> "The next procedural step is for the US to send us their version of the draft UNSCR for Phase IV … Meanwhile, we should continue to offer our advice, as their best friends, on what is and is not likely to work.
>
> "The key to reconciling US and UK differences may lie in the personality of the figure identified as the UN Special Co-ordinator."

1051. The FCO did not address the implications for the UK of a failure to reconcile those differences.

1052. Ms Short advised Mr Blair of continuing shortcomings in humanitarian preparations.

1053. On 17 March, at Ms Short's request, DFID officials prepared a paper on shortcomings in humanitarian preparations and steps needed to address the situation.[446]

1054. Ms Short sent the paper to Mr Blair with the comment: "This summarises what needs to be done to improve humanitarian preparedness. Perhaps we could really focus on this next week."[447]

1055. A No.10 official advised Mr Blair that the main problems identified by DFID were:

- underfunding of humanitarian agencies;
- agencies not ready to respond effectively and lacking experience outside northern Iraq;
- the need for Coalition forces to provide humanitarian assistance until there was a permissive security environment; and
- the risk that OFF might break down.

1056. The official informed Mr Blair that DFID's proposed solutions included:

- increased funding for DFID and the MOD;
- rapid securing of a permissive security environment; and
- a resolution transferring management of OFF to the UN Secretary-General.[448]

1057. The official assessed that the DFID analysis was "probably about right". The MOD had been pressing DFID to help for some weeks, so it was useful that DFID now recognised the need to help. DFID was seconding two people to work with the US and the Cabinet Office was working to broker a deal on additional funding with the Treasury (see Section 13.1).

1058. The official recommended a meeting with Mr Brown, Mr Hoon, Mr Straw and Ms Short to discuss humanitarian issues later in the week.

1059. Mr Annan told the press on 17 March that the UN would need a Security Council mandate for some of the post-conflict activities it would have to undertake in Iraq.

1060. Mr Annan spoke to the press after a meeting of the Security Council on 17 March:

> "… if there is military action, the [Security] Council of course will have to meet to discuss what happens after all that. I think I have made it clear that regardless

---

[446] Minute Conflict and Humanitarian Affairs Department [junior official] to Private Secretary/Secretary of State [DFID], 17 March 2003, 'Iraq: Humanitarian Assistance' attaching Paper [unattributed and undated], 'Iraq: What is lacking in terms of being prepared for an effective humanitarian response and what would it take to address that?'

[447] Manuscript comment Short on Minute Conflict and Humanitarian Affairs Department [junior official] to Private Secretary/Secretary of State [DFID], 17 March 2003, 'Iraq: Humanitarian Assistance'.

[448] Minute [No.10 junior official] to Prime Minister, 17 March 2003, 'Iraq: Humanitarian Assistance: DFID Views'.

> of how this current issue is resolved, the Security Council is going to have a role to play. And I think that was also implied in the communiqué that came out of the Azores. That the UN has an important role to play in the post-conflict Iraq and the Council will have to discuss that. The Council will have to give me a mandate for some of the activities that we will need to undertake."[449]

1061. Sir David Manning spoke to Dr Rice on 18 March and explained that the UK hoped to see the US draft of a post-conflict resolution.[450] He welcomed the news that Dr Rice planned to see Mr Annan in New York the following week. Sir David considered it "extremely important to emphasise our commitment to the UN's post-conflict role, as we had done at the Azores Summit".

1062. Mr Blair told Cabinet on 17 March that the US had confirmed that it would seek a mandate for post-conflict reconstruction.

1063. A specially convened Cabinet attended by Lord Goldsmith, the last before the invasion, was held at 1600 on 17 March (see Section 3.8).[451]

1064. Mr Blair told Cabinet that the US had confirmed that it "would seek a UN mandate for the post-conflict reconstruction of Iraq". Oil revenues would be administered under the UN's authority.

1065. Late on 17 March, Ms Anna Bewes, Ms Short's Principal Private Secretary, informed Mr Heywood that, subject to her deciding she could remain in government, Ms Short would like to take up Mr Blair's suggestion that she visit New York and Washington to follow up his conversations with Mr Annan and "to take forward discussions on humanitarian and reconstruction assistance with the UN, IFIs and US".[452] Ms Short would report back to Cabinet on 20 March.

1066. On 17 March, Mr Blair met Dr Barham Salih, the Patriotic Union of Kurdistan (PUK) "Prime Minister" of northern Iraq, at No.10.

1067. Section 6.4 describes Mr Blair's meeting with Mr Masoud Barzani, leader of the Kurdistan Democratic Party (KDP), and Mr Jalal Talabani, leader of the PUK, at No.10 on 19 December 2002.[453]

---

[449] *UN News Centre*, 17 March 2003, *Press Encounter with the Secretary-General at the Security Council stakeout (unofficial transcript).*
[450] Letter Manning to McDonald, 18 March 2003, 'Iraq: Conversation with Condi Rice'.
[451] Cabinet Conclusions, 17 March 2003.
[452] Letter Bewes to Heywood, 17 March 2003, [untitled].
[453] Letter Rycroft to Sinclair, 19 December 2002, 'Iraqi Kurds: Meeting with Prime Minister, 19 December'.

1068. Mr Blair wrote to Mr Barzani and Mr Talabani on 12 March 2003 and again on 17 March in response to concerns they had raised about regional security in northern Iraq.[454] In the letter of 17 March, Mr Blair stated that he knew from the meeting in December 2002 that Mr Barzani and Mr Talabani shared the UK's "vision of an Iraq which has a genuinely representative government and where there are greater human rights for all Iraqi people, greater liberties and greater democracy".

1069. During a meeting with Mr Blair at No.10 on 17 March, Dr Salih said that it would be important to hand over quickly to the Iraqi people as much of the running of Iraq as possible, but that he did not want the UK and US military to leave early.[455]

1070. Concerns about ORHA continued to grow as ORHA staff deployed from Washington to Kuwait in the days immediately before the invasion.

1071. FCO officials expressed concern about the small number of civilians working for an organisation that was expected to be responsible for the initial post-conflict civil administration of Iraq.

1072. On his way to Kuwait, Maj Gen Cross gave Mr Blair a clear picture of the inadequate state of post-conflict plans.

1073. ORHA staff left Washington for Kuwait on 16 March.[456] The inter-agency tensions that had hampered post-conflict planning in the US were soon compounded by new logistical obstacles. Although Gen Franks had placed ORHA under the operational command of Gen McKiernan's CFLCC, when Lt Gen Garner's advance party arrived at CFLCC headquarters, there was no space available for them. Post-conflict planners in ORHA, JTF-4 and CENTCOM were soon scattered across five locations in Kuwait, the US and Qatar.

1074. Maj Gen Cross deployed to Kuwait on 18 March, travelling via London.[457]

1075. In his written statement to the Inquiry, Maj Gen Cross said that while in London he briefed Mr Blair:

> "I was as honest about the position as I could be, essentially briefing that I did not believe post-war planning was anywhere near ready. I told him that there was no clarity on what was going to be needed after the military phase of the operation, nor who would provide it. Although I was confident that we would secure a military victory I offered my view that we should not begin that campaign until we had a much more coherent post-war plan."[458]

---

[454] Letter Blair to Barzani and Talabani, 12 March 2003, [untitled]; Letter Blair to Barzani and Talabani, 17 March 2003, [untitled].
[455] Letter Rycroft to Owen, 17 March 2003, 'Northern Iraq: Prime Minister's Meeting with Salih, 17 March'.
[456] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[457] Statement Cross, 2009, page 15.
[458] Statement, 2009, page 15.

1076. Maj Gen Cross told the Inquiry:

> "He [Mr Blair] was engaged … So we had a very sensible conversation, and at the end of it I do remember saying, in so many words, I have no doubt at all we will win this military campaign. I do not believe that we are ready for post-war Iraq …
>
> "He nodded and didn't say anything particularly. But I'm sure he understood what I was saying."[459]

1077. In his written statement, Maj Gen Cross explained that:

> "… after all of the many briefings and conversations I had in the UK at that time, my sense was that:
>
> - Not everyone believed that there would actually be a war; if there was to be one, then there was certainly no consensus that we (the UK) should be involved;
> - There was no coherent UK, pan-Whitehall, view of what post-war Iraq should look like;
> - There was serious reluctance to take on the US over their views;
> - If events did unfurl differently to 'the plan' – such as it was – there was an underlying belief that the US would quickly be able to bring whatever was necessary to bear;
> - There was, therefore, some seriously wishful and woolly, and un-joined up, thinking going on!"[460]

1078. Maj Gen Cross told the Inquiry he had found no single cross-Whitehall perspective on events and that it took some time to get agreement that he should go to Kuwait:

> "At this stage it is very, very late in the day to be deciding whether or not we are going to be engaged in these post-war operations. So I felt very isolated is the truth."[461]

1079. Mr Straw discussed the "military feel" of ORHA with Secretary Powell on 19 March.

1080. On 14 March, Mr Ehrman had raised the need to "civilianise" ORHA with Mr Straw. There were three FCO personnel there, but only one representative of the State Department.[462] ORHA would provide the initial civilian government of Iraq and it was strongly in the UK's interests to increase the size of the civilian contingent within it. He hoped that Mr Straw would raise the issue with Secretary Powell when they next spoke.

---

[459] Public hearing, 7 December 2009, page 34.
[460] Statement, 2009, page 16.
[461] Public hearing, 7 December 2009, page 31.
[462] Minute Ehrman to Private Secretary [FCO], 14 March 2003, 'Iraq: Military Aspects and Day After'.

1081. Mr Straw raised the issue on 19 March.[463] Secretary Powell agreed with Mr Straw's view that "ORHA had a fairly military feel".

1082. The development of UK policy towards ORHA is described in Sections 9.1 and 10.1.

1083. In response to advice from officials on the global diplomatic agenda that would follow a short and successful military campaign, Mr Straw asked what would happen if there were "a long and unsuccessful war".

1084. Mr Straw's question was not put to officials and there is no indication that it was considered further.

1085. On 18 March Mr Fraser sent Mr Straw a paper on "the diplomatic agenda in the aftermath of a short and successful war in Iraq", covering the US, the EU, NATO, the wider Middle East, the UN and the global economy.[464] The paper stated that:

> "Much will depend on how the military campaign goes, the success of the post-war settlement and whether we are able to provide useable evidence to the international community that Saddam presented a real threat. **For the purposes of this paper, we assume a positive outcome on all three.**"

1086. The section on relations with the US recommended focusing on "a relatively small number of deliverables" on Iraq, the MEPP, WMD proliferation, the World Trade Organization (WTO) and climate change. On Iraq, the paper recommended:

> "We should continue to argue strongly for US agreement to a genuine UN role in the administration and reconstruction of Iraq, including an effective EU contribution … We should also seek to ensure that UK companies get a fair crack of the whip in post-conflict Iraq."

1087. On 21 March, Mr Straw asked: "What about if it is a long and unsuccessful war?"[465]

1088. Mr Straw's question was not included in the formal response to Mr Fraser's paper sent from Mr Straw's Private Office on 1 April.[466] There is no indication that it was considered further.

---

[463] Letter McDonald to Manning, 19 March 2003, 'Iraq: Foreign Secretary's Conversation with US Secretary of State, 19 March'.
[464] Minute Fraser to PS [FCO], 18 March 2003, 'Iraq: Implications for the International System' attaching Paper DSI, [undated], 'Iraq – Implications for the International System'.
[465] Manuscript comment Straw, 21 March 2003, on Minute Fraser to PS [FCO], 18 March 2003, 'Iraq: Implications for the International System'.
[466] Minute McDonald to Fraser, 1 April 2003, 'Iraq: Implications for the International System'.

1089. Asked why, given US opposition to a leading role for the UN in post-conflict Iraq, the UK did not have a plan B, Mr Straw told the Inquiry:

> "… the only plan B … in the absence of a central role for the UN, was a central role for the Occupiers, which were the US and the UK. Those were the two alternatives. There was lots and lots of discussion with the United States system …
>
> "… [I]t wasn't for the want of trying that we ended up in the position we did, but this was one of those absolute classics where the American decision making process was opaque … you put all these things in and it just sort of flows around and one day there is a decision."[467]

1090. Mr Straw had been aware since January, when Mr Ricketts had likened the process of changing US views to "water on a stone", that it would be extremely difficult to secure US support for the UK's preferred option.

1091. It was Mr Straw's responsibility as Foreign Secretary to give due consideration to the range of options available to the UK should that effort fail. Those included making UK participation in military action conditional on a satisfactory post-conflict plan.

1092. Section 6.4 states that Mr Straw did not do so in January 2003.

1093. Nor did he address that gap between January and March.

1094. FCO guidance on Phase IV sent to all UK diplomatic posts on 19 March stated: "Providing the conditions for success exist – a legal basis for action from the UNSC and a secure environment in which to act – we would expect all the traditional nation-builders to take part."

1095. On 19 March, the FCO sent a "Core Script" on Iraq for all diplomatic posts to use at their discretion with key contacts.[468]

1096. The same text was circulated to No.10 and key departments the next day.[469] The covering letter to No.10 stated:

> "Until now we have been reluctant to discuss openly how we see Phase IV unfolding. As military action begins, we shall wish to ensure that our ideas for Phase IV – the means by which we shall deliver our 'Vision for Iraq and the Iraqi People' – are given greater prominence."

1097. The paper carried the caveat that it represented current UK thinking, not necessarily agreed Coalition policy, and would evolve as Phase III unfolded. If military

---

[467] Public hearing, 2 February 2011, pages 118-119.
[468] Telegram 150 FCO London to Abidjan (parts 1 and 2), 19 March 2003, 'Iraq: Core Script – Phase IV'.
[469] Letter Owen to Rycroft, 20 March 2003, 'Iraq: Phase IV: Core Script' attaching Paper Iraq Planning Unit, 19 March 2003, 'Iraq: Core Script – Phase IV (Post-Conflict)'.

action led to the collapse of Saddam Hussein's regime, the UK's goal would be "to transform Iraq along the lines set out in the UK's 'Vision for Iraq and the Iraqi people', launched at the Azores Summit".

1098. Once most of Iraq had been stabilised, ORHA would take on supervision of the civil administration, calling itself the International Transitional Civil Authority (ITCA): "We hope that the vast majority of the Iraqi public sector will remain in place and be able to carry on its work, albeit under ITCA's overall direction." In the first weeks, the Coalition's task would be to provide a secure environment for the delivery of humanitarian relief by UN agencies and NGOs.

1099. After "some weeks", the UN should appoint a Special Co-ordinator for Iraq and set out a mandate for the international community's presence in the country, leading to the establishment of an IIA under the "light supervision" of the Special Co-ordinator. The IIA would establish a constituent assembly along the lines of the Bonn Conference on Afghanistan to agree a constitution. The constitution would be put to a referendum and lead to the election of a "broad-based, representative government".

1100. On reconstruction:

> "Providing the conditions for success exist – a legal basis for action from the UNSC and a secure environment in which to act – we would expect all the traditional nation-builders to take part. The aim will be to introduce widespread economic and political reforms, as well as improvements in the functioning of the public administration."

1101. The core script concluded:

> "An important objective for HMG is to ensure a level playing field for UK companies to compete for commercial opportunities that arise in the reconstruction of Iraq."

1102. The core script made no reference to the role of the Iraqi opposition or Iraqi exiles in post-conflict arrangements.

Parliamentary debate on Iraq, 18 March 2003

1103. In his speech to the House of Commons on 18 March, Mr Blair restated the importance of bringing sustainable development, democracy, human rights and good governance to Iraq.

1104. Mr Blair did not explain how, other than by seeking a UN resolution, the UK would contribute.

1105. The motion tabled by the Government on 18 March stated that:

> "… this House … in the event of military operations requires that, on an urgent basis, the United Kingdom should seek a new Security Council resolution that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, allow for the

earliest possible lifting of UN sanctions, an international reconstruction programme, and the use of all oil revenues for the benefit of the Iraqi people and endorse an appropriate post-conflict administration for Iraq, leading to a representative government which upholds human rights and the rule of law for all Iraqis …"[470]

1106. In his speech in the House of Commons on 18 March, addressed in more detail in Section 3.8, Mr Blair called for a "larger global agenda: on poverty and sustainable development; on democracy and human rights; and on good governance of nations".[471] He added:

"That is why what happens after any conflict in Iraq is of such critical significance. Here again there is a chance to unify around the United Nations. There should be a new United Nations resolution following any conflict providing not only for humanitarian help, but for the administration and governance of Iraq. That must be done under proper UN authorisation.

…

"The UN resolution that should provide for the proper governance of Iraq should also protect totally the territorial integrity of Iraq. And this is also important: that the oil revenues, which people falsely claim that we want to seize, should be put in a trust fund for the Iraqi people administered through the UN.

…

"Let the future Government of Iraq be given the chance to begin the process of uniting the nation's disparate groups, on a democratic basis …

…

"The process must begin on a democratic basis, respecting human rights, as, indeed, the fledgling democracy in northern Iraq – protected from Saddam for 12 years by British and American pilots in the No-Fly Zone – has done remarkably. The moment that a new Government are in place, committed to disarming Iraq of weapons of mass destruction, is the point in time when sanctions should be lifted, in their entirety for the people of Iraq."

1107. Mr Blair stated:

"I have never put the justification for action as regime change. We have to act within the terms set out in resolution 1441 – that is our legal base. But it is the reason why I say frankly that if we do act we should do so with a clear conscience and a strong heart … Iraq is a potentially wealthy country which in 1979, the year before Saddam came to power, was richer than Portugal or Malaysia. Today it is impoverished,

---

[470] House of Commons, *Official Report*, 18 March 2003, column 760.
[471] House of Commons, *Official Report*, 18 March 2003, columns 771-772.

with 60 percent of its population dependent on food aid. Thousands of children die needlessly every year from lack of food and medicine. Four million people out of a population of just over 20 million are living in exile.

"The brutality of the repression – the death and torture camps, the barbaric prisons for political opponents … is well documented … We take our freedom for granted. But imagine what it must be like not to be able to speak or discuss or debate or even question the society you live in. To see friends and family taken away and never daring to complain. To suffer the humility [sic] of failing courage in face of pitiless terror. That is how the Iraqi people live. Leave Saddam in place, and the blunt truth is that that is how they will continue to be forced to live.

"We must face the consequences of the actions that we advocate. For those … who are opposed to this course, it means … that for the Iraqi people, whose only true hope lies in the removal of Saddam, the darkness will simply close back over."[472]

1108. In his memoir, Mr Blair stated that the "moral case for action – never absent from my psyche – provided the final part of my speech and its peroration, echoing perhaps subconsciously the Chicago speech of 1999" (see Section 1.1).[473]

1109. A small number of MPs raised post-conflict issues in the debate that followed Mr Blair's speech.

1110. In the debate that followed Mr Blair's speech, Mr Duncan Smith stated that it would be wrong not to acknowledge the consequences of military action:

"That is why the Opposition have constantly urged the Government to set out their plans for humanitarian assistance. Our view of the lack of preparedness was endorsed by the Select Committee on International Development …

"We welcome the written statement made last week by the Secretary of State for International Development, but it did not explain what is being done to improve co-ordination between the Ministry of Defence and DFID. It did not establish whether DFID would set up a mechanism to co-ordinate the UK humanitarian response. It did not set out what will replace the Oil-for-Food programme … It did not spell out DFID's plan in the event of Saddam Hussein unleashing any of his arsenal of chemical and biological weapons on his own people. Nor did it give details of how to cope with the flight of refugees … The questions need to be answered."[474]

---

[472] House of Commons, *Official Report*, 18 March 2003, columns 772-773.
[473] Blair T. *A Journey*. Hutchinson, 2010.
[474] House of Commons, *Official Report*, 18 March 2003, column 777.

1111. In response to an intervention from Mr Elfyn Llwyd (Plaid Cymru) as to why he was "so keen on going to war" if those preparations were so ill-advanced, Mr Duncan Smith stated:

> "The hon. Gentleman betrays a certain ignorance. The reality is that we need to deal with Saddam Hussein regardless of those arrangements."

1112. Later in the debate, Mr Alex Salmond (Scottish National Party) asked: "Will the nation-building work? The record of the United States on nation-building has not been impressive."[475]

1113. Mr Tony Worthington (Labour) raised concerns about the scale of the challenge in Iraq:

> "What bothers my constituents – it is one of the reasons why the Prime Minister fails to persuade them of the rightness of his approach – is that little or no attention is being paid to the consequences of the action that we are about to take.
>
> …
>
> "We are going to invade a country of Balkanesque complexity where occupying forces will be unable easily to withdraw. We are rapidly in danger of becoming piggy in the middle for every discontented ethnic or religious group in the area. There seems little doubt of speedy, initial victory, but it is worth remembering that the six-day war in the Middle East is still going strong after 35 years. This war has similar potential.
>
> …
>
> "We have to consider the scale of the humanitarian problem. Iraq is a huge country, the size of France. We have to think about feeding 26 million people instantly. That has to be done by the UN, not by the Office of Reconstruction and Humanitarian Assistance … I hope that the Minister will be absolutely clear in his winding-up speech whether the UN or American generals will be in control …"[476]

1114. Mr John Baron (Conservative) stated that insufficient thought had been given to the consequences of military action:

> "Who and what will replace Saddam Hussein? What plans exist for humanitarian relief? We know little about that. What effect will the action have on the stability of neighbouring states?"[477]

---

[475] House of Commons, *Official Report*, 18 March 2003, column 821.
[476] House of Commons, *Official Report*, 18 March 2003, columns 832-834.
[477] House of Commons, *Official Report*, 18 March 2003, column 835.

1115. Mr Michael Ancram, Shadow Foreign Secretary, while expressing support for military action, asked Mr Straw to explain what provision had been made for humanitarian relief:

> "We are told that all is in hand, but we have not yet heard what is in hand or how it will be delivered … [I]n Yugoslavia we started but we did not finish. This time we must finish.
>
> "We must also ensure that what replaces Saddam Hussein's brutal regime is a truly representative government, accepted by the Iraqi people and, as Kofi Annan said and the Azores meeting agreed, under the auspices of the United Nations … If the administration are not representative – if they are not balanced – they will fail … Above all we must preserve the territorial integrity of Iraq …"[478]

1116. In his concluding remarks, Mr Straw stated:

> "As the Prime Minister, President Bush and Prime Minister Aznar agreed in the Azores on Sunday … a new resolution will be put before the Security Council. I hope very much that it will attract the fullest possible support … and that the United Nations will be fully and actively involved in the reconstruction effort."

1117. In response to a question from Mr Salmond about the cost of reconstruction, Mr Straw stated:

> "… Iraq is an astonishingly wealthy country. The oil is important to this extent: it has the second largest oil reserves in the Middle East. One of the other agreements clearly reached in the Azores, which must also be endorsed by a United Nations Security Council resolution, which we shall propose, is that every single cent and penny of those oil revenues are not plundered by Saddam Hussein and his friends, but used for the benefit of the Iraqi people. I am quite clear that, when that happens, the costs of reconstruction to the rest of the world will be remarkably insignificant. I can also tell the hon. Gentleman that we have already provided funds for contingency work to ensure the smooth passage of the reconstruction work."[479]

1118. In the House of Lords, concerns were raised about the potential for ethnic and political violence after Saddam Hussein's departure.

1119. In the House of Lords debate on Iraq, Lord Redesdale (Liberal Democrat) warned:

> "Even with regime change, there will be no simple solution. We will not be able to install a democratic government in the short term. Looking back to the previous Gulf War, there was enormous letting of blood, settling of scores and political upheaval. That will increase …

---

[478] House of Commons, *Official Report*, 18 March 2003, column 894.
[479] House of Commons, *Official Report*, 18 March 2003, column 899.

> "We must consider the situation in the context of what has just happened in the United Nations. It could be ourselves and the Americans who have to pick up the pieces in Iraq in the short to medium term."[480]

1120. Lord Elton (Conservative) described the 'Vision for Iraq and the Iraqi People' issued at the Azores Summit as "aspirational rather than inspirational".[481] He asked how the Vision would be achieved:

> "… what is to be the cost, and under what government. It took the Americans 12 years to get out of Japan after the last world war, and it took us 50 years to unite Germany. It troubles me that so little has been thought and said on this matter until so late in the programme …
>
> "… [W]e have to remember with compassion the people of Iraq who suffered horrors under tyranny. We must ensure that they do not suffer horrors after a war due to munitions left behind or through internecine strife …"

Revised arrangements for Ministerial discussion of Iraq

1121. Daily meetings of the "War Cabinet" began on 19 March.

1122. Proposals for the creation of a wider Ministerial group covering post-conflict issues were kept under review.

1123. The first Ad Hoc Meeting on Iraq, also known as the "War Cabinet", took place at 8.30am on 19 March.[482]

1124. The Ad Hoc Meeting took place daily from 19 March to 12 April, with the exception of Sundays 30 March and 6 April, and was chaired by Mr Blair. Attendees included Mr Straw, Mr Hoon and Ms Short.

1125. The remit of the Ad Hoc Meeting was to "cover … military and other updates and the day's events", and "to focus on longer term policy decisions", although the time for that would be limited and would need to be "rationed carefully".[483]

1126. When Sir Andrew Turnbull explained the new arrangements to Mr Heywood, he proposed that:

> "There might also be a case for having a weekly meeting of DOP [the Defence and Overseas Policy Committee] … perhaps convening just before Cabinet. This would provide an opportunity for wider Ministerial involvement, including on day after issues. I suggest that this is something that David Manning keeps under review."[484]

---

[480] House of Lords, *Official Report*, 18 March 2003, column 157.
[481] House of Lords, *Official Report*, 18 March 2003, columns 207-208.
[482] Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.
[483] Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.
[484] Minute Turnbull to Heywood, 18 March 2003, 'Iraq'.

1127. The first meeting of the Cabinet Committee set up to oversee all aspects of the reconstruction of Iraq, the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR), took place on 10 April.

1128. The creation of the AHMGIR and its role in setting the direction of UK post-conflict policy are addressed in Section 10.1.

1129. Mr Rycroft's briefing for Mr Blair before the first Ad Hoc Meeting on 19 March explained that there would be a standard agenda each day, including "Humanitarian and reconstruction".[485]

1130. Mr Blair told the meeting on 19 March that it was a priority to get a Security Council resolution for the post-conflict phase that would "bring in those who had been opposed to military action".[486] He requested a meeting with Ms Short on 21 March, on her return from discussions with Mr Annan and the US on preparations for humanitarian relief and reconstruction.

1131. At their meeting on 19 March, the Chiefs of Staff observed that the US appeared to be shifting its focus to Phase IV and that there had been "much greater US physical preparation for Phase IV than in any previous operation".[487] Adm Boyce instructed Lt Gen Reith "to report the detail of the preparations in-theatre, particularly the nature and tonnage of humanitarian aid stocks".

Mr Blair's conversation with President Bush, 19 March 2003

1132. Mr Blair and President Bush spoke at 1240 on 19 March (see Section 3.8).[488] They discussed the military plans and timetable. Mr Blair said that he had "reviewed the military plans and was confident that they would work". Post-conflict issues would be the focus of conversation when they met. A full day meeting was envisaged to cover the ground. Mr Blair suggested that the discussions might include bringing in allies who had opposed military action and co-ordinating a communications strategy.

1133. Mr Blair and President Bush discussed post-conflict issues at Camp David on 26 and 27 March, a week after the start of the invasion.

Prime Minister's Questions, 19 March 2003

1134. Asked in Parliament on 19 March about the UK's plans for post-conflict Iraq, Mr Blair explained that discussions were under way and referred to the principles set out in the Azores 'Vision for Iraq and the Iraqi People'.

---

[485] Minute Rycroft to Prime Minister, 19 March 2003, 'Iraq: 0830 Ministerial Meeting'.
[486] Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.
[487] Minutes, 19 March 2003, Chiefs of Staff meeting.
[488] Letter Cannon to McDonald, 19 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 19 March'.

1135. At Prime Minister's Questions on 19 March, Mr David Rendel (Liberal Democrat) asked for assurances that sufficient funds for post-conflict reconstruction would be made available quickly.[489]

1136. Mr Blair replied that the purpose of the reconstruction programme in Iraq was not, primarily, to do with the consequences of conflict, "but is actually to do with reconstructing the country after the years of Saddam Hussein and his rule". Funds had already been earmarked for the purpose and Ministers were doing all they could "to make sure that we co-ordinate with American allies and also with other UN partners to ensure that the funds are available and also that the programme is available, so that in the post-conflict situation in Iraq the people of Iraq are given the future that they need".

1137. Mr Duncan Smith observed that, when he had asked in the past about the plans for post-conflict Iraq, Mr Blair had been "quite legitimately and understandably, reluctant to give full answers because he would not have wanted to give the impression that war was inevitable".[490] Would Mr Blair now explain what plans there were "to put in place a civilian representative government in Iraq"?

1138. Mr Blair replied:

> "We are in discussion now with not just the United States, but other allies and the United Nations. We want to ensure that any post-conflict authority in Iraq is endorsed and authorised by a new United Nations resolution, and I think that will be an important part of bringing the international community back together again."[491]

1139. Mr Blair referred Mr Duncan Smith to the 'Vision for Iraq and the Iraqi People'. He suggested that the principles of peace, prosperity, freedom and good government included in the Vision "will go some way toward showing that if there is a conflict and Saddam Hussein is removed, the future for the Iraqi people will be better as a result".

Security Council debate on Iraq, 19 March 2003

1140. Mr Annan told the Security Council on 19 March that, in any area under military occupation, responsibility for the welfare of the population fell to the Occupying Power.

1141. The UN would do whatever it could to help, without assuming or diminishing the responsibility of the Occupying Power.

1142. The Security Council held an open debate on Iraq on 19 March. The debate is addressed in more detail in Section 3.8.[492]

---

[489] House of Commons, *Official Report*, 19 March 2003, column 930.
[490] House of Commons, *Official Report*, 19 March 2003, column 931.
[491] House of Commons, *Official Report*, 19 March 2003, columns 931-932.
[492] UN Security Council, '4721st Meeting Wednesday 19 March 2003' (S/PV.4721).

1143. During the debate, Sir Jeremy Greenstock stated that: "Whatever the present divisions and resentments, we the Security Council, we the United Nations, have a central role to play on Iraq and on the wider issues associated with it." That included rapid delivery of humanitarian relief and the earliest possible lifting of sanctions. Sir Jeremy hoped that, "with the active contribution of the Secretary-General", rapid progress could be made "on this crucial area". Ms Short was in New York to discuss humanitarian issues and the UK had already set aside "about US$110m for immediate humanitarian provision if there is a conflict" and was likely to announce further funding.

1144. Mr Annan said that the "plight of the Iraqi people" was now his "most immediate concern". In the short term, a conflict could "make things worse – perhaps much worse". The members of the Security Council should agree to "do everything we can to mitigate this imminent disaster".

1145. Mr Annan stated that:

> "Under international law, the responsibility for protecting civilians in conflict falls on the 'belligerents'. In any area under military occupation, responsibility for the welfare of the population falls on the Occupying Power.
>
> "Without in any way assuming or diminishing that ultimate responsibility, we in the United Nations will do whatever we can to help."

1146. Mr Annan explained that there would be an appeal for additional funds to finance relief operations and that decisions by the Council would be needed to adjust the Oil-for-Food programme.

1147. Mr Annan concluded by expressing the hope that:

> "… the effort to relieve the sufferings of the Iraqi people and to rehabilitate their society after so much destruction may yet be the task around which the unity of the Council can be rebuilt."

1148. Mr Straw told the Inquiry that, on 19 March, Mr Annan was reported to have said he did not think there was a role for the UN in the circumstances of internationally controversial military action.[493] Mr Straw said that Mr Annan's remarks "made an extensive role for the UN doubly difficult". There had been "no prospect at that stage … of a central role [for the UN]".

Straw/Hoon joint minute to Mr Blair

1149. Most of the issues raised at Mr Blair's meeting on 6 March, including the role of the UN, sectorisation and the nature of the UK's post-conflict contribution in Iraq, remained unresolved as the invasion began.

---

[493] Public hearing, 2 February 2011, page 117.

1150. On 19 March, Mr Straw and Mr Hoon informed Mr Blair that:

- **the UK would not be expected to contribute resources to anything other than security during the first phase of the US post-conflict plan (a transitional administration headed by ORHA);**
- **it would be premature to take a view on the merits of sectors for the following phase; but**
- **it would help the US and military planners to agree on the UK's medium-term contribution.**

1151. The minute concluded with a warning that Coalition partners were thin on the ground. If the campaign did not go well, there would not be many who would be prepared or able to take part.

1152. Mr Straw and Mr Hoon considered only the UK's military presence in Iraq. They made no reference to the civilian contribution.

1153. Sir Kevin Tebbit expressed concern about the transition from a primarily military effort to longer-term civilian-led reconstruction. It would be necessary to work hard to avoid dependence on the Armed Forces to carry out civilian tasks.

1154. Mr Straw and Mr Hoon sent Mr Blair a joint minute on the UK military contribution to post-conflict Iraq on 19 March.[494]

1155. The draft was subject to "intensive consultations" at official level in the MOD and the FCO.[495]

1156. In the FCO, Mr Ricketts sent the draft to Mr Straw's Private Office with the comment:

> "This is a clear note on a crucial issue. If the Secretary of State [Mr Straw] could OK it (I showed him a slightly earlier draft this morning) it can go to No.10 tonight, for discussion at the PM's meeting at 0830 on 20 March."[496]

1157. In the MOD, the draft was cleared by Adm Boyce and Sir Kevin Tebbit.

1158. Sir Kevin commented:

> "In terms of our military capacity, with an eye to the aftermath, it would clearly be preferable to confine ourselves to SE Iraq and not bite off more than we can chew. I accept, however, that we should be prepared, initially, for our forces to be fairly

---

[494] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to post-conflict Iraq'.
[495] Minute Chilcott to Private Secretary [FCO], [undated], 'Iraq: The UK's Military Contribution to Post-Conflict Iraq'.
[496] Manuscript comment Ricketts to Private Secretary [FCO], [undated], on Minute Chilcott to Private Secretary [FCO], [undated], 'Iraq: The UK's Military Contribution to Post-Conflict Iraq'.

widely dispersed across Iraq, depending on how Phase III goes, because without successful Phase III, Phase IV becomes harder, if not academic. The trick will be to be able to regroup in a smaller area of SE Iraq once hostilities are ended.

"I also agree that we should be clear about our medium/long-term scale of military commitment. While we are putting all we can into the war effort, we should plan ahead to stay broadly within … [*Strategic Defence Review* guidelines].[497]

"What concerns me most is the process of transiting from a primarily military effort to the civil-led longer-term humanitarian and reconstruction phase. Recent history does not offer too much encouragement and we shall have to work hard to avoid 'dependence culture' on the armed forces to do things which should be for civil departments – initially through aid, subsequently through Iraqi own efforts. The politics of the issue do, I believe, point in the same direction. To meet the PM's wish for us to play an exemplary role, we shall need to remember that memories of the UK in the region from the 1920s are not all positive, and we should make clear our desire to hand over and withdraw on the right basis as early as we can."[498]

1159. In their joint minute, Mr Straw and Mr Hoon warned that some issues "could confront us as early as next week" and invited agreement to five propositions:

"(a) The maximum size of task that UK forces would contribute to in the early days should not exceed our overall military capability. A focus in the South-East of Iraq would be reasonable.

(b) The UK contribution to such a task in advance of a Security Council resolution would be limited to the facilitation of humanitarian assistance and a secure environment and the elimination of WMD.

(c) We therefore need to agree urgently with the US a realistic authorising Security Council resolution for post-conflict Iraq.

(d) We should agree urgently a plan with the US to help us find military partners to enable us to draw down and, in due course, design an exit strategy.

(e) In broad terms the MOD will need to draw down its scale of effort to nearer a third of its commitment by the autumn."[499]

---

[497] It is not clear whether Sir Kevin Tebbit referred to the *Strategic Defence Review* or the Defence Planning Assumptions. The MOD has been unable to provide a version of Sir Kevin Tebbit's manuscript note including the missing words.

[498] Manuscript comment Tebbit on Email DCMC CRISIS 04-S to CDS/PSO-S, 19 March 2003, 'Joint Defence and Foreign Secretaries Minute to PM on "Sectors"'.

[499] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to post-conflict Iraq'.

1160. Mr Straw and Mr Hoon gave little detail of what UK forces would be required to do immediately after the invasion:

> "Much will depend on how the campaign develops, but in the first few weeks we should expect Coalition forces to be spread across Iraq. The expectation is that UK forces will end up in southern Iraq, loosely centred on Basra. However, we should be prepared for elements of our forces to be dispersed fairly widely across Iraq …
>
> "US military planning continues to be fluid. But it envisages Coalition forces re-deploying into a more tailored security framework as soon as the situation permits. The military task will be to facilitate a secure environment (including law and order, deterring adventurism and a variety of military-technical tasks) to enable immediate humanitarian relief to be conducted. To help UK forces win hearts and minds, HMT have allocated them £30m for humanitarian purposes in the first month as well as £10m for quick win projects. (Clare [Short] has allocated £20m for UN agencies' preparations and earmarked another £60m from DFID's contingency reserve for humanitarian operations. But this is a drop in the ocean; in the worse case, if the Oil-for-Food programme ground to a halt, Iraq could need as much as a billion dollars a month for humanitarian aid.)
>
> "The expectation is that UK forces would be responsible for a task focused on Basra and other key military objectives in the South-East of Iraq, which could include 20 percent of the Iraqi population. This task is broadly proportionate to the size of the UK's contribution to overall Coalition land forces …
>
> "In parallel, and under the overall military command, the US plan to bring in a transitional administration[500] to co-ordinate immediate civil relief and humanitarian assistance. The transitional administration is making plans for allocating its limited resources, including provision of public sector salaries, on a nation wide, Coalition basis. There is no expectation that the UK would be asked to contribute any resources to anything other than security. So there is no suggestion that the UK would be left to foot the bill for the civil administration or the costs of humanitarian relief and reconstruction in any area."

1161. Mr Straw and Mr Hoon reported that US planning remained "sensibly flexible" once the initial phase was over and "a major part of Iraq has been stabilised". It advised that US planning:

> "… recognises that parts of Iraq will be more permissive than others and that security could well be provided through something other than sectors. It would be premature now to take a view on the merits of sectors for this stage. We are well placed to influence US thinking with a number of military officers and officials embedded within their military headquarters and in ITCA. **It would be helpful for**

[500] A footnote explained: "The Office of Reconstruction and Humanitarian Assistance (ORHA) becomes the transitional administration once it is established inside Iraq."

them, and for military planners generally, to agree what our scale of effort should be in our medium-term contribution to Iraq."

1162. Mr Straw and Mr Hoon advised that it would be necessary to reduce the UK military contribution "to nearer a third by no later than the autumn in order to avoid long-term damage to the Armed Forces" and to remain within current defence planning assumptions: "If Ministers wanted us to, we would need decisions now so that we would be able to recommend what would have to give elsewhere." Scaling down to nearer a third would limit the UK contribution thereafter to "a maximum of around one brigade, a two-star headquarters and possibly a contribution to higher level command and control". They recommended telling the US now, for planning purposes, that this was the upper limit of the UK contribution.

1163. Mr Straw and Mr Hoon also recorded that the ARRC featured in current CENTCOM planning as a multinational headquarters that could play a role in post-conflict Iraq, but would be the subject of a separate paper (see Section 9.1).

1164. Mr Straw and Mr Hoon ended with a section on "**Setting the conditions for success**". The conditions in which UK forces operated needed to be conducive to success. There needed to be a resolution authorising international activity in the post-conflict period and: "We should also let the US know the key importance of internationalising the security arrangements now so that we can reduce our commitment as set out above. And we would expect US support in building a wider Coalition to operate alongside our forces, allow us to draw down and eventually to provide us with an exit strategy."

1165. Mr Straw and Mr Hoon concluded:

> "We should be realistic about the limited prospects of our finding any genuine military capability to help us take this task on. New … Coalition partners are thin on the ground and, if the post-conflict phase does not go well, there will not be many nations who will be prepared or able to take part.
>
> "And finally, we shall need to return to this issue once we are clear how the campaign is developing and look at our wider contribution in the round."

1166. The Cabinet Office took a different position on whether it would be "premature" to take a view on the merits of sectors.

1167. Before the joint minute from Mr Straw and Mr Hoon reached No.10, Mr Drummond advised Mr Rycroft that "we need Ministers to decide on sectors". The joint minute and the question of sectors should be on the agenda for the Ad Hoc Meeting on Iraq (the "War Cabinet") on 20 March, with Ms Short given the chance to comment on the minute on her return from the US on 21 March.[501]

---

[501] Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.

1168. Mr Drummond suggested that Ministers would want to agree the proposals in the joint minute:

> "… provided they are satisfied that:
>
> - UK Forces will be capable of providing security for an area around Basra including about 20 percent of Iraq's population.
> - How long will we have this responsibility, and what is the exit strategy (benign security environment created, UK forces replaced by others). Will we be able to limit 'our area' to say Basra by the autumn, when we want to withdraw two-thirds of our troops?
> - That the assertion that the transitional administration will handle civil administration including humanitarian reconstruction issues is correct: This is clearly the plan, but it must be doubtful that ORHA will have the capacity, and therefore the troops on the ground may be called on to help. The UK certainly doesn't have civilian capacity to help govern 20 percent of Iraq."

1169. The joint minute was not discussed at the Ad Hoc Meeting on Iraq at 10am on 20 March, where Mr Blair stated that decisions on the minute were needed at the next meeting on 21 March.[502]

1170. Mr Rycroft showed the Straw/Hoon joint minute on the UK military contribution to post-conflict Iraq to Mr Blair on 20 March. Mr Rycroft commented:

> "For discussion at 1500 on Friday [21 March]. Do you agree? Key points to fix are: size of our sector, length of time of commitment, exit strategy, proper UN authorisation."[503]

1171. On the eve of the invasion, there remained considerable uncertainty about the three phase model for post-conflict Iraq.

1172. In the absence of UN authorisation for post-conflict activity or agreement on a UN role, the model, as understood by the UK, remained as much aspiration as plan.

1173. Asked by the Inquiry whether, on the eve of the invasion, there had been a reasonably clear understanding of the UK's military, political and diplomatic objectives for Phase IV, Mr Chilcott replied:

> "Yes, I think the UK view of it was well understood within the UK Government, and I have no reason to think it wasn't well understood in the UK military as well, which was that we were working on broadly this three-phase model in our minds that we would have a period of occupation, where we would be governed by, as

---

[502] Minutes, 20 March 2003, Ad Hoc Meeting on Iraq.
[503] Manuscript comment Rycroft to Prime Minister, 20 March 2003, on Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to post-conflict Iraq'.

I said, the Geneva Conventions and the Hague Regulations, where we would be responsible for the welfare of the people. And our main concern at that stage would be establishing a secure environment and ensuring that humanitarian relief was able to get through to those that needed it.

"But we wanted that period to be as short as possible, after which we would move to some interim administration authorised by the UN Security Council.

"It was clear, I think, on the eve of the invasion that we weren't going to have a UN-run interim administration, but an interim administration authorised by the Security Council was going to be good enough for us. And that would begin the process of reform and reconstruction in Iraq and, at the same time, we would have the UN involved in a political process in parallel that would lead to some kind of convention or conference that would enable a new constitution to emerge and elections on the basis of the new constitution, whereupon with a new Iraqi Government, we could hand over power completely to the new Iraqi Government. And that coalition security forces would be needed for as long as the new Iraqi Government wanted them."[504]

The invasion

1174. The transition from conflict (Phase III) to post-conflict (Phase IV) military operations began immediately Coalition troops started to occupy Iraqi territory.

1175. When that transition began the Government had not taken firm decisions on the nature or duration of the UK's military commitment in post-conflict Iraq or on the extent of the UK AOR. There had been no systematic analysis of the UK's military or civilian capacity to fulfil its likely obligations in the South in a range of circumstances, including:

- **in the prolonged absence of an authorising resolution;**
- **in the absence of additional Coalition partners;**
- **in a hostile security environment with low levels of Iraqi consent; and**
- **over different timescales, in particular the medium and long term.**

1176. Each of those issues had been identified as a potential risk to UK strategic objectives in Iraq, but no detailed contingency plans or preparations were in place to mitigate those risks.

1177. Ministers, officials and the military continued to assume that:

- **there would be early agreement on a post-conflict resolution;**
- **levels of consent would rise steadily across most of Iraq; and**

[504] Public hearing, 8 December 2009, pages 33-35.

- **despite the scale of the undertaking, the international community would succeed in realising the Azores vision for the social, political and economic transformation of Iraq.**

1178. Above all, it was assumed that the US, even without a convincing post-conflict plan, could act as guarantor of the UK's objectives in Iraq.

1179. Those assumptions shaped continuing discussions about the nature, duration and extent of the UK's post-conflict military and civilian deployment.

1180. Two days after the start of the invasion Mr Blair sought further advice from officials on the size of any UK sector, the duration of the UK commitment and the exit strategy.

1181. The invasion of Iraq began overnight on 19/20 March 2003. Military operations during the invasion are described in Section 8.

1182. Adm Boyce issued the Execute Directive, the order to Lt Gen Reith to implement Op TELIC, on 18 March.[505]

1183. Lt Gen Reith was directed to "assume the UK Phase IV AO will be centred on Basra". In line with the military plan approved by Mr Blair on 14 March, the Directive set clear limits on the expansion of the UK AO during the conflict phase of military occupations. It stated that, to "assist the Coalition in a timely and successful Phase III and to help in shaping Phase IV conditions in the UK AO", Lt Gen Reith should exploit no further north than an east-west line running 90km south of al-Kut, ending at a point 50km north-east of al-Amara.

1184. The Directive also stated that it was Adm Boyce's "current intent … that the UK should aim to draw down its deployed force to medium scale within four months of commencing offensive operations".

1185. Mr Hoon placed a document setting out the UK's Military Campaign Objectives, approved by Lord Goldsmith, in the Library of the House of Commons on 20 March (see Section 8).[506]

1186. The Execute Directive did not refer explicitly to the Military Campaign Objectives, but was consistent with them.

---

[505] Minute CDS to CJO, 18 March 2003, 'Op TELIC: Authorisation for Military Operations in Iraq' attaching Paper CDS, 'Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)'.

[506] House of Commons, *Official Report*, 20 March 2003, column 1087.

1187. The Military Campaign Objectives defined the overall objective for the military campaign as:

> "… to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs and remains so disarmed in the long term".[507]

1188. In aiming to achieve the objective as swiftly as possible, the military was required to make "every effort … to minimise civilian casualties and damage to essential economic infrastructure, and to minimise and address adverse humanitarian consequences".

1189. On post-conflict issues, the objectives stated that the UK would "work with the United Nations to lift sanctions affecting the supply of humanitarian and reconstruction goods, and to enable Iraq's own resources, including oil, to be available to meet the needs of the Iraqi people", and "help create conditions for a future, stable and law-abiding government of Iraq".

1190. The document stated that the "immediate military priorities" for the Coalition in the wake of hostilities were to:

"a. provide for the security of friendly forces;

b. contribute to the creation of a secure environment so that normal life can be restored;

c. work in support of humanitarian organisations to mitigate the consequences of hostilities and, in the absence of such civilian humanitarian capacity, provide relief where it is needed;

d. work with UNMOVIC/IAEA to rid Iraq of its weapons of mass destruction and their means of delivery;

e. facilitate remedial action where environmental damage has occurred;

f. enable the reconstruction and recommissioning of essential infrastructure for the political and economic development of Iraq, and the immediate benefit of the Iraqi people; and

g. lay plans for the reform of Iraq's security forces."

1191. The end state for Iraq remained as defined in Mr Straw's Written Ministerial Statement of 7 January (see Section 6.4).

1192. In his Address to the Nation on 20 March (see Section 3.8), Mr Blair stated:

> "Removing Saddam will be a blessing to the Iraqi people. Four million Iraqis are in exile. 60 percent of the population dependent on food aid. Thousands of children die every year through malnutrition and disease. Hundreds of thousands have been driven from their homes or murdered.

---

[507] Iraq: Military Campaign Objectives, 18 March 2003.

"I hope the Iraqi people hear this message. We are with you. Our enemy is not you, but your barbarous rulers.

"Our commitment to the post-Saddam humanitarian effort will be total. We shall help Iraq move towards democracy. And put the money from Iraqi oil in a UN trust fund so that it benefits Iraq and no-one else."[508]

The role of the UN

1193. Ms Short set out to Mr Annan the need for a central UN role in humanitarian and reconstruction work.

1194. Mr Annan emphasised the need to have clarity on US thinking for UN planning to proceed.

1195. Ms Short visited New York and Washington on 19 and 20 March for talks with the UN, US, World Bank and IMF.

1196. In New York, Ms Short underlined to Mr Annan and senior UN officials "the political, legal and practical necessity for a central UN role in humanitarian and reconstruction work, and the strong contribution the UK would make to this".[509] Mr Annan agreed and emphasised the need for clarity on US thinking so planning could proceed.

1197. In Washington, Ms Short emphasised to senior officials in USAID, the NSC and the State Department the need for early agreement on a resolution to extend OFF.[510] She also raised the issue of an "omnibus" resolution on post-conflict administration. It was "practically and politically" important to the UK that the UN play a central role in the administration of post-Saddam Hussein Iraq.

1198. At the IMF and World Bank, Ms Short was informed that both institutions were well advanced with preparatory work and ready to engage in Iraq as soon as conditions allowed.[511] Ms Short explained that a resolution on OFF would be followed by a resolution to establish an interim authority with the necessary legitimacy to open the door to IMF and World Bank engagement and allow the comprehensive restructuring of Iraq's economy to begin.

1199. How the overall cost of reconstruction would be met remained unclear.

1200. Ms Short informed the Treasury that reconstruction costs would need to be considered in the longer term, after the completion of an IFI-led needs assessment in Iraq.

---

[508] The National Archives, 20 March 2003, *Prime Minister's Address to the Nation*.
[509] Telegram 501 UKMIS New York to FCO London, 21 March 2003, 'Iraq Humanitarian/Reconstruction: Clare Short's Visit to New York'.
[510] Telegram 370 Washington to FCO London, 21 March 2003, 'US: Iraq: Ms Short's Visit'.
[511] Telegram 25 UKDel IMF/IBRD Washington to FCO London, 24 March 2003, 'IMF/World Bank: Iraq: Visit of Secretary of State for International Development'.

1201. On 21 March, Ms Short explained to Mr Boateng that reconstruction costs would need to be considered in the longer term, "once the post-conflict situation is clearer and we have an IFI-led needs assessment".[512] The aim should be "to have most of the bill paid from the proceeds of sales of Iraqi oil and support from the IFIs".

1202. The time taken to complete the UN/World Bank Joint Needs Assessment (JNA) for Iraq and the implications for UK planning and Iraq's post-conflict reconstruction are addressed in Section 10.1.

1203. On 21 March, Mr Cannon sent Mr Blair a background note for the Ministerial meeting on post-conflict issues scheduled for that afternoon.[513] Mr Cannon summarised the Straw/Hoon position on the scale of the UK's medium-term military effort:

- that the US be told now that drawdown of the UK military effort to around one-third by the autumn represented the upper limit of the UK contribution;
- that the UK would seek partners for Phase IV, but the MOD and FCO were not optimistic about the prospects for success; and
- that the US planned an Iraq-wide transitional administration and "the possibility of our taking over civil administration in a 'British sector' has fallen away".

1204. Mr Cannon attached an FCO paper on areas of agreement and disagreement with the US on a post-conflict resolution. He explained that:

> "The Americans want the Coalition to set the IIA up: we think it would have more legitimacy with the UN playing a lead role. The Americans have just shown us a draft SCR enshrining their ideas: we doubt that it will run in the Security Council. The attached FCO paper sets out where we agree and disagree with the Americans: to close the gap it recommends initially that the Foreign Secretary write to Colin Powell … and if necessary you talk through the basic principles with President Bush."

1205. Mr Cannon also reported that problems with DFID/MOD co-operation on humanitarian operations "appear to be falling away".

1206. Post-conflict co-operation between DFID and the MOD, including reports of friction between military and DFID personnel in the UK AO, is addressed in Section 10.1.

1207. After the Ministerial meeting on post-conflict issues on 21 March, Mr Rycroft informed the FCO and the MOD that Mr Blair agreed to the Straw/Hoon recommendations, subject to further urgent advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.[514] Mr Rycroft's letter was copied to the Treasury, DFID, the Cabinet Office, SIS and Sir Andrew Turnbull.

---

[512] Letter Short to Boateng, 21 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.
[513] Minute Cannon to Prime Minister, 21 March 2003 [wrongly dated 20 March 2003], 'Iraq: Post-Conflict Issues'.
[514] Minute Rycroft to McDonald and Watkins, 21 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

1208. Joint FCO/MOD advice followed on 25 March.

1209. At the Ad Hoc Meeting on Iraq on 22 March, Mr Blair requested advice from Mr Straw on the UK's approach to reconstruction "and associated conferences".[515]

1210. Mr Blair discussed the need for a UN "badge" for post-conflict activity with President Bush on 22 March. He suggested that there should be two separate resolutions: one on OFF, which should proceed quickly; and a second on post-conflict administration to follow.

1211. In a telephone call on 22 March, Mr Blair raised the UN's role with President Bush.[516] Mr Blair said that it was essential to get a UN "badge" for post-conflict efforts and that, while the Coalition did not want to hand over the results of its efforts to the UN, a Security Council resolution on post-conflict administration would help the Coalition get access to UN funding, including from the IFIs.

1212. Mr Blair proposed that different parts of the draft resolution should proceed on different timescales; a resolution on OFF should move quickly, with one covering administration after the conflict to follow.

1213. On 23 March, Mr Blair reassured Ministers that UK and US positions on the role of the UN were not far apart. He believed the US was misreading the implications of UN authorisation.

1214. On 23 March, Mr Blair told the Ad Hoc Meeting on Iraq that, on the draft resolution, "British and American positions were not so far apart".[517] He believed that the US was misreading the implications of what UN authorisation meant and added: "It was more a matter of timing than substance."

1215. At the UN, Mr Annan told Sir Jeremy Greenstock that he would not want to see an arrangement "subjugating UN activity to Coalition activity".

1216. Mr Annan also made it clear, in public, that during any occupation it was the Occupying Power that was responsible for the welfare of the people. Without detracting from those responsibilities, the UN would do whatever it could to help the Iraqi population.

1217. Sir Jeremy Greenstock discussed post-conflict Iraq with Mr Annan on 24 March, in advance of a meeting between Mr Annan and Dr Rice later in the day.[518] Sir Jeremy told Mr Annan that he "assumed that the UN would not want to run Iraq nor its security sector". Mr Annan told him that "Coalition respect for Iraqi sovereignty, territorial integrity

---

[515] Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.
[516] Letter Cannon to McDonald, 22 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 22 March: Post-Conflict Issues'.
[517] Minutes, 23 March 2003, Ad Hoc Meeting on Iraq.
[518] Telegram 526 UKMIS New York to FCO London, 25 March 2003, 'Iraq Phase IV: UN Dynamics'.

and political independence would be a precondition for a UN role" and that he "would not wish to see any arrangement subjugating UN activity to Coalition activity".

1218. After meeting Mr Annan, Sir Jeremy spoke to Mr John Negroponte, US Ambassador to the UN, who observed that the focus within the Security Council on "no legitimisation of Coalition military action" might make it impossible to secure its authorisation.[519] Sir Jeremy reminded him that without a resolution there would be no IFI or other international funding for reconstruction and it would be "hard to drum up troop contributors to permit an exit strategy for US/UK forces".

1219. Mr Annan told the press:

> "… the proposal before the [Security] Council is we would want to resume our work as soon as possible. And whichever authority is seen in charge at the end of the hostilities, we will work with them. We don't know what – if it is Iraqis, if it's somebody else – we will need to find a way of working, but we will be working for the Security Council, in accordance with Security Council resolutions covering the Oil-for-Food …
>
> "… I have made it clear in my discussion with the Council and publicly, that in times of war, it is the belligerents who are responsible for the welfare and safety of the people. I've also indicated that, in any situation under occupation, it is the Occupying Power that has responsibility for the welfare of the people. Without detracting from those responsibilities, the UN will do whatever it can to help the Iraqi population."[520]

1220. Sir Jeremy Greenstock told the Inquiry that Mr Annan managed the tension within the UN between a Secretariat "full of resentment" that the UN had been "bypassed" in the decision to go to war, and Mr Annan's own view and that of some others, that the UN should not be "absent from its responsibilities" in post-conflict Iraq.[521] Sir Jeremy commented that the Secretariat was "in quite an angry mode", but "got down to the planning work in quite a responsible way".[522]

MOD update on Phase IV planning

1221. Lt Gen Reith warned the Chiefs of Staff on 21 March that there were already signs that pre-conflict assumptions about the nature and duration of the conflict had been wrong, with implications for Phase IV planning.

1222. Lt Gen Reith advised that the Coalition "must be prepared" for high, medium and low levels of consent.

---

[519] Telegram 526 UKMIS New York to FCO London, 25 March 2003, 'Iraq Phase IV: UN Dynamics'.
[520] UN News Centre, 24 March 2003, *Remarks by the Secretary-General upon arrival at Headquarters (unofficial transcript).*
[521] Public hearing, 15 December 2009, pages 8-9.
[522] Public hearing, 15 December 2009, page 21.

1223. Lt Gen Reith produced an update on Phase IV planning for the Chiefs of Staff on 21 March.[523] He warned that Phase IV delivery remained subject to "uncertain US dynamics at the pol/mil [politico-military] level". US planning continued, but was "primarily bottom-up", and CFLCC was still seeking guidance on key issues including governance, payment of salaries and "regeneration" of the military.

1224. Lt Gen Reith advised that there were already signs that previous assumptions about the nature and duration of the conflict might have been wrong. Phase IV(a) now looked likely to be far shorter than previously expected, while the arrival of other Coalition partners and NGOs looked like taking longer. All this added pressure. The paper listed a number of issues needing resolution, pointing out that some were already well known. They included: the system of governance under Phase IV(b); how to approach SSR; provision of salaries to Iraqis; and how to engage with the Iraqi military and judiciary.

1225. On "military realities", Lt Gen Reith stated that: "The Coalition must be prepared for high/medium/low consent and variations thereof in time and space, including asymmetric attack and intra-factional violence." "How to deal with non-compliance" was listed as one of the "key issues requiring resolution".

1226. In a second paper, Lt Gen Reith updated the Chiefs of Staff on humanitarian assistance.[524] USAID had led the development of the CMOC/DART structure to provide immediate relief as Coalition forces advanced. UK forces would draw primarily on the US DART, but had developed national contingency plans in case demand outstripped supply, including funding for QIPs and DFID-funded medical supplies.

1227. On 24 March, Treasury officials advised Mr Brown that:

- **The Chiefs of Staff considered a medium scale deployment of 10,000-15,000 to be the most the UK could sustain in the medium term without lasting damage to the UK's forces.**
- **It was unlikely, except in the most benign post-conflict scenario, that the maximum envisaged UK force would be able to deal with all the challenges on its own.**
- **No significant Coalition partners were likely to come forward without an appropriate UN resolution.**
- **Treasury and MOD views differed on the wisdom of taking on a two-star command without "the necessary guarantees".**

---

[523] Minute Reith to COSSEC, 21 March 2003, 'Phase IV Planning – Taking Stock'.
[524] Minute Reith to PSO/CDS, 21 March 2003, 'Humanitarian Assistance for Iraq'.

1228. Mr Dodds sent advice on the Straw/Hoon joint minute to Mr Brown on 24 March.[525]

1229. Mr Dodds reported that the picture looked "rather different to that presented in the correspondence":

> "The Defence Chiefs say that a 'medium size' deployment (ie 10,000-15,000) is the most we could sustain in the medium term without lasting damage to our forces. MOD officials tell us they had intended the submission [the joint minute] to pose the question 'do you want us to do as much as we can (ie this medium size deployment) or as little as we can get away with (ie less)?' The question is not posed in that form and hence is not answered. **The choice is essentially political, but it is essential to note that the cost of a deployment on this medium scale is about £1bn a year.**"

1230. Mr Dodds reported that the concept of sectors in US military planning had moved on:

> "The plan now appears to have four 'two-star commands (ie divisions)' outside of Baghdad, focusing more flexibly on the tasks that need to be done, rather than being tied down to specific narrow locations.
>
> "The MOD ambition is to have a UK-led 'two-star command'. However:
>
> - the scale of military effort needed will depend on the permissiveness of the environment … and the relationship between the military and civil powers;
> - it is unlikely, except in the most benign scenario, that the maximum envisaged size of UK force would be able to deal with all the challenges … on its own;
> - without an appropriate UN resolution to legitimise the aftermath, MOD believe it unlikely that any significant Coalition partners will come forward to share our burden …"

1231. Mr Dodds commented that, in that context, Mr Blair's questions of 21 March about the size of the UK sector, the duration of the UK commitment and the exit strategy were "excellent questions", but could not be answered easily. More relevant was:

> "… how to ensure a permissive environment as quickly as possible, and how to maximise the number of militarily-capable Coalition partners to share our burden.
>
> "And given past experience, while going all out for a suitable resolution, it would be wise to ask what our Plan B would be if we couldn't get one. MOD currently don't have an answer to that!"

---

[525] Minute Dodds to Chancellor, 24 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

1232. Mr Dodds recommended that the UK:

- should continue to emphasise to the US that a further UN resolution was vital;
- should stress to the US that UK military capability was stretched to the limit; and
- should not be too ready to take on a two-star command in the aftermath without "the necessary guarantees". It carried the risk of costs "we cannot afford both militarily and financially". This was an issue on which the Treasury disagreed with the MOD. Mr Brown's input "could be invaluable".

1233. Mr Dodds advised that Mr Brown might have a view on "whether to press for a smaller commitment than the £1bn 'medium' scale deployment that MOD/FCO have offered".

1234. Mr Dodds explained that the Treasury was feeding those thoughts into FCO papers for Mr Blair's meeting with President Bush at Camp David on 26 and 27 March. He concluded that it would be useful if Mr Brown could "make an input" at Cabinet (see Section 10.1).

Draft UK post-conflict objectives

1235. The FCO response to Mr Blair's request of 21 March for further advice on the narrow question of the UK military contribution to post-conflict Iraq continued the pre-invasion pattern of analysis and advice that separated military from civilian concerns.

1236. The FCO advice, which reflected Treasury concerns and had been agreed with the MOD, warned of the substantial risk that, without a resolution, the UK "would become trapped" into a higher level of commitment than planned.

1237. The FCO advised that it would not be possible to decide on the size of a UK military sector before establishing the nature of the task and the scale of the Coalition resources available.

1238. The FCO did not address the relationship between the size of a military sector and the wider contingent liabilities, including the impact on potential UK civilian responsibility for administration and reconstruction.

1239. On 25 March, the FCO sent its response to Mr Blair's request for further advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.[526]

1240. The FCO advice, agreed with the MOD and copied to DFID and the Treasury, emphasised the risk of "serious long term damage to the Armed Forces" if the UK commitment was not reduced to a third of existing levels by the autumn, but stated that it

[526] Letter Owen to Rycroft, 25 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

was not possible to answer Mr Blair's questions definitively. Reducing troop numbers by the autumn and devising an exit strategy depended on a number of factors:

- the outcome of the military campaign;
- the attitudes of the US and the Iraqi people;
- negotiation of an authorising resolution;
- the ability to build a broader Coalition; and
- success in achieving Coalition objectives for Iraq.

1241. The FCO warned:

> "There is therefore a substantial risk that if we fail to obtain a UNSCR, we will not be able to build the Coalition under overall US leadership. We would become trapped into maintaining a higher level of commitment for longer, with all that this would mean in terms of cost and for the long-term health of the Armed Forces."

1242. On the size of the UK sector, the FCO expanded on the advice in the Straw/Hoon joint minute:

> "… we need to determine in the first instance the nature of the military task, and make an assessment of the UK and other Coalition resources likely to be available. Only then can we answer the question about geographical coverage. If the task is to promote a secure environment, the size of the area will depend on the number of troops that are available and the attitude of the Iraqis. The expectation is that Basra, and the area around it, linked to existing administrative boundaries, should be the focus. Plans need to remain flexible until we are able to define the task and confirm the attitude of the population. US thinking appears to have moved away from too early definition of 'sectors' for exactly the reasons explained above."

1243. The Inquiry has seen no response from No.10.

1244. The Cabinet Office sent draft UK post-conflict objectives to senior officials in the FCO, the MOD and DFID on 25 March.

1245. The draft objectives were to be shown to Ministers before being submitted for formal approval.

1246. The objectives restated a familiar list of broad UK aspirations for the future of Iraq that had been under discussion since late 2002.

1247. There is no indication whether the objectives were ever adopted formally.

1248. Mr Bowen sent draft 'British Post-Conflict Objectives' to senior officials in the FCO, the MOD and DFID on 25 March.[527] The draft incorporated earlier comments from some departments.

1249. The draft stated that it remained the UK's wish to see Iraq:

> "… become a stable, united and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective and representative government to its own people."

It added:

> "Our objective is to create conditions for a future Iraqi government which will act to make this aspiration a reality. We will work with the Iraqi people, the UN and other international organisations, and the wider international community to this end."

1250. The draft also stated:

> "British forces will continue to contribute, for no longer than is necessary at a sustainable level, to the US-led Coalition military presence in the interests of promoting a secure environment in Iraq …
>
> "We have made plans with our international partners to assist the Iraqi people in the process of transition. With others, we will assist in the return to full Iraqi sovereignty …
>
> "With others, we will help revive the Iraqi economy and assist reform by:
>
> a. working with the UN to manage Iraq's oil revenues in order to achieve the maximum benefit for the Iraqi people in an accountable and transparent manner;
>
> b. supporting an international programme for the reconstruction and repair of Iraq's infrastructure …;
>
> c. fostering economic reform …;
>
> d. agreeing a comprehensive financial framework of transitional support for Iraq …;
>
> e. helping reform Iraq's public administration …;
>
> f. supporting the observance of human rights, and legal and judicial reform …;
>
> g. helping Iraq generate reformed and accountable security forces acting in accordance with international human rights standards."

---

[527] Letter Bowen to Chaplin, 25 March 2003, 'Iraq: Post Conflict Objectives' attaching Paper [draft], 25 March 2003, 'Iraq: British Post-Conflict Objectives'.

1251. Mr Bowen suggested that officials should show the draft paper to their Ministers, if they had not already done so: "We will then see the outcome of the Prime Ministerial visit to Camp David and consider formal submission early next week."

1252. There is no indication whether the objectives were ever adopted formally.

1253. Officials expressed concern about the absence of an Iraqi perspective in UK and Coalition planning.

1254. Mr Lee expressed concern to MOD colleagues about the apparent absence of any Iraqi perspective in the objective-setting process:

> "I get no sense in anything we're doing of an Iraqi input. (State Dept in Washington have had a large 'Future of Iraq' project going for some time addressing exactly this point – but it seems to have dropped off the table)."[528]

1255. Dr Robert Wilson, an FCO Research Analyst, commented on the failure to engage with Iraqis as the invasion began in a minute to Mr Chilcott on 27 March:

> "A point that is being made with increasing force by members of the Iraqi community is that the Coalition is failing to engage them in the process of their liberation …
>
> "Several people have made the point to me that we need to get Iraqis visibly involved on the side of the Coalition, and in whatever way is possible establish a sense of partnership between the Coalition and the Iraqi population. If we do not do so, we may find that we are dealing not with a jubilant population but one that says, 'OK, you've got rid of Saddam. Now what?' …
>
> "The sense of a lack of partnership is unfortunately strengthened by our own focus on the humanitarian side – handing out food, bringing in 'aid'. Iraqis are proud and don't feel they need aid or handouts …"[529]

1256. The Inquiry has seen no response either to Mr Lee or to Dr Wilson.

1257. The first detailed military planning papers for Phase IV were presented to the Chiefs of Staff on 25 March.

1258. On 25 March, Mr Watkins reported to No.10 that: "Southern Iraq is effectively under Coalition control although significant resistance remains in Basra."[530]

1259. The same day, Lt Gen Reith presented the Chiefs of Staff with a draft Operational Concept and draft planning guidance for Phase IV.

---

[528] Minute Lee to Policy Director, 24 March 2003, 'Iraq: Camp David Meeting'.
[529] Minute Wilson to Chilcott, 27 March 2003, 'Failure to Engage with the Iraqis'.
[530] Letter Watkins to Rycroft, 25 March 2003, 'Prime Minister's visit to Washington. Iraq: Review of the Military Situation'.

1260. Discussion of the two documents and the emergence of the UK AOR in southern Iraq are addressed in Section 8.

Mr Blair's meeting with President Bush, Camp David, 26 and 27 March 2003

1261. In advance of the meeting between Mr Blair and President Bush at Camp David on 26 and 27 March, Mr Straw's Private Office sent Mr Rycroft a negotiating brief for what was to become resolution 1483, the resolution defining the roles of the UN and the Coalition in post-conflict Iraq.[531]

1262. The negotiating brief, prepared by the IPU, described what was known about the "first few weeks" after the combat phases of the military campaign:

> "Immediately after the conflict, the Coalition will be in control of Iraq.
>
> "As soon as it is safe to do so, Jay Garner and his Office of Reconstruction and Humanitarian Assistance (ORHA) will arrive behind the military and become a transitional administration. Their aim will be to work with the existing Iraqi public administration, so far as possible. Garner will then take forward the reconstruction process. His people will be inserted into the top of the Iraqi ministries, with senior US officials being assigned to each ministry as 'shadow ministers' …
>
> "ORHA is understaffed and began preparing for its task only a few weeks ago. There are now some ten or so UK secondees embedded in it. Garner would like to be out of Iraq within 90-120 days. Whether ORHA will be able to get any reform programme started in that time is moot. This period is likely to be dominated by humanitarian and security concerns."

1263. The IPU advised that ORHA and the Coalition might enjoy a "brief honeymoon", but not if the Coalition seemed set on administering Iraq for more than a brief period. It was therefore necessary to put in place interim arrangements for post-conflict administration that would be accepted by the Iraqi people and the Arab and Islamic world.

1264. A resolution was required to authorise those interim arrangements, and to provide a legal basis for "reconstruction and reform":

> "Without a UNSCR, other countries, international organisations, the IFIs, UN agencies and NGOs will be comparatively limited in what they can do … That would leave US/UK with no viable exit strategy from Iraq and a huge bill."

---

[531] Letter Owen to Rycroft, 25 March 2003, 'Prime Minister's visit to Washington: Iraq: UN Security Council Resolution on Phase IV' attaching Paper Iraq Planning Unit, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.

1265. The IPU stated that the task for Camp David was to build on five areas where there was already agreement between the UK and US:

- The Coalition, through ORHA, would be responsible for the administration of Iraq for the first few weeks.
- The UN should not be asked to run Iraq.
- The objective should be Security Council authorisation or endorsement for an international presence that would include the UN.
- Coalition, not UN, troops would provide security on the ground.
- As soon as possible, Iraq should govern itself.

1266. The differences between the UK and US positions remained significant. The IPU explained that the US approach amounted to:

> "… asking the UNSC to endorse Coalition military control over Iraq's transitional administration, its representative institutions and its revenues until such time as a fully-fledged Iraqi government is ready to take over. It would marginalise the role of a UN Special Co-ordinator. These ideas are a non-starter for the Security Council, would be denounced by the Iraqis and the wider Arab/Islamic world, and would not provide the stability needed to develop the new Iraq."

1267. The brief stated that there was "still some distance to go if we are to agree a way forward to avoid an inchoate start to Phase IV".

1268. The IPU set out a number of "propositions" which it hoped Mr Blair and President Bush could agree. Those propositions and the progress of the negotiations on resolution 1483 are addressed in Section 9.1.

1269. Mr Straw sent Mr Blair an FCO paper on Phase IV issues in advance of Camp David.[532] Mr Straw said that he hoped Mr Blair would counter any tendency by President Bush to conclude that the UN had failed over Iraq:

> "… the US will need to go on working through the UN, both to authorise the post-conflict work in Iraq so that a wide range of countries can join the peacekeeping and reconstruction effort, and to provide an exit strategy for the US/UK and because the UN itself and its agencies have important expertise to offer".

1270. The FCO paper on Phase IV issues stated that, in addition to US agreement on a UN resolution, the UK needed US agreement on a number of other important political, humanitarian and economic issues, including:

- A Baghdad conference. The US was still thinking of a Coalition conference with the UN in a supporting role. That was the wrong way round for international acceptability.

---

[532] Minute Straw to Blair, 25 March 2003, 'Camp David: Post-Iraq Policies'.

- The role of the IIA. An early statement of intent to hand over power to an IIA while helping the Iraqi people to build a democratic future "should go down well". The UN Special Co-ordinator should have veto power over the IIA's decisions.
- Humanitarian issues. UK and US efforts were substantial: "we should play them up in the media".
- Economic issues. After several wars and 12 years of sanctions, Iraq's oil revenues alone would not meet the "very heavy" cost of reconstruction, particularly in the short term. "We need to share the burden with other developed countries … But contacts with them tell us they will make **their contribution conditional on there being an authorising UNSC resolution for Phase IV**." The World Bank would need to prepare a rigorous needs assessment, but that too would probably need UN cover.[533]

1271. On the UK's bilateral effort, the paper stated that Ms Short was considering where the UK might help with the longer-term contribution to "reform and reconstruction". SSR and reform of the public administration were two areas where the UK had a comparative advantage. UK public finances were "tight". If the UK was to keep armed forces in Iraq, "the scope for a major effort on reform and reconstruction will be limited".

1272. The paper stated that the UK's Armed Forces were fully stretched and would need to scale down to about a third of current levels by the autumn. President Bush would have similar concerns:

> "So **we both need an exit strategy**. The key to that will be to get new Coalition partners, **which needs an authorising UNSCR**. US/UK officials are working up a lobbying strategy. But we must be realistic. The number of countries who have real capability to offer is small."

1273. Efforts to secure additional Coalition partners are addressed in Sections 8 and 10.1.

1274. Mr Blair discussed post-conflict issues with President Bush at Camp David on 26 and 27 March.

1275. Mr Blair recommended postponing the debate about what sort of post-conflict resolution was required until victory was secured and the UK and US were in a position of strength.

1276. Mr Blair and President Bush met at Camp David on 26 and 27 March. The meeting is addressed in more detail in Section 9.1.

1277. At dinner on the first evening, Mr Blair told President Bush that he did not want his visit to Camp David to focus primarily on a UN resolution to deal with post-conflict

---

[533] Paper FCO, 25 March 2003, 'Iraq: Phase IV Issues'.

Iraq. The question about what sort of resolution was needed for the administration and reconstruction of Iraq should be parked. Mr Blair said that:

> "The time to debate this would come when we had secured victory, and were in a position of strength."[534]

1278. Mr Blair raised Phase IV issues with President Bush the next day. They discussed the need to push for a quick agreement on the resolution to continue the OFF programme, and for a separate resolution that would free up financial and troop contributions from other nations, secure World Bank and IMF involvement and put reconstruction on the right footing.[535]

1279. Mr Rycroft recorded that Mr Blair had identified the main issue as whether the UN formed the future Iraqi government or whether the Coalition did so with UN endorsement, but had said that "it was not helpful to expose this distinction yet".

1280. After returning to the UK, Mr Blair told the Ad Hoc Meeting on Iraq that in relation to the post-conflict administration of Iraq, "quiet and effective diplomacy" was the tactic to achieve a new resolution.[536]

1281. The process leading to the adoption of resolution 1483 in May 2003 is addressed in Section 9.1.

1282. Ms Short told DFID officials on 26 March that Mr Blair had given her responsibility for reconstruction in Iraq.

1283. Ms Short held a meeting with key DFID officials on 26 March at which she stated: "The important thing was for the world to know that a resolution for a UN mandate was coming."[537]

1284. At the meeting, officials reported a sense in Whitehall that a resolution on reconstruction might not be achieved. Ms Short made clear that "significant engagement" on reconstruction would need a UN resolution. The Attorney General had been clear at Mr Blair's meeting that morning that, under the Geneva and Hague Conventions, no changes could be made to the administration by the Occupying Powers, except to keep systems working for civilians. Ms Short asked her office to request that the Attorney General's advice be committed to paper.

1285. Ms Short reported that "the Prime Minister had given her responsibility for reconstruction in Iraq". She stated that her role should be underpinned by a Cabinet Office Committee chaired by Mr Chakrabarti, adding: "This area was our lead in

---

[534] Letter Manning to McDonald, 28 March 2003, 'Prime Minister's Meeting with President Bush at Camp David: Dinner on 26 March'.
[535] Letter Rycroft to McDonald, 27 March 2003, 'Prime Minister's Meeting with President Bush at Camp David: Iraq Phase IV'.
[536] Minutes, 28 March 2003, Ad Hoc Meeting on Iraq.
[537] Minute Warren to Fernie, 26 March 2003, 'Iraq: Meeting with Secretary of State'.

Whitehall and we needed to ensure that this was recognised." Mr Chakrabarti reported that he had already spoken to Sir Andrew Turnbull and Mr O'Donnell about the issue.

1286. Ministerial responsibility for post-conflict reconstruction is addressed in Section 10.1.

1287. DFID produced its first substantive paper on post-conflict reconstruction at the end of March.

1288. DFID described the paper to the Cabinet Office as a "work-in-progress" that set out some "preliminary ideas on reconstruction planning".

1289. DFID officials told Ms Short that it would be useful to show No.10 and the Cabinet Office that DFID was not only the natural lead on the UK's overall approach to rebuilding Iraq, but also had the human resources and experience to dedicate to it.

1290. On 27 March, Mr Fernie sent a draft paper on reconstruction planning to Ms Short.[538] She had seen an earlier draft on 20 March. Officials were:

> "… now thinking how to take this forward as part of a more comprehensive DFID-led process across Whitehall, looking at the whole range of international activities needed to help Iraq recover from conflict, sanctions and years of misrule".

1291. Mr Fernie explained that the draft had been revised to take account of comments from Ms Short on:

> "… getting the multilateral system working to support Iraqi institutions, the importance of sustainable debt and reparations strategy, and focusing on using and developing Iraqi talent rather than bringing in too many international consultants".

1292. Comments had also been received from the FCO, The Treasury and the Cabinet Office. Those centred on:

- "What we would do if there were no UNSCR authorising reconstruction." Mr Fernie advised that, with the Attorney General's advice now in writing, "we should stick to our position that without an SCR the UK can only support humanitarian relief and basic civil administration reform to ensure public security".
- "Setting reconstruction planning within a wider post-conflict context." Mr Fernie advised that a broader, more strategic paper would be needed.

---

[538] Minute Fernie to Private Secretary/Secretary of State [DFID], 27 March 2003, 'Iraq: Iraq Reconstruction Planning' attaching Paper DFID, 27 March 2003, 'Iraq – Reconstruction Planning: Objectives and Approach'.

1293. Mr Fernie explained that the paper would be tabled at a Cabinet Office meeting the next day. He added:

> "We will discuss the process for the more comprehensive paper tomorrow afternoon – it will be useful to show to No.10 and the Cabinet Office that DFID is not only the natural lead on this approach but also has the human resources and experience to dedicate to it."

1294. On 28 March, Mr Fernie sent the draft to the Cabinet Office as a "work-in-progress" setting out some "preliminary ideas on reconstruction planning".[539] Mr Fernie explained that the paper benefited from comments offered by FCO, MOD and Cabinet Office officials at a meeting chaired by DFID, which had raised wider issues about how reconstruction fitted with the UK's overall approach to rebuilding Iraq and securing international consensus behind that approach. DFID's view was that the UK needed to "start working now on a broader strategy which binds together the many bits of work going on across Whitehall".

1295. The development of DFID's approach to post-conflict reconstruction is addressed in Section 10.1.

1296. The extent of the work still to be done on planning and preparing for the range of post-conflict tasks was apparent from a list of issues prepared by the Cabinet Office on 28 March for consideration by the new Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR).

1297. On 28 March, Mr Drummond sent Mr Bowen a list of issues for consideration by the AHMGIR, including, for some items, an assessment of current plans:

- humanitarian assistance;
- role of ORHA: "competence and UK links with and involvement in";
- wider UN role on reconstruction;
- political process/fate of the Ba'ath Party: "Outline plan exists, not agreed with US";
- economy: "Good contacts with US";
- reconstruction of infrastructure: "Depends on damage. Beginning now. Disagreements with US on role of Iraqis";
- SSR: "Ideas offered to US, but no plan";
- public administration reform and service delivery: "No plan yet?";
- commercial opportunities: "Needs wider policy agreement with US";
- legal issues: "Some contact with US. No firm agreement. No plan";

---

[539] Letter Fernie to Drummond, 28 March 2003, 'Iraq Reconstruction Planning' attaching Paper DFID, 27 March 2003, 'Iraq – Reconstruction Planning: Objectives and Approach'.

- disarmament: “No agreement with US on extent of involvement of UN inspectors”; and
- re-integrating Iraq into the international community.[540]

Witness comments

1298. A number of witnesses to the Inquiry commented on the efficacy of the UK’s post-conflict planning and preparation. They identified a range of factors shaping the UK approach, including:

- **the unpredictability of the situation on the ground;**
- **the breakdown in US inter-agency co-ordination;**
- **limits to UK influence on the US;**
- **optimism bias, including the hope that conflict could be averted and that any problems that arose after the conflict could be resolved;**
- **separate departmental priorities;**
- **the absence of a senior figure responsible for post-conflict planning and preparation;**
- **inadequate planning machinery;**
- **insufficient analysis of risk; and**
- **a focus on preparations for humanitarian relief at the expense of wider post-conflict issues.**

1299. The extent to which those factors, and others, shaped UK planning and preparation is addressed in the conclusion to this Section.

1300. Witnesses told the Inquiry that it would not have been possible to predict the exact circumstances on the ground after an invasion, and that advice prepared in government did not predict the circumstances that did arise.

1301. In his memoir, Mr Blair wrote:

> “… the aftermath was more bloody, more awful, more terrifying than anyone could have imagined. The perils we anticipated did not materialise. The peril we didn’t materialised with a ferocity and evil that even now shocks the senses.”[541]

1302. Mr Blair added:

> “There has never been, there never will be, a campaign of any nature that does not turn out differently from what is anticipated.

---

[540] Minute Drummond to Bowen, 28 March 2003, ‘Iraq: Reconstruction Agenda’.
[541] Blair T. *A Journey*. Hutchinson, 2010.

> "… We were told there would be a functioning Iraqi civil service. There wasn't. We were told there would be a humanitarian disaster. It was averted. We were warned that Saddam might fight to the bitter end. He collapsed.
>
> "We were told that Shia/Sunni sectarian violence would be a factor. Actually, to begin with it was much less than feared …"

1303. Mr Blair told the Inquiry "there was nothing that was putting us on notice about the problem we ended up with".[542] Planning took place, but:

> "The trouble was we were planning (a) on an assumption that Iraq had a functioning bureaucracy and civil service, which in the end it didn't, and (b) our focus really was on humanitarian, environmental and the possibility of use of chemical/biological weapons and so on. I mean, I would say there was a significant amount of planning that went on, unfortunately directed at the wrong things."[543]

1304. Mr Straw told the Inquiry:

> "… the consequences of war are unpredictable … it's an inherently chaotic process. So the possibilities of aftermath of military action are greater than they are for many other human actions … What was extremely difficult to predict was the exact circumstances on the ground … [I]f you look at the detailed planning documents we produced and the State Department produced in early 2003 both we and the Americans were predicting all the things that then happened. What we weren't able to predict was the exact mix of these things. I mean … yes, there was a prediction about the possibility of terrorism. We didn't predict its extent …"[544]

1305. Lt Gen Reith, who had extensive experience of working with humanitarian agencies and NGOs during the 1999 Kosovo campaign,[545] told the Inquiry that, on arrival in Iraq, he had been surprised by the state of the country's infrastructure:

> "All of our intelligence assets were looking at the Iraqi forces. What they weren't looking at was the infrastructure, and … when we arrived in there, I was amazed … that it was completely broken …"[546]

1306. Sir John Sawers, British Ambassador to Egypt before becoming the Prime Minister's Special Representative on Iraq in mid-2003, told the Inquiry:

> "Very few observers actually highlighted the scale of the violence that we could face. I think about the only person in my recollection who got it right was President

---

[542] Public hearing, 21 January 2011, page 27.
[543] Public hearing, 21 January 2011, pages 122-123.
[544] Public hearing, 2 February 2011, pages 121-122.
[545] Fourteenth Report from the Defence Committee, Session 1999-2000, *Lessons of Kosovo*, HC 347-I, paragraph 222.
[546] Public hearing, 15 January 2010, page 45.

Mubarak[547] who warned of unleashing 100 Bin Ladens. The combination of an undefeated Ba'athist regime melting away and coming back as a gradually more potent insurgency combined with the attractiveness of Iraq as a means for international terrorists under the umbrella of Al Qaida to have a go at the Americans, combined with Shia extremists supported from Iran, this combination creating the level of violence, the onslaught of violence that I have mentioned, this was not thought through by any observer.

"I think had we known the scale of violence, it might well have led to second thoughts about the entire project. And we could certainly have mitigated some aspects of it had we had a clearer appreciation of it in advance …

"But I don't think it is reasonable to assume that we should have predicted all this violence in advance, because very few people did actually do that. That wasn't the anticipated scenario that we were stepping into and it was an unprecedented scenario that we found ourselves in."[548]

1307. Lord Boyce told the Inquiry that a number of assumptions had been made about the state of Iraq after the invasion, which, with the benefit of hindsight, were "probably optimistic, to say the least".[549] There had been:

"… an expectation that we would find more of a structure which was ready to step into place than actually turned out to be the case in May [2003], even before the de-Ba'athification and the disbandment of the Iraqi army …"

1308. Mr Lee told the Inquiry that the Government had identified many of the problems that emerged later, but failed to analyse the risk they represented.

1309. Mr Lee commented on the UK's failure to build on its own analytical platform:

"I think there is a valid criticism that on the one hand we had identified an awful lot of these problems, and had identified quite explicitly, as I recall, the question of the aftermath as a crucial element of the campaign overall, and the whole concept of a successful campaign and winning including a successful outcome to that …

"But we didn't actually carry that through … into an analysis at the time of what the post-conflict plans actually were on the level of uncertainty that remained, and therefore the level of risk that remained, in the plan on those issues …"[550]

---

[547] Mr Hosni Mubarak, President of Egypt from 1981 to 2011.
[548] Public hearing, 16 December 2009, pages 81-82.
[549] Public hearing, 27 January 2011, page 68.
[550] Private hearing, 22 June 2010, pages 46-47.

1310. Mr Lee told the Inquiry that the question of whether the post-conflict period carried too much uncertainty to risk embarking on the conflict had never been asked in those terms:

> "… however much you intellectually or analytically describe the wider campaign, psychologically the focus is on the conflict itself. A certain amount of … optimism, hope, creeps in in respect of the aftermath. That will be sorted out, and there are too many things unknown there to do too much more planning. Therefore you go ahead and hope that you've got enough of a structure which can then be supplemented by ad hoc arrangements afterwards, and therefore it will all be sorted out.
>
> "I think, as we know, in practice it turned out to be a lot more difficult than we thought at the time."

1311. Several witnesses highlighted the breakdown in US inter-agency co-ordination as a significant obstacle to effective planning.

1312. Mr Straw described it as "the fundamental problem".

1313. In his statement, Mr Blair wrote:

> "There was interaction at every level between the UK and the US system. Some of that, as evidence to the Inquiry makes clear, was unsatisfactory, due mainly to inter-agency issues in the US. It is correct also that the shift from the State Department to the Department of Defense in January 2003 made a difference. The shortcomings of the US planning have been well documented and accepted. Our own planning was complicated both by the difficulties of being fully inserted into the US system and the fact that the planning was taking place against the backdrop of fast-changing political and military plans."[551]

1314. Mr Straw went further in directly attributing difficulties with UK planning to the situation in the US. He told the Inquiry that "a significant number of the problems we faced … could have been avoided by better planning and co-ordination, above all in Washington".[552] The UK "got caught up in internal administration politics", but that "didn't become completely clear until after the invasion".[553]

1315. Mr Straw concluded:

> "… the fundamental problem … was not a lack of planning in London … [but] the breakdown in co-ordination in Washington between the Department of Defense and the State Department".[554]

---

[551] Statement, 14 January 2011, page 14.
[552] Public hearing, 21 January 2010, page 15.
[553] Public hearing, 8 February 2010, page 104.
[554] Public hearing, 8 February 2010, page 107.

1316. Sir Peter Ricketts told the Inquiry that the state of US planning had been "one of a number of concerns as the peace process ended and the conflict loomed".[555] He added:

> "I do think, if the careful State Department work had been allowed to feed through into operational planning for the post-conflict phase, that would have been more successful. I think it would have been easier for us to dock with it, and the overall effect on the ground would … have been a stronger operation from earlier on."[556]

1317. A number of witnesses to the Inquiry commented on the difficulty the UK faced in trying to influence the US.

1318. Sir David Manning told the Inquiry that Mr Blair:

> "… was insistent throughout that a lot of thought needed to be given to what happened on what has been called 'the morning after'. He raised that with the President. This was raised by, I think, most British interlocutors with their American interlocutors.
>
> "I don't think I could say to you that that was a condition in the end when the UN route failed for military action, but it was certainly something that was important to him."[557]

1319. Sir David also told the Inquiry:

> "The Prime Minister throughout is very clear that there has to be a clever plan afterwards, the UN have to be involved, and you can't do this simply as a military operation.
>
> "The second thing he is absolutely insistent … [on] is the Middle East peace process.
>
> "So I think he is very clear that it isn't just a military operation, but getting the American machine to respond to this proves to be enormously difficult."[558]

1320. Sir David added:

> "I don't know whether the Prime Minister discussed a blueprint for Iraq – I don't think he did, I don't recall it – with the President. He might have done in his private conversations. But insisting that they had to think about what came next, insisting on the importance of having the UN in there, he was very clear about that. And I suppose the fact that the Americans were doing a lot of planning for Iraq was a reassurance to him."[559]

---

[555] Public hearing, 1 December 2009, pages 59-60.
[556] Public hearing, 1 December 2009, page 92.
[557] Public hearing, 30 November 2009, page 41.
[558] Private hearing, 24 June 2010, pages 42-43.
[559] Private hearing, 24 June 2010, page 58.

1321. Asked at what stage the UK would have needed to exert its influence in Washington for post-conflict planning to have been more effective, Sir Christopher Meyer told the Inquiry: "if the Americans had their act together in September/October [2002], and we did likewise, then you could have done it".[560]

1322. Mr Chaplin stated that Ministers "constantly stressed to their American opposite numbers the need for proper aftermath planning", but the US was "obviously going to be the greater partner of this enterprise and we were going to be the junior partner".[561]

1323. Mr Chaplin added:

> "The message … we constantly got from the American side, particularly those that were frustrated with the lack of planning, as they saw it, was, 'Please, could we make this clearer at a higher level in the US administration?' Colin Powell didn't need to be convinced, but President Bush and Donald Rumsfeld did."

1324. Mr Chaplin explained that the UK response had been "to keep feeding in the ideas of what we thought was the sensible way ahead on the issues" and to provide "people to sit alongside the US opposite numbers, in particular, General Tim Cross".

1325. In his statement to the Inquiry, Maj Gen Cross suggested that UK efforts to exert influence on US thinking achieved little: "I got no sense of UK pressure on the US; no 'demands' for clarity over the intended 'End State' or the planning to achieve it."[562]

1326. Maj Gen Cross provided an example of his own difficulties in influencing US thinking during his time in Washington in February and March 2003.[563] At a lunch with Secretary Rumsfeld and others, he had challenged the assumption that the overthrow of Saddam Hussein would be greeted with such relief in Iraq that the US would be able to move on quickly:

> "I argued that this was, perhaps, fine as a Plan 'A' – but what was desperately needed was a Plan 'B' and a Plan 'C', and a recognition that what would probably emerge would be an amalgam of the last two. It was made clear that my views were not welcomed."

1327. Mr Chilcott told the Inquiry: "we could have any number of variations of our own plan, but what mattered was influencing the American plan, and that was where our main effort was concentrated".[564]

1328. FCO witnesses spoke of the difficulty of working for a negotiated settlement while preparing for conflict.

---

[560] Public hearing, 26 November 2009, page 96.
[561] Public hearing, 1 December 2009, pages 58-59.
[562] Statement, 2009, page 10.
[563] Statement, 2009, page 14.
[564] Public hearing, 8 December 2009, page 19.

1329. Asked by the Inquiry whether the FCO had been slow to recognise the inevitability of conflict and whether, as a result, it had been too late to make full preparations for what was going to happen, Lord Jay responded:

> "I think there are two points there … There is, was it our judgment that, whatever happened, the Americans were likely to go to war in Iraq and, secondly, if they did, was it inevitable that we should join them?
>
> "On the first point … I would not put it as inevitable. I think I would say it was … certainly towards the end of 2002 quite difficult to see the scenario in which the Americans would conclude that they would not try to seek Saddam Hussein by force. I don't think it was inevitable. It was always possible that Saddam Hussein could go … That would clearly have been preferable.
>
> "I would never say that conflict was inevitable. I would say that, from the end of 2002 onwards, it was probable. There was a separate question as to whether Britain would take part in that. When one looks back on it now, with all that has been said since then, the inevitability of Britain taking part seems much greater than it did at the time. It did not seem clear at the end of 2002 and the beginning of 2003 … it did not seem clear to us in the Foreign Office, that a British participation in the conflict was inevitable. There was an option not to take part in it."[565]

1330. Lord Jay suggested that it was "an extremely difficult thing to do in the minds of the same people, to try to prevent something happening and to prepare for that failure and I don't think we had the structures available to us to do that".

1331. Sir Peter Ricketts told the Inquiry:

> "All along, right through to the eve of the second resolution, I thought it was possible, perhaps not likely, but possible, that Saddam Hussein would choose, rather than face overwhelming military force, to co-operate and comply. So it was never for sure that the UK would be part of military operations or even really that military operations were inevitable. I always thought there was another option."[566]

1332. On the role of the UN, Sir Peter stated:

> "In Kosovo, we had had a UN-led transitional administration, building on existing structures there. In Afghanistan, we had had a very strong UN presence led by Mr Brahimi,[567] supporting a Loya Jirga, and then a domestic process, and so we approached it in the same frame of mind, that the UN had real experience in dealing

---

[565] Public hearing, 30 June 2010, pages 69-71.
[566] Public hearing, 1 December 2009, page 25.
[567] Mr Lakhdar Brahimi, Special Representative of the UN Secretary-General for Afghanistan from 2001 to 2004 and Chairman of the Bonn Conference.

with post-conflict situations, a unique legitimacy in doing so and that was our preferred route."[568]

1333. Sir Peter added that the FCO was:

"… very doubtful indeed about the neo-con assumption that international forces would be welcomed as liberators and … that somehow very quickly Iraqi political life would resume and the occupying forces would not carry these responsibilities … We warned Ministers that this would be a long period of post-conflict work for the international community, which is why we then said that we thought it was important that, if possible, the UN should take on the lead."[569]

1334. Mr Chilcott commented that, in the IPU:

"… because it was contingency planning, because right up until the last moment we didn't know for sure that we were going to be involved in the military action, that maybe psychologically had an effect on us …"[570]

1335. Witnesses commented on the responsibilities and priorities of different departments.

1336. Ms Short stated that DFID "got down to planning against all eventualities within the difficult atmosphere we had in Whitehall about communications".[571] The principal planning failure had been the UK and US military's failure to plan for "catastrophic success".[572] Rapid military success followed by ethnic conflict had been foreseen as a risk, but the military "didn't prepare for their Geneva Convention obligations" of keeping order and providing basic humanitarian relief.[573]

1337. Sir Suma Chakrabarti saw the FCO as the natural lead department for post-conflict issues.[574] He commented that the FCO was "more focused on the second resolution than planning for the day after … There was a vision for Iraq that I think the Foreign Office put together … So there was thinking going on, but, yes, second resolution was the main issue in their minds, no doubt."

1338. Lord Jay told the Inquiry that "the FCO and DFID were not on the same page in the lead-up to the war … because … there were differences between our Ministers on the desirability and the likelihood of war … What we were faced with … was not something which DFID had been geared up to do or Clare Short found comfortable."[575]

---

[568] Public hearing, 1 December 2009, page 30.
[569] Public hearing, 1 December 2009, page 65.
[570] Public hearing, 8 December 2009, pages 47-48.
[571] Public hearing, 2 February 2010, page 48.
[572] Public hearing, 2 February 2010, page 46.
[573] Public hearing, 2 February 2010, page 47.
[574] Public hearing, 8 December 2009, page 55.
[575] Public hearing, 30 June 2010, page 72.

1339. Sir Kevin Tebbit told the Inquiry that "the so-called comprehensive concept did exist in Whitehall, the idea that we needed to have integrated planning to bring all the instruments of government to bear on the issue … and we certainly had transparency", but argued that this was very difficult to achieve quickly across different departmental cultures.[576]

1340. Sir Kevin added: "I always felt that we could not quite get other departments to share the urgency that we felt in the Ministry of Defence in terms of their own planning with us."

1341. Lord Boyce told the Inquiry that the MOD did not consider that it was its role to take the lead on post-conflict issues: "It was something that possibly should have been done by the Foreign Office or even DFID."[577]

1342. Witnesses offered differing views on whether the Government's performance would have been improved by the appointment of a senior individual responsible for directing post-conflict planning or the earlier introduction of better planning machinery.

1343. Asked by the Inquiry whether UK planning could have been better, Mr Blair stated:

> "I do accept that, yes … If we were sitting down today, now, if we were in a situation of nation-building again, I think there are changes in our approach that certainly should be done …
>
> "I think … the real issue is what you focus on less than the structure; in other words, you could say that we should have had one Minister focusing on the pre-planning, but I would debate that actually, but you may conclude that … The core of the problem was the focus of what that planning was."[578]

1344. Lord Turnbull shared Mr Blair's view that the absence of Ministerial oversight was not necessarily the "real issue".[579] Asked about the absence of an individual or body with overall responsibility for planning, he argued that, although there was no "single controlling mind" and co-ordination should have been better, this was "not material to the outcome".

1345. Sir Suma Chakrabarti took a different view. He told the Inquiry:

> "… it would have been better to have had the IPU earlier, firstly, and, secondly, probably a Minister, preferably of Cabinet rank … who was … the overlord Minister for this, either in the Cabinet Office or in the Foreign Office … because this was a

---

[576] Public hearing, 3 December 2009, pages 116-117.
[577] Public hearing, 27 January 2008, page 68.
[578] Public hearing, 21 January 2011, pages 130-131.
[579] Public hearing, 25 January 2011, pages 55-56.

top priority for the British Government and various trade-offs had to be made and someone had to make them on a day-to-day basis for the Prime Minister."[580]

1346. Mr Chilcott warned against being "dazzled" by the IPU's late creation: "a lot of the work that the IPU was able to bring together in a more intense atmosphere had been going on for some time".[581] But he did accept that the IPU could have been set up sooner:

"… one of the lessons is obviously you can't begin this sort of thinking too early, and although we did begin serious thinking about the day after in the preceding October … we could have created the IPU earlier. We could have had a greater sense of the reality of what we were doing."[582]

1347. A number of witnesses commented on the Government's focus on humanitarian preparations at the expense of other post-conflict issues.

1348. In his statement to the Inquiry, Mr Blair wrote:

"The over-riding concern was the humanitarian fall-out from conflict, together with the potential damage, from firing oil wells to the environment and WMD attacks."[583]

1349. Mr Straw told the Inquiry:

"… we had anticipated the problem of a humanitarian crisis sufficiently well that, on the whole, we were able to avoid that, which was good. What we had not anticipated was the extent of the inefficacy of ORHA …"[584]

1350. Lord Turnbull told the Inquiry that, although the UK prepared for the worst case on the humanitarian front, it failed to anticipate the collapse of civil order: "The real problem was security and we probably spent too much time on humanitarian … if we didn't establish security, nothing else counted for anything."[585]

1351. Similarly, Lord Boyce stated:

"First of all, we recognised there could very well be a humanitarian problem … and a lot of our focus was I think at the humanitarian level rather than the governance of the country, in other words, picking up the point about law and order and so forth …

"I think that we probably took too narrow a view about what might be required in the aftermath in terms of the governance aspects of life."[586]

---

[580] Public hearing, 8 December 2009, page 56.
[581] Public hearing, 8 December 2009, pages 17-18.
[582] Public hearing, 8 December 2009, pages 47-48.
[583] Statement, 14 January 2011, page 13.
[584] Public hearing, 8 February 2010, page 111.
[585] Public hearing, 13 January 2010, page 39.
[586] Public hearing, 27 January 2011, pages 67-68.

1352. Witnesses identified a number of lessons, including the need to:

- **assume the worst;**
- **understand the underlying nature of the society;**
- **seek maximum legitimacy and maximum support; and**
- **identify the resources needed.**

1353. In his additional statement to the Inquiry on planning lessons learned, Mr Blair wrote:

> "Where military action is to remove the regime of a corrupted and brutal state, assume the worst about its capacity, its governing infrastructure and the integrity of its Government systems. There will be nation-building and governance capacity required to be established over a significant time period …
>
> "… the challenge confronting any nation when a powerful, all encompassing grip is taken away, is formidable. There are powerful, interacting religious and tribal elements and influences. These are hard to manage. Everything we take for granted in our countries in government, public services, institutions and even private sector has to be built or at a minimum, substantially reformed. We simply do not have the international capacity to do this. It needs to be grown …
>
> "The planning for any aftermath should go deep into an analysis not only of government and governing structures and the readily available information and data, but into the underlying nature of the society, the impact particularly of the regime's brutality and corruption on the social and business capital of the country and any cross currents to do with religious, tribal or other affiliation, as they have been affected by the regime …
>
> "The number and nature of forces required for the aftermath of regime change may be radically different from those required for the removal of the regime, in scale, in type of training, in force posture and deployment. These really are genuinely separate missions and should be treated as such …"[587]

1354. Asked whether more effort should have been put into planning for different post-conflict scenarios, Sir Peter Ricketts told the Inquiry:

> "It is always possible to say that one could do more. I think we needed a plan that was sufficiently flexible to respond to any scenario that arose after the conflict."[588]

1355. Mr Chaplin told the Inquiry:

> "… the main lesson learned was you have to have a strategy and have a proper plan. You do a lot more preparatory work than was done in this case … and crucial

---

[587] Statement, [undated], 'The Planning Lessons Learned', pages 1-6.
[588] Public hearing, 1 December 2009, page 95.

to that is … contriving circumstances in which you have maximum legitimacy and therefore maximum support …

"When you have done all that … you need to identify the resources that are necessary to carry that out."[589]

Conclusions

1356. Clear warnings were given before the invasion of Iraq about the potential for post-conflict political disintegration and extremist violence, the inadequacy of US post-conflict planning and the risk that, in the absence of UN authorisation, additional international support would not be forthcoming.

1357. Despite those warnings, the Government failed to ensure that the UK was adequately prepared for the range of circumstances it might encounter in southern Iraq in the short, medium and long term.

1358. The Inquiry does not conclude that better planning and preparation would necessarily have prevented the events that unfolded in Iraq between 2003 and 2009, described in Sections 9 and 10, nor that it would have been possible to prepare for every eventuality. Better plans and preparation, however, could have mitigated some of the risks to which the UK and Iraq were exposed, and increased the likelihood of achieving the outcomes desired by the UK and the Iraqi people.

1359. The lessons identified by the Inquiry in relation to both the planning and preparation for post-conflict operations and to post-conflict operations themselves are set out in Section 10.4.

What was known on the eve of the invasion

1360. The evidence described earlier in this Section shows that, although there were large gaps in the information on Saddam Hussein's Iraq available to the UK Government before the invasion, much was known about the state of the country and the possible impact of military action.

1361. The degraded state of Iraq's infrastructure was recognised by UK analysts in January 2002 and was known to Mr Blair by the end of July 2002.

1362. The most comprehensive pre-invasion report on the state of Iraq's infrastructure was the DIS paper of mid-January 2002, seen by Mr Blair at the end of July 2002.[590] With the exception of road and rail transport, the situation described in the paper was comprehensively bleak. The DIS assessed that Iraq's theoretical power generation capacity was about 10,000 megawatts (MW), but that the "practical limit" was about 5,000 MW, well below "even the most basic demand".

---

[589] Public hearing, 1 December 2009, page 93.
[590] Paper DIS, 18 January 2002, 'Infrastructure Briefing Memorandum: Iraq'.

1363. The potential consequences of Iraq's poor infrastructure for post-conflict operations were identified in the 4 September edition of the SPG paper on military strategic thinking, which stated:

> "Given fractious nature of Iraqi politics, broad regional concern on nature of new Iraqi government, and poor state of Iraqi infrastructure, delivery of stated post-conflict objectives will require lengthy engagement."[591]

1364. The 30 September edition of the SPG paper stated that Iraqi infrastructure was "poorly maintained by the current regime with damage from the war of 1991 still not repaired".[592]

1365. The FCO paper 'Models for Administering a Post-Saddam Iraq', presented to the AHGI on 11 October, stated that administering Iraq would involve restoration of critical infrastructure.[593]

1366. The Cabinet Office paper on models for Iraq after Saddam Hussein, sent to Sir David Manning on 1 November, listed priorities facing the transitional military government to be established by the Coalition after the collapse of the Iraqi regime.[594] Those included emergency work on infrastructure involving close co-ordination with civilian development agencies.

1367. The implications of the fragile state of Iraq's infrastructure for the Iraqi people and for achieving post-conflict objectives were clearly stated in an FCO paper for the AHGI in November 2002 and by Ms Short in Parliament on 30 January 2003.

1368. The FCO paper on economic issues in Iraq, sent to AHGI members on 4 November 2002, described Iraq's economy as "distorted and very badly damaged".[595] The FCO stated:

> "Even if a new conflict produces little additional damage, the combination of neglect and war damage means that large investments in many areas and spread over many years, are needed if infrastructure and services are to recover even to their pre-1990 condition. Getting this process under way will be essential to economic revival, to the alleviation of humanitarian problems and to popular support for a new administration."

---

[591] Paper [SPG], 4 September 2002, 'UK Military Strategic Thinking on Iraq'.
[592] Paper [SPG], 30 September 2002, 'UK Military Strategic Thinking on Iraq'.
[593] Paper FCO, [undated, version received at AHGI, 11 October 2002], 'Models for Administering a Post-Saddam Iraq'.
[594] Minute Drummond to Manning, 1 November 2002, 'Iraq: Post-Saddam' attaching Paper 'Iraq: Models and some questions for post-Saddam government'.
[595] Paper FCO, [undated], 'Economic issues in Iraq after post-Saddam regime change: internal policy and external engagement'.

1369. Ms Short told the House of Commons on 30 January 2003 that Iraq's infrastructure was:

> "… in chronic disrepair. Hospitals, clinics, sanitation facilities and water treatment plants suffer from a terrible lack of maintenance. The result is that the Iraqi people's lives are perilously fragile. Their coping strategies have worn away by years of misrule. The public facilities to help them cope are run down, often to the point of uselessness."[596]

1370. Papers written in the weeks before the invasion and concerned with the military objective of minimising further damage during conflict did not address the risk to Coalition objectives represented by the underlying fragility of Iraq's infrastructure.

1371. Mr Drummond's paper on "winning the peace", sent to Sir David Manning on 14 February 2003, stated that Coalition Forces could expect to find an Iraq with certain "broad characteristics", including damage to key infrastructure, but "perhaps less than other conflicts if the campaign is quick".[597]

1372. The Military Campaign Objectives published on 20 March, stated that, in aiming to achieve the objective as swiftly as possible, the military was required to make "every effort … to minimise civilian casualties and damage to essential economic infrastructure".[598]

1373. The seven immediate military priorities in the aftermath of hostilities listed in the Military Campaign Objectives included: "enable the reconstruction and recommissioning of essential infrastructure for the political and economic development of Iraq, and the immediate benefit of the Iraqi people".[599]

1374. Section 6.2 addresses military planners' efforts to minimise damage to Iraq's infrastructure during conflict.

1375. UK planners had little information on which to build an assessment of the capabilities of Iraq's civil bureaucracy.

1376. The FCO and the SPG recommended further work to address gaps in the UK's knowledge.

1377. There is no indication that those gaps were filled.

---

[596] House of Commons, *Official Report*, 30 January 2003, columns 1053-1054.
[597] Minute Drummond to Manning, 14 February 2003, 'Iraq: Winning the Peace' attaching Paper OD Secretariat, 11 February 2003, 'Iraq: Post Conflict: Key Messages'.
[598] Iraq: Military Campaign Objectives, 18 March 2003.
[599] Minute Bowen to Manning, 11 February 2003, 'Iraq: Military Campaign Objectives' attaching Paper Cabinet Office, February 2003, 'Iraq: Military Campaign Objectives'.

1378. Because the Ba'ath Party was closely intertwined with Iraq's bureaucracy, the failure of the US and UK to agree an approach to de-Ba'athification compounded uncertainty about how the bureaucracy might perform after Saddam Hussein's departure.

1379. In January 2002, the DIS stated that the Ba'ath Party, the Iraqi civil bureaucracy and the armed forces were intertwined: "any 'regime insider' succeeding Saddam would find the functional roles of the Party indispensable in administering the state and controlling the populace".[600]

1380. The DIS paper was included in Mr Blair's summer reading pack at the end of July.

1381. The DFID 'Northern Iraq Desktop Review', circulated within DFID on 8 August, stated that many civil servants had resorted to alternative sources of income or left the country in order to secure a stable income.[601]

1382. The FCO paper 'Scenarios for the future of Iraq after Saddam', sent to No.10 on 26 September, stated that it was difficult to judge the extent to which government structures would survive Saddam Hussein's departure:

- "The national Ba'ath superstructure would almost certainly collapse if Saddam fell as a result of military action, with the leadership seeking refuge. At lower levels, Ba'ath structures might continue".
- Local power lay with the Ba'ath Party leadership. The limited supporting bureaucracy was unlikely to be able to take on a more extensive role "without a radical overhaul".
- If Saddam Hussein fell, particularly after US-led military action, "tribal, regional and religious differences would probably come to the fore".[602]

1383. The "aftermath" section of the 30 September edition of the SPG paper on UK military strategic thinking raised concerns about the US approach to de-Ba'athification, which could run counter to the need for basic governance and increase post-conflict reliance on the external authority.[603]

1384. The FCO paper 'International Administration for Iraq: what, who and how?', sent to the AHGI on 18 October, assessed that, if Saddam Hussein were overthrown quickly or "the bulk of Ba'ath apparatchiks switched sides", a "light" approach to international administration might be possible, monitoring a local administration's decisions against

---

[600] Paper DIS, 1 February 2002, 'The Iraqi Ba'ath Party – its history, ideology and role in regime security'.
[601] Minute CHAD Operations Team [junior official] to [DFID junior official], 8 August 2002, 'Northern Iraq Desktop Review and Background Briefing Document' attaching Paper, Conflict and Humanitarian Affairs Department, July 2002, 'Northern Iraq Desktop Review and Background Briefing Document'.
[602] Letter McDonald to Manning, 26 September 2002, 'Scenarios for the future of Iraq after Saddam' attaching Paper FCO, 'Scenarios for the future of Iraq after Saddam'.
[603] Paper [SPG], 30 September 2002, 'UK Military Strategic Thinking on Iraq'.

principles set out in a mandate provided by the Security Council.[604] If the Iraqi regime fought to the end or the damage to Iraq was extensive, the international administration would need to assume control of key areas.

1385. The importance of a "structural analysis of the Iraqi system and the need for reform" was one of seven key judgements in the 6 November edition of the SPG paper on strategic military thinking, which stated that current FCO and DFID papers had revealed "key gaps in our knowledge".[605]

1386. The SPG stated that a "balance must be struck between the competing demands for reform and removal of Ba'athist influence and the need for effective administration". There needed to be a "detailed structural analysis of the current regime, its instruments of state power and its administration".

1387. Mr Drummond, a member of the UK delegation to the talks on post-conflict issues in Washington on 6 November, made a similar point to Sir David Manning.[606] He reported that, where the UK assumed the Iraqi Government would need "radical reform", including removal of "the pervasive influence of the Ba'ath Party", the US believed "reasonably competent ministries" remained beneath permanent secretary level and that, because the Ba'ath Party operated as a parallel structure to government below that level, "less radical change is needed". Mr Drummond suggested that both the UK and US Governments would need to develop and test their thinking more thoroughly.

1388. At Mr Blair's seminar with academics on 19 November, points made in discussion included that there would be difficult decisions on the extent of co-operation with existing structures, including the Ba'ath Party. Views differed on whether the Ba'ath Party would survive Saddam Hussein's downfall.[607]

1389. The FCO paper on interim administrations, shared with the US on 12 December, stated:

> "… Iraq has a reputation for being one of the better-run Arab countries with a well-educated civil service. But we have little first hand evidence of how things work nowadays. We need more information …"[608]

1390. Officials were reported to be working with academics, the Iraqi exile community and diplomatic posts to tackle a number of questions, including: "To what extent are ministries infiltrated by Ba'athist elements? How central are the Ba'athists to the functioning of the ministries? Can the ministries work without them?"

---

[604] Letter Gray to Drummond, 18 October 2002, 'Papers for the AHGI' attaching Paper [unattributed], 17 October 2002, 'International Administration for Iraq: what, who and how?'
[605] Paper [SPG], 6 November 2002, 'UK Military Strategic Thinking on Iraq'.
[606] Minute Drummond to Manning, 8 November 2002, 'Iraq: Day After'.
[607] Letter Rycroft to Sinclair, 20 November 2002, 'Iraq: Prime Minister's seminar with academics, 19 November'.
[608] Paper Middle East Department, 12 December 2002, 'Interim Administrations in Iraq: Why a UN-led Interim Administration would be in the US interest'.

1391. The annotated agenda for the second round of talks on post-conflict issues in Washington on 22 January 2003 asked to what extent Iraqis should be replaced with international civilian staff in an interim administration.[609] Many ministries might be turned around with "a few changes at the top".

1392. Briefing for Mr Hoon's discussion of post-conflict issues with Dr Rice and Secretary Rumsfeld on 12 February listed eight "Key Gaps/US-UK policy differences" on post-conflict planning, including on de-Ba'athification:

> "Is it the US aim to de-Saddam, or de-Ba'ath Iraq? If the latter, how much of the party structure do we wish to remove? In the short term, and in the long term? What level of compromise/co-operation with Iraqi officialdom will be necessary and/or acceptable in the early stages of Phase IV? Depending on the US intention, can they provide UK forces with means of identifying particular officials for removal from office or detention? How will the Coalition process those removed from office? … How will government functions be maintained if key officials are removed?"[610]

1393. The 19 February JIC Assessment 'Southern Iraq: What's in Store?' stated that the only networks of influence in the South outside the Ba'ath Party were the tribes and the followers of some senior Shia clerics.[611] The external opposition would try to assert authority, but only those with armed forces on the ground or support from senior Shia clerics were likely to succeed to any extent.

1394. Advice to Mr Blair on 25 February 2003 stated that "a relatively competent Iraqi civil service" should continue to function "with changes at the highest level only".

1395. In advice to Mr Blair on 25 February, the FCO stated:

> "We believe that, contrary to the assumptions sometimes made, the Transitional Administration will be able to draw on a relatively competent Iraqi civil service. The Iraqi civil service has continued to function through several regime changes, and we see no reason why it should not do so again, with changes at the highest level only."[612]

1396. The FCO made no reference to the absence of agreement with the US on the extent of de-Ba'athification.

1397. The DIS paper on "the 'post-Saddam' political and security environment" in Basra, produced on 11 March, described the Ba'ath Party as "Basra's most important administrative institution".[613]

---

[609] Minute Chilcott to Private Secretary [FCO], 17 January 2003, 'Iraq: Day-After Issues'.
[610] Minute Johnson to PS/Secretary of State [MOD], 10 February 2003, 'Secretary of State's Visit to Washington: Iraq.'
[611] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'
[612] Letter Sinclair to Rycroft, 25 February 2003, 'Iraq: Political and Military Questions'.
[613] Report DIS, 11 March 2003, 'Basra: Post Saddam Governance'.

1398. Despite concerns about the implications of de-Ba'athification, by 28 March there was no agreement with the US on the issue.[614]

1399. During 2002 and early 2003, UK analysts described Iraq as:

- **"potentially fundamentally unstable"; and**
- **facing "a risk of a wider breakdown as the regime's authority crumbles".**

1400. Mr Blair insisted that the Coalition must prevent anarchy and internecine fighting breaking out.

1401. He told President Bush that Iraq would be at risk of internecine fighting when a military strike destabilised the regime.

1402. On 13 June 2002, the SPG described Iraq as "potentially fundamentally unstable".[615] Iraq was held together by a strong security apparatus. It would require considerable force to break the security structure, but when that happened the regime would "shatter". Among the military tasks for the first six months would be the provision of external and internal security, and law and order, "to prevent any potential for inter-ethnic violence".

1403. On 15 January 2003, Mr Blair told the Chiefs of Staff "the 'Issue' was aftermath – the Coalition must prevent anarchy and internecine fighting breaking out".[616] He asked the MOD to look at the big "what ifs", including internecine fighting, and to develop a strategy.

1404. The annotated agenda for the second round of talks on post-conflict issues on 22 January stated that establishing a secure environment would be an urgent task and: "We shall also want to prevent internecine violence. Our handling of the defeated Iraqi forces will be critical."

1405. Mr Blair's Note to President Bush on 24 January stated that the biggest risk they faced was internecine fighting in Iraq when a military strike destabilised the regime.[617]

1406. The JIC Assessment of 19 February stated that there were "large numbers of armed groups and some potential for tribal score-settling" and "a risk of a wider breakdown as the regime's authority crumbles".[618] But there were "no indications … of Shia preparations for an all-out civil war against Sunni Iraqis".

1407. MOD advice for Mr Hoon before Mr Blair's 6 March meeting on post-conflict issues stated that much of the UK preparation for post-conflict Iraq was based on

---

[614] Minute Drummond to Bowen, 28 March 2003, 'Iraq: Reconstruction Agenda'.
[615] Minute Driver to PSO/CDS, 13 June 2002, 'Supporting Paper for COS Strategic Think Tank on Iraq – 18 June' attaching Paper [unattributed], 12 June 2002, [untitled].
[616] Minute MA/DCJO to MA/CJO, 15 January 2003, 'Briefing to Prime Minister'.
[617] Letter Manning to Rice, 24 January 2003, [untitled] attaching 'Note'.
[618] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'

"best-case assumptions" on the progress of the conflict, including limited internecine conflict.[619] Officials suggested that Mr Hoon remind Ministerial colleagues that there was "at least a credible possibility that none of these conditions will obtain".

1408. At the Azores Summit, Mr Blair, President Bush and Mr Aznar discussed the risk of communal violence and the need for it to be "handled rapidly by the military".[620]

1409. From September 2002, the FCO warned that war in Iraq might create an easier environment for terrorists.

1410. "Maintaining firm control on the internal security situation" was among the "practical steps" to provide stability proposed by the FCO.

1411. In late February 2003, the DIS Red Team warned of the risk of Coalition military action creating fertile ground for Al Qaida, which could deliberately cause civilian casualties to undermine the establishment of a representative Iraqi-led administration.

1412. The first FCO paper for the AHGI, written in September 2002, stated that war in Iraq might create an easier environment for terrorists to operate in and would create a new incentive for them to act. UK Embassies and other interests might be attractive targets.[621]

1413. Three JIC Assessments, on 10 October 2002, 10 February 2003 and 12 March 2003, judged that the greatest terrorist threat in the event of military action against Iraq would come from Al Qaida and other Islamic extremists.[622]

1414. The 6 November 2002 edition of the SPG paper on UK military strategic thinking on Iraq stated:

> "Operations in Iraq may have a negative impact on the UK's policy objectives for international terrorism, as poor handling of a post-conflict Iraq has the potential to increase greatly anti-Western feeling in the region; fuelling the very international tensions we have sought to diffuse and arming the forces of extremism."[623]

1415. The FCO paper on Islamism in Iraq, shared with the US in December 2002, warned that it was likely groups would be looking for "identities and ideologies on which

---

[619] Minute Sec(O)4 to PS/Secretary of State [MOD], 6 March 2003, 'Iraq: Aftermath – Medium to Long Term UK Military Commitment'.
[620] Letter Manning to McDonald, 16 March 2003, 'Iraq: Summit Meeting in the Azores: 16 March'.
[621] Letter Sedwill to Manning, 20 September 2002, 'Iraq – Consequences of Conflict for the Region and Beyond' attaching Paper Directorate for Strategy and Innovation, [undated], 'Iraq – Consequences of Conflict for the Region and Beyond'.
[622] JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq'; JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'; JIC Assessment, 12 March 2003, 'International Terrorism: War with Iraq: Update'.
[623] Paper [SPG], 6 November 2002, 'UK Military Strategic Thinking on Iraq'.

to base movements".[624] It was "almost certain that political Islam would become more prominent in post-Saddam Iraq". The FCO did not expect "a massive surge in extremist sentiment", but did anticipate that a number of extremist groups were likely to use violence to pursue political ends.

1416. The paper proposed a number of "practical steps" to provide stability, including: "Maintaining firm control on the internal security situation and moving quickly to suppress any international terrorist groups in the country."

1417. Briefing prepared by the FCO for Mr Blair's meeting with President Bush on 31 January 2003 included in its list of objectives: "To convince President Bush … the US needs to pay much more attention, quickly, to planning on 'day after' issues; and that the UN needs to be central to it."[625] One of the advantages of the UN route was that, by reducing hostility to the Coalition, it "reduces risk that our actions serve as a recruiting sergeant for Islamist terrorist organisations".

1418. Mr Ochmanek, one of the contributors to the Adelphi Paper read by Mr Blair in mid-February, concluded that, even if an invasion were successful in defeating the Iraqi military and deposing Saddam Hussein's regime:

> "Success in the endgame – providing a secure environment for the remaking of the political system and culture of Iraq – cannot simply be assumed. The emergence of tribally-based or ethnically-based insurgent or terrorist groups unreconciled to the post-Saddam order cannot be ruled out, particularly if the regime in Iran chose to sponsor and harbour such groups …"[626]

1419. The first DIS Red Team report, issued on 28 February, warned of the risk of creating fertile ground for Al Qaida, which could deliberately cause civilian casualties to undermine the establishment of a representative Iraqi-led administration.[627]

1420. Potential Iranian interference in post-conflict Iraq was a theme of UK analysis from February 2002.

1421. In February 2003, the JIC assessed that Iranian reactions to a Coalition presence in southern Iraq were unclear, but "unlikely to be aggressive". Iran's aims included ensuring a leading role for its allies among the Iraqi Shia.

---

[624] Paper DSI, [undated], 'Islamism in Iraq'.
[625] Paper Middle East Department, 30 January 2003, 'Prime Minister's visit to Camp David, 31 January: Iraq'.
[626] Ochmanek D. *A Possible US-led Campaign Against Iraq: Key Factors and an Assessment*. In: Dodge T & Simon S (eds), *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press. January 2003.
[627] Minute PS/CDI to APS2/SofS [MOD], 28 February 2003, 'Iraq Red Team – Regional responses to conflict in Iraq and the Aftermath' attaching Paper, DIS Red Team, 'Regional Responses to Conflict in Iraq and the Aftermath'.

1422. In February 2002, Mr Sawers identified a number of questions that would need asking of the US if the UK associated itself with a policy of regime change, including: "How would we keep the Iranians from meddling?" [628]

1423. On 5 August, the JIC assessed that, after a US attack began, "Iran would probably boost its support for Shia groups working against Saddam". The Islamic Revolutionary Guard Corps (IRGC) "would be likely to work directly to undermine US influence, eg by manipulating Iraqi groups through propaganda and the selective provision of money and arms, although it would not provoke anything that would provoke US military retaliation".[629]

1424. In September, Mr Chaplin wrote in an internal FCO minute that the job of the Coalition would be to ensure stability, including "preventing interference from neighbours, especially Iran".[630]

1425. The FCO paper 'Scenarios for the future of Iraq after Saddam', sent to No.10 on 26 September, judged that Iraq's neighbours might find it difficult not to get sucked in, and included an explicit reference to Iran as the neighbour most likely to become involved.[631]

1426. Mr Hoon's advice to Mr Blair on 16 January 2003 stated that the UK military plan would need further development to address a number of specific challenges, including "handling Iran".[632]

1427. The 19 February JIC Assessment 'Southern Iraq: What's in Store?' stated that Iran might support small-scale cross-border interventions by armed groups and that the IRGC would "continue to meddle in southern Iraq". Iranian reactions to a Coalition presence in southern Iraq were unclear, but "unlikely to be aggressive".[633] Iran's aims in response to a Coalition presence in Iraq included ensuring a leading role for its allies among the Iraqi Shia (the Supreme Council for an Islamic Revolution in Iraq (SCIRI) and its armed wing the Badr Corps).

1428. In response to a request from Mr Blair for advice on the implications of the JIC Assessment and the Adelphi Paper, the FCO advised that the key to preventing a Shia uprising would be:

> "… to assure the varied Shia communities that they will be fairly represented in future Iraq … Much will also depend on the length of a Coalition 'occupation'.

---

[628] Teleletter Sawers to Jay, 21 February 2002, 'Iraq: Policy'.
[629] JIC Assessment, 5 August 2002, 'Iraq: Regional Attitudes and Impact of Military Action'.
[630] Minute Chaplin to Gray, 13 September 2002, 'Iraq: Post-Saddam Issues'.
[631] Letter McDonald to Manning, 26 September 2002, 'Scenarios for the future of Iraq after Saddam' attaching Paper FCO, 'Scenarios for the future of Iraq after Saddam'.
[632] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.
[633] JIC Assessment, 19 February 2003, 'Southern Iraq: What's in Store?'

If they see Western control becoming quasi-permanent, this too may arouse opposition, probably encouraged by neighbours like Iran."[634]

The failure to plan or prepare for known risks

1429. The information on Iraq available to the UK Government before the invasion provided a clear indication of the potential scale of the post-conflict task.

1430. It showed that, in order to achieve the UK's desired end state, any post-conflict administration would need to:

- **restore infrastructure that had deteriorated significantly in the decade since 1991, to the point where it was not capable of meeting the needs of the Iraqi people;**
- **administer a state where the upper echelons of a regime that had been in power since 1968 had been abruptly removed and in which the capabilities of the wider civil administration, many of whose employees were members of the ruling party, were difficult to assess; and**
- **provide security in a country faced with a number of potential threats, including:**
  - **internecine violence;**
  - **terrorism; and**
  - **Iranian interference.**

1431. In December 2002, the MOD described the post-conflict phase of operations as "strategically decisive".[635] But when the invasion began, the UK Government was not in a position to conclude that satisfactory plans had been drawn up and preparations made to meet known post-conflict challenges and risks in Iraq and to mitigate the risk of strategic failure.

1432. Throughout the planning process, the UK assumed that the US would be responsible for preparing the post-conflict plan, that post-conflict activity would be authorised by the UN Security Council, that agreement would be reached on a significant post-conflict role for the UN and that international partners would step forward to share the post-conflict burden.

---

634 Letter Sinclair to Rycroft, 25 February 2003, 'Iraq: Political and Military Questions'.
635 Paper [SPG], 13 December 2002, 'UK Military Strategic Thinking on Iraq'.

1433. On that basis, the UK planned to reduce its military contribution in Iraq to medium scale within four months of the start of the invasion[636] and expected not to have to make a substantial commitment to post-conflict administration.[637]

1434. Achieving that outcome depended on the UK's ability to persuade the US of the merits of a significant post-conflict role for the UN.

1435. The UK could not be certain at any stage in the year before the invasion that it would succeed in that aim.

1436. In January 2003, the UK sought to persuade the US of the benefits of UN leadership of Iraq's interim post-conflict civil administration.[638] Officials warned that, if the UK failed to persuade the US, it risked "being drawn into a huge commitment of UK resources for a highly complex task of administration and law and order for an uncertain period".

1437. By March 2003, having failed to persuade the US of the advantages of a UN-led interim administration, the UK had set the less ambitious goal of persuading the US to accept UN authorisation of a Coalition-led interim administration and an international presence that would include the UN.[639]

1438. On 19 March, Mr Blair stated in Parliament that discussions were taking place with the US, UN and others on the role of the UN and post-conflict issues.[640]

1439. Discussions continued, but, as the invasion began:

- **The UK had not secured US agreement to a Security Council resolution authorising post-conflict administration and could not be sure when, or on what terms, agreement would be possible.**
- **The extent of the UN's preparations, which had been hindered by the absence of agreement on post-conflict arrangements, remained uncertain. Mr Annan emphasised to Ms Short the need for clarity on US thinking so that UN planning could proceed[641] and told Sir Jeremy Greenstock that he "would not wish to see any arrangement subjugating UN activity to Coalition activity".[642]**

---

[636] Minute CDS to CJO, 18 March 2003, 'Op TELIC: Authorisation for Military Operations in Iraq' attaching Paper CDS, 'Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)'.
[637] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to post-conflict Iraq'.
[638] Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.
[639] Paper Iraq Planning Unit, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.
[640] House of Commons, *Official Report*, 19 March 2003, columns 931-932.
[641] Telegram 501 UKMIS New York to FCO London, 21 March 2003, 'Iraq Humanitarian/Reconstruction: Clare Short's Visit to New York'.
[642] Telegram 526 UKMIS New York to FCO London, 25 March 2003, 'Iraq Phase IV: UN Dynamics'.

- **Potential international partners for reconstruction and additional Coalition partners to provide security continued to make their post-conflict contributions conditional on UN authorisation for Phase IV.**[643]

1440. Despite being aware of the shortcomings of the US plan,[644] **strong US resistance to a leading role for the UN,**[645] **indications that the UN did not want the administration of Iraq to become its responsibility**[646] **and a warning about the tainted image of the UN in Iraq,**[647] **at no stage did the UK Government formally consider other policy options, including the possibility of making participation in military action conditional on a satisfactory plan for the post-conflict period, or how to mitigate the known risk that the UK could find itself drawn into a "huge commitment of UK resources" for which no contingency preparations had been made.**

The planning process and decision-making

1441. As a junior partner in the Coalition, the UK worked within a planning framework established by the US. It had limited influence over a process dominated increasingly by the US military.

1442. The creation of the AHGI in September 2002 and the IPU in February 2003 improved co-ordination across government at official level, but neither body carried sufficient authority to establish a unified planning process across the four principal departments involved – the FCO, the MOD, DFID and the Treasury – or between military and civilian planners.

1443. Important material, including in the DFID reviews of northern and southern Iraq, and significant pieces of analysis, including the series of SPG papers on military strategic thinking, were either not shared outside the originating department, or, as appears to have been the case with the SPG papers, were not routinely available to all those with a direct interest in the contents.

1444. Some risks were identified, but departmental ownership of those risks, and responsibility for analysis and mitigation, were not clearly established.

1445. When the need to plan and prepare for the worst case was raised, including by MOD officials in advice to Mr Hoon on 6 March 2003,[648] **Lt Gen Reith in his paper for the Chiefs of Staff on 21 March**[649] **and in Treasury advice to Mr Brown**

---

643 Paper FCO, 25 March 2003, 'Iraq: Phase IV Issues'.
644 Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.
645 Minute Ricketts to Private Secretary [FCO], 7 February 2003, 'Iraq Strategy'.
646 Public hearing, 15 December 2009, page 5.
647 Paper Middle East Department, 12 December 2002, 'Interim Administrations in Iraq: Why a UN-led Interim Administration would be in the US interest'.
648 Minute Sec(O)4 to PS/Secretary of State [MOD], 6 March 2003, 'Iraq: Aftermath – Medium to Long Term UK Military Commitment'.
649 Minute Reith to COSSEC, 21 March 2003, 'Phase IV Planning – Taking Stock'.

on 24 March,[650] there is no evidence that any department or individual assumed ownership or was assigned responsibility for analysis or mitigation. No action ensued.

1446. In April 2003, Mr Blair set up the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR), chaired by Mr Straw, to oversee the UK contribution to post-conflict reconstruction (see Section 10.1).

1447. Until the creation of the AHMGIR, Mr Straw, Mr Hoon and Ms Short remained jointly responsible for directing post-conflict planning and preparation.

1448. In the absence of a single person responsible for overseeing all aspects of planning and preparation, departments pursued complementary, but separate, objectives. Gaps in UK capabilities were overlooked.

1449. The FCO, which focused on policy-making and negotiation, was not equipped by past experience or practice, or by its limited human and financial resources, to prepare for nation-building of the scale required in Iraq, and did not expect to do so.

1450. DFID's focus on poverty reduction and the channelling of assistance through multilateral institutions instilled a reluctance, before the invasion, to engage on anything other than the immediate humanitarian response to conflict.

1451. When military planners advised of the need to consider the civilian component as an integral part of the UK's post-conflict deployment, the Government was not equipped to respond. Neither the FCO nor DFID took responsibility for the issue.

1452. The shortage of expertise in reconstruction and stabilisation was a constraint on the planning process and on the contribution the UK was able to make to the administration and reconstruction of post-conflict Iraq.

1453. The UK Government's post-invasion response to the shortage of deployable experts in stabilisation and post-conflict reconstruction is addressed in Section 10.3.

1454. Constraints on UK military capacity are addressed in Sections 6.1 and 6.2.

1455. The UK contribution to the post-conflict humanitarian response is assessed in Section 10.1.

1456. At no stage did Ministers or senior officials commission the systematic evaluation of different options, incorporating detailed analysis of risk and UK capabilities, military and civilian, which should have been required before the UK committed to any course of action in Iraq.

---

[650] Minute Dodds to Chancellor, 24 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

1457. **Where policy recommendations were supported by untested assumptions, those assumptions were seldom challenged. When they were, the issue was not always followed through.**

1458. **It was the responsibility of officials to identify, analyse and advise on risk and Ministers' responsibility to ensure that measures to mitigate identifiable risks, including a range of policy options, had been considered before significant decisions were taken on the direction of UK policy.**

1459. **Occasions when that would have been appropriate included:**

- **after Mr Blair's meeting with Mr Hoon, Mr Straw and others on 23 July 2002;**
- **after the adoption of resolution 1441;**
- **before or immediately after the decision to deploy troops in January 2003;**
- **after the Rock Drill in February 2003; and**
- **after Mr Blair's meeting on post-conflict issues on 6 March 2003.**

1460. **There is no indication of formal risk analysis or formal consideration of options associated with any of those events.**

1461. **In his statement to the Inquiry, Mr Blair said:**

> **"… with hindsight, we now see that the military campaign to defeat Saddam was relatively easy; it was the aftermath that was hard. At the time, of course, we could not know that and a prime focus throughout was the military campaign itself …"**[651]

1462. **The conclusions reached by Mr Blair after the invasion did not require the benefit of hindsight.**

1463. **Mr Blair's long-standing conviction that successful international intervention required long-term commitment had been clearly expressed in his Chicago speech in 1999.**

1464. **That conviction was echoed, in the context of Iraq, in frequent advice to Mr Blair from Ministers and officials.**

1465. **Between early 2002 and the invasion of Iraq in March 2003, Mr Blair received warnings about:**

- **the significance of the post-conflict phase as the "strategically decisive" phase of the engagement in Iraq (in the SPG paper of 13 December 2002**[652]**)**

---

[651] Statement, 14 January 2011, page 14.
[652] Paper [SPG], 13 December 2002, 'UK Military Strategic Thinking on Iraq'.

and the risk that a badly handled aftermath would make intervention a "net failure" (in Mr Watkins' letter to Sir David Manning of 19 November 2002[653]);

- **the likelihood of internal conflict in Iraq (including from Mr Powell on 26 September 2002, who warned of the need to stop "a terrible bloodletting of revenge after Saddam goes. Traditional in Iraq after conflict"[654]);**
- **the potential scale of the political, social, economic and security challenge (including from Sir Christopher Meyer on 6 September 2002: "it will probably make pacifying Afghanistan look like child's play"[655]);**
- **the need for an analysis of whether the benefits of military action outweighed the risk of a protracted and costly nation-building exercise (including from Mr Straw on 8 July 2002: the US "must also understand that we are serious about our conditions for UK involvement"[656]);**
- **the absence of credible US plans for the immediate post-conflict period and the subsequent reconstruction of Iraq (including from the British Embassy Washington after the Rock Drill on 21 and 22 February 2003: "The inter-agency rehearsal for Phase IV … exposes the enormous scale of the task … Overall, planning is at a very rudimentary stage"[657]);**
- **the need to agree with the US the nature of the UK contribution to those plans (including in the letter from Mr Hoon's Private Office to Sir David Manning on 28 February 2003: it was "absolutely clear" that the US expected the UK to take leadership of the South-East sector. The UK was "currently at risk of taking on a very substantial commitment that we will have great difficulty in sustaining beyond the immediate conclusion of conflict"[658]); and**
- **the importance (including in the 'UK overall plan for Phase IV', shown to Mr Blair on 7 March 2003[659]) of:**
  - **UN authorisation for the military occupation of Iraq, without which there would be no legal cover for certain post-conflict tasks; and**
  - **a UN framework for the administration and reconstruction of Iraq during the transition to Iraqi self-government.**

---

653 Letter Watkins to Manning, 19 November 2002, 'Iraq: Military Planning after UNSCR 1441'.
654 Manuscript comment Powell to Manning on Letter McDonald to Manning, 26 September 2002, 'Scenarios for the future of Iraq after Saddam'.
655 Telegram 1140 Washington to FCO London, 6 September 2002, 'PM's visit to Camp David: Iraq'.
656 Letter Straw to Prime Minister, 8 July 2002, 'Iraq: Contingency Planning'.
657 Telegram 235 Washington to FCO London, 24 February 2003, 'Iraq: Day After: Rehearsal of Office of Reconstruction and Humanitarian Assistance'.
658 Letter Williams to Manning, 28 February 2003, 'Iraq: Military Planning and Preparation' attaching Paper [unattributed], 28 February 2003, 'Iraq: Military Planning Update – 28 February 2003'.
659 Paper Iraq Planning Unit, 7 March 2003, 'The UK overall plan for Phase IV'.

1466. **Mr Blair told the Chiefs of Staff on 15 January 2003 that "the 'Issue' was aftermath – the Coalition must prevent anarchy and internecine fighting breaking out".**[660]

1467. **In his evidence to the House of Commons Liaison Committee on 21 January 2003, Mr Blair emphasised the importance of the post-conflict phase:**

> **"You do not engage in military conflict that may produce regime change unless you are prepared to follow through and work in the aftermath of that regime change to ensure the country is stable and the people are properly looked after."**[661]

1468. **On 24 January 2003, Mr Blair told President Bush that the biggest risk they faced was internecine fighting, and that delay would allow time for working up more coherent post-conflict plans.**[662]

1469. **Yet when Mr Blair set out the UK's vision for the future of Iraq in the House of Commons on 18 March 2003, no assessment had been made of whether that vision was achievable, no agreement had been reached with the US on a workable post-conflict plan, UN authorisation had not yet been secured, and there had been no decision on the UN's role in post-conflict Iraq.**

1470. **UK policy rested on the assumption that:**

- **the US would provide effective leadership of the immediate post-conflict effort in Iraq;**
- **the conditions would soon be in place for UK military withdrawal;**
- **after a short period of US-led, UN-authorised military occupation, the UN would administer and provide a framework for the reconstruction of post-conflict Iraq;**
- **substantial international support would follow UN authorisation; and**
- **reconstruction and the political transition to Iraqi rule would proceed in a secure environment.**

1471. **Mr Blair was already aware that those assumptions concealed significant risks:**

- **UK officials assessed that ORHA, the US body that would assume responsibility for the immediate post-invasion administration of Iraq, was not up to the task.**

---

[660] Minute MA/DCJO to MA/CJO, 15 January 2003, 'Briefing to Prime Minister'.
[661] Liaison Committee, Session 2002-2003, Minutes of Evidence Taken Before the Liaison Committee Tuesday 21 January 2003, Q 117.
[662] Letter Manning to Rice, 24 January 2003, [untitled] attaching 'Note'.

- **Significant differences remained between UK and US positions on UN involvement, and between the UK and the UN.**
- **International partners were scarce and thought to be unlikely to come forward in the absence of UN authorisation.**
- **UK officials recognised that occupying forces would not remain welcome for long and threats to security could quickly escalate.**

1472. **In the year before the invasion, Mr Blair:**

- **stated his belief in the importance of post-conflict planning on several occasions, including in Cabinet, in Parliament and with President Bush;**
- **requested advice on aspects of post-conflict Iraq (including for his summer reading pack in July 2002, for his meeting with President Bush on 31 January 2003, and twice in February 2003 after reading the JIC Assessment of southern Iraq and the Adelphi Paper *Iraq at the Crossroads*);**
- **at the meeting with Mr Hoon and the Chiefs of Staff on 15 January 2003, asked the MOD to consider the "big 'what ifs'" in the specific context of the UK military plan;**
- **convened a Ministerial meeting on post-conflict issues on 6 March 2003;**
- **raised concerns about the state of planning with President Bush; and**
- **succeeded in the narrow goal of securing President Bush's agreement that the UN should be "heavily involved" in "the post-conflict situation", a loose formulation that appeared to bridge the gap between US and UK positions on UN authorisation and the post-conflict role of the UN, but did not address the substantive issues.**

1473. **Mr Blair did not:**

- **establish clear Ministerial oversight of post-conflict strategy, planning and preparation;**
- **ensure that Ministers took the decisions needed to prepare a flexible, realistic and fully resourced plan integrating UK military and civilian contributions;**
- **seek adequate assurances that the UK was in a position to meet its likely obligations in Iraq;**
- **insist that the UK's strategic objectives for Iraq were tested against anything other than the best case: a well-planned and executed US-led and UN-authorised post-conflict operation in a relatively benign security environment;**
- **press President Bush for definitive assurances about US post-conflict plans or set out clearly to him the strategic risk in underestimating the post-conflict challenge and failing adequately to prepare for the task; or**

- **consider, or seek advice on whether the absence of a satisfactory plan was a sufficient threat to UK strategic objectives to require a reassessment of the terms of the UK engagement in Iraq. Despite concerns about the state of US planning, he did not make agreement on a satisfactory post-conflict plan a condition of UK participation in military action.**

1474. In the weeks immediately following the invasion, Mr Blair's omissions made it more difficult for the UK Government to take an informed decision on the establishment of the UK's post-conflict Area of Responsibility (AOR) in southern Iraq (addressed in more detail in Section 8).

1475. In the short to medium term, his omissions increased the risk that the UK would be unable to respond to the unexpected in Iraq.

1476. In the longer term, they reduced the likelihood of achieving the UK's strategic objectives in Iraq.

SECTION 7

CONCLUSIONS: PRE-CONFLICT STRATEGY AND PLANNING

Contents

Conclusions 572

The UK decision to support US military action 573

- UK policy before 9/11 573
- The impact of 9/11 577
- Decision to take the UN route 583
- Negotiation of resolution 1441 585
- The prospect of military action 587
- The gap between the Permanent Members of the Security Council widens 590
- The end of the UN route 597

Why Iraq? Why now? 607

- Was Iraq a serious or imminent threat? 607
- The predicted increase in the threat to the UK as a result of military action in Iraq 614

The UK's relationship with the US 617

The legal basis for military action and the authority of the UN 621

Decision-making 622

- Collective responsibility 623

Lessons 630

Conclusions

1. After the attacks on the US on 11 September 2001 and the fall of the Taliban regime in Afghanistan in November, the US Administration turned its attention to regime change in Iraq as part of the second phase of what it called the Global War on Terror.

2. The UK Government sought to influence the decisions of the US Administration and avoid unilateral US military action on Iraq by offering partnership to the US and seeking to build international support for the position that Iraq was a threat with which it was necessary to deal.

3. In Mr Blair's view, the decision to stand "shoulder to shoulder" with the US was an essential demonstration of solidarity with the UK's principal ally as well as being in the UK's long-term national interests.

4. To do so required the UK to reconcile its objective of disarming Iraq, if possible by peaceful means, with the US goal of regime change. That was achieved by the development of an ultimatum strategy threatening the use of force if Saddam Hussein did not comply with the demands of the international community, and by seeking to persuade the US to adopt that strategy and pursue it through the UN.

5. President Bush's decision, in September 2002, to challenge the UN to deal with Iraq, and the subsequent successful negotiation of resolution 1441 giving Iraq a final opportunity to comply with its disarmament obligations or face serious consequences if it did not, was perceived to be a major success for Mr Blair's strategy and his influence on President Bush.

6. But US willingness to act through the UN was limited. Following the Iraqi declaration of 7 December 2002, the UK perceived that President Bush had decided that the US would take military action in early 2003 if Saddam Hussein had not been disarmed and was still in power.

7. The timing of military action was entirely driven by the US Administration.

8. At the end of January 2003, Mr Blair accepted the US timetable for military action by mid-March. President Bush agreed to support a second resolution to help Mr Blair.

9. The UK Government's efforts to secure a second resolution faced opposition from those countries, notably France, Germany and Russia, which believed that the inspections process could continue. The inspectors reported that Iraqi co-operation, while far from perfect, was improving.

10. By early March, the US Administration was not prepared to allow inspections to continue or give Mr Blair more time to try to achieve support for action. The attempt to gain support for a second resolution was abandoned.

11. In the Inquiry's view, the diplomatic options had not at that stage been exhausted. Military action was therefore not a last resort.

12. In mid-March, Mr Blair's determination to stand alongside the US left the UK with a stark choice. It could act with the US but without the support of the majority of the Security Council in taking military action if Saddam Hussein did not accept the US ultimatum giving him 48 hours to leave. Or it could choose not to join US-led military action.

13. Led by Mr Blair, the UK Government chose to support military action.

14. Mr Blair asked Parliament to endorse a decision to invade and occupy a sovereign nation, without the support of a Security Council resolution explicitly authorising the use of force. Parliament endorsed that choice.

15. This Section sets out how the choices made by the UK Government resulted in that outcome.

The UK decision to support US military action

16. President Bush decided at the end of 2001 to pursue a policy of regime change in Iraq.

17. The UK shared the broad objective of finding a way to deal with Saddam Hussein's defiance of UN Security Council resolutions and his assumed weapons of mass destruction (WMD) programmes. However, based on consistent legal advice, the UK could not share the US objective of regime change. The UK Government therefore set as its objective the disarmament of Iraq in accordance with the obligations imposed in a series of Security Council resolutions.

UK policy before 9/11

18. Before the attacks on the US on 11 September 2001 (9/11), the UK was pursuing a strategy of containment based on a new sanctions regime to improve international support and incentivise Iraq's co-operation, narrowing and deepening the sanctions regime to focus only on prohibited items and at the same time improving financial controls to reduce the flow of illicit funds to Saddam Hussein.

19. When UK policy towards Iraq was formally reviewed and agreed by the Ministerial Committee on Defence and Overseas Policy (DOP) in May 1999, the objectives towards Iraq were defined as:

> "… in the short term, to reduce the threat Saddam [Hussein] poses to the region including by eliminating his weapons of mass destruction (WMD) programmes;

and, in the longer term, to reintegrate a territorially intact Iraq as a law-abiding member of the international community."[1]

20. The policy of containment was seen as the "only viable way" to pursue those objectives. A "policy of trying to topple Saddam would command no useful international support". Iraq was unlikely to accept the package immediately but "might be persuaded to acquiesce eventually".

21. After prolonged discussion about the way ahead, the UN Security Council adopted resolution 1284 in December 1999, although China, France and Russia abstained.[2]

22. The resolution established:

- a new inspectorate, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) (which Dr Hans Blix was subsequently appointed to lead);
- a timetable to identify and agree a work programme; and
- and the principle that, if the inspectors reported co-operation in key areas, that would lead to the suspension of economic sanctions.[3]

23. Resolution 1284 described Iraq's obligations to comply with the disarmament standards of resolution 687 and other related resolutions as the "governing standard of Iraqi compliance"; and provided that the Security Council would decide what was required of Iraq for the implementation of each task and that it should be "clearly defined and precise".

24. The resolution was also a deliberate compromise which changed the criterion for the suspension, and eventual lifting, of sanctions from complete disarmament to tests which would be based on judgements by UNMOVIC on the progress made in completing identified tasks.

25. Iraq refused to accept the provisions of resolution 1284, including the re-admission of weapons inspectors. Concerns about Iraq's activities in the absence of inspectors increased.

26. The US Presidential election in November 2000 prompted a further UK review of the operation of the containment policy (see Section 1.2). There were concerns about how long the policy could be sustained and what it could achieve.

27. There were also concerns over both the continued legal basis for operations in the No-Fly Zones (NFZs) and the conduct of individual operations.[4]

---

[1] Joint Memorandum by the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence, 17 May 1999, 'Iraq Future Strategy'.
[2] UN Security Council Press Release, 17 December 1999, '*Security Council Establishes New Monitoring Commission For Iraq Adopting Resolution 1284 (1999) By Vote of 11-0-4*' (SC/6775).
[3] UN Security Council,'4084th Meeting Friday 17 December 1999' (S/PV.4084).
[4] Letter Goulty to McKane, 20 October 2000, 'Iraq'.

28. In an Assessment on 1 November, the Joint Intelligence Committee (JIC) judged that Saddam Hussein felt "**little pressure to negotiate** over … resolution 1284 because the proceeds of oil smuggling and illicit trade have increased significantly this year, and more countries are increasing diplomatic contacts and trade with Iraq".[5]

29. The JIC also judged:

> "Saddam would only contemplate co-operation with [resolution] 1284, and the return of inspectors … if it could be portrayed as a victory. He will not agree to co-operate unless:
>
> - there is a **UN-agreed timetable for the lifting of sanctions**. Saddam suspects that the US would not agree to sanctions lift while he remained in power;
> - **he is able to negotiate with the UN in advance to weaken the inspection provisions**. His ambitions to rebuild Iraq's weapons of mass destruction programmes makes him hostile to intrusive inspections or any other constraints likely to be effective.
>
> "Before accepting 1284, Saddam will try to obtain the abolition of the No-Fly Zones. He is also likely to demand that the US should abandon its stated aim to topple the Iraqi regime."

30. In November 2000, Mr Blair's "preferred option" was described as the implementation of 1284, enabling inspectors to return and sanctions to be suspended.[6]

31. In December 2000, the British Embassy Washington reported growing pressure to change course from containment to military action to oust Saddam Hussein, but no decision to change policy or to begin military planning had been taken by President Clinton.[7]

32. The Key Judgements of a JIC Assessment in February 2001 included:

- There was "broad international consensus to **maintain the arms embargo** at least as long as Saddam remains in power. **Saddam faces no economic pressure to accept** … [resolution] **1284 because he is successfully undermining the economic sanctions regime**."
- "Through abuse of the UN Oil-for-Food [OFF] programme and smuggling of oil and other goods" it was estimated that Saddam Hussein would "**be able to appropriate in the region of $1.5bn to $1.8bn in cash and goods in 2001**", and there was "scope for earning even more".

---

[5] JIC Assessment, 1 November 2000, 'Iraq: Prospects for Co-operation with UNSCR 1284'.
[6] Letter Sawers to Cowper-Coles, 27 November 2000, 'Iraq'.
[7] Letter Barrow to Sawers, 15 December 2000, 'Iraq'.

- "**Iranian** interdiction efforts" had "**significantly reduced smuggling down the Gulf**", but Saddam Hussein had "compensated by **exploiting land routes** to Turkey and Syria".
- "**Most countries**" believed that economic sanctions were "**ineffective, counterproductive and should now be lifted**. Without active enforcement, the economic sanctions regime" would "continue to erode".[8]

33. The Assessment also stated:

- Saddam Hussein needed funds "to maintain his military and security apparatus and secure its loyalty".
- Despite the availability of funds, Iraq had been slow to comply with UN recommendations on food allocation. Saddam needed "**the Iraqi people to suffer to underpin his campaign against sanctions**".
- Encouraged by the success of Iraq's border trade agreement with Turkey, "**front-line states**" were "**not enforcing sanctions**".
- There had been a "**significant increase in the erosion of sanctions** over the past six months".

34. When Mr Blair had his first meeting with President Bush at Camp David in late February 2001, the US and UK agreed on the need for a policy which was more widely supported in the Middle East region.[9] Mr Blair had concluded that public presentation needed to be improved. He suggested that the approach should be presented as a "deal" comprising four elements:

- do the right thing by the Iraqi people, with whom we have no quarrel;
- tighten weapons controls on Saddam Hussein;
- retain financial control on Saddam Hussein; and
- retain our ability to strike.

35. The stated position of the UK Government in February 2001 was that containment had been broadly successful.[10]

36. During the summer of 2001, the UK had been exploring the way forward with the US, Russia and France on a draft Security Council resolution to put in place a "smart sanctions" regime.[11] But there was no agreement on the way ahead between the UK, the US, China, France and Russia, the five Permanent Members of the UN Security Council.

---

[8] JIC Assessment, 14 February 2001, 'Iraq: Economic Sanctions Eroding'.
[9] Letter Sawers to Cowper-Coles, 24 February 2001, 'Prime Minister's Talks with President Bush, Camp David, 23 February 2001'.
[10] House of Commons, *Official Report*, 26 February 2001, column 620.
[11] Minute McKane to Manning, 18 September 2001, 'Iraq Stocktake'.

37. Mr Blair told the Inquiry that, until 11 September 2001, the UK had a policy of containment, but sanctions were eroding.[12] The policy was "partially successful", but it did not mean that Saddam Hussein was "not still developing his [prohibited] programmes".

The impact of 9/11

38. The attacks on the US on 11 September 2001 changed perceptions about the severity and likelihood of the threat from international terrorism. They showed that attacks intended to cause large-scale civilian casualties could be mounted anywhere in the world.

39. In response to that perception of a greater threat, governments felt a responsibility to act to anticipate and reduce risks before they turned into a threat. That was described to the Inquiry by a number of witnesses as a change to the "calculus of risk" after 9/11.

40. In the wake of the attacks, Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.[13]

41. The JIC assessed on 18 September that the attacks on the US had "set a new benchmark for terrorist atrocity", and that terrorists seeking comparable impact might try to use chemical, biological, radiological or nuclear devices.[14] Only Islamic extremists such as those who shared Usama Bin Laden's agenda had the motivation to pursue attacks with the deliberate aim of causing maximum casualties.

42. Throughout the autumn of 2001, Mr Blair took an active and leading role in building a coalition to act against that threat, including military action against Al Qaida and the Taliban regime in Afghanistan. He also emphasised the potential risk of terrorists acquiring and using nuclear, biological or chemical weapons, and the dangers of inaction.

43. In November 2001, the JIC assessed that Iraq had played no role in the 9/11 attacks on the US and that practical co-operation between Iraq and Al Qaida was "unlikely".[15] There was no "credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups". It was possible that Iraq might use WMD in terrorist attacks, but only if the regime was under serious and imminent threat of collapse.

44. The UK continued actively to pursue a strengthened policy of containing Iraq, through a revised and more targeted sanctions regime and seeking Iraq's agreement to the return of inspectors as required by resolution 1284 (1999).

---

[12] Public hearing, 21 January 2011, page 8.
[13] The National Archives, 11 September 2001, *September 11 attacks: Prime Minister's statement*.
[14] JIC Assessment, 18 September 2001, 'UK Vulnerability to Major Terrorist Attack'.
[15] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.

45. The adoption on 29 November 2001 of resolution 1382 went some way towards that objective. But support for economic sanctions was eroding and whether Iraq would ever agree to re-admit weapons inspectors and allow them to operate without obstruction was in doubt.

46. Although there was no evidence of links between Iraq and Al Qaida, Mr Blair encouraged President Bush to address the issue of Iraq in the context of a wider strategy to confront terrorism after the attacks of 9/11. He sought to prevent precipitate military action by the US which he considered would undermine the success of the coalition which had been established for action against international terrorism.

47. President Bush's remarks[16] on 26 November renewed UK concerns that US attention was turning towards military action in Iraq.

48. Following a discussion with President Bush on 3 December, Mr Blair sent him a paper on a second phase of the war against terrorism.[17]

49. On Iraq, Mr Blair suggested a strategy for regime change in Iraq. This would build over time until the point was reached where "military action could be taken if necessary", without losing international support.

50. The strategy was based on the premise that Iraq was a threat which had to be dealt with and it had multiple diplomatic strands. It entailed renewed demands for Iraq to comply with the obligations imposed by the Security Council and for the re-admission of weapons inspectors, and a readiness to respond firmly if Saddam Hussein failed to comply.

51. Mr Blair did not, at that stage, have a ground invasion of Iraq or immediate military action of any sort in mind. The strategy included mounting covert operations in support of those "with the ability to topple Saddam". But Mr Blair did state that, when a rebellion occurred, the US and UK should "back it militarily".

52. That was the first step towards a policy of possible intervention in Iraq.

53. A number of issues, including the legal basis for any military action, would need to be resolved as part of developing the strategy.

54. The UK Government does not appear to have had any knowledge at that stage that President Bush had asked General Tommy Franks, Commander in Chief, US Central Command, to review the military options for removing Saddam Hussein, including options for a conventional ground invasion.

55. Mr Blair also emphasised the threat which Iraq might pose in the future. That remained a key part of his position in the months that followed.

---

[16] The White House, 26 November 2001, *The President Welcomes Aid Workers Rescued from Afghanistan*.
[17] Paper [Blair to Bush], 4 December 2001, 'The War against Terrorism: The Second Phase'.

56. In his annual State of the Union speech on 29 January 2002, President Bush described the regimes in North Korea and Iran as "sponsors of terrorism".[18] He added that Iraq had continued to:

> "… flaunt its hostility towards America and to support terror … The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens … This is a regime that agreed to international inspections – then kicked out the inspectors. This is a regime that has something to hide from the civilized world."

57. President Bush stated:

> "States like these [North Korea, Iran and Iraq], and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction these regimes pose a grave and growing danger."

58. From late February 2002, Mr Blair and Mr Straw began publicly to argue that Iraq was a threat which had to be dealt with. Iraq needed to disarm or be disarmed.

59. The urgency and certainty with which the position was stated reflected the ingrained belief that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active policy of deception and concealment. It also reflected the wider context in which the policy was being discussed with the US.

60. On 26 February 2002, Sir Richard Dearlove, the Chief of the Secret Intelligence Service, advised that the US Administration had concluded that containment would not work, was drawing up plans for a military campaign later in the year, and was considering presenting Saddam Hussein with an ultimatum for the return of inspectors while setting the bar "so high that Saddam Hussein would be unable to comply".[19]

61. The following day the JIC assessed that Saddam Hussein feared a US military attack on the scale of the 1991 military campaign to liberate Kuwait but did not regard such an attack as inevitable; and that Iraqi opposition groups would not act without "visible and sustained US military support on the ground".[20]

62. At Cabinet on 7 March, Mr Blair and Mr Straw emphasised that no decisions to launch further military action had been taken and any action taken would be in accordance with international law.

---

[18] The White House, 29 January 2002, *The President's State of the Union Address*.
[19] Letter C to Manning, 26 February 2002, 'US Policy on Iraq'.
[20] JIC Assessment, 27 February 2002, 'Iraq: Saddam Under the Spotlight'.

63. The discussion in Cabinet was couched in terms of Iraq's need to comply with its obligations, and future choices by the international community on how to respond to the threat which Iraq represented.

64. Cabinet endorsed the conclusion that Iraq's WMD programmes posed a threat to peace and endorsed a strategy of engaging closely with the US Government in order to shape policy and its presentation. It did not discuss how that might be achieved.

65. Mr Blair sought and was given information on a range of issues before his meeting with President Bush at Crawford on 5 and 6 April. But no formal and agreed analysis of the issues and options was sought or produced, and there was no collective consideration of such advice.

66. Mr Straw's advice of 25 March proposed that the US and UK should seek an ultimatum to Saddam Hussein to re-admit weapons inspectors.[21] That would provide a route for the UK to align itself with the US without adopting the US objective of regime change. This reflected advice that regime change would be unlawful.

67. At Crawford, Mr Blair offered President Bush a partnership in dealing urgently with the threat posed by Saddam Hussein. He proposed that the UK and the US should pursue a strategy based on an ultimatum calling on Iraq to permit the return of weapons inspectors or face the consequences.[22]

68. President Bush agreed to consider the idea but there was no decision until September 2002.

69. In the subsequent press conference on 6 April, Mr Blair stated that "doing nothing" was not an option: the threat of WMD was real and had to be dealt with.[23] The lesson of 11 September was to ensure that "groups" were not allowed to develop a capability they might use.

70. In his memoir, Mr Blair characterised the message that he and President Bush had delivered to Saddam Hussein as "change the regime attitude on WMD inspections or face the prospect of changing regime".[24]

71. Documents written between April and July 2002 reported that, in the discussion with President Bush at Crawford, Mr Blair had set out a number of considerations in relation to the development of policy on Iraq. These were variously described as:

- The UN inspectors needed to be given every chance of success.
- The US should take action within a multilateral framework with international support, not unilateral action.

---

[21] Minute Straw to Prime Minister, 25 March 2002, 'Crawford/Iraq'.
[22] Letter Manning to McDonald, 8 April 2002, 'Prime Minister's Visit to the United States: 5-7 April'.
[23] The White House, 6 April 2002, *President Bush, Prime Minister Blair Hold Press Conference*.
[24] Blair T. *A Journey*. Hutchinson, 2010.

- A public information campaign should be mounted to explain the nature of Saddam Hussein's regime and the threat he posed.
- Any military action would need to be within the framework of international law.
- The military strategy would need to ensure Saddam Hussein could be removed quickly and successfully.
- A convincing "blueprint" was needed for a post-Saddam Hussein Iraq which would be acceptable to both Iraq's population and its neighbours.
- The US should advance the Middle East Peace Process in order to improve the chances of gaining broad support in the Middle East for military action against Iraq; and to pre-empt accusations of double standards.
- Action should enhance rather than diminish regional stability.
- Success would be needed in Afghanistan to demonstrate the benefits of regime change.

72. Mr Blair considered that he was seeking to influence US policy by describing the key elements for a successful strategy to secure international support for any military action against Iraq.

73. Key Ministers and some of their most senior advisers thought these were the conditions that would need to be met if the UK was to participate in US-led military action.

74. By July, no progress had been made on the ultimatum strategy and Iraq was still refusing to admit weapons inspectors as required by resolution 1284 (1999).

75. The UK Government was concerned that the US Administration was contemplating military action in circumstances where it would be very difficult for the UK to participate in or, conceivably, to support that action.

76. To provide the basis for a discussion with the US, a Cabinet Office paper of 19 July, 'Iraq: Conditions for Military Action', identified the conditions which would be necessary before military action would be justified and the UK could participate in such action.[25]

77. The Cabinet Office paper stated that Mr Blair had said at Crawford:

> "… that the UK would support military action to bring about regime change, provided that certain conditions were met:
>
> - efforts had been made to construct a coalition/shape public opinion,
> - the Israel-Palestine Crisis was quiescent, and
> - the options for action to eliminate Iraq's WMD through the UN weapons inspectors had been exhausted."

[25] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.

78. The Cabinet Office paper also identified the need to address the issue of whether the benefits of military action would outweigh the risks.

79. The potential mismatch between the timetable and work programme for UNMOVIC stipulated in resolution 1284 (1999) and the US plans for military action was recognised by officials during the preparation of the Cabinet Office paper, 'Iraq: Conditions for Military Action' for Mr Blair's meeting of 23 July.[26]

80. The issue was not addressed in the final paper submitted to Ministers on 19 July.[27]

81. Sir Richard Dearlove reported that he had been told that the US had already taken a decision on action – "the question was only how and when"; and that he had been told it intended to set the threshold on weapons inspections so high that Iraq would not be able to hold up US policy.[28]

82. Mr Blair's meeting with Ministerial colleagues and senior officials on 23 July was not seen by those involved as having taken decisions.[29]

83. Further advice and background material were commissioned, including on the possibility of a UN ultimatum to Iraq and the legal basis for action. The record stated:

> "We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions. CDS [the Chief of the Defence Staff, Admiral Sir Michael Boyce] should tell the US military that we were considering a range of options."

84. Mr Blair was advised that there would be "formidable obstacles" to securing a new UN resolution incorporating an ultimatum without convincing evidence of a greatly increased threat from Iraq.[30] A great deal more work would be needed to clarify what the UK was seeking and how its objective might best be achieved.

85. Mr Blair's Note to President Bush of 28 July sought to persuade President Bush to use the UN to build a coalition for action by seeking a partnership between the UK and the US and setting out a framework for action.[31]

86. The Note began:

> "I will be with you, whatever. But this is the moment to assess bluntly the difficulties. The planning on this and the strategy are the toughest yet. This is not Kosovo. This is not Afghanistan. It is not even the Gulf War.

---

[26] Paper [Draft] Cabinet Office, 'Iraq: Conditions for Military Action' attached to Minute McKane to Bowen, 16 July 2002, 'Iraq'.
[27] Paper Cabinet Office, 19 July 2002, 'Iraq: Conditions for Military Action'.
[28] Report, 22 July 2002, 'Iraq [C's account of discussions with Dr Rice]'.
[29] Minute Rycroft to Manning, 23 July 2002, 'Iraq: Prime Minister's Meeting, 23 July'.
[30] Letter McDonald to Rycroft, 26 July 2002, 'Iraq: Ultimatum' attaching Paper 'Elements which might be incorporated in an SCR embodying an ultimatum to Iraq'.
[31] Note Blair [to Bush], 28 July 2002, 'Note on Iraq'.

> "The military part of this is hazardous but I will concentrate mainly on the political context for success."

87. Mr Blair stated that getting rid of Saddam Hussein was:

> "… the right thing to do. He is a potential threat. He could be contained. But containment … is always risky. His departure would free up the region. And his regime is … brutal and inhumane …"

88. Mr Blair told President Bush that the UN was the simplest way to encapsulate a "casus belli" in some defining way, with an ultimatum to Iraq once military forces started to build up in October. That might be backed by a UN resolution.

89. Mr Blair thought it unlikely that Saddam Hussein intended to allow inspectors to return. If he did, the JIC had advised that Iraq would obstruct the work of the inspectors. That could result in a material breach of the obligations imposed by the UN.

90. A workable military plan to ensure the collapse of the regime would be required.

91. The Note reflected Mr Blair's own views. The proposals had not been discussed or agreed with his colleagues.

Decision to take the UN route

92. Sir David Manning, Mr Blair's Foreign Policy Adviser, told President Bush that it would be impossible for the UK to take part in any action against Iraq unless it went through the UN.

93. When Mr Blair spoke to President Bush on 31 July the "central issue of a casus belli" and the need for further work on the optimal route to achieve that was discussed.[32] Mr Blair said that he wanted to explore whether the UN was the right route to set an ultimatum or whether it would be an obstacle.

94. In late August, the FCO proposed a strategy of coercion, using a UN resolution to issue an ultimatum to Iraq to admit the weapons inspectors and disarm. The UK was seeking a commitment from the Security Council to take action in the event that Saddam Hussein refused or subsequently obstructed the inspectors.

95. Reflecting the level of public debate and concern, Mr Blair decided in early September that an explanation of why action was needed to deal with Iraq should be published.

96. In his press conference at Sedgefield on 3 September, Mr Blair indicated that time and patience were running out and that there were difficulties with the existing policy of containment.[33] He also announced the publication of the Iraq dossier, stating that:

---

[32] Rycroft to McDonald, 31 July 2002, 'Iraq: Prime Minister's Phone Call with President Bush, 31 July'.
[33] The National Archives, 3 September 2002, *PM press conference* [at Sedgefield].

> "… people will see that there is no doubt at all the United Nations resolutions that Saddam is in breach of are there for a purpose. He [Saddam Hussein] is without any question, still trying to develop that chemical, biological, potentially nuclear capability and to allow him to do so without any let or hindrance, just to say, we [sic] can carry on and do it, I think would be irresponsible."

97. President Bush decided in the meeting of the National Security Council on 7 September to take the issue of Iraq back to the UN.

98. The UK was a key ally whose support was highly desirable for the US. The US Administration had been left in no doubt that the UK Government needed the issue of Iraq to be taken back to the Security Council before it would be able to participate in military action in Iraq.

99. The objective of the subsequent discussions between President Bush and Mr Blair at Camp David was, as Mr Blair stated in the press conference before the discussions, to work out the strategy.[34]

100. Mr Blair told President Bush that he was in no doubt about the need to deal with Saddam Hussein.[35]

101. Although at that stage no decision had been taken on which military package might be offered to the US for planning purposes, Mr Blair also told President Bush that, if it came to war, the UK would take a significant military role.

102. In his speech to the General Assembly on 12 September, President Bush set out his view of the "grave and gathering danger" posed by Saddam Hussein and challenged the UN to act to address Iraq's failure to meet the obligations imposed by the Security Council since 1990.[36] He made clear that, if Iraq defied the UN, the world must hold Iraq to account and the US would "work with the UN Security Council for the necessary resolutions". But the US would not stand by and do nothing in the face of the threat.

103. Statements made by China, France and Russia in the General Assembly debate after President Bush's speech highlighted the different positions of the five Permanent Members of the Security Council, in particular about the role of the Council in deciding whether military action was justified.

104. The Government dossier on Iraq was published on 24 September.[37] It was designed to "make the case" and secure Parliamentary (and public) support for the Government's policy that action was urgently required to secure Iraq's disarmament.

---

[34] The White House, 7 September 2002, *President Bush, Prime Minister Blair Discuss Keeping the Peace*.
[35] Minute Manning to Prime Minister, 8 September 2002, 'Your Visit to Camp David on 7 September: Conversation with President Bush'.
[36] The White House, 12 September 2002, *President's Remarks to the United Nations General Assembly*.
[37] *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.

105. In his statement to Parliament on 24 September and in his answers to subsequent questions, Mr Blair presented Iraq's past, current and potential future capabilities as evidence of the severity of the potential threat from Iraq's weapons of mass destruction. He said that at some point in the future that threat would become a reality.

106. Mr Blair wrote his statement to the House of Commons himself and chose the arguments to make clear his perception of the threat and why he believed that there was an "overwhelming" case for action to disarm Iraq.[38]

107. Addressing the question of why Saddam Hussein had decided in mid-September, but not before, to admit the weapons inspectors, Mr Blair stated that the answer was in the dossier, and it was because:

> "… his chemical, biological and nuclear programme is not an historic left-over from 1998. The inspectors are not needed to clean up the old remains. His weapons of mass destruction programme is active detailed and growing. The policy of containment is not working. The weapons of mass destruction programme is not shut down; it is up and running now."

108. Mr Blair posed, and addressed, three questions: "Why Saddam?"; "Why now?"; and "Why should Britain care?"

109. On the question "Why Saddam?", Mr Blair said that two things about Saddam Hussein stood out: "He had used these weapons in Iraq" and thousands had died, and he had used them during the war with Iran "in which 1 million people died"; and the regime had "no moderate elements to appeal to".

110. On the question "Why now?", Mr Blair stated:

> "I agree I cannot say that this month or next, even this year or next, Saddam will use his weapons. But I can say that if the international community, having made the call for his disarmament, now, at this moment, at the point of decision, shrugs its shoulders and walks away, he will draw the conclusion dictators faced with a weakening will always draw: that the international community will talk but not act, will use diplomacy but not force. We know, again from our history, that diplomacy not backed by the threat of force has never worked with dictators and never will."

Negotiation of resolution 1441

111. There were significant differences between the US and UK positions, and between them and China, France and Russia about the substance of the strategy to be adopted, including the role of the Security Council in determining whether peaceful means had been exhausted and the use of force to secure disarmament was justified.

---

[38] House of Commons, *Official Report*, 24 September 2002, columns 1-23.

112. Those differences resulted in difficult negotiations over more than eight weeks before the unanimous adoption of resolution 1441 on 8 November 2002.

113. When President Bush made his speech on 12 September, the US and UK had agreed the broad approach, but not the substance of the proposals to be put to the UN Security Council or the tactics.

114. Dr Naji Sabri, the Iraqi Foreign Minister, wrote to Mr Kofi Annan, the UN Secretary-General, on 16 September to inform him that, following the series of talks between Iraq and the UN in New York and Vienna between March and July 2002 and the latest round in New York on 14 and 15 September, Iraq had decided "to allow the return of United Nations inspectors to Iraq without conditions".[39]

115. The US and UK immediately expressed scepticism. They had agreed that the provisions of resolution 1284 (1999) were no longer sufficient to secure the disarmament of Iraq and a strengthened inspections regime would be required.

116. A new resolution would be needed both to maintain the pressure on Iraq and to define a more intrusive inspections regime allowing the inspectors unconditional and unrestricted access to all Iraqi facilities.

117. The UK's stated objective for the negotiation of resolution 1441 was to give Saddam Hussein "one final chance to comply" with his obligations to disarm. The UK initially formulated the objective in terms of:

- a resolution setting out an ultimatum to Iraq to readmit the UN weapons inspectors and to disarm in accordance with its obligations; and
- a threat to resort to the use of force to secure disarmament if Iraq failed to comply.[40]

118. Lord Goldsmith, the Attorney General, informed Mr Blair on 22 October that, although he would not be able to give a final view until the resolution was adopted, the draft of the resolution of 19 October would not on its own authorise military action.[41]

119. Mr Blair decided on 31 October to offer significant forces for ground operations to the US for planning purposes.[42]

120. During the negotiations, France and Russia made clear their opposition to the use of force, without firm evidence of a further material breach and a further decision in the Security Council.

---

[39] UN Security Council, 16 September 2002, 'Letter dated 16 September from the Minister of Foreign Affairs of Iraq addressed to the Secretary-General', attached to 'Letter dated 16 September from the Secretary-General addressed to the President of the Security Council' (S/2002/1034).
[40] Minute Straw to Prime Minister, 14 September 2002, 'Iraq: Pursuing the UN Route'.
[41] Minute Adams to Attorney General, 22 October 2002, 'Iraq: Meeting with the Prime Minister, 22 October' attaching Briefing 'Lines to Take'.
[42] Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.

121. The UK was successful in changing some aspects of the US position during the negotiations, in particular ensuring that the Security Council resolution was based on the disarmament of Iraq rather than wider issues as originally proposed by the US.

122. To secure consensus in the Security Council despite the different positions of the US and France and Russia (described by Sir Jeremy Greenstock, the UK Permanent Representative to the UN in New York, as "irreconcilable"), resolution 1441 was a compromise containing drafting "fixes". That created deliberate ambiguities on a number of key issues including:

- the level of non-compliance with resolution 1441 which would constitute a material breach;
- by whom that determination would be made; and
- whether there would be a second resolution explicitly authorising the use of force.

123. As the Explanations of Vote demonstrated, there were significant differences between the positions of the members of the Security Council about the circumstances and timing of recourse to military action. There were also differences about whether Member States should be entitled to report Iraqi non-compliance to the Council.

124. Mr Blair, Mr Straw and other senior UK participants in the negotiation of resolution 1441 envisaged that, in the event of a material breach of Iraq's obligations, a second resolution determining that a breach existed and authorising the use of force was likely to be tabled in the Security Council.

125. Iraq announced on 13 November that it would comply with resolution 1441.[43]

126. Iraq also re-stated its position that it had neither produced nor was in possession of weapons of mass destruction since the inspectors left in December 1998. It explicitly challenged the UK statement on 8 November that Iraq had decided to keep possession of its WMD.

The prospect of military action

127. Following Iraq's submission of the declaration on its chemical, biological, nuclear and ballistic missile programmes to the UN on 7 December, and before the inspectors had properly begun their task, the US concluded that Saddam Hussein was not going to take the final opportunity offered by resolution 1441 to comply with his obligations.

128. Mr Blair was advised on 11 December that there was impatience in the US Administration and it was looking at military action as early as mid-February 2003.[44]

---

[43] UN Security Council, 13 November 2002, 'Letter dated 13 November 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General' (S/2002/1242).
[44] Minute Manning to Prime Minister, 11 December 2002, 'Iraq'.

129. Mr Blair told President Bush on 16 December that the Iraqi declaration was "patently false".[45] He was "cautiously optimistic" that the inspectors would find proof.

130. In a statement issued on 18 December, Mr Straw said that Saddam Hussein had decided to continue the pretence that Iraq had no WMD programme. If he persisted "in this obvious falsehood" it would become clear that he had "rejected the pathway to peace".[46]

131. The JIC's initial Assessment of the Iraqi declaration on 18 December stated that there had been "No serious attempt" to answer any of the unresolved questions highlighted by the UN Special Commission (UNSCOM) or to refute any of the points made in the UK dossier on Iraq's WMD programme.[47]

132. President Bush is reported to have told a meeting of the US National Security Council on 18 December 2002, at which the US response to Iraq's declaration was discussed, that the point of the 7 December declaration was to test whether Saddam Hussein would accept the "final opportunity" for peace offered by the Security Council.[48] He had summed up the discussion by stating:

> "We've got what we need now, to show America that Saddam won't disarm himself."

133. Mr Colin Powell, the US Secretary of State, stated on 19 December that Iraq was "well on its way to losing its last chance", and that there was a "practical limit" to how long the inspectors could be given to complete their work.[49]

134. Mr Straw told Secretary Powell on 30 December that the US and UK should develop a clear "plan B" postponing military action on the basis that inspections plus the threat of force were containing Saddam Hussein.[50]

135. In early 2003, Mr Straw still thought a peaceful solution was more likely than military action. Mr Straw advised Mr Blair on 3 January that he had concluded that, in the potential absence of a "smoking gun", there was a need to consider a "Plan B".[51] The UK should emphasise to the US that the preferred strategy was peaceful disarmament.

136. Mr Blair took a different view. By the time he returned to the office on 4 January 2003, he had concluded that the "likelihood was war" and, if conflict could not be avoided, the right thing to do was fully to support the US.[52] He was focused on the need

---

[45] Letter Rycroft to McDonald, 16 December 2002, 'Prime Minister's Telephone Call with President Bush, 16 December'.
[46] The National Archives, 18 December 2002, *Statement by Foreign Secretary on Iraq Declaration*.
[47] JIC Assessment, 18 December 2002, 'An Initial Assessment of Iraq's WMD Declaration'.
[48] Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. HarperCollins, 2008.
[49] US Department of State Press Release, *Press Conference Secretary of State Colin L Powell, Washington, 19 December 2002*.
[50] Letter Straw to Manning, 30 December 2002, 'Iraq: Conversation with Colin Powell, 30 December'.
[51] Minute Straw to Prime Minister, 3 January 2003, 'Iraq – Plan B'.
[52] Note Blair [to No.10 officials], 4 January 2003, [extract 'Iraq'].

to establish evidence of an Iraqi breach, to persuade opinion of the case for action and to finalise the strategy with President Bush at the end of January.

137. The UK objectives were published in a Written Ministerial Statement by Mr Straw on 7 January.[53] The "prime objective" was:

> "… to rid Iraq of its weapons of mass destruction (WMD) and their associated programmes and means of delivery, including prohibited ballistic missiles … as set out in UNSCRs [UN Security Council resolutions]. This would reduce Iraq's ability to threaten its neighbours and the region, and prevent Iraq using WMD against its own people. UNSCRs also require Iraq to renounce terrorism, and return captured Kuwaitis and property taken from Kuwait."

138. Lord Goldsmith gave Mr Blair his draft advice on 14 January that resolution 1441 would not by itself authorise the use of military force.[54]

139. Mr Blair agreed on 17 January to deploy a UK division with three combat brigades for possible operations in southern Iraq.[55]

140. There was no collective discussion of the decision by senior Ministers.

141. In January 2003, there was a clear divergence between the UK and US Government positions over the timetable for military action, and the UK became increasingly concerned that US impatience with the inspections process would lead to a decision to take unilateral military action in the absence of support for such action in the Security Council.

142. On 23 January, Mr Blair was advised that the US military would be ready for action in mid-February.[56]

143. In a Note to President Bush on 24 January, Mr Blair wrote that the arguments for proceeding with a second Security Council resolution, "or at the very least a clear statement" from Dr Blix which allowed the US and UK to argue that a failure to pass a second resolution was in breach of the spirit of 1441, remained in his view, overwhelming; and that inspectors should be given until the end of March or early April to carry out their task.[57]

144. Mr Blair suggested that, in the absence of a "smoking gun", Dr Blix would be able to harden up his findings on the basis of a pattern of non-co-operation from Iraq and that that would be sufficient for support for military action in the Security Council.

---

[53] House of Commons, *Official Report*, 7 January 2003, columns 4-6WS.
[54] Minute [Draft] [Goldsmith to Prime Minister], 14 January 2003, 'Iraq: Interpretation of Resolution 1441'.
[55] Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.
[56] Letter PS/C to Manning, 23 January 2003, [untitled].
[57] Letter Manning to Rice, 24 January 2003, [untitled], attaching Note [Blair to Bush], [undated], 'Note'.

145. The US and UK should seek to persuade others, including Dr Blix, that that was the "true view" of resolution 1441.

146. Mr Blair used an interview on *Breakfast with Frost* on 26 January to set out the position that the inspections should be given sufficient time to determine whether or not Saddam Hussein was co-operating fully.[58] If he was not, that would be a sufficient reason for military action. A find of WMD was not required.

147. Mr Blair's proposed approach to his meeting with President Bush was discussed in a meeting of Ministers before Cabinet on 30 January and then discussed in general terms in Cabinet itself.

148. In a Note prepared before his meeting with President Bush on 31 January, Mr Blair proposed seeking a UN resolution on 5 March followed by an attempt to "mobilise Arab opinion to try to force Saddam out" before military action on 15 March.[59]

149. When Mr Blair met President Bush on 31 January, it was clear that the window of opportunity before the US took military action would be very short. The military campaign could begin "around 10 March".[60]

150. President Bush agreed to seek a second resolution to help Mr Blair, but there were major reservations within the US Administration about the wisdom of that approach.

151. Mr Blair confirmed that he was "solidly with the President and ready to do whatever it took to disarm Saddam" Hussein.

152. Reporting on his visit to Washington, Mr Blair told Parliament on 3 February 2003 that Saddam Hussein was not co-operating as required by resolution 1441 and, if that continued, a second resolution should be passed to confirm such a material breach.[61]

153. Mr Blair continued to set the need for action against Iraq in the context of the need to be seen to enforce the will of the UN and to deter future threats.

The gap between the Permanent Members of the Security Council widens

154. In their reports to the Security Council on 14 February:

- **Dr Blix reported that UNMOVIC had not found any weapons of mass destruction and the items that were not accounted for might not exist, but Iraq needed to provide the evidence to answer the questions, not belittle them.**

---

[58] *BBC News*, 26 January 2003, *Breakfast with Frost*.
[59] Note [Blair to Bush], [undated], 'Countdown'.
[60] Letter Manning to McDonald, 31 January 2003, 'Iraq: Prime Minister's Conversation with President Bush on 31 January'.
[61] House of Commons, *Official Report*, 3 February 2003, columns 21-38.

- **Dr Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), reported that the IAEA had found no evidence of ongoing prohibited nuclear or nuclear-related activities in Iraq although a number of issues were still under investigation.**[62]

155. In the subsequent debate, members of the Security Council voiced widely divergent views.

156. Mr Annan concluded that there were real differences on strategy and timing in the Security Council. Iraq's non-co-operation was insufficient to bring members to agree that war was justified; they would only move if they came to their own judgement that inspections were pointless.[63]

157. On 19 February, Mr Blair sent President Bush a six-page Note. He proposed focusing on the absence of full co-operation and a "simple" resolution stating that Iraq had failed to take the final opportunity, with a side statement defining tough tests of co-operation and a vote on 14 March to provide a deadline for action.[64]

158. President Bush and Mr Blair agreed to introduce a draft resolution at the UN the following week but its terms were subject to further discussion.[65]

159. On 20 February, Mr Blair told Dr Blix that he wanted to offer the US an alternative strategy which included a deadline and tests for compliance.[66] He did not think Saddam Hussein would co-operate but he would try to get Dr Blix as much time as possible. Iraq could have signalled a change of heart in the December declaration. The Americans did not think that Saddam was going to co-operate: "Nor did he. But we needed to keep the international community together."

160. Dr Blix stated that full co-operation was a nebulous concept; and a deadline of 15 April would be too early. Dr Blix commented that "perhaps there was not much WMD in Iraq after all". Mr Blair responded that "even German and French intelligence were sure that there was WMD in Iraq". Dr Blix said they seemed "unsure" about "mobile BW production facilities": "It would be paradoxical and absurd if 250,000 men were to invade Iraq and find very little."

161. Mr Blair responded that "our intelligence was clear that Saddam had reconstituted his WMD programme".

---

[62] UN Security Council, '4707th Meeting Friday 14 February 2003' (S/PV.4707).
[63] Telegram 268 UKMIS New York to FCO London, 15 February 2003, 'Foreign Secretary's Meeting with the UN Secretary-General: 14 February'.
[64] Letter Manning to Rice, 19 February 2003, 'Iraq' attaching Note [Blair to Bush], [undated], 'Note'.
[65] Letter Rycroft to McDonald, 19 February 2003, 'Iraq and MEPP: Prime Minister's Telephone Conversation with Bush, 19 February'.
[66] Letter Cannon to Owen, 20 February 2003, 'Iraq: Prime Minister's Conversation with Blix'.

162. On 24 February, the UK, US and Spain tabled a draft resolution stating that Iraq had failed to take the final opportunity offered by resolution 1441 and that the Security Council had decided to remain seized of the matter.[67] The draft failed to attract support.

163. France, Germany and Russia responded by tabling a memorandum, building on their tripartite declaration of 10 February, stating that "full and effective disarmament" remained "the imperative objective of the international community".[68] That "should be achieved peacefully through the inspection regime". The "conditions for using force" had "not been fulfilled". The Security Council "must step up its efforts to give a real chance to the peaceful settlement of the crisis".

164. On 25 February, Mr Blair told the House of Commons that the intelligence was "clear" that Saddam Hussein continued "to believe that his weapons of mass destruction programme is essential both for internal repression and for external aggression".[69] It was also "essential to his regional power". "Prior to the inspectors coming back in", Saddam Hussein "was engaged in a systematic exercise in concealment of those weapons". The inspectors had reported some co-operation on process, but had "denied progress on substance".

165. The House of Commons was asked on 26 February to reaffirm its endorsement of resolution 1441, support the Government's continuing efforts to disarm Iraq, and to call upon Iraq to recognise that this was its final opportunity to comply with its obligations.[70]

166. The Government motion was approved by 434 votes to 124; 199 MPs voted for an amendment which invited the House to "find the case for military action against Iraq as yet unproven".[71]

167. In a speech on 26 February, President Bush stated that the safety of the American people depended on ending the direct and growing threat from Iraq.[72]

168. President Bush also set out his hopes for the future of Iraq.

169. Reporting discussions in New York on 26 February, Sir Jeremy Greenstock wrote that there was "a general antipathy to having now to take decisions on this issue, and a wariness about what our underlying motives are behind the resolution".[73] Sir Jeremy concluded that the US was focused on preserving its room for manoeuvre while he was

---

[67] Telegram 302 UKMIS New York to FCO London, 25 February 2003, 'Iraq: Tabling of US/UK/Spanish Draft Resolution: Draft Resolution'.
[68] UN Security Council, 24 February 2003, 'Letter dated 24 February 2003 from the Permanent Representatives of France, Germany and the Russian Federation to the United Nations addressed to the President of the Security Council' (S/2003/214).
[69] House of Commons, *Official Report*, 25 February 2003, columns 123-126.
[70] House of Commons, *Official Report*, 26 February 2003, column 265.
[71] House of Commons, *Official Report*, 26 February 2003, columns 367-371.
[72] The White House, 26 February 2003, *President discusses the future of Iraq*.
[73] Telegram 314 UKMIS New York to FCO London, 27 February 2003, 'Iraq: 26 February'.

"concentrating on trying to win votes". It was the "middle ground" that mattered. Mexico and Chile were the "pivotal sceptics".

170. Lord Goldsmith told No.10 officials on 27 February that the safest legal course for future military action would be to secure a further Security Council resolution.[74] He had, however, reached the view that a "reasonable case" could be made that resolution 1441 was capable of reviving the authorisation to use force in resolution 678 (1990) without a further resolution, if there were strong factual grounds for concluding that Iraq had failed to take the final opportunity offered by resolution 1441.

171. Lord Goldsmith advised that, to avoid undermining the case for reliance on resolution 1441, it would be important to avoid giving any impression that the UK believed a second resolution was legally required.

172. Informal consultations in the Security Council on 27 February showed there was little support for the UK/US/Spanish draft resolution.[75]

173. An Arab League Summit on 1 March concluded that the crisis in Iraq must be resolved by peaceful means and in the framework of international legitimacy.[76]

174. Following his visit to Mexico, Sir David Manning concluded that Mexican support for a second resolution was "not impossible, but would not be easy and would almost certainly require some movement".[77]

175. During Sir David's visit to Chile, President Ricardo Lagos repeated his concerns, including the difficulty of securing nine votes or winning the presentational battle without further clarification of Iraq's non-compliance. He also suggested identifying benchmarks.[78]

176. Mr Blair wrote in his memoir that, during February, "despite his best endeavours", divisions in the Security Council had grown not reduced; and that the "dynamics of disagreement" were producing new alliances.[79] France, Germany and Russia were moving to create an alternative pole of power and influence.

177. Mr Blair thought that was "highly damaging" but "inevitable": "They felt as strongly as I did; and they weren't prepared to indulge the US, as they saw it."

---

[74] Minute Brummell, 27 February 2003, 'Iraq: Attorney General's Meeting at No. 10 on 27th February 2003'.
[75] Telegram 318 UKMIS New York to FCO London, 28 February 2003, 'Iraq: 27 February Consultations and Missiles'.
[76] Telegram 68 Cairo to FCO London, 2 March 2003, 'Arab League Summit: Final Communique'.
[77] Telegram 1 Mexico City to Cabinet Office, 1 March 2003, 'Iraq: Mexico'.
[78] Telegram 34 Santiago to FCO London, 2 March 2003, 'Chile/Iraq: Visit by Manning and Scarlett'.
[79] Blair T. *A Journey*. Hutchinson, 2010.

178. Mr Blair concluded that for moral and strategic reasons the UK should be with the US and that:

> "… [W]e should make a last ditch attempt for a peaceful solution. First to make the moral case for removing Saddam … Second, to try one more time to reunite the international community behind a clear base for action in the event of a continuing breach."

179. On 3 March, Mr Blair proposed an approach focused on setting a deadline of 17 March for Iraq to disclose evidence relating to the destruction of prohibited items and permit interviews; and an amnesty if Saddam Hussein left Iraq by 21 March.[80]

180. Mr Straw told Secretary Powell that the level of support in the UK for military action without a second resolution was palpably "very low". In that circumstance, even if a majority in the Security Council had voted for the resolution with only France exercising its veto, he was "increasingly pessimistic" about support within the Labour Party for military action.[81] The debate in the UK was:

> "… significantly defined by the tone of the debate in Washington and particularly remarks made by the President and others to the right of him, which suggested that the US would go to war whatever and was not bothered about a second resolution one way or another."

181. Following a discussion with Mr Blair, Mr Straw told Secretary Powell that Mr Blair:

> "… was concerned that, having shifted world (and British) public opinion over the months, it had now been seriously set back in recent days. We were not in the right position. The Prime Minister was considering a number of ideas which he might well put to the President."[82]

182. Mr Straw recorded that Secretary Powell had advised that, if Mr Blair wanted to make proposals, he should do so quickly. The US was not enthusiastic about the inclusion of an immunity clause for Saddam Hussein in the resolution.

183. Mr Straw reported that Secretary Powell had told President Bush that he judged a vetoed resolution would no longer be possible for the UK. Mr Straw said that without a second resolution approval for military action could be "beyond reach".

184. Mr Straw told the Foreign Affairs Committee (FAC) on 4 March that it was "a matter of fact" that Iraq had been in material breach "for some weeks" and resolution 1441 provided sufficient legal authority to justify military action against Iraq if it was "in further material breach".[83]

---

[80] Note (handwritten) [Blair], 3 March 2003, [untitled].
[81] Minute Straw to Prime Minister, 3 March 2003, 'Iraq: Second Resolution'.
[82] Letter Straw to Manning, 4 March 2003, 'Iraq: Conversation with Colin Powell, 3 March'.
[83] Minutes, Foreign Affairs Committee (House of Commons), 4 March 2003, [Evidence Session], Qs 151 and 154.

185. Mr Straw also stated that a majority of members of the Security Council had been opposed to the suggestion that resolution 1441 should state explicitly that military action could be taken only if there were a second resolution.

186. Mr Blair was informed on the evening of 4 March that US military planners were looking at 12 March as the possible start date for the military campaign; and that Mr Geoff Hoon, the Defence Secretary, was concerned about the apparent disconnect with activity in the UN.[84]

187. Baroness Amos, Minister of State, Department for International Development (DfID), advised on 4 March that Angola, Cameroon and Guinea were not yet ready to commit to a "yes vote" and had emphasised the need for P5 unity.[85]

188. Sir Christopher Hum, British Ambassador to China, advised on 4 March that, if the resolution was put to a vote that day, China would abstain.[86]

189. Sir John Holmes, British Ambassador to France, advised on 4 March that France's main aim was to "avoid being put on the spot" by influencing the undecided, preventing the US and UK mustering nine votes, and keeping alongside the Russians and Chinese; and that there was "nothing that we can now do to dissuade them from this course".[87] Sir John also advised that "nothing the French say at this stage, even privately, should be taken at face value".

190. Mr Igor Ivanov, the Russian Foreign Minister, told Mr Straw on 4 March that Russia had failed in an attempt to persuade Saddam Hussein to leave and it would veto a resolution based on the draft circulated on 24 February.[88]

191. France, Germany and Russia stated on 5 March that they would not let a resolution pass that authorised the use of force.[89] Russia and France, "as Permanent Members of the Security Council, will assume all their responsibilities on this point".

192. The British Embassy Washington reported overnight on 5/6 March that "barring a highly improbable volte face by Saddam", the US was now firmly on track for military action and would deal firmly with any efforts in the UN to slow down the timetable.[90]

193. The Embassy reported that the only event which might significantly affect the US timetable would be problems for the UK. That had been described as "huge – like trying

---

[84] Letter Watkins to Manning, 4 March 2003, 'Iraq: Timing of Military Action'.
[85] Minute Amos to Foreign Secretary, 4 March 2003, [untitled].
[86] Telegram 90 Beijing to FCO London, 4 March 2003, 'Iraq: Lobbying the Chinese'.
[87] Telegram 110 Paris to FCO London, 4 March 2003, 'Iraq: Avoiding a French Veto'.
[88] Telegram 37 FCO London to Moscow, 3 [sic] March 2003, 'Iraq: Foreign Secretary's Meetings with Russian Foreign Minister, 4 March'.
[89] *The Guardian*, 5 March 2003, *UN war doubters unite against resolution. The Guardian*, 6 March 2003, *Full text of Joint declaration*.
[90] Telegram 294 Washington to FCO London, 6 March 2003, 'Personal Iraq: UN Endgame'.

to play football without the quarterback". The US was "therefore pulling out all the stops at the UN". The US fully understood the importance of the second resolution for the UK.

194. Sir Jeremy Greenstock advised that the US would not countenance the use of benchmarks. That risked delaying the military timetable.[91]

195. Mr Blair told Cabinet on 6 March that the argument boiled down to the question of whether Saddam Hussein would ever voluntarily co-operate with the UN to disarm Iraq.[92]

196. Mr Blair concluded that it was for the Security Council to determine whether Iraq was co-operating fully.

197. In his discussions with President Lagos on 6 March, Mr Blair stated that the US would go ahead without the UN if asked to delay military action until April or May.[93]

198. In his report to the Security Council on 7 March, Dr Blix stated that there had been an acceleration of initiatives from Iraq since the end of January, but they could not be said to constitute immediate co-operation.[94] Nor did they necessarily cover all areas of relevance; but they were nevertheless welcome. UNMOVIC was drawing up a work programme of key disarmament tasks, which would be ready later that month, for approval by the Security Council. It would take "months" to complete the programme.

199. Dr ElBaradei reported that there were no indications that Iraq had resumed nuclear activities since the inspectors left in December 1998 and the recently increased level of Iraqi co-operation should allow the IAEA to provide the Security Council with an assessment of Iraq's nuclear capabilities in the near future.

200. There was unanimity in calls for Iraq to increase its co-operation. But there was a clear division between the US, UK, Spain and Bulgaria who spoke in favour of a further resolution and France, Germany, Russia and China and most other Member States who spoke in favour of continuing to pursuing disarmament through strengthened inspections.

201. The UK, US and Spain circulated a revised draft resolution deciding that Iraq would have failed to take the final opportunity offered by resolution 1441 (2002) unless the Council concluded, on or before 17 March 2003, that Iraq had demonstrated full, unconditional, immediate and active co-operation in accordance with its disarmament obligations and was yielding possession of all weapons and proscribed material to UNMOVIC and the IAEA.

---

[91] Telegram 353 UKMIS New York to FCO London, 6 March 2003, 'Iraq: 5 March'.
[92] Cabinet Conclusions, 6 March 2003.
[93] Letter Cannon to Owen, 6 March 2003, 'Iraq: Prime Minister's Conversation with President of Chile, 6 March'.
[94] UN Security Council, '4714th Meeting Friday 7 March 2003' (S/PV.4714).

202. President Putin told Mr Blair on 7 March that Russia would oppose military action.[95]

203. Mr Straw told Mr Annan that military considerations could not be allowed "to dictate policy", but the military build-up "could not be maintained for ever", and:

> "… the more he had looked into the Iraq dossier [issue] the more convinced he had become of the need for action. Reading the clusters document [a report of outstanding issues produced by UNMOVIC on 7 March] made his hair stand on end."[96]

204. Mr Straw set out the UK thinking on a deadline, stating that this was "Iraq's last chance", but the objective was disarmament and, if Saddam Hussein did what was demanded, "he could stay". In those circumstances, a "permanent and toughened inspections regime" would be needed, possibly "picking up some earlier ideas for an all-Iraq NFZ".

205. Lord Goldsmith sent his formal advice to Mr Blair on 7 March.[97]

The end of the UN route

206. When Mr Blair spoke to President Bush at 6pm on 7 March he emphasised the importance of securing nine positive votes[98] in the Security Council for Parliamentary approval for UK military action.[99]

207. Mr Blair argued that while the 17 March deadline in the draft resolution was not sufficient for Iraq to disarm fully, it was sufficient to make a judgement on whether Saddam Hussein had had a change of heart. If Iraq started to co-operate, the inspectors could have as much time as they liked.

208. In a last attempt to move opinion and secure the support of nine members of the Security Council, Mr Blair decided on 8 March to propose a short extension of the timetable beyond 17 March and to revive the idea of producing a "side statement" setting out a series of tests which would provide the basis for a judgement on Saddam Hussein's intentions.

209. The initiative was pursued through intensive diplomatic activity to lobby for support between London and the capitals of Security Council Member States.

---

[95] Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with President Putin, 7 March'.
[96] Telegram 366 UKMIS New York to FCO London, 7 March 2003, 'Iraq: Foreign Secretary's Meeting with UN Secretary-General, New York, 6 March'.
[97] Minute Goldsmith to Prime Minister, 7 March 2003, 'Iraq: Resolution 1441'.
[98] The number of votes required, in the absence of a veto from one or more of the five Permanent Members, for a decision to take action with the authority of the Security Council.
[99] Letter Rycroft to McDonald, 7 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 7 March'.

210. Mr Blair told the Inquiry:

> "It was worth having one last-ditch chance to see if you could bring people back together on the same page … [W]hat President Bush had to do was agree to table a fresh resolution. What the French had to agree was you couldn't have another resolution and another breach and no action. So my idea was define the circumstances of breach – that was the tests that we applied with Hans Blix – get the Americans to agree to the resolution, get the French to agree that you couldn't just go back to the same words of 1441 again, you had to take it a stage further."[100]

211. In a discussion on 9 March, Mr Blair told President Bush that he needed a second resolution to secure Parliamentary support for UK involvement in military action.[101] He sought President Bush's support for setting out tests in a side statement, including that the vote in the Security Council might have to be delayed "by a couple of days".

212. President Bush was unwilling to countenance delay. He was reported to have told Mr Blair that, if the second resolution failed, he would find another way to involve the UK.

213. Mr Blair told President Bush the UK would be with the US in taking action if he (Mr Blair) possibly could be.

214. Sir Jeremy Greenstock reported that Dr Blix was prepared to work with the UK on identifying tests but had reminded him that UNMOVIC still lacked clear evidence that Iraq possessed any WMD.[102]

215. Mr Blair spoke twice to President Lagos on 10 March in an attempt to find a path that President Lagos and President Vicente Fox of Mexico could support.

216. In the second conversation, Mr Blair said that he thought it "would be possible to find different wording" on the ultimatum to Iraq. Timing "would be difficult, but he would try to get some flexibility" if the first two issues "fell into place".[103]

217. Mr Straw reported that Secretary Powell thought that there were seven solid votes, and uncertainty about Mexico, Chile and Pakistan.[104] If there were fewer than nine, the second resolution should not be put to the vote.

218. Mr Straw replied that "he was increasingly coming to the view that we should not push the matter to a vote if we were going to be vetoed"; but that had not yet been agreed by Mr Blair.

---

[100] Public hearing, 29 January 2010, page 127.
[101] Letter Rycroft to McDonald, 9 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 9 March'.
[102] Telegram 391 UKMIS New York to FCO London, 10 March 2003, 'Iraq: Second Resolution'.
[103] Letter Rycroft to McDonald, 10 March 2003, 'Iraq: Prime Minister's Phone Calls with Lagos, Bush and Aznar, 10 March'.
[104] Letter Straw to Manning, 11 March 2003, 'Conversation with US Secretary of State, 10 March'.

219. By 10 March, President Bush's position was hardening and he was very reluctant to delay military action.

220. When Mr Blair spoke to President Bush, they discussed the "seven solid votes" for the resolution.[105]

221. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote that Mr Blair had done most of the talking.[106] President Bush thought President Jacques Chirac of France was "trying to get us to the stage where we would not put [the resolution] to a vote because we would be so worried about losing".

222. Mr Blair had argued that if Chile and Mexico could be shifted, that would "change the weather". If France and Russia then vetoed the resolution but the "numbers were right on the UN", Mr Blair thought that he would "have a fighting chance of getting it through the Commons". Subsequently, Mr Blair suggested that a change in Chile and Mexico's position might be used to influence President Putin.

223. President Bush was "worried about rolling in more time" but Mr Blair had "held his ground", arguing that Chile and Mexico would "need to be able to point to something that they won last minute that explains why they finally supported us". President Bush "said 'Let me be frank. The second resolution is for the benefit of Great Britain. We would want it so we can go ahead together.'" President Bush's position was that the US and UK "must not retreat from 1441 and we cannot keep giving them more time"; it was "time to do this" and there should be "no more deals".

224. Sir David Manning sent the UK proposals for a revised deadline, and a side statement identifying six tests on which Saddam Hussein's intentions would be judged, to Dr Condoleezza Rice, President Bush's National Security Advisor, and to President Lagos.[107]

225. Mr Blair wrote in his memoir that President Bush and his military were concerned about delay.[108]

> "It [the proposal for tests/more time] was indeed a hard sell to George. His system was completely against it. His military were, not unreasonably, fearing that delay gave the enemy time – and time could mean a tougher struggle and more lives lost. This was also troubling my military. We had all sorts of contingency plans in place … There was both UK and US intelligence warning us of the risk.
>
> "Nonetheless I thought it was worth a try …"

---

[105] Letter Rycroft to McDonald, 10 March 2003, 'Iraq: Prime Minister's Phone Calls with Lagos, Bush and Aznar, 10 March'.
[106] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.
[107] Letter Manning to Rice, 10 March 2003, [untitled].
[108] Blair T. *A Journey*. Hutchinson, 2010.

226. Mr Blair also wrote:

> "Chile and Mexico were prepared to go along, but only up to a point. Ricardo made it clear that if there was heavy opposition from France, it would be tough for them to participate in what would then be a token vote, incapable of being passed because of a veto – and what's more, a veto not by Russia, but by France.
>
> "Unfortunately, the French position had, if anything, got harder not softer. They were starting to say they would not support military action in any circumstances, irrespective of what the inspectors found …"

227. In a press conference on 10 March, Mr Annan reiterated the Security Council's determination to disarm Iraq, but said that every avenue for a peaceful resolution of the crisis had to be exhausted before force should be used.[109]

228. Mr Annan also warned that, if the Security Council failed to agree on a common position and action was taken without the authority of the Council, the legitimacy and support for any such action would be seriously impaired.

229. In an interview on 10 March, President Chirac stated that it was for the inspectors to advise whether they could complete their task.[110] If they reported that they were not in a position to guarantee Iraq's disarmament, it would be:

> "… for the Security Council alone to decide the right thing to do. But in that case … regrettably, the war would become inevitable. It isn't today."

230. President Chirac stated that he did not consider that the draft resolution tabled by the US, UK and Spain would attract support from nine members of the Security Council. In that case, there would be no majority for action, "So there won't be a veto problem."

231. But if there were a majority "in favour of the new resolution", France would "vote 'no'".

232. In response to a question asking, "And, this evening, this is your position in principle?", President Chirac responded:

> "My position is that, regardless of the circumstances, France will vote 'no' because she considers this evening that there are no grounds for waging war in order to achieve the goal we have set ourselves, that is to disarm Iraq."

233. By 11 March, it was clear that, in the time available before the US was going to take military action, it would be difficult to secure nine votes in the

---

[109] United Nations, 10 March 2003, *Secretary-General's press conference (unofficial transcript)*.
[110] The Élysée, *Interview télévisée de Jacques Chirac, le 10 mars 2003*. A translation for HMG was produced in a Note, [unattributed and undated], 'Iraq – Interview given by M. Jacques Chirac, President of the Republic, to French TV (10 March 2003)'.

Security Council for a resolution determining that Iraq had failed to take the final opportunity offered by resolution 1441.

234. Mr Straw wrote to Mr Blair on 11 March setting out his firm conclusion that:

> "If we cannot gain nine votes and be sure of no veto, we should not push our second resolution to a vote. The political and diplomatic consequences for the UK would be significantly worse to have our … resolution defeated … than if we camp on 1441 …"[111]

235. Mr Straw set out his reasoning in some detail, including that:

- Although in earlier discussion he had "warmed to the idea" that it was worth pushing the issue to a vote "if we had nine votes and faced only a French veto", the more he "thought about this, the worse an idea it becomes".
- A veto by France only was "in practice less likely than two or even three vetoes".
- The "best, least risky way to gain a moral majority" was "by the 'Kosovo route' – essentially what I am recommending. The key to our moral legitimacy then was the matter never went to a vote – but everyone knew the reason for this was that Russia would have vetoed."

236. Mr Straw suggested that the UK should adopt a strategy based on the argument that Iraq had failed to take the final opportunity offered by resolution 1441, and that the last three meetings of the Security Council met the requirement for Security Council consideration of reports of non-compliance.

237. Mr Straw also identified the need for a "Plan B" for the UK not to participate in military action in the event that the Government failed to secure a majority in the Parliamentary Labour Party for military action.

238. Mr Straw concluded:

> "We will obviously need to discuss all this, but I thought it best to put it in your mind as event[s] could move fast. And what I propose is a great deal better than the alternatives. When Bush graciously accepted your offer to be with him all the way, he wanted you alive not dead!"

239. There was no reference in the minute to President Chirac's remarks the previous evening.

240. When Mr Blair and President Bush discussed the position late on 11 March, it was clear that President Bush was determined not to postpone the start of military action.[112] They discussed the impact of President Chirac's "veto threats". Mr Blair considered that President Chirac's remarks "gave some cover" for ending the UN route.

---

[111] Minute Straw to Prime Minister, 11 March 2003, 'Iraq: What if We Cannot Win the Second Resolution?'
[112] Letter Cannon to McDonald, 11 March 2003, 'Iraq: Prime Minister's Conversations with Bush and Lagos, 11 March'.

241. Reporting discussions in New York on 11 March on the draft resolution and details of a possible "side statement", Sir Jeremy Greenstock advised that the draft resolution tabled by the UK, US and Spain on 7 March had "no chance … of adoption".[113]

242. When he discussed the options with Mr Straw early on 12 March, Mr Blair decided that the UK would continue to support the US.[114]

243. During Prime Minister's Questions on 12 March, Mr Blair stated:

> "I hope that even now those countries that are saying they would use their veto no matter what the circumstances will reconsider and realise that by doing so they put at risk not just the disarmament of Saddam, but the unity of the United Nations."[115]

244. In a telephone call with President Bush on 12 March, Mr Blair proposed that the US and UK should continue to seek a compromise in the UN, while confirming that he knew it would not happen. He would say publicly that the French had prevented them from securing a resolution, so there would not be one.[116]

245. Mr Blair wanted to avoid a gap between the end of the negotiating process and the Parliamentary vote in which France or another member of the Security Council might table a resolution that attracted the support of a majority of the Council. That could have undermined the UK (and US) position on its legal basis for action.

246. The FCO assessed on 12 March that the votes of the three African states were reasonably secure but Pakistan's vote was not so certain. It was hoped that the six tests plus a short extension of the 17 March deadline might deliver Mexico and Chile.[117]

247. The UK circulated its draft side statement setting out the six tests to a meeting of Security Council members in New York on the evening of 12 March.[118]

248. Sir Jeremy Greenstock told Council members that the UK "non-paper" responded to an approach from the "undecided six"[119] looking for a way forward, setting out six tasks to be achieved in a 10-day timeline.[120] Sir Jeremy reported that France, Germany and Russia all said that the draft resolution without operative paragraph 3 would still authorise force. The UK had not achieved "any kind of breakthrough" and there were "serious questions about the available time", which the US would "not help us to satisfy".

---

[113] Telegram 417 UKMIS New York to FCO London, 12 March 2003, 'Personal Iraq: Side Statement and End Game Options'.
[114] Public hearing, 21 January 2010, page 105.
[115] House of Commons, *Official Report*, 12 March 2003, column 288.
[116] Letter Rycroft to McDonald, 12 March 2003, 'Iraq: Prime Minister's Telephone Conversation with President Bush, 12 March'.
[117] Telegram 33 FCO London to Riyadh, 12 March 2003, 'Personal for Heads of Mission: Iraq: The Endgame'.
[118] Telegram 429 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Side-Statement'.
[119] Angola, Cameroon, Chile, Guinea, Mexico, Pakistan.
[120] Telegram 428 UKMIS New York to FCO London, 13 March 2003, 'Iraq: UK Circulates Side-Statement'.

249. Mr Blair told Cabinet on 13 March that work continued in the UN to obtain a second resolution and, following the French decision to veto, the outcome remained open.[121]

250. Mr Straw described President Chirac's position as "irresponsible".

251. Mr Straw told Cabinet that there was "good progress" in gaining support in the Security Council.

252. Mr Blair concluded that the French position "looked to be based on a calculation of strategic benefit". It was "in contradiction of the Security Council's earlier view that military action would follow if Iraq did not fully and unconditionally co-operate with the inspectors". The UK would "continue to show flexibility" in its efforts to achieve a second resolution and, "if France could be shown to be intransigent, the mood of the Security Council could change towards support for the British draft".

253. Mr Blair agreed the military plan later on 13 March.[122]

254. On 13 March, Mr Blair and President Bush discussed withdrawing the resolution on 17 March followed by a US ultimatum to Saddam Hussein to leave within 48 hours. There would be no US military action until after the vote in the House of Commons on 18 March.[123]

255. Mr Blair continued to press President Bush to publish the Road Map on the Middle East Peace Process because of its impact on domestic opinion in the UK as well as its strategic impact.

256. Reporting developments in New York on 13 March, Sir Jeremy Greenstock warned that the UK tests had attracted no support, and that the US might be ready to call a halt to the UN process on 15 March.[124] The main objections had included the "perceived authorisation of force in the draft resolution" and a desire to wait for UNMOVIC's own list of key tasks which would be issued early the following week.

257. President Chirac told Mr Blair on 14 March that France was "content to proceed 'in the logic of UNSCR 1441'; but it could not accept an ultimatum or any 'automaticity' of recourse to force".[125] He proposed looking at a new resolution in line with resolution 1441, "provided that it excluded these options". President Chirac "suggested that the UNMOVIC work programme might provide a way forward. France was prepared to look at reducing the 120 day timeframe it envisaged."

---

[121] Cabinet Conclusions, 13 March 2003.
[122] Letter Rycroft to Watkins, 13 March 2003, 'Iraq: Military Planning'.
[123] Letter Cannon to McDonald, 13 March 2003, 'Iraq: Military Timetable'.
[124] Telegram 438 UKMIS New York to FCO London, 14 March 2003, 'Iraq: 13 March'.
[125] Letter Cannon to Owen, 14 March 2003, 'Iraq: Prime Minister's Conversation with President Chirac, 14 March'.

258. In response to a question from President Chirac about whether it would be the inspectors or the Security Council who decided whether Saddam had co-operated, Mr Blair "insisted that it must be the Security Council".

259. President Chirac agreed, "although the Security Council should make its judgement on the basis of the inspectors' report". He "wondered whether it would be worth" Mr Straw and Mr Dominique de Villepin, the French Foreign Minister, "discussing the situation to see if we could find some flexibility"; or was it "too late"?

260. Mr Blair said, "every avenue must be explored".

261. In the subsequent conversation with President Bush about the French position and what to say when the resolution was pulled, Mr Blair proposed that they would need to show that France would not authorise the use of force in any circumstances.[126]

262. President Lagos initially informed Mr Blair on 14 March that the UK proposals did not have Chile's support and that he was working on other ideas.[127] He subsequently informed Mr Blair that he would not pursue his proposals unless Mr Blair or President Bush asked him to.

263. Mr Tony Brenton, Chargé d'Affaires, British Embassy Washington, reported that President Bush was determined to remove Saddam Hussein and to stick to the US timetable for action. The UK's "steadfastness" had been "invaluable" in bringing in other countries in support of action.[128]

264. In a declaration on 15 March, France, with Germany and Russia, attempted to secure support in the Security Council for continued inspections.[129]

265. At the Azores Summit on 16 March, President Bush, Mr Blair and Prime Minister José María Aznar of Spain agreed that, unless there was a fundamental change in the next 24 hours, the UN process would end.[130]

266. In public, the focus was on a "last chance for peace". The joint communiqué contained a final appeal to Saddam Hussein to comply with his obligations and to the Security Council to back a second resolution containing an ultimatum.

267. In his memoir, Mr Blair wrote:

> "So when I look back … I know there was never any way Britain was not going to be with the US at that moment, once we went down the UN route and Saddam was in breach. Of course such a statement is always subject to *in extremis* correction.

---

[126] Letter Rycroft to McDonald, 14 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 14 March'.
[127] Letter [Francis] Campbell to Owen, 14 March 2003, 'Iraq: Prime Minister's Conversation with President Lagos of Chile, 14 March'.
[128] Telegram 350 Washington to FCO London, 15 March 2003, 'Iraq'.
[129] UN Security Council, 18 March 2003, 'Letter dated 15 March 2003 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council' (S/2003/320).
[130] Letter Manning to McDonald, 16 March 2013, 'Iraq: Summit Meeting in the Azores: 16 March'.

> A crazy act of aggression? No, we would not have supported that. But given the history, you couldn't call Saddam a crazy target.
>
> "Personally I have little doubt that at some point we would have to have dealt with him …"[131]

268. At "about 3.15pm UK time" on 17 March, Sir Jeremy Greenstock announced that the resolution would not be put to a vote, stating that the co-sponsors reserved the right to take their own steps to secure the disarmament of Iraq.[132]

269. The subsequent discussion in the Council suggested that only the UK, the US, and Spain took the view that all options other than the use of military force had been exhausted.[133]

270. A specially convened Cabinet at 1600 on 17 March 2003 endorsed the decision that the diplomatic process was now at an end and Saddam Hussein should be given an ultimatum to leave Iraq; and that the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary.[134]

271. In his statement to the House of Commons that evening, Mr Straw said that the Government had reluctantly concluded that France's actions had put a consensus in the Security Council on a further resolution "beyond reach".[135]

272. As a result of Saddam Hussein's persistent refusal to meet the UN's demands, the Cabinet had decided to ask the House of Commons to support the UK's participation in military action, should that be necessary to achieve the disarmament of Iraq "and thereby the maintenance of the authority of the United Nations".

273. Mr Straw stated that Lord Goldsmith's Written Answer "set out the legal basis for the use of force".

274. Mr Straw drew attention to the significance of the fact that no one "in discussions in the Security Council and outside" had claimed that Iraq was in full compliance with its obligations.

275. In a statement later that evening, Mr Robin Cook, the Leader of the House of Commons, set out his doubts about the degree to which Saddam Hussein posed a "clear and present danger" and his concerns that the UK was being "pushed too quickly into conflict" by the US without the support of the UN and in the face of hostility from many of the UK's traditional allies.[136]

---

[131] Blair T. *A Journey*. Hutchinson, 2010.
[132] Telegram 465 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution: Statement'.
[133] Telegram 464 UKMIS New York to FCO London, 18 March 2003, 'Iraq: Resolution'.
[134] Cabinet Conclusions, 17 March 2003.
[135] House of Commons, *Official Report*, 17 March 2003, columns 703-705.
[136] House of Commons, *Official Report*, 17 March 2003, columns 726-728.

276. On 17 March, President Bush issued an ultimatum giving Saddam Hussein 48 hours to leave Iraq.

277. The French President's office issued a statement early on 18 March stating that the US ultimatum was a unilateral decision going against the will of the international community who wanted to pursue Iraqi disarmament in accordance with resolution 1441.[137] It stated:

> "… only the Security Council is authorised to legitimise the use of force. France appeals to the responsibility of all to see that international legality is respected. To disregard the legitimacy of the UN, to favour force over the law, would be to take on a heavy responsibility."

278. On the evening of 18 March, the House of Commons passed by 412 votes to 149 a motion supporting "the decision of Her Majesty's Government that the United Kingdom should use all means necessary to ensure the disarmament of Iraq's weapons of mass destruction".

279. President Bush wrote in his memoir that he convened "the entire National Security Council" on the morning of 19 March where he "gave the order to launch Operation Iraqi Freedom".[138]

280. In the Security Council debate on 19 March, the majority of members of the Security Council, including France, Russia and China, made clear that they thought the goal of disarming Iraq could be achieved by peaceful means and emphasised the primary responsibility of the Security Council for the maintenance of international peace and security.[139]

281. UNMOVIC and the IAEA had provided the work programmes required by resolution 1284. They included 12 key tasks identified by UNMOVIC where progress "could have an impact on the Council's assessment of co-operation of Iraq".

282. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US airstrikes would be launched at 0300 GMT on 20 March.[140]

283. Early on the morning of 20 March, US forces crossed into Iraq and seized the port area of Umm Qasr.[141]

284. Mr Blair continued to state that France was responsible for the impasse.

---

[137] Telegram 135 Paris to FCO London, 18 March 2003, 'Iraq: Chirac's Reaction to Ultimatum'.
[138] Bush GW. *Decision Points*. Virgin Books, 2010.
[139] UN Security Council, '4721st Meeting Wednesday 19 March 2003' (S/PV.4721).
[140] Letter Manning to McDonald, 20 March 2003, 'Iraq'.
[141] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003, page 12.

285. At Cabinet on 20 March, Mr Blair concluded that the Government:

> "… should lose no opportunity to propagate the reason, at every level and as widely as possible, why we had arrived at a diplomatic impasse, and why it was necessary to take action against Iraq. France had not been prepared to accept that Iraq's failure to comply with its obligations should lead to the use of force to achieve compliance."[142]

Why Iraq? Why now?

286. In his memoir, Mr Blair described his speech opening the debate on 18 March as "the most important speech I had ever made".[143]

287. Mr Blair framed the decision for the House of Commons as a "tough" and "stark" choice between "retreat" and holding firm to the course of action the Government had set. Mr Blair stated that he believed "passionately" in the latter. He deployed a wide range of arguments to explain the grounds for military action and to make a persuasive case for the Government's policy.[144]

288. In setting out his position, Mr Blair recognised the gravity of the debate and the strength of opposition in both the country and Parliament to immediate military action. In his view, the issue mattered "so much" because the outcome would not just determine the fate of the Iraqi regime and the Iraqi people but would:

> "… determine the way in which Britain and the world confront the central security threat of the 21st century, the development of the United Nations, the relationship between Europe and the United States, the relations within the European Union and the way in which the United States engages with the rest of the world. So it could hardly be more important. It will determine the pattern of international politics for the next generation."

Was Iraq a serious or imminent threat?

289. On 18 March 2003, the House of Commons was asked:

- to recognise that Iraq's weapons of mass destruction and long-range missiles, and its continuing non-compliance with Security Council resolutions, posed a threat to international peace and security; and
- to support the use of all means necessary to ensure the disarmament of Iraq's weapons of mass destruction, on the basis that the United Kingdom must uphold the authority of the United Nations as set out in resolution 1441 and many resolutions preceding it.

---

[142] Cabinet Conclusions, 20 March 2003.
[143] Blair T. *A Journey*. Hutchinson, 2010.
[144] House of Commons, *Official Report*, 18 March 2003, columns 760-774.

290. In his statement, Mr Blair addressed both the threat to international peace and security presented by Iraq's defiance of the UN and its failure to comply with its disarmament obligations as set out in resolution 1441 (2002). Iraq was "the test of whether we treat the threat seriously".

291. Mr Blair rehearsed the Government's position on Iraq's past pursuit and use of weapons of mass destruction; its failures to comply with the obligations imposed by the UN Security Council between 1991 and 1998; Iraq's repeated declarations which proved to be false; and the "large quantities of weapons of mass destruction" which were "unaccounted for". He described UNSCOM's final report (in January 1999) as "a withering indictment of Saddam's lies, deception and obstruction".

292. Mr Blair cited the UNMOVIC "clusters" document issued on 7 March as "a remarkable document", detailing "all the unanswered questions about Iraq's weapons of mass destruction", listing "29 different areas in which the inspectors have been unable to obtain information".

293. He stated that, based on Iraq's false declaration, its failure to co-operate, the unanswered questions in the UNMOVIC "clusters" document, and the unaccounted for material, the Security Council should have convened and condemned Iraq as in material breach of its obligations. If Saddam Hussein continued to fail to co-operate, force should be used.

294. Addressing the wider message from the issue of Iraq, Mr Blair asked:

> "… what … would any tyrannical regime possessing weapons of mass destruction think when viewing the history of the world's diplomatic dance with Saddam over … 12 years? That our capacity to pass firm resolutions has only been matched by our feebleness in implementing them."

295. Mr Blair acknowledged that Iraq was "not the only country with weapons of mass destruction", but declared: "back away from this confrontation now, and future conflicts will be infinitely worse and more devastating in their effects".

296. Mr Blair added:

> "The real problem is that … people dispute Iraq is a threat, dispute the link between terrorism and weapons of mass destruction, and dispute in other words, the whole basis of our assertion that the two together constitute a fundamental assault on our way of life."

297. Mr Blair also described a "threat of chaos and disorder" arising from "tyrannical regimes with weapons of mass destruction and extreme terrorist groups" prepared to use them.

298. Mr Blair set out his concerns about:

- proliferators of nuclear equipment or expertise;
- "dictatorships with highly repressive regimes" who were "desperately trying to acquire" chemical, biological or, "particularly, nuclear weapons capability" – some of those were "a short time away from having a serviceable nuclear weapon", and that activity was increasing, not diminishing; and
- the possibility of terrorist groups obtaining and using weapons of mass destruction, including a "radiological bomb".

299. Those two threats had very different motives and different origins. He accepted "fully" that the association between the two was:

> "… loose – but it is hardening. The possibility of the two coming together – of terrorist groups in possession of weapons of mass destruction or even of a so called dirty radiological bomb – is now in my judgement, a real and present danger to Britain and its national security."

300. Later in his speech, Mr Blair stated that the threat which Saddam Hussein's arsenal posed:

> "… to British citizens at home and abroad cannot simply be contained. Whether in the hands of his regime or in the hands of the terrorists to whom he would give his weapons, they pose a clear danger to British citizens …"

301. This fusion of long-standing concerns about proliferation with the post-9/11 concerns about mass-casualty terrorism was at the heart of the Government's case for taking action at this time against Iraq.

302. The UK assessment of Iraq's capabilities set out in Section 4 of the Report shows:

- The proliferation of nuclear, chemical and biological weapons and their delivery systems, particularly ballistic missiles, was regarded as a major threat. But Iran, North Korea and Libya were of greater concern than Iraq in terms of the risk of nuclear and missile proliferation.
- JIC Assessments, reflected in the September 2002 dossier, had consistently taken the view that, if sanctions were removed or became ineffective, it would take Iraq at least five years following the end of sanctions to produce enough fissile material for a weapon. On 7 March, the IAEA had reported to the Security Council that there was no indication that Iraq had resumed its nuclear activities.
- The September dossier stated that Iraq could produce a nuclear weapon within one to two years if it obtained fissile material and other essential components from a foreign supplier. There was no evidence that Iraq had tried to acquire fissile material and other components or – were it able to do so – that it had the technical capabilities to turn these materials into a usable weapon.

- JIC Assessments had identified the possible stocks of chemical and biological weapons which would largely have been for short-range, battlefield use by the Iraqi armed forces. The JIC had also judged in the September dossier that Iraq was producing chemical and biological agents and that there were development programmes for longer-range missiles capable of delivering them.
- Iraq's proscribed Al Samoud 2 missiles were being destroyed.

303. The UK Government did have significant concerns about the potential risks of all types of weapons of mass destruction being obtained by Islamist extremists (in particular Al Qaida) who would be prepared to use such weapons.

304. Saddam Hussein's regime had the potential to proliferate material and know-how to terrorist groups, but it was not judged likely to do so.

305. On 28 November 2001, the JIC assessed that:

- Saddam Hussein had "refused to permit any Al Qaida presence in Iraq".
- Evidence of contact between Iraq and Usama Bin Laden (UBL) was "fragmentary and uncorroborated"; including that Iraq had been in contact with Al Qaida for exploratory discussions on toxic materials in late 1988.
- "With common enemies … there was clearly scope for collaboration."
- There was "no evidence that these contacts led to practical co-operation; we judge it unlikely … There is no evidence UBL's organisation has ever had a presence in Iraq."
- Practical co-operation between Iraq and Al Qaida was "unlikely because of mutual mistrust".
- There was "no credible evidence of covert transfers of WMD-related technology and expertise to terrorist groups".[145]

306. On 29 January 2003, the JIC assessed that, despite the presence of terrorists in Iraq "with links to Al Qaida", there was "no intelligence of current co-operation between Iraq and Al Qaida".[146]

307. On 10 February 2003, the JIC judged that Al Qaida would "not carry out attacks under Iraqi direction".[147]

308. Sir Richard Dearlove told the Inquiry:

> "… I don't think the Prime Minister ever accepted the link between Iraq and terrorism. I think it would be fair to say that the Prime Minister was very worried about the possible conjunction of terrorism and WMD, but not specifically in relation

---

[145] JIC Assessment, 28 November 2001, 'Iraq after September 11 – The Terrorist Threat'.
[146] JIC Assessment, 29 January 2003, 'Iraq: The Emerging view from Baghdad'.
[147] JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'.

to Iraq … [I] think, one could say this is one of his primary national security concerns given the nature of Al Qaida."[148]

309. The JIC assessed that Iraq was likely to mount a terrorist attack only in response to military action and if the existence of the regime was threatened.

310. The JIC Assessment of 10 October 2002 stated that Saddam Hussein's "overriding objective" was to "avoid a US attack that would threaten his regime".[149] The JIC judged that, in the event of US-led military action against Iraq, Saddam would:

> "… aim to use terrorism or the threat of it. Fearing the US response, he is likely to weigh the costs and benefits carefully in deciding the timing and circumstances in which terrorism is used. But intelligence on Iraq's capabilities and intentions in this field is limited."

311. The JIC also judged that:

- Saddam's "capability to conduct effective terrorist attacks" was "very limited".
- Iraq's "terrorism capability" was "inadequate to carry out chemical or biological attacks beyond individual assassination attempts using poisons".

312. The JIC Assessment of 29 January 2003 sustained its earlier judgements on Iraq's ability and intent to conduct terrorist operations.[150]

313. Sir David Omand, the Security and Intelligence Co-ordinator in the Cabinet Office from 2002 to 2005, told the Inquiry that, in March 2002, the Security Service judged that the "threat from terrorism from Saddam's own intelligence apparatus in the event of an intervention in Iraq … was judged to be limited and containable".[151]

314. Baroness Manningham-Buller, the Director General of the Security Service from 2002 to 2007, confirmed that position, stating that the Security Service felt there was "a pretty good intelligence picture of a threat from Iraq within the UK and to British interests".[152]

315. Baroness Manningham-Buller added that subsequent events showed the judgement that Saddam Hussein did not have the capability to do anything much in the UK, had "turned out to be the right judgement".[153]

316. While it was reasonable for the Government to be concerned about the fusion of proliferation and terrorism, there was no basis in the JIC Assessments to suggest that Iraq itself represented such a threat.

---

[148] Private hearing, 16 June 2010, pages 39-40.
[149] JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq'.
[150] JIC Assessment, 29 January 2003, 'Iraq: The Emerging view from Baghdad'.
[151] Public hearing, 20 January 2010, page 37.
[152] Public hearing, 20 July 2010, page 6.
[153] Public hearing, 20 July 2010, page 9.

317. The UK Government assessed that Iraq had failed to comply with a series of UN resolutions. Instead of disarming as these resolutions had demanded, Iraq was assessed to have concealed materials from past inspections and to have taken the opportunity of the absence of inspections to revive its WMD programmes.

318. In Section 4, the Inquiry has identified the importance of the ingrained belief of the Government and the intelligence community that Saddam Hussein's regime retained chemical and biological warfare capabilities, was determined to preserve and if possible enhance its capabilities, including at some point in the future a nuclear capability, and was pursuing an active and successful policy of deception and concealment.

319. This construct remained influential despite the lack of significant finds by inspectors in the period leading up to military action in March 2003, and even after the Occupation of Iraq.

320. Challenging Saddam Hussein's "claim" that he had no weapons of mass destruction, Mr Blair said in his speech on 18 March:

- "… we are asked to believe that after seven years of obstruction and non-compliance … he [Saddam Hussein] voluntarily decided to do what he had consistently refused to do under coercion."
- "We are asked now seriously to accept that in the last few years – contrary to all history, contrary to all intelligence – Saddam decided unilaterally to destroy those weapons. I say that such a claim is palpably absurd."
- "… Iraq continues to deny that it has any weapons of mass destruction, although no serious intelligence service anywhere in the world believes it."
- "What is perfectly clear is that Saddam is playing the same old games in the same old way. Yes, there are minor concessions, but there has been no fundamental change of heart or mind."[154]

321. At no stage was the proposition that Iraq might no longer have chemical, biological or nuclear weapons or programmes identified and examined by either the JIC or the policy community.

322. Intelligence and assessments were used to prepare material to be used to support Government statements in a way which conveyed certainty without acknowledging the limitations of the intelligence.

323. Mr Blair's statement to the House of Commons on 18 March was the culmination of a series of public statements and interviews setting out the urgent need for the international community to act to bring about Iraq's disarmament in accordance with

---

[154] House of Commons, *Official Report*, 18 March 2003, columns 760-764.

those resolutions, dating back to February 2002, before his meeting with President Bush at Crawford on 5 and 6 April.

324. As Mr Cook's resignation statement on 17 March made clear, it was possible for a Minister to draw different conclusions from the same information.

325. Mr Cook set out his doubts about Saddam Hussein's ability to deliver a strategic attack and the degree to which Iraq posed a "clear and present danger" to the UK. The points Mr Cook made included:

- "… neither the international community nor the British public is persuaded that there is an urgent and compelling reason for this military action in Iraq."
- "Over the past decade that strategy [of containment] had destroyed more weapons than in the Gulf War, dismantled Iraq's nuclear weapons programme and halted Saddam's medium and long range missile programmes."
- "Iraq probably has no weapons of mass destruction in the commonly understood sense of the term – namely a credible device capable of being delivered against a strategic city target. It probably … has biological toxins and battlefield chemical munitions, but it has had them since the 1980s when US companies sold Saddam anthrax agents and the then British Government approved chemical and munitions factories. Why is it now so urgent that we should take military action to disarm a military capacity that has been there for twenty years, and which we helped to create? Why is it necessary to resort to war this week, while Saddam's ambition to complete his weapons programme is blocked by the presence of UN inspectors?"[155]

326. On 12 October 2004, announcing the withdrawal of two lines of intelligence reporting which had contributed to the pre-conflict judgements on mobile biological production facilities and the regime's intentions, Mr Straw stated that he did:

> "… not accept, even with hindsight, that we were wrong to act as we did in the circumstances that we faced at the time. Even after reading all the evidence detailed by the Iraq Survey Group, it is still hard to believe that any regime could behave in so self-destructive a manner as to pretend that it had forbidden weaponry, when in fact it had not."[156]

327. Iraq had acted suspiciously over many years, which led to the inferences drawn by the Government and the intelligence community that it had been seeking to protect concealed WMD assets. When Iraq denied that it had retained any WMD capabilities, the UK Government accused it of lying.

328. This led the Government to emphasise the ability of Iraq successfully to deceive the inspectors, and cast doubt on the investigative capacity of the inspectors. The role

---

[155] House of Commons, *Official Report*, 17 March 2003, columns 726-728.
[156] House of Commons, *Official Report*, 12 October 2004, columns 151-152.

of the inspectors, however, as was often pointed out, was not to seek out assets that had been hidden, but rather to validate Iraqi claims.

329. By March 2003, however:

- The Al Samoud 2 missiles which exceeded the range permitted by the UN, were being destroyed.
- The IAEA had concluded that there was no Iraqi nuclear programme of any significance.
- The inspectors believed that they were making progress and expected to achieve more co-operation from Iraq.
- The inspectors were preparing to step up their activities with U2 flights and interviews outside Iraq.

330. When the UK sought a further Security Council resolution in March 2003, the majority of the Council's members were not persuaded that the inspections process, and the diplomatic efforts surrounding it, had reached the end of the road. They did not agree that the time had come to terminate inspections and resort to force. The UK went to war without the explicit authorisation which it had sought from the Security Council.

331. At the time of the Parliamentary vote of 18 March, diplomatic options had not been exhausted. The point had not been reached where military action was the last resort.

The predicted increase in the threat to the UK as a result of military action in Iraq

332. Mr Blair had been advised that an invasion of Iraq was expected to increase the threat to the UK and UK interests from Al Qaida and its affiliates.

333. Asked about the risk that attacking Iraq with cruise missiles would "act as a recruiting sergeant for a young generation throughout the Islamic and Arab world", Mr Blair responded that:

> "… what was shocking about 11 September was not just the slaughter of innocent people but the knowledge that, had the terrorists been able, there would have been not 3,000 innocent dead, but 30,000 or 300,000 … America did not attack the Al Qaida terrorist group … [it] attacked America. They did not need to be recruited … Unless we take action against them, they will grow. That is why we should act."[157]

334. The JIC judged in October 2002 that "the greatest terrorist threat in the event of military action against Iraq will come from Al Qaida and other Islamic extremists"; and they would be "pursuing their own agenda".[158]

---

[157] House of Commons, *Official Report*, 18 March 2003, column 769.
[158] JIC Assessment, 10 October 2002, 'International Terrorism: The Threat from Iraq'.

335. The JIC Assessment of 10 February 2003 repeated previous warnings that:

- Al Qaida and associated networks would remain the greatest terrorist threat to the UK and its activity would increase at the onset of any military action against Iraq.
- In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists, including Al Qaida.[159]

336. Addressing the prospects for the future, the JIC Assessment concluded:

> "… **Al Qaida and associated groups will continue to represent by far the greatest terrorist threat to Western interests, and that threat will be heightened by military action against Iraq.** The broader threat from Islamist terrorists will also increase in the event of war, reflecting intensified anti-US/anti-Western sentiment in the Muslim world, including among Muslim communities in the West. And there is a risk that the transfer of CB [chemical and biological] material or expertise, during or in the aftermath of conflict, will enhance Al Qaida's capabilities."

337. In response to a call for Muslims everywhere to take up arms in defence of Iraq issued by Usama Bin Laden on 11 February, and a further call on 16 February for "compulsory jihad" by Muslims against the West, the JIC Assessment on 19 February predicted that the upward trend in the reports of threats to the UK was likely to continue.[160]

338. The JIC continued to warn in March that the threat from Al Qaida would increase at the onset of military action against Iraq.[161]

339. The JIC also warned that:

- Al Qaida activity in northern Iraq continued.
- Al Qaida might have established sleeper cells in Baghdad, to be activated during a US occupation.

340. The warning about the risk of chemical and biological weapons becoming available to extremist groups as a result of military action in Iraq was reiterated on 19 March.[162]

341. Addressing the JIC Assessment of 10 February 2003, Mr Blair told the Intelligence and Security Committee (ISC) later that year that:

> "One of the most difficult aspects of this is that there was obviously a danger that in attacking Iraq you ended up provoking the very thing you were trying to avoid. On the other hand I think you had to ask the question, 'Could you really, as a result

---

[159] JIC Assessment, 10 February 2003, 'International Terrorism: War with Iraq'.
[160] JIC Assessment, 19 February 2003, 'International Terrorism: The Current Threat from Islamic Extremists'.
[161] JIC Assessment, 12 March 2003, 'International Terrorism: War with Iraq: Update'.
[162] Note JIC, 19 March 2003, 'Saddam: The Beginning of the End'.

of that fear, leave the possibility that in time developed into a nexus between terrorism and WMD in an event?' This is where you've just got to make your judgement about this. But this is my judgement and it remains my judgement and I suppose time will tell whether it's true or it's not true."[163]

342. In its response to the ISC Report, the Government drew:

"… attention to the difficult judgement that had to be made and the factors on both sides of the argument to be taken into account."[164]

343. Baroness Manningham-Buller told the Inquiry:

"By 2003/2004 we were receiving an increasing number of leads to terrorist activity from within the UK … our involvement in Iraq radicalised, for want of a better word … a few among a generation … [who] saw our involvement in Iraq, on top of our involvement in Afghanistan, as being an attack on Islam."[165]

344. Asked about the proposition that it was right to remove Saddam Hussein's regime to forestall a fusion of weapons of mass destruction and international terrorism at some point in the future, and if it had eliminated a threat of terrorism from his regime, Baroness Manningham-Buller replied:

"It eliminated the threat of terrorism from his direct regime; it didn't eliminate the threat of terrorism using unconventional methods … So using weapons of mass destruction as a terrorist weapon is still a potential threat.

"After all Usama Bin Laden said it was the duty of members of his organisation or those in sympathy with it to acquire and use these weapons. It is interesting that … such efforts as we have seen to get access to these sort of materials have been low-grade and not very professional, but it must be a cause of concern to my former colleagues that at some stage terrorist groups will resort to these methods. In that respect, I don't think toppling Saddam Hussein is germane to the long-term ambitions of some terrorist groups to use them."[166]

345. Asked specifically about the theory that at some point in the future Saddam Hussein would probably have brought together international terrorism and weapons of mass destruction in a threat to Western interests, Baroness Manningham-Buller responded:

"It is a hypothetical theory. It certainly wasn't of concern in either the short-term or the medium-term to my colleagues and myself."[167]

---

[163] Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction – Intelligence and Assessments*, September 2003, Cm5972, paragraph 128.
[164] *Government Response to the Intelligence and Security Committee Report on Iraqi Weapons of Mass Destruction – Intelligence and Assessments, 11 September 2003*, February 2004, Cm6118, paragraph 22.
[165] Public hearing, 20 July 2010, page 19.
[166] Public hearing, 20 July 2010, pages 23-24.
[167] Public hearing, 20 July 2010, page 24.

346. Asked if "a war in Iraq would aggravate the threat from whatever source to the United Kingdom", Baroness Manningham-Buller stated that that was the view communicated by the JIC Assessments.[168]

347. Baroness Manningham-Buller subsequently added that if Ministers had read the JIC Assessments they could "have had no doubt" about that risk.[169] She said that by the time of the July 2005 attacks in London:

> "… an increasing number of British-born individuals … were attracted to the ideology of Usama Bin Laden and saw the West's activities in Iraq and Afghanistan as threatening their fellow religionists and the Muslim world."

348. Asked whether the judgement that the effect of the invasion of Iraq had increased the terrorist threat to the UK was based on hard evidence or a broader assessment, Baroness Manningham-Buller replied:

> "I think we can produce evidence because of the numerical evidence of the number of plots, the number of leads, the number of people identified, and the correlation of that to Iraq and statements of people as to why they were involved … So I think the answer to your … question: yes."[170]

349. In its request for a statement, the Inquiry asked Mr Blair if he had read the JIC Assessment of 10 February 2002, and what weight he had given to it when he decided to take military action.[171]

350. In his statement Mr Blair wrote:

> "I was aware of the JIC Assessment of 10 February that the Al Qaida threat to the UK would increase. But I took the view then and take the same view now that to have backed down because of the threat of terrorism would be completely wrong. In any event, following 9/11 and Afghanistan we were a terrorist target and, as recent events in Europe and the US show, irrespective of Iraq, there are ample justifications such terrorists will use as excuses for terrorism."[172]

The UK's relationship with the US

351. The UK's relationship with the US was a determining factor in the Government's decisions over Iraq.

352. It was the US Administration which decided in late 2001 to make dealing with the problem of Saddam Hussein's regime the second priority, after the ousting of the Taliban

---

[168] Public hearing, 20 July 2010, page 31.
[169] Public hearing, 20 July 2010, page 33.
[170] Public hearing, 20 July 2010, pages 33-34.
[171] Inquiry request for a witness statement, 13 December 2010, Qs 11c and 11d page 7.
[172] Statement, 14 January 2011, page 16.

in Afghanistan, in the "Global War on Terror". In that period, the US Administration turned against a strategy of continued containment of Iraq, which it was pursuing before the 9/11 attacks.

353. This was not, initially, the view of the UK Government. Its stated view at that time was that containment had been broadly effective, and that it could be adapted in order to remain sustainable. Containment continued to be the declared policy of the UK throughout the first half of 2002.

354. The declared objectives of the UK and the US towards Iraq up to the time of the invasion differed. The US was explicitly seeking to achieve a change of regime; the UK to achieve the disarmament of Iraq, as required by UN Security Council resolutions.

355. Most crucially, the US Administration committed itself to a timetable for military action which did not align with, and eventually overrode, the timetable and processes for inspections in Iraq which had been set by the UN Security Council. The UK wanted UNMOVIC and the IAEA to have time to complete their work, and wanted the support of the Security Council, and of the international community more widely, before any further steps were taken. This option was foreclosed by the US decision.

356. On these and other important points, including the planning for the post-conflict period and the functioning of the Coalition Provisional Authority (CPA), the UK Government decided that it was right or necessary to defer to its close ally and senior partner, the US.

357. It did so essentially for two reasons:

- Concern that vital areas of co-operation between the UK and the US could be damaged if the UK did not give the US its full support over Iraq.
- The belief that the best way to influence US policy towards the direction preferred by the UK was to commit full and unqualified support, and seek to persuade from the inside.

358. The UK Government was right to think very carefully about both of these points.

359. First, the close strategic alliance with the US has been a cornerstone of the UK's foreign and security policy under successive governments since the Second World War. Mr Blair rightly attached great importance to preserving and strengthening it.

360. After the attacks on the US on 11 September 2001, that relationship was reinforced when Mr Blair declared that the UK would stand "shoulder to shoulder" with the US to defeat and eradicate international terrorism.[173] The action that followed in Afghanistan to bring about the fall of the Taliban served to strengthen and deepen the sense of shared endeavour.

---

[173] The National Archives, 11 September 2001, *September 11 attacks: Prime Minister's statement*.

361. When the US Administration turned its attention to regime change in Iraq as part of the second phase of the "Global War on Terror", Mr Blair's immediate response was to seek to offer a partnership and to work with it to build international support for the position that Iraq was a threat which had to be dealt with.

362. In Mr Blair's view, the decision to stand alongside the US was in the UK's long-term national interests. In his speech of 18 March 2003, he argued that the handling of Iraq would:

> "… determine the way in which Britain and the world confront the central security threat of the 21st century, the development of the United Nations, the relationship between Europe and the United States, the relations within the European Union and the way in which the United States engages with the rest of the world. So it could hardly be more important. It will determine the pattern of international politics for the next generation."

363. In his memoir in 2010, Mr Blair wrote:

> "I knew in the final analysis I would be with the US, because it was right morally and strategically. But we should make a last ditch attempt for a peaceful solution. First to make the moral case for removing Saddam … Second, to try one more time to reunite the international community behind a clear base for action in the event of a continuing breach."[174]

364. Concern about the consequences, were the UK not to give full support to the US, featured prominently in policy calculations across Whitehall. Mr Hoon, for example, sought advice from Sir Kevin Tebbit, MOD Permanent Under Secretary, on the implications for the alliance of the UK's approach to Iraq.[175]

365. Although there has historically been a very close relationship between the British and American peoples and a close identity of values between our democracies, it is an alliance founded not on emotion, but on a hard-headed appreciation of mutual benefit. The benefits do not by any means flow only in one direction.

366. In his memoir, Mr Blair wrote:

> "… I agreed with the basic US analysis of Saddam as a threat; I thought he was a monster; and to break the US partnership in such circumstances, when America's key allies were all rallying round, would in my view, then (and now) have done major long-term damage to that relationship."

---

[174] Blair T. *A Journey*. Hutchinson, 2010.
[175] Minute Tebbit to Secretary of State [MOD], 14 January 2003, 'Iraq: What If?'

367. The Government was right to weigh the possible consequences for the wider alliance with the US very carefully, as previous Governments have done. A policy of direct opposition to the US would have done serious short-term damage to the relationship, but it is questionable whether it would have broken the partnership.

368. Over the past seven decades, the UK and US have adopted differing, and sometimes conflicting, positions on major issues, for example Suez, the Vietnam War, the Falklands, Grenada, Bosnia, the Arab/Israel dispute and, at times, Northern Ireland. Those differences did not fundamentally call into question the practice of close cooperation, to mutual advantage, on the overall relationship, including defence and intelligence.

369. The opposition of Germany and France to US policy in 2002 to 2003 does not appear to have had a lasting impact on the relationships of those countries with the US, despite the bitterness at the time.

370. However, a decision not to oppose does not have to be translated into unqualified support. Throughout the post-Second World War period (and, notably, during the wartime alliance), the UK's relationship with the US and the commonality of interests therein have proved strong enough to bear the weight of different approaches to international problems and not infrequent disagreements.

371. Had the UK stood by its differing position on Iraq – which was not an opposed position, but one in which the UK had identified conditions seen as vital by the UK Government – the Inquiry does not consider that this would have led to a fundamental or lasting change in the UK's relationship with the US.

372. This is a matter of judgement, and one on which Mr Blair, bearing the responsibility of leadership, took a different view.

373. The second reason for committing unqualified support was, by standing alongside and taking part in the planning, the UK would be able to influence US policy.

374. Mr Blair's stalwart support for the US after 9/11 had a significant impact in that country. Mr Blair developed a close working relationship with President Bush. He used this to compare notes and inject his views on the major issues of the day, and it is clear from the records of the discussions that President Bush encouraged that dialogue and listened to Mr Blair's opinions.

375. Mr Blair expressed his views in frequent telephone calls and in meetings with the President. There was also a very active channel between his Foreign Affairs Adviser and the President's National Security Advisor. Mr Blair also sent detailed written Notes to the President.

376. Mr Jonathan Powell, Mr Blair's Chief of Staff, told the Inquiry:

> "… the Prime Minister had a habit of writing notes, both internally and to President Clinton and to President Bush, on all sorts of subjects, because he found it better to put something in writing rather than to simply talk about it orally and get it much more concretely … in focused terms."[176]

377. Mr Blair drew on information and briefing received from Whitehall departments, but evidently drafted many or most of his Notes to the President himself, showing the drafts to his close advisers in No.10 but not (ahead of despatch) to the relevant Cabinet Ministers.

378. How best to exercise influence with the President of the United States is a matter for the tactical judgement of the Prime Minister, and will vary between Prime Ministers and Presidents. In relation to Iraq, Mr Blair's judgement, as he and others have explained, was that objectives the UK identified for a successful strategy should not be expressed as conditions for its support.

379. Mr Powell told the Inquiry that Mr Blair was offering the US a "partnership to try to get to a wide coalition" and "setting out a framework" and to try to persuade the US to move in a particular direction.[177]

380. Mr Blair undoubtedly influenced the President's decision to go to the UN Security Council in the autumn of 2002. On other critical decisions set out in the Report, he did not succeed in changing the approach determined in Washington.

The legal basis for military action and the authority of the UN

381. There was a vigorous debate in late 2002 and early 2003 about the legal effect of resolution 1441 and the question of whether military action against Iraq could be undertaken without the Security Council having first considered, and then assessed, whether or not Iraq was in breach of its terms.

382. Many distinguished jurists have expressed opinions on that question and the debate will no doubt continue. The Inquiry received many opinions from experts in international law which demonstrate the complexities of the issues.

383. The Inquiry has reviewed the debate that took place within the Government and how it reached its decision.

384. The circumstances in which it was ultimately decided that there was a legal basis for UK participation were far from satisfactory.

385. It was not until 13 March 2003 that Lord Goldsmith advised that there was, on balance, a secure legal basis for military action.

---

[176] Public hearing, 18 January 2010, page 38.
[177] Public hearing, 18 January 2010, pages 77-78.

386. In the letter of 14 March 2003 from Lord Goldsmith's office to No.10, which is addressed in Section 5 of the Report, Mr Blair was told that an essential ingredient of the legal basis was that he, himself, should be satisfied of the fact that Iraq was in breach of resolution 1441.

387. In accordance with that advice, it was Mr Blair who decided that, so far as the UK was concerned, Iraq was and remained in breach of resolution 1441.

388. Apart from No.10's response to the letter of 14 March, sent the following day, in terms that can only be described as perfunctory, no formal record was made of that decision and the precise grounds on which it was made remain unclear.

389. The Inquiry was told, and it accepts, that it would have been possible at that stage for the UK Government to have decided not to go ahead with military action if it had been necessary to make a decision to do so; or if the House of Commons on 18 March had voted against the Government.

390. Although there had been unanimous support for a rigorous inspections and monitoring regime backed by the threat of military force as the means to disarm Iraq when resolution 1441 was adopted, there was no such consensus in the Security Council in March 2003. If the matter had been left to the Security Council to decide, military action might have been postponed and, possibly, avoided.

391. The Charter of the United Nations vests responsibility for the maintenance of peace and security in the Security Council. The UK Government was claiming to act on behalf of the international community "to uphold the authority of the Security Council", knowing that it did not have a majority in the Security Council in support of its actions. In those circumstances, the UK's actions undermined the authority of the Security Council.

392. A determination by the Security Council on whether Iraq was in fact in material breach of resolution 1441 would have furthered the UK's aspiration to uphold the authority of the Council.

Decision-making

393. The way in which the policy on Iraq was developed and decisions were taken and implemented within the UK Government has been at the heart of the Inquiry's work and fundamental to its conclusions.

394. The Inquiry has set out in Section 2 of the Report the roles and responsibilities of key individuals and bodies in order to assist the reader. It is also publishing with the Report many of the documents which illuminate who took the key decisions and on what basis, including the full record of the discussion on Iraq in Cabinet on five key occasions pre-conflict, and policy advice to Ministers which is not normally disclosed.

Collective responsibility

395. Under UK constitutional conventions – in which the Prime Minister leads the Government – Cabinet is the main mechanism by which the most senior members of the Government take collective responsibility for its most important decisions. Cabinet is supported by a system of Ministerial Committees whose role is to identify, test and develop policy options; analyse and mitigate risks; and debate and hone policy proposals until they are endorsed across the Government.[178]

396. The *Ministerial Code* in place in 2003 said:

> "The Cabinet is supported by Ministerial Committees (both standing and ad hoc) which have a two-fold purpose. First, they relieve the pressure on the Cabinet itself by settling as much business as possible at a lower level or, failing that, by clarifying the issues and defining the points of disagreement. Second, they support the principle of collective responsibility by ensuring that, even though an important question may never reach the Cabinet itself, the decision will be fully considered and the final judgement will be sufficiently authoritative to ensure that the Government as a whole can properly be expected to accept responsibility for it."[179]

397. The Code also said:

> "The business of the Cabinet and Ministerial Committees consists in the main of:
>
> a. questions which significantly engage the collective responsibility of the Government because they raise major issues of policy or because they are of critical importance to the public;
> b. questions on which there is an unresolved argument between Departments."

398. Lord Wilson of Dinton told the Inquiry that between January 1998 and January 1999, in the run-up to and immediate aftermath of Operation Desert Fox in December 1998 (see Section 1.1), as Cabinet Secretary, he had attended and noted 21 Ministerial discussions on Iraq: 10 in Cabinet, of which seven had "some substance"; five in DOP; and six ad hoc meetings, including one JIC briefing.[180] Discussions in Cabinet or a Cabinet Committee would have been supported by the relevant part of the Cabinet Secretariat, the Overseas and Defence Secretariat (OD Sec).

399. Similarly, Lord Wilson stated that, between 11 September 2001 and January 2002, the Government's response to international terrorism and the subsequent military action against the Taliban in Afghanistan had been managed through 46 Ministerial meetings.[181]

---

[178] *Ministerial Code,* 2001, page 3.
[179] *Ministerial Code,* 2001, page 3.
[180] Public hearing, 25 January 2011, page 11.
[181] Public hearing, 25 January 2011, page 11.

400. The last meeting of DOP on Iraq before the 2003 conflict, however, took place in March 1999.[182]

401. In April 2002, the MOD clearly expected consideration of military options to be addressed through DOP. Mr Simon Webb, the MOD Policy Director, advised Mr Hoon that:

> "Even these preparatory steps would properly need a Cabinet Committee decision, based on a minute from the Defence Secretary …"[183]

402. Most decisions on Iraq pre-conflict were taken either bilaterally between Mr Blair and the relevant Secretary of State or in meetings between Mr Blair, Mr Straw and Mr Hoon, with No.10 officials and, as appropriate, Mr John Scarlett (Chairman of the JIC), Sir Richard Dearlove and Adm Boyce. Some of those meetings were minuted; some were not.

403. As the guidance for the Cabinet Secretariat makes clear, the purpose of the minute of a meeting is to set out the conclusions reached so that those who have to take action know precisely what to do; the second purpose is to "give the reasons why the conclusions were reached".[184]

404. Lord Turnbull, Cabinet Secretary from 2002 to 2005, described Mr Blair's characteristic way of working with his Cabinet colleagues as:

> "… 'I like to move fast. I don't want to spend a lot of time in kind of conflict resolution, and, therefore, I will get the people who will make this thing move quickly and efficiently.' That was his sort of characteristic style, but it has drawbacks."[185]

405. Lord Turnbull subsequently told the Inquiry that the group described above was "a professional forum … they had … with one possible exception [Ms Clare Short, the International Development Secretary], the right people in the room. It wasn't the kind of sofa government in the sense of the Prime Minister and his special advisers and political cronies".[186]

406. In July 2004, Lord Butler's Report stated that his Committee was:

> "… concerned that the informality and circumscribed character of the Government's procedures which we saw in the context of policy-making towards Iraq risks reducing the scope for informed collective political judgement. Such risks are particularly significant in a field like the subject of our Review, where hard facts are inherently

---

[182] Email Cabinet Office to Secretary Iraq Inquiry, 5 July 2011, 'FOI request for joint MOD/FCO memo on Iraq Policy 1999'.
[183] Minute Webb to PS/Secretary of State, 12 April 2002, 'Bush and the War on Terrorism'.
[184] Cabinet Office, June 2001, *Guide to Minute Taking*.
[185] Public hearing, 13 January 2010, page 28.
[186] Public hearing, 13 January 2010, pages 45-46.

> difficult to come by and the quality of judgement is accordingly all the more important."[187]

407. In response, Mr Blair agreed that:

> "… where a small group is brought together to work on operational military planning and developing the diplomatic strategy, in future such a group will operate formally as an ad hoc Cabinet Committee."[188]

408. The Inquiry considers that where policy options include significant military deployments, particularly where they will have implications for the responsibilities of more than one Cabinet Minister, are likely to be controversial, and/or are likely to give rise to significant risks, the options should be considered by a group of Ministers meeting regularly, whether or not they are formally designated as a Cabinet Committee, so that Cabinet as a whole can be enabled to take informed collective decisions.

409. Describing the important function a Cabinet Committee can play, Mr Powell wrote:

> "Most of the important decisions of the Blair Government were taken either in informal meetings of Ministers and officials or by Cabinet Committees … Unlike the full Cabinet, a Cabinet Committee has the right people present, including, for example, the military Chiefs of Staff or scientific advisers, its members are well briefed, it can take as long as it likes over its discussion on the basis of well-prepared papers, and it is independently chaired by a senior Minister with no departmental vested interest."[189]

410. The Inquiry concurs with this description of the function of a Cabinet Committee when it is working well. In particular, it recognises the important function which a Minister without departmental responsibilities for the issues under consideration can play. This can provide some external challenge from experienced members of the government and mitigate any tendency towards group-think. In the case of Iraq, for example, the inclusion of the Chancellor of the Exchequer or Deputy Prime Minister, as senior members of the Cabinet, or of Mr Cook, as a former Foreign Secretary known to have concerns about the policy, could have provided an element of challenge.

411. Mr Powell likewise recognises the importance of having written advice which can be seen before a meeting, allowing all those present to have shared information and the opportunity to digest it and seek further advice if necessary. This allows the time in meetings to be used productively.

412. The Inquiry considers that there should have been collective discussion by a Cabinet Committee or small group of Ministers on the basis of inter-departmental advice

---

[187] *Review of Intelligence on Weapons of Mass Destruction* ["The Butler Report"], 14 July 2004, HC 898.
[188] Cabinet Office, *Review on Intelligence on Weapons of Mass Destruction: Implementation of its Conclusions*, March 2005, Cm6492.
[189] Powell J. *The New Machiavelli: How to wield power in the modern world*. The Bodley Head, 2010.

agreed at a senior level between officials at a number of decision points which had a major impact on the development of UK policy before the invasion of Iraq. Those were:

- The decision at the beginning of December 2001 to offer to work with President Bush on a strategy to deal with Iraq as part of Phase 2 of the "War on Terror", despite the fact that there was no evidence of any Iraqi involvement with the attacks on the US or active links to Al Qaida.
- The adoption of the position at the end of February 2002 that Iraq was a threat which had to be dealt with, together with the assumption that the only certain means to remove Saddam Hussein and his regime was to invade Iraq and impose a new government.
- The position Mr Blair should adopt in discussions with President Bush at Crawford in April 2002. The meeting at Chequers on 2 April was given a presentation on the military options and did not explore the political and legal implications of a conflict with Iraq. There was no FCO representative at the Chequers meeting and no subsequent meeting with Mr Straw and Mr Hoon.
- The position Mr Blair should adopt in his discussion with President Bush at Camp David on 5 and 6 September 2002. Mr Blair's long Note of 28 July, telling President Bush "I will be with you, whatever", was seen, before it was sent, only by No.10 officials. A copy was sent afterwards to Mr Straw, but not to Mr Hoon. While the Note was marked "Personal" (to signal that it should have a restricted circulation), it represented an extensive statement of the UK Government's position by the Prime Minister to the President of the United States. The Foreign and Defence Secretaries should certainly have been given an opportunity to comment on the draft in advance.
- A discussion in mid-September 2002 on the need for robust post-conflict planning.
- The decision on 31 October 2002 to offer ground forces to the US for planning purposes.
- The decision on 17 January 2003 to deploy large scale ground forces for operations in southern Iraq.
- The position Mr Blair should adopt in his discussion with President Bush in Washington on 31 January 2003.
- The proposals in Mr Blair's Note to President Bush of 19 February suggesting a deadline for a vote in the Security Council of 14 March.
- A review of UK policy at the end of February 2003 when the inspectors had found no evidence of WMD and there was only limited support for the second resolution in the Security Council.
- The question of whether Iraq had committed further material breaches as specified in operative paragraph 4 of resolution 1441 (2002), as posed in Mr Brummell's letter of 14 March to Mr Rycroft.

413. In addition to providing a mechanism to probe and challenge the implications of proposals before decisions were taken, a Cabinet Committee or a more structured process might have identified some of the wider implications and risks associated with the deployment of military forces to Iraq. It might also have offered the opportunity to remedy some of the deficiencies in planning which are identified in Section 6 of the Report. There will, of course, be other policy issues which would benefit from the same approach.

414. Cabinet has a different role to that of a Cabinet Committee.

415. Mr Powell has written that:

> "… Cabinet is the right place to ratify decisions, the right place for people to raise concerns if they have not done so before, the right place for briefings by the Prime Minister and other Ministers on strategic issues, the right place to ensure political unity; but it is categorically not the right place for an informed decision on difficult and detailed policy issues."[190]

416. In 2009, in a statement explaining a Cabinet decision to veto the release of minutes of one of its meetings under the Freedom of Information Act 2000, Mr Straw explained the need for frank discussion at Cabinet very cogently:

> "Serious and controversial decisions must be taken with free, frank – even blunt deliberations between colleagues. Dialogue must be fearless. Ministers must have the confidence to challenge each other in private. They must ensure that decisions have been properly thought through, sounding out all possibilities before committing themselves to a course of action. They must not feel inhibited from advancing options that may be unpopular or controversial. They must not be deflected from expressing dissent by the fear that they may be held personally to account for views that are later cast aside."[191]

417. Mr Blair told the Inquiry that:

> "… the discussion that we had in Cabinet was substantive discussion. We had it again and again and again, and the options were very simple. The options were: a sanctions framework that was effective; alternatively, the UN inspectors doing the job; alternatively, you have to remove Saddam. Those were the options."[192]

---

[190] Powell J. *The New Machiavelli: How to wield power in the modern world*. The Bodley Head, 2010.
[191] Statement J Straw, 23 February 2009, 'Exercise of the Executive Override under section 53 of the Freedom of Information Act 2000 in respect of the decision of the Information Commissioner dated 18 February 2008 (Ref: FS50165372) as upheld by the decision of the Information Tribunal of 27 January 2009 (Ref: EA/2008/0024 and EA/2008/0029): Statement of Reasons'.
[192] Public hearing, 29 January 2010, page 22.

418. Mr Blair added:

> "Nobody in the Cabinet was unaware of … what the whole issue was about. It was the thing running throughout the whole of the political mainstream at the time. There were members of the Cabinet who would challenge and disagree, but most of them agreed."[193]

419. The Inquiry has seen the minutes of 26 meetings of Cabinet between 28 February 2002 and 17 March 2003 at which Iraq was mentioned and Cabinet Secretariat notebooks. Cabinet was certainly given updates on diplomatic developments and had opportunities to discuss the general issues. The number of occasions on which there was a substantive discussion of the policy was very much more limited.

420. There were substantive discussions of the policy on Iraq, although (as the Report sets out) not necessarily of all the issues, in Cabinet on 7 March and 23 September 2002 and 16 January, 13 March and 17 March 2003. Those are the records which are being published with the Report.

421. At the Cabinet meeting on 7 March 2002, Mr Blair concluded:

> "… the concerns expressed in discussion were justified. It was important that the United States did not appear to be acting unilaterally. It was critically important to reinvigorate the Middle East Peace Process. Any military action taken against President Saddam Hussein's regime had to be effective. On the other hand, the Iraqi regime was in clear breach of its obligations under several United Nations Security Council resolutions. Its WMD programmes posed a threat to peace. Iraq's neighbours regarded President Saddam Hussein as a danger. The right strategy was to engage closely with the Government of the United States in order to be in a position to shape policy and its presentation. The international community should proceed in a measured but determined way to decide how to respond to the real threat represented by the Iraqi regime. No decisions to launch military action had been taken and any action taken would be in accordance with international law.
>
> "The Cabinet, 'Took note, with approval.'"[194]

422. Cabinet on 17 March 2003 noted Mr Blair's conclusion that "the diplomatic process was at an end; Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary".

423. In Section 5 of the Report, the Inquiry concludes that Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March and explained the legal basis on which the UK could take military action and set out the risks of legal challenge.

---

[193] Public hearing, 29 January 2010, pages 228-229.
[194] Cabinet Conclusions, 7 March 2002.

424. There was no substantive discussion of the military options, despite promises by Mr Blair, before the meeting on 17 March.

425. In his statement for the Inquiry, Mr Hoon wrote that by the time he joined Cabinet, in 1999:

> "… the pattern of the organisation and format of Cabinet meetings was … well established. Tony Blair was well known to be extremely concerned about leaks from Cabinet discussions … It was my perception that, largely as a consequence of this, he did not normally expect key decisions to be made in the course of Cabinet meetings. Papers were submitted to the Cabinet Office, and in turn by the Cabinet Office to appropriate Cabinet Committees for decisions."[195]

426. Mr Hoon wrote:

> "At no time when I was serving in the Ministry of Defence were other Cabinet Ministers involved in discussions about the deployment of specific forces and the nature of their operations. Relevant details would have been circulated to 10 Downing Street or other Government departments as necessary … I do not recall a single Cabinet level discussion of specific troop deployments and the nature of their operations."[196]

427. The Inquiry recognises that there will be operational constraints on discussion of the details of military deployments, but that would not preclude the discussion of the principles and the implications of military options.

428. In January 2006, the Cabinet discussed the proposal to deploy military forces to Helmand later that year.

429. The Inquiry also recognises that the nature of foreign policy, as the Report vividly demonstrates, requires the Prime Minister of the UK, the Foreign Secretary and their most senior officials to be involved in negotiating and agreeing policy on a day-by-day, and sometimes hour-by-hour basis.

430. It would neither be necessary nor feasible to seek a mandate from Cabinet at each stage of a discussion. That reinforces the importance of ensuring Cabinet is kept informed as strategy evolves, is given the opportunity to raise questions and is asked to endorse key decisions. Cabinet Ministers need more information than will be available from the media, especially on sensitive issues of foreign and security policy.

431. In 2009, three former Cabinet Secretaries[197] told the House of Lords Select Committee on the Constitution:

---

[195] Statement, 2 April 2015, page 1.
[196] Statement, 2 April 2015, page 2.
[197] Lord Armstrong of Ilminster, Lord Butler of Brockwell and Lord Wilson of Dinton.

> "… each of us, as Secretary of the Cabinet, has been constantly conscious of his responsibility to the Cabinet collectively and of the need to have regard to the needs and responsibilities of the other members of the Cabinet (and indeed of other Ministers) as well of those of the Prime Minister. That has coloured our relationships with Number 10 as well as those with other Ministers and their departments."[198]

432. Lord Turnbull told the Inquiry that Mr Blair:

> "… wanted a step change in the work on delivery and reform, which I hope I managed to give him. Now … how does the Cabinet Secretary work? You come in and you are – even with the two roles that you have, head of an organisation of half a million civil servants and in some sense co-ordinating a public sector of about five million people. You have to make choices as to where you make your effort, and I think the policy I followed was not to take an issue over from someone to whom it was delegated simply because it was big and important, but you have to make a judgement as to whether it is being handled competently, whether that particular part is, in a sense, under pressure, whether you think they are getting it wrong in some sense, or they are missing certain important things."[199]

433. The responsibility of the Cabinet Secretary to ensure that members of Cabinet are fully engaged in ways that allow them to accept collective responsibility and to meet their departmental obligations nevertheless remains.

Lessons

434. In a democratic system, public support and understanding for a major military operation are essential. It is therefore important to guard against overstating what military action might achieve and against any tendency to play down the risks. A realistic assessment of the possibilities and limitations of armed force, and of the challenges of intervening in the affairs of other States, should help any future UK Government manage expectations, including its own.

435. When the potential for military action arises, the Government should not commit to a firm political objective before it is clear that it can be achieved. Regular reassessment is essential, to ensure that the assumptions upon which policy is being made and implemented remain correct.

436. Once an issue becomes a matter for the Security Council, the UK Government cannot expect to retain control of how it is to be discussed and eventually decided unless it is able to work with the interests and agendas of other Member States. In relation to Iraq, the independent role of the inspectors was a further dimension.

---

[198] Fourth Report from the House of Lords Select Committee on the Constitution, Session 2009-10, *The Cabinet Office and the Centre of Government*, HL Paper 30.
[199] Public hearing, 13 January 2010, page 3.

437. A military timetable should not be allowed to dictate a diplomatic timetable. If a strategy of coercive diplomacy is being pursued, forces should be deployed in such a way that the threat of action can be increased or decreased according to the diplomatic situation and the policy can be sustained for as long as necessary.

438. The issue of influencing the US, both at the strategic and at the operational level, was a constant preoccupation at all levels of the UK Government.

439. Prime Ministers will always wish to exercise their own political judgement on how to handle the relationship with the US. It will depend on personal relationships as well as on the nature of the issues being addressed. On all these matters of strategy and diplomacy, the Inquiry recognises that there is no standard formula that will be appropriate in all cases.

440. Whether or not influence has been exercised can be difficult to ascertain, even in retrospect. The views of allies are most likely to make a difference when they come in one side of an internal debate, and there are a number of instances where the UK arguments did make a difference to the formation and implementation of US policy. The US and UK are close allies, but the relationship between the two is unequal.

441. The exercise of influence will always involve a combination of identifying the prerequisites for success in a shared endeavour, and a degree of bargaining to make sure that the approach meets the national interest. In situations like the run-up to the invasion of Iraq:

- If certain measures are identified as prerequisite for success then their importance should be underlined from the start. There are no prizes for sharing a failure.
- Those measures that are most important should be pursued persistently and consistently.
- If it is assumed that a consequence of making a contribution in one area is that a further contribution would not be required in another, then that should be made explicit.
- Influence should not be set as an objective in itself. The exercise of influence is a means to an end.

SECTION 8

THE INVASION

Contents

Introduction and key findings 3

The military Coalition 4

- The UK contribution 5
- Command and control 7
- The US campaign plan 9
- The UK's planned role in offensive operations 12

The invasion 15

- The decision to take military action 15
- The Chief of the Defence Staff's Directive 16
- Offensive operations begin 18
- The launch of the main offensive 19
- The air campaign 27
- The maritime campaign 28
- 23 and 24 March: UK forces reach Basra 29
- 25 to 27 March: an operational pause 33
- 28 March: one week in 44
- 29 to 31 March: events 48
- 1 to 3 April 57
- 4 April 63
- US forces enter Baghdad 64
- The fall of Basra 68
- The collapse of the Iraqi regime 77
- The immediate aftermath 81
- The end of combat operations 84
- UK influence on the planning and conduct of the military campaign 85

The transition to post-conflict operations 90
Phase IV military planning papers 90
The relationship between the UK military and ORHA 102
Extension of the UK AO 106
The military Statement of Requirement for a UK AOR 111
Alignment of the UK AOR with ORHA's southern region 115
Lessons 128

Introduction and key findings

1. This Section addresses the framework for and conduct of UK combat operations, specifically:

- the role of the UK in the combat phase of the military campaign;
- transition to post-conflict operations in Iraq; and
- the establishment of the UK's post-conflict Area of Responsibility (AOR) in the South.

2. The Inquiry has not addressed the detailed operational and tactical conduct of the military campaign.

3. A number of issues which are relevant to this Section are addressed in other Sections of the Report, including:

- The UK's military planning for the invasion is addressed in Sections 6.1 and 6.2, including decisions about the forces to be committed, assessments of Iraq's conventional capabilities, the regime's intentions, the possible responses of the regime and the Iraqi people to a military invasion, and the legal framework for the conduct of operations.
- The UK's assessment of Iraq's chemical and biological weapons (CBW) and its ability to deploy them, including its ballistic missile capabilities, are addressed in Section 4.1.
- Lord Goldsmith's advice on the legal basis for military action is addressed in Section 5.
- The arrangements made to provide equipment to forces deploying for operations in Iraq, are addressed in Section 6.3.
- Planning for post-conflict operations, including the military presence and role, which was described as Phase IV of the campaign plan, is addressed in Sections 6.4 and 6.5.
- The UK Government's decision to take military action is described in Section 3.8.
- The MOD's handling of military personnel issues, including casualties, is considered in Sections 16.1 to 16.4.
- The search for weapons of mass destruction (WMD) in Iraq is addressed in Section 4.4.
- The evolution of the US/UK non-military relationship, political developments in Iraq and the adoption of resolution 1483 (2003) are addressed in Section 9.1.

Key findings

- It took less than a month to achieve the departure of Saddam Hussein and the fall of Baghdad.
- The decision to advance into Basra was made by military commanders on the ground.
- The UK was unprepared for the media response to the initial difficulties. It had also underestimated the need for sustained communication of key strategic messages to inform public opinion about the objectives and progress of the military campaign, including in Iraq.
- For any future military operations, arrangements to agree and disseminate key strategic messages need to be put in place, in both London and on the ground, before operations begin.
- The UK acceded to the post-invasion US request that it assume leadership of a military Area of Responsibility (AOR) encompassing four provinces in southern Iraq, a position it then held for six years, without a formal Ministerial decision and without carrying out a robust analysis of the strategic implications for the UK or the military's capacity to support the UK's potential obligations in the region.

The military Coalition

4. The combat phase of military operations is widely judged to have been a success. The Iraqi armed forces were defeated so rapidly by the Coalition that US forces were in Baghdad and Saddam Hussein's regime had fallen by 14 April 2003. On 1 May, just six weeks after launching the invasion, President Bush declared that major combat operations had ended.

5. Those who deployed on the operation and those who planned and supported it, military and civilian, deserve recognition for what they achieved.

6. Coalition Forces were led by General Tommy Franks, the Commander in Chief US Central Command (CENTCOM). The Coalition campaign was designated Operation Iraqi Freedom.

7. Gen Franks recorded in his memoir that, by the third week of March 2003, "total strength in all components – including our Gulf State Coalition allies in Kuwait" numbered 292,000 individuals, including ground forces of around 170,000.[1]

8. At a press briefing on 18 March 2003, Mr Richard Boucher, the US State Department Spokesman, gave a "definitive list" of 30 countries[2] that had agreed to be part of the Coalition, each of which was "contributing in the ways that it deems

---

[1] Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.
[2] Afghanistan, Albania, Australia, Azerbaijan, Colombia, the Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Georgia, Hungary, Iceland, Italy, Japan, Korea, Latvia, Lithuania, Macedonia, the Netherlands, Nicaragua, the Philippines, Poland, Romania, Slovakia, Spain, Turkey, the UK and Uzbekistan.

the most appropriate".[3] Mr Boucher said that "almost all" of the 30 were "associated somehow militarily with the action". A further 15 countries, which he did not list, were "co-operating", for example by offering "defensive assets in the event that Saddam resorts to the use of weapons of mass destruction".

9. The MOD's first account and analysis of the operation, published in July 2003, gave the total number of Coalition Forces as 467,000.[4] The MOD also recorded that "some 20 countries offered or provided military forces or use of military bases" and "many others provided crucial assistance with intelligence, logistics and the deployment of combat units".

10. According to Dr Condoleezza Rice, President Bush's National Security Advisor in March 2003, a total of 33 countries provided troops in support of the military operation.[5]

11. President Bush put the number of countries providing "crucial support – from the use of naval and air bases, to help with intelligence and logistics" at more than 35.[6]

The UK contribution

12. UK military operations in Iraq between 2003 and 2009 were known by the codename Operation TELIC.

13. At the start of Op TELIC, the UK deployed a large scale ground force and medium scale air and maritime forces, totalling 46,150 personnel, to Iraq.[7]

UK forces already in the Gulf

As described in Section 1.1, after the 1991 Gulf Conflict a Royal Navy frigate or destroyer was permanently deployed in the Gulf as part of a US-led naval force to support the UN arms embargo and controls on the export of oil through the Gulf.

Section 1.1 also describes activity by the Royal Air Force (RAF) in support of the No-Fly Zones in the North and South of Iraq.

A minute describing a briefing provided to Mr Blair by the Permanent Joint Headquarters (PJHQ) on 15 January 2003, recorded that a total of 2,200 individuals were deployed in the Gulf at that time.[8] UK forces included 18 combat aircraft, nine combat support aircraft, a number of nuclear-powered submarines, two destroyers/frigates, five Mine Counter Measure vessels, two survey vessels and one Auxiliary Oiler (for fuel).

---

[3] Transcript, 18 March 2003, 'State Department Noon Briefing, March 18, 2003'.
[4] Ministry of Defence, *Operations in Iraq – First Reflections,* July 2003.
[5] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[6] White House press release, 19 March 2003, 'Operation Iraq Freedom: President Bush Addresses the Nation'.
[7] Ministry of Defence, *Operations in Iraq: Lessons for the Future,* December 2003.
[8] Minute MA/CJO(Ops) to MA/CJO, 15 January 2003, 'Briefing to Prime Minister'.

14. The MOD's account and analysis of the operation published in July 2003, said:

> "Our maritime contribution to the Coalition was the first to be announced, on 7 January 2003, and built on the standing Royal Navy presence in the Gulf. Naval Task Group 2003, led by HMS ARK ROYAL, which was already due to sail that month as a routine deployment to the Gulf and Asia/Pacific regions, was expanded to a much larger force totalling some 9,000 personnel. It included submarines armed with Tomahawk cruise missiles and a significant amphibious capability with the helicopter carrier HMS OCEAN, Headquarters 3 Commando Brigade Royal Marines, 40 Commando and 42 Commando (some 4,000 personnel), and hospital facilities in RFA [Royal Fleet Auxiliary] ARGUS. This was the largest amphibious force deployed since 1982 [the Falklands campaign]. The Task Group would provide force protection, and conduct mine countermeasures operations as well as providing vital sea-based logistics in support of joint force operations on shore."[9]

15. Between March and September 2003, a total of 38 vessels, including three submarines, and 50 helicopters were deployed by the Royal Navy.[10]

16. In relation to ground forces, the MOD stated:

> "On 20 January, the Defence Secretary announced the deployment of a major ground force including Reservists, equipped with Challenger 2 tanks, Warrior armoured infantry fighting vehicles, AS90 self-propelled guns, and a range of helicopters. This force, which eventually totalled some 28,000, would be the largest land force deployment since the Gulf Conflict in 1991 … At the beginning of operations, 16 Air Assault Brigade represented about half the Coalition's air assault capability, and 7 Armoured Brigade provided a significant proportion of its tank forces."

17. On 6 March 2003, because of a delay in deployment of the US 4th Infantry Division, the MOD expected that 1st (UK) Armoured Division would provide nearly 30 percent of available Coalition tanks in the early stages of the ground campaign.[11]

18. The army deployment included elements from 38 different units.[12]

19. Describing the deployment of the RAF, the MOD stated:

> "The Royal Air Force already maintained a presence of some 25 aircraft and 1,000 personnel in the Gulf, flying sorties over Iraq to enforce the No-Fly Zones and to restrict the regeneration of Iraqi air and Integrated Air Defence capabilities. On 6 February the Defence Secretary announced that the RAF contribution would be increased to around 100 fixed wing aircraft manned and supported by a further

---

[9] Ministry of Defence, *Operations in Iraq – First Reflections,* July 2003.
[10] Ministry of Defence, *Operation in Iraq: Lessons for the Future,* December 2003.
[11] Letter Watkins to Manning, 6 March 2003, 'Iraq: Options for Employment of UK Land Forces'.
[12] Ministry of Defence, *Operations in Iraq: Lessons for the Future,* December 2003.

7,000 personnel … In addition, the Joint Helicopter Command deployed more than 100 helicopters, including Puma and Chinook support helicopters."[13]

20. Air Chief Marshal Sir Glenn Torpy, UK Air Contingent Commander in 2003, wrote:

"In all, the UK [RAF] contributed some 8,100 personnel, together with 113 fixed wing and 27 rotary wing aircraft to the operation; these assets were distributed across eight Deployed Operating Bases in seven countries."[14]

21. ACM Torpy told the Inquiry that the air campaign had needed UK air-to-air refuelling capability, and that the US had specifically requested airborne early warning aircraft and air defence aircraft for the start of the campaign.[15] It had also wanted air-launched precision guided weapons.

Command and control

22. Admiral Sir Michael Boyce, Chief of the Defence Staff, was in overall command of UK forces, but delegated Operational Command to Lieutenant General John Reith, Chief of Joint Operations (CJO).[16] Adm Boyce's Directive to Lt Gen Reith is addressed in Sections 6.2 and 6.5.

23. Lt Gen Reith, who remained in the UK, exercised command through PJHQ to Air Marshal Brian Burridge, the UK National Contingent Commander (NCC).

24. AM Burridge, who was collocated with CENTCOM in Qatar, provided the link within the US command structure for the national direction of UK forces, to ensure that they would only undertake specific missions approved by UK commanders.

Appointment of the UK National Contingent Commander

AM Burridge told the Inquiry that he was designated as the UK National Contingent Commander (NCC) in October 2002.[17]

In December 2002, both AM Burridge and Gen Franks deployed their headquarters to Qatar in preparation for Exercise Internal Look.[18] AM Burridge told the Inquiry that his headquarters consisted of "about 240 people".

On 14 March 2003, Adm Boyce told Mr Hoon, that AM Burridge's role was "to provide a link for national political control of the employment of British Forces".[19]

---

[13] Ministry of Defence, *Operations in Iraq – First Reflections,* July 2003.
[14] Statement, 14 June 2010, page 1.
[15] Public hearing, 18 January 2011, pages 6-8.
[16] Ministry of Defence, *Operation in Iraq: Lessons for the Future,* December 2003.
[17] Public hearing, 8 December 2009, page 3.
[18] Public hearing, 8 December 2009, page 9.
[19] Minute CDS to SofS [MOD], 14 March 2003, 'Op TELIC Command and Control'.

Adm Boyce wrote that, in Qatar:

> "… the NCC co-ordinates the activities of UK forces in theatre to ensure they are positioned and resourced to carry out approved tasks. He will also identify any potential changes to the plan that may impact on UK forces, and seek approval for any changes from the JC [Joint Commander]. If the UK forces are at any stage asked to do anything that we would not wish them to, the NCC is empowered to intervene – this is known as playing the red card".

Lt Gen Reith issued a Directive to AM Burridge on 19 March which set out the relationship between the CJO and NCC.[20] That stated:

> "I want a very clear understanding of the balance of responsibility between our two headquarters. You are responsible for the integration of national effort into the Coalition campaign. Your focus is to be forward and you are to act as my representative in the CF HQ [Coalition Forces Headquarters]. In this regard, I underscore the importance of ensuring a clear understanding of UK capabilities and intentions within the Coalition and of monitoring closely, and influencing, US planning as it develops. Within my intent and the powers delegated to you as the National Contingent Commander, you have the lead in the direction of UK forces in the execution of those tasks authorised by me. You are to keep me informed of the situation in the JOA [Joint Operational Area], especially on developments that may affect national political objectives or require changes to the ROE [Rules of Engagement] or tasking of UK forces. My focus will be the OPCOM [Operational Command] of the forces deployed and the definition of the national effort to be made available to the Coalition campaign. Proposals for change to the agreed tasks of the joint force will be authorised and resourced by me, informed by your understanding of Coalition intent and your early identification of possible branch plans. In this I shall be working closely with the MOD and the three single Services."

25. Three UK "Contingent Commanders", Land, Air and Maritime, operated under the national command of AM Burridge and the tactical control of US Component Commanders "reflecting many years of NATO interaction and recent bilateral experience in the Gulf region".[21]

26. Major General Robin Brims, the UK Land Contingent Commander, reported to Lieutenant General Jim Conway, Commander US 1st Marine Expeditionary Force (1 MEF), who in turn reported to Lieutenant General David McKiernan, Commander of the Coalition Forces Land Component Command (CFLCC).[22] Maj Gen Brims was also the General Officer Commanding 1 (UK) Div during the invasion.

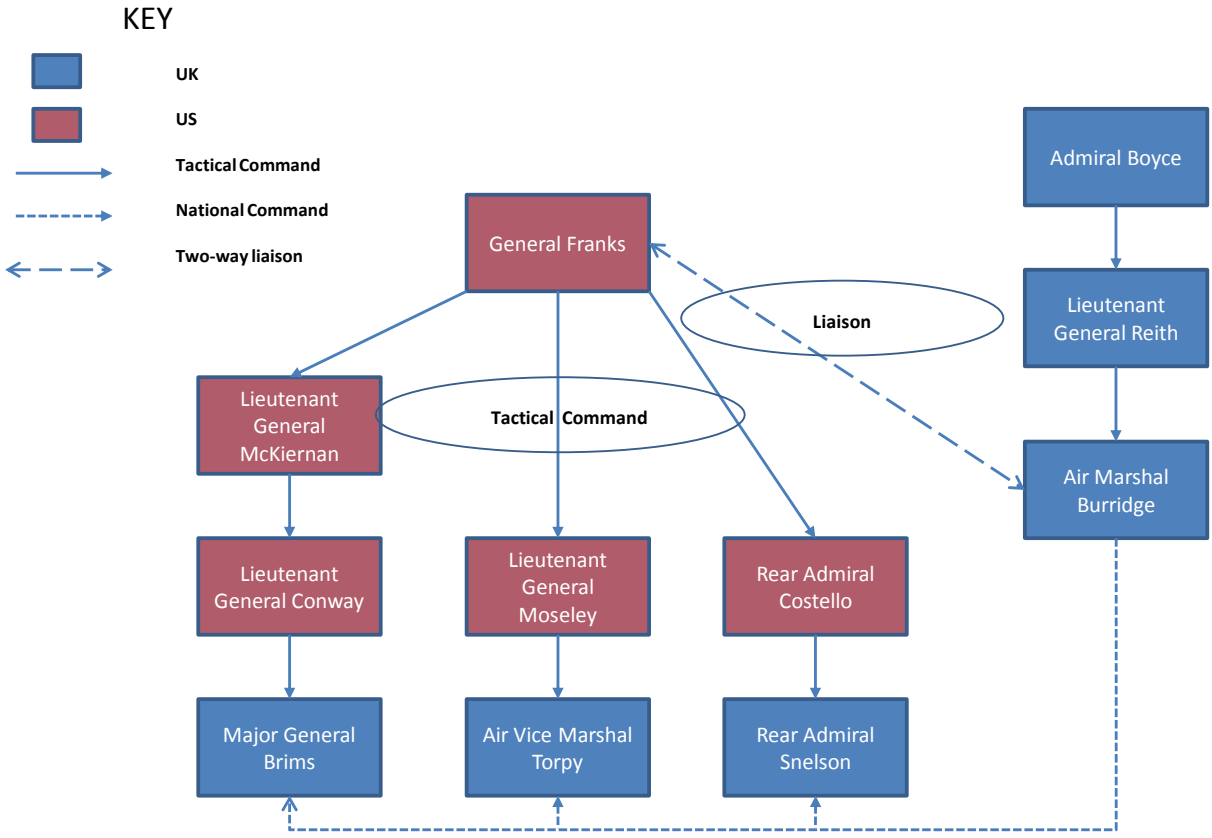
27. Air Vice Marshal Glenn Torpy, the UK Air Contingent Commander, reported to Lieutenant General Buzz Moseley, the US Air Component Commander.

---

[20] Directive Reith to Burridge, 19 March 2003, 'Joint Commander's Directive to the UK National Contingent Commander Operation TELIC'.
[21] Ministry of Defence, *Operation in Iraq: Lessons for the Future*, December 2003.
[22] Public hearing, 8 December 2009, page 27.

28. Rear Admiral David Snelson, the UK Naval Contingent Commander, reported directly to Rear Admiral Barry Costello, Coalition Maritime Component Commander.

Figure 1: Command and control arrangements



29. A description of the structures through which strategic direction of the campaign was conducted can be found in Section 2.

The US campaign plan

30. At the start of operations, the US campaign plan had four phases and envisaged that it would take up to 125 days to destroy Iraqi forces and remove Saddam Hussein's regime.

31. The plan was based on an assumption that the scale and speed of the invasion would undermine the will of the Iraqi armed forces to fight, and could lead to the collapse of the regime or its removal.

32. The US plan for the invasion of Iraq, Operation Iraqi Freedom (OPLAN 1003 V), is described in Gen Franks' memoir *American Soldier*.[23] Gen Franks wrote:

> "It was a complex plan. Our ground offensive would proceed along two main avenues of advance from the south, each route having several axes. Army forces,

[23] Franks T & McConnell M. *American Soldier*, HarperCollins, 2004.

led by the 3rd Infantry Division, would attack up lines of march west of the Euphrates River in a long arc that curved from lines of departure in Kuwait to reach Baghdad. The 1st Marine Expeditionary Force – divided into reinforced Regimental combat teams – would follow the road network along the Tigris River, farther east. The Army and Marines would link up to destroy any surviving Republican Guard units south of the capital. The 4th Infantry Division would advance south from staging areas in Turkey, provided we could persuade the Turks to lend us their territory for a few months. A division-plus-size British ground force would pivot northeast out of Kuwait and isolate Basra, forming a protective cordon around the southern oil fields. And US, Brit and Australian Special Operations Forces would control Iraq's western desert, preventing the regime freedom of action to launch long-range missiles toward Jordan and Israel."

33. The plan had four "Phases", described by Gen Franks as:

- Phase I – Preparation;
- Phase II – Shape the Battlespace;
- Phase III – Decisive Operations; and
- Phase IV – Post-Hostility Operations.

34. Phase I included establishing an "air bridge" to transport forces into the region, and securing "regional and international support for operations". During Phase II, separate air operations would begin, intended to "shape the battlespace" before the start of ground operations.

35. Gen Franks wrote that during Phase II the US would "launch air and Special Operations Forces into Iraq … to destroy key target sets and set conditions for deploying heavy units".

36. Special Operations forces would deploy to destroy Iraqi observation posts along the western border and seize control of potential missile-launching sites – "Scud baskets" – and airstrips in Iraq's western desert.

37. Phase II of the plan also included dropping thousands of leaflets in the southern No-Fly Zone warning Iraqi troops against the use of WMD and intended to prevent sabotage of the oilfields.

38. During Phase II, targets would not include Iraq's electrical power grid, power plants, transformer stations, pylons and electricity lines, so as to preserve the national infrastructure and protect electricity supplies for hospitals.

Information operations

Information operations were an integral part of the military plan. They were to be "employed to create doubt and disaffection against the regime, aggressively undermining its legitimacy".[24]

In its first account and analysis of the operation, published in July 2003, the MOD described the information campaign as:

> "… designed to influence the will of the Iraqi regime and the attitudes of ordinary Iraqi people in support of overall campaign objectives. It also articulated the [UK] Government's strategy to our allies and partners, and others in the region and elsewhere who were either non-aligned or opposed to Coalition policy on Iraq. This multi-level approach, in conjunction with the US and other allies, required an integrated, agile campaign based on open reporting and transparency. Most effort was devoted to opinion forming media, including terrestrial television, the press, satellite and cable bearers, Internet and interactive media and ultimately bulk leaflet drops over Iraq itself."[25]

In a subsequent report on lessons from the conflict, the MOD stated that media infrastructure within Iraq was only targeted if there was "sufficient evidence that it was being used by the Iraqi regime for command and control purposes".[26]

One element of the information operations campaign was intended to "seek to persuade Iraqi military units not to fight".[27]

Adm Boyce told the Inquiry that:

> "… part of the battle plan was that we got messages … to Iraqi formations that if they did certain things and looked [in] the other direction, we would walk past them, because … we saw – the importance of actually maintaining the Iraqi Army as being the infrastructure to maintain sensible good order once the country had been defeated and indeed also keeping professionals, such as people who subsequently we have not been able to use who were Ba'athists, given the fact that everybody had to be a Ba'athist to be a professional; you had to be a card-carrying member. And also not trashing the joint, if I can use that expression."[28]

Mr Geoff Hoon, Defence Secretary from 1999 to 2005, told the Inquiry that:

> "… planning for what was described by the Americans as effects-based warfare was very successful … quite quickly, large numbers of Iraqi soldiers … simply went home."[29]

39. In Phase III of the plan, Gen Franks' objective was to reach Baghdad as soon as possible, bypassing Iraqi forces if necessary, to secure the acquiescence of the

---

[24] Letter Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.
[25] Ministry of Defence, *Operations in Iraq: First Reflections,* July 2003.
[26] Ministry of Defence, *Operations in Iraq: Lessons for the Future,* December 2003.
[27] Minute Reith to COSSEC, 11 March 2003, 'Phase 4A – A UK Response'.
[28] Public hearing, 3 December 2009, page 99.
[29] Public hearing, 19 January 2010, page 111.

Iraqi population and the early collapse of Saddam Hussein's regime.[30] Gen Franks did not want to give Saddam Hussein the opportunity to muster an effective defence, especially the use of WMD, or to create major environmental damage as he had in the 1991 Gulf Conflict.

40. Major General Graham Binns, who commanded 7 Armoured Brigade, told the Inquiry:

> "General Franks' view was that he wouldn't enter any urban areas until he had to and that he was prepared to block and bypass and isolate until he got to Baghdad."[31]

41. UK concerns about the Iraqi regime's plans to defend Baghdad, and the implications of having to fight through urban areas for control, are set out in Section 6.2.

42. After "wargaming" the invasion plan, Gen Franks concluded that several phases could be combined into a single simultaneous effort:

> "… *five days* to position the final airbridge after the President made a decision to launch the operation, *eleven days* to flow the final pieces of the 'start force', *sixteen days* of combined air and special operations attacks against key targets, and a total of *125 days* to complete the destruction of Iraqi forces and the removal of the regime."[32]

43. In the event, Gen Franks adjusted the timing further as a result of intelligence which suggested that preparations were being made to destroy the Rumaylah oilfields, so that ground forces would enter Iraq after just 24 hours of air operations.

The UK's planned role in offensive operations

44. The military plan was approved on 14 March, including roles for 7 Armoured Brigade and 16 Air Assault Brigade at an early stage of the operation.

45. When Mr Blair agreed to the deployment of a large scale ground force on 17 January 2003 (see Section 6.2), it was envisaged that:

- 3 Commando Brigade and maritime and air forces would all have combat roles in the initial stages of an invasion;
- "approximately 10 days later", the Divisional Headquarters and 16 Air Assault Brigade would "relieve US forces in an area south of Basra and the Euphrates, including the Rumaylah oilfields"; and
- 7 Armoured Brigade "could protect the right flank of the US 1st Marine Expeditionary Force as it advanced north". That would "include securing Basra International Airport and isolating (but not entering) Basra itself".[33]

---

[30] Franks T & McConnell M. *American Soldier*, HarperCollins, 2004.
[31] Private hearing, 2 June 2010, page 8.
[32] Franks T & McConnell M. *American Soldier*, HarperCollins, 2004.
[33] Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

46. The roles which UK forces would play during combat operations were set out in a letter from Mr Peter Watkins, Mr Hoon's Principal Private Secretary, to Sir David Manning, Mr Blair's Foreign Policy Adviser, on 11 March.[34]

47. The UK role within the US plan was described as "crucial in all three operating environments". The role of UK Special Forces is described in a Box later in this Section.

48. Mr Watkins wrote that the plan required 3 Commando Brigade to seize the oil infrastructure on the al-Faw Peninsula in the early hours of the operation, by means of a combination of amphibious and helicopter assault. The US 15th Marine Expeditionary Unit (15 MEU) was placed under the command of HQ 3 Commando Brigade for the operation to capture the port of Umm Qasr.

49. The Royal Navy was to deliver the amphibious forces and to ensure the safe transit of personnel and equipment by sea. Mine Counter Measure (MCM) vessels were to clear the approaches to Umm Qasr.

50. UK submarines were tasked with delivering Tomahawk Land Attack Missiles (TLAMs) for initial air strikes.

51. Royal Navy ships, embarked helicopters and RAF maritime patrol aircraft were to maintain a "maritime blockade" of the Iraqi coast and provide force protection against Iraqi and terrorist threats. MCM vessels were to clear mines from Iraqi ports and waterways.

52. The RAF was to deliver offensive air strikes and provide close air support to Coalition, not just UK, forces.

53. The plan also called for the RAF to provide air defence, air-to-air refuelling and ISTAR (Intelligence, Surveillance, Target Acquisition and Reconnaissance) capabilities, maritime patrol aircraft and transport and logistics support.

54. The MOD's account and analysis of the operation published in July 2003 described the main tasks of the air campaign as:

- to neutralise the Iraqi air force and Integrated Air Defence system;
- to conduct strategic attacks against regime targets;
- to provide air support to Coalition land forces;
- to deter and counter the threat from theatre ballistic missiles, especially in the west of Iraq; and
- to destroy the Republican Guard divisions.[35]

55. Mr Watkins wrote that, following the initial operations, 1 (UK) Div, operating under the command of the US 1 MEF, was to follow US forces into Iraq to secure the South,

---

[34] Minute Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.
[35] Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

including the port/city of Umm Qasr, the Rumaylah oilfields, the al-Faw Peninsula, and the area around Basra.[36] That was to permit 1 MEF to continue its advance north as soon as possible.

56. 1 (UK) Div's role was to isolate Basra and, if required, defeat Iraqi forces in the vicinity. The plan did not, however, explicitly require UK forces to enter Basra. If the environment was sufficiently permissive, UK forces would plan to enter Basra City to restore or maintain stability.

57. In his letter of 11 March, Mr Watkins informed Sir David that Lt Gen McKiernan had "developed a plan that would expand the UK Area of Operations (UK AO) by up to 150km up to and beyond al-Amara (but short of al-Kut)". Mr Hoon judged that Lt Gen Reith:

> "… should be authorised to expand the Phase III Area of Operations northwards if that is required to achieve a satisfactory outcome to Phase III. The focus for UK in Phase IV should, however, remain the South-Eastern Area of Operations as currently understood."

58. The UK AO as understood at that time included most of Basra province and small parts of Muthanna and Dhi Qar.

59. Mr Watkins also identified other scenarios in which the UK land component could provide additional combat power given "delays in the deployment of some US forces". Those included inserting a light force into central Iraq and armoured options in support of the US "Main Effort" if the UK "could tip the balance", although that would "require US logistic and medical support" and a "benign" situation in the UK AO.

60. Mr Watkins advised that "to reinforce key gaps in US capability and facilitate a rapid US advance" from the South, the UK could provide:

- a chemical and biological warfare detection and decontamination capability;
- specialist engineers; and
- specialist bridging capabilities, in case Iraqi forces destroyed the bridge over the Euphrates at Nasiriyah.

61. Mr Hoon's view was that the UK should:

- confirm the availability of those specialist capabilities;
- be "forward leaning" on extending the AO northwards, "provided that UK commanders judge this sensible in circumstances at the time"; and
- be prepared to "continue exploring options for reinforcing US forces at decisive points … but without commitment at this stage".

---

[36] Minute Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.

62. Following meetings held by Mr Blair on 11 and 13 March (see Section 6.2), the plan was formally approved on 14 March.[37]

63. Lt Gen Brims told the Inquiry:

> "… our principal task was to protect the flank of the US forces as they advanced … towards Baghdad.
>
> "… as well as the flank protection, we also had to seize and protect the oil infrastructure, and stopping the oil infrastructure being wilfully damaged, was a key concern … [W]e would have to be in the al-Faw [Peninsula] because that's actually the critical bit … and we had to capture the port of Umm Qasr."[38]

64. Gen Reith described 1 (UK) Div's role to the Inquiry as "a 'second echelon force' to basically deal with anything that the main effort and the [US] Marines bypassed to get to Baghdad".[39]

The invasion

The decision to take military action

65. On 17 March, Cabinet endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action, if necessary, against Iraq.

66. The events after the Security Council discussion on 7 March which led to the decision to take military action against Iraq are described in detail in Section 3.8.

67. A special meeting of Cabinet was held on 17 March, which endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action, if necessary, against Iraq.[40]

68. Lord Goldsmith's advice on the legal basis for military action is addressed in Section 5.

69. President Bush issued the ultimatum giving Saddam Hussein 48 hours to leave Iraq at 8pm (Eastern Standard Time) on 17 March.[41]

70. The House of Commons approved a Government motion seeking support for the decision that the UK "should use all necessary means to ensure the disarmament of Iraq's weapons of mass destruction" on 18 March.[42]

---

[37] Letter Manning to Watkins, 14 March 2003, 'Iraq: The Military Plan'.
[38] Public hearing, 8 December 2009, pages 30-31.
[39] Private hearing, 15 January 2010, page 28.
[40] Cabinet Conclusions, 17 March 2003.
[41] The White House, 17 March 2003, 'President says Saddam Hussein must leave within 48 hours'.
[42] House of Commons, *Official Report*, 18 March 2003, columns 760-911.

71. Sir David Manning wrote to Dr Rice formally agreeing to US use of UK bases for operations against Iraq.[43]

The Chief of the Defence Staff's Directive

72. Adm Boyce issued an Execute Directive to Lt Gen Reith authorising final preparations for military operations on 18 March.

73. On 18 March, Mr Watkins wrote to Sir David Manning, stating:

> "Following the vote in Parliament this evening, the Defence Secretary will need to authorise the start of final preparations to launch military action. The first step will be the issue of the Chief of Defence Staff's Directive to the Commander Joint Operations. This Directive sets out the general 'governance' arrangements for Operation TELIC, the codename given to the involvement of UK Armed Forces in the military campaign to remove the threat from Iraq's weapons of mass destruction. Its issue has the immediate effect of reducing to four hours the notice to move of lead elements of the UK force (eg the Royal Marine Commandos) and authorising other pre-positioning activities. CDS intends to issue the Directive at 2300 tonight, together with an implementation signal; the latter will allow action to begin not before 1800 tomorrow."[44]

74. Adm Boyce duly issued an Execute Directive to Lt Gen Reith on 18 March to implement Op TELIC "as agreed, promulgated and ordered in Coalition plans".[45]

75. The Directive reflected the UK's strategic objectives for Iraq announced by Mr Jack Straw, the Foreign Secretary, on 7 January (see Section 3.6).[46]

76. Adm Boyce described the Government's "Political Goal" as:

> "To rid Iraq of its weapons of mass destruction (and their associated programmes and means of delivery, including prohibited ballistic missiles)."[47]

77. The "Strategic End State" for Iraq was defined by Adm Boyce as:

> "As rapidly as possible for Iraq to become a stable, united, and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective government for all its people."

---

[43] Letter Manning to Rice, 18 March 2003, [untitled].
[44] Letter Watkins to Manning, 18 March 2003, 'Iraq: Military Operations'.
[45] Minute CDS to CJO, 18 March 2003, 'Op TELIC: Authorisation for Military Operations in Iraq'.
[46] House of Commons, *Official Report*, 7 January 2003, columns 4-5WS.
[47] Minute CDS to CJO, 18 March 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)'.

78. Adm Boyce defined the "Strategic Military Objective" as:

> "To support the Coalition effort, within allocated resources, to create the conditions in which Iraq is disarmed in accordance with its obligations under UNSCRs [UN Security Council Resolutions]."

79. Adm Boyce directed Lt Gen Reith to "assume the UK Phase IV AO will be centred on Basra".[48] In line with the military plan approved by Mr Blair on 14 March, the Directive stated that, to "assist the Coalition in a timely and successful Phase III and to help in shaping Phase IV conditions in the UK AO", Lt Gen Reith should exploit no further north than an east – west line running 90km south of al-Kut, ending at a point 50km north-east of al-Amara.

80. Adm Boyce's order to Lt Gen Reith stated:

- "My Directive provides initial planning guidance on post-conflict operations (Phase IV)"; and
- "further planning guidance for Phase IV will be issued separately".

81. The language on military tasks for the post-conflict period was unchanged from the version of the Directive dated 4 March (see Section 6.5). Tasks included:

> "h. Protect, and be prepared to secure, essential Iraqi political, administrative and economic infrastructure from unnecessary destruction in order to reassure the Iraqi people and facilitate rapid regeneration.
>
> …
>
> k. Deter opportunistic inter-ethnic and inter-communal conflict.
>
> l. Within available resources, be prepared to support humanitarian efforts to mitigate the consequences of conflict.
>
> m. As quickly as possible, establish a safe and secure environment within which humanitarian aid agencies are able to operate.
>
> …
>
> p. If directed, be prepared to contribute to the reform of Iraq's security forces."

82. The Directive retained the reference from the 4 March draft to Adm Boyce's "current intent … that the UK should aim to draw down its deployed force to medium scale within four months of commencing offensive operations."

---

[48] Minute CDS to CJO, 18 March 2003, 'Op TELIC: Authorisation for Military Operations in Iraq' attaching Paper 'Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)'.

83. The 18 March Directive remained in force until superseded by version three on 30 July.[49]

Offensive operations begin

84. The US took the decision to accelerate offensive operations late on 19 March.

85. The ultimatum calling for Saddam Hussein to leave Iraq issued by President Bush on 17 March expired at 0100 GMT on 20 March.

86. In her memoir, Dr Rice wrote that covert operations with "British, Polish, Australian and US Special Forces" were due to begin on the night of 19/20 March.[50]

87. The main ground attack was scheduled to begin at 2130 on 20 March.[51] The air campaign to suppress enemy defences and attack strategic targets was to be launched at 2100 on 21 March.

88. At the first Ad Hoc Meeting on Iraq on 19 March, Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), provided an update on the intelligence picture "highlighting Iraqi military deployments and the poor morale of Iraqi forces".[52]

89. Adm Boyce stated that the "British forces were balanced and ready for action"; and that the "US military were well advanced in their preparations for immediate humanitarian relief".

90. The minutes of the Chiefs of Staff meeting on 19 March reported that military planners were looking at accelerating the plan "in anticipation of an early collapse of the Iraqi 51st Division in the South".[53]

91. A joint minute from Mr Straw and Mr Hoon to Mr Blair, about the UK military contribution to a post-conflict Iraq, is addressed in Section 6.5.[54]

92. President Bush wrote in his memoir that he convened "the entire National Security Council" on the morning of 19 March where he "gave the order to launch Operation Iraqi Freedom".[55]

93. Mr Blair made a televised "address to the nation" that evening, setting out why UK forces were taking part in military action in Iraq.[56] The details are set out in Section 3.8.

---

[49] Minute CDS to CJO, 30 July 2003, 'Chief of the Defence Staff Executive Directive to the Joint Commander Operation TELIC Edition 3'.
[50] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[51] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[52] Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.
[53] Minutes, 19 March 2003, Chiefs of Staff meeting.
[54] Minute Straw and Hoon to Blair, 19 March 2003, 'Iraq: Military Contribution to post-conflict Iraq'.
[55] Bush GW. *Decision Points*. Virgin Books, 2010.
[56] The National Archives, 19 March 2003, *Prime Minister's Address to the Nation.*

94. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US airstrikes would be launched at 0300 GMT on 20 March.[57]

95. From 0230 GMT, targets in and around Baghdad were attacked by US aircraft and TLAMs.[58] The Iraqi response to the attacks included firing five surface-to-surface missiles at Kuwait.

96. General Richard Myers, Chairman of the US Joint Chiefs of Staff, stated that:

> "… we took advantage of a leadership target of opportunity in Baghdad. Specifically we struck at one of the residences in south-eastern Baghdad, where we thought the [Iraqi] leadership was congregated."[59]

97. Gen Franks described the intention of the attacks as "a true decapitation strike"; "Killing Saddam Hussein and his two sons would cripple the regime."[60]

98. Gen Franks recorded in his memoir that by 0900 (local time) on 20 March, Special Operations forces in the western desert controlled 25 percent of Iraq. Special Operations forces in the North had "linked up with Kurdish Peshmerga guerrillas and were deployed along the Green Line separating the Kurdish Autonomous Zone (KAZ) from the rest of Iraq – helping fix the enemy divisions in the north".

The launch of the main offensive

99. The main invasion of Iraq began early on 20 March.

100. Early on the morning of 20 March, US forces (15 MEU) crossed into Iraq and seized the port area of Umm Qasr before heading north, encountering stiff resistance but achieving all their critical objectives ahead of time.[61]

101. Adm Boyce informed the Ad Hoc Meeting on Iraq on 20 March that, "with reports of the disintegration of Iraqi units in the South, the Coalition was ready for the possible need to intervene on the ground earlier than planned to stabilise the situation".[62]

102. Cabinet was informed of military developments on 20 March and told that the military intention was to disable the command and control machinery as soon as possible as it controlled the use of CBW.[63] The main operation would start very shortly. The air attack would look overwhelming in its scale and intensity, but it was aimed

---

[57] Letter Manning to McDonald, 20 March 2003, 'Iraq'.
[58] Letter Watkins to Manning, 20 March 2003, 'Iraq: Military Action'.
[59] GlobalSecurity.org, 21 March 2003, *DoD News Briefing – Secretary Rumsfeld and General Myers*.
[60] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[61] Ministry of Defence, *Operations in Iraq: Lessons for the Future,* December 2003.
[62] Minutes, 20 March 2003, Ad Hoc Meeting on Iraq.
[63] Cabinet Conclusions, 20 March 2003.

precisely at regime and military targets. Precision weapons would be used to minimise civilian damage and casualties.

103. Mr Blair concluded that Saddam Hussein's strategy would be to try to draw the Coalition into the cities to maximise civilian casualties and generate a "clamour" for military action to cease. "In extremis", Saddam Hussein would probably use chemical and biological weapons, some of which it was believed were deployed with Iraqi forces.

104. In their conversation at 1600 on 20 March, Mr Blair and President Bush discussed the previous night's events, the possibility of "catastrophic success" in the event of a sudden "melt-down" of Saddam Hussein's regime, followed by reprisals by locals against the Ba'ath Party.[64] They also discussed their planned meeting at Camp David.

105. In a statement to the House of Commons that afternoon, Mr Hoon said:

> "President Bush announced at 3.15 this morning on behalf of the Coalition that operations had begun with attacks on selected targets of military importance. Those attacks were carried out by Coalition aircraft and cruise missiles on more than one target in the vicinity of Baghdad, following information relating to the whereabouts of very senior members of the Iraqi leadership. Those leaders are at the very heart of Iraq's command and control system, responsible for directing Iraq's weapons of mass destruction …
>
> "In addition to those attacks, Coalition Forces yesterday carried out certain preliminary operations against Iraqi artillery, surface-to-surface missiles, and air defence systems … Those were prudent preparatory steps … designed to reduce the threat to Coalition Forces in Kuwait …
>
> "British forces are already engaged in certain military operations, although the House will understand why I cannot give further details at this stage."[65]

106. Mr Hoon warned that the Government would not provide a "running commentary" on events during military operations, but oral statements would be made "as and when necessary" and summaries would be placed in the Library of the House of Commons and the Vote Office "as warranted by the day's events".

107. In his statement, Mr Hoon said that he would place a copy of the Government's military campaign objectives in the Library of the House of Commons later that day.

108. The document, which had been approved by Lord Goldsmith, the Attorney General (see Section 6.2), said that the UK's overall objective for the military campaign was:

> "… to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs and remains so disarmed in the long term."[66]

---

[64] Letter Cannon to McDonald, 20 March 2003, 'Iraq: Prime Minister's conversation with Bush'.
[65] House of Commons, *Official Report*, 20 March 2003, columns 1087-1088.
[66] Paper, 18 March 2003, 'Iraq: Military Campaign Objectives'.

109. In aiming to achieve the objective as swiftly as possible, the document stated that "every effort will be made to minimise civilian casualties and damage to essential economic infrastructure, and to minimise and address adverse humanitarian consequences".

110. The main tasks of the Coalition were identified as:

- overcoming the resistance of Iraqi Security Forces;
- denying the Iraqi regime the use of WMD now and in the future;
- removing the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council's demands;
- identifying and securing the sites where WMD and their means of delivery were located;
- securing essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraq; and
- deterring wider conflict both inside Iraq and in the region.

111. The campaign objectives also included "immediate military priorities" in the wake of hostilities. Those were to:

- provide for the security of friendly forces;
- contribute to the creation of a secure environment so that normal life could be restored;
- work in support of humanitarian organisations to mitigate the consequences of the conflict, or provide relief directly where needed;
- work with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) to rid Iraq of its WMD;
- facilitate remedial action where environmental damage had occurred;
- enable "the reconstruction and re-commissioning of essential infrastructure for the political and economic development of Iraq, and the immediate benefit of the Iraqi people"; and
- lay plans for reforming the Iraqi Security Forces.

112. The document said that "British military forces will withdraw as soon as practicable", and concluded by re-stating the end state for Iraq set out by Mr Straw in his statement of 7 February.

113. Royal Marines from 3 Commando Brigade landed on the al-Faw Peninsula early on 21 March.

114. On 20 March, the deployment of UK 3 Commando Brigade was brought forward from the evening of 21 March to 1900 on 20 March.[67]

115. Royal Marines of 40 and 42 Commando launched assaults on the al-Faw Peninsula during the night of 20/21 March.[68]

116. Marines from 40 Commando were reported to be ashore on the al-Faw Peninsula on the morning of 21 March.[69]

117. The landings by the Royal Marines did not go entirely as planned.

118. The risk that the beaches would be mined was not explicitly identified and addressed, and does not seem to have been drawn to the attention of Mr Hoon.

119. As Chief of the Defence Staff, that was Adm Boyce's responsibility.

120. The crash of a US helicopter carrying US and UK personnel in Kuwait resulted in a temporary suspension of US Sea Knight flights, as weather conditions worsened, delaying the deployment from 42 Commando by around six hours.[70] The crash killed four US aircrew and eight UK personnel.[71]

121. The MOD's *Lessons for the Future* report stated that, despite efforts "against the clock" to clear a beach for landing the light armour, the risk was deemed to be too high when the scale of mining became apparent. The vehicles had to be landed back in Kuwait and eventually reached their positions "some 24 hours later".[72]

122. Lieutenant General Sir James Dutton, who commanded 3 Commando Brigade from July 2002, told the Inquiry that the landings had not entirely gone to plan.[73] A decision had been made to abort the planned US hovercraft landing of the brigade's light, tracked armoured vehicles because the risk was considered to be too great. The helicopter crash had delayed the arrival of 42 Commando by "about 10 to 12 hours".

123. The overnight report for 20/21 March prepared by staff in COBR for No.10 recorded: "Overall, Coalition Forces have met slightly more resistance than anticipated, and there is no evidence yet of widespread Iraqi capitulation."[74]

124. Gen Reith told the Inquiry that intelligence had "lost sight of the Special Republican Guard" about two weeks before the invasion and that it later "transpired that they had been broken down into small elements and placed within various brigades".[75]

---

[67] Letter Watkins to Manning, 20 March 2003, 'Iraq: Military Action'.
[68] House of Commons Library, Research Paper 03/50, 23 May 2003, 'The Conflict in Iraq'.
[69] Minutes, 21 March 2003, Chiefs of Staff meeting.
[70] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[71] Major Jason Ward, Captain Philip Guy, Warrant Officer Mark Stratford, Colour Sergeant John Cecil, Sergeant Les Hehir, Lance Bombardier Llywelyn Evans, Operator Mechanic (Communications) Ian Seymour, Marine Sholto Hedenskog.
[72] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[73] Public hearing, 12 July 2010, pages 14-15.
[74] Minute Cabinet Office [junior official] to Manning, 21 March 2003, 'Iraq: Overnight Sitrep'.
[75] Private hearing, 15 January 2010, page 55.

125. Gen Reith added that that had not really been a factor other than for 3 Commando Brigade which had:

> "… hit a couple of small pockets of resistance which were Special Republican Guard.
>
> "By and large … we were dealing with … conventional divisions … many of them just broke up and disappeared."

126. The redeployment of elements of the Republican Guard to stiffen Iraqi defences in the South had not been predicted by the JIC.

127. The assessments made pre-conflict about the conventional capabilities of Iraq's Security Forces and their actions and intentions in response to an invasion are set out in Section 6.2.

128. The assessment of the operational risks from forces deployed in the South is set out in the Box below.

Potential Iraqi opposition in southern Iraq

A JIC Assessment of 6 December 2002 considered Iraq's options "during a coalition ground attack".[76] The Assessment described Iraq's naval capability as "very limited", but said that it "could lay a credible minefield along the Iraqi coast". It did not specifically address Iraq's potential response to an amphibious assault, including mining the beaches.

The campaign plan for Operation Desert Storm in 1991 did not involve amphibious landings.[77]

The advice to Mr Hoon and Mr Blair is set out in Section 6.1.

The MOD advice to Mr Hoon in December 2002 identified a potential threat to maritime forces from Iraqi forces defending the al-Faw Peninsula, and stated that the US plan was designed to prevent reinforcements being attempted. If reinforcement was attempted, "Coalition Forces should be able to defeat it with ease".[78] There was no consideration of the likelihood of Iraq mining the beaches to hamper an amphibious landing.

Sir Kevin Tebbit, MOD Permanent Under Secretary, identified the need for an assessment which set out the operational risks of the role proposed for the Royal Marine Commando Group in a clear and balanced way.[79]

The papers sent to No.10 by the MOD on 12 December did not address likely Iraqi defences.[80]

---

[76] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.
[77] Ministry of Defence, *Statement on the Defence Estimates – Britain's Defence for the 90s*, 1991, Cm 1559-I. Pages 21-24.
[78] Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, 'Iraq Military Planning: Amphibious Task Group'.
[79] Manuscript comment Tebbit on Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, 'Iraq Military Planning: Amphibious Task Group'.
[80] Letter Williams to Manning, 12 December 2002, 'Iraq: Military Planning – Amphibious Task Group (ATG)'.

A JIC Assessment of 29 January 2003 reported "continuing military defensive preparations, including deployments and reinforcements of military units in the South, West and along the border of the Kurdish autonomous zone" which appeared to be "directed against both the threat of internal uprising and external attack".[81] That included "possibly 1,000 troops on the al-Faw Peninsula, apparently in response to the Coalition build-up in Kuwait". But Iraq's options for redeployment in the South were "limited": "Any significant redeployment in the South would risk triggering a Coalition attack by breaching the No-Drive Zone."

On 19 February, the JIC assessed the situation in southern Iraq and what might happen there before, during and after Coalition action.[82] The JIC judged that:

> "The Iraqi forces currently guarding southern Iraq are a relatively weak first line of conventional defence. They face rapid defeat. There is little evidence so far that the Iraqis are preparing for a hard-fought defence of Basra and other urban areas."

The Assessment stated:

- Resolution 949 (1994) (see Section 1.1) prohibited the presence of the Republican Guard in the South. Its absence and the weaknesses of the Regular Army meant that the Iraqi forces guarding southern Iraq (III and IV Corps) were a relatively weak first line of conventional defence which would "face rapid defeat in the face of a massive military onslaught".
- The JIC knew "little about Iraqi plans for the defence of Basra", but there was "as yet no sign of preparations for a hard-fought defence of this or other urban centres in southern Iraq".
- Saddam Hussein's regime had "appointed his cousin Ali Hassan al-Majid [Chemical Ali] as regional commander of the southern sector … with authority over all forces in the area. Iraq practice in the Iran/Iraq war suggests this would include tactical control over CBW. Ali is a loyal member of Saddam's inner circle. He was a brutal Governor of occupied Kuwait in 1990–91. He also played a leading role in suppressing the Shia uprising in 1991 and Kurdish rebels in the late 1980s (using chemical weapons against the Kurds). His appointment may reflect an Iraqi leadership view that a particularly loyal and ruthless figure is needed to take command in the South in a crisis, both to suppress the Shia and to maintain discipline among the Iraqi forces."

Southern Iraq was judged to be the most likely area for the first use of CBW against Coalition Forces and the local population (see Section 4.3).

129. The assessment of the risks posed by irregular forces is addressed later in this Section.

130. In a statement on 21 March, Mr Hoon reported on the operations overnight, including the loss of UK personnel and the Royal Marine operations supported by Royal Navy ships.[83] He expected the port of Umm Qasr "to be fully under coalition control shortly".

---

[81] JIC Assessment, 29 January 2003, 'Iraq: The Emerging View from Baghdad'.
[82] JIC Assessment, 19 February 2003, 'Southern Iraq: What's In Store?'
[83] House of Commons, *Official Report,* 21 March 2003, columns 1209-1210.

131. Mr Hoon also reported that the 5th US Marine Corps Regimental Combat Team (RCT-5) had launched operations to secure the south Rumaylah oilfield and gas and oil platforms in southern Iraq at 1715 hours on 20 March. The main land offensive had begun at 0300 hours on 21 March. Two battlegroups of 7 Armoured Brigade (the Black Watch and 1st Battalion Royal Regiment of Fusiliers) were providing flank protection for US forces. "Stiff resistance" had been encountered.

132. RCT-5 was supported by specialist UK Explosive Ordnance Disposal and Specialist Team Royal Engineers personnel.[84]

133. RAF aircraft, including the Tornado GR4 and Harrier GR7, flew a number of combat and combat support missions in support of the operations, striking targets as far north as al-Kut.[85]

134. The 3rd Regiment Royal Horse Artillery, located on Bubiyan Island (several miles south-east of Umm Qasr), plus HMS Marlborough, HMS Richmond and HMS Chatham, provided artillery support to the operations.[86]

135. HMS Chatham later contributed to information operations by broadcasting pre-recorded material on high frequency radio.[87]

136. In a press conference on 21 March, Adm Boyce described the US 3rd Infantry Division as having "penetrated more than 140km into Iraq".[88]

137. In an update to the Ad Hoc Meeting on Iraq on 21 March on the intelligence picture, Mr Scarlett referred to the possible deployment of chemical weapons to units in the South and the possibility of internecine fighting in southern Iraq.[89]

138. Adm Boyce reported that most of the oil wells in southern Iraq had been secured with minimal damage.

139. Mr Blair and President Bush discussed campaign progress on 21 March, including the scale of desertions from Regular Army units and the possibility of inter-ethnic strife in cities in the South.[90] Mr Blair wondered how the Coalition would know when the regime had definitively collapsed.

140. The overnight report to No.10 on 22 March, recorded that 16 Air Assault Brigade had relieved US forces in the Rumaylah oilfields and 7 Armoured Brigade had relieved

---

[84] Briefing [MOD], 1 April 2003, 'Annex to Evening Sitrep'.
[85] GlobalSecurity.org, 21 March 2003, *Defence Secretary and Chief of the Defence Staff: Press Conference at the Ministry of Defence, London – 21 March 2003*.
[86] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[87] Minutes, 22 March 2003, Chiefs of Staff meeting.
[88] GlobalSecurity.org, 21 March 2003, *Defence Secretary and Chief of the Defence Staff: Press Conference at the Ministry of Defence, London – 21 March 2003*.
[89] Minutes, 21 March 2003, Ad Hoc Meeting on Iraq.
[90] Letter Cannon to McDonald 21 March 2003, 'Iraq: Prime Minister's conversation with Bush, 21 March'.

US forces south of Basra.[91] The commander of Iraq's 51st Mechanised Infantry Division had surrendered and the southern oilfields and the oil infrastructure on the al-Faw Peninsula had been secured.

141. The 51st Mechanised Infantry Division had been located in the vicinity of the az-Zubayr oil pumping station several miles south-west of Basra.[92]

142. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 22 March that there was evidence of Iraqi Army divisions being prepared to surrender at Basra and Nasiriyah.[93]

143. Adm Boyce also reported to the meeting that the oilfields and platforms in the South had been prepared for demolition by the Iraqis.

144. The minutes of the Chiefs of Staff meeting on 22 March recorded that 1 MEF was in full control of the Rumaylah oilfields and that UK engineers were making safe the demolition charges and booby traps which had been found in many of the facilities.[94] Seven oil wells were reported to be on fire, and two leaking. There were also reports that regular units of the Iraq Army had moved out of Basra.

145. The Chiefs of Staff were also informed that Coalition Forces had seized crossings of the Euphrates, the Tallil airfield and the az-Zubayr oil pumping station.

146. Mr Blair and President Bush spoke again on 22 March.[95] Their review of military developments included:

- an assessment that the campaign was ahead of objectives;
- surrenders were taking place on a massive scale in the South;
- many more Iraqis were deserting from the Iraqi Security Forces and melting back into the civilian population;
- US forces were looking hard for traces of WMD and had already destroyed some "WMD-type" manufacturing facilities; and
- the need to ensure that Syria realised that it should not hide Iraqi WMD or harbour regime fugitives.

147. Mr Blair said that it would be important to locate WMD manufacturing facilities. He and President Bush agreed to speak on 24 March to discuss how to deal with operations in Baghdad itself.

148. AM Burridge wrote in his 8 May end of tour report that the decision to launch the ground offensive before the start of the strategic air campaign, and in the process

---

[91] Minute Cabinet Office [junior official] to Manning, 22 March 2003, 'Iraq: Overnight Sitrep'.
[92] Letter Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.
[93] Minutes, 22 March 2003, Ad Hoc Meeting on Iraq.
[94] Minutes, 22 March 2003, Chiefs of Staff meeting.
[95] Minute Cannon to McDonald, 22 March 2003, 'Iraq: Prime Minister's conversation with Bush, 22 March: Military Developments'.

prevent Saddam Hussein from successfully sabotaging Iraq's oil infrastructure, "may have been the seminal decision of the campaign".[96] Environmental damage had been minimised, and the revenue source that would be vital to Iraq's future prosperity had been largely protected.

The air campaign

149. The "Shock and Awe" strategic air campaign was launched, as planned, on 21 March.[97] It involved heavy bombing of Baghdad. Targets in and around Mosul, Tikrit and Kirkuk were also attacked.

150. A letter from the MOD to No.10 on 23 March reported that: "As of 1100Z today UK tactical air and TLAM had attacked 115 strategic targets."[98]

151. By 24 March, the main focus of Coalition air activity had shifted from strikes against fixed targets to support of land operations including Close Air Support (CAS).[99] That remained the priority for the duration of combat operations.

152. For the duration of the campaign, the RAF was tasked as a Coalition asset, providing support to all Coalition nations. By early April, the RAF was flying about 10 percent of the 1,200 sorties being flown per day by the Coalition.[100]

153. In July 2003, the MOD assessed that the RAF had flown almost 2,500 sorties, 6 percent of the Coalition total.[101]

154. The guidance provided on targeting is addressed in Section 6.2.

Battle Damage Assessments

A Battle Damage Assessment (BDA) is made after an attack to assess its impact and effectiveness, including estimates of "collateral damage" – the damage to facilities and the death or injury of people in the vicinity of the target.

As Section 6.2 shows, the risk of collateral damage was an important consideration on selecting and approving targets for attack by the UK.

The Chiefs of Staff were advised on 28 March that:

> "The Battle Damage Assessment (BDA) process was not providing sufficient verification of the damage done to Iraqi military units; work was in hand to improve the capability."[102]

---

[96] Report Burridge to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report'.
[97] Briefing MOD, 22 March 2003, 'Iraq: Update for the Number 10 Sitrep, 0600Z 22 March 2003'.
[98] Letter Watkins to Manning, 23 March 2003, 'Iraq: Progress of Military Campaign'.
[99] Briefing [MOD], 24 March 2003, 'Annex to evening sitrep, 24 March: Military'.
[100] GlobalSecurity.org, 4 April 2003, *Minister of State for the Armed Forces and the Chief of the Air Staff: Press Conference at the Ministry of Defence, London – 4 April 2003*.
[101] Ministry of Defence, *Operations in Iraq – First Reflections*, July 2003.
[102] Minutes, 28 March 2003, Chiefs of Staff meeting.

The Inquiry has seen papers that indicate a review of the 'Joint Targeting and Battle Damage Assessment' policy paper was carried out in late April 2003, with the aim of highlighting any differences between the theory of targeting and the realities of an operation.[103] Two main issues were identified: the ability to provide accurate and timely BDAs and the difficulty in target clearance where UK strategic aims did not agree totally with US strategic aims.

In his post-operation tour report, Major General Peter Wall, Chief of Staff to AM Burridge during the invasion and subsequently Commander 1 (UK) Div, wrote:

> "The conduct and co-ordination of BDA was poorly done throughout the operation. BDA analysis from MEF [the US Marine Expeditionary Force] was at best 5 days too late. Immediate BDA from pilots gave a general idea but was, invariably, inaccurate. This meant that targets were re-engaged unnecessarily on many occasions, denying assets elsewhere."[104]

In its report of lessons from the conflict, the MOD Directorate of Operational Capability (DOC) identified that the different models and methods used by the US and UK to estimate collateral damage had resulted in a divergence of policy which had produced friction.[105] It concluded that the UK needed to develop its policy to seek greater coherence with the policies of potential allies, particularly the US. It also recommended that improved tools were required for the assessment of collateral damage to enable rapid decisions; and that compatibility with US systems should be a consideration. The Coalition BDA process had not been able to cope with the scale of the task and the UK's capacity needed to be reviewed to ensure it matched the needs of a national operation. In addition, it was based on damage not effect. That too should be reviewed for compatibility with the concept of effects-based targeting.

Asked if there were any areas of improvement he would suggest, ACM Torpy told the Inquiry:

> "The only area which I think we could have done more with, and that is the mechanisms by which we assessed collateral damage. One of my roles I saw was making sure that our targeting process was aligned as closely as possible with the US system, but where there were inevitably going to be differences, that I sorted those out with Gen Moseley before the campaign started, and we tried to find a mechanism for solving those problems. One of the issues was if the US use a particular software system for working out collateral damage and we use a different one that it comes out with slightly different answers. Ours is slightly more conservative. I think more work in trying to align some of that methodology would have been helpful."[106]

The maritime campaign

155. AM Burridge described the UK mine countermeasures group as the "backbone" of the Coalition's mine clearance capability.[107]

---

[103] Minute MOD [junior official], 23 April 2003, 'Review of the Joint Targeting and Battle Damage Assessment Policy Paper'.
[104] Report Wall, 6 October 2003, 'Post Operation Report – Version 2 Operation TELIC'.
[105] Report Directorate of Operational Capability [MOD], 17 October 2003, 'Operation TELIC Lessons Study'.
[106] Public hearing, 18 January 2011, page 13.
[107] Report Burridge to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report'.

156. The Royal Navy commenced mine clearance operations and seized some Iraqi ships ready to lay mines on 21 March.[108]

157. On 22 March, the MOD reported to No.10 that the Iraqi Navy had been "destroyed".[109]

158. On 23 March, the Royal Navy began operations to clear the Khawr Abd Allah (KAA) waterway of mines so that the port of Umm Qasr could be opened to shipping.[110] Opening Umm Qasr was essential for the rapid delivery of humanitarian aid and logistic support for the military campaign.

159. The Royal Navy also used its submarine-launched TLAM to provide "a long-range, precision capability". In December 2003, the MOD stated that a "substantial" number of TLAMs had been launched from UK submarines.

23 and 24 March: UK forces reach Basra

160. By 24 March, UK forces were in control of Basra Airport and "arrayed around" the "outskirts" of Basra City.

161. When and how to enter the city in the face of a "heavy presence of internal security forces" was identified as a key decision.

162. By the early hours of 23 March, 3 Commando Brigade had taken control of Umm Qasr, and was planning to "expand influence out from al-Faw and Umm Qasr".[111] The MOD morning update for No.10 also stated that 7 Armoured Brigade was "expected to enter Basra on D+4 [23 March]".

163. Mr Hoon informed the Ad Hoc Meeting on Iraq on 23 March that:

> "Iraqi regular forces were melting away but it remained to be seen if the Republican Guard would stand and fight. The emergence of militia forces who were prepared to fight [because] they had nothing to lose … was a new difficulty for the Coalition in securing the centres of population."[112]

164. A report based on the Chiefs of Staff discussion on 23 March, sent to Sir David Manning, stated that reconnaissance of Basra was being conducted and: "A decision will then be taken whether to enter the city tonight or whether to hold off until tomorrow evening."[113]

---

[108] GlobalSecurity.org, 4 April 2003, *Defence Secretary and Chief of the Defence Staff: Press Conference at the Ministry of Defence, London – 21 March 2003*.
[109] Briefing [MOD], 22 March 2003, 'Iraq: Update for the Number 10 Sitrep, 0600Z 22 March 2003'.
[110] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[111] Briefing [MOD], 23 March 2003, 'Iraq: Update for the Number 10 Sitrep, 0600Z 23 March 2003'.
[112] Minutes, 23 March 2003, Ad Hoc Meeting on Iraq.
[113] Minute Gibbons to Manning, 23 March 2003, 'Iraq: Update Sunday 23 March (1100)'.

165. The report also stated:

> "The situation surrounding Iraq's 51st Mechanised Infantry Division remains confused. A lot of its equipment has been abandoned and its personnel have vanished. In the South, UK and US are meeting small pockets of resistance … and some seems to be local militia … But this could indicate that Coalition Forces are likely to be the subject of harassment and sabotage for some time to come!"

166. In relation to the wider campaign, the report said:

> "Tommy Franks intends to maintain (and if possible increase) the momentum of the push towards Baghdad. At present leading elements of the US V Corps are just south of Najaf … The focus of air activity is now on counter-land operations against SRG [Special Republican Guard] and RG [Republican Guard], although command and control, WMD and regime HQs are also being targeted."

167. A letter from Mr Watkins to Sir David Manning on the same day, forwarding an initial assessment of progress against the main military campaign objectives, recorded that the military campaign was "broadly proceeding to plan", with pockets of resistance but "no signs of internal uprisings".[114]

168. The MOD update that evening stated that 7 Armoured Brigade was "arrayed around [the] outskirts of Basra … Will not be in Basra tonight, as previously thought."[115]

169. The COBR overnight report for 23/24 March stated:

> "Reporting from Basra suggests the heavy presence of internal security forces from the Saddam Fedayeen, the DGI [Directorate of General Intelligence] and the Ba'ath Party militia … Key (UK) decision now concerns when and how to enter the city [Basra]."[116]

170. Adm Boyce told the Ad Hoc Meeting on Iraq on 24 March that local militias in Basra were putting up resistance and 1 (UK) Div would proceed with caution in taking control there.[117]

171. Mr Hoon stated that the Iraqis would try to draw the Coalition into the cities, where fighting would be difficult. The next 24 hours would show whether the Republican Guard intended to try to bar the Coalition's advance on Baghdad.

172. The meeting also discussed media reporting, which had started to play up the difficulties of the military campaign, and its impact on local politics: "Expectations had been created and would now need to be managed if they were unrealistic."

---

[114] Letter Watkins to Manning, 23 March 2003, 'Iraq: Progress of Military Campaign'.
[115] Briefing [MOD], 23 March 2003, 'Annex to Evening Sitrep 23 March: Military'.
[116] Minute Cabinet Office [junior official] to Manning, 23/24 March 2003, 'Iraq: COBR Overnight Sitrep'.
[117] Minutes, 24 March 2003, Ad Hoc Meeting on Iraq.

173. Mr Blair concluded that militia resistance in population centres did not appear significant when set against the broad thrust of the campaign and the Coalition's achievements to date. The campaign was only 72 hours old and there was no case for adjusting the presentational posture before it was known what pattern was developing on the ground.

174. By 24 March, UK forces controlled Basra Airport.[118]

175. In preparation for a statement to Parliament by Mr Blair on 24 March, Mr Blair's Assistant Private Secretary provided a "note on military developments" which said:

> "Pockets of resistance remain in the cities, particularly from hard-core regime supporters … [The] city of Basra is surrounded, with airport in Coalition hands (but significant resistance from hard-core regime supporters expected …)."[119]

176. In his statement, Mr Blair re-stated the UK's "central objectives" as "to remove Saddam Hussein from power" and ensure that Iraq was disarmed.[120] The military campaign to achieve those objectives was being conducted deliberately in a way that "minimises the suffering of ordinary Iraqi people" and "to safeguard the wealth of the country for the future prosperity of the people". That was why the Coalition had not mounted a heavy bombing campaign before the land campaign, and why the immediate actions of the land forces had been to secure oil installations, which had been mined. Had the Coalition not "struck quickly, Iraq's future wealth would even now be burning away".

177. Mr Blair said that the targets of the air campaign were the "infrastructure, command and control of Saddam's regime, not of the civilian population". Water and electricity supplies were "being spared" and there were "massive efforts to clear the lines of supply for humanitarian aid", although that was hindered by the presence of mines.

178. In relation to the city of Basra, Mr Blair stated that the aim was to render it "ineffective as a basis [sic] for military operations". The city was "surrounded and cannot be used as an Iraqi base", but there were "pockets of Saddam's most fiercely loyal security services" in Basra who were "holding out". They were "contained but still able to inflict casualties … so we are proceeding with caution". Basra Airport was "secure".

179. Mr Blair also said that:

- The Coalition objective in the desert in the West was "to prevent Saddam from using it as a base for hostile external aggression".
- In the North, the objective was to "protect people in the Kurdish Autonomous Zone, to secure the northern oilfields and to ensure that the North cannot provide a base for Saddam's resistance".

---

[118] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[119] Minute Cannon to Prime Minister, 24 March 2003, 'Iraq: Military Developments'.
[120] House of Commons, *Official Report*, 24 March 2003, columns 21-22.

- Reaching Baghdad "as swiftly as possible, thus bringing the end of the regime closer" was "the vital goal". There were "bound … to be difficult days ahead, but the strategy and its timing are proceeding according to plan".

180. On 24 March, Sir David Manning spoke to Dr Rice.[121] She indicated that the appearance of "irregular forces" alongside Iraqi regular forces in Umm Qasr and elsewhere "was proving a tough combination to deal with".

181. In a reference to the legacy of the previous Gulf Conflict, Sir David also recorded:

> "One of the problems was that many people in Iraq were still unsure whether we were determined to complete the job this time. Only when they were certain that we would get rid of Saddam … would they conclude it was safe to turn on the regime's henchmen. Ironically the care that we had taken over targeting … and the decision to leave the broadcasting and communications systems up and running, had probably fed popular doubts about our determination."

182. Sir David reported Dr Rice as stating that it was not clear if the Iraqi people knew the Coalition was winning.

183. In a discussion with President Bush on 24 March, Mr Blair identified the Fedayeen, the Medina Division of the Republican Guard and the use of Iraqi media and communications facilities for military purposes as the "trickiest issues ahead".[122] There was a need to "dampen expectations" and "exercise extreme care" in targeting decisions.

184. Mr Blair also underlined the importance of Coalition Forces finding Saddam Hussein's WMD.

185. The MOD reported on the evening of 24 March that:

> "Major General Brims [is] still considering his options on entering Basra. He intends to move some elements of 3 Commando Brigade (some of Black Watch) into az-Zubayr (town 10 miles south west of Basra) as a test of how city/town fighting might go. This example should help inform decisions on Basra."[123]

186. The MOD also reported that the US V Corps had "paused as planned near Najaf".

187. The COBR report on key events for 24 March stated that the operation as a whole was:

> "Just ahead of expected timelines at moment but weather deteriorating."[124]

---

[121] Letter Manning to McDonald, 24 March 2003, 'Iraq: Conversation with Condi Rice'.
[122] Letter Rycroft to McDonald, 24 March 2003, 'Iraq: Prime Minister's telephone conversation with President Bush, 24 February [sic]'.
[123] Briefing [MOD], 24 March 2003, 'Annex to Evening Sitrep 24 March: Military'.
[124] Minute Cabinet Office [junior official] to Manning, 24 March 2003, 'Iraq: COBR Round Up of Key Events – 24 March'.

25 to 27 March: an operational pause

188. On 25 March, Mr Blair raised the need for a media campaign to convince the Iraqi people that the regime would collapse with President Bush.

189. Concerns were also emerging about negative press reporting of the progress of the campaign.

190. A debate began about whether the fall of Basra should be given priority as a way to contribute to the fall of the regime in Baghdad.

191. Adm Boyce told the Ad Hoc Meeting on Iraq on 25 March that overcoming the resistance of Iraqi irregulars in az-Zubayr would provide a good indication of how Basra should be tackled.[125] The fall of Basra would send a strong message, particularly when combined with efforts to provide humanitarian relief to its inhabitants. But the bad weather was likely to slow the advance on Baghdad.

192. A minute to Sir David Manning, reporting the Chiefs of Staff meeting on 25 March, stated that the Royal Marines were patrolling Umm Qasr in berets but that:

> "Basra remains a conundrum: the commander of 1[UK] Div [Maj Gen Brims] has yet to decide how best to proceed but planning for a number of options continues. Situation should be clarified over the next 24 hours."[126]

193. The Chiefs of Staff also discussed media issues. The minutes record a view that:

> "… reporting from journalists in theatre gave a rather bleak outlook. Consideration would be given to providing military context briefs to the embedded press corps and, separately, to the 'talking heads' and opinion formers in London."[127]

194. After the Chiefs' discussion, Mr Ian Lee, MOD Director General Operational Policy, wrote to Sir Kevin Tebbit and Adm Boyce, recording that he had pursued three themes identified as:

- the balance in media reporting and the need for a media programme which did not give the appearance that the Government was "rattled";
- the information operations view of the "Basra/Baghdad relationship"; and
- the "targeting of dual use communication media facilities".[128]

195. On information operations (IO), Mr Lee stated:

> "… we discussed the strategic IO significance of Basra. In sum, the IO advice was that the road to Baghdad leads through Basra. Not only would satisfactory removal of regime elements from Basra send a message to Baghdad, it would have the beneficial side effect (NB not an objective) of pacifying the impatient media."

---

[125] Minutes, 25 March 2003, Ad Hoc Meeting on Iraq.
[126] Minute Gibbons to Manning, 25 March 2003, 'Iraq: COS Tuesday 25 March'.
[127] Minutes, 25 March 2003, Chiefs of Staff meeting.
[128] Minute Lee to PS/PUS [MOD], PSO/CDS, 25 March 2003, 'TELIC: Information Campaign'.

196. Mr Lee pointed out that the US military took a different view of whether action in Basra would affect the position in Baghdad.

197. Mr Lee advised that a separate submission would address the targeting of communications facilities.

198. A manuscript comment by Sir Kevin Tebbit on Mr Lee's advice said:

> "Two points:
>
> (a) the need to put across the overall strategy and progress towards it, to avoid excessive focus on tactical 'pinprick' setback …
>
> (b) the importance of ensuring that judgement about Basra v Baghdad … should be based on military risk/benefit considerations rather than feel under particular political pressure to strike a blow for exemplary humanitarian, or other, reasons."[129]

199. Mr Hoon's Private Office wrote to Sir David Manning on 25 March stating:

> "It is planned to conduct attacks over the next few nights which are intended to degrade Iraqi command and control. These may also have the consequence of stopping some media facilities. It is important that any public statements on these attacks emphasise that it is 'command and control' which is being attacked – not 'propaganda' facilities."[130]

200. In preparation for Mr Blair's meeting with President Bush at Camp David from 26 to 27 March, Mr Watkins provided an assessment on 25 March of progress against the campaign tasks.[131] He reported:

> "Southern Iraq is effectively under Coalition control although significant resistance remains in Basra.
>
> "7 Armoured Brigade dominates the Basra area and has defeated hard-core resistance in nearby az-Zubayr. Significant irregular forces remain in Basra … There may be a trade-off between the effort that would be required to defeat them and the need to maintain the tempo of the Coalition's main effort (the push northwards to Baghdad).
>
> "… al-Faw Peninsula, Umm Qasr and the southern oilfields have been secured … 3 Commando Brigade is in control … US 15th … MEF released to return to 1 MEF.
>
> "16 Air Assault Brigade deployed in southern oilfields."

---

[129] Manuscript comment Tebbit on Minute Lee to PS/PUS [MOD], PSO/CDS, 25 March 2003, 'TELIC: Information Campaign'.
[130] Letter Williams to Manning, 25 March 2003, 'Iraq: Targeting'.
[131] Letter Watkins to Rycroft, 25 March 2003, 'Prime Minister's visit to Washington. Iraq: Review of the military situation'.

201. Mr Watkins sent a second letter later the same day in response to a request from No.10 for advice about "how the Coalition intended to deal with Fedayeen and the Medina Division [of the Republican Guard]".[132] The letter said:

> "… there are a number of paramilitary or irregular forces operating in Iraq. We do not know for certain which of these forces are putting up resistance in southern Iraq. Reporting from theatre is using the term 'Fedayeen' as a generic term for 'irregular' resistance.
>
> "… The success or otherwise of groups in Basra is likely to have a direct impact on the way these forces operate in Baghdad …
>
> "… Against the background of our overall objectives and of the regime's options, it is tempo – namely rapid advance on Baghdad – that must take priority … This resistance does not threaten the Coalition's overall control of southern Iraq or the ultimate attainment of our objectives, but mopping it up is not a trivial task.
>
> "The military handling of this challenge in and around Basra will be a matter for the judgement of … Major General Robin Brims, and we are keen to not try to second guess him here. At present, his focus is on gathering information on the strength and dispositions of irregular forces within and around the city, whilst testing the water with robust patrolling in nearby az-Zubayr. The outcome of these activities will influence the decision on whether, when and how to confront the residual opposition in Basra. It should be borne in mind that the key military objective is to 'screen' Basra, to prevent Iraqi forces disrupting the US push northwards: this is being achieved."

202. In relation to the Medina Division, the MOD commented that the Iraqi regime could leave it, and other formations, where they were, "making them vulnerable to air strikes and an armoured assault; or withdraw it into Baghdad". The exact approach to dealing with it would be a "matter for the US land commanders to decide". The MOD also pointed out that "the engagement of the Medina Division is only a prelude to the key task of dealing with Baghdad itself".

203. A list of Iraq's irregular forces and their roles was provided in an annex to Mr Watkin's letter:

- **The Fedayeen Saddam:** a militia comprising approximately 11,500 active personnel, controlled by Qusai Hussein. In the event of a Coalition attack, it was expected to be used for internal security, including repression of civilian uprisings.
- **The Ba'ath Party militia:** although officially disbanded, the Ba'ath Party was likely to call out members to form an ad hoc force to conduct security sweeps.

---

[132] Letter Watkins to Rycroft, 25 March 2003, 'Iraq: Irregular forces and the Medina Division'.

- **The Quds Force:** a militia with close links to the Ba'ath Party, resembling a Home Guard. Tasked with defending cities and putting down internal unrest.
- **The Mujahideen e Khalq (MEK):** an Iranian dissident group, used to support internal security operations. Expected to fight with Saddam Hussein's forces during an invasion.
- **The Directorate of General Security (DGS):** a 2,700-strong paramilitary force used for investigating and acting on anti-state activities.
- **The Directorate of General Intelligence (DGI):** a security organisation used to monitor and suppress dissident activities.
- **The Directorate of Military Intelligence (DMI):** a group of military personnel tasked with collecting and assessing military intelligence from abroad and with providing security and counter-intelligence for the Iraqi armed forces.
- **The Special Security Organisation (SSO):** a security service responsible for Saddam Hussein's security, for monitoring the activities and loyalty of other units integral to the survival of the regime and with a key role in protection of CBW assets. Members of the SSO were posted to all Republican Guard and army units, tasked with shooting attempted deserters.

204. Mr Blair spoke to President Bush again on 25 March. They discussed the need to prevent the Fedayeen establishing a foothold and to disrupt the regime's ability to communicate.[133]

205. Mr Blair commented that progress had been good, but noted the difficulty in persuading the Iraqi public that the regime would in fact collapse and the effects of disinformation such as allegations about the murder of prisoners of war. The Coalition needed to find ways of communicating with the Iraqi public who found it hard to conceive of the Iraqi regime being supplanted. Mr Blair stated that the UK and US did not want to get "sucked into street fighting, where our forces would take casualties". Normalisation efforts, such as the British patrols in Umm Qasr, were significant, as would be the first deliveries of humanitarian aid.

206. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote that Mr Blair had told President Bush:

> "… there was a chance that the whole thing would collapse quickly like a pack of cards, but we shouldn't bank on it. There would be a lot of fighting, but eventually people would notice change happening … and if we handled relations with the Iraqi people well, change could come quickly."[134]

---

[133] Letter Cannon to McDonald, 25 March 2003, 'Iraq: Prime Minister's conversation with Bush, 25 March'.
[134] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.

207. In relation to a subsequent presentation and discussion on the military campaign in the MOD, with the Chiefs of Staff and Lt Gen Reith, Mr Campbell added:

> "… it was absolutely clear that this was going to be a lot tougher. Reith felt the US had been excessively optimistic about the collapse of the regime. The hard core and Fedayeen were absolutely up for it. TB asked about Baghdad. They said it would be split into forty sectors … It would take several weeks, and there were lots of dangers … at Basra … it was not yet clear the best way to proceed.
>
> "The most important thing for TB was to communicate to the Iraqis that we should see this through, that they would benefit from the fall of Saddam. But we should not expect them to welcome with open arms, because they will find it hard to believe the Saddam era is ending. We were doing OK with public opinion in our own country, but we were nowhere in Iraq. Reith said we had to separate regime from people, and that meant taking out his media … Back at Number 10, TB was clear that it was going to take longer than anticipated. Shock and awe had not really happened. So we had taken the political hit of a stupid piece of terminology, and then not actually had the military benefits."

208. The COBR daily report on 25 March related "some concern about the humanitarian situation in Basra where water and electricity supplies have been disrupted since Friday [21 March]".[135]

209. The draft operational concept for Phase IV operations submitted to the Chiefs of Staff by Lt Gen Reith on 25 March is considered later in this Section.

210. On the evening of 25 March, the MOD reported that:

- "Elements of UK land force continue to test city/town fighting in az-Zubayr as a precursor to decision on tactics with Basra …";
- the tactics for the next 12 hours would be to: "Isolate the Iraqi irregular forces from the civilian population in Basra";
- poor weather was having a significant effect on the campaign: helicopter flights in Southern Iraq had been suspended again because of bad weather, hampering freedom of movement for Coalition Forces;
- 16 Air Assault Brigade remained in Rumaylah, and 3 Commando Brigade on the al-Faw Peninsula;
- the 1st Battalion The Parachute Regiment, an element of 16 Air Assault Brigade, remained on standby for a planned operation to secure Qalat Sikar Air Base (an Iraqi Air Force base in Maysan province) for use in the Coalition logistics chain; to observe any advance of Iraqi forces from the east; and to provide a screen to advancing US forces, postponed due to bad weather; and

---

[135] Minute Cabinet Office [junior official] to Manning, 25 March 2003, 'Iraq: COBR Round Up of Key Events – 25 March'.

- 40 Commando had defeated an Iraqi armoured formation that attacked their position.[136]

211. Looking forward to the next 12 hours, the MOD said that the UK would: "Maintain the Information Operations and media efforts to provide additional motivation for the enemy to capitulate."

212. The COBR update for the night of 25/26 March said that Coalition aircraft had attacked state TV in Baghdad and the Ba'ath Party HQ in Basra overnight.[137]

213. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 26 March that the situation inside Basra was unclear, although desertions from the Iraqi Regular Army and the militias were on the increase.[138]

214. Adm Boyce said that the operational pause in the main Coalition thrust towards Baghdad, which coincided with the bad weather, would come to an end shortly.

215. At their meeting on 26 March, the Chiefs of Staff were told that the position of Basra continued to attract media attention.[139] The beginnings of a civil uprising in Basra had been reported, but its extent was unknown. Lt Gen Reith described the situation in the vicinity of Basra as:

> "… complex, and further complicated by the possibility that the Land Cdr [Lt Gen McKiernan] might require 7 Arm[oure]d B[riga]de to deploy north to assist in the battle for Baghdad. GOC 1 Div [Maj Gen Brims] assessed that UK forces could not secure Basra without the support of a popular uprising inside the city …"

216. Adm Boyce directed that: "Ministers would need to be apprised of the difficulties surrounding the Basra issue."

217. Air Marshal Sir Joe French, the Chief of Defence Intelligence, said that Iraqi TV was back on the air; it continued to play a key role in maintaining regime authority and was instrumental in controlling the population and undermining the Coalition.

218. The Chiefs of Staff discussion about the tension between the UK desire to reduce troop levels and the potential demand for troops for Phase IV and US expectations is addressed later in this Section.

219. On 26 March, Mr Watkins asked Mr Lee for advice on Basra.[140] He wrote:

> "Ministers have been informed that the CFLCC would prefer 7 Armoured Brigade not to enter Basra so that it could remain available to reinforce the US advance on

---

[136] Briefing [MOD], 25 March 2003 'Iraq: Update for the Number 10 Sitrep – as at 1700Z 25 March 2003'.
[137] Minute Cabinet Office [junior official] to Manning, 26 March 2003, 'Iraq: COBR overnight sitrep – 25/26 March'.
[138] Minutes, 26 March 2003, Ad Hoc Meeting on Iraq.
[139] Minutes, 26 March 2003, Chiefs of Staff meeting.
[140] Minute PS/SofS [MOD] to DG Op Pol, 26 March 2003, 'Iraq: Dealing with Basrah'.

Baghdad. It would be helpful to have a short paper setting out our options … to act as a framework for discussion at this evening's Ministerial Briefing."

220. Mr Lee replied:

"The military machine is working on a more thorough assessment to this complex question. My own quick and dirty run through of some key points is attached, purely to prompt Ministerial discussion."[141]

221. Mr Lee pointed out that:

- Baghdad was the CFLCC and Coalition main effort. Reinforcements might be required in Baghdad, but using 7 Armoured Brigade in this role would take time and "risks unattended disaster in Basra".
- 1 (UK) Div had insufficient forces to guarantee success in Basra, and attempting to take Basra by force would divide the Coalition effort.
- Success in Basra would support an information operations "message to Baghdad".

222. Mr Lee did not advocate any particular course of action but stated that the key question was: "When does political/media/humanitarian pressure (primarily on the UK) in Basra reach the point at which it destabilises the Coalition?"

223. A note by Mr Blair in the No.10 files for 26 March indicates his concerns about Iraq.[142] In relation to the military campaign, they were:

"… use airpower more effectively; control Iraq's media; take out communications; show Basra in new hands with popular support; destroy Republican Guards divisions; the strategy for Baghdad."

224. The JIC assessed on 26 March that the Iraqi regime was still in control of urban centres; the prospects for an early collapse of the Iraqi regime had lessened; and the defence of Baghdad could be more determined and professional than predicted.

225. The JIC suggested that a major success, such as breaking the regime's hold over a significant city such as Basra, could have an impact on the perception that the regime was still in control.

226. On 26 March, the JIC discussed the first week of the campaign in Iraq.[143] Members considered whether the regime believed it could survive and negotiate a settlement, and whether most Iraqis would at least acquiesce to the military action.

---

[141] Minute DG Op Pol to PS/SofS [MOD], 26 March 2003, 'Iraq: Dealing with Basrah'.
[142] Note Blair, 26 March 2003, 'Iraq'.
[143] Minute Scarlett to Manning, 26 March 2003, 'Iraq: The First Week'.

227. Mr Scarlett wrote to Sir David Manning setting out the JIC's conclusions, which included:

"
- regime tactics were always geared towards urban resistance as well as large-scale conventional warfare. The regime has taken heart from its ability, so far, to maintain command control and communications, the lack of a northern front, and the propaganda advantages it derives from domestic (controlled) and international media coverage of the war;
- the regime has not yet been faced with visible Coalition successes which would shake the foundations of its self-belief. The 'shock' of Coalition operations on the Iraqis has been limited. Coalition Forces have deliberately bypassed population centres, leaving the regime in control of urban areas. The regime's command, control and communications have been more resilient than either it or the Coalition expected. The prospects for an early regime collapse have therefore lessened;
- the Iraqi population is reacting cautiously in the face of the regime's continued security presence and its propaganda. The population fears that the Coalition will not follow through on its initial operation and remove Saddam, leaving it open to regime retribution for popular uprisings. The memory of 1991 is strong …
- the defence of Baghdad may be more determined and professional than previously thought …"

228. Mr Scarlett concluded:

> "A key question was when the perception would begin to change that the regime was in control. This could follow major success against a key support structure such as the Republican Guard or breaking the regime's hold over a major city such as Basra …"

229. In a statement to Parliament on 26 March, Mr Hoon reported that:

> "After six days of conflict, the Coalition has made steady progress, following the main outline of our military plan …"[144]

230. Mr Blair raised the impact of liberating Basra in his discussions with President Bush.

231. Mr Blair and Mr Straw met President Bush, Mr Colin Powell, US Secretary of State, and Dr Rice at Camp David from 26 to 27 March.

232. At dinner on 26 March, Mr Blair and President Bush discussed a range of issues including the need to find ways to rebuild relationships after Iraq, to re-engage on a

---

[144] House of Commons, *Official Report*, 26 March 2003, column 291.

broad international agenda and to tackle the Middle East Peace Plan.[145] Mr Blair gave Mr Bush a note addressing those issues, which is described in Section 9.1.

233. On the military operation in Iraq, Mr Blair emphasised the impact that the liberation of Basra would have. It would "signify that we had broken the power of the paramilitaries, and taken control of Iraq's second city. This would have enormous resonance". He did not want to "second-guess the military commanders", but there were "very strong political attractions in liberating Basra for the signal it would send to the Iraqi people".

234. Mr Blair also told President Bush that he did not want his visit to Camp David to focus primarily on a UN resolution to deal with post-conflict Iraq: "The time to debate this would come when we had secured victory, and were in a position of strength".

235. The wider discussion is addressed in Section 9.1.

236. The COBR update sent to Sir David Manning on 27 March reported that a perception of weak Coalition air attacks may have raised regime morale.[146] The update also reported the view of the Defence Intelligence Staff (DIS) that "there is little prospect of a significant uprising [in Basra], until the local population is convinced of the Coalition's intent and capability to remove the regime". The Red Crescent was active in Basra. Poor weather in southern Iraq continued to hamper air operations and a number of sorties were cancelled.

237. In preparation for a discussion with colleagues about the significance of Basra for the wider campaign strategy, Mr Hoon was advised that Gen McKiernan's focus was the fall of Baghdad.

238. In a minute to Mr Hoon's Private Office on 27 March for a meeting with "Cabinet colleagues" that day, the Deputy Head of Policy/Operations at PJHQ provided advice on the significance of Basra within the wider campaign strategy.[147]

239. Mr Hoon was advised that:

> "… regime removal is at the heart of the Coalition's objectives … The US campaign plan identified Baghdad as the centre of gravity for achieving these, and our other objectives. It has always been McKiernan's … understanding that at some stage it would be necessary to take Baghdad, and that the entry of an attacking division into Baghdad would be a strategically decisive point in the campaign. The same cannot be said of any other area (including Basra). Hence it has long been the US plan … to advance north as rapidly as possible, and reach Baghdad in the shortest possible time (around 12 days, according to Gen Franks …)."

---

[145] Letter Manning to McDonald, 28 March 2003, 'Prime Minister's Meeting with President Bush at Camp David: Dinner on 26 March'.
[146] Minute Gibbons to Manning, 27 March 2003, 'Iraq: Update'.
[147] Minute Dep Hd Pol/Ops(ME) to PS/SofS [MOD], 27 March 2003, 'Iraq: Basra – Coalition Campaign Strategy'.

240. The minute reported that the majority of Basra's population were Shia Muslims, and that there was "a potential for the population to rise up against the regime". However:

> "We have always recognised that the local population would be wary of rising in this way, given the experience of 1991."

241. The morale of the estimated 6,000 regular forces in Basra was assessed as "low", the morale of the 2,000 irregulars was not; as committed supporters of the regime, they had "everything to lose". Against that background:

> "… GOC 1 (UK) Div's [Maj Gen Brims'] intent … has been to defeat Iraqi forces in the vicinity of Basra and his intent is to continue in this vein; to isolate Iraqi irregular forces from the civilian population …
>
> "This approach supports, and reflects, Gen McKiernans' [sic] overall intent. While he doesn't underestimate the importance of Basra, his assessment is that the fall of Baghdad guarantees the fall of Basra, but that the reverse is not likely.
>
> "Fighting in an urban environment is complex, and GOC 1 (UK) Div does not have the forces at his disposal to conduct a successful, opposed entry into Basra …
>
> "Other than media reporting, there is no evidence that this approach is contributing to a humanitarian catastrophe in Basra …"

242. The Ad Hoc Meeting on Iraq and Cabinet on 27 March were both chaired by Mr John Prescott, the Deputy Prime Minister, in Mr Blair's absence at Camp David.[148]

243. Mr Scarlett informed the Ad Hoc meeting of Iraqi perceptions that the regime's grip on the population still held.

244. Adm Boyce reported that the discovery of mines in the waterway to Umm Qasr would delay the arrival of ships bringing humanitarian relief supplies.

245. Ms Clare Short, the International Development Secretary, reported that the humanitarian situation in Basra was improving because of the efforts of the International Committee of the Red Cross (ICRC). Damage to the high voltage electricity supply by the Coalition had affected the water system. There were lessons to be learned.

246. At the meeting on 27 March, Cabinet paid tribute to the 22 servicemen who had lost their lives in the conflict.[149]

247. Mr Hoon informed his colleagues that, against the objectives which had been set out in Parliament, the Coalition had overcome the resistance of Iraqi Security Forces in the South: the al-Faw Peninsula, the port of Umm Qasr and the southern oilfields were

---

[148] Minutes, 27 March 2003, Ad Hoc Meeting on Iraq.
[149] Cabinet Conclusions, 27 March 2003.

all secured. The sooner the oil could flow again, the sooner the profits could be used for the Iraqi people. The Iraqi regime had been successfully denied the use of its WMD. Wider conflict inside Iraq and in the region had been deterred. The leading elements of the US forces were about 60 miles south of Baghdad where they were likely to be opposed by four divisions of the Iraqi Republican Guard. That confrontation would be a crucial event in the military campaign. Baghdad and other centres of population needed to be isolated so that totalitarian control was diminished.

248. The regime's brutal intimidation was deterring Iraqis from rising up. Nevertheless, Saddam Hussein had lost control of most of southern Iraq. Handling Basra, where there was the potential for a popular uprising although it had so far been held in check by the regime's militia, could be a model for application in Baghdad.

249. Cabinet also discussed the humanitarian situation and the responsibility of the military as the Occupying Power to provide humanitarian relief. Mr Gordon Brown, the Chancellor of the Exchequer, said that he was making available an additional £120m for humanitarian relief and raising the allocation of funds for the conflict from £1.75bn to £3bn.

250. Later on 27 March, Mr Blair, Mr Straw, President Bush, Secretary Powell and Dr Rice and others at Camp David participated in a video conference with Mr Hoon and Adm Boyce in London and Mr Donald Rumsfeld (US Defense Secretary) and Gen Myers in Washington.[150] Mr Hoon described Basra as "a microcosm of the successes and limitations of Coalition operations across the country"; "regime loyalists" remained in control of key areas, intimidating the urban population.

251. Mr Blair stated that seizing Basra could have a huge impact on the wider campaign.[151]

252. Adm Boyce had:

> "… underlined the strategic dilemma: the fall of Basra would send an important message of the beginnings of the collapse of the Saddam regime, but deploying adequate forces to achieve this in the absence of a local uprising would divert from the top objective of reaching Baghdad. Indeed there was a case for shifting forces from Basra to reinforce the drive on Baghdad."[152]

---

[150] Minute Cannon to Rycroft, 27 March 2003, 'Iraq: Prime Minister's video-conference with Bush, 27 March'.
[151] Minute PS/SofS [MOD] to DG Op Pol, 27 March 2003, 'Iraq: VTC with Camp David: 27 March 2003'.
[152] Minute Cannon to Rycroft, 27 March 2003, 'Iraq: Prime Minister's video-conference with Bush, 27 March'.

253. Following their meetings, Mr Blair and President Bush gave a joint press conference.[153] Mr Blair told reporters:

> "Our forces are now within 50 miles of Baghdad. They have surrounded Basra, they have secured the key port of Umm Qasr, they have paved the way for humanitarian aid to flow into the country and they have brought real damage on Iraq's command and control. So we can be confident that the goals we have set ourselves will be met."

254. Reporting on President Bush and Mr Blair's press conference and the atmosphere in Washington, the British Embassy commented that the "prospect of instant victory/'catastrophic success' has vanished" but President Bush had reassured the American public that victory was the only possible outcome "however long it takes".[154] That "followed days of media speculation that the war plan was flawed, that the US had too few troops on the ground, that the Iraqi resistance had taken the US by surprise".

255. The Embassy also commented that managing the media had been "a sharp learning curve" for the US administration and that the press conference had been the first occasion "for [Gen Myers] to articulate at one sitting the gains the Coalition has made into hostile terrain".

28 March: one week in

256. The MOD was informed that Mr Hoon was keen that the UK did not adopt a "static approach" to Basra and that opportunities were actively exploited.

257. Mr Hoon also asked for advice on the options if the attack on Baghdad was delayed.

258. The MOD overnight situation report on 28 March reported that the radio station at az-Zubyar had been seized. It was not operational but would be repaired for possible future use.[155] The operation at Qalat Sikar had been cancelled.

259. Mr Hoon informed the Ad Hoc Meeting on Iraq on 28 March that he had written to selected Defence Ministers asking them to consider a military contribution to the post-conflict phase.[156]

260. Following the meeting, Mr Watkins recorded that Mr Blair had commissioned "an assessment of the US view of the strategic importance of taking Basra" for discussion at the following day's meeting.[157]

---

[153] The National Archives, 28 March 2003, *Joint press conference with President Bush at Camp David [27/03/2003]*.
[154] Telegram 416 Washington to FCO London, 29 March 2003, 'Iraq: The First Week'.
[155] Briefing [MOD], 'Iraq: Update for the Number 10 Sitrep – As at 0600Z 28 March 2003'.
[156] Minutes, 28 March 2003, Ad Hoc Meeting on Iraq.
[157] Minute Watkins to Lee, 28 March 2003, 'Iraq: Basra'.

261. Mr Hoon's Assistant Private Secretary wrote on 28 March that Mr Hoon had "noted" the advice from the PJHQ about the planning for Basra "and the continuing imperative attached to operations in respect of Baghdad".[158] He was:

> "… keen that we do not adopt a static approach to Basra, but instead actively exploit the physical and information opportunities which are presented …
>
> "Mr Hoon also wonders whether the balance would be changed if circumstances dictated that the attack on Baghdad were delayed, say until after the arrival of 4th Infantry Division."

262. The Assistant Private Secretary also requested further advice for Mr Hoon on the actions being taken by UK forces around Basra.

263. Operations around Basra were discussed at the Chiefs of Staff meeting on the morning of 28 March.[159] An air strike had been carried out on the Iraqi Intelligence HQ in Basra. Separately, troops from the Black Watch had conducted a patrol 7km into Basra. Operations were focused on "driving a wedge between the Iraqi forces and the wavering civilian population".

264. The Chiefs of Staff were told that:

- 16 Air Assault Brigade had been dispatched to secure Route 6, which ran north from Basra, through al-Amara and al-Kut, to Baghdad.
- The al-Faw Peninsula was "thought to be as secure as possible … Operations had therefore transitioned to PSO – [peace support operations] type activity, although the local population remained very cautious."
- 3 Commando Brigade continued to destroy enemy assets on the peninsula. CENTCOM guidance had been changed "to include destruction of Regime loyalists and symbols … to demonstrate commitment to the Iraqi people …"

265. The MOD sought to counter the media focus on the perceived problems of the campaign.

266. Speaking to the press on 28 March, Lieutenant General William Wallace, Commander of US V Corps, said that it was beginning to look as if the removal of the Iraqi Government was likely to take longer than originally thought.[160] Lt Gen Wallace told reporters:

> "The enemy we're fighting is a bit different than the one we war-gamed against, because of these paramilitary forces … We knew they were here, but we did not know how they would fight."

---

[158] Minute Williams to PJHQ Dep Hd Pol/Ops(ME), 28 March 2003, 'Iraq: Basrah – Coalition Campaign Strategy'.
[159] Minutes, 28 March 2003, Chiefs of Staff meeting.
[160] *New York Times*, 28 March 2003, *A Nation at War: In the Field – V Corps Commander: A Gulf Commander Sees a Longer Road.*

267. The *New York Times* reported that bad weather and fierce fighting were slowing the attack, and that the supply train had yet to catch up with the US forces 100 miles from Baghdad, leading to concerns about food, fuel and water.

268. On 28 March, Mr Adam Ingram, the Minister of State for the Armed Forces, and General Sir Mike Jackson, Chief of the General Staff, held their first press conference since the start of military action.[161]

269. Mr Ingram told reporters that:

> "In a remarkably short time the Coalition and the UK presence within it have accomplished an extraordinary amount … The Iraqis are simply no match for them."

270. In response to a question about the percentage of the UK Armed Forces committed to operations, Mr Ingram replied that, across all three Services, about a quarter were in the Gulf.

271. In his statement, Gen Jackson responded to reporting that the campaign was "bogged down", by saying that he "wouldn't actually describe it that way". "Bogged down" was, in his view, a "tendentious phrase" for "a pause whilst people get themselves sorted out for what comes next".

272. Gen Jackson stated that 3 Commando Brigade was in control of the al-Faw Peninsula, 16 Air Assault Brigade continued to secure and control the Rumaylah oilfields, and there had been some "highly successful" engagements around Basra. Iraqi forces in the South were "fixed – by that we mean they are pinned down, their ability to manoeuvre is … very little indeed". He also paid tribute to the "staggering achievement" of the logisticians who had made it all possible; that was "better even than what was achieved in the first Gulf War".

273. Gen Jackson said:

> "It is inevitable that there is a demand for rapid results, but we must be very careful that what is hoped … does not come to some sort of prediction … it is not a fixed plan … [as] the President of the United States and our own Prime Minister said yesterday … it will take as long as it takes to achieve the objective."

274. Asked about the idea that Iraq's "dogged resistance" was "ruining" the Coalition's plan, Gen Jackson stated that the plan had not changed, but the enemy would try to interfere with it. At the tactical level, plans would be adjusted according to the local situation.

---

[161] GlobalSecurity.org, 28 March 2003, *Minister of State for the Armed Forces and the Chief of the General Staff: Press Conference at the Ministry of Defence, London – 28 March 2003*.

275. When Lt Gen Wallace's comments were put to him, Gen Jackson said that the Iraqi irregular forces were regime supporters who were resisting because they had "nowhere else to go, their futures were pretty limited".

276. Reporting on the first week of the campaign, the British Embassy Washington wrote on 29 March that President Bush was "irritated by suggestions that the war plan has gone awry".[162] He was taking steps to manage that by giving "Americans the big picture". As a result, the Embassy noted that the Administration was increasingly willing to "take the gloves off" in its conduct of the campaign.

277. AM Burridge commented in his end of tour report that in the first week the Iraqi regime "had maintained a surprisingly effective hold on media activity, arguably winning the early Information Operations (IO) battle".[163]

278. Lt Gen Brims told the Inquiry that:

> "… we did expect irregular forces in their various ways and they probably fought more voluminously and venomously than we had anticipated …"[164]

279. Lieutenant General Sir Robert Fry, Deputy Chief of Joint Operations (Operations) during the invasion, told the Inquiry that, one week in, UK forces had "found ourselves confronting … Iraqi conventional forces but also feeling … enveloped on our own rear areas by Iraqi irregulars … It represented a dimension that we hadn't expected to find at that stage."[165]

280. Mr Hoon told the Inquiry that the speed of advance left rear troops more vulnerable to Fedayeen attack.[166]

281. The debate on the next steps of the campaign continued in the UK.

282. At the request of Sir Richard Dearlove, Chief of the Secret Intelligence Service, his Private Office drew Sir David Manning's attention to an account from SIS9 of a meeting between Maj Gen Wall and senior US military officers in CENTCOM which had taken place early on 28 March.[167] Maj Gen Wall had briefed the US "on the UK strategy in Basra". Other points made in the account included:

- The Coalition "needed a victory soon".
- "The battle for Baghdad could not commence with Basra and the South so insecure."
- The US "would ideally need" 7 Armoured Brigade for the attack on Baghdad.

---

[162] Telegram 416 Washington to FCO London, 29 March 2003, 'Iraq: The First Week'.
[163] Report Burridge to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report'.
[164] Public hearing, 8 December 2009, page 40.
[165] Public hearing, 16 December 2009, page 60.
[166] Public hearing, 19 January 2010, pages 114-5.
[167] Letter PS/C to Manning, 28 March 2003, 'Iraq: Losing the hinterland' with UK document, [undated], 'Iraq: Losing the hinterland'.

- "The major problem was the absence of popular support. What could be done to spark off the popular uprising?"
- "Without public support the conduct of the campaign in particular Phase IV would need to be revised."
- "… critical assumptions about the nature of the hinterland in which the campaign would be fought are now proving to be mistaken."
- "The absence of a popular reaction against them [Saddam Hussein's regime]" was "eroding support for the campaign internationally".
- Impatience would have risks; the UK needed to hold its nerve.
- The strategy should be to "continue to isolate and destroy regime facilities … whilst at the same time showing that where we control the ground, life is better".

283. Sir David Manning sent the report to Mr Blair in preparation for the Ad Hoc Meeting on Iraq on 29 March.[168]

284. On 28 March, in a brief "intended to provoke thought rather than to provide authoritative assessment", the DIS Red Team (see Section 6.5) raised the possibility that the Coalition had not fully appreciated the implications of Saddam Hussein's asymmetric tactics, and specifically:

- urban guerrilla warfare;
- irregular warfare against lines of communication;
- threat of chemical, biological and missile attack; and
- the willingness of the regime to breach international humanitarian law obligations.[169]

285. Irregular warfare against the Coalition's lines of communication had caused delay and casualties, and created the risk of Coalition over-reaction. While the Iraq regime was still in place, Iraqis would "fear the consequences of betraying the regime more than they support Coalition Forces". That had been "unwittingly supported by the Coalition information campaign, which has encouraged Iraqis to stay at home".

29 to 31 March: events

286. The MOD update on the morning of 29 March reported that:

> "UK forces are not encircling or besieging Basra (contrary to media reports). There are no forces to the east of Basra and routes remain open into the town to allow the flow of civilians and aid."[170]

---

[168] Manuscript comment Manning on Letter PS/C to Manning, 28 March 2003, 'Iraq: Losing the Hinterland' with UK document, [undated], 'Iraq: Losing the Hinterland'.
[169] Report Defence Intelligence Staff Red Team, 28 March 2003, 'Saddam's First Week'.
[170] Minute [MOD], 29 March 2003, 'Iraq: Update for the Number 10 Sitrep – as at 0430Z 29 March 2003'.

287. Adm Boyce informed the Ad Hoc Meeting on Iraq on 29 March that UK forces in the South continued to consolidate their hold.[171]

288. Mr Hoon said it would be helpful if aid agencies and others could be encouraged to return to the South to distribute aid. That would release troops from the task.

289. There is no reference in the record of the meeting to any discussion of the options for Basra.

290. Just after midday on 29 March, Sir David Manning spoke to Dr Rice, who told him that Gen Franks was preparing for a major battle or "denouement" south of Baghdad.[172] She said that Gen Franks would move when ready, probably within a few days.

291. Sir David and Dr Rice discussed media comments in the US and UK that the campaign was ill-prepared and had become "bogged down". Sir David said:

> "It was worth reminding people that we were only in week two of the war; and that we were dealing with a population that had been traumatised by years of repression and where people were in fear of their lives. When we took control of urban centres, and it became clear that Saddam was really finished, people would be more likely to lose their fear and speak out about Saddam and the horrors they had endured."

292. The Red Team produced another report on 29 March, again intended to "provoke thought rather than to provide authoritative assessment", which analysed Saddam Hussein's likely survival strategy.[173] It stated:

> "We need a focus for our information operations … the best focus would be Basra under Coalition control, with an effective humanitarian operation in train and plenty of exploitation of recent atrocities. This would have a real impact on his level of international support. This is so critical that the relief of Basra should become the Coalition main effort."

293. The Chiefs of Staff meeting on 30 March was informed that an attack had been conducted by 1 (UK) Div on the Iraqi Intelligence HQ in Basra overnight on 29/30 March.[174] 7 Armoured Brigade had conducted raids on "opportunity targets" in Basra, "taking advantage of a growing perception that the city was 'opening up' to the Coalition". Radio broadcasts were being transmitted into Basra. Local militia patrols had "significantly reduced".

294. In a minute taking stock of the position for Mr Blair, Sir David Manning suggested a review of strategy, including consideration of putting plans for Baghdad on hold and focusing on Basra.

---

[171] Minutes, 29 March 2003, Ad Hoc Meeting on Iraq.
[172] Letter Manning to McDonald, 29 March 2003, 'Iraq: Conversation with Condi Rice'.
[173] Minute MOD [junior official] to PS/CDI, 28 March 2003, 'Iraq Red Team – Saddam's Survival Strategy'.
[174] Minutes, 30 March 2003, Chiefs of Staff meeting.

295. On 30 March, Sir David Manning sent a minute to Mr Blair setting out his thoughts 10 days into the conflict, "for what they are worth".[175] He wrote:

> "As you said at Camp David, much has been achieved. We need to keep our nerve. But we also need to accept that the war is not working out as advertised, and adjust accordingly.
>
> "Saddam is apparently still in place; and the Iraqis are fighting effectively. This is not the war the military expected. We need a strategy for dealing with the Fedayeen phenomenon. CDS says Franks will take these units out one by one. But how does he intend to identify them? … We [the Coalition] are also short of men […] We now have thousands of troops still on their way through the Red Sea [the US 4th Infantry Division]."

296. Addressing the risks as he saw them, Sir David wrote:

> "Franks will launch his delayed and much hyped Army Group offensive later this week. But what sort of offensive will it be if the Iraqis refuse the roles allocated to them …? Will pulverising attacks be possible on the Medina and Baghdad Divisions if they avoid fighting in massed units in the open, instead concentrating in heavily populated, built up areas?
>
> "Franks' focus remains Baghdad. Whatever the outcome of the imminent offensive, he [General Franks] seems determined to deliver the prize [Baghdad] to Bush and Rumsfeld within four to six weeks … The plan to divide Baghdad into forty or fifty sectors and clear them out one by one could turn into a nightmare and give Saddam his Stalingrad. I think you should demand an early review of this strategy. I think it risks losing us the war rather than winning it."

297. Addressing the military priorities, Sir David advised:

> "All this makes me think we should:
>
> - ask the military for a detailed account of how they will now adapt the campaign to the Iraqi guerrilla war of hit and run;
> - ask for a detailed analysis of Franks' planned big offensive … How severe will collateral damage be if the Medina and Baghdad Divisions are in urban areas?
> - put plans for Baghdad on hold, while we focus on Basra. We should reject the argument that if Baghdad falls so will Basra but that the reverse does not apply … Baghdad is unlikely to fall quickly. But Basra might. Success there would send shock waves through the Iraqi system that could destabilise the regime. This could in turn give us a better chance of taking Baghdad with minimum loss of life. The question is whether it now makes sense for the

[175] Minute Manning to Prime Minister, 30 March 2003, 'The Iraq War: Ten Days In'.

Americans to move forces to Basra rather than for us to withdraw our armour from the city and send it north."

298. Sir David concluded his minute by considering the political strategy. He advised Mr Blair:

"Things may be better than I think […] But the 'denouement' that Condi [Rice] talked to me about yesterday still feels a long way off. We are at a critical moment: we need a 'Mazar-e-Sharif' turning point. We need to ensure that the military campaign is the means of winning the political argument. Our best chance is to concentrate on taking Basra in the next few days and weeks, and on pacifying the Shia South. With the oil wells working and humanitarian relief in place, we will be able to show that we have liberated an area and that life is steadily improving. People will then lose their fear and speak out. This will help to transform the media coverage.

"While we concentrate on Basra, we should get more forces into the North as quickly as possible … Between these southern and northern millstones, we should patiently work against Saddam in Central Iraq. We should move to surround Baghdad, but not move to assault it unless we are very confident that it is ready to fall. Otherwise the military cost will be heavy and the loss of life will be great. Success at this price could well be politically unsustainable."

299. The MOD continued to advise Mr Hoon that the US military did not see Basra as strategically significant.

300. The US attached a higher priority to the UK role in providing security for the oilfields, protecting lines of communication and in the retention of Umm Qasr.

301. The US military would be unlikely to review the position until after a planned major engagement with Republican Guard forces, which might not take place for several days.

302. UK forces would be continuing raids into Basra and had contingency plans if the situation deteriorated.

303. Mr David Johnson, Head of the MOD Iraq Secretariat, submitted advice on the Coalition campaign strategy for Basra, approved by Adm Boyce, to Mr Hoon's Private Office on 30 March.[176]

304. Mr Johnson wrote:

"US Commanders (Generals Franks and McKiernan)

- Are clear that their main effort is Baghdad, and that they do not have the forces to fight on two fronts at once;

---

[176] Minute Johnson to PS/Secretary of State [MOD], 30 March 2003, 'Iraq: Basrah – Coalition campaign strategy'.

- Do not see Basra as being of strategic significance;
- Do not believe the fall of Basra would in itself improve the prospects for the fall of Baghdad;
- Judge the main priorities for 1 (UK) Div as being the maintenance of control over the southern oilfields, the security of the lines of communication and the retention of Umm Qasr;
- Would not currently be prepared to provide additional forces for operations to secure entry into Basra; and
- Are unlikely to review their position until after the planned major engagement with Republican Guard forces, which may not take place for several days."

305. Mr Johnson added that 1 (UK) Div was implementing "a proactive strategy to develop Coalition control over Basra … conditioned by the need to avoid large UK or civilian casualties". Iraq was thought to be reinforcing Basra. Progress would be "determined by effects and events rather than a set timetable". There was "no indication that the US are contemplating any change in strategy".

306. In the detailed portion of his advice, Mr Johnson stated that US commanders did not see the fall of Basra as "a high operational priority".

307. The "security of the line of communication – under continual attack from Iraqi irregulars – and the associated preparation of … front line forces … the key enablers for the launch of decisive operations against Republican Guard forces, and thereafter Baghdad" were Lt Gen McKiernan's priorities.

308. The US also did not see Basra as "the main effort for British Forces. They attach a higher priority to the continued security of the southern oilfields, their lines of communication, and to the retention of Umm Qasr."

309. In relation to the UK's strategy for Basra, Maj Gen Brims was "continuing with constant, aggressive activity in and around Basra". His aims were to:

- "divide the Iraqi irregulars from the regime in Baghdad and the civilian population in Basra and az-Zubayr …
- "encourage any popular uprisings that might enable British forces to enter and take control of the cities, with acceptable risk."

310. Maj Gen Brims had assessed that:

> "… even if he wanted to at this stage – it would be extremely difficult and highly risky to attempt to enter Basra whilst the irregulars remained well organised and while the population are only supporting the Coalition passively at best. To compensate for these factors he would have to resort to attritional tactics relying on heavy firepower. This would guarantee significant casualties – both British and civilians – and widespread damage to infrastructure, both of which could only have a negative impact on domestic and international support, and on Iraqi perceptions of the UK

both in the short term and in the aftermath. Commander 1 (UK) Div is also conscious of the continuing threat posed by Iraqi forces within missile range of Basra … And most importantly, entry to Basra is a decision for the Coalition land commander, and is not Commander 1 (UK) Div's call."

311. Mr Johnson also set out the specific actions being undertaken by UK forces, including to: "Isolate the community from regime propaganda and replace it with our own information." Radio broadcasts were being used to convey messages, including that:

- "unlike 1991, we will not stop until we have overcome this resistance and overthrown the regime";
- "we will enter Basra when the time is right"; and
- "we will work to relieve the population's hardship when we do enter".

312. Mr Johnson wrote that it was "important to ensure we do not undermine our credibility by making promises we cannot fulfil".

313. Mr Johnson described the raids and attacks at the heart of the UK approach in Basra. They included a raid on the State Security Organisation in az-Zubayr, an air strike on the Intelligence headquarters in Basra and a raid into Basra which attacked the TV station and destroyed two statues of Saddam Hussein. A "further encroachment" into the outskirts of Basra was in progress as Mr Johnson wrote his advice, focused on the Abu Al Khasib area to the southeast of Basra.

314. In the event of "the situation in Basra disintegrating into chaos", Mr Johnson told Mr Hoon that Maj Gen Brims had developed contingency plans. They included leaving a route to the north open "to enable irregular forces to leave – he has troops positioned further north who would engage them at a safe distance from Basra itself – and to forestall accusations that he is laying siege to the city". He was also prepared to facilitate access for the delivery of humanitarian aid and repairs to key infrastructure as necessary; and to deploy 7 Armoured Brigade into the city with tanks.

315. Sir Kevin Tebbit wrote to Mr Hoon on 31 March with "Some personal thoughts about handling the wider [political/military] issues of the campaign."[177]

316. In the context of US/UK relations, Sir Kevin cautioned:

"… we need to take some care to avoid a situation where the US is focused on Baghdad and the UK regards the 'exemplar' of Basra as its own contribution. I found David Johnson's note of 30 March instructive in this respect where he reminds us of what US overall strategy is and that 'entry into Basra is a decision for the Coalition Land [Coalition Forces Land Component] Commander, [Lt] Gen McKiernan, and is not Commander 1 (UK) Div's call'. We tend, perhaps because of the way we get our twice daily briefings from PJHQ, to assume that this is a UK lead. We should

[177] Minute Tebbit to Secretary of State [MOD], 31 March 2003, 'Iraq'.

not exclude the time or circumstances where it becomes more important to regard Basra as an objective in its own right … [A]nd I recognise the politics of the issue, particularly if uprisings and humanitarian issues loom larger. But it is a dimension which you might wish to cover with Rumsfeld to ensure that we do not create a perception of drifting apart on the Baghdad/Basra priorities."

317. Sir Kevin's comments on Phase IV are covered in Section 10.1.

318. Mr Scarlett reported to the Ad Hoc Meeting on Iraq on 31 March that a suicide car bomb at Najaf could be the start of a new aspect of Iraq's defence, possibly using terrorist organisations from outside Iraq.[178]

319. Adm Boyce reported that the British Division was gaining increasing control in the South.

320. Following the Chiefs of Staff meeting on 31 March, a Cabinet Office official told Sir David Manning that:

"There appears to be an increasing doctrinal difference between ourselves and the Americans over our approach to dealing with the Iraqi towns and cities. The Americans are very much in post 9/11 mode for dealing with the undecided: if you are not for us then you must be against us. Our approach has been to seduce … the undecided and encourage them to rise up. This is a message that we will be trying to get across to the Americans on a variety of levels."[179]

321. The official wrote that in Basra:

"We are now broadcasting into the city. The message has changed from … 'stay indoors and sit tight' to … 'get out and liberate yourselves from the regime'."

322. The Chiefs of Staff discussion of the need for decisions on the UK's post-conflict responsibilities is addressed later in this Section.

323. During discussion of the military campaign in his conversation with President Bush on 31 March, Mr Blair focused on the need to win the "propaganda war".

324. Sir David Manning spoke to Dr Rice just after midday on 31 March.[180] Sir David reported that:

"There had been signs over the weekend, in the British sector in the South, that we were beginning to win the confidence of the local population. This would take time and care. But it was the key to unravelling Ba'ath party control. British forces on the edge of Basra were choosing targets carefully and gradually inserting themselves

[178] Minutes, 31 March 2003, Ad Hoc Meeting on Iraq.
[179] Minute Gibbons to Manning, 31 March 2003, 'Iraq: COS Meeting'.
[180] Letter Manning to McDonald, 31 March 2003, 'Iraq: Conversation with Condi Rice'.

> further into the city. We hoped that, in due course, people in Basra would conclude that we really meant to liberate them, and would come over to us."

325. Dr Rice said that "the Fedayeen phenomenon" had been underestimated, but that Gen Franks was quickly adjusting his tactics in response.

326. In briefing for a discussion between Mr Blair and President Bush at lunchtime on 31 March, Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, advised that, in relation to the military campaign:

> "You said you wanted to cover … consequences of an incremental approach. Including in the media campaign. Need for strategic grip."[181]

327. The discussion between Mr Blair and President Bush recognised that the advance on Baghdad had slowed to give the air campaign more time to "soften up" the Republican Guard.[182] Mr Blair was concerned that the "Basra scenario" could be repeated in Baghdad with a small, pro-regime force in a large built-up area which was "difficult for us to get at without risk of high civilian casualties". In such circumstances, Mr Blair stated that winning the "propaganda war" would be even more important. Persistent attacks on pro-regime forces coupled with efforts to "win over the locals" would eventually reach a tipping point, but that could take weeks to develop. There was a need to tighten up media handling and drive the news agenda. Mr Blair suggested that, as for the Kosovo campaign, the US and UK "needed an election-style media 'war-room'". During the "steady advance" phase, propaganda and politics would be inextricably linked. A clearer picture was needed of the shape of a post-Saddam Hussein Iraq to "sketch out a political and economic future and dispel the myth that we were out to grab Iraq's oil. But our promises had to be realistic".

328. Following the discussion, Mr Blair sent President Bush two Notes.

329. Reflecting Mr Blair's concerns about communications, one Note set out his proposals for a media and communications "War Room" on both sides of the Atlantic to provide a "real sense of strategic grip".[183] It would contain eight units able to:

- generate a "big picture message" each day and discourage ad hoc interviews;
- rebut negative stories;
- work up stories which showed the nature of the regime, including trying to free up more intelligence material;
- obtain coverage of Iraqi people helping the Coalition and step up efforts to get messages into Iraq;
- explain what life had been like in Basra pre-invasion and what was being done to improve the situation;

---

[181] Minute Rycroft to Prime Minister, 31 March 2003, 'Bush Call: Checklist'.
[182] Letter Cannon to McDonald, 31 March 2003, 'Iraq: Prime Minister's conversation with Bush, 31 March'.
[183] Letter Manning to Rice, 31 March 2003, [untitled].

- provide eye-witness accounts of life under Saddam Hussein and the "offer for the future". That would include a series of political announcements which would set the tone for the post-Saddam Hussein era, such as oil money in a fund administered by the Iraqis and a human rights decree for political, religious and ethnic tolerance;
- improve the work on the Arab media; and
- provide information for European and other non-US/UK outlets.

330. Mr Blair concluded that each of those units would have a discrete task which would need to be brought together to produce a daily briefing.

331. A second Note addressed funding the reconstruction of post-war Iraq (see Sections 9.1 and 10.3).[184]

332. Mr Campbell wrote that Mr Blair had discussed the proposals in a meeting with Dr John Reid (Minister without Portfolio), Ms Hilary Armstrong (Chief Whip), Mr Douglas Alexander (Minister of State in the Cabinet Office) and No.10 staff.[185] Mr Campbell had then spent most of the day working out how to put it into practice. He added that he had sensed that President Bush "was maybe sharing" Mr Blair's "feeling that the military campaign was not quite right. They were both desperate for better communications."

333. Mr Blair discussed the campaign with Mr Hoon, Adm Boyce and Maj Gen Fry on 31 March.

334. On the afternoon of 31 March, Mr Blair met Mr Hoon, Adm Boyce and Maj Gen Fry, for 80 minutes, to discuss Basra and the wider campaign.[186] At the request of Mr Jonathan Powell, Mr Blair's Chief of Staff, Mr Rycroft provided a "full note" setting out the dialogue in the meeting.

335. In response to a question from Mr Blair, Maj Gen Fry said that his private estimate was that it would take 10 to 14 days to get to Baghdad, where there were between 5,000 and 6,000 members of the Special Republican Guard.

336. In relation to Basra, Mr Rycroft recorded that Mr Blair had asked: "How long to tipping point?" Adm Boyce had responded: "At least four weeks."

337. Mr Blair had referred to the "huge strategic importance of Basra" and asked what it would take to "do it quicker", including whether double the number of troops would help.

338. In response, Maj Gen Fry stated that the "US don't see the strategic importance of Basra the way you do", and that the US thought the main role in the South was to hold

---

[184] Letter Manning to Rice, 31 March 2003, [untitled].
[185] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[186] Minute Rycroft to Powell, 31 March 2003, 'Iraq: Military Briefing'.

the oilfields and Umm Qasr and to isolate Basra. He added: “They don’t see the causal linkage between Basra and Baghdad.”

339. In response to a comment from Sir David Manning that Basra was “vital for hearts and minds”, Mr Blair said that “symbolic acts” were important now that the strategy was “steady advance not shock and awe”.

340. In his diary for 31 March, Mr Campbell wrote that “both CDS and C [were] more hopeful” at the morning meetings; and that Mr Blair had seen Adm Boyce “and a general from the campaign” later.[187] Mr Blair had “got more talking direct to the general than he had from weeks of meetings. The truth was that the military and intelligence campaigns had not been wholly successful.”

1 to 3 April

341. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 1 April that the Shia holy sites at Karbala and Najaf could be at risk of attack, with the blame being laid on Coalition Forces to alienate the Shia population.[188]

342. Adm Boyce reported that the battle with the Republican Guard south of Baghdad was getting under way. In the South, signs of normality were returning to the towns in British hands. The British Division was conducting both high-intensity operations around Basra itself and post-conflict stabilisation operations elsewhere.

343. Concluding the meeting, Mr Blair said that the Coalition needed to make known its respect for the Shia holy sites and our desire to protect them from any damage by the regime. As regards the overall campaign, there were three phases; it was now in the second phase.

344. Mr Blair said that to sustain support nationally and internationally, there was a need to upgrade the communication strategy; and he had discussed that with President Bush. Better co-ordination across both Whitehall and the Atlantic would be put in place to present a coherent strategy. The nature of the Iraqi regime had to be exposed and the rebuttal system improved. Messages about the future representative government in Iraq and human rights protection had to be conveyed to the Iraqi people and more widely. Resources and the full co-operation of government departments would be needed in providing resources for the communications effort. It was as important to win the diplomatic and political campaign as it was to achieve military success.

345. The progress of the campaign had also been the subject of much debate in Washington.

---

[187] Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq.* Hutchinson, 2012.
[188] Minutes, 1 April 2003, Ad Hoc Meeting on Iraq.

346. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 2 April that desertions and internecine differences between those opposing the Coalition were on the increase in Basra.[189]

347. Adm Boyce reported that Iraqi reinforcement of Basra from the north had been stopped. Photography had been commissioned of Iraqi forces taking cover in and around the Shia holy sites.

348. Concluding the discussion, Mr Blair said that it remained to be seen whether Republican Guard divisions outside Baghdad would fall back into the city or remain outside. UK forces continued to chip away at Basra, where resistance by Iraqi regulars was diminishing. More generally, the main judgement to be made at the end of the conflict would be whether life was better for the Iraqis. This was what would count for Arab opinion in particular. Our message to the Iraqi people needed to be repeated so that there was no doubt about our intentions. Mr Blair repeated that the full co-operation of departments was essential in gearing up the communications effort.

349. Mr Scarlett sent Sir David Manning reports on the situation in Basra and on Iraq's irregular forces on 2 April.

350. The DIS stated that there were indications that the "aggressive posture" of UK forces was undermining the confidence of regime figures in Basra; and that one member of the Iraqi Army had stated that it would attack regime forces once the Coalition moved to take Basra.

351. Mr Scarlett predicted that fighting might continue after the fall of the Iraqi regime and that only the substantial, vigorous and visible presence of Coalition troops could guarantee control.

352. In response to a request from Sir David Manning for regular updates on Basra, Mr Scarlett sent No.10 a DIS report, reviewed and agreed by the Assessments Staff, on 2 April.[190]

353. The DIS report stated:

"• Coalition airstrikes are degrading Ba'ath and security forces grip on the city. The destruction of the Ba'ath headquarters has driven security forces to set up in schools, sports clubs and municipal facilities. Continued airstrikes, combined with UK fighting patrols into the city, are forcing the security forces to disperse … Reinforcements arrive along Highway 6 – there appears to be large numbers of Fedayeen and possibly Republican Guard travelling in civilian clothes … The Coalition has left one bridge open in the north and the regime is exploiting this.

---

[189] Minutes, 2 April 2003, Ad Hoc Meeting on Iraq.
[190] Minute Scarlett to Manning, 2 April 2003, 'Situation in Basra' attaching Report DIS, 1 April 2003, 'Situation in Basra as at 01 April 2003'.

- There are significant numbers of troops still in the city (… estimated over 3,000) as well as tanks … armoured forces are being destroyed as the regime counter-attacks into the al-Faw Peninsula. The military has attempted to reinforce; however, 16 Air Assault Brigade have destroyed an armoured column (estimated as 17 T-55s …) moving into the city from the north.
- […] desertion rates within Basra are assessed to be high. Some members of the RA [Regular Army] have attacked Ba'ath officials […] UK forces have been approached by a member of the RA who stated that elements of the RA will conduct attacks on regime forces once the Coalition moves to take the city.

Local population

- There is a body of evidence that there may have been an attempted uprising on 25 March. This was put down by the regime, with local tribal leaders summarily executed. Civilians are now too frightened to move against [the] regime. There are multiple reports stating that regime forces have also used mortars and automatic weapons to attack civilians trying to leave the city.
- … as families leave, elements of the male population seem to be more confident to challenge the regime. As Coalition attacks … are increasingly successful, anti-regime sentiments are getting stronger.
- There are difficulties with supporting anti-regime forces … the Coalition will not be able to differentiate between resistance fighters and regime security forces.
- Food and water is in short supply … UK efforts to assist outside Basra are appreciated, although there have been chaotic scenes.

UK operations within Basra

- […]
- UK armoured forces have entered the city at night … There are strong indications that this aggressive posture by UK forces is undermining the confidence of regime figures …"

354. Mr Scarlett also provided separate and detailed advice for Sir David Manning on Iraq's irregular forces.[191]

355. The points made by Mr Scarlett included:

- The intelligence was "often unclear or unreliable" about which organisation was involved in particular events, and the "distinction between these organisations" might break down "particularly in confused situations eg currently in Basra, Nasiriyah and Najaf".
- Before the conflict, each of Iraq's 18 Governorates had had "one Fedayeen battalion and one or two 'emergency forces' battalions … of Ba'ath Party militia and intelligence/security forces (with each battalion up to 1,500 men)".

[191] Minute Scarlett to Manning, 2 April 2003, 'Iraqi Irregular Forces'.

- Estimates of the total strength of the Fedayeen varied from "15–40,000 members".
- The irregular forces were motivated by a range of factors and they were difficult to identify. They did "not need to be particularly militarily effective to cause the Coalition problems politically or to increase Coalition requirements for force protection".
- The "survival of communications links with Baghdad and the central Iraqi leadership" was "of pivotal importance to the continued resistance by the irregular forces"; "maintaining the implicit threat of retribution against those who do not fight and undermining any perception of Coalition success".

356. Mr Scarlett concluded:

> "… it remains possible that even without effective command and control … some irregulars would fight on …
>
> "Although there is little specific intelligence, we must be ready for new guerrilla-style activity and tactics … It is possible that Iraq now will have established plans for a 'stay-behind' network of fighters and supplies to harass Coalition Forces and the population in areas supposedly cleared of fighters … The irregulars will also continue to take advantage of any opportunity to infiltrate across the front line into the Coalition rear areas.
>
> "But the key issue will be to what extent the irregulars can intimidate, or are supported by the local population. Only a substantial, active and visible Coalition troop presence can guarantee true control …"

357. The British Embassy Washington reported on 3 April that the mood swing in the media between 1 and 2 April was like "night and day".[192] On 1 April there had been blanket coverage of the alleged shortcomings of the military campaign and criticisms from military officers in the Pentagon and the Gulf, which reflected the genuine concerns of some military officers about the inadequacy of current force levels in Iraq and frustration with Secretary Rumsfeld's style and policies. Some officers believed that Secretary Rumsfeld had deliberately argued for lower forces to show the power of a transformed US military. There were also reports, attributed to UK officers, criticising US tactics. The following day the media were all reporting the new Coalition offensive towards Baghdad, the rescue of a US prisoner of war and the release of three journalists.

358. Adm Boyce reported to the Ad Hoc Meeting on Iraq on 3 April that the mood in Basra was turning to the Coalition's advantage.[193] Overall, the terror regime was being weakened but Iraqi execution squads were still active. In discussion, the point was

---

[192] Telegram 437 Washington to FCO, 3 April 2003, 'Iraq: Update, 1-2 April'.
[193] Minutes, 3 April 2003, Ad Hoc Meeting on Iraq.

raised that even in places that had been secured by the Coalition in the South, fear of regime reprisals continued to hold sway.

359. Mr Blair concluded that the messages to the Iraqi people about their future should be reinforced. In the South we could demonstrate how life could be improved.

360. Following the Chiefs of Staff meeting on 3 April, Mr Jim Drummond, Assistant Head of the Overseas and Defence Secretariat in the Cabinet Office, advised Sir David Manning that:

> "The next two days should tell whether the momentum created by the latest US advance will carry them into Baghdad and/or prompt regime collapse. More likely, the US will attempt to gain a stranglehold and then await reinforcements through the 4th Infantry Division which is now starting to unload in Kuwait. If the latter, the main battle for Baghdad would be fought in May. In the interim, the US would look for the fall of Basra, and some of the other towns which it has bypassed. General Reith, who has just returned from theatre reported that British forces hope to complete the taking of az-Zubayr within the next 48 hours and Basra in the next 2–3 weeks. They are now getting a good flow of information out of Basra and have identified Shia groups who would be willing to take on Saddam's irregulars."[194]

361. Cabinet on 3 April was informed that:

- **the US advance had been remarkable and it would consolidate its position;**
- **UK forces had taken control of most towns in the region and were "waiting for the right moment" to take over Basra; it could provide a model for dealing with Baghdad; and**
- **progress would be uneven and the Government would need to be steady in its resolve.**

362. At Cabinet, Mr Blair said that the military campaign could best be described in three phases.[195] In the first, Coalition Forces had taken a strategic grip on the country, advancing from the south, preventing Iraqi aggression towards Jordan or Israel in the west and fixing Iraqi forces in the North and East. The second phase was one of steady advance. US forces were advancing beyond Karbala and al-Kut to encircle Baghdad. The UK Division was "chipping away at Basra, taking control of most of the towns in the region and waiting for the right moment to take over Basra itself".

363. Mr Hoon told his colleagues that the US advance had been remarkable and the leading units were within 15 miles of Baghdad. US forces would consolidate their position as they progressed, bringing in reinforcements. Once Baghdad was isolated, the military question would be how to deal with it.

---

[194] Minute Drummond to Manning, 3 April 2003, 'Chiefs Meeting'.
[195] Cabinet Conclusions, 3 April 2003.

364. Mr Hoon suggested that Basra could be a model for the best approach. It was now isolated, with the main access road from the north controlled by Coalition Forces. Inside the city, the regime militia's control by terror was being eroded. Intelligence suggested that the local people's mood was changing as confidence grew that the Coalition would see the job through. Aggressive patrolling would continue to send a message about the Coalition's commitment.

365. Mr Blair stated that the third phase would be the collapse of the regime. The country had been in the grip of a security apparatus which continued to fight for the regime. It appeared that the population at large did not support the regime, but they lacked the confidence to rise up until they could be sure that the change would be permanent. Mr Blair could not forecast how long it would take for the regime to collapse, but only one outcome was possible. Good progress was being made militarily.

366. In discussion, concerns were expressed about the scale of casualties likely to result from urban fighting in Baghdad. Continued pressure for regime collapse was preferable. Protection of the Shia holy sites at Karbala and Najaf was a priority for the Coalition. The UK was publicising reports that the regime intended to damage them and attribute that to the Coalition. Iraqi troops were using schools and hospitals as military positions and, in the South, an ammunition store had been found inside a school.

367. Mr Blair concluded that Cabinet very much appreciated the way UK forces had conducted themselves. Progress was being made on the military, humanitarian and political fronts. The situation was better than could have been expected at that stage. Progress on the ground would nevertheless be uneven and the Government would need to be steady in its resolve. The ultimate judgement on the conflict would be based on whether Iraq was a better place for its people and if the international community regained its unity of purpose.

368. Mr Hoon's statement to the House of Commons conveyed the message that steady progress was being made.

369. In a statement to the House of Commons on 3 April, Mr Hoon said:

> "Our strategic grip on Iraq is tightening. In the South, British forces continue to operate in the al-Faw Peninsula, the southern oilfields and the Basra area. The 7 Armoured Brigade is preventing Iraqi forces in Basra from hindering the main advance, while establishing corridors for the safe movement of civilians and humanitarian aid …
>
> "In the area of Abu Al Khasib, in the south-east outskirts of Basra, 3 Commando Brigade have engaged substantial Iraqi forces, capturing significant numbers of enemy forces, including senior Iraqi officers … Key suburbs of Basra have now been taken. We will go further into the city at a time of our own choosing …

> "The security situation in a growing number of areas is such that troops are patrolling on foot rather than in armoured cars, and have in some cases been able to exchange their combat helmets for berets."[196]

370. Mr Hoon also stated that the Iraqi regime had suppressed disturbances in Basra on 25 March and opened fire on civilians preparing to leave Basra on 28 March.

4 April

371. Adm Boyce told the Ad Hoc Meeting on Iraq on 4 April that UK forces had made a "lodgement" in Basra and continued to apply pressure on the militia, whose ability to maintain control of the city "was diminishing".[197]

372. On the same day, Mr Ingram and Air Chief Marshal Sir Peter Squire, Chief of the Air Staff, gave a press conference at the Ministry of Defence.[198] Mr Ingram told reporters:

> "… the Coalition has seen further steady progress both in terms of military advance and in terms of the other crucial battle … winning the confidence of the Iraqi people through increased normalisation and security.
>
> "… two halves of equal importance and our military campaign objectives reflect this fully.
>
> "… What has been particularly important about the way this campaign has developed is the relationship between these twin objectives … as the war fighting progresses to a conclusion, we are implementing, at times simultaneously, a security framework for peace.
>
> "… Our approach to the assault on Basra is highly illustrative of this. There is no question that the fire power available … could be used to a more immediate but destructive effect … Our restraint should not be interpreted as weakness, rather it is a sign of care … The city of Basra is contained. Our commanders on the ground will use their own professionalism and sound military judgement to decide when and how to enter the city."

373. The press conference also addressed the conduct of the air campaign. Mr Ingram stressed the greater focus on precision in that campaign and that "our overriding concern has been to minimise … civilian casualties and unnecessary casualties on out own side". Targeting policy had been driven by "a clear moral imperative to minimise civilian casualties. There is of course a legal obligation to do the same … [and] a practical argument derived from our post-conflict ambitions for Iraq".

---

[196] House of Commons, *Official Report*, 3 April 2003, columns 1069-1071.
[197] Minutes, 4 April 2003, Ad Hoc Meeting on Iraq.
[198] GlobalSecurity.org, 4 April 2003, *Minister of State for the Armed Forces and the Chief of the Air Staff: Press Conference at the Ministry of Defence, London – 4 April 2003*.

374. Mr Blair and President Bush discussed the progress of the campaign on 4 April, including the signal sent to the Shia in Baghdad as a result of the Royal Marines' exemplary conduct in Basra. Iraqi forces in Basra could collapse but it was "more likely" that there would be "patient erosion so that the city fell in 10 days or two weeks".[199] Mr Blair pointed out the need to convince the Iraqi population that the regime was "crumbling" and that "we [the Coalition] were not going to leave".

375. The discussion of Phase IV issues is addressed in Sections 9.1 and 10.1.

376. In a letter to the Iraqi people on 4 April, Mr Blair stated that Saddam Hussein would go and that troops would not remain in Iraq "a day longer than necessary".

377. On 4 April, the text of a letter from Mr Blair to the people of Iraq, which was being distributed by UK troops in Iraq, was reported in the media.[200] In the letter Mr Blair assured readers that Saddam Hussein would be "gone", and went on to make the following commitments:

> "Our troops will leave as soon as they can. They will not stay a day longer than necessary.
>
> "We will make sure deliveries of vital aid such as food, medicine and drinking water get through.
>
> "Our aim is to move as soon as possible to an interim authority run by Iraqis. This will pave the way for a truly representative Iraqi government, which respects human rights and the rule of law; develops public services; and spends Iraq's wealth not on palaces and weapons of mass destruction, but on schools and hospitals."

US forces enter Baghdad

378. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 5 April that the Republican Guard had suffered comprehensive defeat outside Baghdad, and that the loss of the airport appeared to have had a shock effect on the militias.[201] There was uncertainty about the militias' ability to reconstitute the defence of the city. The Republican Guard had evacuated positions in the North. With the disablement of communications and therefore control, the general sense was that the Iraqi regime was collapsing.

379. Adm Boyce stated that a heavy armoured US unit had entered Baghdad to demonstrate to the population that the regime had lost control. The question for Coalition commanders was whether to maintain the momentum and take Baghdad, or consolidate and establish a cordon round the city. In the North, the Regular Army had been badly damaged by air attack and might be prepared to capitulate. In the South, the British

---

[199] Letter No.10 [junior official] to McDonald, 4 April 2003, 'Iraq: Prime Minister's Video Conference with President Bush.
[200] *CNN*, 4 April 2003, *Full text: Blair's open letter to Iraq.*
[201] Minutes, 5 April 2003, Ad Hoc Meeting on Iraq.

Division had a plan to take over Basra in the next few days as the regime's hold on the city disintegrated.

380. Ms Short said that non-governmental organisations were confused about the duty of the military to provide humanitarian relief as the Occupying Power: "we should make plain that this responsibility would be handed back to United Nations agencies and non-governmental organisations as rapidly as possible".

381. Mr Scarlett told the Ad Hoc Meeting on Iraq on 7 April that Baghdad was not defended in a coherent way, but paramilitaries and some elements of the Republican Guard continued to put up resistance.[202]

382. Adm Boyce informed the meeting that the isolation of Baghdad was not yet complete and that reinforcement of US forces was expected shortly to enable Coalition Forces to take Kirkuk and Mosul.

The wider Coalition campaign

21/22 March: Large scale Coalition air strikes on strategic targets including Baghdad, Mosul, Tikrit and Kirkuk.[203]

22 March: US forces reached Nasiriyah and secured several bridges across the Euphrates River.[204] The Commander of the Iraqi 51st Division surrendered to Coalition Forces.

23 March: There was steady progress north. US V Corps – the forward line of advance – reached 100 miles south of Baghdad, near Najaf.[205]

1 MEF moved north-west out of Nasiriyah.[206]

24 March: Lead elements of US V Corps were in sight of Karbala, with main elements consolidating around Nasiriyah and Najaf.[207]

Key bridge at Nasiriyah seized intact.[208] Coalition Forces reported to be around 280 miles into Iraq and advancing on Karbala and al-Kut.

By evening, the Coalition was reported to be: "Just ahead of expected timelines … but weather deteriorating."[209] V Corps had paused near Najaf. All southern oilfields were under Coalition control.

25 March: US forces moved towards launch points for the assault on Baghdad.[210]

---

[202] Minutes, 7 April 2003, Ad Hoc Group on Iraq.
[203] Minute Cabinet Office [junior official] to Manning, 22 March 2003, 'Iraq: Overnight Sitrep – 21/22 March'.
[204] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[205] Briefing [MOD], 23 March 2003, 'Iraq: Update for the Number 10 Sitrep – As at 0600Z 23 March 2003'.
[206] Briefing [MOD], 23 March 2003, 'Annex to Evening Sitrep 23 March: Military'.
[207] Minute Cabinet Office [junior official] to Manning, 24 March 2003, 'Iraq: COBR Overnight Sitrep – 23/24 March (0715)'.
[208] Minute Cannon to Prime Minister, 24 March 2003, 'Iraq: Military Developments'.
[209] Minute Cabinet Office [junior official], 24 March 2003, 'Iraq: COBR Round Up of Key Events – 24 March'.
[210] Minute Cabinet Office [junior official], 25 March 2003, 'Iraq: COBR Overnight Sitrep – 24/25 March'.

Lead elements of V Corps reached Karbala (60 miles south of Baghdad), but helicopter operations were frustrated by bad weather.[211]

The US 15 MEU, which had been under UK command for the initial invasion, was released to return to the US 1 MEF.[212]

26 March: 1 MEF advanced towards al-Kut along two converging routes.[213]

27 March: US 173rd Airborne Brigade began deployment into northern Iraq overnight.[214] The total of Coalition Forces in theatre reached 293,000.

Main land forces were resupplied and consolidated their positions.[215]

28 March: 173rd Airborne Brigade took control of Erbil.[216]

Tempo of air operations stepped up as weather improved, with the aim of degrading Republic Guard positions around Baghdad.[217]

29 March: Iraqi forces launched two missiles towards Kuwait, both of which were shot down by US Patriot missiles.[218] The Coalition continued to attack Baghdad's air defence system. US 1 Marine Divison secures Qalat Sikar.

30 March: In Kuwait, deployment of personnel and equipment from the US 4th Infantry Division was prioritised.[219] Republican Guard formations in Baghdad re-positioned, and were believed to be establishing a second line of defence.

Air attacks on Republican Guard divisions and other preparations for a ground offensive towards Baghdad continued.[220]

31 March: US forces attacked paramilitary forces and were in contact with Republican Guard forces south of Baghdad.[221]

Air operations focused on Republican Guard ground forces, regime command and control elements and communications sites.[222]

1 April: A total of 19 missiles were "fired south from Iraq" towards Coalition Forces.[223] US 1 MEF commenced an attack on the Baghdad Republican Guard Division around al-Kut.

---

[211] Briefing [MOD], 25 March 2003, 'Iraq: Update for the Number 10 Sitrep – As at 1700Z 25 March 2003'.
[212] Letter Watkins to Rycroft, 25 March 2003, 'Prime Minister's visit to Washington. Iraq: Review of the Military Situation'.
[213] Minute Cannon to Prime Minister, 26 March 2003, 'Iraq: Military Developments'.
[214] Minute Watkins to DG Op Pol, 27 March 2003, 'Iraq: VTC with Camp David: 27 March 2003'.
[215] Minute Cabinet Office [junior official] to Manning, 27 March 2003, 'Iraq: COBR Round Up of Key Events – 27 March'.
[216] Minutes, 28 March 2003, Chiefs of Staff meeting.
[217] Minute Cabinet Office [junior official], 28 March 2003, 'Iraq: COBR Round Up of Key Events – 28 March'.
[218] Briefing [MOD], 29 March 2003, 'Iraq: Update for the Number 10 Sitrep – As at 1630Z 29 March 2003'.
[219] Minute Gibbons to Manning, 30 March 2003, 'Iraq: Update – Noon Sunday 30 March'.
[220] Minute Dodd to Manning, 30 March 2003, 'Iraq: COBR Round Up of Key Events – 30 March'.
[221] Minute Cabinet Office [junior official] to Manning, 31 March 2003, 'Iraq COBR Overnight Sitrep 31 March – 1 April'.
[222] Briefing [MOD], 31 March 2003, 'Annex to Evening Sitrep: 31 Mar: Military'.
[223] Briefing [MOD], 1 April 2003, 'Annex to Evening Sitrep'.

US forces continued to attack paramilitaries around Hindiyah, Samawah and Najaf, while moving towards Hillah.[224]

2 April: Ground and air forces continued to engage the Republican Guard.[225] Most forward elements of Coalition ground forces were within 15 miles of Baghdad.

3 April: Elements of the US V Corps passed through Karbala and moved towards Baghdad.[226] The lead elements of the US 3rd Infantry Division reached the outskirts of Baghdad.

4 April: US forces seized Baghdad International Airport.[227]

5 April: US V Corps entered central Baghdad.[228]

6 April: The first Coalition aircraft (a C130) landed at Baghdad International Airport.[229]

7 April: The US 3rd Infantry Division secured "all major routes in and out of Baghdad, from the South through to the North West".[230]

8 April: US V Corps and 1 MEF continued to encircle Baghdad, conducting intelligence-led attacks.[231] A US A-10 aircraft was shot down over Baghdad by a surface-to-air missile; the pilot was recovered safely.

9 April: US forces entered Baghdad.[232] Iraqi civilians tore down statues of Saddam Hussein in central Baghdad with the aid of US Marines.

10 April: Kurdish forces, which had been operating alongside the US, took the opportunity to enter Kirkuk after encountering little Iraqi resistance.[233] US Marines were ordered to prepare a plan to deploy to Kirkuk by 14 April to restore order.

12 April: US Marines advanced on Tikrit. Lt Gen McKiernan moved his command from Kuwait to a temporary HQ at Baghdad International Airport.[234]

13 April: The situation across Iraq began to stabilise, and moves began to restore utilities.[235] US Marines continued to attack pockets of Iraqi resistance and secure the northern oilfields. Kurdish forces had withdrawn from Kirkuk.

On 16 April, Gen Franks issued his Freedom Message to the Iraqi People, which is described in Section 9.1.

---

[224] Briefing [MOD], 1 April 2003, 'Iraq: Update for the Number 10 Sitrep – as at 0600 1 April 2003'.
[225] Minute Cabinet Office [junior official], 2 April 2003, 'Iraq: COBR Round Up of Key Events – 2 April'.
[226] House of Commons, *Official Report,* 3 April 2003, columns 1069-1071.
[227] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[228] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.
[229] Paper [unattributed], [undated], 'Op TELIC PJHQ Chronology 2002-03'.
[230] Paper [unattributed], [undated], 'Op TELIC PJHQ Chronology 2002-03'.
[231] Briefing [MOD], 8 April 2003, 'Annex to Evening Sitrep, 8 April 2003'.
[232] Minute Cabinet Office [junior official] to Manning, 9 April 2003, 'Iraq: COBR Round Up of Key Events – 9 April'.
[233] Briefing [MOD], 10 April 2003, 'Annex to Number 10 Sitrep, 10 April 2003: Military'.
[234] Briefing Cabinet Office, 12 April 2003, 'Iraq: Evening Round Up: 12 April'.
[235] Briefing [MOD], 13 April 2003, 'Iraq: Update for the Number 10 Sitrep – as at 1100 at 13 April 2003'.

The fall of Basra

383. On 5 April, Mr Hoon was informed of the plans to enter Basra. He was also informed that the issue of UK forces moving north from the original area of operations could arise "in the near future".

384. Mr Johnson sent a summary of the plan for 1 (UK) Div to enter Basra to Mr Hoon's Office on 5 April.[236]

385. Mr Johnson reported that the "planned window for entry into Basra opens on Monday 7 April"; and that the plan was split into three phases:

- Phase 1 intended to establish "a degree of control in az-Zubayr which is sufficiently firm to allow 7 Armd Bde units to be released for operations in Basra", was already under way.
- Phase 2 would "involve a shift of forces from 'consolidation' tasks to operations in Basra, and subsequent expansion as required" in addition to the tasks of Phase 1. The plan had also called for elements of 3 Commando Brigade to replace 7 Armoured Brigade in az-Zubayr, enabled by the replacement of 3 Commando Brigade in Umm Qasr by the (UK) 102 Logistics Brigade.
- Phase 3 of the plan, entry into Basra, required 3 Commando Brigade and 7 Armoured Brigade to attack Iraqi forces, secure key water infrastructure, and take opportunities to seize Basra Palace and any Governorate buildings. 16 Air Assault Brigade would control Highway 6 and distract Iraqi forces by conducting "aggressive patrolling" north of Basra. It would also provide a reserve force.

386. Mr Johnson wrote that Phase 3 would take place only when a number of preconditions had been met, including:

- az-Zubayr was firmly under control and passed to 3 Commando Brigade;
- there was stability in the 3 Commando Brigade AO, with the area south of Basra isolated;
- stability existed in the 16 Air Assault Brigade AO, north of Basra;
- Highway 6 was capable of being controlled by 16 Air Assault Brigade; and
- authority was granted by the Coalition Forces Land Component Commander (Lt Gen McKiernan).

387. When the conditions were right, 3 Commando Brigade and 7 Armoured Brigade would "attack to secure areas of Basra, supported by air and artillery strikes"; 16 Air Assault Brigade would provide a reserve infantry battlegroup for the operation.

---

[236] Minute Johnson to PS/SofS [MOD], 5 April 2003, '1 (UK) Division Plan for entry into Basrah'.

388. Mr Johnson reported that 1 (UK) Div's intention was that the entry into Basra would be:

> "… supported by information operations, to reassure the population and isolate them from regime propaganda, and by humanitarian assistance … The combined effect should be to build popular confidence in Coalition capabilities and intentions … News of the US entry into Baghdad should reinforce this effect."

389. Mr Johnson reminded Mr Hoon of the possible requirement for subsequent expansion northwards to "take on and defeat Iraqi forces posing a potential threat to Basra, if this was necessary to achieve a satisfactory outcome to Phase III of the overall campaign". He stated: "This issue may well arise in the near future." Mr Johnson also advised: "We therefore intend that GOC 1 (UK) Div should have flexibility to move north to defeat these forces or accept their surrender, if required."

390. A second piece of advice, sent to Mr Hoon's Office later the same day, reported a proposal to "recruit, arm and co-ordinate the activity of 20 Iraqis to support 1 (UK) Div operations in Basra".[237] The advice recommended that Mr Hoon agree the proposal to recruit ex-regular soldiers to conduct reconnaissance into Basra, and to attack personnel linked to Saddam Hussein's regime, armed with weapons seized by Coalition Forces. The advice said: "At the end of the operation, the volunteers would be asked to return their weapons."

391. An update for Sir David Manning provided by Mr Drummond on 6 April reported that a Coalition air strike in Basra had "resulted in the deaths of several top regime figures".[238] UK raids into the city the previous night had met "little resistance". 7 Armoured Brigade "now have a lodgement well into the city, and, subject to CFLCC agreement, will push further in today". The plan for 3 Commando was "to push in from the south-east".

392. UK forces entered Basra in force on the night of 6/7 April.

393. Mr Scarlett told the Ad Hoc Meeting on Iraq on 7 April that, in Basra, the hard core of the militias had retreated into the old town, while senior party and military figures were reported to be leaving the city or willing to surrender.[239] Rumours of the death of the regional military commander (Chemical Ali) were rife.

394. Adm Boyce reported that the British Division had entered Basra the previous night:

> "… in force, following signs of impatience about the stand-off by the local population in the light of diminishing Iraqi militia confidence. Resistance was incoherent but still dangerous; locals were helping the Coalition inside the town."

---

[237] Minute Flaherty to PS/Secretary of State [Defence] 5 April 2003, 'Op TELIC: Use of locally recruited forces in Basra'.
[238] Minute Drummond to Manning, 6 April 2003, 'Iraq – Update Noon Sunday 6 April'.
[239] Minutes, 7 April 2003, Ad Hoc Group on Iraq meeting.

395. Mr Blair concluded the meeting by saying that the military success in Basra was significant and he was counting on an information campaign by the military to persuade the irregulars who were still fighting to desist. The Iraqi regime was finished and the irregulars should be taken into custody by the British, not lynched by fellow Iraqis.

396. Mr Hoon told the House of Commons on 7 April that:

> "Since my last statement on 3 April, Coalition Forces have continued to make excellent progress. Following a series of raids and patrols into the centre of the city, British forces have now deployed in force into Basra. United States Army and Marine Corps units have with remarkable speed advanced on Baghdad, seized the international airport and conducted patrols into the city centre …
>
> "We have consistently encouraged members of the Iraqi armed forces to end their increasingly futile resistance and return to their homes and families. We are now beginning to see indications that these messages are having an impact, at least on some Iraqi soldiers. That does not mean, however, that the regime's resistance is necessarily at an end. In Basra, Baghdad and other urban areas, Coalition Forces will face a difficult and dangerous period dealing with the remnants of Iraqi forces …"[240]

397. The COBR evening round-up on 7 April described resistance in Basra as less than expected.[241]

398. While no area was safe enough to call in humanitarian assistance, power and food were available to the majority of the population and the slight shortages of water were not significant.[242]

399. On 8 April, Mr Scarlett informed the Ad Hoc Meeting on Iraq, which was chaired by Mr Prescott, that the pattern of declining resistance in the South was not uniform; and that there was no definitive information about the find by Coalition Forces of material which could be chemical and biological warfare agents.[243]

400. Adm Boyce stated that, following the UK Division's assumption of control over Basra, the emphasis would switch from fighting to the post-conflict phase. The Commander would be organising a meeting with local leaders the following day to re-establish normality in the town and to arrange the provision of food and water. The Southern Regional Director of the US-led Office of Reconstruction and Humanitarian Affairs would move to Umm Qasr that day.

---

[240] House of Commons, *Official Report*, 7 April 2003, column 21.
[241] Minute Cabinet Office [junior official] to Manning, 7 April 2003, 'Iraq: COBR Round Up of Key Events – 7 April'.
[242] Briefing [MOD], 7 April 2003, 'Annex to Evening Sitrep, 7 April 2003'.
[243] Minutes, 8 April 2003, Ad Hoc Meeting on Iraq.

401. In discussion, the Ad Hoc Meeting noted that the welcome given to British troops entering Basra had been covered in very different ways by different television channels. The looting of regime premises should not be permitted to degenerate into general lawlessness. It was likely to be difficult to assure the civil police function as the Iraqi police had in the past been closely associated with the regime's apparatus of repression.

402. Mr Prescott concluded that the conduct of UK forces in assuming control of Basra had been commendable. Opportunities to conduct interviews with scientists who had been engaged on Iraq's WMD programmes should be "pursued when the fighting stopped".

403. The Chiefs of Staff were informed on 8 April that the troops clearing the old city area had been "met by a jubilant population".[244]

404. Mr Blair and President Bush made a joint statement at Hillsborough on 8 April setting out the Coalition's intentions for the future of Iraq, which is set out in Section 9.1.

405. A report that evening stated: "The situation in the city [Basra] has stabilised … although looting will remain a problem until normal policing is restored."[245]

406. The overnight report from COBR on 8/9 April informed Sir David Manning that Maj Gen Brims had identified a potential local leader in Basra "with whom he can do business" and had begun the process of establishing a Joint Commission.[246] Looting was "not as bad as reported in the media".

407. Adm Boyce informed the Ad Hoc Meeting on Iraq on 9 April that, in Basra, UK forces would be lowering their profile by withdrawing some of the heavy armour.[247] The Commander had also started the process of establishing a Joint Commission which should help to restore order locally. Looting "was reducing, in part because of Iraqi self-policing."

408. Ms Short was concerned about the looting of humanitarian supplies and water plant in the South. In discussion, it was noted that looting in Basra was more isolated than some media suggested; and that the development of a civil policing capability was a priority.

409. In his post-operation tour report, Maj Gen Brims wrote:

> "… collaborative planning, often led by 7 Armd Bde, was conducted to develop a concept for the entry into [Basra]. The order was published on 6 [April], coincidentally at the same time as the opportunity was seized by 7 Armd Bde. The opportunity was created by a JDAM [Joint Direct Attack Munition, a GPS-guided

---

[244] Minutes, 8 April 2003, Chiefs of Staff meeting.
[245] Briefing [MOD], 8 April 2003, 'Annex to Evening Sitrep 8 April 2003: Military'.
[246] Minute Gibbons to Manning, 9 April 2003, 'Iraq: COBR Overnight Sitrep 8/9 April'.
[247] Minutes, 9 April 2003, Ad Hoc Meeting on Iraq.

bomb] strike that seemed to have dramatically altered the situation in Basra (public perception was that Chemical Ali [Ali Hassan al-Majid] had been killed)."[248]

410. The UK was well informed about the structure and capabilities of the Iraqi armed forces but it had no intelligence pre-conflict on Iraq's plans for the defence of Basra. The JIC had assessed:

- **many Regular Army units bypassed and left behind as the result of a rapid Coalition advance towards Baghdad would probably surrender rather than fight;**
- **only Baghdad was politically vital to the Iraqi regime; and**
- **there was little evidence that Iraq was preparing for a hard-fought defence of Basra and other urban areas in southern Iraq.**

411. The DIS advised that Iraqi irregular forces, including the Fedayeen, were likely to be involved in the defence of Basra, but it did not predict the degree of initial resistance to Coalition Forces.

412. The assessments pre-conflict about the structure, conventional capabilities and intentions of the Iraqi armed forces, are set out in Section 6.1. The assessment of the Iraqi regime's intentions in relation to the defence of Basra and the nature and intentions of Iraqi irregular forces is summarised in the Box below.

The defence of Basra and the role of irregular forces

On 4 July 2002, the JIC assessed that the "Saddam Fedayeen", which were "under the control of Saddam's oldest son" were "possibly 10–15,000 strong" and had "been used in the past to deal with civil disturbances".[249]

In its Assessment of 21 August, the JIC judged that:

> "Iraq's likely strategy for a ground war would be to make any Coalition advance as slow and costly as possible, trying to force the Coalition to fight in urban areas."[250]

The JIC stated:

> "We have little insight into how the Iraqi military might plan to fight any ground war … At present we have little evidence to judge whether Iraq sees urban or guerrilla warfare as feasible options. Iraqi effectiveness would be mitigated by problems of command and control, inadequate training and poor morale. We doubt that guerrilla activity would be very effective; urban warfare is more plausible."

[248] Report, 'Post Operation Report – Version 2 Operation TELIC', 6 October 2003.
[249] JIC Assessment, 4 July 2002, 'Iraq: Regime Cohesion'.
[250] JIC Assessment, 21 August 2002, 'Iraq: Saddam's Diplomatic and Military Options'.

In the context of consideration of preparations for a campaign of terrorism and sabotage in the region, the Assessment also stated that:

> "… we know that Iraqi Special Forces and other organisations, such as the 'Saddam Fedayeen', also possess the capability to conduct sabotage or terrorist attacks."

The JIC did not consider the Fedayeen's possible actions inside Iraq.

In its weekly intelligence summary of 16 October, the DIS advised that, given the limitations in Iraq's capabilities:

> "… the regime is leaning towards a war of attrition from within the cities. Provincial cities have been garrisoned with food and troops … The regime's aim is to lure Coalition Forces into the cities and effectively fix them … Whilst Baghdad remains the vital centre of gravity, Coalition Forces will look to bypass provincial centres, leaving … Iraqi forces trapped …"[251]

In its Assessment of 6 December, the JIC anticipated that the Iraqi Army could establish positions within urban areas, but "most R[egular] A[rmy] defences are likely to be constructed further forward, nearer Iraq's borders, or along key roads and at junctions".[252] Physical barriers, "water barriers (created by flooding or by the destruction of bridges), minefields, or possibly even CBW-contaminated areas", could be created "to channel Coalition Forces into urban areas or 'kill zones' where artillery, or CBW, would be used". The Iraqi "strategy would rely heavily on a static defence, largely because the Iraqi military's ability to conduct manoeuvre warfare is very limited, even in the R[epublican G[uard]".

The JIC stated:

- "… provided the security and military organisations central to the regime's survival … remained intact, Saddam would accept the sacrifice of virtually any forces or territory to the coalition. Provincial cities would be defended, but ultimately we judge that only Baghdad would be politically vital, as its capture would be a final symbol of defeat of the regime."
- If the Special Republican Guard and the Republican Guard remained loyal and effective, they could "inflict serious casualties on Coalition Forces in urban warfare".
- Morale and loyalty was "weak". If a rapid Coalition advance left Iraqi positions behind the front lines, "many RA [Regular Army] units would probably surrender rather than fight"."

The JIC Assessment of 29 January 2003 stated:

> "[M]orale in much of regular army is low and … many soldiers are reluctant to fight. But as long as Iraqi security officers remain with military units and able to enforce discipline, fear of execution is likely to keep regular units at their posts."[253]

In a minute to Sir David Manning on 30 January (see Section 3.6), Mr Scarlett wrote that the JIC had judged, "over many months", that "once the invasion starts Saddam's regime

---

[251] Paper DIS, 16 October 2002, 'Saddam and the Dilemma of the Republican Guard'.
[252] JIC Assessment, 6 December 2002, 'Iraq: Military Options'.
[253] JIC Assessment, 29 January 2003, 'Iraq: The Emerging View from Baghdad'.

is likely to prove brittle and fold quickly".[254] The correct military strategy was, therefore, designed to "make this 'quickly' very quick indeed".

In its Assessment of 19 February on what the Coalition might face in Southern Iraq, the JIC judged:

> "The Iraqi forces currently guarding Southern Iraq are a relatively weak first line of conventional defence. They face rapid defeat. There is little evidence so far that the Iraqis are preparing for a hard-fought defence of Basra and other urban areas."[255]

The MOD advised Mr Blair on 24 February (see Section 6.2) that the US plan was to achieve "overwhelming effect very early in the campaign" to dislocate the regime by decapitating command and control and disrupting communications.[256] As well as the practical consequences of the deployment of ground forces and their move "towards Baghdad", the MOD stated that that should "remove any doubt in Iraqi minds about the Coalition's determination to remove the regime. It is therefore possible that the regime will collapse … in the first few days. Nonetheless it is impossible to predict … and US planning assumes up to 125 days of decisive ground operations."

On 11 March, the DIS produced a Memorandum on the "post-Saddam" political and security environment that Coalition Forces were likely to encounter in Basra City.[257] It stated that the DIS had "no intelligence on regime planning to mount an urban defence of Basra City" but "individual or localised resistance could occur".

The DIS identified the forces which were likely to be at the disposal of the regime as:

- **Directorate of General Security (DGS)** – the "principal internal security force". "Typically" such forces would be lightly armed and trained only in an internal security role. The DIS assessed that once overall regime cohesion was lost, they would offer "little resistance to Coalition Forces".
- **Ba'ath Party militia** – which were "expected to play a role in defence of the city. They would have small arms and limited training." Based on reporting from other cities in Iraq, the DIS judged that the threat to Coalition Forces was "low".
- **Saddam Fedayeen** – which might be employed in an internal security role. They had "a well-deserved reputation for brutality and fierce loyalty to the regime". They were controlled by the Basra Governor and there might be "3–4,000" within the Governorate. They would have access to small arms "but rarely use armoured vehicles". They were assessed to be "the most likely internal security force to repress the civil populace and possibly oppose Coalition Forces within the city".
- **Mujahideen e Khalq (MEK)** – the numbers in Basra and its environs were "unlikely to exceed a few hundred". If there was a presence in Basra, the DIS judged that it would fight, "if directly threatened by Coalition operations. But if they are left alone the intelligence is contradictory as to whether they would fight with the Iraqi Army …" There was a risk that Iran would send Badr Corps or Islamic Revolutionary Guard Corps teams into the Basra area to take action against the MEK, "especially if Tehran considers that the Coalition has not taken appropriate action against the MEK".

---

254 Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'.
255 JIC Assessment, 19 February 2003, 'Southern Iraq: What's In Store?'
256 Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'.
257 Paper DIS, 11 March 2003, 'Basra: Post Saddam Governance'.

Lt Gen Fry told the Inquiry that the UK "did not necessarily know at the time" that Iraqi forces were weak; whether Iraq would use battlefield chemical weapons; and that the UK's operational planning was looking at the potential Iraqi response "in as rigorous and austere military operational terms as possible".[258]

Describing his assessment that his division was ready for military operations against the assessed capability of Iraqi forces and their likely courses of action, Lt Gen Brims, GOC 1(UK) Div between 2000 and 2003, and the UK Land Contingent Commander during the invasion, told the Inquiry that the UK had "expected unconventional forces … to show, which they did".[259]

ACM Burridge told the Inquiry that Saddam Hussein:

> "… had developed the view … that western militaries don't do urban warfare …
>
> …
>
> "What we didn't know was to what extent he would front-load those southern cities, Basra in particular, and we subsequently recognised he put small elements of the Republican Guard in amongst the Ba'ath militia the Al Quds and people such as that, to … make them militarily more effective and … to put the frighteners on the 51 Division people who had effectively melted away, and they were coerced into getting back into their equipment."[260]

413. Within days of the start of the campaign, the scale of the unexpected resistance encountered in Southern Iraq, together with the effects of bad weather and the slow down in the US advance on Baghdad, led to a media focus on perceived difficulties with the Coalition campaign.

414. The evidence in this Section shows that, as a result, there was considerable concern within the UK Government about the impact on public and political support for the campaign in the UK, and concern about the Coalition's ability to convince the Iraqi population that it was determined and able to remove Saddam Hussein and his regime.

415. The UK Government identified a need for better co-ordination and communication of key strategic messages to different audiences in an effort to win the "propaganda war". Improvements to UK capabilities were being implemented at the end of March.

416. There was also considerable debate, within and between the MOD and No.10, about whether the military plan should be revised to secure control of Basra before proceeding to Baghdad, including Mr Blair's decision to raise the idea with President Bush.

---

[258] Public hearing, 16 December 2009, pages 27-28.
[259] Public hearing, 8 December 2010, page 22.
[260] Public hearing, 8 December 2010, pages 38-39.

417. Although some of that debate within the UK Government may well have reached military commanders in Iraq, the evidence set out in this Section shows that, in the end, the decision to advance into Basra was made by military commanders on the ground.

418. It reflected their judgement that the preconditions for the operation, set out in the MOD advice to Mr Hoon of 5 April, had been met.

419. In a post-operation tour interview, conducted at the Army's Land Warfare Centre, Maj Gen Brims said:

> "The raids themselves [in Basra] were going in ever more successfully too. On 5 April the battlegroup raids were staying in longer in each time, in essence they were doing [battlegroup vehicle checkpoints] coming back only at night because the enemy could get too close. But on Sunday 6 April the Black Watch launched a raid and met no resistance. I consulted Commander 7 [Armoured] Brigade [Brigadier Binns] and gave out radio orders. We got into Basra that day and stayed … I did remember to get clearance from [the Coalition Forces Land Component Commander, Lt Gen McKiernan] beforehand."[261]

420. Lt Gen Brims told the Inquiry:

> "When we first got into Basra, it took about a day of combat activity to get in there on 6 April. By 7 April, we were in and we were reasonably well received …"[262]

421. Lt Gen Brims also stated:

> "We produced a generic plan [for Basra] and one of the first things I did when I realised that we had in fact got into Basra and we were controlling the city, is I got together through an individual I approached and asked him to form a provisional council from which we would then use the Iraqis to help us organise Basra …"[263]

422. Maj Gen Binns told the Inquiry:

> "… I didn't really have a clear idea of how we were going to enter Basra. The operational analysts were saying, 'It will take you three months, you will suffer 25 percent casualties and there will be thousands if not tens of thousands of civilian deaths' and Robin Brims and I then had a conversation, 'Well we can't do that and therefore we've got to come up with a different way of doing it, so we will only enter Basra, hopefully on our terms, when the time is right and in a manner that reduces casualties on both sides' …
>
> "… and I remember a conversation … if Baghdad falls Basra might fall … we might just drive in. And then another conversation, 'Well actually it would be good to have

[261] Transcript Land Warfare Centre, 8 January 2004, Op TELIC Interview.
[262] Public hearing, 8 December 2009, page 35.
[263] Public hearing, 8 December 2009, page 33.

a go at Basra because we could learn some lessons … and there may be some techniques … that might be relevant for Baghdad' …

"I then had a sort of conversation with a friend of mine who was working in General McKiernan's headquarters. I said, you know, 'Have I got this right, this is my thinking', and he said, 'Actually the view here is that we would like you to go into Basra as soon as you can'. So mindful of that, in early April … we were doing a number of raids in and out of Basra to test how far we could go and I said to the commanding officers 'Well, you know, start pushing a bit further and a bit further and let's see how far we can go."[264]

423. Major General Albert Whitley, the Senior British Land Adviser to the Coalition Forces Land Component Commander, told the Inquiry:

"As I understand it there was no pressure from Whitehall or PJHQ to influence the timing of the taking of Basra. Gen McKiernan also did not put pressure on Gen Brims to take it early. I was present when he told Gen Brims that he could take Basra when he was ready and it was not a necessary precursor to taking Baghdad."[265]

424. SIS2 told the Inquiry that the Secret Intelligence Service had had "a pretty good war in terms of providing intelligence support for British forces in the South … the battle for Basra … That was an intelligence-led success."[266]

The collapse of the Iraqi regime

425. Adm Boyce informed the Ad Hoc Meeting on Iraq on 9 April that US forces controlled all routes into Baghdad, where resistance was "spasmodic but fierce".[267] In the South, "US forces would be sweeping south of Amara to meet up with British forces coming north".

426. By 9 April, 16 Air Assault Brigade had deployed north of Basra to al-Qurnah (15km inside the northern boundary of Basra province), with the Pathfinders (an element of the Parachute Regiment) located 15km further north.[268]

427. The COBR evening round-up of key events on 9 April said the ICRC had "reported to DFID violent looting in Baghdad, and an almost complete breakdown of law and order in many areas".[269] Looting also continued in Basra, Umm Qasr and elsewhere in the South, with the result that some water plants in Basra had become unserviceable.

---

[264] Private hearing, 2 June 2010, page 33.
[265] Statement, 25 January 2011, page 8.
[266] Private hearing, 2010, page 33.
[267] Minutes, 9 April 2003, Ad Hoc Meeting on Iraq.
[268] Minutes, 9 April 2003, Chiefs of Staff meeting.
[269] Minute Cabinet Office [junior official] to Manning, 9 April 2003, 'Iraq: COBR Round Up of Key Events – 9 April'.

428. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 10 April that news of the collapse of the regime was spreading.[270]

429. Adm Boyce added that Iraqi forces remained in Tikrit, Mosul and Kirkuk, although there were indications that the Regular Army was ready to surrender to Coalition Forces once those were in the vicinity in sufficient strength. Resistance in the East and West had "reduced significantly" and Basra "[was] returning to normality". The Coalition needed to bring the "large quantity of abandoned arms and military equipment under control". The lack of mains electricity was attributable to Iraqi sabotage. Looting was a problem in Baghdad but was "much reduced in Basra".

430. In discussion, attendees noted that records and other material about the regime's activities should be carefully preserved and their provenance recorded, and a system should be put in place for the collection of all relevant material, including on WMD, which could be accessed for forensic purposes.

431. Concluding the discussion, Mr Blair stated that the Coalition's Freedom Television station would start broadcasting that day. It was important to provide evidence to the media of Iraqi sabotage of the electricity network. Assembling documentation and material about the former Iraqi regime was a priority task and resources should be directed to this.

432. In response to Mr Straw's concerns that the "continental European media was not reflecting the Coalition's success or the argumentation for military action", Mr Blair concluded that a media campaign should be directed at rectifying the portrayal in the European media of events leading up to the conflict and its resolution.

433. Mr Blair informed Cabinet on 10 April that the military campaign in Iraq was progressing well, but it was not over yet.[271] Some resistance to US forces continued in Baghdad. The Iraqis might make a last stand in the North, perhaps around Tikrit. In the West and East, Iraqi resistance was diminishing. In the South, resistance had largely disappeared. After initial looting in Basra, the situation was now calmer.

434. Mr Blair stated that the Coalition was now in the end game of the Iraqi regime's collapse. Apart from military resistance, there were humanitarian challenges, including restoring the electricity system which had been sabotaged by the retreating militias. Making the lot of the Iraqis better had to be the continuing focus. While British public opinion recognised our success to date, media coverage in the rest of the world was largely negative. That had to be turned round. The first Coalition broadcast to the Iraqi people using their network would take place that day.

435. Mr Hoon told his colleagues that elements of the Iraqi regime had not yet recognised that the battle was lost.

---

[270] Minutes, 10 April 2003, Ad Hoc Meeting on Iraq.
[271] Cabinet Conclusions, 10 April 2003.

436. In Basra, the water and electricity supplies were being fixed and order was being restored with the exercise of civic responsibility by local Iraqis. A Joint Commission was being established with the emerging leadership there. The intention was to spread the same effect northwards.

437. Concluding the discussion, Mr Blair said that the military campaign in Iraq was going extremely well, but there were challenges ahead on the humanitarian front, in dealing with post-conflict arrangements and bringing together the international community in the UN Security Council. Mr Blair reiterated his conclusion at the previous meeting of Cabinet that making the lives of ordinary Iraqis better was key to success.

438. When Mr Blair spoke to President Bush on 10 April, they discussed the position in Iraq, including the possibility of a major battle in Tikrit and the need to warn Syria not to give refuge to regime figures or to scientists who knew about Iraq's WMD.[272]

439. The UK AO was extended north to al-Amara in Maysan province on 11 April, when Pathfinders from 16 Air Assault Brigade entered the city. The remainder of the force entered on 12 April.[273]

440. Mr Hoon approved the extension of the UK AO to the whole of the provinces of Basra and Maysan on 12 April.[274]

441. The background to that decision and subsequent developments are addressed later in this Section.

The role of UK Special Forces

According to Gen Franks' account of his plan:

> "… US, Brit, and Australian Special Operations Forces would control Iraq's western desert, preventing the regime freedom of action to launch long-range missiles towards Jordan and Israel."[275]

Gen Franks described the combination of "several thousand" US Special Forces soldiers and Special Mission troopers, plus "British and Australian Special Air Service operators", assembled in Jordan and Saudi Arabia ready to attack western Iraq as "the largest combat formation of special operators in history".

From 23 March, the MOD sent regular updates on Special Forces' activities in Iraq to No.10.[276]

23 March: UK Special Forces were deployed to Iraq's western desert, conducting operations to deny theatre ballistic missile operations.

---

[272] Letter Rycroft to McDonald, 10 April 2003, 'Prime Minister's Conversation with Bush, 10 April'.
[273] Minutes, 12 April 2003, Chiefs of Staff meeting.
[274] Minute Watkins to CJO, 12 April 2003, 'Iraq: Expansion of the UK AOR'.
[275] Franks T & McConnell M. *American Soldier.* HarperCollins, 2004.
[276] Letter Williams to Manning, 23 March 2003, 'Update on Special Forces Activities'.

A small team conducted reconnaissance of Basra.[277]

24 March: UK Special Forces supporting 1 (UK) Div were on standby to enter Basra; in the absence of permission to do so, they passed information from within the city to Maj Gen Brims.[278]

25 March: UK Special Forces continued to assist in planning for entry into Basra by conducting further reconnaissance.[279] The MOD assessed it was "too soon to divert effort from the strategically critical task of countering the ballistic missile threat in the West".

DSF1 told the Inquiry that there were Special Forces units "in the South in support of the overall effort".[280] Those forces were there to "support the conventional operation with the British forces … into Basra".[281]

DSF1 described the role of Special Forces as providing information to inform target selection, for instance:

> "… to establish where members of the Ba'ath Party and some of the Fedayeen were meeting, which obviously was not in the Ba'ath Party headquarters, which had been destroyed … by the strike quite early on."[282]

26 March: Special Forces continued to support targeting in Basra and the team was enhanced with extra personnel.[283]

27 March: Special Forces were in discussion with key individuals in Basra, who gave indications that they were prepared to co-operate with UK forces.[284]

28 March: Operations continued in western Iraq to interdict Iraqi movement and so prevent missile launches, and in Basra to support targeting.[285]

30 March: Special Forces supported Black Watch raids into Basra.[286]

3 April: Operations in the West continued, clearing Named Areas of Interest and engaging directly with the enemy.[287] Support in Basra continued.

5 April: Special Forces personnel in Basra were reinforced, and integrated with UK battlegroups to assist 7 Armoured Brigade.[288]

---

[277] Minute Gibbons to Manning, 23 March 2003, 'Iraq: Update Sunday 23 March (1100)'.
[278] Minute Williams to Manning, 'Update on Special Forces Activities'.
[279] Minute [MOD], 25 March 2003, 'Iraq – Update on UK Special Forces Activities'.
[280] Private hearing, 2010, page 7.
[281] Private hearing, 2010, page 11.
[282] Private hearing, 2010, page 21.
[283] Minute [MOD], 26 March 2003, 'Iraq: Update on UK Special Forces Activities'.
[284] Minute Cannon to Rycroft, 27 March 2003, 'Iraq: Prime Minister's video-conference with Bush, 27 March'.
[285] Letter Williams to Manning, 28 March 2003, 'Update on Special Forces Activities'.
[286] Minute [MOD], 30 March 2003, 'Operation TELIC – Update on UKSF Activities – 30 March 2003'.
[287] Minute [MOD], 3 April 2003, 'Op TELIC – Update on UKSF Activities – 3 April 2003'.
[288] Minute [MOD], 5 April 2003, 'Iraq: Update on UKSF Activities – 5 April 2003'.

After major combat operations ended, DSF1 told the Inquiry, UK Special Forces moved to Baghdad, because:

> "That's where our main principal linkage, that's where my sense of how we could best support … my view is that Special Forces quite rightly operate at a higher level, and therefore it is about actually the success of the campaign."[289]

DSF2 told the Inquiry that when he assumed command in 2003, the main force was in Baghdad "on a mission from CJO to assist the people finding weapons of mass destruction".[290]

The immediate aftermath

442. Maj Gen Binns told the Inquiry that he had not felt constrained by the absence of a policy on what to do when Basra fell.[291] Nor had his forces trained for that role. He felt he had sufficient freedom of action and the experience and knowledge from previous operations, including operations with some of 7 Armoured Brigade in Pristina (Kosovo), to know what to do and to create the environment for stability.

443. Gen Jackson told the Ad Hoc Meeting on Iraq on 11 April that anarchic behaviour in Baghdad, and earlier in Basra, was directed mainly at the regime, and was not generalised lawlessness.[292] It would be some days before the situation calmed down in Baghdad; in Basra, the adaptability of British troops in managing security had had a good effect. The problem was that civil policing had largely disappeared because of its association with the Ba'athist regime and would be difficult to resurrect because of the vulnerability of individuals to reprisals. This is considered in more detail in Section 12.1.

444. Mr Hoon said that responsibility for security fell in the first instance to the military and the UK was active in encouraging police in the South to return to duty. The Office of Reconstruction and Humanitarian Assistance (ORHA) – described in detail in Section 10.1 – would be involved in restoring the civil administration of Iraq.

445. Ms Short stated that the ICRC and UN agencies were concerned about lawlessness in Baghdad and elsewhere. Hospitals in particular needed to be secured. The systems in place for the distribution of food and the restoration of the water supply were disabled by the lack of security.

446. Mr Scarlett told those present that the vacuum created by the collapse of the regime was being filled in different ways in different parts of the country. Gen Jackson stated that the US was putting forces into Kirkuk and Mosul, the latter to take the surrender of elements of the Regular Army.

---

[289] Private hearing, 2010, page 26.
[290] Private hearing, 2010, page 2.
[291] Private hearing, 2 June 2010, pages 10-14.
[292] Minutes, 11 April 2003, Ad Hoc Meeting on Iraq.

447. Concluding the discussion, Mr Blair said that the security situation in the cities had to be stabilised, particularly for hospitals. Although a violent release of anger in response to the fall of the regime was inevitable, the humanitarian situation had to be improved. The three basics were food, water and healthcare, on which DFID should provide advice on both the current situation and the strategy for the future. More broadly, Iraq had some way to go before the outlook was satisfactory. Meanwhile we had to nurture the beginning of a different attitude towards the post-conflict situation among the international community.

448. On 12 April, Gen Jackson told the Ad Hoc Meeting on Iraq that:

> "… lawlessness was the main problem. The situation in Basra was being brought under control and the British Division intended to start joint military/[Iraqi] civil police patrols within 48 hours. Baghdad was a bigger problem …"[293]

449. Ms Short reported that UN vehicles had been looted in Baghdad and that the ICRC feared the outbreak of disease. Disorder in Baghdad and elsewhere was preventing the return of UN agencies. Mr Hoon suggested that getting UN agencies and others back to work in the South would enable the British to set an example of how to restore normality. This would create a virtuous circle which could progressively be replicated by the Americans further north.

450. Concluding the discussion, Mr Blair said that disorder in Iraq was the main issue. It was important to stabilise the situation in Iraq before engaging on the UN track and the establishment of an Iraqi interim authority.

451. HQ 1 (UK) Div moved to Basra Airport on 13 April.[294]

452. 1 (UK) Div continued to advance north of Basra, into Maysan province.[295]

453. Joint UK patrols with Iraqi police officers commenced in Basra on 13 April (see Section 9.1).[296] Local populations set up their own security arrangements in some other towns in the UK AO.

454. 16 Air Assault Brigade secured the air field at al-Amara on 13 April.[297] The situation in al-Amara was described as "stable", with looting having ceased.[298] The local police had "disbanded and disappeared" about a week earlier, leaving "rather ad hoc" security arrangements.

---

[293] Minutes, 12 April 2003, Ad Hoc Meeting on Iraq.
[294] Minute Thomas to Manning, 13 April 2003, 'Iraq: COBR Round Up of Key Events – 13 April 2003'.
[295] Briefing [MOD], 13 April 2003, 'Iraq: Update for the Number 10 Sitrep – As at 1100 13 April 2003'.
[296] Ministry of Defence, *Operations in Iraq Lessons for the Future*, December 2003; Note MOD, [undated], 'MOD Note on Policing Situation'.
[297] Briefing [MOD], 13 April 2003, 'Iraq: Update for the Number 10 Sitrep – As at 1100 13 April 2003'.
[298] Note MOD, [undated], 'MOD Note on Policing Situation'.

455. Adm Boyce informed the Ad Hoc Meeting on Iraq on 14 April that the military campaign was coming to an end and that Gen Franks had said the Coalition was within a few days of declaring the switch to post-conflict operations.[299] Adm Boyce had visited British troops in the South who were "in good heart and demonstrating their flexibility in dealing with the shifting security situation". Consideration was being given to the security management of the post-conflict phase, where the British Division might take charge of two provinces and supervise a further two with other troops joining the Coalition for that purpose.

456. Mr Blair concluded that progress needed to be made on policing.[300]

457. The issue of looting in Baghdad was also discussed in Mr Blair's conversation with President Bush on 14 April.[301]

458. Mr Blair identified improving conditions in hospitals as the top humanitarian priority and the main focus of media interest; Baghdad was still not a safe environment for humanitarian assistance.

UK comments on levels of deployed US forces

Reporting on his visit to UK forces in Kuwait in early March 2003, Gen Jackson, wrote that he had been "struck by just how little combat power the US have on the ground now that 4ID cannot deploy in time to influence the outcome".[302] The UK would have "a little under one third of the available Coalition armour". That combat power "may prove decisive for operations around Baghdad".

Admiral the Lord Boyce told the Inquiry that he was:

> "… always extremely concerned about the anorexic nature of the American contribution, and not just because the Fourth Infantry Division was taking a while to get there, but because it was Rumsfeld's view … that the Americans, certainly at that particular stage … were very much, 'We are here to do the war fighting, not the peacekeeping.' And combine that with the obsession that Mr Rumsfeld had with network-centric warfare and therefore to prove that you could minimise the number of your troops, in particular, because you had clever methods of conducting warfare, other than using boots on the ground, meant that … we were desperately under-resourced … so far as those forces going towards Baghdad were concerned.
>
> "So, once the battle had been won, we didn't have the boots on the ground to consolidate."[303]

[299] Minutes, 14 April 2003, Ad Hoc Meeting on Iraq.
[300] Minutes, 14 April 2003, Ad Hoc Meeting on Iraq.
[301] Letter, Cannon to McDonald, 14 April 2003, 'Iraq: Prime Minister's conversation with Bush, 14 April'.
[302] Minute GCS to CDS, 10 March 2003, 'CGS Visit to Op TELIC'.
[303] Public hearing, 3 December 2009, page 100.

Asked about the limits of the forces deployed by the US and the consequential importance of the UK's role in protecting the US flank, Lieutenant General Sir Robert Fry told the Inquiry, "we were taking a risk, we knew we were taking a risk".[304]

DSF1 told the Inquiry:

> "The force levels were limited, there was no force that could be put out into the Euphrates Valley because there was no force available. The force was capable of knocking off, with the air and the land and the marine manoeuvre, it was [cap]able of removing the Republican Guard and the force that was in place. It was not capable of securing a country."[305]

The end of combat operations

459. Mr Blair made a statement to the House of Commons on 14 April, reporting that "less than four weeks" from the outset of the conflict "the regime of Saddam is gone, the bulk of Iraq is under Coalition control and the vast majority of Iraqis are rejoicing at Saddam's departure".[306]

460. Mr Blair continued: "Whatever the problems following Saddam's collapse – and in the short term they are bound to be serious – let no-one be in any doubt: Iraq is a better place without Saddam." Mr Blair added: "British forces have performed in Iraq with extraordinary skill, professionalism and compassion. We can be deeply proud of them."

461. Mr Blair gave the House of Commons the following assessment of the situation in Iraq:

> "The South of Iraq is now largely under British control. The West is secure, and in the major town of al-Qa'im fighting is diminishing. In the North, Kurdish forces have retired from Kirkuk and Mosul, leaving US forces in control. US forces are in and around Tikrit. They are meeting some resistance. But in essence, all over Iraq, Saddam's forces have collapsed. Much of the remaining fighting, particularly in Baghdad, is being carried out by irregular forces. In Baghdad itself, the Americans are in control of most of the city but not yet all of it.
>
> "As is obvious, the problem is now the disorder following the regime's collapse. Some disorder, frankly, is inevitable. It will happen in any situation where a brutal police state that for 30 years has terrorised a population is suddenly destroyed. Some looting, too, is directed at specific regime targets, including hospitals that were dedicated for the use of the regime. But it is a serious situation and we need to work urgently to bring it under control."

462. Mr Blair's description of the next phase of activity in Iraq is set out in Section 9.1.

---

[304] Public hearing, 16 December 2009, page 42.
[305] Private hearing, 2010, page 17.
[306] House of Commons, *Official Report*, 14 April 2003, columns 615-617.

463. Mr Iain Duncan Smith, the Leader of the Opposition, congratulated Mr Blair for the "heavy burden" that he had carried and added, "but he will have been comforted throughout by the conviction that he was doing the right thing for Britain and for the rest of the world".[307]

464. Mr Scarlett informed the 16 April Ad Hoc Meeting on Iraq, chaired by Mr Prescott, that organised Iraqi resistance had ceased.[308] The threat to Coalition Forces was from paramilitaries, concentrated particularly in Baghdad. In the North, there was the potential for inter-ethnic clashes.

465. Adm Boyce stated that military operations were directed at confronting terrorism, mainly from foreign volunteers. The US was reducing its armoured presence in Baghdad. In Basra and the South, normalisation continued with increased policing and the population returning to work.

466. Concluding the discussion, Mr Prescott said that it was important to continue to improve conditions for Iraqis. There were questions about the number of troops still on standby for fire-fighting duties arising from the "upcoming proposition to replace British military units now in Iraq with others from the United Kingdom". He would take forward discussions with Mr Hoon before reporting to Mr Blair.

467. Gen Franks issued his "Freedom Message to the Iraqi People" on 16 April (see Section 9.1).

UK influence on the planning and conduct of the military campaign

468. The evidence set out in Section 6.1 about the debate on the UK contribution to a US-led military campaign shows how the scale and nature of the UK contribution were regularly cited as vital for securing UK influence on the US military timetable and on the campaign plan.

469. It is not possible to determine with certainty the degree to which the UK influenced the planning and conduct of the military campaign in Iraq, or whether the scale and nature of the UK contribution were the key factors in securing such influence.

470. There will have been specific areas in which individuals working directly with US colleagues, as well as the UK Government as a whole, did have an impact.

471. Influence on operational decisions which directly affected participating UK forces, for instance on their roles or the targets to be attacked, was more likely to be achieved than influence on higher-level decisions. The quality of the

---

[307] House of Commons, *Official Report*, 14 April 2003, column 618.
[308] Minutes, 16 April 2003, Ad Hoc Meeting on Iraq.

senior UK officers who were able to work closely with the US chain of command is likely to have been one of the most important determinants of influence on operational matters.

472. Overall, however, the plan and its implementation reflected US decisions and priorities.

473. While the evidence does not suggest it was the determining factor in the choices made by the UK Government about the forces deployed for military operations in Iraq, the likelihood of influencing US decisions should not be overstated. In any future consideration of the UK contribution to any US-led operation where the scale and nature of that contribution is essentially discretionary, as it was in Iraq the UK should be more realistic about what can be achieved.

474. In addition, for success, clarity is required about:

- **the objectives to be sought;**
- **their importance to the UK national interest; and**
- **how they are to be achieved.**

475. The UK's desire and ability to influence the US military timetable and wider strategic choices about the use of military force, including whether conditions identified by the UK had been met, are addressed in Sections 3.1-3.8.

476. The UK influence on US thinking at the early stages of the development of the campaign plan for an invasion of Iraq in the summer and early autumn of 2002, and in particular the need for a second, northern axis, is addressed in Section 6.1.

477. The other evidence available does not enable the Inquiry to make a considered judgement about specific issues on which the UK successfully influenced US decisions.

478. On 14 March 2003, Adm Boyce described the final campaign plan as "designed by the US, although it has been, and continues to be, influenced by UK officers embedded in the various relevant US and Coalition headquarters".[309]

479. In his National Contingent Commander's report, dated 8 May, AM Burridge judged that:

> "Embedding staff in HQ CENTCOM allowed the UK to exercise significant influence and maintained a very nimble information flow."[310]

---

[309] Minute CDS to SofS [MOD], 14 March 2003, 'Operation TELIC Command and Control'.
[310] Minute Burridge to Reith, 8 May 2003, 'Operation TELIC – Report by NCC'.

480. On 30 May, PJHQ concluded that the UK "decision action cycle was slower and less well informed than it needed to be".[311] Differences in US and UK structures had contributed to that.

481. PJHQ recommended that influencing the US would best be achieved through UK personnel developing strong personal links – and leverage – in US headquarters, including co-locating the UK Joint Commander with the US Combined Forces Command in all future operations, maintaining "permanent liaison in strength with CENTCOM", and establishing an "early UK presence with other Combatant Commands in the build up to an operation".

482. PJHQ also concluded that the UK had "had a great deal of influence over the conduct of the air campaign at the operational/tactical level".

483. Influence at the strategic level had, however, been "reduced by the different US and UK C2 [command and control] systems", where US political direction went direct to General Franks rather than through the US Joint Chiefs of Staff.

484. PJHQ recommended that the differences between the UK and US military structures had to be recognised and the UK should review what had been achieved and how best the UK might influence future US campaign plans.

485. In October, Maj Gen Brims wrote in his post-operation report that the UK had influenced the US only at the tactical level, although the deployment of AM Burridge had gone some way to ensuring influence at Lt Gen McKiernan's level.[312]

486. In a report dated 17 October, the DOC judged that "the provision of Liaison Officers in key locations in the US military chain of command played a significant role in securing a degree of influence with the US".[313]

487. The DOC concluded:

> "The UK must maintain the means of influencing the policy, planning and conduct of a campaign in a Coalition context, specifically with the US, at an early enough stage to have an effect."

488. Air Chief Marshal Sir Brian Burridge told the Inquiry that the decision to compress the timing of the air campaign to coincide with the land campaign had been taken to allow the Coalition to deal with the strategic risks simultaneously, and the UK had encouraged that.[314]

---

[311] Minute CJO to DOC, 30 May 2003, 'Operation TELIC – Phase III Top 10 Lessons Identified' attaching Annex C.
[312] Report [MOD], 6 October 2003, 'Post Operation Report – Version 2 Operation TELIC'.
[313] Report Directorate of Operational Capability, 17 October 2003, 'Operation TELIC Lessons Study'.
[314] Public hearing, 8 December 2009, page 48.

489. In the context of a question about planning for Phase IV, Sir Brian questioned whether the MOD had achieved wider influence:

> "I just don't think they [the MOD] could get strategic traction. I don't think the machinery of government … was in a shape, phase or form that they could get traction.
>
> "I know that the nature of the way in which the US … ran an operation was different … so the endless dialogue that we could have with the Joint Staffs in the Pentagon which allowed us to grapple and influence … I perhaps wouldn't go so far as to say it wasn't available, but it was made very much more difficult."[315]

490. General Sir John Reith told the Inquiry that he had made the point to Gen Franks that it would be essential to secure the oilfields rather than have them destroyed, and that the phasing of the plan had subsequently been revised to include an early land entry.[316]

491. Gen Reith considered that it was the UK's niche capabilities and US respect for UK "staffing" that gave it influence, rather than the number of UK forces.[317]

492. Lord Boyce told the Inquiry that:

> "So far as influence is concerned … there is no doubt in my mind anyway that to produce something of a divisional size force rather than a brigade size force would give us influence with the Americans in what was going on, not just in Iraq but also in other relationships as well … I believe we did have influence. It forced the Americans to go down the UN route … It certainly involved … at the tactical level, quite a lot of shaping of tactics which we were able to influence and which I can't give you the detail of … [A] number of our commanders … at quite a junior level – would get traction in a way which they would not have done if we had not had a divisional size contribution.
>
> "… in terms of targeting … We shaped quite a lot of the American thinking …
>
> "… It allowed me to pick up the phone every day to talk to General Myers or General Franks."[318]

---

[315] Public hearing, 12 December 2009, page 42.
[316] Private hearing, 15 January 2010, pages 42-43.
[317] Private hearing, 15 January 2010, page 57.
[318] Public hearing, 27 January 2011, pages 32-33.

493. In its report on the lessons of the conflict, published in March 2004, the House of Commons Defence Committee concluded that it was:

> "… not … able to define the areas in which the British made specific contribution to what was essentially an American campaign plan, other than in the consideration of the northern option and in niche capabilities such as special forces operations."[319]

494. The Defence Committee concluded that there was:

> "… clear evidence of UK influence on the air targeting operations … Principally this influence seems to have been applied to issues of perception … The extent to which the UK persuaded the US out of attacking certain targets on grounds of principle is less clear. We asked MOD for specific examples of UK influence but they failed to provide any, even on a classified basis."[320]

495. In the context of the US system in which the deployed commander reports directly to the Secretary of Defense, the Defence Committee recommended that the MOD should consider:

> "… whether the highest levels of British command structures might be made more adaptable … to operate more closely with their American counterparts …"

496. The Government response stated that the MOD believed "that the contribution made by UK officers was influential in the overall shape of the plan". It specifically identified the roles played by Lt Gen Reith, the CDS liaison officer in the Pentagon, and Major General David Wilson, the Senior British Military Adviser within CENTCOM.[321]

497. The Government also stated that it was:

> "… sorry that the Committee has stated that we failed to provide them with examples of UK influence. We provided … classified material at the time … The Committee did not indicate … they were dissatisfied."[322]

498. The Government did not agree that command structures should be adapted to operate more closely with the US system.[323]

---

[319] Third Report from the House of Commons Defence Committee, Session 2003-2004, *Lessons of Iraq*, page 5.
[320] Third Report from the House of Commons Defence Committee, Session 2003-2004, *Lessons of Iraq*, page 7.
[321] House of Commons Defence Committee, *Lessons of Iraq: Government Response to the Committee's Third Report of Session 2003-4*, 8 June 2004, page 2.
[322] House of Commons Defence Committee, *Lessons of Iraq: Government Response to the Committee's Third Report of Session 2003-4*, 8 June 2004, page 7.
[323] House of Commons Defence Committee, *Lessons of Iraq: Government Response to the Committee's Third Report of Session 2003-4*, 8 June 2004, page 6.

The transition to post-conflict operations

499. The expansion of the UK Area of Operations (AO) during conflict operations and the final extent of the post-conflict UK Area of Responsibility (AOR) are shown on Map 5 in Annex 4.

Definition and use of "Area of Operations" and "Area of Responsibility"

Area of Operations (AO): The UK military's area of combat operations during the invasion of Iraq (Phase III of the campaign). It is the term applied during conflict and, in terms of time, space and force, is the area in which lethal force can be applied for a designated period of time.

Area of Responsibility (AOR): The term is usually applied in peace support operations. In Iraq, it referred to the area of southern Iraq for which the UK military was responsible during the post-conflict Occupation of Iraq (Phase IV of operations).

The two terms were not used consistently within the UK Government and were sometimes applied interchangeably in the same document.

Phase IV military planning papers

500. The transition from conflict (Phase III) to post-conflict (Phase IV) military operations began as soon as Coalition troops started to occupy Iraqi territory.

501. When that transition began there had been no systematic analysis of the UK's military or civilian capacity to fulfil its likely obligations in the South in a range of different circumstances, including in a hostile security environment with low levels of Iraqi consent.

502. Mr Straw and Mr Hoon advised Mr Blair:

> **"The expectation is that UK forces would be responsible for a task focused on Basra and other key military objectives in the south-east of Iraq, which could include 20 percent of the Iraqi population."**

503. Mr Blair sought further advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.

504. The absence of contingency plans and preparations, and the assumptions which shaped continuing discussions about the level and extent of the UK's post-conflict military and civilian deployment, are addressed in Section 6.5.

505. Adm Boyce's Execute Directive, issued on 18 March and addressed in detail earlier in this Section, directed Lt Gen Reith to "assume the UK Phase IV AO will be centred on Basra".[324]

506. In line with the military plan approved by Mr Blair on 14 March, the Directive stated that, to "assist the Coalition in a timely and successful Phase III and to help in shaping Phase IV conditions in the UK AO", Lt Gen Reith should exploit no further north than an east – west line running 90km south of al-Kut, ending at a point 50km north-east of al-Amara.

507. The Directive also stated that it was Adm Boyce's "current intent … that the UK should aim to draw down its deployed force to medium scale within four months of commencing offensive operations".

508. Mr Hoon and Mr Straw sent Mr Blair a joint minute on the UK military contribution to post-conflict Iraq on 19 March.[325] It stated that, immediately after the invasion:

> "The expectation is that UK forces would be responsible for a task focused on Basra and other key military objectives in the south-east of Iraq, which could include 20 percent of the Iraqi population. This task is broadly proportionate to the size of the UK's contribution to overall Coalition land forces …"

509. Mr Straw and Mr Hoon also advised that it would be necessary to reduce the UK military contribution "to nearer a third by no later than the autumn in order to avoid long-term damage to the Armed Forces" and to remain within current defence planning assumptions. Scaling down to nearer a third would limit the UK contribution thereafter to "a maximum of around one brigade, a two-star [divisional] headquarters and possibly a contribution to higher level command and control". They recommended telling the US now, for planning purposes, that this was the upper limit of the UK contribution.

510. The joint minute and the subsequent discussion and correspondence are described in more detail in Section 6.5. This Section identifies only the high level points in relation to possible UK command of a military sector.

---

[324] Minute CDS to CJO, 18 March 2003, 'Op TELIC: Authorisation for Military Operations in Iraq' attaching Paper CDS, 'Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)'.
[325] Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to post-conflict Iraq'.

511. Before the joint minute from Mr Straw and Mr Hoon reached No.10, Mr Drummond advised Mr Rycroft that "we need Ministers to decide on sectors".[326] He suggested that they would want to agree the proposals in the joint minute:

> "… provided they are satisfied that:
>
> - UK forces will be capable of providing security for an area around Basra including about 20 percent of Iraq's population.
> - How long we will have this responsibility, and what is the exit strategy (benign security environment created, UK forces replaced by others). Will we be able to limit 'our area' to say Basra by the autumn, when we want to withdraw two thirds of our troops?"

512. After the Ministerial meeting on post-conflict issues on 21 March, Mr Rycroft informed the FCO and MOD that Mr Blair agreed to the recommendations made by Mr Straw and Mr Hoon, subject to further urgent advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.[327]

513. Treasury officials advised Mr Brown that the minute from Mr Straw to Mr Hoon raised a number of issues, including that Treasury and MOD views differed on the wisdom of the UK taking on command of a sector in Iraq without "the necessary guarantees".

514. Mr John Dodds, Head of the Defence, Diplomacy and Intelligence Team in the Treasury, sent advice on the Straw/Hoon joint minute to Mr Brown on 24 March.[328]

515. Mr Dodds told Mr Brown that US military planning appeared:

> "… to have four 'two-star commands (ie divisions)' outside of Baghdad, focusing more flexibly on the tasks that need to be done, rather than being tied down to specific narrow locations.
>
> "The MOD ambition is to have a UK-led 'two-star [Maj Gen] command.'

516. Mr Dodds warned that the UK should not be too ready to take on a two-star command in the aftermath without "the necessary guarantees". The military would "baulk" at this: "a 'two-star command' would provide a seat at the top table in the aftermath", but it carried the risk of costs "we cannot afford both militarily and financially".

517. The FCO advised that it would not be possible to decide on the size of a UK military sector before establishing the nature of the task and the scale of the Coalition resources available.

---

[326] Minute Drummond to Rycroft, 19 March 2003, 'Iraq Ministerial Meeting'.
[327] Minute Rycroft to McDonald and Watkins, 21 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.
[328] Minute Dodds to Chancellor, 24 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

518. The relationship between the size of a military sector and the wider contingent liabilities, including the impact on potential UK civilian responsibility for administration and reconstruction, was not addressed.

519. On 25 March, the FCO sent its response to Mr Blair's request for further advice on the size of a UK sector, the duration of the UK commitment and the exit strategy.[329]

520. The FCO advice, agreed with the MOD and copied to DFID and the Treasury, reflected much of Mr Dodds' advice to Mr Brown.

521. On the size of the UK sector, the FCO wrote:

> "… we need to determine in the first instance the nature of the military task, and make an assessment of the UK and other Coalition resources likely to be available. Only then can we answer the question about geographical coverage. If the task is to promote a secure environment, the size of the area will depend on the number of troops that are available and the attitude of the Iraqis. The expectation is that Basra, and the area around it, linked to existing administrative boundaries, should be the focus. Plans need to remain flexible until we are able to define the task and confirm the attitude of the population. US thinking appears to have moved away from too early definition of 'sectors' for exactly the reasons explained above."

522. In his statement to the Inquiry, Mr Blair wrote:

> "We took the decision to take on responsibility for the South sector, following Jack Straw and Geoff Hoon's joint note to me of 19 March. This was the inevitable outcome of the decision that our military contribution should be through the South. I was also keen that this be our Area of Operation because it seemed clear that the South would be more manageable. The South – Shia and heavily anti-Saddam – was likely to be relatively supportive. And to begin with, this was indeed the case. It was agreed that we should do it, without demur, as I recall."

523. Lt Gen Reith warned the Chiefs of Staff on 21 March that there were already signs that pre-conflict assumptions about the nature and duration of the conflict had been wrong, with implications for Phase IV planning.

524. Lt Gen Reith advised that the Coalition "must be prepared" for high, medium and low levels of consent.

525. Lt Gen Reith produced an update on Phase IV planning for the Chiefs of Staff on 21 March.[330] He warned that Phase IV delivery remained subject to "uncertain US dynamics at the pol/mil [politico-military] level". US planning continued, but was "primarily bottom-up", and CFLCC was still seeking guidance on key issues including governance, payment of salaries and "regeneration" of the military.

---

[329] Letter Owen to Rycroft, 25 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.
[330] Minute Reith to COSSEC, 21 March 2003, 'Phase IV Planning – Taking Stock'.

526. Lt Gen Reith advised that there were already signs that previous assumptions about the nature and duration of the conflict might have been wrong. Phase IV(a) now looked likely to be far shorter than previously expected, while the arrival of other Coalition partners and non-governmental organisations (NGOs) looked like taking longer. All this added pressure. Lt Gen Reith listed a number of issues needing resolution, pointing out that some were already well known. They included: the system of governance under Phase IV(b); how to approach Security Sector Reform (SSR); provision of salaries to Iraqis; and how to engage the Iraqi military and judiciary.

527. On "military realities", Lt Gen Reith stated: "The Coalition must be prepared for high/medium/low consent and variations thereof in time and space, including asymmetric attack and intra-factional violence." He listed "How to deal with non-compliance" as one of the "key issues requiring resolution".

528. The draft Operational Concept for Phase IV prepared by Lt Gen Reith on 25 March:

- **provided broad estimates of force requirements based on an expectation of growing popular consent in the South;**
- **anticipated that the US would ask the UK to assume responsibility for four provinces;**
- **cautioned that growing consent was dependent on a number of factors, including improvement to the quality of life for Iraqis;**
- **highlighted the critical importance of an authorising Security Council resolution and early bilateral UK engagement with potential force contributors;**
- **advised the Chiefs of Staff to balance the military's "intention to draw down to below medium scale as rapidly as possible" against the UK's "wider political objectives"; and**
- **advised that agreement with the US on a UK AOR "would allow planning for Phase IV to be taken forward in confidence".**

529. On 25 March, two UK military planning papers for Phase IV were sent to the Chiefs of Staff: a draft Operational Concept and draft Phase IV military planning guidance.

530. The draft Operational Concept for Phase IV, submitted by Lt Gen Reith, stated that:

> "An enduring, operational level, concept is required to provide clarity and direction in a situation which is presently ill-defined and which could develop in a number of ways."[331]

---

[331] Minute Reith to COSSEC, 25 March 2003, 'Draft Operational Concept' attaching Paper Reith, 25 March 2003, 'Operation TELIC, Phase IV, The Joint Commander's Draft Operational Concept'.

531. The draft listed six constraints on UK military planning resulting from unresolved elements in pre-invasion preparation:

- there was unlikely to be a Security Council mandate for Phase IV in place for several weeks;
- in the absence of a mandate, military operations would "in varying degree, be both directed and constrained by the Hague and Geneva Conventions";
- an uncertain strategic context that was likely to change over time;
- the duration and impact of war-fighting would set the conditions in which Phase IV would begin;
- the need for the operational design to be "broadly consistent with the US approach"; and
- the need for force levels to "conform to endorsed scales of effort". There was "a recognised need for additional forces in Iraq to secure ground already taken, show Iraq-wide Coalition presence and provide CFLCC with operational flexibility". The US planned a significant uplift in combat power, but not for a month.

532. The draft listed 10 "key deductions":

"a. The strategic context to the operation lacks certainty. Internationalisation is likely to be slow as nations take a view on the likelihood of overall success before committing themselves.

b. The operational design must be sufficiently flexible to remain coherent within an ill-defined strategic context which is likely to change.

c. The posture and disposition of US and UK forces when combat operations are complete or when a surrender is concluded will be uncertain.

d. On completion of combat, forces will be located in areas of operations for which they will have legal and military responsibilities which cannot be relinquished until handed over to a relieving force.

e. CFLCC will adjust force dispositions on completion of Phase III and establish an Iraq-wide Coalition presence. The Coalition will be thinly spread and the UK will be expected to take its share of the risk/burden in order to establish a safe and secure environment.

f. On completion of Phase III, UK forces will be allocated an AOR within which the legal and other obligations of an Occupying Power must be met. The AOR may not necessarily be contiguous from the outset, but we should aim for this as soon as possible.

g. If there is no effective governance in place, forces will have responsibilities for co-ordinating, and in some cases delivering, many aspects of life in Iraq.

h. The military role in support of the civil sector could be prolonged.

i. In Iraq the provincial level provides the link between central government and local administration. Military boundaries should be coterminous with provincial boundaries, which will, in turn, define an AOR.

j. There may be a need for more rather than less Coalition Forces in the short term, depending on the nature of the outcome of Phase III and the level of consent established as a result. The US will have no further formations available until late April."

533. The draft recommended that "the operational design [of Phase IV] should be predicated on the empowerment of Iraqi institutions and mechanisms of governance appropriately supported by international military and other organisations". That concept, known as the Joint Commission (JC) approach, was recommended as:

> "… a proven and familiar model enabling effective civil-military crisis co-ordination. It allows the military to exercise authority and influence, yet promotes and fosters a sense of civilian ownership in the decision-making process. Initially the military would lead on a JC pulling together local authorities and other organisations including Iraqi military where feasible, into a single decision-making body. At lower levels, liaison teams mirror the function of the JC providing province-wide 'ground truth' and a focus for military advice and support to the civil authorities. The JC structure also provides the information to allow IO [international organisations]/NGO to feel secure and target need. At an appropriate time the JC lead would transition to the civil authorities, with the military adopting a supporting role."

534. Plans for SSR were "undetermined". The draft recommended that the Coalition "should attempt to retain as much of the Iraqi Regular Army intact as possible".

535. On levels of Iraqi consent, the draft stated:

> "The extended UK 'box' for Phase III extends north into Wasit province. We should anticipate that the US will ask the UK to assume responsibility for this province, as well as those to the south – Basra, Dhi Qar, Maysan. All are predominantly Shia and are generally not pro-regime. However, varying internal and external influences determine the overall threat and level of consent.
>
> "Anti-Coalition sentiment is predicted as low in all provinces. However, in the immediate post-conflict period, UK forces could become involved in peace enforcement operations between opposing factions. Internal tensions are greatest in Wasit and probable in Maysan and Dhi Qar. Basra should be the easiest province to govern."

536. The threat assessment for each of the four provinces was set out in an Annex, the accuracy of which would be "determined by the nature of the conflict, adjusted by a continuous assessment of risk".

537. For Wasit, Maysan and Dhi Qar provinces, the Annex stated that revenge and retribution against the regime "could be high". In Wasit it would represent "a sizeable internal security issue"; in Maysan and Dhi Qar, a "short-term internal security issue". The section on Basra province stated:

> "There will be some Iranian influence as the province shares a border with Iran … Many tribes have been involved in anti-regime activities and, therefore, may be pro-Western … Basra should be the most stable of the provinces in terms of threat environment, but the size of the population will bring its own inherent problems."

538. The draft Operational Concept listed the military tasks for Phase IV, including:

- maintaining a safe and secure environment;
- supporting enforcement of the rule of law;
- supporting humanitarian assistance and reconstruction;
- supporting the interim civil administration;
- helping with the restoration of communications infrastructure; and
- supporting the transformation of Iraq's armed forces.

539. The draft provided broad estimates of force requirements, based on expected levels of popular consent in each province.

540. The draft assessed the impact of factors affecting the military tasks:

> "UK Capability … assuming internal tensions are high, initial operations are likely to involve a continuous effort to preserve and maintain a consensual framework. This will potentially require a brigade level of command for each province. At the present scale of effort the UK has the capacity to do this, accepting some operational risk, but at prejudice to our ability to reduce force levels in the short term …
>
> "Iraqi Reactions. As internal tensions subside, consent in Iraq will grow dependent on confidence in the US inspired IIA [Iraqi Interim Authority], engagement of local Iraqi governance and growth of HA [Humanitarian Assistance]/immediate reconstruction to improve the quality of life. The Iraqi population must also be convinced that our presence is temporary. There is a direct link to our exit strategy here; as consent in Iraq increases, force levels decrease.
>
> "Expanding the Coalition. Even if a UNSCR is secured in good time, we will enter Phase IV with few, if any, additional Coalition partners. Moreover IO and NGO support is unlikely to be operating at full capability. This reinforces the critical importance of an authorising UNSCR, allowing the wider internationalisation of our presence in Iraq, and early bilateral engagement by the UK with potential force contributors. In the medium term the UK may have to be prepared to bridge the gap in force levels, maintaining a larger presence over a longer period of time than we would wish …

> "Engagement with US. The UK has no option but to use UK forces initially committed to Phase III for Phase IV. However, accepting our intention to draw down to below medium scale as rapidly as possible – which must be balanced against achieving our wider political objectives in Iraq – the issue of UK responsibilities in Phase IV needs to be concluded with the US. The UK would wish to concentrate in one area of Iraq for ease of command and control and logistic support, this division of responsibility has yet to be agreed formally. Agreement to an AOR would allow planning for Phase IV to be taken forward in confidence."

541. The Chiefs of Staff were "invited to agree that:

"a. Our linkage with the Iraqis should reflect their system of governance and should thus be arranged on a provincial basis.

b. UK forces should use the Joint Commission model.

c. Forces should be deployed on an intelligence-led rather than framework basis …

d. COS should take a view on the number of provinces that the UK should control."

542. More detailed estimates of the forces required to deliver particular tasks in the UK's potential AOR were included in the 15 April Statement of Requirement (SOR) for South-East Iraq.

543. Sir Kevin Tebbit commented on the reference to Wasit province in the draft Operational Concept:

> "Don't assume we will accept an AOR as defined by the US. It has to be what we can cope with (including other countries we might be able to bring along). What are force level implications?"[332]

544. It is not clear to whom those comments were addressed.

545. The draft Operational Concept was not discussed at the next meeting of the Chiefs of Staff on 26 March.[333] Comments were to be sent to Lt Gen Reith out of Committee.

546. In his Phase IV military planning guidance, also produced on 25 March, Lieutenant General Anthony Pigott, Deputy Chief of the Defence Staff (Commitments) (DCDS(C)), addressed the need to plan for the possibility that UK forces might have to stay in Iraq in greater numbers or for longer than intended.

547. Phase IV planning assumed that levels of consent would rise from "medium" to "high", while recognising that there were some areas where "low" levels of consent could persist for some time.

---

[332] Manuscript comment Tebbit on Minute COSSEC to PSO/CDS, 25 March 2003, 'OP COS Paper: Subject – Op TELIC – Phase IV Legal Issues'.
[333] Minutes, 26 March 2003, Chiefs of Staff meeting.

548. Lt Gen Pigott recommended preparing a strategic estimate for sustaining a large-scale UK presence to March 2004.

549. The second paper sent to the Chiefs of Staff on 25 March was Lt Gen Pigott's draft Phase IV military planning guidance.[334]

550. Lt Gen Pigott stated that the MOD approach to Phase IV planning ("integration of top down policy/strategic issues with bottom up operational/tactical realities") "has kept us reasonably balanced in a very uncertain environment".[335] With Phase IV "potentially unfolding from now on", it was time to take stock and update UK military commanders and staff.

551. The guidance outlined the wider strategic context for Phase IV, including the UK's post-conflict objectives and six "Strategic Lines of Operation": disarmament, security, humanitarian effort, political (initial governance and longer-term reconstruction of political institutions), diplomatic and economic.

552. Lt Gen Pigott summarised the US framework for Phase IV:

- Phase IVa (stability), lasting 6, 12 or 18 months under best, moderate or worst case scenarios;
- Phase IVb (recovery), 18 to 24 months;
- Phase IVc (transition), from 24 months.

553. He explained that US command and control for Phase IV was "a very fluid area", had gone through a number of iterations and could be expected to change further.

554. Lt Gen Pigott advised that the scale of the UK military effort in Phase IV would be:

> "Informed by operational considerations in the JOA [Joint Operational Area], such as levels of consent but also taking account of wider Commitments, we need to draw down to nearer medium scale of effort by autumn 03."

555. Lt Gen Pigott explained that the UK distinguished between three levels of consent: "High", "Medium (Patchy)" and "Low". These mirrored the US model of best, moderate and worst case scenarios. Current UK thinking assumed "medium (patchy) consent turning to high as the basis for Phase IV planning at this stage but recognises that there will be areas where low consent is more likely, possibly for some time."

---

[334] Minute COSSEC to PSO/CDS, 25 March 2003, 'OP COS Paper: Subject – Op TELIC – Phase IV (Post Conflict): Military Planning Guidance'.
[335] Minute DCDS(C) to COSSEC, 25 March 2003, 'Op TELIC Phase IV (Post Conflict): Military Planning Guidance' attaching Paper [draft] DCDS(C), 25 March 2003, 'Op TELIC Phase IV (Post Conflict): Military Planning Guidance'.

556. Lt Gen Reith listed six components of the UK military's approach to Phase IV:

"a. Phase IV UK Strategy. While our Phase IV contribution will be governed largely by immediate events in theatre, it is essential that our Phases IVb/c contribution is set within a wider 'Ends' driven strategy …

b. Improved International Support. We need to create the conditions for improved international engagement for Phase IV. An outline strategy has already been developed for this … While looking for early support in Phase IVa we should not make premature assumptions that it will be easily forthcoming.

c. Early Reduction. (May/Jun 03 tbc). We should identify and be prepared to withdraw at speed (tbc) any capabilities which have Phase III utility only …

d. Staged Draw Down. (Jun–Sep 03 tbc). We should then plan to draw down the balance of components to the autumn 03 steady state against clear criteria.

e. Enduring Steady State. (Sep 03–Mar 05). Subsequently, we should be prepared to maintain the steady state until at least Spring 04 and scope out to Spring 05.

f. Branch Planning. A strategic estimate should be conducted to consider large scale presence continuing through Mar 04 reducing then to medium scale until Mar 05."

557. Sir Kevin Tebbit commented on the draft Phase IV military planning guidance:

"Creeping larger commitment. I am not clear where the idea of a large scale force until April 04 comes from – as distinct from large scale until the autumn."[336]

558. It is not clear to whom Sir Kevin addressed his comments, but he was present when the paper was discussed by the Chiefs of Staff on 26 March.[337]

559. The Chiefs of Staff discussed the tensions between the UK's desire to reduce troop levels to a divisional headquarters and one brigade by the autumn, the potential scale of the Phase IV task and US expectations about the size of the UK contribution.

560. Lt Gen Pigott briefed the Chiefs of Staff on his Phase IV planning guidance paper on 26 March.[338]

561. ACM Squire commented that Lt Gen Pigott's paper "highlighted the possibility that Phase IV would be a larger political and military task than had been originally envisaged".

---

[336] Manuscript comment Tebbit on Minute COSSEC to PSO/CDS, 25 March 2003, 'OP COS Paper: Subject – Op TELIC – Phase IV (Post Conflict): Military Planning Guidance'.
[337] Minutes, 26 March 2003, Chiefs of Staff meeting.
[338] Minutes, 26 March 2003, Chiefs of Staff meeting.

562. Gen Jackson agreed, adding that "the desire to draw down in accordance with departmental assumptions could run counter to the UK's moral responsibility to Iraq".

563. The minutes of the meeting recorded that there were "a significant number of Phase IV papers in circulation, with more in prospect". Adm Boyce instructed Lt Gen Pigott to update the planning guidance and Mr Lee to provide Ministers with a summary of Phase IV issues and progress with planning by 1 April.

564. Mr Drummond briefed Sir David Manning that the Chiefs of Staff discussion had:

> "… led on to thinking that Phase IVa might be much longer than expected and the need to consider longer term military options. The Chiefs are still determined to reduce by 10,000 or so by the autumn. (No harm in thinking this through now, but there is a lot that can change …)."[339]

565. Admiral Sir Alan West, Chief of the Naval Staff and First Sea Lord, commented on the draft Operational Concept on 27 March. He registered concern about "mission creep and the possibility of taking on too many provinces bearing in mind the forces available" and requested a discussion in a COS(I) [Chiefs of Staff (Informal)] meeting after a regular meeting of the Chiefs of Staff.[340]

566. On 28 March, Gen Jackson commented that some of the assumptions in the draft Operational Concept about levels of consent and the extent to which the UK could use the remnants of the Iraqi administration "may have been optimistic".[341] The aspiration to draw down to a divisional headquarters and one brigade remained, but "the situation may demand more of us". He recommended that "we should be prepared to constantly review our assumptions and the deductions they lead to, and we should approach detailed plans with caution until we can be sure they are robust".

567. The Chiefs of Staff discussed the draft Operational Concept for Phase IV and the size of the UK military contribution to Phase IV, on 31 March.[342]

568. In discussion, the Chiefs of Staff commented that Lt Gen McKiernan "had established that the force level requirement for the region would be three manoeuvre brigades and an aviation brigade in reserve, implying a potential UK commitment significantly in excess of 'a medium scale effort by autumn 03'." Although operational conditions were likely to be different in each province, "it was likely that any extension of UK responsibility beyond Basra province would only be possible with support from other Coalition partners".

---

[339] Minute Drummond to Manning, 26 March 2003, 'Chiefs Meeting'.
[340] Minute NA/1SL to MA/CJO, 27 March 2003, 'OP TELIC Phase IV – The Joint Commander's Draft Operational Concept'.
[341] Minute MA2/CGS to MA/CJO, 28 March 2003, 'An Operational Concept for Phase IV'.
[342] Minutes, 31 March 2003, Chiefs of Staff meeting.

569. The Chiefs of Staff also agreed that the UK should adopt the Joint Commission approach to local government proposed by Lt Gen Reith in the draft Operational Concept.

570. Adm Boyce directed that the draft Operational Concept be amended to reflect the discussion. It should also be circulated to the Chiefs of Staff and UK representatives in the Pentagon and CENTCOM "for use as a vehicle to engage the US".

571. Adm Boyce also repeated his 26 March request that Mr Lee prepare briefing on Phase IV progress for Mr Hoon.

572. The Inquiry has not seen any record of whether or how the draft Operational Concept was used by UK representatives in the Pentagon and CENTCOM.

573. Sir David Manning was advised on 31 March that there was "likely to be a serious shortfall in military forces for Phase IV and building a coalition to undertake some of these operations is complicated by the absence of a UNSCR".

574. The Cabinet Office reported to Sir David Manning on 31 March:

> "There was some discussion [at the Chiefs of Staff meeting] of whether we should agree to the informal US request to take on four provinces. This would almost certainly require more than the medium level of force that the MOD intend to leave behind in Iraq from the autumn. The difficulty is that there is likely to be a serious shortfall in military forces for Phase IV and building a coalition to undertake some of these operations is complicated by the absence of a UNSCR … You might want to encourage MOD to share its thinking on force sizes, perhaps at COBR(R) initially, once it has crystallised. In the meantime there is a danger of a rising expectation in Washington that we'll be able to contribute more than we can manage in Phase IV."[343]

The relationship between the UK military and ORHA

575. In early April, Ministers were advised that ORHA was planning to administer the whole of Iraq and it would therefore not be feasible for 1 (UK) Div to operate autonomously in the UK AOR.

576. Concerns were expressed about the implications, in those circumstances, of differences between US and UK interpretations of the rights and obligations of Occupying Powers.

577. On 31 March, Mr Huw Llewellyn, an FCO Legal Counsellor, reported to Mr Dominick Chilcott, Head of the Iraq Planning Unit (IPU), that UK military lawyers based in Kuwait were becoming alarmed at ORHA's activities.[344] ORHA had issued three

---

[343] Minute Gibbons to Manning, 31 March 2003, 'Iraq: COS meeting – Monday 31 March 2003'.
[344] Minute Llewellyn to Chilcott, 31 March 2003, 'Iraq: ORHA: Current Activity'.

orders in relation to the port of Umm Qasr, including the application of US labour and customs laws, for which there was no clear legal authority. The position of UK forces, if asked to participate in related activities, was therefore uncertain.

578. Mr Llewellyn concluded:

> "If it cannot be sorted out, we may well need a decision from Ministers about whether UK forces should decline to take part in actions that we consider unauthorised or unlawful."

579. The IPU sent recommendations on the UK's future engagement with ORHA to Mr Straw on 1 April.[345]

580. The IPU advised that the UK objective of an Interim Iraqi Administration (IIA) acting under UN authorisation was unlikely to be in place sooner than 90 days after the end of hostilities.[346] Until then, mechanisms were needed to deliver humanitarian assistance and, within the relevant legal constraints, civil administration. Without such mechanisms, those tasks would fall on the military, which had other priorities and limited resources.

581. Because ORHA would administer the whole of Iraq as part of an integrated US-led approach and had large resources at its disposal, it would not be viable for 1 (UK) Div to operate "autonomously" in its AOR:

> "We may wish to support 1 Div's capacity to carry out specific actions (eg repairing the water supply) in areas where we are responsible for maintaining security. But the logic of ORHA – a nation-wide approach to Phase IV – limits the UK's responsibilities and exposure. Carving out a separate approach in a UK sector would make no sense."

582. Depending on the circumstances, the UK could quite quickly be faced with "a grey area of possible activities which could move ORHA beyond the UK's understanding of an Occupying Power's rights and obligations".

583. The IPU concluded that, while ORHA was "in many ways a sub-optimal organisation for delivering the UK's Phase IV objectives", it was "the only game in town".

584. Section 9.1 addresses UK concerns about the legality of ORHA activities in Iraq in greater detail.

585. The debate about the scale of the UK contribution to ORHA is addressed in Section 10.1.

---

[345] Minute IPU to Private Secretary [FCO], 1 April 2003, 'Iraq: ORHA'.
[346] Paper IPU, 28 March 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.

586. ORHA was discussed at an MOD briefing for Mr Hoon on 1 April.[347] Mr Watkins reported that:

> "Considerable concern was expressed about the modus operandi of the ORHA: this could cut across the UK Armed Forces' so far successful 'hearts and minds work' within our AO. One possibility would be to invite ORHA to 'phase in' their operations within our AO in a controlled way. There would need to be an early conversation between the Secretary of State and Donald Rumsfeld …"

587. Mr Lee was commissioned to prepare a speaking note for Mr Hoon to use with Secretary Rumsfeld.

588. Mr Lee briefed Mr Hoon on Phase IV issues on 2 April.[348] He advised Mr Hoon to note that:

- the Chiefs of Staff had endorsed the draft Operational Concept on 31 March;
- the Joint Commission concept was well tested in the Balkans and would be adapted to the particular circumstances of Iraq;
- levels of consent and Phase IV tasks "remain undetermined and thus the geographic scope of British responsibility cannot yet be decided"; and
- until ORHA's plans were clearer, particularly in relation to future governance structures, the relationship with ORHA needed to be managed "pragmatically and without long-term commitment".

589. Mr Lee explained that:

> "To a degree, initial 'Phase IV' operations have already begun in Iraq with humanitarian assistance and low level civil contacts being conducted by UK forces. There is thus a pressing need to define an operational concept for the employment of UK forces in early Phase IV operations in Iraq …
>
> "It is, however, early days. The strategic background to Phase IV operations remains uncertain and changeable. Very significant decisions – eg about Iraqi governance and the legal basis for Phase IV operations – remain to be taken. How any 'Joint Commissions' will relate to Iraqi governance structures remains undecided: care will be required that their establishment does not prejudge the development of governance structures by ORHA. While acknowledging the merits of the 'Joint Commission' model, we also need to be sympathetic to Iraqi culture and wishes. Commanders on the ground are already implementing what has been called a 'town hall' process. The key point is that 'Joint Commissions' should not become an alien imposition or, in any way, a rival power base to an Interim Authority; their role should be obviously temporary and advisory.

---

[347] Minute Watkins to Policy Director, 2 April 2003, 'Iraq: Ministerial Briefing: 1 April 2003'.
[348] Minute Lee to PS/Secretary of State [MOD], 2 April 2003, 'Op TELIC – Draft Operational Concept for Phase 4' attaching Paper [unattributed and undated], 'Speaking Notes for Call to Rumsfeld on ORHA'.

"The precise tasks that will fall to UK forces in Phase IV remain to be determined. These will depend very largely on the circumstances that obtain at the end of Phase III … It is thus not possible to make a firm determination of the final geographic scope of UK responsibility that will be possible within the upper scale of effort approved by Ministers. For the moment, planning guidance, based on the 'Ministerial Guidance' received refers to a focus in Basra province with extension beyond that dependent on events and Coalition support."

590. Conditions for ORHA's deployment were "not yet right at many levels":

- there was "no prospect" of an early "fourth" resolution endorsing arrangements for post-conflict Iraq;
- the US Department of Defense (DoD) and the State Department had not agreed on the composition of ORHA and the IIA;
- 1 (UK) Div was the de facto authority in most of South-East Iraq, albeit subordinate to the CFLCC, but the relationship between Maj Gen Brims and ORHA was not clear; and
- the pressing tasks were "humanitarian and low-level administration (eg opening schools and hospitals)"; ORHA's political baggage might be "counterproductive to our efforts to win the confidence of local people".

591. Mr Lee recommended that, in the light of indications that ORHA might soon move to "an operational and public posture that the UK would find unhelpful", Mr Hoon should telephone Secretary Rumsfeld to suggest a pragmatic approach to ORHA's rapidly developing plan to deploy into southern Iraq.

592. The attached speaking notes for Mr Hoon were listed "in increasing order of candour". They included:

"– Struck by the success of 'local' and 'prototyping' approach we've taken to clearing villages and towns (az-Zubayr) while developing situation in Basra.

– Don't believe the situation is ready in (our bit of) Iraq for all dimensions of ORHA but a 'toe in the water' or prototyping with the humanitarian and initial reconstruction elements could be very helpful.

– End state we're looking for is a supportive high consent population so that we can get forces out and allow Iraqis to run their own affairs; getting the transitional arrangements right is vital for this.

– President and Prime Minister agreed to a 'softly softly' approach on the big political questions about Phase IV and the form of UN endorsement and involvement; ORHA big bang would run counter to that.

– Concerned about how it would relate to (destabilise?) our 1 (UK) Div effort.

…

– The Iraqis are traumatised and the regional neighbours are suspicious gusting hostile; now is not the time to launch something so politically controversial; let's win the war first."

593. Mr Lee's advice was copied to Mr Desmond Bowen, Deputy Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec) and Mr William Ehrman, FCO Director General Defence and Intelligence.

594. Mr Hoon agreed to Mr Lee's recommendations on 3 April, noting that the Chiefs of Staff would "provide advice in due course on the geographical area that UK forces should cover".[349]

595. Mr Hoon tried without success to engage Secretary Rumsfeld on the question of ORHA during their conversation on 3 April.[350]

596. Mr Hoon told Secretary Rumsfeld that the oil infrastructure in the South had been secured with very little damage and it was possible that pumping would restart soon. There was no reason why the Coalition could not leave Iraq in a better state than it had found it, but he was "keen not to have British troops tied down in Iraq for too long". UK forces had made good contacts with local municipalities and were introducing the well-tried concept of Joint Commissions. Mr Hoon suggested that ORHA should focus on its humanitarian role and "go cautiously on the political/governmental dimension".

Extension of the UK AO

597. On 7 April, the Chiefs of Staff took the view:

- **that the boundaries of any extension of the AO should be clearly defined;**
- **that the UK should not be over-committed; and**
- **any move north should be dependent on the successful conclusion of operations in Basra.**

598. On 11 April, the UK AO was extended to al-Amara in Maysan province.

599. Lt Gen Reith circulated a revised draft Operational Concept on 4 April. The revised text reflected comments made by the Chiefs of Staff on 31 March and was to be approved out of committee if no further comments were received by 10 April.[351]
The revised draft recommended that:

> "Any extension of UK responsibility beyond Basra province should preferably be achieved through support from Coalition partners, who would deploy forces to operate under a UK two-star divisional HQ."

600. The Inquiry has seen no evidence of any further comments on the draft.

---

[349] Minute Watkins to DG Op Pol, 3 April 2003, 'Iraq: Draft Operational Concept for Phase 4'.
[350] Minute Watkins to DG Op Pol, 3 April 2003, 'Iraq: Conversation with Rumsfeld: 3 April 2003'.
[351] Minute SECCOS to PSO/CDS, 4 April 2003, 'OP COS Paper: Subject – Op TELIC Phase 4 – The Joint Commander's Draft Operational Concept' attaching Paper Reith, 3 April 2003, 'Operation TELIC Phase IV: The Joint Commander's Draft Operational Concept'.

601. It is not clear precisely when the draft was finalised, but the revised Operational Concept had been agreed by 14 April.[352]

602. The Chiefs of Staff were informed on 7 April that Lt Gen McKiernan was considering the use of UK forces to secure the northern Rumaylah oilfields and Route 6 (which ran north from Basra, through al-Amara (in Maysan province) and al-Kut (in Wasit province) to Baghdad).[353] The Chiefs of Staff took the view that the boundaries of any extension to the AO would need to be clearly defined; that the UK should not be over-committed; and that any move north should be dependent on the successful conclusion of operations in Basra.

603. The COBR round-up on 8 April recorded that US forces had been given the task of ensuring the capitulation of al-Amara.[354]

604. The 9 April round-up reported that US forces had found little resistance and had withdrawn, "leaving a small liaison presence".[355] The round-up also stated that UK forces would "push north toward al-Amara, possibly as early as tomorrow".

605. By 9 April, 16 Air Assault Brigade had deployed north of Basra to al-Qurnah (15km inside the northern boundary of Basra province), with the Pathfinders (an element of the Parachute Regiment) located 15km further north.[356]

606. The UK AO was extended north to al-Amara on 11 April, when Pathfinders from 16 Air Assault Brigade entered the city. The remainder of the force entered on 12 April.[357]

607. On 12 April, in line with the military plan approved by Mr Blair on 14 March (see Section 6.2), Mr Hoon approved the extension of the UK AO to include the whole provinces of Basra and Maysan.

608. Mr Hoon was advised that Lt Gen McKiernan had asked the UK "initially" to take responsibility for two provinces in Phase IV, with the possibility of a request to extend the post-conflict AOR to further provinces in due course.

609. On 12 April, Lt Gen Reith recommended that Mr Hoon approve the extension of the UK AO to include all of Basra and Maysan provinces, "in preparation for Phase IV".[358]

610. Mr Hoon was invited to note that:

> "a) in line with previous authority,[359] CJO plans to move forces to the northern limit of the extended UK Area of Operation, flushing out any Iraqi forces encountered en route;

---

[352] Paper Reith, 14 April 2003, 'Phase IV Roulement/Recovery of UK Land Forces'.
[353] Minutes, 7 April 2003, Chiefs of Staff meeting.
[354] Briefing [MOD], 8 April 2003, 'Annex to Evening Sitrep 8 April 2003: Military'.
[355] Briefing [MOD], 9 April 2003, 'Annex to Evening Sitrep 9 April 2003: Military'.
[356] Minutes, 9 April 2003, Chiefs of Staff meeting.
[357] Minutes, 12 April 2003, Chiefs of Staff meeting.
[358] Minute D/PJHQ to PS/Secretary of State [MOD], 12 April 2003, 'Expansion of the UK AOR'.
[359] Set out in the 18 March Execute Directive for Op TELIC Phases III and IV.

b) CFLCC has, initially, asked CDS for the UK to initially take responsibility for two provinces of Iraq during Phase IV."

611. On that basis, Mr Hoon was asked to agree that:

"c) UK forces may exploit further north to take all of the Maysan province into the UK Area of Operations, once al-Amara is secure, allowing GOC 1 Div to begin the process of engaging local leaders in the same way as he has in Basra province and allowing elements of [US] I MEF to be re-allocated to operations in Baghdad."

612. Lt Gen Reith explained that:

"Given the current progress UK forces have made in Basra, with work beginning to set up conditions for Phase IV, CJO believes that the time is right to be able to release forces northwards … The US Task Force Tarawa has already explored al-Amara and found that it had been self-liberated and [is] currently stable.

"Once this task is complete, we will wish to begin work to aid reconstruction of the region. Secretary of State should note, that although a final agreement has not been made on the number of provinces that the UK will support during Phase IV, CFLCC has already asked CDS to take responsibility for both Basra and Maysan provinces. Whilst the initial UK AO boundary made operational sense during war-fighting in terms of co-ordination with the US, if the process of reconstruction is to start, it makes sense to include the whole of Maysan province at the earliest opportunity. This will allow locals to become exposed to UK forces, enabling the necessary rapport and trust to be built up …

"Our assessment of this additional area is that it is relatively quiet and therefore should not add any unmanageable burden on UK forces – the only real resistance has been in al-Kut, further to the north-west. It is on this basis that we wish to seek approval to extend the UK AO as far as the northern Maysan provincial border in advance of any overt Phase IV activity.

"… we may be asked by the US to extend our Area of Responsibility to further provinces in due course."

613. Lt Gen Reith advised that the UK response to a US request to extend the UK's AOR would depend on the permissiveness of the areas concerned and the response to requests for additional Coalition members to offer support during reconstruction. The issue was being discussed by the Chiefs of Staff. Further advice would follow.

614. Lt Gen Reith did not address directly the potential risks associated with expansion to two provinces that had been raised during initial discussion of the extension of the UK AO in early March (see Section 6.2). Those risks included the possible consequences for other parts of government.

615. Mr Hoon agreed Lt Gen Reith's recommendation to take the whole of Maysan province into the UK AO once al-Amara was secure.[360]

616. Mr Hoon also noted the US request to Adm Boyce for the UK to take responsibility for Basra and Maysan provinces during Phase IV. Mr Hoon expected to discuss the UK's Phase IV AOR with Secretary Rumsfeld on 15 April.

617. Mr Watkins informed Mr Lee that Mr Hoon wanted an initial discussion of the US request "to head up a division" during Phase IV on the morning of 14 April, before Secretary Rumsfeld's call.[361] Mr Watkins wrote:

> "This [US] approach is not, of course, entirely unexpected and Mr Hoon will wish to give an encouraging – if not necessarily definitive – response. It would therefore be helpful if the following preparatory work could be set in hand:
>
> - Informal soundings of the US over the weekend on the likely nature of the request (ie when, for how long, where?) and how it fits with wider US thinking (total number of divisions?).
> - Initial assumptions on the extent of likely contributions from other countries to a UK-led division.
> - Initial assessment of the feasibility of the task and its implications for other commitments.
> - Any conditions (or counter-requests) that we should attach to our taking on this task. (As with the ISAF in Kabul, presumably we would want assurances of … support from the US.)"

618. Dr Simon Cholerton, Acting Head of the MOD Iraq Secretariat, replied on 13 April.[362] He advised that:

> "US thinking … on when, how long and where remains immature. But we expect a six-month period, beginning in the summer, will be the focus, with the UK AOR … in SE Iraq. The US are looking for the UK to head a division operating around four provinces, with UK forces covering two provinces and the remainder being dealt with [by] Coalition partners …
>
> "UK thinking … The current working assumption is that we should scale down our contribution to a division HQ and a brigade, as soon as this is feasible, but by September. This could then be maintained until spring 2004. Work is in hand now to scope our potential contribution until spring 2005. But the question is not simply one of what force levels are available, but what tasks those forces are expected to carry out. This requires further work. It may, for example, be possible to establish a model based on gendarmerie security forces, confining the military to more specialist areas

---

[360] Minute Watkins to CJO, 12 April 2003, 'Iraq: Expansion of the UK AOR'.
[361] Minute Watkins to DG Op Pol, 12 April 2003, 'Iraq: Phase IV'.
[362] Minute Cholerton to PS/SofS [MOD], 13 April 2003, 'Iraq: Phase IV Coalition'.

such as dealing with EOD [Explosive Ordnance Disposal] and WMD, together with continued military operations to root out ongoing resistance and security threats.

"Potential Contributions to UK-led Division. We have begun the 'bottom-up' process of sounding out potential Coalition partners … but this has so far not produced many firm or militarily significant offers …

"UK conditions. In the absence of an agreed set of tasks, and knowledge of Coalition contributions, the level of support we will require from *US* is difficult to determine. The aim should be for Coalition partners to be as self-sustaining as possible, but outside established European partners, this is difficult to conceive. In most scenarios we can say therefore that we shall need support from US or Coalition partners in areas such as medical support, engineering, support helicopters, logistics and reconnaissance. Politically, we also need to bottom out the 'vital role' for the UN."

619. Adm Boyce informed the Ad Hoc Meeting on Iraq on 14 April that the military campaign was coming to an end.[363] Consideration was being given to the security management of the post-conflict phase, where the UK Division might take charge of two provinces and supervise a further two with other troops joining the Coalition for that purpose.

620. Adm Boyce's other points are set out earlier in this Section.

621. On 14 April, Lt Gen Reith recommended to the Chiefs of Staff that the UK AOR should be "based on" Basra and Maysan provinces.

622. Expansion into other provinces should be subject to extra Coalition support and a US request.

623. Levels of consent in the South-East were expected to rise from "medium" to "high" as Phase IV progressed, but would be kept under review.

624. Lt Gen Reith recommended to the Chiefs of Staff on 14 April that:

- the UK AOR should be "based on" Basra and Maysan provinces;
- with a divisional headquarters deployed, the UK had the potential to expand the AOR to include two other provinces, "probably Dhi Qar and Wasit, subject to Coalition support, and a US request";
- "operational situation permitting", the Chiefs of Staff should approve the early extraction of land forces "needed for roulement [the rotation of combat units] in the mid-term".[364]

625. Lt Gen Reith explained that, because most troops had deployed between January and March and fighting had continued for several weeks in demanding environmental

---

[363] Minutes, 14 April 2003, Ad Hoc Meeting on Iraq.
[364] Paper Reith, 14 April 2003, 'Phase 4 – Roulement/Recovery of UK Land Forces'.

conditions, the Chiefs of Staff had "directed PJHQ to recover deployed formations, where possible, before the summer". It remained the UK's strategic intent "to draw down to nearer a medium scale of effort – a Div[isional] HQ and a B[riga]de – by Autumn 03", sufficient to run two provinces, but there was a clear US expectation that the UK would take responsibility for up to two more provinces "as the Coalition grows".

626. Lt Gen Reith warned that, without a UN mandate and with few nations able to generate forces quickly, the UK "should not plan on substantial early Coalition augmentation of UK resources". He also advised that the level of Iraqi consent in the South-East was "assumed to be medium (patchy) turning to high as Phase IV develops", but would be kept under review. A brigade of four battlegroups would be needed to perform the military tasks anticipated in the two provinces and to provide a secure environment for other activities.

627. The Inquiry has seen no record of a meeting to discuss the UK AOR chaired by Mr Hoon in the MOD on 14 April, but speaking notes for Mr Hoon's conversation with Secretary Rumsfeld were prepared on 14 April.

The military Statement of Requirement for a UK AOR

628. In the military Statement of Requirement (SOR) for a UK AOR, Lt Gen Reith:

- **estimated the force requirements for six provinces that might form part of the UK AOR, all on the assumption that levels of consent would continue to rise;**
- **recommended that the UK "should not assume responsibility for more than two provinces until additional and appropriate Coalition Forces are deployed. This needs formal US/UK agreement"; and**
- **advised that the SOR might need to change, but was "a starting point for discussion with potential troop contributing nations".**

629. The SOR did not directly address two issues raised in the Phase IV planning guidance and the Concept of Operations with strategic implications for the UK's commitment in the South:

- **the risk that low levels of consent might persist for some time in certain areas; and**
- **the scale of the post-conflict task, in particular the steps, military and non-military, needed to secure high levels of Iraqi consent.**

630. Adm Boyce concluded that "urgent clarification" of the potential requirement for the UK to take responsibility for four provinces was needed.

631. Lt Gen Reith sent a first version of the SOR for a UK AOR to the Chiefs of Staff on 15 April.[365] He explained that:

- the Chiefs of Staff had already been asked to agree that "the initial UK AOR" should be "based on" Basra and Maysan provinces;
- with the deployment of a divisional headquarters and the "probability of additional Coalition troops", the UK had the potential to expand the AOR to include two other provinces;
- the additional provinces would probably be Dhi Qar and Wasit, but that had not been agreed formally with Lt Gen McKiernan;
- the UK "should not plan on substantial early Coalition augmentation";
- the US had accepted that it should "hold the risk" in areas of potential UK responsibility while waiting for the Coalition force to grow, but there was no formal agreement with the US on the issue; and
- initial discussions had begun with some countries, but all "desire to know where they will be asked to operate and the forces required".

632. Lt Gen Reith advised that the UK "should not assume responsibility for more than two provinces until additional and appropriate Coalition Forces are deployed. This needs formal US/UK agreement".

633. In the SOR, Lt Gen Reith set out estimated force requirements for Basra, Maysan and the four other provinces that might be included in an extended UK AOR:

- Basra: a brigade HQ and three battlegroups with appropriate integral Combat Support (CS) and Combat Service Support (CSS);
- Maysan (grouped with Basra): a single battlegroup, supported by a Formation/ Light Reconnaissance (FR) Company;
- Wasit: a brigade HQ and two battlegroups with appropriate CS and CSS;
- Dhi Qar: a brigade HQ and two battlegroups with appropriate CS and CSS;
- Diyala: a brigade HQ and three battlegroups with appropriate CS and CSS;
- Muthanna: a brigade HQ and one battlegroup supported by an FR Company with appropriate CS and CSS.

634. Lt Gen Reith explained that the SOR offered "a starting point for discussion with potential troop contributing nations". It was "early days":

> "… Coalition Forces do not yet fully control all areas in SE Iraq. Thus, the SOR may change and we will need to remain flexible. Much will depend on detailed ground reconnaissance and the GOC's intent."

---

[365] Minute Reith to PSO/CDS, 15 April 2003, 'The Statement of Requirement (SOR) for SE Iraq'.

635. Lt Gen Reith recommended that there were "logistic advantages" in including Dhi Qar as the third province if the UK AOR were expanded. Wasit and Muthanna were the likely options for the fourth. Muthanna was "mostly desert … undemanding and potentially unrewarding, although it includes the area of a potential oilfield". It was the "simpler task, requiring less troops". Wasit was "more demanding, requires more troops, but offers a significant role". Lt Gen Reith advised that: "On the basis of logistic complexity and concern over long term consent levels, Diyala is the only province of the six that the UK should actively seek to avoid."

636. The SOR included one-page summaries of conditions in each of the six provinces, including assessments of "residual threats" and level of consent:

- Wasit. "A medium-term threat from small groups of irregulars will continue to exist whilst they have any residual support from the local civilian population. As the restructuring work post-war gains momentum and law and order and governmental institutes begin to function again, expect this threat to diminish … **Low-High levels of consent**. Revenge and retribution between communities potentially high; large Sunni population."
- Basra. "Iranian-backed/influenced groups will continue to try to exert influence in the region; this is expected to be a short- to medium-term threat. The extent of threat from PMF [Popular Mobilisation Forces] will be influenced by the tolerance of the community; as confidence in the Coalition's presence builds this threat is expected to diminish … **High level of consent**. Strong economy with potential for rapid growth. Anti-regime. Border province – Iranian influence."
- Maysan. "Aside from small groups of irregulars, expect a relatively low level of residual threat in this governorate. As for other areas, the ability of these groups to continue to influence and to blend in with the civilian population will diminish as the post-war reconstruction gathers momentum … **Medium-High levels of consent**. Tensions between MEK [Mujahideen e Khalq] and local population high. Border province – Iranian influence. Tribes are anti-regime."
- Dhi Qar. "Aside from small groups of irregulars, we expect a relatively low level of residual threat in this governorate. As for other areas, the ability of these groups to continue to influence and to blend in with the civilian population will diminish as the post-war reconstruction gathers momentum … **Medium-High levels of consent**. Poor region. Tribal insurrection since 1991. Tensions between MEK and local population high."
- Muthanna. "A largely benign area of Iraq which is sparsely populated and bordered by Saudi Arabia. There is a possibility that the long-running border dispute with the Saudis could re-emerge in the aftermath of the war, but this is unlikely to pose a direct threat to Coalition activities. That aside, we assess that there is no discernible threat, residual or otherwise to Coalition Forces … **High levels of consent**."

- Diyala. "One MEK camp is located north of Baqubah; the current status of the camp is unknown. There is liable to be a degree of Iranian influence due to the proximity of the border, but Shia does not dominate the ethnic mixture in this region, thus any influence exerted by the Iranians will be limited. It is assessed that there is no discernible residual threat to Coalition Forces … **Medium level of consent**."

637. The Chiefs of Staff discussed the UK AOR on 15 April.[366] Lt Gen Pigott stated that it was anticipated that the UK would be asked to administer Basra and Maysan provinces, "together with two-star supervision of two further provinces, probably Wasit and Dhi Qar or Diyala".

638. Adm Boyce concluded that: "The potential requirement for the UK commitment to extend to four provinces needed urgent clarification."

639. Sir David Manning was informed that, on the basis of emerging levels of consent, the Chiefs of Staff believed that a divisional headquarters and a brigade of four battlegroups could look after Basra and Maysan provinces and, subject to Coalition support, supervise two additional provinces.

640. Mr Bowen summarised the discussion for Sir David Manning:

> "The general idea is to provide a divisional headquarters and a brigade (of four battlegroups). On the basis of the emerging level of consent in southern Iraq, they believe that this brigade could look after, in security terms, the provinces of Basra and Maysan. The divisional headquarters would enable the British to supervise two additional provinces, provided two brigades' worth of troops (and two headquarters) were made available by either the Americans or other Coalition partners …
>
> "There was some debate about which other provinces it was reasonable to assume security responsibility for … There was concern that the civilian boundaries of ORHA might not coincide with those of the military structure … Some of this will become clearer after Mr Hoon speaks to Mr Rumsfeld today."[367]

641. The speaking note prepared for Mr Hoon's conversation with Secretary Rumsfeld suggested that Mr Hoon state:

"
- We [the UK] are assuming that we will reduce to a Divisional HQ and one brigade in Iraq by July/August, if possible. Very difficult to imagine we could offer more.
- We need clear understanding of envisaged requirement for July and beyond – not just troop numbers, but what is the task and the concept? How many provinces do you want us to cover?"[368]

---

[366] Minutes, 15 April 2003, Chiefs of Staff meeting.
[367] Minute Bowen to Manning, 15 April 2003, 'Chiefs of Staff Meeting: 15 April'.
[368] Paper MOD, 14 April 2003, 'Phone Call with Donald Rumsfeld: Phase 4'.

642. Mr Watkins' record of the conversation between Mr Hoon and Secretary Rumsfeld on 15 April stated that, as expected, Secretary Rumsfeld had said he was approaching the UK and Poland to ask if each could lead a division in Phase IV.[369] In response:

> "Mr Hoon said that we were aiming to reduce our forces in Iraq to one divisional headquarters and one brigade by the late summer. The balance [perhaps two brigades] would need to be provided by other countries … Mr Hoon pointed out that, for constitutional reasons, a number of countries needed some form of UN cover before they could deploy major contingents."

Alignment of the UK AOR with ORHA's southern region

643. In early April, Mr Blair approved the creation of a new Cabinet committee, chaired by Mr Straw, to formulate UK policy for post-conflict Iraq.

644. Shortly afterwards, Ministers considered the need to align military sectors and ORHA regions.

645. The UK remained concerned that US policy in Iraq would not be consistent with the UK's understanding of the rights and responsibilities of an Occupying Power.

646. In early April, Mr Blair agreed that a new Cabinet committee should be established "to formulate policy for the rehabilitation, reform and development of Iraq".[370] Mr Straw would chair; other members would be the Chancellor of the Exchequer, the Defence Secretary, the International Development Secretary and the Trade and Industry Secretary.

647. The committee would be supported by a group of officials, chaired by Mr Bowen.

648. Mr Straw chaired the first meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 10 April.[371] The meeting agreed that the UK should increase its support to ORHA.

649. The creation of the AHMGIR and Mr Straw's responsibilities as Chair are addressed in Section 10.1.

650. On 15 April, Mr Straw recommended to Mr Blair that the UK should significantly increase its political and practical support to ORHA.[372] Mr Straw explained that the US's intention was:

> "… that ORHA will oversee the Phase IV humanitarian and reconstruction effort and restore normal functioning of Iraqi ministries and provinces, with the aim of phased

---

[369] Letter Watkins to Manning, 15 April 2003, 'Iraq: Conversation with Rumsfeld'.
[370] Letter Turnbull to Straw, 7 April 2003, 'Iraq: Rehabilitation'.
[371] Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[372] Letter Straw to Prime Minister, 15 April 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.

> restoration of full control of government to the Iraqis themselves … The US also envisage the establishment of ORHA 'regional offices' in the provinces."

651. Mr Straw advised that "whatever its shortcomings, ORHA will be the essential element in the ability of the Coalition to carry its military successes into the post-conflict phase".

652. Sir David Manning advised Mr Blair that the UK should take responsibility for ORHA's regional office in the area for which the UK military had responsibility.

653. Mr Blair took the view that the UK should take a regional lead in ORHA, unless a scoping study determined that was impossible.

654. On 16 April, the AHMGIR, chaired in Mr Straw's absence by Mr Hoon, commissioned advice on whether the UK should lead one of ORHA's regional offices.[373]

655. In response, Mr Drummond chaired a meeting of officials, after which he sent Sir David Manning an IPU paper recommending that the UK defer making a commitment until a scoping study had been carried out to determine the practical implications (see Section 10.1).[374]

656. The IPU paper reported that the US had not yet decided on the number of ORHA regional offices. One possibility was a four region structure consisting of Baghdad, northern and eastern border provinces, central Iraq and southern Iraq.

657. The UK remained concerned that US policy in Iraq would not be consistent with the UK's understanding of the rights and responsibilities of an Occupying Power. If a UK-led ORHA region included within it areas occupied by US forces, the UK would have legal responsibility for their actions but no practical way to control them.

658. The IPU advised that the UK therefore needed to decide whether in principle it wanted to lead a regional office covering a region coterminous with that in which 1 (UK) Div was responsible for maintaining security. If Ministers wanted to pursue that option, a number of fundamental questions needed urgent answers, including how the UK-led regional office would relate to UK forces.

659. Sir David Manning advised Mr Blair:

> "I think you will have to give firm direction. My own view is that we should accept the risks and lead a regional office to cover area for which we have military responsibility."[375]

---

[373] Minutes, 16 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[374] Minute Drummond to Manning, 16 April 2003, 'Iraq: Support for ORHA Regional Office' attaching Paper IPU, 16 April 2003, 'Iraq: ORHA Regional Offices'.
[375] Manuscript comment Manning to Prime Minister on Minute Drummond to Manning, 16 April 2003, 'Iraq: Support for ORHA Regional Office'.

660. Mr Blair chaired the Ad Hoc Meeting on Iraq on 17 April.[376] He concluded that ORHA:

> "… was important in getting Iraq back on its feet. We should have influence inside it. He was sympathetic to the British taking a regional lead in the Office, and wanted the scoping study completed quickly so that final decisions could be made on our participation."

661. Mr Rycroft wrote to Mr Simon McDonald, Mr Straw's Principal Private Secretary, later that day to confirm Mr Blair's view that the UK should increase support for ORHA and that it should take on responsibility for an ORHA regional office "unless the scoping study concludes that this is impossible".[377]

662. The realignment of UK forces for the transition from Phase III to Phase IV began in mid-April 2003.

663. On 17 April, Adm Boyce informed Ministers that Coalition Forces were deploying to five post-conflict divisional areas, including a "British area".

664. The UK continued to seek clarification from CENTCOM on the boundaries of the UK AOR.

665. On 18 April, Adm Boyce and Lt Gen McKiernan agreed that, if at all possible, Iraqi regions, military sectors and ORHA regions should be coterminous.

666. On 16 April, Mr Johnson updated Mr Hoon on plans for the drawdown and roulement of forces for Phase IV.[378] Mr Johnson explained that:

> "The realignment of forces for Phase IV will need to be a dynamic process and kept under review, and we will provide further advice to the Secretary of State as necessary … [C]urrent indications are that the US would like the UK to cover two provinces, and – subject to the availability of suitable Coalition partners – to supervise two more. The precise requirement for forces that this arrangement would generate is still being established, but in broad terms, it should enable us to draw down from three manoeuvre brigades to one. To maintain this level of commitment, it will be necessary for some force elements currently in theatre to be withdrawn, subsequently to re-deploy as part of the roulement process."

667. Adm Boyce informed the Ad Hoc Meeting on Iraq on 17 April that US forces were deploying into their post-conflict divisional areas. There would be five such areas, including "the British area". US forces would be withdrawn where possible, "just as the

---

[376] Minutes, 17 April 2003, Ad Hoc Meeting on Iraq.
[377] Letter Rycroft to McDonald, 17 April 2003, 'Iraq: ORHA'.
[378] Minute Johnson to PS/Secretary of State [MOD], 16 April 2003, 'Iraq: realignment of UK forces for Phase IV'.

British were doing". In the South, UK forces were working in Joint Commissions to get town councils back in operation and people back to work. The restoration of the southern oilfields was also in hand.[379]

668. Gen Franks met Adm Boyce in London on 18 April to discuss the timing of the announcement of transition from Phase III to Phase IV.[380] The meeting included "a lengthy discussion about the allocation of regions, provinces and sectors". Gen Franks and Adm Boyce agreed that, if at all possible, Iraqi regions, military sectors and ORHA regions should be coterminous.

669. Lt Gen Reith advised the Chiefs of Staff that many of the civilian tasks emerging in the UK AOR were outside the normal competence of the military.

670. He stated that there was a threat to the credibility of the UK if no "overarching national direction" was given to non-military tasks.

671. Lt Gen Reith took stock of Phase IV planning in a minute to the Chiefs of Staff and MOD officials on 22 April.[381] With Phase III "war-fighting" being replaced in Phase IV by "the requirement to administer Iraq in the broadest sense", it was becoming clear that many issues arising in the UK AO were "outside the normal competence of the MOD in general and of PJHQ in particular".

672. Lt Gen Reith advised:

> "The position in the UK AO is now sufficiently developed that direction is required on a whole variety of Civil/Military affairs … As ORHA is not yet in a position to give such direction, there is a significant risk that momentum will be lost, leaving the UK vulnerable to charges that it has been unable to turn military success into coherent governance. The implications for UK standing with the Iraqi population and the international community, not to mention for the Prime Minister's required exemplary performance are potentially very serious.
>
> "At present the MOD is the only UK government department actively engaged in Iraq. It is clear … that many of the issues now facing Iraq in general and the UK AO in particular, are not military tasks and sit more comfortably with other government and non-government agencies. There is currently no overarching national direction being applied to ensure such organisations are actively or usefully engaged to deal with these issues …
>
> "The Iraqi community is beginning to make it clear that it feels that the military has completed its task. What they want now is long term non-military assistance in rebuilding their infrastructure."

---

[379] Minutes, 17 April 2003, Ad Hoc Meeting on Iraq.
[380] Minute PSO/CDS to PS/SofS, 18 April 2003, 'Op TELIC: Gen Franks Call on CDS – 18 Apr 2003'.
[381] Minute Reith to PSO/CDS, 22 April 2003, 'Development of UK Policy for Op TELIC Phase IV'.

673. Lt Gen Reith recommended that "cross-governmental support" be sought to deal with the range of outstanding tasks and that:

> "… a 'No.10 Special Unit for the Reconstruction of Iraq' be established. This unit should be headed by a high calibre, lateral thinking, nationally recognised individual, with the ability to galvanise and draw upon the huge and diverse reserves of UK talent, know-how and finance which exist. As yet these reserves have not been brought to bear and it is beyond the capability of PJHQ to do so."

674. The Chiefs of Staff discussed the size of the UK AOR on 22 April.[382] CENTCOM was expected to respond to a UK request for clarification of the extent of the UK Phase IV AOR by 26 April. It was likely to have Basra and Maysan provinces at its core, together with Dhi Qar and Muthanna, an area coincident with an ORHA region. There was also "a possibility that the UK's success in attracting Coalition partners would result in a fifth province being added".

675. Adm Boyce reiterated the importance of the boundaries of the UK AOR matching an ORHA region, whatever the outcome. He also directed Lieutenant General Andrew Ridgway, Chief of Defence Intelligence, to brief the Chiefs of Staff on "the key geopolitical issues associated with each of the provinces within the potential UK AOR".

676. The DIS report on the provinces in the UK AOR was produced on 28 April and is described later in this Section.

677. Gen Jackson informed the Ad Hoc Meeting on Iraq on 23 April that UK forces considered the South to be "secure". The roulement of UK forces was "likely to start in June, providing difficulties relating to the commitment of troops to deal with potential fire fighters' strikes were overcome".[383]

678. On 24 April, against the background of indications that a number of potential Coalition partners were considering offering military contributions, Ministers endorsed the assumption that the UK AOR would comprise four provinces, subject to the permissiveness of the environment and other nations' contributions.

679. Mr Watkins informed No.10 on 23 April that there were "Encouraging signs of interest from potential Coalition partners", including Italy, which had secured parliamentary approval for deployment of a brigade headquarters, one battalion, 400–500 Carabinieri and a number of specialist capabilities.[384] Taken together, offers of contributions provided a promising basis for a UK-led multilateral division and might

---

[382] Minutes, 22 April 2003, Chiefs of Staff meeting,
[383] Minutes, 23 April 2003, Ad Hoc Meeting on Iraq.
[384] Letter Watkins to Cannon, 23 April 2003, 'Iraq: Phase IV Contributions and Coalition-building'.

produce some surplus capability. Multilateral meetings were scheduled on 30 April and 8 May to take things forward.

680. Mr Watkins advised that discussions with the US on the size of the UK AOR were continuing:

> "The US aspire for us to supervise an additional two provinces, probably Dhi Qar and Muthanna (the latter now seems more likely than Wasit), although we have stressed the need to ensure that our area is coterminous with an ORHA region. Each additional province will need to be covered by a brigade headquarters, although both provinces, in particular Muthanna, should be manageable with much less than a full brigade's worth of military capability."

681. Adm Boyce advised the 24 April meeting of the AHMGIR that the US planned to divide Iraq into five sectors.[385] The UK would lead one sector, comprising four provinces in south-eastern Iraq. That was "manageable … provided that other countries offered troops to work with us". The UK could take on a fifth province "if others contributed the necessary forces for it". The southern region of ORHA would follow the boundaries of the UK's sector.

682. Ministers agreed that "the size of the UK military sector will depend on the permissiveness of the environment and the extent of other nations' contributions, but the current assumption was that it would comprise four, or possibly five provinces in the South". The MOD was instructed to report progress at the next meeting.

683. When Ministers endorsed the assumption that the UK AOR would comprise four provinces coterminous with the southern region of ORHA, they did so against the background of continuing concern about civilian-military co-ordination, ORHA's capabilities and the implications of both for the achievement of the UK's objectives in Iraq.

684. As Chief of the Defence Staff, it was Adm Boyce's responsibility to ensure that military advice on the UK AOR was based on robust analysis of the military's ability and capacity to meet the UK's likely obligations to provide security and maintain law and order in the South, taking full account of the wider strategic implications and contingent liabilities.

685. Adm Boyce's advice to the AHMGIR on 24 April on the size of the UK AOR was given at a time of considerable uncertainty in UK policy towards ORHA. It is not clear that his advice took account of the possible impact on the military's capacity to support the UK's potential obligations in the South should the UK decide to engage more actively in ORHA.

---

[385] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

686. There is no indication that Mr Blair or Ministers sought or received further advice on:

- **the geographical extent of the UK AOR;**
- **the implications of the assumption that the boundaries of AOR should be coterminous with an ORHA region; or**
- **the UK's contingency plan for responding to a less permissive environment.**

687. The Inquiry has seen no evidence that Ministers took a formal decision on the geographical extent of the UK AOR before the establishment of Multi-National Division (South-East) (MND(SE)) on 12 July 2003.

688. Ministers approved 19 April as "R Day", when recovery, roulement and redeployment activity formally commenced.[386]

689. On 21 April, Secretary Rumsfeld cancelled the deployment of 50,000 additional US combat troops scheduled to arrive in Iraq shortly and ordered the withdrawal of the 3rd Infantry Division as soon as 1 (UK) Div arrived.[387]

690. *Hard Lessons,* Mr Stuart Bowen's account, as US Inspector General for Iraq Reconstruction, of the US experience of reconstruction between 2002 and 2008, described the impact:

> "Rumsfeld's decision shocked some commanders on the ground, including CFLCC Commander Lieutenant General McKiernan, who were counting on the additional manpower to provide a secure environment for post-conflict stabilization. The reversal also dumbfounded McKiernan's CFLCC staff, that had just sat through two video conferences with senior Pentagon officials who had affirmed the decision to continue deploying forces. [The Head of ORHA, US Lieutenant General (Retired) Jay] Garner called Rumsfeld and said, 'You've got to stop this. You can't pull troops out. In fact, we probably need more right now.'"

691. The UK AO was declared "permissive", first by UK forces on 22 April,[388] and a few days later by the UN Security Co-ordinator.[389]

692. On 24 April, PJHQ sought Mr Hoon's approval of the first substantial withdrawal of ground troops from Iraq with effect from Sunday 27 April.[390] The briefing explained that:

- of the 3,500 troops who would return, about 1,500 personnel were due to redeploy to Iraq as part of future Phase IV operations;

---

[386] Report Burridge to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report'.
[387] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[388] Briefing [MOD], 23 April 2003, 'Iraq: Update for the Number 10 Sitrep – As at 0630 on 23 April 2003'.
[389] Written evidence to the Select Committee on Defence, 16 March 2004, *Further Memorandum from the Ministry of Defence on post conflict issues*, February 2004, HC 57-III.
[390] Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, 'Op TELIC: Realignment of UK Forces'.

- a further 1,000 were "required in the UK as soon as possible for other reasons"; and
- a further 1,000 were "staff officers and other support personnel deployed for the war fighting phase … [whose] jobs are now redundant".

693. Mr Watkins commented to Mr Hoon that, although he, Mr Hoon, had been told about the proposed drawdown "in very broad outline" in an earlier briefing:

> "… what is now proposed involves an acceleration by about a week and a reordering. (It is also something of a bounce.) While it is right and proper to bring people back when they are not needed, we do need to be careful not to leave the impression that we are rushing for the exit leaving chaos behind; queering our pitch with Coalition contributors for Phase IV …"[391]

694. Mr Watkins suggested to Mr Hoon that he might want to defer taking a final view on this until he had spoken to the Deputy Prime Minister (Mr Prescott) about plans for Operation FRESCO[392] and had received further details from PJHQ explaining the rationale for the accelerated drawdown.

695. In late April, Lt Gen McKiernan asked the UK to take responsibility for five provinces.

696. Lt Gen Reith stated that the UK's response would depend on the extent of other nations' contributions.

697. Lt Gen Reith visited the UK AO in Iraq from 24 to 28 April. During the visit, Gen Franks requested that the UK occupy five southern provinces: Basra, Muthanna, Maysan, Dhi Qar and Wasit.[393] Lt Gen Reith responded that:

> "UK resources would only populate Basra and Maysan and if we could only populate two further provinces with other nations' contributions then we would only take responsibility for four … [Lt Gen Reith] would expect that ORHA boundaries be adjusted to ensure all five provinces would be in one ORHA region if we took a fifth on."

698. ACM Squire informed the Ad Hoc Meeting on Iraq on 28 April that security in the South continued to improve. A meeting of future troop contributors would take place in London on 1 May.[394]

---

[391] Manuscript comment Watkins to Hoon on Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, 'Op TELIC: Realignment of UK Forces'.
[392] The use of military forces to provide cover in the event of a strike by the Fire Brigades' Union.
[393] Minute MA/CJO to PSO/CDS, 28 April 2003, 'CJO visit report to TELIC AO 24-28 April'.
[394] Minutes, 28 April 2003, Ad Hoc Meeting on Iraq.

699. The DIS produced an assessment of Basra, Maysan, Dhi Qar, Muthanna and Wasit provinces on 28 April.[395] The paper stated that:

- the overwhelming majority of tribes welcomed the overthrow of Saddam Hussein, but some remained suspicious of Coalition intentions;
- there was potential for inter-tribal conflict between pro- and anti-regime tribes, but traditional tribal enmity in the UK AOR was "unlikely to be destabilising";
- a number of religious leaders were vying for influence over the Shia population, although most local clerics in the UK AOR were believed to be followers of Grand Ayatollah al-Sistani;
- there was strong evidence that Iranian-backed groups were attempting to increase their influence in southern Iraq; and
- further outbreaks of violence were likely as Shia factions attempted to gain political and social influence.

700. The DIS advised that there was insufficient detail available for a complete picture of Iraq infrastructure. It assessed that:

- Four airfields in the UK AOR, including Basra Airport, were being cleared of obstructions; the remaining 16 would require "varying but significant effort" to restore full operating capability.
- Major clearance operations were needed in the Shatt al-Arab waterway before Basra would be available for major port operations.
- Roads were "generally in good condition".
- There were no reports of damage to railways.
- Telecommunications and broadcasting networks were in "various stages of degradation".
- Little southern oil infrastructure had been damaged during Op TELIC, but most facilities had ground to a halt.
- Damage during the 1991 Gulf Conflict and subsequent lack of maintenance had reduced electricity generation and transmission to 40–50 percent of capacity. Power cuts continued to be "widespread and prolonged". There might be additional problems with transmission caused by conflict damage to power lines.
- The water and sewerage system had been severely degraded by the Gulf Conflict, poor maintenance and problems caused by sanctions; 60 percent of the water distribution system for Basra had been restored, but sewage treatment plants were "barely functioning". It was doubtful that a reliable service could be restored without "extensive investment of money, time and equipment".

---

[395] Minute PS/CDI to APS/SofS [MOD], 28 April 2003, 'A Study of the Provinces within the UK AOR' attaching Paper [unattributed], 28 April 2003, 'General Assessment of Provinces within UK AOR'.

- Pre-conflict shortages of medical supplies had been aggravated by looting. NGOs had restored stocks to most major hospitals, but there remained the problem of persuading health professionals to return to their posts.

701. Separate assessments of the five provinces provided more detail, but all with the caveat that information on the region remained limited. Information on Muthanna and Wasit provinces was particularly sparse.

702. No assessment was made of the comparative advantage of including particular provinces in the UK AOR.

703. In a statement to Parliament on 30 April, Mr Hoon announced that:

> "Decisive combat operations in Iraq are now complete, and Coalition Forces are increasingly focusing upon stabilisation tasks. It will therefore be possible to make further force level adjustments over the coming weeks while continuing to meet our responsibilities to the Iraqi people."[396]

704. In addition to the substantial withdrawal of Royal Navy and RAF personnel and many of the Army war-fighting units, Mr Hoon explained that he had extended the tour of one unit to enable it "to continue in their key role of ensuring security in the region of Zubayr". He concluded that:

> "While details continue to be clarified, we envisage that by mid-May 25,000–30,000 UK Service personnel will remain deployed in the Gulf region, continuing to fulfil our responsibilities towards the Iraqi people. The planned replacement of forces is clear evidence of our commitment to them.
>
> "Our aim is to leave an Iraq that is confident, secure and fully integrated with the international community. The planning process to establish the precise level of the continuing UK presence needed to achieve this aim is a dynamic one, and is kept under review. We will also need to take account of the contributions of Coalition partners. We will continue to withdraw assets and personnel from the region where possible, but we will maintain an appropriate military presence for as long as necessary."

705. On 1 May, President Bush declared major combat operations in Iraq to have ended (see Section 9.1).

706. Cabinet was told on 1 May that British troops had done an excellent job in restoring security in the South of Iraq. The problem was now one of criminality which did not require UK troops on the streets but police, and a judicial process. Persisting in patrolling with foreign troops "was not a good idea".[397]

---

[396] House of Commons, *Official Report*, 30 April 2003, columns 15-16WS.
[397] Cabinet Conclusions, 1 May 2003.

707. Overnight on 1/2 May, the UK military AO was adjusted to be coterminous with the boundaries of Basra and Maysan provinces.[398]

708. On 2 May, Mr Rycroft gave Mr Blair a set of papers on the UK contribution to ORHA (see Section 10.1).[399] None addressed the issue of coterminous boundaries for the UK military AOR and ORHA's southern region.

709. The Inquiry has seen no indication that Mr Blair subsequently raised the issue.

710. During May, ORHA was subsumed into the Coalition Provisional Authority (CPA) (see Sections 9.1 and 10.1).

711. Resolution 1483 confirming the UN's role in post-conflict Iraq was adopted on 22 May.

712. On 14 June, Ministers "noted" that it had been decided that the UK AO would expand to four provinces at the end of July and that substantial Italian and Dutch military forces were expected to have deployed to the South by mid-July.

713. The Inquiry has seen no indication of when the decision on the expansion of the UK AO had been taken or by whom.

714. United Nations Security Council resolution 1483 (2003) was adopted on 22 May.[400]

715. The resolution, described in more detail in Section 9.1, confirmed that there would be a role for the UN, exercised through a Special Representative to the Secretary-General, but made it clear that the UN would not have the lead responsibility for the administration and reconstruction of Iraq, which would fall to the CPA. The resolution also called for help in the reform, rebuilding, stabilisation and security of Iraq, including from international financial institutions.

716. An internal PJHQ briefing on 12 June reported that there was "a trend of intelligence reporting from the UK AOR showing increasing dissatisfaction of the civil populace".[401] The briefing attributed the deterioration in the relationship between UK forces and the local population to a lack of food, failure to ensure essential services "such as water, electricity and security", a general increase in anti-Coalition rhetoric from Shia clerics, a lack of accurate information/news reporting and a lack of progress in the political process.

---

[398] Letter Burridge to CJO, 8 May 2003, 'NCC Op TELIC Hauldown Report'.
[399] Minute Rycroft to Prime Minister, 2 May 2003, 'Iraq: ORHA'.
[400] UN Press Release, 22 May 2003, *Security Council lifts sanctions on Iraq, approves UN role, calls for appointment of Secretary-General's Special Representative* (SC/7765).
[401] Minute DACOS J3(Ops Sp) and DACOS J2(Int) to MA/DCJO(Ops), 12 June 2003, 'Relations with the Basrah Population'.

717. The Annotated Agenda for the 12 June meeting of the AHMGIR advised that security in the South remained fragile.[402] Iraqi frustration with the pace of progress could cause the situation to deteriorate. The UK's ability to "push the pace" would be constrained by the reduction in UK military force strength following the transition to 3rd (UK) Mechanised Division in July.

718. The Annotated Agenda also stated that the UK AO would expand to four provinces at the end of July, to match the area of CPA(South), and that substantial Italian and Dutch military forces were expected over the next four to six weeks.

719. The meeting of the AHMGIR on 12 June also considered a joint DFID/MOD paper entitled 'UK Support to the CPA South Area – Next Steps'. The paper assessed that:

> "CPA(South) is unable to deliver in terms of determining priority needs, overseeing implementation, or supporting the political transition. There is a lack of vision; CPA(South) is severely undermanned; and has almost no systems or resources in place to deliver any tangible improvements soon. In consequence, 1 (UK) Div retains almost all executive authority in the UK area of operations (AO). In turn, locals look to the British military, not CPA(South), to address local problems. To the extent that these functions are being carried out at present, it is due to the unstinting efforts of 1 (UK) Div, the few UK secondees in the South, and, more importantly, the high quality of the Iraqi counterparts they are working with."

720. At the meeting, Ministers noted that it had been decided that the UK area of military operations would be expanded to cover four provinces (Muthanna, Dhi Qar, Maysan and Basra), to match the area of CPA(South).[403]

721. Mr Straw, as Chair of the AHMGIR, the body responsible for determining UK policy on post-conflict Iraq, should have ensured well before June that the AHMGIR agreed a position on the UK's AOR in Iraq that took full account of wider strategic implications and contingent liabilities, and sought Mr Blair's formal endorsement of the AHMGIR's conclusions. There is no indication that he did so.

722. MND(SE) was established formally on 12 July.[404] Its creation coincided with the handover from 1 (UK) Div to 3 (UK) Div.

723. The boundaries of MND(SE) matched those of CPA(South).

---

[402] Annotated Agenda, 12 June 2003 Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper DFID/MOD, 11 June 2003, 'UK Support to the CPA South Area – Next Steps'.
[403] Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[404] Report Lamb, 30 January 2004, 'Post Operational Tour Report – Version 1 Operation TELIC 2/3 11 July to 28 December 2003'.

724. When asked exactly when the decision was made that the UK would take responsibility for the South and who was involved in that decision, Mr Blair told the Inquiry:

> "… from January 2003 it was obvious – not obvious, sorry – it was agreed we would be going in through the south … So we would be, as it were, with de facto responsibility for that area. I think. Mike Jackson gave evidence to you which said really in a sense our responsibility for the aftermath in that sector grew out of the fact that this was our area of operations in the conflict.
>
> "We then … had a meeting on 6 March … I didn't resolve that finally then.
>
> "There was then a Cabinet Office note of 19 March … saying, 'We should decide on sectors, and then a joint Foreign and Defence Secretary minute is coming to you …'
>
> "So we didn't take a final view then, but their note to me was, the expectation is the UK forces would be responsible for a task focused on Basra. I then had that meeting with them.
>
> "On 21 March Matthew Rycroft then notes out to the Foreign Office and Ministry of Defence: 'The Prime Minister … agrees with the Foreign and Defence Secretaries' proposals, provided there is a satisfactory resolution', and then I list certain issues.
>
> "Then again the Foreign Office write to Matthew Rycroft, and then what happens is that we establish at some point then the Ad Hoc Committee [the Ad Hoc Ministerial Group on Iraq Rehabilitation], capital 'A', capital 'H' this time, with Jack Straw in charge, and out of that comes the view we should be responsible for that sector and this should be part of a joint Occupying Power and responsibility. I have to say, though, it was always pretty obvious that's where we would end up."[405]

725. Asked whether, during that period, there had been a specific decision on taking responsibility for the South, Mr Blair replied:

> "I think the specific decision ultimately was taken when we then got resolution 1483. Most of the discussion here was not really about whether we should be responsible for the South or not. It was about the UN role. Then what happened was there were these Ad Hoc Committee meetings that Jack was chairing … They were going through all this in an immense amount of detail, legal advice and so on. Peter Goldsmith was on it. Then we got 1483, reported it to Cabinet and agreed it."[406]

726. The UK military plan approved by Mr Blair on 14 March defined the UK's Phase IV AOR as an area broadly equivalent to the single province of Basra.

---

[405] Public hearing, 21 January 2011, pages 117-119.
[406] Public hearing, 21 January 2011, page 119.

727. Four months later, on 12 July, the UK assumed military responsibility for four provinces.

728. For the next six years, the UK was responsible for maintaining security in those provinces, initially as an Occupying Power and, from June 2004, in support of the Iraqi Government.

729. Sections 6.4 and 6.5 consider the reasons for the Government's failure to prepare a flexible, realistic and fully resourced post-conflict plan integrating UK civilian and military resources in a single national effort.

730. The process leading to the creation of the UK AOR followed that pattern, even after the creation of the AHMGIR.

731. Section 10.1 considers the impact of the AHMGIR in greater detail.

Lessons

732. The military plan for the invasion of Iraq depended for success on a rapid advance on Baghdad, including convincing the Iraqi population of the Coalition's determination to remove the regime.

733. By the end of March, the Government had recognised the need for sustained communication of key strategic messages and improved capabilities to reach a range of audiences in the UK, Iraq and the wider international community. But there was clearly a need for more robust arrangements to integrate Coalition efforts in the UK, US and the forces deployed in Iraq.

734. The reaction of the media and the Iraqi population to perceived difficulties encountered within days of the start of an operation, which was planned to last up to 125 days, might have been anticipated if there had been more rigorous examination of possible scenarios pre-conflict and the media had better understood the original concept of operations and the nature of the Coalition responses to the situations they encountered once the campaign began.

735. The difficulty and complexity of successfully delivering distinct strategic messages to each of the audiences a government needs to reach should not be underestimated. For any future military operations, arrangements tailored to meet the circumstances of each operation need to be put in place in both London and on the ground before operations begin.

736. When the UK acceded to the US request that it assume leadership of a military Area of Responsibility (AOR) encompassing four provinces in southern Iraq, it did so without a robust analysis either of the strategic implications for the UK or of the military's capacity to support the UK's potential obligations in the region.

737. A step of such magnitude should be taken deliberately and having considered the wider strategic and resource implications and contingent liabilities.

738. That requires all government departments whose responsibilities will be engaged to have been formally involved in providing Ministers with coherent inter-departmental advice before decisions are taken; the proper function of the Cabinet Committee system.

SECTION 9.1

MARCH TO 22 MAY 2003

Contents

Introduction 132

March 2003 132

April 2003 146

May 2003 175

Introduction

1. This Section addresses:

- the evolution of the UK's non-military relationship with the US, including the processes for making decisions for which there was joint responsibility;
- political developments within Iraq;
- changing circumstances in Iraq after the main war-fighting phase of the invasion concluded; and
- the adoption of resolution 1483 (2003).

2. This Section does not address:

- the role of the UK in the combat phase of military operations and the establishment of the UK's post-conflict Area of Responsibility in the South, both of which are described in Section 8;
- planning and preparation for what would follow once the Coalition was in Occupation (known as Phase IV), including the UK's post-conflict objectives, which are described in Sections 6.4 and 6.5; and
- the reconstruction of Iraq, which is covered in Section 10.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

March 2003

4. The invasion of Iraq began on the night of 19/20 March 2003.

5. Mr Jonathan Powell, Mr Blair's Chief of Staff, and Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat, sent "strictly personal" notes to Mr Blair on 21 March about influencing the US "post-war agenda".

6. Mr Powell proposed that Mr Blair should write a note to President Bush, to "serve as an agenda" for their meeting at Camp David – the US President's country retreat – a few days later.[1] He identified three major objectives:

- "To unpick the Kissinger aphorism that has lodged in their heads (to ignore the Germans, punish the French and forgive the Russians)";
- "To make Bush think further about why it was that the US ended up with such a bad diplomatic defeat …"; and
- "To agree a way forward on the MEPP [Middle East Peace Process] with Bush."

[1] Minute Powell to Prime Minister, 21 March 2003, 'Bush Discussion'.

7. Mr Powell suggested that Mr Blair should "corral" President Bush into some general principles about the role of the UN in post-conflict Iraq, observing that the US desire to confine that role to managing non-governmental organisations "won't do". He advised: "We do not want to give the UN control of the military or the government, but there has to be some international legitimacy."

8. In his own note, Sir David Manning agreed with Mr Powell's points and commented that President Bush should also be encouraged to analyse the reasons behind a "strong current of anti-Americanism" around much of the world.[2]

9. A US draft of a new Security Council resolution for the post-conflict phase in Iraq was shared with the British Embassy Washington on 21 March.[3]

10. The two key points of difference between it and the UK draft were the relationship between the UN Special Co-ordinator and a transitional civilian authority, and the question of who would establish an Iraqi Interim Administration (IIA).[4]

11. The US draft also included three options for a funding mechanism to cover post-invasion costs; there was not yet a firm US view on which option was preferred.

12. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, reported that some in Washington "still do not think that any form of UN resolution is legally necessary".

13. In a telephone call on 22 March, Mr Blair raised the UN's role with President Bush.[5]

14. Mr Blair said that it was essential to get a UN 'badge' for post-conflict efforts and that, while the Coalition did not want to hand over the results of its efforts to the UN, a Security Council resolution on post-conflict administration would help the Coalition get access to UN funding, including from the International Financial Institutions (IFIs).

15. Mr Blair proposed that different parts of the draft resolution should proceed on different timescales; a resolution on the Oil-for-Food programme (OFF)[6] should move quickly, with one covering administration after the conflict to follow.[7]

---

[2] Minute Manning to Prime Minister, 21 March 2003, 'Bush Discussion'.
[3] Telegram 367 Washington to FCO London, 21 March 2003, 'Iraq Day After: US Draft Resolution for Post-conflict Administration'.
[4] The terms Iraqi Interim Authority and Iraqi Interim Administration are used interchangeably in contemporary documents.
[5] Letter Cannon to McDonald, 22 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 22 March: Post-Conflict Issues'.
[6] The OFF allowed for the export of Iraqi oil, the deposit of oil revenues into a UN-controlled account and the use of those revenues to procure food, medicine and other goods approved by the UN.
[7] Letter Cannon to McDonald, 22 March 2003, 'Iraq: Prime Minister's Conversation with Bush, 22 March: Post-Conflict Issues'.

16. In parallel, Mr Brenton explained the UK's concerns about the US draft resolution to Mr John Bellinger and Mr Eliott Abrams from the US National Security Council (NSC).[8]

17. Mr Brenton observed that:

> "… the text had not been well received in London. If that was the initial reaction there, then we could expect much worse in Paris and Moscow."

18. On 23 March, Mr Blair told the Ad Hoc Meeting on Iraq that "British and American positions were not so far apart" on the draft resolution.[9] He believed that the US was misreading the implications of what UN authorisation meant and added: "It was more a matter of timing than substance."

19. Mr Blair concluded that the UK "needed to bring in the Russians and the French as well as the Americans to resolve this issue".

20. Since January 2003, National Security Presidential Directive 24 had consolidated all US post-conflict activity in the Department of Defense-owned Office of Reconstruction and Humanitarian Assistance (ORHA), headed by retired Lieutenant General Jay Garner.[10]

21. On 23 March, Major General Tim Cross, the senior UK secondee to ORHA working for Lt Gen Garner, and a visiting colleague provided the Iraq Planning Unit (IPU) with an update which said:

> "The UN role in the handover process [to an Iraqi Administration] is little discussed within ORHA, it being understood that this is an issue for capitals, and that Washington will not accept a UN flag over the whole operation."[11]

22. The Ad Hoc Meeting on Iraq was held at 0830 on Tuesday 25 March. At Ms Short's suggestion, Mr Blair commissioned urgent advice from the Attorney General on the legal framework needed to authorise both reconstruction activity and the creation of an IIA.[12]

23. On the same day, the Private Office of Mr Jack Straw, the Foreign Secretary, wrote to Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, with "further urgent advice on the size of any UK sector, the length of time of our commitment and the exit strategy".[13] The advice was:

> "There is … a substantial risk that if we fail to obtain a UNSCR, we will not be able to build the Coalition under overall US leadership. We would become trapped into

---

[8] Telegram 378 Washington to FCO London, 22 March 2003, 'Iraq Phase IV; Authorising UNSCR: US Views'.
[9] Minutes, 23 March 2003, Ad Hoc Meeting on Iraq.
[10] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[11] Minute Cross and Goledzinowski to Chilcott, 23 March 2003, 'ORHA Overview, 23 March 2003'.
[12] Minutes, 25 March 2003, Ad Hoc Meeting on Iraq.
[13] Letter Owen to Rycroft, 25 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

maintaining a higher level of commitment for longer, with all that this would mean in terms of cost and for the long-term health of the Armed Forces."

24. On 25 March, the FCO in London received a report from Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, of a conversation with Mr Kofi Annan, Secretary-General of the UN.[14] Mr Annan was due to meet Dr Condoleezza Rice, President Bush's National Security Advisor, that day.

25. Sir Jeremy said that he "assumed that the UN would not want to run Iraq nor its security sector". Mr Annan told him that "Coalition respect for Iraqi sovereignty, territorial integrity and political independence would be a precondition for a UN role" and that he "would not wish to see any arrangement subjugating UN activity to Coalition activity".

26. After meeting Mr Annan, Sir Jeremy spoke to Ambassador John Negroponte, US Permanent Representative to the UN, who observed that the focus within the Security Council on "no legitimisation of Coalition military action" might make it impossible to secure its authorisation. Sir Jeremy reminded him that without a resolution there would be no IFI or other international funding for reconstruction and it would be "hard to drum up troop contributors to permit an exit strategy for US/UK forces".

27. Mr Desmond Bowen, Deputy Head of the Cabinet Office Overseas and Defence Secretariat, sent a draft paper setting out 'British Post-Conflict Objectives' to the FCO, the MOD, DFID and the Cabinet Office on 25 March.[15]

28. Mr Bowen suggested that officials should show the draft paper to their Ministers, if they had not already done so:

"We will then see the outcome of the Prime Ministerial visit to Camp David and consider formal submission early next week."

29. The paper on objectives stated:

"We have made plans with our international partners to assist the Iraqi people in the process of transition. With others, we will assist in the return to full Iraqi sovereignty by:

- seeking a UN mandate for the international community's continued presence in Iraq;
- working to establish an Iraqi Interim Authority, mandated and facilitated by the UN, and supported by the coalition and the international community; and
- indicating a pathway to the restoration of a sovereign, accountable and representative Iraqi government and facilitating a political process, with UN

---

[14] Telegram 526 UKMIS New York to FCO London, 25 March 2003, 'Iraq Phase IV: UN Dynamics'.
[15] Letter Bowen to Chaplin, 25 March 2003, 'Iraq: Post Conflict Objectives' attaching Paper, 25 March 2003, 'Iraq: British Post-Conflict Objectives'.

involvement, whereby Iraqis can choose a new constitution for their country within its present borders."

30. Mr Peter Ricketts, FCO Political Director, sent the UN Department and others a copy of an IPU briefing describing what the UK was legally able to do in the absence of a further resolution.[16]

31. In a covering minute he observed:

"It [the briefing] brings out that the Coalition would have quite extensive powers (as well as responsibilities) as Occupying Powers. We would in practice have the authority to do everything which a transitional administration and security presence would be capable of doing in the early weeks: humanitarian and welfare work; law and order; immediate rehabilitation of infrastructure. The real constraints are not so much legal as practical. It would be very difficult to get support from the EU, IFIs or donor countries in the absence of an authorising resolution …

"This suggests that it may not be necessary to seek a resolution which authorises an international security presence, at least in the early stages."

32. Mr Ricketts commented: "it is worth considering a less ambitious resolution, perhaps to be adopted later in the process".

33. Mr Dominick Chilcott, Head of the IPU from January to June 2003 and author of the briefing, told the Inquiry that he had:

"… reasons to hesitate about the day after, which was to do with the legality of ORHA's ambition. ORHA had quite a high degree of ambition in the amount of reform and reconstruction it was proposing, and we felt without specific Security Council authorisation this would go beyond what we were allowed to do as Occupying Powers on the basis of the Geneva Convention and The Hague Regulations."[17]

34. On 25 March, Mr Huw Llewellyn, a Legal Counsellor in FCO Legal Advisers, wrote to Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, at her request, with a note on why a further resolution was needed.[18] Attached to his letter were his own note on the main principles applicable during military occupation, and a note on the administration of justice.

35. Mr Llewellyn wrote that it was:

"… important to keep in mind that the legal basis for the Occupation of Iraq by Coalition forces will depend on the legal basis for the use of force. That legal basis is

---

[16] Minute Ricketts to Pattison, 25 March 2003, 'UNSCR: Reconstruction Phase', attaching Briefing IPU, 24 March 2003, 'Post-conflict activity: what is possible without an authorising resolution'.
[17] Public hearing, 8 December 2009, page 23.
[18] Letter Llewellyn to Adams, 25 March 2003, 'Iraq: Why is a 'Fourth' Resolution Necessary?'

> Security Council authorisation to enforce Iraq's WMD [weapons of mass destruction] and related obligations under the relevant Security Council resolutions. The longer an occupation continues, therefore, and the further the tasks undertaken depart from this objective, the more difficult the Occupation would be to justify in legal terms."

36. In a section on the administration of Iraq during Occupation, Mr Llewellyn explained that "limitations on the ability of the Occupying Power to change existing governmental and administrative structures based in Article 43 of the Hague Regulations, mean that Security Council authorisation will be needed for any such reform".

37. In preparation for Mr Blair's meeting with President Bush at Camp David, Mr Straw's Private Office provided Mr Rycroft with a negotiating brief for a new UN Security Council resolution written by the IPU.[19]

38. The brief said:

> "Without a UNSCR, other countries, international organisations, the IFIs, UN agencies and NGOs [non-governmental organisations] will be comparatively limited in what they can do … That would leave US/UK with no viable exit strategy from Iraq and a huge bill."

39. The brief set out the case for a resolution which included the following key principles, on which the US and UK were agreed:

- For the first few weeks the Coalition, through ORHA, would be responsible for the administration of Iraq.
- The UN should not be asked to run Iraq.
- The objective should be to get Security Council authorisation or endorsement for an international presence that will include the UN.
- For as long as they were needed, Coalition troops would provide security on the ground.
- As soon as possible, Iraqis should begin to govern themselves, through the creation of an IIA, under appropriate supervision.

40. The brief also identified the key issues on which there remained differences between the US and UK:

- The US desire for a new UN resolution to endorse ORHA, which the UK was certain would not obtain Security Council agreement.
- The UK belief that the Iraqis themselves, assisted by a UN Special Representative, should establish the IIA, not the Coalition.
- The role of the IIA, which the UK believed needed to be independent of the Coalition/ORHA and to have genuine executive authority.

---

[19] Letter Owen to Rycroft, 25 March 2003, 'Prime Minister's visit to Washington: Iraq: UN Security Council Resolution on Phase IV' attaching Briefing IPU, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.

- The arrangements for dealing with Iraqi oil revenue which the US proposed should be used for meeting the costs of their administration of Iraq as well as for reconstruction. The UK feared this would provoke criticism for reneging on the promise to use oil revenues exclusively for the benefit of Iraq.
- The role of the UN Special Co-ordinator, which the UK believed should not be limited to co-ordination.

41. The brief explained that there was a need for "more realism about what the Security Council would be willing to approve and what the Iraqis' reaction is likely to be".

42. The IPU set out a number of "propositions" which it hoped Mr Blair and President Bush would agree, including:

"(a) … we should not attempt retrospective UNSC authorisation of our military action …

(b) … We can't expect the Security Council to accept overt US/UK control of the civilian administration …

(c) As quickly as possible, we should aim to set up an Iraqi interim authority with genuine executive powers, not subordinate to the Coalition …

(d) How we establish the IIA … will be crucial … our role should be behind the scenes with the UN visibly out in front …

(e) The UN or the Iraqis, not the Coalition, should manage oil revenues.

(f) We should encourage Kofi Annan to appoint a UN Special Co-ordinator who would play an important role in facilitating the emergence of the Iraqi interim authority and in supervising, with a light touch, its decisions."

43. On 26 March, Lord Goldsmith, the Attorney General, wrote to Mr Blair with advice he had requested at the Ad Hoc Meeting the previous day.[20] It covered:

"… the need for UN Security Council authorisation for the Coalition or the international community to establish an interim Iraqi administration to reform and restructure Iraq and its administration."

44. Lord Goldsmith's view was that:

"… a further Security Council resolution is needed to authorise imposing reform and restructuring of Iraq and its Government. In the absence of a further resolution, the UK (and US) would be bound by the provisions of international law governing belligerent Occupation … the general principle is that an Occupying Power does not become the government of the occupied territory. Rather, it exercises temporary de facto control …"

---

[20] Minute Attorney General to Prime Minister, 26 March 2003, 'Iraq: Authorisation for an Interim Administration'.

45. Mr Llewellyn sent Lord Goldsmith's advice to Mr Chilcott on 27 March.[21]

46. Mr Blair and Mr Straw met President Bush, Mr Colin Powell (US Secretary of State) and Dr Rice at Camp David from 26 to 27 March.

47. In his published diaries Mr Alastair Campbell, No.10 Director of Strategy and Communications, recorded that Mr Blair worked on "on a long note for Bush" during the flight to the US.[22] Mr Campbell considered that:

> "The main message in TB's note, when you boiled it down, was that there was a lot of support for the aims of the campaign, and we totally believed the policy was right, but there was real concern at the way the US put over their views and intentions and that rested in people's fears about their perceived unilateralism. He was urging him to do more to rebuild with Germany, then Russia, then France, and saying he should seize the moment for a new global agenda, one to unite the world rather than divide it."

48. Mr Blair's Note to President Bush, which covered a broad range of issues, began:

> "This is the moment when you can define international priorities for the next generation: the true post-cold war world order. Our ambition is big: to construct a global agenda around which we can unite the world rather than dividing it into rival centres of power."[23]

49. Mr Blair went on to define "our fundamental goal" as:

> "… to spread our values of freedom, democracy, tolerance and the rule of law, but we need a broad based agenda capable of unifying the world to get it. That's why, though Iraq's WMD is the immediate justification for action, ridding Iraq of Saddam is the real prize."

50. In Mr Blair's view "a ludicrous and distorted view of the US is clouding the enormous attraction of the fundamental goal", for which the solution was to "keep the policy; broaden the agenda and change the presentation".

51. At dinner on the first evening at Camp David, Mr Blair told President Bush that he did not want his visit to focus primarily on a UN resolution to deal with post-conflict Iraq.[24] The question about what sort of resolution was needed for the administration and reconstruction of Iraq should be parked. Mr Blair said that:

> "The time to debate this would come when we had secured victory, and were in a position of strength."

---

[21] Minute Llewellyn to Chilcott, 27 March 2003, 'Iraq: Attorney General's Advice: Authorisation for an Interim Administration'.
[22] Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.
[23] Note [Blair to Bush], [26 March 2003], 'Note: The Fundamental Goal'.
[24] Letter Manning to McDonald, 28 March 2003, 'Prime Minister's Meeting with President Bush at Camp David: Dinner on 26 March'.

52. In his account of discussions on Phase IV the following day, Mr Rycroft recorded that Mr Blair had identified the main issue as whether the UN formed the future Iraqi Government or whether the Coalition did so with UN endorsement, but had said that "it was not helpful to expose this distinction yet".[25]

53. Mr Rycroft recorded that the US and UK would "play this negotiation long", until after the conflict, when they would be "in a stronger position to ensure the right arrangements".

54. After returning to the UK, Mr Blair told members of the Ad Hoc Meeting on Iraq that in relation to the post-conflict administration of Iraq:

> "He intended to calm down the debate and engage in subterranean diplomacy so that we reached the right outcome."[26]

55. Mr Blair also said:

> "A new United Nations Security Council resolution would be required. The tactics to achieve that was through quiet and effective diplomacy."

56. FCO Legal Advisers were asked to give rapid consideration on 28 March to the draft text of a 'Freedom Message' and 'Proclamation' addressed to Iraqi citizens which it was intended that General Tommy Franks, Commander in Chief US Central Command (CENTCOM), would issue.

57. In his advice to Mr Chilcott, Mr Llewellyn observed that if General Franks were to speak on behalf of the Coalition, "we should be given a full opportunity to comment on its content in detail".[27]

58. On the content of the draft, Mr Llewellyn advised that "there are a number of elements in it which raise concerns regarding their compatibility with the authority of an Occupying Power". Specifically:

- the length of Occupation should be based on time taken for WMD disarmament, not the creation of a representative government;
- references to free elections went beyond the remit of an Occupying Power;
- the phrase "powers of government" implied that the Coalition Provisional Authority (CPA) described in the message had more than the temporary administrative powers of an occupying force;
- requiring Iraqis to provide information on the conflict with Iran was outside the lawful basis for Occupation; and

---

[25] Letter Rycroft to McDonald, 27 March 2003, 'Prime Minister's meeting with President Bush at Camp David: Iraq Phase IV'.
[26] Minutes, 28 March 2003, Ad Hoc Meeting on Iraq.
[27] Minute Llewellyn to Chilcott, 28 March 2003, 'Proposed US 'Freedom Message' to the People of Iraq'.

- powers to place the public sector under Coalition Provisional Authority direction were too broad.

59. On 31 March, Ms Vivien Rose, MOD Head of the General and International Law Team, spoke to Mr Llewellyn and agreed to write a letter outlining what the MOD considered to be legal issues that needed to be addressed.[28]

60. Ms Rose reported that Mr Llewellyn had expressed concern that he was receiving disjointed requests for advice about specific activities in Iraq and was not "getting a grip of the whole picture".

61. On 31 March, Mr Llewellyn wrote to Mr Chilcott to report that UK military lawyers based in Kuwait were becoming alarmed at ORHA's activities.[29]

62. ORHA had issued three orders in relation to the port of Umm Qasr,[30] including the application of US labour and customs laws, for which there was no clear legal authority. The position of UK forces, if asked to participate in related activities, was therefore uncertain.

63. Mr Llewellyn's minute concluded:

> "If it cannot be sorted out, we may well need a decision from Ministers about whether UK forces should decline to take part in actions that we consider unauthorised or unlawful."

64. The IPU provided advice to Mr Straw's Private Office the following day, including a speaking note for a conversation with Maj Gen Cross, which took account of Mr Llewellyn's concerns.[31]

65. The IPU proposed that Mr Straw should brief Maj Gen Cross that:

> "Government's legal advice is very clear: there are real legal constraints on what we can and can't do in Phase IV. I'll need to be closely involved in decisions on what ORHA does …"

66. The speaking note also proposed reminding Maj Gen Cross that:

> "There's a direct link between what you are doing and the difficult and complex negotiations which will start in due course on the Phase IV Security Council Resolution."

---

[28] Email LA2-S to LA11-S, 31 March 2003, 'Phase IV and War crimes: next steps'.
[29] Minute Llewellyn to Chilcott, 31 March 2003, 'Iraq: ORHA: Current Activity'.
[30] As described in Section 8, UK forces had taken control of the port of Umm Qasr by the early hours of 23 March.
[31] Minute Bristow to Chaplin, 1 April 2003, 'Iraq: ORHA' attaching Briefing 'ORHA: speaking note for use with General Cross' and Paper IPU, 28 March 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.

67. In relation to his own position, the IPU suggested that Maj Gen Cross should be told that he would be formally appointed as a deputy to the Head of ORHA only once a resolution authorising its activity had been agreed.

68. Alongside the speaking note, the IPU also provided a four page review of UK policy on ORHA. In it the IPU recommended that the UK should continue to commit resources, on the basis that ORHA remained "the only game in town", but noted that "a situation could arise where ORHA was acting illegally". That would have "implications" for both UK secondees and ORHA operations in areas held by British forces. The IPU did not offer a solution or recommendation if the situation did arise.

69. At the end of March, Mr Straw's Private Secretary provided Mr Rycroft with an IPU paper covering UK, European and US positions on post-conflict arrangements and the role of the UN.[32] The covering letter said that:

> "… our views are almost certainly very close to those of France and Germany … I say almost certainly because we have yet to test … views in detail."

70. The letter also said:

> "One of the lessons from negotiating UNSCR 1441 is that we need to share our initial thinking with France, Germany and Russia at an early stage. We will need their support if a UN resolution is to pass. We should not negotiate texts, nor seek a collective position."

71. The IPU paper included an assessment that EU member states were likely to want a central role for the UN that was not subordinate to the Coalition and that did not legitimise military action. The UN's main contributions would be to building a new Iraqi Government and managing Iraq's natural resources.

72. The FCO proposed a series of bilateral meetings between UK Ministers and officials and their counterparts to "share our thinking", including a conversation between Mr Straw and Secretary Powell. The IPU assessed that Security Council endorsement was desirable rather than essential to the US; agreement on a resolution was unlikely to be reached if the US retained the degree of control they wanted.

73. On 31 March, Mr Ricketts wrote to Mr Brenton about dialogue with European countries on a resolution. He said:

> "The Prime Minister wants us to take our time over the issue of a post-conflict resolution. The right time to bring this to a head is likely to be once we have reached, or are near to, an end to the military conflict. That will be our moment of greatest leverage in the Security Council."[33]

---

[32] Letter Owen to Rycroft, 31 March 2003, 'Iraq: Phase IV' attaching Paper IPU, 31 March 2003, 'Iraq: Post-Conflict Administration'.
[33] Letter Ricketts to Brenton, 31 March 2003, 'Iraq Reconstruction'.

74. Mr Ricketts also observed that, as a draft resolution had yet to be agreed with the US, the series of meetings about to begin across Europe would not be negotiating resolution text. Mr Straw would nonetheless be meeting his German, Russian, French and Spanish counterparts.

75. Mr Blair sent President Bush two Notes on 31 March, one on communications, which is described in Section 8, and one entitled 'Reconstruction'.[34]

76. The Note on reconstruction covered the two funds proposed by the US to administer oil revenues/unblocked Iraqi assets and donor funds, run by the IMF and World Bank respectively. Mr Blair wrote that using IFIs was sensible but that this arrangement would run into problems because:

- channelling oil revenues to IFIs rather than the IIA could be "misrepresented" and the proposal would need to be included in the next resolution;
- without UN agreement the IFIs were unlikely to agree and this would "replicate UN problems inside those two organisations";
- the UK, Japan and others could only unblock assets with UN authority; and
- "our posture should be for the IIA to take on responsibility as soon as possible, ie Iraq for the Iraqis, not us or the UN".

77. Mr Blair described an amended proposal submitted by the Treasury, in which some oil revenues went into the OFF programme, and the remainder (plus assets and donor funds) into a reconstruction account handled by the IMF and World Bank. Funds from both accounts would be "directed to the IIA". Any proposals would need to be tailored in a way that could secure UN endorsement. Mr Blair wrote that he did "not think we can dodge this point" and said that the key to achieving that was "getting the right Special Co-ordinator" in order to avoid becoming bogged down in UN bureaucracy.

78. In response to a request from Mr Straw's Private Office for material on Iraqi attitudes to the US and possible implications for UK policy, Mr Simon Fraser, FCO Director for Strategy and Innovation, wrote on 31 March:

> "We need to understand the history and experiences of the people of Iraq as well as the nature of the regime …
>
> …
>
> "Most ordinary Iraqis may loathe Saddam: but they may by now be so politically disorientated as not to believe that an alternative is possible.

[34] Letter Manning to Rice, 31 March 2003, [untitled] attaching Notes [Blair to Bush], [undated], 'Reconstruction' and 'Communications'.

"We should not underestimate the force of Iraqi nationalism … The divisions and loyalties within Iraq are complex. Iraqi Shia are both Arabs and Iraqis: they are certainly not Persians. The Persians are the historical enemy. I believe that the Iraqi national identity is stronger and more rooted in shared experience than many pundits think. Saddam Hussein has played on this sense of national pride – Iraqis used to be nicknamed the 'Prussians of the Middle East' …"[35]

79. Mr Fraser advised that distrust of the US ran deep:

"For 35 years and more (even when the US was supporting Saddam) Iraqis have been pumped full of propaganda that the US is hostile to Arabs and supports Israel and Zionism. There is no doubt American policies towards Arab/Israel generate deep hostility. Iraqis may long to be freed from Saddam Hussein, but being liberated by the Americans will be deeply humiliating. I doubt, too, that they have much confidence in what will come next. I cannot see how there would be much appetite for an American-led Administration."

80. Attitudes to the UK were described by Mr Fraser as "ambivalent":

"As so often with the former colonial power, it has been love-hate. As recently as the early 1980s Iraqi students were the most numerous group of overseas students in Britain. But we have lost our contacts since then, and our siding with the US on sanctions and NFZ [No-Fly Zone] policy over recent years, culminating in this campaign, has presumably affected popular attitudes to Britain."

81. Mr Fraser concluded that any overtly US-led administration would be "untenable" and Iraqis "may find it deeply humiliating". There would almost certainly be attacks on US personnel. It was therefore "critically important that we continue to press for legitimisation of interim and longer-term arrangements in Iraq through an effective UN presence". There was also "an even greater premium on a real change of heart in Washington on the MEPP".

82. That presented the UK with a dilemma over withdrawal:

"We will need to stay to support a long term, viable political settlement in Iraq (and have a clear idea of what that entails). Failure by us and the Americans to see through the peace would compound the problem. But if the Americans insist on the sort of model for Iraq that they currently seem to envisage, being closely aligned with them may have political and security costs for us. Putting some distance between us and them, where we can afford to, may be no bad thing."

83. Mr Straw's Private Office informed Mr Fraser on 1 May that Mr Straw had read the paper "and kept it in his useful papers pack for the last several weeks".[36]

---

[35] Minute Fraser to McDonald, 31 March 2003, 'Iraqi Attitudes to the Americans and British'.
[36] Note McDonald, 1 May 2003, on Minute Fraser to McDonald, 31 March 2003, 'Iraqi Attitudes to the Americans and British'.

The legal framework for the Occupation

It was widely understood by both the US and UK that once they had displaced the regime of Saddam Hussein, Coalition Forces would exercise authority over – and, under international law be occupiers in – Iraq. FCO lawyers confirmed on 2 April 2003 that by that date, UK forces were an Occupying Power in that part of Iraq in their physical control.[37]

The basic principles of International Humanitarian Law as they apply to military action, in particular in relation to targeting and the Rules of Engagement, are set out in Section 6.1.

This Box explains the main principles applicable to the occupation of one state by another, a process which makes it the "Occupying Power".

As Occupying Powers, the UK and USA were bound by international law on belligerent Occupation. Its rules are set out in the 1907 Hague Regulations (Articles 42 to 56), the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War of 1949 (Articles 27 to 34 and 47 to 78) and the 1977 First Protocol to the Geneva Conventions of 1949 Relating to the Protection of Victims of International Armed Conflicts.

Article 42 of the Hague Regulations defines an Occupation:

> "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised."

In Iraq in April 2003 this meant that, at a minimum, the UK was considered the Occupying Power in that part of South-East Iraq where its forces were physically present and exercised authority. The UK's role alongside the US in ORHA (and then the CPA) raised questions about whether the UK was also jointly responsible for the actions of those organisations throughout Iraq.

Article 43 of the Hague Regulations provides that the Occupying Power "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety while respecting, unless absolutely prevented, the laws in force in the country". Sir Michael Wood, a former FCO Legal Adviser, told the Inquiry: "While some changes to the legislative and administrative structure may be permissible if they are necessary for public order and safety, more wide-reaching reforms of governmental and administrative structures are not lawful. That includes the imposition of major economic reforms."[38]

The Fourth Geneva Convention defines "protected persons" as those who "find themselves … in the hands of a party to the conflict or Occupying Power of which they are not nationals". It sets out a number of detailed provisions on status and treatment of protected persons; and a number of responsibilities and restrictions that apply to the Occupying Power in relation to the occupied territory. The provisions of particular relevance to the UK's involvement in Iraq are:

- Article 54, which prohibits any alteration in the status of public officials should they abstain from fulfilling their functions for reasons of conscience. It does not affect the right of the Occupying Power to remove public officials from their posts.

[37] Minute Llewellyn to Bristow, 2 April 2003, [untitled].
[38] Statement Wood, 15 January 2010, pages 2-3.

- Article 64, which requires that the penal laws of the occupied territory must remain in force except where they constitute a threat to security or an obstacle to the application of the Convention itself. In addition, with limited exceptions, the courts in the occupied territory must be allowed to continue to operate.
- Article 78, which empowers the Occupying Power, if it is necessary for reasons of security, to intern nationals of the occupied state, and other nationals within the occupied state. Procedures for review and appeal of internment should be put in place, including review every six months by a competent body set up by the Occupying Power. The Article also sets out detailed provisions for the treatment of internees.

Insofar as the provisions of the Convention allow an Occupying Power to exercise functions of government in occupied territory, Article 6 provides that they should continue to have effect for as long as its military Occupation continues. Other provisions, however, cease to apply "one year after the general close of military operations". Article 64 therefore continued to apply. But when military operations ended Article 54, Article 78 and the regulations governing internment in Articles 79 to 141 ceased to apply.

April 2003

84. On 1 April, the first ORHA staff entered Iraq (having previously been stationed in Kuwait) at the port of Umm Qasr in Basra province.[39]

85. On the same day, Mr Blair closed the Ad Hoc Meeting on Iraq by explaining that: "It was as important to win the diplomatic and political campaign as it was to achieve military success."[40]

86. Although the minutes of that meeting contain no reference to post-conflict administration, Mr Suma Chakrabarti, DFID Permanent Secretary, wrote to Sir Andrew Turnbull, the Cabinet Secretary, that Ms Short had "welcomed the emerging consensus … on what the core principles for a UNSCR (or UNSCRs) for rehabilitation, reform and development in Iraq should be".[41]

87. Mr Chakrabarti described the core principles as:

- rapid, UN-led movement to an IIA; and
- a resolution supported by the international development community, especially the IFIs and the UN development agencies.

88. Mr Chakrabarti argued that UN involvement need not wait until a resolution had been passed. He cited as an example resolution 1378 (2001), which established the process for creating an interim administration in Afghanistan. A UN Special

---

[39] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[40] Minutes, 1 April 2003, Ad Hoc Meeting on Iraq.
[41] Letter Chakrabarti to Turnbull, 1 April 2003, 'Iraq: Rehabilitation, Reform and Development'.

Representative had been at work before the resolution had passed, and before the creation of the UN Assistance Mission in Afghanistan.

89. On 2 April, Mr Llewellyn wrote again to the IPU about the legality of ORHA actions.[42]

90. Activity around Umm Qasr, which was under UK control, pointed to the fact that ORHA was acting on behalf of Coalition forces jointly. That made it increasingly important that the UK Government was consulted on its plans. Mr Llewellyn urged the IPU to exert whatever influence it had to ensure that happened.

91. Mr Straw and Secretary Powell met in Brussels on 3 April. The Government has been unable to provide the Inquiry with a record of their discussion. But in advance of the meeting, the IPU provided Mr Straw with advice on how an IIA might be created, for him to share with Secretary Powell.[43]

92. In its advice, the IPU set out concerns about the legal constraints in creating an Iraqi administration:

> "Without UN authorisation, any bodies set up or decisions taken on issues other than delivery of humanitarian relief, rehabilitation of existing infrastructure, security or public order, whether by the Coalition or others, would not fall within the authority of Occupying Powers and would therefore be illegal. This applies to the formation of an interim administration and any constitutional changes and reform programmes. The US have a different interpretation of the legal position. They need to be clear about the constraints which apply to UK activity, including our participation in ORHA. The strongest argument is however political: we need a UN-authorised process to provide the right people to participate in the interim authority and to gain maximum support from Iraqis and internationally. We see the UN Special Co-ordinator/ Representative visibly facilitating the process leading to the IIA's establishment with the Coalition in the background. The US view, across government, is the opposite."

93. A paper attached to the IPU advice described the possible steps in the process of political reconstruction in Iraq as:

"
- The establishment of a Consultative Council at a national level and Joint Commissions at a local level to advise and act as the interface with the Coalition transitional military and civil administration.
- A process to select an IIA, such as a conference similar to the Bonn Conference for Afghanistan.
- Formation of an IIA.
- A constitutional review process.

---

[42] Minute Llewellyn to Bristow, 2 April 2003, [untitled].
[43] Minute IPU [junior official] to PS [FCO], 2 April 2003, 'Post-Conflict Iraq: Iraqi Interim Authority' attaching Paper FCO Research Analysts, 'Post-conflict Iraq: Iraqi Interim Authority'.

- Preparations for and holding of free and fair elections.
- A new representative government."

94. Mr Brenton was relaying the same view of the political process to the US Administration.[44]

95. The British Embassy Washington reported some optimism that views in the National Security Council were close to those of the UK, and were gaining traction with President Bush. But there were some areas of disagreement between the US and UK, in particular on how the IIA would be formed and the precise role the UN would play. The fact that they were "not ready, having lost lives to liberate Iraq, to hand control of it over to the UN" was described as a "US red line".

96. Reporting from New York, Sir Jeremy Greenstock described a US vision for an IIA which would "advise and assist" a Coalition which continued to run Iraq.[45]

97. At the Ad Hoc Meeting on Iraq on 3 April, Mr Blair told attendees that the IIA:

> "… had to be a genuinely representative body irrespective of how it was brought into being. He intended to put forward an alternative to the ideas coming out of Washington at present."[46]

98. On 4 April, Ms Rose sent Mr Llewellyn the letter she had promised on MOD concerns regarding potential ORHA actions, "with a view to identifying legal issues for further consideration".[47] She wrote that it was "of paramount importance" to clarify the legal issues regarding ORHA activity.

99. Ms Rose explained that the MOD expected that "at the national level" ORHA would "direct Coalition action throughout Iraq". Ms Rose identified a need to consider the UK's position on that role, and on the relationship between ORHA and "the civil administrations in the areas of the country for which the UK will be responsible". Ms Rose explained that the MOD was discussing use of "the Joint Commission model" in those areas to enable "effective civil-military crisis co-ordination".

100. The letter from Ms Rose listed a number of ORHA's proposed activities that were "likely to be illegal", including:

- installing Coalition nominees as "shadow Ministers";
- filling vacated posts in the Iraqi criminal justice system;
- appointing a US contractor to run Umm Qasr and opening a customs facility; and
- any management or exploration of Iraqi oilfields that went beyond their repair.

---

[44] Telegram 428 Washington to FCO London, 3 April 2003, 'US/Iraq: Phase IV'; Telegram 448 Washington to FCO London, 4 April 2003, 'Iraq: Post-Conflict'.
[45] Telegram 614 UKMIS New York to FCO London, 5 April 2003, 'Iraq: Post-Conflict'.
[46] Minutes, 3 April 2003, Ad Hoc Meeting on Iraq.
[47] Letter Rose to Llewellyn, 4 April 2003, 'Iraq: ORHA'.

101. In preparation for a meeting between Mr Blair and President Bush to be held at Hillsborough Castle near Belfast, Mr Rycroft chaired talks between US and UK officials on 4 April.[48]

102. The US team was led by Mr John Bellinger, Legal Adviser to the National Security Council.[49]

103. Before the talks, Mr Brenton wrote to Sir David Manning to provide "the clearest possible view of where the Americans are".[50] Mr Brenton said that clarity on that had been obscured by "intense Washington departmental infighting", but he suspected that at the talks:

> "… key areas of disagreement between us will boil down to how to ensure the proper balance between external and internal Iraqis is [sic] the IIA, and precisely what role the UN will play in putting the IIA together."

104. In Mr Brenton's opinion those were "important points but ought not to be deal breakers".

105. Mr Brenton warned that the UK was in danger of being "left behind by events" in the staffing of ORHA; lists of officials to shadow Iraqi Ministries were almost complete, and the UK had not made a bid.

106. Mr Brenton wrote:

> "Following our significant military efforts we surely have an interest in following through to the civilian phase. If so, given the advanced state of US preparation, it will be important that we vigorously pursue the point …"

107. In addition to Mr Brenton's advice, on 3 April the IPU provided Mr Rycroft with a minute containing an annotated version of the agenda for the talks and a commentary on the latest US draft resolution, which Mr Chilcott had just seen.[51]

108. The commentary described the UK's problems with the US draft as being that it:

- envisaged a UN Special Co-ordinator with a limited role in creating the IIA, which would in turn be subordinate to the Coalition;
- implied endorsement of military action, something the Security Council was unlikely to agree;
- lifted all sanctions against Iraq without requiring WMD disarmament to be demonstrated; and
- placed oil revenues under Coalition control.

---

[48] Minute Rycroft to Prime Minister, 4 April 2003, 'Future of Iraq'.
[49] Minute O'Brien to Private Secretary, 4 April 2003, 'Iraq: Phase IV Discussions'.
[50] Letter Brenton to Manning, 3 April 2003, 'Post Conflict Iraq'.
[51] Minute Chilcott to Rycroft, 3 April 2003, 'Iraq: Phase IV: Meeting with US Officials' attaching Paper IPU, [undated], 'Comments on US draft Post conflict Iraq resolution'.

109. Since the US draft did not meet UK requirements, Mr Chilcott proposed the talks should focus on principles, which could then be turned into text at a later stage.

110. Issues for discussion at the talks were:

- arrangements for the immediate post-conflict period, including providing advisers to Ministries rather than giving Iraqi exiles or Coalition officials an executive role;
- establishing the IIA, facilitated by a UN Special Co-ordinator rather than the US;
- economic issues, including the control of oil revenues by the UN or the IIA, but not the Coalition; and
- the tactical approach to a further resolution, recognising that a large resolution covering all aspects of activity in Iraq was less likely to succeed than a series of smaller ones.

111. Mr Chilcott proposed that Mr Blair and President Bush should discuss a strategy for building international support which took into account that it was not realistic to expect "the UN Security Council to endorse an American designed plan for Iraq".[52]

112. Mr Brenton reported to the FCO in London on both 3 and 4 April.

113. In his first telegram, he reported conversations with US officials at the Departments of State and Defense and in the NSC.[53]

114. The Department of Defense had made clear that the UN could not have a role in selecting candidates for the IIA. US interlocutors had said that there was likely to be an Iraqi conference, possibly in Southern Iraq in the following week, which would set out ideas for establishing the IIA. Mr Brenton had emphasised the need for the UK to be consulted on setting up the IIA and on the conference.

115. Mr Brenton's telegram the following day sought to clarify US positions on Phase IV.[54] He emphasised that the NSC was close to the UK position on most of the Phase IV agenda. There was considerable common ground between the US and the UK, including on the need for a "significant UN role" and that oil revenues should be "in the hands of" Iraqis and spent by the Coalition only for tasks authorised by a UN resolution.

116. On 4 April, Mr Nicholas Cannon, Mr Blair's Private Secretary, wrote to Mr Simon McDonald, Principal Private Secretary to Mr Straw, describing the talks between US and UK officials.[55]

---

[52] Letter Chilcott to Rycroft, 3 April 2003, 'Iraq: Phase IV: Meeting with US Officials'.
[53] Telegram 438 Washington to FCO London, 3 April 2003, 'US/Iraq: Phase IV'.
[54] Telegram 448 Washington to FCO London, 4 April 2003, 'Iraq: Post Conflict'.
[55] Letter Cannon to McDonald, 4 April 2003, 'Iraq, Post-Conflict Administration: US/UK Talks, 4 March [sic]'.

117. Mr Rycroft had opened the talks by describing common ground between the UK and the US, including the principle that the UN should have a role and that a further resolution would be sought. It was too early to discuss negotiating tactics.

118. Mr Cannon reported that the US delegation had said that a resolution was politically and diplomatically useful and legally beneficial, but not absolutely necessary. The US delegation was clear that it did not want the UN's role to include being in charge of establishing the IIA.

119. UK officials explained that, without a resolution, they had legal difficulties with making changes to Iraqi institutions; the US legal interpretation was different.

120. The US delegation proposed that Iraqi oil revenues should be under the supervision of ORHA (if necessary with a "double-signature" arrangement with the IIA). Treasury officials in the US delegation said that the UN should not manage Iraq's budget.

121. Mr Cannon reported that on balance UK officials found the US approach reassuring; although there were policy differences in a number of important areas, there were also signs of flexibility.

122. On 4 April, Mr Rycroft wrote an account of the talks for Mr Blair in which he judged: "There remain differences between us and much still to do, but it was moderately encouraging."[56] The main differences between the US and UK were:

- the legal interpretation of how much the Coalition could do, through ORHA, as an Occupying Power;
- how to set up the IIA;
- the UN's relationship with the IIA; and
- negotiating tactics – the US preferred to "aim high at this stage and water down our text only later".

123. Mr Straw told the Ad Hoc Meeting on Iraq on 4 April that he felt renewed optimism about achieving a UN framework for Phase IV activity in Iraq, following a meeting of NATO and EU Foreign Ministers:

> "He had registered with these colleagues that domestic politics and expectations had been changed by the fact of having British troops in Iraq. The reality was that the Coalition would have to retain some control in the wake of conflict, but the United Nations should also be involved."[57]

---

[56] Minute Rycroft to Prime Minister, 4 April 2003, 'Future of Iraq'.
[57] Minutes, 4 April 2003, Ad Hoc Meeting on Iraq.

124. Mr Blair spoke to President Bush, joined by Dr Rice, Vice President Dick Cheney and Mr Andy Card, President Bush's Chief of Staff, by video conference on the afternoon of 4 April.[58]

125. Mr Blair commented that reports from discussions with European partners indicated that they would like to "find a way back". He thought that getting the right "framework of principles" for Phase IV should help.

126. On 5 April, Sir Jeremy Greenstock sent an update on post-conflict discussions with the US to the FCO in London.[59] Sir Jeremy observed that the latest US draft resolution "suggests continuing UK/US differences that will be fundamental to whether or not we can secure post-conflict UN resolutions". He suggested that "piecemeal resolutions", as opposed to a single "omnibus" version, might be the right tactic, as it would allow drafting to be responsive to conditions on the ground and for positive momentum to build.

127. Ms Short wrote to Mr Blair on 7 April, copied to Mr Straw and others, urging him to "agree with the US, proper limits to ORHA's mandate and a process for inviting the UN to lead on IIA preparations".[60]

128. Ms Short identified four UK "bottom lines":

- limiting ORHA's mandate to Geneva and Hague Convention obligations;
- the process for appointing the IIA should be facilitated by the UN;
- involving International Financial Institutions in the reconstruction effort, which would require a new resolution; and
- revenues from Iraq's oil remaining under UN Security Council stewardship.

129. On the same day, Mr Straw responded to a request from Mr Blair for advice on whether UK secondees' positions in ORHA should be formalised.[61] His response was copied only to Lord Goldsmith.

130. Mr Straw said that his instinctive reaction was that the UK ought to be fully involved in ORHA. He had consulted officials and the Attorney General, and relayed the latter's initial reaction that if the UK formalised the position of UK secondees "then the risk of the United Kingdom being jointly responsible for *all* ORHA's actions increases (including in the 75 percent-80 percent of Iraq which will be under US and not UK de facto control)".

---

[58] Letter No.10 [junior official] to McDonald, 4 April 2003, 'Iraq: Prime Minister's Video Conference with President Bush'.
[59] Telegram 614 UKMIS New York to FCO London, 5 April 2003, 'Iraq: Post-Conflict'.
[60] Letter Short to Prime Minister, 7 April 2003, 'Post Conflict Iraq'.
[61] Minute Straw to Prime Minister, 7 April 2003, 'Iraq: OHRA' attaching 'Annex E: Draft Memorandum of understanding between the UK and US on OHRA'.

131. To avoid this risk, Mr Straw suggested agreeing a Memorandum of Understanding (MOU) with the US which would specify full consultation with the UK and joint decision-making on policy decisions about ORHA's activities. He attached a draft. Mr Straw also observed that greater clarity about the role of the UN would reduce anxieties about ORHA.

132. Mr Straw's Private Secretary also sent Mr Rycroft a briefing for Mr Blair to use at the Hillsborough meeting, written by the IPU.[62]

133. The briefing described the task for Hillsborough as:

> "… to expand the extent of US-UK agreement, particularly on the role of the UN in accompanying and facilitating the political process leading to the establishment of an Iraqi interim authority."

134. The best outcome would be an agreed set of principles governing activity in post-conflict Iraq.

135. Concerns remained about how the IIA would be established and supervised to ensure it was supported by all sectors of Iraqi society. In particular, the UK was concerned about US plans for "rushing ahead" with the appointment of the IIA "with no regard for Iraqi buy-in". The timing of the proposed Iraqi conference (12 April) was far too soon; as there would not be many "liberated Iraqi leaders from inside Iraq", Iraqi exiles would be bound to dominate.

136. The IPU suggested instead that an IIA should take immediate responsibility for "innocuous" Iraqi Ministries, with the more complex ones added once its capacity had increased, and the most sensitive once they were "well on the path of reform".

137. The IPU proposed that Mr Blair should raise the requirement for ORHA to stay within the bounds of international law with President Bush, observing that US and UK lawyers still did not have a shared interpretation of the powers of Occupation.

138. In a note for Mr Blair covering the briefing for Hillsborough, Mr Rycroft explained that Dr Rice would give a presentation on ORHA, and that the UK needed clarity on what the organisation would actually do with each ministry.[63] He observed that ORHA should field "technical advisers, not shadow Ministers".

139. Mr Rycroft highlighted agreeing a "partnership" with the UN as the key issue for the talks.

---

[62] Letter Owen to Rycroft, 7 April 2003, 'Hillsborough: Iraq' attaching Briefing IPU, 6 April 2003, 'Iraq: Phase IV: Authorising UNSCR'.
[63] Minute Rycroft to Prime Minister, 7 April 2003, 'Hillsborough'.

UK troops enter Basra

As described in Section 8, by 7 April UK troops had entered the city of Basra.[64]

The Chiefs of Staff were informed on 8 April that the troops clearing the old city area of Basra had been "met by a jubilant population".[65]

A report on the evening of the same day stated that: "The situation in the city has stabilised … although looting will remain a problem until normal policing is restored."[66]

The overnight report from COBR informed Sir David Manning that Major General Robin Brims (General Officer Commanding 1st (UK) Armoured Division) had identified a potential local leader in Basra "with whom he can do business" and had begun the process of establishing a joint commission.[67] Looting was "not as bad as reported in the media".

Discussion of Basra at the Ad Hoc Meeting on Iraq on 9 April and at Cabinet on 10 April is covered in Section 8.

In his book *Losing Iraq*, Mr Stephen Pelletière, a former CIA senior political analyst on Iraq described the public response to the arrival of UK troops in Basra as "surprising" because:

> "Instead of being welcomed joyously, the British practically were ignored. Indeed they were forced to look on helplessly *as the Basrawis indulged in an orgy of looting*."[68]

Major General Graham Binns, Commander of the 7 Armoured Brigade until April 2003, told the Inquiry:

> "We reached the conclusion that the best way to stop looting was just to get to a point where there was nothing left to loot … we could either try and stop the looting, in which case we would have to shoot people, or we could try and prevent it but knowing that we weren't going to prevent it and take a pragmatic view … and then when we are ready we will restock it and guard it. But actually trying to interpose ourselves was difficult."[69]

140. Mr Rycroft wrote to Mr McDonald on 8 April to report discussions on post-conflict Iraq at Hillsborough.[70]

141. Mr Blair had stressed to President Bush the importance of a "joint strategy for the next phase" and of ensuring "legitimacy at every stage"; keeping the UN representative involved would help to ensure UN endorsement.

142. Discussions had also covered a US proposal for a conference to start the process of establishing the IIA. Sir David Manning and Mr Blair argued for slowing down the formation of the IIA to ensure that it was properly representative.

---

[64] Public hearing Burridge and Brims, 8 December 2009, page 35.
[65] Minutes, 8 April 2003, Chiefs of Staff meeting.
[66] Paper [unattributed], 8 April 2003, 'Annex to Evening Sitrep, 8 April 2003: Military'.
[67] Minute Gibbons to Manning, 9 April 2003, 'Iraq: COBR Overnight Sitrep 8/9 April'.
[68] Pelletière, SC. *Losing Iraq*. Praeger Security International, 2007.
[69] Private hearing, 2 June 2010, page 11.
[70] Letter Rycroft to McDonald, 8 April 2003, 'Iraq: Prime Minister's Meeting with Bush, 7-8 April'.

143. Mr Blair emphasised the importance of having the UN involved, in order to engage IFIs and bilateral donors, and to "secure our own exit". Discussions also covered whether a UN resolution, on which both sides were in principle agreed, should be an "omnibus" resolution or cut into smaller slices.

144. Mr Straw's suggestion that a first resolution should pass as – or shortly after – the IIA was established was accepted; it would endorse the new body as legally representing Iraq. Secretary Powell and Mr Straw would start the process in the relevant capitals, before discussions began in New York.

145. Mr Blair told the Inquiry:

> "… the issue between the two of us there at Hillsborough was over the United Nations' role, because again America did not want the UN in. We were clear that the UN had to be in, and I got a paper from the Iraq Planning Unit saying in essence that Iraq couldn't be run by the UN and the UN didn't want the lead role, but the UN had to have an important role, and this was raised with President Bush and finally resolved."[71]

146. Mr Blair also said:

> "I can't say there were things where I was ringing the alarm bell with President Bush and he was not doing anything. On the contrary when I met him and went through item by item the things that had to happen … and again his system was completely resistant to this, to get the UN into Iraq, they did come in."[72]

147. A public statement made jointly by President Bush and Mr Blair after the Hillsborough meeting said:

> "The United Nations has a vital role to play in the reconstruction of Iraq … we plan to seek the adoption of new United Nations Security Council Resolutions that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief and endorse an appropriate post-conflict administration for Iraq."[73]

148. In the statement, President Bush and Mr Blair welcomed the appointment by the UN Secretary-General of a Special Adviser for Iraq and stated that:

> "The day when Iraqis govern themselves must come quickly. As early as possible, we support the formation of an Iraqi Interim Authority, a transitional administration, run by Iraqis, until a permanent government is established by the people of Iraq. The Interim Authority will be broad-based and fully representative, with members from all Iraq's ethnic groups, regions, and diaspora."

---

[71] Public hearing, 21 January 2011, pages 139-140.
[72] Public hearing, 21 January 2011, page 147.
[73] Statement Bush and Blair, 8 April 2003, *Joint statement on future of Iraq*.

149. Mr Blair and President Bush also confirmed that:

> "Coalition forces will remain in Iraq as long as necessary to help the Iraqi people to build their own political institutions and reconstruct their country, but no longer."

150. Sir Jeremy Greenstock told the Inquiry that:

> "We would have liked the UN to be described as playing a leading political role with the US and the UK in administering Iraq as a triumvirate. That was too much for the United States and President Bush came out between his own advisers and the Prime Minister in describing the role that they wanted from the UN as being vital … without the Prime Minister's input we wouldn't have got the word 'vital'. I think it was something that President Bush, as it were, gave to the Prime Minister rather than an American recognition that actually the UN would be so useful that we must make sure that they are encouraged to be useful."[74]

151. As discussions were concluding in Hillsborough, the IPU in London was raising concerns about the language of Gen Franks' proposed messages to the Iraqi people, to be issued once Baghdad had fallen.[75]

152. A further US draft of the Freedom Message had been supplied to Mr Llewellyn. He commented to Ms Rose that it had "hardly changed from the one that I commented on on 28 March" and observed that the new draft contained reference to the creation of "a duly authorised court".[76] Without agreement on the jurisdiction or power of such a court this provision remained unsatisfactory.

153. A note prepared by the IPU advised that references to the Coalition Provisional Authority temporarily exercising the powers of government was not considered to be consistent with the Hague Regulations or the Fourth Geneva Convention. The IPU advised that "at a minimum" these references should be deleted if text was to be issued on behalf of the Coalition as a whole.[77]

154. On 9 April, Mr Rycroft asked for the IPU Note to be faxed to members of the NSC.[78]

155. On 10 April, Mr Llewellyn advised the IPU that the main problem with the draft Proclamation was that "political statements and legal requirements are jumbled up".[79]

---

[74] Public hearing, 15 December 2009, pages 47-48.
[75] Minute IPU, 8 April 2003, 'Iraq: Proclamation by General Franks' attaching Minute Franks 'Freedom Message to the Iraqi People' and Order ' Instructions to Citizens of Iraq and military forces'.
[76] Letter Llewellyn to Rose, 8 April 2003, 'Iraq: Proclamation by General Franks'.
[77] Note IPU, 8 April 2003, 'Iraq: Post-conflict; Franks Declaration and Instructions to Citizens of Iraq'.
[78] Manuscript comment Rycroft, 9 April 2003 on Note IPU, 8 April 2003, 'Iraq: Post-conflict; Franks Declaration and Instructions to Citizens of Iraq'.
[79] Minute Llewellyn to Bristow, 10 April 2003, 'Freedom Message to the Iraqi People'.

156. Cabinet met at 1000 on 10 April.[80] Its discussion of the military campaign is described in Section 8.

157. Mr Straw reported that in discussions at Hillsborough President Bush had "taken a forward position on … the vital role of the United Nations in post-conflict Iraq".

158. Ms Short told Cabinet that "world opinion was divided over Iraq and the vindication of our action would be the new Iraq which emerged". She reported that the International Committee of the Red Cross was doing an excellent humanitarian job, but was worried about lawlessness and violence in Baghdad.

159. In relation to political reconstruction, Mr Straw said that "the process of arriving at representative government had to be respectable and legitimate. President Bush was clear that exile figures were not to be parachuted in."

160. Summing up the discussion, Mr Blair said that "joint commissions would operate from the bottom up to allow new Iraqi leadership to come forward". The proposed Iraqi conference was to generate discussion, after which "we would then work towards establishing an Iraqi interim authority". He reported that Mr Annan was keen for the UN and the Coalition to "achieve a solution in which neither side predominated".

161. Concluding the discussion, Mr Blair said that the military campaign in Iraq was going extremely well, but there were challenges ahead on the humanitarian front, in dealing with post-conflict arrangements and bringing together the international community in the UN Security Council. Mr Blair reiterated his conclusion at the previous meeting of Cabinet that making the lives of ordinary Iraqis better was key to success.

162. Later on 10 April, the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) met for the first time, with Mr Straw as Chair.[81] The decision to create the AHMGIR is addressed in Section 2.

163. Ms Short, Lord Goldsmith, Mr Hoon and Ms Patricia Hewitt, Trade and Industry Secretary, attended, along with senior officials from their own departments, No.10 and the Treasury.

164. Mr Straw briefed the meeting that:

> "The prospects for further UN Security Council resolutions were uncertain and negotiations were very likely to take weeks."

165. Lord Goldsmith said that he was content for ORHA to undertake humanitarian, security and public order duties and to restore civilian administration but "it must be careful not to impose reform and restructuring without further legal authority". US and UK lawyers would try to agree an MOU to define how the UK would be consulted.

---

[80] Cabinet Conclusions, 10 April 2003.
[81] Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

166. Summing up the discussion, Mr Straw described the meeting's agreement that "the UK should retain a right of veto in extremis" on ORHA activities. It was agreed that UK support to ORHA should be increased and formalised; Mr Straw would write to Mr Blair on this point.

167. Mr Blair spoke to President Bush on the evening of 10 April and welcomed the fact that the IIA would not be created until after the Iraq conference.[82] He underlined the importance of "getting the presentation right". Mr Blair also warmly welcomed the NSC's plans to create a "quantified baseline" of life in Iraq before the conflict so that changes made by the Coalition would be visible.

168. As described in Section 6.5, the Defence Intelligence Staff (DIS) had established a Red Team in February 2003 to provide the military Chiefs of Staff and others across Whitehall with an independent view of current intelligence assumptions and key judgements.[83]

169. On 11 April, the Red Team published a report assessing the prospects for governance in Iraq after the end of hostilities. They considered that "international and regional acceptance of the IIA" would be essential, as OFF corruption scandals had discredited the UN within Iraq.[84] But as a result of returning waves of exiles with experience of Western politics, "it may be … that serious political debate will commence more quickly than expected".

170. The Red Team concluded that "the odds are probably even for the emergence of a genuinely democratic society or one nominally so, but dominated by the power of patronage and the military".

171. The Red Team also stated that the current "lawlessness in the 'liberated' areas" was:

> "… exacerbated by the disappearance of the civil police and administration in some towns, residual fear of the 'shadow' regime and the possible emergence of new militias in the face of apparent Coalition compliance."

172. The Red Team judged that in the short term the "most pressing need" would be for "Coalition forces to satisfy their legal obligations by restoring a peaceful and secure environment". In the medium term, they warned that there was "a real danger that where there is no Coalition presence anarchy will result".

173. On 11 April, Legal Advisers to the MOD, FCO and Attorney General had a "helpful interchange" by video conference with their US and Australian counterparts.[85]

---

[82] Letter Rycroft to McDonald, 10 April 2003, 'Prime Minister's Conversation with Bush, 10 April'.
[83] Minute PS/CDI to APS2/SofS [MOD], 25 February 2003, 'Iraq: Red Teaming in the DIS'.
[84] Minute PS/CDI to APS2/SofS [MOD], 11 April 2003, 'Iraq Red Team – The Future Governance of Iraq' attaching Paper 'Iraq Red Team: The Future Governance of Iraq'.
[85] Minute [unattributed], [undated], 'American Summary Points, Video Link: Friday 11 April'.

174. A note of the discussion recorded that, on the Franks Proclamation, the US felt "a lot of our [UK] concerns have been addressed". A new version of the Proclamation used "verbs that make clear to the people of Iraqi [sic] – what is legally binding and what is not".

175. Ms Rose wrote to Mr Llewellyn on 11 April to "be sure that we are all clear as to the process of making comments [on ORHA proclamations and instructions] and the principles which should underlie the changes we propose to the US".[86] Those principles included that the document:

- should not suggest it had legislative authority unless creating "Occupation type offences" as allowed by the Geneva Convention;
- should refer to "dissolving" not "disestablishing" the Ba'ath Party;
- should not refer to the CPA exercising legislative, judicial and executive authority or the powers of government;
- should not deny that the Coalition forces are Occupiers; and
- should not cut across the Joint Commission concept.

176. The process for providing UK input described by Ms Rose was that Permanent Joint Headquarters (PJHQ) lawyers would respond in rapid time to documents sent from UK officials in theatre, but that this was "not intended to be the last word on the UK's response to the documents" and should not constrain the IPU from offering its own substantive comments.

177. When the Ad Hoc Meeting on Iraq convened on 12 April, Ms Short informed attendees that "the legal issues were being managed such that British inhibitions would be respected".[87]

178. General Sir Mike Jackson, Chief of the General Staff, told the meeting that "lawlessness was the main problem" but:

> "The situation in Basra was being brought under control and the British division intended to start joint military/[Iraqi] civil police patrols within 48 hours."

179. Mr Blair spoke by telephone to President Jacques Chirac on 12 April.[88] In her note of the call, Ms Liz Lloyd, Adviser to Mr Blair on Foreign Policy, recorded President Chirac's view that establishing the IIA could only be the UN's responsibility. He had also shared indications from some key international institutions that a "UN decision" was necessary for them to contribute.

180. Both President Chirac and President Bashar al-Assad of Syria raised the looting of culturally significant sites, including museums and archaeological remains, in

---

[86] Letter Rose to Llewellyn, 11 April 2003, 'Iraq: ORHA Proclamations and Instructions'.
[87] Minutes, 12 April 2003, Ad Hoc Meeting on Iraq.
[88] Letter Lloyd to Owen, 12 April 2003, 'Iraq: Prime Minister's conversation with President Chirac'.

conversations with Mr Blair on 12 April.[89] Ms Lloyd commissioned a report on the looting from the MOD, in consultation with the FCO.

181. On 13 April, Mr Blair asked No.10 staff: "What are now the UNSCRs that we need and, on the assumption we go piecemeal, in what order and within what timing?"[90]

182. The MOD advised Mr Blair on 14 April that "UK forces will provide support to those Iraqis who are trying to control the looting where they can".[91] There were signs of the locals taking responsibility for their own property, and attempts by the public to stop looting taking place. Advice on damage to culturally significant sites during the invasion is covered in Section 6.2.

183. On 14 April Mr Cannon briefed Mr Blair that:

- in Baghdad the US military were reporting "while some looting is still going on, it is exaggerated by the media";
- UK forces had "announced a 'zero tolerance' policy for looters" in Basra, where the situation was "targeted crime (e.g. bank robberies) rather than generalised looting";
- there were "signs of locals [in Basra] taking responsibility for [their] own property, and attempts by the public to stop looters"; and
- in Az Zubayr, looting was "reported to be in decline" and it had ceased in Al Amara.[92]

184. In a statement on 14 April Mr Blair told the House of Commons, "the regime of Saddam is gone, the bulk of Iraq is under Coalition control and the vast majority of Iraqis are rejoicing at Saddam's departure".[93] Mr Blair's assessment of the situation in Iraq is set out in Section 8.

185. Looking ahead, Mr Blair told the House of Commons:

> "Shortly, we shall begin formally the process of Iraq's reconstruction. We see three phases in this. In the first phase, the Coalition and the Office of Reconstruction and Humanitarian Assistance will have responsibility under the Geneva and Hague conventions for ensuring that Iraq's immediate security and humanitarian needs are met. The second phase, beginning a few weeks after the end of the conflict, will see the establishment of a broad-based, fully representative Iraqi Interim authority. Working with the UN Secretary-General, Coalition military leaders and others will help the Iraqi people to identify which leaders might participate in that interim

---

[89] Letter Lloyd to Owen, 12 April 2003, 'Iraq: Prime Minister's conversation with President Chirac' and Letter Lloyd to Owen, 12 April 2003, 'Iraq: Prime Minister's conversation with President Bashar'.
[90] Minute Blair to Powell, 13 April 2003, 'Note'.
[91] Letter Williams to Hallam, 14 April 2003, 'Protection of significant sites in Iraq' attaching Report, 14 April 2003, 'Protection of significant sites in Iraq'.
[92] Minute Cannon to Prime Minister, 14 April 2003, 'Iraq: Law and Order Situation'.
[93] House of Commons, *Official Report*, 14 April 2003, columns 615-617.

> authority. Once established, the interim authority will progressively assume more of the functions of government. The third phase will then bring into being a fully representative Iraqi government, once a new constitution has been approved, as a result of elections which we hope could occur around a year after the start of the interim authority."

186. Mr Blair went on to describe the need for "intense diplomacy" to rebuild relationships so that the international community was able to "work together for a stable and prosperous Iraq and for a peaceful middle east".

187. President Bush and Mr Blair spoke on the telephone on 14 April.[94] In his report of their conversation, Mr Cannon wrote that Mr Blair had advised proceeding more slowly on the formation of the IIA and that this was now US policy.

188. Mr Blair had suggested that it might take a year to establish a "full Iraqi government". They discussed the approaching formal end of hostile action, and that the US was awaiting legal advice on the implications of being an Occupying Power.

189. On 14 April, Lieutenant General John Reith, Chief of Joint Operations, reported to the Chiefs of Staff that:

> "Rightly, there is a degree of pressure from within Theatre to return those forces no longer gainfully employed on Op TELIC as soon as possible. But, equally we need to ensure that we leave in place the correct force composition for the medium term with an eye to our longer term disposition and commitment to the region."[95]

190. Lt Gen Reith anticipated the drawdown happening between April and early August, by which time he expected the campaign to have reached "some form of 'steady-state'". He explained that the intention was to draw down to nearer a medium scale of effort – a divisional headquarters plus a brigade – by "autumn 2003". That would enable the UK to take on responsibility for the provinces of Basra and Maysan and, subject to the availability of supporting troops from elsewhere within the Coalition, a further two provinces, Dhi Qar and Wasit.

191. Lt Gen Reith's detailed recommendations on the UK's Area of Responsibility (AOR), and its evolution, are described in Section 8.

192. On 15 April, Mr Straw wrote to Mr Blair to propose a significant increase in UK support to ORHA, as agreed by the AHMGIR on 11 April.[96] In return, the US should commit to transparency and joint decision-making.

---

[94] Letter Cannon to McDonald, 14 April 2003, 'Iraq: Prime Minister's Conversation with Bush, 14 April'.
[95] Minute Reith to SECCOS, 14 April 2003, 'Phase 4: Roulement/Recovery of UK Forces' attaching Paper CJO, 14 April 2003, 'Phase 4 – Roulement/Recovery of UK Land Forces'.
[96] Letter Straw to Prime Minister, 15 April 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.

193. Mr Straw explained that:

> "Our lawyers are working urgently with the Americans to concert positions on the legal basis for ORHA's activity, making clear that this is essential to our longer-term commitment."

194. Mr Straw reiterated Lord Goldsmith's advice that the UK must be able to veto ORHA activities, especially in areas controlled by UK forces. He also stated that:

> "We would need to reconsider our involvement if the US tried to use it [ORHA] to impose radical restructuring in the absence of UN authorisation."

195. The UK's need for an MOU containing "clear ground rules" was reinforced by Mr Brenton to Mr Bellinger in Washington.[97] In response to US concerns that an MOU could be misinterpreted as a "secret pact", Mr Brenton advised that "there was a real political need for the MOU in London".

196. Mr Bellinger also observed that the US administration had not yet decided between the omnibus and "smaller chunks" approaches to the new Security Council resolution.

197. On 15 April, a DFID official visiting Iraq reported to Ms Short that ORHA was "failing; and incapable of delivering to our timeframes".[98]

198. At the meeting of the AHMGIR on 16 April, Ms Short reported that a recent DFID mission to consider further support for ORHA had reported "serious organisational weaknesses".[99] She would discuss it with the team on their return.

199. At the same meeting, Mr Hoon commissioned urgent advice on whether the UK should lead one of ORHA's regional offices.[100]

200. Later that day, the IPU produced a note on the issue. The note again described the UK's legal concerns, including that "we might be regarded as responsible for Coalition actions in areas where there are no UK forces present".

201. The IPU's advice was to defer any commitment until the practical implications had been fully understood.

202. In his statement to the Inquiry Maj Gen Cross wrote:

> "… it had become very clear to me that there were still serious concerns relating to potential political and legality issues. The only clear instructions I received throughout this period therefore was that I should not commit the UK to financial or any other responsibilities which might tie us into any ORHA plans."[101]

---

[97] Telegram 504 Washington to FCO London, 15 April 2003, 'US/Iraq: Phase IV'.
[98] Minute PPS to Secretary of State [DFID], 15 April 2003, 'Foreign Secretary/Tim Cross meeting'.
[99] Minutes, 16 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[100] Minute Drummond to Manning, 16 April 2003, 'Iraq: Support for ORHA Regional Office' attaching Note IPU, 16 April 2003, 'Iraq: ORHA Regional Offices'.
[101] Statement Cross, 7 December 2009, page 18.

203. Maj Gen Cross also told the Inquiry:

> "I'm well aware of the debate that went on about the legality and a reluctance to be seen at this stage to be endorsing ORHA or formally placing people within ORHA on the basis that we, the UK, would become liable under the umbrella of international law and so forth if we were a part of it. So at that stage, the correspondence that I have seen coming out of DFID, coming out of the FCO, coming out of the MOD, was a recognition that ORHA needed far more than it had, but not yet an agreement that we, the UK, should be prepared to fill any of those slots."[102]

204. Mr Edward Chaplin, FCO Director Middle East and North Africa, attended a regional meeting set up by ORHA in Nasiriyah on 15 April to begin a dialogue with Iraqi leaders.[103]

205. On the flight home he wrote to his counterpart in the US State Department enclosing two papers: 'Setting up the Iraqi Interim Authority: Issues for Discussion' and a longer paper on the UK's broader views on the creation, composition and powers of the IIA and its relationship with ORHA.

206. The first paper set out the UK's assumption that a national conference would be needed to set up the IIA and establish constitutional review and electoral processes. The paper emphasised the need for selection of representatives to be Iraqi-led. While the UK wanted to set up an IIA as soon as possible, they wanted to give the process enough time to make the Iraqi people feel they had been properly consulted. The key tasks for the so called "Baghdad conference" were to:

- establish the IIA;
- set up processes for the review of the Constitution; and
- create processes for the preparation of elections.

207. The first paper stated that the way in which members of the IIA would be selected was crucial, arguing that the individuals needed to be technocrats with no political affiliations, and suggesting ways in which the conference could appoint IIA members. The second paper set out the process the UK envisaged would be used to form a new representative government for Iraq, replicating the same steps set out in the paper prepared for Mr Straw to use in discussion with Secretary Powell on 3 April.

208. On 16 April, the European Council met in Athens.[104] Mr Blair represented the UK. A private bilateral meeting between Mr Blair and Mr Annan was organised in the margins of the main event.

---

[102] Public hearing, 7 December 2009, page 28.
[103] Letter Chaplin to Crocker, 17 April 2003, 'Setting up the Iraqi Interim Authority: Issues for Discussion' attaching Paper FCO, 2 April 2003, 'Post conflict Iraq: Iraqi interim authority'.
[104] Letter Rycroft to McDonald, 16 April 2003, 'Iraq: Prime Minister's Meeting with UN Secretary General, Athens, 16 April'.

209. During their conversation, Mr Blair described to Mr Annan a three stage process for post-conflict Iraq. First, ORHA would stabilise Iraq and start work on the basic infrastructure. Second, the Iraqi-run IIA should progressively assume responsibility from ORHA. Third, after a constitutional process and elections, a full Iraqi Government would be set up.

210. Mr Blair was clear that the UK wanted the UN to be part of the process at each stage, and that each stage should progress as quickly as possible to the next. There was discussion of the need for a strategic vision, including of the role for a UN Special Representative, and a future UN role. Mr Annan was explicit that he was not arguing for a UN lead.

211. Mr Blair sought Mr Annan's advice on future process within the UN and was advised that the Security Council accepted that initially the Coalition would be in charge. Thereafter, a resolution (or a series of smaller resolutions) would be necessary to define the UN's role in the political process and in reconstruction. This required careful handling.

212. Commenting on the discussion, Mr Rycroft wrote: "In our view it should be possible, now that Bush has accepted that the UN should have a vital role, for the UN system to start to become involved on the ground in a way that helps to define its future role."

213. By 16 April, the UK had produced a draft MOU and sent it to the US and Australia for comment. Ms Adams showed a copy to Lord Goldsmith, observing that it could be made more effective by establishing precisely how consultation would work.[105] She also reported "indications that the US may be getting cold feet", based on concern that if it reached the public domain the MOU may be seen as "carving up Iraq in a colonial way".

214. Reporting discussion at the Ad Hoc Meeting on Iraq on 17 April, Ms Short told DFID officials that Mr Blair had directed that "if ORHA was going to be big, we should be in it".[106]

215. Minutes of the meeting record that Mr Blair asked for quick action on the UK's contribution, insisting "there should be no bureaucratic hold up in sorting out this priority".[107]

216. Mr Rycroft wrote to Mr McDonald on 17 April to convey Mr Blair's strong agreement to proposals for increased support for ORHA.[108] Mr Blair felt that "as a general rule, our role in humanitarian aid and in the reconstruction of Iraq should be commensurate with our contribution to the military phase". That was to include "British officials … present

---

[105] Minute Adams to Attorney General, 16 April 2003, 'Iraq: Draft MoU'.
[106] Minute PPS [DFID] to Miller, 17 April 2003, 'Iraq Cabinet Readout: 17 April'.
[107] Minutes, 17 April 2003, Ad Hoc Meeting on Iraq.
[108] Letter Rycroft to McDonald, 17 April 2003, 'Iraq: ORHA'.

and prominent at all levels of ORHA" and "unless the scoping study concludes that this is impossible" a UK-led ORHA regional office.

217. Steps to increase UK support for ORHA are described in more detail in Section 10.1.

218. On 16 April, Gen Franks issued his 'Freedom Message to the Iraqi People'.[109] The message stated:

> "Our stay in Iraq will be temporary, no longer than it takes to eliminate the threat posed by Saddam Hussein's weapons of mass destruction, and to establish stability and help Iraqis form a functioning government that respects the rule of law and reflects the will, interests, and rights of the people of Iraq.
>
> "Meanwhile, it is essential that Iraq have an authority to protect lives and property, and expedite the delivery of humanitarian assistance to those who need it. Therefore, I am creating the Coalition Provisional Authority to exercise powers of government temporarily, and as necessary, especially to provide security, to allow the delivery of humanitarian aid and to eliminate weapons of mass destruction."

219. Gen Franks' Freedom Message also contained the first public statement about the treatment of the Ba'ath Party:

> "The Arab Socialist Renaissance Party of Iraq (Hizb al-Ba'ath al-Arabi al-Ishtiraki al-Iraqi) is hereby disestablished. Property of the Ba'ath Party should be turned over to the Coalition Provisional Authority. The records of the Ba'ath Party are an important part of the records of the Government of Iraq and should be preserved. All those with custody of the records of the Ba'ath Party or the Government of Iraq should … turn them over to the Coalition Provisional Authority."

220. The policy of de-Ba'athification and its implications is considered in Section 11.

US force levels

Gen Franks issued orders on 16 April to withdraw US war-fighting units within 60 days and to use the incoming US forces for only up to 120 days, reducing the US military presence in Iraq from 175,000 troops to 30,000 by the start of August.[110]

Lieutenant General Ricardo Sanchez, Commander of Combined Joint Task Force – 7 from 15 June (see Box, 'US command structures and the SBMR-I'), recalled that Gen Franks "explicitly stated that military leaders should take as much risk coming out of Iraq as we did going in – which meant that we were going to try to get by with the smallest number of ground troops possible".

---

[109] Statement Franks, 16 April 2003, 'Freedom Message to the Iraqi People'.
[110] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.

The figure of 30,000 contrasts with what was understood in PJHQ in late April, when Gen Reith reported that Gen Franks had told him that he still expected the US "to have to provide between 120,000 and 150,000" personnel.[111]

At around the same time as Gen Franks' order, Mr Donald Rumsfeld (US Secretary of Defense) cancelled the deployment of a further 50,000 combat troops who had been scheduled to arrive in Iraq shortly.[112]

According to *Hard Lessons*:

> "Rumsfeld's decision shocked some commanders on the ground, including Coalition Forces Land Component Commander Lieutenant General David McKiernan, who were counting on the additional manpower to provide a secure environment for post-conflict stabilization."

Lt Gen Sanchez's view was that "overall, the concurrence of Franks' drawdown orders and Rumsfeld's … directive created havoc throughout the forces … Confusion was the order of the day".[113]

Earlier in 2003, giving evidence to the US Senate Armed Services Committee, General Eric Shinseki, Chief of Staff of the US Army, had commented that, in his view, any Occupation of Iraq would require "several hundred thousand" troops.[114]

At the time, Gen Shinseki's comment was dismissed publicly by the Pentagon, and Mr Paul Wolfowitz, US Deputy Secretary of Defense, told the US House of Representatives' Budget Committee that the number was "wildly off the mark" and that the figure was closer to 100,000.[115]

In his account of his time in Iraq, Ambassador L Paul Bremer recalls having been shown a draft report prior to his deployment to Iraq which suggested that, for a population the size of Iraq, around 500,000 ground troops would be required for the stabilisation operation. This was "more than three times the number of foreign troops now deployed to Iraq".[116] Ambassador Bremer sent a copy of the report to Secretary Rumsfeld, but did not receive a reply.

221. The issue of deploying the Headquarters of NATO's Allied Rapid Reaction Corps (ARRC) to Iraq was first raised as a possibility after the invasion in mid-April.

222. Mr Hoon's Private Office explained to No.10:

> "From a military perspective, use of HQ ARRC would impact upon the size of role we could play in Southern Iraq … Even if this problem could be resolved … for the UK

---

[111] Minute MA/CJO to PSO/CDS, 28 April 2003, 'CJO Visit Report to TELIC AO 24-28 April'.
[112] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[113] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[114] *USA Today*, 25 February 2003, *Army Chief: Forces to occupy Iraq massive*; Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[115] *USA Today*, 27 February 2003, *Ex-army boss: Pentagon won't admit reality in Iraq.*
[116] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.

to attempt to run HQs in Iraq at Corps, Divisional and Brigade levels simultaneously would be, to say the least, a very ambitious undertaking. It is unlikely (at best) in these circumstances that we could command at Divisional level more than one brigade in addition to our own, and this would limit the number of provinces we could supervise. Even then, recuperating from such an effort would be a major challenge, and it would be years before the Armed Forces recovered the 'steady state' capability which our planning assumptions say they should provide. Finally, we could not enter into such a commitment without having absolute certainty about who would replace us and when."[117]

The Allied Rapid Reaction Corps (ARRC)

The ARRC is a ready-formed and trained HQ, commanded by a three-star officer, which can deploy within five to 30 days.[118] It was created in 1992 in Germany as an operational HQ. It does not have fighting capability, but its approximately 1,000 staff are able to command up to four multi-national divisions (around 100,000 personnel). The ARRC is able to deploy the communications systems necessary for a command role of this size, and the support services needed to take care of its own personnel.

The UK is the 'framework' or lead nation for the ARRC and provides around 60 percent of its staff; other members of NATO provide the remaining 40 percent. To deploy the ARRC without NATO staff, the UK would need to backfill those posts.

The ARRC is deployable once every two to three years. Its first deployment was to Bosnia in December 1995.

223. Major General Adrian Bradshaw, who succeeded Major General Graham Binns as Commander of 7 Armoured Brigade, told the Inquiry "things were relatively calm" when he first arrived in Iraq in April 2003 but "it was clear that we had an urgent task to rebuild security structures".[119]

224. At the request of the FCO, the Joint Intelligence Committee (JIC) provided an Assessment titled 'The Initial Landscape Post-Saddam' on 16 April.[120] In it the JIC judged that:

> "The situation in Iraq is complex, fast-moving and confused. In the very near term, remnants of the regime will continue to present a limited threat to the re-establishment of peace and stability in Iraq. But other threats to either Coalition forces or the longer term post-Saddam political process are emerging."

---

[117] Letter Watkins to Manning, 17 April 2003, 'Iraq: Possible Role for the ARRC'.
[118] www.arrc.nato.int
[119] Private hearing, 2 June 2010, pages 5-8.
[120] JIC Assessment, 16 April 2003, 'Iraq: the Initial Landscape Post-Saddam'.

225. The Assessment said that:

> "There has been jubilation at the fall of Saddam Hussein's regime. But we judge that this is likely to dissipate quickly. Most of the Iraqi population is ambivalent about the role of the Coalition and uncertain about the future. Initial reporting shows that concerns arise quickly about the break-down of law and order and the need for food and water. Some pre-war reports suggested that the Iraqi population has high, perhaps exaggerated, hopes that the Coalition will rapidly improve their lives by improving their access to clean drinking water, electricity and sanitation. However, even without any war damage, there are severe shortfalls in the infrastructure of these sectors, and in healthcare. Looting has made matters worse.
>
> "Initial Iraqi responses to the Coalition will be on a local basis. There is no sign yet of widespread popular support for opposition to the Coalition. We judge that, at least in the short term, the details of the post-Saddam political process will be less important for many Iraqis than a restoration of internal security and the start of reconstruction. But the Iraqi population will blame the Coalition if progress is slow. Resentment of the Coalition also could grow quickly if it is seen to be ineffective, either politically or militarily. Such resentment could lead to violence. But we judge that at present there is no Iraqi social or political structure which could co-ordinate it."

226. In the same document the JIC updated its pre-invasion assessment of the role of Al Qaida (AQ) within Iraq:

> "… intelligence shows that AQ-associated extremists are now in Baghdad, but we remain uncertain as to their role. We judge that AQ's aspirations to conduct anti-western attacks remain undiminished."

227. In its final report on 18 April the Red Team wrote that:

> "The initial surge of lawlessness seen since the fall of the major Iraqi cities is likely to be a short-term phenomenon. The re-engagement of most of the former regime police force personnel in the immediate future will, along with the use of Coalition troops, re-establish law and order on the streets."[121]

228. The Red Team also wrote that there was "an immediate requirement to re-institute the rule of law".

229. A JIC Assessment of 30 April addressed the post-war threat from international terrorism.[122] It said that:

> "Coalition action has deprived Al Qaida and its associates of safe haven in Northern Iraq … The Northern Iraq-based Al Qaida associate group Ansar al Islam has been

---

[121] Minute PS/CDI to APS2/SofS [MOD], 18 April 2003, 'Iraq Red Team – the strands of the rope' attaching Paper 'Iraq Red Team: the strands of the rope'.
[122] JIC Assessment, 30 April 2003, 'Iraq: the Initial Landscape Post-Saddam'.

seriously disrupted by Coalition strikes, although it is likely that remnants of the network could try to re-group in Northern Iraq and attempt attacks against Coalition interests … And in mid to late April, terrorists continued to be active in Baghdad. We have no intelligence on the specific intent of these terrorists, but judge that **they will remain in place, and attempt attacks against Western interests**."

230. *Hard Lessons*, the US Government's account of reconstruction in Iraq, records that Gen Garner and his senior ORHA staff deployed to Baghdad on 21 April.[123] When they arrived:

"Outside the gates of the Republican Palace where ORHA was trying to set up shop, anarchy reigned … Many government buildings had been destroyed.

…

"The looting quickly changed into organized theft by gangs of Iraqi criminals and insurgents trying to destabilize the country."

231. In late April, the UK Area of Operations was declared "permissive", first by UK forces on 22 April,[124] and a few days later by the United Nations Security Co-ordinator.[125]

232. The Coalition defined "permissive" environments as ones to which humanitarian assistance organisations could have access but should use all precautionary measures and notify the Coalition Forces.[126]

233. Drawdown of UK troops in fact had begun before South-East Iraq was formally declared "permissive".

234. The UK maritime and air presence had begun to reduce by 9 April.[127]

235. Mr Hoon advised Parliament on 11 April that:

"As the pattern of Coalition operations in Iraq changes, it will be possible for a number of units to proceed with other tasking or return to the United Kingdom."[128]

236. Mr Hoon described the planned withdrawal of air and maritime assets, and said:

"It is our policy to deploy personnel on operations for no longer than is necessary to achieve our military objectives. We will therefore continue to adjust our forces

---

[123] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.
[124] Note [unattributed], 23 April 2003, 'Iraq: Update for the Number 10 Sitrep – As at 0630 on 23 April 2003'.
[125] Written evidence to the Select Committee on Defence, 16 March 2004, 'Further Memorandum from the Ministry of Defence on post conflict issues', February 2004', HC 57-III.
[126] *Report of The Independent Panel on the Safety and Security of UN Personnel in Iraq*, 20 October 2003.
[127] Report Burridge to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report: 07 Feb 03 – 08 May 03'.
[128] House of Commons, *Official Report*, 11 April 2003, columns 38-39WS.

> deployed to the Gulf as appropriate, withdrawing units whose tasks are complete, and in due course replacing those whose tasks continue … As previously stated, we have no plans to deploy significant additional forces."

237. On Thursday 24 April, PJHQ asked Mr Hoon to approve the first substantial withdrawal of ground troops from Iraq with effect from Sunday 27 April.[129] The briefing explained that, of the 3,500 troops who would return, about 1,500 personnel were due to redeploy to Iraq as part of future Phase IV operations; a further 1,000 were "required in the UK as soon as possible for other reasons"; and a further 1,000 were "staff officers and other support personnel deployed for the war-fighting phase … [whose] jobs are now redundant".

238. Mr Hoon's Private Secretary commented that, although Mr Hoon had been told about the proposed drawdown "in very broad outline" in an earlier briefing:

> "… what is now proposed involves an acceleration by about a week and a reordering. (It is also something of a bounce.) While it is right and proper to bring people back when they are not needed, we do need to be careful not to leave the impression that we are rushing for the exit leaving chaos behind; queering our pitch with Coalition contributors for Phase IV …"[130]

239. The Private Secretary also suggested that Mr Hoon might want to defer taking a final view until he had spoken to Mr John Prescott, the Deputy Prime Minister, about plans for Operation FRESCO (the deployment of the military during a planned firefighters' strike in the UK) and until he had received further details from PJHQ explaining the rationale for the accelerated drawdown.

240. On 24 April, an FCO official told the AHMGIR that there was a good chance the UN Security Council would agree that week to continue the OFF programme until 3 June, and agree within a fortnight that the Secretary-General should appoint a Special Representative for Iraq "with a mandate including engagement in the process of setting up an Iraqi Interim Authority".[131] The use of oil revenues beyond 3 June remained to be decided but an FCO paper with policy proposals was being written.

241. At the same meeting of the AHMGIR, Admiral Sir Michael Boyce, Chief of the Defence Staff, told attendees that US plans were to divide Iraq into five sectors. The UK would lead one sector, comprising four provinces in southeastern Iraq. This would be "manageable … provided that other countries offered troops to work with us" and the UK could take on a fifth province "if others contributed the necessary forces for it". The southern region of ORHA would follow the boundaries of the UK's sector.

---

[129] Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, 'Op TELIC: Realignment of UK Forces'.
[130] Manuscript comment Watkins to Hoon on Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, 'Op TELIC: Realignment of UK Forces'.
[131] Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

242. Mr Straw and Secretary Powell spoke by telephone on 24 April.[132] The latter explained that US thinking was to combine two draft resolutions – "one on principles and the other on lifting sanctions" – into one: "The market appeared able to bear that." A combined resolution might be tabled the following week, but more work was needed in advance to align the US, UK and Spanish positions.

243. Mr Straw's Private Secretary wrote to Mr Cannon on 25 April that:

> "… we have seen a new draft US omnibus resolution on post-conflict Iraq that takes no account of our recent bilateral discussions and would be unnegotiable in the Security Council."[133]

244. The draft included endorsement for the Coalition's presence in Iraq, the appointment of a UN Special Co-ordinator, lifting of sanctions and establishing the IIA. The FCO observed that "many of its details will be highly controversial" and suggested that Mr Cannon raise the UK's issues with the text with Dr Rice.

245. Mr Straw had spoken to Secretary Powell earlier that day.[134] He told Secretary Powell that "Greenstock's view was that the latest US draft SCR [Security Council resolution] would run into the buffers", and added that he shared that view. Mr Straw continued: "We needed this resolution in a way that we had not needed the second resolution." That was why the UK had proposed tackling the issues one by one. He promised to send Secretary Powell, who had not been persuaded that the prospects for the resolution were poor, a note detailing UK concerns with the omnibus US draft.

246. Mr Straw's Private Secretary reported to Sir David Manning on 25 April that Mr Straw had raised concerns with Secretary Powell about rumours that the US was planning to appoint a group of Iraqi exiles as the IIA.[135] Secretary Powell said he would look into it.

247. The Private Secretary also reported that "we hear from ORHA that Garner has invited … five prominent 'free Iraqi' politicians to form the core of the interim Iraqi authority". The UK remained of the view that this would provoke an adverse reaction.

248. On 25 April, Mr Ricketts reported to Sir Paul Lever, British Ambassador to Germany, on a dinner attended by Mr Straw, Mr Joschka Fischer, the German Foreign Minister, Mr Dominique de Villepin, the French Foreign Minister and Mr Javier Solana, EU High Representative for Common Foreign and Security Policy.[136]

---

[132] Letter McDonald to Manning, 24 April 2003, 'Foreign Secretary's Conversation with US Secretary of State, 24 April'.
[133] Letter Owen to Cannon, 25 April 2003, 'Iraq: Post-Conflict'.
[134] Letter McDonald to Manning, 25 April 2003, 'Foreign Secretary's Conversation with Colin Powell, 25 April'.
[135] Letter Owen to Cannon, 25 April 2003, 'Iraq: Post-Conflict'.
[136] Letter Ricketts to Lever, 25 April 2003, 'Iraq: Foreign Secretary's Discussions with Villepin, Fischer and Solana'.

249. Discussion had been dominated by Iraq, and Mr Straw had explained UK priorities as:

> "… having extended OFF, building up Security Council consensus for a heavyweight UN Special Representative, and tackling the range of issues linked to suspension of sanctions. On the question of supervising oil revenues, one possibility would be the UN Secretary-General. Another could be the World Bank before a genuine IIA could take this on."

250. Mr de Villepin had responded that he could only envisage the UN overseeing oil sales with any credibility.

251. A further US draft of the Phase IV resolution was sent by Mr Bellinger to Sir David Manning on 28 April.[137] Its text included:

- Endorsement of the CPA's role in administering Iraq, including the destruction of WMD.
- A request that the UN appoint a Special Co-ordinator to co-ordinate humanitarian and reconstruction activities.
- Support for an Iraqi-led process for creating the IIA, helped by the CPA and working with the Special Co-ordinator.
- Creation of an Iraqi Development Fund, to be used by the CPA, and the transfer of unspent OFF programme funds into it.
- The resumption of oil sales at market price, with all proceeds deposited in the Iraqi Development Fund.

252. Sir David Manning and Dr Rice spoke on the afternoon of 28 April.[138]

253. Sir David reported to Mr McDonald that he said "we were pretty clear here that the omnibus text as currently drafted was non-negotiable in New York".

254. A further US draft was promised the following day, drafted so that it could be broken into separate components if necessary, and it was agreed that a video conference with "the experts to hand" would be arranged "to discuss the whole gamut of UN issues".

255. Mr Blair and President Bush spoke by telephone during the evening of 28 April.[139]

256. Mr Blair indicated that he was still considering the UN angle; an omnibus resolution would be fine if achievable, but if not the focus should be on areas where progress could be made. Mr Blair said that the Coalition "did not want to be the supplicants, just to obtain the maximum UN cover without jeopardizing the Coalition's achievements".

---

[137] Letter Bellinger to Manning, 28 April 2003, [untitled] attaching Paper, [undated], 'Resolution on post-conflict Iraq'.
[138] Letter Manning to McDonald, 28 April 2003, 'Iraq: Conversation with Condi Rice'.
[139] Letter Cannon to McDonald, 28 April 2003, 'Iraq: Prime Minister's Conversation with Bush, 28 April'.

257. A consultative conference took place in Baghdad on 28 April.[140] It was not the "Baghdad Conference" to create the IIA that the UK had envisaged.

258. Mr Mike O'Brien, FCO Minister of State for the Middle East, and Mr Chilcott attended for the UK. Mr O'Brien reported that the US had its own vision of how the IIA would shape up and wanted as little as possible to come out of the conference itself. The real political process would begin after the conference when Mr Zalmay Khalilzad, US Ambassador at Large for Free Iraqis, was due to meet with prominent Iraqi political leaders. These meetings were likely to frame the shape and composition of the IIA. The UK was not in the loop. Mr O'Brien attributed that to the UK's failure to have someone sufficiently senior working with the US in Iraq.

259. In his report to Mr Straw, Mr O'Brien referred to ORHA as "the only game in town" and recommended that a senior UK official should be posted to it in Baghdad to take an active role in policy formation.

260. Mr O'Brien's Assistant Private Secretary separately reported a meeting between Mr O'Brien and Air Marshal Brian Burridge, the UK National Contingent Commander who was collocated with CENTCOM in Qatar, whilst the former was in transit to Baghdad.[141] He reported that:

> "Burridge thought ORHA as an organisation was … flawed – it was random, erratic, slow and lacked both cultural awareness and structural planning. However he acknowledged that it was the only show in town and that we had to work with it, regardless of its faults."

261. RAND[142] assessed in 2008 that:

> "The possibility of a quick transfer to Iraqi governance remained in play in the immediate aftermath of the regime's fall. Although Garner told Kurdish leaders … that they would not be allowed to set up an interim government, he made a number of statements that appeared to downplay ORHA's central role in the governance of Iraq … The consultations … appeared to be the first two steps of three to the formation of a temporary Iraqi government … the 300 representatives at the Baghdad Conference … called for another, larger conference in a month's time to select the postwar transitional government."[143]

---

[140] Minute O'Brien to Foreign Secretary, 1 May 2003, 'Central Iraq Conference: Are we properly engaged?'
[141] Telegram 87 Doha to FCO London, 29 April 2003, 'Baghdad Conference: Mr O'Brien's call on Air Marshall [sic] Burridge'.
[142] The RAND Corporation is a US research organisation/think tank which focuses on defence issues.
[143] Bensahel N, Oliker O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq.* RAND Corporation, 2008.

262. In a statement to Parliament at the end of April, Mr Hoon announced that:

> "Decisive combat operations in Iraq are now complete, and Coalition forces are increasingly focusing upon stabilisation tasks. It will therefore be possible to make further force level adjustments over the coming weeks while continuing to meet our responsibilities to the Iraqi people."[144]

263. In addition to the substantial withdrawal of Royal Navy and Royal Air Force personnel and many of the Army war-fighting units, Mr Hoon explained that he had extended the tour of one unit to enable it "to continue in their key role of ensuring security in the region of Az Zubayr". He concluded that:

> "While details continue to be clarified, we envisage that by mid-May 25,000-30,000 UK Service personnel will remain deployed in the Gulf region, continuing to fulfil our responsibilities towards the Iraqi people. The planned replacement of forces is clear evidence of our commitment to them.
>
> "Our aim is to leave an Iraq that is confident, secure and fully integrated with the international community. The planning process to establish the precise level of the continuing UK presence needed to achieve this aim is a dynamic one, and is kept under review. We will also need to take account of the contributions of Coalition partners. We will continue to withdraw assets and personnel from the region where possible, but we will maintain an appropriate military presence for as long as necessary."

264. Mr Straw, Sir David Manning and Foreign Office officials discussed the draft post-conflict resolution by video conference with Secretary Powell and Dr Rice on 30 April.[145]

265. It was agreed that the text:

- should recognise the Coalition as Occupying Powers, but not endorse military action after the fact;
- should reiterate President Bush's commitment to a vital role for the UN; and
- need not make reference to UNMOVIC, which could be added later as part of the negotiation process.

266. The US and UK held different views on:

- whether the UN Special Co-ordinator should lead the formation of the IIA; and
- whether the UN or the CPA should have control of oil revenue, and for how long the OFF programme should continue.

---

[144] House of Commons, *Official Report*, 30 April 2003, columns 15-16WS.
[145] Letter Cannon to McDonald, 30 April 2003, 'Iraq/UN: Video-conference with Condi Rice and Colin Powell, 30 April'.

267. During the video conference, Mr Rycroft and Mr Bellinger were tasked to go through the US draft in detail and produce a further version for discussion.

268. The next version was sent by Mr Belllinger on the same day.[146] It gave the UN a role working alongside the Occupying Powers on the creation of the IIA, but not leading the process.

269. It also recorded separate US and UK language on who would control the Iraqi Development Fund, and how it would be administered. The UK draft gave control to "the authorities in Iraq, including the Interim Iraqi Administration when established", the US version to the Occupying Powers or CPA.

May 2003

270. A further video conference, with similar attendees to the last, was held on 1 May.[147]

271. Mr Straw told participants that the UK had a "generic problem" with references to the CPA, and would prefer to be referred to as "Occupying Power" because "references to the CPA provided an unnecessary opportunity for dispute in the Security Council".

272. A detailed discussion of drafting points followed, at the end of which there remained issues with references to disbursement of oil revenues and the OFF account. Mr Straw and Dr Rice agreed that outstanding points should be agreed within a few days so that a draft could be shared with permanent members of the Security Council during the following week.

273. General the Lord Walker told the Inquiry that when he visited Iraq shortly after becoming Chief of the Defence Staff, in May 2003:

> "It was very much a honeymoon period at that stage. We walked through Sadr City, berets and no flak jackets. We walked down the markets in Basra, berets and no flak jackets, the usual sort of smiling citizens, some of them – certainly not hostile, some of them a bit sort of stand-offish."[148]

274. On 1 May, President Bush made a speech on board the US aircraft carrier *Abraham Lincoln.* In front of a sign bearing the words "Mission Accomplished" he said:

> "Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed. And now our Coalition is engaged in securing and reconstructing that country."[149]

---

[146] Letter Bellinger to Rycroft, 30 April 2003 attaching draft 'Resolution on Post-Conflict Iraq'.
[147] Letter Cannon to McDonald, 1 May 2003, 'Iraq/UN: Video-conference with Condi Rice, 1 May'.
[148] Public hearing, 1 February 2010, page 16.
[149] *CNN News*, 2 May 2003, *Bush makes historic speech aboard warship.*

US command structures and the SBMR-I

The end of combat operations led to a change in the US command structure and military headquarters within Iraq. According to *Hard Lessons*:

> "By May 1, 2003, CENTCOM had dismantled its forward command-and-control center in Qatar. Two weeks later, the Defense Department announced that Lt Gen McKiernan's command would soon leave Iraq and that his large headquarters would be replaced by a much smaller Combined Joint Task Force 7 (CJTF-7), led by Lt Gen Sanchez."[150]

Lt Gen Sanchez arrived in Baghdad on 8 May and formally assumed command of CJTF-7 on 15 June.[151] As well as having a significantly smaller headquarters, he was also newly promoted to this level of command, in contrast to his more experienced – and senior – predecessor (Lt Gen McKiernan) and successor (General George Casey). The reporter Mr Bob Woodward commented that Lt Gen Sanchez was the most "junior three-star general in the [US] Army. He had been given America's most important ground command and had a small and inexperienced staff."[152]

In his memoir, Lt Gen Sanchez described the removal of the Coalition Forces Land Component Command headquarters staff as:

> "… another monumental blunder that created significant strategic risk for America … the foreseeable consequences were daunting. In country, we would no longer have the staff-level capacities for strategic- or operational-level campaign planning, policy, and intelligence. All such situational awareness and institutional memory would be gone with the departure of the best available Army officers who had been assigned to CFLCC for the ground war. The entire array of established linkages was dismantled and redeployed. Furthermore, V Corps had no coalition operations and ORHA/CPA-related staff capacity, which were departing the theater with CFLCC just at a time when the coalition and civilian administrator support missions were dramatically expanding."[153]

Lt Gen Sanchez observed that his headquarters had remained staffed at less than 60 percent of its required staffing levels (1,000) for the majority of his time in Iraq and commented that:

> "With both CENTCOM and CFLCC leaving Iraq, V Corps was going to have to operate at the theater strategic level, for which it possessed no expertise, as well as the operational and tactical level across the country. Unfortunately, neither CENTCOM nor CFLCC was planning to provide any help to accomplish that task."

---

[150] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[151] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[152] Woodward B. *State of Denial.* Simon & Schuster UK Ltd, 2006.
[153] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.

From July 2003, a senior UK military officer was deployed in Baghdad, in the dual role of Deputy Commanding General within the Coalition military command and Senior British Military Representative, Iraq (SBMR-I).[154]

This position, which existed until the eventual withdrawal of British troops from Iraq in July 2009, was initially filled by Major General Freddie Viggers, who served from May to September 2003.

Maj Gen Viggers reported to the Commander of CJTF-7, Lt Gen Sanchez; his reporting lines back to the UK ran directly to Gen Walker and Gen Reith.[155]

CJTF-7 did not fall under Ambassador Bremer's control. Lt Gen Viggers explained to the Inquiry that the post was not based physically within the Corps headquarters but rather "it was the military element of the Coalition Provisional Authority".[156] He told the Inquiry that:

> "My focus was on the military aspects of the reconstruction Plan being delivered by the CPA … My task was to provide the link between military HQ in the CPA and the heads of various civil functions in the CPA. There was a separate Deputy Commander for Operations in the CJTF-7 HQ … who was based in Corps HQ … I provided military advice and information to the British Ambassadors … inside the CPA … I worked closely with Ambassador Bremer's Chief of Staff … and with the key players involved in security functions, especially Walt Slocombe (responsible for building the new Iraqi Army) and with Bernard Kerik (responsible for building the Iraqi police)."[157]

Although the SBMR-I did not command the majority of UK troops within Iraq, he did have command responsibility for the small number of UK military staff based in Baghdad.

275. On 1 May, Cabinet was told that British troops had done an excellent job in restoring security in the South of Iraq.[158] The problem was now one of criminality which did not require British troops on the streets but rather police officers and a judicial process. Persisting in patrolling with foreign troops "was not a good idea".

276. Summing up the meeting, Mr Blair said that "little time had elapsed since the fall of the Iraqi regime and much progress had been made".

277. On 1 May, a brief sent by Mr Hoon's Private Office to Mr Rycroft said:

> "While ORHA has our broad support, it is not yet delivering in Iraq. It is too narrowly controlled by the Pentagon, and continues to lack proper strategic direction, the necessary grasp of cultural issues in Baghdad, and the requisite capabilities to make a rapid difference on the ground. In being encouraging of ORHA, we are counselling care against the Coalition appearing to appoint an Iraqi government."[159]

---

[154] Joint Commander's Mission Directive to the UK Component Commanders, 21 August 2003, 'Operation TELIC Phase 4'.
[155] Statement Viggers, 8 December 2009, page 2.
[156] Public hearing, 9 December 2009, pages 3-4.
[157] Statement Viggers, 8 December 2009, pages 1-2.
[158] Cabinet Conclusions, 1 May 2003.
[159] Letter Watkins to Rycroft, 1 May 2003, 'Meeting with the US Defense Secretary – 2 May 2003'.

278. On 2 May, Mr Straw's Private Secretary wrote to Mr Rycroft to propose that Mr John Sawers, then British Ambassador to Egypt, should be appointed as the Prime Minister's Special Representative on Iraq to "take the lead for the UK in guiding the political processes leading to the establishment of an Iraqi Interim Authority".[160]

279. On 2 May, Mr Hoon met Secretary Rumsfeld.[161] Mr Hoon stressed the necessity for ORHA to make tangible progress. Secretary Rumsfeld was reported to have:

> "… played down expectations somewhat, and cautioned against waiting for a fully formed organisation with a large pot of money. We should keep going pragmatically and keep scratching round for contributions where they were available. This could be done by the UK in their own area. Imposing order within the country would take time; it would take effort to get the Ministries up and running and the people back to work."

280. After a further video conference and comments from Sir Jeremy Greenstock, Mr Bellinger sent through another draft of the post-conflict resolution on 4 May.[162]

281. The following day Mr Brenton spoke to Mr Bellinger and others about the text, which still crossed UK red lines on:

- the UN role, by not describing a clear role for the UN Special Co-ordinator in setting up the IIA;
- the Oil-for-Food programme, which was extended for just three months in the expectation that an IIA would be operating by this point; and
- oil sales, by introducing an "auditing" role rather than real-time monitoring.[163]

282. The British Embassy Washington reported that US officials were optimistic that text acceptable to the UK could be agreed, but clear that a difficult and protracted negotiations might cause the US to walk away.

283. In a telephone conversation with Mr Straw the next day, Secretary Powell described continuing debate in the US system on the UN role and on the OFF programme.[164] Mr Straw wrote to Sir David Manning that the UK would need to "dig in" on these points and that he had reiterated that the current proposals "crossed red lines" for the UK.

---

[160] Letter Owen to Rycroft, 2 May 2003, 'Iraq: Appointment of a Special Representative'.
[161] Minute Williams to Policy Director [MOD], [undated], 'Visit of the US Secretary of Defense – 2 May 2003'.
[162] Letter Bellinger to Rycroft, 4 May 2003, [untitled] attaching Paper, [undated], 'Resolution on post-conflict Iraq'.
[163] Telegram 589 Washington to FCO London, 5 May 2003, 'Iraq: Draft UNSCR'.
[164] Minute Straw to Manning, 5 May 2003, 'Iraq: Draft UNSCR'.

Creation of the Coalition Provisional Authority

General Franks' 16 April message referred to a new body, the Coalition Provisional Authority (CPA).[165]

Sir Jeremy Greenstock told the Inquiry that:

> "London was not, in my view, although there was a lot of activity, sufficiently consulted on the setting of missions, on the change from ORHA to the CPA, from Garner to Bremer, on the early decrees, and on the setting of resources for the whole task."[166]

Hints that an organisation change was being considered emerged from the US from March 2003 onwards.

On 27 March, Mr Brenton had reported plans being drawn up in the US Department of Defense to restructure ORHA.[167]

A month later, Secretary Powell told Mr Straw that the US was planning to appoint a former Ambassador to be deployed "between Franks and Khalilzad/Garner".[168]

On 2 May, Mr Rycroft told Mr Blair that "A State Department Ambassador, Bremmer [sic], is due to take over from Jay Garner".[169]

Mr Straw met Mr Richard Armitage, US Deputy Secretary of State, on 6 May, who confirmed that Ambassador Bremer's appointment would be announced that day and that he would "work to Rumsfeld".[170]

On 6 May, President Bush announced the appointment of Ambassador L Paul Bremer as Presidential Envoy to Iraq and head of the CPA.[171]

Ambassador Bremer told the Inquiry:

> "The Secretary of Defense appointed me Administrator. His letter stated that in that position I was to exercise all executive, legislative and judicial authority over the government of Iraq. I was given to understand that these authorities derived from the Coalition's status as an 'Occupying Power' under international law, as recognized in the relevant UN Security Council resolution"[172]

Ambassador Bremer arrived in Iraq on 12 May.

---

[165] Statement Franks, 16 April 2003, 'Freedom Message to the Iraqi People'.
[166] Public hearing, 15 December 2009, page 98.
[167] Telegram 395 Washington to FCO London, 27 March 2003, 'Iraq: Post conflict: ORHA restructuring'.
[168] Letter McDonald to Manning, 25 April 2003, 'Foreign Secretary's Conversation with Colin Powell, 25 April'.
[169] Minute Rycroft to Prime Minister, 2 May 2003, 'Iraq: ORHA'.
[170] Letter Sinclair to Manning, 7 May 2003, 'Foreign Secretary's Meeting with US Deputy Secretary of State, 6 May'.
[171] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[172] Statement Bremer, 18 May 2010, page 2.

On 14 May, officials advised members of the AHMGIR that:

> "The US administration has appointed Paul Bremer as special representative, to bring order to ORHA and improve co-ordination with the US political track led by Khalilzad. John Sawers is working closely with Bremer. General Cross continues to work with Garner, who is unlikely to stay long."[173]

Secretary Powell told Mr Straw that the papers which meant "Bremer was now CPA" were signed by Secretary Rumsfeld on 14 May.[174]

The names 'ORHA' and 'CPA' continued to be used interchangeably in documents seen by the Inquiry for some time after Ambassador Bremer's appointment.

284. Mr Sawers' appointment as the Prime Minister's Special Representative on Iraq was announced to Parliament on 6 May by Mr Straw, who said that:

> "Mr Sawers will work alongside Chris Segar, head of the newly opened British Office in Baghdad, particularly in relation to the political process and our work in the Office of Reconstruction and Humanitarian Assistance."[175]

285. Mr Sawers arrived in Baghdad on 7 May.[176] The deployment of Mr Segar and his team is described in Section 15.1.

286. Sir John Sawers told the Inquiry that, although he was "the senior Brit on the ground" he was not Ambassador Bremer's deputy nor was he in the line management chain of the CPA. Rather, he was a representative of the British Government and so his role was one of "exerting influence rather than exercising power".[177] The UK was not contributing very much to ORHA when he arrived, having just a handful of advisers, and was not providing funding, all of which was coming from the US.

287. Sir John told the Inquiry:

> "I felt I was in a reasonably strong position to exercise influence. There were a range of areas where I was able to exercise influence in those months, but I didn't seek and I wasn't given a veto or decision-making power on CPA issues; those decisions rested with Bremer, he was the one who had the authority from the President of the United States, which was the leader of the Coalition."

288. Mr Straw told Secretary Powell that he saw Mr Sawers' role as "similar to Zal Khalilzad": the UK thought it essential to have "someone handling the politics and also keeping an eye on ORHA, on the ground".[178] Mr Straw passed on the observations about ORHA made by Mr O'Brien, and Secretary Powell offered a similar assessment.

---

[173] Annotated Agenda, 14 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[174] Letter McDonald to Manning, 16 May 2003, 'Foreign Secretary's Conversation with Colin Powell, 15 May'.
[175] House of Commons, *Official Report*, 6 May 2003, column 515.
[176] Telegram 2 IraqRep to FCO London, 11 May 2003, 'Personal: Iraq: What's going wrong?'
[177] Public hearing, 10 December 2009, pages 56-58.
[178] Letter Straw to Manning, 6 May 2003, 'Powell Calls 4 and 5 May 2003'.

289. On 6 May, Mr Michael Wood, FCO Legal Adviser, wrote to Mr Chilcott arguing that the Freedom Message appeared to create the CPA to exercise powers of government, but the UK had no idea what the CPA comprised and what its legislative, executive and judicial authority was.[179]

290. Mr Wood was unclear what the CPA was: "Is it ORHA? Is it a combination of ORHA and General Franks? Where does the future Iraqi Interim Authority fit?"

291. Mr Wood identified a number of examples within the Freedom Message and the accompanying instructions to the Iraqi people that raised issues under international humanitarian law.

292. Mr Wood also highlighted that analysis of the Freedom Message suggested that armed conflict in Iraq had ended and therefore that prisoners of war should be released. This appeared to contrast with another section of the Message, which said prisoners should be held pending CPA orders. Mr Wood wrote:

> "This means that it is possible that, within the UK's area of control, prisoners whose prison sentence comes to an end may be held beyond the lawful date of their release. This would almost certainly be contrary to Article 5 ECHR."

293. In his statement to the Inquiry, Sir Michael Wood explained:

> "FCO legal advisers were concerned to avoid the UK being held jointly responsible for acts or omissions of the CPA, without a right to consult and a right of joint decision. A particular concern was if those acts went beyond the powers of an Occupying Power under the general law of Occupation or under the SCRs … The aim was to have matters such as the territorial extent of the UK's Occupation rights and responsibilities, the extent of its potential responsibility for acts and omissions of the CPA, and the UK's role within the CPA (especially joint decision-making) set out in a Memorandum of Understanding (MOU) with the Americans."[180]

294. The next US draft of the post-conflict resolution was sent to Mr Rycroft and Sir David Manning on 6 May.[181]

295. Text on the UN's role in establishing the IIA and on oil sales remained unchanged; the extension of the OFF programme had been increased by a month, to a total of four months.

296. Mr Straw chaired a video conference with Dr Rice, Secretary Powell, Sir Jeremy Greenstock and others to discuss the draft.[182]

---

[179] Minute Wood to Chilcott, 6 May 2003, 'Iraq: The McKiernan and Franks Proclamations'.
[180] Statement Wood, 15 March 2011, page 22.
[181] Minute Bellinger to Rycroft and Manning, 6 May 2003, 'Revised Draft: UNSCR' attaching 'Resolution on Post-Conflict Iraq'.
[182] Letter Cannon to McDonald, 6 May 2003, 'Iraq/UN: Video-Conference with Condi Rice and Colin Powell, 6 May'.

297. No.10 officials commented that "the atmospherics at this video conference were poorer than at previous discussions in this series". They had agreed changes to make reference to the "Occupying Power" rather than solely to the CPA, and to include monitoring, as well as auditing, of oil sales. Agreement could not be reached on the description of the UN's role in the political process or on extending OFF further.

298. The draft resolution was updated the same day.[183] It continued to reflect US views on the UN's role in establishing the IIA, the control of oil proceeds (now designated the Iraqi Assistance Fund) and the continuation of the OFF programme.

299. Sir Jeremy Greenstock told the Inquiry that in the process of reaching agreement on the objectives for the resolution:

> "… there were nuances between London and Washington … We could see, rather as was the case in Resolution 1441 … the United States was setting the bar quite high in terms of what it wanted from the United Nations … they wanted the situation of the United States leading the Coalition with a unilateral decision-making capability for that Coalition with the United States very much the largest member of it, with the United Nations endorsing that situation and coming in with its ancillary services to help deal with the territory … we went through a minor version of the same process as 1441, where we had to scale Washington's more unilateral ambitions back down to something that was negotiable within the Security Council. The Security Council … had, as always, a range of opinions, with the Russians in particular being very clear that they would not allow any resolution to pass that appeared to legitimise in any way what had already happened."[184]

300. Mr Blair and President Bush spoke by telephone on 7 May on a broad range of foreign policy issues.[185]

301. They discussed taking a firm line in the Security Council; if NATO and the UN became involved, others would be drawn in. Mr Blair added that their involvement would also provide an exit strategy.

302. Mr Blair commented that ORHA "must grip the nuts and bolts of reconstruction, not just focus on politics".

303. Mr Ricketts wrote to Mr Straw's Private Secretary on 7 May, with a 'Diplomatic Game-Plan' for sharing the draft resolution with other Security Council members "now that we are almost at closure on an opening draft".[186]

---

[183] Minute Bellinger to Rycroft and Manning, 6 May 2003, 'Revised draft UNSCR' attaching 'Resolution on Post-Conflict Iraq'.
[184] Public hearing, 15 December 2010, pages 32-33.
[185] Letter Cannon to McDonald, 7 May 2003, 'US Foreign Policy Issues: Prime Minister's Conversation with Bush, 7 May'.
[186] Minute Ricketts to Private Secretary [FCO], 7 May 2003, 'Iraq Resolution: Diplomatic Game-Plan'.

304. The Game-Plan proposed that draft text would be circulated on 9 May, enabling informal discussion at a "Security Council retreat" in the following days. A series of calls and visits by Mr Straw, Secretary Powell and officials would start the negotiation process.

305. Sir David Manning spoke to Dr Rice on the same day, and reported that she "was broadly happy with our strategy for deploying it [the draft resolution] among the P5", referring to the five permanent members of the UN Security Council: the US, UK, France, Russia and China.[187]

306. Following a conversation between Mr Straw and Secretary Powell, a UK draft of text which referred to "some form of international verification" was faxed to the US.[188]

307. Mr Straw told Sir David Manning that the absence of any reference to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) inspectors in the text of the omnibus resolution meant "we were very exposed on the question of why UNMOVIC was not on the bus".[189]

308. Commenting on his series of conversations with Secretary Powell on 7 May, Mr Straw observed: "We had all accepted that at a later date we might want to cut the resolution into parts."

309. On 8 May, Mr McDonald reported that Secretary Powell told Mr Straw that Mr Annan's first reaction to the draft had been "pretty good", and that he had raised the absence of UNMOVIC.[190] Secretary Powell also told Mr Straw that US officials were considering whether UNMOVIC should be the subject of a separate resolution.

310. Mr Straw told Cabinet on 8 May that, within the next few weeks, a national conference with a broad range of delegates should produce an Iraqi Interim Authority.[191] The UK was working with the US on a draft UN resolution which would cover the appointment of a Special Co-ordinator, the lifting of sanctions, oil revenues and the trade in stolen Iraqi artefacts. He added that "No legitimisation of the Coalition military action was required, although some countries feared that we sought such cover."

311. Mr Blair said that the draft text was "offered as a solution to the way forward on Iraq". He told Cabinet that once the Special Co-ordinator had been appointed the UN would become engaged in the political process.

---

[187] Letter Manning to McDonald, 7 May 2003, 'Iraq: Conversation with Condi Rice'.
[188] Letter McDonald to Manning, 7 May 2003, 'Iraq: Foreign Secretary's Conversations with Colin Powell, 7 May'.
[189] Letter Straw to Manning, 7 May 2003, 'Iraq: Conversations with Colin Powell, 7 May'.
[190] Letter McDonald to Manning, 8 May 2003, 'Iraq: Foreign Secretary's Conversation with Colin Powell, 8 May'.
[191] Cabinet Conclusions, 8 May 2003.

312. Summing up the discussion, Mr Blair said that following progress in Iraq and on the MEPP "the question was how the Arab world itself would develop, shorn of its most brutal dictatorship".

313. Later that day, Mr Straw told the AHMGIR that a draft resolution had been agreed, and "the text was satisfactory".[192]

314. An unidentified member of the AHMGIR observed that since there had been no success in negotiating an MOU, the UK "must therefore be particularly careful to ensure that we had legal cover for our efforts".

315. The AHMGIR was told that Mr Sawers had been appointed as UK Special Representative and would work closely with "ORHA and the new US Representative, Bremer, on the political process".

316. Sir Jeremy Greenstock and Ambassador Negroponte wrote jointly to the President of the Security Council on 8 May.[193]

317. Sir Jeremy explained to the Inquiry that the letter "described what we were doing in administering Iraq and what our intentions were".[194]

318. An earlier draft of the letter had implied that Gen Franks was the entirety of the CPA, which led Mr Straw to protest to Secretary Powell that "although Franks may be Supreme Commander, we had our responsibilities too".[195]

319. The joint letter began by stating that the US and UK and their Coalition partners continued to act together to ensure the complete disarmament of Iraq of WMD in accordance with UN Security Council resolutions.[196] It went on to say that the Coalition:

- would abide strictly by their obligations under international law;
- would act to ensure that Iraq's oil was protected and used for the benefit of the Iraqi people;
- had "created the Coalition Provisional Authority, which includes the Office of Reconstruction and Humanitarian Assistance (ORHA), to exercise powers of government temporarily, and … especially to provide security, to allow the delivery of humanitarian aid, and to eliminate weapons of mass destruction";
- would provide security, facilitate the return of refugees, maintain law and order, eliminate terrorist infrastructure and resources and promote accountability for crimes committed by the previous regime;

---

[192] Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[193] Letter Negroponte and Greenstock to Akram, 8 May 2003, [untitled].
[194] Public hearing, 15 December 2009, page 31.
[195] Letter McDonald to Manning, 7 May 2003, 'Iraq: Foreign Secretary's Conversations with Colin Powell, 7 May'.
[196] Letter Negroponte and Greenstock to Akram, 8 May 2003, [untitled].

- would assume immediate control of Iraqi institutions responsible for military and security matters; and
- was facilitating the efforts of the Iraqi people to take the first steps towards forming a representative government.

320. The joint letter concluded by saying that the Coalition was ready to work closely with representatives of the UN and its agencies and looked forward to the appointment of a Special Co-ordinator by the Secretary-General.[197] The letter described the UN as "helping" with the formation of the IIA.

321. On the same day as the letter was sent, the FCO briefed British posts in countries that were members of the Security Council on the content of the resolution and the Security Council process.[198]

322. The resolution would be sponsored by the UK, US and Spain and the text would be circulated on 9 May. The brief, sent in Mr Straw's name, observed "we expect a tough negotiation" but also that "this is not a take it or leave it text". The FCO anticipated criticism for:

- not giving the UN the lead role in political reconstruction;
- lifting sanctions before disarmament had been proven;
- giving the Coalition control of oil revenues;
- silence on WMD inspection;
- winding down the OFF programme more quickly than humanitarian needs suggested was wise; and
- vagueness about how the Iraq Assistance Fund would work.

323. Rebutting these criticisms, the brief stated that "a UN Special Co-ordinator can play a crucial role, including [in] the political process" and "we can see the merits of an eventual role for a reconstituted UNMOVIC/IAEA".

324. By 9 May it was plain that negotiations for an MOU were unlikely to succeed.[199] Instead the IPU suggested that the UK send a letter to the US Administration, setting out the UK's view of the principles on which ORHA would operate.

325. In conversation with Sir David Manning on 9 May, after the draft resolution was circulated, Dr Rice commented "that very early reactions looked promising". It was clear that more specific mention of the IIA and something about verification of WMD would have to be added to the draft.[200]

---

[197] The original document says 'Security-General'. This has been amended to 'Secretary-General' based on an understanding of context.
[198] Telegram 74 FCO London to Berlin, 8 May 2003, 'Iraq: Post Conflict Resolution at the UNSC'.
[199] Minute Chatterton Dickson to Private Secretary [FCO], 9 May 2003, 'Iraq: ORHA: MOU'.
[200] Letter Manning to McDonald, 9 May 2003, 'Iraq: Conversation with Condi Rice'.

326. Writing to Mr Ricketts, Mr Brenton recorded a US view of the UK as "driven by a wish to be attentive to the concerns of the UN, the French and the Russians".[201] As a result he concluded that "we are going to have to be careful as the Security Council negotiation proceeds, not to uselessly expend the huge credit we have built up with the US over the past few months".

327. After visiting Paris and Berlin to discuss the resolution, Mr Ricketts reported on 9 May a "desire in both capitals to co-operate and find solutions. Neither seemed to see insuperable difficulties with the draft."[202]

328. Gen Jackson visited Iraq from 7 to 10 May.[203] He reported:

> "The situation in the UK AOR is dramatically different from that further north and in particular in Baghdad for understandable reasons … The ethnic and political environment in southern Iraq has facilitated our role … These almost exclusively Shia provinces have been persecuted for almost 20 years, driven to living in miserable conditions, repressed by the regime … A security vacuum still exists … [in Baghdad] particularly at night. Looting, revenge killing and subversive activities are rife … Should a bloody and protracted insurgency establish itself in Baghdad, then a ripple effect is likely to occur."

329. Gen Jackson also observed that the Coalition's ability to "hold onto the consent in the South" would only be possible if Baghdad remained secure and stable. He advised that:

> "… we should at least look at direct UK military involvement in order to win 'hearts and minds' and create a more secure environment … I do not believe we can influence the situation in Baghdad without engagement. Nor do I believe that committal of HQ ARRC alone will address what is essentially a tactical problem, albeit one with strategic overtones. If we make the decision to become tactically engaged in Baghdad then this may well provide much greater strategic focus for the rest of government to support, more strongly, efforts on reconstruction … The bottom line is that if we choose not to influence Baghdad we must be confident of the US ability to improve [its tactics] before tolerance is lost and insurgency sets in. If we choose to influence it we must be confident of improving the situation and not being over-engaged in both the south and the north."

330. Gen Jackson concluded by observing that:

> "We must not throw away these substantial achievements [those of the UK forces in South-East Iraq] by processes that are failing to deliver, and we must ensure a secure environment throughout the theatre – not least in Baghdad – to enable successful reconstruction."

---

[201] Letter Brenton to Ricketts, 9 May 2003, 'Iraq at the Security Council'.
[202] Letter Ricketts to Pattison, 9 May 2003, 'Iraq: Key Points from French and Germans'.
[203] Minute CGS to CDS, 13 May 2003, 'CGS Visit to Op. TELIC 7-10 May 2003'.

331. In his second report from Baghdad, on 11 May, Mr Sawers wrote:

> "No progress is possible until security improves. Crime is widespread (not surprising as Saddam released all the criminals last autumn). Car-jackings are endemic, with the cars driven to Iran for sale. Last week the Ministry of Planning was re-kitted out ready to resume work; that night it was looted again. The evening air is full of gunfire. There is still a climate of fear on the streets, because of the level of crime, and that is casting a shadow over all else."[204]

332. On 12 May, reporting to the FCO on the political process, Mr Sawers observed:

> "Iraq's emerging political leaders are working together surprisingly well and the process is gaining momentum. The Leadership Group of five has expanded to seven or eight embracing two more important constituencies … They have a Joint Secretariat, and their thinking is coalescing around plans for a National Conference which are close to our own. They want an Interim Authority to be more like a transitional government."[205]

333. The Leadership Group comprised Iraqi politicians drawn from identifiable political and regional groups and had been established by Gen Garner after his arrival in Baghdad. It included both former exiles who had returned to Iraq after the fall of Saddam, and those who had remained in Iraq.[206]

The resignation of Ms Short

On 12 May, Ms Short resigned from the Government. In her letter of resignation to Mr Blair she said that she thought the run-up to the conflict had been mishandled, but had agreed to stay to support the reconstruction effort.[207] However:

> "… the assurances you gave me about the need for a UN mandate to establish a legitimate Iraqi government have been breached. The Security Council resolution that you and Jack have so secretly negotiated contradicts the assurances I have given in the House of Commons and elsewhere about the legal authority of the Occupying Powers, and the need for a UN-led process to establish a legitimate Iraqi government. This makes my position impossible."

Mr Blair responded, thanking Ms Short for her valuable work and rebutting her accusation regarding the resolution:

> "We are in the process of negotiating the UN resolution at the moment. And the agreement on this resolution with our American and Spanish partners has scarcely been a secret. As for who should lead the process of reconstruction, I have always

---

[204] Telegram 2 Baghdad to FCO London, 11 May 2003, 'Iraq: What's Going Wrong?'
[205] Telegram 3 IraqRep to FCO London, 12 May 2003, 'Iraq: Political Process'.
[206] The membership of the 'Leadership Group' in early May 2003 included Mr Masood Barzani (Kurdistan Democratic Party); Dr Jalal Talabani, (Patriotic Union of Kurdistan); Dr Ahmed Chalabi (Iraqi National Congress); Abdel Aziz al Hakim (Supreme Council for the Islamic Revolution in Iraq); Dr Ayad Allawi (Iraqi National Accord); Dr Ibrahim al Jaafari (Dawa Party) and Dr Adnan Pachachi (Iraqi Independent Democrats).
[207] Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

been clear that it is not a matter of the UN leading, or the Coalition leading. The two should work together. That is exactly what the resolution stipulates."

In a statement to Parliament that day, Ms Short explained:

"The Coalition does not have sovereign authority and has no authority to bring into being an Interim Iraqi Government with such authority or to create a constitutional process leading to the election of a sovereign Government. The only body that has the legal authority to do this is the United Nations Security Council … the UK Government … are supporting the US in trying to bully the Security Council into a resolution that gives the coalition power to establish an Iraqi Government and control the use of oil for reconstruction, with only a minor role for the UN … I am ashamed that the UK Government have agreed the resolution that has been tabled in New York and shocked by the secrecy and lack of consultation with Departments with direct responsibility for the issues referred to in the resolution."[208]

Mr Stephen Pattison, Head of the FCO's UN Department in London, who was involved in negotiating the resolution, told the Inquiry that:

"When it was clear that Clare Short's position in Cabinet was I think more uncomfortable than one might have expected, which was towards the end of the negotiation of this resolution, a decision was taken not to involve them [DFID]".[209]

Mr Straw told the Inquiry that he had taken that decision, and thought that it had happened after he had understood that Ms Short intended to resign: "I think that I got wind of this, and I think the reason was that I had decided we had settled the policy. We knew what the parameters were. We just had to get on with it. So that was the reason."[210]

334. Sir David Manning visited Washington and discussed the post-conflict resolution with Dr Rice and Mr Bellinger on 13 May, both of whom were reported to be "optimistic that we can push the UNSCR to a vote next week".[211]

335. Mr Bellinger briefed on the Security Council experts' discussion of the resolution text, in which they had raised questions on the IIA (and the UN's role in establishing it), the use of the Iraq Assistance Fund (but not Coalition control of it), funding of UN costs and the absence of UNMOVIC from the disarmament process.

336. Dr Rice explained that the US was working on text covering disarmament to add into the resolution. It was agreed that Ambassador Negroponte and Sir Jeremy Greenstock should brief the Security Council on Coalition activity in Iraq the next day.

---

[208] House of Commons, *Official Report,* 12 May 2003, columns 36-39.
[209] Public hearing, 31 January 2011, page 100.
[210] Public hearing, 2 February 2011, page 135.
[211] Telegram 643 Washington to FCO London, 13 May 2003, 'Iraq: Meetings with Rice and Cheney, 13 May'.

337. On 14 May, the Security Council met to discuss the draft resolution circulated on 9 May.[212] Ambassador Negroponte, Sir Jeremy Greenstock and the Spanish representative Ambassador Inocencio F Arias attended and answered questions.

338. The debate centred on the creation of the IIA and clarity about the UN's role, on whether the OFF programme was to close and if so how, and on the legal underpinning of reconstruction activities. Sir Jeremy "agreed we needed to be clearer about the political process".

339. Following the discussions, the US faxed to the FCO a revised draft of the resolution. This included some minor drafting amendments (including the Iraqi Assistance Fund reverting to its original title of Development Fund), removed UN immunity from the Development Fund (which had been unpopular with several Security Council members) and proposed new language which gave the Government of Iraq a shared role in deciding whether 5 percent of oil profits should continue to be paid into the Compensation Fund.

340. Sir Jeremy Greenstock briefed the FCO that the revised version "contains a few helpful changes, but will not be seen as much of a step forward by the Council". In Sir Jeremy's view negotiations had been constructive but there was "a long way to go on substance".

341. Mr Straw told Cabinet on 15 May that both the UK and the US "accepted the need for improvements to the text" of the resolution in the light of discussions in the Security Council.[213]

342. Mr Blair said that the resolution recognised the vital role of the UN, and called for the appointment of a Special Co-ordinator who would be "involved in every aspect of activity". Although political progress was being made in Iraq, the immediate priorities were security, health care, power and sanitation.

343. Mr Llewellyn reported to Mr Pattison on 15 May that informal contact between FCO and State Department lawyers had resulted in an "emerging view" that the draft resolution "takes us beyond the laws of Occupation".[214]

---

[212] Telegram 838 UKMIS New York to FCO London, 15 May 2003, 'Iraq: 14 May Council; Part two of two'.
[213] Cabinet Conclusions, 15 May 2003.
[214] Minute Llewellyn to Pattison, 15 May 2003, 'Iraq: Draft Security Council Resolution: Occupying Powers'.

From a short to a long Occupation

Hard Lessons records Ambassador Bremer saying:

> "… the President's instructions to me … when I had lunch with him alone on May 6th, were that we're going to take our time to get it right … The President had effectively, though perhaps not formally, changed his position on the question of a short or long Occupation, having before the war been in favour of a short occupation. By the time I came in, that was gone."[215]

The thinking behind the shift away from a short Occupation was recorded by Secretary Rumsfeld, in a "pre-decisional" memo of 8 May 2003, which RAND described as laying out a rationale for "an extended and deeply engaged American Occupation".[216]

The RAND report records that both the participants in the NSC process and the US military were taken by surprise by the decision. In the views of the RAND analysts, this change in US approach to the post-invasion governance of Iraq had serious consequences:

> "First, it left the CPA bereft of plans, the preparations done by ORHA having been premised on an entirely different and a much more abbreviated vision of America's responsibility for the country's post-war governance. Second, and arguably more important, it left Iraqis with the impression that the United States had initially intended to hand over sovereignty quickly and then had gone back on its word, sowing the seeds of distrust between Iraqis and Americans."

Hard Lessons reports:

> "Ordinarily, a political-military plan would have clearly articulated a detailed strategy for engaging with the leaders of Iraqi factions in postwar Iraq. But because Defense officials intended to transfer control rapidly to an interim Iraqi authority, ORHA was told it would not need such a plan. 'The expectations derived from policy set in Washington were that the establishment and devolution of authority to an Iraqi entity would proceed quickly', an ORHA planner wrote, obviating the need for a governance strategy."[217]

The RAND analysts found that:

> "The growing chaos on the ground in Iraq seems to have caused the administration to retreat from this plan and choose what had earlier been the lead option, the creation of an American occupational authority led by a senior political figure."[218]

---

[215] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[216] Bensahel N, Oliker O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq.* RAND Corporation, 2008.
[217] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[218] Bensahel N, Oliker O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq.* RAND Corporation, 2008.

In his statement to the Inquiry, Mr Blair wrote:

> "The shift from ORHA to the CPA was not controversial, neither was the appointment of Ambassador Bremer. I do not recall exactly when both were decided. It was widely accepted that ORHA, at the beginning, was not geared up to the task. Bremer was, in my view, a very effective operator and given the scale of the task, the CPA made considerable strides forward.
>
> "I do not accept there were differing assumptions between the US and the UK about the three stage plan for the aftermath: military government; transition to civilian led administration; and then to a proper Iraqi Government. There was a difference over the UN role that was debated and decided. Inevitably, it was impossible to pin down the precise details of how and more important when, each stage of transition would occur, until we were in and could judge according to the reality. But the basic principles of transition were agreed and actually, in the event, implemented."[219]

344. When Chief Constable Paul Kernaghan[220] visited Baghdad and Basra between 13 and 20 May he observed that in the UK's Area of Responsibility nearly all buildings used by the criminal justice system had been destroyed. CC Kernaghan's assessment of the damage was:

> "Looting does not do justice to the level of destruction inflicted and I can best liken the outcome to the progress of locusts across a field of corn."[221]

345. In a telegram sent on 14 May, Mr Sawers reported that the Iraqi Leadership Group had expanded.[222] It was being pressed by the UK and US to grow further and to agree that an Interim Authority would be chosen by a National Conference at which there would be representatives of all parties, professions and ethnic groups alongside "strong women's representation".

346. On 18 May, Mr Segar reported from the British Office in Baghdad that:

> "Looting continues. In recent days the Interior and Information Ministries have been revisited by looters …
>
> "Nights in Baghdad are regularly punctuated by the sound of gunfire, but in the daytime shooting is sporadic and people have returned to the streets to shop and sit in cafes."[223]

---

[219] Statement, 14 January 2011, pages 17-18.
[220] CC Kernaghan had lead responsibility for international policing missions within the Association of Chief Police Officers of England and Wales and Northern Ireland (ACPO). His findings in relation to Security Sector Reform are covered in Section 12.1.
[221] Report Kernaghan to Blunkett, 23 May 2003, 'Iraq – visit by Chief Constable PR Kernaghan'.
[222] Telegram 9 IraqRep to FCO London, 14 May 2003, 'Iraq: Political Process towards an Interim Authority'.
[223] Telegram 029 Baghdad to FCO London, 18 May 2003, 'Baghdad Today'.

347. Lt Gen Viggers told the Inquiry that:

> "The 1st Armoured Division entered Baghdad 16 days after it left its start line. That was a stunning military operation. But in so doing, it caught everyone by surprise, because we arrived at Baghdad Airport and looked round and said, 'Now what are we going to do?' Part of the planning was assumed to be have been able to take place during the advance …
>
> "So we arrived in the capital with a hugely celebratory population and the honeymoon lasted a few days and then we were the guilty bastards. We were not laying on everything that we were supposed to do. They were saying to us, 'You people put a man on the moon and now you are saying we can't have electricity? We don't believe you. You are now my opponent'. All that lack of understanding was what Bremer and his civil military team was trying to deal with whilst building itself."

348. Lt Gen Viggers observed:

> "We had no prisons to put people in, or judges, we had no courts. So merely arresting people and throwing them into pens wasn't actually going to improve the sense of security and wellbeing and confidence in the international community.
>
> "So … the first three or four months was in effect making the plan in contact."[224]

349. Ambassador Bremer told the Inquiry that:

> "… although there were some 40,000 Coalition troops in Baghdad when I arrived, since the collapse of the Saddam regime looters had pillaged at will for more than three weeks undisturbed by Coalition forces. Coalition troops had no orders to stop the looting and the Iraqi police in all major cities had deserted their posts.
>
> "The looting was done out of rage, revenge, and for profit."[225]

350. Consequences of the looting included economic damage, destruction of a large part of the government's physical infrastructure and the transmission of a message that the Coalition was unable to provide security.

351. General Sir Peter Wall, who had been based in Qatar as Air Marshal Burridge's Chief of Staff during the invasion, took over as the General Officer Commanding MND(SE) in mid-May.[226]

352. Gen Wall told the Inquiry that:

> "… the main threats at that time were tribal score settling, which we weren't involved in – that worked around us – looting, criminality, and … one or two other sort of

---

[224] Public hearing, 9 December 2009, page 20.
[225] Statement Bremer, 18 May 2010, page 2.
[226] Public hearing Riley and Wall, 14 December 2009, page 34.

inconvenient nihilistic activities that weren't really an overarching threat to security … there were some particularly frustrating [issues], not least the propensity for people to want to pull down the power cables so they could smelt the cables into copper ingots and sell them."[227]

353. Gen Wall told the Inquiry that it was nonetheless possible for UK troops:

" … to get out and about and interact with people, and the people on the street would tell you that if you could be part of a military force that could bring about the end of this regime, then it was but a few days' work to sort out the rest of the issues in a place like Basra. Such was the relief."[228]

354. In New York, the Security Council discussed a revised draft on 15 May.[229] Sir Jeremy observed that "many of the same problems remain". The focus of discussion was again on strengthening the role of the UN Special Co-ordinator, as well on the need for UNMOVIC and on the legal position of countries assisting the Occupying Powers.

355. Cabinet Office officials reported to the AHMGIR on 15 May that initial discussions of the new resolution in the Security Council had been as positive as could be expected.[230] The UK/US/Spanish draft text was not as contentious as the 'Second Resolution', and Ministers were advised that the UK should press the US to be patient while the Security Council deliberated, while encouraging other Council members to seize the opportunity to re-engage the UN in Iraq.

356. Concerns had focused on a need for clarity in three areas:

- The extent of the UN role and how the Special Co-ordinator would interact with the Coalition and IIA.
- The political process, in particular the exact nature of the IIA: whether it would be a transitional government and, if not, when and how it would become one.
- Arrangements for oversight of oil sales and disbursement of oil revenue, as well as the fate of existing contracts under the OFF programme.

It was also reported that the US wanted the resolution to be adopted by 22 May, as this was the date by which they wished to start exporting oil to avoid a lack of storage capacity affecting production and so the local supply of gas and petrol.

357. Sir Jeremy Greenstock told the Inquiry that:

"The other members of the Security Council were more constructive than I was expecting at this stage, I think for one, perhaps two, overwhelming reasons. One was that they wanted the United Nations to come back into the picture. They wanted the unilateralism of what they saw as having happened in the invasion to be corrected

---

[227] Public hearing, 14 December 2009, pages 46-47.
[228] Public hearing, 14 December 2009, page 47.
[229] Telegram 841 UKMIS New York to FCO London, 16 May 2003, 'Iraq: Discussions on the Resolution'.
[230] Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

> back to an internationally approved and organised situation for Iraq, with the United Nations playing its proper part in it. And secondly, they wanted to minimise the overall … geopolitical damage that had been done by the invasion of Iraq."[231]

358. On 15 May, Mr de Villepin spoke to the Foreign Affairs Committee of the House of Commons, which was visiting Paris.[232] Reporting on his "tirade", the British Embassy Paris commented "the bottom line is that France will not veto, but may well abstain if there are not major changes to the current draft".

359. Mr Blair and President Bush spoke the following day.[233] Action in the UN seemed to be going well and Mr Blair proposed two areas (a UN "Special Representative" rather than "Special Co-ordinator"; and greater transparency of oil sales) in which the resolution might be amended if tactically necessary.

360. During the conversation, Mr Blair confirmed that Mr Sawers was working closely with Ambassador Bremer. Although there were many differences between Basra and Baghdad, Mr Blair offered "whatever help we could give for Baghdad".

361. On 16 May, CPA Order No.1 'de-Ba'athification of Iraqi Society' was issued. It was Ambassador Bremer's first formal act as Head of the CPA.[234]

de-Ba'athification

The UK's role in the development and implementation of de-Ba'athification policy is described in detail in Section 11.1.

Many witnesses told the Inquiry that the extent of the CPA's de-Ba'athification policy had significant implications.

Mr Straw described the twin decisions to de-Ba'athify and disband the military as "the single greatest errors that were made post-war".[235] He accepted that a degree of de-Ba'athification was required but argued that that "what we had wanted was a greater level of intelligence applied, distinguishing between who was in the Ba'ath Party because they had to be because they wanted to make a living, and who was in the Ba'ath Party because they were enthusiasts".

Mr Blair told the Inquiry:

> "I'm not sure in my own mind about this even now … it was going to be really difficult to prevent a certain level of de-Ba'athification. The question is: should it have gone down to the level it did? … I got on to President Bush pretty much straight away on this … as a result of the conversation I had with George Bush, literally days after this, they were then scaling back. They scaled back further, and in respect of the army, they were always intending to re-recruit and then they corrected this pension problem that they had with the army pretty quickly."[236]

---

[231] Public hearing, 15 December 2009 page 34.
[232] Telegram 224 Paris to FCO London, 15 May 2003, 'Iraq: Villepin Tirade to the FAC Part 1'.
[233] Letter Cannon to McDonald, 16 May 2003, 'Iraq: Prime Minister's Conversation with Bush, 16 May'.
[234] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[235] Public hearing, 8 February 2010, pages 102 and 116-118.
[236] Public hearing, 29 January 2010, pages 200-201.

Mr Hilary Benn, Minister for International Development from May to October 2003, commented that more should have been done to understand the difference between "ideological Ba'athists" and those who had "joined the Ba'ath Party because that's what you needed to do to get on".[237]

Sir Suma Chakrabarti told the Inquiry that the de-Ba'athification decision was "madness".[238]

Sir Kevin Tebbit, MOD Permanent Under Secretary from 1998 to November 2005, told the Inquiry that:

> "We didn't assume that the Americans were going to de-Ba'athify as fundamentally as they did …
>
> "I thought we had an undertaking from the American administration that they were just going to do very light de-Ba'athification … and that the army … other than the very top, would be used and brought into the system."[239]

Sir Jeremy Greenstock, who served as the Prime Minister's Special Representative on Iraq from September 2003 to March 2004, told the Inquiry that there were strong arguments in favour of the de-Ba'athification policy; the error was in implementing them before arrangements had been thought through for replacing the individuals who were removed and, later, in handing over responsibility for implementing the administration of the scheme to Dr Ahmed Chalabi and his Commission.[240]

The view of Maj Gen Cross was that the decision to de-Ba'athify was "flawed".[241]
SIS1 told the Inquiry that Ambassador Bremer had been acting under political direction on de-Ba'athification policy but:

> "Initially you're talking about decapitating the regime and leaving the structures in place. He went a lot further, and frankly, to this day, I don't really know why."[242]

Mr Edward Chaplin, British Ambassador to Iraq from July 2004 to May 2005, observed that:

> "… it is easy to underestimate with hindsight how powerful the feelings were amongst those who had suffered most from Saddam Hussein's regime, that the idea that anybody who had served really at any level of responsibility in the organisation that served Saddam Hussein was acceptable in a post-Saddam Hussein situation was simply anathema and I think, if you talk to the military commanders in the South, you will find that we suffered from that ourselves – somebody who appeared to be, actually perfectly competent … was simply not acceptable to the local population because he was too closely identified with the previous regime. So de-Ba'athification was driven largely by the forces that were now in charge, or potentially in charge; it wasn't just a decision by outsiders."[243]

---

[237] Public hearing, 2 February 2010, page 18.
[238] Public hearing, 22 January 2010, page 46.
[239] Private hearing, 6 May 2010, pages 33-34.
[240] Public hearing, 15 December 2009, pages 73-74.
[241] Public hearing, 7 December 2009, page 67.
[242] Private hearing, 2010, page 95.
[243] Public hearing, 1 December 2009, pages 101-102.

Mr Martin Howard, MOD Director General Operational Policy from 2004 to 2007, told the Inquiry:

> "… the Coalition rightly wanted to sort of involve Iraqis from the outset and, as it were, start to build up the seeds of an Iraqi administration. Inevitably the people that tended to be part of that were violently anti-Ba'athist. They were very keen that Ba'athism should be completely removed, and I think that actually did influence some decisions that were made in the middle of 2004 about the Iraqi bureaucracy, about the army, which I think with hindsight were probably the wrong decisions. But there was very strong political pressure from the people who ultimately were going to be part of the government."[244]

362. On 16 May Ambassador Bremer also issued CPA Regulation No.1.[245] It opened:

> "*Pursuant* to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant UN Security Council resolutions, including resolution 1483 (2003), and the laws and usages of war".

Regulation No.1 continued:

> "1. The CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, including by advancing efforts to restore and establish national and local institutions for representative governance and facilitating economic recovery and sustainable reconstruction and development.
>
> "2. The CPA is vested with all executive, legislative and judicial authority necessary to achieve its objectives, to be exercised under relevant UN Security Council resolutions, including resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA Administrator."

The organisation of the CPA

All functions in the CPA reported to Ambassador Bremer.[246]

The "line offices" run by seven Directors covered oil, civil affairs, economic policy, aid, regional operations, security affairs and communications. Under these "line offices", senior advisers were assigned to every Iraqi ministry and charged with running those ministries until August 2003. Once Iraqi Ministers were appointed in August, it was intended that the advisers would act as counsellors, but Ambassador Bremer would retain veto authority over Ministerial decisions, and senior advisers would retain considerable authority over spending.

By July 2003 the CPA had established branch offices in each of Iraq's 18 provinces. It took six months to staff those offices.

---

[244] Private hearing, 18 June 2010, page 45.
[245] Coalition Provisional Authority Regulation No.1, 16 May 2003.
[246] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.

363. In a telephone call with Mr Blair on 19 May, Mr Gerhard Schröder, the German Chancellor, asked for four amendments to the draft post-conflict resolution, which would:

- give the UN control of oil revenues;
- re-name the UN Special Co-ordinator the UN Special Representative;
- allow UNMOVIC's mandate to continue; and
- lift sanctions for just one year, at which point the Security Council would discuss them further.[247]

364. On the first, Mr Blair highlighted plans for a monitoring board, which would include the Secretary-General's representative. He suggested that the second and third points could be accommodated, leaving his office to deal with the fourth.

365. Reporting the conversation to the FCO, Mr Rycroft observed that "this was a positive signal … that Germany is close to a vote in favour of the draft resolution".

366. A revised version of the resolution was presented to the Security Council on 19 May and "went down fairly well".[248] A vote was expected on 21 May, but was delayed until the following day.

367. Sir David Manning and others met representatives of all seven Iraqi political parties in Baghdad on 20 May.[249] The Iraqi representatives objected strongly to references to Occupying Powers in the draft resolution and said that "the SCR offered Iraqis less freedom than had the 1920 structure which established the British colonial regime". Sir David responded that the phrase was a technical requirement.

368. One of the Iraqi representatives was reported to have commented that, while the security situation in Baghdad was poor and not likely to improve in the next month or so, the situation in Basra was also deteriorating, as the "rabble" got the measure of the British forces.

369. Reporting on his visit to Iraq more generally, Sir David judged that "Baghdad remains key; and the key to Baghdad is security".[250] But his view was that:

> "… things did not seem as bad as painted by the media … There was no sense of being under immediate threat. The mood still seems cautiously welcoming or at least acquiescent – never hostile. But this could turn fast, if the security situation is not sorted out fast. Breaking the pattern of lawlessness and looting at night is particularly critical."

370. Sir David considered that police training "could have a disproportionate impact" and:

---

[247] Letter Rycroft to Owen, 19 May 2003, 'Iraq: Prime Minister's Conversation with Schröder, 19 May'.
[248] Minute Rycroft to Prime Minister, 20 May 2003, 'Kofi Annan: Iraq'.
[249] Letter Cannon to Owen, 22 May 2003, 'Iraq: Meeting with Leadership Group'.
[250] Minute Manning to Prime Minister, 22 May 2003, 'Iraq: Visit to Baghdad and Basra'.

> "A quick win would be moving 16 Air Assault Brigade to Baghdad with the task of providing police training for six weeks … The Chiefs will let you [Mr Blair] have advice today or tomorrow … I have no doubt that the impact of British troops training with, and working alongside, Iraqis would be considerable … The hard pressed Bremer is very keen to have them."

371. A UK military report from Basra on 19 May recorded that "widespread looting … has ceased, but there has been an increase in theft and scavenging".[251] The port of Umm Qasr had been handed back to Iraqi control.

372. Sir David's presence in Iraq overlapped with a visit by Major General David Richards, Assistant Chief of the General Staff, who visited Iraq from 17 to 21 May at the request of Mr Hoon and Gen Walker to scope the potential for a UK role in improving the proposed Security Sector Reform (SSR) programme.[252]

373. Maj Gen Richards reported:

> "Despite US Occupation of the city [Baghdad] for the last four weeks, the law and order situation is fragile. The indigenous police service has not returned to work in any coherent manner. 3 ID [the US Third Infantry Division] are clearly tired and wrongly configured to conduct joint military/police patrolling …
>
> "… the immediate requirement is clearly to restore law and order in Baghdad. Two key areas have been identified for the UK to make a contribution. First, and supported strongly by Bremer, Slocombe, Sawyer and US and UK military, is the rapid deployment of 16 Air Asslt Bde (-)[253] to create the nucleus of an effective police force in Baghdad. It should achieve this through galvanising and taking control of ORHA's creation of a functioning police force and effective guard service. Second, and in the longer term, to place UK personnel in key appointments within the organisations responsible for delivering SSR."

374. Maj Gen Richards' recommendation was that 16 Air Assault Brigade should be "deployed at best speed to Baghdad".

375. On 20 May, Mr Sawers reported to the FCO in London on the impact of Ambassador Bremer's arrival in Baghdad, which he judged had "made a big difference".[254] He summarised his assessment as:

> "Security in Baghdad remains the most urgent issue. The military are being pressed hard to change their modus operandi, and are starting to adjust. Our ideas for building up the Baghdad Police are greeted with keen interest. The problems

---

[251] Minute Cannon to Prime Minister, 19 May 2003, 'Iraq: Latest Developments'.
[252] Minute ACGS to CDS/PSO, 20 May 2003, 'ACGS' Trip to Iraq (17-21 May 03) – Initial Findings and Recommendations'.
[253] This minus symbol indicates that some elements of the brigade would not be included in the deployment.
[254] Telegram 18 IraqRep to FCO London, 20 May 2003, 'Iraq: Bremer's Impact'.

facing the Coalition are many, and there is still doubt over how quickly Washington and the UN will be able to move money and people to Baghdad to really start rebuilding services and laying a base for economic reconstruction. Resentment will grow daily if life does not become easier soon. But Bremer is getting a grip. We will not always agree with him, e.g. on the role of the UN and the threat from Tehran. But his energy, intelligence and management skills mean we are much better served now he is here."

376. In terms of financing the reconstruction effort, Mr Sawers judged that:

"Passing the UNSCR will be a great boon, especially by freeing up Iraqi assets and allowing oil to be sold without controversy. But the road ahead will be a long slog."

377. Mr Sawers reported positively on working relations with Ambassador Bremer, who "arrived thinking 'US' but with me at his elbow he quickly switched to 'Coalition'", and reported being given "a near equal hand in the political process".

378. Mr Sawers' views were echoed by Sir David Manning, who told Mr Blair in the report of his visit that "ORHA is the shambles already described by John Sawers … A huge, disorganised, dysfunctional outfit … But I found Bremer impressive. He will get a grip, and wants our help."[255]

379. Gen Walker briefed the Chiefs of Staff at their meeting on 21 May, observing that "senior US military and ORHA figures in theatre were seeking to import the model of the UK's success in Basra to the Capital to help stabilise the situation".[256]

380. Three options had been identified, of which the recommended one was the short-term deployment of 16 Air Assault Brigade to Baghdad. The minutes record that Gen Walker "directed PJHQ to conduct an estimate" of the proposal "to inform COS [Chiefs of Staff] advice to Ministers".

381. Specific questions that should be addressed included: what effects were required on the ground; what intelligence was available in Baghdad; what was the threat in Baghdad to UK troops; was the proposal a sound military plan; would the morale of the Brigade withstand the re-tasking and extended tour; would this option deliver the necessary effect; what was the exit strategy; and how would this option impact on operations in the UK Area of Operation?

382. The Chiefs of Staff noted that the US was "unlikely to be able to deploy a suitable unit to Baghdad in the timescale required" but it was also:

"… necessary for the UK not to establish a reputation with the US of being the follow-up country of choice and, therefore, it was important for the US to request the UK undertake the role rather than to volunteer the capability."

---

[255] Minute Manning to Prime Minister, 22 May 2003, 'Iraq: Visit to Baghdad and Basra'.
[256] Minutes, 21 May 2003, Chiefs of Staff meeting.

383. In a bilateral meeting with Secretary Rumsfeld on 21 May, Mr Hoon raised the security situation in Baghdad and said:

> "UK Armed Forces would be happy to help if needed, for example by providing advisers: our experience in Sierra Leone – training a security forces essentially from scratch – was highly relevant."[257]

384. The following day, on 22 May, the Chiefs of Staff considered the issue of deploying 16 Air Assault Brigade further.[258]

385. Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), who had visited Baghdad with Maj Gen Richards, reported that:

> "… at best, the law and order situation was stable or slightly deteriorating, and the key judgement was whether the UK could bridge the gap until the new US forces arrived and were effective … His view was that [the proposal to deploy 16 Air Assault Brigade] would provide the effects required."

386. Mr Sawers explained to attendees that both Ambassador Bremer and General John Abizaid, Commander US Central Command (CENTCOM), were "aware that the Coalition was succeeding outside Baghdad, but was failing in the Capital". They knew what was required, but were "unable to deliver them with the force package currently to hand and would welcome a demonstration of effect to initiate the necessary change". Mr Sawers was:

> "… confident that the US would achieve the desired effect in due course. The key issue was the immediate future and deterioration in the intervening period."

387. Major General Robert Fry, the Deputy Chief of Joint Operations, reported to the Chief of the Defence Staff that PJHQ was not certain, without a reconnaissance visit, where the UK could achieve effect.[259] PJHQ considered it was "likely, while 16 AA Bde could provide two battle groups to Baghdad, that the enablers required would have to be drawn from Basra with a consequent increased risk to success there". He also noted that 16 Air Assault Brigade would need external assistance in order to provide instruction in policing.

388. The MOD Legal Adviser observed that "a number of difficult legal issues would arise should UK forces deploy to a new area, Baghdad, under US command". The minutes concluded that:

---

[257] Letter Watkins to Policy Director [MOD], 22 May 2003, 'Bilateral with US Defense Secretary: 21 May 2003'.
[258] Minutes, 21 May 2003, Chiefs of Staff meeting.
[259] Minute ACGS to CDS/PSO, 20 May 2003, 'ACGS' Trip to Iraq (17-21 May 03) – Initial Findings and Recommendations'.

> "… it was agreed that while deploying 16 AA Bde to Baghdad … would be useful, it was not clear that it was strategically essential as the US would achieve the aim in time."

389. Cabinet Office officials provided an Annotated Agenda to members of the AHMGIR for their meeting on 22 May.[260] It said:

> "ORHA's efficiency and ties to Washington have benefitted significantly from Bremer's arrival. He is changing ORHA's top management. Virtually all of Garner's team are likely to go soon. Bremer is working closely with John Sawers. His changes have yet to lead to significant improvement in ORHA's performance on the ground in Baghdad and elsewhere … ORHA's capacity is increasing. It now has just over 1,000 personnel."

390. The Annotated Agenda also recorded that the Leadership Group was "becoming more assertive" in the process of organising the "Baghdad Conference" that was intended to select the IIA. The timing of the conference looked likely to slip from May to July and the Leadership Group was proposing that it should be convened by a Committee of 35 individuals, drawn from across the Governorates of Iraq.

391. Cabinet Office officials wrote, "our view is that … the political process must be Iraq-owned if it is to have legitimacy in and outside Iraq" but that the US was "uneasy about losing control of the selection process and, through it, the Baghdad Conference".

392. The Leadership Group was also reported to have disagreed with Ambassador Bremer on what status the IIA should have. In its view, it should have real executive power rather than act in support of the Coalition.

393. Mr Straw told the AHMGIR that Ambassador Bremer had delayed the establishment of the IIA, with the result that it was likely to have more members from within Iraq and fewer exiles. In his view this "should make it more legitimate in the eyes of the Iraqi people".[261]

394. When the new resolution was in near-final form, on 21 May FCO Legal Advisers asked the Attorney General for advice on whether it would authorise the Coalition to undertake action going beyond their authority as Occupying Powers.[262]

395. Resolution 1483 (2003) was adopted on 22 May.[263] There were 14 votes in favour and Syria abstained.

---

[260] Annotated Agenda, 21 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[261] Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[262] Letter Adams to Llewellyn, 9 June 2003, 'Iraq: Effect of Security Council Resolution 1483 on the Authority of the Occupying Powers'.
[263] UN Press Release, 22 May 2003. 'Security Council lifts sanctions on Iraq, approves UN role, calls for appointment of Secretary-General's Special Representative' (SC/7765).

396. Mr Straw briefed a meeting of Cabinet the same day that:

> "This Security Council resolution would put the Coalition's work in Iraq on a firm basis, including for oil sales …The Attorney General's advice … had been followed. For example, no change in institutions was being imposed before the resolution was passed."[264]

397. The resolution confirmed that there would be a role for the UN, exercised through a Special Representative to the Secretary-General, but made it clear that the UN would not have the lead responsibility for the administration and reconstruction of Iraq, which would fall to the CPA.[265]

398. The key sections of the resolution:

- called for help in the reform, rebuilding, stabilisation and security of Iraq, including from International Financial Institutions;
- called upon the CPA to administer Iraq effectively and create "conditions in which the Iraqi people can freely determine their own political future";
- required Member States to help the safe return of Iraqi cultural property (such as looted artefacts) and to prevent it being sold;
- lifted all sanctions except those related to arms;
- established the Development Fund for Iraq (DFI), to be controlled by the CPA, and gave it limited immunity (excepting the costs of oil spills);
- established new arrangements for the sale of oil, the proceeds of which would go into the DFI, along with any assets of the previous regime held by a Member State;
- extended OFF by up to six months, by which time the programme should be closed down; and
- made provision for a review after 12 months.

399. The resolution asked the Secretary-General to appoint a Special Representative for Iraq, with a co-ordinating role focused on reconstruction and humanitarian support, reporting regularly to the UN. Their role in political reconstruction was to work with the CPA and people of Iraq, but not to lead the process. The relevant section of the resolution said that the Security Council:

> "Supports the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority."

---

[264] Cabinet Conclusions, 22 May 2003.
[265] UN Security Council resolution 1483 (2003).

400. The Special Representative was also given a role in promoting the economy and human rights, and encouraging reform of the police and criminal justice system.

401. Sir Jeremy Greenstock told the Inquiry that resolution 1483:

> "Made it appear that the Special Representative of the Secretary-General was going to be at the apex of a relationship which, in truth, on the ground he was not. He was, as I saw it, one of an equal triangle of responsibility, and the UN and the UK were subordinate to the United States in terms of the physical presence on the ground of resources and capability."[266]

Joint Occupying Powers

The Preambular Paragraphs (PPs) of resolution 1483 contained statements about the status of the members of the Coalition, noting the letter of 8 May 2003 from the Permanent Representatives of the US and UK, and "recognising the specific authorities, responsibilities, and obligations under international law of these states as occupying powers under unified command ('the Authority')". The following paragraph noted further "that other States that are not Occupying Powers are working now or in the future may work under the Authority".

Sir Jeremy Greenstock told the Inquiry that the use of the phrase "Occupying Powers" had been deliberate:

> "… there were people in Washington and, indeed, I think in London, who didn't want any mention of Occupation or Occupying Powers … and also the image of an Occupation, which was obviously in the context of the Middle East going to be compared with the Israeli Occupation of Palestine and, indeed, was by Al Jazeera and the man on the street in the Arab world. And I remember advising London that it was sensible to have a mention of Occupying Powers because that made it clear under what body of international legislation we would be acting, and without that clarity, we might be confused ourselves and our fellow Security Council members might resist agreeing to a resolution unless there was a clear mention of what the status was of the people in charge of the territory. And London and Washington decided that they would be the two that took the responsibility for that status of our presence in Iraq."[267]

Sir Jeremy explained to the Inquiry that he:

> "… wanted clarity of status, and … an incentive for us to make this period of occupying in Iraq as short as possible … [because] it might make the Americans realise what they were taking on, because it was inevitable that it would be thought of as an Occupation, and I thought it was better to be realistic about this than to try to cover it up, because you wouldn't cover it up."[268]

---

[266] Public hearing, 15 December 2009, page 44.
[267] Public hearing, 15 December 2009, pages 37-38.
[268] Private hearing, 26 May 2010, pages 42-43.

Sir Jeremy also argued that the term "Occupying Powers" did not have a negative connotation for the Iraqi people when resolution 1483 was adopted, but acquired it later when they were "emotionally encouraged to think of this as an Occupation, in parallel with Palestine" by television stations such as Al Jazeera. He added "they weren't angry because this was called an Occupation. They were angry because foreign boots were on their soil and life had not been made better."

A number of the Inquiry's Iraqi interlocutors emphasised how much the inclusion of the term "Occupying Powers" within resolution 1483 was resented.[269]

A US official who worked within the CPA explained to the Inquiry that in the US the term "Occupation" had benign connotations of the US' role in Germany and Japan, but for Iraqis it was very different. There had been a failure on the part of the US and UK to understand the baggage that was associated with the term.[270]

The Inquiry asked a number of witnesses about their understanding of whether the UK was legally responsible only for the area of the South-East of Iraq, where it was physically in Occupation, or whether it was jointly responsible for the whole of Iraq; and whether the Government had taken a positive decision that it wished to be considered a joint occupier of the whole of Iraq.

Mr Blair told the Inquiry that:

> "… it was going to be to our advantage to make sure we were joint partners with the US, because that both gave us a locus in Baghdad but also meant that they had some responsibility for our area too. So I think this was a perfectly satisfactory way of resolving it."[271]

Mr Straw gave the Inquiry a contrasting view that:

> "… it was desirable, if legally possible, for us to have authority over that area which we controlled and not more widely … We judged there might be some advantage from that [joint responsibility] for whoever was sitting alongside the Garner and then the Bremer figure in terms of having joint power as well … It would have been desirable if we had had a clear area for which we were responsible without the Americans and got on with it, but you know, it wasn't to be."[272]

When asked whether there had been a decision by the UK Government to become a joint Occupying Power, Mr Straw said that it followed from the legal advice and came out of a process that would have included conversations with the Attorney General.

Sir Michael Wood commented in his statement to the Inquiry that:

> "The matter was far from clear. From the outset of the Occupation, US military commanders started making declarations to the Iraqi people, in the name of 'Coalition', that were not properly (or at all) cleared with the United Kingdom. They soon established the 'Coalition Provisional Authority', an entirely American creation in respect of which the United Kingdom had some (variable) influence but no control. There was thus the appearance of a joint Occupation throughout Iraq, despite the fact that the United Kingdom had no actual authority outside the South-East …

[269] Private meetings with Iraqi interlocutors.
[270] Private meeting with US interlocutor.
[271] Public hearing, 21 January 2011, page 143.
[272] Public hearing, 2 February 2011, pages 128-132.

> "As a matter of law … there was a distinction between (i) the rights and responsibilities of the United Kingdom as an Occupying Power in the area of Iraq under the actual authority of UK armed forces and (ii) the potential liability of the United Kingdom for acts or omissions of the CPA. This distinction was a real one, notwithstanding that the CPA was an instrument through which the Occupying Powers sought to exercise certain of their respective rights and responsibilities (including as extended in due course by the Security Council)."

Sir Michael continued:

> "As to (i) there was a proper concern that the UK might be regarded as being a joint Occupying Power throughout the whole of Iraq, *inter alia* because of the CPA … As to (ii), it was considered likely that, if the matter were ever tested, the CPA could be found to be a body constituted by the US and the UK for which the two States had a degree of joint responsibility … So far as I recall, the question whether the CPA, despite its name, was in reality an emanation of the United States, not of 'the Coalition' as such (US, UK and possibly others) was an unresolved issue throughout its existence."[273]

[273] Statement, 15 March 2011, pages 21-22.

SECTION 9.2

23 MAY 2003 TO JUNE 2004

Contents

Introduction 208

May 2003: after resolution 1483 208

June 2003 211

July 2003 232

August 2003 253

September 2003 262

October 2003 277

November 2003 290

December 2003 307

January 2004 314

February 2004 324

March 2004 335

April 2004 343

May 2004 366

June 2004 383

Introduction

1. This Section addresses:

- UK analysis of and attempted response to the deterioriating security situation, including the development of a sectarian insurgency and the emergence of Al Qaida and of the Jaysh al-Mahdi militia in the South;
- consideration of the deployment of UK military assets and HQ ARRC;
- the UK's role in the political development of Iraq under the Coalition Provisional Authority, including appointment of the Governing Council, the Transitional Administrative Law and 15 November Agreement and handover to the Iraqi Interim Government; and
- the impact of the first US offensive in Fallujah and the revelations of abuse by US soliders in Abu Ghraib.

2. This Section does not address:

- the exclusion of Ba'athists from positions of power in Iraq, which is described in Section 11; or
- the UK contribution to the reconstruction of Iraq and reform of its security sector, which are covered in Sections 10 and 12.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

May 2003: after resolution 1483

4. On 23 May 2003, Ambassador L Paul Bremer, Head of the Coalition Provisional Authority (CPA), issued CPA Order No.2.[1]

5. The Order dissolved Saddam Hussein's military and security structures, including the Ministries responsible for Defence, Information and Military Affairs; the intelligence agencies; the armed forces; and paramilitary forces. It also announced that the CPA planned to create a new Iraqi Army, which is described in Section 12.1.

6. Following a visit by Sir David Manning, Mr Blair's Foreign Policy Adviser, to Iraq (see Section 9.1) the Chiefs of Staff had been asked to consider whether the UK should move 16 Air Assault Brigade to Baghdad (16 AA Bde) with the task of providing police training for six weeks.

[1] Coalition Provisional Authority Order No.2, 23 May 2003.

7. A Private Secretary to Mr Geoff Hoon, the Defence Secretary, wrote to Sir David on 23 May to advise that:

> "… the Chiefs of Staff judge that the deployment [of 16 AA Bde] … is likely to have only a marginal effect. It would carry significant risks – of our forces being tied down in Baghdad and of an adverse impact on our exemplary approach in the South."[2]

8. The letter explained that the US military did not lack capacity to deal with security in Baghdad and that it was "safe to assume" that if the situation worsened to a point where strategic failure seemed possible "they would deploy the resources necessary to deal with it".

9. The Chiefs of Staff were therefore of the view that the deployment of 16 Air Assault Brigade "would, at best, not ensure Coalition success but would rather provide only temporary and limited assistance, the gains from which are likely to be similarly limited". It would not have a "strategic impact".

10. The Private Secretary's letter also said that "the United States does not view such a deployment as necessary".

11. Sir David Manning wrote to Mr Blair on 25 May that he considered most of the arguments advanced by the MOD to be "spurious".[3]

12. Sir David suggested that the MOD appeared to have "ventriloquised" discussions with the US; the views expressed to him by Ambassador Bremer had been different. Nonetheless, he did not think it worth challenging the advice, suggesting instead that Mr Blair "urge DFID to press ahead with plans to set up the police training school".

13. Sir David wrote to Mr Hoon's Private Secretary on 27 May, reporting Mr Blair's decision to accept the MOD's advice.[4] His letter noted that Ambassador Bremer had suggested that UK forces would be welcome in Baghdad, in apparent contradiction to US views quoted by the MOD.

14. Mr Blair was reported to hope that "US troops will now tackle the issues with the urgency and efficiency indicated by your letter". Sir David asked for a report by the end of the week on "what the Americans are doing to deal with the security in Baghdad, and the steps they are putting in hand to deal with police training".

15. In his memoir, General David Richards, Assistant Chief of the General Staff in May 2003, reported that Sir David Manning told him that this letter "included the biggest bollocking by the Prime Minister in writing that he had ever seen".[5]

---

[2] Letter Watkins to Manning, 23 May 2003, 'Security in Baghdad'.
[3] Minute Manning to Prime Minister, 25 May 2003, 'Security in Baghdad'.
[4] Letter Manning to Watkins, 27 May 2003, 'Security in Baghdad'.
[5] Richards D. *Taking Command*. Headline, 2014.

16. Mr Blair's letter pointed out that advice from the Chiefs of Staff was "at odds with what Paul Bremer had told John Sawers, David Manning and David Richards' a few days earlier" and had "reminded the MOD that the stakes in Iraq were very high, given the danger that we might be approaching a point of 'strategic failure'".

17. On 27 May, Mr Kofi Annan, the UN Secretary-General, named Mr Sérgio Vieira de Mello as his Special Representative to "lead the United Nations effort in Iraq for the next four months".[6]

18. Prior to his appointment, Mr Vieira de Mello was the UN High Commissioner for Human Rights and Mr Annan explained that he would return to that post at the end of four months.

19. Reporting from Baghdad on 27 May, Mr John Sawers, the Prime Minister's Special Representative on Iraq, explained that:

> "The Americans are going off the idea of an early National Conference, as are many of the Iraqi parties. Bremer has recommended to Washington that he appoints the Interim Administration. I have warned him of the danger of veering away from the SCR [resolution 1483], and have suggested a two stage process – an appointed Advisory Council soon, transforming into the Interim Administration once it can be approved by a representative Iraqi gathering."[7]

20. Mr Sawers reported that Ambassador Bremer proposed that the drafting of a new Constitution should be directed by another, Iraqi-led, body. His ideas were "with Washington" for consideration.

21. Mr Sawers commented that:

> "There are practical arguments for Bremer's approach, and we do need the Coalition to keep tight control at this stage. We also need to find a way of staying within the terms of the SCR and keeping Vieira de Mello with our plans; and of providing for a progressive transfer of responsibilities from the Coalition to the Iraqis."

22. On 29 May, Mr Simon McDonald, Principal Private Secretary to Mr Jack Straw, the Foreign Secretary, wrote to Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, in preparation for a visit to Iraq by Mr Blair.[8]

23. Mr McDonald advised that a core requirement for the UK was for the political process to be compatible with operative paragraph 9 of resolution 1483 (2003). That meant the Iraqi Interim Administration (IIA) should be set up by the Iraqi people, with the help of the CPA and working with the UN Special Representative.

---

[6] UN Press Release, 27 May 2003, 'Transcript of Press Conference by Secretary-General Kofi Annan and Special Representative for Iraq, Sérgio Vieira de Mello, 27 May'.
[7] Telegram 20 IraqRep to FCO London, 27 May 2003, 'Iraq: Political Process'.
[8] Letter McDonald to Cannon, 29 May 2003, 'Iraq: Political Process'.

24. Mr McDonald explained that although the FCO saw some grounds for US concern that a National Conference appointing an IIA would open the process up to extremist groups, there was:

> "… a risk too that overt Coalition manipulation of the political process will rob it of legitimacy and boost popular support for extremist groups … while attracting a lot of criticism in the region and elsewhere".

25. The FCO instead agreed with Mr Sawers that the Coalition could appoint an Advisory Council to agree a list of prospective members of an IIA, which would then be formally approved by the Coalition.

26. Mr McDonald's letter said that the Advisory Council's role would be essentially technocratic: to work with the Coalition to ensure provision of basic services. The other tasks (review of the Constitution, legal and economic reform) were a central part of the political process, and should emerge from a credible process of consultation with a representative body of Iraqis. A National Conference remained the best instrument for this. It was essential that Mr Vieira de Mello be allowed to play a full role, both to comply with the letter and the spirit of resolution 1483, and to counter allegations that the post-conflict arrangements were a Coalition fix.

27. Mr Blair travelled to Iraq on 29 May to meet members of the UK Armed Forces and "thank them for their part in the successful military campaign … and for their continuing work on humanitarian and rehabilitation tasks".[9]

28. The MOD briefed Mr Blair in advance of his visit that the "situation in Iraq is increasingly safe and secure in the North, and permissive in the South".[10]

29. Mr Blair's meeting with Ambassador Bremer during his visit to Basra is described in Section 10.1.

June 2003

30. Sir David Manning gave an account of Mr Blair's visit to Iraq to Dr Condoleezza Rice, US National Security Advisor, and to Mr Andy Card, President Bush's Chief of Staff, on 1 June.[11]

31. Sir David reported his own and Mr Blair's views that there should be someone in the White House, as well as someone in No.10, to whom Ambassador Bremer could turn when he needed help:

> "… administering post-war Iraq through DOD [Department of Defense] was the wrong profile and the wrong message … politically, it was vital that the lead was

---

[9] Letter Watkins to Cannon, 27 May 2003, 'Prime Minister's Visit to Iraq'.
[10] Letter Watkins to Cannon, 27 May 2003, 'Prime Minister's Visit to Iraq' attaching Brief [MOD], Prime Minister's Visit to Iraq: 29 May 2003'.
[11] Letter Manning to McDonald, 1 June 2003, 'Iraq: Conversation with Condi Rice'.

seen to come from the White House in the US with support from the Prime Minister's office in the UK. It must be clear to everyone that Bremer had direct access to the President and the Prime Minister and was not obliged to channel everything through [Defense Secretary] Rumsfeld."

32. Sir David told Dr Rice that when Mr Blair met President Bush he would "be urging quick and decisive support of Bremer … he was in no doubt that we must now get a grip and very quickly".

33. On 1 June, Mr Sawers reported to the FCO on emerging thinking within the CPA about how to implement plans for an IIA.[12] He wrote that: "we have been closely involved and much of the thinking is ours".

34. The sequence of events was likely to be:

- Creation of a 30-strong, politically and regionally representative Political Council, the members of which would propose themselves to the CPA. The Council would be mainly advisory, but would have powers to appoint interim ministers, set up special commissions and initiate certain projects as well the right to be consulted on major policies.
- Creation of a Council of Interim Ministers, to ensure inter-ministry co-ordination.
- Commissions created by the Political Council would make recommendations on specific issues (eg a new currency, reform the legal code) to be agreed by the CPA.
- Creation of a Constitutional Convention of between 100 and 200 members to prepare a new Constitution.

35. The idea of a National Conference was being "kept in reserve for now".

36. Mr Sawers explained that the proposed sequence had received a "quietly positive" response from the Leadership Group.[13] The next step would be to bring Mr Vieira de Mello on board, but "as we are now demonstrably within the terms [of] SCR 1483 that should not be too difficult".

37. After reading Mr Sawers' telegram, Mr Huw Llewellyn, a Legal Counsellor in FCO Legal Advisers, wrote to the IPU to warn that he was not so confident that Mr Vieira de Mello would be satisfied the proposals fell within the terms of resolution 1483 because:

"The scrapping (or delay) of the conference will give him both substantive and presentational problems, and I would anticipate a cautious attitude."[14]

---

[12] Telegram 028 IraqRep to FCO London, 1 June 2003, 'Iraq: Political Process'.
[13] The Leadership Group was comprised of Iraqi politicians drawn from identifiable political and regional groups and had been established by Gen Garner after his arrival in Baghdad. It included both former exiles who had returned to Iraq after the fall of Saddam, and those who had remained in Iraq.
[14] Minute Llewellyn to Bristow, 2 June 2003, 'Iraq: Establishment of the IIA: John Sawers Telegram of 1 June 2003'.

38. Sir John Sawers told the Inquiry that Mr Vieira de Mello had identified that, as well as an interim administration, there might be a need for some form of transitional government, because a new Constitution would take time to prepare.[15] Iraqi politicians were concerned that the Constitution "should not be something that emanated from the United States and Britain; it should be something that they created themselves".

39. Sir John also told the Inquiry that it had been agreed by early June that a Political Council, "an advisory body but with real powers", was required.[16] This needed to be "genuinely accepted by the Iraqis" as representative. Over 100 individuals were considered for membership. Party leaders were told that they should not delegate membership to their subordinates.

40. Sir John assessed that the UK had "quite a lot of influence" on the selection of members, on which Ambassador Bremer was happy for him to take a leading role.[17] This was an area in which he thought that he personally and the British political team added value because:

> "I was able to work with both Bremer and de Mello in a way which was probably closer at a personal level than they were able to work with one another."[18]

41. On 2 June, Mr Blair sent a personal Note to President Bush.[19]

42. Sir David Manning provided copies to Mr Straw, Mr Hoon, Mr Hoon's Private Secretary and Mr Jonathan Powell (Mr Blair's Chief of Staff) but instructed "It must not go wider".

43. In his Note, Mr Blair wrote that:

> "I met Jerry Bremer and others in Iraq. He is very impressive, got a real grip and is doing a great job. But the task is absolutely awesome and I'm not at all sure we're geared for it. This is worse than re-building a country from scratch.
>
> "We start from a really backward position. In time, it can be sorted. But time counts against us …
>
> "My sense is: we're going to get there but not quickly enough. And if it falls apart, everything falls apart in the region."

44. Mr Blair suggested that:

- security in Baghdad had to be dealt with at once and police training was vital and urgent;

---

[15] Public hearing, 10 December 2009, pages 91-92.
[16] Public hearing, 10 December 2009, pages 92-93.
[17] Public hearing, 10 December 2009, page 95.
[18] Public hearing, 10 December 2009, page 97.
[19] Letter Manning to McDonald, 2 June 2003, 'Iraq: Prime Minister's Note' attaching Note [Blair to Bush], [undated], 'Note'.

- contracts to rebuild infrastructure had to be let much more quickly;
- the Coalition's communications strategy had to be put on a more energetic footing; and
- in general, the CPA needed greater administrative capacity.

45. Mr Blair proposed a small US/UK team "with one of our people from our own circle" to act as a rapid conduit to the President and himself, enabling them to clear the bureaucratic obstacles immediately.

46. Mr Blair concluded his Note by explaining that he would be "going back to almost a war footing" in order to "restore focus" on issues in Iraq.

47. On 3 June, Mr Blair chaired a meeting on Iraq attended by Mr Hoon, Baroness Amos (the International Development Secretary), Sir Michael Jay (FCO Permanent Under Secretary), and No.10 officials.[20]

48. Mr Blair said he had returned from Iraq convinced that "an enormous amount needed to be done". He told those present that:

- The CPA lacked grip and organisation, rather than money or staff.
- The UK should "beef up" its involvement in the CPA.
- There should be a White House/No.10 team to work alongside Mr Sawers and Ambassador Bremer.
- There should be a strong civilian team in the South.
- The CPA and US decision-making processes were too slow – contracts needed to be processed faster.
- British companies needed to be energised to take up opportunities in Iraq.

49. Mr Blair also said that he believed Whitehall should go back to a "war footing" for the next two to three months, in order to avoid "losing the peace in Iraq".

50. Following the meeting, Mr Cannon commissioned a number of papers to be ready before a further meeting on 6 June, including:

- a list of 10 to 15 outstanding practical issues for Mr Blair to raise with President Bush that would "make a big difference to the people of Iraq if they are resolved";
- a note from the FCO on what the UK wanted Mr Vieira de Mello to do;
- advice on how to improve the Iraqi media; and
- advice on a high-calibre replacement for Mr Sawers when his term of appointment ended.

---

[20] Letter Cannon to McDonald, 3 June 2003, 'Iraq: Prime Minister's Meeting, 3 June'.

51. On 3 June, Sir Kevin Tebbit, MOD Permanent Under Secretary, sent a "quick note of impressions" to Mr Hoon based on a visit he and General Michael Walker, Chief of the Defence Staff, had undertaken to Basra and Baghdad.[21]

52. Sir Kevin wrote:

> "The first impression … is an overwhelming sense of the scale and complexity of the reconstruction effort required – political, security, infrastructure – and the continuing lack of the integrated strategy and plans to carry this forward. Although there are indications that Bremer really is beginning to get to grips with this (and he agrees with us about the solution to many, but not all, of the problems) the jury is still out on whether Washington will give him the authority needed … It also means that the UK has to direct its own limited resources to best effect. This amounts to two things: assistance with the conceptual planning in Baghdad for the country as a whole, plus practical contribution where we can … and delivering 'our' area in the South as an exemplar."

53. Sir Kevin reported that:

> "The most immediate thing Bremer wants from us – and he is probably right – is still in the law and order field/police training. He said he was disappointed about 16AAB, and CDS explained why we felt this was the wrong answer. But we went on to explore how best we might help in a more considered way."

54. Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, used responses to the commissions he issued after Mr Blair's meeting of 3 June to write a minute for Mr Blair (copied only within No.10) setting out the "big picture but concrete points" for him to put to President Bush.[22] They were:

"(a) SECURITY. This is the top priority.

- Get US forces in Baghdad out on foot patrols.
- Deploy a 3,000 strong international police force.
- Re-employ some ex-servicemen to provide guards for infrastructure and ministries to prevent looting.

(b) SORT OUT THE CPA'S ORGANISATION. The only way to get round the … problem is for you to raise directly with Bush.

- Install proper phones and IT.
- Delegate more decision-making to the CPA, to avoid … wrangling.
- Sort out the communications strategy.

---

[21] Minute Tebbit to Secretary of State [MOD], 3 June 2003, 'Visit to Basrah and Baghdad'.
[22] Minute Rycroft to Prime Minister, 5 June 2003, 'Iraq: Meeting at 0800 on Friday'.

(c) INFRASTRUCTURE PROJECTS. This is where we will be judged by ordinary Iraqis.

- Get Bechtel to conclude their sub-contract with Siemens UK asap, so Siemens can help restore power capacity.
- Set up the national phone network.
- Get UNDP [United Nations Development Programme] and UNICEF [United Nations Children's Fund] to sort out the power and water supplies.

(d) RESTORING NORMAL LIFE.

- Sort out the currency.
- Open the airports to civil flights.
- Appoint x to sort out the Iraqi media.
- Press on with security sector reform."

55. Mr Rycroft also summarised Ambassador Bremer's plan for the political process, which was understood to be:

"– Political Council to form itself by July … will appoint interim ministers in consultation with the CPA.

– … this will then set up a number of Commissions to carry out longer term political reforms …

– A Convention of 100-200 members … to prepare a new Constitution …

– This would then lead to the full post-election government.

– Alternatively, there could be an additional phase of transitional government … which could be chosen by National Conference."

56. Mr Rycroft added that "De Mello is broadly happy with this".

57. In a separate email, Mr Rycroft explained to Mr Dominick Chilcott, Head of the Iraq Policy Unit (IPU), that Mr Blair was "looking for some really big ticket items to push", along the lines of:

"1. Get x people in to sort out the police.
2. Move y US forces from a to b to improve security.
3. Get Bechtel to build by x date a new power station in place y.
4. Ask x big figure person to go to Iraq to sort out the TV.
5. currency
6. CPA internal
7. setting up IIA
8. Basra – give CPA Basra $x million, and … etc etc."[23]

[23] Email Rycroft to Chilcott, 4 June 2003, 'Draft paper for the PM'.

Mr Rycroft wrote that Mr Blair needed "things that are concrete and ambitious enough so that if/when they happen they really transform the place".

58. Mr Chilcott replied that he could not produce a "serious paper" with the specific detail required:

> "To offer advice on where to build big infrastructure projects … requires a lot more knowledge than we have in the IPU about local conditions … and some sense of an overall development plan for Iraq …
>
> "In my view, the two most important things the PM should raise with the President now are (a) security and (b) the functioning of the CPA. Until these are solved, there is little chance of any infrastructure work making much impact."[24]

59. The Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) met on 5 June, chaired by Mr Straw.[25]

60. During the meeting, officials from the FCO reported that Ambassador Bremer was proposing to create an Interim Administration in July which would provide a framework of different institutions including a Political Council.

61. The FCO's view was that, to strengthen legitimacy, it would be important that as wide a group of Iraqis as possible joined the process and that the UN Special Representative agreed that it was consistent with resolution 1483.

62. Mr Straw wrote to Mr Blair the same day to report discussion at the meeting:

> "We [members of the AHMGIR] fully shared your view that an enormous amount of work remains to be done. We were concerned that the US was not showing the same energy, focus and drive in the reconstruction effort that they did in the military campaign.
>
> "Colleagues also felt strongly that the US must not be allowed to take UK support for granted. Otherwise, as the US ultimately called the shots, we risked being caught in a position of sharing responsibility for events in Iraq without holding the corresponding power to influence them."[26]

63. Mr Straw attached a list prepared by the IPU of things that would make a big difference to the people of Iraq. He highlighted preventing looting and criminality, and turning the CPA into an efficient, functioning organisation, adding:

> "Unless we put these two foundation stones in place, reconstruction will continue to falter."

---

[24] Email Chilcott to Rycroft, 4 June 2003, 'Draft paper for PM' attaching Papers Iraq Policy Unit, 4 June 2003, 'Projects in Basra' and 'Priorities for action on the reconstruction of Iraq'.
[25] Minutes, 5 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[26] Minute Straw to Prime Minister, 5 June 2003, 'Iraq: Winning the Peace'.

64. Mr Straw asked Mr Blair to raise several issues with President Bush during their telephone call planned for later in the week. He urged Mr Blair to lobby on behalf of Siemens UK for access to power supply contracts and encouraged him to seek the President's agreement to "a good number of women, we think 20 percent, in Iraq's new political institutions".

65. Mr Straw also enclosed a paper written by the FCO United Nations Department which envisaged a leading role in the political process for Mr Vieira de Mello. It noted that "long term political stability in Iraq will depend [on] having political parties which are not drawn up wholly along ethnic/religious lines. Ensuring this will be a difficult task."

66. On the same day, Mr Straw sent a separate, personal letter to Mr Blair.[27] In it, he asked Mr Blair to raise a number of points "very forcefully" with President Bush.

67. The first of those was that the UK "must be fully involved in all decisions [made by the CPA] since the US has forced us to be jointly responsible for the effect of all Coalition decisions across Iraq". Since "the US refused" to agree a Memorandum of Understanding (MOU) saying that the UK was solely responsible for parts of southern Iraq:

> "… as Peter Goldsmith [the Attorney General] advises (undoubtedly correctly) – we are jointly liable for all decisions – but many complaints that we are being sidelined in CPA, below Sawers' level".

68. Mr Blair told the Inquiry that, while consultation with the US was not perfect, and Mr Straw's letter was an expression of frustration, that was one of the reasons that he had sent people of the calibre of Mr Sawers and then Sir Jeremy Greenstock to Iraq to ensure that UK views were communicated effectively.[28]

69. Mr Blair also said that if it had been possible to agree an MOU, that would not itself have made the relationship work, which instead was based on Mr Blair's relationship with President Bush, Mr Straw's with Mr Colin Powell (the US Secretary of State), and others.

70. Mr Blair held a further meeting on Iraq on 6 June.[29] It was attended by Mr Straw and Gen Walker as well as those who had been present on 3 June.

71. Mr Cannon reported the main points from the meeting to Mr McDonald. It had been agreed that Mr Blair should tell President Bush that the UK needed "the decision-making process on a different footing, so that problems are rapidly referred to the highest level and obstacles short-cut".

---

[27] Minute Straw to Prime Minister, 5 June 2003, 'Iraq'.
[28] Public hearing, 21 January 2011, pages 140-141.
[29] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's meeting 6th June'.

72. It had also been agreed that Mr Blair would write to Mr Bush after the telephone call to reinforce the UK's concerns, and to Ambassador Bremer to list specific projects in the Basra area that required immediate CPA funding.

73. At the meeting, "US generals refusing to order troops to deploy on foot" had been identified as one factor compounding security problems in Baghdad. An unwillingness to operate at night, predictable patterns of deployment, an inadequate understanding of the security picture across the city, the impact of de-Ba'athification and a failure to co-ordinate international police assistance were also listed as contributory factors.

74. Mr Blair spoke to President Bush later on 6 June.[30] In his report of the conversation to Mr McDonald, Mr Cannon wrote that Mr Blair had said that his main concern was administration; Ambassador Bremer needed to be able to break through the bureaucratic obstacles that he faced.

75. Mr Blair raised the difficulty Ambassador Bremer was having accessing the funding he needed. UK projects in Basra had been affected and Mr Blair said that he would write to both Ambassador Bremer and President Bush setting out those projects.

76. Mr Blair also discussed the security situation with President Bush; General Tommy Franks, Commander in Chief US Central Command (CENTCOM), and Ambassador Bremer were of the view that it was improving.

77. In the course of the discussion, Mr Blair also raised the need for action on replacing Iraq's currency and the de-Ba'athification process, which are considered in Sections 10.1 and 11.1 respectively.

78. On 9 June, the MOD's Strategic Planning Group (SPG) submitted a paper to the Chiefs of Staff on the "strategic intent and direction" of the UK's contribution to Iraq.[31] The SPG wrote that:

> "The greatest concern remains lawlessness and there are signs that more organised opposition to the Coalition may be emerging. There are also signs of rising discontent amongst Iraqis at the Coalition's failure to deliver a safe and secure environment. This is most marked in Baghdad …
>
> "Baghdad is the key to success in Iraq … Failures within the city will threaten a successful conclusion to the campaign. The US recognise this and are responding … The UK is attempting to provide support and advice to this central effort, largely through the CPA … But we must also protect our achievements in our southern AO [Area of Operations] and both the South and the Centre will require additional resources if we wish to see a sound and lasting strategy developed and implemented."

---

[30] Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's conversation with Bush, 6 June'.
[31] Minute SECCOS to PSO/CDS, 10 June 2003, 'OP COS Paper: UK contribution to Iraq: strategic intent and direction' attaching Paper SPG, 9 June 2003, 'UK contribution to Iraq: strategic intent and direction'.

79. The SPG's key judgements included:

> "The UK main effort should be our AO in southern Iraq. It is here we can have the most direct effect and achieve the exemplary effect HMG seeks.
>
> "We must also assist in developing the wider Iraqi strategy through the CPA … in order to adequately support our efforts in the South and to ensure they remain coherent with developments across Iraq. Our military engagement in the South gives us the equity in decision-making to enable this."

80. The SPG recommended increasing civilian support from the UK to help strengthen CPA(South), emphasising that:

> "This should be a **cross-Government effort**. Currently the UK military is de facto in the lead in Southern Iraq, largely for reasons of simple capacity. We should seek to change this. Firstly the military is reaching the limit of its capacity to engage in reconstruction … Secondly, but more importantly, it is crucial to transition away from quasi-military government to civil administration, to free military capacity for its primary task of providing security, to avoid the impression of a military Occupation and to hasten the eventual move to Iraqi self-government."

81. The paper also raised the possible deployment of NATO's Allied Rapid Reaction Corps (ARRC – see Box, 'The Allied Rapid Reaction Corps' in Section 9.1) to Iraq, noting that it was:

> "… still a candidate in US minds for a future CJTF-7 [Combined Joint Task Force 7] but the acceptability of its use remains unresolved. At the operational level US commanders clearly still see it as a replacement for V Corps …"

82. The SPG observed that the CPA and CJTF-7 were not directly linked:

> "This effectively establishes two power bases answering independently to Rumsfeld. The UK should, therefore, keep a foot firmly in each camp, and consider the potential role of HQ-ARRC as a future CJTF-7."

83. On 9 June, Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, sent a reply to a letter of 21 May from FCO Legal Advisers seeking advice on resolution 1483.[32]

84. Ms Adams explained that FCO Legal Advisers had suggested that the resolution amounted to a mandate to the Iraqi people to establish a representative government which limited their choices in determining their political future. Lord Goldsmith had concluded that this argument went too far.

---

[32] Letter Adams to Llewellyn, 9 June 2003, 'Iraq: Effect of Security Council Resolution 1483 on the Authority of the Occupying Powers'.

85. Ms Adams' letter said that resolution 1483:

> "… confers a clear mandate on the Coalition working with the Special Representative of the Secretary-General (SRSG), to facilitate a process leading to the establishment by the people of Iraq, first, of an Iraqi interim administration and subsequently of an internationally recognised representative government. The resolution clarifies the legitimate scope of activity of the Occupying Powers and authorises them to undertake actions for the reform and reconstruction of Iraq going beyond the limitations of Geneva Convention IV and the Hague Regulations. In some cases such actions must be carried out in co-ordination with the SRSG or in consultation with the IIA."

86. The letter continued:

> "The Attorney agrees, however, that the resolution does not give the Coalition any authority to control the political process nor engineer the outcome."

87. If the IIA were to be controlled by the Coalition, Ms Adams explained that its authority would be limited to the powers of its master.

88. Ms Adams recorded Lord Goldsmith's concern, based on recent diplomatic reporting which suggested that the IIA might be a framework rather than a single institution, that existing plans might not be compatible with resolution 1483.

89. Ms Adams recorded that Lord Goldsmith was content that the resolution provided a clear mandate for the Coalition, working with the Special Representative, to facilitate the establishment of the IIA by the people of Iraq. But he was clear that the process would have to be undertaken in strict compliance with the terms of the resolution.

90. Since other elements of the resolution required consultation with the IIA:

> "Questions therefore may be raised about the legitimacy of Coalition action under OPs [operative paragraphs] 13 and 16 if there is no IIA, or if it appears that the body which has been established is not an IIA as envisaged in OP9."

91. Ms Adams' letter also advised on the effect of resolution 1483 on reconstruction. Lord Goldsmith considered that the resolution did "appear to" mandate the Coalition to engage in activity beyond the scope of an Occupying Power. Since the Special Representative's wider activities were to be carried out in co-ordination with the Coalition this:

> "… must be read as implied recognition of the Coalition's authority to engage in such activities … However, to the extent that the Coalition's involvement in activities falling under these headings is not otherwise authorised elsewhere in the resolution or under occupation law, then there is a clear requirement that the Coalition's action should be undertaken only in co-ordination with the SRSG."

92. The letter noted that the resolution clearly imposed joint US/UK responsibility for spending the Development Fund for Iraq, and advised it was important to ensure the US Government did not take action in relation to the Fund that was incompatible with the resolution, explaining:

> "The fact that the resolution imposes joint responsibility gives the UK a locus to argue with the US that we should be fully involved in the decision-taking process. Anything less would be legally risky."

93. The letter concluded by saying that resolution 1483 authorised the Coalition to engage in the reconstruction and reform of Iraq to a greater degree than would be permissible under the provisions of international law in relation to Occupation alone:

> "However, it is clear that the resolution does not grant the Coalition full legislative and executive authority in Iraq, so there is still a need to consider the legality of specific proposals against the requirements of occupation law and the terms of the resolution."

94. In the Annotated Agenda for the 12 June meeting of the AHMGIR, Cabinet Office officials wrote that Mr Vieira de Mello was playing an active, though cautious, role.[33] There was general recognition that it would prove impossible at this stage to select candidates for the Political Council by democratic means. The aim remained to have a Political Council in place by mid-July and the Constitutional Convention shortly after.

95. The Annotated Agenda also said that security in the South remained fragile. There was a risk that Iraqi frustration with the pace of progress could cause the situation to deteriorate. The UK's ability to "push the pace" would be constrained by the reduction in UK military force strength following transition to the 3rd (UK) Division.

96. The Chiefs of Staff discussed the SPG's paper on the "strategic intent and direction" of the UK's contribution to Iraq on 11 June.[34] They concluded that it was not possible to take a decision on the deployment of HQ ARRC until there was clarity from the US about future command and control arrangements in Iraq. The UK was "currently backward leaning on its deployment, pending clarification from the US".

97. The minutes record that Mr William Ehrman, FCO Director General Defence and Intelligence, had "urged caution in arriving at a decision" given "the imperative for the UK to conduct exemplar operations in the South and the attendant risk of a deployment to Baghdad".

---

[33] Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[34] Minutes, 11 June 2003, Chiefs of Staff meeting.

98. Mr Hoon told the House of Commons in a Written Ministerial Statement on 11 June that:

> "Overall, 25,000 UK servicemen and women have returned from operations in the Gulf – more than half those originally deployed. Some 17,000 servicemen and women currently remain in the region."[35]

99. Mr Hoon said that following further withdrawals and roulements, including the replacement of HQ 1st (UK) Armoured Division by HQ 3rd (UK) Armoured Division, the number of UK land forces in Iraq would reduce to around 10,000 by mid-July.

100. In addition to land forces, the UK's maritime presence would be retained at the existing level (two frigates, a nuclear-powered submarine and two support vessels) and its air presence would reduce to eight Tornados plus "a number of" supporting aircraft and 18 helicopters.

101. When the AHMGIR met on 12 June, Lord Goldsmith advised that:

> "It was not clear whether the Interim Administration currently envisaged was entirely consistent with the resolution [1483] … The resolution does not confer full legislative powers on the Coalition and therefore individual proposals must be judged on their merits. If the Interim Administration was under direct Coalition control its powers would be limited by the Geneva and Hague Conventions and resolution 1483."[36]

102. Lord Goldsmith undertook to speak to his US counterpart, and to write to Mr Blair explaining his concerns. He would also advise on the legality of currency reform.

103. In the course of the meeting, Ministers observed that UN engagement in the political process was vital (with DFID offering funding to strengthen Mr Vieira de Mello's office) and that the US was still not fully committed to the involvement of women in the Iraqi political process.

104. The AHMGIR noted that it had been decided that the UK area of military operations would be expanded to cover four governorates, to match the area of CPA(South). Ministers agreed to take forward measures to improve the synergies between the UK-led military division in the South, and CPA(South).

105. Closing the meeting, Mr Straw commissioned for the next meeting "a short Iraq strategy paper agreed at UK official level prior to seeking agreement with the US".

106. On 12 June, Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, wrote to Sir David Manning in the context of "considerable concern around Whitehall that our views are not being taken sufficiently into account in the formulation of policy on governing Iraq".[37]

---

[35] House of Commons, *Official Report*, 11 June 2003, columns 51-52WS.
[36] Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[37] Letter Brenton to Manning, 12 June 2003, 'Iraq: UK/US Co-operation'.

107. Mr Brenton felt that "some new structures are needed" and recommended that the UK should:

> "… beef up John Sawers' (and his successor's) office so that we have a mechanism in Baghdad which can make effective input on behalf of the UK into CPA decision-making. We cannot continue to rely on the Sawers/Bremer link alone. Secondly … we need the Americans to establish a formal decision-making body within the CPA, on which a UK representative is included – given our responsibilities, we really should have a formal say, rather than having to depend on friendly influence and persuasion."

108. On 12 June, a Permanent Joint Headquarters (PJHQ) briefing reported that there was "a trend of intelligence reporting from the UK AOR [Area of Responsibility] showing increasing dissatisfaction of the civil populace".[38]

109. The PJHQ attributed the deterioration in the relationship between UK forces and the local population to a lack of food, failure to ensure essential services "such as water, electricity and security", a general increase in anti-Coalition rhetoric from Shia clerics, a lack of accurate information/news reporting and a lack of progress in the political process. The briefing said that:

> "The Iraqis are … used to having stability and security, albeit provided by a dictatorial regime … If these services and a feeling of security fail to transpire … then attitudes towards the Coalition may well harden … An increase in political engagement by the Iraqi population, provided it remains short of violence and insurrection, should be taken as evidence of progress towards normality."

110. On 16 June, a Cabinet Office official wrote to the IPU to propose that work on the Iraq strategy paper commissioned by the AHMGIR on 12 June should not continue because:

> "It now transpires that the CPA is in the process of drafting its own strategy/vision document."[39]

111. The CPA document was due to be finalised by late June/early July. The Cabinet Office official recommended:

> "Rather than developing a rival UK version, it would seem sensible to use the existing work we have done as a basis to feed into the US version."

112. Within the CPA's formal structure, the most senior UK official was Mr Andy Bearpark, CPA Director of Operations and Infrastructure, who arrived in Baghdad on 16 June.[40]

---

[38] Minute DACOS J3(Ops Sp) and DACOS J2(Int) to MA/DCJO(Ops), 12 June 2003, 'Relations with the Basrah Population'.
[39] Minute Dodd to Crompton, 16 June 2003, 'Iraq: Ad Hoc Ministerial'.
[40] Briefing Cabinet Office, 18 June 2003, 'Iraq: Update for Ministers'.

113. Although UK officials in Whitehall regarded Mr Bearpark as the UK's senior representative in the CPA, Mr Bearpark saw his primary loyalty as lying with the CPA and Ambassador Bremer. He told the Inquiry that when he was asked by the UK Government to go to Iraq:

> "It was made very clear to me … I would be expected to concentrate on what is my professional background … economic reconstruction and physical reconstruction … [What] I detected was that the British Government would have preferred… it if I was the deputy administrator. This was never going to be acceptable to Jerry [Bremer]."[41]

114. Mr Bearpark added:

> "I had been given by the British Government to the CPA, but my allegiance was meant to be 100 percent to the CPA and it was very important that I demonstrated that allegiance every single day."[42]

115. On 18 June, Mr Sawers reported Ambassador Bremer's view that the main security threat in Iraq still came from former members of Saddam Hussein's regime and from Al Qaida.[43]

116. Ambassador Bremer remained concerned about the risk of Iranian intervention in Iraq and the activity of a Shia militia known as the Badr Brigade, which had strong links to Iran, where many of its members had been exiled until the Coalition invasion of Iraq. However, in his view the priority was:

> "… dealing with the Ba'athist remnants and possible al-Qaida elements in the Sunni areas, and he had no wish to open up a second front at this stage. So no action would be taken against the Badr brigade for now."

117. In the absence of a meeting of the AHMGIR, on 18 June Cabinet Office officials provided a paper to bring Ministers up to date.[44] They reported that:

> "Bremer's goal remains to convene the Political Council by mid-July, and the Constitutional Conference as soon as possible thereafter. Bremer's current plan is that Constitutional Conference members should be nominated by the Political Council and from the governorates, with Bremer making the final appointments and adding members as the CPA thinks necessary to ensure a balanced body."

118. The update recorded progress on female participation, including a women's conference planned for 9 July, with a United Nations Development Fund for Women (UNIFEM) follow-up in August.

---

[41] Public hearing, 6 June 2010, pages 3-4 and 17.
[42] Public hearing, 6 June 2010, page 17.
[43] Telegram 042 IraqRep to FCO London, 18 June 2003, 'Iraq: the Badr Brigade and Iranian influence'.
[44] Minute Cabinet Office, 18 June 2003, 'Iraq: Update for Ministers, 18 June 2003'.

119. The lack of consultation by the CPA persisted, and the paper noted that UK officials had been unable to delay a recent announcement of a new Central Criminal Court long enough for the Attorney General to consider its legality.

120. It was expected that the immediate consultation problem would be eased by the return to Baghdad of Mr Sawers, who had been instructed to make clear the UK's need for effective co-decision-making.

121. The same paper confirmed that Sir Jeremy Greenstock would take over from Mr Sawers in September.

122. The update also said that a "threat of missile attacks is likely to delay the opening of Baghdad airport to commercial traffic".

123. Secretary Powell raised indications of "British unease about co-ordination and leadership in Iraq" with Mr Straw on 19 June.[45]

124. Mr Straw said that the problems "all went back to our suggestion for an MOU which would have divided the country". Since that had not been acceptable to the US "we were now jointly and severely liable for everything that went on in all of Iraq". They agreed that a high level of consultation was needed.

125. Mr Blair told Cabinet on 19 June that despite negative media comment "progress was being made in Iraq".[46]

126. The same day, Mr Sawers reported that "the security situation in the Baghdad area has taken a turn for the worse" with demonstrations against the Coalition, some of which resulted in fatalities among the US military.[47]

127. Mr Sawers asked for the security threat assessment for UK civilian staff to be updated, observing as he did that "I would not want us to lose[48] UK civilians before we apply the necessary expertise to the issue".

128. On 24 June, Mr Hoon made a statement in the House of Commons describing two incidents in Majar al-Kabir, a town in Maysan province.[49]

129. The first was an attack by Iraqi gunmen on members of the 1st Battalion the Parachute Regiment in which eight individuals were injured, two very seriously. There was then a subsequent attack on the helicopter sent to assist them.

---

[45] Letter McDonald to Manning, 19 June 2003, 'Foreign Secretary's Conversation with US Secretary of State, 19 June'.
[46] Cabinet Conclusions, 19 June 2003.
[47] Telegram 044 IraqRep to FCO London, 19 June 2003, 'Iraq: Security Situation'.
[48] Read in context, the Inquiry understands "lose" to mean depart the country rather than be killed.
[49] House of Commons, *Official Report*, 24 June 2003, column 996.

130. The second resulted in the deaths of six members of the Royal Military Police (RMP).[50]

131. In his statement to Parliament Mr Hoon said he would:

> "… caution against reaching any wider conclusions about the overall security situation in southern Iraq, particularly in the United Kingdom's Area of Responsibility. Coalition Forces have worked hard to secure Iraq in the aftermath of decisive combat operations. They will not be deflected from their efforts by the enemies of peace."

132. A minute provided to Sir David Manning by Mr Julian Miller, Chief of the Assessments Staff, described what had happened to the members of the RMP in Majar al-Kabir:

> "On 22 June, house searches by British forces in the town had led to demonstrations and shots being fired. Subsequent discussion with the British military and local leaders resulted in an agreement to postpone the searches for one month, however this agreement was not widely known. As a result an RMP patrol of 24 June was assumed to indicate plans for further British house searches. A spontaneous demonstration against the RMP presence followed."[51]

133. General Sir Peter Wall, former General Officer Commanding 1st (UK) Armoured Division, described the incident to the Inquiry as:

> "… they were making a routine call in accordance with a plan, a planned patrol. And it is fair to say we had some difficulty with communications, of calling in reserves, general situational awareness, all of which has been taken account of in inquiries since the time, but they were subjected to a deliberate attack from a group of people from a nearby town. It then generated a riot in Majar al-Kabir and we don't know the precise catalyst for it. Some of it may be to do with some tribal sensitivity about the way that we were operating at the time."[52]

134. On 25 June, Mr Annan called on Mr Blair.[53] Part of their hour-long discussion covered Iraq.

135. Mr Annan said that Mr Vieira de Mello had established good relations with Mr Sawers and Ambassador Bremer. The UN was "encouraging him [Bremer] to go as fast as possible, or at least set out a political vision, to avoid Iraqi frustration of an overly long Occupation" and Mr Annan said that Ambassador Bremer should engage more with the Iraqi public.

---

[50] Sergeant Simon Hamilton-Jewell, Corporal Russell Aston, Corporal Paul Long, Corporal Simon Miller, Lance Corporal Benjamin Hyde, Lance Corporal Thomas Keys.
[51] Minute Miller to Manning, 25 June 2003, 'Iraq: 24 June Attack on British Troops'.
[52] Public hearing, 14 December 2009, page 57.
[53] Letter Rycroft to McDonald, 25 June 2003, 'Prime Minister's Meeting with UN Secretary General, 25 June'.

136. Mr Annan commented:

> "Bremer was a centraliser – good at taking quick decisions, but there was a risk of reduced consultation."

137. Mr Annan also warned that:

> "… de-Ba'athification had gone too deep, since for most Iraqis it was Saddam, not Iraq, who had been defeated. We should find a way to reemploy many more former policemen, as the UN had done in Bosnia."

138. Mr Blair said that de-Ba'thification needed to be implemented "pragmatically and flexibly" and that he would continue to raise the issue with President Bush.

139. The AHMGIR met again on 26 June.[54] The Annotated Agenda for the meeting, prepared by the Cabinet Office, stated that "the Iraqi Interim Administration will be composed of a number of elements, including a Political Council, a Constitutional Convention and reform Commissions". It reported positive progress on appointing the Council, but that "finding the right women remains a challenge".

140. Cabinet Office officials recorded that Ambassador Bremer:

- intended the Political Council to exercise increasing powers over time: its two immediate tasks would be to propose ministers, and to advise the Coalition on long-term issues such as regulation of political parties, and educational and judicial reforms;
- had given an undertaking that, once the Interim Administration was formed, the CPA would not take any major decisions without consulting it; and
- remained keen to establish a Constitutional Conference by the end of July, but Iraqi participants in the consultation process were undecided whether this should be elected or appointed, and how.

141. The Annotated Agenda said that the UN remained closely involved. The UK was trying to involve the UN in other aspects of the democratic process, such as holding a census and drawing up an electoral register.

142. The AHMGIR was given a draft of the CPA's Strategic Plan which the Cabinet Office described as "a good basis for further work" but "still deficient" and "not in a form digestible to Iraqi and regional audiences". It included the CPA's planning assumptions that:

> "– Iraqi people will accept the legitimacy of the Interim Administration.
> – The election of an accountable and representative government will be based upon a Constitution borne [sic] of a popular participative process.

---

[54] Annotated Agenda, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching 'OCPA Strategic Plan'.

– The Iraqi people will embrace and remain committed to electoral reform.

– The Iraqi people will support a united national government structure."

143. Cabinet Office officials commented that the plan did not include dates for the restoration of fully sovereign Iraqi government. It also lacked reference to macro-economic management, exaggerated the role of the free market, lacked reference to the environment and did not include proper linkage to resolution 1483.

144. In the course of the AHMGIR's meeting on 26 June, an FCO official emphasised the importance of keeping Shia groups on board.[55] In discussion it was observed that CPA attention was focused on Baghdad at the expense of the South.

145. The AHMGIR agreed that the UK should continue to ensure the involvement of Iraqis and the UN in the formation of a viable, credible and representative Interim Administration in a manner consistent with resolution 1483.

146. Ministers agreed that officials should push for improvements to the CPA Strategic Plan, particularly on macro-economic issues and linkage to resolution 1483 but did not specifically address the absence in the plan of indicative dates for the restoration of a sovereign government.

147. Ministers also asked for a weekly assessment of progress in "each of the key areas" and a daily update. Reports should bring out what was being done in the South, what MOD and DFID could do and what would need CPA intervention.

148. Cabinet met immediately after the AHMGIR on 26 June.[56]

149. Mr Straw told his Cabinet colleagues that Ambassador Bremer "intended to bring the Iraqi Political Council into being by the end of July, together with a Constitutional Convention". Summing up the meeting, Mr Blair observed that "the coming months would show more clearly the improvements being made".

150. Mr Hoon told Cabinet that the preliminary view was that the incidents in Majar al-Kabir were isolated and would not affect the way British forces undertook their security duties in southern Iraq. The issue of bringing to justice those responsible for the killings remained.

151. After Mr Straw had updated Cabinet on reconstruction in Iraq, Mr Blair summed up that the killings were "a tragic event, but the fact was that rebuilding Iraq was a difficult task".

152. On 26 June, Grand Ayatollah al-Sistani, the most senior authority in the Iraqi Shia community, issued a fatwa stating that the CPA did not have jurisdiction to select the

---

[55] Minutes, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[56] Cabinet Conclusions, 26 June 2003.

members of the assembly that would draft the new Iraqi Constitution.[57] The fatwa said that the CPA plan was "unacceptable from the outset", and that in its place:

> "First of all there must be a general election so that every Iraqi citizen – who is eligible to vote – can choose someone to represent him in a foundational Constitution prepration assembly. Then the drafted Constitution can be put to a referendum."

153. Grand Ayatollah al-Sistani concluded his fatwa:

> "All believers must insist on the accomplishement of this crucial matter and contribute and contribute to achieving it in the best way possible."

Grand Ayatollah al-Sistani

Grand Ayatollah al-Sistani is Iraq's senior Shia theologian.[58]

Born in Iran, al-Sistani is considered to be the most senior of the four Grand Ayatollahs based in Najaf, although that position is not a formal one.[59] All four advocate the principle of a clear separation between religion and politics, in contrast to Grand Ayatollah Khomeni in Iran. They exercise their influence through a network of clerics and mosques, and through Shia political parties, in particular the Supreme Council for an Islamic Revolution in Iraq (SCIRI) and Dawa.

As religious leader of around 60 percent of the Iraqi population, al-Sistani has a very significant influence.[60]

154. Sir David Manning raised concerns about the US lack of consultation with the UK with Dr Rice on 27 June.[61] Dr Rice indicated that she had heard about the problems, and had "taken these on board".

155. In a meeting with Mr Hoon on the same day, Dr Rice raised a US concern that the drawdown of UK forces in southern Iraq meant a lessening of UK commitment to the area.[62]

156. Mr Hoon replied that force levels were based on an assessment of the security situation. In the South "a heavy hand might be a destabilising factor" but more troops were available "if the situation demanded". It was important that "significant funds" for reconstruction flowed into the area if a successful outcome was to be achieved.

---

[57] Talmon S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council.* Hart Publishing, 2013.
[58] Minute Owen to Rycroft, 13 January 2004, 'Iraq: Sistani'.
[59] Telegram 50 Baghdad to FCO London, 21 January 2005, 'Iraq: Key Political Players: Shia: Part One of Two'.
[60] Minute Straw to Prime Minister, 13 January 2004, 'Iraq: Sistani'.
[61] Letter Rycroft to McDonald, 27 June 2003, 'Iraq: Meeting with Condi Rice, 27 June'.
[62] Letter Williams to McDonald, 27 June 2003, 'Defence Secretary's meeting with Condi Rice – 27 June 2003'.

157. Baroness Amos visited Iraq at the end of June. She provided her immediate impressions to Mr Blair on 27 June and a detailed report with recommendations for action on 2 July. Her Principal Private Secretary reported separately on meetings with Mr Vieira de Mello and Ambassador Bremer.

158. In her detailed report, Baroness Amos noted that security in Baghdad was fragile, with attacks on US troops on an almost daily basis, and remained a key concern for Iraqi people.[63] The situation appeared to be worsening; it was the overwhelming and immediate priority without which "little else will be possible". Security concerns had reached such a level that the UN planned to scale back its representation in Baghdad by one third to a total of 200 staff. As a result, Baroness Amos recommended re-considering the case for additional troops on the ground – either Coalition or Iraqi.

159. The attached report said:

> " … in CPA itself, there are still too many people with the wrong skill set – policy focus rather than operational expertise, and insufficient experience of post-conflict developing country situations."

160. Baroness Amos therefore recommended:

> "We need more UK people with political skills on the ground. These should be Arabic speakers, with knowledge of the region, to strengthen capacity in CPA South and CPA Baghdad."

161. But this approach brought risk:

> "UN workers reported that increasingly Iraqis were beginning to lump all foreigners together. It is just a matter of time before international civilians are caught up in these attacks [on US troops]."

162. In her report, Baroness Amos also highlighted the need to agree and communicate to the Iraqi people a clear timetable for the political transition to Iraqi self-government. She observed that:

> "Until Iraqis can see that we are serious about handing authority back to them, and can see a defined process leading to the withdrawal of Coalition Forces, they will continue to doubt our intent and the reasons for our continuing presence."

163. Baroness Amos asked Mr Blair to raise with President Bush in their telephone conversation scheduled for 3 July the urgent need to get a grip on the security situation as well as:

> "… the need for a public and well communicated timetable for the political transition to Iraqi self-government. An immediate objective would be to transfer maximum authority to Iraqi 'ministers' appointed by the Governing Council – we should put Iraqis in charge of helping to sort out the problems that Iraq faces."

---

[63] Letter Amos to Prime Minister, 2 July 2003, [untitled] attaching Paper, 'Iraq: Visit Report'.

164. In her covering letter, Baroness Amos wrote that "the UK focus in security in the South, leaving security in Baghdad largely to the US, is not good enough".

165. Baroness Amos' Principal Private Secretary reported that Baroness Amos had asked Mr Vieira de Mello whether the establishment of a Political Council, followed by the drafting and agreement of a Constitution leading to elections in around two years would be acceptable to the Iraqi people.[64] Mr Vieira de Mello thought there was a danger that they would say it was too little, too late:

> "But with a clear road map and timeframe, showing them that their humiliation was finite; and if the PC [Political Council] and interim ministers were given real, tangible responsibilities … he thought they could be persuaded to be realistic. And if the PC was genuinely representative from across Iraq, he believed that the Secretary-General and he would be able to recommend the Security Council accept it as the Interim Authority set out in SCR 1483."

166. Baroness Amos subsequently asked Ambassador Bremer if there was a timeframe for the political process. He indicated that the Political Council should be set up by mid-July, and the Constitutional Council shortly after that. Once the Councils had been established, Ambassador Bremer was reluctant to impose any deadlines, believing that responsibility for doing so should lie with the Iraqi people themselves.

July 2003

167. Reporting to No.10 on security and troop levels in Iraq on 1 July, Mr Hoon's Private Secretary wrote:

> **"Security situation in Iraq varies from area to area: but we do not currently judge that Al Majar Al Kabir was the start of a trend, but rather a local incident."**[65]

168. The Private Secretary reported that the security environment remained very difficult in places, particularly in and around Baghdad and Fallujah. The MOD had considered whether troop reinforcements would make a difference:

> "… we continue to assess that we have the right size and shape of forces to do the job. The British Commander, General Wall, is aware that reinforcements could be generated if he judged that they were needed."

169. General Sir Peter Wall told the Inquiry that the incidents in Majar al-Kabir:

> "… turned out to be consistent with the broad mood across Maysan as it developed over time, and … the events in 2004 in al-Amara … were really linked to that sort of same resentment against our presence."[66]

---

[64] Minute Bewes to Malik, 28 June 2003, 'Meeting with Sérgio De Mello'.
[65] Letter Williams to Rycroft, 1 July 2003, 'Iraq: Security and Troop Levels'.
[66] Public hearing, 14 December 2009, pages 57-58.

170. On 1 July, in a letter to Sir Jeremy Greenstock, who would be succeeding Mr Sawers as the Prime Minister's Special Representative for Iraq, Mr Peter Ricketts, FCO Political Director, wrote that he hoped the close consultation between Mr Sawers and Ambassador Bremer could "be expanded to allow even greater access to the US machine in Baghdad".[67]

171. Mr Ricketts continued that "we need to keep working on establishing mechanisms for more systematic US/UK consultation" and suggested that was a key priority for Sir Jeremy's first few weeks.

172. The Joint Intelligence Committee (JIC) reviewed the situation in Iraq on 2 July and concluded that:

> "Numerous groups and individuals, including extremists, are competing for influence in post-war Iraq. A number of them have already demonstrated that they are prepared to use violence to achieve their ends, and all have easy access to weapons.
>
> "For most Iraqis, the immediate concerns are security and living conditions. Most are, for now, acquiescent in the Coalition presence. But events in Iraq will depend heavily on Coalition action.
>
> "Extremist groups currently pose a direct threat to Coalition Forces, and to ordinary Iraqis who work with the Coalition. For now, the activities of these groups are largely unco-ordinated. However, it is likely that the links between groups will become stronger.
>
> "In the medium to long term, disagreements over political, economic and security issues also have the potential to escalate into conflict. Particular points of friction are likely to include:
>
> - political representation, and the future direction of Iraq;
> - access to property, revenue and employment;
> - the composition of the new national army and the future role of militias."[68]

173. Sir John Sawers told the Inquiry that:

> " … what we were faced with increasingly through 2003 were a series of challenges to the Coalition's position that collectively represented an onslaught on us. There were the remnants of the Ba'athist regime, the elements of the presidential guard, the Fedayeen Saddam, all these specialist intelligence and security units that Saddam set up, who had dissolved into the mainly Sunni areas and were reconstituting and posing a terrorist threat to the Coalition. There was Al-Qaida linked groups, who saw Iraq as an opportunity for them to continue their global

[67] Letter Ricketts to Greenstock, 1 July 2003, 'Iraq: UK Special Representative'.
[68] JIC Assessment, 2 July 2003, 'Iraq: Potential Flashpoints'.

terrorist campaign. There were sundry Jihadists and Salafists and other extremists who were attracted to Iraq as a vehicle for having a pot shot at the Americans and the Brits."[69]

174. Mr Straw visited Iraq and met Ambassador Bremer at CPA Headquarters in Baghdad on 2 July.[70]

175. Ambassador Bremer reported that he hoped to have a Governing Council of 20-30 "fairly representative Iraqis" within two weeks. The mechanism by which they would be appointed had not yet been finalised. The Council would be able to appoint ministers, examine the budget and establish Commissions on elements of reform.

176. Mr Straw urged Ambassador Bremer to articulate a calendar for the political process because:

"This would help dissipate some dissatisfaction, even if the milestones were some months away. It would change the dynamic of the debate and help get Iraqi buy-in for the process."

177. In a private meeting with Mr Straw later the same day, Mr Vieira de Mello welcomed Ambassador Bremer's commitment to:

"… get the Governing Council off the ground soon. This would alleviate some discontent … Giving some Iraqi leaders visible responsibility for developments should also reduce criticism of the CPA's efforts."[71]

178. The day before a video conference with President Bush planned for 3 July, Sir David Manning sent a note to Mr Blair offering advice on the conversation.[72] Sir David wrote:

"This is a key exchange."

179. Of the messages that were vital to get across, Sir David identified security as the top priority and suggested (noting that the MOD would probably disagree) a surge of large numbers of troops into Iraq to get through the "security crisis". This should be accompanied by an accelerated reconstruction programme and a "very vigorous political programme" plus an effective media strategy.

180. Sir David also highlighted that US analysis of Iranian involvement in Iraq differed from the JIC's assessment and questioned the value of taking action.

---

[69] Public hearing, 10 December 2009, pages 79-80.
[70] Telegram 24 FCO London to IraqRep, 3 July 2003, 'Iraq: Foreign Secretary's Meeting with the Administrator of the Coalition Provisional Authority in Iraq, 2 July'.
[71] Telegram 25 FCO London to IraqRep, 4 July 2003, 'Iraq: Foreign Secretary's Meeting with UN Secretary General's Special Representative for Iraq, 2 July'.
[72] Minute Manning to Prime Minister, 2 July 2003, 'Iraq: Your video conference with President Bush'.

181. Sir David emphasised that:

> "Bush needs to hear the alarm now. He needs to focus, and to galvanise action, if we are not to find ourselves increasingly embattled in Iraq and unable to achieve a successful post-war settlement."

182. The weekly meeting of Cabinet took place before Mr Blair and President Bush spoke on 3 July. In the course of the meeting Mr Straw, Baroness Amos and Mr Hoon all emphasised that security was the main issue.[73]

183. Mr Hoon identified "greater organisation" in anti-Coalition forces and said that the vicious circle of opposition to the Coalition, which prevented improvements to the life of the average Iraqi citizen, must be broken.

184. Mr Blair concluded that we should make CPA(South) into "a model". Political progress was essential to the stability of Iraq.

185. Mr Blair and President Bush spoke by video conference on 3 July.[74]

186. Mr Hoon, Gen Walker, Mr Jonathan Powell and Sir David Manning joined from London, along with key White House officials, Secretary Rumsfeld and Vice President Cheney in the US. Ambassador Bremer, Mr Sawers and General Ricardo Sanchez (Commander of CJTF-7) dialled in from Iraq.

187. Mr Blair began by congratulating Ambassador Bremer on the "remarkable performance" of the CPA. He then set out areas of concern:

- Security. This was hampering CPA efforts at reconstruction; what more did the CPA need?
- Reconstruction. The power and water infrastructure needed to be rebuilt urgently; were there particular obstacles that needed to be removed?
- Communications. It was essential to improve the CPA's capacity to communicate with the people of Iraq.
- WMD. The search needed to be redoubled and the atrocities of the Saddam regime documented and publicised.
- Politics. Was the political process on track?

188. On security, Mr Blair asked Mr Sawers and Ambassador Bremer to draw up a list of their requirements, telling them "whatever they needed, we would do our utmost to provide" and reiterating that the UK would "do our level best to meet any demand for additional resources". Mr Blair added that if there were any obstacles that needed clearing, Mr Sawers and Ambassador Bremer should tell him.

---

[73] Cabinet Conclusions, 3 July 2003.
[74] Letter Cannon to McDonald, 3 July 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 3 July'.

189. Ambassador Bremer told Mr Blair that in his view there were four security threats:

- former Ba'athists;
- international terrorists (Al Qaida and Ansar al-Islam);
- civil criminals (whose activities contributed to the sense of insecurity for the general public); and
- Iranian agents, particularly in the South and West.

190. The AHMGIR met after the video conference.[75]

191. The Annotated Agenda for the meeting, written by Cabinet Office officials, described the security situation and observed that it was "constraining the reconstruction work of the CPA, the UN and other international actors".[76] As a result of security concerns, UK CPA secondees were "operating a night-time curfew".

192. The Annotated Agenda reported growing attacks on US forces, acts of economic sabotage and intimidation of Iraqis working with the CPA, all of which were beginning to have an effect on reconstruction. Tensions in the UK Area of Responsibility, however, had not worsened.

193. Cabinet Office officials described action being taken by the UK to improve security, including:

- training US soldiers in "urban peace support operations";
- increasing police numbers and "standing up local guard forces"; and
- Security Sector Reform, which was "a long term process".

194. Cabinet Office officials observed that "**real improvements will depend in part on wider progress on political reform and reconstruction**".

195. In southern Iraq, the Annotated Agenda recorded that the UK was about to assume command of Multi-National Division South-East (MND(SE)), expanding by two the number of provinces over which it had command. Capacity in CPA(South) was being bolstered, and staffing numbers had reached 60, although "operational funding has still to arrive".

196. The Annotated Agenda explained that the Political Council had been renamed the Governing Council (GC),[77] and was expected to convene "by the second half of July". Members would "nominate themselves to the CPA, on the basis of a consensus emerging from the CPA-led political consultations". It was expected that Mr Vieira de Mello would endorse the GC when he reported to the UN Security Council in mid-July.

---

[75] Minutes, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[76] Annotated Agenda, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[77] The Governing Council (GC) is sometimes referred to as the Iraq Governing Council (IGC). The two titles refer to the same body. The Inquiry has chosen to refer to the GC, for consistency, except where quoting others who have chosen IGC.

197. The Constitutional Convention had been postponed, and instead a Preparatory Commission on the Constitution would be created, to advise on how the Constitutional Convention should be established.

198. During the meeting of the AHMGIR, officials from the FCO added that it was hoped the Constitution would be completed by May 2004 and that elections would then follow.[78]

199. Mr Hoon reported to the meeting on the video conference that had taken place earlier in the day, observing that the US was becoming concerned that Saddam Hussein had not yet been captured.

200. Gen Walker, who had also taken part in the video conference, observed that "the US appeared to have no clear plan for security in the centre".

201. In discussion, the (unattributed) point was made that "there was no need, at present, to increase UK forces". The Chair of the meeting, Mr Hoon, summed up the discussion stating "real improvements [in security] would depend in part on progress on political reform and reconstruction".

202. A telegram from Mr Sawers on 3 July containing points to follow up after the video conference with President Bush said:

> "It didn't come up today, but our forces in the South are thinly stretched. I discussed this with the Foreign Secretary yesterday. 3 Div will be responsible for the four Southern provinces, as opposed to the two covered by 1 Div. We will have less than 10,000 troops to cover Basra and Maysan and provide a reserve for any problems in the other two provinces …
>
> "It is not for me to recommend how many forces we need for our mission. But I expect the task facing our forces to get more difficult over the summer … Seen from here, we would be better off putting extra capability in place now than rather than risking being exposed by events."[79]

203. Sir David Manning marked the telegram for Mr Blair to see, and wrote "Reinforces my worries about troop numbers" on the document. Mr Blair replied "Can't we leave 10,000 in + at least bolster with foreign troops".

204. A telegram from the IPU in London to Mr Sawers in Baghdad on 7 July stated "we are pleased with the progress on the Governing Council … and continue to attach importance to a clearly articulated vision statement and a calendar against which Iraqis and the international community can judge us".[80]

---

[78] Minutes, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[79] Telegram 64 Sawers to FCO London, 3 July 2003, 'Personal: Iraq: Follow up to the Bush/Blair VTC', including Manuscript Comments Manning and Blair.
[80] Telegram 27, FCO London to IraqRep, 7 July 2003, 'Iraq: Priorities'.

205. The IPU also welcomed news that the CPA Strategic Plan ('The Vision for Iraq') was almost ready for publication, and told Mr Sawers that they thought it had been "lost in the weeds".[81] The IPU's view was that the document required "some more work … and clarity".

206. On 8 July, Mr Blair gave evidence to the House of Commons Liaison Committee.[82]

207. Mr Blair told the Committee that "the fact that we will probably have a political council up and running within the next few weeks, indicates that there is change and progress being made".[83]

208. In response to a question from Mr Edward Leigh, the Committee Chairman, about his exit strategy for Iraq, Mr Blair replied:

> "We stay until we get the job done. The job is to get the country back on its feet, to give it a proper functioning political system which means that the Iraqis themselves in a representative way control their country and to make sure that it has the ability to be a stable and prosperous partner in the region."[84]

209. Mr Blair also told the Committee that:

> "The British troop requirement … is already just under a third of what it was at the height of the conflict, so we are not at the same troop strength as we were even two months ago."

210. On 9 July, Cabinet Office officials briefed members of the AHMGIR that:

> "A **Governing Council** should be established within the next two weeks. The Council is likely to meet our core requirements: it will emerge by consensus among leading Iraqis; the main ethnic and religious groups will be represented in a balanced way; at least 4-5 women will be involved … and it will have UN consent."[85]

211. The same Annotated Agenda also reported the CPA's announcement of a new Dinar note, a 1:1 replacement for the Saddam Dinar, Iraq's pre-conflict currency.[86] But there were signs that the CPA's failure to consult had not been resolved. Cabinet Office officials reported:

> "Bremer has also announced the independence of the Iraqi Central Bank … the announcement has taken all by surprise. It is not clear if De Mello was fully consulted … We are trying to clarify the situation."

---

[81] Telegram 27 FCO London to IraqRep, 7 July 2003, 'Iraq Priorities'.
[82] The Liaison Committee is appointed to consider general matters relating to the work of select committees and, amongst other duties, to hear evidence from the Prime Minister on matters of public policy.
[83] House of Commons, Select Committee on Liaison, *Minutes of Evidence*, 8 July 2003, Q168.
[84] House of Commons, Select Committee on Liaison, *Minutes of Evidence*, 8 July 2003, Qs189-191.
[85] Annotated Agenda, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[86] The conversation rate was 150:1 for the Old Dinar (or Swiss Dinar) used in the Kurdish north.

212. On 9 July, Mr Rycroft wrote to Sir David Manning to recount a phone call from Mr Sawers in Baghdad.[87] He reported that Mr Sawers considered that troops in Basra were "badly stretched". The answer to several of his questions (for example, about guarding specific sites) had been "we don't have enough troops to do that".

213. Mr Sawers described his main security concern as the border with Iran in Maysan Province, which might be seen as a soft target for attacks, and proposed that the UK should "go back to having a full brigade, and crucially the HQ that goes with it, rather than the battalion it now has".

214. Mr Rycroft had explained the MOD view that "more troops weren't the answer and that what was needed was progress on the political track". Mr Sawers agreed this would help but "just as there could be no purely military answer to the security issue, so political progress would need to be underpinned by the military".

215. Sir David Manning sent Mr Rycroft's minute to Mr Blair, annotating it:

> "I still think we have too few troops on the ground. This discussion which Matthew had with John Sawers in my absence confirms me in my views."

216. On 10 July, Mr Hoon's Private Secretary wrote to Mr Rycroft to explain that:

> "As at 3 July, there were a total of **13,404** UK military and civilian personnel deployed in the Gulf region on activities relating to Operation TELIC … A process of roulement is ongoing which is due to complete by 1 August. At that stage, the UK presence in theatre is due to have reduced from its peak of around 46,000 to some **12,000** … By late August, it is expected that the number will fall … to around **10,500** across the three Services."[88]

217. Mr Rycroft provided Mr Blair with a copy of the letter, noting on it that:

> "Our new area, comprising four provinces, comes into being on 12 July. 5,500 foreign troops will come into it."

218. At the meeting of the AHMGIR on 10 July, Mr Straw reported on his recent visit to Baghdad and Basra.[89] Iraqi political leaders he met had clearly welcomed the end of Saddam Hussein's regime, but not the US military presence. Even opponents of the old regime felt that this was a humiliation for the Iraqis who had failed to remove Saddam Hussein themselves.

219. Ms Patricia Hewitt, the Trade and Industry Secretary, reported that she had also visited Baghdad and attended a Women's Conference. She expressed disappointment that there were likely to be only four women in the GC. The political parties were refusing to nominate women.

---

[87] Minute Rycroft to Manning, 9 July 2003, 'Iraq: John Sawers' views'.
[88] Letter Williams to Rycroft, 10 July 2003, 'UK force levels in Iraq' including Manuscript comment Rycroft.
[89] Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

220. Later that afternoon, Mr Straw told Cabinet that the GC would be a broadly inclusive body, incorporating "Iranian influenced Shia and communist elements".[90] It would "progressively" take over authority for areas of government, subject to the CPA's approval.

221. On 11 July, Mr Straw's Private Secretary wrote to Mr Rycroft with a draft message for Mr Blair to send to the Governing Council when it met for the first time two days later.[91] The Private Secretary's letter recorded that:

> "The last two weeks have seen intensive consultations with political leaders, religious figures, tribal leaders and civil society representatives … Sérgio Vieira de Mello has been closely involved. He has expressed firm support for our approach … Our approach is in accordance with UNSCR 1483."

222. The letter went on to say:

> "GC will be the Iraqi interface with the CPA and international community. It will nominate interim ministers and oversee day to day running of ministries. CPA will consult GC on all areas of policy. Only in exceptions would CPA act without GC support. GC will formulate new national reconstruction and security policies … and submit these recommendations to the CPA … Operational security matters will remain the responsibility of the CPA."

New military structures

Multi-National Division (South-East) (MND(SE)) was formally established on 12 July.[92] This coincided with a change of UK forces within the area as 1st (UK) Armoured Division handed over to 3rd (UK) Mechanised Division.

The senior UK military commander in MND(SE) – the General Officer Commanding (GOC MND(SE)) – reported to the US General in charge of CJTF-7, Lt Gen Sanchez. The first GOC MND(SE) was Major General Graeme Lamb, who held the position from July to December 2003.

Tour lengths

Throughout the course of Op TELIC, 11 different commanders held the post of GOC MND(SE), changing roughly every six months:

- July 2003 to December 2003: Major General Graeme Lamb
- December 2003 to July 2004: Major General Andrew Stewart
- July 2004 to December 2004: Major General William Rollo

[90] Cabinet Conclusions, 10 July 2003.
[91] Letter Owen to Rycroft, 11 July 2003, 'Iraq: Governing Council Launch'.
[92] Report Lamb, 30 January 2004, 'Post Operational Tour Report – Version 1 Operation Telic 2/3 11 July to 28 December 2003'.

- December 2004 to June 2005: Major General Jonathon Riley
- June 2005 to December 2005: Major General James Dutton
- December 2005 to July 2006: Major General John Cooper
- July 2006 to January 2007: Major General Richard Shirreff
- January 2007 to August 2007: Major General Jonathan Shaw
- August 2007 to February 2008: Major General Graham Binns
- February 2008 to August 2008: Major General Barney White-Spunner
- August 2008 to March 2009: Major General Andrew Salmon

A number of those who served as GOC MND(SE) gave the Inquiry their views about the length of their tour in Iraq.

Lt Gen Riley told the Inquiry that he was "firmly of the view" that GOCs needed "an extended period of duty" if they were "in any way to understand local societies" and gain the trust and confidence of those with whom they were working.[93] He said he believed that the six month rotation period was changing and said that his last tour in Afghanistan had been for 14 months.

The Inquiry asked Lt Gen Rollo and Lt Gen Cooper how much they were able to build on their predecessors' success during a six month GOC MND(SE) posting.[94]

Lt Gen Rollo said that he felt that six month postings were "too short" and that longer tours would have been "entirely sensible" given that MND(SE) was a "vastly complicated place, for commanders in particular". He added that GOCs did, however, approach the role with "a common doctrine", common background of experience and a desire "to achieve the same things".

Lt Gen Cooper told the Inquiry that he felt that postings should last for at least 12 months. He said that he agreed with Lt Gen Rollo's assessment that GOCs would look at key issues but observed:

> " … clearly I looked at it slightly differently to my predecessor, and my successor looked at it slightly differently to me, his successor looked at it slightly differently to him".

Lt Gen Dutton told the Inquiry that there was "no doubt" that six months was not long enough for a GOC to be in post, but that years in post were needed to develop the level of understanding necessary for the role.[95] He said that the duration should certainly be increased to a year.

Lt Gen Shirreff told the Inquiry that in his opinion divisional commanders "must do more than six months" and so senior commanders should do "much longer" because:

> " … just as you are getting up to speed, just as you are establishing trust, confidence, with all your interlocutors, it is time to pull out, and, of course, your interlocutors have to start all over again …"[96]

---

[93] Public hearing, 14 December 2009, pages 20-21.
[94] Public hearing, 15 December 2009, pages 45-47.
[95] Public hearing, 12 July 2010, pages 51-52.
[96] Public hearing, 11 January 2010, page 46.

Lt Gen Shirreff observed, however, that for soldiers on the ground, six months was "about right".

Maj Gen Shaw told the Inquiry that he thought it was an "illusion" that the six-month tour lengths created a lack of continuity:

> "I think the problem … is more a methodological one. It's more that there is no laid-down methodology. There's nobody that owns the campaign and takes the incoming commander and says, this is what we're going to do, drive on."[97]

Maj Gen Shaw said that, during his time in Northern Ireland, there had been a clear long term vision so that commanders knew their place in the bigger picture but this was lacking from his experience in Iraq. As an example, he said that what he and Lt Gen Shirreff did during their respective postings as GOC MND(SE) "were diametrically opposite things" but that both were supported by the system because they were "allowed to do what we judged was the right thing to do".

Lt Gen Binns told the Inquiry that he thought there was a need to improve "campaign continuity" and that one solution was for senior commanders to serve longer, where appropriate, but:

> "… we have to be careful that this doesn't become the default setting, because one can get very tired, if you are being rocketed every day, if you have got the responsibility of command during a very difficult period, then simply extending people's period there isn't necessarily the answer."[98]

Throughout the course of Op TELIC, 11 individuals held the post of Senior British Military Representative-Iraq, changing roughly every six months until September 2006:

- May to September 2003: Major General Freddie Viggers (also appointed as Deputy Commander of CJTF-7)
- September 2003 to April 2004: Major General Andrew Figgures
- April 2004 to October 2004: Lieutenant General John McColl
- October 2004 to April 2005: Lieutenant General John Kiszely
- April 2005 to October 2005: Lieutenant General Robin Brims
- October 2005 to March 2006: Lieutenant General Nicholas Houghton
- March 2006 to September 2006: Lieutenant General Robert Fry
- September 2006 to July 2007: Lieutenant General Graeme Lamb
- July 2007 to March 2008: Lieutenant General William Rollo
- March 2008 to March 2009: Lieutenant General John Cooper
- March 2009 to July 2009: Lieutenant General Chris Brown

Some of those who served as SBMR-I offered the Inquiry similar views to those who served as GOC MND(SE).

Lt Gen Brims told the Inquiry: "I would happily have stayed there for a year, and I think I could have done a good job."[99]

---

[97] Private hearing, 21 June 2010, pages 53-55.
[98] Public hearing, 15 January 2010, page 48.
[99] Public hearing, 14 December 2009, page 37.

Lieutenant General Sir John Kiszely went further, and said that six months was "manifestly not long enough".[100] One risk of a six month tour was that Iraqi interlocutors might judge that the postholder was "passing trade", and would not establish as a close a relationship with them as they would with an individual who would be in post for a year or more. He made similar points in 2005 in his end of tour report, which can be found in Section 9.3.

Lt Gen Lamb told the Inquiry that he agreed to extend the length of his tour because "it was exactly the right place to be".[101]

The Inquiry asked Air Chief Marshal Sir Glenn Torpy to what extent the conduct of the campaign was determined by individual GOCs rather than by the CJO.[102] ACM Torpy replied:

> "In terms of the overall campaign objectives set by CDS and then down through myself to the GOC … that provided a degree of continuity but there is no doubt we had a debate over how long tour length should be … There were army reasons for keeping it at six months. That's what we stuck with. In hindsight and what we have now shifted to is much longer between nine months, a year, maybe even longer for certain key people."

ACM Torpy said that he thought that commanders would have benefited from longer tours in Iraq because "it gives you an opportunity to build relationships, understand the environment" and that this was "an acknowledged lesson out of the campaign".

General Sir Mike Jackson told the Inquiry that "six months seems to be self-evidently too short" given the importance of relationship-building.[103] He indicated that tour lengths for senior officers in Baghdad had begun to extend to nine or 12 months during his time as Chief of the General Staff (CGS).

General Sir Richard Dannatt, who succeeded Gen Jackson as CGS, told the Inquiry that he was "pretty convinced" that six months "in the front line" was as much as a soldier should be asked to do.[104] For some senior commanders and staff officers, and those engaging with local leaders and in training local forces, the circumstances were different. Consequently, "we have significantly changed the number of posts that go for nine months, 12 months and some even longer".

General the Lord Walker told the Inquiry that he considered "a minimum tour length for operation, intelligence-type commanders should be a year long" but that six months was " a good time for people on the ground".[105]

Air Chief Marshal the Lord Stirrup told the Inquiry that:

> "… there is a very clear view that a brigade needs to train, fight and recover together. So that presents you with a difficulty, since you would actually like your command team … to stay there longer.
>
> "The way we sought to balance this circle is to have more and more continuity posts that are in theatre for a year, and they run over from one brigade to another … particularly in the areas of intelligence and cultural understanding."[106]

---

[100] Public hearing, 14 December 2009, pages 37-39.
[101] Public hearing, 9 December 2009, page 34.
[102] Public hearing, 18 January 2011, pages 100-101.
[103] Public hearing, 28 July 2010, pages 91-92.
[104] Public hearing, 28 July 2010, pages 39-40.
[105] Public hearing, 1 February 2010, page 59.
[106] Public hearing, 1 February 2010, page 73.

223. On 13 July, the Governing Council met for the first time.

224. Ambassador Bremer described its inauguration in his account of his year in Iraq:

> "The choreography we had agreed upon with the UK, UN and GC members called for the twenty-five Council members to gather in a building not far from the palace … The plan was for the group then to constitute themselves as the Governing Council. (This became known to us irreverently as the 'immaculate conception' option)."[107]

225. Chairmanship of the Council would rotate on a monthly basis. According to the RAND report, Ambassador Bremer observed that a body that could not agree on its own Chairman could hardly be ready to rule.[108]

226. The Chiefs of Staff discussed Iraq in their regular meeting on 16 July.[109] In discussion the point was made that:

> "The level of Iraqi consent to Coalition Occupation had deteriorated and COS assessed that it might be lost by the end of 04 were the current trend to continue. Retention of Iraqi consent depended on an effective, culturally attuned information strategy to inform local people about the progress being made on governance and reconstruction. The CPA had a mature, albeit unpublished, long term strategy, but there was a need to develop measures to retain consent of the middle ground and avoid extremism in the short and medium term."

227. Cabinet Office officials provided an Annotated Agenda for the meeting of the AHMGIR on 17 July.[110]

228. Attached to the Agenda was a copy of a document entitled 'Authorities of the Governing Council', which had been agreed between the CPA and GC as a description of the initial powers of the Council. It began:

> "The Governing Council is the principal body of the interim administration of Iraq called for in Security Council Resolution 1483."

229. The document set out that the CPA would be "required to consult" the GC on "all major decisions and questions of policy". The GC had "the right to set policies and take decisions in cooperation with the CPA".

230. The Annotated Agenda said:

- a bare majority of the GC members were Shia;

---

[107] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[108] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[109] Minutes, 16 July 2003, Chiefs of Staff meeting.
[110] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper, 13 July 2003, 'Annex B: Authorities of the Governing Council'.

- there were 14 leaders of political parties, three women (a result of the Kurdish parties failing to put forward strong female candidates), and two from Basra;
- membership of the GC was agreed by consensus; and
- it declared itself to be a representative group of the Iraqi people and the Governing Council of the interim administration called for under resolution 1483.

231. In relation to Security Sector Reform (addressed in detail in Section 12.1) the Annotated Agenda said that:

> "CPA plans are to develop policies in conjunction with emerging Iraqi authorities, to ensure that the major decisions on the size, shape and structure have full Iraqi involvement."

232. Cabinet Office officials also explained that the newly-formed Basra Province Interim Council was not connected to the GC. A link would need to be established so that funding could move south from Baghdad.

233. Sir John Sawers told the Inquiry that the CPA denied itself the authority to appoint any ministers who were not nominated by the GC.[111] In the 'Authorities' document, the GC alone was given power to appoint, oversee and dismiss interim ministers, as well as appointing international representatives of Iraq, such as Ambassadors. Although the GC would appoint the Finance Minister, the budget for 2004 would be drawn up "with the CPA, and with the involvement of representatives of the IMF, World Bank and UNDP".

234. Sir John also told the Inquiry that the GC itself agreed that it represented the ethnic composition of the country, and had the correct ethnic balance between Arabs and Kurds, representatives of all the major cities and provinces of the country; and a balance between Islamists and non-Islamists.[112] According to Sir John, the majority of members had lived in Iraq under Saddam Hussein.

235. The Cabinet Office Annotated Agenda for 17 July also informed members of the AHMGIR that:

> "The CPA Strategic Plan has been finalised and circulated internally within the CPA. At present there are no plans to publish it. Although not perfect, it meets our basic requirements. Next steps: CPA staff will use the Strategic Plan to inform further work in planning and prioritisation of the CPA's work. A revised, detailed implementation plan is due by 22 July. UK secondees in CPA will continue to try to shape this to ensure that it is coherent and commits the CPA to an ambitious but realistic timetable."[113]

236. Cabinet Office officials described the CPA's decision to create 18 CPA teams to match the 18 Governorate offices in the Iraqi administrative structure.

---

[111] Public hearing, 10 December 2009, page 93.
[112] Public hearing, 10 December 2009, page 94.
[113] Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

237. The US would run 14 of them, and the UK four. No decision had been taken as to whether these four should all be within the South-East to match the UK area of military responsibility. Mr Andy Bearpark had advised against such a move, because of concern that the US might then expect the UK to fund the entire effort in the South-East, meaning that the South-East might not receive its proper share of CPA funds.

238. At the meeting of the AHMGIR on 17 July, FCO officials reported that:

> "International reactions [to the GC] had been mixed, with some countries … notably cautious. Bremer was beginning to think a further transitional step was necessary between the Governing Council and a fully representative government to provide cover for other countries to support reconstruction."[114]

239. In discussion, a member of the AHMGIR made the point that a better communications strategy was needed to explain the role of the GC to the Iraqi people.

240. On 17 July, Mr Blair visited Washington to deliver a speech to a joint session of the US Congress,[115] which had awarded him the Congressional Gold Medal. He also met the Congressional leadership and, separately, President Bush.[116]

241. Mr Blair told Congress that:

> "… when we invade Afghanistan or Iraq, our responsibility does not end with military victory.
>
> "Finishing the fighting is not finishing the job.
>
> …
>
> "We promised Iraq democratic government. We will deliver it.
>
> "We promised them the chance to use their oil wealth to build prosperity for all their citizens, not a corrupt elite, and we will do so. We will stay with these people so in need of our help until the job is done."[117]

242. Mr Rycroft suggested to Mr Blair that, in relation to Iraq, the aim of his meeting with President Bush should be:

> "Agreement on a joint line on yellowcake [uranium] etc; public focus on the Governing Council; commitment to provide whatever resources are needed (a) to find the WMD, (b) to put Iraq on a stable footing, and (c) to resolve the communications problems dogging the CPA."[118]

---

[114] Minutes, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[115] Comprising members of the House of Representatives and the Senate.
[116] Letter [Private Secretary] to Adams, 18 July 2003, 'Prime Minister's Visit to Washington, 17 July'.
[117] www.CNN.com, 'Transcript of Blair's speech to Congress'.
[118] Minute Rycroft to Prime Minister, 16 July 2003, 'Washington'.

243. In their meeting, Mr Blair urged President Bush to focus on a media strategy for communicating with the Iraqi people, to ensure they understood that the US and UK were there to help and were improving basic services.[119] Mr Blair observed that if security could be improved, the pace of reconstruction could quicken.

244. In mid-July, the CPA sent its 'Vision for Iraq', the strategic plan in anticipation of which the UK had halted work on its own strategy in June, to Washington for approval.[120] By 18 July, senior officials in the Pentagon had approved it.

245. The 'Vision' defined the CPA's ultimate goal as working to achieve:

> "… a unified and stable, democratic Iraq that: provides effective and representative government for the Iraqi people; is underpinned by new and protected freedoms for all Iraqis and a growing market economy; is able to defend itself but no longer poses a threat to its neighbours or international security."[121]

246. The highest priority was to create a secure and safe environment through recruiting and training Iraqi police and armed forces. *Hard Lessons* describes its other goals as promoting a rapid transition to a market economy, establishing an effective rule of law system, and establishing programmes to develop democracy.[122]

247. A plan for the implementation of the Vision, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People',[123] was circulated to members of Congress on 23 July.[124]

248. The introduction to 'Achieving the Vision' by Ambassador Bremer said:

> "This progressive plan is an overview of the strategy necessary for early restoration of full sovereignty to the Iraqi people. The strategy is driven by more detailed action plans (e.g. plans for the New Iraqi Army, the police, restoring electrical power, etc.)."[125]

249. In his memoir Sir Hilary Synnott, who became Head of CPA(South) in July 2003, recalled:

> "I forced myself to sit down and try to read the Vision's electronic manifestation … If the Vision amounted to a goal, the Plan which accompanied it sought to make

---

[119] Letter Rycroft to Adams, 18 July 2003, 'Prime Minister's Visit to Washington, 17 July'.
[120] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[121] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. IB Tauris & Co Ltd., 2008.
[122] Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience.* U.S. Government Printing Office, 2009.
[123] Report Coalition Provisional Authority, 21 July 2003, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People'.
[124] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[125] Report Coalition Provisional Authority, 21 July 2003, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People'.

progress towards five objectives: security; governance; essential services; the economy; and strategic communications.

"The trouble was that it did not amount to an operational plan of action, only a list of subsidiary objectives under each of these headings. There were no indications about how in practice they would be achieved: no details of funding, of personnel involved, of support systems or of timing. It was particularly notable that the ultimate objective, of handing full sovereignty back to the Iraqi people, had no timing attached to it at all."[126]

250. 'Achieving the Vision' is described in more detail in Section 10.1.

251. At the Chiefs of Staff meeting on 23 July Lieutenant General John Reith, Chief of Joint Operations, reported that Saddam Hussein's two sons, Qusay and Uday, had been killed by US forces after a gun battle in Mosul.[127] The impact of their deaths would take some time to assess, although celebrations had been reported.

252. In the UK's Area of Responsibility, an Italian brigade had assumed responsibility for Dhi Qar province.

253. Cabinet Office officials told the AHMGIR on 24 July that Mr Vieira de Mello had reported to the UN, welcoming the formation of the Governing Council.[128] He had called for a clear timeline for the transition to a representative government, and for an Iraqi-led constitutional process.

254. Views within the GC were divided on timelines for the constitutional reform process leading to elections: some wished to press ahead; others favoured a slower, more cautious approach.

255. On 24 July, Ministers agreed that the UK would offer to lead four Governorate teams, two in the South-East, one in the Kurdish area, and one elsewhere in the Sunni area "but not in the less stable central areas around Baghdad".[129]

256. On 28 July, Lt Gen Reith set out the results of a Force Level Review for Basra and Maysan provinces in a paper for the Chiefs of Staff.[130]

257. As background to his conclusions, he wrote:

"Following the incident on 24 Jun, when six RMP were murdered at Al Majar al-Kabir, the level of tasking for UK forces in Basra and Maysan provinces has routinely exceeded that originally envisaged. GOC 1(UK) Armd Div conducted

---

[126] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. IB Tauris & Co Ltd., 2008.
[127] Minutes, 23 July 2003, Chiefs of Staff meeting.
[128] Annotated Agenda, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[129] Minutes, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[130] Paper CJO, 28 July 2003, 'Op TELIC – UK Force Level Review in Maysan and Basrah Provinces'.

an initial force level review that identified the possible requirement for additional manpower. GOC MND(SE) has taken this work forward and produced a detailed force level review of UK tasks across MND(SE)."

258. Lt Gen Reith described a shift in the role of the military to one of support, in all lines of operation other than security, which remained primarily a military responsibility. In the UK's area, he judged that there was no direct threat requiring a war-fighting capability, but armoured forces continued to be useful for "protection, over-match, presence and domination". Other threats included paramilitary attacks, terrorism (including Improvised Explosive Devices) and a breakdown of public order.

259. Further calls on military resources were being generated by:

- the reconstruction effort (in particular the need to protect key sites and facilities);
- SSR activities;
- the need to provide security for the Embassy compound in Baghdad and a potential Consulate in Basra;
- plans to open border crossings;
- the need for river patrols to combat smuggling; and
- the need to fill personnel gaps in the CPA structure.

260. In addition, in the event of "localised resurgences in violence" Lt Gen Reith anticipated that the UK might come under pressure to conduct cross-boundary operations.

261. Lt Gen Reith wrote:

"The overall impact of these additional commitments is almost two companies of manpower. This can just be met from within current resources, but has the penalty of leaving absolutely no slack at all and no uncommitted reserve. The level of tasks is also beginning to bite hard, now that R&R [Rest and Recuperation] has started, and is assessed as being unsustainable."

262. As a result, Lt Gen Reith recommended deployment of:

- an additional four-platoon[131] infantry company as soon as possible;
- identification of a reserve capability that would allow for rapid reinforcement, the first part of which should be a four-platoon company already in Cyprus; and
- some additional specialist capabilities, including Arabic speakers.

[131] A platoon comprises between 26 and 55 people.

263. Lt Gen Reith's recommendations were discussed by the Chiefs of Staff on 30 July. The minutes of that meeting record that:

> "CJO [Chief of Joint Operations] had discussed the Review with GOC MND(SE) who was content that the adjustment to force levels would be adequate. CDS [Chief of the Defence Staff] invited CJO to investigate the merit in deploying the SLE [Spearhead Land Element] to Cyprus to acclimatise in order that they might be better prepared were they called upon for deployment to Iraq. COS [Chiefs of Staff] agreed to CJO's recommendations, and CDS directed DG Op Pol [Director General Operational Policy] to submit to Ministers."[132]

264. On 30 July, Sir Hilary Synnott took up post as the Head of CPA(South). His appointment is described in Section 10.1.

265. Mr David Richmond succeeded Mr Sawers as the Prime Minister's Special Representative for Iraq on an interim basis at the end of July 2003, and remained in post until Sir Jeremy Greenstock arrived in September. Mr Richmond remained as Sir Jeremy's Deputy until Sir Jeremy left at the end of March 2004.[133]

266. Asked about his key responsibilities, Sir David Richmond told the Inquiry:

> "The first was really a thirst for information about what was going on. They wanted me to establish a good working relationship with Bremer and to find out as much as I could about what was going on and ensure that London were kept fully informed …
>
> "[the second] to ensure they [British secondees] fitted into the organisation, that they [were] able to operate effectively and look after their safekeeping and well being, which became an increasing burden as time went on.
>
> "… [the third] to try to ensure an orderly transition to a … sovereign representative Iraqi government and associated with that was obviously trying to hand over to them in the best possible condition, which meant the whole range of issues that the CPA dealt with …"[134]

267. Sir David considered that:

> "… the area where we [Greenstock, Sawers and Richmond] could make the greatest contribution as representatives was to the political process. This is because as diplomats that's the sort of thing we know or are expected to know something about."[135]

268. Mr Blair and President Bush spoke by telephone on 31 July.[136]

---

[132] Minutes, 30 July 2003, Chiefs of Staff meeting.
[133] Telegram 109 IraqRep to FCO, 26 March 2004, 'Iraq Valedictory: Six Months in the Cauldron'.
[134] Public hearing, 26 January 2011, pages 3-4.
[135] Public hearing, 26 January 2011, page 6.
[136] Letter Rycroft to Adams, 31 July 2003, 'Iraq: Prime Minister's Conversation with Bush, 31 July'.

269. During the conversation on Iraq, Mr Blair described the GC as a "complete antidote" to the view that Iraqis were not "delighted" that Saddam Hussein had gone.

270. The conversation turned to the media, and Mr Blair commented that better Iraqi media would make a difference in achieving accurate reporting of events in Iraq. They agreed that if there was no real improvement in a couple of weeks "top level US/UK media people" would be asked to work up and implement a plan.

Iranian activity and influence in Iraq

Throughout April and May, concerns were beginning to emerge within the US Administration about possible Iranian activity in Iraq.[137]

The RAND report on the Occupation of Iraq records that the US authorities tracked the activity of the Iranian Revolutionary Guard Corps (IRGC) within Iraq and occasionally picked some individuals up for questioning.[138] There was suspicion, within the Coalition, that the Iranians were actively supporting and arming the Shia Badr Corps. On one occasion, UK and Danish patrols identified seven armed Iranian "border posts" located within Basra and Maysan Provinces, displaying the Iranian flag within Iraqi territory.

On 11 June 2003, the JIC issued an Assessment of Iran's goals for Iraq, its activity in support of them and the level of its influence in Iraq.[139] The JIC judged that:

> "Iran wants Iraq to be a stable, non-threatening neighbour with no long-term foreign, especially US, presence. It wants influence in a future Iraqi administration. It favours a unified State, but probably does not have a blueprint for how the administration should be structured. It does not expect the Iranian theocratic system to be a model for Iraq. But it believes that the Iraqi Shia population must have political representation broadly commensurate with its numbers in a democratic government … Iran also wants resumed trade, a role in reconstruction, the repatriation of some 200,000 Iraqi refugees and Iraq's formal recognition of the border. It still hopes, if possible, for reparations for the 1980-88 Iran/Iraq war and closure on missing prisoners-of-war …
>
> "Iran would have preferred a greater UN role in post-conflict Iraq and the early withdrawal of US forces … The presence of large US forces adds to Iran's sense of encirclement … And a longer-term worry is that the resurgence of Najaf as a centre of Shia teaching, and the emergence of Iraq as a successful Shia state, could undermine the legitimacy of Iran's theocratic system …
>
> "We judge that the Iranians instinctively see progress by the Coalition as detrimental to Iran, but pragmatically realise that chaos would ensue without the Coalition presence … On the basis of Iranian activity so far, we judge this remains the broad thrust of Iran's policy as implemented on the ground: to avoid direct conflict with the Coalition, to develop its influence, and to take advantage of the political process where possible. But it will retain the option of causing trouble for the Coalition if it is not satisfied by the outcome of events.

[137] Minute Reilly to Chaplin, 1 May 2003, 'Iran: Their Iraq Policy: Next Steps'.
[138] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[139] JIC Assessment, 11 June 2003, 'Iraq: Iranian Activity and Influence'.

> "Iran continues to be … associated with the SCIRI leadership, but is also in touch with other Iraqi political groups and influential individuals."

In early July, Mr Sawers briefed Mr Rycroft that his main security concern was the UK's ability to patrol the border with Iran in Maysan Province:

> "If we remain stretched there, we could end up being seen as the soft underbelly, and therefore at risk of even more attacks."[140]

Since the US had no diplomatic relations with Iran, Mr Sawers was sent to Tehran at the end of July to deliver "strong messages … on [the] need to stop playing a malign role in internal Iraqi security".[141]

His interlocutors denied that any such activity was taking place, but were "keen to stress that Iran shared the same goals as the Coalition".[142]

On 10 September, the JIC again considered Iranian activity and influence in Iraq.[143] It judged:

> "Iran wants to exercise significant influence over the post-Saddam government. Much Iranian activity in Iraq is aimed at ensuring that Shia groups, particularly its main ally, the Supreme Council for the Islamic Revolution in Iraq (SCIRI) make progress in the political process …
>
> "Iran sees itself as competing with the Coalition for influence in Iraq. Tehran probably draws a distinction between stirring up trouble and authorising terrorist attacks on Coalition targets …
>
> "Recent events, including the arrest in the UK of the former ambassador to Argentina, Hadi Soleymanpur, have caused Iranian attitudes to harden. They could provoke violent protests against the UK."

The JIC judged that the assassination on 29 August of SCIRI's spiritual leader, Muhammed Baqir al-Hakim, represented a "serious blow to Iranian aspirations" in Iraq although it was difficult to assess the wider impact of his death on intra-Shia relations "which were already tense".

The JIC observed:

> "The loss of a more moderate Shia leader poses the risk that a more radical Shia leader, such as cleric Muqtada al-Sadr, will fill the vacuum."

---

[140] Minute Rycroft to Manning, 9 July 2003, 'Iraq: John Sawers' views'.
[141] Telegram 267 Tehran to FCO London, 30 July 2003, 'Iran/Iraq: Visit of John Sawers: Security Issues'; Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[142] Telegram 267 Tehran to FCO London, 30 July 2003, 'Iran/Iraq: Visit of John Sawers: Security Issues'.
[143] JIC Assessment, 10 September 2003, 'Iraq: Iranian Activity and Influence'.

August 2003

271. On 1 August, Dutch troops assumed responsibility for the province of Muthanna within MND(SE).[144]

272. On 4 August, Mr Hoon's Private Secretary wrote to Mr Rycroft to advise him that MOD Ministers had agreed that an additional (130-strong) infantry company and a small (30-strong) riverine capability were required in Iraq.[145]

273. The letter stated:

> "Paradoxically we are having to deploy more personnel partly because our reconstruction efforts are being successful (there is more worth securing and more civil activity to safeguard)."

274. Those additions would bring the total number of UK troops in theatre up to 10,000.

275. The Operational Update given to the Chiefs of Staff meeting on 6 August said:

> "The levels of consent in Baghdad and the Baqubah and Fallujah corridors were 'cautionary', while the rest of Iraq was 'compliant'. Daily attacks continued against US Forces in Baghdad; increasingly sophisticated IEDs were being used more frequently."[146]

276. The Chiefs were also told of "a slight increase in activity" in the UK's Area of Responsibility.

277. On 7 August, Mr Adam Ingram, Minister for the Armed Forces, told the AHMGIR that UK forces in Iraq would be "re-balanced" by the deployment of an additional infantry company.[147] This would mean a net increase of 120 personnel.

278. The situation was getting worse in the South, with riots in Basra in August over lack of fuel and electricity.[148]

279. Minutes of the Chiefs of Staff meeting on 13 August recorded that:

> "The toll of civilian casualties (one dead and five wounded throughout the AO) may have been higher had some 76 baton rounds not been fired to control crowd behaviour. GOC MND(SE) had initiated a range of measures to secure the delivery of fuel to the Basra area in the immediate term, and CPA subject matter experts planned to visit Basra and discuss the issue with GOC."[149]

---

[144] Minutes, 6 August 2003, Chiefs of Staff meeting.
[145] Letter Latham to Rycroft, 4 August 2003, 'Iraq: Force Level Review'.
[146] Minutes, 6 August 2003, Chiefs of Staff meeting.
[147] Minutes, 7 August, Ad Hoc Group on Iraq Rehabilitation meeting.
[148] Public hearing, Stewart, Synnott and Lamb, 9 December 2009, pages 19 and 54-57.
[149] Minutes, 13 August 2003, Chiefs of Staff meeting.

280. Sir Hilary Synnott wrote in his memoir:

> "With the rising summer temperatures and the sudden influx of funds from increased salaries and reconstruction contracts, the local people had been buying up newly available electrical goods, especially air conditioners. The demand for electrical power and fuel generators soared. Suddenly, the supply failed to keep pace. Generators tripped and the diesel fuel distribution chain broke apart. Riots erupted outside our Electricity Accounts building. Instead of just stones and rocks, there was now gunfire … Within a day, however, the Army had stepped in to organise the fuel distribution network … The violence subsided to a normal level as quickly as it had blown up."[150]

281. Cabinet Office officials reported on 14 August that "Daytime Improvised Explosive Devices (IEDs), followed up with sniper or rocket propelled grenade attacks, are becoming increasingly common".[151]

282. Officials from the FCO reported "cautious progress" on the political process. Ambassador Bremer and Mr Richmond were "encouraging the Governing Council to make decisions". A list of ministerial names was being drawn up but it was not clear how the Constitutional Preparatory Committee would be chosen. Foreign Ministers from the Arab League had announced that they would not recognise the Governing Council, but would work with it.

283. On 14 August, the UN Security Council adopted resolution 1500 (2003). There were 14 votes in favour. Syria abstained.

284. This short resolution welcomed the formation of the GC as "an important step towards" the creation of an internationally-recognised representative government in Iraq.[152]

285. Operative paragraph 2 of the resolution created the United Nations Assistance Mission for Iraq, to support the Secretary-General in fulfilling the responsibilities he had been given in resolution 1483.

286. The Cabinet Office assessed that:

> "The passage of UNSCR 1500 and UK lobbying have contributed to a more positive **regional attitude** to the Governing Council."[153]

287. On 14 August, Cabinet Office officials reported to members of the AHMGIR that the GC had announced the formation of "a 25-member, all male committee of technocrats to prepare for the Constitutional Convention".[154]

---

[150] Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. IB Tauris & Co Ltd., 2008.
[151] Briefing Cabinet Office, 14 August 2003, 'Iraq: Update for Ministers, 14 August 2003'.
[152] UN Security Council resolution 1500 (2003).
[153] Briefing Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.
[154] Minute Drummond to Owen, 14 August 2003, 'Iraq: Update for Ministers'.

288. That committee had begun work by 21 August.[155]

289. On 18 August, Lt Gen Robert Fry, who had become Deputy Chief of Defence Staff (Commitments) in July, briefed the Chiefs of Staff that there had been:

> "… a decline in Iraqi consent to the Coalition in MND(SE) due to the failure by the Coalition to deliver improvements in essential services …
>
> "There is no doubt that across the MND(SE) the honeymoon period that followed the conflict is now over. The Shia leaders are suggesting that the Coalition now has a short period of grace before a significant deterioration in local consent. Without progress in infrastructure, MND(SE) is finding that work in security sector reform, political development, welfare provision and so forth is stalled."[156]

290. An update for the AHMGIR, produced on 20 August, said that:

> "Basra is now calmer, following last week's disturbances … However … the willingness of local leaders to issue, and the public to respond to, appeals for calm may be short-lived if the Coalition cannot maintain at least the current level of service delivery. Security across MND(SE) remains volatile … Security concerns have led Japanese staff in CPA(South) to be withdrawn."[157]

291. In a meeting on the same day, the Chiefs of Staff were told that:

> "There had been no deterioration of the situation in the UK AO, possibly as a result of the order for restraint from Ayatollah Sistani and possibly as a rejection of the call for action by the Shia against the Coalition from Saddam Hussein. Most of the MND(SE) contacts over the reporting period were related to criminal activity."[158]

292. Two days after that update, there was an attack on a Royal Military Police patrol, in which three were killed[159] and another seriously injured.[160] Up to five Iraqis were also understood to have been killed or seriously injured.

293. UK forces in theatre responded by restricting their movements to essential journeys only.[161]

294. The following week, another British soldier was killed[162] in an incident in Maysan.[163]

---

[155] Briefing Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.
[156] Minute DCDS(C) to COSSEC, 18 August 2003, 'Essential services in MND(SE)'.
[157] Briefing Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.
[158] Minutes, 20 August 2003, Chiefs of Staff meeting.
[159] Major Matthew Titchener, Company Sergeant Major Colin Wall and Corporal Dewi Pritchard.
[160] Public hearing White, 21 July 2010, page 18.
[161] Minute No.10 [junior official] to Prime Minister, 23 August 2003, 'Update: Iraq; MEPP'.
[162] Fusilier Russell Beeston.
[163] Letter Williams to No.10 [junior official], 28 August 2003, 'Iraq: situation in UK area of operations'.

295. Mr Hoon's Private Secretary wrote to Mr Blair's office that the MOD did not see a link to previous incidents and there was "no reason … to suppose that they represent a trend". He added:

> "It is worth noting that the number of UK Servicemen killed by enemy action since the beginning of May is now greater than the number killed during major combat operations in March and April."

The UN bombing

On 19 August, a bomb exploded outside UN headquarters at the Canal Hotel, Baghdad. It killed 22 UN staff and visitors, including Mr Vieira de Mello.[164]

No.10 officials told Mr Blair that "It was a large explosion – about a ton of explosives, probably in a truck".[165]

Lieutenant General Andrew Ridgway, Chief of Defence Intelligence, told the Chiefs of Staff on 20 August that:

> "Further attacks were expected. The bombing would affect coalition building, NGO confidence, and the reconstruction of utilities, which if not expedited could lead to a significant loss of consent."[166]

There was a second bomb attack on the UN on 22 September.[167]

One member of DFID staff was slightly injured in the first attack.[168]

The FCO and DFID immediately reviewed security for staff in Iraq; security advisers said that they were "generally content" with security arrangements for UK staff in CPA Baghdad, but made a number of recommendations for improvement.

At the time, it was unclear who was responsible for the attack, but it was considered that the method and target suggested Islamist extremists rather than Ba'ath Party loyalists.[169]

Sir John Sawers told the Inquiry that the attacks were subsequently attributed to Al Qaida.[170]

---

[164] *Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq*, 20 October 2003, page 13.
[165] Minute No.10 [junior official] to Prime Minister, 19 August 2003, 'Update on Baghdad UN Bombing: 19:45'.
[166] Minutes, 20 August 2003, Chiefs of Staff meeting.
[167] *Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq*, 20 October 2003, page 16.
[168] Annotated Agenda, 29 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting; Minutes, 29 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[169] Briefing Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.
[170] Public hearing, 16 December 2009, page 36.

The JIC assessed in early September that:

> "In most cases, we do not know who carried out specific attacks. The intelligence picture is incomplete. But intelligence indicates several categories of groups are responsible:
>
> – supporters and officials of the former Iraqi regime;
>
> – 'Mujahedin' (mainly foreign fighters, but also Iraqi Sunni extremists);
>
> – Sunni Islamic terrorist organisations, mainly Ansar al-Islam;
>
> – unaffiliated Iraqis, motivated by personal, local or tribal grievances or by payment from one of the groups listed above."[171]

The JIC also judged that:

> "The security environment will remain poor, and will probably worsen over the next year, unless the Coalition, in conjunction with Iraqis, can reverse current trends. There are likely to be more spectacular attacks."

Tension in central Iraq increased after the bombing.[172]

By 29 August, the World Bank and IMF missions had been withdrawn, a number of NGOs were withdrawing their international staff, and the UN had withdrawn some staff temporarily while reviewing its options.[173]

Lieutenant General Freddie Viggers told the Inquiry that the attack on the UN was:

> "… a huge blow … they knew precisely where to put that truck … Of course it shook up the workers of the UN right across the country, and the threats kept coming, and it was of no surprise that within a few days they said 'We can't sustain this'."[174]

On 29 August, Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, suggested to Mr Blair that a 'next step' for the UK should be to:

> "… persuade the UN to adopt a realistic approach to security. Give more security advice and equipment to UNAMI [United Nations Assistance Mission in Iraq] so that it can continue with as many operations as possible in the greater threat environment. Where the UN operates, other international bodies and NGOs will follow."[175]

Mr Bearpark told the Inquiry:

> "It is very difficult to overstate the chaos that [the UN bombing] caused for the CPA, because all your interlocutors suddenly vanished and you didn't even know where they were."[176]

---

[171] JIC Assessment, 3 September 2003, 'Iraq: Threats to Security'.
[172] Briefing Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.
[173] Minute Sheinwald to Prime Minister, 29 August 2003, 'Iraq' attaching Note Cabinet Office, 'Iraq: Update 29 August 2003'.
[174] Public hearing, 9 December 2009, page 57.
[175] Minute Sheinwald to Prime Minister, 29 August 2003, 'Iraq' attaching Note Cabinet Office, 'Iraq: Update 29 August 2003'.
[176] Public hearing, 6 July 2010, page 29.

Sir David Richmond told the Inquiry:

> "… the decision by the UN to withdraw from Iraq which they took around about the middle of September after a security review, I think … was regrettable, and it meant for several months they were not really playing any sort of role in Iraq. It also meant when Lakhdar Brahimi [UN Special Adviser on Iraq] arrived, initially in the end of January 2004 and then again in April 2004, he was really working on his own."[177]

Sir David Richmond told the Inquiry that Mr Vieira de Mello would have played a very influential role in Iraq.[178] Firstly because of his personal qualities, and secondly because:

> "… he had a direct link to Ayatollah Sistani, which neither Bremer nor the UK Special Representatives had. Indeed he had, so we are led to believe … suggested to Ayatollah Sistani that elections could be held in Iraq really quite quickly. It was this fact that caused a huge amount of complications in the autumn of 2003 as we were trying to find a political process that would lead to the transition to a sovereign government. Had he not been killed he, of course, would have been the link with Sistani, and the problems we had with Sistani I think would have been far fewer. The fact he had that – because at the time in August you have to be clear we had not realised in the CPA that Sistani was going to be as influential as he was. We knew that he had issued this fatwa and so on but we did not know the fatwa was going to be an insurmountable obstacle. That became apparent as time progressed."

296. The first Coalition update to the Security Council under the terms of resolution 1483 was provided on 21 August.[179]

297. The US and the UK had planned to go into some detail about achievements in Iraq, but the UN bombing on 19 August meant Ambassador Negroponte, US Permanent Representative to the UN, and Sir Emyr Jones Parry, UK Permanent Representative to the UN in New York, instead delivered a much shorter and more downbeat report.[180]

298. The report highlighted both the need for the international community to increase its contribution to building a secure future for Iraq and the vital role of the UN.[181]

299. Reporting on the Security Council's reaction, Sir Emyr recorded that "responses were only preliminary. But all those that spoke expressed their willingness to work together on a new resolution, and welcomed the open approach we were taking."

300. Mr Duclos, French Permanent Representative to the UN, said that the "UN could not be expected to share more of the burden without sharing more of the authority" and Mr Sergei Lavrov, Russian Permanent Representative to the UN, remarked on the need for clarity on the UN's role before member states would contribute more.

---

[177] Public hearing, 26 January 2011, page 43.
[178] Public hearing, 26 January 2011, pages 41-42.
[179] Telegram 1208 UKMIS New York to FCO London, 22 August 2003, 'Iraq: Coalition Update and New Resolution'.
[180] Telegram 1512 UKMIS New York to FCO London, 27 October 2003, 'Iraq: Second Update Under 1483'.
[181] Telegram 1208 UKMIS New York to FCO London, 22 August 2003, 'Iraq: Coalition Update and New Resolution'.

301. Sir Emyr suggested in his message to London that "we need to clarify our thinking on what precisely we want to achieve on the various areas". He recorded continued interest from the Security Council in the political timetable, and proposed:

> "Possible ways forward might be to invite the Secretary-General to consult or to stimulate the Governing Council itself to work up a timetable which the Security Council could take note of."

302. On 26 August, Mr Richmond reported from Baghdad that August had been "a difficult month" and described attacks on the Jordanian Embassy and on the UN's headquarters as "major escalations".[182] He advised that the UK needed to hold its nerve; problems were being identified and fixed, but "we are in for a bumpy ride".

303. On 28 August, the British Embassy Baghdad reported the number of significant security incidents reported by Coalition Forces in August as:

- 17 to 19 August: 71 incidents;
- 21 to 23 August: 94 incidents;
- 24 to 26 August: 72 incidents.[183]

304. The August violence had not been confined to Baghdad. On 29 August a bomb attack on the Imam Ali mosque in Najaf killed 80 people, including Ayatollah Mohammed Baqir al-Hakim, the leader of the Shia political party the Supreme Council for an Islamic Revolution in Iraq (SCIRI).[184]

305. Sectarian violence between Turkomen and Kurds broke out in Kirkuk, but was calmed by community leaders.[185]

306. Mr Miller sent No.10 a brief on the GC's membership, personalities and progress on 28 August.[186] Out of the 25 GC members he wrote that 13 were Shia, and there were five Sunni, five Kurds, one Turkoman and one Christian.

307. In the Annotated Agenda for the 28 August meeting of the AHMGIR, Cabinet Office officials advised that, since its creation on 13 July, the GC had:

> "… made only limited progress. Unable to agree on a single chairperson, the IGC agreed a 9-man leadership council."[187]

308. Cabinet Office officials advised that internal wrangling was delaying the appointment of ministers, and that ministries were being allocated along sectarian lines, identical in number and balance to the GC itself.

---

[182] Telegram 139 IraqRep to FCO London, 26 August 2003, 'Iraq: How it Looks from Baghdad'.
[183] Telegram 129 Baghdad to FCO London, 28 August 2003, 'Iraq Sitrep, 28 August'.
[184] *BBC News*, 29 August 2003, *Iraq holy city blast kills scores*.
[185] Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[186] Minute Miller to Sheinwald, 28 August 2003, 'Iraq: Key Groups'.
[187] Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

309. Cabinet Office officials also set out UK objectives for a new Security Council resolution. They were:

- to broaden the UN Special Representative's role, especially on the political process;
- to ask the GC to set a timetable for elections;
- to encourage international engagement with the GC;
- to stimulate funding for reconstruction; and
- to encourage contributions of troops and police, "without undermining the legal basis of our current military presence (a significant caveat)".[188]

310. Mr Straw told the AHMGIR when it met on 28 August that:

> "… the US and UK had seized the opportunity, provided by the international solidarity following the UN bombing, to work on a new UN resolution. There was UN consensus on the need for a strengthened UN mandate for military forces in Iraq, and that they should operate under single command but not be a blue-hatted operation."[189]

311. FCO officials told the meeting that secularists wanted a slow political timetable in Iraq but Islamists a quicker one, believing they would benefit from early elections. Mr Neil Crompton, who had succeeded Mr Chilcott as the Head of the Iraq Policy Unit, described progress as "limited".

312. On 28 August Mr Crompton advised Mr Straw's Private Secretary that:

> "… there is a head of steam within the MOD about the lack of progress on reconstruction. As the military see it, CPA in general, and CPA(South) in particular, have failed to deliver. As a result, the Coalition is losing consent, the military are having to take on tasks which should be undertaken by civilians, and in the process the military are becoming over-stretched and vulnerable."[190]

313. A letter from Mr Hoon's Private Secretary of the same date confirmed this assessment. It reported the MOD's view that:

> "The nub of the problem is the failure to deliver an adequate (even to pre-war standards) level of essential services … electricity, water and fuel."[191]

314. On 29 August, Sir Nigel Sheinwald, successor to Sir David Manning as Mr Blair's Foreign Policy Adviser, updated Mr Blair on Iraq.[192] He attached a Cabinet Office note incorporating the conclusions of the previous day's meeting of the AHMGIR.

---

[188] Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[189] Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[190] Minute Crompton to PS [FCO], 28 August 2003, 'Ad Hoc Ministerial'.
[191] Letter Williams to No.10 [junior official], 28 August 2003, 'Iraq: Situation in UK Area of Operations'.
[192] Sheinwald to Prime Minister, 29 August 2003, 'Iraq' attaching Note Cabinet Office, 29 August 2003, 'Iraq: Update 29 August 2003'.

315. In relation to the political process, the Cabinet Office note said:

- the Governing Council had appointed a preparatory Constitutional Committee, which should mean a Constitutional Convention by the autumn;
- national elections were possible in summer 2004, followed by the establishment of a sovereign Iraqi Government in the autumn;
- the CPA was slowly transferring power to the GC;
- the nine-member Presidency of the GC was unwieldy and politically inexperienced; and
- decisions, including on the appointment of interim ministers, were being taken on ethnic and sectarian lines and were slow to emerge.

316. The Cabinet Office note said that the UK should:

- persuade the GC to choose ministers quickly, establish the Constitutional Convention and agree and announce a clear political timetable in consultation with the CPA;
- work on a new resolution; and
- persuade Mr Annan to choose a suitable successor to Mr Vieira de Mello.

317. In relation to security, the Cabinet Office note recorded that:

> "The security situation in central and southern Iraq had worsened since July. It is likely to deterioriate into the autumn. Numbers of attacks in and around Baghdad remain broadly the same, but the **sophistication** has increased."

318. The recommended next steps were to:

- broaden and increase Coalition Forces in Iraq, necessitating a new resolution;
- accelerate training of Iraqi Security Forces;
- gather more intelligence on Islamic groups to improve targeting; and
- persuade the UN to adopt "a more realistic approach" to security.

319. In his minute Sir Nigel Sheinwald gave Mr Blair his view of immediate priorities for Iraq.[193] They were:

- increasing UK resources, both military and civilian;
- improving utilities, especially electricity generation in the South;
- accelerating the arrival of police trainers;
- improving CPA media handling;
- a new UN Security Council resolution "to spread the military and reconstruction load";

---

[193] Minute Sheinwald to Prime Minister, 29 August 2003, 'Iraq' including manuscript comment Blair.

- the investigation of crimes by the former Iraqi regime; and
- managing expectations on WMD in anticipation of "thin pickings" in the Iraq Survey Group's report (see Section 4.4).

320. Sir Nigel recommended a "beginning-of-term talk to President Bush" and a meeting with the key players in London ahead of it.

321. Mr Blair wrote on Sir Nigel's minute:

> "This isn't really working at present. I will have to reflect on how we progress … I need a meeting next week."

September 2003

322. After the UN bombing in mid-August, a "follow-on review" took place.[194] Its conclusions were sent to senior military figures and copied to Sir Nigel Sheinwald and others on 1 September. It listed the following as key requirements:

"a. Surge forces amounting to around a battalion between now and late Nov to support current operations and to offer protection to the CPA; and

b. Enduring requirement to increase force protection, commence ICDC [Iraqi Civil Defence Corps] training and to improve the ISTAR capability in MND(SE) amounting to around a battalion …"

323. There were reports from MND(SE) of former regime loyalists returning to southern Iraq; they and terrorist groups (such as Ansar al-Islam and Al Qaida) were expected to operate in southern Iraq and to carry out terrorist attacks there "for the foreseeable future".[195]

324. The meeting Mr Blair requested in his note to Sir Nigel Sheinwald was held on 2 September.[196] It was attended by Mr Straw, Mr Hoon, Mr Hilary Benn (Minister of State for Development), Gen Walker, Sir Richard Dearlove (C), Mr John Scarlett (Chairman of the JIC), Sir Jeremy Greenstock, Mr Sawers (FCO Director General Political)[197] and No.10 officials.

325. A brief for the meeting provided to Mr Hoon's Assistant Private Secretary by the MOD Assistant Director, Iraq said that Mr Straw was "likely to argue that what is needed is … reinforcement of UK forces with a Brigade" and that, at the meeting, Gen Walker would "lead on whether this is possible and in what timescales".[198]

---

[194] Minute SECCOS to [Chiefs of Staff], 1 September 2003, 'Op Cos Paper: Op TELIC – UK Force and Resources Review an Update' attaching Paper DCJO(Ops), 2 September 2003, 'Op Telic – UK Force and Resources Review – an Update'.
[195] Paper HQ MND(SE) [junior officer], 1 September 2003, 'HQ MND(SE) Forces and Resources Review'.
[196] Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for Prime Minister'.
[197] The title of this post changed from Political Director to Director General Political. It is the role previously held by Mr Peter Ricketts.
[198] Minute AD Iraq to APS/SofS [MOD], 2 September 2003, 'Post-Najaf; Meeting with the Prime Minister'.

326. The brief said that "the priority for the MOD is to underline to the Prime Minister the need for delivery on essential services in the South-East in the very near future" but stated that there was a need for "urgent measures that will relieve the military of tasks unrelated to security" because:

> "… the military's role should be to set the conditions for others to secure and regenerate Iraq's basic utilities. While we can patch up utilities, we have neither the numbers, capabilities nor the money to overhaul Iraq's infrastructure."

327. In a handwritten comment, Mr Hoon's Private Secretary added that while there might be a short-term need for:

> "… a surge deployment of troops to protect the work – we should not agree to a major 'symbolic' deployment of troops over and above this."[199]

328. Gen Walker received a brief on the security situation in preparation for the meeting.[200] A handwritten note from his Principal Staff Officer added that it appeared that the FCO was moving away from the view that responsibility lay with a cross-Government effort in Iraq. He relayed the MOD concern that if more troops were offered "the heat will be less on infrastructure requirements as driven by FCO/DFID".

329. Sir Hilary Synnott sent a telegram entitled 'Southern Iraq: What Needs to be Done?' in time for Mr Blair's meeting on 2 September. He wrote:

> "The main immediate need is a vastly increased effort, well beyond the current capabilities of CPA(S) or MND(SE), to provide visible improvements in the provision of power, water and fuel in a short timescale."[201]

330. Sir Hilary concluded that:

> "CPA(S) needs to do even more to organise itself into a more streamlined and effective organisation and we are doing this. In order to deliver the goods according to our terms of reference and be a true co-ordinating authority we must have … more resources, a new location very soon and protective cover."

331. In a separate telegram, Sir Hilary proposed "An Emergency Plan for Essential Services in Southern Iraq" which would require "extraordinary and rapid procurement, contractual and management arrangements, enhanced funding, more staff in theatre and the active engagement and involvement of CPA(Baghdad)".[202]

---

[199] Manuscript comment Williams to Hoon on Minute AD Iraq to APS/SofS [MOD], 2 September 2003, 'Post-Najaf; Meeting with the Prime Minister'.
[200] Note PSO to CDS, [undated], [untitled] attaching ACDS(Ops) to PSO/CDS, 2 September 2003, 'Iraq – Security Assessment'.
[201] Telegram 9 Synnott to FCO London, 1 September 2003, 'Southern Iraq: What Needs to be Done?'
[202] Telegram 10 Synnott to FCO London, 1 September 2003, 'An Emergency Plan for Essential Services in Southern Iraq'.

332. Sir Hilary observed that "formally" it was for CPA(Baghdad) to own and resource the plan "but that is not quite how things work in practice … there is a certain expectation that the regions should take a lead to sort out their own problems". He suggested that a "high level task force" should be established in Whitehall to provide the support he needed.

333. The Essential Services Plan is covered in detail in Section 10.1.

334. Immediately after the meeting on 2 September Mr Cannon wrote to the FCO with a request for eight pieces of advice, to be delivered two days later.[203]

335. The advice was to cover police and internal security, infrastructure in the South, CPA finances, oil and electricity, media, the political process, conditions of service for UK civilian staff, and Iraqi assets overseas.

336. Mr Cannon wrote that Mr Blair "wanted action on Iraq taken forward with a heightened sense of urgency". He had observed that "the key to the security situation in Iraq is the rapid mobilisation of an effective Iraqi police force".

337. In response to Sir Hilary's telegrams, Mr Blair wanted "the maximum possible support given to Sir Hilary's proposals for immediate infrastructure projects in the CPA(South) area, with appropriate military cover".

338. Mr Cannon's letter asked Sir Jeremy Greenstock to talk through the issues discussed with Ambassador Bremer, so as to avoid "cutting across [his] position in raising these issues with Bush".

339. On 3 September, the JIC produced an Assessment of threats to security in Iraq.[204] Its first three Key Judgements were:

> "I. The security environment will remain poor, and will probably worsen over the next year, unless the Coalition, in conjunction with Iraqis, can reverse current trends. There are likely to be more spectacular attacks.
>
> II. The violent opposition comprises former regime officials, Sunni Iraqi extremists, Sunni 'Mujahedin' and Sunni Islamic terrorist organisations, mainly Ansar al-Islam. But we do not know who is responsible for specific attacks.
>
> III. Sunni Islamic extremists/terrorists see Iraq as the new focus for Jihad. They are likely to present the main long-term threat to Coalition interests in Iraq, as they can draw on external recruits and finance."

340. The JIC recorded daily attacks on the Coalition, including a recent increase in the South. The most significant attacks were vehicle bombs in Najaf and Baghdad and at the Jordanian Embassy and UN HQ. There had been attacks using mortars, man-portable surface-to-air missiles, small arms and – increasingly – small improvised explosive devices. Those conducting attacks had shown "growing competence, determination and sophistication".

---

[203] Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for Prime Minister'.
[204] JIC Assessment, 3 September 2003, 'Iraq: Threats to Security'.

341. The JIC assessed that:

> "… many Mujahedin, willing to accept martyrdom, have come to Iraq since the war … Most are probably not affiliated or connected with specific terrorist groups … It appears that the networks see Iraq as the new focus for Jihad … We do not know how many Mujahedin there are within Iraq, or how integrated they are …
>
> "The main organised Islamic terrorist group in Iraq is Ansar al-Islam (AI), which is closely associated with Al Qaida (AQ). The group suffered significant casualties in Coalition attacks, but about 450 members escaped … AI has since reorganised, with some assistance from elements of the Iranian regime, and its members are now present in at least northern and central Iraq, with large quantities of weapons … and explosives. Intelligence suggests Islamic extremists and possibly AI are also trying to establish themselves in southern Iraq, though with what success is uncertain. It seems that AI is becoming an important co-ordinator for Islamic volunteers from across the Arab world, possibly reflecting an ambition to become a significant international actor."

342. The Assessment continued:

> "… Mujahedin groups and AI have conducted some of the low-level attacks on Coalition Forces, but we cannot specify how many or which ones …
>
> "Bin Laden has called on Muslims to fight the Coalition and encouraged extremists to travel to Iraq. al-Zarqawi, closely associated with AI and AQ was reported before the war to be establishing cells that would conduct attacks in the event of a Coalition Occupation. Terrorists associated with al-Zarqawi probably remain in Iraq.
>
> "Islamic extremists/terrorists can draw on external recruits and finance. We judge that they are likely to present the main long-term threat to Coalition interests in Iraq."

343. The JIC also judged that:

> "Attacks by Iraqi Shia groups have been limited to date … reporting indicated supporters of militant Shia cleric Muqtada al-Sadr are acquiring weapons, planning attacks on Coalition targets and may have already attacked Iraqi officials."

344. The JIC characterised Shia consent as "fragile and eroding" and judged that any attempt to disarm Shia militia groups such as al-Sadr's Mahdi Army "could be a significant additional cause of friction". The JIC assessed that:

> "Hitherto, the general tenor of Shia clerical advice has been to give the Coalition a year in which to make a difference. But the recent attacks are likely to have shortened this timeline substantially. If the acquiescence of senior clerics and others with influence … changes to hostility, it would have the most serious consequences for the security situation in southern Iraq."

Muqtada al-Sadr and Jaysh al-Mahdi

Muqtada al-Sadr was descended from a long line of distinguished Shia clerics known for their political activism.[205] His father, Grand Ayatollah Sadiq al-Sadr, was jailed under Saddam Hussein's regime and assassinated in 1999.

Muqtada inherited from his father a network of quasi-political offices in Baghdad and across the south of Iraq called "Offices of the Martyr Sadr" (OMS) which were used to spread the Sadrist message and provide social welfare.

After the bombing of the Imam Ali Mosque in Najaf by Al Qaida in August 2003, Muqtada al-Sadr established an armed militia, Jaysh al-Mahdi (JAM) or the Mahdi Army, to protect Shia religious establishments, counter the Badr Corps and resist the Occupation of Iraq.

345. Sir David Richmond told the Inquiry that concern about the problem of Sunni marginalisation was growing through August and September 2003.[206] The problem had been "relatively easily diagnosed": the Sunnis had gone from having a very dominant role in all aspects of the Iraqi state under Saddam Hussein to having a very different future in a democratic state in which they made up approximately 20 percent of the population. The disbandment of the army and the de-Ba'athification process had also had a huge effect on employment in the Sunni provinces of Iraq.

346. A message from Baghdad on 4 September confirmed that Ambassador Bremer had no problem with the issues to be discussed with President Bush.[207] He was reported to be requesting between US$20bn and US$22bn in additional funding to pay for investment in infrastructure as well as the daily running of Iraq.

347. The eight pieces of advice Mr Blair had requested were submitted the same day.[208]

348. The IPU's paper on security said that:

> "Attacks on Coalition Forces, the UN and Iraqis working with the Coalition are undermining confidence and holding back efforts to restore basic services. The cumulative effect is to undermine the consent of the Iraqi people to the presence of Coalition Forces and raise the risk of strategic failure."[209]

349. The papers on security and essential services had been discussed by the AHMGIR earlier in the day. On security, Mr Straw as Chair had commissioned further work, in particular on addressing Iraq's "porous borders".[210]

---

[205] JIC Assessment, 12 July 2007, 'Muqtada al-Sadr: Keeping His Distance'.
[206] Public hearing, 26 January 2011, pages 52-57.
[207] Telegram 150 IraqRep to FCO London, 4 September 2003, 'Iraq: Briefing for Prime Minister'.
[208] Letter Adams to Cannon, 4 September 2003, 'Iraq: Briefing for the Prime Minister'.
[209] Letter Adams to Cannon, 4 September 2003, 'Iraq: Briefing for the Prime Minister' attaching Paper IPU, 4 September 2003, 'Iraq: security'.
[210] Minutes, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

350. The AHMGIR also endorsed Sir Hilary's plan for essential services and stated that it should be taken forward urgently.

351. A US draft of the proposed Security Council resolution was also provided to the meeting. Mr Straw explained that it "included a timetable for the transfer of sovereignty, expanding the United Nations role and calling for a multi-national force under unified command". Mr Straw expected that the French and German governments would be "constructive".

352. The AHMGIR was also made aware of a new senior officials group on Iraq, chaired by Sir Nigel Sheinwald, that would meet twice weekly. This group was known as the Iraq Senior Officials Group (ISOG).

353. Mr Hilary Benn wrote to Mr Blair on 4 September to explain that he had approved £20m of DFID funding in support of the essential services plan. The balance would need to come from the CPA in Baghdad. Mr Benn explained that he had:

> "… held back from committing to meet the full cost, to avoid giving the impression to the CPA that HMG wants to take on full responsibility for the south of the country including the future funding of all infrastructure."[211]

354. RAND reported that, in early September, Ambassador Bremer published a plan for the restoration of Iraqi sovereignty.[212] The steps described by the plan were:

(i) the creation of the GC;

(ii) the formation of the Constitutional Preparatory Committee (CPC) to propose how to write the Constitution;

(iii) increasing day-to-day responsibility of the GC;

(iv) writing the Constitution;

(v) ratifying the document;

(vi) national elections to choose a government; and

(vii) the dissolution of the CPA and the resumption of Iraqi sovereignty.

355. This 'Seven Step Plan' did not include a timescale.

356. On 4 September, Mr Straw's Principal Private Secretary sent a paper to Mr Cannon to update Mr Blair on "the political process, including the possibility of an accelerated transfer of sovereignty to an Iraqi interim government".[213]

---

[211] Letter Benn to Blair, 4 September 2003, 'Iraq: Restoring Essential Services in the South'.
[212] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[213] Letter Adams to Cannon, 4 September 2003, 'Iraq: Briefing for the Prime Minister' attaching Paper, 'Political Process'.

357. The paper said that elections were not yet possible because there was no Constitution, no accurate electoral roll, no free media, and political parties were not well established. Realistically, the process of drafting a Constitution would take six to eight months. Elections might then happen within two months of the ratification of the Constitution, which would mean summer 2004.

358. The paper also recorded calls for an earlier transfer of sovereignty and suggested that Sir Jeremy Greenstock should explore with the GC and Ambassador Bremer whether there was a "credible or viable way to move to a provisional Government, with or without sovereignty, in advance of elections".

359. On 4 September, Mr Hoon's Private Secretary wrote to Mr Rycroft to report that:

> "… in the light of the changing security situation in the South-East of Iraq and in view of likely next steps by the CPA, the Defence Secretary had concluded that there is an immediate requirement to deploy a further two infantry battalions and certain specialist capabilities to Iraq … we intend to identify and put on reduced notice to move a Brigade HQ, Infantry battalion and engineer capability as a contingency to support the implementation of the CPA(S) plan for emergency infrastructure work …"[214]

360. In advance of a planned conversation between Mr Blair and President Bush on 5 September, Sir Nigel Sheinwald spoke twice to Dr Rice.[215]

361. Sir Nigel emphasised "the need to reflect in our [security] strategy our assessment of the new and growing threats to the Coalition. There was a mood of considerable concern in London, requiring a response across the board."

362. Dr Rice agreed that there was "reason for concern", but there was also a sense on the US side that things were not going as badly as the media portrayed and that an effort should be made to inject more balance. Sir Nigel and Dr Rice "agreed that the level of overall concern in London was maybe a notch or two higher than in Washington". They also agreed that the video conference between the Prime Minister and the President should concentrate on security, reconstruction, infrastructure and utilities, media, and prospects for international contributions.

363. Sir Nigel congratulated Dr Rice on the US draft of the new Security Council resolution. He observed that the UK "had some comments; but if we could get something like it agreed, it should make a substantial difference internationally".

364. After their conversations, Sir Nigel sent Dr Rice a Note from Mr Blair for President Bush to see ahead of the video conference on 5 September.[216]

---

[214] Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.
[215] Letter Sheinwald to Adams, 4 September 2003, 'Conversations with Condi Rice, 3 and 4 September: Iraq'.
[216] Letter Sheinwald to Rice, 5 September 2003, [untitled], attaching Note [Blair to Bush], [untitled].

365. In his Note, Mr Blair proposed doubling the number of Iraqi police and speeding up the process of letting reconstruction contracts. In the South, he wrote that he had "authorised" the CPA to "just spend the money and recoup later from CPA(Centre)".

366. Mr Blair confirmed that an increase in the numbers of British troops would be announced in the following days. He expressed support for Ambassador Bremer, and queried whether he had all the administrative and technical support he needed.

367. On the developing resolution, Mr Blair wrote "I wouldn't bet on too much help coming forward … I suspect that unless we sort security, help will be hard to find".

368. Mr Blair concluded:

> "So my basic point is: the problem is not complex to identify: it is security. The best solution is not us or at least us alone but the Iraqis. It is speed in building their capacity – security, intelligence, infrastructure, media – that we need."

369. Mr Cannon reported the video conference between Mr Blair and President Bush to Mr Straw's Private Office on 5 September.[217] The conversation had followed Mr Blair's Note closely.

370. Dr Rice and Sir Nigel had been asked to draw up a list of concrete measures that could be taken to improve the situation.

371. Sir Nigel and Dr Rice spoke later on 5 September and agreed that their report should cover:

- security;
- infrastructure – including the UK specifying problems with financial flows from the centre of the CPA;
- the media; and
- personnel – including a more precise set of requirements for the CPA in Baghdad and in CPA (South).[218]

372. Mr Hoon informed Parliament on 8 September that there would be an increased deployment of UK troops to Iraq.[219] His statement said:

> "While the full scale of the requirement, which will be largely driven by initiatives of the Coalition Provisional Authority and the Department for International Development (DFID) to accelerate reconstruction activities across Iraq, has yet to be fully developed, there is an immediate requirement for two battalions and some additional specialist personnel, vehicles and equipment to allow him [the UK Divisional

---

[217] Letter Cannon to Adams, 5 September 2003, 'Iraq: Prime Minister's video-conference with Bush, 5 September'.
[218] Letter Sheinwald to Adams, 5 September 2003, 'Conversation with Condi Rice: 5 September: Iraq'.
[219] House of Commons, *Official Report*, 8 September 2003, columns 2-3WS.

> Commander in theatre] to fulfil the expanding range of tasks for UK forces in Multi-National Division (South-East) …"

373. To meet the immediate requirement, the rest of 2nd Battalion the Light Infantry – one company of which was already in Iraq – would be deployed from Cyprus along with 1st Battalion the Royal Green Jackets, plus some specialist personnel. They would remain in Iraq until around November.

374. By 11 September, reporting from Iraq suggested that the Constitutional Preparatory Committee would recommend to the GC that membership of the Constitutional Convention, which would lead the process of drafting Iraq's Constitution, should be decided by nationwide elections.[220]

375. The report also said that the fatwa issued by Grand Ayatollah al-Sistani at the beginning of July was "exerting enormous influence" on their deliberations.

376. Elections would mean delay, which Mr Richmond anticipated might lead to a push for the early restoration of Iraqi sovereignty, through the GC. Ambassador Bremer did not consider that a viable option.

377. Mr Richmond commented that it was:

> "… also impractical: a transfer of sovereignty which left – as it would have to do – security, and given the US financial investment, economic/financial issues in Coalition hands would be pretty meaningless."

378. Mr Straw updated Cabinet on Iraq on 11 September.[221] He reported that the security situation was uncertain after the terrorist incidents of the summer; greater international involvement was required.

379. A new Security Council resolution was being negotiated, and Mr Annan was holding a meeting of Foreign Ministers to address outstanding issues. Mr Blair observed that improved Iraqi capacity to provide security for themselves was essential.

380. As requested by Mr Blair and President Bush, Sir Nigel Sheinwald sent Dr Rice a note "which seeks to define our objectives and specify ongoing and future actions" on 11 September.[222] It covered security, intelligence, infrastructure, media and personnel.

381. The objectives were:

- Security: stabilise the security situation quickly and achieve visible momentum before the onset of Ramadan in late October. Change the emphasis from static guarding to proactive operations.

---

[220] Telegram 162 IraqRep to FCO London, 11 September 2003, 'Iraq: Political Process'.
[221] Cabinet Conclusions, 11 September 2003.
[222] Letter Sheinwald to Rice, 11 September 2003, 'Iraq' attaching Note 10 Downing Street, 10 September 2003, 'Iraq: UK/US Action Plan 10 September'.

- Intelligence: increased intelligence and better intelligence analysis in order to take the offensive against terrorists and "Ba'athist remnants".
- Infrastructure: radical and rapid improvement in basic service provision (particularly water, electricity and fuel) to maintain Iraqi consent.
- Media: a "step change on media" to counter "distorted" reporting by Al Jazeera and other satellite channels. Better presentation for the CPA and Governing Council.
- Personnel: more specialist support for the CPA in Baghdad and in the provinces.

382. Sir Nigel and Dr Rice discussed the note during Sir Nigel's visit to Washington on 11 and 12 September.[223]

383. Sir Nigel reported to Mr Blair:

> "We share **objectives**; and there now appear to be detailed **plans** under development by the CPA in all the priority areas. Condi was particularly clear on the urgency of work on **electricity** (including imports from Iran), **police** and **CDC** [Civil Defence Corps] training, and confident that we were starting to develop a coherent strategy on the **media**."

384. Sir Nigel and Dr Rice agreed that there would be regular video conferences between London, Washington and Baghdad "to ensure we are all working from the same script".

385. Sir Jeremy Greenstock reported on the political process a few days later. He wrote that:

> "An early transfer of sovereignty … raises constitutional and practical problems and is unlikely to deliver our aim of a democratic and stable Iraq. The current political process still offers the best way forward and has not yet been derailed. Nevertheless we should be thinking about fallbacks."[224]

386. Sir Jeremy explained that the Seven Step Plan had already run into trouble. Firstly, as Mr Richmond had set out, because of a desire for an elected Constitutional Convention.

387. Secondly, because of pressure from Members of the UN Security Council to accelerate the process of handing over sovereignty to the Iraqis.

388. Sir Jeremy observed that if sovereignty were handed to the GC "questions about legitimacy come to the fore". Alternatively, it would be possible to:

> "… hold 'quick and dirty' elections for a provisional assembly, which would then draft a Constitution and provide an interim but sovereign government. But holding

---

[223] Minute Sheinwald to Prime Minister, 14 September 2003, 'Visit to Washington'.
[224] Telegram 165 IraqRep to FCO London, 15 September 2003, 'Iraq: Political Process'.

elections begs questions about electoral method, constituency boundaries, allocation of seats, political party laws, relationship with Government [sic] Council etc."

389. Sir Jeremy repeated that Ambassador Bremer was not supportive of an early handover of power. He assessed that:

"As long as the Coalition remains a major presence in Iraq, it is difficult to see how it could cede ultimate authority over policy decisions which would affect the Security of the Coalition Forces, the expenditure of Coalition resources or Iraq's commitment to human rights, a free market and democracy. If we on the UK side think differently because we judge the Coalition does not have the time and the opportunity to deliver these wider goals, then we have a gap in perceptions and objectives with the US we need to resolve."

390. Replying to Sir Jeremy the following day, Mr Sawers wrote:

"I welcome your confirmation that the political process we mapped out last July remains, in your and Bremer's view, achievable. Sticking to that approach would be our best bet."[225]

391. Mr Sawers explained that the UK's priority should be to stick to the timescale leading to elections in mid-2004 that he and Ambassador Bremer had envisaged. He added:

"We are looking at fallback options, including the possibility of the sort of two stage transition that you were advocating earlier this year from New York …

"We agree with your conclusion that we should explore this alternative route. But we will do so circumspectly, and only activate it if the existing plan has to be reviewed. We are not at the point where we and the Americans seriously differ; but we are more open than them to considering alternatives, should that be necessary."

Mr Baha Mousa

On 14 September, soldiers of the 1st Queen's Lancashire Regiment (1 QLR) arrested seven Iraqi citizens including Mr Baha Mousa, a 26 year old hotel receptionist, at the Hotel Ibn Al Haitham in Basra, during an operation to detain a number of individuals who had been identified as former regime loyalists.[226]

A Public Inquiry into the circumstances of Mr Mousa's death on 15 September, and the treatment of nine others who were detained with him, was announced in May 2008 and published its findings on 8 September 2011.

---

[225] Telegram 71 FCO London to IraqRep, 16 September 2003, 'Iraq: Political Process'.
[226] *The Report of the Baha Mousa Inquiry*, 8 September 2011, HC 1452-I, II, III.

392. Sir Jeremy Greenstock responded on 19 September to say that "discussion of possible timings for the political process needs to take more careful account of the variables".[227]

393. Sir Jeremy reported that "indications that the CPC [Constitutional Preparatory Committee] would recommend elections to the Constitutional Conference … are being tempered", he did not sense that there was "real momentum" within the GC to press for the transfer of executive power quickly. Ambassador Bremer was encouraging the GC to come up with a timetable for the Seven Steps.

394. Sir Jeremy recommended that a "sensible strategy is to be serious about the Seven Steps, but to watch carefully, and try to affect the outcome of, the variables". Those variables were, in his view: security incidents, Iraqi public reaction, Iraqi political developments and securing external resources.

395. When they spoke on 16 September, Mr Blair and President Bush agreed to hold regular video conferences, "usually weekly".[228]

396. On 17 September, General Mike Jackson, Chief of the General Staff, sent a report of his visit to Iraq to Gen Walker.[229]

397. On troop numbers, Gen Jackson wrote:

> "GOC MND(SE) … does not require a third additional battalion … at the moment and is confident that he can meet any potential tasks that arise from the essential services short-term plan. There is therefore no requirement for an additional brigade HQ at this stage. This may change and we need to remain responsive to the needs of the GOC. I see a requirement to establish a mechanism that earmarks forces … at an appropriate notice to move."

398. Gen Jackson reported:

> "The threats to Coalition and indigenous security stem from a wide variety of sources including organised crime, former regime loyalists (FRL) and international terrorism. Attacks are focussed against both Coalition troops and infrastructure, whilst organised crime, looting and smuggling continue to erode essential services … At every level the Coalition is finding it difficult to obtain a cohesive picture of these various threats."

399. Gen Jackson proposed moving the focus of intelligence-gathering assets away from the search for weapons of mass destruction and towards counter-terrorism.

---

[227] Telegram 175 IraqRep to FCO London, 19 September 2003, 'Iraq: Political Process'.
[228] Letter Cannon to Adams, 16 September 2003, 'Iraq: Prime Minister's Video Conference with Bush, 16 September 2003'.
[229] Minute CGS to CDS, 17 September 2003, 'CGS Visit to Op.TELIC 12-15 Sep 03'.

400. Mr Benn visited Baghdad from 17 to 19 September and reported that neither Ambassador Bremer nor the GC wanted to set a timetable for the transfer of power from the CPA to an Iraqi administration. He added, "Interestingly, none of the Iraqis we talked to raised this issue."[230]

401. Mr Benn thought that the UK should continue to explore the potential for transition steps, as suggested by Sir Jeremy Greenstock. Interim Iraqi ministers had by now begun work. Ambassador Bremer talked about handing over power to them but seemed "reluctant to let go".

402. Mr Benn's experience contrasted with that of Secretary Powell, whose own visit was reported by Sir Jeremy Greenstock to have included "a meeting with the IGC during which IGC members made a strong pitch for immediate transfer of sovereignty".[231]

403. Sir Jeremy also reported that the GC had been "very active". It had agreed a package of economic reforms (including bank regulations, measures to encourage foreign investment and new tax rates), approved a new nationality law and visited Najaf where it had taken action to protect holy shrines.

404. The activities of the GC's High National De-Ba'athification Commission are recorded in Section 11.1.

The assassination of Dr Aqila al-Hashemi

On 20 September, Dr Aqila al-Hashemi, a member of the GC, was ambushed and shot while driving near her home in Baghdad.[232]

The GC's Secretary General had been targeted in a similar – but unsuccessful – attack two days earlier.

Dr al-Hashemi died of her injuries on 25 September.[233]

Sir Jeremy Greenstock commented to the FCO in London that the attack on Dr al-Hashemi:

> "… brings into sharp relief the need for professional and effective Iraqi security forces. An early UK gesture of help would be widely noticed and appreciated."[234]

He explained that it seemed likely that Dr al-Hashemi had been deliberately targeted as she lived "in a neighbourhood surrounded by ex-Ba'ath party members and had received many warnings that she was being watched." Sir Jeremy reported that Dr Ahmad Chalabi had expressed strong concerns to the CPA "over the personal security of all

[230] Minute Benn to Prime Minister, 20 September 2003, 'My visit to Iraq: 17-19 September'.
[231] Telegram 174 IraqRep to FCO London, 18 September 2003, 'Iraq: Governing Council Roundup'.
[232] Telegram 176 IraqRep to FCO London, 21 September 2003, 'Iraq: assassination attempt on Governing Council member'.
[233] Telegram 181 IraqRep to FCO London, 25 September 2003, 'Iraq: Governing Council roundup: death of Aqila Hashemi: security'.
[234] Telegram 176 IraqRep to FCO London, 21 September 2003, 'Iraq: assassination attempt on Governing Council member'.

GC … members, explaining that standards varied widely" and had made a number of recommendations to improve the security provisions, which the CPA was taking forward.

Sir Jeremy Greenstock reported on 24 September that the attack on Dr al-Hashemi had "sharpened the angst in the GC … more broadly, about whether they are on the right track in hitching themselves to a CPA which may be a dead end".[235]

On 25 September, Sir Jeremy described the impact of the attack on GC members' concerns about the overall security situation – "if IGC members were not safe, what about the general public? … There were also questions about who was ultimately responsible for security."[236] Sir Jeremy had explained to the GC that "this was a collective effort. Neither of us could ensure security without the co-operation of the other." He concluded his telegram by observing that the debate had increased interest in the idea of:

> "… greater involvement of already present Iraqi militia forces (the Peshmerga, the Badr Brigade) in helping managing the security demands. Authorising militias to perform security tasks is clearly beyond the pale. But we may have to start thinking creatively – and I said this to the GC – about how we can use these forces within national, clearly controlled structures."

405. A UK Iraq Strategy was considered by the newly established Iraq Senior Officials Group (ISOG), chaired by Sir Nigel Sheinwald, on 19 September, by which time the strategy was in its third draft.[237]

406. The ISOG had commissioned a short-term Action Plan, subordinate to the UK strategy, focused on "practical objectives where the UK can make a quantifiable difference up until the end of 2003". Departments were tasked to populate a template.

407. Funding for the major initiative on infrastructure in the South still remained uncertain. Sir Hilary Synnott was "confident of obtaining further CPA funds … although the processes by which these would be transferred to CPA(South) are unclear".

408. Reporting from Basra on 22 September, Sir Hilary Synnott wrote that security was:

> "… the main and constantly expressed concern of everyone we talk to … Straight criminality may be developing into organised crime: a result of Saddam's emptying of the jails and general amnesty and the lifting of his draconian controls … Many, perhaps most, of the citizenry would like the Army to go in and shoot a few criminals and, if we insist that they follow due process of law, have them hanged.
>
> "We prefer to use different methods, including the Maoist technique of depriving terrorists and others of the political water in which to swim … Hence the crucial importance of the Emergency Infrastructure Plan and the other plans in hand

---

[235] Teleletter Greenstock to Sheinwald, 24 September 2003, [untitled].
[236] Telegram 181 Iraqrep to FCO London, 25 September 2003, 'Iraq: Governing Council roundup: death of Aqila Hashemi: security'.
[237] Minute Cabinet Office [junior official] to Sheinwald, 22 September 2003, 'Iraq: Senior Officials Group'.

(education, agriculture, 13th month payment) to ensure a quiet Ramadan.
The creation of Local Security Forces (described by MND(SE) Chief of Staff as 'Neighbourhood Watch with Attitude'), which is now being tried in a pilot scheme, should harness selected men under 19 Brigade control and, crucially, pre-empt the otherwise inevitable formation of uncontrolled militias if there were to be security crises in the future."[238]

409. On 24 September, Sir Jeremy Greenstock warned:

"… the UK has not yet put the intensity of resources into the civilian side of our operation, in terms of both personnel and project money, to convince the Americans that our analysis … has to be listened to. If we watch our housekeeping too carefully in this respect, we may be forced down the wrong road … I shall have to come back to this quite soon."[239]

410. On 25 September, the JIC produced its Assessment of the overall security situation in Iraq.[240] It said that:

"Since the end of August there has been an increase in the number of attacks against Coalition Forces in Iraq … In the large majority of cases we cannot attribute attacks to specific groups. Most of the attacks are against US forces in the centre and north of the country and casualties continue to be taken at a steady rate. We have no accurate figures for civilian casualties. The tactics of the armed opposition groups continue to evolve, including the increased use of more sophisticated IEDs and more elaborate attacks … Intimidation of Iraqis working [for] or seen to be supporting the Coalition, criminal activity, and attacks against the police, have all continued … There has been limited violence between Sunni and Shia communities in the aftermath of the al-Hakim murder and any further attacks against the Shia leadership [are] likely to lead to further inter-communal violence.

"Counter to the overall trend, the number of attacks against CF [Coalition Forces] in … MND(SE) has reduced since mid-August and had reached its lowest level since June. Of the total of 1,025 incidents [across Iraq, in the period 10 June to 9 September] only 22 took place in the UK area."

411. On Shia attitudes, the JIC assessed that:

"Some Shia groups have demanded greater latitude to provide their own security and this has resulted in the emergence of militias supporting Shia parties, some with a capability to gather intelligence, conduct patrolling and mount vehicle check points … However the militias are also carrying out illegal arrests, interrogations, and in some cases murder … Any Coalition attempts to disarm the Shia militia groups could be a flashpoint for trouble."

---

[238] Telegram 27 Basra to FCO London, 22 September 2003, 'South Iraq: Basra City'.
[239] Teleletter Greenstock to Sheinwald, 24 September 2003, [untitled].
[240] JIC Assessment, 25 September 2003, 'Iraq Security'.

412. The JIC assessed that there continued to be a significant volume of reporting on the flow into Iraq of extremists, whose affiliation was often unknown. It also remained unclear how many mujahedin were operating in Iraq. AI was privately claiming to be responsible for 80 percent of the attacks against Coalition Forces but the JIC concluded that those claims were probably exaggerated. The group:

> "… appeared to have built on its local contacts and presence in the Kurdish Autonomous Zone to position itself as the main organised Islamic terrorist group in Iraq, and is likely to be working with other groups."

413. The JIC assessed that AI was developing a long-term strategy which suggested that "future targeting should focus on infrastructure and strike as opposed to martyrdom operations".

414. The JIC wrote that, in a new development since early September:

> "AQ may be trying to establish an operational capability in Iraq … There are some reports that al-Zarqawi … is in Iraq."

415. On 26 September, the UK Iraq Strategy was circulated to members of the AHMGIR for comment.[241]

416. Major General Andrew Figgures, who succeeded Maj Gen Viggers as Senior British Military Representative-Iraq in September 2003, told the Inquiry that by October 2003 central Iraq was in the grip of a growing insurgency.[242] Understanding the insurgency took a considerable time because of a "severe lack of human intelligence" and the "lack of the ability to fuse it together to gain the understanding of the situation".[243]

October 2003

417. On 2 October, Sir Jeremy Greenstock sent an update on the GC's meeting the previous day.[244] Many members (including the then President, Dr Ayad Allawi) were absent, the meeting was poorly organised and GC approval of the 2004 budget was delayed.

418. Ambassador Bremer had raised the GC announcing decisions without consulting the CPA as a problem because "if the CPA could not deliver what the GC announced, then the GC would lose credibility, which was in neither of our interests".

---

[241] Minute Dodd to Sheinwald, 8 October 2003, 'UK Iraq Strategy'.
[242] Public hearing, 9 December 2009, page 16.
[243] Public hearing, 9 December 2009, page 52.
[244] Telegram 195 IraqRep to FCO London, 2 October 2003, 'Iraq: Iraqi Governing Council Update, 1 October'.

419. When the AHMGIR met on 2 October it did not discuss the draft Iraq Strategy.[245] Attendees were provided with the, now populated, Short-Term Iraq Action Plan.

420. The Annotated Agenda for those attending the meeting observed that:

> "The new UNSCR has lost momentum in the US administration with the Pentagon losing enthusiasm and little pressure for decision from Bremer."[246]

421. The new resolution was unlikely to be passed until late October, shortly before a planned Iraq Donors' Conference, to be held in Madrid. The UK's objective for the conference was "to broaden international support for reconstruction in Iraq and secure the necessary funding".

422. On 4 October, Sir Jeremy Greenstock reported that the CPA was developing ideas on how to reach out to the Sunni population in Iraq.[247] Mr Richmond had been asked to play a leading role. Discussions at a senior level in CPA acknowledged that it had not spent much effort on involving the Sunnis. There needed to be a comprehensive political strategy to give them a stake in the process.

423. Sir David Richmond told the Inquiry that the CPA had consulted widely with Sunni community leaders, and with Coalition commanders and CPA Co-ordinators in the Sunni governorates.[248] They drew up a programme with 30, 60 and 90 day targets covering employment, including recruitment into the Iraqi Civil Defence Corps, and talked about whether de-Ba'athification could be made more flexible. They also discussed trying to reconnect Sunnis with the political process.

424. Sir David concluded:

> "… quite a lot happened. Did it make a difference? Sadly not. This all coincided with the marked increase in the insurgency towards the end of October."[249]

425. Sir David said he had been very concerned that there was "too much stick and not enough carrot" and that aspects of the response to the Sunni insurgency were not well handled. Getting the Sunni involved in the political process had been extremely difficult because:

> "… it wasn't possible to go to the Sunnis and say 'Here is a political process and your part in this is as follows. This is how you get involved and influence the process'. We were never able to do that."[250]

---

[245] Minutes, 2 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[246] Annotated Agenda, 2 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[247] Teleletter Greenstock to Buck, 4 October 2003, 'Sunni Outreach'.
[248] Public hearing, 26 January 2011, pages 52-58.
[249] Public hearing, 26 January 2011, page 56.
[250] Public hearing, 26 January 2011, pages 57-58.

426. On 5 October, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush.[251]

427. In his Note Mr Blair suggested that he and the President had a common political problem; losses in Iraq plus the failure to find "enough on WMD" were leading the public to doubt the value of the invasion and the international community to "a sense of Schadenfreude".

428. Mr Blair suggested that the solution was "a coherent strategy to get us back on the high ground and get the public, at home and abroad, to focus on the big picture". That meant:

- getting a shared US/UK sense of what decisions on Iraq were vital and how to take them, plus what the blockages were and how to remove them;
- trying for a new UN resolution, but "only at the right price";
- being unapologetic about the need to deal with the continued security threat from WMD; and
- tackling the wider agenda, including the MEPP, climate change and reactivating the World Trade Organization.

429. Mr Blair wrote that the way ahead should include a regular, perhaps weekly, stocktake on Iraq to "remove any blockages and give direction" and the need to "get our confidence in our story back. Iraq is better without Saddam."

430. Mr Blair's Note ended:

> "And by this time next year, it better be going right, not wrong. For us and for the world!"

431. A video conference between Mr Blair and President Bush on 7 October, also attended by Vice President Cheney and Dr Rice, suggested that the US Administration was upbeat.[252] US Congressional visitors to Iraq from both American political parties had been struck by the extent to which the issue of Iraq was perceived in the US through the "biased filter" of the media.

432. Mr Blair told President Bush that he agreed with Ambassador Bremer that there should be no early handover of executive power in Iraq, observing that Iraqis themselves preferred stability under the Coalition umbrella to instability with an Iraqi government.

433. Mr Blair made the case for the new Security Council resolution, but concluded that it would not help much with extra troops or reconstruction. The US still wanted a further resolution.

---

[251] Letter Sheinwald to Rice, 5 October 2003, [untitled] attaching Note [Blair to Bush], [undated], 'Note'.
[252] Letter Cannon to Adams, 7 October 2003, 'Iraq: Prime Minister's video-conference with President Bush, 7 October'.

434. Sir Nigel Sheinwald told the Inquiry that:

> "… by and large, the American political assessment of what was going on in Iraq was more positive than our own. In conversations with Bush and in conversations with other people … by and large the impression was not that things were going well, but they didn't have the same sense of foreboding and concern which was evident in London from the summer of 2003."[253]

435. On 7 October, PJHQ reported a "major public order disturbance" in Basra, at the site where former Iraqi army conscripts were paid their stipend.[254] It was thought to be the result of rumours that there was not enough money to pay all those who were eligible.

436. The protesters burned the records required to make the payments. PJHQ reported that "Iraqi police were present but were unable to control the incident and dispersed".

437. During the incident, UK troops shot dead an Iraqi man. He was thought at the time to be a protestor, but later identified as an armed security officer in plain clothes.[255]

438. On 8 October, a final version of the UK Iraq Strategy was issued to members of the AHMGIR by Cabinet Office after "those Private Offices who responded indicated their Ministers' endorsement".[256]

439. Sir Nigel Sheinwald annotated his copy: "I don't see a need for PM to see this."

440. The Strategy acknowledged the CPA Strategy published in July 2003 and stated that this was a longer-term UK Strategy for Iraq that was broadly consistent with it, but which set the framework for specific UK activities towards a common objective.

441. The Strategy identified the UK objective as:

> "Iraq to become a stable, united and law-abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective representative government, sustainable economic growth and rising living standards to all its people."

442. The Strategy defined a Stabilisation Phase up to December 2003, for which the objective was that Iraq should be restored to pre-conflict levels of development and order.

443. During 2004 there would be a Recovery Phase, during which the CPA would pass all its powers to a sovereign, representative Iraqi Government.

---

[253] Private hearing, 3 September 2010, page 15.
[254] Minute PJHQ-J9-POLOPS8 to PS/Secretary of State [MOD], 7 October 2003, 'Op.TELIC: Unrest in Basrah and Death of Iraqi National'.
[255] Telegram 33 Basra to FCO London, 9 October 2003, 'South Iraq: The Political Scene'.
[256] Minute Dodd to Sheinwald, 8 October 2003, 'UK Iraq Strategy'.

444. From 2005, Iraq would enter a Normalisation Phase, when the Strategy assumed the UK's objective would have been met, iraq would be largely self-supporting and Coalition Forces (apart from trainers) would have been withdrawn.

445. Analysis of the conditions in Iraq acknowledged both that the UK did "not wish to remain Occupying Power of Iraq for any longer than is necessary" and that "our influence over US policy is limited".

446. The following risks were identified:

- The pace of political and reconstruction progress could fall.
- The resistance of forces opposing the Coalition could escalate significantly.
- Oil production could continue to lag.
- Iran and Turkey could increase their interference.
- Coalition support for the Occupation could collapse in the event of sustained high casualty levels.

447. The Strategy identified the highest threat as being a sustained insurgency, including frequent terrorist attacks. It also identified the "worst case scenario" as major Islamist terrorist groups, especially non-Iraqis, beginning to drive the opposition, as they would have no interest in engaging in the political process. The paper identified possible solutions:

> "More security forces, particularly local. Greater intelligence collection and co-ordination, particularly in order to facilitate counter-terrorist operations. Greater co-operation with and pressure on neighbours to secure borders. Security package for UN to allow it to resume work."

448. The Defence and Overseas Policy Committee (DOP) met on 9 October, chaired by Mr Blair.[257] This was the first meeting of DOP in 2003 and the first to discuss Iraq since 1999. A background note on Iraq, a paper on political process by the IPU and a paper on the Madrid Conference were tabled.

449. The meeting began with an assessment of the security situation. Mr Scarlett reported that while attacks on the Coalition were rising, 80 percent of them were taking place in the "Sunni triangle". Disillusioned Sunnis, who did not see a future for themselves in the new Iraq, were the principal source of concern.

450. Lt Gen Fry reported that the security situation in southern Iraq was very different from that in the Sunni triangle. He argued that the Shia were largely co-operative and the British approach to making balanced progress on governance, the economy and security was paying dividends.

---

[257] Minutes, 9 October 2003, DOP meeting.

451. Mr Blair said that he wanted to see more progress on the delivery of better media output by the Iraqi network. Overall, he believed that the security situation could be turned around. The key to this was to deal with the Sunni triangle, where political disaffection generated support for those acting against the Coalition. He invited Mr Straw to draw up a strategy to tackle this urgently.

452. The IPU paper on political process said that the "Bremer plan" remained the best way forward.[258] That view was shared in Baghdad.

453. IPU also reported that it remained likely that the GC would opt for elections to the Constitution Convention, resulting in a period of Occupation lasting two and a half years. Mr Annan was supporting a French/German proposal to create a provisional government, under a UN lead.

454. The IPU set out a new approach which inserted an interim "provisional government" to act as the repository of Iraqi sovereignty until the constitutional process was complete and an elected Iraqi Government in place, "modifying the Bremer plan, rather than redesigning it".

455. IPU suggested that a provisional government might be formed by either bringing together the GC, ministers and the CPC or through "rough and ready" elections; or by a mixture of the two.

456. The paper asked members of DOP:

> "… to agree that we should work to speed up the transfer of power to Iraqis; continue to work for a central UN role based on partnership; keep open that this process might make it possible to move to a Provisional Government once certain conditions are met; that we should explore such an approach with the US, if developments on the constitutional process dictate a change of tack."

457. The minutes of DOP's discussion show that Mr Blair concluded:

> "The timetable conceived by the Bremer plan would deliver elections for a representative government in Iraq by this time next year. He looked forward to further advice on discussions between the Coalition Provisional Authority and the Governing Council about the handling of the political process in order to create greater stability in Iraq by next spring."[259]

458. On 9 October, Sir Hilary Synnott reported to the FCO that:

> "All observers close to the scene here detect markedly improved attitudes throughout the South over the last three months … The overriding impression, backed by some firm evidence, is that the general population and its leadership have decided to give the Coalition the benefit of the doubt and thus to co-operate with us and to discourage opposition …

---

[258] Paper IPU, 7 October 2003, 'Iraq: Political Process'.
[259] Minutes, 9 October 2003, DOP meeting.

"The feedback from our interlocutors is positive (and we collectively have a great deal of direct contact with a wide range of Iraqis, at many levels) … The weekly number of attacks against the Coalition has declined from 20 in August to two last week (none the week before)."[260]

459. Sir Hilary continued:

"Of course it is not all peace and tranquillity. Violence is endemic in the South, as it is in Iraq generally. Now that Saddam's yoke has been lifted, some new manifestations are becoming apparent. As in many developing countries, the irreducible level of violence could end up being quite high. Tribal feuds are common … and involve bloodshed as well as bravado.

…

"Also worrying is continuing sectarian violence, although this is still at a low level."

460. Sir Hilary told the Inquiry that:

"… there was still this tendency among some to regard the South as the British fiefdom, but actually, of course, it was not insulated from external factors and these external factors were very important in terms of the security and level of violence."[261]

461. On 11 October, Sir Jeremy Greenstock reported that Ambassador Bremer was:

"… determined to stick to his preferred order of events – Constitution, referendum, national elections, transfer of sovereignty, if possible completed within the next 12 months – but is open to imaginative ideas along the way".[262]

462. On 13 October, Lt Gen Fry put a paper to the Chiefs of Staff on the options for deployment of the ARRC HQ.[263] He considered there were three options – a moderate role in Afghanistan from August 2004; a more extensive role in Afghanistan, also from August 2004; or taking over as the Coalition HQ in Iraq (fulfilling the role then filled by the CJTF-7 HQ) from March 2005. He commented that all of these would have "significant personnel impact across the Army".

463. Specifically in relation to Iraq, Lt Gen Fry commented that:

"Since the end of Op TELIC Phase 3, Iraq has offered the potential for the most challenging and high profile employment for HQ ARRC … However, the prospect of deployment into Iraq in 04/05 continues to look unlikely. It remains the assessment that while US casualties are being taken at a steady rate, internationalising the three-star command is doubtful. Importantly, against this backdrop, it is difficult for the UK to bring its influence to bear to encourage the necessary conditions for HQ

---

[260] Telegram 33 Basra to FCO London, 9 October 2003, 'South Iraq: The Political Scene'.
[261] Public hearing, 9 December 2009, page 63.
[262] Telegram 211 IraqRep to FCO London, 11 October 2003, 'Iraq: A Long Way To Go'.
[263] Minute DCDS(C) to COSSEC, 13 October 2003, 'HQ ARRC – options for deployment'.

ARRC to be a genuine contender. Furthermore, given the pace of progress in Iraq, there is a risk that should deployment later be deemed appropriate, HQ ARRC could find itself employed as a stopgap between US commands rather than as part of a wider strategic shift as originally envisaged."

464. On 13 October, Mr Richmond reported that Ambassador Bremer's frustration with the GC, and in particular its ineffective decision-making processes, had led him to take steps to improve its operation. These were "focused on the need to make the current structures work" because he was "especially loathe to change the seven steps".[264]

465. Sir Jeremy Greenstock called on Mr Blair in London on 15 October.[265] During their meeting, Sir Jeremy said that, unlike in Baghdad:

"… a virtuous circle seemed to be building up in the South, with locals supporting the reconstruction process and turning in to the Coalition outsiders who disrupted it."

466. Sir Jeremy also reported new security threats, which might include the risk of rioters storming their premises or of assassination by "suborning Iraqi support staff". Sir Jeremy observed that the terrorists and supporters of Saddam Hussein "were 'mutating' in their structures and methods faster than Coalition intelligence could keep up".

467. A response by the Coalition, in Sir Jeremy's view, should include:

- Iraqiisation, but "real capability" was a year away;
- combatting Sunni marginalisation;
- a more flexible approach to de-Ba'athification;
- internationalisation; and
- improved border control, requiring up to 20,000 troops.

468. In relation to the new resolution, Sir Jeremy said that:

"… the timing of this had been far from ideal from a CPA perspective: it would have had a greater impact in two months' time. He urged closer co-ordination between London and IraqRep on such issues."

469. On 15 October, the JIC assessed that:

"The security situation remains difficult in central Iraq. The upward trend in the number of attacks against the Coalition Forces shows no sign of abatement … The vast majority of attacks (some 80 percent) occur in Baghdad and the surrounding Sunni Arab areas. The level of attacks elsewhere is significantly less, although Mosul in the north may be a developing hotspot …

---

[264] Telegram 217 IraqRep to FCO London, 13 October 2003, 'Iraq: Political Process'.
[265] Letter Cannon to Owen, 16 October 2003, 'Iraq: Sir Jeremy Greenstock's call on the Prime Minister'.

"There has been fighting in Karbala between [Muqtada] al-Sadr's supporters and rival Shia militias, probably allied to Grand Ayatollah Ali al-Sistani."[266]

470. On the same day, at the request of the FCO, the JIC issued an Assessment of the areas that Sunni Islamist terrorists were using or were likely to use as bases to coalesce, recruit, train and plan attacks in safety.[267] It also considered the circumstances that terrorists might exploit in order to operate in this way.

471. The JIC judged:

"Iraq has already attracted significant numbers of mujahedin seeking jihad. It is possible that, if the security situation worsens, these mujahedin will be able to coalesce into relatively large groups in areas where the population is sympathetic to their causes, and where they can establish small training facilities and can co-ordinate terrorist activity both inside, and outside, Iraq."

472. The JIC judged that some countries currently regarded as safe locations by Islamist terrorists would continue to improve their counter terrorism efforts, but that:

"… without significant Western support, others (eg … Iraq) will be unable to prevent terrorists establishing a presence."

473. At this point in October 2003, the MOD's planning assumptions were:

"… [a] UK military presence in SE Iraq until at least the end of March 2006, at up to a 2-star HQ, a medium scale land contribution, and small scale naval and air contributions …There are many variables whose effect on the outcome is very difficult to predict."[268]

474. Those variables were:

- a stabilised security situation, with a functioning Iraqi criminal justice system;
- an Iraqi Government able to provide essential services; and
- the timetable for elections and the transfer of sovereignty.

475. On 16 October, Mr Hoon reported to Cabinet that there were increased attacks on Coalition Forces across Iraq as a whole, though there was a steady improvement in the security situation in the South.[269] He believed Coalition Forces responding to attacks in the Sunni triangle were alienating Iraqi opinion, thereby reducing consent.

---

[266] JIC Assessment, 15 October 2003, 'Iraq Security'.
[267] JIC Assessment, 15 October 2003, 'International Terrorism: Bases for Sunni Islamist Terrorists".
[268] Minute Lee to Finance Director [MOD], 15 October 2003, 'Op TELIC Planning Assumptions'.
[269] Cabinet Conclusions, 16 October 2003.

476. On 16 October, Sir Jeremy Greenstock told Mr Hilary Benn, the newly appointed International Development Secretary, that Ambassador Bremer would not give up the Seven Steps.[270] In Sir Jeremy's opinion that was too inflexible.

477. Mr Benn's Assistant Private Secretary reported to a senior DFID official Sir Jeremy's advice that:

> "… the international community was shouting for a proper Iraqi Government, but this will not happen until there is a real election. In the interim, Bremer would be content for a front Government without real power."

478. On 16 October, resolution 1511 (2003) was adopted by the UN Security Council.[271]

479. The Security Council re-stated that the CPA's authority in Iraq "will cease when an internationally recognized, representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority".

480. The resolution confirmed that the GC and its ministers were the principal bodies of the Iraqi Interim Administration, which embodied the sovereignty of Iraq until a representative government was established which assumed the responsibilities of the CPA. It declared that "the day when Iraqis govern themselves must come quickly".

481. In operative paragraph 13, the Security Council determined that "the provision of security and stability is essential to the successful completion of the political process … and to the ability of the United Nations to contribute effectively to that process and the implementation of resolution 1483" and authorised "a multi-national force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq".

482. On 17 October, Mr Llewellyn sent his preliminary views of the effect of resolution 1511 on "the pre-existing position of the UK in Iraq" to Ms Adams.[272] He concluded that the UK did not cease to be an Occupying Power because resolution 1511 authorised the presence of a multi-national force, but that the resolution did define the point at which the Occupation would come to an end as being "when an internationally recognised, representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority".

483. Mr Llewellyn wrote that the resolution required "a progressive diminution in the CPA's authority", without defining a specific timetable in which that should happen.

484. A conference seeking contributions to reform of the Iraqi Police Service was held in London on 20 October, and is covered in detail in Section 12.1.

---

[270] Minute APS [DFID] to Drummond, 17 October 2003, 'Iraq: Meeting with Sir Jeremy Greenstock'.
[271] UN Security Council resolution 1511 (2003).
[272] Minute Llewellyn to Adams, 17 October 2003, 'Iraq: Security Council Resolution 1511'.

485. By 23 October, Mr Sawers was beginning to doubt that credible elections producing a good result, based on a legitimate Constitution, would be possible during the course of 2004 because of the length of time it was likely to take to produce a legitimate Constitution.[273]

486. Mr Sawers indicated in a letter to Mr Simon Webb, MOD Policy Director, that he had begun some new work on the political process in Iraq. The conclusion was that the UK should avoid its forces continuing as occupiers with a Bremer-type figure in control beyond 2004.

487. There was a case for a provisional government, with executive powers and full sovereignty, to provide more time in which to draw up a full Constitution. A provisional assembly would be chosen either by full elections or some form of indirect elections. FCO legal advice was that an interim Constitution would not be needed.

488. Mr Sawers set out how a provisional government could be stood up in six months:

- October: CPA begins discussions with the GC about possible formation of a Provisional Assembly, into which the GC and other institutions would be subsumed.
- 15 December: GC reports to UN Security Council and sets out a preference for a Provisional Assembly to last two years to allow time for drawing up a new Constitution.
- End January: UN Security Council agrees new resolution allowing the CPA three months for orderly handover.
- April/May 2004: Provisional Assembly inaugurated. CPA comes to an end.
- April/May 2004 to April May 2005: new Constitution drafted.
- April 2005: referendum on draft Constitution.
- Summer 2005: elections held, and internationally recognised Iraqi Government formed.

489. On 24 October, Sir Jeremy Greenstock supplied Mr Sawers with comments on his proposals. He explained:

> "I agree that it is unlikely that, during the course of 2004, we will obtain both a permanent Constitution and the holding of credible elections. One or other is going to have to give."[274]

490. Sir Jeremy did not think it necessary to complete a permanent Constitution before elections were held. Ambassador Bremer, however, felt that it was "the job of the

---

[273] Letter Sawers to Webb, 23 October 2003, 'Iraq: Political Process' attaching Paper IPU, October 2003, 'Iraq: Political Process: Possible Creation of a Provisional Government'.
[274] Minute Greenstock to Sawers, 24 October 2003 'Iraq Political Process'.

Coalition period to establish a Constitution for Iraq which will guarantee the values for which the United States has gone to all this trouble".

491. Rather than argue with the US, Sir Jeremy's preference was to see how discussions with the GC went, as it was "much more satisfactory for the Americans to change their views under the harsh light of the realities than under the importunate arguments of the British". But there was a certain amount of "seeding" the UK could do to indicate to the Americans "the unwisdom of aiming too high in all this".

492. A major donor conference for Iraq was held in Madrid from 23 to 24 October and is addressed in Section 10.1.

493. On 24 October, Sir Jeremy told the FCO that Lt Gen Sanchez had ordered a:

> "… comprehensive review of security to try to regain operational momentum … [He] has come to recognise that Coalition operations are at a standstill and that there is a need to regain momentum. The review focuses on two questions: is the direction of the strategic and operational approach to Coalition objectives valid? Second, what can CJTF-7 do to improve progress? The up-to-date military assessment is that operations have now lost momentum, that rates of attrition of Foreign Fighters and Former Regime Loyalists are outstripped by their ability to regenerate and that Coalition responses are motivated less by strategic objectives than by the need to react to unwelcome developments. It assesses that violent opposition is likely to endure and that the key to success in the political process will be management of the intensity of attacks."[275]

494. Sir Jeremy judged that even at an early stage the review represented "a clear move from stabilisation towards Counter-Insurgency operations" and notified the FCO that in-depth discussions "of all this, and wider" chaired by Secretary Rumsfeld were to be held in Washington at the end of the month. Both Ambassador Bremer and General John Abizaid, Commander US Central Command (CENTCOM), were due to attend.

495. On 26 October the al-Rashid Hotel in the Green Zone of Baghdad, used as a Coalition military base, was hit by a number of rockets.[276]

496. The attack killed a US soldier, and injured 15 other people. US Deputy Defense Secretary Paul Wolfowitz, who was staying in the hotel, escaped unhurt.

497. One UK civilian seconded to the CPA was seriously injured.[277]

498. Sir David Manning, British Ambassador to the US, described it as "the bloodiest 48-hour period in Baghdad since March".[278]

---

[275] Telegram 230 IraqRep to FCO London, 24 October 2003, 'Iraq: Security Update'.
[276] *BBC News*, 26 October 2003, *US shocked at Iraq hotel attack*.
[277] Briefing [unattributed], 30 October 2003, 'Briefing for Foreign Secretary: Cabinet: 30 October'.
[278] Telegram 1426 Washington to FCO London, 28 October 2003, 'Iraq: US Views 28 October'.

499. Mr Bearpark told the Inquiry that he viewed this attack as a turning point:

> "We were very, very clearly on an upward slope until then … We believed that the CPA was getting better at what it was meant to do and we were all optimistic … From [that point] onwards, then the graph just went sharply down."[279]

500. On 30 October, Secretary Powell told Mr Straw that it had been agreed in Washington that the Seven Step Plan should be maintained, but accelerated.[280] At the same time, work would be undertaken to look for alternatives.

501. At the end of October, Mr Sawers wrote to Mr Straw with a paper on the political process in Iraq which described "ways of modifying the seven-point plan".[281]

502. The paper was based on the twin assumptions that Occupation must end in 2004 and that a permanent Constitution and elections were not possible in that timescale.

503. Mr Sawers proposed changing the UK's objective to the creation of a provisional government in 2004. It would be supported by a provisional assembly, which would be indirectly elected "perhaps using electoral colleges based on the Governorates".

504. Since an end of Occupation would mean the end of the CPA the paper included a proposal for a new international structure "on the Bosnian model with a high representative appointed by the Coalition and having some reserved powers endorsed by the Security Council".

505. In an annex to the paper Mr Sawers suggested that this new approach might encourage more nations to participate in the military security effort in Iraq, since troops would no longer be part of an Occupation and might be present in response to a request from an Iraqi Government.

506. US thinking appeared to be moving in a similar direction.[282] By the end of October, the British Embassy Washington reported that there was growing recognition in the US Administration that Ambassador Bremer's Seven Step Plan would not lead to credible elections on the basis of a legitimate Constitution sufficiently quickly.

507. During internal discussions in Washington, however, Ambassador Bremer was reported to have stuck to his Seven Point Plan.[283]

---

[279] Public hearing, 6 July 2010, pages 43-44.
[280] Letter Adams to Sheinwald, 30 October 2003, 'The Foreign Secretary's Conversation with the US Secretary of State, 30 October'.
[281] Minute Sawers to Foreign Secretary, 31 October 2003, 'Iraq: Political Process'.
[282] Minute Sawers to Foreign Secretary, 31 October 2003, 'Iraq: Political Process'; Letter Manning to Sheinwald, 28 October 2003, 'Iraq: Political Process'; Telegram 1481 Washington to FCO London, 8 November 2003, 'Iraq: MOD Policy Director's Visit to Washington: 7 November'; Letter FCO [junior official] to Sawers, 31 October 2003, 'Iraq: Political Process'.
[283] Telegram 1426 Washington to FCO London, 28 October 2003, 'Iraq: US Views, 28 October'.

508. The NSC was reported by the British Embassy Washington to be leaning towards the idea of a provisional government.[284] No firm conclusion had been reached, but there was "broad agreement on the need to transfer sovereignty to the Iraqis during 2004".

November 2003

509. Sir Hilary Synnott told the Inquiry that:

> "As time progressed, it became clear that … there was a genuine insurgency developing. The influence of Muqtada al-Sadr was very great and, of course, it was primarily north of our region, but it became clear to me in about November that an infection was starting to spread south."[285]

510. Gen Abizaid called on Sir Nigel Sheinwald on 4 November.[286] Gen Abizaid said that resistance was coalescing in the Sunni areas around former regime elements, backed to some extent by foreign fighters and international terrorists. Gen Abizaid saw the insurgency as "still at a low level" and lacking majority support even among the Sunnis.

511. Gen Abizaid's solution was to accelerate Iraqiisation of the security forces whilst also improving their quality, a political 'road map' and a reconciliation process for Sunni communities.

512. Mr Straw told Cabinet on 6 November that "adjustments to the current plan were needed" in relation to the political process.[287] He would pursue discussions in the US the following week, but it would be an "iterative process" involving the GC.

513. When Mr Blair spoke to President Bush by video conference on 6 November, he commented that the question was "how quickly could we move to elections".[288] Mr Blair thought the quicker the better, "but both the Iraqis and we needed to be able to handle it".

514. Mr Blair commented that "with progress on infrastructure etc, we were now down to a specific problem of how to deal with a small group of terrorists". They wanted to provoke a reaction, so that the security presence became heavier and the population turned against the Coalition. Mr Blair suggested that some Sunnis were "desperate to be on our side" and that infrastructure projects that would benefit the Sunni community should be completed. He commented that:

> "A stable, prosperous Iraq would send a powerful signal to the region. That was why the extremists were desperate to stop us, and why we had to succeed."

---

[284] Letter [junior official] to Sawers, 31 October 2003, 'Iraq: Political Process'.
[285] Public hearing, 9 December 2009, page 62.
[286] Letter Cannon to Adams, 4 November 2003, 'Iraq: General Abizaid's call on Sir Nigel Sheinwald'.
[287] Cabinet Conclusions, 6 November 2003.
[288] Letter Rycroft to Adams, 6 November 2003, 'Iraq: Prime Minister's Conversation with President Bush, 6 November'.

515. Ambassador Bremer's account of his time in Iraq records that, after a meeting on 6 November with leaders of the Governing Council, he had "realized that our seven-step process was dead".[289]

516. Mr Richmond attended a meeting with Ambassador Bremer, Gen Abizaid and Lt Gen Sanchez on 7 November to discuss a strategy for engaging with the Sunni population.[290]

517. Gen Abizaid reported that his recent discussions with Sunni leaders in Mosul had focused on "jobs and money" though there was also a need for flexible application of de-Ba'athification to "reassure the average Ba'athist that he had a future in the new Iraq".

518. Sir Nigel Sheinwald visited Iraq from 7 to 9 November.[291] He reported to Mr Blair on his return, asking for comments on his recommendations before Mr Straw was due to visit Washington. He described two major problems in the political arena:

- the failure of the GC to "get a grip" and "develop a political profile"; and
- continued CPA civilian weaknesses; strategic communications in particular remained a serious problem.

519. Sir Nigel proposed asking the FCO and the MOD to second a proper public affairs team to Iraq – Mr Blair commented "Yes. And get the Iraqi media sorted."

520. On the security situation Sir Nigel wrote:

> "No clear picture of the enemy exists … The nexus of relations between ex-regime supporters, international terrorist and freelance jihadis is much discussed, but with little hard intelligence. As Jeremy Greenstock puts it, the enemy is mutating faster than our (rapidly evolving) security structures can keep up … There is no lack of intelligence; but it's not having a decisive impact, and there are problems of processing and co-ordination."

521. Sir Nigel continued:

> "We have to put our faith in a combination of (a) Iraqiisation and (b) better intelligence leading to more pre-emption of attacks. On the first, there is now an ambitious scheme for all parts of the security structure. But ICDC [Iraqi Civil Defence Corps] training will not be complete until the spring; and even then trainees will need mentoring and monitoring … There is a bad need for Iraqi police on the streets to deal with basic crime – this, not terrorism, is the main concern for ordinary Iraqis. **The situation will remain very fragile, with continuing casualties.**"

---

[289] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.
[290] Telegram 258 IraqRep to FCO London, 9 November 2003, 'Iraq: Sunni Strategy Meeting with Bremer and Abizaid'.
[291] Minute Sheinwald to Prime Minister, 10 November 2003, 'Visit to Iraq' including manuscript comments Blair.

522. Sir Nigel told Mr Blair that:

> "… [Lt Gen] Sanchez is planning an operation in Fallujah – the tribal chiefs have been given a two week deadline to control the terrorists or face a heavy US response. This could turn ugly … but it would be wrong to question the need to get the initiative back."

523. Sir Nigel reported that key GC members were beginning to support the idea of a transitional government. But his main conclusion was:

> "… that we are unlikely by spring 2004 to have made the advances necessary, particularly on security, for a wholesale transfer to a provisional government."

524. Instead, he and Sir Jeremy Greenstock set out an alternative political timetable which they thought might emerge:

- strengthening the GC so it could pass a basic Constitutional Law;
- electing an Assembly to appoint a transitional government;
- transferring sovereignty to the transitional government in September 2004;
- holding a census and elections for a Constitutional Assembly; and
- full election to a sovereign Iraqi Government in 2006.

525. Mr Blair indicated with a tick that he was content with this timetable.

526. Sir Nigel wrote that Iraq's:

> "… political, social and economic landmarks were swept away by the dictatorship. Our position rests largely on intangible Iraqi perceptions of credibility and consent. Most Iraqis are at best confused: they don't want Saddam back, but want the Occupation to end."

527. Mr Blair commented against that text "Is this right?"

528. Sir Nigel continued:

> "This is an immense task: we have, at last, the right policies in place; but there is a sense of a race against time, with Iraqiisation benefits not able to kick in properly until the spring, and continuing doubt about the CPA's ability to get the practical jobs done."

529. Sir Jeremy Greenstock reported that the key GC members were dismissive of Ambassador Bremer's time constraints, arguing that direct elections to a Constitutional Convention were necessary, and that resolution 1511 allowed for a transitional government in the meantime.[292]

---

[292] Telegram 257 IraqRep to FCO London, 9 November 2003, 'Iraq: Sheinwald Visit'.

530. In a meeting with Sir Nigel Sheinwald, Ambassador Bremer said he believed that only a full constitutional process could meet the President's and the Prime Minister's political requirements for Iraq.[293] He believed it was still possible for this to be done by the end of 2004 if the GC moved quickly. But he conceded for the first time that he might have to consider an interim Constitution, if it was not possible to create the Constitutional Convention by indirect consultation rather than elections.

531. Sir Jeremy and Mr Richmond met Dr Ayad Allawi, the head of the Iraqi National Alliance on 9 November.[294] Dr Allawi expressed serious concerns about de-Ba'athification, noting that "there was a difference between Saddamists and Ba'athists". In his view the de-Ba'athification policy was "incompatible with security in Iraq".

532. Sir Jeremy and Mr Richmond emphasised the Coalition's intention to be flexible about the application of de-Ba'athification, but pointed to the harder line being taken by the GC. Dr Allawi commented that this was, in his view, the GC operating in a way that it believed the US wanted. He wanted to call a meeting with the CPA to discuss new proposals for using Ba'athists in the "security struggle" and indicated that this had the support of a number of other Iraqi parties.

533. On 11 November, Mr Rycroft wrote to the MOD, the Treasury, DFID, SIS, the Cabinet Office, the JIC and UK representatives in Iraq and the US with Mr Blair's views on next steps.[295]

534. Mr Rycroft described Mr Blair's view that elections in Iraq should not be postponed beyond the end of 2004 unless absolutely necessary. He confirmed that Mr Blair was comfortable with a timetable which led to:

> "… elections in around September 2004 to an Assembly which would appoint a transitional government, with power and formal sovereignty then transferred from the CPA to this government."

535. Mr Rycroft's letter also confirmed the secondment of an FCO/MOD public affairs team to the CPA and directed that a British Office should be created in Basra "to handle trade contacts, cultural ties, visitors etc".

536. In a conversation by video conference with President Bush on 11 November Mr Blair said that the Coalition needed to improve its media handling. He commented that Iraqis were citing this, as well as the economy and crime, as key areas for Coalition attention.[296] The US was holding "seminal" meetings in Washington on the political process, about which Mr Blair would be consulted.

---

[293] Telegram 176 Baghdad to FCO London, 8 November 2003, 'Iraq: Sir Nigel Sheinwald's call on Bremer'.
[294] Teleletter Greenstock to Sawers, 11 November 2003, 'Iraq: Iyad Allawi Meeting'.
[295] Letter Rycroft to Adams, 11 November 2003, 'Iraq: Next Steps'.
[296] Letter Cannon to Adams, 11 November 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 11 November'.

537. Mr Blair told Cabinet on 13 November that President Bush would visit the UK the following week, and that it was important for policy issues, including Iraq, to be the focus of the visit.[297] Mr Blair judged that:

> "While we should not expect that the visit would be universally acclaimed here, we should take political advantage by entering into debate on the issues."

538. On 13 November, Sir Nigel reported a telephone conversation with Dr Rice in which she indicated that President Bush had agreed on a new sequence for the political process.[298] This was:

> "… basic law; interim Parliament; provisional Government; transfer of sovereignty and end of the CPA."

539. There was no firm plan for what would replace the CPA. The US envisaged elections by mid-June and the provisional Government in place in July, followed by the handover of power. Ambassador Bremer would put this new proposal to the GC.

540. During his visit to Washington, on 13 November Mr Straw discussed Ambassador Bremer's revised proposals for the political process with Secretary Powell.[299]

541. Secretary Powell explained that Ambassador Bremer had proposed a target of June/July for the transfer of sovereignty. Sir Jeremy Greenstock suggested that the new timetable meant that instead of popular elections to a transitional assembly, a caucus process would be needed.

542. Mr Straw indicated "probable UK approval" of the new timetable.

543. On 14 November, Mr Crompton wrote to Mr Richmond on the Constitutional process.[300] He indicated general pleasure with US plans. For the selection of the "Transitional Legislative Assembly" he favoured:

> "… a national conference of notables from all the Governorates to launch the process, and a further round of consultations at the end to debate, amend and, we hope, endorse the fundamental law."

And instructed:

> "You should continue to push this idea hard with Bremer."

---

[297] Cabinet Conclusions, 13 November 2003.
[298] Letter Sheinwald to Adams, 13 November 2003, 'Iraq: Conversation with US National Security Adviser'.
[299] Telegram 1506 Washington to FCO London, 14 November 2003, 'Foreign Secretary's Lunch with US Secretary of State, Washington, 13 November'.
[300] Teleletter Crompton to Richmond, 14 November 2003, 'Iraq: Constitutional Process'.

544. Mr Crompton also pointed out that:

> "… it would be difficult to explain how we could hold full national elections in December to a Constitutional Convention but not in July to the Transitional Legislative Assembly."

545. To remedy this he suggested "slippage of the timetable into 2005".

546. On 15 November, the GC unveiled a timetable for transfer of sovereignty to a transitional administration by 30 June 2004, at which point the CPA would dissolve.[301] This became known as the 15 November Agreement.

547. The process involved creating an interim Constitution, known as the Transitional Administrative Law (TAL) or Fundamental Law, a Transitional National Assembly (TNA) that would be chosen by provincial caucuses, and an Interim Government to be chosen by the TNA.

548. The timetable was:

- drafting and approval of the Fundamental Law/TAL by 28 February 2004;
- bilateral Coalition/GC Security Agreement by end March 2004;
- election of a Transitional National Assembly (TNA) by 31 May 2004;
- election of the Transitional Administration (subsequently known as Iraqi Interim Government or IIG) by the TNA;
- Transitional Administration assumes responsibility from the CPA by 30 June 2004;
- elections for a Constitutional Convention by 15 March 2005; and
- elections for new government and expiry of Fundamental Law/TAL by 31 December 2005.[302]

549. The agreement had been drafted by the CPA governance team, working with the GC.[303] Ambassador Bremer and Mr Richmond were part of the GC's final deliberations, and signed the Agreement on behalf of the Coalition. Four Shia members of the Council voted against it, with the 20 other members in favour.

---

[301] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[302] Minute Cannon to Prime Minister, 18 November 2003, 'Iraq: Political Timetable'.
[303] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.

Origins of the 15 November Agreement

Sir Jeremy Greenstock described to the Inquiry the stalemate the Coalition had faced on the political process.[304] Ambassador Bremer had not wanted elections to take place without constitutional principles being laid down to govern them; Grand Ayatollah al-Sistani had not wanted Iraq's Constitution to be written by or influenced by non-Iraqis. Sir Jeremy described his suggestion that:

> "… when there was a chicken and egg problem, one of the ways to get through it is to design a double circuit … two chickens, two eggs, it became known as, with some humour and disbelief on the American side … we designed a process of drawing up some preliminary constitutional principles through an administrative law leading to a first round of elections, after which there would be the writing of a proper Constitution by elected officials, leading to a second round of elections under that Constitution.
>
> "The Americans … thought I was talking rubbish, but the Iraqis immediately understood what I was talking about, which was the point of my proposing it … And that was the heart of the 15 November agreement."

Sir David Richmond told the Inquiry:

> "Undoubtedly Jeremy's influence was very important in the change of direction of the political process which led to the 15th November agreement. It is a dreadful phrase [two chickens two eggs], but actually it was a very clever idea and became in essence the policy that was then followed."[305]

Sir David said that Ambassador Bremer's Seven Step Plan:

> "… had really come unstuck. It wasn't a bad plan at all. It was almost a classic way of going about these things, but it had come unstuck largely because of the opposition of Sistani to certain aspects of that plan. Although we were … perhaps slow to realise that they had hit an insurmountable obstacle and there was a lot of time lost, certainly by the middle or end of October there was a realisation that we were going to have to come up with a plan B …"
>
> "A plan was being developed and Bremer went back to Washington around about 13th or 12th November … He came back with what became the 15th November agreement. There were certain aspects of it which we were expecting, including the idea that there might be some interim Constitution … We were certainly expecting an end date, although I think we were expecting one a little later than 30th June, but I think we – certainly I was expecting that there would be elections before we handed over. We would handover to an elected interim government. It was a surprise and shock to me to discover when Bremer came back from Washington that this was not the case. Now I don't know – this decision had clearly been taken in Washington by the people in Washington. It was not what the CPA had been expecting. I don't know to what extent the British Government was involved in that decision to do things in a different way. I imagine they were, but I don't know."[306]

---

[304] Public hearing, 15 December 2009, pages 76-78; Private hearing, 26 May 2010, page 57.
[305] Public hearing, 26 January 2011, page 23.
[306] Public hearing, 26 January 2011, page 66.

550. On 18 November, Sir Jeremy Greenstock attended a meeting of the Iraq Strategy Group, chaired by Sir Nigel Sheinwald.[307]

551. Among the "main private messages" that Sir Jeremy believed that Mr Blair should raise with President Bush was the need for a "comprehensive and fully integrated approach [to security] including improved intelligence co-ordination, greater Iraqiisation of security forces, bringing in more ex-Ba'athists and political outreach to the Sunnis".

552. On 19 November, in a review of Al Qaida's global operations, the JIC reported:

> "There have been some indications of senior Al Qaida leaders … aspiring to play a role in Iraq and enabling others to do so. The 'Iraq jihad' has been a focus for recent Al Qaida propaganda. We do not know for certain how much direct influence Al Qaida leaders have over activity, or how far 'core' Al Qaida terrorists have been involved in operations there. But groups affiliated with it (such as Ansar al Islam and al-Zarqawi's network) are planning and carrying out operations and may have been responsible for some of the major attacks. The Iraq jihad is also likely to produce a new generation of battle hardened fighters prepared to use their expertise elsewhere."[308]

553. In mid-November, the Defence Intelligence Service (DIS) created an Iraq Security Task Force to increase its analytical effort "into the nature of the insurgency in Iraq".[309] The group was intended to work closely with PJHQ and the intelligence agencies to "identify the insurgents and their organisation, strategy, tactics, methods and logistics".

554. Lt Gen Andrew Ridgway, the Chief of Defence Intelligence, cautioned that:

> "… this effort does not come without a price. I will be forced to reduce effort elsewhere … Assessment of non-insurgent related activity in Iraq will be reduced in the short term as Gulf branch is back-filled with analysts less familiar with the region."

555. On 20 November, Mr Blair and President Bush made a joint statement in which they said:

> "We reaffirm the resolve of our two countries, with many friends and allies, to complete the process of bringing freedom, security and peace to Iraq. We warmly welcome the Iraqi Governing Council's announcement of a timetable for the creation of a sovereign Iraqi Transitional Administration by the end of June 2004 …"[310]

556. The statement went on to say that the GC's announcement was consistent with their long-stated aim of handing power to Iraqi hands as quickly as possible.

---

[307] Minute Dodd to Sheinwald, 18 November 2003, 'Iraq: Strategy Group'.
[308] JIC Assessment, 19 November 2003, 'International Terrorism: Al Qaida Stocktake'.
[309] Minute CDI to PS/Policy Director, 19 November 2003, 'DIS' Iraq Security Task Force – Implications'.
[310] Statement Bush and Blair, 20 November 2003, 'Declaration on Iraq'.

Multi-national force levels in MND(SE)

An MOD report setting out lessons for the future from Op TELIC, published in December 2003, described force levels in MND(SE) on 17 November.[311] On that date, the UK force level in MND(SE) was 10,500, and contributions from other nations totalled 5,650 personnel. The numbers provided by each nation were:

- Czech Republic 100
- Denmark 480
- Italy 2,800
- Lithuania 30
- Netherlands 1,100
- New Zealand 100
- Norway 160
- Portugal 130
- Romania 750

UK force levels between 2003 and 2009 are set out at the end of Section 9.7.

557. In late 2003, the US Joint Chiefs of Staff made an informal request for the UK to consider deploying the HQ ARRC to Afghanistan in summer 2004.[312] At the time, the FCO's advice to Mr Straw was that the MOD did "not believe that it would be sensible to deploy the ARRC to Afghanistan under current levels of operational deployment, since they judge that it would need to deploy for a year, and with around 2,500 additional troops, to have the desired strategic effect".

558. The initial view of the FCO's Afghanistan Unit was that this underplayed the potential strategic value of the ARRC in Afghanistan. In relation to a deployment to Iraq, the Unit judged it:

> "… unlikely … that NATO would be willing to take on the overall command role. Nor is it clear that the US would be prepared to put their forces under UK command. Conversely, there is a risk, were the ARRC to deploy at the head of a multi-national operation, that the US would not retain enough forces in theatre to make sure that the security situation could be properly handled … The political risk to the UK of a British HQ taking overall command of military operations would also be high, and our chance of success will be no better (or worse) than the Americans. We are unlikely to want to be put in such an exposed position for another two years."

559. Mr Edward Oakden, FCO Director International Security, commented on 20 November that he agreed with the Afghanistan Unit's initial advice, and

---

[311] Ministry of Defence, *Operation in Iraq: Lessons for the Future*, December 2003, pages 84-85.
[312] Minute Thompson to Ehrman and Private Secretary [FCO], 20 November 2003, 'Possible Deployment of the ARRC to Afghanistan/Iraq'.

recommended that Mr Straw's Private Office write to No.10 to register these points.[313] Sir Peter Ricketts, UK Permanent Representative to NATO, endorsed Mr Oakden's views.[314]

560. Mr Oakden wrote:

> "… there is a large element of tactics in the MOD's current approach … there has been a strong body of opinion, including the CGS, that since there is no attractive prospect of using the ARRC in Iraq, we should use it … in Afghanistan, both to do the real job that needs doing on the ground there, and because that is the way to maintain UK leadership in NATO."[315]

561. Mr Oakden wrote that in order to make an effective deployment of the ARRC "you would also need to deploy a 2,500 strong manoeuvre battalion[316] for the ARRC to have strategic effect". He also noted that Sir Kevin Tebbit had:

> "… insisted that with the MOD facing a massive overrun, they could not put themselves in the position with HMT of arguing for additional commitments: they should let others impose this on them; and let these others, No.10 or whomever, will the necessary resources."

562. In the second report to the United Nations under the terms of resolution 1483, on 21 November 2003, the UK and US gave a detailed update on Coalition activities.[317]

563. A telegram from the UK Mission to the United Nations in New York (UKMIS New York) to the FCO recorded that Ambassador Negroponte had welcomed the 15 November Agreement as a step that would ensure rapid Iraqi control of their own affairs, that basic freedoms and rights were protected under the law; and an elected Constitutional Convention.

564. Ambassador Negroponte stated that the Multi-National Force would be needed until Iraq could take on its own security and, as with reconstruction, he hoped more international partners would participate. He emphasised that the UN also had a vital role and that its return would be welcome. The US stood ready to assist with security support.

565. Sir Emyr Jones Parry reported CPA progress in restoring basic services, including water and electricity; repairs to Baghdad International Airport and Umm Qasr port; and work on mobile phone networks.

---

[313] Email Oakden to Ehrman and Adams, 20 November 2003, 'ARRC and Afghanistan'.
[314] Email Ricketts to Oakden, Ehrman and Adams, 21 November 2003, 'ARRC and Afghanistan'.
[315] Email Oakden to Ehrman and Adams, 20 November 2003, 'ARRC and Afghanistan'.
[316] It is not clear what force Mr Oakden is describing. It is larger than other battlegroups deployed to Afghanistan or Iraq but too small for a brigade.
[317] Telegram 1609 UKMIS New York to FCO London, 22 November 2003, 'Iraq: US/UK Update to the Council'.

566. Sir Emyr also said that nearly all 240 hospitals were now functioning and most schools had opened by the end of June. He also described progress with currency reform and emphasised that it was crucial for Member States to transfer funds belonging to the former Iraqi regime to the Development Fund for Iraq.

567. Finally, Sir Emyr reported that the CPA had enacted human rights legislation, and that the Central Criminal Court was now up and running; 600 Iraqi judges were now presiding over 500 Iraqi courts.

568. UKMIS New York told the FCO that:

> "While generally welcomed, France, Germany and Russia stress three key considerations: the need to bring in those previously excluded; the need to bring on board Iraq's neighbours; and the need for a substantive UN role. All three mention the idea of a national conference under UN auspices."

569. On 21 November, the Oil-for-Food programme closed, after eight years in operation.[318] This met the terms of resolution 1483, which had called for it to be wound up within six months.

570. Responsibility for remaining activity passed to the CPA and the Iraqi Ministry of Trade. A one month "buffer stock" of key commodities would be purchased by the World Food Programme, but it was not expected that there would be a threat to food supply.

571. From 18 to 22 November President Bush visited the UK.[319]

572. Before the visit, Mr Rycroft gave Mr Blair a copy of a paper entitled 'Iraq: Security', for discussion with President Bush.[320] The document was described as "Jeremy's paper" and the Inquiry assumes that it was written by Sir Jeremy Greenstock.

573. The paper began:

> "The timetable for transfer of power to transitional government is challenging but can be done. Momentum is there. One thing that can throw this off course is **security**. Must be our highest priority from now until the handover. Current insurgency/terrorist campaign may not pose a traditional strategic threat. But mounting rates of attacks on Coalition will:
>
> - sap domestic public and political support;
> - wean away allies who have less of a stake in this than US/UK;
> - risk withdrawal of civilian volunteer staff in the CPA and governorates;
> - encourage the current insurgency to become a widespread, popular resistance."[321]

---

[318] Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.
[319] *BBC News*, 18 November 2003, *Bush arrives for state visit*.
[320] Minute Rycroft to Prime Minister, 18 November 2003, 'Bush Visit – Private Talks'.
[321] Paper Greenstock, 18 November 2003, 'Iraq: Security'.

574. Sir Jeremy then set out a number of areas that needed to be addressed, including:

"**Military**

- … We need to do more to tackle use of IEDs; mortar and rocket attacks; and SAMs [Surface-to-Air Missiles]. *We should seek to avoid further alienation of Sunni population.* Overall approach needs to provide reassurance.

  …

Intelligence

- … We need much *better co-ordination of intelligence collection and analysis.* Intelligence sharing between the military and civilian Agencies must be improved …
- Growth of Iraqi intelligence capacity is vital …

  …

Sunni strategy

- *Sunni outreach remains critical even while pursuing crackdown on FRE* [Former Regime Elements] *activities in these areas*. Civic and economic development projects must be a priority. And we must help the IGC to sell the new political process in the Sunni heartlands.

Civilian security

- *Real risk of serious US and UK civilian losses.* When civilian volunteers begin to be hit the consequences are different to those for the military. Resulting mass pull-outs will undermine our ability to ensure an effective handover of responsibility to Iraqis.

  …

- CPA must address this with urgency …

Iraqiisation

- *Must accept previously Ba'athist elements in the security forces*, provided not linked with former repression. *Militias …* need to be brought in an inclusive, transparent way … Plans for this should be drawn up immediately with IGC …

Economics

- *Absolute priority must be given to job creation …*

Managing the transition/drawdown

- *Planning for withdrawal of 30,000 US troops by March need to be re-assessed against the growing security threat*. We must have a secure overall environment in the period running up to the caucus elections. The enemy will exploit any gaps. *Better to lower domestic expectations now and link to positive progress on the political timetable*. Conditions on the ground and the views of the Governing Council/Transitional Assembly must inform the decision.
- On civilian side, *must not adopt mindset that June represents a cut off point.* Will have to stay engaged to assist the Iraqi transitional government find its feet. Need to start thinking now about how this should best [be] done.

Co-ordination of policy

- We need to *tighten up high-level co-ordination between military, civil and intelligence elements, and between Coalition partners …*"

575. Mr Blair gave President Bush a slightly revised version of Sir Jeremy's paper, which included a different message under the heading "Managing the transition/drawdown".[322] It said:

> "We need to look again at the levels and composition of US and UK troops, in theatre, given the new political timetable. We must have a secure overall environment in the period running up to the caucus elections. The enemy will exploit any gaps. Conditions on the ground and the views of the Governing Council/Transitional Assembly must inform the decision. We need US/UK troops capable of training Iraqi forces as well as direct military and intelligence tasks."

576. In the week before President Bush's visit, Sir Jeremy contacted Mr Desmond Bowen, the Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office, who reported to Sir Nigel Sheinwald that:

> "Jeremy believes that President Bush is not being warned that strategic failure cannot be ruled out.
>
> …
>
> "He feels that the Prime Minister should talk to the President in stark terms next week about the dangers we face if we do not get a grip on the security situation, while at the same time pushing forward the political programme and the massive reconstruction task now under way."[323]

---

[322] Paper [Greenstock], 20 November 2003, 'Iraq: Security'.
[323] Minute Bowen to Sheinwald, 14 November 2003, 'Iraq'.

577. Sir Nigel Sheinwald recorded that Mr Blair and President Bush spent most of their private meeting on 19 November discussing Iraq, drawing on Sir Jeremy's paper, a copy of which Sir Nigel had also given to Dr Rice.[324]

578. At the end of the visit, Sir Nigel met Dr Rice to discuss follow-up.[325] During the discussion Dr Rice emphasised the need to "crush the insurgency hard", mainly through better intelligence.

579. Politically, the GC had to work better, for which the Sunnis would be key. There was also a need to prioritise reconstruction projects. There was discussion about reuniting the international community, and Iraq's neighbours.

580. Sir Nigel saw three elements to the post-CPA civilian arrangements: an international presence under some kind of UN umbrella; UK/US advisers inside the Iraqi ministries; and UK/US Missions or Embassies. Sir Nigel raised the question of contracts: the UK had done well in the first tranche and "hoped that DOD [Department of Defense] would give us a good crack of the whip in the oil and gas area, where three UK consortia had real expertise".

581. Mr Blair and President Bush discussed the approach set out in Sir Jeremy's paper once again when they met at Sedgefield at the end of the visit.[326] The meeting was a private one, but Sir David Manning reported that Mr Blair had interpreted the response as positive, and had stressed the importance of "effective follow-up".

582. Soon after the announcement of the 15 November Agreement, reservations began to be expressed in the GC, in particular by Shia members, about its implementation.

583. Concerns raised at a meeting of the nine members of the GC's rotating Presidency (the P9) on 21 November focused on the method of selecting provincial caucuses, the fate of the GC post-transition, a desire to protect the position of the Shia majority, a continued Coalition military presence and the lack of clarity on the UN's role.[327]

584. Sir Jeremy reported that Ambassador Bremer had stressed the historic importance of the 15 November Agreement, and the commitment of Mr Blair and President Bush to it. Despite that, he was "willing to negotiate further some details".

585. Despite the problems raised, Sir Jeremy commented that they did not appear "insurmountable" and no member of the GC seemed close to abandoning the Agreement altogether.

---

[324] Letter Sheinwald to Adams, 20 November 2003, 'Prime Minister's Meetings with President Bush 19 and 20 November'.
[325] Letter Rycroft to Adams, 21 November 2003, 'Iraq: Meeting with Condi Rice, 21 November'.
[326] Letter Rycroft to Adams, 21 November 2003, 'Prime Minister's Discussion with Bush, Sedgefield, 21 November'.
[327] Telegram 278 IraqRep to FCO London, 21 November 2003, 'Iraq: Constitutional Process'.

586. A committee established by the P9 proposed five textual amendments on 23 November, including:

> "… reforming the local and provincial councils, thereby ensuring 'the highest possible degree of representation'; ensuring that security arrangements reaffirmed the sovereignty and independence of Iraq; asking the UN Secretary-General to appoint a representative to help in the political process; and defining a role for the IGC post-hand over and until a permanent Constitution is adopted."[328]

587. Sir Jeremy reported that he and Ambassador Bremer would "remain firm on key principles".

588. On 26 November, the JIC assessed security in Iraq.[329] It judged that the number of "significant incidents" had risen from 30 to 36 per day, though the frequency of significant attacks in MND(SE) had not increased and remained lower than in other parts of the country.

589. The JIC assessed that this was the result of increased involvement of "former regime elements" who had moved into MND(SE) from elsewhere:

> "It does not, therefore, necessarily indicate a loss of local Shia support (there are some indications that this support may actually be increasing in MND(SE))."

590. In addition to the ongoing threat from former regime elements, the JIC pointed to the threat to stability that came from "disaffected Iraqis – those without jobs, those who have been disadvantaged by the change in regime, or those who simply find the conditions of life worse than before the war". It also assessed that, while Muqtada al Sadr's supporters had "dwindled", he still commanded "sufficient influence to be a threat, particularly in Najaf, Karbala and Baghdad".

591. The Cabinet Office Annotated Agenda for the AHMGIR meeting the following day observed that:

> "Although the number of security incidents has fallen in the last few days, it is too soon to say that this represents a trend to improved security."[330]

592. The same document also recorded that Mr Jalal Talabani, President of the GC, had written to Mr Annan asking him to appoint a new UN Special Representative. A second letter set out the political timetable and asked the Security Council for a new resolution. Cabinet Office officials stated:

> "The question of what future UNSCRs will be required to underpin the timetable is a matter for debate."

---

[328] Telegram 282 IraqRep to FCO London, 24 November 2003, 'Iraq: Political Roundup'.
[329] JIC Assessment, 26 November 2003, 'Iraq Security'.
[330] Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

593. On 27 November, Mr Straw told Cabinet that during his visit to Iraq he had been struck that the change to the political timetable had had a dramatic impact on the CPA and the GC, "New urgency had been imparted to both the political and security tracks."[331]

594. On 27 November, Mr Sawers commented to Mr Straw's Private Secretary that:

> "… the ARRC is a high quality asset which, in these times of heavy demands on the security front, we should be looking to deploy … Holding it back for the perfect task risks leaving it with nothing to do for far too long. The question is: Iraq or Afghanistan."[332]

595. Mr Sawers went on to observe that "Iraq is the higher political priority for HMG", but that there was a risk that deploying the ARRC to Iraq would either create complications with US troops and a dual chain of command or encourage the US to withdraw its troops prematurely. By contrast, Afghanistan was seen as a more immediate priority. Mr Sawers concluded that he inclined towards recommending the deployment of the ARRC to Iraq – the "greater strategic and political importance of the Iraq to the UK tips the balance". Mr Sawers recommended that, as the forthcoming NATO Summit at Istanbul coincided with the planned transfer of sovereignty in Iraq, it might be an opportune moment to announce any decision to deploy the ARRC to Iraq.

Impact of the political timetable on the CPA

Since May 2003, the CPA had been operating on the assumption that it would be responsible for the administration and reconstruction of Iraq until at least December 2004. CPA programmes and spending plans had been based on that assumption.

Mr Bearpark told the Inquiry:

> "Once you know that your tenure is only going to be six months, even the most naïve planners knew that the objectives they had set were not going to be achieved within that period."[333]

Sir Hilary Synnott told the Inquiry that the idea of an early transfer to a transitional Iraqi government came as a surprise to him:

> "In the middle of November, much to our surprise, and in many – well, in some senses disappointment, it was decided that the CPA should wind up at the end of June, and I was due to leave – the six months would have been the end of January. It became clear to me a couple of months before that that the entire focus of Baghdad's attention had shifted from trying to make something work into, 'What are we going to do to run down?'"[334]

Detail on the consequences for reconstruction activity can be found in Section 10.1.

---

[331] Cabinet Conclusions, 27 November 2003.
[332] Minute Sawers to Private Secretary [FCO], 27 November 2003, 'Deployment of the ARRC'.
[333] Public hearing, 6 July 2010, page 44.
[334] Public hearing, 9 December 2009, page 47.

596. Towards the end of November, Mr Richmond wrote to Mr Crompton to look ahead at key issues for the seven months until the CPA came to an end in June 2004.[335] He listed:

"
- re-select Provincial Councils in a number of governorates;
- help draft the Transitional Administrative Law;
- organise the caucus elections and build up civil/political society;
- launch a nationwide political dialogue;
- keep a suspicious Shia majority on side while reassuring a resentful and angry Sunni population;
- avoid dealing with the security problems in ways which alienate the local population and establish a coherent security strategy to deal with the insurgency;
- decide on the post handover arrangements for the Multi-National forces;
- prioritise the outstanding economic issues …"

597. He identified the most difficult issue in drafting the TAL as federalism, and in particular the status of the Kurdish north.

598. Mr Hoon told Parliament on 27 November that:

> "As part of our routine management of the UK's land deployment we intend shortly to conduct a roulement of our forces in theatre. This will begin with an incremental replacement of HQ 3 (UK) Division with a composite headquarters for MND(SE), the staff for which will be drawn from across UK Defence and from allies … We expect the level of the Royal Navy and Royal Air Force presence in theatre to remain broadly stable … We will continue to keep the size and mix of forces in theatre under careful review and we can expect to make further adjustments to our force structures …
>
> "While we remain determined to maintain appropriate forces deployed in Iraq and the wider Gulf region for as long as is necessary, we are equally determined that no forces should remain deployed for any longer than is necessary."[336]

599. The exact total of deployed troops was not mentioned in Mr Hoon's statement to Parliament.

600. On 27 November, Cabinet Office officials briefed the AHMGIR that "[Grand] Ayatollah [al-]Sistani, the senior and influential Shia cleric, is said still to have doubts over the legitimacy of the new [political] process."[337]

---

[335] Letter Richmond to Crompton, 27 November 2003, 'Iraq: The Next Seven Months'.
[336] House of Commons, *Official Report*, 27 November 2003, columns 29-30WS.
[337] Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

601. Shortly afterwards, Sir Jeremy Greenstock reported that:

> "Efforts by the CPA to resolve the impasse … over the 15 November Agreement were further complicated on 27 November by reports to the CPA governance team that [Grand] Ayatollah [al-]Sistani has come out in favour of direct elections to the TLA [Transitional Legislative Assembly]."[338]

602. In a statement on 28 November, Grand Ayatollah al-Sistani set out his "reservations" regarding the 15 November Agreement:

> "Firstly, it is based on preparing the law of the Iraqi state, for the transitional period, through the Governing Council in conjunction with the Occupying Power – thus not providing it with legitimacy. For this (legitimacy) to be achieved it must be presented to representatives of the Iraqi people for approval.
>
> "Secondly, the mechanism in place to choose members of the Transitional Legislative Assembly does not guarantee the establishment of an assembly that truly represents the Iraqi people. Therefore this mechanism must be replaced with one that guarantees the aforesaid, which is 'elections', so the Assembly will emanate from the desire of the Iraqi people and will represent them fairly without its legitimacy being tarnished in any way."[339]

December 2003

603. By 1 December, the GC had not agreed a way ahead in relation to Grand Ayatollah al-Sistani's objections beyond creating a committee to discuss the mechanics of implementation.[340]

604. In early December, the Iraq Senior Officials Group concluded that "a new joined up approach to campaign planning [with the US] had not translated into reality on the ground".[341]

605. Mr Blair and President Bush spoke by video conference on 4 December.[342] During the conversation Mr Blair underlined the importance of Iraqiisation, including involving the Sunni community and former Ba'athists. He suggested that the Coalition should aim to mobilise tribal leadership, as the UK was doing in the South. Mr Blair welcomed "improvements in co-ordination" and stressed that the focus should be on security.

---

[338] Telegram 292 IraqRep to FCO London, 28 November 2003, 'Iraq: Sistani Views'.
[339] Talmon S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council.* Hart Publishing, 2013.
[340] Telegram 294 IraqRep to FCO London, 1 December 2003, 'Iraq: Sistani Update'.
[341] Letter Dodd to Sheinwald, 1 December 2003, 'Iraq: Senior Officials Group'.
[342] Letter Cannon to Adams, 4 December 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 4 December'.

606. A Force Level Review conducted in November and given to the Chiefs of Staff in December noted that the military tasks for the period ahead fell into two categories: counter-terrorism and security sector reform, most critically the Iraqi Police Service (IPS), the Border Police (IBP) and the Iraqi Civil Defence Corps (ICDC):

> "Existing MND(SE) resources are insufficient to maintain security, in the event of politically inspired instability, and simultaneously train, mentor and monitor both the ICDC and the IPS/IPB. In order to achieve the necessary force levels an adjustment of in-place forces coupled with a moderate increase in force levels is needed. This should ensure concurrent CT [counter-terrorism] and SSR [security sector reform] success. Also by achieving early effect, MND(SE) should create the conditions for release of UK troops or their re-employment within Iraq."[343]

607. On counter-terrorism, the review found that:

> "… tasks have been reviewed and we will soon be able to reduce from four to three battalions for this commitment. The released battalion will be used for the mentoring and monitoring of the Iraqi Security Forces (ISF)."

608. The Force Level Review recommended:

> "… the continued deployment of a surge battalion … until Jun 04. The deployment of an additional battalion … to provide in-theatre flexibility … [and] a further two platoons of RMP [Royal Military Police], until a request for 40 civilian police is fulfilled, to operate in local police stations throughout the AO [Area of Operations], in support of battalion activity to improve the Iraqi Police Service (IPS) and Iraqi Border Police (IPB)."

609. The Chiefs of Staff were also reviewing the UK's military strategy for Iraq.[344] A paper written by Lt Gen Fry in early December suggested that:

> "If necessary the UK should be prepared to continue to employ maximum sustainable resources up to Land MS(+) and Maritime/Air SS to deliver campaign success."

610. On resources, he advised that:

> "The UK's strategy must be one of 'early effect', which puts the achievement of campaign success above all else including concurrency and harmony guidelines."

---

[343] Minute Reith to PSO/CDS, 5 December 2003, 'Op. TELIC Force Level Review – Nov 03'.
[344] Minute DCDS(C) to COSSEC, 5 December 2003, 'Op TELIC – Review of UK Military Strategy for Iraq'.

611. A more detailed paper attached noted that the numbers of Army units deployed in operations (including Iraq) was greater than envisaged in the Defence Planning Assumptions (DPAs).[345] As a result:

> "If the MOD seeks to return within DPAs then drawdown must be sought from … other theatres, reflecting TELIC's position as the UK's military ME [Main Effort]. As the Coalition scale of effort reduces in Iraq the UK faces a choice: either UK military scale of effort decreases in step with the Coalition, or, UK military effort continues at MS [Medium Scale], proportionally increasing our contribution to the Coalition. The UK would therefore have greater ownership of the campaign and greater influence on its success. In this scenario, UK military deployment may not be limited to MND(SE)."

612. On 10 December, Sir Nigel Sheinwald chaired a video conference with Dr Rice and members of her team, including Ambassador Blackwill (who led in Washington on the Iraqi political process).[346] Ambassador Blackwill suggested that Grand Ayatollah al-Sistani's stance seemed to be softening on direct elections, but the lack of a direct line of communication made this uncertain.

613. A day later, Mr Straw's Private Secretary reported to Mr Rycroft that there had been little progress with the new political timetable, mainly because Grand Ayatollah al-Sistani had argued that members of the Transitional Legislative Assembly should be selected by direct election, rather than through the caucus elections outlined in the agreement.[347]

614. The Private Secretary added that Grand Ayatollah al-Sistani's intervention had met strong opposition from most members of the GC and the CPA. No GC member was at that point pushing for direct elections but they were advocating changes in the way the caucus elections were organised, to ensure that Ba'athists did not re-emerge as a political force. They were trying to sell this approach to Grand Ayatollah al-Sistani. The CPA was prepared to be flexible on the implementation of the agreement, but not the principles.

615. On 13 December, US forces found and captured former President Saddam Hussein. He was hiding in a cellar in the town of al-Dawr, 15km south of Tikrit.[348]

616. Ambassador Bremer held a press conference, at which he said:

> "The tyrant is a prisoner.

---

[345] Minute DJtCts and Dir Sec IRAQ to COSSEC, 3 December 2003, 'Op Telic – A DJtCts Review of UK military strategy for Iraq'.
[346] Letter Cannon to Owen, 10 December 2003, 'Iraq: Video-Conference with US National Security Council'.
[347] Letter Owen to Rycroft, 11 December 2003, 'Iraq: Political Process'.
[348] *BBC News*, 14 December 2003, *Bremer's statement in full*.

> "The economy is moving forward. You have before you the prospect of a sovereign government in a few months.
>
> "With the arrest of Saddam Hussein, there is a new opportunity for the members of the former regime to end their bitter opposition."

617. Mr Blair spoke to President Bush by telephone on 14 December and encouraged him to push "the Sunni strategy" when commenting publicly on the capture later that day.[349] The tone should be focused on reconciliation.

618. During Defence Questions on 15 December, Mr Hoon told Parliament that:

> "A crucial component of our efforts in Iraq is the training of Iraqi security forces. That has been given added impetus by the acceleration of the political timetable agreed by the Iraqi Governing Council on 15 November. To accelerate the rate of training, there is a requirement for an additional infantry battalion and a contingent of Royal Military Police. The House will recall that I have previously announced the earmarking of a ready battalion for deployment on surge operations for that reason. I have decided that that battalion, the 1st Battalion the Argyll and Sutherland Highlanders, and two platoons of Royal Military Police, drawn from 101 and 156 provost companies should deploy in January for six months."[350]

619. Briefing produced for Mr Hoon suggested the following line:

> "Of course we would welcome additional contributions to the Multi-National effort in Iraq. But we can sustain our current force levels, and indeed temporary 'surges' such as the additional deployments I am announcing today. Our approach to Iraq is not driven by any sort of arbitrary targets for reducing our force levels there."[351]

620. On 16 December, Mr Tim Dowse, Chief of the Assessments Staff, provided a note for discussion at a JIC meeting the following day.[352]

621. The purpose of the paper was to identify the main challenges to the Coalition's plans for political transition. Among the risks it identified to achieving the various milestones in the transition timetable, were:

- The lack of security – this was judged to be the most serious threat to progress.
- Opposition from Grand Ayatollah al-Sistani, who was concerned to ensure proper recognition for the role of Islam within the Fundamental Law and who

---

[349] Letter Rycroft to Adams, 14 December 2003, 'Iraq: Capture of Saddam: Conversation with Bush, 14 December'.
[350] House of Commons, *Official Report*, 15 December 2003, column 1302.
[351] Email Iraq-sec 2 to SOFS-Private Office, 15 December 2003, 'Additional NATO Lines' attaching Note MOD [junior official], [untitled].
[352] Minute Dowse, 16 December 2003, 'Iraq: Threats to Political Transition – JIC Discussion Note' attaching Note [unattributed], 16 December 2003, 'Iraq: Threats to Political Transition'.

favoured a general election (rather than the planned caucus approach) to select the transitional National Assembly.

- The destabilising effect of Muqtada al-Sadr, who was considered "unlikely to accept a transition process that does not facilitate a prominent role for himself and for the Shia. The Assessments Staff assessed that al-Sadr's militia – the "Mahdi Army" – was poorly trained and organised, and the reported numbers (between 6,000 and 8,000) "may well be exaggerated".
- Continued Sunni disaffection, though the arrest of Saddam Hussein – while likely to have a demoralising effect on some former regime elements – was considered likely to encourage more of the Sunni to feel that they could participate in the transition process without fear that the Saddam regime would return.

622. On Iran, Mr Dowse's note reported:

> "Iran wishes to promote Islam within Iraq, but no longer expects to see a mirror image of its own government in place. A successful Islamic democracy on its border is likely to fuel discontent among its own population and this will probably be a cause for concern in Tehran. It will, however, continue its support to SCIRI with the aim of securing Shia pre-eminence in the future political hierarchy. Passive support for groups such as Ansar al-Islam is also likely to continue as long as the Coalition remains in Iraq, but [we] stand by our judgement … that while Iran may seek to gain influence … it is unlikely that they would participate directly in anti-Coalition activity."

623. On 17 December, the JIC assessed security in Iraq.[353] It recorded that:

> "After a difficult November the number of attacks against Coalition Forces has fallen … Most attacks continue to take place in Baghdad and in the Sunni Arab areas to the north and west.
>
> "The UK area of responsibility is calmer."

624. The JIC judged that most attacks against the Coalition continued to be carried out by Former Regime Elements.

625. The capture of Saddam Hussein, in the JIC's opinion:

> "… removes a figurehead, and will at least damage the morale of his supporters and offer encouragement to those many Iraqis who feared he could return. Coalition policies will need to take advantage of this opportunity."

626. The JIC also judged that:

> "Although we continue to see reports of alleged AQ personnel operating in Iraq and support networks elsewhere, we have no evidence linking AQ to specific attacks."

---

[353] JIC Assessment, 17 December 2003, 'Iraq Security'; JIC Assessment, 7 January 2004, 'Iraq Security'.

627. The Cabinet Office Annotated Agenda for the meeting of the AHMGIR on 18 December noted that:

> "The capture of Saddam Hussein, though important politically, is unlikely to improve the security situation in the short-term. Saddam's supporters may not give up easily and foreign fighters have different motivations."[354]

628. Despite the recent fall in the number of security incidents, the agenda noted that "attacks on Iraqi security forces, particularly on police stations, continue" although MND(SE) remained relatively quiet.

629. The Annotated Agenda recorded that the CPA was taking forward ideas for a National Reconciliation Strategy.

630. Following the capture of Saddam, this was:

> "… a determined effort by the CPA and the Iraqi Interim Administration to engage Sunni leaders, alongside establishment of targeted job creation schemes and more flexible implementation of the de-Ba'athification policy."

631. Responsibility for de-Ba'athification had been formally handed to the Governing Council on 5 November in CPA Memorandum No.7 (see Section 11.1 for further details).

632. Cabinet Office officials wrote that an impediment to Iraqi engagement in the 15 November Agreement was the further intervention of Grand Ayatollah al-Sistani. He had made clear his preference for the holding of direct elections rather than caucus elections to the Transitional Assembly, although he had not gone so far as to issue a fatwa. Instead, he had asked for UN views on the feasibility of direct elections.

633. The Cabinet Office judged that the Iraqiisation of security was "highly ambitious" based on the intention to withdraw Coalition military from cities, and for the Iraqi police to deal with terrorism, by April 2004.

634. The Annotated Agenda also discussed the role of women in Iraq, observing that all 10 members of the committee that would draft the TAL were male. Cabinet Office officials proposed that Ministers should agree to lobby Washington and the CPA for a quota of 25 percent female representation in every caucus nominating individuals to the TLA. The Agenda said that Iraqi women accounted for 60 percent of the total population.

635. Ministers were also told that Mr Annan had appointed Mr Ross Mountain to be his Acting Special Representative to Iraq. He would be based outside Iraq, travelling in as security permitted.

---

[354] Annotated Agenda, 17 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

636. Mr Blair told Cabinet on 18 December that the capture of Saddam Hussein should enable more progress to be made in Iraq as it meant there was no focal point for opposition.[355]

637. Reflecting on events in a telephone conversation with President Bush on the same day, Mr Blair said that he saw the capture of Saddam Hussein as "not the end, but the beginning of the end".[356]

638. Also on 18 December, Ambassador Bremer hosted a Campaign Review meeting in Baghdad – the first US/UK meeting to review strategy on Iraq – attended by senior civilian and military representatives, including Lt Gen Fry, Mr Webb and Sir Jeremy Greenstock.[357]

639. Gen Abizaid was reported to have commented on the importance of withdrawing as soon as it was possible once the Iraqi Civil Defence Corps and Iraqi police were in a position to assume control. In his view "many areas of MND(SE) were 'almost there'".

640. Lt Gen Fry observed that it was:

> "… important for the Coalition to think strategically about deployment of resources. For example the UK might consider re-deploying some personnel and assets away from MND(SE) into either another geographical area or a function such as training."

641. The record of this meeting is the first time the Inquiry has seen a reference to the US plans to restructure the Coalition military within Iraq. The new Multi-National Force HQ would be headed by a four-star general, and Gen Abizaid hoped that it would be possible for the UK to second a three-star general to serve as one of the deputies.

642. The discussion also covered finalising a Security Agreement which would allow Coalition Forces to operate after 1 July 2004. Negotiations were expected to focus on freedom of action for US forces and on Iraqi forces operating under US command.

643. Ambassador Bremer told those present that he had authorised US$400m for job creation and essential services over the next six months, about half in Sunni areas.

644. On 19 December, Mr Sawers sent Mr Straw an 'End of Term Assessment' on Iraq, for "holiday reflection" and to inform any conversations Mr Straw might have with Secretary Powell over the Christmas period.[358]

---

[355] Cabinet Conclusions, 18 December 2003.
[356] Letter Cannon to Adams, 18 December 2003, 'Prime Minister's Conversation with President Bush, 18 December'.
[357] Teleletter Greenstock to Adams, 19 December 2003, 'US/UK Iraq Strategy Review Meeting'.
[358] Minute Sawers to Foreign Secretary, 19 December 2003, 'Iraq: End of Term Assessment'.

645. Mr Sawers judged that:

> "We are ending the year in better shape on Iraq than looked likely during much of the autumn. But we continue to face formidable problems inside Iraq if we are to maintain stability and deliver a handover of power to a Transitional Government in June 2004."

646. Mr Sawers described increasing engagement on Iraq within the EU, and from the UN. On security, he wrote:

> "… the critical aspect to get right is to ensure that Iraqiisation moves ahead in step with Iraqi capability and the prevailing security conditions. We must not fall into the trap of equating numbers with capability."

647. Short-term issues to be tackled included "the fuel crisis" through the Iraqi winter and drafting the TAL by the end of February 2004, but also:

> "We will also have to find a solution to the problem of the Governing Council's determination that they should continue to exist in some form after 30 June."

648. At the end of December, Sir Jeremy Greenstock reported that he had spent the holiday period in bilateral discussions with key GC members.[359]

649. Discussions had clarified the difficulties faced by the GC in drafting the TAL. The main obstacles were: the mechanism for choosing the Transitional National Assembly, and Grand Ayatollah al-Sistani's demands for elections; Kurdish efforts "to push for what amounts to secession"; and the future of the GC post-transition.

650. Sir Nigel Sheinwald told the Inquiry that the UK was in favour of sticking to the timetable set out on 15 November throughout the political process, despite "a lot of debate about whether things should be postponed or not because of security".[360]

January 2004

651. In his New Year telegram to the FCO, Sir Jeremy Greenstock wrote that the Coalition faced a significant challenge in the first six months of 2004 as they prepared to transfer sovereignty.[361]

652. The first of the "hurdles in front of us" was that:

> "The violent opposition have capacity, people and materials in ineradicable quantities for this timescale, even if their strategic reach is limited."

---

[359] Telegram 333 IraqRep to FCO London, 29 December 2003, 'Iraq: Political Developments'.
[360] Public hearing, 16 December 2009, pages 34-35.
[361] Telegram 337 IraqRep to FCO London, 1 January 2004, 'Iraq: Six Final Months of Occupation'.

653. Sir Jeremy went on to say:

> "We have a platform for eventual success here.
>
> "That is the point of this telegram. This is a nasty environment. We are fundamentally unpopular … To come out well, we need one more heavy investment of effort.
>
> "For a start, there is no military dividend to count on during … 2004. I gathered from my December contacts with MODUK that this is understood … This theatre remains a security crisis. Our people need protection.
>
> "… Hard, complex, manpower-intensive decisions are needed from now on. London cannot afford the luxury of manpower ceilings."

654. Sir Jeremy concluded:

> "In short, this thing is poised. There is so much at stake that we need to pull the odds just a bit further our way."

655. On 4 January, Mr Blair visited Basra for the day.[362] The final item of his itinerary was a meeting with Ambassador Bremer, Sir Jeremy Greenstock and Sir Hilary Synnott at Basra Airport.

656. A briefing note from Mr Blair's Assistant Private Secretary suggested that he should cover the following issues:

"
- Political process: how to handle Sistani and keep the 15 November timetable on track?
- Progress on bringing the Sunnis into the political process, including the implications of Saddam's arrest.
- Post-1 July security arrangements between Iraq and the international community.
- Federalism and the Kurdish issue: Bremer's views?
- Media."

657. A record of the meeting said that:

> "The Prime Minister was interested in how the political process would develop through the transition; how and when the UN could best be involved; and what civil and military US and UK structures we envisaged in place after the June transition."[363]

658. The FCO was asked to provide a note on these points.

---

[362] Minute Cannon to Prime Minister, 2 January 2004, 'Visit to Basra'.
[363] Letter Cannon to Owen, 5 January 2004, 'Iraq: Prime Minister's Meeting with Bremer, 4 January 2004'.

659. The Assistant Private Secretary also recorded that Ambassador Bremer had briefed Mr Blair that Mr Richmond had been put in charge of the operational aspects of the CPA's 'Sunni strategy'. This included up to US$250m in project funding, and attempts at political mobilisation. Sir Jeremy Greenstock observed "that there were signs that the Sunni tribal leadership was spontaneously taking an increased interest in the political process".

660. Ambassador Bremer had also offered his perspective on the impact of the capture of Saddam Hussein. In his judgement the "psychological impact of the arrest was significant on those who either hoped for or feared the restoration of the old regime".

661. Sir Jeremy Greenstock called on Mr Blair on 8 January.[364]

662. On the political process, Sir Jeremy told Mr Blair that there was a genuine risk of a fatwa by Grand Ayatollah al-Sistani against the proposed caucus procedure, and that in such a case the Coalition could not afford to back down.

663. Sir Jeremy told the Inquiry that his engagement with the GC and others was "an inadequate interface": he and Ambassador Bremer were very conscious that they couldn't have a direct conversation with Grand Ayatollah al-Sistani as he refused to have any direct dealings with the CPA.[365]

664. In their video conference on 6 January Mr Blair and President Bush discussed the UN role in the political process and agreed it was important.[366] Mr Blair suggested that Mr Annan should say that direct elections to the Transitional Assembly were impractical, giving Grand Ayatollah al-Sistani a "way to row back from his call for direct elections".

665. The discussion then moved on to media issues. Mr Blair commented that he had been struck by the high level of satellite TV coverage in Iraq and the absence of Iraqi politicians using the media effectively. Relying on word of mouth enhanced the power of religious and tribal leaders. Mr Blair suggested that improved media would allow the Coalition to reach the Iraqi public that bypassed those intermediaries.

666. Before the video conference, Mr Scarlett had briefed Mr Blair based on a draft of the 7 January JIC Assessment.[367]

667. In its 7 January Assessment, the JIC considered the security situation in Iraq.[368] It reported that a downward trend in the number of attacks against Coalition Forces continued, but that it was too soon to judge whether it would last. Some attacks were showing increasing sophisticaltion and co-ordination. There had been no significant change in MND(SE).

---

[364] Letter Cannon to Owen, 8 January 2004, 'Iraq: Prime Minister's Meeting with Sir Jeremy Greenstock'.
[365] Private hearing, 26 May 2010, page 55.
[366] Letter Cannon to Adams, 6 January 2004, 'Iraq: Prime Minister's Video-Conference with President Bush, 6 January'.
[367] Minute Scarlett to Cannon, 6 January 2004, 'Iraq Security'.
[368] JIC Assessment, 7 January 2004, 'Iraq Security'.

668. The JIC identified:

> "… a growing weight of evidence suggesting that … [Abu Musab] al- Zarqawi, who has a longstanding relationship with AI, is beginning to play a leading role in co-ordinating the activities of some mujahedin groups. Indications that AI, al-Zarqawi and possibly AQ are co-ordinating activity and consolidating their presence represent a worrying development … We remain unclear as to the capabilities of these various Islamist extremist groups and cannot link them to specific attacks. However, reporting shows that they continue to plan and conduct attacks, including suicide bombings, and could pose an increasing threat to Coalition interests. There is reporting that Islamist extremists regard the capture of Saddam Hussein as providing an ideological vacuum that can be exploited in Sunni areas."

669. In January, the UK was keen to persuade the UN to become more involved in the political process, although the UN was initially minded not to engage on the ground until after the handover to Iraqi sovereignty on 1 July.[369]

670. The UK hoped that the UN would decide that direct elections to the Transitional National Assembly were not possible, and would confirm this to Grand Ayatollah al-Sistani, which would assist him in withdrawing his objections to the caucus arrangements.

671. The UK also hoped that the UN could become involved by at least observing the caucus elections. UK officials noted that, having sought to exclude the UN, the US now saw UN involvement in organising the caucus elections and drafting the TAL as a way out of their problems.

672. UK officials considered that, given Grand Ayatollah al-Sistani's resistance, they needed to have a fall-back position. The US, and UK Ministers, remained wedded to a transition on 30 June. An alternative to caucus elections, although less legitimate, would be to use the GC to select TNA members from the Governorates.

673. A statement issued by the office of Grand Ayatollah al-Sistani on 11 January said that he had explained to the President of the GC his continued objections to the 15 November process, and their consequences, including:

> "… if the provisional national council was formed on the basis of a mechanism that did not enjoy the necessary legitimacy, it would not be able and neither would the government emanating from it be able, to carry out their tasks and honour the timetable set for the transitional period. Consequently, this would create serious problems and the politicial and security situation would further exacerabate."[370]

---

[369] Minute Dodd to Sheinwald, 12 January 2004, 'Iraq: Strategy Group'.
[370] Talmon S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council.* Hart Publishing, 2013.

674. Mr Hoon wrote to Mr Blair on 12 January about managing the UK defence capacity in the year ahead.[371]

675. Commenting on Mr Hoon's minute, Mr Straw concluded that "overall I would favour our investing more in Afghanistan, including deploying the ARRC when the conditions are right, to ensure we deliver strategic success there. This may be eased by reductions in Iraq, from next year."[372]

676. When Mr Blair and President Bush spoke by video conference on 14 January, they discussed finding a way forward which would be supported by Grand Ayatollah al-Sistani, who was understood to be supportive of a UN role and willing to co-operate with the Coalition.[373]

677. At Cabinet on 15 January Mr Straw described the political process as "at a sensitive stage".[374] The role of elections in establishing transitional arrangements was causing difficulty between the CPA and Grand Ayatollah al-Sistani. Mr Blair reported that a conversation with President Bush had suggested that progress was being made in the contacts between Ambassador Bremer and the Grand Ayatollah.

678. In advance of a meeting between members of the GC and the UN in New York planned for 19 January, senior US and UK officials agreed their objectives for the UN's involvement in the political process.[375]

679. They hoped that by late February the UN would give an opinion on the possibility of conducting elections for the TNA. In the event that elections were not possible they hoped the UN would offer advice on a fully transparent method of choosing representatives to the TNA, consistent with the timetable set out in the 15 November Agreement.

680. On 18 January, a suicide attack within the Baghdad Green Zone killed more than 20 people, mostly Iraqi citizens.[376] The FCO observed that this showed that "a serious terrorist threat remains. But underlying trends are encouraging. The number of attacks against the Coalition recently fell below 150 a week for the first time since September."

---

[371] Minute Hoon to Blair, 12 January 2004, '2004: Managing UK Defence Capacity'.
[372] Minute Straw to Blair, 20 January 2004, '2004: Managing UK Defence Capacity'.
[373] Letter Cannon to Adams, 14 January 2004, 'Iraq: Prime Minister's Video-Conference with President Bush, 14 January'.
[374] Cabinet Conclusions, 15 January 2004.
[375] Letter Rycroft to Owen, 15 January 2004, 'Iraq: Sistani, the UN, Elections etc'.
[376] Report FCO, 22 January 2004, 'Iraq: Weekly Update: 22 January 2004'.

681. Gen Jackson visited Iraq again from 15 to 18 January and noted a changed atmosphere since September:

> "There is a real sense of improvement in all areas and especially in security. Whilst there is still much to play out, particularly in the political piece, the impression is that the Coalition has turned a very significant corner. Notwithstanding the most recent and large VBIED [Vehicle Borne Improvised Explosive Device] attack on the day of our departure, there has been a significant downturn in incidents against the Coalition."[377]

682. On 19 January, a small delegation of GC members visited New York at the invitation of Mr Annan to discuss the UN's role up to July 2004 and how it could assist after that with drafting the Constitution and with holding elections.[378]

683. At the meeting, the UN agreed to consider sending a specialist team to examine the feasibility of elections before July 2004.

684. The Annotated Agenda for the AHMGIR's meeting on 22 January reported that Mr Annan had signalled his intention to appoint Mr Lakhdar Brahimi, his retiring Special Adviser on Afghanistan, as his Special Adviser on Iraq.[379]

685. Mr Brahimi's appointment was welcomed by the UK, although there were concerns that the UN team might suggest that direct elections were possible prior to July 2004, or that they were essential to underwrite a transitional government, and that the transition should be delayed.

686. In a video conference with President Bush on 20 January, Mr Blair offered the view that Iraqi political opinion was becoming increasingly diverse as a result of "democratisation".[380] The US and UK had to get the June 2004 transition and the Security Agreement right.

687. The paper requested from the FCO on 5 January, covering the political process through transition, how and when the UN could best be involved and what civil and military US and UK structures were envisaged after the June transition, was provided to Mr Rycroft by Mr Straw's Private Secretary on 22 January.[381]

---

[377] Minute CGS to CDS, 21 January 2004, 'CGS Visit to Op TELIC 15-18 Jan 04'.
[378] Telegram 319 IraqRep to FCO London, 21 December 2003, 'Iraq: Progress on Fundamental Law'.
[379] Annotated Agenda, 22 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[380] Letter Cannon to Adams, 20 January 2004, 'Prime Minister's video-conference with President Bush, 20 January: Iraq, MEPP, US Politics'.
[381] Letter Owen to Rycroft, 22 January 2004, 'Iraq' attaching Paper [unattributed], [undated], 'Iraq: The Next Six Months' including manuscript comment Blair.

688. The paper entitled 'Iraq: The Next Six Months' described UK objectives as:

"– a smooth transition of executive power on 1 July to a sovereign Iraqi transitional government that is regarded domestically and internationally as legitimate:

– a Security Agreement which allows Multinational Forces the freedom they need to operate, but which does not look like an extension of the Occupation …

– UN Security Council endorsement of the above and an expanded UN role.

– an improving economy and infrastructure that will maximise the prospects of a successful transition."

689. The main challenges were agreeing how the TNA would be appointed, in a manner that Grand Ayatollah al-Sistani would accept; defining the terms of Kurdish autonomy; and securing Sunni engagement.

690. On the first, it was hoped that the UN's assessment of whether elections were feasible would help, but it also risked delaying the handover until the autumn. On the second, the FCO judged that the Kurdish "bottom line will be that they will not accept less autonomy than they have now. This should be achievable."

691. Agreeing the basis on which Coalition Forces would remain in Iraq after handover was potentially an even larger problem.

692. In a section on 'Security Structures', officials identified that the key challenge was to ensure "an agreement that gives Multi-National Forces the operational freedom to meet our objectives, but offers the Iraqis sufficient sense of sovereignty and strategic input to avoid alienating them and international opinion". The paper noted that:

"… historical precedents are instructive.The UK tried and failed three times to conclude an agreement for British forces in Iraq in the 1920s – each time the agreement was undermined by nationalist demonstrations."

693. The paper outlined that the UK and US agreed on "red line requirements" for a Security Agreement, but identified differences, including that the US had not taken on board that a number of multi-national partners would require Iraqi consent/invitation and UN authorisation to be in place before they could confirm their continued contribution after transition.

694. The paper identified the UK's view of the key elements of the Security Agreement as:

"– At the invitation of the Iraqi government, Multi-National Forces will continue to be present in Iraq, authorised by a UN resolution, to ensure stability and security. For this they would require freedom of action in certain definable respects, and the right to detain, to continue WMD investigations, and to seize intelligence material.

– The Commander of the MNF will retain sole operational control of the Multi-National Forces in Iraq and report to the UNSC along the lines of arrangements for ISAF [International Security Assistance Force] in Afghanistan.
– Multi-National Forces will also require operational control of Iraqi forces …
– Iraqi sovereignty must be preserved by ensuring a role for the Iraqi Government at the strategic level and with provision for consultation over all elements of implementation of the Security Agreement, though without relinquishing MNF operational control …
– The Agreement should emphasise the role of the Multi-National Force in building the capacity of Iraqi forces to take over security responsibilities through continued programmes of recruitment, training, mentoring, monitoring, and advice."

695. The paper explained that a further UN resolution enshrining the terms of the Security Agreement would be an important safety net. Although resolution 1511 provided an adequate legal basis for the political transition and the presence of the MNF, the UK saw value in a new resolution that endorsed:

- the TAL;
- the timetable in the 15 November Agreement;
- the Security Agreement; and
- the powers of the newly-appointed UN Special Adviser Mr Brahimi.

696. Mr Blair annotated the document "this is excellent and seems the right strategy".

697. In 'Iraq: The Next Six Months' the FCO also outlined that the CPA's outreach programme was gaining momentum, and that there were some encouraging indicators that the Sunni community was seeking to re-engage with the political process.

698. A new Council of Sunni Communities – a grouping of Sunni religious leaders – had formed. Members of the GC had held a large meeting with Sunni community leaders the previous week in which the theme was national reconciliation. The FCO indicated that the UK would continue to push this message, and the need for real practical measures, including job creation, to underpin Sunni outreach.

699. In a minute to Mr Straw on 26 January, Mr Sawers highlighted the "real risk" of pushing "Iraq so fast down the road to democratic politics that it crashes in a welter of intra- and inter-communal violence".[382]

700. Sir Hilary Synnott's posting in Basra came to an end in January 2004. He was replaced by Mr Patrick Nixon, former British Ambassador in Abu Dhabi.

---

[382] Minute Sawers to Foreign Secretary, 26 January 2004, 'Iraq: Political Process'.

701. On 26 January, Sir Hilary sent a valedictory telegram[383] from Basra.[384] In it he reflected on progress since the invasion:

> "History may judge the initial stages harshly. From my immediate and close perspective … it is difficult not to take a similar view. But I am also optimistic that … the underlying objective … of a peaceful, prosperous democratic (of a sort) and un-threatening Iraq, is achievable … although some serious obstacles remain in the way."

702. Sir Hilary's conclusion was that:

> "… the balance of probability is positive. In the South, at least, there has been progress on each of the Prime Minister's priorities and it is hard to recall just how bleak things looked last summer."

703. On the political process, Sir Hilary observed that:

> "The political wrestling is largely being conducted in Baghdad, London and Washington. We in the Provinces, remote from the Governing Council and its appointed ministers, can only facilitate political debate, observe, and report that the complexities of the caucus process for indirect elections has found no favour …
>
> "The challenges remain enormous. Some movement must be made towards Sistani while avoiding wholesale erosion of the CPA/GC position and a political vacuum."

704. Sir Hilary's observations on deployment of civilian resources are described in Section 15.1, and on progress of reconstruction in Section 10.1.

705. Mr Blair told the Inquiry that, although there was "anxiety and concern occasionally flagged up very strongly" in Sir Hilary's telegrams, when he left in 2004 Sir Hilary was "on balance optimistic, not pessimistic".[385]

706. Sir Hilary wrote to the Inquiry, in response to Mr Blair's evidence, to explain that his valedictory remarks should be viewed in the context of his contemporary proposals for a strategy to maintain the momentum of reconstruction after the CPA had dissolved.[386]

707. Sir Hilary observed:

> "In the event my strategy was not accepted."

---

[383] Valedictory telegrams are an FCO tradition. They mark the sender's departure from post, and generally include a summary of his/her reflections on their tenure.
[384] Telegram 10 Basra to FCO London, 26 January 2004, 'Basra Valedictory'.
[385] Public hearing, 21 January 2011, page 135.
[386] Statement Synnott, 24 January 2011.

708. On 28 January, the JIC assessed the prospects for political transition.[387] It judged:

> "There are as yet no emerging political classes or individuals around which a national secular government might form under a national leader. In these circumstances, religious, regional and tribal figures may be more influential. Their interests are likely to clash."

709. The Assessment continued:

> "Although Coalition Forces have enjoyed some success against Islamist extremists recently, there are signs that senior Al Qaida (AQ) associate al-Zarqawi is now playing a significant role in co-ordinating mujahedin, and possibly AQ groups in Iraq …
>
> "We judge that the lack of security remains a major threat to progress. Unless tackled effectively, many of those who want to participate in the political process will be deterred … unless they have physical protection, which will benefit organisations with private militias …
>
> …
>
> "The larger political and religious groups in Iraq operate their own militias. These groups have become accepted as local law-enforcement agencies in some areas, and the transition process will be vulnerable to their influence.
>
> …
>
> "Grand Ayatollah al-Sistani is pre-eminent among the moderate Shia clergy. He is emphatic that he does not seek a personal political role, but he … insist[s] on the Iraqi population having a democratic voice in the political process …
>
> "Sistani's influence is considerable, and extends to the Arab Sunni community … Any pronouncement he makes on political matters is likely to have an impact, possibly resulting in loss of Shia support or their withdrawal from the process … In Basra, Sistani's representative is inclined towards peaceful co-existence with the Coalition, but adheres strongly to Sistani's line on the political process and recently instigated a demonstration by some 60,000 people …
>
> "Muqtada al-Sadr poses a threat to stability, particularly in Najaf, Karbala, and Baghdad … We judge that his support will remain limited, but that he remains capable of provoking localised disorder."

[387] JIC Assessment, 28 January 2004, 'Iraq: Prospects for Political Transition'.

710. At the end of January 2004, a Force Level Review by Lt Gen Reith recommended that:

> "Significant manpower savings may be possible through a rationalisation of security and support."[388]

and that:

> "Given the right conditions there will be no need to replace the SSR battalion … and the surge battalion … in Jul 04 … The intent is progressively and prudently to reduce the Division's footprint so that, by Jul 04, the Iraqi Security Forces are well placed to assume their part in Regional Control. This draw down of UK forces will continue until the major roulement in Nov 04."

711. Those recommendations were based on an assumption that Security Sector Reform would be implemented "largely as planned (but only to applicable standards for Iraq)".

712. The basis for a continued military presence in Iraq post-handover remained unresolved.

713. Gen Jackson had returned from his visit "surprised at just how immature the plans for transition of authority on 1st July 2004 remain" and had concluded that "any partnership between the Coalition and the ITA [Iraqi Transitional Administration] should, in effect, make Iraq 'part of the Coalition'".[389]

714. The Iraq Senior Officials Group, chaired by Mr Bowen, discussed the Security Agreement on 28 January. By this time "UK non-papers on the Security Agreement and post-transition security architecture had been fed into the US system".[390]

715. The US position was uncertain, but it was believed that US officials were likely to recommend a "high degree of Coalition military control post-transition" which "did not sit well with our desire for prominent Iraqi security leadership after 1 July".

February 2004

716. In early February, a draft of the Transitional Administrative Law (TAL) was leaked and published in full by a Kuwaiti newspaper.[391] It contained language which implied that the transitional government would have control over all security forces in Iraq, including those belonging to the Coalition.

---

[388] Minute Reith to PSO/CDS, 29 January 2004, 'Op TELIC Force Level Review – Jan 04'.
[389] Minute CGS to CDS, 21 January 2004, 'CGS Visit to Op TELIC 15-18 Jan 04'.
[390] Letter Dodd to Buck, 28 January 2004, 'Iraq: Senior Officials Group'.
[391] Letter Manning to Sheinwald, 4 February 2004, 'Iraq Meeting with Blackwill, NSC: 4 February'.

717. This language was "incendiary", and the US National Security Council was reported to have instructed Ambassador Bremer to remove all references to security from the draft.

718. Mr Straw's Private Secretary reported to Mr Blair's Private Office that progress on the TAL was "steady".[392]

719. Briefing prepared for Mr Blair in advance of a conversation with President Bush outlined the difficult issues for the TAL, which included national security and federalism.

720. The FCO was concerned that the TAL had become too detailed, and was no longer the simple framework document on structures and principles originally envisaged, making it difficult to explain to the public and potentially raising objections from Grand Ayatollah al-Sistani and others.

721. In a video conference on 4 February, Mr Blair suggested to President Bush that engagement in Iraq was an opportunity for the UN to re-establish its credibility; it could also provide an "insurance policy" for the Coalition on the Iraqi political process.[393]

722. In early February, the Chiefs of Staff considered whether or not the UK should deploy the HQ ARRC to Afghanistan and concluded that the UK should consider doing so in early 2005.[394]

723. On 9 February, Mr Llewellyn received a letter from Ms Adams.[395] It recorded advice given by Professor Christopher Greenwood QC, with which the Attorney General agreed, in response to questions from Mr Llewellyn. Those questions were about the status of the CPA plus the UK's obligations as Occupying Power and under the European Convention of Human Rights.

724. Mr Llewellyn described the main conclusion of Ms Adams' letter as:

- It was likely that the CPA would be found to be a body constituted by the US and UK, for which the two States had joint responsibility under international law. It was likely that this would mean that the UK could be held responsible for legislation adopted by the CPA which infringed Occupation law. The fact that UK officials may have attempted to get the legislation amended would not be relevant because "Bremer acts on behalf of the UK in authorising CPA legislation."

---

[392] Letter Owen to Cannon, 3 February 2004, 'Iraq: Prime Minister's VTC with President Bush: Wednesday 4 February' attaching Briefing 'Iraq: Prime Minister's VTC with President Bush: Wednesday 4 February'.
[393] Letter Cannon to Adams, 4 February 2004, 'Prime Minister's video-conference with President Bush, 4 February'.
[394] Note Secretary of State [FCO], 6 February 2004, 'Afghanistan'.
[395] Letter Llewelyn to Crompton, 25 February 2004, 'Iraq: Attorney General's Advice: The Extent of the UK's International Obligations in Iraq'.

- There was a serious chance that the UK could be regarded as being an Occupying Power jointly with the US throughout the whole of Iraq. There was a much clearer case that the UK is an Occupying Power within MND(SE).

725. Mr Llewellyn commented:

> "These conclusions are not a surprise. They confirm the advice that we have given throughout the period of occupation. In particular, we have assessed all draft CPA legislation against occupation law … We have been largely successful in keeping the legislation within the UK's international legal obligations, but the following are areas of risk …"

726. Mr Llewellyn then listed several provisions within the CPA 's orders and regulations which he was concerned that the CPA may not have had the authority to make, or where the UN representative had not been consulted as required by resolution 1483.

727. On 9 February, FCO officials provided Mr Cannon with a brief for a planned video conference between Mr Blair and President Bush.[396] They judged the priority for the discussion to be the Security Agreement. The US had a different approach to the UK: they did not believe it worthwhile to attempt to negotiate an agreement with the Iraqis on security because any agreement made with the GC would be invalid after 30 June.

728. Instead, the US believed that resolution 1511 authorised an MNF presence after 30 June and that CPA Order 17, which provided for immunities for Coalition Forces, would remain valid after the handover. UK lawyers doubted this interpretation, while policy officials were concerned that the other permanent members of the UN Security Council would claim that, without a new agreed basis for the Coalition presence, the occupation was continuing.

729. More importantly for the UK's military objectives, the lack of a new UN authorisation could cause difficulties for the Coalition's key partners in the MNF. Mr Blair was advised that the best course would be an exchange of letters between the GC and the Coalition, followed by a further resolution endorsing the continued MNF presence.

730. The covering note from Mr Straw's Private Secretary said that reporting from Washington and Baghdad suggested the US was considering delaying the 30 June handover. She suggested that in the video conference:

> "The Prime Minister might underline the damage any postponement would do to our credibility inside Iraq and internationally."

731. In a background note appended to the brief there was some positive news of "growing evidence that Sistani is resigned to no elections before June".

---

[396] Owen to Cannon, 9 February 2004, 'Iraq: Prime Minister's VTC with President Bush'.

732. Mr Blair's Assistant Private Secretary advised him to argue for maintaining the end of June deadline in his conversation with President Bush, because:

> "We think that a postponement will damage our credibility (looking as though we intended to stay on indefinitely); the UN won't engage before the end of 'occupation'; we risk deterioration in security if the US/UK remain as the primary targets; and the Iraqi political vacuum will continue until we force the Iraqis to face up to real responsibility."[397]

733. Sir Nigel raised the possibility of a further resolution with Dr Rice on 9 February at which point she was not in favour.[398] He recorded that "her key point was that we should do nothing to undermine the value of UNSCR 1511".

734. In his conversation with President Bush on 10 February, Mr Blair said that it was vital the 30 June deadline held firm.[399]

735. The Cabinet Office's Annotated Agenda for the meeting of the AHMGIR on 12 February stated that the US position that there was no need for a Security Agreement with Iraq post-transition had hardened but no final decisions had yet been taken in Washington.[400] Ministers were advised that it was worth seeking to influence the US by pressing the political and military drawbacks, rather than the legal objectives.

736. Work to draft the TAL continued towards the deadline for publication on 28 February.[401]

737. Drafting progress was slowed in early 2004 by a combination of the Eid holiday, the distraction of a visit by Mr Brahimi and his team, and ongoing discussion of the issues surrounding Kurdish federalism.[402]

738. Mr Brahimi and a UN team had visited Iraq for ten days in early February. Cabinet Office officials briefed the AHMGIR that:

> "Brahimi's early contacts with Bremer and Greenstock suggest UN doubts about elections and the caucus process prior to 30 June with a preference for Afghanistan models (e.g. a national conference or national government of technocrats)."

739. Cabinet Office officials observed that with that model "we would still face the problem of how to select the representatives of a national conference or government".

---

[397] Minute Cannon to Prime Minister, 10 February 2004, 'Video-conference with Bush, 10 February'.
[398] Letter Sheinwald to Adams, 9 February 2004, 'Iraq'.
[399] Letter Cannon to Adams, 10 February 2004, 'Prime Minister's video-conference with President Bush, 10 February'.
[400] Annotated Agenda, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[401] Annotated Agenda, 26 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[402] Annotated Agenda, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

740. On 12 February, Mr Straw told the AHMGIR:

> "Brahimi … and [Grand Ayatollah al-] Sistani had met and agreed that direct elections should take place but had not specified the timing. Neither wanted direct elections before June … We were leaving decisions on the TNA [Transitional National Assembly] selection process to Brahimi and the UN team."[403]

741. An FCO paper on 'UK Representation in Iraq Post-Transition' was discussed at the same meeting of the AHMGIR on 12 February. It contained proposals for an Embassy in Baghdad, a Consulate General in Basra and a representative in the North.

742. The paper stated that the estimated combined start-up and running costs for Baghdad and Basra would be over £50m in 2004/05. If the UK presence remained the same size, annual running costs would be around £36m thereafter, of which £22m would be for security.

743. Ministers agreed the shape of British representation and tasked officials to consider the practicalities, including funding.

744. Separately, the paper suggested that consideration needed to be given to how international assistance in the South should be co-ordinated after CPA(South) closed on 30 June. The AHMGIR requested a paper on co-ordination of the international effort in the South, for discussion at its next meeting.

745. Mr Straw told Cabinet on 12 February that two recent large bomb attacks were believed by a minister in the GC to have been organised by "infiltrators" with support from inside Iraq but "such attacks would not be allowed to destabilise the political process".[404]

746. Sir Jeremy Greenstock reported on 14 February that he was not being consulted by Ambassador Bremer on the TAL, and that he had sent a formal note reminding him that the UK was one of the Occupying Powers, and could not agree to the TAL arrangements unless properly consulted.[405]

747. Ambassador Bremer had said that the matter was out of his hands and had been determined in Washington.[406]

748. After Sir David Manning spoke to Mr Straw and then to the US, including Dr Rice, channels of communication and consultation were restored.

---

[403] Minutes, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[404] Cabinet Conclusions, 12 February 2004.
[405] File note Manning, 17 February 2004, 'Iraq'.
[406] File note Straw, 16 February 2004, 'Sir Jeremy Greenstock'.

749. Mr Blair was advised by Sir Nigel Sheinwald that although there was some tension in US/UK relationships on the ground in Baghdad, "The Americans of course accept in principle that, as Occupying Powers, we have legal and political responsibilities and must be consulted properly."[407]

750. Sir Jeremy Greenstock told the Inquiry:

> "I felt that if I was being cut out of politics … then I really wasn't able to do my job as London had asked me to do it. I don't think this was a matter of Bremer not wanting Greenstock in the room. It was a matter of Bremer wanting to sort out differences in Washington without there being a non-American in the room. But I felt that even that was off-side for my relationship with Bremer."[408]

751. Sir Jeremy added:

> "So we constantly had to press to get in to relevant meetings because it was becoming increasingly difficult for Bremer to run the CPA with Washington, with Blackwill inserted to watch over his shoulder, and he just didn't want to complicate his own life."[409]

752. In spite of the complexities of the relationship, Sir Jeremy explained:

> "I always felt that I – whether Bremer was aware of it or not, I was doing something useful. For instance, in the negotiations with the Kurds over the TAL, where I prevented the Kurds walking out, which Bremer wasn't aware of, in the final stages and negotiated some of the text with TAL when Bremer wasn't in the room. I always had something useful to do. I never had enough scope to do everything that I thought would be useful."[410]

753. In advance of Mr Brahimi's report to the Security Council of his visit, Mr Crompton wrote to Mr Straw's Private Secretary on 16 February that his key findings would be:

"
- that elections to a Transitional National Assembly are not possible before 30 June;
- that there should be elections some time between December 2004 and March 2005 to an assembly with twin responsibility for legislating and drafting the Constitution;
- that in the interregnum Iraq should be ruled by a caretaker government."[411]

---

[407] Minute Sheinwald to Prime Minister, 16 February 2004, 'Iraq: Sir Jeremy Greenstock'.
[408] Private hearing, 26 May 2010, pages 62-63.
[409] Private hearing, 26 May 2010, page 63.
[410] Private hearing, 26 May 2010, page 64.
[411] Minute Crompton to PS [Foreign Secretary], 16 February 2004, 'Iraq' attaching Briefing 'Prime Minister's VTC with President Bush: 17 February'.

754. It was not clear to the FCO whether Mr Brahimi's team would recommend what form the caretaker government should take. One option was that sovereignty would be transferred to the Governing Council. This:

> "… may not be enough to mark a clear change from the Occupation and give sufficient domestic legitimacy."

755. Grand Ayatollah al-Sistani was understood to have accepted Mr Brahimi's recommendations.

756. Sir Hilary Synnott and Mr Blair met in London on 17 February.[412] The purpose of the meeting was for Mr Blair to thank Sir Hilary for his efforts in Basra. The main point made by Sir Hilary during the discussion was that transition to Iraqi sovereignty could lead to a loss of momentum in reconstruction in the South after the dismantling of CPA(South). Mr Blair agreed that it needed to be maintained.

757. On 20 February, Sir Nigel Sheinwald, Mr Sawers and Sir David Manning met Dr Rice at the White House. Sir Nigel set out the UK's view that the Iraqi political structure post-handover should comprise:

> "… a three to nine member Presidency; a technocratic Council of Ministers, headed by a Prime Minister; and an IGC expanded by representatives of the Governments[413] and nominated representatives."[414]

758. It was common ground between the UK and US that the GC should be expanded in size. The post-transition arrangements were expected to be the subject of "six weeks of sustained effort" by Mr Brahimi in Iraq in mid-March.

759. In an account of the visit written for Mr Blair, Sir Nigel explained that the UK view was that the expansion of the GC should be substantial (to 75 or 100 members) in order to make it more representative; the US preferred a more modest expansion (to 35 or 50).[415] Sir Nigel advised that the UK should not be dogmatic.

760. Sir Nigel and Mr Sawers had argued for a new resolution to cover the UN role, transitional structures and security arrangements.[416] A letter from the GC to the Coalition on security was also suggested by the UK attendees as "an additional demonstration of Iraqi consent to the presence of Coalition Forces". The note of the meeting concluded that there seemed to be agreement on this point.

---

[412] Letter Cannon to Owen, 17 February 2004, 'Iraq: Sir Hilary Synnott'.
[413] The Inquiry believes that this is a typing error and should read "Governorates".
[414] Letter Cannon to Owen, 21 February 2004, 'Iraq: Sir Nigel Sheinwald's Discussion with Condi Rice, 20 February'.
[415] Minute Sheinwald to Prime Minister, 21 February 2004, 'Visit to Washington, 20 February'.
[416] Letter Cannon to Owen, 21 February 2004, 'Iraq: Sir Nigel Sheinwald's Discussion with Condi Rice, 20 February'.

761. After returning to London, Sir Nigel wrote to Mr Geoffrey Adams, Principal Private Secretary to Mr Straw, to describe Mr Blair's reaction to the visit report.[417] Mr Blair had noted:

> "… there is a good degree of common ground between the UK and US … and also that there are some differences, eg over the powers and size of the proposed Consultative Council".

762. Mr Blair's view was that:

> "… we should continue to be flexible and open on these matters. If a particular solution emerges which works for the UN, Sistani and the IGC, it is likely to be acceptable to the UK."

763. Secretary Powell told Mr Straw on 21 February that the Kurdish Regional Government had posted a four-page amendment to the TAL on its website, which included a provision giving them a veto in the national government.[418]

Kurdish autonomy

Early in 2004, there was pressure from Kurdish political parties to use the draft TAL to entrench Kurdish autonomy.[419]

FCO officials believed that Ambassador Bremer's proposed recognition within the draft TAL of Kurdistan's Regional Government, which had been administering Northern Iraq effectively for 12 years, was the right approach, although Washington took a different view.[420]

A draft agreement on Kurdish autonomy simply acknowledged the status quo, making clear that more complex issues would have to be addressed as part of wider discussions on federalism by the eventual elected Constitutional Convention. Other ethnic and religious groups were reported as being wary of any hint of special treatment for the Kurds, equating calls for federalism with separatism, but these issues would have to be resolved among Iraqis themselves in 2005.

Ambassador Bremer and Sir Jeremy Greenstock appeared to succeed in persuading Washington on this, and the reference to the Kurdish Regional Government was retained in the draft text.[421]

Sir Jeremy told Mr Blair in February 2004 that "US handing of the federalism issue had wasted several weeks and cost a lot of Kurdish goodwill."[422]

---

[417] Letter Sheinwald to Adams, 23 February 2004, 'Iraq: Political Process'.
[418] Letter Straw to Sheinwald, 23 February 2004, 'Conversation with US Secretary of State, 21 February'.
[419] Minute Dodd to Sheinwald, 12 January 2004, 'Iraq: Strategy Group'.
[420] Letter Owen to Cannon, 3 February 2004, 'Iraq: Prime Minister's VTC with President Bush: Wednesday 4 February'.
[421] Letter Sheinwald to Adams, 14 February 2004, 'Iraq'.
[422] Letter Cannon to Owen, 18 February 2004, 'Iraq: Prime Minister's Conversation with Sir Jeremy Greenstock, 17 February'.

764. On 23 February, Mr Annan wrote to the President of the Security Council to report Mr Brahimi's findings from his first visit to Iraq.[423] Mr Brahimi had identified three conditions which needed to be met before transitional elections could be held:

- a legal framework;
- an institutional framework; and
- availability of the required resources.

765. None of those conditions existed in Iraq and Mr Brahimi assessed that, even once they did, a minimum of eight months would be required to prepare for a credible election. He therefore considered it was not possible to hold an election by 30 June 2004, when the transfer of sovereignty was due to take place.

766. Mr Brahimi therefore concluded that a provisional government would need to be formed by 30 June through some mechanism other than direct elections. He considered that while the caucus-style system envisaged by the 15 November Agreement was one such mechanism, it did not have enough support among Iraqis. Instead, Iraqis should work together with the CPA and the UN to engage in a focused dialogue on the mechanism to which sovereignty would be transferred on 30 June.

767. More broadly, Mr Brahimi judged that:

> "There are many indications of a growing fragmentation of the political class. Sectarianism is becoming entrenched and inter-communal politics more polarized, all within a context of a political process that remains limited to a few actors, with varying credibility."

768. Mr Blair and President Bush spoke by video conference on 24 February.[424] Mr Blair proposed that the Consultative Council should be large enough to make it as representative as possible, allowing room for currently unrepresented elements of the Sunni community.

769. On 24 February the UK/US also reported, for the third time, to the UN on the Coalition's activities in Iraq.[425]

770. A telegram from UKMIS New York, describing the report, quoted Ambassador Negroponte telling the Security Council that:

> "Resolving the elections question now provided an opportunity for Iraqis and the CPA to engage in a dialogue on the mechanism through which sovereignty would be transferred on 30 June. The Iraqi people, the Governing Council, the Coalition

---

[423] Letter Secretary-General to President of the Security Council, 23 February 2004 attaching Report 'The political transition in Iraq: report of the fact finding mission'.
[424] Letter Cannon to Adams, 24 February 2004, 'Iraq: Prime Minister's Video-Conference with President Bush, 24 February'.
[425] Telegram 162 UKMIS New York to FCO London, 25 February 2004, 'Iraq: UK/US update to the Security Council: 24 February'.

> Provisional Authority and the United Nations would work to reach agreement on a transition mechanism that would have the broad-based support of the Iraqi people."

771. The same telegram recorded the UK report to the Security Council on progress in the provision of basic services, economic and reconstruction issues as well as judicial reform and human rights. Summarising other Security Council members' reactions, UKMIS New York said that:

> "Council members generally support the Brahimi report. Many raise questions about the Transitional Administrative Law (TAL), the consultation with wider Iraqis and the scope for UN involvement. Russia, Germany and France express openness to consider a Council decision to support the UN's future role in Iraq but do not press. Russia again raises the possibility of an international conference."

772. Responding to points about the Security Agreement, Sir Emyr Jones Parry said "for now resolution 1511 gave all the clarity we needed on security".

773. Sir Jeremy Greenstock called on Mr Blair on the same day as the US/UK briefing to the Security Council.[426] Sir Jeremy highlighted the tension between providing continuity through the transition to Iraqi sovereignty and the need for a clear end to Occupation. He felt that the US "realised that a new UNSCR would be needed" to deal with post-transition structures.

774. Mr Llewellyn wrote to the IPU on 25 February.[427] In his letter he expressed concern that the CPA was not consulting the UN Special Representative to the Secretary-General on draft legislation covering economic reform and governance, as was clearly required by resolution 1483.

775. Consultation had taken place until the death of Mr Vieira de Mello on 19 August 2003. But when FCO Legal Advisers subsequently tried to establish with the CPA what form of consultation was taking place, their response made clear that consultation had probably ceased since the departure of the UN in the aftermath of the August bombing.

776. Contact between lawyers to point to the legal requirement and so encourage consultation had got nowhere. In Mr Llewellyn's view, the extensive body of CPA legislation dealing with economic reform and governance matters since August 2003 was therefore of questionable lawfulness. The risk of claims against the UK could not be ruled out.

777. Mr Llewellyn therefore recommended that the matter should be taken up at a more senior level, or that the UK should simply conduct the UN consultation itself by sending drafts to the office of Mr Mountain in New York.

---

[426] Letter Cannon to Owen, 24 February 2004, 'Iraq: Sir Jeremy Greenstock's call on the Prime Minister, 24 February'.
[427] Minute Llewellyn to Crompton, 25 February 2004, 'Iraq: CPA Legislation: Need for UN Coordination'.

778. On 25 February, the JIC assessed that, although the rate of attacks against Coalition Forces had levelled off, February 2004 was the worst month for casualties since the fall of Saddam Hussein's regime.[428] Attacks using Improvised Explosive Devices (IEDs) and surface-to-air missiles (SAMs) had become more sophisticated.

779. More than 200 people were killed in suicide attacks in February, nearly all of them Iraqis. The JIC assessed that most of the suicide attacks may have been carried out by Islamist extremists, including groups linked to Abu Musab al-Zarqawi.

780. Attacks on Iraq's police and security forces were increasing, with vehicle-borne bombs causing most casualties. In attacks on a police station and army recruiting centre almost 100 Iraqis had been killed.

781. A major attack in Erbil on the main Kurdish parties left 101 dead.[429]

782. In early February there had been an unsuccessful attempt to assassinate Grand Ayatollah al-Sistani.[430] The JIC judged that a successful attack would be "very de-stabilising".

783. Major General Andrew Stewart, GOC MND(SE) from December 2003 to July 2004, told the Inquiry that he considered that the increase in violence and intimidation in southern Iraq in February and March could be attributed to the Shia political parties losing influence over the people and stirring up militias.[431]

784. There were also continuing concerns about Al Qaida. In late February the JIC assessed that:

> "Islamist extremists continue to travel to Iraq. Some intelligence suggests that Islamist extremists have been responsible for most of the recent suicide attacks over the last months. Senior Al Qaida associate al-Zarqawi is playing a prominent role. But the exact relationship between al-Zarqawi, Al Qaida, Ansar al Islam and other apparently unaffiliated Islamist groups in Iraq is unclear … In a letter,[432] now made public by the CPA, to senior Al Qaida commander Abd al Hadi al-Iraqi, al-Zarqawi admits that numbers are small and that Iraq is proving to be a difficult environment to operate in … Suicide attacks, although relatively small in number, are having a disproportionate impact …
>
> "In his letter al-Zarqawi claims to have been responsible for 25 suicide operations. Al-Zarqawi also lists Americans, Kurds, Iraqi troops, police and agents, and the Shia as his main targets. In particular, he sees attacking the Shia as a means of fomenting civil war, and thereby ensnaring the Coalition in Iraq. Al-Zarqawi offers

---

[428] JIC Assessment, 25 February 2004, 'Iraq Security'.
[429] Annotated Agenda, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[430] JIC Assessment, 25 February 2004, 'Iraq Security'.
[431] Public hearing, 9 December 2009, pages 66-67.
[432] *Global Security*, February 2004, *Text from Abu Musab al-Zarqawi letter*.

to be the 'head of the spear' for Al Qaida, but there is some evidence suggesting that the Al Qaida leadership is opposed to al-Zarqawi's plans to cause Muslim in-fighting."[433]

785. The Cabinet Office Annotated Agenda for the meeting of the AHMGIR on 26 February observed that Mr Brahimi appeared to have resolved the problem posed by the position of Grand Ayatollah al-Sistani, and his plan was close to what the UK had originally proposed.[434]

786. The Annotated Agenda explained that the UN had not so far taken a firm view on the form of the caretaker government, although it was willing to assist with building Iraqi consensus on its power, structure and formation, as well as with advice and assistance on electoral processes.

787. Cabinet Office officials wrote that the UK wanted the UN to engage as far as possible in the run-up to transition and had an open mind as to structures for the interim government, but felt they should provide:

- a degree of continuity between the pre- and post-transition arrangements;
- a clear change to indicate that Occupation was over; and
- greater representation than the GC, to increase domestic legitimacy and draw in others.

788. This pointed towards an expanded version of the GC, with a technocratic Council of Ministers headed by a Prime Minister and a Presidency or Leadership Council. Cabinet Office officials wrote that the US agreed in broad terms.

789. The Annotated Agenda also recorded that "the UN's growing role in the political process make [sic] a new UNSCR almost inevitable".

March 2004

790. The TAL was agreed by the GC on 1 March.[435] It described a two-phase transition:

"(1) The first phase shall begin with the formation of a fully sovereign Iraqi Interim Government that takes power on 30 June 2004. This Government shall be constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations …

(2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held … provided that, if possible, these elections are not delayed

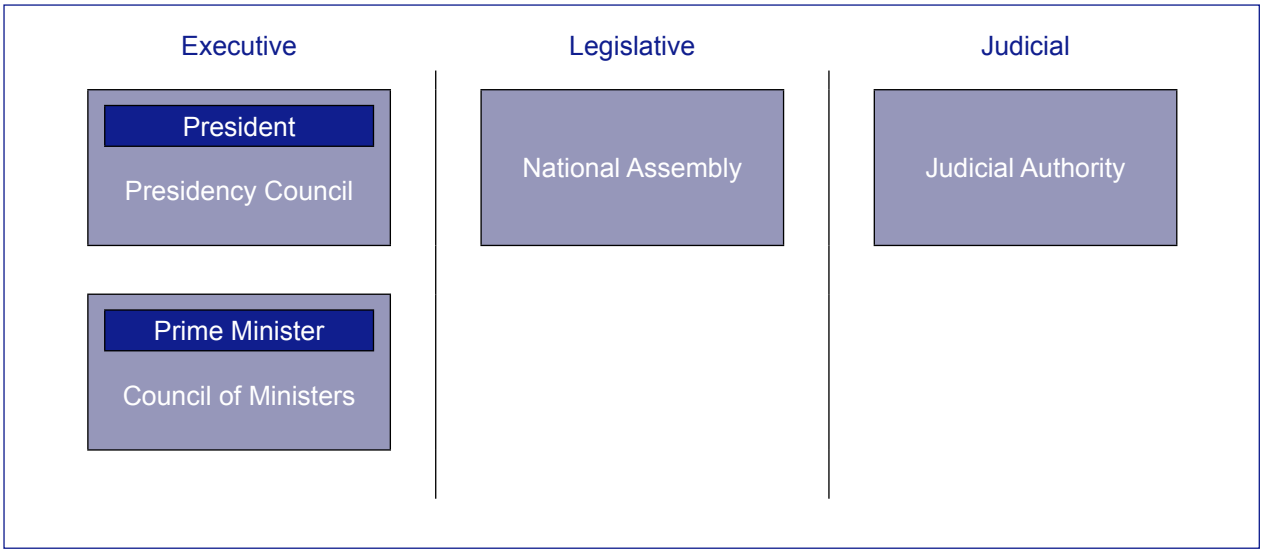
---

[433] JIC Assessment, 25 February 2004, 'Iraq Security'.
[434] Annotated Agenda, 26 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[435] *BBC News*, 1 March 2004, *Iraq's draft Constitution hailed*.

beyond 31 December 2004, and, in any event beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent Constitution …"[436]

791. In the TAL, the model for the Transitional Government was defined as follows:

Figure 1: The Transitional Iraqi Government



792. The TAL stated that the National Assembly would be elected in accordance with an electoral law and a political parties law. The electoral law would "aim to achieve the goal" of no less than 25 percent female representation and "having fair representation for all communities in Iraq, including the Turcomans, ChaldoAssyrians, and others".

793. The TAL recognised the Kurdistan Regional Government as the "official government" for the territories it administered on 19 March 2003, before the invasion began. It would "continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government".

794. On security, the TAL named the Iraqi Armed Forces as "a principal partner in the Multi-National Force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511". The Transitional Government would have "the authority to conclude binding international agreements regarding the activities of the Multi-National Force".

795. The AHMGIR discussed the TAL in its meeting on 1 March.[437] The FCO official present judged the TAL a "good compromise" which had been accepted by Grand Ayatollah al-Sistani but which "could be criticised for being produced with limited consultation".

---

[436] CPA website, 6 March 2004, 'Law of Administration for the State of Iraq for the Transitional Period'.
[437] Minutes, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

796. One (unidentified) member of the AHMGIR observed that:

> "While a goal rather than mandatory, the 25 percent figure for women's representation was a significant step forward in the Arab world. Women's representation was 30 percent in Denmark but less than 25 percent in the UK."

797. In his account of his time as Head of the CPA, Ambassador Bremer describes the TAL as "the most remarkable document in Iraq's long history".[438]

798. Ambassador Bremer told the Inquiry that the TAL "gave Iraq the political structure and opportunity to remain a united, free and democratic country".[439]

799. Sir David Richmond told the Inquiry:

> "It is not clear to me really how much thought had been given to what would be the consequences of … bringing democracy particularly to Iraq. It shouldn't have been impossible to work out that we were going to have problems … with a built in majority … but if people had worked that out then I had no sense that anybody had done anything … in the end we found solutions to that problem, but within a democratic system it is actually quite difficult, but a straightforward first past the post winner takes all is an extremely difficult situation to deal with. It requires quite a complex constitutional political process. Checks, balances, power sharing. We began to try to put some of that in place when we drafted the TAL, but the reality is we should have been thinking about these issues right from the beginning."[440]

800. On 2 March, there were:

> "… major incidents … in Baghdad and Karbala on the most significant day of the Ashura Festival. In Baghdad a VBIED [Vehicle-Borne IED] and three suicide bombers were responsible for four explosions at the Al Kadamiyah shrine resulting in 32 civilians killed and 78 injured … In Karbala mortar attacks and up to five suicide bombers at the twin shrines of Karbala Al Husayn and Al Abbas resulted in 85 civilians dead and 233 injured."[441]

801. The GC had been united in condemning the attacks, and had announced three days of national mourning.

---

[438] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[439] Statement, 18 May 2010, page 5.
[440] Public hearing, 26 January 2011, pages 62-63.
[441] Minutes, 3 March 2004, Chiefs of Staff meeting.

802. In an update report to No.10 on 4 March, FCO officials described the Ashura attacks as "devastating" and commented that they:

> "… seem to confirm our fears that foreign fighters are trying to insight [sic] sectarian violence by targeting the Shia. The attacks succeeded despite carefully planned security measures, which were devised by Coalition Forces in consultation with Iraqi authorities."[442]

803. Between 1 and 8 March, the Shia members of the GC consulted Grand Ayatollah al-Sistani on the text of the TAL.[443] No amendments were made as a result.

804. The weekly 'Iraq Update' for Mr Blair sent by Mr Straw's Private Secretary on 4 March described the TAL as "a major breakthrough, the most significant political development since the IGC".[444]

805. The same update recorded that the UK was encouraging Mr Brahimi to return to Iraq before the end of March.

806. The TAL was formally signed on 8 March.[445]

807. In preparation for a video conference between Mr Blair and President Bush on 9 March, the IPU prepared a brief which focused on the next steps in the political process and on security.[446] It suggested that:

> "The Prime Minister might stress to President Bush the importance of the IGC and CPA publicising the plan [the TAL] properly within Iraq, given that details of the law were tightly held until the signing ceremony."

808. The IPU also set out a proposal to turn an expanded version of the GC into a consultative council as a "national political forum of some sort to help create a new, cross-sectarian political class and national political discourse ahead of the elections to the National Assembly".

809. On 10 March, the JIC assessed the activities of Islamist extremists in Iraq.[447] It judged that:

> "Saddam Hussein called for a jihad to attract mujahedin to Iraq before and during the conflict. The scale of response is unknown. Some foreign fighters remained once the regime fell … Foreign mujahedin aspire to fight those they see as enemies of Islam. But individuals and groups have differing motivations and the jihad so far appears

---

[442] Letter Owen to Cannon, 4 March 2004, 'Iraq: Weekly Update'.
[443] Letter Owen to Cannon, 8 March 2004, 'Iraq: Prime Minister's VTC with President Bush: 9 March' attaching Brief 'Iraq: Prime Minister's VTC with President Bush'.
[444] Letter Owen to Cannon, 4 March 2004, 'Iraq: Weekly Update'.
[445] *BBC News*, 8 March 2004, *Iraqi law: reaction in quotes*.
[446] Letter Owen to Cannon, 8 March 2004, 'Iraq: Prime Minister's VTC with President Bush: 9 March' attaching Brief 'Iraq: Prime Minister's VTC with President Bush'.
[447] JIC Assessment, 10 March 2004, 'Islamist Extremism: The Iraq Jihad'.

to lack a clear strategic aim for Iraq. Recovered documentation linked to al-Zarqawi lists Americans, Kurds, Iraqi security forces and Shia as main targets …

"Most Islamist extremists identified in intelligence are from outside Iraq, although some Iraqis are involved with these foreign extremist groups."

810. In its 'Key Judgements' the JIC found that:

"The scale of the Islamist extremist presence in Iraq is not known. Nor is the level of their local support. But the radical Islamist ideology of the mujahidin may be attractive to an increasing number of Iraqis.

"Islamist extremists have probably been responsible for a number of the most significant carefully targeted attacks, causing mass, mainly Iraqi, casualties.

"The degree of co-ordination between Islamist groups is not clear. Senior AQ associate al-Zarqawi, appears to be the most important terrorist leader in Iraq, but there is no evidence of a comprehensive co-ordination structure.

"Al Qaida has been trying to build up its limited operational presence in Iraq for some months, but Bin Laden's main focus is likely to remain Afghanistan."

811. Sir Jeremy Greenstock called on Mr Blair in London on 11 March.[448] Although he thought the TAL a road map for a successful political transition he predicted that:

"… the political situation would remain fluid and unstable over the next couple of years, until fully constitutional elections."

812. At Cabinet on 11 March Mr Straw described agreeing the TAL as "an historic achievement".[449]

813. Writing to Sir Nigel Sheinwald following the 12 March meeting of the Iraq Strategy Group (ISG), a Cabinet Office official recorded the ISG's view that:

"Agreeing the TAL had been an achievement but we now needed to move on to formation of the interim Government. For this we needed Brahimi and the UN to help broker a solution and bring international legitimacy. Without direct UN involvement, it would be much more difficult to deliver an UNSCR endorsing the interim Government."[450]

814. The ISG believed that the US and UK were agreed in principle on the need for a letter of invitation from the GC authorising a security presence after the handover to Iraqi sovereignty on 30 June. The ISG suggested, however, that the US was less wedded to this approach than the UK and "other more legalistic Coalition members".

---

[448] Letter Cannon to Owen, 11 March 2004, 'Iraq: Sir Jeremy Greenstock's Call on the Prime Minister'.
[449] Cabinet Conclusions, 11 March 2004.
[450] Letter Dodd to Sheinwald, 15 March 2004, 'Iraq: Strategy Group'.

815. Mr Llewellyn had forwarded Ms Adams' letter of 9 February to Mr Crompton, Head of the Iraq Policy Unit, on 25 February, observing that he "may want to draw it to the attention of Ministers".[451] He had also commented:

> "These conclusions are not a surprise. They confirm the advice that we have given throughout the period of Occupation."

816. The IPU had brought the concerns set out in Mr Llewellyn's letter of 25 February to the attention of Mr Richmond in Baghdad.

817. On 15 March Mr Richmond replied, explaining that he had spoken to one of the US lawyers in the CPA Office of the General Counsel (OGC – the CPA's legal advisers) to ask if they could reinstate the previous practice of consulting the UN on CPA orders by faxing them to Mr Mountain.[452] OGC were content to do so, but Ambassador Bremer was not.

818. It had been reported to Mr Richmond that, when the UN left Iraq in August 2003, OGC began sending draft legislation to the UN legal office through the US Mission to the UN (USUN). USUN were subsequently advised by a "reliable source" that, if they continued to do this, the UN Legal Office was likely to veto legislation. Consultation had then ceased. When Mr Mountain was appointed, OGC had suggested that they should send draft CPA orders to him but the State Department had objected on the grounds that he would forward it to the UN legal office, who would veto it.

819. State Department officials suggested that OGC should simply mention to Mr Mountain when he was in Baghdad that they had legislation in various areas in process. OGC agreed with the UK that this was not sufficient consideration to meet the requirements of resolution 1483.

820. Mr Richmond explained that OGC had tried to agree a new process of consultation with the UN but Ambassador Bremer had objected to the proposals. He wished to avoid both a UN veto over proposed CPA Orders and delay to the CPA's legislative programme. As a result, the State Department had been asked to come up with a suitable proposal for consulting the UN which would not result in CPA orders being vetoed or delayed.

821. The Cabinet Office Annotated Agenda for the meeting of the AHMGIR on 18 March said that:

> "Sistani remains concerned at what he sees as obstacles in the TAL to achieving a constitutionally elected government, in particular the effective veto over the future draft constitution given to the Kurds. There have been indications that Sistani is

---

[451] Letter Llewelyn to Crompton, 25 February 2004, 'Iraq: Attorney General's Advice: The Extent of the UK's International Obligations in Iraq'.
[452] Letter Richmond to Crompton, 156 [sic] March 2004, 'Iraq CPA Legislation: need for UN co-ordination'.

planning to mobilise his supporters to sign a petition opposed to certain elements of the TAL."[453]

822. In an annex to the Annotated Agenda, the IPU recommended that, if there was to be a resolution endorsing the new political process, then "we should take that opportunity to also endorse the new security arrangements".[454] This would resolve the problems of relying on resolution 1511 or an invitation from the (not fully sovereign) GC as the basis for a continued military presence.

823. By 18 March, the GC had issued an invitation to the UN to return to help with the structure of the interim government and preparations for elections for the Transitional National Assembly (TNA) to be held by January 2005.[455]

824. On 25 March, Mr Benn told Cabinet that the next question now the TAL had been agreed was how to organise an interim government from 1 July.[456] There were tensions within the GC about the role of the UN in that process. He observed that it would be important to ensure that the transition to an interim government "resulted in arrangements which looked and felt different from the preceding ones".

825. On 31 March, the JIC assessed that insurgent attacks on Coalition Forces had fallen from a peak in November 2003 and levelled off, but suicide attacks targeting Iraqis had increased significantly since the turn of the year.[457] Although the JIC did not know the numbers of those involved in or supporting the violence, the occurrence of more than 200 incidents a week was considered to suggest thousands rather than hundreds of individuals.

826. The JIC assessed that the relative threat from different groups was difficult to gauge; in many cases it was not possible to attribute attacks to specific groups.

827. The JIC judged:

"I. Islamist extremists … will seek to increase the level of violence in the lead up to, and beyond, the transition of power on 30 June …

II. The level of violence is undermining Iraqi confidence in the Coalition and its objectives.

III. Islamist extremists are finding it difficult to operate. But they will pose a continuing and dangerous threat, particularly those associated with al-Zarqawi. Attacks by them upon Iraqi Shia and Kurds risk stirring up inter-communal violence. A failure by the security forces to contain the violence could lead to a failure of the political process and a breakdown of law and order."

---

[453] Annotated Agenda, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[454] Annotated Agenda, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper IPU, 10 March 2004, 'Annex A: Iraq: Transitional Arrangements for Coalition Forces'.
[455] Minutes, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[456] Cabinet Conclusions, 25 March 2004.
[457] JIC Assessment, 31 March 2004, 'Iraq Security: Prospects'.

828. In addition, the JIC considered:

> "A further source of resistance to the Coalition may increasingly be disaffected Sunni Arabs – not necessarily connected to the former regime – who fear Shia domination and are frustrated by lack of money and jobs. Their motivations are diverse: anti-Americanism, Iraqi nationalism, insensitive CF [Coalition Forces] actions, tribal and clan loyalties, criminal financial gain and other grievances. And some Sunni Arabs are increasingly attracted to a radical Islamist ideology."

829. At the end of March, Sir Jeremy Greenstock concluded his six month tour in Iraq and was succeeded by Mr David Richmond.

830. Sir Jeremy's valedictory telegram entitled 'Six Months in the Cauldron' thanked UK civilians and military for their "effective and courageous" work in Iraq.[458]

831. Sir Jeremy judged that "the majority of the Iraqi people are still with us, just" and that life was beginning to improve for many. But this was not attributable to good planning:

> "The preparations for the post-conflict stage were abject; wrong analysis, wrong people … And the volume of resources required on the ground was, and continues to be, misjudged."

832. On security, he judged that the problems "will, alas, not go away when the Occupation ends. The evil-doers … are small in number but lethal in effect."

833. Sir Jeremy also recorded the important role that Grand Ayatollah al-Sistani had played by using his religious authority as a force for moderation.

834. By the end of March, UK and US officials were discussing the detail of the proposed new Security Council resolution.[459]

835. Mr Straw's Private Secretary wrote to Mr Blair's Private Secretary describing the resolution's key elements as:

- to welcome the agreed arrangements for the transfer of full executive authority and the proposed processes during the transition;
- to specify the role of the UN during the transition; and
- to give additional political cover to the Multi-National Force and develop its mandate.

836. On 31 March, four employees of the US security firm Blackwater were ambushed and killed while travelling through the town of Fallujah in Anbar Province.[460]

---

[458] Telegram 109 IraqRep to FCO London, 26 March 2004, 'Iraq Valedictory: Six Months in the Cauldron'.
[459] Letter Owen to Quarrey, 29 March 2004, 'Iraq: Prime Minister's VTC with President Bush: 30 March'.
[460] *BBC News*, 31 March 2004, *Bodies mutilated in Iraq attack*.

837. Mr Erik Prince, CEO of Blackwater at the time of the ambush, wrote that the "entire assault was over in seconds. Four men had been betrayed and ambushed."[461]

838. The burned bodies of the Blackwater personnel were filmed being dragged through the streets, and hung from a bridge.[462] Images of the incident appeared in the international media.

April 2004

839. In a written update for members of the AHMGIR in early April, Cabinet Office officials reported:

> "A series of meetings are underway to communicate the TAL to Iraqis. Reactions have been mixed, but no signs yet of an organised opposition aimed at repeal. Most Iraqis appear more focused on improvements to the economy and everyday life."[463]

840. Militants belonging to Jaysh al-Mahdi (JAM) attacked Coalition Forces in Baghdad, Najaf, Karbala and Kut following the arrest on 3 April of Muqtada al-Sadr's senior aide Mustafa al-Yaqubi, and the closure on 27 March of one of al-Sadr's newspapers.[464]

841. Maj Gen Stewart told the Inquiry that, although the violence in MND(SE) had been gradually increasing during February and March, it was not until April that JAM was identified as a specific threat.[465] He recalled that:

> "… it was like a switch had been flicked. We woke up on the 6th [of April], there were 35 shootings and attacks in Basra before 0730 in the morning. Nasiriyah had been taken over by the Mahdi army … In al-Amara there were running battles going on with the security forces."

842. In early April, US forces began operations in Fallujah. All routes in and out of the city were blockaded in advance of the launch of an offensive operation, named Operation Vigilant Response, on 6 April.[466]

843. Mr Hoon's Private Secretary wrote to Mr Blair's Private Secretary that a search operation to capture the attackers of the Blackwater employees had begun.[467]

844. The same letter explained that US intentions in relation to Muqtada al-Sadr and his supporters were becoming clearer. The US military had ordered the offensive operations against al-Sadr supporters with "the aim of eliminating them as a credible force" and moving into Najaf after the festival of Arbaeen on 11 April.

---

[461] Prince E. *Civilian Warriors. The Inside Story of the Unsung Heroes of the War on Terror.* Portfolio/ Penguin, 2013.
[462] *BBC News*, 31 March 2004, *Bodies mutilated in Iraq attack*.
[463] Letter Dodd to Owen, 2 April 2004, 'Iraq: Update' attaching Paper 'Iraq: update'.
[464] JIC Assessment, 14 April 2004, 'Iraq Security'.
[465] Public hearing, 9 December 2009, pages 67-68.
[466] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[467] Letter Baker to Quarry, 8 April 2004, 'Iraq: Security Situation'.

845. Al Jazeera journalists were present inside Fallujah, and images of the US offensive were broadcast across Iraq and the world. Lt Gen Sanchez wrote in his memoir:

> "To say that the Fallujah offensive angered the Sunni Muslims of Iraq would be a gross understatement … When the images of destruction were broadcast on Al Jazeera, most Sunnis felt Fallujah was an attack on their very existence … When tribal leaders put out a call to arms, Sunnis everywhere responded and the Sunni Triangle exploded into violence."[468]

846. Sir David Richmond told the Inquiry that he had been "very concerned" because:

> "What the Americans were doing in Fallujah which was being broadcast all over the Arab media was causing serious problems all round, certainly the Sunni part of Iraq but also … the Shia part of Iraq. It was clear to me this had to stop if we weren't going to face very, very serious problems. I was in constant contact with London throughout the period and made very clear my views about that. I spoke to Bremer and made clear what my views were about that … I think ultimately Bremer came down on the same side as me and told the military that they had to rethink that policy."[469]

847. General Sir John McColl, SBMR-I from April to October 2004, told the Inquiry:

> "There was a debate within headquarters as to how we should proceed, a debate which I shared with London, and there were those within the American camp who wanted to move early and seize the initiative, which involved the early use of kinetic force, and those who wanted to move more slowly. Certainly, in terms of my advice at the time, it was to move cautiously, to try and ensure that, as far as we could, we carried the politics with us and prepared the political conditions to support whatever military activity took place."[470]

848. General Sanchez wrote in his memoir that:

> "… the British three-star general [McColl] on the CJTF-7 consistently voiced his Government's concerns about our planned offensive and I'm certain that lively discussions took place between the White House and 10 Downing Street. London believed that we were being far too heavy-handed, but President Bush still gave the order to launch."[471]

849. Ambassador Bremer described Mr Brahimi as so deeply concerned by the bloodshed that he had "threatened to quit Iraq".[472] In response, Ambassador Bremer

---

[468] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[469] Public hearing, 26 January 2011, pages 20-22.
[470] Public hearing, 8 February 2010, pages 11-12.
[471] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[472] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.

stressed the importance of the UN's role in helping to move the political process forward. Mr Brahimi eventually agreed to remain.

850. On 6 April, in a briefing on a planned conversation with President Bush, Mr Blair's Private Secretary wrote that:

> "We are now fighting on two fronts for the first time. We risk underestimating Muqtada al-Sadr's Mahdi Army. There is an effective Sunni insurgency, which is gaining confidence from the problems we are facing with the Shia. Overall, this is the most serious challenge we have yet faced."[473]

851. Mr Blair spoke to President Bush on 7 April.[474]

852. Mr Blair did not suggest that the US should draw back from Fallujah. Instead, he told President Bush that the decisions on how to deal with Muqtada al-Sadr and others rightly lay with those on the ground. They needed to act "in a decisive but sensitive way"; people needed to see that the Coalition was determined to stay to see the job done. They agreed to send out a clear public message that there was a process leading to transfer of authority in Iraq.

853. Senior members of the CPA briefed the GC on developments in Fallujah on 8 April.[475] Mr Richmond reported that the GC raised particular concerns that the US blockade of the city was preventing the entry of medicines, blood, doctors and food. By preventing civilians from crossing the bridge from one side of the town to the other, the US military were also preventing civilians from getting to the main hospital, and mourners getting to the cemetery to bury their dead.

854. One minister in the GC, who came from Fallujah, resigned and it was anticipated that others might follow.[476]

855. Mr Richmond provided daily reports on the situation in Fallujah as it unfolded.

856. On 8 April, the atmosphere was tense.[477] The impact of the offensive was heightened by TV coverage which was "inflaming opinion" and encouraging the insurgency in the rest of the country. Action to counter that was hampered by the fact that several nations' terms of engagement prevented their forces from taking part in offensive operations.

857. In a separate message to the FCO on 8 April, Mr Richmond reported having "expressed concern" to Ambassador Bremer "about the impact that the television

---

[473] Minute Quarrey to Prime Minister, 6 April 2004, 'Phone call with President Bush, 7 April'.
[474] Letter Rycroft to Adams, 7 April 2004, 'Prime Minister's Conversation with President Bush, 7 April'.
[475] Telegram 138 IraqRep to FCO London, 8 April 2004, 'Iraq: Security discussion with IGC'.
[476] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[477] Telegram 137 IraqRep to FCO London, 8 April 2004, 'Iraq Sitrep – Morning 8 April'.

pictures of the military operations in Fallujah and Ramadi were having on the Sunni community and the Iraq population generally".[478]

858. At the same time as dealing with Fallujah, Coalition Forces were continuing to address the threat posed by Muqtada al-Sadr and the JAM.[479]

859. On 8 April, in a letter to Mr Blair's Private Secretary, Mr Hoon's Private Secretary explained that US intentions for dealing with al-Sadr and his supporters were "becoming clearer" and that the US military had "ordered offensive operations against al-Sadr supporters with the aim of eliminating them as a credible force".

860. On 8 April, Mr Straw wrote to Mr Blair on the proposed security arrangements after 30 June.[480] He explained that "the Coalition needs to put in place satisfactory legal and other arrangements for the force when the Occupation ends". If they did not, "any perceived gap in the legal base for UK's conduct … is likely to be exploited by litigants".

861. Mr Straw set out the difference between the US and UK positions on a legal basis for continued military operations after 30 June, and the UK's legal concerns about relying on resolution 1511. He observed that a strong case might be made that resolution 1511 covered a continued military presence in Iraq, but that he doubted it would cover "the full range of activities we have hitherto been conducting under the law of armed conflict and Occupation law".

862. Mr Straw suggested that in contacts with the US, the UK should stress the need to agree a common approach to the forthcoming resolution (expected in May or June) which would also help the UK's position against legal challenge. He emphasised that when they were nearer to a clear outcome on the resolution, it would be necessary to consult the Attorney General to ensure that the UK's minimum legal requirements were covered.

863. On 9 April, Mr Richmond reported that the Coalition had offered a 24-hour cessation of operations in Fallujah "to allow the entry of additional humanitarian supplies and to enable representatives of the IGC to go to Fallujah to discuss Coalition terms for ending the current military operation".[481] The terms of the cessation included surrender of the individuals who had killed the Blackwater contractors. Had the offer not been made, Mr Richmond reported that it was likely that senior Sunni members of the GC would have resigned.

---

[478] Telegram 139 IraqRep to FCO London, 8 April 2004, 'Iraq: Bremer's views'.
[479] Letter Baker to Quarrey, 8 April 2004, 'Iraq: Security Situation'.
[480] Minute Straw to Prime Minister, 8 April 2004, 'Iraq Security Arrangements'.
[481] Telegram 141 IraqRep to FCO London, 9 April 2004, 'Iraq: offer of 24 Hour Truce in Fallujah'.

864. On 10 April, Mr Richmond reported that the offer had not been successful and action in Fallujah was being characterised as "collective punishment".[482] Further negotiation between members of the GC and the CPA/US military resulted in a new plan for a cease-fire and subsequent withdrawal of Coalition Forces.

865. Mr Richmond's assessment of the situation on 10 April said:

> "Generals Abizaid and Sanchez are confident that they can deal with (though not eliminate) the Sunni insurgency currently centred on Fallujah and Ramadi … I do not share their confidence … The military action in Fallujah … has ignited smouldering resentment amongst other Sunnis. Governing Council members are warning us that there will be other 'Fallujahs' in towns throughout the Sunni heartland … it is also beginning to undermine the support of otherwise moderate Shia … The Americans claim that their operations in Fallujah are targeted and precise. But to the outside they look like collective punishment. The casualty figures, though not reliable, tend to bear this out … Worse, the current situation is also putting huge pressure on the Governing Council … If the Governing Council collapses (or loses all credibility) it is difficult to see how we can find anyone else to work with us on the formation of an Interim Government to take over from the CPA on 30 June. We will have no-one to hand over to."[483]

866. On 11 April, Mr Richmond wrote that a GC delegation to Fallujah led by Mr Hajem al Hassani reported some success.[484] They had persuaded leaders representing 90 percent of the rebel fighters that a complete cease-fire was necessary but reported back to Ambassador Bremer and Mr Richmond that the city was a:

> "… disaster zone. The humanitarian situation was dire with a reported 518 killed so far, including 46 children under the age of 5; 83 children under 15 and 157 women. 1,224 people had been injured and there were problems with water and electricity supplies."

867. A new cease-fire was agreed, commencing at 1000 on 11 April. If it held for six hours or more, discussions would begin on withdrawing Coalition Forces and replacing them with the Iraqi Army.

868. As events unfolded in Fallujah, in the south of Iraq there was a difference in view between the US and UK military as to how best to deal with the Sadrist threat.[485]

869. Multi-National Corps – Iraq (MNC-I) orders included a specific request that UK forces take action to close the Offices of the Martyr Sadr (OMS) and the JAM within MND(SE); Maj Gen Stewart declined to comply with this request.

---

[482] Telegram 145 IraqRep to FCO London, 10 April 2004, 'Iraq: Falluja: Potential Ceasefire and Withdrawal'.
[483] Paper Richmond, 10 April 2004, 'Iraq: an Assessment on 10 April'.
[484] Telegram 147 Iraq Rep to FCO London, 11 April 2004, 'Iraq: Fallujah Ceasefire Update'.
[485] Minute Stewart to Metz, 11 April 2004, 'MND(SE) – Sadr situation'.

870. In a letter explaining his reasons to Lieutenant General Thomas Metz, the Commander of MNC-I (see Box, 'Creation of MNF-I, MNC-I and MNSTC-I'), Maj Gen Stewart recognised that the refusal might:

> "… appear from Baghdad to be both ineffective and apparently out of line with your intent … one size does not fit all for Iraq and the south east is different. I believe that our actions are being effective … Whether we like it or not, Sadr's movement is part of the political fabric in southern Iraq … This does not mean that the south east is under the thumb of the Sadrists. On the contrary nearly all our interlocutors … express dislike of his methods, but his sentiments resonate … Coalition Forces and [Iraqi Security Forces] have secured … every municipal building within … MND(SE) … Most importantly, we take the view that it is the Iraqis who will have to go on living here after we depart and surely it is best to produce an Iraqi solution to an Iraqi problem … I believe that our current tactics in MND(SE) are correct."

871. In advance of a meeting with President Bush, Mr Blair asked Sir Nigel Sheinwald for "a note setting out a strategy for dealing with the range of problems we face in Iraq".[486]

872. Sir Nigel's 12 April response identified a number of elements that a strategy should include:

> "(i) Military. We are starting to see, and need to entrench, a more measured US military approach.
>
> Above all, we must avoid fighting simultaneously on two fronts. We cannot afford to lose the consent of the majority Shia population … [W]e should aim to settle the MAS [Muqtada al-Sadr] problem first …
>
> The US needs to make an effort to re-cement the Coalition.
>
> (ii) Iraqiisation: we need to revisit this and our old friend de-Ba'athification. The key to Fallujah and Najaf will be the insertion of Iraqi forces, rather than a heavy and overt American presence on the streets. But this is not straightforward given the lack of capacity of the newly formed Iraqi forces …
>
> (iii) Inclusiveness: the Coalition needs to involve the IGC and local sheikhs in resolving these problems. Above all we cannot afford to lose the IGC …
>
> (iv) Deal with the causes: there are many deep sources of discontent, and we cannot hope to deal with all of them. On both the Shia and Sunni sides, we need programmes which (a) increase jobs, particularly for the young and (b) increase personal security …

[486] Minute Sheinwald to Prime Minister, 12 April 2004, 'Iraq: Strategy'.

(v) The political future: this needs to be set out more clearly: elections at the end of January, prepared by the UN; interim government structures in place by 1 July when we hand over sovereignty, with the UN again playing a key advisory role, and better consultation on how to get there …

(vi) UN role: we need to clarify and promote the UN role: electoral support and political advice on the ground now; new UNSCR in May/June; clear UN co-ordinating and political role from 1 July …

(vii) The deadline: we must stick to the deadline of 1 July, but need to make a better job of explaining ourselves. The date is right because it remains important to make an early transfer of sovereignty to the Iraqis, which they themselves want …

(viii) Communication: if we can agree a strategy like this, Bremer and the IGC should promulgate it in a media offensive in Iraq."

873. Sir Nigel concluded:

"We need to emerge from your meeting with Bush on Friday with the message that you have an agreed, comprehensive strategy covering the handling of the immediate crisis, Iraq's political future leading to elections in January, and the role of the UN."

874. Sir Nigel Sheinwald told Dr Rice on 14 April that there were rumours of imminent further military action in Fallujah.[487] The UK judged that would be very damaging, in Iraq and internationally and wanted attempts at mediation to continue "and for the tension gradually to abate". Dr Rice said that no decisions had been taken.

875. On 14 April, the JIC issued an Assessment of security in Iraq, prompted by events in Fallujah and attacks by JAM.[488] The JIC's first two Key Judgements were:

"I. Anti-Coalition forces occupy the centre of Fallujah. Their determination to fight in a confined urban area represents a step change in capability and threat.

"II. The scale and extent of attacks mounted by the Mahdi Army and associated Shia militants have come as a surprise. They are the first concerted attacks by Shia militias on Coalition Forces. But attacks have been localised, have now reduced and have only been supported by a minority of Shia. There is no clear evidence of co-ordination between Sunni and Shia groups."

876. Key Judgement VII was that:

"The security situation may remain volatile even if a settlement is reached in Fallujah and Najaf. The upsurge in violence has confirmed previous concerns over the weaknesses of the Iraqi security forces."

---

[487] Letter Sheinwald to Adams, 14 April 2004, 'Conversation with US National Security Adviser, 14 April'.
[488] JIC Assessment, 14 April 2004, 'Iraq Security'.

877. The JIC also judged that the emergence of hostage-taking as a tactic by anti-Coalition forces was "adding to the climate of fear and encouraging foreign contractors to leave".

878. On 15 April, Mr Blair and Mr Annan met in New York.[489] They agreed that the political plan being formulated by Mr Brahimi should form part of a new resolution and that the negotiation of its text should begin in May.

879. Mr Blair underlined the importance of the UN's role in Iraq, both for political leadership and in communicating with the Iraqi people. He offered UK support for the deployment of a greater number of UN officials to Iraq.

880. On 15 April, Sir Nigel sent Dr Rice a "personal paper" from Mr Blair for President Bush, which Mr Blair hoped the President might read before their conversation the next day.[490]

881. In his paper Mr Blair identified two problems:

> "… the first is a residue of discord over the decision to go into Iraq. People who disagreed are desperate to be proved right. So every difficulty is magnified; every step forward ignored; every setback hailed as failure.
>
> …
>
> "The second problem is more immediately serious. It is that, irrespective of the original decision to go into Iraq, people ask of us: do they have a plan for Iraq that will work? Do they know what they are doing?"

882. The first was an "issue of political vision"; the second, one of "practical competence". Mr Blair summarised his strategy as:

"– local engagement by Iraqis to sort the Sunni and MAS [Muqtada al-Sadr] problems, with Fallujah critical;
– backed by a specific set of offers to deal with grievances;
– backed by an Iraq-wide campaign of communication, led and fronted by Iraqis."

883. Mr Blair also proposed a new resolution, firstly to provide the US and UK with the political and military authority they required, but also including "measures on human rights and due process so that the resolution sets out a vision of Iraq as a democratic state that puts our critics on the defensive".

---

[489] Letter Rycroft to Adams, 15 April 2004, 'Prime Minister's meeting with the UN Secretary General: 15 April'.
[490] Letter Sheinwald to Rice, 15 April 2004, [untitled], attaching Note [Blair to Bush], [undated], 'Note'.

884. Mr Blair went on to consider international disagreement over the nature of the security threat, and how it might be addressed through the G8. He wrote:

> "We need to find a way of forcing the world to confront the dangers it faces; and to build an agenda capable of consolidating and extending our support."

885. On 16 April, Mr Blair and President Bush met in Washington.[491] The meeting was also attended by Dr Rice, Secretary Powell, Sir Nigel Sheinwald and Mr Rycroft.

886. Mr Blair stressed to President Bush the importance of standing firm, setting out a clear political vision and implementing it competently.

887. On Muqtada al-Sadr, Mr Blair said that he needed to be brought out of Najaf alive, with an agreement to disband his militia. He should not be made a martyr.

888. In discussion it was clear that US forces had been close to action in Fallujah a couple of days previously, but had held back based on Ambassador Bremer's advice that they would "lose the IGC" if they did so.

889. On Fallujah, Mr Blair suggested that the Coalition needed to get the balance right between firmness and initiating further aggression. Any military offensive needed to be careful, with every effort taken to avoid civilian casualties, and clearly a last resort. The Coalition could not afford an error. Mr Blair continued that there needed to be a clear strategy for addressing the grievances of both the Sunnis and the al-Sadr supporters, including tackling poverty in Sadr City. He again emphasised the importance of better communication with the Iraqi population.

890. On the political process, neither the US nor the UK had difficulties with Mr Brahimi's emerging plans for the interim government. A new resolution was necessary, and Mr Blair proposed that it might also include measures to set out a vision of Iraq as a democratic state.

891. By 18 April the situation in Fallujah was described by Mr Richmond as "relatively calm" with talks continuing between the Coalition and a delegation of Fallujan leaders.[492] The possibility that offensive operations might resume remained and there was "CJTF-7 talk of allowing one week for dialogue to yield results".

892. Negotiations between leaders in Fallujah, GC representatives, US military commanders and CPA officials had enabled access to the city for emergency services, the return of civilians, and progress with the handing in of weapons.

---

[491] Letter Rycroft to Adams, 16 April 2004, 'Iraq: Prime Minister's Meeting with President Bush'.
[492] Telegram 172 IraqRep to FCO London, 18 April 2004, 'Fallujah: Update 18 April'.

893. Coalition Forces remained in place in Fallujah although Mr Richmond reported that "military action is not imminent". It was hoped that:

> "… if the citizens [of Fallujah] gained confidence, they would be able to put pressure on the extreme elements".

894. Maj Gen Stewart told the Inquiry that the impact of events in Fallujah had been significant among the Shia community in Southern Iraq.[493] At Friday prayers the dominant issue had been the need to raise money for fellow Iraqis in Fallujah, because what was happening there was "way beyond the pale".

895. Sir Nigel Sheinwald told the Inquiry that:

> "It wasn't just that we were worried about the proportionality of the tactics that were used or about the perception in the international and Iraqi media of what went on. It was also that it happened at the same time as American action on the Shia side to which the Shia reacted very violently … Ultimately the strategic threat was a loss of Shia consent."[494]

896. Sir David Richmond told the Inquiry that the change in US stance as April progressed was not exclusively because of the UK. Action in Washington, threatened resignations from the GC, and the position of Mr Brahimi all had an influence.[495]

897. By mid-April, the Coalition had regained control of nearly all the towns that had been taken by JAM, leaving Muqtada al-Sadr's forces restricted to the cities of Najaf, Kufa and parts of Karbala, which were then the focus of millions of Shia Pilgrims observing the Muslim holiday of Arba'een.[496]

898. After reading briefing given to him in advance of meeting President Bush, Mr Blair expressed concern to Sir Nigel Sheinwald about the security situation in Iraq and the problems facing the CPA in implementing its main programmes and policies.[497]

899. Sir Nigel commissioned 15:

> "… unvarnished accounts of where things stand, with as much local colour as possible; and with clear recommendations, where appropriate, for how to improve things … The Prime Minister is conscious that implementation of these programmes depends on the Americans, in Iraq and in Washington. It is therefore essential that departments in London should ensure that their opposite numbers in Washington are aware of our concerns, and that we work with them to produce credible plans for improving performance."

---

[493] Public hearing, 9 December 2009, page 71.
[494] Public hearing, 16 December 2009, pages 51-52.
[495] Public hearing, 26 January 2011, page 22.
[496] Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007; Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[497] Letter Sheinwald to Adams, 19 April 2004, 'Iraq'.

900. The accounts were to cover:

"1. Sunni outreach.
2. Shia religious and political leaders, and their attitude.
3. Other political players, including candidates for Prime Minister, Presidency, Cabinet.
4. Area-by-area analysis on security.
5. Report by GOC MND(SE).
6. Police and civil defence training and readiness.
7. Security arrangements from 1/7, including UN role.
8. Media.
9. Reconstruction, spending and disbursement.
10. Attitudes of the neighbouring countries.
11. Everyday life report.
12. Judicial system.
13. Women's groups.
14. Schools, universities, hospitals.
15. Check list of further action."

901. During the meeting of the Iraq Senior Officials Group on 20 April, it was made clear that Mr Blair considered that progress needed to be accelerated in all areas of reconstruction in order to make transition a success.[498] He had therefore "decided to follow developments more closely himself", which had led to Sir Nigel's commission. It was explained that:

> "IraqRep should prepare a weekly checklist of immediate actions. The Cabinet Office would ensure that interested departments in London would be consulted on the list before it, together with the reports, were [sic] submitted in the Prime Minister's Friday box. The Prime Minister would use it in his weekly discussions with Bush."

902. Of the reports commissioned by Sir Nigel, most were requested on a weekly or fortnightly basis. Those on neighbouring countries, the judicial system, women's groups and schools were to be monthly.

903. When Mr Blair and Mr Richmond met on 21 April, Mr Blair highlighted that the final point on the list – "points for him to raise with Bush each week" – was crucial.[499] Mr Blair suggested it was important for Ambassador Bremer to make "a major speech" setting out CPA policy as soon as possible.

---

[498] Letter Cabinet Office [junior official] to Buck, 23 April 2004, 'Iraq: Senior Officials Group'.
[499] Letter Rycroft to Owen, 21 April 2004, 'Iraq: Prime Minister's meeting with David Richmond'.

904. In conversation with Dr Rice on 21 April, Sir Nigel Sheinwald said:

> "The Prime Minister continued to believe, as he and the President had agreed … that time was on our side and that we did not need to rush into new military action, while of course accepting the need for the American forces to defend themselves properly … targeted activity against extremists was one thing; another heavy assault would have a major adverse impact, in Iraq and internationally … the Prime Minister was clear that we should avoid precipitate action if possible and give time for the results to emerge from the negotiations …
>
> "I made clear that the Prime Minister would want a discussion if there were any question of the US tactics changing …"[500]

905. In mid-April, the US made a request for the UK to send additional troops to Iraq.[501]

906. The request was made "informally, with no explanation of any underlying rationale or assumptions" and proposed four packages of support, including the deployment of an HQ (for which the main contender was the Allied Rapid Reaction Corps or ARRC), which together might have totalled 10,000 additional troops.

907. The US proposal was that the UK should provide:

- a Corps headquarters, to command both MND(SE) and neighbouring MND Centre South (MND(CS));
- an armoured infantry battlegroup to be available, for a few months, as a mobile reserve for the whole of Iraq;
- an expansion of MND(SE) to backfill for the Spanish troops that had been withdrawn from Iraq; and
- an expansion of the security resource focused on protecting the main supply routes.

908. The first advice sent by Mr Hoon's Private Secretary to Mr Rycroft was that the request needed to be examined "very carefully". The only Corps-level headquarters available to the UK was the ARRC, a NATO asset which would therefore require NATO agreement to deploy "which is unlikely to be obtainable very rapidly or easily". The advice explained that:

> "… we will need to consider to what extent we would be increasing our exposure to the consequences of future US actions in, for example, Fallujah, and to what extent if at all we could expect to have any greater practical influence over US decision-making".

---

[500] Letter Sheinwald to Adams, 21 April 2004, 'Iraq: Conversation with US National Security Adviser, 21 April'.
[501] Letter Baker to Rycroft, 21 April 2004, 'Iraq: US approaches for additional UK forces'.

909. Having seen the letter to Mr Rycroft, Mr Straw also offered his thoughts on "political aspects" of the deployment, in a letter from his Private Secretary.[502] Mr Straw endorsed the MOD's initial instinct to analyse the US request carefully. He observed that sending the ARRC to Iraq:

> "… would preclude its possible deployment to Afghanistan … probably until well into 2006. This would complicate the prospects of delivering our objectives in Afghanistan. But we may have to recognise that Iraq is the higher priority and the (even harder) theatre to which to attract and retain international troop contributors."

910. Having read the letter from Mr Straw's Private Secretary, Mr Bowen also supplied advice to Mr Rycroft.[503]

911. Mr Bowen advised that the deciding factor ought to be whether taking on wider responsibility would make a difference to the Coalition's strategic success in Iraq. Providing more troops for the sake of "burden sharing" was not, in his view, advisable but doing so in the realistic hope that it would have a strategic impact was potentially worthwhile.

912. The JIC assessed the degree to which Iran might have supported or encouraged Shia violence on 21 April.[504] It judged that Iran continued to want to see a stable and non-threatening Iraq. Although there was a suggestion that some Iranians might have offered support to Muqtada al-Sadr:

> "Iran has not been behind attacks on Coalition Forces. It did not have foreknowledge of Muqtada al-Sadr's actions and probably has not provided any significant support to al-Sadr's followers in the recent violence. But it would probably support a violent Iraqi response to the Coalition if military action against al-Sadr in Najaf resulted in heavy Shia casualties."

913. On 22 April, Mr Blair told Cabinet that Mr Richmond considered that calm could be restored in Basra providing the military confrontation in Fallujah was resolved "satisfactorily".[505]

914. In conversations on 23 April, Sir David Manning urged Dr Rice and Mr Blair urged President Bush to delay the operation.[506]

---

[502] Letter Owen to Rycroft, 22 April 2004, 'Iraq: US approaches for additional UK forces in Iraq'.
[503] Minute Bowen to Rycroft, 23 April 2004, 'Iraq: responding to US approaches for additional forces'.
[504] JIC Assessment, 21 April 2004, 'Iraq: Iranian Activity and Influence'.
[505] Cabinet Conclusions, 22 April 2004.
[506] Letter Manning to Rycroft, 23 April 2004, 'Iraq: Fallujah: Call on Condi Rice'; Letter Rycroft to Adams, 23 April 2004, 'Iraq: Fallujah: Prime Minister's Conversation with President Bush'.

915. Mr Blair urged President Bush to give more time if it was possible and to avoid at all costs the bombing of mosques or the killing of large numbers of civilians.[507] He underlined the importance of working with Iraqi civic leaders and working closely with Mr Brahimi.

916. On 23 April, Mr Blair received the first edition of all 15 "unvarnished accounts" reports commissioned by Sir Nigel Sheinwald on 19 April, plus an additional four covering essential services, oil, next year's budget and Ambassador Bremer's recent speech in Tikrit.[508]

917. Those covering media, reconstruction, essential services, oil, gender issues and health and education are described in Section 10.1.

918. The paper covering the Iraqi judicial system is covered in Section 12.1.

919. Mr Dominic Asquith, Deputy Chief Commissioner in the CPA, sent a checklist of issues for Mr Blair to raise with President Bush.[509] On Fallujah, Mr Asquith's advice was:

> "… delay for as long as there are negotiations in play; when military operations commence, adopt a graduated response, starting with limited and targeted measures; be ready to cease operations if a negotiating process can recommence; and put in place an effective support plan for when it is over."

920. On the political process, Mr Asquith advised that more effort should be put into defining what the UK and US wanted out of the process. He suggested:

> "– a Presidency involving a Shia, Sunni and Kurd politician, with a Sunni or Shia at the top;
>
> – a technocratic Cabinet, if necessary with a political Prime Minister, who is Shia, provided he is not Islamist or Chalabi;
>
> – and a 'chamber' of 100 or 125 if that is the price of finding a home for the rest of the IGC, with some legislative capacity (eg to approve laws) and the right to summon ministers to account for their decisions;
>
> – a National Conference either before or after 30 June: in the case of the former, it would have the added attraction of 'endorsing' all the above (on the basis of a package presented to it)."

921. Mr Asquith judged that a National Conference would have the best chance of securing the right outcome if Coalition leaders attended.

---

[507] Letter Rycroft to Adams, 23 April 2004, 'Iraq: Fallujah: Prime Minister's Conversation with President Bush'.
[508] Minute Rycroft to Prime Minister, 23 April 2004, '15 Reports on Iraq'.
[509] Telegram 190 IraqRep to FCO London, 23 April 2004, 'Iraq: Check List for the Prime Minister'.

922. In a more detailed telegram on managing the political transition, Mr Asquith wrote that:

> "The formation of the IGC last year was unprecedented in its creation of a political body that fairly accurately reflected Iraq's diverse society. But its creation instituted a specific balance of ethnic and sectarian representation in Iraq's political structures and empowered a specific set of players, many of whom were exiles. Inevitably, many others were excluded. That these leaders were anointed by the Occupying Powers had always remained a cause for criticism by political actors outside the IGC.
>
> "This feeling of popular resentment … was one of Brahimi's concerns during his recent visit. A key principle underlying his plan for the formation of an interim government is the depoliticisation of government through the formation of an apolitical cabinet of technocratic ministers, headed by a Prime Minister, and a Presidency Council of a President and two Deputy Presidents."[510]

923. The process by which the interim government would be formed remained unclear, but Mr Asquith observed that:

> "Whichever option is chosen the difficulty will be managing the competing aspirations of the dominant political players …
>
> "Ultimately, the one political force we have to placate is [Grand Ayatollah al-] Sistani."

924. In a separate telegram on Shia leadership in Iraq, Mr Asquith judged that:

> "… the leading Shia members of the IGC have developed ties with Sistani, and will try to exploit this relationship to ensure their own political ascendency. The Ayatollah's view of the IGC parties is less clear, and he may be persuadable that a technocratic government is preferable for the interim period."[511]

925. Mr Asquith sent a parallel telegram on the Sunni political picture.[512] In it he warned:

> "Continued failure to address Sunni grievances threatens the long-term stability in Iraq. Fallujah has provoked a reassessment by those in the CPA who believed Sunni dissatisfaction was manageable. Leaving the community insecure about its future risks perpetuating an environment that breeds continued anti-Coalition and later anti-Iraqi government activity."

---

[510] Telegram 189 IraqRep to FCO London, 22 April 2004, 'Iraq: Managing the Political Transition – and the Actors; Parts 1 and 2'.
[511] Telegram 187 IraqRep to FCO London, 22 April 2004, 'Iraq: Shia Leadership in the New Iraq'.
[512] Telegram 181 IraqRep to FCO London, 21 April 2004, 'Iraq: Sunni Politics'.

926. The Cabinet Office also supplied a check list of points for Mr Blair, which raised the urgent need to agree what would replace the CPA outside Baghdad after transition, work on which had "scarcely started".[513]

927. The Cabinet Office list went on to record the need for "genuine partnership" between the MNF and Iraqi forces "including at high command level, if we are to raise the performance of Iraqi security forces and tackle insurgents and terrorists".

928. The IPU supplied a paper on Iraq's neighbours, which proposed that:

> "Developing regional support for the political process is essential to build the legitimacy of the new Iraqi political institutions and assist the reconstruction process."[514]

929. The paper divided neighbouring states into three groups: constructive, cautious and difficult. IPU's conclusion was that:

> **"We should continue to engage all the neighbours on a bilateral basis, co-ordinating our efforts with the US, and discreetly encourage development of the neighbours group."**

930. Mr Chris Segar, Head of the British Office Baghdad, sent a paper on everyday life in Baghdad, written in the voice of an Iraqi named 'Mohammed'.[515] Mr Segar summarised Mohammed's concerns as:

> "When will I be able to go about my life without fearing for my safety and that of my family? I have more faith in the Dinar these days; but I don't have enough of them. Some other things are better now too. But I'm not sure what is going on in the Green Zone; and I don't think there is anyone who represents me. Al Jazeera and Al Arabiyya – and more people on the street – tell me that the occupiers have no respect for my people. I'm glad that Saddam is gone; but will my children have a better life here?"

931. On security, Mr Blair received a telegram from Mr Asquith describing the situation area by area, and a minute from Maj Gen Stewart in MND(SE).

932. Mr Asquith wrote that:

> "Fallujah and Najaf continue to hang heavy over any security forecast. If the storm breaks there, the effects will spread widely.
>
> "The overall security threat is high. There are regular attacks against Coalition Forces (CF), Iraqi Security Forces (ISF) and infrastructure targets across the

---

[513] Paper Cabinet Office, 23 April 2004, 'Non Fallujah Points for the PM'.
[514] Paper IPU, 22 April 2004, 'Iraq: Role of Neighbours'.
[515] Telegram 034 Baghdad to FCO London, 22 April 2004, 'My Name is Mohammed (or a Life in Baghdad)'.

country, some opportunist, others well planned and co-ordinated complex operations, which have inflicted significant civilian and military casualties. Evidence that Former Regime Elements are increasing their activity in the Sunni Triangle and extending their links to extremist groups in other parts of the country. Even if Fallujah and Najaf are resolved, the potential remains for an upsurge in violence and other spectaculars by extremists intent on undermining Coalition support. Iraqis will continue to feel insecure in the absence of a clear political route ahead."[516]

933. In his minute, Maj Gen Stewart concluded:

"The security situation remains part of the whole. In MND(SE) it is manageable at current effort provided external factors are contained. The leadership of the ISF needs to be improved and supported with the necessary policies to develop a credible national force so that Iraqis can increasingly take charge of their own security. Most importantly, the political process must be addressed by improving popular engagement in it. Iraqis at all levels need to see the benefits from the bottom up and have a say in the top down."[517]

934. The external factor which Maj Gen Stewart judged to be most threatening to security in the South was "the approach to the al-Sadr problem", specifically:

"The Shia will not accept a forceful solution that either places the holy sites at risk or sees al-Sadr arrested by CF [Coalition Forces]. Such a resolution had the potential to inflame the street, turning dissatisfaction into an insurgency."

935. On 26 April Mr Rycroft wrote to Mr Straw's Private Secretary, copying his letter to DFID, the MOD, the Cabinet Office and to UK officials in Iraq and the US.[518]

936. Mr Rycroft wrote that Mr Blair had read all 15 reports produced as a result of Sir Nigel Sheinwald's commission of 19 April, had thought them "very good" and:

"The conclusion the Prime Minister draws … is that the problem we face is not multi-faceted. It is simple: security. It casts its shadow over everything from oil production to education to the political process. The Iraqis ultimately want what we want: a stable Iraq from which the Coalition Forces leave. The essential elements of our security strategy have to be: make a reality of Iraqi-isation; focus on hearts and minds; and make clear that we will stay, in overwhelming force, until the job is done."

---

[516] Telegram 186 IraqRep to FCO London, 22 April 2004, 'Iraq: Current Security by Area'.
[517] Minute Stewart to No.10, 22 April 2004, 'GOC MND(SE) – Iraq Letter'.
[518] Letter Rycroft to Owen, 26 April 2004, 'Iraq: 15 Reports for the Prime Minister'.

937. Mr Rycroft went on to outline how Mr Blair thought existing activity could be improved:

> "(a) Iraqi-isation. We must do whatever it takes to get the ICDC and Iraqi police into shape. Every main road has to be guarded, oil refineries rebuilt, electricity generation on target …
>
> (b) Communications. There needs to be a concerted campaign in Iraq and abroad to explain what the security problem actually is, and how it is a deliberate attempt to prevent the Iraqi people from getting the benefit of what we are doing. We need to provide top security for al-Iraqiya's [a newly set up Iraqi TV channel] reporters and staff; strengthen the Coalition's Arabic media capability; improve the co-ordination between military and political to give real time information to spokesmen; and vastly improve the Iraqi government's communications capability.
>
> (c) Reconstruction spending. There is a damaging gap between 'obligated' funds and actual spending … We need urgent clarity and agreement on what will replace the CPA outside Baghdad after 30 June.
>
> (d) The courts. We need to ensure that trials of criminals and sentencing begin again …
>
> (e) Political process. We should not exclude IGC members altogether …
>
> (f) Security agreement. We need urgent agreement on the relationship between the MNF and the Iraqi authorities and Iraqi forces after 30 June."

938. Mr Blair also asked for answers to a number of detailed questions including how many civilians had been killed in Iraq and whether the UK was confident that the security part of the transition plan for Southern Iraq would work.

939. On the same day, Sir Nigel Sheinwald sent Dr Rice another Note from Mr Blair, and asked her to show it to President Bush before their video conference the next day.[519]

940. In his Note Mr Blair set out the detailed analysis that Mr Rycroft had communicated across Whitehall, which was summarised as:

> "The good news is that the problem we face is not multi-faceted. It is simple: security. The bad news is that I am not sure we yet have a fully worked-out strategy to tackle it. But we can get one."

941. On 26 April, Mr Rycroft wrote back to Mr Hoon's office in relation to the US request for deployment of additional UK troops.[520] He stated "our decisions on this should be clearly military-led".

---

[519] Letter Sheinwald to Rice, 26 April 2004, [untitled] attaching Note [Blair to Bush], [undated], 'Note'.
[520] Letter Rycroft to Baker, 26 April 2004, 'Iraq: US approaches for additional UK forces'.

942. Mr Rycroft reported that Mr Blair's initial view on the US request was that, provided it made military sense and was achievable, MND(SE) should be expanded to include Najaf (where the Spanish troops had been based), but that care should be taken to avoid any increase in the overall number of UK forces. He did not rule out the use of the ARRC in the longer term, but did not want to rush into a decision on it.

943. On 26 April, Sir David Manning, British Ambassador to the US, described to Sir Nigel Sheinwald a conversation with Mr Bob Blackwill.[521]

944. Sir David reported that a video conference between Mr Blair and President Bush, planned for the following day, was more than usually important. The President was reported to be "more or less" in the same place as Mr Blair and, although he would not be receptive to the argument that action could be avoided in Fallujah, "he was certainly open to discussion about how to conduct it, and to manage the consequences".

945. Mr Blair and President Bush spoke by video conference on 27 April.[522] Vice President Cheney, Dr Rice, Mr Blackwill and Sir Nigel Sheinwald all joined the discussion, which went over points from Mr Blair's Note.

946. Those attending discussed the new resolution, which would not go into detail on the security agreement, but would recognise the Interim Government as sovereign, formally ending the Occupation. It was anticipated that Mr Brahimi would "stand up" an Interim Government at the end of May.

947. Mr Blair said that it was right to handle Fallujah progressively; "slow strangulation" was the right approach and would encourage some insurgents to abandon the cause.

948. Mr Blair followed advice to be non-committal on the US request for the UK to deploy additional troops whilst the details were considered. He said only that the UK was considering what it could do to help.

949. Mr Blair told the Inquiry:

> "I think at the time I was worried the Americans were going in too hard and too heavy, and they made certain changes as a result of the conversations we were having. If I look back on it now, I'm not sure I was right about it, though."[523]

950. Mr Powell also told the Inquiry that Mr Blair was very worried about a full-on assault on Fallujah, and was keen that "it wasn't done in that way".[524] He described a series of telephone calls and a meeting, and recollected that President Bush did hold off and then attacked in a different way.

---

[521] Letter Manning to Sheinwald, 26 April 2004, 'Iraq: Fallujah'.
[522] Letter Quarrey to Owen, 27 April 2004, 'Prime Minister's VTC with Bush, 27 April: Iraq'.
[523] Public hearing, 29 January 2010, page 209.
[524] Public hearing, 18 January 2010, pages 132-133.

951. Following a visit to Iraq from 4 to 15 April Mr Brahimi briefed a meeting of the UN Security Council on 27 April on his ideas for the formation of the Interim Iraqi Government.[525] He had "previewed" some of them in a press conference before returning from Iraq.

952. Mr Brahimi stated that "the sooner a credible Iraqi Government is in place … the better" and observed that:

> "Between security on the one hand and the end of Occupation, the restoration of sovereignty and independence and the advent of a legitimate Iraqi Government and political regime on the other, there is a dialectical link that is obvious. Security is essential for the [political] process to be completed."

953. The proposal outlined by Mr Brahimi was for an Interim Government with a "very qualified" Prime Minister, a President and two Vice Presidents, supported by a consultative assembly or council. This, he suggested, was a simple model supported by most Iraqis to whom he had spoken. The key task for the Interim Government would be:

> "… to tend to the day-to-day administration of the country in as effective and efficient manner as possible, and only until such time as a democratically-elected Government can be put in place."

954. Mr Brahimi suggested that the Interim Government should be selected by the Iraqi people themselves through a process of meeting and consultation supported by the UN. He hoped that could be completed before the end of May 2004, giving those identified a month to prepare for government.

955. Mr Brahimi also gave his support to a National Conference, convened by a preparatory committee of "reputable and distinguished" Iraqis who were not seeking elected office. The conference would "engage in a genuine national dialogue on the country's challenges".

956. On 28 April, in an update on Iraq, the JIC assessed that:

> "… the core of anti-Coalition forces in Fallujah is based on former regime elements (FRE), including former Republican Guard and Special Forces. They are well organised."[526]

957. The JIC judged that:

> "Offensive action by Coalition Forces – particularly in Fallujah – even if well targeted and limited in scale, will exacerbate a volatile security situation and cause further long-term damage to Coalition objectives."

---

[525] UN Security Council resolution 4952 (2004).
[526] JIC Assessment, 28 April 2004, 'Iraq Update'.

The Fallujah Brigade

Ambassador Bremer wrote that at the end of April the US Marines sought to resolve the security situation in Fallujah through the formation of the "Fallujah Brigade".[527] This group would "police the city" provided that US troops agreed to withdraw:

> "The key assumption was that this Iraqi brigade of about 3,000 would accomplish our objectives for the city by capturing or killing the insurgents and the foreign fighters."

Ambassador Bremer, Dr Rice and Generals Abizaid and Sanchez had not been made aware of the Brigade's creation in advance.

General Jassim Mohammed Saleh, a former member of the Republican Guard, had been appointed to head the Brigade.[528] Shia leaders quickly denounced this action, complaining that the US was re-establishing the Saddam Hussein-era army.

Two days later, General Saleh was replaced by General Mohammed Latif.[529]

The JIC assessed in May that General Saleh nonetheless remained in control of the Fallujah Brigade.[530]

The Iraqi National Security Council reacted angrily. Mr Ali Allawi, the Defence Minister, warned of the risk of a "severe backlash amongst the Shia", while another moderate Shia member of GC added that the brigade was "a move to Iraqi disunity and civil war".[531]

958. On 28 April, in an update on Iraq, the JIC assessed that:

> "Elements from the Mahdi Army are still conducting attacks across central and southern Iraq, although at a much reduced level … Some reporting indicates MAS [Muqtada al-Sadr] is losing support, with militants drifting away and local people increasingly resentful. There are also reports that the Badr Corps may be … strengthen[ing] their presence in some key Shia areas and religious sites. This situation may lead to intra-Shia clashes …
>
> " … a hard core of the Mahdi Army may be concentrating on the defence of Najaf and the nearby town of Kufah … A significant presence also remains in Karbala. This hard core may be prepared to resist any attempt to seize al-Sadr in the event of negotiations failing …
>
> "The talks with al-Sadr in Najaf continue, but progress is slow. He appears to be increasingly isolated and senior Shia figures continue to distance themselves. The key issues remain the indictment against al-Sadr and the future of the Mahdi Army … There are … splits in his movement between hard-liners advocating further

---

[527] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[528] Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.
[529] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[530] JIC Assessment, 20 May 2004, 'Iraq Update'.
[531] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.

resistance and moderates looking for a peaceful solution. Recent events have seen the emergence of the Mahdi Army as a minority violent Shia opposition. Some will probably not accept any outcome of the current negotiations and will continue to attack the Coalition."[532]

959. Mr Hoon's Private Secretary wrote to Mr Rycroft with "initial advice" on the four US proposals for additional UK deployments on 29 April.[533] Efforts to understand the proposals better had "thrown up conflicting evidence about the US thinking behind these proposals and the relative priority they attach to each element".

960. The letter continued, "the Defence Secretary and the Chiefs of Staff do not believe that it [the deployment of the ARRC] should be actively considered for the time being" but that further consideration should be given to the feasibility of expanding MND(SE). To keep options open, the planned withdrawal of Warrior vehicles was being halted and a recce team was being deployed to Iraq to give detailed consideration to the options.

961. The letter also reflected Mr Hoon's view that:

"… any significant increase in our military commitment in Iraq would need to be considered in the context of the whole cross-Government effort … if we were to take on Najaf and Qadisiyah we would need FCO and DFID to help ensure that acceptable arrangements are in place on the CPA (and post-CPA) side …"

962. In a letter to Mr Blair's Private Secretary on 30 April, Mr Straw's Private Secretary outlined Mr Brahimi's plans to return to Iraq swiftly to continue consultations on forming the Interim Government.[534] He remained confident of completing the task by 31 May.

963. A particular issue was the future role of the GC since any arrangements for them to continue to have a role would have to be formalised in an annex to the TAL, to which the GC were co-signatories. The FCO suggested that one solution might be to guarantee any GC members without positions in the Interim Government seats in the Consultative Assembly.

964. The same letter addressed the UN Security Council resolution being drafted by the US and UK. The UN was believed to be:

"… keen to use the Resolution to clarify their role, but also to downplay expectations that they can, and will, take over from the CPA after 30 June. Their focus is on taking forward the elections process … They are reluctant to resume large-scale humanitarian operations until the security situation is clearer."

---

[532] JIC Assessment, 28 April 2004, 'Iraq Update'.
[533] Letter Baker to Rycroft, 29 April 2004, 'Iraq: UK Response to US Approaches'.
[534] Letter Owen to Quarrey, 30 April 2004, 'Lakhdar Brahimi's Visit to London, 3 May'.

Abu Ghraib

In late April, allegations of abuse by Coalition soldiers in Abu Ghraib prison became public.

The Coalition, including the UK military, had been aware of the existence of these allegations earlier in the year; on 16 January General Sanchez issued a statement saying that he had ordered an investigation into abuse at an unnamed Coalition facility.[535]

Maj Gen Stewart told the Inquiry that he had been aware of the allegations from early 2004.[536]

Charges were brought against six US soldiers in March 2004, but the details of the story did not become public until late April, when the US television programme *60 Minutes II* ran a story documenting the abuses and showing some of the pictures taken by the soldiers involved.[537]

Maj Gen Stewart was one of several witnesses who told the Inquiry that the pictures of Abu Ghraib had had a "significant effect" on MND(SE), where the public began turning against Coalition Forces.[538]

Allegations of abuse of Iraqi detainees by British Service Personnel also began to emerge in early 2004. Almost immediately following the Abu Ghraib revelations, on 1 May the *Daily Mirror* published photographs which appeared to show UK troops torturing an Iraqi detainee.[539] It was later established that those photographs were fake.

The photographs and accounts of events at Abu Ghraib generated a wave of "shock and anger" across the world, along with repeated calls for the resignation of Secretary Rumsfeld.[540]

In a telephone conversation with Mr Straw on 30 April, Secretary Powell said that he had:

> "… taken Condi and Andy Card aside and said that there was nothing in the world of public diplomacy which could conceivably offset the unbelievable damage done by these images to the US cause, the reputation of its armed forces, and its standing in the Arab world and beyond."[541]

In Iraq, a poll by the Independent Institute for Administration and Civil Society Studies in May 2004 found that confidence in Coalition Forces had dropped to 10 percent, from 28 percent in January 2004. Some 55 percent of those polled said they would feel more safe if Coalition Forces left immediately; 54 percent said that they believed all Americans behaved in the same way as the abusers at Abu Ghraib.[542]

---

[535] *BBC News*, 16 January 2004, *Iraq jail abuse probe launched*.
[536] Public hearing, 9 December 2009, pages 72-73.
[537] Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story.* HarperCollins, 2008.
[538] Public hearing, 9 December 2009, page 72.
[539] *BBC News*, 14 May 2003, *Editor sacked over 'hoax' photos*.
[540] *BBC News*, 15 June 2004, *Iraq abuse 'ordered from the top'.*
[541] Letter Straw to Sheinwald, 1 May 2004, 'Conversation with the US Secretary of State – 30 April 2004'.
[542] Independent Institute for Administration and Civil Society Studies, 15 June 2004, 'Public Opinion in Iraq: First Poll Following Abu Ghraib Revelations'.

Cabinet discussed prisoner abuse on 6 May, when Mr Blair told attendees that allegations against British troops were being investigated fully.[543] In discussion, Cabinet members observed that the damage done by pictures of mistreatment would be hard to repair and that condemnation of the behaviour, if it was confirmed, had to be "clear and uncompromising".

A more detailed discussion followed on 13 May.[544] Ms Hewitt told Cabinet that the International Committee of the Red Cross's interim report on detention in Iraq was a "shaming document". Mr Hoon observed that the report covered Coalition Forces as a whole; only three cases related to British forces, each of which had been "properly investigated and action taken".

In discussion, it was suggested that more emphasis should be placed on the "distinctive British approach" to the UN, the region, MEPP and actions in Iraq. Summing up the meeting, Mr Blair said that the UK's intention was to engage with the ICRC to ensure that actions were in complete conformity with the Geneva Conventions.

In the run up to the US Presidential Election in 2004, *The Guardian* judged that "for the first time, the US is seen by majorities in many countries, especially by younger Muslims, as a potential enemy rather than a friend … the Guantanamo Bay and Abu Ghraib abuse scandals have further damaged America's standing abroad".[545]

Assessing the impact in 2009, CNN's Senior Editor for Middle East Affairs wrote "the United States was already unpopular in the Arab world, mainly because of its war in Iraq. After Abu Ghraib in most quarters, it became despised with a vengeance."[546]

Dr Rice, writing in her 2011 memoir, observed "we never recovered fully from Abu Ghraib".[547]

May 2004

Creation of MNF-I, MNC-I and MNSTC-I

During April and May, Coalition military structures were changed significantly, in preparation for the transfer of sovereignty at the end of June.[548]

Combined Joint Task Force – 7 (CJTF-7), which had been headed by a three-star US officer, was enhanced and reformed into the new Multi-National Force – Iraq (MNF-I).[549]

From late June, MNF-I was commanded by a four-star US officer, General George Casey.[550]

---

[543] Cabinet Conclusions, 6 May 2004.
[544] Cabinet Conclusions, 13 May 2004.
[545] *The Guardian*, 26 October 2004, *Next president to inherit a legacy of mistrust and fear.*
[546] *CNN World*, 21 May 2009, *Abu Ghraib photos provoke shock, then anger, for Arabs*.
[547] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[548] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2000.* Combined Studies Institute Press, 2011.
[549] Letter Baker to Rycroft, 29 March 2004, 'Deputy Commander Multinational Force (Iraq)'.
[550] Public hearing McColl, 8 February 2010, page 4.

In response, the UK increased the rank of the SBMR-I who would also serve as deputy commander.

Lieutenant General John McColl deployed in April 2004 and served as both SBMR-I and the deputy commander in first CJTF-7 and subsequently MNF-I until October 2004.[551]

A further three-star military command was established underneath MNF-I: the Multi-National Corps – Iraq (MNC-I). This was headed by a US three-star General, Lieutenant General Thomas Metz.[552] The deputy commander was a two-star British officer. Under the new structures, divisional commanders reported to Lt Gen Metz.

A second three-star headquarters was created to focus on security sector reform: Multi-National Security Transition Command – Iraq (MNSTC-I). From June 2004 it was headed by another US three-star officer, Lieutenant General David Petraeus. The Coalition Military Assistance and Training Team (CMATT) and its newly created policing equivalent, the Coalition Police Assistance and Training Team (CPATT), reported to Lt Gen Petraeus.

965. Mr Brahimi met Mr Blair at Chequers on 3 May.[553]

966. In discussion, Mr Brahimi agreed that security in Iraq was key, observing that it was difficult to understand in what proportions the insurgency was made up of foreigners, Saddam Hussein loyalists and Iraqi nationalists.

967. Mr Brahimi thought that the UN's role would be focused on the electoral process after 30 June. Sir Nigel Sheinwald indicated that the UK envisaged a "substantial role for the UN" working to co-ordinate reconstruction as well as in Iraqi ministries and as a political guide to the Interim Government. During his discussion with Mr Straw, Mr Brahimi indicated that he thought the UN had already had a positive impact in managing the future expectations of the Governing Council.[554]

968. On the planned resolution, Mr Brahimi proposed that it should be discussed in Baghdad, to ensure the issues it would deal with had "a genuine public airing in Iraq".

969. On 4 May, Sir Nigel Sheinwald wrote to Mr Blair seeking an "informal steer" in advance of a discussion between Chiefs of Staff about the US request for the deployment of additional UK troops.[555]

970. The proposal they were to discuss was for the UK to take on two additional Iraqi provinces, expanding the UK sector from four to six provinces and increasing troop levels temporarily to over 12,000 (from 7,800) before reducing again to "a steady state expanded force of around 10,900".

---

[551] Public hearing McColl, 8 February 2010, page 1.
[552] Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2000.* Combined Studies Institute Press, 2011.
[553] Letter Quarrey to Owen, 3 May 2004, 'Iraq: Prime Minister's Meeting with Brahimi, 3 May'.
[554] Letter Owen to Buck, 5 May 2004, 'Foreign Secretary's meeting with Brahimi, 4 May'.
[555] Minute Sheinwald to Blair, 4 May 2004, 'US Request for More British Troops in Iraq'.

971. The additional troops would be used "to get the new operations going (engineering and other works)" and also for border control and training the Iraqi security forces.

972. Sir Nigel reported the personal view of Lt Gen Fry, "the key MOD military planner", that this package was becoming necessary to "underwrite our strategic success".

973. Sir Nigel expected that the MOD would write to No.10 in two or three days' time, after the Chiefs had made a recommendation to the Defence Secretary.

974. Mr Blair told Cabinet on 6 May that US military commanders had changed their attitude to solving the problem posed by Fallujah, by recruiting Iraqis to do the policing.[556] Repeating this approach in other towns where there was violent opposition to the Coalition could help to calm the security situation. Violent opposition to the Coalition would have to be dealt with but it was important to show that "everything reasonable" had been done to avoid bloodshed.

975. In discussion, members of Cabinet said that the UK had influenced the change in the US approach in Fallujah, and observed that it was likely that some of those previously fighting the Coalition had now been co-opted to work with it.

976. On 6 May, Maj Gen Stewart's weekly update recorded an increase in attacks against Coalition Forces in al-Amara province.[557]

977. On 7 May, Mr Hoon's Private Secretary wrote to Mr Rycroft to inform him of a forthcoming operation "to counter and defeat" insurgents who had the CPA base in al-Amara "effectively under siege".[558]

978. The letter said that there were "significant numbers of violent criminals who will rally to any 'popular' cause" who were fighting for Muqtada al-Sadr. The commanding officer in MND(SE) judged that:

> "… the insurgents are getting bolder, in part because although British forces have returned fire when under attack they have done so primarily to enable their own safe extraction, leaving most of the insurgents free to fight another day."

979. The violence continued into the following week and was not limited to al-Amara.

980. On 8 May, the Office of the Martyr Sadr in Basra had appeared to "launch a takeover bid for the city", taking control of most of the police checkpoints.[559]
Maj Gen Stewart reported that in MND(SE) 8 May alone had seen:

---

[556] Cabinet Conclusions, 6 May 2004.
[557] Minute Stewart to CJO & DCJO(Ops), 6 May 2004, 'GOC MND(SE) – Iraq Update'.
[558] Letter Naworynsky to Rycroft, 7 May 2004, 'Iraq: Op Tiger claw – defeating insurgents in Al Amarah'.
[559] Minute Stewart to Rycroft, 13 May 2004, 'GOC MND(SE) – Iraq Update'.

> "… over 100 separate CF [Coalition Forces'] engagements, resulting in estimates of maybe as many as 60 anti-CF killed or wounded, and nine CF injuries, none life threatening."

981. Maj Gen Stewart also observed that "more sophisticated and effective IEDs" were being used and that mortars and rockets had been deployed against Basra Airport and Shaiba Logistics Base for the first time.

982. On 10 May, Mr Sawers, who had recently returned from a visit to Iraq, wrote to Sir Nigel Sheinwald about Fallujah.[560]

983. Mr Sawers judged that "however messy the compromise that emerged, it was better than a US onslaught that would have flattened parts of the city".

984. He had learned that:

> "… at least half of the … Fallujah Brigade were recruited from the ranks of the insurgents who had been fighting the American forces in the previous three weeks. Their motivations may vary – some were almost certainly regime elements, others might have been local youths joining what they thought of as patriotic resistance to defend their town. But either way, the idea that the Falljuah Brigade would now turn on the insurgents in the city was fanciful."

985. Mr Sawers emphasised the advice of "political figures" he had met in Iraq that the Fallujah Brigade must be dissolved or dispersed amongst other units.

986. In his report to Mr Straw of the same visit, Mr Sawers wrote:

> "The last month has taken a heavy toll, and our Iraqi allies were all depressed. The onslaught on Fallujah, the messy compromise to restore calm there … the clumsy handling of Muqtada al-Sadr, the pictures from Abu Ghraib prison, and US talk of 'partial sovereignty' have had a cumulative effect, denting Coalition morale, damaging the confidence of the Iraqis who want us to succeed, and encouraging those who want us to fail."[561]

987. Mr Blair and President Bush spoke by video conference on 11 May.[562]

988. Mr Blair agreed that allegations of abuse must not lead to a loss of focus on the situation in Iraq, but thought that the question on the public's mind was whether the Coalition could succeed, and whether it had a clear plan. Consideration would be given to asking the International Committee of the Red Cross to provide some independent verification of standards in prisons under Coalition control.

---

[560] Letter Sawers to Sheinwald, 10 May 2004, 'Fallujah'.
[561] Minute Sawers to Foreign Secretary, 8 May 2004, 'Iraq'.
[562] Letter Sheinwald to Adams, 11 May 2004, 'Iraq: Prime Minister's video conference with President Bush, 11 May'.

989. Mr Blair proposed refocusing effort onto the security situation and the political process. He emphasised the need for the Iraqi people to take responsibility for policing and security and pointed to Fallujah where this was already happening. He believed that if problems arose there in the future, Iraqi forces would be in the forefront of the fighting and the Coalition would be protected.

990. The discussion also covered the political process. Mr Blair emphasised the importance of a genuine transfer of sovereignty and proposed that after the transfer, security decisions should be taken by a National Security Council, incorporating Iraqi ministers and military leaders, commanders of the Multi-National Force and the UN.

991. Mr Blair also proposed timing the creation of the new Iraqi government, the new resolution and setting out the forward strategy so that they happened together. This would show that there was a clear plan and direction.

992. The following day, Sir Nigel Sheinwald wrote to Dr Rice, setting out more detail of the sequence of events envisaged by Mr Blair, for discussion.[563] The timetable he set out was:

- By 31 May. Mr Brahimi announces key members of the Interim Government.
- Week of 31 May. Interim Government visits New York to meet the Security Council and Coalition. New resolution adopted.
- Early June. First meeting of National Security Council chaired by the Iraqi Prime Minister, as defined in the resolution.
- Mid-June (or mid-July). National Conference to appoint Consultative Assembly.
- 30 June. End of the Occupation and the CPA.
- 1 July. US and UK Ambassadors arrive in Iraq.
- Mid-July or September. International donor conference.

993. Sir Nigel added that to announce this sequence “we would need Brahimi’s agreement and ideally that of new Iraqi PM”. He indicated that the UK had considered accelerating the transfer of sovereignty, as had been suggested by one US interlocutor, but concluded it would be logistically difficult and could give the impression of panic.

994. Mr Blair told Cabinet on 13 May that there was acceptance of the need for the full transfer of sovereignty to Iraq from the end of June.[564] Iraqis must exercise their sovereignty, even if they decided to “delegate responsibility” in defined areas.

995. As violence in the South worsened, the UK continued to consider the US request to send additional troops.

---

[563] Letter Sheinwald to Rice, 12 May 2004, [untitled].
[564] Cabinet Conclusions, 13 May 2004.

996. To provide some context for the debate, Lt Gen Fry sent a paper on the consequences and risks of strategic failure in Iraq to Gen Walker, copied to Sir Kevin Tebbit.[565]

997. Lt Gen Fry judged that failure in Iraq was so unthinkable to the US Administration that they would "continue to provide sufficient force elements" to prevent it. As a consequence:

> "The issue of the UK acceding to the US request for extra support is therefore not considered to be essential in mitigating the risk of circumstances leading to total withdrawal."

998. Lt Gen Fry explained that whilst it was not likely that the US would allow a security vacuum to develop if the UK did not take on the two additional provinces, expanding the UK sector might allow US forces to re-deploy to the centre of Iraq. This could "remove some sensitive Shia areas from the risk of purely kinetic solutions" by US forces, and allow the "UK approach" to "help to improve Shia consent across a more uniform area".

999. Lt Gen Fry concluded:

> "… we consider that UK accession to the US requests for military support will not, in itself, guarantee the achievement of SSC [Steady State Criteria] – even if we met those requests in full. Nor can we say categorically that our refusal so to do will seriously impede progress, or irrevocably fracture the Coalition. The question remains more as to whether we can afford to take the risk of not doing so with the concomitant chance of further deterioration, and failure to extract our forces in the medium or long term."

1000. Gen Walker told Lt Gen Fry that his paper had been "v helpful in focusing minds on this issue".

1001. Mr Blair held a meeting on 13 May to discuss security in Iraq.[566] Mr Hoon, Mr John Prescott (the Deputy Prime Minister), Mr Scarlett, Gen Walker, Sir Michael Jay, Lt Gen Fry, Mr Powell, Sir Nigel Sheinwald and other No.10 and Cabinet Office staff were present.

1002. Mr Scarlett explained that attacks against the Coalition (500 per week) were less frequent than in April (when they had reached 800 per week) but significantly higher than the position at the start of the year (200 per week). He said that:

> "Fallujah was calm following the insertion of the Iraqi manned Fallujah Brigade … Attacks on the oil terminals and pipelines posed a strategic threat, as did sustained disruption of the main supply routes. In Najaf, Muqtada al-Sadr was isolated and

---

[565] Minute DCDS(C) to PSO/CDS, 12 May 2004, 'Strategic Failure in Iraq – Consequences and Risks' including Manuscript comment Walker.
[566] Letter Bowen to Baker, 13 May 2004, 'Iraq: Security'.

> politically weak, and his activity was inspiring intra-Shia tension. The foreign fighters under the leadership of al-Zarqawi … were planning big and widespread attacks in the run up to the Transition, including against the Shia."

1003. Mr Hoon observed that in Iraq violence was now being used for internal political ends and not solely against the Coalition.

1004. Mr Blair expressed a clear view there were two key issues in Iraq: the political process and security, of which security was "fundamental". In his view the solution was:

> "… a better and quicker plan for building Iraqi capacity in the Police, Civil Defence Corps, the Army and the Intelligence Service. Although the numbers were increasing … Iraqi security forces were not equipped, trained or led to provide the necessary capacity."

1005. After the transfer of sovereignty, Mr Blair felt that Iraqis would be reluctant to ask the Coalition to manage security for them and this "put a real premium on building capacity urgently". He intended to meet Lt Gen Petraeus, and asked for "a detailed proposition to improve Iraqiisation" to inform a subsequent discussion with President Bush.

1006. Mr Hoon suggested that it was possible for the UK to "demonstrate a good model of how this should be done, as in southern Iraq". Gen Walker indicated that "handing over security to local control in the South would be under way in June".

1007. Mr Blair asked about the request to increase UK troops being considered by the MOD. Gen Walker explained that a substantial reinforcement would take the Armed Forces well beyond their planning guidelines. The Chiefs of Staff would make recommendations the following week:

> "… against three strategic yardsticks: solidarity with the Coalition; increased influence over the Coalition campaign in Iraq; and enhanced control over the handling of the Shia."

1008. Mr Blair concluded the meeting by commissioning from the MOD:

> "… their best proposals for enhancing Iraqi security capability across the whole country … cover[ing] the police, the ICDC, the army and the Intelligence Service."

1009. On the same day as Mr Blair's meeting on security, Sir Nigel Sheinwald sent Dr Rice a paper written by the Cabinet Office on security structures in Iraq after the handover of sovereignty.[567]

1010. It proposed the creation of an 'NSC+' to bring together Iraqi ministers, the commanders of the Multi-National Force (MNF) and (on request) the UN Special

---

[567] Letter Sheinwald to Rice, 13 May 2004, 'Iraq: Post Transition Security Structures' attaching Paper Cabinet Office, 12 May 2004, 'Iraq: Post-Transition Security Structures'.

Representative in a group chaired by the Iraqi Prime Minister. 'NSC+' would operate on the principle that:

> "Before taking actions that directly affect the operational activities or security of the other force, they should undertake consultations and agree a way forward."

1011. A Military Co-ordination Committee would undertake "formal co-ordination", supported by liaison officers in each HQ. The Cabinet Office paper proposed that initially Iraqi forces would be assigned to work with the MNF, and be under their operational control. The arrangements would be described by an exchange of letters between the Iraqi Defence Minister and the Commander of the MNF.

1012. On 14 May, there was "intense fighting" outside al-Amara "in which around 20 members of the militia were killed and others detained".[568]

1013. The following day the Chief of Police for Majar al-Kabir was shot dead.[569]

1014. In his book *Occupational Hazards*, Mr Rory Stewart, the CPA's Deputy Governorate Co-ordinator in Maysan, suggested there might have been a link between the Chief of Police's murder and the fighting of the previous day:

> "The police chief of Majar, who was from Badr, met the Prince [Karim Mahmood Hattab, brother of the Governor of Maysan] … The Prince accused the police chief of warning the Coalition of the ambush and held the police chief responsible for the deaths of these men, who were from the Prince's tribe. There was a heated argument … The police chief was shot dead. Many claimed Governor Riyadh [the Governor of Maysan] had killed him."

The Battle of Danny Boy

The incident outside al-Amara on 14 May became known as the "Battle of Danny Boy".[570]

There were subsequent allegations that, following the incident, UK soldiers unlawfully killed and mistreated a number of detainees.[571]

The Government announced on 25 November 2009 that it was establishing the Al Sweady Public Inquiry to look into these allegations. It published its conclusions on 17 December 2014.

1015. When Mr Blair spoke to President Bush on 15 May, he suggested that "things might look very different in a few weeks time if we handled the next stage right".[572]

---

[568] Minute Stewart to Rycroft, 20 May 2004, 'GOC MND(SE) – Iraq Update'.
[569] Stewart R. *Occupational Hazards: My Time Governing Iraq*. Picador, 2006.
[570] *BBC News*, 25 November 2009, *Bob Ainsworth to outline Iraq 'war crimes' inquiry*.
[571] House of Commons, *Official Report*, 25 November 2009, columns 81-82WS.
[572] Letter Morys to Adams, 17 May 2004, 'Prime Minister's discussion with President Bush on 15 May'.

1016. On 17 May, the President of the GC for that month, Mr Ezzadine Salim, was killed by a car bomb in Baghdad, along with five other Iraqi civilians.[573]

1017. On 18 May Sir Nigel Sheinwald sent Dr Rice a Note from Mr Blair for President Bush, in advance of their regular video conference two days later.[574]

1018. Mr Blair wrote that the coming few weeks were the last chance to move things into place before the new Iraqi government took power. The key dilemma was the tension between the political imperative to give the new government full sovereignty and the security situation, which suggested a need for a robust international presence. In Mr Blair's judgement the political imperative took precedence. Iraqi consent to the continued presence of the MNF was a key issue for the new resolution.

1019. Mr Blair proposed the following timetable:

- Week commencing 24 May: Mr Brahimi announces the President, Vice Presidents and Prime Minister. An Iraqi Electoral Commission is appointed. The US and UK suggest the resolution is close to being agreed.
- Mr Brahimi convenes a round table from across Iraq.
- Week commencing 31 May: Iraqi Prime Minister sets out his plan for Iraq in New York. The new resolution is adopted. The US/UK and the Iraqi Prime Minister publish a plan for Iraqiisation of security forces.

1020. On Iraqi security forces, Mr Blair acknowledged that although numbers had risen, quality needed to be addressed, including by supporting a cadre of Iraqi leaders. In Mr Blair's view there was no alternative to a discriminating rather than indiscriminate de-Ba'athification policy.

1021. Mr Blair's Note also proposed:

- better protection of oil and power installations;
- more help for al-Iraqiya (the Iraqi Government-sponsored broadcaster) and high quality media support for the new Iraqi Prime Minister;
- replicating the basic concept of the Fallujah Brigade elsewhere; and
- that the Coalition should produce at least an approximate figure of civilian casualties, rather than leave figures being published by NGOs unchallenged.

1022. Sir Nigel and Dr Rice spoke on the telephone during the evening of 18 May.[575] Sir Nigel reiterated Mr Blair's belief that the coming weeks required "a major effort".

---

[573] *BBC News*, 17 May 2004, *Baghdad blast kills Iraq leader*.
[574] Letter Sheinwald to Rice, 18 May 2004, [untitled], attaching Note [Blair to Bush], [undated], 'Note on Iraq'.
[575] Letter Sheinwald to Adams, 18 May 2004, 'Iraq: Conversation with US National Security Adviser, 18 May'.

1023. Dr Rice indicated US agreement with the sequence of events proposed by the UK, including for the new resolution, on which Sir Nigel emphasised the need to maintain momentum by sharing draft text (except on security arrangements). They agreed to plan on the basis of an event in New York around 3 June, to be attended by the new Iraqi Prime Minister, at which the resolution would be adopted. This fitted with the proposal, supported by the French and others, to conclude the resolution before the anniversary of the Normandy landings.

1024. The following day Mr Crompton wrote to Mr Straw's Private Secretary to say that diplomatic reporting from Washington suggested Secretary Powell was not convinced of the need to adopt the resolution in early June.[576] His preference was to await Mr Brahimi's conclusions on the make-up of the Interim Government, and incorporate them into the resolution.

1025. Sir David Manning had also reported from Washington that Ambassador Negroponte was resisting the call to share text with other Security Council members quickly, preferring to wait for complete agreement between US agencies on the text as a whole.[577]

1026. Mr Crompton wrote that there was a "broad degree of consensus" between Security Council members on the main points for the resolution, including that the detail of security arrangements should be dealt with by exchange of letters.[578]

1027. On the security arrangements:

> "The major stumbling block is continued US insistence on a unified chain of command. Politically, we see the need for an independent Iraqi chain of command … Iraqis could voluntarily agree to assign troops to MNF for particular operations, through agreed co-ordination mechanisms."

1028. Mr Crompton endorsed a recommendation from Sir David Manning that Mr Straw should call Mr Powell to resolve the problem. If it proved intractable, he suggested that consideration should be given to sharing the draft text as "UK alone".

1029. The fourth and final update to the UN by the UK and US took place on 19 May.[579] A Security Council press release quoted Ambassador James Cunningham, for the US, saying that: "30 June would mark a vital step towards realizing the goal of an independent and stable Iraq" and that he:

> "… urged the international community to participate in the important task of expanding the Iraqi security forces. That would facilitate the return of United Nations'

---

[576] Minute Crompton to Private Secretary [FCO], 19 May 2004, 'Iraq: SCR: Foreign Secretary's Conversation with Powell'.
[577] Telegram 630 Washington to FCO London, 18 May 2004, 'Iraq: New UNSCR: US views'.
[578] Minute Crompton to Private Secretary [FCO], 19 May 2004, 'Iraq: SCR: Foreign Secretary's Conversation with Powell'.
[579] UN Security Council, '4971st Meeting, 19 May 2004' (SC/8097).

personnel to Iraq and enable the United Nations to continue its vital role in assisting the Iraqis in election preparations."

1030. Sir Emyr Jones Parry said:

"… the last three months had seen many challenges, including attempts to deny Iraqis the opportunity to rebuild their country. Despite the difficult circumstances on the ground … much had been, and was being, achieved. Already, 11 ministries had been transferred to Iraqi control, and others would be transferred on the path to the restoration of full Iraqi sovereignty.

"… over the next few weeks, the Security Council would continue to work for a new resolution on Iraq, including the establishment of a sovereign Government of Iraq."

1031. On 19 May, the FCO Iraq Directorate wrote a paper entitled 'Iraq: The Medium Term', attached to which were key messages and facts for use by Cabinet Ministers.[580] Mr Straw's Private Secretary sent it to the Private Secretaries of all members of the Cabinet as an "information note".

1032. In the note, the UK's strategic objective in Iraq was defined as "a democratic, stable and prosperous Iraq, that poses no threat to its neighbours".

1033. Under the heading "Strategy" the Iraq Directorate listed what was needed to overcome the obstacles to achieving the strategic objectives:

- establishing the right security architecture after 30 June;
- Iraqiisation of the security forces;
- a "more flexible approach towards co-operation with existing militias";
- minimising the profile of Coalition Forces;
- ensuring "a sensible and sensitive US approach to military operations";
- possible UK reinforcement in southern Iraq;
- maintaining pressure on Iraq's neighbours regarding border security; and
- continued consultation with Coalition partners.

1034. On the political process, the Iraq Directorate recommended:

- continuing to support Mr Brahimi in establishing a fully sovereign Iraqi Interim Government;
- ensuring successful negotiation of a UN Security Council resolution;
- ensuring a constructive international conference later in 2004; and
- supporting the UN to prepare for elections in January 2005.

---

[580] Letter Owen to Quarrey, 19 May 2004, 'Iraq: The Medium Term' attaching Note Iraq Directorate, 19 May 2004, 'Iraq: The Medium Term'.

1035. The Iraq Directorate concluded "this is an intense agenda across a series of complex inter-related problems, with security at their heart … The task is considerable; the stakes are high; but it is imperative that we succeed."

1036. An FCO briefing for Cabinet, circulated on 19 May, cautioned that members should not "under-estimate the present difficulties".[581] There were signs of better organisation by insurgents and a reservoir of popular support in both Sunni and Shia areas in reaction to US military intervention in Fallujah and Najaf, with the fighting spreading to MND(SE). These security difficulties were slowing reconstruction and affecting Iraqi confidence in the Coalition.

1037. The Chiefs of Staff considered the US request for additional UK military assets to Iraq on 19 May.[582] Although they recognised there were risks and benefits in all the possible options, they agreed that the "best military option" was the deployment of both HQ ARRC to command both MND(CS) and MND(SE) and a Brigade to replace US forces in the provinces of Najaf and Qadisiyah although Gen Walker stated that "there was current doubt whether it could be delivered and sustained".

1038. On 20 May, Mr Blair told Cabinet that he was hopeful of getting "the right result" from the UN, although time was short and the Russians and French may cause some difficulties.[583] A UN blessing for the political process would give the new leaders more authority to represent sovereign Iraq. But they also needed improved security.

1039. In their video conference on 20 May, Mr Blair and President Bush discussed the timetable for and sequence of events surrounding the transfer of sovereignty.[584]

1040. Mr Blair proposed that the resolution should include clear language on Iraqi consent for the continued presence of the MNF. He again emphasised the need to press on with Iraqiisation of the security forces.

1041. On 20 May, the JIC issued an update on Iraq.[585]

1042. The JIC judged that "the current level of violence threatens to de-rail Coalition political objectives in Iraq after 30 June". It assessed that:

> "The immediate threat from Muqtada al-Sadr has been partly contained but not resolved. Further flare-ups, on a potentially large scale, can be expected. Al-Sadr remains a threat to Shia-Coalition relations: his death or capture could provoke serious violence."

---

[581] Letter Owen to Quarrey, 19 May 2004, 'Iraq: The Medium Term' attaching Paper FCO, 19 May 2004, 'Iraq: The Medium Term'.
[582] Minutes, 19 May 2004, Chiefs of Staff meeting.
[583] Cabinet Conclusions, 20 May 2004.
[584] Letter Quarrey to Owen, 20 May 2004, 'Prime Minister's VTC with Bush, 20 May: Iraq'.
[585] JIC Assessment, 20 May 2004, 'Iraq Update'.

1043. The JIC reported that Coalition Forces continued operations against Muqtada al-Sadr's forces in Karbala and Najaf throughout May, but had not yet gained control of Najaf. Negotiations continued but were judged by the JIC to be "slow, opaque and so far fruitless". Growing local opposition was reported in Najaf.

1044. On Fallujah, the Assessment said:

> "The Fallujah Brigade is a local expedient. Unless integrated into the Iraqi national forces' structure, it risks entrenching sectarian division in the forces creating problems downstream for the new Iraqi government and the Coalition."

1045. Maj Gen Stewart requested additional troops to provide both force protection and a mobile reserve in southern Iraq.[586]

1046. On 25 May, Mr Hoon's Private Secretary wrote to Mr Rycroft setting out the rationale for the request. He wrote:

> "Irrespective of the decisions we reach on the commitment of UK forces to Southern Iraq as a whole … We should meet this request."

1047. Taken alongside the planned withdrawal of another battalion, Maj Gen Stewart's request amounted to a net increase of around 550 UK troops. The request was made "against the background of the recent difficulties … particularly around al-Amara".

1048. The letter reported Mr Hoon's view that this request should be separate from consideration of the broader US request to take responsibility for additional provinces.

1049. Mr Hoon's Private Secretary wrote a second letter to Mr Rycroft on 25 May, explaining the advice of the Chiefs of Staff on the US request for additional UK troops.[587]

1050. In view of the pressure that the additional deployment would put on the Armed Forces, the Chiefs recommended staging the reinforcement, deploying first the HQ ARRC and ensuring that there was a brigade ready to deploy if required, but holding it back until absolutely necessary.

1051. The letter also suggested that it could prove difficult to explain the additional deployment, both to Parliament (which might doubt whether the numbers involved were sufficient to achieve the strategic effort required) and to the Armed Forces more widely, given "the starkly conflicting messages of an increase in commitment, alongside the emergent view in the public domain of sizeable adjustments downwards in our force structures".

---

[586] Letter Naworynsky to Rycroft, 25 May 2004, 'Iraq: Reinforcement and Re-roling of MND(SE) Units'.
[587] Letter Naworynsky to Rycroft, 25 May 2004, 'Iraq: options for a UK military contribution to the wider South'.

1052. On 26 May, the JIC provided its assessment of the prospects for security in the Centre South region, in light of the potential deployment of UK troops there.[588] Among its Key Judgements were:

> "I. Centre South is a more volatile region than the South East and a nexus of intricate Shia politics. The security challenge is also more complex, and UK forces deployed into Centre South could face a somewhat greater level of risk than experienced in the South East …
>
> II. Good relations with Shia leaders, principally the Hawza, are a key requirement for maintaining Shia consent. A successful extension of British influence to the Centre South could bring greater consistency of policy and therefore stability to the Shia areas as a whole.
>
> III. Al-Sadr's political isolation appears to be deepening. But if he is killed or captured by Coalition Forces further, potentially widespread, violence is likely. In any case, some Mahdi Army militants will continue to attack the Coalition and represent a long-term threat."

1053. The JIC considered that, in the short term, the Iraqi security forces would be unable to cope with a determined armed challenge without the help of Coalition Forces.

1054. On 26 May, Mr Richmond reported that JAM fighters seemed to be returning to Baghdad, and had withdrawn from Karbala.[589] The Shia leadership had contacted Muqtada al-Sadr, who had offered to withdraw from Najaf and all government buildings, allowing the Iraqi Security Forces to return. His condition was that the Coalition should also withdraw from Najaf and put the legal case against him on hold until there was a sovereign Iraqi government.

1055. The CPA responded that efforts should be made to secure an undertaking that JAM would disarm and dissolve as well as withdraw.

1056. On 27 May, Mr Blair met Mr Hoon, Mr Straw, Mr Benn, Gen Walker and others to discuss the Chiefs' advice on the US request for additional UK troops.[590]

1057. Mr Rycroft's record of the meeting shows that Mr Blair agreed that Mr Hoon should announce the uplift for MND(SE), and that:

> "… there was a short discussion – but no decisions – on the options for a UK military contribution to the wider South … The Prime Minister said that of course we must do what was necessary for the success of the overall mission in Iraq. These operational military judgements must take precedence over any political considerations."

---

[588] JIC Assessment, 26 May 2004, 'Iraq: Security Prospects in Centre South'.
[589] Telegram 259 IraqRep to FCO London, 26 May 2004, 'Muqtada al Sadr'.
[590] Letter Rycroft to Baker, 27 May 2004, 'Iraq: UK Military Presence'.

1058. It was agreed that Ministers would discuss the question again on 3 June. Mr Blair reiterated his request for a "full, detailed plan on Iraqi-isation of security forces" in time for the meeting.

1059. Mr Hoon told Cabinet on 27 May that the British divisional commander in Basra had requested a "modest reinforcement", consistent with the policy of keeping force levels under review.[591] The reinforcement would involve about 600 additional troops. In discussion, the point was made that consideration of a more substantial reinforcement in Iraq was continuing.

1060. Mr Hoon told Parliament later on 27 May that a further 370[592] troops would deploy to Iraq in response to Maj Gen Stewart's request for MND(SE), bringing "the total of UK forces in Iraq to about 8,900".[593]

1061. Sir Kevin Tebbit was not present at Mr Blair's meeting on 27 May, but when he saw the record of the discussion he expressed concern that Ministers and their advisers might have been talking at cross-purposes.[594]

1062. In a minute to Mr Hoon he suggested that the record of the meeting:

> "… read as if the Prime Minister was in danger of believing that the options developed are based on operational military judgements of what is needed for the success of the overall mission, when it can equally be argued that they are operational military judgements of how best to proceed if Ministers decide there is an overriding political need to do more."

1063. Sir Kevin argued that the 25 May letter to Mr Rycroft on the US request had represented the Chiefs' advice on what "could" be done if Ministers wished something to be done, rather than what "needed" to be done for purely military purposes. His own view was that no final decisions should be taken on additional UK deployments until after agreement had been reached on the future role of Coalition troops in Iraq following the transfer of sovereignty. He also took the view that no further military contribution should be considered without a reassurance that the FCO and DFID could put their own resources in as well "to help produce the broader security result".

1064. Mr Hoon annotated the minute "I agree with this – what would be the Chiefs' advice on what needs to be done?"

1065. In a video conference with President Bush on 26 May, Mr Blair supported an idea from Mr Brahimi that Iraqi Ministers should present to the UN when the new resolution

---

[591] Cabinet Conclusions, 27 May 2004.
[592] The Inquiry has no evidence for why the net increase changed from 550 to 370.
[593] House of Commons, *Official Report*, 27 May 2004, column 1725.
[594] Minute Tebbit to Hoon, 28 May 2004, 'Iraq: UK military presence' including Manuscript comment Hoon, 29 May 2004.

was adopted.[595] There were some shared concerns about French and Russian support for the resolution.

1066. Mr Blair also reported positively on moves to provide media support to the new Iraqi Prime Minister, and suggested that more Iraqi voices speaking positively about what the Coalition had achieved, and planned to achieve, were needed.

1067. In the next video conference with President Bush, on 30 May, Mr Blair hoped that the new resolution, which made clear that full sovereignty was being transferred, could be tabled on 1 June, and voted on a day or two later.[596] The resolution should not include the necessity for the sovereign Iraqi Government to 'opt in' to the continued presence of the MNF after the election. Ideally, members of the Interim Government should be present in New York as the resolution was discussed.

1068. Mr Blair said that he intended to speak to Lt Gen Petraeus, as the Iraqiisation of security was critical.

1069. Sir Nigel Sheinwald called Dr Rice to follow up the discussion.[597] It was clear that President Bush was pushing for the resolution to be tabled swiftly.They agreed to suggest to Ambassador Bremer/Mr Richmond that the new Iraqi Prime Minister might be prompted to call for a swift Security Council resolution soon after his appointment.

The Impact of events in spring 2004

Sir John Sawers told the Inquiry that:

> "… spring of 2004, March, April, May, was one of the low points in managing Iraq policy at the London end. We had … the crises in Fallujah first … We had the crisis in Najaf. We had the Abu Ghraib facilities …
>
> "I visited Iraq in early May and it was the gloomiest and most downbeat visit that I paid … And I think it was then that we realised the scale of the task ahead of us and the need to really put our heads down and be in it for the longer term, because the insurgency and violence was clearly not at a peak and it was clearly going to get worse at that stage. And the Abu Ghraib issues just added another nasty twist to the difficulties that we faced."[598]

Sir John's view of spring 2004 as a significant moment for the Coalition was shared by Lord Turnbull, who told the Inquiry:

> "For me, the turning point in all this was the capture and the murder and the burning of the American engineers [in Fallujah] and then their bodies are hung up on the

[595] Letter Quarrey to Owen, 26 May 2004, 'Iraq: Prime Minister's VTC with Bush, 26 May'.
[596] Letter Rycroft to Adams, 30 May 2004, 'Prime Minister's conversation with Bush, 30 May'.
[597] Letter Sheinwald to Adams, 30 May 2004, 'Iraq: conversation with US National Security Advisor'.
[598] Public hearing, 16 December 2009, page 53.

bridge. That – suddenly I thought, 'This is really not going well'. You know, we have really hit something very, very serious at this point …"[599]

Mr Rycroft described April/May 2004 to the Inquiry as "an ongoing very difficult moment" and recalled a sense of increasing "exasperation from the Prime Minister that even though he felt he understood what needed to be done, it wasn't being done".[600]

For the Civil Service, Lord Turnbull told the Inquiry that Abu Ghraib prompted a feeling that it was "kind of sullied, kind of disgraced".[601]

Mr Edward Chaplin told the Inquiry that it took a long time for the Coalition's image to recover from the Abu Ghraib scandal:

> "… as regards opinion in the Arab world, which was probably the most critical factor … the television images replayed again and again and I think did damage, certainly".[602]

The impact of Abu Ghraib was also felt by the UK military. Lt Gen Figgures told the Inquiry that as a result of the revelations:

> "A major prop of a campaign, the winning of the consent of the Iraqi people, had been given a savage knock …
>
> "So it was a severe blow to our ability to prosecute the campaign."[603]

Maj Gen Andrew Stewart said "Abu Ghraib had a significant effect on us in terms of people – the public turning against us."[604]

Mr Hoon told the Inquiry:

> "… those kinds of revelations simply demonstrated that we were perceived by still more of the population as being occupiers, as being foreign, as being the enemy, and that necessarily made it harder to keep people on side in terms of hearts and minds".[605]

Mr Blair told the Inquiry that he was "shocked and angry" after seeing photographs of the conditions in Abu Ghraib for the first time.[606] He judged that "these pictures and the abuse of prisoners was going to be vital propaganda for our enemies".

Sir David Omand told the Inquiry that Fallujah and Abu Ghraib "played directly into the radical extremist propaganda" which increased the level of jihadist activity in the UK.[607]

---

[599] Public hearing 13 January 2010, page 85.
[600] Private hearing, 10 September 2010, page 97.
[601] Public hearing, 13 January 2010, page 87.
[602] Public hearing, 7 December 2009, page 7.
[603] Public hearing, 9 December 2009, page 64.
[604] Public hearing, 9 December 2009, page 71.
[605] Public hearing, 19 January 2010, page 175.
[606] Public hearing, 29 January 2010, pages 214-215.
[607] Public hearing, 20 January 2010, pages 42-43.

June 2004

Appointing the Iraqi Interim Government

The RAND report describes Mr Brahimi, assisted by Ambassadors Bremer and Blackwill, carrying out a large number of consultations with members of the GC and other notable Iraqis, with the aim of securing agreement on the composition of an Iraqi Interim Government.[608]

After the first person he suggested for Prime Minister was rejected by the US, Mr Brahimi then suggested Dr Ayad Allawi, who was enthusiastically received. Dr Allawi, a secular Shia Muslim and leader of the Iraqi National Accord (INA), had been in exile in London during most of Saddam Hussein's regime.

Sir David Richmond told the Inquiry that Mr Brahimi had made use of the knowledge acquired by UK and US officials and had succeeded in:

> "… widening the base of Iraqis with whom we worked, which was very important, because we were trying to hand over to a representative government. We were aware Iraqis with whom we were working were not really as representative as we would have wished."[609]

On the choice of Prime Minister, Sir David described:

> "…a meeting going on at which various candidates were being discussed and Lakhdar Brahimi was essentially saying that his first choice, Shahristani, was not going to fly for a variety of different reasons, and one or two other names were being thrown around, all of them not apparently particularly suitable.
>
> "So I sort of just asked the question had Sistani raised an objection to Ayad Allawi and Brahimi said no. That came as a considerable surprise to everybody in the room, except Lakhdar Brahimi. That was a godsend to me, to those who wanted to see Ayad Allawi as Prime Minister. There was no objection from Najaf. I think within 48 hours he was consecrated Prime Minister."[610]

Sir Nigel Sheinwald told the Inquiry that Dr Allawi's name had not been mentioned to the UK all the way through the period of the formation of the Interim Government, but that "from the moment we heard that he was going to be the Prime Minister, he was pretty much welcome to us".[611]

The GC formally announced Dr Allawi's selection as Prime Minister on 28 May 2004.[612]

1070. On 1 June the Iraqi Interim Government (IIG) was sworn in, with Dr Ayad Allawi as Prime Minister and Dr Barham Salih as Deputy Prime Minister.[613] Sheikh Ghazi al-Yawar, a former civil engineer, was sworn in as President. Dr Ibrahimi Ja'afari of the

---

[608] Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority.* RAND Corporation, 2009.
[609] Public hearing, 26 January 2011, page 47.
[610] Public hearing, 26 January 2011, page 48.
[611] Private hearing, 3 September 2010, page 51.
[612] *BBC News*, 28 May 2004, *Future Iraqi prime minister named*.
[613] *BBC News*, 1 June 2004, *Iraq's interim cabinet sworn in.*

Dawa Party and Dr Rowsch Shaways, President of the Kurdistan National Assembly, were appointed as Deputy Presidents.

1071. A press conference was held in Baghdad by the Prime Minister, President and Mr Brahimi to announce the new Government.

1072. Almost two-thirds of the Interim Government's Cabinet were new faces; just two had also held positions in the GC.[614] The Council of Ministers was composed largely of technocrats, some with political affiliations.

1073. Mr Blair telephoned Prime Minister Allawi on the day of his swearing in.[615] After offering his congratulations, Mr Blair stressed the importance of getting UN Security Council endorsement of the Interim Government, and sought comments on the draft text of the proposed resolution.

1074. Mr Blair encouraged Prime Minister Allawi to travel to New York alongside Foreign Minister Zebari for the adoption of the resolution, and to make time to speak to the Western media, which lacked a strong Iraqi voice.

1075. Mr Blair told President Bush later the same day that Prime Minister Allawi had come across well in their conversation, and that he should speak to the Western media.[616]

1076. The same group of Ministers and officials who had assembled on 27 May met again on 3 June.[617] Mr Hoon and Gen Walker explained that:

> "With increasing Iraqiisation there should be a reduction, not increase, in the number of troops. No more troops were required for the tasks currently assigned to the UK in MND(SE). But if for other reasons (solidarity with the US, increased influence in Iraq, increased likelihood of achieving strategic goal in Iraq) it was decided to go ahead, the optimal military solution would be to provide both the ARRC as a three-star HQ to command both MND(SE) and MND(CS) and a brigade of troops."

1077. After "a full discussion" that was not described in the record of the meeting, Mr Blair concluded that "the issue should be kept under advisement for now … We should only consider an increased commitment if the new Iraqi Government supported it."

1078. An MOD paper on Iraqiisation was considered and it was agreed that a UK team should be deployed to Iraq to draft "the equivalent of a white paper on defence and security". Mr Blair asked for an update on "what is actually happening in MND(SE) in terms of handing over responsibility for security to the Iraqis". A further meeting was planned for the middle of June.

---

[614] UN Security Council, '4984th Meeting, 7 June 2004' (SC/8113).
[615] Letter Quarrey to Owen, 1 June 2004, 'Iraq: Prime Minister's Conversation with Ayad Allawi, 1 June'.
[616] Letter Quarrey to Owen, 1 June 2004, 'Prime Minister's VTC with Bush, 1 June'.
[617] Letter Rycroft to Baker, 3 June 2004, 'Iraq: Prime Minister's meeting 3 June'.

1079. On 7 June, Mr Brahimi briefed the Security Council that:

> "… after a long, complicated and delicate process under less than optimal conditions, Iraq had two institutions essential for the next phase – an Interim Government and a National Independent Electoral Commission."[618]

1080. Mr Brahimi described the process of forming the Interim Government as "imperfect and ambiguous" but that the result had been a "capable and reasonably balanced" group ready to take power on 30 June. The challenges they faced were considerable, and would take "years, not months, to overcome".

1081. Mr Brahimi reported that his team had consulted widely on how to select the Interim Government. They had resolved on a process by which a forum made up of the past, present and future Presidents of the GC, working together with the CPA and the UN, decided on the criteria for determining who would be selected. Following further wide consultation, a consensus emerged that Dr Ayad Allawi should be Prime Minister; and that a three-person Presidency Council should be formed, supported by a Council of Ministers, largely made up of technocrats.

1082. The day after Mr Brahimi's briefing, the Security Council adopted resolution 1546 (2004).

1083. The main issue during its negotiation had been the description of post-transition security arrangements.[619]

1084. Resolution 1546 welcomed the beginning of a new phase in Iraq's transition to a democratically elected government, and looked forward to the end of the occupation by 30 June 2004.[620]

1085. The key parts of resolution 1546 were that the Security Council:

- endorsed the formation of a sovereign Interim Government of Iraq (IGI) which would take full responsibility for governing Iraq, whilst not taking actions "affecting Iraq's destiny beyond the interim period";
- welcomed the end of the Occupation;
- endorsed the proposed timetable for Iraq's political transition to democratic government, including the formation of the IGI, and the holding of direct democratic elections by no later than 31 January 2005;
- defined a number of roles for the Special Representative to the Secretary-General and the United Nations Assistance Mission for Iraq including preparing Iraq for elections, drafting a permanent Constitution, advising the Government

---

[618] UN Press Release, 7 June 2004, 'Lakhdar Brahimi Briefs Security Council on "Complicated and Delicate" Process Leading to Iraq's Interim Government, Electoral Commission' (SC/8113).
[619] Telegram 523 UKMIS New York to FCO London, 8 June 2004, 'Iraq Resolution: Text in Blue' attaching two papers.
[620] UN Security Council resolution 1546 (2004).

on the development of services and reconstruction, and promoting the protection of human rights, reconciliation and judicial and legal reform;

- welcomed efforts by the incoming IGI to develop Iraqi security forces;
- noted that the presence of the MNF in Iraq was at the request of the IGI and so reaffirmed the authorisation for the MNF contained in resolution 1511;
- decided that the MNF should have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq, including by preventing and deterring terrorism;
- welcomed the fact that arrangements were being put in place to establish a security partnership between the IGI and MNF;
- decided that the mandate for the MNF should be reviewed at the request of the IGI or 12 months from the date of the resolution, and that the mandate should expire at the completion of the political process;
- requested Member States and international and regional organisations to contribute assistance to the MNF and to support the efforts of the UN Assistance Mission in Iraq and to assist the IGI in building police and other services to combat terrorism; and
- made clear that the Development Fund for Iraq could only be spent by the Government of Iraq.

1086. Annexed to the resolution was a letter from Prime Minister Allawi to the President of the Security Council asking for support in providing security and stability against forces opposed to Iraq's transition to peace and democracy, until Iraq was able to provide security for itself.

1087. Dr Allawi proposed to establish the Ministerial Committee for National Security, to which the Commander or Deputy Commander of the MNF would be invited as appropriate. The Committee would discuss mechanisms for co-ordinating with the MNF. Dr Allawi wrote that:

> "We will be working closely with the MNF leadership in the coming week to ensure we have such an agreed strategic framework."

1088. A letter from Secretary Powell to the President of the Security Council was also annexed. He confirmed that the MNF was prepared to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq:

> "The goal of the MNF will be to help the Iraqi people to complete the political transition and will permit the United Nations and the international community to work to facilitate Iraq's reconstruction."

1089. Secretary Powell wrote that the MNF stood:

> "… ready to continue to undertake a broad range of tasks to contribute to the maintenance of security and to ensure force protection. These include activities necessary to counter ongoing security threats posed by forces seeking to influence Iraq's political future through violence … including combat operations against members of these groups, internment where this is necessary for imperative reasons of security, and the continued search for and securing of weapons that threaten Iraq's security."

1090. Reflecting on the resolution in a working breakfast with President Bush on 9 June, Mr Blair welcomed its unanimous adoption and proposed that the next step should be "to sort out the Iraqiisation of security forces".[621] He recognised that would be a "huge task" given the number of weapons in Iraq, and hoped that Prime Minister Allawi and Lt Gen Petraeus would agree and publish a detailed plan.

1091. Mr Hoon discussed the US request for additional UK troops with Lt Gen McColl, during a visit to Iraq on 14 June.[622] Lt Gen McColl's view was that:

> "… the UK should deploy HQ ARRC and a further brigade to support the US who in his view were 'suffering'. General Abizaid had commented recently that he had already asked for HQ ARRC six times."

1092. Asked by Mr Hoon what difference that additional deployment would make, Lt Gen McColl commented:

> "… a UK deployment would allow us to conduct operations in MND(CS) from a UK perspective.
>
> "… if we did not deploy additional troops there would be a higher level of risk to troops in Iraq and a further risk to the strategic mission."

He added that:

> "… the issue of increasing UK influence on the US was becoming 'embarrassing'. The positions that the UK held in various HQs (and hence the influence) was disproportionate to our overall troop deployment and financial contributions."

1093. On 14 June, the Cabinet Office circulated a discussion paper as background for the next Ministerial meeting on the US request to deploy additional troops.[623] This set out the advantages and disadvantages of three options:

- no expansion;

---

[621] Letter Rycroft to Adams, 9 June 2004, 'Prime Minister's meeting with President Bush 9 June 2004: Iraq and European Issues'.
[622] Letter Naworynsky to Owen, 17 June 2004, 'Meeting between the Secretary of State for Defence and Senior British Military Representative – Iraq: 14 June 2004'.
[623] Minute Cabinet Office [junior official] to Owen, 14 June 2004, 'Iraq: the context for an extension of military forces' attaching Paper Cabinet Office, 11 June 2004, 'Iraq: The Context for an Expansion of Military Forces'.

- the deployment of the ARRC with a brigade of troops "on stand-by at high-readiness"; or
- the simultaneous deployment of both the ARRC and a brigade of troops.

1094. The Cabinet Office observed that the US Administration remained interested in securing the additional UK troops but, in view of the fact that they had been willing to give the UK time to consider the request and had not sought to apply pressure, a positive UK response was judged to be "desirable but not critical".

1095. Sir Nigel Sheinwald wrote a minute for Mr Blair containing his advice for the meeting.[624] Sir Nigel said that the ARRC should not be deployed "if it is just to alleviate American overstretch, since we are under severe pressure too". He urged Mr Blair to "probe CDS [Gen Walker] who seems to be saying both that it [deployment of the ARRC] would be significant and that the reasons for doing this are political not military".

1096. Both Sir Nigel and the Cabinet Office highlighted the difficulties inherent in almost doubling UK forces in Iraq (if the ARRC and a brigade were deployed) whilst simultaneously focusing on Iraqiisation and the transfer of sovereignty.

1097. The same group of Ministers and officials who had met on 3 June, plus Mr Paul Boateng, the Chief Secretary to the Treasury, met on 15 June. Mr Rycroft recorded in a letter to Mr Hoon's Private Secretary that they had concluded that the UK:

> "… should not close the door to the possibility of sending further UK troops. We should keep the option open until around the time of the NATO Summit [28 and 29 June]. But there was no pressing military reason to send them, nor were we coming under much pressure from the US to do so. We should not raise US expectations by talking to them about the details of how the reinforcement might take place."[625]

1098. On 16 June, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush.[626] Looking ahead to several weeks containing "international meetings" Mr Blair proposed a strategic plan, the objectives of which included "to show continued Iraq 'grip'" and "to deal with any WMD/intelligence issues" (see Section 4.4).

1099. Mr Blair envisaged that the timetable and strategy in relation to Iraq would include the IIG publishing an "action plan on Iraqiisation of Iraq's security" in the week before handover and an international conference in early September. Mr Blair wrote that the problem on Iraqiisation was "obvious":

> "The numbers in the police are there. But not the quality or equipment, e.g. only 7,000 of the 80,000 police are Academy trained: 62,000 have no training; only

---

[624] Minute Sheinwald to Prime Minister, 14 June 2004, 'Iraq Meeting, 1430 Tuesday' attaching Paper Cabinet Office, 11 June 2004, 'Iraq: The Context for an Expansion of Military Forces'.
[625] Letter Rycroft to Baker, 15 June 2004, 'Iraq: Prime Minister's Meeting, 15 June'.
[626] Letter Sheinwald to Rice, 16 June 2004, [untitled] attaching Note Blair [to Bush], [undated], 'Note'.

9 percent have proper body armour; only 30 percent of the required vehicles are in place. Apparently the logjam on resources and equipment is now broken. But it will take time. And the Iraqi Army isn't really started yet.

"All of this is now urgent."

1100. Mr Blair's Private Secretary suggested that he should discuss the plan outlined in his Note to "draw together various key strands of work (Iraq, WMD, Afghanistan, MEPP) into a coherent strategy with a clear timetable into the autumn" with President Bush on 22 June.[627]

1101. In mid-June, the JIC assessed the threat posed by Abu Musab al-Zarqawi.[628] It concluded that:

"I. Al-Zarqawi is now second only to Bin Laden as an inspirational figure in the Islamist extremist world. His networks have proved resilient and if he is killed or captured other leaders will emerge.

II. Islamist terrorists have been responsible for a number of major suicide attacks in Iraq, and al-Zarqawi has been behind many of them.

III. Other significant but less well-publicised Islamist terrorist groups are conducting similar attacks against similar targets. But his actions and words have given al-Zarqawi an unrivalled prominence as the key jihadist leader in Iraq.

IV. It is not clear whether al-Zarqawi is a member of Al Qaida. He has close links with the leadership, but maintains his independence.

V. His strategy in Iraq is to destabilise the country by fomenting civil war, and eventually to establish a Sunni Islamist state – and a safe haven from which Islamist terrorists can pursue the jihad. In pursuing this strategy he will seek to intensify attacks in the lead up to the handover of power and beyond, targeting Americans, British, Kurds, Shia and other Iraqis seen as supporting the Coalition and the new Iraqi government."

1102. On 17 June, Mr Blair told Cabinet that the Iraqi people were beginning to realise that terrorist attacks were not against the Coalition, but rather against Iraq and its people.[629] He suggested that this should result in a reduction in support for terrorist activity.

1103. Gen Walker told the AHMGIR on the same date that there had been a marginal improvement in the security situation and that incidents in MND(SE) were down by 20 percent.[630] There continued to be targeted attacks by militants, using increasingly sophisticated tactics.

---

[627] Minute Quarrey to Blair, 22 June 2004, 'VTC with President Bush, 22 June'.
[628] JIC Assessment, 16 June 2004, 'International Terrorism: The Threat from Abu Musab Al-Zarqawi'.
[629] Cabinet Conclusions, 17 June 2004.
[630] Minutes, 17 June 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

1104. Sir Kevin Tebbit, who had recently visited Baghdad, judged that "while we were not losing the security battle, we were entering a new and very dangerous phase".

1105. Mr Hoon commented that the security situation was very different in the South. He noted the difficult situation faced by UK forces in Maysan, who were sustaining 22 percent casualties. That could not continue indefinitely, and root causes such as unemployment needed to be examined.

1106. On 18 June, Mr Martin Howard, MOD Director General Operational Policy, submitted advice to Mr Hoon on the options for deploying the ARRC, intended to result in a decision ahead of the forthcoming NATO summit, which was thought to be an ideal opportunity to inform other countries and announce a deployment.[631]

1107. The submission listed three options:

- deployment to Afghanistan in 2006;
- deployment to Iraq; or
- remaining as part of the NATO Reaction Force.

1108. Mr Howard did not recommend which option should be selected. He asked Mr Hoon to agree that "if Ministers decide against deployment to Iraq … there are sound military and political reasons for committing the ARRC to Afghanistan in mid-2006". That "would chime well with plans for strategic handoff in Iraq around mid-06".

1109. Mr Howard suggested that, while deployments to either Afghanistan or Iraq might reinforce the ARRC's operational credentials, deployment to Iraq could "undermine its position as a reliable NATO asset". He wrote:

> "The obvious conclusion is that a decision in favour of Iraq would need to be supported by a very strong political or military rationale, preferably both; stewardship of the forthcoming elections, where HQ ARRC has the potential to have an effect in creating the right security conditions, could be a factor in this respect. Overall, however, the political rationale remains opaque with latest assessments of the timelag in deployment weakening any obvious operational rationale."

1110. Sir Kevin Tebbit wrote to Mr Hoon on 21 June to say that he endorsed Mr Howard's submission, recommending that "we instead earmark the ARRC for Afghanistan in 2006".[632]

1111. Sir Kevin had recently returned from a visit to Iraq and reported that the ARRC deployment had been raised with him by two US Generals and by Ambassador Bremer, who saw it as supporting the training of the Iraqi Armed Forces because:

---

631 Minute Howard to PS/SofS [MOD], 18 June 2004, 'HQ ARRC Deployment Options'.
632 Minute Tebbit to Secretary of State [MOD], 21 June 2004, 'HQ ARRC Deployment'.

> "… only the US and UK had the professionalism, together with the readiness to provide the guarantee of warfighting back-up, that would enable the Iraqis to progressively take over responsibility for security."

1112. In Sir Kevin's discussions, no-one had suggested the deployment made the difference between strategic success or failure in Iraq. He advised:

> "Were there to be a more serious risk of strategic failure, then there would be a need perhaps to reconsider at least as far as troop numbers are concerned."

1113. The record of points on Iraq discussed at the video conference between Mr Blair and President Bush on 22 June indicates that Mr Blair argued that Prime Minister Allawi and Lt Gen Petraeus should keep working on a detailed plan for Iraqiisation, for publication.[633] Mr Blair said that it appeared that the obstacles to that process were being removed and that both the quantity and quality of the ISF were increasing. He suggested that the NATO Summit in Istanbul should be the vehicle to get agreement from NATO to support training in Iraq.

1114. The Chiefs of Staff meeting on 23 June was, according to Mr William Ehrman, who attended on behalf of the FCO:

> "… taken up by Afghanistan. There were no points of note on Iraq. Chiefs noted that the Defence Secretary would write to the Prime Minister that day recommending that the HQ ARRC be deployed to Afghanistan in 2006."[634]

1115. On the same day, Mr Hoon's Private Secretary wrote to Mr Blair's Private Secretary to explain that the case for deploying HQ ARRC to Iraq was receding.[635] Although it would have provided a visible expression of the UK commitment to success in Iraq, and might have increased UK influence over the direction of the overall campaign, any military effect would not be felt until the autumn. In any case, the security concerns that had led to the US requesting additional UK forces had reduced.

1116. Instead, Mr Hoon supported planning for a 2006 deployment of HQ ARRC to Afghanistan. That would not preclude deployment to Iraq later in 2004 if the security situation were to deteriorate dramatically.

1117. Sir Nigel Sheinwald told the Inquiry that Ministers had decided not to deploy the ARRC to Iraq because they did not think there was a sufficiently compelling case for doing so, and because the ARRC "might be needed in the future should we move into a more ambitious military role in Afghanistan".[636]

---

[633] Letter Quarrey to Owen, 22 June 2004, 'Prime Minister's VTC with Bush, 22 June: Iraq'.
[634] Minute Ehrman to Thompson, 23 June 2004, 'Chiefs of Staff, 23 June: Afghanistan'.
[635] Letter Naworynsky to Quarrey, 23 June 2004, 'Allied Rapid Reaction Corps (ARRC): deployment options'.
[636] Public hearing, 16 December 2009, page 87.

1118. Sir Nigel also told the Inquiry that:

> "… there was no sense in the summer of 2004 that we were sort of making a decision to make Afghanistan our main military effort. There's no record that I have seen which suggests that."[637]

1119. As the transfer of sovereignty approached, on 23 June the Iraq Policy Unit reported to Mr Straw's Private Secretary that FCO Legal Advisers had assessed all CPA legislation against the UK's legal obligations to see what risks arose.[638]

1120. The advice said that:

> "As the Secretary of State is aware, we have since the beginning of the Occupation fought a series of policy and legal battles with the US over various CPA initiatives or pieces of legislation. These have occurred in some cases over differences of approach to policy, particularly given the US ambitious agenda to lay the foundations for long-term reform of the Iraqi economy and society, and in some cases because of an expansive US approach to the law of Occupation."

1121. In relation to resolution 1483, consultation with the Special Representative to the UN Secretary General had not taken place, although the IPU noted that no one in the UN had ever protested to the CPA or UK.

1122. The advice identified three other potential risk areas, two of which raised potential incompatibilities with the UK's obligations under the European Convention on Human Rights and one of which suggested that the UK might be jointly responsible for an action which went beyond its powers in Iraq.

1123. Mr Straw's Private Secretary wrote a note to Mr Crompton in manuscript to record that the Foreign Secretary had "noted" the advice.

1124. At Cabinet on 24 June, Mr Blair said that efforts to intimidate people not to join the ISF and to disrupt power and oil supplies were increasingly seen as contrary to the interests of the Iraqi people.[639] He told Cabinet that "this was a crucial psychological shift".

1125. Mr Hoon wrote to Secretary Rumsfeld on 25 June, explaining that the UK had decided to deploy the ARRC to Afghanistan rather than Iraq.[640]

1126. On 26 June, Mr Blair sent messages of appreciation to UK staff in the CPA who would be leaving Iraq.[641]

---

[637] Private hearing, 3 September 2010, page 35.
[638] Minute Crompton to Private Secretary [FCO], 23 June 2004, 'Iraq: The Extent of the UK's Obligations in Iraq' including manuscript comment Private Secretary, 2 July 2004.
[639] Cabinet Conclusions, 24 June 2004.
[640] Letter Hoon to Rumsfeld, 25 June 2004, 'ARRC Options'.
[641] Letter Blair to Richmond, 26 June 2004, [untitled]; Letter Blair to Segar, 26 June 2004, [untitled]; Letter Blair to Nixon, 26 June 2004, [untitled].

1127. The Occupation of Iraq formally came to an end on 28 June, two days earlier than had been originally planned in order to avoid disruption by insurgents.

1128. Ambassador Bremer recorded that the idea for the early transfer reached him through Dr Rice, who reported that "the President is interested in trying to 'wrong foot' the opposition".[642]

1129. Power was transferred from the CPA and GC to the Iraqi Interim Government (IIG).[643]

1130. The IIG comprised a President, two Vice Presidents, a Prime Minister, a Deputy Prime Minister, and 31 ministers. Six of the 31 ministers were women.

1131. Sir David Richmond told the Inquiry that the representation of women was:

> "… one of the minor success stories of the CPA … John Sawers and Jerry Bremer when they were setting up the Iraqi Governing Council were very insistent there should be women members. I think there were three at that stage. We said that the Iraqi governing council had to choose the Ministers in that sort of first government that was set up at the end of August-beginning of September 2003. There were no women.
>
> "So my conclusion was that left to their own devices I think there would have been very few women involved in the process, but we learned from that lesson, and in drafting the transitional administrative law, the TAL, which was in effect the interim Constitution and the electoral process and representation in the assemblies and so on, we insisted on a quota for women. There were also women in the interim government we handed over to. Quite a lot of work was done by various people, including some of the British secondees to try to set up women's groups to encourage their participation in the process."[644]

1132. On 28 June, as he prepared to leave Baghdad, Mr Richmond sent a valedictory telegram to the FCO in which he assessed the failures and achievements of the CPA.[645] He judged that:

> "The failure to crack down on the orgy of looting in April last year resulted in a crime wave which the Coalition has never been able to bring fully under control."

1133. Mr Richmond acknowledged that it could be argued the Coalition would have faced a security challenge regardless of its actions, but observed:

---

[642] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006.
[643] Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope.* Threshold, 2006. Note: Ambassador Bremer describes last-minute UK concerns about the early transfer of power. There is no evidence on this point in the papers available to the Inquiry.
[644] Public hearing, 26 January 2011, pages 50-51.
[645] Telegram 359 IraqRep to FCO London, 28 June 2004, 'Iraq: Valedictory: The End of Occupation'.

> "… it is hard to escape the conclusion that CPA policies and US military tactics made the situation worse".

1134. After security, Mr Richmond suggested that "services have been the CPA's main failing. Baghdad presently has fewer than 12 hours per day of electricity – no different from a year ago".

1135. Looking back on the Seven Step Plan devised by Ambassador Bremer, Mr Richmond assessed it as:

> "… no doubt overly ambitious … But, rightly, he [Ambassador Bremer] wanted Governing Council buy in and by the time it was clear that they could not agree and that Sistani's opposition was an insurmountable obstacle, three months had been wasted."

1136. Mr Richmond said that a:

> "… major political problem we faced was the lack of internal leadership, particularly but not exclusively Sunni, as a result of Saddam's policy of eliminating all potential rivals. The CPA was forced to rely on exiles and political parties which were organised on ethnic/sectarian lines. Their dominant presence on the Governing Council and the absence of strong Sunni representation tended to reinforce a feeling among the Sunni community that they were being excluded from the political process."[646]

1137. The Inquiry asked Sir David Richmond whether the CPA could have done more to encourage the election of political leaders who were more "indigenous", in that they had lived through the Saddam Hussein era and were less bound by ethnic sectarian lines. He said:

> "I think quite a lot of effort was put into it but I admit that we did not succeed … the distinction between exile and indigenous over time … disappeared but it was still a factor up until June 2004 … Lakhdar Brahimi … was very determined, rightly, to try to find some new Sunni individuals who could play a leadership role and he found that extremely difficult. He didn't find it any easier than the CPA had found it.
>
> "So yes, we failed, but I think it was because of the circumstances I have described there, the situation which we found ourselves in rather than a failure to recognise the problem or to put sufficient effort in trying to remedy it."[647]

1138. In his valedictory telegram Mr Richmond observed that Iraqis were glad to be rid of Saddam Hussein and that much had been accomplished in the political arena (including the TAL and the creation of the interim government and electoral

---

[646] Telegram 359 IraqRep to FCO London, 28 June 2004, 'Iraq: Valedictory: The End of Occupation'.
[647] Public hearing, 26 January 2011, pages 49-50.

commission).[648] The new currency and independent Central Bank also counted as positive, as did work to "re-establish the machinery of government".

1139. Although no immediate improvement in security was expected, and new structures were "fragile", Mr Richmond nonetheless saw grounds for optimism, as the Iraqi people increasingly felt their future was in their own hands.

1140. The final paragraph of Mr Richmond's telegram paid tribute to the UK staff within the CPA:

> "Despite the risks, they got on with their work and in an organisation which repaid initiative exercised influence out of all proportion to their numbers. Their courage and fortitude were exemplary."

1141. Mr Blair and President Bush met in the margins of a NATO Summit in Istanbul on the day that the handover took place in Iraq.[649] Mr Blair emphasised the need to support the IIG with training and equipment it needed, and for the new Government to develop a proper communications strategy.

1142. Mr Blair suggested that if asked about the IIG imposing martial law, the response should be that "the Iraqis should take tough security decisions in order to secure democracy, but this was not the same as suspending human rights".

1143. On 29 June, at the same NATO Summit, Mr Blair announced that the ARRC would deploy to Afghanistan in 2006.[650]

1144. The handover to the IIG led the UK to review the Rules of Engagement and the Targeting Directive under which its operations were conducted, to reflect the fact that there was no longer a state of armed conflict with Iraq.[651]

1145. Instead of operations being governed by the Law of Armed Conflict, they would instead be conducted under the domestic rules of self defence as they applied to ordinary citizens in England and Wales (under section 3 of the Criminal Law Act 1967). The degree of force used must be the minimum necessary to avert the risk of loss of life and lethal force could only be used to prevent loss of life on the part of Coalition Forces or Iraqi civilians.

1146. Ms Vivien Rose, Head of the General and International Law Team in the MOD, wrote to Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, to seek Lord Goldsmith's endorsement of the new Directive.

1147. The revised Targeting Directive contained a "dormant" section which said that, if the situation in Iraq deteriorated so that a state of armed conflict existed once again

---

[648] Telegram 360 IraqRep to FCO London, 28 June 2004, 'Iraq: Valedictory: The End of Occupation'.
[649] Letter Rycroft to Adams, 28 June 2004, 'Prime Minister's meeting with President Bush'.
[650] Fairweather J. A *war of choice: The British in Iraq 2003-9*. Jonathan Cape, 2011.
[651] Letter Rose to Adams, 29 June 2004, 'Targeting Directive for Iraq'.

the Joint Commander could seek Ministerial approval to conduct operations under International Humanitarian Law.

1148. On 30 June, the JIC issued an Assessment covering the overall security situation in Iraq.[652]

1149. The JIC judged that "the recent spike of activity by anti-Government forces is a deliberate attempt to undermine the political process". The early handover may have avoided the transfer "being marked by a surge of violence".

1150. On 24 June, there had been a series of attacks in Baqubah, Ramadi and Mosul which the JIC assessed were "probably co-ordinated". The JIC assessed:

> "Al-Zarqawi had claimed responsibility for some … but the extent of his planning and direction is unclear. If he was behind the attacks, the breadth and scale would represent a step change."

1151. The JIC assessed that the threat from Muqtada al-Sadr was declining, with indications of splits in JAM in Baghdad.

1152. The JIC judged that:

> "The level of violence will diminish if the Iraqi Interim Government is able visibly to establish a credible degree of independence of action, deal with security, improve economic and social conditions, so gaining popular support. But Islamist terrorist attacks will remain a threat."

---

[652] JIC Assessment, 30 June 2004, 'Iraq Security'.

SECTION 9.3

JULY 2004 TO MAY 2005

Contents

Introduction 398
July 2004 398
August 2004 403
September 2004 412
October 2004 425
November 2004 444
December 2004 454
January 2005 460
February 2005 467
March 2005 474
April 2005 478
May 2005 483

Introduction

1. This Section addresses:

- the UK role in the political development of Iraq, including preparation for Iraq's first post-Saddam Hussein elections in January 2005 and subsequent negotiations to form the Iraqi Transitional Government under Prime Minister Ja'afari;
- strategies for tackling the Sunni insurgency, including the UK role in preparation for the second major US offensive in Fallujah; and
- plans for the deployment and withdrawal of UK troops.

2. This Section does not address:

- the UK contribution to the reconstruction of Iraq and reform of its security sector, which are covered in Sections 10 and 12 respectively.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

July 2004

4. On 1 July, Saddam Hussein and 11 other senior Ba'athists appeared in front of an Iraqi court convened at the Camp Victory court martial facility in Baghdad.[1]

5. The judge presiding told all 12 what crimes they were accused of having committed. Mr Chris Segar, Head of the British Office Baghdad reported that:

> "… under Iraqi law this was a first step in which the accused is informed that there are allegations against him which deserve investigation, which allow for continued detention and that he has a right to legal counsel."

6. The Annotated Agenda for the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 1 July informed Ministers that the next seven months in Iraq, leading to elections in early 2005 and the creation of an Iraqi Transitional Government and National Assembly, would be the real test of the success of the transition and the Interim Iraqi Government (IIG) to which the Coalition Provisional Authority (CPA) had handed power at the end of June.[2]

7. The Annotated Agenda also said:

> "As expected, the pre-handover period was marked by an **increase in attacks** on both coalition and, increasingly, Iraqi forces."

---

[1] Telegram 006 Baghdad to FCO London, 1 July 2004, 'Iraq: High Value Detainees: First Court Appearance'.
[2] Annotated Agenda, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

8. When the AHMGIR met, the FCO was commissioned to co-ordinate an integrated UK strategy covering the period up to Iraqi elections.[3]

9. On 2 July, the Assessments Staff reported "no major attacks over the transition period, and a distinct downturn in lower-level attacks, especially in Baghdad"; probably attributable to bringing forward the handover date and increased security measures as it approached.[4]

10. In the first few days of July, Mr Edward Chaplin arrived in Baghdad to take up post as the first British Ambassador to Iraq for 13 years.[5]

11. Mr Chaplin told the Inquiry that "the overall priority for the Embassy … was the support of the political process and making sure that elections could take place on time at the end of January 2005".[6]

12. On 5 July, the Assessments Staff provided Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, with statistics on the number of attacks against the Multi-National Force – Iraq (MNF-I) and Iraqi targets which showed that there had been a reduction:

> "… at some 400/week, however, it is still running well above the rate in January/ February."[7]

13. Sir Nigel commented in manuscript to Mr Blair that there were "some, tentative, positive signs".

14. Mr Blair spoke to President Bush by video conference on 6 July and commented that although insurgents would continue their activities, overall the security situation was better.[8] In the South-East, Iraqis were increasingly in the lead on security.

15. Mr Blair was concerned to remind the public about Saddam Hussein's use of chemical weapons and to expose and document the human rights abuses which had taken place during his regime.

16. A meeting of the Iraq Strategy Group on 9 July noted:

> "… the withdrawal of the MNF was likely to be a key [Iraqi] election issue. While we remained committed to help Iraq with security, we needed to start thinking about the possibility that we would be reducing our presence in Iraq during 2005. We would want to avoid the appearance of our assistance being rebuffed."[9]

---

[3] Minutes, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[4] Minute Dowse to Sheinwald, 2 July 2004, 'Iraq Update – 2 July'.
[5] Public hearing, 7 December 2009, pages 1-2.
[6] Public hearing, 7 December 2009, page 6.
[7] Minute Dowse to Sheinwald, 5 July 2004, 'Iraq Attack Statistics' including Manuscript comment Sheinwald to Prime Minister.
[8] Letter Quarrey to Owen, 6 July 2004, 'Prime Minister's VTC with Bush, 6 July: Iraq'.
[9] Minute Cabinet Office [junior official] to Sheinwald, 13 July 2004, 'Iraq: Strategy Group'.

17. Attendees at the Iraq Strategy Group were also told that increasing the UN's engagement in Iraq, including by the appointment of a new Special Representative, was proving to be difficult.

18. In their conversation on 12 July, Mr Blair told President Bush that he was encouraged by recent reports on Iraq; the key was now to maintain momentum, including by pushing the UN to develop its role and by supporting Prime Minister Allawi.[10]

19. On the same day Mr Ashraf Jehangir Qazi was appointed as the new UN Special Representative for Iraq, with responsibility for the United Nations Assistance Mission for Iraq.[11]

20. Mr Qazi was a Pakistani diplomat who had been Ambassador of Pakistan to the United States since September 2002.[12]

21. The strategy paper commissioned by the AHMGIR on 1 July was circulated to members of the Defence and Overseas Policy Committee (DOP) on 13 July.[13]

22. The introduction to the paper said that it offered:

> "… a strategic look at the position we want Iraq to be in at the end of January 2005; risks to our strategy; and priority areas in which the UK can help ensure success."

23. The following objectives were proposed in the paper:

- Political
  - an elected Transitional National Government which enjoys broad domestic and international support; and
  - increased international support for the IIG.
- Security
  - real inroads into the insurgency through Iraqi-led security and political measures, including a political process (aimed at drawing in former regime elements and militants such as Muqtada al-Sadr) and improved co-operation with Iraq's neighbours over border security; and
  - significantly increased Iraqi security capacity with Iraqi forces in local control around much of the country and a reduced reliance on international troops, paving the way for foreign troop reductions in 2005.
- Reconstruction and economic development
  - a functioning Iraqi Administration in Baghdad and at governorate level capable of delivering basic services;

---

[10] Letter Quarrey to Owen, 12 July 2004, 'Prime Minister's VTC with Bush, 12 July: Middle East issues'.
[11] *BBC News*, 12 July 2004, *Annan names new UN envoy to Iraq*.
[12] UN Press Release, 14 July 2004, 'Ashraf Jehangir Qazi of Pakistan Appointed Special Representative for Iraq'.
[13] Paper FCO, 13 July 2004, 'Iraq: The Next Six Months'.

- reconstruction programmes which deliver jobs and improvements to infrastructure and services; and
- reduction of subsidies and an agreed IMF programme leading to a debt settlement by the end of the year.

24. The paper said that security problems posed the greatest risk to achieving the objectives it set out, in particular the risk of "a terrorist spectacular" against either the IIG or the UN. Other significant risks included postponement of the elections, pressure for premature withdrawal of the MNF-I, infrastructure failures during the summer and an increase in sectarian tension.

25. Based on the objectives and risks listed, the UK priorities proposed were:

- redefining the US and UK relationship with the IIG, so that it would be seen to be taking decisions without interference;
- persuading the UN to increase its engagement;
- pushing for an international conference;
- improving electoral communications and getting the UK media to reflect "the improving situation in Iraq";
- supporting IIG efforts to re-engage members of the former regime and keeping pressure on neighbouring states regarding border security;
- mitigating opposition to the MNF-I, including by countering perceptions of an intention to stay indefinitely;
- supporting Iraqiisation of security forces;
- keeping pressure on the US to spend money in Southern Iraq; and
- pressing the UN and World Bank to send staff back to Iraq.

26. When DOP met on 15 July it agreed those priorities and also that the UK should continue to encourage potential contributors to a UN protection force.[14]

27. Some positive progress on electricity production was reported, but implementation of the main infrastructure contracts was slow. DOP agreed that DFID should produce a note on infrastructure issues which Mr Blair might use in discussions with President Bush.

28. In a paper for the Chiefs of Staff dated 16 July, Lieutenant General Robert Fry, Deputy Chief of the Defence Staff (Commitments), stated that "although insurgency continues, development of competent Iraqi Security Forces remains on track."[15]

29. Provided the necessary criteria were achieved, the campaign plan envisaged a gradual drawdown of troops during 2005 leading to final withdrawal in 2006, to be followed by a period of "Strategic Overwatch".

---

[14] Minutes, 15 July 2004, DOP meeting.
[15] Minute DCDS(C) to COS, 16 July 2004, 'Strategic Intent'.

30. Lt Gen Fry assumed that "some form of enduring commitment … will be required".

31. On the same day Dr Condoleezza Rice, the US National Security Advisor, told Sir Nigel Sheinwald, who was visiting Washington, that President Bush was of the view that the only way to honour those who had died in Iraq was to get the job done.[16] There would be no reduction of US troops unless the security situation permitted it.

32. On 21 July, the Joint Intelligence Committee (JIC) issued an Assessment of the security situation in Iraq.[17]

33. The JIC recorded that, across Iraq, there was a brief reduction in violence immediately after the IIG assumed authority on 28 June, but "attacks are still occurring at a steady rate that is impeding progress on the international community's political and economic objectives for Iraq".

34. Of those attacks:

> "Most … continue to be against the MNF, using small arms, improvised explosive devices (IEDs), mortars and rockets. But suicide car bomb attacks, principally targeting Iraqis, have also continued. Islamist groups, and others, continue to take (and kill) hostages … Attacks against infrastructure continue."

35. Although the situation in Najaf, Karbala and the Shia areas of Baghdad remained "relatively calm", the Jaysh al-Mahdi (JAM) "in effect retains control of the Imam Ali shrine in Najaf". Muqtada al-Sadr was maintaining a "low profile" and was assessed to be "seeking a political role, while retaining military options".

36. The JIC judged that:

> "No significant reduction [in the level of violence] is likely in the near term and a number of triggers during the next few months may result in increased violence."

37. Lieutenant General William Rollo told the Inquiry that, when he arrived to take over as GOC MND(SE) in July 2004, the situation in the South of Iraq was "basically quiet".[18]

38. The Annotated Agenda for the AHMGIR on 22 July said that "there have been a number of high profile incidents in recent days … reflecting the continued capacity of insurgents to plan and carry out attacks".[19]

39. In a single week in mid-July, the Governor of Mosul, a leading member of the Basra Provincial Council, the Babil Chief of Police and one of the Iraqi MOD's Directors General were killed in separate incidents, along with several members of the Iraqi Security Forces and civilians. The Iraqi Minister of Justice was also attacked.

---

[16] Letter Rycroft to Adams, 18 July 2004, 'Nigel Sheinwald's visit to Washington'.
[17] JIC Assessment, 21 July 2004, 'Iraq Security'.
[18] Public hearing, 15 December 2009, page 4.
[19] Annotated Agenda, 22 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

40. Mr Blair and President Bush spoke by video conference on 22 July.[20] Mr Blair asked about progress on the "Iraq Security Plan" and noted that:

> "… showing progress on controlling the violence was the toughest issue – for the UK public a real sense that Iraq was on the way to a peaceful future was essential."

41. An early draft of a security strategy for the IIG, drawn up by US, UK and Iraqi representatives in Baghdad – but not seen by Prime Minister Allawi – was reviewed by a meeting of senior officials chaired by Mr Bowen on 27 July.[21]

42. At the meeting, Mr Blair's Private Secretary said:

> "… the Prime Minister believed the security strategy should be a key document in communicating the IIG's plans on security to the Iraqi people. The current draft was not the document the PM was anticipating: it went much broader, and lacked detail on plans to develop the security forces and Iraqiise security."

43. The meeting was told that work on Iraqiisation was being carried out by a separate team, led by Lieutenant General David Petraeus, Commander Multi-National Security Transition Command – Iraq (MNSTC-I). FCO officials were tasked to find out more detail on that work, as well as on the budget to implement the strategy, whether the document had Iraqi support and what US views were.

August 2004

44. On 2 August, an MNF-I patrol passing near Muqtada al-Sadr's house in Najaf came under attack.[22] Fighting within Najaf escalated and spread to other parts of Iraq, particularly Baghdad but with sporadic attacks on the MNF-I and ISF in al-Kut, Nasiriyah, al-Amara and Basra. This upsurge in violence within Shia areas coincided with a wider deterioration in security in Sunni areas, in particular Samarra and Mosul.

45. In a meeting with General George Casey, Commander of the Multi-National Force – Iraq, and Lieutenant General John McColl, his deputy and the Senior British Military Representative – Iraq (SBMR-I), on 4 August, Prime Minister Allawi thought it was essential "to act decisively against the insurgency".[23] He commissioned an analysis of the areas where the IIG and MNF-I could "match strength against insurgency weakness" to achieve success. That should focus on Fallujah, Ramadi, Samarra, North Babil, Baqubah and Baghdad.

46. On 4 August, Secretary Powell told Mr Straw that he judged the situation in Sunni areas to be:

---

[20] Letter Phillipson to Adams, 22 July 2004, 'Prime Minister's VTC with President Bush, 22 July: Iraq and MEPP'.
[21] Minute Cabinet Office [junior official] to Sheinwald, 28 July 2004, 'Iraq: Security Strategy'.
[22] JIC Assessment, 11 August 2004, 'Iraq Security: Shia Violence'.
[23] Telegram 98 Baghdad to FCO London, 5 August 2004, 'Iraq: Security: Briefing the Prime Minister'.

> "… worse than many understood. It was indigenous, self-generating and run by highly sophisticated and intelligent individuals capable of shifting their strategy in response to developments on the ground."[24]

47. In a report on 5 August, the British Embassy Baghdad observed that "there is an Iraqi face being put on the operation" and that providing strong Iraqi leaders to take over once the MNF-I had played its part was Gen Casey's condition for MNF-I involvement.[25]

48. Also on 5 August Mr Simon Collis, British Consul General in Basra, reported that the detention on 3 August of four members of the Office of the Martyr Sadr had increased tension between the Sadrist militia and the MNF-I in Basra City, Maysan and Nasiriyah.[26]

49. The tension was such that Mr Collis reported "there is a fair probability of mortar attack attempts on British bases tonight, possibly including our Consulate".

50. A report from Baghdad on the same day recorded heavy fighting in Najaf between the MNF-I and Sadrist militia plus an insurgent attack on the police in Mosul.[27]

51. In order to show that the IIG was in charge of the situation, Prime Minister Allawi planned to announce the introduction of the death penalty, and to take steps to manage media coverage.

52. On 6 August, Mr John Sawers, FCO Director General Political, chaired a meeting of senior officials to discuss developments in Iraq.[28]

53. On security, the meeting was told that:

> "There had been a spike in attacks in the last 48 hours. MOD's initial assessment was that the security situation was not yet unmanageable and that it probably did not represent a single, co-ordinated, plan. It was important that the MNF was measured in its response and did not undermine progress towards the Iraqiisation of security tasks."

54. Mr Blair's Private Secretary told the meeting that Mr Blair was concerned that neither an Iraqi security strategy nor an MNF-I internal review of the Iraqiisation process had yet appeared.

55. The security strategy was particularly important for demonstrating publicly that the IIG had a plan to tackle the security situation. The FCO was instructed to press Prime Minister Allawi on the importance of issuing a public statement soon.

---

[24] Letter Owen to Quarrey, 4 August 2004, 'Foreign Secretary's Conversation with US Secretary of State, 4 August'.
[25] Telegram 98 Baghdad to FCO London, 5 August 2004, 'Iraq: Security: Briefing the Prime Minister'.
[26] Telegram 86 Basra to FCO London, 5 August 2004, 'Iraq: OMS Activity in Basra'.
[27] Telegram 103, Baghdad to FCO London, 5 August 2004, 'Iraq: Security: Ministerial Committee on National [Security]'.
[28] Minute Cabinet Office [junior official] to Sawers, 6 August 2004, 'Iraq'.

56. Mr Asquith, FCO Director Iraq, reported on 9 August that Prime Minister Allawi understood the need to explain the IIG's strategy on security, "but does not think the National Security Strategy document fits the bill".[29]

57. Prime Minister Allawi had however agreed the need to sort out the details quickly with the MNF-I. He envisaged "a statement setting out the security strategy in detail – including with numbers, timelines and objectives for what the government planned to achieve", to be issued shortly before the National Conference planned for mid-August.

58. The JIC assessed the recent upsurge of violence in Shia areas on 11 August and judged that:

> "The scale of the violence has not matched the intensity or breadth of the attacks in April, nor have there been indications of wider public support for al-Sadr and his militia."[30]

59. In Najaf and elsewhere the Mahdi Army was:

> "… resisting strongly … and continues to pose a significant threat to Iraqi Interim Government political and security objectives … [It] has proven, again, to be capable of generating widespread attacks across central and southern Iraq and reinforcing vulnerable points when needed."

60. Although the JIC assessed that violence in Sunni areas presented "the more enduring challenge", Shia violence was "providing a serious test of strength" to Prime Minister Allawi's Government.

61. The JIC assessed that:

> "The position of Grand Ayatollah al-Sistani, receiving medical treatment in the UK, is not clear and his absence may have weakened a potential moderating influence on all sides."

62. The JIC judged that the exact degree of Iranian involvement in recent events was unclear, but Iran was providing "encouragement, funding and possibly arms to the Mahdi Army".

63. A message from Mr Asquith in Baghdad on 11 August suggested that, although its instinct was to take decisive military action in Najaf, the IIG had been persuaded to delay, at least until after the National Conference on 15 August.[31] Planning was under way for military action at a later point.

---

[29] Telegram 107 Baghdad to FCO London, 9 August 2004, 'Iraq: Security: Prime Minister's Views'.
[30] JIC Assessment, 11 August 2004, 'Iraq Security: Shia Violence'.
[31] Telegram 118 Baghdad to FCO London, 11 August 2004, 'Iraq: Security and Najaf'.

64. A subsequent telegram from Mr Collis highlighted that "any attack on the holy sites is liable to have a major and lasting impact across the South".[32] That risk could be mitigated by:

- making the operation an ISF, rather than MNF-I, one with Prime Minister Allawi fronting political and media operations;
- explaining the purpose of such action to Grand Ayatollah al-Sistani and Mr Kofi Annan, UN Secretary General;
- launching a major humanitarian operation in Najaf; and
- re-launching economic reconstruction across the South.

65. Maj Gen Rollo supported all of those points.

66. Mr Collis advised that "high level contact from London to take Allawi and the Americans through our concerns" would make sense.

67. A discussion between Cabinet Office and No.10 officials on 11 August concluded:

> "The **security situation** was bad, both in the Sunni and Shia areas. While the fighting in Shia areas currently had greater profile, the problems in the Sunni areas were more strategically significant … The policy question was how we suggested Allawi should deal with the problems, particularly in Najaf. Generally, the view of the meeting was that action did need to be taken against Muqtada al-Sadr (MAS), but that there were significant risks, military and political, which would need to be managed … If they [the ISF] were not ready, any operation risked either failing or drawing in coalition forces."[33]

68. Officials also observed that "while **Allawi** was performing relatively well, the Iraqi Interim Government (IIG) remained highly dependent on him for drive and direction".

69. On 11 August, a briefing paper for Mr Blair in advance of a telephone call with President Bush stated that, while the main strategic challenge remained the violence in the Sunni areas, the immediate issue was addressing the situation in Najaf and its spread across southern Iraq.[34]

70. Muqtada al-Sadr remained a threat that would need to be "dealt with … probably sooner rather than later" although he was not considered to pose a strategic threat as he had earlier in the year.

71. The brief said that any decision to deal with Muqtada al-Sadr was for Prime Minister Allawi to take, and the MNF-I would need to support that decision. It seemed likely that no action would be taken before the National Conference. The brief suggested that

---

[32] Telegram 103 Basra to FCO London, 11 August 2004, 'Iraq: Security and Najaf'.
[33] Minute Cabinet Office [junior official] to Fergusson, 11 August 2004, 'Iraq'.
[34] Minute Quarrey to Prime Minister, 11 August 2004, 'Iraq: Phone Call with President Bush'.

Mr Blair should voice UK concern that Iran was encouraging, financing and possibly arming the Sadrists.

72. Mr Blair spoke to President Bush by telephone later that day and said that the UK considered that the Iranians were at least encouraging and funding Muqtada al-Sadr, and might be sending him arms.[35] He was aware that the US did not entirely share that assessment.

73. In Mr Blair's view, the Iranians were concerned that they would be the next target for US military action and were therefore concluding that they should make life more difficult for the US in Iraq. He intended to send a personal message to Iran via Mr Richard Dalton, British Ambassador to Iran, making clear that no-one was talking about invading Iran, but that if they "misbehaved" on Iraq then "things would only get more difficult for them".

74. From 15 to 18 August a National Conference was held to select an Iraqi Interim National Council (IINC) of 100 members to oversee the IIG until the election of the Transitional National Assembly in January 2005.[36] The Conference included a wide range of Iraqis: representatives of political parties, the religious hierarchy, tribes, the regions and civil society.

75. The British Embassy Baghdad reported that three methods were put forward at the Conference for selecting the members of the IINC:

> "… a slate system of complete lists of 81 names, the UN's proportional representation based on the make up of the conference (which would favour the established political parties) and a caucus system requiring delegates to form ad hoc groupings receiving one Council seat for every 13 delegates in the group."[37]

76. Delegates opted for the slate system, by a "clear majority".

77. The IPU assessed the conference as:

> "… a qualified success. That it took place, despite the security situation, was an achievement. It generated a great deal of interest … and included some vigorous debates. And it succeeded in selecting a broadly representative 100 member National Council, 26 percent of whom are women. It did not, however, succeed in drawing in any elements on the fringes of the insurgency."[38]

78. On 18 August, a Current Intelligence Group (CIG) assessed security in Iraq.[39]

---

[35] Letter Quarrey to Sinclair, 11 August 2004, 'Prime Minister's telephone conversation with President Bush, 11 August: Iraq and Iran'.
[36] JIC Assessment, 2 September 2004, 'Iraq: Political Prospects'.
[37] Telegram 136 Baghdad to FCO London, 18 August 2004, 'Iraq: National Conference'.
[38] Submission Crompton to Private Secretary [FCO], 27 August 2004, 'Iraq: Next Steps' attaching Paper Iraq Policy Unit, 27 August 2004 'Iraq: Next Steps' and Letter Charlton to Phillipson, 24 August 2004, 'Iraq'.
[39] CIG Assessment 18 August 2004, 'Iraq Security'.

79. Its Key Judgements included:

> "I. The number of attacks against the Multinational Force and Iraqi targets has now matched the previous highest level in April. There is no sign of an early improvement.
>
> II. The confrontation in Najaf has become a test of credibility for Allawi and the IIG. Allawi will have to tread a fine line between acting before the conditions for success are right and delaying too long and appearing weak, unless al-Sadr backs down. Iraqi forces will be heavily reliant on broader US military support."

80. The CIG judged that even if a negotiated settlement was agreed, a residual Shia insurgency would probably persist, and that:

> "The Shia violence has tended to obscure the fact that attacks in Sunni areas have also continued unabated. Large areas in a number of Sunni cities remain under insurgent control. This will continue to be the most serious long-term security problem for the IIG."

81. The CIG recorded that a British journalist, Mr James Brandon, had been kidnapped by JAM in Basra. Mr Brandon was released shortly afterwards, but kidnappings continued.

82. The CIG assessed that the "mixed performance" of the ISF had been highlighted in Shia areas. In Basra the police chief was reported to be "in league with the militants and elements of the Iraqi police were involved in the kidnapping of the British journalist". In al-Amara the police chief had agreed not to interfere in JAM activities because of "police concern about their own vulnerability rather than support for al-Sadr".

83. On 19 August, Maj Gen Rollo reported:

> "There has been a significant mood change over the past week and a marked deterioration in the security situation in the South East … In the week up to August 15, the number of hostile incidents aimed specifically against multi-national forces in this area showed an increase of 300 percent over the previous peak in April 2004. These attacks have become more sophisticated and more lethal."[40]

84. Maj Gen Rollo attributed the rise in attacks to "tensions and confrontation" in Najaf, and commented that:

> "A pause or reduced tension in Najaf will have immediate and positive effects in the South. However, it will not solve the problem here. There will remain an irreducible number of militant sympathisers who will wish to attack and intimidate. I intend to tighten the screw on the militants and exploit every opportunity to re-occupy ground in Basra and elsewhere by resuming the visible patrolling that we had reduced in number and intensity on transfer of authority at the end of June … There is no

---

[40] Minute GOC MND(SE) to CJO, 19 August 2004, 'GOC MND(SE) – Iraq update – 19 August 2004'.

evidence of widespread or deep support for Muqtada, in the police or the population at large. Their loyalties have come under pressure as they watch the events unfold in Najaf …"

85. On 20 August, Mr Blair's Private Secretary wrote to the Overseas and Defence Secretariat of the Cabinet Office to commission a:

"… full picture of the situation in Iraq after the National Conference, how we are going to get from here to successful elections in January, and the challenges we will face."[41]

86. Mr Phillipson's letter followed a "long discussion" the previous day with Mr Blair, who had observed that the security situation and the slow rate at which the ISF were being trained and equipped presented a real risk to the achievement of the UK's objectives in Iraq. Mr Blair had indicated that he wanted to discuss Iraq strategy with President Bush "soon".

87. The British Embassy Office Basra remained "in lock-down, with a twice daily helicopter service to the airport".[42]

88. Mr Ali A Allawi recorded in his book on the Occupation of Iraq that Grand Ayatollah al-Sistani brokered a solution to the violence in Najaf and Kufa.[43] The five point agreement he negotiated with Muqtada al-Sadr on 26 August called for:

- demilitarisation of Najaf and the nearby city of Kufa and the withdrawal of all armed groups;
- responsibility for maintaining law and order in the two cities to be handed to the Iraqi police;
- withdrawal of all foreign forces from the two cities;
- compensation by the Iraqi Government for all victims of the violence; and
- completion of a census as the basis of general elections to restore complete Iraqi sovereignty.

89. According to Mr Allawi:

"Muqtada couched his climbdown in terms of submission to the demands of the highest religious authority. The Interim Government had no choice but to accept the terms of the agreement …"

90. Mr Allawi judged that, although all the key players claimed some part in the success in reaching agreement, Grand Ayatollah al-Sistani, by demonstrating his control over the Shia, emerged the "only clear winner".

---

[41] Letter Phillipson to Fergusson, 20 August 2004, 'Iraq: Next Steps'.
[42] Letter Cabinet Office [junior official] to Jack, 23 August 2004, 'Iraq: Ad Hoc Group'.
[43] Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.

91. The Iraq Senior Officials Group on 27 August was told that:

> "… we should not assume the problems with Muqtada Al Sadr (MAS) and his militias had been solved. In particular, there was no way of enforcing their agreement to disarm."[44]

92. In response to the 20 August commission from Mr Blair's Private Secretary, the IPU provided a paper on 27 August which contained "little new in policy terms".[45]

93. The paper concluded that the strategy agreed by DOP in July remained the right one but would need regular fine tuning.

94. Drawing on a letter from Mr Alan Charlton, British Chargé d'Affaires Washington, the IPU also advised that President Bush was "letting US officials in Baghdad make the running" and that the UK should focus its effort with the President on a few issues where Washington could make a difference, specifically:

- keeping the elections on course;
- IIG outreach to the regions;
- ensuring that the US did not take reconstruction in the South for granted; and
- Security Sector Reform.

95. The IPU paper also included a description of the key risks, including:

- continued security problems;
- preparations for elections falling further behind schedule and pressure from the IIG to postpone them; and
- lack of communications support for the IIG.

96. The Private Secretary's covering minute to Mr Blair suggested that the IPU's paper was "too vague", did not reflect the deteriorating security situation in Basra and elsewhere and did not offer a clear way forward.[46] He recalled that Mr Blair had asked for the "unvarnished truth so that we can engage in a frank discussion about how we can help the IIG restore control".

97. After discussing the paper with Sir Nigel Sheinwald, Mr Antony Phillipson (Mr Blair's Private Secretary for Foreign Affairs) recommended that a new paper should be commissioned, broken into three sections:

- how to ensure that the elections took place, on time, in January 2005;
- how the Sunni triangle could be brought "back under control"; and
- how order could be restored in Basra.

---

[44] Letter Cabinet Office [junior official] to Jack, 27 August 2004, 'Iraq: Senior Officials Group'.
[45] Submission Crompton to Private Secretary [FCO], 27 August 2004, 'Iraq: Next Steps' attaching Paper Iraq Policy Unit, 27 August 2004, 'Iraq: Next Steps' and Letter Charlton to Phillipson, 24 August 2004, 'Iraq'.
[46] Minute Phillipson to Prime Minister, 27 August 2004, 'Iraq: Next Steps'.

98. Within each section, the issues of Iraqiisation and governance should be "mainstreamed" and answers provided on:

- whether Iraqiisation really was on track and, if not, what could be done; and
- how to build up capacity within the IIG to govern.

99. Mr Phillipson noted that although the UK had an enormous stake in getting these issues right, it did not have direct control over the levers. Prime Minister Allawi therefore remained "the key".

100. On 29 August Mr Blair set out his analysis of the issues in a minute to Sir Nigel, Mr Jonathan Powell, his Private Secretary and a junior member of his No.10 staff.[47] He wrote:

> "The situation is self-evidently serious. But two basic elements remain valid:
>
> "We are trying to help Iraq become what most Iraqis want it to be; and the FRE and extremists are trying to stop us …
>
> "Iraq has therefore become the battleground for the future of the region: does it go benign, showing Muslim and Arab nations can embrace the modern world; or descend into a mixture of religious fanaticism and brutality that only brutal dictators or even less than brutal dictators can manage? …
>
> "Our strategy is fine in one sense: Iraqiisation of security and support for the democratic political process. The problem is that the urgency of the situation may overwhelm us and make our timelines for Iraqiisation naïve.
>
> "The fact is Allawi needs help now; and there has to be a clear sense of our gripping the situation now."

101. Mr Blair listed things that should be done, including:

- providing "first-class political, media and strategic capability … now" to support Prime Minister Allawi, drawing on "the best home-grown Iraqi talent" supported by "our own people" who should be "hand-picked" immediately;
- examining DFID's assistance to key Iraqi ministries, in particular defence, "to ensure real robustness and … if necessary, our people put in";
- ensuring Prime Minister Allawi had immediate access to "strong, well-armed brigades who can move into any trouble-spot and clean up", with "commanders in the field whose loyalty and that of their troops is clear";
- unblocking funding for reconstruction, which was "key to winning hearts and minds";

[47] Minute Prime Minister to Sheinwald, 29 August 2004, 'Iraq'.

- getting a renewed strong message from UK military and civilians in MND(SE) on what was urgently required and then delivering against those requirements; and
- tackling Iranian interference.

102. Mr Blair also wrote that the UK should make clear that "we aren't going anywhere until the job is done, i.e. we aren't going to be defeated. Period." He concluded his minute:

> "When I meet Allawi in September, it should be with a coherent plan to change the situation."

103. In a telephone call with President Bush on 31 August, Mr Blair said he was concerned that Prime Minister Allawi "was not getting exactly what he needed in terms of help to strengthen his political and communications strategies".[48] He suggested that the US and UK "needed to ensure that Allawi had some visible successes in the coming weeks".

September 2004

104. At its meeting on 1 September the JIC discussed the prospects for the IIG up to the election in January 2005, at the request of the FCO.[49]

105. The JIC assessed that the IIG's agenda had so far been dominated by security, particularly the uprising in Najaf. Now that the situation there appeared to have been resolved, the way seemed clear for Prime Minister Allawi to focus on the Sunni insurgency which remained "the main longer-term problem".

106. Prime Minister Allawi had already passed emergency legislation, including a limited amnesty, and re-introduced the death penalty but his attempts to engage the Sunni insurgents directly had only limited success. The security situation was continuing to hamper reconstruction, which in turn was undermining public confidence in the IIG.

107. The JIC's view was that the political timetable for the January 2005 elections was ambitious given the prevailing security environment, with extremists on all sides "certain to attempt to disrupt proceedings". Although postponement was likely to suit the IIG, the JIC judged that "any significant delay would provoke confrontation with Sistani and risk unrest".

108. The JIC's analysis of the composition of the Iraqi Interim National Council is set out in the table below. The JIC made clear the figures were simplistic and should be treated with caution. There was considerable overlap between the groups; in particular, most members also had some tribal or provincial affiliation in addition to their association with a political party.

---

[48] Letter Phillipson to Adams, 31 August 2004, 'Prime Minister's phonecall with President Bush, 31 August'.
[49] JIC Assessment, 2 September 2004, 'Iraq: Political Prospects'.

Table 1: Composition of Iraqi Interim National Council

Former IGC Members	19%
SCIRI/Badr	6%
Dawa Party	3%
Other Islamist Parties	7%
Kurds	17%
Tribes	7%
Independents	8%
Provincial Caucuses	8%
Female	25%
Regional Personalities	10%
Preparatory Committee Members	8%

109. The JIC observed that:

> "Although the process of selecting the Council was far from democratic, it nevertheless produced a body which found favour with the majority of conference delegates."

110. Established Shia and Kurdish parties got most of the seats reserved for political groups, while Sunni Arabs were less well represented.

111. In early September, Maj Gen Rollo reported that he was:

> "… encouraged by the fact that anti-Muqtada forces and moderates (the majority) have been strengthened by what they consider to be the submission of Muqtada al-Sadr to the rightful religious authority. Should his militia return arbitrarily to confrontation, I am confident that there will be greater resistance from the Iraqis themselves, and greater support to us in acting firmly against threats to stability."[50]

112. On 2 September, an assessment of resistance to the coalition in Iraq was provided to Mr Stuart Jack, Head of the FCO Iraq Operations Unit, and Mr David Richmond, FCO Director General Defence and Intelligence.[51] It said:

> "… the Sunni resistance remains the greatest threat to the political process … Their movement is facilitated by US military disengagement from the centres of key Sunni cities (Fallujah, Samarra, Ramadi, Ba'qubah) … Attacks in the Sunni triangle and Baghdad remain at a high level. Fatalities amongst the ISF, who have assumed sole responsibility for policing Sunni city centres, have increased significantly since handover."

---

[50] Minute Rollo to CJO, 2 September 2004, 'GOC MND (SE) – Iraq Update – 02 September 2004'.
[51] Minute senior government official specialising in the Middle East to Jack and Richmond, 2 September 2004, 'Resistance to the Coalition in Iraq'.

113. On the threat posed by Muqtada al-Sadr and the Shia militia:

> "In the wake of the Najaf crisis … the Sadrists are down but not out … Since the Najaf agreement … the JAM leadership has indicated their intention to retain heavy weapons for future use. Our conclusion is that despite the recently brokered truce with the Sadrists in Basra and al-Sadr's proclaimed determination to follow a political path, the threat to British forces remains high. Post-handover, our ability to disrupt it unilaterally is curtailed but … there may be opportunities to work with the Iraqis to neutralise elements of the Sadrist militia leadership."

114. Maj Gen Rollo reported to Air Chief Marshal Glenn Torpy, the Chief of Joint Operations, on 8 September that the situation in MND(SE) had improved.[52] There had been:

> "… no hostile incidents of note over the past week in MND(SE), and on some days there have been no hostile incidents at all. Just as the confrontation in Najaf ramped up the tension down here, so its apparent resolution has seen an abrupt end to the militia attacks against us."

115. On 9 September, Sir Nigel Sheinwald and Mr David Quarrey (a Private Secretary to Mr Blair) sent Mr Blair a minute reporting their recent visit to Iraq, for use in Mr Blair's planned video conference with President Bush.[53]

116. Sir Nigel and Mr Quarrey reported that they had:

> "… heard a range of views on the key issues (Americans mostly more optimistic, Brits and Allawi less so.) We have heard some impressive numbers … but we have heard such numbers before, and delivery is far from certain. The only safe prediction is that the going will continue to be very tough."

117. Sir Nigel and Mr Quarrey explained that a "joined up programme was needed" and highlighted:

- The ongoing development of an effective counter-insurgency strategy to "regain control of cities in the Sunni triangle". The ISF would lead the exercises, but would require significant MNF-I support.
- Continued Iraqiisation of security forces which could take until well into 2006; further progress would require "the NSC [National Security Council] and Number Ten … to be all over these issues" to keep the pressure up.
- The lack of a worked-out IIG strategy for Sunni outreach.
- The logistical challenge of elections, and the likelihood that candidates would "pronounce on the timing of the departure of the MNF".

---

[52] Minute Rollo to CJO, 8 September 2004, 'GOC MIND (SE) – Iraq Update – 08 September 2004'.
[53] Minute Sheinwald and Quarrey to Blair, 9 September 2004, 'Iraq'.

- Practical support for Prime Minister Allawi. Two No.10 staff were to be seconded to provide support with government co-ordination and logistics (Mr Nicholas Cannon, a former Assistant Private Secretary to Mr Blair) and communications (Mr Charles Heatly).

118. Sir Nigel and Mr Quarrey recommended that the key message for Mr Blair's conversation with President Bush should be "this is a decisive period for our joint mission in Iraq" and that the UK and US must:

- hold firm on January elections;
- keep up pressure for delivery on Iraqiisation and reconstruction; and
- "give Allawi the sort of political advice … he needs to help him win the election".

119. During his visit, Sir Nigel met Prime Minister Allawi, who expressed concern about the capacity of Iraqi Security Forces, which "needed more help from the UK".[54]

120. Mr Hilary Benn, International Development Secretary, told Cabinet on 9 September that on a recent visit to Baghdad and Basra he had been able to "feel the difference" since the transfer of sovereignty.[55] Sunni outreach was needed in the South, where the mood was one of "persistent victimisation". Reconstruction activity was continuing, but had been adversely affected by the security situation.

121. Summing up the Cabinet discussion, Mr Blair said that the coalition must send strong signals that it would stay in Iraq until the job was done, so that the Iraqi people would not fear abandonment. Those opposing the coalition through terrorism had "a clear strategy to plunge the country into chaos" but:

> "It was a fallacy to see the only alternatives for political control as brutal dictatorship or religious fundamentalism and we needed to be as clear-headed in our strategic aims as were the terrorists in theirs."

122. During a video conference with President Bush on 9 September, Mr Blair raised both the need to accelerate Iraqiisation and for enhanced capacity within the IIG, without which "too much fell on Allawi himself".[56] The existing timelines for improved security and services were "too long" and risked delaying the election.

123. On 13 September, Sir Nigel Sheinwald sent Mr Blair a second report covering "broader impressions" from his visit to Iraq.[57] Sir Nigel wrote:

> "… I don't think there's anything we have, as it were, forgotten. The basic policy elements are right. But this remains a race against time …"

---

[54] Letter Quarrey to Owen, 9 September 2004, 'Iraq: Nigel Sheinwald's meeting with Allawi, 8 September'.
[55] Cabinet Conclusions, 9 September 2004.
[56] Letter Phillipson to Adams, 9 September 2004, 'Prime Minister's VTC with President Bush, 9 September.
[57] Minute Sheinwald to Prime Minister, 13 September 2004, 'Visit to Iraq: Some Impressions'.

124. Sir Nigel highlighted the need to focus on the timing of the MNF-I's eventual withdrawal, which would become an increasingly important issue in the run up to the Iraqi election. He recommended that the UK should look at options and feed views into Gen Casey and Lt Gen McColl, who intended to discuss the issue with Prime Minister Allawi in the autumn.

125. Sir Nigel praised the skill and commitment of the UN team he met in Iraq, but observed that the electoral timetable remained "incredibly tight" and that the Iraqi public did not yet have any information about the election. In his view, "a broad electoral coalition containing secular Shia, moderate Sunnis and Kurds is the best guarantee, if it wins, of Iraq holding together in the years ahead, and of reducing Iranian influence".

126. Reflecting on the level and reliability of information available about Iraq, Sir Nigel wrote "there is still a tendency … to talk things up or … take the sage position that things take time and we have to be realistic". Sir Nigel concluded the report by saying:

> "Compared with my visit last November, the security situation has got much worse and there is a greater sense of disconnect between the Green Zone and the rest of Iraq. It is difficult to be sure of one's judgements; and Iraq in any case continues to be the land of lies. The interim period is inherently unstable, as we always knew. But if we can get through it and hold respectable elections on time, that would be an incredible achievement; and the prognosis then should lighten."

127. Sir Nigel Sheinwald closed his visit report of 13 September by saying to Mr Blair:

> "To achieve the level of engagement we need, we will need your help in keeping Whitehall up to the mark – there are definite signs of Iraq fatigue. Ditto the Americans."

128. On 14 September, Maj Gen Rollo wrote "MND (SE) continues to experience a period of calm. Incidents are running at about four or five a week, the lowest figure since January and February."[58]

129. On 15 September, Mr Blair spoke by video conference to Mr Chaplin and Lt Gen McColl in Baghdad.[59] Lt Gen McColl reported that he "expected to see continuing high levels of activity in the coming months" and that the insurgency was becoming better co-ordinated with "no shortage of finance or volunteers".

130. Lt Gen McColl told Mr Blair that Iraq Security Forces would not be able to take full responsibility for security before 2006. Mr Chaplin emphasised the need for economic and political progress, to create a "less benign environment for the insurgents". Mr Blair agreed, and observed:

> "We would not be able to deliver on the political and economic tracks without getting on top of the security situation."

---

[58] Minute Rollo to CJO, 14 September 2004, 'GOC MND (SE) – Iraq Update – 14 September 2004'.
[59] Letter Quarrey to Owen, 15 September 2004, 'Iraq: Prime Minister's VTC with Baghdad'.

131. At the request of the FCO, two JIC Assessments in September considered the degree to which Iran was interfering in Iraq and supporting Al Qaida or Sunni extremist groups.[60] The JIC assessed that:

> "Iran has many legitimate interests in the future of Iraq, which it regards as vital to its security … It wants the multinational forces to depart, so long as chaos does not result … While it does not expect, and is not pushing for, a government in Iraq on the Iranian model, it does want a regime in which the Iraqi Shia – especially those amenable to Iranian influence – have significant representation and real power. We judge that Iran wants to maximise its influence in Iraq, but also to hedge against an outcome which marginalises it or its main Iraqi allies. Consequently, it continues its efforts to build links with a wide range of Iraqi individuals, groups and political parties, including some outside the mainstream … Hardliners may also fear the implications for Iran of having a successful democracy in Iraq."

132. The JIC assessed that there had been a "shift for the worse in Iranian posture and tactics", specifically that there was some support from within Iran for Shia insurgents in southern Iraq, including the provision of finance and weapons for al-Sadr's recent uprising in Najaf, although there was "no sign of a wide-scale Shia insurgency". The JIC judged that "any direct Iranian support to the Sunni insurgency … is likely to be relatively narrow in scope" and that:

> "The Sunni extremist presence in Iran is substantial, and comprises members of several groups in addition to Al Qaida. Some of these jihadists … are allowed by the Iranian authorities to operate in comparative freedom."

133. Sir John Scarlett, Chairman of the JIC between 2001 and 2004, told the Inquiry that there was a marked contrast in the degree to which Iran appeared to be involved in Iraq between April 2004 and September 2004.[61] In April, the JIC was confident that Iran was not behind the Sadrist attacks on coalition forces in Najaf; but by September the assessment was "very significantly tougher".

134. Mr Tim Dowse, Chief of the Assessments Staff from 2003 to 2009, told the Inquiry that the JIC had spent a lot of time trying to work out what the Iranians were doing in Iraq, but had "started this whole period with a reluctance to see an Iranian hand".[62]

135. The JIC felt that "the Iranians had at least a twin track policy, and probably more than that, more than two tracks".[63]

---

[60] JIC Assessment, 15 September 2004, 'Iran: Interference in Iraq'; JIC Assessment, 23 September 2004, 'International Terrorism: Iran's Stance Towards Al Qaida and Other Sunni Extremist Groups'.
[61] Private hearing, 10 June 2010, page 45.
[62] Private hearing, 14 June 2010, page 60.
[63] Private hearing, 14 June 2010, pages 61-62.

136. In SIS1's view, Iran did not have a strong interest in a stable Middle East and had been willing to provide support to the insurgents, both Shia and Sunni, because "if they could cause trouble for the coalition, they would".[64]

137. On 16 September, Mr Blair chaired a meeting of the Ad Hoc Ministerial Group on Iraq, called "to ensure the UK government approach to Iraq was fully co-ordinated in the period up to Iraqi elections in January 2005".[65] He intended that the Group should meet regularly.

138. Mr Blair's Chairman's Brief stated that one purpose of the meeting was to:

> "… **galvanise the key departments** and ensure they give Iraq their full attention in the next five months, in order to **achieve the necessary results on the ground in the run-up to elections**."[66]

139. Given an insurgency that appeared to be increasingly co-ordinated, Mr Blair told the Group that he was "concerned that the Iraqi Security Forces (ISF) did not have sufficient capability to take on the insurgents".[67]

140. General Sir Michael Walker, Chief of the Defence Staff, reported that plans were in place for the ISF to be fully equipped and trained by mid-2005, but that their capabilities would remain limited, especially compared to the MNF-I. There was little scope for accelerating the plans.

141. In discussion, members of the Group observed that the insurgency in the Sunni triangle was the most serious security threat facing Iraq and that the UK needed a better understanding of the US/Iraqi campaign plan to tackle it.

142. The Group agreed that the MOD, DFID and the FCO would produce specific suggestions for how progress could be made in Iraq which Mr Blair could put to President Bush when they next spoke:

"
- MOD to make recommendations on how ISF capacity will develop and what more we can do to accelerate or refine the delivery to allow the ISF to tackle the current insurgency campaign.
- DFID to advise on where blockages can removed [sic] to speed up the impact of reconstruction funding.
- FCO to advise on what political strategy Allawi should be pursuing and his capacity to deliver it."

---

[64] Private hearing, 2010, pages 87-89.
[65] Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.
[66] Briefing Cabinet Office, 16 September 2004, 'Ad Hoc Ministerial Group on Iraq meeting to be held in the Cabinet Room on Thursday 16 September 2004 at 0830: Chairman's Brief'.
[67] Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.

143. Mr Blair and Prime Minister Allawi met in London on 19 September.[68]

144. Prime Minister Allawi said that tackling the security situation was his top priority, but he lacked effective resources to do it: he needed two mechanised divisions, a rapid deployment force, an effective anti-terrorist capability in the police and a more rapid build up of intelligence capability.

145. Security was Prime Minister Allawi's personal focus, but was part of wider work on an overall strategy addressing national reconciliation and Sunni outreach, building the economy and building up the institutions of government and the state.

146. Mr Blair confirmed the offer of staff from No.10 to provide practical support to Prime Minister Allawi in setting up his office. The two men agreed that they needed to develop a channel that would enable them to ensure the reform programme was implemented. Mr Blair would need to know Prime Minister Allawi's priorities week by week, for discussion in the UK system and with the Americans. Mr Blair observed that "contact with President Bush was essential in order to get pressure from the top in Washington".

147. Following the meeting, Sir Nigel Sheinwald commissioned advice from Lt Gen McColl on how best to meet Prime Minister Allawi's urgent requirement for mechanised forces, a rapid deployment capability, counter-terrorist police and intelligence.

148. In response to the Ad Hoc Ministerial Group's 16 September commissions, Mr Hoon's Private Secretary provided two papers on 20 September: one on the current status of the ISF (including the Petraeus Plan and recommendations for further work) and a speaking note for the conversation with President Bush.[69] These are described in detail in Section 12.1.

149. Mr Straw wrote to Mr Blair to answer the third commission.[70] He advised that:

> "To succeed in the elections Allawi needs to decide on his coalition; agree a vision and sell it in all parts of the country; and form a campaign apparatus straight away."

150. Mr Jim Drummond, DFID Director, Iraq, wrote to Mr Blair's Private Secretary on 23 September enclosing "a few points to make on reconstruction" for the video conference.[71] That advice is described in Section 10.2.

151. On 23 September, Lt Gen McColl sent Lt Gen Fry a paper on the UK's options for withdrawing or reducing the number of troops in Iraq "up to and beyond January 2006".[72]

---

[68] Letter Sheinwald to Adams, 19 September 2004, 'Iraq: Prime Minister's meeting with Prime Minister Allawi, Sunday 19 September'.
[69] Letter Naworynsky to Quarrey, 20 September 2004, 'Advice for the Prime Minister's next VTC with President Bush'.
[70] Minute Straw to Prime Minister, 20 September 2004, 'Allawi's Political Strategy'.
[71] Letter Drummond to Quarrey, 23 September 2004, 'VTC with President Bush'.
[72] Minute McColl to DCDS(C), 23 September 2004, Iraq up to and beyond January 2006 – defining a UK position'.

He explained that Gen Casey had been briefed on the ideas in the paper, but the text had not been shared with the US.

152. Lt Gen McColl advised that planning in Baghdad within the MNF-I had highlighted the need for "coalition members to be clear about their desired national end-states" and there were "indications that January 2006 could be the point at which the desired national end-states of US and UK diverge". He understood that the US was considering a significant draw down over the next 15 months, from 17 brigades to between three and seven, which was likely to result in a request for the UK to take control of areas beyond MND(SE) in early 2005.

153. The US planning team considering the options for MNF-I distribution had been unaware of the UK's national commitments in 2006, which Lt Gen McColl described as "the possible deployment of the ARRC [Allied Rapid Reaction Corps] and the shift of the UK's medium-scale commitment to Afghanistan". That illustrated the need to be clear about the UK's strategic intentions.

154. Lt Gen McColl observed:

> "Should the UK decide that its national interests are best served by remaining close to US policy on Iraq beyond January 2006, UK policy makers must be under no illusion as to the nature of the growing insurgency, and the risks and challenges that any long-term deployment of UK forces would present … The Iraqi insurgency has reached the point where it is now capable of sustaining itself … for several years … Put simply, the enemy is getting better … Evidence is increasingly emerging … that the coalition's presence is the single most important catalyst for this … After the elections in January 2005 … the value of MNF-I's continued presence is likely to come under ever closer scrutiny. It will be important for the international community … to form a judgement on this. However successful the elections … there will be a significant insurgency for the foreseeable future."

155. A key factor in assessing the need for extended MNF-I presence in Iraq was the degree to which the ISF could operate without MNF-I support. Lt Gen McColl commented that although there had been significant progress in developing the ISF there were capability gaps and a "serious rift" between the Iraqi Ministries of Defence and Interior. That would need to be addressed if the ISF was to assume full responsibility for Iraq's security without putting the country at serious risk.

156. Lt Gen McColl argued that it was important for the UK:

> "… to develop a national exit strategy. This is in no way inconsistent with PM Blair's determination to stay the course in Iraq. On the contrary, it places the onus on the UK defining precisely what is meant by 'the job is done'.
>
> "Provided the electoral process remains on schedule in 2005, there is much to commend a withdrawal in early 2006. This is the natural political, legal and (if we do

our job well) security culminating point. But a failure to build adequate capacity in the interim would leave the first constitutionally-elected Iraqi government at severe risk from an entrenched insurgency, and without the structures and security forces to combat that insurgency effectively."

157. Lt Gen McColl advised that there were two broad options available to the UK:

- investing "maximum effort" in the 15 months before the end of 2005 to "put in place the structures, forces and economic benefits that can ensure a successful outcome" (effectively trained Iraqi security forces, including the police) and then aiming to withdraw in early 2006; or
- deciding that the UK would need to make a longer-term commitment to Iraq, "whether from a desire to 'see the job through', to stay alongside the US at all costs, or for its [the UK's] own regional policy reasons", recognising that this would be against a backdrop of continuing insurgency and attacks on the MNF-I.

158. Lt Gen McColl did not make a recommendation in favour of either option, but stressed the need for the UK to come to a decision "in a timely fashion". In particular, if the UK was to opt to make a longer-term commitment, it must:

"… go into this with its eyes open and, specifically, must put in place now the force protection measures required to minimise this risk as far as possible."

159. Lt Gen McColl drew his paper to the attention of Gen Walker the next day, suggesting that "the time is right for the consideration of the substantive issues".[73]

160. In a telephone conversation with President Bush on 24 September, Mr Blair set out three priority issues, as discussed with Prime Minister Allawi: the need to strengthen his (Allawi's) office; accelerating work to show the ISF had capacity to act; and increasing the pace of development activity.[74]

161. On 24 September Mr Blair sent a note to Mr Jonathan Powell, Mr David Hill (Mr Blair's Director of Communications and Strategy), Mr Godric Smith (Mr Blair's Official Spokesperson) and Baroness Sally Morgan (Director of Political and Government Relations) on what messages they should be feeding into the public debate on Iraq.[75]

162. Mr Blair characterised the debate as:

"… have we got the country into a mess and therefore any bad news is our fault; or is Iraq the battleground whose outcome will determine our own security and therefore the bad news is worth it in the end?"

---

[73] Minute McColl to CDS and CJO, 26 September 2004, 'Report 130 of 26 Sep 04'.
[74] Letter Quarrey to Owen, 24 September 2004, 'Prime Minister's Phone Conversation with President Bush, 24 September'.
[75] Minute TB to Powell, 24 September 2004, [untitled].

163. Mr Blair listed nine points to be injected into the debate and told his staff "we need a concerted effort, organised and disciplined, to get this across".

164. The points listed emphasised the presence of "foreign jihadists", in Iraq since before March 2003 but increasingly without the support of the Iraqi people. Mr Blair described Iraq as part of a global counter-terrorism approach to protect the UK's security, although this was not the original intention behind the invasion. He rejected the argument that Iraq increased the terrorist threat, highlighting that 9/11 and other incidents took place before the war began.

165. On 28 September, Mr Blair addressed the Labour Party conference in Brighton.[76] On Iraq, he said:

> "The evidence about Saddam having actual biological and chemical weapons, as opposed to the capability to develop them, has turned out to be wrong.
>
> "I acknowledge that and accept it.
>
> "I simply point out, such evidence was agreed by the whole international community, not least because Saddam had used such weapons against his own people and neighbouring countries.
>
> "And the problem is, I can apologise for the information that turned out to be wrong, but I can't, sincerely at least, apologise for removing Saddam."

166. Mr Blair told the conference: "The world is a better place with Saddam in prison not in power."

167. In a video conference in early October, Mr Blair told President Bush that there had been a debate at the Party Conference, which had been won by 4:1.[77] He observed that: "There had been a number of powerful Iraqi speakers."

168. Sir Nigel Sheinwald spoke to Dr Rice on 29 September.[78] Sir Nigel set out his impression that the tempo of planning and preparation was being increased ready for an operation in Fallujah.

169. Dr Rice confirmed that the ground was being prepared, but that no decisions had been taken. Sir Nigel "accepted that pressure for action in Fallujah was growing" and "made clear that we would need to return to this once plans had advanced".

170. On 30 September, the JIC circulated an Assessment of the Sunni Arab Opposition.[79] The Assessment gave an overview of the nature of the insurgency in the

---

[76] *BBC News*, 28 September 2004, *Full text of Blair's speech.*
[77] Letter Phillipson to Adams, 5 October 2004, 'Prime Minister's VTC with President Bush, 5 October: US elections, Iraq, Iran, MEPP'.
[78] Letter Sheinwald to Adams, 29 September 2004, 'Conversation with US National Security Adviser, 29 September'.
[79] JIC Assessment, 30 September 2004, 'Iraq: Sunni Arab Opposition'.

Sunni Arab areas of Iraq, and had been written by the Assessments Staff drawing on the conclusions of a cross-Whitehall discussion led by the JIC Chair.

171. The Assessment stated that:

> "Iraqi Sunni Arabs believe they have little to gain from the political process. A minority (but numbered in many thousands) are involved in armed insurgency. The majority of Sunni Arabs are likely to sympathise with the insurgents."

172. The Assessments Staff judged that Sunni Arab Iraqis had the same basic interests as all other Iraqi citizens: security, the provision of services and employment. In addition, however, they had some specific concerns, in particular loss of status and a real fear of Shia domination and Iranian influence.

173. The paper stated that all the insurgents were united in their resentment of the presence of foreign forces, and that "their hatred of the US in particular has been developing since 1990". Despite these similarities, the underlying motivating factors were likely to vary between groups:

> "**Nationalists** want to see significant Sunni Arab representation in Iraq's political structures. They want a strong Iraq that can resist Iranian threats and Western oppression. They want to see rulers who represent all Iraq and are not exiles. They might engage in a political process if they could see it delivering – but they do not at present have any organised political representation.
>
> "**Ba'athists** are most resistant to the current political process. They do not all want Saddam's return (although some do), but want to regain their position of power. They want an Iraq dominated by Sunni Arabs loyal to their leadership and able to check Kurdish and Shia aspirations.
>
> "**Islamists** view fighting the Occupation as jihad and have a vision of Iraq as a Sunni Islamic state – they recall Baghdad as the central power during Islam's 'Golden Age' (749-1258). There are a number of organised Sunni Islamist parties. Neither these nor most Sunni Islamists are engaging with the political process – but some may be persuaded to do so.
>
> "**Disaffected Iraqis** and **opportunists** are motivated more by personal circumstances than by a strategy for Iraq. They are most likely to be swayed by visible improvements to their daily lives and political and economic progress. But their association with more committed insurgents may over time result in them adopting their agenda."

174. The Assessments Staff judged that:

> "… insurgent groups rather than the political process appear to many Sunni Arabs to be more likely to deliver what they want … If the election has virtually no Sunni Arab participation and results in little Sunni Arab representation, the

problem will be exacerbated. We judge that at that stage, there could be a risk of sectarian violence."

Kidnap in Iraq

In late September and early October, there was extensive media coverage in Iraq and the UK of the kidnapping and murder of two UK citizens: Mr Kenneth Bigley, a civil engineer working under contract on a reconstruction project, and Mrs Margaret Hassan, Iraq Director of Care International.

A JIC Assessment on 11 November recorded that more than 230 foreigners, and many more Iraqis, had been kidnapped since March 2003.[80] The JIC judged that Islamist terrorists had been responsible for the majority of the high profile incidents and their attacks were forcing many organisations to stop working in Iraq.

Mr Bigley was kidnapped in Baghdad on 16 September 2004, along with two of his US colleagues, Mr Jack Hensley and Mr Eugene Armstrong, both of whom were beheaded shortly afterwards.[81]

Mr Bigley's kidnapping prompted the FCO to update its travel advice to say:

> "… we urge all British nationals in Iraq to consider whether their presence in Iraq is essential at this time … Any British nationals in Iraq should, as a matter of urgency, review their security arrangements and protection and seek professional advice on whether they are adequate. These arrangements should cover: security at the workplace, at the place of residence and travel. Where security is not adequate, British nationals should either immediately move to premises within guarded areas and avoid unprotected travel outside these more secure areas, or leave Iraq as soon as possible."[82]

Mr Bigley was beheaded by his captors on 7 October.[83]

The murders were attributed to Abu Musab al-Zarqawi.[84] The JIC had described him in March 2004 as being "the most important terrorist leader in Iraq".[85]

Mr Chaplin reported that the murder had been "universally condemned" in Iraq and that the "sense of shock was palpable".[86] He went on to note:

> "Unfortunately beheading has become all too common. In the last week there have been at least nine other people who have been beheaded including one woman, and a 15 year old Kurdish boy whose body was also burnt."

Mrs Hassan, who was married to an Iraqi citizen and a long-term resident of the country, was kidnapped in Baghdad on 19 October.[87] Her captors released film of her requesting

[80] JIC Assessment, 11 November 2004, 'Iraq Security – Current Concerns'.
[81] *The Guardian,* 16 September 2004, *Briton among three kidnapped in Baghdad*; *The Guardian,* 21 September 2004, *Second US hostage murdered.*
[82] FCO Travel Advice for Iraq, 18 September 2004.
[83] *The Guardian,* 8 October 2004, *Hostage Ken Bigley is killed.*
[84] CIG Assessment, 19 April 2005, 'Al-Zarqawi Threatens UK Forces in Iraq'.
[85] JIC Assessment, 10 March 2004, 'Islamist Extremism: The Iraq Jihad'.
[86] Telegram 286 Baghdad to FCO London, 15 October 2004, 'Iraq: Internal: Political Round Up 9-15 October'.
[87] *The Guardian,* 19 October 2004, *Charity worker kidnapped in Iraq*.

the withdrawal of British troops from Iraq and the halting of their deployment to Baghdad, assumed to be a reference to the Black Watch.

Based on video evidence, it was thought probable that Mrs Hassan had been murdered by her captors in November.[88]

In the UK one commentator suggested that Mrs Hassan's kidnapping exposed the continuing "absence of basic law and order in the Sunni enclaves in central Iraq".[89] The fact that Iraqi citizens who had been glad to be rid of Saddam Hussein were now turning to extremists in the hope of restoring the basic fabric of life was "an indictment of the way the post-Saddam transition has been carried out by the allies: not enough troops on the ground and an administration content to hide inside the heavily-protected Green Zone".

The UK's emergency response mechanism, COBR, was activated in relation to both kidnappings. Its activities are not described here, both because the Inquiry's terms of reference do not cover detailed investigation of individual cases, and in order not to prejudice COBR's future work in similar cases.

Sir David Richmond told the Inquiry:

> "I don't think anybody could have been ignorant of the dangers of living and working in Iraq at that time … I think that most of the people who went out there would have been well aware of what the problems were and would only have gone if they had taken the necessary precautions in terms of their own security …"[90]

In an update sent to Gen Walker on 26 September, Lt Gen McColl observed that:

> "Kidnapping is 'headline news' due to the UK/US hostages. It is however not a spike, but a constant in Iraq at present, with most kidnaps inspired by monetary gain rather than being political/terrorist related."[91]

October 2004

175. Mr Blair spoke by telephone to Prime Minister Allawi on 3 October, who was hopeful of reaching agreement that foreign fighters would be told to leave Fallujah by local leaders.[92] They would be given three days to do so.

176. At the end of his record of the conversation, Mr Phillipson wrote: "we will need to assess tomorrow the prospects for a deal in Fallujah … and the consequences if the foreign fighters do not leave".

177. In his weekly report on 3 October Lt Gen McColl expressed concern to Gen Walker about the timing of the full offensive operation being planned against Fallujah, while agreeing that Fallujah was "a cancer that must be dealt with".[93]

---

[88] Minute Cabinet Office [junior official] to Sheinwald, 16 November 2004, 'Iraq- Kidnap of Margaret Hassan'.
[89] *The Scotsman*, 20 October 2004, *The kidnapping goes on.*
[90] Public hearing, 26 January 2011, page 99.
[91] Minute McColl to [CJO], 26 September 2004, 'Report 130 of 26 September 04'.
[92] Letter Phillipson to Owen, 3 October 2004, 'Phonecall with Prime Minister Allawi, 3 October'.
[93] Minute McColl to CDS, 3 October 2004, 'Report 131 of 3 Oct 04'.

178. Lt Gen McColl did not consider Fallujah vital to the conduct of the elections. Rather, the offensive risked "total Sunni disenfranchisement" and therefore jeopardising the elections. He was also concerned about potential damage to the cohesion of the Interim Government and about the resilience of the Iraqi security forces.

179. In preparation for a visit to Iraq, the British Embassy Baghdad briefed Mr Straw that there was "a lively debate, including between us and the Americans locally, about how and when to deal with Fallujah".[94] The UK view was cautious, "questioning whether Fallujah can be dealt with quickly and decisively and insisting that we think through carefully the consequences of military action".

180. Visiting Baghdad on 5 October, Mr Straw found Prime Minister Allawi cautious about the operation.[95]

181. Mr Straw recommended to Mr Blair that the UK impress on the Americans "the need for a thought through military plan, complemented by an Allawi-led political strategy".[96]

182. Lt Gen Fry provided the Chiefs of Staff with a paper for discussion at their meeting on 6 October which incorporated Lt Gen McColl's analysis of 23 September.[97] In the paper he sought to define "an achievable and acceptable exit strategy for UK forces in Iraq".

183. Lt Gen Fry recommended the first option set out by Lt Gen McColl and wrote that the MOD "should initiate debate across Whitehall arguing that the UK's policy should be for the MNF-I to withdraw from Iraq in its current form on expiry of its current UN mandate". He warned that failure to persuade the US to that view could leave the UK with "an unpalatable choice between unilateral withdrawal or an enduring commitment that runs a high risk of strategic failure and which would severely constrain our strategic aspirations for N[ATO] R[esponse] F[orce] 6 and Afghanistan in 06".

184. The Chiefs of Staff concluded that the review of the MNF-I's UN mandate in mid-2005 "could present a more appropriate opportunity for a wider review with MNF-I Partners avoiding pre-empting early coalition draw-down decisions".[98]

185. Gen Walker commissioned a submission for Mr Hoon to send Mr Blair before Lt Gen Fry's paper was taken further.

186. Mr Straw raised UK troop numbers with Mr Blair the following day.[99] Having recently returned from a visit to Iraq, he wrote:

---

[94] Telegram 245, Baghdad to FCO London, 4 October 2004, 'Your Visit to Iraq, 5-6 October: Scenesetter'.
[95] Telegram 251 Baghdad to FCO, 6 October 2004, 'Iraq: Foreign Secretary's Meeting with Prime Minister, 5 October'.
[96] Minute Straw to Prime Minister, 7 October 2004, 'Iraq'.
[97] Minute DCDS(C) to COS, 1 October 2004, 'Iraq – Achieving Strategic Overwatch of Iraqi Self-Reliance'.
[98] Minutes, 6 October 2004, Chiefs of Staff meeting.
[99] Minute Straw to Prime Minister, 7 October 2004, 'Iraq'.

> "I was struck by the limited UK inputs beyond the relatively quiet South-East. The Americans are pressing us again to provide troops in the main areas of conflict, though General McColl saw problems in just putting a British battalion in the middle of a US division. A better way might be to relieve the US of some areas neighbouring MND(SE). I think we need to show some flexibility, and possibly increase troop numbers for a period, if we are to keep a handle on US decisions and, albeit at the margins, better complement the US effort on the ground. We also need to think through what we should say about our longer term plans. We shall have to be there through 2005, but it would play helpfully in Iraq if we and Americans could set a target date, say Spring 2006, when we would aim to draw down to a much smaller presence. It would undercut those who say we want to occupy Iraq indefinitely, make Iraqi political leaders face up to their responsibilities and might also help us domestically. I would like to talk this through with you."

187. Mr William Ehrman, Chairman of the JIC, visited Iraq alongside Mr Straw.[100]

188. Mr Ehrman reported to Sir Nigel Sheinwald that security in Baghdad was deteriorating:

> "The fact that travel by road between the Green Zone and the airport is not possible after dusk highlights this. The first IED in the Green Zone was discovered while I was there. But I nonetheless returned encouraged by the clear efforts of the IIG to reach out to the Sunni areas. They have not got a group of Sunnis there publicly to stand up and support the IIG. But they are trying."

189. Mr Ehrman judged that:

> "To mount an assault or not on Fallujah was the issue of the day … Fallujah is no Najaf or Samarra where there were maybe 500 serious insurgents to deal with. In Fallujah the estimate is 3-4,000 FRE [Former Regime Elements] and another 500-1,000 foreign fighters …"

190. Mr Ehrman also reported that the Head of the UN Election Assistance Mission in Iraq, Mr Carlos Valenzuela, was "doing a good job on election preparations. Despite lack of personnel, the technical work is on schedule."

191. Mr Straw echoed that judgement in his report to Mr Blair, where he wrote:

> "I came away reassured that elections in January were still doable, and that the deadline was helping to force the pace."[101]

192. On 10 October, Lt Gen McColl reported to Gen Walker and ACM Torpy on the continuing lack of clarity in US thinking on the future of the MNF-I after the January elections:

---

[100] Minute Ehrman to Sheinwald, 7 October 2004, 'Visit to Baghdad, 4-6 October'.
[101] Minute Straw to Blair, 7 October 2004, 'Iraq'.

> "… the US … do not appear to appreciate that it will be an issue for their coalition partners and possibly have a substantial impact on the cohesion of the alliance. We should continue to press for greater clarity at the political level and Warsaw [a meeting of NATO Defence Ministers] may be an opportunity for this.
>
> "Interwoven with the debate on force posture has been discussion of the potential value of making an early announcement of the intention to withdraw, prompted by the SBMR-I paper … Although the potential positive impact on the insurgency is accepted, doubt over whether the announcement would have the desired impact and a pessimistic assessment of the military risk had led [to] an unconvincing proposal to make an announcement."[102]

193. Lt Gen McColl also reported that the US saw Fallujah as a decisive point in the campaign and had asked for UK assistance. Following informal discussions between the US and UK military in Iraq, MND(SE) had concluded that supplying troops to relieve US forces in North Babil, so that they could participate in action in Fallujah, was "the most suitable option".

194. The US then made a formal request for the UK to deploy troops to North Babil for 30 days. Lt Gen McColl advised that the UK's aspirations to influence the broader campaign needed to be supported by commitment if the UK was to "retain leverage".

195. Lt Gen McColl's report was provided to Mr Hoon with the manuscript comments: "A very thorough piece from Gen McColl – Para 10 [lack of clarity in the US position] is a continued frustration."[103]

196. On 11 October, the FCO submitted to No.10 a paper commissioned by Sir Nigel Sheinwald which considered contingency plans if elections were postponed for six months.[104] It had been agreed with the MOD and was copied to SIS and the Cabinet Office.

197. The first half of the paper considered the arguments for and against postponement of the Iraqi election.

198. A shorter, technical delay was considered to be "difficult but manageable" but the paper described the key elements of managing a longer delay as:

- Prime Minister Allawi seizing the initiative and using the delay to push a political solution to the insurgency;
- pursuing Sunni outreach;
- a Cabinet reshuffle (possibly to allow the entrance of former Ba'athists);

---

[102] Minute McColl to CDS and CJO, 10 October 2004, 'Report 132 of 10 Oct 04'.
[103] Manuscript comment to Secretary of State on minute McColl to CDS & CJO, 10 October 2004, 'Report 132 of 10 Oct 04'.
[104] Letter Owen to Quarrey, 11 October 2004, 'Iraq: Contingency Planning' attaching Paper FCO, 'Iraq: Contingency Planning'.

- an announcement of the phased withdrawal of the MNF-I in 2005; and
- a new resolution, to endorse the changed electoral timetable.

199. The FCO wrote that there was no guarantee that the plan would have the desired impact on the insurgency. The insurgents might conclude they were winning and step up their campaign, leading to further postponement of elections.

200. In the paper the FCO concluded that this was:

> "An unappealing contingency plan in almost all respects, underlining the importance of doing everything we can to hold to Plan A, or, if there is to be a delay in elections, arguing the case for a short delay, on UN advice, to a fixed date."

201. The FCO view was that in order to stay on track, the UK should:

- ensure the UN remained engaged, including by supporting the security of UN staff;
- ensure adequate Sunni outreach;
- reduce opposition to the presence of the MNF-I;
- ensure Grand Ayatollah al-Sistani remained supportive; and
- "sell" the importance of sticking to the January 2005 timetable to Iraqis and the international community.[105]

202. The second half of the paper considered a scenario in which the MNF-I reduced in size before Iraqi Security Forces were capable of maintaining security themselves.

203. The FCO judged that, while the insurgents "do not have the military capability to force the US to withdraw … they could intimidate some coalition partners into leaving". Although that would require the US and UK to "make up the numbers", it was considered a manageable risk.

204. A more significant risk was the emergence of a strong "troops-out faction" in the Transitional National Assembly, which required members of the MNF-I to stay in their barracks. With Iraqi Security Forces unable to play their role, different insurgent criminal or tribal forces would seek to fill the security vacuum:

> "In the Sunni triangle it would be the insurgents; in the Kurdish and Shia areas the established militias … other parts of the country (e.g. Maysan and Dhi Qar) would be dominated by criminals or tribes (or both) …
>
> "In the worst case scenario, Iraq would disintegrate into civil war."

---

[105] Letter Owen to Quarrey, 12 October 2004, 'Iraq: Contingency Planning'.

205. The FCO judged that:

> "The wider strategic consequences of a worst-case scenario like this would be appalling:
>
> - Iraq would become a long-term source of instability in the region …
> - Iraq could become a permanent base for Al Qaida and Sunni Islamic terrorism, further destabilising Saudi Arabia.
> - Jihadist elements would declare victory and be strengthened, with significant implications for the Global War on Terrorism and the prospects for the Arab-Israeli conflict.
> - Prospects for reform in the Arab world could be set back a decade.
> - Having seen the US fail, an increasingly self-confident Iran steps up efforts to become the major regional power, accelerates its nuclear programme and triggers a regional arms race.
> - Instability causes oil prices to rise further."

206. The paper concluded that scenario was a long way off. There was likely to be scope, even with a significant "troops out majority" in the Transitional National Assembly (TNA), to negotiate a phased withdrawal to mitigate the risk of a downward spiral.

207. The covering letter from Mr Straw's Private Secretary to Mr Blair's Private Secretary highlighted that Prime Minister Allawi might "take the sting out of nationalists' and Sunni rejectionists' grievances that the MNF-I (US presence) represents indefinite occupation by a different name" by making an announcement about withdrawal in November. The FCO and MOD would be working on a joint paper for discussion with the US and then Prime Minister Allawi.

208. On 12 October, Mr Hoon wrote to Lord Goldsmith, the Attorney General, reporting that the security situation had deteriorated since transfer of sovereignty in June.[106]

209. While there was no state of armed conflict between the UK and Iraq, the MOD believed that a state of armed conflict existed between the IIG and certain insurgent groups within Iraq. In Mr Hoon's view, international humanitarian law (IHL) would provide a more appropriate legal framework for UK forces operating within Iraq and he therefore considered it necessary to activate the dormant provisions of the Targeting Directive which allowed the Joint Commander to seek Ministerial approval to conduct operations governed by the Law of Armed Conflict (LOAC). That would enable UK forces to engage certain clearly defined insurgent groups under IHL and would also clarify the position of UK service personnel embedded in the US command chain.

---

[106] Letter Hoon to Goldsmith, 12 October 2004, 'Review of Legal Framework for UK Forces and for 'embeds'.

210. Ms Vivien Rose, Head of the General and International Law Team in the MOD, wrote to Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, setting out details.[107] Her letter drew out the parallels with UK operations in Afghanistan and supplied a detailed new Targeting Directive modelled on the one in use there.

211. In a telegram to the FCO in London on 12 October, Mr Chaplin wrote that he suspected the ISF would be less ready by the end of October than Iraqi Ministers were claiming.[108]

212. Mr Chaplin also reported that Gen Casey had:

> "… concluded that a major operation before Ramadan is not possible, but has produced a hybrid military option to keep up pressure on the insurgency, while responding to Allawi's concerns about an Iraqi face on any full scale operations in Fallujah."

213. In a further telegram the following day, Mr Chaplin supported Lt Gen McColl's 10 October recommendation that the UK should backfill US troops in North Babil, seeing it as an opportunity to "make a real contribution to the success of the Fallujah operation" without joining the operation directly or deploying a battlegroup to Baghdad.[109]

214. Both Mr Chaplin and Lt Gen McColl recalled the UK's rejection of two requests for a deployment beyond MND(SE) over the summer, which had led to criticism and a sense "that we have a lot to say for ourselves, but that when it really matters – getting stuck into the insurgency, contributing to SSR acceleration – we prefer to look the other way" and that "we have it a bit easy in MND(SE)".

215. Mr Chaplin observed that if the UK wanted to retain influence over plans to take action in other insurgent areas, it needed to "build up a bit of credit".

216. At Cabinet on 14 October Mr Straw's update on Iraq focused on the need for more UN effort to support election preparations.[110] UN reluctance to deploy more staff was a result of the attack on its HQ in August 2003. It remained unclear which forces would provide protection. Nonetheless, preparations were "on track" for elections in January 2005.

217. In the Agenda for the Ad Hoc Ministerial Group on Iraq on 14 October, Cabinet Office officials advised Mr Blair:

> "You may want to conclude the discussion of security by asking Geoff Hoon to comment on initial … drawdown of forces in early 2006."[111]

---

[107] Letter Rose to Adams, 15 October 2004, 'Operations in Iraq: Revision of the Op TELIC targeting directive and the position of embedded personnel'.
[108] Telegram 271 Baghdad to FCO London, 12 October 2004, 'Iraq: update on Fallujah operational planning: comment'.
[109] Telegram 274 Baghdad to FCO London, 13 October 2004, 'Iraq: Deployment of UK Battlegroup'.
[110] Cabinet Conclusions, 14 October.
[111] Agenda, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

218. At the meeting, Ministers agreed that "the MOD and FCO should provide some initial thoughts on future force levels".[112] The FCO contingency planning paper was not discussed.

219. Ministers were also briefed that the US military was planning military action in Fallujah.

220. An MOD note provided in advance of the meeting said the US military view was that if Fallujah was not dealt with, the MNF-I would be unable to control the level of violence in the run-up to the January elections.[113] The US intention was that the operation should destroy remnants of the former regime, kill or capture Abu Musab al-Zarqawi, regain the initiative from the insurgents and demonstrate both campaign progress and the IIG's resolve.

221. The MOD did not agree that 'solving' Fallujah was a prerequisite for holding successful elections, which were unlikely to happen in the city in any case. The UK view was that the operation carried a very high risk of unifying the insurgency, acting as a trigger for Shia violence, "over-facing" the ISF and so delaying Iraqiisatiion, endangering UN support for the elections and undermining coalition cohesion.

222. Ministers agreed that an operation to clear Fallujah was right in principle but the UK should try to persuade the US to give Prime Minister Allawi time to improve the political environment.[114]

223. Mr Blair was recorded as saying that the UK's overarching political and military objective was to create a security situation that allowed elections to be held in an environment which gave Prime Minister Allawi a good chance of fielding a winning slate.

224. Mr Blair raised the formal US request for a UK deployment to North Babil.

225. Gen Walker told the Group that the UK had the capability to meet the US request. Although North Babil was a more dangerous area of operations than MND(SE), this was a militarily less demanding request than the UK had faced in the past or might face in the future. But it seemed unlikely that the 30 day timescale for the deployment would hold.

226. In discussion, a member of the Group observed that "the risks of agreeing were more political than military, and related to the UK being involved in facilitating a Fallujah operation that might draw criticism".

227. A final decision was deferred to the following week, when the MOD would provide advice.

---

[112] Minutes, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.
[113] Note MOD, 12 October 2014, 'Fallujah'.
[114] Minutes, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

228. In a telephone conversation on 15 October, Mr Blair was reported to have said to President Bush that "we had to deal with Fallujah. But it was important that Allawi had the politics right before action was taken."[115]

229. Mr Blair told President Bush that the UK "would try to help" in North Babil.

230. On 15 October, in a round up of political events in Iraq, Mr Chaplin reported an increase in political activity to the FCO in London, observing that parties had "shifted up a gear as they realised that the clock was ticking".[116]

231. As well as the established political parties, Mr Chaplin wrote that:

> "… more than 300 parties and movements have been formed since the fall of Saddam and there is a growing realisation among the smaller parties that they need to consolidate to gain seats."

232. Mr Chaplin reported that Prime Minister Allawi:

> "… has been making all the right noises about the elections being open to everyone, and emphasising that the prospects for the residents of places like Fallujah, Mosul, and Sadr city would be much better if there was political dialogue and participation in the electoral process."

233. On 17 October, a statement appeared on an Islamist website containing a personal pledge of allegiance to Usama Bin Laden by Abu Musab al-Zarqawi.[117]

234. Shortly afterwards, the name of Abu Musab al-Zarqawi's organisation changed to "Base of Jihad (ie Al Qaida) in The Land of The Two Rivers".[118] It was normally referred to in UK documents as Al Qaida in Iraq (AQ-I).

235. In a report to Gen Walker and ACM Torpy on 17 October, Lt Gen McColl called for "an early and unambiguous decision in principle for the deployment [to North Babil] to proceed, allowing the necessary battle procedure and preparation to start as soon as possible".[119]

236. The same report covered planning for the US force posture in Iraq. Lt Gen McColl reported that US discussions had concluded with the decision "not to pursue the possibility of making an early announcement of intention to withdraw".

237. Mr Hoon made a statement in the House of Commons on 18 October in response to "considerable speculation in the media … about the United Kingdom deploying forces

---

[115] Letter Quarrey to Adams, 15 October 2004, 'Prime Minister's Phone Conversation with President Bush, 15 October: US Politics, Iraq and Iran'.
[116] Telegram 286 Baghdad to FCO London, 15 October 2004, 'Iraq: Internal: Political Round-up 9-15 October'.
[117] *BBC News*, 18 October 2004, *Zarqawi 'shows Bin Laden loyalty'*.
[118] JIC Assessment, 11 November 2004, 'Iraq Security – Current Concerns'.
[119] Minute McColl to CDS & CJO, 17 October 2004, 'Report 133 of 17 Oct 04'.

outside its current area of operations".[120] He confirmed that a request for UK ground forces to be made available to relieve US forces was under consideration and that a recommendation from Gen Walker was expected by the middle of the week.

238. Mr Hoon said:

> "This request, if agreed, would involve UK land forces operating outside MND(SE). It is worth bearing in mind that Royal Air Force personnel have been operating over the whole of Iraq when required to support the coalition, and that some British personnel are based in Baghdad to support coalition operations. Other British land forces have previously operated outside MND(SE)."

239. Denying speculation that the request was "somehow political" and linked to the US Presidential Elections, Mr Hoon stressed that it had been "a military request … linked to … efforts to create the best possible situation in which to hold the Iraqi elections in January".

240. In a press conference the following day, Mr Straw was asked whether the deployment was a "done deal" and replied that the UK was "very sympathetic" to the US request, but "no final decision has been taken".[121]

241. Mr Straw told journalists:

> "I understand the concerns that have been expressed. I think the concern is as to whether or not there is so-called mission creep, whether we will be there longer than anticipated.
>
> "We are not proposing to increase the total number of troops that would be in Iraq, nor would we be extending the normal tour of duty of this particular unit [the Black Watch].
>
> "The purpose of these military movements is to stabilise the security situation as quickly as possible so that we create a more satisfactory security environment more quickly so that, in turn, the elections can take place by the end of January so that in turn the Iraqis can start more quickly to take more and effective control of their country."

242. On 19 October, Lt Gen Fry provided a paper for the Chiefs of Staff outlining the background to the request and the necessary timeline for any decision on deployment.[122] He did not make any recommendation as to whether or not the UK should agree to the US request.

---

[120] House of Commons, *Official Report*, 18 October 2004, columns 625-626.
[121] *ITN*, 19 October 2004, *UK: Annan, Straw Speak to Press After Talks on Darfur and Iraq*.
[122] Minute DCDS(C) to COS (via COSSEC), 19 October 2004, 'Iraq – Potential UK Battlegroup Deployment to North Babil'.

243. Gen Walker chaired an internal MOD meeting on 19 October to discuss Lt Gen Fry's paper.[123] He underlined the need to consider the request in terms of military advantage and to have a good understanding of the likelihood of success in Fallujah within the 30 day time period.

244. Air Chief Marshal Sir Jock Stirrup, Chief of the Air Staff, noted that "the key question in relation to military benefit was whether the UK contribution in North Babil would increase the chance of success in Fallujah. If this was the case, then a clear logic chain existed in support of the UK deployment." Both Lt Gen McColl and Maj Gen Rollo saw military benefit in the deployment.

245. Sir Kevin Tebbit, MOD Permanent Under Secretary, considered that the Black Watch could help prevent insurgents spreading out from Fallujah but "there would be a casualty issue".

246. At the end of the meeting, Gen Walker commissioned the DIS to prepare a one-page threat assessment for North Babil compared with MND(SE), including a casualty assessment.

247. Mr Blair's Private Secretary provided him with a Cabinet Office brief on the pros and cons for the different timing options of a decision.[124] It highlighted that an early decision would mean that UK troops (the Black Watch) could be in place in good time, but that it would mean extending their tour of duty. A delayed decision would mean that the next troop rotation would have arrived (the Scots Guards) and could backfill the Black Watch as the MND(SE) armoured reserve. But delay might also lead the US to conclude that the UK would always turn down such deployment requests.

248. In his covering note, Mr Blair's Private Secretary told Mr Blair that he would get "firm advice" later in the week, but that Gen Walker and Mr Hoon would discuss options with him the next day. Gen Walker was reported to favour limiting any offer of support to 30 days, to discourage early deployment.

249. Anticipating a positive decision on the North Babil deployment, Mr Ian Lee, MOD Director General Media and Communications, wrote to Mr Martin Howard, MOD Director General Operational Policy, with some thoughts about announcing it. Mr Lee observed that "journalists find it hard to believe that the US military machine needs this UK help, and this in turn leads them to the conclusion that (US) politics is driving the issue".[125]

250. The Defence Intelligence Staff (DIS) reported on 20 October that there had been no MNF-I fatalities in the previous month within the area the US was proposing UK forces should deploy to, but that they could "expect a hostile local population", and might

---

[123] Minutes, 19 October 2004, 'Record of Discussion – CDS O' Group – 19 Oct 04'.
[124] Minute Quarrey to Blair, 19 October 2004, 'Iraq: Possible Troop Redeployment' attaching 'Iraq: UK Deployment to North Babil'.
[125] Minute Lee to DG Op Pol, 19 October 2004, 'Troop Movements in Iraq'.

see "a surge of attacks as popular anti-MNF-I sentiment is inflamed" by events unfolding in Fallujah.[126]

251. The Chiefs of Staff met on 20 October to prepare advice for Mr Hoon on a potential deployment.[127]

252. The minutes said that the Chiefs supported the deployment but highlighted the need to plan for the possibility that the campaign would last longer than 30 days. Gen Walker concluded the meeting by stating that "no decision had been made but that the military advice would be to accede to the US request".

253. That advice was submitted to Mr Hoon the same day.[128] It described a "clear military benefit" to the North Babil deployment and said that the Chiefs of Staff recommended that the US request should be met. The expected length of the operation remained 30 days, but Mr Howard reminded Mr Hoon that Prime Minister Allawi had yet to authorise the operation, and had some political difficulties to resolve in doing so which might cause delay.

254. Mr Michael Howard, Leader of the Opposition, called on Mr Blair to clarify the proposed Black Watch deployment at Prime Minister's Questions on 20 October.[129] Mr Blair confirmed that no decision had yet been taken. He told the House of Commons:

> "A request has been made. There is now a military assessment. The military will make a recommendation and a final decision will be made."

255. Lt Gen McColl concluded his tour in Iraq in October 2004 and was succeeded by Lieutenant General John Kiszely.[130] In his "hauldown" report covering his six months in Iraq Lt Gen McColl wrote that the relationship between the CPA and the military had been "hampered from the outset by inadequate post war planning" and by close supervision and intervention by the Pentagon.

256. Lt Gen McColl also judged that:

> "Since the transfer of power, the emergence of a sovereign government, the passage of responsibility from Defense to State, and the increased focus on MNF-I on strategic issues, the climate of decision-making has changed. The process is now more consultative and sensitive to the broader pol/mil implications, within Iraq, regionally and internationally. The dialogue between the political elements, IIG/Embassy, and MNF-I had improved significantly."

---

[126] Briefing DIS, 20 October 2004, 'Predicted insurgent activity in North Babil'.
[127] Minutes, 20 October 2004, Chiefs of Staff meeting.
[128] Submission DG Op Pol to APS/Secretary of State [MOD], 20 October 2004, 'Potential movement of troops in Iraq'.
[129] House of Commons, *Official Report*, 20 October 2004, columns 882-885.
[130] Report McColl to CDS and CJO, 20 October 2004, 'SBMR-I Hauldown Report – Lt Gen McColl'.

257. Lt Gen McColl characterised the insurgency in Iraq as "an extreme manifestation of the national pride felt by the overwhelming majority of the public, who feel a deep-seated desire to 'liberate' Iraq from foreign 'occupation'". He judged that the diverse groups with the insurgency co-operated "purely to be rid of MNF-I", and were unified by high unemployment and shared religion. Based on "objective metrics" such as number of attacks and casualty rates, the insurgency was "increasing in intensity and lethality, and is sustainable in the medium term".

258. Although there were troops from 30 nations deployed as part of the coalition, Lt Gen McColl recorded that only the UK sought to influence the campaign strategy and operational policy in theatre. On a number of occasions, the UK had successfully influenced the conduct of the campaign in line with its own strategic objectives. That influence was based on "the political capital invested", troop contribution, financial contribution, the quality of staff officers and counter-insurgency expertise. However, repeated rejections of US requests for the deployment of UK resources beyond MND(SE) had "chipped away at the US/UK relationship".

259. In summary, the report said: "Our wish to contribute to campaign direction beyond the boundaries of MND(SE) needs to be visibly supported by a reasonable commitment and participation if we are to retain credibility."

260. Lt Gen McColl wrote that:

> "Ejection of the coalition in 05 would risk mission failure but the timing of planned withdrawal thereafter is critical … there is much to commend a withdrawal in early 06 in accordance with the UN mandate. This is the natural political, legal and (if we do our job well) security culminating point.
>
> "If we are indeed to be committed to withdraw at that point, then we should seriously consider announcing that intention early. Any such announcement would undercut the insurgency, address public suspicion over MNF-I's long-term intentions, and reinforce the moderates of all hues."

261. That view was not, however, shared by everyone:

> "Discussions with US interlocutors have identified little appetite for declaring early … based upon the underlying perception … that the operation will extend well beyond 2006 …
>
> "Any end state that envisages a continued coalition presence after the spring of 06 (allowing time to withdraw) would require either a new UN mandate or the consent of the Iraqi Government … It is at this point that the national goals of coalition members may diverge. No firm decisions on the long-term US presence have been made, but some US planning at least envisages a long-term basing strategy. Current UK planning does not. As such, there is, therefore, a pressing need to define [the] UK's long-term end state in the region, and to accept that this may differ from that of the US. If a decision is made that [the] UK's national interest lies alongside that of the

US, that decision must be taken in the expectation that any US/UK forces in Iraq will continue to be a target and spur for insurgency as long as they remain."

262. Lt Gen McColl ended his report by writing:

"There have already been two strategic errors in the post war campaign, the dissolution of the Army and de-Ba'athification. Lack of clarity on the timing of our intent beyond the Dec 05 elections would be a third. A clearly defined and articulated intent to withdraw once the mission had been completed in the spring of 06 provides the most effective way to separate the insurgents from the mass of the people."

263. A CIG assessed the security situation in North Babil on 21 October and reached similar conclusions to the DIS.[131] It judged that recent MNF-I attacks against insurgents there had disrupted but not significantly weakened them. The majority were disaffected local Sunni Arabs, including former military or other state employees, but there were also cells of hardline Ba'athists, Iraqi Islamist terrorists and possibly foreign jihadists. The CIG judged that the local population would be "more hostile to a UK presence than the population in southern Iraq".

264. Mr Hoon wrote to Mr Blair on 21 October that the Chiefs were "of the view that there is a clear military benefit in carrying out the operation in terms of reducing the risk associated with the proposed ISF/US Fallujah operation".[132] Mr Hoon indicated that he intended to accept the Chiefs' recommendation and to announce it that afternoon to Parliament.

265. In preparation for a discussion of the deployment at Cabinet later that morning, Mr Blair asked for "a better explanation … of why the US Army cannot take on the task proposed for the Black Watch".[133]

266. Sir Nigel Sheinwald provided a brief which explained that although there were large numbers of US troops in Iraq, many were providing logistical support; the Black Watch provided the sort of armoured capability to be a like-for-like replacement in North Babil.

267. At Cabinet Mr Blair explained that it was necessary to conduct a "clearance operation" in Fallujah in the coming weeks in order to enable Iraqi elections to proceed.[134] The deployment of the Black Watch to North Babil was recommended by the British military. For the Black Watch, "the danger to which they would be exposed was not qualitatively different from that which they had experienced to date in their current tour".

---

[131] JIC Assessment, 21 October 2004, 'Iraq: Security Situation in North Babil'.
[132] Letter Hoon to Blair, 21 October 2004, 'Deployment of UK forces to the North Babil region'.
[133] Minute Sheinwald to Prime Minister, 20 October 2004, 'Iraq: North Babil'.
[134] Cabinet Conclusions, 21 October 2004.

268. Mr Blair concluded that providing forces in support of the Fallujah operation meant that the UK would maintain an influence on its planning.

269. Mr Hoon announced the deployment to Parliament that afternoon.[135] In his statement he said:

> "We cannot consider the current UK area of responsibility in isolation. What goes on in the rest of Iraq affects southern Iraq and affects UK troops wherever they are based. We must therefore consider our contribution in the context of the overall security situation right across Iraq. This means that an armoured battle group consisting of the 1st Battalion the Black Watch and supporting units will deploy to an area within Multi-National Force (West) to relieve a US unit for other tasks. They will be deploying with the necessary combat support services such as signallers, engineers and medics, resulting in a total deployment of around 850 personnel. This deployment will be for a very limited and specified period of time, lasting weeks rather than months."

270. In a telephone call on 22 October, Prime Minister Allawi told Mr Blair that he was "pursuing a fresh political initiative on Fallujah and would exhaust the peaceful options before considering military action".[136]

271. The decision on whether to commence military operations rested with Prime Minister Allawi, who was assured by the British Embassy Baghdad that "HMG would back [his] judgement".[137]

272. Towards the end of October, UK officials in Baghdad reported that Prime Minister Allawi was showing "early signs of a wobble on timing" for the election.[138]

273. Mr Blair's Private Secretary briefed him that he should "put down a firm marker" on this subject when speaking to Prime Minister Allawi.[139]

274. On 23 October, Prime Minister Allawi agreed that the necessary ISF troops could be moved into place for the Fallujah operation.[140] In parallel, he continued to pursue a political solution.[141]

275. Of the Iraqi forces identified to deploy in Fallujah, Major General Andrew Farquhar (the British Deputy Commanding General of Operations in the Multi-National Corps –

---

[135] House of Commons, *Official Report*, 21 October 2004, columns 1035-1037.
[136] Letter Quarrey to Wilson, 22 October 2004, 'Iraq: Prime Minister's Conversation with Allawi, 22 October'.
[137] Telegram 303 Baghdad to FCO London, 24 October 2004, 'Iraq: Fallujah Meeting with Allawi, 24 October'.
[138] Minute Heatly to Prime Minister, 22 October 2004, 'Your telephone call with Allawi'.
[139] Minute Quarrey to Prime Minister, 22 October 2004, 'Iraq: Allawi Phone Call'.
[140] Telegram 302 Baghdad to FCO London, 24 October 2004, 'Iraq: Fallujah: Meeting with Allawi 23 October'.
[141] Telegram 303 Baghdad to FCO London, 24 October 2004, 'Iraq: Fallujah Meeting with Allawi, 24 October'.

Iraq) assessed that those drawn from the Iraqi Counter-Terrorism Force and the elite Iraqi Intervention Force were "capable", but expressed concern about troops deployed from the regular Iraqi Army.[142]

276. The Black Watch began its deployment to North Babil on 26 October and left 39 days later, on 4 December.[143]

277. Following discussion between the Attorney General, the MOD and FCO officials, on 27 October Ms Adams replied to Ms Rose's letter of 15 October.[144]

278. Ms Adams reported Lord Goldsmith's agreement with the military assessment that the level of violence in parts of Iraq constituted a state of armed conflict. It would be impractical to operate under different rules in different geographical areas but Lord Goldsmith felt it important that the revised Targeting Directive said explicitly that force was "only authorised where it is strictly necessary and proportionate".

279. On 27 October, the JIC conducted a review of insurgencies in Iraq at the request of the FCO.[145]

280. The JIC judged that there was "no unified national insurgency" although "all insurgent groups have a perceived common enemy: the MNF-I and Iraqis who support the 'occupation'". In general:

> "The level of sustained violence in Iraq shows no sign of diminishing. The considerable efforts of the Multi-National Forces (MNF) and the Iraqi security forces (ISF) are constraining the insurgents but not defeating them."

281. The JIC judged that, of the groups operating:

> "The **Sunni Arab** insurgents have the greatest depth and means to conduct a long-term campaign. They pose the most serious threat to the Iraqi government. They enjoy a degree of popular sympathy within the Sunni community. The Iraqi government's outreach efforts have not yet diminished this.
>
> "The scale of the Sunni Arab insurgency will be influenced in the short term by events in Fallujah. More broadly, it will be affected by the outcome of the January elections – a result which deepens Sunni political exclusion could fuel the violence – and by the MNF presence, against which the overwhelming majority of attacks are directed. A significant Sunni insurgency will probably continue through 2005 and beyond.

---

[142] Telegram 301 Baghdad to FCO London, 24 October 2004, 'Iraq: Fallujah: Military Preparations: ISF Numbers and Capability'.
[143] MOD Defence Factsheet, [undated], *Operations in Iraq: News and Events, January-December 2004.*
[144] Letter Adams to Rose, 27 October 2004, 'Iraq: Revision of Op TELIC Targeting Directive and position of embedded personnel'.
[145] JIC Assessment, 27 October 2004, 'Iraq: A Long-Term Insurgency Problem'.

"A **Shia** insurgency, small at present, will persist. Its scope and scale will depend on the degree of political inclusion (particularly as regards al-Sadr) and the success of economic improvements in poor Shia areas, and could be affected by how the Sunnis react to the election results."

282. In Baghdad, the JIC judged that:

"With a deal struck between representatives of al-Sadr and the IIG, violence in the Sadr City area of Baghdad has reduced significantly. Isolated attacks, mainly against the MNF, have continued in Baghdad and elsewhere in Shia areas. Most are conducted by renegade Mahdi Army elements determined to continue to attack the MNF, but other Shia groups are also involved. Intelligence continues to indicate confusion and dissention among the Mahdi Army and al-Sadr's supporters."

283. For Sunni groups, the JIC assessed that the next few months would be:

"… important in shaping the scale of their insurgency. There are signs that some of the insurgents may be susceptible to overtures from the IIG. Prime Minister Allawi and other senior figures in the government have invested considerable effort in establishing dialogue with a variety of Sunni insurgent leaders … In the short term much may depend on **Fallujah**. Long drawn out fighting with heavy civilian casualties will reinforce the broader Sunni Arab insurgency and may jeopardise attempts to bring Sunni Arabs into the political process. Success in Fallujah, either through negotiations or a successful military operation – particularly against foreign jihadists – will result in the IIG maintaining momentum and offers the prospect of further progress after the elections. But, whatever the outcome in Fallujah a significant Sunni Arab insurgency will continue through 2005 and beyond. The election will bear on its scale. An acceptable outcome for the Sunnis could lead to a reduction in violence. A result which deepens their political exclusion may see a continuation of the current level or perhaps an increase."[146]

284. The JIC assessed that Abu Musab al-Zarqawi's position might be strengthened by his pledge of allegiance to Usama Bin Laden, enabling him to attract more foreign recruits and funding, and making his group a long term threat. But the AQ "brand" was expected to reinforce further the fears of Iraqi citizens opposed to the jihadist agenda.

285. On 27 October, Maj Gen Farquhar reported that "the Independent Electoral Commission of Iraq (IECI) had formally requested logistic support in the distribution of electoral registration papers."[147]

286. A report from Maj Gen Rollo in MND (SE) on the same date suggested that the prospect of elections was having a "positive effect" although the timetable remained

---

[146] JIC Assessment, 27 October 2004, 'Iraq: A Long-Term Insurgency Problem'.
[147] Report Farquhar, 27 October 2004, 'MNC-I Security Update – 27 Oct 04'.

"very tight".[148] IECI activity was also visible in the South – registration forms and explanatory material would be distributed with the November food ration.

287. Maj Gen Rollo wrote:

> "My main concern is security. I will press the local police in particular to provide the necessary protection for the IECI offices … We will provide the back-up …"

288. At the meeting of the Ad Hoc Ministerial Group on Iraq on 28 October, Mr Straw said the election was "broadly on track, thanks to the work of Carlos Valenzuela and his team".[149]

289. In discussion, a member of the Group commented that the Iraqi public was starting to believe the elections would happen.

290. Mr Hoon briefed the Group on US military plans for a "short, sharp campaign" in Fallujah. UK forces would be in place in North Babil by 2 November. He said that the UK needed to press the US to ensure that its operation would be as targeted as possible. Many civilians had already left the area in anticipation of an attack.

291. Mr Hoon told the Group that the IIG should be encouraged to make political contacts with Sunni leaders in Fallujah so that there would not be a political vacuum following the military operation.

292. In discussion, a member of the Group observed that popular support for the insurgents within Fallujah was waning.

293. The Ad Hoc Ministerial Group on Iraq concluded that the UK should emphasise to the US that:

> "… British Ministers needed to understand the plan for military action in Fallujah and be given sufficient prior warning of the commencement of operations to have the opportunity to intervene politically."

294. By 29 October preliminary airstrikes had begun.[150]

295. Lieutenant General Sir John Kiszely told the Inquiry that there was:

> "… a great deal of preparatory, what the Americans would call shaping of the battlefield, in particular quite a lot of artillery and air-delivered munitions …"[151]

296. On 31 October, Lt Gen Kiszely reported that between 50 and 75 percent of the inhabitants of Fallujah were estimated to have left the town.[152]

---

[148] Report Rollo, 27 October 2004, 'GOC MND (SE) – Southern Iraq Update – 27 Oct 04'.
[149] Minutes, 28 October 2004, Ad Hoc Ministerial Group on Iraq meeting.
[150] Minute Dowse to Sheinwald, 29 October 2004, 'Iraq update – 29 October'.
[151] Public hearing, 14 December 2009, page 16.
[152] Minute Kiszely to CDS, 31 October 2004, 'SBMR-I's Weekly Report (135) of 31 Oct 04'.

297. Mosul, situated in MND(NE), was reported to be "increasingly in the grip of intimidation" and was "increasingly being seen in MNF-I and IIG circles as 'the operation after next'". Lt Gen Kiszely considered that:

> "… intimidation in Mosul is a microcosm of much of Iraq, especially the Sunni areas. It is my perception that this widespread intimidation is deepening … The number of kidnaps, in particular, is increasing, with the victims including the close relatives of senior Ministers, Generals, Provincial Governors and Police Chiefs.
>
> "The level of intimidation is severely undermining the rule of law … Criminals and insurgents operate with impunity and rule by intimidation. The police are either driven out, cowed, or are actively collaborating with the criminals and insurgents. This is true in many areas designated by MNF-I as 'at or near Local Control'. Since Local Control is defined only in terms of internal security, and not in terms of the rule of law, it is perfectly possible for areas to appear controlled – a relative absence of acts of insurgency; some uniformed police on the streets by day – although in reality this is a façade. It is actually the insurgents who are in control."

298. Lt Gen Kiszely advised "we shall need to watch this very carefully when proposals are made in the up-coming Force Posture Review" because a premature move to the wrong structure would be "likely to result in a loss of the gains we have made and a regression in the counter-insurgency campaign".

299. On election preparations, Lt Gen Kiszely reported:" The distribution of voter registration material is almost complete, and in time for the start of registration in the coming week." He considered that timing was "at-risk to unforeseen circumstances". Some concerns remained about election security, but responsibility was clearly with the Iraqi police. The MNF-I would "appear at or near election facilities only in extremis".

Mortality in Iraq

On 29 October, *The Lancet* published the results of a survey which compared mortality rates in Iraq before and after the invasion.[153] The authors concluded:

> "… the death toll associated with the invasion and occupation of Iraq is probably about 100,000 people, and may be much higher."

The study stated that violence accounted for most of the excess deaths, that violent deaths were "mainly attributed" to coalition forces, and that most individuals reportedly killed by coalition forces were women and children.

There had also been an increase in the infant mortality rate based on the households interviewed for the study, from 29 deaths per 1,000 live births to 57 deaths per 1,000 live births. Causes of death had also changed:

[153] Roberts, L, Lafta, R, Garfield, R, Khudhairi, J and Burnham, G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

> "The major causes of death before the invasion were myocardial infarction, cerebrovascular accidents, and other chronic disorders whereas after the invasion violence was the primary cause of death."
>
> The study identified Fallujah as an outlier. Of the households visited in Fallujah, 44 percent were temporarily or permanently abandoned. The survey had nonetheless completed a Fallujah sample in which:
>
> "… we recorded 53 deaths when only 1.4 were expected under the national pre-war rate. This indicates a point estimate of about 200,000 excess deaths in the 3 percent of Iraq represented by this cluster. However, the uncertainty in this value is substantial and implies additional deaths above those measured in the rest of the country."
>
> On 18 November, Mr Straw briefed the AHMGIR that:
>
> "… he had issued a Ministerial statement on civilian casualties in response to the study reported by the Lancet. The key points were that the Lancet findings were heavily dependent on the data set they had used and that their statistical assumptions were flawed (and this could be demonstrated if, for example, a case study was made of Fallujah)."[154]
>
> Mr Straw's statement to Parliament said:
>
> "The Multi-National and Iraqi forces continue to act so as to minimise civilian casualties. This is despite the fact that the insurgents have shown no compunction in using mosques, schools and hospitals as defensive bases."[155]
>
> Mr Straw quoted alternative casualty figures from the Iraqi Ministry of Health and from www.iraqbodycount.org.
>
> Casualty figures are considered in more detail in Section 17.

November 2004

300. In November 2004, Major General Jonathon Riley succeeded Maj Gen Rollo as General Officer Commanding Multi-National Division (South East) (GOC MND(SE)).

301. On 1 November, a CIG considered the current intelligence on Fallujah and the potential impact of military action on the security situation.[156]

302. The CIG judged that "prospects of a negotiated solution remain poor". The US estimated that around 3,000 insurgents were still in the city. Of those:

> "Some will certainly stay and fight but we are unable to judge the potential size of this hard core. Some may fight initially and then disperse. Others may have already left the city. A number will lie low in Fallujah to mount a longer-term resistance."

---

[154] Minutes, 19 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[155] House of Commons, *Official Report*, 17 November 2004, columns 92WS-95WS.
[156] JIC Assessment, 1 November 2004, 'Iraq Security: Fallujah'.

303. The CIG assessed that intensive fighting in Fallujah would trigger a surge in violence elsewhere in Sunni Arab areas, although the scale of such activity would depend on what happened in Fallujah. If the attack was short and precise the consequent violence was expected to be limited; long drawn out fighting with heavy civilian casualties was expected to provoke a more intense reaction.

304. Mr Blair's Private Secretary briefed him on 2 November that Prime Minister Allawi was concerned about aspects of the military plan.[157] He added that "planning for the post-conflict phase remains inadequate, and the US now seem resigned to this".

US Presidential election 2004

Iraq was a significant theme of the US Presidential election campaign in autumn 2004. One US poll conducted at the start of the campaign indicated that Iraq was the most important issue to 17 percent of US voters, behind the economy (25 percent) and the war on terror (24 percent).[158]

According to Mr Bob Woodward, although the level of violence in Iraq remained high throughout the campaign and surged in the weeks leading up to election day, the absence of a strategy for Iraq and the mounting violence "never quite grabbed hold in the campaign".[159] Mr Woodward also reported the views of Mr Blackwill, who had been struck by the lack of time to discuss Iraq policy during the campaign and President Bush's "round-the clock, all-consuming focus on winning the election". According to Mr Blackwill, the President "talked about goals, expressed his optimism … and gave pep talks", but the administration had "no real strategy".

President Bush was elected for a second term in office on 2 November 2004.

Secretary Powell announced his resignation from government in November 2004. He was succeeded as Secretary of State by Dr Rice, who in turn was replaced as National Security Advisor by her deputy, Mr Stephen Hadley.

305. On 3 November, the JIC assessed the political prospects for the forthcoming elections.[160] As well as assessing that a strong Sunni Arab turnout would be essential for credibility and that the forthcoming events in Fallujah would be critical in determining how things would unfold, it considered the likely impact of a delay. The JIC judged that:

> "A limited delay to the elections – of a month or so – would have little impact on the political process. A longer delay will undermine Allawi's credibility and that of the coalition, and would be likely to lead to increased violence, including from the Shia."

306. That judgement was based, in part, on the position of Grand Ayatollah al-Sistani. He had recently issued a statement encouraging all Iraqi citizens to register to vote and was "the only significant Iraqi voice to emphasise the need for representation in the TNA

---

[157] Minute Quarrey to Prime Minister, 2 November 2004, 'Fallujah'.
[158] *Time,* 3 September 2004, *Campaign 2004: Bush Opens Double-Digit Lead.*
[159] Woodward B. *State of Denial.* Simon & Schuster UK Ltd, 2006.
[160] JIC Assessment, 3 November 2004, 'Iraq Politics: From Here to the Elections'.

for all communities and denominations proportional to their numbers". The JIC assessed that his statement would be "very persuasive for the Shia and may even have some effect among Sunnis".

307. The JIC judged that Grand Ayatollah al-Sistani "would accept a limited delay of no more than two months, if clearly required for security or technical reasons".

308. In preparation for a breakfast meeting with Prime Minister Allawi on 5 November, Mr Blair was briefed that there were "growing doubts" over the commitment of the IIG and Prime Minister Allawi to January elections.[161]

309. Mr Blair's Private Secretary also provided a list of "points that Allawi needs to cover before he approves any military action", which included:

- demonstrating publicly that there had been "every reasonable effort to identify and negotiate with representatives from Fallujah";
- having a political strategy to deal with the impact of military action on party registration for the elections and on planned international conferences;
- ensuring he was content with the military plans and the role of the ISF; and
- preparing a "follow-up package of political and economic measures".

310. Over breakfast, Mr Blair advised that:

> "… he knew the military commanders were keen to move now. But it was vital that we balanced the political and military priorities. Unless there was an argument for an immediate move, then he believed we needed to take the necessary time to exhaust all avenues of dialogue with the Sunnis. He also thought that we needed to issue an ultimatum to Fallujah."[162]

311. Mr Blair also set out the reasons why holding elections on time was crucial. He advised "we needed to portray this to the outside world as the justification for everything we had done to date and for any operation in Fallujah".

312. On 5 November, Mr Straw's Principal Private Secretary sent an IPU paper on phased drawdown in Iraq to Mr Blair's Private Secretary.[163] The paper considered:

> "… whether we should make public our intention that the MNF presence in Iraq will alter during 2005 and end soon after the December 2005 elections (with any further troop presence in Iraq being purely to train and support the ISF, and under a new arrangement with the Iraqi government)."

---

[161] Minute Quarrey to Prime Minister, 4 November 2004, 'Iraq: Breakfast with Allawi'.
[162] Letter Phillipson to Adams, 5 November 2004, 'Iraq: Prime Minister's Discussion with Iyad Allawi, 5 November 2004'.
[163] Letter Adams to Quarrey, 5 November 2004, 'Iraq: MNF Presence in Iraq in 2005: Phased Draw-Down' attaching Paper 'Iraq: MNF Presence in Iraq in 2005: Phased Draw-Down'.

313. The IPU concluded that there should be a public statement, which would make clear that drawdown was conditional on successful elections in January and December 2005, progress in training the ISF and completion of the Petraeus Plan. The IPU considered the relationship between the insurgency and drawdown and observed that:

> "… some insurgents are beginning to conclude that US/UK refusal to specify an end-date is evidence that we are in it for the long haul, that they are not going to win militarily and, therefore, that they should engage on the political track …"

314. The IPU also proposed that a public statement "should make clear that MNF would not be able to draw-down quickly, or could even increase numbers, if the insurgency continued as now".

315. The following day, the media reported that Mr Annan was urging caution.[164] In a letter to leaders of the US, UK and Iraq he warned of the potential impact of major military offensives on Iraq's political process and warned:

> "The threat or actual use of force not only risks deepening the sense of alienation of certain communities, but would also reinforce perceptions among the Iraqi population of a continued military Occupation."

316. Mr Annan wrote that "forthcoming elections are the keystone in a broader process to restore stability and legitimacy in Iraq".

317. The BBC reported that Prime Minister Allawi called the letter "confused" and said:

> "… if Mr Annan thought he could prevent insurgents in Fallujah from 'inflicting damage and killing', he was welcome to try."[165]

318. A copy of Prime Minister Allawi's written response was provided to Mr Blair. It said:

> "Even now, the door remains open to these groups [insurgents] to embrace the rule-of-law, to put down their weapons, and to join the political process … But, again I fear that we have all but exhausted the comprehensive dialogue that we have conducted. We are now left with few options. I believe it is the Government's duty now to act in order to safeguard lives, elections and democracy in Iraq from those choosing the path of violence and atrocities."[166]

319. Mr Chaplin told the Inquiry:

> "In the end I think Allawi felt compelled to act – the reason he felt compelled was because it was such a serious part of the security threat.

---

[164] *BBC News*, 6 November 2004, *Kofi Annan's letter; Falluja warning.*
[165] *BBC News*, 6 November 2004, *US strikes raze Falluja hospital.*
[166] Letter Allawi to Annan, 6 November 2004, [untitled].

> "Fallujah by October/November 2004 was, by all accounts, a major terrorist haven … there were said to be thousands of terrorists, and it was certainly a factory for car bombs."[167]

320. Lt Gen Sir John Kiszely told the Inquiry that Prime Minister Allawi sought regular advice from US and UK Ambassadors as he considered action in Fallujah:

> "But on the coalition side we were careful to make sure that any decision that was made was, and was seen to be, an Iraqi Government decision and nobody else's."[168]

321. Mr Chaplin said:

> "Our own view was one of caution, highlighting the risks and making sure that Allawi considered really carefully the pros and cons. But in the end it was his decision, and of course an American decision …
>
> "Our main involvement and the main thing we emphasised afterwards was that if there had to be military action, then the government needed to organise itself to ensure there was rapid follow-up …"[169]

322. Following authorisation by Prime Minister Allawi, offensive operations began in Fallujah on 8 November, at 1900 local time.[170]

323. An update on the operation sent on 9 November reported that initial resistance had been light, but was likely to increase as US forces and the ISF closed in on insurgent strongholds.[171]

324. On 10 November Mr Chaplin reported from Baghdad:

> "Only a week ago, Sunni and Shia parties appeared to have drawn the same conclusions … that the elections should be delayed for a few months. The Sunnis were worried that a January election would see insufficient security in the Sunni triangle for a good Sunni voter turnout. The Shia parties … had woken up to the fact that more time would be needed to make a success of diaspora voting …
>
> "The arguments for delay are, for now, in abeyance."[172]

325. On 10 November, ACM Torpy reported to Gen Walker the results of an interim Force Level Review.[173] It had concluded that no additional deployments were required in support of election security, but one more battalion was required for SSR tasks.

---

[167] Public hearing, 7 December 2009, page 5.
[168] Public hearing, 14 December 2009, pages 14-16.
[169] Public hearing, 7 December 2009, page 19.
[170] *CNN World,* 9 November 2004, *Battle for Falluja under way.*
[171] Letter Baker to Phillipson, 9 November 2004, 'Fallujah' attaching Paper, 9 November 2004, 'Fallujah Update – 091200Z Nov 14'.
[172] Telegram 369 Baghdad to FCO London, 10 November 2004, 'Iraq: Elections: The Politics; Part two of two'.
[173] Minute CJO to CDS, 10 November 2004, 'Iraq – Interim Force Level Review'.

326. Three days after the start of the operation in Fallujah, on 11 November, Mr Straw told Cabinet that it was going "slightly better than had been anticipated".[174]

327. Although there had been civilian casualties, Prime Minister Allawi had gone to great lengths to pursue a political solution. Mr Straw considered that it was necessary to "deal with Fallujah" if elections were to be held.

328. In a telephone conversation with Mr Straw on the same day, Secretary Powell said that operations in Fallujah were going "relatively well" although Mosul, where the police structure had entirely broken down, was a concern.[175] Mr Straw commented that Mosul "had the potential not only to be a centre of insurgency, but also of ethnic civil war".

329. On 11 November the JIC issued an Assessment covering current themes relating to the security situation in Iraq.[176]

330. The JIC judged that insurgent violence would continue at a high level in Iraq over the next few months, however effective the operation in Fallujah was. It judged there to be evidence of local co-operation between insurgent groups, but no overall co-ordination.

331. In Fallujah, US and Iraqi forces were making "good progress" and:

> "A large number of insurgents have left the city, although the risk of significant attack remains. Insurgents outside Fallujah will continue responding to the offensive with an increased effort, including in the UK area of responsibility in North Babil."

332. It was the JIC's view that:

> "There are still too few capable Iraqi forces to cope with the widespread security problems. Attacks and intimidation by insurgent groups against the Iraqi security forces are undermining their effectiveness, in some cases. All Iraqi official institutions, including the security forces, employ individuals who give information to insurgents, either willingly or under threat."

333. The JIC judged that the new relationship between Abu Musab al-Zarqawi and Al Qaida had had "no immediate impact on the security situation in Iraq" and was "unlikely to alter it in the short term". There were, however, indications that other AQ operatives were sending trainers to Iraq.

334. Mr Blair visited Washington from 11 to 12 November to "look ahead strategically with President Bush to the key issues of his second term".[177]

---

[174] Cabinet Conclusions, 11 November 2004.
[175] Letter Owen to Sheinwald, 11 November 2004, 'Conversation with US Secretary of State, 11 November 2004'.
[176] JIC Assessment, 11 November 2004, 'Iraq Security – Current Concerns'.
[177] Minute Sheinwald to Prime Minister, 5 November 2004, 'Visit to Washington'.

335. On Iraq, Sir Nigel Sheinwald suggested that the main areas to cover were:

"
- Unambiguous commitment to elections on time in January.
- US and UK to stay the course, but MNF will be able to draw down as Iraqi capability increases next year.
- Fallujah."

336. During their meeting on 12 November, Mr Blair asked President Bush whether Iraqiisation of security was having any impact on the ability of terrorists to operate.[178]

337. Mr Blair said that it was important to keep reiterating that if insurgents laid down their weapons then operations like the one in Fallujah would cease.

338. After returning to the UK, Sir Nigel Sheinwald wrote to Mr Straw's Principal Private Secretary to describe the follow up work required.[179] He wrote:

> "I discussed Iraq in 2005 in some detail with Condi [Rice]. But we need to put flesh on these bones too. The issues are familiar: improving security; follow up to Sharm el Sheikh; getting to elections and our 2005 strategy. **Action:** FCO to send advice this week please in the run up to the Sharm meeting."

339. Lt Gen McColl called on Mr Blair in London on 16 November.[180] He said that in the election in January, and especially during the election scheduled for late 2005, some would be calling for the MNF-I to leave. He advised that the UK "should use this to our advantage, not least in terms of empowering the moderates".

340. Mr Blair said he agreed and "had said as much to President Bush" the week before.

341. Mr Blair added: "There was no question of setting a timetable for withdrawal, but we could indicate that once certain conditions had been fulfilled the role of the MNF-I would no longer be necessary."

342. Lt Gen McColl told Mr Blair that:

> "… the decision to deploy the Black Watch to North Babil had been absolutely right. The UK were possibly the only nation who could influence US military thinking. This was why our assistance had been sought, and why it was so important that we were able to offer that assistance."[181]

---

[178] Letter Phillipson to Adams, 12 November 2004, 'Prime Minister's meeting with President Bush, 12 November'.
[179] Letter Sheinwald to Adams, 16 November 2004, 'Prime Minister's visit to Washington: follow up'.
[180] Letter Phillipson to Baker, 16 November 2004, 'Prime Minister's meeting with General John McColl, 16 November'.
[181] Letter Phillipson to Baker, 16 November 2004, 'Prime Minister's meeting with General John McColl, 16 November'.

343. Lt Gen Kiszely was the first Briton to visit Fallujah following the start of offensive operations, and was put in charge of reconstruction in the city by Gen Casey.[182]

344. Lt Gen Kiszely reported to the MOD and to the IPU that the scale of the damage he had witnessed dramatically outstripped the figures that the MNF-I had used in its press statements. Mr Crompton's note of a discussion with Lt Gen Kiszely said that he was "calm, but clearly taken aback by the damage he had seen".

345. In response, the IPU was "in touch with DFID to see whether they can assist with the humanitarian effort, and are feeding in some ideas to Kiszely on how best to approach the reconstruction task, using lessons learnt in Kosovo and elsewhere".

346. Sir Nigel Sheinwald passed a copy of Mr Crompton's note to Mr Blair, with the single word annotation "worrying".[183]

347. Mr Blair replied:

> "Yes but if there is still resistance, it means we are getting some of the insurgents. When will F[allujah] start to be re-built?"

348. The Annotated Agenda for the 18 November AHMGIR said that in Fallujah "the main assault phase has been completed and gone largely according to plan".[184] It suggested that Mr Straw should ask for an update on the security situation:

> "… in particular, on Fallujah following Gen Kiszely's recent visit and on the morale of the Black Watch. Discussion might then briefly focus on what comes next. Should we anticipate this being a 'decisive battle' with the insurgents or will similar operations be needed in further cities?"

349. Lt Gen Kiszely had reported significant structural damage in Fallujah and that the city was "littered" with IEDs which would need to be located and made safe before reconstruction could begin in earnest.

350. The Annotated Agenda also stated that:

> "There has been a spike in activity in **Mosul**, almost certainly as a result of operations in Fallujah and compounded by the weakness of the local police. Police stations were overrun by insurgents across the city. Bridges have also been attacked. In response, the governor imposed a curfew and US forces have been redeployed from Fallujah (without any material impact on the Fallujah operation). A new police chief has also been appointed. This has improved the situation and police stations are steadily being brought back under IIG control, but the insurgents remain active."

---

[182] Minute Crompton to Private Secretary [FCO], 16 November 2004, 'Fallujah'.
[183] Manuscript comments, Sheinwald and Blair on Minute Crompton to Private Secretary [FCO], 16 November 2004, 'Fallujah'.
[184] Annotated Agenda, 18 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

351. When the AHMGIR met, Gen Walker told Ministers that "exchanges with the insurgents continued in a number of sectors of the city".[185] He reported the loss of 54 US troops, six Iraqi troops and 2,080 insurgents.

352. Gen Walker described a slow start to reconstruction in Fallujah. This was a failure of the IIG and, in part, non-military US agencies, although there was no indication of an immediate humanitarian crisis.

353. Ministers concluded that Mr Straw should telephone Mr Jakob Kellenberger, President of the International Committee of the Red Cross (ICRC), to discuss ICRC access to Fallujah.

354. The AHMGIR also discussed elections, and was informed that the IECI had decided to allow out of country voting. Arrangements for that to happen in the UK were being discussed.

355. Sir Nigel Sheinwald and Dr Rice discussed Fallujah during a telephone conversation on 18 November.[186]

356. Sir Nigel expressed concern about the pace of the humanitarian assistance and reconstruction operations. Dr Rice shared that concern, but thought that some assistance was reaching the north-west of the city. She considered that the next step was "to get the city cleaned up so that the IDPs [internally displaced persons] would return".

357. On 19 November, Mr Straw's Private Secretary wrote to Mr Blair's Private Secretary:

> "… we believe about 1,000 insurgents may have departed Fallujah for other towns or cities … We believe the largest group have headed for Baghdad. But North Babil, Mosul, Ramadi and Al-Qaim have also seen an influx."[187]

358. In relation to the election:

> "The critical challenge now is ensuring credible Sunni participation in the process. Operations in Fallujah have led to renewed calls by senior Sunnis and members of the IIG for a postponement of elections … But Fallujah has not caused a definitive boycott by Sunni groups."

359. In his weekly report on 21 November, Lt Gen Kiszely reported that a Campaign Progress Review was about to get under way, to inform a strategy for the size, shape and posture of the MNF-I in 2005.[188] The US was already anticipating that three or four additional brigades were required over the election period.

---

[185] Minutes, 18 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.
[186] Letter Sheinwald to Adams, 18 November 2004, 'Conversation with US National Security Adviser: 18 November 2004'.
[187] Letter Owen to Phillipson, 19 November 2004, 'Iraq: The Political Process – Prospects for Elections and Sharm El-Sheikh'.
[188] Report Kiszely to CDS, 21 November 2004, 'SBMR-Is Weekly Report (138) of 21 Nov 04'.

360. Lt Gen Kiszely reported that 446 out of 542 voter registration centres had opened and that 30 January 2005 had been formally announced as election day.

361. Lt Gen Kiszely described Fallujah as a "ghost town" and the scale of damage as "breathtaking". He reported that US planning for reconstruction was well advanced and that he had been appointed by Gen Casey as the MNF-I co-ordinator for humanitarian assistance and reconstruction with special responsibility for liaison with the IIG. The immediate priorities were a needs assessment and co-ordination of reconstruction efforts.

362. From 22 November, the Secretary to this Inquiry, Ms Margaret Aldred, held the post of Deputy Head of the Overseas and Defence Secretariat within the Cabinet Office, succeeding Mr Desmond Bowen. Ms Aldred routinely chaired the Iraq Senior Officials Group and deputised for Sir Nigel Sheinwald as Chair of the Iraq Strategy Group or at meetings of the JIC.

363. An international conference on Iraq, bringing together Iraq's neighbours,[189] the G8,[190] China and a number of other states and international organisations,[191] was held in Sharm el Sheikh on 23 November.

364. Briefing prepared for Mr Straw by the IPU set out UK objectives for the conference. They were to:

"
- maintain momentum towards elections in January;
- lock the neighbours [of Iraq] into support for the political process; and
- broaden international consensus by focusing the international community on a forward looking agenda for 2005."[192]

365. The conference's final communiqué[193] reflected those objectives and stated that a follow-up meeting would take place in February 2005.[194]

366. In a letter to Mr Blair's Private Secretary, Mr Straw's Private Secretary described the outcome as "a step forward".[195] Together with the Paris Club deal to write off 80 percent of Iraq's debt (see Section 10.3), it had "strengthened the impression of the international community putting differences behind it and focusing on the future". It would be important to build on that with a "forward looking agenda for 2005".

---

[189] Iran, Jordan, Kuwait, Saudi Arabia, Syria and Turkey.
[190] Canada, France, Germany, Italy, Japan, Russia, UK and the US.
[191] Egypt, Bahrain, Algeria, Tunisia, Malaysia, Netherlands, League of Arab States, Organisation of the Islamic Conference, EU and the UN.
[192] Minute Fitzgerald to Crompton, 18 November 2004, 'Iraq: Briefing for Bilaterals at Sharm el Sheikh Conference, 22/23 November', attaching briefing IPU 'Iraq: Sharm el Sheikh International Conference 22/23 November'.
[193] A communiqué is a summary of a conference's conclusions.
[194] Final Communiqué of International Ministerial Meeting of the Neighbouring Countries of Iraq, the G8 and China, Sharm El-Sheikh, Egypt 23rd November 2004.
[195] Letter Owen to Quarrey, 26 November 2004, 'Iraq: The Path to Elections on 30 January'.

The UK should also "continue talking up the role of the UN in advising on the constitutional process as set out in SCR 1546" and "find roles for countries which give them a stake in the process".

367. The letter also stated that:

> "Fallujah was a tactical success. Although many insurgents slipped away, it achieved its primary military objective of denying the insurgents their main safe haven. Politically it has boosted the authority of the IIG, while the domestic and regional fall out has been limited."

368. Looking ahead to election security, the letter stated that:

> "The sheer number of polling booths will make it hard to provide security for them all, but also makes it hard for the insurgents to close down voting in whole areas.
>
> "The level of threat in some areas is clear from the attacks already being attempted in registration. In Salah ad Din province the Iraqi police report terrorists have already been distributing 120 IEDs and VBIEDs [vehicle-borne improvised explosive devices] to disturb the elections."

369. During a video conference with President Bush on 30 November, Mr Blair said that Fallujah "had gone well" and the story of what US forces had found there – including evidence of torture chambers – should be put into the public domain.[196]

370. Mr Blair suggested that the operation had "sent a clear message that the insurgents could not win".

December 2004

371. The JIC reviewed the impact of Fallujah on 8 December.[197]

372. It judged that "Fallujah has been removed as a symbol of the impotence of the Iraqi Interim Government (IIG) and of resistance to the Multi-National Force (MNF)".

373. Whilst the area was "no longer a major insurgent base" the JIC observed that "details of how the insurgency operated in the city, and in particular the relationship between the various insurgent elements, are yet to emerge". Overall:

> "Fallujah has been a setback for the insurgents, but in response they demonstrated a high level of capacity to mount attacks across Sunni Arab areas of Iraq and they are far from defeated. The present lull in violence is unlikely to last. Further surges in violence should be expected, particularly to disrupt the electoral process. Intimidation of voters and attacks on election and other infrastructure will be key objectives.

---

[196] Letter Quarrey to Owen, 30 November 2004, 'Prime Minister's VTC with President Bush, 30 November: Iraq, Syria and Iran'.
[197] JIC Assessment 8 December 2004, 'Iraq Security: The Impact of Fallujah'.

"The immediate outcome in Fallujah has boosted the authority of the IIG. But in the longer-term substantial Sunni participation in the election remains vital. If a significant number of Sunni Arabs fail to vote, the elections will at best lack international credibility and at worst could be destabilising."

374. The JIC reviewed Iranian support for insurgents within Iraq on 9 December.[198] It judged:

"Iran's Islamic Revolutionary Guards Corps (IRGC) remains intent on supporting anti-coalition resistance in Iraq …

"We have no firm evidence linking Iran to specific insurgent attacks since August, but intelligence suggests activity in support of potential attacks continues. Supreme Leader Khamenei probably continues to provide tacit support for this.

"Iran will persist with a twin track approach, supporting the holding of elections in January, while providing limited backing to Shia militants. But with the Najaf crisis having subsided and elections on track, Iranian support for Shia militants may continue at a lower level in the short term. There is no intelligence to show current Iranian support to Sunni insurgents.

"Iran would be likely to ratchet up its support to Shia militants in the event of any renewed confrontation between Shia elements and the coalition. It would also back the Shia in the face of growing sectarian violence.

"A constraint on the Iranians will remain their concern at the threat of US military action against them. In consequence, while Iran will be tempted to take advantage of any opportunity to support new attacks in Iraq in order to make life difficult for the coalition, any significant escalation would depend on IRGC confidence in its ability to avoid exposure of its role."

375. On 9 December, Mr Straw's Private Secretary sent a paper on handling Iraq in 2005 to Mr Blair's Private Secretary.[199]

376. The paper, described as an agenda for discussion with the US, recommended maintaining momentum in the political process, broadening international consensus on Iraq, reaching early agreement on the future of the MNF-I and making progress on reconstruction and economic reform.

377. The FCO considered that continued progress on Iraqiisation would allow the MNF-I to move from primary responsibility for security in all areas to a supportive role during 2005, working either in support of ISF operationally or as trainers or mentors. A transfer of lead responsibility for security to the ISF could occur in summer 2005.

---

[198] JIC Assessment, 9 December 2004, 'Iraq: Iran's Support for Insurgents – Updated'.
[199] Letter Owen to Quarrey, 9 December 2004, 'Iraq: 2005' attaching Paper 'Iraq: 2005: Forward Look'.

378. The UK objective described in the paper was "a stable, democratic Iraq at peace with itself and its neighbours".

379. In a note to his No.10 staff dated 12 December, Mr Blair commented that the situation in Iraq was "worrying".[200] Iraqiisation was not yielding the looked-for progress; the insurgent attacks were continuing far beyond what was manageable; there was a risk that insufficient Sunni Arabs would participate in the election; life in Basra had not sufficiently improved; and reconstruction remained a problem.

380. Mr Blair's conclusion was that:

> "… this may be lower down the media profile; but it is not getting sorted. We need to sit down with the US in the New Year and work out a proper strategy based on a hard-headed reality check. The paper I have seen for 2005 is inadequate."

381. The Inquiry assumes that the paper referred to is the one sent by Mr Straw's office on 9 December, and asked Sir Nigel Sheinwald what it was about the paper that the Prime Minister had considered inadequate.[201]

382. Sir Nigel said that Mr Blair's:

> "… consistent worry during this period was: … was our government applying a sufficient level of effort to this problem? Were we doing everything that we could with the Americans to get things moving? He continually looked for … the missing pieces in the strategy. Were there game changers? Were there drivers which would help us on to more profitable and successful terrain?"

383. In a paper for the Chiefs of Staff to consider out of committee dated 13 December, Lt Gen Fry looked at the possible roles for the MNF-I in the run up to the election.[202] They included:

- Containing insurgent activity. This had "returned to pre-Ramadan levels" and could be expected to rise again in the run-up to elections. The US had decided to deploy an additional three brigades to strengthen the MNF-I. "But a balance will be needed between directly countering the insurgency and safeguarding the elections … For example … activity may have to be tempered to avoid further Sunni alienation."
- Countering voter intimidation. Flyers had appeared in some areas warning: "You Vote, You Die." This type of activity was expected to rise as elections grew closer. "ISF will need to counter this, but they lack capability. This poses us a dilemma: increase direct MNF-I support to elections, thereby reducing their legitimacy; or let the ISF lead and potentially accept a low voter turnout."

---

[200] Note Blair, 12 December 2004, 'Iraq'.
[201] Private hearing, 3 September 2010, page 65.
[202] Minute DCDS(C) to COS, 13 December 2004, 'Iraq – Towards Successful Elections'.

- Protecting critical electoral infrastructure. Plans were in hand, but success could not be guaranteed. Although the IECI were in the lead on this, it was possible that the MNF-I would be asked for logistical support, which in Lt Gen Fry's view could undermine the legitimacy of the elections.

384. On 14 December, Mr Blair commented to President Bush that:

> "The good news from Fallujah was that it had not prompted a serious escalation elsewhere. But, equally it had not ended the insurgency."[203]

385. Mr Asquith commented after visiting Iraq that the after-effects of Fallujah would:

> "… persist beyond the elections as the scale of destruction becomes apparent to returning families and the wider public. Restoring more than very basic services will take months. The insurgents are returning and the MNF/IIG relationship is fractious."[204]

386. Meanwhile, Mr Asquith reported that some considered the problems in Mosul would trigger a "grim conflict that will dwarf Fallujah".

387. Lt Gen Sir John Kiszely told the Inquiry that the main lesson from Fallujah was "don't allow a safe haven to take effect in an insurgency situation".[205]

388. The deadline for both voters and political parties/candidates to register for the election was 15 December.[206]

389. In a briefing paper on 15 December, the IPU estimated that voter registration had been successful around the country with the exception of Anbar and, to a lesser extent, Ninawa provinces (both Sunni). Opinion polls over recent months had suggested that there was broad support for elections on time and a desire to vote, including among the Sunni community.

390. Over 200 political entities (party lists and independent candidates) had registered and the Independent Electoral Commission of Iraq had certified over 470 candidate lists (totalling more than 11,000 candidates). The majority of these were for the 18 provincial elections, with 11 for the Kurdish National Assembly and just over 70 for elections to the TNA.

391. A briefing paper for Mr Blair to use at the Ad Hoc Ministerial Group on Iraq on 16 December recommended that Ministers should focus on whether HMG had done everything possible to create the best possible conditions for the elections by:

- pushing hard on Sunni outreach;

---

[203] Letter Phillipson to Adams, 14 December 2004, 'Prime Minister's VTC with President Bush, 14 December: Iraq and the MEPP'.
[204] Minute Asquith to Owen, 20 December 2004, 'Visit to Iraq, 13-17 December'.
[205] Public hearing, 14 December 2009, page 27.
[206] Briefing IPU, 15 December 2004, 'Prime Minister's Mini-Ministerial on Iraq, 16 December'.

- making sure the UN and IEC had robust plans in place; and
- ensuring the best possible security conditions.[207]

392. The Cabinet Office described a JIC paper on Iraqiisation issued on 15 December as "grim". It described "high levels of dependency on the MNF-I until 2006", "serious structural weaknesses within the ISF" and "an assistance programme that, while making progress, will take considerably more time to deliver significant impact". By contrast, the MOD's paper had suggested that the Petraeus Plan would deliver, given time. (See Section 12 for more detail.)

393. Mr Straw briefed the Ad Hoc Ministerial Group on Iraq that they should expect the elections to be far from perfect but that, if there were problems during the election period, it would be important to remind critics that these were the first democratic elections in Iraq for many years and that on this occasion the Iraqi people were only electing a transitional assembly.[208]

394. The Chief of the Assessments Staff told the meeting that the ISF would "face a major challenge in handling the elections".

395. Mr Hoon explained that a battalion was on stand-by in Cyprus in case it was required during the election period. If the UK wanted to have the flexibility to deploy it during the election period, its "notice to move" needed to be reduced from five to three days by 1 January.

396. Mr Asquith wrote to Mr Straw's Private Secretary following a visit to Iraq in mid December.[209] He commented:

> "The time had now passed to argue for a delay in the polling day … Focusing on 30 January was the likeliest way to bring in the Sunni Arabs. When confronted with reality, they would not repeat the mistake of the Shia in the 1920s."

397. The key issues for the UK in the weeks ahead were to:

- manage expectations for the elections; and
- build IECI capability to enable it to deliver the January elections, the constitutional referendum and the elections in December 2005, which could require "redrawing of boundaries, a new electoral law and a census".

398. Mr Asquith considered that priorities for 2005 included:

- to make sure that the new Constitution reflected the voice of all the communities in Iraq;

---

[207] Paper Cabinet Office, 15 December 2004, 'Ad Hoc Ministerial Group on Iraq meeting to be held in the Cabinet Room on Thursday 16 December 2004 at 11:00 – Chairman's Brief'.
[208] Minutes, 16 December 2004, Ad Hoc Ministerial Group on Iraq meeting.
[209] Minute Asquith to Owen, 20 December 2004, 'Visit to Iraq, 13-17 December'.

- to deliver results to the Sunni Arabs, including incorporating "experienced Ba'athists (ex or otherwise)";
- to continue to develop IECI capability to help it deliver the constitutional referendum and the elections in December 2005;
- either to invest significant additional resources in Security Sector Reform or to plan on the basis of a significant MNF-I presence in Iraq in 2006 or beyond; and
- to develop an effective relationship with the transitional government, while recognising that it would owe its appointment to the TNA, which would be "likely to reduce the ability of the US/UK and MNF-I to influence the policies of the ITG to the extent we have with the IIG".

399. Mr Blair visited Baghdad on 21 December, where he commented to journalists:

> "I tell you exactly what I felt coming in. Security is really heavy – you can feel the sense of danger that people live in here … coming from terrorists and insurgents … Now where do we stand in that fight? We stand on the side of the democrats against the terrorists."[210]

400. The No.10 report of his visit recorded that "Iraqiisation and political outreach were key themes".[211]

401. Mr Blair met Prime Minister Allawi and had been encouraged that he was working on a security strategy which he intended to publish shortly.

402. On reconstruction, Mr Blair was "very concerned about the slow pace of … spending, especially in the South" and wanted the UK to make a major effort to secure greater funding.

403. During the visit, Interior Minister Naqib confirmed to Sir Nigel Sheinwald that the IIG would facilitate forced returns of Iraqis without immigration status in the UK to Iraq.[212] Prime Minister Allawi indicated that a Memorandum of Understanding should be signed as soon as possible.

404. The JIC reviewed election prospects on 23 December.[213]

405. It judged that the planned election date would stick, despite previous pressure for a delay. The likely extent of Sunni Arab participation in the election was unclear, although it was expected that many would be deterred by the security situation and some by a perception that the process was unfair or lacked legitimacy. In addition:

---

[210] *BBC News,* 21 December 2004, *Blair's statement in Baghdad.*
[211] Letter Quarrey to Owen, 23 December 2004, 'Prime Minister's Visit to Iraq: Follow-Up'.
[212] Letter Quarrey to Adams, 21 December 2004, 'Prime Minister's Visit to Baghdad, 21 December: Meeting with Allawi'.
[213] JIC Assessment, 23 December 2004, 'Iraq: Election Prospects'.

> "Intimidation and assassinations will increase as the elections approach. Sunni Arabs will be most susceptible to intimidation, although attacks will not be confined to their areas."

406. Whatever the outcome, the JIC judged that:

> "Hard-line Sunnis will reject any new government and will continue their campaign of violence. Support for them could increase if the election outcome is perceived as grossly unfair. Other Sunnis may be encouraged to turn away from the insurgency if the election produces what they judge to be fair representation in the Presidency Council, Transitional Government and Transitional National Assembly (TNA). But any impact on the security situation will not be immediate.
>
> …
>
> "The Transitional Government is unlikely to request early MNF withdrawal but may try to insist on a timetable being formally agreed – even before UNSCR 1546 is reviewed in June 2005."

January 2005

407. In a video conference with President Bush on 4 January, Mr Blair said that it should be made clear that it was violence and intimidation preventing people from participating in the elections, not questions about the legitimacy of the process.[214] He hoped that the UN would say publicly that people in Iraq wanted to vote, and should be allowed to do so.

408. On 6 January, Mr Hoon's Private Secretary wrote to Mr Blair's Private Secretary to say that the Defence Secretary would consider over the weekend whether to deploy the Cyprus-based battalion in mid-January to cover the election period.[215] Maj Gen Riley had requested the deployment, and Gen Walker endorsed it.

409. Following a request for additional information, Mr Hoon's Private Secretary wrote again to explain that the additional 400 troops would be used:

> "… to free up fully acclimatised theatre troops from static security tasks, who can then be employed on intelligence-led security operations in support of the election process."[216]

---

[214] Letter Quarrey to Owen, 4 January 2005, 'Prime Minister's VTC with President Bush, 4 January 2005; Iraq, Iran and MEPP'.
[215] Letter Naworynsky to Quarrey, 6 January 2005, 'Iraq: Preparations for the Elections'.
[216] Letter Naworynsky to Quarrey, 7 January 2005, 'Iraq: Preparations for the Elections'.

410. On 10 January Sir Nigel Sheinwald sent Mr Hadley a Note by Mr Blair and asked him to show it to President Bush before their discussion the following day.[217] Mr Blair's Note covered "our most pressing problems".

411. On Iraq he judged:

> "All the problems go back to security. Without it the politics are difficult, the reconstruction shackled and the faith of Iraqis in the future undermined."

412. Mr Blair considered that four actions were necessary:

- the Iraqiisation of security forces;
- spending money more quickly on reconstruction, especially of essential services;
- being "very tough indeed on the election", including by ensuring it went ahead on schedule and encouraging participation; and
- signalling a timetable for the withdrawal of US and UK forces "when and only when, we can point to real indigenous Iraqi strength".

413. In the video conference that followed on 11 January, Mr Blair reported that the UK was "upbeat" about elections.[218] Everything possible should be done on election security:

> "But we also had to be very clear that where turnout was low, this was because of intimidation and terrorist violence, and did not undermine the legitimacy of the elections."

414. On 11 January Lt Gen Fry, Deputy Chief of the Defence Staff (Commitments), submitted advice to Mr Hoon on prospects for 2005.[219] In his view a "strategic watershed" was approaching in Iraq:

> "The prognosis for the security LOO [Line Of Operation] in 05 is stark … The Sunni insurgency will grow in scale and intensity … Kurdish and Shia violence, recently quiescent, may be sparked by intractable constitutional discord over federalism … The recent alignment of AQ and Al Zarqawi has formally established Iraq as the central front for radical Islamic terrorism … the pace of ISF development is too slow for Iraq to manage the insurgency alone before 06 … In sum, we are not on track to deliver the Steady State Criteria (SSC) before the UN mandate expires, or even shortly thereafter."

415. Lt Gen Fry judged that "only additional military effort by the MNF-I as a whole" might be able to get the campaign back on track. He identified three possible courses of action for the UK – increasing the UK scale of effort, maintaining the status quo or, if it was judged that the campaign was irretrievable, accepting failure and seeking to mitigate

---

[217] Letter Sheinwald to Hadley, 10 January 2005, [untitled], attaching Note TB [Blair to Bush], 10 January 2005, 'Note'.
[218] Letter Quarrey to Owen, 11 January 2005, 'Prime Minister's VTC with President Bush, 11 January'.
[219] Minute DCDS(C) to APS 2/SofS [MOD], 11 January 2005, 'Iraq 2005 – a UK MOD perspective'.

UK liability. The second two options carried an inherent "acceptance of probable long term campaign failure", which could destabilise the Middle East, create a safe haven for international terrorists and damage the reputation and morale of the UK defence forces.

416. Lt Gen Fry did not recommend a particular course of action but concluded:

> "The situation in Iraq is grave and demands hard strategic choices for the UK, none of which are palatable and all of which carry far-reaching consequences. But we must not shirk a decision – more of the same will simply make the UK a spectator to failure. The purist military response would be to increase scales of effort, but the political will to do so will be minimal. Even then, an increased UK military effort alone may not deliver success. The opportunity for the UK, or even the MNF-I, to decisively influence the campaign may be gone. If we believe this to be the case, we should seek a strategy of limited liability. But this will be very difficult to actually bring off and accepts the inevitability of campaign failure in Iraq with far-reaching, long term, damaging consequences."

417. Lt Gen Fry told the AHMGIR on 13 January that as expected there had been an increase in violence, focused on the ISF and those connected with preparing the elections.[220]

418. Mr Straw stated that the insurgents were "systematically targeting the democratic process in an effort to make it hard to claim the elections could be free and fair". This should be countered by "making clear the degree of public interest in elections in Iraq and the progress that had been made in preparing for them".

419. Ministers noted the "continuing need" to encourage Sunni participation and to ensure the broadest possible participation in the constitutional drafting process after the elections.

420. Mr Chaplin was also considering the future UK military role, and sent a message to the FCO in London that, whoever won the election, they were likely to "want something more definite about the MNF's future" than the simple fact of resolution 1546, and might invoke the review clause in the resolution at any time.[221]

421. In a press conference on 14 January, Mr Annan said:

> "It is clear that the vast majority of Iraqis are eager to exercise their democratic right to vote. But it is equally obvious that the conditions in which the election is being held are far from ideal.
>
> …

---

[220] Minutes, 13 January 2005, Ad Hoc Group on Iraq Rehabilitation meeting.
[221] Telegram 31 Baghdad to FCO London, 13 January 2005, 'Iraq: MIPT: MNF Mandate'.

> "Even at this late stage, outreach to the Arab nationalist component of society – especially the Sunni Arabs – is critical … I encourage the [Iraqi] Government to intensify its efforts, and I know the Government is making efforts in this direction.
>
> "I encourage all Iraqis to exercise their democratic right to vote. Iraq needs as broad-based a government as possible for a successful transition."[222]

422. The IIG's National Security Strategy was issued on 15 January.[223] In it, Prime Minister Allawi was reported to have increased the goal of training 100,000 Iraqi soldiers by July to 150,000 "fully qualified" soldiers by the end of the year.

423. During a video conference on 17 January, Mr Blair told President Bush that they had to give a sense that Iraqiisation was "going somewhere" and that things would change after the elections.[224]

424. Mr Blair suggested that the Luck Review (see Section 12.1) should feed quickly into a new, public, security plan which would be clear what was being asked of the Iraqis. In his view the weakness of Iraqi structures remained "a real problem".

425. In advice to Mr Straw on 19 January, Mr Asquith identified three "immediate threats" as:

- the elections being declared illegitimate, most likely because of low Sunni turnout;
- the Sunni Arab community refusing to participate in the post-election political process; and
- excessive delay in establishing a government following the elections, with a consequential squeeze on the timetable for developing and agreeing the Constitution.[225]

426. The second of these was, in Mr Asquith's view, the most serious. He recommended that the UK, working closely with the UN and other governments, should act to:

- encourage Sunni leaders to participate fully in the political process;
- ensure that Sunni Arabs were included in senior positions within the government; and
- support engagement with Sunni rejectionist groups by members of the Transitional National Assembly and Iraqi Transitional Government members.

427. The last of these should include being prepared to "be more forward on MNF-I timelines".

---

[222] United Nations, 14 January 2005, 'Transcript of the Secretary-General's Press Conference'.
[223] *New York Times*, 24 February 2005, *Iraqi Army Is About to Add National Guard to Its Ranks*.
[224] Letter Quarrey to Owen, 17 January 2005, 'Prime Minister's VTC with President Bush, 17 January: Iraq and MEPP'.
[225] Minute Asquith to PS [FCO], 19 January 2005, 'Iraq: The Immediate Threats'.

428. The same day, a JIC Assessment said that Sunni turnout might be as low as one third of the eligible voters, which would give Sunni Arabs a disproportionately low representation in elected institutions.[226]

429. The policy implications of that were, in the view of the JIC, that: "Sunni outreach will need to intensify after the elections to ensure that Sunnis do not opt out of the political and constitution drafting process altogether."

430. Sir William Ehrman told the Inquiry that the JIC had consciously sought to flag up to policy makers the risk that the Sunnis would be significantly under-represented in the TNA as a result of likely low turnout.[227]

431. Between 17 and 19 January the UK deployed approximately 350 personnel from 1st Battalion, the Royal Highland Fusiliers to Iraq to provide additional security across MND(SE) during the election period.[228] They began returning to Cyprus on 21 February.

432. In mid January, senior US and UK officials were discussing the role of the MNF-I after the election, taking account of both security forecasts and the likely stance of the incoming ITG.[229] Both the UK and US Governments considered that it was important to "strike the right balance between showing support for the transitional government and the development of the ISF on the one hand, while on the other hand not giving any impression of 'cut and run'".

433. In preparation for a planned discussion on 20 January on the UK's military contribution in Iraq, Mr Blair's Private Secretary told him that Mr Hoon would want to discuss the UK military deployment in Iraq in 2005 and whether to backfill after the Dutch withdrew from Muthanna province.[230] He explained that Mr Hoon wanted to be able to tell the US as soon as possible that the UK could not make significant additional troop contributions or take on deployments outside MND(SE).

434. The Private Secretary recommended that Mr Blair's response to Mr Hoon should be that "we will need to handle this issue carefully with the US" and that he should set out a "gameplan" for doing so.

435. Mr Collis reported on 21 January that there had been a spate of attacks on the election infrastructure in Basra in recent days.[231] Some election officials had resigned due to intimidation. There were reports that some mosques were organising security for polling centres in Maysan and Basra. The Governor in Maysan had declared no

---

[226] JIC Assessment, 19 January 2005, 'Iraq: Elections Update'.
[227] Private hearing, 14 June 2010, page 57.
[228] Minute PJHQ-J9 POLOPS 3 to PS/USofS [MOD], 17 February 2005, 'Iraq: Withdrawal of EHRR'.
[229] Letter Quarrey to Owen, 19 January 2005, 'Iraq'.
[230] Minute Phillipson to Prime Minister, 19 January 2005, 'Iraq: Meeting with Geoff Hoon and CDS 1130, 20 January'.
[231] Telegram 10 Basra to FCO, 21 January 2005, 'Southern Iraq: security and political round-up 13 January-20 January'.

confidence in the Iraqi Security Forces and had "expressed a desire to mobilise JAM" in order to provide effective election security.

436. Mr Collis commented: "While all this suggests widespread determination to vote, there is also the risk of increased violence with militias on the streets and the IPS [Iraqi Police Service] nervous of attack."

437. Mr Hoon and Gen Walker met Mr Blair on 21 January.[232] At the meeting,[233] Gen Walker advised that the US campaign against the insurgency had stalled and the US was reviewing its operations. The UK "needed to recognise that if our voice was to count with the US we would have to offer to play a part in the plan that emerged".

438. If the UK wanted to resist the likely request to extend its operation beyond MND(SE), it would need to accept reduced influence in strategic discussions about MNF-I strategy. Gen Walker did not consider the insurgency to be growing, but popular support for it was.

439. The record of the meeting stated:

> "The Prime Minister said the bottom line was that we had to complete the mission. The key question was when we could hand responsibility for security over to the ISF. CDS [Gen Walker] said it very much depended on the environment. Muthanna and Basra were reasonably calm. But it was not clear that they would stay that way without any MNF presence …
>
> "The Prime Minister said he was only prepared to redeploy UK forces beyond our current area of operations if there was a viable plan or product. But he was not prepared simply to follow along with US wishes. We needed to have a coherent plan to do the job … Simply asking us to take over MND(CS) was not a plan."

440. Mr Blair and President Bush spoke by video conference on 25 January and discussed messaging around the imminent election.[234] Mr Blair considered that talking publicly about withdrawal would smack of defeat. Rather, he suggested that: "Our aim was to make our role redundant."

441. Mr Blair said that he would speak to Mr Annan before the election and encourage him to be positive about the impact of the vote. White House and No.10 staff would speak about the media plans for the days after the election.

442. At the last meeting of the AMHGIR before the Iraqi elections, the FCO gave a detailed briefing on the elections and the process required to form a government.[235]

---

[232] Letter Phillipson to Baker, 21 January 2005, 'Iraq: Future Strategy'.
[233] The Inquiry Secretary, Ms Aldred, was present at this meeting.
[234] Letter Phillipson to Owen, 25 January 2005, 'Prime Minister's VTC with President Bush, 25 January: Iraq'.
[235] Minutes, 26 January 2005, Ad Hoc Group on Iraq Rehabilitation meeting.

443. The FCO reported that the number of registered candidates was impressive, and one third were women; technical preparations were on track, including for out of country voting and results would likely be known by 10 February and certified 10 days later. The level of Sunni participation remained "the key variable" with turnout predictions between five and 40 percent, although the FCO considered that a key message for the period was "we should not judge the success of elections by the Sunni turnout".

444. On 27 January, Mr Hoon told Parliament:

> "Dutch forces have made good progress in Muthanna, both in ensuring the stability of the province and building the capability of the Iraqi Security Forces (ISF). This means a significantly smaller force package is now able to perform these tasks and the General Officer Commanding (GOC) MND (SE) has concluded that a force of some 600 personnel will be adequate to support and mentor Iraqi Security Forces in providing general security in Muthanna, as well as providing protection for the Japanese reconstruction battalion located there.
>
> "The majority of the personnel required will come from UK units already deployed in Iraq."[236]

445. Mr Hoon explained that an additional 220 UK troops would be deployed temporarily to assist with logistics and other essential support functions. That number would reduce by 70 once the initial deployment had been completed.

446. Elections for the TNA and Provincial Assemblies took place across Iraq on 30 January.[237]

447. The 5,232[238] polling stations across the country were secured by approximately 130,000 Iraqi Security Forces personnel, supported by 184,500 MNF-I troops.[239]

448. Mr Quarrey reported to Mr Blair that "crucially, the ISF reported for duty in large numbers".[240]

449. Maj Gen Riley described election day in southern Iraq as "extraordinary" with an almost festive atmosphere.[241] He observed that:

> "We should not forget that this was an Iraqi election and in the end, it was Iraqis who organised it and whose forces secured it. The ISF needed our help but their momentum gathered. They had the courage to stand up and be counted. This is the heaviest blow that Iraqis could deliver to everything that the insurgency represents."

---

[236] House of Commons, *Official Report*, 27 January 2005, column 24WS.
[237] Public hearing Chaplin, 7 December 2009, page 12.
[238] Minute Quarrey to Prime Minister, 31 January 2005, 'Iraq Elections'.
[239] Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press. 2011.
[240] Minute Quarrey to Blair, 31 January 2005, 'Iraq Elections'.
[241] Report Riley, 2 February 2005, 'CG MND(SE) – Southern Iraq Update – 2 February 2005'.

450. In a Parliamentary Statement the following day, Mr Straw commented that the elections had been:

> "… a moving demonstration that democracy and freedom are universal values to which people everywhere aspire."[242]

451. A report on the elections sent to Mr Blair on 31 January suggested that overall turnout might exceed 60 percent and recounted a number of anecdotes "pointing to Iraqis' courage and determination", including:

> "… in Sadr city, people wounded by a mortar attack rejoined the queue to vote; villagers near Abu Ghraib sought US military protection as they went to vote; relatives of terrorist victims told the media that voting was their duty to the memory of those who had died."[243]

452. Reflecting on the election in a telephone call with President Bush on 31 January, Mr Blair said that the media had reported events positively, and had recognised the importance of the occasion.[244] He considered that it was vital to use the elections to generate "some real momentum" in Iraq.

February 2005

453. On 1 February, Mr Blair suggested to President Bush that they should focus on four areas in order to exploit post-election momentum:

- Iraqiisation, including ensuring that the ITG had 8-10,000 "crack troops who could deal with any situation";
- political outreach, including "whittling away at the opposition, so that the hard core were left isolated";
- drawing in the international community; and
- reconstruction, including areas in which there could be a quick impact (eg power generation).[245]

454. Mr Blair proposed that these areas should be drawn into a plan by the ITG, which the UK and US could then support.

455. The UK provided a draft of such a statement to the US in early April, where it met "some scepticism at official level".[246]

---

[242] House of Commons, *Official Report*, 31 January 2005, column 573.
[243] Minute Quarrey to Prime Minister, 31 January 2005, 'Iraq Elections'.
[244] Letter Phillipson to Adams, 31 January 2005, 'Prime Minister's discussion with President Bush, 31 January: Iraq and MEPP'.
[245] Letter Quarrey to Owen, 1 February 2005, 'Prime Minister's VTC with President Bush, 1 February'.
[246] Minute Phillipson to Prime Minister, 7 April 2005, 'Bilateral with President Bush: 0800-0845, 8 April'.

456. On 3 February, just before the election results were announced, the JIC assessed the nature and strength of insurgents in Iraq, the threat they posed and the response of both the ISF and the MNF-I.[247] It judged:

> "The scale and intensity of the Sunni insurgency continues to put at risk the achievement of a unified and democratic Iraq. In Sunni areas the military campaign is not containing the insurgency … While the political process offers an opportunity to detach some insurgents from the hard core, a significant Sunni insurgency will continue through 2005 and beyond.
>
> "Foreign jihadists continue to form a small minority of insurgents, but have been responsible for many of the most serious attacks. However, al-Zarqawi's violent Islamist message, including his rejection of democracy, is not accepted by most Iraqis – including by some Sunni Arab insurgents.
>
> "Shia insurgents are largely dormant. The threat of some Shia violence, however, will persist …
>
> "Insurgents are not unified among the Sunni or nationally, although they have a common enemy: the MNF and those Iraqis associated with supporting the 'occupation'. This has led to possibly increasing local cooperation between some groups, notably foreign jihadists and Iraqi Sunni Arabs."

457. The JIC judged that:

> "… the military campaign is not effectively containing the insurgency in Sunni areas. Law and order, the pace of economic reconstruction, the availability of jobs and general quality of life have not matched expectation … Sunni 'hearts and minds' are being lost."

458. The JIC reported that there had been around 300 security incidents on election day itself, which had killed 30 Iraqis, but "the effect on the elections was not as significant as had been feared or as al-Zarqawi and others had threatened".

459. On 3 February, Mr Straw told Cabinet that the elections had gone "better than anticipated", which "provided an opportunity to shift the debate about Iraq". The ISF had also performed better than had been expected.[248]

460. Mr Chaplin told the Inquiry that substantial numbers of Sunni Arabs boycotted the election, and those who voted did so largely on sectarian lines.[249] He judged that there were a number of reasons why Sunnis felt unable to participate:

> "One was security; another was I think they hoped until quite late on that the elections wouldn't take place because of insecurity, and I think they felt very sore

---

[247] JIC Assessment, 3 February 2005, 'Iraq: Insurgency and Counter-Insurgency'.
[248] Cabinet Conclusions, 3 February 2005.
[249] Public hearing, 7 December 2009, pages 12-13.

> and very excluded … not just because of the attacks on Fallujah, but because of their exclusion from the process – what they saw as the government not paying enough attention to their particular concerns."[250]

461. On 3 February, Mr Chaplin wrote to Mr Crompton setting out a "snapshot" of progress in drafting the new Iraqi Constitution and thoughts about the role the UK might play.[251]

462. Mr Chaplin reminded Mr Crompton that they said that the TNA's core task, as set out in Articles 60 and 61 of the Transitional Administrative Law, was to:

> "… prepare a draft of a permanent Constitution, following public debate, by 15 August and to present it to the Iraqi people in a referendum by 15 October 2005. Our assumption is that the intervening period is for further debate and explanation, not for amendment. There is scope to extend the drafting process by six months by a majority vote in the TNA, but little indication of what the steps of that drafting process should be. Presumably this will be decided when the TNA draws up its own internal procedures and structures …"

463. On the UK role in the process, Mr Chaplin wrote that it should include:

- encouraging the UN to take a leading role in co-ordinating the form of the Constitution and the drafting process with the TNA;
- encouraging broad political involvement and contributions from civil society; and
- exploring practical support such as funding the production of useful material.

464. Mr Chaplin suggested that "it would be good to do some rapid internal thinking, or commission others to think about the pros and cons of certain constitutional options in the Iraqi context" although any UK advocacy of a specific proposal would need to be "discreet".

465. On 7 February, in response to a Parliamentary Question from Mr Bob Spink, Mr Hoon said that the additional 220 troops for Muthanna which he had announced on 27 January would be found by re-deploying other UK forces in MND(SE).[252] Mr Hoon said that the total number of UK troops in Iraq was 8,150 and was expected to fall to around 7,900 by March.

466. Ms Aldred and her team in the Cabinet Office co-ordinated a strategy paper for the 9 February meeting of the Ad Hoc Ministerial Group on Iraq which focused on how to achieve coalition objectives in post-election Iraq.[253]

---

[250] Public hearing, 7 December 2009, pages 20-21.
[251] Letter Chaplin to Crompton, 3 February 2005, 'Iraq: Helping to Draft the New Constitution'.
[252] House of Commons, *Official Report*, 7 February 2005, columns 1168-1169.
[253] Paper Cabinet Office, 7 February 2005, 'Iraq Strategy for 2005'.

467. The paper defined the key elements for the coming year as:

- building the capability of the Iraqi Security Forces;
- outreach by the ITG to bring in those currently supporting the insurgency;
- drawing in the international community and giving it a new sense of purpose; and
- reviewing reconstruction to find ways to make a difference quickly.

468. The paper concluded that the UK should not increase force numbers in Iraq and should not provide personnel for operations outside its current area of operations. Instead, it should continue with the training effort in MND(SE), develop a strategy for the Iraqi police service and offer support to the Iraqis in developing their intelligence capability, and in maximising and co-ordinating international assistance.

469. According to the paper, outreach to insurgents was primarily the responsibility of the ITG. The UK and US should encourage the active involvement of Sunni Arabs within the ITG, a relaxation of the de-Ba'athification rules and ensure that the arrangements for drafting the Constitution were inclusive. Further work to accelerate reconstruction was also essential, along with:

> "… a clear **declaratory plan for MNF drawdown**, agreed with the ITG, which includes milestones on the progressive handover to Iraqi control. It may not, at this stage, require a timetable as such."

470. The Chairman's Brief produced for Mr Blair ahead of the meeting on 9 February emphasised the need to "task MOD to lead work with FCO and DFID to prepare more detailed thinking on what we can offer" in relation to increasing the UK's contribution on "training, police policy, intelligence structures, and capacity building".[254]

471. Mr Quarrey advised Mr Blair to press Mr Hoon on the proposals for Iraqiisation, observing that not all in the MOD were persuaded that the SSR effort should focus on developing counter-insurgency capacity in the ISF, arguing instead that a broader-based generalist capacity was more appropriate.[255]

472. Mr Quarrey also advised that Mr Blair should press for agreement on as much of the detail in the strategy paper as possible, and that it should be sent to the US as "the basis for a US/UK strategy review".

473. When it met on 9 February, the Ad Hoc Ministerial Group on Iraq approved the strategy paper and agreed that No.10 should share an updated version with the US.[256]

---

[254] Briefing Cabinet Office, 9 February 2005, 'Ad Hoc Ministerial Group on Iraq meeting to be held in the Cabinet Room on Wednesday 9 February 2005 at 15:00: Chairman's Brief'.
[255] Minute Quarrey to Prime Minister, 8 February 2005, 'Iraq: 2005 Strategy'.
[256] Minutes, 9 February 2005, Ad Hoc Ministerial Group on Iraq meeting.

474. Ministers agreed that when sharing the paper, No.10 should also raise the question of US funding for reconstruction projects in southern Iraq, which had been diverted to other parts of the country.

475. Mr Hoon said that proposals in the paper should be applied "vigorously" in the UK area, where the UK had not yet made enough progress and there was a risk of providing a pool of supporters for Shia dissidents.

476. Sir Nigel Sheinwald sent a copy of the paper, updated to reflect the discussion and including a list of niche contributions that other countries might be pressed to provide, to Mr Hadley on 11 February.[257] He suggested that they might consider a video conference between the White House and No.10 to discuss it.

477. In early February, Mr Asquith reported to Mr Straw's Private Secretary that US priorities for the political process included ensuring that the ITG did not remove personnel or structures (such as Committees) that worked well, outreach to the Sunni community and establishing effective co-ordination with Provincial Councils.[258]

478. Mr Asquith's own view was that "the security policies will be rendered ineffective unless the political process is adequately handled now".

479. Sir David Manning reported from Washington that President Bush's policy was that the US would not support specific parties or individuals in the process of forming the new government.[259]

480. The election results were announced on 13 February.[260]

481. Mr Abdul al-Hakim's United Iraqi Alliance won 48 percent of the vote and 140 of the 275 seats, two more than were required to achieve a majority. In second place was the Kurdistan Alliance, led by Mr Jalal Talabani, with 75 seats and nearly 26 percent of the vote. Mr Allawi's Iraqi List secured 40 seats and just under 14 percent of the vote. The Sadrist group National Independent Cadres and Elites secured three seats.

482. The British Embassy Baghdad told the FCO:

> "We don't yet know the final number of Sunnis who will be taking up seats in the TNA. But in addition to Sunni Kurds, there are significant numbers of Sunnis on the UIC (some six to eight Sunnis in their top 140 candidates) and Allawi lists, as well as Ghazi's five seats [Iraqis] and the Liberation and Reconciliation Gathering's one seat."

---

[257] Letter Sheinwald to Hadley, 11 February 2005, 'Iraq' attaching Paper 'Iraq: Strategy for 2005'.
[258] Minute Asquith to PS/SoS [FCO], 10 February 2005, 'Visit to Iraq, 3-8 February 2005'.
[259] Telegram 17181/05 Washington to FCO London, 11 February 2005, 'Iraq: US Views; DG Political's Visit to Washington'.
[260] Telegram 99 Baghdad to FCO London, 13 February 2005, 'Iraq: Provisional Election Results'.

Table 2: Iraqi election results, January 2005

Political Group	Seats
United Iraqi Alliance/Coalition	140
Kurdistan Alliance	75
Iraqi List	40
Iraqis Party	5
Turkoman Iraq Front	3
National Independent Cadres and Elites Party	3
People's Union (Communist)	2
Kurdistan Islamic Group	2
Islamic Action Organisation in Iraq	2
National Democratic Alliance	1
Al-Rafideen National List	1
Liberation and Reconciliation Gathering	1
Total:	**275**

483. In a telephone call with President Bush on 15 February, Mr Blair described the electoral turnout in Sunni areas as "extraordinary".[261]

484. Mr Blair suggested that the elimination of the threat from Abu Musab al-Zarqawi – the most visible part of the insurgency – would make a big difference and offered the view that:

> "Basically we had to reduce the insurgency to the hard core and then eliminate it."

485. On 16 February, the JIC issued an Assessment of the emerging political landscape and of key political and security issues.[262]

486. The JIC assessed that perhaps fewer than 10 percent of voters had probably turned out in the Sunni heartlands, and only two percent in Anbar province. Overall turnout was 58 percent.

487. The JIC judged that the UIA was "likely to stick together long enough to decide on the new Prime Minister and makeup of the Presidency". Prime Minister Allawi was unlikely to retain his post.

488. The JIC's Key Judgements included:

> "II. There are already encouraging signs of Shia outreach to the Sunnis, but the test will be the degree to which the Shia are willing to include them in the Government and in drafting the Constitution, and the extent to which Sunnis are willing to

[261] Letter Phillipson to Owen, 16 February 2005, 'Prime Minister's phonecall with President Bush, 15 February: Iraq and Syria/Lebanon'.
[262] JIC Assessment, 16 February 2005, 'Iraq; Post Election Landscape'.

respond. Inclinations towards inclusiveness by Shia leaders will have to be balanced against wider Shia expectations of dominating the Government and transforming years of repression into real power.

"III. Without Sunni engagement in the political process, it will not be possible significantly to undermine the insurgency …

"IV. The insurgents will maintain their attempts to derail the process. Sectarian attacks, especially on the Shia, and attacks on Iraqis associated with the coalition will continue. The announcement of the Assembly and the Government will give the insurgents a new range of targets."

489. The JIC also assessed that Iran would want the new Shia-led Government to succeed but would try to influence it. A perception of strong Iranian influence or control over the Iraqi Transitional Government would undermine the potential for Sunni engagement.

490. In early 2005, consideration began to be given to whether the UK should seek to make contact with those close to the Sunni insurgency who would "retain a malign and potentially decisive influence unless squared".[263]

491. To avoid creating distrust, Mr Asquith's advice to Mr Straw on 17 February was that the UK's work should be undertaken with the full knowledge (though not necessarily explicit agreement) of both the US and Iraqi authorities.

492. On 22 February, the Australian Prime Minister Mr John Howard announced that a 450-strong Australian Muthanna Task Group would be deployed to southern Iraq, to "provide a stable and secure environment for the Japanese Reconstruction and Support Group" and assist in training the Iraqi Army.[264]

493. Mr Blair and President Bush met over breakfast on 22 February, during the President's visit to NATO and the EU.[265] The record of their discussion indicates that they did not discuss the strategy for 2005.

494. Sir Nigel Sheinwald observed to officials across Whitehall and in diplomatic posts:

"You will have noticed that his [President Bush's] formulations on Iraq, Iran and G8 in particular owed a good deal to the advice he had sought from the Prime Minister."[266]

---

[263] Minute Asquith to PS/PUS & PS [Secretary of State] [FCO], 17 February 2005, 'Iraq: developing a dialogue with those close to the Iraqi insurgency'.
[264] Australian Government Department of Defence, Annual Report 2004-05, 'Special Feature – al-Muthanna Task Group'.
[265] Letter Sheinwald to Adams, 22 February 2005, 'Prime Minister's meeting with President Bush: 22 February'.
[266] Letter Sheinwald to Adams, 22 February 2005, 'President Bush's visit to Brussels: 22 February'.

495. On 24 February, the FCO briefed the AHMGIR on the election outcome.[267] In discussion, the point was made that the elections would "change the feel of our bilateral relationship with the new Iraqi Government as they would now have the confidence that came from having a mandate".

496. The FCO reported that several Sunni groups appeared to have recognised that boycotting the elections had been "counter-productive" and there were signs some were looking to join the political process.

497. In discussion it was suggested that a "key objective" for the UK would be to protect the provision in the TAL that the three provinces could veto the Constitution. Originally seen as safeguarding Kurdish interests, this was now even more important for the Sunni.

498. Ministers asked for a plan for "co-ordinated bilateral contacts" with the new Iraqi Government as soon as it was in place.

499. On 25 February the JIC considered the links between Syria and the Iraqi insurgency.[268] It judged that:

> "Syria's policy towards Iraq is one of limited support for the insurgency … Its attitude to jihadists and Iraqi Ba'athists differs markedly: some concern and action against jihadists; tolerance, even encouragement, of Ba'athists."

500. Mr Blair wrote a note to his Private Secretary on 25 February instructing that Mr Straw be "put in charge" of the Ad Hoc Ministerial Group on Iraq and asked to minute him each week with actions on "eg reconstruction in the South; Sunni outreach; progress on security plan".[269]

501. Ms Aldred chaired a video conference discussion of the strategy for 2005 paper with the US on 28 February.[270] It was agreed that the UK should send the US further papers setting out areas to be covered by a national policing plan for Iraq; a high level security plan; and on a possible further international conference to follow on from the one held in Sharm el Sheikh in November 2004.

March 2005

502. Referring to negotiations on the formation of the ITG, Mr Blair commented to President Bush on 1 March that: "We needed a stable outcome."[271]

---

[267] Minutes, 24 February 2005, Ad Hoc Group on Iraq Rehabilitation meeting.
[268] JIC Assessment, 25 February 2005, 'Syria and the Iraqi Insurgency'.
[269] Manuscript comment Blair on Minute Quarrey to Prime Minister, 25 February 2005, 'Iraq Update'.
[270] Minute Fergusson to Sheinwald, 2 March 2005, 'Iraq: VTC meeting with NSC/Department of State/ Pentagon, 28 February 2005'.
[271] Letter Quarrey to Siddiq, 2 March 2005, 'Prime Minister's VTC with President Bush, 1 March: Middle East'.

503. On 7 March, UK forces assumed command from the Dutch battalion in Muthanna.[272]

504. Air Chief Marshal Sir Glenn Torpy told the Inquiry that there was "considerable concern" when the Dutch Government, an important contributor to MND(SE), announced its intention to withdraw:

> "Despite the serious gap this would leave in the force structure, which potentially risked having to be filled by the UK, the FCO (and MOD) were slow to engage the Dutch diplomatically to persuade them to stay, to the extent that when they were eventually engaged preparations for their departure were too far advanced to reverse. Although the Australians stepped into the breach the outcome could have had serious implications for the UK, which could possibly have been avoided by earlier and more substantive action in Whitehall."[273]

505. Lt Gen Riley told the Inquiry the Dutch withdrawal was disruptive for the MNF-I.[274] In his view, the disruption was exacerbated by:

> "… a great reluctance in Foreign Office circles to admit that what the Dutch were saying publicly was actually what would happen and somehow we could persuade them to stay, whereas it would have been much less disruptive to have recognised the reality and either talked early to the Australians, who had given indication that they would be willing to help if asked, or got on and made a contingency plan using British forces, which we were having to do with the help of PJHQ and elements of the MOD covertly anyway."

506. In Baghdad, negotiations on the formation of the ITG continued.

507. In conversation with President Bush on 8 March, Mr Blair said that the US and UK should not seek to influence the selection of the new Government, but that they should try to "shape" how it would address certain issues, such as Iraqiisation.[275]

508. On 10 March, Mr Charles Heatly, a former Adviser to Prime Minister Allawi, reported to Mr Blair that the lack of a government was:

> "… down to a combination of the Shi'a coalition list being badly divided with no obvious leader … the Kurds making … unreasonable demands, and the large number of groups/individuals getting involved directly or indirectly."[276]

509. Mr Heatly considered that protracted negotiations over the formation of the ITG had exposed tensions between the political groupings in Iraq, which he thought would be evident as the process of writing the Constitution got under way. He predicted

---

[272] Press release MOD, 7 March 2005, 'Dutch handover to British forces in al Muthanna – Iraq'.
[273] Statement Torpy, 18 January 2011, page 8.
[274] Public hearing, 14 December 2009, page 8.
[275] Letter Quarrey to Siddiq, 8 March 2005, 'Prime Minister's VTC with President Bush, 8 March'.
[276] Minute Heatly to Prime Minister, 10 March 2005, 'Iraq: Risks and the Media Impact'.

that Sunni/Shia and religious/secular tensions could be exacerbated by the fact of a predominantly Shia religious government coming into power, with the new Government set to take early decisions (including on the de-Ba'athification process) which would confirm a sceptical Sunni audience's worst fears. Raised political tension and increased violence risked feeding off each other.

510. On 10 March, at the first meeting of the Ad Hoc Ministerial Group on Iraq since Mr Straw became Chair, Mr Straw explained that Mr Blair "had asked a core group of Ministers to meet on a weekly basis to focus more closely on the delivery of policy in Iraq".[277]

511. The meeting discussed Iraqiisation, the political process, broadening international engagement and reconstruction. Ministers agreed that the FCO and MOD would circulate an outline of a possible security strategy announcement by the end of 14 March and that the FCO would circulate a note on forthcoming international events on Iraq. They asked the FCO to follow up concerns over the safety of judges, prosecutors and witnesses in the Iraqi Special Tribunal.

512. On 11 March, Mr Sawers sent Mr Straw a minute covering impressions from his visit to Iraq.[278]

513. Mr Sawers wrote that the situation was encouraging, which he attributed to the "boost" from elections. Politics remained "firmly on a confessional basis", but:

> "… each community is getting organised, good quality people are emerging as chief negotiators, and they are working for a consensus, building on existing agreements, above all the TAL."

514. The Shia list had settled on Dr Ibrahim Ja'afari as its candidate for Prime Minister. Mr Sawers noted that "the Kurds are the most cohesive group", and "the Sunni Arabs are beginning to sort themselves out too", recognising in some cases that they had missed out by boycotting the elections. One of the keys to the next phase would be for each of the four main factions – Shia Islamists, Sunni Arabs, Kurds and Allawi's secularists – to be able to negotiate authoritatively on the constitution.

515. Prime Minister Allawi had absented himself from the political negotiations[279] and Mr Sawers suggested Mr Blair should call him to encourage him to take part.[280] In Mr Sawers' view, there was a need for a secular force bringing together Shia and Sunni Arabs, to keep the Shia Islamists in check. He also considered that the Sunni Islamists were uncomfortably strong.

---

[277] Minutes, 10 March 2005, Ad Hoc Ministerial Group on Iraq meeting.
[278] Minute Sawers to Foreign Secretary, 11 March 2005, 'Iraq: Impressions'.
[279] Telegram 123 Baghdad to FCO London, 1 March 2005, 'Iraq: Formation of New Government: Allawi Bows Out'.
[280] Minute Sawers to Foreign Secretary, 11 March 2005, 'Iraq: Impressions'.

516. Mr Chaplin told the Inquiry that Dr Allawi was seen as "a genuinely secular figure who was Shia but not sectarian, seen as non-ideological; a tough man, someone who would have some credibility with the military".[281] For these reasons, Mr Asquith told the Inquiry, it had been the view of "quite a large number, yes, from the Prime Minister downwards" that it would have been better if Dr Allawi had stayed in government.

517. Mr Blair telephoned Dr Allawi on 14 March and encouraged him to remain in government.[282,283]

518. The TNA met for the first time on 16 March.[284]

519. Mr Chaplin reported concerns about the impact of the delay in forming the ITG:

> "… the longer the delay, the more frustrations grow and goodwill between the parties dissipates … We have continued to press all our contacts hard to conclude their negotiations, at least on the core package, before the inevitable break for Kurdish New Year on 21 March … pointing to the loss of credibility both internationally and domestically … The parties assure us that they are keen to conclude their negotiations, and intend to wrap up a deal by the end of March at the latest. If they show signs of overshooting that target as well, we may need to step up the pressure with some co-ordinated high level UK/US messages."[285]

520. On 18 March, Mr Blair reminded Mr Quarrey: "I need J[ack] S[traw] to do me a note each week on progress (to keep him at it)."[286]

521. Mr Straw's first report to Mr Blair, dated 24 March, covered the first three meetings[287] of the Ad Hoc Ministerial Group on Iraq.[288] He summarised their content as:

> "The shape of an early Iraqi statement on their security strategy is under discussion with the US, with a view to early agreement with the ITG. MOD work to deliver Military Transition Teams in MND(SE), as part of the move towards regional control, is well advanced. The continuing delay in the establishment of the ITG is a serious concern, and we are working closely with the US to push for speedy resolution. Plans for early engagement with the ITG are already in place. The concept of the International Conference is being fleshed out, with a focus on inclusivity and donor co-ordination. We are looking at how we can achieve both short and medium-term improvements in the power situation."

---

[281] Private hearing, 15 June 2010, page 8.
[282] Letter from Quarrey to Siddiq, 14 March 2005, Iraq: Allawi'.
[283] He did not, in the end, join the ITG, but took his seat in the National Assembly, where he formed a new alliance of political parties under the Iraqi National List, which contested the December 2005 elections to the Council of Representatives (see Section 9.4).
[284] UN Security Council, Press Release 11 April 2005 (SC/8355).
[285] Telegram 147 Baghdad to FCO London, 17 March 2005, 'Iraq: Formation of the New Government: Slow Progress'.
[286] Manuscript comment Blair on minute Quarrey to Prime Minister, 18 March 2005, 'Iraq Update'.
[287] Held on 10 March 2005, 17 March 2005 and 24 March 2005.
[288] Minute Straw to Prime Minister, 24 March 2005, 'Iraq: Ad Hoc Ministerial Meetings'.

522. Mr Straw described the benefits of an early announcement on a security strategy as being "a sense of direction for the Iraqi people; and the beginning of a plan for draw-down for coalition partners".

523. On the political process, Mr Straw reported that messages to Iraqi contacts had emphasised "the importance of getting good people into the key security related Ministerial positions (Defence and Interior)" and of the "enormous damage that could be done to efforts at outreach by a significant renewal of the de-Ba'athification drive".

524. On international engagement, Mr Straw wrote that the objectives of a conference would be "ensuring an inclusive approach to build a wide base of support for the Iraqi political process; and a reformed approach to donor co-ordination". The scope for bringing other international partners into key activities in Iraq was also being considered.

525. In the last week of March, the US and UK Governments were encouraging the Iraqi parties to conclude negotiations to form a new Government.[289]

526. Sir Nigel Sheinwald told Mr Hadley that the UK was increasingly frustrated with the stalemate and concerned about its consequences.[290]

April 2005

527. Lieutenant General Robin Brims, who had commanded 1 (UK) Armoured Division during the invasion of Iraq in 2003, succeeded Lt Gen Kiszely as SBMR-I in April 2005.

528. On 6 April, the JIC assessed the state of the insurgency in Iraq after the January elections.[291]

529. The JIC judged that:

> "A significant Sunni insurgency will continue through 2005 and beyond, but the opportunities for reducing it appear greater than we judged in early February."

530. The JIC confirmed its earlier assessment that "there is no unified Sunni insurgency". Although a high level of violence remained, the atmosphere created by the January election had encouraged some opposition groups, including some insurgents, to rethink their strategy. The actions of the ITG would be critical in changing Sunni perceptions. If it failed to respond effectively to Sunni concerns it would play into the hands of the insurgents and deepen the violence. But if the political process gained momentum, Sunni support for the insurgency would diminish.

531. The JIC reported that the week of the Iraqi elections had seen more than 1,000 recorded attacks by insurgents, one of the highest weekly totals since the invasion.

---

[289] Letter Sheinwald to Adams, 23 March 2005, 'Conversation with National Security Adviser, 23 March 2005'.
[290] Letter Quarrey to Siddiq, 1 April 2005, 'Nigel Sheinwald's phone call with Steve Hadley, 31 March'.
[291] JIC Assessment, 6 April 2005, 'Iraq: The State of the Insurgency'.

532. Since the election the number of recorded attacks had reduced, and by the end of March had fallen to below 400 a week, the lowest level since March 2004. Attacks on the MNF-I, which made up 75 percent of the total, were down slightly whereas attacks on Iraqi citizens had increased slightly. The weekly average number of casualties was 300.

533. The JIC assessed the Shia militias as "largely dormant". Muqtada al-Sadr was concentrating on the political process but his organisation remained "fractious" and the risk of some Shia violence by Sadrists and others was expected to persist. Foreign jihadists remained "capable of mounting attacks with disproportionate impact".

534. On 7 April, the TNA elected its first Speaker and swore in the Presidential Council and Prime Minister Designate.[292] Mr Jalal Talabani, leader of the PUK, became President. Mr Adel Abdul-Mahdi (Shia) and Mr Ghazi Yawer (Sunni) were both appointed Vice-President. Dr Ibrahim al-Ja'afari, of the Dawa Party, was sworn in as Prime Minister Designate.

The Dawa Party

The Dawa Party, to which both Prime Minister Ja'afari and his successor Mr Nuri al-Maliki belonged, is the oldest of the two Shia Islamist movements in Iraq.[293]

Although there are differing accounts of the details of the party's formation, it emerged in the late 1950s and was initially dominated by a young Shia scholar, Muhammed Baqir as-Sadr, who sought to reverse the decline of Islam within Iraqi society.[294]

The Dawa Party's ideology is based on technocratic rule within the framework of an Islamic state.

After its formation, Dawa expanded rapidly until the Ba'ath Party took power in Iraq in 1968 and began a crackdown on Shia political activism, resulting in the imprisonment and execution of Dawa members throughout the 1970s. In 1977, despite a government ban, the party organised a religious procession (the marad al-ras) which was attacked by police, leading to a wave of protests in southern Iraq.

Dawa formed a military wing in 1979 and was proscribed by Saddam Hussein's regime in March 1980. Following a failed attempt to assassinate Tariq Aziz, as-Sadr was detained and later executed.

At this time many Dawa members, including Dr Ja'afari and Mr Maliki, fled Iraq, and branches of the party were established in Tehran, Damascus and London.

After narrowly avoiding detention, Mr Maliki left Iraq in October 1979, settling first in Syria and then in Iran.[295] He left Iran for Syria in the late 1980s, when Iranian security services

---

[292] *BBC News*, 7 April 2005, *Talabani: Iraq's pragmatic new leader*.
[293] *BBC News*, 17 June 2004, *Who's who in Iraq: Daawa Party*.
[294] Shanahan R, Shi'a political development in Iraq: the case of the Islamic Da'wa Party. *Third World Quarterly* **25:** 943-954 (2004).
[295] Parker N & Salman R, Notes from the Underground: The rise of Nouri al-Maliki and the New Islamists. *World Policy Journal* **30**: 63-76 (2013).

began to harass and kill Dawa members. Mr Ja'afari served as the Dawa spokesman in London.

After returning to Iraq in 2003, Mr Maliki became the Dawa Party spokesperson, and represented the party on the United Iraqi Alliance's political committee.[296]

535. Mr Straw reported the election of President Talabani to Cabinet on 7 April and observed that it would be important to generate momentum for the new government, and to ensure "people understood how much progress had been made".[297]

536. Mr Straw and Mr Hoon agreed that Iraq was moving towards a position where a drawdown of British troops could, in time, be possible.

537. In April 2005, an FCO delegation led by Mr Asquith had initial discussions with a group judged to have influence on the political leadership of the Sunni insurgency.[298] Mr Asquith's report of the discussions concluded that:

> "This was a worthwhile exercise … They were appreciative of the opportunity … However, the opposition remains incoherent … Sunni distrust of the Shia political leadership of the ITG is matched by exasperation with US forces whose practices are strengthening support for rejectionists. The Sunni opposition leadership look on us as the only honest broker around with the necessary influence on the relevant parties. I made clear … that we were not in the business of imposing outcomes and that this was an Iraqi affair, for Iraqis themselves to sort out.
>
> "We need to encourage their political networking efforts, giving due weight to the established Sunni political leadership. Left to themselves, the Iraqi parties will not sort this out … We need to push the parties together, while avoiding appearing to interfere in the democratic process. Discretion is key."

538. Mr Asquith recommended that the UK should continue its contacts with this and similar groups and press the US and Iraqi Government to make a similar effort.

539. In a meeting with Sir Nigel Sheinwald on 13 April, Mr Paul Wolfowitz, US Deputy Secretary of Defense, warned that there was a danger of losing the momentum generated by the January elections.[299] In his view, "Iraq was going in the right direction, but not fast enough". Sir Nigel agreed.

---

[296] Briefing DIS [junior official], 24 April 2006, 'Pen Picture – Jawad al-Maliki (aka Nouri Kamel and Abu Isra)'.
[297] Cabinet Conclusions, 7 April 2005.
[298] Minute Asquith to Sawers, 8 April 2005, 'Iraq: Developing a Dialogue with Those Close to the Iraqi Insurgency'.
[299] Letter Phillipson to Adams, 16 April 2005, 'Nigel Sheinwald's Meetings in Washington, 13 April: Middle East Issues'.

540. The JIC assessed the impact of Iraq on the threat from global Islamic terrorism on 13 April.[300] Its Key Judgements included:

> "I. The conflict in Iraq has exacerbated the threat from international terrorism and will continue to have an impact in the long term. It has confirmed the belief of extremists that Islam is under attack and needs to be defended using force. It has reinforced the determination of terrorists who were already committed to attacking the West and motivated others who were not.
>
> "II. The Iraq conflict has resulted in an increase in co-operation between terrorist networks …
>
> "III. Some jihadists who leave Iraq will play leading roles in recruiting and organising terrorist networks … It is inevitable that some will come to the UK.
>
> …
>
> "V. Iraq is likely to be an important motivating factor for some time to come in the radicalisation of British Muslims and for those extremists who view attacks against the UK as legitimate.
>
> "VI. An Iraqi government that includes strong Sunni representation and speaks out clearly against the jihadists would carry considerable credibility in the Muslim world, and the ejection of foreign jihadists by them would be a powerful message."

541. The JIC judged that Al Qaida had "capitalised on the Iraq jihad" and had benefited in particular from co-operation between terrorist networks to gain access to a broader range of operatives and support. New relationships across networks were allowing the exchange of expertise and skills.

542. Lt Gen Kiszely completed his tour as SBMR-I and sent his "hauldown" report to Gen Walker on 16 April.[301] Looking back at six months in Iraq, he wrote:

> "… the insurgency has been confined to Sunni areas or to Sunni interfaces with Shia or Kurd communities. What little violence has been seen elsewhere – 10 out of 18 provinces see only 2 percent of the violence – can be categorised as terrorism."

543. Progress in MND(SE) had been good, with all four provinces likely to be under Provincial Iraqi Control by March 2006, offering "the potential for considerable reductions in UK force levels". Set against that was the possibility that other troop contributors would withdraw, creating a need to backfill, and the "yet to be articulated" US desire for the UK to take on MND(CS).

---

[300] JIC Assessment, 13 April 2005, 'International Terrorism: Impact of Iraq'.
[301] Minute Kiszely to CDS, 16 April 2005, 'SBMR-I's Hauldown Report'.

544. Lt Gen Kiszely reflected that:

> "As a nation which contributes only about 5 percent of the forces and 1 percent of the money, UK continues to exert influence on campaign direction and conduct disproportionate to its contribution …"

545. Of the 27 nations with the coalition, only the UK sought to exert influence over the US by committing significant numbers of officers to MNF-I and MNC-I headquarters. Lt Gen Kiszely considered that the ability to do so "results largely from identifying key posts and filling them with the right officers". He suggested that the influence and effectiveness of some officers would be enhanced by increased tour lengths:

> "With the US military on 12-month tours, the 6-month UK tours create turbulence and attract criticism. This is particularly the case for appointments involved in developing relationships with host-nation officers and officials. We should identify posts requiring longer tour-lengths, increase them to 9-12 month tours, and provide appropriate support packages."

546. On 19 April, a CIG assessed the threat posed by Abu Musab al-Zarqawi's organisation to British interests in Iraq, prompted by a statement claiming to be from AQ-I which had appeared on several websites, some of which had previously been used by al-Zarqawi for similar purposes.[302]

547. The statement threatened intensive military attacks against UK forces and their allies in the south of Iraq, and also attacks against Iraqi "agents and spies" and "collaborators" working with the UK.

548. Although the authenticity of the statement could not be verified, the JIC judged that "it must be taken seriously". The JIC assessed that the threat posed in Iraq was "diverse", as al-Zarqawi had in the past been responsible for suicide bombings, complex attacks and kidnappings.

549. The JIC judged that non-military UK interests in Iraq, although not specifically mentioned in the statement, could be under threat as well as military and civilian targets in the South. Attacks on UK interests outside Iraq could not be ruled out.

550. On 19 April, the Iraq Senior Officials Group was briefed that delays in forming the ITG were having an impact on the constitutional process, "putting its already ambitious timetable under even greater pressure".[303]

551. Further delay was possible because of the TAL's "lack of resonance as an Iraqi document". Delays to the parliamentary elections scheduled for December would mean additional costs for the MNF-I in maintaining security.

---

[302] JIC Assessment, 19 April 2005, 'Al-Zarqawi Threatens UK forces in Iraq'.
[303] Letter Fergusson to Asquith, 19 April 2005, 'Iraq: Senior Officials Group'.

552. Reporting a discussion of the Chiefs of Staff on 20 April about the threat from Abu Musab al-Zarqawi, Ms Aldred wrote to Sir Nigel Sheinwald: "as there is no information on possible targets or timing, the military view was that little more could be done. The Prime Minister should be alerted to the threat."[304]

553. Ms Aldred also reported that the next military rotation would result in UK force levels increasing by around 480 personnel. Ms Aldred:

> "… made the point that in circumstances where we were benefiting from the improvement in security in Iraq in general, and MND(SE) in particular, it would be very hard to explain why an increase in force levels of this magnitude was required on top of the increase which had already taken place to compensate for the Dutch withdrawal from Muthanna. Jock Stirrup … saw the point …"

554. On 28 April, Prime Minister Designate Ja'afari presented the majority of his Cabinet to the TNA for ratification.[305]

555. The list, which was approved by 180 of the 185 TNA members present, covered two of the four Deputy Prime Minister positions and 27 of the 32 Ministerial posts. Eight of the Cabinet had previously held Ministerial office in Iraq in either the Iraqi Governing Council or Interim Iraqi Government.

May 2005

556. On 2 May, Mr Chaplin reported that many Sunnis had:

> "… responded critically to the announcement of the new government … They are unhappy that Ja'afari chose to put his Cabinet to the vote before a satisfactory agreement had been reached on acceptable Sunni representation."[306]

557. Negotiations between the political parties on how to fill the remaining posts had continued right up to the last moment. The British Embassy Baghdad reported that in the end Dr Ja'afari had concluded that announcing a nearly-complete list was better than announcing nothing.

558. Dr Ja'afari emphasised to the TNA that the Ministers were chosen for their competence and willingness to work as part of the team. Ministries were not fiefdoms and a Minister was "not an emperor". Speaking about efforts to ensure Sunni Arab participation, he said the election results should be honoured but "the unfairness done to our brother Sunni Arabs in those elections" should also be acknowledged.

559. Mr Chaplin commented that, although the main Sunni parties had put forward a number of prospective candidates for Ministerial posts, very few had been appointed. Some suspected that Dr Ja'afari's party intended to "impose" their own Sunni Arab

---

[304] Minute Aldred to Sheinwald, 20 April 2005, 'Iraq – COS 20 April'.
[305] eGram 3590/05 Baghdad to FCO London, 28 April 2005, 'Iraq: New Cabinet Ratified by the TNA'.
[306] eGram 3762/05 Baghdad to FCO London, 2 May 2005, 'Iraq: New Government: Finishing the Job'.

candidate for Minister of Defence. Mr Chaplin reported that UK and US officials were continuing to encourage negotiation.

560. Mr Chaplin reported that many Sunni Arabs were unhappy about the way in which the new Government had been formed but were continuing negotiations in a "last ditch attempt to secure acceptable Sunni representation".

561. The atmosphere had been soured by a series of incidents on 29 and 30 April. A raid on the Baghdad office of the National Council for Dialogue on 29 April was followed by a car-bombing of the same office the following day.

562. Several senior politicians (including the TNA Speaker, Hajim al-Hassani, and one of the Vice-Presidents, Ghazi Al Yawer) had complained about the Iraqi security forces' violent entry into a number of Sunni mosques, and the arrest of 32 Sunni imams on 29 April. Mr Chaplin had seen no evidence that the arrests had sectarian motives, but they were perceived by the Sunni Arab community as such.

563. Looking forward to the months ahead, Mr Chaplin commented:

> "It remains clear that significant Sunni figures are seeking a way back into the political process for their community. They attach more importance to having a voice in the constitutional debate and retrieving their position in the next elections than the formation of this government. But having been led to believe that government positions are on offer, there will be a correspondingly negative reaction if these hopes are dashed, which will not help the next stage of negotiations over the constitutional process. The Shia meanwhile find the Sunnis disorganised and unreasonably demanding, given their boycott of the elections, and even those who do not share fears of re-Ba'athification believe that many Sunnis have not yet adjusted to the new realities of having to share power. The Kurds have made clear publicly their support for Ja'afari's government, but would be very uncomfortable if credible Sunni representatives were not included."[307]

564. On 3 May, members of the ITG were sworn in and formally took power.[308]

565. Six of the seven vacant Ministerial posts were filled on 8 May.[309] The final post, Minister for Human Rights, was filled on an acting basis by another Minister for the duration of the ITG[310] after Mr Hashim al-Shible turned down the post shortly after the TNA had approved his appointment.[311]

---

[307] eGram 3762/05 Baghdad to FCO London, 2 May 2005, 'Iraq; New Government: Finishing the Job'.
[308] *The Telegraph,* 3 May 2005, *Iraq's new government sworn in*.
[309] *BBC News*, 8 May 2005, *Iraq fills crucial cabinet post*.
[310] University of Utah Global Justice Project: Iraq, [undated], *Government and Legislature – 2003 to date*.
[311] *BBC News*, 8 May 2004, *Iraq fills crucial cabinet post.*

566. In addition to the Prime Minister and his three deputies, the ITG included 31 Ministers, six of whom were Sunni, in line with the estimated Sunni proportion of Iraq's population.[312]

567. Mr Asquith commented in his evidence to the Inquiry that the momentum injected into the political process by the elections was squandered because it took four months to form the ITG.[313]

568. Lt Gen Brims told the Inquiry that the delay forming the ITG had created a political vacuum that had been filled by street violence.[314]

569. In a telegram dated 6 May, Mr Chaplin outlined the key challenges facing Prime Minister Ja'afari:

- a progressive handover from the MNF-I to the Iraqi Security Forces (ISF);
- improvement in public services;
- managing the economy, including keeping inflation under control;
- progress on the Constitution; and
- managing public expectations.[315]

570. Mr Chaplin added that the ITG had a clear electoral mandate and some experienced Ministers, but also a number of serious handicaps, including the risk of discord within Prime Minister Ja'afari's political grouping, the possibility that the Kurdish members of the TNA would seek to have him replaced, and other issues (such as de-Ba'athification) "which could stoke up tensions within government to the point of collapse".

571. Mr Chaplin concluded that "there are reasons to hope that the political imperative of delivering results, and the awfulness of the alternatives, will force the necessary compromises to be made".

572. Mr Chaplin reported on 6 May that there was "a widespread assumption that the timetable laid down in the Transitional Administrative Law … is too tight, although we continue to insist that every effort should be made to meet it".

---

[312] University of Utah Global Justice Project: Iraq, [undated], *Government and Legislature – 2003 to date*; *The New York Times*, 12 May 2005, *Q&A: Iraq's Cabinet.*
[313] Public hearing, 4 December 2009, page 6.
[314] Public hearing, 14 December 2009, page 28.
[315] eGram 4045/05 Baghdad to FCO London, 6 May 2005, 'Iraq: Prospects for the Ja'afari Government'.

The UK General Election

In the UK General Election of May 2005, Mr Blair's Labour Party was returned for a third term in office.[316]

Following the election, Mr Jack Straw remained as Foreign Secretary and Mr Hilary Benn remained as Development Secretary. Dr John Reid was appointed Defence Secretary, succeeding Mr Geoff Hoon, who became Leader of the House of Commons.

573. In May 2005, a note to Dr Reid as incoming Defence Secretary from Sir Kevin Tebbit, said:

> "Internally, your immediate focus will be on Iraq and Afghanistan. In Iraq, the US-led coalition's main effort will this year shift from providing direct security to building the capability and capacity of the Iraqi Security Forces … significant reductions in Coalition force levels (including UK forces) are unlikely to be possible until 2006. This is 6-12 months later than our initial hopes. It inevitably has knock-on consequences for the next planned increase in our military effort – expanded stabilisation operations in Afghanistan – and the size of our force there."[317]

574. On 13 May 2005, Dr Reid's Private Secretary advised Mr Blair's Private Secretary that the rotation of troops in progress in Iraq would result in an increase of 435 UK military personnel in Iraq.[318] This was a result of UK forces:

> "… shifting their main effort from framework security to security sector reform … to create the conditions to transfer responsibility for provincial security to the Iraqis from autumn this year."

575. The Private Secretary added:

> "At this stage, it is too early to accurately predict the force levels required for the rest of 2005, but the next force level review, which will take place over the summer, will provide greater clarity. This review is expected to report in September."

576. Mr Chaplin's valedictory report, dated 16 May, observed that a "certain gloom seems to have descended in London and Washington about prospects for Iraq".[319] He acknowledged that there was "certainly plenty of bad news around", citing the surge of violence that had followed the formation of the new government (around 70 attacks a day with a "nasty sectarian tinge to much of the killing"). But, despite acknowledging that his own perspective was limited to what he saw in the "Green Zone", he pointed also to:

> "… some encouraging signs … credible Sunni figures in the Cabinet … key Ministers look competent and have been saying all the right things about delivering results

---

316 *BBC News*, 7 May 2005, *Final election results declared*.
317 Minute Tebbit to Secretary of State, 6 May 2005, 'Welcome'.
318 Letter Naworynsky to Quarrey, 13 May 2005, 'Iraq: UK Roulement and Force Level Review'.
319 eGram 4529/05 Baghdad to FCO London, 16 May 2005, 'Iraq: Valedictory: Still In The Balance'.

and inclusiveness … There are at last serious numbers of trained and equipped ISF to deploy … With UK help, a coherent national policing plan should soon be in place … Opinion polls show most Iraqis determinedly optimistic about the future."

577. Mr Chaplin saw two key risks:

- that the constitutional process would be insufficiently inclusive, so that the debate "instead of being an instrument for bringing Iraqis together, will drive them apart, with moderate Sunnis retreating into the arms of the extremists"; and
- that the Alliance would split into factions, with Muqtada al-Sadr deciding that he could gain more influence by opposing the government: "Coping with Shia unrest in the south as well as a Sunni insurgency in the centre and north remains the nightmare scenario for any Baghdad government, and for the MNF."

578. Mr Chaplin considered that both risks needed to be taken seriously, although in his view the second was unlikely to materialise unless Grand Ayatollah al-Sistani died. Although there was an aspiration to agree a Constitution that would be inclusive, "the missing bit is an inclusive constitutional process".

579. On 19 May, Mr Blair commented to President Bush that the delay in forming the ITG had created uncertainty over its effectiveness.[320]

580. Reporting a recent visit to Iraq to Cabinet on 19 May, Dr Reid observed that the inclusion of Sunni Ministers in the ITG was encouraging, as was "their desire to be identified as Iraqis rather than by their religious or ethnic background".[321]

581. Less comforting was the lack of Sunni participants in the Constitutional Committee, which needed to be addressed if the process was to be successful.

582. Mr Blair confirmed the strategic importance of Iraq to both regional security and the establishment of democracy in the region. It was therefore essential to continue the fight against terrorism and to defeat the "campaign of destabilisation".

583. On 25 May, Dr Reid told Parliament that after the forthcoming troop rotation there would be approximately 8,500 UK military personnel in Iraq, an increase of just over 400.[322] He explained that:

"The reason for this small increase is in order to allow greater effort to be put into the training, development and mentoring of the Iraqi security forces: this will enable them to take on ever greater responsibility for their own security and so pave the way for UK troops to withdraw."

---

[320] Letter Quarrey to Siddiq, 19 May 2005, 'Prime Minister's video-conference with Bush, 19 May'.
[321] Cabinet Conclusions, 19 May 2005.
[322] House of Commons, *Official Report,* 25 May 2005, column 15WS.

584. Mr Blair spoke to Prime Minister Ja'afari for the first time on 26 May and said that "we stood ready to help in any way we could", in particular on developing the ISF.[323]

585. Mr Blair committed to reinforcing the ITG's message that it was "an inclusive Government for all Iraq's communities".

586. On 26 May, Mr Blair told President Bush that he was concerned about increasing sectarian tensions in Iraq, and how they might be exploited by insurgents.[324] He thought that the US and UK should make sure that the programme of Sunni outreach was pursued "with real vigour".

587. The newly formed Iraq Sub Committee of the Defence and Overseas Policy Committee (DOP(I)) met for the first time on 26 May, chaired by Mr Blair.[325]

588. The Committee was briefed by Mr Ehrman on attitudes within the Sunni community to the political process, and by Gen Walker on the military campaign and Security Sector Reform.

589. In discussion it was observed that the number of sectarian attacks was increasing, and that in considering force posture in Iraq, the UK would also need to consider the "strategic balance with UK military activity in Afghanistan". It was essential that operations in Iraq and Afghanistan each had sufficient military and civilian resources available.

590. Mr Benn gave an overview of the reconstruction process and the need to increase international involvement (see Section 10.2).

591. At the end of the meeting, Mr Blair asked for more advice, including a Sunni outreach strategy and an options paper on UK force posture in Iraq over the next nine months.

---

[323] Letter Quarrey to Siddiq, 26 May 2005, 'Prime Minister's Conversation with Ja'afari'.
[324] Letter Quarrey to Siddiq, 26 May 2005, 'Prime Minister's videoconference with President Bush'.
[325] Minutes, 26 May 2005, DOP(I) meeting.

SECTION 9.4

JUNE 2005 TO MAY 2006

Contents

Introduction 490

June 2005 490

July 2005 498

August 2005 510

September 2005 517

October 2005 535

November 2005 556

December 2005 566

January 2006 573

February 2006 582

March 2006 586

April 2006 593

May 2006 603

Introduction

1. This Section addresses:

- the UK role in preparing for a referendum on Iraq's new Constitution and for Parliamentary elections on 15 December, leading to the appointment of an Iraqi Government led by Prime Minister Nuri al-Maliki;
- plans for the phased withdrawal of UK forces, and parallel decisions on the UK response to the new US "ink-spot" strategy for Iraq and on the deployment of troops to Helmand province in Afghanistan;
- rising sectarian violence in Iraq and a growing UK focus on outreach to the Sunni community; and
- concerns about the risks of strategic failure and civil war in Iraq.

2. This Section does not address the UK contribution to the reconstruction of Iraq and reform of its security sector, covered in Sections 10 and 12 respectively.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

June 2005

4. In June 2005, Mr Edward Chaplin, the first British Ambassador to Iraq since the early 1990s, was succeeded in post by Mr William Patey. At around the same time, Ambassador Zalmay Khalilzad succeeded Ambassador John Negroponte as the US Ambassador to Iraq.

5. Giving evidence to the House of Commons Defence Committee in 2012, Sir William Patey said:

> "When I was sent to Iraq was the first time I have ever had my objectives delivered directly to me by the Prime Minister. One of the objectives he set me was to get some troop withdrawals by the following year – by June 2006. It was clear to me that we were looking for extra troops, which we did not have, to send to Afghanistan."[1]

6. Section 9.3 sets out UK views on the importance of participation by the Iraqi Sunni community in the political process, and the beginning of direct engagement with some individuals in pursuit of that aim.

7. The FCO had been considering the scope for broadening its earlier contact with Sunni insurgents with a further round of talks.[2] In early June, briefing on the options for further Sunni engagement was provided in response to a request from Mr Blair's

---

[1] House of Commons, *Corrected transcript of oral evidence*, 4 September 2012, 'Securing the Future of Afghanistan', page 4.
[2] Minute senior government official specialising in the Middle East to Quarrey, 2 June 2005, 'Iraq: Sunni engagement' and Minute senior government official specialising in the Middle East to Asquith, Richmond and Foreign Secretary, 1 July 2005, [name of operation].

Private Office. This time, the discussion would have the specific objective of agreeing a temporary cease-fire in part of Anbar province in the hope that this would help separate Sunni nationalists from foreign jihadists and act as a model for similar developments elsewhere in Iraq. It would be for the Iraqi Transitional Government (ITG) and the Multi-National Force (MNF) to decide whether any demands made in return for such a cease-fire could be met.

8. On 6 June, Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, sent a Note from Mr Blair to President Bush via Mr Stephen Hadley, the US National Security Advisor.[3]

9. The Note, which covered a wide range of countries and issues, was a reflection on "a huge opportunity … to leave a clear and morally powerful agenda in place when we go".

10. On Iraq, Mr Blair wrote that:

> "Iraq has been tough and we all know now the reserves of political and military strength required for any military action. The international community should be united behind us, urging us on, but they're not."

11. A brief for the visit by Mr Antony Phillipson, Mr Blair's Private Secretary for Foreign Affairs, suggested that the key point on Iraq was the need for the US to remain active and engaged in the detail, after a non-interventionist period between the election and the formation of the ITG "during which we lost valuable momentum".[4]

12. In practice, that meant the US and UK should press the ITG to deliver Sunni outreach (including sensitive handling of de-Ba'athification and a media strategy for the Sunni community) and be active in reaching out to Sunnis themselves.

13. On 7 June, Mr Blair and President Bush held talks on a range of foreign policy issues in the White House.[5]

14. In the discussion on Iraq, Mr Blair said that a stable, secure and democratic Iraq would have a "transforming effect" on Iran and Syria. But the increasing tension between Sunni and Shia needed to be watched. He judged that:

> "Ultimately, without an improvement in security, little progress could be made."

15. Mr Blair commented that the Iraqiisation process was "going OK". Mr Blair and Sir Nigel Sheinwald indicated that the UK hoped to start reducing troops in the next 12 months, and to make a more significant reduction in Multi-National Division (South East) (MND(SE)) in the first half of 2006. It was important to stick to the political timetable, as providing security for the next round of elections was a constraint on withdrawals.

---

[3] Letter Sheinwald to Hadley, 6 June 2005, [untitled] attaching Note [Blair] to Bush, [undated], 'Note to President Bush'.
[4] Minute Phillipson to Prime Minister, 3 June 2005, 'Visit to Washington, 7 June'.
[5] Letter Phillipson to Adams, 7 June 2005, 'Prime Minister's talks with President Bush, 7 June'.

16. On 13 June, Mr Jack Straw, the Foreign Secretary, sent Mr Blair an update on progress towards a new Iraqi Constitution, including the procedural challenges ahead.[6]

17. Mr Straw reported that there had been progress. The National Assembly (TNA) had formed a Constitutional Committee, to which the UN had offered its expertise. But the detail had yet to be agreed.

18. In Mr Straw's view, the key challenges were to ensure that the draft text was seen to reflect the views of Iraq's three main communities (Shia Arabs, Sunni Arabs and Kurds) and sticking to the timetable set out in the Transitional Administrative Law (TAL).

19. The TAL said that a draft Constitution should be produced by 15 August, ahead of a referendum on 15 October and elections by 15 December.

20. Mr Straw described the UK urging key players to maintain momentum, while putting in place a process which would deliver a credible text on time. The UK would also provide practical assistance as necessary.

21. Attached to Mr Straw's minute was a paper written by the IPU at the request of the Iraq Strategy Group which provided more detail on the drafting process and what could be done to improve it.

22. The paper said that the Constitutional Committee had formed sub-committees tasked with particular themes (for example, federalism) and Prime Minister Ja'afari had appointed a Ministerial Constitutional Committee.

23. Mr Nicholas 'Fink' Haysom, Head of the UN Office of Constitutional Support (UNOCS), had offered the Constitutional Committee UN support and guidance, and initially received a "cautiously welcoming" response.

24. The IPU paper set out the two main challenges to the process. The first was ensuring credibility, by "correcting the Sunni Arab deficit" in the membership of the Constitutional Committee and starting public outreach early. The second was keeping to the schedule. If the timetable slipped, the UN's plan was to extend the drafting period and compress the time for consultation before the referendum on 15 October.

25. Prime Minister Ja'afari told Mr Patey that the Ministerial Committee was intended "to help drive the process forward" and so ensure completion on time.[7]

26. On 14 June, Mr Patey reported to the FCO that there remained no agreement on Sunni representation on the Constitutional Committee.[8] Only two of its 55 members were Sunni Arabs.

---

[6] Minute Straw to Prime Minister, 13 June 2005, 'Iraq: Constitution' attaching Paper IPU, 10 June 2005, 'Iraq: Improving the Constitution Process'.
[7] eGram 6667/05 Baghdad to FCO London, 15 June 2005, 'Introductory Call on Prime Minister Ja'afari, 14 June 2005'.
[8] eGram 6606/05 Baghdad to FCO London, 14 June 2005, 'Constitutional Committee Update'.

27. The Committee Chair, Sheikh Hummam Hammoudi, had indicated that a further 13 places might be allocated to Sunni members, but there remained pressure to increase this number.

28. Mr Patey wrote that he was "encouraging the Sunnis to be realistic in their demands", taking into account that they made up around 20 percent of the Iraqi population. He suggested that "they cannot expect to achieve much more than parity with the Kurds", who also accounted for about 20 percent of Iraq's population.

29. Mr Patey also reported that the Committee had been "won over" to the idea of practical help from the UN and international community.

30. Mr Chaplin told the Inquiry that the UK lobbied Iraqi politicians on the need to ensure an adequate number of credible Sunni figures in the Committee.[9]

31. Mr Patey told the Inquiry that the UK also spent a lot of time trying to convince the TNA and Shia politicians that de-Ba'athification had gone too far, and that the de-Ba'athification provisions should be excluded from the Constitution.[10]

32. Mr Blair and President Bush spoke by video conference on 15 June.[11] Mr Blair said that the main issue was "making sure Sunni outreach went ahead in the right way"; it would be important to draw them into what was still a "very fragile" political process.

33. In discussion of plans for future speeches, Mr Blair suggested that it would become increasingly important to "flesh out" plans for transition to Iraqi leadership on security, and the drawdown of troops that would follow. By the elections in December, "the moderates in Iraq would need to be able to show that things were changing".

34. Dr John Reid, the Defence Secretary, circulated a paper on the options for future UK force posture in Iraq to the Defence and Overseas Policy Committee (Iraq) (DOP(I)) on 16 June.[12]

35. Dr Reid explained that the existing policy position, which he did not see a reason to change, was that the UK should not:

- agree to any changes to the UK area of responsibility;
- agree to any significant deployments outside MND(SE); or
- agree to any significant increase in the roughly 8,500 UK service personnel currently deployed in Iraq.

36. Dr Reid noted that there was a "clear UK military aspiration" to transfer security responsibilities to Iraqi forces in Muthanna and Maysan in October 2005, with the

---

[9] Public hearing, 7 December 2009, page 21.
[10] Public hearing, 5 January 2010, page 6.
[11] Letter Quarrey to Siddiq, 15 June 2005, 'Prime Minister's VTC with President Bush: Iraq, MEPP and the UN'.
[12] Paper Reid, 14 June 2005, 'Options for future UK force posture in Iraq'.

remaining MND(SE) provinces (Basra and Dhi Qar), following in April 2006. That was expected to lead to a significant reduction in the overall level of UK troops in Iraq to around 3,000 personnel.

37. The paper asked Ministers to agree that the UK should keep open the options of agreeing to a small scale, more flexible UK deployment from mid-2006 and that UK representatives at the June Multi-National Force – Iraq review should turn down any proposal to extend the UK Area of Responsibility. Dr Reid would provide more advice in late summer.

38. Members of DOP(I) considered Dr Reid's paper on 16 June, alongside a briefing from Mr William Ehrman, Chairman of the Joint Intelligence Committee (JIC), on Sunni engagement and a discussion on progress of police reform and reconstruction in the justice sector.[13]

39. No specific conclusions about the UK's future force posture were recorded, but Dr Reid was asked to report on US thinking on drawdown of the Multi-National Force – Iraq (MNF-I) at a future meeting. DOP(I) agreed that the UK should concentrate on "seeing progress" on the justice and policing sectors and should push for resolution of the question of Sunni involvement in the Constitutional Committee.

40. On 16 June, the British Embassy Washington reported that the US Administration was again coming under pressure on Iraq, with renewed calls from Democrat politicians for an exit strategy and a timeline for withdrawal of US troops from Iraq.[14]

41. Opinion polls showed dwindling public support for US involvement, with increasing concern about military overstretch and US casualties. The Embassy reported that the White House was planning to respond to these criticisms in a significant speech by the President, on the anniversary of the transfer of sovereignty at the end of June.

42. On 17 June, Mr Patey reported that the Constitutional Committee had agreed that 15 additional Sunni Arab representatives should be appointed as members, with a further 10 as expert advisers.[15] He observed:

> "This allows Sunni politicians to argue that they have secured agreement to their demand for the participation of 25 Sunni Arab representatives in the Committee whilst preserving the necessary balance between the different political and religious groups …"

43. On 22 June, Mr Patey told the FCO that a list of 15 additional Sunni representatives had been submitted, and that he expected the main work of the Committee to begin

---

[13] Minutes, 16 June 2005, DOP(I) meeting.
[14] eGram 6982/05 Washington to FCO London, 16 June 2005, 'Iraq: the US public debate'.
[15] eGram 6916/05 Baghdad to FCO London, 17 June 2005, 'Iraq: Agreement on Sunni Arab Inclusion in the Constitutional Committee'.

within the week.[16] The UNOCS was pressing ahead with its programme of assistance and:

> "We have agreed to identify Civil Service experts who might contribute to UN seminars. The UNOCS have asked if we can suggest an authority on military-civilian relations, and have intimated that further support from us in facilitating the access of experts would be most welcome."

44. Air Chief Marshal Glenn Torpy, Chief of Joint Operations, submitted a paper entitled 'Operational Transition in Iraq' to the Chiefs of Staff on 22 June setting out a possible timeline for withdrawal of UK forces.[17] In the paper he proposed a four-phase transition:

- "Security Assistance", meaning active involvement in SSR;
- "Transfer to Provincial Iraqi Control with Tactical Overwatch", meaning the Iraqi Security Forces (ISF) would take the lead on security with the UK in support;
- "Operational Overwatch" meaning operating from a reduced number of MNF bases in order to reduce profile, while providing reinforcement to Iraqi forces; and
- "Strategic Overwatch", described as "The Coalition posture that will underwrite Iraqi self-reliance and the normalisation of bilateral relationships."

45. The second phase would be reached in Muthanna and Maysan in autumn 2005, and in Dhi Qar and Basra the following spring.

46. ACM Torpy stated: "The key condition that guides this time-based approach is the relative capacity of Iraqi provinces to assume full responsibility for their security." He went on to explain that:

> "Operational Transition depends on growing Iraqi capacity, which *must remain the dynamic, coherent and properly-funded Main Effort*."

47. On 22 June, the British Embassy Baghdad reported that General George Casey, Commander of the MNF-I, had returned to the US in order to present his MNF-I Force Structure Review.[18] That review did not envisage any fundamental changes in the Campaign Plan, and:

> "The US, at the local military level, accept and understand UK plans in relation to MND(SE) including the point that any future changes in the level of UK forces in the south east would not (not) release troops for redeployment to other areas of Iraq."

---

[16] eGram 7276/05 Baghdad to FCO London, 22 June 2005, 'Iraq: Constitution: Two Months and Counting'.
[17] Minute CJO to COSSEC, 22 June 2005, 'Op Telic: Operational Transition in Iraq'.
[18] eGram 7335/05 Baghdad to FCO London, 22 June 2005, 'Iraq: MNF-I Campaign Assessment: Emerging [illegible]'.

48. The Embassy recorded that two points required consideration in relation to changes in UK troop levels in MND(SE); the provision of protection for all UK activity in the region and how to maintain the security of the oil infrastructure.

49. Mr Blair wrote to President Bush on 27 June, to share concerns raised with him by his human rights envoy, Ms Ann Clwyd, during her recent visit to Iraq.[19]

50. Ms Clwyd had observed that it would be important not to burden the Iraqi authorities with a very large volume of security detainees when responsibility for security was transferred and had therefore recommended that the UK and US seek to reduce the number held, possibly by way of an amnesty. Mr Blair wrote that: "A carefully managed process of releases could help our Sunni outreach efforts."

51. Ms Clwyd had also raised concerns about the Iraqi Special Tribunal (IST), which had been set up to try members of the previous regime. Mr Blair commented that a credible IST process which delivered "justice for the appalling crimes of the previous regime" would have a major political impact but that the coalition may need to ensure that the IST did not "rush to try the most serious cases before they are ready".

52. Mr Blair noted that both these issues would require careful handling and his and President Bush's personal attention, not least because of their impact on Iraqi – and especially Sunni – opinion. Sir Nigel Sheinwald would follow up on the detail with Mr Hadley.

53. On 28 June, President Bush spoke to the US public from Fort Bragg, North Carolina.[20] He described Iraq as the "latest battlefield" in the Global War Against Terror and told listeners that:

> "Our mission in Iraq is clear. We're hunting down the terrorists. We're helping Iraqis build a free nation that is an ally in the war on terror. We're advancing freedom in the broader Middle East. We are removing a source of violence and instability …"

54. President Bush emphasised the importance that the coalition was placing on training the ISF and the new steps that US forces were taking to make this process more effective. On the question of when US troops would be withdrawn, he said:

> "I recognize that Americans want our troops to come home as quickly as possible. So do I. Some contend that we should set a deadline for withdrawing US forces. Let me explain why that would be a serious mistake. Setting an artificial timetable would send the wrong message to the Iraqis, who need to know that America will not leave before the job is done. It would send the wrong message to our troops, who need to know that we are serious about completing the mission they are risking their lives to achieve. And it would send the wrong message to the enemy, who would know that

---

[19] Letter Sheinwald to Hadley, 27 June 2005, 'Iraq' attaching Note Blair to Bush, [undated], 'Note from the Prime Minister to President Bush'.
[20] The White House, 28 June 2005, 'President addresses nation, discusses Iraq, war on terror'.

all they have to do is wait us out. We will stay in Iraq as long as we are needed, and not a day longer."

55. The Chiefs of Staff considered ACM Torpy's paper 'Operational Transition in Iraq' on 29 June.[21] They were broadly content with the paper, though noted that consideration would need to be given to sustaining Iraqi capacity building during the drawdown phase, including the work that other government departments (primarily the FCO and DFID) were doing in Iraq.

56. The Chiefs considered that:

"The UK was in a good position to force the pace of drawdown in the comparatively benign MND(SE), but it was essential that this did not create a perception of break-up within the coalition, or undermine UK/US relations, particularly as early transition would be possible in all areas except those in which the US were operating, since they tended to be the more difficult … The UK plan needed to be presented as the lead element of the overall Transition plan from Iraq; the US position was likely to be that no exit strategy was planned for Iraq as a whole, but rather that a gradual drawdown from parts of Iraq would occur on a conditional basis."

57. On 29 June, at the request of the Cabinet Office Overseas and Defence Secretariat, the JIC looked specifically at the role of Islamist jihadists in Iraq.[22]

58. The JIC judged that jihad in Iraq was "getting worse" and that the MNF were not yet degrading the jihadists' campaign:

"Islamist jihadists represent a small but growing proportion of the insurgency. Their suicide bombing campaign is intensifying and having disproportionate impact on the security situation … This has affected international public opinion and damaged the credibility and confidence of the Iraqi Transitional Government …

"Most suicide bombers are foreigners, but the Iraqi component of the jihad is increasing. The jihadists' extreme methods remain repellent to most Sunnis. But a combination of their successful attacks, anti-coalition/American stance and opposition to a perceived Shia and Iranian dominated government is attracting more support and enabling greater co-operation with some Iraqi Sunni Arab insurgents …

"The viability of the jihadist campaign will only come under threat if the wider Sunni insurgency diminishes and the Iraqi Sunni Arabs are prepared, and able, to reject the foreign jihadists in their midst."

---

[21] Minutes, 29 June 2005, Chiefs of Staff meeting.
[22] JIC Assessment, 29 June 2005, 'The Islamist Jihad in Iraq: Getting Worse'.

59. After reading the JIC Assessment, Mr Blair commented:

> "The absolute key is to divide the Sunnis from the jihadists. I need a proper submission on how this can be done with a detailed plan. I then want to get it agreed with GWB [President Bush]."[23]

60. By the end of June, the names of the additional 15 Sunni representatives for the Constitutional Committee had not been agreed.[24] The British Embassy Baghdad was told that de-Ba'athification checks were not complete but pressed for the list to be accepted in full, on the basis that the conditions for membership must still be met. Any further delay would mean the Committee had fewer than six weeks to complete its task.

July 2005

61. On 5 July, Mr Patey reported that the TNA had formally endorsed the Constitutional Committee (now re-named a Commission) with its additional 15 Sunni representatives.[25] The first full meeting of all 71 members was scheduled for the following day.

62. Mr Straw wrote to Mr Blair with an update on the constitutional process on 5 July.[26] He reported that the timetable remained "tight, but doable". The UK would need to maintain pressure on the constitutional drafters and senior Iraqi politicians to stick to the principle of consensus and work towards agreement on a document which reflected the values and aspirations of all Iraqis.

63. Mr Straw enclosed a paper produced by the FCO Research Analysts which set out the substantive issues that the Constitutional Commission needed to address. They were:

- Fundamental rights, including freedom of religion, expression, movement and assembly, and equality of all citizens before the law.
- Using the TAL as the basis of the new Constitution. It was essential that the constitutional process was Iraqi-led "using the TAL where helpful but not being 'cut and pasted' from it".
- The inclusion of language on how the Constitution could be amended; this was particularly important given concern among Sunni Arabs that they had not had sufficient involvement in its development.
- De-Ba'athification – in the interests of national unity, the UK wanted to ensure these provisions did not become "more draconian" than the existing provisions in the TAL.

---

[23] Manuscript comment Blair on Minute Quarrey to Prime Minister, 1 July 2005, 'Iraq Update'.
[24] eGram 7986/05 Baghdad to FCO London, 30 June 2005, 'Iraq: Constitution: Nearing Crunch Point?'
[25] eGram 8222/05 Baghdad to FCO London, 5 July 2005, 'Iraq: Agreement on Expanded Constitutional Commission'.
[26] Letter Straw to Prime Minister, 5 July 2005, 'Iraq: Constitution' attaching Paper Research Analysts, June 2005, 'Constitutional Issues'.

- A "system in which the main communities can informally share the key senior positions, without sectarianism being formally entrenched"; the Research Analysts recognised that it might be difficult to reach agreement on this, commenting that the answer might be to retain the tripartite structures at the head of government – Presidency Council, Prime Minister and Speaker – which implied the division of roles between the three main communities but without a specific sectarian quota.
- Federalism – this was expected to be a key red line for each of the main communities and the source of most distrust; the UK had "a strong interest in avoiding any arrangement which would entrench sectarian divisions, eg a single large federation in the South". The Kurds were expected to champion the devolution of oil revenues and the ability to manage their own economic development. Shia Arabs were increasingly calling for some sort of economic federalism of the South and a greater share of Iraq's oil revenues.
- Religion and national identity – the UK wished to see language similar to the TAL, in which Islam was recognised as one source of legislation rather than the only source. It would also be essential for the drafters to find a way of expressing both Iraq's identity as an Arab nation and the Kurdish desire for greater recognition.
- Militias – the question of whether the militias should be disbanded or integrated into the Iraqi Security Forces would need to be resolved at some point, though it was possible that this should happen separately from the development of the Constitution.
- The electoral system – although it was recognised that the Sunni Arabs, in particular, were likely to wish for changes in the electoral system (for example to move to a constituency-based arrangement). Any provision on this within the Constitution should not be framed in such a way as to require its implementation before the December elections, since that would mean delay.

64. Mr Blair met President Bush at the G8 Summit at Gleneagles on 7 July.[27] Mr Blair said that the US and UK objective should be to divide the Sunni insurgents from the foreign jihadists.

65. In Mr Blair's view, a strong effort was needed to pull Iraqis away from the insurgency; he had no concern about talking to those on the fringes of the insurgency in order to achieve that.

66. Mr Blair suggested that it would be important to handle conversations about the issue of withdrawing the MNF with great care. He remained convinced that a "visible forward plan" was needed so that it was clear the MNF wanted to leave when they could, but were staying because of the scale of the insurgency. The plan would show a projection of the coalition's drawdown as Iraqi forces built up. In MND(SE) Mr Blair

[27] Letter Sheinwald to Adams, 8 July 2005, 'Prime Minister's Meeting with President Bush, 7 July'.

said that coalition forces tried to stay in their barracks and were called into "population centres" only as necessary.

67. In his note of the discussion, Sir Nigel Sheinwald recorded that he would follow up with Mr Hadley in order to develop a coherent joint US/UK strategy on Iraq.

68. Speaking during an Adjournment Debate on "Defence in the World" on 7 July, Dr Reid told Parliament:

> "We have not set down rigid time lines for the downsizing or withdrawal of troops. Rather, we have made that conditional upon progress on political development and security and, to a lesser extent … economic development. This is not a prediction or a pledge, because our movement of troops will be conditional on the conditions … but I have said that I envisage that the trained complement of the Iraqi army … could begin the process of taking the lead … in some parts of Iraq in the next 12 months. We would provide multi-national support for that as long as the Iraqi Government wish …"[28]

The London bombings

On Thursday 7 July, four suicide bombers struck in central London, killing 52 people and injuring more than 770 others.[29] Three of the bombs exploded on Underground trains and the fourth on a double-decker bus.

Exactly two weeks later, on 21 July, three further bombs were placed on Underground trains and a fourth on a bus.[30] None of those devices exploded. A fifth device was found two days later abandoned in bushes.

The Intelligence and Security Committee (ISC) examined the attacks and reported to Mr Blair on 30 March 2006.[31] The *Report of the Official Account of the Bombings in London on 7th July 2005* was published on 11 May.

The ISC wrote that the motivations of the bombers remained "only partly clear". The best indication of the group's motivation was offered by a video statement made by one of the bombers, Mr Mohammad Sidique Khan, which had been first aired by the Al Jazeera network on 1 September 2005. The Report noted that the focus of the video was on "perceived injustices by the West against Muslims".

Mr Khan's statement included the passage:

> "Your democratically elected governments continuously perpetuate atrocities against my people all over the world.
>
> "And your support for them makes you directly responsible, just as I am directly responsible for protecting and avenging my Muslim brothers and sisters.

---

[28] House of Commons, *Official Report*, 7 July 2005, columns 472-473.
[29] *Report of the Official Account of the Bombings in London on 7th July 2005*, 11 May 2006, HC1087.
[30] *BBC News*, [undated], *London Attacks: In Depth, 21 July Attacks*.
[31] *Report of the Official Account of the Bombings in London on 7th July 2005*, 11 May 2006, HC1087.

> "Until we feel security, you will be our targets. And until you stop the bombing, gassing, imprisonment and torture of my people we will not stop this fight.
>
> "We are at war and I am a soldier. Now you too will taste the reality of this situation."[32]

69. At its meeting on 13 July, the JIC reviewed the state of the insurgency in Iraq and, separately, the effectiveness of the ITG's efforts to bring Sunni Arabs into the political process.[33]

70. The JIC judged that the majority of Iraqi insurgents were Sunni Arabs, to whom a significant proportion of the Sunni community were sympathetic. Jihadists[34] remained in a minority but represented a growing proportion of the insurgency and the proportion of Iraqi jihadists was increasing.

71. Although Sunni insurgents and jihadists had some common aims – opposing the MNF and ITG – the JIC judged that most insurgents were not motivated by Islamist zeal and most ordinary Iraqi Sunnis wanted to be rid of the foreign jihadists. The Assessment said:

> "Political engagement with the Sunnis will be key to exploiting this. Currently Sunni Arab insurgents have no strong reason to turn on the jihadists.
>
> "Actions of the ITG will be critical. If political progress is slow and Sunni expectations not met, a significant insurgency in Sunni areas will persist and probably get worse through 2006 and beyond. To counter this, the Iraqi security forces (ISF) in hard core Sunni areas will need extensive MNF support through 2006 and beyond."

72. The JIC also considered the wider security situation in Iraq, including the activities of the Shia militia and the situation in MND(SE). It judged that:

> "Sectarian attacks are increasing but the presence of the MNF means that the danger of civil war is currently remote.
>
> "Shia militias remain largely restrained. Muqtada al-Sadr is content for the movement to concentrate on the political process; any appetite within his organisation for a return to violence is being suppressed. We have no indications that this is about to change. A small minority of other Shia extremist groups continues to attack the MNF. Some have been trained by Iran.

---

[32] *BBC News*, 1 September 2005, *London bomber: Text in full*.
[33] JIC Assessment, 14 July 2005, 'Iraq: State of the Insurgency'; JIC Assessment, 14 July 2005, 'Iraq: Outreach to Sunni Arabs'.
[34] The JIC used the term "jihadists" to describe extremists who believed they had a religious obligation to fight the West and apostate regimes and who described their attacks as "jihad".

"Sporadic violence against the MNF in MND(SE) continues, but at a much lower level than in the Sunni areas: some 1 percent of all attacks in Iraq. There has been considerable development of the ISF in the South, but they remain largely untested."

73. On engagement with Sunni Arabs, the JIC judged that:

"Winning over Iraq's Sunni Arab population is key to reducing the insurgency over time. Outreach to them by the Shia-dominated Iraqi Transitional Government has been slow and in some cases reluctant. International pressure has helped create some momentum. But overall, outreach has been insufficient to reduce Sunni Arab concerns.

"Sunni attitudes to the political process are mixed. Sunni Arab political groupings remain fluid, and their politicians have not developed a common political platform. But there is a general perception that the Shia and Kurds are reluctant to share political power; that the national reconstruction effort is not benefitting Sunni areas; that some of the Iraqi Security Forces are targeting Sunnis; and that ministries are being purged of Sunnis under the guise of de-Ba'athification. While some of these claims have a basis of fact, many are exaggerated. A timetable for MNF withdrawal also features strongly among Sunni demands.

"The extent to which Sunni concerns are taken into account in next month's draft Constitution (particularly about federalism and the need for them to benefit from natural resources); whether it is approved in October's referendum; and the outcome of December's elections will all be critical for establishing a sense of enfranchisement for the Sunnis. Even on the most optimistic scenario, their expectations will not be fully met. They have not become reconciled to their loss of dominance.

"There are links between some Sunni political figures and insurgent leaders, but we do not believe the Sunni political parties can yet exert enough influence to command a reduction in violence."[35]

74. The JIC assessed that many Sunnis believed that the Shia coalition that led the ITG was an Iranian stooge with an anti-Sunni agenda. At a local level, there was anecdotal evidence and allegations to suggest that Sunnis were being forced out of their homes in predominantly Shia areas and that some of the ISF (particularly those controlled by the Shia Minister of the Interior) were responsible for inflaming sectarian tensions by detaining and even killing Sunnis without justification. Although those reports and allegations could not be verified, and the JIC assessed that many of the claims that had been made were exaggerated, it judged that in Basra there was some justification for the feeling of discrimination and that the perception was reinforcing sectarian divisions.

---

[35] JIC Assessment, 14 July 2005, 'Iraq: Outreach to Sunni Arabs'.

75. On 15 July, the Iraq Strategy Group (ISG) considered a draft version of a paper for DOP(I) from Dr Reid on operational transition in Iraq.[36]

76. The paper described a process in which Iraqi Security Forces would take primacy province by province. The MNF would take on a reserve role as they did so. So long as Iraqi capacity continued to increase and the security situation did not deteriorate seriously, the transfer would be implemented from October in Maysan and Muthanna. Basra and Dhi Qar would follow in spring 2006. This would lead to a reduced profile for UK forces, and reductions in numbers to around 3,000 by summer 2006.

77. Dr Reid wrote that:

> "The plans are entirely consistent with Multi-National Forces – Iraq (MNF-I) planning; General Casey (the US force commander in Iraq) has been briefed on them and is content."

78. In the paper, Dr Reid asked DOP(I) to agree that detailed plans should be drawn up for explaining the process to the Iraqi people, the US, other allies, Parliament and the UK public.

79. After a discussion, the ISG concluded that the paper needed to:

- make clear that the process of force reduction was reversible;
- explain the degree of US concern about the possibility of "MND(SE) getting out in front", which should not be over-emphasised;
- explain the context in terms of ISF development; and
- cover more clearly the implications for other government departments and international actors.[37]

80. Dr Reid spoke to Mr Jonathan Powell, Mr Blair's Chief of Staff, on 18 July about the arrangements for handling the paper, given the sensitivity surrounding the issue and the risk of leaks.[38] They agreed that it would be best for Dr Reid to produce a full paper for Mr Blair and a single page of recommendations for other Ministers who were members of DOP(I).

81. In the event, the full paper was circulated by the Cabinet Office to all DOP(I) members with the instruction that it should not be shared further.[39]

82. Dr Reid described the principal risks to the timetable for drawdown as:

---

[36] Letter Cabinet Office [junior official] to Iraq Senior Officials, 15 July 2005, 'MOD Paper on Operational Transition in Iraq' attaching MOD Paper, 'Operational Transition in Iraq'.
[37] Letter Cabinet Office [junior official] to Sheinwald, 15 July 2005, 'Iraq Strategy Group'.
[38] Letter Reid to Powell, 18 July 2005, 'Operational Transition in Iraq' attaching Paper Secretary of State for Defence, [undated], 'Operational Transition in Iraq'.
[39] Minute Aldred to DOP(I), 20 July 2005, 'Note by the Secretaries' attaching Paper Secretary of State for Defence, 'Operational Transition in Iraq'.

- "a deterioration in the security situation resulting from a change in the Shia quiescence";
- a failure to deliver an effective ISF (including police) and wider criminal justice capacity; and
- a prolonged delay in the political process, caused (for example) by the rejection of the draft Constitution in the October referendum.[40]

83. Dr Reid recognised that drawdown could have an impact on the broader UK and international effort in the South:

> "It is also possible that other (FCO and DFID) activity in Iraq aimed at developing the Iraqi Police Service and reconstruction will need to be curtailed or reduced, with consequent implications for HMG's wider effort, because of the difficulties of running projects without UK military support and protection. This will need to be looked at in more detail with Other Government Departments.
>
> …
>
> "The announcement of any drawdown of UK forces in the South will have to be managed carefully to ensure that there is no loss of confidence by major NGOs (in particular the UN Agencies and the World Bank), which might lead them to postpone plans for greater engagement in Iraq."

84. Dr Reid also recognised that although the drawdown was likely to deliver a significant cost saving to the military there would be a cost increase to other parts of the system:

> "Other Government Departments operating in Iraq may … face increased security costs as they are forced to seek commercial alternatives to military force protection."

85. Mr Blair and President Bush spoke by video conference on 19 July.[41]

86. A brief for the discussion prepared by Mr Phillipson suggested that it should include an emerging UK strategy for supporting mainstream Islam internationally.[42] Mr Phillipson recorded that:

> "A key objective of this strategy will be to rebut claims that current terrorism is a result of our actions in Afghanistan and Iraq."

87. In their conversation, Mr Blair commented to President Bush that there was a clear need to take on terrorist ideology after the London attacks. Terrorists should not be allowed to present themselves as the legitimate voice of Afghanistan and Iraq: "Defeating terrorism in Iraq was crucial to defeating it everywhere."[43]

---

[40] Paper Secretary of State for Defence, 18 July 2005, 'Operational Transition in Iraq'.
[41] Letter Quarrey to Siddiq, 19 July 2005, 'Prime Minister's videoconference with President Bush'.
[42] Minute Phillipson to Prime Minister, 19 July 2005, 'VTC with President Bush, 1405-1450 19 July'.
[43] Letter Quarrey to Siddiq, 19 July 2005, 'Prime Minister's videoconference with President Bush'.

88. The two key issues in relation to Iraq were what more could be done on Sunni outreach and driving forward Iraqiisation in order to create the conditions for MNF transition.

89. Also on 19 July, Mr Blair met Ambassador Negroponte, now the US Director of National Intelligence, at No.10.[44] Mr Negroponte said that it was important to keep the political process moving forward, and to ensure that the ISF were not torn apart by sectarian tensions.

90. Mr Blair agreed, and said that a "key part of our strategy had to be keeping people's attention properly focused". Some commentators were beginning to suggest that, although their tactics were unacceptable, the aims of terrorist groups were legitimate.

91. In a separate conversation, Sir Nigel Sheinwald told Ambassador Negroponte that the UK aimed to start handing over its provinces in Iraq by the end of the year.

92. DOP(I) met on 21 July, chaired by Mr Blair, and considered Dr Reid's paper on operational transition.[45]

93. The Chairman's Brief, written by Cabinet Office officials for Mr Blair, suggested that he would "want to focus the meeting on **ensuring individual Departments drive forward work over the summer**".[46] As the Committee would not meet again until after the Parliamentary recess, Mr Blair should "**emphasise that the UK effort must not lose impetus over the summer** as the preparations for key events in Iraq (Constitution, elections, and transition) will need to be well advanced."

94. DOP(I) agreed Dr Reid's recommendation that, subject to the continuation of current trends in the capacity of the Iraqi security forces and to there being no major deterioration in the security situation, the UK should plan to implement transition to Iraqi control in two provinces of southern Iraq around October 2005, and in the other two around March 2006.[47]

95. Mr Blair emphasised the importance of avoiding giving the "erroneous impression that we intended to leave whatever the circumstances" and gave the instruction that no further written papers should be produced until there had been consultation with the US and the Iraqi Government.

96. The second paper considered by DOP(I) on 21 July was written by the FCO and presented by Mr Patey. It was entitled 'Iraq: Splitting the Jihadists from the National Opposition'.[48]

---

[44] Letter Phillipson to Jeffrey, 19 July 2005, 'Prime Minister's Meeting with John Negroponte, 19 July'.
[45] Minutes, 21 July 2005, DOP(I) meeting.
[46] Minute Cabinet Office [junior official] to Prime Minister, 19 July 2005, 'DOP(I) – Chairman's Brief'.
[47] Minutes, 21 July 2005, DOP(I) meeting; Paper Secretary of State for Defence, 18 July 2005, 'Operational Transition in Iraq'.
[48] Paper FCO, 18 July 2005, 'Iraq: Splitting the Jihadists from the National Opposition'.

97. The paper described jihadists as "principally foreigners, but an increasing number of Iraqis". It recommended:

- continuing to demonstrate inclusivity in the drafting of the Constitution, committing to the timetable set out in the TAL, and being prepared to intervene if necessary;
- ensuring that the system used in the December elections was a province-based rather than a national-based one in order to maximise Sunni Arab participation;
- progressive release of detainees and improved regimes in detention facilities;
- pressing the ITG to relax the de-Ba'athification rules to allow disaffected former Army officers and officials back into the ISF and government institutions, and ensuring that de-Ba'athification decisions were based in a legal framework rather than a political one;
- reforming the judicial system, including increasing the capability of the Iraqi Special Tribunal and urging the appointment of a Human Rights Minister;
- redeploying members of the Multi-National Force away from sensitive areas and making clear there were no aspirations for long-term bases;
- identifying and brokering local cease-fires with those leaders in the Sunni community who were capable of being brought into the political process;
- implementing reconstruction projects rapidly following large-scale counter-insurgency operations or local cease-fires.

98. These were to be accompanied by a strong media strategy, aimed at undermining the jihadists' "un-Islamic" message, and active engagement with neighbouring states.

99. DOP(I) agreed the broad approach proposed by the FCO.[49]

100. A few hours after DOP(I) met on 21 July, the Defence and Overseas Policy Committee (DOP) also met, chaired by Mr Blair.

101. The MOD invited DOP to consider whether or not it wished to move the UK Provincial Reconstruction Team (PRT) from the north of Afghanistan to Helmand province and to decide what, if any, additional force package should be deployed to support it.[50]

102. There was a brief mention towards the end of the paper for DOP on the possible impact of Iraq on the UK's military operations in Afghanistan. It said that plans for UK military drawdown in Iraq were under consideration and remained both highly sensitive in the context of maintaining coalition cohesion and highly dependent on ISF capability. It was anticipated that it would be possible to manage a significant drawdown over the next two years.

---

[49] Minutes, 21 July 2005, DOP(I) meeting.
[50] Paper MOD officials, 19 July 2005, 'Afghanistan: Resources and Strategic Planning'.

103. The paper concluded with a caution that:

> "… any substantial prolongation of the UK military commitment in Iraq at current force levels would have significant impact on individual personnel, the logistic feasibility of any commitment in Afghanistan, and overall resourcing. If drawdown in Iraq were to slip significantly, the MOD would be able to resource Options 2 and 3 in terms of manpower and equipment, but the effects … [on personnel, logistics and overall resourcing] would be exacerbated significantly."

104. When the MOD paper was circulated to DOP members for consideration, it was accompanied by an appendix, produced by Cabinet Office officials, setting out the estimates of financial pressures associated with the Iraq campaign during the financial years 2005/06, 2006/07 and 2007/08.

105. The minutes of the DOP discussion on 21 July do not indicate that there was any discussion of the specific impact on the Iraq campaign of the proposed deployment to Helmand.[51]

106. Dr Reid argued that "sorting out Helmand" was central to resolving Afghanistan's wider problems and that a UK deployment was a necessary, though "not sufficient", element in this. Given the security situation, if the deployment went ahead, it would have to be on the basis of the largest option: a PRT with an infantry battlegroup and full helicopter support.

107. General Sir Michael Walker, Chief of the Defence Staff, did make reference to Iraq, and advised DOP that the risk of UK casualties in Helmand would be higher than in northern Afghanistan, but lower than in Iraq.

108. Mr Des Browne, the Chief Secretary to the Treasury, questioned whether the UK could afford to take on another substantial military operation, given the cost of operations in Iraq.

109. DOP agreed in principle to deploy the PRT to Helmand with an infantry battlegroup and full helicopter support.

110. The paper provided for DOP's discussion said that this option comprised "around 2,500 personnel in total".[52]

111. On 22 July, Sir Nigel Sheinwald provided Mr Blair with a minute entitled 'Iraq: A Comprehensive Strategy'.[53]

---

[51] Minutes, 21 July 2005, DOP meeting.
[52] Paper MOD officials, 19 July 2005, 'Afghanistan: Resources and Strategic Planning'.
[53] Minute Sheinwald to Prime Minister, 22 July 2005, 'Iraq: A Comprehensive Strategy'.

112. The minute began:

> "You ask how alarmed you should be about Iraq. Of course we should be concerned – about the continuing high level of violence; lack of grip of the ITG; slow pace of reconstruction etc. It is difficult to see these things being remedied quickly.
>
> "At the same time we need to make a hard-headed calculation: are we headed for strategic failure? I do **not** think we are, principally because the political process remains on track and, so far, the insurgents have not succeeded in fomenting any widespread sectarian conflict. Those are the bottom line strategic risks."

113. Sir Nigel suggested that the objective over the next six months should be:

> "… to build the right political and security platform so that:
>
> - the elected Iraqi Government after the December elections can really take charge and govern the country; and
> - the MNF can begin a substantial withdrawal next year, and leave the country in the hands of the ISF, without precipitating a civil war. At present there is no doubt that the presence of the MNF contains the sectarian violence."

114. Achieving the objective required "a **comprehensive political strategy**". Sir Nigel suggested that the FCO paper discussed at DOP(I) contained all the necessary elements of such a strategy. One of the key requirements was:

> "A **delivery mechanism**: close co-ordination between the UK and US Ambassadors and military in Baghdad; Jack [Straw] and Condi [Rice] in charge of the political process; John [Reid] and Rumsfeld engaged on the security strategy."

115. Attached to Sir Nigel's advice was a draft note for Mr Blair to send to President Bush, prepared by Mr Blair's Private Secretary.[54] It emphasised "if we are going to achieve decisive effect within the necessary timescale, we need clearer lines of responsibility for managing delivery".

116. Mr Blair wrote in manuscript on Sir Nigel's advice: "I agree strongly with your analysis. My concern is delivering the strategy."[55]

---

[54] Minute Sheinwald to Prime Minister, 22 July 2005, 'Iraq: A Comprehensive Strategy' attaching 'Note for President Bush, Iraq: A Comprehensive Political Strategy'.
[55] Manuscript comment Blair to Sheinwald on Minute Sheinwald to Prime Minister, 22 July 2005, 'Iraq: A Comprehensive Strategy'.

117. On 25 July, the TNA passed a referendum law which defined two conditions that must be met for a "yes" vote on the new Iraqi Constitution to be valid.[56] They were:

> "Firstly, there is the positive condition that 'a majority of the voters in Iraq approve'. Secondly, there is the negative condition that 'two-thirds of the voters in three or more governorates do not reject it.'"

118. Mr Patey reported that debate had broken out over the meaning of the first condition; did it refer to a majority of those who voted, or of those on the electoral list? UN elections experts believed the former, as did the drafters. However, Mr Patey warned:

> "If this 'electoral list' interpretation prevails, the risk that the Constitution will be rejected increases. On the basis that those sponsoring this reading will shortly realise their ploy is fraught with risk, we will seek to support UN efforts for a clarification in favour of the 'votes cast' interpretation by explaining to key interlocutors the dangers of gambling on a high turnout."

119. On 25 July, Mr Patey informed the FCO that the first full draft of the Constitution had been circulated.[57]

120. The text was "rough" and many issues of substance remained unresolved, including how the status of Kirkuk would be determined. Mr Patey also recorded concerns about the qualification of women's rights by Shar'ia Law, "unnecessary and unhelpful" references to de-Ba'athification, and about judicial independence.

121. Passing Mr Patey's telegram to Mr Straw, the IPU reported that a "gathering of senior Iraqis" was expected to thrash out the issues of substance later in the week.[58] There were positive signs of continued commitment to the drafting timetable.

122. The IPU also highlighted that control of natural resources was a key issue in the debate on federalism in the Constitution. Three options were on the table:

> "Two of these stipulate resources will be managed by the federal government, with a portion allocated to the regions. The third allows the regions to exploit natural resources under supervision of the federal government."

123. Mr Blair spoke to President Bush by video conference on 26 July and said that the US and UK needed to "knit our political and security strategies together".[59] The ITG needed active support in reaching out to the Sunni community, and the UK and US should "press hard for a big push", including with helpful partners in the region.

---

[56] eGram 9728/05 Baghdad to FCO London, 25 July 2005, 'Iraq: Referendum Law Passed'.
[57] eGram 9738/05 Baghdad to FCO London, 25 July 2005, 'Iraq: Constitution Update, 25 July'.
[58] Minute Fawcett to Foreign Secretary, 26 July 2005, 'Iraq: Constitution: Update'.
[59] Letter Quarrey to Siddiq, 26 July 2005, 'Prime Minister's VTC with President Bush: 26 July 2005'.

124. On 31 July, in a report to Gen Walker, Lieutenant General Robin Brims, the Senior British Military Representative – Iraq (SBMR-I), reported that:

> "At long last, and with much steering by the US and prompting by ourselves, the first meeting of the Joint Commission on Conditions-Based Transition will be this Tuesday and I will chair the coalition side after the first meeting (when General Casey will take the lead) … The idea is to present agreed recommendations to the PM by 26 September with announcements after the constitutional referendum. Current thinking proposes not setting the conditions bar too high and is aiming for some early transfers of suitable cities from coalition forces to appropriate civil authorities – with all transfer decisions being joint ones."[60]

125. Lt Gen Brims also reported the establishment of a US/UK "Red Team" (or "Red Cell"). Its purpose was to examine counter-insurgency strategy critically and "determine which enemy is the greatest challenge and what they think of our strategy".

126. Lt Gen Brims wrote that he saw the review as "a most important exercise to ensure we test and adjust our strategy as necessary".

August 2005

127. On 2 August, Sir Nigel Sheinwald sent Mr Hadley a Note by Mr Blair for President Bush.[61] It set out the things that Mr Blair considered "we need to work on urgently", and suggested a discussion.

128. On Iraq, Mr Blair listed Sunni outreach, security transition and organisation as the three areas requiring attention.

129. Mr Blair identified Sunni participation as key to the success of December's elections and wrote that "we will have to take over the Sunni outreach or at least the strategy behind it". The component parts of that would be:

- some detainee releases;
- installing a provincial list system for the December elections;
- vigorous outreach by the ITG;
- a transparent and rules-based de-Ba'athification process;
- US/UK contacts with insurgents, which could "allow local cease-fires";
- reconstruction; and
- drawing in "friendly neighbouring states".

---

[60] Minute Brims to CDS, 31 July 2005, 'SBMR-I Weekly Report (172) 31 July 2005'.
[61] Letter Phillipson to Hadley, 2 August 2005, [untitled] attaching Note TB [Blair to Bush], 2 August 2005, 'Note'.

130. Under the heading "security transition", Mr Blair wrote that the problem was:

> "… if we look as if we're wanting to go, that undermines our resolve; if we look as if we're wanting to stay, that undermines our political strategy to help Iraq stand on its own feet as a democracy."

131. The solution, he suggested, was an Iraqi-led transition plan before the elections, setting out "how we intend to proceed", with a media strategy for its communication.

132. On organisation, Mr Blair stressed the need for effective political engagement and suggested that he and President Bush should receive a regular report from Mr Patey and Ambassador Khalilzad "specifically on the political outreach".

133. Mr Blair spoke to President Bush on 5 August and suggested that an informal contact group was needed to take forward a conference to bring Sunni and Shia groups together.[62] Mr Blair considered that the key was "to draw in the silent Sunni majority" and suggested that the UK and US Ambassadors should report progress on a weekly basis.

134. The British Embassy Baghdad reported a last-ditch attempt by key Iraqi politicians to achieve consensus on the Constitution on the eve of 15 August.[63] Discussion of the draft text continued into the night. The Embassy judged that a short extension to the drafting deadline was the most likely outcome.

135. Negotiations continued on 15 August, focused on the proposed process for achieving federal autonomy, and on natural resources.[64] Half an hour before the expiry of the deadline (at midnight) the Speaker of the TNA proposed an amendment to the TAL extending the drafting deadline to 22 August, which was passed unanimously by the TNA.

136. Following a visit to Iraq from 13 to 18 August, Mr Asquith commented that the constitutional negotiations had "exposed the crystalline brittleness of the political process".[65] In his view, the Shia Islamist and Kurdish leaders had:

> "… always known that they could achieve a Constitution (text and sufficient votes in a referendum) over the wishes of the Sunni, by trading with each other Islamist and federal language that satisfied their respective key objectives."

137. Mr Asquith noted that both had, so far, pulled back from such a "bilateral stitch-up". That was in his view significant, and should help to encourage Sunni participation in the referendum and elections, something which he considered of fundamental importance.

---

[62] Letter Phillipson to Wilson, 5 August 2005, 'Prime Minister's VTC with President Bush, 5 August: Iraq, Syria, Iran, engaging mainstream Islam/tackling extremism'.
[63] eGram 11208/05 Baghdad to FCO London, 15 August 2005, 'Iraq: Constitution: Hangs in the Balance'.
[64] eGram 11265/05 Baghdad to FCO London, 15 August 2005, 'Iraq: Constitution: 7 More Days'.
[65] Minute Asquith to Howells, 22 August 2005, 'Iraq: Visit 13-18 August 2005'.

138. Mr Asquith also described increasing tension at the heart of the Shia community over the question of federalism:

> "The Sadrist trend is split, with Muqtada's supporters siding with the Sunni anti-federalist tendency; the Shia federalists in the South-East don't know what they want (decentralisation or federalism) …"

139. On 22 August, the IPU alerted Mr Straw's Private Secretary to the risk that the Shia and Kurdish representatives might reach agreement on the linked issues of federalism and control of natural resources which did not have Sunni buy-in.[66] The IPU proposed a joint US/UK demarche[67] on Shia and Kurdish leaders, to be agreed between Mr Straw and Dr Condoleezza Rice, US Secretary of State.

140. Mr Straw's Private Secretary reported the conversation between Mr Straw and Secretary Rice later that evening.[68]

141. During the discussion, Mr Straw had expressed concern over reports that the Shia and Kurds might "stitch up" a deal on federalism at the expense of the Sunnis. That, Mr Straw feared, would be destabilising. In his view any solution which involved merging provinces should be approved by the TNA. Secretary Rice said that she would speak to the US Ambassador to Iraq and then call back.

142. Mr Straw and Dr Rice again discussed progress on constitutional negotiations on 24 August.[69] Secretary Rice reported that agreement appeared close.

143. On federalism, the Shia were prepared to commit to take no steps towards forming newly federated regions for four years, on the basis of a firm assurance from the US that it would not oppose any measures to form a federation after that period, and that it would give due consideration to the needs of the South in providing financial assistance packages.

144. Secretary Rice added that "there appeared to be a latent suspicion that the UK would repeat the history of the 1920s and undercut agreements reached with the Iraqis", and therefore suggested that the UK might also offer these firm assurances. Mr Straw discussed this point with Mr Blair, and agreed to sign up to these commitments. He commented that "we could not in any case prevent the Iraqis from forming federated regions and we actually channelled most of our aid to the South already".

145. The ISG reviewed progress on the Constitution on 26 August.[70] It considered that although a deal seemed likely, the level of Sunni support for it was in serious doubt and

---

[66] Email IPU [junior official] to Siddiq, 22 August 2005, 'Proposed FS call on Rice'.
[67] A formal diplomatic expression of displeasure.
[68] Email Siddiq to Asquith, 22 August 2005, 'Iraq: FS Rice 21 Aug 2004 [sic]'.
[69] Minute Siddiq to Sawers, 24 August 2005, 'The Foreign Secretary's Conversation with the US Secretary of State, 24 August'.
[70] Letter Cabinet Office [junior official] to Sheinwald, 31 August 2005, 'Iraq Strategy Group'.

that “presented corresponding risks for an increase in the insurgency and sectarian violence”.

146. The ISG also discussed the anticipated report of the Red Team and recognised that the UK would need to consider what its “legacy” in MND(SE) would be. The FCO and MOD were commissioned to produce an assessment of the UK legacy in MND(SE) one year on, for discussion at the next meeting.

147. In response to that commission, the IPU produced a paper on the UK’s objectives for MND(SE).[71] The paper suggested that objectives for the South-East were that it should:

- identify itself as part of Iraq, connected to Baghdad;
- engage in a constructive but not servile relationship with Iran;
- have credible local government delivering effective services;
- have security forces loyal to the state and capable of providing sufficient law and order to “avert a descent into full-blown criminality and chaos”;
- improve the supply of services such as electricity in the short term and have a credible long-term development plan; and
- achieve economic sustainability.

148. The challenges to achieving those objectives included Saddam Hussein’s legacy of neglect in the South, significant differences in political vision, militia activity, poor local governance and tribal violence.

149. According to the paper:

> “We cannot stay in Southern Iraq indefinitely and our aim remains to reduce our military presence over the next 12 months. Against our broader global strategy, our plans are to draw down significant numbers of personnel next Autumn. We therefore need to take decisions on what we should do in the interim to give the South-East the best possible chance of going it alone.”

150. A telegram from the British Embassy Office Basra was supplied to be read in conjunction with the IPU paper.[72] On the UK legacy in MND(SE) it advised:

> “The South cannot be seen in isolation from developments in Baghdad. Our ability to achieve anything will be affected by the outcome of the constitutional debate and the future balance of power following elections. The legacy we leave in the South will to a large part be dependent on outside factors, such as the Sunni reaction in central Iraq to the Constitution.

---

[71] Paper Iraq Policy Unit, 26 August 2005, ‘MND(South East) in Autumn 2006: Discussion Paper’.
[72] eGram 12326/05 Basra to FCO London, 1 September 2005, ‘Southern Iraq: The Legacy’.

> "The legacy will be imperfect, but we should not be too defensive. The challenge was great, and the achievements are considerable. If we can contain the politicisation of the IPS from getting out of control, get the multilateral agencies more engaged, and plan now on some longer-term priorities, we can leave knowing that southern Iraq has the capability of realising its massive economic potential for the whole country. We should be able to leave with the goodwill of the majority of the population in southern Iraq (there would come a point when that is less certain). But we need to prepare the ground now to lower UK public and international expectations of what we are leaving behind."

151. The Constitutional Commission presented the text of the draft Constitution to the TNA on 28 August.[73]

152. Mr Patey described the document that had been produced as "an admirable document which contains much we should applaud".[74] Its "key achievements" were "protection of fundamental rights including minorities and women" and it came closer to meeting Sunni concerns than the draft as it stood on 15 August.

153. The immediate Sunni reaction to the text was reported by Mr Patey to be "muted … with many still considering their position".[75] But a "key positive" was that "almost all are encouraging participation in the referendum thus acknowledging that influence is won more effectively by voting than by violence".

154. In the period after the Constitutional Commission announced that it had reached agreement on the draft text, the US encouraged further discussion between parties aimed at increasing Sunni Arab support for the Constitution.[76]

155. Sir Nigel Sheinwald told the Inquiry that Mr Blair's aspirations for the Iraqi Constitution were:

> "… that it should get agreed and the referendum should go ahead and it should have a very broad base of support in the population; that we should keep to the timetable, we should keep the show going, we shouldn't get derailed by the violence which of course continued, intensified …"[77]

156. Mr Asquith told the Inquiry that the UK's objectives for the Constitution were:

> "To lay the basis for a representative democracy which kept the country together; which didn't build in sectarian advantages or ethnic advantages; and which didn't create a form of federalism which was going to increase the risk of the country

---

[73] Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.
[74] eGram 12004/05 Baghdad to FCO London, 28 August 2005, 'Iraq: Constitution; Worth Waiting For'.
[75] eGram 12058/05 Baghdad to FCO London, 30 August 2005, 'Iraq: Constitution: Further Reaction from Sunni Arabs and Others'.
[76] Deeks AS & Burton MD. Iraq's Constitution: A Drafting History. *Cornell International Law Journal*, Volume 40 (2007).
[77] Private hearing, 3 September 2010, page 73.

splitting, fundamentally; with, of course, a series of structures, both in terms of provincial, legislative structures and government structures, that could command the loyalty of Iraqis and respected the authority of government."[78]

157. In a telephone conversation on 29 August, Sir Nigel Sheinwald and Mr Hadley agreed that the draft Constitution was a good document, but that the outcome was "at best mixed in terms of bringing the Sunnis into the process".[79] They agreed that the possibility of further changes should be kept open.

158. Commenting on the Constitution in conversation with Secretary Rice in late August 2005, Mr Straw said that he was:

"… very struck by the progress which had been made … The fact that the decisions on further federalism had been parked to the new National Assembly … had both down and up sides to it. The down side was that there was no built in protection by way of special majorities or special processes for the Sunni to make more difficult greater devolution of power which they feared. On the other hand, the fact that this question was going to be left to simple majorities of the National Assembly opened up the possibility for … deals by simple majority to provide some of the protection which the Sunnis were seeking."[80]

159. Mr Patey reported to Mr Asquith on 31 August that he had delivered the commitment Secretary Rice had outlined to Mr Straw, explaining:

"I … spoke to Adel Abdel Mehdi to tell him that we could align ourselves with US assurances. As you know, the UIA [United Iraqi Alliance] finally agreed that [the] issue of further federalism would be left to the next National Assembly. Adel has now followed up and asked for this in writing as promised.

"The US assurances turned out to be in the form of a commitment to use their good offices to hold the Kurds to a separate political agreement with the UIA on the content of new legislation. I have provided a similar commitment …

"In passing our assurance on to Adel Abdel Mehdi, I have made it clear that this is not for publication. This would make it more difficult to convince Sunnis that the issue of future federalism was still open."[81]

160. The Red Team established by Ambassador Khalilzad and Gen Casey in July reported at the end of August.[82] The team's objective had been to produce a strategy aimed at breaking the back of the insurgency within a year and defeating it within three.

---

[78] Private hearing, 15 June 2010, page 13.
[79] Letter Sheinwald to Hayes, 29 August 2005, 'Conversation with US National Security Adviser, 29 August'.
[80] Letter Straw to Sheinwald, 30 August 2005, 'Conversation with US Secretary of State, 29 August'.
[81] Letter Patey to Asquith, 31 August 2005, [untitled].
[82] Report US Red Team, 31 August 2005, 'An integrated counterinsurgency strategy for Iraq'.

161. The Red Team assessed that the coalition's current strategy, which focused on the transition of responsibility for security to the Iraqi Government, would enable coalition forces to disengage from Iraq but would leave Iraqi Security Forces that would not to able to defeat the insurgency in the foreseeable future.

162. The Red Team proposed a new strategy based on the "ink-spot" counter-insurgency model, with tighter integration of military and civilian efforts and additional resources for the political, economic and governance activities. It did not propose additional military resources, but considered that redeployment of some of the existing resources might help achieve greater effect.

163. The Red Team defined the ink-spot model as:

> "… the integration of security, economic, social and political actions to achieve significant local control. The concept is to introduce sufficient security forces to control a defined area, use traditional counter-insurgency practices to establish persistent security, exploit intelligence provided by the local population, provide [the] local population with the benefits of economic development and better governance, and communicate effectively with local and national audiences."

164. Once an area was secured, it could be expanded or new areas secured, so that the area under control was gradually extended. These local actions would be supported by action at the national level to develop an inclusive political process, provide economic opportunities, and improve governance.

165. The Report proposed that a Joint Inter-Agency Counter-Insurgency Task Force should be established to plan, co-ordinate and implement governance reform and economic sector development work in support of the counter-insurgency campaign, and that fully-staffed Provincial Support Teams should be established in each ink-spot.

166. Sir John Sawers, FCO Director General Political at the time of the Report's publication, told the Inquiry that he would not have described the Red Team exercise as a major review like the one carried out by the Baker-Hamilton Commission a year later (see Section 9.5) which was "the real turning point in strategy".[83] Rather, he saw the 2005 Red Team exercise as a good way of examining alternative approaches, which did not lead to significant changes.

167. Sir Nigel Sheinwald told the Inquiry:

> "I think maybe what it did encapsulate was the greater readiness of the American system to approach this on a counter-insurgency basis and to understand the nature of what we were dealing with, to subjugate the military approach to political ends. And it combined with Ambassador Khalilzad's own outreach to the Sunni community and so on, and that was in a critical moment in the run-up to the December 2005

---

[83] Public hearing, 16 December 2009, page 41.

elections. And we ourselves were engaging in various outreach events to the Sunni community during that period, both at Ministerial and official level. So I think if there was an encapsulation, it was that we were adopting a more politically sophisticated approach both to security and to politics in that critical period, or were trying to."[84]

September 2005

168. Mr Blair and President Bush spoke by video conference on 1 September.[85]

169. Mr Blair proposed that the political strategy in Iraq should focus on the December elections and should have two strands:

- ensuring greater Sunni participation, by "activity in Iraq led by Khalilzad and William Patey" and by involving regional actors; and
- "building a moderate, secular platform which could succeed in the elections".

170. Mr Blair said that it would become clear to voters in Iraq that they had a choice between a "strong unified and democratic Iraq" and one which was "weak, divided and sectarian".

171. The 26 August IPU paper was discussed by the Iraq Strategy Group on 2 September.[86]

172. The record of the meeting shows that Sir Nigel Sheinwald highlighted a number of issues emerging from the paper, for which clarity was needed on how they were being resolved, specifically:

- cancelled DFID programmes (see Section 10.2);
- lack of progress on the police (see Section 12.1); and
- a gap in funding for the Iraqi armed forces (see Section 12.1).

173. The FCO was commissioned to produce a revised paper by 14 September which would address in direct terms what the UK would be able to say it had achieved by early in 2006.

174. The ISG also considered Sunni reactions to the Constitution, and observed that they were "not united".

175. The advice of Mr Patey was "to give the Sunnis a little more time to take stock, and to support them seeking some further final changes to the draft".

---

[84] Public hearing, 16 December 2009, pages 41-42.
[85] Letter Quarrey to Siddiq, 1 September 2005, 'Prime Minister's VTC with President Bush'.
[86] Letter Cabinet Office [junior official] to Sheinwald, 6 September 2005, 'Iraq Strategy Group'.

176. At a meeting of the Iraq Senior Officials Group (ISOG) on 9 September, attendees were told that:

> "… we continued to push for final changes to meet Sunni concerns. The areas for possible movement were: Arab identity; and the electoral law. The UN was increasingly concerned that they would miss their deadline for distributing copies of the Constitution to the Iraqi population."[87]

177. As work to finalise the Constitution continued, concerns were mounting about security, including in MND(SE).

178. On 9 September, Mr Blair's Private Secretary provided him with an update on Iraq.[88] He reported "further cause for concern", including about:

- Lebanese and Iranian involvement in Iraq;
- the "apparent involvement of members of Basra Police in attacks against the MNF, and a claim from the Basra Chief of Police that only 500 out of 12,000 Basra Police are loyal to him"; and
- the key role being played by a breakaway group from the Jaysh al-Mahdi (JAM).

179. The Private Secretary wrote:

> "We still do not have the comprehensive picture that we need of what is going on in Basra. Kim Howells [FCO Minister of State] visits next week. I have spoken to his office today and emphasised that you are personally very concerned about the situation and that we need a serious report from him on this."

180. Mr Blair's reply said:

> "This is v. worrying. It all depends on the ISF being built up credibly. But we need strong messages to Iran, Lebanon and what do we do to disrupt Hizballah?"[89]

181. At its meeting on 9 September the ISOG considered the Red Team Report.[90]

182. Officials commented that the Report was not an alternative campaign plan, but a "set of ideas". The MOD "did not see the report having great traction in Washington, except at the margins" on the question of how the MNF could pursue the current strategy more effectively.

183. The ISOG also observed that the Red Team's Report contained "risks … for the UK" as it suggested that "forces (coalition and Iraqi) should be moved from benign to difficult areas". The FCO was tasked to provide comments on the Report.

---

[87] Letter Cabinet Office [junior official] to Asquith, 14 September 2005, 'Iraq: Senior Officials'.
[88] Minute Quarrey to Prime Minister, 9 September 2005, 'Iraq Update'.
[89] Manuscript comment Blair on Minute Quarrey to Prime Minister, 9 September 2005, 'Iraq Update'.
[90] Letter Cabinet Office [junior official] to Asquith, 14 September 2005, 'Iraq: Senior Officials'.

184. On 12 September, Dr Reid wrote to Mr Blair with the results of the most recent review of UK forces in Iraq.[91] He explained that:

> "… considerable progress has been made in training the Iraqi Security Forces (ISF) since the last roulement in May. Consequently, an overall reduction of about 500 troops will be possible in … October/November."

185. That reduction would bring force levels down to around 8,000. Dr Reid noted that "incident levels have remained much lower than in other parts of Iraq, but attacks on UK forces have grown in sophistication". He added: "It should be emphasised that agreeing to the roulement **does not** trigger implementation of our transition plans in MND(SE)."

186. On the same day, Dr Reid's Assistant Private Secretary sought a specific assurance from Gen Walker that the MOD's planning assumptions for deployment in Afghanistan – as presented to DOP in July 2005 – would be achievable in the event of a slower than expected drawdown of UK forces in Iraq.[92]

187. In a bilateral meeting with President Bush in the margins of a summit on 14 September, Mr Blair said that he had read the Red Team Report and that "some of its conclusions were worrying, but at least it set out some clear ideas on the forward strategy".[93] He suggested that the conclusions should be evaluated in London and Washington, and taken forward "where they made sense".

188. On 14 September, Mr Paul Fox, Head of the IPU, wrote to Mr Straw's Private Office on the implications of a Kurdish/Shia "deal" on the Constitution.[94]

189. The deal stated that the issue of federalism would not be determined until after elections to the National Assembly, which would then decide the rules and procedures for forming federal regions. It stipulated that the National Assembly must consider federalism in the first weeks of its existence.

190. Mr Fox wrote:

> "This deal and our assurances have a number of implications. It is a deal with two parties effectively cutting out the third, the Sunnis, and goes some way to closing the door to them on the issue of federalism …
>
> "While the deal, the assurances and their confidentiality are likely to hold this side of elections in December … what follows could change that. If the elections lead to the fragmentation of the UIA and if Shia groups less enamoured of federalism gain a decent foothold in the assembly, then SCIRI [Supreme Council for Islamic

---

[91] Letter Reid to Blair, 12 September 2005, [untitled].
[92] Minute Naworynsky to PSO/CDS, 12 September 2005, 'Iraq/Afghanistan commitments'.
[93] Letter Quarrey to Hayes, 14 September 2005, 'US Millennium Review Summit; bilateral with President Bush'.
[94] Minute Fox to Private Secretary [FCO], 14 September 2005, 'Iraq's Constitution: UK Assurances on a Kurdish/Shia deal'.

Revolution in Iraq] might be tempted to go public with these assurances to strengthen their hand. This would have a negative impact on the Sunnis but they would be in a stronger political position and therefore the impact would be less than it might otherwise have been. We would then make clear that we were not bound by these assurances, given the expressed will of the National Assembly chosen in free and fair elections. We would have to contend with the unhappiness of the UIA but they would have been warned of the consequences of such an action."

Al Qaida declares war

On 14 September, the leader of Al Qaida in Iraq, Abu Musab al-Zarqawi, declared an "all-out war" on Shia Muslims in Iraq in response to a US–Iraqi offensive on the town of Tal Afar.[95]

On 18 September, Lt Gen Brims' weekly report to Gen Walker recorded the impact of this declaration.[96]

A series of 12 car bombs in Baghdad had increased the number of attacks there by almost half. The weekly casualty numbers rose by 122 percent, and 479 of the 782 people killed were civilians. Although al-Zarqawi claimed the attacks in Baghdad, Lt Gen Brims observed "we should not under-estimate the extent of involvement of local Iraqi insurgents in planning and executing many of the attacks".

191. On 15 September, the JIC produced an Assessment covering the draft Constitution and Sunni violence, at the request of the ISOG.[97] Its Key Judgements included:

"I. Many leading Sunni figures are unhappy with aspects of the draft Constitution … At the grass-roots many Sunnis wish to vote: most who do are likely to reject the draft.

"II. It is unlikely that the Sunnis can mobilise a two-thirds majority against the draft in the requisite three provinces …

"III. Actions of the insurgents will be critical to the size of the Sunni vote. The hard core of the insurgents … see the political process as a threat and will try to disrupt the referendum. Their continued violence will inhibit the turnout by Sunnis; less so by Shia."

192. On 16 September, the IPU advised Mr Straw and Sir Michael Jay, FCO Permanent Under Secretary, that the frequency and sophistication of attacks in Basra was increasing and the British Embassy Office Basra was locked down.[98]

---

[95] *Al Jazeera News*, 14 September 2005, *Al-Zarqawi declares war on Iraqi Shia*.
[96] Minute Brims to Walker, 18 September 2005, 'SBMR-I Weekly Report (179) 18 September 05'.
[97] JIC Assessment, 15 September 2005, 'Iraq: the Draft Constitution and Sunni Violence'.
[98] Minute Jeffrey to PS [FCO], 16 September 2005, 'Basra Security Situation'.

193. The IPU recommended that the number of staff be kept under review and that Sir Michael Jay press the MOD for a dedicated helicopter service.

194. On the same day, Mr Blair commented on an Iraq update from his Private Secretary to which reports of security in Iraq were attached:

> "This shows the vital importance of renewing our focus and getting the Red Team report implemented."[99]

195. The update said that Sir Nigel Sheinwald was working on a paper for Mr Blair on the UK's strategy and the structures for implementing it, to be submitted the following week.

196. On 17 September, UK forces detained two leading members of a JAM splinter group.[100]

197. Mr Patey reported on 18 September that the TNA had adopted changes to the draft Constitution and had sent the text to the UN for printing.[101]

198. There had been some last minute problems with the published text when Sheikh Hammoudi, Chair of the Constitutional Committee, produced a foreword that made reference to the "religious maraj'iya". The use of that phrase, which describes the highest religious authority in Shia Islam, was strongly opposed by Kurdish representatives and secular groups.

199. Mr Patey considered that the incident was likely to deepen the mistrust between the participants and might be:

> "… indicative of shifting trends in the political process: from the even slight degree of engagement and private dialogue necessary to craft a Constitution, towards the outright public jockeying for position necessary to fight a referendum and elections."

200. Lt Gen Brims reported on 18 September that Gen Casey had "commissioned work (coincidentally staffed largely by British colleagues) on some of the strategic policy implications of the Red Team Report" to inform MNF strategic thinking.[102]

201. On 19 September, Mr Patey reported that the issue of what would constitute a "yes" vote in the referendum appeared to have been resolved.[103] Ms Carina Perelli, Head of the UN Electoral Affairs Division, had reported that the TNA's Legal Affairs Committee had clarified that the referendum law referred to a majority of those who vote. The Embassy was seeking to confirm that was the case.

---

[99] Manuscript comment Blair on Minute Quarrey to Prime Minister, 16 September 2005, 'Iraq Update'.
[100] Letter Naworynsky to Quarrey, 23 September 2005, 'Iraq Update' attaching COS MND(SE), 'GOC MND(SE) – Southern Iraq update – 21 September'.
[101] eGram 13580/05 Baghdad to FCO, 18 September 2005, 'Iraq: Constitution: the Fat Lady Sings'.
[102] Minute Brims to CDS, 18 September 2005, 'SBMR-I Weekly Report (179) 18 September 05'.
[103] eGram 13644/05 Baghdad to FCO London, 19 September 2005, 'Iraq: Elections: Update'.

202. Gen Walker's Private Office replied on 19 September to the request from Dr Reid's Private Office for an assurance that the MOD's planning assumptions for deployment in Afghanistan – as presented to DOP in July 2005 – would be achievable in the event of a slower than expected drawdown of UK forces in Iraq.[104] The minute said:

> "The short answer is yes … CJO [Chief of Joint Operations] … is clear that our plans for Afghanistan are deliverable even if events slow down our Iraq disengagement; furthermore, DCDS(C) [Deputy Chief of the Defence Staff (Commitments)] has factored the possibility of such a slippage into the MOD's strategic planning for Afghanistan and our strategic intent for future commitments."

203. Such a situation would lead to "some pain-and-grief", in particular the pressure on already stretched services such as helicopter support would continue:

> "But, our ability to fulfil our plan in Afghanistan is not predicated on withdrawal of such capabilities from Iraq and … in the event that our … plan for progressive disengagement from southern Iraq is delayed, we will still be able to deliver our … mandated force levels in Afghanistan."

204. Dr Reid told the Inquiry that he had asked for this assurance from General Walker because he was:

> "… slightly worried that although there was a chronological coincidence with the downturn in Iraq, the downsizing of forces and the going into Helmand, I did not want one to be reliant upon the other, in case we couldn't get out of Iraq."[105]

205. Gen Walker's assurance had met his concern:

> "… there wasn't a concern in my mind that this [going into Helmand] would result in a diminution of our resources in Iraq, personnel or otherwise. Why? Because I had asked that specific question and been told, 'No'."[106]

206. Sir Kevin Tebbit, MOD Permanent Under Secretary from 1998 to 2005, told the Inquiry:

> "I was apprehensive [about the deployment of UK forces to Helmand] and I made my concerns known to my planning staff and to the Chiefs of Staff. I think their view was that they could do it and it was manageable … since it was [the Chiefs of Staff] who would actually have to ensure they could do this, I did not press my objections fully."[107]

207. Dr Reid told the Inquiry that Sir Kevin had not shared his concerns on this issue with him.[108]

---

[104] Minute PSO to APS2/SoS, 19 September 2005, 'Iraq/Afghanistan Commitments'.
[105] Public hearing, 3 February 2010, page 58.
[106] Public hearing, 3 February 2010, page 63.
[107] Public hearing, 3 February 2010, pages 15-16.
[108] Public hearing, 3 February 2010, pages 61-62.

208. On 19 September, after a discussion with senior Whitehall officials and Mr Patey in Baghdad, Sir Nigel Sheinwald produced detailed advice for Mr Blair on UK Iraq strategy and priorities for the next three to six months.[109]

209. Sir Nigel identified an "underlying conflict" between the objective defined for the Red Team and the coalition's current objective to:

> "… hold to the political timetable (Constitution, referendum, elections in 2005) and build up Iraqi capabilities so that the coalition can begin a progressive withdrawal, starting next year.
>
> "This involves a concept of 'sufficiency', i.e. we accept that the insurgency will go on for some time, but aim to contain it sufficiently for the political and security transition to be credible and for us to be able to draw down without appearing to cut and run dishonourably."

210. Sir Nigel commented that the coalition's current strategy recognised that in order to win over Sunni opinion, it would be necessary to show that the coalition would honour its commitment to withdraw and not occupy Iraq indefinitely.

211. In contrast, the Red Team's approach implied additional US resources, which the US Administration might not be willing to provide, and no withdrawal for at least three years. It would also require "a massive Iraqi co-ordination effort, of which they are at present incapable".

212. Sir Nigel observed that the "ink-spot" approach recommended by the Red Team was similar to the coalition's current concept of operations in Fallujah, Samarra and other areas. To date there had been "**no** success stories in Sunni areas" and it was "not obvious how this would change quickly". He continued:

> "Arguably, this strategy comes two and a half years late. It might have been possible to try something like this immediately after the invasion, but to do so now, fifteen months after the Occupation formally ended, and with the definitive government about to be elected, is – to put it mildly – counter-intuitive."

213. Sir Nigel wrote that the Red Team Report was nevertheless to be welcomed because:

"
- It is realistic in its assessment, and comprehensive in its scope;
- It insists on an integrated campaign (security, political, economic);
- It specifies actions that need to be taken, and demands active follow-through."

214. On political priorities, Sir Nigel considered that the UK was facing two phases of activity. Until the end of 2005, "the bottom line requirement is to keep the show on the road, ie provide an environment in which the referendum and elections can take place".

---

[109] Minute Sheinwald to Prime Minister, 19 September 2005, 'Iraq: UK strategy'.

215. Sir Nigel wrote that, after the elections:

> "… we have to focus on **outcomes**, not just **process** … What we need is a **centrist** government capable of (a) **executive effectiveness** and (b) **political inclusiveness** or at least a government with a strong centrist/non-religious component. In present circumstances, the only person capable of fitting this bill, for all his faults, is **Ayad Allawi**. I see it as a legitimate aim of British policy to buttress him and others in the centre of Iraqi politics …"

216. Sir Nigel concluded:

> "Above all, we (ie Khalilzad and ourselves) will need to ensure that a **new Iraqi government** is formed **quickly** after the December elections and has the best possible composition from the point of view of our objectives."

217. Sir Nigel recommended that the UK should continue its work on Sunni outreach, upgrade its political effort in Basra and provide "a clear demonstration that we are taking our legacy seriously". The UK also needed to establish political channels to Muqtada al-Sadr and Grand Ayatollah al-Sistani.

218. On security, Sir Nigel noted that it would be important for the MNF to get the right balance both between ISF training and counter-insurgency work, and action against foreign fighters and dealing with "home-grown" Iraqi insurgents. He observed that:

> "The key new point over the past few months has been **increased and vicious sectarianism**. Some of this is coming from the insurgents; some of it is coming from Shia elements within the police and armed forces, and from the Shia militia. This not only risks an escalation into a much bigger civil conflict, it is also changing the political climate, and eroding even further Sunni trust in the new political institutions. We have to come down very hard on the Iraqi government on this."

219. Sir Nigel recommended strengthened US/UK and UK Ministerial co-ordination structures. There should be monthly meetings of DOP(I) chaired by Mr Blair, with fortnightly meetings in between chaired alternately by Mr Straw and Dr Reid which "should aggressively chase progress against our strategy".

220. At the end of his minute, Sir Nigel concluded:

> "In short, we have to cut our strategic cloth according to the environment we are now in and our resources. We cannot turn back the clock to May 2003. Overall, and in a rough and ready way, our best chance is to ensure that we prop up the centre in Iraqi politics, do all we can to get an effective government after December, focus on key improvements meanwhile to the ISF, and ensure an integrated political and security campaign in Iraq. On that basis we stand a reasonable chance of securing the political and security transition we want, including starting the draw-down of our forces next year."

221. Sir Nigel asked Mr Blair whether he agreed with the approach he set out, or preferred the Red Team approach of "delaying the transition until the insurgency is significantly reduced".

222. On 19 September, two UK soldiers were arrested by the Iraqi Police Service (IPS) in Basra.[110]

223. According to the account provided to No.10 by Dr Reid's Private Office, the two soldiers had been parked at the side of a road when an unmarked vehicle with four men in plain clothes pulled up behind them. Two people got out of the car and walked towards the soldiers' vehicle, cocking their weapons.

224. The two UK soldiers, believing they were "facing death or serious injury", opened fire, killing one of the men and wounding the other. Not realising the men they had shot were police officers, the soldiers tried to escape but were blocked by police in several marked vehicles who opened fire. At this point, the two soldiers put down their weapons and produced their identification.

225. Although the uniformed police initially appeared willing to talk constructively with the soldiers, "the atmosphere changed significantly" when Iraqi plainclothes police arrived.

226. The two UK soldiers were reported to have been beaten and then taken to the Jameat police station, which was known to house a "notorious detention facility" and was the home of the serious crimes unit of the Basra police, "which had been infiltrated by militant elements, especially the Jaysh al-Mahdi and (by his own admission) were outside the control of the Chief of Police".

227. Negotiations for the return of the arrested soldiers, in line with agreed practice when Iraqi Security Forces arrested members of the MNF, failed and the negotiators themselves were unable to leave the Jameat station.[111]

228. The Governor and Chief of Police in Basra had made it clear that they were not in a position to offer any assistance and, despite explicit directions by the Chief of Police to release the two soldiers, the IPS refused to comply. Orders from the Ministry of the Interior in Baghdad were similarly disregarded.

229. A rescue operation was successfully mounted by MND(SE) using armed force to free the six negotiators and the two soldiers. This was achieved without casualties on either side but caused significant damage to the wall of the police station and several police vehicles. The two soldiers who had originally been arrested were found to have been taken to a house away from the police station and held by what was suspected

---

[110] Letter Naworynsky to Quarrey, 23 September 2005, 'Iraq Update' attaching COS MND(SE), 'GOC MND(SE) – Southern Iraq update – 21 September'.
[111] Minute DCDS(C) to APS/S of S [MOD], 21 September 2005, 'Unrest in Basra – 19 Sep 2005'.

to be a mixture of JAM and IPS personnel. A further rescue operation was carried out successfully (again without casualties) to free them later that evening. The episode become known as “the Jameat incident”.

230. Dr Reid updated Cabinet on the incident on 20 September.[112] He emphasised the need to put the incident in context against the substantial progress made in Iraq, “which the media had not reported”, specifically the January elections and creation of the Constitution. Those who opposed the creation of a democratic state in Iraq were “engaged in frantic and frenetic activity” to stop the Constitution being agreed and the December elections.

231. Mr Blair invited the FCO, the MOD and No.10 to produce a note explaining the continuing policy of keeping the political process on track and building up the ISF, that the MNF were in Iraq in support of a UN resolution and that the insurgency “was not a struggle against occupying forces”.

232. On 21 September, Mr Blair’s Private Secretary for Foreign Affairs provided him with a minute setting out points to make in a phone call with President Bush that afternoon.[113] In relation to the events at the Jameat police station it said:

> “The incident confirms what we already knew: that Sadrists are a serious and malign force in the Basra Police; the civil authorities in Basra are either ineffectual in dealing with, or to some extent complicit in this, and that the central government’s influence is limited. We need a very strong response, both on the Police/armed forces and with the civil authorities, in both Baghdad and Basra.”

233. In their telephone conversation, Mr Blair told President Bush that the events in Basra showed that “an unrepresentative minority” in the city was prepared to use violence; a JAM splinter group was involved.[114]

234. Mr Blair judged that the basic strategy in Iraq remained the right one, with key tactical questions in the coming months being whether enough was being done on Sunni outreach and how to establish confidence in the development of the ISF.

235. On 21 September, Mr Powell sent Mr Blair a personal note in response to Sir Nigel’s advice of 19 September.[115] It was not sent to anyone else.

---

[112] Cabinet Conclusions, 20 September 2005.
[113] Minute Phillipson to Prime Minister, 21 September 2005, ‘Secure phonecall with President Bush, 1410 21 September’.
[114] Letter Quarrey to Hayes, 21 September 2005, ‘Prime Minister’s Phone Call with Bush’.
[115] Minute Powell to Prime Minister, 21 September 2005, ‘Iraq: Strategy’.

236. Mr Powell commended Sir Nigel's paper as "a serious piece of work" which made "some good points". He agreed with the proposed next steps but disagreed with what he saw as Sir Nigel's "dismissal of the red team approach". Mr Powell wrote:

> "The Red Team concludes – and no one seriously contests this – that we are in danger of strategic failure in Iraq, with the situation degenerating into civil war or even victory for the terrorists. If this is the case then we have to rethink our strategy and – as important – how we deliver it. The fundamental choice is between continuing as we are with the principal aim of getting our troops out and handing over to the Iraqis next year even though we do not believe that the Iraqi government and security forces will be able to survive alone in the face of the insurgent threat, or alternatively aiming at success (defined below) and making getting our troops out next year a subsidiary aim. Once you think about it, I do not think we can responsibly do anything other than aim at the latter … Nor do I think muddling on is an option. We are losing the support of even those who supported the war, because they can see no light at the end of the tunnel. They think we are incompetent and have no plan to succeed in Iraq. We need a new strategy that people can see and believe is leading to success if we are to maintain public tolerance. That is why we should build on the red team analysis and – to a certain extent – their recommendations."

237. Mr Powell recommended:

- More focused and intensified Sunni outreach, splitting the "reconcilable" from the "irreconcilable" by tackling high unemployment in Sunni regions.
- Continuing to pursue Abu Musab al-Zarqawi, but without viewing his death or capture as a primary aim in itself because "even when we capture him the insurgency will not be over".
- Integrating the military, political and economic strategies and operations because "at the moment they are running on separate tracks with separate commands. We need a joint taskforce, as the paper recommends, with one person in charge. That person should be Khalilzad and he should be reporting back to you and Bush regularly. It is worth devoting a good deal of your and Bush's time to getting it right. We need to reduce the length of the command and control system and make it more flexible, so that if you and Bush give an instruction something actually happens on the ground."
- Ensuring that insurgents were not able to re-take cities after MNF operations – which meant both an increase in MNF troops and increasing the effectiveness of the ISF. Mr Powell commented: "Linked to this is the fundamental need, that you have been banging on about for ages, to have properly trained Iraqi armed forces and police. We still don't have either. Why not? … There is no point in carrying on doing what we are doing at the moment if it is not producing what we need. In particular, we need to be able to announce a new initiative on the police within the next month." He added that it was important to "get something done …

rather than talking about it. If that requires getting into the detail of it yourself, then do it".

- Rebuilding Iraqi civil society – "we need to take capacity building seriously and reinforce the judiciary, Ministries etc. You should demand to see a plan."
- Ensuring that the new Iraqi Government was firmly "in charge, even if this is difficult for us. We cannot count on Allawi winning, and indicating we support him is probably the kiss of death. But we do need a strong national unity government that puts an end to sectarianism. I am very uncomfortable about the secret guarantee we appear to have given the Kurds and Shia on federalism … This could come back to haunt us in a big way."
- Developing a new strategy for Basra "to be set by the military on the ground with stronger political support in the consulate [the British Embassy Office Basra]".

238. Mr Powell also emphasised to Mr Blair the importance of making sure that the UK's policy was properly understood:

"… you need to start making the argument again both internationally and domestically instead of keeping silent. We have to explain why this battle matters, and why it is not in the interest of the rest of the world to watch Iraq going down the tubes. You need to convince both audiences that there is light at the end of the tunnel, and that we have a plan for stabilising Iraq. You should define success. It does not mean an end to all terrorist attacks, any more than it does in NI [Northern Ireland] or Palestine. But it does mean that we split the reconcilable from the irreconcilable insurgents, that the Iraqi government and security forces can control the situation, that jobs are being created and that something resembling civil society is beginning to emerge under a democratically elected government.

"Announce a revised strategy … we have lost credibility and you have to reassure people that there is a plan that will work … Make your speech on Iraq – Lord Mayor's Banquet – and then get a real debate going in the country and internationally rather than trying to stay silent. People have to understand why it matters to them. And challenge the UN and international community to play their role."

239. Mr Powell's note concluded:

"The people dealing with Iraq, particularly in the front line, are not surprisingly tired and discouraged. Nothing seems to work, and they have given up trying to come up with new ideas. A weary cynicism and feeling that it is all inevitable has sunk in. It always does in wars. The job of leadership is to raise their sights, inspire them with a vision of how the war can be won, set a new strategy, and then ensure it has public support. If we can't do that, we are sunk. But it is doable, and we should not give up. A meeting right after Conference with JR [Dr Reid], JS [Mr Straw], military etc."

240. On the front of Mr Powell's minute, Mr Blair wrote:

> "I agree with all of this. You will have to spend much time pushing it through."[116]

241. On 23 September, Mr Straw chaired a meeting attended by Dr Reid, Mr Hilary Benn, the International Development Secretary (by telephone), Gen Walker, Sir Nigel Sheinwald and other officials from No.10, the MOD and the FCO to discuss advice on South-East Iraq, and in particular the impact of the Jameat incident.[117]

242. Mr Straw told those present that Mr Blair required a paper which "examined" current policy. Sir Nigel emphasised that advice was needed on how to deal with the political and security strands of the existing policy; Mr Blair was not expecting "a sudden lurch in any direction away from our current plan".

243. In his Iraq update on 23 September, Mr Blair's Private Secretary told Mr Blair that Sir Nigel had emphasised that the UK must not be complacent because "internationally – including in the Arab media and Washington – there were serious questions being asked about our strategy in the South-East".[118] Sir Nigel was also reported to have said:

> "… we were looking for a smarter and more effective strategy, which was likely to mean us being more active in certain areas. But no one was suggesting eg a significant increase in force levels."

244. A record of the meeting by Dr Reid's Private Secretary said that:

> "During discussion it was stressed that the [Jameat] incident … should be seen as a relatively minor one which had resulted in a great deal of media attention. But on the ground reporting had now confirmed that the atmospherics in Basra were returning to normal, though the Governor and Provincial Council were still refusing to engage with MNF-I. That said, the Consul [General] in Basra had reported that normal engagement and outreach should be possible by early next week. It was also clear that … the IPS showed no diminution of support."[119]

245. The meeting agreed:

> "… that the [Jameat] incident would probably prove to be a blip but it had highlighted the need to review the overall strategy and ensure we were on the right track."

---

[116] Manuscript comment Blair to Powell on Minute Powell to Prime Minister, 21 September 2005, 'Iraq: Strategy'.
[117] Letter Naworynsky to Asquith, 26 September 2005, 'Meeting to Discuss South East Iraq: Impact of Security Incident in Basrah'.
[118] Minute Quarrey to Prime Minister, 23 September 2005, 'Iraq Update'.
[119] Letter Naworynsky to Asquith, 26 September 2005, 'Meeting to Discuss South East Iraq: Impact of Security Incident in Basrah'.

246. Mr Straw commented that:

> "… a change in strategy was not a practical or realistic option. However, we might wish to adjust our activities on the ground and design ways of responding more effectively to evolving situations."

247. It was agreed that a paper would be circulated by officials from the FCO, the MOD and DFID, and sent to Mr Blair the following week.

248. It was also agreed that the FCO should pursue the possibility of asking Sir Ronnie Flanagan, Her Majesty's Chief Inspector of Constabulary for England, Wales and Northern Ireland, to provide an assessment of the IPS in MND(SE). That is addressed in Section 12.1.

249. The Jameat incident had repercussions within the MNF, as Lt Gen Brims' weekly report on 25 September explained:

> "I believe we acted most skilfully in Basra in how we handled last week's events and conducted the operations correctly … My focus was … on the 'Baghdad fall-out' of the events, trying to assuage the concerns of General Casey and, together with the British Ambassador, dealing with the initial criticism of the British forces' actions by senior figures in the Iraqi Transitional Government.
>
> "General Casey initially received erroneous information on 19 September … that the British had stormed Basra police station and he believed MND(SE) was acting under the direction of London rather than the coalition. He told me he had arranged for a plane to take me [Brims] to Basra to take command of the British battle space … I gave him accurate information, which did calm him somewhat … Nevertheless, there was a period when relations with Gen Casey were the most strained I have experienced, and I believe that the events of 19th September and a number of subsequent occurrences (including some media handling) has left him with a residual doubt about whether the UK element of MND(SE) is more under the direct operational command of London/PJHQ than of MNC-I and the coalition."[120]

250. Lt Gen Brims told the Inquiry that this perception had put him in a "slightly awkward position" and it had lingered for some time after the event.[121]

251. The ITG had also gained a negative impression of the UK's actions in Basra on 19 September.[122]

252. Lt Gen Brims emphasised that it was "vital" to prevent it souring the relationship and "making it much more difficult for us – and the Coalition generally – to operate". At the same time, the ITG needed to be "confronted with the reality of militia-led elements

---

[120] Minute Brims to CDS, 25 September 2005, 'SBMR-I Weekly Report (180) 25 September 05'.
[121] Public hearing, 14 December 2009, page 32.
[122] Minute Brims to CDS, 25 September 2005, 'SBMR-I Weekly Report (180) 25 September 05'.

of the Security Forces acting illegally and beyond their control and that of the local Chief of Police or Governor".

253. Although Lt Gen Brims reported that he and Mr Patey had "made some progress along these lines" in their meetings with senior Iraqi leaders, there remained concern about the way the UK had handled events, in particular the fact that the senior figures in the ITG had not been aware of the UK's plans for the operation in which two leading members of a JAM splinter group had been arrested. A member of the ITG proposed that ground rules should be agreed for covert operations by the MNF, which Lt Gen Brims considered reasonable.

254. An FCO paper produced some time later, in April 2006, suggested that the UK recognised at the time of the Jameat incident that:

> "… stability [in Basra] was threatened by intense rivalry among political parties and their militias who had an interest in criminality … At that time, we recognised that our only real option was to maintain the course we had set and to see the job through. Asserting direct control over local government and institutions was, and remains, out of the question. Pulling out of Basra, and leaving a political and security vacuum in a key strategic area was equally unacceptable."[123]

255. On 22 September, a senior government official specialising in the Middle East wrote to Mr Asquith to explain that an approach had been received:

> "… from Muqtada al-Sadr to establish a discreet dialogue with HMG following recent events in southern Iraq … Subject to your views [a plan was being drawn up] to meet representatives of al-Sadr in Amman in the near future …
>
> "… the message he had received from al-Sadr was that he wanted to resolve the current difficulties in southern Iraq. He was prepared to make calming statements to his people, but could not do so with [JAM1][124] in detention. [JAM1] was important to him and he needed him to be released. The reaction to events in Basra was upsetting his preparations for the elections in December. He was prepared to send senior representatives to Amman to meet British representatives and to discuss what could be done."[125]

256. The response had been that the UK Government could not negotiate over the detention of JAM1 because:

> "We had evidence he was behind recent attacks on British troops in MND(SE) and linked to Lebanese Hizballah and the Iranians. We also said we were surprised

---

[123] Paper FCO, 27 April 2006, 'DOP(I): Basra'.
[124] The name of this individual has been replaced with the cipher JAM1 throughout the Report, for security reasons.
[125] Minute senior government official specialising in the Middle East (1) to Asquith, 22 September 2005, 'Overture from Muqtada al-Sadr'.

al-Sadr remained close to [JAM1], as we had understood [JAM1] was no longer under the control of al-Sadr. The action against [JAM1] had not been directed at al-Sadr, but at an organiser of lethal attacks against UK forces. HMG saw al-Sadr's increasing involvement in the political process as a positive development and one to be encouraged. [The organisation to which the senior official belonged] believed it would be in his [MAS1's] interests to distance himself from people such as [JAM1]."

257. The individual making the approach, to whom the Inquiry will refer as MAS1:

"… considered that when he passed back the message of no negotiation over the detention of [JAM1], al-Sadr would still be interested in his representatives meeting HMG officials … without preconditions, to discuss the broader way ahead. [MAS1] felt that al-Sadr wanted to continue moving in to mainstream politics, but to do this he needed to resolve the conflicts in the South. His attempt to have [JAM1] released did not necessarily mean that they were still closely associated. It could be that al-Sadr was not strong enough to be seen publicly to abandon [JAM1]. If [there was confirmation] … that HMG wanted to go ahead with a meeting, he would find out who would represent al-Sadr in advance. In return … [MAS1] would need to confirm who was coming from HMG, ie officials from the FCO or …"

258. Mr Asquith was advised that MAS1:

"… has sufficient track record to warrant taking this approach seriously. The value of proceeding with a meeting … would depend on who was designated as al-Sadr's representative. But in current circumstances, I suggest it would be worthwhile establishing a channel to al-Sadr, if only to explain why UK forces took the action they did in Basra. If the channel develops, it could help to reduce tension in MND(SE) and, more broadly, assist in the political process as we move towards the referendum and elections. It would therefore act as a line of Shia outreach in parallel to those … with the Sunnis."

259. The recommendation was for a meeting with Muqtada al-Sadr's representatives.

260. Mr Asquith wrote on the minute: "I agree the meeting should proceed."[126] He added that Mr Patey must be kept "fully in the picture" and that establishing a nominated representative of Muqtada al-Sadr in Basra was an important objective for the meeting.

261. On 27 September, Mr Patey sent a report to the FCO in London entitled 'Sadrist Outreach'.[127] In it he reported a meeting with MAS1, "a senior Sadrist understood to be close to Muqtada al-Sadr" who "claims [JAM1] innocent of charges against him and of attacks on British forces and asks for his immediate release" and suggested that "his continued detention will ensure the hostility of Jaysh al-Mahdi to British forces in Basra".

---

[126] Minute senior government official specialising in the Middle East (1) to Asquith, 22 September 2005, 'Overture from Muqtada al-Sadr' including manuscript comment Asquith.
[127] eGram 14221/05 Baghdad to FCO London, 27 September 2005, 'Iraq: Basra: call on Sadrist [MAS1]'.

262. Mr Patey said in response that the UK welcomed the participation of Sadrists in the political process and hoped to see it continue. But the UK "would not hesitate to respond firmly to those who attacked British troops". JAM1 had been detained because the UK had credible evidence that he had been involved in such attacks. He was believed to have been operating outside the control of Muqtada al-Sadr and JAM. His detention "should be understood as action taken against a specific individual; it was not part of any broader policy to work against the Sadrist movement".

263. Mr Patey reported that MAS1 had responded:

> "[JAM1] was very popular in the Jaysh al-Mahdi. By detaining him, we would destroy any chance of winning over the Jaysh al-Mahdi in Basra and instead cause it to turn wholly against the UK forces. Rather than helping strengthen the national forces we said we wanted to support, UK action would be a reason for Iranian rejoicing."

264. Mr Patey had "emphasised our concern to protect our troops" and that JAM1 had admitted, whilst in custody, participating in previous attacks against UK soldiers. Mr Patey said that:

> "We would look again at the information we held but [MAS1] should not be under any illusion – there was no chance that [JAM1] would be released any time soon … it was important not to make too much of [JAM1]'s case against the wider backdrop."

265. At the end of his report, Mr Patey commented:

> "It was striking that [MAS1] did not once refer to Muqtada al-Sadr by name and it is difficult to assess the state of [MAS1]'s current relationship with al-Sadr. Most of the views he expressed reflect standard Sadrist lines but it may be that his defence of [JAM1] was stronger than that which al-Sadr himself might have offered. I am still waiting for the Minister of Transport (Sadrist) to return to Baghdad. When he does I will continue my Sadrist outreach campaign."

266. Mr Straw's Private Secretary confirmed on 29 September that Mr Straw had seen the minute from the senior official and "agrees with your proposal to open a channel to al-Sadr".[128]

267. At the end of September the JIC tasked itself to produce an Assessment of the security situation in southern Iraq.[129] It judged that:

> "Despite an increase in the number of lethal attacks on the Coalition by a few Shia extremist groups, the overall security situation in southern Iraq has remained calm in comparison to other parts of the country. But this position is fragile: popular support

---

[128] Letter Hayes to senior government official specialising in the Middle East (1), 29 September 2005, 'Overture from Muqtada al-Sadr'.
[129] JIC Assessment, 28 September 2005, 'Iraq: the Security Situation in the South'.

for the Coalition presence is diminishing. Recent incidents in Basra will increase animosity to the Multi-National Forces (MNF) in some quarters …

"Shia political factions, including some violent extremists, are able to exert strong influence on local Iraqi authorities and security forces. Most members of the security forces, particularly the police, have multiple loyalties. Under pressure their reliability will be doubtful. A significant number actively colludes with Shia extremist militias. The current Iraqi government has neither the will nor capacity to tackle these problems: this will probably not change after the elections."

268. The JIC concluded that:

"In the South the widespread expectation of MNF withdrawal, together with the current focus on manoeuvring for December's elections, is adding pressure to a complex political and security landscape … The security situation is unlikely to improve in the build up to the elections. Shia politics in the South are deeply fractured … Criminal groups will … exploit the absence of effective civil authority. Shia extremists from all groups will resort to violence: against the MNF, rival factions, or the Sunni minority. Deepening sectarian tensions and further attacks by Sunni Arab insurgents and jihadists are likely. Managing these pressures will depend crucially on whether al Sadr encourages renewed violence or remains willing and able to restrain his followers."

269. On 30 September, Mr Straw's Principal Private Secretary sent Mr Blair's Private Secretary a paper containing the advice of FCO, MOD and DFID officials on the implications of the Jameat incident.[130] Mr Straw had not yet seen and agreed their advice. The paper said:

"The … incident … highlights what was previously more opaque, that we face acute challenges in achieving our objectives in the South-East region. Stability in the South-East is being threatened by intense rivalry among political parties and their militias. Criminality, jockeying for patronage and leaders' differing political visions are being exacerbated by tribalism and increasing religiosity. Specifically, this has a severe impact on the effectiveness of the police service. In better circumstances police training should by now have gone beyond the basics to deal with the broader problems posed by divergent loyalties to both militias and police."

270. The paper observed that "alternative options to our current policy are limited". As the UK was no longer an Occupying Power, "**asserting direct British control** over local

[130] Letter Hayes to Quarrey, 30 September 2005, 'Iraq: Basra' attaching Paper FCO/MOD/DFID, 30 September 2005, 'South-East Iraq: Impact of Security Incident in Basra'.

government and rule of [law] institutions is out of the question" and pulling troops out more rapidly would leave a vacuum. The authors therefore concluded:

> "**Our only realistic option is to maintain our course and see the job through.** But **we need to make adjustments to our policy**, while sticking to our strategic approach of ensuring in due course successful transition of responsibility for rule of law in the south-east to the Iraqis."

271. The paper identified a practical problem; the possibility of reprisal attacks against UK personnel made it questionable when UK civilian trainers and mentors could return to work alongside Iraqis after their current period of lockdown.

272. The authors recommended a number of actions including:

- getting a "clear commitment from Baghdad politicians to grip the South-East";
- persuading the Interior Minister to visit Basra immediately;
- demonstrating "to the international community (in particular, the US) that we can handle the situation";
- putting an "effective Chief of Police in place"; and
- despatching "a senior UK police officer (eg Sir Ronnie Flanagan) with relevant background in such sectarian issues to audit the police in MND(SE)".

273. The paper also cautioned that "we may not be able to deliver, by next year, the minimum standards required in rule of law and governance" and that "we will need to allocate more resources, which might include military resources, to security".

October 2005

274. An Iraqi investigation into the Jameat incident concluded by early October that "80 percent of the blame was down to the British".[131] Mr Patey reported that the ITG was unlikely to publish the investigation report as "we will have no choice but to take issue with it". Of most concern was the failure of the ITG to act on militia infiltration of the Basra police.

275. SIS3 told the Inquiry that the event was a "wake-up call" to what was happening in Basra, where the police had become integrated with the militias, and commented that:

> "What we were looking for … was Iraqiisation. What we ended up with at this point was a different kind of Iraqiisation … In other words, we were pulling back and the Iraqi Government was not occupying the space, I think because it was too early for the Iraqi Government to be able to do that. So in that gap you ended up with a different kind of Iraqiisation, which was militia-isation, criminalisation, intimidation,

[131] eGram 14641/05 Baghdad to FCO London, 1 October 2005, 'Iraq: Basra Investigation'.

> control over key economic facilities and points in Basra by particular parties of political forces, whether it was JAM or Fadhila."[132]

276. Mr Blair considered the separate pieces of advice from Sir Nigel Sheinwald and Mr Powell on the implications of the US Red Team Report; the FCO/MOD/DFID advice on the implications of the Jameat incident; and the 28 September JIC Assessment over the weekend of 1 and 2 October.[133]

277. In a note to No.10 staff dated 2 October, Mr Blair said that essentially he agreed with Sir Nigel's advice, but he did not consider that the Red Team was advocating a different strategy, just a means of implementing the existing one.[134] Mr Blair wrote:

> "We do need to have a posture of wanting to withdraw; but when the job is done. We should be able, on either case, to get some troops withdrawn next year but right now I don't think that is the key. The key is effective implementation."

278. In Mr Blair's view, the insurgency had to be presented "clearly and plainly" as an obstacle to, not the pretext for, withdrawal. He added:

> "The 'ink-spot' strategy is right. It isn't what we've done so far … This needs to be articulated, planned and followed through."

279. Mr Blair also supported "behind-the-scenes" help for Mr Allawi, reaching out to the Sadrists to bring them "into some sort of understanding", and emphasised that "we are totally underestimating the degree to which the present problems are the product of bad government".

280. On the police, Mr Blair commented: "We need someone put in charge of sorting out this mess." He supported the recommendation to strengthen the UK's co-ordinating machinery at Ministerial level, proposing that he would chair fortnightly meetings.

281. Mr Blair wrote:

> "I also favour giving JR [Reid] the lead as much as possible. We should split it up. JR on security, Iraqiisation and to be out there defending the case. JS [Straw] on political outreach."

282. Mr Blair and President Bush spoke by video conference on 3 October.[135]

---

[132] Private hearing, 2010, pages 54-58.
[133] Minute Quarrey to Prime Minister, 30 September 2005, 'Iraq update'.
[134] Note TB [Blair], 2 October 2005, 'Note'.
[135] Letter Quarrey to Siddiq, 3 October 2005, 'Prime Minister's VTC with President Bush: Middle East issues'.

283. In discussion about Iraq, Mr Blair described the December election as "a one-off opportunity to deliver a strong, moderate central government" and identified four priorities for the period ahead:

- ensuring the Sunni outreach strategy was delivered;
- refining the coalition's public message to be clear that it wanted to begin draw down the following year, depending on the state of the insurgency and the ISF;
- getting the police training strategy right; and
- drawing the right lessons from the Red Team Report about securing cities from which terrorists had been removed, including by developing local civil authorities.

284. On 3 October, a senior government official specialising in the Middle East (1) wrote to Mr Asquith with an account of the meeting that had been authorised in September.[136] He wrote that during the meeting it had become evident that MAS1 "was not speaking on behalf of al-Sadr and was pursuing a personal initiative to effect the release of [JAM1]":

> "[MAS1's] stance was unequivocal: the detention of [JAM1] represented a major obstacle to stability in Basra and HMG could instead be encouraging Iraqi Shia, like [JAM1], who opposed Iranian interference in Iraq's affairs. [JAM1]'s arrest sent a clear signal that HMG supported the unrepresentative 'pro-Tehran' government in Baghdad. Curiously, [MAS1] conceded that [JAM1] had British blood on his hands from an earlier stage of the conflict but said that, since OMS [Office of the Martyr Sadr]'s change of policy, these earlier crimes were no longer relevant."

285. In response, MAS1 had been told that "[JAM1]'s arrest was in response to criminal activity and was not a political issue" and the senior official reported that no commitment was made, "beyond agreeing to convey [MAS1]'s concerns to London".

286. It was unclear how good the relationship was between Muqtada al-Sadr and MAS1. In an attached report a different official said that there were indications elsewhere that senior OMS officials were lobbying current and former members of the Iraqi Government in an effort to secure JAM1's release.

287. The senior official proposed to test the extent to which the exchange reflected the views of Muqtada al-Sadr, by sending a message through other means seeking confirmation of his support.

288. Mr Asquith responded to say that before doing so the senior official should check that Mr Patey was content.[137]

---

[136] Minute senior government official specialising in the Middle East (1) to Asquith, 3 October 2005, 'Overture from Muqtada al-Sadr' plus attachment.
[137] Minute senior government official specialising in the Middle East (1) to Asquith, 3 October 2005, 'Overture from Muqtada al-Sadr' and attachment including manuscript comment Asquith.

289. On 4 October, Sir Nigel Sheinwald wrote to Mr Straw's Principal Private Secretary in response to the FCO/MOD/DFID paper of 30 September on the implications of the Jameat incident.[138] Copies of the letter were sent to Cabinet Office, MOD, DFID, FCO, Home Office and Treasury officials as well as to C, to GCHQ and to diplomatic posts in Iraq, the US, Brussels, and across the Middle East.

290. Sir Nigel wrote:

> "The Prime Minister agrees that we do not need to change our overall strategy. He is convinced, however, that we need a major and sustained push over the next few months on the political and security lines of operation if we are to get what we need – the political process moving ahead on time and producing an effective and moderate Iraqi Government after the elections, with visible progress on the Iraqiisation of security.
>
> "This will require changes above all in the intensity of our work, in our (and the Americans') implementation of policy, and the structures for delivering them, and will need to be underpinned by a more effective communications strategy."

291. Sir Nigel went on to set out Mr Blair's views in relation to policy on the political process, on security and on reconstruction.

292. On the first, Sir Nigel reported that Mr Blair did not believe that the UK or US were active enough. In his view:

> "Higher Sunni turn out in December's elections is the key to a successful political process, leading to an increased willingness by Sunni politicians to take part in a representative coalition government."

293. Mr Blair considered that the situation required:

- a more vigorous and co-ordinated US and UK plan of activity focused on contact with Sunni politicians;
- continued engagement with Iraqi leaders who could play a leading role in effective government after the elections;
- pressure on Iraq's neighbours to support the political process;
- effective lines of communication to Grand Ayatollah al-Sistani and Muqtada al-Sadr;
- a revitalised UN effort on political dialogue; and
- a programme of high-level UK engagement in South-East Iraq, including Ministerial visits.

---

[138] Letter Sheinwald to Hayes, 4 October 2005, 'Iraq Strategy'.

294. In order to repair the UK position following the Jameat incident, the MOD and the FCO were asked to work up a form of words "to draw a line under this issue and enable future co-operation".

295. Mr Straw was asked to lead on drawing together and monitoring the implementation of the political strategy.

296. On security, Mr Blair looked forward to regular reports from Dr Reid, including analysis of the effectiveness of the new Iraqi forces. Mr Blair was concerned that the poor state of the IPS would be a drag on further progress and Sir Nigel wrote:

> "It is clear that we need to review whether our police training strategy in the South-East is working, and whether the national policing strategy knits together."

297. Sir Nigel reported that Mr Blair agreed Sir Ronnie Flanagan should be asked to visit Iraq and that he wanted a UK Minister to take ownership of the overall policing strategy, including liaison with the US over national strategy, supported by a dedicated team in London.

298. On the Red Team Report, Sir Nigel wrote:

> "The 'ink-spot strategy' … may not be exactly right. But it highlights the vulnerability of our efforts so far to reclaim key cities from the terrorists. It also, rightly in the Prime Minister's view, stresses the importance of co-ordinated implementation, involving both the Coalition and the Iraqis …
>
> "There is still some uncertainty over the fate of the Red Team Report. We should press Khalilzad and Casey to agree an authoritative plan for the next few months, working with UK counterparts."

299. Dr Reid was asked to oversee the overall security strategy. A video conference involving President Bush, Mr Blair, Gen Casey and Lt Gen Brims, Ambassador Khalilzad and Mr Patey would be held in the week of 10 October to "help focus on some of these issues".

300. The minute said that Mr Blair was planning a major speech on Iraq, and that No.10 Press Office would co-ordinate other Ministerial media activity. A key challenge was to communicate that substantial troop withdrawals were planned in 2006, provided that Iraqi capabilities built up as planned.

301. On structures, Sir Nigel reported that Mr Blair planned to chair a meeting of DOP(I) every fortnight if possible. Sir Nigel would chair weekly meetings of senior officials. Mr Straw and Dr Reid were also to chair regular Ministerial meetings in their areas.

302. Sir Nigel would also be discussing more effective ways for the UK to join up with the US system, including the creation of a joint working group on political strategy in the run up to elections.

303. On 5 October, Lieutenant General Andrew Ridgway, the Chief of Defence Intelligence, sent an account of his recent visit to Iraq to Gen Walker and senior members of the MOD.[139]

304. The report highlighted the "very apparent deterioration in the security situation in Baghdad over successive visits" and that sectarian tensions were at "an unprecedented level". The "best figures" Lt Gen Ridgway could obtain were that some 150 bodies, mainly Sunni Arabs, were being found per week. AQ-I and others had benefited from the resulting backlash.

305. Lt Gen Ridgway wrote:

> "Whichever way you look at the metrics of the insurrection in terms of attacks, bombings, killings, public opinion and so on, the clear conclusion is that the security situation is getting progressively worse. This is occurring despite the progress with the political process, the investment in infrastructure and the significant improvement in the capability of the ISF … if the trend of the last two years continues the conclusions must be that, unless we do something very different, we will get progressively further away from the point where conditions are conducive to drawdown. Indeed even a very significant improvement will not begin to get us close to this sort of outcome."

306. On 5 October, Mr Asquith sent advice to Mr Straw on key Iraq issues for the coming three months and how to tackle them.[140] He wrote:

> "We need to keep the Sunni Arabs engaged in the political process by focusing them on the sixty-two laws required by the Constitution to regulate basic principles. Only by being represented in the Council of Representatives (the new National Assembly) will they be able to influence the legislative content."

307. Mr Asquith judged that: "Domination of the political scene (and TNA) by a Shia Islamist and assertive Kurdish bloc has resulted in an imperfect Constitution", and stressed the need to build the centre ground.

308. Other actions identified by Mr Asquith included building the centre ground in Iraqi politics, keeping the coalition together, securing a new Security Council resolution, building relationships with key US players and improving Whitehall mechanisms.

309. Mr Asquith advised that:

> "The creation of a small group of Ministers (Foreign, Defence and International Development Secretaries) and senior officials … meeting on a regular basis (eg fortnightly) might provide the opportunity to talk through complex and key

---

[139] Minute CDI to CDS, 5 October 2005, 'CDI's visit to Iraq 26-30 Sep 05'.
[140] Minute Asquith to Straw, 5 October 2005, 'Iraq: The Next Three Months'.

issues, co-ordinate policy, reach common conclusions and recommend decisions in advance of PM-chaired DOP(I) Committees."

310. Mr Straw's Private Secretary replied to Mr Asquith two days later to report agreement to his proposals for informal meetings.[141] Mr Straw also agreed that "we should continue to keep Sunni Arabs engaged in the political process".

311. President Talabani and Mr Blair met at No.10 on 6 October.[142] A record of the meeting said that the President suggested Sunni participation in the December elections would increase because they "regretted their boycott in January". He agreed with Mr Blair that the UK must "do all we could to encourage greater Sunni participation, through contact work in Iraq and with the regional players, especially Jordan and Saudi Arabia".

312. In a brief one-to-one exchange, President Talabani emphasised that "the UK had to be very active on the Sunni outreach agenda if [we] were to get the right outcome in December".

313. Mr Blair asked President Talabani to take a personal interest in forced returns to Iraq from the UK as he "attached great importance to early progress" on the issue.

314. At the press conference after the meeting, Mr Blair told reporters that the continued presence of the MNF in Iraq was "about making sure that we remain until the Iraqi forces are capable of securing their own country and so that Iraq is then capable of becoming a proper functioning and sovereign democracy, as it should be".[143]

315. When President Talabani spoke he addressed those calling for a drawdown of UK troops:

> "… we too want to see an end of the presence of the Multi-National Force, but the actions of the terrorists are keeping them there. An early pull-out would be a catastrophe for the people of Iraq and for the cause of democracy and it will be a win for terrorism."

316. In the questions that followed, Mr Blair was asked about allegations of Iranian involvement in Iraq. He told reporters:

> "What is clear is that there have been new explosive devices used, not just against British troops but elsewhere in Iraq. The particular nature of those devices lead us either to Iranian elements or to Hizballah … that is funded and supported by Iran. However we cannot be sure of this at the present time."

---

[141] Minute Siddiq to Asquith, 7 October 2005, 'Iraq: The Next Three Months'.
[142] Letter Quarrey to Siddiq, 6 October 2005, 'Iraq: Talabani'.
[143] Transcript of Press Conference Given by the Prime Minister, Mr Tony Blair, and the Iraqi President, Mr Jalal Talabani in London on Thursday, 6 October 2005.

317. Whilst British forces were in Iraq under a UN mandate, Mr Blair warned that "There is no justification for Iran or any other country interfering in Iraq …"

318. On 10 October, Dr Reid told Parliament that in November 2005 the UK would be reducing the number of its troops in Iraq from approximately 8,500 to 8,000.[144] He explained that: "The United Kingdom is in Iraq for as long as we are needed and as long as we need to be there, and no longer."

319. Dr Reid described the situation in Basra as "largely calm" after the Jameat incident, which he characterised as "an extremely complex operation in defence of our own soldiers".

320. The change in the number of UK troops in Iraq reflected:

> "… the closure of two small bases in Basra, the transfer of some training tasks to the Iraqi security forces and structural differences between the two brigades. These are relatively minor adjustments, however, and will not affect activities being carried out by United Kingdom forces."

321. In October 2005, the Joint Committee to Transfer Security Responsibility (JCTSR) produced 'Conditions for Provincial Transfer', which set the framework for the MNF-I to transfer security responsibility to an Iraqi civilian authority.[145] The document set out a series of standards in four areas:

- the insurgency threat;
- ISF capability;
- governance capacity; and
- residual support from coalition forces.

322. For a province to be deemed ready for transfer to Iraqi control, the document said that the MNF-I, the Iraqi Ministries of Interior and Defence and the National Intelligence Co-ordination Council would all need to have assessed the terrorist/insurgent threat level (including external border security) in that province as "low" and either forecast it as "steady or on a downward trend". The IPS's crime assessment and the presence of armed groups must not materially change these assessments. Threats to critical infrastructure and communications should also be assessed as low, and a programme for handing in unauthorised weapons should be in place.

323. The standards set out for the IPS included that they should be assessed by the MOI and the MNF-I to have the capacity to maintain domestic order, to prevent a resurgence of terrorism, and to co-ordinate counter-insurgency (COIN) operations

---

[144] House of Commons, *Official Report*, 10 October 2005, columns 24-27.
[145] International Mandate Republic of Iraq National Security Council, 10 October 2005, 'Joint Committee to Transfer Security Responsibility'.

with the Iraqi Army and Special Police. Border guards should be capable of interdicting cross-border support to insurgents and terrorists.

324. In relation to the Iraqi Army, standards included having the capability to lead COIN operations, and contain the insurgency in co-ordination with the IPS. Logistics systems capable of sustaining operations, with coalition assistance, should be in place, as should mechanisms to co-ordinate the response to requests for assistance from the IPS and to ensure the security of strategic infrastructure.

325. In governance terms, the Provincial Governor should be assessed as capable of overseeing security operations and the Provincial Joint Co-ordination Centre and Joint Operations Room should be in operation, to co-ordinate and monitor. Ministry structures and intelligence capabilities should be capable of supporting provincial operations, and systems for detention, trial and incarceration should be in place.

326. On coalition forces, the document specified that they should maintain the capability and posture to reinforce if ISF capabilities were exceeded, and to conduct counter-terrorism operations. They should co-ordinate civil construction activities and provide support and force protection for Transition Teams operating in the area.

327. During a visit to Washington from 10 to 11 October, Sir Nigel Sheinwald reported to Mr Hadley that Mr Blair considered "a surge of UK-US effort" was needed over the next few months, in capitals and in Iraq, starting with regular video conferences.[146] Mr Hadley "stressed the need for these to draw up detailed implementation plans and then ensure that there was the necessary follow-through".

328. The Assessments Staff issued an intelligence update on prospects for the constitutional referendum on 11 October.[147] They judged:

> "A majority of Iraqis from across all governorates intend to vote in the referendum, according to polling carried out by the US State Department, although the poll showed that public awareness of the content of the Constitution was limited."

329. The Assessments Staff reported that the referendum coincided with Ramadan, which in previous years had been marked by increased violence. There were suggestions that some insurgents were trying to disrupt referendum preparations and intimidate voters.

330. The number of attacks across the country had risen to more than 100 a day from a daily average of about 75 four weeks earlier. The MNF predicted a surge of co-ordinated attacks closer to polling day, but there was no intelligence about insurgent tactics on the day itself.

---

[146] Letter Phillipson to Wilson, 12 October 2005, 'Nigel Sheinwald's Visit to Washington, 10/11 October'.
[147] Paper Assessments Staff, 11 October 2005, 'Iraq's Constitution: Referendum Prospects'.

331. The Assessments Staff reported that Sunni political groups did not consider they had sufficient votes to veto the Constitution, and judged that "local Sunni tribal leaders will have considerable sway over the voters in their area; some have recommended a 'no' vote, but we do not know the views of many others".

332. By 12 October, Iraqi parties agreed a series of amendments to the draft Constitution, including:

- strengthening the provisions guaranteeing the unity of Iraq;
- making clear that membership of the Ba'ath Party was not, in itself, a reason for exclusion from public office and providing that de-Ba'athification was to be subject to review by a separate body;
- clarification over the use of official languages (Arabic and Kurdish were designated national official languages throughout Iraq, though with the expectation that Kurdish would be used primarily within Kurdistan; Turcoman and Syrian were official languages within the areas where they were spoken); and
- providing for a constitutional review body to review the Constitution and make recommendations for change to the National Assembly within four months.[148]

333. The last point met a long-standing Sunni Arab demand for a major role for the next National Assembly in approving the Constitution.

334. Dr Reid sent Mr Powell a draft of a paper on security for consideration by DOP(I) on 11 October, describing it as "inadequate, but a start".[149]

335. Dr Reid wrote that his paper was "meant as the first step in what is really required – which is a detailed and co-ordinated Implementation plan".

336. DOP(I) met on 12 October and considered two papers: one from the IPU on the UK's next steps in supporting the political process towards elections and Dr Reid's paper on the security situation.[150]

337. The IPU paper defined the UK Government's main aim as maximising the electoral strength of the national and non-sectarian centre ground, so that the resulting government represented each of the ethnic and confessional groups and was committed to plurality, non-sectarianism and the unity of Iraq.[151]

338. The IPU paper contained Mr Asquith's recommendation for a new meeting of Ministers and senior officials to be held in advance of DOP(I). He also reminded the

---

[148] Letter Straw to DOP(I) Committee Members, 13 October 2005, 'Iraq: Constitution Paper' attaching Paper IPU, 'Constitution: Potential Points of Contention'; eGram 15446/05 Baghdad to FCO London, 12 October 2005, 'Iraq: Constitution: Update, 12 October 2005'.
[149] Minute (handwritten) Reid to Powell, 11 October 2005, attaching Paper 'Iraq Security Update'.
[150] Minutes, 12 October 2005, DOP(I) meeting.
[151] Paper IPU, 10 October 2005, 'Political Strategy: Next Steps'.

Committee that the legal framework for MNF operations in Iraq expired at the end of 2005. As a result:

> "We need the ITG to state publicly its requirement for a continued MNF-I presence. This will be politically sensitive. We therefore need to distance the roll over from the electoral campaign. We have agreed with the US to present a short resolution … to the UNSC [United Nations Security Council] soon after the referendum for adoption by the end of October. From lobbying of partners and UNSC members this looks achievable."

339. Dr Reid reported in his paper that "the general level of activity among the insurgency remains broadly unchanged across Iraq".[152] Although there had been an increase in the number of lethal attacks on the MNF within MND(SE), the situation remained calm in comparison to other parts of Iraq:

> "The position, however, is fragile with the militias able to promote unrest when they choose."

340. Dr Reid judged that "successful Iraqiisation remains the key". Progress with the Iraqi Security Forces was satisfactory, progress with the Iraqi Police Service less so. Dr Reid proposed that the UK should review its strategy on policing. If responsibility should fall to the MOD, then "it is imperative that the resource issue is resolved unequivocally".

341. Dr Reid's paper also commented on the Red Team Report:

> "Whilst the report is accurate in its analysis, it defines a strategic approach that could only have been successful if it had been adopted at the outset of military operations; it is not consistent with either existing MNF strategy, or the scale of economic and military investment.
>
> "It seems likely, however, that some elements of the plan (e.g. boosting Ministry capacity and greater co-ordination of military and non-military activity) will be followed up rather than the Red Team Report being adopted wholesale. **We will need to work with the US on incorporating these elements into an authoritative plan which can be agreed with the Iraqi government**."

342. Dr Reid promised a plan for enhanced engagement with the US by MOD Ministers, the military and senior officials. He also committed to:

> "Institute regular (weekly or fortnightly) ad hoc ministerial meetings in MOD to oversee Iraq security issues to which other government departments will be invited."

---

[152] Paper Reid, 11 October 2005, 'Iraq: Security Update'.

343. Finally, Dr Reid's paper considered the UK's "overall Iraq strategy":

> "Our overall approach on Iraq across Government needs more coherence. The following steps would help:
>
> - A highlighting of our objectives for the end of 2005 and for the end of 2006, along with any milestones in between.
> - A definition of what would constitute success (preferably in measurable terms) in the political, military and social/reconstruction spheres.
> - The establishment of an ad-hoc communications group chaired by a Minister to oversee our approach."

344. DOP(I) agreed that:

- the MOD should take the lead on police issues in Iraq as the situation called for paramilitary rather than civilian policing;
- Mr Blair should reinforce UK concerns about the need for a consistent approach to the insurgency during his next video conference with President Bush; and
- UK concerns about conditions in Iraqi detention facilities should be followed up with Iraqi authorities.[153]

345. Mr Blair also agreed with Dr Reid's proposal that an increased focus on communications on Iraq was needed. Ministers agreed that Dr Reid should convene meetings on communications issues.

346. Mr Straw told DOP(I) that the next few months would be a crucial period for Iraq. Although the political process was on timetable, this was not the same as on track.

347. Mr Blair said that there were two essential objectives: to ensure good Sunni turn-out at the elections, and to ensure that any Shia or Iranian backlash against efforts to achieve a more inclusive, centrist government could be dealt with.

348. In discussion, Ministers noted that the Constitution was likely to be agreed by the referendum, although this could not be taken for granted. The UK needed to have fall-backs ready.

349. DOP(I) agreed that the UK should work even more closely with the US to deliver a significant Sunni turn-out at the elections and as centrist a government as possible, and that Mr Straw should update colleagues on progress against the objectives at subsequent DOP(I) meetings.

350. Mr Straw wrote to DOP(I) members the following day, advising them that "despite its inevitable deficiencies, the draft Constitution represents a major achievement".[154]

---

[153] Minutes, 12 October 2005, DOP(I) meeting.
[154] Letter Foreign Secretary to DOP(I) Committee Members, 13 October 2005, 'Iraq: Constitution Paper'.

351. The paper attached to Mr Straw's letter explained that the Constitution deferred critical decisions to a future elected Council of Representatives, which risked future conflicts between a weakened central government and increasingly assertive regions. The following areas were likely to be controversial:

- Federalism: the latitude that the Constitution gave regional authorities to maintain a significant armed force would increase the anxiety of Sunni Arabs and others who claimed that federalism would lead to fragmentation.
- Natural resources: the language of the Constitution was a "model of imprecision".
- Role of Islam: the extent to which Islam would influence the legislative programme remained to be determined.
- Kirkuk: the Kurdish desire for a referendum was made explicit. Kirkuk would be free to form a region or join another region, and the potential for a rise in ethnic tension and violence was high.

352. Mr Straw's letter was not shown to Mr Blair.[155]

353. On 13 October, Mr Straw told Cabinet that "contrary to original expectations" the timetable for transition to democratic government in Iraq set out in resolution 1546 had "so far, kept to time".[156] He commented that that was "impressive".

354. Mr Straw expected that turnout for the constitutional referendum would be high, and there would be a two-thirds majority in most provinces.

355. Mr Blair said that he was encouraged by the political progress being made, although the security situation remained a cause for concern. He quoted a UN poll which showed the population split roughly 50/50 on whether things were getting better or worse. The main issue seemed to be lack of electricity.

356. General Sir Mike Jackson, Chief of the General Staff, visited Iraq from 10 to 13 October and sent an account of his visit to Gen Walker.[157] He commented:

> "This was a sobering visit in comparison to my last one in April, when the post election-euphoria [sic] was still palpable and the campaign was being looked at through somewhat rose-tinted spectacles. I detected little such optimism on this visit: the atmosphere was rather more gritty …
>
> "My analysis will appear gloomy; intentionally so. Though there is no sense of defeatism in theatre, the possibility of strategic failure was mentioned in earnest on this visit more than on any before. Everyone agreed that the next 6-12 months would

---

[155] Letter Foreign Secretary to DOP(I) Committee Members, 13 October 2005, 'Iraq: Constitution Paper' including manuscript comments Quarrey and Sheinwald.
[156] Cabinet Conclusions, 13 October 2005.
[157] Minute CGS to CDS, 18 October 2005, 'CGS visit to Iraq: 10-13 Oct 05'.

be critical and that it would take longer still to achieve the campaign objectives we have currently set ourselves."

357. Gen Jackson went on to comment on the problems with reconstruction, Security Sector Reform and the military counter-insurgency strategy. He assessed that "the prognosis for the SE is more optimistic than elsewhere" and that the Jameat incident was "regarded now by the US as a little local difficulty, but indicative of the deep, widespread corruption in the IPS across Iraq".

358. Gen Jackson wrote: "it is not to our credit that we have known about the inadequacies of the IPS for so long and yet failed to address them".

359. He concluded with a reference to the pressure that the helicopter support fleet and the air bridge were facing, commenting "we really need to take stock of our AT [air transport] capability in the round, especially in light of our impending commitment to Afghanistan". Gen Jackson's report was sent only to senior military officers, not to Ministers nor to senior officials within the MOD.

360. The referendum on Iraq's draft Constitution took place on 15 October.[158] Mr Patey reported that the day had "passed off largely peacefully across Iraq" with 89 attacks reported, significantly below the levels of violence experienced during the January elections. The early predictions were that the turnout had been over 60 percent.

361. Mr Patey reported to the FCO:

"The referendum process has gone as well as we could have hoped. If a turnout of over 60 percent is confirmed this will undermine the sceptics. It looks clear that there will be a high turnout in Sunni areas, which enhances the legitimacy of the result and bodes well for the elections in December."

The Iraqi Constitution

The new Constitution comprised six sections, which covered:

- **Fundamental principles.** This defined the Republic of Iraq as "a single, federal, independent and full sovereign state" and Islam as its official religion such that "No law may be enacted that contradicts the established provisions of Islam." Arabic and Kurdish were named as official languages, the "Saddamist Ba'ath" Party was banned and provision made for to the ISF to be "composed of the components of the Iraqi people, with due consideration given to their balance and representation without discrimination or exclusion". The formation of militia groups was prohibited.
- **Rights and liberties.** This section enshrined equality before the law for all Iraqis, the right to "life, security and liberty", rights to privacy, "so long as it does not contradict the rights of others and public morals", conditions for citizenship, and the independence of the judiciary. This section contained protections for private property,

[158] eGram 15692/05 Baghdad to FCO London, 16 October 2005, 'Iraq: Constitution: Referendum Day Passes Peacefully'.

public assets and freedom of movement. It guaranteed healthcare, including for "the handicapped and those with special needs", education and environmental protection. It defined rights regarding freedom of expression, including "freedom of thought, conscience, and belief" and the free practice of religious rites "including the [Shia] Husseini rituals".

- **Federal powers.** This section defined the division of legislative and executive power and described the roles of independent commissions. In relation to the Council of Representatives (the federal legislature), it said that "the representation of all components of the people shall be upheld in it". It described the powers of the President, Council of Ministers, Higher Judicial Council and Supreme Court.
- **Powers of the Federal Government.** This section defined the areas in which the federal authorities had exclusive competence, including foreign policy, national security policy, fiscal and customs policy and the budget. It said Iraq's oil and gas reserves would be managed by the federal government "with the producing governorates and regional governments".
- **Powers of the regions.** The federal system was defined in this section as "made up of a decentralized capital, regions, and governorates, as well as local administrations". One or more governorates could form a region following a referendum, and each region would adopt its own constitution, which should not contradict the national Constitution on areas in which the federal government was competent. An "equitable share" of revenues would be allocated to regions and governorates.
- **Final and transitional provisions.** This section defined the process by which the Constitution could be amended, including through the formation of a committee to recommend amendments comprising members of the Council of Representatives "representing the principal components of the Iraqi society". It also stipulated that a "Presidency Council" should be "elected by one list and with a two-thirds majority" in the Council of Representatives, to undertake the role of the President in the first term after the Constitution was adopted.

362. The day after the referendum, President Talabani issued a decree, announcing that Parliamentary elections would take place on 15 December in accordance with the TAL.[159]

363. Political negotiations about the possibility of postponing the December election had continued to the last moment. Mr Patey reported that the US and UK had lobbied hard against postponement as "the extra time would almost certainly not have helped". In his view, "our pressure was crucial in keeping the various parties on track".

364. On 16 October, Mr Blair had lunch at Chequers with Secretary Rice.[160]

365. Mr Blair made clear that Iraq was the number one priority for the UK and that active UK and US work would be needed over the coming critical months.

---

[159] eGram 15761/05 Baghdad to FCO London, 17 October 2005, 'Iraq: Elections'.
[160] Letter Sheinwald to Hayes, 16 October 2005, 'Prime Minister's meeting with US Secretary of State, 16 October 2005: Iraq'.

366. Mr Blair and Secretary Rice agreed on the need to step up contacts with Sunni groups and the importance of ensuring an effective, competent, centrist government after the elections. Mr Blair raised the issue of the future of the coalition forces, emphasising the importance of avoiding the impression both of cutting and running and of wanting to stay for ever. He had originally believed that the coalition should agree with the current Iraqi Government a clear plan for the build up of Iraqi forces and drawdown of coalition forces, but had concluded that it would be better to wait until the new government was formed.

367. The Chiefs of Staff considered strategy on Iraq when they met on 18 October.[161] They concluded that the insurgency had continued to worsen and that: "Without a change in the coalition strategy or its implementation, this trend could be expected to continue."

368. Although most of the attacks had been in Baghdad and the three Sunni-dominated northern provinces, "they might spread more widely if the insurgency continued to grow".

369. The Chiefs considered that the UK's main effort in Iraq should remain Security Sector Reform. The existing UK strategy was:

> "… not fundamentally flawed, but its implementation was failing. Inadequate funding was contributing significantly to this and reflected a lack of cross-Government buy-in to the campaign and the incoherence of inter-Departmental activities. The military effort was well-resourced compared to the commitments by other Government departments to other Lines of Operation."

370. The Chiefs also concluded that "Ministers needed to be clear that the campaign could potentially be heading for 'strategic failure', with grave national and international consequences if the appropriate actions were not taken". They believed that "the establishment of well defined Ministerial ownership would be a key factor in addressing it". Although the UK/US relationship was strong at the military level, "political connections needed to be strengthened".

371. Lieutenant General Robert Fry, Deputy Chief of the Defence Staff (Commitments), was commissioned to produce two papers. The first was to set out the risk and nature of strategic failure in Iraq and "the importance of ensuring that the PM was clear about these issues and could therefore be expected to direct appropriate cross-Government action". The second paper would set out the links needed to improve UK engagement with the US and "energise the cross-Whitehall approach to Iraq".

---

[161] Minutes, 18 October 2005, Chiefs of Staff meeting.

The Iraqi Special Tribunal

On 19 October, the Iraqi Special Tribunal (IST) began the first trial of Saddam Hussein. He and a number of his senior aides were charged with killing 148 Shia men from Dujail in 1982, following an attempt there on Saddam Hussein's life.[162] All eight defendants pleaded not guilty. The trial was adjourned until 28 November.

Although Human Rights Watch raised concerns about prospects for a fair trial, a spokesman for the Iraqi Government said:

> "Iraqis have not forgotten yet that the reason why the country is in such a mess, it's because one man stole the will of 27 million people for 35 years and pushed them into wars and misery."

Two defence counsel were killed, and a third wounded, in two separate incidents on 20 October and 8 November.[163] As a result the trial was adjourned once again to 5 December to allow time for replacement counsel to be found.[164]

Lord Goldsmith, the Attorney General, told Cabinet on 27 October that there were huge challenges in providing security for the court and protection for those participating.[165] The trial was not, as some alleged, being orchestrated by the US and the UK – "we had simply provided support for the Iraqis".

A second set of proceedings against Saddam Hussein commenced on 21 August 2006. These concerned the accusation of genocide against the Kurds in the Anfal campaign in the late 1980s, for which Saddam Hussein and six other defendants stood accused.

While the proceedings in relation to the Anfal charges were continuing (and before what was expected to be a series of other proceedings against Saddam Hussein had been commenced), the IST reached its verdict on the first (Dujail) trial. On 5 November 2006, Saddam Hussein was sentenced to death for the Dujail killings. He was executed on 30 December 2006.

372. On 19 October, Secretary Rice told the US Senate Foreign Relations Committee that she believed the US could "assure victory" in Iraq, by majoring on the "clear-hold-build" concept.[166] She explained:

> "We are moving from a stage of transition toward the strategy to prepare a permanent Iraqi government for a decisive victory … With our Iraqi allies, we are working to:
>
> - Clear the toughest places – no sanctuaries to the enemy – and disrupt foreign support for the insurgents.

---

[162] *BBC News*, 19 October 2005, *Defiant Saddam pleads not guilty.*
[163] *BBC News*, 21 October 2005, *Saddam trial lawyer is found dead*; *BBC News*, 8 November 2005, *Saddam trial lawyer is shot dead.*
[164] *BBC News*, 28 November 2005, *Saddam team looks for new lawyers.*
[165] Cabinet Conclusions, 27 October 2005.
[166] 'Secretary of State Condoleezza Rice Iraq and US Policy to US Senate Committee on Foreign Relations', 19 October 2005.

- Hold and steadily enlarge the secure areas, integrating political and economic outreach with our military operations.
- Build truly national institutions working with more capable provincial and local authorities. Embodying a national compact – not tools of a particular sect or ethnic group – these Iraqi institutions must sustain security forces, bring rule of law, visibly deliver essential services, and offer the Iraqi people hope for a better economic future.

None of these elements can be achieved by military action alone. None are purely civilian. All require an integrated civil-military partnership."

373. Secretary Rice observed that compromise and politics were replacing violence and repression within Iraq, but argued the Iraqi Government needed to build more effective international links. She also announced that the US intended to introduce Provincial Reconstruction Teams (PRTs) in Iraq, building on the successful model that had been used in Afghanistan.

374. The British Embassy Washington reported that, despite pressure from Senators, Secretary Rice refused to give a timetable for troop withdrawal, and that the questions underlined increasing scepticism that the policy was working:

"Rice conceded to Senator Obama (Democrat) that the political and military process 'might not work, but every day we have to get up and work our hardest to make it work. And that everything thus far suggests that they're trying to hold it together.'"[167]

375. On 20 October, Mr Phillipson told Mr Blair that the referendum vote in Ninawa was looking closer than expected.[168] Since more than two-thirds of voters in two other provinces had voted "no", the Ninawa vote brought a real possibility of the Constitution being rejected. The UN was investigating allegations of irregularities in the province.

376. If the Constitution was rejected, Mr Phillipson wrote:

"… the elections in December will be for another Transitional Government, which will have to repeat the Constitution-drafting process."

377. Mr Blair suggested to President Bush in their video conference on 20 October that if the Constitution was rejected "we should emphasise that there was a process and that the Sunnis had made their views count".[169]

378. If it passed, "it would be important to stress the new arrangements available for reviewing the Constitution after the election".

---

[167] eGram 16119 Washington to FCO London, 20 October 2005, 'US: Iraq: Rice at the Senate Foreign Relations Committee, 19 October 2005'.
[168] Minute Phillipson to Prime Minister, 20 October 2005, 'VTC with President Bush, 1335 20 October'.
[169] Letter Quarrey to Siddiq, 20 October 2005, 'Prime Minister's VTC with President Bush, 20 October'.

379. Iraqi leaders should be encouraged to say that Sunni views expressed in the referendum would be taken into account to "soften the edges" of a positive, but close, result.

380. Mr Blair and President Bush spoke by video link on 25 October.[170] Mr Straw, Mr Powell, Sir Nigel Sheinwald and Lt Gen Fry also joined the discussion as did Vice President Dick Cheney, Secretary Rumsfeld and Secretary Rice, Mr Hadley and Ambassador Khalilzad. Mr Patey, Gen Casey and others joined from Baghdad.

381. Two key priorities for the political track were identified:

- splitting off the rejectionists from the Saddamists and the jihadists; and
- getting maximum turnout in the elections so that they led to a broad-based, centrist government.

382. Mr Patey cautioned that there were "formidable challenges" to come and that the UK and US should not take increased Sunni participation in the December elections for granted. Mr Straw and Secretary Rice advocated pressing Kurdish and Shia leaders to signal future amendments to the Constitution, to show that the process for amending it was a real one.

383. In response to a question from President Bush about the situation in the South, Mr Patey said that the political process had exposed deep divisions within the Shia community which had impacted on local government. Local "turf wars" were not being restrained by central government. Lieutenant General Nicholas Houghton, the SBMR-I, said that the security situation remained calmer in the South, which might be able to lead the process of security transition.

384. Mr Blair agreed with the need to challenge increasing Iranian interference in Central and South Iraq, which would sharpen if the elections went well. He concluded by reiterating the point that Sunni outreach would be crucial in the coming weeks and that this would mean "digging some way into the insurgency".

385. The referendum results were formally released on 25 October, confirming that the Constitution had been passed.[171]

386. Nationally, the "Yes" vote was 78.59 percent, with a total turnout of more than 63 percent. There was a majority "Yes" vote in 15 of the 18 governorates (in 12 of these, the 'Yes' vote was more than 90 percent). Although it was rejected by a majority in the three remaining provinces (Anbar, Salah ad Din and Ninawa), in only two of these (Anbar and Salah ad Din) was the two-thirds rejection threshold passed.

---

[170] Letter Quarrey to Siddiq, 25 October 2005, 'Iraq: London/Washington/Baghdad VTC'.
[171] eGram 16570/05 Baghdad to FCO London, 26 October 2005, 'Iraq: Constitution Passes: Final Referendum Results'.

387. Reflecting on the results, Mr Patey commented:

> "On the plus side, this result demonstrates overwhelming Iraqi popular support for the draft Constitution and opens the way to the election of a permanent, four-year government … The process was well-run and robust enough to strongly resist any allegations that fraud or other kinds of irregularities materially affected the overall result.
>
> "On the negative side, the vote was highly polarised, with almost all Shia and Kurds voting in favour and almost all Sunni Arabs voting against. We should not forget that small numbers of all three major communities voted against the mainstream, including in those areas where they would have been under fierce social pressure to vote the other way (e.g. Anbar). The Shia turnout overall was significantly down on the January elections and we must assume that, in addition to apathy, at least some of those who stayed away did so because they did not support the Constitution. We continue to warn Shia and Kurds against the dangers of triumphalism, and are urging them to temper their response, [and] acknowledge publicly Sunni dissatisfaction …
>
> "We will continue to work closely with the US to encourage maximum Sunni participation in the elections, including through intensive political engagement with the Sunnis themselves …"[172]

388. Mr Straw reported to Cabinet on the outcome of the referendum on 27 October.[173] He commented that the decisions of key Sunni parties to support the constitutional process was a step forward, but most Sunnis had voted against the Constitution.

389. Security incidents on election day had been "only a third of the level on 30 January". The next milestone was the election on 15 December, meanwhile the UK was "working hard" with the US and others to "provide support to Iraqi politicians in developing the democratic process, building alliances and considering coalitions for government".

Assessment of the Constitution

Mr Asquith told the Inquiry that the Constitution did not command the support of the Sunni Arab community, principally because they had boycotted the January 2005 elections, and to a large extent had therefore written themselves out of the political programme thereafter until the next set of elections.[174]

---

[172] eGram 16570/05 Baghdad to FCO London, 26 October 2005, 'Iraq: Constitution Passes: Final Referendum Results'.
[173] Cabinet Conclusions, 27 October 2005.
[174] Private hearing, 15 June 2010, page 13.

Mr Ali A Allawi judged that:

> "The Iraqi Constitution of 2005 was not the national compact that many had thought necessary and desirable, but a document arising from a series of political deals. It was seen as a necessary step in the political process and was not vested with the quasi-sacred status that such documents had in other countries. Nevertheless, it enshrined basic rights and opened up the possibility of a different type of Iraqi state than the one that had gone so disastrously awry."

Dr Rice judged in her memoir that the size of the Iraqi 'yes' vote sent "a firm signal about those citizens' yearning for democratic governance."[175]

President Bush went further, describing it as "the most progressive constitution in the Arab world – a document that guaranteed equal rights for all and protected the freedoms of religion, assembly and expression."[176]

390. After the discussion by video conference on 25 October, Mr Blair asked the FCO to produce a paper on "how we can intensify our efforts on Sunni Arab outreach in the run-up to and beyond the December elections and formation of the next Government".[177]

391. Mr Straw's Private Secretary sent a paper, cleared by Mr Straw, to Mr Blair's Private Secretary on 27 October. The paper set out actions for the UK and US in order to:

- identify more of those who control or influence the insurgency;
- determine what they wanted and what could reasonably be offered;
- prepare them for direct dialogue with the Shia and Kurds;
- bring the Shia and Kurds to the dialogue;
- hold all sides to the deals they struck; and
- take supporting action.

392. The paper acknowledged that "exploring the less savoury reaches of the opposition risks alienating Shia and Kurdish politicians", and that there would be difficulties "selling this to the Americans who remain cautious of dealing with those who, when offered a choice between violence and politics, will choose both".

393. If Mr Blair agreed with the paper's approach, then the FCO aimed to instigate direct and indirect contact between Sunni Arabs, Shia Arabs and Kurds, both inside and outside Iraq plus "supporting action in the media … focusing Sunni Arabs on the process ahead and the incentives for participating in the next elections".

394. Mr Blair responded that the paper was "good. We need now to action it comprehensively, and in concert with the Americans."[178]

---

[175] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[176] Bush GW. *Decision Points*. Virgin Books, 2010.
[177] Letter Siddiq to Quarrey, 27 October 2005, 'Iraq: Sunni Arab Outreach' attaching IPU Paper, 27 October 2005, 'Sunni Arab outreach'.
[178] Manuscript comment Blair on Minute Quarrey to Blair, 28 October 2005, 'Iraq Update'.

395. Following a meeting between Mr Blair and President Massoud Barzani on 31 October, Mr Quarrey reported to Mr Straw's Private Secretary that:

> "The Prime Minister wants us to keep Sunni outreach as our number one priority on the political track in the coming weeks … He wants us to get on and implement the strategy … as quickly as possible."[179]

396. In October 2005 a senior government official specialising in the Middle East (1) proposed that an independent link to Muqtada al-Sadr and to one or two other leading Sadrists should be established.[180]

397. Mr Asquith,[181] Mr David Richmond (FCO Director General Defence and Intelligence),[182] and Mr Straw[183] all agreed the advice.

398. In advance of a video conference with President Bush on 1 November, Mr Phillipson advised Mr Blair that he should focus the discussion on confirming the President's support for "a vigorous programme of Sunni outreach" including agreement to some specific activities, such as a regional contact group.[184]

399. Mr Phillipson advised that Mr Blair should reassure President Bush that the UK was looking at what needed to be done in MND(SE) in response, including trying to identify moderate political leaders and "the combination of a tough approach to militia penetration of the Police with a more effective Police training programme".

November 2005

400. In conversation with President Bush, on 1 November Mr Blair made the case that the US and UK should "push ahead in a big way" with Sunni outreach before the elections.[185]

401. In response to a request from No.10, advice was provided in early November on how the UK might best target its efforts to engage those close to the Sunni insurgency to avoid duplicating other initiatives in Iraq to engage with the Sunni community and its militias.[186]

---

[179] Letter Quarrey to Siddiq, 31 October 2005, 'Iraq: Barzani and Next Steps'.
[180] Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, '[NAME OF OPERATION]'.
[181] Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, '[NAME OF OPERATION]' including manuscript comment Asquith.
[182] Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, '[NAME OF OPERATION]' including manuscript comment Richmond.
[183] Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, '[NAME OF OPERATION]' including manuscript comment Straw.
[184] Letter Phillipson to Prime Minister, 1 November 2005, 'VTC with President Bush, 1355 1 November'.
[185] Letter Quarrey to Siddiq, 1 November 2005, 'Prime Minister's VTC with President Bush'.
[186] Letter senior government official specialising in the Middle East to Quarrey, 4 November 2005, '[…] insurgents'.

402. It was envisaged that the Sunni insurgent leaders were likely to wish to discuss, among other things, a timetable for MNF withdrawal from Iraq and the conditions under which it might be possible. They might also wish to discuss prisoner releases, an end to house raids, possible future amnesties, the conduct and integrity of the elections, federalism, and employment in the Iraqi armed forces and security forces.

403. On 4 November, the ISOG commissioned a number of papers for the meeting of DOP(I) on 15 November.[187] These included papers on Sunni outreach, election prospects, "the centrists" and the security strategy in the South (including Iraqiisation).

404. The ISOG also discussed the variety of plans and matrices being maintained by departments to track activity in Iraq. They acknowledged that it was not practical to join them all together, but the point was made that "any work reflected in the matrices should be 'real' and funded" and should reflect UK work only.

405. The ISOG also commissioned a review of the 2005 Iraq Strategy, to be led by the Cabinet Office.

406. On 8 November, the UN Security Council adopted resolution 1637 (2005).[188]

407. Annexed to the resolution was a letter from Prime Minister Ja'afari to the President of the Security Council requesting an extension of the mandate for international forces in Iraq, and by a letter from Secretary Rice confirming that they would stay as requested.

408. Prime Minister Ja'afari wrote that:

> "The Iraqi security forces, which are growing in size, capacity and experience day by day, need more time to fill out their ranks, fully equip themselves and complete their training with a view to assuming responsibility for all security matters and providing adequate security for the Iraqi people. Until such time as Iraqi security forces assume full responsibility for Iraq's security, we need the continued support of the international community, including the participation of the Multi-National Force, in order to establish lasting peace and security in Iraq."

409. The resolution extended the mandate for the MNF established by resolution 1546 until 31 December 2006. The mandate would be reviewed either at the request of the Government of Iraq or no later than 15 June 2006. As in resolution1546, the new resolution also declared that the Security Council would terminate the mandate "earlier if requested by the Government of Iraq".

---

[187] Letter Cabinet Office [junior official] to Sheinwald, 8 November 2005, 'Iraq Senior Officials Group'.
[188] UN Security Council Resolution 1637 (2005).

410. On 8 November, the JIC issued an Assessment of Al Qaida's strategy.[189] The JIC judged that:

> "Iraq is currently central to the core Al Qaida leadership's focus of effort. The situation there has significantly increased … [their] opportunities to confront Western, particularly US, interests. It has also provided access to extremist networks across Europe that may extend the core Al Qaida leadership's ability to conduct terrorist attacks, including in the UK. The core Al Qaida leadership sees an opportunity to establish a base in an ungoverned and exploitable space in the Sunni areas of Iraq."

411. On 10 November, Dr Reid wrote to Mr Blair about the transition to Iraqi responsibility for security in Muthanna and Maysan.[190] His letter said:

> "Military judgement remains that it would, in principle, be possible to hand over responsibility for security for the Iraqis in Muthanna and Maysan provinces by around February 2006."

412. The letter explained that two factors implied a need to extend that timetable: the failure of the Iraqi Government to set out the context for transition and the US desire to maintain a Japanese presence in Iraq combined with unwillingness by the Japanese to move away from Muthanna.

413. Dr Reid reported that Prime Minister Ja'afari had agreed the conditions for transfer set out by the JCTSR and that a public handling strategy for their release was being developed. The assessment of provinces and cities that were likely to move to Iraqi security control was unlikely to take place until after the December election.

414. On force levels, Dr Reid wrote:

> "The extension to the timeline for the handover of security to the Iraqis in MND(SE) has force level implications. Assuming security conditions allow, reductions in UK force numbers which might have been possible from around February might now be deferred to early summer (May), when we should be able to reduce our troop numbers in MND(SE)."

415. Mr Straw visited Baghdad from 10 to 11 November.[191] He saw representatives from the two main Sunni Arab coalitions, the Iraqi Front for National Dialogue and the National Consensus Front, and urged them to take full advantage of the opportunity offered by the elections.

---

[189] JIC Assessment, 8 November 2005, 'Al Qaida's Grand Strategy'.
[190] Letter Reid to Blair, 10 November 2005, [untitled].
[191] eGram 18079/05 Baghdad to FCO London, 14 November 2005, 'Iraq: Visit by Secretary of State, 10-11 November: Sunni Arab Outreach, Electoral Process'.

416. In a report to Mr Blair of his visit, Mr Straw described:

> "Qualified optimism that Sunni participation in the elections may be sustained through to the formation of a new government. But the situation requires active management. The default setting of the Sunnis is angry resentment at their dispossession. A key danger period will be following the results (late December). The Constitution allows for three months (90 days) to form a government; in certain circumstances four months."[192]

417. On 13 November, members of the US military visited a Ministry of the Interior (MOI) controlled detention facility in Baghdad, known as the Jadiriyah bunker, to facilitate the release of a detainee.[193] Upon entering the facility they discovered around 170 detainees in an emaciated state. Instruments of torture, including belts, rubber hoses, electrical cable and truncheons were recovered and there was evidence of links to the Badr Corps militia.

418. The discovery, and the response of the Minister of the Interior, are described in more detail in Section 12.1.

419. In a speech at the Lord Mayor's Banquet on 14 November, Mr Blair discussed the challenges of globalisation, highlighting international terrorism as "the most obvious".[194] He said:

> "What is obvious now to all is that this [terrorism] is a global movement and requires global action in response, of which the successful completion of a democratic process in Afghanistan and Iraq is a major component."

420. A senior government official specialising in the Middle East (1) wrote to Mr Asquith again on 14 November to inform him that lines of communication had been established to both Grand Ayatollah al-Sistani and Muqtada al-Sadr.[195] He also reported that attempts would be made to maintain and develop the link to MAS1:

> "My letter to you of 3 October 2005 described [the] encounter with him … [MAS1] said he was disenchanted with al-Sadr and considered him too close to the Iranian regime. [MAS1] claimed to represent the Arab, Iraqi nationalist section of the Sadrist movement …"

421. The senior official asked for Mr Asquith's views on messages to be passed through the new lines of communication to Grand Ayatollah al-Sistani and Muqtada al-Sadr and suggested that they should be tested before seeking to utilise them at short notice "eg to help reduce any sudden increase in tension in MND(SE)".

---

[192] Letter Straw to Prime Minister, 14 November 2005, 'Iraq'.
[193] Telegram 18170 Baghdad to FCO London, 14 November 2005, 'Iraq: Detainees Found in Bunker'.
[194] National Archive, Prime Minister's Office, 'Lord Mayor's Banquet Speech 14 November 2005'.
[195] Minute senior government official specialising in the Middle East (1) to Asquith, 14 November 2005, 'Lines to the Shia'.

422. Mr Asquith suggested:

> "Sistani – don't promote UIC alone; caution about large federal region in south; Constitutional Commission – must be taken seriously (45 percent Shia did not vote)
>
> "MAS – Iran: no friend of yours."

423. As commissioned by the ISOG, the IPU provided a paper on Sunni outreach, for the 15 November meeting of DOP(I).[196]

424. The IPU said that the British Embassy Baghdad had intensified its focus on Sunni Arab politicians, including those who were believed to have some influence with the insurgency. Plans were in hand for Sir Nigel Sheinwald to meet a combination of harder-line Sunni nationalist leaders and local insurgent leaders later in the month.

425. Sunni Arab demands remained the same: less robust US military practices, detainee releases and an amnesty; the appointment of Sunni Arabs to the Iraqi Security Forces; a more level electoral playing field; and a timetable for transition.

426. The IPU reported some progress, both on detainee releases and with the announcement by Iraqi Defence Minister Mr Saadoun al-Dulaimi that all former army personnel, up to and including the rank of Major, were invited to re-apply to join the ISF. The IPU commented that the latter was "a start, but not what former Generals in the insurgency will settle for". The IPU judged that more work was needed to encourage Iraqi politicians to repeal the de-Ba'athification law and abolish the de-Ba'athification Commission.

427. The IPU commented that it was clear that the US Administration was prepared to countenance a broad swathe of US and UK outreach activity, but on the condition that the US should be "careful not to 'pick winners'".

428. A Cabinet Office official provided Mr Blair with a Chairman's brief for the meeting of DOP(I).[197] It said:

> "We **have made progress since your last meeting** … We now have the basic tools … to run an outreach strategy … But, your **conversation with Khalilzad showed we don't yet have an agreed US/UK operational plan** – we need to fix this."

429. At the meeting Mr Straw summarised his impressions from his recent discussions with Sunni leaders in Iraq.[198] He felt that the Sunnis now understood that boycotting the elections had been a mistake, and wanted to enter the political process. In discussion it was observed that Sunnis were starting to realise that the coalition were "the best available guarantors of their interests".

---

[196] Paper IPU, 10 November 2005, 'Sunni Arab Outreach: Update as of 10 November 2005'.
[197] Minute Cabinet Office [junior official] to Blair, 14 November 2005, 'DOP(I) – Chairman's Brief'.
[198] Minutes, 15 November 2005, DOP(I) meeting.

430. Members of DOP(I) also discussed an MOD paper on the UK's contribution to the "overall Iraq security strategy".[199] The paper identified the different strategic end states adopted by the UK Government and the MNF-I (see Section 9.3), and defined the following as key outcomes:

- delivering security in the run up to the December 2005 elections (the immediate focus);
- delivering a secure environment in MND(SE) which permitted training of the ISF to the point that they can take on responsibility for security (the short-term focus); and
- delivering Iraqi Security Force "self-reliance" (the medium-term focus).

431. The MOD said that those outcomes would be achieved through a cross-departmental effort, focused on: establishing a secure environment; transitioning tactical, operational and strategic overwatch; developing an effective and self-sufficient IPS; and building the capacity of key Ministries within the security sector.

432. At the DOP(I) meeting, Sir Nigel Sheinwald handed Dr Reid's letter of 10 November on transition in Muthanna and Maysan to Mr Blair.[200]

433. Dr Reid told members of DOP(I) that the UK's exit from Muthanna and Maysan had been delayed until May 2006, reflecting the UK's commitment to the Japanese.[201] Dr Reid hoped it would be possible to complete the handover within this timescale in order to start reducing the UK's troop commitment in Iraq during 2006.

434. Members of DOP(I) were also given a paper on the 'Iraq Communications Strategy for the UK Audience', which was not discussed at the meeting.[202]

435. The paper recorded the creation of the Iraq Communications Group (Ministerial),[203] which brought together No.10, DFID, the FCO and the MOD to co-ordinate the Iraq message for the domestic audience.

436. The paper said:

> "… there are relatively few resources dedicated specifically to Iraq communications. This is a poor reflection of the magnitude of the issue and its importance to HMG and needs to change."

---

[199] Paper MOD officials, [undated], 'Strategy for the UK's Contribution to Iraq Security'.
[200] Manuscript comment Sheinwald on Letter Reid to Blair, 10 November 2005, [untitled].
[201] Minutes, 15 November 2005, DOP(I) meeting.
[202] Paper, [undated], 'Update on the Iraq Communications Strategy for the UK Audience' attaching 'Iraq – Core Script' and 'Core Script'.
[203] This group was not a Cabinet Sub-Committee.

437. Attached to the paper was a core script on Iraq, and one on the December elections, which said:

> "We have a strategy and it has remained constant. It is to participate alongside the international community in supporting the development of democracy, peace and security in Iraq …
>
> "Any immediate withdrawal, or one determined by arbitrary timeliness or under the threat of terror, would hand over Iraq to the terrorists and be a victory for terrorism – not only in Iraq but in wider international terms."

438. On 16 November, at the request of the ISOG, the JIC considered the prospects for the election.[204] It assessed that:

> "Even with international pressure, the process of forming a new Iraqi cabinet after December's election is unlikely to be swift: we expect a period of protracted wrangling, well into early 2006, during which time there will be no effective government. Negotiations will centre on the number of Ministerial slots for each political group; the relative importance of each slot; and the personalities of individual candidates. We expect vigorous arguments from Sunni Arabs to keep out 'Iranian-backed' politicians, and from Shia to deny 'Ba'athists' senior office."

439. The JIC judged that the new Assembly was likely to be more politically complex than the TNA, with greater influence wielded by both Sunni Arabs and Sadrists.

440. The new Ministerial team would need to reflect that complexity. On the one hand, this would demonstrate a more inclusive approach, which would undermine the causes of the Sunni insurgency; on the other, the inclusion of credible Sunni figures would add to the government's fragility.

441. In a telegram to London reflecting on the likely departure of Prime Minister Ja'afari and who might succeed him, Mr Patey wrote:

> "Like the TAL, the Constitution provides for a weak Prime Minister, dependent on consensus. Any successor to Ja'afari will have a hard time managing what will still be a large, unwieldy and ill-disciplined coalition and increasingly independent and self-confident institutions."[205]

442. In a video conference on 22 November, Mr Blair reported to President Bush that Sunni outreach activity seemed to be bearing fruit.[206]

---

[204] JIC Assessment, 16 November 2005, 'Iraq: Election Prospects'.
[205] eGram 18722/05 Baghdad to FCO London, 19 November 2005, 'Iraq: After Ja'afari, What Next?'.
[206] Letter Quarrey to Siddiq, 22 November 2005, 'Prime Minister's VTC with President Bush: Iraq'.

443. The minute given to Mr Blair by his Private Secretary in preparation for the discussion said:

> "Some of our Sunnis [sic] contacts have raised the possibility of co-ordinated cease-fires in the run-up to the elections. We need to be careful not to signal any equivalence between MNF/ISF activity on the one hand and the insurgency on the other. But we should explore the scope for local deals which would help draw in those who are close to the insurgency but politically biddable".[207]

444. The Private Secretary also suggested that the possibility of detainee releases should be considered as part of the approach to Sunni outreach.

445. A senior government official specialising in the Middle East (1) wrote on 25 November with an update, and reported that:

> "A senior Sadrist close to Muqtada al-Sadr, who is a member of the Iraqi nationalist trend opposed to Iranian influence in Iraq, has confirmed through a UK-based intermediary that he is prepared to meet [one of the senior official's colleagues] in either [another location] or London … He may be able to act as a channel from HMG to al-Sadr but could also shed light on the fractures within the Sadrist movement. I have previously suggested the need for us to test out this channel if we are to seek to rely on it in case of security need in MND(SE)."[208]

446. On 25 November, Gen Walker wrote to Dr Reid with an outline of the main issues he had identified during a visit to Iraq from 22 to 23 November.[209]

447. Gen Walker reported:

> "Levels of consent from MNF presence were slowly declining throughout the AOR [Area of Operations]. When considering military activity in the AOR, broadly 60 percent of our effort was devoted to force protection and sustainment of the UK laydown, 30 percent to SSR [Security Sector Reform] and just five percent or so to UK COIN [counter-insurgency]."

448. Under the heading "Where Are We?" Gen Walker reported that an Iraqi insurgency remained active and was targeting the political process. The new Constitution was not viewed as a national compact, although the majority of the Sunni population was committed to the political process. The upcoming election and perceptions of sectarian conduct by some Ministries were inhibiting progress.

---

[207] Minute Phillipson to Prime Minister, 22 November 2005, 'VTC with President Bush'.
[208] Minute senior government official specialising in the Middle East (1) to Asquith, 25 November 2005, '[NAME OF OPERATION] update II: [Plan] to influence the Electoral outcome in Iraq'.
[209] Minute CDS to SofS [MOD], 25 November 2005, 'CDS's Visit to Iraq 22-23 Nov 05'.

449. Looking ahead, Gen Walker told Dr Reid that a new campaign plan had been drafted by Gen Casey and Ambassador Khalilzad, which sought to:

- develop processes and machinery to remove corrupt officials;
- seize the resources of terrorists and foreign fighters;
- address sectarian, corrupt or subversive activities by the ISF;
- create an electricity plan for the next year;
- ensure that food reached the most needy and test the elimination of subsidies for food and fuel; and
- disrupt the flow of illegal resources into Iraq, particularly from Iran and Syria.

450. Gen Walker advised Dr Reid that:

> "The jury is out on the pilot PRTs – both amongst the military and the diplomats. Whatever the outcome, I recommend an early bid to run them in the four MND(SE) provinces to save us heartache later. If we don't, they have the potential to fix us through force protection requirements at places and for periods not of our choosing."

451. On transition, Gen Walker wrote:

> "Nothing I heard indicated that our transition aspirations are flights of fancy. Gen Babakir may have been optimistic in his assessment of the speed with which the IA would be in a position to assume the security role (by late 06) but I suspect much will hinge on the view of the new government."

The kidnapping of Mr Norman Kember

On 26 November, at 1430 local time, Mr Norman Kember and three others – Mr Harmeet Singh Sooden and Mr James Loney, both Canadian, and US citizen Mr Tom Fox – were kidnapped in Baghdad.[210] The van in which they were travelling was hijacked in the northwest part of the city after a leaving a meeting with members of the Muslim Ulema Council.

Two of the four worked for an NGO called Christian Peacemaker Teams (CPT), and the other two, including Mr Kember, were in Iraq as guests of CPT.

The UK Government's emergency response mechanism – COBR – was activated in relation to Mr Kember's kidnap.

The body of Mr Fox was found in the Mansour district of Baghdad on 9 March 2006.[211]

Two weeks later Mr Kember, Mr Sooden and Mr Loney were rescued from captivity in a house in western Baghdad in an operation involving UK, US and Canadian forces.

---

[210] Briefing [unattributed], 28 November 2005, 'Kidnapping of Norman Kember – Baghdad, Iraq – Saturday 26 November 2005'.
[211] *BBC News*, 23 March 2006, *British Iraq hostage Kember freed*.

452. President Bush set out his strategy for Iraq in a speech to the US Naval Academy in Annapolis on 30 November.[212]

453. The British Embassy Washington commented that he had invoked the spirit of Churchill and Roosevelt: the US objective in Iraq was "nothing less than complete victory". He had acknowledged the validity of debate but said that an "artificial timetable" would be wrong. President Bush had anticipated US troop reductions as Iraqi forces stood up, but had avoided timelines.

454. In parallel with the President's speech, the National Security Council published its "National Strategy for Victory in Iraq".[213]

455. The strategy set out three stages of victory in Iraq:

> "– Short term, Iraq is making steady progress in fighting terrorists, meeting political milestones, building democratic institutions, and standing up security forces.
>
> – Medium term, Iraq is in the lead defeating terrorists and providing its own security, with a fully constitutional government in place, and on its way to achieving its economic potential.
>
> – Longer term, Iraq is peaceful, united, stable, and secure, well integrated into the international community, and a full partner in the global war on terrorism."

456. The strategy was "conditions based" and did not set a date by which it would be achieved because:

> "No war has ever been won on a timetable and neither will this one."

457. The strategy said that US force posture would change with conditions in Iraq. It was expected that some changes in posture would take place over the following year "as the political process advances and Iraqi security forces grow and gain experience".

458. At the FCO's request, the JIC considered the relationship between Iran and Iraq on 30 November.[214]

459. The Assessment reiterated earlier JIC judgements that the Iranian leadership aspired to:

> "… help create a stable and unified Iraq which is Shia-led with a strong Islamic identity; open to Iranian political and commercial influence; unable to pose a military threat and inclined to defer to Iran over issues of mutual interest; and free of significant Western influence."

---

[212] eGram 19675/05 Washington to FCO London, 1 December 2005, 'Iraq/US: Bush's speech and the public debate'.
[213] National Security Council, November 2005, 'National Strategy for Victory in Iraq'.
[214] JIC Assessment, 30 November 2005, 'Iran and Iraq'.

460. The JIC judged that Iran would continue to encourage some Shia extremists to attack coalition forces with the aim of deterring further Western military involvement in the region. But in pursuit of long-term stability, a Shia-led government was likely to have Iranian support in tackling Sunni insurgency, including the jihadist campaign. Although the next Iraqi government might be less sensitive to Iranian interests than the ITG, the JIC judged that the Iranians would:

> "… work hard to maintain and if possible improve their position, keeping up links … with its existing Shia allies … [and] Kurdish parties, and seeking new ones, perhaps even with some Sunni Arab groups. Of all Iraq's neighbours, Iran will maintain the greatest influence."

December 2005

461. On 1 December, members of DOP(I) considered a paper on introducing PRTs.[215]

462. A paper written by the IPU recommended that the UK should establish a PRT structure in southern Iraq, adapting the US model to suit the circumstances in each province.[216] The IPU recommended creating one ("mini") PRT in each province, then moving to a "single super-PRT" in Basra. The first could be up and running by February 2006.

463. The IPU anticipated only "benefits at the margins" from the new structure.

464. Mr Straw explained that the paper "proposed that we went along with the United States' proposal for the creation of PRTs across Iraq but without disrupting our own plans for military transition".[217]

465. Dr Reid agreed that the UK response should be positive, but stressed the need to keep control of and tailor developing PRT plans in the provinces where the UK was directly involved.

466. Sir Nigel Sheinwald held a series of meetings with senior Sunni representatives outside Iraq from 7 to 8 December.[218] In each discussion, he set out that:

> "The Prime Minister wanted a stable, united, democratic and prosperous Iraq. A true democracy respected the views of the majority but also protected the rights of minorities. If the Sunni community wanted a fair share of power we would work to support that objective. But we would not support a return to domination. We were under attack primarily from the Sunni community, even though we were their best guarantors of a fair outcome, as the constitutional negotiations showed. Sunni violence was counter-productive. It could not defeat the MNF or change the

---

[215] Minutes, 1 December 2005, DOP(I) meeting.
[216] Paper IPU, 28 November 2005, 'Iraq: Provincial Reconstruction Teams'.
[217] Minutes, 1 December 2005, DOP(I) meeting.
[218] Letter Quarrey to Siddiq, 9 December 2005, 'Iraq: Sunni Outreach'.

international community's approach. But it did drive the Shia further toward Iranian influence and prolong the presence of the MNF.

"The Sunnis had made a mistake in not taking part in January's elections. We welcomed the recent change of mood. We wanted full participation in December's elections, leading to an effective and representative government.

"We wanted the Sunni leadership to commit to: encouraging participation in the political process; reducing violence before the elections and sustaining the calm after the elections; removing foreign fighters; and using their influence to release hostages and end the practice of kidnapping, which did grave damage to Iraq's reputation. In return we were prepared to discuss transition (though this would remain conditions based – we would not leave a security vacuum), MNF tactics, de-Ba'athification and detainee releases.

"The Prime Minister was committed to taking forward this dialogue, which he had discussed with President Bush. Bush was aware of these meetings. In summary, we wanted to develop a shared, balanced agenda with Sunni leaders."

467. Following Sir Nigel Sheinwald's meetings, Mr Blair asked officials to keep in touch with those he had spoken to and to consider whether Sir Nigel should have a further series of meetings in early 2006.[219]

468. Mr Blair also asked Mr Patey and Lt Gen Houghton to relay specific messages to their US interlocutors on the need for the MNF to give the Sunnis space before the elections; to work for local cease-fires and avoid major offensive operations afterwards; and to look at some detainee cases with a view to early release if the names given to Sir Nigel presented no significant security threat.

469. The British Embassy Baghdad, in concert with the US, called on Sunni Arab interlocutors to halt attacks on the MNF and on Iraqi Security Forces over the period of the December 2005 Iraqi elections.[220]

470. Gen Casey promised to suspend major operations during the elections; in return, the National Consensus Front called on 12 December for jihadists and insurgents to cease operations between 13 and 18 December. There were two significant releases of detainees.

471. On 12 December, Major General James Dutton, GOC MND(SE), sent his end of tour report to ACM Torpy.[221]

472. Maj Gen Dutton described the victim-initiated Passive Infrared Explosively Formed Projectile as the "dominant feature" of his last four months in Iraq. It had restricted

---

[219] Letter Quarrey to Siddiq, 12 December 2005, 'Iraq: Sunni Outreach'.
[220] eGram 21055/05 Baghdad to FCO London, 17 December 2005, 'Iraq: Sunni Arab Outreach'.
[221] Report Dutton to Torpy, 12 December 2005, 'June to December 2005 – Hauldown Report'.

freedom of manoeuvre and inhibited SSR by necessitating the movement of military resources away from SSR and onto security and stability operations and self-protection.

473. On Basra province, Maj Gen Dutton wrote:

> "… there is still much work to be done (in particular with the Police) but we are going to remain in Basra for the longest time. I continue to believe that we can assist in an internal reformation of the Basra Police if we really want to … The more resources we can apply, the quicker they [the Iraqis] can be ready to take control themselves."

474. Mr Blair and President Bush spoke by video conference on 13 December, two days before the Iraqi election.[222] Mr Blair said things were "looking good" for the election and proposed pushing for a new government to be in place by the end of January. He felt that "there was a sense of ordinary politics for the first time".

475. Mr Blair also felt that a "turning point" may have been reached on Sunni engagement, with some Sunni leaders distancing themselves from the insurgency and wanting to participate in the political process.

476. On 14 December, the eve of the Iraqi election, the JIC updated its July 2005 assessment of the Sunni insurgency in Iraq.[223] Its Key Judgements included:

> "I. In Sunni areas of central and northern Iraq the insurgency is firmly entrenched and shows no sign of diminishing. The underlying long-term trend of attacks has been upwards. Sectarian violence has also continued to escalate.
>
> "II. The driving force of the insurgency are **Iraqi Arab Sunni nationalists**. They are responsible for most attacks … dialogue between Sunni insurgents and politicians is increasing and they share some political goals. Improved Sunni political cohesion could strengthen the ability of Sunni politicians to influence the insurgents …
>
> …
>
> "IV. Not all Sunni expectations will be met but if the next Iraqi government could deliver on at least some, alienation of the Sunni community could be reduced … The possibility of isolating the jihadists and other hard-core rejectionists could be enhanced, although the risk of sectarian violence will remain.
>
> "V. In such circumstances the Iraqi Sunni Arab nationalist insurgency might slowly begin to reduce. But a hard-core is likely to remain irreconcilable and reject the political process. We continue to judge that a significant insurgency in Sunni areas will persist beyond 2006.
>
> "VI. The **jihadists** also reject the political process and are determined to fight on. They are a minority within the overall insurgency but have disproportionate impact:

---

[222] Letter Quarrey to Siddiq, 13 December 2005, 'Prime Minister's VTC with President Bush: Middle East'.
[223] JIC Assessment, 14 December 2005, 'The Iraqi Sunni Insurgency: Where Next?'

they are responsible for most suicide attacks. Jihadist groups are now predominantly Iraqi. We see no sign that their campaign is abating."

477. Iraq's parliamentary election took place on 15 December. Mr Patey reported to the FCO that the day had passed off peacefully with no major security events.[224]

478. Initial predictions of turnout were that it had been significantly higher than for the January 2005 elections, particularly in Sunni Arab areas, including Anbar.

479. The election was monitored by more than 300,000 observers and the initial assessment of the International Mission for Iraqi Elections was that it had generally met international standards.

480. Mr Asquith told the Inquiry:

"I think we did enough to get them [Sunni Arabs] to vote in December 2005. Did we do enough thereafter in continuing that relationship? Possibly not. In retrospect, I think we thought we had done the job."[225]

481. Mr Straw and Secretary Rice discussed the election on 17 December.[226]

482. Mr Straw said that DOP(I) was concerned that the Iraqi parties should have access to expertise on forming a coalition, including developing a coalition agreement and methods of dispute resolution. The UK was talking to the Italians and the Germans about what expertise they might offer.

483. Papers for the final DOP(I) meeting of 2005, on 20 December, included a post-election work plan by the IPU, an update on progress with Iraqiisation and a note on the handover of security responsibility.[227]

484. The work plan described the UK's immediate objectives post-election as:

"
- A **short and well-managed** interregnum between Transitional Government and the next Government, leading to;
- **Rapid formation of a competent and representative Government**, legitimate in the eyes of all Iraq's communities, followed by;
- A **limited number of key decisions** (which serve the Iraqi people and partnership between Iraq and the coalition) taken quickly and visibly, in parallel with;
- Increasing Sunni Arab political participation and;
- Smooth progress in the South-East towards transition

---

[224] eGram 20961/05 Baghdad to FCO London, 16 December 2005, 'Iraq: Elections: Election Day'.
[225] Private hearing, 15 June 2010, page 50.
[226] Letter Straw to Sheinwald, 19 December 2005, 'Conversation with US Secretary of State, 17 December'.
[227] Agenda Cabinet Office, 20 December 2005, 'DOP(I) Meeting: Agenda'.

- Visible **international commitment,** in context of 2006 partnership with Iraq."[228]

485. The IPU hoped that it might be possible for an Iraqi government to be formed by the end of January, six weeks after the election.

486. At DOP(I) on 20 December, Mr Patey cautioned that there could be a tension between the desire for a representative and effective government and the hope that it could be achieved rapidly.[229] If that were the case, he judged that a representative and effective government would be more important than speed.

487. Mr Blair told DOP(I) that he had discussed US/UK engagement in forming the new government with President Bush. They were agreed that full engagement was necessary and legitimate. Ambassador Khalilzad and Mr Patey:

> "… should be clear that they had a mandate to send a tough message to the Iraqis, particularly to the Kurds, about our expectation that they should use their bargaining power to push for a moderate, centrist government. Our support for them rested on them doing so."

488. In a paper on the handover of security responsibility, the MOD reported that the development of the ISF was "broadly on track". The two key challenges remained agreeing what the role of the Iraqi Government should be in defining the handover plan; and the capacity of the Iraqi administration and Security Forces to assume responsibility, given the risk of increasing sectarianism and militia infiltration.[230]

489. Lt Gen Houghton spoke to the MOD paper at the meeting.[231] He reported that the development of the ISF in southern Iraq was "going well". The Iraqi Army in particular had progressed well although they would need support for another year and further work was needed on counter-insurgency operations and logistics. Police capacity lagged behind, as per the original US military plan for ISF development.

490. The record of Mr Blair's video conference with President Bush on 20 December shows that Mr Blair argued that communication with the Sunni community needed to continue: "We needed a sense that we were starting to split people away from the insurgency."[232]

491. Mr Blair suggested that a reduction in the level of violence would have a dramatic political impact and that it was important to "set out the forward perspective" on security, in order to "cement the changes brought by the election".

---

[228] Paper IPU, 16 December 2005, 'Iraq: Post-Election: UK Work Plan'.
[229] Minutes, 20 December 2005, DOP(I) meeting.
[230] Paper MOD, [undated], 'Ensuring the Iraqis are Ready for a Handover of Security Responsibility'.
[231] Minutes, 20 December 2005, DOP(I) meeting.
[232] Letter Quarrey to Siddiq, 20 December 2005, 'Prime Minister's VTC with President Bush: Middle East Issues'.

492. Sir Nigel Sheinwald sent the UK's post-election work plan to Mr Hadley on 21 December.[233] Sir Nigel observed that "early action will be needed with Shia and Kurdish politicians to promote the broad-based and inclusive government the Prime Minister and President want".

493. On 21 December, ACM Torpy warned Lt Gen Fry that "we need to press ahead rapidly, to keep the initiative" on PRTs.[234]

494. ACM Torpy wrote that MOD funding might be needed if "as first indications suggest, neither FCO nor DFID can find any further financial resources". He observed that "we will also need to push the other Departments to deploy the staff necessary to get the PRTs off the ground quickly".

495. Mr Straw spoke by telephone to President Talabani on 21 December. He emphasised:

> "… the process of de-Ba'athification should not be allowed to derail the formation of a new Government. It was important that Sunni Arabs did not feel excluded, with the risk that the insurgency would continue and escalate to civil war."[235]

496. Mr Blair visited Basra on 22 December to meet British troops and civilians based there.[236] He also had a discussion about the political process following the election and about security issues with senior UK and US diplomats and military officers including Gen Walker and Gen Casey.

497. Mr Blair's Private Secretary reported that:

> "The Prime Minister said we needed to keep the political and military strategies in synch. What were the prospects for eg further detainee releases and negotiated local cease-fires? Casey said the US were working on further, large-scale releases. But these had to be part of a wider reconciliation process and secure some movement from the other side. We would also have to look carefully at the reintegration process, as detainees were often radicalised by their experience of detention."

498. Mr Blair told the group of diplomats and military officers that the US and UK would need to work quickly with the new government "on a forward perspective", covering security and Iraqiisation and MNF drawdown as well as the government's broad programme which "could serve as a rallying point for international support to the new government".

---

[233] Letter Sheinwald to Hadley, 21 December 2005, 'Iraq'.
[234] Minute CJO to DCDS(C), 21 December 2005, 'Key Operational Issues for Early 2006'.
[235] Email Wilson to Asquith, 22 December 2005, 'Foreign Secretary's Call to Talabani: 21 Dec'.
[236] Letter Quarrey to Hayes, 22 December 2005, 'Iraq: Prime Minister's Visit to Basra'.

499. On 23 December, Mr Blair sent a Note to President Bush.[237] It began:

> "We are agreed on the strategy: hands-on; to form a unity government; with a competent team in charge, especially of MOI and MOD. How?"

500. In answer to that question, Mr Blair proposed that:

- US and UK political teams should be highly active, which he commented was "clearly happening";
- Sunni outreach should be maintained so that the Sunni community knew that "whatever happens in the election we are the guarantors that they won't be cut out";
- Mr Allawi should be "bound in to a role";
- neighbouring Arab states should be encouraged to support Iraqi Sunnis;
- the Kurds should be told to engage constructively;
- the US and UK should respond to Grand Ayatollah al-Sistani's legitimate concern about too rapid a withdrawal of the MNF by making clear that "the price of our staying is a 'unity Government'";
- the US and UK should reach out to Muqtada al-Sadr; and
- the UN should play a "real role", including by endorsing the unity government approach.

501. Mr Blair suggested that these actions should be "tracked and reported on" by the US and UK on a weekly basis. He wrote:

> "I came back convinced, more than ever, that this is 'make or break', with Iraqis basically wanting unity but lacking the guidance to get there. We should be the guides."

502. In the final section of his Note, Mr Blair wrote: "Part of the whole business is about communication." He considered that in Iraq there was still a "massive level of misunderstanding" of coalition motives and proposed that as soon as possible after a new government had been formed "we publish a roadmap or forward vision" as the joint work of the Iraqis and the coalition, endorsed by the UN.

503. That should set out a programme for completing Iraqi security capability, a phased drawdown of the MNF with conditional timelines, a programme of reconstruction and a set of political goals. Mr Blair concluded: "Of course, it all depends on getting a good government!"

504. On the last day of 2005, Mr Patey reported:

> "There are a number of contenders for the post of Prime Minister in the new government … Realistically we expect the battle to come down to a showdown

[237] Letter Quarrey to O'Sullivan, 23 December 2005, 'Iraq' attaching Note [Blair to Bush], [undated], 'Iraq'.

between the two principal UIA contenders, Adel Abdul Mehdi (SCIRI) and Ibrahim Ja'afari (Dawa). We see little sign of any willingness from any of the principal parties in the UIA … to switch their support from their first choice candidate … and no chance that they would allow even a Shia outsider … to take the job."[238]

505. Mr Patey advised that the UK should not express a preference for a particular candidate but should continue to encourage all the parties to agree a broad-based representative coalition.

506. Mr Patey reported that he had been:

"… pressed by some for an indication of the UK's preferences, particularly on candidates for Prime Minister. I have emphasised to all my interlocutors that, while the UK has a clear interest in the outcome, our priority is for an acceptable overall package ensuring a broadly effective and balanced government, containing competent Ministers who should be non-sectarian, particularly where the key security positions are concerned."

January 2006

507. Lt Gen Houghton reported to Gen Walker on 1 January that Gen Casey was considering how best to prioritise and implement the various elements of the military campaign (defeating terrorism, neutralising the Sunni insurgency and supporting transition to effective ISF) in 2006 and how to respond to US political aspirations for significant troop level reductions.[239]

508. In Lt Gen Houghton's view, "the principal focus for 2006 should be the support to Transition" with a campaign that focused on:

- building ISF capacity, with particular focus on the police and the security ministries;
- reducing MNF presence and visibility and putting ISF increasingly in the lead;
- resourcing the stabilisation (principally by ISF) of the nine strategic cities;
- increased use of the "soft elements of power rather than a kinetic approach";
- addressing the problem of militias; and
- accelerating progress in establishing the Rule of Law.

509. Lt Gen Houghton indicated that he thought that this type of focus on transition was likely to be Gen Casey's preferred approach, but "it may not play well to US aspirations for the defeat of terrorism". He also commented that he thought that Gen Casey was

[238] eGram 21805/05 Baghdad to FCO London, 31 December 2005, 'Iraq: Formation of New Government'.
[239] Minute Houghton to CDS, 1 January 2006, 'SBMR-I Weekly Report (193) 01 January 06'.

unlikely to wish to reduce US force levels by more than five brigades by the autumn. He concluded:

> "Of course, the Iraqis also have a vote – and I continue to judge that accelerated transition (aka an end to occupation) will be their determined intent."

510. Lt Gen Houghton also reported "widespread, largely Sunni, demonstrations against electoral fraud".

511. In a meeting with former Prime Minister Allawi in early January, Mr Blair emphasised that the UK intended to be much more "hands on" in helping to form a government this time round:

> "It was essential to promote the emergence of a unity government … The US/UK could not of course force the formation of an NUG [National Unity Government] but there was strong international support for this among regional governments and from the UN … as well as the coalition. Within Iraq also, there was strong disposition for an NUG …"[240]

512. In discussion with President Bush on 10 January, Mr Blair said that it would help to unlock outstanding aid pledges if the new government set out a "forward programme" covering security, coalition posture and reconstruction, which the UN and the coalition could get behind:

> "This would allow us to explain again that we were only in Iraq to help a democratic government withstand anti-government forces, and that a reduction in violence would make it easier for us to draw down."[241]

513. Mr Straw visited Basra and Baghdad in early January.[242] He met representatives of political parties from all the main communities, reinforcing the need for a unity government. In his view, achieving that mattered more than who became Prime Minister.

514. Mr Straw reported to Mr Blair that some Sunni representatives told him that they had been "cheated out of seats". He responded that "they must accept the election results once confirmed or they will be pitting themselves against the whole international community".

515. In preparation for a discussion at DOP(I) on 12 January 2006, the British Embassy Baghdad submitted "a plan for engagement with Sadrists".[243] The Embassy proposed to approach senior figures with Sadrist links who could ultimately persuade Muqtada al-Sadr that dialogue would be in his interests.

---

[240] Letter Prentice to Quarrey, 3 January 2006, 'Prime Minister's meeting with Iyad Allawi, Amman, 2 January'.
[241] Letter Quarrey to Siddiq, 10 January 2006, 'Prime Minister's VTC with President Bush: Middle East issues'.
[242] Letter Straw to Prime Minister, 11 January 2006, 'Iraq: Post-Elections and Government Formation'.
[243] eGram 343/06 Baghdad to FCO London, 8 January 2006, 'Iraq: Sadrist Outreach'.

516. At DOP(I) on 12 January, Mr Straw said that "the key issue was how we encouraged the creation of a credible, sustainable government of national unity in Iraq".[244]

517. During his recent visit, Shia contacts had told him that they were finding it "increasingly difficult to restrain their community in the face of Sunni insurgent activity" and felt the UK and the coalition were showing too much partiality to the Sunnis.

518. In discussion, (unidentified) attendees made the points that:

> "The longer the political vacuum continued, the greater the risk of losing momentum and of seeing a further deterioration in security. However, it was essential to get the new Iraqi government right and this might result in delay.
>
> "We should continue to emphasise to the Shia that the Sunnis must participate in the next government as of right, on the basis of the results of the elections."

519. On 15 January, Lt Gen Houghton reported that Gen Casey had returned from Washington with "political cover" for two key issues: that transition would be the central focus of the Campaign Plan during 2006 and that there would be no political demand for troop reductions beyond what Gen Casey was content with.[245]

520. Lt Gen Houghton wrote that:

> "The emphasis on transition has had the effect of bringing some of the practicalities and difficulties into sharp focus. From the perspective of MND(SE) there are a number of local challenges: the Japanese, PRTs, logistic practicalities and US concerns regarding the Iranian border. I judge that all of these can be finessed … The major threat to UK aspirations for transition is one of timing and derives from the desire for the Iraqi government to be the authority for making the decisions on provincial transfer. It is in this context that the early seating of the next government is important … for every week beyond the end of February that the government fails to form, a further week must be added to the anticipated timing of transfer …
>
> "What we must avoid doing at all costs, I judge, is to do our own thing (unilaterally) regardless of the niceties of the internal Iraqi process. I say this for two primary reasons:
>
> a. First the UK is acknowledged to be the USA's primary strategic partner in Iraq, with a proportionate political and military investment. To break company with the US on the process of transition would be to risk undermining that strategic partnership …

---

[244] Minutes, 12 January 2006, DOP(I) meeting.
[245] Minute Houghton to CDS, 15 January 2006, 'SBMR-I Weekly Report (195) 15 January 06'.

b. Second, the Iraqis believe in the UK's commitment to their newly won Iraqi sovereignty. They anticipate that we will depart, not in the manner of our arrival, but at the invitation of the sovereign government.

"Against this background, it is very important that MND(SE) are forward leaning in selling their transition plan up the coalition chain of command. There is a lingering suspicion in Baghdad, borne of events last September, that MND(SE) is an independent UK fiefdom run from London, rather than a fully integrated coalition partner. It is important that our coalition credentials are immaculate during what will be an occasionally fractious period."

521. On 17 January, Mr Blair suggested to President Bush that "most Iraqis" wanted a unity government but "were not sure how to get there".[246]

522. The Italian Government announced on 19 January 2006 that it hoped to withdraw Italian troops from the province of Dhi Qar by the end of the year.[247]

523. The uncertified results of December's election were announced on 20 January.[248]

524. The United Iraqi Alliance gained the highest number of seats (128) but fell short of the 138 required for an absolute majority. Mr Patey reported that the abnormally high turnout figures for some areas suggested either inaccurate voter registration or electoral fraud, which would need to be addressed before further elections could be held.

---

[246] Letter Quarrey to Siddiq, 17 January 2006, 'Prime Minister's VTC with President Bush: Middle East issues'.
[247] *BBC News*, 19 January 2006, *Italy to pull out of Iraq in 2006*.
[248] eGram 1344/06 Baghdad to FCO London, 23 January 2006, 'Iraq: Elections: Announcement of Uncertified Results'.

Table 1: December 2005 election results

Party	% votes	Seats won
United Iraqi Alliance	41.2%	128
Kurdish Alliance	21.7%	53
Iraqi Tawafuq (Consensus) Front	15.1%	44
National Iraqiya List	8.0%	25
Iraqi Front for National Dialogue (Hiwar)	4.1%	11
Kurdish Islamic Union	1.3%	5
Al-Risaliyun (Progressives)	1.2%	2
Liberation & Reconciliation Gathering	1.1%	3
Iraqi Turkmen Front	0.7%	1
Al-Rafidain (Assyrian Christians)	0.4%	1
Mithal Al-Alousi	0.3%	1
Yezidi Movement	0.2%	1
Other parties/invalid votes	4.8%	0
TOTAL	**–**	**275**

525. Visiting Washington on 20 January, Sir Nigel Sheinwald told all of his interlocutors (from the National Security Council, State Department and Department of Defense) that Mr Blair placed importance on "seizing the opportunity presented by the elections".[249]

526. That meant moving quickly to form a genuine unity government, with capacity to make and implement decisions. Sunni outreach should continue, and the new government should make "an early, comprehensive statement of their programme". That would set the context for a "conditions-based drawdown of forces in MND(SE)".

527. Diplomatic reporting from Baghdad in early 2006 was heavily focused on the formation of a new government. As the reports contained accounts of private discussions with individual politicians, many of whom remain active in Iraqi politics, the Inquiry will not give a detailed description of them.

528. Mr Asquith told the Inquiry that after the election "there was a series of visits from the Foreign Secretary, and from senior officials to Iraq, to Baghdad, to try and persuade the politicians, the Iraqi politicians, to come to agreement".[250]

[249] Letter Phillipson to Hayes, 21 January 2006, 'Nigel Sheinwald's talks in Washington, 20 January: Middle East issues and Afghanistan'.
[250] Private hearing, 15 June 2010, page 21.

529. Evidence seen by the Inquiry confirms that in January and February the UK stepped up its efforts to encourage the Iraqis to form a broad and inclusive government of national unity through high-level visits and rounds of phone calls.[251]

530. On 17 January, Dr Roger Hutton, MOD Director Joint Commitments Policy, provided Dr Reid with advice on the timing and detail of the deployment of UK forces to Helmand province.[252]

531. Dr Hutton advised that the Chiefs of Staff recommended the immediate deployment of the full Helmand Task Force (HTF), and that they believed the three conditions for this set by Dr Reid had now been satisfied; there was a coherent UK force posture in Helmand; there was a coherent NATO force posture for Afghanistan; and other UK government departments were prepared to engage in a coherent cross-departmental effort in Helmand.

532. The Chiefs of Staff's recommendation was "also crucially dependent" on fulfilling three criteria, including:

> "Achievability within current UK commitments. The HTF, taken together with the HQ ARRC [Allied Rapid Reaction Corps] deployment, calls on a variety of capabilities, and a lengthy and complex logistic tail. With the continued commitment to Iraq through 2006, this presents significant but manageable challenges, particularly for logistic enablers (including air transport). During this period we will still be able to undertake immediate contingency operations, but on a limited basis."

533. The advice was considered by a group of Ministers and officials, known colloquially as the "Reid Group", on 18 January, and they agreed to recommend that the UK proceed with the immediate deployment of the full HTF.

534. Dr Reid wrote to Mr Blair the following day, to say that the Ad Hoc Ministerial Group recommended to Cabinet that the UK should proceed with a full deployment of the HTF to Afghanistan.[253] Dr Reid would be seeking a discussion and decision at Cabinet on 26 January.

535. Dr Reid's letter recalled the assurances he had been given, including that "UK forces can meet the planned level of commitments in Iraq and Afghanistan, though some capabilities will be tight". He recognised that Mr Browne was "disappointed" at the anticipated additional call on the Reserve, but explained:

> "I have assured him that we will look at how the changing complexion of our operations in Iraq and the Balkans might, with the agreement of Other Government

---

[251] eGram 359/06 Baghdad to FCO London, 9 January 2006, 'Iraq: Visit by Foreign Secretary, 6-7 January 2006: Elections and Formatio[n]'; eGram 3684/06 Baghdad to FCO London, 22 February 2006, 'Iraq: Foreign Secretary's visit, 20-21 February 2006: Formation of Govern[ment]'; Minute Bayley to Foreign Secretary, 16 January 2006, 'Iraq: Keeping up the Momentum – Proposed Telephone Calls/Visit'.
[252] Minute Hutton to APS/SofS [MOD], 17 January 2006, 'Afghanistan Deployments'.
[253] Letter Reid to Blair, 19 January 2006, [untitled].

Departments, provide savings against the Reserve over the period of the Helmand deployment."

536. Lord Walker told the Inquiry:

"We were being asked can we do this, and we said, 'Yes, we can do it and this is the penalty we pay' but none of those penalties were sufficient, I think, for us to say 'Those are so grave that you should not do this.' So we were giving them the advice, which they were following. I don't think we had any difficulty with that."[254]

537. Lt Gen Fry told the Inquiry that, although some people argued that further commitments should not be taken on until it was clear that the UK could draw down significantly in Iraq, there were a lot of competing arguments, including "a view within the British army that they could have more success in Afghanistan than they could have in Iraq".[255]

538. As planning for transition continued, Mr James Tansley, the British Consul General in Basra, reported on 20 January that:

"There is some nervousness, particularly in US circles, that if the British military leave Maysan then the border would become more porous to the smuggling of weapons. But this argument pre-supposes that MND(SE) have control over the border, which they do not (and nor realistically could they with current resources). Their efforts have rather been on building capacity in the DBE [Department of Border Enforcement], which is likely to continue post-election. There is also a less defined concern about Iranian influence. But again it is difficult to see how military transition would affect that."[256]

539. Mr Tansley added:

"The situation … in Maysan and Muthanna underlines why PRTs in those provinces are not required. Military transition will mean no international staff will be stationed in Maysan and Muthanna, and travel there by them is likely to be only possible with military escort (it would likely require a battle group)."

540. On 24 January, Gen Walker wrote to Lieutenant General David Richards, Commander of the ARRC, to summarise the UK's position.[257] Gen Walker described:

"… the very tight capability and resource position that HMG and the British Armed Forces currently face, with two concurrent medium scale operations in prospect soon in Iraq (UK's top foreign policy priority) and Afghanistan, together with a range

---

[254] Public hearing, 1 February 2010, pages 57-58.
[255] Public hearing, 16 December 2009, pages 96-97.
[256] eGram 1266/06 Basra to FCO London, 20 January 2006, 'Iraq: Military Transition in Maysan and Muthanna'.
[257] Letter Walker to Richards, 24 January 2006, [untitled].

of other concurrent commitments around the world including an enduring small scale deployment in the Balkans."

541. Gen Walker returned to the issue of resources later in his letter:

"Militarily, the UK force structure is already stretched and, with two concurrent medium scale operations in prospect, will soon become exceptionally so in niche areas."

542. When he spoke to President Bush on 24 January, Mr Blair suggested that they should maintain a very firm line that only a national unity government would be acceptable.[258]

543. The decision to deploy to Helmand was approved in Cabinet on 26 January 2006.[259]

544. The minutes record that Dr Reid "was looking carefully at where the burden on our troops could be reduced, including in Iraq and Bosnia and hoped to be able to report troop and cost reductions in coming months".

545. Mr Blair concluded that:

"The Ministry of Defence and FCO should continue to discuss with Her Majesty's Treasury the opportunities to draw down force levels in other operational areas, including the Balkans."

546. That afternoon, in a statement to Parliament, Dr Reid announced that the UK was "preparing for a deployment to southern Afghanistan" which included a PRT as "part of a larger, more than 3,300-strong British force providing the security framework".[260]

547. Dr Reid explained that the total number of UK troops in Afghanistan would fluctuate over the next few months, peaking at 5,700 before reducing to fewer than 4,700 and that:

"The size and structure of the task force has been guided by a careful assessment of the likely tasks and threats that it will face. What matters is that we put the right forces in to do the job and to do it safely and well, and I make no apology if that requires more soldiers than some people originally envisaged."

548. Dr Reid stated that "careful account" had been taken of the UK's other commitments, when determining the size of the deployment: "This deployment is manageable alongside those other, wider commitments, including Iraq. It does not

---

[258] Letter Quarrey to Siddiq, 24 January 2006, 'Prime Minister's VTC with President Bush: Middle East Issues'.
[259] Cabinet Conclusions, 26 January 2006.
[260] House of Commons, *Official Report*, 26 January 2006, columns 1529-1533.

require draw down in Iraq. As we have said continually, that will be based on conditions in Iraq itself."

549. In the debate that followed, Dr Reid commented that he did not consider that "building a modern Afghanistan … will be an easy or a short process".[261] Part of the reason, in his view, was that "unlike Iraq", Afghanistan lacked:

- a central corporate governance, in tradition and structure;
- a developed middle class; and
- mineral resources.

550. Mr Blair told the Inquiry that the proposal to deploy significant numbers to Afghanistan had come from the MOD:

> "… they said it is going to be tough for us, but they said we can do it and we should do it. So in a sense, right at the moment it was difficult in Iraq, we were prepared to make the additional commitment to Afghanistan."[262]

551. In his weekly report on 29 January, Lt Gen Houghton wrote:

> "I am aware that there are many in London who would like a greater degree of certainty about the viability of UK transition plans. I judge that, for the moment, I am not able to give such reassurances … the process for the transfer of security control in the provinces must rest on political and security decisions made in Baghdad … and both decisions have attendant problems:
>
> a. Political – The (Iraqi) political problem regarding decision-making is primarily one of timing. If the new government is not seated until April, then the desired window for the transfer of Maysan will come under severe pressure. But at least the decision itself will be an easy one since the new government are likely to seize on the political benefits that derive from the early transition of certain provinces.
>
> b. Security – The security decision is a more complex one. It is less an issue of meeting the stipulated conditions and more an issue of whether or not General Casey is content with our plan. The most disturbing element of the plan – as viewed through US eyes – is the intent to physically vacate Maysan Province, with the (potentially wrongly) inferred possibility of a less secure border … My judgement is that our plan is sound and will result in a situation in which the border could receive more focused attention and the likelihood of violence will reduce, since so much of it is simply an emotive response to our presence. But we should not underestimate the US concerns about Iranian influence."[263]

---

[261] House of Commons, *Official Report*, 26 January 2006, columns 1529-1533.
[262] Public hearing, 29 January 2010, page 224.
[263] Minute Houghton to CDS, 29 January 2006, 'SMBR-I Weekly Report (196) 29 January 06'.

552. Mr Blair met Secretary Rice on 30 January and set out a proposal that the new Iraqi Government should announce a forward programme, including security transition, soon after it had been formed.[264] Secretary Rice was reported to have agreed.

553. In a video conference with President Bush on the same day, Mr Blair said that he was concerned about the length of time it was taking to form a new government.[265]

February 2006

554. Gen Walker advised DOP(I) on 2 February that, although Gen Casey remained content that the UK should continue to aim for transition in Muthanna and Maysan in May, Gen Casey had raised concerns about the approach during a recent visit to MND(SE).[266]

555. In particular, Gen Casey was worried about "opening up the coalition's flank to Iran". He had also questioned whether the proposed "one-step" model for transition would set an unhelpful precedent for the rest of Iraq.

556. DOP(I) commissioned the MOD to produce a paper reflecting cross-departmental concerns about the handover "based on a robust assessment of the conditions in the two provinces".

557. The following day, a Private Secretary advised Mr Blair that what was needed was for the MOD to "produce a thorough and rigorous analysis of the conditions in Muthanna and Maysan, setting out why these allow for hand over".[267]

558. Mr Blair commented that "there must be no sense of our cutting back unless it is consistent with the state of security".[268]

559. On 3 February, an update for Mr Blair on forming the new government said:

> "Little progress this week, though the main party leaders are now meeting. There is a danger that, in London at least, the system is too focused on security transition … and not enough on government formation … We keep pressing for new thinking on possible forcing mechanisms."[269]

560. Mr Blair signalled with a tick that he agreed a proposal to write to members of DOP(I) expressing concern about the pace of government formation and explaining it should be the main effort in coming weeks.

---

[264] Letter Sheinwald to Hayes, 31 January 2006, 'Prime Minister's meeting with US Secretary of State, 30 January'.
[265] Letter Quarrey to Siddiq, 31 January 2006, 'Prime Minister's VTC with President Bush: Middle East Issues'.
[266] Minutes, 2 February 2006, DOP(I) meeting.
[267] Minute Quarrey to Prime Minister, 3 February 2006, 'Iraq update'.
[268] Manuscript comment Blair on Minute Quarrey to Prime Minister, 3 February 2006, 'Iraq update'.
[269] Minute Quarrey to Prime Minister, 3 February 2006, 'Iraq Update'.

561. Lt Gen Houghton reported similar concerns expressed by Gen Casey in his weekly report on 5 February, but:

> "The good news is that, so long as the conditions are met, he [Casey] is absolutely content with the timeframe for and principle of transition in Maysan and Muthanna. We can brief that to our Ministers with confidence."[270]

562. Dr Reid presented a paper on transition in Maysan and Muthanna to DOP(I) on 15 February.[271] He recommended that, as part of a longer-term plan to achieve a small residual MNF presence in MND(SE) by the end of 2006, both provinces should make the transition in May, which would require a firm decision in early March. Delay would risk a further erosion of Iraqi consent.

563. To assuage US concerns, the plan had been adapted to include a residual UK military presence (of approximately 120 troops) to provide ongoing support and mentoring to the Iraqi army. Dr Reid's paper acknowledged, however, that the MNF had only limited control of the 285km border with Iran.

564. DOP(I) agreed the approach set out in the paper.[272]

565. Mr Blair made clear that his key concern was that the UK should be able to demonstrate clearly that the conditions for transition had been met and that this was as a result of the increasing capacity of the Iraqi Security Forces. The UK should not be handing over for political reasons.

566. In the same meeting Dr Reid, explained that he was concerned to maintain the morale of UK troops in Iraq. While this was, at present, "adequate" and did not affect effectiveness, he believed that the troops felt that they were fighting an asymmetric battle in which the enemy was increasingly bold and their own actions were increasingly constrained.

567. Mr Blair told DOP(I) that a delay in the formation of a government was not necessarily disadvantageous, as it presented an opportunity to exploit underlying splits in the UIA.

568. DOP(I) agreed to pursue contact with Muqtada al-Sadr.

569. Mr Straw visited Baghdad once again from 20 to 21 February, with objectives "squarely on government formation".[273] With all his interlocutors he pressed the case for rapid formation of a government of national unity.[274]

---

[270] Minute Houghton to CDS, 5 February 2006, 'SBMR-I Weekly Report (197) 5 February 06'.
[271] Paper Secretary of State [MOD], 14 February 2006, 'Iraq: Handover of Security in Maysan and al Muthanna Provinces'.
[272] Minutes, 15 February 2006, DOP(I) meeting.
[273] Briefing FCO, 17 February 2006, 'Iraq: Foreign Secretary's Visit, 20-21 February 2006'.
[274] eGram 3684/06 Baghdad to FCO London, 22 February 2006, 'Iraq: Foreign Secretary's Visit, 20-21 February 2006: Formation of Govern[ment]'.

570. Mr Blair gave instructions on 20 February to push forward plans to reach out to al-Sadr, focusing initially on his inner circle, but making clear that an invitation for direct talks was on the table.[275]

571. As the period of time taken to form a new government extended, British military commanders in Iraq observed an increase in violence.[276]

572. Lieutenant General John Cooper, GOC MND(SE) from December 2005 to July 2006, told the Inquiry that the lack of a new national government following the elections in December 2005 created a vacuum "and on the security side, everything was containable but there was this sense of increasing military activity, particularly from the Jaysh al-Mahdi.[277] JAM was increasingly active and better equipped, and benefiting from direct assistance from Iran.

573. On 22 February, the al-Askari mosque in Samarra, the fourth most revered shrine in Shia Islam and the only major Shia shrine under sole Sunni protection, was bombed.[278]

574. Early in the morning, a group of men dressed as Iraqi Police Commandos entered the mosque and detonated explosives beneath its dome, bringing it down.[279]

575. In a video conference with President Bush later that day, Mr Blair commented that an event such as the bombing could become either a moment of unity or a further step into sectarianism.[280] It was important that Shia and Sunni leaders should come together. The US and UK should expose and oppose the terrorists' aim to promote sectarianism, and should consider providing funds for the reconstruction of the shrine.

576. A minute on the bombing written for Mr Blair by his Private Secretary on 23 February said:

> "This could serve as a catalyst for overcoming sectarianism and securing national unity. But there is a risk that (if mismanaged) violence could escalate. The Iraqi Government's response will be crucial. A curfew is in place in Baghdad and Samarra. All police on leave have been recalled: aim is to ensure top security around Friday's prayers in Samarra."[281]

---

[275] Letter Banner to Wade, 20 February 2006, 'Iraq: Muqtada al-Sadr'.
[276] Public hearing Houghton and Style, 5 January 2010, pages 8-9.
[277] Public hearing, 15 December 2009, pages 17-18.
[278] Minute Banner to Prime Minister, 23 February 2006, 'Samarra Shrine Bombing – Background and Update'.
[279] *CNN*, 22 February 2006, *Explosion heavily damages Shiite holy shrine*.
[280] Letter Banner to Siddiq, 22 February 2006, 'Prime Minister's VTC with President Bush, 22 February: Iraq'.
[281] Minute Banner to Prime Minister, 23 February 2006, 'Samarra Shrine Bombing – Background and Update'.

577. The British Embassy Washington reported on 23 February that President Bush had strongly condemned the al-Askari attack.[282] His statement also urged the Iraqi people to exercise restraint, and "to pursue justice in accordance with the laws and Constitution of Iraq".

578. An official from the National Security Council had told Embassy officials:

> "Notwithstanding blanket US media coverage depicting imminent civil war, the Administration were reserving judgement on whether counter-attacks on Sunni mosques and demonstration represented a total breakdown along sectarian lines. The conduct of Friday prayers could be a litmus test of which way events would turn."

579. The JIC reviewed the state of the jihad in Iraq on 23 February.[283] It recorded that the number of suicide bombings in Iraq had fallen by 25 percent since October, but did not know why.

580. The JIC's Key Judgements included:

> "II. al-Zarqawi's Al Qaida in Iraq (AQ-I) and other jihadist groups remain a potent, confident force with proven resilience …
>
> "III. Jihadist groups are now predominantly Iraqi and Iraqi-led. Increasing numbers of Iraqis are becoming suicide bombers. Foreign fighters continue to travel to Iraq but the jihad in Iraq is becoming self-sustaining in manpower, although external funding is still important.
>
> …
>
> "V. Many Iraqi jihadists (and certainly Zarqawi and most foreign fighters) will never be reconciled to the current political process. But some of their Iraqi followers might be, if the new government includes credible Sunni representation and is able to deliver on at least some Sunni expectations. Conversely, continuing Sunni alienation will drive the jihadists and nationalists closer together."

581. The JIC judged that not all members of the Iraqi jihadist groups were driven by Islamist extremism:

> "… the jihadist message of uncompromising resistance to 'occupation' and a government perceived as dominated by Shia and Iran resonates strongly with many Sunnis. The activities of the Ministry of Interior (MOI) security forces, widely believed by Sunnis to be behind a campaign of sectarian assassinations, and the human rights abuses revealed at the MOI detention centres, have served to increase support."

---

[282] eGram 3812/06 Washington to FCO London, 23 February 2006, 'Iraq: Attack on the Al-Askariya Shrine: US Reactions'.
[283] JIC Assessment, 23 February 2006, 'The State of the Jihad in Iraq'.

582. The JIC assessed that a minority of Sunnis regarded suicide attacks on Shia targets as justified. AQ-I was capitalising on the increasing sectarian tensions, and was claiming to have assassinated 26 Badr members since the start of the year under the guise of protecting the Sunni community.

583. On 25 February, the British Embassy Baghdad reported to the FCO on the aftermath of the al-Askari bombing.[284] Mr Patey summarised the situation as:

> "Iraqi politicians begin to pull together. Agreement to a first meeting of the broadly-based National Advisory Committee this evening, 25 February. Khalilzad and I will attend. Level of violence now significantly lower with imposition of curfew helping to reduce number of incidents. 119 confirmed civilian deaths in total to date. But situation remains fragile and vulnerable to a terrorist spectacular."

584. Mr Patey also reported a "well-received" press conference by Prime Minister Ja'afari, "in which he highlighted that those behind the recent violence were using sectarian tensions to provoke a civil war in the country". He had announced the deployment of armed forces to the most affected areas and special measures to protect places of worship across Iraq. Unconfirmed figures suggested that 51 mosques had been attacked in a wave of violence following the al-Askari bombing.

585. Sir Nigel Sheinwald continued his efforts to reach out to those close to the Sunni insurgency with another round of talks in mid-February.[285]

586. The following week he wrote to Mr Hadley explaining that the aim of the talks was to maintain the dialogue and to expand the group, an aim he had achieved.

587. In particular, Sir Nigel had wanted to persuade his interlocutors to stick with the political process despite its frustrations and their concerns over Iran and rising sectarianism. With the exception of the Ba'athists, all those with whom he spoke had reiterated their commitment to the political process and promised to use their influence with the insurgents.

March 2006

588. Dr Howells told DOP(I) on 2 March that, although it had been hoped that the al-Askari bombing would have "a positive catalytic effect on Iraqi politicians, and push them toward the early formation of a unity government", unfortunately that did not appear to be happening and the security situation remained "tense".[286] Further delay was possible in the formation of a government.

---

[284] eGram 3932/06 Baghdad to FCO London, 25 February 2006, 'Iraq: Al-Askariya Aftermath'.
[285] Letter Sheinwald to Hadley, 28 February 2006, 'Meetings with Iraqi Sunnis'.
[286] Minutes, 2 March 2006, DOP(I) meeting.

589. In discussion, it was proposed that the UK should take a view on next steps in the political process. Was it better to hold out for a strong government, or have a government as quickly as possible? Ministers agreed that "we should establish a clear British view on next steps in the political process".

590. In his weekly report on 5 March, Lt Gen Houghton reflected on whether Iraq was at risk of civil war:

> "The potential for civil war in Iraq does have to be thought through, if only to plan more thoroughly to avert it. Assessments here indicate that the underlying conditions conducive to civil war exist in Iraq now, but not yet at a level of severity which makes civil war either imminent or inevitable. The main conditions … are: ethno-sectarian divisions; high levels of violence; an erosion of central authority; and the rise of competing centres of authority. Many of the underlying indicators which presage a move towards civil war are becoming more evident. Specifically, there has been a change in the character of the violence: it is now more sectarian and less anti-coalition. There is some ethno-sectarian mobilisation of militias and some minor movement of populations. The indicators are worrying.
>
> "But the innate resistance to civil war in Iraq is strong, as evidenced most recently by the reaction to the destruction of the Golden Mosque in Samarra. Whatever the ultimate statistics are for the extent of the subsequent sectarian violence, it was relatively restrained, indicating the power of Shia religious leadership to control their people in the interests of Iraq as a whole. Coalition presence (military and diplomatic) also acts as a block against the underlying conditions becoming more acute. But, given the planned and anticipated reductions in coalition presence, the importance of sustaining central authority becomes ever clearer. The current government is not … perceived as even-handed in security issues. Its continuation in power makes civil war more likely. I therefore see the early seating of a strong, representative, national government as vital."[287]

591. On 7 March, Mr Blair told President Bush that in forming the new government it was important to get the balance right between speed and quality.[288] He suggested that it was important to try and secure a new government that month, and then for the US and UK to support it and explain that it really was a national unity government.

592. On 9 March, Mr Straw's Private Secretary reported to Sir Nigel Sheinwald that the focus on Sunni outreach was on Anbar province, where work was in hand to bring up levels of Sunni participation in the police and the army, and significant releases of detainees were planned.[289]

---

[287] Minute Houghton to CDS, 5 March 2006, 'SBMR-I Weekly Report (201) 5 March 06'.
[288] Letter Banner to Siddiq, 7 March 2006, 'VTC with President Bush: Middle East issues'.
[289] Letter Siddiq to Sheinwald, 9 March 2006, 'Iraq: Sunni Outreach'.

593. Dr Reid wrote to Mr Blair on 9 March that, as a result of the latest Force Level Review, troop levels would be reduced in May 2006, from approximately 8,000 to around 7,200.[290]

594. The reduction had been made possible by the "completion of various security sector reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre".

595. Dr Reid wrote that he intended to announce the new force package in the House of Commons on 13 March, and would make clear that "this is not a formal handover of security responsibility" but would also "trail that the Joint Iraqi/coalition assessment phase to look at future handover will begin shortly".

596. That would leave the way clear for a statement by the Iraqi Prime Minister on security, so enabling the UK to confirm its intention to hand over in Muthanna and Maysan in May/June.

597. Dr Reid told DOP(I) on 9 March that the assessment of conditions in Maysan and Muthanna would take place formally in April on a timetable that allowed handover to take place in May.[291] He observed that emerging security problems might have an impact on this.

598. On 10 March, the JIC assessed the Islamist terrorist threat in the UK.[292]

599. The JIC assessed that the conflict in Iraq fitted easily into the jihadists' "single narrative" that a Zionist-Christian alliance was waging a war against Islam and that Muslims must therefore take up arms against this alliance and its supporters, confirming the belief of extremists that Islam was under attack and needed to be defended using force. That reinforced the determination of terrorists who were already committed to attacking the West and motivated others who were not.

600. The JIC judged that:

> "Iraq is likely to be an important factor for some time to come in the radicalisation of British Muslims and in motivating those extremists who view attacks against the UK as legitimate."

601. Other conflicts – such as Bosnia, Chechnya and Palestine – had served a similar purpose, but the UK's profile in Iraq and Afghanistan was much higher.

602. On 13 March, Dr Reid made a statement in the House of Commons about operations and force levels in Iraq.[293] He announced that from May 2006 UK force levels would reduce to "just over 7,000", a reduction of around 800 personnel.

---

[290] Letter Reid to Blair, 9 March 2006, 'Iraq: Force Level Review and Announcement'.
[291] Minutes, 9 March 2006, DOP(I) meeting.
[292] JIC Assessment, 10 March 2006, 'The Islamist Terrorist Threat in the UK'.
[293] House of Commons, *Official Report*, 13 March 2006, columns 1151-1153.

603. Dr Reid told the House:

> "That reflects the completion of our security sector reform tasks to develop the capability of the Iraqi forces, including training the trainers and those involved in guarding their own institutions. The reduction also reflects improvements in the way we configure our own forces."

604. In relation to the al-Askari bombing, Dr Reid said:

> "Some commentators have suggested that that act of terror will lead to a slide into civil war. Those acts of terrorism are cruel and barbaric but they are not mindless. They have a purpose: to undermine the efforts of the vast majority of the Iraqi people who seek peace, stability and democracy in their country, and to try to break the will of the coalition forces supporting them in that quest.
>
> "… Our analysis is that civil war is neither imminent nor inevitable. However, in some areas of Iraq, including Baghdad, there has been an increase in sectarian violence."

605. On 13 March, Mr Asquith updated the Iraq Strategy Group on the latest developments in forming an Iraqi government.[294] The meeting of the Council of Representatives planned for 12 March had been delayed by a week and it remained uncertain who would be Prime Minister.

606. Sir Nigel Sheinwald observed that:

> "In our messages to the Iraqis, we should be clear about the political difficulties the continuing political vacuum was causing the US and UK. We should also press for Condoleezza Rice to visit Iraq to inject momentum into the process."

607. Lt Gen Fry, who had taken up post as SBMR-I on 9 March, told the Iraq Strategy Group that Iraq was not yet in a state of civil war and that although there were real risks, "a significant event" would be required to tip the balance. US Central Command's view was that "Iraq was still some way off being in an irrecoverable position".

608. On 15 March, at the request of the FCO and the MOD, the JIC assessed the security situation in southern Iraq.[295]

609. The JIC judged that:

> "I. Levels of violence in southern Iraq are much lower than in Baghdad and Sunni areas in the centre and north …
>
> "II. The greatest potential for widespread violence lies in tensions between SCIRI's Badr organisation and Muqtada al-Sadr's Jaysh al-Mahdi militia …

---

[294] Letter Cabinet Office [junior official] to Sheinwald, 13 March 2006, 'Iraq Strategy Group'.
[295] JIC Assessment, 15 March 2006, 'Iraq: the Security Situation in the South'.

> "III. Across the South, there is no strong administrative machinery to promote security and stability …
>
> "IV. The Iraqi security forces can cope with the low level of threat posed by the Sunni Arab nationalist insurgents and jihadists. Their readiness to deal with the activities of Shia extremists or intra-Shia violence is more uncertain. Army command, control and logistics capabilities are all still developing, making major operations without MNF support difficult. The police are a greater concern: they have multiple loyalties and have taken sides in intra-Shia clashes. A minority of police, particularly in Basra, is involved in attacks on the MNF, the assassination of Sunnis and organised crime."

610. The JIC considered the background, motives and objectives of Muqtada al-Sadr on 16 March.[296]

611. The JIC judged that al-Sadr had emerged from the December election with "great political clout" because Prime Minister Ja'afari depended on him to secure his nomination.

612. In terms of motivation, the JIC assessed:

> "Sadr's overriding priority is to increase his own power. He probably wants to be a leading Shia religious authority, above party politics but able to influence key government policies. He has a genuine desire to see (and get credit for) improvements in the quality of life for his core constituency; his declared goals also include: maintaining the unity of Iraq and delaying federalism; ensuring the centrality of religion in politics; and securing a timetable for the departure of 'occupation forces'."

613. The majority of JAM members were, in the JIC's judgement, loyal to al-Sadr's directives, but a minority were under no effective control and continued to attack the MNF.

614. The JIC assessed that al-Sadr had consistently refused direct contact with representatives of the coalition and judged that this reluctance was "unlikely to change in the foreseeable future".

615. In his weekly report on 19 March, Lt Gen Fry reported that the MNF-I command group had "wargamed" the implications of a "genuine civil war" in Iraq.[297]

616. The command group had concluded that civil war was not inevitable; a properly constituted government of national unity could still defuse sectarian tension. But the longer Iraq continued without such a government, the more likely civil war became. Empirical evidence of civil war was growing but not yet conclusive. The level of violence

---

[296] JIC Assessment, 16 March 2006, 'Muqtada al-Sadr'.
[297] Minute Fry to CDS, 19 March 2006, 'SBMR-I Weekly Report (203) 19 March 06' attaching Paper "Civil War".

could be high, but neither side had the capacity to deliver a decisive level of combat power. Violence was concentrated in Baghdad and areas around it; other parts of country could be peaceful.

617. Civil war would further complicate the coalition's mission, which was already balanced, "rather uneasily", between counter-insurgency and counter-terrorism.

618. Lt Gen Fry wrote:

> "We can talk ourselves into civil war, but my assessment is that we are some way short of it at the moment. More importantly, given the limitations in sectarian interface and combat power, it is difficult to see the condition in which civil war would be an appropriate description. I judge that we are currently in a condition of sectarian conflict characterised by insidious but relatively limited violence, and that an escalation into the larger scale operations prosecuted by more formally defined military entities which would constitute civil war is unlikely. This is not just military semantics: civil war is an emotive, inflammatory and technically inaccurate description, and we need to say so. A clear message to our domestic audience, coalition partners and the Iraqi political classes would put the record straight, counter speculation and stiffen the resolve of those in need of reassurance."

619. Lieutenant General Sir Robert Fry told the Inquiry:

> "I see this with greater clarity in retrospect, but I think at the time what was actually happening is that incoherent insurgency was becoming much more coherent, and also there were reciprocal acts of provocation and violence between the Sunni and the Shia communities which were leading to this rapidly escalating process … it looked very much like civil war at the time."[298]

620. Dr Reid visited Iraq from 17 to 20 March, beginning in Baghdad and then spending time in the South.[299]

621. In discussion with Gen Casey, Dr Reid noted that there had been "a real retreat into sectarianism" in Iraq. Gen Casey agreed, but was of the view that Iraq was not in the grip of civil war. He listed five conditions that would have to be met for a state of civil war to exist:

"
- It had to be widespread …
- It had to be sustained …
- It had to be intense …
- The Government would have to fail …
- The Armed Forces also had to fail …"

---

[298] Public hearing, 16 December 2009, page 103.
[299] Minute McNeil to PS/Policy Director, 21 March 2006, 'Secretary of State's Visit to Iraq'.

622. In the South, Dr Reid met Maj Gen Cooper who:

> "… noted that corruption and intimidation were on the rise as was the murder rate. Basra City was becoming a 'criminal kingdom'. Outside this however there were hopeful signs, with Muthanna progressing very well towards handover."

623. Dr Reid then visited Muthanna, where his Assistant Private Secretary recorded that:

> "The clear impression from commanders and troops alike was that the job … was largely done and that the Iraqi security forces there were ready and able to take on the task."

624. In preparation for a video conference with President Bush, on 21 March Mr Phillipson told Mr Blair that:

> "The security situation remains difficult. Since the Samarra bombing, [the] number of murders has more than doubled to around 28 per day, with a significant proportion 'execution style'. It's impossible to say how many of these are 'sectarian', but there is wider evidence – internal refugees, obvious and active militias – which suggest [sic] an upsurge in strictly sectarian violence. But it is not a civil war, and the sort of escalation of combat activity that would be needed to justify that description is unlikely to happen."[300]

625. Mr Blair and President Bush did not discuss sectarian violence in their video conference on the same day.[301]

626. Mr Blair said that it would be important to have a clear communications strategy for the immediate aftermath of the formation of a new Iraqi Government. Iraqi politicians would need to stress that they were part of a national unity government and that they welcomed the presence of the MNF. A programme setting out what work the US/UK and Iraqis would do to take forward security and reconstruction should then be developed rapidly.

627. At Cabinet on 23 March, Dr Reid reported that there was a growing sectarian divide in Iraq, with increasing militia and sectarian killings.[302] Much of it was based on deliberate provocation from Al Qaida-associated terrorists, many of whom were foreigners, or supporters of the former regime who were massacring Iraqi Shia and attacking their holy sites. In response, the Shia were beginning to kill Sunnis, many of whom were not associated with the violence. Dr Reid did not believe, however, that the violence constituted a civil war. That was also the view of every Iraqi politician he had met.

---

[300] Minute Phillipson to Prime Minister, 21 March 2006, 'VTC with President Bush, 1335 21 March 2006'.
[301] Letter Banner to Siddiq, 21 March 2006, 'Prime Minister's VTC with President Bush, 21 March: Middle East issues'.
[302] Cabinet Conclusions, 23 March 2006.

628. Mr Benn reported to Cabinet that Prime Minister Ja'afari had promised a new government would be formed by the end of April. Dr Reid said that he was confident that a government of national unity would be formed.

629. By the end of March, Mr Blair regarded the problem of forming a government in Iraq as the top foreign policy for the UK and US governments.[303]

630. Sir Nigel Sheinwald and Mr Straw were to visit Iraq to try and add momentum to the process. Mr Blair did not rule out a personal visit, if it would help.

631. Mr Straw spoke to Secretary Rice on 29 March and agreed that they would visit Baghdad together. Mr Straw observed that they:

> "… would have to threaten the Iraqi leaders that US and UK support was not unconditional and that we might be put in a position where we had to reconsider our presence in Iraq."[304]

632. On 30 March, Dr Reid reported to DOP(I) that the operational conditions for handover in Maysan and Muthanna existed and that the UK should continue to press for an accelerated process in theatre while showing due concern for the views of the Iraqis and other allies.[305]

633. Mr Blair did not attend DOP(I) on 30 March.

634. On the following day, Mr Blair's Private Secretary advised the MOD that Mr Blair had been considering the issue of transition in the light of DOP(I)'s agreement that the UK should continue to press for an accelerated transition process and:

> "He feels strongly that we should avoid pushing too hard on transition timescales, and avoid any appearance that UK planning is based on our own internal priorities rather than those of the Iraqis."[306]

635. The note asked for an assessment of the realistic timeframe for transition, in the light of the emerging delays to the process, for Mr Blair's weekend box.

April 2006

636. Mr Blair postponed a visit to Washington, planned for early April, because he believed that it would be better to wait until after a new Iraqi Government had been formed.[307]

---

[303] Minute Sheinwald to Straw, 28 March 2006, 'Iraq'.
[304] Letter Siddiq to Sheinwald, 29 March 2006, 'The Foreign Secretary's Telephone Call with the US Secretary of State, 29 March'.
[305] Minutes, 30 March 2006, DOP(I) meeting.
[306] Letter Banner to McNeil, 31 March 2006, 'Iraq: Transition'.
[307] Minute Sheinwald to Phillipson, 29 March 2006, 'US/UK/Iraq'.

637. Sir Nigel Sheinwald explained to Mr Hadley that Mr Blair believed the "main effort had to be to get the government formed quickly and then put a major effort into the public presentation".

638. On 1 April, Sir Nigel sent Mr Hadley a Note from Mr Blair to President Bush and asked that it be passed to the President in advance of a planned telephone conversation.[308]

639. Mr Blair wrote that the purpose of his note was to consider how the political context in both the US and UK might be changed. It covered other foreign policy issues as well as Iraq. Mr Blair explained that he would have welcomed a discussion in person, but had concluded that the political context was not right for a visit to the US.

640. Mr Blair observed to President Bush that "Iraq pulls us down" and that the weight of "propaganda" obscured an "inherently strong" case.

641. Mr Blair considered that people considered the coalition to be "right in theory" since the Iraqi people wanted democracy, but that in practice sectarian violence and the lack of a government meant that "the facts on the ground beat the argument".

642. Mr Blair continued:

> "We can't afford for this to continue. I think it is time we started to take risks. We need to put Iraq in a different place and then build out from there. I want to suggest a strategy."

643. That strategy was:

- Go "all out" to get a unity government in Iraq, including a high quality and neutral Minister of the Interior who would send the message that Shia violence would not be tolerated.
- Publish a programme for the new Iraqi Government and for security transition from the MNF to full Iraqi control which would create "a huge collective sense of moving forward" and needed to be "a complete turning point."

644. Mr Blair proposed that "we should asap then build out from there" and use the "renewed credibility of Iraq" to act in other areas including the Middle East Peace Process, world trade, energy and climate change and Sudan. This would only be as persuasive as it could be if Iraq was in better shape. Mr Blair argued that "this is the time to go for it; to take risks. To strive and fail is so much better than not striving. But actually, I think it could just succeed."

---

[308] Letter Sheinwald to Hadley, 1 April 2006, [untitled] attaching Note TB [Blair to Bush], 1 April 2006, 'Note'.

645. In his phone call with President Bush on 2 April, Mr Blair reiterated the message that "we had to go all out for a unity Government".[309] Once it was formed the key was to set out a "coherent programme" in particular on security. It would also be necessary to provide help "on the media side".

646. Mr Straw and Secretary Rice visited Baghdad on 2 April to try to add momentum to the political process.[310]

647. The IPU briefing for the visit advised that the focus should be "squarely on government formation", with the objective of pushing the Iraqis to agree a permanent government.

648. The British Embassy Baghdad reported that Mr Straw and Secretary Rice called on President Talabani on 2 April.[311]

649. After acknowledging that President Talabani and other Iraqi leaders were facing a difficult moment, Secretary Rice said that:

> "She and the Foreign Secretary were in Iraq to urge them to finish the job of forming the government quickly. The Iraqi people were becoming impatient and increasingly concerned about stability. The ability of the country to sustain another event similar to the Samarra mosque bombing was questionable. Every day that passed without the formation of a new government increased that risk. Talabani knew how much the US wanted Iraq to succeed. But the patience of the American people was being exhausted and a democratic leader could do little without the support of his people.
>
> "Key to making progress was to break the deadlock over agreeing the Prime Minister. The US and UK shared the assessment of others that it was not going to be possible for Ja'afari to secure the position. He did not have the necessary cross-party support nor the full support of his own Alliance. It was clear that the choice of Prime Minister was one for Iraqis to make. But it was equally clear that a decision needed to be made on this as soon as possible."

650. President Talabani was reported to have welcomed the visit and "asserted that most of the main issues surrounding the structure of the new government had now been resolved". He agreed that Dr Ja'afari was not the right person to lead Iraq at that time:

> "But matters needed to proceed step by step if they were to reach a successful conclusion. Perhaps with the help of this visit progress on the Prime Ministerial nomination could be made in a matter of days."

---

[309] Letter Phillipson to Hayes, 3 April 2006, 'Prime Minister's phonecall with President Bush, 2 April'.
[310] Briefing FCO, 31 March 2006, 'Iraq: Foreign Secretary's visit, 2-3 April 2006'.
[311] eGram 9200/06 Baghdad to FCO London, 3 April 2006, 'Iraq: Joint Visit by US Secretary of State and the Foreign Secretary, 2-3 April 2006: Talabani'.

651. In her memoir, Secretary Rice described meeting Dr Ja'afari during this visit:

> "Jack and I had agreed that we'd take turns making the argument that he had to end his pursuit of the prime minister position: I would go through the basic facts of the situation, and Jack would appeal to him politician to politician. Everything we tried met with stubbornness and obtuseness … I held my tongue and let Jack try again. After a while, though, I just said to Ja'afari, 'You aren't going to be prime minister. You have to step down. This isn't because the United States wants it this way. The Iraqis don't want you, and that's what matters.' Jack appeared a little taken aback, but I'd learned to be direct with Ja'afari, who now looked hurt as the translation rolled forward. But he held his ground.
>
> "… Not convinced that we'd gotten through, we went back to Ja'afari, and this time, with only our interpreter in the room, delivered the message again. Even though he resisted, we knew we'd gotten through this time."[312]

652. In his weekly report on 2 April, Lt Gen Fry wrote:

> "Sectarian tension and the possibility of civil war has tended to attract our attention recently, but I judge the insidious and increasingly pervasive influence of the militias to be the greatest single security challenge facing Iraq. This is particularly the case where they provide not only gunmen on the street, but also an integrated political/military organisation with the capacity to provide rudimentary social services: essentially a state within a state."[313]

653. Mr Blair met Secretary Rice on the evening of 3 April before she returned to Washington after her visit to Iraq.[314]

654. They agreed on the need for rapid formation of an acceptable government of national unity. Mr Blair explained the centrality of Iraq to the rest of the US and UK agenda; without an Iraqi Government he and President Bush would get no traction for their arguments on Iraq or other major international issues. Once a government was formed it would be "desirable to build outwards and make ambitious moves in other parts of the agenda in order to regain the political initiative".

655. On 4 April, Mr Patey sent an update to the FCO on the formation of a new Iraqi Government following the visit by Secretary Rice and Mr Straw.[315] Although the visitors had "delivered a strong message to Ja'afari", he had nonetheless "affirmed his determination to continue the fight to stay in situ".

---

[312] Rice C. *No Higher Honour: A Memoir of My Years in Washington.* Simon & Schuster, 2011.
[313] Report SBMR-I to CDS, 2 April 2006, 'SBMR-I Weekly Report (205) 2 April 2006'.
[314] Letter Sheinwald to Hayes, 4 April 2006, 'Prime Minister's meeting with US Secretary of State Rice, 3 April'.
[315] eGram 9415/06 Baghdad to FCO London, 4 April 2006, 'Iraq: Government Formation: Follow-Up to Visit by Foreign Secretary and US Secretary Rice, 2-3 April'.

656. Mr Patey and Mr Sawers, who was visiting Baghdad, were therefore conducting an "immediate and intensive" round of talks with those Iraqi politicians "committed to getting a replacement to Ja'afari" to encourage them to say that they would not support him in a Parliamentary vote.

657. Mr Patey judged that:

> "We will need to press the parties to reach clear agreement on who they will support if Ja'afari is removed to avoid another uncomfortably close or split vote rather than the broad cross-party consensus necessary to give a new government of national unity the strongest possible start in the circumstances."

658. Mr Patey also commented:

> "… in the long run we needed to get away from reliance on sectarian based parties and to reach out to moderates from all communities".

659. On 5 April, the JIC reviewed sectarianism in Iraq.[316]

660. The JIC judged that ethnic and sectarian rivalries had been a feature of Iraqi society since the foundation of the state and had been exacerbated by Saddam Hussein's predominantly Sunni regime. Since his removal in 2003, tensions had resurfaced.

661. The JIC judged that:

> "I. Sectarian violence in Iraq has been increasing since mid-2005: it has intensified in the aftermath of the Samarra mosque bombing. Much of the violence is concentrated among the mixed populations of Baghdad and its satellite towns. Thousands of people – both Sunni and Shia – have been displaced.
>
> "II. Al-Zarqawi's Al Qaida in Iraq (AQ-I) initiated the anti-Shia campaign, exploiting existing deep-seated tensions. Although AQ-I remains dominant, some Sunni Arab nationalist insurgents are also carrying out sectarian attacks, in response to ordinary Sunnis' resentment of what they see as a Shia-dominated government backed by Iran.
>
> "III. The public Shia response to the increasing sectarian violence has been restrained. Grand Ayatollah al-Sistani remains an important moderating figure. But Shia patience may be wearing thin. Further attacks on Shia shrines or leading political and spiritual leaders, are likely, and will severely test Shia resolve.
>
> "IV. The greatest potential for large-scale street disorder aimed at Sunnis comes from Muqtada al-Sadr's Jaysh al-Mahdi (JAM) militia, particularly in Baghdad where they are in de facto control in parts of Sadr City. But the most disciplined anti-Sunni campaign is being run by the SCIRI party's paramilitary Badr organisation, which

[316] JIC Assessment, 5 April 2006, 'Iraq: Sectarianism'.

> they have systematically embedded into state security structures, particularly the Ministry of Interior (MoI) …
>
> "V. Sectarian tension will not diminish: in some areas the violence has gained its own momentum. MoI forces, the police and, to a lesser extent the Army, have their own ethnic and sectarian fault-lines: if conflict deepens, their cohesion would be in doubt, particularly in areas of religious diversity such as Baghdad. They would be unable to cope in such areas without significant and close Multi-National Force support."

662. The JIC concluded that the issues facing Iraq's politicians in the coming months – federalism, de-Ba'athification and the influence of the Shia militas in the security forces – were ones that were likely to increase sectarian divisions still further, despite the anti-sectarian rhetoric of the politicians and that: "Reversing the growing trend of sectarianism will take many years."

663. Dr Reid's Private Secretary wrote to Mr Blair's Private Secretary on 6 April in response to his letter of 31 March which set out Mr Blair's views about accelerating transition.[317]

664. Dr Reid's Private Secretary wrote:

> "The Secretary of State agrees that we need to avoid the perception that we are pressing too hard on transition timescales for national reasons, but he is anxious that we do as much as possible to avoid further delays …"

665. The Private Secretary explained that MND(SE) had submitted its first assessment results for the four southern provinces to the MNF command in Baghdad; the results for Muthanna, in particular, were encouraging. It was unlikely that MNF command would reach a decision before 22 April, when Gen Casey would meet his Divisional Commanders.

666. The timetable for military transition was discussed at the Iraq Strategy Group on 7 April, with Mr Martin Howard, MOD Director General Operational Policy, reporting that while the Governor of Muthanna had signed off the assessment for transition there, the Governor of Maysan had not yet done so.[318]

667. Mr Asquith reported that the rocket attacks on Basra Palace on 4 April and the continuing non-co-operation by the local authorities there meant that some of the civilian staff were unable to operate effectively and an audit had indicated that there was "no added value" from keeping them there. The FCO and DFID planned to recommend to their Ministers a drawdown of civilian staff from Basra Palace until conditions on the ground had improved.

---

[317] Letter Beadle to Banner, 6 April 2006, 'Iraq: Transition'.
[318] Letter Cabinet Office [junior official] to Sheinwald, 10 April 2006, 'Iraq Strategy Group: 7 April 2006'.

668. Sir Nigel Sheinwald observed that this was a significant development and asked the FCO and DFID to "consult more widely than their respective Secretaries of State". The subsequent advice to Ministers should make clear that:

> "Set against the issue of not keeping people somewhere they could not operate, there was the problem of re-entry [getting civilian staff back once they had withdrawn] and the political or practical fall-out of the UK being driven out of the Basra Palace by terrorists. A decision to locate our civilian presence at the airport would represent a major failure."

669. In relation to the formation of the new Iraqi Government, Mr Asquith briefed the Iraq Strategy Group that "the action had shifted to Najaf". UK input to the debate was difficult to manage, given the lack of a direct channel to Grand Ayatollah al-Sistani. The Group considered plans to send a letter from Mr Blair directly to the Grand Ayatollah.

670. A draft of that letter intended to be "a clear request to help move events forward" was provided to Mr Blair a few days later; he signed it on 12 April.[319]

671. Mr Blair wrote:

> "… as leader of a country which has made huge sacrifices for Iraq, I trust it is understandable that we attach great importance to there being an effective government of national unity."[320]

672. Mr Blair asked Grand Ayatollah al-Sistani:

> "… to encourage leaders of the Shia community to recognise the need for urgent agreement, in the next few days, on who should lead the next government."

673. Mr Blair's letter was sent via an intermediary, and the UK could not be sure that it would reach him.[321]

674. On 13 April, Sir Nigel told Mr Hadley:

> "… despite the momentum created by the Straw/Rice visit, there was a risk of things getting bogged down again. We needed to keep up the pressure and try to use the meeting of the Council of Representatives planned for Monday as a further stimulus to get the Shia to make a firm decision."[322]

675. Sir Nigel proposed that he and Mr Hadley should visit Baghdad together "in order to keep up the external pressure".

---

[319] Minute Banner to Prime Minister, 11 April 2006, 'Letter to Sistani'.
[320] Letter Blair to Sistani, 12 April 2006, [untitled].
[321] Minute Banner to Prime Minister, 11 April 2006, 'Letter to Sistani'.
[322] Letter Sheinwald to Hayes, 13 April 2006, 'Conversation with US National Security Adviser, 13 April 2006'.

676. In his weekly report on 16 April, Lt Gen Fry commented:

> "The continued debate about the nature of sectarian violence and the possibility of civil war habitually misses a central point: the failure of AQ-I strategy. The organisation has conducted a series of devastating attacks against the Shia community … Whether their motive has been to disrupt the political process or provoke civil war is irrelevant; on either count they have failed. Indeed, the most interesting question is not 'are we in civil war' but 'why are we not in civil war, given the provocations?' The answer has something to do with the resilience of Iraqi society, residual hope in a better future and the orchestration of popular response by senior leadership … Despite a run of attacks which have killed hundreds and destroyed several places of worship there has been no large scale response and it may be that the larger prize of a Shia government has imposed its own discipline. Equally intriguing is what happens when this constraint no longer applies."[323]

677. Discussions between the UK and US on the need for a new government continued on 16 April when Mr Straw and Secretary Rice spoke by telephone.[324]

678. Mr Straw was "very worried indeed about the endless delays" and said that "we had to keep up the pressure on the Iraqis, though the levers we had were limited". He and Secretary Rice agreed to make more phone calls to Iraqi politicians.

679. At DOP(I) on 20 April, Mr Straw summarised the latest developments on government formation.[325]

680. Although there was agreement on the candidates for President and Vice President, the nominee for Prime Minister was yet to be agreed. In discussion it was observed that the reasserting "the writ of government over 'the street'" was becoming critical.

681. Dr Reid reported that the readiness assessment for handover in Muthanna and Maysan had been downgraded to "amber" by a senior US military officer on the basis of "political uncertainty at the centre" and the risk of "the Sadrists causing problems in the South".

682. Dr Reid considered that there were "real political risks" to any delay; local Iraqi politicians and the public would be frustrated when it became clear that an assessment of readiness had been overturned. There was also a risk of Shia resentment if the Kurdish provinces in the North were handed over first.

683. Mr Blair agreed with Dr Reid's assessment and thought that concerns would be largely resolved by the anticipated appointment of capable Ministers of Interior and Defence.

---

[323] Minute Fry to PSO/CDS, 16 April 2006, 'SBMR-I Weekly Report (207): 16 April 2006'.
[324] Note Straw to Sheinwald, 16 April 2006, Rice call – Sunday 16 April 2006 6.00PM'.
[325] Minutes, 20 April 2006, DOP(I) meeting.

684. A review of the UK's Sunni outreach efforts dated 21 April concluded that "a wide range of Sunni politicians are now involved in the politics around government formation, and a swathe of Sunnis with links to the nationalist insurgency have direct contact with the coalition".[326]

685. Those developments were not necessarily a direct consequence of the UK's efforts, but there was a belief that the UK had contributed.

686. Late on 21 April, the United Iraqi Alliance announced the selection of Mr Nuri al-Maliki from the Dawa party as its candidate for Prime Minister.[327]

687. Mr Patey told the Inquiry that Mr Maliki was a "surprise candidate" for the UK.[328]

688. Mr Asquith said that the UK had missed him as a potential contender because he was not a prominent political figure in the Dawa party, and had occupied no position in which the UK had to deal with him.[329] Section 9.3 contains more information on the Dawa party.

689. In Mr Asquith's view, Mr Maliki was selected because the supporters of the other candidates would not switch their votes to alternatives, except for him.[330]

690. The BBC reported President Bush's congratulations for this "milestone on Iraq's path to democracy".[331]

691. President Talabani was elected to a second term in post and Mr Blair spoke to him on 24 April to offer his congratulations.[332]

692. Mr Blair "hoped that the rest of the Government could now be formed quickly – this would bring a renewed sense of hope to Iraq". President Talabani estimated that it would take two weeks to finalise the Ministerial team.

693. Sir Nigel Sheinwald visited Baghdad from 22 to 25 April and urged senior Iraqi politicians to move quickly to complete the formation of the Government. It would then "need to set out a positive vision – communicating this effectively to its own people and to the international community – including on security".[333]

694. Mr Patey reported that the visit was "a timely opportunity to urge the politicians to seize this moment to give real momentum to the political process after months of delay".

---

[326] Letter senior government official specialising in the Middle East to Banner, 21 April 2006, '[…]: Way Ahead'.
[327] eGram 13011/06 Baghdad to FCO London, 24 April 2006, 'Iraq: Formation of the New Government: Al-Maliki Nominated by UIA as Prime Minister'.
[328] Public hearing, 5 January 2010, page 37.
[329] Private hearing, 15 June 2010, pages 21-22.
[330] Private hearing, 15 June 2010, page 22.
[331] *BBC News*, 22 April 2006, *Maliki endorsed as new Iraqi PM*.
[332] Letter Phillipson to Siddiq, 24 April 2006, 'Prime Minister's Phonecall with President Talabani, 24 April'.
[333] eGram 13972/06 Baghdad to FCO London, 27 April 2006, 'Iraq: Visit by Prime Minister's Foreign Policy Adviser'.

695. In a video conference with President Bush on 25 April, Mr Blair reported a sense of optimism from Iraqi politicians.[334] He thought that if strong Sunni Ministers could be brought into the Government there could be a real change for the better. Once that had happened the US and UK would need to persuade the new Government to set out a forward programme that would "make it clear to the international community that we had started a new chapter".

696. On 27 April, Sir Nigel Sheinwald sent Mr Blair an account of his visit to Iraq.[335] Sir Nigel wrote that:

> "We are widely seen as having played a major part in getting Sunni outreach going. Casey and Zal [Khalilzad] will continue with it. I pressed them to try to move quickly into a structured dialogue aimed at agreeing a 'cease-fire'. Casey agrees with the aim, but is moving cautiously."

697. In relation to the new Iraqi Government, Sir Nigel assessed that: "This is – so far – a **real government of national unity**."

698. Sir Nigel set out a package of proposed support for the new Government including policy officials, press officers and advisers for the new Defence Minister (see Section 10.2 for further details). Sir Nigel also reported:

> "I said bluntly that we needed a right of veto over the Defence and Interior Ministries. This was not contested."

699. Sir Nigel's report concluded:

> "This is the last big moment in the political timetable we created in 2004 and have, despite all the problems, stuck to. The next few months will decide whether it is possible to form a durable and effective unity government; and whether they can construct a political and security strategy which bears down quickly on the sectarian violence.
>
> "If so, Iraq could look very different by the end of the year."

700. Mr Blair annotated Sir Nigel's advice: "We need a lot more work on their programme, the transition, and a plan of communications inside and outside of Iraq." He asked Sir Nigel to supervise that work personally.

701. Sir Nigel Sheinwald told the Inquiry that Sunni outreach:

> "… was one of the areas where the Americans consistently thought that the UK – because of history, because it was one of our political and diplomatic talents … they regarded it as something where we had a voice and needed to be allowed to get

---

[334] Letter Phillipson to Hayes, 25 April 2006, 'Prime Minister's VTC with President Bush, 25 April: Middle East issues'.
[335] Minute Sheinwald to Prime Minister, 27 April 2006, 'Visit to Iraq' including manuscript comment Blair.

> on with it and were worth listening to anyway. I would say this, the political process generally, the external and international aspects of handling Iraq, whether it was the UN, the regional groupings, working with the neighbours, the Saudis and others; I think these were all areas where there was a British expertise and experience which the Americans paid attention to."[336]

702. Mr Blair spoke to Mr Maliki on 28 April to congratulate him and assure him that the UK would do everything possible to support and help him as he addressed the challenging situation facing him.[337]

703. Mr Blair added that the UK needed Mr Maliki's assistance in addressing the political situation in Basra. Mr Maliki said that he was doing his best to achieve reconciliation between all parties and would continue to work at it. In return, he asked the UK to accelerate the training of Iraqi Security Forces.

May 2006

704. On 1 May, US forces symbolically handed over responsibility for security in Helmand Province, southern Afghanistan, to UK troops taking command of its Provincial Reconstruction Team.[338] The full complement of 3,300 UK troops, led by 16 Air Assault Brigade, was due to be in place by June.

705. Dr Reid described their mission as "to protect the reconstruction and development of the Afghan economy, democratic government and security forces".

706. In preparation for a video conference with President Bush, on 2 May Mr Phillipson told Mr Blair that:

> "We've heard rumblings from the US system about UK failure to grip the security situation in what they regard as a strategically vital part of Iraq …"[339]

707. In the video conference with President Bush, Mr Blair said that once a new Iraqi Government was in place, the next step would be "to persuade the Sunni insurgency to wind itself down, building on Sunni inclusion in a government for national security".[340]

---

[336] Private hearing, 3 September 2010, pages 85-86.
[337] Letter Banner to Siddiq, 28 April 2006, 'Nouri al-Maliki'.
[338] *BBC News*, 1 May 2006, *UK troops take over Afghan duties*.
[339] Minute Phillipson to Prime Minister, 2 May 2006, 'VTC with President Bush, 1615 2 May 2006'.
[340] Letter Banner to Hayes, 2 May 2006, 'Prime Minister's VTC with President Bush, 2 May: Middle East issues'.

Loss of a Lynx and its crew in Basra

On 6 May, a Lynx helicopter exploded in mid-air over Basra, killing all five of its crew.[341] There were difficulties recovering the wreckage and the bodies of those killed because of public disorder, attributed to increasing hostility towards UK forces in Basra at the time.

Eye-witness accounts suggested that the explosion was caused by the aircraft being fired on from the ground.

Maj Gen Cooper reported that the crowds had numbered only 200-300 individuals at their height and the situation had been brought under control within two or three hours.[342] It seemed likely that the attack had been "perpetrated by rogue elements of JAM".

Maj Gen Cooper reminded colleagues in London that, despite the significance and tragedy of the loss of the Lynx and its crew, "in tactical terms the threat remains higher on the ground than in the air".[343]

The Board of Inquiry into the Lynx crash concluded in June 2006 that the helicopter had been shot down in a hostile attack, using man-portable surface to air missile (MANPAD) technology.[344]

708. There was concern that the Lynx incident was evidence of technology transfer. Lt Gen Fry observed in his weekly report that:

> "… if there is evidence of MANPAD technology transfer following the route established by EFP [Explosively Formed Projectile] it will certainly … reinforce the Zelikow[345] hypothesis that Basra is vital ground, to be held by coalition forces until the latter stages of the campaign".[346]

709. Lt Gen Fry reported that Gen Casey had recommended a security initiative in Basra to match those in Baghdad and Ramadi.

710. After visiting Iraq in early May, Air Chief Marshal Jock Stirrup, who had become Chief of the Defence Staff in April 2006, reported to Dr Reid that:

> "… there was no Basra insurgency, levels of violence in the city were well down on the other 'red provinces', and with different provincial leadership the prospects could improve significantly."[347]

---

[341] Final report JHC/4022, 20 June 2006, 'Aircraft Crash – Lynx AH Mk 7(XZ614) of 847 NAS in Basra, Iraq 06 May 06'. Those killed were Wing Commander John Coxen, Lieutenant Commander Darren Chapman, Captain David Dobson, Flight Lieutenant Sarah-Jayne Mulvihill and Marine Paul Collins.
[342] Letter McNeil to Banner, 12 May 2006, 'Iraq: Update' attaching 'GOC MND(SE) – Southern Iraq update – 10 May 2006'.
[343] Minute Cooper, 10 May 2006, 'Iraq: Update' attaching 'GOC MND(SE) – Southern Iraq Update – 10 May 2006'.
[344] Final report JHC/2022, 20 June 2006, 'Aircraft crash – Lynx AH Mk 7(XZ614) of 847 NAS in Basra, Iraq 06 May 06'.
[345] Philip Zelikow, then a Counsellor at the US State Department.
[346] Minute Fry to PSO/CDS, 7 May 2006, 'SBMR-I Weekly Report (210): 7 May 2006'.
[347] Minute Stirrup to SofS [MOD], 8 May 2006, 'CDS Visit to Iraq and Afghanistan – 5-7 May 06'.

711. During the visit, ACM Stirrup was briefed by Gen Casey on his updated campaign plan, which included a reduction from 14 US brigades to 10 by the end of 2005 and five by the end of 2007, subject to successful build-up of the Iraqi Security Forces.

712. Despite the growing problems in Basra, ACM Stirrup judged that there was:

> "… no logic for precipitate change in our military plans. Indeed there are compelling reasons why security handover remains the right strategy. Militarily, in Maysan and Muthanna the Iraqi Security Forces are ready, and there is political appetite. And progress in those provinces will set the conditions for Basra, which is the key. The obstacles there are: 1) militias, and 2) governance. Neither is substantially in our hands, and we need firm action by the government in Baghdad. But as consent continues to reduce (as we have always foreseen it would), so too does our ability to effect further (significant) improvement. The law of diminishing returns is now firmly in play, and there is an increasing risk that we become part of the problem, rather than of the solution. So, for these reasons and for reasons of momentum, I judge that we should press on …"

713. ACM Stirrup visited Afghanistan as part of the same trip, and concluded:

> "… the main similarity between both theatres is that, whilst we will continue militarily to hold the ring as best we can, ultimate success can only be delivered by non-military instruments of government, be they UK, international or indigenous. But it is the contrasts between the two campaigns that struck me most. In Iraq, our forces sit within a well found and well organised US-led force, with immense combat power, effective command and control, coherent political oversight (in the form of the US and UK embassies), and a coalition comprised of countries that … are prepared to accept the costs, in blood and treasure, of operations in Iraq. This is just as well for the coalition is viewed popularly as a force of occupation, suffers inexorably declining levels of popular consent, and faces a multi-faceted, but sophisticated and dangerous enemy."

714. ACM Stirrup contrasted circumstances in Iraq with the situation in Afghanistan where the UK position in Helmand was "sound – indeed exemplary" but it was positioned within a NATO force with insufficient combat power and a difficult command and control structure. He asked:

> "So what? In Iraq, we are in clear 'law of diminishing returns' territory. Even if we were invited to stay (which looks improbable) it is difficult to see what military advantage might flow from our remaining in any significant numbers beyond 2007. That said, the security picture, particularly in Basra but also in Maysan, may not look at all appetising as we pull out, and astute conditioning of the UK public may be necessary if we are to avoid the charge of strategic failure. In Afghanistan, we face immediate opportunity, tempered by uncertainty …

> "Should anything be done differently? At the operational level, I judge not. We need to maintain the momentum of security handover in Iraq, and continue our build up in Afghanistan, but stay alert and agile. At the strategic level, there are at least two areas worth our early attention. In Iraq, and I recognise that this is essentially a political issue, there will be the need to think through the presentational challenge of a post-security handover Iraq – and particularly Basra – that retains some fairly ugly aspects. In Afghanistan, the issue is NATO's capability …"

715. ACM Stirrup also reported the views of UK staff based in Baghdad that "the remainder of 2006 would be both decisive and challenging, with the trajectory depending principally on the new Iraqi Government's effectiveness".

716. On 10 May, Maj Gen Cooper reported that the Basra Provincial Council announced that it was ending an official boycott of engagement with the Multi-National Force (MNF), which had complicated relations between the MNF and local authorities since the Jameat incident in September 2005.[348]

717. The British Consul General and local Brigade Commander had been invited to attend the Governor's Provincial Security Committee on 9 May.

718. On 10 May, the JIC reviewed the recent trends in violence in Iraq and a possible change of attitude among Sunni insurgents towards the MNF and jihadist groups.[349]

719. The JIC's Key Judgements included:

> "I. Violence in Iraq has been rising since the start of the year, mainly in the Sunni heartlands and Baghdad. The sustained violence in April has been unprecedented, maintaining levels only previously seen in spikes associated with the January election and constitutional referendum in October 2005. Increased sectarian violence shows no sign of reducing."

720. The JIC assessed that there had been some change in the nature of the violence, with more Iraqis being killed. Attacks on the Iraqi Security Forces accounted for around 15 percent of all attacks and sectarian violence had risen sharply since the bombing of the al-Askari mosque in Samarra in February.

721. The JIC judged that the "commitment of Sunni Arab nationalists to a violent campaign is largely undiminished" and that support among the general Sunni population for attacks on the MNF "remains strong". In addition:

> "III. In many areas co-operation between Sunni Arab nationalist insurgents and jihadists is growing. The distinction between some groups is becoming increasingly

---

[348] Minute Cooper, 10 May 2006, 'Iraq: Update' attaching 'GOC MND(SE) – Southern Iraq Update – 10 May 2006'.
[349] JIC Assessment, 10 May 2006, 'Iraq: How is the Sunni Insurgency Evolving?'

blurred. Al Qaida in Iraq (AQ-I) is the most prominent jihadist group, with the greatest organisational capacity …

"IV. There are limited signs that a small number of Sunni insurgents are considering drawing away from violence, at least against the MNF. An enduring theme from them is the need to combat the activities of AQ-I and the Iranians. Coalition outreach has identified some Sunni insurgent leaders willing to engage … The ability of these tentative contacts to affect broader insurgent violence is unknown.

"V. The strength of the insurgency is in part affected by Sunni participation in the political process … Much will depend on the actions of the new government in addressing broader Sunni concerns: federalism, de-Ba'athification, reform of the Iraqi Security Forces (ISF), MNF withdrawal, security and detainees, and improvement in the quality of life.

"VI. Many insurgents have probably already decided that the political process will not give them influence or benefit, or at least see no contradiction in pursuing a twin-track approach of political participation and violence. A hard core of Sunni Arabs will remain irreconcilable and join the jihadists in rejecting the political process. A strong Sunni Arab insurgency is likely to persist beyond 2006."

722. On 12 May, a view of the situation in Basra was provided to Mr Tim Dowse, Chief of the Assessments Staff.[350] It said:

"… the general security situation in Basra is in steady, if generally unspectacular, decline … There are now 8-10 assassination-style murders a day, usually of Sunnis. Religious, criminal and politically motivated intimidation is prevalent … The situation is aggravated by the growing heat resulting in armed demonstrations at night against the local authorities complaining of lack of electricity and other services … Political life in Basra revolves around money, patronage and intimidation … The capacity of local militias to influence politics through a show or threat of force was apparent during the December elections … The police and Iraqi army have shown no appetite to confront JAM and their capability to do so is untested."

723. The brief provided to Mr Dowse considered that the attacks on UK forces in Basra were being conducted in part by elements of JAM and in part by renegade elements within the Iraqi Security Forces:

"The problem of renegade security forces requires an Iraqi solution that depends on tackling corruption and militia penetration of the Iraqi Security Forces and increasing the influence of the central government over the provincial government in Basra."

---

[350] Minute senior government official specialising in the Middle East to Dowse, 12 May 2006, 'Situation in Basrah'.

724. In a video conference with President Bush on 16 May, Mr Blair said that the UK felt the Iraqi Government was beginning to "shape up well".[351] The next step would be for the US and UK to present, jointly with Prime Minister Maliki, a strong programme for the government, including "a very clear forward perspective on security transition".

725. The following week insurgents in MND(SE) detonated a command wire Improvised Explosive Device (IED).[352,353] This was the first successful such attack in Iraq since December 2005 and the first instance of an IED of this type in MND(SE). Maj Gen Cooper observed that this reversion to an older form of technology represented a change in the insurgents' tactics, possibly in response to MNF counter-IED advances.

726. On 20 May, Prime Minister Maliki presented his Cabinet (minus the Ministers for Interior, Security and Defence) to the Council of Representatives.[354] All were approved.

727. Mr Patey described the Maliki government as a "genuine government of national unity".[355] Although it was, in his view, "not quite the technocratic powerhouse we hoped for", he was clear that it included "a fair number of highly competent individuals in key positions".

728. Gen Jackson visited Iraq from 15 to 18 May and observed:

> "The key challenge is governance …
>
> "Yet even given a backdrop of good governance, the security challenges are still daunting … With our understandable focus on the relatively peaceful MND(SE), it is easy to forget the extreme levels of violence that are common place in Baghdad and its environs …
>
> "Whilst there is no doubt that the US Military will do 'whatever it takes' to contain the security situation … Lieutenant General Chiarelli [Commander of the Multi-National Corps – Iraq] remarked that another 50,000 troops would be needed to really improve security in Baghdad alone … This is a precarious position to be in …"[356]

729. Gen Jackson went on to describe a growing US frustration with perceived UK objectives:

> "My final point from Baghdad is rather unpalatable but, given the strength with which it was put across to me and the fact that it has never been far from the surface on previous visits, I feel compelled to raise it here. The perception, right or wrong, in some – if not all – US military circles is that the UK is motivated more by the

---

[351] Letter Banner to Hayes, 16 May 2006, 'Prime Minister's VTC with President Bush, 16 May: Middle East issues'.
[352] An Improvised Explosive Device detonated by the user through a hard-wired electrical cable.
[353] Minute Cooper, 17 May 2006, 'Iraq: Update' attaching 'GOC MND(SE) – Southern Iraq update – 17 May 2006'.
[354] *BBC News*, 20 May 2006, *Iraqi Parliament approves Cabinet*.
[355] eGram 19337/06 Baghdad to FCO London, 22 May 2006, 'Iraq: The New Government'.
[356] Minute CGS to CDS, 22 May 2006, 'CGS visit to Iraq: 15-18 May 06'.

short-term political gain of early withdrawal than by the long-term importance of mission accomplishment; and that, as a result, MND(SE)'s operational posture is too laissez faire and lacks initiative …"

730. Gen Jackson warned:

"… if US opinion is allowed to drift down its current course, we risk sacrificing the grand strategic aim (the UK/US special relationship) of our whole engagement in Iraq, for the sake of short term domestic … expediency."

731. Looking ahead to the future, Gen Jackson continued:

"As ever, the campaign prognosis from Basra's perspective is somewhat rosier than that from Baghdad; though the difference is less marked than on previous visits …

"The Governor of Basra aside, GOC MND(SE) was reasonably optimistic about political progress in the South East though much hinges on continuing Shia political coherence …

"If the Shia fault-lines are torn asunder, which is not inconceivable, all bets are off.

"From the military perspective, MND(SE)'s very clear focus remains rightly upon transition in its four provinces. Muthanna is certainly ripe for Provincial Iraqi Control (PIC) … In Basra, PIC is some way off, not only due to the malign influence of Governor Wahili, but also because the local IPS is particularly weak … In Dhi Qar, progress towards PIC is steady …

"Lastly, in Maysan, there continues to be a serious difference of US and UK opinion over transition … it was clear that MNC-I do not yet believe that the appropriate conditions have been set … On the other hand, GOC MND(SE)'s argument in favour of early transition in Maysan is compelling … First, there is a level of expectation in Maysan that they will be granted PIC as a reward for good behaviour … Should this aspiration not be met, we can expect a violent backlash. Second, and probably more persuasive, is GOC MND(SE)'s argument about diminishing returns … Indeed, his view that '*standing still is going backwards*' suggests that we are approaching the stage in Maysan where our presence will be seen as part of the problem not the solution."

732. Gen Jackson's visit report concluded:

"My final reflection from this visit … is that even if we deliver the agenda of transition laid out by the campaign plan, what we will leave behind will not look much like strategic success. Ten years hence our strategy may fully bear fruit. But in the short term Iraq will most probably be characterised by spikes of violence, continuing sectarian strife, fragile governance and stuttering economic development …
I agree that we need to start shaping the views of domestic and political audiences accordingly."

733. Reporting a discussion with Lt Gen Chiarelli on 17 May, Maj Gen Cooper elaborated his argument, pointing out that "if conditions were not right now, what would change in the timeframe envisaged for transition in the coming months?"[357]

734. On 22 May, the ISOG discussed how to draw together a strategic plan to deliver the UK's objectives in Basra.[358]

735. The objectives were to ensure that Basra:

- was on track to being assessed as suitable for transition by the end of 2006 or early 2007;
- had mechanisms in place that were able to develop and deliver governance and security policies through institutions that were broadly acceptable to the local population and effectively linked to the Iraqi central authorities;
- enjoyed an improving level of basic services;
- was attracting appropriate investment and other economic assistance;
- had "levels of corruption, criminality and criminal and sectarian violence below the point at which they would seriously undermine governance, security and economic development and popular support for Iraqi governmental institutions"; and
- was not subject to malign Iranian influence.

736. The ISOG concluded that achieving these objectives required:

- continued engagement on SSR (see Section 12.1);
- a demonstration of grip by the Iraqi Government;
- strengthened provincial government;
- an Iraqi Government development strategy that supported Basra's role;
- external investment;
- containing corruption to a level that was not undermining; and
- the UK to identify policies for security, governance and economic development that "can reasonably be expected to lead to strategic success".

737. Ms Margaret Aldred, Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office, wrote to UK officers and officials working in Basra on 23 May to seek their input on "how success can best be achieved".[359]

---

[357] Minute Cooper 17 May 2006, 'GOC MND (SE) – Southern Iraq Update – 17 May 2006'.
[358] Letter Aldred to Lamb, 23 May 2006, 'Basra: The Way Forward' attaching Note, [undated], 'Getting Basra Better: A Strategic Agenda for Action'.
[359] Letter Aldred to Lamb, 23 May 2006, 'Basra: The Way Forward'.

738. Mr Blair visited Iraq on 22 May.[360] He met President Talabani and, separately, Prime Minister Maliki.

739. Both men asked Mr Blair whether media reports that the UK was looking to withdraw from Iraq were accurate. Mr Blair responded that the UK:

> "… had the same objective as the Iraqi government: to go when the latter's forces were ready to take over."

740. A joint statement issued by the two Prime Ministers at a press conference after their meeting said that the:

> "… process of transition would start in some provinces in the coming months, and by the end of the year responsibility for much of Iraq's territorial security should have been transferred to Iraqi control."[361]

741. The statement recorded agreement to continue efforts to widen the countries engaged in Iraq:

> "The Iraqi Government for its part would provide a compelling vision of the way ahead showing how international assistance would complement its actions in pursuit of the common goal of a stable Iraq at peace with its neighbours."

742. Mr Blair and Prime Minister Maliki had "discussed the situation in Basra and agreed to work closely on ensuring greater security and stability there". A high-level Iraqi delegation would visit Basra soon.

743. After the press conference, it was reported that:

> "Mr Maliki surprised Mr Blair's team at the press conference by saying the UK handover to Iraqi forces could begin in June. British officials later corrected this, saying that the planned date was actually July."[362]

744. Maj Gen Cooper reported that the statement had "aroused understandable interest in Provincial political circles" where it "certainly raised expectations".[363]

---

[360] Letter Banner to Siddiq, 22 May 2006, 'Iraq: Prime Minister's Meeting with Talabani'; Letter Banner to Siddiq, 22 May 2006, 'Iraq: Prime Minister's Meeting with Nouri al-Maliki' attaching 'Joint statement about the visit of the UK Prime Minister'.
[361] Letter Banner to Siddiq, 22 May 2006, 'Iraq: Prime Minister's Meeting with Nouri al-Maliki' attaching 'Joint statement about the visit of the UK Prime Minister'.
[362] *The Guardian*, 23 May 2006, *Troop pull-out from Iraq to be speeded up.*
[363] Minute Cooper, 24 May 2006, 'GOC MND(SE) – Southern Iraq Update – 24 May 2006'.

745. On the way back to the UK after the visit, Sir Nigel Sheinwald sent Mr Hadley a note for President Bush from Mr Blair.[364] It said:

> "I left Iraq, on balance, more optimistic not less … The Government obviously has a real sense of mission. Not one [member of the government] … said we should go now … All want us to stay to get the job done. **If** we have a clear plan, properly executed and communicated to the Iraqi people, we will succeed.
>
> "Now for the challenge: the nature of the insurgency is changing; we do not, on our own, have the force capability to defeat it; as the Sunni become convinced we are non-sectarian, they welcome it and conversely as the more extreme Shia come to the same conclusion, they don't. Hence Basra becoming a problem. In addition, very simply put: the security is so bad in and around Baghdad for ordinary folk, that it stops improvement in services, we get blamed (in part) and people start looking to militias to protect them. Al Qaida kill Shia. Shia kill Sunni, and sectarian violence increases."

746. Mr Blair set out five suggestions for a plan to draw together and focus effort in Iraq to address the "vicious spiral" described above:

- publishing a conditional timetable for withdrawal of the MNF;
- a "better, stronger ISF build-up";
- prioritising Baghdad security and electricity production;
- doing deals with the insurgents to enter the political process; and
- shaming the international community into supporting the new Iraqi Government, through a big UN-led donor conference.

747. The day after leaving Iraq, Sir Nigel Sheinwald wrote to Mr Straw's Principal Private Secretary to set out Mr Blair's view of priorities for Iraq, which mirrored the suggestions he sent to President Bush.[365] The key elements included:

> "– Drawing up a **timetable with conditions** setting out the potential path to MNF withdrawal. This should address the desire of Iraqis for clarity over two issues: that the MNF will stay until Iraqi security forces are capable of acting independently; and that the MNF will go once that has been achieved. Any timetable should include dates, but each one should be conditional on ISF build-up of capability and overall violence levels … **Action: The Prime Minister will discuss with President Bush in Washington. Thereafter MOD/BE Baghdad/FCO.**
> – To ensure improved **ISF build-up**. We need to make sure that Iraqi forces really are capable of dealing with the threat, including from AQ … The Prime Minister heard a number of disquieting comments on this score from Iraqis and others.

---

[364] Letter Sheinwald to Hadley, 22 May 2006, 'Iraq', attaching Note TB [Blair to Bush], 22 May 2006, 'Note'.
[365] Letter Sheinwald to Hayes, 23 May 2006, 'Iraq'.

We therefore need a candid analysis of the gap between current capabilities and future requirements … and a **plan** for closing the gap. **Action: MOD**

- Backing the Baghdad security and electricity plans … **Action: MOD/DFID**.
- Turning around the situation in **Basra**, following the Prime Minister's private conversation with Maliki. This will require
  - a political understanding with parties representing the spectrum of political opinion there;
  - a package of UK and international reconstruction assistance;
  - a larger role and presence for the Iraqi forces, working alongside UK forces.
- The Prime Minister has asked that a senior individual be tasked with taking this process forward in Basra, working with designated interlocutors from the Iraqi government. **Action: FCO/MOD/DFID/BCG Basra. The Prime Minister hopes that the Defence Secretary will personally supervise the military aspects of this.**
- Promoting **international support** for the new government … **Action: FCO**. The Prime Minister would like the Foreign Secretary to personally direct this work …
- Stepping up our **outreach** activities to both Sunni and Shia militants, to ensure that they are given opportunity and incentives to participate in the political process. **Action: FCO**."

748. Sir Nigel's letter alerted members of DOP(I) that Mr Blair was likely to want to discuss these issues when next they met.

749. After leaving Baghdad, Mr Blair visited the US to make a speech at Georgetown University in which he called for reform of the UN. On 25 May he met President Bush for talks on a range of foreign policy issues at the White House.[366]

750. On withdrawing troops from Iraq, Mr Blair thought that the way forward was to "give an indication of our intentions, but make sure they were conditions based". Mr Blair said it was important that there was no hint of "cutting and running". Security and electricity supply were key, but above all the momentum must be kept going.

751. Mr Blair proposed a conference in the autumn to get support from the international community for the effort in Iraq. There was "a prospect of a new deal for Iraq, including withdrawal of the MNF".

752. Mr Blair and President Bush held a joint press conference in which Mr Blair told reporters he had left Iraq "thinking the challenge is still immense" but he was "more certain than ever that we should rise to it".[367]

---

[366] Letter Phillipson to Hayes, 26 May 2006, 'Prime Minister's Talks with President Bush: 25 May'.
[367] *CNN*, 26 May 2006, *Bush, Blair: Iraq war not as smooth as hoped.*

753. DOP(I) met on 25 May.[368] Mr Blair told the meeting that the UK should focus on:

- the development of the Iraqi Security Forces;
- seeing progress in Basra; and
- supporting the Iraqi Government's efforts to restore security and electricity provision in Baghdad.

754. In relation to Basra, Mr Blair said that "we needed clarity over our troops' activities. They should not simply be in Basra to provide a target or justification for the activities of violent groups."

755. Ministers agreed that the action points set out in Sir Nigel Sheinwald's letter of 23 May should be pursued.

756. Prime Minister Maliki and Vice President Tariq Hashemi visited Basra on 31 May.[369] Maj Gen Cooper described it as "an entirely Iraqi affair, with MNF and diplomatic personnel not involved".

757. During his visit, Prime Minister Maliki declared a state of emergency in Basra, lasting a month.[370]

758. *The Guardian* reported that:

> "He denounced a series of killings and kidnappings that Sunni religious leaders have blamed on Shia-run death squads, saying: 'We will beat with an iron fist on the heads of gangs who are manipulating security'."

---

[368] Minutes, 25 May 2006, DOP(I) meeting.
[369] Minute Cooper, 1 June 2006, 'MND(SE) – Southern Iraq Update – 1 June 2006'.
[370] *The Guardian*, 31 May 2006, *State of emergency for Basra.*

SECTION 9.5

JUNE 2006 TO 27 JUNE 2007

Contents

Introduction 2

June 2006 2

July 2006 11

August 2006 24

September 2006 30

October 2006 41

November 2006 49

December 2006 60

January 2007 69

February 2007 99

March 2007 120

April 2007 134

May 2007 144

June 2007 165

Introduction

1. This Section covers the year leading up to Mr Blair's departure from No.10 in June 2007, and addresses:

- the development of the Basra Security Plan (including Operation SINBAD) and the Better Basra Plan;
- UK planning for withdrawal from Iraq and reinforcement in Afghanistan, and the beginning of transition to Provincial Iraqi Control in the South;
- UK responses to the new US strategy of surging forces into Baghdad and their impact on US/UK relations; and
- the genesis of negotiations with Jaysh al-Mahdi in Basra.

2. This Section does not address:

- the UK contribution to the reconstruction of Iraq and reform of its security sector, covered in Sections 10 and 12 respectively.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

June 2006

4. On 1 June, Major General John Cooper, General Officer Commanding Multi-National Division (South-East) (GOC MND(SE)) presented his proposals for the Basra Security Plan to General George Casey, Commander Multi-National Force – Iraq (MNF-I).[1]

5. Maj Gen Cooper wrote that the plan:

> "… will bring together a number of programmes and include a diplomatic focus from Baghdad .. a MOI [Ministry of the Interior] judicial review/inquiry and support for … search and arrest operations".[2]

6. On 2 June, a Cabinet Office official sent Mr Blair an update following his visit to Iraq on 22 May (described in Section 9.4).[3]

7. In relation to Gen Casey's plan to address security in Baghdad, it said:

> **"Our initial assessment of the proposals is positive, with the necessary political and military elements woven in."**

8. On Basra, the update said:

> "The Consul General, Military, DFID … in Basra have made joint proposals on delivering a step-change in engagement across all lines of operation. We need

[1] Minute Cooper, 8 June 2006, 'GOC MND(SE) – Southern Iraq Update – 8 June 2006'.
[2] Minute Cooper, 1 June 2006, 'GOC MND(SE) – Southern Iraq Update – 1 June 2006'.
[3] Minute Cabinet Office [junior official] to Prime Minister, 2 June 2006, 'Iraq: Follow-up to Your Visit'.

to clarify some of Maliki's proposals during his visit earlier this week (the exact role of the five man committee he has appointed, and what the Basra Security plan Casey will offer to Maliki will look like), but the overall impact was very positive and gives us the central government buy-in that we need. It also gives us the basis for a more confident approach on political outreach to Sadr, combined with a harder line on the Mahdi Army."

9. In a video conference with President Bush on 6 June, Mr Blair said that he thought that the new government had about three months to show that it could make a difference.[4] He suggested that the lack of experience of delivering plans within the government meant that the US and UK should "shepherd" implementation very closely.

10. On 6 June, Mr Blair had a private meeting with Mr Des Browne, the Defence Secretary, on Iraq and Afghanistan.[5]

11. Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, reported after the meeting that Mr Blair had asked Mr Browne to focus on the situation in Basra in order to:

"… make sure that the political and military strategies were aligned and proceeding together. This required micro-management. We had been slow to grip the situation there, but now needed: to get on top of the gaps in equipment and training for the Iraqi forces; a plan for getting Iraqi forces on to the streets; and a new political dispensation given the interest now being shown by Iraqi national figures."

12. Mr Browne agreed to take on that role, and also to continue to co-ordinate media activity on Iraq, which Mr Blair said needed to be reinvigorated. Mr Blair said that he intended to use the next meeting of the Defence and Overseas Policy Committee's Sub-Committee on Iraq (DOP(I)) to "divvy up Ministerial responsibility for different parts of the Iraq strategy".

The death of Abu Musab al-Zarqawi

On 7 June, the leader of Al-Qaida in Iraq (AQ-I), Abu Musab al-Zarqawi, was killed by US forces in an airstrike on a house 8km north of Baquba.[6]

Mr Blair relayed reports of his death at the Cabinet meeting the following day.[7]

Briefing supplied to Mr Blair's Private Secretary suggested that the UK "played a leading part in highlighting significant contacts around Zarqawi".[8]

---

[4] Letter Banner to Hayes, 6 June 2006, 'Prime Minister's VTC with President Bush, 16 May[sic]: Middle East issues'.
[5] Minute Sheinwald to Banner, 8 June 2006, 'Iraq and Afghanistan'.
[6] *BBC News*, 8 June 2006, *Zarqawi killed in Iraq air raid*.
[7] Cabinet Conclusions, 8 June 2006.
[8] Letter to Banner, 8 June 2006, 'Death of Zarqawi: […]'.

An initial assessment of the impact of al-Zarqawi's death made shortly after he was killed said that it would bolster the image of the Iraqi Government and have a short term disruptive effect on AQ-I.[9] But his death was also likely to enhance his iconic status and inspire other extremists.

In a telephone conversation with Prime Minister Maliki on 8 June, Mr Blair described the operation as "a very important moment for Iraq".[10]

Over the weeks that followed, AQ-I suffered further losses with the capture of several other senior leaders.[11]

Documents and IT equipment found after the 7 June airstrike provided key information about AQ-I.[12] Mr Mowaffak al-Rubaie, Iraq's National Security Adviser, was reported to have told a news conference in Baghdad "now we have the upper hand".

General Stanley McChrystal, the US officer who led the operation against al-Zarqawi, wrote in his memoir:

> "His death was more than symbolically important. It was a trite reaction among some to point out that there were thousands of men ready to replace Zarqawi – or any leader we removed. It was of course true that the organisation regained a leader … And yet there were not, in fact, thousands of 'Zarqawis'. He was a peculiar leader. His mix of charisma, brutality, and clear-eyed persistence was never matched by al-Masri or al-Masri's successor."[13]

13. On 8 June, Prime Minister Maliki appointed the final members of his Cabinet: the Ministers for the Interior, Security and Defence.[14] Each had been subject to approval by majority vote in the Council of Representatives. Other ministers had been appointed on 20 May (see Section 9.4).

14. Mr William Patey, the British Ambassador to Iraq, reported that "it is of course good news that the Government has been finalised but the outcome is far from our ideal", with some appointments unlikely to command the broad support for which the UK would have wished.

15. Mr Donald Rumsfeld, the US Defense Secretary, observed that it was "fitting that the completion of the new Iraqi government coincided with his [al-Zarqawi's] death".[15]

16. The new government broadly reflected the ethno-sectarian balance of Iraq.[16] It included four women. They were appointed to the Ministries for Housing and

---

[9] Minute Dowse to Banner, 8 June 2006, 'Impact of Zarqawi's death'.
[10] Letter Banner to Siddiq, 8 June 2006, 'Iraq: Maliki'.
[11] JIC Assessment, 19 July 2006, 'Iraq: Insurgency, Sectarianism and Violence'.
[12] *BBC News*, 15 June 2006, *Al-Qaeda 'coming to end in Iraq'.*
[13] McChrystal S. *My Share of the Task.* Portfolio/Penguin, 2013.
[14] eGram 22963/06 Baghdad to FCO London, 8 June 2006, 'Iraq: Ministers of Interior, Defence and National Security Appointed'.
[15] DoD News Briefing with Secretary Rumsfeld and Gen Casey from the Pentagon, 22 June 2006.
[16] eGram 19337/06 22 May 2006, 'Iraq: The New Government'.

Construction, the Environment, Women's Affairs and Human Rights.[17] Six ministers were considered to be Sadrists.

Table 1: Key Cabinet Ministers in the first Maliki government[18]

Post	Name	Party
Prime Minister	Mr Nuri al-Maliki	Dawa (Shia)
Deputy PM	Dr Barham Salih	PUK (Kurdish)
Deputy PM	Mr Salam Zaubai	IAF (Sunni)
Defence Minister	Lt Gen Abdul Qadir Obeidi	(Sunni)
Interior Minister	Mr Jawad Bulani	(Shia)
National Security Minister	Mr Shirwan Wail	(Shia)
Oil Minister	Mr Hussain al-Shahristani	(Shia)
Foreign Minister	Mr Hoshyar Zebari	KDP (Kurdish)
Justice Minister	Mr Hashim al-Shebli	(Sunni)

17. Mr Dominic Asquith, who succeeded Mr Patey as British Ambassador to Iraq in August 2006, told the Inquiry that the delay in agreeing the composition of the Cabinet had a significant impact on Prime Minister Maliki's performance as a leader.[19] In Mr Asquith's view, Mr Maliki had never felt confident that he commanded "the loyalty even of those within his own Shia Alliance" and "was always concerned about the risk that other political leaders were about to undermine him".

18. In mid-June, Prime Minister Maliki formally launched the Baghdad Security Plan.[20] Its key elements included:

- achieving broad political engagement, with Prime Minister Maliki and the Minister of the Interior closely involved;
- communication with the local population, including directly by the Iraqi Security Forces (ISF), to build trust;
- initial operations and checkpoints to demonstrate an integrated Multi-National Force (MNF), Iraqi Army and Iraqi Police Service approach to security, in which Iraqis were seen to be taking the lead;
- increased patrols throughout Baghdad to develop early warning and intelligence, and 24-hour continuous patrolling to deter violence;
- targeted and intelligence-led offensive operations to neutralise insurgents; and

[17] *Associated Press*, 20 May 2006, *List of Iraqi Cabinet Ministers.*
[18] *BBC News*, 22 May 2006, *Who's who in Iraq's new cabinet.*
[19] Public hearing, 4 December 2009, page 38.
[20] *BBC News*, 14 June 2006, *Iraq implements new security plan*.

- protection for the Iraqi Council of Representatives to ensure the uninterrupted functioning of the Government of Iraq.[21]

19. On 15 June, the UN Security Council reviewed the mandate of the MNF in Iraq and the arrangements for the Development Fund for Iraq, as required by resolution 1546 (2004).[22]

20. Mr Hoshyar Zebari, the Iraqi Foreign Minister, told the Security Council that "contrary to media portrayal, a civil war was not taking place in Iraq" and that the continued presence of the MNF was "critical to attaining the goal of self-sufficiency in defending Iraq and securing peace".[23]

21. Ms Angela Kane, Assistant UN Secretary-General for Political Affairs, said:

> "While it may be understandable that, due to their transitory character, previous Governments were unable to take some of the hard decisions required to address the urgent needs of the Iraqi people, the establishment of a constitutionally-elected Government for a full four-year term offers new hope."

22. The UK Permanent Mission to the UN in New York reported that:

> "The meeting achieved our key aim – a straightforward review with the Council agreeing on the need for the MNF presence to continue. At the same time, we may also have made some progress achieving a more positive UN line on the international compact …"[24]

23. Cabinet Office officials provided a paper on delivering a step-change in Basra for the meeting of DOP(I) on 15 June.[25] The paper stated that:

- An announcement on transition to Iraqi control in Muthanna and Maysan provinces was expected shortly.
- Progress in developing the ISF was "**growing but variable**", with the police lagging significantly behind the army, including in MND(SE) where the militia links of the police were a "**significant cause for concern**". The MNF plan, which the MOD was reported as judging to be "**robust**", anticipated MNF retaining substantial forces in Iraq until 2007 to support the ISF (see Section 12.1).

---

[21] Paper Cabinet Office, 13 June 2006, 'Follow-up to the Prime Minister's visit, including delivering a step-change in Basra'.
[22] eGram 24620/06 UKMis New York to FCO London, 16 June 2006, 'Iraq: Review of the Multinational Force/DFI/UNAMI Mandates'.
[23] UN Security Council, '5463rd meeting, 15 June 2006' (SC/8751).
[24] eGram 24620/06 UKMIS New York to FCO London, 16 June 2006, 'Iraq: Review of the Multinational Force/DFI/UNAMI'.
[25] Paper Cabinet Office, 13 June 2006, 'Follow-up to the Prime Minister's Visit, Including Delivering a Step-Change in Basra'.

- The UK was continuing outreach efforts with both Sunni and Shia groups, "**seeking to draw in as many potential strands of opinion as possible** to reduce the military task in tackling the hard core insurgency" and trying to persuade the US to deliver a "**dividend**" for those who enter the political process.
- The UK (primarily DFID) was providing support to a number of governmental structures, but this effort was "**dwarfed by a very large … often overambitious US programme**" (see Section 10.2).

24. On Basra, the paper reported that officials had been undertaking a "major review of policy" in MND(SE), following concern (shared by the US) that Basra was not on track to meet the proposed transition timelines; that the ability of UK personnel to operate effectively in MND(SE) was seriously constrained by the deteriorating security situation; and that the UK had not done enough to ensure that its legacy in Basra would be a strong contribution to delivering stability and increasing prosperity (see Section 9.4).

25. The work to address those issues was split into four strands:

- political engagement with the Iraqi Government in Baghdad, with local politicians in MND(SE) and with Muqtada al-Sadr; plus efforts by the PRT to support provincial councils' capacity to deliver quick wins;
- a revised Basra Security Plan, including plans to increase the capacity of the police (through increased mentoring, and the reform of the specialist crime units – see Section 12.1) and improved intelligence on the situation in Basra;
- strengthening the rule of law and governance structures, including securing funding for improved criminal justice facilities (including from US and EU sources); and
- further economic development and reconstruction, in particular through helping Basra to access central government resources and a variety of both short-term and longer-term local environmental and infrastructure projects (see Section 10.2).

26. An annex to the paper described the key elements of the Basra Security Plan. Its purpose was defined as:

> "… to remove the immunity and impunity that Governor of Basra's patronage provides to assassination squads, target the rogue Jaysh al-Mahdi (JAM) leadership, and target and reform corrupt police agencies."

27. The objective of the operation was:

> "Civil Authority successfully restored, an increasingly capable ISF in the lead and continuing to prosecute operations through a combination of reassurance, deterrence and attrition of insurgents, leading to Provincial Iraqi Control."

28. At their meeting on 15 June, members of DOP(I) agreed that Mr Browne should take the lead in pulling together a strategy for Basra, with the support of the Cabinet Office and assistance from other departments.[26] Mr Benn would monitor developments on the electricity and power supply and Dr Kim Howells, FCO Minister of State for the Middle East, would put forward proposals for supporting accelerated development of the southern oil field.

29. In discussion, a member of DOP(I) suggested that the Cabinet Office paper risked being too optimistic on security prospects, in the light of recent Joint Intelligence Committee (JIC) Assessments.

30. The JIC had assessed in May that a strong Sunni insurgency would persist beyond 2006.[27] More recently, it had judged that the ISF would need MNF support beyond 2007 (see Section 12.1).[28]

31. On Sunday 18 June, the Iraqi Ministerial Committee on National Security (MCNS) endorsed the Basra Security Plan and recommended:

- expanding the Basra Security Committee (established by Prime Minister Maliki at the end of May) to include a number of Basrawis;
- appointing a new overall security co-ordinator for Basra; and
- that the Iraqi Ministries of the Interior and Defence should increase the forces available for Basra, even if this was to the detriment of policing and military operations elsewhere.[29]

32. The Committee also considered whether the Basra Chief of Police and the Commander of the Iraqi Army's 10th Division should be removed from post but had concluded they should remain for the time being.

33. On 16 June, the JIC considered the impact that involvement in Iraq was having on the threat to the UK from international terrorism. It judged that:

> "Al Qaida still regards the US as its main enemy and prime target … In the West, the UK is still Al Qaida's next most important target. But in the UK Al Qaida's intent is combined with capability … The relationship between the UK and Pakistan has given Al Qaida access and capability … the majority of identified Islamist extremists in the UK are British South Asians … Western European nations characterise the threat they face as dominated by North African Islamist extremists. Many are inspired by Al Qaida … The conflict in Iraq has energised Islamist extremists, even in countries … that opposed the war and have no military presence there. Iraq has also motivated **Kurdish Islamist extremists** …"[30]

---

[26] Minutes, 15 June 2006, DOP(I) meeting.
[27] JIC Assessment, 10 May 2006, 'How is the Sunni Insurgency Evolving?'
[28] JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit for Duty?'
[29] Minute Cullen to MA/CJO, 22 June 2006, 'MND(SE) – Southern Iraq Update – 22 June 2006'.
[30] JIC Assessment, 16 June 2006, 'Al Qaida in the West: Focused on the UK?'

34. Prime Minister Maliki announced on 18 June that Muthanna would transfer to Provincial Iraqi Control (PIC) on 13 July.[31] There was a lot of work still to be done, including to negotiate the series of Memorandums of Understanding (MOUs) that would govern MND(SE)'s future support for the Iraqi Security Forces post-transition.[32]

35. Three such MOUs were required, between:

- the MNF-I and the Iraqi Government;
- the Iraqi Government and the Governor of Muthanna; and
- the Governor of Muthanna and MND(SE) – this one, in particular, needed to be in place before transition could occur.

36. A key provision in each MOU was definition of the circumstances in which the MNF would re-engage in a province post-PIC.

37. On 21 June the British Embassy Baghdad reported on the first week of the Baghdad Security Plan.[33] There were early signs that the plan was having a practical effect, with a fall in attacks followed by a spike in Vehicle-Borne Improvised Explosive Devices (VBIEDs) which again tailed off. It was "not yet clear whether the violence would continue to drop or would settle at a new lower plateau".

38. Mr Browne visited Iraq from 18 to 22 June, travelling to both Baghdad and Basra and meeting senior Iraqi figures including Prime Minister Maliki and Defence Minister Qadir.[34] The purpose of his visit was:

> "… to drive the implementation of the new security plan for Basra – to get assurances from key figures in the National Government that they will take ownership of the plan, and to build working relationships with them so we can keep that plan on track."

39. Mr Browne wrote to Mr Blair whilst in transit to Basra to tell him that the Ministerial Committee on National Security had approved the Basra Security Plan and that Prime Minister Maliki had announced that Muthanna would transition to PIC early. Mr Browne "was able to follow it up with an extensive round of British, Iraqi and world media".

40. The letter also sounded a note of caution, observing that "we should keep things in perspective, and in particular not expect any immediate troop reductions". Mr Browne identified a parallel with Afghanistan, based on:

> "… a tension between, on the one hand, our growing conviction that reconstruction and better governance must be delivered alongside improved security, rather than

---

[31] Minutes, 6 July 2006, DOP(I) meeting.
[32] Minute Cullen to MA/CJO, 22 June 2006, 'MND(SE) – Southern Iraq Update – 22 June 2006'.
[33] eGram 25679/06 Baghdad to FCO London, 21 June 2006, 'Baghdad Security Plan: First Week Assessment'.
[34] Letter Browne to Prime Minister, 22 June 2006, 'Update on Visit to Iraq'.

coming a few months down the track, and on the other, the difficulties our FCO and DFID representatives face in getting out on to the ground to do this."

41. On 22 June, Gen Casey commented in a press conference that he was confident that the Iranians, through their covert special operations forces, were providing weapons, IED technology and training to Shia extremist groups in Iraq.[35]

42. On 25 June, Prime Minister Maliki announced his plan for national reconciliation.[36] The 28-point plan included:

- the formation of a National Council for Reconciliation, and a National Dialogue Plan, linked to sub committees at regional and local levels, bringing together political, religious and tribal leaders;
- concerted action against terrorism – including a requirement that all those involved in government must overtly reject terrorism – and mechanisms to prevent the abuse of human rights;
- a review of the de-Ba'athification Commission (see Section 11.1), and compensation for those who had lost their jobs after the fall of the Saddam regime;
- an amnesty for detainees not involved in terrorism or war crimes;
- compensation for the victims of terrorism, for the victims of Saddam Hussein's regime and for displaced persons (including a commitment to return them to their homes);
- improving public services, including the security forces, enabling them to be ready to take over responsibility for security from the MNF;
- tackling the militias;
- reasserting the authority of elected Iraqi institutions over decisions on Iraq's sovereignty and the presence of the MNF in Iraq (including negotiations with the MNF to prevent human and civil rights violations during military operations); and
- a nation-wide development programme to tackle unemployment and poverty.

43. On 28 June, Maj Gen Cooper reported that the US military were not supportive of deciding in July when Maysan would transition to PIC.[37]

44. Maj Gen Cooper also reported that the current Shia government was "highly unlikely to re-commit non-Iraqi forces into any Shia Province after PIC except in the most dire circumstances".[38]

---

[35] US Department of Defense News Transcript, 22 June 2006, *DoD News Briefing with Secretary Rumsfeld and Gen Casey from the Pentagon.*
[36] *BBC News*, 25 June 2006, *Main points of Iraq's peace plan*.
[37] Minute Cooper, 28 June 2006, 'GOC MND (SE) – Southern Iraq Update – 28 June 2006'.
[38] Minute Cooper, 28 June 2006, 'GOC MND(SE) – Southern Iraq Update – 28 June 2006'.

45. A difference between UK and US opinion on Maysan was discussed at the Iraq Strategy Group on 30 June.[39] The record of the meeting said:

> "We needed to look again at how we presented our arguments – including the scope for reminding the US of Maliki's statement that Maysan would transition soon. Nick highlighted the risk that if Dhi Qar went ahead of Maysan there would be a requirement for additional UK forces. The meeting agreed that this was not acceptable, and that we would need to push the US hard in the next few weeks to recognise this and the force of our arguments over Maysan and the Iranian border."

46. Vice Admiral Charles Style, Deputy Chief of the Defence Staff (Commitments), told the Iraq Strategy Group that appointing the new Basra security chief was "critical to seeing a real difference" but even once that had happened "it would still take 6-9 months to see a significant change in the security situation".[40]

July 2006

47. On 4 July, Mr Browne wrote to Mr Blair to say that he intended to agree with DOP(I) a range of projects to support a Better Basra Plan, costing £30.7m for the remainder of the financial year, "a relatively small sum given the strategic importance of Basra".[41]

48. The projects would deliver:

- a "new unit to clean up the Basra police from within";
- on the spot mentoring of the Basra police and the regional prison managers;
- a new unit to fast-track corruption, organised and major crime cases through Basra's courts;
- more training for judges; and
- witness protection arrangements.

49. Overall, the aim of the programme was to "increase the capacity of the Iraqis to deal with those detained by the Iraqi Security Forces and so avoid the legacy of long-term detention of large numbers". This work was intended to be combined with "energetic implementation of the Basra Security Plan". The projects on police reform and reconstruction are considered in Sections 12.1 and 10.2.

---

[39] Letter Cabinet Office [junior official] to Sheinwald, 30 June 2006, 'Iraq Strategy Group'.
[40] Letter Cabinet Office [junior official] to Sheinwald, 30 June 2006, 'Iraq Strategy Group'.
[41] Letter Browne to Prime Minister, 4 July 2006 attaching Annex A 'Background on Additional Basra Work'.

50. On 4 July, Mr Blair told the House of Commons Liaison Committee that UK troops would remain in Iraq:

> "As long as the Government there wishes them to be there. I suspect over the next 18 months there will obviously be opportunities to draw down significant numbers of British troops because the capacity of the Iraqi forces will build up."[42]

51. When asked about Basra, Mr Blair agreed that some groups:

> "… may use the presence of British forces as the excuse [for violence] but that [driving British forces out] is not really their aim. Their aim is to get political and security control of Basra so that they can run Basra rather than have the democratic government run it."[43]

52. On 6 July, DOP(I) discussed Mr Browne's letter to Mr Blair and agreed his proposals in principle.[44]

53. Mrs Margaret Beckett, who had been appointed as Foreign Secretary in May, and Mr Hilary Benn, the International Development Secretary, said that their Iraq budgets were fully committed, but were asked to look again at reprioritising their spending to fund the Better Basra projects.

54. In a phone call with President Bush on 7 July Mr Blair said that the key issue for the Iraqi Government was to work out how to deal with militias: the ISF did not know how to do so.[45] His view was that the Iraqi Government urgently needed to show they were making a difference on security, in Basra as well as in Baghdad.

55. Maj Gen Cooper reported on 7 July that he had discussed an alternative approach to transition to PIC in Maysan with Gen Casey and General Peter Chiarelli, Commander Multi-National Corps – Iraq (MNC-I).[46]

56. Maj Gen Cooper considered that it was necessary to re-posture UK forces in Maysan, in light of the possibility of having to cover Dhi Qar province once Italian troops had been withdrawn. Maj Gen Cooper believed that re-posturing prior to PIC would, in his view, allow UK forces to "deliver greater effect along the border" and would "send a signal that we were serious about handing back responsibility for security".

57. In his weekly report on 9 July, Lieutenant General Robert Fry, Senior British Military Representative-Iraq (SBMR-I), described the difference in approach between the US

---

[42] House of Commons Liaison Committee, Session 2005-06, Minutes of Evidence 4 July 2006, HC 709-iii, Q419.
[43] House of Commons Liaison Committee, Session 2005-06, Minutes of Evidence 4 July 2006, HC 709-iii, Q421-422.
[44] Minutes, 6 July 2006, DOP(I) meeting.
[45] Letter Banner to Hayes, 10 July 2006, 'Prime Minister's phone call with President Bush, 7 July: Iraq, Afghanistan and MEPP'.
[46] Minute Cooper, 7 July 2006, 'GOC MND(SE) – Southern Iraq Update – 7 July 2006'.

and UK in assessing the readiness of provinces for PIC.[47] He observed that the US process was:

> "… subject to exhaustive measurement, in contrast to the rather more judgemental criteria we rely upon … it is what the Americans would regard as the absence of empirical rigour which causes some divergence over the readiness of MND(SE) provinces, particularly Maysan, to transition.
>
> "In successive monthly assessments, MND(SE) has marked Maysan green across all four transitional criteria. A separate Corps-level process has not shared this judgement in the areas of threat assessment and governance, citing an increasing complexity in attacks, cross-border penetration and the JAM sympathies of the provincial governor. As a result, Chiarelli has not felt able to recommend Maysan for PIC; a view shared by Casey, who has reached his own independent judgment and is not simply supporting his subordinate commander. In answer to the supplementary UK question – if not now, then when – both would reply that an equal rhetorical case could be made for some of the intractably difficult areas under US control and vacating the battlespace is not an appropriate response to an increasing cross-border threat. The danger in all this is that, unless we change the terms of engagement, we risk a dialogue of the deaf and a loss of confidence in the integrity of our reporting."

58. Lt Gen Fry considered that the proposal to re-posture in Maysan before transition to PIC would "allow considerable savings in force levels" and would remove the need to sequence the transition arrangements in Maysan and Dhi Qar around UK force levels. He reported that Gen Casey was "willing to let the proposal run so long as two criteria are satisfied: we retain a handle on JAM intentions, and we create a persistent flank guard effect against the Iranian border".

59. Mr Blair's Private Secretary wrote to Mr Browne's Private Secretary on 10 July to report that the Prime Minister was "very concerned at the recent attack statistics", particularly the "widely reported sectarian killings" in Baghdad.[48]

60. Mr Blair judged that "overcoming the evident lack of engagement against the militias by the Iraqi government and security forces is a major strategic task". As well as continuing to press the Iraqi Government to take action, it was important for the UK to "have a clearer view of what action is required, to complement and make up for the shortcomings of the current Baghdad and Basra security plans".

61. In addition, Mr Blair was concerned that the evidence demonstrated that the Iraqi Security Forces were not as capable as had previously been assessed.

---

[47] Minute Fry to PSO/CDS, 9 July 2006, 'SBMR-I Weekly Report (217): 9 July 2006'.
[48] Letter Banner to McNeil, 10 July 2006, 'Iraq: Security'.

62. Mr Blair's Private Secretary asked for immediate advice from Lt Gen Fry on what action Prime Minister Maliki needed to take, and more detailed advice later that week on how to address the shortcomings of the ISF.

63. Mr Browne's Private Secretary replied the following day, attaching advice from Lt Gen Fry.[49] He advised that Mr Blair should press Prime Minister Maliki to:

- re-emphasise the theme of national unity;
- carry out "vigorous internal reform" of the Ministry of Interior and sack those engaged in militia activity;
- agree a plan to engage the militia politically and militarily;
- re-vamp the Baghdad Security Plan to create "a localised effect by concentrating force in a specific area" which could then be expanded; and
- tell Muqtada al-Sadr that he must choose between politics and "populist adventurism".

64. Lt Gen Fry advised that in Basra the structure needed to oversee the Security Plan must be established and allowed to act independently, with broad political guidance, to "prevent the over-centralisation of powers" which was open to abuse.

65. By the time Major General Richard Shirreff took over as GOC MND(SE) in mid-July, there had not yet been agreement on the implementation arrangements of the Basra Security Plan.[50] In particular no overall Iraqi security co-ordinator had been appointed. The Provincial Council, however, had voted to replace the Basra Chief of Police.

66. Lieutenant General Sir Richard Shirreff told the Inquiry that his objective had been to achieve PIC in the four provinces within MND(SE).[51] In order to achieve this, his "overriding preoccupation was to establish security". He explained that, when he arrived there was "effectively no security at all", with movement significantly constrained and "a significant lack of troops on the ground". He continued:

> "The result of all that was what I call a cycle of insecurity. No security meant no reconstruction and development. It meant a loss of consent, the militia filled the gap and, effectively, the militia controlled the city. So my objective was to re-establish security in Basra."

67. Lt Gen Shirreff told the Inquiry that his sense had been that the overriding theme in the Permanent Joint Headquarters (PJHQ) was accelerated transition and "the gravity of the [security] situation was not fully appreciated".[52] He concluded that "the focus was to exit rather than achieving adequate success".

---

[49] Letter McNeil to Banner, 11 July 2006, 'Iraq: Security' attaching Minute Fry to MA/Secretary of State [MOD], 11 July 2006, 'Iraq: Security'.
[50] Minute Cooper, 13 July 2006, 'GOC MND(SE) – Southern Iraq Update – 13 July 2006'.
[51] Public hearing, 11 January 2010, pages 2-4.
[52] Public hearing, 11 January 2010, pages 10-11.

68. On 13 July, at the request of the FCO, the JIC assessed Iran's involvement and intentions in Iraq.[53] The JIC judged:

> "Iran has multiple objectives in Iraq and a number of instruments to pursue them. It wants an Iraq that is unified and stable, led by a Shia government which is friendly to Iran and open to Iranian political and commercial influence. It also wants the Multinational Forces (MNF) to leave, and to make life as difficult as possible for them in the meantime, even if this increases instability."

69. The Assessment stated:

> "The Iranian leadership is encouraging stability through its support for reconstruction (it has negotiated a $1 billion credit line for reconstruction activities) and for the political process … But at the same time they are increasing instability through support for Shia militias."

70. The JIC judged that support to militias meant:

> "Iran continues to provide military technology and training to Iraqi Shia who it knows will attack the MNF: it does not need to give them specific direction."

71. Sir John Scarlett, Chairman of the JIC between September 2001 and July 2004, told the Inquiry that the JIC's assessments of Iran's involvement in Iraq became "significantly tougher" from September 2004 onwards, "reaching a sort of high point in the summer and autumn of 2006".[54]

72. Mr Tim Dowse, Chief of the Assessments Staff between November 2003 and May 2009, told the Inquiry that the JIC had "spent a lot of time, from really the very beginning, trying to fathom out what the Iranians were up to".[55] He added, "I think we started this whole period with a reluctance to see an Iranian hand."

73. Mr Dowse did not agree with Mr Blair's suggestion that Iran was deliberately trying to destabilise Iraq. He told the Inquiry:

> "I don't think we saw evidence that the Iranians regarded Shia-led Iraq as a rival for support in the Shia world."

74. Mr Dowse reminded the Inquiry that the Iranians had made quite a significant constructive contribution to reconstructing Iraq and were very concerned about the security of their pilgrims travelling to Iraq: "But at the same time they absolutely did not want to have a western military presence there. So … they saw no contradiction particularly with supporting the JAM."

---

[53] JIC Assessment, 13 July 2006, 'Iran: Intentions in Iraq'.
[54] Private hearing, 10 June 2010, pages 45-46.
[55] Private hearing, 14 June 2010, pages 60-64.

75. On 13 July, Mrs Beckett told Cabinet that responsibility for security in the province of Muthanna had been handed from British to Iraqi forces that day.[56]

76. Maj Gen Cooper reported that Prime Minister Maliki attended the transfer ceremony, at which he and the Governor had signed an MOU.[57] Once signed:

> "We [UK forces] are now in Operational Overwatch in Muthanna. We will begin the long term monitoring and mentoring of the ISF, continue leadership engagement and maintain situational awareness. I have agreed that we will now have a period of a full week when we will participate in no activities in order to allow the physical reality of PIC to be registered in the province …"

77. Maj Gen Cooper's negotiations with the Governor of Muthanna on the MOU had continued right up to the point of transfer, but the Governor's concerns had eventually been resolved satisfactorily.

78. Shortly after the Muthanna transfer, Lt Gen Fry reported on:

> "An interesting week in which a strategic design for coalition disengagement has begun to emerge at the same time as decisions on the tactical reinforcement of the US presence in Baghdad have been made in response to a deteriorating security situation. The casual observer could be forgiven for being confused …"[58]

79. In a meeting with President Bush in the margins of a G8 summit in St Petersburg on 16 July, Mr Blair said that US plans to surge troops into Baghdad were "important" and described the recent spate of sectarian killings as "horrific".[59] It was also important, in his view, for Prime Minister Maliki to empower the ISF to tackle militias.

80. The question of whether Iraq was experiencing, or heading towards, civil war had been widely discussed since the departure of the Coalition Provisional Authority in June 2004.

81. Lt Gen Fry addressed the issue in his 16 July weekly report:

> "Is this civil war? Technically no: the institutions of the state are still intact, violence is localised and there are more displaced people in New Orleans than Iraq.[60] But a 98 percent increase in civilian casualties in the last three months tells its own story … A general condition exists which is less than civil war, but a localised condition exists in Baghdad, Diyala and parts of Salah ad Din where state institutions have only marginal effect, elements of the security apparatus are complicit in acts of sectarian violence and complex combat operations are taking

---

[56] Cabinet Conclusions, 13 July 2006.
[57] Minute Cooper, 13 July 2006, 'GOC MND (SE) – Southern Iraq Update – 13 July 2006'.
[58] Minute Fry to Stirrup, 16 July 2006, 'SBMR-I Weekly Report (218): 16 July 2006'.
[59] Letter Phillipson to Hayes, 16 July 2006, 'Prime Minister's meeting with President Bush, St Petersburg, 16 July 2006: Middle East, Iran, Iraq, Afghanistan, Guantanamo'.
[60] In August 2005, New Orleans had been hit by Hurricane Katrina.

place. Military semantics still offers a refuge, but we must expect the civil war theme to be a running feature of the editorial pages."[61]

82. In Lt Gen Fry's view, the coalition faced some big decisions about how to address the problems it faced, namely:

- an entrenched Sunni insurgency, with greater links to AQ; and
- increasing sectarian violence which might be partly prompted by Shia extremists seeking to exacerbate Sunni alienation in order to avoid the Shia having to share power.

83. Lt Gen Fry reached two conclusions:

- The point might have been reached where the Global War On Terror and the Iraq campaign were in conflict, as the campaign against AQ-I was indirectly helping achieve Shia political ambitions by further alienating the Sunni community and fuelling their disaffection with the political process.
- There was a need to "rapidly equalise the campaign effect in both communities by deliberate offensive action against the Shia 'death squads'".

84. Mr Blair annotated these conclusions – "quite right".[62]

85. On 19 July, at the request of the MOD, the JIC examined changes in the nature of violence in Iraq.[63]

86. The JIC's first Key Judgement was:

"I. The security situation is growing in complexity. In addition to insurgents, local struggles for political and economic power, sectarian extremists and criminals are all exploiting declining security. Spiralling sectarian violence is the most immediate threat to Iraq's progress. Deteriorating security is outpacing the government's ability to respond: violence is at the highest sustained level since April 2003. Most is still in the Sunni heartlands and Baghdad, but it is also increasing in pockets elsewhere (including Basra)."

87. The JIC also judged:

"II. A virulent Sunni Arab nationalist insurgency continues. The Multi-National Forces (MNF) continue to bear the brunt of their attacks. A minority of Sunni insurgents is engaged in talks with the coalition and the Iraqi government, but the commitment of the majority of insurgents to a violent campaign is largely undiminished. Intensifying sectarian violence is strengthening the unwillingness of many to give up their

---

[61] Minute Fry to PSO/CDS, 16 July 2006, 'SBMR-I Weekly Report (218): 16 July 2006'.
[62] Manuscript comment Blair, on Minute Fry to PSO/CDS, Hybrid, 'SBMR-I Weekly Report (218): 16 July 2006'.
[63] JIC Assessment, 19 July 2006, 'Iraq: Insurgency, Sectarianism and Violence'.

arms. In many cases distinctions between Sunni Arab nationalists and jihadists are now blurred."

88. The JIC assessed that AQ-I remained the largest single insurgent network. But the impact of Abu Musab al-Zarqawi's death had been short-lived. His successor, Abu Ayyub al-Masri, was expected to continue al-Zarqawi's strategy and tactics:

"… including his campaign of attacks on the Shia to foment a civil war which is starting to get results."

89. Mr Browne described the Shia violence in southern Iraq to the Inquiry as "a competition for influence and resources" that the UK was clear would need to be resolved by a combination of Iraqi politics and the Iraqi security forces.[64]

90. Mr Browne told the Inquiry that he had invested considerable time drawing the attention of the Iraqi Government to the need to address the problems in the South. Prime Minister Maliki had given an undertaking that he would deal with the situation and deploy the necessary resources but "his machinery of government was not always capable of delivering that, and he had the additional problem … that the Provincial Council in Basra, at the time … did not function properly on occasions".

91. On 20 July, Mr Patey sent a valedictory telegram.[65] It opened with the summary "Strategic failure in Iraq a distinct possibility but not inevitable."

92. Mr Patey continued:

"The prospect of a low intensity civil war and de facto division of Iraq is probably more likely at this stage than a successful and sustained transition to a stable democracy …

"Since the transfer of sovereignty in 2004 we have made considerable progress in developing the political process … But the process itself has also exposed the sectarian divisions in the country …

"The current levels of violence are as high as they have ever been and the increasingly bold and sectarian nature of the violence is the most troubling aspect. There is little doubt (and this analysis is shared by most Iraqis) that the precipitate departure of coalition forces from Iraq would lead to open civil war …"

93. Looking ahead, Mr Patey wrote:

"But the position is not hopeless … Our strategy must be to get the Iraqis to increasingly take the lead and responsibility. This will produce some uncomfortable moments but in the long run is the only solution … It should be possible to ensure

---

[64] Public hearing, 25 January 2010, pages 11, 13 and 16.
[65] eGram 31514/06 Baghdad to FCO London, 20 July 2006, 'Iraq: Valedictory'.

that the Iraqi Government has a near monopoly of force by the time the coalition withdraws the bulk of our forces …

"We will through our continued presence over the next few years need to provide the Iraqis with the necessary breathing space to build up their capabilities … We will need to be careful to avoid the impression that we are ready to take on Shia militias in order to restore Sunni dominance …

"If we are to avoid a descent into civil war and anarchy then preventing the Jaysh al Mahdi (JAM) from developing into a state within a state, as Hizballah has done in Lebanon, will be a priority … Our efforts must be in support of a clear Iraqi Government strategy and we should avoid getting into a position where we are seen to be confronting the militias alone."

94. Mr Patey concluded:

"This is a 5-10 year project and it will be messy and difficult … The consequences of failure are very high indeed. We need to get the balance right about assuring our friends that we will not abandon them and a credible exit strategy. Too much talk of an early exit could weaken our position."

95. Commenting on Mr Patey's telegram, Lt Gen Fry observed:

"I would place the betting on national break-up or democratic transition at closer to evens, but William captures the all to play for atmosphere of the moment."[66]

96. In Lt Gen Fry's opinion, although "in technical terms" there was not a civil war, he increasingly suspected that "what is being fought in the Baghdad – Baqubah corridor is a civil war in cameo, with implications which extend well beyond the immediate battlefield … The battle for Baghdad therefore becomes the battle for Iraq, and maybe more."

97. In his first weekly report on 21 July, Maj Gen Shirreff assessed: "I cannot see how, given the level of attacks against coalition forces, we can claim that Maysan is green … in my view it is at best yellow."[67] He judged:

"The only way we will get to green is by removing the problem, which means extracting ourselves as quickly as possible from Camp Abu Naji which acts as nothing more than a tethered goat for attacks out of al-Amara. I do not intend to occupy Camp Sparrowhawk, an idea whose time has passed and another tethered goat in the making. I will retain a presence in Maysan but, instead, focus on the key issues: disruption and interdiction on the border, while, at the same time, continuing the SSR [Security Sector Reform] effort to get the Province to green."

---

[66] Minute Fry to PSO/CDS, 23 July 2006, 'SBMR-I Weekly Report (219): 23 July 2006'.
[67] Minute Shirreff, 21 July 2006, 'GOC MND(SE) – Southern Iraq Update – 21 July 2006'.

98. Maj Gen Shirreff also set out his initial reflections on the situation facing him. He wrote:

> "The issue in Basra is the lack of security and until we establish this there can be no PIC. We can only generate freedom of movement by mounting specific operations, often up to company level, and we are effectively fixed by the lack of concentrated force. The lack of security means that we cannot conduct the SSR needed to transform the police, nor apply the economic inducements needed to isolate the militants from the majority of militiamen who are only there because the militia can pay them. Thus the enemy, militant JAM and the death squads linked to the Basra police … are able to operate with relative impunity …
>
> "In my view, the only way we will achieve mission success is by winning the battle for Basra and defeating militant JAM and the death squads (whether by capturing, or, if necessary, by killing them in accordance with our ROE [Rules of Engagement]. But we must be clever about it. A blunt, solely kinetic approach risks getting sucked into a series of running tactical battles against JAM that will get us nowhere. We must isolate militant JAM from mainstream JAM and build the intelligence picture in order to target them and the death squads connected to the police in Basra. The key to this is energetic and sustained effort along the governance and economic lines of operation, both of which remain inadequate … (the comprehensive approach did not exist). Progress on these lines is essential to create and maintain tolerance for our operations in Basra. It will also underwrite success on the security line of operation. There has been plenty of planning but we need to make things happen."

99. Maj Gen Shirreff reported that he had had some preliminary encouraging discussions about his proposed approach with Major General Latif, the commander of the Iraqi Army's 10th Division, based in Basra. However, it would be fundamental to ensure that, behind any operation, there was political will in Baghdad. Maj Gen Shirreff undertook to work closely with Mr Patey and the MNF commanders in Baghdad "to ensure that we carry Maliki with us".

100. Prime Minister Maliki visited London on 24 July, before travelling on to the US.[68]

101. A telegram from Mr Patey reported:

> "He [Maliki] told me that he would focus during his visit on security and the economy, as well as cementing long-term bilateral relations. He said he needed Iraqi forces that can take on the terrorists."

102. Prime Minister Maliki visited No.10 for a bilateral meeting with Mr Blair followed by wider talks.[69] He told Mr Blair that he was "trying hard to find a way forward with the

---

[68] eGram 31442/06 Baghdad to FCO London, 19 July 2006, 'Iraq: Maliki's Visit to UK: Scene-Setter'.
[69] Letter Phillipson to Siddiq, 25 July 2006, 'Iraq: Prime Minister's Meeting with Maliki, 24 July'.

Sadrists and the Sunni insurgents". Mr Blair "urged him to set out a plan that made clear what they needed to do, and by when".

103. On Baghdad:

> "… Maliki said he was considering a one month amnesty for the militia elements. After that there would be no compromise, and he would give the ISF clear authority to deal with those who continued to defy the Government. The Prime Minister welcomed this – action had to be taken against the death squads, and a clear political signal given to the ISF that they should go after them with all necessary means."

104. Prime Minister Maliki said that he was committed to dealing with Basra's problems:

> "The committee he had established to take forward the security plan was reporting directly to him, and he denied that it was sectarian in its approach. He emphasises the importance of strengthening the ISF so that arrests were made by Iraqi, not British, forces. But he also commented that the police force was hopelessly corrupt."

105. Mr Blair discussed Iraq briefly with President Bush on 26 July, and exchanged reports on their recent meetings with Prime Minister Maliki, who had visited both London and Washington that week.[70] Mr Blair said he had made it clear to Prime Minister Maliki that he must tackle the death squads operating in Baghdad.

106. On 26 July, the JIC considered how the Sadrist militia, Jaysh al-Mahdi (JAM), was likely to react to pressure.[71]

107. The JIC's Key Judgements were:

> "I. Jaysh al-Mahdi is not a monolithic or disciplined organisation. Some elements are responsible for the worst Shia sectarian atrocities. Limited and targeted detention operations against the perpetrators are militarily achievable and would be locally disruptive. They would have a temporary impact on the overall scale of sectarian violence.
>
> "II. Any perception that a wider assault on JAM had begun would be likely to provoke fierce resistance. Muqtada al-Sadr's reaction even to further limited arrests is unpredictable … If he felt personally threatened he might order a return to large-scale violence.
>
> "III. Al-Sadr's reponse might be constrained if robust action was led by the Iraqi Government and security forces (ISF). But even limited detentions will need unequivocal public support from Prime Minister Maliki, key government ministers and other senior Shia figures. Maliki's commitment to achieving the necessary

---

[70] Letter Phillipson to Hayes, 26 July 2006, 'Prime Minister's Phone Call with President Bush, 26 July: Iraq, Middle East'.
[71] JIC Assessment, 26 July 2006, 'Iraq: How will Jaysh al-Mahdi React to Pressure?'

backing is uncertain. The willingness and ability of the ISF to take on the JAM is also in doubt."

108. The JIC assessed that the strength of JAM was uncertain. MNF estimates placed it at 10,000 active supporters plus 20,000 sympathisers who could be mobilised rapidly. Capabilities varied.

109. On 27 July, the Iraq Policy Unit (IPU) responded to Mr Patey's valedictory telegram:

"We agree that, in the face of the challenges you describe, our best course is to hold our nerve and stick broadly to our current strategy. We should resist the argument that the right response to the current difficulties is to plan to prolong our military presence. To do so would only entrench the dependency culture we are working to wean Iraq off, and rob us of an acceptable exit strategy."[72]

110. On 27 July, the Iraq Strategy Group (ISG) reflected on reporting from Baghdad, and its implications for the existing strategy.[73] The Group agreed that, although success or failure in Baghdad would be critical to overall campaign success in Iraq and was therefore the coalition's highest priority, the "best way for the UK to contribute to the wider military campaign was to continue to focus our limited resources on MND(SE), in particular, on Basra".

111. But in Basra:

"The extent to which … the Iraqi Government would allow us to be robust was a concern."

112. The ISG agreed that the UK should:

"… press the Iraqis and US to maintain momentum of security transition … More broadly, we should firmly resist any US suggestion … that the current problems meant that we should put more resources into Iraq, and plan to stay longer. Sending this message risked perpetuating the current Iraqi dependency culture, and robbing us of any perspective[74] of military withdrawal in an acceptable timeframe. We recognised, however, that the success of this strategy would depend entirely on the readiness of the Iraqi security forces to take over the job. We would need to make a critical judgement on this in the autumn."

113. Mr Martin Dinham, DFID Director, Europe, Middle East and the Americas, proposed that the UK should focus its future support to Iraq on central government – in particular on budgetary management and critical economic reform – as the security situation

---

[72] eGram 32790/06 FCO London to Baghdad, 27 July 2006, 'Iraq: Reply to your Valedictory'.
[73] Minute Cabinet Office [junior official] to Sheinwald, 27 July 2006, 'Iraq Strategy Group, 27 July'.
[74] The Inquiry believes that this is a drafting error and should read 'prospect'.

meant that undertaking major new infrastructure projects had become impossible. The ISG agreed that this was:

> "… an entirely sound approach, but noted the large gap between what we planned to offer and Iraqi expectations. This would need careful management."

114. Mr Blair's Private Secretary for Foreign Affairs told Mr Blair on 27 July that the US would be deploying an additional 3,500 troops to Baghdad, to help deal with the deteriorating security situation.[75] An additional 4,500 Iraqi troops would also be deployed. The Private Secretary observed: "We face a similar battle in Basra, of course."

115. Mr Blair visited Washington on 28 July for talks with President Bush.[76]

116. In discussion, Mr Blair said that he had given a very strong message to the Iraqi Government on the need to deal with militias. He welcomed a planned US strategy for engagement with the Shia community and observed that it was an "obvious problem" that Sunni outreach would give rise to problems with the Shia.

117. On 30 July, Gen Casey gave approval for the UK's re-posturing plans in Maysan.[77]

Iran's enrichment programme

In his State of the Union speech of January 2002, President Bush had described Iran as one member of the "axis of evil".[78]

In June 2003, inspectors from the International Atomic Energy Agency (IAEA) concluded that Iran had failed to meet obligations under the Agreement between Iran and the IAEA for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, 1974.[79]

After several suspensions of enrichment-relates activities and unsuccessful negotiations for a permanent solution, in April 2006 Iran announced that it had enriched uranium for the first time.[80]

On 31 July, resolution 1696 (2006) was adopted by the Security Council, the first of five over the 2006-2008 period.[81] It imposed sanctions on Iran because of its continuing enrichment programme and failure to co-operate fully with the IAEA.

---

[75] Minute Phillipson to Prime Minister, 27 July 2006, 'Visit to Washington, 28 July'.
[76] Letter Phillipson to Hayes, 28 July 2006, 'Prime Minister's talks with President Bush, 28 July: Middle East issues and Afghanistan'.
[77] Minute Shirreff, 3 August 2006, 'GOC MND(SE) – Southern Iraq Update – 3 August 2006'.
[78] *The Washington Post*, 29 January 2002, *Text of President Bush's 2002 State of the Union Address*.
[79] IAEA, 6 June 2003, *Implementation of the NPT safeguards agreement in the Islamic Republic of Iran* (GOV/2003/40)9.
[80] Arms Control Association, January 2016, *Timeline of Nuclear Diplomacy with Iran.*
[81] UN Security Council Resolution 1696 (2006).

August 2006

118. At a meeting of the Chiefs of Staff on 2 August, Lieutenant General Nicholas Houghton, Chief of Joint Operations, asked Air Chief Marshal Sir Jock Stirrup, Chief of the Defence Staff, for direction on two particular issues:

- the extent to which US capabilities could be used in MND(SE) in order to provide surge capacity for Operation SALAMANCA (the name of the operation to implement the military elements of the Basra Security Plan); and
- the possibility of deployment of UK forces outside MND(SE), specifically a deployment to Multi-National Division (Centre-South) to support the US who were "taking risk in CS to deliver the Baghdad Security Plan".[82]

119. ACM Stirrup directed that it was acceptable for the UK to make use of US enablers, such as aviation in MND(SE) but that, in general, commitments in MND(SE) were to be met by existing MND(SE) personnel (including contractors) and any shortfalls were to be identified and considered appropriately.

120. ACM Stirrup also directed that the deployment of UK troops to MND(CS):

> "… crossed a clear policy 'red line' and seemed counter-intuitive, given that consideration was also being given to obtaining US forces for MND(SE). The UK needed to draw down its force levels as soon as practicable, both in MND(SE) and elsewhere."

121. On 4 August, a Current Intelligence Group (CIG) considered the potential threat to UK forces in Iraq in the context of the Israel/Lebanon crisis, and judged that:

> "… Shia frustration with Multinational Forces (MNF) has increased significantly since the first part of the year. This is likely to be manifested in violent demonstrations against MNF. Against this background, any anti-MNF attacks prompted by perceived US or UK support for Israel's actions in Lebanon will be difficult to distinguish from the wider existing threat …"[83]

The 2006 Lebanon War

The 2006 Lebanon War began with the deaths of eight Israeli soldiers, and the abduction of a further two, in a cross-border Hizballah ambush.[84] This led to Israeli attacks, using air strikes and artillery, against a range of targets in Lebanon.

In response, Hizballah fired rockets into northern Israel. There was also heavy fighting in southern Lebanon following an Israeli invasion.

---

[82] Minutes, 2 August 2006, Chiefs of Staff meeting.
[83] CIG Assessment, 4 August 2006, 'Israel/Lebanon Crisis: Threat to UK forces in Iraq and Afghanistan'.
[84] *BBC News*, 6 May 2008, *2006: Lebanon War*.

On 11 August, the UN Security Council adopted resolution 1701 which provided a basis for ending the conflict.[85]

The BBC put the numbers killed during the conflict at:

- 1,109 Lebanese civilians and 28 soldiers; and
- 43 Israeli civilians and 116 soldiers.[86]

An unknown number of Hizballah fighters (estimated to be between 250 and 530) were also killed.

In a press conference with President Bush on 28 July, Mr Blair blamed Hizballah for provoking the crisis.[87]

In his memoir, Mr Blair described the war as part of the "wider struggle between the strain of religious extremism in Islam and the rest of us".[88] For that reason, he said, "If I had condemned Israel, it would have been more than dishonest; it would have undermined the world view I had come to hold passionately."

122. On 6 August, Lt Gen Fry suggested that Israeli military action in Lebanon was having an impact in Iraq:

> "… particularly in terms of a collective Shia identity and the hardening of confessional boundaries … What is clear, though, is that moderation is a difficult position to defend in an increasingly febrile atmosphere … If the US can be labelled with a vicarious responsibility for Israeli action, the position of the radical Shia will be strengthened, with clear implications for both tolerance of a coalition presence and the process of reconciliation."[89]

123. Lt Gen Fry also suggested that the security situation might be improving – or at least giving the superficial appearance of improvement, with the further implementation of the Baghdad Security Plan "but it is a crisis deferred rather than defused and it has the potential to return again after Ramadan in a more virulent form".

124. Maj Gen Shirreff advised the Governor of Maysan of the UK's re-posturing plans on 9 August.[90]

125. The Governor was:

> "… genuinely surprised, but understood the opportunities it offers. He is clear that it is not a withdrawal and that I will retain a presence with a particular focus on the Border."

---

[85] UN Security Council Resolution 1701 (2006).
[86] *BBC News*, 31 August 2006, *Middle East Crisis: Facts and Figures.*
[87] The White House, 28 July 2006, *President Bush and Prime Minister Blair of the United Kingdom Participate in Press Availability*.
[88] Blair T. *A Journey*. Hutchinson, 2010.
[89] Minute Fry to PSO/CDS, 6 August 2006, 'SBMR-I Weekly Report (221): 6 August 2006'.
[90] Minute Shirreff, 10 August 2006, 'GOC MND(SE) – Southern Iraq Update – 10 August 2006'.

126. Maj Gen Shirreff also reported on 10 August that Maj Gen Hamadi had been appointed as the security co-ordinator for Basra and had been given appropriate authority over the ISF. Maj Gen Shirreff considered that there were "two key prerequisites" to success for Op SALAMANCA:

- delivering "a number of niche capabilities", about which he had submitted his preliminary analysis to PJHQ; and
- getting Iraqi policing and military buy-in, which, in his view, was likely to be the more difficult.

127. Maj Gen Shirreff wrote:

"Fundamental to my concept is the variable application (depending on the district of the City) of J3 (operations – kinetic if necessary), J7 (SSR) and J9 (the integration of short, medium and long term projects) to ensure that the people of Basra perceive that the situation is getting better; very much the comprehensive approach. My aim is to colour Basra green by district in order to get PIC."

The House of Commons Defence Committee's Report

The House of Commons Select Committee on Defence published a report on 10 August that focused on issues raised with Committee members by Service Personnel when they visited Iraq in June 2006.[91] The principal areas of concern were the security situation in MND(SE) and the continuing need for the deployment of UK Armed Forces; shortcomings in the provision and suitability of equipment (see Section 14.1); and the hardships and inconveniences endured by troops (see Section 16.1).

The Committee recognised that the security situation in MND(SE) was more benign than elsewhere in Iraq. Transition to PIC in Muthanna was a positive step although the key test would be achieving the same in Basra, where there were "significant obstacles". It expressed concern at the recent increase in violence in the South East due to local political struggles for power; and about the differing assessments that it had been given about the extent to which IEDs were being smuggled into Iraq from Iran.

The Committee observed that Security Sector Reform (see Section 12.1) would be crucial to drawdown and to the eventual withdrawal of UK troops from Iraq. There remained serious challenges, especially with the Iraqi police. It also considered that the future stability of Iraq would depend on reconstruction of the economy and suggested that the Government should consider whether there should be an injection of additional funding to assist the Basra Provincial Reconstruction Team.

The Government's response, issued in October 2006, emphasised that the role of MNF, including UK, troops was to "hold the security ring" pending the development of ISF

[91] Thirteenth Report from the House of Commons Defence Committee, Session 2005-2006, *UK Operations in Iraq,* HC1241.

capability.[92] It endorsed the Committee's opinion that the Iraqi Government in Baghdad should maintain its interest in Basra and the wider region.

On border security the Government response advised that the Government of Iraq had recently pressed the Iranian Government to cut any links with armed groups operating in Iraq and to do more to improve border security and fight terrorism. UK forces were training the Iraqi Department of Border Enforcement in Maysan province, which was providing a visible presence on known smuggling routes. The UK was encouraging Iraqi responsibility for maritime security, including deterrence and disruption of piracy, smuggling and terrorist activity. Iraqi forces were supported in this role by a significant coalition presence, and were increasingly operating in collaboration with their Kuwaiti partners.

128. On 23 August, Maj Gen Shirreff reported that:

> "… the redeployment of the Maysan Battlegroup is now complete and CAN [Camp Abu Naji], the focus of so much fighting over the last three years, is now closed and handed over to the IA [Iraqi Army]. This has been a demanding and well-executed operation and considerable credit is due to those involved. The final convoy returns to SLB [Shaiba Logistics Base] on the evening of 24 August."[93]

129. Maj Gen Shirreff reported that he had briefed Maj Gen Hamadi on Op SALAMANCA, emphasising that "we are implementing the Basra Security plan as agreed by Prime Minister Maliki rather than anything new or different". Maj Gen Hamadi had "bought in" to the plan.

130. Lt Gen Shirreff told the Inquiry that he also had to get the approval of the Iraqi authorities in Baghdad, which he described as "a very lengthy, rather tortuous process".[94] Once this approval was obtained, Gen Casey offered the UK a battalion from his Corps operational reserve.[95]

131. Lt Gen Shirreff told the Inquiry that "the idea of American troops on the streets of Basra did not go down particularly well in London", and no US troops were involved. The US did, however, provide some surveillance assets, and significant amounts of funding – by the end of the operation US$80m had been spent.

---

[92] Twelfth Special Report from the House of Commons Defence Committee, Session 2005-2006, *UK Operations in Iraq: Government Response to the Committee's Thirteenth Report of Session 2005-06*, HC 1603.
[93] Minute Shirreff, 23 August 2006, 'GOC MND(SE) – Southern Iraq Update – 23 August 2006'.
[94] Public hearing, 11 January 2010, page 17.
[95] Public hearing, 11 January 2010, page 16.

132. On 23 August, at the request of the Iraq Senior Officials Group, the JIC looked specifically at the threat posed by militias in Iraq, their popular support and the prospects for disarmament, de-mobilisation and reintegration.[96] It judged:

> "Violence in Iraq is part of a vicious cycle: deteriorating security has led to a proliferation of militias, in turn fuelling further violence. The threat from these armed groups is multi-dimensional. The scale is difficult to judge … Many are sectarian based … and are competing with the Iraqi state's security forces to provide security and protection for their own communities … Some elements are engaged in violent attacks against their political and sectarian opponents and coalition forces; others are also involved in criminality … Weapons are readily available.
>
> "Most Iraqi political parties across the sectarian spectrum maintain a militia of some sort. Some, including the Kurdish Peshmerga, pose no immediate military threat to the Multinational Forces (MNF) or Iraqi internal stability … But elements of Muqtada al-Sadr's Jaysh al-Mahdi (JAM) are driving sectarian violence and attacking the MNF. In some cases, the distinction between the militias and Iraqi Security Forces (ISF) is blurred."

133. The Assessment included a table listing the size of the main militias in Iraq. The JIC judged that the largest group was the Kurdish Peshmerga with 80,000 – 90,000 members, followed by the Badr Corps with 10,000 – 13,000 members and JAM with 10,000 members.

134. The JIC assessed:

> "Iraqi political commitment for more vigorous action – against JAM in particular – is uncertain … We judge Maliki is … unable to confront the militias, fearing a violent backlash that would threaten the break-up of the Shia political coalition (the UIA). We continue to judge that any perception among JAM that a widespread assault against them had begun, particularly if fronted by the MNF, would provoke fierce resistance. It would also increase Shia hostility to the coalition: the inability of the MNF and ISF to protect them against Sunni extremists has meant that many Shia regard JAM as their defenders, particularly in mixed areas."

135. On 24 August, advice on Op SALAMANCA, including a request for approval of a temporary uplift of 360 troops, was sent to Mr Browne.[97]

136. The advice explained that the operation:

"
- Is a plan to improve Basra through operations, high impact reconstruction and SSR commencing in mid-September and lasting for up to six months;

---

[96] JIC Assessment, 23 August 2006, 'Iraq: The Problem with Militias'.
[97] Minute Burke-Davies to APS/Secretary of State [MOD], 24 August 2006, 'Iraq: Op SALAMANCA'.

- Is intended to be closely co-ordinated with developmental effort (Better Basra) and assist the implementation of the Iraqi Basra Security Plan, will have a strong and visible Iraqi face and requires strong Iraqi political support;
- Assumes no presence of high-visibility US assets, though may seek assistance with intelligence gathering;
- Requires an uplift in personnel for up to four months …"

137. The advice gave a broad outline of the plan:

> "The city is divided into segments characterised by the level of consent for MNF and ISF. Taking each segment in turn a security pulse is applied for up to 48 hours, which may include increased patrolling by ISF and MNF, car bans and curfews, and may be accompanied by surgical detention operations against key targets. The follow on activity focuses on SSR of the IPS and DBE [Department of Border Enforcement], and localised reconstruction using Iraqi contractors and lasts for about 30 days, during which security is provided by an IA [Iraqi Army] framework operation …
>
> "A key ingredient in the operation will be PM Maliki's support for operations against rogue elements of the JAM. To this end, Secretary of State is requested to discuss this point with Maliki during his visit, highlighting the need for his concurrence and active support, despite the potential local backlash."

138. Mr Browne deferred his decision on the uplift of troops until after he had been updated during his visit to Iraq.[98]

139. Mr Browne visited Baghdad from 27 to 29 August and then travelled to Basra.[99] In Baghdad, "interlocutors detected an improvement in Basra security and the role of MND(SE) in achieving this". The British Embassy Baghdad observed "the note of optimism, albeit cautious … was striking. It reflects the early successes of the BdSP [Baghdad Security Plan] and a sense that the plan mapped out is achievable."

140. Mr Browne met the Defence and Interior Ministers and Prime Minister Maliki, who "expressed delight" when talked through the projects MND(SE) was about to launch and confirmed that Maj Gen Hamadi reported directly to him and was not subordinate to the Governor of Basra.

141. Lt Gen Fry's tour as SBMR-I concluded at the end of August.[100] His end of tour report made clear the challenges and risks that lay ahead and reflected on progress made since 2003:

> "Hubris and nemesis in the early part of the US campaign, but they now have a firm grip on COIN [counter-insurgency] operations under Casey's leadership. MND(SE) in good shape though complications may arise as UK forces reduce and concentrate

---

[98] Letter Beadle to Burke-Davies, 5 September 2006, 'Iraq: Op Salamanca'.
[99] eGram 37962/06 Baghdad to FCO London, 31 August 2006, 'Iraq: Visit by Defence Minister'.
[100] Minute Fry to PSO/CDS, 28 August 2006, 'SBMR-I End of Tour Report'.

> on Basra, probably in mid-2007. The immature ISF is being pushed into the lead when it may not be ready; we are playing for high stakes if it fails. The Maliki government is less than a band of brothers, but it's what we've got and it deserves our support. Violence reached a crescendo in July before decisive US intervention; the level of sectarian ambition may be changing as the Shia are tempted to think they can win. Casey regards the battle for Baghdad as the battle for Iraq and identifies the period to the end of the year as decisive."

142. Of the situation in MND(SE), Lt Gen Fry observed that, PIC in Maysan and the reduction of troop levels in Basra by mid-2007:

> "… may mark the beginning of the most difficult phase of the campaign as we will be required to maintain operational overwatch across a large area, for which we will have little tactical feel, for an unspecified period and against an uncertain political backdrop. At the same time, we will have to deliver a recalcitrant Basra Province to PIC with a limited force confronting, potentially, a series of concurrent liabilities within the extended AOR [Area of Responsibility]."

143. Lt Gen Fry considered that a key political priority was for Prime Minister Maliki to begin taking forward legislation to resolve the issues that were set aside in the drafting of the Constitution.

144. Those issues were "the most divisive in Iraqi politics and have the capacity to bring about sectarian political confrontation; with that comes the risk of another round of inter-confessional violence". There was a "very ambitious timetable" for resolving them before a referendum in the spring due to "an American ambition to test the capacity of immature Iraqi institutions by pushing them aggressively forward".

145. In an addendum to his main post-tour report, Lt Gen Fry reported that "Sunni engagement is back on", something he attributed to the success of the Baghdad Security Plan, and that there were plans to develop "JAM engagement" as part of the final stages of that Plan.[101]

September 2006

146. On 1 September, Mr Browne's Private Secretary wrote to Mr Blair's Private Secretary that Mr Browne had approved the additional troops requested for Op SALAMANCA because he had "judged that the likely impact of a short term extension of an increased troop presence is offset by the need for momentum for the projects that will make a visible impact in the city".[102]

147. As Parliament was not sitting, Mr Browne intended to write to Opposition spokesmen directly with a copy of his statement on the uplift in numbers.

---

[101] Minute Fry to PSO/CDS, 3 September 2006, 'SBMR-I: Addendum to End of Tour Report'.
[102] Letter Beadle to Banner, 1 September 2006, 'Iraq: troop levels in support of Op. SALAMANCA'.

148. Mr Browne's statement was published when Parliament returned on 11 September. It confirmed an uplift of 360 personnel and went on to say:

> "This is a critical period for the Iraqi people and their Government. There is an opportunity to improve significantly the security situation in Basra City – building on, and reinforcing, recent progress in Baghdad. Improved security in Basra will create the conditions for the important civil development work being led by the UK's Provincial Reconstruction Team. Therefore I have agreed that the deployment of troops from the Theatre Reserve Battalion, while strictly time limited, should on this occasion be brought forward and extended by a short period. In addition, I have also authorised the deployment of Royal Engineers to assist with reconstruction and countering the threat from improvised explosive devices, a Royal Marine boat troop to assist in tightening security on the Shatt Al Arab waterway, and a troop of Royal Military Police to augment our training of the Iraqi Police.
>
> "We ask our servicemen and women to discharge difficult and dangerous tasks. But over the next few months, through security operations and civil development projects, we have a key opportunity to make improvements to the lives of the people of Basra and lay the foundations for the departure, once the conditions are right, of coalition forces from front line roles in Iraq."[103]

149. Lt Gen Fry's successor, Lieutenant General Graeme Lamb, took up post as SBMR-I in early September. He had previously served as the first GOC MND(SE) in 2003 (see Section 9.2).

150. In his first weekly report, Lt Gen Lamb said Iraq was "damaged not broken" and he was "cautiously optimistic".[104] He considered it necessary to recalibrate UK expectations:

> "The [Iraqi] Government is woefully immature in governance (albeit a UK Government would be in a pretty challenging position to achieve the same results that the coalition is demanding from Maliki) but the individuals are sophisticated manipulators of people, ideas, facts and are ultimately this country's future …
>
> "The Baghdad Security Plan (BSP) appears to remain on track, albeit early days yet … Too soon to elaborate but two early observations on the military piece:
>
> a. **Sadr City**. The timing of the entry to Sadr City has yet to be finalised, but the sense is that without it the BSP falls short of a meaningful conclusion … rogue elements of the Sadr movement (not necessarily Sadr himself) are in my view a 'clear and present danger' to this nation and reconciliation.
> b. **Non-security Elements**. Co-ordination of the Iraqi ministries to deliver the non-security elements that need to follow seamlessly from the MNC-I activity is occasional, and on face value lacklustre. The work of my predecessors has

---

[103] House of Commons, *Official Report*, 11 September 2006, column 111WS.
[104] Minute Lamb to CDS, 10 September 2006, 'SBMR-I Weekly Report (226) 10 Sep 06'.

taken this almost unmanageable problem forward in leaps and bounds, but there is still some considerable way to go, and progress will not be eloquent, nor I sense Western in its final form …"

151. Lt Gen Lamb concluded his note:

"Final impression – more successful than we might imagine, more complex than we can imagine, and an outcome likely to be more Iraqi than we have imagined."

152. On 12 September, Mr Browne wrote to Mrs Beckett with a report of his visit to Iraq.[105] He considered that Op SALAMANCA "should create an opportunity for other government departments to deliver on the medium-term and capacity-building initiatives … we must make sure there is the closest possible linkage between establishing enduing security with an Iraqi face and delivering benefit to the Basrawis".

153. On the same day, Mr Asquith wrote to Mr John Sawers, FCO Director General Political, with his first impressions.[106] Circulation of his letter was deliberately limited within the FCO, but it was sent to Mr Martin Howard, MOD Director General Operational Policy, and Sir Nigel Sheinwald.

154. Mr Asquith described the political challenges facing the Iraqi Government:

"For a government of national unity, most of its members are in opposition. Rumours of an alternative government (of national salvation) or a military-led coup circulate …

"For the Shia religious parties, CPA's apportionment of representation on sectarian lines encouraged them to lay hold to a preponderance of power which the UIA [United Iraqi Alliance] are seeking to convert into a monopoly over key decisions on security and the economy …"

155. Mr Asquith considered that part of the challenge was that:

"Maliki's true intentions [are] an enigma even to those in his government: sectarian going through the motions of reconciliation, or genuine power sharer constrained by Shia supremacists? It is still reasonable to give him the benefit of the doubt that he is the latter …"

156. The "heart of the problem", in Mr Asquith's opinion, was:

"If facing us down on the nuclear agenda is Iran's top priority and ensuring at least a non-hostile government in Baghdad is sufficient for them, they will advance their nuclear objective and achieve their sufficiency in Iraq by manipulating their assets here against MNF and stoking the ambitions or sectarian prejudices of those in the UIA [United Iraqi Alliance] …

---

[105] Letter Browne to Beckett, 12 September 2006, 'Secretary of State for Defence Iraq Visit'.
[106] Letter Asquith to Sawers, 12 September 2006, 'Iraq: First Impressions'.

"From our side, it may be impossible to compromise sufficiently on the nuclear negotiations in a way that creates for the Iranians an incentive not to obstruct our objectives in Iraq. Preventing them acquiring a nuclear capability may be viewed as a higher priority than securing a reasonably stable, democratic and united Iraq. If so, how do we alter the dynamics inside Iraq in a way that limits Iran's ability to manipulate the circumstances to its advantage?"

157. Mr Asquith considered that achieving success would require a combination of:

- building Prime Minister Maliki's confidence and credibility by ensuring the success of the Baghdad and Basra Security Plans and persuading political leaders to lend him their support;
- persuading Prime Minister Maliki that the Shia militias were undermining his authority and persuading him to take or support action against them;
- reintegrating Iraq into its Arab political and cultural context via the International Compact (see Section 10.2); and
- persuading political parties to amend the electoral law to permit only registered parties and individuals to stand for election, leaving the formation of alliances to post-election negotiations.

158. Mr Asquith concluded:

"Not a single one of the above is entirely in our gift … On all these we and our military colleagues continue to work on practical outcomes with the Iraqis. Basra being smaller in scope may prove easier to manage … We can still succeed over the next six months, but no one pretends it will be anything but a damn close run thing if we do."

159. On 12 September, members of DOP(I) were asked to consider out of committee a paper which proposed an "information strategy in support of UK policy in Iraq".[107]

160. The paper had been prepared by the newly-created Iraq Information Strategy Group (IISG), chaired by Mr Howard. It described UK objectives, which included that all UK and overseas audiences should "understand that the UK mission is a coherent cross government effort and not just a military operation" and "view us as a force for good". In particular, the UK public would be told that "a stable, democratic and free Iraq is in the UK's and world's long term interests".

161. On 13 September, Mr Blair's Private Secretary for Foreign Affairs told him that Op SALAMANCA would begin in the next few days.[108] Its purpose was "to achieve transition in Basra by establishing security". The keys to success were believed to

---

[107] Paper MOD, 12 September 2006, 'An Information Strategy for Iraq'.
[108] Minute Phillipson to Prime Minister, 13 September 2006, 'VTC with President Bush, 1445 13 September 2006'.

be “Iraqi leadership and presentation”, improvements in services and dealing with corruption in the IPS.

162. On 14 September, the UN Security Council met to hear quarterly reports on Iraq.[109] Mr Ashraf Jehangir Qazi, UN Special Representative for Iraq, commended Prime Minister Maliki’s initiative in relation to the National Reconciliation Plan, which merited “the widest possible support” from the international community.

163. In Mr Qazi’s view, Iraq was at an important crossroads “and the challenges facing the people had never appeared more daunting”. If current discord prevailed there was a danger of the breakdown of the Iraqi state and, potentially, civil war. It was crucial that the international community provided Iraq with the assistance it needed.

164. Ambassador John Bolton, US Permanent Representative to the UN, told the Security Council there had been “significant successes in the development of legitimate political, economic and governmental institutions in Iraq” but “the sustained level of ethno-sectarian violence was one of the most significant threats to security and stability in Iraq”. He said that Iraq’s neighbours shared some responsibility for this:

> “Syria should prevent financial and material support, particularly arms, from entering Iraq. Iran should stop providing munitions and other support to extremist groups …”

165. At Mr Blair’s request, when DOP met on 14 September discussion focused on Basra and Op SALAMANCA.[110]

166. ACM Stirrup said that Op SALAMANCA was a good plan. Its objectives were increasing Iraqi political grip on the issue, by having a visible Iraqi face on the plan, and increasing the confidence and competence of the ISF. Follow-on development work would need to take place rapidly, and other government departments would need to help drive delivery.

167. Mr Browne observed that the success of the operation was not entirely within the UK’s control. In determining how UK forces were to confront JAM, it would be important to avoid Prime Minister Maliki feeling obliged to condemn UK actions against the Shia. It would also be vital to separate the extreme and moderate elements of the Badr corps and the Sadrists. Encouraging Prime Minister Maliki to do a deal with Muqtada al-Sadr would be helpful.

168. Mrs Beckett commented that, despite being in the majority and in government, the Shia still felt as if they were in Opposition. Although she shared Mr Browne’s high hopes for Op SALAMANCA, she observed that the Baghdad Security Plan had led to an increase in attacks and casualties. She highlighted the increasing vulnerability of the UK’s civilian staff in Basra, whose efforts were being increasingly hampered by the security situation.

---

[109] UN Security Council ‘5523rd meeting 14 September 2006’ (SC/8829).
[110] Minutes, 15 September 2006, DOP meeting.

169. Although not mentioned in the Cabinet Office record, C (Sir John Scarlett) noted that Mr Blair supported contact with Badr, and that Mr Blair had been in favour for some time of opening up channels to whomever was possible on the Shia side, including Muqtada al-Sadr.[111]

170. C noted that the official record should make it clear that authority had now been given for "Badr and indeed whoever else" to be contacted.

171. When the Iraq Strategy Group discussed Op SALAMANCA the following day, they were reminded that Prime Minister Maliki had yet to endorse the plan and agreed that it could not proceed without his approval.[112]

172. Sir Nigel Sheinwald briefed the Group on "the Prime Minister's strong view that we should encourage Maliki to reach a political accommodation with Sadr … All channels for improving contact with Sadr and Sistani should be explored."

173. Maj Gen Shirreff reported on 15 September that he had invested considerable effort in the previous week gaining support for Op SALAMANCA locally.[113] He reported that Maj Gen Hamadi had been "thoroughly briefed" and "appears to have taken ownership of it, showing a clear understanding of what is involved".

174. The chairman of the Provincial Oversight Committee had reservations about the plan, particularly the involvement of MNF troops. Maj Gen Shirreff noted that this "underline[d] the careful path we have to tread to maintain consent".

175. Maj Gen Shirreff outlined the reasons for Op SALAMANCA, which he described as "the operation that will determine whether we will achieve PIC in Basra":

> "Doing nothing is not an option and will not achieve PIC in 2007, let alone early 2007 because of the lack of security. Quite simply, the security situation in Basra is bad and likely to get worse. During disengagement a vacuum was created which the militant militias and the death squads filled and which MNF force and activity levels have been unable to counter. The number of killings in Basra increased … any progress made in developing the police force was reversed and attacks on MNF continued. Though there has been some progress … [it] is too slow and too fragile. Crucially, the police are still incapable of providing even the most basic level of security; rather they are a major cause of insecurity …
>
> "Next, we must counter the perception among Basrawis that MNF has not done, and is not doing, anything to improve their quality of life, which is resulting in diminishing levels of consent …

---

[111] Minute C, 18 September 2006, 'DOP: Meeting of 14 September 2006'.
[112] Letter Cabinet Office [junior official] to Sheinwald, 18 September 2006, 'Iraq Strategy Group, 15 September 2006'.
[113] Minute Shirreff, 15 September 2006, 'GOC MND(SE) – Southern Iraq Update – 15 September 2006'.

> "Op SALAMANCA will, through decisive action, demonstrate that MNF is improving the lot of Basrawis. Preliminary operations in Maysan and reinforcement of the TRB [Theatre Reserve Battalion] have allowed me to concentrate my force so that I will be able to lock down the City, district by district, to achieve security. This will also enable me to surge in quick, high impact CMO [Civil Military Operations] projects that will visibly improve quality of life … Meanwhile a concerted and sustained effort by Police Training Teams will turn those police stations capable of improvement into police stations that are capable of providing basic security in their local areas. My aim is to cull the unredeemable and rehabilitate the 'just about' salvageable. Employment projects will provide jobs for a significant portion of the population giving them an alternative to joining the militia."

176. Maj Gen Shirreff commented that he would have preferred not to begin Op SALAMANCA before Ramadan but had taken advice from local clerics and from the MNF command in Baghdad, neither of whom considered this was a problem. He observed that he was "also mindful that the Theatre Reserve is available for a limited period of time and long-term pressures are likely to lead to a reduction in the forces in Iraq".

177. Maj Gen Shirreff concluded that:

> "In short I do not have the luxury of being able to wait for perfect timing.
>
> "We should not, under any circumstances, assume that Op SALAMANCA will be risk free. We must be prepared to fight if necessary, with all the grim consequences we are sadly familiar with …
>
> "To summarise, if UK is to achieve mission success in SE Iraq, we must have the resolve to see Op SALAMANCA through to its conclusion, as, of course, must Iraqi politicians."

178. Maj Gen Shirreff also reported that "Dhi Qar is looking good for PIC" and that "morale here is hugely boosted by the Australian decision to take on overwatch in Dhi Qar after the Italian redeployment. Good on all who made it possible!"[114]

179. On 20 September, the JIC assessed the capabilities and intentions of Al Qaida.[115] The JIC confirmed its judgement that the UK remained Al Qaida's second priority target after the US:

> "The conflict in Iraq has increased the threat from international terrorism. It is a key motivator for Islamist extremists around the world, reinforcing the determination of terrorists who were already committed to attacking the West, and motivating others who were not …

---

[114] Minute Shirreff, 15 September 2006, 'GOC MND(SE) Southern Iraq Update – 15 September 2006'.
[115] JIC Assessment, 20 September 2006, 'Al Qaida: Capabilities and Intentions'.

> "Iraq … [is] also creating a new supply of battle-hardened jihadists. The relationship and capabilities being developed there will add resilience to the Al Qaida campaign; those who survive will supply the next generation of leaders."

180. The transition to PIC in Dhi Qar province took place on 21 September, in a ceremony attended by Prime Minister Maliki as well as representatives of both the Italian and Romanian governments, reflecting previous responsibilities in the province.[116]

181. Lt Gen Lamb observed that Prime Minister Maliki's comment that the Government will be the official bearers of weapons, with no one else empowered to do so legally, made during the ceremony, was an indication that he was prepared at least to make "encouraging noises about the militias".[117]

182. On 21 September, Maj Gen Shireff reported that during a weekend meeting:

> "… Maliki told Casey that the political situation in Basra needs to be dealt with quietly and that the security situation in Basra was not bad enough to warrant an operation that would upset the political balance."[118]

183. Op SALAMANCA had been renamed Operation SINBAD and was subject to "refinement". It remained "an operation that has a pulse of focussed security in the form of patrols to protect engineers followed by a pause[119] of ISF activity, police training and reconstruction". Detention operations would be avoided. The sequence of pulses would start in a different area of the city.

184. Maj Gen Shirreff concluded his report:

> "Op SALAMANCA has forced a choice. If GoI [the Government of Iraq] no longer has the will (or backbone) for the Basra Security Plan they signed up to in June, one option is certainly to work within this political constraint. The SALAMANCA planning will not be wasted. We can start many of the high impact projects through Iraqi contractors and the PTTs [Police Training Teams] can conduct a degree of cull/rehab in police stations … But be under no illusions: SALAMANCA 'lite' will not deliver the security conditions for PIC. The full implication of GoI not wanting to rock the boat, deciding that security in Basra is 'good enough' and trying to impose constraints on MNF freedom of manoeuvre in the City will be de facto, unconditional PIC. This will leave Basra in the hands of the militant militia and death squads, with the ISF unable to impose, let along maintain, the rule of law. Unable to draw down completely until the US effectively declare game over, we could find ourselves laagered up in Basra Air Station and effectively fixed outside a city in hostile hands. In my view, this does not constitute 'good enough', either in endstate or in reputation terms for the UK Armed Forces.

---

[116] Minute Shirreff, 21 September 2006, 'GOC MND(SE) – Southern Iraq Update – 21 September 2006'.
[117] Minute Lamb to CDS, 24 September 2006, 'SBMR-I Weekly Report (228) 24 Sep 06'.
[118] Minute Shirreff, 21 September 2006, 'GOC MND(SE) – Southern Iraq Update – 21 September 2006'.
[119] The Inquiry believes this is a typing error and should read 'pulse' rather than 'pause'.

> "The alternative is that we shape the political context to give us the best chance of achieving genuine mission success. If we believe we want to be able to sign off in SE Iraq with heads held high and job done (i.e. good enough), and I certainly do, then we need to use every means possible to tell the Iraqis that, for the coalition, a conditions based PIC in Basra is non-negotiable …
>
> "We probably have but one chance left …"[120]

185. ACM Stirrup visited Iraq from 24 to 26 September, and wrote to Mr Browne the day after his return to give him "an early feel for some of my conclusions".[121] He said:

> "As briefed to you, SALAMANCA was a good plan. As eventually agreed by Maliki it still is on the face of it. But even though we have political agreement to launch SALAMANCA, we do not have agreement to tackle the hard issues (such as militias) … I have said all along that success in Basra depends on strong political leadership and engagement: I see no sign of this emerging. So I am not wildly optimistic that SALAMANCA will put us on the road to PIC in Basra."

186. ACM Stirrup considered that "the proposals for cleaning up individual police stations and culling/retraining the force are good" but would have no long-term impact unless the "killers" in the Serious Crimes Unit were dealt with. The "key issue" of militias remained unresolved, but ACM Stirrup reported his sense that Prime Minister Maliki believed he could agree a deal that would address the problem.

187. ACM Stirrup went on to consider the UK position in Basra after Op SALAMANCA. If the operation was a success, "we would be well on the road to PIC, and consolidation at Basra Air Station to meet our overwatch, mentoring and other long-term tasks".

188. If Op SALAMANCA was not a success:

> "Returning to the status quo ante does not at the moment look like a sensible choice. What else is there? Well, we could adopt the Maysan approach, remove our tethered goats from Basra City and force the issue for the Iraqis. So from a force structure perspective the aftermath of SALAMANCA might look pretty much the same, succeed or fail."

189. There had been "no push-back" on that proposition from the US and UK officials and officers ACM Stirrup had discussed it with whilst in Iraq; the "key decision point" would be in the spring and ACM Stirrup promised "some more detailed thinking on this issue".

190. At the request of the Iraq Senior Officials Group, the JIC assessed the security situation in southern Iraq on 27 September, the eve of the start of Op SINBAD.[122]

---

[120] Minute Shirreff, 21 September 2006, 'GOC MND(SE) – Southern Iraq Update – 21 September 2006'.
[121] Minute CDS to SofS [MOD], 27 September 2006, 'CDS visit to Iraq 24-26 Sep 06'.
[122] JIC Assessment, 27 September 2006, 'Iraq: The Security Situation in the South'.

191. The JIC's Key Judgements were:

> "I. The security situation in Multi-National Division (South-East) (MND(SE)) has deteriorated, although attacks account for only around 3 percent of the national total: much lower than in Baghdad and Sunni areas of central and northern Iraq.
>
> "II. Shia militias, particularly militant elements of Jaysh al-Mahdi (JAM), are the most potent threat. Their violence remains mainly directed against the Multi-National Forces (MNF), but a range of Shia militias and criminal gangs has also been involved in a campaign of violence and intimidation against Sunnis. As the declining MNF presence reduces the number of coalition targets elsewhere across the South, some Shia extremists will concentrate their efforts against MNF consolidating in Basra. Intra-Shia violence will also increase.
>
> "III. The threat from Sunni Arab nationalist insurgents and jihadists remains low across the South. Their capabilities are limited and most attacks target to Iraqi Security Forces (ISF) or the Shia. Nevertheless, occasional large-scale attacks, including suicide bombings, will continue.
>
> …
>
> "V. The willingness and ability of the Iraq Army in the South to tackle Shia militias is doubtful. Some army personnel retain loyalties to JAM and Badr militias. We do not know the scale of this problem, although it is less severe than in the police. In Basra the police are plagued by corruption, poor leadership and the entrenched influence of Shia militias.
>
> "VI. The ability of the coalition to influence events is decreasing as transition proceeds. Stability in the South will be affected by external events: sustained MNF action against JAM in Baghdad could lead to sympathetic violence in the south. Maliki has been persuaded to endorse short-term coalition action in Basra, more limited in scope than originally planned. But it remains uncertain whether the Iraqi authorities have the necessary will or capacity to maintain progress over the long term."

192. The JIC considered that Iran wanted "to speed MNF withdrawal from the South" and therefore wanted "to make life as difficult as possible for coalition forces so long as they remain". To that end, Iran was "prepared to risk some increased instability" in Iraq. The JIC confirmed its earlier judgement that "the Iranians are providing more training and better weaponry to some Shia extremists attacking the MNF".

193. The JIC assessed that "considerable numbers of militant JAM groups in the region receive either financial support, weapons or training from Iran" and there was one report that suggested there had been a recent increase in support from Hizballah to Shia militants.

194. Reflecting on the prospects for provincial transfer and stability, the JIC assessed that:

> "Competition for economic and political control among Iraqi political factions, in most cases backed by militias, is likely to intensify. The political dynamics in the south reflect tensions among the Shia parties in central government … Parties are vying for control and creating a patchwork of influence in local government structures, many of which are resistant to instruction from Baghdad. Militias and locally raised ISF are increasingly competing to be seen as the legitimate providers of security and are being used as such by political groups. Major constitutional issues, such as federalism, remain undecided and will form the backdrop to the anticipated spring 2007 provincial elections, when we anticipate increased intra-Shia violence."

195. The JIC judged that it would prove more challenging to achieve the same level of stability in Maysan as had been achieved in Muthanna and Dhi Qar:

> "But we judge it is the extent of stability and economic recovery in Basra – the second city of Iraq – which will shape and define the nature of transition across the South. Declining security is undermining the prospects for Basra next year. We judge that action to improve security, address corruption within the police, tackle the Shia extremists, deliver civil reconstruction projects and kick-start longer-term economic growth are essential if Basra is to match coalition expectations for successful transition … It remains uncertain whether the Iraqi authorities have the necessary will or capacity to maintain progress over the long term."

196. On 28 September, Mr Blair's Private Secretary for Foreign Affairs told him that Prime Minister Maliki was unwilling to sanction aggressive action against Shia militias in Baghdad and that this was "of a piece with his opposition to the original Op SALAMANCA".[123] Op SINBAD was now happening in less sensitive areas of Basra, focusing on "cleaning up the Basra police, and quick impact reconstruction work in cleared areas of the city".

197. Maj Gen Shirreff reported on 28 September that Op SINBAD had at last begun, after a "tortuous" round of final negotiations with Iraqi politicians.[124] He observed that MND(SE) "remain[s] on very thin ice politically" but the initial operations had gone exceptionally well:

> "What made a particular impact was the very evident Iraqi face on the operation, both in the form of Iraqi sappers working alongside British sappers and Iraqi Army security patrols on the streets alongside MNF."

198. Despite the good news, Maj Gen Shirreff also reported that there had been an increase in the number of attacks – the figures for Explosively Formed Projectile (EFP)

---

[123] Minute Phillipson to Prime Minister, 28 September 2006, 'Secure call with President Bush, 1215 29 September 2006'.
[124] Minute Shirreff, 28 September 2006, 'GOC MND(SE) – Southern Iraq Update – 28 September 2006'.

attacks, indirect fire attacks and effective attacks were all at the highest level for six months.

199. In a phone conversation with President Bush on 29 September Mr Blair said that the US and UK should be clear in public messages that developments in Iraq were a direct result of "our opponents' strategy" not policy failures.[125] In Iraq it was AQ and Iran who were driving the violence: "If we succeeded in our aims, this would be a blow to them."

October 2006

200. On 5 October, at the request of the FCO, the JIC assessed the performance of the Iraqi Government, its level of popular support and its prospects over the year ahead.[126]

201. The JIC judged that after five months in office:

> "… the faction-based Iraqi Government is proving ineffective … Co-ordination between and within Government Ministries is poor. None of this looks likely to improve in the near future. Meanwhile, sectarian and insurgent violence is at a record high, and fuel, water and electricity shortages persist across much of the country."

202. The JIC assessed that Prime Minister Maliki's approach to security was "governed by the critical need to maintain Shia support". He wanted a political solution to disbanding militia groups and was "deeply sceptical of Multi-National Force (MNF) proposals for tough military action against Shia groups".

203. The JIC recorded "little success so far" on the national reconciliation plan, and assessed that:

> "Against a backdrop of worsening security, Sunni Government Ministers are feeling increasingly marginalised and unable to exert influence, while some leading Shia and Kurdish political figures are questioning the Sunnis' commitment to ending violence. Mutual distrust is growing."

204. Security was judged to be the greatest challenge facing the Iraqi Government, with the restoration of order in Baghdad a key issue:

> "In the medium term, politically divisive issues such as federalism, the review of the Constitution and the future of Kirkuk, have the potential to capsize the Government; they can be managed or deferred at most for 12-18 months."

---

[125] Letter Banner to Hayes, 29 September 2006, 'Prime Minister's Secure Call with President Bush, 29 September: Middle East Issues'.
[126] JIC Assessment, 5 October 2006, 'Al-Maliki's Government: Interim Progress Report'.

205. On 12 October, DOP(I) received a paper by officials on the medium-term prospects for Iraq, which they said had reached a "critical juncture". It reiterated that the UK's goal for Iraq was:

> "A democratic, stable, united and law-abiding Iraq, within its present borders, co-operating with the international community, posing no threat to its neighbours or to international security, abiding by all its international obligations and providing effective, representative and inclusive government for all its people."[127]

206. Officials argued that the UK's goal was "unlikely to be achieved". Officials considered that the best outcome that was likely to be achievable was:

> "… an Iraq which can govern and sustain itself nationally and provincially, and where sectarian and other violence is contained short of the point where it would overwhelm Iraq's institutions and precipitate chaos and/or civil war."

207. The authors suggested that achieving such an outcome lay "primarily in the hands of the Iraqi Government" and that the ability of the UK to influence its behaviour and decisions would continue to decline. The coalition's current strategy of "direct support combined with building Iraqi capacity" remained the only credible way to influence the outcome. But they judged that, despite the coalition's best efforts, it was possible that Iraq's institutions could be overwhelmed and Iraq would be threatened with fragmentation.

208. The ability of the Iraqi people to assume full responsibility for security and sustain any success would be one crucial test. The officials recommended that:

> "… whilst we should continue the process of withdrawing forces as we progressively handover security responsibility to the Iraqi Government, we should (assuming continued Iraqi Government consent) plan on a continuing UK military commitment focused on SE Iraq for 2007 and at least part of 2008. Under current agreed coalition plans this would involve a substantial combat force (unlikely to be less than 4500 strong) capable of re-intervention if required by the Iraqi Government, and able to carry out a number of tasks on a routine basis. If at some point in 2007 or 2008 we were to decide not to retain an in-theatre capability to allow us to re-intervene (on the assumption that the Iraqi government would be unlikely to request it) and fulfil other agreed tasks, force levels could be reduced further to closer to 3,000. It should be noted, however, that these tasks are part of the UK's agreed commitments to the MNF-I, and taking risk on any one of them could have serious ramifications for our relations with the US."

---

[127] Paper officials, 10 October 2006, 'Iraq: Medium Term Prospects and Implications'.

209. The paper was touched on only very briefly when DOP(I) met on 12 October, as Mr Browne indicated he would like more time to discuss and agree it formally at a later date.[128]

210. On 12 October, the *Daily Mail* published an interview with General Sir Richard Dannatt, Chief of the General Staff.[129] He criticised the UK Government's strategy for Iraq and called for the immediate withdrawal of UK forces from MND(SE):

> "The hope that we might have been able to get out of Iraq in 12, 18, 24 months after the initial start in 2003 has proved fallacious. Now hostile elements have got a hold it has made our life much more difficult in Baghdad and in Basra … [We should] get ourselves out some time soon because our presence exacerbates the security problems. We are in a Muslim country and Muslims' views of foreigners in their country are quite clear. 'As a foreigner, you can be welcomed by being invited into a country, but we weren't invited, certainly by those in Iraq at the time. Let's face it, the military campaign we fought in 2003 effectively kicked the door in. That is a fact.'"

211. Gen Dannatt contrasted the situation in Iraq with the UK presence in Afghanistan, which he argued was different because it was at the invitation of President Karzai's government:

> "'There is a clear distinction between our status and position in Iraq and in Afghanistan, which is why I have much more optimism that we can get it right in Afghanistan.'"

212. Gen Dannatt had previously talked of the Army "running hot", under the strain of fighting in both Iraq and Afghanistan.

213. Mr Blair, Gen Dannatt and Mr Jonathan Powell, Mr Blair's Chief of Staff, all refer to this interview, and its impact, in their memoirs. Mr Blair commented simply that he "wasn't best pleased" on hearing the news.[130]

214. Mr Powell recalled:

> "General Dannatt's attack on the deployment of British forces in Iraq caught us completely unawares in 2006. Tony and I were engaged in delicate Northern Ireland negotiations in St Andrews … We thought for a moment about sacking him but concluded that that would just make him into a martyr. His comments certainly didn't help our troops in Basra; Muqtada al-Sadr's JAM militia leaders celebrated, claiming that his comments proved that their efforts were working and that they should redouble their attacks on British forces. We immediately received complaints from

---

[128] Minutes, 12 October 2006, DOP(I) meeting.
[129] *Daily Mail*, 12 October 2006, *A very honest General*.
[130] Blair T. *A Journey*. Hutchinson, 2010.

the NATO Secretary General, the Americans, Australians and other countries with forces serving in Iraq."[131]

215. Gen Dannatt explained in his memoir that the interview had been part of a concerted effort to get the general public in the UK to understand "why we were in Afghanistan".[132] He continued:

"Whatever were the merits of our contribution to the intervention in Iraq, I have always been firmly of the view that Afghanistan was much more important to the United Kingdom … I saw my task as being to ensure that sufficient priority was placed on achieving overall success in Iraq and Afghanistan …

"Of course, Iraq was an extremely important issue in its own right, but as far as I was concerned it sat within the overall strategic context of Afghanistan, the huge pressure on our forces, and the wider security and moral issues that all this posed."

216. Gen Dannatt argued that the UK's strategy for Iraq already was withdrawal, because that was the essence of Gen Casey's plan for transition. He wrote:

"I was *reinforcing* Government policy for a phased withdrawal from Iraq, not criticising it …

"I was, after all, simply trying to generate support for the Army, as it did what the Government was requiring of it, and at the same time to tell the nation of the importance that I attached to eventual success in Afghanistan."

217. On 18 October, Mr Browne wrote to Mrs Beckett to ask the FCO to set out (with DFID) a view of the UK's medium to long term foreign policy interests in Iraq.[133] He wrote that it would be difficult to reach a view on force posture in the absence of that information.

218. Mr Browne wrote that he intended to visit Iraq again to "get my own sense of what is achievable by the current Government". Before the end of the year there would need to be:

"… a UK/US assessment on whether the current Iraqi Government realistically can hope to deliver on security … It appears unlikely that the coalition will be told to leave but … there may be pressure for a timetable as part of Maliki's negotiations on reconciliation."

219. Mr Browne added:

"I am keen to explore a scenario that has a more ambitious drawdown plan linked to political developments and PM Maliki's reconciliation initiatives … [These] may

---

[131] Powell J. *The New Machiavelli: How to Wield Power in the Modern World*. The Bodley Head, 2010.
[132] Dannatt R. *Leading from the Front*. Bantam Press, 2010.
[133] Letter Browne to Beckett, 18 October 2006, 'DOP(I) 20 Oct: Medium Term Paper'.

produce a formal balance of power that relies on sectarian divide (possibly partition) backed by the threat of a descent into civil war. Hardly the basis for long-term stability and well short of a liberal democracy. Such a scenario does not have to assume an unacceptable level of Iranian influence over Iraqi politics but it does assume some."

220. Mr Browne concluded:

"… we should acknowledge that in all the scenarios we can envisage, these decisions and the transition process will become increasingly political – and we may have to be prepared to accept a larger degree of risk."

221. In conversation on 19 October, Mr Blair told President Bush that the initial signs from Op SINBAD were positive, in part because the ISF carrying out the operation were "more compatible with the environment there".[134] He suggested that the US and UK should challenge Prime Minister Maliki's judgement that action against Shia militias should be delayed.

222. Briefing for the conversation by Mr Blair's Private Secretary contained a downbeat assessment of developments in Baghdad.[135] Although violence was reducing as the MNF moved into an area, it then began to creep back in and finally rise rapidly when the MNF handed over to the ISF. Often this took violence to a similar or higher level than before. Levels of attacks across the city as a whole had risen, and the majority of areas had experienced an increase in the number of bodies being found.

223. Members of DOP(I) discussed the paper on medium term prospects at their meeting on 20 October.[136] Mr Blair was not present, and so the meeting was chaired by Mr Browne.

224. Mr Browne began by saying that the existing goal would be difficult to achieve, but Ministers had to be certain that there was not more the UK could do before accepting anything less. Mrs Beckett agreed that the new Iraqi Government was not delivering as well as had been hoped. The long term objectives would be affected by the acceptability of the coalition presence, which appeared to be declining faster than had been envisaged.

225. In discussion, a member of DOP(I) said that most DFID projects in the South were likely to be completed by spring 2007 and that no new projects could be started under current security circumstances. US policy was uncertain; current US force levels were viewed as unsustainable. The proposed level of UK forces (4,500) was predicated on

---

[134] Letter Banner to Hayes, 19 October 2006, 'Prime Minister's VTC with President Bush, 19 October: Middle East issues'.
[135] Minute Phillipson to Prime Minister, 19 October 2006, 'VTC with President Bush – 1505, 19 October 2006'.
[136] Minutes (revised), 20 October 2006, DOP(I) meeting.

keeping UK forces inside Basra city; Ministers should consider what operational purpose would be served by their presence.

226. DOP(I) agreed that:

- The UK should keep the existing policy goal, but recognise that the best outcome achievable might fall short of it.
- A progressive reduction of UK forces to 4,500 in 2007, in concert with US and other allies, was possible, with more ambitious reductions being considered at the end of November.
- The FCO would lead on urgent work on the security of staff in Basra.

227. On 20 October, Sir David Manning, British Ambassador to the US, reported that Iraq was dominating debate in advance of the mid-term elections:

> "The recent upsurge in violence, the failure of the Baghdad security plan and the greatly increased US casualty figures – ten killed on 18 October alone – have increased the concern."[137]

228. There was increasing speculation in Washington that, against the backdrop of probable Republican electoral losses, the violence in Iraq and the unpopularity of the war would force the Administration to change its strategy, including by abandoning its open-ended commitment.

229. Senior members of the Administration were sticking to "no change", but according to the Embassy, a policy shift could not be ruled out. The Iraq Study Group – "a bipartisan group set up by Bush earlier this year and co-chaired by Jim Baker and Lee Hamilton" – and its forthcoming report offered "the most obvious vehicle for change".

230. In a meeting with Sir Nigel Sheinwald and Sir David Manning on 23 October, Mr Stephen Hadley, the US National Security Advisor, "accepted that the Baghdad Security Plan was not succeeding".[138] He observed that:

> "The Iraqi Army had not deployed as expected, and the Iraqi Police could not hold the ground cleared by US and Iraqi troops. The basic problem appeared to be that the Iraqi Government had not bought into the Plan."

231. The US was considering how best to address the problem, which was likely to involve an increase in Iraqi Army numbers and potentially supplying more equipment.

232. Sir Nigel remarked that there was "a sense of stasis" in Iraq policy, which made it a good moment to reflect on strategy. He said that Mr Blair would not want to see

---

[137] eGram 46668/06 Washington to FCO London, 20 October 2006, 'Iraq: Change of Strategy?'
[138] Letter Banner to Siddiq, 25 October 2006, 'US/Middle East'.

a change in the basic goal and direction, but "we would have to be realistic about what we could hope to achieve in the short and medium term". Success would:

> "… depend to a great extent on the Iraqi Government providing us with conditions that allowed us to operate, including through effective action by Maliki to deal with elements of JAM and Badr".

233. At a meeting of DOP on 26 October, the medium term prospects paper was discussed again alongside an update from Mr Browne on security developments in Iraq.[139]

234. ACM Stirrup advised that, militarily, the security operations in Basra "could not be going better, although there had been an increase in the number of indirect fire attacks on the Basra Palace compound". The main concern of Basrawis was whether the success of the operation could be sustained, which "would require engagement and funds from the Government in Baghdad".

235. Mr Blair commented on the support from Iran for Shia militias, which had serious implications for the MNF and the region. There was a risk that UK troop withdrawals would convince the Iranians that their strategy was working.

236. DOP agreed the analysis and recommendations contained in the medium term prospects paper, subject to further work already commissioned, and agreed the UK's planning assumption should be for a reduction of UK force levels to around 4,500 in 2007. Officials should be asked to develop a "strategy for handling Iran".

237. Mr Blair also mentioned the work of the Iraq Study Group and told DOP:

> "We needed to develop ideas of our own to help shape the US approach."

238. At a meeting of the Iraq Strategy Group on 27 October, Mr Sawers reported that discussion of Iran's involvement in Iraq "had concluded that the problem could not be solved in Iraq … a wider strategy for handling Iran, co-ordinating the response to Iran's regional influence, was required".[140]

239. At the same meeting of the Iraq Strategy Group Mr Simon McDonald, FCO Director Iraq, reported that the security situation in Basra had deteriorated to the point where Mrs Beckett had decided that it would be necessary to withdraw the majority of civilian staff from Basra Palace. Mr Benn agreed with that view.

240. Sir Nigel Sheinwald confirmed that Mr Blair would be content to accept Mrs Beckett's judgement on the matter. Ms Margaret Aldred, Deputy Head of the Overseas and Defence Secretariat, suggested that further work would be needed to

---

[139] Minutes, 26 October 2006, DOP meeting.
[140] Minute Cabinet Office [junior official] to Sheinwald, 30 October 2006, 'Iraq Strategy Group, 27 October'.

clarify plans for UN staff, the impact on the Better Basra programme and the implications for funding.

241. Vice Admiral Charles Style, Deputy Chief of the Defence Staff (Commitments), raised concerns on behalf of Maj Gen Shirreff, who considered that the withdrawal of civilian staff would send the wrong message.

242. Updating Mr Blair on the plan later in the day, his Private Secretary wrote that "this move is likely to be seen as a victory by those attacking us".[141]

243. Dr Rosalind Marsden, the British Consul General in Basra; and four FCO civilian staff were to remain in Basra Palace, while the other staff were relocated to Basra Air Station.

244. The update also described a growing public perception that the US and Prime Minister Maliki were "drifting apart", fuelled by contrasting public statements about the time needed to re-establish order in Iraq.

245. Responding to the update, Mr Blair wrote "we need to review the political strategy to underpin the right analysis of what is happening. I will do a note."[142]

246. On 29 October, Mr Blair produced a paper entitled 'Iraq Plan' which set out nine points requiring "active central management with weekly meeting for me and key advisers".[143] They were:

- "Improve Maliki's governing capability".
- encourage a political process to draw in Sadrists and Sunni Arabs, including by providing a conditional timeline for withdrawal if necessary;
- "Rectify any weaknesses in training, equipment, pay and capacity of the Iraqi Army".
- "… pay off the worst aspects of the police, slim them down and change the command and control".
- commission an analysis of "Shia feeling";
- expose the involvement of Iran in Iraq;
- pass a new Security Council resolution – "not just about the rollover but puts Iraq in a fresh context";
- persuade the Iraq Study Group to adopt a "whole Middle East strategy"; and
- after the US mid-term elections, argue for the adoption of such a strategy.

---

[141] Minute Banner to Blair, 27 October 2006, 'Iraq Update, 27 October'.
[142] Manuscript comment Blair on Minute Banner to Blair, 27 October 2006, 'Iraq Update, 27 October'.
[143] Paper Blair, 29 October 2006, 'Iraq Plan'.

247. On 30 October, the BBC reported that senior military commanders were "infuriated" by the withdrawal of civilian staff, claiming that it gave weight to the argument that the insurgents were winning.[144]

248. Around the end of October, Sir David Manning suggested that a small team should "start – very privately – considering the implications of a withdrawal from Iraq", including the consequences for Iraq, the Iranian reaction and the power balance in the region.[145]

November 2006

249. In a video conference with President Bush on 2 November Mr Blair said that the key issues on Iraq were:

- whether Prime Minister Maliki had effective strategies for Sunni and Kurdish outreach;
- identifying and filling gaps in the Iraqi Army's capability;
- identifying shortfalls in "governance capability", for example effective public spending; and
- ensuring that discussion of renewing the Security Council resolution was "handled sufficiently carefully".[146]

250. Mr Blair also raised concerns about whether Prime Minister Maliki was supported by a structure that allowed him to make and implement decisions, in particular in controlling the army.

251. The weekly update was sent by Maj Gen Shirreff's Chief of Staff on 2 November, who noted that the withdrawal of FCO staff was one of the events that had dominated the preceding week.[147] He reported that the withdrawal had come as a surprise to MND(SE) and was expected to have an adverse impact because:

- The reduction in police advisers would mean that it would be possible to staff the Police Transition Teams but not to train the specialist police teams that would take over from the Specialist Crime Unit.
- The loss of prison advisers came just before a planned move of prisoners out of the Jameat facility into a new facility.
- There would be disruption to long-term reconstruction work as a result of the "haste with which the PRT has been evacuated".

252. Mr Blair and Mr Hadley met for two hours on 4 November.[148]

---

[144] *BBC News*, 30 October 2006, *Basra consulate staff relocated*.
[145] Letter Gould to Crompton, 1 November 2006, 'Iran and Iraq'.
[146] Letter Banner to Hayes, 2 November 2006, 'Prime Minister's VTC with President Bush, 2 November: Middle East issues'.
[147] Minute Everard, 2 November 2006, 'GOC MND(SE) – Southern Iraq Update – 2 November 2006'.
[148] Letter Sheinwald to Hayes, 6 November 2006, 'Prime Minister's meeting with US National Security Adviser, 4 November'.

253. Mr Blair suggested that "a sense of urgency" was needed in US and UK strategy for Iraq, which should include:

- a major political agreement;
- a security plan; and
- a plan to increase the capability of the Iraqi Government.

254. Mr Hadley explained that the US hoped that the forthcoming Baker/Hamilton Report would be a vehicle for producing a new plan for Iraq with cross-party support in the US.

255. Lt Gen Lamb expressed his views about the withdrawal of civilian staff in his weekly report of 5 November:

> "… while I understand but do not necessarily agree with the reasons for the relocation of the PRT, and the way the draw down of FCO staff in Basra took place, the interpretation up here was that the case, haste and timing was unhelpful. US cries of non-consultation (not strictly true) and its impact on key issues that materially affect the wider coalition … a number of those who were actually capable of making the material difference, such as in capacity building, are no longer present. US comments such as 'I see the Brits are doing their own thing again' from both the military and Embassy do count in a coalition where our currency for making change is often our opinion … 168 days ago, it may have mattered less but the moment we gained a Shia Prime Minister, the profile of our 'independence' down south changed inexorably. Our actions now have a direct relationship with those in Baghdad, as does our … [plan for military force levels] within the emerging coalition campaign. Our performance was hardly a 'comprehensive approach' and was, I felt, rather un-British."[149]

256. Maj Gen Lamb's report also reflected concerns from the US military in Iraq that the mid-term elections would create an additional overhead in responding to an increased number of questions and enquiries. He also offered a view on how reasonable governance objectives in Iraq might be defined, as:

> "… supplying the Iraqis with the capability to deliver what constitutes a *progressive* (slowly at first), *Islamic* (a given) *nation* (ideally but co-federation could work) is where the governance goal posts probably lie."

257. On 5 November, Mr Blair wrote a note which said:

> "The next few months are critical for foreign policy. Iraq in particular."[150]

---

[149] Minute Lamb to CDS, 5 November 2006, 'SBMR-I Weekly Report (234) 5 Nov 06'.
[150] Note Blair, 5 November 2006, 'Note'.

258. In the note Mr Blair said that the first basic element of the approach on Iraq would be a new Iraq compact, ratified by a Security Council resolution, in which:

"
- Iraqis come together to support a non-sectarian future;
- MAS [Muqtada al-Sadr] dissociates himself from JAM and Maliki agrees to go after JAM;
- there is better Iraqi governance and especially in the disbursement of money;
- the Iraqis re-affirm our presence whilst they need it."

259. The second element of the approach would be:

"We make explicit a broader Middle East strategy in which we put Iraq in the context of a changing, modernising Middle East where everywhere, including Palestine and Lebanon, we are trying to solve outstanding issues."

US mid-term elections

In the US mid-term elections on 7 November, President Bush's Republican Party lost control of both the Senate and the House of Representatives to the Democratic Party.[151]

The new Speaker of the House of Representatives asked President Bush "to work together to find a solution to the war in Iraq".

The following day, as widely anticipated, President Bush announced that Secretary Rumsfeld would be stepping down, and that Mr Robert Gates would replace him as Defense Secretary.[152]

260. Mr Blair discussed Iraq policy with ACM Stirrup, Sir Nigel Sheinwald, Mr Sawers, SIS2, Mr Jonathan Powell and other No.10 officials on 7 November.[153]

261. Mr Blair identified a strategy with four key elements:

"
- agreement on a 'national compact' which produced a settlement of the key issues acceptable to all groups in Iraq, and the basis for non-sectarian government;
- improvement in the functioning of Iraqi institutions, particularly disbursement capability;
- capability gaps in the security forces, the army in particular, had to be identified and filled; and
- regional actors had to be brought in to offer effective support to the Iraqi government."

---

[151] *BBC News*, 9 November 2006, *How will the Democrats wield power?*
[152] eGram 49754/06 Washington to Various, 8 November 2006, 'Rumsfeld: Changing The Guard'.
[153] Letter Banner to Siddiq, 8 November 2006, 'Iraq'.

262. Mr Blair added that the best source of leverage over Prime Minister Maliki was his desire for the UK not to leave "precipitately". He concluded that "we should therefore offer him a timetable, conditional on his securing an acceptable political compact, to which Muqtada al-Sadr had signed up".

263. ACM Stirrup updated the meeting on "the continued good progress in Operation SINBAD" and noted that:

> "… once it had concluded, we would have done as much as we judged militarily possible in Basra. He noted, however, that it did not deal with the fundamental problem of militias. The Prime Minister queried whether it could therefore be effective. CDS [ACM Stirrup] suggested that the militia problem would have to be dealt with politically."

264. On 9 November, Sir Nigel Sheinwald sent a Note from Mr Blair to President Bush via Mr Hadley.[154]

265. The Note began:

> "Our foreign policy is so joined, we both face the same issues. So a Democrat victory is seen here as a 'thumping' for me as well as you!"

266. Mr Blair continued:

> "… my worry is: waiting for Baker's group to come up with a strategy. We should lead the consensus not simply follow it. Our danger is either being seen for political reasons, to 'cave in', which we will never do; or have to be told the answer because we can't think of it. Actually our strategy is already evolving. Before Baker reports we should spell out that evolution."

267. Mr Blair explained that strategy for Iraq should include:

- a political compact to be published by the Iraqis, committing to non-sectarian government and ruling out partition of the country, with support from both Sunnis and Muqtada al-Sadr;
- a plan for better governance;
- accelerating the plan to complete the formation of the army and police; and
- a conditional timescale for withdrawal, focused on Iraqi capability and "making no concessions on democracy".

---

[154] Letter Sheinwald to Hadley, 9 November 2006, 'Iraq and the Middle East' attaching Note Blair, 9 November 2006, 'Note'.

268. In addition, Mr Blair argued that a "whole Middle East" strategy was needed which would frame the debate on Iraq in terms of the whole region and expose the hostile intent of Iran. Mr Blair wrote:

> "The huge benefit in Iraq, of such a strategy, is that it gives us more than what is happening day to day in Iraq to talk about. That is our problem: it is all events, ghastly and bloody, unconnected to the underlying strategic cause."

269. President Bush and Mr Blair spoke by video conference the next day joined by Vice President Dick Cheney, Mr Hadley, Mr Jonathan Powell and Sir Nigel Sheinwald.[155]

270. Mr Blair set out his view that the UK and US should focus on supporting Prime Minister Maliki to achieve a national political compact, accelerate assistance to the ISF, improve the Iraqi Government's ability to "deliver resources" and bring regional assistance to bear more effectively.

271. Mr Blair suggested that Prime Minister Maliki should set out his political and security plans in a way that demonstrated he was in the lead, ideally before the Iraq Study Group reported, and in such a way that allowed the US and UK to respond positively.

272. On 13 November, Mr Blair discussed Iraq with ACM Stirrup, Sir Nigel Sheinwald, Mr McDonald, C, Ms Aldred and officials from No.10.[156]

273. Mr Blair told those present that "the major challenge was ensuring that Maliki had an effective government apparatus around him, underpinned by capable security forces".

274. ACM Stirrup said that "the US had given a lot of thought to the latter point" and had "a coherent plan" to train the ISF.

275. Mr Blair commissioned Sir Nigel Sheinwald to co-ordinate a plan, drawing on departmental expertise, which would "set out the detail underpinning the Prime Minister's four point strategy for Iraq, together with a clear sense of who would be responsible for operationalising each element". Mr Blair recognised that it would need Iraqi, US and wider international support.

276. That evening, Mr Blair spoke at the annual Lord Mayor's banquet in London's Guildhall.[157] He described the growing pressure from terrorism in Iraq and said:

> "Just as the situation is evolving, so our strategy should evolve to meet it.
>
> "Inside Iraq we should empower the Iraqi leadership that wants to take responsibility – that knows that they, not us, must lead and win the fight against terrorism.

---

[155] Letter Banner to Hayes, 10 November 2006, 'Prime Minister's VTC with President Bush, 10 November: Middle East'.
[156] Letter Banner to Siddiq, 14 November 2006, 'Iraq'.
[157] Prime Minister's Guildhall speech, 13 November 2006.

To do this effectively, they need our support, politically, in their economy and for their armed forces.

- First, we need a strong political compact in Iraq led by the Iraqi Government to bring all parties together, with clear commitments to non-sectarian government and to democracy;
- Second, we need to build Iraqi governing capability, especially in the disbursement of money for reconstruction and rebuilding of the economy;
- Third, we must plug any gaps in training, equipment and command and control in the Iraqi Army and help the new Interior Minister root out sectarianism in the police, which in turn will allow us, within the timeframe set down by General Casey, to transition to Iraqi control."

277. Mr Blair went on to explain that "a major part of the answer to Iraq lies not in Iraq itself but outside it", creating a need for a "whole Middle East" strategy which would "start with Israel/Palestine", make progress on Lebanon and "unite all moderate Arab and Moslem voices behind a push for peace".

278. On 14 November Mr Blair, accompanied by Sir Nigel Sheinwald, spoke by video link to the Iraq Study Group for an hour.[158]

279. In preparation, Mr Blair's Private Secretary provided a briefing pack and a letter from Mr Sawers, written from Baghdad, reflecting on the three days he had spent in Iraq.[159]

280. Mr Sawers reported that Prime Minister Maliki was "anxious to assume more responsibility for security as soon as possible" but was more resistant to the need for a "broad base of political support for his government". Mr Sawers described "areas of progress", specifically "on the economy, on a new oil law, and on building up the Army" and said that "the prospects don't look as bleak as they are portrayed in the Western media".

281. Mr Sawers wrote that progress had been made on a new Security Council resolution, with the terms of a letter to the Security Council requesting rollover of the previous resolution agreed between the US and Iraqi Governments.

282. Finally, Mr Sawers recommended that Mr Blair stress to the Iraq Study Group "the importance to Maliki of securing the earliest possible transition of security responsibilities" and that he "warn starkly against partition of Iraq".

283. Mr Blair's Private Secretary reported to the FCO that during his session with the Iraq Study Group Mr Blair advocated a new plan that "set out the way forward for Iraq" agreed by the coalition, UN and Iraqi Government.[160] The key elements would be

[158] Letter Banner to Siddiq, 14 November 2006, 'Iraq Study Group'.
[159] Letter Sawers to Prime Minister, 13 November 2006, 'Iraq'.
[160] Letter Banner to Siddiq, 14 November 2006, 'Iraq Study Group'.

support for better governance, especially in disbursing funds, support for "rooting out sectarianism" and equipping the Iraqi Army.

284. Asked about UK troop levels, Mr Blair said that:

> "… UK policy was to stay until the job was done, which meant drawing down as the ISF were prepared to take over. Once Operation SINBAD was complete, it was clear that the Iraqis wanted us to assume a support role. So if the Operation went to plan, we would be able to reduce our own force levels somewhat over the next six to nine months. He stressed that he was strongly opposed, though, to any unconditional withdrawal."

285. After a long discussion about regional issues, members of the Iraq Study Group asked Mr Blair what he would like to see in their final report. His Private Secretary reported that he replied:

> "It would be helpful if the ISG endorsed a plan that was essentially an evolution of our current strategy. If it did the Prime Minister would be happy to give it his full support."

286. On 15 November, at the request of the Iraq Senior Officials Group, the JIC examined "the scale, scope and nature of violence in Iraq" and the "will and effectiveness of the Iraqi Government to respond and the implications of failure".[161]

287. The JIC judged that:

> "I. Most ordinary Iraqis, other than Kurds, retain a sense of Iraqi nationhood. But their concepts of the future Iraq are increasingly defined in terms of their own sectarian interests, whether Shia or Sunni. It is unclear how long support for a unitary state will last in the face of rising Sunni/Shia violence. All the current trends are heading in the wrong direction.
>
> "II. Violence continues to escalate. The strength of the Sunni Arab nationalist insurgents is undiminished. Their violence is complemented by a resilient jihadist campaign. Attacks on the coalition by Shia extremists have also increased. But sectarian attacks, mostly in Baghdad, now account for the bulk of the violence and casualties. Al Qaida in Iraq (AQ-I) is in the vanguard, believing their strategy of fomenting civil war is working. Elements of Jaysh al-Mahdi (JAM) are the primary force behind Shia sectarian violence.
>
> "III. The Iraqi Government's response to deteriorating security remains ineffective. Many Shia politicians blame all violence on 'Ba'athists'. There has been no progress on national reconciliation … So long as Sunni alienation is reinforced, Iraqi and coalition efforts to engage elements of the Sunni insurgency are unlikely to make progress and Sunni participation in government will be fragile."

---

[161] JIC Assessment, 15 November 2006, 'Iraq: Risk of Deepening Sectarian Division'.

288. Although Prime Minister Maliki was increasingly keen to accelerate the transfer of responsibility for security to Iraqi control, the JIC judged that the ISF would be likely to need MNF support for some time:

> "Without it they will be unable to cope in Baghdad and the Sunni heartlands, risking worsening violence and further weakening of government authority."

289. On 16 November, Major General Simon Mayall, Deputy Commanding General MNC-I, sent an update to Lt Gen Houghton.[162] Maj Gen Mayall described a "Transition Bridging Strategy" that was gaining momentum with senior US commanders.
The strategy was based on an assumption that "the Security Line of Operation is indispensable to mission success, but it cannot, and never was intended to deliver the Endstate on its own". The strategy entailed increasing the size of training teams embedded with the Iraq Army prior to handing over an area to Iraqi control. Maj Gen Mayall assessed:

> "… what this model offers us, and the GoI, is the opportunity to transition with the Iraqis, and thereby set much better conditions, in due course, to transition to the Iraqis. This concept and model, however, is critically depending upon substantial support from the other Lines of Operation."

290. At the meeting of DOP(I) on 16 November Mr Sawers, following his recent visit to Iraq, expressed serious concern at the rise of Shia militias but added that the biggest security concern was still the Sunni insurgency and fear of elements of the former regime.[163] He reported that Prime Minister Maliki was frustrated that he was not in control of the security apparatus.

291. In discussion, it was suggested that Prime Minister Maliki was constrained by his agreement with Muqtada al-Sadr and that it was important to recognise that any Iraqi leader would need to reach such political accommodations in order to function.

292. The meeting was told that the text of the international compact had been agreed but there had been little substantive progress and that Mr Blair considered that developments in Iraq, the US and the UK were reaching a critical stage. He wanted a "comprehensive co-ordinated forward plan for the coming weeks" covering political, economic, governance and security strands. Mrs Beckett said that departments would "work quickly" to produce this.

293. Mr Browne reported that planning was taking place in the US to speed up the transition process and that this was consistent with the UK's Medium Term Plan. He still expected that it would be possible to achieve PIC in Maysan by the end of 2006 and in Basra in spring 2007.

---

[162] Minute Mayall to CJO, 16 November 2006, 'MNC-I Update – 16 Nov 06'.
[163] Minutes, 16 November 2006, DOP(I) meeting.

294. In discussion, it was suggested that what could be achieved in Basra by March 2007 would "probably not be enough to achieve PIC" and so the challenge would be to "work out how we could complete the process from outside Basra after we had transitioned".

295. VAdm Style provided an update on Op SINBAD, which he considered had been a "considerable success", although progress on reforming the Iraqi police remained weak and attack levels against coalition forces remained high. Mrs Beckett and Sir Suma Chakrabarti, DFID Permanent Secretary, reported that the impact of the withdrawal of civilian staff from Basra Palace on Better Basra and on DFID's programmes had been "marginal".

296. Mrs Beckett summed up that officials should develop some clear and agreed forward planning on the future of the civilian and military presence in Basra.

297. VAdm Style told the Inquiry:

> "SINBAD was a very considerable success. Yes, in some senses conditions were deteriorating in Basra, and again it depends on exactly which little bit of time that you are thinking about … But amongst the things that were achieved out of SINBAD were a new level of co-operation between our own forces and the Iraqi Army, better Iraqi Army and police co-operation, both the police and the army effectiveness – Iraqi Army effectiveness were improved, extra equipment was brought in. There was better – there was improving support from the Council and most of the authority within Basra because they approved of what was being done. Consent temporarily improved, it had all the time been generally reducing, and the murder rate went down. By the end … the Iraqis were in the lead to an extent they had not been before."[164]

298. On 17 November, Mr Jonathan Powell sent a minute to Mr Blair with his thoughts on Iraq.[165] He wrote that there was "a new fluidity in Iraq after months of stasis" which offered an opportunity to change strategy on Iraq and to change the way Iraq was seen in the West.

299. Mr Powell suggested that there was a need to "be more imaginative" to get out of the "bunker mentality" in which both politicians and civil servants found themselves and "change our way of working to take advantage of the opportunity". Part of the answer would be the new "Forward Plan", which would focus discussion.

300. Mr Powell also recommended that the list of attendees at the "weekly meetings" needed to change, commenting "I think we need a general as well as CDS" and that Mr Blair should have fortnightly video conferences with UK personnel in Iraq and with the US.

---

[164] Public hearing, 5 January 2010, page 39.
[165] Minute Powell to Prime Minister, 17 November 2006, 'Iraq'.

301. A media plan that would change attitudes in the UK and US was needed. Mr Powell advised Mr Blair to strengthen his relationship with Prime Minister Maliki, keeping in more regular and relaxed contact.

302. Mr Powell concluded his minute:

> "But there is also a bigger question … If this were a domestic problem we would use the whole team to strategise about it. Maybe you should try a discussion in that format to see if we could find a better way of communicating what we are trying to do. It may be that we think about Iraq in too technocratic and in an insufficiently political way."

303. Mr Blair commented: "I agree. I should see Maliki in December and maybe do weekly video cons … We also need some good news balance. And the key is to revitalise the Compact plan."[166]

304. Following a discussion in the Iraq Strategy Group, a draft of the Forward Plan was sent to Mr Blair's Private Secretary by Mr McDonald on 24 November.[167] It was sent in parallel to the FCO, the MOD and to SIS.

305. In his covering note, Mr McDonald set out the assumptions which underpinned the Plan. They included diminishing UK influence over "events" in Iraq and that the Iraqi Government increasingly saw the coalition as the main obstacle to establishing its authority. As a consequence responsibility would be handed over ahead of a rigorous assessment that they were capable of undertaking the task.

306. The draft plan also assumed that there would not be a fundamental change of US policy as a result of the Iraq Study Group's report.

307. The plan included proposed actions under three headings:

- Political accommodation. The UK should help bring about a political compact based on a declaration of fundamental principles, the establishment of a Peace Commission and a Reconciliation/Rehabilitation Commission and agreement to a date for Provincial Elections in 2007.
- Governance and economic development. The UK should urge Prime Minister Maliki to build greater Iraqi capability by establishing an Economic Task Force equivalent to the Ministerial Committee on National Security, securing agreement on the Hydrocarbons Law;[168] pushing for a "full and effective multilateral presence in Iraq"; and securing early deals on oil revenue sharing and fiscal federalism.

---

[166] Manuscript comment Blair on Minute Powell to Prime Minister, 17 November 2006, 'Iraq'.
[167] Minute Cabinet Office [junior official] to Sheinwald, 27 November 2006, 'Iraq Strategy Group, 24 November'; Minute McDonald to Banner, 24 November 2006, 'Iraq Forward Plan' attaching Draft Paper, [undated], 'Iraq: Forward Plan'.
[168] The Hydrocarbons Law is addressed in Section 10.3.

- Security. The plan assumed that the revised US plan was likely to see a move by coalition forces out of urban areas into consolidated bases on the outskirts of urban areas and accelerated transition to Iraqi control based on "a more pragmatic and subjective Iraq-led approach" to assessing suitability for PIC to replace the "current mechanistic and convoluted assessment process". The plan said: "This may mean that the conditions for transfer are relaxed thus accelerating the process of transition. The risk is that a less rigorous process may increase the chances of subsequent under performance by the Iraqis. In practice, it places an increasing emphasis on the capability of the Iraqi Security Forces rather than the security situation on the ground, closely supported by efforts on the governance and economic front. We may, however, face a degree of pushback in the detailed execution of our plan from the US, despite prior agreement in principle."

308. Responding to Mr McDonald, Mr Blair's Private Secretary reported that he had described the Forward Plan as "an excellent piece of work".[169] The Private Secretary asked for the Plan to be finalised and implemented; the section on reforming key Ministries needed more detail and there was nothing yet on strategic communications. The Plan itself would require a high-profile launch.

309. On 25 November, Mr Blair mentioned the draft Forward Plan to President Bush during a telephone conversation and offered to send him a copy.[170] They discussed whether 100,000 more troops, as proposed by some in the US, would not work and the importance of demonstrating that the coalition was taking the initiative in the next phase.

310. Mr Blair commented on the differences between the situation in Baghdad and in Basra, where Op SINBAD appeared to have gone well. He suggested that it should be possible for Basra to be controlled by the Iraqis, "with our support".

311. No.10 sent the White House a copy of the Forward Plan later that day, stressing that it remained "work in progress".[171]

312. On 29 November, VAdm Style told the Chiefs of Staff that the Forward Plan had received Mr Blair's approval over the weekend.[172] He also described "the need for caution regarding supportive statements about 'accelerated transition' by US military interlocutors".

313. Lt Gen Houghton updated the Chiefs of Staff on efforts to counter the threat of indirect fire in Basra. In discussion, the Chiefs of Staff noted "the potential opportunity afforded by planned force withdrawals from Basra … to leverage local deals to reduce the IDF threat".

---

[169] Letter Banner to McDonald, 27 November 2006, 'Iraq: Forward Plan'.
[170] Letter Banner to Hayes, 25 November 2006, 'Prime Minister's VTC with President Bush, 25 November'.
[171] Letter Sheinwald to Hadley, 25 November 2006, untitled, attaching Note Blair, 27 November 2006, 'Iraq Forward Plan and Paper, undated, 'Iraq: Forward Plan'.
[172] Minutes, 29 November 2006, Chiefs of Staff meeting.

314. At the end of November 2006, the UN Security Council unanimously adopted resolution 1723 (2006).[173] At the formal request of Prime Minister Maliki, this extended the legal basis for the presence and activities of the MNF in Iraq, and arrangements for putting oil receipts into the Development Fund of Iraq, until December 2007.

315. President Bush wrote in his memoir that the US Administration had reviewed its strategy for Iraq during the second half of 2006.[174] It had focused on three options:

- to accelerate the existing strategy of training Iraqi forces while withdrawing US forces;
- to pull US troops back from Baghdad until the sectarian violence burnt out; or
- to deploy additional US troops to conduct a full-scale counter-insurgency campaign in Baghdad.

316. Before deciding on the third option President Bush sought assurances from Prime Minister Maliki that he would commit more Iraqi forces, not interfere in joint military operations, confront Shia militias, and as security improved make progress on political reconciliation. President Bush's memoir records that Prime Minister Maliki gave those assurances at a meeting on 29 November.

317. On 30 November, Maj Gen Shireff commented that indirect fire, while "extremely unpleasant and, at times fatal" was "not a showstopper" but rather a "tactical nuisance".[175] It had, however, "had a strategic effect by forcing the very public drawdown of the FCO and handed an IO [Information Operations] victory to the enemy on a plate". He explained that it was necessary to reduce the levels of indirect fire "to avoid the charge that we have been bombed out of the City".

318. Maj Gen Shirreff explained that there was "more we could and should do" but he was hampered from doing so because he did not have the equipment.

December 2006

319. On 6 December, the JIC examined the level of control that different actors, in particular Muqtada al-Sadr, had over elements of JAM.[176]

320. The JIC's Key Judgements included:

> "I. Muqtada al Sadr controls the large majority of Jaysh al Mahdi (JAM). Most 'mainstream' JAM members are not routinely involved in violence against the Multi-National Forces (MNF). JAM militants are attacking the MNF and the Sunni population: most claim allegiance to Sadr and accept broad direction from him, but launch attacks for a variety of local reasons, frequently ignoring his orders.

---

[173] UN Security Council, '5574th Meeting 28 November 2006' (SC/8879).
[174] Bush GW. *Decision Points*. Virgin Books, 2010.
[175] Minute Shirreff, 30 November 2006, 'GOC MND(SE) – Southern Iraq Update – 30 November 2006'.
[176] JIC Assessment, 6 December 2006, 'Iraq: Who Controls Jaysh al Mahdi?'

"II. No one person or group controls all JAM activity and activities of other Shia militias and individuals are often wrongly attributed to it. The apparently contradictory actions of some JAM members are a result of increasing fractures within the movement, particularly over the use of violence.

"III. Sadr has to balance his political ambitions with those of his militant followers. He could easily increase levels of violence … though this is unlikely at present. He would have more difficulty reining in violence by his militant followers against the MNF … He remains liable to change tack at short notice.

"IV. In some areas such as Basra 'secret cells' with little loyalty to Sadr are responsible for a significant proportion of the anti-MNF violence carried out in the name of JAM …

"V. Some 'secret cells' are receiving funding, training and supplies from Lebanese Hizballah and the Iranian Islamic Revolutionary Guard Corps Quds Force. Despite accepting Iranian help Sadr remains an Iraqi nationalist: he suspects Iranian motives and resents their influence. The Iranians for their part find Sadr a frustrating partner. But Iran still views Sadr as an important player in the future Iraq."

321. The JIC assessed that JAM members joined for differing reasons. For some the attraction was the power and prestige that came with bearing arms and belonging to a militia. But in a climate of increasing violence, JAM membership also offered safety in numbers and the likelihood of retribution if attacked. Others joined JAM out of a sense of religious duty; some to attack Sunnis and the MNF, and a small minority used JAM as a cover for solely criminal activity:

"We judge that this variety of motivating factors is partly responsible for the divisions within JAM. JAM labels such as 'mainstream', 'militant' and 'secret cell' are a valuable analytical aid, but membership is fluid and individuals would not perceive themselves in this way …

"MNF estimates that there are around 10,000 active supporters with varying degrees of paramilitary training and a further 20,000 sympathisers who could be mobilised rapidly … many members of JAM have joined the Iraqi Security Forces, particularly the police. Tribal loyalties remain important …"

322. The Iraq Study Group published its report on 6 December.[177] Although it stressed that there was "no magic formula" to guarantee success, it offered 79 recommendations to improve US policy in Iraq. In particular, it recommended:

- changing the primary mission of US forces in Iraq to one of supporting the Iraqi army, to enable the withdrawal of US combat forces from Iraq by the first quarter of 2008;

[177] Transcript, 6 December 2006, 'Iraq Study Group Press Conference'.

- calling for prompt action by the Government of Iraq to achieve key milestones (including progress on the Constitutional review, de-Ba'athification, oil revenue-sharing, provincial elections and Kirkuk) particularly on reconciliation, security and governance, and proposing a reduction in US assistance if substantial progress was not made;
- launching a New Diplomatic Offensive, including the creation of an "Iraq International Support Group", including Iraq, all the States bordering Iraq (including Iran and Syria), the key regional States, the five permanent members of the UN Security Council, and the EU); and
- beginning an urgent review of the Constitution in the interests of national reconciliation, with the assistance of the UN.[178]

323. Sir David Manning wrote to the FCO in London on the day of the report's publication with an account of a briefing by Mr Baker. Sir David assessed that:

> "At first blush, it contains much which we should welcome, both on the internal situation in Iraq, and on the centrality of other regional issues, including MEPP and engaging Syria and Iran … the ISG report means that there are now powerful voices in Washington advocating change."

324. Mrs Beckett publicly welcomed the report as:

> "… a substantial and complex piece of work, to which of course the Prime Minister and senior [British] officials have contributed. From those discussions, [we] get the impression that their thinking was broadly in line with our own but obviously we need to read and digest their formal recommendations."[179]

325. Sir John Sawers told the Inquiry that the recommendations had reflected a concern that there was a limit to what could be achieved in Iraq and that it would be better to focus on "working more closely with the likes of Iran and Syria and about finding a basis to withdraw US forces sooner rather than later".[180]

326. In preparation for the 7 December meeting of DOP(I), officials prepared a paper on military plans for Southern Iraq in 2007, and another paper on the UK's objectives and presence in Basra.

327. The military plan for southern Iraq proposed the withdrawal of most UK troops from bases in Basra city to Basra Air Station at the end of Op SINBAD which effectively marked the "graduation exercise for the Iraqi Army in Southern Iraq".[181] From there, UK forces would perform a "Military Assistance Mission". That would lead to a reduction in

---

[178] eGram 54298/06 Washington to Various, 6 December 2006, 'Publication of the Report on the Iraq Study Group, 6 December'.
[179] *BBC News*, 6 December 2006, *In quotes: Reaction to Iraq Panel report*.
[180] Public hearing, 16 December 2009, page 97.
[181] Paper MOD officials, 5 December 2006, 'UK Military Plans for Southern Iraq in 2007, a briefing paper for DOP-I by Officials'.

troop numbers from 7,100 to 4,500 in May 2007, and possible further reductions later in the year.

328. The paper acknowledged that, in presentational terms, it would be "extremely important to portray our plans as directly linked to supporting the Iraq Government and provincial transfer decisions are Iraqi led".

329. The Basra paper was written by the FCO and considered the civilian implications of the military plan and the "heightened security threat".[182] FCO officials recommended aiming for Provincial Iraqi Control in Basra at some point between March and June 2007. Activity required to achieve that would be led from Basra Air Station as "there is no prospect of our being able to recommend to Ministers a return to full staffing at Basra Palace in the near future". Although that meant limited numbers of staff and "tougher" conditions, the FCO observed that "there will be significant advantages in co-location with the military – making possible a more cohesive approach".

330. At its meeting on 7 December, DOP(I) agreed the overall intent of both the civilian and military plans, and agreed that progress on the Forward Plan should be considered at its next meeting.[183] In discussion, the point was made that:

> "It would be important to get the optics right. We should not be seen to be driven out by IDF [indirect fire], and it should be possible to suppress indirect fire for a limited period to enable this to occur."

331. On 7 December, Mr Blair's Private Secretary spoke to a contact in the US National Security Council to learn about US views on UK proposals for Basra and transition in the South.[184] The Private Secretary reported to Sir Nigel Sheinwald that they had generated "a lot of discomfort" amongst the US military.

332. Mr Blair discussed the Iraq Study Group report "at length" with President Bush over a private breakfast at the White House on 7 December.[185] The Inquiry has not seen a record of that discussion.

333. A record by Mr Blair's Private Secretary of the formal talks that followed indicates that Mr Blair said that the mission remained the same, but the strategy needed adjustment. Three things were needed:

- to set out the terms of support for the Iraqi Government, which should do more on reconstruction, security and economic capacity building;
- more support for Iraq from the region; and
- a whole Middle East strategy.

---

[182] Paper FCO officials, 1 December 2006, 'Basra: Objectives and Presence in 2007'.
[183] Minutes, 7 December 2006, DOP(I) meeting.
[184] Minute Banner to Sheinwald, 7 December 2006, 'Iraq – NSC Views'.
[185] Letter Phillipson to Hayes, 8 December 2006, 'Prime Minister's Talks with President Bush, 7 December: Middle East Issues and Afghanistan'.

334. No mention of a surge of US troops was recorded in the discussion.

335. After the press conference that followed the talks, Mr Blair and President Bush discussed next steps on Iraq, including a comprehensive plan covering reconstruction, capacity building, outreach and the role of international community, to be agreed with Prime Minister Maliki.

336. On 11 December, the Security Council considered quarterly reports on Iraq by the UN Secretary-General and the MNF-I.[186] Mr Qazi said that the UN Secretary-General's report provided "a sober and urgent warning that Iraq stands on the brink of civil war and chaos". Political transition achievements had not translated into improved security or human rights. Peace initiatives had had no impact on the violence. Violence seemed out of control, provoking widespread concern for Iraq's future.

337. The UN recognised that progress could only be made in the context of active regional and international co-operation. The International Compact needed a viable security and political environment in which to succeed. While efforts were under way to build up the Iraqi Security Forces, self-sufficiency would take years. Mr Qazi concluded with a warning that, if security deteriorated further, a major humanitarian and refugee catastrophe might ensue.

338. The UK Mission to the United Nations in New York reported to the FCO that it had been:

> "A noticeably downbeat presentation from Qazi, echoing the conclusions in SG [Secretary-General] Annan's report. In their interventions, most Security Council members (coalition partners excepted) picked up on those aspects of the report dealing with 'civil war' … and 'regional contact group/international conference'… predicting imminent arrival of the former and professing commitment to support the latter. Much store was also set by Maliki's National Reconciliation Plan and the constitutional review mechanism. But rhetoric and lengthy interventions aside, none appeared to offer new ideas, preferring instead to await any policy cue from Washington."

339. On 12 December, Mr Hadley told Sir Nigel Sheinwald that the US Administration could accept the need to support Iraqi initiative and ownership, President Bush was also considering a US "bridge force" to help stem the violence in the first part of 2007 as "one last major effort to get reconciliation off the ground".[187] No decision had yet been taken.

---

[186] eGram 55037/06 UKMIS New York to FCO London, 12 December 2006, 'Iraq: Security Council Debate'.
[187] Letter Sheinwald to Hayes, 13 December 2006, 'Conversation with US National Security Adviser, 12 December'.

340. On 14 December, at the request of the Iraq Senior Officials Group, the JIC assessed the situation in "The Kurdish North". It judged:

> "… few Kurds subscribe to a sense of Iraqi nationhood. But Kurdish leaders accept that the political and economic conditions for an independent Kurdish State are lacking at present. The Kurds will bide their time (possibly for several years) while taking what incremental steps they can to achieve de facto independence …
>
> "The Kurdish north is the most stable region in Iraq … Stability will be maintained after transition to Iraqi (Kurdish) control, now likely in January. There is greater violence in more mixed areas on the periphery of the KRG such as Kirkuk, Tal Afar, Sinjar and Mosul."[188]

341. The JIC continued:

> "We judge that the Kurds' very strong bargaining position within the national government means they are well placed to secure many of their key objectives. They will resist any changes to the Iraqi constitution which threaten the autonomy of the Kurdish Regional Government (KRG), the position of the Peshmerga as a regional guard force, or the KRG's ability to control regional oil resources and revenues."

342. The JIC judged that the city of Kirkuk would continue to be "a deeply emotive issue" since:

> "Most Kurds regard the city as inherently Kurdish and an essential asset for an independent Kurdistan … But Kurdish plans will be opposed. The Turkomen still claim Kirkuk as their cultural capital. There are also sizeable Arab Sunni, Arab Shia, Assyrian and Christian communities: most want a special status for Kirkuk as a federal region under some form of power sharing arrangement …
>
> "Violence has been increasing; since June there have been several suicide attacks … Ethnic and sectarian fighting has also escalated. The bulk of the violence can be attributed to Sunni nationalist insurgents and jihadists, but elements of Jaysh al-Mahdi and SCIRI's Badr Organisation have also been implicated … continued efforts to oust mostly Arab residents risk serious violence, both in the city and in other mixed areas."

343. On 17 December, Mr Blair visited Baghdad and Basra, accompanied by Mr Jonathan Powell, Sir Nigel Sheinwald and Mr Asquith.[189]

344. Mr Blair had a bilateral discussion with Prime Minister Maliki, who had been very negative about Muqtada al-Sadr and consequently focused on building ISF capability "to allow him to deal with the militias". In relation to the South "he welcomed the progress

---

[188] JIC Assessment, 14 December 2006, 'Iraq: The Kurdish North'.
[189] Letter Banner to Siddiq, 18 December 2006, 'Visit to Iraq'.

of Operation SINBAD, and hoped that UK forces would remain in enough strength to play a support role to Iraqi forces".

345. Over lunch, President Talabani told Mr Blair that the Iraqi Army was developing, but needed better logistics and was lacking arms and ammunition. He also observed that "military success could only come through harnessing the support of local people".

346. On 19 December, Sir David Manning wrote to Mr Sawers, and sent copies to Mr Peter Hayes (Mrs Beckett's Principal Private Secretary), Mr Peter Ricketts (FCO Permanent Under Secretary), Sir Nigel Sheinwald and Mr Jonathan Powell.[190]

347. Sir David reported signs that President Bush would reject the majority of recommendations in the Iraq Study Group report and "dig in rather than exploit the opening that the ISG report provides". He wrote:

> "… the signs point to him [President Bush] adopting a contentious policy of surging additional troops into Baghdad. The argument appears to be that this will help restore order to the capital, and give Maliki the breathing space he needs to go after Sadr and other militias. This may have a certain intellectual plausibility, but there are few in Washington who believe in its political viability."

348. Mr Blair wrote to President Bush on 20 December, in part to report his recent visit to Iraq.[191] He emphasised the importance of support for Prime Minister Maliki, through increasing the speed at which the Iraqi Army was developing, supporting the reconciliation and outreach work, and helping to create a more effective system for the disbursement of money within Iraq.

349. Mr Blair reported that, in MND(SE), he had found UK forces with "surprisingly high morale" and in no doubt that Iran was the major player behind the violence.

350. On extra troops for Baghdad Mr Blair wrote "It's your call obviously …" but added:

> "For what it's worth, I think this might be sensible short term but only as part of a wider plan to boost Iraqi capability. There is no doubt US forces can lock down parts of Baghdad. But … it is only very short term respite. So there has to be Iraqi force plus reconstruction."

351. Mr Blair concluded his note by commenting: "My point is simply: whatever you do, the only ultimate solution is Iraqi."

352. The following day Sir David Manning reported that President Bush had asked Secretary Gates to provide him with options for a possible surge of US forces focused on Baghdad and Anbar province, but had not yet taken a decision.[192]

---

[190] Letter Manning to Sawers, 19 December 2006, 'Bush and Baker-Hamilton'.
[191] Note [Blair to Bush], [20 December 2006], 'Note'.
[192] eGram 56678/06 Washington to Various, 21 December 2006, 'The "Review of Reviews". Where Next?'

353. The British Embassy Washington did not know what Secretary Gates' views and advice would be but colleagues in the National Security Council and State Department had said they should expect "surges" in US support for reconciliation and reconstruction. A new Iraq strategy was expected to be announced by President Bush in the second week of January.

354. Sir David's advice was that:

> "… we should remain cautious about drawing conclusions before the meetings of Principals have taken place. Right now the presumption is that there will be a surge in the level of US troops in the first half of 2007."

355. Mr Jonathan Powell met Mr Karl Rove, President Bush's Deputy Chief of Staff, and Mr Josh Bolten, President Bush's Chief of Staff, in Washington on 21 December.[193] They told him that President Bush would "almost certainly" announce 20,000 additional US troops for Iraq, remaining until 2008.

356. On Christmas Day, UK forces led an attack against the Jameat police HQ in Basra, the base of the Serious Crime Unit.[194]

357. The British Embassy Office Basra reported that when British troops entered the HQ they found 127 prisoners, over 80 percent of whom showed signs of torture. The ISF played a "significant" role in the operation, processing and transferring the prisoners, although last minute "cold feet" had meant that the Iraqi Brigade intended to supply an outer cordon were ordered not to do so.

358. The British Embassy Office also reported a significant Iraqi reaction to the attack. Although the view of the majority of Basrawis was "good riddance", some members of the Basra Provincial Council publicly criticised the operation.

359. Lt Gen Shirreff told the Inquiry that it was a "deliberate operation" that he had discussed with the Basra security committee in advance:

> "Minister Bulani, who was Minister of the Interior, authorised the disbandment of the Serious Crimes Unit. When we went to see Maliki in, I think it was mid to late October, with the security committee, he directed Hamadi to crush the police death squads. Before the operation, one of the Basra judges issued an arrest warrant for the 62 most wanted of the police."[195]

360. Lt Gen Shirreff told the Inquiry that reactions to the operation were:

> "Maliki was generally supportive, Governor Waili was delighted, the tribal sheikhs within Basra were delighted, the principal cleric of the largest Shia mosque in Basra,

---

[193] Minute Powell to Prime Minister, 21 December 2006, 'White House'.
[194] eGram 57155/06 Basra to FCO London, 28 December 2006, 'Iraq: Basra: Action Against Serious Crimes Unit'.
[195] Public hearing, 11 January 2010, pages 27-29.

with a congregation of 10,000 people on Friday prayers, thanked me for delivering the people of Basra from this nest of vipers. Elements on the Provincial Council weren't happy, but they were not going to be happy because they were in league with the Sadrists. So they saw their power being hit at."[196]

361. Mr Blair was scheduled to speak to President Bush on 29 December.[197] The briefing note provided by his Private Secretary explained that the UK expected that President Bush would make an announcement in early January that he would increase the number of US troops in Iraq (possibly by as many as 30,000) for at least the first half of 2007. The note explained that such a surge would be "awkward" for the UK as:

"… our plans in Basra go in the opposite direction. If a decision is taken to close Shaibah logistics base in the new year, we aim to drawdown by at least one battlegroup at the next troop rotation in May.

"You should, therefore, probe Bush on his plans, insofar as they are finalised and say that we will need to co-ordinate closely with them to ensure that we are seen to be working from the same script."

362. During their phone call, Mr Blair told President Bush that he had returned from his visit to Iraq "convinced that we had to see the job through".[198] He had found similar determination in Baghdad and Basra along with a greater sense of unity of purpose amongst Iraqi politicians.

363. They discussed the US evaluation of the Iraq Study Group and the need for the US to "muscle up" in Baghdad to give the Iraqi Government room to do what was necessary.

364. Mr Blair commented that the problem was how to build the capability of the Iraqi Government, which was essentially "starting from scratch".

365. On 29 December, Maj Gen Shirreff wrote to Mr Blair in follow-up to his visit proposing the establishment of a "Joint Inter-Agency Task Force" in Basra led by the GOC MND(SE).[199] In his view this would "deliver concentrated British effect" and "improve the prospects of strategic success".

366. Maj Gen Shirreff's diagnosis was that the existing arrangement, with the PRT located in Kuwait, "lacks unity of command and unity of purpose". The solution was "a single organisation capable of planning, executing and commanding both security/military assistance and reconstruction operations".

---

[196] Public hearing, 11 January 2010, pages 31-32.
[197] Minute Phillipson to Prime Minister, 29 December 2006, 'Iraq: Phonecall with President Bush, 0920 (EST) 29 December'.
[198] Letter Phillipson to Siddiq, 29 December 2006, 'Prime Minister's Phonecall with President Bush, 29 December: Iraq, Isreal/Palestine, Iran'.
[199] Letter Shirreff to Blair, 29 December 2006, [untitled].

The execution of Saddam Hussein

On Saturday 30 December 2006 Saddam Hussein was hanged, having been sentenced to death on 5 November for the killing of 148 Shia in the town of Dujail in the 1980s.[200]

Only a small number of people witnessed the execution but film of the moments leading up to it was shown on Iraqi state television. Footage showing the execution itself later appeared on the internet, apparently captured using a mobile phone.

After the hanging, Mrs Beckett said:

> "I welcome the fact that Saddam Hussein has been tried for at least some of the appalling crimes he committed against the Iraqi people. He has now been held to account. The British Government does not support the use of the death penalty, in Iraq or anywhere else … We have made our position very clear to the Iraqi authorities, but we respect their decision as that of a sovereign nation."[201]

Appearing at a joint session of the Defence and Foreign Affairs Select Committees on 11 January 2007, Mrs Beckett explained:

> "We have continued since the execution of Saddam Hussein to express our concerns and our opposition to the implementation of the death penalty. My understanding is that the government of Iraq continues to take the view that this is a matter for them."[202]

January 2007

367. On 3 January 2007, Mr Dowse provided Sir Nigel Sheinwald with an update on Iranian officials arrested during raids in Baghdad on 20/21 December 2006.[203] Two had been released within 24 hours. The remaining four had been released into Iraqi custody on 28 December and left for Iran the following day. The MNF continued to hold eight minor Badr officials who were originally arrested with the Iranians. Mr Dowse commented:

> "Much of what has been revealed so far ties in with our previous assessments of Iranian activities and intent in Iraq: they seek to maintain Shia unity; enhance their political influence in the main Shia parties; and provide military support where they can."

---

[200] *BBC News*, 30 December 2006, *Saddam Hussein Executed in Iraq*.
[201] Statement by Margaret Beckett, 30 December 2006.
[202] Select Committee on Defence, *Examination of witnesses*, 11 January 2007, Q45.
[203] Minute Dowse to Sheinwald, 3 January 2007, 'Update: MNF detention of Iranian officials'.

368. On the same day, Secretary Rice told Mrs Beckett that President Bush was likely to announce the conclusions of his review of Iraq policy the following week, but:

> "Contrary to media reports he had not taken any final decisions on the proposed 'surge' of 20,000 troops into Baghdad and was still considering Gates' recommendations."[204]

369. The following day, the Chiefs of Staff were briefed on:

> "… the likelihood that a 'surge' of forces would be conducted with the aim of 'breaking sectarian violence as the US transitioned': associated implications for the UK which included the difficult presentational issue of a UK transition coinciding with a US surge and the possibility that an aggressive anti-militia campaign in the North would result in increased insurgency in the South …"[205]

370. That possibility meant that there was a "critical need for the UK to have some influence on US operational planning".

371. In the discussion on operations in Afghanistan that followed, Lt Gen Houghton explained that it would be important that the Worcester and Sherwood Foresters Regiment was stood down from Op TELIC by the end of January 2007 "to meet the enduring liability" in Afghanistan.

372. In his weekly report on 4 January, Maj Gen Shirreff defended his decision to attack the Jameat police station on Christmas Day:

> "If I had left this up to the Iraqis to do it the Iraqi way (as we did in October) there would have been no operation. I judged that there was an operational imperative to carry out the operation; hence my decision to go for it … I wanted to send an unequivocal message two ways: to our US allies that we are serious about conducting decisive, kinetic operations against the SCU [Serious Crime Unit] and corrupt police if PIC in Basra is to be credible; and a similar message to the Iraqi domestic audience and the people of Basra … If the Sadrists and their fellow travellers have had their noses put out of joint, then so be it. Above all, it is seen locally as a major defeat for JAM and a significant victory for MNF in achieving a secure environment in Basra."[206]

373. An expected announcement of a US surge (initially of 9,000 troops) was discussed by the Iraq Strategy Group on 5 January.[207] The Group observed that the contrast between a US surge and the UK plans for drawdown could be problematic, but that this could be mitigated by explaining that Basra and Baghdad were in different places

---

[204] Minute Siddiq to Sawers, 3 January 2007, 'The Foreign Secretary's telephone conversation with the US Secretary of State, 3 January 2007'.
[205] Minutes, 4 January 2007, Chiefs of Staff meeting.
[206] Report Shirreff, 4 January 2007, 'GOC MND(SE) – Southern Iraq update – 04 January 2007'.
[207] Minute Cabinet Office [junior official] to Sheinwald, 5 January 2007, 'Iraq Strategy Group, 5 January'.

in their security development, and Op SINBAD represented an earlier equivalent surge in the South.

374. The structural proposal set out in Maj Gen Shirreff's 29 December letter to Mr Blair was also discussed at the Iraq Strategy Group, where VAdm Style made clear that Maj Gen Shirreff's views were not held by the MOD corporately.

375. Although better co-ordination and control were needed, a new organisation need not necessarily be military-led. Sir Nigel Sheinwald told the Group that Iraq was "entering a new phase, which required a coherent structure under a single point of contact" and asked the Iraq Senior Officials Group to work on new structures.

376. Sir Nigel Sheinwald reported to Mr Blair after the meeting that Maj Gen Shirreff's views:

> "… represent his frustration, shared by the MOD, that the civilian reconstruction effort is uneven. We all agree that we need to make sure that we have an effectively led Basra operation for the next year (at least)."[208]

377. Sir Nigel reported that co-location of everyone at Basra Air Station, from late February onwards, would "help enormously" and that he had asked for advice on the right structure, though the view was that "it should be civilian led, with strong military input and follow-up". Sir Nigel had added that both DFID and the FCO were:

> "… very fed up with Shirreff's disparaging comments about the civilian effort … But the fact is that there have been constant problems between the military and civilian people in Basra from the start. We must make a last effort to get a joined-up operation."

378. Mr Blair annotated Sir Nigel's minute: "Put Shirreff in charge – the Army gets things done."[209]

379. Sir Nigel Sheinwald also provided Mr Blair with an update on Iraq in which he considered the expected announcement of a surge of US forces into Iraq.[210] The key issue for the UK was the potential impact on the UK's planned strategy for Basra. Sir Nigel wrote:

> "The MOD are putting a positive gloss on Operation SINBAD because they are desperate to get down to 4,500 by May/June for Afghan reasons. I asked them at my Whitehall Strategy Group meeting today to be clearer about the **conditions** which would need to be met for security transition to take place. This is a mixture of the

---

[208] Minute Sheinwald to Prime Minister, 5 January 2007, 'Iraq: Weekly Update' attaching Note Cabinet Office, 5 January 2007, 'Basra'.
[209] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 5 January 2007, 'Iraq: Weekly Update' attaching Note Cabinet Office, 5 January 2007, 'Basra'.
[210] Minute Sheinwald to Prime Minister, 5 January 2007, 'Iraq: Weekly Update' attaching Note Cabinet Office, 5 January 2007, 'Basra' including manuscript comments Blair.

security situation on the ground and the level of capability of Iraqi Army and Police forces."

380. Sir Nigel judged that:

> "The **US decision** to put extra combat forces into Baghdad could have repercussions in Basra. If, for example, there are major operations in Sadr City, the JAM will react badly in Baghdad and possibly in Basra. This could lead to a deterioration in the security situation in Basra just as we are trying to re-posture. It could at the very least delay our plans. This is one of the reasons why the UK Chiefs of Staff are so nervous about US plans, but it is not the only one: their main concern is that this surge will simply be a re-run of the first two phases of the Baghdad security plan."

381. Sir Nigel attached a Cabinet Office note on Basra which he described as suggesting "a pretty patchy picture".

382. The note said that 14 of the 16 planned "pulses" in Op SINBAD had taken place so far. There had been some successes but there were concerns about relations with the Basra Security Committee, about the capacity of the Iraqi Army 10th Division, whose performance had been "mixed", and about the return of militia control in particular areas.

383. The Cabinet Office reported that: "Despite these problems, MOD still assesses that we are on track to achieve Provincial Iraqi Control in Basra in May 2007." Beside this, Mr Blair wrote:

> "But how can we do this if we have not secured Basra?"

384. The Cabinet Office note concluded with a reminder of the importance of explaining the UK's transition strategy effectively to the US, the Iraqis and other key allies, noting that "some suspect … us of pursuing our own agenda or wanting to withdraw as quickly as possible". The Cabinet Office considered:

> "Although the potential surge in US forces in Baghdad presents an optical problem for both the UK and US, this can be explained by pointing out that Operation SINBAD was the equivalent UK surge, taking place in Basra sooner because of the different security situation there."

385. Mr Blair wrote on the document:

> "But the issue is not UK withdrawing troops and the US increasing them; it is whether in Basra the conditions for draw-down have been met."

386. Sir Nigel also supplied Mr Blair with a minute setting out key points in preparation for a call with President Bush.[211]

---

[211] Minute Sheinwald to Prime Minister, 5 January 2007, 'Iraq: Conversation with President Bush'.

387. In relation to the surge of US forces, Sir Nigel wrote that there was "insufficient clarity on the nature of the mission – is this just a repeat of the Baghdad security plan; or does it go wider, eg Anbar, border with Iran etc?"

388. Sir Nigel Sheinwald suggested that Mr Blair should discuss with President Bush:

"– The need for him to present this as a **change** of policy, though not of course of objectives …
– The need to put emphasis both in public and in terms of the follow-up on **Iraqi capability** …
– The need to make clear that the **numbers and mission of coalition forces depends on the situation on the ground.** So what happens in Baghdad (surge of US forces) should not pre-determine what happens in **Basra** (where we anticipate a drawdown over the next six months following Operation Sinbad). It is important that Bush does not say anything next week which prejudices our plans …"

389. Sir Nigel was explicit that the UK Chiefs of Staff did not support the US surge.

390. On 5 January, President Bush briefed Mr Blair ahead of his speech on Iraq the following week.[212] During the call he described a significant increase in US and Iraqi troops, and a number of personnel changes.

391. Mr Blair said that it was vital to break the back of the violence in Baghdad. He urged President Bush to focus on reconciliation and reconstruction as well as security, suggesting that it might be helpful to designate individuals who would be accountable for leading work on those areas.

392. Mr Blair suggested that it would be vital to make clear that the coalition was supporting Iraqi efforts to establish security, so that "it did not look like it was just about increasing US troops". President Bush agreed.

393. On 6 January, Prime Minister Maliki delivered what Mr Asquith described as a "robust" speech for Iraq's Army Day, in which he called for Armed Forces that were without political bias, cohesive in the national interest and protected from political interference and militia.[213] He warned:

> "We will not allow anybody to be an alternative to the state, whether the militias or anybody else, regardless of their affiliations … We will confront them firmly."

394. The following day, Mr Asquith met Prime Minister Maliki to congratulate him on his speech, to convey concern at the way in which Saddam Hussein's execution had been handled and to discuss dealing with the militias. They also discussed Mr Maliki's

---

[212] Letter Phillipson to Hayes, 5 January 2007, 'Prime Minister's phonecall with President Bush, 5 January: Iraq'.
[213] eGram 534/07 Baghdad to FCO London, 7 January 2007, 'Iraq: Prime Minister al-Maliki, 7 January'.

priorities for government: reconciliation; tackling rebels and harnessing grass-roots popular support including among the Kurds and Sunnis. Prime Minister Maliki described proposals for offering an amnesty to those who would lay down their arms which might be put to Parliament in a week or two.

395. On 8 January, Mr Blair's Private Secretary wrote to Mrs Beckett's Private Secretary:

> "We are entering an important new phase in the coalition effort in Iraq, as – following the US review and in the light of our plans in Basra – we and the US attempt to help the Iraqi government entrench genuine change and progress in the areas of security, reconstruction and reconciliation. The Prime Minister judges that our present level of effort should be stepped up in response. He would like to see a qualitative change in our ability to monitor progress in these key areas, to identify blockages to progress, and to take rapid action to fix these."[214]

396. The letter asked for detailed reports and weekly updates on key areas, specifically:

- Weekly reports on Basra: "The Prime Minister is concerned that at present the picture emerging from Op SINBAD in terms of Iraqi security capability and economic/social impact is mixed. He welcomes the work commissioned by the Iraq Strategy Group to identify the detailed conditions we need to see in Basra before we can re-posture and draw down … The Prime Minister … agrees strongly that we need urgently to improve our ability to deliver economic effect in theatre, and that we need a joined-up operation."
- A detailed report on reconstruction efforts to date, identifying what has been done by the US and others: "Better liaison with and understanding of the US programme is essential" (see Section 10.2).
- A detailed account of the reconciliation activity currently under way (see Section 10.2).
- Advice on improving the UN effort in Iraq.
- Weekly reports on developments in ISF capability indicating details of any problems, how these were to be tackled and by whom (see Section 12.1).
- Advice on the current state of the Iraqi justice system, including the degree of governmental interference and how this might realistically be addressed.

397. In relation to the points made in Maj Gen Shirreff's letter of 29 December, the Private Secretary wrote that Mr Blair:

> "… agrees strongly that we need urgently to improve our ability to deliver economic effect in theatre and that we need a joined-up operation. He retains an open mind on how best to deliver this (and looks forward to the advice already commissioned by

---

[214] Letter Banner to Siddiq, 8 January 2007, 'Iraq'.

Nigel Sheinwald). If necessary he is content that this should be delivered via a task force under military leadership."

398. On 8 January, an official in the IPU reported a conversation with a counterpart in Washington which suggested that Prime Minister Maliki had been resistant to the surge, and that US officials were struggling to explain how the increase in US troops would support the Iraqi Government in taking more of a lead.[215]

399. Mr Blair and President Bush spoke again on 9 January.[216] Mr Blair said that he considered the key points to get across in the President's speech would be that additional troops had a specific and identified task in Baghdad and that "this was part of a way plan, to which Maliki's government was committed".

400. President Bush announced the new US strategy in an address to the nation on 10 January.[217] He said:

"The situation in Iraq is unacceptable to the American people – and it is unacceptable to me …

"It is clear that we need to change our strategy in Iraq."

401. The most urgent priority was security, especially in Baghdad, where:

"… violence is splitting Baghdad into sectarian enclaves, and shaking the confidence of all Iraqis …

"Our past efforts to secure Baghdad failed for two principal reasons: There were not enough Iraqi and American troops to secure neighbourhoods that had been cleared of terrorists and insurgents. And there were too many restrictions on the troops we did have."

402. President Bush announced that the Iraqi Government would appoint a military commander and two deputy commanders for Baghdad, and planned to deploy 18 Iraqi Army and National Police brigades. They would be supported by more than 20,000 additional US troops. Those troops would work alongside Iraqi units and be embedded in their formations. President Bush said:

"Our troops will have a well-defined mission: to help Iraqis clear and secure neighbourhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs."

---

[215] Email Casey to Lever, 8 January 2007, 'Iraq: Bush Speech'.
[216] Letter Banner to Hayes, 9 January 2007, 'Prime Minister's Phonecall with President Bush, 9 January: Middle East Issues'.
[217] The White House archive, 10 January 2007, President's Address to the Nation.

403. President Bush made clear that the US goal was to see all 18 Iraqi provinces transferred to PIC during the course of 2007.

404. A few days before his statement, President Bush had announced that General David Petraeus would succeed Gen Casey as Commanding General Multi-National Force – Iraq.[218]

405. The operation which resulted from the new strategy set out by President Bush is often referred to in contemporary documents as the new Baghdad Security Plan or Operation Fardh al-Qanoon, Arabic for 'Enforce the Rule of Law'.

406. On 10 January, as part of the planning for transition to PIC, Mr Asquith proposed to the IPU that decisions on future diplomatic representation in Basra should be based on an analysis of the UK's interests five years ahead.[219] He found it difficult to see Basra Air Station providing the right location for a diplomatic mission even one year ahead and argued for keeping open the option of re-occupying Basra Palace:

> "… it is not feasible to think of a CG [Consul General] operating out of BAS [Basra Air Station] in the medium term. No BP [Basra Palace] presence therefore almost certainly means no Basra presence in a year or so …
>
> "If, whatever the merits of the case, there is not money to run an operation at Basra (because of Afghanistan), then Ministers should also be told."

407. DOP(I) met on 11 January at 0800 and discussed the announcement made the previous day by President Bush.[220] Mrs Beckett commented that the change in US plans should make little difference to the UK's plans, although there would undoubtedly be media speculation about the possibility. Mr Browne described UK and US plans as "entirely consistent"; the idea of supporting an Iraqi lead meant that the concepts behind the surge and Op SINBAD were "virtually identical".

408. DOP(I) also discussed plans for military transition in MND(SE).

409. An MOD paper said that transition to PIC in Maysan was expected to happen in February at the latest.[221] Transition in Basra would be reviewed in the light of Op SINBAD, which had "delivered promising results" and remained possible within the first half of 2007.

410. In preparation for PIC, the MOD planned to reconfigure the UK forces within MND(SE) in order to provide more effective support for the Iraqi Security Forces.

---

[218] White House news release, 5 January 2007, 'President Bush Pleased to Accept Recommendations from Secretary Gates for General Petraeus and Admiral Fallon'.
[219] Email Asquith to Casey, 10 January 2007, 'Basra Future'.
[220] Minutes, 11 January 2007, DOP(I) meeting.
[221] Paper MOD officials, 11 January 2007, 'UK Military Transition Plans for Southern Iraq: Update'.

The MOD proposed to consolidate MNF at a single operating base at Basra Air Station by the end of May. That would enable UK forces to:

- deliver enhanced Iraqi Army training through enlarged military training teams and a dedicated Joint Leadership Academy;
- improve support to the rule of law through concentrated work with the Iraqi police in areas such as forensics and continued mentoring at the Provincial Joint Co-ordination Centre (see Section 12.1);
- maintain a dedicated force reserve to ensure that they could react to events and support Iraqi security operations if required;
- reduce MNF vulnerability and exposure to attack, particularly indirect fire; and
- improve co-ordination with the UK civilian effort in MND(SE), much of which had been relocated to the Air Station in October 2006.

411. DOP(I) recognised that final decisions could not be made until after Mr Browne had discussed the proposals in greater detail with Secretary Gates.[222] There was concern that the US appeared to be adopting a "more purist approach" to the criteria to be met before transition to PIC and that this was likely to delay transition in Maysan.

412. The IPU wrote a paper proposing an engagement strategy regarding the UK's future presence in Southern Iraq focused on the need for careful handling of others affected by the proposed relocation to the Air Station, for the same meeting of DOP(I).[223]

413. The paper said that civilian staff, including from the US State Department and the UN Development Programme, had been based in Basra Palace, but the FCO believed that all were content to relocate to Basra Air Station.

414. The IPU advised that it should be made clear that there was "no separate UK agenda in the South" and that there had been no unilateral decision-making by the UK.

415. The paper suggested that key messages to reinforce with US interlocutors included:

"
- There is no separate UK agenda in the South. We have not taken any unilateral UK decisions, nor will we. We are part of the coalition and will continue to act as such. What we plan in the South is part of the MNF Transition Bridging Strategy.
- We remain committed to delivering the agreed conditions in Maysan & Basra, to enable transition to happen on the agreed schedule. We are <u>not</u> arguing for ditching the conditions-based approach.

  …

- The handover of Basra will not mean withdrawal of UK troops from southern Iraq. We have made very clear publicly that we intend to retain significant

[222] Minutes, 11 January 2007, DOP(I) meeting.
[223] Paper IPU, 8 January 2007, 'Future UK Presence in Southern Iraq: Engagement Strategy'.

forces in theatre, to do much the same range of ongoing support tasks the MNF envisages doing elsewhere in Iraq.

- There are some specific messages we should seek to promote in respect of the readiness of Basra for transition. The US are sceptical about the progress we have made in recent months. They point to the increased IDF threat. And General Casey has rightly identified the police as the main obstacle to transition."

416. After considering the IPU's paper, it was decided that Mrs Beckett, Mr Browne and Mr Benn would write jointly to members of DOP, setting out plans for transition and a proposal for the timing of an announcement.[224]

417. President Bush's announcement was also discussed by Cabinet immediately after the DOP(I) meeting.[225] Mr Blair told members of Cabinet that plans for a reduction in UK force levels were on track, but implementation would be dependent on achieving the right conditions on the ground, specifically rooting out the militias from Basra city and cutting off Iranian assistance to the extremists. During his visit at the end of 2006, he had "sensed, for the first time that Iraqi Generals felt that if they were given the right training and equipment they would be able to do the job".

418. Mrs Beckett told Cabinet that Op SINBAD had been more successful than she had dared to hope. Although questions would be asked about UK withdrawals as the US surged, the answer was simple; conditions were different in Basra.

419. On 11 January, at the request of the MOD, the JIC released an Assessment covering the prospects for economic development and reconstruction in Iraq over the following two years.[226]

420. The JIC judged:

> "I. Real economic growth in Iraq continues to be positive. But the government has shown little commitment to economic reform and large scale job creation is unlikely in the next two years.
>
> …
>
> "III. The security situation remains the main obstacle to domestic private sector investment and foreign investment. The inability of the security forces to create a safe environment for engineers to carry out repairs inhibits reconstruction. But even in a benign security environment, Iraq would still face severe economic challenges."

---

[224] Minutes, 11 January 2007, DOP(I) meeting.
[225] Cabinet Conclusions, 11 January 2007.
[226] JIC Assessment, 11 January 2007, 'Iraq: Economic Prospects'.

421. On 11 January, Mr Asquith and Mr McDonald called on Prime Minister Maliki, who was enthusiastic about the proposed surge of US troops announced by President Bush the previous day.[227]

422. Mr McDonald stressed that reconciliation remained high on Mr Blair's agenda and asked what the future was for the process in Iraq. Prime Minister Maliki confirmed that reconciliation was of strategic importance to Iraq and that he intended to persevere with it.

423. Mr Asquith asked Prime Minister Maliki to intervene to end the Basra Provincial Council's lack of co-operation with MND(SE). Prime Minister Maliki made clear that he believed that the Provincial Council was acting outside its remit.

424. On 11 January, Mrs Beckett and Mr Browne appeared before a joint session of the Foreign Affairs and Defence Select Committees.[228] Mr Browne told members that "the United States' plans are entirely consistent with our objectives and activities in MND (SE)".

425. In response to a question on UK involvement in the decision to surge, Mr Browne said that the British deputies to US military commanders in Iraq were involved in the discussions. He added:

> "Every single aspect of the structure of the way in which this coalition operates at a military level is reflected in agreements and in joint committee documents and we have a continuing role in the consideration of them and in the revision of them."

426. The following day, Mr Blair's Private Secretary told him that reaction to President Bush's speech had been "pretty negative in the US, less so in Iraq".[229]

427. Mr Blair wrote on his Private Secretary's update note: "I still need more info on Basra and have we established the Joint Working yet, led by military?"[230]

428. Lt Gen Lamb's weekly report on 14 January reported some important practical developments.[231] He advised that:

- The Iraqi Government had selected Lt Gen Aboud as the commander for the Baghdad Security Plan earlier that week: "A professional soldier, who is understood to have been well respected by his officers and men, chosen for his non-sectarian background (no known militia or political ties), he is regarded as a good man; and is likely to be able to call upon significant political muscle."

---

[227] eGram 1246/07 Baghdad to FCO London, 11 January 2007, 'Iraq: Call on Prime Minister Maliki, 11 January'.
[228] Select Committee on Defence, *Examination of witnesses*, 11 January 2007, Q2 & Q22.
[229] Minute Banner to Prime Minister, 12 January 2007, 'Iraq update, 12 December [sic]'.
[230] Manuscript comment Blair on Minute Banner to Prime Minister, 12 January 2007, 'Iraq Update, 12 December'.
[231] Minute Lamb to CDS, 14 January 2007, 'SBMR-I Weekly Report (241) 14 Jan 07'.

- The Iraqi authorities were planning, in the context of the Baghdad Security Plan, to close the Syrian and Iranian borders.
- Deputy Prime Minister Barham Salih had agreed to energise governance of the energy sector, and would chair a committee of Ministers on which Lt Gen Lamb would sit.

429. On planning for transition, Lt Gen Lamb commented:

> "Get it right, and all our Christmases will come at once – it is powerful. Get it wrong and we potentially set ourselves up for a very messy finish."

430. Mr Blair met Secretary Gates on 14 January and discussed the recent US announcement and the UK plans for MND(SE).[232] Mr Blair contrasted security in Baghdad and Basra, noting that this was a distinction that Prime Minister Maliki was always keen to draw. He said that the UK would not make its decision on re-posturing and drawing down its forces in Basra unless it was absolutely clear that the conditions had been met. It was essential to be confident that the Iraqi forces could hold Basra after UK withdrawal.

431. Secretary Gates welcomed that reassurance, explaining that the US would prefer the UK to remain in Basra until later in the year. In his view, Basra was not yet ready for transition. He was also concerned that a UK withdrawal would create political difficulties for other coalition partners and could have a negative impact on other countries' contribution to the MNF.

432. Sir Nigel Sheinwald's record of the meeting also noted that Mr Blair had mentioned Afghanistan "in the context of our proposed drawdown in Basra".

433. On 15 January, the British Embassy Office Basra reported receipt of a letter from the Chairman of the Provincial Council which set a number of conditions to be met before re-engagement with the UK would be considered.[233] They included an official apology, compensation and withdrawal from specified MNF bases in Basra city. The British Embassy Office recommended "a robust line" in response.

434. On 16 January, Mr Blair met ACM Stirrup and senior officials from the FCO, the MOD, SIS, DFID and the Cabinet Office for an update on Iraq.[234]

435. Mr Blair asked how the proposal to draw down to 4,500 troops would affect the UK's capability in Basra. ACM Stirrup assured him that:

> "… there would be no impact, and no difference in our ability to create military effect, though this would in future be focused on training and mentoring. The troops

---

[232] Letter Sheinwald to Forber, 15 January 2007, 'Prime Minister's Meeting with US Defense Secretary, 14 January: Iraq and Afghanistan'.
[233] eGram 1607/07 Basra to FCO London, 15 January 2007, 'Iraq: Basra: Disengagement'.
[234] Letter Banner to Siddiq, 16 January 2007, 'Iraq: Meeting with Officials'.

who would be pulled out were involved only in static guarding, of bases which we intended to close in any case."

436. ACM Stirrup said that Gen Casey understood and was comfortable with the idea of the UK drawing down to 4,500 troops by May:

"His concerns centred on the idea of 'leaving Basra unattended' (which we did not plan to do), the performance of the police, and Iranian activity. Moreover, Gates had agreed that the coalition should aim to get out of the centre of Iraqi cities."

437. Mr Blair asked about work on joint civilian and military structures to deliver "assistance" in Basra, as proposed by Maj Gen Shirreff. ACM Stirrup said that it was too late in the day to implement Maj Gen Shirreff's proposal; building capacity in the Iraqi system was now the focus and should not be militarily-led. Co-location of civilian and military personnel at Basra Air Station would help.

438. On 17 January, the JIC assessed developments in Iraqi security strategy, the readiness of the ISF and prospects for transition of security to Iraqi control.[235]

439. The Assessment said that sectarian violence had deepened over the past six months, and attacks on the MNF were "reaching new highs". There had been "no coherent Iraqi national security strategy in response".

440. The JIC judged:

"I. The Iraqi Government's approach to security reflects its sectarian make-up: the Shia and Kurds want to take control of security in their own areas first. Plans for dealing politically with the Sunni Arab insurgency remain unclear. There is no coherent Iraqi national security strategy.

"II. The lack of united national political direction is reflected in Iraq's national security machinery which remains unco-ordinated and only partially effective: undermined by personal and party rivalries, endemic corruption and the absence of a capable bureaucracy. This is unlikely to change significantly in the foreseeable future.

…

"V. The success of new US plans will depend in part on the willingness of the Iraqi Government to take on sectarian and political militias. Maliki will not take action which risks breaking the Shia United Iraqi Alliance (UIA) and bringing down his government. Only a small proportion of the ISF are currently both willing and able to take on the Shia militias."

441. A summary of contact with JAM1, produced by a senior government official specialising in the Middle East (1) in 2007, said that in late 2006 officials "began to look

---

[235] JIC Assessment, 17 January 2007, 'Iraqi Security Forces: Prospects in 2007'.

again at [JAM1] as a man of violence who might develop a more political role as … he had growing doubts about the impact of JAM's attacks on MNF-I".[236]

442. On 18 January, in the first of her weekly reports from Basra (as requested by Mr Blair's Private Secretary on 8 January), Dr Rosalind Marsden, British Consul General in Basra, set out the need to discuss security and other issues with appropriate Basra representatives.[237] She wrote:

> "The reaction of the Provincial Council, Emergency Security Committee (ESC) and PDoP [Provincial Director of Police] to the Jameat operation [on Christmas Day] illustrates the level of fear that JAM have inspired in Basra's political and security leadership. All three are dysfunctional. With very few exceptions, Provincial Council members are regarded as corrupt, self-serving, intimidated by the militias and, in some cases, criminal … The PDoP and the ESC are widely regarded here as weak and ineffective. The Governor claims that he has lobbied in Baghdad for their removal …
>
> "The arrest of Sayid Naji, Basra's JAM commander, on 18 December has caused some disruption to militant JAM. MND(SE) continue strike operations to sustain this disruptive effect and keep JAM leaders on the run. However, over the last few weeks, JAM have continued to mount IDF and other attacks on MNF … An American citizen was kidnapped on 5 January at a checkpoint north of Basra, almost certainly by JAM. The American is still missing and the two Iraqis who accompanied him have been found dead. Although militant JAM are relatively small in number, they are externally supported and getting more professional."

443. The Prime Minister considered that the weekly report had been "excellent" and was looking forward to more of the same.[238] He and the Senior Officials Group agreed with Dr Marsden's recommendation that she insist on an end to any boycott of the MNF before discussions on preparation for PIC could begin.

444. Maj Gen Shirreff told the Inquiry:

> "… it was pretty clear to me that … looking over the period as a whole of my time in command – we had a strategy that involved extraction rather than necessarily achieving mission success. It was, in a sense, an exit strategy rather than a winning strategy. A winning strategy was going to require significant additional resources."[239]

---

[236] Minute senior government official specialising in the Middle East (1) to Lyall Grant, 9 November 2007, '[NAME OF OPERATION]: Negotiations with JAM in Basrah'.
[237] Letter Marsden to Aldred, 18 January 2007, 'Basra: Weekly Report'.
[238] Letter Aldred to Marsden, 23 January 2007, [untitled].
[239] Public hearing, 11 January 2010, page 7.

445. Major General Jonathan Shaw, who became GOC MND(SE) in mid-January 2007, told the Inquiry that he "wasn't there" when negotiations with JAM1 first began and that "they were started by [officials working closely with the military]", adding:

> "… I can tell you from my perspective where it began. It began right back in January when I arrived, the germ of the idea had probably been in my head before I got there."[240]

446. Maj Gen Shaw told the Inquiry that he had quickly concluded that "trying to annihilate JAM in a kinetic attritional confrontation was a bit futile" and that the way to deal with them was to "kill the irreconcilable and … take the reconcilable on board".[241] As a consequence "in January the idea started coming to me that we had to start looking for someone to talk to".

447. Maj Gen Shaw "re-targeted" assets, by telling them "I want you to look for people to talk to in JAM".[242]

448. On 19 January, Maj Gen Shirreff completed his post-tour report.[243] In it he argued:

> "… I am not convinced that we have correctly identified the strategic Main Effort and resourced it appropriately to avoid potentially disastrous failure in Iraq.
>
> "We have no choice but to achieve mission success in Iraq. This means concentrating resources in pursuit of national interests: clouting, not dribbling. As we hand over, it is encouraging to see that the importance of committing UKSF [Special Forces] to support our efforts in SE Iraq has been recognised. However, we have left it very late and depended on a willing and generous ally to make good other shortfalls. I suspect that if we had concentrated strategic assets from the start of TELIC, the margin between success and failure would not be so narrow as it appears now.
>
> "The same point applies to the Comprehensive Approach. We have preached its virtues in theory without giving genuine substance to it on the ground … Compare the generosity, agility and flexibility of US CERP [Commanders Emergency Response Program] funding with the parsimony of Whitehall and the lack of any unity of command or purpose."

449. Maj Gen Shirreff concluded his report:

> "We can achieve mission success here [in MND(SE)] however complex and intractable the problems facing us. The key is to understand the narrowness of the margin between success and failure and to take nothing for granted."

---

[240] Public hearing, 11 January 2010, page 19.
[241] Public hearing, 11 January 2010, pages 19-20.
[242] Public hearing, 11 January 2010, page 21. Based on redacted material.
[243] Report Shirreff, 19 January 2007, 'Post Operational Report – Operation TELIC, Part One: General Officer Commanding's Overview'.

450. Secretary Gates visited Basra on 19 January and was briefed by British officials including Maj Gen Shaw.[244] The American Forces Press Service reported a press brief by the MND(SE) spokesman who said:

> "Our political leaders are saying that if the conditions here continue to improve, we will have a reduction in force in the spring."

451. On 19 January, Mr McDonald wrote to Mrs Beckett with a report on his recent visit to Iraq, which he said had left him feeling more optimistic.[245]

452. Mr McDonald judged that: President Bush's new strategy had been well received; Prime Minister Maliki was showing greater energy and looking more like a leader, including by taking action against Sunni insurgents, the JAM leadership and Iran; and the latest Baghdad Security Plan looked "more likely to succeed than its predecessors" because of greater Iraqi ownership.

453. Mr McDonald commented: "Iraq will take a long time to put itself back together; in the end we may not be able to prevent it from falling apart. Meaningful reconciliation will take a generation." He recommended deferring a referendum on Kirkuk's status, which could be deeply divisive.

454. On Basra, Mr McDonald considered:

> "… transition rather than Provincial Iraqi Control should be our focus. PIC is a somewhat arbitrarily chosen event. If the process of transition is our focus, our record looks better: completed in Muthanna and Dhi Qar, substantially under way in Maysan, and beginning in Basra."

455. Mr McDonald asked:

> "… what is the minimum we have to achieve before we leave? I conclude that the answer is to give Iraq's nascent democratic institutions a fighting chance to overcome the insurgents and foreign agents. We cannot give them more than that, and the best way to help them now is to leave in a manner negotiated with them. If we cannot announce a timetable (which would potentially transform our relations with MAS [Muqtada al-Sadr]) I recommend that departure be an explicit aspiration, say before the end of 2007. We shall have to accept that the next phase, with fewer foreigners about, may well be bloodier."

456. Sir Nigel Sheinwald commented to Cabinet Office and No.10 staff that Mr McDonald's concluding judgements looked "too defeatist/minimalist".[246]

---

[244] News Article US Department of Defense, 19 January 2007, 'Conditions in Southeastern Iraq Could Lead to British Force Reduction'.
[245] Minute McDonald to Foreign Secretary, 19 January 2007, [untitled].
[246] Manuscript comment Sheinwald 20 January 2007 on Minute McDonald to Foreign Secretary, 19 January 2007, [untitled].

457. In his weekly report on 21 January, Lt Gen Lamb observed:

> "… the situation we find ourselves in Iraq is perhaps the most complex that I have ever seen in my 35 years of soldiering … Every one of our actions results in multiple and unexpected consequences – requiring an increased understanding of the unintended implications that occur … But … one thing seems to have become crystal clear – the detrimental effect that Iranian influence is having on the people of Iraq, whether they be Sunni, Shia or Kurd alike.
>
> "Recent Government of Iraq (GOI) and US actions that have 'stressed' the Iranian Quds [Force][247] have had a significantly positive effect both on the political front, and the prospects for reconciliation. The Sunnis are encouraged … But, perhaps more notable though are the many Shia moderates who have also seen the actions as a positive move … in curtailing what they see as a malign Iranian influence …
>
> "So, I sense that we may have just underestimated the nature and danger of the Iranian influence … They all fear the extent to which the influence could undermine the Iraqi culture and potentially that of Islam in the region itself …
>
> "The Persian tiger, I sense, therefore has a direct effect on the issue of practical reconciliation, if not the outcome of our endeavour. If the militias are seen to be the accelerant, then I would venture that the removal of the malign Iranian influence would represent a major decelerator to the situation."[248]

458. On 22 January, the Iraq Senior Officials Group discussed a draft paper on transition in southern Iraq, intended for DOP.[249] The Group agreed that:

> "… the paper needed to distinguish more clearly between the related but distinct processes of re-posturing and PIC and the arguments we needed to make for each process".

459. On 22 January, Mr Blair met ACM Stirrup and senior officials from the FCO, the MOD, SIS, DFID and the Cabinet Office for an update on Iraq.[250]

460. Mr Blair said: "It was clear a significant effort was required on reconciliation and reconstruction." He suggested that the key steps in Basra were:

- to clarify and fill gaps in the capabilities of the Iraqi Army's 10th Division;
- to ensure that the Iraqi Government put capable people in place (about which he intended to speak to Prime Minister Maliki); and
- to take on the leaders of militant JAM.

---

[247] A special section of the Revolutionary Guards which undertakes operations outside Iranian territory.
[248] Minute Lamb to CDS, 21 January 2007, 'SBMR-I Weekly Report (242) 21 Jan 07'.
[249] Letter Cabinet Office [junior official] to Sheinwald, 22 January 2007, 'Iraq Senior Officials Group'.
[250] Letter Banner to Siddiq, 22 January 2007, 'Iraq: Meeting with Officials'.

461. ACM Stirrup notes that the UK was targeting key individuals, but not JAM as an organisation, and was working to counter the indirect fire attacks on Basra Palace. The situation would improve after the move to Basra Air Station.

462. On reconciliation, officials reported:

> "… a certain amount of complacency amongst Iraqi politicians, who believed that reconciliation would simply happen, without the ground having to be carefully prepared, and that a great deal of ad hoc activity was attempted and then, often, simply discarded".

463. In a conversation with President Bush on 22 January, Mr Blair said that in Basra the UK had found that having Iraqis leading work prominently was making a significant difference and that tangible progress on reconstruction paid dividends.[251] Efforts on reconciliation and reconstruction needed to be intensified.

464. Mr Blair emphasised the importance of outreach to the Sunni community, and proposed choosing a particular Sunni area in which to agree a cease-fire in return for clear commitments on reconstruction.

465. On the same day, Mr Blair's Private Secretary wrote to the FCO to report Mr Blair's thanks for the briefing received in response to the request of 8 January.[252]

466. Mr Blair felt that it underlined "the necessity of securing better reconciliation and reconstruction plans and of filling gaps in Iraqi Army capacity" and commissioned further reports on the action being taken against militant JAM in southern Iraq; Lt Gen Lamb's negotiations in Anbar; and shortfalls and bottlenecks in developing ISF capability.

467. At the request of the Iraq Senior Officials Group, on 24 January the JIC considered the Iraqi Government's willingness to curb the power of Iraqi Shia militias and the implications of taking action against them.[253]

468. The JIC judged:

> "I. Muqtada al Sadr's Jaysh al Mahdi (JAM) and the Supreme Council for Islamic Revolution in Iraq's (SCIRI) Badr Organisation are behind much of the anti-Sunni sectarian violence in Iraq. Both militias' political sponsors are key elements of the Shia United Iraqi Alliance (UIA) and powerful forces within the Iraqi Government. Badr in particular are deeply embedded in official security and political structures and will not be rooted out in the foreseeable future.
>
> "II. Prime Minister Maliki still seeks a political accommodation: he wants Sadr to exert greater control over the JAM and rein in the more violent elements. Maliki

---

[251] Letter Banner to Hayes, 22 January 2007, 'Prime Minister's VTC with President Bush, 22 January: Middle East Issues'.
[252] Letter Banner to Siddiq, 22 January 2007, 'Iraq'.
[253] JIC Assessment, 24 January 2007, 'Iraq: Tackling Shia Militias'.

would probably regard this as removing the need for tough MNF or ISF action. Sadr is taking some action, but we doubt that he or many JAM leaders are prepared to disarm in the current security climate."

469. If the Iraqi Government did act, the JIC assessed:

"… any perception that a full scale assault on JAM had begun or that Sadr was being personally targeted would be most likely to provoke fierce resistance. In such circumstances, violence would be likely across the southern provinces: in the worst case it could reach levels similar to those during the Sadrist uprisings of 2004."

470. The JIC concluded that the Iraqi Government's "symbiotic relationship" with the militias was a significant factor in Sunni disaffection and reluctance to engage in the national reconciliation agenda. It judged that Prime Minister Maliki:

"… genuinely wants to reduce violence. He accepts that some limited action against JAM is necessary. But despite recent assurances to the US and robust public comments, he will not support the sort of sustained military campaign needed to remove JAM's ability to keep parts of Baghdad outside government control.

"Maliki's overriding concern is the survival of the UIA and his government: like other Shia politicians he has a deep-rooted fear of a Ba'athist return. The UIA remains fragile and its survival is dependent on Maliki's ability to balance the competing interests of the rival SCIRI and Sadrist heavyweights …

"We judge that any other Shia politician in Maliki's position … would face similar pressures and behave in much the same way."

471. Mr Browne wrote to Mr Blair on 24 January setting out his thinking about plans for future force levels in Iraq.[254] Mr Browne intended to use his visit to Iraq the following week to confirm whether the plans were appropriate in scope and timing and to address reported US concerns. He wrote:

"Re-posturing … reflects the growing capability of the ISF to take on a greater role ahead of a formal announcement of PIC. It is happening across Iraq. For example, just last week the Corps agreed that … [the Iraqi Army] would take the lead in Mosul, Iraq's third largest city …

"Of course Basra is different …"

472. In the US Administration, Mr Browne reported that:

"Casey and Khalilzad have recently expressed concerns both about the optics of a relocation of the US Regional Office from Basra Palace and the risk of leaving Basra in hock to Iranian backed elements. The fact is that the level of violence remains relatively low – half that in Mosul, and a fraction of that in Baghdad and most

[254] Letter Browne to Blair, 24 January 2007, 'Next Steps on Force Levels in Iraq'.

violence is directed against the coalition. Once that is excluded, the level of violence is very low compared with many areas in Iraq …

"While acknowledging serious US concerns we must take the opportunity to build momentum towards Iraqi control …

"There is no question of us leaving a vacuum in the city, as the IA [Iraqi Army] and IPS [Iraqi Police Service] are already doing patrols and we will remain present in the Provincial Joint Co-ordination Centre and military transition teams …"

473. On the impact of reducing troop numbers, Mr Browne said:

"The clear military advice … is that re-posturing and the associated drawdown will not adversely affect our capacity to provide support to the Iraqi Security Forces, including underwriting it by providing a battlegroup size reserve force. We must recognise that after re-posturing re-intervention would not be straight-forward but this is a nettle that must be grasped at some stage.

"I share your view that … we need to have carefully considered the implications both for security in Basra … and any knock on effect of the impending Baghdad initiative. But I can assure you that the military advice, as outlined by CDS, is based on precisely this kind of careful consideration …"

474. Mr Browne added:

"So while there are inevitable risks and uncertainties I am confident we are doing our best to manage them. And we must also acknowledge that there are risks too on the other side …

"There is also the risk that if we delay too long … we will inadvertently be sending a wrong and damaging signal on Basra in particular – suggesting that Op SINBAD has not worked, or that we are not making progress against our plans, when in fact we are. Moreover there is a risk that we will appear indecisive at the very time that we are starting to face questions about announcements on troop levels and equipment in Afghanistan.

"These factors explain why I strongly believe we should make our final decisions and announce them, as soon as possible …"

475. On 24 January, Maj Gen Shaw reported:

"On the re-posturing plans, whilst Corps is supportive, Casey has tasked Corps to conduct a security review of Basra with the aim of retaining a military operating base in Basra after the US and UK civil delegations have left. I mention this to illustrate the extent to which Casey is not comfortable with our re-posturing plans …

"Pressure for anti-Iranian activity would seem to be mounting. I am steering activity towards countering the malign Iranian influence (IEDs, weapons etc) but keeping

> firm on the line of my authority being required for any strikes by non MND(SE) forces in my Area of Operations. Given the mass of legitimate family, religious, trade etc links across a largely unpoliceable border, there is a real potential for second and third order consequences from blanket anti-Iranianism … I am not confident in our ability to avoid miscalculation …"[255]

476. The British Embassy Washington reported that they had picked up significant concerns within the US system that lawlessness was rife in Basra and that the UK military were doing little to confront it.[256] The US was particularly concerned about the need to counter Iranian influence and militia control and feared that an early UK drawdown would leave a security vacuum.

477. After reading the Embassy's account, Mr Blair commented:

> "Either this is correct in which case we have a real problem, or it isn't in which case we must correct it. But what is going on in Basra?"[257]

478. On 24 January, Sir Nigel Sheinwald discussed the UK's plans with Mr Hadley.[258] He explained that UK Ministers were about to make important decisions on Iraq and Afghanistan in the light of the results of Op SINBAD.

479. The expectation was that it should be possible for the UK military to withdraw from central Basra and to draw down from 7,000 to 4,500 troops. Sir Nigel "made clear that this would be conditions-based" but added that "if we were not able to reduce our strength in Basra, we would not be able to increase in Afghanistan".

480. When Mr Hadley did not raise US objections, Sir Nigel concluded:

> "… the White House is not opposed to our plans, and that the concerns within the US system either have not reached the White House or do not seem sufficiently significant to the White House to warrant their raising a flag".

481. On 25 January, Ambassador Khalilzad gave an interview to the BBC.[259] He praised the British as "great allies" but made clear that the US preference was "the longer we stay together here, the better".

482. Mr Browne provided Cabinet with an update on military operations in southern Iraq on 25 January.[260] He said that Op SINBAD had been an important part of the strategy for improving security in Basra, which remained significantly better than elsewhere in Iraq.

---

[255] Minute Shaw to CJO, 24 January 2007, 'GOC MND(SE) – Southern Iraq Update – 24 January 2007'.
[256] Letter Baker to McDonald, 24 January 2007, 'Basra: US Views'.
[257] Manuscript comment Blair on Letter Baker to McDonald, 24 January 2007, 'Basra: US views'.
[258] Letter Sheinwald to Forber, 24 January 2007, 'Iraq'.
[259] *BBC News*, 25 January 2007, *MOD dismisses Iraq policy 'split'*.
[260] Cabinet Conclusions, 25 January 2007.

483. Although the media were reporting disagreements between the UK and US about what the UK's force posture should be in MND(SE), that was not the reality; discussions with both the US and Iraqi governments were continuing. The UK was currently conducting an assessment of the impact of Op SINBAD, after which the UK would take a decision on what needed to be done in the future.

484. On security in Basra, Mr Browne stated:

> "… the murder rate had reduced from over 100 to less than 30 a month, which compared favourably with a number of European States and American cities. The kidnap rate had been halved and polling suggested levels of confidence in security which would be welcome in the UK; 90 percent of those polled felt more secure than a year ago; only 2 percent had encountered intimidation in the last six months."

485. The restoration of marshland by the military, DFID and the Iraqi Government had been described as "the most significant and successful restoration of the environment and lifestyle in the history of the world".

486. On 25 January, Mr Asquith reported a series of discussions he and Lt Gen Lamb had held with Gen Casey and Lieutenant General Raymond Odierno, Commander Multi-National Corps – Iraq, over the preceding 48 hours about transition plans for Basra.[261] He reported that they thought:

- As Iraq's second city, Basra had a key role to play in the country's regeneration. It could not afford to become (pre- or post-PIC) "another al-Amara" in which Western contractors could not operate, thereby making redevelopment impossible. The situation post-PIC needed to parallel that of Dhi Qar or Najaf, where the PRT could operate effectively with reasonable security protection.
- In addition to reconstruction work, there would still be a need for police training post-PIC. Gen Casey had recently observed problems in al-Amara, where the MNF were unable to visit police stations in the centre of town, requiring the IPS to visit MNF on the city perimeter. He ascribed this to the UK's re-posturing in September 2006 which meant the withdrawal from all bases in the city.
- A key benchmark for PIC was that the threat from armed groups should be low and expected to remain so following PIC. The US view was that neither Maysan nor Basra had yet passed that test.
- Although both Generals had received several briefings on the UK plans as they evolved, neither had yet seen a fully worked through set of options. That was clearly essential.

487. Mr Asquith commented that it would be necessary for UK plans to demonstrate that it would be possible for MNF to move around the city (including post-PIC) along the lines of Dhi Qar. It would also be important for the plans credibly to demonstrate that the UK

---

[261] eGram 3125/07 Baghdad to FCO London, 25 January 2007, 'Iraq: Basra: Handling the US'.

could provide not only combat MiTTs (Military Transition Teams – see Section 12.1) but also combat force to restore order if security conditions deteriorated.

488. Mr Asquith reported a deeply entrenched US view that the UK would:

> "… continue to make the facts fit our timelines, a view reinforced by our argument that 'Basra is different from Baghdad'".

489. In conclusion, Mr Asquith considered:

> "How best to respond? This military view in theatre does not take into account the Afghanistan dimension. We need to remind them of that … There is some resonance to the argument that there is more risk associated in being cautious, thereby delaying transition, losing Iraqi consent and prompting the Iraqis to ask the MNF to leave so that they can finish the business in their own (sectarian) manner. But this will not carry the day with theatre commanders. We will need to reiterate clearly the expectations in the UK of delivering on our planned draw down timetable and the political damage if the US were to deploy forces to Basra in the transition process … The degree to which anti-JAM/Iran operations in the South ramp up over this period will also affect US views. Most importantly … the MND(SE) plan must credibly address the combat MiTT/combat force capability. I leave to the military planners to decide whether that requires a reduction in the numbers we currently plan to draw down."

490. The Iraq Strategy Group met on 25 January, with Sir Nigel Sheinwald as Chair.[262] He reported to those present that:

> "Ministers required a document which would settle our own minds, and provide a narrative to persuade the US, and Iraqis, and provide a basis for the Prime Minister's parliamentary statement in the week beginning 5 February."

491. Sir Nigel asked for the paper to be clear about the tasks that would need to be undertaken post re-posturing "to underpin the case". The Group observed that there was still a question mark over the future of Basra Palace:

> "The US were opposed to giving up the option to use Basra Palace, and wanted to retain a US flag over it at least until PIC. Simon McDonald said there were insufficient funds for keeping a Consulate in central Basra. For commercial, political and symbolic reasons, [Sir Nigel Sheinwald] expected we would want a Consulate in central Basra if the security conditions improved."

492. In the light of the problems he had observed during his visit, Mr McDonald told the Group that he thought the UK's plans were too ambitious.

---

[262] Minute Cabinet Office [junior official] to Sheinwald, 26 January 2007, 'Iraq Strategy Group, 25 January'.

493. On 26 January, after reading the weekly updates on Iraq, Mr Blair commented:

> "We need to get a serious plan for Basra with JAM and Iranians targeted effectively. We can't leave the city to them. Central to our plan to draw down is a continuing effective anti-JAM push."[263]

494. On 26 January, a view was provided to Mr McDonald (with copies sent to various departments including No. 10) about the situation on the ground in Basra and the military's approach.[264] It stated:

> "By nearly every measure, security in Basra has deteriorated in the past year … Only a decline in sectarian murders in mid-2006 was a heartening indicator, illustrating the gulf between the sectarian position in relatively homogeneous Basra and the much worse situation in mixed Baghdad. Most Basrawis live in fear, including the civic leaders to whom we would look for the rebirth of economic, social and political activity in the city. All are subject to intimidation by Jaysh al-Mahdi (JAM) and to a lesser extent, other militias … They do not feel that they can look to the CF [coalition forces], Iraqi Police (IPS) or Army (IA) for protection … [F]or all the time, money and effort poured into the Basra IPS, they are undermining, not guaranteeing security …
>
> "Over the last year MND(SE) have pursued a strategy of intelligence-led strikes on militia members and their subsequent detention. This has had an effect … Op SINBAD was predicated on the Iraq Government playing its part, both in clearing out the IPS and in using its available wealth to provide economic alternatives for the poor unemployed Shia who form JAM's main recruiting pool."

495. The author continued:

> "The main security threat to MND(SE) during the past year has continued to be JAM. That threat has evolved … MND(SE) arrests have prompted the formation of more secretive groupings, with a more professional mindset and approach. A number of these receive support from the Iranian Islamic Revolutionary Guard Corps – Quds Force (IRGC-QF) … JAM's local ambition is not only to drive UK forces out of Iraq but to derive the kudos of being seen to do this, in order to consolidate and legitimise their aspiration to run the districts and slums of the city, dominate local politics and infrastructure and assert a grip on some of Iraq's most strategic economic assets, savaging any who challenge their hegemony. Now it is UK forces in the sights of these JAM elements … Once UK forces have left Southern Iraq, and much will then depend on developments at a national level, JAM's targets may become SCIRI and Badr elements (the MNF presence is key to

---

[263] Manuscript comment Blair on Minute Banner to Prime Minister, 26 January 2007, 'Iraq Update, 26 January'.
[264] Minute senior government official specialising in the Middle East to McDonald, 26 January 2007, 'The Basrah security situation' .

their relative quiescence in the south) and, eventually, even perhaps instruments of Iranian influence. But, regardless of their future direction, JAM have already spread a culture of criminality, intimidation and violence in Basra, which it would take years of sustained action by an effective central government in Baghdad to uproot …"

496. Sir Nigel Sheinwald sent his copy of the minute to Mr Blair and Mr Powell. Mr Blair commented: "This is plainly utterly inconsistent with the CDS and Des [Browne] view. So who is right?"

497. In his weekly report on 28 January, Lt Gen Lamb commented that he was optimistic of progress, in particular on non-security operations (for example, industrial regeneration).[265] He wrote:

"… after four months in theatre I have found myself asking the simple but nevertheless difficult question of just who is the enemy?"

498. Lt Gen Lamb suggested dividing MNF's opponents into three categories:

- Those who genuinely wanted to see an end to violence ("more plentiful than one would expect").
- The "architects of violence who would only wish to bring chaos to the country" found in organisations such as AQ-I, Ba'athist revival groups and foreign interventionists such as the Iranian Quds Force and its surrogates. These were, in his view, "not reconcilable" and needed to be "clearly identified and singularly prevented from interfering in the process".
- Those who benefited from a degree of chaos in the country, whom Lt Gen Lamb considered were potentially "for turning – but may not have any reason to as yet". Within this category were a very mixed set of groupings, including criminals exploiting the black market, the so-called "honourable resistance" Sunni insurgent groups (such as Jaysh al-Mujahidin, Ansar al-Sunnah, Al-Jaysh al-Islami and the 1920 Revolutionary Brigade) and Shia militia (such as moderate JAM), all of whom had expressed willingness to seek peaceful resolution. Lt Gen Lamb reported that the MNF were: "focusing hard on these groups in the engagement process to convince them that more is to be gained from a peaceful accord. This is where risk needs to be taken and from bold steps can progress be made."

499. On 29 January, Mr Blair's Private Secretary wrote to Mrs Beckett's Private Secretary to say that Mr Blair had noted reports of the US perception of the situation

[265] Minute Lamb to CDS, 28 January 2007, 'SBMR-I Weekly Report (243) 28 Jan 07'.

in Basra, and concerns about the impact of the UK's proposed re-posturing and drawdown.[266] Mr Blair judged that the UK's plans for re-posturing would have to include:

- a greater focus on embedding and continued support for police and security force reform, including the provision of equipment (see Section 12.1);
- continued operations targeting the JAM leadership, including after re-posturing; and
- further action with Iraqis to ensure that criminal cases were pursued against JAM and other criminal elements in the Basra police.

500. On 31 January, Maj Gen Shaw reported:

> "Gen Casey is clear that PIC for Basra (and elsewhere) is moving to the right and there are no signs that Gen Petraeus will be any more forward leaning … The Iraqis, of course, have a strong say in this, but there are signs that PM Maliki may too wish to push things further to the right …
>
> "Questions have been asked about the relevance of delayed PIC to our plans for a re-postured force at [Basra Air Station] …
>
> "All this led me to judge that … keeping Basra Palace open beyond our original timelines may need to be considered …
>
> "Maintaining a foothold in the city until PIC will allow us to retain our (already limited) … situation awareness coverage of the city. The Shia political appetite … for our counter-militia strikes allows us a political freedom of operation to exploit this … by targeted strike operations, both counter IDF/JAM and (an emerging imperative) counter-malign Iranian influence. This shift in political attitudes is significant, and is a major shift since Operation SALAMANCA was proposed and tellingly rejected."[267]

501. Maj Gen Shaw continued that he considered:

> "… the UK and US are viewing Iraq through the optics of different timelines. There is no coalition consensus about what is 'Iraqi good enough' and a frank political conversation is needed to determine what the shared vision is."

502. At the end of January 2007, the US National Intelligence Council published its assessment of what was necessary to stabilise the situation in Iraq.[268] It said:

> "Iraqi society's growing polarization, the persistent weakness of the security forces and the state in general, and all sides' ready recourse to violence are collectively driving an increase in communal and insurgent violence and political extremism.

---

[266] Letter Banner to Siddiq, 29 January 2007, 'Iraq'.
[267] Minute Shaw to CJO, 31 January 2007, 'GOC MND(SE) – Southern Iraq Update – 24 [sic] January 2007'.
[268] Office of the Director of National Intelligence, National Intelligence Estimate, January 2007, *Prospects for Iraq's Stability: a Challenging Road Ahead*.

Unless efforts to reverse these conditions show measurable progress during … the coming 12 to 18 months, we assess that the overall security situation will continue to deteriorate at rates comparable to the latter part of 2006."

503. The assessment pointed to a number of factors that were driving the violence:

- Shia insecurity about loosening their hold on power, born of "decades of subordination to Sunni … domination";
- many Sunni Arabs being "unwilling to accept their minority status" and being "convinced that Shia dominance will increase Iranian influence over Iraq, in ways that erode the State's Arab character";
- the "absence of unifying leaders among the Arab Sunni or Shia with the capacity to speak for or exert control over their confessional groups";
- the fact that the Kurds, while willing to participate in Iraqi state-building, were reluctant to surrender any of their autonomy and seeking to increase their control of Kirkuk;
- the ISF's inability to operate independently against the Shia militias with any success, and the sectarian divisions within many units;
- the presence of extremists – in particular AQ-I, whose members acted as a "very effective accelerators for what has become a self-sustaining inter-sectarian struggle between Shia and Sunnis"; and
- significant population displacement – the UN estimated by this stage that there were over a million Iraqis in Syria and Jordan.

504. Although the US intelligence community did not consider that the term "civil war" adequately captured the complexity of the conflict in Iraq, it considered that that phrase was an accurate description of key elements of the violence. It judged:

"**Coalition capabilities, including force levels, resources and operations, remain an essential stabilizing element in Iraq**. If coalition forces were withdrawn rapidly during … [the next 12-18 months] we judge that this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi Government, and have adverse consequences for national reconciliation.

"If such a rapid withdrawal were to take place, we judge that the ISF would be unlikely to survive as a non-sectarian national institution; neighbouring countries – invited by Iraqi factions or unilaterally – might intervene openly in the conflict; massive civilian casualties and forced population displacement would be probable; AQ-I would attempt to use parts of the country – particularly al-Anbar province – to plan increased attacks in and outside of Iraq; and spiralling violence and political disarray in Iraq, along with Kurdish moves to control Kirkuk and strengthen autonomy, could prompt Turkey to launch a military incursion."

505. Shortly after publication, Secretary Gates was asked at a news briefing whether he accepted that there was a civil war in Iraq.[269] He replied:

> "… I believe that there are essentially four wars going on in Iraq.
>
> "One is Shia on Shia, principally in the South; the second is sectarian conflict, principally in Baghdad, but not solely; third is the insurgency; and fourth is Al Qaida, and Al Qaida is attacking, at times, all of those targets."

506. Mr Browne visited Iraq from 28 to 31 January.[270] In a report of the visit, an Assistant Private Secretary described continued differences between UK plans and US views on MND(SE) in a note to MOD Ministers and officials:

> "A new US team is in no mood to take risks and re-evaluates across the board, expressing concerns in the South over 10 Div, Iranian influence and UK ability to apply its military muscle in Basra City after re-posturing. In response the new MND(SE) command team begin to look at re-posturing within US tolerances, which might lead to an extended presence in Basra Palace and less of a dividend at roulement.
>
> "But the broad strategy can and should survive. Both re-posturing and some drawdown should proceed. Above all there is a need to see the wider context – US politics is driving the numbers up just as we feel ours can come down. Basra is still not Baghdad. Nevertheless the resulting tension is manifesting itself in the recently expressed operational concerns of US commanders. MiTTs and PTTs [Military Transition Teams and Police Transition Teams] are a key element in the US argument. The criteria for transition have always had a measure of interpretation in them, and the US are rapidly re-interpreting to fit the context in which they have to operate."

507. Concluding his report, the Assistant Private Secretary wrote:

> "For this visit the net effect was, at first sight, an alarming and unforeseen change in military advice over re-posturing, which has implications beyond Iraq. It suggested that we had either failed to foresee the scale of this US change of approach and its implications, or that perhaps our previous plan was lacking in some areas. There are bound to be a host of nuances that soften this rather stark conclusion but they were drowned out by the 'shock of the new'."

508. The Assistant Private Secretary recorded that Lt Gen Lamb had "confirmed a clear and widespread apprehension at the highest levels of the US military about our plans for Basra".

---

[269] US Department of Defense, 2 February 2007, 'DoD News Briefing with Secretary Gates and Gen. Pace from Pentagon'.
[270] Minute McNeil to MA1/DCDS(C), 1 February 2006 [sic], 'Defence Secretary's Visit to Iraq – 28-31 January 2007'.

509. Reporting a meeting with Ambassador Khalilzad, the Assistant Private Secretary recorded that Mr Browne had observed:

> "US demands on us were somewhat conflicting, with an emerging expectation that we would increase our presence in Afghanistan against a much more clearly expressed desire for us not to reduce our presence in Iraq. The UK's Armed Forces could simply not do both."

510. Mr Browne had also:

> "… stressed that any suggestion that UK forces would be augmented or replaced by US forces coming to work in the South was distinctly unhelpful. We could resolve the issues that faced us without indulging in that kind of language which was likely only to deepen any public perception of disagreement."

511. In a report to the FCO of Mr Browne's visit, Mr Asquith recorded a similar exchange with General Martin Dempsey, Commanding General Multi-National Security Transition Command – Iraq, and Lt Gen Odierno, who pointed out that "it was awkward if we 'unsurged' while the US surged" and said bluntly that what the US "did not want was our claiming success against the facts on the ground in order to justify the withdrawal of troops".[271]

512. Mr Browne "laid out the implications of our requirement to deploy in Iraq and Afghanistan".

513. Mr Asquith also reported a meeting between Mr Browne and Prime Minister Maliki, who emphasised that his Government was focused on the Baghdad Security Plan and whether it would have an impact elsewhere in the country. If it did, "a precipitate withdrawal should be avoided to prevent a repetition of past problems".

514. During the Basra portion of the visit, Mr Browne's Assistant Private Secretary reported that Maj Gen Shaw said that the delay in the expected timing of transition to PIC meant there was a much greater risk that the UK would still have a defined security responsibility for Basra city after having re-postured completely outside the city, leaving his forces unable to fulfil that responsibility properly.[272]

515. In Maj Gen Shaw's view, it would be necessary to maintain "a foot on the ground" in Basra city in order to maintain the ability to strike and so that the intelligence required for operations could be collected.

516. In his meeting with senior civilian staff in Basra, Mr Browne was told that several of them considered that the security situation was generally worse for the ordinary Basrawi than six months ago, primarily because of rising intimidation. Intimidation was also the

---

[271] eGram 4193/07 Baghdad to FCO London, 31 January 2007, 'Iraq: Defence Secretary's Visit to Baghdad, 30 January'.
[272] Minute McNeil to MA1/DCDS(C), 1 February 2006 [sic], 'Defence Secretary's visit to Iraq – 28-31 January 2007'.

main factor behind the decline in the local police effectiveness over a similar period – more so than any lack of training or capability.

517. Mr Browne's Assistant Private Secretary commented that these views seemed in contradiction to the messages that had previously been received on the success of Op SINBAD. There was "a lack of firm indicators to substantiate or refute" the different conclusions.

518. In her weekly report Dr Marsden said she had advised Mr Browne:

> "… that the political significance of Basra Palace should also be factored into military planning. As the location of the British Consulate and the US Embassy Office, Basra Palace was seen as the symbol of our continuing commitment to stabilising Basra. Withdrawing from purely military bases … could credibly be presented as something we were doing at the request of the Government of Iraq and at a time of their and our choosing. The optics of leaving Basra Palace were different. However we dressed it up, we risked handing a propaganda victory to JAM and their Iranian backers."[273]

519. On 31 January, Mr Blair met Lt Gen Houghton and senior officials from the FCO and SIS.[274] In his briefing note for the discussion Mr Blair's Private Secretary wrote:

> "Initial reports suggest that Des is not making much headway with the American military in Iraq, partly because they (and, frankly, we) have never seen a worked up plan as to what our troops would be doing post-re-posturing, and how they would ensure e.g. mentoring, situational awareness, ability to re-intervene. We have been asking MOD for detail on this for some time."[275]

520. In their meeting, Mr Blair stressed to Lt Gen Houghton that it would be necessary to get "absolute clarity on the position in Basra before taking a firm decision on, and announcing, a redeployment".[276]

521. Lt Gen Houghton commented that it would be important to explain to the US that the UK was not proposing to abandon bases in Basra, rather they would transfer to Iraqi control, with UK training teams embedded within them. The approach to mentoring in Basra was different from that being developed by the US for other areas of Iraq, in part because the context was different.

522. Mr Blair remained concerned about Iraqi ability to ensure security after re-posturing and then PIC. He asked whether the UK's plans would ensure that militias could not act with impunity. Lt Gen Houghton noted that the UK would retain a re-intervention capability, but accepted that there was risk involved.

---

[273] Letter Marsden to Aldred, 1 February 2007, 'Basra: Weekly Report'.
[274] Letter Banner to Siddiq, 31 January 2007, 'Iraq: Meeting with Officials'.
[275] Minute Banner to Blair, 30 January 2007, 'Iraq Meeting, 31 January'.
[276] Letter Banner to Siddiq, 31 January 2007, 'Iraq: Meeting with Officials'.

523. Mr McDonald and C both noted the:

> "… credible reports of widespread intimidation of the Basrawi population, the presence of several militias and the evident deficiencies of the Iraqi police. Together, these suggested that there would continue to be violence following re-posturing, but that this would be intra-Shia, and focused on gaining political dominance."

524. Summing up the discussion, Mr Blair concluded that it would be:

> "… premature to make an announcement on redeployment before we had a clear plan that answered the key points raised in discussion, and which had secured US and Iraqi agreement. We should nonetheless continue to plan on the basis that we would redeploy, in order to ensure that a prudent redeployment was not delayed."

February 2007

525. On 1 February, Sir David Manning reported that Secretary Rice had asked him "to tell her honestly whether the UK was now making for the exit as fast as possible".[277] Sir David had replied that that was not the case, "explained the arguments for the change in force posture in Basra; and stressed that this should not be confused with transition to PIC".

526. Sir David had continued:

> "… as the Prime Minister and Secretary of State has said repeatedly, we wanted to move to PIC in Basra but only when conditions were right. We believed that time was coming: but we would not hand over prematurely; and we would not do so without full consultation with US Commanders on the ground."

527. Cabinet Office officials co-ordinated a paper on 'Transition in Southern Iraq' for the meeting of DOP on 1 February.[278] The paper invited Ministers to consider and endorse a series of assessments and proposals in preparation for a statement by Mr Blair on 7 February, including:

> "i. continuing our fundamental strategy of building Iraqi capacity and progressively transferring responsibility for security to the Iraqi authorities;
>
> …
>
> "iv. the rationale for the co-location of military and civilian staff at the Basra Air Station, the impact this will have on operations, and the need for further work on a proposal for the future of the Basra Palace Compound;
>
> …

---

[277] Letter Manning to Hayes, 1 February 2007, 'Conversation with the US Secretary of State, 31 January 2007'.
[278] Paper Cabinet Office, 31 January 2007, 'Transition in Southern Iraq: Progress and Plans'.

> "vi. the success of our plans will depend greatly on the ability of the Iraqi Government to deliver the necessary political conditions. Other risks and challenges to our plans include our ability to tackle police corruption, continuing Iranian influence and militia activity, and the willingness and ability of Iraqi Army 10 Division to provide security."

528. The paper stated:

> "Transition – in particular security transition – is fundamental to the coalition's strategy in Iraq …
>
> "Assuming – and being seen to assume – full control of Iraq's security institutions has also been among the Iraqi Government's highest priorities."

529. The paper explained that it had been recognised in summer 2006 that significant work was needed to achieve the conditions for transfer to PIC in Basra. The result was the 'Better Basra' plan, delivered through Op SINBAD and the work of the British Embassy Office and PRT in Basra. This intensified effort was "yielding results, though it will need to be maintained in the period up to and following PIC". The paper suggested that although "we should avoid setting unrealistic and rigid benchmarks for PIC" a "pragmatic minimum" needed to be agreed that was credible to the UK and US.

530. The paper then contained an assessment of each of the conditions for transition to PIC in Basra.

531. On the threat level, the paper stated that reported levels of violence in southern Iraq were "relatively low", although much of the data was "incomplete or conflicting". For example, although the reported murder rate had dropped from 100 per month to 30 per month, many murders were not reported.

532. Officials urged caution about relying on polling data that suggested public perceptions were more positive in Basra than elsewhere in Iraq, and recorded that "some other sources of information paint a different picture, of a deteriorating security situation, an increase in indirect fire attacks, continuing militia activity and intimidation … and a pervasive culture of fear among Basrawis".

533. On the strength of the ISF, the paper recorded an improvement in basic police capability, with 70 percent of police stations at the level required for PIC. However, trust in the IPS remained low and "some assessments indicate that the IPS continue to do more to undermine than guarantee security". Militia infiltration of the police remained the key barrier to tackling militia activity effectively.

534. The paper stated that the Iraqi Army had also demonstrated "an improved ability to respond to security threats", but had also been shown to be unreliable. The main issue was the quality of leadership.

535. The paper listed a number of "key activities" to address the action needed before PIC, including opening an Iraqi Army Leadership Academy and training centre, increasing the number of sub-units available for army training and mentoring, establishing a Leadership Academy for the police, supporting prosecutions for police corruption and increasing police advisory capacity.

536. On the ability of MND(SE) to re-intervene if necessary, the paper stated:

> "In Basra the effect of closing the bases in the city will be to reduce our tactical and situational awareness, making any re-intervention high risk."

537. A short note attached as Annex C to the main paper recorded that it would be "impossible to mitigate fully" the "serious implications" on situational awareness of leaving bases within Basra city. The annex said that those risks were "containable" post-PIC, and that mitigation measures were being "actively and aggressively considered".

538. The paper stated that "we should consider retaining a military presence [in Basra Palace] at least until PIC". If the Basra Palace base was to be retained for longer than planned, "a further UK battlegroup would be required". The paper included a recommendation that public statements about the future of Basra Palace should be avoided, pending a separate proposal on its future.

539. The paper recorded that there were US concerns about the UK's plans:

> "… General Casey remains cautious about the timing of PIC in Basra and Maysan. He has expressed serious concerns about our re-posturing plans, and there are indications that General Petraeus may be more, not less cautious. Defence Secretary Gates has also raised questions."

540. US interlocutors were reported to be concerned that the UK's plans signalled a reduced commitment to the South, and that they could threaten the integrity of coalition and MNF-I supply lines. The paper stated:

> "It is important that we are clear about what we are proposing. We are **not** suggesting that **PIC** must happen in Maysan and Basra on any fixed timetable. We accept that the case for moving to PIC in Basra in particular will be finely balanced. Our current assessment is that we have made sufficient progress to be confident that MND(SE) will be able to recommend that Basra can be transferred to PIC by the end of … June. But the final decision will rest with MCNS [Ministerial Committee on National Security] and Maliki, and some of the key actions needed to get to PIC will require Iraqi decisions. Past experience suggests slippage may well occur before formal decisions get taken – indeed it has already done so for Maysan.
>
> "What we are saying is that, in the light of progress thus far, and in anticipation of PIC, it makes sense now to set out a programme of change that will have demonstrable impact before PIC, and will pave the way for Iraqi-led progress

beyond. This will include some re-posturing of both our military and civilian effort. But our commitment, both military and civilian, will endure up to and beyond PIC."

541. DOP met on 1 February, chaired by Mr Blair.[279]

542. Mr Browne reported on his recent visit to Iraq. In Basra he had "seen first hand the positive effect that Operation SINBAD had had"; the reported murder rate had reduced and "sectarian violence had almost stopped". Continued violence was mainly directed against coalition forces. Mr Browne summarised that:

"… despite the change in tactics and a more cautious approach to transitioning to Iraqi control, the US strategic approach remained the same. The UK strategy was correct, but in order to maintain a capability to target JAM and assuage US concerns, the military were looking again at retaining a presence in Basra Palace …"

543. As a consequence, Mr Browne reported that drawdown to 4,500 troops would take "a little longer".

544. Summing up, Mr Blair concluded that the overall strategy for re-posturing and transition in southern Iraq remained the right one and invited the MOD to draw up a revised proposal for force levels and timelines, for discussion at a future meeting. That should take into account the potential need for a continued presence at Basra Palace and should set out firm proposals for the arrangements for training and mentoring the Iraqi Security Forces.

545. On 2 February, Mr Blair's Private Secretary provided him with an update on Iraq.[280] He wrote: "The security situation is poor, and worsening" and listed several major incidents in the preceding week, two of which had caused significant numbers of civilian casualties.

546. More positively, the Private Secretary reported signs that the recent campaign against extremist JAM leaders was bearing fruit: several were reportedly fleeing and Sadr city had become "considerably more permissive" than before.

547. Mr Blair queried how these two statements could both be true – that progress was being made against JAM yet the security situation was worsening.[281] He also noted that there remained a "big dislocation between [the intelligence] estimate and Ros M [Dr Marsden] & [Maj Gen] Shaw" on the security situation in Basra.

---

[279] Minutes, 1 February 2007, DOP meeting.
[280] Minute Banner to Prime Minister, 2 February 2007, 'Iraq Update, 2 February'.
[281] Manuscript comment Blair on Minute Banner to Prime Minister, 2 February 2007, 'Iraq Update, 2 February'.

548. On 5 February, Mr Blair spoke to President Bush by video conference.[282] Mr Blair noted positive signs in relation to the Baghdad Security Plan, and advised:

> "Our experience in Basra demonstrated that a well-conducted security operation, with political and reconstruction elements integrated into it, could deliver results in terms of increased local consent, and political buy-in."

549. Mr Blair told President Bush that the UK would maintain a presence at Basra Palace to ensure that it had the ability and the tactical awareness to re-intervene, and would do more on training and mentoring. Once the ISF had progressed to a point where insurgent groups could see they could not win militarily "they would have to pursue other options".

550. In a separate conversation, Sir Nigel Sheinwald talked Secretary Rice and Mr Hadley through "the plans set out by the Defence Secretary after his visit last week, ie in relation to the Basra Palace site, ISF mentoring and embedding, and continued action against the JAM".[283] Sir Nigel:

> "… made clear that the re-posturing would go ahead, but the details were being worked on and were expected to lead to a smaller draw-down than first planned – but this could have a knock-on impact on our plans for **Afghanistan**."

551. When they met on 6 February Mr Blair reassured Gen Petraeus that the UK would:

> "… ensure that we retained good situational awareness, and the ability to re-intervene quickly and effectively. This would involve staying in the Basra Palace site for the time being, and doing more on training and mentoring."[284]

552. On 7 February, the Chiefs of Staff noted that the "assumptions for the strategic force balancing work remained unchanged and a sound, logical basis was required to justify any continued presence in Basra Palace".[285]

553. From Baghdad, Mr Asquith was reporting conflicting perspectives within the Iraqi Government on transition in Basra, ranging from insistence that a date must be set for withdrawal to considering it a low priority.[286]

554. On 8 February, Mr Asquith reported that the Baghdad Security Plan was about to enter its critical phase and was "unquestionably the best [plan] so far".[287] Prime Minister Maliki had appointed heavy hitters to head the political, economic and services strands.

---

[282] Letter Banner to Hayes, 6 February 2007, 'Prime Minister's VTC with President Bush, 22 January [sic]: Middle East issues'.
[283] Letter Sheinwald to Hayes, 7 February 2007, 'Dinner with US Secretary of State and National Security Adviser, 5 February 2007'.
[284] Letter Banner to McNeil, 6 February 2007, 'Prime Minister's Meeting with David Petraeus'.
[285] Minutes, 7 February 2007, Chiefs of Staff meeting.
[286] eGram 4996/07 Baghdad to FCO London, 7 February 2007, 'Iraq: Basra – call on National Security Adviser, 6 February'.
[287] eGram 5326/07 Baghdad to FCO London, 8 February 2007, 'Iraq: Weekly Assessment'.

555. Mr Asquith had been telling his Sunni contacts that they had to engage in the plan and "not cry foul at the first excuse". He commented that Prime Minister Maliki's grip had strengthened and tightened. For the first time he sensed a small group of Ministers working to a common end. However, the risk remained high that, after the first two months of security operations, the underlying political disharmonies and capability deficiencies in delivering improvements in services and economic reconstruction would re-emerge.

556. On 8 February, Maj Gen Shaw reported that he had reached a satisfactory agreement with the head of the Basra Provincial Council.[288] A "Comprehensive Plan" was being developed by the UK military and civilian staff in Basra aimed at achieving a "unifying approach for all lines of operation" and defining, within the context of what was likely to be achievable, what "stability" and "success" would look like.

557. Maj Gen Shaw wrote:

> "Achieving a deal in Basra is the real challenge; it is on this that the FCO political plan is to focus. Social and political power is weak and dispersed. Tribal influences are weak: the displaced Marsh Arabs that occupy the banlieu are rootless, disenfranchised and guns for hire. Political power is divided and unrepresentative … It is not clear that either social or political power is sufficiently coherently organised for deals to be made. The only unifying themes would appear to be fear of the abyss were MNF to leave, fear of malign Iranian influence and greed … The hope is that a Basrawi majority in favour of a deal will emerge, with our military role being to neutralise the irreconcilables … Identifying where this split occurs, eg within JAM, will be key … I have no sense that the precursor talks to any deal have yet begun between the potential parties; making a prediction as to when such a deal might be forthcoming and what form it might take becomes another key … requirement. All of which emphasises the essentially political nature of the end state to which all on the SISG [Southern Iraq Steering Group] must work, and the importance of the aforementioned political plan."

558. Dr Marsden reported on 9 February that she considered that the UK's plans to re-posture within Basra were "an opportunity to change the political dynamics in Basra more in our favour and achieve greater political engagement in the run up to PIC, thereby reducing the chances of further boycotts".[289]

559. Dr Marsden considered that local Basrawi politicians did not believe that the UK was serious about early transition to PIC and used this "as an excuse not to

---

[288] Minute Shaw to CJO, 8 February 2007, 'GOC MND(SE) – Southern Iraq Update – 8 February 2007'.
[289] Letter Marsden to Aldred, 9 February 2007, 'Basra: Weekly Report'.

take decisive action themselves against militant JAM, IDF teams and malign Iranian influence". She judged:

> "We don't have time to change the political soil in Basra or any realistic prospect of getting rid of JAM. Given that, what will success look like? One possible definition of our political end state is a more stable Basra in which parties are willing to resolve confrontations without recourse to serious violence; and in which JAM can be kept in line by other political forces (as happens in Dhi Qar and Muthanna). Achieving a political equilibrium in Basra will be much more difficult than in those two provinces because tribal influences are weaker, the political parties and malign Iranian influence are stronger and there is a large population of poor and disenfranchised Marsh Arabs. But our planned re-posturing away from the city centre and the associated information operations campaign may provide a more favourable environment in which a political deal could emerge.
>
> "At the centre of a revamped Better Basra Plan, we therefore need a political plan for getting Basra to PIC and beyond … This will need to be carefully calibrated with the Central Government, whose attention currently is very heavily focused on Baghdad. And it is important to acknowledge that we do not have a sufficiently clear picture of Basrawi politics and their connection to Baghdadi politics to be confident that any plan is credible."

560. Dr Marsden set out an outline of elements that might form part of such a plan and sought approval from the Iraq Senior Officials Group to work up a more detailed plan.

561. On 11 February, Lt Gen Lamb reported successful operations by Iraq's security forces.[290] He commented that the ongoing dialogue with those connected with the Sunni insurgency "continues to bear fruit" but his interlocutors were not yet ready to give full levels of trust to the government. The civil bureaucracy remained stretched and was "arguably untenable in its current form".

562. On 12 February, Mr Asquith met Mr Tariq Abdullah, Prime Minister Maliki's Chief of Staff, to talk through the UK's plans in Basra.[291] He explained that the UK intended to:

> "… transfer sites in the city to the Iraqi authorities. In parallel, we would be concentrating most of our staff in the Air Station to maximise the effect of civilian and military effort designed to create the conditions for PIC."

563. Mr Asquith explained that there would remain a British military presence at Basra Palace. Mr Abdullah gave an assurance that the Prime Minister and his office were supportive of what Mr Asquith had outlined.

---

[290] Minute Lamb to CDS, 11 February 2007, 'SBMR-I Weekly Report (244) 11 Feb 07'.
[291] eGram 5872/07 Baghdad to FCO London, 12 February 2007, 'Iraq: Basra – Discussion with the Prime Minister's Office'.

564. Mr Browne's Private Secretary wrote to Mr Blair's Private Secretary on 12 February to say that the MOD had picked up indications that the Danish Government was considering removing their ground forces from Iraq later that year.[292] Such a decision would "present military and political difficulties" for the UK's re-posturing plans in MND(SE), possibly requiring UK forces to replace the withdrawn Danish troops and "placing further unwelcome pressure on our force generation for Iraq and Afghanistan".

565. Mr Browne had relayed the UK's concerns to the Danish Defence Minister earlier that week.

566. On 12 February, Mr Dowse passed Sir Nigel Sheinwald a copy of an unclassified presentation that had been the basis of a media briefing by the US military on Iranian activity in Iraq.[293] Mr Dowse commented:

> "The brief's key judgement that 'Iran is a significant contributor to attacks on coalition forces' matches our own assessment … The US brief also highlights casualties among Iraqi security forces and civilians from such attacks. This is factually correct, although we judge the MNF have been the prime target.
>
> "Much of the brief offers evidence in the form of photos of fragments recovered from explosions, damaged vehicles, seized mortar rounds, man-portable surface to air missiles, roadside bombs and bomb components including TNT blocks, telemetry devices – much of the material exhibiting Farsi markings – and some photographic examples of similar material of known Iranian origin. We are familiar with this material and agree that it offers compelling evidence that Iraqi extremists are being equipped from Iran …"

567. Mr Dowse observed that media reporting had highlighted the US briefers' assertion that support for Iraqi Shia extremists was a policy approved "at the highest levels" of the Iranian government, noting that that was consistent with JIC Assessments.

568. At DOP on 14 February, Ministers were asked to agree proposals for re-posturing and drawdown in Iraq and a request for additional troops for Afghanistan.[294]

569. A paper produced by the MOD for the discussion said:

> "We need to consider our decisions on Iraq and Afghanistan together and take a view on where limited UK military resource can have most strategic impact in 2007."[295]

570. The paper stated that the UK could only sustain the enduring operational deployment of eight battlegroups. The "military judgement" was that commitment of additional UK resource in Afghanistan was likely to have more military impact than

---

[292] Letter and Note McNeil to Banner, 12 February 2007, 'Iraq: Future Danish Contribution to MND(SE)'.
[293] Minute Dowse to Sheinwald, 12 February 2007, 'Iraq: US Brief on Iranian Activity'.
[294] Minutes, 14 February 2007, DOP meeting.
[295] Paper MOD officials, 13 February 2007, 'Iraq and Afghanistan: Balancing Military Effort in 2007'.

continuing commitment in Iraq at roughly existing levels and that therefore it would be desirable to have four battlegroups deployed in Iraq and four in Afghanistan in the second half of 2007 (compared with the existing six and two respectively).

571. The MOD invited DOP to:

> "agree that we should continue to reduce towards four battlegroups in MND(SE) but that in light of the practical challenges of handing over Basra Palace we should be prepared to maintain a fifth battlegroup there until the end of Aug 07."

572. The case for retaining a fifth battlegroup was twofold:

> "… practical constraints on how quickly we can hand over to the Iraqi Army in good order; and considerations of tactical risk reduction coupled with a need to take account of US military unease and scepticism about too rapid a run-down. It also has to be seen against our overall strategic objective for Iraq … At the centre of US nervousness is a concern about a loss of situational awareness and a broader worry that too rapid a withdrawal from Basra might undermine the prospects for stability in Iraq's second city. On the other hand, we should be realistic about the impact of temporarily retaining a single battlegroup in Basra Palace can have on the likelihood or otherwise of this happening. The actions of the Iraqi political and security authorities are a far more significant factor in securing Basra's future."

573. The paper recalled Ministers had agreed in January 2006 that Iraq was the UK's top overseas security priority but went on to say:

> "… in strictly military terms the most impact (and the best chance of making progress in Afghanistan) would be achieved by devoting more resources in Afghanistan. The strategic military advice is that this outweighs the tactical advantages of retaining Basra Palace."

574. MOD officials explained that other factors should be taken into account – including the UK/US security relationship, the threat from Iran, and relations within NATO. They concluded that:

> "… the overriding factor is the emerging impracticality of handing over Basra Palace in May. A delay until the end of Aug 07 looks inevitable, which has the advantage of allowing us to maintain better situational awareness of Basra City and assuage US concerns to some extent …"

575. The second issue on which DOP was asked to reach a decision was a request for additional troops for Afghanistan.

576. The MOD paper explained that:

> "… at least since the invasion of Iraq in 2003 we [the Armed Forces] have been operating in excess of our assumptions, and since last spring we have been

undertaking two enduring intensive Medium Scale operations, as well as maintaining smaller commitments elsewhere."

577. As a consequence, "some capabilities are very stretched, notably deployable ground troops and enables such as air transport, medical, intelligence and surveillance".

578. The paper went on to state:

"… the military judgement is that we could sustain the deployment of eight battlegroups between Iraq and Afghanistan (the current split being 6:2) through 2007, but not for much longer, and that it would not be feasible in 2007 to exceed eight in total. This means that for as long as we retain six, or even five, battlegroups in Iraq it will not be possible to contribute from UK resources the additional two battlegroups for ISAF it is CDS's strong advice we should provide."

579. The paper concluded that, given the scale of commitment in Afghanistan, the only scope for easing the pressure would be to reduce further in Iraq in 2008, and so the "continued commitment to Basra Palace should not extend beyond Aug 07".

580. An MOD paper on the possible UK response to revised force requirements for Afghanistan, also written for DOP, was explicit that "delivery of additional battalions for Afghanistan and the enabling assets required is dependent on Iraq force levels".[296]

581. Departmental briefs for Ministers attending DOP show that views were divided within Whitehall. The MOD was concerned that the Cabinet Office and Treasury were trying to postpone decisions on Afghanistan and told Mr Browne that the force packages proposed by MOD were designed to meet NATO's specific needs.[297]

582. The FCO was concerned that US commanders in Iraq were sceptical about the UK's assessment of progress in Basra and were concerned about UK plans.[298]

583. Cabinet Office officials advised Mr Blair that the MOD's assessment of Op SINBAD would be:

"… drafted to be as positive as possible. There have been some beneficial short and medium term effects, such as stabilising the security situation, creating new employment opportunities, successful regeneration projects and improved capability of the Iraqi Security Forces. However, the assessment is also likely to identify a requirement for further work to be done to tackle the criminal elements of the Iraqi Police Service (especially death squad activities), the enduring economic

---

[296] Paper MOD officials, [undated], 'Afghanistan: Possible UK Military Response to Revised NATO Force Requirements'.
[297] Minute Brown to APS/SofS [MOD], 13 February 2007, 'Iraq and Afghanistan: Brief for DOP Meeting on 14 February 2007'.
[298] Minute Lever to PS/Lord Triesman, 13 February 2007, 'DOP, 14 February: Iraq'.

> problems … and the remaining flaws in the leadership of the Iraqi Security Forces. They have not yet agreed the note with other government departments."[299]

584. At DOP on 14 February, Ministers accepted the recommendation to retain five battlegroups (around 5,200 troops) in Basra until the end of August 2007, which would allow the UK to retain a presence at Basra Palace.[300] Ministers would review that presence in the summer in the light of conditions in Basra and any residual US concerns about the speed of withdrawal.

585. DOP agreed that Mr Blair should announce the UK's decision to re-posture forces within MND(SE) to Parliament when it returned from Recess, in the week beginning 26 February.

586. In discussion, the point was made that it was not clear whether US concerns would have reduced sufficiently by the end of August to allow Basra Palace to be handed over as planned.

587. Mr Browne told the Inquiry that he was "not conscious that there were things we did not or could not do, particularly in Basra or in Iraq, because we had troops deployed to Afghanistan".[301] He recollected that there was a long term strategy to reduce troop numbers in Iraq that was "fixed in any event and was not related to the fact that we were deploying troops into Afghanistan". At every stage, Mr Browne added that he had taken and accepted the advice of the military.

588. VAdm Style advised the Chiefs of Staff on 14 February of "the very real sense from US interlocutors, notwithstanding the likely lack of a roll-over of UNSCR 1723, that there was a need to plan for an extension of the current US 'surge' of forces to Feb 08 …"[302]

589. Maj Gen Shaw reported on 15 February that Gen Petraeus – who was visiting MND(SE) – was "largely receptive" to the UK's proposed approach but had:

> "… challenged the assumption that this UNSCR [authorising MNF presence in Iraq] will be the last; he suggested a growing appetite, both US and Iraqi/Maliki, for another one … This threatens our assumptions about PIC this year across Iraq which drives the risk-taking, time-driven approach we have adopted. This requires political engagement at the highest level, because the answer to this question sets the context for all our military activity and planning."[303]

---

[299] Minute Cabinet Office [junior officials] to Prime Minister, 14 February 2007, 'DOP 14 February – Op SINBAD Assessment'.
[300] Minutes, 14 February 2007, DOP meeting.
[301] Public hearing, 25 January 2010, page 26.
[302] Minutes, 14 February 2007, Chiefs of Staff meeting.
[303] Minute Shaw to CJO, 15 February 2007, 'GOC MND(SE) – Southern Iraq update – 15 February 2007'.

590. Mr Blair's Private Secretary described the planned Parliamentary statement to Dr Meghan O'Sullivan, Deputy National Security Advisor for Iraq and Afghanistan, on 15 February.[304]

591. The Private Secretary advised Mr Blair the following day that there were "rumblings of discontent within the US system about the timing of the statement", which some in the US Administration would have preferred the UK to put off until April.[305]

592. The Private Secretary also told Mr Blair:

> "There are signs that US, and Iraqi, attitudes to transition could cause us difficulties. Neither party shows much enthusiasm for transition in the Spring (or even Summer). This could well affect our own plans, with the [US] Corps now judging that Maysan might be ready for transition in May, but that Basra probably won't be ready in June. As you heard at DOP, the MOD are very keen that the idea of drawing-down by a further battalion at the end of August should be a fixed target. DOP agreed to review this in the Summer, and it will – as now – be difficult to justify a further draw-down (especially out of the city centre) if we retain nominal responsibility for security."[306]

593. Lt Gen Lamb sent a report on his work on reconciliation, which MOD forwarded to Mr Blair's Private Secretary on 15 February.[307] Knowledge of the negotiations was limited to a very small number of individuals on both the Iraqi and the MNF-I sides.

594. On Sunni engagement, Lt Gen Lamb reported that there had been MNF-I effort since summer 2006 to bring Sunni insurgent groups into a dialogue that might lead to a cease-fire with the MNF/ISF.

595. Lt Gen Lamb had established substantive negotiations with leadership elements of Ansar al-Sunna, Jaysh al-Islami and Jaysh al-Mujahadeen. The groups were negotiating among internal factions the possibility of forming a single organisation, calling a cease-fire and working to defeat AQ-I. Lt Gen Lamb reported that a confidence-building test case was under way within Baghdad and Anbar, in which an economic reconstruction package was provided in return for "local protection in the area".

596. Lt Gen Lamb reported that negotiations with Shia/JAM representatives in Sadr City were less advanced and were more complicated. JAM was not a homogenous organisation. The Mayor of Sadr City had begun to engage politically with the MNF and ISF and the possibility of contact with other Shia/JAM leaders in Baghdad was being explored.

---

[304] Minute Banner to Sheinwald, 15 February 2007, 'Iraq/NSC'.
[305] Minute Banner to Prime Minister, 16 February 2007, 'Iraq – Statement to the House'.
[306] Minute Banner to Prime Minister, 16 February 2007, 'Iraq update, 16 February'.
[307] Letter McNeil to Banner, 15 February 2007, 'SBMR-I Reconciliation and Outreach Update' enclosing Note 'SBMR-I Reconciliation/Outreach Sitrep'.

597. Gen Dannatt visited Baghdad and MND(SE) from 14 to 15 February.[308] He reported Maj Gen Shaw's views that there was merit in maintaining a MNF presence in Basra Palace at least until PIC, both to help preserve the UK's relationship with the US in theatre and because he believed that a UK military presence in Basra was required for as long as MND(SE) was responsible for security there. Gen Dannatt commented in his report:

> "The military logic behind maintaining situational awareness in the City is impeccable, but over time there may be different ways of delivering it at a reduced scale of MNF military commitment at the Palace … PIC and our withdrawal from BP [Basra Palace] will be linked, but need not be slavishly.
>
> "… Our decision to reinforce Afghanistan … can only be delivered by the TRB [Theatre Reserve Battalion] … In simple force generation terms, we can only do this if [we] get down to four battlegroup HQs … in Iraq. And we are only likely to do this if we withdraw from BP …
>
> "Finally on BP, I found it rather incoherent to learn that … our own Consulate were planning to withdraw from the Palace shortly … I found all of this rather indicative to the whole BP issue: untidy and somewhat incoherent … I sense our decision making across Whitehall has lacked agility, failing to mesh the different strategic dynamics and imperatives emerging from Washington, Baghdad, Kabul and Mons [i.e. NATO], over these past few months, in a timely manner. Meanwhile, soldiers are being wounded in BP – shortly one may be killed."

598. The Private Secretary to Mr Bill Jeffrey, MOD Permanent Under Secretary, annotated those comments:

> "[Those paragraphs] don't strike me as very helpful. I don't recall him making these points before decisions were made."[309]

He added:

> "I gather CDS [ACM Stirrup] raised this at the COS(I) [Chiefs of Staff Informal meeting] and CGS [Gen Dannatt] basically said this note had been badly drafted and he was (of course) totally onside …"[310]

599. General Dannatt also commented:

> "It is the prospect of political accommodation that I found the most encouraging. 'Reconciliation' and 'outreach' are not exactly new concepts in the Iraq campaign, but I do sense that the conditions for them are increasingly favourable …

---

[308] Minute CGS to CDS, 19 February 2007, 'CGS Visit to Iraq: 14-15 Feb 07'.
[309] Manuscript comment Helliwell to Jeffrey on Minute CGS to CDS, 19 February 2007, 'CGS Visit to Iraq: 14-15 Feb 07'.
[310] Manuscript comment Jeffrey on Minute CGS to CDS, 19 February 2007, 'CGS Visit to Iraq: 14-15 Feb 07'.

> "Debates about political accommodation inevitably prompted the question of what strategic success in Iraq might now look like. Or to use the current mantra, what does 'Iraq good enough' actually mean? Given that the US and UK arguably began this war for different strategic reasons, the imperative to agree some common ground for the campaign's endstate becomes yet more pressing. I sense it is the Iraqis who will determine what 'good enough' means for them and it may well be far short of our previous definitions of strategic success. I believe the time is ripe to re-open the debate with theatre and Washington on this fundamental issue."[311]

600. Mr Blair's Private Secretary put a draft Parliamentary statement on developments in Iraq into Mr Blair's red box for consideration over the weekend of 17 and 18 February.[312]

601. In an accompanying note, Mr Jonathan Powell advised Mr Blair:

> "This is a major opportunity to change the way people think about the situation in Iraq and the way forward … you need to give people the sense of an overall **plan** and a way forward that could lead to success … The key question you have to answer is whether it is inevitable that Iraq will sink into a vicious civil war that will only end with the partition of the country and the success of Iran."[313]

602. On 18 February, Sir Nigel Sheinwald wrote a minute for Mr Blair describing two conversations with Mr Hadley over that weekend.[314] Sir Nigel explained that President Bush supported the timing of the UK's announcement, but had asked that Mr Blair make clear that "re-posturing in Basra is the result of success, not an attempt to hedge against failure" and that substantial numbers would remain, with a continued training role.

603. In his weekly report on 18 February, Lt Gen Lamb wrote that Operation Fardh al-Qanoon was picking up momentum.[315] Gen Petraeus had ensured work on infrastructure and basic services had been placed into a new and higher gearing. Although the number of attacks in Baghdad remained broadly undiminished, the mood music on the street suggested small, but positive, indicators of change.

604. On 19 February, Mr John Howard, the Australian Prime Minister, committed to sending 70 additional military instructors to Iraq.[316]

---

[311] Minute CGS to CDS, 19 February 2007, 'CGS visit to Iraq: 14-15 Feb 07'.
[312] Minute Banner to Prime Minister, 16 February 2007, 'Iraq – Statement to the House'.
[313] Minute Powell to Prime Minister, 16 February 2007, 'Iraq Statement'.
[314] Minute Sheinwald to Prime Minister, 18 February 2007, 'Iraq and Israel/Palestine: White House views'.
[315] Minute Lamb to CDS, 18 February 2007, 'SBMR-I Weekly Report (245) 18 Feb 07'.
[316] www.theage.com.au, 19 February 2007, '70 non-combat troops for Iraq'.

605. On 19 February, Mr Blair's Private Secretary sent a record of a phone call between Mr Blair and Prime Minister Maliki to Mrs Beckett's Private Office.[317] It said:

> "He [Mr Blair] noted that Maliki was aware of our intention to start drawdown in Basra when conditions allowed. We hoped to start this between now and May as we judged the Iraqi forces capable of taking the lead. He emphasised that we would be maintaining a presence at Basra Palace. Maliki wondered if a two month pause would be possible to ensure that we were fully joined up. The Prime Minister reiterated that this would be done between now and May."

606. The Private Secretary asked Lt Gen Lamb and Mr Robert Gibson, Deputy Head of Mission at the British Embassy Baghdad, to call on Prime Minister Maliki the following day to ensure he was in the picture on plans for the statement.

607. They reported back that Prime Minister Maliki had understood from the call that the UK would withdraw troops from Basra on 21 February.[318]

608. Mr Gibson and Lt Gen Lamb told Prime Minister Maliki that:

> "The UK would stay in Basra throughout 2007 and into 2008 for as long as Maliki … wished and the conditions warranted it. The Prime Minister's message and the UK decision to reduce troop numbers was not directly connected to handing over Basra to provincial Iraqi security control. The timing of that was a matter for Maliki. Rather the decision was driven by the requirement to balance British force levels between Iraq and Afghanistan."

609. Following their meeting, Lt Gen Lamb and Mr Gibson reported that Prime Minister Maliki appeared to be happy with the proposed announcement.

610. Mr Blair spoke to President Bush on 20 February by video conference and told him that the UK's re-posturing would be a little more cautious than some might expect; the UK would not be reducing "combat capability".[319]

611. Mr Blair's Private Secretary recorded that:

> "He stressed that we would also still be taking action against JAM in Basra."

---

[317] Letter Phillipson to Siddiq, 19 February 2007, 'Iraq: Prime Minister's Phonecall with Maliki, 19 February'.
[318] eGram 6918/07 Baghdad to FCO London, 20 February 2007, 'Iraq: Maliki & the Prime Minister's Proposed Announcement'.
[319] Letter Phillipson to Hayes, 20 February 2007, 'Prime Minister's VTC with President Bush, 20 February: Iraq, Israel/Palestine, Afghanistan'.

612. Mr Blair made his statement in the House of Commons on 21 February.[320] He emphasised that the situation in Basra was:

> "… very different from that in Baghdad. There is no Sunni insurgency and no al-Qaida base. There is little Shia on Sunni violence. The bulk of the attacks are on the Multi-National Force …
>
> "As a result of the operation in Basra, which is now complete, the Iraq forces now have the primary role for security in most parts of the city. It is still a difficult and sometimes dangerous place, but many extremists have been arrested or have left the city. The reported levels of murder and kidnapping are significantly down …
>
> "What all this means is not that Basra is how we want it to be, but that the next chapter in Basra's history can be written by the Iraqis …
>
> "Already we have handed over prime responsibility for security to the Iraqi authorities in Muthanna and Dhi Qar. Now in Basra over the coming months we will transfer more of the responsibility directly to Iraqis. I should say that none of this will mean a diminution in our combat capability. The actual reduction in forces will be from the present 7,100 … to roughly 5,500. However, with the exception of forces which will remain at Basra Palace, the British forces will be located at Basra Air Base and be in a support role …
>
> "The British forces that remain in Iraq will have the following tasks:
>
> - training and support to Iraqi forces;
> - securing the Iraq-Iran border;
> - securing supply routes;
> - and, above all, the ability to conduct operations against extremist groups and be there in support of the Iraqi army when called upon.
>
> "Over time, and depending naturally on progress and the capability of the Iraq security forces, we will be able to draw down further, possibly to below 5,000 once the Basra Palace site has been transferred to the Iraqis in late summer.
>
> "We hope that Maysan province can be transferred to full Iraqi control in the next few months, and Basra in the second half of the year. The UK military presence will continue into 2008, for as long as we are wanted and have a job to do."

613. Mr Blair also told the House of Commons:

> "I have discussed this with Prime Minister Maliki, and our proposals have his full support and, indeed, represent his wishes."

---

[320] House of Commons, *Official Report*, 21 February 2007, columns 261-280.

614. Dr Marsden reported an "extremely positive" reaction to Mr Blair's statement from the Governor of Basra, who welcomed it at a press conference on the same day and praised co-operation between the MNF and the provincial government.[321]

615. Dr Marsden also reported that the Chairman of Basra's Provincial Council had not made a public statement, but was believed to be under pressure from within the Council to take a less positive line.

616. When they eventually met on 27 February, the Chairman told Dr Marsden "the Prime Minister's statement had eased the way to end the boycott".[322]

617. In the US, the statement received "extensive coverage".[323] A report from the British Embassy Washington characterised the debate as:

> "The Administration puts on a brave face and tries to portray UK plans as evidence of progress. The media see the announcement as a serious setback for Bush's surge. The Democrats use British plans as ammunition in their battle to force US troop withdrawals."

618. The Embassy also observed:

> "The disproportionate rejoicing in State Department at PM Howard's decision … is a good indicator of the fragility of the mood here."

619. Mr Browne told Cabinet on the morning of 22 February that, although it was early days, Operation Fardh al-Qanoon appeared to be working well so far.[324] The main difference between it and previous operations was the presence of US forces living in the districts of Baghdad, providing a permanent protective presence.

620. Mr Browne also briefed Cabinet on the situation in South-East Iraq, which was "relatively quiet". He added that as a result of Op SINBAD the relationship between the UK troops and the people of Basra had improved. There was a recognition the ISF and the MNF must take action against militant JAM where a small minority were perpetrating violent attacks for political and economic gain. The MNF could not deal with that problem: only the Iraqi people could address the political and economic issues.

621. Referring to Mr Blair's announcement the previous day, Mr Browne said that the reduction in troop numbers reflected military advice and that the UK's strategy was "the same as that of the USA".

622. Summing up the discussion, Mr Blair said that Gen Petraeus had a clearer idea of the links between civilian and military activity in addressing Iraq's problems.

---

[321] Letter Marsden to Aldred, 23 February 2007, 'Basra: Weekly Report'.
[322] Letter Marsden to Aldred, 2 March 2007, 'Basra: Weekly Report'.
[323] eGram 7440/07 Washington to FCO London, 23 February 2007, 'Iraq-US: Reactions to the Prime Minister's Announcement'.
[324] Cabinet Conclusions, 22 February 2007.

623. On 22 February, Maj Gen Shaw reported on "a significant week" in which "All the indicators … would suggest that JAM is losing the initiative in Basra."[325] As a result, JAM was threatening to "make Basra burn" if the ISF continued to co-operate with the MNF, and there had been increased intimidation of locally employed civilian staff which had reduced attendance levels.

624. Maj Gen Shaw continued:

> "It is difficult to determine if this is the tipping point at which the people of Basra will either decide to stand and fight the influence of militant JAM or will choose to acquiesce to their control of the street. It is certainly not the moment to take the pressure off, and points to the need to continue STRIKE operations and this in turn emphasises the need of the ISTAR [Intelligence, Surveillance, Target Acquisition and Reconnaissance – see Section 14.1] and specialist … assets that can help us maximise our effect."

625. On 23 February, Dr Marsden wrote in her weekly report:

> "We continue to get reports of JAM members leaving the city for fear of arrest. And there are signs that some elements of Basra JAM may be willing to talk to us. This and other indicators would suggest that JAM could be losing the initiative in Basra. But there are other Iranian-influenced elements of JAM who continue to hit us … Reports of intimidation are at a new high. Over the month we have also seen a spike in execution-style killings … One Locally Employed Civilian was found dead with a note attached to his chest stating that this is what happens to collaborators with MNF …
>
> "We are seeing noticeably less political fallout from our assertiveness than we would have done last year. There are signs that the political and public mood may be becoming more hostile to JAM – and more understanding of our attempts to deal with its most egregious elements."[326]

626. Following Dr Marsden's report, Mr Blair's Private Secretary for Foreign Affairs requested from the FCO "advice on what more MND(SE) can do to support action against the JAM, including Iranian elements".[327]

627. At the request of the Iraq Senior Officials Group, a CIG assessed violence in Anbar province and the threat it posed to the MNF and the Iraqi government on 23 February.[328]

---

[325] Minute Shaw to CJO, 22 February 2007, 'GOC MND(SE) – Southern Iraq update – 22 February 2007'.
[326] Letter Marsden to Aldred, 23 February 2007, 'Basra: Weekly Report'.
[327] Letter Fletcher to Siddiq, 26 February 2007, 'Iraq: Basra'.
[328] CIG Assessment, 23 February 2007, 'Iraq: The Struggle for Anbar'.

The CIG judged that the insurgents in Anbar had proved resilient and that support for their insurgency was undiminished:

> "Large areas of Anbar are outside effective MNF or Iraqi Security Forces (ISF) control. In several towns and in rural areas insurgents are able to operate freely. Where the MNF has an established presence, or patrols frequently, the insurgents' ability to exert control is less."

628. The CIG considered the ability of the Iraqi Government to assert its authority in the province and judged that:

> "Central government's influence in Anbar is weak. The provincial authorities send the right signals about economic and security problems, but they have been able to deliver little. Local administrative capacity is very limited and dogged by tribal rivalries. Living conditions across the province remain poor.
>
> "There is little prospect of improvement in security. In a particularly hostile environment, the Iraqi Security Forces will require MNF combat support beyond 2007, or risk ceding *de facto* control of further large areas to the insurgents."

629. The CIG Assessment concluded:

> "Prospects for the Anbar tribal groups fighting AQ-I will depend on their gaining broader support among the Sunni population. We judge this will prove difficult as long as rival tribal and insurgent groups compete for local power and influence. More broadly, most Anbaris have no confidence in local political structures or in Maliki's Shia-dominated government and its efforts at national reconciliation."

630. An official working closely with the military discussed proposals for Shia outreach briefly with Lt Gen Lamb on 27 February and explained that the "main effort was to bring a limited number of high quality interlocutors to the table", including JAM1.[329] Lt Gen Lamb was happy with what was proposed and content for the plan to proceed with JAM1.

631. According to a JIC Assessment dated 31 October 2007, negotiations began in March 2007.[330]

632. SIS3 told the Inquiry that the dialogue with JAM1 was borne of opportunism.[331]

633. Lieutenant General Sir Graeme Lamb told the Inquiry that he was not personally involved in the cease-fire negotiations, but "became aware of a dialogue which became established between the military, between [officials working closely with the military]

---

[329] Email official working closely with the military, 27 February 2007, '[NAME OF OPERATION]/JAM Outreach'.
[330] JIC Assessment, 31 October 2007, 'Iraq: Risks to the Negotiations with JAM in Basra'.
[331] Private hearing, 2010, page 60. Based on redacted material.

and – GOC and a few other boys down there in Basra".[332] He recounted having warned Maj Gen Shaw that "if you take one step ahead of the Iraqi Government, the answer is this is absolutely doomed".

634. ACM Stirrup visited Iraq from 25 to 27 February, beginning in Basra and then moving north to Baghdad.[333] A report of the visit written by Lt Col Richmond, his Military Adviser, said that Gen Petraeus "thought that MNF could establish a secure environment" and had said that PIC would continue, though "not necessarily to the previously declared timetable (all provinces by Nov 07)". Lt Gen Odierno was judged to be "very on side with what the UK was doing in SE Iraq".

635. Lt Col Richmond observed:

> "It was striking how the high threat environment was taking its toll on people. It was no longer possible to return off patrol to relax and unwind in camp due to the IDF threat."

636. Mr Robert Gibson, British Deputy Head of Mission Washington, was reported to have briefed ACM Stirrup that "whilst Washington was happy with the PM's announcement on UK re-posturing, the US Embassy in Baghdad was not and he had been given a hard time."

637. In response to concerns raised by Maj Gen Shaw, ACM Stirrup:

> "… outlined how the strategic benefits of vacating Basra Palace (BP) outweighed the tactical benefits of remaining. He had not been willing to agree to remain in BP until further notice and the date of Aug was driven by the timeline for repositioning all the capabilities … The situation in the city would never be good enough, therefore there was risk – but it was better to take risk whilst we had the force elements and before PIC as we would still be able to intervene when we wished."

638. On 26 February, Mrs Beckett's Private Secretary wrote to Mr Blair's Private Secretary for Foreign Affairs to say that since December the US had been signalling their intention to counter Iranian-supported attacks.[334]

639. The FCO judged that an aggressive operation could fuel perceptions that the US was seeking military confrontation with Iran on a broader front. The UK was more vulnerable to Iranian retaliation than the US, because it maintained an Embassy in Tehran and because of Iran's ability to make trouble in Basra and Maysan. Any UK involvement in the US-led initiative would require careful consideration of the rules of engagement for UK troops.

---

[332] Private hearing, 24 May 2010, page 88.
[333] Minute Richmond to PSSC/SofS [MOD], 5 March 2007, 'CDS Visit to Iraq 25-27 Feb 07'.
[334] Letter Siddiq to Fletcher, 26 February 2007, 'Iraq: Countering Iranian Activity' attaching Paper IPU, 19 February 2007, 'Iraq: Countering Iranian Activity'.

640. At the end of February, at the request of Mr McDonald, Dr Marsden produced an account of what life was like for ordinary Basrawis:

> "For most people, life in Basra is still grim … Modest improvements in their quality of life pale against a backdrop of militia intimidation, official corruption and inadequate basic services …
>
> "Violence and lawlessness are the overwhelming concern of Basrawis. Although life under Saddam was harsh, people often say that at least they knew where they stood. Now, life is less predictable and people are retreating behind the traditional defences of family and tribe. In polling, 95 percent said they felt a degree of safety in their immediate neighbourhood but only 30 percent felt safe further afield. Many Basrawis tell us 'Before 2003, there was one Saddam to fear. Now there are thousands of Saddams.'
>
> "Women are increasingly afraid … to leave the house, fearing kidnap, harassment or sexual violence … After sunset most people desert the streets, stay home and watch TV … Threats and intimidation are an everyday occurrence …
>
> "After the lack of security, unemployment is the most commonly cited problem. Polling indicates that only about 30 percent of Basrawis are currently employed …
>
> "Asked what is the greatest improvement since the fall of the regime, many Shia cite the freedom to travel to shrines in Iran. However, perceptions of freedom differ depending on the … individual."[335]

641. Dr Marsden reported that polling data suggesting Basrawis had a positive attitude towards the police and wanted the MNF to leave was difficult to evaluate since people were afraid to complain about the police or militia, or to support the MNF, in front of individuals they did not know.

642. Although there was an "undeniable sense of desperation and gloom in Basra" the report also said:

> "The better off can enjoy new consumer goods and the novelty of the freedom to travel outside Iraq. Women enjoy more political rights and there is an embryonic civil society movement. Many Sunni families who left Basra last year have now returned. There are some signs of growth in the local economy and public sector salaries have steadily increased."

[335] Letter Marsden to McDonald, 28 February 2007, 'Basra: Everyday Life for Ordinary Iraqis'.

March 2007

643. In her weekly report on 2 March, Dr Marsden wrote:

> "This week we have seen the Sadrists wondering how to respond to the Prime Minister's announcement and a direct approach from a Sadrist MP … to the FCO. This approach is encouraging and suggests that there is a political opportunity to be exploited. It also reinforces our sense that the Sadrists are still in disarray, not just here but across the country …
>
> "In parallel with … [the Sadrists'] approach in London, there have been some tentative indications here that OMS/JAM in Basra would like to lower the temperature and de-escalate things. But it is far from clear how much of the Sadrist spectrum … [they] will be able to deliver and how they intend to deal with the Iranian-controlled extremist elements, who can be expected to go on attacking us. The current lack of cohesion in the Sadrist camp underlines the need for caution … We should certainly pursue this approach but will need to be clear where our red lines lie."[336]

644. On the same date, Dr Marsden wrote to the Cabinet Office a second time, attaching the third iteration of the Better Basra Plan.[337] Attached to the Plan were an annex setting out benchmarks, a detailed work plan for each element, an estimate of progress against the benchmarks set in December 2006 and a cost estimate for 2007/08 which totalled around £21m. The Plan had been drafted jointly by MND(SE), the British Embassy Office Basra and the PRT and had been discussed in detail with the US Embassy Regional Office in Basra.

645. The Plan set out "a comprehensive strategy for bringing Basra to the point where it can transition to Provincial Iraqi Control". Implementation of the Plan would be led by the Southern Iraq Steering Group, bringing together civilian and military efforts.

646. The Plan defined "realistic" political success as:

"
- Iraqi leaders both at national and provincial level take the initiative in arguing the case for PIC …
- the Provincial Government gains credibility bringing improvements to ordinary people's lives
- a drop in the level of intimidation … of those within the provincial government and security apparatus …
- a reduction in malign Iranian influence and the removal from circulation of certain key individuals
- Iraqi Government control sustained after PIC with no breakdown of law and order."

---

[336] Letter Marsden to Aldred, 2 March 2007, 'Basra: Weekly Report'.
[337] Letter Marsden to Aldred, 2 March 2007, 'Better Basra'.

647. In the plan, officials recognised that the UK authorities could not achieve those things without active support from the Iraqi authorities in Basra and Baghdad:

> "The announcement of our planned withdrawal from MNF sites in the city centre has created a more favourable political environment in which to pursue this objective by showing that we are serious about transition. Early transition to PIC is important to some influential local leaders, who may be more willing than before to give rhetorical support to our transfer conditions. We also need support form the Central Government. Maliki's attention is currently focused on the Baghdad Security Plan. Engaging him on Basra will be difficult, but must be our objective."

648. On security, the Plan said:

> "Our military actions should aim to create the conditions in which local politicians feel able to engage constructively to address Basra's problems. Our aim is to reduce the threat from illegal armed groups and Iranian proxies and to build the capacity of the Iraqi Army to take on militant JAM …
>
> "Operation SINBAD has put MND(SE) on the front foot and served to kickstart the process of transition. One of the major benefits of this operation has been the experience it has given the local units of the Iraqi Army in planning and carrying out joint operations alongside the Iraqi police and coalition forces …"

649. The Plan also said:

> "We will reduce the threat from illegal armed groups by putting an increased emphasis on operations against militant JAM, death squad leaders and Iranian proxies. MND(SE) will maintain a heightened tempo of targeted strike operations and conduct more joint operations with the ISF (including Iraqi Special Forces) in order to neutralise irreconcilables and death squads, and deliver the message that we cannot be bombed out of Basra."

650. The Plan listed objectives for policing, the judiciary and prisons (which are covered in Section 12.1), for infrastructure, governance and economic development (see Section 10.2) and for strategic communications, which aimed to "get Iraqis to deliver key messages on our behalf".

651. On 3 March, Iraqi Special Forces, supported by MNF-I troops, carried out a raid on the Iraqi Police-run National Intelligence and Investigation Agency (NIIA) in Basra.[338]

652. The target was not the NIIA but a death squad leader, whom it was believed was present at the time.[339] A number of prisoners discovered during the operation "inexplicably escaped".

---

[338] eGram 9049/07 Baghdad to FCO London, 6 March 2007, 'Iraq: Meeting with Prime Minister Maliki, 5 March'.
[339] Submission Brind to Casey and PS/Howells, 7 March 2007, 'Iraq: DOP(I), 8 March' attaching Speaking Note.

653. British military spokesman Major David Gell was quoted as saying:

> "We believe there were about 30 people found imprisoned in the building and there was evidence of torture."[340]

654. UK media reported a statement issued by Prime Minister Maliki's Office calling for those behind the "illegal and irresponsible" act to be punished and reporting that an investigation into the incident had been ordered.[341]

655. A more detailed account of the raid, and the Iraqi Government's response to it, can be found in Section 12.1.

656. Prime Minister Maliki told Mr Asquith two days later that he was disappointed at the "reprehensible" way in which the raid had been conducted and the violation of Iraqi sovereignty that it represented.[342] He warned that the consequence of such operations might be severe restrictions on the ability to deploy the Iraqi Special Forces. A joint investigation was launched into the incident.

657. In a video conference with President Bush on 6 March, Mr Blair said that Prime Minister Maliki was "irritated" with the 3 March raid, but suggested that irritation was positive evidence of taking greater responsibility.[343]

658. Mr Blair said that the UK was "making progress against the JAM" in Basra, and retained "full combat capability" there. He suggested that close engagement on reconciliation remained necessary.

659. On 7 March, the Fadhila Party announced that it was withdrawing from the United Iraqi Alliance (UIA) and establishing itself as an independent bloc.[344]

660. Mr Asquith commented:

> "That is good for Iraq in the medium term in that it introduces flexibility into the sectarian rigidities. But in the short term, it produces a further element of uncertainty … There is no immediate threat to the BSP [Baghdad Security Plan], to which political leaders … remain committed. However … UIA is visibly weakened … Fadhila's platform (moderate, nationalist, non-sectarian, separation of clergy from active participation in policies) has wide appeal, particularly to other disaffected in the Shia bloc … I doubt at this stage Allawi will formally join … But he and Fadhila will be going after some of the same constituency … This points to Allawi working more in opposition to Maliki than in support. Maliki, more exposed to SCIRI

---

[340] *The Guardian*, 5 March 2007, *Raid at Iraqi compound finds signs of torture*.
[341] *BBC News*, 5 March 2007, *Iraqi PM condemns 'illegal' raid*.
[342] eGram 9049/07 Baghdad to FCO London, 6 March 2007, 'Iraq: Meeting with Prime Minister Maliki, 5 March'.
[343] Letter Fletcher to Hayes, 6 March 2007, 'Prime Minister's VTC with President Bush, 6 March: Middle East'.
[344] eGram 9559/07 Baghdad to FCO London, 8 March 2007, 'Iraq: Weekly Assessment'.

predominance in the UIA, will focus his efforts on co-opting those elements of the Sadrist movement he believes can be persuaded to support the political process – indeed may need to take greater risks with those whose loyalties are undecided …"

661. On 8 March, Dr Howells updated DOP(I) on finalisation of the Better Basra Plan and the process for implementing it.[345] It would be circulated out of committee for Ministers "to note".

662. The MOD briefing for Mr Browne, who chaired the meeting, stated that the move to Basra Air Station would "impact significantly on the range of activity the FCO and the PRT can carry out" and encouraged him to ask:

- "Post re-posturing, will it be possible to deliver the effort required [on police training and reform] from Basra Air Station and the Warren?"[346]
- "Will FCO be able to achieve the level of local political engagement required, particularly over the critical period when UK forces are re-posturing?"[347]

663. DOP(I) also discussed a paper on the humanitarian situation in Iraq and concluded that the UK should lobby the UN, the Red Cross and others to step up their actions to address it.[348]

664. An FCO paper on the Iraqi judicial system was also tabled.[349] It raised issues with a backlog of thousands of pre-trial detainees and with interference in judicial independence.

665. The Attorney General told the meeting that the importance of the rule of law could not be overstated and agreed to visit Iraq as proposed by the FCO.[350]

666. Also on 8 March, Maj Gen Shaw wrote in his weekly report:

"It is clear that the [NIIA] raid was both legal and, in tactical targeting terms, a good call … Within the context of the wider politics of Iraq and with the benefit of hindsight, however, the operation was ill-judged. Local political reaction has been relatively muted … My sense though is that, locally, the desire for progress and transition remains and this should motivate them to treat this incident more as a speed bump than an obstacle …"[351]

---

[345] Minutes, 8 March 2007, DOP(I) meeting.
[346] See Section 12.1 for a description of the Warren site.
[347] Minute Fern to SofS-PSSC [MOD], 7 March 2007, 'Defence and Overseas Policy Sub-Committee on Iraq – (DOP(I)) – Steering Brief'.
[348] Minutes, 8 March 2007, DOP(I) meeting.
[349] Paper IPU/Bagdad Embassy, 6 March 2007, 'The Iraqi Judicial System'.
[350] Minutes, 8 March 2007, DOP(I) meeting.
[351] Minute Shaw to CJO, 8 March 2007, 'GOC MND(SE) – Southern Iraq Update – 8 March 2007'.

667. In his Weekly Assessment of the same date, Mr Asquith wrote:

> "Iraqi feelings that their sovereignty is being bruised by MNF actions are increasingly prominent … Resentment about MNF actions will inevitably extend to questioning their authorities and then their presence … Acceleration of the PIC timetable is now back on the table, having disappeared temporarily under the welter of activity related to the BSP [Baghdad Security Plan]. The impact of this mood on our plans for Basra, MNF ability to carry out operations against more sensitive Shia/Iranian targets, the June review of SCR 1723 and thereafter on any chances of a successor SCR at the end of the year … is obvious. I don't detect from Maliki any problems (yet) with our Basra timetable – though he is said to be seething at reporting in the Arabic press, drawing on press briefing in London, implying that we would be prepared to repeat the Jameat and NIAA operations if a further such opportunity arose."[352]

668. On 10 March, a meeting of countries neighbouring Iraq and the five Permanent Members of the UN Security Council was held in Baghdad.[353] Attending for the UK alongside Mr McDonald, Mr Asquith reported:

> "Maliki's opening address … sought to reassure participants that the GoI [Government of Iraq] was determined to tackle sectarian violence, but emphasised the common interest in a stable Iraq … Delegates were constructive and supportive in their interventions and the tone of discussions was genuinely positive.
>
> "A common theme was support for the GoI's efforts to overcome the challenges. Iran sought a timetable for the withdrawal of MNF-I as they were part of the problem not the solution … France and Syria also sought a timetable for MNF-I withdrawal."

669. The IPU reported to Dr Howells that the meeting had failed to resolve the format, location and timing of a follow-up meeting of Ministers.[354]

670. The day after the neighbours meeting, Lt Gen Lamb reported that there had been a shift in focus within the MNF-I leadership, with greater recognition of the potential opportunities offered by the engagement/reconciliation framework.[355]

671. Lt Gen Lamb wrote that Gen Petraeus had been "seriously taken" with the quality of the small UK team that was working on this which, combined with the US specialists, had made a significant impact. The results of co-operation in Sadr City were looking promising, with around 1,000 MNF and ISF soldiers entering without a shot fired the previous week.

---

[352] eGram 9559/07 Baghdad to FCO London, 8 March 2007, 'Iraq: Weekly Assessment'.
[353] eGram 9887/07 Baghdad to FCO London, 11 March 2007, 'Iraq: Baghdad Meeting of Neighbouring Countries and P5, 10 March'.
[354] Minute Plato/IPU [junior official] to Casey/Howells, 12 March 2007, 'Iraq Neighbours Meeting, Baghdad', 10 March 2007.
[355] Minute Lamb to CDS, 11 March 2007, 'SBMR-I Weekly Report (247) 11 Mar 07'.

672. Lt Gen Lamb observed that if the MNF were unable to sustain the security initiative, the population would inevitably look to JAM for their future protection. Separately, he noted that the US was planning to send an additional 2,200 Military Police to Iraq to help with the expected additional prisoners resulting from Operation Fardh al-Qanoon.

673. In relation to the NIIA raid, Lt Gen Lamb reported that:

> "The political aftermath of the Basra incident continues to play high in Baghdad a week after the event. Whatever the rights and wrongs, the facts or speculation … the incident … lit the touch paper on an issue that has been gaining increasing importance ever since May 2006 – that of Iraqi sovereignty and dignity. It is one that, above all, the Prime Minister [Maliki] has invested significant personal capital in, and … will affect all our relationships and authorities throughout 2007 – seeing them becoming increasingly restricted … Even with our most comfortable of interlocutors, the feeling has been of deep embarrassment and anger. So unless we ensure, both at home and in-theatre, that the coalition are operating within the GOI's bounds of acceptable behaviour and sovereignty, we will find ourselves with much to lose. Consequently, I sense, the mid-year UNSCR review has the potential to be a significantly more important event than it was last time round."

674. Gen Petraeus told Mr McDonald that the NIIA operation "continued to cause ripples".[356] Things had gone wrong and there were lessons to be learned, but he was "broadly content" with the UK's plans for re-posturing in Basra, having been reassured by contact with No.10.

675. In his weekly report of 15 March, Maj Gen Shaw reflected:

> "If we are to address the Iraqi end-state, our focus needs to be less on the 90 percent violence against us, more on the 10 percent reported inter-Shia/Iraqi violence which threatens stability when we are gone. Tackling death squad leaders … who pose the major threat to the political stability of Basra, is the most useful application of military force to support the political end-state …
>
> "My short-term concern is that the issue blights transition … A line needs to be drawn under this operation in the interest of achieving Iraqi self-reliance … My long term concerns centre around the defining impact these investigations will have for our future operations and indeed rationale. Firstly, the 'Untouchable' status of ISOF [Iraqi Special Operations Forces] is already being attacked by the sectional interest within the GOI [Government of Iraq] that (quite rightly) feel threatened by such a body. The fear is that their freedom of movement and action is curtailed, their operations politically constrained; this would be most damaging to ISOF itself and PM Maliki's ability to operate to the national interest. Secondly, the danger is that political constraints are so tightly drawn that MND(SE) cannot operate against the

[356] eGram 9918/07 Baghdad to FCO London, 12 March 2007, 'Iraq – Call on General Petraeus, 11 March'.

10 percent threat to the Iraqi end state. If we ever reached the stage when MND(SE) were restricted to operations in pursuit of our own force protection, we would need seriously to question our rationale for being here."[357]

676. The Mayor of Sadr City, Sheik Raheem Al Daraji, and his friend Mr Mohammed Mutashar, were attacked on 15 March.[358] The Mayor escaped with minor injuries but his friend was killed.

677. Lt Gen Lamb observed that the anger the attack generated within parts of the community had opened an existing rift within JAM/Office of the Martyr Sadr and the 'city' and created a greater willingness for at least parts of an emerging leadership to co-operate with MNF-I.

678. Mr Asquith reported on 15 March that there was growing speculation in Baghdad about the possibility of a coup against Prime Minister Maliki led by Dr Allawi, with one SCIRI cleric claiming that the UK was promoting such a coup.[359] Mr Asquith wrote:

"Allawi as I suspected has moved into opposition mode. He aims to amass sufficient support to force and win a vote of no confidence and assume the Premiership … The constituent elements of the UIA … are testing where separate alliances might be made in case the Baghdad security plan founders …

"My message (private and public) has been to reiterate our solid support for Maliki in his pursuit of establishing the conditions on the ground for greater stability; to encourage those working so hard to build a rival to the current government to direct their efforts instead to contributing to the success of the Baghdad Plan by reassuring Maliki of their support; and to focus them on how they might improve the effectiveness of the government with Maliki as PM …

"Given their number, disparity of views and unpredictability, the Sadrists remain a key element in the political and security reckoning. Their quiescence in Baghdad is largely responsible for the positive early indicators in FAQ [Fardh al-Qanoon]. Essentially Arab (albeit Shia) nationalist in outlook, with non-Islamist and even politically secular strands, there are sections prepared to work with coalition forces – and Sunnis – if they see it to their advantage … This is the moment to bring in the moderates, rather than to take on the whole movement which would risk provoking a schism and the emergence of a radical Taliban-like wing."

679. In a telegram on 16 March, Mr Asquith assessed that the Baghdad Security Plan was continuing to make progress:

"Overall, the picture remains positive. Maliki … continues to impress – out in front and even-handed. But, whenever he has an opportunity, General Petraeus

---

[357] Minute Shaw to CJO, 15 March 2007, 'GOC MND(SE) – Southern Iraq Update – 15 March 2007'.
[358] Minute Lamb to CDS, 18 March 2007, 'SBMRI-I Weekly Report (248) 18 Mar 07'.
[359] eGram 10744/07 Baghdad to FCO London, 15 March 2007, 'Iraq: Weekly Assessment'.

> continues to remind both Iraqi and US audiences that the plan is in its early stages. Success will take months, he says, not days or weeks. This chimes with General Odierno's emerging thinking, leaked to the New York Times last week, that the troop surge should be maintained until February 2008. If his argument gains ground … this will add another dimension to the debate over the renewal of UNSCR 1723."[360]

680. In a letter to Mr Fletcher on 16 March, Mr Browne's Private Secretary reported that three investigations had been launched into the NIIA incident: one by the MNF, one by the Iraqi Ministry of the Interior and one by Prime Minister Maliki's Ministerial Security Adviser on Basra.[361] The MOD recognised that there could not be similar incidents. The MNF was reviewing mechanisms for informing the Iraqi Government of sensitive operations.

681. On 20 March, Mr Blair met ACM Stirrup and senior officials for an update on Iraq.[362] ACM Stirrup reported signs of improvement in security in Baghdad, though there was some concern that JAM might simply be lying low.

682. In Basra, he wrote that a large majority of attacks continued to be directed against the MNF, rather than being intra-Iraqi. If policing and rule of law issues could be addressed effectively, there was a reasonable chance that the overall level of attacks would come down significantly post-transition.

683. ACM Stirrup told Mr Blair that "Petraeus had been helpful in handling the fallout from the raid on the NIIA headquarters, and that this was in any case having only a limited effect on operations in Basra itself."

684. Mr Blair asked about progress on political issues, and in particular reconciliation, emphasising that "it remained one of the highest priorities in achieving long-term success in Iraq". He judged that a more effective strategy was needed "which would involve an identified US/UK figure, working with an identified Iraqi figure, both empowered to deliver serious benefits to Sunni groups". Mr Blair concluded that "if necessary, we should be prepared to exert leverage on Maliki and those around him to deliver on the political aspects of reconciliation".

685. On the same day, Mr Blair spoke to President Bush by video conference.[363] Mr Blair welcomed the relatively positive news coming from Baghdad, observing that it was absolutely clear that the majority of people in Iraq did not want violence. Mr Blair said that it was important that the UK and US continued to support Prime Minister

---

[360] eGram 10747/07 Baghdad to FCO London, 16 March 2007, 'Iraq/Baghdad Security Plan: Week Four of Main Operations'.
[361] Letter Beadle to Fletcher, 16 March 2007, 'Iraq: National Intelligence & Information Agency (NIIA) Operation'.
[362] Letter Banner to Hickey, 20 March 2007, 'Iraq: Meeting with Officials'.
[363] Letter Banner to Hayes, 20 March 2007, 'Prime Minister's VTC with President Bush, 20 March: Middle East and Afghanistan'.

Maliki; a real effort by him on reconciliation would enhance Iraq's relations with its Sunni neighbours.

686. Maj Gen Shaw reported on 21 March: "The ripples of the raid on the NIIA are seemingly spreading the further we get from the operation itself."[364]

687. The Iraqi MOD had issued a letter stating that joint operations between the Iraqi Army in Basra and the MNF should cease (temporarily). Although this had since been rescinded, Maj Gen Shaw commented that "this makes moving Basra forward towards PIC more difficult".

688. On 21 March, at the request of the Iraq Senior Officials Group, the JIC examined the relative threat posed by AQ-I in Iraq compared with other Sunni insurgent groups.[365]

689. The JIC's Key Judgements were:

> "I. Al Qaida in Iraq (AQ-I) is the single largest Sunni insurgent network with the greatest geographical spread and influence. AQ-I's main effort is the prosecution of a sectarian campaign designed to drag Iraq into civil war. Its campaign had been the most effective of any insurgent group: it has had significant impact over the past year and poses the greatest immediate threat to stability in Iraq.
>
> "II. Sustained Multi-National Force (MNF) pressure has prevented AQ-I from establishing unchallenged control across any significant part of Iraq. But it has had only temporary impact on the level of their violence …"

690. The JIC judged that distinctions between "Sunni Arab nationalists" and "jihadists" were increasingly artificial:

> "Although key AQ-I leadership elements remain non-Iraqi, the organisation's membership is overwhelmingly Iraqi and largely indistinguishable from the wider Sunni insurgency. We judge many Sunni insurgents see common cause in resisting Shia violence, the 'occupation' and, increasingly, what they see as a hostile Iranian-backed government."

691. The JIC added in a footnote:

> "The AQ endorsed leader, Abu Ayyub al-Masri, is Egyptian; the nominal (and possibly fictitious) head of the Islamic State of Iraq is Abu Umar al-Baghdadi, an Iraqi."

692. The JIC stated:

> "MNF have identified more than 50 groups by name, but they have no coherent overall leadership, only localised influence and no single dominant group has

---

[364] Minute Shaw to CJO, 21 March 2007, 'GOC MND(SE) – Southern Iraq update – 21 March 2007'.
[365] JIC Assessment, 21 March 2007, 'Iraq: How Important is Al Qaida in Iraq'.

emerged … A number of Sunni groups are involved in sectarian attacks, but we judge AQ-I is in the vanguard: … its strategic main effort is the prosecution of a sectarian campaign designed to drag Iraq into civil war …

"MNF have been successful in identifying and killing or capturing a large number of senior AQ-I leaders … Sustained MNF pressure has prevented AQ-I from establishing unchallenged control across any significant part of Iraq. But it has had only temporary impact on the level of their violence … Networks have proven resilient in the face of losses of both personnel and material … We judge that in many Sunni areas support for AQ-I is now well established. We judge this support is not driven primarily by religious ideology. Coercion and intimidation play a part, but more important factors include AQ-I's visible successes in attacks on the MNF and the Shia dominated Iraqi government, its ample funds and effective propaganda machine: particularly its achievement in portraying itself as the main defender of Sunni interests against Shia attack …"

693. On future prospects the JIC judged:

"… the lack of progress by the Iraqi Government in delivering any tangible progress on national reconciliation, combined with spiralling sectarian violence, has helped bolster support for AQ-I. Unless the Iraqi government can convince Sunnis that it is genuinely interested in their concerns, we judge there is little chance of this trend being reversed. A hard core of Sunni support for AQ-I will remain irreconcilable, but some progress around key issues such as federalism, de-Ba'athification, reform of the ISF, and the release of detainees could erode support among the broader Sunni population."

694. In preparation for a telephone call with Prime Minister Maliki, Mr Blair's Private Secretary updated Mr Blair on the continued fallout from the NIIA raid:

"Maliki was annoyed about this perceived slight to Iraqi sovereignty but his Chief of Staff has advised us against dwelling on the subject. The MNFI investigation has concluded that the operation was conducted in good faith and in support of Iraqi law – that is, with a view to executing a sealed warrant issued by an Iraqi judge in respect of a suspected death squad leader. But no notification was given either to the Iraqi Government or General Petraeus … because the operation has been deemed to be 'time sensitive' by those carrying it out."[366]

695. Mr Blair spoke to Prime Minister Maliki on 22 March.[367] He emphasised the UK's and his own personal "full support" for Prime Minister Maliki's government and assured him that nothing the UK did was intended to undermine or challenge the sovereignty of the Iraqi Government.

---

[366] Minute Banner to Blair, 21 March 2007, 'Phonecall with Maliki'.
[367] Letter Banner to Hickey, 22 March 2007, 'Conversation with Iraqi Prime Minister'.

696. Prime Minister Maliki recognised the need to tackle the militia but believed that, in destroying the NIIA Office, UK officers had contravened the understanding between the Iraqi Government and the coalition.

697. On 22 March, disturbances between JAM and Fadhila in Basra city centre left the Governor and Fadhila "severely rattled" and "beginning to question the advisability of PIC if the Iraqi authorities can't guarantee security".[368]

698. Mr Richard Jones, who had succeeded Dr Marsden as the British Consul General in Basra on 5 March, wrote:

> "The immediate winner from the mayhem was JAM … But I think JAM's triumph will be pretty short-lived. It continues to disintegrate into splinter groups … And it should realise that the public appetite for this sort of blatant violence has real limits … If there is a single winner from 22 March, it may be Badr/SCIRI, who stood apart from the fray …"

699. Mr Jones reported that the impact of the incident had been:

> "Prominent Basrawis whom the GOC and I have met this week have all expressed concerns about future power struggles, particularly after transition to PIC. The general atmosphere among the local population remains one of fear, insecurity and a lack of trust in public institutions … That said, the Iraqi authorities and the figures mediating between the parties … managed to keep a lid on the situation … So we should clearly continue our work to prepare the security forces to take on full responsibility as soon as possible. And we should prepare ourselves for the fact that … the political solutions may not always be the ones that we would instinctively go for – what matters is that they buy the consent of Basrawi citizens."

700. Mr Blair wrote on Mr Jones' report: "How do we get a clear sense of who will control Basra & who do we want?"[369]

HMS Cornwall

On 23 March, 15 personnel from the frigate HMS Cornwall were captured by the Iranian navy.[370] They were undertaking what the MOD described as a routine patrol in Iraqi waters and had been travelling in one of two small boats launched in order to board a vessel believed to have a suspect cargo. Iranian state television reported, however, that their boat had entered Iranian waters.

---

[368] Letter Jones to Aldred, 29 March 2007, 'Basra: Weekly Report'.
[369] Manuscript comment Blair on Letter Jones to Aldred, 29 March 2007, 'Basra: Weekly Report'.
[370] *BBC News*, 23 March 2007, *UK sailors captured at gunpoint'*; House of Commons, *Official Report*, 16 April 2007, columns 23-28.

Mr Browne made a statement to the House of Commons on 16 April describing the events that followed:

> "The Iranians detained our personnel illegally, taking them first to an Iranian Revolutionary Guard naval base, and from there to Tehran. We made it clear, both directly to the Iranians and in public statements, that their detention was unacceptable and that they should be released immediately. We made intense diplomatic efforts to establish direct lines of communication with Iranian leaders, to prevent the situation from escalating and to resolve it quickly."[371]

The personnel from HMS Cornwall were held until 4 April, when their release was unexpectedly announced by President Ahmadinejad during a press conference.[372] Whilst in captivity, footage of some of the crew confessing that they had trespassed in Iranian waters had been broadcast.[373]

Lt Gen Lamb reported on 25 March that the incident:

> "… has had an unhelpful impact on business, which will take some days to work through. Both the Ambassador [Mr Asquith] and I are working with Iraqi colleagues to secure a result and get our boys back, but unfortunately, this heaps more pressure on Maliki right when he doesn't need it."[374]

After the personnel were released, considerable controversy was generated by the decision to allow individuals to sell their accounts to the media. Mr Browne told the House of Commons that he had "made a mistake" in agreeing the advice from the Royal Navy that this should be allowed to happen.[375]

On 8 April Lt Gen Lamb wrote in his weekly report:

> "… the mood music here is that the US is delighted at the safe return of the crew, but somewhat mystified at their conduct both at the point of capture but more so on their behaviour subsequently in detention which they found very un-British … The Iraqis are similarly nonplussed that we appear to have co-operated with the Iranians' media drive. I am unsighted to the detail but the breaking news that those detained by the Iranians have been given permission to sell their stories leaves an old and increasingly worn General like myself questioning what has become of a military whose heritage to this date has been revered by virtually every other nation as the benchmark of fortitude, service and sacrifice."[376]

Lieutenant General Sir Robert Fulton was appointed by ACM Stirrup to lead an inquiry into the operational aspects of the incident, and an MOD review of media handling led by Mr Tony Hall, a former head of BBC News, was also launched.

---

[371] House of Commons, *Official Report*, 16 April 2007, column 24.
[372] *BBC News*, 4 April 2007, *Iran drama played out on world stage.*
[373] *BBC News*, 4 April 2007, *Images 'part of propaganda war'*.
[374] Minute Lamb to CDS, 25 March 2007, 'SBMR-I Weekly Report (249) 25 Mar 07'.
[375] House of Commons, *Official Report*, 16 April 2007, column 25.
[376] Minute Lamb to CDS, 8 April 2007, 'SBMR-I Weekly Report (250) 8 Apr 07'.

The Foreign Affairs Select Committee (FASC) published its report into the incident on 17 July 2007.[377] The FASC concluded that it was "difficult to fault" the UK's diplomatic approach to the incident, and condemned the Iranian authorities for the actions. It found no evidence of a deal between UK and Iran to ensure release. The decision to allow individuals to sell their stories to the media, however, was found to be "a disturbing failure of judgement".

701. On 23 March, Deputy Prime Minister Zawbaie, a Sunni, was seriously injured by a suicide attack carried out by one of his own security staff.[378] Minutes later, at least nine people, including Mr Zawbaie's brother and sister, two guards and an imam were killed by a car bomb in one of his security team's vehicles.

702. Towards the end of March, Ambassador Ryan Crocker took up his post as the new US Ambassador to Iraq.[379] A career diplomat, he had previously served as Ambassador in Lebanon, Kuwait, Syria and Pakistan. Between May and August 2003, he had deployed to Baghdad as Director of Governance in the Coalition Provisional Authority.

703. After a visit to Washington from 25 to 27 March Mr McDonald reported that the city was "obsessed by Iraq".[380] He wrote:

> "Whatever the reasons for the Republicans' defeat in November 2006 … Democrats in Congress were behaving as if Iraq had been the main issue, giving them a mandate now to change policy. Nineteen months before presidential election day, Iraq is shaping the campaign … The effect of Iraq on presidential politics rather than the effect of what the US is doing in Iraq is the focus of attention.
>
> "No one I met expected Bush to change course. If Operation Fardh al-Qanoon failed, then there would have to be another similar plan; Bush would not leave or lose Iraq during his presidency. Whatever Petraeus said he needed, Bush would try to give."

704. On 27 March, a Deputy Chief of the Assessments Staff provided Mr McDonald with an update covering recent intelligence on progress towards national reconciliation in Iraq.[381]

705. The update said that progress on national reconciliation had been "negligible", with no progress on de-Ba'athification, slim prospects of provincial elections going ahead in the near future, no significant progress on the constitutional review and limited progress on a Hydrocarbons Law.

---

[377] Sixth Report from the Foreign Affairs Select Committee, Session 2006-07, *Foreign Policy Aspects of the Detention of Naval Personnel by the Islamic Republic of Iran*, HC 880.
[378] eGram 12813/07 Baghdad to FCO London, 28 March 2007, 'Iraq: attempted assassination of Deputy Prime Minister Zawbaie'.
[379] US Department of State Biography, Ryan C Crocker.
[380] Minute McDonald to Lyall Grant, 30 March 2007, 'Iraq/US Presidential Election'.
[381] Minute [Deputy Chief of Assessments Staff] to McDonald, 27 March 2007, 'Iraq: Reconciliation'.

706. Mr Powell passed a copy of the paper to Mr Blair, with the comment: "depressing reading".[382] Mr Blair responded: "V. Depressing. Can we share this with the US? I remain of the view that this issue is central. Can I see Petraeus?"[383]

707. In a video conference with President Bush on 28 March, Mr Blair said that the UK would be able to make much better progress in Basra if Prime Minister Maliki "took a consistent, firm line on the sectarian militia elements that were causing trouble there" and asked the President to reinforce this message.[384]

708. In late March, a leading Sadrist militiaman, Qais al Khaz'ali, was detained by the MNF in Basra.[385] He had been incriminated in operations against the MNF and had direct links with the Iranians; but he had also been used by Prime Minister Maliki as a channel to the Sadrist movement and Muqtada al Sadr. Prime Minister Maliki sought al Khaz'ali's release, but Mr Asquith described the US as "unpersuadable".

709. Mr Asquith saw this as a test of Prime Minister Maliki's approach to reconciliation. He considered that it was in the UK's interest to help Prime Minister Maliki neutralise a JAM challenge to Operation Fardh al-Qanoon. The coalition therefore needed "to help him find alternative routes into tractable Sadrists while reinforcing its own message that it is prepared to deal with the biddable".

710. On 30 March, Mr Blair's Private Secretary told him that:

> "The Baghdad Security Plan is having some success in reducing the effectiveness, but not the number of attacks (by, for example, improving physical protection of market areas). But violence is being displaced out of Baghdad, and there have been a few major, mass-casualty attacks this week."[386]

711. On Basra, the Private Secretary's update stated:

> "The continued disruption of JAM 'secret cell' activity appears to be reducing attacks on the coalition somewhat, but local politics are becoming more nakedly violent."

712. Mr Blair annotated the section referring to progress of the Baghdad Security Plan with the comment:

> "It is reconciliation that is the missing part of this."[387]

---

[382] Manuscript comment Powell on Minute [Deputy Chief of Assessments Staff] to McDonald, 27 March 2007, 'Iraq: Reconciliation'.
[383] Manuscript comment Blair on Minute [Deputy Chief of Assessments Staff] to McDonald, 27 March 2007, 'Iraq: Reconciliation'.
[384] Letter Banner to Hayes, 28 March 2007, 'Prime Minister's VTC with President Bush, 28 March: Middle East issues'.
[385] eGram 13103/07 Baghdad to FCO London, 29 March 2007, 'Iraq: Weekly Assessment'.
[386] Minute Banner to Prime Minister, 30 March 2007, 'Iraq Update; 30 March'.
[387] Manuscript comment Prime Minister on Minute Banner to Blair, 30 March 2007, 'Iraq Update; 30 March'.

April 2007

713. In his weekly update on 3 April, Maj Gen Shaw reported that despite "the noise of everyday events" the "surprising thing is how much UK campaign aspirations are on track".[388] He attributed that to an increasing US and Iraqi desire to accelerate transition to PIC.

714. Maj Gen Shaw's report also reflected on UK understanding of the political dynamics within Iraq:

> "When this HQ arrived we came with a thesis based on the work of the historian Charles Tripp … that Iraqi power had been split since the 1920s between the official and the shadow states; that the official state had been degraded by the Iran-Iraq war, sanctions and then the 2003 invasion and subsequent CPA decisions; and that the 2005 elections were more of a census than a democratic election – people voted on sectarian lines. The result is an official state (political structures and parties) populated by the shadow state (militias), much of it backed by their own dark state (death squads, secret cells). The removal of Saddam removed the major unifying factor in Iraq; now there is competition within and between these layers of power. After three months … this analytic prism [is] the only one that makes sense of what is going on here."

715. Maj Gen Shaw observed that:

> "It is people's actions, rather than their affiliations to a particular militia, that determine whether they are a force for stability in Iraq or not. Muthanna and Dhi Qar achieved PIC precisely because of the stability generated by Badr/SCIRI dominated political and ISF institutions; Maysan's PIC is based on JAM/OMS ability to deliver stability and in particular the Governor of Maysan who is a Sadrist and who undoubtedly has links to JAM in the Province. He is also, however, one of the most convincing, technocratic and professional politicians I have met in Iraq; if anyone can deliver Maysan, he can."

716. Looking ahead, Maj Gen Shaw wrote:

> "The major question for the South is the scale and depth of Iran's ambitions with regard to Iraq. While Iran seeks currently to use its backing of a number of groupings to create a level of instability for MNF, the question is what its ambitions are once MNF has departed. There will always be an Iranian influence in Iraq, the bonds of family and tribe reach back years and do not respect the artificial borders drawn by others. Economic trade across the border is an essential feature of life and is potentially a positive factor for both Iraq and Iran in the future. Our assessment at present therefore is that an unstable neighbour is not in the longer-term interests

---

[388] Minute Shaw to CJO, 3 April 2007, 'GOC MND(SE) – Southern Iraq Update – 03 April 2007'.

of Iran. If this is true then the question becomes what happens to the relationship between Iran and those it has been backing.

"Iran is … backing a number of horses, providing funding to both their long-term partners Badr/SCIRI and others such as JAM … This would seem to suggest that Iran will still wish to have influence (although not necessarily malign) through Badr/SCIRI and the political process and that JAM is a short term expedient to cause trouble for MNF. Once MNF has departed it is not clear how open SCIRI will be to being run from Iran – are they bought or have they been rented? We assess at present that they have not been bought and that their aspirations for Iraq are nationalist ones …

"With Muqtada remaining in Iran he is unable to exercise control over his organisation [JAM]. This, along with strikes against JAM in both the north and south, all serves to make the JAM franchise increasingly incoherent. Perversely, while this is partly MNF's aim, a complete fracturing of the organisation may not be in our interests – you cannot do a deal with chaos! There needs to be a rump left of sufficient size and coherence with which we can pursue reconciliation."

717. On 4 April, the Iraqi Government announced that Maysan would transfer to PIC on 18 April.[389]

718. In a video conference discussion with President Bush on 5 April, Mr Blair said that "there was some chance of a deal with a more significant proportion of the Sunni insurgency than we had previously been able to reach".[390] He suggested that the coalition's aim should be to "make common cause" with them against the elements of AQ-I whose attacks "were the greatest spur to continued sectarian violence".

719. The impact of the NIIA raid continued to be felt: in early April Dr Safi al-Safa, Acting Justice Minister, issued a statement demanding a formal apology for the incident.[391]

720. Dr al-Safa said that the coalition should "acknowledge that members of the Multi-National Forces have overstepped their authority, committed a major mistake and were negligent in allowing prisoners to escape".[392]

721. Prime Minister Maliki's office responded by saying that Dr al-Safa's statement did not necessarily reflect the views of the Iraqi Government.[393]

---

[389] eGram 14083/07 Baghdad to FCO London, 4 April 2007, 'Government of Iraq Announces Transition in Maysan'.
[390] Letter Banner to Hayes, 5 April 2007, 'Prime Minister's VTC with President Bush, 5 April: Middle East Issues'.
[391] Minute Jones to Aldred, 12 April 2007, 'Basra: Weekly Report'.
[392] Global Policy Forum, 6 April 2007, 'Iraq Says British Raid Was a Violation'.
[393] Minute Jones to Aldred, 12 April 2007, 'Basra: Weekly Report'.

722. Maj Gen Shaw's Chief of Staff reported on 12 April:

> "It has been a sobering week. The conspicuously smooth and successful handover of the Shatt al-Arab Hotel was counter-pointed by … attacks … that resulted in the deaths of four soldiers, one interpreter and four wounded … We are … engaged in a dynamic struggle with a resourceful and adaptive enemy."[394]

723. On 12 April, Sir Nigel Sheinwald spoke to Iraqi Deputy Prime Minister Barham Salih who said that in order to make progress on reconciliation:

> "Two key pieces of legislation were needed, which would require US and UK support and lobbying. The de-Ba'athification law had been agreed by Maliki and Talabani, but was still being resisted by parts of the UIA … The Hydrocarbons Law was almost there, but still required some further engagement with the Kurds. There was also a need for structural reform of the government to enable power-sharing with the Sunnis and Kurds, and prevent their marginalisation."[395]

724. In a separate conversation Dr Muaffaq al Rubaie, the Iraqi National Security Adviser, told Sir Nigel that "there was a growing consensus in support of the need to rehabilitate and reconcile".[396]

725. After a discussion about Basra, Dr Rubaie proposed establishing regular round table discussions between key Iraqi and UK leaders in Baghdad and Basra. Sir Nigel thought this should go ahead. Mr Blair agreed.[397]

726. On 13 April, a Cabinet Office official told Mr Blair that an International Compact would be launched on 3 May, followed by a "Neighbours Plus Ministerial meeting" the next day (see Section 10.2).[398] The Iraqi Government was expected to use that as an opportunity to urge international partners to pledge investment and consider further debt relief for Iraq.

727. The official wrote that "encouraging investment in the current security environment, and in the absence of any real progress on the **reconciliation** agenda, will be difficult". Against that point, Mr Blair wrote "this is the key".

---

[394] Minute Thomas to CJO, 12 April 2007, 'COS HQ HMDMND(SE) – Southern Iraq Update – 12 April 2007'.
[395] Letter Cabinet Office [junior official] to Hickey, 12 April 2007, 'Iraq: Nigel Sheinwald's Conversation with Barham Saleh, 12 April'.
[396] Letter Cabinet Office [junior official] to Hickey, 12 April 2007, 'Iraq: Nigel Sheinwald's Conversation with Muaffaq al Rubaie, 12 April'.
[397] Manuscript comment Blair on Letter Cabinet Office [junior official] to Hickey, 12 April 2007, 'Iraq: Nigel Sheinwald's Conversation with Muaffaq al Rubaie, 12 April'.
[398] Letter Cabinet Office [junior official] to Prime Minister, 13 April 2007, 'Iraq Update, 13 April' including manuscript comment Blair.

728. On 15 April, Lt Gen Lamb reported encouraging signs of progress elsewhere in Iraq:

- significant increases in the volume of weapon and IED caches found in Multi-National Division (West), indicating a marked improvement in local tribes' co-operation;
- economic development in Baghdad, despite the continuing security difficulties; and
- a growing number of groups that were prepared to tackle their differences through dialogue rather than violence.[399]

729. In Basra, he considered the MNF-I were "seeing a subtle shift amongst the wider Sadrist trend and with it the tensions within JAM".

730. On Iran, Lt Gen Lamb wrote:

> "What is clear as we continue to 'stress' the IRGC [Islamic Revolutionary Guard Corps], Quds Force and their surrogates inside Iraq is that we are unpicking what has been a slow build plan of active interference and Iranian control that set out to humiliate the coalition, especially the US and UK, kill its Forces and intimidate or buy its way into positions of superior influence and power. This plan is for the first time being seriously challenged and consequently damaged … Our current actions … intend to remove the current imbalance of interference and control of Iran within Iraq …
>
> "Iranian oil prices, as a result of an unsettled market due to Iraq's problems, are resulting in an additional revenue to Iran of around $30-$40 million per day – funding terrorism in Iraq might seem a good investment. Regrettably, the same would be true for any other oil selling nation in the neighbourhood."

731. In response to a call at Friday prayers the previous week, a demonstration against Governor Waili took place in Basra on 16 April.[400] Despite the prior involvement of senior Baghdad politicians in planning the demonstration, the fear of unrest was sufficient for Prime Minister Maliki to order that official approval for the demonstration be withdrawn. It nonetheless went ahead (peacefully) on 16 April, with several thousand demonstrators, including a "prominent JAM presence". Mr Jones commented:

> "This doesn't make it any easier to work out what outcome we would like. Our ability to pick winners under the circumstances is extremely circumscribed (and would in any case be the kiss of death for our favoured candidate). Nor will we ever be able to perform the complex acts of juggling which will be required to keep the three blocs satisfactorily in play for an accommodation to be found. But we can continue to encourage the politicians to go down the path of peaceful discussion within the law;

---

[399] Minute Lamb to CDS, 15 April 2007, 'SBMR-I Weekly Report (251) 15 Apr 07'.
[400] Letter Jones to Aldred, 19 April 2007, 'Basra: Weekly Report'.

and to nudge them towards choosing figures that would share this approach, and be more interested in delivering good governance in Basra than lining their own pockets and giving in to or actively supporting the men of violence."

732. On 18 April, Baghdad was hit by a string of vehicle bomb attacks, which killed almost 200 people, including 140 in one incident at a food market in the Shia-dominated Sadriya district.[401]

733. In mid-April, the six Sadrist Ministers withdrew from their positions in the Iraqi Government, citing the continued presence of US forces in Iraq.[402]

734. Mr Blair's Private Secretary told him on 20 April that it was "becoming apparent that this was a Muqtada initiative".[403]

735. On 19 April, Mr Browne told the House of Commons in a written statement that transition to PIC had taken place in Maysan the previous day.[404] The statement continued:

"Establishing Provincial Iraqi Control does not guarantee Maysan is a benign environment in security terms, or that future challenges may not arise, but it does mean the Iraqi security forces are judged now to be able to respond effectively to those challenges themselves."

736. Maysan was the third province within MND(SE) to be transferred to PIC, Muthanna and Dhi Qar having done so in July and September 2006. This left Basra as the only province for which the UK had yet to hand responsibility to the Iraqi Government.

737. On 20 April, Ms Aldred chaired a meeting of the Iraq Senior Officials Group which considered an IPU paper on reconciliation.[405] Mr Blair's Private Secretary suggested that the paper should be made more specific in a number of areas, including Sunni outreach.

738. A revised version of IPU paper was submitted to Mr Blair's Private Secretary later the same day.[406]

739. A separate paper entitled 'Engagement and Reconciliation in Iraq' drafted by the MOD and Lt Gen Lamb was also submitted.[407] Neither paper made reference to the other.

---

[401] *BBC News*, 18 April 2007, *Up to 200 killed in Baghdad bombs*.
[402] *BBC News*, 18 April 2007, *Sadrist pullout draws mixed reaction*.
[403] Minute Banner to Prime Minister, 20 April 2007, 'Iraq update, 20 April'.
[404] House of Commons, *Official Report*, 19 April 2007, columns 11WS-12WS.
[405] Letter Cabinet Office [junior official] to Sheinwald, 20 April 2007, 'Iraq Senior Officials Group'.
[406] Paper IPU, 20 April 2007, 'Iraq: Reconciliation: Forward Plan'.
[407] Letter Beadle to Banner, 20 April 2007, 'Iraq: Engagement and Reconciliation in Iraq' attaching Paper [MOD and Lamb], 'Engagement and Reconciliation in Iraq'.

740. In its paper, the IPU judged that there were "no quick fixes on offer" and that "the experience of the last four years argues against a 'grand bargain' approach".[408] Mr Blair annotated this paragraph "Why? The incremental approach has hardly worked."

741. IPU diagnosed the main obstacle to progress as:

> "Iraq has no tradition of power sharing or properly representative Government … It can only work if the leaders of all Iraq's main communities believe that it is in their best interests wholeheartedly to engage in it. That is not yet the case."

742. In the future, IPU recommended that the UK should pursue a more strategic approach to the process of reconciliation, through support to Prime Minister Maliki's Office and MNF-I's Joint Reconciliation and Support Cell. Prime Minister Maliki should be persuaded to change his manner of governing and to make early progress on some of the key issues (de-Ba'athification, Hydrocarbons legislation and amendments to the Constitution). Violence should be reduced and Iraq's neighbours should be persuaded to be more supportive.

743. On the IPU paper, Mr Blair commented:

> "I'm afraid I don't find this at all persuasive. It is essentially the same strategy but trying harder. It won't work. The US/UK are consistently underestimating their ability to insist. Maliki & Iraq must be made to go down the reconciliation path with vigour. Encouraging it hasn't worked. It has to be forced."

744. The MOD paper summarised current activity on reconciliation by a small team led by Lt Gen Lamb in Baghdad and said that "senior commanders and others have identified a fleeting opportunity that has the potential to deliver a significant campaign advantage".[409] The MNF-I Engagement and Reconciliation effort was focused on drawing into the political process those insurgent groups that MNF and the Iraqi Government assessed as "potentially reconcilable" and was considered to be a "core output" of the military campaign.

745. The MOD explained:

> "The 'Sunni' initiative has established and developed discreet dialogue with the key Islamic religious leadership of two of the major insurgent groups … The emerging leadership … is now, we believe, likely to open dialogue with the Iraqi Government and MNF-I, engage in the political process and, subject to these discussions, follow up with a series of confidence building measures. These range from fighting Al Qaida (AQ) as part of a Government authorised force and the signing of a ceasefire agreement with coalition and Iraqi security forces and to public statements exposing the true nature of the AQ threat to Iraq. This initiative has created tensions

---

[408] Paper IPU, 20 April 2007, 'Iraq: Reconciliation: Forward Plan' including manuscript comment Blair.
[409] Letter Beadle to Banner, 20 April 2007, 'Iraq: Engagement and Reconciliation in Iraq' attaching 'Engagement and Reconciliation in Iraq'.

> within the Sunni insurgent movement with clear indications of splintering within these groups. Elements are likely to break away and our judgement is that the majority will side with political engagement and away from violence. We are also making similar inroads with the Sadrist trend and National Ba'ath Party, amongst others …
>
> "The aim is to make tangible progress by late July to underpin General Petraeus' 'Honest Assessment' to Congress in early August."

746. In a covering letter, Mr Browne's Private Secretary explained that the paper was being submitted to the Defence Secretary in parallel and commented:

> "I am convinced there is something we can do to give a reconciliation initiative a push. In addition to making sure it is resourced properly and quickly we might also see whether there is a potential to push a UK/US announcement of the right sort. A direct reference to this specific work is too crude and potentially damaging but I think we can be imaginative about say wrapping up transition, cease-fires, weapons programmes and development in specific areas (Basra as a pilot?)."

747. At the same time as papers on reconciliation were being considered by Mr Blair, IPU submitted advice to Dr Howells proposing that the UK should work to postpone the referendum on Kirkuk and other disputed territories.[410] Iraq's Constitution required that this should take place by the end of 2007.

748. IPU judged that delay was wise because of poor preparations, which meant that a referendum held before the end of the year was unlikely to be credible and could spark further insecurity. The main barrier to delaying the referendum would be Kurdish objections.

749. On 22 April, it was agreed at the Ministerial Committee on National Security meeting that Prime Minister Maliki would chair a group (to include MNF-I) to determine what the Government of Iraq would be prepared to offer to opposition and resistance groups in exchange for renouncing violence.[411]

750. Lt Gen Lamb reported on the same day that Gen Petraeus considered that his "Engagement" team was central to success in Iraq and should be enhanced to include a "British two-star lead and UK supporting cast of around eight people for a 'surge' of 60-90 days".[412]

---

[410] Minute IPU [junior official] to Howells, 20 April 2007, 'Iraq – Referendum on Kirkuk and Disputed Territories'.
[411] eGram 16933/07 Baghdad to FCO London, 25 April 2007, 'Iraq: Scenesetter for Visit by Secretary of State for Defence, 30 April'.
[412] Minute Lamb to CDS, 22 April 2007, 'SBMR-I Weekly Report (252) 22 Apr 07'.

751. Lt Gen Lamb also reported that Operation Fardh al-Qanoon continued to make progress despite the 18 April attacks. He wrote:

> "Regrettably it is all too easy for AQ to generate 'spectaculars' and give the impression that things are worse than they actually are, but the most recent trend data suggests otherwise."

752. Maj Gen Shaw's 24 April weekly report noted that an IED attack in Maysan on the day following PIC "served as a sharp reminder that problems remain in the Province and that it is not a benign environment for the soldiers serving there".[413] He continued:

> "Whether this has been a good or a bad week depends on your criteria, on what you are looking to measure. Positively, our posture is where we would want it to be … But the cost mounts: a week to go and this is already the most costly month of Op TELIC since the invasion. We are at the limit of our ability to achieve effect, in particular to do anything about the casualties we are taking … The threat will not go away; indeed, our Theatre view is that there is no incentive for it to do anything but rise for as long as we are here. This will necessitate continued and probably increasing investment in response, for as long as our presence here is judged to be of sufficient political benefit to justify the cost in coalition lives."

753. Mr Blair annotated the final phrase, "it is only military benefit that counts".[414]

754. On 24 April, Lt Gen Houghton told the Chiefs of Staff that April:

> "… had been a bad period for casualties and it was conceivable that the coherence between the number and rate of tactical losses and the UK's strategic ambition in Iraq might therefore, in public and other eyes, be called into question".[415]

755. On 25 April, Mr Blair's Private Secretary told the FCO that Mr Blair had concluded the IPU paper on reconciliation did not "do justice in urgency or scale of ambition to the task in hand".[416] He asked Mr Browne and Mrs Beckett to use their forthcoming visits to the Middle East to explore the scope to intensify efforts on reconciliation. The FCO and MOD were to produce "a more ambitious reconciliation plan" by 8 May. In the meantime, there should be a rapid deployment of civilian and military staff to the Joint Reconciliation and Support Cell.

756. On 25 April, at the request of the Iraq Senior Officials Group, the JIC assessed the possible impact of PIC on southern Iraq.[417]

---

[413] Minute Shaw to CJO, 24 April 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 24 April 2007'.
[414] Manuscript comment Blair on Minute Shaw to CJO, 24 April 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 24 April 2007'.
[415] Minutes, 24 April 2007, Chiefs of Staff meeting.
[416] Letter Banner to Hickey, 25 April 2007, 'Iraq: Reconciliation'.
[417] JIC Assessment, 25 April 2007, 'Iraq: Prospects for Transition in the South'.

757. Overall, the JIC judged:

> "I. Violence in Basra is increasingly focussed on the Multi-National Forces (MNF). Jaysh al-Mahdi (JAM) associated 'secret cells' believe their campaign has driven the MNF out: they will try to maintain momentum until the MNF withdraw from the province altogether. Attacks on the residual presence – particularly at Basra Air Station – will intensify. The JAM networks are resilient: MNF pressure is likely to have only temporary success in disrupting their activities.
>
> "II. Most political parties in Basra see Provincial Iraqi Control as an opportunity to extend their power base. As the scale of MNF presence reduces, violence between rival Shia parties, backed by their militias, is likely to intensify. Provincial elections will be a catalyst."

758. The JIC concluded that political events would have a decisive impact:

> "III. The nature and scale of any intra-Shia conflict will be determined by events in Baghdad and Najaf, particularly the ability of the United Iraqi Alliance to stick together and assert authority over its provincial supporters. In the absence of an effective political brake on serious intra-Shia fighting, the Iraqi security forces would not be able to cope; the police would probably fragment and the army would try to avoid direct confrontation, while seeking to contain the situation.
>
> …
>
> "VI. Iran will continue to provide training and weaponry to Shia extremists, mainly JAM, attacking the MNF, with the aim of speeding MNF withdrawal from the south and making its life as difficult as possible so long as it remains."

759. The JIC judged that reported levels of recorded violence in MND(SE) had increased since it last considered the issue in September 2006, and accounted for around 5 percent of the national total. The vast majority of the violence occurred in Basra province and consisted of attacks on the MNF by Shia militia, particularly JAM.

760. In Basra, the JIC assessed that Op SINBAD had had "some local effect in disrupting military activity and improving public confidence" and there was reported to have been a decrease in the number of sectarian and other murders. Politically, JAM was becoming more assertive and willing to use violence to gain advantage.

761. The JIC judged that Muthanna and Dhi Qar provinces were "likely to remain mostly stable", with Muthanna "one of the most stable provinces in Iraq" where the Provincial Reconstruction Team (PRT) was able to operate with little interference.

762. In Dhi Qar, the JIC judged that JAM "secret cells" were becoming more active and there were already some no-go areas for the ISF in JAM-controlled districts of the provincial capital. Maysan was considered "more volatile" with "low level intra-Shia violence … bubbling just under the surface".

763. On 25 April, in a telegram which set the scene for Mr Browne's visit to Iraq, Mr Asquith said that it was hard to provide evidence of a significant improvement in the security conditions in Baghdad as a result of Operation Fardh al-Qanoon:

> "Targeted sectarian assassinations and Shia militia presence on the streets remain at much reduced levels compared to January. But both continue to fluctuate. Spectacular attacks are continuing to push up the casualty levels and play strongly in the media. Al Qaida (AQ) are determined both to prove that they can still operate … and to exacerbate sectarian violence. Shia retaliation has been contained, but the dyke of self restraint will not hold forever. The full effect of FAQ [Fardh al-Qanoon] still awaits full surge, expected by the end of June. Meanwhile, Shia and Sunni both claim they are being targeted by Iraqi and coalition forces …
>
> "In Basra, JAM are continuing to demonstrate their capability to attack us and take our lives. But in reality they are primarily engaged in a messy internecine struggle … This is about the politics of power pursued principally by criminality."[418]

764. Mr Asquith also reported US activity to drive forward reconciliation:

> "Gates's message to the Iraqis during his recent visit was that the clock was ticking for Iraqi delivery on reconciliation. Petraeus and Crocker have signed off on a strategic assessment which … will form the basis of the new campaign plan in May. It differs from previous plans in identifying political agreement between Iraqi leaders as a precondition for delivering security …"

765. Mr Robert Tinline, Deputy British Consul General in Basra, reported on 26 April that the political struggle in Basra, and discussions over Governor Waili's future, continued.[419] He explained:

> "… Basra may be on the brink of a new accommodation between the principal political blocs: Fadhila, SCIRI/Badr and OMS/JAM. It is hard to see a compromise which protects everyone's interests … We are staying in frequent touch with key figures, reinforcing the need for a resolution through peaceful, constitutional means, and the potential impact of widespread violence, not least on the transfer of security. MND(SE) are continuing to make it clear to the relevant Iraqi security authorities that it is up to them to take the lead in controlling the situation, but that they would be able to act in support if requested."

---

[418] eGram 16933/07 Baghdad to FCO London, 25 April 2007, 'Iraq: Scenesetter for Visit by Secretary of State for Defence, 30 April'.
[419] Letter Tinline to Aldred, 26 April 2007, 'Basra: Weekly Report'.

766. On 27 April, Mr Blair's Private Secretary told him that April had seen the greatest number of UK fatalities in Iraq (11)[420] since the end of major combat operations in 2003.[421] Mr Blair commented:

> "I am really not happy about the posture of our Forces in Basra. We must discuss this. There is absolutely no point in taking casualties if they aren't helping the effort."

767. The Private Secretary also explained that he had commissioned further work from departments on reconciliation. Mr Blair replied: "But the FCO and MOD won't respond – we will have to do it."

768. On 29 April, Lt Gen Lamb reported a resurgence of tribal influence in Iraq, with the tribes seen as "an increasingly important coalescing force" who were "beginning to raise their heads above the AQ parapet" and "playing an increasing role in the engagement and reconciliation work".[422]

769. Lt Gen Lamb observed that "we are seeing increasing numbers of the Sunni in particular trying to become part of the AQ-I solution" and that the "co-operation we are receiving to assist in operations in the Ramadi/Fallujah/Abu Ghraib area is notable". Prime Minister Maliki appeared "reasonably comfortable" with the tribal engagement strategy and was continuing his own engagement efforts with Sunni interlocutors in parallel.

770. Lt Gen Lamb also recorded that eight new UK members of staff for the Joint Reconciliation Support Cell were expected in the coming week.

May 2007

771. Mr Dowse responded on 2 May to a request from Sir Nigel Sheinwald for a note on the status of Sunni outreach by the coalition and Iraqi Government.[423] He explained that there were currently two major strands of activity: Sunni insurgent cease-fire negotiations and the initiative to co-opt Sunni tribes in Anbar province.

772. On the first strand of activity, Mr Dowse reported that Lt Gen Lamb had been continuing discussions with representatives of a small number of Sunni insurgents to explore the possibility of local cease-fires with the MNF but commented that the Assessments Staff remained unsighted on the detail, in particular the insurgents' demands.

---

[420] Second Lieutenant Joanna Yorke Dyer, Colour Sergeant Mark Powell, Corporal Ben Leaning, Corporal Kris O'Neill, Kingsman Alan Jones, Kingsman Adam Smith, Kingsman DJ Wilson, Private Eleanor Dlugosz, Rifleman Paul Donnachie, Rifleman Aaron Lincoln and Trooper Kristen Turton.
[421] Minute Banner to Prime Minister, 27 April 2007, 'Iraq Update, 26 April' including Manuscript comment Blair.
[422] Minute Lamb to CDS, 29 April 2007, 'SBMR-I Weekly Report (253) 29 Apr 07'.
[423] Minute Dowse to Sheinwald, 2 May 2007, 'Iraq: Sunni Outreach'.

773. On developments in Anbar, Mr Dowse explained that, since October 2006, Prime Minister Maliki and the MNF had been backing an initiative where local armed tribal groups were being allowed to assume local security responsibilities – including control of police stations. Although it was far from finished, there were indications that AQ-I was feeling the pressure in Anbar. The extent of popular support for the trial opposition to AQ-I was difficult to gauge but Mr Dowse considered that the impact so far was encouraging.

774. Mr Dowse reminded Sir Nigel of the JIC's judgement in February that the prospects for Anbar would depend on the initiative gaining broader support among the Sunni population. That would be difficult as long as rival groups were competing for local power and influence. There was also a risk that, if they prevailed against AQ-I, the Sunni tribal forces would redirect their energies against the Iraqi Government.

775. On 3 May, in response to a request from Sir Nigel, the Deputy Chief of the Assessments Staff provided a minute on Lebanese Hizballah involvement in training Shia groups in Iraq.[424] It said:

> "Lebanese Hizballah has well-established links to Shia groups in Iraq …
> In May 2004 MNF first reported explosives technology exclusively associated with Hizballah (EFPs: explosively formed projectiles) being used in Iraq. More sophisticated EFPs (using passive infra-red initiators) appeared in December 2004."

776. The minute said that the arrangements put in place by Hizballah for training Iraqis who wanted to attack the coalition were assessed to have been put in place at the request of the Iranians. It continued:

> "We assess that the main recipients of Hizballah training are Shia extremists (mainly members of Jaysh al-Mahdi (JAM) but also some from the Badr Organisation); although … a small number of Iranian-backed Sunnis may also have been trained … Skills include small-arms and explosives training and instruction in kidnapping, assassination, surveillance and reconnaissance."

777. Mr Blair commented:

> "But what are we doing about this? Why aren't we raising it with Iran?"

778. In early May, Ambassador Crocker visited Basra.[425] Mr Tinline reported to Ms Aldred:

> "Ambassador Crocker's fleeting visit to the REO [US Regional Embassy Office] at Basra Palace seems to have left a very bleak impression of Basra. Rocket and mortar attacks on the REO dominate US perceptions. Transport complications

---

[424] Minute [Deputy Chief of Assessments Staff] to Sheinwald, 3 May 2007, 'Iraq: Lebanese Training' including manuscript comment Blair.
[425] Letter Tinline to Aldred, 3 May 2007, 'Basra: Weekly Report'.

during his tight visit meant that Crocker left without seeing the British team here. His conclusion that Baghdad needs to pay more attention to Basra may yet help us persuade Maliki to act. But his perceptions may make early handover a harder sell."

779. On 3 May, Mr Blair's Private Secretary told Mr Blair that:

"The US may be becoming more concerned about our own plans for Basra … The US will see the timing [leaving Basra Palace in August] as presentationally, awkward, given Petraeus's planned testimony in the Autumn. They may also have concerns … about the level of criminality and the difficult political situation in Basra, which they would argue should delay PIC. For us, the two key issues are firstly the utility of what our military are doing in Basra; and secondly the need to free up capacity to deploy additional troops in Afghanistan."[426]

780. On 3 May, Sir Nigel Sheinwald told Mr Blair that he had seen ACM Stirrup "privately" and asked him, in light of the high April casualty figures and recent comments, including by Maj Gen Shaw, whether he saw continuing military utility in the UK's mission in Iraq.[427]

781. Sir Nigel informed Mr Blair that ACM Stirrup thought:

"We are getting 'close to the end', but Jock [Stirrup] thought that our presence would continue to be militarily useful at least until PIC and the closure of Basra Palace. Jock hopes that we will be able to keep to the present timetable – PIC in July and BP [Basra Palace] closure in August.

"At that stage, we would come down from 5,500 to around 4,700.

"Jock saw the military utility resting on the continuing need to train the Iraqi 10th Division (he did not talk about the Police, and I think the MOD now regard them as a busted flush), **anti-JAM operations** and capacity to **re-intervene**.

"Thereafter Jock thought that there would be at least a **couple of months** when we could re-intervene effectively and continue to run anti-JAM … operations … [but] once we vacate the Palace … we would … lose our … situational awareness.

"The autumn would therefore be the decisive period …

"If by late autumn the UK capacity to re-intervene and conduct … operations had – as expected – degraded, there would be a residual training/mentoring role, but that did not warrant maintaining the force in its present shape. Jock therefore saw a **choice**, from around the turn of the year, between (a) a very rapid scaling down from 4,700 to around 500 (essentially a small military training team) in one go and (b) taking it in stages … to around 4,000 in the **first** instance and then a more

---

[426] Minute Gould to Prime Minister, 3 May 2007, 'VTC with President Bush: 4 May'.
[427] Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.

gradual tapering. Jock strongly favoured the first option, as once you begin this sort of process, our forces become vulnerable and it is best to get on with things as fast as possible."

782. Sir Nigel commented to Mr Blair:

"This will obviously need to be debated and tweaked a good deal, but I found the overall thesis persuasive. It would be virtually impossible for UK Ministers to ask the Army to stay in significant numbers in Basra if the advice from the Chiefs is that there is no militarily useful mission to conduct – the risks are just too high … The key issue remains the likely **US reaction** to this plan. I suspect that they will want Basra PIC to be delayed from July to the autumn …

"You will need to chair a meeting of DOP in June which would finally confirm the closing of **Basra Palace** in August (which would need to be announced in July); discuss the timing of **PIC**; and could look ahead in general terms to the rest of the year. But it would be too early in June to make any firm judgments, still less any decisions about our long term intentions."[428]

783. Mr Blair commented:

"I entirely understand it in military terms, but in terms of what happens in Basra, it will be very hard to present as anything other than a total withdrawal. This can work if Basra's politics are sorted in the meantime but otherwise it cd be very dangerous for the stability of Iraq, & the US will, rightly, be v. concerned."[429]

784. Mr Browne told Cabinet on 3 May that the "emerging political vacuum" threatened to undermine UK efforts and the gains made by Op SINBAD in Basra.[430] The Governor of Basra was assailed on all sides and was ineffective. The militias were vying for political power and, although the MNF had the capacity to tackle them, doing so raised the threat level to UK forces deployed there: 90 percent of attacks were now directed against the MNF.

785. Outside Basra, Mr Browne said that the security situation was more complex: terrorism was fuelling sectarian violence. The Baghdad Security Plan was reducing violence but could not stop the "spectacular" attacks, coverage of which masked more positive developments. In Anbar province the tribal leaders were taking the lead in driving Al Qaida out.

786. The Shia "remained a significant problem" and were reluctant to let go of their monopoly on power for fear of further subjugation. Mr Browne judged that there was "a closing window for bringing the Shia round".

---

[428] Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.
[429] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.
[430] Cabinet Conclusions, 3 May 2007.

787. Both Mr Browne and Mr Blair said that reconciliation was the key to success; the Shia had to be made to understand that the UK's support was conditional on a non-sectarian future. Mr Blair also briefed Cabinet that British thinking on reconciliation had had "a great impact" on the US.

788. On 3 May, Sir Nigel Sheinwald sent Sir David Manning a "strictly personal" copy of a Note from Mr Blair to President Bush setting out his proposals for future coalition strategy, written in preparation for a video conference the next day.[431]

789. In his Note, Mr Blair characterised the position as:

> "Everywhere in the region at present, we are pinned back. We remain strong. We are not losing. But we are not really able to move forward."

790. Mr Blair argued that Islamist extremists had a "coherent political strategy" for Iraq whereas "our problem is that we don't". He considered himself and President Bush to be "lone voices", with new politicians keen to distance themselves from past events. As a result:

> "People start to think this is a fight we can't win; when in reality it is a fight we have to win."

791. Despite military successes, Mr Blair wrote that progress was always fragile in the absence of a big political deal:

> "For example, in Iraq, we fight on three fronts: the Sunni insurgency; Al Qaida; Iranian-based Shia militia. I asked our top people the other day: if you took Al Qaida and Iran out of the situation, ie the external extremists, would Iraq be manageable? Undoubtedly, they said … But whilst we fight on all three fronts, the Sunni insurgents provide a justification for Shia death squads, and reinforce the Iraqi Government's fears of a Ba'athist return; Al Qaida can claim to be counter-attacking the Shia; and everyone, of course, can blame it on us."

792. In the absence of a "big political strategy for the region", Mr Blair wrote that the news was simply dominated by television pictures of "carnage". In response, Mr Blair saw a need "radically to upgrade our political approach across the region", changing the terms of the debate from "whether we can win", to an "insistence we have to win".

793. Mr Blair wrote that a new political strategy should have three components; reconciliation, exposing Iranian support for terrorism whilst offering a chance to alter and improve the relationship and making progress with the Middle East Peace Process. On reconciliation, Mr Blair commented that "The missing part is the politics" and that the Iraqi Government "can't succeed and won't survive without it".

---

[431] Letter Sheinwald to Manning, 3 May 2007, 'Iraq', attaching Note TB [Blair to Bush], 3 May 2007, 'Note'.

794. Mr Blair added:

> "… Iraq has to be bigger than just Iraq. It has to be part of a more profound and wider picture. People have to see it as a frontier in a battle across the region and the world. That is a battle, as you always rightly say, between freedom and extremism, democracy and terror. But we have to get back onto the front foot politically. I am absolutely confident it can be done. Even after I go, which will be soon now, I will help in any way I can."

795. On 3 May, members of the international community gathered in Sharm el-Sheikh, Egypt to launch the International Compact with Iraq.[432] It was formally launched by Prime Minister Maliki and UN Secretary-General Ban Ki-moon. The UN described the Compact as:

> "… a five-year national plan that includes benchmarks and mutual commitments from both Iraq and the international community, all with the aim of helping Iraq on the path towards peace, sound governance and economic reconstruction."

796. Mr Asquith judged that the Iraqi Government would be seeking "headline-catching support and commitment, notably in terms of debt relief from the Saudis and others" and that a poor response "could undermine the willingness of line Ministries in Iraq to take the Compact seriously and therefore to undertake the reforms that it entails".[433]

797. Mr Asquith proposed that Mrs Beckett, who led the UK delegation, should "encourage Maliki to develop a mechanism for engaging directly with his Arab neighbours (eg a personal envoy) and to establish the working groups agreed at the meeting in Baghdad on 10 March".

798. The launch was followed by a Neighbours Conference on 4 May.

799. Sir David Manning reported US reactions to the meetings on 4 May. His contacts in the State Department and National Security Council considered that "the fact that there had been no big surprises was itself considered a success".[434] Now that the Compact had been formally launched:

> "… the focus was now on substance: exploiting the Compact's reform road-map and shifting the dynamic between Iraq and its neighbours. It was not clear the Sharm meetings had marked any real progress on the latter …"

800. Mr Blair and President Bush spoke by video conference on 4 May.[435] Mr Blair noted that although there were some positive signs emerging from the Baghdad Security

---

[432] Press Release United Nations, 27 April 2007, 'Fact Sheet on the International Compact with Iraq'.
[433] eGram 18202 Baghdad to FCO London, 1 May 2005, 'Iraq: Scenesetter for the Sharm Meetings, 3-4 May'.
[434] eGram 19048/07 Washington to FCO London, 4 May 2007, 'Iraq/Sharm Meetings: US Reactions'.
[435] Letter Banner to Hayes, 4 May 2007, 'Prime Minister's VTC with President Bush, 4 May: Middle East issues'.

Plan, and from activity with Sunni groups in Anbar and elsewhere, enhanced effort was needed on the political agenda and in particular on reconciliation. A high-profile 'grand bargain' was needed to provide a framework for work like that under way in Anbar.

801. Mr Blair considered that a longer-term military commitment in support of Iraq, on a different basis, was needed and should be framed as conditional upon progress with reconciliation.

802. Mr Browne wrote to Mr Blair on 5 May with his assessment of the prospects for successful reconciliation in Iraq, based on a visit to Basra and Baghdad earlier the same week.[436] He reported:

> "Baghdad reinforced my belief that political discord is adding to the effects of terrorist tactics in fuelling sectarian strife."

803. Mr Browne wrote that, even though there was no agreed concept of reconciliation, a package was "deliverable". Work started from a "poor position" but it had US support. A realistic outcome would be to:

> "… reduce the irreconcilable elements but in the end there will still be a significant terrorist threat beyond the reach of the Iraqi state system in the short and medium term."

804. Mr Browne considered that a visit by Mr Blair to Iraq, planned for later in the month, would be "an excellent opportunity to formalise a route to reconciliation". Mr Browne suggested that might mean:

> "A joint UK/Iraqi PM and Iraqi Presidential statement; a clear public commitment from senior members of the GOI [Government of Iraq]; a meeting with a member of the Majar; and perhaps the launch of a suitable international commission of advisers."

805. Mr Blair spoke to Prime Minister Maliki on 7 May, and congratulated him on the outcome of the International Compact meeting.[437] They discussed the security situation in Baghdad and Basra and the importance of MNF-I co-operation with local political and security institutions.

806. Alluding to the continuing difficulties in Basra, Mr Blair noted the difficulty in trying to establish which political forces were the appropriate ones to work with – Prime Minister Maliki said that he was not asking UK forces to deal with militias, but with politicians who had an influence on those militias, as the Iraqi Government did.

807. On 9 May, Mr Asquith reported: "The Political logjam looks as if it might be breaking up."[438] It appeared that the political parties were on the verge of a deal that

---

[436] Letter Browne to Blair, 5 May 2007, 'Iraq: Reconciliation'.
[437] Letter Banner to Hickey, 7 May 2007, 'Conversation with Iraqi Prime Minister'.
[438] eGram 19585/07 Baghdad to FCO London, 9 May 2007, 'Iraq: Weekly Assessment'.

would see Prime Minister Maliki co-ordinating policy with the three-person Presidency, and a more effective division of responsibilities at the heart of government. Mr Asquith commented that the UK should seek to encourage former Prime Minister Ayad Allawi to support the deal and to work constructively with Prime Minister Maliki.

808. DOP(I) met on 10 May, chaired by Mrs Beckett.[439] Four papers were provided for the meeting:

- Mr Browne's letter to Mr Blair of 5 May, setting out his views on reconciliation.[440]
- A minute from Mrs Beckett to Mr Browne following her attendance at the Sharm el-Sheikh meeting, containing her views on reconciliation.[441]
- Two very similar papers produced jointly by the FCO and MOD entitled 'Iraq: After UNSCR 1723' and 'Iraq: MNF-I Mandate in 2008' prompted by the imminent review of resolution 1723.[442]

809. In her minute, Mrs Beckett said that the fact that the meetings in Sharm el-Sheikh took place was proof that headway was being made on reconciliation.[443] But she warned:

> "If Sunni Arab governments do not help Maliki to make early progress [on] reconciliation, I am convinced that they will get what they most fear – an avowedly pro-Iranian (ie SCIRI) government in Baghdad."

810. In private, she reported that the other participants in the conference had been downbeat:

> "While none disputed the central importance of reconciliation, they were negative in their assessment of the Government of Iraq's ability to deliver and guarded about their own willingness to help."

811. The FCO and MOD papers, which considered the mandate for coalition forces in Iraq, both recommended that the UK should press for a further resolution to extend authorisation for the MNF to be present in Iraq, to continue to intern individuals for security reasons and to take "**all necessary measures"** to implement their mandate.[444]

812. The MOD and FCO judged that, despite the fact the Prime Minister Maliki was under pressure to demonstrate Iraqi sovereignty, he would want coalition troops to remain into 2008 because of the Sunni insurgency and levels of ISF capability. Challenges in achieving Security Council agreement were likely to come from the French and Russians, both of whom had called for a clear timetable for withdrawal.

---

[439] Minutes, 10 May 2007, DOP(I) meeting.
[440] Letter Browne to Blair, 5 May 2007, 'Iraq: Reconciliation'.
[441] Minute Beckett to Secretary of State for Defence, 8 May 2007, 'Iraq: Reconciliation'.
[442] Paper Iraq Policy Unit FCO and Joint Commitments MOD, 3 May 2007, 'Iraq: After UNSCR 1723'; Paper FCO and MOD, 3 May 2007, 'Iraq: MNF-I Mandate in 2008: UK Non-Paper'.
[443] Minute Beckett to Secretary of State for Defence, 8 May 2007, 'Iraq: Reconciliation'.
[444] Paper Iraq Policy Unit FCO and Joint Commitments MOD, 3 May 2007, 'Iraq: After UNSCR 1723'; Paper FCO and MOD, 3 May 2007, 'Iraq: MNF-I Mandate in 2008: UK Non-Paper'.

813. In the absence of a further resolution, the MOD and FCO considered that it would be necessary to negotiate a Memorandum of Understanding or a Status of Forces Agreement (SOFA) with the Iraqi Government.

814. The MOD and FCO thought it possible that the Iraqi Government might write into a new Security Council resolution:

- a commitment to complete PIC transfer by a given date;
- more formal Rules of Engagement;
- a timetable for withdrawal;
- a commitment that this would be the last resolution of its kind; and
- removal of powers to intern.

815. The MOD and FCO judged internment to "make an important contribution to force protection". If removed, individuals would have to be released or, in the case of the 30 percent of detainees where there was a criminal case to answer, handed to the Iraqi Government.

816. During the DOP(I) meeting, the point was made that Mr Blair's forthcoming visit to Iraq would offer an opportunity to push for reconciliation, and that the UK and US should stress to the Iraqi Government that continued support and money was conditional on seeing demonstrable progress.[445] An unnamed attendee highlighted the importance of "resolving the detainee situation" since 90 percent of detainees were Sunni.

817. Ministers agreed to aim for a renewal of resolution 1723 in 2008 and to share the paper 'Iraq: MNF-I Mandate in 2008' with the US.

818. Reporting on the situation in Basra, Mr Browne said that 80 percent of the violence there was directed against coalition forces, but that was a manifestation of the political struggles going on beneath the surface. The JAM militia represented a strong political force and there was evidence that some of their attacks against UK forces were being funded by the Iranians. Indirect fire attacks on Basra Air Station remained a serious problem; the US military had lent the UK some Apache attack helicopters which were proving useful.

819. Mrs Beckett told Cabinet on 10 May that the outcome of the Sharm el-Sheikh meeting had been "generally positive".[446] It had been a useful demonstration of international engagement, but in private many had been negative about the Iraqi Government.

---

[445] Minutes, 10 May 2007, DOP(I) meeting.
[446] Cabinet Conclusions, 10 May 2007.

Mr Blair announces his resignation

On 10 May, Mr Blair announced – first to Cabinet and then to party members in his Sedgefield constituency – that he was standing down as Leader of the Labour Party and would be resigning as Prime Minister on 27 June.[447]

820. On 10 May, Maj Gen Shaw reported a softening of the Provincial Council's attitude towards co-operation with MND(SE), with the Provincial Chairman now prepared to engage in telephone (though not yet face-to-face) contact.[448]

821. Resolving the impasse would be important if transition to PIC was to be achieved in Basra in the planned timetable. Maj Gen Shaw commented:

> "Ambassador Crocker's comments post his visit to Basra Palace do not seem to reflect the reality of the situation here. His assertions to the Secretary of State that he had been struck by the seriousness of the security situation and that PIC in Basra under the current climate would be difficult would appear to have more to do with US aspirations to tie us to remaining in Iraq than they do with objective assessment. I was heartened, however, by the Secretary of State [for Defence]'s robust response that August was an important month for UK and we could not take decisions on Iraq in isolation from Afghanistan …
>
> "Ambassador Crocker's comments about the Port (that Iraq's politicians allowed it to be run by the militias) would also appear to have caused a flurry in Baghdad … What is also depressing is the prospect of military intervention at the Port; this may be corrupt, but is also stable and functions. Upsetting the balance of power would not advance stability in Basra by a single step and would not be the best use of Iraqi Army assets …"

822. Mr Blair discussed progress on national reconciliation with President Talabani on 11 May.[449] They considered there had been significant progress, including recent public statements and fatwas from Abdul Aziz al-Hakim (leader of SCIRI) and Grand Ayatollah al-Sistani, which referred to the MNF-I as "guests", with all that that implied in terms of Islamic custom.

823. Mr Blair commented that one of the lessons that had been learned in Northern Ireland was that "if the majority were not able genuinely to acknowledge the minority's right to a share of power, then the majority's own aims could not be met".

---

[447] *BBC News*, 10 May 2007, *Blair will stand down on 27 June*.
[448] Minute Shaw to CJO, 10 May 2007, 'GOC HQ MND(SE) – Southern Iraq update – 10 May 2007'.
[449] Letter Banner to Hickey, 11 May 2007, 'Meeting with Iraqi President'.

824. In his weekly update on 11 May, Mr Blair's Private Secretary wrote:

> "The big issue of the moment – rightly – is reconciliation. At Sharm, Maliki got the message from all present that this should be his priority, and the US have been using every tool at their disposal to reinforce the message."[450]

825. The Private Secretary attached a copy of a speech given by Mr Browne the previous week, which included proposals relevant to Mr Blair's planned visit to Iraq. In it, Mr Browne asked whether military intervention was working in Iraq and concluded "As ever, the difficulties are with the politics". He continued:

> "Delivering on reconciliation is simple in concept but will be extremely difficult to deliver where there is little cohesion between factions – who on the Sunni side can deliver the people? Who on the Shia side commands enough support to make the compromises?"

826. The IPU produced a revised reconciliation strategy on 11 May.[451] Its overall aim was to build mutual confidence and trust between Sunni Arabs and Shia. The detailed objectives were:

- more inclusive government;
- widening political representation and participation;
- progress in reducing the numbers excluded by de-Ba'athification;
- progress on agreeing hydrocarbons legislation;
- changing the regional context; and
- a more strategic approach to reconciliation both by the Iraqi Government and by the coalition.

827. The IPU also highlighted a "pressing need for action" on the issue of detainees, possibly by offering an amnesty.

828. Mr Blair commented:

> "This is a much better paper. But the key missing element remains. Neither the process nor the individual items of attainment/goals of reconciliation are achievable unless set out in a proper agreement to which everyone – Iraqi Gov[ernmen]t, Iraqi factions, clerics, US, UK, MNF and Arabs – sign up."

829. On 13 May, Lt Gen Lamb reported that "significant progress" continued to be made in Anbar province, where attacks were down to five or six a day compared with 60 to 90 attacks a day "previously".[452] He commented: "I see this as a clear indication of the

---

[450] Minute Banner to Prime Minister, 11 May 2007, 'Iraq Update, 10 May' attaching Speech Browne 'Politics and the Art of War'.
[451] Paper Iraq Policy Unit, 11 May 2007, 'Iraq: Reconciliation' including manuscript comment Blair.
[452] Minute Lamb to CDS, 13 May 2007, 'SBMR-I Weekly Report (254) 13 May 07'.

unwillingness of the local population to tolerate AQ activity and their desire to co-operate with CF [coalition forces]."

830. On relations with the Iraqi Government, he commented:

> "… my sense is that the Prime Minister [Maliki] and the Iraqi Government Ministers, while continuing to listen to advice, are less inclined to be dictated to by what we the coalition want. Our contributions to the debate are embraced when they coincide with what they, the Iraqis, have in mind, whilst if our advice challenges what they have in mind (and is probably therefore not shared with us) then it becomes a much more difficult issue to push through. To some extent it was ever thus, but 2007 is becoming a year of hard bargaining and tense negotiation, albeit more in a spirit of partnership than the one-sided (US) affair it was in 2006."

831. On reconciliation and outreach, Lt Gen Lamb reported that the newly enlarged Engagement Cell was being much appreciated by the US and that "another small UK inspired piece of thinking and work application" was emerging in the form of the "Energy Fusion Cell", aimed at co-ordinating the various Iraqi ministries responsible for energy.

832. On 14 May, a letter on JAM and the prospects for outreach was provided to Mr Dowse at his request.[453] It stated:

> "Despite the ability to mobilise mass demonstrations … JAM and OMS are in disarray, with no unified political or military leadership. This has been exacerbated by Muqtada al-Sadr's extended stay in Iran and the arrest of al-Khaz'ali … But the divisions already existed."

833. The letter said that JAM activities fell into four categories, all of which were overwritten by complex regional and tribal allegiances between individuals:

- Iranian-sponsored secret cells;
- the mainstream organisation of OMS and JAM;
- criminal elements in Sadr City; and
- the demonstrators and occasional fighters who respond on an emotional level to the JAM call to arms.

834. As a result, "no one figure, including probably Muqtada al-Sadr himself, is capable of delivering JAM as a movement but a range of people have influence over parts of JAM". The letter continued:

> "In Baghdad in recent weeks, JAM militiamen have begun to reappear on the streets but apparently remain under orders (it is not clear whose) not to engage in attacks … In Basra JAM command and control is also unclear but the result is the opposite to the relative lull in Baghdad … Some senior members of the Sadr trend

[453] Letter junior official specialising in the Middle East to Dowse, 14 May 2007, 'Jaysh al-Mahdi and the Prospects for Outreach'.

in Basra are ready to engage in dialogue with coalition forces … but they are fearful of Iranian sponsored rivals and want us to deliver power to them in partnership, rather than having existing influence over the movement that they can use on our behalf …

"As with the Sunni insurgency, it seems we will have to engage the movement faction by faction … An encouraging aspect is that the relationship with Iran appears tactical for JAM … While disarray in the JAM movement has helped create breathing space for the Baghdad security plan, the empty Shia political space is occupied not by secularists and democrats but by Iranian sponsored groups tasked with violence, and Badr."

835. ACM Stirrup visited Iraq between 13 and 16 May.[454] He was reported to have sensed:

"… that the Iraqis are increasingly in a position to take on responsibility for their own problems and therefore they might wish to look to propose the south of the country as a model through which we can recommend a drawdown of forces."

836. During the visit, Lt Gen Lamb told ACM Stirrup that he "saw increasing signs from MAS/JAM that they could be closer to a non violent approach and some moderation of a significant proportion of their number".

837. Mr Asquith told ACM Stirrup when they met in Baghdad that he was concerned that the campaign plan was "hung up on sectarianism". This meant that "we should be careful to demonstrate a degree of humility when dealing with these sensitive issues" in discussion with Iraqi politicians. There was an underlying fear of a return to Ba'athification in the minds of the Shia politicians and that affected much of their thinking. Mr Asquith suggested that perhaps there was a need for an "outside figure to help deliver something meaningful on reconciliation".

838. On 16 May, at the request of the FCO, the JIC assessed the effectiveness of the Iraqi Government, including progress on security and national reconciliation.[455]

839. The JIC judged that:

"I. … Violence continues to rise, distrust is deepening between and within increasingly sectarian communities, and government capacity remains weak. There has been no tangible progress on national reconciliation."

840. Poor security, especially in Baghdad and central Iraq, was judged to have deterred political reconciliation and prevented economic reconstruction, although "most of the Kurdish north remains quiet and parts of southern Iraq have seen attack levels fall".

---

[454] Minute Poffley to PSSC/SofS [MOD], 17 May 2007, 'CDS Visit to Iraq 13-16 May 07'.
[455] JIC Assessment, 16 May 2007, 'The Iraqi Government: One Year On'.

Since the US surge, sectarian murders had reduced in Baghdad, and security in Anbar had been improved with the help of local forces:

> "But the national monthly average of recorded attacks is 50 percent higher now than a year ago. There is a strong possibility that Shia frustrations will lead to increased sectarian violence."

841. Faction-based sectarian politics was judged to be hampering the Government's ability to function effectively:

> "Recent diplomatic reporting indicated that there are plans to improve government policy co-ordination, but we judge that major improvements in performance are unlikely in the foreseeable future: many departments lack basic bureaucratic and administrative skills. Corruption remains endemic and is not being tackled effectively."

842. On 17 May, at the request of the Cabinet Office, the JIC reviewed the threat to the UK posed by international terrorism over the next five years.[456]

843. The JIC judged:

> "International terrorism will remain dominated by Al Qaida (AQ) and related Sunni Islamist extremists. There will be more attacks in the UK and on UK interests overseas …
>
> "AQ's senior leaders … can … communicate with affiliated networks in places like … Iraq …
>
> "AQ will remain flexible in seeking to create or exploit un-governed spaces wherever it can. Iraq and increasingly Afghanistan will remain key strategic theatres. If AQ establishes a firm base in either country, it will train and radicalise a large number of terrorists and launch attacks regionally and beyond."

844. In his weekly report on 17 May Mr Asquith reported that Prime Minister Maliki was facing a number of political challenges:

- Threats that Sunni politicians would pull out of government if their demands in the Constitutional Review Committee (CRC) were not met. The key issues were the redistribution of powers between the centre and regions/governorates, fair distribution of revenues and a revision of Article 140 on Kirkuk, plus some movement on de-Ba'athification.
- Divisions within the Shia UIA bloc, resulting both from the withdrawal of Fadhila and internal divisions within the Dawa party.

---

[456] JIC Assessment, 17 May 2007, 'The UK and International Terrorism: The Next Five Years'.

- The position of Kirkuk, which had not been resolved and remained a key issue for the Kurds.[457]

845. Mr Asquith reported separately that the CRC had not met its 15 May deadline for presenting recommendations to the Council of Representatives.[458] He commented:

> "The constitutional review does provide an opportunity to be a building block towards reconciliation by facilitating agreement on some key issues. Establishing federal paramountcy over oil would increase the value and durability of any compromise reached in the Hydrocarbons Law and would … address some of the Sunni insecurities … But although the CRC may appear to be within reach of a tentative agreement on some of the critical issues, it is not clear that they have the endorsement of the political leadership, in particular the KRG [Kurdish Regional Government] to approve the necessary changes."

846. In his weekly report on 17 May, Maj Gen Shaw reported:

> "… across the three Provinces [in MND(SE)] under Provincial Iraqi Control we now lack the situational awareness to truly determine what is happening on a day-to-day basis."[459]

847. Maj Gen Shaw described the impact of continuing indirect fire attacks:

> "The frequency of attacks does of course have its own grinding effect on morale. Our greatest risk in this respect is if contractors elect to remove their personnel; their departure would leave us without critical life support. At present, and despite a number of individuals choosing to leave in April, contractor support remains firm. However, thinking ahead, should at any stage FCO, DFID or MOD decide to remove its Civil Service Personnel from theatre, the IO [information operations] message that this would send to contractors would need to be factored in."

848. Mr Blair visited Washington from 17 to 18 May.[460] A steering brief for the visit explained that:

> "President Bush is under heavy domestic pressure on Iraq from all sides: not just the Democrats and the American public but also increasingly from within his own party. If significant, demonstrable progress has not been made in Iraq by September, the US Administration will find it hard to sustain support in Congress. So he is likely to welcome reassurance of continuing British commitment to Iraq and to sensitive handling of transition in Basra and any further troop drawdowns."

---

[457] eGram 21060/07 Baghdad to FCO London, 17 May 2007, 'Iraq: Weekly Assessment'.
[458] eGram 21038/07 Baghdad to FCO London, 17 May 2007, 'Iraq: Constitutional Review Committee Report Delayed'.
[459] Minute Shaw to CJO, 17 May 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 17 May 2007'.
[460] Briefing [unattributed], [undated], 'Prime Minister's Visit to Washington, 17-18 May 2007: Iraq'.

849. A note from Mr Blair's Private Secretary suggesting "deliverables" for the trip proposed that for Iraq the public outcome should be an enhanced focus on reconciliation.[461] In private, a positive outcome would be agreement that the senior US and UK military and diplomatic representatives in Iraq would hold the Leadership Council to its commitment to reconciliation.

850. On 17 May, Mr Blair and President Bush held a video conference with senior UK and US military and civilian personnel in Baghdad.[462]

851. Mr Blair underlined the importance of the Sunni and Shia coming together as part of a political process to focus on the true causes of the violence in Iraq, Al Qaida and Iran.

852. Mr Blair concluded that, by September, it would be important for the coalition to have given the Iraqis a strong sense that everything possible was being done on security and on reconciliation. It was imperative that people understood that the drivers of violence in Iraq were the same as for the fight against terrorism and that: "If we could deal them a blow in Iraq, it would have a wider impact on the fight."

853. Mr Blair's Private Secretary reported to Mrs Beckett's Private Secretary that:

> "Based on the VTC, the Prime Minister is strengthened in his view that the UK needs to make a concerted push on reconciliation working with the US. He would like a senior British official to be in charge of this who would work closely with the US, and who could be available to undertake dialogue in Iraq and the region."

854. The FCO was tasked to produce some thoughts on that by 25 May.

US funding for Iraq

At the start of May President Bush vetoed a Congressional Bill which released funding for Iraq on the condition that US troops began to withdraw that year.[463]

On 11 May, the House of Representatives passed a further Bill which would release US$43bn immediately and a further US$53bn after July, subject to a demonstration that progress had been made.[464]

A compromise Bill was approved by Congress on 24 May.[465] This guaranteed US$120bn funding and did not include a timetable for withdrawal of US troops from Iraq but set out a series of conditions or benchmarks to be met for the release of funding for civilian reconstruction efforts.

---

[461] Minute Gould to Prime Minister, 11 May 2007, 'Your Trip to Washington: Deliverables'.
[462] Letter Gould to Hayes, 17 May 2007, 'Iraq: VTC with the Prime Minister, President Bush and Baghdad: 17 May 2007'.
[463] *BBC News*, 2 May 2007, *Bush vetoes Iraq withdrawal Bill.*
[464] *BBC News*, 11 May 2007, *US House passes Iraq funding Bill*.
[465] Minute Banner to Prime Minister, 25 May 2007, 'Iraq Update, 25 May'.

President Bush was asked to submit two reports to Congress – by mid-July and by mid-September – demonstrating progress against each of the benchmarks.

855. Mr Blair visited Baghdad and Basra on 19 May.[466] His Private Secretary reported that he had meetings with Prime Minister Maliki, President Talabani and senior UK and US military and civilian teams.

856. Mr Blair discussed reconciliation with Prime Minister Maliki, and the criticism of the Iraqi Government by foreign officials for its work against Ba'athists. Mr Blair observed:

> "… that leadership presented many challenges, not least having to deal with criticism from all sides even when one was pursuing the right policy."

857. In the briefing with US and UK senior teams in Baghdad, Mr Blair set out the case for "a political initiative which would provide a framework for and a context to security work under way in Baghdad and Anbar". He agreed with Ambassador Crocker and Mr Asquith that a statement of intent would not be enough; there must be a plan.

858. In Mr Blair's Basra briefing, Maj Gen Shaw noted that most of the violence was directed at the MNF; only time would tell whether the intra-Shia factional violence would increase as UK forces drew down. Following PIC, the ability of UK forces to intervene, including in strike operations against JAM and others, would gradually diminish, but it would still be both necessary and possible to retain a residual training and mentoring role.

859. Commenting on the Prime Minister's visit in his weekly report, Maj Gen Shaw wrote:

> "… the visit of the Prime Minister this week went well from the Division's point of view but less well, I suspect, from the overall Campaign IO [information operations] perspective. The IDF attack during my brief to him was the story, described by the *Sunday People* as an AQ-inspired assassination attempt, an idiocy repeated by Sky TV … IO is now the campaign main effort; it is not what we do between now and departure, it is how our actions and departure are perceived. If we are to stand any chance of leaving here with any national pride in our achievements, then we need to address the domestic media judgement that this is a lost cause during, and out of, which no good has come, and their practice of looking (and inevitably finding) evidence to back up their prior editorial judgement."[467]

860. On his return from Iraq, Mr Blair spoke to President Bush to "report back" on his visit.[468] Mr Blair said that in the present situation politics had to create security rather

---

[466] Letter Banner to Hickey, 20 May 2007, 'Visit to Iraq, 19 May'.
[467] Minute Shaw to CJO, 24 May 2007, 'GOC HQ MND(SE) – Southern Iraq update – 24 May 2007'.
[468] Minute Sheinwald to Banner, 21 May 2007, 'Iraq'.

than the other way round. What was needed was a new political vision and compact, reaffirmed by the political leaders in Iraq, with coalition involvement. The key elements for a new political deal would be:

- the Hydrocarbons Law;
- holding early provincial elections;
- a deal with insurgents, as in Anbar; and
- a new political platform agreed jointly by the Sunnis, Shia and Kurds in government.

861. Mr Blair said that the only way to tie Prime Minister Maliki into such a deal would be to use the leverage provided by his desire that US forces should not leave.

862. Sir Nigel Sheinwald's record of the conversation was sent only to staff in No.10. It ended: "The Prime Minister did not want this conversation reported widely." Sir Nigel therefore suggested that Mr Blair's Private Secretary reported in his formal record of the discussion that Mr Blair had followed up with President Bush on 20 May and that further discussion of the political initiative was expected.

863. Sir Nigel later added that Mr Blair had promised President Bush a short note on the elements of his proposed political/reconciliation initiative, which Mr Blair's Private Secretary was preparing.[469]

864. On 22 May, Mr Blair met Gen Dannatt.[470] Mr Blair commented on the impressive work that UK troops were doing in Iraq and that, in his discussions with the troops, he had found morale and determination high.

865. Gen Dannatt observed that the underlying dynamic in Basra was intra-Shia competition motivated by financial gain, and "that, although there would remain an important training and mentoring role in Iraq, there was a robust case for the redeployment of forces to Afghanistan in the medium term". Mr Blair agreed that UK troops should remain in Iraq only so long as there was real utility in their doing so, though he observed that it was important to be "very careful about potentially leaving, or appearing to leave, the field open to the Iranians".

866. Gen Dannatt agreed it was important to ensure that the British Army came out of Iraq with its reputation intact, which would require "a perception of strategic success in the South".

---

[469] Minute Sheinwald to Banner, 21 May 2007, 'Iraq: PM/Bush Phone Call, 20 May'.
[470] Letter Banner to Forber, 22 May 2007, 'Iraq: Meeting with Chief of the General Staff'.

867. On 23 May, Mr Asquith met Gen Petraeus and Ambassador Crocker to "talk through how we might achieve the 'political decision' which the Prime Minister was pressing for".[471] Neither of his US interlocutors thought this was likely to be possible:

> "… while they accepted the desirability (and eventual requirement for) a political decision, it was unachievable in the timeframe before September [when Gen Petraeus and Ambassador Crocker were due to report to Congress on progress in Iraq]; chasing it would at best sidetrack effort better put to achieving the achievable, at worst would erect obstacles to the achievement of the achievable."

868. Mr Asquith commented that this had been:

> "A useful, if deeply depressing, confirmation of the limited ambitions which the US has set itself and the extent to which September has affected the American approach to the agenda. Unless the PM can move Bush … we are in the business of managing the political process between now and September. We can dress this up as reconciliation for public consumption, and doubtless there will be the occasional clerical or 'comprehensive' conference to pretend something is happening, but I see no scope for tackling the root problem until … September."

869. The same day, Mr Blair's Private Secretary provided him with a draft Note to send to President Bush on reconciliation.[472] He explained that Mr Asquith had already trailed these ideas with Ambassador Crocker and Gen Petraeus but without success. There is no record that Mr Blair sent the Note to President Bush.

870. In his weekly update of 24 May, Maj Gen Shaw assessed that "the seesaw struggle with JAM continues, with events tipping in their favour this week".[473] He observed that the arrest of Aws Khafaji, believed to be a senior member of JAM, was likely to have an impact on the level of incoming fire.

871. On 24 May, Mr Blair reported to Cabinet on his recent visit to Iraq. He said that "there were some prospects for hope"; some Sunni tribes had started to reach accommodations with US forces and violence had reduced, for example in Anbar. But the question remained whether an accommodation could be reached with the Iraqi government. He attributed continued violence in Basra "almost entirely" to Iranian-backed Shia cells. Mr Blair concluded that "there was still undoubtedly a very long way to go".[474]

872. Later on 24 May, Mr Blair met ACM Stirrup and senior Whitehall officials to discuss Iraq.[475] ACM Stirrup said that the Baghdad Security Plan was "proceeding reasonably

---

[471] Email Asquith to McDonald, 23 May 2007, 'US and Reconciliation'.
[472] Minute Banner to Prime Minister, 23 May 2007, 'Iraq Meeting, 25 May' attaching Note [Blair to Bush], 'Iraq – Reconciliation'.
[473] Minute Shaw to CJO, 24 May 2007, 'GOC HQ MND (SE) – Southern Iraq Update – 24 May 2007'.
[474] Cabinet Conclusions, 24 May 2007.
[475] Letter Banner to Hickey, 28 May 2007, 'Iraq: Meeting with Officials'.

well" and the rate of sectarian murders was down. Significant Sunni forces appeared to be emerging in Anbar and elsewhere; that could be a positive development but there was a danger that without effective reconciliation they could turn against the Iraqi Government.

873. On Basra, ACM Stirrup observed that economic progress would address some of the violence by reducing the number of unemployed young men. Officials noted that the Basra economy was largely based on criminality, but work was in hand to try to stimulate investment and sensible planning for economic development.

874. Mr Blair concluded that the UK's objective should be "early Provincial elections, leading to a political setup in Basra with which we could work, and which provided a more effective link between Basra and Bagdad". He commissioned papers from the FCO on:

- the state of politics in Basra, and how best to ensure effective investment and development there;
- the political, security and economic situation in those provinces which had already made the transition to Iraqi control; and
- the situation in outlying areas of Iraq.

875. Late on the evening of 24 May, Sir Nigel Sheinwald spoke to Mr Hadley.[476] Mr Hadley said that recent discussion of a reduction to 4,500 UK troops in Basra had caused "considerable discomfort" to Gen Petraeus and others. They were concerned that it sent "conflicting signals" to "the Iraqis and international opinion" and would demoralise coalition partners, leading them to reduce their numbers.

876. Sir Nigel explained that the change in troop numbers was part of the announcement made in February, and "it made no sense to delay it further". Mr Hadley asked for Gen Lamb to "talk this through urgently with General Petraeus in order to get a better understanding on the ground". He added "the later we could leave it for an announcement, the better".

877. Sir Nigel considered that such an intervention by Mr Hadley was relatively rare, and surmised that the issue may well have been raised at a US Principals' meeting. He asked Lt Gen Lamb to "go over this again" with Gen Petraeus and report back:

> "We can then decide what further action to take on the political and military nets to get the necessary level of American buy-in."

878. The day after the meeting, Mr Blair's Private Secretary provided his weekly Iraq Update.[477] The update characterised the security situation as "difficult at the moment".

---

[476] Letter Sheinwald to Hayes, 24 May 2007, 'Conversation with US National Security Adviser, 23 May'.
[477] Minute Banner to Prime Minister, 25 May 2007, 'Iraq Update, 25 May'.

879. Mr Jones' weekly report on Basra, which was attached to the update, said that there had been 17 attacks on Basra Air Station in the past week, and high levels of indirect fire.[478] An explosion at a Sunni mosque and attack on the headquarters of a Sunni political party had also "fuelled concern within the nervous Sunni community". Mr Jones added that:

> "All of our contacts speak of a deterioration in the security situation more generally, and an undertow of increasing assassinations and kidnappings."

880. Mr Blair commented: "Why has Basra's security suddenly turned bad? And what can be done about it?"[479]

881. On 28 May, Lt Gen Lamb reported that the continued attacks on Prime Minister Maliki and his Government in the Arabic press meant that he was:

> "… shouldering a huge burden with little in the way of support from a functional bureaucracy or supporting structures. He is clearly feeling the pressure but continues to show signs of increasing independence and I sense even ownership. Our part in the war, what we have done, will do and how we do it and how it is reported in the coming months, is how our coalition partners, the Iraqis and the Arab nations in particular will perceive us. Given our British heritage in this part of the world and the high regard for our honesty, principles and the quality of our contribution, there is, unless I am much mistaken, a lot yet to play for and a great deal at stake."[480]

882. Despite the problems faced by the Iraqi Government, at the end of May the FCO reported to the Iraq Strategy Group that the three Kurdish provinces had been transferred to PIC.[481]

883. On 31 May, Maj Gen Shaw reported a "strike operation" against Basra JAM leader Wissam Abu Qadir in the previous week in which he had been killed whilst resisting detention.[482]

884. The BBC reported that the kidnap of five British nationals in Baghdad in the same week may have been retaliation for the strike.[483]

---

[478] Minute Jones to Aldred, 23 May 2007, 'Basra: Weekly Report'.
[479] Minute Banner to Prime Minister, 25 May 2007, 'Iraq Update, 25 May' including manuscript comment Blair.
[480] Minute Lamb to CDS, 28 May 2007, 'SBMR-I Weekly Report (256) 28 May 07'.
[481] Letter Cabinet Office [junior official] to Sheinwald, 31 May 2007, 'Iraq Strategy Group, 31 May'.
[482] Minute Shaw to CJO, 31 May 2007, 'GOC HQ MND (SE) – Southern Iraq Update – 31 May 2007'.
[483] *BBC News*, 31 May 2007, *Suspicion falls on Mehdi Army*.

June 2007

885. On 6 June, at the request of the FCO, the JIC examined the current influence of Islamic Supreme Council of Iraq (ISCI, formerly SCIRI) and Badr, their future strategy and the extent of Iranian influence on them.[484] It judged:

> "Increasing frustration with Prime Minister Maliki has led the Islamic Supreme Council of Iraq (ISCI) to explore alternative alliances … Ultimately, ISCI wants to be the dominant Shia political party.
>
> "The Badr Organisation's evolution from militia to political party has been largely cosmetic. Badr remains ISCI's paramilitary wing; its prime goal is control of Iraq's security institutions. It holds a disproportionate number of command posts in the police and is trying to secure similar authority in the army. Most of its members in the Iraqi Security Forces remain loyal to their former Badr command structures and many continue to pursue a partisan, and by its nature, sectarian agenda.
>
> "ISCI/Badr have made common goals and close links with Iran … However, ISCI/Badr's willingness to take instruction from Tehran has probably been diminishing since 2003 and Iran's ability to direct political outcomes in Iraq is limited …
>
> "Participation by the Office of the Martyr Sadr in provincial elections tentatively scheduled for December is likely to reduce ISCI/Badr's power in many provinces across the South. Fierce competition for the Shia vote is likely to lead to increasing violence between Badr and JAM. ISCI/Badr may win the most votes in Basra, but this will not necessarily translate into effective control."

886. On 7 June, Maj Gen Shaw reported that as a result of Qadir's death there were "encouraging signs that a real blow has been dealt to JAM's capability and will in the city". He commented:

> "Whilst JAM will continue to try to attack our people and will no doubt portray our eventual departure as their victory, the more important question now for the future security of Basra surrounds the relationship between JAM and the ISF … Just as it will be the Sunni who rid Iraq of AQ, so the Shia are potentially the main threat to Iranian influence. But turning Iraqi nationalists against their co-religionists is made more difficult by our presence. Reconciling MAS/OMS [Muqtada al-Sadr/Office of the Martyr Sadr] and hence reconcilable sections of JAM to the 'GOI now' as opposed to the 'GOI after MNF' is vital."[485]

---

[484] JIC Assessment, 6 June 2007, 'The Role of ISCI and Badr in Iraq'.
[485] Minute Shaw to CJO, 7 June 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 07 June 2007'.

887. In his update on Iraq on 8 June, Mr Blair's Private Secretary said that DOP would need to take a decision shortly on the timing of a withdrawal from Basra Palace:

> "Within the MOD, a view is emerging that leaving there would reduce our situational awareness to the extent that we would fairly rapidly lose all ability to generate military effect; we would also probably have to pull out of the PJCC [Provincial Joint Co-ordination Centre], where we undertake ISF training."[486]

888. Attached to the update was a paper by the IPU on the situation outside MND(SE) and Baghdad, as requested by Mr Blair on 25 May.[487] It said that Babil, Wasit, Karbala and Qadisiyah were "generally stable" but that Salah ad Din and Ninawa were experiencing "major sectarian and ethnic tensions" and it was uncertain whether they would be judged to have met the standards for transition to PIC.

889. On 11 June, Mr Gordon Brown, Chancellor of the Exchequer, and Mr Browne made a joint visit to Baghdad and met a number of key individuals, including the Prime Minister and President, Gen Petraeus, Ambassador Crocker and Mr Asquith.[488]

890. Mr Gordon Brown told Prime Minister Maliki that:

> "… the UK was keen to support the Prime Minister on changes to the Constitution, new laws and reforms and economic infrastructure and support."

891. On Basra, Prime Minister Maliki "promised rapid progress", specifically:

> "… a new chief of police in two days, a new Governor within the week, appoint a new General to take overall charge of security …"

892. President Talabani assessed that the Baghdad Security Plan had produced "a slight improvement but he had hoped for better". Gen Petraeus highlighted a "steadily falling sectarian murder rate" and produced a chart which showed a drop from 1,474 in January to 599 in May.

893. In response to a question about his September report to Congress, Gen Petraeus said:

> "… the key point was that even if sectarianism could be tackled all of the other issues remained: Iran, AQ, the weak borders, Sadr and the state of the Iraqi Security Forces."

894. A note of the meeting prepared by Mr Brown's Private Office observed that "despite reported US concerns, there was a notable silence on Basra issues other than to confirm PIC was going to be a difficult call".

---

[486] Minute Banner to Prime Minister, 8 June 2007, 'Iraq Update, 8 June'.
[487] Paper IPU, 8 June 2007, 'Iraq: Situation Outside MND (SE) and Baghdad'.
[488] Letter Bowler to Banner, 13 June 2007, 'The Chancellor and Defence Secretary's Visit to Baghdad' attaching Paper [unattributed], [undated], 'The Visit of the Chancellor of the Exchequer and Defence Secretary to Baghdad: 11 June 2007'.

895. Mr Blair's Private Secretary told Mr Blair that the visitors had found Gen Petraeus and Ambassador Crocker:

> "… heavily focused on trying to achieve the 'benchmarks' set by Congress, in time for Petraeus' interim testimony to Congress in July, and final testimony in September."[489]

896. On 12 June, the Chiefs of Staff noted:

> "Some elements of the GoI's [Government of Iraq's] current plans for Basra Palace post-transition were of concern, including the intent to guard the Palace with a dedicated Palace Guard Force (which had yet to be raised, trained or equipped). Notwithstanding reported calls from within MNF-I for local publicity, the intent remained for the planned withdrawal from Basra Palace to be conducted in as low key a manner as possible."[490]

897. In his weekly report on 13 June, Maj Gen Shaw wrote:

> "… the fate of BP [Basra Palace] rests now in the hands of GOI/MNF, and PM Maliki has taken a personal interest in it. Any idea that we might be able to extend our presence needs to appreciate the extent of Iraqi ownership of this issue, which itself is a result of hard selling of the imperative requirement for UK to leave the Palace in August."[491]

898. Maj Gen Shaw also reported on the implications of the coalition's existing reconciliation effort for relations within MND(SE). He wrote:

> "An MNF obsessed with the Sunni problem sees reconciliation through a Sunni prism, the focus on Sunni tribes vs AQ. For the Shia, I contend that reconciliation has to mean harnessing Iraqi nationalism in support of GoI against the Iranian malign influences. Our presence confuses Shia loyalties; some support GoI and hence don't attack MNF; some (JAM etc) see MNF as occupiers and attack us and hence are equivocal in their support of GoI; yet both sets would claim to be nationalists. This issue is beginning to be of immediate relevance in Basra with the question raised by JAM of senior public figures regarding their loyalties, 'are you a collaborator or nationalist?' Convincing Muqtada al-Sadr to buy in to the current, as opposed to the post-MNF, political process will be the key to Shia reconciliation success, particularly in tackling the malign influences of the secret cells and Iran … Al Sadr is already courting both Sunni and Shia groupings and calling them to join him under a Nationalist banner. This, however, is at least in part balanced by Fadhila and their cohort's intention for a Federal Iraqi state. How well we manage to drive a wedge between the nationalists, their current Iranian patrons and the Iranian surrogates will have implications Iraq wide."

---

[489] Minute Banner to Blair, 14 June 2007, 'Iraq Update, 14 June'.
[490] Minutes, 12 June 2007, Chiefs of Staff meeting.
[491] Minute Shaw to CJO, 13 June 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 13 June 2007'.

899. On 13 June, the al-Askari mosque in Samarra, which had previously been bombed in February 2006 (see Section 9.4), was bombed for a second time.[492] Grand Ayatollah al-Sistani publicly condemned the bombing, but appealed to the Iraqi Shia community to show restraint.

900. On 13 June, a senior government official specialising in the Middle East (2) wrote to Mr McDonald seeking "policy guidance" on JAM and Shia outreach contacts.[493] The minute was copied to Lt Gen Lamb, VAdm Style, Mr Howard, Maj Gen Dutton, Maj Gen Shaw, Mr Dowse, Mr Blair's Private Secretary, Mr Asquith and Mr Jones. The document was not copied more widely in the Cabinet Office.

901. In the letter, the senior official explained that, with Maj Gen Shaw's agreement and with the knowledge of Mr Asquith and Lt Gen Lamb, there had been "exploratory talks" for "some weeks" with JAM1 from his detention in Basra (see Section 9.4). He explained that JAM1 remained an influential figure in JAM in Basra and beyond and had continued to communicate with JAM whilst in detention.

902. During a series of interviews, JAM1 had expressed concern about growing Iranian influence over JAM. The senior official told Mr McDonald: "We assess that he is telling the truth in this respect".

903. The senior official explained that JAM1 had said that he was ready to work to reduce JAM attacks on MNF, focusing initially on indirect fire. JAM1 maintained that, under his influence, the JAM mainstream in Basra would gradually be able to reassert authority over the secret cells. In return for reducing indirect fire from JAM, he wanted a suspension of strike operations and the release of detainees. To build confidence, it was proposed that this process would need to begin with a short trial period cease-fire.

904. The senior official reported that JAM1 accepted MNF's right to self-defence and to continue to intercept smuggled arms supplies during this period but rejected the MNF's right to target JAM secret cells, arguing that it was for JAM to control its own people. There was no intention to concede this point. The trial cease-fire was proposed for 15 to 17 June. If this was effective "the next step could be a longer cease-fire, for which [JAM1] would expect more detainee releases and a continued suspension of strike operations".

905. The senior official also reported that Maj Gen Shaw was content to test JAM1's ability to influence JAM, on the basis that a short suspension of strike operations and the release of some detainees fitted fortuitously with existing plans. Two of the detainees whose release had been requested by JAM1 were likely to be released before 15 June, which would be presented to JAM1 as being as a direct response to his cease-fire offer and a sign of coalition good faith.

---

[492] *New York Times*, 13 June 2007, *Shiite Leaders Appeal for Calm After New Shrine Attack*.
[493] Minute senior government official specialising in the Middle East (2) to McDonald, 13 June 2007, 'Shia engagement: [JAM1]'.

906. The senior official recognised that there were risks, in particular that the Iraqi Government would view the bilateral negotiations with suspicion. Lt Gen Lamb had commented that the JAM1 talks should be handled as an aspect of the coalition's broader engagement with JAM and the Sadrists.

907. In conclusion, the senior official wrote: "We would be grateful for your views. We will report back after the trial 'cease-fire' period to seek further guidance unless [JAM1] raises significant new issues before then."

Detention by UK forces in Iraq

In the course of operations in Iraq, UK forces detained people:

- as Prisoners of War (POWs);
- who were suspected of criminal activities (criminal detainees); and
- who were considered to pose a threat to security (security detainees).

The Geneva Convention Relative to the Treatment of Prisoners of War (the Third Geneva Convention) defines the categories of persons entitled to POW status and the conditions of their captivity.[494] Article 118 states that POWs shall be released and repatriated without delay after the cessation of active hostilities.

As an Occupying Power in Iraq, the UK Government derived its right to intern individuals who presented a security threat to the mission from the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention).

The Fourth Geneva Convention sets out provisions governing the status and treatment of "protected persons", whom it defines as:

> "Persons … who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals."[495]

The provisions of the Convention include the following:

- Article 27, which states that protected persons are entitled, in all circumstances, to respect for their persons, honour, family rights, religious convictions and practices, and their manners and customs. They should at all times be humanely treated and protected.
- Article 78, which states that: "If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment." Decisions regarding internment should be made according to a regular procedure prescribed by the Occupying Power in accordance with the provisions of the Fourth Geneva Convention; the procedure should include the right of appeal and provision for a review of the decision to inter every six months by a competent body set up by the Occupying Power.

---

[494] *Geneva Convention Relative to the Treatment of Prisoners of War*, 12 August 1949.
[495] *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, 12 August 1949.

In so far as the provisions of the Fourth Geneva Convention allowed an Occupying Power to exercise functions of government in occupied territory, Article 6 provided that they should continue to have effect for as long as its military occupation continued. Article 27 therefore continued to apply throughout the Occupation of Iraq.

Ordinarily, these provisions, including Article 78, cease to apply "one year after the general close of military operations". In the case of Iraq, the power to intern individuals for imperative reasons of security was extended beyond the initial period of Occupation, by virtue of UN resolution 1511 (2003) and by resolution 1546 (2004) and the letters referred to within it, and then by resolutions 1637 (2005), 1723 (2006) and 1790 (2007).

Security detainees were held as long as they continued to pose a threat to security, in accordance with Article 78 of the Fourth Geneva Convention.

908. In an email to Mr Casey on 14 June, Mr Asquith commented:

> "… I do not doubt the tactical benefit of engaging those in Anbar and other Sunni areas in which AQ operate with the purpose of persuading them to turn against AQ. Nor do I have any reason to doubt MNF-I assessments that this engagement has delivered significant results in terms of identifying AQ operatives and caches, restricting AQ operating capabilities and reducing attacks … against coalition forces. Engaging with local armed, militant, insurgency or opposition groups was of course what I and others were engaged in throughout 2005. I am not opposed to the principle."[496]

909. Nevertheless, Mr Asquith questioned whether these groups had turned against AQ for wholly ideological reasons. He thought the groups were more strongly motivated either by a power struggle with AQ, which was encroaching the tribes' territory; or money; or by a desire – under the protection of US forces – to re-arm and prepare for a future campaign against Iran and/or the "Shia government". Mr Asquith considered that motivation had an adverse effect on the coalition's broader reconciliation strategy. It increased Prime Minister Maliki's concerns and put him "under severe pressure from his Shia constituency who pose the question: why is he tolerating the creation of what effectively are Sunni militias who pose a threat (now or later) to Shia communities, while at the same time tolerating regular coalition attacks on Shia militias?"

910. Mr Asquith wrote:

> "Given the imperative for Petraeus to deliver something by 13 September … we can't halt the engagement process. We should instead seek to shape it in a way that reduces the risk."

[496] Email Asquith to Casey, 14 June 2007, 'Anbar Engagement'.

911. On 14 June, Mr Blair's Private Secretary told Mr Blair:

> "The US are … focused on the Anbar model, but this is creating real tension with Maliki. Violence continues to be down in Anbar, but the motivations of the tribes remain unclear, and they continue to express their opposition to the Government of Iraq. Nor do they tie in to any convincing, wider, Sunni leadership … Maliki is … coming under pressure from other Shia over the creation of a well-armed Sunni militia, particularly as the US now propose to extend the model to areas of Baghdad …
>
> "The Pentagon this week also released its now regular quarterly report on progress in Iraq. This noted that overall levels of violence in the country had not decreased since the start of the surge, noted that the GoI's delivery had been 'uneven', and that it had made 'little progress' on the political front – reconciliation was described as a 'serious unfulfilled objective'."[497]

912. The Pentagon report referred to named Basra as "Partially Ready for Transition", in the same category as Wasit, Qadisiyah, Babil, Karbala, Baghdad, Diyala, Salah ad Din, Tamim and Ninawa.[498] Only Anbar was marked "Not Ready for Transition".

913. On 17 June, the US military led a Corps-level strike operation in Maysan Province targeting Iranian-affiliated militants.[499]

914. Maj Gen Shaw expressed concern beforehand about the need to be seen to respect Iraqi sovereignty, the acceptable level of collateral damage and the way the operation would be presented. Despite the US going "some way to addressing the GOC's concerns", the operation went ahead with no Iraqi participation. It was unclear whether the Governor of Maysan had been informed ahead of the operation.

915. The MND(SE) weekly report stated: "The outcome was a degree of opprobrium levelled at British Forces who were blamed erroneously not only for participating directly in the raid but also for having done so without legitimate authority in violation of the PIC MOU."

916. Lt Gen Lamb considered that the response of the Iraqi Government and security forces to the bombing of the al-Askari Mosque contrasted positively with their responses in 2006.[500] The Iraqi Government had moved quickly to intervene, to establish a curfew and, across the political divide, to denounce the attacks.

917. The positive response was counterbalanced by the fact that the number of attacks across Iraq remained high and had "broken the 200 per day mark this week".

---

[497] Minute Banner to Prime Minister, 14 June 2007, 'Iraq Update, 14 June'.
[498] Report to Congress, June 2007, Measuring Stability and Security in Iraq, page 29.
[499] Minute Thomas to CJO, 22 June 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 22 June 2007'.
[500] Minute Lamb to CDS, 17 June 2007, 'SBMR-I Weekly Report (257) 17 June 07'.

In Lt Gen Lamb's view, that increase needed to be viewed in the light of the increased MNF and ISF activity against the insurgents across Iraq as the US surge kicked in.

918. Meanwhile, progress on reconciliation and engagement continued and Lt Gen Lamb saw "a rising groundswell of activity at the GOI [Government of Iraq] level" aimed at embracing the emerging opportunities.

919. On 18 June, Mr McDonald responded to the letter of 13 June from a senior government official specialising in the Middle East (2), saying:

> "Thank you for your minute of 13 June. I was surprised to hear of this initiative only when it was well advanced (ie about to start delivery). As you say, it has major political implications.
>
> "That said – I think it right and reasonable for us to try (and be seen to be trying) to do everything better to protect our forces. And I agree we should be hard headed about possible rewards to [JAM1] (it is fortunate that two of the six detainees he wants are already scheduled for release). Although we cannot expect complete quiet, we need a measurable difference directly attributable to [JAM1] before proceeding further.
>
> "What were the results of the (first) cease-fire?"[501]

920. In a summary of the negotiations with JAM prepared in November 2007, a senior official specialising in the Middle East (1) explained that early talks with JAM1 had focused on:

"
- The release of Basra detainees, which would help JAM1's local standing.
- The relationship between JAM and the Iranian-backed Secret Cells. JAM1 was adamant that he could bring the Secret Cells into line with his policy. MND(SE) and [government officials working closely with the military] insisted on a broad right to self-defence and the need to counter Iran.
- The risks of US intervention. [JAM1] feared a US takeover of MND(SE) and the transfer of detainees to US custody.
- The risks of Shia against Shia political conflict. From the start [JAM1] talked of the necessity of an accommodation with Badr, Fadilah and the other Basra parties. He wanted Fadilah detainees released as well as JAM.
- The need for development work to continue. Although [JAM1] wanted the military occupation to end as soon as possible, he requested an acceleration of visible development work and later provided a list of priority projects to improve quality of life in Basra."[502]

---

[501] Note McDonald to senior government official specialising in the Middle East (2), 18 June 2007, '[JAM1]'.
[502] Minute senior government official specialising in the Middle East (1) to Lyall-Grant, 9 November 2007, '[NAME OF OPERATION]: Negotiations with JAM in Basrah'.

921. On 19 June, a senior government official specialising in the Middle East (2) wrote to colleagues:

> "Reaction in Whitehall has been predictably mixed. CJO is very supportive. FCO (McDonald) supports but would like to have been informed at an earlier stage. Aldred (Cabinet Office) hasn't read the … letter of 13 June but would like to call a meeting before any further detainees are released. No.10 (Sheinwald) have no objection, but want a submission on where we have got to so we can get ministerial top cover … We are going with the No.10 ruling."[503]

922. The senior official explained that the submission would be drafted in London but commissioned government officials working closely with the military in Iraq to provide contributions. It would need to cover:

- the "back story";
- levels of IDF before and after the three-day cease-fire, and casualties;
- details of the next phase proposed (ie of the next two detainees JAM1 had asked for, and "what we would get in return");
- an idea of "where we might go next";
- technical details of how the Divisional Internment Review Committee (DIRC) process worked (who sits on the committee, what their legal responsibility is, and whether they consult with the US or Iraqis);
- what the US view was, because "if they don't sign-off in theatre we will need to rethink"; and
- how to "handle the Iraqis" and what their views were.

923. On 20 June, a senior government official specialising in the Middle East (2) sent advice to Mr McDonald and Mr David Richmond, FCO Director General Defence and Intelligence, for onward submission to Mrs Beckett.[504] The advice was copied to Mr Desmond Bowen, MOD Policy Director.

924. The senior official sought authority to attempt cease-fire negotiations with key elements of JAM in Basra. This would be co-ordinated closely with GOC MND(SE) and the British Consul General in Basra. Urgent approval was requested in order to maintain momentum and to prevent possible discredit to the JAM interlocutor.

925. The senior official went on to describe the outcome of the trial cease-fire:

> "Reporting from Basra shows a sharp reduction in rocket and mortar fire against Basra Palace and Basra Air Station (BAS) over 15-17 June. There were indirect fire (IDF) attacks on Basra Palace and BAS every day 11-14 June, no attacks at all on

---

[503] Minute senior government official specialising in the Middle East (2), 19 June 2007, '[NAME OF OPERATION]: [JAM1]'.
[504] Minute senior government official specialising in the Middle East (2) to McDonald, Richmond & Foreign Secretary, 20 June 2007, '[NAME OF OPERATION]: Shia Engagement'.

15 and 16 June and only one attack (at BAS) at 2245 on Sunday 17 June (which caused casualties). Attacks against the military re-supply convoy from the airbase into Basra were also markedly down. There have been attacks on BAS or the Palace every day since 18 June."

926. The senior official explained that on 18 June, his colleagues had discussed the cease-fire with JAM1. The discussion had led to an "outline plan to build confidence on both sides" which involved:

a. The release of two further named detainees, both of whom were classified 'orange' in MND(SE)'s system ('of some risk to the coalition if released'). The senior official reported that "MND(SE) view the releases as relatively unproblematic". This would happen at the end of the trial cease-fire, as a test of coalition good faith.
b. A month-long JAM cease-fire in Basra province, matched by a continued suspension of strike operations by the coalition, which would retain the right to fire in self-defence, to interdict arms shipments and to intervene when asked to do so by the Iraqi Government.
c. Consideration of the release of two further named detainees, depending on the effectiveness of the month long cease-fire. These individuals were more significant, and classed as 'red'.
d. The possibility of an indefinite cease-fire if the month-long version proved successful. JAM1 would be likely to seek additional detainee releases.

927. If the advice was approved, the senior official explained that Lt Gen Lamb would brief Gen Petraeus and either Dr Rubaie or Prime Minister Maliki on the proposal. The Foreign and Defence Secretaries would be consulted at every stage of the negotiations. Releasing the nominated detainees, who were "held on the basis of intelligence, under the powers of internment provided in the resolution, rather than on the basis of an evidential criminal case" was a matter for MND(SE) and the MOD.

928. The risks identified in the submission included that the US might view the contacts with JAM as undermining their security strategy, although it was reported that Lt Gen Lamb did not think this likely. The senior official wrote:

"GOC MND(SE) and HMCG Basra strongly support this initiative. HMA Baghdad is also in favour, with the caveat that al-Maliki will need careful handling. SBMR-I is also supportive but notes that the initiative will need to be integrated with broader coalition efforts to engage JAM."[505]

---

[505] Minute senior government official specialising in the Middle East (2) to McDonald, Richmond & Foreign Secretary, 20 June 2007, '[NAME OF OPERATION]: Shia Engagement' including manuscript comments Richmond and McDonald.

929. Mr McDonald annotated the submission on 21 June that he supported the recommendation on the basis that only two 'orange' prisoners were released at that point, with further releases being decided against the effectiveness of the month long ceasefire, and that the US and the Iraqi Government should be briefed soon.

930. Mr Richmond agreed with these comments, and was able to confirm on 22 June that Mr Browne had agreed to the proposals.

931. A meeting took place on 21 June between JAM1 and government officials working closely with the military.[506] Although "the atmospherics were good" the officials had no news so far about releases and could only say that London had decided to consider all four releases at the same time. Once the principle had been established, they expected that further releases "should prove easier".

932. The officials raised the heavy IDF that had followed the end of the trial cease-fire and caused the death of a UK soldier.[507] JAM1 said that he regretted the death and that had the two detainee releases taken place as he had requested, he might have been able to contain the violence.

933. JAM1 noted that the negotiation process was becoming more widely known and made a "clear linkage" with transfer to PIC "saying, in effect, that our peace process would enable the transfer of the security portfolio to the Iraqis". The officials asked JAM1 to consider ways in which he might guarantee the security of certain specific development projects in Basra, in particular hospitals.

934. A senior government official specialising in the Middle East (2) responded that the meeting with JAM1 had gone as well as could be expected and that JAM1 was "not out of the game yet".[508]

935. After the advice of 20 June had been submitted, Mr McDonald and Mr Richmond had commented, and Mr Browne had agreed the proposals, a discussion between officials working closely with the military and Lt Gen Lamb and Mr Asquith revealed that Lt Gen Lamb and Mr Asquith were not supportive of the advice that had been provided.[509]

936. On 20 June, Mr Blair's Private Secretary told Mr Blair that Prime Minister Maliki had decided to disband the Basra Emergency Security Committee, replacing it with a new committee that would report to the Iraqi Ministry of Defence and have "operational responsibility for all aspects of provincial security, from police through port security to borders".[510]

---

[506] Email government official working closely with the military, 21 June 2007, '[JAM1] 21 June meeting'.
[507] Major Paul Harding.
[508] Email senior government official specialising in the Middle East (2), 21 June 2007, '[NAME OF OPERATION] Submission Launched'.
[509] Email government official working closely with the military, 23 June 2007, 'SBMR-I Requests […] withdraw and correct [NAME OF OPERATION] submission. HMA Comments'.
[510] Minute Banner to Prime Minister, 20 June 2007, 'Phonecall with Maliki'.

937. On 21 June, Mr Blair had a video conference with President Bush, his final as Prime Minister.[511]

938. A brief for the conversation by Mr Blair's Private Secretary suggested that President Bush might raise concerns about Basra.[512] The Private Secretary wrote:

> "You can reassure him that our current plans would see around 5,000 troops remaining in Basra over the Autumn, to focus on training, re-intervention (if required) and building situational awareness in the South. We will ensure that transition to Provincial Iraqi Control is conditions-based, and are working hard with (and on) Maliki to ensure that the Government of Iraq plays its part."

939. During the video conference, Mr Blair stressed the importance of a "visible fight-back" against "militant elements" in Iraq, and of a coherent, politically driven reconciliation process.[513]

940. On 21 June, Mr Asquith reported to London on the focus amongst US staff in Iraq on the need to report to Congress in September.[514] As Ambassador Crocker and Gen Petraeus tried to "manage expectations", in the Embassy and in MNF HQ "teams of planners beaver away" producing metrics. In Mr Asquith's view:

> "The Iraqis understand the urgency of what needs to be done. Plenty of pressure is being put on the leadership by their own disenchanted constituents … But nonetheless the Iraqi clock is keeping slower time than Washington's. And much of what is being asked is difficult to deliver in circumstances where government struggles to be effective and the state of politics is such that decisions are more likely to be postponed than taken."

941. On the political front, Lt Gen Lamb continued to report progress.[515] On 24 June he wrote that:

- agreement had been reached on the Hydrocarbons Law;
- vital groundwork had been laid in reaching agreement on Provincial Elections;
- the Sunni community was increasingly rejecting AQ-I (in one area in southern Baghdad there had been an 80 percent reduction in IEDs); and
- progress on reconciliation and engagement continued, with a new committee – made up of representatives from key Iraqi Ministries and the MNF-I and

---

[511] Letter Banner to Hayes, 22 June 2007, 'Prime Minister's VTC with President Bush, 21 June: Middle East issues'.
[512] Minute Gould to Prime Minister, 20 June 2007, 'Your VTC with President Bush: 21 June 2007'.
[513] Letter Banner to Hayes, 22 June 2007, 'Prime Minister's VTC with President Bush, 21 June: Middle East Issues'.
[514] eGram 26691/07 Baghdad to London, 21 June 2007, 'Iraq: How Baghdad is handling Congress's 18 benchmarks'.
[515] Minute Lamb to CDS, 24 June 2007, 'SBMR-I Weekly Report (258) 24 June 07'.

reporting direct to Prime Minister Maliki – to implement bringing tribes and armed insurgents into the fight against AQ-I.

942. Lt Gen Lamb also wrote that he considered the appointment of General Mohan and Major General Jalil as the military and police leaders in Basra represented important progress.

943. Colonel Peter Mansoor, executive officer to Gen Petraeus from 2007 to 2008, recorded in his book *Surge* that Op SINBAD operations "suffered … from the same deficiencies as the contemporaneous 'Together Forward' operations in Baghdad – areas cleared could not be held without keeping sufficient troops positioned among the people".[516] Neither the Maliki government nor the MNF-I were willing to support "more robust" operations, and the ISF were "too few and too poorly trained to take on the responsibility for securing Basra".

944. Col Mansoor assessed:

> "Predictably, the 'clear and leave' operations did not achieve enduring security gains, as the Iraqi security forces to which the British quickly transferred control of cleared areas proved unable to keep them clear. As a result, Operation SINBAD was an exercise in futility, and Sadrist militiamen soon regained control of their safe havens in Basra. The alternative to renewing the fight, in the minds of British political and military leaders, was to cut a deal."

US politics

On 25 June two Republican Senators, Richard Lugar and George V Voinovich, made speeches questioning the US troop surge and calling for troop withdrawals.[517] Senator Lugar was the senior Republican member of the Foreign Relations Committee.[518]

Three days later, President Bush made a speech at the Naval War College in Rhode Island in which he defended the surge, arguing "our forces can see the difference" that it was making on the ground.

945. On 26 June, VAdm Style briefed the Chiefs of Staff that:

> "In Basra itself, whilst a palpable threat to MNF existed, there was general agreement that the UK transition plan should continue. It was anticipated that there could, conceivably, be US pressure to delay the process, which had the potential to introduce a gap in the timing of the handover of Basra Palace and PIC in Basra.

---

[516] Mansoor PR. *Surge: My Journey with General David Petraeus and the Remaking of the Iraq War.* Yale University Press, 2013.
[517] *The New York Times*, 29 June 2007, *Bush Defends War at Naval College as Senate Republicans Show Increasing Impatience*.
[518] Minute Banner to Prime Minister, 29 June 2007, 'Iraq – update'.

Such a gap should be avoided as it would place GOC MND(SE) in an extremely difficult position with regards to the effective provision of security in Basra."[519]

946. The Chiefs of Staff noted:

"Any pressure on de-latching the handover of Basra Palace and PIC should be resisted, however, it was recognised that some very limited flexibility may be required in order to avoid a potential 'falling-out' with the US on the run-up to the delivery of the Petraeus/Crocker report."

947. After discussions in Baghdad, on 26 June a note containing Lt Gen Lamb's comments on the 20 June submission on cease-fire negotiations was sent to VAdm Style. It said:

"SBMR-I would wish to offer the following comment, for consideration alongside [the submission]:

- He remains generally supportive of an [UK] approach;
- He suspects there might have been an underestimation of the sensitivity of the GOI/PM position;
- He suspects that there is a possibility at least that this local initiative might undermine the broader engagement;
- He suspects that [Gen Petraeus] would be unlikely to agree to 'a continued suspension of strike operations from the coalition in Basra province'; and
- Noting the difficulty of capturing the detail of such negotiations on paper, he senses from the overall tone of [the submission] that there might be a lack of a hard edge to the MNF-I side of the agreement; in particular, that MNF-I would seek [JAM1]'s 'approval' for coalition action seems inappropriate."[520]

948. On 26 June, a senior government official specialising in the Middle East (2) submitted supplementary advice to Mrs Beckett, via Mr Richmond, copied to Mr Bowen and Mrs Beckett's Principal Private Secretary.[521] The senior official wrote:

"Discussions on … cease-fire talks with JAM detainee [JAM1] – have continued in Basra and Baghdad since my submission on 21 June. Both SBMR-I and HMA Baghdad have additional comments, based on their reading of the final draft of the submission and subsequent exchanges with [officials working closely with the military on the ground in Iraq]. I would be grateful if you could connect this letter with the … submission."

---

[519] Minutes, 26 June 2007, Chiefs of Staff meeting.
[520] Minute [junior officer on behalf of SBMR-I] to DCDS(C), 26 June 2007, '[NAME OF OPERATION] submission – SBMR-I comment'.
[521] Minute senior government official specialising in the Middle East (2) to Richmond and Foreign Secretary, 26 June 2007, '[NAME OF OPERATION] – Shia engagement'.

949. Lt Gen Lamb's position was reported as:

"SBMR-I … remains generally supportive of the initiative but flags up several risks, which are recognised in the submission and which we would not dispute:

- Possible Government of Iraq suspicion or outright opposition
- The risks of undermining broader engagement through a local approach in MND (SE)
- US opposition to a suspension of strike operations

"SBMR-I also comments that the MNF-I side in the negotiations is not being tough enough with [JAM1]."

950. Mr Asquith's position was reported to be that:

"… he did not have a problem with doing a deal with [JAM1], but he too argued that the negotiating position should be much tougher, commenting on policy as follows:

a. We should not undertake to suspend strike operations (para 8b) – particularly as [operations by another body] will continue unaffected.
b. We should include a cessation of EFP [Explosively Formed Projectile] attacks as the test for [JAM1] to pass (ie not just IDF).
c. We should not leave ambiguity over strike action against secret cells or our expectation that [JAM1] controls their activity (para 15).
d. It is unrealistic for the process to be brought to a close straightforwardly if the US at some point demand that we cease contacts with [JAM1]. Having led him down the garden path, he will take it out on us when he sees that we've deposited him on the compost heap.
e. I don't see in the submission description of how we will seek to set mainstream JAM against secret cells (para 11).
f. Any 'cease-fire' we might offer on our part should not, in my view, be province wide (para 8b) – we should limit it to Basra City.
g. It seems that two of [JAM1]'s desired six were released before the 48 hour cease-fire – if so this was unwisely generous.
h. [JAM1]'s been shut up for two years. Why is he now motivated by fear of being supplanted or suspicion of Iranian influence? Are we being uncharacteristically naïve?"

951. The senior official added:

"Following further discussions, HMA [Mr Asquith] raised the following:

– The end state is not clear. Buying repeated cease-fires of one month duration (until the UK military withdraw from Basra province?) seems a lot to give away for questionable delivery.

- How do we track the activities of the people we release.
- I still think we limit ourselves too much in what action we say we'll refrain from. But we don't explain to [JAM1] that others … might conduct operations; so we still run the risk that he will interpret us reneging when in fact it is someone else. We end up with the worst of both worlds.

"HMA also questioned the resumption of IDF immediately after the trial cease-fire 15-17 June. [The senior official] explained that no deal was reached on immediate extension of the cease-fire so this was to be expected."

952. In conclusion, the senior official wrote:

"There is a difference of British views between Basra and Baghdad, which it is not for [us] to resolve. If the Secretary of State approves continuing negotiations with [JAM1], it is essential that there be a mechanism for agreeing UK policy lines reasonably quickly, within parameters laid down by ministers. One way of doing this would be for [government officials working closely with the military] to collate recommendations and views from theatre and send these to David Richmond, copied to Desmond Bowen."

953. On 27 June, Mr Blair stood down formally as Prime Minister. At the start of his final Prime Minister's Questions he paid tribute to two individuals recently killed in Iraq[522] and another killed in Afghanistan[523] and said:

"I am sorry about the dangers that they [UK armed forces] face today in Iraq and Afghanistan. I know that some may think that they face these dangers in vain. I do not, and I never will. I believe that they are fighting for the security of this country and the wider world against people who would destroy our way of life."[524]

954. Iraq was also raised by Mr Jeremy Corbyn who asked when Mr Blair expected British troops to be withdrawn.[525] Mr Blair replied:

"The numbers of UK forces in Iraq depend on the conditions in Iraq. The numbers of forces have come down from 9,000 to 7,000 to 5,500. When, in the next few weeks, we are able to complete a further phased withdrawal, they will come down even further, but they must come down as and when the security conditions allow."

955. Shortly after Mr Blair tendered his resignation, HM The Queen asked Mr Gordon Brown to form a government. He arrived at No.10 the same afternoon.

---

[522] Major Paul Harding and Corporal John Rigby.
[523] Drummer Thomas Wright.
[524] House of Commons, *Official Report*, 27 June 2007, column 323.
[525] House of Commons, *Official Report*, 27 June 2007, column 328.

SECTION 9.6

27 JUNE 2007 TO APRIL 2008

Contents

Introduction 182
June 2007: The Brown Government 182
July 2007 185
August 2007 212
September 2007 235
October 2007 266
November 2007 287
December 2007 301
January 2008 316
February 2008 323
March 2008 335
April 2008 353

Introduction

1. This Section addresses:

- the decision to withdraw UK forces from Basra Palace, including the development of the negotiations to ensure a safe exit and UK plans for the future deployment of its troops;
- the UK's role in the transition to Provincial Iraqi Control (PIC) in Basra; and
- the UK's relationship with the Iraqi Government, including steps to safeguard the legal status of UK forces, and responses to the Charge of the Knights in Basra.

2. This Section does not address:

- the UK contribution to the reconstruction of Iraq and reform of its security sector, covered in Sections 10 and 12 respectively.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

June 2007: The Brown Government

4. Mr Gordon Brown succeeded Mr Blair as Prime Minister on 27 June 2007. In his new Cabinet he appointed Mr David Miliband as Foreign Secretary and Mr Douglas Alexander as International Development Secretary. Mr Des Browne remained in post as Defence Secretary. Baroness Scotland became the Attorney General.

5. Mr Brown also reorganised the structure of Cabinet Committees, as is usually the case when a new Prime Minister takes office. Iraq fell within the remit of the Committee on National Security, International Relations and Defence (NSID), and specifically its Overseas and Defence Sub-Committee (NSID(OD)).

6. Mr Brown spoke to President Bush on the telephone shortly after he arrived at No.10.[1] Mr Brown said that he believed there were a number of ways forward in Iraq and looked forward to further discussions with the President, including by continuing Mr Blair's practice of holding regular video conferences.

7. Mr Brown told the Inquiry that he had talked to President Bush both before and after becoming Prime Minister about the UK's future plans for Iraq, making clear the commitment to "finish the job" in Basra:

> "Over time we would be reducing the number of troops but only as the Iraqis were capable of taking control of law and order … And he was perfectly satisfied with what we were doing … We had a series of phone calls as well during the summer of 2007 as we developed this new strategy …"[2]

---

[1] Letter Henderson to Hayes, 27 June 2007, 'Prime Minister's Phone Call with President Bush'.
[2] Public hearing, 5 March 2010, page 153.

8. On 27 June, at the request of the MOD, the Joint Intelligence Committee (JIC) considered the state of the Iraqi Security Forces (see Section 12.1 for more detail on Security Sector Reform).[3]

9. The JIC's Key Judgements included:

> "I. Work is under way in Prime Minister Maliki's government to develop a national security strategy, but it is unlikely to make a difference to Iraq's security as long as the government remains factionalised and fails to make progress on national reconciliation …
>
> "II. Policy incoherence is exacerbated by a plethora of competing and ineffectual committees operating with little central co-ordination …
>
> "III. The army continues to develop slowly … [Quality] varies markedly between units and there are still serious systemic problems: leadership is weak; under-manning remains common; logistic support is poor; many units lack key items of equipment.
>
> "IV. The local Iraqi Police Service is at best ineffective. In many areas the police are synonymous with militia or insurgents … Corruption is endemic. Many police are probably unreformable."

10. The JIC also considered that in the "likely event of serious intra-Shia fighting the police would probably take sides … and the army would try to remain on the sidelines". In Anbar, locally-raised Sunni tribal units had been successful in reducing violence, but it was "unrelenting" in Baghdad, Diyala and other mixed provinces around the capital.

11. The JIC assessed that: "In the absence of a significant reduction in the threat, the Iraqi security forces will be unable to cope" without combat support from the Multi-National Force (MNF) well beyond February 2008.

12. On 29 June, Mr Brown's Private Secretary provided him with an update on Iraq.[4] Attached to it was a note described as:

> "… draft new language, which you may want to use at PMQs [Prime Minister's Questions] … which aims to strike a realistic, more downbeat, tone on the situation in Iraq and to put the onus for positive change firmly on the Iraqi Government."

13. The update characterised Iraqi politics as "tense and obstructed" and complicated by tensions between the Sunni and other groups.

14. In the South, the note said, the situation remained "difficult" but the appointment of a new police chief, Major General Jalil, and a new head of the Basra Operations Command, General Mohan, was good news.

---

[3] JIC Assessment, 27 June 2007, 'Iraqi Security Forces and Structures: Quantity not Quality'.
[4] Minute Banner to Prime Minister, 29 June 2007, 'Iraq – Update'.

15. The Private Secretary reported concern within the military "that the UK Battlegroup deployed in Maysan province, primarily to cover the huge border with Iran, is not achieving any military effect". Officials were working on a paper "on the issues around (and implications of) moving out of the Basra Palace site, and security transition in the South".

16. At Cabinet on 29 June, Mr Browne described three separate incidents involving British forces in Basra the previous day and observed that British forces were facing the brunt of violence in South-East Iraq.[5] Cabinet expressed sympathy for the soldiers and their families.

17. Mr Dominic Asquith, British Ambassador to Iraq, reported on 29 June that Sunni distrust of the political process was becoming increasingly focused on Prime Minister Maliki personally.[6] Despite this "atmosphere of mistrust", discussions were continuing among the parties on restructuring the government around an Executive Council (consisting of the President, two Vice Presidents and the Prime Minister) and a moderate front involving five partners.[7]

18. Mr Asquith noted that there was a disconnect between the US and Iraqi approaches to the political process. Iraqis were arguing that the parties needed time to build trust while the US saw that process halting progress towards achieving their most pressing benchmarks: political agreement to the draft Hydrocarbons Law[8] and revenue sharing arrangements. Mr Asquith commented:

> "Managing this disconnect will require maintaining the focus on discrete elements of the programme that might be salvageable:
>
> - the benchmark legislation, including a return to the de-Ba'athification draft, which I shall be discussing further with the Americans;
> - the constitutional review, on which we are in discussion with the CRC [Constitutional Review Committee] chairs …;
> - continuing the schedule of Executive Council meetings with the aim of securing agreement at least on how it will operate;
> - proceeding with preparations for provincial elections."

[5] Cabinet Conclusions, 29 June 2007.
[6] eGram 28011/07 Baghdad to FCO London, 29 June 2007, 'Iraq: Weekly Assessment'.
[7] The Kurdish PUK and KDP, the Shia Dawa and ISCI and the Sunni IIP.
[8] This would describe the governance and development of the energy sector in Iraq.

Terrorist incidents in London and Glasgow

On 29 June 2007, two cars containing gas canisters, explosives and nails were found in central London, one outside a busy nightclub on Haymarket.[9]

The following day, two men drove a blazing car into the main terminal building at Glasgow airport.[10] The airport was evacuated and flights suspended.

After a meeting of COBR, the Government's emergency committee, Mr Brown raised the UK threat level for international terrorism to 'Critical', its highest level.

SIS5 told the Inquiry that one threat to the UK came from people, from a range of backgrounds, who had been radicalised and motivated by what they had seen reported about Iraq.[11] In SIS5's view, the attacks in London and Glasgow in June 2007 fell into that category.

July 2007

19. The security situation in Baghdad remained a cause for concern. On 1 July, Mr Asquith observed that, while the number of some events (for example, suicide attacks) had gone down, "public perceptions from polls and our own informal soundings … remains sharply negative".[12]

20. Lieutenant General Graeme Lamb, the Senior British Military Representative – Iraq (SBMR-I) reported that there was "much relief" that a planned march, organised by supporters of Muqtada al-Sadr, had been called off.[13] Lt Gen Lamb considered that, had the march gone ahead, there would have been a "major sectarian clash" the impact of which might have been a "terminal challenge" to the Iraqi Government and to "the ability of the coalition forces to affect the outcome". Work was in hand to "understand exactly how and whose political pressure was brought to bear" in calling off the march.

21. Mr Jon Day, MOD Director General Operational Policy from August 2007 to October 2008, told the Inquiry that:

> "… there were contacts between the UK and the Sadrists in Basra from the spring of 2007, and that as a result of this continuing dialogue, a series of – I think I prefer to use the word "understandings" were reached with core elements of the Sadrist JAM [Jaysh a-Mahdi] militias in Basra. These understandings ran from mid-June 2007 and they therefore pre-dated and were separate from the national JAM cease-fire in late August."[14]

---

[9] *The Guardian*, 1 July 2007, *Terror threat 'critical' as Glasgow attacked*.
[10] *BBC News*, 30 June 2007, *Blazing car crashes into airport*.
[11] Private hearing, 2010, pages 43-44.
[12] eGram 28201/07 Baghdad to FCO London, 1 July 2007, 'Iraq: Baghdad Security Plan'.
[13] Minute Lamb to CDS, 1 July 2007, 'SBMR-I Weekly Report (259) 1 July 07'.
[14] Public hearing, 6 January 2010, page 32.

22. Mr Day considered that the UK had a number of motives for entering into a dialogue with JAM:

- to contribute to the coalition's overall outreach effort to groups involved in violence, in line with what was happening with Sunni groups further north;
- to encourage mainstream JAM (who it was believed were "looking for a way out of violence") to move towards a commitment to democracy, particularly with the provincial elections expected in 2008;
- to drive a wedge between the mainstream JAM core (who were nationalists and believed to be "reconcilable") and the largely Iranian-sponsored JAM Special Groups (who were following an Iranian agenda);
- to encourage a reduction in the level of violence, to make time for the Iraqi Army to develop its capability to enable it to confront the unreconciled militias successfully; and
- to reduce the threat to UK and other coalition forces.

23. The process of seeking Ministerial agreement for continued dialogue with an individual (JAM1) was interrupted by the formation of the new government (see Section 9.5), and had to be re-started in early July.

24. On 2 July, an official working closely with the military reported:

> "HMA [the British Ambassador to Iraq] and SBMR-I … judge that US and GoI [Government of Iraq] will reject the deal.
>
> "To summarise a lengthy and detailed discussion: SBMR-I repeated that he could see some of the opportunities offered by [JAM1]. As such he would like to be able to write supportive comments on a submission. But as the submission currently stood – he would have to comment that he did not believe that either the GoI nor US would support the proposal. He was concerned that this would lead to Ministers not agreeing the submission, and would like to avoid this if possible."[15]

25. Although he could see the benefits of reducing indirect fire (IDF) and allowing transition to PIC to happen, US views reportedly remained a major concern for Lt Gen Lamb because:

> "… such a deal in the South would represent an about-turn of the policy that had only months ago convinced them to establish [another operational body]. In short the suggestion of a no-strike agreement in the South was at loggerheads with the active targeting policy conducted against Iranian proxies by MNF-I [Multi-National Force – Iraq] and MNC-I [Multi-National Corps – Iraq] elsewhere in Iraq."

---

[15] Minute official working closely with the military, 2 July 2007, 'New [NAME OF OPERATION] Submission: […]'.

26. Lt Gen Lamb was reported to be concerned that "we might be giving up broader strategic interests for the future of Basra" and that this would be seen as "a hollow victory, gained for fixed British rather than strategic interests". He therefore suggested either holding the submission back and continuing discussions with JAM1 to better define the options, or re-writing it to focus on broaching the issue with the US and Iraqi Government as an initial objective.

27. The official concluded:

> "In sum, both HMA and SBMR-I believe the deal struck needs to be tougher; that it is not clear to them to what extent control of Basra will be handed over to JAM; that there will be serious reservations over the release of 'red' detainees without a better deal being struck, and that neither [General David] PETRAEUS [Commanding General MNF-I] or the GoI will agree to the proposal as it currently stands."

28. On 3 July, Mr Simon McDonald, Mr Brown's Foreign Policy Adviser, spoke to Mr Stephen Hadley, the US National Security Advisor, by telephone.[16] Mr McDonald said that Mr Brown's "analysis of the situation on the ground would be tough; he was likely to stress the importance of Maliki and his government improving their performance".

29. Air Marshal Stuart Peach, Chief of Defence Intelligence, briefed the Chiefs of Staff on 3 July that it was "unlikely that ISF [Iraqi Security Forces] would have sufficient capacity to assume responsibility for security across Iraq by February 2008, in accordance with current plans".[17]

30. Mr Brown's Private Secretary advised the Iraq Senior Officials Group on 3 July that he had "indicated that he would stick broadly to the strategy outlined by Mr Blair in February", but was keen that there should not be a significant gap between the handover of Basra Palace and transition to PIC.[18] Mr Brown was currently occupied with domestic and counter-terrorism issues but would address strategies for both Iraq and Afghanistan soon.

31. Mr Brown told the Inquiry that his focus was on the area of Iraq for which the UK was responsible:

> "… my determination was that we created the context in which Iraqis, that is the people of Basra, had more control over their own affairs. So we had to build up the training of the Iraqi forces and the training of the Iraqi police, and we did that …
>
> "Then we had to make sure that local government elections took place, so that there was some stability … And then we had to do something about economic development … So through … 2007 … we were planning what we called 'overwatch', where we would move from what was called 'tactical overwatch',

---

[16] Letter McDonald to Hayes, 3 July 2007, 'Conversation with US National Security Adviser'.
[17] Minutes, 3 July 2007, Chiefs of Staff meeting.
[18] Minute Cabinet Office [junior official] to McDonald, 3 July 2007, 'Iraq Senior Officials Group'.

> where we were there as the forces but Iraqis were involved in the maintenance of stability and law and order; and then we would move to what we called 'operational overwatch', which gave the Iraqis far more control themselves of their own affairs; and we moved then to 'strategic overwatch', which is what we eventually did, where we stood back, the Iraqis had control of their own security but we had a re-intervention capability if it was at all necessary."[19]

32. Air Chief Marshal Jock Stirrup, Chief of the Defence Staff, visited Baghdad and Basra from 1 to 3 July.[20] In Basra, Major General Jonathan Shaw, General Officer Commanding Multi-National Division (South-East) (MND(SE)), told ACM Stirrup that he was confident the conditions set for PIC had been met; there was little military advantage in retaining a presence at Basra Palace with the exception of retaining a base for strike operations and for situational awareness. Maj Gen Shaw therefore advocated relocating to Basra Air Station at "the earliest practicable point". ACM Stirrup agreed, observing that only "in extremis" would UK forces then re-enter the city, and then only in support of the Iraqi Army.

33. Gen Petraeus and Ambassador Ryan Crocker, US Ambassador to Iraq, remained "circumspect" on the timing of PIC in Basra. They considered that there remained "significant problems" associated with "unstable politics" and "JAM infiltration" and advocated the need for "a few 'wins'" before formal transfer.

34. ACM Stirrup told them that the violence in Basra was "all about money and power, rather than sectarianism" and he considered that UK forces vacating the city centre could undermine the level of Iranian influence in the city. He argued that:

> "PIC represented a catch 22 situation in which it was difficult to demonstrate the ability of the provincial authorities to assume responsibility for security without having handed over responsibility."

35. Mr Robert Tinline, Deputy British Consul General in Basra, briefed ACM Stirrup that the UK had "done as much as we can in Basra" and reported that although General Mohan wanted UK forces out of Basra City he did not want full PIC.

36. Lieutenant General Nicholas Houghton, Chief of Joint Operations, briefed the Chiefs of Staff on 3 July that General Mohan:

> "… appeared to have formed a clear, objective and accurate assessment of the security and social situation in Basra, which chimed with the UK's position. He believed that the MNF-I presence distorted the loyalties of Basrawis and supported Provincial Iraqi Control (PIC) as a precursor to turning Iraqi nationalism against malign Iranian influence."[21]

---

[19] Public hearing, 5 March 2010, pages 151-152.
[20] Minute Kyd to PS/SofS [MOD], 5 July 2007, 'CDS Visit to Iraq 1-3 Jul 07'.
[21] Minutes, 3 July 2007, Chiefs of Staff meeting.

37. In his weekly update on 5 July, Maj Gen Shaw reported on the meeting between General Mohan and ACM Stirrup, who had concluded that "this was an individual with a plan" and that it was mainly coherent and well considered.[22]

38. Maj Gen Shaw explained:

> "Mohan's vision regarding Shia reconciliation cites MNF as a distorting factor for Iraqi nationalist loyalties … Mohan is quite resolute in what he believes is the solution: MNF to adopt a *de facto* PIC overwatch posture, moving out of the city but able to provide support and training as required. This will allow him to harness the motivation and mindset of the fundamentally nationalist population, a violent minority of which is currently distracted by the MNF 'occupiers' and mark those who work for MNF as collaborators. Mohan recognises that security in Basra cannot be achieved by military means alone and wishes to focus on Shia reconciliation with an aspiration to utilise Shia Iraqi Nationalism to drive a wedge between mainstream/nationalist JAM and militant JAM, exposing its Iranian proxies and tackling the longer term Iranian threat … his focus on the will of the people is one I fully support …"

39. But Maj Gen Shaw cautioned:

> "What is unclear is how … we will retain situational awareness should we, as he suggests, leave the city. Until PIC our *de jure* responsibility for security remains; keeping ISF as the first line of response is compatible with moving out of Basra Palace, and we have, as directed since February, successfully de-linked PIC and BP [Basra Palace] in the US and GOI planning, the UK driver being strategic sustainment. To re-link PIC and BP on the basis of the tactical advantages of a BP presence risks compromising our stated strategic position and might provide a US hook for our posture that we might regret … The PJCC [Provincial Joint Co-ordination Centre] however provides us with situation awareness … of the city, something I am loathe to give up as long as *de jure* PIC responsibility remains. Nonetheless today my preference is to move from the PJCC and BP at the same time. But this is fluid … This whole Basra posture is a bargaining chip to get Mohan to support Basra PIC in August. For wider reasons I am prepared to accept the risk of security responsibility for Basra without troops in BP/PJCC for two months. Longer than that and the risk of my successor being exposed rises; in this case, strategic top cover might be required to protect our reputation with the US …"

40. Maj Gen Shaw reported his assessment that for the past month Basra had met the conditions for PIC set by Lieutenant General Raymond Odierno, Commander MNC-I. He considered that this argued strongly for Basra being granted PIC in July, though he had picked up some US and Iraqi concern about this timeline:

> "The Iraqis, having finally taken Basra security seriously, may wish to see new security structures … For the US, I sense that a reluctance to take risk, and a desire

[22] Minute Shaw to CJO, 5 July 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 05 July 2007'.

to shore up the coalition through to September looms large. Neither argument is entirely rational and all UK levers will need to be applied to persuade them their fears are unfounded and that it is in the interests of GOI and US to grant PIC to Basra."

41. Maj Gen Shaw told the Inquiry that:

"Our attempt to choreograph the granting of PIC and the withdrawal of troops and the handing over of Basra Palace just crashed and burned because of course we didn't own the turf … We owned the troop levels, and I was still trying to hang on to that. The Iraqis suddenly owned Basra Palace, and then it was the Iraqis and Americans that owned PIC. That sort of confusion of C2 [command and control] meant that choreographing those three was very difficult."[23]

42. On 4 July, Mr Brown answered the first set of Prime Minister's Questions of his term in office.[24] Asked about whether he would set a timetable for withdrawing UK troops from Iraq, Mr Brown said that it would be:

"… wrong to set a timetable at this stage. What we have done is reduce the number of troops from 44,000 to 5,500 and move from combat to overwatch in three provinces of Iraq. What we await is a decision to move to overwatch in the fourth province of Basra, but we have obligations, which we have accepted, both to the United Nations and the Iraqi Government, and we are not going to break those obligations at this stage."

43. On 4 July, a senior official specialising in the Middle East sent advice to Mr David Richmond, FCO Director General Defence and Intelligence, for onward submission to Mr Miliband.[25] It was copied to Mr Desmond Bowen, MOD Policy Director, and Vice Admiral Charles Style, Deputy Chief of the Defence Staff (Commitments).

44. The senior official wrote that he sought:

"… authority for HMG officials to discuss an opportunity to bring about a reduction in violence from Jaysh al-Mahdi (JAM) in Basra, with the Government of Iraq (GoI) and General Petraeus, the (US) Commanding General Multi-National Force Iraq (CG MNF-I). Subject to GoI and US views, [UK officials] would aim to negotiate an initial month-long reduction in violence from JAM on satisfactory terms and, consulting continuously as appropriate, would then explore options for extending this reduction in violence and folding it into broader political engagement with JAM and the Sadrist movement.

---

[23] Private hearing, 21 June 2010, pages 35-36.
[24] House of Commons, *Official Report*, 4 July 2007, column 953.
[25] Minute senior official specialising in the Middle East to Richmond, 4 July 2007, '[NAME OF OPERATION]: Negotiations with JAM in Basrah'.

> "Clearance to proceed is sought urgently, as the opportunity for negotiations with JAM will not remain open indefinitely."

45. The advice was not explicit about what would constitute "satisfactory terms" for such an agreement, but recorded that JAM1 had "insisted" on the release of two detainees at the start of the month and asked for suspension of MND(SE) strike operations for the duration. He was likely to seek the release of two further detainees at the end of the month but would be given "no guarantee on these releases at the outset". The advice did not say what level of reduction in JAM violence would be considered to be satisfactory.

46. The senior official recommended that the discussions should proceed. He reiterated the background information provided by a colleague on 20 June about the trial cease-fire and subsequent discussions (Section 9.5), and reported views from UK officials in Iraq:

> "From the local perspective, GOC MND(SE) and HMCG [the British Consul General] Basra strongly support moving to the next phase (i.e. the release of the two 'orange' detainees and initiation of a further, month-long mutual reduction in violence). HMA and SBMR-I, from their Baghdad perspective, understand the attractions of engagement with JAM1 but believe that these negotiations need to be considered in the wider coalition and Iraq context. In particular, they are concerned that the GoI could be suspicious, and that General Petraeus would want to consider how to integrate this proposal with wider coalition efforts at engagement, which have been directed mainly at Sunni elements but include Shia parties and groups. SBMR-I states that any suspension of strike activity in Basra Province and the release of the two 'red' detainees would require General Petraeus' consent (since US forces in reality operate independently in MND(SE)). SBMR-I warns that General Petraeus would be unlikely to agree to suspend US strike operations in MND(SE). SBMR-I and HMA also suggest … drive a harder bargain with JAM1, limiting the cease-fire to Basra City (rather than the whole Province), and insisting he take responsibility for stopping EFP [Explosively Formed Projectile] attacks as well as mortar and rocket attacks (which otherwise would require MND(SE) strike action in response)."

47. The senior official explained that if Mr Miliband agreed, Lt Gen Lamb would brief Gen Petraeus and the Iraqi Government. Subject to their views, and "further negotiation" with JAM1 on terms, the two "orange" detainees would be released to trigger the month-long reduction of violence. During that month there would be discussion of further detainee releases. The senior official wrote that conduct of the discussion would be agreed be between GOC MND(SE), SBMR-I, the British Consul General in Basra and the British Ambassador to Iraq, and that Mr Richmond, Mr Bowen and VAdm Style in London would consult Ministers as appropriate.

48. Risks of the proposal were that the Iraqi Government would reject and react badly to it (judged to be "significant"); that Gen Petraeus would reject it; that divisions within JAM could be used as an excuse for continued attacks in Basra; that the talks would prompt attacks from other groups, who saw them as a threat to their position in Basra; and that

the media might find out and present the arrangements as a symptom of weakness in MND(SE).

49. The senior official reported that Mr Asquith had commented:

"The political context for securing GoI and US agreement to this proposal is unhelpful. Maliki's relationship with Muqtada and JAM is at an all time low … Meanwhile, Tawafuq's suspension of participation in cabinet threatens the end to Maliki's government, though this may take time to unravel.

"As for the US side, they remain convinced we are looking for a quick exit from Basra. They expect us to respect the conditionality required for PIC but will be likely to see this proposal as an attempt by us to create 'security stability', for just enough time to justify withdrawal.

"In the case of Anbar/Sunni tribal engagement, Petraeus wants MORE than cease-fires … He is looking for evidence of a commitment to support the political process. Moreover he would not see the deal with [JAM1] as being analogous to Anbar, where the locals are actively collaborating with the US against the 'bad guys'. He will be very aware, also, of the risk that the [JAM1] releases will merely move out of MND(SE) AOR [Area of Responsibility] to attack US forces elsewhere.

"That is why I will continue to argue for tougher conditions in the proposed deal with [JAM1]:

a. The coalition should additionally make clear that strike operations will continue against JAM where evidence exists that individuals are about to/ planning to commit IDF and EFP attacks.
b. We should be very careful to avoid giving [JAM1] any grounds to expect the release of the 'red' detainees as an inevitable part of this deal. We should therefore say that in circumstances in which attacks halt against coalition forces chances of releases obviously significantly improve."

50. Lt Gen Lamb was reported to have said:

"I support the continuation of an engagement dialogue with [JAM1], with a view to exploring opportunities to reduce the level of violence in Basra, and indirect attacks in particular. The proposal as it stands seeks a level of support from GOI and MNF-I which should not be assumed at this early stage, however; furthermore it suggests a level of commitment to [JAM1] which is unreasonable, I believe, given the uncertainty of [JAM1]'s authority across a most complicated and multi-militia environment … The Iranian influence, interference and control are cause for continued concern; thus a restriction on manoeuvre and strike operations at tactical, operational and strategic levels would be unwelcome at this stage."

51. On 5 July, Mr Richmond annotated the advice:

> "As the comments from HMA Baghdad and … General Lamb … make clear, this may well raise difficult issues in our relations with the US and the Iraqi Government. But you would only be authorising discussion at this stage (and MOD officials have confirmed that the Defence Secretary is keen to press ahead). I therefore recommend that you agree to the proposal. Nigel Casey, the Acting Director for Iraq, concurs."[26]

52. On 6 July, Mr Miliband's Private Secretary wrote to the senior official who wrote the 4 July advice to say that Mr Miliband agreed that the discussion should "proceed as proposed".[27]

53. Mr Brown spoke to Prime Minister Maliki on 5 July.[28] He welcomed the recent security appointments in Basra and hoped that they would pave the way for further progress towards transition to Iraqi control of security. Mr Brown said that he would like to discuss the scope for economic initiatives (see Section 10.2).

54. Prime Minister Maliki said that he hoped it would be possible to reduce the burden on UK forces and for Iraqi forces to take the lead within three months. He hoped that UK forces would support this and not seek to take the lead themselves. It was important for the new Iraqi military commander in Basra to establish his authority, not least because Iraqi forces would soon have to take action against "troublemakers" there.

55. The weekly Iraq update for Mr Brown on 6 July set out the range of views on transition to PIC in Basra:

> "Maliki seemed content with a target date of September, which would allow greater progress on Iraqi Security Forces' readiness. US Ambassador Crocker and General Petraeus were very negative about early transition to PIC, without a significant effort to embed new Iraqi security strictures and visible political progress.
>
> "Both General Mohan and … Mowaffaq Al-Rubaie [Iraqi National Security Adviser] focused on the advantages of early handover."[29]

56. The update also said:

> "There have been some signs … of a 'cease-fire' in Basra. But this can be overdone. [Government officials working closely with the military] and MND(SE) have been talking for some time to … [JAM1], about agreeing a 'cease-fire' in return for limited prisoner releases … There has been intelligence chatter to the effect that this is now

---

[26] Minute senior official specialising in the Middle East to Richmond/Miliband, 4 July 2007, '[NAME OF OPERATION]: Negotiations with JAM in Basrah' including manuscript comment Richmond.
[27] Letter Hayes to senior official specialising in the Middle East, 6 July 2007, '[NAME OF OPERATION]: Negotiations with JAM in Basrah'.
[28] Letter Banner to Hickey, 5 July 2007, 'Conversation with Iraqi Prime Minister'.
[29] Minute Banner to Brown, 6 July 2007, 'Iraq – Weekly Update'.

in place. But equally, senior JAM figures do not feel bound by it or him. Although attack levels dipped slightly over the period dealt with in the reporting this could be a normal statistical variation and there have been some particularly significant and well-planned attacks …"

57. On 8 July, Lt Gen Lamb reported that there were increasing signs of progress in Anbar province, where the Sunni "Awakening" was gaining momentum, and slowly shifting the security situation against Al Qaida in Iraq (AQ-I).[30] Lt Gen Lamb commented that the engagement was significant, but there remained risks for each of the four partners engaged in the process:

- For the Iraqi Government, there were concerns about being able to control locally-employed security forces, of which a large proportion were Sunni; the question of whether, and how, to integrate the "Awakening" movement within the Iraqi Security Forces was to remain a matter of debate in the months ahead (see Section 12.1).
- The tribes and former Sunni insurgents wanted to be sure that the Iraqi Government would support them and that the MNF would remain in Iraq long enough to reduce the threat from AQ-I, at least to a point that AQ would be unable to return in any strength.
- There was a risk for the MNC-I of being fixated by short-term gains and failing to manage the longer-term expectations of the tribal forces being raised.
- More widely for the coalition, there was concern that the developments in Anbar might lead to federalism or too great a degree of provincial independence, creating a risk that Iraq would fragment.

58. On 8 July, Mr Asquith reported that he had raised the renewal of the UN Security Council resolution governing the coalition's activity in Iraq with Mr Hoshyar Zebari, Iraqi Foreign Minister, and Vice President Adel Abdul Mehdi.[31]

59. Mr Zebari said the Iraqi Government would want to include in that resolution "a commitment to the start of a coalition drawdown and the perspective of long-term security arrangements with the coalition".

60. Vice President Mehdi said the problem with resolution 1723 (2006) was "the limits it imposed on GoI authority and Iraqi sovereignty". Another way would have to be found of giving coalition forces cover for operations in Iraq.

61. Mr Asquith wrote that he would work with the US to press for substantive talks by August.

---

[30] Minute Lamb to CDS, 8 July 2007, 'SBMR-I Weekly Report (260) 8 July 07'.
[31] eGram 29226/07 Baghdad to FCO London, 8 July 2007, 'Iraq: Update on Renewal of UNSCR'.

62. Mr Brown discussed Iraq with President Bush by video link on 9 July.[32] Mr Brown commented that the Iraqi Government was making slow progress. Faster action was needed on the Hydrocarbons Law and on "democratisation". Mr Brown indicated his intention to talk to Prime Minister Maliki regularly, and that he hoped to persuade him to work with the Executive Group.

63. Mr McDonald told the Iraq Strategy Group (ISG) on 9 July that contacts with the US indicated that they recognised there would be a need to move from a combat to a support role following the Congressional assessment (see Section 9.5).[33] Mr Brown's instincts were reported to be "to keep close to the US".

64. The ISG also discussed a paper on leaving Basra Palace. The question of when departure should happen was not resolved, but the Group concluded that "ideally, there should not be a large gap between leaving Basra Palace and moving to PIC".

65. Mr McDonald told the ISG that NSID(OD) was provisionally scheduled to meet for the first time on 19 July.

66. Lt Gen Houghton reported to the Chiefs of Staff on 10 July that the number of incidents in MND(SE) had reduced from 123 to 85, of which 58 were attacks against MNF-I and 83 were in Basra.[34] Although IDF was the most prevalent form of attack, the threat from Improvised Explosive Devices (IEDs) on mobile patrols and strike operations was more dangerous and caused the most casualties.

67. The Chiefs of Staff noted that Maj Gen Shaw:

> "… now considered that the issue of force posture in Basra should be de-coupled from the timeline for transition to PIC. Relocating from Basra Palace and the Provincial Joint Command Centre would degrade the granularity of our situational awareness, reducing our ability to conduct strike operations or intervene to provide security. However, such contingencies were to be conducted only *in extremis*. A successful withdrawal from Basra was predicated on the engagement of Iraqis, including the Palace Protection Force, who would assume responsibility for security. A clear plan for the handover of facilities and security responsibility was required. CJO [Lt Gen Houghton] was to outline the plan for the transition, including the arrangements for gifting of assets, the key Iraqi organisations and individuals who would be involved, the impact of Umm Qasr and the supporting Information Operations plan."

68. In an interview on the *Today Programme* on 11 July, Mr Brown was asked whether he planned to change the UK's strategy in Iraq. Mr Brown explained that the strategy the UK was pursuing focused on building security, trying to achieve political reconciliation and build democracy and providing the people of Iraq with a "stake in the future" by

---

[32] Letter Henderson to Hayes, 9 July 2007, 'Iraq/Afghanistan: Prime Minister's VTC with President Bush'.
[33] Minute Cabinet Office [junior official] to McDonald, 11 July 2007, 'Iraq Strategy Group, 9 July'.
[34] Minutes, 10 July 2007, Chiefs of Staff meeting.

helping the economic development of the country.[35] He attributed the UK's early failures in Iraq to insufficient resources being applied to help with economic reconstruction.

69. In advance of the NSID(OD) meeting planned for 19 July, Mr Bowen advised Mr Browne that there were indications that No.10 was keen to use it to reach a decision in principle on the UK's longer-term engagement in Iraq. An announcement would then be timed for late September, after the report to Congress by Gen Petraeus and Ambassador Crocker.[36]

70. Mr Bowen reported that it had also been suggested that the withdrawal from Basra Palace should be delayed to the same timescale, and be wrapped up in a single announcement. Mr Bowen recognised that this was a "seductive picture" but there were "substantial risks" that Mr Browne would want to weigh:

> "To begin with, there could be real problems in linking the Basra Palace decision to a much bigger decision on the UK presence as a whole. First … keeping a substantial presence in the Palace longer than is militarily necessary could, and probably would, cost lives and injuries. Second, leaving it until after the Crocker/Petraeus report will not necessarily make it any easier to handle with the US …
>
> "The bigger problem is how we handle the very significant political fall-out that would follow a decision and announcement of UK terms for MND(SE). There is a serious risk of major damage to US/UK relations across a range of security issues … Moreover, we run the risk of undermining our trustworthiness as a close ally with the permanent organs of the US state and armed forces in a way which would do lasting damage to our security … interests.
>
> "Ironically enough, it could easily be that by the autumn, the US political picture could have changed sufficiently to make it less difficult for us to make such a decision/announcement by doing it in a way which goes with the grain of US/coalition planning. The problem with reaching a decision next week is that:
>
> a. it is difficult to see how the PM could not tell the President …
> b. although we might plan to delay any announcement … there is a strong chance that the decision in principle could leak."

71. At the request of the FCO, on 12 July the JIC assessed the internal dynamics within the Sadrist movement, Muqtada al-Sadr's political strategy and his attitude to violence.[37]

72. The JIC judged that al-Sadr's immediate priority was "to secure (and get credit for) a timetable for the departure of 'occupation forces'" and that his consistent refusal to

---

[35] *BBC Radio 4,* 11 July 2007, *Today Programme*.
[36] Minute Bowen to PSSC/Secretary of State [MOD], 11 July 2007, 'Iraq: Basra Palace and the Longer Term UK Posture'.
[37] JIC Assessment, 12 July 2007, 'Muqtada al-Sadr: Keeping His Distance'.

engage in direct contact with representatives of the coalition was likely to continue "at least so long as there is no timetable for MNF withdrawal".

73. The JIC's Key Judgements included:

> "I. Muqtada al-Sadr's leadership of his movement will not face serious challenge: he has no obvious successor. But his followers are likely to remain fractious: deep seated animosities have been managed rather than resolved. As a political force, Sadrism will probably not survive Sadr himself: …
>
> …
>
> "III. Backed by his Jaysh al-Mahdi (JAM) militia, Sadr continues to exercise considerable political clout in Baghdad and across large parts of the South. His relations with Prime Minister Maliki have soured. Although withdrawing from government, Sadr wishes to remain politically engaged … Sadr, like others, is positioning himself to benefit from any change of Prime Minister.
>
> "IV. Sadr's relationship with other Shia political figures is equally fraught. Rivalry is particularly intense with ISCI [Islamic Supreme Council of Iraq], reinforced by a long standing dynastic feud. But neither side appears willing yet to risk Shia unity by forming an alternative alliance. ISCI and others in the Shia United Iraqi Alliance (UIA) are also nervous of Sadr's ability to mobilise mass support to general widespread disorder.
>
> …
>
> "VI. Sadr uses violence as a political tool. He probably also has to accept some JAM violence to maintain its cohesion and his popular support. However, Sadr will try to calibrate anti-coalition attacks and prevent any return to large-scale sectarian conflict. To date he has intervened quickly to prevent intra-Shia violence from escalating: if he cannot prevent it, he will try to exploit it."

74. The JIC judged that al-Sadr's relationship with Iran was "complex", he had "spent much of this year in hiding in Iran", but he and the Iranians were "likely to remain uncomfortable partners".

75. The JIC assessed that al-Sadr was also motivated by "a genuine desire to see improvements in the quality of life for his core constituency among Iraq's Shia poor". Popular appeal would make the Sadrists well placed to take seats on local councils in future provincial elections, in which they would be participating for the first time. The JIC assessed that JAM would be used to intimidate the Sadrists' rivals and the electorate.

76. Members of the House of Commons Defence Select Committee visited Iraq from 8 to 11 July, focusing particularly on the UK military role in Basra, transition timing, the consequences of UK withdrawal and the readiness of the ISF.[38]

77. Mr Asquith reported that during a visit to Basra the Committee had asked their Basrawi interlocutors about the current security situation in the city and the likely consequences of a UK withdrawal within 12 months:

> "The Basrawis were clear: services and reconstruction were improving but the main problem was that the ISF were under-funded, unqualified and security was deteriorating. The British Government had promised a lot when it liberated Iraq, but had not delivered. Militias were more of a concern than criminal gangs. The provincial authorities were not able to confront the militias because the security forces owed their loyalty to political parties rather than the State … Pulling no punches, they said a British withdrawal would 'be followed by chaos sweeping the province like a hurricane'."

78. The Committee asked Ambassador Crocker and Gen Petraeus about whether UK forces had a continuing role in Basra. They both made clear that conditions should determine the force numbers, not timelines. The continued presence of UK forces was necessary for security stabilisation, capacity building with the ISF and to allow the political situation with the Governor to be resolved. This should allow Basra to make the transition to PIC by the end of the year and, as bases were closed or handed over, UK troop numbers could fall. It was essential that Basra Palace was handed over without it becoming a JAM Party HQ, to demonstrate that Basra was stable enough for PIC.

79. Mr Asquith reported that Prime Minister Maliki had told the Committee that Basra would be ready for PIC in August or September. He did not think that UK military support would be required for much longer, and considered that there would be no effect from UK withdrawal in 12 months.

80. In advance of the NSID(OD) meeting planned for 19 July, FCO and MOD officials produced a joint paper setting out the latest "assessments and plans on security transition and the associated re-posturing and drawdown of UK troops in Basra".[39]

81. The paper had been discussed, in draft, at the ISG on 9 July, which considered that there should not be a large gap between leaving Basra Palace and moving to PIC.[40]

82. The paper set out a series of key judgements:

> "• The political process in Iraq is not currently delivering what is needed to generate confidence that the country faces a sustainable future;

---

[38] eGram 30010/07 Baghdad to FCO London, 13 July 2007, 'Iraq: Visit of House of Commons Defence Committee, 8-11 July'.
[39] Paper FCO and MOD, 12 July 2007, 'Iraq: Transition in Basra'.
[40] Minute Cabinet Office [junior official] to McDonald, 11 July 2007, 'Iraq Strategy Group, 9 July'.

- It is likely that debate in Washington about the results of the 'surge' [see Section 9.5] will result in an announcement this autumn that US troop draw down will begin either late in 2007, or in early 2008;
- The best way forward for us remains sticking to the transition strategy we have consistently followed, and handing over the fourth and last province in our sector, Basra, to Iraqi security control this autumn;
- The final decision on when Basra should be transferred to lead Iraqi security control lies in Iraqi and US hands. The actual handover will take place at the earliest in September;
- Thereafter, our engagement in Southern Iraq will move into a distinct new phase. Our effort is already reaping diminishing returns. This trend will accelerate once we move into 'Overwatch' mode in Basra. The threats we face will remain. Our ability to deliver military and civilian effect will be limited both by the security environment and Iraqi appetite for UK support. We therefore believe that we should see the period of 'Overwatch' lasting for a matter of months, not longer;
- Sustaining our presence at Basra Palace and the Provincial Joint Co-ordination Centre is already putting our forces at very high risk. The strong military recommendation is that we do not remain at these sites for any longer than is necessary. But before we leave Basra Palace, a robust Iraqi security force must be in place to prevent looting;
- When we leave Basra Palace, we will need to leave the Provincial Joint Co-ordination Centre too (meaning no UK presence in the city)."[41]

83. The paper provided an assessment of progress against the UK's objectives in Iraq:

"Four years on … we have achieved only some of our objectives. Iraq has the forms of democracy: a new Constitution … a freely elected Parliament … a Government of National Unity … On paper, Iraq has the machinery of Government in place, and security forces over 350,000 strong (Police 160,000, Army 157,000).

"But behind these outward signs of progress lie deep-seated problems. The constituent parts of the Iraqi Government are not working together in pursuit of a genuine national unity agenda. Lip service is paid to the need for reconciliation between Iraq's main communities, notably between Shia and Sunni Arabs …

"There has been little progress on the major political issues that have divided Iraqis since 2003: the Constitution (in particular the degree to which Iraq should be a federal state); the management of the oil & gas sector and how its proceeds should be distributed; the extent to which former members of the Ba'ath Party should be excluded from public life.

[41] Paper FCO and MOD, 12 July 2007, 'Iraq: Transition in Basra'.

"… The loyalties of key institutions to the Iraqi state is mixed at best. Some 40 percent of the Iraqi Police Service is thought to owe loyalty to militias linked to political parties. Other security bodies … have become personal militias for Ministers or Provincial Governors."

84. In relation to the impact of the US surge, the paper said it had:

"… so far delivered mixed results. The US military has been taking the fight to AQ-I … US troops are getting into areas … they have not been in for some time. But US commanders are worried that the Iraqi Security Forces are not up to the job of holding onto the ground they have won – suggesting that the security gains from the surge may prove unsustainable when US troop levels begin to reduce."

85. The paper also explained:

"One consequence of the surge and benchmarks has been that the earlier shared US/UK emphasis on transferring security responsibility to the Iraqis has been sidelined in favour of a short-term focus on improving security.

"General Petraeus … and his staff now believe transition was happening too quickly in 2006 – indeed that the previous coalition strategy represented a 'rush to failure'."

86. As a result, the context in which transition in Basra was being considered had changed:

"The US are more, not less risk-averse. They are intensely nervous about transition in Basra. They believe the local Iraqi Security Forces are not robust enough to handle security without our direct support. They see pervasive, malign Iranian influence. And even the Iraqi Government, who had earlier been pressing for transition, has recently been more ambivalent.

"The US fear that the handover of the last province in the UK sector will signal a UK decision to withdraw entirely from Iraq in the near future, precipitating similar moves by other coalition members. And they fear that doing this in August would pose significant risks for the credibility of their attempt in September to persuade Congress to extend the surge."

87. The paper explained the process and conditions that needed to be met to achieve PIC, and said:

"One further important consideration has informed our (but not US) thinking about the timing of PIC … is about the balance of risk in retaining or handing over security responsibility. Do we assess that we have reached the stage where the benefits of retaining security responsibility are outweighed by the downsides? It there any prospect that by holding on, we can hope either to effect further positive change, or to provide the time needed by the Iraqis to meet the challenges themselves?"

88. The paper reported that Maj Gen Shaw considered that Basra was ready for PIC and had made that recommendation to the MNF command. Lt Gen Odierno had turned down the proposal, arguing that the new Basra security and leadership structures needed time to demonstrate positive progress; he thought PIC in October might be achievable, based on a decision in September. The paper said:

> "… we will need to continue to hold Iraqi and US feet to the fire if we wish to achieve PIC in the autumn …
>
> "The risk … remains that if we try to force a positive decision in the teeth of US opposition and lukewarm Iraqi attitudes, we will reinforce the American belief that we are doing so for political reasons, driven by our desire to reduce UK troop levels."

89. The paper explained that the next key decision for Ministers was the timing of the withdrawal from Basra Palace, the "most heavily mortared and rocketed place in Iraq". That was complicated because:

- Withdrawing from Basra Palace "will mark *de facto* handover of responsibility" to the ISF; re-intervention by UK forces from the Air Station would happen only in extremis. A gap of a month or two between withdrawal and PIC "should be manageable" but a "significantly longer gap would put UK forces in a difficult position: responsible for security in Basra City, but unable to deliver it except at high risk".
- The potential for an upsurge in violence surrounding the withdrawal, and the impact that might have in Washington in the run-up to Gen Petraeus and Ambassador Crocker's Congress hearing in September.
- The risk of looting – "it would be disastrous for our reputation if our departure were followed by the sort of looting at Basra Palace which happened at bases in Muthanna and Maysan provinces after we handed them to the Iraqis". It was therefore essential that a credible ISF guard force was in place before the UK could withdraw.
- The impact on the UK's Security Sector Reform (SSR) effort in Basra, currently co-ordinated from the PJCC, where 100 UK troops and seven UK police advisers were based. The threat to these staff if there were no significant MND(SE) presence at Basra Palace would be impossibly high because "there would be no quick way to get reinforcements to the site or to evacuate UK personnel in an emergency". As a result, the paper concluded that a withdrawal from Basra Palace would mean closing the UK base at PJCC, and so halting SSR work and losing "situational intelligence within Basra City".

90. Considering the scope for the UK to make a contribution to Basra's development in the period beyond PIC, the paper observed that the situation was likely to remain challenging. UK activity within Basra was "already heavily circumscribed" by both the security situation and the willingness of the population to engage with UK personnel. This was likely to increase after PIC.

91. The paper said that there was "no coalition-agreed blueprint" for how long the post-PIC "overwatch" phase should last, observing: "The US has not addressed this in earnest, in part because they see themselves maintaining a significant military presence in Iraq for years to come (and tend to assume we will do likewise)."

92. The paper continued:

> "But … we already face a clear trend toward diminishing returns from our efforts in Southern Iraq across the board. This is bound to accelerate when we withdraw from Basra City …
>
> "So we do not believe the 'overwatch' period in Southern Iraq should be envisaged as lasting more than a matter of months from the date of PIC in Basra …
>
> "Our planning should assume that the UK civilian presence in Basra will have to be wound up shortly before the removal of the UK military envelope which enables it to operate (though if the US were to decide to move a military presence of their own to Basra Air Station, and to retain a US civilian presence, we could expect US pressure for us to maintain some sort of ongoing commitment to the Basra Provincial Reconstruction Team)."

93. The paper recommended early engagement with the US on a renewed political strategy, including a "change of Iraqi Government" and setting a date for coalition troop withdrawal.

94. In the longer term, the FCO and the MOD suggested that the UK would need to examine its "core interests in Iraq … the assets at our disposal, and the likely major ongoing US commitment". Those core interests were likely to be:

- preventing AQ from establishing a base in Iraq from which to attack UK interests;
- maintaining Iraq's territorial integrity and deterring intervention by its neighbours; and
- preserving the stability of the region, and preventing disruption to energy supplies.

95. The paper argued for "a long-term UK commitment in Iraq", which might include:

- niche contributions to the US-led fight against AQ-I or in conducting air strike operations;
- supporting the Iraqi Navy in ensuring the security of the Northern Gulf and the protection of key Iraqi oil infrastructure;
- influencing the Iraqi Government and supporting the long-term development of its capacity, in particular through the provision of advice to central government Ministries in Baghdad; and
- developing a bilateral defence relationship with the Iraqi Government.

96. In his weekly update on 13 July, Maj Gen Shaw reported that:

> "Gen PETRAEUS considers himself to be the approval authority for PIC in Basra, he will personally make the decision when the conditions are right, and currently he does not consider that we are even close."[42]

97. Gen Petraeus was reported to be nervous about the readiness of the ISF to assume full security responsibilities. As a consequence:

> "Given that the ISF are unlikely on their own to be sufficient to deliver security in Basra, the onus will be on the GoI to develop its confidence in its full suite of governmental/Shia levers and then to over-ride US advice and seize PIC as is their right."

98. Maj Gen Shaw felt that the Iraqi Government would need "encouragement" to do so as "no shift in US attitude is expected before September, and one is not certain even then".

99. Maj Gen Shaw took the opportunity to discuss prospects for PIC in Basra with Lt Gen Odierno and Gen Petraeus during the Corps Conference on 14 July.[43] He reported that Lt Gen Odierno had been "upbeat" and saw the South as "an area in which risk should be taken". On PIC, Lt Gen Odierno considered that it would be important to give the new structures time to bed in before transferring security to them, to give the Iraqis the best chance of success. Gen Petraeus was clearly focused on how his September "Honest Assessment" to Congress would be received and relayed US political concerns about possible UK announcements on troop numbers beforehand. Maj Gen Shaw commented:

> "What came across strongly from both Gen Petraeus and Lt Gen Odierno was an acceptance of our respective force level and political constraints; but no acceptance yet of the limitations of the utility of MNF, and the differences in the utility of our respective forces, derived from the difference in the challenges we face. There is still no agreed coalition prognosis of the future … Persuading MNC-I and MNF-I that our projected force plans are justified by the conditions on the ground represents a major challenge … it remains a hard sell."

100. Maj Gen Shaw reported that Gen Mohan presented his initial report on the security situation in Basra to the Iraqi Ministerial Committee on National Security (MCNS). He painted a bleak picture: insufficient manning and equipment in the Iraqi Army, a corrupt police force, 24 heavily armed militias backed by Iran and organised Mafia-style criminality.

101. Maj Gen Shaw reported that Gen Mohan had "stated categorically … that the security situation in Basra would be greatly improved by a British redeployment out

---

[42] Minute Shaw to CJO, 13 July 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 13 July 2007'.
[43] Minute Shaw to CJO, 19 July 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 19 July 2007'.

of the city". This would help to legitimise the Iraqi authorities and remove much of the motivation for the current Sadrist attacks.

102. Maj Gen Shaw reported that he had commissioned a piece of work from the Southern Iraq Steering Group on what the South might look like after the MNF left. The conclusions were, in his view, optimistic for the long term; "the macro drivers are positive, but the micro issues will be messy in resolution". He sent a copy to MNC-I and MNF-I headquarters and to the Permanent Joint Headquarters as a contribution to what Maj Gen Shaw hoped would be a piece of JIC work on the same subject, to enable political judgements to be taken on the basis of a fully informed assessment.

103. On 15 July, Lt Gen Lamb reported that Gen Mohan and Maj Gen Jalil's focus on Basra had brought a degree of "much needed clarity to the situation".[44] He suspected that a recent IED attack on Maj Gen Jalil had been the work of an Iranian-backed JAM Special Group, "wishing to stop what they see as an unwelcome interference in their affairs down in Basra".

104. The Chiefs of Staff noted, at their meeting on 17 July, that "it was clear from discussion at the MCNS that Iraqi priorities would lie in establishing security for Baghdad and Diyala; security to enable PIC for Basra would need to compete with these higher priorities".[45]

105. On 17 July, the Iraq Policy Unit sent a minute to Mr Miliband, in preparation for the NSID(OD) meeting on 19 July.[46] It said that there were arguments for sticking with the plan to hand over in August:

> "Chiefs of Staff are clear that the cost in casualties of maintaining a presence at the Palace far outweighs the operational effect. The troop reductions … are also needed in order to ensure the sustainability of our deployments in Afghanistan."

106. However, because of the difficulties in intervening within the city of Basra from the Air Station, the IPU recognised that:

> "… reposturing from the Palace would represent *de facto* PIC. The prospect of this taking place several months ahead of *de jure* PIC is uncomfortable. We would continue to be formally responsible for security, while in reality having very little control."

107. Although the US Administration was likely to be "nervous" about the prospect of the UK leaving Basra Palace, and the consequent reduction in troops, the FCO's view was that such concerns "should be manageable". The FCO was more concerned at "the potential divergence in US and UK thinking on PIC, and on our military planning

---

[44] Minute Lamb to CDS, 15 July 2007, 'SBMR-I Weekly Report (261) 15 July 07'.
[45] Minutes, 17 July 2007, Chiefs of Staff meeting.
[46] Minute Lever to Private Secretary [FCO], 17 July 2007, 'Iraq: Ministerial Meeting, 19 July'.

thereafter". Although the length of the "overwatch" period had not been formally defined, the US was:

> "… likely to expect 'overwatch' in the South to be delivered through a long-term (one year plus), substantive UK military commitment … This is at odds with much UK military thinking … The military does not want an open-ended commitment, with our forces at BAS [Basra Air Station] confined to carrying out a limited range of training tasks for the ISF while exposed to continuing high levels of rocket and mortar fire. They believe we should enter overwatch with a clear plan for its nature and duration: effectively, a timetable for withdrawal."

108. The IPU reported that the impact on civilian activity in Basra City would be considerable since:

> "… our diplomatic mission in Basra will not be able to continue after UK forces leave. We will similarly have to make plans for our post-PIC political and civilian capacity-building role in the South which take this reality into account."

109. Mr McDonald visited Washington from 17 to 18 July and met a number of senior members of the US Administration, including Dr Condoleezza Rice, the Secretary of State, Mr Hadley and Mr Robert Gates, the Defense Secretary.[47] They reported that "the military aspects of the surge were going well" and that Gen Petraeus was likely to report on progress in early September. Thereafter, the direction of US policy was not clear, but:

> "… we would definitely enter a new phase, in which the coalition would protect the Iraqi population in a new role. The US was not simply going to 'stay the course'."

110. Mr McDonald told his US interlocutors that:

> "… the UK objective was not to change its posture in Iraq until September. There was no difference between the approach of Gordon Brown and that of his predecessor. But the Government was under huge pressure to move after that, and to get ahead of the US. We needed to manage our own transition in a way that worked for Iraq, and worked for Transatlantic relations."

111. Reflecting on the report of Mr McDonald's visit, Maj Gen Shaw observed that he was "struck by the predominant mood of uncertainty and apprehension" in the US Administration.[48]

112. In his own account of a dinner with Mr Hadley and Secretary Rice, Mr McDonald recorded a discussion about Basra Palace:

> "Dr Rice said she had told Crocker to pull his civilians out just as soon as accommodation was ready at the airport. They had already suffered too many

---

[47] Letter Gould to Hayes, 20 July 2007, 'US: Simon McDonald's trip to Washington: 17/18 July'.
[48] Minute Shaw to CJO, 26 July 2007, 'GOC MND(SE) – Southern Iraq Update – 26 July 2007.

losses. But when it came to leaving the Palace completely, Dr Rice said she hesitated: the situation was too delicate to predict; a spike in unrest in Basra would be most unwelcome … Hadley said he hoped there would be no announcement about departure before the Prime Minister and President discussed Iraq when they met at the end of the month."[49]

113. On 17 July, Mr McDonald sent a minute to Mr Brown in advance of the planned NSID(OD) meeting on 19 July.[50] He explained that when Ministers agreed in February that in principle the military should withdraw from Basra Palace, it had been assumed that a residual presence would be retained at the Warren site to maintain situational awareness and to continue training and mentoring. As the FCO and MOD paper explained, the deteriorating security situation meant that it would no longer be possible to do that. Accordingly, the UK's ability to re-intervene successfully if required would be "greatly diminished".

114. Although the previous planning assumption had been for a significant UK presence in MND(SE) for most of 2008, Mr McDonald wrote:

"… given the serious questions about our ability to deliver either security or significant training or mentoring programmes post-PIC in Basra, those assumptions now look unrealistic. And the significant risks to our forces are likely to outweigh the security or other benefits derived from keeping them in Iraq. In these circumstances, there is a case for planning for the withdrawal of the majority of British troops from Southern Iraq to a much more rapid timetable."

115. Mr McDonald argued that if the UK withdrew from Basra City in August as planned, very shortly afterwards there would be a need to explain to the US that UK would be withdrawing from MND(SE) altogether in spring 2008, meaning that "we would hit the US with unwelcome news twice at a politically sensitive time".

116. Alternatively, if the UK were to delay withdrawal until September, it would be possible to present both "unwelcome message[s]" to the US simultaneously.

117. The NSID(OD) meeting planned for 19 July was cancelled and was not reinstated.[51]

118. A report sent to Lt Gen Houghton on 19 July said that Gen Mohan had given an expanded version of his MNCS presentation to a specially convened meeting of the Crisis Action Cell.[52] This group usually focused exclusively on Baghdad security and was chaired by Dr Rubaie.

---

[49] Letter McDonald to Hayes, 19 July 2007, 'Dinner with US Secretary of State and National Security Adviser: 17 July'.
[50] Minute McDonald to Prime Minister, 17 July 2007, 'Iraq Transition in Basra: Meeting of NSID(OD), 19th July'.
[51] Note Cabinet Office, 11 February 2010 [sic], 'Cancellation Note'.
[52] Minute Berragan to CJO, 19 July 2007, 'MNC-I Update – 19 Jul 07'.

119. Dr Rubaie asked Gen Mohan to pull together all his requirements into a formal plan, "copied to MOD and MOI [Ministry of the Interior] to enable them to attempt to resource it".

120. On 19 July, the Assessments Staff reported to Mr McDonald on the probability that JAM in Basra would consider the coming UK withdrawal from Basra Palace as a significant victory and use it to intensify attacks until UK forces were driven out of Iraq.[53] JAM appeared confident of being able to take control of Basra City soon and felt no need to negotiate with Iraqi or UK authorities.

121. Mr McDonald prepared further advice on transition for Mr Brown on 20 July.[54] He advised that the overwatch phase, conducted from Basra Air Station, should be time-limited from the outset. He estimated that withdrawing the majority of UK forces and moving to a purely training mission in Basra would take around six months.

122. Once withdrawal from the Air Station was complete, the UK "would have to persuade the Americans to house and protect our training forces", possibly in Dhi Qar province, where Australian and Romanian training teams were already operating from a US base. Mr McDonald proposed that the UK should continue its other contributions to the wider Iraq theatre (a "niche contribution" to action against AQ-I in Balad, a naval deployment in the Gulf and a contribution to air strike operations).

123. Mr McDonald said that his proposals had not been discussed with government departments but he judged the military would support them "because they are keen to get out of Basra and MND(SE) but see the importance for alliance reasons of maintaining a presence in 2008". President Bush was unlikely to be pleased but the rest of the US Administration "see that things are changing". Mr McDonald judged:

> "Only the Iraqis can fulfil the key task of political reconciliation. It seems that they won't feel the necessary pressure to get on with the job until the coalition begins to leave; and, as they try to do that job, they will need continued training and mentoring. This plan would be compatible with that."

124. The weekly Iraq update for Mr Brown on 20 July said that in Basra "a downbeat assessment of the security situation means that Provincial Iraqi Control is unlikely before October/November".[55]

125. Maj Gen Shaw and government officials working closely with the military met JAM1 on 25 July.[56] At the meeting JAM1 noted the success of the trial cease-fire from 15 to 17 June and said that he was still prepared to negotiate with MNF to bring about further reductions in violence. However, the stalling of negotiations since that cease-fire had

---

[53] Minute Burrell to McDonald, 19 July 2007, 'Iraq intelligence update – 19 July 2007'.
[54] Minute McDonald to Prime Minister, 20 July 2007, 'Iraq – transition'.
[55] Minute Cabinet Office [junior official] to Prime Minister, 20 July 2007, 'Iraq – weekly update'.
[56] Minute senior government official specialising in the Middle East (1) to Leslie, 10 August 2007, '[NAME OF OPERATION]: update on negotiations with JAM in Basrah'.

cost him credibility with JAM, making additional detainee releases essential to enable him to re-assert control. As well as the two "orange" detainees whose release he had previously requested, he therefore asked for two "red" detainees to be released and said that this was a pre-condition for the start of the month-long cease-fire.

126. A senior government official reported that: "Despite this hardening of his position [JAM1] maintained he was still committed to a negotiated de-escalation of violence with MNF-I in Basra Province." He wrote that all of the detainees held by MND(SE) would have to be released at some point, meaning that: "Obtaining a quid pro quo for detainee releases while we still have detainees to release is a factor in the equation."

127. Maj Gen Shaw told the Inquiry that in this conversation with JAM1 it was interesting that:

> "… his motivations entirely agreed with mine. He wanted the place to prosper. He was a strong Iraqi nationalist."[57]

128. A government official who worked closely with the military told the Inquiry that JAM1's "motivations were, of course, wholly different" from the UK's.[58]

129. On 25 July, at the request of the FCO, the JIC assessed AQ-I's external ambitions, its relationship with AQ core and other groups, and the threat it posed to the UK.[59] Its Key Judgements included:

> "I. The relationship between the Pakistan-based Al Qaida (AQ) senior leadership ('AQ core') and Al Qaida in Iraq (AQ-I) remains complex: AQ core can exert influence but has not succeeded in controlling AQ-I. AQ core and AQ-I view Iraq as the major theatre for jihad, presenting a realistic opportunity to gain control of ungoverned space; their intent remains to use this space to launch terrorist attacks elsewhere in the region and beyond.
>
> "II. Significant pressure from intensified Multi-National Force (MNF) activity, the success of the Sunni tribal groups against AQ-I, the death of AQ-I leader Zarqawi and the adverse publicity for AQ-I's Amman bombing may all have helped deter AQ-I from mounting the sustained campaign of external attacks envisaged by AQ core: it has not launched an attack from Iraq since November 2005. AQ core now wants AQ-I to concentrate firmly on Iraq as the immediate strategic priority."

130. The JIC assessed that:

> "The investigation into the attempted bomb attacks in London and Glasgow last month has revealed … links between the two attackers – Bilal Abdullah and Kafeel Ahmed – and known Iraq-based extremists … At this stage there are no indications

---

[57] Private hearing, 21 June 2010, page 23.
[58] Private hearing [government official who worked closely with the military], 2011.
[59] JIC Assessment, 25 July 2007, 'Al Qaida in Iraq: External Ambitions'.

that Iraq-based extremists played any role in the direction or planning of the attacks. But the war in Iraq may have been a factor in the radicalisation of the two attackers …"

131. Under the heading "Prospects", the JIC judged that:

"For the immediate future AQ-I will continue to focus their attentions on Iraq: we judge they will attempt to intensify operations in the lead up to the September Congressional report in the US. AQ-I will aspire to conduct external operations – including in the UK – if an opportunity arises; we judge, at least in the short term, they will look for AQ core endorsement of any major plans outside of Iraq. We judge AQ-I will be able to resist pressure from the MNF and the Iraqis into 2008. As the MNF presence diminishes, AQ-I will seek to regain lost ground, establishing firm bases in Sunni areas and using them increasingly to reinvigorate its external attack capabilities."

132. On 25 July, Lieutenant General William Rollo, who had succeeded Lt Gen Lamb as SBMR-I, sent a minute to ACM Stirrup recording his first impressions "after spending a month getting my head round this vast and multi-faceted operation".[60]

133. Lt Gen Rollo identified the key challenge as "to convert tactical into operational and strategic success". The inability of Prime Minister Maliki to pass critical legislation and to spend money in provinces where Government control had been limited both raised a "risk of reversal".

134. Lt Gen Rollo continued:

"The South, conversely, and in marked contrast to the situation three years ago, looks more problematic. Shia infighting between JAM and Badr, ineffective and corrupt governors, divided loyalties within the ISF, and infiltration/proxy war by IRGC [Iranian Revolutionary Guard Corps] have all degraded governance and the GOI's view had changed over the last eight months from disinterest and complacency … to concern, particularly over Basra."

135. In relation to timing of the handover of Basra Palace and subsequently of transition to PIC, Lt Gen Rollo did not detect "untoward concerns", but observed that "we need to have plans robust enough to cope with whatever events unfold".

136. Officials specialising in the Middle East sent briefing on Iraq for Mr Brown to No.10 on 26 July.[61] The briefing said that recent reporting suggested that JAM viewed UK plans to withdraw from Basra as a victory and believed that they were on the verge of taking control of Basra. The brief recorded that JAM intended to continue attacks on Basra Air Station until UK forces had completely left Iraq.

---

[60] Minute Rollo to CDS, 25 July 2007, 'First Impressions'.
[61] Briefing government officials specialising in the Middle East, 26 July 2007, 'Further […] Briefing for PM'.

137. Under the heading "National Reconciliation", the brief reported that government officials working closely with the military were continuing to work on initiatives to split and isolate Iranian special groups from criminal and nationalist elements of JAM, in an attempt to reduce attacks on MND(SE) and counter Iranian influence in Iraq. It was suggested that "elements of JAM are encouraged by recent detainee releases and would consider negotiating a cease-fire".

138. In his weekly update on 26 July, Maj Gen Shaw commented that the US suggestion that the UK should retain a presence in Basra Palace in order to avoid giving the impression that JAM and Iran had triumphed was "both risk averse but also a recipe for UK remaining in its current posture and force levels".[62]

139. Maj Gen Shaw argued that such an approach would preclude "the middle ground of harnessing latent Iraqi nationalism, allowing the Shia Iraqis to sort their internal problems out for themselves". There was no news from the US commanders in Iraq about whether or not they would agree to UK withdrawal from Basra Palace in the timescale proposed, beyond Gen Petraeus making clear that the decision on the readiness of the Palace Protection Force was for him to take.

140. Maj Gen Shaw cautioned against assuming that silence from the US indicated assent.

141. The Assessments Staff reported to Mr McDonald on 26 July that the number of attacks had remained steady at just over 900 in the preceding week.[63] Indirect fire attacks by Shia militias had continued against Basra Air Station and Basra Palace, killing four UK Service Personnel in separate incidents. There were some indications that JAM leaders were seeking to influence the police not to intervene in JAM attacks on coalition forces.

142. Mr Brown met ACM Stirrup on 27 July. The Government has been unable to supply a record of this meeting, and believes that no minute was in fact produced.[64]

143. Mr McDonald reported to Mr Brown that he met ACM Stirrup after their conversation to follow up on the UK's training contribution after the overwatch phase.[65] They agreed that Mr Brown's line to take at a forthcoming press conference should be that the final decision had not yet been taken but that the UK would not leave Basra Palace until military commanders were satisfied that the necessary conditions for departure had been met.

144. Those conditions were that the Iraqi forces were able to protect the compound and were capable of taking lead responsibility for security in Basra City centre.

---

[62] Minute Shaw to CJO, 26 July 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 26 July 2007'.
[63] Minute Tillbrook to McDonald, 26 July 2007, 'Iraq Intelligence Update – 26 July 2007'.
[64] Email Cabinet Office [junior official] to Hammond, 16 June 2014, 'Possible missing document'.
[65] Minute McDonald to Prime Minister, 27 July 2007, 'Iraq'.

145. Pressed by Mr McDonald on the size of the UK's training contribution, ACM Stirrup characterised it as "whatever is necessary to carry out whatever tasks are decided". But those troops would need to rely on US life support as there would be no UK force protection.

146. ACM Stirrup had suggested that Mr Brown should tell President Bush that the UK was "prepared to provide some hundreds, provided the tasks are there". Mr McDonald observed that ACM Stirrup "was clearly reluctant to provide over 500".

147. Mr Brown discussed Iraq with President Bush at Camp David on 30 July.[66] The meeting note drafted by Mr Brown's Private Secretary recorded only that Mr Brown welcomed the common ground between himself and President Bush on Iraq and had outlined the UK's proposals for a "development agency" in Basra.

148. During the visit, Mr Brown and President Bush also met privately over dinner and breakfast. Over dinner they "discussed the progress in the provinces overseen by the UK now moving to overwatch" but the content of the discussion was not recorded.

149. Mr McDonald provided Mr Brown with a substantial 'Steering Brief' on Iraq for the Camp David meeting.[67] In it he wrote that, on the Iraqi political process:

> "Bush is habitually optimistic about the prospects. But in reality, the picture is bleak. The political process is not delivering even gradual progress, as we hoped it would …"

150. Mr McDonald wrote that the US surge had delivered mixed results, and that doubts over ISF capability raised concerns about the sustainability of the gains which had been made. In Basra, it was important that PIC should happen before November, when the next roulement of troops would take place, but Gen Petraeus was believed to be sceptical about the ability of the local ISF to handle the city's security.

151. In a press conference after the meeting on 30 July, President Bush told reporters that:

> "There is no doubt in my mind that Gordon Brown understands that failure in Iraq would be a disaster for the security of our own countries, that failure in Iraq would embolden extremist movements throughout the Middle East, that failure in Iraq would basically say to you know people sitting on the fence around the region that al Qaeda is powerful enough to drive great countries like Great Britain and America out of Iraq before the mission is done."[68]

152. Mr Brown re-emphasised the UK's obligations to the Iraqi people and the United Nations and his hope that the UK would shortly be able to transfer security responsibility

---

[66] Letter Clunes to Gould, 31 July 2007, 'Prime Minister's Meeting with President Bush: Iraq […]'.
[67] Minute McDonald, [undated], 'Iraq: Steering Brief'.
[68] Camp David Press Conference, 30 July 2007.

in the fourth of its four provinces. He told reporters that a decision would be made on the "the military advice of our commanders on the ground".

153. At the end of July, Lt Gen Rollo commented to ACM Stirrup that Lt Gen Lamb's "energy and initiative acted as a catalyst for a marked change in the coalition approach".[69]

154. Lt Gen Rollo saw the various strands of work (including engagement with Iraqi tribes, with those close to the Sunni insurgency and with Shia militias) developing at different speeds but the rate at which the Sunni were joining the fight against AQ-I continued to accelerate and showed no sign of abating. The challenge, in Lt Gen Rollo's view, was "no longer how to inspire such 'awakenings' outside Anbar, but how to manage the flood". He commented:

> "The future is all about turning engagement into reconciliation. Much effort is going into the reintroduction of governance and economic assistance in Al Anbar, as a way of further emphasising the advantages of returning to the GoI fold … This is essential to limit the chances of regression, but will only probably go so far without progress on the major legislative items."

155. Lt Gen Rollo reported that the progress on key pieces of legislation (for example, the Hydrocarbons Law) remained "opaque".

August 2007

156. On 1 August, Mr Asquith met Prime Minister Maliki to deliver a letter from Mr Brown on economic reconstruction (see Section 10.2) and to discuss politics in Basra and nationally.[70]

157. Mr Asquith stressed the importance of a stable security environment to making economic progress. In relation to the "troublesome" Governor Waili in Basra, Prime Minister Maliki advised that he had been legally dismissed but was appealing that decision, causing a delay in his removal.

158. Prime Minister Maliki agreed with Gen Mohan's assessment that the removal of UK forces from Basra City centre would help to simplify the security situation. He asked Mr Asquith whether the UK was ready to continue to provide operational support for the ISF from Basra Air Station, specifically in relation to the protection of infrastructure and ports. Mr Asquith said that in principle the UK would continue to work with and support the ISF, as it was doing at present. It would be important for Major General Graham Binns, who would be succeeding Maj Gen Shaw as GOC MND(SE), and Gen Mohan to discuss the details of what was required.

---

[69] Minute Rollo to CDS, 30 July 2007, 'SBMR-I's Weekly Report (263) 30 Jul 07'.
[70] eGram 32637/07 Baghdad to FCO London, 1 August 2007, 'Iraq: Meeting with Prime Minister Maliki, 1 August'.

159. Mr Asquith raised the threatened withdrawal of the (Sunni) Tawafuq Party from the Iraqi Government, to which he reported that Prime Minister Maliki seemed "resigned". Mr Asquith advised him that:

> "… the best chance of keeping all the communities in government would be to work on specific issues … where agreement could be reached. The idea of signing up to broad principles seemed rather past its time; the parties had done all that on many occasions in the past."

160. Between the end of the meeting and Mr Asquith's report of the outcome to London, five Tawafuq Ministers and Deputy Prime Minister Zawba'i formally announced their withdrawal from the government.

161. On 2 August, Mr Asquith reported a "political crisis" in Iraq and that "real progress [is] only possible if Maliki addresses Sunni security concerns – and that means ceding some authority in an area he views as his sole preserve".[71]

162. Following the resignations by Tawafuq Ministers a "leadership summit" was planned, covering "legislation, government business (including shared decision making, reform of the security institutions, militias, detainees and human rights), national reconciliation (including some form of amnesty …) and establishing a political front".

163. Mr Asquith again advised senior Iraqi politicians that "the time for statements of principles had now passed" and that action was needed, focused on key Sunni concerns (human rights abuses, detainees and the protection of Sunni areas in Baghdad). He concluded:

> "The prospect is a period of floundering and activity – largely for its own sake – in the hope that a way will be found to bring Tawafuq back into … government … It might just work if the effort is directed at taking action on Sunni concerns. But those are all essentially in the security field …"

164. Priorities and timescales following Mr Brown's visit to the US were discussed at the Iraq Strategy Group on 2 August.[72] Mr McDonald reported that Mr Brown had told President Bush that the UK was planning to leave Basra Palace by 31 August if Gen Petraeus was content. The key issue would be Iraqi capability to continue to protect the site.

165. Mr McDonald told attendees that Mr Brown had stressed the successful transfer from combat to overwatch in three provinces in his public comments, but had made clear that there would be no announcement of any further changes to the UK's posture or presence in Iraq before Parliament returned from its summer recess on 7 October.

---

[71] eGram 32865/07 Baghdad to FCO London, 2 August 2007, 'Iraq: Political Crisis: Where We Are'.
[72] Minute Blake to McDonald, 2 August 2007, 'Iraq Strategy Group, 2 August'.

166. After recess, Mr Brown would want to make a statement setting out "the way ahead for overwatch and thereafter, this should focus not just on our military engagement but look at the shape of our overall relationship with Iraq, covering the diplomatic, economic and development aspects".

167. To do so would require detailed work, but Mr McDonald "stressed the sensitivity of any discussions, including with the US, in advance of the Petraeus/Crocker testimony" and instructed that departments "should not actively take forward any work on our post-PIC military presence" other than exploring "economic deliverables".

168. Officials in the MOD provided advice to Mr Browne on 3 August, setting out the same background and proposals as in the submission to Mr Richmond and Mr Miliband on 4 July.[73] They said that an early meeting with Gen Petraeus had indicated the proposal would be a "hard sell" to the US. Gen Petraeus had asked for the views of Lt Gen Odierno before reaching a view on the proposal himself. The MOD judged that "Gen Petraeus will need to be persuaded that this initiative will contribute to the longer term security of Basra rather than being a short-term fix".

169. The advice said that in return for the cease-fire, JAM1 wanted four higher risk detainees (two of whom were suspected of involvement in the deaths of British personnel) released, plus a suspension of strike operations against JAM in MND(SE). Officials asked Mr Browne to agree that MND(SE) should continue to pursue this initiative, the first stage of which would be to raise the matter with senior US commanders and Iraqi Government Ministers in Baghdad, with the aim of obtaining their agreement:

> "If US commanders and the Iraqi Government agree in principle, further advice will be submitted to ministers before any releases take place."

170. On 4 August, Mr Browne gave his agreement over the telephone and two days later his Private Secretary confirmed it in writing, noting that further advice would be submitted before any releases took place.[74]

171. The MCNS discussed Basra briefly on 5 August.[75] Mr Abdul Qader, the Iraqi Defence Minister, gave Prime Minister Maliki a detailed report of his visit to Basra the previous week. He had been impressed by good co-ordination between Gen Mohan and Maj Gen Jalil, who were making a positive impact on the security situation and who were "enforcing law and order on the streets".

172. Gen Petraeus's brief for the MCNS meeting was reported to have predicted a date in November for transition to PIC in Basra. Governor Waili remained the "sticking point".

---

[73] Minute Vincent to APS2/SofS [MOD], 3 August 2007, 'Negotiations with Jaysh Al Mehdi (JAM) in Basra'.
[74] Minute Haughton to DJC-AD Pol1, 6 August 2007, 'Negotiations with Jaysh and Mehdi (JAM) in Basra'.
[75] eGram 33092/07 Baghdad to FCO London, 6 August 2007, 'Iraq: Ministerial Committee on National Security, 5 August'.

173. Lt Gen Rollo reported to ACM Stirrup that the security situation in MND(SE) had been discussed at the MNF Commanders' Conference on 5 August where Gen Petraeus described Basra as "complex and difficult".[76] Maj Gen Shaw's "injection of an alternative view of the Shia south" had prompted "genuine debate". His view that only MNF withdrawal would allow the Iraqis to sort themselves out, had drawn:

> "… a range of views – not overtly unsympathetic but querying some of the logic of execution. Petraeus's own comments were that no-one disputed the wisdom of drawing down forces in Basra, but how it was done was very important. Fleet St would not have our nuanced understanding of the situation and it could be presented as a defeat. We had to make sure that the ISF are adequate, that the Palace was not taken over and ransacked, that Mohan's plans were coherent and, thinking more long-term, that a Hizballah-type organisation did not take over the South."

174. Ambassador Crocker told the Conference that he was:

> "… concerned over a failure of governance in Basra in the short term, and wanted to explore further the potential for the GoI to re-establish itself while we gained understanding of our own limited control and influence."

175. Lt Gen Rollo commented:

> "Both responses are legitimate and we need to shape both the message and the substance of our actions.
>
> "We also need to be careful not to seize on aspects of these comments that favour our own interpretation of potential events. In the short term our ability to hand over Basra Palace is likely to be assessed by Petraeus and the GOI not only on the state of the Palace Guard Force but on the overall security situation in Basra. This during August, which, even without the added potential dynamics of the possible forcible removal (by the Iraqis) of the Governor or our own withdrawal from the City, is always a volatile month. In the medium term PIC should be possible in the autumn, with careful co-ordination with both the Iraqis and MNF(I), better politics in Basra, including hopefully a new governor, a steady build up of Iraqi security forces and the isolation and reduction in influence of criminal and Iranian backed JAM. Conversely a Basra in which JAM have free rein and are busily settling scores with anyone who either co-operated with us or stands in the way of their own criminal purposes will provide a much less attractive backdrop to PIC for both the MNF(I) and the GOI. I mention this not in any way to play Cassandra but because I want to convey a sense of the range of events that we may have to contend with."

---

[76] Minute Rollo to CDS, 6 August 2007, 'SBMR-I's Weekly Report (264) 6 Aug 07'.

176. Maj Gen Shaw's account of the discussion said that Gen Petraeus' key concern was the timing and method of withdrawal from Basra Palace, commenting "it must go well".[77]

177. Maj Gen Shaw's judgement was that the threat to the Palace was low and the Palace Protection Force would be ready to take over responsibility at the end of the month. He continued:

> "But I detect an increasing chorus of demands for certainty, for an absence of risk. Let me be explicit – there is no risk-free option. If we go as planned at the end of the month, we are dependent upon Iraqis both within friendly and enemy forces for success – they have a vote. This is battle space and it is impossible to prove the negative that nothing will go wrong if we hand over. And if we stay, there will be the risk of more deaths. I am working to, and my successor will execute, the plan to leave by the end of the month."

178. Maj Gen Shaw also reported that the projected date for PIC in Basra had been deferred again, to a likely announcement in October followed by PIC in November. Maj Gen Shaw observed that this had implications for the proposed Parliamentary statement by Mr Brown in early October, which would be much easier if it followed an announcement about PIC. He reported, "General Petraeus acknowledges that in the end politics will overcome conditionality".

179. On 9 August, an official in the MOD asked Mr Browne to agree that the release of the four detainees identified by JAM1 could proceed.[78] They explained that after "some initial reluctance" Gen Petraeus had agreed, as did Gen Mohan and Dr Rubaie.

180. The advice said:

> "As this is the only currently available plan to try and trigger a step change in the security dynamics in Basra, there is a good case for proceeding: there is no way radically to change the position on the ground without accepting some risks."

181. Mr Browne's Private Secretary responded the following day to say that Mr Browne agreed that the releases should proceed.[79]

182. On 10 August, a senior government official specialising in the Middle East (1) wrote to the FCO Director General Defence and Intelligence with an update on negotiations with JAM1.[80] The advice was copied to Mr Bowen, Lieutenant General Peter Wall (Deputy Chief of the Defence Staff (Commitments)), Mr McDonald and Ms Margaret Aldred (Deputy Head of the Overseas and Defence Secretariat).

---

[77] Minute Shaw to CJO, 9 August 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 09 August 2007'.
[78] Minute Vincent to PS/Secretary of State [MOD], 9 August 2007, 'Negotiations with Jaysh al Mehdi (JAM) in Basra'.
[79] Minute Forber to CJV-AD PoI1, 10 August 2007, 'Negotiations with Jaysh al Mehdi (JAM) in Basra'.
[80] Minute senior government official specialising in the Middle East (1) to Leslie, 10 August 2007, '[NAME OF OPERATION]: update on negotiations with JAM in Basrah'.

It said that Lt Gen Lamb had sought and received "approval to proceed" from both Dr Rubaie and Gen Petraeus.

183. The senior official's advice also recorded the meeting between Maj Gen Shaw, government officials working closely with the military and JAM1 on 25 July.

Assassinations in Diwaniyah

On 11 August, the Governor and the Provincial Director of Police in Diwaniyah were assassinated.[81] Lt Gen Rollo commented that the attacks were "unexpected" and that there was increasing evidence that JAM, using Iranian supplied weapons, was responsible. The motive for the attacks was unclear.

184. A senior government official specialising in the Middle East (1) wrote to the FCO Director General Defence and Intelligence on 20 August with an update on the negotiations with JAM1.[82] He reported that on 11 August, government officials working closely with the military met JAM1 "to establish that a deal was still on the table". JAM1 confirmed that it was, provided the four nominated detainees were released in advance. Government officials working closely with the military confirmed that this had been approved. The senior official recorded that MOD Ministers had given their agreement to the releases and that they had been discussed in advance with the Iraqi Government and with Gen Petraeus.

185. Another meeting had followed on 12 August, at which JAM1 sought to reassure Maj Gen Shaw that the deal would work, although it would take some time to impose a full cease-fire. Maj Gen Shaw noted that there was widespread scepticism within the UK, US and Iraqi systems over JAM1's ability to deliver and his motives. The success of the initiative would be measured by a significant reduction in IDF and attacks on supply convoys; and by respect for the ISF's occupation of Basra Palace. What constituted a "significant reduction" was not defined. JAM1 warned that there were attacks planned against the convoys withdrawing from Basra Palace and it would take him 10 to 15 days to call them off.

186. In his own record of the discussion Maj Gen Shaw wrote:

> "The meeting exceeded my expectations and left me more optimistic about his intent and the potential scope of the success this proposal might engender."[83]

---

[81] Minute Rollo to CDS, 13 August 2007, 'SBMR-I's Weekly Report (265) 13 Aug 07'.
[82] Minute senior government official specialising in the Middle East (1) to Leslie, 20 August 2007, '[NAME OF OPERATION]: update on negotiations with JAM in Basrah'.
[83] Minute Shaw, 12 August 2007, '[JAM1]/GOC Meeting, 12 Aug 07'.

187. Maj Gen Shaw wrote that he had presented three tests "by which the viability of the deal might be judged":

"– IDF attacks on COB [Contingency Operating Base] and BP [Basra Palace].
– the safety of convoys from a week's time re-posturing from BP.
– the safety of BP once it became a GoI property.

"The more he succeeded against these tests, the more he would show that he can deliver, that this deal works to the advantage of MNF and is no threat, indeed is supportive of GoI. All of which would give my successor confidence to continue with the deal."

188. The senior government official reported that JAM1 had made clear that, when violence reduced, additional detainee releases would be his priority; he would need releases from across the Basra political and militia spectrum to avoid other groups disrupting the process.[84] He hoped for releases at a rate of 10 to 20 a month. The transfer of any detainees to US custody would end the initiative: this was a red line.

189. The senior official commented that while JAM1's recognition of the wider political context in Basra was encouraging, it was tangible improvement on the ground that would matter. Maj Gen Shaw had established a working group in Basra, to be chaired by his successor, Maj Gen Binns. The group would meet regularly to review progress and the talks with JAM1, producing a report to be sent up the MNF-I chain of command to Gen Petraeus and to Lt Gen Rollo, Mr Christopher Prentice (who would be succeeding Mr Asquith as British Ambassador to Iraq), the MOD and the FCO. MND(SE) would keep Gen Mohan informed; Lt Gen Rollo and Mr Prentice would brief the Iraqi Government "as appropriate".

190. Having seen the update, Lt Gen Rollo was reported to have commented: "I note the contrast between these negotiations and the situation elsewhere in Iraq where US policy towards JAM ill-behaviour is one of prompt retribution (while avoiding outright conflict). This may be mitigated by clear evidence that the process is contributing to overall stability in Basra."

191. The account of the meeting produced by government officials on the ground working closely with the military on 13 August reported that it "figuratively signed and sealed the [NAME OF OPERATION] agreement".[85]

192. On 13 August, MND(SE) released the four detainees nominated by JAM1.[86]

---

[84] Minute senior government official specialising in the Middle East (1) to Leslie, 10 August 2007, '[NAME OF OPERATION]: update on negotiations with JAM in Basrah'.
[85] Email official working closely with the military, 13 August 2007, '[NAME OF OPERATION]: JAM1 - 12 August Meeting'.
[86] Minute senior government official specialising in the Middle East (1) to Leslie, 10 August 2007, '[NAME OF OPERATION]: update on negotiations with JAM in Basrah'.

193. JAM in Basra called a month-long cease-fire, beginning on 13 August.[87] Sir John Scarlett told the Inquiry that:

> "… the cease-fire for a month on 13 August worked straight away. There was an immediate falling away of attacks, and it then carried on. It went beyond the month and it became effectively a permanent feature. So it was remarkably successful."

194. The cease-fire was observed not just by mainstream JAM locally, but also by a number of the Special Groups.[88]

195. A summary of the negotiations with JAM1 written by a senior government official specialising in the Middle East (1) in November 2007, said that the reduction in violence:

> "… began on 13 August, on the following terms:
>
> - JAM in Basra would suspend their attacks on the coalition. [JAM1] would work to bring the Secret Cells under his control and in particular guarantee a peaceful withdrawal from Basra Palace. MND(SE) would suspend their detention campaign but would retain the right to strike anyone targeting coalition forces and to interdict weapons smugglers.
> - MND(SE) released four JAM detainees as requested by [JAM1] to begin the process of de-escalation. If violence remained low, [JAM1] and MND(SE) would negotiate a timetable for the eventual release of all MND(SE) detainees, including [JAM1] himself. Discussions would continue on the political and development themes, with the aim of JAM and the Sadrists' full participation in the political process in Basra. GOC MND(SE) formed a steering group to guide the talks."[89]

196. On 13 August, a government official working closely with the military commented on the "welcome gear change" brought by the releases:

> "… we are keen to think ahead so that we are clear what we need to do – and how – once the month's cease-fire period comes to an end. We sense that timing will be crucial at the end of this period so we will want to be prepared and not waste any time. For now, we need to … work on … who/how we inform/request permission at the end of the cease-fire period."[90]

---

[87] Private hearing, 10 June 2010, page 41.
[88] Private hearing SIS3, 2010, page 62.
[89] Minute senior government official specialising in the Middle East (1) to Lyall Grant, 9 November 2007, '[NAME OF OPERATION]: Negotiations with JAM in Basrah'.
[90] Email official working closely with the military, 13 August 2007, '[NAME OF OPERATION] - Looking Ahead'.

197. The official noted the importance of getting this right so as to maintain momentum, which might be lost if it was necessary to try and seek the views of all stakeholders at each stage:

> "[We also need to] consider what next steps we will propose. Part of this will be giving thought to which of [JAM1]'s 16 detainees we would consider releasing and which not. If [JAM1] delivers and we see a significant decrease in IDF, it will be important that we are able to deliver a suitable reward/incentive to him in the form of further releases … Similarly, if [JAM1] is less-than-successful in delivering a cease-fire and requests more detainee releases, how will we tweak our proposals accordingly?"

198. The day after they were released, government officials working closely with the military reported that two of the former detainees gave radio interviews in Basra.[91] One interview was believed to have been fairly "banal" but in the other the individual suggested that releases were part of a cease-fire agreement.

199. On 15 August, the same officials sent a note to JAM1 saying that they considered it unwise for the released individuals to be adopting a media profile and asking "please could they tone it down a bit". A telephone conversation with JAM1 followed, in which he agreed that media appearances were not helpful and would advise "that they should exercise discretion". The officials told JAM1 that there had been one IDF attack on Basra Palace the previous night, to which MND(SE) had responded. JAM1 was surprised at the attack and acknowledged that the response was within the terms of the agreement.

200. Maj Gen Shaw completed his posting as GOC MND(SE) on 14 August. Looking back over his seven-month tour in his last weekly update, he identified the death of Basra JAM commander Wissam Al Qadir on 25 May as a turning point (see Section 9.5).[92] After this point, JAM became "leaderless" and went into 40 days' mourning. At the same time, there was a troop rotation within MND(SE):

> "The enforced lull on both MNF and JAM coincided with the arrival of an Iraqi [General Mohan] with *wasta* [clout] … and contacts in OMS [Office of the Matyr Sadr]/JAM who shared our vision of how to resolve the Basra security problem: re-task nationalist JAM violence away from MNF towards Iran. This political dynamic has set the context for … operations which have continued … to buy Mohan space to work on nationalist JAM. Our predicted move from BP by the end of the month … is consistent with Mohan's drive to clarify Iraqi nationalist loyalty. This sets the scene for my successor, with Basra *de facto* PIC'd, us firmly in support."

---

[91] Email government official working closely with the military, 15 August 2007, '[NAME OF OPERATION] Developments 15 Aug 07'.
[92] Minute Shaw to CJO, 14 August 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 14 August 2007'.

201. But the cost had been high:

> "With 41 UK deaths so far this year, my command has overseen just shy of one quarter of the deaths incurred during the entirety of Op TELIC, including the war-fighting phase. A further 400+ have been injured, of which about half will not return to service."

202. Maj Gen Shaw wrote that there continued to be uncertainty over whether the Iraqi Army 10th Division or the Palace Protection Force (PPF) would take over responsibility for Basra Palace when MND(SE) vacated it. Gen Petraeus favoured the PPF, which Maj Gen Shaw considered to be "on track to being capable of taking over by the end of the month". Reports indicated that that OMS/JAM had no intent to attack the Palace once it became Iraqi Government property.

203. In his formal end of tour report to Lt Gen Houghton, Maj Gen Shaw reflected on the possibilities for and constraints on achieving strategic "success" in Iraq:

> "The issue of 'success' has centred on the unspoken question: Iraqi success or coalition (US/UK) success? The gap between the coalition's goals for Iraq and where we are now has been a constant source of tensions, not just with the press but in judgements about risk …"[93]

204. On resources, Maj Gen Shaw reported:

> "We have been hamstrung for resources throughout the tour, driven by the rising strategic significance of the Afghan deployment. The lack of clear Main Effort between the two theatres made a perpetual struggle of the bidding war for resources. This tour has reinforced my prior judgement that Iraq has more strategic significance than Afghanistan although our projected posture in the South is increasingly questionable."

205. Despite these constraints, Maj Gen Shaw remained optimistic about the future of southern Iraq, concluding:

> "… Shia unity makes violence in the South self-limiting; Iraqi nationalism will triumph over Iranian influence; the parties and factions, attracted by financial gain, will reach an accommodation in the South in a way that allows all to prosper from a functioning entity."

206. On 16 August, the Iraq Senior Officials Group was told by an MOD official that handover of Basra Palace and the PJCC were both planned for 31 August, but a delay of a few days was possible to ensure that the PPF was properly equipped.[94]

---

[93] Letter Shaw to Houghton, 14 August 2007, 'Post operation report Shawforce Jan-Aug 07'.
[94] Letter Cabinet Office [junior official] to Aldred, 16 August 2007, 'Iraq Senior Officials Group'.

207. The MOD official explained that:

> "The current plan envisaged our withdrawal from the PJCC four days before the handover of the Palace site; but we would leave the PJCC by 31 August whatever the state of play over the Palace."

208. On 19 August Maj Gen Binns would give his assessment of readiness to Gen Petraeus, who "continued to take a rational approach" to the UK plans. Mr Asquith's farewell calls in Baghdad also suggested Iraqi Government support for the handover.

209. The MOD official wrote that the leadership summit had not yet taken place, although "all the main players were in town and engaging in bilateral discussions".

210. Lt Gen Rollo hoped that it would convene that week.[95] He also reported that there were well-developed plans for Baghdad to take further offensive action against insurgents in the run-up to the autumn: "Provided the politics can come right, or even not go badly wrong, there is a clear way ahead."

211. On 16 August, Mr Asquith wrote a valedictory letter to Mr Miliband which characterised Iraq as "still wracked by the culture of fear, distrust and prejudice, obstructing political compromise".[96]

212. Mr Asquith considered that:

> "The surge has failed to create the space for politics to work because the military (tactical) successes (local sectarian security structures loyal to the MNF) conflict directly with the political objective (inclusive and integrated national Iraqi authority)."

213. The letter gave two reasons why each success was accompanied by "further complications". First, "knowledge of what is happening on the ground is shockingly thin, particularly in Baghdad where the theatre policy is decided" which made analysing the significance of what was known "fragile". Mr Asquith revealed that: "The [Multi-National] Force's statistics on security – or even basic services – differ wildly from what our LE [locally engaged] staff (and the Iraqi media) report."

214. Secondly, Mr Asquith wrote: "Domestic politics (and media coverage) have coloured the approach of the whole coalition, producing an ambivalence that has been corrosive."

215. Mr Asquith considered that the benchmarks set by Congress were unlikely to reveal anything significant about Iraq because: "The timeframe … has placed impossible demands on the Iraqi Government and coalition … The lessons of the Constitution have been forgotten."

---

[95] Minute Rollo to CDS, 13 August 2007, 'SBMR-I's Weekly Report (265) 13 Aug 07'.
[96] Letter Asquith to Miliband, 16 August 2007, 'Iraq: Valedictory'.

216. Looking to the future, Mr Asquith considered that the coalition would need to continue to work with the Iraqi Government to increase Sunni engagement in the political process. The Executive Council was a useful start, but there was also need to address immediate Sunni concerns about security and human rights issues. This would include the need to "address much more systematically sectarianism in the ISF … establishing proper data on abuses and infiltration and ensuring that action is taken".

217. Friction would be reduced as Basra was handed over to PIC, allowing the UK to make a difference through:

> "The high regard Iraqis have for our advice … We also fulfil for them something of the role of the psychiatrist's couch, helping them to face their problems. And they look on us as a key influencer of the US."

218. Mr Asquith continued:

> "But we will still need to commit resources. I remain of the small school that believes we should continue to have a reduced military component (beyond some important niche areas), grouped with other coalition allies in a southern base other than Basra able to provide rapidly deployable forces to carry out operations at the sharp end.
>
> "Outside the military contribution, our favoured route has been through providing expertise. That will remain necessary, but insufficient."

219. On the UK's ability to influence the wider effort in Iraq, Mr Asquith reminded Mr Miliband that after the UK had handed back Basra:

> "The US will still be fighting a war … The test of its and others' action is how much they contribute to that war effort … The degree to which we continue to contribute to that war effort will determine the influence we can bring to bear on US policy on Iraq. If it concludes we are merely hiding behind its effort and military losses, it will ignore … our advice …
>
> "Stepping away I do not see as an option."

220. An update sent to Ms Aldred by Mr Tim Dowse, the Chief of the Assessments Staff, on 16 August said that, overall, the level of violence across Iraq remained unchanged.[97] It was judged that Muqtada al-Sadr had effectively lost control of JAM. The Assessments Staff considered that this was a reminder that "whatever the interests of the Sadrists national political leadership, JAM behaviour (including in Basra) is likely to be determined as much if not more by local factors."

221. Government officials working closely with the military met JAM1 again on 17 August to follow up a letter he had sent.[98] JAM1 complained that he had been

---

[97] Minute Dowse to Aldred, 16 August 2007, 'Iraq Intelligence Update – 16 August 2007'.
[98] Email government official working closely with the military, 17 August 2007, '[NAME OF OPERATION]: Meeting with JAM1 and Next Steps'.

allowed only 10 minutes to speak to the four detainees immediately prior to their release, rather than the agreed one to two hours. A longer meeting would have allowed him to emphasise that this was an agreement for the benefit of all the detainees.

222. JAM1 said that this was a dangerous period, and there was plenty of potential for things to go wrong. He had asked his contacts to monitor those whom he suspected of being active in the Special Groups in order to curtail their attacks.

223. The officials reported their meeting with JAM1 to the Steering Group for the operation, now renamed the Mohan Initiative Group (MIG) and chaired by Maj Gen Binns, later that day. In their report back to London, the officials explained:

> "We then discussed the substance of further agreement between MND(SE) and [JAM1]. We opined that this would come down to the number of detainees to be released. We would need to release more than four (because [JAM1] would be looking for progress); he would want us to release as many as possible … GOC was admirably focused on the timelines for securing all-party sign up to Phase II (Phase III?) of the [NAME OF OPERATION] agreement. Working backwards, this looks like this:
>
> - 13 Sep – second (third?) tranche of releases
> - 12 Sep – final date for sign-off on agreement to releases/DIRC [Divisional Internment Review Committee]
> - 7 Sep – agreement of SOSDEF [the Defence Secretary] secured
> - 1 Sep – submission goes to SOSDEF
> - 28 Aug – submission goes to PJHQ, with US assent
> - 21 Aug – GOC travels to Baghdad to meet Odierno and Petraeus."

224. Maj Gen Binns told the Inquiry that part of his mindset on arriving in post was:

> "I thought – and this was before I knew about reconciliation – that only by engaging and seeking to reconcile leaders and organisations that possess some degree of credibility would there be any chance of a solution and that solution would be political and we would find it and we would meet it in Iraq."[99]

225. Having arrived in Iraq, Maj Gen Binns observed that:

> "… almost every time we resupplied, the price just to deliver the bread and water there was a death, and that our impact outside the immediate confines of our bases was limited and we had become focused on force protection and trying to break the bones of this amoeba that was called JAM was difficult, if not impossible. I thought that the Iraqi army and police were standing by and watching us get killed, I thought that the rate of casualties was amongst the highest in Iraq and that self-protection and administration was consuming us. I thought the time for the UK was running out.

[99] Private hearing, 2 June 2010, pages 15-17.

I thought, in any counter-insurgency, patience is key and I thought that the UK in Iraq had lost its patience with Iraq and we were turning to other things like Afghanistan, so I thought I was running out of time."

226. After being briefed on the negotiations that were under way, Maj Gen Binns told the Inquiry that:

"I had no better idea – set against all the background I've just explained, I couldn't think of a better idea. So I stepped into it rather than stepped back from it and I thought it was precisely the right thing to do."

227. On 20 August, Lt Gen Rollo reported that:

"The Presidency Council eventually sat this week amidst huge US frustration at the alliance between the Kurds and Dawa/ISCI, which appears to have given Maliki a reason not to compromise."[100]

228. Lt Gen Rollo reported that security within population centres was clearly improving across Iraq, cutting down Al Qaida's freedom of movement. However, as bomb attacks in Ninawa against the rural Yazidi population had demonstrated, "it is still all too possible for terrorists to find poorly policed small towns … which remain intensely vulnerable".

229. Lt Gen Rollo reported that "Shia strategy and reconciliation" remained the subject of "fierce debate" within Baghdad. The Iraqi Government's committee on reconciliation had begun to generate proposals for tribal outreach, amnesty and the beginnings of ideas for an approach to OMS and JAM. Lt Gen Rollo commented:

"Whether these ideas will come to anything, and whether they will do so before open hostility between Badr and JAM occurs, is wide open to question, but it is nonetheless of note that they are Iraqi ideas …"

230. In Baghdad, Lt Gen Rollo reported that concerns about the situation in Basra had been "less loudly expressed this week" but that Gen Mohan had been visiting to lobby for additional resources to ensure that his forces were fully equipped when UK forces left Basra City. Lt Gen Rollo commented:

"Looking ahead, the British handover of the Palace offers the opportunity to refocus effort both within an evolving coalition concept of operations and a dynamic and constantly shifting Shia political outlook. Our aim should remain to leave Basra in the best possible nick that we can, but there might – and I emphasise might – be more room for manoeuvre than we had previously feared."

231. Mr McDonald gave Mr Brown a verbal update on progress towards transition in Basra on the same day, based on an update note prepared by a Cabinet Office

---

[100] Minute Rollo to CDS, 20 August 2007, 'SBMR-I's Weekly Report (266) 20 Aug 07'.

official.[101] That note said that Maj Gen Binns was still expecting to be able to hand over responsibility for Basra Palace on 29 August, having written to Gen Petraeus with his assessment of the PPF's readiness. Equipment and fuel remained the key risks to handover.

232. On 20 August, at the request of the FCO, a Current Intelligence Group (CIG) examined the influence of the Iraqi Ba'ath Party on the insurgency and Iraqi politics.[102]

233. The CIG's Key Judgements included:

> "I. The influence of the Iraqi Ba'ath Party on the Sunni Arab insurgency is marginal. The party is fractured with little political relevance or popular support in Iraq; this is highly unlikely to change.
>
> "II. Iraqi Shia politicans' fears of a Ba'athist resurgence, however exaggerated, are genuinely held. They will limit the Shia appetite for reconciliation with the Sunni more broadly."

234. The CIG judged that many former leaders of the Iraqi Ba'ath Party had been killed or captured in 2003; others had fled to neighbouring countries:

> "Outlawed by the Coalition Provisional Authority, much of the Ba'ath Party's senior Sunni cadre (most of the rank and file were Shia) went underground, while the party's system of patronage collapsed."

235. In Syria, two former senior Ba'athists (Muhammad Yunis al-Ahmad and Izzat Ibrahim al-Duri) had established the New Regional Command, loyal to Saddam Hussein. Saddam Hussein's execution in December 2006 had exacerbated rivalry between al-Ahmad and al-Duri, leading to the emergence of two factions competing for primacy. Those in both factions wanted to see the full restoration of the party – and themselves – to power in Iraq.

236. The CIG judged that few Ba'athists still identified with their original Arab socialist roots. Although most Ba'athists were fundamentally secular and ideologically opposed to AQ-I, they were willing to co-operate with Sunni Islamists to attack the coalition and what they saw as a Shia-dominated Iranian-backed Iraqi government.

237. Although much of the insurgency involved former regime officials and members of the security forces, the CIG judged that most had abandoned Ba'athism.

238. Politically, the CIG judged that the Ba'ath Party was "a spent force" which had little political relevance or popular support in Iraq beyond pockets in former regime strongholds such as Tikrit: that was "highly unlikely to change". Nevertheless, many Iraqi

---

[101] Manuscript comment [unattributed] on Minute Cabinet Office [junior official] to Prime Minister, 20 August 2007, 'Iraq – Transition in Basra'.
[102] CIG Assessment, 20 August 2007, 'Iraq: How Important is the Ba'ath Party?'

Shia politicians, including Prime Minister Maliki, typically labelled Sunni oppositionists and insurgents as Ba'athists.

239. The CIG judged:

> "Shia fears of a Ba'athist resurgence, however exaggerated, are genuinely held (and are shared, to a limited extent, by the Kurds). We judge they will limit the Shia appetite for reconciliation with the Sunni more broadly."

Assassination of the Governor of Muthanna

On 20 August, Mr Mohammed al-Hasani, Governor of Muthanna province and a Shia, was killed when a roadside bomb exploded next to his car in Samawah.[103]

BBC News reported that Mr al-Hasani was a "key figure" in the Badr organisation, which had "clashed frequently with the Mehdi army militia loyal to Shia cleric Muqtada al-Sadr for control of areas in the south of Iraq".

Maj Gen Binns reported a couple of days after the killing that "all indications are that the Iraqis believe JAM to be responsible, although Muqtada al-Sadr has gone on record condemning both this and the previous assassination of the Governor of Qadisiyah".[104]

240. Mr Browne's Private Secretary wrote to Mr Brown's Private Secretary on 21 August about the handover of Basra Palace.[105] The letter said:

> "Handover on 29 August is of course not without risk, which predominantly revolves around equipment matters. Mitigating measures are, however, in place, following direction from General Petraeus … In presentational terms, our communications posture for the handover of Basra Palace will be low key. This is set against the context of the broader process leading towards Provincial Iraqi Control and the run-up to the US reports on Iraq in mid-September. With specific regard to Basra Palace, officials in Baghdad are actively engaged with the Iraqi authorities to develop a media handling plan that matches our intent and portrays the handover as an Iraqi-led process …
>
> "There will be no ceremony or media event at Basra Palace itself for the handover, but a facility for Iraqi media at the Contingency Operating Base (COB) is planned where our aim will be to emphasise the effective training and support provided by MND(SE) forces to the PPF which has made handover possible."

241. The letter confirmed that the combined handover of the PJCC and Basra Palace would mean "no Multi-National Force presence in Basra City".

---

[103] *BBC News*, 20 August 2007, *Roadside bomb kills Iraq governor*.
[104] Minute Binns to CJO, 22 August 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 22 August 2007'.
[105] Letter Forber to Turner, 21 August 2007, 'Iraq: Handover of Basra Palace'.

242. Mr Brown's Private Secretary added a covering note explaining that Mr McDonald and Ms Aldred had discussed the issue with General Douglas Lute, President Bush's adviser on Iraq, who had confirmed that on balance the US was content with the UK plan.[106]

243. Ms Aldred's advice was that it would be important to "keep a careful eye on how things develop between now and handover" and to "establish clear and consistent media messages". Further advice was awaited from the MOD on operational handling between now and PIC, including the part the UK would play in the event of any intra-Shia or sectarian violence.

244. Government officials working closely with the military met JAM1 again on 21 August.[107] They suggested that it was important not to be too fixated on detainee releases; the cessation of hostilities was, at least from the UK side, every bit as important. In their report back to London, the officials advised that the "MOD POLAD [Political Adviser] here is preparing a submission that will seek transfer of future authority for releases at the end of each month's period (should the process survive) from SoS Defence to GOC".

245. Maj Gen Binns was reported to be "emphatically supportive" of the negotiations: "So far."

246. A further long meeting took place on 23 August, described by government officials working closely with the military as "difficult".[108] A large part of the meeting was spent debating further releases. JAM1 insisted that "there must be 15 releases on 30 August; otherwise our agreement was off". Without the releases there would be huge problems; Basra would become "another Fallujah". The slow pace of releases was damaging JAM1's credibility.

247. The officials explained that "we had a deal and must stick to it" – the month of cease-fire ended on 13 September. If the violence continued to reduce there "should be substantial releases" then, but nothing could be promised yet.

---

[106] Minute Turner to Prime Minister, 22 August 2007, 'Iraq: Handover of Basra Palace'.
[107] Email government official working closely with the military, 22 August 2007, '[NAME OF OPERATION] 21 August Meeting with [JAM1]'.
[108] Email government official working closely with the military, 24 August 2007, '[NAME OF OPERATION]: 23 August Meeting with [JAM1]'.

General Keane's comments

In August 2007, General Jack Keane, a retired US General who had just returned from Iraq, was quoted in the media saying that UK "disengagement" from southern Iraq was "worsening the security situation and fuelling frustration among American commanders."[109,110] He commented that the UK had "never had enough troops to truly protect the population" and described Basra as "almost gangland warfare".

Gen Keane's comments were described by *The Guardian* as "the latest in a series of critical comments made by US officials, many anonymously, about Britain's commitment to Iraq". They included a warning from academic and columnist Dr Stephen Biddle that the UK would have to fight its way out of Iraq in an "ugly and embarrassing retreat".

248. In his weekly update on 22 August, Maj Gen Binns wrote that he was picking up "a mild suspicion in Baghdad over our CONOPs [concept of operations] post PIC and Basra Palace".[111] He felt that:

> "We have a robust plan engaging in capacity building/SSR with the ISF and engagement with Key Leaders, having an effect on smuggling over the borders … extending Governance, infrastructure and the economy through the Provincial Reconstruction Teams, Civil Affairs and the development of Basra International Airport …"

249. On 23 August, Mr Day wrote to Ms Aldred to follow up a conversation about "the PM's concern about the capacity and will of the Iraqi Palace Protection Force to secure the Basra Palace compound up to Petraeus/Crocker and then to PIC".[112]

250. Having briefed Maj Gen Binns that Mr Brown "wants to be assured that decisions will be taken on the basis of an honest appraisal of PPF capabilities", Mr Day reported that the collective view of those in Iraq, PJHQ and the MOD was that the Palace Protection Force would be "as well-trained and equipped as it can make them" and that mentoring would continue after the transfer. Maj Gen Binns would keep the situation under review and would retain the option of delaying transfer.

251. On 23 August, the Assessments Staff updated Ms Aldred that the level of daily attacks in Iraq was broadly unchanged.[113] In Basra, rocket and mortar attacks had declined the previous week, though it was not possible to be sure of the cause. The Assessments Staff reported on the likelihood that the agreement between MND(SE) and JAM in Basra would succeed, but that a period of violent score-settling would follow the withdrawal of UK troops from Basra.

---

[109] *The Guardian*, 24 August 2007, *British troops on verge of long-awaited pullout from Basra*.
[110] *The Guardian*, 22 August 2007, *US general questions British tactics in Iraq*.
[111] Minute Binns to CJO, 22 August, 'GOC HQ MND(SE) – Southern Iraq Update – 22 August 2007'.
[112] Letter Day to Aldred, 23 August 2007, 'Iraq: Basra Palace'.
[113] Minute Dowse to Aldred, 23 August 2007, 'Iraq Intelligence Update – 23 August 2007'.

252. On 28 August, MOD officials sought approval from Mr Adam Ingram, the MOD's Duty Minister that day, for Maj Gen Binns "to conclude the next stage of discussions with JAM".[114]

253. The submission proposed that, in exchange for a "further one month cease-fire on UK forces", MND(SE) would continue their limitation on strike operations and, provided all the conditions were met, would release a further 11 internees on 13 September.

254. The proposal had been approved by Gen Petraeus, Gen Mohan and Dr Rubaie. The advice explained:

> "It is intended that the GOC will develop a longer term plan for taking forward these discussions post-September. Given the uncertainty about how long UK forces will remain in the COB, we are naturally keen to ensure that we do not give up our negotiating leverage before we have an enduring agreement in place …
>
> "This remains a presentationally risky line of activity. The risks that the negotiations will get into the public domain are increasing. This is for a number of reasons:
>
> - It is becoming increasingly obvious that there has been a step change in the security environment at the COB.
> - We publish details of the number of internees being held, and it will become apparent that this number is falling;
> - Rumours that a cease-fire deal has been reached are apparently circulating on the streets of Basra and these are being picked up by Arabic media outlets, some of whom have posed questions to the MND(SE) press office …
>
> "All internees released in future will be given a clear instruction by [JAM1] that they are not to publicise the terms of their release. For the moment a fairly neutral defensive line is holding in the face of inquiries from local media outlets."

255. Mr Ingram's Military Adviser responded on 28 August that Mr Ingram agreed Maj Gen Binns should now conclude negotiations with JAM1 along the lines proposed, "noting that Ministers will be informed in advance of the precise timing of the release of the internees and if there are any significant changes to the plan".[115]

256. In his weekly report on 28 August, Maj Gen Rollo reported Prime Minister Maliki's "evident concern" about security in Basra, which was helping General Mohan to "make progress" with his proposals to reinforce Basra.[116]

---

[114] Minute Freer to APS/Minister (AF), 28 August 2007, 'Negotiations with JAM: Next Steps'.
[115] Minute Cameron to Deputy Command Secretary (Ops) PJHQ, 28 August 2007, 'Negotiations with JAM: Next Steps'.
[116] Minute Rollo to CDS, 28 August 2007, 'SBMR-I's Weekly Report (267) 28 Aug 07'.

257. Lt Gen Rollo also reported a conversation with Gen Petraeus in the wake of the media stories:

> "Unsurprisingly, he remains clear that there are a range of tasks based on a starred HQ to be done, albeit at potentially reduced force levels. These include key leadership engagement, training support to ISF, ISTAR [Intelligence, Surveillance, Target Acquisition and Reconnaissance] and support for ISOF [Iraqi Special Operations Forces], support for the PRTs [Provincial Reconstruction Teams] and in Basra the consulates, in addition to the provision of an intervention capability. At the tactical level General Odierno intends to formulate his position on the UK requirements post PIC … When it appears this should provide helpful definition on what the US is asking for."

258. When Mr Brown met C (Sir John Scarlett) on 29 August, part of their discussion covered Iraq.[117] As a No.10 record of this meeting cannot be found, the Inquiry has used a record of it made by C.

259. Mr Brown was reported to be "currently very focused on Basra Palace and worried about US reactions to withdrawal, which he knows is due in the next few days". Sir John and Mr Brown discussed the potential importance of the negotiation with JAM1.

260. At the end of August, government officials specialising in the Middle East were preparing two separate letters to the FCO on the negotiations and Basra: one updating Whitehall readers not in the MOD chain of command on the latest discussions with JAM1 and focused on the issue of Basra Palace and JAM1's "guarantee" that JAM would not loot it, and a second "seeking to set the [NAME OF OPERATION] talks in context and to examine the implications of an accommodation with JAM for the future stability of Basra".[118]

261. The second letter was intended to explain that "we may still be able to engineer a tolerable (no better) outcome in Basra if we accept the realities of militia politics".

262. On 29 August, Mr Ahmad al-Shaybani, a senior JAM commander, announced that the activities of JAM would be suspended for six months.[119] The suspension of activity, including against "occupiers", was to allow some "restructuring" within JAM. The following day, he announced that he had been misquoted and that anti-MNF activities were not suspended. A Cabinet Office official advised Mr Brown that the cease-fire was likely to be an attempt by Muqtada al-Sadr to reassert control over JAM, and there was a "high risk" that some would not respect his call.

263. Lt Gen Wall reported to the Iraq Strategy Group on 29 August that there had been some limited militia infiltration and looting of the Warren site following the handover, with

---

[117] Minute, C's meeting with the Prime Minister – 29 August 2007'.
[118] Email government official specialising in the Middle East, 29 August 2007, '[NAME OF OPERATION] Update Letter 29 August'.
[119] Minute Cabinet Office [junior official] to Prime Minister, 30 August 2007, 'Iraq – JAM Ceasefire'.

the possible collusion or acquiescence of the Iraqi Police Service.[120] As a result, General Mohan had deployed his entire reserve battalion to the site. For this reason, and the late arrival of some equipment, the withdrawal from Basra Palace had been delayed.

264. Mr McDonald asked whether a delay would be likely to have any negative impact on the JAM cease-fire. The FCO felt that the risk was low and that there were "some indications" though no guarantee that Basra Palace would not be targeted.

265. US officials in Baghdad had established a working group to discuss arrangements for the renewal of the UN Security Council resolution which provided the MNF with its mandate in Iraq. Mr Nigel Casey reported to the Iraq Strategy Group that engagement with UK officials "to agree a joint strategy for handling the Iraqis" would begin after Gen Petraeus and Ambassador Crocker had given evidence to Congress.

266. Reflecting on the events that occurred after the UK had vacated the PJCC, Maj Gen Binns wrote:

> "Whilst the events that unfolded within the PJCC after we vacated were unfortunate, there is much good that can be taken from them. Mohan quickly got to grips with the situation … regaining control of the building … The fact that the PJCC shift was back in the next morning … is testimony to an Iraqi solution to an Iraqi problem and bodes well for the future … I for one see the positives that came out of these events."[121]

267. On 30 August, a government official working closely with the military reported that he had sent a copy of the letter on Basra Palace to colleagues in Whitehall.[122] He recorded the "excellent news" that Mr Ingram had signed off the MOD's advice.

268. A paper by the Assessments Staff on 30 August stated that an announcement that JAM would be "restructured" was "almost certainly prompted by the growing frustration of Muqtada al-Sadr and other senior Sadrist leaders over their lack of control over the movement".[123]

269. The Assessments Staff also considered that what was meant by "freezing" JAM activity was unclear and recorded that they doubted the ability of the Sadrist leadership to deliver a cease-fire.

270. Lt Gen Rollo told the Inquiry that JAM had "overplayed their hand" in August, in the area immediately south of Baghdad, by assassinating several chiefs of police and governors.[124] This led to a "fairly major push against them" by the ISF, which put them under pressure, resulting in the cease-fire.

---

[120] Minute Cabinet Office [junior official] to McDonald, 30 August 2007, 'Iraq Strategy Group, 29 August'.
[121] Minute Binns to CJO, 30 August 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 30 August 2007'.
[122] Minute official working closely with the military, 30 August 2007, '[NAME OF OPERATION] Update to Whitehall'.
[123] Paper Assessments Staff, 30 August 2007, 'Iraq: JAM Restructuring and Ceasefires'.
[124] Public Hearing, 15 December 2009, pages 71-72.

271. SIS3 told the Inquiry that Muqtada al-Sadr was "following events, rather than driving events from his bolthole in Iran".[125]

272. Maj Gen Binns reported on 30 August that UK forces had handed over the PJCC four days previously, ahead of schedule and without incident.[126] He was disappointed by Gen Mohan's assessment that the PPF was unable to undertake security at Basra Palace yet. He judged this to be "brinksmanship with Baghdad", that was being used to push for the resources needed for other security aspirations, rather than for Basra Palace.

273. Commenting from Baghdad, Major General Gerald Berragan, Deputy Commanding General (Operations) Multi-National Corps – Iraq, reported concerns that some of the additional resources that were being deployed to Basra at Gen Mohan's request were not yet fully trained or equipped.[127]

274. One of the (all Shia) National Police units had a reputation in Baghdad "for its seemingly active role in ethnic cleansing of Sunni districts" and for "turning a blind eye – or worse – to JAM activities". He cautioned that "reinforcements from Baghdad may bring other complications to the Basra security scene, and these units will clearly require some serious support and mentoring if they are to be successful".

275. Maj Gen Binns, Gen Mohan and Lt Gen Odierno agreed on 30 August that the conditions were set for handover of Basra Palace on the night of 2/3 September.[128]

276. On the evening of 31 August, Mr Browne told Mr Brown that the handover would take place on 3 September.[129] He added that transition to PIC looked "likely" for November.

277. In a letter to Mr Brown of the same date, Mr Browne wrote:

> "… following the handover of Basra Palace and our other Basra City bases, we will de facto be at PIC with the Iraqi Security Forces leading on security in Basra City. While our move out of Basra Palace has never been linked to PIC, it was not envisaged that the gap between the two events would be as large as it is now likely to be. Set against the background of the UK technically retaining responsibility for security in the province until PIC, this will entail a period of greater operational risk and, although UK commanders judge this to be acceptable, we should aim to keep this gap as short as possible."[130]

---

[125] Private hearing, 2010, pages 62-63.
[126] Minute Binns to CJO, 30 August 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 30 August 2007'.
[127] Minute Berragan to CJO, 30 August 2007, 'MNC-I Update – 30 Aug 07'.
[128] Letter Browne to Brown, 31 August 2007, 'Iraq: Handover of Basrah Palace and Provincial Iraqi Control in Basra'.
[129] Minute Robbins to McDonald, 31 August 2007, 'Prime Minister's Conversation with Defence Secretary'.
[130] Letter Browne to Brown, 31 August 2007, 'Iraq: Handover of Basrah Palace and Provincial Iraqi Control in Basra'. The papers indicate that Mr Brown did not see this letter as it was superseded by his conversation with Mr Browne.

278. On 31 August, Mr Browne's Private Secretary provided No.10 with an update on the security situation in Basra and ongoing discussions with JAM.[131] In the letter, he recapped negotiations with JAM1 and actions to date and explained:

> "This arrangement has to date been very successful. Rocket and mortar attacks on Basra Air Station have effectively ceased and those on Basra Palace much reduced. The UK forces withdrawing from the Permanent Joint Co-ordination Centre on 27 August did so almost without incident. And resupply convoys to and from Basra Palace have also proceeded with significantly fewer incidents than would previously have been anticipated. As part of these discussions, we have also secured assurances that the handover of Basra Palace will proceed smoothly.
>
> "The cease-fire period is due to expire on 13 September: the next stage of the discussions is aimed at ensuring a smooth continuance of these arrangements beyond that point. It is due to involve the release of 11 internees and a further month-long cease-fire period. We are also working up plans to try and ensure that a more permanent arrangement is put in place."

279. Although the operation had "undoubtedly saved lives", presentational risks remained:

> "Some of those involved in the release process are potentially linked, on the basis of intelligence information, to attacks against UK personnel (although in no cases do we have sufficient evidence to initiate legal proceedings through the Iraqi justice system and indeed many would likely have been released in the near future through our standard procedures for managing our internee population). And we face risks of accusations that we have done deals with terrorists, which may reinforce some of the negative comments emerging from the US in recent weeks alleging that we are not in control of events in South-East Iraq and are seeking an early exit."

280. The update also recorded media coverage alleging the UK had negotiated a cease-fire with JAM but "these have been inaccurate on the detail and have not yet been more widely followed up":

> "But it does seem likely that it is a matter of when, not if, the story will break. We will consider whether there is scope to be more proactive in media handling of this process in the aftermath of the reports to Congress by Petraeus and Crocker. In the meantime we do not intend to comment on any negotiations that we may have held with JAM or other militia groups."

281. On 31 August, an article by Mr Miliband and Mr Browne entitled 'Still on Track in Basra' appeared in the *Washington Post*.[132] In it they sought to "set the record straight" following criticism of the UK's role in southern Iraq. Although challenges in Basra

---

[131] Letter English to Robbins, 31 August 2007, 'Update on the Security Situation in Basra and On-going Discussions with JAM'.
[132] *Washington Post*, 31 August 2007, *Still on Track in Basra*.

were “real, wide-ranging and deep-seated”, Mr Miliband and Mr Browne described expectations that transition to PIC would be achieved within months, after a judgement “based on the conditions on the ground”.

282. The article continued:

> “To recognise that such challenges remain is not to accept that our mission in southern Iraq is failing. Our goal was to bring Iraqi forces and institutions to a level where they could take on responsibility for their communities. It could not create in four years in Iraq the democracy, governance and security that it took Great Britain and the United States centuries to establish.”

283. Maj Gen Binns told the Inquiry that, in August 2007, the UK considered it had surged – “we believed that SINBAD was a surge of sorts” – and that “we had done what we could in Basra at the time”.[133] This left two alternatives:

> “We could have stood and fought. We could have continued to do strike operations at the rate that 19 Brigade were doing them, we could have done that. We would have just had to endure, so we could have endured, we could have hunkered down and we could have just taken it and waited for some form of Iraq-wide impact of the surge that the Americans were conducting.”

September 2007

284. A few days later two senior former UK military officers, General Sir Mike Jackson and Major General Tim Cross, were also quoted in the media.[134] The roles they held in relation to Iraq in 2003 are described in Section 9.1.

285. Gen Jackson characterised US post-invasion policy as “intellectually bankrupt”, Maj Gen Cross considered it “fatally flawed”. Maj Gen Cross alleged that his warnings about the possible descent of Iraq into chaos had been ignored by Mr Donald Rumsfeld, US Secretary of Defense.

286. On 3 September, the longer letter on Basra’s future was sent by a senior government official specialising in the Middle East to Mr Mark Lyall Grant, FCO Director General Political.[135] He reported that, at least for the moment, JAM1 appeared to have the backing of the majority of JAM in Basra and its leadership in Najaf. Although the negotiations on detainees were proving hard going, the senior official judged that JAM1 had invested too much of his personal capital in the process to withdraw, though he could lose the trust of his constituents.

---

[133] Private hearing, 2 June 2010, page 29.
[134] *AFP*, 2 September 2007, *Second British general bashes US strategy in Iraq*.
[135] Minute senior government official specialising in the Middle East (1) to Lyall Grant, 3 September 2007, ‘[NAME OF OPERATION]: negotiations with JAM – Basrah Palace’.

287. The other Basra militia were aware of the negotiations and remained suspicious that the deal would marginalise them. JAM1 had given an undertaking that JAM would respect the Iraqi Government's takeover of Basra Palace and would not loot it, provided that there was an effective guard force in place.

288. The senior official concluded:

> "This initiative has already delivered significant results but the negotiations remain fragile, uncertain and vulnerable to outside interference. This applies especially to [JAM1's] undertaking on Basra Palace. General Muhan's Palace Protection Force will be the main guarantor of a smooth handover."

289. The national JAM cease-fire was welcomed by the Iraqi Ministerial Committee on National Security meeting at the start of September.[136] Prime Minister Maliki agreed that it provided an opportunity to:

- support moderate Sadrists, isolating the criminal and terrorist elements;
- encourage Sadrists to engage in the political process;
- begin talks with the religious authorities in Sadrist areas;
- outlaw all non-ISF armed groups;
- cease the raids into Sadrist areas as a confidence-building measure, which would also help restore calm;
- release a number of arrested JAM members as a goodwill gesture;
- provide work for the young non-criminal elements of JAM; and to
- invest financially in the JAM areas to help with provision of services.

290. Asked on the *Today Programme* on 3 September whether the withdrawal from Basra Palace signalled that the UK was pulling out of Iraq, Mr Brown said that this was a "pre-planned and … organised move" and that the UK would "discharge all our responsibilities to the Iraqi people".[137] The UK was moving from a combat role towards overwatch and retained the ability to reintervene if required. Mr Brown denied the accusation that Basra was being left to the mercy of the militias, pointing out that there were 30,000 Iraqi Security Forces (army and police) in Basra who would maintain security there.

291. On 3 September, government officials working closely with the military met JAM1, who was "even crosser than we expected" about the treatment of one of his contacts by a member of the British Consulate.[138] The officials commented: "Our despair with the

---

[136] eGram 36500/07 Baghdad to FCO London, 5 September 2007, 'Iraq: Ministerial Committee on National Security, 4 September'.
[137] *BBC Radio 4*, 3 September 2007, *Today Programme*.
[138] Email government official working closely with the military, 5 September 2007, '[NAME OF OPERATION]: The Phantom Menace'.

Consulate here grows daily. Apart from this entirely avoidable episode … there is still no perceptible effort from them on the political track."

292. In a report to Maj Gen Binns and the MIG the following day, a government official working closely with the military explained:

> "It was with some difficulty that I focused [JAM1] on the issue of what happens after 13 September (fortuitously more or less the start of Ramadan) following proposed release of eleven more detainees. [JAM1]'s main request was that to delay the next batch of releases until 'Id al-Fitr would try the patience of his comrades: would it not be possible to release a few each week or so? I replied that I hoped that such flexibility would be feasible, but I could make no promises at this stage … I said that, in return for these Ramadan releases, we would be looking for [JAM1] to persevere in his efforts to rein in the violence. [JAM1] was almost dismissive, implying that this was a given. He then expounded at length why our agreement had to be about more than just security."[139]

293. The official and JAM1 then discussed "what the end-state of the agreement might be". JAM1 suggested that it was unlikely that resolution 1723 would be extended and that the UK would have to release all its detainees anyway. If they were released the UK would not appear to be a military occupying force but a social and economic one, so most of the current points of friction between the people of Basra and MND(SE) would fall away. JAM1 also considered it worth seeking to extend the agreement to al-Amara and Nasiriyah. The record of the meeting concluded:

> "A difficult meeting in which the importance of the development agenda to [JAM1] became apparent. It seems clear that if we wish to gain the maximum benefit from this agreement we need to accelerate the process for delivering some tangible projects on the ground."

294. In his weekly report on 3 September, Lt Gen Rollo wrote that he had suggested to Gen Petraeus that he would need to focus on three issues when he visited London in mid-September:

- what capabilities were required in Basra post-PIC until around April 2008;
- how this might evolve over summer 2008, including the potential for US troops to reinforce Basra in the event of the Iraqis being overwhelmed; and
- clarification of the long-term intent.[140]

---

[139] Letter government official working closely with the military to GOC, 4 September 2007, 'Meeting with [JAM1], 3 September'.
[140] Minute Rollo to CDS, 3 September 2007, 'SBMR-I's Weekly Report (268) 3 Sep 07'.

295. Lt Gen Rollo also wrote that it was important to be clear with the US about UK intentions:

> "US slides continue to show a brigade in Basra bedecked with the Union Jack when coalition/US force levels have reduced to only five brigades. If this is not our policy then we should say so, and agree an event or time at which we step out of their plan."

296. Lt Gen Rollo predicted that in his report to Congress Gen Petraeus would "acknowledge the need to drawdown, but will wish to maintain the present policy of securing the population while simultaneously transitioning steadily to the ISF".

297. Neither Mr Browne nor Mr Miliband attended Cabinet on 4 September.[141] Mr Brown said that had they been there, they would have provided an update on the position in Iraq and Afghanistan; he would ask them to report to a future Cabinet.

298. On the same day Maj Gen Wall briefed the Chiefs of Staff that the security situation across Iraq "remained positive", with civilian casualties at their lowest level since the beginning of 2006; "prospects currently appeared positive" for the effectiveness of the six-month JAM cease-fire; but there was a recognised risk of a significant AQ-I attack in the run-up to the Gen Petraeus/Ambassador Crocker statement to Congress.[142]

299. The Chiefs of Staff observed that "it was important that a period of stability elapsed before the handover could be considered a complete success. The pressure to achieve PIC needed to be maintained …" The remaining potential barriers to PIC were the removal of Governor Waili (still legally challenging his dismissal) and the continuance of Gen Mohan and Gen Jalil in post until PIC.

300. A CIG assessed Iraq's relations with its neighbours on 4 September.[143] It judged:

> "Iran wants Multi-National Forces (MNF) to leave Iraq and is actively working to make life as difficult as possible for them. Iran will tolerate short-term instability to force a humiliating MNF withdrawal. Iranian support for Shia extremists continues unabated.
>
> "Syria also wants MNF to leave Iraq … Syria continues to provide safe haven to some Sunni groups supporting insurgent activity in Iraq, particularly those linked to the Iraqi Ba'ath party …
>
> "As the prospect of MNF drawdown looms larger, Iraq's Sunni neighbours are increasingly fearful of a descent into civil war, an emerging Al Qaida safe-haven, or an Iranian-dominated Shia state … So long as Iranian influence is seen to be increasing, regional tensions will continue to rise."

---

[141] Cabinet Conclusions, 4 September 2007.
[142] Minutes, 4 September 2007, Chiefs of Staff meeting.
[143] CIG Assessment, 4 September 2007, 'Iraq: Relations with the Neighbours'.

301. At the request of the MOD and FCO, on 6 September the JIC assessed progress of the Baghdad Security Plan (known in Arabic as Fardh al-Qanoon (FAQ)) which had begun in February, and its future prospects.[144]

302. The JIC judged that:

> "I. Under the current Baghdad Security Plan, intensified Multi-National Force (MNF) and Iraqi security force (ISF) operations have improved security for Iraqis in general in Baghdad. Civilian, ISF and MNF casualties have reduced. Attacks on the MNF have fallen off since June, and are now at the lowest level since June 2006."

303. The JIC assessed that MNF operations focused on the AQ-I threat and other Sunni Islamist extremists had had an effect. The number of high-profile suicide attacks against Shia targets had fallen.

304. Outside Baghdad, overall attack levels had fallen sharply after record highs in June. The JIC assessed it was "too early to say whether this trend will be sustained".

305. The JIC judged that: "The Iraqis have taken no political advantage of the improved security to pursue national reconciliation or reconstruction."

306. The JIC assessed:

> "The Iraqi Government committees established to deal with economic regeneration and communal reconciliation have achieved little of substance. Electricity and fuel shortages remain more acute in Baghdad than elsewhere in Iraq and are the cause of widespread disillusionment, undermining the government's credibility."

307. In relation to performance of the ISF, the JIC judged:

> "The initial higher level Iraqi management of and engagement with the complexities of FAQ was encouraging. From the start, Maliki took a 'hands on' approach, chairing FAQ's Executive Steering Committee and co-ordinating security operations … But in recent months his enthusiasm has worn off. Continuing high profile attacks in Baghdad (together with Shia nervousness over programmes to support armed Sunni tribes) have strained Maliki's relations with senior MNF commanders. We judge Iraqi confidence, both among Ministers and more generally, has been damaged by the popular perception that security has not significantly improved."

308. The JIC considered that key Iraqi structures established to manage FAQ were still "overwhelmingly Shia". The government had taken some steps to address human rights abuses, including sacking 23 senior National Police commanders and disbanding an entire battalion accused of complicity in sectarian acts. But other individuals accused of sectarian abuses remained in positions of responsibility.

---

[144] JIC Assessment, 6 September 2007, 'Baghdad Security Plan: Impact and Prognosis'.

309. The JIC Assessment ended with a section entitled 'Outlook', which said:

> "Iraqi politics are paralysed. Despite upbeat claims following the recent leadership conference, we see no prospect of Maliki's government making real progress on key legislation … We continue to judge that any new leader would face similar challenges to Maliki: early significant improvements in government performance would be unlikely.
>
> "We judge the levels of violence in Baghdad and across Iraq may continue to fall, but only as long as the US troop surge can be sustained: the ISF, even with tribal support, are not capable of maintaining the tempo or effect of current MNF operations … The additional US surge can only be maintained until March 2008 … When it reduces, we judge that Sunni extremists and Shia militias will try to reassert control on the ground."

310. In his weekly update on 6 September, Maj Gen Binns described the withdrawal of UK troops from Basra Palace on 2 and 3 September as "extremely successful".[145] Although one of the convoys was hit by an IED, there were no serious injuries and it arrived back in the COB "largely unscathed" – something that would have been "impossible" a month earlier.

311. The media coverage in Iraq and in the UK had been "largely positive", with the only real criticism that the UK was leaving a security gap in the South coming from the US media.

312. Maj Gen Binns commented that Dr Rubaie's decision to speak to the media ("in English, so none of the message was lost in translation") was "further affirmation that the decision to hand over control of the Palace to the ISF had the full support of the GoI".

313. Less positively, Maj Gen Binns reported:

> "Whilst senior US Commanders recognise and understand the reasoning for our departure from the Palace … it has become apparent that this understanding is not shared by junior and mid-ranking US personnel. My staffs … detect at least a slight discomfort at the UK position … at the working level, with a feeling that our return to the COB will leave Southern Iraq open to malign Iranian influence and the flow of EFPs. These feelings are no doubt buoyed by the address by POTUS [President Bush] to military personnel in Anbar; at a tactical level, the rallying call 'if we let our enemies back us out of Iraq, we will be more likely to face them in America' at a time when our own Government is announcing a reduction in troop numbers (regardless of how long this has been planned) further demonstrates the perception of a division between UK and US foreign policies towards Iraq."

---

[145] Minute Binns to CJO, 6 September 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 6 September 2007'.

314. Sir John Scarlett told the Inquiry that withdrawing from Basra Palace – "a major exposed operation" – without a single casualty had been a "really important achievement".[146]

315. Colonel Peter Mansoor, executive officer to Gen Petraeus in 2007, wrote in his book *Surge*:

> "By withdrawing their forces from Basra and consolidating them on a single base at the city outskirts, British political and military leaders had abdicated responsibility for the city's security. Shi'a militia leaders had contested control of the city and outlasted the British will to continue the fight."[147]

316. Mr Dowse told the Inquiry that, although there was a policy statement to the effect that even after withdrawal from Basra Palace UK forces retained the ability to re-engage if required, his view and that of the intelligence community more generally had been that that was not true "in any meaningful sense":

> "The idea that we could have gone back into Basra and reoccupied in the event of a crisis … was extremely optimistic, to say the least. We never actually were in a position where we wrote that in an assessment. I recall going to a couple of meetings where I asked the MOD representatives how confident they were of the assertion of re-engagement and was told … 'We recognise we are carrying a risk.' Actually, it was never really tested."[148]

317. Asked whether the UK had the capacity to re-intervene if the agreement with JAM in Basra had broken down, Maj Gen Binns told the Inquiry that he "didn't really define what 're-intervention' meant, because it implies that we were intervening in the first place in 2007 and we weren't". Maj Gen Binns added:

> "Did I have the capacity to go back and reoccupy the Palace? Yes, at a stretch, but it never really crossed my mind because I was so glad to get out of it."[149]

The impact of negotiations with JAM1

Maj Gen Shaw told the Inquiry that he thought it likely that without the cease-fire, withdrawing from Basra Palace might have become "the totemic humiliation of the British forces shot out of Basra".[150]

Maj Gen Shaw subsequently added the following detail: "Indeed, subsequent conversations with [officials working closely with the military] relate JAM affirmation after

---

[146] Private hearing, 10 June 2010, pages 41-42.
[147] Mansoor PR. *Surge: My Journey with General David Petraeus and the Remaking of the Iraq War.* Yale University Press, 2013.
[148] Private hearing, 14 June 2010, pages 77-78.
[149] Private hearing, 2 June 2010, page 30.
[150] Private hearing, 21 June 2010, page 37.

the reposturing that attacks on it [Basra Palace] had been in the offing but were halted by the 'deal'."

However, references to the process as a "deal" had been unhelpful and Maj Gen Shaw told the Inquiry that:

> "I should have packaged it better like the American Anbar uprising, which was broadly the same thing."[151]

Maj Gen Binns told that Inquiry that in his view:

> "… the accommodation got us to the stage where the Iraqis took responsibility for the security of Basra and they wouldn't have done that if the violence had still been at an unacceptable level."[152]

He thought that:

> "… back here in London there were people who were deeply uncomfortable with this and the further you got away from Basra, the more uncomfortable people got with the nature of the deal."[153]

Although Maj Gen Binns was confident that Mr Browne was aware of and comfortable with the risk associated with negotiations, he told the Inquiry:

> "I think, you know, I think there were people in outer offices who wanted – not unreasonably, they wanted to mitigate that risk."[154]

Maj Gen Binns also told the Inquiry:

> "…in retrospect, I said, 'Well, look, we've done this before, surely, negotiated with terrorists, surely somebody could give me some advice on negotiations', and I didn't get any, so we were thinking on our feet about this process of negotiation. We were just trying to come up with a policy."

Mr Dowse told the Inquiry that the departure of UK troops from Basra City did affect the quantity, quality and reliability of the information he was receiving.[155]

SIS3 told the Inquiry that the agreement reached had:

> "… reserved the right for HMG to respond militarily to any individual or groups planning attacks, that we would interdict any weaponry moving in, and, furthermore, that we would reserve the right to intervene when the Iraqi Government requested us to, if they did. So, in other words, we were circumscribing our military activity to some extent, but I think with no risk to our overall posture."[156]

He also considered that events in Basra had a wider effect across JAM:

> "Muqtada al-Sadr, who of course is the rather idiosyncratic, not to say incoherent leader of JAM, sitting in Iran I think then made a virtue out of necessity by

[151] Private hearing, 21 June 2010, page 22.
[152] Private hearing, 2 June 2010, page 19.
[153] Private hearing, 2 June 2010, page 21.
[154] Private hearing, 2 June 2010, page 22.
[155] Private hearing, 14 June 2010, pages 75-76.
[156] Private hearing, 2010, page 62.

> announcing his own six month freeze on activity on 29 August. But I have always rather felt that that was him following events, rather than driving events from his bolthole in Iran."
>
> SIS6 told the Inquiry that the understanding reached provided a six-month window for the UK to pull out of Basra safely and re-locate to the Air Station.[157]
>
> Asked about the impact on security in Basra City, SIS6 explained that he did not know, because the UK was not on the ground there.[158]
>
> A government official who worked closely with the military told the Inquiry he recalled that the negotiations had been described as "a treatment of the symptoms" which had not "brought about a cure" but was rather intended to "buy time and … space".[159]

318. On 7 September, Mr McDonald provided Mr Brown with a timeline of actions on Iraq leading up to his statement to Parliament after Recess.[160] The main points were:

- a video conference with President Bush, to understand his reaction to the Petraeus/Crocker report, on 10 September;
- an update to Cabinet by Mr Browne;
- a meeting with Gen Petraeus and Ambassador Crocker on 18 September;
- discussions between US and UK officials and military about future UK role;
- NSID to consider options and reach a view; and
- a visit to Basra by Mr Brown in early October.

319. Mr McDonald reported that work was under way in the MOD on options for a UK military contribution "in the next phase" post-PIC. There were two possible models:

- A small group of specialists and a headquarters in Baghdad, plus naval and air support, with a "training component" in the South, totalling 1,800–2,000.
- A large enough force to enable the UK to maintain command of MND(SE), totalling around 3,800.

320. After a short visit to Basra and Baghdad from 5 to 7 September, Gen Dannatt reported a "growing, albeit modest, sense of optimism about the strategic opportunities that are now potentially being presented to the coalition and specifically to our own forces in South-East Iraq".[161]

321. That sense of optimism had been generated by a combination of the US surge, Sunni engagement and Muqtada al-Sadr's cease-fire.

---

[157] Private hearing, 2010, page 23. Based on redacted material.
[158] Private hearing, 2010, pages 28-29. Based on redacted material.
[159] Private hearing, 2011.
[160] Minute McDonald to Brown, 7 September 2007, 'Iraq: Timeline Before your H/C statement (and update on Pakistan)'.
[161] Minute Dannatt to CDS, 10 September 2007, 'CGS Visit to Iraq 5-7 Sep 07'.

322. Gen Dannatt recorded his impression that "at a low level the force levels in Baghdad are beginning to tip the balance". He reported Lt Gen Odierno's estimate that 65 percent of Bagdad was "firmly under control".

323. On Basra, Gen Dannatt found that:

> "… our own tactical thinking was beginning to reflect that in Baghdad … we had far more in common than differences despite the best efforts of some of the US staff to confuse the situation."

324. Gen Dannatt described Basra as "tentatively quiet" but observed that security would only be sustainable "if we now begin to deliver some results on the ground in terms of reconstruction and development". He cautioned:

> "We probably now have a very narrow window of opportunity to reinforce the success that has been achieved on the ground, but we must not become the victims of that success by believing that because it is quiet that we have done all we can – the emphasis must now shift away from the military line of operation … Perhaps it is even time to consider whether we should be pushing the FCO or DFID into a more leading role?"

325. In relation to the UK's ability to re-intervene in Basra, Gen Dannatt wrote:

> "I sense that there is the potential for great confusion about what we actually mean by this widely used term. I believe that it is unrealistic to think that we could re-intervene in Basra without considerable cost, indeed to do so would be a massive retrograde step in campaign terms. The focus should be perhaps to enable ISF re-intervention in the city with the coalition enabling this task."

326. If the ISF were unable to re-intervene successfully, the Corps Reserve brigade might be called on. The UK's "residual focus for a time-limited period" would be on capacity-building with the ISF and in the Basra economy. If that was to be the case, Gen Dannatt saw the UK deployment as between 1,000 and 1,500 troops.

327. Gen Dannatt concluded his report:

> "In summary, I found a campaign that is at a major crossroads and facing a narrow window of opportunity. The opportunities are time sensitive – we must be seen to be reducing our forces, we must be prepared to engage with all parties and we must follow up military operations with effective political and economic development. We must base our thinking on the fact that we only have a limited amount of time to change tack before … we out stay our welcome once more … I am conscious that we have not yet received any political direction, but from an Army viewpoint I can see a definite way forward on the ground in Iraq, consistent with any plans for greater investment in Afghanistan and in a modest return to contingency."

The credit crunch

From September 2007, the global financial crisis became a major focus for the UK Government. Key events as the crisis intensified are described below.

On 9 August 2007, French bank BNP Paribas told investors that they would be unable to withdraw money from two of its funds because it could not value the assets in them owing to a "complete evaporation of liquidity" in the market. This triggered a sharp rise in the cost of credit, and alerted the world to the start of the credit crunch.[162]

On 13 September, BBC News reported that Northern Rock had been granted emergency financial support by the Bank of England. The following day, customers of the bank withdrew £1bn, the biggest run on a British bank for more than a century.

On 21 April 2008, the Bank of England announced a £50bn plan to help banks by allowing them to swap high risk mortgage debts for secure government bonds.

At the end of the month, the first annual fall in UK house prices for 12 years was recorded by Nationwide.

On 7 September, US mortgage lenders Fannie Mae and Freddie Mac were taken over by the US Government. Together they had lost approximately US$14bn over the previous year.[163]

The management of both companies was to be replaced, and they were to be given access to additional funding. Both were to be administered by the Federal Housing Finance Agency until their long-term future was decided.

President Bush said: "Putting these companies on a sound financial footing, and reforming their business practices, is critical to the health of our financial system."

On 16 September, Lehman Brothers – a major US investment bank – filed for chapter 11 bankruptcy protection, which gives a company time to devise a pan to re-pay its creditors.[164] The BBC reported:

> "Unwinding Lehman's complex deals will take months if not years. During that time the global financial system will be snarled up. Many banks won't know for sure how much they are exposed to Lehman, and will have difficulty freeing up the money in those deals.
>
> "This in turn is likely to intensify the credit crunch, with potentially dire consequences for businesses and consumers."[165]

On 3 October, the US House of Representatives passed a US$700bn plan to rescue the US financial sector.[166]

---

[162] *BBC News*, 7 August 2009, *Timeline: Credit crunch to downturn*.
[163] *BBC News*, 7 September 2008, *US takes over key mortgage firms*.
[164] *BBC News*, 16 September 2008, *Lehman Bros files for bankruptcy*.
[165] *BBC News*, 16 September 2008, *Q&A: Lehman Brothers bank collapse*.
[166] *BBC News*, 7 August 2009, *Timeline: Credit crunch to downturn*.

328. Mr Prentice attended his first meeting of the Iraqi Ministerial Committee on National Security (MCNS) on 9 September. It was confirmed that the national JAM cease-fire was intended to include suspension of all attacks on the MNF.[167]

329. After visiting Basra for the formal exchange of letters concerning the handover of Basra Palace, Dr Rubaie reported to the MCNS that he had agreed with Gen Mohan that the Iraqi Army would remain in the Palace in the short term, but that longer term it should be renovated and used by the Government.

330. Lt Gen Rollo told the MCNS that the MNF had reduced its anti-JAM operations by 50 percent nationally after the cease-fire was announced, but EFP attacks on MNF had risen and indirect fire continued unchanged. Prime Minister Maliki agreed with Dr Rubaie that this should not deflect the efforts of the reconciliation committee: if a political solution could be found, it should be pursued. He would take two steps towards peace for every step the militants took.

331. Lt Gen Rollo commented in his weekly report on 10 September that Muqtada al-Sadr's cease-fire announcement had "prompted considerable debate and action geared at capitalising on the situation, regardless of what it might mean in the longer term".[168]

332. Lt Gen Rollo reported that the handover of Basra Palace had "generated little interest" in Baghdad, with "nothing but positive noises coming from my US colleagues". He continued:

> "The reality of the situation in Basra more generally is also accepted, I believe, and fears of premature withdrawal or less than supportive behaviour from the British appear to be decreasing. CGS's visit provided a useful opportunity to test the acceptability of a transition from current force levels to a significantly smaller force next Spring, focused on assistance and development …"

333. On 10 September, Mr Browne spoke to Secretary Gates shortly before he reported to Congress.[169] Secretary Gates indicated that he expected Gen Petraeus would recommend that while troops should remain in Iraq as long as possible, there were opportunities to draw down where the security situation allowed. Mr Browne observed that the UK strategy for MND(SE) was consistent with this approach; the UK could re-intervene in the South if required.

334. Secretary Gates confirmed that the US was content with the UK position. The US concern was whether a significant UK troop reduction would jeopardise the mission and impact on the commitment of other coalition partners. He encouraged Mr Browne to discuss the matter with Gen Petraeus and Ambassador Eric Edelman, Under Secretary of Defense, when they were in London the following week.

---

[167] eGram 38263/07 Baghdad to FCO London, 10 September 2007, 'Iraq: Ministerial Committee for National Security (MCNS) – 9 September'.
[168] Minute Rollo to CDS, 10 September 2007, 'SBMR-I's Weekly Report (269) 10 Sep 07'.
[169] Letter Forber to Fletcher, 11 September 2007, 'Iraq: Conversation with US Defence Secretary'.

335. Mr Browne shared plans for a Prime Ministerial statement on Iraq in early October, and said that it would be very difficult not to refer to PIC. The two agreed to speak again following Gen Petraeus' visit.

336. On 10 and 11 September, Gen Petraeus and Ambassador Crocker testified to Congress on security and political progress in Iraq, and on the impact of the US surge.[170]

337. Ambassador Crocker focused on political, economic and diplomatic developments in Iraq. He assessed that a "secure, stable democratic Iraq at peace with its neighbours" was "attainable" but warned that Iraq was, and would remain, "a traumatised society". In terms of progress he said:

> "In my judgement, the cumulative trajectory of political, economic, and diplomatic developments in Iraq is upwards, although the line is not steep. The process will not be quick, it will be uneven, punctuated by setbacks as well as achievements, and it will require substantial US resolve and commitment. There will be no single moment at which we can claim victory; any turning point will likely only be recognised in retrospect …
>
> "2007 has brought improvement. Enormous challenges remain. Iraqis still struggle with fundamental questions about how to share power, accept their differences and overcome their past. The changes to our strategy last January – the surge – have helped change the dynamics in Iraq for the better. Our increased presence made besieged communities feel that they could defeat Al Qaida by working with us … We have given Iraqis the time and space to reflect on what sort of country they want. Most Iraqis genuinely accept Iraq as a multi-ethnic, multi-sectarian society – it is the balance of power that has yet to be sorted out."

338. Gen Petraeus focused on security. He stated that the military objectives of the surge were being met in large measure with coalition and Iraqi forces dealing "significant blows" to Al Qaeda in Iraq and disrupting Shia militia.[171] He highlighted the decline in civilian deaths during the period but recognised that the numbers were still at "troubling levels". Additionally, he described the "tribal rejection of Al Qaida" spreading out from Anbar province as potentially the "most significant development of the past eight months". As a consequence of the progress made, Gen Petraeus suggested that it would be possible to reduce troop numbers to pre-surge levels in summer 2008 although he warned of the dangers of handing over to Iraqi Security Forces too early.

---

[170] Testimony to Congress, 10 September 2007, 'Statement of Ambassador Ryan C Crocker, United States Ambassador to the Republic of Iraq, before a Joint Hearing of the Committee on Foreign Affairs and the Committee on Armed Services September 10, 2007'.
[171] Testimony to Congress Petraeus, 10-11 September 2007, 'Report to Congress on the Situation in Iraq'.

339. During the two days of testimony, Ambassador Crocker and Gen Petraeus were questioned on the UK's approach in Basra. A briefing paper on key points from those exchanges recorded that:

- Asked whether he agreed with the British drawdown and withdrawal from Basra City, Gen Petraeus said he did.
- Asked whether the British had lost Basra, Gen Petraeus said: "The British did a good hand-off to a force that was trained and equipped and certified to hand off the palace … There's no question but that there is a competition down there between the Fadhila Party, the Supreme Council, the Badr Corps, and certainly Sadr's party and militia. Interestingly, there have been deals there recently, and the violence level has just flat plummeted. It's included some release of some Jaysh al-Mahdi figures – again accommodations between all of them. Again for the Shia south, that's probably ok."
- Asked why the British had a force protection mission whereas the US had a population protection mission, Gen Petraeus said that this was due to the lack of sectarian violence in Basra.
- Asked whether he could foresee a situation where US troops may have to be committed to Basra, Gen Petraeus said: "I don't think that we need to put US forces in southern provinces, other than, say, some special forces teams or occasionally sending something down to help out."[172]

340. A few days after the testimony, Mr Prentice reported that it had "not been the climactic political event here which many were expecting a few weeks ago" but now that it was over "the Iraqi political class know better where the US stand and what is expected of them".[173]

341. Mr Brown spoke to President Bush by video conference on 10 September.[174]

342. The briefing provided for the conversation suggested he emphasise that no decisions had been taken on a radical drawdown of UK troops and that the UK remained committed both to the coalition and to supporting Iraq's stability and development.[175]

343. Officials assessed that President Bush was unlikely to make any fundamental changes to US policy in the medium term; rather, his focus would be on short-term management of the surge. The briefing said:

> "Although US commanders in Iraq did sign off on the Palace move [in Basra], Washington report continued anxiety on the part of US officers and policy-makers

---

[172] Paper [unattributed], [undated], 'Crocker & Petraeus – Key Quotes & Exchanges'.
[173] eGram 37677/07 Baghdad to FCO London, 13 September 2007, 'Iraq: Future UK Posture; What is at Stake?'
[174] Letter Fletcher to Hickey, 10 September 2007, 'Prime Minister's VTC with President Bush, 10 September: Middle East'.
[175] Briefing [unattributed], 10 September 2007, 'Bush VTC'.

in both Baghdad and Washington about UK plans in the South. Their concerns are centred on the tension between (what they assume will be) further UK withdrawals in the South, and the US military surge in Baghdad and its surrounding provinces."

344. During the video conference, Mr Brown said that the departure from Basra Palace had been smooth; he told President Bush that "elements of the media had misrepresented our strategy, and our long-term objectives".[176] The next steps, including transition to PIC in Basra, had to be based on a military assessment. Mr Brown explained that he intended to make a Parliamentary statement on Iraq in early October but there would be no "hasty decisions" in the meantime.

345. At Cabinet on 11 September, Mr Browne commented that Gen Petraeus' evidence had been less dramatic than billed: security in Baghdad had increased, and large scale sectarian violence in Iraq had decreased.[177] The US would wish to sustain its forces at a higher level until 2008, to provide opportunities for political progress, although overall numbers would reduce. By July 2008 the total would be 130,000; the pre-surge level. Mr Browne told Cabinet that the US was essentially adopting the same approach the UK had taken in the South; making reductions where security could be handed over to the Iraqis.

346. Mr Browne reported that the transfer of Basra Palace on 3 September had taken place without incident and the city was calm. British forces were now focused on mentoring and training, although they would retain a capability to re-intervene if necessary. Force levels would reduce to around 5,000 in November, with PIC expected at around the same time, conditions permitting. Future plans would, in part, depend on US decisions.

347. Mr Miliband observed that the UK's focus had, inevitably, been on Basra for the last two to three years, but it was important now to think about the nature of the UK's overall relationship with Iraq, in the context of the wider international community. He believed that there was a chance to persuade the European Union to develop serious economic and social relationships with Iraq.

348. Mr Brown concluded the discussion by saying that, over the next few weeks, the Government would need to look at security, reconciliation (where the emphasis was moving from the national to the local level) and the "stake in the future" initiative. Cabinet would have a further opportunity to discuss the issue at an appropriate time as matters became clearer.

---

[176] Letter Fletcher to Hickey, 10 September 2007, 'Prime Minister's VTC with President Bush, 10 September: Middle East'.
[177] Cabinet Conclusions, 11 September 2007.

349. At their meeting on 11 September, the Chiefs of Staff noted that:

> "The Gen Petraeus/Amb Crocker statement to Congress had been encouragingly realistic but had not comprehensively articulated the future political intentions and progress of PM Maliki."[178]

350. Uncertainty remained about the direction Shia groups in Basra would take in the coming months. As a result:

> "The current nature of the UK mission in Iraq had potential to change, given the security situation in MND(SE). It was important that the current security situation did not cause a premature shift in strategic direction. Potential future UK missions needed to be considered in a coalition context."

351. Major General John Rose, MOD Director General Intelligence Collection, briefed the Chiefs of Staff that the freeze on JAM activity was welcome but its details remained unclear. The lack of Sadrist cohesion meant that "recalcitrant JAM members" were likely to continue to pursue Badr, MNF-I and their opponents within JAM on an opportunist basis, and there therefore remained a "potent threat of further violence".

352. Iranian support to Badr/ISCI and some elements of JAM was believed to be continuing with the goal of influencing the security strategy in southern Iraq. The Chiefs of Staff noted that there would always be an element within JAM which would pursue violent ends. Iranian involvement was an important factor, although the Chiefs of Staff felt that Iran had no interest in promoting an intra-Shia struggle. The important question that remained unanswered was "the route that the Shia groupings in Basra would follow over the coming months: accommodation or confrontation?"

353. Government officials working closely with the military had a further meeting with JAM1 on 11 September to discuss detainee releases and development issues.[179] They reported that the release of a further 11 detainees would take place the following day and suggested that JAM1 and MND(SE) should:

> "… be using the period of our agreement to demonstrate to both the Iraqi government/Provincial Council and coalition development officials that there were new opportunities … But we should be looking further than a few individual isolated projects, towards accelerating and unblocking the projects which have already been drawn up and approved … [JAM1] had brought a list of ideas for development projects … [that] ranged from the relatively straightforward (street lighting, drinking water) to the much more ambitious (building a new hospital)."

354. Following the meeting, a government official working closely with the military reported to colleagues in London that they had been trying to assess the thinking

---

[178] Minutes, 11 September 2007, Chiefs of Staff meeting.
[179] Email government official working closely with the military, 12 September 2007, '[NAME OF OPERATION]: JAM1 Meeting 11 September'.

of interested parties on "where we are going with [NAME OF OPERATION]". The responses were summarised as "we do not want merely to be buying JAM quiescence with releases; we do not want to be seen to be appeasing terrorists; we do not want to enter into an open-ended pork-barrel process; we do not want to be seen to be favouring one political trend over another".

355. Mr Day sent Ms Aldred a "first cut" of options for future UK force levels in southern Iraq on 11 September.[180] While emphasising that the analysis remained provisional and needed further work, he outlined four options:

- A minimal contribution of 250-750 personnel, embedded within mainly US units to provide niche training or support to the Iraqis and/or the coalition.
- A 1,500-strong battlegroup or equivalent, plus logistic support, embedded within a US formation, primarily to continue SSR but with a limited combat capability.
- A one- or two-star HQ plus two battlegroups and limited logistic and enabling capabilities, totalling around 2,500 personnel, to form the framework of a multi-national brigade.
- A 500-strong framework brigade with a one- or two-star HQ, two battle groups and full logistic and enabling support capabilities, able to operate without US support.

356. The initial MOD view was that the third of these was the minimum contribution necessary to retain the UK's lead nation and principal ally status in MND(SE), but that would need to be tested with the US. All options except the final one would require significant US logistic and enabling support.

357. MOD officials advised Mr Browne's Private Secretary on 11 September that, as previously agreed, 11 internees would be released the following day and noted that advice on the long-term future of the operation would follow shortly.[181] Referring to a "step reduction" in attacks on coalition forces since the start of the process, the advice said that there was "merit in pursuing this process".

358. The advice included a substantial section on presentation, referring to articles in *The Sunday Times* and *The Guardian*. There had been some follow-up interest and Parliamentary interest was anticipated. As a result:

> "We have reflected on whether and how we should adjust our presentational approach to this issue. At some point, some aspects of the overall strategy need to be explained to the public and Parliament and also to the families of service personnel who have been killed in Iraq. The best means of doing so might be as part of a wider piece on Iraq strategy … rather than a media event focusing solely on [NAME OF OPERATION] issues. If the Secretary of State agrees, we will develop

---

[180] Letter Day to Aldred, 11 September 2007, 'Iraq – Options for UK Military Contribution'.
[181] Minute Keay to PS/Secretary of State [MOD], 11 September 2007, 'Op TELIC: discussions with JAM'.

some text describing our approach to reconciliation in the context of developments in South East Iraq accordingly. In the meantime we will continue to avoid comment on specific cases, confirm that we have been and continue to be, engaged in dialogue with all relevant parties in our area, that this is in line with and supports Iraqi Government initiatives and that individual detainee releases occur only when they are no longer judged to be an imperative threat to security.

"In all this, we need to be particularly mindful of the families of UK personnel killed, either potentially as a result of the activities of those currently interned or in the course of capturing them …

"Having reviewed the position, we believe that we should now routinely provide parallel notification to the families involved when detainees potentially linked to the death of UK service personnel leave the UK detention facility either being transferred to Iraqi control or being released."

359. Mr Browne's office replied on 13 September to confirm that he had noted the imminent release and that further advice would be put forward shortly on the long-term sustainability of the operation.[182] Mr Browne was reported to be "particularly keen that any further releases are in the context of a strategy for a more enduring political/security solution for the South." Presentational advice was also agreed, including the intention to inform bereaved families.

360. Senior officials discussed Mr Day's note of 11 September to Ms Aldred at the Iraq Strategy Group on 13 September, and concluded that further work would be needed before NSID(OD) considered the options in early October.[183] The Group identified a need for "inter-departmental discussion of the political and military objectives for the UK's continuing engagement in Iraq". The Group also identified the need for discussion with the US about enabling support and their own plans, and the need for work on the location of a future UK military and civilian presence.

361. Mr McDonald also told the Group that Mr Brown would make a short statement the following day, confirming the UK's commitment to Iraq. He still intended to make a substantive statement when Parliament returned, which would focus on PIC in Basra. By this stage, ideally a date would have been agreed and announced. While he did not favour artificial timetables and remained committed to a conditions-based approach to PIC, Mr Brown wanted to say as much as possible about the tasks and numbers of UK troops that would be required after PIC and give an indication of roughly when each phase of overwatch would be reached.

362. Lt Gen Wall noted that there would need to be some engagement with the US on the substance before Mr Brown made his statement: current US military thinking

---

[182] Minute McNeil to PJHQ J9 Hd Pol/Ops 1, 13 September 2007, 'Op. TELIC: discussions with JAM'.
[183] Minute Cabinet Office [junior official] to McDonald, 13 September 2007, 'Iraq Strategy Group, 13 September'.

envisaged a process for Basra PIC beginning in late October, with an announcement in November. Mr McDonald said that officials would need to lobby the US about the timetable in advance of the statement.

363. In advance of Gen Petraeus and Ambassador Crocker's visit to London, Mr Prentice sent some "thoughts" to the FCO on what the issues at stake were in Iraq, what was expected of the UK by the US and Iraqi governments and what roles the UK could and should continue to perform in order to meet or manage those expectations.[184] The advice had been discussed with Lt Gen Rollo, who was reported to be "in broad agreement".

364. Mr Prentice's summary assessment was that the best means to win agreement to PIC in Basra in November would be a "UK re-commitment now to a convincing range of longer-term tasks, including in the South". One of his first impressions was that:

> "Uncertainty and therefore anxiety over UK long-term intentions is widespread, among both senior Iraqis and senior US contacts. And public perceptions, fed by the media, continue to misinterpret our strategy for Basra province."

365. Mr Prentice wrote that Iraq was important to UK interests both for reputational reasons and because Iraq's future was still in the balance; the risk of it descending into chaos and division, rather having a powerful positive influence in the region, was one that needed to be tackled:

> "Whether they were at the beginning or not, our global CT [counter-terrorism] interests are certainly now closely engaged in the Iraq theatre."

366. Mr Prentice acknowledged that the UK's strategy in southern Iraq had been fully discussed and agreed by both the US and the Iraqi Government and that no decisions had yet been taken on medium- and long-term engagement, but also that public interpretation remained that "we are set on full military withdrawal in the shortest order possible". Although he and Lt Gen Rollo and their predecessors had sought to reassure the US that that was not so, "their confidence in us is becoming more fragile. The reputational risks in this for the UK are clear."

367. Mr Prentice said that US concerns were understood to centre on:

- whether the UK would maintain a Divisional Command in MND(SE);
- continuity for the Basra PRT;
- protection for the US Regional Embassy Office, which had just relocated from Basra Palace to the COB in order to fit in with UK strategy;
- continuing specialist military support for the ISF;
- continued training and mentoring of the ISF;

---

[184] eGram 37677/07 Baghdad to FCO London, 13 September 2007, 'Iraq: Future UK Posture: What is at Stake'.

- the ability effectively to counter Iranian influence, including handling the borders; and
- protecting the main MNF supply routes through southern Iraq.

368. Mr Prentice continued:

> "We have invested heavily since 2003 in the South, in treasure, blood and reputation. We should be careful at this late stage not to waste that investment. We are not currently planning further infrastructure development projects but the successful programmes in local government capacity building and police leadership training and mentoring need to continue if they are to achieve sustainable results."

369. Mr Prentice advised that the options for future UK roles and deployments would need to:

- reflect UK regional and strategic interests;
- address US expectations;
- take account of UK domestic political requirements;
- "satisfy UKMOD force generation constraints and the needs of the Afghanistan theatre"; and
- provide a secure platform in the South for non-military tasks.

370. On Basra, Mr Prentice wrote that the formal transfer of responsibility for security would "have a more psychological than real effect" given that the UK's re-posturing to Basra Air Station was, in effect, "de facto PIC". He understood that US officials suspected that the idea of de facto PIC was:

> "… a device to slide past proper analysis of the conditions for PIC. These suspicions about PIC are fuelled by their continued uncertainty about our longer term intentions. The best means to win US support for PIC in Basra on our preferred timing will therefore be to calm their anxieties about our plans for the South and our continued military and non-military contribution to building Iraq's future."

371. On 13 September, Maj Gen Binns reported that Basra remained quiet.[185] There had been no attacks on the COB in the preceding week and a "decrease in collateral casualties, especially around Basra Palace". While the situation remained fragile, there were positive indications to suggest that the militias had increased their contacts with the ISF and were moving towards a political accommodation.

372. Gen Mohan had attended a meeting of the "Basra Security Forum", facilitated by OMS, and reported that it had been well attended by all the major parties except Fadilah. Maj Gen Binns observed that this was the first time that there had been

---

[185] Minute Binns to CJO, 13 September 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 13 September 2007'.

major cross-party discussion in Basra, something that would have been inconceivable a month earlier.

373. Maj Gen Binns also reported that he had received Lt Gen Odierno's response to his recommendations for PIC. Lt Gen Odierno agreed that Basra continued to make progress and projected that Basra would transition in November, with an announcement the preceding month. Maj Gen Binns reported:

> "The sting in the tail is that this is not a recommendation; he considers that more time is needed to further assess the impact of Mohan and Jalil (in particular the effect the deployment of the National Police assets that Jalil has been provided has upon the security situation), cites the uncertainty over the fate of Waili … and has concerns regarding … reports of militia influence with the Iraqi Security Forces (ISF)."

374. Maj Gen Binns judged:

> "None of these really give me cause for concern. The ISF has no more militia influence in Basra than anywhere else in the country … Mohan and Jalil have already proved themselves: a week on Basra is not burning and both Mohan and Jalil have delivered on their promises of more resources."

375. Looking ahead to 2008, Maj Gen Binns warned:

> "… we are in danger of being seduced by the current lull in attacks against MNF. The crux is the need to move away from what is seen by the Iraqis as the offensive capability of an occupying force, to one that is focused on Military Assistance and Redevelopment. This progression will increase Iraqi self reliance and develop the economic and political environment necessary to secure external commercial investment. Seeing the political and economic Lines Of Operation undertaken by the FCO and DFID move to the forefront, with the military footprint reducing to provide the force protection and an enhanced BMATT [British Military Advisory and Training Team] role. We are reasonably confident that our engagement with the Shia polity proves this is the way ahead, although, inevitably, as this is Iraq, there will be difficult moments."

376. In a Current Assessment Note on Iranian support to JAM Special Groups, issued on 13 September, a CIG assessed that the Islamic Revolutionary Guards Corps Quds Force (IRGC QF) was continuing to provide "**training, financial support and weaponry to Shia militants attacking Multi-National Forces (MNF) across Iraq**".[186] JAM Special Groups were receiving significant help.

---

[186] CIG Current Assessment Note, 13 September 2007, 'Iranian Support to Jaysh al-Mahdi Special Groups'.

377. The CIG judged that it was unclear how the Special Groups would respond to the recent "freeze" on JAM activity by Muqtada al-Sadr, but doubted that it would affect Iran's influence.

378. The Assessment Note continued:

> "… we judge that **IRGC QF control over these special groups is far from total**. The special groups are using Iranian weaponry to target Shia rivals against Iranian wishes … And … there is increasing division between leaders of some of the special groups.
>
> "In many areas the distinction between special groups and more militant elements of mainstream JAM is becoming increasingly blurred as Muqtada al-Sadr's control of the latter ebbs, leaving them more open to Iranian influence …"

379. On 13 September, President Bush made a speech on Iraq.[187] Describing the challenge there as "formidable", he nonetheless pointed to the successes of the surge in Baghdad and Anbar. He said:

> "Because of this success, General Petraeus believes we have now reached the point where we can maintain our gains with fewer American forces. He has recommended that we not replace about 2,200 Marines scheduled to leave Anbar province later this month. In addition, he says it will be possible to bring home an Army combat brigade, for a total force reduction of 5,700 troops by Christmas. And he expects that by July, we will be able to reduce our troop levels in Iraq from 20 combat brigades to 15."

380. Having consulted with the Joint Chiefs of Staff, other members of his national security team, Iraqi officials and leaders of both parties in Congress, President Bush announced that he had accepted Gen Petraeus' recommendations. President Bush directed that Gen Petraeus and Ambassador Crocker report again to Congress in March 2008 with "a fresh assessment of the situation in Iraq and of the troop levels and resources we need to meet our national security objectives".

381. Mr Prentice reported to the FCO on 13 September that it looked likely agreement would be reached to renew resolution 1723, on the understanding that it would be the last time and that a new bilateral US/Iraq security arrangement would be put in place by the end of 2008.[188]

382. Mr Prentice commented that there was a new US team in Baghdad, which had no corporate experience of the negotiations that led to resolution 1723. Those officials had told him that their interpretation was that a long-term partnership should include coalition partners. Mr Prentice had explained to them why moving to a security relationship

---

[187] Speech Bush, 13 September 2007, 'Speech – President Bush on Iraq'.
[188] eGram 37790/07 Baghdad to FCO London, 13 September 2007, 'Iraq: UNSCR – US Activity Behind the Scenes'.

without a UN resolution would be problematic for the UK, but suggested that this would be an important point to reinforce with other US interlocutors.

383. Mr Prentice told the Inquiry that, despite this concern, he had felt "absolutely joined at the hip" with his US colleagues, who had invited him to sit in on their negotiations with the Iraqis on the text of a new resolution in order to ensure that the UK's legal requirements were satisfied in the resulting text.[189]

384. On 14 September, Mr Brown said publicly that the UK would meet its responsibilities and honour its obligations in Iraq.[190] Decisions on the strength of UK forces would "continue to depend on conditions on the ground" but would be a UK choice.

385. Mr Prentice discussed Basra in his introductory meeting with Prime Minister Maliki on 15 September.[191] Prime Minister Maliki agreed that Gen Mohan and Maj Gen Jalil had done an excellent job in Basra. He had authorised extra resources to sustain the momentum. He was optimistic that a solution could be found that would result in the replacement of Governor Waili so that Basra would be ready for PIC within the next two months, and that arrangements would be "well under way" by Mr Brown's October statement.

386. Prime Minister Maliki emphasised that, despite the ISF's readiness to take on security responsibility, the UK should be certain about its capacity to fulfil its agreed future roles for the next phase. Mr Prentice assured him that was the case.

387. Mr Prentice also discussed the likelihood of renewing resolution 1723 during his introductory call with Prime Minister Maliki and also with Dr Rubaie.[192] He reported that Prime Minister Maliki believed some change in the MNF mandate was inevitable, reflecting the changed situation in Iraq.

388. Dr Rubaie confirmed that negotiations on the resolution should begin formally in October, at the same time as talks on the content of a future US/Iraqi bilateral security agreement. He wanted that bilateral agreement to be in place by January 2009 and asked whether the UK would be interested in a similar relationship which would encompass political and economic development as well as security.

389. Mr Prentice said that the UK would still need a firm legal basis for its continued presence in Iraq and would need to know more about the thinking about a bilateral/trilateral security relationship before committing. Obviously the UK could not be bound by any US/Iraqi negotiations to which it had not been party. Dr Rubaie agreed with

---

[189] Public hearing, 6 January 2010, page 40.
[190] *BBC News*, 14 September 2007, *Troop numbers a UK choice – Brown*.
[191] eGram 38048/07 Baghdad to FCO London, 15 September 2007, 'Iraq: Meeting with PM Maliki'.
[192] eGram 38042/07 Baghdad to FCO London, 15 September 2007, 'Iraq: UNSCR Call on PM Maliki and Dr Rubaie National Security Adviser'.

his suggestion that the UK should join the US/Iraqi negotiation group (the High Level Working Group).

390. On 15 September, the Sadrists withdrew from the UIA grouping in protest at the Iraqi Government's failure to meet their demands for an unbiased investigation into the clashes between JAM and Badr forces during the holy pilgrimage to Karbala in August.[193]

391. Their action, together with the withdrawal of Fadhila in March, left the UIA (which had originally held 128 of the 275 seats in the Council of Representatives) with only 81 seats. Attempts to join forces with the Sunni Islamic Party and to encourage Fadhila to rejoin the Alliance had failed, leaving Prime Minister Maliki vulnerable to attempts from others to oust him (former Prime Minister Ja'afari had been making moves to do so), creating a wider destabilising effect on the Baghdad political scene.

392. Mr Prentice commented:

> "Our interest, and the higher Iraqi interest, remains the emergence of a competent, inclusive administration able to command a majority in the CoR [Council of Representatives] for its programme. Maliki is leaching parliamentary strength but is far from finished … The better result would still be Hashemi and Tawafuq's return to government and the CoR's endorsement of a Maliki-led Cabinet refreshed with new technocrat recruits."

393. The leader of the Anbar "Awakening", Sheikh Sittar, was murdered in mid-September. AQ-I claimed responsibility.[194] In his weekly report, Lt Gen Rollo described Sheikh Sittar's death as "most unwelcome news", commenting that it was "too early to tell how Sittar's death will affect the security environment in Anbar – in the short term the province has remained calm, with tribal leaders vowing to continue his work".

394. Lt Gen Rollo also reported that a feared spike of violence in Iraq around the time of Ambassador Crocker and Gen Petraeus' testimony to Congress, which was also the week before Ramadan, had not materialised. Lt Gen Rollo contrasted the attack rate in the week before Ramadan in 2006 (986 attacks, averaging 140 per day) with the figures for 2007 (569, averaging 81 per day).

395. On 16 September, Maj Gen Binns wrote to Lt Gen Houghton in relation to negotiations with JAM1 to recommend that:

> "Working to an agreed set of objectives, I seek the authority to negotiate and agree the best deal I can get."[195]

---

[193] eGram 39173/07 Baghdad to FCO London, 24 September 2007, 'Iraq: Political Manoeuvring'.
[194] Minute Rollo to CDS, 16 September 2007, 'SBMR-I Weekly Report (270) 16 Sep 07'.
[195] Minute GOC MND(SE) to CJO, 16 September 2007, '[NAME OF OPERATION] Strategy'.

396. Maj Gen Binns explained that he needed to be able to approve a deal at short notice in order to "keep the process alive".

397. Government officials working closely with the military met JAM1 again on 18 September and said that "If the peace held there would be further releases in 23 days or so."[196] JAM1 said that "it was time for us, the British, to establish proper plans to exploit this period of reduction in hostilities. There should be three clear headings: Security, Economics, Politics, each to be followed by an agreed plan."

398. Reporting to London following the meeting, the officials explained that hopes of demonstrable development work in Basra attributed to the British had been dashed by the PRT, whose "key themes are empowerment and mentoring – nothing that smacks either of MNF direction or dictation".

399. Mr Browne reported to Cabinet on 18 September that there had been little change in Iraq over the past week: Basra was still calm and the level of attacks on UK forces at Basra Air Station had reduced to "a very low level".[197] This was primarily "a reflection of political developments within the various factions of Jaysh al-Mahdi, with some wanting to participate in the political process and others … who were inclined to violence". Both he and Mr Brown would be meeting Gen Petraeus and Ambassador Crocker that afternoon with a view to establishing US thinking on the medium to longer term, including expectations of the UK.

400. Mr Brown said that there would need to be a discussion on Iraq in Cabinet in the next few weeks.

401. Mr Brown and Mr Miliband, accompanied by ACM Stirrup and officials, met Gen Petraeus and Ambassador Crocker on 18 September.[198] Mr Brown underlined how successful the handover of Basra Palace had been. Gen Petraeus agreed and said that a decision on PIC could be possible later that year, but there were issues to be resolved, including the status of the Governor. Nevertheless:

> "By the time of the Prime Minister's statement in October, it might be possible to give a sense of the timeframes, with November/December as a possible PIC target."

402. Gen Petraeus added that he considered it would be important to retain a divisional HQ in Basra, given its political and economic significance.

403. Mr Brown said that economic development of the South remained a major UK priority (see Section 10.2). Gen Petraeus said there were a number of initiatives on

---

[196] Email government official working closely with the military, 19 September 2007, '[NAME OF OPERATION]: 18 September meeting with JAM1'.
[197] Cabinet Conclusions, 18 September 2007.
[198] Letter Fletcher to Gould, 18 September 2007, 'Prime Minister's Meeting with General Petraeus and Ambassador Ryan Crocker, 18 September'.

which the UK should engage, including clearance of the port, the contract for which was out to tender.

404. At the end of the discussion Mr Brown highlighted three areas for follow-up:

- further discussion, including with the Iraqis, of the timeframe for Basra PIC;
- an enhanced UK effort on economic development, including the port; and
- further US/UK discussion of long-term force requirements.

405. Mr Brown asked Mr McDonald to take forward work on these three strands of activity during his visit to Washington the following week.

406. On 19 September, MOD officials sought Mr Browne's agreement for Maj Gen Binns to release up to 10 further internees in two groups of five, if necessary, "as a bridging measure pending negotiation of a longer-term agreement".[199] The minute explained:

> "… GOC MND(SE) is concerned that the discussions have hit an awkward patch and that the already fragile security and political dynamics may unravel, causing a breakdown in the cessation of violence. There are already some initial signs that JAM Secret Cells are stepping up efforts to resume attacks on the COB … an MND(SE) response to these attacks may trigger a wider escalation of violence.
>
> "… we wish to give the GOC the flexibility to manage these discussions in the short-term, pending agreement to a longer term negotiating strategy. The GOC believes that it may be necessary to release one or possibly even two further batches of five internees in order to prevent a breakdown in the discussions. The GOC judges that a release of up to ten people over Ramadan would be enough to buy sufficient time properly to consider with our interlocutors how to align our other activities to deliver our desired long term objectives. If we do not have this flexibility, and delay any further releases until we have agreed a longer term plan, there is serious risk that the Secret Cells will gain sufficient authority within JAM to resume their attacks against the coalition."

407. The advice reported that only one of those proposed for release by JAM1 had previously been judged to be high risk, and MOD officials had informed MND(SE) that he should only be released if "absolutely essential". Advice on long-term strategy would be accompanied by advice on presentation, following a request by Mr Browne in light of comments made by Gen Petraeus in his testimony to Congress.

408. On 20 September, Mr Browne marked the advice "agreed".[200]

409. Mr Richard Jones, British Consul General in Basra, wrote to Mr Frank Baker, FCO Iraq Group, on 20 September, to provide some background on the "Mohan Initiative" as

---

[199] Minute Keay to PS/Secretary of State [MOD], 19 September 2007, 'Op TELIC: Discussions with JAM'.
[200] Minute Keay to PS/Secretary of State [MOD], 19 September 2007, 'Op TELIC: Discussions with JAM' including manuscript comment Browne.

Ministers considered the next phase of the UK presence in Iraq because Mr Jones was not clear to what extent Mr Baker had been kept informed.[201]

410. After describing the process of negotiation and detainee releases, and the accompanying reduction in IDF, Mr Jones concluded: "This is the context of optimism within which the military have drawn up their options for a future posture in southeastern Iraq, which are far more forward-leaning than they would have been before the summer break."

411. Mr Jones described maintaining the relationship with JAM1 and keeping "the plates spinning in the complex relationship between JAM/OMS, Badr/ISCI, Fadhila and Mohan/the ISF/the GoI" as "the sine qua non for sustained quiet in the province".

412. Maj Gen Binns reported to Lt Gen Houghton on 20 September that, after returning to Iraq, Gen Petraeus had guided his staff towards a goal of transition to PIC in Basra in mid-December.[202]

413. Maj Gen Binns also wrote that information from multiple sources indicated that the security situation in Basra was improving and the Iraqi Police and Army were conducting joint military/police patrols within the city. Basrawis seemed "reassured" by this, though they remained concerned that the militias were using the cease-fire period to reorganise and resupply. Criminality and gangsterism continued to be "endemic". Maj Gen Binns considered that the security situation was best summed up as "bad, but a lot better now".

414. AM Peach told the Chiefs of Staff on 20 September that the Iraqi Government had "welcomed" the Gen Petraeus and Ambassador Crocker testimony and that:

> "PM Maliki was reportedly buoyed by the report and had interpreted the lack of direct personal criticism towards him as a sign of international support."[203]

415. The Chiefs of Staff observed that the next review of progress in Iraq commissioned from Gen Petraeus and Ambassador Crocker in March 2008 "had the potential to create a further strategic pause, which could make longer term UK planning problematic".

416. The MIG met on 22 September.[204] According to an account of the meeting by a government official working closely with the military who had attended it, Maj Gen Binns wanted to use the time bought by the next detainee releases "to turn the [NAME OF OPERATION] cease-fire into a genuine peace process". The key aim was to bind JAM into the process so that it continued when there were no more detainees to release. A Basra political conference outside Iraq or a development conference in the city itself were possible means for doing so.

---

[201] Letter Jones to Baker, 20 September 2007, 'Basra: The Mohan Initiative'.
[202] Minute Binns to CJO, 20 September 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 20 September 2007'.
[203] Minutes, 20 September 2007, Chiefs of Staff meeting.
[204] Email government official working closely with the military, 24 September 2007, '[NAME OF OPERATION]: Implications for [presence at current location]'.

417. The official continued:

> "Basra City remains a difficult place with JAM carrying arms on the streets with impunity … But JAM would have been worse if they had unambiguously bombed coalition forces out of the city …
>
> "The risk is the further weakening of already-weak Iraqi state control in these southern provinces. HMCG [the British Consul General in Basra] is at sea because his instructions to promote and develop the democratic structures of the new Iraqi state are out of touch with what is happening on the ground. The aim of any Basra political conference has to be to bridge the gap between the necessary deals done with the militias and the ineffectual provincial council, to say nothing of the governor. Everyone has a sense that this process should culminate with fresh elections, which would be when the militias such as JAM would theoretically swap their military power for political power, as Muqtada al-Sadr now appears to want. But it remains unclear how we will reach this point. In such circumstances, we view the idea of a political conference as a sensible stopgap."

418. In his weekly report on 23 September, Lt Gen Rollo wrote that after returning to Iraq Gen Petraeus told him that he thought his visit to London had been:

> "… a great success: the mood was quite different from February. Everyone was on side; there was a commitment to Iraq, and a common view on tasks over the winter."[205]

419. The MNF-I had formed a working group to look at the conditions for PIC and the tasks for the UK military beyond that. Lt Gen Rollo's view was that the UK's planning focus should be on:

- clarifying the mission and tasks anticipated for next summer in Basra;
- producing force packages to carry out these tasks, with and without US support, recognising that the US would have also substantially reduced numbers by next summer;
- thinking through the implications of events going better or worse than anticipated; and
- thinking through the end-game and agreeing it with the US.

420. Government officials working closely with the military met JAM1 again on 24 September and again discussed the security situation, prisoner releases and development work.[206] JAM1 reported that his engagement with the UK had received wider endorsement from overall JAM command, who were interested in a wider peace agenda.

---

[205] Minute Rollo to CDS, 23 September 2007, 'SBMR-I Weekly Report (271) 23 Sep 07'.
[206] Email government official working closely with the military, 25 September 2007, '[NAME OF OPERATION]: 24 September meeting with [JAM1]'.

421. The report included the comment:

> "This might be a straw in the wind. Or it might represent a significant opportunity to stretch out for a much larger prize …"

422. Sir John Scarlett and Mr McDonald met on 24 September to discuss Iraq.[207] According to his record of the meeting, during the discussion Sir John observed that decisions about the pace of the UK's drawdown in Basra needed to be taken "with a clear eye to the current cease-fire". It was important that the JIC reached a judgement on the robustness of the cease-fire and what was keeping it going.

423. Sir John considered that creating a "long-term calm" in Basra would require "energetic" reconstruction and political action.

424. The MCNS discussed Basra at length at its 25 September meeting.[208] The Minister of State for National Security, Mr Sherna al-Wa'ili, reported, based on his recent visit to Basra, that it was "not as bad as portrayed". During the visit he met Gen Mohan and Gen Jalil, who had claimed the problems were due to foreign interference and the many political groups struggling for power. He considered that Gen Mohan was doing a good job, but needed additional support from Baghdad and more forces. Gen Jalil also needed additional forces plus support in retraining 6,000 police officers and more materiel support, including fuel and equipment.

425. Deputy Prime Minister Barham Saleh said that he had met 12 cross-party Basrawi MPs at their request. Their assessment was that the situation was bad and they expected it to get worse. The numbers of assassinations and attacks were rising and there had been only one arrest. The MPs were critical of both Gen Mohan and Gen Jalil and argued that it was necessary to bring in forces from outside the local area.

426. Deputy Prime Minister Saleh said that it would be important to ensure that politicking between the main political parties in the Council of Representatives did not adversely affect the situation in Basra. He concluded that Baghdad-based Basrawi politicians should be encouraged to keep their local representatives in line.

427. Mr Prentice commented:

> "The discussion on Basra reflects the continued unease in the Iraqi system about the situation there. We are not going to overcome this in the coming weeks as we move towards a decision on PIC. But we will continue to address it with all interlocutors, including the incessantly gloomy (and self-interested) MPs: taking them through all the work we have done to improve Basra's security and economic situation; underlining that we will continue to provide support post-PIC; but emphasising that the GoI and others in positions of influence must also play their part in working

---

[207] Minute C, 25 September 2007, C's Meeting with Simon McDonald'.
[208] eGram 39796/07 Baghdad to FCO London, 27 September 2007, 'Iraq: Ministerial Committee on National Security, 25 September'.

constructively towards a better future for Basra. We will also continue to work on the US – whose REO [Regional Embassy Office] persists in sending out downbeat reports, contributing to US disquiet over Basra, most recently predicting a rise in Shia on Shia and other Islamic violence.

"Overall it is welcome that the centre is finally paying attention to Basra and Basra's needs: their worries reflect a growing sense of ownership, which we have long wished to see."

428. On 26 September, Maj Gen Binns wrote to Lt Gen Houghton, observing that he had not received a formal response to his minute of 16 September, which asked for authority to negotiate the best deal possible without seeking further clearance.[209] The minute had instead resulted in a request from PJHQ for a campaign plan. Having seen an early draft of one, Maj Gen Binns concluded that "the work would be nugatory. The operation is too dynamic." He believed that enthusiasm for the negotiations was waning in London, and asked Lt Gen Houghton for instructions.

429. Maj Gen Binns asked Lt Gen Houghton to agree that "end state" should be "enduring security which facilitates and preserves a political climate suitable for development". He wrote:

"I am operating with current headroom to release two further tranches of five internees on 28 September and 5 Oct. I need more headroom; another five for release on 12 Oct and then a further 15 to be released between 13 Oct and 3 Nov in order to keep the process alive."

430. In his weekly update on 27 September, Maj Gen Binns commented that the UK should be seeking to:

"… marshal its available and not inconsiderable resources to convince the US hierarchy that PIC is doable so that we can get past PIC and work on the post-PIC mission. The key point is to trust the Iraqis to take responsibility for their own destiny, having given them the tools to do so."[210]

431. The MNF-I had established a working group to review the situation and Maj Gen Binns intended to use the forthcoming visit to Basra by its leader, US Major General Roberson, to "take the initiative and enlist his aid to get Basra to PIC".

432. In the same report, Maj Gen Binns reported that a car bomb attack at a police station in Basra on 25 September had killed three and wounded 17 others. He wrote that car bomb attacks were a "relative rarity" in MND(SE). Locally, the attack was believed to have been carried out by AQ.

---

[209] Minute GOC MND(SE) to CJO, 26 September 2007, '[NAME OF OPERATION] Strategy'.
[210] Minute Binns to CJO, 27 September 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 27 September 2007'.

433. A separate explosion at a Sunni mosque near Basra the following day, which killed five people, looked to have been a sectarian retaliation fuelled by this belief. MNF considered that the earlier attack could well have been intra-Shia violence.

434. On 28 September, government officials working closely with the military met JAM1 again. The day before the meeting JAM1 had telephoned to warn that JAM elements had identified British soldiers deployed to the north of Basra, and were preparing an attack.[211] The officials alerted MND(SE) and the troops were extracted immediately.

435. The previous day's incident was not discussed during the meeting which began by focusing on an IDF attack on Basra Air Station that morning. The officials reported that Maj Gen Binns had been talked out of cancelling the release of five detainees due that day as a result, adding "some still have not quite got the concept that we are buying [JAM1's] support and influence to advance peace, not peace itself".

436. The officials then asked JAM1 what JAM members were doing while they were not fighting – was there a risk that redundancy would inspire boredom and restlessness and increase the chances of further violence? JAM1 agreed that people needed work. Possibilities might include the Army, the Police Force, manual work on reconstruction or learning new skills.

437. Mr McDonald discussed future plans for Iraq with Mr Hadley in Washington on 27 September.[212] Reporting on their meeting to the MOD, Mr McDonald said he had explained the UK assumption that PIC would happen in November or December 2007, after which point the UK would retain a similar military presence until March 2008 (5,000 troops, 4,500 of which would be based at Basra Air Station).

438. Beyond March 2008 the UK aspired to reduce troop numbers in stages over the spring and summer, to around 1,500. That would require "significant US support in Basra".

439. Mr Hadley's staff expressed concern about the numbers after March 2008. They indicated that the US had hoped that the UK would retain the lead in Basra throughout 2008; the US had not planned to deploy to Basra in large numbers. Gen Petraeus had already set out the tasks that he wanted the UK to fulfil in MND(SE).

440. In response, Mr McDonald said that the UK was already unable to perform some of those tasks: the UK had therefore "considered the list as a high opening bid". Mr McDonald reported that they had discussed "the bare bones of a compromise": the UK would retain 4,500 troops in Basra until March 2008 (the "tactical overwatch" period); between March and November ("operational overwatch") the UK would reduce its troops to 2,000-2,500, focused on training and mentoring but retaining some intervention capacity. In extremis, they would need to rely on "over-the-horizon US support".

---

[211] Email government official working closely with the military, 30 September 2007, '[NAME OF OPERATION]: Meeting with [JAM1] on 28 September'.
[212] Letter McDonald to Forber, 28 September 2007, 'Iraq; Meeting with Steve Hadley, 27 September'.

441. After November 2008, it might be possible to move to "strategic overwatch", with re-intervention capacity based elsewhere in Iraq and in Kuwait. Mr McDonald and Mr Hadley agreed that "it was now important for our senior military personnel to discuss the relative merits of the plans".

442. Once Mr McDonald had returned to the UK he briefed Mr Brown on the discussion. When Mr Brown and President Bush spoke by video conference on 28 September, the President said he had also been briefed on the meeting and was comfortable with UK plans.

443. Basra "took top billing" again at the 30 September MCNS meeting.[213] With the exception of Dr Safa al-Safi (the Acting Minister of Justice), the Committee agreed that Gen Mohan had performed well in bringing Basra under control and that his tenure should be extended.

444. Mr Prentice commented that the "general tone of Iraqi debate on Basra seems to be improving. General Petraeus was especially supportive."

October 2007

445. Government officials working closely with the military met JAM1 on the morning of 1 October.[214] In order to mitigate his personal risk, JAM1 asked for future negotiations to be conducted through his lawyer. Under pressure from senior Sadrists, JAM1 also stressed the importance of his interlocutors having broader contacts with JAM, to protect the agreement that had been reached if anything should happen to him.

446. One of the officials commented:

> "Seen from here, these latest developments emphasise the need for a rapid broadening of political engagement with the Sadrists in Basra."

447. On 1 October, at the request of the FCO and the MOD, the JIC examined the prospects for political stability in Basra and the threat to UK forces up to spring 2008.[215]

448. The Assessment included graphs showing the recent reduction in attacks on MNF bases in Basra, from a high of 226 attacks in July to nine in September.

449. The JIC's Key Judgements were:

> "I. No single political party dominates politics in Basra. Politicians use their positions primarily to pursue personal power and wealth. Most are supported by Shia militias

---

[213] eGram 40408/07 Baghdad to FCO London, 2 October 2007, 'Iraq: Ministerial Committee for National Security, 30 September'.
[214] Email government official working closely with the military, 2 October 2007, '[NAME OF OPERATION]: 1 October Meeting with [JAM1]'.
[215] JIC Assessment, 1 October 2007, 'Politics and Violence in Basra: Prospects'.

who are in de facto control over many districts of Basra City. Baghdad's ability to determine events is very limited.

"II. The primary reason for the recent reduction in attacks against the Multi-National Forces (MNF) in Basra is the negotiation between MND(SE) and [JAM1]. It is unclear how long this can be sustained when or if all JAM personnel have been released … in the absence of continuing visible momentum towards full departure of UK forces we judge that the point would eventually be reached when JAM sees the balance of advantage in resuming their campaign against the MNF. Sporadic attacks will continue in any case.

"III. As the MNF presence reduces and provincial elections approach, intra-Shia violence is likely to intensify. We cannot predict the scale. Concern to avoid provoking US intervention, pressure from national Shia political leader, Grand Ayatollah al-Sistani and probably the Iranians, and a desire among at least some of Basra's political leaders and security officials to reach local accommodations will all help restrain the militias. If street fighting did break out, it is likely to be of short duration, but in the worst case could surpass the small-scale skirmishes in other provinces that have transitioned to Iraqi control.

"IV. The Iraqis would only call for MNF re-intervention in Basra as a last resort, in the event of violence over an extended period beyond the capacity of the Iraqi army and police. Locally-raised army units are unlikely to be willing or able to cope in the event of serious and sustained intra-Shia clashes, but new units are being deployed which are loyal to the central government and are likely to be more effective in dealing with low level violence. The largely ineffective local police are heavily infiltrated by militias and would take sides in any fighting.

"V. Iran's aim is to speed the withdrawal of coalition forces while making their life as difficult as possible so long as they remain: the Iranians will continue providing training, weaponry and encouragement for Shia extremists to attack the MNF. Iran's ability to determine political outcomes or ease intra-Shia tensions is limited: it is unlikely to want to take sides in the event of clashes between rival Shia factions."

450. The JIC assessed that Muqtada al-Sadr's public call for a cessation of JAM violence might also have been a factor in the reduced number of attacks against the MNF. Other possible factors included a positive reaction by the militias and their political sponsors to the withdrawal of UK forces from Basra City and efforts by Gen Mohan and Gen Jalil to improve the performance of the ISF.

451. The JIC judged:

"It is unclear how long the lull can be sustained. Its success to date suggests that … has the backing of the majority of mainstream JAM in Basra for his tactics, despite initial reporting showing that some local commanders were sceptical … personal ambitions are unclear … suggested that JAM's aim following withdrawal of UK

forces from Basra City would be to secure their complete withdrawal by attacking the remaining base at Basra airport."

452. On 2 October Mr Brown visited Iraq.[216] He met Prime Minister Maliki, Vice President Hashemi, Deputy Prime Minister Saleh, Gen Petraeus and Ambassador Crocker in Baghdad, and Maj Gen Binns and Mr Jones in Basra.

453. The objectives for the trip were to underline:

- UK commitment to Iraq;
- the importance of building on security progress by making a decision soon to transfer to PIC;
- the need for progress on reconciliation; and
- that economic progress was necessary as a strategic priority.[217]

454. Mr Brown was provided with a briefing note on negotiations with JAM1 that had taken place "over the last year".[218] It said that JAM had been pushed towards an accommodation with the MNF by a combination of:

"
- resolute British military action in the first half of 2007;
- a growing sense that Iranian tactical support was leading to Iranian infiltration of the Sadrist movement;
- a realisation that the UK really did plan to leave Basra;
- the risk that British forces might be replaced by US troops;
- JAM activists in MND(SE) detention feared that a continued insurgency might leave them marginalised."

455. The briefing note said that the challenge was to broaden the existing cease-fire into a political process with backing from a wider range of Iraqi groups and the central government. Ideally this would transform Iraqi perceptions of UK forces as an army of occupation into acceptance of, and support for, a continuing UK military assistance and development mission, and would expand the process beyond MND(SE).

456. JAM1 was reported to want increased and visible UK development assistance for Basra province as well as more detainee releases. Until the process included political and economic elements, the cease-fire would "remain fragile and possibly short-term".

457. A manuscript note on the briefing note by Mr Brown's Private Secretary recorded that Mr Brown was grateful for the briefing and for the actions it explained. He would be writing to offer his congratulations.[219]

---

[216] Letter Fletcher to Forber, 3 October 2007, 'Prime Minister's Visit to Iraq, 2 October'.
[217] Minute Cabinet Office [junior official] to Prime Minister, 1 October 2007, 'Iraq Visit: 2 October 2007'.
[218] Briefing [unattributed], [undated], '[NAME OF OPERATION] – moving from ceasefire to peace'.
[219] Briefing [unattributed], [undated], '[NAME OF OPERATION] – moving from ceasefire to peace' including manuscript comment Fletcher.

458. In their 45-minute bilateral meeting, Prime Minister Maliki told Mr Brown that 2008 would be the "year of reconstruction".[220] The Iraqi Government was working towards PIC in Basra on 21 November, and hoped to announce that on 1 November. Mr Brown welcomed this progress and emphasised the importance of following up transition with progress on political reconciliation.

459. An account of Mr Brown's visit to Basra Air Station by government officials working closely with the military reported that Maj Gen Binns said "the situation that he would brief was wholly dependent on … [NAME OF OPERATION] without which the picture would be utterly different".[221]

460. The officials judged that the FCO briefing attended by Mr Brown had been "thin" and considered it:

> "… dispiriting to hear eager questions about the number of policemen trained from McDonald and references to the 'dividends of Op SINBAD' [see Section 9.5]. Clearly JIC papers are not going where they should. The impression given of a Basra growing to stability and majority through the wise tutelage of HMG in its various forms was fundamentally mendacious. But less grotesquely so than in the post-SINBAD days."

461. Mr Brown was briefed on the negotiations with JAM1, which made "no secret of the fragility of the process". Mr McDonald argued that the reduction in hostilities was a result of the UK departure from Basra Palace. The officials believed that their graphics "elegantly disproved this assertion". The wider JAM cease-fire called by Muqtada al-Sadr had "camouflaged and perhaps subsidised" the Basra agreement.

462. Mr Brown told journalists in Baghdad that he believed:

> "… within the next two months we can move to Provincial Iraqi Control, and that is the Iraqis taking responsibility for their own security in the whole of Basra … And I believe that by the end of the year … a thousand of our troops can be brought back to the United Kingdom …"[222]

463. After returning from Iraq, Mr Brown's Private Secretary commissioned advice from the Cabinet Office on:

- how best to support a Basra Investment Forum;
- greater UK resources for the effort on reconstruction and economic development;
- whether the UK should do more to support the clear up of Umm Qasr port;

---

[220] Letter Fletcher to Forber, 3 October 2007, 'Prime Minister's Visit to Iraq, 2 October'.
[221] Email government official working closely with the military, 3 October 2007, 'PM visits Basrah Air Station'.
[222] Note, 2 October 2007, 'Transcript of doorstep given by the Prime Minister, Mr Gordon Brown, in Baghdad on Tuesday 2 October 2007'.

- how best to maximise pressure on Iraqi political leaders to hold a further meeting of the "1 plus 3" group (the Executive Group); and
- how the UK could offer troops in theatre greater access to the internet.[223]

464. Government officials working closely with the military met JAM1's lawyer on 3 October, who told them that Muqtada al-Sadr had told JAM1 not to advance negotiations with the UK any further.[224]

465. The lawyer argued that JAM1 himself should be released so that he could convince al-Sadr in person of the need to continue. This request was not repeated by JAM1 who met the officials later the same day. He indicated that he would send a letter setting out the case for the negotiations to al-Sadr, whose instruction did not yet reflect a final decision.

466. Sir John Scarlett discussed Iraq with Mr McDonald on 3 October.[225] Mr McDonald said that he and Mr Brown were aware of the fragility of the situation in Basra. They did not necessarily think this affected PIC: that was a political decision and the timing had been in view for several months, since before negotiations with JAM1 began.

467. On 4 October, a government official specialising in the Middle East reported on a meeting chaired by Mr Day originally intended to discuss a negotiating framework but which had been extended to cover immediate threats to the deal.[226] The official's report of the discussion said:

> "… there was a general complacency that the cease-fire was in the bag for as long as we had detainees to release. Emerging British policy in Basra was based on the firm fact of the cease-fire."

468. If the cease-fire were to collapse, the official reported that Mr Day's concerns were casualties, presentational difficulties for the Prime Minister, and difficulty in getting PIC approved: the "overriding aim of HMG's policy in MND(SE)".

469. The immediate aim of negotiation therefore "had to be to sustain the cease-fire until we got to PIC". A submission, a draft of which was already circulating, would be put to Ministers setting out the short-term challenge and the potential risks of linking the UK Government's success in Basra to JAM. Negotiations would be likely to confer a degree of legitimacy on JAM1, the long-term implications of which were not obvious.

---

[223] Letter Fletcher to Forber, 3 October 2007, 'Prime Minister's Visit to Iraq, 2 October'.
[224] Email government official working closely with the military, 4 October 2007, '[NAME OF OPERATION] Meeting with [JAM1] on 3 October'.
[225] Minute C, 3 October 2007, C's Meeting with Simon McDonald, 3 October 2007'.
[226] Email government official specialising in the Middle East, 4 October 2007, '[NAME OF OPERATION]: Sustaining the Ceasefire'.

470. The note continued:

> "We pointed out that just because we engaged in talks, we did not necessarily have to come to any sort of agreement with JAM, beyond the exchange of detainees for a lack of IDF. But the aim of such talks was to tie JAM into a political accommodation, before all of our detainee chips were played and before we had to release [JAM1] himself. We also commented that we would have little influence over what happened in Basra after PIC. JAM would be a force whether we liked it or not …"

471. The official who was leading on drafting the submission commented after the meeting that:

> "Jon [Day]'s concern (which is shared by SofS) is that we need to be careful we are not seen to be taking sides in the politics of Basra … he would be much more comfortable therefore to focus discussion on the security and development axes and leave the politics to the FCO … after his release."[227]

472. Mr Browne wrote to Mr Brown on 5 October setting out his proposals for the UK military commitment to Iraq during 2008.[228] He reported that the MOD had agreed a revised set of tasks with Gen Petraeus which would be achievable within the force levels suggested. Mr Browne proposed:

- retaining current troops levels (4,500 in Basra plus 500 elsewhere) until March 2008; and
- drawing down to around 2,500 troops from March 2008, focused on training and mentoring the ISF with "only a limited *in extremis* re-intervention capability".

473. Mr Browne assessed that this deployment would not require significant US support in southern Iraq. The estimate of costs from May 2008 was £650m per year. Possible options beyond November 2008 had not yet been considered.

474. Lt Gen Rollo reported on 7 October that Basra continued to attract the attention of Prime Minister Maliki and the MCNS: "in itself an entirely healthy indication of increasing acceptance that Basra is their responsibility".[229]

475. A recent MOD/MOI delegation to Basra had returned with a list of recommendations, including on the need to "tighten up border and post security and to clear selected areas of the town of militias".

476. Lt Gen Rollo also reported that in the margins of Mr Brown's visit Gen Petraeus had queried the UK's long-term intentions in 2009 and had pursued the matter again with Lt Gen Rollo subsequently.

---

[227] Email PJHQ-J9 DCOMDSEC to PJHQ-CJO-MA, 5 October 2007, '[NAME OF OPERATION]'.
[228] Letter Browne to Brown, 5 October 2007, 'Iraq'.
[229] Minute Rollo to CDS, 7 October 2007, 'SBMR-I's Weekly Report (273) 7 Oct 07'.

477. Gen Petraeus had:

> "… asserted that our [the UK's] line had always been 'in together, out together' – quoting PM Blair as his authority. My response was that we had defined strategic objectives in Iraq which, when met, would see our departure … While 2009 seems light years away at present, and retaining flexibility against uncertain future events will always offer advantages, some further definition on the nature of both our long term security relationship with Iraq, and the time/events that would lead to it, would be helpful as bilateral arrangements to succeed the proposed Dec 08 UNSCR start to be discussed."

478. NSID(OD) met for the first time on 8 October.[230] The main aim of the meeting, according to the Cabinet Office steering brief for Mr Brown, was for him to "inform colleagues of the content of your statement on Iraq, focusing on the military plans and economic initiative".

479. Ahead of the meeting, Mr Prentice reported that political progress in Baghdad remained slow.[231] Key legislation remained stalled, with the Kurdish parties refusing to concede ground on revenue sharing and hydrocarbons legislation. Prime Minister Maliki still lacked a majority to complete his Cabinet and drive through legislation. The UK continued to work for the reconvening of the Executive Group but this seemed unlikely until after Eid, which began the following week.

480. At the meeting on 8 October, Mr Brown informed his colleagues that he would be making a statement on Iraq in Parliament that afternoon, which would reflect the three key elements he had focused on during his recent visit to Iraq:

- political reconciliation;
- economic reconstruction; and
- the security situation.[232]

481. There had been little progress on political reconciliation but economic reconstruction in Basra was making better progress, largely as a result of the improved security environment. The security situation had improved in recent weeks, making possible the handover of Basra Palace to the Iraqis in September and raising the possibility of PIC in December. If the current trend continued, it should be possible to reduce UK forces to around 2,500 by spring 2008.

482. In discussion, it was noted that progress on the security situation had been due to a number of factors, not least of which was the JAM cease-fire. That cease-fire

---

[230] Minute Cabinet Office [junior official] to Prime Minister, 5 October 2007, 'NSID(OD) Iraq Meeting – Steering Brief: Monday 8 October 09:30'.
[231] eGram 41205/07 Baghdad to FCO London, 7 October 2007, 'Iraq: Political Update: Background for NSID, 8 October'.
[232] Minutes, 8 October 2007, NSID(OD) meeting.

was fragile, however, and would need to be sustained in order for the current relative calm to continue.

483. According to Sir John Scarlett's own account of the meeting, Mr Brown:

> "… spoke very strongly on the cease-fire in Basra and the dramatic improvement in the security situation. This represented a huge opportunity."[233]

484. Mr Brown expressed thanks and admiration for the work on that initiative.

485. Sir John recorded that "CDS [ACM Stirrup] argued that we must take the opportunity to push forward events while the tide was running in our favour". Mr Brown endorsed the point that the cease-fire was not simply about prisoner releases; the UK had to show progress on the political and economic front, on which JAM1 was also focused.

486. In a covering comment, Sir John added that the Prime Minister had:

> "… personally … acknowledged the importance of [NAME OF OPERATION] … He also understands that the effort has to move into the political and economic sphere and not just the security issue. So there are signs of traction at the top of government; …"

487. Mr Prentice shared key points from an advance copy of Mr Brown's statement to Parliament with Gen Petraeus and Ambassador Crocker, and shared its full text shortly before Mr Brown began to speak in Parliament.

488. Mr Prentice reported that Gen Petraeus had been "complimentary" about the statement, describing it as the culmination of "a good process of consultation altogether" which has worked out "a sensible way ahead" on UK force levels.[234]

489. Both Gen Petraeus and Ambassador Crocker repeated the US concern that the UK presence should be centred on Basra, not elsewhere in southern Iraq. Mr Prentice assured both that this was not in doubt: the geographical description "Southern Iraq" was simply used to distinguish UK forces from those elsewhere in Iraq.

490. Gen Petraeus also emphasised the need to be cautious about the stability of improved conditions in Basra: the underlying factors behind it were fragile and the UK should be ready to respond if conditions required it.

491. On 8 October, Lt Gen Odierno recommended to Gen Petraeus that Basra should move to PIC in December.[235] He had been encouraged by the positive impact that Gen Mohan and Gen Jalil were having but remained concerned by reports of

---

[233] Email C, 9 October 2007, 'Iraq NSID 8 Oct 2007' attaching Note, 'NSID Iraq – 8 October 2007'.
[234] eGram 41359/07 Baghdad to FCO London, 8 October 2007, 'Iraq: PM's Statement: Reactions from Petraeus and Crocker'.
[235] Minute Binns to CJO, 11 October 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 11 October 2007'.

militia influence within the Basra ISF. Maj Gen Binns commented: "Not a ringing endorsement, but a positive step and an endorsement we've been trying to achieve since April this year."

492. On the afternoon of 8 October, Mr Brown told the House of Commons that the UK expected to establish PIC in Basra in the next two months and that:

> "As part of the process of putting the Iraqi forces in the lead in Basra, we have just gone through a demanding operation which involved consolidating our forces at Basra airport. That was successfully completed, as planned, last month. The next important stage in delivering our strategy to hand over security to the Iraqis is a move from a combat role in the rest of Basra province to overwatch, which will itself have two distinct stages. In the first, the British forces that remain in Iraq will have the following tasks: training and mentoring the Iraqi army and police force; securing supply routes and policing the Iran-Iraq border; and the ability to come to the assistance of the Iraqi security forces when called upon. Then in the spring of next year – and guided as always by the advice of our military commanders – we plan to move to a second stage of overwatch where the coalition would maintain a more limited re-intervention capacity and where the main focus will be on training and mentoring.
>
> "… after detailed discussions with our military commanders, a meeting of the national security committee, discussions with the Iraqi Government and our allies and, subject, of course, to conditions on the ground – we plan from next spring to reduce force numbers in southern Iraq to a figure of 2,500 … In both stages of overwatch, around 500 logistics and support personnel will be based outside Iraq but elsewhere in the region. At all times … we will be honouring our obligations to the Iraqi people and their security, and ensuring the safety of our forces."[236]

493. Mr Brown also announced a new policy on resettlement support for locally employed staff (see Section 15.1) and emphasised the importance of economic reconstruction "to ensure that ordinary Iraqis have a stake in the future".

494. In the Parliamentary debate that followed, Mr Brown was asked whether he was satisfied that the Iraqi Security Forces were capable of maintaining the security of southern Iraq without UK support, whether the numbers of troops being retained was sufficient to ensure that the troops could protect themselves adequately and whether there was continuing value in retaining any military presence in Iraq.[237]

495. In response, Mr Brown explained that he was acting on the advice of his military commanders and that troops were remaining because the Iraqi Government wanted

---

[236] House of Commons, *Official Report*, 8 October 2007, columns 21-25.
[237] House of Commons, *Official Report*, 8 October 2007, columns 25-37.

their assistance. Asked whether the move from Basra Palace to the air base had shown that the UK presence was part of the problem, Mr Brown commented:

> "… it was before our troops withdrew from Basra Palace that the security situation in that area became a great deal calmer. Because we are training up the Iraqi Security Forces, they are in a position to police and provide security to that area. Far from moving quickly out of Iraq … our presence to train and mentor [the Iraqi Security Forces] is an important element in bringing about a calm, or calmer, security situation. On the basis of that calmer security situation, we can build a better future for the Iraqi people."

496. By 9 October, the JAM suspension of activity had reached its sixth week and mainstream JAM elements remained compliant.[238] Continued attacks had been attributed to the Iranian-backed JAM Special Groups. Mr Tony Pawson, the Deputy Chief of Defence Intelligence, briefed the Chiefs of Staff that the freeze was "unlikely to endure".

497. Lt Gen Wall told the Chiefs of Staff that there would be a need for "careful handling" of the "differing long term US/UK strategic approaches to Iraq".

498. Mr Prentice reported on 10 October that the public reaction to Mr Brown's statement in Iraq had been low-key.[239] Reductions in troop levels had already been widely reported during Mr Brown's visit, and many Iraqi politicians had left Baghdad for Eid.

499. Mr Brown met Secretary Gates on 11 October and reassured him that the UK "would continue to fulfil its international obligations".[240] He explained that it would be important to accompany progress on security with political and economic improvements to demonstrate a "peace dividend". The UK was particularly focused on Basra's economic regeneration.

500. Maj Gen Binns commented in his weekly update on 11 October that the content of Mr Brown's statement had been welcomed in MND(SE) because:

> "We now have a medium term policy, endorsed by Ministers, for our involvement in Iraq."[241]

501. Government officials working closely with the military met JAM1 again on 11 October.[242] JAM1 had not yet received a response from Muqtada al-Sadr to his letter. He said that a delegation from OMS/JAM in Basra might travel to Najaf to speak

---

[238] Minutes, 9 October 2007, Chiefs of Staff meeting.
[239] eGram 41700/07 Baghdad to FCO London, 10 October 2007, 'Iraq: Reaction to the Prime Minister's 8 October Statement'.
[240] Letter Fletcher to Forber, 11 October 2007, 'Prime Minister's Meeting with US Defence Secretary'.
[241] Minute Binns to CJO, 11 October 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 11 October 2007'.
[242] Email government official working closely with the military, 12 October 2007, '[NAME OF OPERATION]: Meeting with [JAM1] 11 October'.

to al-Sadr about the positive effect of the agreement. JAM1 told the officials that "our agreement with him was safe" but broadening and deepening it would be difficult and would need to be dealt with via a third party (his lawyer) for the time being.

502. The officials also met JAM1's lawyer separately on 11 October, who reiterated his request for JAM1 to be released.

503. In an email reporting the meeting, officials reported surprise at the extent to which the Secret Cells had acquiesced in the cease-fire and commented:

> "But this good news presents us with more thinking to do. Specifically: is it appropriate that we ask [JAM1] to police Basra not just through policing of his own ranks but also those of other organisations? Does this, perhaps, leads [sic] us too quickly down the uncertain road of vigilantism?"

504. In the weekly update for Mr Brown on 12 October, a Cabinet Office official reported that his statement had "played well in Baghdad and coalition capitals, especially in Washington where the Administration was pleased at the prior levels of co-ordination which had taken place, as well as the content of the statement itself".[243]

505. Although Gen Petraeus had welcomed the statement, he had been "quick to query the UK's longer term intentions in Iraq, for 2009 and beyond", making it likely that US-UK planning discussions would now shift to that timeframe.

506. The Cabinet Office official told Mr Brown that the security situation in Basra remained "relatively calm". Governor Waili's appeal against his dismissal from post had been successful, and the UK planned to "resume low-key co-operation with him in the interests of moving beyond the political stand-off in Basra" whilst the Iraq Government took other steps towards his dismissal.

507. An MOD official provided advice to Mr Browne on 12 October, seeking his agreement to the release of a further four detainees "to underpin the authority of [JAM1] and thus his ability to maintain control over JAM and other elements in Basra".[244] None of the four individuals was considered to be high risk.

508. This was not the submission on aims and negotiation strategy discussed at Mr Day's meeting on 4 October; further more detailed advice covering those points was promised.

509. Under "presentational issues" the advice said:

> "We have recently developed a revised strategy for handling this process. This involves being more forward about the need for reconciliation between Iraqi groups as a major part of solving the country's security problems (this was a major feature

---

[243] Minute Cabinet Office [junior official] to Prime Minister, 12 October 2007, 'Iraq – Weekly Update'.
[244] Minute Freer to APS/Secretary of State [MOD], 12 October 2007, 'Negotiations with JAM: latest position' including manuscript comment Browne.

of the Prime Minister's statement on 8 October 2007), whilst being prepared to explain the details of how this is being operationalised somewhat more openly when asked. We will seek proactively to promote the fairly successful MNF efforts to facilitate Iraqi reconciliation in other parts of the country. We will also provide some draft text for the Secretary of State's next operational update to Parliament which will go into greater detail about the efforts of General Mohan, supported by MND(SE), to achieve greater political accommodation in the South."

510. The advice also asked for Mr Browne's agreement on proposed lines to take. In answer to the question "are you negotiating with JAM?", the suggested reply was:

"Yes – we talk to JAM and other militia groups in our area of operations as part of the strategy of political engagement and reconciliation we and our coalition partners have long pursued – JAM and similar groups clearly have an interest in and an influence over Basra and the rest of Iraq, and an outright refusal to engage in dialogue with them would not be in Iraq's, or Basra's, best interests. Moreover the Iraqi Government and the US are aware of, and support, these discussions, which form part of the wider reconciliation initiatives being pursued through Iraq. And through the newly-appointed Iraqi Commander of the Basra Operations Centre (BOC), General Mohan, the Iraqis are also engaging with JAM and other groups with a view to reducing the violence perpetrated against MNF and Iraqi civilians. We and the Iraqis will engage with any groups who are interested in joining Iraq's democratic process and reducing violence – it is the right thing to do. We fully support General Mohan in these efforts …"

511. In response to the question "Has the violence decreased in Basra since you began talking to these groups?", the suggested reply was:

"Talking to these groups is nothing new and so we wouldn't expect to see a sudden decrease in violence. The security situation in Basra remains stable with only a very small proportion of attacks in Iraq happening there. Indeed much of the violence in Basra was directed at the MNF and this has decreased recently. Where security incidents have occurred, the Iraqi security forces have demonstrated their ability to deal with them."

512. Mr Browne marked the submission "noted and agreed" on 13 October.

513. Maj Gen Rose advised the Chiefs of Staff on 16 October that a number of splinter groups, a mixture of Iranian trained/funded Secret Cells and rogue JAM groups opposed to the freeze on violence, had been established in southern Iraq.[245]

514. One group, Fayha al-Sadr, focused on Basra and Dhi Qar provinces, was thought to be responsible for recent attacks on the COB, but Gen Mohan and Maj Gen Jalil had made improvements in security that made it likely that it would focus its future efforts

[245] Minutes, 16 October 2007, Chiefs of Staff meeting.

on other parts of Iraq, where tensions between the Badr-dominated ISF and JAM had created a "more permissive environment".

515. The Chiefs of Staff noted that work to determine the future UK force structure requirements for MND(SE) beyond March 2008 was being conducted, using a figure of 3,000 personnel as the planning baseline. It would be important to bear in mind the size and nature of the UK's commitment in Baghdad, particularly the senior officers based there, as part of that work.

516. Government officials working closely with the military met JAM1 on 16 October.[246] During the meeting, the compound was hit by indirect fire, which JAM1 described as "the work of wreckers". The officials said that the attack and JAM1's reaction to it had helped them to get the point across to MND(SE) that not all indirect fire was a contravention of the agreement reached.

517. The officials raised the prospect of political engagement, explaining that the UK was working with all the Basra parties to achieve political rapprochement and prepare for next year's elections – except the Sadrists: "It was difficult for us to defend the Sadrists' rightful place at the political table if they declined to work with other political entities to prepare the meal." JAM1 explained that Muqtada al-Sadr was clear that foreign troops were "occupiers" and should not be dealt with:

> "But this straight bat stuff out of the way, a more nuanced and positive picture emerged: there might actually be two OMS-affiliated parties standing, one of which was 'pure' OMS and the other more prepared to broker with minor parties. And OMS was preparing … a group of leaders in Basra who would deal with other parties and, under the table, with MNF…"

518. The note continued:

> "Furthermore, an interlocutor … would be coming down to Basra from Baghdad … and would visit [JAM1] in the DIF [Divisional Internment Facility]. This was a senior man, not of the OMS but a Sadrist, who would be seeking to broker a much wider deal which would embrace all the Sadrists on one side and all of MNF on the other … To that end [JAM1] had already sent us a list of ten Basrawis in American custody whose release would endorse British credentials as the potential deal-makers for all of Iraq … JAM1 noted that Basrawis still feared that the Americans would, sooner or later, occupy Basra. This would be a disaster, the end of all things. But Sadrists now recognised that the Americans were not beyond negotiation and believed that we offered the most trustworthy point of contact."

---

[246] Email government official working closely with the military, 16 October 2007, '[NAME OF OPERATION]: Meeting with [JAM1] 16 October and MND(SE) [NAME OF OPERATION] Discussions'.

519. Maj Gen Binns reported on 18 October that Gen Petraeus had agreed Lt Gen Odierno's recommendation of PIC for Basra in December.[247] Although the meeting of the MCNS had been delayed to 21 October, Maj Gen Binns remained confident that it would confirm the recommendation that Basra should transfer to PIC in December.

520. Dr Zebari told Mr Prentice on 18 October that the Iraqi Government would be requesting a rollover of the current Security Council mandate, though they would need the new resolution to refer explicitly to parallel negotiations between the Iraqi Government and the coalition on a long-term strategic security partnership.[248]

521. The US and Iraqi Governments would issue a joint declaration in the next few weeks that would set out their longer-term vision. Dr Zebari agreed that the UK would be shown the text in advance and that "US/GoI positions on the declaration and on the shape of more detailed negotiations would need to be co-ordinated with us [the UK]".

522. On 18 October, MOD officials submitted advice to Mr Browne's Assistant Private Secretary, seeking agreement to the release of another three detainees "as a short term measure to help underpin the authority of [JAM1] and thus his ability to maintain control over JAM and other elements in Basra".[249]

523. The advice said that Mr Browne would be informed which individuals from JAM1's list would be released once the Divisional Internment Review Committee had reached a conclusion. It recorded that:

> "Six of these individuals are assessed to be high risk and two in particular are closely associated with IDF attacks against UK forces … It will also be very difficult to release one of the individuals on this list because he is being processed by the Iraqi legal system and his trial is due to commence in December 2007."

524. Mr Browne annotated the advice "Noted + agreed" on 18 October.[250]

525. Government officials working alongside the military had a "good-humoured meeting" with JAM1 on 19 October.[251]

526. JAM1 proposed the creation of a reconciliation committee, to provide a public face for detainee releases. The officials proposed that this should "embrace all parties", which

---

[247] Minute Binns to CJO, 18 October 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 18 October 2007'.
[248] eGram 42918/07 Baghdad to FCO London, 19 October 2007, 'Iraq: Meeting with Foreign Minister Zebari, 18 October'.
[249] Minute Freer to APS/Secretary of State [MOD], 18 October 2007, 'Negotiations with JAM: latest position'.
[250] Minute Freer to APS/Secretary of State [MOD], 18 October 2007, 'Negotiations with JAM: latest position' including manuscript comment Browne.
[251] Email official working closely with the military, 19 October 2007, '[NAME OF OPERATION]: Meeting with [JAM1]'.

JAM1 accepted. The officials said that any such meeting would be useful at present, as there was still too much violence in Basra.

527. On releases, JAM1 said that his new plan was that five prisoners should be released on 10 November, with a steady stream of releases for the next two months. JAM1 asked that his own release should form part of the 10 November batch.

528. The officials concluded:

> "… [JAM1]'s assurance that hostilities are not about to resume … and [JAM1]'s claim that the Secret Cells are signed up (we have some scanty collateral for that) are all positives although all such assurances should be treated with circumspection …
>
> "But [JAM1]'s request for his own release will be hard to play. He has proved relentless on releases to date and we sense that, however much we seek to draw it into the light, JAM's feral instincts also remain fixed on the subject. It may be that, at heart, [JAM1] still fears transfer to American custody … But whilst we might score negotiating points and perhaps even achieve concessions down the road we should be in no doubt that both [JAM1] and his JAM supporters will take this one to the wire. We sense that they, particularly [JAM1] have more to lose than we now. But they might not think so and the next set of negotiations will be hard."

529. On 23 October, Mr Browne told the House of Commons Select Committee on Defence that:

> "The security situation in Basra, in our assessment and in the assessment of the Iraqis themselves who are of course important assessors of this, is that it remains stable … Attacks on Multi-National Forces decreased by 90 percent in September and the overall figure is 19 compared to August when it was 190 … The other aspect of course of violence is crime against Iraqis themselves … it has remained at similar levels to those seen in August prior to the handover of Basra Palace."[252]

530. On 23 October, AM Peach briefed the Chiefs of Staff that tension between the Iraqi Government and the MNF-I had increased.[253] Among the contributing factors were an incident on 16 September in which a private military security company had its operating licence revoked after being accused of excessive force in a convoy protection incident, a number of Iraqi civilian deaths in Sadr City on 21 October caused by the MNF-I, increased use of airstrikes and a belief that the MNF-I had been arming the Sunni bloc. In his view, these tensions might lead to changes to the draft resolution, and so delay it.

531. The Chiefs of Staff observed that "legal advice would be required to establish the status of UK forces should the current UNSCR lapse without replacement by 31 December 2007".

---

[252] Select Committee on Defence Minutes of Evidence, 23 October 2007, Q4.
[253] Minutes, 23 October 2007, Chiefs of Staff meeting.

532. AM Peach also told the Chiefs of Staff: "Contrary to recent US assessments that AQ-I had been defeated, the UK view remained that AQ-I, whilst severely damaged, retained the ability to be resurgent, particularly if the current pressure were to be released."

533. In a message to the FCO on 23 October, Mr Prentice urged that it should "start planning how the UK will meet these commitments [in Mr Brown's 8 October statement] and best protect our wider strategic interests in the medium term – from the end of 2008 and beyond".[254] The urgency arose from the ongoing debate between Iraq and the US on the legal basis for a continued coalition presence in 2009 and beyond.

534. The Iraqi Government was insisting that there could be no extension of a Chapter VII resolution into 2009. Even renewal of the existing resolution for another year looked set to be "a struggle". To secure what was needed from that continuing debate, Mr Prentice argued that the UK would need "to clarify now what role we see ourselves playing in Iraq beyond 2008 and what legal authorities we will require to enable us to do that".

535. Mr Prentice continued:

> "… to ensure that we do justice to the scale and cost of the UK's commitment to the Iraq project over the last 4-5 years and secure our national interests for the period ahead, we need to accept now that we are in this for some years to come".

536. Mr Prentice thought the UK role in Iraq in 2009 and beyond ought to include:

- capacity-building in the judiciary and police at the centre;
- training and mentoring of the Basra ISF;
- supporting the Basra development initiatives because: "We will be judged by the progress Basra makes following PIC … There is also a case for us to be planning a last high profile project as visible proof for Basrawis of our continuing support and as a lasting UK legacy";
- re-establishing a UK Trade and Industry presence in Basra "to pursue the huge commercial opportunities there will eventually be there";
- military protection and active defence of the COB at Basra as the southern military HQ and the home for UK/US civilian missions and the PRT;
- defending coalition supply and exit routes to Kuwait, including a Quick Reaction Force capability;
- support, if requested, for ISF efforts against Iranian/militia influence; and
- niche military roles elsewhere in Iraq.

---

[254] eGram 43230/07 Baghdad to FCO London, 23 October 2007, 'Iraq 2009 and Beyond – Unfinished Business'.

537. Mr Prentice concluded:

> "We need an approach that is ambitious in its vision, but remains flexible in its implementation:
>
> - We must continue to remain engaged on the ground, both militarily and in a civilian capacity in Baghdad, Basra and Erbil.
> - Even as that engagement shifts from being primarily military … the security situation will still require us to provide protection to those engaged in our civilian efforts.
> - We must not underestimate the scale of the task of helping to rebuild Iraq, nor the time it will take to achieve conditions when we can revert to a normal relationship with Iraq …
> - Our effort will need to continue to draw on the contributions of a wide range of government departments – including, but not only, FCO, DFID, MOD (civilian and military) …"
>
> "Given our best assessment of the prospects for security and our operating conditions, it would be a mistake to imagine that, in 12 months time, we might be free to start drawing down UK forces in southern Iraq below the … figure that we will be at next spring. There remains an enormous amount at stake for the UK in Iraq …"

538. On 24 October, a splinter group – the Iraq National Gathering (ING) – announced that it was breaking away from the main Sadrist movement.[255] Maj Gen Binns reported that the announcement led to a "flurry of speculation that this may be the 'next big thing'" because its leadership appeared to involve individuals closely associated with the Special Groups. Amidst indications of frustration with the JAM 'freeze' among its grassroots support, he judged that the ING had the potential to siphon off disaffected elements.

539. Government officials working closely with the military met a Basrawi Judge suggested by JAM1 as a possible interlocutor on 24 October.[256] The officials reported that the Judge said that he was prepared to be an OMS public face in future negotiations but also "made it very clear where his loyalty and instincts lie – he is a Sadrist and he wants [JAM1] out of the DIF now".

540. On 25 October, the Reconciliation Steering Group (RSG), successor body to the MIG, met and agreed a negotiating plan drafted by officials.

---

[255] Minute Binns to CJO, 15 November 2007, 'GOC MND(SE) Weekly Letter – 15 November 2007'.
[256] Email government official working closely with the military, 27 October 2007, '[NAME OF OPERATION]: Meeting with [JAM1] 26 October'.

541. The negotiating plan said that it should be borne in mind that the ISF were not yet in a fit state to take on JAM. It considered that the UK wished to avoid:

"
- A resumption of the IDF/IED campaign that would send our policy in southern Iraq back to the unhealthy state it was in last May/June.
- Conflict between JAM and the ISF in Basra, particularly if it reaches the level where it demands our re-intervention".

542. The plan went on to suggest that the UK's position should be that:

- the increased tempo of demands had put "all in doubt";
- if the negotiation process broke down and attacks resumed, the UK would reinforce a "vigorous ISF campaign" against illegal activity by JAM and releases would cease;
- the release of JAM1 should mark the formal end of "all hostilities" in Basra; and
- the agreements needed to underpin the end of hostilities should be in place by mid-January.

543. Those agreements should be:

- a demonstration of intent – a period of 20 days in which there were no kidnaps or crimes or attacks in Basra by JAM;
- a public declaration that JAM would subscribe to the rule of law and cease all military operations against the MNF and the ISF in Basra province and that OMS will look only to the political route;
- a public declaration that JAM would cease all attacks upon, or intimidation of, current and former Iraqi employees and contractors of MNF;
- the delivery of all mortar tubes, rounds and rockets, illegally held in Basra, to MNF or ISF; and
- a public commitment to free and fair provincial elections in Basra province.

544. On 26 October, government officials working closely with the military met JAM1 once again and put to him, as agreed by the RSG, that his own release should not take place until the structures were in place to ensure that hostilities could not break out again. The officials told JAM1 that some concrete proposals were being prepared for discussion. JAM1 was reported to have reacted calmly. The officials concluded:

> "This went better than we might have expected … This may simply because [sic] we did not, at this stage, say: 'you are not being released on 10 November'. Equally he did not react poorly to our lines about agreements and declarations because he had yet to see how draconian and, in their original form, unpalatable, they might be."

545. At a subsequent meeting with JAM1 on 30 October, government officials working closely with the military put forward the list of agreements needed to signal an end to

hostilities, as agreed by the RSG.[257] JAM1 responded that it would take time to find a real solution on handing in heavy weaponry and the protection of the MNF's Iraqi employees, who were widely considered to be British spies.

546. JAM1 requested that a translation of the proposals be provided to his lawyer as a representative of the OMS, the ultimate signatory of any agreement. In their report to London, the officials concluded that "even genuinely determined attempts to engage with the OMS … could take us up to mid-January and beyond. This would definitely not wash."

547. ACM Stirrup visited Iraq between 26 and 29 October.[258] Reporting the visit to Mr Browne's Private Secretary, ACM Stirrup's Military Adviser recorded that Maj Gen Binns remained confident of achieving PIC in Basra in December 2007, although he was doubtful that the ISF had the ability to counter JAM if the cease-fire broke.

548. ACM Stirrup confirmed that the desired end state was "an enduring security which facilitates a political climate suitable for development". The ongoing JAM reconciliation process and the continued strengthening of the Iraqi Army and the police were all encouraging but: "the biggest lever for JAM to continue reconciliation was the fear of US intervention in Basra, if conditions deteriorated".

549. Lt Gen Odierno told ACM Stirrup that he had initially been wary about the UK's proposed withdrawal from Basra Palace but that his fears had been unfounded. He was "more than comfortable" with the prospect of PIC in Basra in December.

550. Mr Brown and President Bush spoke by video conference on 29 October. In a short discussion on Iraq, Mr Brown regretted that there had not been further Iraqi progress on reconciliation.[259] He explained that the UK was focused on consolidating the security and economic situation in the south, and emphasised the importance of securing provincial elections to promote a "solid democratic message".

551. Sir John Sawers, UK Permanent Representative to the UN in New York, wrote to Sir Peter Ricketts, FCO Permanent Under Secretary, at the end of October to express his concerns about the approach to the new resolution.[260] Sir John understood that the intention was that the new resolution would contain a formal commitment that it would be the last and that the future presence of the MNF would be governed by one or more

---

[257] Email official working closely with the military, 31 October 2007, '[NAME OF OPERATION]: Meeting with [JAM1] – 30 October'.
[258] Minute Kyd to PS/SofS [MOD], 29 October 2007, 'CDS Visit to Iraq 26-29 Oct 07'.
[259] Letter Fletcher to Carver, 29 October 2007, 'Prime Minister's VTC with US President, 29 October'.
[260] Letter Sawers to Ricketts, 29 October 2007, 'Iraq: Renewal of MNF-I's UN Mandate'.

Status of Forces Agreements (SOFAs). Sir John outlined four potential risks to UK interests in doing so:

- Building in an implicit acceptance of a long-term US presence in Iraq would complicate the rollover of the UN mandate for 2008.
- UK options for a military presence post-2008 would be limited and dependent on negotiating a SOFA with the Iraqi Government. If that could not be achieved "the absence of such an agreement could prove to be the basis on which our presence in Iraq is terminated … it would be hard to argue that our decision was based on prevailing security conditions".
- The nature of the international presence in Iraq would change, narrowing the coalition and setting back the efforts the UK had made to "internationalise" the effort in Iraq.
- UK arguments that a Chapter VII mandate was required for similar operations (for example, in Darfur) would be weakened.

552. Sir John concluded his letter by asking that Mr Miliband be made aware of these risks. He wrote:

> "I accept fully that there are other factors at play. Purely in terms of UN handling and sustaining the UN's role in Iraq, I would prefer us to keep open the prospect of further renewals of the UN mandate and to stick as far as we can to last year's US-Iraq exchange of letters."

553. On 31 October, a government official working closely with the UK military briefed the US military on the negotiations with JAM1 and explored the possibility of Basrawi detainees in US custody being transferred to MND(SE)'s detention facility "to bolster our dwindling numbers in an effort to prolong the detainee release programme".[261]

554. Around 300 detainees in US custody were thought to be of interest to the UK. With the exception of "A Category insurgents" they could be released when needed. The official noted that there were legal issues to be discussed regarding any transfer to UK detention. US and UK military officers would discuss the practicalities.

555. Mr Browne visited Iraq between 29 October and 2 November.[262] In a letter reporting his observations to Mr Brown he described it as "markedly the most encouraging of my seven visits to Basra". He continued:

> "So progress there has been, but, as you well know, the space we have achieved is fragile and temporary. We have a window of opportunity in Basra and it is vital that both we and the Iraqis apply political and economic leadership to make the most of it."

---

[261] Email government official working closely with the military, 3 November 2007, 'Visit to Camp Bucca 31 October 2007'.
[262] Letter Browne to Brown, 2 November 2007, [untitled].

556. Mr Browne had impressed upon everyone he met in Iraq the need to announce "a detailed economic plan for Basra" to coincide with PIC in December. He observed that "If we are to deliver, and we must, this will need dedicated and energetic UK resource in London, Basra and Baghdad."

557. During his stay in Baghdad, Mr Browne reported that Gen Petraeus described progress on reconciling the disaffected as "quite extraordinary". He considered that: "The phenomenon that began amongst the Sunni in the Al Anbar but which is now reaching out to the Shia too, is now of sufficient magnitude that the Government of Iraq has no choice but to embrace it."

558. Mr Browne raised the UK's concerns about the renewal of resolution 1723 with both Prime Minister Maliki and Gen Petraeus. The latter's view was that the strategic context had now changed and that in order to secure its passage Prime Minister Maliki would have to be able to tell the Council of Representatives that it would be the final resolution. Mr Browne "left him in little doubt about the legal constraint that the UK would face in the absence of the UNSCR".

559. On 31 October, at the MOD's request, the JIC examined the sustainability of the recent down-turn in JAM attacks on MNF-I in Basra.[263] It assessed that a range of factors – including the withdrawal from the city centre, a number of development initiatives coming on stream, Gen Mohan and Gen Jalil's efforts to improve ISF performance in the city – had "created an environment in which the evolving negotiation between MND(SE) and [JAM1] was able to progress to a formal cease-fire agreement in early August, which is still being observed".

560. The JIC judged that:

> "The agreement with [JAM1] is fragile. It has hitherto focused on linking a reduction in attacks on MNF to prisoner releases. Pressure for a more broadly-based negotiation including economic and political elements is likely to grow rapidly …"

561. The JIC assessed that the reduction in violence that had been negotiated with JAM1 could be upset "by a number of players with potentially conflicting interests". The JIC considered that:

> "… the fractious nature of the Sadrist movement means we see a high risk that … [the] initiative could become a pawn of infighting in Najaf.
>
> "The attitude of **Muqtada al-Sadr** is important, in public he had made a point of consistently opposing any contacts with 'occupation forces' and the Najaf leadership would be unlikely to challenge an order from him …"

562. The JIC judged that al-Sadr was trying to move his movement towards a more conventional role in Iraqi politics and might therefore see advantage in "an initiative

---

[263] JIC Assessment, 31 October 2007, 'Iraq: Risks to the Negotiation with JAM in Basra'.

which positions them more strongly is Basra". However, "al-Sadr is notoriously volatile and it would be unwise to count on his indefinite support for any deal".

563. The JIC judged:

> "Prime Minister Maliki is briefed on MND(SE)'s negotiation with [JAM1] and has raised no objection. Maliki places a high premium on stability in Basra. However, he probably has reservations about any deals with JAM and there is a risk that he could miscalculate: an order for ISF to confront JAM directly in Basra could upset the negotiation."

564. Under the heading "Prospects", the JIC judged:

> "The attitude of the Sadrist leadership … is also likely to be coloured by their perception of the prospects for some lasting political gain, at least until provincial elections take place next year. But we judge that JAM views locally and nationally are also likely to be coloured by their perception of MNF intentions in the longer term … If JAM conclude that momentum towards complete withdrawal has stalled, we judge they might well resume such attacks. They would almost certainly have Iranian support in doing so."

November 2007

565. Mr Browne's visit to Basra prompted Maj Gen Binns to evaluate progress made since the summer.[264] On 1 November he wrote:

> "We are now subject to far fewer attacks, are constructively engaged with the Governor … and the Provincial Council, we transit through Basra in force … without opposition (although there is always a quantifiable threat) and are looking to make more of the large amount of reconstruction work we are responsible for (through US resources) in Basra … We are still subject to attack (and the danger is significant), but these attacks are, we believe, from rogue elements (possibly sponsored by Iran). The mainstream militias are for the most part quiet – unless provoked, as we saw on 23 October.
>
> "Discussions are taking place in Basra, without our involvement, between political parties and JAM. We are also encouraging constructive engagement between the Iraqi Security Forces and the Provincial Council. I am in no doubt that encouraging, cajoling and supporting the various parties in Basra towards a peaceful resolution to their differences will lay the foundations for Basra's future prosperity and success for the MND(SE) mission … But we should be in no doubt that this progress is not yet irreversible and, should there be any backsliding by local parties, we must hold our nerve as the groundswell of Iraqi opinion is moving towards reconciliation

---

[264] Minute Binns to CJO, 1 November 2007, 'GOC HQ MND(SE) – Southern Iraq Update – 1 November 2007'.

in order to achieve peace and prosperity. The result will not be pretty, and will no doubt have distasteful people in power … but to be sustainable the solution must be an Iraqi one."

566. In his weekly report of 4 November, Lt Gen Rollo agreed that "concrete action" would be necessary to make good on the commitments to accelerate economic development in Basra.[265] The work would require "dedicated cells in London and Basra with clear accountability and an aggressive timeline" in order to be able "to clout not dribble".

567. Lt Gen Rollo commented that Mr Browne's visit had prompted useful US debate about the UK's requirement for a Security Council resolution because:

"The effect of the lack of UNSCR cover for our operations had not been fully appreciated here, although it had been discussed in Washington."

568. When the Iraq Strategy Group discussed renewal of the resolution on 5 November, the FCO position was described by Mr Baker as "to keep options open for 2009 in case a further resolution were required."[266] Mr McDonald told the Iraq Strategy Group that:

"… the Prime Minister was content that the next SCR would be the last, and given our stated plan for next year, it would send the wrong message if we appeared to be pushing far more than the US to keep our options open. If the US did not agree to our latest suggested amendments therefore, we should accept that as the last word. We should ensure, however, that all parts of the US system were aware of the consequences for the UK commitment of not having a SCR mandate."

569. Mr McDonald also told the Iraq Strategy Group that there would be a review of the UK's civilian and military posture in Iraq in spring 2008, when Ministers might take decisions on future plans for 2009 and beyond. He cautioned that it was too early to make assumptions about what the future posture might be, and that it should not be discussed with the US or Iraqis, but the long-term objective was "strategic overwatch in Iraq". Papers were commissioned from the FCO and MOD for discussion by the Iraq Strategy Group, and eventually for Ministers' Christmas red boxes.

570. On 5 November, in an account of a further meeting with JAM1, a government official working closely with the military recorded that a formal request for releases from US detention was with Lt Gen Odierno for consideration.[267]

571. In the meeting itself, JAM1 had not, as expected, pushed for himself to be one of those released on 10 November but officials had been prompted to consider whether it

---

[265] Minute Rollo to CDS, 4 November 2007, 'SBMR-I's Weekly Report (275) 4 Nov 07'.
[266] Minute Cabinet Office [junior official] to McDonald, 6 November 2007, 'Iraq Strategy Group, 5 November'.
[267] Email government official working closely with the military, 5 November 2007, '[NAME OF OPERATION]: [JAM1] Meeting 4 November'.

was “in our interests” to hold JAM1 until the end of the current phase of the operation. In particular, the official wondered, “how will it look presentationally if we keep him past PIC?”

572. Mr Day wrote to Lt Gen Wall on 5 November with an account of discussions between Maj Gen Binns and Mr Browne on JAM1 during Mr Browne’s visit to Basra.[268] Mr Day suggested that the key points were:

“
- the extent to which a long term deal is embedded in – and, indeed, fundamental to – thinking in theatre on political engagement and shifting the gunmen into politics;
- [officials’] caution about the prospects for success;
- the fragility of our hold on [JAM1] after his release – the levers listed in previous draft papers are in my view inadequate to constrain him once out of our hands.”

573. Mr Day considered that it was important to recognise that:

> “… negotiating a long term relationship with [JAM1] is tantamount to taking a punt at long odds. But the alternatives may well be even less attractive. Having discussed the pros and cons with SofS and Graham Binns, I think the key questions on which we need to provide advice are:
>
> - What are the legal implications/commitment of the kind of political and economic ‘deals’ we are considering – in particular on providing intelligence to [JAM1] and transferring internees from US custody?
> - How do we engage the key Iraqi players (presumably Maliki, Mohan and Jalil) and do they have a say or a veto?”

574. Mr Day concluded:

> “This is essentially a political judgement call so we need to expose all of the factors for SofS. In the shorter term, I have confirmed with SofS’s office that they have no record of SofS agreeing that theatre can release further internees without consulting MOD. That was certainly my understanding, at least as until we have a long term policy in place.”

575. Mr Lyall Grant chaired a meeting on 6 November to consider the negotiations with JAM1.[269] It was attended by representatives from the MOD, the FCO, DFID, the Cabinet Office, SIS and GCHQ.

576. The Inquiry has seen accounts of that meeting written by attendees from the MOD and other organisations, but the Government has confirmed that no formal minutes of the meeting exist.

---

[268] Minute Day to DCDS(C), 5 November 2007, ‘[NAME OF OPERATION]’.
[269] Email junior official specialising in the Middle East, 8 November 2007, ‘[NAME OF OPERATION]: FCO Lead on Strategic Development of the Initiative’.

577. One of the accounts reported the purpose of the meeting as looking at the prospects for developing the negotiations from a tactical deal into a process that delivered strategic effect in MND(SE) and perhaps beyond.

578. One of the attendees reported internally on broad agreement that:

- The UK should aim to preserve the reduction in violence for as long as possible, because even after PIC a return to violence would make sustaining UK presence in MND(SE) difficult.
- The cease-fire would probably not survive JAM1's release as part of the last tranche of prisoners unless he had first been bound into a broader process.
- It would be necessary to wrap the UK's relationship with JAM1 into a broader process so as to avoid the political risks of directly backing a JAM leader.
- There were potentially strategic gains to be made from such a process, including countering malign Iranian influence and bringing the Sadrists and JAM more fully within Iraqi politics.

579. The attendee's account said that the FCO had agreed to take responsibility for developing a strategic plan, while the MOD would take forward the "tactical deal". DFID protested against short-term development projects initiated as part of the agreements reached, which could undermine structural reforms agreed with the Provincial Council. It was agreed unanimously that no reporting on cease-fire violators would be passed to JAM1.

580. Mr Day wrote to Mr Browne's Assistant Private Secretary on 7 November with an account of agreements reached at the meeting on the previous day.[270] He said that the discussion had "resolved most of the outstanding issues" on longer-term aims and the negotiating strategy. He reported that it had been agreed that:

- the current process of negotiation should continue with the aim of minimising the IDF threat to the COB and "stringing out the deal for as long as possible" into 2008;
- subject to any legal constraints, the UK should be prepared to act as a conduit for the releases of internees in US hands, if the US agreed; and
- Mr Browne should continue to approve the release of detainees, up to but not including JAM1.

581. Mr Day wrote that it had been agreed that the FCO would lead on developing a strategy for wider political engagement in Basra, taking into account US and Iraqi views, into which JAM1 might be embedded. Mr Miliband would take Ministerial ownership. The strategy would "address the timetable for [JAM1]'s release, the relationship with PIC, the prospect of provincial elections and the role of aid funding (probably

[270] Minute Day to APS/SofS [MOD], 7 November 2007, 'Negotiations with JAM: way ahead'.

CERPS [Commanders' Emergency Response Programme]) in encouraging political engagement".

582. On 8 November, the JIC issued an Assessment of Iranian objectives in Iraq.[271] It judged:

> "Supreme Leader Khamenei controls Iranian policy towards Iraq …
>
> "Khamenei sees violent resistance to the coalition presence in Iraq as a way to deter and deflect US military action against Iran itself … He is prepared to accept an extended period of disorder in Iraq and continued US military deployment as the price for this. But Iran will not accept a permanent US military presence in Iraq.
>
> "IRGC-QF will continue trying to calibrate violence by its proxies to keep US forces off balance without provoking retaliation against Iran. Should MNF-I appear to be achieving a stable Iraq – with the possibility of secure basing for US forces into the future – Iran would probably seek to respond with increased proxy attacks even at the risk of delaying US military drawdown.
>
> "Iran's main aim in Basra and its environs is to keep intra-Shia violence under control. Iran will keep pressure on UK forces there through its proxies, while trying to avoid provoking US intervention."

583. Mr Brown met the Chiefs of Staff, Mr Browne and Sir Bill Jeffrey, MOD Permanent Under Secretary, on 8 November.[272] They discussed Iraq briefly, and Mr Brown agreed that there was a need to reach out to potential allies in the South, to maintain the pace of economic redevelopment and to hold Prime Minister Maliki to the target date of 17 December for transition to PIC in Basra.

584. Lt Gen Wall told the Chiefs of Staff on 13 November that:

> "… the MOU [Memorandum of Understanding] for PIC had still to be finalised and it remained unclear whether Prime Minister Maliki would agree to full PIC or whether an interim solution would be pursued … on account of his reservations with regard to Gov Waili's ability to deal effectively with security."[273]

585. Government officials working closely with the military met JAM1 and his lawyer separately on 8 and 7 November respectively.[274] The lawyer pressed for rapid release of JAM1, although JAM1 did not. Maj Gen Binns was considering whether it should be linked to the transfer to PIC and the officials commented that they could "see some merit in this, if we can achieve satisfactory progress on the undertakings for the next stage".

---

[271] JIC Assessment, 8 November 2007, 'Iranian Objectives in Iraq'.
[272] Letter Fletcher to Forber, 9 November 2007, 'Prime Minister's Meeting with Chiefs of Staff, 8 November'.
[273] Minutes, 13 November 2007, Chiefs of Staff meeting.
[274] Email government official working closely with the military, 10 November 2007, '[NAME OF OPERATION]: Recent Meetings'.

586. The report concluded with a "note of warning" which indicated that they were unclear about the extent to which JAM1 was aware of the activities of JAM death squads, which were believed to be assassinating their enemies.

587. On 9 November, a senior official specialising in the Middle East (1) provided Mr Lyall Grant with advice on negotiations with JAM in Basra, intended to provide background for policy makers as they considered "the advantages and risks of moving ahead".[275] The advice was copied to Mr McDonald, as well as others in the MOD, the Cabinet Office and the FCO.

588. The advice opened by stating that negotiations with JAM in Basra had led to "a striking reduction in violence" and that there was an opportunity to "transform a tactical deal based on detainee releases into a process designed to achieve a strategic shift in JAM's relationship with MND(SE) and possibly with the US and the Government of Iraq". The senior official anticipated that this would be the subject of an FCO submission. There was "some urgency" to this as by the end of the year MND(SE) would have run out of significant detainees to release, meaning that the current arrangements could collapse, unless "developed into a wider longer term dispensation".

589. The advice explained the background to the "initiative" in Basra and its impact to date. Around 50 detainees had been released already, with 31 still in detention. If releases continued at the same rate, all detainees were likely to have been released by the middle of January 2008.

590. The senior official advised that:

> "The best date for [JAM1's] release will depend on exactly how the … process develops but Provincial Iraqi Control (PIC) and Eid al-Adha on or around 20 December represent symbolic milestones. Fixing a date now for [JAM1's] release might take the sting out of further demands for immediate release and focus minds on all sides on how to sustain the process.
>
> "[JAM1] has said he does not want all the detainees released immediately to allow time for the transformation of the relationship with the UK. Nonetheless, despite his strong interest in development and politics, his roots in militia violence are never far from the surface and he is very responsive to pressure from JAM in Basra for a quicker pace of releases. Although the atmospherics of the talks are generally good, he remains at times a difficult and unpredictable interlocutor. He wants the cease-fire to work but his instincts are to discipline his own people … He particularly distrusts Basra security supremo, General Mohan … Getting him to work with Mohan or a replacement will be difficult but … [reports suggest] that [JAM1] is beginning to recognise the necessity of security co-ordination with the Iraqi state."

---

[275] Minute senior government official specialising in the Middle East (1) to Lyall Grant, 9 November 2007, '[NAME OF OPERATION]: Negotiations with JAM in Basrah'.

591. On the attitudes of others to the negotiations, the senior official reported:

> "Mohan's own attitude to JAM remains ambivalent. He talks of tough steps if JAM does not comply with his demands but he has also been keen to associate himself with the [NAME OF OPERATION] detainee releases. Some around PM Maliki seem to fear the UK might empower or even arm JAM, drawing parallels with US actions with Sunnis in al-Anbar …
>
> "Although there was considerable US suspicion of the [NAME OF OPERATION] process as a means to UK drawdown, there is strong US interest in the progress of the talks and especially the impact on Iran."

592. On 9 November, Mr McDonald sent a minute to Mr Brown on the renewal of the Security Council resolution describing the MNF mandate in Iraq.[276] He reported that Mr Miliband had decided, on advice from the UK Permanent Mission to the UN in New York, that the UK should propose new language for the US draft making clear that a decision on a resolution for 2009 should be conditions-based. It was expected that the US would reject that language. Mr McDonald continued:

> "… we should not be seen to be leading the demands for a post-2008 resolution, as this may send the wrong message about the level of our likely commitment in Iraq from 2009 and beyond. I have therefore agreed in Whitehall that if the US does indeed reject our proposal we will accept their position.
>
> "It is a fact, though, that the absence of a UNSCR will have greater implications for the level and scope of the UK commitment than it will for the US, given our obligation to comply with the European Convention on Human Rights. The US are aware of this … Petraeus recognised that the absence of a UNSCR … would significantly constrain our freedoms and may prejudice the tasks he wants us to perform … Nevertheless, his view was that the strategic context had changed and that, to secure the passage of the next resolution, Maliki would need to present it internally as the last."

593. Mr McDonald recommended that the UK should accept that the next resolution would be the last and should start to look at what would be necessary to replace it in 2009, which was likely to be some form of Status of Forces Agreement.

594. In his 11 November weekly report, Lt Gen Rollo reported that a group of mid- to senior-level Sadrists – the Mid Euphrates Awakening – had made contact with the MNF-I engagement cell and there were also signs of Sadrist engagement with MNF-I in western Baghdad.[277]

595. Lt Gen Rollo commented that these "and last but not least our – and the GOI's – engagement with JAM in Basra" illustrated a "remarkable" increase in MNF-I

---

[276] Minute McDonald to Prime Minister, 9 November 2007, 'Iraq: UNSCR Renewal'.
[277] Minute Rollo to CDS, 11 November 2007, 'SBMR-I's Weekly Report (276) 11 Nov 07'.

engagement with the Sadrist movement in recent weeks. He observed that, together, these initiatives represented an opportunity for the Iraqi Government (if not directly for the MNF).

596. The impact on the UK was likely to be "increased Iraqi and coalition interest in our engagement with JAM in Basra, which will need a degree of careful management". In particular, the US and Iraqi desire to regain control of the port from JAM would "need to be thought through in the context of wider political and security relationships" there.

597. On 13 November, Lt Gen Houghton briefed the Chiefs of Staff that the JAM cease-fire in Basra continued, "largely as a result of engagement, political accommodation and self-limiting violence".[278] Nonetheless, five variables had been identified that could put it at risk:

- Prime Minister Maliki's continued pressure for General Mohan to act against militants in Basra;
- Iranian sponsorship of militant activity;
- JAM special groups intent on breaking the Sadrist freeze on military activity;
- the formation of JAM splinter groups undermining mainstream JAM elements; and
- the "exhaustion of current security accommodations in Basra".

598. It was reported on 14 November that Mr Alexander had suggested that Ministers should be briefed orally on the negotiations with JAM1 and that Mr Brown had agreed.[279]

599. MOD officials submitted an update on negotiations with JAM to Mr Browne's Assistant Private Secretary on 15 November.[280] The advice asked Mr Browne to approve (subject to the agreement of the DIRC), by the following day, the release of five detainees, to take place on 17 November.

600. A revised handling strategy for the process had been developed and was "more forward leaning about the need for reconciliation between Iraqi groups as a major part of solving the country's security problem … whilst being prepared to explain the details of how this is being operationalised somewhat more openly".

601. Mr Browne annotated the advice "Agreed" on 16 November.

---

[278] Minutes, 13 November 2007, Chiefs of Staff meeting.
[279] Email PS/C, 14 November 2007, '[…] – Briefing for Ministers'.
[280] Minute Powell to APS/Secretary of State [MOD], 15 November 2007, 'Negotiations with JAM: latest position' including manuscript comment Browne.

602. On 17 November, *The Guardian* reported a press conference by Maj Gen Binns in Baghdad in which he:

> "… confirmed … that UK officials have been holding talks with supporters of the Shia cleric Muqtada al-Sadr's Mahdi Army in the hope they would be drawn into the political process."[281]

603. Maj Gen Binns was reported to have said that not everyone in the Mahdi Army supported the talks, and that its main rival, the Badr brigade, was too weak to mount a challenge. *The Guardian* reported that:

> "British officials last night were keen to emphasise that the talks with the militia were being held with the full support and, at times, participation of Major General Abdul Jalil Khalaff and General Mohan … The talks have been accompanied by the release, by British forces, of Mahdi Army fighters detained in connection with attacks on British troops."

604. On 18 November, Lt Gen Rollo reported that if Governor Waili remained in post, then the UK might be faced with "a difficult decision on whether to accept an unsatisfactory solution on 17 December or to hold out for one which will really set the conditions for next year".[282] The Iraqi Government's solution was "for the Prime Minister to accept the security file and delegate it to General Mohan". The coalition view was that this was "bad in law, bad politically at home, and bad in practice in Basra, where we want a solid triumvirate, including the Governor, alongside the BOC Commander and the Chief of Police."

605. Mr Prentice reported on 19 November that Dr Rubaie said that he had submitted a "favourable" memo to Prime Minister Maliki on UK recommendations for the handling of Basra PIC, but had yet to receive a response.[283]

606. On 19 November, a junior official from the FCO Iraq Group provided advice to Dr Kim Howells, FCO Minister of State, and Mr Miliband on "Broadening the basis of negotiations with [JAM1]" which reflected discussion at Mr Lyall Grant's meeting of 6 November.[284]

607. The issue discussed in the submission was described as "To maintain a dialogue with … [JAM1] once all detainees have been released, to ensure the recent political and security gains in Basra are expanded." The preferred option was that Mr Miliband agreed to broaden the scope of negotiations with JAM1 to include "the integration of the Sadr-ists into Basra's formal political process, including Sadrist participation in provincial elections".

---

[281] *The Guardian*, 17 November 2007, *British officials hold talks with Mahdi army*.
[282] Minute Rollo to CDS, 18 November 2007, 'SBMR-I's Weekly Report (277) 18 Nov 07'.
[283] eGram 47120/07, Baghdad to FCO London, 19 November 2007, 'Iraq; Political Round-Up'.
[284] Minute FCO Iraq Group [junior official] to Private Secretary [FCO], 19 November 2007, '[NAME OF OPERATION]: Broadening the basis of negotiations with [JAM1]'.

608. The junior FCO official also described an alternative option, which was "to continue to limit the basis of our accommodation with JAM to detainee release". If this option was to be selected, it was unlikely that "calm" in Basra would be sustained beyond the release of the last detainee.

609. In contrast to advice provided to Mr Browne a few days earlier, the junior FCO official proposed that discussions with JAM1 should be kept as low key as possible because "media attention would likely portray these as a tacit acknowledgement of defeat for the UK in southern Iraq".

610. The junior FCO official wrote that negotiations with JAM1 had always included a political element, but that the "continuation and formalisation" of these talks was intended to bind JAM1 and the Sadrists into political reconciliation before JAM1's release. The specific objectives of talks would be to secure commitments from JAM1 on:

- free and fair elections in Basra;
- support for the Iraqi authorities to limit crime and violence in Basra;
- ending hostilities;
- ending attacks on MNF current or former employees; and
- disarmament.

611. The junior FCO official recorded that Maj Gen Binns was recommending to Mr Browne that JAM1 was released earlier than planned if "significant progress" was made against these objectives.

612. The greatest risk was a described as "a failure of an accommodation with [JAM1]", which was likely to mean a return to a high level of attacks against the MNF. The main threats to the dialogue were:

- JAM1 concluding that he could better advance his political interests through violence;
- JAM1 being killed after release;
- JAM1 losing control of JAM in Basra; and
- JAM being drawn into large-scale fighting with the MNF.

613. The junior FCO official also described the risk of negative reactions from the US and from the Iraqi Government, and of losing traction with other parties in Basra by expanding the scope of engagement with JAM.

614. Baroness Scotland visited Iraq between 19 and 21 November.[285] In a report of her visit sent to Mr Miliband, Baroness Scotland observed that, while a lot had been achieved, "there is a long way to go to establish the rule of law in Iraq". She had discussed the implications of a lack of a further resolution for the UK's continued

[285] Letter Scotland to Miliband, 3 December 2007, 'Iraq'.

operation in Iraq with Gen Petraeus and Ambassador Crocker. Although the general message appeared to have been taken on board, the detailed implications (for example, that the UK would have no power to intern) did not seem to have been appreciated.

615. NSID(OD) met on 20 November to take stock of the situation in Basra.[286] Cabinet Office officials briefed Mr Brown, the Chair, that the main aim of the meeting was "to ensure that the transfer to Iraqi control in Basra, scheduled for 17 December is not delayed" and that the meeting would need to assess the security situation in Basra and look at how to sustain the present reduction in violence, including through possible political or economic measures.

616. At the meeting, Mr Miliband reported that the security situation was "encouraging", putting the UK "on track" for the transfer to Iraqi control to take place, on schedule, on 17 December.[287] Risk came from the uncertainty over Governor Waili's position. Mr Miliband reported that the inter-departmental work on contacts with local militias had been good, but it would be important in future to ensure that negotiations with local militia leaders did not favour any one person but were inclusive – the UK should support the process, not an individual.

617. Mr Alexander reported that Mr Michael Wareing, the International CEO of KPMG, had agreed to help drive forward the work of the Basra Development Commission (BDC). Several of the projects included within the BDC's 2007 plan had been requested by local militia leaders, which would help "lock them into the economic and political process".

618. Mr Browne observed that, from a force protection perspective, it would be important to keep local militia leaders engaged and bring them into the wider political and economic process as much as possible. Sir John Scarlett agreed that it would be important to find ways of broadening the dialogue to address a wider range of political and economic issues.

619. Summing up the meeting, Mr Brown said that:

- the UK should "press ahead" for the transfer of security responsibility to Iraqi control on 17 December;
- economic projects should be agreed through proper discussion with local representatives, rather than favouring any faction or individual, though that "did not preclude using a coincidence of interest to draw local militia leaders into the wider political process";
- Mr Alexander should write with plans for the launch of the BDC; and
- the UK should continue to encourage the Iraqi Government to hold provincial elections as soon as possible.

---

[286] Minute Cabinet Office [junior official] to Prime Minister, 19 November 2007, 'NSID(OD) Iraq Meeting – Steering Brief: Tuesday 20 November 16:45-17:30'.
[287] Minutes, 20 November 2007, NSID(OD) meeting.

620. After the meeting (at which Mr Alexander's request for a briefing on discussions with JAM1 was to be answered), Sir John Scarlett's Private Secretary produced a summary of his account of the meeting.[288]

621. According to the summary, Mr Miliband said that:

> "… there was a need to send clear political instructions about the parameters within which negotiations could be conducted, but he offered nothing concrete on FCO action in relation to broadening the process".

622. Mr Alexander had expressed concerns about development projects agreed with JAM1 drawing resources and expertise away from existing projects. There was general support for resource decisions to be taken in theatre where conflicts arose between priorities.

623. The account recorded Sir John's sense that:

> "… there was a general consensus that [Mr Miliband] should approve the [NAME OF OPERATION] submission and that MOD should press ahead with a mid-December release date for [JAM1]. But the shortening of the meeting meant that there was not time to agree a detailed plan of action."

However, there had been "clear interest and support from the PM" which would help in agreeing a detailed plan.

624. Mr Brown "touched very briefly" on Iraq during a telephone conversation with President Bush on 20 November.[289] He reported that the UK was making progress on its political and economic priorities in the South and still hoped to move to PIC in Basra on 17 December.

625. Government officials working closely with the military met JAM1 again on 21 November.[290] As agreed by the Reconciliation Steering Group, their objectives for the meeting were to brief JAM1 on the forthcoming release of eight detainees; to discuss the draft agreement that must precede his own release; to explain the previous weekend's media coverage of the GOC's press conference in Baghdad; and to discuss post-release contact.

626. The officials reminded JAM1 that he would not be released until an agreement that marked an end to hostilities in Basra province had been completed. JAM1 agreed in principle but "asked, a little pointedly, what forum could bring together all significant leaders in Basra to sign such an agreement". They explained that the UK was continuing to discuss the options with local politicians and security officials.

---

[288] Minute PS/C, 21 November 2007, 'NSID (IRAQ) 20 Nov 2007'.
[289] Letter Fletcher to Gould, 20 November 2007, 'Prime Minister's telephone call with US President, 20 November'.
[290] Email government official working closely with the military, 22 November 2007, '[NAME OF OPERATION]: Meeting with [JAM1] – 21 November'.

627. JAM1 reported that contact with the Iraqi Government in Baghdad had resulted in agreement to three "reconciliation" committees in Basra as part of a wider national initiative: one dealing with security, one with social affairs and one with politics/conflict resolution.

628. The officials observed that "our sense was, as well that we, [NAME OF OPERATION], the British, are starting to matter less" and concluded that they would "need to drive home the importance of continuing contact with [government officials working closely with the military]" after his release.

629. MOD officials wrote to Mr Browne's Assistant Private Secretary with the latest position regarding negotiations with JAM on 22 November.[291] This explained that the arrangements remained "fragile". Mr Browne was asked to agree that a further 10 detainees could be released by MND(SE) in three tranches over the following three weeks, subject to agreement that they no longer posed a serious threat. Approval was required by the next day.

630. Lt Gen Rollo reported that Gen Petraeus and Ambassador Crocker held their quarterly review of the campaign in Iraq on 24 November.[292] Lt Gen Rollo wrote that, while no-one discounted the hard work still required on the security line of operations, the main debate focused on how to make more progress on politics and economics in a way that would contain and gradually reduce the inter-communal tensions that continued to dominate Iraq.

631. There was a significant debate about anti-corruption and terrorist financing, including the problems of militia infiltration and intimidation of the MOI and MOD. This mattered not only because of the need to starve AQ and the Special Groups of funds but because any dysfunctionality in those ministries undermined the Iraqi Government more generally. Lt Gen Rollo reported that there had been unanimity that economic development and employment were critical to the success of the next stage of the campaign.

632. Lt Gen Rollo also reported that the Supreme Court had found in favour of Governor Waili. He wrote:

> "Whatever the merits of the legal case it is to be hoped that this now provides the basis for Maliki to accept that he will have to live with Waili as Governor, and therefore for work to be taken forward on the MOU for PIC on a relatively conventional basis on 16 or 17 December."

---

[291] Minute Powell to APS/Secretary of State [MOD], 22 November 2007, 'Negotiations with JAM: Latest Position'.
[292] Minute Rollo to CDS, 25 November 2007, 'SBMR-I's Weekly Report (278) 25 Nov 07'.

633. Mr Baker told the Iraq Strategy Group that it appeared the ruling would be accepted by the Iraqi Government, and that 17 December was therefore still the target for PIC.[293] The MCNS would take the final decision on 9 December.

634. In relation to the renewal of resolution 1732, Mr Baker confirmed to the Iraq Strategy Group that "the US were aware of the implications for us of this being the last resolution".

635. Mr Browne's Assistant Private Secretary replied to MOD officials on 26 November to record his agreement to the releases requested on 22 November, subject to it being assessed that they no longer posed an "imperative threat" to security.[294]

636. A senior government official specialising in the Middle East (2), accompanied by colleagues, met JAM1 again on 27 November.[295] The purpose of the meeting was:

- to show JAM1 a draft of a possible Basra Agreement/Declaration that would precede his release;
- to discuss the progress of other OMS reconciliation talks, particularly with Gen Mohan;
- to resolve difficulties over specific releases; and
- to discuss post-release contact with JAM1.

637. JAM1's reaction to the draft agreement was "neutral" and he agreed to reflect on it. His immediate concern remained one of process: who would organise the agreement and who would sign up as the leaders of Basra?

638. The officials visited JAM1 again two days later on 29 November in order to hear his reaction to the draft Declaration, which was positive. The RSG had also directed that the officials should secure endorsement for MND(SE)'s training/development role and draw on that to reach a fuller agreement to future contact. JAM1 considered that 70-80 percent of the Najaf leadership would sign up to the sort of MNF deployment envisaged.

639. The record of the meeting concluded:

> "[JAM1]'s position is, of course, inconsistent, even schizophrenic. He has supported our development and training agenda by deed as well as word; he says the right things about development and governance; he draws a distinction between the view of the 'old men' in Najaf: reactionary, anti-development, anti-MNF in any form, and

---

[293] Letter Cabinet Office [junior official] to McDonald, 26 November 2007, 'Iraq Strategy Group, 5 November'. Note: the Inquiry believes that the title of this letter refers incorrectly to a previous meeting of the ISG.
[294] Letter APS/Secretary of State [MOD] to AD1 Pol Ops PJHQ, 26 November 2007, 'Negotiations with JAM: latest position'.
[295] Email senior government official specialising in the Middle East (2), 30 November 2007, '[NAME OF OPERATION]: Meetings with [JAM1] - 27 November and 29 November'.

his own far more positive and constructive views. Some of this, particularly the last bit, is clearly heartfelt. But much of it may also be linked to the issue of releases, which is the subject that, until the threat to JAM in Basra, was the one that inspired most heat and emotion in our meetings. On the other hand he still talks bitterly about the 'occupation' and did not yet seem completely free of the dread inspired by the prospect of Najaf's disfavour."

640. On 29 November, Mr Prentice reported that a US/Iraqi bilateral Statement of Intent about a long-term military, security and economic relationship had been signed by President Bush and Prime Minister Maliki on 26 November.[296] This included a firm US commitment to the Iraqi Government that the next resolution would be the final one under Chapter VII of the UN Charter.

641. Mr Prentice advised that the next step would be negotiation of the resolution and the accompanying letter from the Iraqi Government formally requesting the extension of the MNF-I mandate. Mr Zebari had already said publicly that the letter would be submitted to the Iraqi Council of Representatives for approval. On the basis of the length of time it had taken to negotiate the US/Iraqi Statement of Intent, Mr Prentice considered it likely that negotiations would go "to the wire".

642. The timeframe for negotiating long-term security agreements was a longer one and Mr Prentice thought it unlikely that talks would begin before the New Year. He commented that the UK would soon need to decide how best to frame the "new legal base for UK forces' presence and activity in Iraq post-2008" and also whether the UK preferred its interests to be covered in relevant parts of the US-Iraq agreement or to negotiate its own agreement.

643. Several senior Iraqi politicians had already expressed the hope that the UK would want to build on the "positive and much appreciated" role it had played in founding the new Iraq, and that it would be natural for the new relationship to be expressed in a UK-Iraq bilateral agreement.

December 2007

644. In early December, Ambassador John Negroponte, Deputy Secretary of State, and Ambassador David Satterfield, State Department Co-ordinator for Iraq, travelled to Iraq to lead negotiations on the new resolution.[297] Mr Prentice stressed the need for transparency and consultation on both the resolution and the accompanying letters.

645. Mr Prentice reported that although Prime Minister Maliki had agreed that there should be no change in the operative paragraphs of the resolution, he wished to

---

[296] eGram 48777/07 Baghdad to FCO London, 29 November 2007, 'Iraq: the US/GOI Partnership Declaration and the UNSCR'.
[297] eGram 49070/07 Baghdad to FCO London, 3 December 2007, 'Iraq: UNSCR Renewal Negotiations'.

add a number of principles "unacceptable to both the US and ourselves" to the Iraqi Government's letter to the Security Council. They included:

- the right of the Iraqi Government to assume full command and control of the ISF;
- that the recruitment, training and equipping of the ISF should be the responsibility of the Iraqi Government; and
- that all coalition detentions should be governed by Iraqi law.

646. In discussions with the US, Mr Prentice emphasised that the UK was keen for a smooth roll-over, but had concerns that the language in the letter could undermine the effect of the Chapter VII resolution. He wanted to ensure that UK legal advisers had an opportunity to clear the language and that any differences between the US and UK interpretations could be ironed out before the US responded formally to the Iraqi Government and before the texts were sent to New York.

647. Ambassador Satterfield agreed to share the text of the Iraqi Government's letter as soon as he received it.

648. Lt Gen Rollo reported on 3 December that the US was focused on the new resolution.[298] Although there remained "the possibility of political ambush on the subject of US military freedom of action", US attention was beginning to turn to the Long Term Security Arrangement (LTSA) that would succeed it.

649. Gen Petraeus had directed his staff to help lay the groundwork for a UK equivalent of the LTSA or a Chapter VI resolution that would provide adequate protection for UK (and EU) involvement in Iraq. Lt Gen Rollo wrote that the UK would need to take an early view on the level of protection it required and whether it was obtainable without a Chapter VII resolution.

650. Lt Gen Rollo commented that, despite being "relatively innocuous" in itself, the US/Iraqi bilateral Statement of Intent had "acted as a lightning rod for Iraqi frustration over a number of sovereignty issues", an indication of the friction that the debate on the successor resolution was likely to prompt.

651. On 3 December, the House of Commons Defence Committee published a report entitled *UK land operations in Iraq 2007*, based in part on its visit to Iraq in July.[299]

652. The Defence Committee said:

> "In South-Eastern Iraq, there has been a dramatic decrease in the number of attacks against UK and coalition forces since the decision was taken to withdraw from Basra Palace, but there has been no corresponding reduction in the number of attacks against the civilian population of Basra."

---

[298] Minute Rollo to CDS, 3 December 2007, 'SBMR-I's Weekly Report (279) 3 Dec 07'.
[299] First report from the Defence Committee, Session 2007-08, *UK land operations in Iraq 2007*, HC 110.

653. The Defence Committee considered that there had been significant progress in the training, equipping and mentoring of the Iraqi Army in the past year but:

> "There remain murderous, corrupt and militia-infiltrated elements within the Police which must be rooted out as a matter of priority. The UK continues to play an important role in training and mentoring the Iraqi Army and Police. It is unclear how its trainers will be supported once UK forces levels are reduced further in the spring."

654. In relation to plans to reduce UK forces levels to 2,500 in spring 2008, the Committee wrote:

> "Important questions remain about the sustainability of a force of this size. If there is still a role for UK Forces in Iraq, those Forces must be capable of doing more than just protecting themselves at Basra Air Station. If the reduction in numbers means they cannot do more than this, the entire UK presence in South-Eastern Iraq will be open to question."

655. In a Current Assessment Note issued on 4 December, a CIG considered the significance to JAM and the Sadrists of the Iraqi National Gathering (ING) splinter group.[300]

656. The CIG assessed that those close to Muqtada al-Sadr were concerned that the ING's establishment might lead to a significant number of defections from the mainstream Sadrist movement, but judged that those who might consider defecting were likely to wait to see the impact of the ING before joining the new movement.

657. The note continued:

> "Sadr probably views the ING as a direct attack on his authority. He does not appear willing to make any concessions …
>
> "As former JAM special group commanders, the ING members have links to the Iranian Revolutionary Guard Corps Quds Force and Lebanese Hizballah. However, we have no intelligence to suggest that either is supporting the ING."

658. On 4 December, a video was released of one of the five British hostages kidnapped from the Ministry of Finance in Baghdad on 29 May by men dressed in Iraqi Police uniforms.[301] In it, the kidnappers threatened to kill a hostage if the UK did not leave Iraq by 13 December.

659. Prime Minister Maliki and Governor Waili met on 5 December and "cleared the air between them", paving the way for PIC. Prime Minister Maliki communicated his immediate priorities for Basra, including reconciliation encompassing all political parties and measures to curb corruption.

---

[300] CIG Current Assessment Note, 4 December 2007, 'Iraq: How Important is the Iraqi National Gathering?'
[301] Minute Cabinet Office [junior official] to Brown, [undated], 'Prime Minister's Visit to Basra: 9 December 2007'.

660. When Mr Brown and President Bush spoke on the telephone on 6 December, Mr Brown reported that he was looking forward to the move to PIC in Basra on 16 December and the UK was planning to launch the Basra Investment Forum.[302] He reported "continued good progress" on security and economic reconstruction in the South.

661. On 7 December, government officials working closely with the military reported to London on a "difficult meeting" with JAM1 the previous day.[303]

662. The officials also reported that detainee releases were now in the gift of Maj Gen Binns rather than requiring sign-off in Whitehall. The release of JAM1 was an exception to this rule, and was to be delegated to Mr Prentice.

663. FCO officials advised Mr Miliband on 7 December that representatives of all the parties in Basra signed "a statement … in which they agreed to support the security services in their efforts to maintain security and work for stability and growth in Basra".[304] Although there had been similar declarations in the past, the FCO considered this statement to be more significant because of the broad political support it had attracted, in particular from OMS. FCO officials described the statement as the work of Sayyid Abdul Ali al-Musawi, a prominent Shia cleric, and Sheikh Amr al-Faiz, a tribal leader.

664. Also on 7 December, officials in the FCO submitted advice to Mr Miliband on the strategy for negotiations leading to the release of JAM1.[305] MOD officials sent a copy of that advice to Mr Browne, under separate cover, on the same day.

665. A junior official from the FCO Iraq Group advised Mr Miliband that the key issue was ensuring that the UK obtained "maximum benefit from the timing of the release of [JAM1]".[306] The advice explained that negotiations had always been based on the understanding that JAM1 would be released eventually, and recommended that Mr Miliband should delegate the decision on the precise timing of JAM1's release to Mr Prentice, who would consult Maj Gen Binns, Mr Jones and "other interested parties on the ground".

666. The junior official advised that JAM1's release could attract media attention, in response to which the FCO's message would be that "the process was part of the coalition's and GOI's wider strategy of reconciliation with armed groups in Iraq".

---

[302] Letter Fletcher to Gould, 6 December 2007, 'Prime Minister's Call with US President, 6 December: Foreign Policy'.
[303] Email government official working closely with the military, 7 December 2007, '[NAME OF OPERATION]: Meeting with [JAM1] on 6 December'.
[304] Minute FCO Iraq Group [junior official] to PS/Foreign Secretary, 7 December 2007, 'Iraq – Basra Developments'.
[305] Minute FCO Iraq Group [junior official] to Jenkins etc, 7 December 2007, '[NAME OF OPERATION] – negotiating strategy'; and Minute Day to APS/SofS [MOD], 7 December 2007, '[NAME OF OPERATION]'.
[306] Minute FCO Iraq Group [junior official] to Jenkins etc, 7 December 2007, '[NAME OF OPERATION] – negotiating strategy'.

667. The junior official repeated the risks set out in his 19 November submission, concluding that "It is impossible to predict before the event how these risks will play in detail" and that choosing the best timing for JAM1's release would mitigate them to some extent. On timing, the official explained that the final detainee releases were expected in early to mid-January, and "depending on developments on the ground, it might be tactically wise to release [JAM1] somewhat earlier, although we would not expect to do so before Basra has achieved Provincial Iraqi Control."

668. The following day, the junior FCO official sent Mr Miliband's office some additional text supplied by Mr Prentice "as further clarification" of his submission. It said:

> "Whilst delegating the decision to us is fine, this is not just a sovereign issue. As GOC MND(SE) comes under MNF-I and Petraeus' command, they would have to be consulted. And we would have to inform the GoI (Maliki) of our plans as such a decision would play into the broader Shia reconciliation strategy."[307]

669. Mr Day's parallel submission to Mr Browne explained that the FCO was taking responsibility for JAM1's release. The submission reflected advice from theatre that delegated authority was needed because of the speed with which the position on the ground was developing.[308]

670. The Private Secretary to Mr Bob Ainsworth, Minister for the Armed Forces, to whom the submission was copied, wrote on the advice on 11 December that although Mr Browne had already "noted the submission" she had concerns about whether the decision should be delegated because:

> "The implications of his release are strategic and I think the decision ought to be taken here, away from tactical considerations."[309]

671. Mr Ainsworth replied in relation to the submission: "I think this is wrong and should not be delegated."[310]

672. On 9 December, Mr Brown visited Basra, primarily for the purpose of "a Christmas visit to the troops".[311]

673. In a briefing for the visit, a Cabinet Office official told Mr Brown that the UK had reached agreement with the US and Iraqi Governments on the text of the draft resolution and supporting exchange of letters. The resolution would be tabled at the UN in New

---

[307] Email FCO Iraq Group [junior official] to various, 8 December 2007, 'Submission: [NAME OF OPERATION].
[308] Minute Day to APS/SofS [MOD], 7 December 2007, '[NAME OF OPERATION]'.
[309] Manuscript comment Pusey on Minute Day to APS/SofS [MOD], 7 December 2007, '[NAME OF OPERATION]'.
[310] Manuscript comment Ainsworth on Minute Day to APS/SofS [MOD], 7 December 2007, '[NAME OF OPERATION]'.
[311] Minute Cabinet Office [junior official] to Brown, [undated], 'Prime Minister's visit to Basra: 9 December 2007'.

York during the following week. It extended the MNF-I's mandate for a further year, but the letters also acknowledged the Government of Iraq's wish that this should be the last resolution of its kind. The letters committed the US and Iraqis to negotiating a long-term agreement to cover the presence of US forces in Iraq in 2009 and beyond. The UK had yet to decide whether to pursue something similar.

674. During the visit, Mr Brown spoke by telephone to Prime Minister Maliki and congratulated him on the decision to move to PIC in Basra.[312] Mr Brown promised that the UK "would continue to act sensitively in Basra" and that Mr Alexander and Mr Miliband would both visit soon, the former for the launch of the Basra Development Forum.

675. Lt Gen Rollo reported on 10 December that it had been a "further steady week" in security terms, with no major incidents in Anbar, Baghdad or the South.[313] There were some "interesting dynamics" in the South, with "Maliki's Iraqi led operations" in Karbala and Diwaniyah, together with "rumours of a major offensive in Basra". They were "having an effect on JAM" but the freeze was holding. In Basra, "despite much talk of defensive preparation, JAM, backed up by OMS from Najaf, have come to the table and appear to be willing to sign up to some if not all of Mohan's demands".

676. At the local political level, Lt Gen Rollo reported that Governor Waili was "reconciled to Maliki". Lt Gen Rollo considered that this cleared the way for the Basra Development Forum meeting on 12 December and for transition to PIC on 16 December. It also meant that the way was clear to:

> "… focus hard on how the promises to be made at the Forum will be kept … General Petraeus's challenge, reiterated to each UK visitor, to fulfil our Prime Minister's intent has been very clear. Barham Saleh underlined this point when he spoke to the MOD and FCO Permanent Secretaries who visited this week along with the DFID Director covering the Middle East. He said that while long term capacity building remained essential, 'jump starting' was now necessary … That should give us our lead. The way that money has been poured into Anbar, by both the US and the GOI, to reinforce success is also setting the standard; recognising that in counter-insurgency operations, all the lines of operation must be properly supported."

677. Mr Brown reported on his visit to Iraq at Cabinet on 11 December.[314] He said that British troops would be transferring responsibility for the security of Basra to PIC on 16 December as planned. The number of violent incidents targeted at British forces had reduced by 90 percent since September, and they were already operating in an overwatch capacity in support of the Iraqi Security Forces: "Their main role would be

---

[312] Letter Fletcher to Gooding, 9 December 2007, 'Prime Minister's Telephone Call with Prime Minister of Iraq, 9 December'.
[313] Minute Rollo to CDS, 10 December 2007, 'SBMR-I's Weekly Report (280) 9 Dec 07'.
[314] Cabinet Conclusions, 11 December 2007.

training the Iraqi Security Forces, although they would re-engage if necessary." The transition would enable force levels to reduce from 4,500 to 2,500 by March 2008, at which point the future position would be reviewed.

678. Sir Nigel Sheinwald, Foreign Policy Adviser to Mr Blair until June 2007 and subsequently British Ambassador to the US, told the Inquiry that "we deliberately chose as a government to accept that as we left Basra it wouldn't be perfect; it was going to be rough and ready and difficult. We developed deliberately this doctrine of sufficiency."[315]

679. On 12 December, a junior official from the FCO Iraq Group sent further advice to Mr Miliband, apparently in response to his request for "more detail on the criteria which we would use to inform a decision to release the detained JAM leader [JAM1]".[316]

680. The junior official advised that "it is not possible to provide a comprehensive checklist of things which would have to happen (or not happen) before we decided to release [JAM1]". Since the negotiations had always been based on the understanding that JAM1 would be released at some stage, the question was when to release, not whether to release.

681. The junior official went on to explain that:

> "… our main aim is to sustain the JAM cease-fire against us, and to secure … a clear commitment to certain principles. These would centre on undertakings to end violence and intimidation against MNF, the ISF, other political parties, our LE [locally engaged] staff and others, and to respect the democratic process …
>
> "We will, as far as possible, seek to secure such a commitment from [JAM1] before he is released. But the time to do so is limited. In addition, it may be tactically preferable to release [JAM1] even if he has not given all of the commitments which we are seeking, either as a mark of our good faith or to increase his ability to deliver his JAM colleagues."

682. At the MOD's request, on 12 December the JIC examined the strength, cohesion and prospects for the Sunni insurgency in Iraq.[317]

683. The JIC judged that the decreasing levels of violence in Iraq were due in significant part to a "shift in the priorities of some Sunni insurgents who had reduced attacks on the MNF in favour of working with it to resist AQ-I as part of the US-sponsored 'Concerned Local Citizens' groups (CLCs)" (see Section 12.1).

684. The JIC assessed:

> "II. Though Sunni Arab insurgent groups remain divided by ideology, regional demographics and local concerns, factions of several groups are trying to work

---

[315] Public hearing, 16 December 2009, page 99.
[316] Minute FCO Iraq Group [junior official] to Jenkins, 10 December 2007, 'Iraq: [NAME OF OPERATION]'.
[317] JIC Assessment, 12 December 2007, 'Iraq's Sunni Insurgency: Nationalists and Jihadists'.

together in some areas as recognition of the political benefits of unity is slowly emerging. The formation of new alliances and willingness of some groups to negotiate at a tactical level with the MNF shows that engagement is possible – albeit locally.

"III. The combination of Sunni resistance and pressure from MNF and Iraqi security forces is limiting AQ-I's freedom to operate. It is struggling and no longer driving sectarian violence. But AQ-I remains capable of undermining stability in Iraq: it can still hit strategic targets. Without sustained military pressure and less sectarian politics, it could regenerate and reinvigorate sectarian violence."

685. Looking ahead, the JIC concluded:

"We see no sign that the Sunni insurgency will recover its momentum at least as long as the US 'surge' and coalition support for CLCs lasts …

"If the anti-AQ-I movement continues throughout 2008, we would expect Iraq to become a less attractive destination for those wishing to join AQ-I and fight the global jihad. Some Iraqis might abandon AQ-I for other insurgent groups of CLCs. However, we judge the Sunni community's continued rejection of AQ-I and tolerance of the MNF will be fragile so long as Sunni grievances are not being addressed quickly enough. CLC members expect financial and political rewards … Recently announced Iraqi and US plans to release about 15,000 (mainly Sunni) detainees by the end of 2008 might temporarily appease some more Sunnis, if implemented. But we judge there is still a high risk that the current security gains will fade after the US 'surge' ends in April unless Maliki's government visibly improves public services in Sunni areas, provides lasting employment, allows for early provincial elections and reverses its policy on de-Ba'athification."

686. On 12 December, Prime Minister Maliki and Governor Waili jointly hosted a meeting of the Basra Development Forum at Basra International Airport.[318] Mr Alexander attended to represent the UK and was joined by a number of Iraqi ministers, including Deputy Prime Minister Saleh. The work of the Basra Development Forum is addressed in Section 10.2.

687. Mr Prentice described it as a "hugely successful event" which struck "an optimistic note on the governance and economic agenda to complement the security handover" which was due to take place four days later. He reported to the FCO that the event had helped to bridge the divide between Basra and Baghdad, through the first visit by Prime Minister Maliki since July 2006 and his joint public appearance with Governor Waili.

688. Mr Jones told the Inquiry that it was "no coincidence that the third Basra development forum took place about four days before the PIC ceremony".[319] He and his

---

[318] eGram 50733/07 Baghdad to FCO London, 13 December 2007, 'Iraq: Basra Development Forum'.
[319] Private hearing, 24 June 2010, page 58.

colleagues had "many hours of amusement" discussing with their military colleagues in the preceding months how developments relating to the economy, which had been identified as "the crucial thing" in helping to keep Basra stable to allow for PIC, could support progress on security.

689. Lt Gen Rollo recorded that Prime Minister Maliki had made a strong speech in response to which Governor Waili promised that Basra would be disarmed and corruption rooted out.[320]

690. Maj Gen Binns observed that relations between Prime Minister Maliki and Governor Waili were clearly much improved as they sat together.[321] He reported that Prime Minister Maliki described 2008 as "the year of redevelopment and reconstruction".

691. Maj Gen Binns wrote that, despite the operations MND(SE) had been conducting on the border in Maysan and Basra, the US chain of command appeared still to have concerns. They were proposing to build forward operating bases at border crossings in Basra and Maysan, and to deploy a US artillery battalion there from March 2008. Maj Gen Binns explained:

> "I have made the point that I believe that militarily this is not necessary, but have also conceded that if MNC-I want to do this then we should be seen to support them. Not surprisingly Gen Mohan and Gen Abbas are supportive of the proposal. My chief concern has been the potential impact on reconciliation and Basra dynamics and the level of support expected from MND(SE)."

692. On 13 December, Mr McDonald updated the Iraq Strategy Group on Mr Brown's visit to Iraq.[322] He said that:

> "Despite some views expressed in theatre, the Prime Minister was clear that we should continue on our path of Iraqiisation set out in his October statement, which should entail a significant reduction in our force levels from November 2008."

693. SIS6 told the Iraq Strategy Group that "influence with local leaders was likely to reduce in the near future, and that might lead to a deterioration in the security situation".

694. The Iraq Strategy Group also discussed a draft FCO strategy paper for 2008-2009 and concluded that it would not be ready for Ministers to read over Christmas as had been intended.

695. Mr McDonald commissioned the MOD to produce a paper setting out two options for force levels from November 2008: a reduction by half (to around 1,500) or to almost zero (a removal of UK combat forces from the South). The paper was to include what tasks could be carried out, what ability there would be to protect civilian

---

[320] Minute Rollo to CDS, 17 December 2007, 'SBMR-I's Weekly Report (281) 16 Dec 07'.
[321] Minute Binns to CJO, 13 December 2007, 'GOC MND(SE) Weekly Letter – 13 December 2007'.
[322] Letter Cabinet Office [junior official] to McDonald, 14 December 2007, 'Iraq Strategy Group, 13 December'.

staff and how quickly the reductions could happen. This and an updated version of the FCO paper would be discussed by the ISG in mid-January, then put to a meeting of NSID(OD) chaired by the Foreign Secretary in early February and finally to a meeting of NSID(OD) chaired by the Prime Minister in early March.

696. On 14 December, a Private Secretary confirmed that Mr Miliband was content to delegate authority to Mr Prentice to take the decision about when to release JAM1.[323] He said that Mr Miliband believed that the negotiations had "proven their worth" and had "confidence in the team working on this". The Private Secretary explained that Mr Miliband would be available should the team want further consultation.

697. Security responsibility for Basra province transferred to Provincial Iraqi Control on 16 December.[324] Mr Miliband attended the handover ceremony for the UK, and Dr Rubaie for the Iraqi Government.[325]

698. After the transition in Basra, all of the four provinces within MND(SE) were under Iraqi control, with "overwatch" support from UK and other coalition forces.

699. In total, nine Iraqi provinces had made the transition to PIC, half of the total.[326]

700. After the ceremony, Mr Miliband remained in Iraq to visit Baghdad and Erbil.[327] Mr Prentice reported that Mr Miliband told "Zebari and Maliki that PIC in Basra would not mean any diminution of our effort or commitment but did mark a new stage in our relationship". Mr Miliband also "urged on all … the need for political leadership to unblock vital legislation and make progress on political reconciliation".

701. In his visit report to Mr Brown, Mr Miliband said that "Iraqi press coverage [of the handover] was on the whole favourable, characterising the event as a restoration of national authority."[328]

702. Mr Miliband wrote:

> "In spite of some of the recent press reporting, security has undoubtedly improved, not just in Basra but in Iraq as a whole. Attacks of all sorts have remained for 10 straight weeks now at levels last seen consistently in the middle of 2005."

703. Mr Miliband attributed the improvement to political factors including the Anbar Awakening, the physical separation of Sunni and Shia communities in Baghdad, the

---

[323] Email Hickey to FCO Iraq Group [junior official], 14 December 2007, 'Iraq: [NAME OF OPERATION]: further advice'.
[324] *BBC News*, 23 March 2009, *Timeline: UK Troops in Basra*.
[325] Minute Rollo to CDS, 17 December 2007, 'SBMR-I's Weekly Report (281) 16 Dec 07'.
[326] Letter Cabinet Office [junior official] to McDonald, 14 December 2007, 'Iraq Strategy Group, 13 December'.
[327] eGram 51785/07 Baghdad to FCO London, 20 December 2007, 'Iraq: SofS Visit to Baghdad 16-17 December'.
[328] Minute Miliband to Brown, 27 December 2007, 'My Visit to Iraq: 16-18 December'.

JAM freeze and "the emergence of a fragile but real inter-factional political process". But he warned that the improvement would not be sustained without political progress:

> "There is a general lack of political drive and leadership. No one in government is willing to accept responsibility for delivery of legislation through the Council of Representatives."

704. The UK's challenge, in Mr Miliband's view, was "to decide what more it is that we can realistically do to help the country maintain forward momentum". The work under way across Whitehall to review UK strategy would assist, but:

> "My own initial view is that we should neither start with a numbers game in terms of troops, nor an open ended security commitment driven by commitment on economic development. Instead we need to build on the points of consensus: that Iraq depends on local political leadership supported by the international community, that we have distinctive sunk costs in Iraq but also distinctive assets to deploy …; that there are real foreign policy arguments for continued engagement; but these need to be justified by a clear, coherent and agreed plan for Iraq supported by the international community."

705. Mr Prentice recorded that during his visit Mr Miliband had been briefed on negotiations with JAM1 by Maj Gen Binns, who had explained his emerging conclusion that JAM1's release "should come sooner rather than later in the remaining scheduled releases".[329]

706. The Inquiry asked Mr Browne whether there was a sense that the UK had rushed the pace of transfer to Iraqi control.[330] Mr Browne considered that, in fact, the reverse had often been true: the Iraqis were keen to speed up the process of transfer but the UK needed, at times, to slow the pace down a bit.

707. In his book *Surge*, Colonel Peter Mansoor (Gen Petraeus' executive officer in 2007), wrote that after transition to PIC:

> "The Jaysh al-Mahdi assumed control of large sections of Basra, inflicting on its residents a severe brand of Shari'a law that forced women to wear the *jihab* [sic] on pain of death, closed barber shops and music stores, and generally made life miserable for city residents. The situation proved yet again that without control or protection of the population, counter-insurgency efforts would fail and the Iraqi people would suffer. For his part, Muqtada al-Sadr took credit for forcing the British out of Iraq."[331]

---

[329] Email Prentice to Hickey, 20 December 2007, 'Iraq: [NAME OF OPERATION]: Imminent Release'.
[330] Public hearing, 25 January 2010, pages 37-39.
[331] Mansoor PR. *Surge: My Journey with General David Petraeus and the Remaking of the Iraq War.* Yale University Press, 2013.

708. Mr Tinline told the Inquiry:

> "… once we got to PIC and we could hand over control, at that point you could sort of take a deep breath and say; then what? Until we had got to that point and had got out of the city, I think we were very focused on: okay, how do we get to that point?"[332]

709. Resolution 1790 (2007) was adopted by the United Nations Security Council on 18 December 2007.[333] It extended arrangements for the presence of the MNF-I in Iraq until 31 December 2008. Thereafter, the Security Council took note of the objectives stated in the Iraqi Government's letter in relation to the resolution, "including the statement that the Government of Iraq considers this to be its final request to the Security Council for the extension of the mandate of the Multi-National Force".

710. On 19 December, Mr Brown discussed Iraq briefly with President Bush.[334] Mr Brown welcomed PIC in Basra and stressed the importance of full support from the international community for provincial elections. Gen Petraeus was reported to be positive about progress in the South and about US/UK consultation.

711. On 20 December, Mr Prentice sent an email to Mr Miliband's Private Secretary to tell him that JAM1's release was planned for the following evening.[335] This followed a recommendation by Maj Gen Binns which had been agreed by MNF(I). Prime Minister Maliki had welcomed the proposal.

712. On the same day, Mr Miliband's Private Secretary confirmed that he was content with the approach.[336]

713. Government officials working closely with the military told JAM1 the news that evening and they agreed he would leave detention late the following evening.[337]

714. On 20 December, the JIC circulated an Assessment of Iraqi security strategy and the proficiency of Iraqi Security Forces.[338] The JIC's detailed conclusions about the ISF are addressed in Section 12.1, but its Key Judgements included:

> "I. Greater centralisation of Iraqi national security decision making has resulted in more effective implementation. The Ministry of Defence is steadily building capacity, but is unlikely to achieve complete self-reliance by the end of 2008. The Ministry of Interior is still largely ineffective, with endemic sectarianism and corruption.
>
> "II. For the foreseeable future the army will depend heavily on the coalition for air support, logistics, heavy fire support and specialist enablers such as real time

---

[332] Private hearing, 24 June 2010, page 17.
[333] United Nations Security Council resolution 1790 (2007).
[334] Letter Fletcher to Gould, 19 December 2007, 'Prime Minister's VTC with US President, 19 December'.
[335] Email Prentice to Hickey, 20 December 2007, 'Iraq: [NAME OF OPERATION]: Imminent Release'.
[336] Email Hickey to Prentice, 20 December 2007, 'Iraq: [NAME OF OPERATION]: Imminent Release'.
[337] Email government official working closely with the military, 23 December 2007, '[NAME OF OPERATION]: End of Act 1, curtain up on Act 2'.
[338] JIC Assessment, 20 December 2007, 'Iraqi Security Forces: Two Steps Forward'.

intelligence and surveillance. But overall capability continues to develop and far exceeds that of the police. Where violence has flared, combat units have been reinforced from elsewhere without recourse to MNF re-intervention.

"III. The large majority of local Iraqi Police remains wholly ineffective in tackling crime and turns a blind eye to sectarian, criminal and violent anti-MNF activity by colleagues who are also members of Shia militias. National Police (NP) and provincial special police units are more tactically capable, but the NP follows a sectarian Shia agenda. The judiciary is also overstretched and underperforming."

715. On 21 December, MOD officials advised Mr Browne of the "probable imminent release" of JAM1.[339] The advice said:

"The DIRC met yesterday and concluded that [JAM1] can no longer be held as an imperative threat to the security of Iraq … Every effort has been made … to ensure that we retain a link to [JAM1] after his release. Some procedures have been agreed in principle – but we judge that one way to help ensure that contact is maintained is for [JAM1] not to be the final internee released so that he needs to remain in contact to ensure that the release process smoothly continues to completion …"

"It will be for … /FCO to manage our relationship with [JAM1] post release, although MND(SE) will retain a strong interest and involvement, both because of [JAM1]'s importance to managing security in Basra and also because of continuing dialogue with [JAM1] regarding possible future releases of those of his supporters who are currently being detained by the US …"

716. Mr Browne marked the advice "Noted" on 22 December.

717. Maj Gen Binns met JAM1 on the morning of 21 December.[340] A government official working closely with the military reported that during the meeting JAM1 said that he had not wanted to go to war with the British, but they had "occupied his country and attacked his groups". Now it was time for a fresh page and for reconstruction and reconciliation. He wished that the process of negotiation had begun in 2004 or 2005 but it had been impossible to find British interlocutors to take it on. He hoped that the process would now be a model for the rest of Iraq to follow. There should be no further animosity against the British Military and he hoped that British soldiers would get home safely. It was agreed that JAM1's release should be brought forward by a few hours, because of security concerns.

718. On the evening of 21 December, JAM1 left the Divisional Internment Facility in Basra. The following day, officials made contact with JAM1 by email, and received a response a day later.

---

[339] Manuscript comment Browne on Minute Powell to PS/Secretary of State [MOD], 21 December 2007, 'Iraq Op TELIC: future detainee releases'.
[340] Email government official working closely with the military, 23 December 2007, '[NAME OF OPERATION]: End of Act 1, curtain up on Act 2'.

719. A senior government official specialising in the Middle East (2) wrote to Dr John Jenkins, FCO Director Middle East and North Africa, on 21 December to take stock following JAM1's release and to offer views on next steps for JAM and Shia engagement.[341] He wrote that "The key task for HMG is to preserve the relative peace in Basra" in order to protect what had been achieved already and "to try to bring the Sadrist movement nationally to the kind of strategic tipping point achieved with the Sunnis in Anbar". The objective was a "fractured, but not atomised, JAM". He wrote that Shia engagement would remain a "strategic priority in Iraq" with the aim of deepening dialogue with a range of Sadrist interlocutors. But only the US would have the "breadth and depth" for Shia engagement across Iraq, so the challenge was "to support and influence this effort not to go it alone".

720. Mr Browne wrote to Mr Brown on 22 December with an update on force levels from spring 2008, reflecting "further work" since Mr Brown's statement to Parliament on 8 October.[342]

721. Mr Browne wrote that the latest military advice, endorsed by the Chiefs of Staff and incorporating direction from Gen Petraeus, was that the UK should deploy 2,750 personnel in southern Iraq, supported by 800 in Kuwait. That was 550 higher than Mr Brown had announced on 8 October. The reason for the increase was a decision by the Czech government to withdraw its Basra contingent in 2008 and the need to have a slightly larger headquarters to provide for effective understanding of the situation on the ground and to ensure effective engagement with key Iraqi leaders.

722. Mr Browne advised:

> "… I believe we can present these figures as broadly consistent with the aspirations you outlined to Parliament in October, and further that we can make a positive case for a small potential increase in our planning figures, as a demonstration of how decisions on force levels will be guided by advice from military commanders and an assessment of conditions on the ground – a point you and I have always emphasised."

723. On 24 December, Lt Gen Rollo reported a "startling sequel" to the handover ceremony in Basra.[343] Gen Mohan and Governor Waili held a press conference alongside an OMS delegation from Najaf, live on Al Iraqiya television. The OMS spokesman had welcomed PIC and supported the Iraqi security organisations. Lt Gen Rollo observed that this was "All very welcome – both for Basra and for handling US perceptions of the situation in the South."

---

[341] Minute senior government official specialising in the Middle East (2) to Jenkins, 21 December 2007, 'Shia engagement: [NAME OF OPERATION] after [JAM1]'s release'.
[342] Letter Browne to Brown, 22 December 2007, 'Iraq: Proposed Force Levels from Spring 2008'.
[343] Minute Rollo to CDS, 24 December 2007, 'SBMR-I's Weekly Report (282) 23 Dec 07'.

724. Lt Gen Rollo also reported that Mr Kevin Rudd, newly elected Prime Minister of Australia, had visited Basra and announced the withdrawal of the Australian battlegroup and training contingent from Dhi Qar and Muthanna in June 2008, leaving only embedded staff.

725. On 31 December, Lt Gen Rollo sent ACM Stirrup a paper considering the main areas of coalition effort for 2008, and issues for the UK to address.[344]

726. In his introduction, Lt Gen Rollo wrote that Iraq was "in a much better condition than it was a year ago". The "viciously destabilising sectarian conflict" was now largely absent; AQ-I had been driven out of most of Anbar and Baghdad and was gradually being driven into the North; the Sadrists were maintaining their freeze and were riven with internal conflict; and the ISF were rapidly increasing in number and capability. But significant sections of the country remained insecure and violence remained at an unacceptably high level, meaning that "we do not yet have 'irreversible momentum'".

727. Given the dynamic nature of the campaign, Lt Gen Rollo reported that Gen Petraeus would not make recommendations beyond the end of 2008 when he reported to Congress in March. The main themes of the coalition effort for 2008 would be:

- The pursuit of AQ-I, which was already badly damaged, and now able to operate effectively only in areas where there are inadequate security forces and where the population felt threatened, for example by local militias.
- The "reshaping of JAM/OMS". The movement was splitting, its future direction unclear; the coalition and the Iraqi Government would continue to support the freeze, and would not go after any JAM members who respected it, but would pursue others (including the Special Groups) who continue to conduct criminal actions, seeking to separate the reconcilables from the irreconcilables and bind them into the political process.
- Working with neighbouring countries to reduce the flow of foreign fighters into Iraq.
- Opening up the economy and increasing employment. The immediate concern for the MNF was the need to help the tens of thousands of Sunni Arabs who had participated in the Anbar Awakening to find jobs, reducing their "economic motivation to take up arms against the Iraqi Government or MNF".
- Building governance capacity at all levels.
- Developing future bilateral security relationships, to form the basis for coalition engagement in Iraq when resolution 1790 expired in December 2008.

---

[344] Minute Rollo to CDS, 31 December 2007, 'Iraq in 2008 – An Opportunity To Be Taken'.

728. As a consequence, Lt Gen Rollo considered that there were four main issues for the UK to engage with in 2008:

- Working out where the UK military contribution in Iraq sat within the wider strategic relationship with the US: "I fully appreciate that there are wider factors at play, but it may nevertheless be helpful to make the obvious point that the US military main effort (with 15 brigades deployed here, even in July 2008, against two in Afghanistan) unquestionably remains Iraq, that this will still be the case in 2009, and that General Petraeus and Ambassador Crocker consistently express their wish for us to remain."
- Determining the role, size and duration of the UK's national effort in Basra: "Our military effort … should be focused on support to the ISF. Our national effort should be focused on political and economic development in the area. But of course the two are inextricably related … This will need national effort and needs to be properly resourced … In the long run Basra should be a success, but without coalition support (which Petraeus and Crocker clearly believe should be British led) we risk it going backwards in the short to medium term."
- Working out the extent to which the UK wished to support the ISF more broadly in the future.
- Engaging with the US on the restructuring of MNF-I, MNC-I and MNSTC-I, both in terms of headquarters and basing.

729. Lt Gen Rollo concluded:

> "To say that the next six months in Iraq will be critical is a truism. What is clear is that the Iraqis, and their allies, have been given a chance to move decisively in the right direction, which if squandered is [not] likely to be reproduced."

January 2008

730. On 3 January, Mr Brown met Prime Minister Maliki in the UK and urged him to make progress on the Hydrocarbons Law and on local elections as well as to appoint Iraqi staff to support the Basra Development Forum.[345] He also encouraged Prime Minister Maliki to convene a further meeting of the "3 plus 1" Executive Group and to re-appoint Gen Mohan and Gen Jalil for another term. Prime Minister Maliki agreed to the re-appointments, and said he would increase Basra's budget.

731. One of Maj Gen Binns' senior officers met Gen Mohan on 4 January to discuss MND(SE) proposals for future support to the ISF (a "scalable support package").[346] Gen Mohan suggested that an MOU would be required to formalise the arrangement and guarantee the support. Maj Gen Binns commented that an MOU "would not be

---

[345] Letter Fletcher to Carver, 3 January 2008, 'Prime Minister's Bilateral with Prime Minister of Iraq, 3 January'.
[346] Minute Binns to CJO, 10 January 2008, 'GOC MND(SE) Weekly Letter – 10 January 2008'.

helpful as it would require us to make some significant commitments and, potentially, make it difficult for us to meet expectations" so he suggested that they should look at "alternative confidence building measures" instead.

732. In a letter to Mr Browne's Private Secretary on 7 January, Mr Brown's Private Secretary said that the Prime Minister preferred to defer decisions and announcements on force levels in Iraq until after the final review had taken place at the end of February.[347] The decision would need to be taken "in the light of advice from military commanders, a full assessment of conditions on the ground, a further effort to internationalise Iraq-handling … and a review of the progress of the Kuwait Support Facility".

733. The same Private Secretary also wrote to Mr Miliband's Private Secretary, with Mr Brown's response to the report of Mr Miliband's visit.[348]

734. Mr Brown agreed with Mr Miliband's conclusions on the 2008 Iraq strategy and was content for him to proceed as outlined. In particular, he was "keen to work hard to persuade the US of the need to support early provincial elections" and agreed strongly on the importance of "further internationalising the effort".

735. On 7 January, Mr McDonald and Ms Aldred met members of the US Administration and explored US thinking on future force levels in Iraq.[349] Mr McDonald explained that the UK was continuing to plan on the basis of a reduction in UK troops in March or April, but that the latest military advice was that the reduction should be to around 2,700 to 2,800; not 2,500 as previously envisaged. Options for beyond November 2008 were under consideration but the UK would be constrained once the resolution expired.

736. Mr McDonald and Ms Aldred were told that the US had not ruled out a further resolution completely, only that there would not be another under Chapter VII.

737. Lt Gen Houghton told the Chiefs of Staff at their 8 January meeting that HQ MND(SE) had assessed that the impact of the Australian withdrawal on UK forces would be "minimal".[350] Around 105 embedded personnel would remain. Danish troops had already withdrawn, and Czech forces were due to do so in June, leaving Romanian forces alongside those of the UK.

738. Gen Dannatt visited Basra and Baghdad between 13 and 15 January and had an "extremely useful" meeting with Gen Petraeus, who outlined options to use US forces to backfill into Muthanna and Dhi Qar provinces once the Australian forces withdrew.[351]

---

[347] Letter Fletcher to Forber, 7 January 2008, 'Iraq: Force Levels'.
[348] Letter Fletcher to Hickey, 7 January 2008, 'Iraq'.
[349] Minute Aldred to McDonald, 7 January 2008, 'Meeting with Eliot Cohen and Eric Edelman'.
[350] Minutes, 8 January 2008, Chiefs of Staff meeting.
[351] Minute CGS to Various, 21 January 2008, 'CGS Visit to Iraq 13-15 Jan 08'.

739. Two options were being considered; either extending the boundary of a combined MND (Centre South) and MND (Centre) to encompass Muthanna and Dhi Qar or placing US troops under UK command in MND(SE). Gen Dannatt wrote to the Chiefs of Staff and senior officials in the MOD:

> "It may be that we wish to volunteer early to take the US forces under command, in order to shape the direction of our future engagement in Iraq rather than reduce to a two-star controlling a single province."

740. Gen Dannatt also described experiencing in Baghdad and Basra a "palpable sense of optimism … that has to be balanced against the growing realisation that unless we will build on the successes of 2007, we will miss the opportunities that 2008 presents".

741. In his weekly report on 14 January, Lt Gen Rollo commented that although the final days of 2007 had "very much the feel of a boat without wind", there was "a very different feel" to Baghdad at the start of 2008.[352] He wrote: "The emphasis is on politics, and there are clear signs of movement."

742. Efforts to counter AQ continued, with a series of MNF operations against AQ strongholds in Baghdad and Diyala. Discussions continued in Baghdad on the commercial plans for the development of Umm Qasr port in Basra. Lt Gen Rollo commented:

> "This offers a real opportunity for Basra and the South-East and we need to ensure that contracts are let as quickly as possible … This will require co-ordination in Baghdad, and with the Ministries and the Japan Bank of International Co-operation. My team will continue to track this, but I remain of the view that the real answer is a Basra Development Office in Baghdad."

743. Lt Gen Rollo recorded that US work on the long term US-Iraqi bilateral Status of Forces Agreement (SOFA) had begun in earnest, with a negotiating team due to arrive in Iraq in February.

744. Lt Gen Rollo reported that there was provision in the US thinking for coalition partners either to be covered by their agreement, or to adopt its language, or to negotiate their own agreement. He believed that the US was aware that the European Convention on Human Rights imposed particular demands on UK forces and was keen to know what the UK would need in such an agreement. Maj Gen Rollo wrote that the SOFA would cover all aspects of the MNF presence in Iraq and one would be necessary regardless of the size of the UK's commitment. He felt that: "A clear view on how we plan to engage is overdue."

---

[352] Minute Rollo to CDS, 14 January 2008, 'SBMR-I's Weekly Report (283) 14 Jan 08'.

745. Mr Prentice reported that the "3+1" group had a "positive and productive meeting" on 14 January, and formally agreed to rename themselves the Executive Council.[353] In his view the atmosphere had clearly been different. Mr Prentice also reported that "re-energising the 3+1 has coincided with the first step forward on key legislation we have seen for some time".

746. On 14 January, in response to a Parliamentary Question from Lady Hermon, Mr Browne said that the number of established military posts in Iraq had reduced by 100 in October 2007 and 600 in November.[354] Mr Browne added that by the end of January he aimed to have reduced the number of posts by a further 350, and that work continued to plan for future reductions to around 2,500 in southern Iraq from spring 2008.

747. Maj Gen Binns' weekly report of 17 January recorded that the Iraqi Department of Border Enforcement had arrested eight individuals on the al-Faw Peninsula, in "an area notorious for smuggling", on 11 January.[355]

748. Initial investigation revealed that four of the men were Iranian consular officials from Basra, and the other four were Iraqis working as their personal security. Maj Gen Binns commented that it was possible that the individuals were engaged in smuggling lethal aid[356] or in the reconnaissance of potential routes for doing so. The four Iranians were released two days later.

749. The day after the Iranians were arrested, the ISF in Nasiriyah detained a mainstream JAM figure who was believed to be the sponsor or leader of a splinter group operating in contravention of the freeze on activity.

750. On 18 January, a CIG considered foreign fighters entering Iraq via Syria.[357] The CIG assessed that the majority of foreign fighters joined AQ-I to become suicide bombers. The main route for entry into Iraq was through Syria, using well-established extremist facilitation networks and professional smugglers.

751. The CIG judged that, although foreign fighters would undoubtedly find alternative routes into Iraq, tougher action by the Syrians against facilitation networks would restrict – at least temporarily – the supply of foreign suicide bombers and funds and help maintain pressure on AQ-I.

752. On 18 and 19 January, there was unrest in Basra and Nasiriyah during the Shia festival of Ashura.[358]

---

[353] eGram 1592/08 Baghdad to FCO London, 16 January 2008, 'Iraq: Rice Visit and a New Political Mood in Baghdad'.
[354] House of Commons, *Official Report*, 14 January 2008, column 884W.
[355] Minute Binns to CJO, 17 January 2008, 'GOC MND(SE) Weekly Letter – 17 January 2008'.
[356] There is no simple definition of "lethal aid". It is generally used to mean military equipment which can be used directly to inflict serious injury or death.
[357] CIG Assessment, 18 January 2008, 'Iraq: Foreign Fighters Entering via Syria'.
[358] Minute Binns to CJO, 24 January 2008, 'GOC MND(SE) Weekly Letter – 24 January 2008'; Minute Rollo to CDS, 20 January 2008, 'SBMR-I's Weekly Report (284) 20 Jan 08'.

753. Clashes between the ISF and a Shia group called the Soldiers of Heaven resulted in "dozens" of deaths.[359]

754. Maj Gen Binns observed that the ISF had handled both situations effectively, demonstrating evidence of enhanced capability and strength of resolve. MNF support to the ISF in both cities was "measured, successful and appreciated by the ISF".[360] JAM distanced themselves from the uprising and, Maj Gen Binns reported, "in some cases moved actively to assist the IPS restoring order in Basra".

755. On 20 January, Lt Gen Rollo included "two initial observations … to help frame the debate" about the future of the UK's role in MND(SE) in his weekly report:

> "First, before we go too far down the road of developing bilateral relations, we should not forget that we still have to help the Iraqi Government establish law and order in their country (in the face of a significant continuing threat from, amongst others, AQ-I, insurgent Sunni terrorist groups and various Shia militias. Second, as the campaign develops the route to success will increasingly be along the non-military lines of operation – especially the economic one. If we choose we could let the US take most of that burden, but in the South at least, they will be looking to us to drive it. And therefore, our reputation with the US (as well as the Iraqis) will be informed as much by our non-military contribution as our force numbers. And our contribution in 2008 will set the conditions for what we can achieve there in future years. As the Iraq Strategy work moves forward we would do well to keep this in the forefront of our minds."[361]

756. On 24 January, Mr Prentice reported a further meeting of the Executive Council which had taken place on the previous day.[362] The Council agreed a set of principles for moving the political process forward, including:

- proposals for a "slimmer" government – abolishing at least 14 Ministries, leaving between 17 and 22 Cabinet positions;
- further discussions between Prime Minister Maliki and Vice-President Tariq al-Hashemi with a view to a Tawafuq return to government;
- the establishment of separate political and technical committees to discuss the long-term security agreement, chaired respectively by Foreign Minister Zebari and Deputy Foreign Minister Mohammed Hamoud;
- the establishment of a standing secretariat for the Political Council for National Security; and

---

[359] *BBC News*, 19 January 2008, *Iraqi Shia pilgrims mark holy day*.
[360] Minute Binns to CJO, 24 January 2008, 'GOC MND(SE) Weekly Letter – 24 January 2008'.
[361] Minute Rollo to CDS, 20 January 2008, 'SBMR-I's Weekly Report (284) 20 Jan 08'.
[362] eGram 2673/08 Baghdad to FCO London, 24 January 2008, 'Iraq: Internal Political Progress?'

- a "decision to sign" the Accountability and Justice Law (formerly the de-Ba'athification Law), which had been passed by the Council of Representatives (see Section 11.1).

757. Mr Prentice observed: "The simultaneous intent to cut posts and broaden the coalition creates obvious difficulty in satisfying all demands."

758. On 24 January, Maj Gen Binns reported that he had briefed Lt Gen Odierno on "the key elements of the mission for the first half on 2008" in MND(SE).[363] They agreed that it was right for MND(SE) to be a command in support of the Iraqi Government, ISF, FCO and PRT. Lt Gen Odierno confirmed that Maysan remained an ongoing concern. Maj Gen Binns judged that:

> "… the US command in Iraq are seriously concerned about the lack of MNF presence/control in Dhi Qar and Maysan. We may employ the argument that the provinces have been PIC'd and that we MND(SE) are in strategic overwatch, but this doesn't convince US Commanders."

759. Maj Gen Binns told Lt Gen Houghton:

> "I should therefore be grateful for your direction on what the UK position is regarding the potential transfer of Dhi Qar, Maysan and Muthanna provinces to another MND's area of responsibility and the line I should take in discussions …"

760. Mr Brown and President Bush discussed Iraq briefly during a video conference on 24 January.[364] Mr Brown considered that Iraq appeared to have turned a corner; progress on key legislation and a change in mindset were encouraging.

The Aitken Report

On 25 January, the MOD published a report of the army's investigation into cases of "deliberate abuse and unlawful killings of civilians in Iraq in 2003 and early 2004" by UK Service Personnel.[365] It included the case of Mr Baha Mousa.

The Aitken Report summarised what had happened in Iraq, and steps taken since 2003 to prevent similar events recurring. It concluded:

> "The fact that these measures were not introduced in advance of the invasion of Iraq may suggest a lack of awareness of the operational context by those responsible for preparing our people for that operation, and thus a failing. At one level, the paucity of planning for nation-rebuilding after the invasion (a consequence, in part, of the need to give last-minute diplomacy a chance of success) was certainly a factor. Uncertainty over the reaction of the Iraqi people to being invaded was probably another; in some

[363] Minute Binns to CJO, 24 January 2008, 'GOC MND(SE) Weekly Letter – 24 January 2008'.
[364] Letter Fletcher to Gould, 24 January 2008, 'Prime Minister's VTC with Bush, 24 January'.
[365] *The Aitken Report: An Investigation into Cases of Deliberate Abuse and Unlawful Killing in Iraq in 2003 and 2004*, 25 January 2008.

areas we were probably surprised at how quickly the initial euphoria of liberation changed to insurgency."

The Aitken Report recommended that:

"We need to ensure that lessons learned from the disciplinary and administrative processes (police investigations, legal advice and trials) are better collated as part of the Army's formal Lessons Learned process, so that trends in criminal behaviour or professional shortcomings can be quickly identified and remedied. We need to ensure that a better understanding of the Army's Core Values, and their application, is inculcated into all ranks, and especially commanders …"

Announcing the report's publication in Parliament, Mr Browne said he was "proud to acknowledge that the vast majority … who have served in Iraq have conducted themselves to the highest standards of behaviour" and that he was "satisfied that the Army is doing everything possible to ensure that its personnel do not repeat the appalling acts that were perpetrated in these cases".[366]

In May 2008 Mr Browne announced a Public Inquiry into the death of Mr Baha Mousa.[367] Its report was published on 8 September 2011.[368]

761. On 27 January, Lt Gen Rollo reported "a very large explosion" in Mosul the previous week, which killed 34 people and injured a further 135.[369] When the Provincial Chief of Police visited the site the next morning, he was killed by a suicide bomber.

762. As a consequence, Prime Minister Maliki had announced the "final battle" in the struggle against AQ-I, following this up with what Lt Gen Rollo judged to be a "purposeful performance" at the MCNS, arguing for the reinforcement of Ninawa.

763. Lt Gen Rollo commented: "This is not a question of changing strategic priorities – reinforcements, predominantly Iraqi, have already been despatched to Mosul as part of the overall operation, with more on the way – but it is a reflection of the political requirement to be seen to be responding to a part of the country in need."

764. Gen Mohan and Gen Jalil conducted a review of the Ashura disturbances and were reported by Maj Gen Binns on 31 January to be "pleased with the outcome of the incidents in so much as they demonstrated ISF capability and gave confidence both to ISF and the people of Basra".[370] Maj Gen Binns also reported: "Ominously, both generals mentioned their preparation for the 'next battle'."

765. Towards the end of January there was an increase in the volume and sophistication of IDF attacks on the COB in Basra. Maj Gen Binns assessed that these were the work of Iranian-backed Secret Cells. Although many of the individuals

---

[366] House of Commons, *Official Report*, 25 January 2008, column 65WS.
[367] House of Commons, *Official Report*, 14 May 2008, columns 60-61WS.
[368] *The Baha Mousa Public Inquiry Report*, 8 September 2011, HC 1452-I.
[369] Minute Rollo to CDS, 27 January 2008, 'SBMR-I's Weekly Report (285) 27 Jan 08'.
[370] Minute Binns to CJO, 31 January 2008, 'GOC MND(SE) Weekly Letter – 31 January 2008'.

involved were known to MND(SE), there were problems in targeting them directly as it would require UK forces to re-commence strike operations in Basra, "action that would prejudice the accommodation process with the mainstream of JAM".

766. Maj Gen Binns discussed the attacks with Governor Waili and said that while UK forces could deal with the attacks, the people they would harm most were the people of Basra because of the direct impact on economic development and investment. Governor Waili undertook to develop a plan to deal with the problem as a priority.

767. Government officials working closely with the military in Basra also reported rising levels of IDF, including an attack on 31 January that was the heaviest ever experienced by Basra Air Station.[371] JAM1 claimed that the attacks were the work of a splinter group and not of his supporters, a claim which the officials considered to be justified.

February 2008

768. On 1 February, bombs exploded at two popular Baghdad markets in what appeared to have been co-ordinated attacks.[372] Mr Prentice reported that the local media believed there to be at least 70 dead and more than 120 injured, though MNF estimates were lower. Mr Prentice commented that these were the deadliest attacks in Baghdad since the surge began the previous summer. He wrote:

> "Initial reporting was that these attacks had been carried out by female suicide bombers, with Al Qaida (AQ-I) being the prime suspect. However, eyewitness reports state that the two women wearing the bombs were mentally ill … [and] regularly frequented the markets."

That led to speculation that the bombs had been detonated by remote control.

769. Mr Prentice reported that there had been an increase in the use of female suicide bombers; they were actively recruited by AQ-I as they were unlikely to be searched by men at checkpoints. He commented:

> "It may never be known for sure who was behind these attacks. But, if it is confirmed that two mentally ill women were used as 'mules', a new low in bestial criminal activity in Iraq will have been set."

770. In early February, Lt Gen Rollo reported that the solution to replacing the Australian troops appeared to be focused on "the nearest wolf to the sled", with backfill to be achieved by "double tasking a battalion already at Tallil".[373]

---

[371] Email government official working closely with the military, 4 February 2008, '[NAME OF OPERATION]: Act 2' attaching 'Discussion Paper: Maintaining the Accommodation, Reducing IDF'.
[372] eGram 3913/08 Baghdad to FCO London, 2 February 2008, 'Iraq: Double Bombing in Baghdad Street Markets'.
[373] Minute Rollo to CDS, 3 February 2003, 'Weekly Report 3 Feb 08'.

771. Ahead of the arrival of the US SOFA negotiating team in Baghdad in mid-February, Lt Gen Rollo reported that MNF-I was focused on retaining four key authorities within Iraq:

- the ability to train and equip the ISF;
- contractor immunities and privileges;
- the power to detain; and
- "full spectrum operations".

772. All four of these were seen as "essential to mission success". Lt Gen Rollo reported acceptance that the SOFA might need to be wrapped into a wider political and economic agreement.

773. On 3 February, officials produced a discussion paper for MND(SE) entitled 'Maintaining the Accommodation, Reducing IDF'.[374] They explained that, compared with early 2007, the attack figures remained "very modest" but that the upward trend required attention, and possibly a "tuning" of strategy and tactics.

774. A number of "carrots and sticks" were proposed in the paper, including releases from US detention, supplying intelligence on attackers to the ISF, political engagement, interdiction, a show of force, persuading Muqtada al-Sadr to extend his cease-fire, reducing Iranian influence and visible development activity.

775. The paper concluded: "It may well be that … a confrontation between JAM and the ISF is inevitable. But our sense is that the longer the majority of JAM fighters can be persuaded to go without the stimulus and status of regular combat, the weaker the force will be."

776. On 4 February, Sir John Scarlett wrote to Mr Miliband with an "update from the ground" following a recent visit to Iraq.[375] It included the situation in the South. Although there had been some interest in re-creating the effect elsewhere in Iraq, the US was:

> "… suspicious of our Shia engagement in the South, which, despite its parallels to the CLC programme, they see as allowing Iranian influence to expand."

777. Sir John wrote:

> "Although Basra province is relatively quiet, the political and military situation is still fragile and the risk of significant further conflict remains … [JAM1] appears to be exerting a positive influence in Basra. But some Sadrist hardline militants, probably no more than 2-300 strong, continue to defy the accommodation and attack UK Forces. IDF into the COB is showing a spike. If it ramps up significantly HMG has few levers of influence. Development and economic projects might improve the

---

[374] Email government official working closely with the military, 4 February 2008, '[NAME OF OPERATION]: Act 2' attaching 'Discussion Paper: Maintaining the Accommodation, Reducing IDF'.
[375] Letter C to Secretary of State [FCO], 4 February 2008, 'Iraq: An Update From The Ground'.

wider situation but few are labelled as British and are unlikely, anyway, to dissuade committed hardliners from attacks …"

778. Sir John observed that, as UK forces were concentrated in Basra Air Station:

"… HMG now has less situational awareness and ground truth on what is going on in Basra on a day to day basis …"

779. Asked by the Inquiry whether the relocation had reduced the ability of UK forces to intervene in support of the ISF, Mr Day said: "No, I don't think it did … We retained the ability to re-engage, if asked to do so by the Iraqis, or if the threat to the airport required it."[376]

780. On 6 February, a senior government official specialising in the Middle East (2) wrote to Mr Jenkins with an update on the Shia engagement strategy, in advance of a planned discussion of Shia engagement at the Cabinet Office on 8 February.[377] He outlined a proposal "to continue to work towards the broad strategy indicated in my letter of 21 December".

781. On Iranian influence, the senior official explained:

"As illustrated by the changes in the Secret Cells, for the time being Iran's main focus seems to be on building political influence. Just as [HMG] is seeking to pull Iran's proxies out of an Iranian orbit, the Iranians are reaching out to the new Sadrist groups such as Adnan Al-Shahmani's Iraqi National Gathering (ING) and Fadilah, to ensure continuing lines of Iranian influence across Shia politics in Iraq. Meanwhile, Muqtada al-Sadr remains marginalised."

782. On 7 February, at the request of the MOD and the FCO, the JIC assessed changes in the Sadrist Trend, led by Muqtada al-Sadr, and their implications for violence and political reconciliation.[378]

783. It judged:

"I. The Office of the Martyr Sadr (OMS) is marginalised, in disarray and much weaker politically than at any time since 2003. Muqtada al-Sadr's goals are largely unchanged. How he intends to achieve them and his own future role are less clear, including to him.

"II. Sadr's lineage means he will almost certainly remain a key ideological influence for the Sadrist Trend. But his ability to exert political authority over the senior cadre of OMS officials is now weak. He may relinquish his position altogether …

---

[376] Public hearing, 6 January 2010, page 37.
[377] Minute senior government official specialising in the Middle East (2) to Jenkins, 6 February 2008, 'Shia engagement: [NAME OF OPERATION] update'.
[378] JIC Assessment, 7 February 2008, 'Iraq: Whither the Sadrist Trend?'

"III. Whether Sadr's political rivals, including those in the JAM Special Groups and the new Iraqi National Gathering, gain traction with the grassroots Sadrist movement will probably depend more on Sadr's next moves than on what they can deliver for the Shia …

"IV. The Iranians for now probably place more weight on overt political support to their traditional allies in ISCI/Badr than on military support for JAM. In areas of the South where the coalition's footprint has diminished, 'Iranian Intelligence' may have started to replace the coalition as the focus of JAM's campaign to get rid of foreign influence.

…

"VII. Sadr will almost certainly extend the 'freeze' on JAM activities beyond this month. But it will remain fragile and could give way in some areas at any time … A large proportion of JAM will remain engaged in often violent criminality."

784. The JIC assessed that fierce competition for the Shia vote between ISCI/Badr and OMS/JAM was likely to result in further clashes as the provincial elections approached (not expected until late 2008 at the earliest). However, under pressure from the Shia religious authorities, both sides had established joint committees to avert clashes, but the JIC judged that "some local Badr commanders are using the cover of ISF to exploit the JAM freeze and irreversibly weaken their chief rival".

Kidnap of Mr Richard Butler

On 9 February 2008, Mr Richard Butler, a British journalist working with CBS, was kidnapped along with his Iraqi interpreter in Basra.[379] The interpreter was freed three days later. Mr Butler was eventually freed on 14 April during a raid by members of the Iraqi Army, who were believed to have been looking for a weapons cache.

785. On 11 February, Lt Gen Rollo reported having discussed the MND(SE) boundary with Gen Petraeus, who was keen that the UK two-star commander had a proper role, and did not regard the tactical command and control advantages of a single nation covering an area of operations as decisive.[380] Gen Petraeus also thought that the MNF divisional boundaries should mirror those of the Iraqi Army, which was likely to have a headquarters responsible for both 10th Division (Muthanna, Dhi Qar and Maysan) and 14th Division (Basra).

---

[379] *BBC News*, 30 April 2008, *Journalist tells of Iraq kidnap*.
[380] Minute Rollo to CDS, 11 February 2008, 'SBMR-I's Weekly Report (287) 10 Feb 08'.

786. In addition, Lt Gen Rollo reported that Gen Petraeus had suggested:

> "… political sensitivities over ground-holding responsibilities worked both ways, and that Washington might also be sensitive to an apparent extension of US responsibilities as allies departed … The debate therefore remains open."

787. Maj Gen Binns left MND(SE) on 12 February and was succeeded by Major General Barney White-Spunner.[381]

788. Reflecting on the progress made during the previous six months in his last weekly report, Maj Gen Binns commented:

> "It has taken me six months to develop an understanding of the Economic and Political Lines of Operation. I have learned to measure economic redevelopment in decades, to be patient, to listen to, and take the advice of, specialists in the PRT, some of whom have been in Iraq for more than three years. We should stop beating up on DFID; those, like me initially, who talk of 'windows of opportunity' and 'economic surges' are misguided. Iraq is awash with money. The Iraqis need help in spending it and overcoming corruption through good governance, which is exactly the approach taken by our PRT. Of course we will continue to use CERPs money to buy consent for military operations, but let us not pretend that this is sustainable development, because on some occasions it is the reverse. In 10 years time Basrawis will remember that the US Army Corps of Engineers built their Children's Cancer Hospital; they will probably have forgotten Operation SINBAD."

789. In his formal end of tour report, Maj Gen Binns wrote:

> "The Consul General was hugely agile in getting politics moving and the PRT used the headroom created by improvements to the security situation to re-engage … Inter Departmental co-operation in theatre is superb …"[382]

790. Maj Gen Binns wrote that negotiations with JAM were "more successful than we dared imagine". Although JAM remained capable of renewing hostilities, there was now "clear daylight" between the mainstream and the Iranian-backed cells. As a result of the negotiations "we now talk of how to stay, not when to leave". He judged that:

> "The reconciliation process was dynamic, and our key interlocutor was prone to inconsistency. The situation was complicated by the failure of some wholly to appreciate that we were negotiating with a potentially unstable force. So trying to apply reason to his argument and, in particular, to his negotiating position imposed an unrealistic constraint on our freedom of negotiation. I found it hugely frustrating that I was not trusted with delegated authority. By the time we worked up a submission the situation had changed. Decisions were taken in London by those least able to keep track of events. Only agile negotiation by [government officials

[381] Minute Binns to CJO, 7 February 2008, 'GOC MND(SE) Weekly Letter – 07 February 2008'.
[382] Minute Binns to CJO, 12 February 2008, 'Op TELIC – GOC 1 (UK) Armd Div Post Operation Report'.

working closely with the military] and some judicious risk taking kept us in the game. As a formation commander in Kosovo I could claim that I had significantly more freedom of action than my US counterparts – not so now."

791. Maj Gen Binns concluded: "I did not think I would depart feeling so optimistic about Iraq and its future."

792. Maj Gen Binns told the Inquiry:

> "I'm wiser now and I think in that report I was just expressing the natural frustrations of somebody who is really trying to make the process work, living with the consequences of failure, and just being frustrated by what I thought was a risk averse culture back here. But I'm wiser and I'm probably now grateful that there was oversight and that somebody back here had taken responsibility and had been properly briefed. But at the time, as a field commander, I was frustrated by what I perceived to be a lack of delegated authority."[383]

793. In advance of the 14 February meeting of the Iraq Strategy Group, Mr Day wrote to Ms Aldred setting out five options for future force levels from November 2008, not yet considered by MOD Ministers.[384] All options assumed that legal cover for the UK presence would be found and that the threat in Basra would not deteriorate significantly.

794. The "illustrative" options ranged from maintaining the status quo (around 2,800 troops at Basra Air Station including a two- or one-star headquarters, two battlegroup equivalents and integral force protection, enabling and logistic support) to complete withdrawal.

795. Retaining 2,800 troops would require no increase to the US presence in Basra and would meet what the UK understood to be the US aspirations for a UK contribution. Mr Day judged that "in the absence of an entirely benign security environment, 1,000-1,500 is likely to be the minimum force level to support a national presence in the COB". Although it was assumed that at some stage the COB would be handed over to the US, doing so would be "potentially destabilising".

796. On 13 February, the Iraqi Council of Representatives passed three major pieces of legislation: the 2008 Budget Law, the Provincial Powers Law and the Amnesty Law.[385] An official in the FCO Iraq Group judged that:

> "Passage of these long awaited laws is welcomed, not least because it should help to reduce the tension that has been building between the Kurds and Arabs in the Council of Representatives. We have long been calling for early elections and action

---

[383] Private hearing, 2 June 2010, pages 26-27.
[384] Letter Day to Aldred, 13 February 2008, 'Potential Options for the UK Military Commitment in Southern Iraq in 2009'.
[385] Email Iraq Group [junior official] to Hickey, 15 February 2008, 'Iraq: Passage of Budget, Amnesty and Provincial Powers Laws: Statement and Personal Message'.

> on detainees, while passage of these laws still leaves much to be done before these issues are resolved it does represent a significant step which might boost reconciliation efforts …"

797. Mr Prentice commented that the political atmosphere in the run up to the votes was "poisonous but gave way to relief and pride when all three Bills were passed and the CoR went back on holiday".[386]

798. The passing of the 2008 Budget (60 trillion Iraqi Dinars, then equivalent to US$50bn) followed a protracted battle between a Dawa-led Arab nationalist faction and the Kurdish alliance, in which the two main sticking points were the funding of the Peshmerga and the Kurdish Regional Government's (KRG) share of revenues. A further postponement of a decision on funding the Peshmerga and agreement that the KRG should retain its existing 17 percent revenue share, with a census conducted later in the year, allowed the Budget to pass.

799. Mr Miliband issued a statement welcoming the approval of the legislation, as "three important and positive steps for Iraq" which would release "record resources for services and reconstruction", lay "the foundation for greater Sunni reintegration" and move Iraq closer towards a new round of provincial elections.[387] The statement continued:

> "There is now a clear desire on the part of Iraq's political leaders to reach out to each other in a spirit of compromise, and use the space created by the improved security environment to make real progress on reconciliation. I hope this positive atmosphere continues. Political reconciliation is key to Iraq's development as a secure and stable country."

800. The Iraq Strategy Group discussed "the strategy paper" again on 14 February.[388] Mr McDonald underlined that the paper was "too ambitious, not UK-centric enough, and too long" and that it should not presume engagement beyond spring 2009. More work was needed before it could be put to Ministers. It was agreed to split the paper into two: one which dealt with the medium term (to spring 2009) and another dealing with the longer term, including future legal arrangements.

801. Those papers would be discussed again at the ISG and then by a Ministerial trilateral meeting on 4 March and NSID(OD) in early April, which would also consider force level options.

802. Mr McDonald asked that three clear options should be presented to Ministers:

- maintain the status quo at around 2,800;

---

[386] eGram 6531/08 Baghdad to FCO London, 20 February 2008, 'Iraq: 2008 Budget Passed'.
[387] Email Hickey to Iraq Group [junior official], 15 February 2008, 'Iraq: Passage of Budget, Amnesty and Provincial Powers Laws: Statement and Personal Message'.
[388] Minute Cabinet Office [junior official], 15 February 2008, 'Iraq Strategy Group, 14 February'.

- a mid-level option (between about 1,800 and 2,200); and
- zero forces in southern Iraq.

803. Lt Gen Wall told the ISG that any drawdown below a critical mass of 2,800 should only be a short-term interim measure on the way to zero in order to reduce the period of high vulnerability for personnel. From a military perspective, he observed that a decision on post-November 2008 force levels did not need to be taken until the summer. Mr McDonald acknowledged this, but also noted that the way ahead would need to be clear by late March in order to inform Ministerial decisions on Afghanistan.

804. On 18 February, Lt Gen Rollo reported that the Provincial Powers Law set out the balance between the central and provincial authorities that would apply following the next provincial election.[389] He wrote:

> "The key differences to the current arrangement are the strengthening of Governors' control over provincial security forces and the arrangements for dismissing a Governor (making it easier for a Provincial Council to do so, but also giving the Prime Minister and the Council of Representatives a potential role in the process). Whether this will be sufficient to see off a push for greater federalism when the Regions law takes effect in April remains to be seen."

805. The Provincial Powers Law directed that an Elections Law be passed within 90 days and provincial elections be held not later than 1 October. Lt Gen Rollo observed that this would be "challenging" but that the UN's view was that "the date should be technically possible".

806. Lt Gen Rollo recorded that the Amnesty Law was likely to allow a significant number of those convicted of less serious offences, or who had never been charged, to be released from detention. Those convicted of serious crimes were excluded. Lt Gen Rollo observed that the law was a "positive move", though much would depend on how it was administered, and in particular on the reintegration of former detainees.

807. Lt Gen Rollo commented it was:

> "… difficult to overestimate the importance of this week's political events. It commits Iraq to provincial elections in the autumn, offering the prospect of bringing in both Sunni and Shia groups who failed to vote in 2005, and decisively turning Iraq's struggle for power onto a political path. Conversely, it also offers the prospect of increased instability if the armed wings of political parties compete to influence results … These events are also, of course, the context for decisions on the timing and pace of future troop drawdown."

808. Mr Miliband sent a personal message of congratulations to Speaker Mahmoud Mashhadani of the Iraqi Council of Representatives, which was delivered in person by

---

[389] Minute Rollo to CDS, 18 February 2008, 'SBMR-I's Weekly Report (288) 17 Feb 08'.

Mr Prentice.[390] Mr Prentice reported that the Speaker had been grateful for the message, as he had been for President Bush's personal telephone call: it was encouraging that friends of Iraq and the major powers paid close attention to developments in the Council of Representatives and showed support for their achievements.

809. Speaker Mashhadani told Mr Prentice that once the Council had returned from its break there were three more key subjects to be addressed: oil, elections and Kirkuk. Mr Prentice observed that "the next three political challenges are even more politically charged than the last". Implementing the three new laws was also "key" in the Speaker's eyes. For the Amnesty Law in particular there was "a real danger of heightened expectations, particularly among the Sunni community, being let down by the limited scope of the legislation".

810. On 15 February, the *Financial Times* published an article reporting the details of a witness statement made by Mr Hilal al-Jedda.[391] Mr al-Jedda, a former British detainee, was reported to have said that "British military officers agreed on a schedule to release all detainees in return for a pledge by the militia to cease attacks on British forces". The article reported that the negotiations had involved Maj Gen Shaw and "members of a Shia milita associated with the radical cleric Muqtada al-Sadr's Mahdi Army". He also reported that a Defence Advisory Notice (often referred to as a D-Notice) had been issued, requesting that the identities of Iraqi negotiators and the reason why Mr al-Jedda might have been privy to details of the talks should be withheld.

811. On 17 February, Mr Adnan al-Asadi, the Iraqi Deputy Interior Minister, briefed the MCNS that the Ministry of the Interior had formed a committee to look at issues surrounding election security.[392] Protection of election materials, officials and offices would be paramount, and MNF and MOD help would be required. He considered that clashes were likely in the South.

812. In his 21 February weekly report to Lt Gen Houghton, Maj Gen White-Spunner concluded that "everyone, for the time being, is doing the right tasks and doing them well" but that "we now need to think about the spring and summer very carefully … we could, depending on whether or not Sadr continues his freeze, be in a more difficult period here".[393]

813. Maj Gen White-Spunner reported that the increases in indirect fire reported by Maj Gen Binns at the end of January had continued into February. In the week leading up to 22 February, when the JAM freeze was to expire, there had been six confirmed attacks including the first 240mm rocket since August 2007. He shared his predecessor's

---

[390] eGram 6041/08 Baghdad to FCO London, 18 February 2008, 'Iraq: Message Delivered to Speaker Mashhadani'.
[391] *Financial Times*, 15 February 2008, *Iraq prison release deal alleged*.
[392] eGram 6052/08 Baghdad to FCO London, 18 February 2008, 'Iraq Ministerial Committee on National Security 17 February'.
[393] Minute White-Spunner to CJO, 21 February 2008, 'GOC MND(SE) Weekly Letter – 21 February 2008'.

view that these were the work of JAM Special Groups and that there were limits on what MND(SE) could do to respond. He commented:

> "Our position is somewhat constrained by the desire to maintain the accommodation with mainstream JAM and the number of troops at my disposal … I shall redouble my efforts, but I hope that this may prove to be a momentary aberration through which we will have to stick it out."

814. Mr Browne's Private Secretary commented in the margins of Mr Browne's copy of the report: "All this will push CJO towards conservatism in his force level recommendations."[394]

815. On 21 February, the Turkish authorities crossed the border into Northern Iraq as part of a military operation to deal with a terrorist threat to Turkey.[395] The incident raised tension between Turkey and Iraq and also placed a strain on the relationship between the Kurdish Regional Government and the central Iraqi Government in Baghdad.

816. On 23 February, Mr Prentice discussed the security situation in Basra with Dr Rubaie, who confirmed that an order replacing Gen Mohan had already been signed by Prime Minister Maliki based on a report that a "non-interference pact" had been signed with JAM.[396] Mr Prentice commented that the UK had some understanding of the balance that Gen Mohan and Gen Jalil had to strike in handling the militias and that "It was probably wise not to seek a confrontation with JAM, while the army and police were still building their strength." Dr Rubaie observed that there was a difference between calming the situation and fearing to confront it.

817. The day before the 26 February deadline for ratification of the three new laws by the Presidency Council expired, Mr Prentice reported the intention of Vice President Mehdi to veto the Provincial Powers Law on the grounds that central government should have no role in dismissing Provincial Governors.[397] Mr Prentice wrote that if the veto was exercised:

> "… the Law passes back to the CoR, which is in recess until c.18 March but unlikely to do much until after the Kurdish New Year later in March. The CoR can then reconfirm or amend the Law by a majority of its members. If rejected a second time, the CoR can override the second veto by a 60 percent majority of its members."

818. Senior officials from the MOD, the FCO, DFID and the Cabinet Office discussed the draft strategy paper once again on 26 February, and made amendments to it; the

---

[394] Manuscript comment Ferguson to Browne on Minute White-Spunner to CJO, 21 February 2008, 'GOC MND(SE) Weekly Letter – 21 February 2008'.
[395] Minute Rollo to CDS, 25 February 2008, 'SBMR-I's Weekly Report (289) 24 Feb 08'.
[396] Email Prentice to Betts, 24 February 2008, 'Meeting with National Security Adviser Rubaie, 23 February'.
[397] eGram 7171/08 Baghdad to FCO London, 25 February 2008, 'Iraq: VP Mehdi About to Veto Provincial Powers Law'.

paper needed to say more about Iraqi views on whether the UK should remain and to include a more nuanced section on US views.[398]

819. On the same day, the Chiefs of Staff were told by Lt Gen Houghton that:

> "The increase in attacks in MND(SE), together with the uncertain future intelligence picture meant that it might not be possible to make bold decisions with reference to operational transition in Iraq. It was felt that some troop reductions would be justifiable in terms of risk in order to demonstrate further progress and to ensure the ISF continued to take increasing responsibility for security in MND(SE). Any future troop reductions would have complex presentational aspects for UK … The recommendations for future UK troop numbers in Iraq would be forwarded to COS by 28 Feb 08."[399]

820. Lt Gen Houghton told the Chiefs of Staff that Prime Minister Maliki had become increasingly concerned about General Mohan's "accommodations" with JAM elements in Basra. From a UK perspective, Lt Gen Houghton hoped that Gen Mohan would not be transferred from Basra, where he was "a known quantity" and was understood to be making use of the extended JAM freeze to isolate and eliminate the JAM Special Groups and splinter groups.

821. At PJHQ's request, on 27 February the JIC examined the prospects for security, political, and economic stability across southern Iraq during 2008.[400] Its Key Judgements were:

> "I. Mutually reinforcing factors are helping to keep attacks against the Multi-National Forces (MNF) in MND(SE) at a low level [JAM1] remains active in preserving a cease-fire – though his influence may be reducing. Work by Basra's Security Co-ordinator and Provincial Director of Police, and the continuation of Muqtada al-Sadr's 'freeze' on JAM activity are also key. The situation is fragile and could quickly deteriorate.
>
> "II. Iran's attitude to anti-MNF-violence in Iraq is linked to its wider national agenda, particularly its relationship with the US. A more aggressive US posture in the South might prompt the IRGC QF to sponsor more anti-MNF attacks in response. Iran will continue its efforts to build political and economic influence and defuse intra-Shia rivalries in southern Iraq, driven by a desire to ensure that its influence pervades Shia politics more widely.
>
> "III. Intra-Shia clashes will intensify as provincial elections approach. Assassinations of politicians and violent intimidation of the electorate are likely. In the worst case,

---

[398] Minute Cabinet Office [junior official] to McDonald, 27 February 2008, 'Iraq Strategy Paper Meeting, 26 February'.
[399] Minutes, 26 February 2008, Chiefs of Staff meeting.
[400] JIC Assessment, 27 February 2008, 'Iraq: Security Prospects in the South'.

there could be outbreaks of street fighting on a large scale … Delays to the elections might also provoke violence and civil unrest.

"IV. Economic initiatives such as job creation schemes and reconstruction projects have the potential to reinforce Iraq's security gains and promote reconciliation. But there is little prospect of change in the South in 2008. Perceptions that conditions are not improving fast enough could erode popular consent for local and national authority.

"V. The Iraqi security forces' (ISF) ability and willingness to maintain security in the south remains patchy and dependent on MNF training, logistic and specialist air support. Radical improvements in police effectiveness are unlikely. The army will remain at the forefront in providing security … The Iraqis would only call for MNF troop re-intervention as a last resort.

"VI. Violent criminality, murders, kidnappings, score-settling and intimidation will remain part of life in southern Iraq. Pressure from national Shia political and religious leaders … may limit the scope of unrest. But local ISF action, accommodations between the ISF and elements of JAM, and the perception of MNF willingness to intervene will also remain crucial tools for managing instability."

822. The JIC reported that although reliable data for attacks against non-MNF targets was lacking, in Basra City alone there had been about 80 murders and 40 kidnappings. Accounts in the media suggested that Shia milita were increasingly punishing and sometimes killing women for "contravening strict interpretations of Islamic mores". Around 10 women were reportedly murdered each month in Basra City.

823. Mr Brown discussed Iraq with President Bush on 28 February and observed that the situation in Basra had been more difficult in recent weeks, despite an extension of the JAM cease-fire.[401] They discussed the strategies that had worked in the north of Iraq, in particular mobilising grassroots tribal support.

824. Mr Brown indicated that he had pressed the Iraqi Government on ratification of the budget and election laws.

825. Mr Brown explained that the UK would "in time" be reviewing troop numbers, but would await the next report by Gen Petraeus in April before taking decisions.

826. In his weekly report on 29 February, Maj Gen White-Spunner considered that the impact of an extension to the freeze on JAM operations was likely to be a further splintering of JAM.[402] There were reports of a new hardline commander of JAM in Basra, who was expected to take an aggressive stance towards confronting the ISF, though he seemed likely to maintain the freeze by not attacking the MNF.

---

[401] Letter Fletcher to Gould, 28 February 2008, 'Prime Minister's VTC with Bush, 28 February'.
[402] Minute White-Spunner to CJO, 29 February 2008, 'GOC MND(SE) Weekly Letter – 21 [sic] February 2008'.

827. Mr Browne's Private Secretary commented that this "presumably shows that JAM want the South for themselves and see us as yesterday's news and the ISF as the real threat to their hegemony".[403]

828. Maj Gen White-Spunner reported that at the MNF-I Commanders Conference on 23 February, Gen Petraeus had been upbeat about progress across Iraq.[404] While Mosul and the North remained the focus, combating Shia militias and Iranian influence were the long-term challenges. For MND(SE), this would mean an increase in US attention on the South, particularly the borders with Iran in Maysan.

829. Maj Gen White-Spunner reported that US planning for drawdown was progressing at great speed, and the redrawing of command boundaries would form part of this work. While he believed that the US and UK were "thinking the same on Dhi Qar and Muthanna" it would be important to engage the US soon in relation to Maysan if the UK considered that the right approach view was to focus its effort on Basra alone.

March 2008

830. In his 3 March weekly report, Lt Gen Rollo wrote that he sensed MNF and Iraqi eyes were increasingly turning to the South and Basra.[405] It was important for the UK to understand the implications for future UK responsibilities there and to "force the pace so that we can more accurately gauge our own contribution to it". The size of the area for which the UK would be militarily responsible remained a key issue.

831. A second key issue was "what we do while we are there". Lt Gen Rollo saw two aspects: the scale of the contribution and the relationship with the UK's Iraqi partners. On the scale of contribution he wrote:

> "From a Baghdad perspective I have only three points. The first is that the force structure should be able to carry out the tasks agreed between CJO and General Petraeus. The second is that the continued use of force level reductions as the principal metric of success seems increasingly at odds with the reality of Iraq today. The third is that our willingness and ability to deliver genuine non-military effect will also be a factor in US thinking …
>
> "For most of the last four years, Basra has been, understandably, an economy of force operation. However, with the Iraq Strategy nearing completion, I hope that it will look at our plans for 2008/09 in the context of the wider campaign. I have no doubt that our longer term military focus ought to be on a BMATT [British Military Advisory and Training Team] … but in the short term we need to get Basra right. If there is unfinished business in Basra, and there is, it is clearly Iraqi business to do

---

[403] Manuscript comment Ferguson to Browne on Minute White-Spunner to CJO, 29 February 2008, 'GOC MND(SE) Weekly Letter – 21 [sic] February 2008'.
[404] Minute White-Spunner to CJO, 29 February 2008, 'GOC MND(SE) Weekly Letter – 21 [sic] February 2008'.
[405] Minute Rollo to CDS, 3 March 2008, 'SBMR-I's Weekly Report (290) 2 Mar 08'.

> it. However, it is equally clearly in our interests to see that they do do it, and that our joint efforts are integrated properly within the overall coalition and Iraqi plan. And properly resourcing that plan for the relatively short time that the Basrawis will continue to require and want our help seems the only sensible course of action."

832. Maj Gen Rollo also reported that Gen Mohan had visited Baghdad in early March to present his security strategy for Basra to Ministers and to Gen Petraeus. Gen Petraeus had established a committee, chaired by the commander of MNSTC-I, to look at how this plan might best be supported by MNF. Lt Gen Rollo commented that it would continue to be in the UK's interests to support Gen Mohan or his successor.

833. President Ahmadinejad of Iran visited Baghdad in early March, the first time an Iranian President had done so.[406]

834. Lt Gen Rollo commented that, in the short term, the visit had presented another handling challenge for Prime Minister Maliki as Iranian training and funding of terrorist groups was widely known and resented, particularly by the Sunni community.[407] The visit resulted in seven co-operation agreements between Iran and Iraq on trade, transport, insurance and industry.

835. On 4 March, JAM1 was arrested by US forces in Baghdad.[408] Officials reported the following day that Maj Gen White-Spunner had raised the issue with Gen Petraeus, explaining that the UK had difficulty with JAM1's detention, to which Gen Petraeus replied "Release him now."

836. Lt Gen Houghton briefed the Chiefs of Staff on 4 March that an Iraqi Vice President had vetoed the Provincial Powers Law "on constitutional grounds" and that "the possibility of a delay to the Provincial Elections timetable now existed".[409]

837. Reporting on the detail of General Mohan's security strategy on 6 March, Maj Gen White-Spunner commented that although MND(SE) supported the bid for extra resources for Basra in order to "over face" JAM:

> "We would not support Mohan developing this strategy into the prosecution of a major urban battle for which he would need more IA troops than are likely to be forthcoming given other coalition/ISF priorities …"[410]

838. Mr Brown and Mr Browne had breakfast with the Chiefs of Staff on 6 March.[411] On Iraq, the Chiefs told them that "there was quality in the ISF but it was not broadening as rapidly as hoped, so training and mentoring of 14 Div remained a vital job". The

---

[406] *BBC News*, 2 March 2008, *Iran leader in landmark Iraq trip*.
[407] Minute Rollo to CDS, 3 March 2008, 'SBMR-I's Weekly Report (290) 2 Mar 08'.
[408] Email government official working closely with the military, 5 March 2008, 'Detention of [JAM1] […] by US […]'.
[409] Minutes, 4 March 2008, Chiefs of Staff meeting.
[410] Minute White-Spunner to CJO, 6 March 2008, 'GOC MND(SE) Weekly Letter – 6 March 2008'.
[411] Letter Fletcher to Rimmer, 6 March 2008, 'Prime Minister's Breakfast with Chiefs of Staff, 6 March'.

extension of the JAM cease-fire was positive while it lasted, but provincial elections were essential. Training of the Iraqi Navy would take at least until 2010.

839. On 7 March, Mr Day provided advice to Mr Browne's Assistant Private Secretary on media handling of the "accommodation" with JAM, specifically whether the MOD should brief the media proactively.[412] He explained that the advice had been requested by Mr Browne following a *Financial Times* article in February.

840. Mr Day recommended that Mr Browne should agree that the concerns of PJHQ and others were "sufficiently compelling" to justify maintaining "our present defensive posture on this issue".

841. Mr Day wrote that there was a risk that further details of the story would emerge and suggested that the advantage of a proactive briefing would be to allow the UK:

> "… to explain the rationale and benefits to the UK of the accommodation and set out the facts of the case accurately rather than allowing stories based on between-cell whispers to stand unchallenged. Most journalists regard the basic principle of reconciliation as nothing new and any 'deal' that has been struck as a sensible step."

842. On the other hand, there was a concern about the risk to JAM1 personally, and "that disclosure would pose a risk to the accommodation itself, including the political process in Basra, and could lead to increased IDF attacks". They were therefore opposed to "proactive briefing of any kind in current circumstances":

> "Presentationally, there is a risk that the recent rise in IDF attacks on the COB, and last weekend's fatality, would call into question the long-term benefit to the UK of the accommodation, and generate unhelpful debate over the partial truce at a time when the political situation in Basra remains finely balanced … It is also possible, given that we invoked DA [Defence Advisory] Notice procedures with the FT, that we could be accused of publicising those details that suit us while suppressing those that do not."

843. Mr Day concluded:

> "It will come out in more detail eventually, and we will need at that stage to put our case quickly and strongly. I have asked PJHQ and DJC [Directorate of Joint Commitments] to review our lines accordingly. SofS may also wish to consider briefing the Opposition on Privy Council terms."

844. Lieutenant General Lloyd Austin, who had succeeded Lt Gen Odierno as Commanding General MNC-I, visited Basra on 8 March and shared his concerns about Gen Mohan's plan.[413]

---

[412] Minute Day to APS/Secretary of State [MOD], 7 March 2008, 'Accommodation with Jaish Al Mahdi – Media Handling'.
[413] Minute White-Spunner to CJO, 13 March 2008, 'GOC MND(SE) Weekly Letter – 13 March 2008'.

845. Maj Gen White-Spunner observed that Gen Mohan had "laid it on thick when he presented his plan in Baghdad, so I had to explain to Lt Gen Austin that Mohan was feeding an Iraqi political demand when he talked about the forthcoming 'battle for Basra'."

846. Maj Gen White-Spunner explained that MND(SE)'s objective was to assist in building up the Iraqi Army so that they could win a psychological and political battle without the need for violence. Lt Gen Austin was reported to be reassured and said that he did not have the troops to open up a second front in the South while still dealing with the North.

847. Lt Gen Rollo discussed the US SOFA plans with Ambassador Satterfield on 9 March.[414] He reported that the US had shared drafts of the Strategic Framework Agreement/Status of Forces Agreement with the Iraqi Government and, as a result, recognised that compromises would be needed. Drafts would be shown to the UK the following week, and the UK would be consulted on emerging US thinking on possible compromises, although Ambassador Satterfield recognised that the UK had not yet settled its legal position "and he observed that that would be driven by our political position".

848. On 11 March, Lt Gen Houghton briefed the Chiefs of Staff that Gen Mohan's plan:

> "… included three phases, with the first (preparation) involving the building of further ISF capability in terms of personnel numbers and equipment in Basra. Phase 2 (disarmament) would require PM to declare Basra as a 'weapons free zone' with incentives being provided for a voluntary handover of weapons: this phase would have a specific end date (possibly 1 June 08) after which Phase 3 (confrontation) would be entered. Phase 3 would consist of search and strike missions aimed at confronting those who were not reconciled."[415]

849. ACM Stirrup visited Iraq from 14 to 17 March, travelling to both Baghdad and Basra.[416] ACM Stirrup underlined to Maj Gen Binns, that "both a fully functioning airport and a capable and credible 14 (IA) Div [14th Division of the Iraqi Army] were pre-requisites for a UK withdrawal". They agreed that both were achievable by the end of 2008.

850. ACM Stirrup and Mr Jones agreed that "the continuing military presence in the COB would hinder local economic development and perpetuate attacks". In discussion with senior members of the US military, ACM Stirrup "noted with disquiet the current US plan earmarks the UK remaining in Tactical Overwatch in perpetuity". This expectation would need to be "realigned and managed as potentially divergent UK plans unfold".

---

[414] Minute Rollo to CDS, 10 March 2008, 'SBMR-I's Weekly Report (291) 10 Mar 08'.
[415] Minutes, 11 March 2008, Chiefs of Staff meeting.
[416] Minute Kyd to PS/SofS [MOD], 17 March 2008, 'CDS visit to Iraq 14-17 Mar 07 [sic]'.

851. Reporting on the visit, Lt Gen Rollo recorded that Gen Petraeus confirmed that he had given direction that the MND boundaries should remain as they were, and made clear that he had no difficulty with a US brigade coming under the command of MND(SE).[417]

852. In Basra, ACM Stirrup and Gen Petraeus had agreed that once Gen Mohan had committed to his plan "he must not be allowed to fail".

853. Lt Gen Rollo observed that, "2009 was barely discussed in any of the discussions over the last week". He continued:

> "… it is becoming increasingly apparent to me that there are risks in not taking decisions … on our posture in Basra. Quite apart from the potential to confuse our allies, getting things done in Iraq requires commitment, which is harder to deliver in an atmosphere of unsettling uncertainty. There remains plenty to do. So while I accept that it might be necessary to defer decisions for a while, the opportunity cost of that approach needs to be clearly understood."

854. In mid-March, Mr Browne visited Iraq with Mr Wareing.[418] After returning to the UK, Mr Browne wrote that:

> "The overall mood in Iraq is optimistic, reflecting the improved security situation, political progress and the new focus on economic regeneration to which Michael [Wareing] is contributing. Inevitably in Iraq, the pace of change is lower than we would wish and no-one believes it is irreversible, but we have an opportunity over the next year or so to contribute to a step-change in the country's economy and to put our bilateral relationship onto a sustainable long-term footing. That does, however, mean we need to redouble our efforts now … to exploit the progress we have already made."

855. Mr Browne reported that Gen Mohan's plans to "confront and face down Basra's militia later in the year" were supported by the Iraqi Government and Gen Petraeus. The visit had also confirmed Mr Browne's view that "the rate of reduction [of troop numbers] should be slower than we envisaged last autumn, to deal with current threats and to support this [sic] Iraqis through until after the elections".

856. In Baghdad, Mr Browne judged the main focus of activity to be negotiation of the Long Term Security Agreement. He observed:

> "Given our different legal systems, the LTSA may not be sufficient for our requirements and, despite our best efforts, the US chose to table their draft with the Iraqis before discussing it with us … I intend to send a team of our own to Baghdad shortly to start formal discussions, in concert with the US if possible, on a Status

---

[417] Minute Rollo to CDS, 17 March 2008, 'SBMR-I's Weekly Report (292) 17 Mar 08'.
[418] Letter Browne to Brown, 18 March 2008, 'Visit to Iraq and Kuwait'.

of Forces Agreement to meet our military and legal requirements from the end of this year."

857. Maj Gen White-Spunner reported on 20 March that Basra had been "quite tense" that week, with "spasmodic violence between the ISF and JAM, including the assassination of senior police officers".[419] He considered that JAM knew that Gen Mohan's plan was gaining acceptance, and might be starting to act while they felt they still had the initiative. MND(SE) was focusing its efforts on developing Gen Mohan's plans with him and "ensuring they are workable, not unduly kinetic".

858. Brigadier Julian Free, Commander of the 4th Mechanised Brigade and Deputy Commander Operations, attended the first meeting of the joint MNF/Iraqi Government committee in Baghdad that was considering how best to support Gen Mohan's security plan for Basra. Maj Gen White-Spunner described it as "a useful first meeting that has set the parameters and identified who was responsible for informing the key decisions that would determine how fast General Mohan's plan can be enacted".

859. Maj Gen White-Spunner reported that he had briefed Gen Keane in similar terms as Lt Gen Austin when he visited on 17 March, "emphasising that we believe General Mohan does not want to open up a major kinetic front in Basra".

860. Mr Prentice told the Inquiry that Prime Minister Maliki had been:

"… hearing exaggerated reports in early 2008 about the deterioration in local security. There were some assassinations of people of consequence to him … if he had a long-term vision it was that his political pitch in any national elections would have to be based on him having asserted the strong hand of government."[420]

861. As a result, Mr Prentice told the Inquiry that when Prime Minister Maliki was briefed on Gen Mohan's plan "he said 'it's too slow, too late'" as he "clearly wanted to have asserted his authority across the South in time for the provincial elections".[421]

862. Lieutenant General John Cooper, who had succeeded Lt Gen Rollo as SBMR-I on 23 March, reported two days into his tour that:

"The week's most notable development … has been Prime Minister Maliki's trip down to Basra and his apparent replacement of Mohan as the commander of Basra Operations Command. Exactly what prompted this remains subject to speculation. I am told Maliki has for some time had concerns about … [the Basra ISF's] alleged deal-making and (arguably prudent) unwillingness to take action early against the militias …

---

[419] Minute White-Spunner to CJO, 20 March 2008, 'GOC MND(SE) Weekly Letter – 20 March 2008'.
[420] Private hearing, 15 June 2010, pages 33-34.
[421] Private hearing, 15 June 2010, page 34.

> "Even on Friday evening when I listened to Mohan brief his Basra plan to Petraeus and Iraqi Ministers and senior officers, it was assumed that he would be the one to implement it … By Saturday, however, Maliki was suggesting that the situation in Basra had degenerated to such an extent that he would need to go there with additional forces; by MCNS on Sunday he was talking of taking two IA battalions … and a brigade of National Police … with him. In the margins of the meeting it was being suggested that Major General Aziz (Deputy Commander of 11th IA Div) would replace Mohan …"[422]

863. Lt Gen Cooper also reported that Vice President Mehdi lifted his veto of the Provincial Powers Law following "considerable US pressure, including from Vice President Cheney".

864. Government officials working closely with the military reported on 24 March that the OMS was considering breaking off the truce in Basra in 24 hours' time as a reaction to Prime Minister Maliki's presence in Basra.[423]

865. On Tuesday 25 March, Prime Minister Maliki began his operation in Basra.[424]

866. It triggered heavy fighting between the ISF and militias in Basra and outbreaks of violence elsewhere in Iraq.[425]

867. On Wednesday 26 March, Prime Minister Maliki offered the militias a 72-hour period in which to hand over their weapons and sign a pledge to renounce violence. By the following day, the UK assessed that there had been almost no take-up.

868. Mr Prentice reported to the FCO in London on 27 March that Ambassador Crocker was surprised by Prime Minister Maliki's decision and had "expected a Basra operation to come later on the agenda".[426]

869. Lt Gen Cooper told the Inquiry that, in his testimony to Congress, Gen Petraeus "made it very clear that the coalition was taken by surprise by Prime Minister Maliki's decision to go south".[427] Once announced, Lt Gen Cooper reported Gen Petraeus' view as: "this is an Iraqi operation. It clearly can't be allowed to fail."

---

[422] Minute Cooper to CDS, 25 March 2008, 'SBMR-I's weekly report (293) 25 Mar 08'.
[423] Email government official working closely with the military, 24 March 2008, '[…] Threat to Truce between MND(SE) and JAM in Basrah'.
[424] *BBC News,* 25 March 2008, *Basra's gun rule risks Iraq future*.
[425] Briefing [unattributed], 27 March 2008, 'The Current Security Situation in Basra'.
[426] eGram11590/08 Baghdad to FCO London, 27 March 2008, 'Iraq: Meetings with US Ambassador and UNSRSG, 27 March'.
[427] Public hearing, 15 December 2009, page 75.

870. In a speech at the National Museum of the US Air Force in Ohio on 27 March, President Bush said:

> "Prime Minister Maliki's bold decision – and it was a bold decision – to go after the illegal groups in Basra shows his leadership, and his commitment to enforce the law in an even-handed manner."[428]

871. On 27 March, Brig Free reported to Lt Gen Houghton on an "unexpectedly busy week" in Basra.[429] Gen Mohan had returned to Baghdad to present his three-phase security plan for Basra to the Basra Planning Conference, chaired by Dr Rubaie and Gen Petraeus, on 22 March. The following day, the plan was presented to Prime Minister Maliki at the MCNS, and he decided, "based on a separate assessment of the security situation, that pre-emptive action was necessary and directed that additional troops should deploy to Basra immediately".

872. Lt Gen Cooper told the Inquiry that Prime Minister Maliki "got up and flew to Basra the next day, and then Charge of the Knights emerged".[430]

873. Mr Prentice reported that Prime Minister Maliki was taking a "tough line" with the Sadrists, refusing to speak directly to Muqtada al-Sadr and delegating contact to his advisers.[431] The Iraqi Government's message to the Sadrists was:

"
- Surrender weapons (within 72 hours).
- Step aside and allow the ISF to take out/arrest the 'outlaws'/Special Groups.
- Respect the law and stick to politics."

874. Mr Prentice reported that "so far, the Sadrist response has been uncompromising". Muqtada al-Sadr had demanded that:

- the ISF stop all operations against JAM in Basra;
- those detained so far should be released;
- Prime Minister Maliki leave Basra to meet him; and
- an apology be issued for the Basra operation.

875. Mr Prentice advised:

> "There is increasing need for a formal UK public response to the Basra operation in order to manage US perceptions as well as Iraqi public and GoI attitudes. There has been contact with MODUK about this and we are in touch with Iraq Group. So far,

---

[428] George W Bush, 27 March 2008, 'More on Iraq: Address at the National Museum of the United States Air Force'.
[429] Minute Free to CJO, 27 March 2008, 'MND(SE) Weekly Letter – 27 March 2008'.
[430] Public hearing, 15 December 2009, page 76.
[431] eGram 11590/08 Baghdad to FCO London, 27 March 2008, 'Iraq: Meetings with US Ambassador and UNSRSG, 27 March'.

> I have only spoken briefly on local Arabic TV on the first day of the operation and confirmed our confidence in the GoI's efforts to sustain the rule of law in Basra."

876. A briefing note of the same date, seen by Mr Brown, reported that poor intelligence and bad planning led to changes in the objectives of the operation immediately before it began.[432]

877. By 27 March, the Iraqi Special Forces had failed to take any of their targets and suffered a number of casualties before retreating. UK forces were on standby to provide "emergency support" but were not deployed. The militias remained "in control of the majority of the city" and attacks on the Basra Operational Command, where Gen Mohan and Gen Jalil were based, were described as "intense". There were rumours that the Iraqi authorities had entered into discussions with the militia groups but Prime Minister Maliki was reportedly "determined not to do a deal".

878. Reports suggested that the majority of the local population supported the efforts by the Iraqi Government to assert its authority over the city, although "it remains to be seen how long this will endure if the fighting continues". The two particular areas of concern for MND(SE) were the announcement by the UN Refugee Agency that it was suspending activities in southern Iraq; and secondly, the fact that the number of locally employed civilian staff turning up to work at Basra Air Station had, understandably, been reduced dramatically.

879. The briefing note reported that the UK had "given considerable support to the Iraqis" including air support, food, medical and logistical support. But "kinetic" support had "necessarily been limited on occasion as requests have fallen beyond what our rules of engagement allow". The Iraqis were reported to be frustrated at this "lukewarm" support, and the US was concerned:

> "General Petraeus is reportedly of the view that the UK has not been sufficiently positive in supporting the Iraqi operation in the media. Moreover, it has also been reported that Washington has been briefed that the UK has refused to provide ground support of the Iraqis (when as far as we can judge the only two requests for such support were rejected by General Austin). We believe this perception has largely been corrected, but the fact that it seems to have got to a very high level in the US system very quickly perhaps reflects the degree of concern in the US system at the way events are unfolding."

880. Brig Free visited the Basra Operational Command on 27 March to discuss UK support for the Iraqi operation with the Minister for Defence and Gen Mohan, and later visited Prime Minister Maliki with Lt Gen Austin at Basra Palace.[433]

---

[432] Briefing [unattributed], 27 March 2008, 'The Current Security Situation in Basra'.
[433] Minute Free to CJO, 27 March 2008, 'MND(SE) Weekly Letter – 27 March 2008'.

881. Lt Gen Austin asked him to sit out of the meeting "as things were a little sensitive between the PM [Maliki] and the UK". Brig Free was clear that that was the right call: Prime Minister Maliki had made it "abundantly clear that he will not meet with a British officer … he sees us as responsible for releasing the very criminals responsible for destabilising Basra, the ones he is now having to deal with".

882. Mr Brown's Private Secretary gave him an update on developments on 28 March, reporting that neither side had yet achieved a decisive advantage and it was looking increasingly likely that a stalemate would develop.[434] The deadline for Prime Minister Maliki's disarmament ultimatum had been extended to 8 April, but the best outcome was likely to be "some form of fudge through which both sides can claim victory". Publicly, Prime Minister Maliki remained committed to defeating JAM.

883. The Private Secretary told Mr Brown that the next step was for him to speak to Prime Minister Maliki "to register our concern at lack of consultation in advance of the operation; and to offer further UK assistance". Mr Browne would update Parliament following the outcome of NSID's discussion of troop levels.

884. A report from the British Embassy Office Basra on 28 March suggested that "the current assessment is that the fighting is likely to be protracted".[435] The perception remained that the operation was targeted against JAM in general and not the criminal elements, which was "causing militia groups and Basra JAM to unite".

885. Maj Gen White-Spunner returned to Basra on Friday 28 March and spoke by telephone to Governor Waili who reported that he had been present at a meeting that included Prime Minister Maliki and OMS representatives.[436] Prime Minister Maliki had been persuaded to attend only on the basis that "he would not negotiate but only listen to what OMS had to say". OMS agreed to consider the Iraqi Government's suggestions that militia should hand over medium/heavy weapons and that senior leaders should hand themselves in.

886. Prime Minister Maliki made a statement on Iraqi television on 29 March. He said that he was trying to build a state governed by law and order and accused ex-Ba'athists and people with "influences from across the border" of not wishing stability for Iraq. He said that he had come to Basra to remove "gangs and thugs" – as long as such people were around there could be no future – and reiterated his intention to stay in Basra "until all had subjected themselves to the rule of law".

887. There were reports in the Iraqi media that more than 100 police officers had been sacked in Basra, apparently for losing their weapons and/or abandoning their posts during the recent clashes.

---

[434] Minute Turner to Prime Minister, 28 March 2008, 'Basra'.
[435] eGram 11870/08 Basra to FCO London, 28 March 2008, 'Basra – Update 27/28 March 2008'.
[436] eGram 11975/08 Basra to FCO London, 29 March 2008, 'Basra – Update – 29 March'.

888. By 1300 on 29 March, the Director of Joint Commitments (DJC) reported to Mr Browne's Assistant Private Secretary that he considered "little tangible success has been achieved by either side, and sustained conflict looks set to continue".[437] There had been a 24-hour relative lull in activity, possibly due to Friday prayers and a pause in ISF operations.

889. The DJC's report said that a Deputy Commanding General of MNC-I, plus a Command and Control cell, planners, analytical support and intelligence capability had arrived at the COB, from which seven US Apache helicopters were also operating. More US forces, including a tactical HQ and an infantry company were on their way and US Central Command had "instructed planning to examine the feasibility of diverting additional US troops to MND(SE) should there be a requirement".

890. MND(SE)'s planning "focused on the requirement for UK military effort to enhance the capacity of the ISF, whilst attempting to provide a 'Bridging Concept' for Basra from the current confrontation to the Mohan's [sic] original, more-considered Basra Security Plan."

891. On 29 March, Mr Prentice reported that, in an emergency meeting of the Executive Steering Committee (ESC) (usually focused on supporting Fardh al-Qanoon), Gen Petraeus described the situation in Basra as "confused and quite difficult".[438] The military objectives that the Iraqi Government had set itself were more expansive than the MNF had expected and Gen Petraeus warned that they "would not be able to achieve their wider publicly stated objectives of gaining total control of Basra".

892. Mr Prentice reported that Ambassador Crocker had described Basra to the ESC as critical for the Iraqi Government and for the future of Iraq: it was important that all Iraqis came together. He also raised the idea of an "economic initiative for Basra". The proposal, as Mr Prentice understood it, was less of an economic initiative and more a disarmament, demobilisation and reintegration exercise. Mr Prentice reported that DFID had some concerns about the proposals and he could not see how it would be feasible in the absence of a political settlement in Basra. He commented:

> "If the idea becomes unstoppable, some obvious challenges to implementing it successfully will be:
>
> - ensuring Basra has the capacity to manage this level of resources …
> - managing the fiduciary risk, and trying to ensure the scheme achieves long term impact and sustainability;
> - ensuring that the initiative adheres to the 'do no harm' principle, safeguarding the advances made in provincial authority planning and delivery capacity."

---

[437] Minute DJC to SofS/APS4 [MOD], 29 March 2008, 'Basra: MOD update'.
[438] eGram 11998/08 Baghdad to FCO London, 30 March 2008, 'Iraq: Emergency Meeting of Executive Steering Committee (ESC), 29 March'.

893. In the margins of the ESC, Mr Prentice spoke to Dr Rubaie who told him that Prime Minister Maliki "had been led by others around him into an exaggerated sense of the urgency and a radical underestimation of the challenges" in Basra.[439]

894. In response to an email providing an account of discussions in the margins of the ESC, Mr Brown commented early on the morning of 30 March:

> "Need to be clear of
>
> (a) build up of local military and police strength – how big is it and how will it grow?
>
> (b) conditions in which we would intervene."[440]

895. Mr Brown's Private Secretary replied that "a kinetic action would be triggered by a request from the Iraqis or Petraeus. Commanders on the ground have delegated authority to take realtime decisions".[441] The most likely scenario would be for UK forces to support Iraqi units with a Quick Reaction Force, which ACM Stirrup had authorised for use if needed. The Private Secretary undertook to pass on to Mr Browne the message that there should be no specific announcements about UK troop numbers, given the current situation in Basra.

896. The same Private Secretary provided a further update on the situation in Basra to Mr Brown later that morning.[442]

897. In response, Mr Brown asked the Private Secretary to "summarise options now available to us".[443]

898. The Private Secretary replied, "the short version is that our options are limited" and commented that Mr Miliband and Mr Browne were likely to conclude:

> "… that it makes it more important that we accelerate drawdown of UK troops once we are through the current crisis. The challenge for the next month is to judge how to pitch this to Bush, how to create the conditions to show that it is from a position of strength, and how to manage the presentation in a way that does not make the wider US effort more difficult."[444]

899. On Sunday 30 March, the British Embassy Office Basra reported that the overall situation in Basra was unchanged.[445] Neither the militia nor the ISF had made gains but "ISF continue to show no sign of coherent planning, and troop morale remains low".

---

[439] eGram 11977/08 Baghdad to FCO London, 29 March 2008, 'Baghdad: Update on Security Events and Political Implications'.
[440] Email Brown to Fletcher, 30 March 2008, [untitled].
[441] Email Fletcher to Brown, 30 March 2008, [untitled].
[442] Email Fletcher to Brown, 30 March 2008, 'Re: Basra Latest'.
[443] Email Brown to Fletcher, 30 March 2008, 'Re: Basra Latest'.
[444] Email Fletcher to Brown, 30 March 2008, 'Re: Basra Latest'.
[445] eGram 12015/08 Basra to FCO London, 30 March 2008, 'Basra – Update 30 March'.

900. The following day, the British Embassy Baghdad reported that Muqtada al-Sadr had issued a statement calling for a cease-fire, which:

- called for an end to armed demonstrations and to "illegal arrests" and for the return of those who were displaced because of the violence;
- appealed to the Iraqi Government to give a general pardon to and to release all those held in detention, particularly those from the Sadrist Trend;
- disowned all who owned weapons and used them to target government buildings and institutions;
- confirmed that the Sadrist Trend did not possess heavy weapons; and
- made a commitment to co-operation with the Iraqi Government and institutions in establishing law and order and working to restore public services.[446]

901. The Embassy reported that the Iraqi Government had welcomed al-Sadr's statement and reiterated that it was not attacking any specific group or party, but only those who were breaking the law. Prime Minister Maliki had told Dr Rubaie that he intended to remain in Basra for a further two or three days to complete "cleansing operations" there. There would be two further unspecified security operations: one in a port area and the other in a district in Basra.

902. Questions were asked at the MCNS meeting that evening about the reports of police desertions in Baghdad and allegations of poor co-operation between the police and army. The representative of the Ministry of Interior told the Council that "only 10 percent of the national Police had proven ineffective" and that more than 400 police had been dismissed in Basra in recent days for "disloyalty".

903. Mr Prentice commented to the FCO:

> "If the JAM cease-fire proves to be real, the GoI will need to move quickly in lifting the curfew and returning life … [in] Baghdad … to normal asap … The response of the Special Groups to both MaS' [Muqtada al-Sadr's] public cease-fire and Iran's encouragement for some kind of truce, will be important in allowing normality to return quickly … There is still a long way to go in Basra, both in shaping a workable military plan and framing the political settlement."

904. In a telegram to London issued late on 30 March, Mr Prentice considered the possible outcomes to the situation in Basra, their likely result and options for the UK's response.[447] In his view, the worst case scenario would involve the ISF collapsing in Basra and the MNF being forced to come to their assistance. JAM would see this as a victory and Prime Minister Maliki's credibility would be damaged.

---

[446] eGram 12023/08 Baghdad to FCO London, 31 March 2008, 'Iraq: Baghdad: Security and Political Update, Sunday 30 March'.
[447] eGram 12020/08 Baghdad to FCO London, 30 March 2008, 'Iraq: Whither?'

905. In the best case scenario, the ISF would be able to achieve its military and security objectives in Basra (possibly with MNF help), allowing Prime Minister Maliki to return to Baghdad with a "success" and able to act in a way that was seen by others (particularly the Sunni) as inclusive.

906. Mr Prentice thought that neither of these extreme scenarios was likely – and the most likely outcome would be something in between. He continued:

> "The new Iraq has survived since 2003 through expediency. Their politicians and criminals are all capable of moving from violence to dialogue and back again with little pause. In this case, despite Maliki's … rhetoric about fighting JAM to the bitter end, there will be a limit to Shia tolerance for such internecine strife. Already … a compromise seems to be emerging.
>
> "Other politicians have had a major scare and, including even the Sadrist mainstream, will have had an object lesson in why all factions need to put aside their criminal wings. The tectonic plates of central Iraqi politics have shifted and all factions are assessing the opportunities they may have after the immediate security crisis passes. Until now, Maliki has not been aware of the weakness of his position. The rude awakening … which he will receive on return to Baghdad may prompt him to be more inclusive (and therefore more successful) as PM. There is also a real possibility that the UIA will splinter as a result of the pressure his operation has produced and as elections approach across the South. It is too early to draw up the order of winners and losers but the prospect is of complex politicking and a range of pragmatic compromises.
>
> "We should hope that Sadrist and other politicians will see opportunity in exploiting the aftermath to return to government. In the case of the Sadrists, this will require them getting the message convincingly from other factions that they recognise Sadrism as an essential constituent of Iraqi politics. To achieve this, the compromise yet to be worked out over Basra will have to have some plausible element of discipline by the Sadrists on their violent fringe. The compromise cannot be a thinly disguised climb-down in the face of JAM violence."

907. Considering how the UK could best support the outcome, Mr Prentice suggested that the main areas for UK activity should be:

- encouraging Prime Minister Maliki to "draw the right lessons", seeking to persuade him that (contrary to his historic suspicions about the UK) the UK had always supported him and wanted to "put this chapter behind us"; helping him realise that he had been the victim of "catastrophic advice and false intelligence" which nearly led to his humiliation; and persuading him that the success of his government required dismissal of those responsible;
- encouraging the Iraqi Government to act against all militias, not just JAM;

- emphasising to the Sadrists that a choice finally had to be made between building state institutions and pursuing factional influence through criminality;
- continuing to underline with political contacts the importance of supporting Prime Minister Maliki; and
- persuading the US to temper their public message to avoid giving fuel to the Sadrists' public accusations that Prime Minister Maliki was a US lackey.

908. Mr Prentice concluded:

> "Despite the fevered talk … that the State is in peril, state institutions are not about to disappear, even in the worst case. We are not about to see JAM in the palace …
>
> "The political deal in Basra will be a precedent for the rest of the South. Whatever the scale of concessions to JAM inherent in the eventual political compromise reached in Basra with the Sadrists, it will set the standard for handling the JAM challenge in other provinces. The wider public will also draw lessons about the risk of standing out locally against the militia … Our aim must be to settle the country back into the recent slow grind of normal Iraqi politics. Some of the new dynamics released by events in Basra may in the end prove positive and help to build on recent political progress. But, immediately, there are still serious challenges in Basra."

909. On the evening of 31 March, Mr Brown's Private Secretary told him that:

> "The US agree that the most likely outcome in Basra is stalemate. The Iraqi Security Forces can't muster what is needed for a clear and hold operation. Maliki will be weakened."[448]

910. The same Private Secretary also reported that Muqtada al-Sadr had made a further statement calling for an end to arrests, detainee releases, a pardon for JAM members, the punishment of those responsible for the death of Sadrists and for Prime Minister Maliki to leave Basra province. He added:

> "Given the improvement on the ground, it may make most sense to focus tomorrow's meeting on the longer term strategy, while drawing lessons from the last few days …"

911. In his second weekly report as SBMR-I, Lt Gen Cooper reflected on the impact that the recent events in Basra had had on key relationships within Iraq.[449]

> "The US's relationship with Maliki has been damaged … because of the surprise nature of the expedition …
>
> "US-UK relationships are polite but bruised. Suspicions about the Accommodation with JAM in Basra are not far below the surface. Those that were part of the

---

[448] Email Fletcher to Brown, 31 March 2008, 'Iraq Update'.
[449] Minute Cooper to CDS, 31 March 2008, 'SBMR-I's Weekly Report (294) 31 Mar 08'.

process understand the history, but the others who have been dragged in are less understanding. The existing UK military posture and lack of situational awareness due to having no ground troops in the city gave the perception that JAM had been allowed free rein. That said … Lt Gen Austin told me that he was impressed by all he saw of MND(SE) when he visited …

"The UK-Iraqi relationship is damaged. Various … reports have highlighted Maliki's … outburst against the UK. Maliki blames us for the situation in Basra and perceived failure to support his forces. The fault lay largely with Iraqi lack of planning and a poor command performance, but what is clear is that post this event, UK-Iraqi relations will need some repair if we are to continue to make a contribution whilst in Basra. We do not know how this will turn out in the next days and weeks, but we should focus on shaping the future as best as possible."

912. In preparation for a meeting of NSID(OD) on 1 April, to consider the UK's "continuing role in Basra in 2008/2009, and the timelines and considerations for taking decisions on force level options", attendees were supplied with three papers.[450] They were a short-term strategy paper, a draft of a planned statement to Parliament by Mr Browne and a letter from Mr Alexander on economic progress.

913. A Cabinet Office 'Chair's Brief' for Mr Brown identified five objectives for the meeting:

- agreeing the terms of Mr Browne's statement to Parliament that afternoon;
- beginning discussions – to be continued once the situation in Basra was clearer – on future force levels in Iraq;
- considering "how best to sensitise US interlocutors to the possibility of a more rapid UK military withdrawal than they would wish for, while recognising the need to maintain our long term close relationship with the US";
- securing agreement to officials engaging more actively in the US negotiations with the Iraqis on legal cover for MNF in Iraq once resolution 1790 expired; and
- reviewing progress on political and economic initiatives in Iraq, ahead of a more substantive discussion in NSID(OD) in May.[451]

914. In a separate paper sent to all attendees, Cabinet Office officials recommended that Ministers agree that:

- Mr Browne should announce to Parliament that UK troop levels would remain at current levels (4,100 in southern Iraq) until the situation became clearer;
- no decision on the longer-term posture should be taken in the immediate future, but consideration should be given to "how best to sensitise US interlocutors

---

[450] Paper Cabinet Office, 31 March 2008, 'Iraq'.
[451] Minute Cabinet Office [junior officials] to Prime Minister, 31 March 2008, 'NSID(OD) Meeting on Iraq and Afghanistan: 1 April 13:30 – Chair's Brief'.

to the possibility of a more rapid UK military withdrawal than they would wish for, while recognising the need to maintain our long term close relationship with the US";

- if the UK was likely to have a military presence in Iraq in 2009, officials should insert themselves into US negotiations with the Iraqis to secure adequate legal cover post-resolution; and
- notwithstanding the plans for a military drawdown, the UK should maintain areas of political and economic engagement "where we could continue to add value in order to maintain our reputation and relations with the Government of Iraq, as well as with the US".[452]

915. The FCO short-term strategy paper looked at the options for drawing down UK troops in Iraq; the civilian and military tasks that the UK could continue to undertake; and assessed the impact of a diminishing UK contribution on the UK's reputation.[453]
The FCO identified options for military withdrawal as:

- Withdraw by May 2009: "do the benefits of leaving early (less risk to life, cutting our losses in an environment where it is proving difficult to achieve objectives) balance the risk of serious damage to our global reputation (including accusations that after five years in Iraq the UK mission had failed) and to our relationship with the new US President?"
- Withdraw in late 2009, but no announcement of a decision until the new US Administration was in office: "should we maintain the costs of staying (financially/in asset resource terms, risk to life, political risk (including over legal basis), risks posed by increasing insecurity in Basra) into 2009 in order to protect the UK's reputation and relationship with the new US Administration?"
- Withdraw in late 2009, but release Basra Air Station for economic development by the Iraqis earlier and move a "smaller transitional force" to the Iraqi Army base at Shaibah: "does reconfiguring our forces in this way enable us to withdraw forces from Iraq by the end of 09 in a more effective way? Can civilian effect, including delivery on the Prime Minister's Economic Initiatives, be delivered during 09 if UK forces reconfigure in this way? Would the extra costs of developing Shaibah [Logistics Base] be justified?"
- Stay on indefinitely, with around 3,000 troops at Basra Air Station, in order to provide continued support for the ISF, a secure platform for political and economic work and "to protect the UK's relationship with the new US President": "do the costs of remaining (financially/in asset resource terms, risk to life, political risk) without a timeframe for withdrawal balance the benefits we would gain from a continued presence (possible political, security, economic progress; reputational (staying the course); better relations with the new President)?"

---

[452] Paper Cabinet Office, 31 March 2008, 'Iraq'.
[453] Paper FCO, March 2008, 'Iraq: The Short Term'.

916. Beyond comments about how to evaluate each option – as set out above – the paper made no recommendation on troop withdrawals. It set out a number of areas in which the UK could continue to contribute in the absence of a significant military presence in Basra, evaluating the importance and the likely impact of UK involvement. They were:

- Progressing politics, top down: continuing the intensive diplomatic efforts in Baghdad and with the Kurds in Erbil, focusing particularly on resolving the Hydrocarbons Law and securing provincial elections and progress on Kirkuk and the constitutional review. This was assessed as high importance ("This process is slow and iterative, but without it the spectre of civil war looms large") but only medium impact.
- Progressing politics, bottom up: continuing the reconciliation and outreach efforts led by the UK military in Baghdad and building on the links with JAM established in Basra. This was assessed as high importance and high potential UK impact.
- Economics: continuing to make an important contribution to Iraqi-led growth and economic reform, both in Baghdad and in Basra, where Mr Wareing's leadership as co-chair of the Basra Development Commission was "making real progress" (see Section 10.2). This was assessed as of high importance, but low to medium UK impact, because of the contrast with the "massive US effort".
- Security: primarily military SSR and support for ISF on operations. No assessment of importance or potential UK impact was given.
- Governance and security/justice sectors: continuing capacity-building projects in Baghdad (not Basra), focused on security and justice sector reform. This was assessed as of medium importance and medium impact.
- Pressing for more substantive multilateral and regional engagement by the UN, International Monetary Fund and World Bank, assessed as high importance and high UK impact ("We have more leverage with the EU, UN and World Bank than the US").

917. FCO officials concluded the paper with a consideration on the reputational risk to the UK of withdrawing from Iraq:

> "Reducing UK effort in Iraq risks accusations that we are drawing down or leaving prematurely and before the job is done, whenever we do it. The risk is more acute if we make significant further reductions this year, leaving the ISF to deal with any spikes in violence around the provincial/Presidential elections, and if the US backfill. Next year the risk will be (somewhat) mitigated by reductions in the US's own force levels, if the security situation continues to improve, and if the US can be persuaded not to backfill.

> "Either way, we will need to work up a strong public script, setting out the positive aspects of the work we have done in Basra since 2003, and why the situation on the ground justifies Ministers' decisions on UK drawdown/withdrawal."

918. Sir Nigel Sheinwald, British Ambassador to the US, wrote to Mr McDonald on 31 March to express concern that the analysis of the options did not fully take into account the risk to the UK's relationship with the US, particularly in the run-up to a Presidential election.[454] He argued that it was essential to allow recent events in Basra to:

> "… shake down before we can sensibly take firm decisions on the right presence and approach over the coming 12-18 months, decisions which are going to have a major impact, not just on our Iraq policy but also our relations with the US and our international reputation.
>
> "Over the past five years we have repeatedly said that we will draw down our troops as fast as conditions and Iraqi capabilities allow. It would be difficult, in the US and elsewhere, to justify a draw down under present conditions in these terms. If anything, the recent deterioration would suggest that we consider the reverse …"

919. Sir Nigel commented that the Washington media were already picking up "mutterings of dissatisfaction" about the UK's contribution in Basra from some lower level US military sources. Any suggestion that the UK was considering earlier withdrawal was likely to stir up much greater criticism:

> "… our reputation in the US will be significantly damaged if we are seen to leave Basra in chaos or if UK forces have to be backfilled by US troops."

920. Sir Nigel thought that the US continued to believe that the UK military had a valid continuing role in MND(SE): training and mentoring the ISF, protecting supply routes and providing a re-intervention capacity. But he cautioned that, once the situation in Basra had settled down, it would be necessary to reconsider the UK's military posture there, because the "major gaps" in UK situational awareness in Basra City "directly affects our credibility here [in Washington]". He therefore hoped that serious consideration would be given to embedding UK troops with ISF units "as the US already do and as we ourselves do in Afghanistan".

April 2008

921. Mr Browne reported to Cabinet on 1 April about recent events in Basra.[455] He said that the decision to launch the Charge of the Knights had come as a surprise to everybody.

---

[454] Letter Sheinwald to McDonald, 31 March 2008, 'Iraq: NSID, 1 April'.
[455] Cabinet Conclusions, 1 April 2008.

922. The role of UK forces had developed during the operation, initially providing reconnaissance, medical and logistic support but expanding to include a Quick Reaction Force deployed to the outskirts of Basra to help extract the ISF. This was "wholly consistent" with overwatch. Mr Browne would tell the House of Commons that afternoon that there would be a pause in troop reductions until the position clarified.

923. Mr Browne observed that it would be some time before the full implications of the operation were clear. It could have positive effects, including the direct engagement of Muqtada al-Sadr in politics.

924. Mr Brown said that Ministers would have a further discussion of the implications of recent events at NSID(OD), but the events in Basra had demonstrated the perennial difficulties in Iraq. By acting early and without adequate planning, the Charge of the Knights had exposed weaknesses in the ISF.

925. When NSID(OD) met later that day, Mr Brown recognised that it was difficult to take firm decisions on longer term options until there was a clearer assessment of events in Basra.[456] It was good that the Iraqi Army had sought to take control, but the way in which it had done so threatened to have a negative impact on political and economic progress, as well as the security gains achieved by UK forces. The UK "could not afford to be perceived to be irrelevant to the situation in Basra".

926. Mr Browne observed that there were now US forces involved in Basra, and they were unlikely to leave. It was becoming clear that JAM1 was "a spent force". The UK's relations with Prime Minister Maliki had deteriorated severely and would need to be repaired.

927. ACM Stirrup reported that present events in Basra did not affect the expectation that the UK could complete its residual military mission in Basra by the end of the year.

928. Ministers agreed that troop levels should remain at 4,100 until the situation became clearer and that no decision on longer-term military commitment should be taken at present. Departments were commissioned to produce an assessment of current events in Basra before Mr Brown's visit to Washington.

929. Concluding the discussion, Mr Brown said that hopes for political and economic stability to take hold in Basra had been "set back". The UK needed to wait and assess the implications of events "but work to bring our political and economic objectives back on line".

930. Lt Gen Houghton briefed the Chiefs of Staff on 1 April that the violence across Iraq that had erupted in the wake of the Charge of the Knights had been the worst seen since June 2007.[457] More than half of the attacks had occurred in Baghdad. However, less

---

[456] Minutes, 1 April 2008, NSID(OD) meeting.
[457] Minutes, 1 April 2008, Chiefs of Staff meeting.

than 15 percent of the strength of the ISF had been deployed to Basra. Mosul, and the campaign to defeat AQ-I, remained the main focus for MNF-I attention.

931. On the afternoon of 1 April, Mr Browne made a statement to Parliament about the security situation in Basra.[458] He told MPs that UK forces continued to have a role supporting ISF but:

> "As the Iraqi Government have made clear, the main problems in Basra are criminality and militia elements that act outside the law … While UK and coalition forces have done much to deliver broad levels of security, over the longer term only the Iraqis can tackle successfully criminal activity and political violence, which are often linked to social and economic factors. The events of the last week should be seen in that context."

932. Mr Browne went on to describe the sequence of events leading to the Charge of the Knights:

> "When I visited Iraq three weeks ago, I was briefed in detail about the Iraqi plan for improving security in Basra by General Mohan … General Mohan then visited Baghdad the following week to present the same plan to the Government of Iraq for endorsement. Prime Minister Maliki formally announced his intention to accelerate the implementation of the plan at a meeting on Sunday 23 March, where both the US and the UK were represented at a very senior level.
>
> "Let me be clear: what we have seen over the last week is action being taken by the Government of Iraq to fulfil their responsibilities for security in a province that has transferred to Iraqi control …"

933. Mr Browne continued:

> "It is too early to give a definitive or detailed assessment of how the operation has gone overall … The situation remains fluid, although levels of fighting in Basra have reduced since the weekend …
>
> "We and our coalition partners are providing support to the Iraqis in line with our commitments under overwatch and in accordance with our usual rules of engagement. Requests for support are being made through the coalition, and I can confirm that UK forces have continued to meet all their obligations as part of the multi-national corps."

934. On UK force levels, Mr Browne told Parliament:

> "In October, we announced our plan for drawing down UK troops from southern Iraq, from 5,000 at the time of the announcement to around 2,500 by the spring, dependent on conditions on the ground and military advice. At the end of the year,

---

[458] House of Commons, *Official Report*, 1 April 2008, columns 628-629.

> when UK forces moved into overwatch in the last province of Basra, we reduced force numbers to around 4,500. Since then, numbers have been reduced further, to their current level of around 4,000.
>
> "Before the events of the last week, the emerging military advice … was that the further reductions might not be possible at the rate envisaged in the October announcement, although it remains our clear direction of travel and our plan. In the light of the last week's events, however, it is prudent that we pause further reductions while the current situation is unfolding."[459]

935. In the debate that followed his statement, Mr Browne was asked by Mr Adam Price whether ISF action was disproportionately targeting JAM over other militia and whether UK forces were therefore being drawn into taking sides in a civil war. Mr Browne said that the available information suggested that the Iraqi Security Forces were taking on a "complex mixture of criminal elements and gangs", including JAM.[460] JAM had attracted particular attention because Muqtada al-Sadr was a "significant player" in the Iraqi political process. However, to "suggest that the Iraqi security forces had been taking on only one element of the militia and criminal gang elements in Basra would be to misrepresent what they have been doing".

936. Mr Browne also told MPs that it was well known that Iranian elements had been "interfering substantially" in southern Iraq in a number of ways.[461] He had no evidence to suggest malign involvement by Iran over the past week but there was "no question but that some of those people have been trained and equipped by Iran".[462]

937. On 1 April, Prime Minister Maliki announced that he was going to supplement the ISF with 10,000 Basra citizens in a "Sons of Iraq" programme that he had developed with the local tribes.[463]

938. Maj Gen White-Spunner commented that a sufficiently robust governance structure would be required to prevent this group turning into another armed militia and a considered approach would be needed to prevent them becoming a new target set for JAM. Whilst the establishment of such a programme in MND(SE) was something that the UK had sought to avoid and continued to oppose, he observed that "our voice carries little weight and there is little that we can and ought to do other than support the MNC-I in developing recommendations".

939. Mr Brown spoke to President Bush on the afternoon of 1 April.[464] His Private Secretary's record of the conversation indicates that they did not discuss Iraq but looked forward to a "full discussion" in the future.

---

[459] House of Commons, *Official Report*, 1 April 2008, column 630.
[460] House of Commons, *Official Report*, 1 April 2008, column 637.
[461] House of Commons, *Official Report*, 1 April 2008, columns 635-636.
[462] House of Commons, *Official Report*, 1 April 2008, column 643.
[463] Minute White-Spunner to CJO, 3 April 2008, 'GOC MND(SE) Weekly Letter – 3 April 2008'.
[464] Letter Fletcher to Gould, 1 April 2008, 'NATO: Prime Minister's telephone call with Bush, 1 April'.

940. On the same day, Mr Prentice met Vice President Hashemi in Baghdad, who attributed the cease-fire in Basra "entirely to the 'role of Iran'".[465] Mr Prentice and Vice President Hashemi agreed that action in Basra was correctly targeting JAM first since they were "the most active group".

941. Vice President Hashemi told Mr Prentice that he was urging Prime Minister Maliki to return to Bagdad and call for a Political Committee for National Security. He believed there was wide support for such a committee focused on Basra.

942. On 2 April, the British Embassy Office Basra reported that Prime Minister Maliki had left Basra for Baghdad on the previous day.[466]

943. On 3 April, Maj Gen White-Spunner briefed Lt Gen Houghton that the situation on the ground in Basra City had changed dramatically.[467] JAM appeared to be abiding by Muqtada al-Sadr's call to stay off the streets; the curfew had been lifted during the day and the streets seemed mostly calm and quiet. The resulting impact on MND(SE) freedom of manoeuvre in the city and on the threat against the COB had been significant.

944. Maj Gen White-Spunner reported that MNC-I had re-ordered its priorities so that Basra now sat above Mosul and was second only to Baghdad. Significant US forces had been deployed to Basra to support the ISF operation:

> "With this influx, the US have recognised that MND(SE)'s current size and structure is insufficient to deliver a result in Basra at the pace they require and have asked [for] it to be reviewed. We should expect nothing less from a MNC-I Main Effort. The PM's initiative, whilst not what we had planned for, does now pose a real opportunity that we must enable the Iraqis to capitalise on. A coalition-led, but Iraqi-faced surge over the coming month would build on the Basrawi consent and optimism and has the potential to dramatically reshape the security environment."

945. US troops were expected to remain in MND(SE) for at least a month. The Deputy Commanding General MNC-I and Maj Gen White-Spunner had decided to integrate their staff into a joint headquarters in order to maximise the coherence of their efforts. Maj Gen White-Spunner wrote that:

> "For the next month we are jointly focused on delivering the very best for Basra that we can and our approach is very much that the Iraqi operation offers an opportunity. We could, possibly, end up with a more peaceful and secure city in the coming weeks … Whilst we are getting on with this, I suspect that the UK needs to answer some fairly fundamental questions. To preserve the level of effort the US feels is required in Basra will require substantial resources, certainly beyond what is currently available to MND(SE). If we are to provide these then we should expect to

[465] Email Oppenheim to Prentice, 2 April 2008, 'Meeting with VP Hashemi, 1 April'.
[466] eGram 12405/08 Basra to Baghdad, 2 April 2008, 'Basra – Update 1 April'.
[467] Minute White-Spunner to CJO, 3 March 2008 [sic], 'GOC MND(SE) Weekly Letter – 3 April 2008'.

do so for a sustained period. Alternatively, the demonstrable lead that the ISF have taken could be argued to have opened a window of opportunity for us to reassess the mission. MNC-I think that the events of the last two weeks have advanced the campaign in Iraq by eight months and we have to accept, albeit painfully, that we have become somewhat irrelevant to the Iraqis now that they have access to US resources. We suggested to you last month the need to change the mission here to a training and economic mission … and we would argue that the time has come to decide to do so and to fit that mission into a broader US structure in southern Iraq … Whatever, we're beyond a 'patch up' to preserve a Union Jack in Basra just to look good. We will most definitely not look good if we can't preserve whatever may have been achieved in Basra and it slips back. We must only take on those tasks that we have the resources to deliver."

946. Mr Prentice told the Inquiry that, through the Charge of the Knights, Prime Minister Maliki had asserted central government authority over Basra and turned around the perception of Iraq drifting into renewed sectarian conflict.[468] It had also served to reprioritise Basra within the MNF campaign. Until Prime Minister Maliki launched his initiative, Basra had never been the main effort for either the Iraqi Government or the Americans. The impact of that shift in priorities was, in Mr Prentice's view, a key turning point.

947. In an update on 3 April, the British Embassy Office Basra commented that it was "clear that the US … feels that we moved to PIC in Basra too early".[469]

948. A Cabinet Office minute containing briefing for a telephone call between Mr Brown and Prime Minister Maliki on 3 April described one deliverable for the call as "our relationship with Maliki starts to rebuild, and he feels he still has the UK's support".[470]

949. Cabinet Office officials explained that Prime Minister Maliki had given the UK and US "minimal notice of his intention to travel to Basra, and did not consult at all on his plan to launch a major Iraqi-led offensive". He had then blamed the UK for lack of support when the ISF got into difficulties and excluded UK officers from planning meetings at his headquarters in Basra Palace. The brief suggested that Mr Brown should point out that "if UK planning staff had been involved from an earlier stage, we could have done more – and more effectively".

950. The minute said that the coalition had turned down a number of "ill-thought-through Iraqi requests for combat support" but "with the full knowledge and support of General Austin (Commander, Multi-National Corps)". As the operation continued, MND(SE) had expanded its involvement, providing air, surveillance, medical and logistical support to the ISF, as well as limited direct and indirect fire support.

---

[468] Private hearing, 15 June 2010, pages 40-41 and 48.
[469] eGram 12617/08 Basra to FCO London, 3 April 2008, 'Basra – Update 2 April: Changes on the Way'.
[470] Minute Cabinet Office [junior official] to Prime Minister, 3 April 2008, 'Iraq: Phone Call with Prime Minister Maliki, 3 April'.

951. Mr Brown and Prime Minister Maliki spoke by telephone on 3 April.[471] The latter explained that events in Basra had been difficult but they had been a good opportunity to test the readiness of Iraqi Security Forces, which had undertaken their tasks with only limited logistic support from the MNF.

952. Mr Brown explained that all the UK's actions had been intended to support the restoration of law and order in Basra and the authority of the Iraqi Government; 4,000 UK troops continued to risk their lives to ensure that Iraq was stable and peaceful. Prime Minister Maliki expressed his gratitude, but observed that the Iraqis had not been informed about the agreement between the UK and JAM, which JAM had exploited. Commanders in Basra had told Prime Minister Maliki that there had been insufficient support for the Charge of the Knights from UK troops. In order to preserve the close working relationship between Iraq and the UK, better co-ordination and communication needed to be agreed.

953. Mr Brown "regretted that a misunderstanding had arisen over the UK role" and said that the UK "had offered full logistical support to the operations". He expressed concern that the UK had not been consulted in advance about Prime Minister Maliki's operations in Basra. Given the role and exposure of UK forces, it was important to ensure that this did not happen again. Mr Prentice would be instructed to meet Prime Minister Maliki and Dr Rubaie to go over the issues in more detail.

954. Mr Prentice told the Inquiry that:

> "We were not doing what Maliki … accused us of doing, which is taking ourselves out of the fight and essentially giving free rein to the militias in Basra, which is what he came to see as the role."[472]

955. The day after Mr Brown's telephone call, a senior government official specialising in the Middle East (2) wrote to Mr Jenkins to say that Prime Minister Maliki's complaint was unfounded.[473] His advisers – Dr Rubaie, and Mr Tariq Abdullah – had been briefed on the negotiations "at the outset and at various stages". Although the Iraqi Government had been "instinctively suspicious", it did not oppose negotiations because they made an early British withdrawal from the centre of Basra more likely.

956. The senior official told Mr Jenkins that he was unaware of any former detainees having returned to violence before the start of the Charge of the Knights. Attacks on the COB had been largely the work of "splinter groups". Information suggested that the releases had in fact "encouraged JAM towards pragmatism rather than radicalism".

---

[471] Letter Fletcher to Hickey, 4 April 2008, 'Prime Minister's Telephone Call with Iraqi Prime Minister, 3 April'.
[472] Private hearing, 15 June 2010, page 31.
[473] Minute senior government official specialising in the Middle East (2) to Jenkins, 4 April 2008, '[NAME OF OPERATION]: GOI complaints'.

957. Maj Gen Shaw told the Inquiry that the job of discussing the accommodation with the Iraqi Government fell to Maj Gen Rollo, who "took it to the Government of Iraq through Rubaie, the security adviser, and got the clearance". The reaction was "positive". Maj Gen Shaw had also been told that "Maliki had been appraised of the situation and agreed".[474]

958. On 4 April, a Cabinet Office official updated Mr Brown that the situation in Basra had "calmed considerably" but remained "fragile".[475] Operations continued, with both US and UK "Military Training Teams" now in support of Iraqi forces. Both Prime Minister Maliki and the Sadrists were claiming victory and relations between them were at a low point, both nationally and in Basra, which would be "a set back for reconciliation and the legislative programme". Rebuilding UK-Iraq relations was likely to be "an uphill struggle".

959. As a result of the Charge of the Knights the US now had troops on the ground in Basra (around 700 at the COB and more than 400 embedded with the ISF) and was proposing a joint UK-US headquarters since "a return to the status quo ante" was not an option. The UK's "supposed red line for Basra's militias has therefore already been crossed, with US troops already on the streets". Indications were that the US intended to maintain an enhanced presence in Basra for the longer term, and there could be some additional short-term increases.

960. The Cabinet Office official also updated Mr Brown on Gen Petraeus and Ambassador Crocker's forthcoming appearance before Congress. They were "likely to present the Basra operation as a sharp spike in violence with repercussions still to play out, but highlighting some positives in the operation." It was possible they would "major on the role of Iran" and the overall assessment was likely to prompt President Bush to "agree the case for a cautious approach to future troop reductions".

961. Attached to the update was a letter from Mr Day to Ms Aldred containing advice on "how US and UK military planning was proceeding in Basra".[476] Mr Day wrote that short-term increases in US troop numbers were possible, to help the ISF "establish the security conditions on the ground that will allow consent-winning economic effect to be delivered". Their activity might include "targeted strike operations, an information campaign, ground patrols and the establishment of ISF strong-points in the city", but since Gen Petraeus had said there were no plans to send significant numbers of US troops to MND(SE) then "the responsibility for any reinforcement in Basra itself could fall to UK forces".

---

[474] Private hearing, 21 June 2010, page 30.
[475] Minute Cabinet Office [junior official] to Prime Minister, 4 April 2008, 'Basra: Update for the Prime Minister'.
[476] Letter Day to Aldred, 4 April 2008, 'Military Plans for Basra'.

962. Mr Day considered it too early to say how the UK ought to respond politically and strategically to new circumstances in Basra:

> "At best, we could find the city stabilises and improves, which could ease a decision on our longer term commitment. At worst, we could find ourselves confronted with very difficult choices about how to respond to renewed violence, and a much more complicated background to our long term strategic direction. Initial analysis suggests that options might include our retaining control of MND(SE), with the expectation that this would require us to deploy extra resources to meet the new US plans; negotiating with the US to define a role in their plan that we could meet within existing resources, either retaining command of MND(SE) or operating under a US 2*; and using the changed circumstances as the catalyst for ending our mission in Basra."

963. Lt Gen Cooper reported to ACM Stirrup on 6 April that Basra had been "relatively calm" in the week following the cease-fire.[477] From Baghdad to Basra an "awkward faceoff seems to have developed, with the Government having to balance its (legitimate) determination to continue operations in support of the Rule of Law with the threat of the Sadrists to break their Freeze again". Lt Gen Cooper described Prime Minister Maliki as "in control and emboldened" and outlined positive moves by the Iraqi Government to kick-start the economy in Basra "driven by a welcome recognition of the economic basis of criminality and militia-membership".

964. Lt Gen Cooper reported having discussed Basra with Gen Petraeus and concluded: "I am confident that the driver behind the current reinforcement of MND(SE) is a theatre-specific desire to exploit an opportunity. He also confirmed that he had no intention of asking the UK to reinforce in Basra". But Lt Gen Cooper believed that Gen Petraeus' rejection of proposals to change the boundaries of MND(SE) was calculated to "tie in a UK two star officer to Southern Iraq for the foreseeable future".

965. Lt Gen Cooper continued:

> "We have to be honest about US perceptions. They see Basra as they found it as ungoverned space. They are determined that it will not revert. While Petraeus has told me that he sees no requirement for the UK to reinforce MND(SE), he also believes the MNF-I build up was the right thing to do. He was pleased with the results of action against JAM there … as he has made clear, he believes economic progress is fundamental to underpinning the security line of operation. If the UK will not leverage Iraqi money to deliver rapid progress, the US will use their own expertise, links to Baghdad and manpower.
>
> "The US view Southern Iraq through the prism of Iran. Events of the past week in Basra and Baghdad have reinforced perceptions … It also explains why, sooner or later, MNF-I will move into Maysan in order to control better the Iranian border. Any

[477] Minute Cooper to CDS, 6 April 2008, 'SBMR-I's Weekly Report (295) 6 Apr 08'.

> UK future posture that can be perceived as leaving Iran in a stronger position will not be welcomed."

966. On 6 April, Mr Prentice attended the MCNS, which was told that in Basra the situation was "stable with the ISF fully able to control the situation".[478] The main priority now was finding civilian employment for 25,000 unemployed. Acting Justice Minister Dr Safa al-Safi had been appointed to co-ordinate the Iraqi Government's economic efforts in Basra.

967. The main concern on the horizon was the protest in Baghdad planned by Muqtada al-Sadr for later in the week.

968. Dr Rubaie believed that agreement had been reached to confine the demonstration to Sadr City and to ensure that it would have no "inappropriate slogans/banners". The ISF would work hard to protect the crowds from attack but also to control any violence from within the crowds. In the event, Muqtada al-Sadr called off the protest.[479]

969. On 7 April, a government official working closely with the military in Basra sent a "snapshot" of the area to London. The official reported that the "Basra landscape has, in the space of two weeks, changed dramatically."[480] Prime Minister Maliki was reported to have "loudly blamed the British for treating with the JAM 'criminals' and, hence, handing Basra over to them".

970. The official argued that the "unsatisfactory" performance of the ISF in the initial offensive of the Charge of the Knights was a "vindication" of the objective to negotiate reduced levels of violence:

> "Within four days the Al-Maliki offensive had brutally exposed the inadequacies of the ISF, united the Sadrist militias that we strove for so long to divide, and restored JAM military prowess and morale … to excellent health."

971. A meeting attended only by UK staff had discussed the future of the accommodation negotiated with JAM1. The official reported that they told the meeting it had "been a child of its time":

> "It was not dead (indeed JAM seemed keen to keep it alive and had sent warm greetings … that morning) but its influence over British operational policy should be proportional to its fundamental usefulness. [JAM1] was on the run and the ISF, backed by MNF, were back at war with JAM. But – it was still both a potential weapon and an insurance policy. Essentially we should exploit it but not be restricted by it."

---

[478] eGram 13078/08 Baghdad to FCO London, 7 April 2008, 'Iraq: Ministerial Committee on National Security, 06 April 2008'.
[479] Email FCO [junior official] to Prentice, 9 April 2008, 'Call on NSA Rubaie, 8 April'.
[480] Email government official working closely with the military, 7 April 2008, 'Basrah: A Snapshot'.

972. Mr Day told the Inquiry that the understanding reached with JAM1 did not in any way limit the ability of UK forces to assist with the Charge of the Knights, and that by the time it happened "that aspect of our dialogue with the Sadrists in Basra had come to an end".[481]

973. Mr Prentice met Mr Abdullah, Prime Minister Maliki's Chief of Staff, on 7 April to discuss the phone call between Mr Brown and Prime Minister Maliki on 3 April and to "correct the prevailing misconceptions about a lack of UK military assistance in Basra and nefarious deals between the UK and JAM".[482]

974. Mr Prentice expressed his surprise that the tone of the phone call had not been positive as he had discussed the issues with Mr Abdullah shortly beforehand. During the course of the conversation "a number of points had arisen that PM Brown had found difficult to accept".

975. Mr Prentice added that allegations of a conspiracy between the UK and JAM were "very damaging, unfounded and not understood in London". The UK had been open with Gen Petraeus and Dr Rubaie about its interaction with JAM. UK military commanders also recalled that, two years previously, when they had proposed operations against targeted JAM leaders in Basra (Operation SALAMANCA – see Section 9.5), Prime Minister Maliki's office had blocked them. In light of that, it was difficult to accept accusations of malign intention and blame for JAM's residual capacity. The fundamental problem was Iranian assistance.

976. Mr Abdullah agreed and acknowledged that the Prime Minister's Office had been kept in the picture about the UK's dealings with JAM.

977. Comments about lack of UK assistance during the Charge of the Knights were also surprising; Mr Prentice provided Mr Abdullah with a list of "non-kinetic support provided to ISF while Maliki had been present in Basra" and assured him that the UK "remained fully committed to helping in its post-PIC role in Basra".

978. Mr Prentice asked Mr Abdullah to clarify the UK position with Prime Minister Maliki before he and Mr Brown spoke again, in order "to move the relationship forward" in advance of a planned visit to Washington by Mr Brown on 16 April.

979. Mr Prentice also called on Dr Rubaie the following day, and explored "how best to correct PM Maliki's misapprehensions about the UK's relations with JAM in Basra and the support that MND(SE) had given during the recent operations".[483] He emphasised the "delicate political atmosphere in the UK over Iraq" and that important decisions over Iraq policy were pending. Perceptions that the UK contribution and role were not appreciated at the top levels of the Iraqi Government were damaging and could "undermine political will to maintain UK engagement".

---

[481] Public hearing, 6 January 2010, pages 37-38.
[482] Email FCO [junior official] to Prentice, 9 April 2008, 'Meeting with Tariq 'Abdullah (7 April)'.
[483] Email FCO [junior official] to Prentice, 9 April 2008, 'Call on NSA Rubaie, 9 April'.

980. Dr Rubaie expressed his personal regard for the UK and the UK role in Iraq over the previous five years. But Prime Minister Maliki had received information about the relationship between the UK and JAM which had undermined his confidence in UK forces in Basra, leading him to tell Gen Petraeus that he did not want UK forces involved in the operation.

981. The Chiefs of Staff were told on 8 April that it had "now become clear that the US had always considered Basra to be 'ungoverned space' which MNC-I had planned to address towards the end of 2008".[484]

982. The Charge of the Knights had simply accelerated US intervention in Basra, which had now been designated by MNC-I as the second priority after Baghdad, "resulting (significantly) in the provision of continuous ISTAR coverage over the city which, combined with the deployment of US and UK Military Transition Teams (MiTTs), had dramatically improved situational awareness".

983. The Chiefs of Staff noted that the current situation in Basra:

> "… placed the UK in an uncomfortable position though it was important not to miss the current potential window of opportunity, alongside the US, to deliver tangible progress on development. The UK's longer term strategic objectives in Iraq would need consideration alongside both national and military reputation. The Iraqi and US position with regard to JAM needed clarity in the light of the recent ISF operations in Basra; it was possible that the US might be forced to adopt a more robust position against JAM if it continued to support Prime Minister Maliki. This would have consequences for the current operational design in MND(SE)."

984. A message from the British Embassy Office Basra on 9 April said that, at Prime Minister Maliki's request, a tribal committee had been established whose "broad plan is to establish dialogue with OMS; support ISF and police in the search for weapons, and support the process of handing in weapons".[485] The committee had divided the city into areas, within which a sub-committee would work to persuade militia members to hand over their weapons.

985. On 8 and 9 April, Gen Petraeus and Ambassador Crocker testified in Congress on security and political progress in Iraq for a second time.[486]

986. Ambassador Crocker said:

> "Immense challenges remain and progress is uneven and often frustratingly slow; but there is progress. Sustaining that progress will require continuing US resolve and commitment. What has been achieved is substantial, but it is also reversible."

---

[484] Minutes, 8 April 2008, Chiefs of Staff meeting.
[485] eGram 13473/08 Basra to FCO London, 9 April 2008, 'Basra Update – 9 April 2008'.
[486] Testimony to Congress, 8 April 2008, 'Testimony of Ambassador Ryan C. Crocker before the Senate Foreign Relations Committee'.

987. Ambassador Crocker described newly passed laws as "not perfect and much depends on their implementation, but they are important steps". He pointed to the importance of the Council of Representatives as a functioning institution and also highlighted the "intangibles" – the attitudes among the population and the conversations occurring among Iraqi leaders – stating: "The security improvements of the past months have diminished the atmosphere of suspicion and allowed for acts of humanity that transcend sectarian identities."

988. Ambassador Crocker concluded:

> "… almost everything about Iraq is difficult. It will continue to be difficult as Iraqis struggle with the damage and trauma inflicted by 35 years of totalitarian Ba'athist rule. But hard does not mean hopeless, and the political and economic process of the past few months is significant. I must underscore, however, that these gains are fragile, and they are reversible. Americans have invested a great deal in Iraq, in blood as well as treasure, and they have the right to ask whether this is worth it, whether it is now time to walk away and let the Iraqis fend for themselves. Iraq has the potential to develop into a stable, secure multi-ethnic, multi-sectarian democracy under the rule of law. Whether it realizes that potential is ultimately up to the Iraqi people. Our support, however, will continue to be critical. I said in September that I cannot guarantee success in Iraq. That is still the case, although I think we are now closer. I remain convinced that a major departure from our current engagement would bring failure, and we have to be clear with ourselves about what failure would mean."

989. Gen Petraeus described "significant but uneven security progress" since the previous Congressional hearing in September 2007. He highlighted that levels of violence and civilian deaths had been reduced substantially, that extremist elements had been "dealt serious blows" and that the capability of Iraqi Security Forces had grown. Like Ambassador Crocker, he warned:

> "Nonetheless, the situation in certain areas is still unsatisfactory and innumerable challenges remain. Moreover, as events in the past two weeks [the Charge of the Knights] have reminded us and I have repeatedly cautioned, the progress made since last spring is fragile and reversible."

990. Both Ambassador Crocker and Gen Petraeus referred to the situation in Basra. Ambassador Crocker stated:

> "News from Iraq in recent weeks has been dominated by the situation in Basra. Taken as a snapshot, with scenes of increasing violence, and masked gunmen in the streets, it is hard to see how this situation supports a narrative of progress in Iraq. There is still very much to be done to bring full government control to the streets of Basra and eliminate entrenched extremist, criminal, and militia groups.

> "When viewed with a broader lens, the Iraqi decision to combat these groups in Basra has major significance. First, a Shia majority government, led by Prime Minister Maliki, has demonstrated its commitment to taking on criminals and extremists regardless of sectarian identity. Second, Iraqi Security Forces led these operations, in Basra, and in towns and cities throughout the South. British and US elements played important roles, but these were supporting roles, as they should be."

991. Reporting on 10 April, Maj Gen White-Spunner said that the ISF had reasonable freedom of movement on Basra's main routes and in the centre and east but less so in the north and west where effective IED attacks against their patrols continued and small arms fire incidents were commonplace.[487] The militia strongholds of Qibla, Hayaniyah and Five Mile Market remained under JAM control. The city was increasingly tense, with people anticipating the second phase of ISF operations.

992. The weapons amnesty had ended on 8 April, but a lack of publicity meant that it had had limited success. The ISF planned to launch a series of clearance operations to find and confiscate medium to heavy weapons in key areas, although this phase of operations had been delayed twice.

993. Maj Gen White-Spunner concluded:

> "We continue to believe that the events of the past two weeks, although unexpected and open to misinterpretation, are a real opportunity for Basra and hence our involvement here. The time for any recrimination over lack of Iraqi consultation and rumours of possible complicity by others in Baghdad is behind us; we now have a better chance than we have arguably had for two years to achieve better security and some initial development goals in the city. We will not have long to do so, given that the run up to the October elections will inevitably lead to polarisation and a possible recurrence of factional violence. The next two-three months are therefore critical and if the next phase of the ISF security operation is successful then we must be prepared to exploit that success more quickly."

994. On 11 April, Dr Christian Turner, Deputy Director Middle East, North Africa and North America in the Cabinet Office Overseas and Defence Secretariat, advised Mr Brown that he should use his forthcoming visit to Washington to press President Bush for UK involvement in planning for Basra.[488] He explained:

> "At present we have little insight into their [US] thinking, and its effect on us. A key deliverable for your meeting with [President] Bush is to secure our involvement in planning: if we are to stay in the South, we need agreed plans …

---

[487] Minute White-Spunner to CJO, 10 April 2008, 'GOC MND(SE) weekly letter – 10 April 2008'.
[488] Minute Turner to Prime Minister, 11 April 2008, 'Iraq: Implications of Basra Operation and US Visit'.

"The main … question is what are US plans for the MNF Mission in the South? At a high level they want to help the Iraqis counter the militias, disrupt Iranian influence and extend Iraqi Government control. But we will need to be clear what we are getting in to, and guard against two strategic risks:

(a) That MNF gets dragged into intra-Shia rivalries …

(b) That we become embroiled in an escalating Iranian confrontation. Events in Basra have greatly increased Iraqi perceptions of the threat posed by Iran's sponsorship of JAM … We are less convinced … that the Iranians can control JAM, and … judge that Iran's role in the crisis was primarily one of observer and mediator. We judge that Iran is trying to limit intra-Shia violence …

"Whatever the plan, we will see a more active US role, and renegotiation of UK tasks in MND(SE). We have three broad military options:

(i) Step-up: seek to take full responsibility for delivering emerging plans for MND(SE), reversing our troop drawdown.

(ii) Steady state: remain with existing force levels and negotiate a new set of tasks with the US …

(iii) Withdrawal: take the opportunity provided by the changed circumstance to accelerate our withdrawal from Basra before November.

"Much depends on US attitudes, which are conditional on whether the situation in Basra stabilises …

"A US team will arrive in Basra in the next few days to step up reconstruction efforts. Presentationally, the US effort risks overshadowing UK economic initiatives …

"We will need to ensure our projects are co-ordinated and complementary. Experience over the past five years in such projects is that they provide short term benefits, but are often not sustainable … Our message to the US will need to be that such work takes time."

995. Dr Turner provided Mr Brown with "a narrative stressing what we have achieved – and still hope to achieve – on military training, political reconciliation and economic reconstruction". He advised:

"Publicly we will need to reinforce the principles of your 8 October statement: we will fulfil our obligations in Iraq as long as we are there at the invitation of the Government of Iraq and the international community …

"In private, we will also need to keep reminding the US of our legal constraints, once the UNSCR lapses …"

996. Mr Brown's Private Secretary sent him Dr Turner's advice on 11 April.[489] In his covering email he reported having spoken to both Sir Nigel Sheinwald and to the White House and commented:

> "They know we are irritated, but 'a lot of people here think the UK has failed in Basra'. I told Bush's people that … your priorities were Iraq … [and] you would have positive public messages on the three part plan for Iraq …"

997. On 11 April, Mr Browne's Private Secretary wrote to No.10 with "a note on the implications if we were to decide to reduce our military presence in Iraq and Kuwait to c[irca] 1,750 later this year", provided at Mr Brown's request.[490]

998. The letter explained that current planning was conditions-based but rested on the assumption that the UK would not leave Basra until the training of the Iraqi Army's 14th Division had been completed and Basra Airport had been transferred to Iraqi control. Both were expected during the latter part of 2008, though the Charge of the Knights had set back progress.

999. Although there was no cross-Whitehall "template" for the UK's relationship with Iraq, and no detailed planning had been done "on whether a 1,750 figure made sense militarily", the main military contribution could include:

- training the Iraqi Navy;
- helping to run the military staff college and junior officer training;
- continued MiTTing activity; and
- some niche capabilities – including ships in the northern Gulf and fast jets – provided an appropriate legal basis could be agreed once resolution 1790 expired at the end of the year.

1000. The Private Secretary wrote, "early planning suggests that it should be possible to meet all of these tasks with rather fewer than 1,750 people in Iraq and Kuwait".

1001. The letter continued:

> "Moving from our current presence in Basra (c[irca].4,100 personnel) to this new model would be a complex and demanding operation … Our provisional assumption … is that we would need around six months to plan and implement withdrawal from the Basra COB … Our preparations would become apparent very quickly to the Americans but a shorter timescale would carry major operational, morale and presentational consequences.
>
> "The broader implications would need to be worked through. Our initial sense is that even with a significant residual commitment it would have an inevitable impact on UK-US relations … We would need to work hard not only to minimise damage

[489] Email Fletcher to Brown, 11 April 2008, 'Iraq – Handling Bush'.
[490] Letter Ferguson to Fletcher, 11 April 2008, [untitled].

to UK-US co-operation … and to mitigate damage to the domestic reputation of the Armed Forces."

1002. Attached to the letter was a draft speaking note for use in explaining the policy to the US. It said: "it will only be possible for us to gain domestic support for an enduring commitment … if we can at the same time announce that the task of our ground troops in Basra is coming to an end."

1003. Phase II of the Charge of the Knights began on 12 April.[491] The British Embassy Office Basra reported that the ISF conducted successful house-to-house operations in two districts of Basra which "met little resistance and netted two significant weapons caches, an IED factory and at least 15 militiamen arrested". However, it was "still not clear whether the failure of JAM to confront the army is a tactical move or indicates a significant breakdown of leadership and morale in mainstream JAM".

1004. Mr Prentice met Prime Minister Maliki for half an hour on 12 April and for an hour and a half on the following day to discuss the UK military's role in Basra and the alleged deals with JAM.[492] A record of the discussions by a member of the Embassy's Chancery section said that they were "frank and open discussions without a hint of animosity". During the first meeting, Prime Minister Maliki explained that his concerns were:

- information alluding to deals between JAM and UK forces in Basra, in particular allegations that UK forces had provided assurances that they would not intervene and that JAM detainees had been released without informing the Iraqi Government;
- lack of UK support to the ISF in Basra – Gen Mohan believed that UK forces had provided "no training and no equipment";
- a lack of intelligence support on JAM's capabilities from the UK;
- UK negligence in allowing JAM to re-arm and regroup during the "freeze";
- the error of withdrawing from Basra Palace without proper consultation which had allowed JAM to take control; and
- that the UK had prevented US helicopters flying from Basra in support of the Charge of the Knights.

1005. Mr Prentice explained the support that UK forces had provided in Basra while Prime Minister Maliki had been there.[493] The allegations that the UK had not provided support were untrue. Nor was there any agreement between JAM and the UK of the sort described. The OMS might have attempted to drive a wedge between the UK and the

---

[491] eGram 14079/08 Basra to FCO London, 14 April 2008, 'Iraq: Basra Update 14 April'.
[492] Email FCO [junior official] to Prentice, 14 April 2008, 'Meetings with PM Maliki: UK military's role in Basrah and alleged deals with JAM'; Email FCO [junior official] to Prentice, 14 April 2008, 'Maliki Meetings 12-13 April'.
[493] Email FCO [junior official] to Prentice, 14 April 2008, 'Meetings with PM Maliki: UK military's role in Basrah and alleged deals with JAM'.

Iraqi Government but they had failed. UK forces had continued to confront those who used violence and to interdict, where possible, operations to smuggle weapons.

1006. Prime Minister Maliki expressed surprise at the amount and variety of weapons in JAM's possession. Mr Prentice explained that "Iran alone" was responsible for the weapons in JAM's hands. It was not possible to stem the flow of smuggled weapons either to Basra or to Sadr City completely.

1007. On the issue of helicopter support, Mr Prentice explained that both US and UK Rules of Engagement had prevented flights initially but that the US had altered theirs and so were able to conduct selected operations.

1008. Prime Minister Maliki concluded by thanking the UK for the support offered. He would be meeting the Minister of Defence on 18 April and would communicate the true picture of UK co-operation.

1009. Mr Prentice told the Inquiry that he had gone over the history of the UK's negotiations with JAM and the arrangements for releasing detainees with Prime Minister Maliki, who acknowledged that his Office had been informed.[494]

1010. A CIG assessed the performance of the Iraqi Security Forces during the Charge of the Knights in a note issued on 14 April.[495] The CIG judged that:

> "… on their own, the ISF underperformed against JAM in Basra, Maysan and Dhi Qar … In Basra they relied heavily on MNF supplies (i.e. ammunition and rations), air strikes and eventually MNF mentoring … Military reporting suggested little sign of a detailed operational plan or evidence of precision targeting of JAM Special Groups … until the arrival of MNF training teams from 1 April …
>
> "Basra's Chief of Police reportedly believes that hundreds of local police melted away within the first 24 hours of fighting – others joined JAM's ranks … Many of the National Police units drafted in from Baghdad, with superior arms and armour, fared much better. The affiliation of many to ISCI/Badr probably strengthened their resolve to try and weaken their chief rival (JAM).
>
> "… even with reinforcements … the Iraqi Army lost most tactical engagements against JAM … prior to JAM's stand down on 31st March. However, neither did they cede ground, and specific successes … [have] emboldened them. Iraqi Special Forces were ineffective until their US mentors were re-inserted."

1011. In his weekly report on 14 April, Lt Gen Cooper wrote that the theme from Gen Petraeus' and Ambassador Crocker's testimony likely to have the biggest impact on the campaign in the short to medium term was their renewed focus on addressing

---

[494] Private hearing, 15 June 2010, page 32.
[495] CIG Current Assessment Note, 14 April 2008, 'Iraqi Security Forces Performance in MND(SE)'.

Iranian influence.[496] More than ever, he added, senior Iraqi officials were beginning to ask the same questions.

1012. Lt Gen Cooper considered that the fact that Gen Petraeus saw the South as the front line in the battle against Iranian influence in Iraq meant that he was likely to focus on Basra as soon as he returned from Washington after his testimony. US forces were expected to remain in MND(SE) for some time. Lt Gen Cooper commented:

> "… there seems little doubt that MND(SE) has changed for good. I think there is also an increasing consensus around the UK's options to respond to this – probably best described as 'lead', 'follow' or 'get out of the way' …
>
> "It is clear from my discussions here that the US view of the current HQ MND(SE) is that it is not a proper two star HQ. That is why they reinforced … in order to achieve greater situational awareness and an enhanced planning and fires capability. They will wish to ensure that these capabilities remain in the future in order to have the desired effect in Basra. The question will be whether the US or UK supplies those capabilities and in what balance. This may demand a re-enlargement of HQ MND(SE) in terms of UK staff and capability, but it should not require additional units …
>
> "I think we should be looking at the current position as an opportunity rather than a threat. It is hard to escape the view that the current situation in Basra is not that which we would wish. If we want to depart leaving a sound and robust legacy, with our reputation intact, Basra will need an improved Iraqi Army, a reformed IPS and a sound expectation for long term economic regeneration. We are now better placed to move more quickly to our desired endstate than we have been for some time, but this will require close and vigorous [effort] … Taking this opportunity for the UK to lead this will be important for our collective self-esteem. As Ambassador Crocker said in his testimony this week 'We will be judged on how we depart not on how we arrived'."

1013. On 14 April, Mr Prentice reported to the FCO his view that Iranian influence had been central to Muqtada al-Sadr's decision to call a cease-fire at the end of March.[497] Prime Minister Maliki's Charge of the Knights had unsettled the Iranians and caused them to reassess their 100 percent support for him. Mr Prentice commented:

> "These events have once again shown the extent of Iranian influence in Iraq: having been a major contributor to the problem, Iran then became central to delivering the cease-fire. But many in the GoI … have been shocked and angered by Iran's behaviour and their continued brazen support for JAM Special Groups in particular …

---

[496] Minute Cooper to CDS, 14 April 2008, 'SBMR-I's Weekly Report (296) 14 Apr 08'.
[497] eGram 14136/08 Baghdad to FCO London, 14 April 2008, 'Iraq: Iranian Influence – Lessons From Basra'.

"Iran's malign influence in Iraq is deep-rooted and extends across the political and sectarian spectrum. Their influence is supported by bribery, supply of lethal aid and an active and direct IRGC presence in Iraq. But it is only as effective as the GoI and the Iraqi people allow it to be. And in the end, only the GoI and the Iraqi people will be able to contain Iran's malign influence in their country … Our best strategy for helping the GoI contain malign Iranian influence remains:

- to continue exposing nefarious Iranian activity when we have evidence of it;
- to support the US in thumping Iran's proxies when they are involved in violence; and in parallel
- to encourage US-Iranian-Iraqi dialogue over security in Iraq.

"We should also continue to acknowledge the legitimacy of benign Iranian activity – particularly in the South. Senior Iraqis often (rightly) remind us that they cannot change the map. Strong, mutually beneficial Iran-Iraq relations are in everyone's interest."

1014. Mr Prentice anticipated that, having being drawn into Basra by Prime Minister Maliki, the US was likely to want to take the opportunity to address negative Iranian activity in southern Iraq. Ambassador Crocker and Gen Petraeus had set up a cross-departmental team to draw up a strategy on how to combat Iranian influence.

1015. On 16 April, the JIC looked again at the extent and nature of Iranian influence in Iraq.[498] It judged:

"In pursuit of its aims for Iraq, Iran backs all of the main Iraqi Shia groups – both those in Nuri Al-Maliki's government and those in opposition. In relation to the West, Iraqi Shia militias offer Iran a means to exert pressure – albeit with adverse consequences for Shia political unity.

"Iran sees Al-Maliki as the best available Prime Minister … But Iranian support for Al-Maliki is not a given …

"Al-Maliki's decision to take on the JAM in Basra in March was primarily to address internal Iraqi issues, including local crime and suppressing a rival political group …"

1016. Maj Gen White-Spunner reported on 17 April that Gen Mohan and his successor, General Mohammed, were starting to look north of Basra towards al-Qurnah as a means of addressing the flow of lethal aid.[499] If successful, any operation was likely to drive the remaining JAM elements further north into Maysan, specifically al-Amara, which was both a haven for those fleeing south from Sadr City and also the major hub for the distribution of lethal aid from Iran.

---

[498] JIC Assessment, 16 April 2008, 'Iraq: the Nature and Extent of Iranian Influence'.
[499] Minute White-Spunner to CJO, 17 April 2008, 'GOC MND(SE) Weekly Letter – 17 April 2008'.

1017. MND(SE) continued to focus on drawing as much US and Iraqi resource into Basra as possible in order to take advantage of the "unexpected but very welcome changes" that the Charge of the Knights had brought. Maj Gen White-Spunner's main concerns were ensuring that the Iraqi Police were "functioning again before the Iraqi army re-deploys" (probably in six months' time) and preventing the return of JAM hardliners and Special Groups who had left the city.

1018. Mr Brown visited Washington from 16 to 17 April for a series of meetings, including with both President Bush and Senator Obama.

1019. The day before travelling he was interviewed by Mr Jon Snow from *Channel 4*, who pressed him on what continued purpose the UK forces in Iraq were serving.[500] Mr Brown responded that "the idea we are not doing a useful job there is wrong because we are actually training the Iraqi forces" and declined to give a timescale for the withdrawal of UK troops:

> "I am not going to give a time-scale, but what I do say [is] that the job we are doing is an important one and the very thing that we have moved from combat to over watch will mean that in future you will see Iraqi troops and the Iraqi police taking a bigger role. That is the right thing to do, it shows the progress that has been made that Iraqis themselves will gradually take responsibility for their own affairs and at some point they will take full control of their own country again."

1020. President Bush and Mr Brown met on 17 April.[501] On Iraq, ACM Stirrup and Gen Petraeus would report to both Mr Brown and President Bush on troop numbers in Iraq before the President visited Europe in June. Mr Brown suggested that close US and UK consultation was needed on Basra and repeated his commitment to the troop deployments he had previously described to the President.

1021. Mr McDonald reported to the FCO that at dinner with Secretary Rice and Mr Hadley on 17 April they had reached a common understanding that President Bush and Mr Brown had commissioned Gen Petraeus and ACM Stirrup to "come up with proposals for how to work together in Basra".[502] It was a shared assumption that the US would remain in MND(SE).

1022. Mr Brown met Senator Obama on the same day and discussed Iraq briefly.[503] The Senator was reported to have been "mainly in listening mode" and interested in the concept of overwatch but "underlined that his policy remained to draw down US troops".

1023. Before leaving the US, on 18 April Mr Brown delivered a Kennedy Memorial Lecture on international relations, from the John F Kennedy Presidential Library and

---

[500] Transcript of an interview given by the Prime Minister, 15 April 2008.
[501] Letter Fletcher to Gould, 17 April 2008, 'Prime Minister's Bilateral with US President, 17 April 2008'.
[502] Letter McDonald to Gould, 21 April 2008, 'Rice/Hadley: MEPP, Iran, Iraq'.
[503] Letter Fletcher to Gould, 17 April 2008, 'Prime Minister's bilateral with Barack Obama, 17 April 2008'.

Museum in Boston.[504] In it he said that "global problems required global solutions" and called for new international rules and institutions to assist. One force of globalisation, he said, was:

> "… the sobering reality … that we are exposed – unpredictably but directly – to the risk of violence originating in failed and rogue states around the world. Once we feared rival nations becoming too strong; now the worst threats come from states that are too weak."

1024. Phase III of the Charge of the Knights – an operation in the JAM stronghold in the Hayaniyah district of Basra – was launched on 19 April.[505] Although MND(SE) had expected the operation to be problematic, it went "remarkably smoothly, largely due to some very thorough joint planning and an insistence on unity of command and fire control measures which were welcomed by the Iraqi Army".

1025. During the course of the operation, over 35 large weapons caches were found, containing 1,000 mortar rounds (some marked IRAN 2008), over 500 rockets, 450 rocket-propelled grenades and a large number of IEDs, EFPs and small arms. The most notable finds were four man-portable air defence missile systems.

1026. Lt Gen Cooper reported that on the same day that Phase III launched, Muqtada al-Sadr issued a threat "to declare war" if the Iraqi Government did not back off continued targeted operations such as those in Basra.[506] The threat was being taken seriously but the Iraqi Government was not going to be forced into negotiation, "OMS/JAM will need to be de-escalatory in advance of any further talks".

1027. Lt Gen Cooper also reported to ACM Stirrup that the "US view of the Bush/Brown discussion on Iraq is that it confirmed the move towards a shared venture in MND(SE)".

1028. Gen Dannatt visited Basra during Phase III and "found everyone in the Division in an extremely positive, but cautious mood about the potential for delivering success on the ground".[507] At the end of his visit, Gen Dannatt reported that he:

> "… came away from Iraq confident that we have *another* opportunity to be successful in Basra – we must not let this one go. In order to do that we must ensure that we are giving GOC MND(SE) the resources that he requires, not just in terms of numbers but in the capabilities. Most crucially, however, we must ensure that our message is proactive, aggressive and co-ordinated."

---

[504] *Maxims News Network*, 19 April 2008, *UK Prime Minister Gordon Brown's Kennedy Memorial Lecture on Foreign Affair*s.
[505] Minute White-Spunner to CJO, 24 April 2008, 'GOC MND(SE) Weekly Letter – 24 April 2008'.
[506] Minute Cooper to CDS, 21 April 2008, 'SBMR-I's Weekly Report (297) 21 Apr 08'.
[507] Minute CGS to CDS, 22 April 2008, 'GCS Visit to Basra – 19 Apr 08'.

1029. Mr Prentice reported that at the 20 April meeting of MCNS, Gen Petraeus praised the significant progress that the ISF had made in Basra in recent weeks.[508] The challenge, Gen Petraeus said, would be to sustain it. He advised that the sustained campaign needed to secure lasting success meant that the ISF had to start planning future troop rotations so that they could stay on the offensive.

1030. ACM Stirrup spoke to Gen Petraeus by telephone on 21 April.[509] They agreed that given the recent events in Basra the enterprise in South-East Iraq "now represented a 'joint endeavour'". Whilst the UK was content to retain the lead in the South-East for the moment, this would need to be addressed in the longer term.

1031. ACM Stirrup made clear that the UK had to remain within current force levels, accepting that there would need to be some restructuring to meet the new circumstances and that, "for political reasons", the UK would need to deliver some further force reductions by the end of the year. They agreed that Lt Gen Houghton should discuss proposals in more detail with Gen Petraeus so that ACM Stirrup could give "some early thoughts" to Mr Brown.

1032. On the same day, Lt Gen Cooper reported his own discussion with Gen Petraeus, who said that he could accept a drop in UK combat force elements in return for an increase in HQ staff capability. This reflected expected resource pressure that the MNF would face when the Polish HQ in Multi-National Division (Centre-South) withdrew in October.[510]

1033. Lt Gen Cooper reported that "the overall picture shows a return to pre-22 March attack levels (which were in turn similar to 2005 levels)". A trio of AQ-I attacks in Mosul, Baquabah and Ramadi were a significant cause, along with "the continued constant dribble" of fatalities and injuries from JAM or Special Group attacks. Prime Minister Maliki's attention was turning to "a new expedition" in Mosul.

1034. Lt Gen Cooper awaited the outcome of Phase III in Basra, but indications were that the JAM leadership had moved out of Hayaniyah. The key was to ensure they could not return.

1035. Phase IV of the Charge of the Knights was launched on 24 April, in the Five Mile Market area of Basra, focused on "isolation and clearance, providing the security required to conduct a detailed search".[511]

1036. Maj Gen White-Spunner reported indications that Maysan province was becoming a refuge for JAM militants – both Special Groups and mainstream – driven out of Basra

---

[508] eGram 15509/08 Baghdad to FCO London, 21 April 2008, 'Iraq: Ministerial Council on National Security (MCNS) 20 April 2008'.
[509] Email Poffley to DG Op Pol, 22 April 2008, 'Petraeus Telecom with CDS: 21 Apr 08'.
[510] Minute Cooper to CDS, 21 April 2008, 'SBMR-I's Weekly Report (297) 21 Apr 08'.
[511] Minute White-Spunner to CJO, 24 April 2008, 'GOC MND(SE) Weekly Letter – 24 April 2008'.

by the Charge of the Knights. In the short term, he did not think that the increased JAM presence would destabilise Maysan:

> "… as it is already under de facto 'Sadr' control from Governor Maliki downwards and the local ISF are unlikely to take any action against them. Of more concern is the likelihood they are using this period to discuss their future strategy for JAM co-operation in Iraq. In the event of an ISF-MNF operation to secure al-Amara, it is likely that the majority of key leaders will attempt to cross the border into Iran. In due course they will try to return to Basra, an eventuality we must take care to guard against."

1037. In Basra, there was a continuing "anti-British sentiment" in Basra Palace, where the presence of UK personnel was still not welcomed.

1038. Maj Gen White-Spunner reported that, at the MNF-I Conference in Baghdad, Ambassador Crocker had described the action in Basra as "a defining moment in the Iraqi mission showing an assertion of Iraqi sovereignty by the GoI previously not seen".

1039. Lt Gen Houghton visited Iraq on 25 April, to "talk through the options for the UK's operational commitment to southern Iraq during the remainder of 2008" with Gen Petraeus, as ACM Stirrup had agreed he would.[512] Reporting the meeting to ACM Stirrup, he explained that he had set out the UK position as:

"a. That the UK should retain two-star Command of the four southern provinces for the immediate future.

b. That the UK could only commit to tasks within a force level ceiling of 4,100 troops.

c. That this force level ceiling only allowed the UK to effectively meet the following tasks:

(1) Provision of an integrated Division/Brigade composite Headquarters;

(2) MiTTing the BOC [Basra Operational Command].

(3) MiTTing of 14 IA Div with supporting QRFs [Quick Reaction Forces]

(4) Security of Umm Qasr;

(5) NaTT [Navy Training Team];

(6) BIA [Basra International Airport] Commercialisation.

(7) Force Protection.

(8) Force Support."

1040. Lt Gen Houghton went on to explain that if the coalition was going to be able to exploit the opportunities now offered in Basra and not allow the situation to be reversed,

---

[512] Minute Houghton to PSO/CDS, 26 April 2008, 'CJO – Gen Petraeus Meeting 25 Apr 08'.

"the US would have to take on certain additional tasks and resource commitments", specifically:

- a commitment of around 50 staff to the composite headquarters;
- MiTTing of 10 Division;
- border security;
- reform and retraining of the Iraqi Police Service; and
- a package of enablers amounting to around 750 US personnel.

1041. Lt Gen Houghton reported that Gen Petraeus "readily understood the UK policy context and was content with the scale of the continued UK commitment and the potential division of tasks". More detailed work was needed but "in principle we had an agreement".

1042. Gen Petraeus visited Basra and gave an upbeat account of his visit at the meeting of the MCNS on 27 April.[513] He congratulated the Iraqi Government on a job well done. The situation was transformed, but the ISF would need to stay focused and not relapse into static routine. Operations in the Five Mile Market area had been successful and the ISF were now moving on al-Qurnah.

1043. In his weekly report, Lt Gen Cooper recorded that Gen Petraeus had commented twice during the meeting "I can live with this", but also observed that the situation was "not optimal".[514] Lt Gen Cooper commented:

> "The bill of manpower that the UK equity leaves the US (and specifically MND-C [Multi-National Division (Centre)]) to find will be possible, but will create some local pain and include a degree of reprioritising. We should not underestimate the pain that will fall to Lt Gen Lloyd Austin's MNC-I, but I am confident that he will learn to live with it."

1044. Mr Prentice told the Inquiry that Gen Petraeus and Ambassador Crocker:

> "… definitively wished to preserve our participation in the coalition. They sensed … a wish in London to draw a line under Iraq and to get our forces out as soon as possible, and they suspected somewhat a rush to draw down … [They] understood the political realities for us, and also they had their understanding of the rising demands from Afghanistan and other theatres."[515]

1045. Mr McDonald updated the Iraq Strategy Group on Mr Brown's visit to Washington on 28 April.[516] He reported that on troop numbers "the Prime Minister had stated his

---

[513] eGram 16416/08 Baghdad to FCO London, 28 April 2008, 'Iraq: Ministerial Committee on National Security 27 April 2008'.
[514] Minute Cooper to CDS, 28 April 2008, 'SBMR-I's Weekly Report (298) 28 Apr 08'.
[515] Private hearing, 15 June 2010, pages 71-72.
[516] Letter Cabinet Office [junior official] to McDonald, 28 April 2008, 'Iraq Strategy Group, 28 April'.

intention to resume a downward trajectory" after pausing at current levels and "would therefore need a clear script on this for his meeting with Petraeus on 1 May".

1046. President Bush had "understood our sensitivities regarding the conduct of the recent ISF operation in Basra" but added that "the US had been operating under the same constraints, and believed the security situation in Basra had improved as a result".

1047. Mr McDonald told the Iraq Strategy Group:

> "It was now clear that there was a shared UK/US operation in the South, and that we would need to decide on their tasks and the division of labour. We needed to focus on our remaining political, economic and military tasks. The first two required provincial elections to take place, and tangible outcomes from the work of Michael Wareing and the Basra Development Commission. The third would require a focus on training and mentoring 14 Div, and might involve an accelerated push to achieve effect earlier, so that we could draw down combat forces more quickly in 2009. Our residual tasks should require no more than a few hundred troops."

1048. Lt Gen Wall reported to the Group that attack levels – including IEDs and IDF – were lower in Basra since the Charge of the Knights, and JAM resistance to ISF operations was waning. The challenge would be to prevent JAM's re-infiltration, but it was likely that the ISF would stay in the South in large numbers and therefore act as a deterrent. He reported also a "risk" that 14th Division might be moved into Maysan, "which would have implications for our MiTTs".

1049. Lt Gen Houghton's visit to Baghdad had "gone as planned" and although Gen Petraeus would prefer a "gentle glide path rather than rapid drawdown" once 14th Division was fully trained, he had "reluctantly agreed" to the UK's proposals.

1050. The next likely focus for ISF operations would be Mosul, which would have implications for US resources in Basra, as would any uplift in Sadr City. Gen Petraeus remained concerned about the lack of capacity on the border and had urged the UK to consider greater use of private military companies (for example to provide airport security, which might free up 200-300 troops). Lt Gen Wall observed that the UK was "doing very little with the police, now that Jalil had departed".

1051. Mr Miliband visited Baghdad and Erbil in mid-April.[517] On 29 April, he wrote to Mr Brown:

> "However unfortunate its genesis, Maliki's operation in Basra has created an opportunity to reshape our approach there and set a new direction towards transition. 2009 is the year we will need to move from a Basra military strategy to an Iraq political and economic strategy. If we get the strategy right I believe we can

[517] Letter Miliband to Prime Minister, 29 April 2008, 'Iraq'.

> emerge from Iraq with our military and political reputation intact and our relationship with the US protected."

1052. Mr Miliband commented that the Iraqi Government was "for the first time since 2003" giving full attention to Basra. In support of that, the US had committed, "again for the first time since 2003, serious assets from the Multi-National Corps to bolster MND(SE)". He believed that combined US, UK and Iraqi resources "will be able to accelerate the rate of positive change in Basra", paving the way for a "proper and respectable end to our role as lead partner in the coalition" in the course of 2009 and the start of "a broad-based and natural relationship with the new Iraq, the 'whole Iraq policy' which we have long wanted".

1053. To make the transition "in good order", Mr Miliband advised that it should be clear to the US that the UK had properly completed the remaining military tasks to which it was committed. That had implications for the ongoing negotiations with the US over the "rebalancing" of US and UK efforts in MND(SE). Mr Miliband expressed concern that the UK should "not be locked into tasks or roles which either cannot be easily justified or presented domestically in the UK; or which have no discernable end and so risk locking us into an open-ended commitment". He also proposed that agreement should be reached "sooner rather than later" on handing over the two-star Command of MND(SE) to the US.

1054. Concluding his letter, Mr Miliband wrote that:

> "The opportunity in Iraq also cuts both ways. Iraq is discernibly shaping to be an important and assertive regional power. We have a strong interest in establishing a productive and full-scope bilateral relationship with that renascent Iraq. We will best do so on the basis of a positive conclusion to our military engagement within the coalition in MND(SE)."

1055. During his visit, Mr Miliband met Prime Minister Maliki.[518] Mr Baker reported to the Iraq Strategy Group that this conversation "had been held in a bad atmosphere, with Maliki blaming us for all of Basra's shortcomings, and criticising our dealings with JAM."

1056. Charge of the Knights Phase V took place in the Jumariyah district of Basra on 28 April.[519] On 1 May, Maj Gen White-Spunner reported that:

> "What is becoming increasingly evident, as our situational awareness improves, is just what a poor state the city is in, with basic services non existent in some areas and a serious problem with raw sewage and mounds of rubbish on the streets."

---

[518] Letter Cabinet Office [junior official] to McDonald, 28 April 2008, 'Iraq Strategy Group, 28 April'.
[519] Minute White-Spunner to CJO, 2 May 2008, 'GOC MND(SE) Weekly Letter – 1 May 2008'.

SECTION 9.7

MAY 2008 TO OCTOBER 2009

Contents

Introduction 382

May 2008 382

June 2008 391

July 2008 398

August 2008 408

September 2008 411

October 2008 417

November 2008 421

December 2008 424

January 2009 434

February 2009 437

March 2009 443

April 2009 448

May 2009 450

June 2009 455

July 2009 457

August 2009 462

September/October 2009 464

The end of Op TELIC 464

- Troop numbers 2003 to 2009 464

Introduction

1. This Section addresses:

- the conclusion of negotiations on the status of UK forces in Iraq;
- decisions on the drawdown and withdrawal of UK troops;
- the UK's objectives for its ongoing relationship with Iraq; and
- assessments of the UK's legacy, particularly in Basra and the South.

2. This Section does not address:

- the UK contribution to the reconstruction of Iraq and reform of its security sector, which are covered in Sections 10 and 12 respectively.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

May 2008

4. On 1 May, at the request of the MOD, the Joint Intelligence Committee (JIC) assessed the strength of those groups and networks which had historically posed an immediate threat to Iraq's stability, and the extent to which the Iraqi Special Forces were ready to tackle those threats.[1]

5. The JIC judged that nationalist Sunni insurgents no longer represented an immediate threat to Iraq's overall stability. Sectarian violence had subsided and, since the middle of 2007, many Sunni insurgents had refrained from attacking the Iraqi Security Forces (ISF) and the Multi-National Force (MNF) in favour of working with them to resist Al Qaida in Iraq (AQ-I).

6. The JIC assessed that 70,000 Sunnis had joined MNF-sponsored security forces, known as "Sons of Iraq". The JIC judged that their motivation for doing so was "partly financial and partly born of a growing sense that AQ-I represents their most immediate threat – plus recognition that MNF cannot be defeated and will eventually leave Iraq anyway".

7. The JIC judged:

> "Iranian-backed Jaysh al-Mahdi (JAM) Special Groups are likely to remain an immediate threat to the MNF. They are increasingly fragmented and are unlikely to have a strategic impact on stability in Iraq without the support of mainstream JAM. Unless faced with a common threat from ISF, the GoI or MNF, as recently in Basra and Baghdad, such support is unlikely."

---

[1] JIC Assessment, 1 May 2008, 'Iraq Insurgency: The Hardest Nuts to Crack'.

8. In relation to AQ-I, the JIC assessed that it was failing to maintain its strategic impact and no longer represented the most immediate threat to Iraq's security, although it was "unlikely to be eradicated" and could re-generate without sustained military pressure.

9. The JIC assessed that the international threat from Iraqi Shia militias was "negligible".

10. In terms of tackling the threat, the JIC judged:

> "ISF as a whole are in a much better position than a year ago. But their ability to defeat AQ-I and JAM Special Groups will depend heavily on their Special Forces, which will rely on MNF support for aviation, airborne surveillance and operational planning for some years."

11. Recent operations in Basra led the JIC to conclude that "significant problems" remained in the ISF's ability to tackle determined opposition alone:

> "We assess their ability to successfully manage security outside Baghdad by the end of 2008, without MNF ground support will continue to be patchy and depend heavily on progress being made on national reconciliation and the maintenance of MNF-led security gains."

12. Mr Brown, Mr David Miliband (the Foreign Secretary), Mr Douglas Alexander (the International Development Secretary) and Mr Des Browne (the Defence Secretary), plus Air Chief Marshal Sir Jock Stirrup (the Chief of the Defence Staff), Mr Christopher Prentice (British Ambassador to Iraq), Mr Simon McDonald (Mr Brown's Foreign Policy Adviser) and Mr Matt Cavanagh (Mr Brown's Special Adviser) met General David Petraeus (Commanding General Multi-National Force – Iraq) and Ambassador Ryan Crocker (US Ambassador to Iraq) on 1 May.[2]

13. Mr Brown's Private Secretary for Foreign Affairs reported that Gen Petraeus had emphasised the political dynamic in Iraq as increasingly more important than the military. Mr Miliband explained that the challenge for the UK was to make the transition from a military strategy in the South to a political strategy for the whole of Iraq. In his view, provincial elections were the next key step.

14. The discussion moved to the Charge of the Knights (see Section 9.6), during which "swift US/UK action" had ensured the right outcomes, leaving JAM and other local militia on the back foot. Gen Petraeus considered that the next priority was support for Prime Minister Maliki's plan for Sadr City. ACM Stirrup described key planned UK actions in Basra and Gen Petraeus agreed that a clear division of labour existed.

15. Mr Alexander reported that the recent investment event in Basra (see Section 10.2) had been a success. Ambassador Crocker commented that there needed to be greater synergy between the Iraqi reconstruction fund and the Basra Development Commission.

---

[2] Letter Fletcher to Rimmer, 2 May 2008, 'Iraq: Prime Minister's Meeting with General Petraeus, 1 May'.

16. Summing up the discussion, Mr Brown said that the central UK focus would be accelerated training of the 14th Division, preparations for provincial elections, progress on handing control of Basra Airport to Iraqi control and economic reconstruction. Decisions on troop numbers would be taken in the context of completion of these tasks.

17. Mr McDonald produced a note on troop levels in Iraq for Mr Brown on 2 May.[3] He advised that the UK would need to retain around 4,100 troops in southern Iraq for the next six months to complete the key tasks it had agreed. Since these were higher force levels than originally planned, the job of training the 14th Division should be completed a few months sooner than planned, in January 2009.

18. Mr McDonald wrote:

> "We'll need to think about how we assess 14 Div's readiness; we do not want to leave this solely to the US; they may be tempted to use that responsibility to delay us."

19. Mr McDonald advised that it should be possible to begin drawing down forces from January 2009 onwards. The MOD had identified 3,500 as the critical mass of troops, below which they could not provide force protection for themselves. The MOD did not favour handing over tasks piecemeal to the US before achieving key objectives, both because "this would look like the UK admitting it couldn't get the key tasks done" and because the US had indicated that it would not have the capacity to take on additional tasks before the end of the year. Consequently:

> "We should therefore aim for a rapid drawdown of combat forces in southern Iraq from 4,100 to a much smaller niche contribution over the first six months of 2009."

20. Mr McDonald recommended a further statement to Parliament on force levels in Iraq before the summer Recess, without going into specific timescales or numbers. In the meantime, he would discuss the proposals with Mr Stephen Hadley, US National Security Advisor, as part of the process of "sensitising" the US to the UK's plans.

21. In an email covering Mr McDonald's advice, Mr Brown's Private Secretary explained that Mr Cavanagh was "also doing some work to see whether the numbers can be pushed any further".

22. Lieutenant General John Cooper, Senior British Military Representative – Iraq (SBMR-I), reported on 5 May that Gen Petraeus had returned to Iraq "content in that he has no difficulty with the UK national position and appreciates the reasons behind it".[4] He would look to the UK to "deliver on its commitment on MiTTing 14 IA Div [see Section 12.1], the BOC [Basra Operational Command] and on the economic line". To achieve the last of these, Lt Gen Cooper suggested that the time had come for a "properly staffed Basra Office in Baghdad".

---

[3] Email Fletcher to Brown, 2 May 2008, 'Iraq Troop Numbers – Note from Simon'.
[4] Minute Cooper to CDS, 5 May 2008, 'SBMR-I's Weekly Report (299) 5 May 08'.

23. Lt Gen Cooper also reported that Prime Minister Maliki had told Gen Petraeus and Ambassador Crocker that "he had to remove JAM/SG [Special Groups] from Sadr City now". Lt Gen Cooper considered that the Charge of the Knights had created an inflated view of the effectiveness of the ISF and that consequently Prime Minister Maliki "may yet ignore further advice that mounting a major operation in Sadr City is not a good idea at this time".

24. On 6 May, the British Embassy Office Basra reported that Charge of the Knights Phase VI had been completed, and Charge of the Knights VII had begun, focused on three districts of Basra, one of which had been a launch area for indirect fire.[5] The British Embassy Office commented:

> "The GoI continues to extend its writ over Basra, and there is a sense of nervous optimism in the city. But the Basrawis will have high expectations of immediate improvements in their daily lives to follow on from the improved security environment. The risk otherwise is that sections of the population will return to support for the militia. Former militia stronghold areas … are faced with particular problems, like poor sanitation, resulting from years of little or no investment. The next few months will be critical in delivering this change – but it is hard to see how the Provincial Council will be able to respond adequately to the city's needs."

25. On 7 May, the British Embassy Office Basra reported taking part in the opening ceremony of the Jameat market in Basra, built on the site of the Serious Crime Unit HQ destroyed on Christmas Day 2006 (see Section 9.5).[6]

26. The British Embassy Office wrote:

"– this (so far as collective memory serves) is the first time in over a year that a UK diplomat has gone into the city;

– nobody can remember when we last visited the Jameat, hitherto a JAM stronghold;

…

– this is the first visible UK/Iraqi project to be opened in the city since at least last summer."

27. After Gen Petraeus' return to Iraq, Major General Barney White-Spunner, General Officer Commanding Multi-National Division South-East (GOC MND(SE)), briefed Lieutenant General Lloyd Austin, Commanding General Multi-National Corps – Iraq (MNC-I), on how MND(SE) intended to deliver the required tasks.[7] He reported "genuine

---

[5] eGram 17550/08 Basra to FCO London, 6 May 2008, 'Basra – Update 6 May'.
[6] eGram 17723/08 Basra to FCO London, 7 May 2008, 'Iraq: A New Market Opens in Basra'.
[7] Minute White-Spunner to CJO, 8 May 2008, 'GOC MND(SE) Weekly Letter – 8 May 2009'.

US commitment" to help with police reform and training, but the issue of who manned the border with Iran remained a difficult one:

> "Our appreciation of the border is that we need to have a permanent presence on the main crossings, as unless these are controlled they will still offer the easiest passage for lethal aid … that means we should man Shalamcheh and Sheeb, which we do not have enough people for."

28. Maj Gen White-Spunner anticipated that Lt Gen Austin would accept that the UK could not be responsible for Maysan and that the US would provide the guard force at Sheeb. In return, they would look to the UK to provide a temporary cover at Shalamcheh, at least until the US construction work to create a more permanent base there was complete. Maj Gen White-Spunner commented:

> "This will be painful, but I am inclined to agree to it as otherwise we will face an open border which is not in our interests, as it will allow an ingress of rockets from Iran which could negate much of what has been achieved in Basra and end up being fired at us here in the COB [Contingency Operating Base]. It is also very much in our interest to have responsibility for the Maysan border removed from us, as it is potentially much the most difficult to police."

29. Maj Gen White-Spunner's report also described "the end of large scale manoeuvre operations by ISF to clear Basra of militia". Phase VII of Charge of the Knights met "limited resistance and low cache finds", suggesting that the militias had fled.

30. Planning was also under way to "clear and search" the town of Al Qurnah, 70km north of Basra, to which many of the Basra JAM leaders were believed to have fled.

31. On 12 May, Lt Gen Cooper reported that in relation to Sadr City, Prime Minister Maliki "was dissuaded by Petraeus and Crocker from launching a premature major ground offensive".[8] Following negotiations between the Iraqi authorities and the Office of the Martyr Sadr (OMS), a peace deal was announced on 10 May, to come into effect the following day. The terms of the deal included:

- the right of the ISF to enter Sadr City (without coalition MiTTs in support);
- JAM producing maps and locations of Improvised Explosive Devices (IEDs);
- the right of the Iraqi Government to conduct raids and arrests under warrant in pursuit of weapons;
- a cessation of IDF attacks on the International Zone;
- easier access into the area for emergency aid; and
- an acknowledgement that only the Iraqi Government and its security forces had the right to bear arms.

---

[8] Minute Cooper to CDS, 12 May 2008, 'SBMR-I's Weekly Report (300) 12 May 08'.

32. Lt Gen Cooper reported that it was not clear to what extent the Special Groups had bought into the deal.

33. On 12 May, Mr Browne wrote to Mr Brown to report his visit to Basra the previous week.[9] He agreed with the assessment in Mr Miliband's letter of 29 April (see Section 9.6) that the Charge of the Knights had "created the platform for transition we were hoping for from General Mohan's operations later in the year".

34. To capitalise on the opportunity presented, Mr Browne considered that the UK must:

- help ensure that the "still fragile" security on the ground in Basra continued to improve;
- finalise agreement with the US over the division of military effort in MND(SE) over the next six months; and
- "agree a narrative of what happened and why, and get it into circulation quickly – not only here but in the US, where our reputation is undoubtedly tarnished".

35. The medium term was "more complicated". Military advice was that it would be difficult to fulfil the commitments agreed with the US – in particular mentoring 14 Division – while also making significant force level reductions before November. While Mr Browne agreed with Mr Miliband that the UK should aim to transfer the two-star command sooner rather than later:

> "Our discussions so far with General Petraeus will have engendered a US assumption that we have agreed to retain command of MND(SE) at least for the next six months."

36. Mr Browne continued:

> "The key question implied by David [Miliband] is whether we intend to leave Basra this year, by mid 2009 or by the end of next year. We have prepared Washington for a significant further troop reduction after their elections but not, explicitly, for withdrawal … we have the opportunity to be out by May 2009 … if we are prepared to inform the President elect of our decision in November. Alternatively, we could negotiate an exit with the new Administration and … be out at the end of 2009. Both risk compromising our relations with the incoming President but the former runs less chance of our being entangled in longer term commitments …"

37. Mr Browne's letter concluded by mentioning the need to resolve the future legal status of UK forces in Iraq after resolution 1790 (2007) expired, something about which he "remained concerned". This had a direct bearing on the question of troop numbers

---

[9] Letter Browne to Brown, 12 May 2007 [sic], 'Iraq'.

and role. In his view, it would be sensible for Ministers to confirm now that transition in 2008 was not an option:

> "To do so would simplify military planning, allow us to concentrate on meeting our objectives in Basra, ease our relations with the US and remove the risk of being accused of misleading domestic audiences without prejudging when and how we make the transition in 2009."

38. Mr Browne recommended that the Committee on National Security, International Relations and Defence (NSID) should commission the Iraq Strategy Group to produce a refined set of options for consideration the following month, together with a draft Parliamentary statement announcing the strategy to November and giving an indication of future possibilities.

39. In an Assessment dated 14 May, at the request of the FCO the JIC examined the impact of ISF operations against the JAM in Basra on Prime Minister Maliki, his government and the Sadrists.[10] The JIC's Key Judgements included:

> "I. Prime Minister Maliki is enjoying broad political support following the success of Iraqi security forces' (ISF) operations against the Jaysh al-Mahdi in Basra (the Charge of the Knights). Enthusiasm for dialogue on vital legislative issues has increased.
>
> "II. Maliki … still has many critics …
>
> "III. The Charge has significantly weakened JAM in Basra. Its disparate factions are unlikely to recover their dominance of Basra's streets any time soon …
>
> "IV. … Expectations in Basra are high. Maliki will need to deliver improvements in public services and job creation in weeks … The same will apply in other places where the ISF take on JAM."

40. In relation to the operation itself, the JIC judged that:

> "Strong JAM resistance in the initial phases of the Charge exposed enduring weaknesses in the largely untested local ISF, though co-ordination improved as the operation progressed and more experienced Iraqi units from elsewhere performed significantly better. Targeted and sophisticated Multi-National Forces air support and assistance in command and control was also key to the eventual success of the Charge …"

41. On 16 May, Maj Gen White-Spunner reported that the Deputy Commanding General of MNC-I, who had deployed to Basra during the Charge of the Knights, had left MND(SE), leaving behind a "strong detachment" of US forces.[11] Maj Gen White-Spunner

---

[10] JIC Assessment, 14 May 2008, 'Iraq: the Charge of the Knights'.
[11] Minute White-Spunner to CJO, 16 May 2008, 'GOC MND(SE) Weekly Letter – 15 May 2008'.

commented that his presence in the South had been valuable, and that MND(SE) was already seeing the benefit of him being back in Corps headquarters, where he was helpfully ensuring that the MND(SE) perspective was better understood.

42. Having a substantial US presence in MND(SE) had helped UK forces to understand how to work with the US Corps system, but Maj Gen White-Spunner thought that MND(SE) was still not articulating its requirements as fluently as other divisions, and still failed to feature in many of the Corps daily statistics, which had a direct bearing on the allocation of resources. He commented: "We are all learning enthusiastically how to speak American, although the military dialect does take time to master."

43. Maj Gen White-Spunner reported that the operation to clear Al Qurnah had begun, but that many of the Special Groups they had hoped to detain had moved on.

44. A scene-setting telegram from the British Embassy Office Basra on 18 May, prior to a visit by Mr Browne, assessed the city's prospects as "on a knife-edge" and judged:

> "The Charge of the Knights has to be consolidated. That will require an energised civil society, with effective local government structures. It will need to be Iraqi-led … If momentum can be maintained, and the militias kept out, Basra might just make it."[12]

45. On 19 May, Lt Gen Cooper reported that the cease-fire agreed on 10 May appeared to be generally holding; it was not clear what the long-term impact would be on the Sadrist movement.[13] The militias were in difficulty in Sadr City in Basra and had diminished in Maysan and the other southern Provinces. But the cease-fire was seen as being on the Government's terms, and there was widespread criticism of Muqtada al-Sadr's leadership. Lt Gen Cooper speculated that the Iraqi Government was in dialogue with representatives of the Special Groups ("the lack of IDF in recent days is an indicator of this").

46. Lt Gen Cooper observed that as Prime Minister Maliki's confidence and control grew, so the influence of the coalition waned. He added:

> "How we use our remaining capital will be more and more important as the coalition's room for manoeuvre is increasingly constrained, and Maliki continues to build a position very like that of the traditional Iraqi strong-man."

47. On 22 May, Iraqi Security Forces entered Sadr City at first light and met almost no resistance.[14] They secured key infrastructure locations, such as hospitals, and found 45 weapons caches.

---

[12] eGram 19343/08 Basra to FCO London, 18 May 2008, 'Iraq: Defence Secretary's Visit to Basra, 22 May: Scene-Setter'.
[13] Minute Cooper to CDS, 19 May 2008, 'SBMR-I's Weekly Report (301) 19 May 08'.
[14] Minute Cooper to CDS, 27 May 2008, 'SBMR-I's Weekly Report (302) 27 May 08'.

48. Lt Gen Cooper commented that the key question was "what, or where, next?". Both the MNF and Iraqi Government were turning their attention to Maysan, in an attempt to disrupt Iranian operations and address militia infiltration of the police.

49. On 23 May, Mr McDonald wrote a report for Mr Brown of his meeting with Mr Hadley and his team in Washington two days previously to discuss troop levels.[15] Mr McDonald described the meeting as "hard pounding" and reported that the US had been concerned about how UK troop reductions would be described and about reports that the UK was planning to reduce rapidly to 1,000 or fewer.

50. Mr McDonald explained UK military advice that "there was no sustainable combat deployment between 3,350 and zero", which Mr Hadley suggested should be re-examined in light of the improved security situation in Basra, and that key tasks would be complete by year end.

51. Mr McDonald said that: "The British Parliament and public were expecting British troop numbers to fall to 2,500 this year." He asked whether US forces would be able to take on any tasks that would allow UK numbers to fall to that level. General Doug Lute ("the US War Czar") said that the US would look at that. They agreed to continue discussions in advance of President Bush's visit to the UK from 15 to 16 June.

52. Mr Brown and President Bush discussed Iraq briefly by video conference on 30 May.[16] Mr Brown reported that Mr Browne had returned from his recent visit to Basra feeling more optimistic and said that the UK must focus more clearly on its tasks for the remainder of 2008.

53. Mr Brown also confirmed that his "rough objective" was to draw down to 2,500 UK troops by the end of the year.

54. In his weekly report on 30 May, Maj Gen White-Spunner reported that the people of Basra "remain firmly behind" the ISF and Iraqi Government, as their quality of life had significantly improved following the end of militia dominance.[17] MND(SE)'s weekly security assessment of the city showed that all but one of the districts was stable or improving. Basra's night-life was returning, illustrated by restaurants opening again at night, the return of music to the streets and even the selling of alcohol.

55. Food and fuel prices, which had increased sharply during the early stages of the Charge of the Knights, had returned to normal. However, the militias continued low-level attacks against the Iraqi Police Service and soft targets (such as music shops or weddings) and the Special Groups continued to target the MNF. Phase XI of the Charge of the Knights, targeted at Abu Al Khasib and the al-Faw Peninsula, was due to begin on 31 May.

---

[15] Minute McDonald to Prime Minister, 23 May 2008, 'Iraq: US Views on UK Force Level Plans'.
[16] Letter Fletcher to Gould, 30 May 2008, 'Prime Minister's VTC with US President, 30 May'.
[17] Minute White-Spunner to CJO, 30 May 2008, 'MND(SE) Weekly Letter – 29 May 2008'.

June 2008

56. The Iraq Strategy Group focused on economic developments at its meeting on 2 June (see Section 10.2).[18] Ms Margaret Aldred, Deputy Head of the Overseas and Defence Secretariat, stressed that economic deliverables would form a core part of the narrative that Mr Browne had asked for following his visit to Basra and asked DFID to lead on compiling it.

57. Mr Jon Day, MOD Director General Operational Policy, explained that that request had followed a briefing by the PRT highlighting the lack of capacity within the UK system to give an evidence-based account of what had been achieved in Basra.

58. Mr McDonald noted that Mr Brown would want to announce economic progress – or, at the very least, a Basra economic plan – in his planned Parliamentary statement in July.

59. Mr Frank Baker, FCO Head of Iraq Group, updated the Group on progress towards provincial elections. If the provincial elections law was passed by the end of June, the elections could take place on 1 October, although December was more likely. Some technical work remained to be done.

60. Mr Browne visited Iraq briefly, on his way to Afghanistan, at the end of May, where he "realised a personal ambition by having a cup of tea downtown", the result of "a remarkable transformation of the security situation".[19]

61. In a report of his visit sent to Mr Brown on 4 June, Mr Browne wrote that he had found UK troops "enthused about their new role, working alongside the resurgent Iraqi Security Forces", adding:

> "Everyone I spoke to sensed a real prospect now to leave behind us in Basra a positive legacy. As one officer put it to me, we are now in a similar position to 2003, but with the benefit this time of a security environment which has a predominantly Iraqi face. If we are to avoid the same pitfalls this time round, rapid investment is needed in Joint Security Stations for the Iraqi Army and Police in Basra, and in eye-catching short-term regeneration initiatives and medium term employment schemes. This needn't be UK money – the Government of Iraq is revelling in the hike in oil prices … – but perhaps we should consider across government, as we approach the final stages of Op TELIC, what value we would put upon some flagship projects that we can point to as part of a positive UK legacy in southern Iraq."

62. Mr Browne explained that discussions with Lt Gen Cooper and Maj Gen White-Spunner had confirmed that it would not be possible to go much below the current troop level of 4,100 and still perform a useful mentoring and training role without the substitution of US troops in some of the UK's current tasks.

---

[18] Minute Cabinet Office [junior official] to McDonald, 2 June 2008, 'Iraq Strategy Group, 2 June'.
[19] Letter Browne to Brown, 4 June 2008, 'Visit to Basra'.

63. Mr Browne considered that it should be possible to conclude the training of 14 Division by the end of 2008 and thereafter, should the UK so decide, to declare an end to Op TELIC and a move to a longer-term bilateral relationship with Iraq, requiring hundreds rather than thousands of troops. The timing of such a shift would fit with both provincial elections and the expiry of resolution 1790. Even before UK troops departed, Mr Browne pointed out that by October the US would have three times as much combat power as the UK in MND(SE).

64. In conclusion, Mr Browne said that he would work with Mr Miliband and Mr Alexander "as a matter of urgency on the narrative that will put in context our withdrawal of combat troops, and explain what we have achieved since 2003".

65. At the start of June, Australian and Czech troops left MND(SE).[20] Maj Gen White-Spunner observed that, with the imminent departure of the Romanians:

> "Our Multi-National Division is now not as multi-national as it once was, being … essentially UK and US – not forgetting the two Romanians and one Lithuanian in this headquarters."

66. On 7 June, Mr Prentice reported to the FCO on a briefing from Ambassador David Satterfield, State Department Co-ordinator for Iraq, covering developments in negotiating the US/Iraq Status of Forces Agreement (SOFA) and Strategic Framework Agreement (SFA).[21] The US aimed to have both signed by 31 July, coming into effect at the start of 2009, and had almost reached agreement on the SFA. The SOFA had been set aside in favour of a new "Implementing Arrangement" in the form of a protocol to the SFA.

67. Mr Prentice reported that the US were "now settling for a degree of operational and legal risk and there will be no chance of us being able to negotiate legally watertight authorities or privileges and immunities which go beyond what the US accept".

68. Uncertainty remained over whether any eventual UK/Iraqi agreement would be subject to separate Iraqi Government and/or Council of Representative approval. Mr Prentice observed that the more the UK sought distinct arrangements, the more risk there would be of particular political attention:

> "There may also be some temptation to 'go after' the junior coalition partner; post-Basra, there are still anti-British rumours in the corridors …"

69. In his weekly report on 9 June, Lt Gen Cooper wrote that:

> "The key political issue this week has been the bursting into print and speech by many observers and politicians on the SFA/SOFA. Earlier in the week, most parties declared some form of opposition to the SFA or very qualified and conditional support based on significant caveats … As the week wore on, several senior

---

[20] Minute White-Spunner to CJO, 6 June 2008, 'MND(SE) Weekly Letter – 06 June 2008'.
[21] eGram 22049/08 Baghdad to FCO London, 7 June 2008, 'Iraq: SFA/SoFA Negotiations'.

government spokesmen and officials began to ameliorate comment and produce greater objectivity."[22]

70. Public statements by the US Embassy and the MNF-I stressed "that any agreement would be transparent, that there was no desire to have permanent US bases and that there is no intent to use Iraq as a base from which to conduct offensive operations against third parties".

71. In the same note, Lt Gen Cooper reflected on the remaining tasks for the UK in the South of Iraq:

> "… it is worth considering what is achievable between now and the end of 2008 and the first half of 2009. I have already commented on the need to have metrics that are measurable and understandable to non-military audiences in relation to completing the training of 14 IA Div … And if we can get 14 Div right, I am confident that we will have set the conditions for the successful delivery of Provincial elections in Basra."

72. Lt Gen Cooper reported that Gen Petraeus had concluded on the basis of UK statements that there would remain a UK brigade in place in 2009, probably focused on Basra alone. Lt Gen Cooper cautioned that there had not yet been a political decision on future deployments. He told ACM Stirrup that:

> "It is difficult in Baghdad to discuss the issue substantively in the absence of a confirmed political decision. Given the impending PM-POTUS meeting, I would expect Petraeus' expectation to be briefed to President Bush."

73. On 9 June, a Current Intelligence Group (CIG) considered Basra city's economy, the impact of criminal activity, obstacles to reconstruction and the likely impact of provincial elections and Iranian influence.[23] The CIG's Key Judgements included:

> "I. The recent Iraqi Government security operation in Basra City had largely driven the Jaysh al-Mahdi (JAM) from the streets and brought a degree of stability. While this lasts, there is a window of opportunity to create the conditions for economic growth. However, insecurity, institutional incapacity, corruption, legislation, competing political agendas, crime and smuggling will remain impediments to reconstruction and development for the next twelve months.
>
> …
>
> "V. Militia violence and intimidation, which specifically targeted middle class Basrawis, prompted many to leave, leaving a shortage of capable local entrepreneurs, which is likely to persist beyond 2008."

---

[22] Minute Cooper to CDS, 9 June 2008, 'SBMR-I's Weekly Report (304) 9 Jun 08'.
[23] CIG Assessment, 9 June 2008, 'Iraq: Basra's Economy'.

74. The JIC examined the state of Sunni politics in Iraq in an Assessment of 11 June.[24] It confirmed a December 2007 judgement that, despite having worked together to oust AQ-I, there was little sign the Sunni community had rallied to a single political party or cause.

75. The JIC judged that Sunni participation in the forthcoming provincial elections was likely to be:

> "… considerably higher than in 2005. Sunni expectations are high and are unlikely to be met by the opportunities that political participation offers. Alienation will grow unless Prime Minister Maliki's government addresses their concerns."

76. The JIC judged that Sunni politicians commanded little support from "the Sunni street" and that "established Sunni parties' low credibility and growing competition for votes will probably render them less dominant in national Sunni politics".

77. The JIC judged that "Iraq's Arab neighbours are not driving Iraqi Sunni politics".

78. The JIC assessed that immediate Sunni concerns were focused on seeing security gains translate into more jobs and better public services. Other common goals included increased representation in the ISF and in the government; the release of Sunni detainees; revision of the de-Ba'athification laws; constitutional review; a timetable for the withdrawal of the MNF; and resisting Shia and Kurdish moves towards federalism.

79. The JIC assessed that Sunni insurgent groups were increasingly interested in the potential gains from political engagement, but saw such engagement "as additional to, not instead of, armed resistance". There was no sign that any such group had a coherent or realistic set of national political objectives.

80. On 11 June, Sir Mark Lyall-Grant, FCO Director General Political, circulated to members of the FCO Board a paper on 'Preparing for the End-Game in Basra'.[25] The paper set out an analysis of the impact of the Charge of the Knights:

"– Maliki's failure to consult us, and his well-publicised refusal to receive British officers during the first week when things were going badly for the ISF, made it hard for us to sustain our claims that we were co-operating closely with the GoI on Basra, and that our military overwatch role was welcomed and valued by the Iraqis.

– the increased MNC-I (ie the US military) presence on the ground created a mistaken but widespread perception in the US, and in the international media, that we had abdicated to the US our post-PIC [Provisional Iraqi Control] responsibilities for providing *in extremis* support for the ISF.

---

[24] JIC Assessment, 11 June 2008, 'Iraq: Sunni Arab Politics'.
[25] Email Lyall-Grant to Ricketts, 11 June 2008, 'Board endgame paper' attaching Paper Iraq Group, June 2008, 'Iraq: Preparing for the End-Game in Basra'.

– the fact that Maliki felt moved to intervene so precipitously in Basra, along with the ISF's lack of success in the first week of the operation, led to a renewal of unfavourable comment from the US, GoI and the media about the state of Basra when we handed it over to Iraqi control; our failure to deal effectively with the militias; and the readiness of the Iraqi Security Forces we had trained."

81. The paper also said that the UK's relationship with Prime Minister Maliki had been:

"… severely tested by the events of late March: he believed that we had done deals to allow JAM control of Basra, and that we were consequently unwilling to support the GoI and ISF … we cannot be confident that he values or appreciates the UK military role in the South, or that he would be particularly concerned by the timing of our departure."

82. On 13 June, Maj Gen White-Spunner sent Lieutenant General Nicholas Houghton, Chief of Joint Operations, an overview of MND(SE) prior to his visit to Iraq.[26] He wrote:

"The overall mood across Iraq is positive, with attacks at a low level. The success of the GoI's initiatives in Sadr City and Mosul, together with the perception that AQ and the Sunni insurgency are nearing defeat, have, of course, contributed to this, but from a Basrawi perspective the improvement started with Charge of the Knights in Basra, being Maliki's first sign of willingness to act against the militias and criminal gangs … a new confidence has emerged in the city, with people openly speaking of life being better than it has been for years and a mood of optimism equal to that experienced in 2003."

83. Maj Gen White-Spunner commented: "There is a sense that the city is just waking from a nightmare and rubbing its eyes as it contemplates what could turn out to be a fine day, although it is too early to be sure."

84. On 13 June, Muqtada al-Sadr declared that JAM would be re-organised from a militia into a primarily civilian, religious, social and cultural organisation, called 'Mumahiidun' (Showing the Way), and its members would be banned from carrying weapons.[27] He added that a minority of JAM would be retained to resist the occupation.

85. On 13 June, Mr Brown's Private Secretary for Foreign Affairs emailed Mr Brown advice from Mr McDonald, explaining as he did that: "We asked Simon [McDonald] to have another go at the Iraq numbers."[28]

86. Mr McDonald advised that it would be possible to reduce UK troop numbers to 2,000 by the end of 2008 if the US assumed a number of the current key UK roles, specifically either the training of 14 Division or the provision of enabling support.

---

[26] Minute White-Spunner to CJO, 13 June 2008, 'MND(SE) Weekly Letter – 13 June 08'.
[27] JIC Assessment, 10 September 2008, 'Iraq: The Future of Jaysh al-Mahdi'.
[28] Email Fletcher to Brown, 13 June 2008, 'Iraq Troop Numbers'.

87. However, military advice was that leaving Iraq before the key tasks had been completed would damage the morale and reputation of the UK Armed Forces. ACM Stirrup strongly opposed the idea of the US taking over the training of 14 Division, which would leave the UK troops in a "low value-added supporting role of limited benefit". The US was thought likely to resent taking on "British tasks" when already stretched.

88. Consequently, Mr McDonald recommended that Mr Brown should "decide that UK forces complete training 14 Division, and then prepare to leave Basra". Completing the training "could make the difference to whether we can end our six-year engagement in Iraq as success or failure". Departure from Basra could begin before the end of 2008, making the troop rotation that ended in May 2009 the last of Op TELIC. He advised that Mr Brown should agree the policy with President Bush and then with Presidential Candidates Mr Barack Obama and Mr John McCain, before being announced in July. Mr McDonald also recommended that Mr Brown visit Iraq after the announcement to highlight the UK's economic and security achievements.

89. On 15 June, during a Presidential visit to London, Mr Brown hosted a dinner for President Bush and the two men had an hour-long one-to-one the following day.[29] There was no discussion of troop numbers in Iraq. Mr Brown said that it was right for the UK to focus on the four key tasks in MND(SE): training 14 Division, provincial elections before the end of November, economic reconstruction, and preparation of the port and airport for civilian control.

90. On 16 June, Lt Gen Cooper reported that Muqtada al-Sadr's statement about the re-organisation of JAM left both OMS and JAM "in limbo".[30] He reported that some commentators wondered whether it was a precursor to disbanding JAM. Muqtada al-Sadr had repeated that OMS would not participate in the provincial elections and the movement remained unregistered with the electoral authorities.

91. Lt Gen Cooper also reported that "stoppage in the SFA/SOFA negotiations is now well trailed in the local and international media. We await details of any new discussions to emerge."

92. On 20 June, Maj Gen White-Spunner's weekly report from Basra contained "some metrics which show what life is like for Basrawis", based on a survey conducted for the MNF-I by an Iraqi team, which he judged to have "a good degree of independence and credibility".[31]

93. The survey showed that:

> "Since the start of Operation Charge of the Knights the responses of those polled (in May) show a definite improvement in public perception with 90 percent now considering they have enough to live on and 80 percent having enough food

[29] Letter Fletcher to Gould, 17 June 2008, 'Prime Minister's Meeting with US President, 16 June'.
[30] Minute Cooper to CDS, 16 June 2008, 'SBMR-I's Weekly Report (305) 16 Jun 08'.
[31] Minute White-Spunner to CJO, 20 June 2008, 'MND(SE) Weekly Letter – 20 June 2008'.

> the majority of the time. This is in stark contrast to March when only 60 percent considered that they had enough to live on and only 25 percent thought they had enough food. We are also seeing an upward trend in support for the ISF. The perception that the ISF are defeating the Militias increased by 11 percent in May to 59 percent with similar trends reported for general confidence in the security situation, now at 75 percent, and increase of 18 percent over the previous month, and in confidence in the ISF's ability to protect the population increasing by 10 percent to 70 percent overall. Finally, 74 percent of those polled consider the environment safe enough to report crimes to the ISF, which is an increase of 6 percent over last month."

94. Maj Gen White-Spunner also reported that Operation Charge of the Knights XIV had begun on 18 June, covering "the continuous maintenance of security and control by the ISF throughout Basra Province … and, secondly, support to ISF operations in Maysan".

95. The British Embassy Office Basra reported on 23 June that Charge of the Knights XIV was targeting insurgents returning to the city, and had generated "further weapons finds and detentions" as well as an increase in attacks against the MNF and ISF, albeit "single rather than multiple rocket attacks which suggests a reduced capability".[32] There appeared to be public support for ISF action.

96. In the same report, the British Embassy Office recorded "the first visit in ten months by UK CivPol [civilian police] to the Joint Police Command Centre (JPCC) in Basra". The report said:

> "The success of the initial visit to the PJCC cannot be over-emphasised. It will enable, as the security situation allows, future opportunities for the CivPol team to engage close[ly] with the IPS as part of the continuing strategy to support, develop and assess policing standards."

97. On 23 June Lt Gen Cooper advised ACM Stirrup of the importance of engaging the Iraqi Government "sooner rather than later on the nature of our long term strategic relationship with them … we need to see through Iraqi eyes … rather than risk taking the future for granted".[33]

98. The same report stated that Charge of the Knights XIV had been "well-co-ordinated" and "executed to plan". Lt Gen Cooper reported:

> "A vignette that brings to life the burgeoning sense of confidence within the ISF is that a departing JAM member had painted the graffiti comment '*We'll be back*' on the Yugoslav bridge in Amara to which an Iraqi soldier had added '*We'll be waiting*'."

99. Qadisiyah and Anbar provinces were scheduled for transfer to Provincial Iraqi Control (PIC) at the end of June, and Lt Gen Cooper commented that Gen Petraeus

---

[32] eGram 24392/08 Basra to FCO London, 23 June 2008, 'Basra: Weekly Update'.
[33] Minute Cooper to CDS, 23 June 2008, 'SBMR-I's Weekly Report (306) 23 Jun 08'.

"went further than he had hitherto in commenting that he now had a sense of momentum about the future".

100. On 30 June, Gen Petraeus was reported to have "accepted as likely .. that a bridging arrangement will be adopted and that a final SOFA will not emerge in 2008".[34]

101. Lt Gen Cooper judged that Iraqi desire to assert sovereignty was increasing, and was having a significant impact on the SOFA negotiations.

102. General Sir Richard Dannatt, Chief of the General Staff, visited Basra at the end of June, and reported a "very positive mood within MND(SE) and a real sense that we may actually be able to deliver success, although within a realistic timeframe".[35] He believed it was important to be "absolutely focused on delivering success – in terms of the objectives that we have already set – rather than be too directed by any understandable desire for early delivery". However, he remained "unconvinced that the PRT in Basra is demonstrating enough energy, purpose and drive to be able to deliver meaningful results in the timeframe we require".

July 2008

103. On 3 July, Mr Day told the Iraq Strategy Group that negotiations between the US and Iraq on legal arrangements for the presence of US forces were going badly.[36] The SOFA was now "on the back burner" and the US was pursuing an Interim Protocol to span the gap between the end of the Security Council resolution and the completion of a SOFA.

104. Mr Day thought the most likely outcome was a six month rollover of the Chapter VII mandate contained in the resolution. Mr McDonald said that solution would be acceptable to the UK.

105. The UK would require an additional bilateral amendment, in light of its obligations under the European Convention on Human Rights. Mr McDonald noted that Mr Brown had previously stated that UK forces were in Iraq under a UN mandate and at the invitation of the Iraqi Government; it would be necessary to continue that cover into 2009.

106. Mr Day told the Iraq Strategy Group that the MOD was developing a paper on the long term UK military role in Iraq which would map the route to a normal bilateral military relationship.

107. Mr Prentice called on Ambassador Crocker on 4 July to discuss the SFA and SOFA.[37] A minute of the discussion written by British Embassy staff recorded that

---

[34] Minute Cooper to CDS, 30 June 2008, 'SBMR-I's Weekly Report (307) 30 Jun 08'.
[35] Minute CGS to PSO/CDS, 4 July 2008, 'CGS Visit to Iraq and Cyprus – 30 Jun-2 Jul 08'.
[36] Minute Cabinet Office [junior official] to McDonald, 7 July 2008, 'Iraq Strategy Group, 3 July'.
[37] Email Brett to Prentice, 6 July 2008, 'Call on Ambassador Crocker, 4 July: SFA/SOFA'.

Mr Prentice described "clear signs that some in Maliki's circle … saw no need to give the UK and other non-US forces a role beyond 2008".

108. Ambassador Crocker told Mr Prentice that, in his opinion, those views were based on "ignorance of the breadth of the present UK role and on overconfidence in the capabilities of the ISF". He did not think that Prime Minister Maliki had a clear position yet on an agreement with the UK. Mr Prentice considered that the US and UK should avoid closing off any options.

109. Mr Prentice also described plans for Mr Day to visit Iraq with "a non-paper which set out what we would require in terms of legal cover for UK forces post Chapter VII and asked a number of open-ended questions" to discuss with the Iraqi Government.

110. On 8 July, the British Embassy Office Basra reported that the operational phase of Charge of the Knights had ended.[38] Phase XV, an influence/information campaign, was in the initial planning stage.

111. On 9 July a CIG provided a "sitrep on the electoral process".[39]

112. The CIG judged that for provincial elections to be held before the end of 2008, the relevant legislation needed to be passed by the end of July. The key issues still being debated were:

- whether the elections would run on an open list (allowing voters to back individual candidates) or a closed one (limiting choices to political parties); and
- whether the elections should be held simultaneously across all 18 provinces.

113. Parties that stood to lose out in the elections had been privately lobbying for a closed list, or a hybrid between the two systems, but the Iraqi Government favoured an open list system. Prime Minister Maliki favoured staggered elections, while the Independent High Electoral Commission, whose job it was to oversee and manage the elections, favoured a simultaneous approach.

114. The CIG considered that the elections had the potential to support the national reconciliation process by providing those who had been excluded from power with a means of entering the political process. Greater participation from OMS (which had boycotted the last elections), new Sunni political parties, the Sunni Arab Tribal "awakening" groups and a range of independent candidates was expected to improve the representativeness of local councils.

115. The CIG reported that OMS had not registered as a political party, on the grounds that Muqtada al-Sadr believed that participation would be tantamount to support for the "occupation". However, the media had reported that OMS would field "independent" Sadrist candidates on other parties' lists.

---

[38] eGram 26653/08 Basra to FCO London, 8 July 2008, 'Basra: Weekly Update'.
[39] CIG Current Assessment Note, 9 July 2008, 'The Iraqi Provincial Elections'.

116. The CIG assessed that any Sadrist gains were likely to come at the expense of the "smaller independent parties, Fadilah and, to a lesser extent, ISCI and Dawa". The Note concluded:

> "Newly registered parties to look out for include the Iraqi People's Assembly (a possibly proxy for JAM Special Groups), First Iraqi Gathering (formerly the Sadrists splinter Iraqi National Gathering), the Independence and Rising Movement (affiliated to Jaysh al-Islami) and the Iraqi Awakening Conference (formerly Sahawa al-Iraq). Not all will win seats …"

117. On 14 July, following a visit to Iraq, Mr Day told the Iraq Strategy Group that US negotiations on the SFA/SOFA were making little progress.[40] Iraqi officials and ministers had told him that Prime Minister Maliki wanted UK/Iraq talks on a future legal agreement, separate and parallel to the US negotiations. But Mr Day told the Iraq Strategy Group:

> "… the Iraqis wanted the UK combat role to end by mid-2009 at the latest. They would want any residual military relationship to be far smaller and on a different legal basis."

118. The Iraq Strategy Group agreed that, if NSID agreed, the UK should pursue bilateral talks with the objective of reaching agreement in October.

119. Mr Day also reported that there was "strong Iraqi interest" in an arrangement "regularising the bilateral relationship", perhaps through a Memorandum of Understanding or Exchange of Letters, with the military relationship as a small component. The Iraq Strategy Group agreed that it would be helpful to begin discussions on future relations, but should not discuss a written agreement until after Mr Brown's visit to Iraq or before the UK had clarified its own strategic objectives.

120. Lt Gen Cooper reported to ACM Stirrup that "as is clear from Jon Day's meetings during his recent visit, there are differing views from various members of the GoI".[41] He concluded "there is a possibility that Maliki may adopt one of several positions when he meets the PM: receptive to our suggestions, hostile and indicating that he sees no need for UK presence or uncommitted either way".

121. Mr Prentice told the Inquiry that for Prime Minister Maliki "the leitmotif from the start was: when are we going to get out of chapter VII".[42]

122. On 15 July, Mr Prentice called again on Ambassador Crocker, who told him that the Iraqi Executive Council had agreed the previous day to proceed with negotiations with the US, firstly on the SFA, then the short-term bridging Protocol and finally on the longer term SOFA.[43]

---

[40] Minute Wigan to Aldred, 14 July 2008, 'Iraq Strategy Group, 14 July'.
[41] Minute Cooper to CDS, 14 July 2008, 'SBMR-I's Weekly Report (309) 14 Jul 08'.
[42] Private hearing, 15 June 2010, page 36.
[43] Email Oppenheim to Prentice, 17 July 2008, 'Your Call on Ambassador Crocker, 15 July 2008'.

123. Ambassador Crocker and Mr Prentice agreed that the UK negotiations could run in parallel with the US ones, but would be "shaped by them" and were unlikely to conclude until after the US/Iraqi negotiations had ended. Mr Prentice explained that the UK's deadline for concluding talks was mid-October, both to ensure there was time to finalise the UK arrangements after the US arrangements were in place but also to allow time for the necessary Parliamentary procedures in London.

124. The Overseas and Defence Sub-Committee of NSID met on 15 July to discuss a paper prepared by Cabinet Office officials on UK strategy in Iraq 2008/2009.[44] The officials recommended that:

- The UK's key tasks in Iraq for 2008/2009 should be:
  - training and mentoring the Iraqi Army's 14 Division, until it was capable of independent operations with minimal coalition support (expected in about April 2009);
  - supporting provincial elections, due by the end of 2008; and
  - supporting economic development in Basra, based on Mr Wareing's outline Economic Development Strategy (see Section 10.2).
- 4,000 UK troops would be required in southern Iraq until 14 Division was trained but after that UK forces should move to a significantly different future role, requiring fewer troops.
- Mr Brown should set out this policy in a statement on 22 July.
- Officials should continue to pursue legal cover for a continued UK mission, through either a resolution rollover (seen as "increasingly likely") or bilateral relations with Iraq.
- The UK should continue to press for passage of the Hydrocarbons Law.
- Once drawdown plans were clearer, NSID(OD) should agree UK strategic objectives in Iraq and the resources needed to pursue them.

125. At the meeting, Mr Browne described his recent discussions in Washington with Mr Hadley and General Lute.[45]

126. Mr Browne reported that the US was likely to agree to Iraqi demands for an indicative timetable for troop withdrawals and would welcome a UK policy statement which "could set out the conditions for a move from combat operations (ending Operation TELIC) to a long-term relationship" and "could say we expected to meet conditions in early 2009, and could then reduce troop numbers significantly".

127. ACM Stirrup reported that the UK could expect to complete its current military tasks in 2009, allowing transition to a normal bilateral relationship. In discussion, it was suggested that the "remaining military tasks" beyond April 2009 were continued

---

[44] Paper Cabinet Office, 11 July 2008, 'Iraq'.
[45] Minutes, 15 July 2008, NSID(OD) meeting.

"small scale" mentoring of 14 Division's HQ, training the Iraqi Navy and supporting officer training. These would "resemble normal defence co-operation".

128. Mr Miliband warned that provincial elections might be postponed until April 2009, or to coincide with Iraqi Parliamentary elections the following autumn.

129. Mr Alexander reported on Mr Wareing's draft economic strategy (this is addressed in Section 10.2).

130. Concluding the discussion, Mr Brown welcomed the opportunity that his 22 July statement would provide to set out UK policy publicly, given the risk that the next US President might ask the UK to "hold further changes". He summed up that the UK's key goals for the year ahead should be to push for early provincial elections; hand over Basra Airport by the end of 2008; produce an economic plan shortly; and complete training of 14 Division by the end of May 2009.

131. On 15 July, the Assessments Staff reviewed recent intelligence on foreign fighters in Iraq against an earlier JIC judgement[46] that the situations in Iraq and Afghanistan were "creating a new supply of battle-hardened jihadists that will add resilience to the wider AQ campaign".[47]

132. The update stated:

> "Since 2003, we estimate that several thousand foreign fighters … have travelled to Iraq to undertake jihad. We judge that the majority of these joined Al Qaida in Iraq (AQ-I) and became either suicide bombers or were killed in other action. But a proportion have left Iraq as experienced and competent jihadist fighters …
>
> "The total number of foreign fighters who have left Iraq since 2003 remains unclear … We are aware of only a handful of individuals who have come to the UK after fighting in Iraq, and have seen no intelligence to suggest that these individuals are currently involved in attack planning.
>
> "The impact of the return from Iraq of foreign fighters has, so far, been less than the JIC predicted."

133. On 17 July, Maj Gen White-Spunner reported that MND(SE) was an entirely UK/US organisation, apart from one Australian "handling their loose ends".

134. Maj Gen White-Spunner also reported that he had discussed with Lt Gen Austin the transfer of the UK's remaining responsibilities in Maysan, Muthanna and Dhi Qar to Multi-National Division (Centre) (MND(C)).[48] They agreed the transfer made military

---

[46] JIC Assessment, 17 May 2007, 'International Islamist Terrorism: Who's Winning?'
[47] Intelligence Update Assessments Staff, 15 July 2008, 'International Terrorism: The Departure of Foreign Fighters from Iraq'.
[48] Minute White-Spunner to CJO, 17 July 2008, 'GOC MND(SE) Weekly Letter – 17 July 2008'.

sense but Lt Gen Austin thought that Gen Petraeus might take the view that it would be presentationally difficult for the US.

135. Maj Gen White-Spunner commented that if the transfer did not go ahead, "it will not make much practical difference to us as MND(C) are already dealing with governance and economic reconstruction".

136. On 18 July, Mr Brown's Private Secretary for Foreign Affairs informed Mr Brown that Prime Minister Maliki had told Mr Prentice that he wanted to end the coalition presence in Iraq as soon as possible.[49] Prime Minister Maliki did not want to agree to the continuation of any coalition forces other than the US beyond the end of 2008. US officials were concerned by this proposal and by the wording of Mr Brown's statement which declared an end to Op TELIC and withdrawal of all UK combat troops in early 2009.

137. On the same day, *BBC News* reported a White House announcement that:

> "Improving conditions should allow for the agreements now under negotiation to include a general time horizon for meeting aspirational goals – such as the resumption of Iraqi security control in their cities and provinces and the further reduction of US combat forces from Iraq."[50]

138. According to the report, the announcement was prompted by Prime Minister Maliki, raising the prospect of setting a timetable for the withdrawal of US troops as part of negotiations of a new security agreement.

139. Mr Brown visited Iraq on 19 July, during which he held a bilateral meeting with Prime Minister Maliki.[51]

140. Mr Brown underlined to Prime Minister Maliki the UK's wish to help on key issues, including Basra port, oil and the steel industry as well as the training of 14 Division. He commented that the Iraqi police and army were "increasingly ready" and capable of taking over their responsibilities.

141. Prime Minister Maliki agreed that it was in the interests of both countries to have long-term co-operation in all fields, including training the military. The Iraqi people's desire for the departure of all foreign forces did not necessarily mean that they were ungrateful for the help that had been provided, but they wanted to be a sovereign nation and he did not feel that there was a need for such a large number of foreign forces to be present.

142. Mr Brown explained that UK forces would not stay longer than was necessary to "finish the tasks we had started", specifically training 14 Division, making Basra

---

[49] Email Fletcher to Brown, 18 July 2008, 'Iraq'.
[50] *BBC News*, 18 July 2008, *US seeks 'time horizon' on Iraq*.
[51] Letter Fletcher to Hickey, 19 July 2008, 'Prime Minister's Meeting with Prime Minister Maliki, 19 July'.

Airport operational and supporting provincial elections. That would take until mid 2009. Negotiations could begin immediately, in advance of a further meeting in October.

143. Summing up the discussion, Mr Brown concluded that:

> "… in principle they had agreed to negotiate until October this year; that the tasks the UK was undertaking would be complete by mid-2009; and that Maliki supported a further training role for the British Army while we finished our current tasks. It was essential that the GOI [Government of Iraq] understood that by the end of December 2009, we should have an MOU giving our forces a legal basis. He and Maliki should speak monthly to avoid misunderstandings."

144. Later the same day, Mr Brown met Ambassador Crocker and Gen Petraeus.[52] He told them that after meeting Prime Minister Maliki he felt that there was agreement to a transition process. Although Prime Minister Maliki had said he wanted an agreement with the UK, Mr Brown felt that he was "unclear about what he wanted in it".

145. Ambassador Crocker explained that the White House statement the previous day did not mean a change in US policy: the "time horizons" were "aspirational" and did not have fixed dates. The Status of Forces Agreement with the Iraqi Government had so far "made good progress". In response to a question from Mr McDonald, Ambassador Crocker said that he thought rolling over the UN Security Council resolution once again would be politically impossible for Prime Minister Maliki.

146. Following Mr Brown's visit, on 21 July Lt Gen Cooper reported that the UK appeared to have a way forward to secure an agreement with Iraq in terms of future UK military contribution.[53] But he cautioned against an assumption that the Iraqi position would remain unchanged and urged "it will be essential for London to be very closely engaged with this office, in order to be fully informed on the current Baghdad atmospherics".

147. Lt Gen Cooper also reported "a week of notable milestones" in Iraq. They included the return of Tawafuq to the Government, following approval by the Council of Representatives of a ministerial slate that appointed six Tawafuq ministers, and oil production exceeding pre-war levels for the first time. The provincial elections law was scheduled to pass through the Council of Representatives, giving a possible election date of 22 December, but there was "no overwhelming sense that it will actually happen".

148. On 22 July, Mr Brown told Cabinet that he would be making a statement to the House of Commons later that day.[54]

149. Mr Brown explained that UK force levels in Iraq had reduced to 4,100. A planned further reduction to 2,500 had been suspended in March when the Iraqi Government

---

[52] Minute [unattributed], [undated], 'Prime Minister's Meeting with Petraeus and Crocker, 19 July 2008'.
[53] Minute Cooper to CDS, 21 July 2008, 'SBMR-I's Weekly Report (310) 21 Jul 08'.
[54] Cabinet Conclusions, 22 July 2008.

had decided to take action in Basra. UK troops had taken on a more active training and mentoring role, with around 1,000 UK personnel currently embedded in Iraqi units. Levels of violence had reduced significantly and life in Basra was returning to normal. The UK was pursuing four key functions:

- UK forces had moved from a combat to an overwatch role. UK troops' primary role was training and mentoring Iraqi forces, with a last resort intervention capability, although that was also gradually being taken over by Iraq.
- Pursuing economic development, which was showing some evidence of success, providing Iraqi citizens with work and a stake in their future.
- Local government elections, which would give former members of the militia the opportunity to engage in democratic politics.
- Working to transfer Basra Airport from military to civilian control.

150. Mr Brown said that the Basra Development Commission would produce an economic plan in the autumn and he hoped that local elections and the handover of Basra Airport would take place by the end of the year. Training of 14 Division should also be completed by the end of the year, with additional training of headquarters and specialist functions required in early 2009. Mr Brown "expected that we would be able to make substantial reduction in the number of British forces next year, but that would depend on circumstances. He was not going to make an estimate of the numbers now."

151. Finally, Mr Brown told Cabinet that the UK would be working to sign "a new agreement" with the Iraqi Government, and he would tell the House of Commons that the UK would be "ready to move to a new relationship in the first half of next year".

152. Summing up, Mr Brown concluded that whilst some militia activity in Iraq was "inevitable", in general "security had significantly improved". A new agreement with the Iraqi Government would require "significant negotiation" and the Armed Forces would need a legal basis for operations post-December. If the UK had left Iraq a few months ago, the job would not have been finished; with the improvements in security, momentum for economic development and a move towards local democracy once the elections were held, the Iraqi people now felt that they had a stake in the future.

153. The House of Commons Defence Committee published a report into UK operations in Iraq on 22 June, before Mr Brown made his statement.[55]

154. The report concluded that following the Charge of the Knights, a high degree of security had been restored to Basra and "the preconditions are in place for political progress and economic recovery". However, "the UK Government must ensure that it continues to provide support to the ISF to ensure that the progress which has been made is not lost and that Basra does not slip back into instability".

---

[55] Fifteenth Report from the House of Commons Defence Committee, Session 2007-2008, *UK Operations in Iraq and the Gulf*, HC982.

155. The Defence Committee considered that military training offered "an opportunity to maintain a substantial position of influence for the common good in southern Iraq, if we can commit the military capacity to do so".

156. On the afternoon of 22 July, Mr Brown made a statement "to update the House on the latest developments in Iraq".[56] He reiterated the objective he had described in October 2007 for "an independent, prosperous, democratic Iraq that is free of terrorist violence, secure within its borders and a stable presence in the region".

157. Mr Brown told the House of Commons:

> "In recent months, conditions in Basra have shown a marked improvement. Incidents of indirect fire against British troops in the Basra air station have fallen from 200 a month at their peak last summer to an average of fewer than five a month since April this year. As the all-party House of Commons Defence Committee … says in its report today, the security situation in Basra has been 'transformed'.
>
> …
>
> "The most important development is that the improvements that we have seen have been increasingly Iraqi-led. Security responsibility for 10 of 18 provinces has now transferred to Iraqi control, including all four provinces in Britain's areas of operations …"

158. Mr Brown continued:

> "The improved security situation has provided a platform for further, essential progress on reconciliation. We have seen not only increased co-operation between Sunni communities and the Iraqi Government … and the return of the Tawafuq Sunni party to the Government, but the passage of key legislation that is helping to embed democracy … The next stage will be Provincial elections … Our message to the leaders of all Iraq's communities … is that they must continue to make these right long-term decisions to achieve a sustainable peace …
>
> "We will also continue to focus on helping the Iraqi Government to rebuild their economy and ensuring that the Iraqi people all have a stake in the future."

159. Mr Brown went on to describe the UK's changing role:

> "Nine months ago, I set out the key elements of our strategy for handing over security in Basra to the Iraqis and set out the stages for completing the tasks that we have set ourselves. We completed the initial phase on target, handing over Basra to Provincial Iraqi Control in December. This allowed us to reduce troop numbers in southern Iraq from 5,500 in September to 4,500. After the Iraqi Government launched Operation Charge of the Knights to enforce the rule of law in

[56] House of Commons, *Official Report*, 22 July 2008, columns 660-679.

> Basra against the militias … the military advice was that we should pause the further planned reduction …
>
> "Since then, we have responded to changing needs and embedded more than 800 UK personnel within the Iraqi command structure … The focus of the 4,100 forces still in southern Iraq is now on completing the task of training and mentoring the 14th division of the Iraqi army in Basra … Other remaining military tasks … include finalising the preparation of Basra Airport for civilian control, and continuing to develop the capacity of the Iraqi navy and marines …
>
> "It is now right to complete the tasks we have set ourselves …
>
> "As we complete these tasks and as progress continues in these different areas, we will continue to reduce the number of British troops in Iraq. Of course, future decisions will, as always, be based on the advice of our military commanders on the ground, but I can tell the House today that, just as last year we moved from combat to overwatch, we expect a further fundamental change of mission in the first months of 2009, as we make the transition to a long-term bilateral relationship with Iraq, similar to the normal relationships that our military forces have with other important countries in the region."[57]

160. Concluding his statement, Mr Brown explained that Mr Browne and military commanders would work with the Iraqi Government to agree the details of the long term UK/Iraq relationship, including "its necessary legal basis", and report to the House in the autumn.

161. On 26 July, Mr Brown met Senator Obama.[58] Mr Brown's Private Secretary for Foreign Affairs reported that:

> "… the Prime Minister explained why he had taken his decisions on timelines and overwatch."

162. On 28 July, Lt Gen Cooper reported to ACM Stirrup that the US military were discussing agreeing a Memorandum of Understanding (MOU) with the Iraqi Government instead of a Status of Forces Agreement.[59] An MOU would "look very similar" to a SOFA but would "avoid the political emotion that the term creates". At the heart of the arrangement would be the formation of a joint committee that agreed operations.

163. Lt Gen Cooper also reported that the Council of Representatives had passed the Provincial Election Law, but the Presidential Council had rejected it. If issues were not resolved and the law re-passed before the Council of Representatives rose on 30 July, then elections were likely to be delayed into 2009, with possible implications for UK transition plans.

---

[57] House of Commons, *Official Report*, 22 July 2008, columns 660-679.
[58] Letter Fletcher to Gould, 26 July 2008, 'Prime Minister's Meeting with Obama, 26 July'.
[59] Minute Cooper to CDS, 28 July 2008, 'SBMR-I's Weekly Report (311) 28 Jul 08'.

164. Mr Baker briefed the Iraq Strategy Group on 28 July that the "sticking point" on the Electoral Law "was how Kirkuk would be governed until 2010" and "prospects for agreement were poor".[60] Mr McDonald emphasised the importance to Mr Brown of elections taking place on time. The Group agreed to keep up pressure for the Electoral Law to be adopted before 30 July, including through conversations with US interlocutors.

165. Mr Baker also reported that FCO and MOD lawyers were working towards agreeing the UK's internal position on the legal arrangements for British forces in Iraq, to enable negotiations to start in early September, subject to Iraqi agreement. He observed that the FCO and the MOD "would require a judgement by the Attorney General about use of force, given that the Iraqis would not want us to declare that an internal armed conflict existed in Iraq".

166. The Iraq Strategy Group judged that the US negotiations, which were close to agreement, were unlikely to complicate the UK's, although "we may face a tough negotiation if the US agreement did not include elements which we will want included in our own agreement".

August 2008

167. On 7 August, the JIC reviewed security prospects for the Kurdish north of Iraq, at the request of the MOD and the FCO.[61]

168. The JIC judged that the Kurdistan Region was still the most stable part of Iraq, continuing to outpace the rest of the country in terms of trade, reconstruction, investment and economic growth. By contrast, the other northern provinces – Ninawa and Ta'min (formerly Kirkuk), which were administered by the Government of Iraq – accounted for more than 80 percent of insurgent attacks recorded across Iraq. Unlike central and southern Iraq, much of the violence there was ethnically motivated. Criminality, especially extortion and intimidation by insurgents, was a serious problem.

169. The JIC's Key Judgments included:

> "III. The Arab/Kurd dispute over control of Kirkuk and other territories is likely to intensify in the next few months as the UN makes its recommendations on their future administration. Street fighting and displacement of local communities could occur with little warning, and solidify ethnic divisions in local ISF.
>
> "IV. Intensified coalition and ISF operations have failed to eradicate Al Qaida in Iraq (AQ-I) in Mosul. But they have greatly limited its operational effectiveness and access to funding. AQ-I is nevertheless likely to be capable of occasional surges in activity including high profile attacks in Iraq's major cities for the foreseeable future.

---

[60] Minute Cabinet Office [junior official] to McDonald, 31 July 2008, 'Iraq Strategy Group, 28 July'.
[61] JIC Assessment, 7 August 2008, 'Iraq: Security in the North'.

> "V. Against any determined and competent opponents in the north, ISF will still need help for at least the next few years with airborne surveillance, heavy fire power (including from the air) and embedded coalition training teams. The Kurds' Peshmerga forces in the Kurdistan Region face fewer challenges."

170. Considering longer-term trends, the JIC judged that:

> "In the longer term, we assess that the balance of power is gradually changing: as the Baghdad government becomes more confident and assertive, it is likely to be less willing to accommodate Kurdish intransigence, and the risk of confrontations will rise, especially over disputed oil revenue sharing. KRG political unity is not assured. Power sharing between the two main political parties, the PUK and KDP, is working well. But tensions following their civil war in 1995-1998 remain. We assess that the process of who succeeds PUK leader Talabani (now 75) … will test stability."

171. Mr Brown wrote to Prime Minister Maliki on 11 August, attaching a copy of his 22 July statement to the House of Commons.[62] In the covering letter he explained that the UK did not want to retain combat troops inside Iraq once their current tasks (particularly the training and mentoring of the 14th Division of the Iraqi Army in Basra) had been completed. He expected that, subject to conditions on the ground, it would be possible to complete training of 14 Division in 2009 and start to reduce the number of UK troops in southern Iraq. He explained that in order to complete the training, the UK would require a firm legal basis for the presence of personnel in Iraq beyond the end of 2008.

172. Mr Brown continued by addressing a concern expressed by Prime Minister Maliki about the detention of Iraqi citizens by UK forces in Basra. He explained that the UK held only two criminal detainees, on remand awaiting transfer to the Iraqi criminal justice system to be tried for involvement in the murders of two British servicemen. Mr Brown explained that only nine individuals had been interned in Basra in 2008, but "the UK is not at present holding any security internees".

173. During a meeting with Mr Prentice on 17 August, Prime Minister Maliki agreed to open discussions on a UK SOFA in late August or early September.[63] Mr Prentice reported that the equivalent US/Iraqi negotiations were at a delicate stage, with no guarantee of a result.

174. Mr Prentice attended the Iraqi National Security Council on 24 August, and reported that Iraqi Ministers had requested advice on how long it would take for Iraq to be able to handle its own security needs without outside help, to inform political decisions on how long an MNF-I presence was required.[64] Defence Minister Abdul

---

[62] Letter Brown to Maliki, 11 August 2008, [untitled].
[63] eGram 32303/08 Baghdad to FCO London, 19 August 2008, 'Iraq: UK-Iraq: Meeting with PM Maliki: Agreement to Open Negotiations on a SOFA'.
[64] eGram 33064/08 Baghdad to FCO London, 25 August 2008, 'Iraq: National Security Council, 24 August 2008'.

Qadir told the Council that he believed "the ISF would be able to run all its own internal security operations by 2010, but would still need outside logistical support until the end of 2011".

175. On 27 August, Mr Day wrote to Mr Brown's Assistant Private Secretary with an update on the legal framework for UK troops.[65] He reported that since Mr Prentice's meeting with Prime Minister Maliki, "US/Iraq negotiations have become increasingly difficult and seem to have reached an impasse". Prime Minister Maliki was reported to have "fundamental concerns over Iraqi sovereignty".

176. The key outstanding issues were jurisdiction over MNF service personnel and timelines for the withdrawal of combat forces. Mr Day said that UK officials and lawyers had been undertaking the technical work to prepare for negotiations with the Iraqi Government, but it was not possible to make substantive progress on the drafting of a UK/Iraq framework before the final outcome of the US/Iraq process. That was unlikely before the middle of September.

177. Mr Day considered that once US/Iraq agreement had been reached, it should be "reasonably straightforward" to complete a draft UK/Iraq agreement as a basis for discussion. The aim remained to reach agreement on text by the middle of October, in advance of Prime Minister Maliki's proposed visit to London.

178. Mr Day also reported that "If the US does not succeed it will focus on trying to renew the current Chapter VII Security Council mandate".

179. On 29 August, Mr Browne's Private Secretary wrote to Mr Brown's Private Secretary for Foreign Affairs with an update on the US proposals for military transition in southern Iraq.[66] Reports from Iraq suggested that "the US military has become reconciled to the departure of UK ground troops from Basra by the end of May 2009" and was working to generate the forces they believed were needed as replacements.

180. Mr Browne had agreed that "planning on the basis of the US proposals represented a good opportunity both to meet the Prime Minister's intent of moving to a fundamental change of mission in the first half of 2009 and to maintain our strategic relationship with the US". Transition at the end of May would enable completion of the training of 14 Division and the handover of Basra Airport. The MOD would look to make reductions in force levels before the end of May, but military advice was that it was unlikely to be possible to make significant reductions before "we are able to relinquish core functions to the US Brigade".

181. Mr Browne's Private Secretary also reported that contingency planning was under way in case agreement could not be reached on a legal basis for UK operations in Iraq, and forces had to be withdrawn sooner.

---

[65] Letter Day to Catsaras, 27 August 2008, 'Legal Framework for UK Military Presence in Iraq After 2008: Update'.
[66] Letter Ferguson to Fletcher, 29 August 2008, 'Iraq: Transition Planning for 2009'.

September 2008

182. At the start of September, Mr Prentice sent the FCO a "snapshot of what has gone well and badly over the summer break" and an assessment of prospects for the autumn and into 2009 as "background to work starting in Whitehall on a 'whole Iraq' strategy and UK transition in 2009".[67] Mr Prentice summarised the content of his advice as "arguments for sustaining our investment in the 'New Iraq'", but wrote that the prospects were "more clouded" than when he arrived in Iraq the year before.

183. Under the heading "What went well", Mr Prentice recorded that the security situation across Iraq had continued to improve throughout the summer. Casualty statistics were at a four-year low and, despite occasional major incidents, the trends remained downward. The declaration of transition to PIC in Anbar on 1 September had been a "highly symbolic success", as was Tawafuq's return to government.

184. "What went badly" included the stalling of Iraqi Army operations in Mosul because of a lack of manpower. There had been a deterioration in relations between Governor Wa'ili and the local Iraqi Army command in Basra. Clashes had narrowly been averted between the ISF and the Peshmerga in Diyala, exacerbating Arab-Kurd tensions. The US/Iraq SOFA negotiations had become deadlocked and were suspended until mid-September. Reconstruction activity "showed little result" and service provision across the country remained problematic.

185. In Mr Prentice's view, Iraq had not yet settled a national vision: although the Council of Representatives had begun to enact some of the laws needed to frame the national political and constitutional settlement, they had postponed the most difficult issues.

186. The Council of Representatives would now need to tackle a series of tough legislative challenges including the passage of a SOFA, the Elections Law, the Hydrocarbons Law and the 2009 Budget, in addition to the ongoing review of the Constitution, all of which provided "ample scope for … political deadlock".

187. Mr Prentice concluded:

> "It is against this background that work in Whitehall and here (Baghdad, Basra and Erbil) will shortly be coming together on:
>
> - Our opening position for bilateral negotiations with the GoI [Government of Iraq] on a legal base for our forces to stay in Iraq beyond 2008 to complete their present tasks. I have advised already that this should be the least challenging and demanding bid we can make.

[67] eGram 34129/08 Baghdad to FCO London, 1 September 2008, 'Iraq: Prospects for the Autumn'.

- The redesign of our economic and institutional development effort in Basra to take advantage of the improved conditions to deliver accelerated effect with full military-civilian co-ordination.
- A longer term 'Iraq Strategy', setting out the rationale for the broad-based relationship with the whole of Iraq, for which we are aiming post-transition. There is strong appetite for this form of UK connection among many Iraqis, in contrast to the (inevitable) irritations which have become associated with our/the coalition's long military presence. Iraq will be an enormously wealthy country with huge needs and long-suppressed demand. The opportunities for UK engagement in so many sectors – education, health, energy, services – will be mouth-watering. And beyond the bilateral interest, there is the strategic interest that the 'New Iraq' should develop as a pro-Western, broadly democratic and secular regional power, exercising its influence helpfully in world energy markets and acting as a link from Europe through Turkey to the Gulf and not from revolutionary Iran through Syria to Hizballah.
- We will also need to plan and fund the right long-term platform for HMG in Iraq to take best advantage of these opportunities …"

188. On 10 September, at the request of the FCO and the MOD, the JIC examined the threat from the evolution of JAM.[68]

189. The JIC's Key Judgements included:

> "I. The surrender by Jaysh al-Mahdi of its strongholds in Basra, Sadr City and al-Amara and damage to its reputation have left it in greater disarray and weaker than at any time since 2003.
>
> "II. The extent to which Muqtada al-Sadr will succeed in his attempt to transform JAM into a primarily 'cultural' organisation is unclear. It will not mean a transition to exclusively peaceful activity – Sadr's model is Lebanese Hizballah and there is a risk of at least some continuing intimidation to enforce strict Islamic codes."

190. The JIC considered that, although popular support for Muqtada al-Sadr and his championship of the Shia poor remained strong, JAM's standing had been undermined in the past year by its involvement in criminality, Shia on Shia violence, collateral damage to Karbala's holy sites and mounting evidence of Iranian support. Its claim to be a "defender of the Shia" was increasingly vulnerable, particularly following the severe degradation of AQ-I.

191. The JIC judged:

> "III. The majority of JAM members will continue to lie low and will not overtly challenge Iraqi Security Force (ISF) control in the short term. Whether Sadr's new minority armed wing resumes attacks on Multi-National Forces (MNF) is likely to

[68] JIC Assessment, 10 September 2008, 'Iraq: the Future of Jaysh al-Mahdi'.

depend on whether the coalition issues a timetable for withdrawal. A small minority of other hard-liners will continue such attacks in any case …

"IV. In the longer term, JAM members are likely to remain a source of instability through their recovery of criminal power and malign influence over Shia communities, unless military pressure is maintained. There is also potential for violence between the Sadrists and their Shia political rivals, especially as provincial elections approach.

"V. Prime Minister Maliki … is likely to remain uncompromising towards any attempt by JAM or the Special Groups to continue as a militia, and will repeat the recent crackdown should they try to challenge his security gains."

192. The JIC assessed that Iran was adopting a "more discriminating approach" to the provision of lethal aid to Shia militias, which it was likely to sustain at least until the MNF had left Iraq.

193. Lieutenant General Peter Wall, Deputy Chief of the Defence Staff (Commitments), updated the Iraq Strategy Group on 11 September on the emerging plan for UK military drawdown and transition to US command in southern Iraq.[69] In summary, he said that:

- At the end of November 2008, command of Maysan, Muthanna and Dhi Qar provinces would transfer to an expanded MND(C), under US command.
- At the end of March 2009, command of Basra would transfer to a new Basra based US division, MND(South), bringing UK forces there under US command.
- At the start of May 2009, US forces would begin to deploy to Basra.
- By the end of June 2009, the UK's departure would be complete.

194. Mr McDonald emphasised the need to protect this planning, particularly in the lead up to the US elections, and highlighted the presentational problem if the US assumed tasks that the UK was currently undertaking.

195. Lt Gen Wall and Mr Day advised that "the US presence in the South would probably not be engaged in the same tasks that we had been doing". The US was likely to focus more on border security and on protecting their main supply lines.

196. Mr McDonald told the Group that no further statement by Mr Brown was planned for 2008, although he would like to make one in early 2009.

197. Mr Brown and President Bush spoke by video link on 11 September and Mr Brown told the President that the UK would need to be part of a SOFA deal.[70]

---

[69] Minute Cabinet Office [junior official] to McDonald, 15 September 2008, 'Iraq Strategy Group, 11 September'.
[70] Letter Catsaras to Gould, 11 September 2008, 'Prime Minister's VTC with US President, 11 September'.

198. On 12 September, an official from the FCO Iraq Group reported to Mr Miliband's Private Secretary that Ambassador Satterfield had visited London two days earlier and provided UK officials in the FCO, the MOD and the Cabinet Office with an update on the negotiation of the US/Iraq SOFA.[71] Ambassador Satterfield had advised Washington that agreement would not be possible without US compromise on three points: jurisdiction, detention and timelines. To resolve those issues, he proposed that:

- US military and non-diplomatic civilian personnel would be subject to Iraqi jurisdiction if they committed a serious crime while off base and not on duty; and
- US forces would, in principle, hand over any detainees to the Iraqi authorities within 24 hours.

199. Ambassador Satterfield reported that both the US and the Iraq governments had agreed to a reference in the SOFA that US forces should withdraw from Iraq by 2011, but the Iraqi Government was keen to have a more concrete commitment.

200. The Iraq Group official advised Mr Miliband that Mr Browne shared US concerns about jurisdiction. If the US compromised on this, the UK was unlikely to "get a better deal". One possible "fix" was to declare all UK forces "on duty" for the duration of their deployment to Iraq.

201. From 15 to 16 September, ACM Stirrup visited Iraq and Kuwait.[72] He asked General Raymond Odierno, Commanding General Multi-National Force – Iraq, whether he was content with the plans for MND(SE) transition, reporting that Gen Odierno had been "encouraged" and "comfortable" with the outline proposal though he had yet to see the detailed timeline. ACM Stirrup "underlined his need to bolster enablers in Afghanistan as soon as possible" though made clear that any Iraqi transition plan would need to meet "mutual timeline requirements".

202. Mr Brown and Mr Browne met the Chiefs of Staff and Sir Bill Jeffrey, MOD Permanent Under Secretary, on 18 September.[73] ACM Stirrup reported that "remarkable progress" had been made in Iraq over the past 18 months, although it was "fragile and reversible". In the South, the biggest risk was stalled economic progress. ACM Stirrup reported that the US commanders had high regard for the UK contribution in Basra and elsewhere in Iraq and were "bought in" to a timetable that would see "two-star UK/US handover in March and one-star in May". SOFA negotiations were "stalled".

203. Mr Brown said that it would be important to have projects that helped with employment in place before the UK left Basra, and to establish a UK Trade and Investment (UKTI) presence there. The main obstacle was not security but the business

---

[71] Minute McKelvey to Baker and Private Secretary [FCO], 12 September 2008, 'Iraq – Update on US Status of Forces Negotiations'.
[72] Minute Kyd to PS/SofS [MOD], 18 September 2008, 'CDS Visit to Iraq 15-16 Sep 08'.
[73] Letter Catsaras to Rimmer, 18 September 2008, 'Prime Minister's Meeting with Defence Chiefs, 18 September'.

climate. He would raise again with President Bush UK concerns about the SOFA, including "the real risk we would run out of time".

204. On 18 September, at the request of the MOD and PJHQ, the JIC circulated its Assessment of the prospects for security across southern Iraq into 2009.[74]

205. The JIC judged that overall security had improved significantly since the Charge of the Knights operation against JAM in March. The authority of the Iraqi Government now extended into previously "no-go" areas. There were reports of improved perceptions of general security among Basrawis, and instances of violent criminality and score-settling were reported to have fallen. There had only been three attacks on the MNF at Basra Air Base in the previous six weeks.

206. The JIC assessed that security gains in Maysan had been more limited in scope and restricted to al-Amara. Security in Muthanna and Dhi Qar provinces remained "less of a challenge for local security forces".

207. The JIC had recently assessed that JAM was "in greater disarray and weaker than at any time since 2003", but a threat remained:

> "II. … Whether Sadr's planned small armed wing resumes attacks on Multi-National Forces (MNF) is likely to depend on whether the coalition agrees a timetable for withdrawal … A few other hard-liners will continue such attacks in any case. In the longer term, violent criminality, murders, kidnappings, score-settling and intimidation may gradually increase again.
>
> "III. The Iranian-backed Special Groups … are likely to be better trained and equipped and focused on attacking US forces as they return from Iran. They and a number of smaller Shia militias will probably also see attacks on withdrawing UK forces as an opportunity to claim victory over the coalition (albeit that US forces will take their place). But anti-MNF attacks are unlikely to reach anywhere near the peak seen in 2007."

208. Looking to the future, JIC continued:

> "IV. Locally raised army units in the South will continue to need coalition mentors and to operate alongside more experienced Iraqi forces to manage security for the rest of this year. By early 2009, provided JAM remains quiescent, they will be able to cope with only limited MNF mentoring. Intra-Shia clashes are likely to intensify as provincial elections approach …
>
> "V. Further growth in the local economy is probable in 2009. But significant economic improvement depends on security, sustained political support and a major improvement in government ability to implement reconstruction and development projects. All are likely to remain uncertain for some years …"

---

[74] JIC Assessment, 18 September 2008, 'Iraq: Security in the South'.

209. On 21 September, Major General Andrew Salmon, who had succeeded Maj Gen White-Spunner as GOC MND(SE) in August, reported that Gen Odierno had assumed command of MNF-I "with a clear focus on putting ISF into the lead".[75] Gen Odierno had informed Prime Minister Maliki that the US would be "positioning elements in Basra next year".

210. Maj Gen Salmon also reported that MND(SE) had been:

> "… considering what being without a SOFA on 1 Jan means, either because we won't get one, or because one hasn't quite been finalised and we're in limbo. There are probably various legal interpretations as to where we will stand in the latter case, so it might be useful to have some policy views in due course on the limbo scenario."

211. Mr Brown met President Bush at the White House on 26 September.[76] In a report of the meeting, Mr Brown's Assistant Private Secretary recorded that a formula had been developed for the SOFA to cover when US service personnel would be subject to Iraqi jurisdiction. It meant that "in practice it was extremely unlikely that these conditions would ever be met". Mr Brown emphasised that a SOFA needed to be agreed by the end of December. He told President Bush that in July Prime Minister Maliki had said he wanted the UK out of Iraq. Mr Brown had responded that the UK would stay.

212. An MOD note in the No.10 files entitled "Southern Iraq Force Levels", dating from late September 2008, set out "as requested" the options "to reduce the overall size of the force to c.1,900 as part of the November 2008 rotation".[77]

213. The note explained that under current plans there would be 4,148 UK ground troops in southern Iraq until November. In October, it was expected that the number of support roles (engineers) could be reduced by 200, bringing the total to around 3,950.

214. The note continued:

> "Our analysis shows that we could not achieve the required level of reduction through pro rata cuts across the force."

As a consequence:

> "The only alternative is to give up some of the tasks we currently undertake. In practice, that means transferring responsibilities to the US. We have identified two options for achieving a reduction to around 1900 posts. Both would make us very much the junior partner in MND(SE) and in these circumstances we assume that the US would take over command of the division … The options are (a) transfer to the US responsibility for providing enabling capabilities and running the COB

---

[75] Minute Salmon to CJO, 21 September 2008, 'GOC MND(SE) weekly letter – 21 September 2008'.
[76] Letter Catsaras to Gould, 26 September 2008, 'Prime Minister's meeting with President Bush, 26 September'.
[77] Paper MOD, [undated], 'Southern Iraq Force Levels'.

> [Contingency Operating Base] … (b) transfer to the US responsibility for training and mentoring 14 Division and providing the QRF [Quick Reaction Force] …
>
> "Both options carry major disadvantages. Neither would be at all attractive to the US. We would be asking them to make a substantial additional investment in southern Iraq … We could not present a coherent military rationale for either alternative …"

215. The author advised that the longer term damage to the UK's military, defence and security reputation and interests in the US would be "considerable" because:

> "Both Washington and General Petraeus believe they have a commitment from us that we will stay the course until 14 Division has been fully trained. These options require the US to share the burden and will be seen as the UK reneging on a deal …
>
> "There would be similar reputational consequences in Iraq and regionally. Domestically we could not present a credible military case for the reduction nor argue that it is conditions-based. Our contribution would be portrayed as a token sop and would be especially difficult to explain if we began to take casualties. We should expect an adverse and long-lasting impact on morale across Defence. Option (b), which would involve UK forces withdrawing into the COB while US troops took over our tasks in Basra, would be especially toxic to the Army's morale and reputation."

216. Mr Brown, Mr Browne and ACM Stirrup met Gen Petraeus (who had recently been appointed Commander in Chief US Central Command) on 29 September.[78] Briefing for Mr Brown stressed the importance of ensuring that Gen Petraeus understood that the UK's plans for drawdown in Iraq had Mr Brown's backing, and were not just contingent military planning. It was equally important that Gen Petraeus realised that "UK drawdown in Iraq will not translate to a scaling-up in Afghanistan".

217. In their discussion, Gen Petraeus paid tribute to UK forces in Iraq: work to capitalise on operations in Basra, Baghdad and mentoring the Iraqi headquarters had all been "superb".[79] No discussion of drawdown was recorded in the note of the meeting. Mr Browne was reported to have "questioned whether Iraq had the right Constitution".

October 2008

218. On 13 October, an interview with Prime Minister Maliki appeared in *The Times*.[80] He was reported to have said that at their current strength (4,100), British troops were "definitely … no longer necessary". The tasks he envisaged for British military trainers did not warrant a deployment of anything like that scale. Prime Minister Maliki also

---

[78] Briefing No.10 [junior officials] to Brown, 29 September 2008, 'Visit of General David Petraeus, Monday 29 September'.
[79] Letter Catsaras to Thorneloe, 30 September 2008, 'Prime Minister's Meeting with General Petraeus, 29 September'.
[80] *The Times*, 13 October 2008, *Thank You, and Goodbye*.

warned that if the legal basis for their presence was not resolved by the end of the year, British troops would have to leave.

219. The "accommodation" reached with JAM was, in Prime Minister Maliki's view, a "disaster". *The Times* observed that "Iraq's Prime Minister appears to have decided that, at a critical juncture, British Forces put their own security ahead of Basra's".

220. Mr Ian Forber, Head of the MOD Iraq Policy Team, briefed the Iraq Strategy Group on 15 October that the US had given its SOFA text to Prime Minister Maliki, "who had apparently agreed it".[81] The next steps were for the Council of Ministers and the Iraqi Parliament to consider it. The MOD and FCO view was that the US text would be sufficient for the UK's needs. MOD officials would advise the Defence Secretary that the UK should pursue its own legal arrangements based closely on the US text, and that he should tell Prime Minister Maliki that when visiting Baghdad on 19 October.

221. The Iraq Strategy Group also discussed alternative scenarios in case the UK did not conclude its own legal agreement. Contingency planning for withdrawal was in place and it could be done within three months. Mr Forber told the Group that there was legal provision under Coalition Provisional Authority Order No.17 which was still in force. If withdrawal did happen, early discussions would be needed with the US to give them "time to back-fill".

222. Mr McDonald commented that the option of a further resolution had not been ruled out, though would be difficult. The Group tasked the MOD and the FCO to produce a negotiating timetable and a public and diplomatic handling plan.

223. Mr Forber and his deputy also updated the Group on planning for transition, which was taking place against a range of scenarios. Plans had been co-ordinated with the US:

> "In particular, including their plans to backfill us as we drawdown and, if we were forced to withdraw earlier, a plan for them to backfill more rapidly, also covering what assistance we would need from the US to withdraw."

224. A day later, Mr Prentice reported from Baghdad that negotiations on a US/Iraq SOFA had entered their "endgame", meaning that the UK could "finally launch our own bid for a bilateral agreement".[82] Although the UK's objective of a broader bilateral relationship was consistent with Prime Minister Maliki's own aims, Mr Prentice observed that "he remains deeply suspicious of us and feels politically besieged". Those factors, plus a tight deadline, made the UK/Iraq agreement "a difficult trick to take".

---

[81] Minute Cabinet Office [junior official] to McDonald, 21 October 2009, 'Iraq Strategy Group, 15 October'.
[82] eGram 41161/08 Baghdad to FCO London, 16 October 2008, 'Iraq: Visit by the Defence Secretary to Baghdad: Scenesetter'.

225. Mr Prentice told the Inquiry that US negotiations on jurisdiction and legal immunities would "set the bar" for the UK.[83]

226. In mid-October, a Cabinet Office official wrote to Mr Brown's Private Secretary for Foreign Affairs with advice on a visit to Iraq, potentially including downtown Basra, being contemplated by Mr Brown.[84] He advised that such a visit "would present a number of difficult security issues, with presentational implications". The official continued:

> "The security situation in Basra has improved considerably over the past 12 months. But it is far from being inherently safe. Members of the JAM Special Groups are returning to Iraq from Iran and Syria and there are continuing reports of a return to violence, including assassination. And although the operating environment for militants and terrorists in Basra is difficult, it is by no means impossible … Moreover, there remain corrupt elements in the Iraqi police, many affiliated to JAM, for whom the Prime Minister would be an attractive target …
>
> "**Against this background, we advise against any visit by the Prime Minister to downtown Basra at this stage**. If such a visit was to be contemplated there would need to be a significant security operation to ensure the Prime Minister's safety. This in turn would raise presentational difficulties as the security precautions that would be necessary would not be consistent with a return to normality."

227. Mr Brown's Assistant Private Secretary advised Mr Brown that:

> "Whilst there is progress, there is no new policy announcement to add to your July statement … A timetable and numbers for drawdown would be new and MOD have planning figures – but (a) any plans depend on an agreed SOFA or UNSCR rollover first (b) there may be a spike in violence after the elections (c) MOD have operational security concerns about releasing our timetable – they argue it encourages increasing attacks on UK troops so that militias can claim success for driving UK out."[85]

228. The Assistant Private Secretary further advised that visiting Basra before the US elections in early November risked annoying Prime Minister Maliki at a time when the UK SOFA was still being negotiated.

229. Although Mr Brown deferred his proposed visit, Mr John Hutton, who had succeeded Mr Browne as Defence Secretary on 3 October, visited Iraq in mid October.[86] In a letter reporting his visit, Mr Hutton told Mr Brown that in Basra he had:

> "… found our troops in excellent spirits. They clearly feel that they are doing important work and are making a real difference."

---

[83] Public hearing, 6 January 2010, page 40.
[84] Minute Gibbons to Fletcher, 16 October 2008, 'Prime Minister's Possible Visit to Iraq'.
[85] Email Catsaras to Brown, 20 October 2008, 'Iraq Visit?'
[86] Letter Hutton to Prime Minister, 23 October 2008, [untitled].

230. Behind this optimism sat a "confident and capable" Iraqi Army with "complete freedom of movement throughout the city", meaning that "we will soon have reached the point where we can say with confidence that we have fulfilled our training mission for 14 Division".

231. During his visit, Mr Hutton confirmed with Gen Odierno that he was fully content with plans to draw down the vast majority of UK troops by mid 2009, adding that:

> "The phased movement south of additional US forces will help to ensure that the withdrawal of our own combat troops is as seamless as possible. He [Gen Odierno] is alive to the presentational risks and will, I am sure, speak positively about our contribution."

232. Mr Hutton reported that Prime Minister Maliki had told him that he wanted to build a strong, broad-based relationship with the UK and was keen to start bilateral discussions on the UK SOFA as soon as possible to ensure that an agreement was in place by the end of the year.

233. Ambassador Crocker and Ambassador Satterfield were more downbeat, and saw significant difficulties ahead. Mr Hutton explained that the UK had decided that before pursuing the UK SOFA he would await formal agreement from the Council of Representatives of the US/Iraq SOFA, on which it was largely based.

234. Mr Hutton concluded:

> "Should the UK fail to secure a SOFA or a UNSCR extension, the operational and presentational risks associated with a hasty exit would be severe indeed … We will need to watch this very closely, and to use any and all diplomatic means at our disposal to reach an agreement as early as possible."

235. The MND(SE) weekly letter on 26 October said that Gen Mohammed and Governor Wa'ili had agreed to meet for the first time (having previously refused to do so), paving the way for co-operation on security issues ahead of the forthcoming provincial elections.[87]

236. The letter also described a visit by the MNF-I Joint Campaign Plan Assessment Team, "not one but two multi-disciplinary teams" headed by a retired General and a former Ambassador and featuring "a broad cross-section of diplomats, academics and advisors". Gen Odierno had tasked the team "to make an independent campaign assessment to inform the rewrite of the Joint Campaign Plan".

237. Mr Hutton reported to Cabinet on 28 October that the security situation in Iraq had been "completely transformed and continued to improve".[88] The MNF had had significant successes in disrupting and destroying AQ-I leadership. The UK would hand over Basra

---

[87] Minute Storrie to CJO, 26 October 2008, 'MND(SE) Weekly Letter – 26 October 2008'.
[88] Cabinet Conclusions, 28 October 2008.

International Airport by the end of the year and was "on track" for a fundamental change of mission next year. The US had submitted the final text of its proposed SOFA though it was unclear whether or not the Iraqi Government would agree it.

238. Mr Hutton added that UKTI was about to establish a presence in Baghdad, but there was a need to consider what more could be done. Some commentators were suggesting that Basra had more potential for development as a regional centre, yet there were no British companies active in southern Iraq.

239. Concluding the discussion, Mr Brown said that further consideration would need to be given to building economic links with Iraq.

November 2008

US Presidential Election

On 4 November, Mr Barack Obama was elected as the 44th President of the United States.

He telephoned Mr Brown on 6 November.[89] Mr Brown spoke of the strength of US/UK common purpose in Iraq – success would not be achieved by military means alone.

240. In an Assessment issued on 6 November, the JIC examined the impact of the centralisation of power under Prime Minister Maliki.[90] The JIC judged:

> "Though [Prime Minister Maliki] continues to operate broadly within a constitutional democratic framework, he has brought about greater centralisation of power.
>
> "Maliki's … approach is driven by … suspicion of political rivals and his perception that centralising power is essential to getting things done in stabilising Iraq …
>
> "Constraints on Maliki … include the judiciary; the Shia religious authorities; parliament; his desire to share responsibility as broadly as possible for more controversial decisions …
>
> "… Maliki's political rivals remain unwilling and probably unable at this stage to unseat him …
>
> "Maliki remains highly suspicious of HMG's intentions in Iraq. He wants to restrict the future UK military presence to no more than a small number of training staff beyond the end of this year. Maliki will continue trying to maintain relationships with Iran and the US, but the influence of both over him will decline further throughout 2009."

---

[89] Letter Fletcher to Gould, 7 November 2008, 'Prime Minister's Call with US President-elect, 6 November'.
[90] JIC Assessment, 6 November 2008, 'Iraqi Politics: Maliki's in Charge'.

241. The Iraq Senior Officials Group met on 7 November.[91] Mr Forber and Mr Baker gave updates on the Status of Forces Agreement negotiations and the parallel US negotiation. Ms Aldred emphasised the importance of recommendations to Ministers being placed in the current political context, in particular what the Iraqi Government wanted and the information in the recent JIC Assessment. The Cabinet Office would draft an overarching context paper for NSID(OD).

242. Mr Forber reported that the Iraqi Government said that it was willing to agree a SOFA with the UK "providing it did not include combat elements"; it was not clear whether that was a firm position or a negotiating tactic. The MOD and the FCO argued for an increase in pressure on the Iraqi Government to persuade them to accept that the UK needed combat troops for a short while into 2009. US support would be crucial.

243. Ms Aldred reported a discussion with Gen Lute about the agreement between President Bush and Mr Brown on the timetable for UK drawdown, and the possible need for US help to agree a SOFA.

244. The Iraq Senior Officials Group also discussed a draft post-drawdown strategy, particularly the UK's energy and commercial objectives and the proposed FCO, DFID, MOD and military presence.

245. On energy, the Group agreed that the Department for Energy and Climate Change and the FCO should develop a "coherent and detailed" strategy for Iraq, including what sort of presence would be needed to deliver it. DFID were to consider further:

> "… whether a presence only in Baghdad supported by a communications strategy and programme funding in the South, would be sufficient to sustain our legacy there, protect our reputation and ensure the US did not win credit for progress that we had engineered."

246. On 12 November, Mr Prentice reported a "highly successful" visit to Iraq by Mr Alexander the previous week.[92] Mr Alexander met Prime Minister Maliki and Ambassador Crocker and attended the launch of the Basra Investment Commission (see Section 10.2).

247. Prime Minister Maliki "continued to insist that the UK had done little for Basra" but he welcomed Mr Alexander's assurances that the UK wanted to move towards a more normalised bilateral relationship, including closer economic, cultural and educational links. They discussed the SOFA, "the success of which would be a fundamental first step in the transition both governments were looking for".

---

[91] Minute Cabinet Office [junior official] to Aldred, 10 November 2008, 'Iraq Senior Officials Group, 7 November'.
[92] eGram 45112/08 Baghdad to FCO London, 12 November 2008, 'Iraq: Visit by Secretary of State for International Development to Baghdad and Basra, 6 November'.

248. In an update on Iraq for Mr Brown on 14 November, Cabinet Office officials reported that Prime Minister Maliki remained reluctant to agree to the continuing UK combat role that the MOD judged essential for training 14 Division.[93]

249. Although the US SOFA text had reportedly been agreed between Prime Minister Maliki and President Bush, it had yet to be approved by the Iraqi Parliament, suggesting that: "By December, the US may still be trying to get its SOFA while warming-up the UN Security Council Resolution track." US lobbying on the UK's behalf was unlikely while its own negotiations remained difficult.

250. More positively, the security situation remained "promising", 14 Division was "operating increasingly independently", Basra Airport would be ready to hand over "within weeks", the Iraqi Electoral Commission had announced that provincial elections would be held on 31 January 2009 and Mr Alexander had announced the Basra Investment Commission ahead of schedule.

251. The update also said that, although AQ-I continued to pose a threat in Iraq, Basra remained calm, with no attacks on the UK Base for more than 40 days. That was "the longest unbroken period of calm since January 2006".

252. On 16 November, the BBC reported that the Iraqi Cabinet had approved a "security pact" with the US, under which its troops would withdraw from the streets of Iraqi towns in 2009 and leave Iraq by the end of 2011.[94] An Iraqi Government spokesman also said that the agreement placed US forces under the authority of the Iraqi Government and that they would need its permission, and that of a Judge, to raid homes. US forces would also hand over their bases to Iraq during 2009.

253. In a televised statement on the agreement, Prime Minister Maliki explained that the Iraqi Government had "reservations" about the agreement, but saw it as "a solid prelude to the restoration of Iraq's full sovereignty in three years' time".[95]

254. Maj Gen Salmon reported on 23 November that a call by Muqtada al Sadr at Friday prayers for "increased opposition" to the SOFA had been "ignored".[96] There had instead been a "pro-SOFA demonstration".

255. In Baghdad, however, the BBC reported that "thousands of people" had responded to al-Sadr's call and protested in Firdous Square.[97]

256. On 24 November, Lt Gen Cooper reported to ACM Stirrup that the "only political game in Baghdad at the moment is that surrounding the US SOFA".[98] The progress of the SOFA through the Council of Representatives had been "colourful" but it would

---

[93] Minute Cabinet Office [junior official] to Prime Minister, 14 November 2008, 'Iraq: Update'.
[94] *BBC News*, 16 November 2008, *Iraq cabinet backs US troops deal*.
[95] *BBC News*, 18 November 2008, *Iraq leader defends US troop deal*.
[96] Minute Salmon to CJO, 23 November 2008, 'GOC MND(SE) Weekly Letter – 23 November 2008'.
[97] *BBC News*, 21 November 2008, *Iraqis protest against troop deal*.
[98] Minute Cooper to CDS, 24 November 2008, 'SBMR-I's Weekly Report (328) 24 Nov 08'.

be put to the vote on 26 November. If unsuccessful, the US was expected to press Prime Minister Maliki to take forward renewal of the Security Council resolution.

257. Lt Gen Cooper had recently discussed the UK SOFA with Gen Odierno, who had agreed to raise the UK agreement with Prime Minister Maliki if the US equivalent was agreed by Parliament. This was "a one shot weapon" and Lt Gen Cooper advised that "we need to hold our nerve and let him judge the moment".

258. On 28 November, Mr Brown's Assistant Private Secretary wrote to Mr McDonald to record a discussion with Mr Brown on the UK/Iraq SOFA two days previously.[99] In the discussion, those present had "noted that the US SOFA was being considered by the Council of Representatives". Before the note was circulated, the US SOFA had passed. Attention was now expected to turn to the UK SOFA.

259. The Assistant Private Secretary reported that Mr Brown said he had been clear with Prime Minister Maliki that the UK would not leave until the job was done, but he thought that Prime Minister Maliki wanted a fixed end point in the SOFA. Mr Brown directed that Mr McDonald should visit Prime Minister Maliki on his behalf and "negotiate a SOFA with combat authorities – initially offering May, but with a fall-back to March if necessary".

260. In an update on Afghanistan and Iraq on 28 November, Cabinet Office officials told Mr Brown that the Iraqi Parliament had approved the US SOFA the previous day, but had also ordered a referendum on it by the end of July 2009.[100] If the Agreement was voted down, the US would have 12 months to leave Iraq.

261. It was looking increasingly unlikely that the UK SOFA would be agreed before the Iraqi Parliament rose on 22 December. That left a risk that the UK would need to suspend combat operations from the end of 2008 until a SOFA was approved. Mr McDonald was scheduled to meet Prime Minister Maliki on 1 or 2 December.

262. The update also recorded that "Basra remains calm and stable, with no attacks on UK forces for seven weeks".

December 2008

263. On 1 December, Lt Gen Cooper reported to ACM Stirrup that he had spoken once again to Gen Odierno about the UK SOFA.[101] Gen Odierno planned to raise the issue with Prime Minister Maliki that evening if the moment was right. Mr McDonald would meet Gen Odierno beforehand, and then see Prime Minister Maliki the following day.

---

[99] Minute Catsaras to McDonald, 28 November 2008, 'Iraq/SOFA'.
[100] Minute Cabinet Office [junior official] to Prime Minister, 28 November 2008, 'Afghanistan and Iraq; Update'.
[101] Minute Cooper to CDS, 1 December 2008, 'SBMR-I's Weekly Report (329) 1 Dec 08'.

264. Mr Brown met ACM Stirrup on 4 December for a "personal and confidential" discussion.[102] On Iraq, Mr Brown said that it looked as though Prime Minister Maliki would accept a legal agreement that included fixed dates for the withdrawal of UK troops. It would be important for the UK to show that the withdrawal was happening because the UK had completed all the tasks it had set out. A "last push" on economic development was needed, along with a communications plan for the next few weeks.

265. ACM Stirrup said that he hoped there would be cross-party support for a message of UK success. Although it was "never the intention to have transformed Basra", nonetheless "we would have got it to the starting point". UK troop numbers would reduce significantly in June, with the US brigade combat team arriving in May to "do their own tasks".

266. Reporting his visit to Iraq to the Iraq; Strategy Group on 5 December, Mr McDonald said that Prime Minster Maliki had agreed combat authorisations to enable UK forces to complete the training of 14 Division and to continue naval operations in the northern Gulf.[103] Rather than putting a legal agreement to the Council of Representatives, there would be an exchange of letters between the two Governments. He added that:

> "The imminent declaration by the Attorney General that a state of Internal Armed Conflict in Iraq continued to exist would be necessary to underpin the legal basis."

267. Mr McDonald described three possible scenarios, all of which NSID(OD) would need to consider:

- An exchange of letters with the Iraqi Government, providing a legal basis for combat operations, but not as robust as a full SOFA. Ministers would need to decide if they were content with this.
- Political agreement with the Iraqi Government, with an uncertain legal basis. The UK would have to consider what it could still do, relying on the right to self defence.
- No agreement reached, meaning transition to a "normal bilateral relationship" from January 2009.

268. NSID(OD) discussed Iraq on 9 December 2008.[104]

269. Papers provided for the meeting included 'Iraq: Arrangements for Transition'.[105] The paper recounted Mr McDonald's scenarios and Ministers were invited to consider "the implications of the three scenarios for the UK's reputation, and what the Armed Forces would be able to do in each". If no legal agreement was achieved, Ministers were

---

[102] Letter Catsaras to Rimmer, 4 December 2008, 'Prime Minister's meeting with Chief of Defence Staff, 4 December'.
[103] Minute Cabinet Office [junior official] to McDonald, 8 December 2008, 'Iraq Strategy Group, 5 December'.
[104] Minutes, 9 December 2008, NSID(OD) meeting.
[105] Paper by Officials, 8 December 2008, 'Iraq: Arrangements for Transition'.

asked to consider whether a political agreement would be sufficient or whether the UK should move on 1 January 2009 to a "normal" bilateral relationship with Iraq.

270. The implications of the second scenario (a political agreement) were that the UK would have to "adjust" its force posture and halt activities supporting combat operations. Since UK forces would only be able to carry out advisory tasks, "the US would have to complete much of our mission in Basra".

271. If no agreement was secured (the third scenario), UK forces would have to "leave as quickly as possible", causing reputational damage for the Army in particular.

272. Since Mr McDonald's discussion with Prime Minister Maliki, the paper explained that continued negotiations had produced a proposal for:

"
- a short draft law to the CoR [Council of Representatives] with: authorisation for UK (and Australian) forces to remain in Iraq until 31 July 2009 and exemption from Iraqi jurisdiction for those forces; and a statement that Maliki shall set the necessary arrangements for the tasks and missions of these forces.
- complement this law with a (non-legally binding) EoL [Exchange of Letters] between governments enshrining the tasks."

273. This proposal looked "acceptable from a legal perspective" but carried "some political risk", specifically that Prime Minister Maliki might leave the legislation "to its own fate" in the Iraqi Council of Representatives.

274. An annex to the paper suggested that the key elements of future relations with Iraq should be:

- diplomatic and political activity – lobbying and influencing in support of the full range of UK activities, encouraging Iraq's political development and the usual migration and consular activities conducted by an Embassy;
- economic development – influencing Iraqi economic policy and supporting further capacity building on public finance management, investment, trade and higher education;
- defence – continued support for the coalition Naval Training Team, capacity building within the Iraqi Ministry of Defence, and Royal Naval and Royal Air Force participation in coalition maritime and air operations in Iraq and in the Northern Arabian Gulf;
- energy – ensuring the security of Iraq's oil supply and long-term increase in oil output;
- commercial – support for trade missions, UK investor visits and political lobbying to ensure a level playing field for UK exporters and investors; and
- education – increased collaboration with Iraqi educational institutions, civil society, student exchanges and English language training.

275. The paper invited Ministers to agree that Mr Miliband should circulate detailed proposals on the UK's future relations with Iraq, for agreement in writing.

276. At the NSID(OD) meeting, Mr Brown outlined "strong progress" on the UK's four key tasks (training the Iraqi Army, promoting economic development, readying Basra Airport for transfer to Iraqi control and preparing for provincial elections).[106] He told those present that he would visit Iraq on 17 December.

277. In discussion of the future legal basis for military activity in Iraq, it was observed that it was vital to avoid any risk of UK troops facing Iraqi jurisdiction; without a legally binding agreement the UK would not be able to complete its tasks.

278. Summing up the discussion, Mr Brown concluded that the UK should keep up the pressure on Prime Minister Maliki and his advisers to "see the proposed agreement through" before his visit. Planning should proceed on the current proposed timescale, for now. If a legal agreement looked unlikely before the Prime Minister's planned visit "we should re-consider our options then".

279. Mr Brown also concluded that more should be done to improve economic development and prospects for investment, including with Ministries in Baghdad, and that it was also important to make progress on the Hydrocarbons Law (see Section 10.3).

280. Ministers agreed that sign off for the UK's long term strategy for Iraq would be sought out of committee.

281. The following day, Mr Prentice wrote to Prime Minister Maliki's Adviser on Foreign Affairs, attaching "a draft of the Exchange of Letters recording the tasks to be completed by the UK forces and the timeframe agreed with Prime Minister Maliki last week for their withdrawal from Iraq".[107] The letters assumed that the Iraqi Government would submit a "short law" to the Council of Representatives on 16 December, to give UK forces "the necessary jurisdictional protections".

282. Gen Dannatt visited Iraq from 13 to 15 December and reported to ACM Stirrup that Basra was:

> "… marked by a sense of great optimism: attacks are now the exception rather than the rule; the Iraqi security forces are demonstrating impressive, albeit nascent, ability. And there are early signs of a bustling city attempting to return to normality."[108]

---

[106] Minutes, 9 December 2008, NSID(OD) meeting.
[107] Letter Prentice to al-Rikabi, 10 December 2008, [untitled].
[108] Minute CGS to Various, 15 December 2008, 'CGS visit to Iraq: 13-15 Dec 08'.

283. However, that positive assessment was tempered by concern about the state of the economy:

> "… scratch the surface and the scale of the challenges that lie ahead becomes apparent … the issues raised by the locals I spoke to cause me some concern: jobs, electricity, rubbish and jobs again – I see only limited progress in any of these areas. We must do all that we can to generate employment and encourage Iraq's neighbours to invest in the potentially rich South. We must not over-sell the outstanding work that has been done."

284. Looking to the longer term, Gen Dannatt reported that he did not support any residual Army commitment in the South of Iraq once UK troops had been extracted. Rather, the Army should plan to provide the lead for the NATO training mission in Baghdad, "though I am not convinced we fully understand the potential totality of this task, particularly in terms of FP [force protection] and life support".

285. Gen Odierno had been "generous enough to suggest" that, once the US merged the MNF-I, MNC-I and MNSTC-I commands in early 2010, the UK should provide one of the three-star Deputy Commander posts. Gen Dannatt's view, given the UK's overall commitment and the focus of the training mission, was that a two-star post would be more appropriate.

286. Mr Brown told Cabinet on 16 December that, following delicate discussions, the UK had agreed with Prime Minister Maliki arrangements that would give legal protection for UK troops in Iraq after the expiry of resolution 1790 at the end of the year.[109] The law would be put to the Council of Representatives shortly.

287. Mr Brown noted progress on the four key tasks – training Iraqi forces, restoring local government, handing over Basra international airport and economic development. He urged further efforts over the next few months to complete these tasks and allow the drawdown of troops to begin in May, a timetable agreed with the Iraqi Government that suited UK forces. The UK would leave Iraq "with pride, having successfully completed our tasks".

288. In discussion, members of Cabinet observed that although negotiations were not complete, the "risk of premature departure" was reduced. ACM Stirrup had advised that the outcome was "acceptable, if not perfect".

289. Mr Hutton wrote to Mr Brown on 16 December to report that the MOD and FCO team in Baghdad had finalised negotiations with its Iraqi counterparts on a draft law providing UK forces with the necessary jurisdictional immunities, and was nearing agreement on a Government to Government Exchange of Letters.[110]

---

[109] Cabinet Conclusions, 16 December 2008.
[110] Letter Hutton to Brown, 16 December 2008, 'Iraq: Legal Arrangements in 2009'.

290. The Chiefs of Staff were content that these provisions "but no less" were sufficient to allow the UK military to complete its tasks. Mr Hutton and ACM Stirrup therefore recommended that Mr Brown agree with Prime Minister Maliki that UK forces should complete their mission in Iraq on that basis. The MOD would need to review the position if the text of the draft law changed as it proceeded through the Iraqi Parliament.

291. The draft law on immunities meant that UK forces were exempt from Iraqi justice unless they committed a crime "off-base and with intent or as a result of gross negligence". Anyone captured by this would remain in UK custody. This was:

> "… less than the US have secured through their Status of Forces Agreement, but UK forces are not doing the same range of tasks, are far fewer in number and, on current plans, will complete our key tasks and withdraw the vast majority of troops by 31 July 2009."

292. The accompanying Exchange of Letters constituted an "invitation" from the Government of Iraq to complete the UK tasks.

293. The two main remaining risks were that the Iraqi Parliament amended or failed to pass the law, or that it was not ratified by 1 January 2009. However, Mr Hutton wrote that:

> "… the Iraqi Council of Ministers voted today to agree the legal text and have passed it to the Council of Representatives … The draft law is expected to have its first reading on 17 December. There is still a chance therefore, if there are no further delays, that it will pass its third Reading on 22 December and be ratified by the Presidency Council no later than 10 days afterwards."

294. Mr Brown spoke by telephone to President Bush on 16 December.[111] He explained that the UK had almost agreed the legal arrangements for a continued UK military presence in Iraq in 2009 and that he was grateful for US support.

295. At its 17 December meeting, the JIC assessed the performance of the Iraqi Security Forces.[112]

296. The JIC assessed that:

> "I. Major security decisions are driven by Prime Minister Maliki … But his circumvention of over-bureaucratic processes has furthered rather than hampered the overall improvement in security."

297. The JIC judged that the ISF would be "much better placed to manage internal security in 2009, including during elections, but will be unable wholly to prevent

---

[111] Letter Fletcher to Gould, 16 December 2008, 'Prime Minister's call with US President, 16 December'.
[112] JIC Assessment, 18 December 2008, 'Iraqi Security Forces: Mixed Abilities'.

intimidation of the electorate or political assassinations". The ISF's ability to maintain security after the MNF's departure would depend on:

- continued improvements in capabilities;
- loyalty to the state;
- effective reconciliation of Shia insurgents;
- any resurgence of AQ-I; and
- popular trust.

298. The development of the ISF is addressed in more detail in Section 12.1.

299. Mr Brown visited Baghdad and Basra on 17 December accompanied by ACM Stirrup.[113] During the trip Mr Peter Watkins, MOD Director General Operational Policy, briefed Mr Brown on the latest security agreement developments. ACM Stirrup's Military Adviser reported that he had been "clear that the final text had to ensure that 'our people must not be subject to legal proceedings in Iraq'" and was "*adamant* that 'we must have written legal confirmation for the spectrum of … operations'". Mr Watkins was fairly confident that the law would complete its third reading by 30 December.

300. Mr Brown met Prime Minister Maliki in Baghdad on 17 December.[114] He confirmed that the UK wanted to "finish the tasks we had set" and to "see Iraq in full control". It would be important to ensure that the public in the UK and Iraq knew about the successes that had been achieved. Mr Brown said that he intended to tell Parliament that UK forces would conclude their mission by 31 May and withdraw by 31 July.

301. Prime Minister Maliki said he was grateful for what the UK had achieved. Thanks to military co-operation, terrorism had been confronted in Iraq. The UK and Iraq would need to work together on the basis for the future involvement of UK forces in Iraq. His preference was for an MOU or exchange of letters, although he understood that this would not be legally binding. Once the arrangements had been agreed, it would be important to move to a broader bilateral relationship between the two countries.

302. On 18 December, Mr Brown made a statement in the House of Commons on "the future of British troops in Iraq, the timetables, our legal agreements and our force numbers".[115]

303. Mr Brown set out progress against the key tasks he had described in his statement on 22 July and told MPs:

> "Yesterday in Baghdad, I told Prime Minister Maliki, and he agreed, that British forces in Iraq should have time to finish the missions I have just outlined."

---

[113] Minute Kyd to PS/SofS [MOD], 18 December 2008, 'CDS Visit to Iraq 17 Dec 08'.
[114] Letter Catsaras to Gould, 18 December 2008, 'Prime Minister's Meeting with Iraqi Prime Minister, 17 December'.
[115] House of Commons, *Official Report*, 18 December 2008, columns 1233-1250.

304. Working with the Government of Iraq, the UK had defined:

> "… first, the tasks that need to [be] completed; secondly, the authorisations needed to complete them; and thirdly, a way to provide a firm legal basis for our forces."

305. Mr Brown explained that he expected the process of securing a legal basis for UK forces to be completed before resolution 1790 expired, but:

> "In the event of the process not being complete, the Iraqis have told us that Coalition Provisional Authority Order 17, which confers protection on coalition troops, will remain in place. Our troops will therefore have the legal basis that they need for the future."

306. Once the agreed tasks were complete, "the fundamental change of mission that I described in the House last summer will take place by 31 May 2009 at the latest". Thereafter a "rapid withdrawal" of troops would begin, taking the total from around 4,100 to under 400 by the end of July. Most of the remaining troops would be dedicated to naval training.

307. After withdrawal had taken place, the future Iraq/UK relationship would be "one of partnership", focused on "economic, commercial, cultural and educational relationships".

308. The Council of Representatives rejected the law covering UK operations in Iraq on 20 December, by six votes.[116] Mr Brown's Assistant Private Secretary told Mr Brown that there had been a dispute over whether the correct procedures had been followed in debating the proposal within the Council of Representatives.

309. Iraqi politicians told Mr Prentice that they were objecting to the process rather than the content of the law; Prime Minister Maliki was clear that he still wanted to ensure that the arrangements were put in place.

310. The Assistant Private Secretary advised Mr Brown that the UK was pursuing three options:

- discussing with Mr Maliki's legal adviser whether it would be possible to reach agreement on a Government to Government basis, without formal ratification by the Parliaments;
- a letter from the Iraqi Chief Justice confirming that a Government to Government agreement could rest on CPA Order No.17; or
- making cosmetic changes to the law, which would then be resubmitted to the Council of Representatives.

311. Mr Hutton was quoted in the media describing the incident as "a minor hiccup".[117]

---

[116] Email Catsaras to Brown, 20 December 2008, 'Iraq Withdrawal Law Lost by 6 Votes'.
[117] *BBC News*, 21 December 2008, *Blocked Iraq troop law 'a hiccup'*.

312. Mr Prentice told the Inquiry that after further discussion with the Iraqi authorities, it was agreed that rather than proceed with the law as previously planned, the best way to achieve the outcome needed in the time available would be to ask the Council of Representatives to pass a legally binding resolution (rather than legislation) that would authorise the Council of Ministers to enter into the necessary MOUs with all the non-US coalition members.[118]

313. On 21 December, Mr Brown's Assistant Private Secretary emailed him to say that "the way forward is crystallising around a resolution of the Iraqi Parliament (one vote rather than three readings)".[119] A vote was expected the following day.

314. Mr Prentice reported progress to the FCO on 24 December.[120] He explained that for Iraqi MPs, resolving the legal basis for coalition forces had been a "side show … as they focused on how to remove their Speaker" after he made a series of insulting statements in the chamber.

315. Following Speaker Mashhadani's resignation – accepted "in an almost unanimous vote" – on 23 December, the Deputy Speaker read out a resolution which authorised the Council of Ministers to "take all necessary measures to regulate the presence and activities of the forces of the UK, Australia, Estonia, Romania, El Salvador and NATO from 1 January until 31 July 2009" which was then approved by "a clear majority".

316. Mr Prentice recorded: "The approval of the Resolution took three minutes from start to finish."

317. Mr Prentice commented that Prime Minister Maliki and his allies in the Council of Representatives had been instrumental in ensuring that the resolution passed, reflecting that he was in a "completely different (and much better) place" regarding the UK:

> "We now have the opportunity to build on this better relationship in the transition we see to a wider 'normalised' relationship with Iraq, as it recovers its full sovereignty from 01/01/09. First we need to achieve 'closure' through the completion of our remaining military tasks and the drawdown of our forces with proper pride in their achievements. Thereafter, we should take care to retain due focus on Iraq's continuing strategic importance to our interests and the opportunities which will progressively open to us here."

318. Mr Watkins advised Mr Hutton on 28 December that the resolution had been ratified by the Presidency Council the previous day.[121] But an exchange of letters between the UK and Iraqi Governments "recording the GoI's consent to UK forces' tasks

---

[118] Public hearing, 6 January 2008, page 45.
[119] Email Catsaras to Brown, 21 December 2008, 'Iraq Withdrawal Law Lost by 6 Votes'.
[120] eGram 50868/08 Baghdad to London, 24 November 2008, 'Iraq: Parliament Passes Resolution Providing Legal Basis for UK Forces Beyond 2008'.
[121] Minute Watkins to PS/Secretary of State [MOD], 28 December 2008, 'Iraq: Legal Basis of UK Forces'.

and regulating other matters such as the use of bases, freedom of movement etc" was still required, and had run into difficulties.

319. Drafts had been prepared in early December, but discussions were put on hold while passage of the law was in progress. After the resolution was passed on 23 December, Iraqi officials did not appear willing to re-engage on the letters.

320. Mr Prentice and Mr Watkins met their key contact on 28 December and were told that it remained the Iraqi Government's intention to complete the authorisation process in time for the letters to be signed on 31 December, but the indications were that there would be further delays within the Iraqi system. Mr Watkins commented:

> "This is an unwelcome turn of events, although we had not expected the finalisation of the EoL [Exchange of Letters] to be straightforward … Subject to developments tomorrow, there is a risk that the CoM [Council of Ministers] on Tuesday will (at Maliki's behest) circumscribe the authorisation of our tasks in a way that effectively gives us a 'training only' mission in 2009 (which, the cynic might suspect, was his aim all along). We will have two options:
>
> - Conclude the EoL on this basis (and inform the US that we will have to cease 'operational' MITTing – and so induce an accelerated deployment of US forces into Basra …)
> - Push for combat authorisations and accept delay in the signature of the EoL beyond 31 December, leading to another operational 'pause' …"

321. Just over 24 hours before the expiry of resolution 1790, at 2230 on 30 December Mr Prentice signed an MOU with the Iraqi Minister of Defence on behalf of the UK and Iraqi Governments.[122] The Australians signed their own MOU the same day; other coalition partners were continuing their negotiations, supported by the US. Mr Prentice reported to the FCO that:

> "A further UK-Iraq agreement is planned, to cover non-operational training tasks which will continue beyond 31 May. This may also need to be put to the CoR [Council of Representatives] in due course."

322. In his evidence to the Inquiry, Lt Gen Cooper commented that the terms of the UK's MOU had not been as strong as the Status of Forces Agreement that the Iraqis had negotiated with the US, but it was sufficient for the tasks that UK forces were conducting at the time.[123]

323. Asked by the Inquiry why the UK had settled for an MOU rather than pushing for a Status of Forces Agreement like the US, Mr Prentice explained that, by this stage, there was "exhaustion in the Iraqi body politic with the idea of international agreements" and,

---

[122] eGram 51110/08 Baghdad to FCO London, 31 December 2008, 'Iraq: MOU Signed Sealing Legal Basis for UK Forces Post 2008'.
[123] Public hearing, 15 December 2009, page 88.

with several other coalition partners in addition to the UK, there "just wasn't the capacity or the political will" to go through the process of negotiating another Status of Forces Agreement, having just agreed the US one.[124] So, on Iraqi advice, the UK went for an authorising law in Parliament.

324. On the Iraqi political dynamics surrounding the MOU, Mr Prentice told the Inquiry:

> "The whole issue was … a symptom and also a sort of football, kicked around amongst the political actors who were trying to manoeuvre each other into a position of appearing to be the advocate of continued international occupation of Iraq."[125]

January 2009

325. On 13 January, Mr Miliband's Private Secretary circulated a draft strategy for "UK policy towards and relations with Iraq following military drawdown" to members of NSID.[126] It had been agreed by officials from all interested departments and by Mr Miliband and concluded that:

> "… the UK will retain an important strategic interest in the emergence of a stable, unitary and broadly democratic Iraq, with a functioning economy, which can contribute to regional stability and prosperity and to global and European energy security."

326. To retain influence on bilateral interests in the areas of trade, immigration and counter-terrorism, it was necessary that "the Iraqis believe we take the relationship seriously". Both the UK's bilateral objectives and the "wish to draw Iraq into a pro-Western 'arc of stability' reaching from Turkey to the Gulf States" would require "a high degree of engagement". Mr Miliband had decided to maintain the Embassy in Baghdad as the "focal point" for that engagement, with an office in Erbil to support "commercial and other relationship building activity" but in Basra representation would be reduced to a "mini-mission" of three or four staff.

327. The strategy paper explained in more detail that the UK had:

> "… a strategic national interest in a strong, stable and non-hostile Iraq that:
>
> - acts in accordance with international law and does not threaten its neighbours;
> - provides a counterweight against Iran, ideally as a pro-Western state …;
> - is able to deny AQ-I and other terrorist groups a safe haven in its national territory;

---

[124] Public hearing, 6 January 2010, pages 43-45.
[125] Public hearing, 6 January 2010, page 38.
[126] Letter Hickey to Catsaras, 13 January 2009, 'Iraq: Strategy', enclosing Paper 'Iraq: A Review of Strategy'.

- contributes positively to stable world energy markets by maximising its potential as a producer and exporter of oil and gas, and increases EU energy security through developing new supply routes."

328. In order to achieve these objectives, the paper suggested that it was essential that Iraq should remain a single entity; be capable of representing and serving the interests of all its communities effectively; be able to defend its own borders and maintain internal and external security; and have a functioning economy, which would require agreement on the Hydrocarbons Law.

329. It was also highly desirable that Iraq should be "a broadly democratic state", should address critical humanitarian issues (in particular the large number of refugees and displaced people) and should develop a strong and open market economy.

330. The main strategic risk identified was "the inability of the Iraqi leadership and parties to rise above sectarian or partisan motivations and work in the interest of the whole of Iraq". The main operational risk was the security situation, which remained "inimical to normal civilian operations", so keeping the cost of operating in Iraq high.

331. An annex to the main paper described further "problem areas", including:

> "Fundamental questions about Iraq's future have not yet been settled. There is still no broad agreement between a critical mass of Iraqi actors on the extent of centralism versus devolution (both economic and political); the nature of the relationships between Sunni and Shia, and between Arabs and Kurd … In addition, serious doubts remain about the willingness and ability of Iraqi leaders to effect reconciliation between Iraq's main communities and encourage an inclusive and fair political process."

332. The strategy paper set out the elements of the future relationship, in broadly similar terms to those identified in the Cabinet Office paper for NSID. The main difference was the specific addition of counter-terrorism and the processing of voluntary and compulsory returns of migrants to Iraq, including the Kurdish Region. The paper stated that:

> "The UK … are no longer in a position to dictate political, economic and security outcomes in Iraq … however, we have a clear interest in these outcomes insofar as they affect Iraq's security, stability, prosperity and governance. We therefore need to remain politically engaged and seek to maximise our influence over Iraqi choices on issues such as reconciliation, energy sector development and Kirkuk which are fundamental to the future nature of the Iraqi state. This will only be possible if the Iraqis believe we take the relationship seriously …
>
> "UK assistance to Iraq should increasingly aim to support the Iraqis in ways they find useful and persuade them to leverage their own resources … Elements of training and capacity-building assistance can continue to be offered outside Iraq. But overall,

the strategy will require the active involvement of a wide range of Departments in country …"

333. On 16 January, the Principal Private Secretary to Lord Peter Mandelson, Business, Innovation and Skills Secretary, wrote to Mr Brown's Assistant Private Secretary setting out plans for UKTI resources in Iraq.[127] He reported that three new UKTI staff would be operating in Baghdad in the coming weeks and that a vacant Commercial Assistant slot had been filled. All four would cover the whole of Iraq and would work with UKTI staff in Jordan "maximising the potential for British exporters and investors".

334. On 19 January, the day before the inauguration of Mr Obama as the 44th President of the United States, Mr Brown telephoned President Bush and said that he had been proud to work together on Iraq.[128]

335. Mr Alistair Darling, Chancellor of the Exchequer, Mr John Hutton, the Defence Secretary, and Mr Alexander all confirmed their agreement to the proposed strategy.[129]

336. Mr Hutton's Private Secretary reported that:

"… the decision to retain an Embassy office in Basra is welcome, as this should help us to preserve our legacy and to support UK business in southern Iraq. Indeed, the Defence Secretary hopes that HMG will do all it can to encourage and support UK business to take advantage of the commercial opportunities now available in Iraq."[130]

337. On 26 January, days before the provincial elections, Lt Gen Cooper's Policy Adviser reported that election planning had "generated major administrative and security challenges to which, as matters stand, the Iraqi Higher Electoral Commission (IHEC) and the ISF are responding positively".[131]

338. On 28 January, at the request of the MOD, the JIC assessed the strategic threats facing Iraq and the UK change of mission in 2009.[132] Its Key Judgements included:

"I. Iraq will face significant political and security challenges in 2009, but these are unlikely to threaten overall stability while US forces remain and the progressive shift from violence to politics continues. National elections will maintain the focus on political activity and delay progress on the long-standing disputes that divide Iraq.

"II. The greatest strategic threat to Iraq's stability stems from internal political failures that could lead to renewed violence within and between Iraq's Sunni, Shia

---

[127] Letter Abel to Catsaras, 16 January 2009, [untitled].
[128] Letter Fletcher to Gould, 19 January 2009, 'Prime Minister's Call with US President, 19 January'.
[129] Letter Jordan to Hickey, 26 January 2009, 'Iraq Strategy'; Letter Ferguson to Catsaras, 29 January 2009, 'Iraq: Strategy'; Letter Wright to Catsaras, 5 February 2009, 'Iraq Strategy'.
[130] Letter Ferguson to Catsaras, 29 January 2009, 'Iraq: Strategy'.
[131] Minute POLAD to PSO/CDS, 26 January 2009, 'SBMR-I's Weekly Report (337) 26 Jan 09'.
[132] JIC Assessment, 28 January 2009, 'Iraq: Threats to Stability and UK Mission Change in 2009'.

and Kurdish communities. Pressure on the Iraqi budget by the low price of oil will increase factional competition over allocation of resources …

"III. Government mishandling of Sons of Iraq Sunni auxiliaries would present a serious risk of a return to a large-scale Sunni insurgency. This is unlikely during 2009.

"IV. The threat from Al Qaida in Iraq has reduced significantly. It will continue to exploit ethnic and sectarian tensions and will remain capable of sporadic high profile attacks for the foreseeable future, but lacks sufficient support from the Sunni community or a sufficiently volatile sectarian environment to pose a strategic threat in 2009.

"V. The Sadrist threat has declined. But Sadrists are likely to cause some instability through their criminal activities and intimidation of Shia communities, particularly if they fail to achieve political representation. Some Iranian-backed Shia militants see attacks on withdrawing US forces as an opportunity to claim a victory but coalition and Iraqi forces will be able to prevent them from derailing the withdrawal plans."

339. On 31 January, provincial elections were held across Iraq.[133] The BBC reported that there was "virtually no violence at all" on polling day.

February 2009

340. On 9 February, Mr Brown's Assistant Private Secretary told the Private Secretaries of Mr Miliband and Lord Mandelson that Mr Brown had endorsed the strategy, which was consistent with the approach described to Parliament on 18 December.[134] Mr Brown had "welcomed the recent provisional [sic] elections and discussed with Gen Petraeus the good progress with military drawdown planning". Mr Brown was reported to be "keen to ensure maximum savings as we move to a normal bilateral relationship" but agreed that:

"… the UK will retain an important strategic interest in the emergence of a stable and prosperous Iraq, able to contribute to regional stability and global energy security; and that we will have important bilateral interests in Iraq which need to be secured and promoted …

"In particular, the Prime Minister continues to believe that improving trade and investment in Iraq is key both to consolidating the security gains that have been made, and ensuring UK investors are able to benefit from the opportunities in Iraq … We also need to ensure that investors in Basra continue to be supported as our military hands over to US."

341. The Assistant Private Secretary wrote that a planned visit by Prime Minister Maliki to an Investor Conference in London at the end of April would be "an important

---

[133] *BBC News*, 6 February 2009, *UN hails Iraq election result*.
[134] Letter Catsaras to Hickey, 9 February 2009, 'Iraq Strategy'.

milestone for showcasing progress in the transition to a new relationship with Iraq" and requested advice on the communications strategy for Iraq over the coming six months. He recorded that Cabinet Office officials had been asked to provide advice on "ambitious deliverables" for Prime Minister Maliki's visit.

342. Lt Gen Cooper reported the provisional results of the provincial elections to ACM Stirrup on 9 February.[135] He wrote:

> "There were several key themes. In Baghdad (with 38 percent) and the south, PM Maliki's State of Law Coalition made very significant gains; in Basra and Najaf they were the leading party with 37 percent and 16 percent respectively. In the troubled provinces of Ninawa and Diyala there was significant change, principally reflecting the Sunnis' return to local representation. In Anbar, fears of a violent reaction … were averted when the two principal parties shared the spoils (with 18 percent and 17 percent respectively). In Diyala the Sunni/Kurd/Shia divide was resolved in favour of the Sunni and Kurds. Maysan was lost by the Sadrists who were pushed into second place with Maliki leading with 18 percent."

343. Confirmed results were expected on 23 February at the earliest.

344. Mr Baker visited Basra in mid-February.[136] Reporting his "personal impressions" to senior FCO officials he commented:

> "The provincial elections have left a definite winner – the Maliki coalition – but all leading politicians were clear that they wanted to work together for the good of Basra. This laudable desire could be torpedoed by Maliki if he decides to impose his own man as governor. But the initiative encouraged by us last year to bring the parties together under a unity and justice heading, has paid dividends in encouraging political co-operation.
>
> "This unity argues well for the next Provincial Council. Which is as well, as it will face many challenges … I have talked through potential for investment and assistance with the political leadership who responded enthusiastically to the thought of UK help. But they have little ideas of their own and their views on service delivery and investment came across as naive.
>
> "I therefore discussed with the team in Basra ways in which we should be looking to help over the next few months and especially as we begin to draw down militarily. We have begun the investment work … and we are well advanced on capacity building which will be taken over by the UN, funded by DFID. We now need to identify areas for UK companies to get involved … Our continuing role in capacity-building will help identify further niche areas.

---

[135] Minute Cooper to CDS, 9 February 2009, 'SBMR-I's Weekly Report (339) 9 Feb 09'.
[136] Minute Baker to Jenkins, 19 February 2009, 'Iraq: Visit to Basra'.

> "We should also focus on the long-term relationships between Basra and the UK. I have asked my team to draw up a mini strategy focusing especially on areas such as co-operation in the educational field, including universities, local government co-ordination, city twinning (perhaps focused on oil, eg Aberdeen; or as a centre for a religion eg Canterbury), co-operation in the field of the arts and museums."

345. Mr Baker reported that security in Basra continued to improve, and observed that the city was "increasingly reminiscent of Erbil: a good thing". He added:

> "While it is true that the key enabler for recent progress was Charge of the Knights, it was our reaction to those events which was critical. It would have been easy to have taken that opportunity to disengage with Basra. Instead, we recognised that we could take advantage of the improving security situation and formulated and then delivered a Basra policy which focused on empowering the Iraqis through (military) training, (PRT) service delivery and (CG) political reconciliation."

346. Reflecting on what had gone well, Mr Baker wrote:

> "… the last year in Basra has been a model of co-operation between the GOC, Consul General and the Head of the PRT. This excellent example of joined up government has allowed us to reach our objectives across the board, which in turn means we will be able to leave a lasting positive legacy, something that would not have been the case even six months ago. When preparing our next lessons learned paper, we need to factor in the success this team effort has had in shifting the policy focus and improving our reputation – and thus our legacy – on the ground."

347. The Permanent Secretaries of the FCO, the MOD and DFID – Sir Peter Ricketts, Sir Bill Jeffrey and Dr Nemat Shafik – visited Baghdad on 23 February.[137] They met several Iraqi ministers and UK officials based in Iraq to discuss how the "whole Iraq" policy could be taken forward over the next 15 months.

348. Mr Prentice reported that all their interlocutors had welcomed the UK's commitment to move to a broad-based bilateral relationship. Foreign Minister Zebari was reported to have said that there "had been some hard feeling towards the UK as a result of our operations in Basra but these should not negatively influence our future relationship … The GoI was open to strategic partnerships." Sir Peter Ricketts assured him that the UK "planned a continuing presence in Erbil and Basra".

349. Although "normality" was returning to Baghdad, Mr Prentice commented that the visitors "will have been reminded, by what they saw … and by what they heard on all sides, that Iraq remains a country in transition with continuing political, economic and security challenges".

---

[137] eGram 7003/09 Baghdad to FCO London, 25 February 2009, 'Iraq: Visit to Baghdad by FCO, MOD and DFID Permanent Secretaries, 23 November [sic]'.

350. On 26 February, Mr Hutton placed in the House of Commons Library a list of all individuals held in UK detention facilities in Iraq, first at the Shaibah Divisional Temporary Detention Facility and subsequently at the Contingency Operating Base in Basra.[138] The list had been compiled following a review of the record of detainee numbers commissioned by Mr Browne "to satisfy himself that appropriate procedures were in place to ensure that persons captures by UK forces and transferred to US detention in Iraq were treated in accordance with UK policy and legal requirements".

351. Mr Hutton told the House of Commons that some previous government statements on the number of detainees had been inaccurate; on three occasions they had overstated the number of detainees held in the period following January 2004 by 1,000. The information below was placed in the Library of the House of Commons by Mr Hutton on the same day.

Table 1: Number of detainees held in Iraq by the UK[139]

	Interned	Released	Escaped	Deceased	Transferred to US	Transferred to Iraqi system	Detainees held at year end
Dec 2003	105[140]						
2003	44	9					140
2004	230	219	1	1	2	124	23
2005	47	21				12	37
2006	136	66					107
2007	77	165[141]	11			3	5
2008	12	11			4	2	0
Total	**105 + 546**	**491**	**12**	**1**	**6**	**141**	

352. Mr Miliband visited Baghdad and Basra on 26 and 27 February.[142] In a minute to Mr Brown reporting the visit he described it as:

> "… an opportunity to highlight with the GoI in Baghdad our new and positive agenda and to explain that we want to use 2009 to build up a comprehensive UK-Iraq

[138] House of Commons, *Official Report*, 31 January 2003, columns 394-397.
[139] House of Commons Library, 26 February 2009, 'Record of Detainees – Review Conclusions; Oral Statement by Defence Secretary – 26 February 2009'.
[140] These individuals were transferred from US custody when the Shaibah base opened in December 2003.
[141] This number includes 14 individuals released on bail.
[142] Letter Miliband to Prime Minister, 9 March 2009, 'My Visit to Iraq: 26-27 February'.

partnership following the end of our military presence; and in Basra to underscore the progress made and the surge of effort towards our transition."

353. He continued:

"Overall we have an increasingly strong story to present about Basra … The clear view of the US … in Baghdad is that the key stage of the military transition will be … on 31 March. They want to help us to make the most of that and to co-operate in presenting our key messages on what has been achieved in Basra …

"In my view, a proper ceremony to mark the TOA [Transfer of Authority] on 31 March will be essential to our campaign to 'end well' in Basra. In June-July, after the US have been in command in the South for some months, it will be harder to distinguish between UK and US achievements."

354. Mr Miliband described a number of obstacles to the development of a broader Iraq/UK relationship, most of which stemmed from "Iraq's own continuing internal challenges":

"Security had improved hugely but conditions for business visitors are still far from normal. Political and parliamentary dispute had replaced the clash of militias but the government does not yet have a monopoly of arms in society. Tensions, particularly between the Arabs and Kurds, could still flare into clashes along the Green Line. And Iraq's economy is also facing its version of the global recession with the collapse of government revenues after the fall in the oil price. Corruption needs to be checked."

355. Mr Prentice's report of the visit recounted that Mr Miliband had agreed the basis for negotiation of a follow-on military training agreement, handed over a draft MOU on Trade and Investment and received an advance briefing from Gen Odierno on President Obama's Iraq strategy.[143]

356. Gen Odierno recommended that the US and UK should mark the transfer of command in Basra at the end of March – "the easiest and best moment to shape the public story over the British achievement and legacy".

357. Mr Prentice commented:

"Only two months into the New Year and your visit has completed the first phase of our strategy to construct the new broad-scope bilateral relationship for 2009: telling everyone how different the relationship is and will become, and agreeing on the processes."

---

[143] eGram 7488/09 Baghdad to FCO London, 1 March 2009, 'Iraq: Your Visit to Baghdad, 26-27 February 2009'.

358. Cabinet Office officials told Mr Brown on 27 February that the confirmed provincial election results had been published:

> "PM Maliki's party did well and will have a working majority in both Baghdad and Basra councils. But it will have to rule in coalition in the seven other provinces where it gained the most votes. Female candidates won 103 of 440 seats. The new Provincial Councils will be working by end March."[144]

359. On 27 February, President Obama gave a speech at Camp Lejeune, a Marine Corps base, in which he announced that most US troops would withdraw from Iraq and the US combat mission would end by 31 August 2010.[145] After that point:

> "… our mission will change from combat to supporting the Iraqi government and its security forces as they take the absolute lead in securing their country."[146]

360. Up to 50,000 troops would remain, leaving by the end of 2011, as:

> "… a transitional force to carry out three distinct functions: training, equipping, and advising Iraqi security forces as long as they remain non-sectarian; conducting targeted counter-terrorism missions; and protecting our ongoing civilian and military efforts within Iraq."

361. Sir Nigel Sheinwald, British Ambassador to the US, reported from Washington that President Obama set the announcement in the context of "a wider strategy towards the Greater Middle East", stating that the US would work with partners to establish a new regional framework and would "pursue principled and sustained engagement with all of the nations in the region", including Iran and Syria.[147]

362. The need for a "comprehensive approach" was the reason the US was "refocusing on Al Qaida in Afghanistan and Pakistan; developing a strategy to use all elements of American power to prevent Iran from developing a nuclear weapon; and actively seeking lasting peace between Israel and the Arab world".

363. President Obama had said that the US would work to promote a "just, representative and accountable" Iraqi Government but cautioned that the US could not "let the pursuit of the perfect stand in the way of achievable goals". He recognised that it would not be possible to rid Iraq of all who opposed the US or sympathised with its enemies, but a new US Ambassador, Christopher Hill, would lead a new strategy of "sustained diplomacy".

---

[144] Minute Cabinet Office [junior official] to Prime Minister, 27 February 2009, 'Iraq: Update'.
[145] *BBC News*, 27 February 2009, *Obama outlined Iraq pullout plan*.
[146] *BBC News*, 27 February 2009, *Obama's Iraq speech: Excerpts*.
[147] eGram 7456/09 Washington to FCO London, 28 February 2009, 'Obama Announces Iraq Drawdown Plan'.

364. Sir Nigel reported that the President had drawn a number of "lessons learned" from Iraq:

- that to go to war the US needed clearly defined goals;
- that funding for wars should be included in the budget as part of wider transparency about the costs of war;
- that the US would expand its civilian national security capacity; and
- that the US had learned "the importance of working closely with friends and allies".

365. In a section of the speech addressed "directly to the people of Iraq", President Obama praised Iraq's history, civilisation and fortitude in recent decades, and continued:

> "… let me be clear about America's intentions. The United States pursues no claim on your territory or your resources. We respect your sovereignty and the tremendous sacrifices you have made for your country. We seek a full transition to Iraqi responsibility for the security of your country. And going forward, we can build a lasting relationship founded upon mutual interests and mutual respect as Iraq takes its rightful place in the community of nations."

366. On the same day as President Obama's announcement, the Cabinet Office provided Mr Brown with an update on Iraq.[148] It recorded that there had been "a slight deterioration" in security, including the deadliest single attack for three months which had killed 55 civilians.

367. Basra remained calm, and the training of 14 Division was "virtually complete", meaning that embedded UK mentoring teams would start to pull out from early March. The UK government had assisted six investor visits in the previous week.

March 2009

368. After a year in post as SBMR-I, Lt Gen Cooper handed over to Lt Gen Chris Brown on 3 March 2009.[149] In his end of tour report Lt Gen Cooper wrote that:

> "… 2008-09 was a very significant year in the Iraq campaign. It built on previous events in security terms but perhaps the key event was the assertiveness of Maliki in dealing with Shia militias that then gave him the credibility and authority to establish the writ of government across Iraq … Notwithstanding the risks and fault lines that remain in Iraq and the weakness of the economic position, the glass is half full, with regular drips of progress entering it."

---

[148] Minute Cabinet Office [junior official] to Prime Minister, 27 February 2009, 'Iraq: Update'.
[149] Report Cooper, [undated], 'End of Tour Report 4 Mar 09 to 3 Mar 09'.

369. In political terms, Lt Gen Cooper judged that:

> "Despite frequent and frustrating in-fighting, a good deal of positive progress was made politically in the last year. The political parties cobbled together a mini 'grand bargain' to pass the 2008 budget and the amnesty and provincial powers law; the … [Council of Representatives] passed the provincial elections law and brought down their powerful Speaker; and the GoI pushed the US back over successive red lines before concluding the Security Agreement. In many ways, the political class came of age …"

370. Lt Gen Cooper attributed campaign progress in Iraq to a range of factors, including:

- The clear focus maintained by the US on its declared aim of defeating extremism and allowing democracy to develop. That led to a continued commitment to win, despite very evident pressures.
- The effectiveness of the US and Iraqi surges.
- The Sunni Awakening movement, and the Sunni reconciliation initiative started by Lt Gen Lamb (see Section 9.5): "one of the key factors why Reconciliation with the Sunni worked, was that it was initiated, negotiated and delivered from a position of strength … Against that background, the MND(SE) Reconciliation/ Accommodation with JAM in Basra in 2007 may be perceived to have been completed from a position of relative weakness."
- The JAM national cease-fire which had allowed political and security strength and legitimacy to accrue, over time, to the Iraqi Government and ISF.
- The scale of the resources committed (in particular the US contribution).
- Time, because: "*All COIN* [counter-insurgency] *campaigns take time.*"
- Strong leadership on both the civilian and military sides of the coalition and within the Iraqi government and security forces.
- US development of counter-insurgency doctrine, and its understanding of the nature of the conflict, which had been "hugely impressive": "Meanwhile, in 2009, the UK has yet to update and publish its own doctrine on COIN operations – a serious omission."
- Co-ordination across the various lines of operation within the US system: "There are powerful lessons here for the UK cross-Government approach to future campaigns and post-conflict reconstruction."

371. Lt Gen Cooper observed that relations between the UK and Iraq had "warmed a little in the past four months" though he was frustrated that the UK had yet to confirm the nature, scale and resource of its long-term military relationship with Iraq, particularly with the Iraqi armed forces. The Iraqi MOD was very keen to establish links. Lt Gen Cooper wrote: "Thus far we have promised something but not yet delivered it."

372. In relation to relationships with the US, Lt Gen Cooper commented:

> "2008 was a difficult year in Iraq for the UK-US relationship, but it has recovered to a degree since then. A degree of certainty in our position in MND(SE) has helped. Whilst it is true that many US officers would have wished us to stay with them until the end of their mission here, the fact that we now have a defined end date to which both parties are working has allowed harmony in planning to be maintained."

373. Mr Prentice reported on 5 March that President Obama's announcement had received "blanket media coverage" in Iraq.[150] Given his campaign pledge to withdraw troops within 16 months of taking office, the announcement had come as little surprise. But the Iraqi Government had welcomed the statement and, although some were nervous about the implications, public opinion in Iraq appeared to be mostly positive.

374. Mr Prentice commented that the "phantom elephant in the room" was the promised referendum on the US Security Agreement, described in the law that ratified the US SOFA. The US and the MNF were working on the basis that there would not be a referendum.

375. On 9 March, a CIG considered the implications of Iraq's provincial elections, at the request of the FCO.[151] The CIG noted that the average turnout was 51 percent and that the formerly dominant parties all performed poorly. Overall, Prime Minister Maliki's "Rule of Law" coalition and secular Sunni parties were the winners at the expense of the Kurds and Islamist parties. Sadrists won "a handful of seats" on all southern councils and in Baghdad.

Table 2: Seats won in January 2009 provincial elections

Party	Seats
Rule of Law	126
ISCI	55
Sadrists	41
Allawi's coalition	26
Ja'afari's coalition	23
Hadba	19
Total seats	**440**

376. The CIG assessed that improved security at the elections (11 reported attacks, compared with some 300 in 2005) indicated both improvement in ISF capability and

[150] eGram 8095/09 Baghdad to FCO London, 5 March 2009, 'Iraq: Reactions to Obama's Announcement on Military Drawdown'.
[151] CIG Assessment, 9 March 2009, 'Iraq After the Provincial Elections'.

"the increasing readiness of Iraqis to pursue their objectives through politics instead of violence".

377. The CIG judged that Prime Minister Maliki viewed his coalition's success as a personal victory. It had increased his standing but his power to achieve specific objectives would still vary with the issue. A successful challenge to his position was now unlikely before national elections, expected in early 2010.

378. The CIG assessed that the election results represented an endorsement of strong central government and a setback for federalism. It judged that Prime Minister Maliki would use his success to push for greater centralisation.

379. On 9 March, the Assessments Staff issued a Current Assessment Note that looked at the prospects for the ongoing reconciliation efforts between the Iraqi Government and the Sadrist movement.[152] It said:

> "Prime Minister Maliki has sought reconciliation with the Sadrist movement since he launched successful security operations against its Jaysh al-Mahdi militia in 2008. Progress has been slow … but we judge that the prospects are now improving …
>
> "We assess that Maliki's relationship with the Sadrists is changing and that the pace of this change is increasing. But achieving reconciliation and political alliance will take months. The reconciliation process allows Maliki to control the Sadrists without needing to give much in return. The Sadrists remain fragmented with no clear direction or strategy, and have few levers."

380. Cabinet Office officials provided Mr Brown with an update on Afghanistan and Iraq on 13 March.[153] They reported that levels of violence across Iraq were at a six-year low, a 90 percent decrease since the US surge began in 2007. Violence in Basra remained low, with no UK or US casualties although a Pakistani civilian contractor had been killed.

381. UK military mentors and trainers embedded with the Iraqi Army had begun to disengage, and would have withdrawn completely by 31 March.

382. Discussions on an MOU for the UK's "future (normal) military relationship with Iraq" had started and should have concluded by the time of Prime Minister Maliki's visit for the Investment Conference.

383. The Council of Representatives had agreed the US$59bn Iraqi Budget, but it remained US$16bn underfunded; 86 percent of the revenue would be from oil.

384. Gen Dannatt paid what he expected to be his final visit to Iraq between 23 and 25 March, and described the mood in the South as "rightly positive about what has been achieved and optimistic about the future".[154]

---

[152] CIG Current Assessment Note, 9 March 2009, 'Iraq: Prospects for Reconciliation with the Sadrists'.
[153] Minute Cabinet Office [junior officials] to Prime Minister, 13 March 2009, 'Afghanistan and Iraq: Update'.
[154] Minute CGS to PS/SofS [MOD], 25 March 2008, 'CGS Visit to Iraq – 23-25 Mar 09'.

385. Security in Basra was "improved" since his last visit in December 2008 and there were "strong signs of economic growth". He considered it "vital that we continue to assist the Basrawis with their economic revival". He concluded his report to Ministers and senior staff within the MOD with some reflections on the lessons that had been learned in Iraq:

> "As our operations come to an end in Iraq we must be conscious that it has at times been a difficult and bumpy ride. We will not be universally praised for what we have achieved and some will be overtly critical but we have achieved what we set out to do and we leave Basra in good shape, secure and confident about the future. But it is also essential that we learn the lessons from this campaign and transfer them effectively to Afghanistan to ensure success there. Tactical military lessons have been learned and it is the higher level political-military issues that we must now focus on; whilst the Theatres may be different, political ambition and constraint will continue to influence military operation and we must not make the same mistakes in Afghanistan that we have made in Iraq. We must do what is right militarily in a dynamic and complex environment and must not allow long term political aspiration to drive what we do – to do so invites failure. We would do well to conduct a formal and open appraisal of the operational and strategic lessons we have identified across government – this should not be seen as a means to apportion blame for what did not go well but rather as an opportunity to ensure success in Afghanistan and thereafter."

386. On 31 March, ACM Stirrup visited Basra to attend the Transfer of Authority Ceremony for the handover of Division command to the US.[155] His Principal Staff Officer reported that "clear positive public and private messages … [were] received from all Iraqi and US participants". In calls on senior US and Iraqi officers and in a speech at the handover ceremony, ACM Stirrup reinforced that:

> "This was not the end, just an important milestone:
>
> "This did not represent the end of UK and UK Mil engagement – indeed, it really marked a new beginning:
>
> "On a military level we remained focused … on our Maritime and Training responsibilities …
>
> "UK looked to establish a positive and long term military relationship with Iraq based on partnership, mutual understanding and mutual self interest."

387. ACM Stirrup's Principal Staff Officer observed that "In an otherwise very upbeat day, the only thread of concern that ran through meetings was the degree of change (and drawdown) taking place around Iraq".

---

[155] Minute Johnstone to PS/SofS [MOD], 1 April 2009, 'CDS Visit to Iraq (Basra) to attend the MND(SE) Transfer of Authority Ceremony – 31 Mar 09'.

April 2009

388. A CIG Current Assessment Note issued on 1 April stated:

> "Iraq's increased sovereignty and security are giving it the confidence to become more assertive towards Iran. The Iraqi-US Security Agreement was the clearest example of Iraq putting its interests first."[156]

389. The note reported an apparent increase in Iraqi popular criticism of Iran. Nevertheless, the CIG judged that Prime Minister Maliki was not yet likely to risk antagonising Iran.

390. Lord Mandelson visited Basra on 6 April, accompanied by a UK business delegation and Mr Wareing, to attend an investment conference at Basra Airport.[157]

391. Mr Nigel Haywood, British Consul General in Basra, reported the event to the FCO and commented that it had been "timed perfectly" so that the UK could "demonstrate that whilst the military were drawing down, the UK's commitment to Basra continued". The event is addressed in more detail in Section 10.2.

392. On 19 April, the Council of Representatives elected Tawafuq MP Mr Iyad al-Samarri'e as its new Speaker, filling the vacancy left by Dr Mashhadani's resignation in December 2008.[158] Mr Prentice commented that this marked another important step along the path to embedding Iraq's democratic system.

393. Mr Hutton wrote to Mr Brown on 20 April setting out the plans to mark the completion of the UK's current military mission in Iraq, including a report to Parliament on the deliverables set out in Mr Brown's statement of 18 December.[159] Mr Hutton wrote that:

> "Prime Minister Maliki's visit and the London Conference are the next key milestones for our overall bilateral relationship with Iraq. Excellent progress by UK and Iraq forces means that 30 April will now … see the completion of our current military mission – a month ahead of previous plans … We also hope by then to have signed the Memorandum of Understanding (MOU) we need to cover the enduring military activity … agreed in February. You and Maliki could highlight this at your joint press conference as an example of how the transition in our relations you set out to the House in December has been implemented."

394. Mr Hutton explained that after 30 April the main UK activity under Op TELIC would be "the Royal Navy's protection of Iraqi oil platforms and territorial waters, while also training the Iraqi Navy and Marines to take on this task in due course". Officer training,

---

[156] CIG Current Assessment Note, 1 April 2009, 'Iraqi Relations with Iran'.
[157] eGram 12607/09 Basra to FCO London, 7 April 2009, 'Iraq: Lord Mandelson's Visit to Basra, 6 April'.
[158] eGram 13869/09 Baghdad to FCO London, 20 April 2009, 'Iraq: Iyad al-Sammari'e Elected COR Speaker'.
[159] Letter Hutton to Brown, 20 April 2009, 'Iraq: End of Current Military Mission'.

under NATO auspices, would also continue and a small number of embedded personnel remained in coalition HQ. Troop numbers would reduce to around 250 by April 2010.

395. On 24 April 2009, the Military Adviser to Lt Gen Wall provided him with briefing about the negotiations with JAM1 (see Section 9.6), to enable him to brief Mr Hutton "following his query to DG Sec Pol".[160] The briefing set out the background to the operation and described its objectives as:

> "**GOC MND(SE).** The objective as seen by GOC MND(SE) was to split JAM into pro and anti-Iranian elements to place into a majority those viewing Iran (rather than the coalition) as the root cause of violence and instability in Basra).
>
> "**SofS**. At the strategic level, the perspective was slightly different. 2006 saw a steady increase in the number of UK fatalities; by 2007, on average, three UK Service Personnel were being killed each month. The focus was on reducing these attacks. Further, at the end of 2006, there was a realistic prospect of 2007 being the last year in which our presence in Iraq would be authorised by a UN Security Council resolution from which coalition forces drew their authority to hold detainees. In Jan 06, there were 117 detainees held in the UK run facility in MND(SE). Given that the vast majority of these detainees would have to be released anyway, the then Secretary of State agreed that we should make a virtue out of necessity by negotiating with Basra JAM to use the releases to persuade them to stop attacks on coalition forces."

396. The advice also reported how the negotiations were likely to be treated by an Iraq Inquiry, if one were to be commissioned:

> "The extent to which [NAME OF OPERATION] would form part of an Iraq enquiry [sic] would depend on the ToRs of the enquiry (public, private, dates covered). It is, however, reasonable to assume at this stage that the operation would be admissible. In any event, most elements of the operation are in the public domain; this would be unlikely to stop the issue becoming one of a few high profile headlines in an enquiry."

397. In an email on 29 April, Mr Brown's Assistant Private Secretary described the following day as "a big day for Iraq".[161] Mr Hutton was in Basra for the transfer of authority ceremony, Prime Minister Maliki was making his first formal visit to the UK as Prime Minister, and a major Iraq investment conference would be held in London. The Assistant Private Secretary told Mr Brown that Prime Minister Maliki was "increasingly well-disposed to the UK".

398. Mr Prentice described the "Invest Iraq" conference as the UK's "headline initiative … demonstrating in a practical way our desire for a new and normalised bilateral

---

[160] Minute MA1/DCDS(Ops) to DCDS(Ops) & DG Sec Pol, 24 April 2009, '[NAME OF OPERATION]'.
[161] Email Catsaras to Brown, 29 April 2009, 'PM Maliki's Visit – Briefing'.

relationship".[162] Around 100 Ministers and senior officials from the Iraqi Government would attend, plus Iraqi businessmen and around 200 UK businesses. Prime Minister Maliki would address an evening reception at No.10.

399. The conference is described in more detail in Section 10.2.

400. Mr Brown and Prime Minister Maliki had a meeting on 30 April, during which they discussed "the bilateral relationship, and closer political, economic and investment relations based on the military co-operation between the two countries".[163]

401. The discussion also covered the need for an agreement on the legal basis for the ongoing UK military presence. Prime Minister Maliki told Mr Brown that since it was unclear legally whether there was a need to seek the approval of the Iraqi Parliament, he would do so. He assured Mr Brown that he would do so by the end of May.

402. In a letter to Mr Hutton's Private Secretary, Mr Brown's Assistant Private Secretary highlighted that both Mr Brown and Prime Minister Maliki had paid tribute to the work of UK Armed Forces in Iraq, and especially those who had lost their lives serving their country and bringing stability to Iraq, in their joint press conference.[164]

403. Mr Brown's Assistant Private Secretary confirmed that Mr Brown "welcomed the completion of the current military mission today – a month ahead of previous plans."

May 2009

404. On 14 May, a Current Intelligence Group examined the prospects for Arab-Kurd conflict over the coming year at the request of the FCO.[165]

405. The CIG's Assessment recalled that the Iraqi Kurds had played a leading role in the 2003-2005 state-building process and had established territorial, political and financial power unique to their community. They enshrined the powers and territorial claims of the Kurdistan Regional Government (KRG) in the Constitution, extended their political and military influence beyond the KRG into disputed territories, gained control of Iraq's northern oil fields and secured 17 percent of the federal budget, and central funding for their Peshmerga militia. The CIG judged that the Kurds wanted to protect these gains and to extend them by bringing Kirkuk into the KRG.

406. Although the Kurds were allied with Arab parties within the Iraqi Government, disagreements over budget allocation, Peshmerga funding, the oil industry, disputed internal boundaries and constitutional review all continued to cause tensions between the KRG and the central government. This had manifested itself in a challenge to

---

[162] eGram 15041/09 Baghdad to FCO London, 28 April 2009, 'Iraq: Invest Iraq Conference, London – 30 April – 1 May'.
[163] Letter Catsaras to Hickey, 30 April 2009, 'Prime Minister's Meeting with Iraqi Prime Minister, 30 April'.
[164] Letter Catsaras to Ferguson, 30 April 2009, 'Iraq: End of Current Military Mission'.
[165] CIG Assessment, 14 May 2009, 'Iraq: Arab-Kurd Relations – Opportunities & Risks'.

the Kurds' share of the national budget and in the creation of the Hadba party, which successfully campaigned in provincial elections against Kurdish domination in Ninawa.

407. The CIG's Key Judgements included:

> "I. The prospects for a 'grand bargain' encompassing constitutional review, disputed internal boundaries and hydrocarbons legislation are poor before national elections … Maliki and Barzani have an opportunity to establish a constructive dialogue … which might reduce friction between Arabs and Kurds and increase the chances of eventually reaching a deal. But it is not clear whether they will take it.
>
> "II. The relationship between the governments in Baghdad and Erbil is largely shaped by Maliki and Barzani …
>
> "III. Agreement on national hydrocarbons legislation is the most likely area for progress among the issues dividing Arabs and Kurds. But this will not be achieved in 2009. There will also be no real progress on the review of Iraq's Constitution this year.
>
> "IV. The Iraqi and Kurdish government have incompatible maximalist demands over disputed territories. International pressure will be needed on both sides if they are to take the opportunity to establish a constructive dialogue over Kirkuk following the UN report."

408. On 15 May, Maj Gen Salmon sent his end of tour report to Air Marshal Stuart Peach, Chief of Joint Operations.[166]

409. Maj Gen Salmon reflected that October 2008 had been a significant turning point in Basra, with the local people ceasing to be "preoccupied with security" and "looking to the future with greater optimism".

410. Maj Gen Salmon was optimistic both about the progress that had been made during his time in post and the prospects for the future:

> "Basra has arguably progressed from anarchy to democracy in 12 months. The militias have been defeated and residual insurgent activity is limited … There is widespread acknowledgement of the Rule of Law, with judicial processes being developed to meet the needs of a democratic society … In terms of wider Basrawi security, policy and border security have improved considerably … The first free and fair elections in Iraqi history have been conducted without violence or intimidation and the results have been ratified and acknowledged internationally. The new Provincial Administration is now established. International trade through UQP [Umm Qasr Port] is flourishing and the Port … is secure. BIA [Basra International Airport] has been handed over to trained Iraqi management. Progress has been made

[166] Report Salmon to MA/CJO, 15 May 2009, 'COMUKAMPHIBFOR OP TELIC 12/13 (HQ MND(SE) Post Operational Report (POR)'.

on improving essential services and Basrawi quality of life. External investment is growing rapidly and the future economic prognosis of the region is very positive. Basrawis are optimistic about their future. Our in-Theatre relationships with the US are very strong and there is widespread US and Iraqi acknowledgement of the UK's contribution to this six-year campaign. Six of the eight remaining suspects implicated in the murders of the RMP 6 in 2003 are now in custody. The conditions have been met and plans made for transition to a more normal defence relationship with Iraq. UK combat operations have now ceased ahead of schedule and the plan of UK drawdown is well under way. UK Defence can withdraw from Iraq having delivered on this promises and with its professional reputation intact. We must now focus on learning the lessons."

411. Mr Prentice updated the Iraq Strategy Group on 21 May on negotiations with the Iraqi Government regarding the future of the UK military presence in Iraq.[167]

412. So far, UK lobbying "had not yet got traction". A meeting of the Council of Ministers on 26 May was expected to be critical. In the absence of an agreement, Lt Gen Wall told the Group that remaining UK personnel (naval trainers, a ship, personnel embedded in the MNF and at the military academy) would need to be withdrawn.

413. Mr McDonald told the Group that it should consider whether failure to secure an agreement was damaging in substance, or in presentational terms. Mr Watkins felt that "on balance staying with an agreement would benefit the UK". The Group considered whether offering a reduced UK package might be helpful. Mr Prentice was given "delegated authority on whether and how to offer Maliki different options on the UK package". Lt Gen Wall and Mr Watkins agreed to consider this further and offer guidance.

414. Mr McDonald told the Iraq Strategy Group that he saw "two conflicting objectives": firstly that the UK should not devote increasing effort to a diminishing presence and secondly that it should not end its military presence in Iraq on "a sour note, having successfully withdrawn from Basra". Mr McDonald concluded that the UK should make a final major effort before the 26 May meeting of the Council of Ministers, including reminding them of the commitment Prime Minister Maliki made to Mr Brown in April. If that failed, the UK should be ready to leave and should develop a handling strategy. Mr Brown should be informed.

415. Mr Prentice confirmed that Ambassador Hill and Gen Odierno were clear that if the UK withdrew it was because of the Iraqi Government's stance, not a weakening of the UK's commitment.

416. Mr Hutton wrote to Mr Brown on 22 May to say that a Defence Memorandum of Understanding looked "increasingly difficult to achieve".[168] Prime Minister Maliki was

---

[167] Minute Wigan to McDonald, 21 May 2009, 'Iraq Strategy Group, 21 May'.
[168] Letter Hutton to Brown, 22 May 2009, 'Iraq: Negotiations on the Defence MOU'.

reported to believe it would be near impossible to secure Cabinet and Parliamentary agreement.

417. FCO and MOD officials in Baghdad were engaged in a final round of lobbying but Mr Hutton cautioned that Ministers might "need to make a decision shortly on whether to withdraw all remaining UK forces from Iraq". To do so by 31 July, as the December agreement required, would mean military commanders needed instructions to depart by 15 June.

418. The key disagreement was about jurisdictional immunities for UK troops, which the Council of Ministers had diluted "to such an extent that I [Mr Hutton] and the Chief of Defence Staff consider them unacceptable".

419. Mr Brown's Assistant Private Secretary reminded Mr Brown that:

> "Our December agreement was already less than some other NATO allies were prepared to accept – so any further dilution also risks the future NATO training mission."[169]

420. Mr Brown told his Assistant Private Secretary that he was prepared to speak to Prime Minister Maliki provided the groundwork had been done, and was prepared also to speak to other Iraqi politicians.[170] He suggested that the government could "send out David M[iliband] or John H[utton] to talk to people".

421. Mr Brown telephoned Prime Minister Maliki early on 26 May.[171]

422. In a brief for the conversation, Mr Brown's Assistant Private Secretary reported that Prime Minister Maliki was thought to be concerned that the agreement would be used to attack him in Parliament about extending the presence of foreign forces.[172] As a result "the level of political exposure is too great for the limited reward which 400 troops and five ships can provide".

423. Mr McDonald told the Inquiry that "one of the features of Iraqi democracy then was, something supported by the Prime Minister was looked at even more sceptically by the Iraqi Parliament".[173]

424. Prime Minister Maliki told Mr Brown over the telephone that he had been keen to reach agreement but his Cabinet had been surprised by "demands for additional elements" in the proposal "including increasing troops to 1,000".[174] The version adopted by Cabinet would pass through Parliament but the UK's current proposal would not.

---

[169] Email Catsaras to Brown, 23 May 2009, 'Iraq: Negotiations on the Defence MOU'.
[170] Email Brown to Catsaras, 24 May 2009, 'Iraq: Negotiations on the Defence MOU'.
[171] Letter Catsaras to Ferguson, 26 May 2009, 'Defence MOU: Prime Minister's Call with Iraqi Prime Minister, 26 May'.
[172] Email Catsaras to Brown, 26 May 2009, 'Maliki Briefing'.
[173] Public hearing, 5 January 2010, page 41.
[174] Letter Catsaras to Ferguson, 26 May 2009, 'Defence MOU: Prime Minister's Call with Iraqi Prime Minister, 26 May'.

425. Mr Brown said that the UK was not asking for any more troops than he and Prime Minister Maliki had already discussed: 400 troops plus ships. It would be possible to discuss a reduction in troop numbers but the UK could not weaken jurisdictional immunities.

426. Prime Minister Maliki said that Iraq had three concerns:

- The number of locations for troops in Iraq was unspecified.
- Immunities were being requested even inside Iraqi installations.
- Troop tasks were not limited to training and naval support but also involved participation in command chains.

427. Prime Minister Maliki suggested that the British Embassy should recommence negotiations with the Iraqi MOD. Mr Brown said that he hoped that rapid progress could be made during the course of the day and would call again later; Mr Maliki said that Iraq could move quickly but would require the UK to be flexible.

428. Later that day Mr Brown's Assistant Private Secretary reported that there remained no agreement in Baghdad.[175]

429. The Assistant Private Secretary advised that the MOD and the Embassy wanted to "throw in the towel" but Mr McDonald, Mr Cavanagh and he disagreed and thought that agreement could be reached on a new package, for example offering places at Sandhurst plus the naval operation. Mr McDonald would go to Baghdad as Mr Brown's personal envoy after visiting Washington the following day.

430. Mr Brown's Private Secretary wrote to Mr Hutton's Private Secretary on 28 May to say that Mr Brown had asked Mr McDonald to visit Baghdad early the following week to seek agreement on a package comprising:

- an offer to withdraw the remaining 400 troops, and re-badge UK training assistance under the NATO training mission;
- enhanced training opportunities in the UK, including a substantial number of officer training places at Sandhurst; and
- continuing with the UK's naval operations, especially to protect oil platforms.[176]

431. Mr McDonald told the Inquiry that it had been "quite easy" agreeing with Prime Minister Maliki that Iraq had a training need to give the navy extra capabilities and the

[175] Email Catsaras to Brown, 26 May 2009, 'Maliki'.
[176] Letter Catsaras to Ferguson, 28 May 2009, 'Iraq: Defence MOU'.

UK was well placed to assist.[177] But it was less easy agreeing the legal basis for that to happen:

> "… as I had been involved in it in December 2008, I went back to Iraq in the spring of 2009, saw Prime Minister Maliki's key advisers, saw Prime Minister Maliki himself, and agreed a package, which eventually became Iraqi law."

432. Mr Prentice told the Inquiry that he saw this agreement as "meeting Iraqi needs, expressed needs, and also being a natural part of a full bilateral relationship with a country with whom we have historical ties with their military".[178]

June 2009

433. Mr Brown reshuffled his Cabinet on 6 June and appointed Mr Bob Ainsworth, formerly Minister for the Armed Forces, as Defence Secretary. Mr Miliband and Mr Alexander remained in their posts as Foreign Secretary and International Development Secretary.

434. On 12 June, Mr Brown told Cabinet that since the withdrawal of British troops was nearly complete, "the time was right to announce an Inquiry into the war in Iraq".[179] It would be an inquiry by Privy Counsellors, following the model of the Franks Inquiry into the Falklands War.

435. On 15 June, Mr Brown made a statement to the House of Commons on the UK's future involvement in Iraq.[180] He said:

> "Our troops first went into Iraq in March 2003 and now they are coming home. In total, 120,000 men and women have served in Iraq during the last six years, so it is fitting that I should now come to the House to talk of their achievements through difficult times; to chart the new relationship we are building with Iraq; and to set out our plans for an inquiry into the conflict.
>
> "In my statement to the House last December, I set out the remaining tasks in southern Iraq for our mission … I can report that those three objectives are being achieved …
>
> …
>
> "Significant challenges remain, including that of finding a fair and sustainable solution to the sharing of Iraq's oil reserves, but Iraq's future is now in its own hands, in the hands of its people and its politicians. We must pay tribute to the endurance of the Iraqi people; we pledge to them our continuing support … As the House knows, our military mission ended with the last combat patrol in Basra on 30 April. As of

---

[177] Public hearing, 5 January 2010, page 40.
[178] Public hearing, 6 January 2010, page 42.
[179] Cabinet Conclusions, 12 June 2009.
[180] House of Commons, *Official Report*, 15 June 2009, columns 21-22.

today, there are fewer than 500 British troops in Iraq, with more returning home each week."

436. On the UK's continued military presence in Iraq, Mr Brown told the House of Commons that:

> "At the request of the Iraqi Government, a small number of British Navy personnel – no more than 100 – will remain in Iraq for long-term training of the Iraqi Army. Royal Navy ships will continue to protect the oil platforms on which Iraq's exports depend, and we will continue to offer training to the Iraqi army as part of a wider NATO mission. We will also offer training opportunities at Sandhurst and elsewhere in the United Kingdom for Iraqi officers of high potential. At the core of our new relationship however will be the diplomatic, trading and cultural links that we are building with the Iraqi people, supporting British and other foreign investors who want to play a role in the reconstruction of southern Iraq."

437. Mr Brown also announced the establishment of the Iraq Inquiry, with a "primary objective … to identify lessons learned".

438. On 28 June, Mr Prentice attended his final meeting of the Iraqi National Security Council.[181] As previously agreed with the US Embassy, at the end of the meeting he made a statement announcing that the UK would not attend in future (and he believed that it was also the US intention to withdraw). He told the Iraqi ministers present that:

> "We had greatly appreciated the privilege of being part of the NSC over the previous five years. Now on the eve of a further major demonstration of Iraqi lead responsibility through the withdrawal of US troops from cities and towns, it was the right time for us to bow out. The Iraqi Government was showing its ability to deal with the tough security issues and should be allowed to continue their discussions in the NSC without any external presence."

439. Although the announcement came as a surprise to the Iraqis, it was welcomed. Prime Minister Maliki thanked the UK and US for their support over many years, emphasising that there should still be a means to discuss security issues bilaterally or as a group. Other NSC members welcomed the announcement and afterwards thanked Mr Prentice for the UK's role.

440. Following the meeting, Mr Prentice, Ambassador Hill and Gen Odierno sent a joint letter to Prime Minister Maliki, thanking him for the opportunity to take part in the NSC, confirming US and UK withdrawal, underlining the progress the NSC had made and emphasising their readiness to provide support or advice in the future.

---

[181] eGram 23890/09 Baghdad to FCO London, 30 June 2009, 'Iraq: National Security Council Meeting, 28 June: Our Last Bow'.

441. A few days later, Mr Prentice reported that, on 30 June, US troops completed the transfer of responsibility for all urban areas to the Iraqi Government.[182]

442. The Iraqi Government had declared the day a national holiday, with the title National Sovereignty Day or the Day of Dignity. Despite increased violence in the run-up to the transfer, the arrangements on the day were "broadly successful" with the exception of a car bomb in Kirkuk which killed 33 people.

443. Mr Prentice reported that Prime Minister Maliki compared the day to the Arab Revolt against the British in 1920 (see Annex 1). President Talabani thanked the coalition for its commitment and sacrifice, although "noticeable by its absence was any statement of thanks to coalition forces from the Prime Minister". Mr Prentice reported that the public mood was "a mixture of pride and apprehension" and judged that "the GoI is now unequivocally in the lead and the Iraqi people are watching to see whether it can deliver".

July 2009

444. At its meeting on 8 July, the JIC examined the likely political and security trends in Iraq over the next six months.[183] Its Key Judgements included:

> "I. Maliki is determined to secure a second term as Prime Minister in the 2010 national elections. This influences all of his political decisions and relationships.
>
> "II. The current fluidity of Iraqi politics makes predictions difficult. But Maliki will probably be able to assemble a cross-sectarian nationalist coalition if he can attract a Sunni partner. Given the Iraqi government's continuing commitment to the success of the Sons of Iraq initiative, his best chance probably lies with the Awakening movement, though will retreat towards a Shia alliance if he doubts the stability or popularity of a cross-sectarian nationalist alliance.
>
> "III. The Islamic Supreme Council of Iraq (ISCI) will probably seek to join Maliki in any type of coalition; it is less clear whether Maliki will accept an alliance with ISCI, given its reputation as a sectarian party influenced by Iran. The Sadrists are preparing to participate fully in the elections and want to be part of a nationalist alliance, but Maliki and Sadr will not commit to an alliance until polling is complete.
>
> …
>
> "V. Violence across Iraq will probably remain around the current level during 2009 – an average of about 130 attacks per week compared with nearly 1,600 attacks per week in mid 2007. The progressive shift from violence to politics will continue,

---

[182] eGram 24067/09 Baghdad to FCO London, 1 July 2009, 'Iraq: Withdrawal of US Troops from Urban Areas, 30 June'.
[183] JIC Assessment, 8 July 2009, 'Iraq: Political & Security Trends'.

denying terrorist or insurgent groups the opportunity to escalate violence significantly by provoking organised sectarian violence. Recent security gains will not be lost.

"VI. A spike in attacks and especially casualties over the coming months, following withdrawal of Multi-National Forces from the cities, might lead to perceptions that security gains are eroding. But this would not indicate that violent groups are growing, becoming more lethal or position a greater challenge to Multi-National Forces or Iraqi Security Forces.

"VII. Western military and civilian groups will remain a priority for violent groups."

445. On 21 July, at the request of DFID, a CIG considered the impact of corruption in Iraq.[184]

446. The CIG judged that corruption "has a significant impact on the economy and governance" in Iraq, with cost estimates ranging from 3.5 to 10 percent of GDP.

447. The Assessment stated:

"In 2008 the global anti-corruption society Transparency International (TI) designated Iraq the third most corrupt country in the world, behind Somalia and Burma. TI's Global Corruption Barometer 2009 reported that 44 percent of Iraqis had paid some form of bribe in the last 12 months, compared to 3 percent in the UK and a worldwide average of 11 percent. 42 percent of Iraqis polled in TI's survey felt that corruption was most prevalent in the public sector and civil service, while 27 percent considered political parties most tainted. The survey suggested that public trust in the judiciary and news media was much higher."

448. The CIG judged that government ministries were "riddled with" corruption and recorded that:

"Iraq's Commission on Integrity (CI) has identified the Ministries for Oil and Foreign Affairs as prominent embezzlers …"

449. The CIG reported that, in 2006, Mr Stuart Bowen, the US Special Inspector General for Iraq Reconstruction had referred to a "virtual pandemic" of corruption costing Iraq US$4 billion a year (equivalent to approximately 3.5 percent of GDP). The CIG assessment stated:

"Later estimates suggest the cost of corruption in the South alone could be as high as $12bn pa. This range of cost estimates suggests corruption at a level which is significantly hindering macroeconomic recovery, as well as damaging local economics. In March 2007, Rhadi Hamza al-Rhadi, CI Chairman, claimed that corruption was worse than under Saddam's regime. CI had brought corruption charges against eight Ministers and forty Directors-General, but all had fled

[184] CIG Assessment, 21 July 2009, 'How Corrupt is Iraq?'

abroad. Bowen described al-Rhadi as Iraq's most prominent corruption enforcer, but by September 2007 al-Rhadi had resigned following repeated death threats, and subsequently sought asylum in the US. Bowen called the corruption problem 'the second insurgency' for its destabilising effects on Iraq. We judge that the US draw-down will have an impact on oversight, making international scrutiny of institutional corruption more difficult."

450. The CIG assessed that corruption was "driven both by a desire for personal enrichment and by political considerations" and that "the practice of soliciting bribes at checkpoints was commonplace". Shia militias had "exploited their control of economic assets for political gain".

451. The CIG judged that "the Iraqi public is more tolerant of certain kinds of corruption such as nepotism than in the West, but is growing tired of political graft". That had "led to an increase in anti-corruption rhetoric, but little change in behaviour". The Assessment stated:

"In May [2009] CI announced that 97 officials were under investigation for graft, including 53 ranked as Directors-General or higher, and that 120 Iraqis had been arrested for corruption in April and May. On 30 May former Trade Minister Sudani was arrested on charges of embezzlement and corruption regarding food imports and rations under the Public Distribution System, which was established in 1995 as part of the UN Oil-for-Food Programme following the 1991 Gulf War."

452. The CIG reported that, in mid-June, the son of Grand Ayatollah al-Sistani had urged Prime Minister Maliki to lead the fight against political corruption, believing that corruption and the provision of public services would be the public's fundamental preoccupations in the forthcoming elections.

453. The CIG judged that nepotism and cronyism were "widespread" in Kurdistan, where:

"Lucrative construction contracts are regularly awarded to families of party or regional government officials. Corruption has become a prominent issue in the run up to the KRG parliamentary elections …"

454. The CIG assessed that corruption also affected governance at regional and local levels. Endemic public sector corruption in Basra had prevented the delivery of social security payments, and health and education services.

455. The CIG also assessed that:

"The lack of effective anti money-laundering and counter-terrorism finance regimes deters foreign financial institutions from doing business with their Iraqi counterparts, and severely cramps the development of the Iraqi financial sector."

456. In the oil sector:

> "Corruption within the Oil Ministry acts as a deterrent to some foreign investment. Despite attempts to make bidding processes more transparent, foreign oil companies willing to pay bribes are likely to receive preferential treatment."

457. The assessment concluded, under the heading "Outlook", that:

> "Corruption is strongly associated with the slow pace of development and reconstruction. These issues resonate with voters. As the January 2010 national elections approach, we judge that Maliki is likely to intensify his policy focus on corruption as a vehicle for popular appeal and as a tool with which to attack political opponents."

458. On 23 July, a letter from Mr Ainsworth's Private Secretary to Mr Brown's Private Secretary for Foreign Affairs explained that further delays in the Iraqi Parliament meant that it was very unlikely that the UK/Iraq defence agreement would be ratified before late September.[185] The Chiefs of Staff had agreed that the UK should begin the temporary withdrawal of the remaining UK military personnel to Kuwait.

459. In parallel the UK would make clear that it was prepared to resume activity ahead of the formal ratification provided that the Iraqi Government issued a clear invitation to the UK for this purpose and explicitly recognise that the UK's legally binding jurisdictional immunities continued beyond 31 July.

460. Mr Ainsworth's Private Secretary explained:

> "The government-to-government agreement we signed on 6 June has … been proceeding through the Iraqi parliament and passed its second reading (of three needed) on 7 July. Unfortunately, despite broad support from the main Iraqi political blocs, walk-outs from the Sadrists (who oppose the presence of any foreign troops on Iraqi soil) prevented the agreement from being put to a third reading and vote as planned on 11 and 13 July … It failed again on 21 July … because the Iraqi parliament did not reach it before finishing for the day."

461. The FCO Iraq Policy Team advised Mr Miliband's Private Secretary that in Baghdad the "Embassy has lobbied key figures to support the agreement throughout, and aside from the Sadrists there is no major organised opposition inside the CoR".[186] The British Embassy Washington was preparing to lobby Prime Minister Maliki during his visit to the US.

462. Mr Jon Wilks, Chargé d'Affaires at the British Embassy Baghdad, called on Prime Minister Maliki's Chief of Staff on 27 July to review the position.[187] He explained that UK

---

[185] Letter Ferguson to Fletcher, 23 July 2009, 'Iraq: UK Military Presence After 31 July 2009'.
[186] Minute Croker to PS, 22 July 2009, 'Iraq Update: Defence Agreement'.
[187] Email Wilks to Bowers and Baker, 27 July 2009, 'UK-Iraq Military Agreement – Call on PM's Chief of Staff'.

personnel were withdrawing from Iraq to Kuwait for two weeks, after which point they would go on to the UK.

463. Mr Wilks identified two options until the Council of Representatives returned in late September and could again be asked to ratify the agreement:

- a letter from the Iraqi Government extending the UK's previous security agreement for two months; or
- a letter from the Iraqi Government creating a new temporary agreement, for the UK naval training team.

464. Prime Minister Maliki's Chief of Staff recommended writing to Prime Minister Maliki with these proposals.

465. A Cabinet Office official discussed the options with Mr McDonald on the same day, who considered that an extension of the current agreement was the best interim option.[188] He asked that no decision on permanent withdrawal of UK staff be taken before the situation was reviewed at the end of September.

466. Mr Wilks, "emphasising the PM's interest in reaching an interim agreement", delivered a letter proposing the two interim options to Prime Minister Maliki's Chief of Staff on 29 July.[189] He asked whether the UK would consider bringing its training under the agreement signed between the Iraqi Government and NATO. Mr Wilks explained that it would not be feasible to re-open the NATO agreement.

467. Mr Wilks also provided the Cabinet Office with an assessment of the chances for a successful vote in the Council of Representatives in the autumn. He suggested that the prospects looked good – there were indications that a majority of MPs supported the agreement, though also that opponents were consolidating their support. There was a risk that:

> "… as negotiations on electoral alliances continue over Ramadan, the Sadrists will make opposition to our agreement a pre-condition for their joining an alliance. This could tip the balance among MPs against our agreement if the Sadrists were to join a large alliance."

468. On 30 July, Sir John Chilcot formally launched the Iraq Inquiry.[190] The full text of Sir John's statement can be read on the Inquiry's website. In it he emphasised the Inquiry's focus on establishing what happened and identifying what lessons can be learned. Sir John said that hearings would be held in public and inquisitorial in nature.

---

[188] Email Cabinet Office [junior official] to Forber, 28 July 2009, 'Iraq: UK Defence Agreement – Next Steps'.
[189] Email Wilks to Cabinet Office [junior official], 29 July 2009, 'Re: Iraq: UK Defence Agreement – Next Steps'.
[190] Statement Chilcot, 30 July 2009, 'Statement by Sir John Chilcot, Chairman of the Iraq Inquiry, at a news conference on Thursday, 30 July 2009'.

He also described meeting the families of those who died in the conflict as one of the Inquiry's first priorities.

469. Mr Forber advised Mr Hutton's Private Secretary on the way ahead for the defence agreement on 31 July.[191] In addition to the two options put forward by Mr Wilks, he identified a third:

> "The Government of Iraq and NATO agree that the UK maritime training activity should in future come under the NATO mission."

470. Mr Forber assessed that this option would:

> "… not allow for protection of Iraqi oil platforms/territorial waters, it would meet all our requirements for training of the Iraqi navy including jurisdictional immunities – the NATO agreement has slightly better immunities than the UK agreement as we ensured it explicitly included Umm Qasr as a potential location to cover just such an eventuality."

471. On 31 July, Mr McDonald called Prime Minister Maliki's Chief of Staff to press for rapid progress on an interim agreement.[192] He observed that "UK media was portraying this as a problem in our bilateral relationship". Prime Minister Maliki's Chief of Staff said that the Iraq Government would "continue to work on trying to find appropriate ways forward".

August 2009

472. On 5 August, the JIC again considered Iranian influence in Iraq, and Iraq's reaction to it.[193] It judged:

> "Iraq can stand up to Iranian political interference and will begin to reject it as it exercises its sovereignty with increasing confidence. Iraq can also withstand Iranian military interference through its strategic defence agreement with the US, improvement of its armed forces and political accommodation with the Shia militants that Iran supports …
>
> "In the longer term, Iran's increasing trade and investment are laying the foundations for 'soft power' by establishing dependency in areas where Iraqi and Iranian interests coincide. The planned withdrawal of large numbers of US forces in 2011 will be a particularly testing time for the Iraqi Government and armed forces …
>
> "Iraqis, even most Shia, consider Iran to be their biggest strategic threat, but many also see Iranian money and investment as an opportunity for personal gain and national economic well-being. Friction between the two countries is inevitable, but

---

[191] Minute Forber to PS/Secretary of State [MOD], 31 July 2009, 'Iraq: UK Defence Agreement'.
[192] Email Wilks to [various], 31 July 2009, 'Iraq: Security Agreement and Hostages: Simon McDonald call on Tariq Abdallah, Maliki's CoS'.
[193] JIC Assessment, 5 August 2009, 'Can Iraq Stand Up to Iran?'

> Iran understands that an Iraq ruled by a Shia government is unlikely to pose a threat to the Iranian regime."

473. Mr McDonald called Prime Minister Maliki's Chief Political Adviser on 6 August, and asked whether the Iraqi Government could provide an answer on whether they would extend the former security agreement.[194] Prime Minister Maliki's Political Adviser said that legal advice was that the Council of Ministers could not do so; the Council of Representatives must agree.

474. In the absence of an agreement, Mr McDonald proposed that four naval trainers and one naval operational commander should be appointed as naval attachés to the British Embassy. Their names had already been submitted through the normal process. Mr McDonald "emphasised this was a key point for us, this matter was entirely in GoI hands, and the signal sent by this would be serious in our eyes".

475. On 18 August, Mr Hutton's Private Secretary wrote to Mr Brown's Assistant Private Secretary with an update on the defence agreement.[195] He explained that the Iraqi Government had made it clear they were not prepared to offer an interim agreement and that all military personnel except five liaison officers in Kuwait had returned to the UK. US teams would take over the UK tasks in approximately late September, but would step aside if the UK/Iraq agreement was signed in October.

476. Mr Prentice had discussed bringing UK activity at Umm Qasr under NATO auspices with the US commander, who was enthusiastic provided it did not breach the 300-person ceiling allowed by the NATO-Iraq agreement. As a result:

> "We are now working with the US to identify the minimum number of UK personnel required to do the training task. If the UK/Iraq defence agreement fails to have its third reading by mid-October, US commanders will then go to the Iraqi Defence Minister and invite him to decide whether to incorporate the Umm Qasr activity permanently under NATO (using UK trainers) and accept compensating reductions elsewhere in the NATO establishment."

477. The Private Secretary added: "Defence Secretary is content with this approach provided that the Government of Iraq explicitly agree and that other NATO allies are also content."

478. Mr Brown spoke to Prime Minister Maliki on 23 August, and said that the defence agreement was "unfinished business which we trusted could be resolved".[196] Prime Minister Maliki indicated his support, but suggested that the Iraqi Parliament's actions were "politically motivated".

---

[194] Email Wilks to Cabinet Office [junior official], 6 August 2009, 'Simon McDonald call on Sadiq al-Rikabi: UK/Iraq Training Agreement'.
[195] Letter Ferguson to Catsaras, 18 August 2009, 'Iraq: UK Defence Agreement'.
[196] Letter Catsaras to Brooker, 24 August 2009, 'Prime Minister's Call with Iraqi Prime Minister, 23 August'.

September/October 2009

479. In early September, Prime Minister Maliki's Chief of Staff informed Mr Wilks that diplomatic status for the five-man naval team had been approved.[197]

480. On 15 October, Mr Prentice reported to the FCO in London that the UK-Iraq "training and maritime support agreement" had completed its third and final reading in the Council of Representatives.[198] It passed with 99 votes in favour and 40 against or abstaining.

481. Mr Prentice wrote:

> "All the elements of our broad-based relationship are now in place. Symbolically, the ratification by the Iraqi parliament of this agreement confirms the will of a majority of Iraqi political groups to continue a special relationship with the UK, including in the security field."

482. He concluded:

> "We are well-placed to be a prime partner for Iraq, as overall security improvements and Iraq's slowly growing political and economic capacity enable it for the first time in the last six years to begin to fulfil its vast potential."

The end of Op TELIC

483. The UK maintained a small national presence in Iraq until 22 May 2011, when the final 81 members of a Royal Navy training team left the country.[199] Op TELIC formally ended with their departure.

484. A small number of UK personnel remained in Iraq working as part of the NATO training mission.

Troop numbers 2003 to 2009

485. The table below records changes in the number of UK troops in Iraq between the start of Op TELIC I in 2003 and the withdrawal of the last UK Service Personnel from Iraq in 2011.

---

[197] Paper [unattributed], [undated], 'Op Telic PJHQ Chronology 2009'.
[198] eGram 35899/09 Baghdad to FCO London, 15 October 2009, 'UK/Iraq: Training and Maritime Support Agreement Ratified by the CoR, 13 October'.
[199] *BBC News*, 22 May 2011, *UK's Operation Telic mission in Iraq ends.*

Table 3: UK Service personnel deployed to Iraq

Time period		Number of UK Service personnel deployed
Op TELIC I	"March/April" 2003	46,000[200]
	Mid May	25,000-30,000[201]
	31 May	18,000[202]
	11 June	17,000[203]
	25 June	14,000[204]
	10 July	12,000[205]
Op TELIC II	4 August	10,000[206]
Op TELIC III	17 November	10,500[207]
	29 March 2004	8,827[208]

[200] The National Archives, [undated], 'Operations in Iraq: Facts and Figures'. The figure includes support staff stationed outside Iraq.
[201] House of Commons, *Official Report*, 30 April 2003, column 16WS. The figure describes UK Service Personnel deployed in the Gulf region.
[202] The National Archives, [undated], 'Operations in Iraq: Facts and Figures'. The figure describes UK military personnel deployed in Iraq.
[203] House of Commons, *Official Report*, 11 June 2003, column 51WS. The figure describes UK servicemen and women in the Gulf region.
[204] House of Lords, *Official Report*, 25 June 2003, column 307. The figure describes the number of personnel in Iraq and Kuwait.
[205] Letter Williams to Rycroft, 10 July 2003, 'UK Force Levels in Iraq'. The figure refers to personnel deployed in the Gulf region on activities related to Op TELIC.
[206] Letter MOD [junior official] to Rycroft, 4 August 2003, 'Iraq: Force Level Review'. The figure describes the total deployed strength.
[207] Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003. The figure describes forces "in theatre" at 17 November 2003.
[208] House of Commons, *Official Report*, 29 March 2004, column 1256. The figure refers to Armed Forces personnel serving in Iraq.

Op TELIC IV	31 May	8,600[209]
	17 June	9,200[210]
	21 July	8,500[211]
	21 October	8,500[212]
	25 October	8,100[213]
Op TELIC V	29 November	Just under 9,000[214]
	21 January 2005	Some 8,100[215]
	7 February	About 8,150[216]
Op TELIC VI	25 May	Around 8,100[217]
	31 May	8,500[218]
	10 October	About 8,500[219]
Op TELIC VII	November	Around 8,000[220]
	9 March 2006	8,000[221]
	13 March	8,000[222]

[209] The National Archives, [undated], 'Operations in Iraq: Facts and Figures'. The figure describes UK military personnel deployed in Iraq.
[210] House of Commons, *Official Report*, 17 June 2004, column 49WS. The figure includes a net increase of around 270 personnel "in theatre".
[211] House of Lords, *Official Report*, 21 July 2004, column WA45. The figure describes British troops deployed in Iraq.
[212] House of Lords, *Official Report*, 21 October 2004, column 980. The figure describes "our deployment in Iraq".
[213] House of Commons, *Official Report*, 25 October 2004, column 1128. The figure describes UK Armed Forces personnel deployed in Iraq.
[214] House of Commons, *Official Report*, 29 November 2004, column 343. The figure describes UK troops deployed in Iraq.
[215] Minute DJC AD Pol 1 to APS/SofS [MOD], 21 January 2005, 'Iraq: Planning for the Replacement of Dutch Forces in Al Muthanna'. The document refers to a further 800 personnel supporting Op TELIC elsewhere.
[216] House of Commons, *Official Report*, 7 February 2005, columns 1168-1169. The figure refers to troops in Iraq.
[217] House of Lords, *Official Report*, 25 May 2005, column WS11. The figure describes troops in Iraq.
[218] The National Archives, [undated], 'Operations in Iraq: Facts and Figures'. The figure describes UK military personnel deployed in Iraq; House of Commons, *Official Report*, 25 May 2005, column 15WS.
[219] House of Lords, *Official Report*, 10 October 2005, column 35. The figure describes troops in Iraq.
[220] House of Lords, *Official Report*, 10 October 2005, column 35. The figure describes troops in Iraq.
[221] Minute SofS [MOD] to Prime Minister, 9 March 2006, 'Iraq: Force Level Review and Announcement'. The figure describes overall numbers of personnel in theatre.
[222] House of Lords, *Official Report*, 13 March 2006, columns 1008-1009. The figure is constructed from description of a reduction of 800 personnel to just over 7,000 British forces in Iraq.

Op TELIC VIII	31 May	7,200[223]
	18 July	Approx 7,100[224]
	September	Approx 7,460[225]
Op TELIC IX	21 February 2007	7,100[226]
	31 May	5,500[227]
Op TELIC X	September	5,500[228] 5,200[229]
	October	5,100[230]
	November	4,500[231]
Op TELIC XI	December	4,910[232] 4,500[233]
	7 March 2008	4,100[234]
	31 May	4,100[235]
Op TELIC XII	22 July	4,100[236]
	13 October	4,100[237]

[223] The National Archives, [undated], 'Operations in Iraq: Facts and Figures'. The figure describes UK military personnel deployed in Iraq.
[224] House of Lords, *Official Report*, 18 July 2006, column WS83. The figure describes the total number of UK troops in Iraq.
[225] House of Commons, *Official Report*, 11 September 2006, column 111WS; House of Commons, *Official Report*, 10 October 2006, columns 172-173. This figure describes the UK force package, including a temporary deployment of 360 troops between September 2006 and January 2007.
[226] House of Commons, *Official Report*, 21 February 2007, column 264. This figure refers to number of forces.
[227] The National Archives, 'Operations in Iraq: Facts and Figures'. The figure describes UK military personnel deployed in Iraq.
[228] House of Commons, *Official Report*, 8 October 2007, column 30. The figure describes troops in Iraq.
[229] House of Commons, *Official Report*, 14 January 2008, column 885W. Figure calculated by subtracting the 300 troops referred to in the table from 5,500.
[230] House of Commons, *Official Report*, 14 January 2008, column 885W. Figure calculated by subtracting the reduction of 100 troops referred to in the table from 5,200.
[231] House of Commons, *Official Report*, 14 January 2008, column 885W. Figure calculated by subtracting the reduction of 600 troops referred to in the table from 5,100.
[232] House of Commons, *Official Report*, 5 December 2007, column 1224W. The figure describes the number of personnel deployed to Iraq.
[233] House of Commons, *Official Report*, 14 January 2008, column 885W.
[234] House of Commons, *Official Report*, 7 March 2008, column 2849W. The figure describes UK force levels in southern Iraq.
[235] The National Archives, [undated], 'Operations in Iraq: Facts and Figures'. The figure describes UK military personnel deployed in Iraq.
[236] House of Lords, *Official Report*, 22 July 2008, column 1677. The figure describes UK forces in southern Iraq.
[237] *The Times*, 13 October 2008, *Thank You, and Goodbye*.

Op TELIC XIII	2 February 2009	4,350[238]
	30 March	4,100[239]
	31 May	4,100[240]
	15 June	Fewer than 500[241]
Training Missions	31 January 2010	150[242]
	January 2010 – 22 May 2011	128[243]
	23 May 2011 – 31 December 2011	44[244]

[238] House of Commons, *Official Report*, 2 February 2009, columns 869W-870W. The figure describes endorsed force levels for UK military operations in southern Iraq and Baghdad.
[239] House of Commons, *Official Report*, 30 March 2009, column 874W. Figure refers to members of the UK forces deployed on land in southern Iraq.
[240] The National Archives, 'Operations in Iraq: Facts and Figures'. The figure describes UK military personnel deployed in Iraq.
[241] House of Commons, *Official Report*, 15 June 2009, column 22.
[242] The National Archives, [undated], 'Operations in Iraq: British Forces in Iraq'. Figure describes British military personnel in Iraq.
[243] House of Commons, *Official Report*, 18 May 2011, column 19WS; *BBC News*, 22 May 2011, *UK's Operation Telic mission in Iraq ends*. Report states that 128 staff remained in Iraq: 81 Navy trainers; 44 engaged on the NATO Training Mission; and three personnel in Baghdad.
[244] *BBC News*, 22 May 2011, *UK's Operation Telic mission in Iraq ends*; www.NATO.int, 1 September 2015, 'NATO in Iraq: the Evolution of NATO's Training Effort in Iraq'.

SECTION 9.8

CONCLUSIONS: THE POST-CONFLICT PERIOD

Contents

Introduction and key findings 470

Objectives and preparation 471

Overview of the post-conflict period 472

Occupation 473
- Looting in Basra 473
- Looting in Baghdad 474
- UK influence on post-invasion strategy 475
  - Resolution 1483 475
  - UK influence on the Coalition Provisional Authority 476
- A decline in security 479
- The turning point 484

Transition 485
- UK influence on US strategy post-CPA 485
- Planning for withdrawal 485
- The impact of Afghanistan 487
- Iraqiisation 489

Preparation for withdrawal 491
- A major divergence in strategy 491
- A possible civil war 492
- Force Level Review 495
- The beginning of the end 498

Did the UK achieve its strategic objectives in Iraq? 499

Issues in the UK system 501
- Strategy-making 501
- Optimism bias 502

Lessons 503

Introduction and key findings

1. This Section addresses conclusions in relation to evidence of the UK's role after the conflict in Iraq, including:

- the development of UK strategy and deployment plans in response to the changing security situation, particularly in Basra and the South;
- UK influence on the development of a new political system in Iraq; and
- UK influence on US decision-making in relation to Iraq.

2. This Section does not address:

- preparations for the UK's post-conflict role in Iraq, which are covered in Sections 6.4 and 6.5;
- detailed consideration of the de-Ba'athification of Iraqi institutions, which can be found in Section 11;
- the UK role in the reconstruction of Iraq, and the reform of its Security Sector, set out in Sections 10 and 12; and
- the provision of military equipment for use in Iraq, which is covered in Section 14.

Key findings

- Between 2003 and 2009, the UK's most consistent strategic objective in relation to Iraq was to reduce the level of its deployed forces.
- The UK struggled from the start to have a decisive effect on the Coalition Provisional Authority's policies, even though it was fully implicated in its decisions as joint Occupying Power.
- US and UK strategies for Iraq began to diverge almost immediately after the conflict. Although the differences were managed, by early 2007 the UK was finding it difficult to play down the divergence, which was, by that point, striking.
- The UK missed clear opportunities to reconsider its military approach in Multi-National Division (South-East).
- Throughout 2004 and 2005 it appears that senior members of the Armed Forces reached the view that little more would be achieved in MND(SE) and that it would make more sense to concentrate military effort on Afghanistan where it might have greater effect.
- From July 2005 onwards, decisions in relation to resources for Iraq were made under the influence of the demands of the UK effort in Afghanistan. Although Iraq remained the stated UK main effort, the Government no longer had the option of a substantial reinforcement of its forces there.
- The UK's plans to reduce troop levels depended on the transition of lead responsibility for security to the Iraqi Security Forces, even as the latter's ability to take on that responsibility was in question.

- The UK spent time and energy on rewriting strategies, which tended to describe a desired end state without setting out how it would be reached.
- UK forces withdrew from Iraq in 2009 in circumstances which did not meet objectives defined in January 2003.

Objectives and preparation

3. Before the invasion began, the UK defined ambitious objectives for Iraq after the removal of Saddam Hussein and his regime from power.

4. The UK's strategic objectives for Iraq were described by Mr Jack Straw, the Foreign Secretary, in a Written Ministerial Statement on 7 January 2003. The objectives included the following definition of the UK's desired end state:

> "We would like Iraq to become a stable, united and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective and representative government to its own people."[1]

5. At the Azores Summit on 16 March, Mr Blair, President Bush and Mr José María Aznar, the Prime Minister of Spain, declared in the 'Vision for Iraq and the Iraqi People':

> "We will work to prevent and repair damage by Saddam Hussein's regime to the natural resources of Iraq and pledge to protect them as a national asset of and for the Iraqi people. All Iraqis should share the wealth generated by their national economy …
>
> "In achieving this vision, we plan to work in close partnership with international institutions, including the United Nations … If conflict occurs, we plan to seek the adoption, on an urgent basis, of new United Nations Security Council resolutions that would affirm Iraq's territorial integrity, ensure rapid delivery of humanitarian relief, and endorse an appropriate post-conflict administration for Iraq. We will also propose that the Secretary General be given authority, on an interim basis, to ensure that the humanitarian needs of the Iraqi people continue to be met through the Oil-for-Food program.
>
> "Any military presence, should it be necessary, will be temporary and intended to promote security and elimination of weapons of mass destruction; the delivery of humanitarian aid; and the conditions for the reconstruction of Iraq. Our commitment to support the people of Iraq will be for the long term."[2]

---

[1] House of Commons, *Official Report,* 7 January 2003, column 4WS.
[2] Statement of the Atlantic Summit, 16 March 2003, 'A Vision for Iraq and the Iraqi People'.

6. As described in Sections 6.4 and 6.5, the UK's pre-invasion planning and preparation for its role in the Occupation of Iraq was not sufficient to deliver these ambitious objectives, in part because the UK had placed a great deal of reliance on planning by the US, as the lead member of the Coalition.

7. Many of the difficulties which the Coalition encountered after the successful military campaign had been, or could have been, foreseen. After facing those difficulties during his six-month posting in Baghdad, in March 2004 Sir Jeremy Greenstock concluded:

> "The preparations for the post-conflict stage were abject; wrong analysis, wrong people …"[3]

8. The UK hoped that, once the fighting had ceased, the UN would take a leading role in the reconstruction operation, including the establishment of an Iraqi Government, facilitating the arrival of resources from the international community and in particular from nations which had not contributed to the military Coalition.

9. The UK recognised that it would have responsibility for the area of southern Iraq controlled by its forces. It aspired to manage the post-conflict response in that region in such a way that it would be considered "exemplary" in relation to the rest of Iraq, drawing on resources provided by other nations.

10. Although officials had warned that knowledge of conditions within Iraq was incomplete, it was assumed that Iraq would have a functioning civil service, criminal justice system and security forces which, after the removal of Ba'athist leadership, would all play their part in its reconstruction.

Overview of the post-conflict period

11. After the invasion force had rapidly brought down Saddam Hussein's regime, the UK's six-year engagement in Iraq fell into three broad phases, which the Inquiry has used to provide a simplified framework for describing events:

- **Occupation – March 2003 to June 2004:** during which the UK was formally a joint Occupying Power alongside the US, and Iraq was governed by the US-led Coalition Provisional Authority (CPA);
- **Transition – June 2004 to the end of 2005:** characterised by the increasing power of Iraqi politicians and institutions, and ending with elections and the formation of the Maliki Government; and
- **Preparation for withdrawal – 2006 to 2009:** during which period the UK sought to transfer its remaining responsibilities in Multi-National Division (South-East) (MND(SE)) to Iraqi forces so that it could withdraw its remaining troops.

---

[3] Telegram 109 IraqRep to FCO London, 26 March 2004, 'Iraq Valedictory: Six Months in the Cauldron'.

12. In each phase, the UK had dual responsibilities in Iraq: it contributed to the overall direction of the Coalition's strategy and to those activities which took place at a national level, and also led the international effort in MND(SE), comprising the provinces of Basra, Dhi Qar, Maysan and Muthanna. From the outset, the UK placed particular emphasis on Basra province, and its capital – Iraq's second city.

13. This Section considers the UK's dual responsibilities in each phase.

Occupation

Looting in Basra

14. As described in Section 8, UK forces entered Basra City on the night of 6/7 April 2003 and rapidly gained control, meeting less resistance than anticipated. Once the city was under its control, the UK was responsible, as the Occupying Power, for maintenance of law and order. Within its predominantly Shia Area of Operations, the UK assumed that risks to Coalition Forces would be lower than in the so-called "Sunni triangle" controlled by the US.

15. Before the invasion, the Joint Intelligence Committee (JIC) and the Defence Intelligence Staff had each identified that there was a risk of lawlessness breaking out in Iraq, and that it would be important to deal with it swiftly. Others, including Mr Blair, Sir Kevin Tebbit (the MOD Permanent Under Secretary) and the Iraq Policy Unit had recognised the seriousness of that risk.

16. However, the formal authorisation for action in Iraq issued by Admiral Sir Michael Boyce, Chief of the Defence Staff, on 18 March contained no instruction on how to establish a safe and secure environment if lawlessness broke out as anticipated. Although it was known that Phase IV (the military term for post-conflict operations) would begin quickly, no Rules of Engagement for that phase, including for dealing with lawlessness, were created and promulgated before UK troops entered the country.

17. Both before and during the invasion Lieutenant General John Reith, the Chief of Joint Operations, made the absence of instructions to UK forces covering what to do if faced with lawless behaviour by the Iraqi population in Basra explicit to the Chiefs of Staff.

18. Faced with widespread looting after the invasion, and without instructions, UK commanders had to make their own judgements about what to do. Brigadier Graham Binns, commanding 7 Armoured Brigade which had taken Basra City, told the Inquiry that he had concluded that "the best way to stop looting was just to get to a point where there was nothing left to loot".[4]

[4] Private hearing, 2 June 2010, page 11.

19. Although the implementation of tactical plans to deal with lawlessness was properly the responsibility of in-theatre commanders, it was the responsibility of the Chief of the Defence Staff and the Chief of Joint Operations to ensure that appropriate Rules of Engagement were set, and preparations made, to equip commanders on the ground to deal with it effectively. They should have ensured that those steps were taken.

20. The impact of looting was felt primarily by the Iraqi population rather than by Coalition Forces. The latter initially experienced a "honeymoon period",[5] although the situation was far from stabilised.

21. Lt Gen Reith anticipated that UK forces could be reduced to a medium scale effort by the autumn, when he expected the campaign to have reached "some form of 'steady-state'".[6]

22. The JIC correctly judged on 16 April that the local population had high hopes that the Coalition would rapidly improve their lives and that "resentment of the Coalition … could grow quickly if it is seen to be ineffective, either politically or militarily. Such resentment could lead to violence."[7]

23. By the end of April, Mr Geoff Hoon, the Defence Secretary, had announced that UK troop levels would fall to between 25,000 and 30,000 by the middle of May, from an initial peak of around 46,000.

24. Consequently, by the start of May there was a clearly articulated expectation of a rapid drawdown of UK forces by the autumn despite the identified risk that the consent of the local population was built on potentially vulnerable foundations, which could be undermined rapidly and with serious consequences.

Looting in Baghdad

25. In the absence of a functioning Iraqi police force and criminal justice system, and without a clear Coalition Phase IV plan, looting and score-settling became a serious problem in Baghdad soon after the regime fell. The looting of ministry buildings and damage to state-owned infrastructure in particular added to the challenges of the Occupation.

26. Reflecting in June 2004, Mr David Richmond, the Prime Minister's Special Representative on Iraq from March to June 2004, judged that the failure to crack down on looting in Baghdad in April 2003 released "a crime wave which the Coalition has never been able to bring fully under control".[8]

---

[5] Public hearing Walker, 1 February 2010, page 16.
[6] Minute Reith to SECCOS, 14 April 2003, 'Phase 4: Roulement/Recovery of UK Forces' attaching Paper CJO, 14 April 2003, 'Phase 4 – Roulement/Recovery of UK Land Forces'.
[7] JIC Assessment, 16 April 2003, 'Iraq: The Initial Landscape Post-Saddam'.
[8] Telegram 359 IraqRep to FCO London, 28 June 2004, 'Iraq: Valedictory: The End of Occupation'.

27. After visiting Iraq in early May 2003, General Sir Mike Jackson, Chief of the General Staff, observed:

> "A security vacuum still exists [in Baghdad] … particularly at night. Looting, revenge killing and subversive activities are rife … Should a bloody and protracted insurgency establish itself in Baghdad, then a ripple effect is likely to occur."[9]

28. Gen Jackson recognised that the UK's ability to maintain the consent of the population in the South depended on a stable and secure Baghdad, and advised:

> "The bottom line is that if we choose not to influence Baghdad we must be confident of the US ability to improve [its tactics] before tolerance is lost and insurgency sets in."

29. Gen Jackson, Major General David Richards (Assistant Chief of the General Staff) and Lieutenant General Sir Anthony Pigott (Deputy Chief of the Defence Staff (Commitments)) all offered advice in favour of deploying the UK's 16 Air Assault Brigade to Baghdad to support Coalition efforts to retrain Iraqi police officers and get them back on patrol.

30. However, the Chiefs of Staff collectively considered that the benefits of making a contribution to the security of Baghdad were outweighed by the risk that UK troops would be "tied down" outside the UK's Area of Responsibility, with adverse impact, and advised on 21 May against deploying 16 Air Assault Brigade. The Chiefs of Staff did not conclude that the tasks it was proposed that 16 Air Assault Brigade should undertake were unnecessary, but rather that US troops would complete them.

UK influence on post-invasion strategy

RESOLUTION 1483

31. On 21 March 2003, the day after the start of the invasion, Mr Jonathan Powell and Sir David Manning, two of Mr Blair's closest advisers, offered him advice on how to influence the post-invasion US agenda. Key among their concerns was the need for post-conflict administrative arrangements to have the legitimacy conferred by UN endorsement. Such UK plans for the post-conflict period as had been developed relied on the deployment of an international reconstruction effort to Iraq. Controversy surrounding the launch of the invasion made that challenging to deliver; the absence of UN endorsement would make it close to impossible.

32. Discussion between the US and UK on the content of a new UN Security Council resolution began the same day. Resolution 1483 (2003) was eventually adopted on 22 May.

---

[9] Minute CGS to CDS, 13 May 2003, 'CGS Visit to Op. TELIC 7-10 May 2003'.

33. US and UK objectives for the resolution were different, and in several substantive respects the text of resolution 1483 differed from the UK's preferred position.

34. The UK wanted oil revenues to be controlled by an Iraqi body, or failing that by the UN or World Bank, in line with the pre-invasion promise to use them exclusively for the benefit of Iraq. Instead, resolution 1483 placed the power to spend the Development Fund for Iraq into the hands of the CPA, overseen by a monitoring board. That was in line with US objectives, but did not address UK concerns.

35. The UK considered that an Interim Iraqi Administration should have real powers, and not be subordinate to the CPA. Resolution 1483 said that the CPA would retain its responsibilities until an internationally recognised representative government was established. The text did not go so far as to require an interim administration to report formally to the CPA, as the US wished, but that was in effect how the relationship between the CPA and the Governing Council established by resolution 1483 operated.

36. The UK's policy position was that the UN should take the lead in establishing the Interim Iraqi Administration. Resolution 1483 gave the UN a role working with the people of Iraq and the CPA, but did not give it the lead. Evidence considered by the Inquiry suggests that there was consistent reluctance on the part of the UN to take on such a role and the UK position was therefore not wholly realistic.

37. Resolution 1483 formally designated the UK and US as joint Occupying Powers in Iraq. It also set the conditions for the CPA's dominance over post-invasion strategy and policy by handing it control of funding for reconstruction and influence on political development at least equal to that of the UN.

UK INFLUENCE ON THE COALITION PROVISIONAL AUTHORITY

38. By the time resolution 1483 was adopted, the CPA was already operating in Iraq under the leadership of Ambassador L Paul Bremer, reporting to Mr Donald Rumsfeld, the US Defense Secretary. There was no reporting line from the CPA to the UK.

39. The resolution's designation of the US and UK as joint Occupying Powers did not reflect the reality of the Occupation. The UK contribution to the CPA's effort was much smaller than that of the US and was particularly concerned with Basra.

40. The UK took an early decision to concentrate its effort in one geographical area rather than accept a national lead for a particular element of the Coalition effort (such as police reform). However, it was inevitable that Iraq's future would be determined in Baghdad, as both the administrative centre and the place where the power shift from minority Sunni rule to majority Shia rule was going to be most keenly felt. Having decided to concentrate its effort on an area some distance removed from the capital, the UK's ability to influence policy under debate in Baghdad was curtailed.

41. In Baghdad itself, the UK provided only a small proportion of the staff for the military and civilian headquarters. The low numbers were influenced in part by reasonable

concerns about the personal legal liabilities of UK staff working initially in the Office of Reconstruction and Humanitarian Assistance and then in the CPA, and what their deployment might imply about the UK's responsibility for decisions made by those organisations, in the absence of formal consultation or the right of veto.

42. The pre-invasion focus on a leading UN role in Iraq meant that little thought had been given to the status of UK personnel during an occupation which followed an invasion without Security Council authorisation. Better planning, including proper assessment of a variety of different possible scenarios, would have allowed such issues to be worked through at a much earlier stage.

43. There was an urgent need for suitably experienced UK officials ready to deploy to Baghdad, but they had not been identified (see Section 15).

44. No governance arrangements were designed before the invasion which might have enabled officials and Ministers based in London and Washington to manage the implications of a joint occupation involving separate resources of a very different scale. Such arrangements would have provided a means to identify and resolve different perspectives on policy, and to facilitate joint decisions.

45. Once the CPA had been established, policy decisions were made largely in Baghdad, where there was also no formal US/UK governance structure. This created a risk described to the Inquiry by Sir Michael Wood, FCO Legal Adviser from 2001 to 2006, as "the UK being held jointly responsible for acts or omissions of the CPA, without a right to consult and a right of joint decision".[10]

46. To manage that risk, the UK proposed a Memorandum of Understanding (MOU) with the US to establish procedures for working together on issues related to the Occupation, but it could not be agreed. Having supplied the overwhelming majority of the CPA's resources, the US had little incentive to give the UK an influential role in deciding how those resources were to be used, and the UK lacked the will and leverage to insist.

47. In the absence of formal arrangements, there was a clear risk that the UK would be inadequately involved in important decisions, and the UK struggled from the start to have a significant effect on the CPA's policies. This was a source of concern to both Ministers and officials in 2003, but the issue was never resolved.

48. Senior individuals deployed to Iraq by the UK at this time saw themselves either as working for the CPA in support of its objectives and as part of its chain of command, or as UK representatives within the CPA with a remit to seek to influence CPA decisions. No-one formally represented the UK position within the CPA decision-making process, a serious weakness which should have been addressed at an early stage.

---

[10] Statement Wood, 15 March 2011, page 22.

49. Managing a joint occupation of such size and complexity effectively and coherently required regular formal and informal discussion and clear decision-making at all levels, both between capitals and in-country. Once attempts to agree an MOU had failed, the chances of constructing such mechanisms were slim.

50. In the absence of an MOU with the US, the UK's influence in Baghdad depended heavily on the personal impact of successive Special Representatives and British Ambassadors to Iraq and the relationships they were able to build with senior US figures.

51. Some instances of important CPA decisions in which the UK played little or no formal part were:

- The decision to issue CPA Order No.2, which "dissolved" (or disbanded) a number of military and other security entities that had operated as part of Saddam Hussein's regime, including the armed forces (see Section 12). This was raised informally by Ambassador Bremer in his first meeting with Mr John Sawers, Mr Blair's Special Representative on Iraq, who – unbriefed – did not at that point take a contrary position. The concept of creating a new army had also been raised by Mr Walt Slocombe, CPA Senior Adviser on National Security and Defense, in discussion with Mr Hoon. Dissolution was a key decision which was to have a significant effect on the alienation of the Sunni community and the development of an insurgency in Iraq, and the terms and timing of this important Order should have been approved by both Washington and London.
- Decisions on how to spend the Development Fund for Iraq, which resolution 1483 gave the CPA the power to make. CPA Regulation No.2 subsequently vested Ambassador Bremer with control of the Fund, effectively placing it under US control. This exacerbated concerns about the under-resourcing of CPA(South) as expressed in Mr Straw's letter to Mr Blair of 5 June 2003 (see Section 10.1).
- The creation of the Iraqi Central Bank as an independent body in July 2003 (see Sections 9.2 and 10.1). This came as a surprise to the UK despite the close involvement of officials from the Treasury in arrangements for Iraq's new currency and budget.
- The creation of a new Iraqi Central Criminal Court (see Section 9.2), the announcement of which UK officials could not delay for long enough to enable the Attorney General to give his view on its legality under the terms of resolution 1483.
- Production of the CPA's 'Vision for Iraq' and 'Achieving the Vision' *(*see Sections 9.2 and 10.1*).* Mr Sawers alerted the FCO to the first document on 6 July when it was already at an advanced stage of drafting, and by 18 July it had been signed off by the Pentagon. No formal UK approval was sought for a document which was intended to provide strategic direction to the Coalition's non-military effort in Iraq.

52. UK involvement in CPA decisions about the scope and implementation of de-Ba'athification policy is considered in Section 11.2.

53. In some areas, the UK was able to affect CPA policy through the influence that Mr Sawers or his successor Sir Jeremy Greenstock exerted on senior US officials. Both used their diplomatic experience to build connections with Iraqi politicians and contribute to the political development of Iraq. Instances of UK influence included:

- Mr Sawers' involvement in the plans for an Interim Iraqi Administration, in respect of which he considered that "much of the thinking is ours".[11]
- Sir Jeremy Greenstock's "two chickens, two eggs" plan, which overcame political stalemate between the CPA and Grand Ayatollah al-Sistani on how the new Iraqi Constitution should be created. The plan led to the 15 November Agreement which set the timetable for transfer of sovereignty to a transitional administration by 30 June 2004.
- Ensuring that negotiations on the content of the Transitional Administrative Law reached a successful conclusion. Sir Jeremy Greenstock told the Inquiry that he had prevented the Kurdish delegation from leaving, "which Bremer wasn't aware of".[12]
- The level of female representation in Iraq's new political structures, including the 25 percent "goal" for members of the National Assembly set by the Transitional Administrative Law, which the UK pursued with some success.

54. In the absence of decision-making arrangements in which the UK had a formal role, too much reliance was placed on communication between Mr Blair and President Bush, one of the very small number of ways of influencing US policy. Some issues were addressed by this route: for instance, using his regular conversations with President Bush, Mr Blair was able, with some success, to urge caution in relation to the US operation in Fallujah in April 2004.

55. But the channel of communication between Prime Minister and President should be reserved for the most strategic and most intractable issues. It is not the right mechanism for day-to-day policy-making or an effective way of making tactical decisions.

56. It is impossible to say whether a greater and more formal UK input to CPA decisions would have led to better outcomes. But it is clear that the UK's ability to influence decisions made by the CPA was not commensurate with its responsibilities as joint Occupying Power.

A decline in security

57. From early June 2003, and throughout the summer, there were signs that security in both Baghdad and the South was deteriorating. The MOD's Strategic Planning

[11] Telegram 028 IraqRep to FCO London, 1 June 2003, 'Iraq: Political Process'.
[12] Private hearing, 26 May 2010, page 64.

Group warned that "more organised opposition to the Coalition may be emerging"[13] as discontent about the Coalition's failure to deliver a secure environment began to grow in the Iraqi population.

58. The extent of the decline in Baghdad and central Iraq overshadowed the decline in MND(SE). Food shortages and the failure of essential services such as the supply of electricity and water, plus lack of progress in the political process, however, began to erode the relationship between UK forces and the local population. The deterioration was exemplified by attacks on UK forces in Majar al-Kabir in Maysan province on 22 and 24 June.

59. As the summer wore on, authoritative sources in the UK, such as the JIC, began to identify issues with the potential to escalate into conflict and to recognise the likelihood that extremist groups would become more co-ordinated. The constraint imposed on reconstruction activities by the lack of security began to be apparent. Mr Sawers and Sir David Manning expressed concern about whether the UK had sufficient troops deployed in MND(SE), and about the permeability of Maysan's substantial border with Iran.

60. From early July, security was seen in Whitehall as the key concern and was raised by Mr Blair with President Bush.

61. A circular analysis began to develop, in which progress on reconstruction required security to be improved, and improved security required the consent generated by reconstruction activity. Lieutenant General Robert Fry, Deputy Chief of the Defence Staff (Commitments), reported "a decline in Iraqi consent to the Coalition in MND(SE) due to the failure by the Coalition to deliver improvements in essential services" and that Shia leaders were warning of a short grace period before further significant deterioration.

62. By the autumn of 2003, violence was escalating in Baghdad and attacks were becoming more sophisticated. Attacks on the UN in August and September, which injured and killed a number of UN officials including the UN Special Representative for Iraq, prompted some organisations to withdraw their international staff. Although Basra was less turbulent than the capital, the risk of a ripple effect from Baghdad – as identified by Gen Jackson in May – remained.

63. The JIC assessed on 3 September that the security environment would probably worsen over the year ahead. There had been a number of serious attacks on the Coalition in MND(SE), and Islamic "extremists/terrorists"[14] were expected to remain a long-term threat in Iraq. The UK's military and civilian representatives on the ground were reporting a growing insurgency in central Iraq.

---

[13] Minute SECCOS to PSO/CDS, 10 June 2003, 'OP COS Paper: UK contribution to Iraq: strategic intent and direction' attaching Paper SPG, 9 June 2003, 'UK contribution to Iraq: strategic intent and direction'.
[14] JIC Assessment, 3 September 2003, 'Iraq: Threats to Security'.

64. Despite that evidence, military planning under the leadership of General Sir Michael Walker, Chief of the Defence Staff, proceeded on the basis that the situation in Basra would remain relatively benign.

65. The Inquiry considers that a deterioration in security could and should have been identified by Lt Gen Reith by the end of August 2003 and that the cumulative evidence of a deteriorating security situation should have led him to conclude that the underlying assumptions on which the UK's Iraq campaign was based were over-optimistic, and to instigate a review of the scale of the UK's military effort in Iraq.

66. There were a number of issues that might have been examined by such a review, including:

- whether the UK had sufficient resources in MND(SE) to deal with a worsening security situation; and
- whether the UK should engage outside MND(SE) in the interests of Iraq's overall stability (as had been advocated by Gen Jackson, Maj Gen Richards and Lt Gen Pigott).

67. No such review took place.

68. There was a strong case for reinforcing MND(SE) so that it could handle its high-priority tasks (providing essential security for reconstruction projects, protecting existing infrastructure, guarding key sites and improving border security to inhibit the import of arms from Iran) effectively in changing circumstances. Those tasks all demanded a higher level of manpower than was available. Although additional military personnel were deployed in September 2003, mainly to fill existing gaps in support for reconstruction activities, their numbers were far too small to have a significant impact.

69. The failure to consider the option of reinforcement at this time was a serious omission and Lt Gen Reith and Gen Walker should have ensured that UK force levels in MND(SE) were formally reconsidered in autumn 2003 or at the latest by the end of the year. Increases in UK force levels in order to address the security situation should have been recommended to Ministers. Any opportunity to regain the initiative and pre-empt further deterioration in the security situation was lost.

70. In October, Sir Jeremy Greenstock reported that Lieutenant General Ricardo Sanchez, Commander of Combined Joint Task Force-7, had "come to recognise that Coalition operations are at a standstill and that there is a need to regain momentum".[15] Doubts started to build about the chances of credible elections based on a legitimate constitution in the course of 2004 and work began to look for alternatives to the plan set out by Ambassador Bremer. The "bloodiest 48-hour period in Baghdad since March",[16]

---

[15] Telegram 230 IraqRep to FCO London, 24 October 2003, 'Iraq: Security Update'.
[16] Telegram 1426 Washington to FCO London, 28 October 2003, 'Iraq: US Views 28 October'.

including an attack on the al-Rashid Hotel in Baghdad's Green Zone, was sufficient to convince some that a pivotal point in the security situation had been reached.

71. When President Bush visited London in November, Mr Blair provided him with a paper written by Sir Jeremy Greenstock which argued that security should be the highest priority in the run-up to June 2004, when the Iraqi Transitional Government would take power. Sir Jeremy suggested that troop levels should be looked at again and highlighted "the dangers we face if we do not get a grip on the security situation" as a topic that President Bush and Mr Blair needed to discuss in stark terms.

72. The constraints within which the UK was operating as a result of the limited scale of forces deployed in Iraq were articulated clearly for the Chiefs of Staff in December. Lt Gen Fry argued that a strategy of "early effect"[17] was needed which prioritised campaign success. Operation TELIC was the UK "Main Effort", but deploying additional resources in a way that was compliant with the Defence Planning Assumptions would require the withdrawal of resources from other operations.

73. On 1 January 2004, Sir Jeremy Greenstock wrote bluntly: "This theatre remains a security crisis."[18]

74. Despite mounting evidence of violent insurgency, the UK's policy of military drawdown in Iraq continued. After force levels had been reviewed in January, the rationale for continued drawdown was based on adjusted criteria by which the success of Security Sector Reform would be judged, meaning that such reform would be implemented "only to applicable standards for Iraq".[19]

Sectarianism

The UK's approach to the development of new political structures for Iraq assumed the need for an Iraqi Government that was as inclusive and representative as possible. A more representative government was bound to reflect the views of the Shia majority more closely. This created a risk of reprisals against members of the minority Sunni community, of which Saddam Hussein was a member, after many years in which they had dominated Iraq.

The UK sought to minimise the opportunities for reprisals and to ensure balance, supported by the JIC's assessment that "disaffected Sunni Arabs – not necessarily connected to the former regime – who fear Shia domination and are frustrated by lack of money and jobs"[20] were a potential source of resistance to the Coalition.

---

[17] Minute DCDS(C) to COSSEC, 5 December 2003, 'Op TELIC – Review of UK Military Strategy for Iraq'.
[18] Telegram 337 IraqRep to FCO London, 1 January 2004, 'Iraq: Six Final Months of Occupation'.
[19] Minute Reith to PSO/CDS, 29 January 2004, 'Op TELIC Force Level Review – Jan 04'.
[20] JIC Assessment, 31 March 2004, 'Iraq Security: Prospects'.

Concerns about a lack of balance led to a focus on constitutional arrangements founded on proportional representation for Shia, Sunni, Kurdish and minority groups, based on the assumption that those belonging to one confessional or ethnic group could only be represented fairly by a member of the same group.

The electoral system that developed led to the dominance in government of Islamist parties such as Dawa and SCIRI from 2005, although UK would have preferred a moderate secular leader. The UK sought to compensate for the political dominance of Shia parties by encouraging active outreach to the Sunni community.

The Transitional Administrative Law (TAL) agreed by the Governing Council on 1 March 2004 intended that the National Assembly would have "fair representation" for all Iraq's communities. The UK thought of the TAL as a power-sharing arrangement, but it could not deliver the change of mindset needed to embed genuine sharing of power, notably a majority willing to listen to the representatives of minority groups.

As described in Section 11.1, the TAL prevented senior Ba'athists from standing for election unless they had been successful in an appeal to the de-Ba'athification Commission, and stipulated that "full" members must renounce the Ba'ath Party. Both measures would mainly affect the Sunni community, and reflected anxiety about a Ba'athist resurgence.

A key UK objective for the new Iraqi Constitution which would replace the TAL was to protect the provision that three provinces voting against it would constitute a veto. Originally considered to be protecting Kurdish interests, after the January 2005 elections this was also seen an important safeguard for the Sunni community, which had turned out in very low numbers to vote on membership of the Transitional National Assembly (TNA) that would draft the Constitution.

In October 2005, the Constitution was approved. Like the TAL, it placed restrictions on Ba'athists, and the party was banned from participation in "political pluralism in Iraq".

Although it contained a range of rights and liberties guaranteeing equality before the law and the right to liberty, the Constitution left some divisive issues unresolved. In particular, the text did not make explicit how Iraq's oil and gas reserves would be managed by the federal government "with the producing governorates and regional governments"; it left the question of Kirkuk for a referendum; and – despite containing clear statements about the right to freedom of worship – stated in Article 1 that "No law may be enacted that contradicts the established provisions of Islam".

The Constitution continued to reinforce the need for strict confessional/ethic balance. In relation to the Council of Representatives, the federal legislature, it said that "the representation of all components of the people shall be upheld in it". Regarding the Iraqi Security Forces, it said they would be "composed of the components of the Iraqi people, with due consideration given to their balance and representation without discrimination or exclusion".

In recognition of limited Sunni involvement in its drafting, the Constitution provided for a committee comprising members of the Council of Representatives "representing the principal components of the Iraqi society" to recommend amendments.

The combination of ambiguity and an ongoing process may have convinced many Iraqi communities to support the Constitution, but the failure to resolve some fundamental issues helped to aggravate increasingly sectarian divisions.

The turning point

75. February 2004 was the worst month for Coalition casualties since the fall of Saddam Hussein's regime. More than 200 people, mainly Iraqi citizens, were killed in suicide attacks. Attacks on the Iraqi Security Forces were increasing and concerns about Islamic extremists operating in Iraq began to grow. By the end of March, more than 200 attacks targeting Iraqi citizens were being reported each week.

76. In April, there was a sudden escalation in attacks by the Jaysh al-Mahdi (JAM) in Basra, described by the General Officer Commanding MND(SE) as "like a switch had been flicked".[21] In Fallujah, a US offensive which followed the ambush and murder of four security contractors provoked an angry response from the Sunni community.

77. The significant worsening of security, coupled with revelations of abuse by members of the US military of Iraqi detainees held in Abu Ghraib prison, led many of the Inquiry's witnesses to conclude that the spring of 2004 had been a turning point.

78. At the end of April, Mr Blair's analysis was that the key issue in Iraq was not multi-faceted, rather it was "simple: security".[22]

79. Despite the failing security situation in MND(SE) in spring 2004, Gen Walker was explicit that no additional troops were required for the tasks currently assigned to the UK.

80. The Chiefs of Staff maintained the view they had originally reached in November 2003, that HQ Allied Rapid Reaction Corps (ARRC) should not be actively considered for deployment to Iraq, even though:

- Iraq was a higher priority for the UK than Afghanistan;
- security in Iraq was clearly worsening and had been identified by Mr Blair as the key issue; and
- there had been a specific US request for deployment of HQ ARRC.

[21] Public hearing Lamb, 9 December 2009, pages 67-68.
[22] Letter Rycroft to Owen, 26 April 2004, 'Iraq: 15 Reports for the Prime Minister'.

Transition

UK influence on US strategy post-CPA

81. In June 2004, the US and UK ceased to be Occupying Powers in Iraq and the CPA was disbanded. Responsibility for day-to-day interaction on civil affairs with the Iraqi Interim Government passed to the newly appointed British and US Ambassadors.

82. After the handover, the UK's priorities were to maintain the momentum of the political process towards elections in January 2005, and to ensure that the conditions for the drawdown of its forces were achieved.

83. Mr Blair and President Bush continued to discuss Iraq on a regular basis. It continued to be the case that relatively small issues were raised to this level. The UK took false comfort that it was involved in US decision-making from the strength of that relationship.

84. Themes which Mr Blair emphasised to President Bush included the acceleration of Security Sector Reform and the Iraqiisation of security, UN engagement, better outreach to the Sunni community (often referred to as "reconciliation"), provision of direct support to Prime Minister Ayad Allawi and better use of local media to transmit a positive message about the coalition's intentions and actions.

Planning for withdrawal

85. By July 2004, the UK envisaged that, providing the necessary criteria were met, there would be a gradual reduction in troop numbers during 2005 leading to final withdrawal in 2006, to be followed by a period of "Strategic Overwatch".

86. The most important of the criteria that would enable coalition troops to withdraw was the ability of the Iraqi Security Forces to take the lead on security (Iraqiisation). Having recognised that a stable and secure environment was the key factor on which progress in Iraq depended, by May 2004 the UK solution was "a better and quicker plan for building Iraqi capacity in the Police, Civil Defence Corps, the Army and the Intelligence Service".[23] This made sense in the long term but was unlikely to meet the requirement to regain control of Iraq rapidly in the face of a mounting insurgency. Reform of the Iraqi Security Forces is addressed in detail in Section 12.

87. By mid-August, the level of attacks against coalition forces had matched the previous peak in April of the same year. In September, Lieutenant General John McColl (Senior British Military Representative – Iraq) judged that the Iraqi Security Forces would not be able to take full responsibility for security before 2006.

88. In September 2004, Gen Walker received a well-argued piece of advice from Lt Gen McColl which made clear that the conditions on which decisions on drawdown

[23] Letter Bowen to Baker, 13 May 2004, 'Iraq: Security'.

were to be based were unlikely to be met in the near future. Despite the warnings in Lt Gen McColl's paper and his advice that "the time is right for the consideration of the substantive issues",[24] the Chiefs of Staff, chaired by Gen Walker, declined to engage in a substantive review of UK options.

89. The Inquiry recognises that the scale of the resources which the UK might have deployed to deal with the issues was substantially less than the US could bring to bear. It is possible that the UK may not have been able to make a real difference, when the key strategic change that might have affected the outcome was the deployment of a much larger force. But proper consideration ought to have been given to what options were available, including for the deployment of additional personnel. Mr Straw raised the need for such a debate with Mr Blair in October.

90. The UK had consistently resisted US requests to deploy additional personnel, which Lt Gen McColl described as having "chipped away at the US/UK relationship",[25] but in October it was agreed that the Black Watch would be deployed to North Babil for 30 days to backfill US forces needed for operations in Fallujah. Approximately 350 personnel from 1st Battalion, the Royal Highland Fusiliers were also deployed to Iraq to provide additional security across MND(SE) during the election period in January and February 2005. The UK remained reluctant to commit any further forces in the longer term: when Dutch forces withdrew from Muthanna province, the UK instead redeployed forces from elsewhere in MND(SE) plus a small amount of additional logistic support.

91. In January 2005, Lt Gen Fry produced a thoughtful and realistic assessment of the prospects for security in Iraq, observing that "we are not on track to deliver the Steady State Criteria (SSC) before the UN mandate expires, or even shortly thereafter".[26] He judged that "only additional military effort by the MNF-I [Multi-National Force – Iraq] as a whole" might be able to get the campaign back on track. Lt Gen Fry identified three possible courses of action for the UK: increasing the UK scale of effort, maintaining the status quo or, if it were judged that the campaign was irretrievable, accepting failure and seeking to mitigate UK liability.

92. The Inquiry endorses Lt Gen Fry's assessment of the options open to the UK at this point and considers that full and proper consideration should have been given to each option by the Defence and Overseas Policy Committee (DOP).

93. In his advice to Mr Blair on 21 January, Gen Walker did not expose the assessment made by Lt Gen Fry that only additional military effort by the MNF-I might be able to get the campaign back on track.

94. On 30 January, elections for the Transitional National Assembly and Provincial Assemblies took place across Iraq. Security arrangements involved 130,000 personnel

---

[24] Minute McColl to CDS and CJO, 26 September 2004, 'Report 130 of 26 Sep 04'.
[25] Report McColl to CDS and CJO, 20 October 2004, 'SBMR-I Hauldown Report – Lt Gen McColl'.
[26] Minute DCDS(C) to APS 2/SofS [MOD], 11 January 2005, 'Iraq 2005 – a UK MOD perspective'.

from the Iraqi Security Forces, supported by 184,500 troops from the MNF-I. The JIC assessed that perhaps fewer than 10 percent of voters had turned out in the Sunni heartlands and judged that "without Sunni engagement in the political process, it will not be possible significantly to undermine the insurgency".

95. In April, the JIC assessed that:

> "A significant Sunni insurgency will continue through 2005 and beyond, but the opportunities for reducing it appear greater than we judged in early February."[27]

The impact of Afghanistan

96. In June 2004, the UK had made a public commitment to deploy HQ ARRC to Afghanistan in 2006, based on a recommendation from the Chiefs of Staff and Mr Hoon, and with Mr Straw's support. HQ ARRC was a NATO asset for which the UK was the lead nation and provided 60 percent of its staff.

97. It appears that senior members of the Armed Forces reached the view, throughout 2004 and 2005, that little more would be achieved in MND(SE) and that it would make more sense to concentrate military effort on Afghanistan where it might have greater effect.

98. In February 2005, the UK announced that it would switch its existing military effort in Afghanistan from the north to Helmand province in the south.

99. In 2002, *A New Chapter*, an MOD review of the 1998 Strategic Defence Review (SDR), had reaffirmed that the UK's Armed Forces would be unable to support two enduring medium scale military operations at the same time:

> "Since the SDR we have assumed that we should plan to be able to undertake either a single major operation (of a similar scale and duration to our contribution to the Gulf War in 1990-91), or undertake a more extended overseas deployment on a lesser scale (as in the mid-1990s in Bosnia), while retaining the ability to mount a second substantial deployment … if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war-fighting or to maintain them simultaneously for longer than six months."[28]

100. As described in Section 16.1, since 2002 the Armed Forces had been consistently operating at or above the level of concurrency defined in the 1998 SDR, and the continuation of Op TELIC had placed additional strain on military personnel.

101. By May 2005, the UK had been supporting an operation of at least medium scale in Iraq for more than two years. The Ministerial Committee on Defence and Overseas Policy Sub-Committee on Iraq (DOP(I)) recognised that future force levels in Iraq would

---

[27] JIC Assessment, 6 April 2005, 'Iraq: The State of the Insurgency'.
[28] Ministry of Defence, *Strategic Defence Review: A New Chapter*, July 2002, page 14.

need to be considered in the context of the requirement to achieve "strategic balance" with commitments in Afghanistan, to ensure that both were properly resourced.

102. In July 2005, DOP agreed proposals for both the transfer of the four provinces in MND(SE) to Iraqi control and for the deployment of the UK Provincial Reconstruction Team then based in northern Afghanistan to Helmand province in the South, along with an infantry battlegroup and full helicopter support – around 2,500 personnel.

103. As described under the heading 'Iraqiisation' below, the proposals to transfer responsibility for security in the four provinces of MND(SE) to Iraqi control were based on high-risk assumptions about the capability of the Iraqi Security Forces to take the lead for security. If those assumptions proved to be inaccurate and the UK was unable to withdraw, agreement to the Helmand deployment in Afghanistan effectively constrained the UK's ability to respond by increasing troop levels in Iraq.

104. In January 2006, Cabinet approved the decision to deploy to Helmand. Dr John Reid, the Defence Secretary, announced that the UK was "preparing for a deployment to southern Afghanistan" which included a Provincial Reconstruction Team as "part of a larger, more than 3,300-strong British force providing the security framework".[29]

105. The impact of that decision was summarised neatly by Gen Walker as:

> "Militarily, the UK force structure is already stretched and, with two concurrent medium scale operations in prospect, will soon become exceptionally so in niche areas."[30]

106. Niche capabilities such as helicopter support and Intelligence, Surveillance, Target Acquisition and Reconnaissance (ISTAR) were essential to the successful conduct of operations.

107. From July 2005 onwards, decisions in relation to resources for Iraq were effectively made under the influence of the demands of the UK effort in Afghanistan. Although Iraq remained the stated UK main effort, the Government no longer had the option of a substantial reinforcement of its forces there, should it have considered one necessary. When the US announced in January 2007 that it would send a surge of resources to Iraq, the UK was consequently unable to contemplate a parallel surge of its own.

108. The impact of the decision to deploy to Helmand on the availability of key equipment capabilities for Iraq, and on the level of stretch felt by military personnel, is addressed in Sections 14 and 16.

---

[29] House of Commons, *Official Report,* 26 January 2006, columns 1529-1533.
[30] Letter Walker to Richards, 24 January 2006, [untitled].

Iraqiisation

109. After becoming Defence Secretary in May 2005, Dr Reid had continued the policy of reducing UK troop levels based on the transition of lead responsibility for security to the Iraqi Security Forces (ISF). In one of his early acts as Defence Secretary, he announced the deployment of just over 400 additional personnel to enhance the UK's effort in training the ISF, which would "enable them to take on ever greater responsibility for their own security and so pave the way for UK troops to withdraw".[31]

110. The proposals for transfer of the four provinces in MND(SE) to Iraqi control agreed in July 2005 suggested transition from MNF-I to ISF primacy in Basra from March 2006, based on the assumption that the ISF would, by that point, be capable of taking on responsibility for security in what was likely to remain a very challenging environment.

111. There was sufficient reliable contemporary evidence available, including from the JIC and in reports from commanders in theatre, to demonstrate that the assumption that the ISF would be ready to take the lead in Basra by that point was probably unrealistic.

112. In September 2005, Mr Blair expressed his concerns about ISF capability, following reports of police involvement in attacks on the MNF in Basra. But despite the concerns that had been expressed about the capacity of the ISF, Dr Reid recommended that a reduction in UK forces should take place in October or November 2005.

113. A few days after Dr Reid made his recommendation, the Jameat incident in Basra raised questions about the ISF in MND(SE). Officials from the FCO, the MOD and DFID judged that the incident had highlighted the risks to achieving UK objectives in MND(SE), and that those risks had implications for military resources. Nevertheless, assumptions about ISF readiness were not re-examined by Ministers. The incident should have prompted a more searching analysis of whether the conditions necessary for drawdown were likely to be met within the planned timetable. Reluctance to consider the potential implications of the Jameat incident obscured what it had revealed about the security situation in MND(SE).

114. The critical importance of ISF capability in assessing readiness for transfer to Provincial Iraqi Control, on which UK plans to draw down were based, was emphasised by the 'Conditions for Provincial Transfer' published by the Joint Iraqi/MNF Committee to Transfer Security Responsibility, and by Dr Reid, who told DOP(I) that "successful Iraqiisation remains the key".[32] DOP(I) decided that Dr Reid should have lead responsibility for building the capacity of the Iraqi Police Service (IPS) in Basra in addition to his responsibility for the Iraqi Army.

115. In October 2005, Mr Blair asked for a major and sustained push to make progress on the ability of the ISF to take the lead on security. Gen Jackson raised concerns about

---

[31] House of Commons, *Official Report,* 25 May 2005, column 15WS.
[32] Paper Reid, 11 October 2005, 'Iraq: Security Update'.

ISF effectiveness in a minute to Gen Walker, and concluded: "it is not to our credit that we have known about the inadequacies of the IPS for so long and yet failed to address them".[33] The Assessments Staff reinforced the lack of progress in reforming the ISF.

116. In October 2005, the Chiefs of Staff made a stark assessment of the insurgency and coalition strategy in Iraq. They concluded that "Ministers needed to be clear that the campaign could potentially be heading for 'strategic failure', with grave national and international consequences if the appropriate actions were not taken".[34] Gen Walker judged that only 5 percent of UK military effort in MND(SE) was devoted to counter-insurgency operations. But neither Air Marshal Sir Glenn Torpy, Chief of Joint Operations, nor Gen Walker reassessed UK force requirements in Iraq, based on those two assessments.

117. The security situation at this point should have resulted in a reassessment of the UK troop levels needed to achieve the UK's key outcomes in MND(SE). Although the responsibility for tactical decision-making rested with commanders on the ground, it was for Gen Walker to ensure that those commanders had sufficient resources to deliver.

118. The absence of additional resources placed further pressure on the UK's ability to deliver the conditions required for transfer. At the end of 2005 and in early 2006 there were further indications that the ISF were not ready to operate alone. The MOD reported to the final DOP(I) meeting of 2005 that the capacity of the Iraqi administration and security forces to assume responsibility, acknowledging the challenge of increasing sectarianism and militia infiltration, was one of the key challenges remaining.

119. In March 2006, the JIC again highlighted doubts about the ability of the Iraqi Army to operate without MNF support and concerns about the corruption and infiltration of the Iraqi Police Service.

120. US concerns about UK plans for the transition of Maysan and Muthanna to Iraqi control in May were such that Dr Reid adapted them to include a small residual team providing mentoring and support to the Iraqi Army.

121. Dr Reid continued to press ahead with drawdown and announced that troop levels would reduce in May 2006 from approximately 8,000 to around 7,200 based on "completion of various security sector reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre".[35] That rationale did not include an assessment of the effect of those tasks on the capability of the ISF.

---

[33] Minute CGS to CDS, 18 October 2005, 'CGS visit to Iraq: 10-13 Oct 05'.
[34] Minutes, 18 October 2005, Chiefs of Staff meeting.
[35] Letter Reid to Blair, 9 March 2006, 'Iraq: Force Level Review and Announcement'.

Reconciliation

One clear focus of UK strategy was the need to bring the Sunni community back into mainstream Iraqi politics, often referred to as "reconciliation" or "Sunni outreach". Mr Blair consistently said that reconciliation was the key to success, and UK Ministers regularly lobbied their US and Iraqi counterparts about its importance, and the added security risk if it was neglected.

Reconciliation was hampered from the start. The UK, understandably, had limited knowledge of Iraq's complex tribal landscape, and how it interacted with broader confessional groups. Decisions about the scope and implementation of de-Ba'athification made in the early days of the CPA had a lasting legacy of mistrust and alienation.

The UK took a number of steps to promote reconciliation, including Sir Nigel Sheinwald's meetings with hard-line Sunni nationalists and representatives of Sunni insurgent groups in November 2005 and February 2006, and work by Lieutenant General Graeme Lamb with insurgent groups in late 2006 and early 2007. The UK also lobbied for a unity Government in 2006, but ultimately in vain. Mr Dominic Asquith, British Ambassador to Iraq, observed that: "For a government of national unity, most of its members are in opposition."[36]

Preparation for withdrawal

A major divergence in strategy

122. US and UK strategies for Iraq had in effect been on different courses since the UK decision to focus its attention on MND(SE) in 2003. As a result of that decision, the UK had acquired distinctly different priorities from the US. It was only marginally involved in the central tasks of stabilising the Iraqi Government in Baghdad and managing sectarian divisions, while it had come to see its main task in Basra as one of keeping the situation calm while building the case for drawdown.

123. For some time, there had been indications of tension between the US and UK regarding assessments of progress, and differing assumptions about whether plans were needed for long-term bases in Iraq. In May 2006, Mr Blair was told about "rumblings from the US system about UK failure to grip the security situation in what they regard as a strategically vital part of Iraq".[37] Gen Jackson felt compelled to report that:

> "The perception, right or wrong, in some – if not all – US military circles is that the UK is motivated more by the short-term political gain of early withdrawal than by the long-term importance of mission accomplishment; and that, as a result, MND(SE)'s operational posture is too laissez faire and lacks initiative …"[38]

---

[36] Letter Asquith to Sawers, 12 September 2006, 'Iraq: First Impressions'.
[37] Minute Phillipson to Prime Minister, 2 May 2006, 'VTC with President Bush, 1615 2 May 2006'.
[38] Minute CGS to CDS, 22 May 2006, 'CGS visit to Iraq: 15-18 May 06'.

124. In January 2007, the divergence between US and UK strategies was thrown into sharp relief by President Bush's announcement that the US would adopt a new strategy, of which a prominent feature would be the deployment of a surge of US forces, primarily to Baghdad and its environs. UK assessments of the prospects for the new US policy were bleak, reflecting widespread pessimism about the prospects for Iraq. UK strategy continued to look towards withdrawal.

125. US concerns about the differences in approach were evident. In February 2007, Sir David Manning, British Ambassador to the US, reported that Secretary Rice had asked him "to tell her honestly whether the UK was now making for the exit as fast as possible".[39]

126. The divergence in strategies was also illustrated by the conditions-based process through which the four provinces in MND(SE) were transferred to Provincial Iraqi Control (PIC) during 2007. Although each transfer was signed off by senior members of the US military, there was persistent reporting of US concerns about readiness for PIC, whether the conditions had actually been met and the wider impact of transfer.

127. The US was also uncomfortable about arrangements made by the UK with a militia group in Basra which allowed the safe exit of UK troops from their main base in the city (see Box entitled 'Negotiations with JAM1 in Basra').

A possible civil war

128. By March 2006, senior members of the UK military were considering the possibility of civil war in Iraq, prompted by rising levels of sectarian violence and concerns that the Iraqi Government was "not … perceived as even-handed in security issues".[40] The risk of civil war had been acknowledged by Prime Minister Ibrahim Ja'afari in the wake of the bombing of the al-Askari mosque in February. Although there was general agreement that the situation in Iraq did not constitute civil war, the risk that one might develop was considered to be real.

129. At this time, the presence in Iraq of the MNF was authorised by resolution 1637 (2005). The exchange of letters between Prime Minister Ja'afari and the President of the Security Council which accompanied the resolution clearly identified providing security for the Iraqi people as the reason why a continued MNF presence was necessary.

130. In late April, FCO officials were concerned that security in Basra was declining and that a determined and sustained effort, including a more assertive military posture, would be required to deliver the UK's objective of transferring Basra to Iraqi control by late 2006 or early 2007.

---

[39] Letter Manning to Hayes, 1 February 2007, 'Conversation with the US Secretary of State, 31 January 2007'.
[40] Minute Houghton to CDS, 5 March 2006, 'SBMR-I Weekly Report (201) 5 March 06'.

131. Accounts from mid-2006 suggested that security in MND(SE) was a significant concern, characterised by "steady, if generally unspectacular, decline"[41] and increased militia activity. The UK military's approach had generated US concern and the security situation was limiting UK civilian activity.

132. Gen Jackson's assessment in May of the short-term security prospects in Iraq was bleak. He judged that "what we will leave behind will not look much like strategic success. Ten years hence our strategy may fully bear fruit."[42]

133. After visiting Iraq in early May, Air Chief Marshal Sir Jock Stirrup, Chief of the Defence Staff, advised Dr Reid that there should be no change to the operational approach and that there were "compelling reasons" why the UK should "press on" with handing over security to Iraq, including to permit the UK's continuing build-up in Afghanistan.[43] ACM Stirrup identified the risk that UK withdrawal from Basra would be seen as a "strategic failure" and suggested that "astute conditioning of the UK public may be necessary" to avoid that.

134. ACM Stirrup's view that the UK should press ahead with drawdown despite the security challenges in Basra was not consistent with Government policy that withdrawal should be conditions-based.

135. ACM Stirrup's acceptance that the "law of diminishing returns" was "now firmly in play" and that there was "an increasing risk" that UK forces would "become part of the problem, rather than the solution" had some validity: it was clear from accounts of the situation in Basra that UK forces were not preventing a steady decline in security. ACM Stirrup was also right to advise Dr Reid that the MNF in Iraq faced a "multifaceted", sophisticated and dangerous enemy; that serious issues remained in Basra (militia activity, poor governance, insecurity); and that it was possible the UK would be accused of strategic failure.

136. The established policy was that UK forces would withdraw as the capabilities of the ISF increased until responsibility could be handed over to the Iraqi Government. ACM Stirrup's proposed remedy of continued drawdown and managing public opinion did not mitigate the risk of strategic failure he described.

137. In the summer of 2006, in recognition of the need to stabilise Basra and prepare it for transition to Iraqi control, the UK developed the Basra Security Plan, "a plan to improve Basra through operations, high impact reconstruction and SSR [Security Sector Reform] … lasting for up to six months".[44] The military element of the plan became known as Operation SALAMANCA and included operations against militia groups.

---

[41] Minute senior government official specialising in the Middle East to Dowse, 12 May 2006, 'Situation in Basrah'.
[42] Minute CGS to CDS, 22 May 2006, 'CGS visit to Iraq: 15-18 May 06'.
[43] Minute Stirrup to SofS [MOD], 8 May 2006, 'CDS Visit to Iraq and Afghanistan – 5-7 May 06'.
[44] Minute Burke-Davies to APS/Secretary of State [MOD], 24 August 2006, 'Iraq: Op SALAMANCA'.

138. In August 2006, ACM Stirrup was asked to give direction on both seeking US help for Op SALAMANCA and the possibility of deploying UK forces to support US operations outside MND(SE).

139. While ACM Stirrup stressed the importance of senior Iraqi political support if Op SALAMANCA was to be a success, Lieutenant General Nicholas Houghton, the Senior British Military Representative – Iraq, indicated a concern that even with US support the capabilities available in MND(SE) might not be sufficient successfully to deliver Op SALAMANCA.

140. ACM Stirrup directed that it was acceptable for the UK to make use of US enablers, such as aviation, in MND(SE), but that, in general, commitments in MND(SE) were to be met by existing MND(SE) personnel (including contractors) and any shortfalls were to be identified and considered appropriately.

141. ACM Stirrup also directed that the deployment of UK troops to Multi-National Division (Centre South):

> "… crossed a clear policy 'red line' and seemed counter-intuitive, given that consideration was also being given to obtaining US forces for MND(SE). The UK needed to draw down its force levels as soon as practicable, both in MND(SE) and elsewhere."[45]

142. The decision not to allow the use of US support in Basra was an important one. The Inquiry considers that the question of what was needed to make Op SALAMANCA a success should have been addressed directly by ACM Stirrup, whose response instead precluded proper consideration of whether additional UK resources would be required.

143. There was continuing resistance to any suggestion that UK forces should operate outside MND(SE) and there may have been concern that US participation in Op SALAMANCA would have led to an obligation on the UK to engage more outside MND(SE). This might not, as ACM Stirrup observed, be consistent with a commitment to drawdown, but might have reduced the risk of strategic failure.

144. The nature of Op SALAMANCA was constrained by the Iraqi Government in September 2006, so that the eventual operation (renamed Operation SINBAD) left "Basra in the hands of the militant militia and death squads, with the ISF unable to impose, let alone maintain, the rule of law".[46] This contributed to the conditions which led the UK into negotiations with Jaysh al-Mahdi (JAM) in early 2007.

145. Attempts were subsequently made to present Op SINBAD as equivalent to the 2007 US surge. Although there was some resemblance between the "Clear, Hold, Build" tactics to be used by US surge forces and the UK's tactics for Op SINBAD, the UK operation did not deploy sufficient additional resources to conduct "Hold" and "Build"

---

[45] Minutes, 2 August 2006, Chiefs of Staff meeting.
[46] Minute Shirreff, 21 September 2006, 'GOC MND(SE) – Southern Iraq Update – 21 September 2006'.

phases with anything like the same strategic effect. The additional 360 troops deployed by the UK could not have had the same effect as the more than 20,000 troops surged into Baghdad and its environs by the US.

146. At the end of 2006, tensions between the military and civilian teams in MND(SE) became explicit. In a report to Mr Blair, Major General Richard Shirreff, General Officer Commanding MND(SE), diagnosed that the existing arrangement, in which the Provincial Reconstruction Team was located in Kuwait, "lacks unity of command and unity of purpose"[47] and proposed the establishment of a "Joint Inter-Agency Task Force" in Basra led by the General Officer Commanding MND(SE).

147. ACM Stirrup's advice to Mr Blair was that it was "too late" to implement Maj Gen Shirreff's proposal. That may have been the right conclusion, but the effect was to deter consideration of a real problem and of ways in which military and civilian operations in MND(SE) could be better aligned.

148. The adequacy of UK force levels in Iraq and the effectiveness of the UK's efforts in MND(SE) were explicitly questioned in Maj Gen Shirreff's end of tour report.

Force Level Review

149. The balance of forces between Iraq and Afghanistan was reviewed by DOP in February 2007 on the basis that the UK could only sustain the enduring operational deployment of eight battlegroups.

150. ACM Stirrup's "strong advice",[48] with which DOP agreed, was that the UK should provide two additional battlegroups to the International Security Assistance Force in Afghanistan, reducing the Iraq to Afghanistan battlegroup ratio from 6:2 to 5:3 and then 4:4.

151. This advice did not include an assessment of either the actual state of security in Basra or the impact on the UK's ability to deliver its objectives (including that drawdown should be conditions-based) and responsibilities under resolution 1723 (2006). The advice did identify US "nervousness" about the UK proposals.

152. In early May, Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, sought ACM Stirrup's advice on the future of the UK military presence in Iraq. ACM Stirrup advised that the UK should press ahead with drawdown from Iraq on the basis that there was little more the UK could achieve. There was "no militarily useful mission".[49]

153. Mr Blair was concerned about the implications of ACM Stirrup's position unless the political circumstances in Basra changed first. He commented: "it will be very hard

---

[47] Letter Shirreff to Blair, 29 December 2006, [untitled].
[48] Paper MOD officials, 13 February 2007, 'Iraq and Afghanistan: balancing military effort in 2007'.
[49] Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.

to present as anything other than a total withdrawal … it cd be very dangerous for the stability of Iraq, & the US will, rightly, be v. concerned."[50]

154. After visiting Basra again in mid-May, ACM Stirrup continued to recommend the drawdown of UK forces. But other contemporary evidence indicated a more negative picture of circumstances in Basra than ACM Stirrup's view that:

> "… the Iraqis are increasingly in a position to take on responsibility for their own problems and therefore they might wish to look to propose the south of the country as a model through which we can recommend a drawdown of forces."[51]

Negotiations with JAM1 in Basra

In 2007, the UK reached an agreement with an individual described by the Inquiry as JAM1 for an end to the targeting of UK forces by members of the JAM militia in Basra in exchange for the some detainee releases.

This agreement was a response to the dominance of JAM in Basra, which UK military commanders had few remaining means to challenge, given the resources available to them, and the lack of support from the Iraqi Government for Op SALAMANCA.

The agreement was based on the commendable intention to safeguard the lives of members of the UK military as they defended, and then withdrew from, Basra Palace. It was a pragmatic tactical response to immensely difficult circumstances.

Those circumstances were at least in part of the UK's own making, particularly because of the decisions that had been taken about the balance of resources between Iraq and Afghanistan. It was humiliating that the UK reached a position in which an agreement with a militia group which had been actively targeting UK forces was considered the best option available. It should have been possible for the UK to consider increasing troop levels in Basra even in 2007/08.

The agreement with JAM1 also had costs, which were little considered by the UK. Although it allowed withdrawal from Basra Palace without the loss of UK life, it did nothing to alleviate the impact of JAM activity on the residents of Basra.

155. In July 2007, FCO and MOD officials recognised that leaving Basra Palace would mean moving to PIC in fact if not in name. Mr Brown, who had become Prime Minister in June, was keen that the gap between leaving the Palace and transfer to PIC should be as small as possible, since UK situational awareness and ability to conduct operations in Basra would be limited once the Palace was no longer in use.

156. During a visit to Iraq at the start of July, ACM Stirrup sought to convince senior US officers that Basra was ready for transfer to PIC on the basis that it would not be possible to demonstrate readiness until after the transfer had taken place. General David Petraeus, Commanding General MNF-I, and Ambassador Ryan Crocker,

---

[50] Manuscript comment Blair on Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.
[51] Minute Poffley to PSSC/SofS [MOD], 17 May 2007, 'CDS visit to Iraq 13-16 May 07'.

US Ambassador to Iraq, remained "circumspect" on the timing of PIC.[52] They considered that there remained "significant problems" associated with "unstable politics" and "JAM infiltration" in Basra.

Making the decision to leave Basra Palace

In Basra City, occupation of the Basra Palace base was crucial to UK understanding of what was happening and the consequent risks (known in military terminology as "situational awareness"). Centrally located, the Palace site was large enough to house both military and civilian staff, giving them access to Iraqi officials within the city.

The Palace was also a target. By summer 2007, it was considered the "most heavily mortared and rocketed place in Iraq",[53] with the result that civilian staff were relocated to the more secure Basra Air Station on the edge of the city in the autumn.

The 'in principle' decision to re-posture/draw down UK forces in Basra, subject to a further review, was taken by DOP on 14 February 2007. Based on the minutes of that meeting, those present were entitled to assume that a further collective discussion would take place before the decision made in principle was implemented.

Before the decision was taken, the issue had been discussed once at DOP, and at its Sub-Committee on Iraq.

The broad timing of the withdrawal of UK forces from Basra Palace was subsequently decided by Mr Brown without discussion at the Ministerial Committee on National Security, International Relations and Development (NSID), the relevant Cabinet committee during his time in office. The timing was influenced by UK negotiations with JAM1 in Basra, which could have been discussed by NSID in a restricted session, if necessary.

The risks of withdrawing from the Palace to the UK's ability to discharge its obligations in Basra were clearly understood by the MOD and the FCO.

Mr Brown was advised by Mr Simon McDonald (his Foreign Policy Adviser) that the withdrawal from Basra Palace would result in the loss of situational awareness and compromise the UK's ability to discharge its responsibility to help the Government of Iraq provide security.

Leaving Basra Palace was a significant step towards the eventual withdrawal of UK forces from Iraq, and it carried risks to the UK's reputation. Although responsibility for the fine detail rested with operational commanders, the importance of the decision on broad timing was demonstrated by the Prime Minister's involvement. For these reasons, the decision to withdraw troops should have been formally considered by a group of senior Ministers.

157. As they reached the end of their respective tours of duty, both Major General Jonathan Shaw, General Officer Commanding MND(SE) from January to August 2007, and Lieutenant General William Rollo, Senior British Military Representative – Iraq from July 2007 to March 2008, identified the impact of limited resources on the UK's military effort and questioned the drive for continued drawdown in Iraq in order to

[52] Minute Kyd to PS/SofS [MOD], 5 July 2007, 'CDS visit to Iraq 1-3 Jul 07'.
[53] Paper FCO and MOD, 12 July 2007, 'Iraq: Transition in Basra'.

prioritise resources for Helmand. Maj Gen Shaw wrote: "We have been hamstrung for resources throughout the tour, driven by the rising strategic significance of the Afghan deployment."[54]

158. During a visit to Iraq in October 2007, ACM Stirrup was briefed by Major General Graham Binns, General Office Commanding MND(SE) from August 2007 to February 2008, that the ISF might have only limited ability to cope in the event that JAM resumed combat operations. The JIC and others also identified continued weaknesses in the ISF. Their "ability and willingness to maintain security in the South remains patchy and dependent on MNF training, logistic and specialist air support".[55]

Deciding the UK role post-PIC

Decisions on the UK's role in Basra post-PIC were also taken without the opportunity for Ministerial discussion, despite Mr Brown's 11 September commitment that Cabinet would have "a further opportunity to discuss" the UK's future role in Iraq.

Mr Brown informed the Overseas and Defence Sub-Committee of the NSID of the content of his statement to Parliament a few hours before making it on 8 October 2007.

As a consequence, Ministers did not have the chance to explore:

- precisely what the number of troops proposed would be able to deliver; or
- conditions in Basra.

The decision had been discussed with the US, and with some Ministers individually, but no collective discussion took place before 8 October. We cannot now know what difference such a discussion might have made.

Although bilateral conversations are a useful and necessary part of preparing for Committee discussion, they are not an adequate substitute. The effective operation of a system of collective responsibility is founded on the opportunity for informed and timely discussion.

The beginning of the end

159. On 27 February 2008, the JIC assessed security prospects in the South at the request of the Permanent Joint Headquarters (PJHQ): security in Basra remained a concern.

160. In March 2008, Prime Minister Maliki instigated the Charge of the Knights to tackle militia groups in Basra. That such an important operation came as a surprise was an indication of the distance between the UK and Iraqi Governments at this point.

---

[54] Letter Shaw to Houghton, 14 August 2007, 'Post operation report Shawforce Jan-Aug 07'.
[55] JIC Assessment, 27 February 2008, 'Iraq: Security Prospects in the South'.

161. When the Charge of the Knights began, the UK found itself to be both compromised in the eyes of the Iraqi Government and unable to offer significant operational support, as a result of the tactical decision to negotiate with JAM1and the absence of situational awareness in Basra after withdrawing from the Palace site.

162. On 1 April, ACM Stirrup briefed the NSID(OD) that the UK military task would be complete by the end of 2008; its timetable would not be affected by the Charge of the Knights.

163. ACM Stirrup's conclusion that there was no need to review UK drawdown plans was premature in the light of both the level of uncertainty generated by the Charge of the Knights and continued questions about the ability of the ISF to take the security lead in Basra.

Did the UK achieve its strategic objectives in Iraq?

164. From mid-2005 onwards, various senior individuals – officials, military officers and Ministers – began to consider whether the UK was heading towards "strategic failure" in Iraq.

165. The term "strategic failure" was variously used to mean:

- the development of a widespread sectarian conflict or civil war in Iraq;
- "victory" for terrorist groups;
- collapse of the democratic process;
- failure to achieve the UK's objectives;
- failure to achieve a stable and secure environment in Basra;
- the collapse of the UK/Iraq relationship;
- the division of Iraq and the end of its existence as a nation state;
- damage to the UK's military and political reputation; and
- damage to the relationship between the US and UK.

166. None of the contemporary accounts that the Inquiry has considered reached the conclusion that strategic failure was inevitable, although most recognised that without some form of corrective action it was a serious risk.

167. Although the UK revisited its Iraq strategy with considerable frequency, no substantial change in approach was ever implemented: UK troop numbers continued to reduce; the size of the civilian deployment varied very little; the Iraqiisation of security and handover of responsibility to the Iraqi Government remained key objectives.

168. The Iraq of 2009 certainly did not meet the UK's objectives as described in January 2003: it fell far short of strategic success. Although the borders of Iraq were the same as they had been in 2003, deep sectarian divisions threatened both stability and unity.

Those divisions were not created by the coalition, but they were exacerbated by its decisions on de-Ba'athification and on demobilisation of the Iraqi Army and were not addressed by an effective programme of reconciliation.

169. In January 2009, the JIC judged "internal political failures that could lead to renewed violence within and between Iraq's Sunni, Shia and Kurdish communities"[56] to be the greatest strategic threat to Iraq's stability.

170. The fragility of the situation in Basra, which had been the focus of UK effort in MND(SE), was clear. The JIC assessed that threats remained from Iranian-backed JAM Special Groups, and the Iraqi Security Forces remained reliant on support from Multi-National Forces to address weaknesses in leadership and tactical support. Even as UK troops withdrew from Basra, the US was sufficiently concerned to deploy its own forces there, to secure the border and protect supply lines.

171. In 2009, Iraq did have a democratically elected Parliament, in which many of Iraq's communities were represented. But, as demonstrated by the protracted process of negotiating agreements on the status of US and then UK forces in Iraq, and the continued absence of a much-needed Hydrocarbons Law, representation did not translate into effective government. In 2008, Transparency International judged Iraq to be the third most corrupt country in the world, and in mid-2009 the Assessments Staff judged that Government ministries were "riddled with" corruption.[57]

172. By 2009, it had been demonstrated that some elements of the UK's 2003 objectives for Iraq were misjudged. No evidence had been identified that Iraq possessed weapons of mass destruction, with which it might threaten its neighbours and the international community more widely. But in the years between 2003 and 2009, events in Iraq had undermined regional stability, including by allowing Al Qaida space in which to operate and unsecured borders across which its members might move.

173. The gap between the ambitious objectives with which the UK entered Iraq and the resources that the Government was prepared to commit to the task was substantial from the start. Even with more resources it would have been difficult to achieve those objectives, as a result of the circumstances of the invasion, the lack of international support, the inadequacy of planning and preparation, and the inability to deliver law and order. The lack of security hampered progress at every turn. It is therefore not surprising that, despite the considerable efforts made by UK civilian and military personnel over this period, the results were meagre.

174. The Inquiry has not been able to identify alternative approaches that would have guaranteed greater success in the circumstances of March 2003. What can be said is that a number of opportunities for the sort of candid reappraisal of policies that would have better aligned objectives and resources did not take place. There was no serious

---

[56] JIC Assessment, 28 January 2009, 'Iraq: Threats to Stability and UK Mission Change in 2009'.
[57] CIG Assessment, 21 July 2009, 'How Corrupt is Iraq?'

consideration of more radical options, such as an early withdrawal or else a substantial increase in effort. The Inquiry has identified a number of moments, especially during the first year of the Occupation, when it would have been possible to conduct a substantial reappraisal. None took place.

Issues in the UK system

Strategy-making

175. Between May 2003 and May 2007, there were more than 20 instances in which UK strategy and objectives were reconsidered.

176. It is important to reassess any strategy in the light of changing circumstances or new information, but that is not the pattern that emerged in relation to the UK strategy for Iraq. The production of strategies consumed considerable time and energy, particularly in government departments, but new strategies did not result in substantial changes of direction. There are a number of reasons why that was the case.

177. Crucially, UK strategies tended to focus on describing the desired end state rather than how it would be reached. On none of the 20 occasions when UK strategy was reconsidered was a robust plan for implementation produced. Setting a clear direction of travel is a vital element of an effective strategy, but strategies also require a serious assessment of the material resources available and how they can best be deployed to achieve the desired end state. That is especially important when the strategy relates to an armed conflict in which it will be actively opposed by organised and capable groups. There is very little evidence of thorough analysis of the resources, expertise, conditions and support needed to make implementation of UK strategy achievable.

178. Without properly defined and resourced delivery plans, the UK faced obvious difficulties in converting strategy into action. Consequently, the strategies that were developed had limited longevity and impact.

179. In the absence of a Cabinet Minister with overall responsibility for Iraq, leadership on strategy rested with Mr Blair. His judgement regarding the issues holding back progress was often right. For instance, in April 2004 he recognised that the lack of a stable and secure environment was key and wrote to President Bush: “The good news is that the problem we face is not multi-faceted. It is simple: security. The bad news is that I am not sure we yet have a fully worked-out strategy to tackle it. But we can get one.”[58]

180. In the UK system, however, the Prime Minister does not lead a department of his or her own. Mr Blair’s ability to solve the strategic problems he identified therefore relied on his Cabinet colleagues, and the departments they led, working together.

---

[58] Letter Sheinwald to Rice, 26 April 2004, [untitled] attaching Note [Blair to Bush], [undated], ‘Note’.

181. A recurring issue between 2003 and 2007 was the difficulty of translating the Government's strategy for Iraq into action by departments. The system that drove policy on the invasion of Iraq, which centered on No.10, could not be easily transformed into a system for the effective management of the aftermath, in which a coherent collective effort was needed to pull together the many interrelated strands of activity required. Although Iraq was designated the UK's highest foreign policy priority, it was not the top priority within individual departments. As a consequence, Whitehall did not put significant collective weight behind the task.

182. One indication of that, as described in Section 13, was the failure to resource the UK effort coherently. Others included:

- Sir Nigel Sheinwald's identification of "definite signs of Iraq fatigue"[59] within Whitehall in September 2004, and his advice to Mr Blair that he would have to press for greater engagement.
- Concerns expressed by Sir Nigel and Mr Blair in July 2005 about the ability to deliver Sir Nigel's "Comprehensive Strategy".
- Mr Jonathan Powell's identification in September 2005 that amongst those dealing with Iraq a "weary cynicism and feeling that it is all inevitable has sunk in"[60] and Mr Blair's recognition that the new strategy proposed would require Mr Powell to spend "much time pushing it through".[61]
- Mr Blair's observation in April 2007 that the FCO and the MOD were unwilling to push forward further work on reconciliation, meaning "we will have to do it".[62]

Optimism bias

183. Throughout the UK's engagement in Iraq there was a tendency to focus on the most positive interpretation of events.

184. One manifestation of that was failure to give weight to the candid analysis that was regularly supplied by the JIC, by some commanders in theatre, and by others that things were going wrong.

185. The default position was to judge that negative events were isolated incidents rather than potential evidence of a trend which should be monitored and which might require a policy response. This meant that underlying causes were not always investigated and brought to light.

186. This became a particularly serious issue in relation to considering whether the conditions for transfer to PIC had been met.

---

[59] Minute Sheinwald to Prime Minister, 13 September 2004, 'Visit to Iraq: Some Impressions'.
[60] Minute Powell to Prime Minister, 21 September 2005, 'Iraq: Strategy'.
[61] Manuscript comment Prime Minister to Powell on Minute Powell to Prime Minister, 21 September 2005, 'Iraq: Strategy'.
[62] Manuscript comment Blair on Minute Banner to Prime Minister, 27 April 2007, 'Iraq Update, 26 April'.

187. One of the most senior individuals displaying this tendency was Mr Des Browne, who held the post of Defence Secretary from May 2006 to October 2008.

188. Mr Browne repeatedly downplayed the negative aspects of the situation in Iraq and failed to ensure the dissemination of a full and unvarnished version of the truth on the ground in Iraq; and that the UK's policy was assessed and reviewed with due rigour based on that information. Mr Browne should himself have proposed a reappraisal of the UK's posture and tactics in Basra in 2007, on the basis of the evidence available to him.

189. In four instances, Mr Browne gave an unbalanced account of the situation in Basra to the Prime Minister, Cabinet or Parliament:

- On 11 January 2007, Mr Browne presented Op SINBAD and the US surge to DOP(I) as being "entirely consistent", which did not give a full picture of the substantial differences between UK and US strategy.
- Mr Browne briefed a meeting of Cabinet on 25 January 2007 that there was no disagreement between the US and UK on force levels in MND(SE), downplaying the concerns being raised by senior members of the US Administration. Mr Browne also painted an extremely positive picture of conditions in Basra, when other contemporary accounts provided a different view.
- From 28 to 31 January 2007, Mr Browne visited Iraq. After returning to the UK, he continued to stress to DOP the positive effect of Op SINBAD. Mr Browne's reassuring report did not take into account: the strength of US objections to the UK's approach; the serious risk that the UK would have responsibility without control in Basra, which was driving consideration of a continued UK presence in Basra Palace; or evidence of the dangerous situation faced by ordinary Basrawis.
- On 1 April 2008, Mr Browne gave a positive account of the reduction of corruption in the Basra police to Parliament. This painted a significantly more positive picture than contemporary reporting from those on the ground in Basra.

Lessons

190. The UK had not participated in an opposed invasion and full-scale occupation of a sovereign State (followed by shared responsibility for security and reconstruction over a long period) since the end of the Second World War. The particular circumstances of Op TELIC are unlikely to recur. Nevertheless, there are lessons to be drawn about major operations abroad and the UK's approach to armed intervention.

191. The UK did not achieve its objectives, despite the best efforts and acceptance of risk in a dangerous environment by military and civilian personnel.

192. Although the UK expected to be involved in Iraq for a lengthy period after the conflict, the Government was unprepared for the role in which the UK found itself from April 2003. Much of what went wrong stemmed from that lack of preparation.

193. In any undertaking of this kind, certain fundamental elements are of vital importance:

- the best possible appreciation of the theatre of operations, including the political, cultural and ethnic background, and the state of society, the economy and infrastructure;
- a hard-headed assessment of risks;
- objectives which are realistic within that context, and if necessary limited – rather than idealistic and based on optimistic assumptions; and
- allocation of the resources necessary for the task – both military and civil.

194. All of these elements were lacking in the UK's approach to its role in post-conflict Iraq.

195. Where responsibility is to be shared, it is essential to have written agreement in advance on how decision-making and governance will operate within an alliance or coalition. The UK normally acts with allies, as it did in Iraq. Within the NATO alliance, the rules and mechanisms for decision-taking and the sharing of responsibility have been developed over time and are well understood. The Coalition in Iraq, by contrast, was an ad hoc alliance.The UK tried to establish some governance principles in the MOU proposed to the US, but did not press the point. This led the UK into the uncomfortable and unsatisfactory situation of accepting shared responsibility without the ability to make a formal input to the process of decision-making.

196. As Iraq showed, the pattern set in the initial stage of an intervention is crucial. The maximum impact needs to be made in the early weeks and months, or opportunities missed may be lost for ever. It is very difficult to recover from a slow or damaging start.

197. Ground truth is vital. Over-optimistic assessments lead to bad decisions. Senior decision-makers – Ministers, Chiefs of Staff, senior officials – must have a flow of accurate and frank reporting. A "can do" attitude is laudably ingrained in the UK Armed Forces – a determination to get on with the job, however difficult the circumstances – but this can prevent ground truth from reaching senior ears. At times, in Iraq, the bearers of bad tidings were not heard. On several occasions, decision-makers visiting Iraq (including the Prime Minister, the Foreign Secretary and the Chief of the General Staff) found the situation on the ground to be much worse than had been reported to them. Effective audit mechanisms need to be used to counter optimism bias, whether through changes in the culture of reporting, use of multiple channels of information – internal and external – or use of visits.

198. It is important to retain a flexible margin of resources – in personnel, equipment and financing – and the ability to change tactics to deal with adverse developments on the ground. In Iraq, that flexibility was lost after the parallel deployment to Helmand province in Afghanistan, which both constrained the supply of equipment (such as ISTAR) and took away the option of an effective reinforcement. Any decision to deploy

to the limit of capabilities entails a high level of risk. In relation to Iraq, the risks involved in the parallel deployment of two enduring medium scale operations were not examined with sufficient rigour and challenge.

199. The management, in Whitehall, of a cross-government effort on the scale which was required in Iraq is a complex task. It needs dedicated leadership by someone with time, energy and influence. It cannot realistically be done by a Prime Minister alone, but requires a senior Minister with lead responsibility who has access to the Prime Minister and is therefore able to call on his or her influence in resolving problems or conflicts. A coherent inter-departmental effort, supported by a structure able to hold departments to account, is required to support such a Minister.

ANNEX 1

IRAQ – 1583 TO 1960

This text, on early British involvement in Iraq, was prepared by Professor Sir Martin Gilbert before he was taken seriously ill in 2012. Sir Martin died on 3 February 2015.

The text that follows is a tribute to Sir Martin's valuable contribution to the work of the Inquiry.

The Ottoman years

1. The sources for this survey of British involvement with Iraq from 1583 to 1960 are principally the Admiralty, Cabinet Office, Colonial Office, Foreign Office, India Office, Treasury, War Office, Ministry of Defence and Air Ministry archives at the National Archives. Other sources include the private papers of H.H. Asquith, Winston Churchill and David Lloyd George. Published sources include *Special Report: Progress of Iraq, During the period 1920-1931*. Colonial Office Paper 58 (His Majesty's Stationery Office, 1931); A.J. Barker, *The Neglected War: Mesopotamia, 1914-1918* (Faber and Faber, 1967); Lieutenant-General Sir Aylmer Haldane, *The Insurrection in Mesopotamia, 1920* (William Blackwood, 1922); Philip Willard Ireland, *Iraq: A Study in Political Development* (Jonathan Cape, 1937); and Stephen Hemsley Longrigg, *Iraq, 1900 to 1950* (Oxford University Press, 1953); Robert Lyman, *Iraq 1941: The Battles for Basra, Habbaniya, Fallujah and Baghdad* (Osprey Publishing, 2006); Brigadier-General F.J. Moberly, *The Campaign in Mesopotamia, 1914-1918* (4 volumes, Historical Section, Committee of Imperial Defence, 1925); Daniel Silberfarb, *The Twilight of British Ascendancy in the Middle East: A Case Study of Iraq, 1941-1950* (St Martin's Press, 1994); and Peter Sluglett, *Britain in Iraq: Contriving King and Country* (I.B. Tauris, 2007). Certain sources are given in the footnotes.

2. Britain's interest in what is today Iraq goes back more than four hundred years, to 1583 when an English merchant, John Eldred, left London on a five-year journey that took him to Baghdad.[1] The first British military involvement came in 1775, when the Ottoman Turks faced a sustained Persian attack on the Shatt al-Arab waterway. The Turkish Sultan asked Britain to defend the waterway; the British Prime Minister Lord North agreed, and the Royal Navy drove the Persians out of the Sultan's domains.

3. Under the Ottomans, what is now northern Iraq and Iraqi Kurdistan was within the province of Mosul. What is now central Iraq was the province of Baghdad, and southern Iraq the province of Basra. All three provinces were to become the British Mandate of Mesopotamia (the Land of Two Rivers – the Tigris and Euphrates), later known as Iraq.

---

[1] John Eldred, *Journal of His Voyage* (in Hakluyt's *Principal Navigations*, first published in 1599).

There was a fourth Ottoman province, running along the Arabian shore of the Persian Gulf, with its small port of Kuwait.

4. In 1805 the East India Company appointed its first Resident in Baghdad: Claudius James Rich, who was fluent in Arabic. A visiting Briton later wrote: "Mr Rich was universally considered to be the most powerful man in Baghdad; and some even questioned whether the Pasha himself would not shape his conduct according to Mr Rich's suggestions and advice rather than as his own council might wish." Mesopotamian tribesmen frequently appealed to the British Resident for support against the Ottoman authorities.[2]

Britain, Basra and al-Faw

5. In 1861, with the support of the British Government, a British merchant shipping company established the Euphrates and Tigris Steam Navigation Company. Most of the river steamers on the Tigris were built in British yards. With the opening of the Suez Canal in1869, Basra, and al-Faw at the mouth of the Gulf, became an important staging post for British naval and mercantile traffic with India. The fort at al-Faw had been built by local Ottoman officials, suspicious of British territorial ambitions in the Shatt al-Arab.[3] By 1890, nine-tenths of the steamer tonnage using Basra for Indian Ocean trade was British.

Anglo-German rivalry

6. In 1899, to counter a planned German railway terminus and naval base in Basra, the ruler of Kuwait promised Britain that he would cede none of Kuwait's territory without Britain's agreement. When in 1902, Turkish forces advanced from Basra into Kuwait, they were driven off by a British gunboat. In 1904 a British Resident arrived in Kuwait to uphold Britain's authority there.

7. In 1913 the British decided to separate Kuwait from the influence of the Ottoman authorities in Basra, of which Kuwait was then an integral administrative part. Under the Anglo-Ottoman Convention of July 1913, Kuwait became a separate administrative district.

8. As German pressure for influence in Baghdad grew, a British irrigation engineer, Sir William Willcocks, was appointed Consultant for Irrigation to the Ottoman Government. As a result of Willcocks' vision, the Hindiya Barrage was built on the Euphrates, bringing 3,500,000 acres under year-round irrigation. Opened in November 1913, it is still one of the engineering marvels of Iraq.

---

[2] J.S. Buckingham, *Travels in Mesopotamia*, Volume 2, page 200, first published in 1928.
[3] From 1985 to 1988 (during the Iran-Iraq War) the Iraqi port of al-Faw was occupied by Iran.

Oil

9. In 1912, the Royal Navy changed from coal to oil. To secure this oil for Britain, in the spring of 1914 the First Lord of the Admiralty, Winston Churchill, acquired for the British Government a 51 percent share in the Anglo-Persian Oil Company (in 1904 a British prospector had discovered oil in Persia, forty miles from the Mesopotamian border; in 1909 the oilfield was acquired by the Anglo-Persian Oil Company, whose principal shareholders were British). The British Government's 51 percent share in Anglo-Persian Oil made Basra, and al-Faw at the head of the Gulf, a vital British interest.

War and conquest in Mesopotamia

10. On 29 October 1914, in the early months of the First World War, two German warships, flying the Turkish flag, bombarded Russia's Black Sea ports. Britain, allied to Russia, ordered Turkey to end the bombardments. The British ultimatum expired on 31 October. On 7 November a British and Indian military force landed at al-Faw.[4] Marching a hundred miles inland and crossing the Persian border, it occupied the British Government-owned Persian oilfields. It then marched back into Mesopotamia, to Basra, which it captured on 22 November.

11. That November, the Ottoman Government having declared that the Anglo-Ottoman Convention of 1913 was null and void, Britain, to protect its interests at the head of the Persian Gulf, declared Kuwait an independent sheikhdom under British protection.

12. In London, on 19 March 1915, the War Council – headed by the Prime Minister, H.H. Asquith – discussed various plans to partition the Ottoman Empire once it had been defeated. Only Sir Edward Grey, the Foreign Secretary, opposed partition and annexation, telling the War Council that he wanted Britain to make a good impression on the British Empire's Muslim subjects (of whom there were more than fifty million in India) by setting up an independent Muslim State in all the Arab regions of the Turkish Empire: Arabia, Syria and Mesopotamia.[5]

13. Fighting against the Turks continued. In August 1915, after the British occupied Nasiriyah, a civil administration was set up in Basra for the whole southern area.

14. A steady stream of reinforcements reached Basra during the second half of 1916. That October, Lieutenant William Slim (a future Field Marshal) who had been badly wounded at Gallipoli a year earlier, arrived. In the fighting that followed, he was wounded again, and awarded the Military Cross. Slim remembered Basra as "a very unpleasant place to be".[6]

---

[4] British troops again landed at al-Faw on 20 March 2003, at 2200 hours (local time), when 40 Commando, Royal Marines and US Marines came ashore, followed within an hour by 42 Commando Royal Marines.
[5] War Council, 19 March 1915: Cabinet Office papers, 22/1.
[6] Quoted by Lt Gen Sir Graeme Lamb, Public hearing, 9 December 2009.

15. On 11 March 1917, as British forces approached Baghdad, and the Turkish Army fled, the city was given over to mass looting by local Arabs and Kurds. After the American Consul appealed to the British to intervene, British and Indian soldiers fired over the heads of the looters and dispersed them.

16. On March 12, a British proclamation announced: "O, people of Baghdad ... Our armies do not come into your cities and lands as conquerors or enemies, but as liberators". The people of Baghdad were then invited "through your Nobles and Elders and Representatives, to participate in the management of your own civil affairs in collaboration with the political representatives of Great Britain who accompanied the British Army so that you might be united with your kinsmen in north, east, south and west in realizing the aspirations of your Race".

17. In August 1917 the Mesopotamia Commission – the first Iraq Inquiry – set up by the British Government a year earlier, published its report of the first two years' fighting. Among the Report's criticisms were equipment that was "not up to the standards of modern warfare", a "lamentable breakdown of the care of the sick and wounded", the "isolation and ignorance" of those responsible for the care of the wounded, a standard of administration based on "the routine method of normal times rather than to the impressment of new ideas", army organisation that was "backward in every particular", and what it called (with regard to some of the witnesses) "misuse of reticence". Neither in the organisation of industrial resources for the purposes of war, nor in general finances, the Report asserted, "was sufficient alacrity shown during the first year and a half of war." The overarching failure: "a lack of plans and a lack of preparations".[7]

18. On 30 October 1918, Turkey accepted an armistice. When it came into force the following day, the three Ottoman provinces of Mosul, Baghdad and Basra came under British military rule. The human cost of the four-year campaign had been high: more than 31,000 British and Indian dead and at least 25,000 Turkish dead.

19. With the defeat of Turkey, the British confirmed the status of Kuwait as an independent sheikdom under British protectorate. A month later, under the Anglo-French Settlement of 1-4 December 1918, Mesopotamia and Kurdistan – known collectively as Iraq – became a British-ruled entity.

Insurgency and the British Mandate for Iraq

20. Iraqis were divided on whether Britain should lead them towards independence or whether they should seek immediate independence by force. In Baghdad, the Sunni-dominated al-Ahd Society was a centre of anti-British (and anti-Kurdish) activity. Al-Ahd also opposed the political aspirations of the Shia in the south. Another Sunni grouping, led by Nuri Said, an officer in the Ottoman Army who had been active in the Arab Revolt of 1916-18 against the Turks (a revolt that originated in the Ottoman Red

[7] Command Paper 8610 of 1917.

Sea province of Hedjaz, now part of Saudi Arabia) looked to British rule to secure the unification of Iraq. Nuri Said, a supporter of British influence, was to serve seven times as Prime Minister of Iraq during the following thirty-five years.

21. Seeking immediate independence, first the Baghdad Sunni, then the southern Shia, and finally the Kurds in the north, attacked British garrisons throughout Iraq. In the spring of 1920, a Revolutionary Council was established, dedicated to the removal of British rule. Its President, Mohammad Hassan al-Maliki, was a poet who, after being imprisoned by the British, was to become Minister of Education two years later, in the first Iraqi National Government. (His grandson, Nouri al-Maliki, became Prime Minister of Iraq in 2006).

22. On 26 May 1920, an anti-British rebellion broke out near Mosul, and rapidly spread south, threatening Baghdad. Two days after the start of the rebellion, Britain received, at the San Remo Conference, the League of Nations Mandate for Iraq. The Mandate pledged Britain to create in Iraq "an independent nation subject to the rendering of administrative advice and assistance by a mandatory until such time as she is able to stand alone".

23. The Prime Minister, David Lloyd George, hoped to end the rebellion in Iraq by immediately setting up an Arab administration. The Cabinet insisted the rebellion be crushed first. British military and air power was used to do this; in the battle for Fallujah, more than ten thousand Iraqi and a thousand British and Indian soldiers were killed.

24. Starting at the end of September 1920, and lasting for three and a half months, punitive expeditions set out to all the centres of revolt, and whole villages were burned to the ground. Throughout the winter of 1920-1, the last of the insurgents were hunted down in punitive expeditions.

25. The defeat of the rebellion had a long legacy. In August 1920, Lieutenant Colonel Gerard Leachman had been killed south of Fallujah in a confrontation with the local tribal leader, Sheikh al-Dari. Eighty-five years later, a British administrator in this same area, Rory Stewart wrote: "They still glorify the killing of Colonel Leachman as a great moment in the anti-colonial struggle … His death was celebrated in Iraqi soap operas, and the grandson of the man who killed him, Harith al-Dari, was a leading figure in the Sunni opposition to occupation. Outside my office in Nasiriyah stood a bronze statue of Leachman being shot in the back."[8]

Britain and the Iraqi monarchy

26. In January 1921, Lloyd George appointed Winston Churchill as Secretary of State for the Colonies, charged with "setting up a local government congenial to the wishes of the masses of the people" in Iraq. That April, Churchill told the House of Commons it was Britain's intention "to install an Arab ruler in Iraq ... and to create an Arab army

[8] Stewart, R. *The Prince of the Marshes.* Pan Macmillan, 2006.

for the national defence". Britain's aim was "to build up around the ancient capital of Baghdad, in a form friendly to Britain and to her Allies, an Arab State which can revive and embody the old culture and glories of the Arab race …"

27. Churchill told the Commons how the decision to give "satisfaction to Arab nationality" had led him to invite Emir Feisal, one of the leaders of the wartime Arab Revolt in the Hedjaz, to "present himself to the people" of Iraq, which would be transformed into an Arab kingdom with its own monarchy, guarded principally by an Arab Army, and linked to Britain by treaty.

28. Feisal was the third son of Sherif Hussein, King of the Hedjaz (and head of the Sunni Hashemite dynasty). In 1919, Feisal had come to an agreement brokered by the British whereby he would become the ruler of an Arab kingdom in Syria, in return for recognising Britain's 1917 promise of a Jewish National Home in Palestine. At first all went according to plan. In October 1918, Feisal set up an Arab government in Syria, under British protection. Then all went awry: on 7 March 1920, Feisal was proclaimed King of the Arab Kingdom of Syria, by the Syrian National Congress, but within two months the San Remo Conference gave France the Mandate for Syria, and French forces defeated Feisal and drove him out; he went to live in Britain. The British, anxious to preserve their agreement with him, decided to place him on the throne of Iraq (and to give his brother Emir Abdullah the throne of Transjordan – the western part of Britain's Palestine Mandate, stretching from the river Jordan to the Iraqi border).

29. With British support, Feisal arrived in Iraq in June 1921. The Shia leaders wanted him to push for immediate independence. He refused to do so, fearing to lose British support for his imminent throne. During the first two weeks of August 1921 a referendum was held throughout Iraq on Feisal's kingship, and on 15 August, the British High Commissioner in Baghdad, Sir Percy Cox, announced that Feisal had been chosen as King, by "an overwhelming vote".

30. Two weeks later, as the insurgency continued, Cox informed London that Feisal had agreed that "there is no objection to the use of Gas bombs in Iraq provided that they are not lethal or permanently injurious to health".[9]

The first Anglo-Iraqi Treaty, 1922

31. Feisal agreed to negotiate an Anglo-Iraqi Treaty. He was told that Britain must retain responsibility, as the Mandatory power, both for the suppression of internal disorder and for the maintenance of external defence until such time when an "independent Islamic state of Iraq can stand alone".

32. As negotiations for the treaty continued, Churchill told Lloyd George that there was "scarcely a single newspaper in Britain – Tory, Liberal or Labour", which was not "consistently hostile" to Britain's remaining in Iraq. Lloyd George replied that Britain

[9] Cox to Churchill, 2 December 1921, Air Ministry papers, 5/490.

could not abandon Iraq: “Having beaten the Turk ... we could not at the Armistice have repudiated all our undertakings towards the Arabs. We were responsible for liberating them from Turkish sovereignty, and we were absolutely bound to assist them in setting up Arab governments, if we were not prepared to govern them ourselves.” Lloyd George added: “If we leave, we may find a year or two after we have departed that we have handed over to the French and Americans some of the richest oilfields in the world.”

33. Treaty negotiations with Feisal were concluded; under the treaty, Britain would have “executive authority” for twenty years over Iraq’s foreign and security policy, in a “co-equal” Kingdom of Iraq. The Iraqi Cabinet ratified the treaty on 10 October 1922. Two weeks later, Lloyd George’s coalition government disintegrated, and a General Election was called. During the election campaign, several candidates urged Britain to leave Iraq immediately.

34. So strong was antagonism in Britain to remaining in Iraq that, when the Conservative leader, Andrew Bonar Law, became Prime Minister in October 1922, he set up a Cabinet Committee to reconsider whether Britain should continue with the Anglo-Iraq Treaty. The Committee decided that the twenty-year duration of the treaty should be reduced to four years.

35. In Iraq, Sir Percy Cox threatened to dissolve the Constituent Assembly if it did not ratify the treaty, and issued orders for British troops to occupy the Assembly building. The treaty was ratified, whereupon the British encouraged the creation of an Iraqi civilian administration under Feisal’s rule. One obstacle was a *fatwa* issued in 1922 by the Iraqi Shia religious leaders in Najaf, forbidding observant Shia from supporting Feisal, or any members of the Sunni royal house of the Hedjaz. Feisal was, in the language of the *fatwa*, “an alien usurper to the throne of Iraq, imposed by the colonial power”. A few leading Shia families defied the *fatwa* (which remained in force until 1937) and supported the new dynasty and government.

British bombing policy

36. For non-Kurdish Iraqis, the Anglo-Iraqi Treaty offered a means of curbing Kurdish separatism. In 1923 and 1924, British fighting against Kurdish separatists involved punitive military operations and RAF bombing raids. The RAF also took part in bombing raids to persuade recalcitrant tribes throughout Iraq to pay their taxes. One method by which Britain sought to maintain law and order in Iraq was by the setting up of “Arab Levies” – troops recruited from minority Iraqi communities: Kurds, Marsh Arabs and the Assyrian Christians.

37. In 1924, Air Commodore Lionel Charlton, the Chief Staff Officer of RAF Iraq Command, visited the hospital in Diwaniya where he saw horribly injured civilians, including women and children, who were among the Shia victims of a British air raid. In protest at Britain’s bombing policy, he resigned.

38. Among Iraqis, the legacy of these punitive bombing raids was long-lasting.

The Mandate years

39. During the ten years from 1922 to the end of the Mandate in 1932, when Iraq obtained full independence, as government ministries were steadily handed over to Iraqi control, British officials led the rebuilding of the Iraqi civilian and administrative infrastructure: in health, education, communications, irrigation, the economy, the judiciary, the army and the police. There were almost three thousand British officials in Iraq in 1922, as administrators in all departments. They were headed and supervised by a, five-man, Iraq Secretariat of British officials. Of those, the Judicial Secretary was put in charge of drafting a constitution for Iraq.

40. In accordance with the gradual but immediate Iraqiisation of the administration, while British officials worked as advisers in the Ministry of Finance, the first Minister of Finance was an Iraqi, Sasson Eskell, a Baghdadi Jew and a distinguished financier and parliamentarian since Ottoman times. He is regarded in Iraq to this day as the Father of Parliament. In the long and complex negotiations for the Iraq Treaty, he had worked closely with Gertrude Bell and T.E. Lawrence, and was at the centre of the creation of the new Iraqi Government's laws and financial structure. He was knighted in 1923.

41. Typical of these British civil servants was the Inspector General of Health Services, Henry Sinderson, who introduced modern medicine to Iraq and became Dean of Iraq's Royal College of Medicine. Knighted in 1946 after twenty-five years service to medicine in Iraq, the hospitals and clinics he established throughout the country made Iraq a model for the whole region.

42. In 1930, at the request of the Iraqi Government, a distinguished British politician, writer and soldier, Sir Edward Hilton Young, went to Iraq to advise on economic and loan policy, to scrutinise the budget, and to help establish a new currency, replacing the Indian rupee with the Iraqi dinar. His efforts ensured a stable Iraq currency.

43. By 1930 the number of British officials in the Iraqi administration had been reduced to just over two hundred; some were to remain in Iraq for another decade and more. The legacy of their service and of British-built infrastructure lasted into the era of Saddam Hussein and was spoken of with appreciation by several of the Iraq Inquiry's Iraqi interlocutors.

Defending Iraq

44. During the Mandate years, Britain also defended Iraq from attacks from across the Arabian border. In December 1923, raiders from Nejd, under the control of Ibn Saud, launched an attack on the tribes living in southern Iraq. The RAF drove off the attackers in a series of bombing raids.

45. In November 1927, the northeastern tribes of the Nejd carried out an armed attack seventy-five miles inside the Iraqi border. Despite an RAF bombing raid on the attackers,

they penetrated even deeper into Iraq, killing Shia Marsh Arab shepherds and their children in December.

46. The RAF continued its bombing raids. The Arabian tribes continued their attacks. In February 1928 their target was both Iraqi and Kuwaiti villages south and south-west of Basra. In January 1929 another Nejd tribe crossed the border into Kuwait, killing twenty Iraqis. Then a third Arabian tribe crossed into Kuwait, killing more than seventy Iraqis and Kuwaitis.

47. Only continued bombing raids from RAF Shaibah near Basra drove the attackers out of south-western Iraq. In January 1930, Ibn Saud agreed to financial compensation to the Kuwaitis and Iraqis, and, with British encouragement, in April 1931, a "Treaty of Bon Voisinage, Friendship and Extradition" was signed in Mecca – the Iraqi Prime Minister, Nuri Said signing for Iraq.[10]

The second Anglo-Iraqi Treaty, 1930

48. In 1930, two years before the end of the Mandate, an all-Iraqi Government was formed, with the Sunni politician, Nuri Said – who made determined efforts to assuage Sunni-Shia and Kurdish tensions – as Prime Minister. Nuri Said also negotiated a new Anglo-Iraqi Treaty establishing "perpetual peace and friendship between His Britannic Majesty and His Majesty the King of Iraq" as well as "full and frank consultation between them in all matters of foreign policy which may affect their common interests". Article Five of the Treaty authorised British forces to remain in Iraq after it became independent in 1932. By the late 1930s these forces were restricted to two RAF stations, RAF Shaibah near Basra, and RAF Habbaniya west of Baghdad.

49. In November 1930, Nuri Said called a General Election to ratify the Treaty. He was successful, but the Kurds objected that the Treaty did not meet the undertakings they believed the British had given a decade earlier to protect their national status, and once more raised the flag of revolt. For almost two years, RAF Habbaniya was a staging post for bombing attacks on Kurdish rebels until they were defeated in April 1932.

Iraqi independence, 1932

50. With the ending of the British Mandate in 1932, Iraq entered the League of Nations as a sovereign State. Britain had fulfilled its pledges and promises – first made when the British Army entered Baghdad in March 1917 – to give the Iraqis control of their country.

51. Oil had been discovered in Iraq in 1927. One of the first official acts of the Iraqi Government after independence was to grant a seventy-five-year concession – valid until 2007 – to the British Oil Development Company, jointly owned by British and Italian investors.

---

[10] In 1932 Ibn Saud renamed his three provinces – Najd, al-Ahsa and the Hijaz – as the Kingdom of Saudi Arabia.

52. King Feisal died in 1933. He was succeeded by his son, twenty-one-year-old King Ghazi. Three years later General Bakr Sidqi – a Kurd, a former officer (like Nuri Said) in the Arab Revolt, and a graduate of a British Staff College, seized power in Baghdad. In the course of the coup, Nuri Said's brother-in-law, the Minister of Defence, was killed. Nuri fled for safety to the British Embassy in Baghdad, and eventually reached Britain.

53. Nationalists in the army resented General Sidqi because of his Kurdish background, and because he encouraged Kurds to join the army. The Shia could not forgive his brutal suppression of a Shia revolt in 1936. In 1937 General Sidqi was murdered by a group of army officers.

54. In 1937, King Ghazi began publicly advocating that Iraq annex Kuwait, and denouncing British influence in the Middle East, under pressure from German diplomats and Nazi Party representatives in Baghdad. Even the return of Nuri Said at the end of 1938 from London – where he had served for a year as Iraq's Ambassador to Britain – could not curb anti-British propaganda, although, to counter it, at the recommendation of the British Ambassador to Iraq, Sir Archibald Clerk-Kerr, funds were made available to the British Council in Iraq to help cover the cost of Iraqi students talking examinations for British universities, and bursaries for their books.[11]

55. In April 1939, King Ghazi was killed in a car accident. His four-year-old son, King Feisal II, came to the throne, with one of his uncles, Abdul Illah, as Regent. In Mosul, after claims that King Ghazi had been murdered by the British, a mob broke into the British Consulate, dragged out the consul and stoned him to death.

Rashid Ali's revolt, 1941

56. On the outbreak of war in September 1939, Nuri Said broke off relations with Germany. For the first eighteen months of the war, while refusing British requests to declare war on Germany and Italy, he ensured that Iraq was an essential overland and air link in Britain's chain of defence from Egypt to India. On 31 March 1941, however, Nuri Said was forced to resign by a Rashid Ali al-Gaylani. On April 1 the Regent fled from Baghdad, and two days later Rashid Ali became Prime Minister.

57. A Sunni whose family traced their ancestry back to Mohammed, and a lawyer by training, Rashid Ali had been Minister of Justice in 1924 in Iraq's first government. In 1930 he had rejected Nuri Said's Anglo-Iraqi Treaty, and called for an end to the British connection. He was Prime Minister of Iraq from March to November 1933 and again from March 1940 to January 1941, when he was dismissed by the Regent for refusing to allow British troops to transit Iraq, and for entering into negotiations with Germany.

58. On becoming Prime Minister for the third time, Rashid Ali seized control of all the main cities except Basra, restored the amicable relations between Iraq and

[11] Sir Archibald Clark-Kerr, Baghdad, 27 December 1937: Foreign Office papers, FO 395/587.

Nazi Germany that had been severed by Nuri Said in 1939, and promised the Germans vital fuel oil from the Mosul oilfields.

59. In London, the War Cabinet ordered a brigade of Indian infantry and extra aircraft to Iraq. “We are not at war with Iraq”, Churchill told the House of Commons on May 7. “We are dealing with a military dictator who attempted to subvert the constitutional Government, and we intend to assist the Iraqis to get rid of him and get rid of the military dictatorship at the earliest possible moment.”

60. During the second week of May 1941, the first of thirty German and Italian aircraft reached Mosul. Flying on to Kirkuk, they took part in air operations against the British besieging Fallujah, and carried out frequent bombing raids on RAF Habbaniya. On 20 May, the British captured Fallujah, and nine days later were in battle with Rashid Ali outside Baghdad. Unaware of the small size of the force against him, Rashid Ali fled under cover of darkness to Iran.

61. The Mayor of Baghdad, at the head of a Security Committee of leading Iraqis, approached British forces outside Baghdad. An armistice was signed, and the monarchy restored. On 9 October 1941, Nuri Said formed a government acceptable to the British. Iraqi Ministers who had served under Rashid Ali were removed from all influence, and in some cases deprived of citizenship and deported. At least seven hundred Rashid Ali supporters and those with Axis sympathies were interned for the duration of the war.

The third Anglo-Iraqi Treaty, 1948

62. The British military presence in Iraq both before and after Rashid Ali’s revolt was based on the terms of the 1930 Anglo-Iraqi Treaty. When the war ended in 1945, and as British forces prepared to leave Iraq, Britain’s Labour Government (whose Prime Minister, Clement Attlee, had been wounded in Mesopotamia in 1917) asked the Government of Iraq to sign a new military treaty, to give the British even greater powers than under the 1930 Treaty, and to increase joint Iraqi and British military planning and cooperation.

63. The new Anglo-Iraqi Treaty was approved by the Iraqi Government and by the Regent. The Prime Minister, Salih Jabr – Iraq’s first Shia Prime Minister – and his Foreign Minister, accompanied by Nuri Said, went to Britain for the signing ceremony, held at Portsmouth on 15 January 1948. The signatories were the Iraq delegates and the British Foreign Secretary, Ernest Bevin.

64. As soon as the Treaty was signed there were mass demonstrations in Baghdad against it, and against any continuing links with Britain. On 20 January 1948 the British Consulate at Kirkuk was attacked, and on the following day – six days after the Anglo-Iraqi Treaty had been signed – the Regent announced that the Treaty did not “realise the national aspirations of Iraq or consolidate the friendship between the two countries”. Salih Jabr was replaced as Prime Minister by a leading Shia and former President of the Iraqi Senate, Sayyid Muhammad al-Sadr, one of Britain’s adversaries of a quarter

of a century earlier. Such British influence as remained waned rapidly. In May 1948 the British Military Mission was withdrawn.

The continuing British contribution

65. In April 1954, Lord Salter, a senior British civil servant – and former head of the economic and financial section of the League of Nations Secretariat – was asked by the Iraq Development Board to advise on the economic advancement of Iraq. His report, focusing on forward planning, covered water use, agriculture, communications (road, rail, river and air), industry, housing, health, education and administration.

66. Lord Salter's report was published in 1955 by the Iraq Development Board, and detailed what Salter described as Iraq's "exceptional opportunity of achieving a development which within a few years would substantially increase her economic resources and raise her general standard of living".[12]

67. This was to be the last British contribution to the economy of Iraq for many years. But 1955 was to see another British-Iraqi joint venture, as fear of the spread of Communism in the Middle East brought Britain and Iraq together again, with the establishment of the Middle East Treaty Organisation (METO), consisting of Turkey, Iraq, Iran, Pakistan and Britain, later known as the Central Treaty Organisation (CENTO).

68. In 1955, with Iraq a member of CENTO and in close relations with Britain's armed forces, RAF Shaibah and RAF Habbaniya were handed over to the Iraqi Air Force. As part of thie air base agreement, the RAF continued to administer the RAF hospital at Habbaniya, and agreed to provide medical and surgical in-patient treatment for up to twenty officers of the Iraqi forces stationed there. In exchange, Iraq also granted free storage to British personnel using the port at Basra.[13]

69. In 1956, with Egypt threatening to nationalise the Suez Canal, Nuri Said was invited to London by the Prime Minister, Anthony Eden, and asked what Iraq wanted for its friendship. He told Eden that Iraq wanted at least one fighter squadron equipped with the latest type of aircraft. Eden agreed. Nuri Said added that Iraq wanted all thirty-six Centurion tanks promised by Britain and a further forty promised by the United States. Eden said "he felt sure that the tanks could be found from one source or another". Nuri Said then said Iraq was interested in the application of atomic energy to peaceful purposes. Eden offered him a nuclear reactor.[14]

---

[12] Lord Salter, *The Development of Iraq: A Plan of Action.* Iraq Development Board, 1955.
[13] Middle East Defence Secretariat, 'Implementation of the Anglo-Iraqi Agreement', 15 June 1956: Foreign Office papers, FO 371/121671.
[14] 'Top Secret', 25 July 1956: Foreign Office papers, FO 371/121662. The pool-type nuclear reactor, also called a 'swimming pool reactor', had a core immersed in an open pool of water. It was never delivered.

The fall of the monarchy, 1958

70. On 14 July 1958, an army officer, Brigadier Abdel Karim Kassem, seized power in Baghdad. That day, King Feisal II and many of his family were killed. The British Embassy in Baghdad was ransacked and set on fire. The Ambassador, Sir Michael Wright and his wife were held captive at the Embassy until late in the afternoon, when they were released.[15] On the following day Nuri Said was murdered in the street.

71. The monarchy, established by Britain thirty-seven years earlier, was abolished. Kassem, who was half Sunni, half Kurdish Shia, became Prime Minister, Minister of Defence and Commander-in-Chief. In 1961, in a blow to British commercial activity and investment in Iraq, Kassem nationalised the Iraq Petroleum Company.

Kuwaiti independence

72. In 1961, Kuwait gained independence from Britain; Iraq immediately claimed sovereignty. General Kassem mobilised Iraq troops along the Kuwait border. Britain, which had only recently ended its military presence in Kuwait, sent an expeditionary force to Kuwait, and persuaded the Arab League to recognise Kuwait as an independent country. British troops were then replaced by troops of the United Arab Republic (Egypt and Syria). Britain had honoured its historic commitment to Kuwait.

[15] D.M.H. Riches, 'Events in Iraq', 14 July 1958: Foreign Office papers, FO 371/132502.

ANNEX 2

GLOSSARY

A

AA	Air Assault
AA Bde	Air Assault Brigade
AAA	Anti-Aircraft Artillery
ab initio	From the beginning
Abu al-Khasib	Town in Basra province
Abu Ghraib	Prison in Baghdad
Abu Naji	Military base near Basra
ACC	Assistant Chief Constable
ACDS(Log Ops)	Assistant Chief of the Defence Staff (Logistic Operations)
ACDS(Ops)	Assistant Chief of the Defence Staff (Operations)
ACGS	Assistant Chief of the General Staff
ACM	Air Chief Marshal
ACPO	Association of Chief Police Officers
ACPP	Africa Conflict Prevention Pool
Adm	Admiral
AF	Armed Forces
AFA	Armed Forces Act
AFCS	Armed Forces Compensation Scheme
AFF	Army Families Federation
AFG	Afghanistan
AFLR	Aviation Force Level Review
AFPAA	Armed Forces Personnel Administration Agency
AFPS	Armed Forces Pension Scheme
AFV	Armoured Fighting Vehicle
AG	Adjutant General
AG	Advocate General
AG	Attorney General
AGO	Attorney General's Office
AH	Attack Helicopters
AHGI	Ad Hoc Group on Iraq
AHMGI	Ad Hoc Ministerial Group on Iraq

AHMGIR	Ad Hoc Ministerial Group on Iraq Rehabilitation
AI	Ansar al-Islam
AIASC	Army Investigations and Aftercare Support Cell
AIF	Anti-Iraqi Forces
Aitken Report	Report into killings of civilians in Iraq
Akashat	Town in Anbar province
AKP	AK Party (Turkish Political party)
al-Abbas	Shia mosque in Karbala
al-Amara	Capital of Maysan province
al-Arabiya	Television channel
al-Askari	Shia mosque in Samarra
al-Atheer	Nuclear weapons facility in Babil province
al-Dawr	Town near Tikrit where Saddam Hussein was captured
al-Faw Peninsula	Southern tip of Basra province
al-Hakam	Biological weapons facility in Babil province
Al Iraqiya	Iraqi television network
al-Kadamiyah	Shia mosque in Baghdad
al-Kut	Capital of Wasit province
al-Majir al-Kabir	Town in Maysan province
al-Maqil	Prison in Basra
al-Minah	Prison in Basra
al-Muthanna	Chemical weapons facility in Salah ad Din province
al-Qa'im	Town in Anbar province and site of a uranium processing facility
al-Qa-Qa	Radiological weapons facility in Baghdad
al-Qurnah	Town in Basra province
al-Rafah	Town in Babil province and missile test site
Al Sweady	Public inquiry into allegations of mistreatment of Iraqi prisoners by British troops
AM	Aftermath
AM	Air Marshal
Amariyah	Biological weapons facility in Baghdad
AME	Annually Managed Expenditure
AMEC	British multi-national consultancy, engineering and project management company
AMO	Air Movement Operations

Amorim Reports	Reports of the Panel established by the President of the UN Security Council on 30 January 1999 concerning disarmament, monitoring and verification
Anbar	Province in western Iraq
Anfal	Iraqi campaign against the Kurdish people in northern Iraq
Ansar al-Islam	Insurgent group
AO	Area of Operations
AOAV	Action on Armed Violence
AOR	Area of Responsibility
AP	Assessment Phase
APC	Armoured Personnel Carrier
APOD	Air Port of Disembarkation
APT	Armed Protection Team
APV	Armoured Patrol Vehicle
AQ	Al Qaida
AQ-I	Al Qaida in Iraq
ARCENT	United States Army Central Command
ARG	Amphibious Ready Group
Armd	Armoured
ARMILLA	Royal Navy patrol
ARRC	Allied Rapid Reaction Corps
AS	Assessments Staff
Asharq Al-Awsat	Arabic newspaper published in London
Ashura	Shia religious festival
ASSESSREPS	Assessment Reports
AT	Air transport
ATG	Amphibious Task Group
ATV(P)	All Terrain Vehicle (Protected)
AUS	Australia
AV	Armoured Vehicle
AVM	Air Vice Marshal
AWE	Atomic Weapons Establishment
AWS	Army Welfare Service
az-Zubayr	Town in Basra province

B

b/d	Barrels per day
Babil	Province in central Iraq
Baghdad	Capital of Iraq, a province and provincial capital of the same name
Balad	Airbase north of Baghdad
Baquba	Capital of Diyala province
BAS	Basra Air Station
Bayji	Oil refinery in Salah ad Din province
Basra	Province in southern Iraq and its capital
BBC	British Broadcasting Corporation
BBP	Better Basra Plan
BCCB	British Consultants and Contractors Bureau
BCG	British Consul General
BCU	Basic Capability Unit
BCU	Basra Crimes Unit
BCW	Biological and Chemical Warfare/Weapons
BDA	Battle Damage Assessment
BDC	Basra Development Commission
Bde	Brigade
BDF	Basra Development Fund
BE	British Embassy
Bechtel	US infrastructure contractor
BEO	British Embassy Office (sometimes known as British Consulate General)
BFBS	British Forces Broadcasting Service
BFPO	British Forces Post Office
BG	Battlegroup
BH	Battlefield Helicopters
BIA	Basra International Airport
BIPA	Basra Investment Promotion Agency
BTID	Battlefield Targets Identification Device
BM	Ballistic Missiles
BMATT	British Military Advisory and Training Team
BOB	British Office Baghdad
BOC	Basra Operational Command
BOC	Basra Operations Centre

BOI	Board of Inquiry
BOMVIC	Baghdad Ongoing Monitoring, Verification and Inspection Centre
BP	Basra Palace
BPC	Basra Palace Compound
bpd	Barrels per day
Brig	Brigadier
BRT	Basic Recruit Training
BSO	Building Stability Overseas
BSOS	Building Stability Overseas Strategy
BSP	Baghdad Security Plan
BST	Border Support Team
BTI	British Trade International
BTT	Border Transition Team
BTWC	Biological and Toxin Weapons Convention
Bubiyan Island	Uninhabited island in the Persian Gulf
Butler Report	*Review of Intelligence on Weapons of Mass Destruction*
BW	Biological Weapons/Warfare

C

C	Chief, Secret Intelligence Service
C/B	Chemical/Biological
C2	Command and Control
CAFTT	Coalition Air Force Transition Team
CAN	Camp Abu Naji (Military base in Maysan province)
CAP	Country Assistance Plan
CAS	Close Air Support
casus belli	An act or event that is a cause of war
CB	Chemical and Biological
CBI	Confederation of British Industry
CBR	Chemical Biological Radiological
CBRN	Chemical, Biological, Radiological and Nuclear
CBRN/M	Chemical Biological Radiological Nuclear/Missiles
CBW	Chemical and Biological Warfare/Weapons
CC	Chief Constable
CCCI	Central Criminal Court of Iraq
CCS	Civil Contingencies Secretariat

CDC	Civil Defence Corps
CDEL	Capital Departmental Expenditure Limit
CDG	Corporate Development Group
CDI	Chief of Defence Intelligence
CDL	Chief of Defence Logistics
CDM	Chief of Defence Material
Cdo	Commando
CDS	Chief of the Defence Staff
CEE	Central and Eastern Europe
CENTCOM	US Central Command
Centurion Group	MOD staff authorised to receive the most sensitive material on US planning and UK scoping on Iraq
CEO	Chief Executive Officer
CERP	Commanders Emergency Response Programme
CF	Coalition Forces
CFC	Coalition Forces Commander
CFLCC	Coalition Forces Land Component Commander
CFSP	Common Foreign and Security Policy
CG	Commander General
CG	Consul General
CG	Consulate General (see BEO)
CG MNF-I	Commanding General, Multi-National Force – Iraq
CGS	Chief of the General Staff
Ch x	Chancellor of the Exchequer
CHAD	DFID Conflict and Humanitarian Affairs Department
Chargé d'Affaires	Officer in charge of an Embassy in the absence of the Ambassador
CHOGM	Commonwealth Heads of Government Meeting
CI	Commission on Integrity
CIA	Central Intelligence Agency
CIC	Coalition Information Centre
CIC	Communication and Information Centre
CID	Criminal Investigation Department
C-IDF	Counter Indirect Fire
CIG	Current Intelligence Group
CIMIC	Civilian-Military Co-ordination
CinC Land	Commander in Chief Land

CIOC	Combined Intelligence and Operations Centre
CIP	Capability Integration Plan
CITADEL	Hardened form of accommodation
CIU	Criminal Intelligence Unit
Civ Pol	Civilian Police
CIVSEC	Civil Secretary
CIWG	Capability Integration Working Group
CJCS	Chairman of the Joint Chiefs of Staff
CJO	Chief of Joint Operations
CJPTF	Combined Joint Predator Task Force
CJTF-7	Combined Joint Task Force 7
CJTF-I	Combined Joint Task Force – Iraq
CLC	Concerned Local Civilian/Citizen
CM	Command Paper
CMATT	Coalition Military Assistance Training Team or Coalition Military Advisory Training Team
CMG	Companion of the Order of St Michael and St George
CMO	Civilian-Military Operations
CMOC	Civilian-Military Operations Centre
CMPC	Combined Media Processing Centre
CND	Campaign for Nuclear Disarmament
CNN	Cable News Network
CNO	Casualty Notification Officer
CO	Cabinet Office
CO	Commanding Officer
COA	Course of action
COB	Contingency Operating Base
COB-B	Coalition Operating Base – Basra
COB-I	Coalition Operating Base – Irbil
COBR	Cabinet Office Briefing Room
COBR(R)	Cabinet Office Briefing Room (Restricted)
CoG	Centre of Gravity
COIN	Counter-Insurgency
COINOPS	Counter-Insurgency Operations
Col	Colonel
COLPRO	Collective Protection
CoM	Council of Ministers

CONOPS	Concept of Operations
CONPLANS	Contingency Plans
CONVIS	Consignment Visibility
CoP	Chief of Police
CoR	Council of Representatives
COS	Chief(s) of Staff
COS(I)	Chiefs of Staff (Informal)
COS(O)	Chiefs of Staff (Operations)
COSM	Chief Overseas Security Manager
COTF	Cabinet Office Task Force
CotK	Charge of the Knights
COTS	Commercial Off The Shelf
coup de main	Surprise attack or sudden development
coup d'état	Sudden overthrow of government from within
CP	Counter-Proliferation
CPA	Coalition Provisional Authority
CPA-I	Chief Police Adviser – Iraq
CPA-IG	Coalition Provisional Authority Inspector General
CPATT	Coalition Police Assistance Training Team or Coalition Police Advisory Training Team
CPC	Constitutional Preparatory Committee
CPD	Counter-Proliferation Department
CPF	Conflict Prevention Fund
CPT	Christian Peacemaker Teams
CR2	Challenger 2
C-RAM	Counter Rocket, Artillery and Mortar
CRC	Constitutional Review Committee
CRG	Control Risks Group
CS	Combat Support
CSA	Chief Scientific Adviser
CSC	Civilian Standby Capacity
CSG	Civilian Stabilisation Group
CSR	Comprehensive Spending Review
CSS	Combat Service Support
CSSC	Civil Service Stabilisation Cadre
CSSF	Conflict, Stability and Security Fund
CT	Counter-Terrorism

CTA	Civil Transitional Administration
CTPD	Counter-Terrorism Policy Department
Curve Ball	Codename of an intelligence source
CV	Curriculum Vitae
CVO	Casualty Visiting Officer
CVR(T)	Combat Vehicle Reconnaissance (Tracked)
CW	Chemical Warfare/Weapons
CWC	Chemical Weapons Convention
CWIED	Command Wire Improvised Explosive Device
CX	Secret Intelligence Service intelligence product

D

Dahuk	Province in northern Iraq and its capital
DAG	Deputy Adjutant General
DART	Disaster Assistance Response Team
DAS	Defensive Aids Suites
DASA	Defence Analytical Services and Advice
DAT	Defence Advisory Team
DBC	De-Ba'athification Commission
DBERR	Department for Business, Enterprise and Regulatory Reform
DCA	Department of Constitutional Affairs
DCC	Deputy Chief Constable
DCC	Dismounted Close Combat
DCDI	Deputy Chief of Defence Intelligence
DCDS(C)	Deputy Chief of the Defence Staff (Commitments)
DCDS(EC)	Deputy Chief of the Defence Staff (Equipment Capability)
DCDS(Health)	Deputy Chief of the Defence Staff (Health)
DCDS(Pers)	Deputy Chief of the Defence Staff (Personnel)
DCE	Deployable Civilian Experts
DCG	Deputy Commanding General
DCGO	Deputy Commanding General of Operations
DCI	Director of Central Intelligence
DCI(A)	Director of Capability Integration (Army)
DCJO(Ops)	Deputy Chief of Joint Operations (Operations)
DCLG	Department for Communities and Local Government
DCMC	Defence Crisis Management Centre

DCMH	MOD Departments of Community Mental Health
DCMO	Defence Crisis Management Organisation
DCMS	Department of Culture, Media and Sport
DCRS	Directorate of Capabilities, Resources and Scrutiny
DDR	Disarmament, Demobilisation and Re-Integration
de facto	In fact
de jure	According to law
DE&S	Defence Equipment and Support Agency
DEC	Directorate of Equipment Capability
DEC(GM)	Director of Equipment Capability (Ground Manoeuvre)
DEC(SP)	Directorate of Equipment Capability (Special Projects)
DECC	Department for Energy and Climate Change
DEFRA	Department for Environment, Food and Rural Affairs
DEL	Departmental Expenditure Limit
Depts	Departments
DFI	Development Fund for Iraq
DFID	Department for International Development
DFT	Department for Transport
DG	Diego Garcia
DG	Director General
DG OpPol	MOD Director General Operational Policy
DG Resources	MOD Director General Resources
DG Sec Pol	MOD Director General Security Policy
DG SP Pol	MOD Director General Service Personnel Policy
DG(S&A)	MOD Director General (Scrutiny and Analysis)
DGI	Directorate of General Intelligence
DGS	Directorate of General Security
Dhi Qar	Province in south-eastern Iraq
DHS	US Department of Homeland Security
DIA	Defence Intelligence Agency
DIA	Department of Internal Affairs
DIF	Divisional Internment Facility
DILFOR	Dangerously Ill Forwarding of Relatives
DIRC	Divisional Internment Review Committee
DIS	Defence Intelligence Staff
DIU	Defence Inquests Unit
Div	Division

Diwaniyah	Capital of Qadisiyah province
Diyala	Province in eastern Iraq
DJC	Directorate of Joint Commitments
DJW	Directorate of Joint Warfare
DLO	Defence Logistics Organisation
DLOD	Defence Line of Development
DMB	Defence Management Board
DMI	Directorate of Military Intelligence
DMICP	Defence Medical Information Capability Programme
DMRC	Defence Medical Rehabilitation Centre
DMS	Defence Medical Services
DNBI	Disease and Non-Battle Injuries
DOC	Directorate of Operational Capability
DoD	US Department of Defense
DoH	Department of Health
DOP	Ministerial Committee on Defence and Overseas Policy
DOP(I)	Ministerial Committee on Defence and Overseas Policy Sub-Committee on Iraq
DP	Defence Procurement
DPA	Data Protection Act
DPA	Defence Procurement Agency
DPAs	Defence Planning Assumptions
DPM	Deputy Prime Minister
DSA	Debt Sustainability Analysis
DSC	Defence Select Committee
DSF	Director Special Forces
DSI	FCO Directorate of Strategy and Innovation
DSP	Defence Strategic Plan
DSP	Deployable Spares Pack
DSTL	Defence Science and Technology Laboratory
DTI	Department of Trade and Industry
DU	Depleted Uranium
Dujail	Town in Salah ad Din province
DUP	Departmental Unallocated Provision
DVA	Department of Veterans Administration
DWR	Duke of Wellington's Regiment

E

E10	Elected 10: Angola, Bulgaria, Cameroon, Chile, Germany, Guinea, Mexico, Pakistan, Spain and Syria
E-blueys	Electronic letter facility
EC	European Commission
ECAB	Executive Committee of the Army Board
ECBA	Enhanced Combat Body Armour
ECC	Equipment Capability Customer
ECGD	DTI Export Credit Guarantee Department
ECHR	European Convention on Human Rights
ECM	Electronic Countermeasures
EDM	Early Day Motion
EFP	Explosively Formed Projectile
EITI	Extractive Industries Transparency Initiative
EIU	Economist Intelligence Unit
EMAD	DFID European Middle East and Americas Division
EMIS	Electromagnetic Isotope Separation
EOD	Explosive Ordnance Disposal
EoL	Exchange of Letters
EOV	Explanation of Vote
EP	Equipment Plan
EP	Equipment Programme
EPAP	Emergency Public Administration Project
EPCA	Emergency Post Conflict Assistance
EPD	Economic Policy Directorate
EPP	Equipment Procurement Programme
EPW	Enemy Prisoners of War
Erbil	Province in northern Iraq and its capital
ERU	Emergency Response Unit
ESC	Emergency Security Committee
ESC	Executive Steering Committee
ESP	Equipment Support Plan
EST	Eastern Standard Time
EST	Essential Services Team
EU	European Union
EU JustLex	European Union Integrated Rule of Law Mission
EUCOM	European Command

Exec	Executive
EYF	End-Year Flexibility

F

F/R/C	France/Russia/China
FAC	Foreign Affairs Committee
Fadhila	Iraqi political party
FAI	Fatal Accident Inquiry
Fallujah	Town in Anbar province
FAO	UN Food and Agriculture Organization
FAQ	Fardh al-Qanoon
FASC	Foreign Affairs Select Committee
Fatwa	Islamic religious ruling
faute de mieux	For want of something better
FBI	Federal Bureau of Investigation
FCO	Foreign and Commonwealth Office
FCO RA	FCO Research Analysts
FCS	Facilities Protection Service
FCU	Financial Compliance Unit
Fedayeen Saddam	Iraqi paramilitary group
FFCD	Full, Final and Complete declaration
Five Mile Market	Area in Basra
FLC	Front Line Command
FLEET	The Royal Navy's Operational Command
FLR	Force Level Review
FMB	Forward Mounting Base
FMHT	Field Mental Health Team
FMV	Full Motion Video
FOC	Full Operating Capability
FOIA	Freedom of Information Act
FP	Force Posture
FP	Force Protection
FPCC	Force Protection Co-ordinating Committee
FPE	Force Protection Engineering
FPS	Facilities Protection Service
FR	Formation/Light Reconnaissance
FRC	Future Rotorcraft Capability

FRE	Former Regime Elements
FRES	Future Rapid Effect System
FRL	Former Regime Loyalists
FRY	Federal Republic of Yugoslavia
FS	Foreign Secretary
FSU	Forward Strategy Unit
FT	*Financial Times*
FWSE	Family Welfare Support Enhancement
FY	Financial Year

G

G4	Group of 4: France, Germany, Italy, UK
G5	Group of 5: France, Germany, Italy, Spain, UK
G7	Group of 7: Canada, France, Germany, Italy, Japan, UK, US
G8	Group of 8: Canada, France, Germany, Italy, Japan, Russia, UK, US
GA	UN General Assembly
GAERC	General Affairs and External Relations Council of the European Union
GAO	US General Accounting Office
GB	Great Britain
GBAV	Global Burden of Armed Violence
GC	Governing Council
GCBP	Governorate Capacity Building Project
GCC	Gulf Co-operation Council
GCHQ	Government Communications Headquarters
GCIV	Fourth Geneva Convention
GCPP	Global Conflict Prevention Pool
GDP	Gross Domestic Product
GE	General Electric
Gen	General
GIP	Guaranteed Income Payments
GMT	Greenwich Mean Time
GNI	Gross National Income
GOC	General Officer Commanding
GOC MND(SE)	General Officer Commanding Multi-National Division (South-East)

GOF	Global Opportunities Fund
GOI	Government of Iraq
Gov	Government
GP	General Practitioner
GPS	Global Positioning Satellite
GRL	Goods Review List
GT	Governorate Team
GWB	George Walker Bush
GWOT	Global War On Terror

H

H of C	House of Commons
HA	Humanitarian Assistance
Habbaniyah	Town in Anbar province
HABITAT	UN Settlements Programme
HASCAS	Health and Social Care Advisory Service
Haditha Dam	Dam in Anbar province
Halabja	City in Sulaymaniyah province
Hayaniyah	Area of Basra, a militia stronghold
HCDC	House of Commons Defence Committee
HCL	Hydrocarbon Law
Headley Court	MOD rehabilitation centre for injured military personnel
Helmand	Province in Afghanistan
HEU	Highly Enriched Uranium
HGV	Heavy Goods Vehicle
HIC	Humanitarian Information Centre
Hillah	Capital of Babil province
HIPC	Heavily Indebted Poor Countries
HM	Her Majesty(’s)
HMA	Her Majesty’s Ambassador
HMCE	HM Customs and Excise
HMCG	Her Majesty’s Consul General
HMG	Her Majesty’s Government
HMIC	Her Majesty’s Inspector of Constabularies
HMPS	Her Majesty’s Prison Service
HMRC	Her Majesty’s Revenue and Customs
HMS	Her Majesty’s Ship

HMT	Her Majesty's Treasury
HMX	Type of explosive
HO	Home Office
HoC	House of Commons
HOM	Head of Mission
HQ	Headquarters
HQ ARRC	Headquarters Allied Rapid Reaction Corps
HQ MND(SE)	Headquarters Multi-National Division (South-East)
HR	High Readiness
HRD	Human Resources Department
HRH	His/Her Royal Highness
HRW	Human Rights Watch
HTF	Helmand Task Force
HUMINT	Human Intelligence
Hutton Inquiry	Inquiry into the Circumstances Surrounding the Death of Dr David Kelly CMG
HVD	High Value Detainee

I

IA	Interim Administration
IA	Iraqi Army
IA Div	Iraqi Army Division
IAB	Investment Appraisals Board
IAD	Internal Audit Department
IADS	Iraqi Air Defence Systems
IAEA	International Atomic Energy Agency
IAMB	International Advisory and Monitoring Board
IAOI	Islamic Action Organisation in Iraq
IBA	Iraqi Bar Association
IBC	Iraq Body Count
Ibn Sina	Suspected chemical weapons facility in Salah ad Din province
IBP	Iraqi Border Police
IBRD	International Bank of Reconstruction and Development
IC	International Community
I-CAP	Interim Country Assistance Plan
ICC	International Criminal Court

ICCC	Iraq Coalition Casualty Count
ICDC	Iraqi Civil Defence Corps
ICI	International Compact with Iraq
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICT	International Criminal Tribunal
ICTI	International Criminal Tribunal for Iraq
ICTY	International Criminal Tribunal for Yugoslavia
ID	Identification
ID	(US) Infantry Division
IDA	International Development Act
IDC	International Development Committee
IDF	Indirect Fire
IDP	Internally Displaced People
IEA	International Energy Agency
IEB	Intelligence Exploitation Base
IECI	Independent Electoral Commission of Iraq
IED	Improvised Explosive Device
IERF	Iraqi Economic Recovery Fund
IFF	Identification Friend or Foe
IFHS	Iraq Family Health Survey
IFIs	International Financial Institutions
IFOR	Implementation Force
IFRC	International Federation of Red Cross and Red Crescent Societies
IFV	Infantry Fighting Vehicle
IG	Iraqi Government
IGC	Iraqi Governing Council
IGFC	Iraqi Ground Forces Command
IGI	Interim Government of Iraq
IHEC	Iraqi Higher Electoral Commission
IHL	International Humanitarian Law
IHT	Iraqi Heritage Trust
IIA	Iraqi Interim Authority or Iraqi Interim Administration
IIC	Iraqi Interim Council
IIF	Iraqi Intervention Force
IIG	Iraqi Interim Government

IIGC	Iraqi Inspectors General Council
IINC	Iraqi Interim National Council
IIS	Iraqi Intelligence Service
IISG	Iraqi Information Strategy Group
IISP	Iraqi Infrastructure Services Programme
IISS	International Institute for Strategic Studies
IIWG	Iraqi Industry Working Group
ILAC	International Legal Assistance Consortium
ILAV	Iraqi Light Armoured Vehicle
IMF	International Monetary Fund
IMN	Iraqi Media Network
IMOD	Iraqi Ministry of Defence
IMOH	Iraqi Ministry of Health
IMOJ	Iraqi Ministry of Justice
INA	Iraqi National Accord
INC	Iraqi National Congress
Incirlik	Airbase in Turkey
IND	Improvised Nuclear Device
ING	Iraqi National Gathering
ING	Iraqi National Guard
INIS	Iraqi National Intelligence Service
INLA	Iraq National Liberation Act
INOC	Iraqi National Oil Company
INVO	Iraq Nuclear Verification Office
IO	Information Operations
IO	International Organisations
IOC	Initial Operating Capability
IOM	International Organisation for Migration
IOU	Iraq Operations Unit
IPA	International Police Adviser
IPAG	International Police Assistance Group
IPAT	International Police Assistance Team
IPE	Individual Protective Equipment
IPLO	International Police Liaison Officer
IPMF	International Police Monitoring/Mentoring Force
IPRT	DFID Iraq Policy and Reconstruction Team
IPS	Iraqi Police Service

IPT	Integrated Project Team
IPTF	International Police Training Force
IPU	Iraq Planning Unit (until mid-2003); Iraq Policy Unit (from mid-2003)
IRA	Irish Republican Army
IRAM	Improvised Rocket Assisted Mortar
IraqRep	Iraq Representative
IRDC	Iraq Reconstruction and Development Council
IRFFI	International Reconstruction Fund Facility for Iraq
IRGC	Islamic Revolutionary Guard Corps
IRGC-QF	Islamic Revolutionary Guard Corps – Quds Force
IRMO	Iraq Reconstruction and Management Office
IROG	Iraq Rehabilitation Operations Group
IRPS	Iraqi Riverine Patrol Service
IRRF	Iraq Relief and Reconstruction Fund
IRSM	Iraq Reconstruction Service Medal
IRT	Incident Response Team
ISAF	International Security Assistance Force
ISC	Intelligence and Security Committee
ISCI	Islamic Supreme Council of Iraq
ISD	In Service Date
ISF	Iraqi Security Forces
ISF HMMV	Iraqi Security Forces Humvee
ISFF	Iraq Security Forces Fund
ISG	Information Strategy Group
ISG	Iraq Security Group
ISG	Iraq Strategy Group
ISG	Iraq Survey Group
ISO	International Standards Organisation
ISOF	Iraqi Special Operations Forces
ISOG	Iraq Senior Officials Group
ISP	Internet Service Provider
ISR	Intelligence, Surveillance and Reconnaissance
ISSU	FCO Iraq Security Sector Unit
IST	Iraqi Special Tribunal
ISTAR	Intelligence, Surveillance, Target Acquisition and Reconnaissance

ITA	Iraqi Transitional Administration
ITCA	International Transitional Civil Authority
ITG	Iraqi Transitional Government
ITU	UN International Telecommunications Unit
IZ	International Zone

J

J NBC Reg	Joint Nuclear Biological Chemical Regiment
JACS	Joint Analysis of Conflict and Stability
Jadiriyah	A detention facility in Baghdad
Jaysh Muhammad	Military wing of the Ba'ath Party
JAM	Jaysh al-Mahdi
JAM1	Detained member of Jaysh al-Mahdi
Jameat	A police station in Basra
JAMES	Joint Asset Management and Engineering Solutions
JARIC	Joint Air Reconnaissance Intelligence Centre
JC	Joint Commission
JCB	Joint Capability Board
JCC	Joint Co-ordination Centre
JCCC	Joint Casualty Co-ordination Centre
JCMEC	Joint Captured Material Exploitation Centre
JCTSR	Joint Committee to Transfer Security Responsibility
JDAM	Joint Direct Attack Munitions
JERRV	Joint Explosive Ordnance Disposal Rapid Response Vehicle
JFCOM	Joint Forces Command
JFHQ	Joint Forces Headquarters
JFLogC	Joint Forces Logistic Component
JHC	Joint Helicopter Command
JHF-I	Joint Helicopter Force – Iraq
JHQ	Joint Headquarters
JIATF	Joint Inter-Agency Task Force
JIB	Joint Implementation Board
JIC	Joint Intelligence Committee
JIDC	Joint Interrogation and Debriefing Centre
JIO	Joint Intelligence Organisation
JIPTC	Joint International Police Training College

JNA	Joint Needs Assessment
JOA	Joint Operational Area
JPA	Joint Personnel Administration
JPCC	Joint Police Command Centre
JRAT	Joint Reconstruction Action Team
JRSG	Japanese Reconstruction and Support Group
JSP	Joint Service Publication
Jt Cmnd Staffs	Joint Command Staffs
Jt Comd	Joint Command
JTAC	Joint Terrorism Analysis Centre
JTF-4	Joint Task Force 4
Jumariyah	District of Basra

K

KA	Kurdistan Alliance
KAA	Khawr Abd Allah waterway between Iraq and Kuwait
Kandahar	City in southern Afghanistan
Karbala	Province in central Iraq and its capital
Karbala Al Husayn	Shia shrine in Karbala province
KAZ	Kurdish Autonomous Zone
KCMHR	King's Centre for Military Health Research
KDP	Kurdish Democratic Party
KFOR	Kosovo Force
Khor al-Amaya	Oil platform in Basra province
Khor al-Zubair	City in Basra province
KIG	Kurdistan Islamic Group
Kirkuk	Province in northern Iraq and its capital
Kirkush	Location for training of Iraqi Army recruits north-east of Baghdad
KJ	Key Judgement
KNA	Kurdish National Assembly
KRG	Kurdistan Regional Government
KSF	Kuwait Support Facility
KSR	Key Service Requirement
Kufa	City in Najaf province
KUR	Key User Requirement

L

LA	Lord Advocate
Lake Qadisiyah	A lake in Anbar province
LAND	Land Command
LCC	Land Component Command
LCD	Lord Chancellor's Department
LD	Line of Duty
LE	Locally Engaged
LEC	Locally Employed Civilian
LIC	Lower Income Countries
LO	Liaison Officer
LOAC	Law of Armed Conflict
LOC	Line Of Communication
LOGCAP	Army Logistics Civil Augmentation Programme
LOO	Line of Operation
Loya Jirga	Pashtu grand assembly
LPG	Liquid Petroleum Gas
LRG	Liberation and Reconciliation Gathering
LSC	Legal Services Commission
LSE	London School of Economics
LSL	Landing Ships Logistics
LSSA	Land Systems South Africa
Lt Bde	Light Brigade
Lt Gen	Lieutenant General
LTSA	Long Term Security Arrangement

M

M*	A pre-detonation capability
MA	Mahdi Army
MA/CJO	Military Assistant to the Chief of Joint Operations
MACA	Military Aid to the Civil Authorities
Maj	Major
Maj Gen	Major General
MANPAD	Man Portable Air Defence System
Mansour	District in Baghdad
MAS	Manned Airborne Surveillance
MAS	Muqtada al-Sadr

MAS1	Associate of Muqtada al-Sadr
MaSTT	Maritime Strategic Transition Team
MAT	Military Assistance Team
Maysan	Province in south-east Iraq
MBT	Main Battle Tank
MCM	Mine Counter-Measures
MCNS	Ministerial Committee for National Security
MCU	Major Crimes Unit
MDHU	Military Defence Hospital Unit
MDP	Ministry of Defence Police
ME	Main Effort
MED	FCO Middle East Department
MEF	(US) Marine Expeditionary Force
MEK	Mujahideen e Khalq
MENA	FCO Middle East and North Africa Directorate
MENAD	FCO Middle East and North Africa Department
MEPP	Middle East Peace Process
MEU	Marine Expeditionary Unit
MFA	Ministry of Foreign Affairs
MGO	Master General of the Ordnance
MI5	Security Service
MI6	Secret Intelligence Service (SIS)
MIC	Military Industrial Commission
MIG	Mohan Initiative Group
Mil	Military
Min(AF)	Minister for the Armed Forces
Min(DP)	Minister for Defence Procurement
MiTT	Military Training Team or Transition Team
MJDI	Management of the Joint Deployed Inventory
MMIT	Management of Material in Transit
MMW	Military Managed Ward
MNC-I	Multi-National Corps – Iraq
MND	Multi-National Division
MND(C)	Multi-National Division (Centre)
MND(CS)	Multi-National Division (Centre-South)
MND(S)	Multi-National Division (South)
MND(SE)	Multi-National Division (South-East)

MNF-I	Multi-National Force – Iraq
MNSTC-I	Multi-National Security Transition Command – Iraq
MO	Modus Operandi (method of operating)
MOD	Ministry of Defence
MoG	Machinery of Government
MOI	Ministry of the Interior
MOJ	Ministry of Justice
MoO	Ministry of Oil
Mosul	Capital of Ninawa province
MOTS	Modified Off The Shelf
MOU	Memorandum of Understanding
MP	Member of Parliament
MPPV	Medium Weight Protected Patrol Vehicle
MRAP	Mine Resistant Ambush Protected Vehicle
MS	Medium scale
MSTF	Manoeuvre Support Task Force
Mukhabarat	Iraqi General Intelligence Service
Muthanna	Province in south Iraq
MW	Megawatt

N

NACMO	Net Additional Cost of Military Operations
NAG	Northern Arabian Gulf
NAIAD	Nerve Agent Immobilised Enzyme Alarm Detectors
Najaf	Province in south-west Iraq and its capital
Najibiyah	Town in Basra province
NAM	Non-Aligned Movement
NAO	National Audit Office
Nasiriyah	Capital of Dhi Qar province
NATO	North Atlantic Treaty Organization
NaTT	Navy Training Team
NBC	Nuclear Biological Chemical
NCC	National Contingent Commander
NCD	National Council for Dialogue
NCHQ	National Contingent Headquarters
NCO	Non-Commissioned Officer
NDA	National Democratic Alliance

NDS	National Development Strategy
NF	National Force
NFZ	No-Fly Zone
NGO	Non-Governmental Organisation
NHS	National Health Service
NI	Northern Ireland
NIA	New Iraqi Army
NICC	National Intelligence Co-ordination Council
NICEP	National Independent Cadres and Elites Party
NIE	National Intelligence Estimate
NIIA	National Intelligence and Investigation Agency
Ninawa	Province in northern Iraq
NIO	Northern Ireland Office
NK	North Korea
NMD	National Monitoring Directorate of Iraq
NO	Notification Officer
No.10	Number 10 Downing Street
NOC	National Oil Corporation
NOFORN	No Foreigners
NOK	Next of Kin
NP	National Police
NPD	Non-Proliferation Department
NPT	Non-Proliferation Treaty
NRC	New Regional Command
NRF	NATO Response Force
NSC	National Security Council
NSID	Committee on National Security, International Relations and Development
NSID(IR)	International Relations Sub-Committee of the Committee on National Security, International Relations and Development
NSID(OD)	Overseas and Defence Sub-Committee of the Committee on National Security, International Relations and Development
NSPD	National Security Presidential Directive
NSS	National Security Strategy
NTE	Not to Extend
NTM	NATO Training Mission
NUG	National Unity Government

O

OA	Operational Analysis
OAB	Oil Advisory Board
OCHA	Office for the Co-ordination of Humanitarian Affairs
OD	Overseas and Defence
OD Sec	Cabinet Office, Overseas and Defence Secretariat
ODA	Overseas Development Administration
ODPM	Office of the Deputy Prime Minister
OECD	Organisation for Economic Co-operation and Development
OFDA	Office for Foreign Disaster Assistance
OFF	Oil-for-Food
Oftel	Office of Telecommunications
OGC	Office of the General Counsel
OGDs	Other Government Departments
OIC	Organization of the Islamic Conference (known since 2011 as the Organisation of Islamic Cooperation)
OM(C)	Operator Mechanic (Communications)
OMLT	Operational Mentoring Liaison Team
OMS	Office of the Martyr Sadr
OMV	Ongoing Monitoring and Verification
OOW	Operation Overwatch
Op	Operation
OP	Operative Paragraph
Op AMPERE	Power generation project
Op Desert Fox	US-led operation against Iraq in 1998
Op Desert Storm	Coalition military operation to liberate Kuwait in 1991
Op FRESCO	Military cover in the event of a firefighters strike
Op GRANBY	UK military operation in Kuwait in 1991
Op HAVEN	UK's contribution to Op Provide Comfort
Op HERRICK	UK military operation in Afghanistan
Op JACANA	Codename for a series of operations in Afghanistan by Royal Marines
Op JURAL	UK contribution to enforce southern No-Fly Zone in Iraq
Op KEIR	Repatriation of Service Personnel
Op NORTHERN WATCH	UK contribution to enforce northern No-Fly Zone in Iraq
Op Provide Comfort	US-led operation to provide humanitarian relief to the Kurds

Op ROCKINGHAM	UK intelligence support for UN disarmament activities in Iraq
Op SALAMANCA	Operation to implement the Iraqi Government's security plan in Basra
Op Sec	Operational Security
Op SOUTHERN WATCH	Operation to enforce southern No-Fly Zone
Op SINBAD	New name given to Op SALAMANCA
Op Stonehenge	Operation to enhance the protection of personal bunkers
Op TELIC	UK military operation in Iraq
Op THYME	Operation to disband Basra's Serious Crime Unit
Op Vigilant Response	US operation to block routes in and out of Fallujah
Op WARDEN	No-Fly Zone operation to prevent attacks on Kurds
Op Zenith	Operation to reduce UK forces on the ground in a combat role and return them to bases
OPEC	Organization of the Petroleum Exporting Countries
Ops	Operations
OPTAG	MOD Operational Training and Advisory Group
ORA	Operational Readiness Assessment
ORHA	Office of Reconstruction and Humanitarian Assistance
OROSM	Overarching Review of Operational Stress Management
OSA	Overseas Security Adviser
OSC	Office of Security Co-operation
OSCE	Organization for Security and Co-operation in Europe
OSD	US Office of the Secretary of Defense
OSD	Out of Service Date
OSM	Overseas Security Manager
OT	Operations Team
OWP	Operational Welfare Package

P

P5	Permanent 5: China, France, Russia, UK, US
P9	The nine members of the rotating Presidency of the Iraqi Governing Council
pa	Per annum
PAC	Public Accounts Committee
PAT	Police Assistance Team or Police Advisory Team
PBR	Pre-Budget Report
PC	Plaid Cymru

PC	Political Council
PCO	Project and Contracting Office
PCRF	Primary Casualty Receiving Facility
PCRU	Post-Conflict Reconstruction Unit
PCT	Project Continuity Team
PDoP	Provincial Director of Police
PDS	Provincial Development Strategy
Perm Sec	Permanent Secretary
PGF	Presidential Guard Force
PGM	Precision Guided Munitions
PIC	Provincial Iraqi Control
PIR	Passive Infra Red
PIRA	Provisional Irish Republican Army
PIU	Police Intelligence Unit
PJCC	Provincial Joint Co-ordination Centre
PJHQ	Permanent Joint Headquarters
PJOC	Provincial Joint Operations Centre
PKB	Peace-Keeping Budget
PLP	Parliamentary Labour Party
PM	Prime Minister
PM	Protected Mobility
PMF	Popular Mobilisation Forces
PMO	Program/Project Management Office
PMQs	Prime Minister’s Questions
PMU	Prosecution Mentoring Unit
POE	Port of Entry
Pol Mil	Politico-military
POLAD	Policy Adviser or Political Adviser
POTUS	President of the United States
POW	Prisoner of War
PP	Preambular Paragraph
PPF	Palace Protection Force
PPV	Protected Patrol Vehicle
PQ	Parliamentary Question
PR	Public Relations
PRB	Program Review Board
PRC	People’s Republic of China

prima facie	At first sight
Project AJAX	MOD project to improve handling of inquest/service to families
Project DUCKBOARD	Project relating to light protection mobility vehicles
Project L*	An electronic countermeasures project
Project OSIRIS	Project to provide vehicles and other defence equipment to Iraq
PRT	Provincial Reconstruction Team
PS	Private Secretary
PSA	Production Sharing Agreement
PSCE	Public Sector Current Expenditure
PSNI	Police Service of Northern Ireland
PSO	Peace Support Operation
PSO/CDS	Principal Staff Officer to the Chief of the Defence Staff
PST	Provincial Support Team
PTSD	Post Traumatic Stress Disorder
PTT	Police Transition Team or Police Training Team
PU	People's Union
PUK	Patriotic Union of Kurdistan
PUS	Permanent Under Secretary
PUSS	Parliamentary Under Secretary of State
PVR	Premature Voluntary Retirement
PW	Prisoner of War

Q

Q&A	Questions and Answers
Qadisiyah	Province in central south-east Iraq
Qalat Sikar	Airbase in Maysan Province
QC	Queen's Counsel
Qibla	Militia stronghold
QIP	Quick Impact Project
QRF	Quick Reaction Force
QRF	Quick Response Fund
Quai d'Orsay	French Foreign Ministry

R

R day	Point at which the rotation of combat units formally commenced
R&D	Research and Development
R&O	Repair and Overhaul
R&R	Rest and Recuperation
RA	Research Analysts
RA	Regular Army
RAB	Resource Accounting and Budgeting
RAD	Research Analysts Department
RAdm	Rear Admiral
RAF	Royal Air Force
Ramadan	Islamic religious holiday
Ramadi	Capital of Anbar province
RAMP	Reception Arrangements for Military Patients
RAND	Rand Organisation
Rasheed	Air base in Diyala province
RauxAF	Royal Auxiliary Air Force
RC	Radio Control
RCDM	Royal Centre for Defence Medicine
RCIED	Radio Controlled Improvised Explosive Device
RCT-5	Regimental Combat Team (5th US Marine Corps)
RDD	Radiological Dispersal Devices
RDD	Required Delivery Date
RDEL	Resource Departmental Expenditure Limits
REO	US Regional Embassy Office
RFA	Royal Fleet Auxiliary
RG	Republican Guard
RGFC	Republican Guard Forces Command
RIO	Restore Iraq Oil
RiP	Relief in Place
RM	Royal Marines
RMHP	Reserves Mental Health Programme
RMP	Royal Military Police
RN	Royal Navy
RO	Response Options
ROE	Rules of Engagement

Ro-Ro	Roll-on Roll-off
ROW	Rest of World
RPG	Rocket Propelled Grenade
RPTA	Regional Police Training Academy
RPV	Remotely Piloted Vehicles
RRT	Regional Reconstruction Team
RRU	Regional Rehabilitation Units
RSG	Reconciliation Steering Group
RSOI	Reception, Staging, Onward Movement and Integration
RTI	US organisation funded by USAID to build local government capacity in Iraq
RUC	Royal Ulster Constabulary
RUSI	Royal United Services Institute
RVD	Residual Vapour Detectors
RW	Rotary Wing

S

S of S	Secretary of State
S2O	Support to Operations
SABR	Support Amphibious Battlefield Helicopters
SAC	Survey Analysis Centre
SACEUR	Supreme Allied Commander Europe
Sadr City	Suburb of Baghdad
SAF	Small Arms Fire
SAF	Stabilisation Aid Fund
Safwan	Town in Basra province
Saif Sareena II	Military exercise to assess equipment
Salah ad Din	Province in central Iraq
SAM	Surface to Air Missile
Samarra	City in Salah ad Din province
Samawah	Capital of Muthanna province
SBA	Stand-By Arrangement
SBLA	Senior British Land Adviser
SBMA	Senior British Military Adviser
SBMR-I	Senior British Military Representative – Iraq
SC	Security Committee
SC	Security Council

SCA	Strategic Conflict Assessment
SCIRI	Supreme Council for Islamic Revolution in Iraq
SCOG	Support to the Centre of Government
SCP	Sector Control Point
SCR	Security Council Resolution
SCU	Strategic Communications Unit
SDE	Statement on the Defence Estimates
SDR	Strategic Defence Review
SDSR	Strategic Defence and Security Review
SE	Scottish Executive
SE	South-East
Sec (O)	MOD Secretariat (Overseas)
Sec Pol	Security Policy
SECCOS	Secretary to the Chiefs of Staff Committee
SF	Special Forces
SFA	Service Family Accommodation
SFA	Strategic Framework Agreement
SG	Secretary-General
SG	Special Groups
SH	Support Helicopter
Shatt al-Arab	River running through Basra province
SI	Service Inquiry
SIB	Special Investigation Branch
SIESP	Southern Iraq Employment and Services Programme
SIGACTS	Significant Activities
SIGINT	Signals Intelligence
SIGIR	US Special Inspector General for Iraq Reconstruction
sine qua non	Essential action or condition
Sinjar	Town in Ninawa province
SIS	Secret Intelligence Service
SISG	Southern Iraq Steering Group
SJSR	Security and Justice Sector Reform
SLA	Scottish Lord Advocate
SLA	Service Level Agreement
SLB	Shaiba Logistics Base in Basra province
SLE	Spearhead Land Element
SMART	MOD acquisition process

SMD	Security Management Department
SNFZ	Southern No-Fly Zone
SOAS	School of Oriental and African Studies
SOC	Survey Operations Centre
SOE	State Owned Enterprise
SOF	Special Operations Forces
SOFA	Status of Forces Agreement
SofS	Secretary of State
SoI	Sons of Iraq
SOR	Statement of Requirement
SoS	Secretary of State
SOSA	Senior Overseas Security Adviser
SOSDEF	Secretary of State for Defence
SOSFCA	Secretary of State for Foreign and Commonwealth Affairs
SpAd	Special Adviser
SPB	Service Personnel Board
SPG	MOD Strategic Planning Group
SPOD	Sea Point of Disembarkation
SPVA	Service Personnel and Veterans Agency
Sqn	Squadron
SRBM	Short Range Ballistic Missile
SRG	Special Republican Guard
SRO	Senior Responsible Owner
SRSG	Special Representative of the Secretary-General
SRT	Stabilisation Response Team
SS	Steady State
SSAFA	Soldiers, Sailors, Airmen and Families Association
SSC	Steady-State Criteria
SSE	Sensitive Site Exploitation
SSE	Spring Supplementary Estimate
SSO	Special Security Organisation
SSR	Security Sector Reform
STBA	Short-Term Business Attachment
STP	Short-Term Plan
STTTs	Short-Term Training Teams
SU	Stabilisation Unit
sui generis	In a class by itself

Sulaymaniyah	Province in north-eastern Iraq and its capital
SUV IPT	Specialist Utility Vehicles Integrated Project Team
SVN	Stabilisation Volunteer Network
SWAT	Special Weapons and Tactics

T

T&G	Temporary and Geographical
TA	Territorial Army
Taji	Airbase in Baghdad province
TAL	Transitional Administrative Law
Tal Afar	Town in Ninawa province
Tallil	Airbase in Dhi Qar province
Ta'min	Former name of Kirkuk province
TAT	Technical or Transitional Advisory Team
TAV	Total Asset Visibility
TBS	Transition Bridging Strategy
TCA	Transitional Civilian Administration
TEL	Transport Erector Launchers
TF D/E	Task Force Disablement and Elimination
The Lancet	United Kingdom medical journal
TI	Transparency International
TID(O)	Overseas Sub-Committee of the Official Committee on Domestic and International Terrorism
Tikrit	Capital of Salah ad Din province
TIP	Transition Integration Programme
TLA	Transitional Legislative Assembly
TLAM	Tomahawk Land Attack Missile
TME	Total Managed Expenditure
TNA	Transitional National Assembly
TOA	Transfer of Authority
TOR	Terms of Reference
TPS	Transportable Production System
TPUK	Trade Partners UK
TRA	Transition Readiness Assessment
TRB	Theatre Reserve Battalion
TRiM	Trauma Risk Management
TSA	Technical Service Agreement

TSI	Technical Support to Iraq
TSU	Tactical Support Unit
TTP	Tactics, Techniques and Procedures
TU	Turkey
TUAV	Tactical Unmanned Aerial Vehicle
TUC	Trades Union Congress

U

U2	High altitude reconnaissance aircraft
U-6	Undecided 6: Angola, Cameroon, Chile, Guinea, Mexico, Pakistan
UAE	United Arab Emirates
UAV	Unmanned Aerial Vehicle
UHBFT	University Hospital Birmingham Foundation Trust
UIA	United Iraqi Alliance
UIC	United Iraqi Coalition
UK Div HQ	UK Divisional Headquarters
UKBA	United Kingdom Border Agency
UKDEL	UK Delegation
UKDEL IMF	UK Delegation to the International Monetary Fund
UKMIS NY	UK Permanent Mission to the UN in New York
UKMOD	UK Ministry of Defence
UKRep	UK Permanent Representation to the EU
UKSF	UK Special Forces
UKTI	UK Trade and Investment
Umm Qasr	Port in Basra province
UN	United Nations
UN SC	UN Security Council
UNAMI	UN Assistance Mission for Iraq
UND	FCO United Nations Department
UNDP	UN Development Programme
UNEP	UN Environmental Programme
UNESCO	UN Educational, Scientific and Cultural Organization
UNFICYP	UN Forces in Cyprus
UNGA	UN General Assembly
UNHCR	UN High Commission for Refugees
UNICEF	UN Children's Emergency Fund

UNIFEM	UN Development Fund for Women
UNIKOM	UN Iraq-Kuwait Observation Mission
UNJLC	UN Joint Logistics Centre
UNMI	UN Mission to Iraq
UNMIK	UN Mission in Kosovo
UNMOVIC	UN Monitoring, Verification and Inspection Commission
UNOCS	UN Office of Constitutional Support
UNOIP	UN Office of Iraq Programme
UNOPS	UN Office for Project Services
UNSC	UN Security Council
UNSC	UN Special Co-ordinator
UNSCOM	UN Special Commission
UNSCR	UN Security Council Resolution
UNSG	UN Secretary-General
UNTAET	UN Transitional Administration in East Timor
UOR	Urgent Operational Requirement
UQP	Umm Qasr Port
URD	User Requirement Document
US DOD	US Department of Defense
USACE	US Army Corps of Engineers
USAF	US Air Force
USAID	US Agency for International Development
USAID OIG	US Agency for International Development Office of Inspector General
USMC	US Marine Corps
USR	Urgent Sustainability Requirement
USUN	US Mission to the UN
USUR	Urgent Statement of User Requirement
UXO	Unexploded Ordnance

V

VAdm	Vice Admiral
VAT	Value Added Tax
VBIED	Vehicle-Borne Improvised Explosive Device
VCDS	Vice Chief of the Defence Staff
VFM	Value for Money
VITAL	Visibility in Transit Asset Logging

VO	Visiting Officer
VP	Vice President
VRF	Volunteer Reserve Forces
VTC	Video Teleconference
VX	A chemical nerve agent

W

Wasit	Province in eastern Iraq
WFP	World Food Programme
WHO	World Health Organization
WMD	Weapons of Mass Destruction
WMIK	Weapons Mount Installation Kit
WMR	War Maintenance Reserve
WMS	Written Ministerial Statement
WMSL	Weapons of Mass Destruction Master Site List
WPS	War Pensions Scheme
WSE	Winter Supplementary Estimate
WTO	World Trade Organization
WWII	World War 2

X

XTF-75	Exploitation Task Force-75

Y

YTF	Yet-To-Find

ANNEX 3

NAMES AND POSTS

A

Abbas	(General) Iraqi Army Commander
Abdullah, Tariq	Prime Minister Maliki's Chief of Staff
Abdul-Mahdi, Adil	Iraqi Minister of Finance, June 2004-April 2005, Vice President of Iraq, April 2005-July 2011
Abel, Richard	Principal Private Secretary to the Business, Innovation and Skills Secretary, October 2007-September 2010
Abizaid, John	(General) Director of Joint Staff in the Pentagon, October 2001-January 2003 Deputy Commander to General Franks, January 2003-July 2008 Commander, US Central Command (CENTCOM), July 2003-March 2007
Abrams, Elliot	US National Security Council Senior Director for Democracy, Human Rights and International Organizations, June 2001-February 2005
Abu Qadir, Wissam	Basra Jaysh al-Mahdi leader
Adams, Cathy	Legal Counsellor to Lord Goldsmith, 2002-2005 Inquiry witness
Adams, Geoffrey	Principal Private Secretary to the Foreign Secretary, 2003-2005 (Sir) British Ambassador to Iran 2006-2009 Inquiry witness
Adams, Terry	CPA Oil Team Technical Expert
Aflaq, Michael	Co-founder of the Ba'ath Party
Ahmadinejad, Mahmoud	President of Iran, 2005-2013
Ainsworth, Bob	Minister for the Armed Forces, June 2007-May 2009 Defence Secretary, June 2009-May 2010 Inquiry witness
Akram, Munir	Pakistani Permanent Representative to the UN, 2002-2008
al-Ahmad, Muhammad Tunis	Former senior Ba'athist and founder of the New Regional Command
al-Asadi, Adnan	Iraqi Deputy Interior Minister

al-Assad, Bashar	President of Syria, 2000-present
al-Bakr, Ahmad Hasan	President of Iraq, 1968-1979
al-Bitar, Salah al-Din	Co-founder of the Ba'ath Party
al-Bulani, Jawad	Iraqi Interior Minister, June 2006-December 2010
al-Daraji, Raheem	(Sheikh) Mayor of Sadr City
al-Douri, Izzat Ibrahim	Senior Ba'athist and founder of the New Regional Command Vice Chairman of the Revolutionary Council (Iraq), 1979-2003
al-Dulaimi, Saadoun	Iraqi Defence Minister, June 2005-March 2006
al-Faiz, Sheikh Amr	Tribal leader
al-Hadithi	Iraqi Foreign Minister, 2001-2003
al-Hakim, Abdul Aziz	Leader of the United Iraqi Alliance and of the Supreme Council for Islamic Revolution of Iraq, 2003-2009
al-Hakim, Muhammed Baqir	(Ayatollah) Spiritual leader of the Supreme Council for Islamic Revolution in Iraq, 1982-2003
al-Hasani, Mohammed	Governor of Muthanna province until March 2007
al-Hashemi, Aqila	(Dr) Member of the Governing Council, July 2003-June 2004
al-Hassani, Hajem	Industry Minister, June 2004-May 2005 Speaker, Transitional National Assembly, April 2005-April 2006 Vice President of Iraq
Al-Hussein, Abdullah II bin	King of Jordan, February 1999-present
al-Huwaish, Abd	Head of the Iraqi Military Industrial Commission
al-Iraqi, Abd al Hadi	Senior Al Qaida commander
al-Ja'afari, Ibrahim	(Dr) Deputy President of Iraq, 2004-2005 Prime Minister of Iraq, May 2005-May 2006
al-Jedda, Hilal	Former Iraqi detainee
al-Majid, Ali Hasan	(Colonel General) "Chemical Ali", cousin of Saddam Hussein Director, Iraqi Intelligence Service, 1995-April 2003
al-Maliki, Nouri	Presidential candidate for the United Iraqi Alliance Prime Minister of Iraq, June 2006-September 2014
al-Marashi, Ibrahim	(Dr) Research Associate, Centre for Non-Proliferation Studies
al-Masri, Ayb Awub	Leader of Al Qaida in Iraq
al-Musawi, Sayyid Abdul	Shia cleric
al-Naqib, Falah Hassan	Iraqi Interior Minister

al-Qadir, Wissam	Jaysh al-Mahdi Commander
al-Rhado, Rhadi Hamza	Chairman, Commission on Integrity, 2004-2007
al-Rubaie, Mowaffak	(Dr) Iraqi National Security Adviser, 2004-2009
al-Saad, Hassan	(Major General) Chief of Police for Basra
al-Sa'adi, Amir	(Dr) Scientific Adviser to the Iraqi Presidency to 2003
al-Sadr, Muqtada	Iraqi Shia cleric, politician and militia leader
al-Safi, Safa	(Dr) Iraqi Acting Justice Minister
al-Saghir, Jalal Al-Din	(Sheikh) Member of the de-Ba'athification Commission
al-Sahaf, Mohammed Said	Iraqi Foreign Minister, 1992-2001
al-Samarri'e, Ayad	Speaker, Iraqi Council of Representatives, April 2009-November 2010
Al-Saud, Abdullah bin Abdulaziz	Crown Prince of Saudi Arabia, 1982-2005
Al-Saud, Fahd bin Abdulaziz	King of Saudi Arabia, June 1982-August 2005
al-Shahmani, Adnan	Founder of the Iraqi National Gathering
al-Shahristani, Hussain	Iraqi Minister of Oil, May 2006-December 2010
al-Sharaa, Farouk	Syrian Permanent Representative to the UN Syrian Deputy Prime Minister and Minister for Foreign Affairs, March 1984-February 2006
al-Shaybani, Ahmad	Senior Jaysh al-Mahdi Commander
al-Sistani, Ali	(Grand Ayatollah) Most senior authority in the Iraq Shia community
al-Sudani, Abdel Falah	Iraqi Trade Minister, 2006-2009
al-Tikriti, Abid Hamid Mahmud	(Lieutenant General) Personal Secretary to Saddam Hussein until 2003
al-Ubaidi, Mahdi	Head, Iraqi gas centrifuge programme
al-Wa'ili, Sherna	Iraqi Minister for National Security, June 2006-September 2009
al-Yaqubi, Mustafa	Senior aide to Muqtada al-Sadr
al-Yawar, Ghazi	President of Iraq, 2004-2005 Vice President of Iraq, 2005-2006
al-Zarqawi, Abu Musab	Leader of Al Qaida in Iraq
Alami, Ali Faisal	Director General, de-Ba'athification Commission's Follow-Up and Implementation Department
Albright, Madeleine	(Dr) US Secretary of State, January 1997-January 2001
Aldouri, Mohammed	Iraqi Permanent Representative to the UN, 2001-2003

Alexander, Douglas	Cabinet Office Minister, June 2003-September 2004 International Development Secretary, 2007-2010 Inquiry witness
Allan, Alex	Department for Constitutional Affairs, Permanent Secretary, August 2004-June 2007
Allan, Keith	Trade Partners UK, Deputy Director, International Group 1
Allawi, Ali A	(Dr) Minister of Defence, Iraqi Interim Government Minister of Finance, Iraqi Transitional Government
Allawi, Ayad	(Dr) Leader of the Iraqi National Accord President of the Governing Council, October 2003 Prime Minister of Iraq, 2004-2005
Alvear, Soledad	Chilean Foreign Minister
Aly Azad Rana, Kipkorir	Kenyan Deputy Permanent Representative to the UN, 1997-1998
Amorim, Celso	President of the Security Council, January 1999 Brazilian Permanent Representative to the UN in New York, 1995-1999
Amos, Valerie	(Baroness) FCO Parliamentary Under Secretary of State, 2001-2003 International Development Secretary, May-October 2003
Ancram, Michael	Deputy Leader of the Opposition and Shadow Foreign Secretary, September 2001-May 2005
Anderson, Donald	Chairman, House of Commons Foreign Affairs Committee, July 1997-July 2005
Anderson, Michael	DFID, Head, Middle East and North Africa Department, 2005-2008
Anderson, Roy	(Professor, Sir) MOD Chief Scientific Officer, October 2004-September 2007
Andrews, Ian	MOD, 2nd Permanent Under Secretary, 2002-March 2009
Annan, Kofi	UN Secretary-General, 1997-2006
Applegate, Richard	(Major General) MOD Capability Manager for Battlespace Manoeuvre
Arafat, Yasser	Chairman, Palestine Liberation Organisation, 1969-2004
Archer, Peter	(Lord Archer of Sandwell) Solicitor General, 1974-1979
Arias, Inocencio	Spanish Permanent Representative to the UN, 1997
Armitage, Richard	US Deputy Secretary of State, March 2001-February 2005
Armstrong, Hilary	Chief Whip, House of Commons, June 2001-May 2006
Arthur, Michael	FCO Director Economic, 2001-2003

Asquith, Dominic	Deputy Chief Commissioner in the CPA, Deputy Special Representative and Deputy Head of Mission, Iraq during 2004 FCO Director Iraq, 2004-2006 British Ambassador to Iraq, 2006-2007 Inquiry witness
Asselborn, Jean	Minister for Foreign and European Affairs, Luxembourg (Presidency of EU Troika)
Austin, Chris	DFID, Head, Iraq Policy and Reconstruction Team
Austin, Lloyd	(Lieutenant General) US Commander, Multi-National Corps – Iraq, 2008-2010
Aylwin-Foster, Nigel	(Brigadier) Commander, CMATT
Aziz	(Major General) Deputy Commander, 11th Iraqi Army Division
Aziz, Tariq	Iraqi Deputy Prime Minister, 1979-2003 Iraqi Foreign Minister, 1983-1991
Aznar, José María	Prime Minister of Spain, 1996-2004

B

Bach, William	(Lord) Parliamentary Under Secretary of State and MOD Minister for Defence Procurement, June 2001-May 2005 Ministry of Justice Parliamentary Under Secretary of State, October 2008-May 2010 Inquiry witness
Bagnall, Anthony	(Air Chief Marshal, Sir) Vice Chief of the Defence Staff, 2001-2005 Inquiry witness
Bahr al-Ulum, Ibrahim	Iraqi Minister of Oil, May-December 2005
Baird, Vera	Department of Constitutional Affairs Parliamentary Under Secretary of State, 2006-2007
Baker, Chris	MOD Director General Service Personnel Policy, 2006-2008
Baker, Frank	FCO, Head, Iraq Group, 2007-2010 Inquiry witness
Baker III, James A	US Secretary of State, January 1989-August 1992 President Bush's Personal Envoy on Iraqi Debt, and US Co-Chairman of the Iraq Study Group, 2003-2006
Balkenende, Jan Peter	Prime Minister of the Netherlands, July 2002-October 2010

Balls, Ed	Special Adviser to the Chancellor of the Exchequer, 1997-2003 Inquiry witness
Balmer, Colin	MOD Finance Director
Banerji, Arnab	Economic adviser to the Prime Minister
Banner, Nick	Private Secretary to the Prime Minister
Barker, John	Cabinet Office, Director, Corporate Development Group
Barroso, José Manuel Durão	Prime Minister of Portugal, April 2002-July 2004
Bartlett, Dan	President Bush's Communications Director, 2001-2005 Counsellor to President Bush, 2005-2007
Barton, Dick	(Assistant Chief Constable) UK Chief Police Adviser – Iraq, March 2006-March 2007 Inquiry witness
Barton, Philip	Private Secretary to the Prime Minister, 1997-2000
Barzani, Masoud	Leader of Kurdish Democratic Party since 1979
Barzani, Nechirvan	Prime Minister, Kurdish Regional Government, 2006-2009
Bassett, Philip	Special Adviser to Mr Blair
Baxter, Johnny	Deputy Head of DFID office Baghdad, August 2007 Head of DFID office Baghdad, October 2007-May 2008 Inquiry witness
Beadle, Nick	Coalition Senior Adviser to the Iraqi Ministry of Defence, 2004-2005
Bearpark, Andy	UN Deputy Special Representative in Kosovo, 2000-2003 CPA Director of Operations and Infrastructure, June 2003-July 2004 Inquiry witness
Beaver, Sarah	(Dr) PJHQ, Command Secretary, 2007-2008
Beckett, Margaret	Environment, Food and Rural Affairs Secretary, June 2001-May 2006 Foreign Secretary, May 2006-June 2007 Inquiry witness
Beith, Alan	Deputy Leader of the Liberal Democrats, April 1992-February 2003
Belinga-Eboutou, Martin	Cameroonian Permanent Representative to the UN, March 1998-December 2007
Bellinger III, John	US National Security Council Legal Adviser in 2003 US State Department Legal Adviser, April 2005-March 2009

Benn, Hilary	Minister for International Development, May-October 2003 International Development Secretary, October 2003-June 2007 Inquiry witness
Berger, Sandy	President Clinton's National Security Advisor, March 1997-January 2001
Berlusconi, Silvio	Prime Minister of Italy, 2001-2006 and 2008-2011
Berman, Frank	(Sir) FCO Legal Adviser, 1991-1999 Inquiry witness
Berragan, Gerald	(Major General) Deputy Commander (Operations), Multi-National Corps – Iraq, January-October 2007
Berrocal Soto, Fernando	Costa Rican Permanent Representative to the UN, 1994-1998
Bethlehem, Daniel	FCO Legal Adviser, May 2006-May 2011 Inquiry witness
Bewes, Anna	Principal Private Secretary to the International Development Secretary, August 2001-August 2003
Biddle, Stephen	(Dr) Academic and journalist
Biden, Joe	(Senator) Chair of the Senate Foreign Relations Committee, 2001-2003 and 2007-2009
Bill, Ian	Chairman and CEO, Foster Wheeler Energy Ltd, July 1998-2004
Bin Laden, Usama	2nd General Emir of Al Qaida, 1989-May 2011
Binns, Graham	(Brigadier) Commander, 7 Armoured Brigade, 2001-2003 (Major General) General Officer Commanding Multi-National Division (South-East), August 2007- February 2008 Inquiry witness
Blackshaw, Alison	Alastair Campbell's Senior Assistant
Blackwill, Bob	(Ambassador) US National Security Council Deputy for Iraq, 2003-2004
Blake, Nicholas	Queen's Counsel, Deepcut Review, 2004-2006
Blix, Hans	(Dr) Director General, International Atomic Energy Agency, 1981-1997 Executive Chairman of United Nations Monitoring, Verification and Inspection Commission, March 2000-June 2003 Inquiry witness
Blunkett, David	Home Secretary, June 2001-December 2004

Boateng, Paul	Chief Secretary to the Treasury, May 2002-May 2005 (Lord) Inquiry witness
Bolton, John	US Under Secretary of State for Arms Control and International Security, May 2001-July 2005 (Ambassador) US Permanent Representative to the UN, August 2005-December 2006
Boulani, Jawad	Iraqi Minister of the Interior, June 2006-December 2010
Bourne, John	Head, Dhi Qar Governorate Team
Boutros-Ghali, Boutros	UN Secretary-General, January 1992-December 1996
Bowden, Jamie	Deputy Head of Mission, British Embassy Baghdad, September 2004-February 2005 Inquiry witness
Bowen, Desmond	MOD Director General Operational Policy, 2001-2002 Deputy Head, Cabinet Office Overseas and Defence Secretariat, September 2002-October 2004 MOD Policy Director, November 2004-October 2008 Inquiry witness
Bowen, Stuart	US Special Inspector General for Iraq Reconstruction, October 2004-October 2013
Bowler, James	Principal Private Secretary to the Prime Minister, 2010-December 2011
Bowman, Mark	Private Secretary to the Chancellor of the Exchequer, 2001-2004
Boyce, Michael	(Admiral, Sir) Chief of the Defence Staff, February 2001-May 2003 (Lord) Inquiry witness
Boylan, Steven	(Colonel) General Petraeus' spokesman, February 2007-September 2008
Bradshaw, Adrian	(Major General) Commander, 7 Armoured Brigade, March 2003-2006 Inquiry witness
Bradshaw, Ben	FCO Parliamentary Under Secretary of State, June 2001-May 2002
Brahimi, Lakhdar	Special Representative of the UN Secretary-General for Afghanistan and Head of the UN Assistance Mission in Afghanistan, October 2001-December 2004 UN Special Adviser on Iraq, January-June 2004
Brand, Douglas	(Deputy Chief Constable) UK Senior Policing Representative in Baghdad, July 2003-September 2004 Inquiry witness
Bremer III, L Paul (Jerry)	(Ambassador) Administrator, CPA, May 2003-June 2004

Brenton, Tony	Deputy Head of Mission, British Embassy Washington, 2001-2004 Chargé d'Affaires, British Embassy Washington Inquiry witness
Brewer, Nicola	(Dr) DFID Director General Regional Programmes, 2002-2004 Inquiry witness
Brims, Robin	(Major General) UK Land Contingent Commander and General Officer Commanding 1st Armoured Division, 2000-2003 Deputy Chief of Joint Operations, 2003-2005 (Lieutenant General) Senior British Military Representative – Iraq, April-October 2005 Inquiry witness
Brind, Bridget	FCO, Deputy Head, Iraq Planning Unit
Bristow, Laurie	(Dr) FCO, Deputy Director, Iraq Planning Unit, 2003
Brookes, Diana	FCO, Legal Counsellor, 1999-2010
Brown, Chris	(Lieutenant General) Senior British Military Representative – Iraq, March-July 2009
Brown, Donal	DFID Deputy Director Iraq, 2008-2009
Brown, Gordon	Chancellor of the Exchequer, May 1997-June 2007 Prime Minister, June 2007-May 2010 Inquiry witness
Brown, Stephen	(Sir) Chief Executive, UK Trade and Investment, 2002-2005
Browne, Des	Chief Secretary to the Treasury, May 2005-May 2006 Defence Secretary, May 2006-October 2008 (Lord Browne of Ladyton) Inquiry witness
Browne, John	(Lord Browne of Madingley) Chairman, BP, 1998-2007
Brummell, David	Legal Secretary to the Law Officers, August 2000-November 2004 Inquiry witness
Buallay, Jassim Mohammed	Bahraini Permanent Representative to the UN, 2001-2009
Buck, John	Head of UK Communications and Information Centre, February-May 2003 CPA Interim Director Strategic Communication, May-July 2003 FCO, Director, Iraq, September 2003-July 2004 Inquiry witness

Burleigh, Peter	US Deputy Representative to the UN, August 1997-December 1999
Burnham, Andy	Chief Secretary to the Treasury, June 2007-January 2008
Burns, William	US State Department Assistant Secretary Near East, June 2001-March 2005
Burridge, Brian	(Air Marshal) UK National Contingent Commander, October 2002-May 2003 (Air Chief Marshal, Sir) Inquiry witness
Bush, George HW	41st President of the US, 1989-1993
Bush, George W	43rd President of the US, 2001-2009
Butler, Creon	FCO Chief Economist, 2004-2006
Butler, Richard	Executive Chairman of the UN Special Commission, 1997-1999
Butler, Robin	(Sir) Cabinet Secretary, 1988-1998 (Lord Butler of Brockwell) Chair, Butler Review, February-July 2004

C

Cambone, Stephen	US Under Secretary of Defense and Intelligence, 2003-2007
Cameron, Lindy	Deputy Head, DFID office, Baghdad, January-November 2004 Head, DFID office, Baghdad, 2004-November 2005 Inquiry witness
Campbell, Alastair	Mr Blair's Director of Communications and Strategy, 2000-2003 Inquiry witness
Campbell, Menzies	Liberal Democrat Foreign Affairs Spokesperson, May 1992-January 2006
Cannon, Nicholas	Mr Blair's Assistant Private Secretary for Foreign Affairs, February 2003-April 2004
Caplin, Ivor	MOD Parliamentary Under Secretary of State, June 2003-May 2005
Card, Andy	President Bush's Chief of Staff, January 2001-April 2006
Casey, George	(Lieutenant General) US Director of the Joint Staff, January-October 2003 (General) Commander, Multi-National Force – Iraq, June 2004-February 2007
Casey, Nigel	FCO Acting Director for Iraq Head, Iraq Planning Unit, 2006-2007
Cash, William	Shadow Attorney General

Casteel, Steve	US Senior Advisor to Interior Ministry, October 2003-July 2005
Catsaras, Nick	Private Secretary to the Prime Minister
Cavanagh, Matt	Special Adviser to Mr Brown, 2007-2010
Chakrabarti, Suma	DFID Permanent Secretary, February 2002-December 2007 (Sir) Inquiry witness
Chalabi, Ahmed	(Dr) Member of the Iraqi National Congress, 1992-2005 Deputy Prime Minister of Iraq, May 2005-2006
Chaplin, Edward	FCO, Director Middle East and North Africa, 2002-2004 British Ambassador to Iraq, July 2004-May 2005 Inquiry witness
Charlton, Alan	FCO, Director Personnel, 2001-2004 Deputy Head of Mission, British Embassy Washington, 2004-2007
Chatterton Dickson, Robert	FCO, Head, Iraq Security Sector Unit, 2000-October 2003
Cheadle, Richard	(Rear Admiral) Chief of Staff Naval Home Command, September 2002-December 2003 Controller of the Navy, December 2003-April 2006
Cheney, Dick	Vice President of the US, 2001-2009
Chiarelli, Peter	(General) Commander, Multi-National Corps – Iraq, August 2008-January 2012
Chikoti, Georges	Angolan Deputy Minister for Foreign Affairs, November 2010-present
Chilcott, Dominick	FCO Middle East Department, September 2002-2003 FCO, Head Iraq Planning Unit, January-June 2003 Inquiry witness
Chirac, Jacques	President of France, 1995-2007
Cholerton, Simon	(Dr) MOD, Assistant Director Secretariat (Overseas), 2001-2002 MOD, Acting Head, Iraq Secretariat, April 2004-December 2005
Clarke, Charles	Home Secretary, December 2004-May 2006 Minister without Portfolio and Party Chair, 2001-2002
Clarke, Michael	(Professor) King's College London, Founding Director, International Policy Institute, 2001-2005 Head, School of Social Science and Public Policy, 2004-2005 Director General, Royal United Services Institute, 2007-2015

Clarke, Wesley	(General) Supreme Allied Commander Europe, 1997-2000
Cleveland, Robin	Associate Director, White House Office of Management and Budget, January 2001-June 2005
Clinton, Bill	42nd President of the US, 1993-2001
Clwyd, Ann	Chair, INDICT, 1997-2003 and Vice Chair, Parliamentary Labour Party, 2001-2005 Prime Minister's Special Envoy to Iraq on Human Rights, May 2003-May 2010 Inquiry witness
Colbourne, Michael	(Acting Assistant Chief Constable) UK Chief Police Adviser, March 2007-April 2008 Inquiry witness
Collecott, Peter	FCO, Director General, Corporate Affairs, 2001-2003
Collis, Simon	British Consul General in Basra, 2004-2005 Inquiry witness
Colman, Tony	Chair, All-Party Parliamentary Group on the United Nations
Conway, Jim	(Lieutenant General) Commander, 1st Marine Expeditionary Force, 2002-2004
Cook, Robin	Foreign Secretary, May 1997-June 2001 Leader of the House of Commons, June 2001-March 2003
Cooper, Geoffrey	Senior Police Adviser in Basra, March 2008-April 2009 Inquiry witness
Cooper, John	(Major General) General Officer Commanding Multi-National Division (South-East), December 2005-July 2006 (Lieutenant General) Senior British Military Representative – Iraq, March 2008-March 2009 Inquiry witness
Cooper, Robert	Head, Overseas and Defence Secretariat, Cabinet Office, 1999-2002
Cornish, Roger	(Dr) MOD, Deputy Director, Iraq
Costello, Barry	(Rear Admiral) Coalition Maritime Component Commander
Cowlam, Shaun	(Brigadier) Commander, Joint Force Logistics Command Commander, 102 Logistics Brigade, December 2000-May 2003
Cowper-Coles, Sherard	Principal Private Secretary to the Foreign Secretary, 1999-2001 British Ambassador to Israel, 2001-2003
Cragg, Tony	Deputy Chief of Defence Intelligence, 1999-2003 Inquiry witness
Crisp, Nigel	(Sir) DoH Permanent Secretary, 2000-2006

Crocker, Ryan	US Ambassador to Iraq, March 2007-February 2009
Crompton, Neil	FCO, Head, Iraq Planning Unit FCO, Head, Iraq Policy Unit
Cross, Tim	(Major General) Office of Reconstruction and Humanitarian Assistance, 2002-2003 Inquiry witness
Crouch II, Jack Dyer	US Assistant Secretary of Defense (International Security Policy), August 2001-October 2003
Cullen, William	(Lord Cullen of Whitekirk) Chair, Review of Fatal Accident Inquiries, 2008-2009
Cunliffe, Jonathan	Treasury Managing Director Macroeconomic Policy, 2002-2007 (Sir) Inquiry witness
Cunningham, James	(Ambassador) US Deputy Representative to the UN, December 1999-July 2004
Curtis, Richard	(Sir) Assistant Deputy Coroner for Oxfordshire, 2005-2006

D

Dahlgren, Hans	Swedish Permanent Representative to the UN, 1997-2000
Dalton, Richard	(Sir) British Ambassador to Iran, 2002-2006 Inquiry witness
Dandeker, Christopher	Professor of Military Sociology, King's College London, and Co-Director of the King's Centre for Military Health Research
Dannatt, Richard	(Major General) Assistant Chief of the General Staff, 2001-2002 (Lieutenant General) Commander, Allied Rapid Reaction Corps, 2003-2004 (Lieutenant General, Sir) Commander in Chief, Land Command, March 2005-August 2006 (General, Sir) Chief of the General Staff, August 2006-August 2009 Inquiry witness
Dardagan, Hamit	Co-founder of Iraq Body Count
Darling, Alistair	Chancellor of the Exchequer, June 2007-May 2010
Davies, Gareth	Senior Prisons Adviser to CPA(South)
Davies, Patrick	Private Secretary to the Foreign Secretary, 2000-2003
Davies, Peter	Private Secretary to the Defence Secretary
Davies, Robert	Chief Police Adviser to the Iraqi Ministry of the Interior
Davis, Liz	DFID Human Resources Director

Day, Jon	Chief of the Assessments Staff, Cabinet Office, 2000-2001 MOD Director General Operational Policy, August 2007-October 2008 MOD Director General Security Policy, 2008-2009 Inquiry witness
Dayton, Keith	(Major General) US Military Commander, Iraq Survey Group
de La Sablière, Jean-Marc	French Permanent Representative to the UN, 2002-2007
de Villepin, Dominque	French Minister for Foreign Affairs, May 2002-March 2004
Dearlove, Richard	(Sir) Chief of the Secret Intelligence Service, August 1999-May 2004 Inquiry witness
Dejammet, Alain	French Permanent Representative to the UN, 1995-1999
Delves, Cedric	(Lieutenant General) Senior UK Liaison Officer at US Central Command, January-April 2002
Dempsey, Martin	(General) Commanding General, Multi-National Security Transition Command – Iraq, August 2005-August 2007
Derbez, Luis	Mexican Minister for Foreign Affairs, January 2003-November 2006
Deverell, John	(Brigadier) Deputy Commander, Iraq Survey Group
Dingemans, James	Counsel for the Hutton Inquiry
Dinham, Martin	DFID Director Europe, Middle East and the Americas, 2005-June 2007 DFID Director General International, April 2008-2010 Inquiry witness
Dodd, Tom	Overseas and Defence Secretariat, Cabinet Office, 2001-2004 Deputy British Consul General in Basra, 2004 Inquiry witness
Dodds, John	Treasury, Head, Defence, Diplomacy and Intelligence Team, October 2002-March 2006 Inquiry witness
Dodge, Toby	(Dr) Reader in International Relations at the London School of Economics and a Senior Consulting Fellow for the Middle East at the International Institute of Strategic Studies
Dowse, Tim	FCO, Head, Non-Proliferation Department, January 2001-November 2003 Director, Chief of the Assessments Staff, Cabinet Office, November 2003-2009 Inquiry witness

Drayson, Paul	(Lord) MOD Parliamentary Under Secretary of State and Minister for Defence Procurement, May 2005-March 2007 Minister of State for Defence Equipment and Support, March-June 2007 Inquiry witness
Drew, Philippa	FCO, Director, Global Issues, 2002-2006
Drummond, Jim	Assistant Head, Overseas and Defence Secretariat (Foreign Affairs), Cabinet Office, 2000-2003 DFID Director, Iraq, 2003-2004 Inquiry witness
Duclos, Michel	French Deputy Permanent Representative to the UN, 2002-2006
Duelfer, Charles	Deputy Executive Chairman of UN Special Commission, 1993-2000 Head, Iraq Survey Group, January 2004-April 2005
Duncan Smith, Iain	Leader of the Conservative Party and official Opposition, September 2001-November 2003
Dutton, James	(Brigadier) Chief of the Defence Staff's Liaison Officer to the Chairman of the US Joint Chiefs of Staff at the Pentagon, March 2002-July 2002 Commander, 3 Commando Brigade, July 2002-May 2004 (Major General) General Officer Commanding Multi-National Division (South-East), June-December 2005 Deputy Chief of Joint Operations, February 2007-October 2008 (Lieutenant General, Sir) Inquiry witness

E

Eaton, Paul	(Major General) US Head, Coalition Military Assistance Training Team
Eberly, Don	US political writer and researcher
Edelman, Eric	(Ambassador) US Under Secretary of Defense, August 2005-January 2009
Edson, Gary	US Deputy Assistant to the President for International Economic Affairs, January 2001-June 2005
Eduardo Dos Santos, José	President of Angola, September 1979-present
Ehrman, William	FCO, Director, International Security, 2000-October 2002 FCO, Director General, Defence and Intelligence, 2002-2004 Chairman, Joint Intelligence Committee, August 2004-2005 (Sir) Inquiry witness

Eikenberry, Karl	(Major General) US Leader, Iraq Security Force Assessment Team, November 2003-February 2004 US Security Co-ordinator and Chief of the Office of Military Co-operation in Afghanistan, September 2002-September 2003
Ekéus, Rolf	Executive Chairman, UN Special Commission, 1991-1997 Inquiry witness
Elaraby, Nabil	Egyptian Permanent Representative to the UN, May 1991-May 1995
ElBaradei, Mohamed	(Dr) Director General, International Atomic Energy Agency, 1997-2009
England, Gordon	US Deputy Defense Secretary, January 2006-February 2009
Erdoğan, Recep Tayyip	Chairman, Justice and Development Party, 2001-2014 Prime Minister of Turkey, March 2003-August 2014
Errera, Gérard	French Ambassador to the UK, 2002-2007
Etherington, Mark	Head, Wasit Governorate Team Head, Basra PRT, April 2006-January 2007 Inquiry witness
Everard, James	(Brigadier) Commander, 20th Armoured Brigade, 2005-2007

F

Falconer, Charles	(Lord Falconer of Thoroton) Solicitor General, May 1997-July 1998 Constitutional Affairs Secretary and Lord Chancellor, June 2003-May 2007
Fall, François Lonseny	Guinean Permanent Representative to the UN, 2000-2002 President of the Security Council, March 2003
Farish III, William S	US Ambassador to the UK, 2001-2004
Farquhar, Andrew	(Lieutenant General) British Deputy Commanding General of Operations, Multi-National Corps – Iraq, September 2004-February 2005
Faulkner, Gregory	British Ambassador to Chile, 2000-2003
Feith, Douglas	US Under Secretary of Defense for Policy, July 2001-August 2005
Félix-Paganon, Jean	UN Director in the French Foreign Ministry, 1999-2003
Ferguson, Edward	Private Secretary to the Defence Secretary, September 2007-November 2009

Fergusson, George	Assistant Head, Overseas and Defence Secretariat, Cabinet Office, 2004-2006
Fernie, Alistair	DFID, Head, Middle East and North Africa Department, July 2002-February 2005
Ferrero Waldner, Benita	EU External Affairs Commissioner, 2004-2009
Figgures, Andrew	(Major General) Senior British Military Representative – Iraq, September 2003-April 2004 (Lieutenant General) Deputy Chief of the Defence Staff (Equipment Capability), June 2006-May 2009 Inquiry witness
Fischer, Joschka	German Vice Chancellor and Minister for Foreign Affairs, October 1998-November 2005
Flaherty, Paul	PJHQ, Head of Civilian Secretariat
Flanagan, Ronnie	(Sir) Her Majesty's Chief Inspector of Constabulary, 2005-2009 Inquiry witness
Fleischer, Ari	President Bush's Press Secretary, January 2001-July 2003
Fleischhauer, Carl-August	(Dr) UN Legal Counsel, 1983-1994
Fletcher, Ian	CPA Oil Team Policy Expert
Fletcher, Tom	Private Secretary for Foreign and European Affairs, 2007-2010
Foley, Tom	CPA Director for Private Sector Development
Forber, Ian	MOD, Head, Iraq Policy Team
Fox, Liam	(Dr) Shadow Secretary of State for Defence, December 2005-May 2010
Fox, Paul	FCO, Head, Iraq Policy Unit, 2005-2006
Fox, Vicente	President of Mexico, December 2000-November 2006
Foy, Tim	Head, DFID Office, Baghdad, August 2005-August 2006 Head, Basra PRT, from January 2007 Inquiry witness
Fradley, Stephen	British Senior Prison Adviser
Franks, Tommy	(General) Commander in Chief US Central Command (CENTCOM), 2000-2003
Fraser, Simon	FCO, Director, Strategy and Innovation (Sir) FCO Permanent Under Secretary, August 2010-July 2015
Fréchette, Louise	UN Deputy Secretary-General, April 1997-April 2006
Free, Julian	(Brigadier) Commander, 4th Mechanised Brigade, and Deputy Commander Operations, April 2007-2009

French, Joe	(Air Marshal, Sir) Chief of Defence Intelligence, 2000-2003 (Air Chief Marshal) Inquiry witness
Friedman, Thomas L	*New York Times* columnist
Fry, Robert	(Major General) Deputy Chief of Joint Operations (Operations), May 2002-2003 (Lieutenant General) Deputy Chief of the Defence Staff (Commitments), July 2003-March 2006 Senior British Military Representative – Iraq, March 2006-September 2006 (Lieutenant General, Sir) Inquiry witness
Fulton, Robert	(Lieutenant General, Sir) Deputy Chief of the Defence Staff (Equipment Capability), June 2003-June 2006 Inquiry witness

G

Gantley, Guy	FCO Middle East/North Africa Economic Adviser
Gardiner, Nicholas	Coroner for Oxfordshire, August 1981-April 2012
Garner, Jay	(Lieutenant General) US Head, Office of Reconstruction and Humanitarian Assistance, April-May 2003
Gasper Martins, Ismael	Angolan Permanent Representative to the UN, May 2001-present
Gass, Simon	FCO, Director, Resources, 2001-2004
Gates, Robert	(Dr) US Defense Secretary, December 2006-July 2007
Gatilov, Gennadi	Russian Deputy Permanent Representative to the UN, 1999-2004
Gell, David	(Major) British Army Spokesman
George, Bruce	Chairman, House of Commons Defence Committee, May 1979-July 2005
Ghadban, Thamir	Iraqi Minister of Oil, April-September 2003 and June 2004-May 2005
Gibson, Ian	PJHQ, Deputy Command Secretary
Gibson, Robert	(Dr) Deputy Head of Mission, British Embassy Baghdad
Gieve, John	(Sir) Home Office Permanent Secretary, 2001-2005
Gilchrist, Peter	(Major General) Master General of the Ordnance, 2000-2004
Gillespie, Michael	Head, Public Order and Police Co-operation Unit
Gilligan, Andrew	*BBC* journalist
Gnehm, Edward	US Deputy Permanent Representative to the UN, 1994-1997

Goldsmith, Peter	(Lord) Attorney General, June 2001-June 2007 Inquiry witness
Gomersall, Stephen	UK Ambassador and Deputy Permanent Representative to the UN, 1994-1998
Gonzales, Alberto	Counsel to President Bush, January 2001-February 2005
Gooderham, Peter	Political Counsellor, British Embassy Washington, 1999-2003
Gordon, Nick	(Air Commodore) MOD, Director of Equipment Capability, ISTAR, September 2006-July 2009
Goulty, Alan	FCO, Director Middle East and North Africa, 2000-2002
Gourdault-Montagne, Maurice	President Chirac's Diplomatic Adviser, 2002-2007 French Ambassador to the UK, 2007-2011
Grainger, John	FCO, Legal Counsellor, Middle East Department, 2001-2003
Grannatt, Mike	Cabinet Office, Head, Government Information and Communication Service, 1998-2001
Granville-Chapman, Timothy	(General, Sir) Commander in Chief Land Command, 2003-2005 Vice Chief of the Defence Staff, 2005-2009
Gray, Charles	FCO, Head, Middle East Department, 2002-2004
Green, Jenny	Chair, War Widows Association
Greenall, Gilbert	(Dr) DFID-funded consultant in Iraq
Greenstock, Jeremy	(Sir) UK Permanent Representative to the UN, 1998-July 2003 Prime Minister's Special Representative on Iraq, September 2003-March 2004 Inquiry witness
Greenwood, Christopher	Professor of International Law, London School of Economics
Grossman, Marc	US Under Secretary of State for Political Affairs, March 2001-February 2005
Gül, Abdullah	Prime Minister of Turkey, November 2002-March 2003
Guthrie, Charles	(General, Sir) Chief of the Defence Staff, 1997-2001

H

Haass, Richard	US State Department Director of Policy Planning, February 2001-June 2003
Habib, Husseini	(Major General) Commander of Iraqi Army 10th Division
Haddon-Cave, Charles	Author of the Nimrod Review in 2009

Hadley, Stephen	US Deputy National Security Advisor, 2001-2005 US National Security Advisor, 2005-2009
Hafez, Mehdi	Iraqi Minister of Planning and Development Co-ordination
Hague, William	Foreign Secretary, May 2010-July 2014
Hamadi, Ali	(Major General) President of the Basra Security Committee
Hamadi, Mohammed	(Brigadier) Provincial Director of Police
Hamdoon, Nizar	Iraqi Permanent Representative to the UN, 1992-1998
Hamill, Paul	No.10 Communications and Information Centre
Hamilton, Lee	US Co-Chairman, Iraq Study Group
Hamilton-Eddy, Jane	Deputy Head of the Assessments Staff, Cabinet Office, July 2004
Hammoudi, Hummam	(Sheikh) Chair, Constitutional Committee
Hamoud, Mohammed	Iraqi Deputy Foreign Minister
Harman, Harriet	Solicitor General, June 2001-May 2005 DCA, Minister of State, May 2005-May 2007
Harradence, Fergus	Head, UK Trade and Industry, Gulf Unit
Harvey, Paul	Head, Kirkuk Governorate Team
Hashemi, Tariq	Iraqi Vice President, April 2006-September 2012
Haslert, Dennis	Speaker of the US House of Representatives, January 1999-January 2007
Hasmy Agan, Tan Sri	Malaysian Permanent Representative to the UN, 1998-2003
Hatfield, Richard	MOD Personnel Director
Hattab, Karim Mahmood	(Prince) Brother of the Governor of Maysan province
Hawley, Alan	(Brigadier) Commander, Medical, Joint Force Logistic Command
Hawramy, Ashtree	(Dr) Minister of Natural Resources, Kurdish Regional Government
Hayes, Peter	Principal Private Secretary to the Foreign Secretary, 2005-2007
Haynes, William	US Department of Defense General Counsel, 2001-2008
Haysom, Nicholas	Head, UN Office of Constitutional Support, 2005-2007
Haywood, Nigel	British Consul General in Basra, April 2008-2009 Inquiry witness
Heath, Mike	(Air Commodore) Director, Directorate Targeting and Information Operations, 2002-2003 (Air Vice Marshal) Senior British Military Adviser to US Central Command, 2003-2005

Heatly, Charles	No.10 Press Officer Adviser to Prime Minister Allawi
Hemmings, Martin	MOD Legal Adviser, 1998-2009
Henderson, Bill	Director, Trade Partners UK, International Group 1
Hendrie, Barbara	DFID Deputy Director Iraq
Hetherington, Mark	FCO Research Analyst
Hewitt, Patricia	Trade and Industry Secretary, June 2001-May 2005
Heywood, Jeremy	Principal Private Secretary to the Prime Minister, June 1999-July 2003 and January 2008-May 2010 (Sir) Cabinet Secretary, January 2012 to present
Hill, Christopher	US Ambassador to Iraq, 2009-2010
Hill, David	Mr Blair's Director of Communications and Strategy, August 2003
Hirst, Neil	DTI Head of Energy Markets Unit
Hogger, Henry	Head, Basra Governorate Team
Holmes, John	(Sir) British Ambassador to France, 2001-2006 Inquiry witness
Hood, Gavin	Legal Adviser, British Embassy Baghdad
Hoon, Geoff	Defence Secretary, October 1999-May 2005 Inquiry witness
Horne, Nick	UK consultant working in the CPA
Houghton, Nicholas	(Major General) Assistant Chief of the Defence Staff (Operations), May 2004-October 2005 (Lieutenant General) Senior British Military Representative – Iraq, October 2005-March 2006 Chief of Joint Operations, 2006-2009 (General, Sir) Inquiry witness
Howard, John	Prime Minister of Australia, 1996-2007
Howard, Martin	MOD, Director, Corporate Communications, July 2001-2003 Deputy Chief of Defence Intelligence, February 2003-May 2004 MOD, Director General, Operational Policy, May 2004-August 2007 Inquiry witness
Howard, Michael	Leader of the Conservative Party and official Opposition, 2003-2005
Howell, David	(Lord Howell of Guildford) Shadow Minister Foreign and Commonwealth Affairs, July 2000-May 2009
Howells, Kim	(Dr) FCO Minister for the Middle East, May 2005-October 2008

Hum, Christopher	(Sir) British Ambassador to China, 2002-2006
Humble, Joan	Chair, Party Group on Army Deaths
Hurd, Douglas	Foreign Secretary,1989-1995
Hurley, Kevin	(Assistant Chief Constable) Chief Police Adviser in Basra, June-December 2004 Inquiry witness
Hussein, Ahmed	Iraqi Minister for Foreign Affairs, 1991-1993
Hussein, Qusay	Son of Saddam Hussein
Hussein, Saddam	President of Iraq, July 1979-April 2003
Hussein, Uday	Son of Saddam Hussein
Hutton, John	Defence Secretary, October 2008-June 2009 Inquiry witness
Hutton, Roger	(Dr) MOD, Director, Joint Commitments Policy 2003-2006

I

Ingram, Adam	Minister for the Armed Forces, June 2001-June 2007 Inquiry witness
Innes, Stuart	British Consul General in Basra, 2005
Irvine, Derry	(Lord Irvine of Lairg) Lord Chancellor, May 1997-June 2003
Irwin, Alistair	(Lieutenant General) Adjutant General, 2003-2005 Inquiry witness
Ivanov, Igor	Russian Foreign Minister, 1998-2004
Ivanov, Sergei	Russian Defence Minister, March 2001-February 2007

J

Jabar, Faleh	(Dr) Research Fellow, Birkbeck College, London
Jabr, Bayan	Iraqi Minister of Interior, 2005-2006 Iraqi Finance Minister, 2006-2010
Jack, Stuart	FCO, Head, Iraq Operations Unit, 2003-2004 FCO Director Iraq
Jackson, Mike	(General, Sir) Commander in Chief Land Command, 2000-2003 Chief of the General Staff, February 2003-August 2006 Inquiry witness
Jacoby, Lowell E	(Vice Admiral) Director, US Defense Intelligence Agency, July 2002-November 2005
Jagne, Marmour A	Gambian Permanent Representative to the UN, July 2008-January 2014

Jalil Khalaff, Abdul	(Major General) Basra Chief of Police, 2007
Jay, Michael	(Sir) FCO Permanent Under Secretary, 2002-2006 (Lord Jay of Ewelme) Inquiry witness
Jeffrey, Bill	(Sir) MOD Permanent Under Secretary, September 2005-2010 Inquiry witness
Jenkin, Bernard	Shadow Secretary of State for Defence, September 2001-November 2003
Jenkins, Ian	(Vice Admiral) Surgeon General, 2002-2006
Jenkins, John	(Dr) FCO, Director Middle East and North Africa, 2007-2009 Inquiry witness
Jenness, Craig	International Commissioner, Independent Electoral Commission, Iraq, 2005
Joffe, George	(Professor) Department of Politics and International Studies, Cambridge University
Johnson, Alan	Health Secretary, June 2007-June 2009
Johnson, David	MOD, Head, Iraq Secretariat, September 2002-July 2004
Johnson, David	Deputy Chief of Mission, US Embassy in London 2003-2007
Johnson, Neil	(Professor) Department of Physics, Oxford University
Johnston, Paul	FCO, Head, Security Policy Department, 2002-2004
Jones, Brian	(Dr) DIS, Branch Head, Nuclear, Biological and Chemical Section in the Scientific and Technical Directorate, 1987-January 2003
Jones, Elizabeth	US Assistant Secretary for European and Eurasian Affairs, 2001-2005
Jones, Richard	British Consul General in Basra, 2007-2008 Inquiry witness
Jones Parry, Emyr	(Sir) UK Permanent Representative to the UN, 2003-2007
Jowell, Tessa	Culture, Media and Sport Secretary, June 2001-June 2007

K

Kadhum, Fadel Jamal	(Dr) Legal Adviser to Prime Minister Allawi, June 2004-August 2013
Kamil, Hussein	(Lieutenant General) Saddam Hussein's son-in-law, former Minister of Industry and Head of Iraq's Military Industrial Commission
Kane, Angela	Assistant UN Secretary-General for Political Affairs, 1999-2003

Karzai, Hamid	President of Afghanistan, December 2004-September 2014
Kay, David	(Dr) Leader of the International Atomic Energy Agency inspection team, September 1991 Chief Weapons Inspector, International Atomic Energy Agency, 1991-1992 Head, Iraq Survey Group, 2003-January 2004
Keane, Jack	(General) Vice Chief of the US Army, 1999-2003
Keeble, Sally	DFID Parliamentary Under Secretary of State, May 2002-June 2003 Inquiry witness
Kellenberger, Jakob	President of the International Committee of the Red Cross, 2000-2011
Kelly, David	(Dr) MOD Special Adviser, Counter Proliferation Arms Control
Kelly, Ruth	Communities and Local Government Secretary, May 2006-June 2007
Kelly, Tom	Official Spokesman for the Prime Minister, 2001-2007
Kennedy, Charles	Leader of the Liberal Democrats, August 1999-January 2006
Kennedy, Jane	Minister of State, Northern Ireland Office, 2001-2004
Kerik, Bernard	CPA Senior Adviser to the Ministry of Interior, 2003
Kernaghan, Paul	(Chief Constable) Lead on International Affairs for the Association of Chief Police Officers and Chief Constable of Hampshire, 2001-2008 Inquiry witness
Kerr, John	(Sir) FCO Permanent Under Secretary, 1997-2002
Khalilzad, Zalmay	National Security Council Senior Director and Ambassador at Large to the Iraqi Opposition US Ambassador at Large for Free Iraqis, 2003 US Ambassador to Afghanistan, November 2003-June 2005 US Ambassador to Iraq, June 2005-April 2007
Khamenei, Ali	Supreme Leader of Iran since 1999
Khan, Abdul Qadeer	Pakistani nuclear physicist
Khatami, Mohammad	President of Iran, August 1997-August 2005
Kilpatrick, Andrew	Treasury, Head, Country Economics and Policy Team, 2004
Ki-moon, Ban	UN Secretary-General, from January 2007
Kirkup, Bill	(Dr) DoH Regional Director of Public Health and lead on health in Iraq
Kissinger, Henry	(Dr) US Secretary of State, September 1973-January 1977

Kiszely, John	(Lieutenant General) Senior British Military Representative – Iraq, October 2004-April 2005 (Lieutenant General, Sir) Inquiry witness
Korski, Daniel	Senior Policy Fellow, European Council of Foreign Relations, 2008
Kunder, James	Acting Deputy Administrator, USAID, 2002-2004

L

Lake, Tony	US National Security Advisor, January 1993-March 1997
Lamb, Graeme	(Major General) General Officer Commanding Multi-National Division (South-East), July-December 2003 (Lieutenant General) Senior British Military Representative – Iraq, September 2006-July 2007 (Lieutenant General, Sir) Inquiry witness
Lamb, Patrick	FCO official, Non-Proliferation Department
Lamb, Robin	British Consul General in Basra, 2006
Lander, Stephen	(Sir) Director General MI5, 1996-2002
Landsman, David	FCO, Head, Counter-Proliferation Department, 2003-2009
Latif, Mohammed	(General) Commander, Fallujah Brigade, April 2004
Laurence, Tim	(Rear Admiral) Assistant Chief of Defence Staff (Resources and Plans), July 2004-March 2007
Laurie, Michael	(Major General) MOD, Director General Intelligence Collection, 2002-2003 Inquiry witness
Lavrov, Sergei	Russian Permanent Representative to the UN, September 1994-July 2004
Lee, Ian	MOD Director General Operational Policy, September 2002-May 2004 MOD Director General Media and Communications, 2004-2005 Inquiry witness
Leeming, Jennifer	Coroner for Greater Manchester (West), 2001-present
Leeson, Kevin	(Air Vice-Marshal) Assistant Chief of the Defence Staff (Logistics Operations), 2004-2007
Lester, Guy	MOD, Director Defence Resources and Plans
Lever, Paul	(Sir) British Ambassador to Germany, 1997-2003
Levitte, Jean-David	French Permanent Representative to the UN, 2000-2002 French Ambassador to the US, 2002-2007 President Sarkozy's Diplomatic Adviser, 2007-2012

Libby, Scooter	Vice President Cheney's Chief of Staff, 2001-2005
Lieberman, Joe	(Senator) Chair, Senate Homeland Security Committee, June 2001-January 2003
Likierman, Andrew	(Sir) Government's Chief Accounting Adviser
Lillywhite, Louis	(Lieutenant General) Surgeon General, 2006-2009 Inquiry witness
Link, Joan	FCO, Head, Conflict Issues Group
Llewellyn, Huw	FCO Legal Counsellor, 2003-August 2006
Lloyd, Liz	Mr Blair's adviser on Foreign Policy from 1997
Llwyd, Elfyn	Plaid Cymru shadow spokesperson for Defence and Foreign Affairs, June 2010-March 2015
Loader, Clive	(Air Chief Marshal) Assistant Chief of the Defence Staff (Operations), 2002-2004
Lowcock, Mark	DFID Director Finance and Corporate Performance, 2001-2003 DFID Director General Corporate Performance and Knowledge Sharing, 2003-2006 DFID Director General Policy and Programmes, 2006-2008 DFID Permanent Secretary, from June 2011 Inquiry witness
Lowson, Robert	DEFRA Director, Environmental Protection Strategy
Lucas, Helder	Angolan Deputy Permanent Representative to the UN
Luck, Gary	(General) sent to Iraq in 2005 to consider operational issues and report back to the Pentagon
Lugar, Richard	(Senator) Chair, Senate Committee on Foreign Relations, 2003-2006
Lusty, Gregor	DTI, Head, Iraq Unit
Lute, Doug	(General) President Bush's Advisor on Iraq, from May 2007
Lyall Grant, Mark	FCO, Director General Political, 2007-2009 (Sir) Inquiry witness
Lynch, Selena	Assistant Deputy Coroner for Oxfordshire, 2005-2014

M

MacAskill, Kenny	Cabinet Secretary for Justice, Scottish Executive, 2007-2014
McCauley, Lee	MOD Assistant Director, Defence Resources and Plans
McChrystal, Stanley	(General) Commander International Security Assistance Force, and Commander US Forces Afghanistan, June 2009-June 2010

McClement, Timothy	(Rear Admiral) Assistant Chief of the Naval Staff, 2001-2003
McColl, John	(Lieutenant General) Senior British Military Representative – Iraq, April-October 2004 (General Sir) Inquiry witness
McDonald, Simon	Principal Private Secretary to the Foreign Secretary, 2001-2003 FCO, Director, Iraq, July 2006-2007 Mr Brown's Foreign Policy Adviser and Head of the Cabinet Office Foreign and Defence Policy Secretariat, June 2007-2010 Inquiry witness
McFadden, Pat	Mr Blair's Deputy Chief of Staff, 2002
McInnes, Nick	Director, UK Trade and Investment, International Group
MacKay, Andrew	(Brigadier) Commander of CPATT
McKane, Tom	Principal Private Secretary to the Defence Secretary, 1997-1999 Deputy Head, Overseas and Defence Secretariat, Cabinet Office, 1999-September 2002 MOD Director General Resources and Plans Inquiry witness
McKiernan, David	(Lieutenant General) US Commander, Coalition Forces Land Component Command
MacKiggan, Keith	Head, Basra PRT Inquiry witness
McLaughlin, John	Deputy Director, Central Intelligence Agency, 2000-2004 Acting Director, Central Intelligence Agency, July 2004-September 2004
Macleod, Iain	Legal Counsellor, UK Permanent Mission to the UN in New York FCO Legal Counsellor Inquiry witness
McLoughlin, Elizabeth	MOD, Director General Service Personnel Policy
McMenamin, Joseph	(Brigadier General) Head, Iraq Survey Group
Macnaughton, Joan	DTI Director General, Energy, 2002-2005
Macpherson, Nicholas	Director General, Public Expenditure, 2001-2005 Treasury Permanent Secretary, 2005-2016 (Sir) Inquiry witness
MacShane, Denis	FCO Minister for Europe, April 2002-May 2005 Inquiry witness
Mahmoud, Abed Hamid	Secretary to Saddam Hussein

Mahugu, Njuguna	Kenyan Permanent Representative to the UN
Malik, Moazzam	DFID, Head, Iraq Humanitarian Response and Co-ordination Team
Mandelson, Peter	(Lord) Business, Innovation and Skills Secretary
Mann, Bruce	MOD Director General Financial Management, May 2001-February 2004 Inquiry witness
Manning, David	(Sir) Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat, 2001-2003 British Ambassador to the US, 2003-2007 Inquiry witness
Manningham-Buller, Eliza	Deputy Director General of the Security Service, to 2002 Director General of the Security Service, October 2002-April 2007 (Baroness) Inquiry witness
Mans, Mark	(Major General) Deputy Commanding General, Multi-National Force – Iraq, February-August 2005 (Lieutenant General) Deputy Adjutant General, 2005-2008 Inquiry witness
Mansoor, Peter	(Colonel) Executive Officer to General Petraeus
Marsden, Rosalind	(Dr) British Consul General in Basra, 2006-2007
Marshall-Andrews, Robert	Member of Parliament and Member of the Hutton Inquiry Committee
Mashhadani, Mahmoud	Speaker, Iraqi Council of Representatives, March 2006-December 2008
Masters, David	Coroner for Wiltshire and Swindon, 1993
Mates, Michael	Chair of the House of Commons Defence Select Committee, 1987-1992 Member of the House of Commons Liaison Committee, May 2004-April 2005
Mayall, Simon Vincent	(Major General) Deputy Commanding General, Multi-National Corps – Iraq
Mazen, Abu	Palestinian Prime Minister, March 2003-September 2003
Mbeki, Thabo	President of South Africa, June 1999-September 2008
Mehdi, Adel Abdul	Iraqi Vice President, April 2005-July 2011
Metcalfe, Julian	FCO, Head, Estate Strategy Unit
Metz, Thomas	(Lieutenant General) Commander, Multi-National Corps – Iraq

Meyer, Christopher	(Sir) British Ambassador to the US, 1997-February 2003 Inquiry witness
Miles, Oliver	British Ambassador to Libya, 1984 British Ambassador to Greece, 1993-1996
Miliband, David	Foreign Secretary, June 2007-May 2010 Inquiry witness
Miller, Carolyn	DFID Director Middle East and North Africa, 2001-2004 Inquiry witness
Miller, Frank	US National Security Council Senior Director for Defense Policy and Arms Control, January 2001-March 2005
Miller, Julian	Principal Private Secretary to the Defence Secretary, September 1999-September 2001 Chief of the Assessments Staff, Cabinet Office, September 2001-November 2003 Inquiry witness
Millett, Peter	FCO, Head, Security Strategy Unit
Milošević, Slobodan	President of the Federal Republic of Yugoslavia July 1997-October 2000
Miscik, Jami	Deputy Director of Intelligence, Central Intelligence Agency, 2002-2005
Mohammed, Jowad Hamedi	(General) Head, Basra Operations Command
Mohan	(General) Head, Basra Operations Command
Møller, Per Stig	Danish Foreign Minister, 2001-2010
Monteiro, Antonio	Portuguese Permanent Representative to the UN
Moonie, Lewis	(Dr) MOD Parliamentary Under Secretary of State Minister for Veterans' Affairs
Moore, Michael	Deputy Leader of the Scottish Liberal Democrats
Moore, William	(Brigadier) MOD Director, Equipment Capability (Ground Manoeuvre)
Morgan, Sally	(Baroness Morgan of Huyton) Director of Political and Government Relations to the Prime Minister, November 2001-2005 Inquiry witness
Moseley, Buzz	(Lieutenant General) US Air Component Commander
Mountain, Ross	UN Secretary-General's Acting Special Representative for Iraq, 2003
Moussa, Amre	Secretary General of the Arab League, June 2001-June 2011
Mubarak, Hosni	President of Egypt, October 1981-February 2011
Mukhlis, Hatim	Head, Iraqi National Movement

Mulgan, Geoff	Head of Policy in the Prime Minister's Office
Mullin, Chris	Chairman, Home Affairs Select Committee, 2001-2003
Murdoch, James	Director/CEO, BSkyB
Murdoch, Rupert	Chairman and CEO, News Corporation
Murphy-O'Connor, Cormac	(Cardinal) Archbishop of Westminster
Musharraf, Pervez	President of Pakistan, 2001-2008
Mutashar, Mohammed	Friend of the Mayor of Sadr City
Myers, Richard	(General) Vice-Chairman of the US Joint Chiefs of Staff, February 2000-October 2001 Chairman of the US Joint Chiefs of Staff, October 2001-September 2005

N

Nash, David	(Rear Admiral) CPA Director Iraq Program Management Office US State Department, Director Iraq Reconstruction Management Office
Natsios, Andrew	Administrator USAID
Naworynsky, Mike	(Wing Commander) Private Secretary to the Defence Secretary, 2002-2004
Negroponte, John	US Permanent Representative to the UN, 2001-2004 US Ambassador to Iraq, June 2004-2005 US National Director of Intelligence, April 2005-February 2007 US Deputy Secretary of State, February 2007-January 2009
Nixon, Patrick	British Ambassador in Abu Dhabi, 1998-2003 Head, CPA(South)
Noble, Andrew	FCO, Director, Security
Nye, William	Treasury, Head, Defence, Diplomacy and Intelligence Team

O

Oakden, Edward	FCO, Head, Security Policy Department FCO, Director, International Security
O'Brien, Mike	FCO Parliamentary Under Secretary of State, May 2002-June 2003
Ochmanek, David	Senior Defence Analyst, RAND Institute
Odierno, Raymond	(General) Commanding General III Corps and Commander Multi-National Corps – Iraq, December 2006-February 2008

O'Donnell, Gus	(Sir) Cabinet Secretary, 2005-2011 Inquiry witness
O'Donoghue, Kevin	(Lieutenant General) Deputy Chief of the Defence Staff (Health), 2002-2004 (General Sir) Chief of Defence Logistics, 2005-2007 Chief of Defence Materiel, 2007-2010 Inquiry witness
Olsen, Ole	Head, Office of Reconstruction and Humanitarian Affairs (South)/CPA(South), May 2003-July 2003
Omand, David	(Sir) Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, September 2002-April 2005 Inquiry witness
Orde, Hugh	(Sir) Chief Constable, Police Service of Northern Ireland, 2002-2009
O'Sullivan, Meghan	(Dr) US Deputy National Security Advisor for Iraq and Afghanistan, July 2004-September 2007
Owada, Hisashi	Japanese Permanent Representative to the UN
Owen, Kara	Private Secretary to the Foreign Secretary
Owen, Sue	DFID Director General, Corporate Performance, 2006-2009
Özkök, Hilmi	(General) Chief of the General Staff of the Turkish Armed Forces

P

Pahad, Aziz	South African Deputy Foreign Minister, 1994-2008
Palacio, Ana	Spanish Minister for Foreign Affairs, July 2002-April 2004
Palmer, Anthony	(Lieutenant General) Deputy Chief of the Defence Staff (Personnel), 2002-2005 Inquiry witness
Parham, Philip	Head, FCO Iraq Operations Unit
Patey, William	FCO, Head, Middle East Department, 1999-March 2002 British Ambassador to Iraq, June 2005-July 2006 (Sir) Inquiry witness
Pattison, Stephen	FCO, Head, United Nations Department, 2000-2003 FCO, Director, International Security Inquiry witness
Pawson, Tony	Deputy Chief of Defence Intelligence, September 2004-2007 MOD Director General Corporate Communications, 2003-September 2004

Paxman, Giles	Deputy Head of Mission at the British Embassy Paris
Peach, Stuart	(Air Marshal) Chief of Defence Intelligence, 2006-2009 (Air Marshal Sir) Chief of Joint Operations, 2009-2011
Pepper, David	(Sir) Director, Government Communications Headquarters, April 2003-July 2008 Inquiry witness
Perelli, Carina	Head, UN Electoral Affairs Division
Pérez de Cuellar, Javier	UN Secretary-General, January 1982-December 1991
Perle, Richard	Chairman, US Defense Advisory Board
Perricos, Dimitri	(Dr) Director of Planning and Operations, United Nations Monitoring, Verification and Inspection Commission
Persson, Göran	Prime Minister of Sweden, March 1996-October 2006
Petraeus, David	(Lieutenant General) Head, Multi-National Security Transitional Command – Iraq, 2004-2005 (General) Commanding General, Multi-National Force – Iraq 2007-2008
Phillipson, Antony	Counsellor (Trade and Transport), British Embassy Washington, 2002-2004 Mr Blair's Private Secretary for Foreign Affairs, 2004-2007
Pickford, Stephen	Treasury, Managing Director, International and Finance, 2007-2010 Inquiry witness
Pigott, Anthony	(Lieutenant General, Sir) Deputy Chief of the Defence Staff (Commitments), March 2000-July 2003 Inquiry witness
Pitt-Brooke, John	MOD Director General Civilian Personnel
Pledger, Malcolm	(Air Chief Marshal, Sir) Chief of Defence Logistics
Pleuger, Gunter	German Permanent Representative to the UN, 2002-2006
Plumbly, Derek	(Sir) British Ambassador to Saudi Arabia, 2000-2003
Pocock, David	(Air Marshal) Deputy Chief of the Defence Staff (Personnel), 2005-2007 Inquiry witness
Pollard, Stephen	MOD, Head, Overseas Secretariat
Pollin, Barry	(Chief Inspector) Senior Police Adviser in Multi-National Division (South-East)
Poortman, Chrik	Vice-President for the Middle East, World Bank, 2003-2006
Powell, Colin	US Secretary of State, January 2001-2004
Powell, Jonathan	Mr Blair's Chief of Staff, May 1997-June 2007 Inquiry witness

Prentice, Bridget	MOJ, Parliamentary Under Secretary of State, May 2007-May 2010
Prentice, Christopher	British Ambassador to Iraq, 2007-2009 Inquiry witness
Prescott, John	Deputy Leader of the Labour Party and Deputy Prime Minister, July 1994-June 2007 (Lord) Inquiry witness
Preston-Jones, Noel	(Commodore) MOD Director Service Personnel Policy
Primakov, Yevgeny	Russian Foreign Minister, January 1996-September 1998 Prime Minister of Russia, September 1998-May 1999
Prince, Eric	CEO, Blackwater
Prodi, Romano	President of the European Commission
Pruce, Daniel	No.10 Press Officer
Putin, Vladimir	President of Russia, May 2000-May 2008

Q

Qadir, Abdel	(Lieutenant General) Iraqi Minister of Defence
Qazi, Ashraf Jehangir	UN Special Representative for Iraq, 2004-2007
Qin, Huasun	Chinese Permanent Representative and Ambassador to the UN
Quarrey, David	Private Secretary to the Prime Minister, 2004-2006
Quinault, James	Treasury, Head, Defence, Diplomacy and Intelligence Team
Quinlan, Michael	MOD Permanent Under Secretary,1988-1992

R

Raffarin, Jean-Pierre	Prime Minister of France, May 2002-May 2005
Ralston, Joseph W	(General) US Commander, European Command
Ramadan, Taha	Vice President of Iraq, March 1991-April 2003
Rammell, Bill	FCO Parliamentary Under Secretary of State, October 2008-June 2009
Rana, Kipkorir Aly Azad	Kenyan Deputy Permanent Representative to the UN, 1997
Read, Phillip	Acting Chief Constable Inquiry witness
Reid, John	(Dr) Minister without Portfolio and Labour Party Chair, October 2002-April 2003 Leader of the House of Commons, April-June 2003 Defence Secretary, May 2005-May 2006 Inquiry witness

Reid, Kathleen	Head, DFID Office, Basra, August 2007-September 2008 Inquiry witness
Reith, John	(Lieutenant General) Chief of Joint Operations, August 2001-July 2004 (General, Sir) Inquiry witness
Rice, Condoleezza	(Dr) US National Security Advisor, 2001-2005 US Secretary of State, January 2005-January 2009
Richards, David	(Major General) Assistant Chief of the General Staff, 2002-2005
Richards, Francis	(Sir) Director, Government Communications Headquarters, 1998-2003
Richardson, Bill	US Permanent Representative to the UN, 2001-2004
Richmond, David	Prime Minister's Interim Special Representative on Iraq, 2003 Prime Minister's Deputy Special Representative on Iraq, 2003-2004 Prime Minister's Special Representative on Iraq, March 2004-June 2004 (Sir) FCO, Director General, Defence and Intelligence, 2004-2007 Inquiry witness
Ricketts, Peter	Chairman, Joint Intelligence Committee, September 2000-September 2001 FCO Political Director, 2001-2003 (Sir) UK Permanent Representative to NATO, 2003-2006 FCO Permanent Under Secretary, 2006-2010 Inquiry witness
Ridgway, Andrew	(Lieutenant General) Chief of Defence Intelligence, 2003-2006
Riley, Jonathon	(Major General) General Officer Commanding Multi-National Division (South-East), December 2004-June 2005 (Lieutenant General) Deputy Head, CMATT, May-December 2003 Inquiry witness
Robertson, George	Defence Secretary, 1997-1999 (Lord) Secretary General, NATO, 1999-2004
Robison, Garry	(Brigadier) Deputy Commander, Iraq Survey Group

Rollo, William	(Brigadier) Member of Deputy Chief of Joint Operations (Operations) (Major General) General Officer Commanding Multi-National Division (South-East), July-December 2004 Assistant Chief of the General Staff, 2005-2007 (Lieutenant General) Senior British Military Representative – Iraq, July 2007-March 2009 Inquiry witness
Roper, Paul	(Dr) Director of Strategic Technology Director of Science and Technology, Defence Intelligence Staff, from July 2002 Inquiry witness
Rose, John	(Brigadier) Chief of the Defence Staff's Liaison Officer (Major General) MOD Director General Intelligence Collection
Rose, Vivien	MOD, Head, General and International Law Team
Ross, Carne	First Secretary, UK Permanent Mission to the UN in New York, December 1997-June 2002 Inquiry witness
Rove, Karl	President Bush's chief political strategist, January 2001-August 2007 White House Deputy Chief of Staff, February 2005-August 2007
Rumsfeld, Donald	US Secretary of Defense, 2001-2006
Rycroft, Matthew	Mr Blair's Private Secretary for Foreign Affairs, 2002-2005 Inquiry witness

S

Sabri, Naji	Iraqi Minister for Foreign Affairs, 2001-2003
Salih, Barham	(Dr) Deputy Prime Minister of Iraq, 2004-2009
Salmon, Andrew	(Major General) General Officer Commanding Multi-National Division (South-East), August 2008-March 2009 Inquiry witness
Sanchez, Ricardo	(Lieutenant General) US Commander, Combined Joint Task Force-7
Satterfield, David	US Deputy Chief of Mission, 2005-2006 (Ambassador) US State Department Co-ordinator for Iraq, 2006-2009

Sawers, John	Mr Blair's Foreign Secretary for Foreign Affairs, January 1999-September 2001 British Ambassador to Egypt, 2001-2003 Prime Minister's Special Representative on Iraq, 2003 FCO, Director General, Political, 2003-2007 (Sir) UK Permanent Representative to the UN, August 2007-November 2009 (Sir) Inquiry witness
Scarlett, John	Chairman, Joint Intelligence Committee, September 2001-July 2004 (Sir) Chief of the Secret Intelligence Service, 2004-2009 Inquiry witness
Schröder, Gerhard	German Chancellor, 1998-2005
Schulte, Paul	Head, Post Conflict Reconstruction Unit, September 2004-December 2005 MOD Director, Proliferation and Arms Control Secretariat
Scotland, Patricia	(Baroness Scotland of Sathal) Attorney General, 2007-2010
Scott, Richard	(Lord Scott of Foscote) Chair, Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions
Scowcroft, Brent	(General) National Security Advisor to President George HW Bush, January 1989-January 1993
Sedwill, Mark	Private Secretary to the Foreign Secretary, 2000-2002
Segar, Chris	Head, British Office Baghdad
Shafik, Nemat	(Dr) DFID Director General Programmes, October 2004-March 2008 DFID Permanent Secretary, March 2008-June 2011 Inquiry witness
Shaw, Jonathan	(Major General) General Officer Commanding Multi-National Division (South-East), January 2007-August 2007 Inquiry witness
Shaways, Rowsch	(Dr) Vice President of Iraq, 2004-2005 Deputy Prime Minister of Iraq, 2006 and 2009-2014
Sheinwald, Nigel	(Sir) UK Permanent Representative to the EU, 2000-2003 Prime Minister's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat, 2003-2007 British Ambassador to the US, 2007-2012 Inquiry witness

Shirreff, Richard	(Major General) Chief of Staff, Land Command General Officer Commanding Multi-National Division (South-East), July 2006-January 2007 (Lieutenant General, Sir) Inquiry witness
Shlash, Muhsin	Minister for Electricity, Iraqi Transitional Government
Short, Clare	International Development Secretary, May 1997-May 2003 Inquiry witness
Siddiq, Irfan	Private Secretary to the Foreign Secretary
Sittar, Sheikh	Leader of the Anbar Awakening
SIS1	SIS officer below the rank of Chief Inquiry witness
SIS2	SIS officer below the rank of Chief Inquiry witness
SIS3	SIS officer below the rank of Chief Inquiry witness
SIS4	SIS officer below the rank of Chief Inquiry witness
SIS5	SIS officer below the rank of Chief Inquiry witness
SIS6	SIS officer below the rank of Chief Inquiry witness
SIS9	SIS officer below the rank of Chief Inquiry witness
SIS10	SIS officer below the rank of Chief Inquiry witness
Sky, Emma	CPA, Governorate Co-ordinator, Kirkuk, 2003-2004 Inquiry witness
Slocombe, Walt	CPA, Senior Advisor on National Security and Defense, 2003
Smith, Andrew	Chief Secretary to the Treasury, 1999-2002
Smith, Colin	UK Chief Police Adviser in Iraq Inquiry witness
Smith, Godric	Prime Minister’s Official Spokesman, 2000-2004
Smith, Jacqui	Home Secretary, 2007-2009
Smith, Kate	FCO, Head, Security Sector Unit, October 2003
Snelson, David	(Rear Admiral) Commander, UK Naval Contingent
Snow, John	US Treasury Secretary, February 2003-June 2006

Solana, Javier	Secretary General, Council of the European Union EU High Representative for Common Foreign and Security Policy
Soleymanpur, Hadi	Iranian Ambassador to Argentina
Soto, Fernando Berrocal	Costa Rican Permanent Representative to the UN
Speckhard, Dan	(Ambassador) Director, Iraq Reconstruction and Management Office
Spelman, Caroline	Opposition spokesperson for International Development, July 2001-November 2003
Spencer, Peter	(Vice Admiral, Sir) Chief of Defence Procurement, May 2003-March 2007 Inquiry witness
Squire, Peter	(Air Chief Marshal, Sir) Chief of the Air Staff April 2000-December 2003
Stagg, Dickie	FCO, Director, Public Diplomacy FCO, Director General, Corporate Services
Stephens, Jonathan	Treasury, Director, Public Services
Stewart, Andrew	(Brigadier) MOD, Director, Overseas Military Activity (Major General) General Officer Commanding Multi-National Division (South-East), December 2003-July 2004 Inquiry witness
Stewart, Rory	CPA Deputy Governorate Co-ordinator, Maysan province
Stirrup, Jock	(Air Marshal) Deputy Chief of the Defence Staff (Equipment Capability), April 2002-May 2003 (Air Chief Marshal, Sir) Chief of the Air Staff Chief of the Defence Staff, April 2006-October 2010 Inquiry witness
Storr, Peter	Home Office, Director, International
Strathclyde, Thomas	(Lord) Leader of the Opposition in the House of Lords, 1998-2010
Straw, Jack	Foreign Secretary, 2001-2006 Inquiry witness
Sturley, Philip	(Air Vice Marshal) Assistant Chief of the Air Staff, 2000-2003
Style, Charles	(Rear Admiral) Capability Manager (Strategic Development) (Vice Admiral) Deputy Chief of the Defence Staff (Commitments), January 2006-August 2007 Inquiry witness

Symons, Elizabeth	(Baroness Symons of Vernham Dean) Joint FCO/DTI Minister of State for International Trade and Investment, 2001-2003 FCO Minister for the Middle East, International Security and Consular and Personal Affairs, 2003-2005
Synnott, Hilary	(Sir) British High Commissioner to Pakistan Head, CPA(South), July 2003-January 2004 Inquiry witness

T

Tafrov, Stefan	Bulgarian Permanent Representative to the UN, 2001-2006
Taft IV, William	State Department Legal Adviser, April 2001-March 2005
Talabani, Jalal	President of the Governing Council of Iraq, November 2003 President of Iraq, 2005-2014
Tanfield, Amanda	(Dr) FCO, Head of Iraq Section, Middle East Department
Tang, Jiaxuan	Chinese Foreign Minister, March 1998-March 2003
Tansley, James	British Consul General in Basra, September 2005-April 2006 Inquiry witness
Taylor, Ann	Chair, Intelligence and Security Committee, 2001-2005 (Baroness Taylor of Bolton) MOD Minister for Defence Equipment and Support, November 2007-October 2008
Taylor, Bill	Head, US Project Contracting Office
Taylor, Paul	Head, UK Trade and Industry, Middle East
Taylor, Paul	MOD, Director General, Equipment
Tebbit, Kevin	(Sir) MOD Permanent Under Secretary, July 1998-November 2005 Inquiry witness
Tenet, George	Director of Central Intelligence, July 1997-July 2004
Teuten, Richard	Head, Post Conflict Reconstruction Unit Visiting fellow, RUSI
Thatcher, Mark	Media Director, CPA
Thompson, Jon	MOD Permanent Under Secretary, September 2012-April 2016
Timms, Stephen	Chief Secretary to the Treasury, May 2006-June 2007
Tinline, Robert	Deputy British Consul General in Basra, February 2007-February 2008 Inquiry witness
Torlot, Tim	Deputy Head of Mission, British Embassy Baghdad

Torpy, Glenn	(Air Marshal) UK Air Contingent Commander, 2003-2004 Chief of Joint Operations, 2004-2006 (Air Chief Marshal, Sir) Chief of the Air Staff, 2006-2009 Inquiry witness
Touhig, Don	MOD, Parliamentary Under Secretary of State, May 2005-May 2006
Traore, Mamady	Guinean Permanent Representative to the UN and President of the Council
Tucknott, John	Deputy Head of Mission, British Embassy Baghdad, 2007-2009 Inquiry witness
Turk, Danilo	Slovenian Permanent Representative to the UN, 1992-2000
Turnbull, Andrew	(Sir) Cabinet Secretary, September 2002-September 2005 (Lord) Inquiry witness
Turner, Christian	(Dr) Deputy Director Middle East, North Africa and North America, Cabinet Office Overseas and Defence Secretariat, 2006-2007 FCO, Director, Middle East and North Africa, 2009-2012
Twigg, Derek	MOD Minister for Veterans
Tyler, Tim	(Major General) Deputy Commander, Iraq Survey Group, early January-late March 2004 Inquiry witness

U

Ullman, Harlan	Senior Advisor, Atlantic Council in Washington

V

Vajpayee, Atal	Prime Minister of India, 1998-2004
Valdés, Juan Gabriel	Chilean Permanent Representative to the UN, 2000-2003
Valenzuela, Carlos	Head, UN Election Assistance Mission in Iraq
van der Stoel, Max	UN Special Rapporteur on Human Rights
van Walsum, Peter	Dutch Permanent Representative to the UN
Védrine, Hubert	French Foreign Minister, 1997-2002
Venables, Mike	Head, Defence Inquests Unit, September 2009-February 2012
Vieira de Mello, Sérgio	UN High Commissioner for Human Rights UN Secretary-General's Special Representative for Iraq

Viggers, Freddie	(Major General) Adjutant General to the Forces, 2005-2008 (Lieutenant General) Senior British Military Representative – Iraq and Deputy Commander CJTF-7, May 2003-September 2003 Inquiry witness
Volker, Kurt	US National Security Council

W

Wahid, Karim	Iraqi Minister of Electricity
Wail, Shirman	Iraqi National Security Minister
Wa'ili, Mohammed	Governor of Basra
Walker, Andrew	Assistant Deputy Coroner for Oxfordshire, June 2006
Walker, Michael	(General Sir) Chief of the General Staff, April 2000-February 2003 Chief of the Defence Staff, May 2003-April 2006 (Lord Walker of Aldringham) Inquiry witness
Wall, Peter	Chief of Staff to the UK National Contingent Commander, January 2003 General Officer Commanding 1 (UK) Div, May 2003-January 2005 (Major General) Deputy Chief of Joint Operations, 2005-2007 (Lieutenant General) Deputy Chief of Defence Staff (Commitments), August 2007-July 2009 (General Sir) Commander in Chief Land Forces Inquiry witness
Wall, Stephen	(Sir) Adviser on European Issues to the Prime Minister and Head of the Cabinet Office European Secretariat, 2000-2004 Inquiry witness
Wallace, William	(Lieutenant General) Commander US V Corps
Walmsley, Robert	(Vice Admiral, Sir) Chief of Defence Procurement, 1996-2003
Wang, Guangya	Chinese Vice Foreign Minister
Wang, Yingfan	Chinese Permanent Representative to the UN
Wardell, Susan	DFID Director General Operations
Wareing, Michael	CEO, KPMG Inquiry witness
Warner, John	(Senator) Chair, Senate Armed Services Committee

Warren, David	Director, UK Trade and Industry, International Group FCO Director Human Resources
Watkins, Peter	Principal Private Secretary to the Defence Secretary, 2001-2004 MOD Director General Operational Policy, 2008-2011 Inquiry witness
Watson, Tom	MOD Parliamentary Under Secretary of State, May 2006-September 2006
Watt, Redmond	(General, Sir) Commander in Chief Land
Webb, Simon	MOD Director General Operational Policy, 1999-2001 Inquiry witness
Wechsberg, Anna	Mr Blair's Private Secretary for Foreign Affairs, 2000-2003
Wehbe, Mikhail	Syrian Permanent Representative to the UN, 1996-2003
Weller, Marc	(Professor) International Law and International Constitutional Studies, Cambridge University
Westmacott, Peter	FCO Deputy Under Secretary (Wider World), 2000-2001 British Ambassador to Turkey, 2002-2006
Weston, John	(Sir) UK Permanent Representative to the UN, 1995-1998
Wheeler, Fraser	Deputy British Consul General in Basra province
Wheldon, Juliet	Treasury Solicitor, 2000-2006
White, Stephen	(Deputy Chief Constable) Director of Law and Order and Senior Police Adviser to CPA(South), July 2003-January 2004 (Assistant Chief Constable) Inquiry witness
White-Spunner, Barney	(Major General) General Officer Commanding Multi-National Division (South-East), February 2008-August 2008 Inquiry witness
Whitley, Albert	(Brigadier) Senior British Land Adviser and Deputy Commanding General (Post Hostilities) (Major General) Inquiry witness
Wicks, Malcolm	DTI Minister for Energy, May 2005-November 2006
Wilkinson, Peter	(Vice Admiral) Deputy Chief of the Defence Staff (Personnel), 2007-2009 Inquiry witness
Wilks, Jon	Chargé d'Affaires, British Embassy Baghdad, 2009
Williams, David	MOD, Head, Capability, Resources and Scrutiny Directorate

Williams, Gareth	(Lord Williams of Mostyn) Attorney General, 1999-2001 Lord Privy Seal, June 2001-June 2003 Leader of the House of Lords, 2001-September 2003
Williams, John	Head, FCO News Department, 2000-2006 Inquiry witness
Williams, Martin	Assistant Private Secretary to the Defence Secretary
Williams, Michael	(Dr) Special Adviser to the Foreign Secretary, 2001-2005 (Lord Williams of Baglan) Inquiry witness
Williams, Rowan	(Dr) Archbishop of Canterbury, December 2002-December 2012
Williams, Shirley	(Baroness Williams of Crosby) Leader of the Liberal Democrats in the House of Lords, June 2001-November 2004
Wilmshurst, Elizabeth	FCO Deputy Legal Adviser, 2001-2003 Inquiry witness
Wilson, Brian	FCO Minister of State for the Middle East Mr Blair's Special Representative on Trade, August 2003
Wilson, David	(Major General) Senior British Military Adviser to CIC US Central Command, 2002-2007 Inquiry witness
Wilson, Richard	(Sir) Cabinet Secretary, January 1998-September 2002 (Lord Wilson of Dinton) Inquiry witness
Wilson, Robert	(Dr) FCO, Research Analyst
Wolfensohn, James	President of the World Bank, June 1995-June 2005
Wolfowitz, Paul	US Deputy Secretary of Defense, 2001-2005 President of the World Bank, 2005-2007
Wood, Michael	(Sir) FCO Legal Adviser, 1999-2006 Inquiry witness
Wood, Michael	(Rear Admiral) Director General Operations, MOD Defence Logistics Organisation
Wood, Sebastian	Counsellor for External Affairs, British Embassy Washington
Woodward, Bob	US author of *State of Denial*
Woolley, Trevor	MOD Director General Resources and Plans, 1999-2002 MOD Finance Director, 2003-2009 Inquiry witness
Wright, Stephen	FCO, Deputy Under Secretary, Defence and Intelligence, 2000-2002

Y

Young, Robin	(Sir) DTI Permanent Secretary, June 2001-March 2005

Z

Zacklin, Ralph	Assistant Secretary General for Legal Affairs at the UN, 1998-2005
Zawbaie, Salam	Iraqi Deputy Prime Minister
Zayed	(Sheikh) Emir of Qatar
Zebari, Hoshyar	(Dr) Iraqi Foreign Minister
Zelikow, Philip	Counsellor, US State Department
Zhang, Yishan	Chinese Deputy Permanent Representative to the UN, 2002-2006
Zinni, Anthony	(General) US Special Envoy for Middle East Peace, November 2001-March 2003
Zinser, Aguilar	Mexican Permanent Representative to the UN, January 2002-November 2003
Zlauvinen, Gustavo	International Atomic Energy Agency representative to the UN
Zoellick, Robert	Member of the Administration of President Bush

ANNEX 4

Maps

Map 1. Iraq: Provinces, 2003

Map 2. Iraq: Ethnic distribution

Map 3. Iraq: Multi-National Division boundaries, June 2003 to May 2004

Map 4. Baghdad

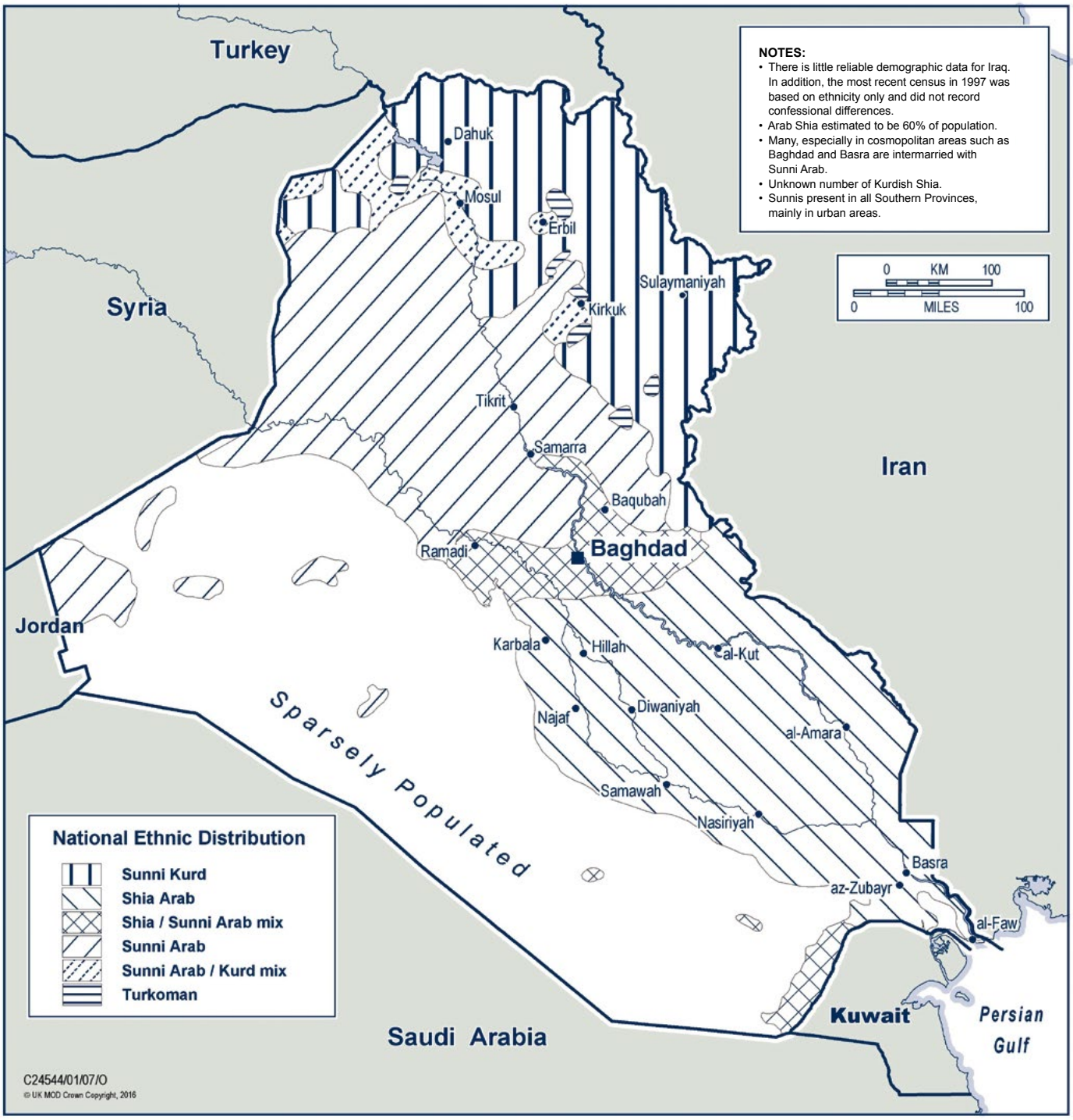
Map 5. Iraq: Multi-National Division (South-East), June 2003 to May 2004

Map 6. Basra

Map 1. Iraq: Provinces, 2003

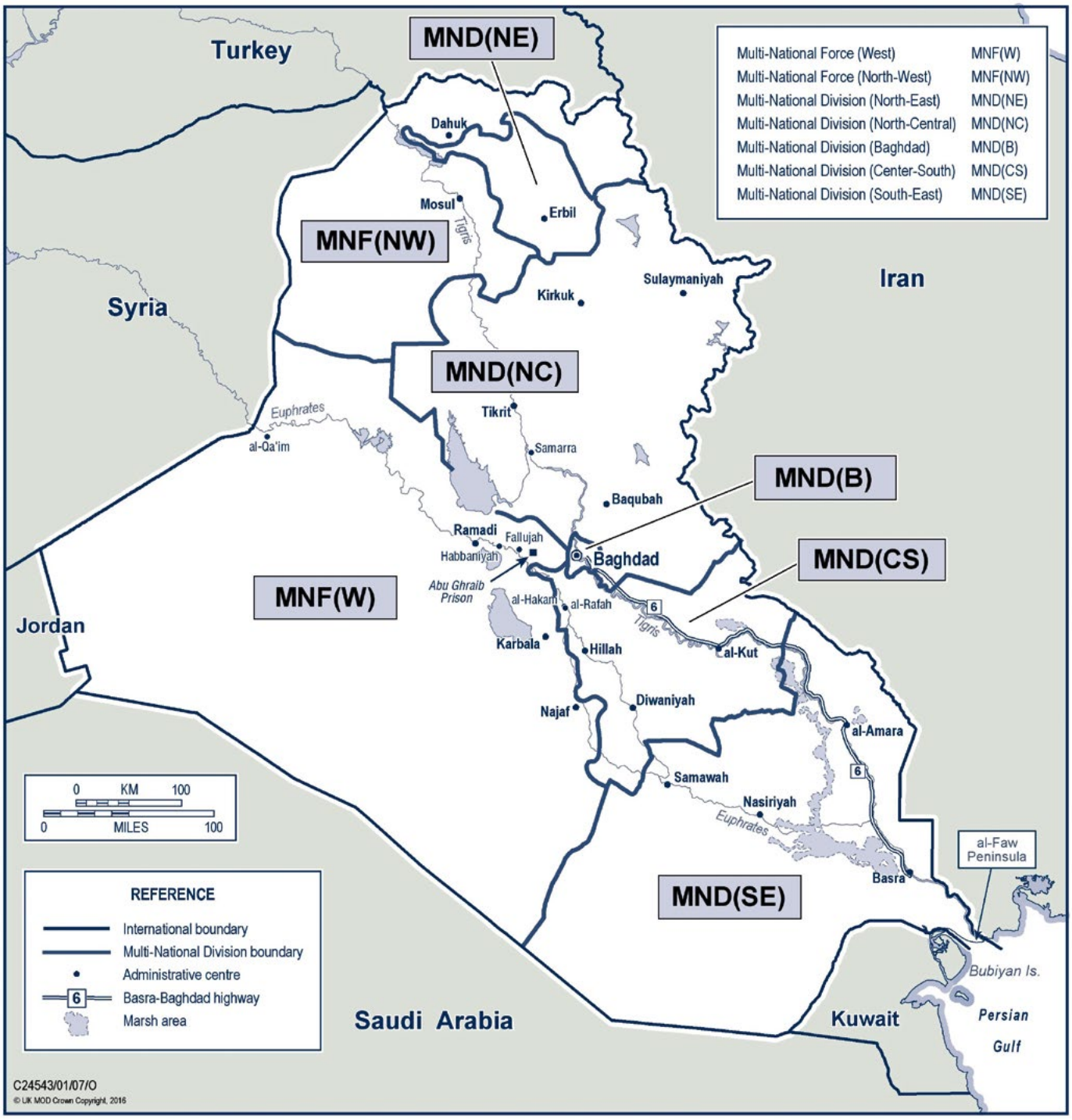


Map 2. Ethnic distribution



This map was produced from information used in the compilation of Iraq: Map Book, Defence Intelligence Staff, 17 March 2006.

Map 3. Iraq: Multi-National Division boundaries, June 2003 to May 2004



After the declared end of major combat operations, Iraq was divided into six divisional areas:

Multi-National Division (North) (MND(N)), Multi-National Division (North-Central) (MND(NC)), Multi-National Division (Baghdad) (MND(B)), Multi-National Force (West) (MNF(W)), Multi-National Division (Center-South) (MND(CS)) and Multi-National Division (South-East) (MND(SE)).

In late 2004 MND(N) was divided into MND(NE) and MNF(NW).

In late 2005 MNF(NW) and MND(NC) were merged to create a new MND(N).

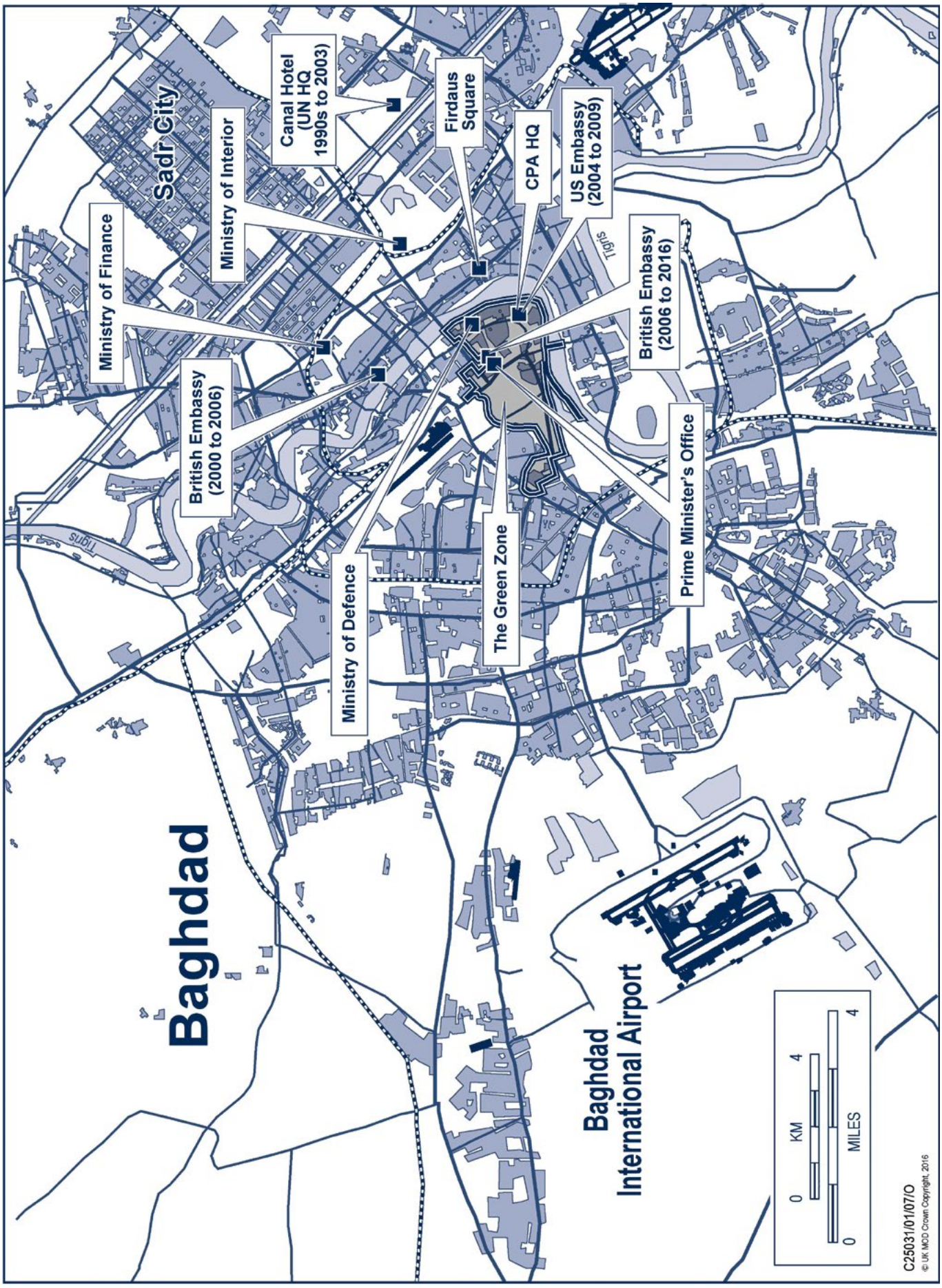
In early 2007 a new Multi-National Division (Center) was established relieving MND(B) of responsibility for security south of Baghdad.

In late 2008 MND(NE) was dissolved and became part of MND(N).

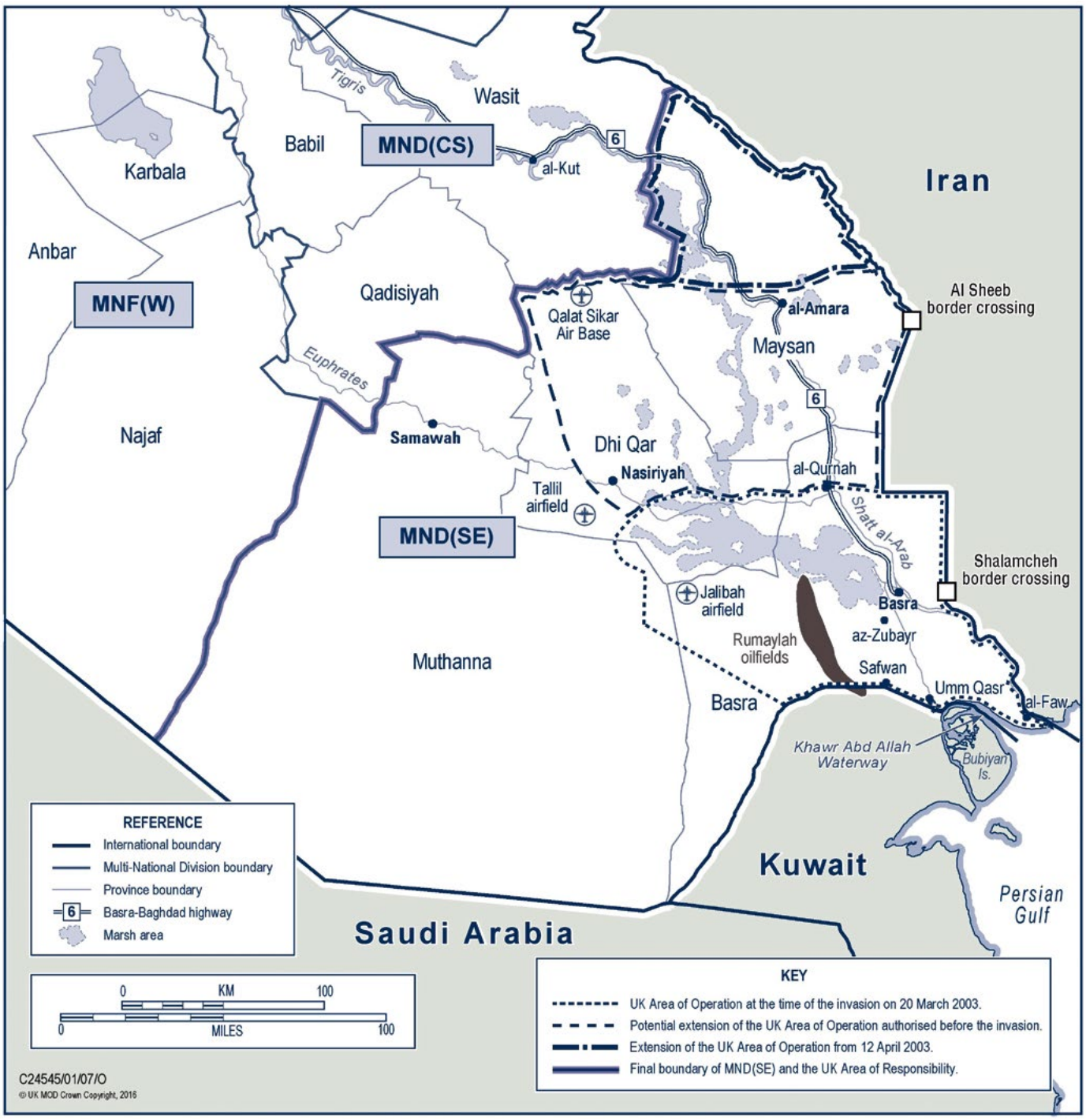
In early 2009 MND(CS) was dissolved and became part of MND(C).

The boundary of MND(SE) remained unchanged from 2003 to 2009 until the withdrawal of UK troops.

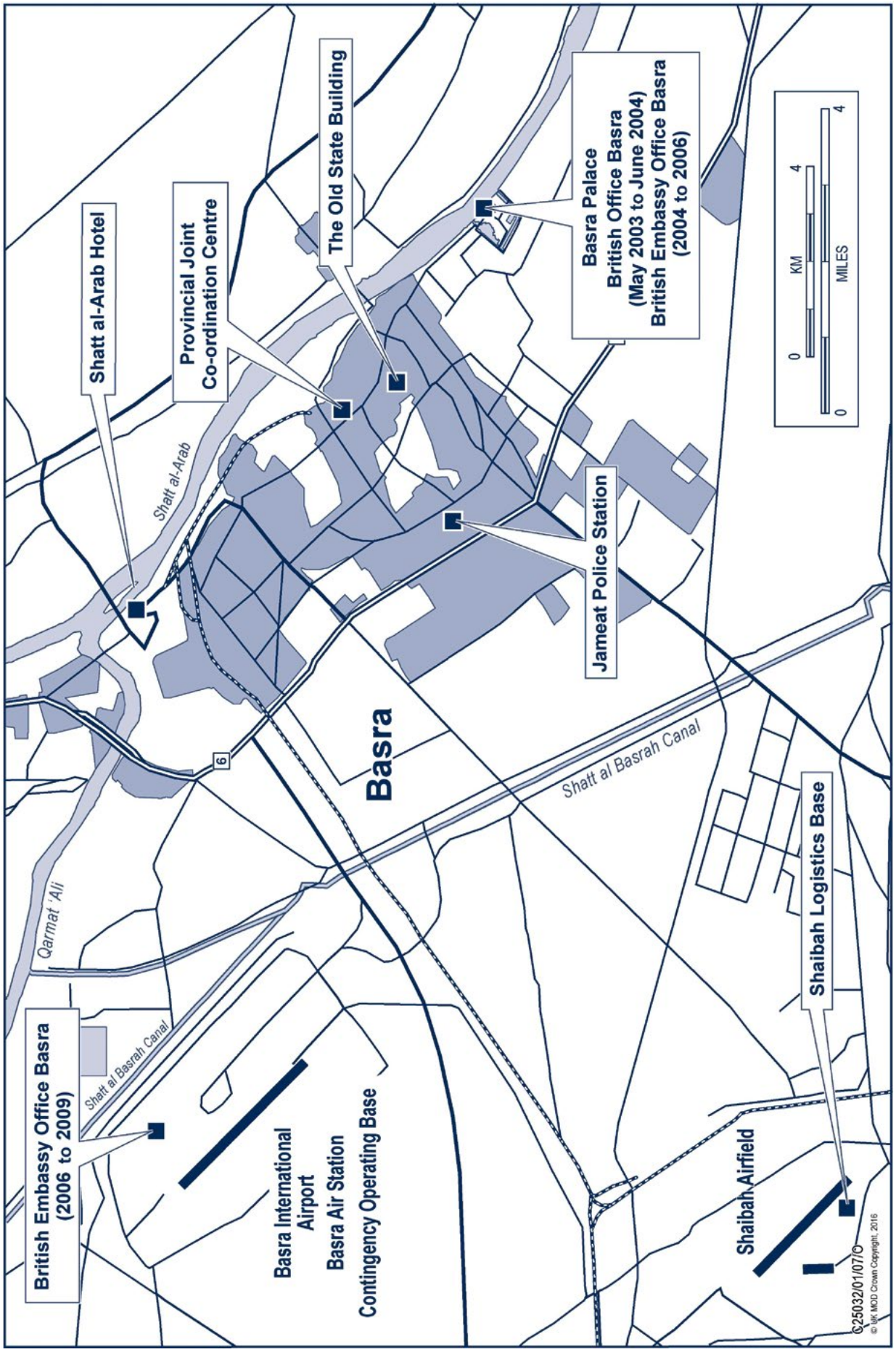
Map 4. Baghdad



Map 5. Iraq: Multi-National Division (South-East), June 2003 to May 2004



Map 6. Basra


Shatt al-Arab Hotel
Provincial Joint Co-ordination Centre
The Old State Building
Basra Palace
British Office Basra
(May 2003 to June 2004)
British Embassy Office Basra
(2004 to 2006)
Jameat Police Station
Shatt al-Arab
Basra
Shatt al Basrah Canal
Qarmat 'Ali
6
British Embassy Office Basra
(2006 to 2009)
Shatt al Basrah Canal
Basra International Airport
Basra Air Station
Contingency Operating Base
Shaibah Logistics Base
Shaibah Airfield
0
KM
4
0
MILES
4
©25032/01/07/O
© MoD Crown Copyright. 2016

ANNEX 5

HOW TO READ AND NAVIGATE THE REPORT

Structure of the Report

1. The Executive Summary contains the Inquiry's key findings and conclusions.

2. The 17 Sections of the Report contain accounts of the relevant decisions and events, the Inquiry's full analysis and conclusions, and, where appropriate, lessons for the future.

3. The Sections address separate themes arising from the sequence of events between 2001 and 2009. In each Section the Inquiry draws on the available evidence to provide an account of events, policy discussions and decision-making processes.

4. The Inquiry does not present all its conclusions in the same way. Different topics benefited from different approaches. In the Sections covering the period before the invasion, conclusions are placed alongside the main evidence in a single Section. In the majority of post-invasion material, the conclusions appear in separate analytical Sections.

Use of bold text

5. Bold text is used in the pre-invasion Sections of the Report to highlight Inquiry comment and analysis, and to signpost or summarise key events. Bold text is not used in post-invasion Sections. Throughout the Report, bold text is retained in quotes as it appeared in the original.

Cross-referencing

6. Cross-references to other Sections are used where an issue or event referred to in one Section is addressed in more detail elsewhere.

Duplication of text

7. Identical, or very similar, material can appear in two or more Sections where that aids comprehension or is necessary for an accurate description of events.

Use of evidence

8. The Report draws on material from a wide range of sources, including:

- UK Government documents;
- transcripts of the Inquiry's public and private hearings;
- written submissions to the Inquiry;

- Parliamentary records;
- documents published by the US Government and international organisations;
- published memoirs and diaries;
- academic papers, including papers produced to inform the two seminars organised by the Inquiry;
- meetings in the UK with Service Personnel and their families, and with UK civilians who worked in Iraq; and
- views heard during visits to Iraq, the US and France by members of the Inquiry.

9. The Inquiry presents that material in the form of gists, which summarise the key points of a document or part of a document, and quotes. The source of each gist and quote is given in a footnote.

10. The Report quotes extensively from the full range of sources. To aid comprehension the Inquiry has sought to standardise spellings, abbreviations and acronyms and the representation of numbers, dates and times within quotes. All bold and italic text and underlining appearing within a quote has been retained from the original.

11. Where the meaning of a quote is uncertain or ambiguous, explanatory material has been added in square brackets.

12. US spellings are used for all US job titles and for US and international organisations using US spellings in their names, and are retained in all quotes from US sources.

Documents published by the Inquiry

13. Whole documents and extracts declassified by the Government, transcripts of the Inquiry's hearings and written submissions to the Inquiry are published on the Inquiry website, with redactions where necessary.

14. Where the Government has declassified a gist or quote from a document, but not the whole document or an extract from it, there is no further material available to the reader beyond the gist or quote in the Report.

15. In the online version of the Report, hyperlinks in the footnotes take the reader to documents published on the Inquiry website.

16. The footnotes in the printed version of the Report do not distinguish between those documents which have been published on the Inquiry website and those which have not.

17. The Report does not include links to other published sources.

18. The legibility of a small number of government documents published on the Inquiry website is poor. In each case, the Inquiry has published the clearest copy available.

Redacted evidence

19. The Government has required redactions to certain documents under the terms of the *Protocol between the Iraq Inquiry and Her Majesty's Government regarding Documents and Other Written and Electronic Information.* Those redactions appear in three forms:

- as thick black lines in the transcripts of oral evidence given in private;
- as blank white space in whole documents published by the Inquiry; and
- as an ellipsis (three dots) within quotations in the text.[1]

20. Certain categories of information have been withheld from publication under the terms of the Protocols agreed between the Inquiry and the Government:

- views expressed by President Bush in conversations with Mr Blair;
- the reference numbers of JIC Assessments;
- the names of SIS officers (other than C), who are identified in the Report as SIS1 to SIS10;
- certain material on the activities of UK Special Forces and the names of successive Directors of Special Forces, who are identified in the Report as DSF1 to DSF3; and
- a small number of other identities and capabilities that require protection and are identified in the text by ciphers.

21. The Inquiry has received some evidence which it has agreed to publish anonymously in accordance with the criteria in paragraphs 4a and 4b of the *Protocol for hearing evidence by the Iraq Inquiry in public, and for identifying witnesses*.

Unusual document types

22. The Inquiry has published and makes reference to a wide range of written material. Less familiar categories of official document include:

FCO telegrams

23. Telegrams were electronically transmitted reports sent between the FCO in London and British Embassies, Missions and Consulates overseas. Very occasionally they were transmitted to or from other government departments and between overseas posts.

24. All telegrams from the FCO in London were attributed to the Foreign Secretary. The most important were seen by the Foreign Secretary in draft. All telegrams from posts were signed, and almost always seen in draft by, the Head or acting Head of Post.

25. All telegrams formed part of the FCO official record.

---

[1] Not all ellipses represent a redaction. Some represent text omitted by the Inquiry for reasons of relevance. All ellipses in square brackets represent redacted text.

26. Telegrams to and from individual posts were numbered sequentially through the calendar year, starting with "TELNO 1" on 1 January.

27. All telegrams included a date time group using Greenwich Mean Time (GMT). A telegram from the British Embassy Washington sent on "170356Z JULY 03" refers to a telegram sent at 3.56am GMT on 17 July 2003 (11.56pm on 16 July in Washington; 4.56am on 17 July in London).

28. A precedence marking signified the urgency of the telegram. "FLASH" indicated a telegram to be seen immediately by the recipient. A telegram marked "DESKBY 170600Z" was to be available to the recipient at 6.00am GMT. The other designations were "IMMEDIATE", "PRIORITY" and "ROUTINE".

29. The FCO phased out telegrams during 2005. They were replaced by eGrams.

FCO eGrams

30. The eGram, which replaced FCO telegrams during 2005, was used for significant communications and formed part of the FCO official record. It offered much of the flexibility of an email, including the ability to add attachments.

31. Unlike telegrams, each eGram was assigned a unique number in a single FCO-wide sequence starting at midnight GMT on 31 December. Paris eGram 127/06 to the FCO was not the 127th eGram from Paris, but the 127th eGram sent on the system in 2006.

FCO teleletters

32. Letters between named individuals sent electronically using the FCO telegram system. Phased out in 2005.

Valedictories

33. Reports from officials at the end of a tour of duty as the head of an overseas post.

Hauldown reports

34. Valedictories sent by UK military commanders at the end of a tour of duty in Iraq.

Private Secretary letters

35. Routine formal communication between government departments is often conducted by means of a letter from one Ministerial Private Secretary to another. Such letters should be interpreted as reflecting the views of the Minister, not of the signatory. The importance of an issue can often be inferred from the seniority of the Private Secretary. For instance, a letter from one Principal Private Secretary to another would usually hold more weight than a letter from one junior Minister's Private Secretary to another.

Names and ranks

36. All names, honours, military ranks and job titles in the Report reflect the individual's position at the time of the event in question.

37. Where the Report quotes written or oral evidence from a witness to the Inquiry, the witness is identified according to their status at the time they gave evidence.